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SECOND SESSION

VOLUME 116—PART 23

SEPTEMBER 1, 1970, TO SEPTEMBER 15, 1970
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SENATE—*Tuesday, September 1, 1970*

The Senate met at 8 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who revealed Thyself in a carpenter and forever made all work a divine vocation, prepare our hearts to honor the workmen and women of this Nation. Bless all who labor by hand or brain for the common good, granting unto them inner compensation for work well done and the comforting knowledge of service faithfully rendered. Preserve the spirit of reconciliation and good will between those who labor and those who manage that being united in one body the few may serve the welfare of the many in an orderly Nation of justice and peace.

Be graciously near all Members of this body in the coming days. Give journeying mercies to all who travel. Give all a respite from daily cares, ample rest for the body and renewal of the spirit. Watch over us while we are absent one from the other and bring us together in future service to the Nation.

In the Redeemer's name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 1, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 31, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Order No. 1158 and including No. 1171.

The ACTING PRESIDENT pro tempore. The clerk will state the first measure.

CONFEDERATED BANDS OF UTE INDIANS AND THE UNCOMPAHGRE BAND OF UTE INDIANS

The bill (S. 3997) to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket No. 349, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury to the credit of the Confederated Bands of Ute Indians appropriated by the Act of May 13, 1966 (80 Stat. 141), pursuant to the final judgment entered in Court of Claims case numbered 47567; and the funds on deposit to the credit of the Ute Tribe of the Uintah and Ouray Reservation, for and on behalf of the Uncompahgre Band of Ute Indians, that were appropriated by the Act of April 30, 1965 (79 Stat. 81), to pay a judgment by the Indian Claims Commission in docket numbered 349; and the interest thereon, less attorney fees and litigation expenses, shall be available for use by the respective tribes in accordance with the Act of August 21, 1951 (65 Stat. 193; 25 U.S.C. 672), the Act of August 12, 1953 (67 Stat. 540; 25 U.S.C. 674), the Act of June 28, 1954 (68 Stat. 300; 25 U.S.C. 676), and the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677), as amended.

SEC. 2. Any portion of the funds distributed per capita to the members of the respective tribes shall not be subject to Federal or State income tax.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1141), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 3397 is to authorize the use of a judgment against the United States recovered by the Confederated Bands of Ute Indians in Court of Claims docket No. 47567, and the use of a judgment against the United States recovered by the Ute Tribe of the Uintah and Ouray Reservation in Indian Claims Commission docket No. 349. The division is as follows:

COURT OF CLAIMS CASE NO. 47567—CONFEDERATED BANDS OF UTE INDIANS—INDIAN CLAIMS COMMISSION DOCKET NO. 349 UNCOMPAHGRE BAND [1]

[Case No. 47567, $4,479,498.52; final judgment, Feb. 8, 1966; appropriated, May 13, 1966 (80 Stat. 141); docket No. 349 $300,000; final judgment, Feb. 18, 1965; appropriated, Apr. 30, 1965 (79 Stat. 81)]

- Confederated Bands of Ute Indians
  - Ute Indian Tribe of the Uintah and Ouray Reservation — 60 percent
    - Constituent bands: Uncompahgre Band, Uintah Band, White River Band
      - Ute Indian Tribe of the Uintah and Ouray Reservation (Utah) — 72.83814 percent—$1,829,911.69 (47567); 196,662.98 (349)
      - Ute Distribution Corp. — 27.16186 percent—$701,305.77 (47567); 73,337.02 (349)
    - Constituent bands: Southern Ute Band, Ute Mountain Band
      - Southern Ute Tribe of the Southern Ute Reservation (Colorado) — 46.3229 percent—$730,244.07 (47567)
      - Ute Mountain Ute Tribe of the Ute Mountain Reservation (Colorado, New Mexico, Utah) — 53.6771 percent—$846,177.24 (47567)
  - Southern Utes — 40 percent

[1] Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band.

The net amounts available, after division between the three Ute Tribes entitled to share and including interest are as follows:

Ute Indian Tribe of the Uintah and Ouray Reservation	$2,371,546
Southern Ute Tribe	830,000
Ute Mountain Tribe	963,017

NEED

Funds to satisfy the judgments have been appropriated. However, language contained in the annual appropriations act for the Department of the Interior precludes the use of the money until specifically authorized by Congress. S. 3397 provides such authorization.

The bill provides that the funds from both judgments shall be available to the respective tribes for expenditure under existing authorities for the use of tribal funds of the Confederated Bands of Ute Indians. The Ute Indian Tribe of the Uintah and Ouray Reservation proposes to pool this judgment money with several other tribal funds, and to establish three investment funds, the earnings from which will be used for educational grants, tribal government operations, and per capita payments to members.

The Ute Mountain Tribe proposes to invest approximately $662,706 in an economic development fund for the reservation, and to use the balance to make a $300 per capita payment to its members.

The Southern Ute Tribe proposes to invest its funds until a specific program for their use has been developed. The Department of the Interior has agreed that secretarial approval for the use of the funds will not be given until more detailed plans are submitted for approval by Congress.

COST

Enactment of the bill will require no additional appropriation.

UINTAH INDIAN IRRIGATION PROJECT

The bill (H.R. 16416) to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1148), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 16416 is to authorize the Secretary of the Interior to reimburse the Ute Indian Tribe for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah. It also authorizes the payment of interest on the tribal funds used. The bill also transfers the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the Ute Indian Tribe. The committee considered and heard testimony on a companion bill, S. 1736, introduced by Senator Moss.

NEED

The reservation was established by Executive orders of October 3, 1861, and September 1, 1867. In 1901, it contained approximately 2,039,040 acres.

The act of May 27, 1902 (32 Stat. 263), and subsequent acts provided for the allotments to the Indians and for the restoration of the unallotted lands to the public domain for settlement by non-Indians.

Allotments to Indians, aggregating approximately 103,265 acres, were approved on July 18, 1905. On August 28, 1905, unreserved and unallotted land amounting to approximately 1,004,258 acres was opened to entry.

The act of June 21, 1906 (34 Stat. 375) authorized the construction of the irrigation project by the Federal Government.

The records show that over the years both tribal and appropriated funds were expended for the construction, operation, and maintenance of the project.

In addition, tribal funds were also used to reimburse the Federal Government for Federal expenditures in construction, operation, and maintenance. A substantial portion of these tribal funds was derived from the sale of ceded lands.

In 1914 Congress changed the policy for Indian irrigation projects, so that the cost would not be borne by the tribe as a whole, but would be assessed against the water users. In accordance with this change in policy, a 1916 statute (30 Stat. 141) reimbursed three tribes (Blackfeet, Flathead, and Fort Peck) for tribal funds that had been used to construct and operate their projects. The effect was to convert tribal expenditures into Federal expenditures, and the United States was expected to recover its costs from the individual water users instead of from the tribe.

This change in policy was recognized and applied by the Comptroller General in an opinion dated February 27, 1926, with respect to a fourth tribe—Wind River, Wyo. The Comptroller General refused to allow the Federal expenditures to be reimbursed from tribal funds.

The Ute case, which is the subject of the pending bill, will be the fifth tribe to be reimbursed.

In addition to reimbursement of the principal sum, the bill provides for payment to the tribe of interest on its money at 4 percent from the date of expenditure to the date the bill is enacted. There is one precedent for this payment of interest (the Flathead Tribe—act of May 25, 1948; 62 Stat. 269, 272), and payment is also justified by the fact that the tribal funds used by the Government were in a 4-percent-interest-bearing account, and the tribe would have received interest on the funds if they had not been used for the irrigation project.

COST

Enactment of the bill will require an appropriation of $3,539,792, plus interest accruing since January 1, 1970, to reimburse the tribe. Of this amount, $773,560 (representing principal without interest) will be a reimbursable charge against the Indian land. An additional appropriation will be needed to reimburse individual Indians who sold nonirrigable land for irrigation charges that were improperly assessed and collected from the sales prices. The amount has not been determined, but will be something less than $218,000.

CITIZEN BAND OF POTAWATOMI INDIANS

The bill (H.R. 14097) to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1149), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 14097 is to authorize the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96. The net amount available is $723,111.

NEED

The money has been appropriated and most of it has been invested temporarily in U.S. Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The tribe consists of about 10,150 Indians. Only 1,320 of them live in or near the former reservation. The others are highly acculturated, have small amounts of Indian blood, and are widely scattered. Under these circumstances, a per capita distribution of the money is the only feasible course to follow, and that is the tribe's plan. The per capita will be about $70. The tribe also has on hand about $270,000 from a prior judgment, and it plans to distribute that money per capita also, which will mean an additional $27 for each person.

The tribe has recovered two prior judgments, and both have been distributed per capita. The tribe has 11 claims still pending, and a possibility of sharing in an additional 15 claims.

COST

No additional Federal appropriation will be required.

SAC AND FOX TRIBES

The bill (H.R. 14827) to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1150), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 14827 is to authorize the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in Indian Claims Commission Docket No. 220. The net amount available, including accrued interest, is $703,345. The committee also considered a companion measure, S. 3245, introduced by Senator Harris of Oklahoma.

NEED

The money has been appropriated and most of it has been invested temporarily in interest-bearing securities. Because of language contained in the annual appropriations act for the Department of the Interior, the Indians may not use the money until Congress has approved their plans.

The tribe consists of about 1,900 members. Only 30 percent of them live within the area of their former reservation, and the rest are scattered throughout the United States. The tribe owns only 805 acres of land, and the members of the tribe own only 18,814 acres.

S. 3245 provides that the judgment funds may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

The tribe adopted a resolution proposing that 80 percent of the current judgment funds be distributed per capita to the tribal members. The tribe proposes to hold 10 percent of the judgment funds in interest-bearing escrow for 4 years and 1 day from the date of the act to defend or pay any claims which might arise regarding distribution of the money, and to distribute per capita any sum remaining at the expiration of the escrow period. The remaining 10 percent of the judgment money is earmarked for programming. It is anticipated that these funds will supplement approximately $335,000 set aside from a previous award for the construction of a community building, grants for higher education and vocational training, industrial development and low-cost housing for elderly tribal members.

The committee believes that, since such a small number of resident members would benefit from the reservation programs the tribe proposes, a per capita distribution of the larger portion of the judgment funds is equitable to the interests of the great majority who live away from the former reservation area.

COST

Enactment of the bill will not require additional Federal appropiations.

HUALAPAI TRIBE

The bill (H.R. 13434) to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission Dockets Nos. 90 and 122, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1147), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13434 is to authorize the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indian Claims Commission Docket No. 90. The net amount available is $2,974,612.

NEED

The money has been appropriated and most of it has been invested temporarily in U.S. Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The Hualapai Tribe consists of approximately 1,035 Indians. About 750 of them live within the service area of their reservation. The remainder live away from the reservation.

The tribe proposes to distribute 25 percent of the judgment equally among the members of the tribe. This amounts to about $70 each. For the members who need assistance, the money may be used only pursuant to a family plan approved and supervised by the tribe. The others could assume full responsibility for the use of their funds.

The tribe proposes to use $991,250 of the judgment to develop tribal resources and create job opportunities.

About $1 million will be retained by the tribe for investment. Two-thirds of the revenue from the investment will be used for education, and one-third will be used for the administration of tribal government.

These figures are estimates which may be modified as experience dictates.

COST

Enactment of the bill will involve no additional Federal appropriations.

CHEMEHUEVI TRIBE

The Senate proceeded to consider the bill (S. 4033) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 17, after the word "purpose", insert "The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final."; on page 3, line 3, after "Sec. 3.", strike out "(a)"; after line 12, strike out:

(b) Any individual aggrieved by a determination of the Secretary under this Act shall be given an opportunity to be heard upon reasonable notice in accordance with the provisions of chapter 5 of title 5, United States Code. Unless such individual otherwise agrees, the hearing shall be held in the State of California within sixty days of the date of notice. An individual aggrieved by the decision rendered after such hearing shall be entitled to judicial review of such decision in accordance with sections 701 706 of title 5, United States Code.

In line 24, after the word "income", strike out "taxes or any lien, debt, or attorney fees" and insert "taxes"; and, on page 4, after line 3, insert a new section, as follows:

SEC. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81)), to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351–A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

SEC. 2. (a) (1) The Secretary shall prepare a role of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose. The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 37, 80, 80–D, 176, 215, 333, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

SEC. 3. (a) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

SEC. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes.

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

SEC. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1145), explaining the purposes of the measure.

There being no objection, the excerpt was orderd to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 4033 is to authorize the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets numbered 351 and 351–A. Funds were appropriated April 30, 1965. The bulk of these funds are in U.S. Treasury bills drawing interest at between 7 and 8 percent per annum.

NEED

The annual appropriation act for the Department of the Interior prohibits the use of judgments awarded to Indian tribes until further authorizing legislation is enacted. S. 4033 provides that authorization.

The bill directs the Secretary of the Interior to prepare a descendancy roll of Chemehuevi Indians and further provides for a per capita distribution of the funds, plus interest, to those enrolled.

The Chemehuevi Tribe, as an organized modern entity, has not existed for a number of years. A sizable number of individuals, although probably still a minority, are present-day members of the Colorado River Indian Tribes. The Chemehuevi people voted favorably on a constitution and bylaws on February 14, 1970, as a preliminary step to forming a new tribal organization. It is estimated that there are approximately 1,200 to 1,400 Indians of Chemehuevi ancestry who will be eligible to share in this present award.

AMENDMENTS

The committee has adopted several technical amendments recommended by the Department of the Interior in its report.

COST

No additional Federal expenditures will result from the enactment of the bill.

CONVEYANCE OF LAND, WYOMING

The Senate proceeded to consider the bill (S. 2735) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land which had been reported from the Committee on Interior and Insular Affairs with an amendment strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to convey to the grantees of Ferne M. McNeil all right, title, and interest of the United States, except right, title, and interest in deposits of oil and gas, in lands in lots 38C, 38D, and 38F, section 25, township 52 north, range 103 west, sixth principal meridian, Park County, Wyoming, lying east and south of the Cody Canal. Such conveyance shall be made only upon application therefor within six months after the date of this Act, and upon payment of the fair market value of the land as of May 13, 1949, plus the administrative costs of making the conveyance, as determined by the Secretary of the Interior, within one year after notification by the Secretary of the Interior of the amount due. In determining the fair market value of the land, the Secretary of the Interior shall not include any values added to the land by Ferne M. McNeil or her grantees or their heirs. Any conveyance made pursuant to this Act shall reserve to the United States all deposits of oil and gas in the lands, together with the right to mine and remove the same, under applicable laws and regulations established by the Secretary of the Interior.

SEC. 2. Acceptance by Ferne M. McNeil or her grantees or their heirs of any conveyance made hereunder shall constitute a waiver and release by them of any and all claims against the United States arising out of the operation, maintenance, or construction of the Buffalo Bill Reservoir as now or hereafter authorized, including, without limitation, by reason of enumeration, claims for seepage, wave action, blowing silt, or increase in ground water level."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SNOHOMISH TRIBE, UPPER SKAGIT TRIBE, AND THE SNOQUALMIE AND SKYKOMISH TRIBES

The Senate proceeded to consider the bill (S. 4078) to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indians Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "litigation," strike out "expenses, and such expenses as may be necessary in effecting the provisions of this Act" and insert "expenses", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of May 29, 1967 (81 Stat. 30, 42), to pay a judgment to the Snohomish Tribe in Indian Claims Commission docket numbered 125, and the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay judgments to the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, together with the interests thereon, after payment of attorney fees and litigation *expenses,* shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall prepare separate rolls of all persons born on or prior to and living on the date of this Act who are lineal descendants of members of the Snohomish Tribe, of the Upper Skagit Tribe, including the allied Suiattle-Sauk Band, and the Snoqualmie and Skykomish Tribes, as they were constituted in 1855.

SEC. 3. Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian Affairs, at Everett, Washington, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the utilization of available records and rolls, and the eligibility for enrollment of an applicant, shall be final.

SEC. 4. The judgment funds of the respective tribes shall be distributed per capita to the persons whose names appear on the roll of the respective tribe prepared in accordance with section 2 of this Act.

SEC. 5. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC 6. The funds that are distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1144), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, introduced by Senators Jackson and Magnuson, by request, is to dispose of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50.

NEED

The money has been appropriated and most of it has been invested in U.S. Treasury bills. By reason of language contained in the annual appropriations act for the Department of the Interior, the Indians may not use the money until Congress has approved their plans.

None of the tribes has a reservation which is exclusively its own. Groups of Indians of the respective tribes identified themselves as the Snohomish Tribe of Indians, Upper Skagit Tribe, and Snoqualmie Tribal Organization. These organizations have not been recognized by the Federal Government as tribal entities. They have, however, been recognized for the purposes of pressing their land claims against the United States. Individual members of these organizations are considered descendants of members of former tribes rather than present-day members of successor tribes. There is no organization known as the Skykomish Tribe. There are, however, persons of Skykomish descent who are among the present-day Snoqualmie tribal membership.

The beneficiaries in each of the three awards have been determined to be the scattered living lineal descendants of members of the respective tribes as they existed in 1855, and include both reservation-affiliated and nonreservation-affiliated descendants. Entitlement is solely on the basis of descent. There is no blood degree restriction. Neither are persons of mixed tribal ancestry precluded from enrolling in more than one award, provided they meet the eligibility requirements for enrollment.

The bill provides for the preparation of separate rolls of the respective tribes, and the distribution of the funds per capita. The shares of minors and persons under legal disability are to be disposed of under Secretarial direction.

The exact number of persons who will share in each judgment is not known. It is estimated, however, there will be 2,450 enrollees participating in the Snohomish award of $136,165.79; between 1,000 to 1,500 enrollees, including Suiattle-Sauk Indians, in the Upper Skagit award of $385,471.42, and between 1,000 to 1,500 enrollees in the Snoqualmie-Skykomish award of $257,698.29.

COMMITTEE AMENDMENT

The committee has amended the first section of the bill to delete language that would have required a deduction from the funds to be distributed to the Indians to pay for the cost of the rolls which the Secretary of the Interior is required to prepare. In most judgment bills of this nature, where tribes have received substantial awards, it has been the practice of the Congress to provide that the cost of the rolls would be deducted from the principal sum. However, where, as in the present case, the judgment is comparatively small and the number of enrollees is very high, it is not believed equitable to further reduce the principal by charging the roll cost to the Indians.

STATEMENT OF INVESTMENTS

A current statement on investments of funds awarded these tribes was submitted by the Bureau of Indian Affairs at the time of the hearing on S. 4078. The statement is as follows:

Snoqualmie and Skykomish award fund docket No. 93—Statement as of COB July 9, 1970

Award–14X7445 awards of Indian Claims Commission, Snoqualmie Tribe of Indians on its behalf and in behalf of the Skykomish Tribe of Indians, docket 93	$257,698.29
Interest accrued on funds held in the U.S. Treasury through Dec. 31, 1969	2,057.64
Interest accrued on matured investment made by the Portland area office	[1] 14,545.38
Expenditures: Attorneys' fees	—25,769.83
Award fund available	248,531.48
Current investments:	
Division of Financial Management, Albuquerque, N. Mex. at 8.19 percent (see attached statement)	225,665.41
Portland area office at 7.5 percent (see attached statement)	[2] 22,866.07
Total	—248,531.48
Balance on deposit in the U.S. Treasury	0

[1] See (1) and (2) No. 4 on Portland area office investment statement.

[2] See (3) No. 2 on Portland area office investment statement.

Snoqualmie and Skykomish Tribes, docket 93, appropriations 14X7445 and 14X7945 as of July 7, 1970

U.S. TREASURY BILLS

Date acquired: January 8, 1970.
Maturity date: July 31, 1970.
Percent annual yield: 8.19.
Face amount: $236,000.
Principal cost: $225,665.41.
Income received: None.
Income accrued but not received: $9,119.

PREVIOUS AND CURRENT INVESTMENT OF AWARD AND JUDGMENT FUNDS

Tribe Snoqualmie and Skykomish docket 93

Certificate of deposit

1. Date of investment: (1) December 19, 1968, matured June 17, 1969 (180 days); (2) June 17, 1969, matured December 15, 1969 (181 days); (3) May 25, 1970, matures May 25, 1971 (365 days).

2. Amount invested: (1) $226,698.29, (2) $233,837 95, (3) $22,866.07.

3. Rate of interest (1) 6.25 percent compounded quarterly, (2) 6.25 percent compounded quarterly, (3) 7.5 percent compounded quarterly.

4. Earnings: (1) $7,139.66, (2) $7,405.72, (3) $1,791.28.

5. Disposition of earnings: (1) invested in TCD 52169 (2) deposited in U.S. Treasury interest account 147945, (3) to be reinvested or deposited into interest account.

Other information

The Snoqualmie and Skykomish Tribes are not federally recognized tribes and are organized for claims purposes only. While no written commitments were obtained, the chairmen of the tribes were consulted. Normally these groups meet on a yearly basis or upon special notices being sent to its members. Members are scattered throughout the State of Washington.

No preference as to bank was indicated by either tribe. Accordingly, on May 25, 1970, funds were invested with the First National Bank of Oregon for a period of 6 months. The maximum rate of interest was obtained, plus compounding of interest on a quarterly basis.

During the past 5 years this office has been investing funds with the following banks: U.S. National Bank of Oregon, First National Bank of Oregon, Bank of Idaho, National Bank of Washintgon.

These banks are within the three States covered by the Portland area office.

In order to obtain the most competitive rates, it has been the policy of this office to equalize our investments among the foregoing banks. Our normal procedure for the selection of the bank is to approach the bank that has the lowest amount of tribal funds in time deposits. If they are willing to meet the maximum rate of interest payable under regulations established by the Board of Governors of the Federal Reserve System, then such funds are invested with that bank without further solicitation from other banks.

At the time the investment was made, bank yields were higher than Treasury bills.

Upper Skagit Tribe of Indians docket No. 92—Statement as of COB July 9, 1970

Award—14X7444 Awards of Indian Claims Commission, Skagit Tribe of Indians, Docket No. 92	$385,471.42
Interest accrued on funds held in the U.S. Treasury through Dec. 31, 1969	2,771.14
Interest accrued on matured investments made by the Portland area office	[1] 22,037.85
Expenditures: Attorneys' fees	—38,547.14
Award fund available	371,733.27
Current investments:	
Division of Financial Management, Albuquerque, N. Mex., at 8.19 percent (see attached statement)	$342,321.41
Portland area office at 7.5 percent compounded quarterly (see attached statement)	[2] 29,411.86
Total	371,733.27
Balance on deposit in the U.S. Treasury	0

[1] See (1) and (2) of No. 4 on Portland statement.

[2] See (3) of No. 2 on Portland investment statement.

Upper Skagit Tribe, docket 92, appropriations 14X7444 and 14X7944 as of July 7, 1970

U.S. TREASURY BILLS

Date acquired: January 8, 1970.
Maturity date: July 31, 1970.
Percent annual yield: 8.19.
Face amount: $358,000.00.
Principal cost: $342,321.41.
Income received: ——.
Income accrued but not received: $13,835.

PREVIOUS AND CURRENT INVESTMENT OF AWARD AND JUDGMENT FUNDS

Tribe Upper Skagit, docket 92, appropriated October 21, 1968

Certificate of Deposit

1. Date of investment: (1) December 19, 1968, matured June 17, 1969 (180 days); (2) June 17, 1969, matured December 15, 1969 (181 days); (3) May 25, 1970, matures May 25, 1971 (365 days).

2. Amount invested: (1) $343,471.42, (2) $354,288.75, (3) $29,411.86.

3. Rate of interest: (1) 6.25 percent compounded quarterly, (2) 6.25 percent compounded quarterly, (3) 7.5 percent compounded quarterly on 360-day factor.

4. Earnings: (1) $10,817.33, (2) $11,220.52 (3) $2,301.10.

5. Disposition of earnings: (1) invested in TCD 52168, (2) deposited in U.S. Treasury to interest account 147944, (3) to be reinvested or deposited in interest account.

Other information

The principal portion of the award is invested in Treasury bills expiring July 31, 1970. The amount invested in time deposits represents interest earned and a small balance of the principal. In order to obtain maximum interest for the tribe the amount stated was grouped with other tribal amounts.

No preference as to bank was indicated by the tribe. Accordingly, on December 19, 1968, funds were invested with the First National Bank of Oregon for a period of 6 months. The maximum rate of interest was obtained, plus compounding of interest on a quarterly basis.

During the past 5 years this office has been investing funds with the following banks: U.S. National Bank of Oregon, First National Bank of Oregon, Bank of Idaho, National Bank of Washington.

These banks are within the three States covered by the Portland area office.

In order to obtain the most competitive rates, it has been the policy of this office to equalize our investments among the foregoing banks. Our normal procedure for the selection of the bank is to approach the bank that has the lowest amount of tribal funds in time deposits. If they are willing to meet the maximum rate of interest payable under regulations established by the Board of Governors of the Federal Reserve System, then such funds are invested with that bank without further solicitation from other banks.

The Upper Skagit Tribe is not a federally recognized tribe and is organized for claims purposes only. While no written commitments were obtained, the chairman of the tribe was consulted. Normally this group meets on a yearly basis or upon special notices being sent to its members. Members are scattered throughout the State of Washington.

Snohomish Tribe of Indians docket 125—Statement as of COB July 1, 1970

Award 14X7360—Awards of Indian Claims Commission, Snohomish Tribe of Indians	$136,165.79
Interest accrued on funds held in the U.S. Treasury through Dec. 31, 1969	4,552.39
Interest accrued on matured investments	16,168.00
Expenditures: Attorneys' fees	—16,951.97
Award fund available	139,934.21
Current investment (see attached statement)	—134,908.21
Balance on Deposit in the U.S. Treasury	5,026.20

SNOHOMISH TRIBE OF INDIANS, DOCKET 125, APPROPRIATIONS 14X7360 AND 14X7860

	Date acquired	Maturity date	Percent annual yield	Face amount	Principal cost	Income received	Income accrued but not recieved
1. Bank time certificate of deposit, Peoples National Bank, Seattle, Wash.	Apr. 16, 1968	Oct. 16, 1968	5.69	$122,087.09	$122,087.09	$3,437.21	.....
2. Bank time certificate of deposit, Peoples National Bank, Seattle, Wash.[1]	Oct. 16, 1968	Apr. 16, 1969	5.96	125,524.30	125,524.30	3,636.04	.....
3. Bank time certificate of deposit, Peoples National Bank, Seattle, Wash.[2]	Apr. 16, 1969	Oct. 13, 1969	6.49	129,160.34	129,160.34	4,068.55	.....
4. U.S. Treasury bills.[3]	Oct. 14, 1969	Apr. 30, 1970	7.60	127,000.00	12,1973.80	5,026.20	.....
Total						16,168.00	.....

[1] Reinvestment of item 1.
[2] Reinvestment of item 2.
[3] Reinvestment of a portion of item 3. Returned to Treasury 14X7360—$117,641.30; 14X7860—$4,332.50; 147860—$5,026.20, Apr. 30, 1970.

INVESTMENT OF AWARD AND JUDGMENT FUNDS

Tribe Snohomish, Docket 125, Appropriated May 29, 1967

Certificate of deposit

(1) Date of investment: See attachment May 25, 1970, matures May 25, 1971 (365 days).

(2) Amount invested: $134,908.01 (includes interest previously earned).

(4) Earnings: $10,763.38.

(5) Disposition of earnings: To be reinvested or deposited in interest account.

Other information

The Snohomish Tribe is not a federally recognized tribe and is organized for claims

purposes only. While no written commitments were obtained, the chairman of the tribe was consulted. Normally this group meets on a yearly basis or upon special notices being sent to its members. Members are scattered throughout the State of Washington.

No preference as to bank was indicated by the tribe. Accordingly, on May 25, 1970, funds were invested with the First National Bank of Oregon for a period of 1 year. The maximum rate of interest was obtained, plus compounding of interest on a quarterly basis.

During the past 5 years this office has been investing funds with the following banks: U.S. National Bank of Oregon, First National Bank of Oregon, Bank of Idaho, National Bank of Washington.

These banks are within the three States covered by the Portland area office.

In order to obtain the most competitive rates, it has been the policy of this office to equalize our investments among the foregoing banks. Our normal procedure for the selection of the bank is to approach the bank that has the lowest amount of tribal funds in time deposits. If they are willing to meet the maximum rate of interest payable under regulations established by the Board of Governors of the Federal Reserve System, then such funds are invested with that bank without further solicitation from other banks.

At the time the investment was made, bank yields were higher than Treasury bills. Treasury bills were accordingly converted to time certificates and a small amount of funds in the Treasury were also requested and invested.

SNOHOMISH TRIBE OF INDIANS

PEOPLES NATIONAL BANK OF WASHINGTON, SEATTLE, WASH.

Date of transaction	Principal	Period of investment and rate	Amount interest received	Accrued investment interest	Amount of time deposit
Apr. 16, 1968	$122,087.09	6 months at 5½ percent compounded quarterly.	$3,437.21	0	$122,087.09
Oct. 16, 1968	122,087.09	6 months at 5¾ percent compounded quarterly.	3,636.04	$3,437.21	125,524.30
Apr. 16, 1969	122,087.09	6 months at 6.25 percent compounded quarterly.	4,068.55	7,073.25	129,160.34
Oct. 13, 1969	(1)			(1)	0
Oct. 14, 1969	121,973.80	Treasury bills	5,026.20		

FIRST NATIONAL BANK OF OREGON

May 25, 1970	$134,908.01	1 year 5 days at 7.5 percent compounded quarterly.	$10,763.38		$134,908.01

[1] Liquidated.

COST

No additional Federal appropriation will be required.

RENO-SPARKS INDIAN COLONY

The Senate proceeded to consider the bill (S. 3196) to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 4, line 10, after the word "sanitary", strike out "regulations, in the absence of State civil and criminal jurisdiction over" and insert "regulations for the use of"; so as to make the bill read:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in the lands described below and all easements, right-of-way, and other appurtenances thereto are hereby declared to be held by the United States in trust for the Reno-Sparks Indian Colony, subject to all valid, outstanding interests, and rights-of-way:

RENO-SPARKS INDIAN COLONY

Two tracts of land located in section 7, township 19 north, range 20 east, Mount Diablo base and meridian, Washoe County, Nevada, more particularly described as follows:

Beginning at a point on the north county road right-of-way fence line, as it existed on January 22, 1927, being 1,268 feet east and 30 feet north of the west quarter corner of said section 7, said point being at the intersection of the boundary fence between L. M. Christensen and A. L. Hensen, as it existed on January 22, 1927, with said north county road right-of-way line:

thence north 00 degrees 08 minutes west 490.30 feet;

thence west, 787.74 feet;

thence south 00 degrees 12 minutes west, 490.30 feet to said north county road right-of-way fence line;

thence east along said fence line, 373.16 feet;

thence north, 104.35 feet;

thence east, 208.71 feet;

thence south, 104.35 feet to said north county road right-of-way fence line;

thence east along said fence line, 208.71 feet to the point of beginning; containing 8.38 acres, more or less; also.

Beginning at the intersection of the east line of the west half southwest quarter of said section 7 with the south line of Scott Street Road as it existed on March 8, 1917, said point being 30 feet south of the northeast corner of said west half southwest quarter;

thence south 89 degrees 35 minutes west, along the south line of said Scott Street Road, 361.2 feet;

thence south and parallel with the east line of said west half southwest quarter, 2,326.18 feet to the north line of Glendale Road, as it existed on March 8, 1917;

thence south 64 degrees 30 minutes east, along the north line of said Glendale Road, 400 feet to the east line of said west half southwest quarter;

thence north along said east line 2,501 feet, to the point of beginning; containing 20 acres, more or less.

The above-described lands contain an aggregate of 28.38 acres, more or less, known as the Reno-Sparks Indian Colony site.

SEC. 2. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may dedicate land to the public for streets, alleys, or other public purposes under those laws of the State of Nevada that are applicable to the dedication of land for public purposes.

SEC. 3. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may contract with the State of Nevada, or its political subdivisions, for the furnishing of water, sewage, law enforcement, or other public services on terms and conditions deemed advantageous to the colony and its occupants.

SEC. 4. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, is hereby authorized to enact zoning, building, and sanitary regulations for the use of such colony site, and said governing body may contract with political subdivisions of the State of Nevada for assistance in preparing such regulations.

SEC. 5. In addition to any authority now existing, the governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may lease lands to members of the colony for homesite purposes for terms of not to exceed ninety-nine years, inclusive of all renewals.

SEC. 6. The governing body of the Reno-Sparks Indian Colony, with the approval of the Secretary of the Interior, may take such actions as may be necessary to quiet title to lands within the described boundaries of the colony including issuance of deeds for the purpose of extinguishing title to erroneous descriptions within the area and accept title in the name of the United States in trust for the Reno-Sparks Indian Colony in order to establish proper boundaries of the property.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1143), explaining the purposes of the measure.

There being no objection, the exerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 3196 is to grant to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians. The bill also authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning building, and sanitary regulations, and take action to establish proper boundaries of the colony lands.

NEED

The colony site consists of two tracts of land, one of which was acquired in 1917 and the other in 1927 pursuant to authority of, and with funds made available by, two acts of Congress for the purpose of procuring home and farm sites for the nonreservation Indians in the State of Nevada. Title to the land was taken in the name of the United States.

On June 10, 1935, the Indians residing in the colony voted to accept the Indian Reorganization Act of June 18, 1934, and later adopted a constitution and bylaws which was approved by the Secretary of the Interior on January 15, 1936. Article I of the constitution and bylaws provides that the organized colony shall have jurisdiction over all of the land within the boundaries of the colony site, except as otherwise provided by law.

The property since its purchase has been used almost exclusively for homesite pur-

poses by the colony members. There are now located on the land over 100 cottages and mobile homes. The value of these improvements, which are in varying degrees of repair and maintenance, has been estimated at approximately $125,000 to $150,000.

When purchased, the land was rural in character and location. In the intervening years the city of Reno has grown until the colony is completely surrounded on all sides. Nearly the whole acreage of the colony has been plotted into lots which have been assigned to members on an approved assignment form. Although the colony has domestic water and waste disposal facilities, which were completed in 1968, there is need for modernization and improvement of the housing and community facilities and services.

With the formal transfer of the beneficial ownership from the United States to the colony, any doubt of the rights and interest of the colony in and to the land and its authority to contract for improvements on or to the land and to make in-kind contribution toward the Neighborhood Facilities project will be resolved. The colony will also have authority to make long-term leases to its members for homesite purposes and thus enable the members to mortgage or otherwise hypothecate their leasehold interests as security for improvement loans and through this procedure effect an improvement in their housing conditions.

Although the constitution and bylaws adopted by the colony provide that the Indian council may exercise certain specified authorities, including the promulgation and enforcement of ordinances, to safeguard and promote the peace, safety, and general welfare of the colony, attempts of tribal governing bodies in this general area of autonomy have often given rise to serious questions. Accordingly, it is deemed desirable that this bill be enacted to remove any doubt as to the authority of the Indian council of the colony to take the actions therein authorized as and when the needs are indicated.

AMENDMENT

The committee has adopted an amendment to section 4 of the bill, recommended by the Department of the Interior, which makes clear that the assumption of civil or criminal jurisdiction by a States does not confer on that State either directly or indirectly the power to regulate the use of Indian trust land, but leaves such power with the Indian governing authority. The constitution and bylaws provide that the Indian council may exercise certain specified authorities, including the promulgation and enforcement of ordinances, to safeguard and promote the peace, safety, and general welfare of the colony.

COST

No additional Federal expenditures will result from the enactment of S. 3196.

COEUR D'ALENE INDIAN RESERVATION

The Senate proceeded to consider the bill (S. 3487) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, at the beginning of line 21, strike out "ownership to the Coeur d'Alene Tribe or to other Indians" and insert "ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved,"; on page 3, at the beginning of line 10, strike out "Sec. 6. Any tribal land may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and shall be subject to foreclosure or sale pursuant" and insert "SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant"; and on page 4, at the beginning of line 2, strike out "115), is hereby further amended by inserting the words 'the Coeur d'Alene Indian Reservation.' " and insert "415), is further amended by inserting immediately after 'the Fort Mojave Reservation.' the words 'the Coeur d'Alene Indian Reservation,' "; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credits received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed or trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation," the words "the Coeur d'Alene Indian Reservation,".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1146), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. It would also provide authority for long term leasing of trust lands up to 99 years.

NEED

The Coeur d'Alene Reservation, located in the northwestern part of Idaho in Benewah and Kootenai Counties, originally consisted of approximately 345,000 acres of tribal land. In 1909 approximately 102,570 acres were allotted to members of the tribe, 330 acres were reserved for administrative purposes, and the remaining lands comprising an area of over 242,000 acres were opened to settlement. Since allotment of the reservation lands and opening of the surplus lands to settlement approximately 80 percent of the land has passed from Indian ownership. As of June 30, 1969, there were 53,063 acres of trust land in individual ownership and 16,236 acres in tribal ownership.

The Coeur d'Alene Tribe adopted a land acquisition, consolidation, and development program in 1965 and put it into effect on the reservation at that time. To implement this program the Indians need additional authority for the acquisition and disposal of lands or interests in lands. The Coeur d'Alene Indians voted to reject the application of the Indian Reorganization Act of June 18, 1934, to their affairs. Consequently, the authorities contained therein with respect to acquisition, sale, and exchange of trust lands are not available to them.

The tribe set aside $1,150,000 from a 1958 award of the Indian Claims Commission in Docket No. 81. During the past 5 years the tribe has purchased over 3,000 acres of land at a cost of little over $450,000. Thirteen purchases are presently pending which will require an expenditure of about $300,000. The tribe is now planning a farming enterprise, and land consolidation is of much importance.

At the time of the approval of the land program the tribe owned 13,362 acres of trust land which consisted primarily of acreages restored pursuant to the act of May 19, 1958. This act also contained authority for the sale or exchange of the restored lands. However, the restored land is outside the general farming area and is not useful for trading and unitization purposes. The authority contained in S. 3487 will enable the tribe to dispose of these parcels and use the funds to acquire other tracts within the farming enterprise area or elsewhere on the reservation and assist tribal members in consolidating and unifying their individual interests thereby alleviating to some extent the heir-

ship problem. Further, it will be able to exchange lands with tribal members so that both the tribe and the members will have more economical and manageable units.

Although the tribe does not now have an urgent need for long term leasing authority, it does anticipate this authority will be needed within the foreseeable future. The tribe will endeavor to lease land for industrial purposes and has in mind that eventually it is going to become involved in some enterprises in the Coeur d'Alene Lake area.

AMENDMENTS

The Department of the Interior has suggested several clarifying amendments which were adopted by the committee.

No additional expenditure of Federal funds will result from the enactment of S. 3497.

HEALTH INSURANCE FOR FEDERAL EMPLOYEES AND ANNUITANTS

The Senate proceeded to consider the bill (S. 1772) to provide that the Federal Government shall pay one-half of the cost of health insurance for Federal employees and annuitants, which had been reported from the Committee on Post Office and Civil Service with an amendment, strike out all after the enacting clause and insert:

S. 1772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided by subsection (b) of section 8906 of title 5, United States Code, effective from the first day of the first pay period which begins on or after July 1, 1970, and continuing until the first day of the first pay period which begins on or after January 1, 1971, the biweekly Government contribution for health benefits for an employee or annuitant enrolled under a health benefits plan under chapter 89 of title 5, United States Code, shall be equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

SEC. 2. Effective January 1, 1971, section 8906(a) of title 5, United States Code, is amended to read as follows:

"(a) The Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted on the first day of the first pay period of each year to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefits plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

SEC. 3. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;".

(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ", having completed 5 or more years of service,".

SEC. 4. (a) Section 8907(a)(B) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

SEC. 5. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: "and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act";

(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: "The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act."; and

(3) Section 9 is amended by adding at the end thereof the following subsection:

"(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.".

(b) The amendments made by subsection (a) of this section shall become effective on October 1, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1151), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 1772 will increase the amount paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act.

STATEMENT

The Federal employees health insurance program was enacted in 1959 to provide a comprehensive health insurance protection for all Federal employees, members of their families, and employees and their families after retirement from the Federal service. Nearly 8 million employees and family members are now covered and more than 3½ billion dollars in benefits have been paid during the 10 years of the programs operation.

Under the act, there are two Government-wide insurance programs, one based on a "service benefit" scheme (Blue Cross) and the other based on indemnification to the employee for medical expenses incurred (Aetna). Health insurance programs offered by Federal employee unions and associations or by local or regional health insurance carriers approved by the Civil Service Commission are also eligible to offer insurance to employees and participate in the program.

Nearly all eligible Federal employees are covered by health insurance. When the program was established in 1960, two basic plans were developed and offered: a "low option" plan giving basic protection for medical, hospital, and surgical expenses at very reasonable rates; and a "high option" plan, designed to appeal to employees who desire very broad and reasonably expensive insurance. Based on the evidence available at the time, including the testimony of Federal employee unions before the Senate Post Office and Civil Service Committee, it was assumed that most employees would choose low option insurance.

To share the cost of the program, the organic act provided that the Government would contribute a specific dollar amount at that time estimated equal to one-half of the cost of the least expensive Government-wide program. Employees who choose high option protection or any other protection which costs more than twice the Government contribution bear the full cost of the additional expense.

Experience has proven that employees prefer high option protection. Today, close to 90 percent of all employees elect high option coverage even though the Government's contribution amounts to only 24 percent of the average cost of high option family protection. Apparently, employees prefer the greater insurance protection of the high option plans and are willing to pay for it.

By 1966 the Government's contribution had dropped from its original 38 percent of high option cost to less than 30 percent. In Public Law 89-504, the Congress increased the dollar amount of the Government's contribution so that the Government's share rose to 37 percent of high option cost. Since that time, premium increases have reduced the Government's contribution to 24.2 percent of the average cost of high option protection.

JUSTIFICATION

As introduced, S. 1772, provided that the Government's contribution be permanently set at 50 percent of the cost of the least expensive Government-wide high-option plan and that annual adjustments be made in the Government contribution to maintain that level. Since our hearing on this legislation in April 1969, the House Committee on Post Office and Civil Service reported legislation establishing the Government's contribution at 50 percent of the average cost of high option insurance offered by the two Government-wide programs, the two largest Federal employee union programs, and two comprehensive medical plans designated by the Civil Service Commission. The Commission has endorsed the theory of relating the Government's contribution to the average cost of the most heavily subscribed programs and relating the Government's contribution to high option, rather than low option, because of the overwhelming preference which employees have consistently demonstrated for high-option protection.

The committee therefore recommends an amendment to S. 1772 to conform to the recommendations included in the House bill, which is also unanimously endorsed by Federal employee unions and associations. But we recommend that in order to control the substantial costs involved, the Government contribution be set at 40 percent of the premium rather than 50 percent as originally contained in S. 1772 and as recommended by the House.

Evidence presented to the committee in its hearings on S. 1772 demonstrates beyond reasonable question that employers in the private sector of the economy generally pay a far greater percentage of the cost of health

insurance than does the Federal Government. An accurate comparison of insurance protection is very difficult to make because of the difference in protection offered under individual plans, but the committee has examined enough evidence of the kind of medical protection offered by major employers in the private sector of the economy to recommend without reservation a substantial increase in the Government's contribution to the overall cost of the program.

OPPORTUNITIES TO CHANGE ENROLLMENT

The Federal Employees Health Benefits Act provides that an employee on annuitant may transfer his enrollment at such times and under conditions prescribed by regulations of the Civil Service Commission. These regulations specify 13 events (such as a change in family status, assignment to or from overseas, or attainment of age 65) which permit an employee to transfer his enrollment. These events recognize that an employee's circumstances may change so as to require a change in his coverage, but they are generally outside the direct control of the employee so that he cannot manipulate changes in his enrollment to his best advantage and adversely to the plans which participate in the program.

Additionally, the regulations require that an "open season" during which any employee may freely change plans, options and type of coverage, be held at least once every 3 years. Benefits and premium changes for all the plans are announced and publicized by the Commission in advance of an open season so that each employee has an opportunity to review the benefits and costs being offered by all the plans available to him and to reselect the coverage that best suits his needs. Including the initial enrollment in the spring of 1960, the Commission has declared six open seasons at irregular intervals ranging from 1 to 3 years. The latest open season was held in the fall of 1969, 3 years after the preceding open season.

The committee believes that, because of continuing new developments in medical care and in health benefits coverage and because of sharp and frequent increases in premium, employees should have timely opportunities to adjust their coverage. Of particular concern is the question of whether an employee should be afforded an opportunity to change if his plan has a premium increase. We therefore urge the Commission to reexamine the opportunities afforded employees to adjust their coverage through open seasons, without sacrificing the safeguards against adverse selection (such as a change from low to high option when serious illness or hospital confinement can be anticipated) which could impair the financial soundness of a plan and result in extraordinary premium increase for employees remaining in that plan.

HEALTH INSURANCE COSTS AND SERVICE

The committee is seriously concerned about the continuing increase in the costs of medical, surgical, and hospital services under this program. Our schedule for the remainder of the 91st Congress does not permit time to initiate a significant study of even the major aspects of this problem, but the groundwork should be begun now for a very thorough analysis of Federal employees health benefits and the implications of recent developments in the field of health protection for Federal employees.

The program authorized by the Federal Employees Health Benefits Act will cost more than a billion dollars in premiums next year and the Congress should have adequate data to evaluate the total effectiveness of the program as an insurance system.

As a beginning, the committee instructs and specifically authorizes the majority and minority staff of the committee jointly to carry out a preliminary investigation of the entire program. The staff is authorized to investigate any matters which it may determine should be brought to the committee's attention and to call upon the Commission and the insurance carriers to obtain the kind and quality of information upon which the committee can rely in developing a formal committee investigation, report, and possible proposed legislation.

COVERAGE FOR VISION CARE SERVICES

The American Optometric Association has pointed out that services rendered by a licensed optometrist which would be covered under most health insurance plans offered by carriers if the service were rendered by a doctor of medicine are not paid for because the insurance carriers do not define the practice of optometry.

The Civil Service Commission has heretofore refrained from attempting to require a carrier to identify individual fields of medical or quasi-medical service for coverage on the grounds that the carrier should have freedom to determine what types of medical care should be covered.

The committee appreciates the position of the Commission; but in practice, permitting the insurance carriers to be the sole judge of what practitioners are covered results in charging the employee with costs for services which, had they been rendered by a different practitioner, would have been paid for by the carrier. The employee, therefore, loses protection which he has a right to expect as a subscriber and participant in the plan.

The committee instructs the Civil Service Commission to consult with carriers to determine what steps can be taken to correct this situation. If carriers express unwillingness to recognize additional practitioners of these covered services, the Commission should advise the committee what legislation will be necessary to insure that employees have covered services paid for by their health benefits insurance.

COSTS

The present cost of the Federal employees health insurance program is $958 million a year. Assuming an increase of 12 percent in the cost of insurance effective in January 1971, the cost for the year 1971 to the Government because of the enactment of S. 1772 will be approximately $169 million.

PUBLIC HEARINGS

Public hearings on S. 1772 were held before the Subcommittee on Health Benefits and Life Insurance on April 29 and 30, 1969. The hearings were printed and are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "An act to increase the contribution by the Federal Government to the cost of health benefits insurance and for other purposes."

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the action of the Senate taken this morning in passing the bill (S. 1772), to provide that the Federal Government shall pay one-half the cost of health insurance for Federal employees and annuitants, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF GOVERNMENT CONTRIBUTION FOR FEDERAL EMPLOYEE HEALTH BENEFITS

The bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1084), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The major purpose of the legislation is to relieve employees and annuitants from continuing to bear a disproportionately large share of the premium charges under the Federal Employees' Health Benefits program.

It is also the purpose to extend coverage under this program and the Federal Employees' Group Life Insurance program to non-citizen employees of the United States in the Panama Canal Zone; to permit Part B of Medicare to be a qualifying plan under the Retired Federal Employees' Health Benefits program; and to correct an inequity with respect to the survivors of employees who have less than five years of service.

SUMMARY OF H.R. 16968

Government contributions.—H.R. 16968 provides that effective in January 1971, and each year thereafter, the Government's share of the premiums charged under the Federal Employees' Health Benefits program will be pegged to the high-option level of benefits, using a premium base representative of the different kinds of plans that participate. Each year the unweighted average of the high-option premiums for self only or for self and family of the two Government-wide plans, the two largest employee-organization plans, and the two largest prepayment group practice plans will be used to determine the maximum Government contribution to all plans and options. These six plans currently represent approximately 90 percent of all enrollments. The maximum Government contribution for all employees and annuitants would be fixed at 50 percent of such average. The Government contribution could not, however, exceed 50 percent of the premium charges for a plan's low-option level of benefits.

This proposal eliminates the maximum dollar amounts and expresses the Government contribution in terms of a percentage of total subscription charges. It has the added advantage of annual automatic adjustment. To illustrate, if it were applied to current 1970 high-option premiums, the monthly Government contribution for family enrollments would increase from $8.88 to $19.85, and for individual enrollments from $3.64 to $7.80. Beginning next January, though, premiums probably will be increased further, and the average for the six plans would be recomputed, with the Government contribution adjusted upward beyond the amounts cited.

It is the judgment of the Committee that to do less would perpetuate the unfair practice of requiring retirees and employees to bear the "lion's share" of incessantly rising costs. This legislation will put meaning into the funding formula by updating it in a manner to assure that the Government is at least striving to match private industry's trend toward providing its workers and pensioners cost-free health insurance.

Short-term employees.—The existing health benefits laws requires that in order for the surviving spouse or children of a deceased Federal employee to retain the health benefits protection accorded them during his lifetime, the decedent must have completed at least five years of service. However, Public Law 91–93, approved October 20, 1969,

amended the civil service retirement law to grant annuity benefits to such survivors of employees who die in active employment after completing at least 18 months of service. To conform to that length of service modification, H.R. 16968 provides for the continuance of health benefits coverage to the survivor annuitants of such short-term employees. The amendment also applies to the survivors of an employee who dies as a result of a job-incurred injury or illness, and who are eligible for employee compensation benefits.

Canal Zone noncitizens.—From the enactment of the Federal Employees' Group Life Insurance Act in 1954 and the Federal Employees' Health Benefits Act in 1959, all noncitizen employees whose permanent duty stations are outside the United States have been excluded from coverage under both programs.

Noncitizen employees have constituted the bulk of our Government's work force in the Canal Zone during the digging of the Panama Canal and since its opening in 1914. They have performed loyally and well for the United States.

These exclusions have not been in consonance with the repeatedly enunciated public policy of assuring to Panamanian citizens employed by our Government in the Canal Zone equality of treatment with United States-citizen employees stationed in Panama. The promise of parity has been only partially achieved, primarily in the areas of wages and retirement coverage.

To fulfill the long-standing commitments of the United States contained in treaty negotiations and reaffirmed in subsequent Memoranda of Understandings—to make available to Panamanian employees the same governmental health and life insurance benefits as are available to United States-citizen employees—this legislation extends coverage under both the Federal Employees' Health Benefits and Federal Employees' Group Life Insurance programs to non-citizens actively employed by the United States in the Panama Canal Zone. This amendment, however, has no application to noncitizens permanently employed in other worldwide areas outside the United States and the Panama Canal Zone.

Part B, Medicare for certain retirees.—The Retired Federal Employees' Health Benefits Act, applicable to pre-July 1960 retirees and survivors, restricts a direct Government contribution to only those annuitants who subscribe to health insurance plans offered by nongovernmental organizations, and denies such contribution in the event he or she receives a Government contribution toward another plan.

This legislation amends Public Law 86–724 to the extent that Part B of the Medicare program will constitute a qualifying plan. Thus, some of this class of annuitants who are not receiving the Government contribution otherwise authorized, and some who are using it for nongovernmental-sponsored plans, will be eligible to receive the respective $3.50 or $7.00 monthly contribution to apply in payment of their share of supplementary medical insurance under the Medicare program.

The bill also authorizes the Civil Service Commission to waive the recovery of any such direct payments when, in the Commission's judgment, the annuitant is without fault and when recovery would be contrary to equity and good conscience.

BACKGROUND—FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

The Federal Employees' Health Benefits Act of 1959 (Public Law 86–382, approved September 28, 1959, chapter 89 of title 5, United States Code) established the largest voluntary group health insurance plan in existence in the United States, effective July 1, 1960. It made basic and major health protection available to Federal employees in active service on and after July 1, 1960, and to their families. Such group coverage was also extended to those (and their families) who would retire from active service thereafter.

The primary purpose of the legislation was to facilitate and strengthen the administration of the activities of the Federal Government generally and to improve personnel administration by providing a measure of protection for civilian Government employees against the high, unbudgetable, and, therefore, financially burdensome costs of medical services through a comprehensive Government-wide program of insurance for Federal employees and their dependents, the costs of which were to be shared by the Government, as employer, and its employees.

Since its inception, employees have had a free choice among plans in four major categories, including (1) a Government-wide service benefit plan offered by Blue Cross-Blue Shield, (2) a Government-wide indemnity plan offered by the insurance industry, (3) one of several employee organization plans, and (4) a comprehensive prepayment plan. The two Government-wide plans must offer at least two levels of benefits—a low option or "standard" policy and a high option or "preferred" policy. While the current 36 employee organization and prepayment plans may offer two levels of benefits, only 14 do so, the remaining 22 offering only a high option level. All plans allow for coverage for self alone, or for self and family.

Perhaps the program is unique when compared with traditional patterns in private industry, in that the employee has a broad range of choice between carriers and levels of benefits, and, to a lesser degree, may continue coverage into retirement. While the law prescribes, in general, the types of benefits to be provided under all plans, it authorizes the Civil Service Commission to contract with qualified carriers for such services, subject to any maximums, limitations, or exclusions considered necessary or desirable. However, it stipulates that the rates charged under all plans reasonably and equitably reflect the cost of the benefits provided, and that the rates of the two Government-wide plans be determined on a basis which is consistent with the lowest schedule of basic rates generally charged for new group plans issued to large employers.

In the development of the enabling legislation, congressional proponents favored a 50–50 employee-employer sharing of all costs and such a rate of contribution was included. However, because of the unknown factors inherent in an entirely new area of Federal employee fringe benefits in which the Government had no previous experience, and because of fiscal considerations, a limitation was placed on the maximum contribution to be paid by the Government. This maximum was geared to the least expensive Government-wide low option plan and a dollar limitation was imposed which, at that time, contemplated that a "standard" policy which would be adequate for most employees' needs could be purchased on a 50–50 sharing basis. It provided, further, that "preferred" policies be made available, but that those employees enrolling in high option or more expensive prepayment plans would pay the entire costs of the additional richer benefits.

In 1960 the initial distribution of enrollments between self-only and family coverage, between high and low options, and among the various 30-odd plans resulted in the Government's contributing approximately 38 percent of the aggregate premiums for all enrollments, with employees contributing 62 percent.

As time went on, this 38 percent Government share of the aggregate premium gradually diminished for two main reasons: (1) employees gravitated toward the more adequate high options; and (2) high-option premiums increased because the cost of medical care increased, improved benefits were made available, and a relatively high morbidity was experienced. In contrast, experience of the low options was very good because there was a strong tendency for healthy employees with healthy families to choose this less expensive coverage. Until recently, low-option premium rates remained fairly stable and the Government contribution, which was geared to these rates, could not be increased to reflect the increasing cost of medical care.

By 1966 the Government's share of the program's cost was down from 38 percent to 28 percent of the total average premium. Effective in August of 1966, Public Law 89–504 (5 U.S.C. 8906(a) and (b)) increased the maximum Government contribution so as to restore it, in effect, to the less-than-ideal initial 1960 level of 38 percent. However, premium increases (primarily for high options) in January of 1967, 1968, 1969, and 1970, have again diminished the Government's contributions to approximately 24 percent of present aggregate premiums. In fact, there are now only a few low-option plans in which the Government's contribution equals one-half of the total premium charges.

RETIRED EMPLOYEES' HEALTH BENEFITS PROGRAM

The Retired Federal Employees' Health Benefits Act of 1960 (Public Law 86–724, approved September 8, 1960) established a health benefits program, effective July 1, 1961, for Federal retirees and their dependents who were not eligible to enroll in the Federal Employees' Health Benefits program because of their retirement prior to July 1, 1960.

Experienced gained from implementing the 1959 Act indicated the desirability of establishing (1) a single uniform Government-wide plan, rather than the multiplicity of plans developed under the active employee program; and (2) in order to meet the varying needs of retirees, to grant the option of a person retaining or enrolling in a private health benefits plan (subject to certain qualification requirements), with the Government's contribution to the cost being paid directly to the annuitant.

Pursuant to the statutory authority, the Civil Service Commission entered into a contract with the insurance industry (Aetna) for a uniform plan, in which the retiree had the option of electing a basic policy and/or a major policy. While the law provides a minimum $3 and a maximum $4 monthly Government contribution for self-only coverage, the Commission allows a Government contribution for self-and-family of $3.50 per month. The Government contributions for self-and-family is twice that amount, or $7 per month. These same contributions are generally paid to annuitants who elect a direct payment.

Subsequent to the advent of Medicare, the total premium charges for the Uniform plan have been substantially reduced, but the Government contribution has remained constant. In some cases the Government contribution is as much as two-thirds, whereas in others it ranges from one-third to one-half of the total charges.

This particular program will eventually cease to exist when the pre-July 1, 1960, retirees and their survivors become deceased.

STATEMENT

The Committee on Post Office and Civil Service considers the operation of the Federal employees' and annuitants' health benefits programs to be one of its most important responsibilities. In fulfillment of this responsibility, its Subcommittee on Retirement, Insurance, and Health Benefits recently conducted public hearings to review and evaluate the experience and administration of these programs, which are

of vital importance to both the active and retired Federal workforce.

Enrollments under these programs approximate 2.8 million employees and annuitants, over 5½ million dependents, or a total of almost 8½ million persons. Benefits valued at approximately $800 million were provided during the calendar year 1969.

Under the Federal Employees' Health Benefits program, the two Government-wide plans account for 79 percent of total enrollment; employee organizations plans 15 percent; and prepayment plans 6 percent. About 84 percent of all enrollments are in the high option levels, and three-fourths of all enrollments are in the family category. Under the Retired Federal Employees' Health Benefit program, enrollments in the Uniform plan account for slightly less than half of the total persons covered.

The Committee has had a continuing concern over the sky-rocketing costs of providing health benefits protection under the programs within its jurisdiction. Medical care costs, including the cost of hospitalization, surgery, physician and nursing fees, drugs and medicines, and laboratory services, have spiraled in recent years and continue to accelerate faster than the prices of any other commodities or services.

In the post-World War II period charges for medical care have risen persistently. From 1946 thru 1969 the medical care component of the Consumer Price Index increased by 158 percent, to 258 percent of what it was in 1946. During the same years the index for all consumer items rose at a much slower rate, increasing comparatively by 88 percent.

Increases in medical care costs have particularly occurred since 1959. With a base period of 1957–59 equaling 100, the medical care index rose from 104.4 in 1959, the year in which the Federal Employees' Health Benefits program was enacted, to 159.0 in January of 1970. The "all items" index increased from 101.5 in 1959 to 131.8 in January of 1970. While the medical care index rose by an average rate of 4.7 percent annually during the 1950's, it is slowed somewhat during the early 1960's as medical care prices followed the generally slower rise of all service industry prices. In the late 1960's, however, medical care prices have increased at a much faster rate, rising 6.6 percent in 1966, 6.4 percent in 1967, 6.1 percent in 1968, and 6.9 percent in 1969.

A particularly disturbing fact is that daily hospital rates have been increasing more rapidly than any other component of the medical care price index, which increased 595 percent in the post-war period; that is, they increased to 695 percent of what they were in 1946. While physicians' fees increased 142 percent over the same period, the index for all consumer items increased 88 percent. Within the medical care component, hospital room rates rose especially sharply, increasing by 16.5 percent in 1966, and leaping further by an additional 15.5 percent in 1967.

The problem of escalating health care costs is common to all segments of the Nation, and it is apparent that the Committee's scope of activity cannot, unfortunately, effectively stop or minimize spiraling costs of medical care. Premiums must be sufficient to pay for the benefits provided, and rate increases must be approved annually in order to maintain the financial soundness of the plans participating in the Federal Employees' Health Benefits program.

As heath care costs rise, the portion of them not covered by insurance constitutes a greater burden for Government employees and annuitants. As premium charges rise to cover such costs, an additional financial burden is imposed upon these employees and retirees. Our concern is heightened by the fact that the enrollees have been repeatedly forced to assume all of the premium increases attributable to spiraling hospital and medical costs, due to the obsolete dollar limitations imposed upon the Government contribution in years past.

Since the inception of the program, the Government has made a uniform dollars-and-cents contribution to the enrollees' selected health insurance plan. In 1960 that monthly contribution of a self-and-family plan was $6.76, which was 50 percent of the cost of the least expensive Government-wide low option plan. Most participants did not choose low option benefits, however, but selected the more adequate high option coverage. Such preponderance of selection resulted in employees sharing more than 60 percent of the cost of their respective plans. As premium charges increased thereafter, because of the fixed maximum contribution, the Government's relative percentage of contribution declined to an average of 28 percent of total charges.

The individual's plight was slightly alleviated in 1966 when the uniform monthly Government contribution was increased to $8.88. Within a period of five short months, because of continuously rising premium charges, the Government's relative share again began to decline below an average of 38 percent of charges. In fact, during the program's ten-year history premium costs have increaesd by more than 120 percent, but enrollees' costs have increased by over 175 percent, while the Government's contribution, as a percentage of the total, has declined by 40 percent. The real inequity, attributable to the Government's fixed dollar contribution, is that employees and annuitants are presently paying over 75 percent of the costs of their medical insurance, whereas the Government is paying less than 25 percent of the total costs.

The Committee takes cognizance of a recent actuarial evaluation of the program made by Milliman and Robertson, Inc., regarded by the insurance industry as one of the country's leading consultants in the field. The consulting actuaries report stated:

It would seem desirable for the government to pay a larger part of the premium since the limitations now imposed have resulted in the decreasing percentage of contribution observed.

Recognizing the traditionally conservative nature of actuarial authorities, particularly in submitting such a report to the Government, the Committee feels the suggestion to be most compelling, the variable being the relative percentage of costs that the Government will equitably assume. In an apparent effort to indicate what funding role the Government should play, the actuarial consultants reported:

A review was made of seven very large employer plans that had been recently revised, and which have benefits comparable to the government-wide plans.

In all instances the employer paid part of the cost; in three instances the entire premium for both employees and dependents was paid by the employer; in only one case was the employee contribution more than $3.00 for an individual enrollment or $7.00 for a family enrollment.

It is the opinion of the Committee, supported by voluminous testimony, that the Federal Government, as a major employer, is lagging far behind major employers in the private sector in this important area of employee benefit programs. Evidence, confirmed by official Government statistics and analyses, shows that major industrial employers are paying most, if not all, of the cost of comparable health benefits protection for their workers. In acknowledging this relative position, and agreeing that an increase in the Government contribution is justified, the Administration recommended a measure of partial relief—that is, to increase the Government's contribution to a level comparable to what it was 10 years ago.

It is the consensus of the Committee, however, that the Government's maximum contribution under the Federal Employees' Health Benefits program be increased to a level at which it will share equally with most of the program's enrollees the premium charges for coverage, and that such cost-sharing ratio be maintained in future years.

COMMENTARY

During the course of hearings on this legislation, information was developed that the Service Benefit Plan sponsored by Blue Cross-Blue Shield still provides, in certain geographic areas, only a limited basic surgical-medical benefit if the subscriber's income exceeds a certain amount. Stated differently, the plan, in affected areas, provides the same dollar benefit for all subscribers. However, if the subscriber is under the income ceiling, the participating doctor must accept the benefit as payment in full; if the subscriber is over the income ceiling, the doctor can impose an additional charge which may be partly covered by supplemental benefits or not covered at all.

The Committee is aware that income ceilings at one time were the *modus operandi* of all local Blue Shield plans, but that income ceilings have been abandoned except in a very few localities, notably the local Blue Shield Plan in the Washington, D.C., metropolitan area—which probably serves more Federal employees than any other local plan. The Committee believes that income ceilings are an anachronism, that they discriminate against Federal employees in areas where they are still applied, and strongly urges that they be eliminated forthwith.

Representations have been made to the Committee by the American Optometric Association that plans which participate under the Federal Employees' Health Benefits program do not include optometrists in their definition of the term "doctor". The significance of this exclusion is that a Federal employee who chooses to be treated by an optometrist for a condition that would be covered if treated by a physician, receives no health benefits for the expense involved.

The Committee views the recognition of various practitioners of the healing arts for licensing and insurance purposes, as falling within local or State, rather than Federal, jurisdiction and believes it inappropriate for the Congress to legislate concerning this matter. It is the Committee's understanding that the laws of many States already require insurance carriers to pay for the services of optometrists, who are not physicians, when these services would be covered if provided by a physician.

Although the Committee is not, for the reasons indicated, recommending legislation on this point, it is of the opinion that a Federal employee should not be denied benefits for a covered service because he chooses to have it performed by an optometrist, rather than a physician. It is recommended that the Civil Service Commission take appropriate action to inform carriers that the fact they are administering a Federal contract is no reason for circumventing compliance with applicable State laws.

The Committee also observes the favorable experience of the Retired Federal Employees' Health Benefits program's Uniform Plan. The hope is expressed that with such continued experience the Civil Service Commission will find it feasible to further reduce those annuitants' contributions and/or improve the extent of benefits provided, without any diminution of the Government contribution.

It is the Committee's belief that an educational program, well-conceived and widely broadcast among all participants and all carriers, will be of value in somewhat limiting the incessant trends toward increased costs. A resulting abatement of these trends may presumably result from the elimination of some unnecessary utilization of medi-

cal services or excessive charges for certain services. It is felt that such a program would be mutually beneficial to the employees and annuitants, the taxpayers, and the carriers. Should it not be feasible for the Civil Service Commission to conduct a program of this nature directly, it is recommended that the Commission exert its influence and prestige upon the participating carriers toward its development and implementations.

EFFECTIVE DATES

The amendments made by sections 1 and 4 are effective as specified in the sectional analysis. The amendments made by sections 2 and 3 are effective on the date of the enactment of this legislation.

COAST GUARD RESERVE LAWS

The bill (H.R. 13716) to improve and clarify certain laws affecting the Coast Guard Reserve was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1152), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to modify in several respects the law affecting the Coast Guard Reserve. In general, the modifications are designed not only to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other armed services.

The major change involves the substitution of a best qualified system of promotion as used in the other armed services for the present fully qualified system now in operation in the Coast Guard. The need for this arises from the composition of the Coast Guard Reserve which was established in 1941. A disproportionate number of officers entering at that time have arisen to the ranks of captain, commander, and lieutenant commander. The presense of large numbers of officers in those grades has seriously inhibited the promotion of younger officers from junior grades and has prevented the proper operation of the running-mate system. That system established a relationship between individual Reserve officers and those in the Regular Establishment. By reason of the disproportionate number of higher grade officers in the Reserves, the reservists are up to 4 years behind their running-mates in promotions and the gap is widening.

By the substitution of the selection method of best qualified, it is anticipated that this problem will be solved in a reasonable time and will increase the quality of the Reserve Officers Corps.

In view of the small size of the Women's Reserve, it is not practicable to utilize a corresponding system and, as a result, it has been determined that the continuation of a fully qualified promotion system with some modifications is most desirable. To achieve the best results, the fully qualified method of selection is retained, through the grade of lieutenant commander, and best qualified is substituted as the test above that grade. Again, in an effort to relieve the present stagnation, it is proposed to eliminate those officers who have twice failed of selection to a higher grade, thus making openings for the promotion of younger junior officers.

Another provision would assign an officer on the active duty promotion list as the running mate of a reservist not on the active duty promotion list, and it is believed that this will effect an administrative improvement. In this connection, the House of Representatives adopted a single amendment to H.R. 13716 with respect to Reserve officers who are commissioned on one date but not called to active duty until some later date. In order to correct an inequity that might otherwise occur in that situation, the House amended the bill to provide that the effective date of the reserve commission was the date of appointment.

Another provision is that Reserve admirals are limited to an active status for not more than 5 years. This will increase the opportunity of promotion for captains to flag rank and it is believed that such a time limit is desirable.

The committee is of the opinion that the bill will serve to increase the effectiveness of the reserve system in the Coast Guard.

COST OF LEGISLATION

Enactment of the legislation is projected to result in additional cost for pay and allowances of $38,000 in the first year of enactment. This cost should increase to zero over the next 4 years. The bill will also result in additional cost of $18,000 per year in retirement pay, to commence approximately 8 years in the future.

WATER RESOURCES RESEARCH ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 3553) to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, at the beginning of line 6, strike out "'$250,000', and (B) by adding a sentence at the end of the subsection to read as follows: 'The amounts authorized to be appropriated by this subsection to assist each participating State shall be increased or decreased in fiscal year 1972 and each year thereafter in proportion to the average increase or decrease of the costs of such research and training as determined by the Secretary of the Interior in accordance with a suitable formula to reflect the average increase or decrease adjustments in Federal employee salaries as determined by the United States Civil Service Commission based on findings derived from Bureau of Labor Statistics figures comparing Federal salaries with industrial salaries.'" and insert "'$200,000.'"; and on page 2 after line 23, insert a new section, as follows:

SEC. 3. Section 306 of the Water Resources Research Act of 1964 is amended by inserting immediately before the period at the end thereof a comma and the following: "the District of Columbia, and the territories of the Virgin Islands and Guam."

So as to make the bill read:

S. 3553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 100(a) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a), is amended (A) by striking out "$100,000" and inserting in lieu thereof "$200,000."

SEC. 2. The second sentence of section 100 (b) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a) is amended by inserting after the word "problems", the following: "and scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research deemed potentially significant for solution of water resource problems, providing means for improved communication regarding such research results, including prototype operations, ascertaining the existing and potential effectiveness of such for aiding in the solution of practical problems, and for training qualified persons in the performance of such scientific information dissemination;".

SEC. 3. Section 306 of the Water Resources Research Act of 1964 is amended by inserting immediately before the period at the end thereof a comma and the following: "the District of Columbia, and the territories of the Virgin Islands and Guam."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1153), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

As introduced, S. 3553 would amend the Water Resources Research Act (78 Stat. 329) to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $250,000 annually for each center. It also would provide for future automatic adjustments in the authorized amounts based upon Civil Rights Commission salary studies.

Section 2 of S. 3553 would provide for the establishment of information retrieval and dissemination activities at each research center.

The committee also considered another bill, S. 1051, which as introduced would amend the act to authorize the Consortium of Universities of the Washington, D.C., metropolitan area to receive institute grants.

The Water Resources Research Act was enacted July 17, 1964. The principal concepts of the act grew out of the recommendations of the Senate Select Committee on National Water Resources. Section 200 of the act was amended in 1966 (80 Stat. 129) to increase the amounts authorized to be appropriated for the Title II grant program, which is not directly related to the research centers.

The major provisions of the act in its present form are as follows:

Title I provides for grants of $100,000 annually to each of the States (and Puerto Rico) to assist in establishment and operation of a water resources research institute, center, or equivalent entity. It further authorizes $5 million annually for matching fund research grants administered through the institutes.

Title II authorizes appropriations of $10 million for each of fiscal years 1972–1976 (lesser amounts for earlier fiscal years) for research grants to educational institutions and private foundations, firms, and individuals not directly related to the centers established by title I.

Title III contains miscellaneous provisions. Among them are establishment of a Federal center to catalog water resources research being conducted under Federal and non-Federal programs. Section 306 defines the term "State" as used in the act as including Puerto Rico.

PRESENT LEGISLATION

S. 3553 was introduced by Senator Moss on March 5, 1970. The Subcommittee on Water and Power Resources held a hearing on July 20, 1970. At that time the subcommittee also took testimony on S. 1051, a bill introduced by Senator Bible on February 18, 1969, which has the purpose of including the District of Columbia as a State for the purposes of the act. The comments

of the Department of the Interior and the Office of Management and Budget on both measures are included later in this report. The committee has included the amended subject matter of S. 1051 within S. 3553 as reported.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MONDALE. Mr. President, I have received a letter from the distinguished dean of the Graduate School, University of Minnesota, which I shall place in the RECORD.

The Senate today indicated its support of State water resources research institutes by passing S. 3553 which increased annual allotments from $100,000 to $200,000 per State.

Dean Crawford's letter outlines the kinds of needs to be met by this vital legislation, and the importance of adequate funding for these programs seeking the scientific knowledge by which to better protect our precious water resources.

I believe that his letter is a valuable document in support of State water resources research, and should become part of its legislative record.

I ask unanimous consent that the letter from Dean Bryce Crawford be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MINNESOTA GRADUATE SCHOOL,
Minneapolis, Minn., August 10, 1970.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Recently bills have been introduced into Congress to amend the Water Resources Research Act of 1964 (S. 3553 and H.R. 15957, 16274, 16279, 16285) by increasing the authorized annual allotments for State Water Resources Research Institutes from $100,000 to $250,000 and authorizing programs for the transfer of research results into practice. The amendments have been endorsed by the National Association of State Universities and Land Grant Colleges, the Universities Council on Water Resources and the President's Science Advisor.

In my opinion, expansion of the scope of the proposed legislation is appropriate; inflation has substantially reduced the annual allotment research program and there is at present a lack of clear-cut authorization and funding for the additional activities necessary to effectively move the research results into the hands of the ultimate user.

I would like to bring to your attention the way in which programs under the Water Resources Research Act of 1964 are being utilized by the University of Minnesota through our Water Resources Research Center. Our Center was established in the Graduate School on September 1, 1964. The government, management, and control of the Center and its affairs are vested in an Advisory Committee and a Consulting Council composed of 34 representatives of 15 units of our University and 19 Federal, State, local and private organizations in Minnesota concerned with water resources. All State and private colleges in the State are encouraged to participate in its programs and research is now being conducted on the campuses of St. Mary's College at Winona, Bemidji State College, at Bemidji, St. Cloud State College at St. Cloud, Winona State College at Winona, and Gustavus Adolphus College at St. Peter.

Our Center has pioneered in efforts to bring the research capabilities of the State's Universities and colleges to bear on State water problems. Methods used include seminars, conferences, short courses, study committees, newsletters, information circulars and bulletins. Dialogue with Federal, State, local and private agencies has been enhanced through the efforts of our Center's Director who served on a part-time basis during the period June 1967 to November 1969 as Water Resources Planning Director, Minnesota State Planning Agency and as Governor LeVander's representative on the Great Lakes Basin Commission, Souris-Red-Rainy River Basins Commission and Upper Mississippi River Basin Coordinating Committee.

One of the purposes of the Center is the stimulation of educational offerings for students which will prepare them for careers in the field of water resources. Since the Center was established, 26 new courses bearing on water resources have been developed at our University. A new graduate option in hydrogeology has been announced and a program of graduate education in water resources has been established.

Research conducted through the Center is highly relevant to water resources problems in Minnesota and the Nation. The main thrust of the Center's programs has been directed toward:

Establishing a practical baseline of water quality for Lake Superior through the use of the continuous plankton recorder technique; the analysis & interpretation of existing Federal, State, and local water resources legislation and court decisions and ways and means for improving water laws in Minnesota; ascertaining the physiological and ecological requirements of the algal species responsible for severe blooms on lakes scattered throughout the State to assist in controlling the excessive productivity of polluted lakes; determining methods for rain fall-runoff predictions which are based on the physical characteristics of ungaged small watersheds and rainfall characteristics of ungaged small watersheds; reconciling and integrating water quality management with the ecological and social-economic objectives of the total water resources management in Minnesota; determining the role of potholes in the groundwater recharge; formulation of an economic optimizing model for water quality and sewage disposal on selected stretches of the Upper Mississippi River; investigation of programs that appear to have special merit relative to hydrologic analysis for determination of design floods and for design of spillways and related structures; investigation of soil dynamic changes when interacting with water to assist in solving water problems such as infiltration, water spreading and flow properties in soils; determination of runoff-time distribution for a variety of watershed sizes and slopes; determining the role of bottom sediments in the phosphorus cycle for lakes of different types to assist in devising corrective measures for overfertilized lakes; development of techniques that will pinpoint polluted areas in reaches of the Upper Mississippi River where algacides might be profitably administered to control pollution; investigation of mist irrigation as a method of reducing water stress in potato crop production and thereby reducing transpiration; and investigation of the mechanics of soil moisture movement and retention to assist water resources developers and managers in estimating recharge to groundwater reservoirs and the effect of soil moisture movement on surface water runoff; inventorying, appraising, and evaluating water resources administration in Minnesota to provide background information for legislative action concerning reorganization of State water resources agencies; biomass determination and productivity measurements in the west end of Lake Superior to assess the extent of euthrophication; investigation of the ecology of the periphyton in the wavewashed and near-shore areas of the west end of Lake Superior for detection of advancing eutrophication in the lake; study of citizens groups involved at the grass roots to improve the water resources environment in the Minneapolis-St. Paul, Miami and environs, and two other metropolitan areas and environs in the USA; and determining existing ecological conditions in the Mississippi River near Monticello, Minnesota before operation of a large nuclear power plant and monitoring environmental changes due to the thermal discharge from the power plant generator.

Minnesota has provided on the average about $30,000 per year to defray overhead and indirect costs associated with the Center's annual allotment programs. The State has continuously provided non-federal funds to match federal funds associated with the Center's matching grant programs. Non-federal funds provided in fiscal year 1970 amounted to about $107,000. In addition, the University has provided office space for the Center.

Past development and management practices in Minnesota, as substantial as they are, have not kept pace with the steadily growing demands placed upon water and related land resources. Many undesirable and serious, but not critical problems have emerged associated with pollution, water-oriented recreation, floods, water supply, navigation, and land use. With the prospect that within 50 years water and related land resources demands and needs may approach or exceed the availability of resources and existing facilities in some areas, the State cannot expect to continue to avert critical problems without an acceleration in resource research, development, and management. The University of Minnesota through the Center has demonstrated its interest and its capability and it is willing to further develop a truly outstanding water resources research facility for Minnesota. It has provided the mechanism for unifying water resources research throughout our State.

While substantial progress has been made in assuring that research results are made available to prospective users in forms that are comprehensible to the variety of disciplines and levels of skill involved in water resources, the Center's capability to transfer research results into practice needs to be strengthened. The present annual allotment is far too small for research alone irrespective of related needs to facilitate the utilization of new research information.

I sincerely hope the information presented in the letter will be useful in your assessment of the proposed amendments. You are urged to encourage the enactment of amendments; it would be helpful if you were to arrange for the text of this letter to be inserted in the Congressional Record (see CONGRESSIONAL RECORD, pp. 15701 to 15703).

Sincerely yours,

BRYCE CRAWFORD, Jr., *Dean.*

EXECUTIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

INTERNATIONAL MONETARY FUND

The assistant legislative clerk read the nomination of Charles R. Harley, of Maryland, to be U.S. Alternate Executive Director of the International Monetary Fund.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ASIAN DEVELOPMENT BANK

The assistant legislative clerk proceeded to read the nomination of Artemus E. Weatherbee, of Maine, to be U.S. Director of the Asian Development Bank.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF LABOR

The assistant legislative clerk proceeded to read sundry nominations in the Department of Labor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK, IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, in the Navy, and in the Marine Corps, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

LABOR, HEW APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 875

Mr. JAVITS. Mr. President, I submit an amendment to H.R. 18515, the Labor-HEW appropriations bill for fiscal year 1971, to increase from $744,494,000 to $780,894,000 the appropriations for manpower development and training activities under the Manpower Development and Training Act of 1962, an increase of $36,400,000. The increase is necessary to maintain the Neighborhood Youth Corps summer jobs program at the same funding level for next summer as it is this summer. The program, conducted by the Department of Labor, provides work and training opportunities for disadvantaged 14- to 21-year-olds during the summer months.

The ACTING PRESIDENT pro tempore. The amendment will be received and appropriately referred.

Mr. JAVITS. Mr. President, the administration has requested a total of $146,500,000 for next summer to fund a total of 310,400 opportunities under the authority of the Economic Opportunity Act. No funding has been requested under the authority of the Manpower Development and Training Act of 1962, a traditional source of additional funding for these programs.

The program is funded this summer at a total level of $182,900,000, which consists of an initial appropriation of $147,900,000 and a supplemental appropriation of $35,000,000. A total of 414,000 opportunities are being provided.

Accordingly, there is a "shortfall" of $36,400,000 for these programs for the summer of 1971, compared with the current summer. The result will be that approximately 100,000 fewer youths will receive opportunities next year compared with this year.

Mr. President, even last summer's opportunities fell short by 145,173 opportunities of what the cities then showed they effectively use. I ask unanimous consent that there be included in the RECORD at this point a letter dated May 7, 1970, from the U.S. Conference of Mayors, together with a city-by-city chart indicating that documented need.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM—THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Akron	612	378	765	387
Atlanta	2,267	1,460	2,840	1,380
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County [1]	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,852
El Paso	719	427	900	473
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,844	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo	1,400	989	2,225	1,236
Los Angeles [2]	12,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,925	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	4,105	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg	1,066	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	420	261	525	264
Washington, D.C	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

[1] Miami.
[2] Including Long Beach.

Mr. JAVITS. Mr. President, the situation is particularly unfortunate in view of the current unemployment level and its devastating effect on the young and the black. While the overall unemployment rate was 5 percent in July, the rate for persons between 16 and 21 was 15.7 percent. The Bureau of Labor statistics has reported that for black youths between 16 and 21, the unemployment rate approaches 30 percent.

While we can surely expect these levels of unemployment to continue into next summer as a result of the administration's efforts to fight inflation, a need for additional funds exists irrespective of the special economic circumstances in which we find ourselves. In each of the past 3 years the "target" population for this program has at all times exceeded 1,400,000 youths; accordingly, maintaining the program at last year's level will reach less than a third of those normally eligible.

We can therefore fully expect that the needs for next summer will be at least equal to, and will no doubt exceed, those of the current summer. Already, a preliminary survey of the mayors and youth coordinators across the country have indicated that at least a maintenance of funding effort will be required. I ask unanimous consent that a letter dated August 27, 1970, from John J. Gunther, executive director of the U.S. Conference of Mayors, indicating that need, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., August 27, 1970.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your recent inquiry, we have consulted with the Mayors and Youth Coordinators across the country and it is their considered judgment that the number of Neighborhood Youth Corps applicants for positions in the summer of 1971 will exceed those in the current summer.

In every instance local officials have urged that we do everything possible to encourage you and the Administration to see to it that 1971 fund commitments are made available at the earliest possible time, preferably before the end of the calendar year. This would permit more effective utilization of the program and funds next summer.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

Mr. JAVITS. Mr. President, the President has recently installed an "inflation alert" system. With respect to the youth in our country—especially the blacks—I submit that we should declare an "unemployment alert" in connection with next summer.

The time to plan for next summer is this summer and fall, and I urge the administration to take the following steps in order to head off a job crisis next summer:

First, I urge the Department of Labor to submit a revised budget estimate to the Congress—in connection with the regular HEW-Labor appropriations bill now before the Senate—sufficient to insure that the funding for next summer is at least at the same level as in the current summer.

Second, I urge the Department of Labor to canvass its regional offices to determine any additional amount that will be necessary, and to seek that amount in a budget request for funding under the first supplemental appropriations bill, which will originate in the House of Representatives this fall; additional funds are very likely to be necessary to meet the needs of additional youths.

Third, I urge the President's Council on Youth Opportunity—which did not issue its report on this summer's job situation until June 6, 1970—to issue a comprehensive report early this fall as to the projected summer job opportunities from all sources for 1971, together with recommendations to the Congress. Under Executive Order No. 11330, the President's Council is responsible for "assuring effective program planning for summer and other youth programs of the Federal Government."

I also urge the National Alliance of Businessmen, which has made voluntary efforts to provide opportunities in the private sector, to begin now their efforts to secure pledges for next summer.

There is always a critical dimension to this problem because of the social, as well as economic factors. As noted by John Herbers, in an article entitled "Jobless: The Young, Especially the Blacks, Hard Hit" appearing in the New York Times on Sunday, August 3, 1970:

There is the question of violence in the cities. And no one familiar with the dislocations of American society today could be at ease while great bands of rejected youths are idle in the streets. In recent years the Federal and local governments and private interests have provided summer jobs to keep the cities peaceful and there is evidence that the efforts have paid off . . .

Mr. President, every summer for the last four summers it has become necessary to seek additional funds for this important program in the context of the second supplemental appropriations bill, with the result that funds have not become available until the summer program is in midstream—usually in middle or late July. In short, the usual response of the Congress to these needs—which are in full view—has been too little and too late.

I urge the administration and Congress to plan now to meet next summer's needs. As Mr. Grunther noted in his letter of August 27, 1970, which I have inserted into the RECORD:

In every instance local officials have urged that we do everything possible to encourage you and the Administration to see to it that 1971 fund commitments are made available at the earliest possible time, preferably before the end of the calendar year. This would permit more effective utilization of the program and funds next summer.

Mr. President, I ask unanimous consent that there be printed in the RECORD a copy of the article from the New York Times, to which I referred, along with the text of the amendment which I have submitted.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 23, 1970]

JOBLESS: THE YOUNG, ESPECIALLY THE BLACKS HARD HIT

(By John Herbers)

WASHINGTON.—In Wichita, Kan., a few days ago, Merlyn Hatcher, employment director for the city, estimated that 75 per cent of the teenagers who searched for jobs this summer were still out of work. In Tacoma, Wash., employment officials said that in addition to teenagers they were overrun with ex-servicemen looking for jobs. In many areas June college graduates by the thousand were reported to be unemployed.

The Labor Department confirmed last week what was apparent across the country—the slowdown in the economy and the increasing scarcity of jobs is being felt with particular force among the young. While the over-all unemployment for July was 5 percent of the labor force the rate for persons between 16 and 21 was 15.7 per cent. Last summer it was 12.8 per cent. In the 20–24 age group the jobless rate in July was 9.1 per cent, up from 7.2 per cent in June.

The figures told only part of the story. The Bureau of Labor Statistics said the prospects for employment were so bleak at the beginning of the summer that youths by the hundreds of thousands who desired jobs did not even bother to look. In areas hit particularly hard by the slowdown in the economy—cities such as Wichita, Tacoma and Brockton, Mass., which have in excess of 6 per cent unemployment—the national figures looked good by comparison.

HIGHLY VISIBLE

For black youths, of course, the job shortage was even worse. The Bureau of Labor Statistics showed that for Negroes between 16 and 21 the unemployment rate rose to 30.2 per cent from 24.8 per cent last summer. In many black poverty neighborhoods across the country, the jobless rate was far above that.

Black and white, the young out of work are highly visible. They are seen in the lines at the public employment offices, in the streets and amusement places looking, as one middle-aged city official said, "alienated from the rest of us."

One does not find in Wichita or Brockton much evidence of an increase in poverty. Unemployment insurance, savings and other income has kept most of the new jobless from undue hardship.

But many thousands who are being turned away are the sons and daughters of the chronically poor. And no one familiar with the dislocations of American society today could be at ease while great bands of rejected youths are idle in the streets.

There is the question of violence in the cities. In recent years the Federal and local governments and private interests have provided summer jobs to keep the cities peaceful and there is evidence that the efforts have paid off. This year, due to the economic slump and other factors, the summer job programs fell short of their goals just as many additional youths were entering the labor market.

"JUST TURNING OFF"

So far, there is evidence the lack of jobs has contributed to civil disorders in economically depressed cities such as New Bedford, Mass. But the long-range effects could be worse. "They're just turning off, that's all," said a staff member of the Model Cities project in Wichita. "In a way, it would be better if they would be a little violent and get it out of their system. We don't know what these kids will be doing 10 years from now."

A pickup of the economy, which many experts say is beginning, will of course restore jobs. But even at the peak of prosperity the unemployment rate for teenagers, particularly the disadvantaged, has been high. This has been a chronic problem in the United States.

Sentiment is growing in Congress and elsewhere for the Government to create public service jobs, to be the employer of last resort. Some in Congress would subsidize jobs in hospitals, schools, local governments and nonprofit organizations, all of which are

short of personnel. For example, Senators Abraham Ribicoff of Connecticut and Fred R. Harris of Oklahoma, both Democrats, offered an amendment last week to the Nixon Administration's family assistance legislation that would create at least 30,000 jobs in the public service.

One line of reasoning is that in a prosperous country youths who wish to honor the work ethic should be able to find work.

The amendment (No. 875) which reads as follows, was referred to the Committee on Appropriations:

AMENDMENT No. 875

On page 2, lines 6 and 7, strike "$744,494,000" and insert in lieu thereof the following: "$780,894,000".

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is recognized for not to exceed 10 minutes.

PROGRESS IN TREATMENT AND REHABILITATION OF ARMY DRUG ADDICTS

Mr. HUGHES. Mr. President, last Thursday and Friday three members of the Special Subcommittee on Alcoholism and Narcotics—the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), and I—visited Fort Bragg, N.C., to see in operation the Army's only project in this country for the treatment and rehabilitation of drug addicts within its ranks. We were inspired, and our hopes were raised, by what we saw.

With about 46,000 troops, many of them Vietnam veterans, Fort Bragg is one of the Army's largest installations. The trend there, we were told, is away from marihuana and toward heroin, contrary to what we understand the situation to be in Vietnam. It has created problems of such magnitude that a great many men have been affected and, in some cases, corrupted. The drug abuse problem, we were told, appears to be most acute in the 82d Airborne Division, an illustrious unit of approximately 9,000 troops—about half of whom have served in Vietnam, the other half destined to go there.

Fortunately for the Army, and certainly for the country, one man above all saw fit to confront the problem head on, rather than imagine that it did not exist. Under the leadership of Lt. Gen. John J. Tolson, the commanding general of Fort Bragg and of the XVIII Airborne Corps, a major overhaul has begun—in the areas of drug abuse education, law enforcement, and treatment and rehabilitation of addicts at Fort Bragg. What has emerged is the beginning of a multisided attack on the problem in the Fort Bragg-Fayetteville area that has been dubbed "Operation Awareness."

A unique feature of "Operation Awareness" is the treatment and rehabilitation project, which accepted its first patients only last May. It is conducted in two abandoned barracks buildings in the old hospital area by a staff that took on this job strictly as extra duty, with the major responsibility being taken by Maj. Richard Crews, the chief of psychiatry and neurology at Womack Army Hospital at Fort Bragg. Major Crews is a dedicated officer who learned the drug scene at firsthand while at Letterman Army Hospital in San Francisco during the heyday of Haight-Ashbury.

Apart from the buildings and the staff, plus the few supplies from the Womack Hospital, the budget for the rehabilitation program is something on the order of $2,000, half contributed by the Fort Bragg Officers' Wives' Club and the remainder by an onpost service organization known as the Thrift Shop.

Through detoxification, techniques such as group therapy and an elaborate "point" system designed to reward good performance and punish bad behavior, as well as a selective conditioning process in which so-called "needle freaks" are permited to "shoot" short-acting barbiturates at the the cost of nausea later—through such means, over a period of several weeks, doctors and technicians in the rehabilitation project are attempting to restructure the behavior patterns of soldier drug addicts and turn them away from drugs. That essentially was the program as it was last week. Tomorrow, it may be entirely different; for, Mr. President, this is strictly an experimental program and, for that reason, no one need expect dramatic statistics or news of a spectacular cure out of Fort Bragg perhaps for some time to come.

But, as General Tolson says, "we are trying." And that is the important point. Simply to do that—to start to try—has required a degree of initiative on the part of General Tolson and his staff that, unfortunately, is not so prevalent in our society as one might wish it to be. Military regulations require, in effect, that a drug addict be administratively discharged, with no provision for attempted rehabilitation, and it is all too easy for any military commander to exercise that privilege against an addict in the name of the "good of the service." He might well be justified in making that decision. The Fort Bragg response has been to suspend that requirement and grant immunity from discharge to any drug addict who asks for help—the first step toward rehabilitation, as anyone who understands true correction will recognize.

So far, only a handful of addicts at Fort Bragg have availed themselves of this alternative.

There are estimated to be several hundred on the post. It may be that they still fear reprisal if they "turn themselves in," so to speak. But I hope and believe that, as soon as "Operation Awareness" begins to turn out "graduates" who have kicked the drug habit and become good soldiers again, others will follow their example. For, as I believe the other two Senators will attest, General Tolson means what he says when he offers drug addicts this better way toward a more responsible life as soldiers and as citizens. General Tolson is a man of compassion all the way down to his toes, and no addict who wants to get that big monkey off his back will ever be turned away if the general can help it.

As I say, no one can predict whether this project will be a total success. But it is a truly commendable undertaking and one which I feel is worthy of the strongest encouragement from the Congress. That was the purpose of our visit—to see for ourselves and to let General Tolson and his people know that we are behind him and will do all we can to support him in this effort.

I think it is extremely important that the Members of the U.S. Senate be aware that on this base at Fort Bragg the commanding officer has undertaken a project which is unique, which shows an innovation, and which has required some risk. It is a major step in the right direction.

When a man simply gets an administrative discharge from the service around an army base, he seldom leaves the area. He stays in the vicinity if he is a narcotics addict, because he does not want to lose his contacts.

As a result, administrative discharges of personnel simply place in civilian life people who do not go home, but who stay in the immediate vicinity of the base and have to steal to supply their habit.

Not only has General Tolson taken a position which will have men stay in the service and become good and decent soldiers of the U.S. Army, but he has also taken a step which is so important in the returning of honorably discharged men to their home communities, unburdened by a habit that they cannot rid themselves of.

I think this is a display of magnificent insight by the commander of Fort Bragg. I think also that it is a display of courage to go against the current at a time when it is not at all popular to believe that a narcotics addict is worth saving, particularly if he is in the U.S. Army and has the potential of being a great liability.

Mr. STENNIS. Mr. President, I hate to interrupt the Senator, but will the Senator yield to me quite briefly?

Mr. HUGHES. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I commend very highly the work that the Senator is doing in this field with our servicemen and their problem. He is very knowledgeable on the subject. He knows how, for instance, to cooperate with this general.

I want to go with the Senator from Iowa down to Fort Bragg just as soon as I can get out of the predicament I am in now and follow through and learn more and more about this remarkable work that the Senator is doing.

I feel that he is on the right road and will get excellent results.

Mr. HUGHES. Mr. President, I thank the distinguished chairman of the Armed Services Committee. It was under his auspices that my special subcommittee of the Labor and Public Welfare Committee has undertaken investigations and gone into the problems caused by alcohol, drugs, and narcotics in the Armed Forces.

Mr. STENNIS. Mr. President, I am very pleased with the Senator's headway.

Mr. HUGHES. Mr. President, I am very hopeful that this will give us an insight into the problem we have in the Nation. What we see at Fort Bragg is a microcosm of Americans from all strata of life and society.

In the controlled way of life inside an Army post—if we have the initiative and are willing as a Congress to supply this commanding officer with the funds he needs—a program such as he has authorized could prove to be of great benefit to the country.

This commanding officer is operating as I first operated in the subcommittee, without any money.

Mr. President, I think it is vitally important that we support General Tolson and what is being done at Fort Bragg.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. JAVITS. Mr. President, I am the ranking minority member of the subcommittee which is so effectively headed by the distinguished Senator from Iowa.

I would like to join the Senator from Mississippi (Mr. STENNIS) in stating that I think the work of the Senator has been splendid. The subcommittee has really been brought to a fine mission through his excellent leadership, which I have had the honor to join.

The Senator has made a unique province of this problem of narcotics addiction in the armed services and he has worked nobly and promises to do a great deal more.

I am deeply impressed with what I know about this effort of General Tolson. I shall do my utmost to help him to see that the necessary funds and assistance are given the general.

Daily this problem becomes the largest single source of crime and the largest single source of urban decay in my city of New York, and, I believe, in many other cities in this country.

When one considers what it takes to make massive and necessary changes in this field, even in a financial sense, it is our responsibility for not sooner having brought this matter to the attention of the country. I think the country will support what needs to be done.

I hope the Senator will be moved, and I shall work with him, as I already have, to present the measure, which we are considering in the subcommittee, at the earliest possible moment to the full committee and then to the floor of the Senate. We have done that in connection with alcoholism; this is the next problem in line.

I know it is a burden, but in addition to his work in connection with the Armed Services Committee, which I laud unreservedly, I say to the Senator I want us to be purposeful to bring about major legislation so urgently needed in the narcotics field, as it affects crime in the cities.

Mr. HUGHES. I thank the distinguished Senator from New York. He has given many long hours of his personal time, and he has been present at the hearings. He has lent his staff to every measure of serious investigation we have done, and he has given the greatest support in this area, which is really epidemic in this country.

This is a problem which is frightening, and not only when one measures the crime, which totals about a million dollars a day in the District of Columbia. I do not know what it is in New York but undoubtedly it is much more.

Mr. JAVITS. At least 10 times.

Mr. HUGHES. But of far greater importance is the value of the human life and the individual dignity of the human soul which in a compassionate society we must deal with. These boys down there are 19- and 20-year-olds. They are from all over the country. I talked with boys who were from Indiana, Michigan, and Connecticut. Not all of them are from large cities; many are from the countryside. Contrary to common belief, they are not 50 percent black; they are 75 percent white. Many people believe this is a black problem which spilled over from the ghettos years ago and is spreading rapidly all over America. The trend is away from marihuana and to methedrine and heroin, which is a frightening prospect.

I thank the Senator from New York for his able support and help over many months. I wish to indicate to him that we are going to continue our efforts, and we will produce massive legislation and, with the Senator's support, hopefully we will get it through Congress.

Mr. JAVITS. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. PERCY. Mr. President, I was delighted to be at the Senator's "sunrise service" this morning. I thank the distinguished Senator for raising such a profound subject. I think the interviews and the work of the subcommittee have been very important in this field under the leadership of our distinguished colleague from Iowa (Mr. HUGHES).

The need for legislative oversight in this area was very apparent to me on a trip to Vietnam several years ago. I was up near the DMZ and I sought out the fine son of one of our distinguished colleagues, the Senator from Virginia (Mr. BYRD), who was serving in the U.S. Marines. He was operating as part of a command running a brig in the vicinity of Danang. I had a good discussion with him as he traveled with me part of the day. I talked to him about the nature of the offenses of the servicemen who filled the brig. He indicated to me at the time that the use of marihuana was one of the main problems that they faced up there. It was freely available and passed out by the enemy, obviously for the purpose of putting our duty guards into a condition of lethargy at our outposts where they are many times on a very dull duty and yet where alertness is required.

On my final day in Vietnam I discussed this matter with the top command of our armed services. I was surprised to find that a young marine, out on the line, was far more aware of the conditions there than our own command. In fact, the command seemed to know little about the nature and extent of the problem. They said they would look into it and investigate it, and I am sure they subsequently have. I have followed with a great deal of interest what has been revealed since then.

I look on this as one further tragic aftermath of our involvement in Vietnam. We will never know the cost to society of the kind of problem where many young men are engaged in a war who are not convinced they should be there, and seek out any sort of escape which they find available to them.

I commend many volunteer groups in this country for their alertness and devotion to the problem inside America. A church in my community in Georgetown is open nearly every night making its assistance, counsel, and advice available to young people.

There is a volunteer group in my own city, Project Straight Dope, under the leadership of Mrs. Ralph Falk, which seeks to prevent drug addiction before it starts. She has worked with the advertising community to have time available on all the news media to bring this problem to the attention of young people, to point out the great dangers involved, as well as the responsibilities of parents.

I commend the Senator for his great leadership in this field and I shall support his efforts in every way possible.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Illinois for his kind comments and sincere concern about this great problem in the United States.

I have been quick to criticize the Department of Defense and the Pentagon for many of the things I feel they are doing wrong. I want to be quick to encourage them in this major area where one of their commanding generals and the subordinate staff there are doing the right thing. Our studies indicate that they are underway in an all-out investigation in an endeavor to understand the problem. I encourage them to do that. I hope that we support them and give them the money for the needs they have. We rush to cut their budgets every time they turn around; I hope we will be as quick to give them assistance in this endeavor to meet one of the greatest problems this country has.

I appreciate the statements of support which have been made on the floor of the Senate this morning. I hope as the days and weeks go by that we will reenforce that support, particularly with respect to what General Tolson needs at Fort Bragg.

Mr. PERCY. I thank the Senator.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes

the Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

Mr. YOUNG of Ohio. Mr. President, late last evening I informed an attaché of the Senate that I would relinquish my time and that I would not speak this morning. However, I am thankful to you, Mr. President for recognizing me.

SUPPORT FOR THE McGOVERN-HATFIELD AMENDMENT

Mr. YOUNG of Ohio. I wish to speak briefly and to the point on the important matter before the Senate today. I shall take great pride later today in voting in favor of ending our war in Vietnam just as soon as we can. Of course, I shall record my vote in favor of the amendment pending before us.

It was the most horrendous mistake ever made by any President of the United States to involve us in a war in Vietnam—a little country of no importance whatsoever to the defense of the United States.

I feel that I am able to speak with some authority on this matter for the reason that in 1965 I spent nearly a month in Southeast Asia. I was in every area of South Vietnam. Also, I was in Korea and Thailand as well. At that time, despite the fact that we had guaranteed the neutrality of Laos, our war planes, disguised, were bombing areas of Laos.

In 1968 I was again in every area of South Vietnam. I went by helicopter to every region of Laos. At that time our war planes were openly bombing the forces seeking national liberation in Laos.

As a member of the Armed Services Committee, my vote, on most occasions, has been a minority vote. I am happy to report, however, that the distinguished senior Senator from Missouri (Mr. SYMINGTON), and the distinguished Senator from Hawaii (Mr. INOUYE) and I filed the first minority report ever filed with respect to authorizations for military appropriations.

In the Committee on Armed Services, time after time I have heard Senators, considered the greatest war hawks in this body, say that we should never have been involved in the war in Vietnam, but since we are in there we should see it through. Confucius, the great Chinese philosopher, centuries before the birth of our Saviour, said:

A man who makes a mistake and does not correct it makes another mistake.

That is also true of a nation. If a nation like ours makes a serious mistake and then does not correct it, it makes another mistake.

Sometimes we hear about the commitments we have made to South Vietnam. Let us know something about those commitments. We should remember that General Thieu, President of South Vietnam, and Vice President Ky, that flamboyant air marshal, with other militarists overthrew the duly elected Government of South Vietnam in a midnight coup and seized power. That is the military regime we are supporting in Vietnam.

Ky said:

We did not invite you here, and Americans should get out.

A survey in depth was held among the Vietnamese—we in the United States would call it a Gallup poll—and about 5 percent of the South Vietnamese wanted the Americans to remain in that country, and most of them were from Saigon. So Ambassador Ellsworth Bunker, sought to suppress it.

With respect to these so-called commitments, our initial commitment in South Vietnam made by President Eisenhower in 1954, in a letter to the then President of South Vietnam, Diem, who had been installed as the puppet president, stated:

I am instructing the American Ambassador . . . to examine with you . . . How an intelligent program of American aid . . . can serve to assist Vietnam in its present hour of trial.

Then President Eisenhower added:

The purpose of this offer is to assist the government of Vietnam in developing and maintaining a strong, viable state capable of resisting attempted subversion and aggression through military means . . . The U.S. government hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government.

Vice President Ky of South Vietnam himself was born and reared in Hanoi. He fought with the French, as did other generals of the present Saigon regime, against their own forces seeking national liberation. Can anyone claim that this militarist regime in Saigon, or any preceding regime, has established a strong, viable government in South Vietnam?

Evidently President Eisenhower did not believe it, because on the day he left the White House we had 685 military advisers in Vietnam, no combat troops. On that sad day when President John F. Kennedy was assassinated in November 1963, we had 16,200 military advisers in South Vietnam, no combat troops.

But what happened soon after President Johnson became President? We have witnessed this in the Senate in recent years. It is evident that President Johnson was given poor advice by generals of the Joint Chiefs of Staff and Secretary of State Rusk.

He yielded deference and devotion to the military. This has also been demonstrated under President Nixon. He was elected largely because he promised the people of this country that he had a secret plan to end the war in Vietnam. That is still his secret. Instead of the war nearing an end, it has been expanded and extended and our combat planes and our B–52's are dumping napalm bombs and explosive bombs throughout Southeast Asia.

The war is no longer called our intervention in Vietnam, or the Vietnam war, it is the Indochina war. We are carrying on where the French left off.

We have an opportunity today in the Senate of the United States to give voice to the fact that 35 or 40 Senators—or more, I hope—are giving notice that we intend to refuse to vote for any appropriations unless this war or involvement over there is ended by the end of next year.

Now, having made it crystal clear that President Eisenhower's commitment, so-called, was a very "iffy" commitment indeed, what commitment did the late President John F. Kennedy make?

President Kennedy said on September 3, 1963, shortly before his assassination:

I don't think that unless a greater effort is made by the Government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort, and, in my opinion, in the last 2 months the government had gotten out of touch with the people.

Also, on another occasion, our late, great President John F. Kennedy said:

Transforming Vietnam into a Western redoubt is ridiculous.

Therefore, it is evident that we are not fighting a land war in Southeast Asia because of commitments made by Presidents Eisenhower and Kennedy.

Walter Lippmann once stated that we are fighting in Vietnam to save face. Mr. President, that was an important statement, and we must not forget it.

Of course, Mr. President, historically there has been no such thing as a North Vietnam and a South Vietnam; and the Geneva accords of 1954 specifically stated that the military demarcation line at the 17th parallel is provisional, and should not in any way be considered as constituting a political or territorial boundary.

Over thousands of years, the Vietnamese people have repelled the hordes of Mongol invaders who invaded what is now North Vietnam. Had that area not been divided by the Geneva accords, it would have been a fine buffer state to protect Southeastern Asia.

Mr. President, there are very few Members of this body who would say otherwise. More than 50,000 priceless American lives have been lost fighting in this undeclared unpopular war in Southeast Asia.

I think those all-out warhawk Senators would do well to go to Walter Reed Hospital, as I did sometime back, and see a shocking sight—a young veteran from Ohio with both legs off, one above the knee and one below the knee, and one of his arms off, and with some fragments of shells still in his skull. Some of those men will be living 50 years from now.

We who are here in Congress must be liberal in making appropriations for more Veterans' Administration hospitals to look after and see that decent treatment is given to those who have been permanently injured in combat, and also for those who are suffering and will suffer as long as they live from the effects of malaria fever and other jungle diseases. We have that responsibility, Mr. President.

I hope that by a strong vote today on the pending McGovern-Hatfield amendment, we will indicate to the people of this country that a large number—a very large number—of Senators say that

we must get out of Vietnam with all of our combat troops, and we must get out of Vietnam next year. We should never have been there with such a vast number of our Armed Forces. We should never have suffered the terrible losses in men and money, to the neglect of desperately needed things that we must take care of for our own people. We must get out. So I hope that by the vote today whether the amendment is adopted or not—40 or more Senators will stand up and be counted in favor of immediate withdrawal from this involvement and then give top priority to immediate needs at home.

I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed to the transaction of routine morning business, with a time limitation of 3 minutes on statements therein. The period for the transaction of routine morning business will expire at 9 a.m., at which time the unfinished business will be laid before the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication and a letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971 (S. Doc. No. 91-100)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1971, in the amount of $1,650,000, in the funds appropriated to the President, for the protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations (with an accompanying paper); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the high turnover of managers directing major research and development projects, Department of the Army, dated August 31, 1970 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the Congress of the United States to reverse the action of the House Ways and Means Committee prohibiting the President of the United States from increasing oil imports and to adopt the recommendations of the Presidential Cabinet Task Force on oil imports

"Whereas, New England has in recent years been the victim of great discrimination in the price of home heating oil because of the existing national oil import quotas; and

"Whereas, As a result of such quotas there has been a serious shortage of #2 home heating oil in the New England area; and

"Whereas, Massachusetts consumers alone use 2.2 billion gallons of home heating oil annually; and

"Whereas, Recent action of the United States House of Representatives Ways and Means Committee prohibits the President from increasing oil imports and adopting the recommendations of the Presidential Cabinet Task Force on oil imports; and

"Whereas, Such action by the Ways and Means Committee prevents a reduction in the price of oil in New England and interferes with the availability of an adequate supply of such oil; now, therefore, be it

"Resolved, That the Massachusetts Senate memorializes the Congress of the United States to reverse the action of the United States House Ways and Means Committee prohibiting the President from increasing oil imports and adopting the recommendations of the Presidential Cabinet Task Force on Oil Imports; and be it further

"Resolved, That copies of these resolutions be forwarded by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, August 17, 1970."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

SENATE JOINT RESOLUTION NO. 36—RELATIVE TO OPEN HEARINGS

"Whereas, The Los Padres National Forest is a valuable land owned and operated by the federal government in the State of California; and

"Whereas, The U.S. Gypsum Co. has applied for a mineral extraction lease on certain portions of the forest in the Sespe Creek Watershed of Ventura County under terms of the Federal Mineral Leasing Act of 1920 and proposes to excavate approximately 400 acres within a 2,434-acre lease to a depth of 50 to 400 feet and a length of four or more miles for open-pit mining of phosphate compounds; and

"Whereas, There is much public concern that the proposed mining operation and associated roads, processing plants and other facilities may adversely affect the environment, water purity, air quality, and wildlife and recreation use of the forest; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States and the Secretary of the Interior to order the Bureau of Land Management to hold public hearings into the matter of the proposed lease for open-pit mining by the U.S. Gypsum Co. in the Sespe Creek Watershed of the Los Padres National Forest; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the City Council of Youngstown, Ohio, praying for a total integration of transportation on a national scale; to the Committee on Commerce.

Petitions signed by sundry citizens of Huron County, Mich., expressing concern for the prisoners of war and the men missing in action; to the Committee on Foreign Relations.

A resolution adopted by the American Bar Association, Chicago, Ill., praying for the enactment of legislation to eliminate hunger and malnutrition; to the Committee on Labor and Public Welfare.

S. 4316—SMALL BUSINESS AMENDMENTS ACT OF 1970—REPORT OF A COMMITTEE (S. REPT. NO. 91-1158)

Mr. McINTYRE, from the Committee on Banking and Currency, reported an original bill (S. 4316) to clarify and extend the authority of the Small Business Administration, and for other purposes, and submitted a report thereon; which bill was placed on the calendar, and the report was ordered to be printed.

AIRCRAFT NOISE—RESOLUTIONS BY THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY. Mr. President, Massachusetts is continuing to suffer from the noise of aircraft at our airports. Recently, the General Court of my State memorialized the Congress to enact more stringent legislation to minimize aircraft noise. I ask unanimous consent that the resolutions be printed in the RECORD, and appropriately referred.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, the resolutions will be printed in the RECORD, and will be appropriately referred.

The resolutions were referred to the Committee on Commerce, as follows:

RESOLUTION FROM THE COMMONWEALTH OF MASSACHUSETTS

Resolutions memorializing the Congress of the United States to enact legislation to minimize aircraft noise

Whereas, Use of jet aircraft has created a serious national aircraft noise problem which will become more serious with the expansion of jet service and the development of supersonic service; and

Whereas, The aircraft noise problem cannot be solved at the local governmental level and properly is a problem for national concern by virtue of federal statutes defining airspace as being within the public domain and subject to the jurisdiction of the federal government; and

Whereas, Numerous bills dealing with the problem have been introduced in Congress; now, therefore, be it

Resolved, That the general court of the commonwealth of Massachusetts respectfully urges the Congress of the United States to enact legislation establishing criteria for levels of aircraft noise acceptable to persons on the ground; making it necessary for civil transport aircraft to meet such standards as a condition of federal certification of airworthiness; authorizing establishment of such rules and regulations as may be required to impose such criteria; and providing financial assistance to municipalities and other public bodies which operate airports for the necessary expansion thereof to help resolve the noise problem; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

Senate, adopted, April 30, 1970."

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, September 1, 1970, he signed the

enrolled bill (H.R. 17133) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, which had previously been signed by the Speaker of the House of Representatives.

S. 4319—TEMPORARY EXTENSION OF CLEAN AIR AND SOLID WASTE DISPOSAL ACT—REPORT OF A COMMITTEE (S. REPT. NO. 91-1159)

Mr. MUSKIE, from the Committee on Public Works, reported an original bill (S. 4319) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 90 days, and submitted a report thereon; which bill was considered, by unanimous consent, passed, without amendment, and the report was ordered to be printed.

(The remarks of Mr. RANDOLPH when the bill was considered appear later in the RECORD under the appropriate heading.)

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, or passed, as follows:

By Mr. GORE:

S. 4310. A bill to assist in alleviating the shortage of coal and electrical energy by removing provisions of the income tax laws which are conducive to restricting the supply thereof, by temporarily relieving the Tennessee Valley Authority from certain repayment obligations, by imposing export controls on coal, and by preventing the monopolization of the sources of energy; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear below under the appropriate heading.)

By Mr. SCHWEIKER:

S. 4311. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes; to the Committee on Armed Services.

By Mr. FONG:

S. 4312. A bill to amend the Immigration and Nationality Act to provide that parents of permanent residents be eligible to file for the second preference category and to include sons and daughters within the provision relating to waiving the exclusion from the United States for fraud; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 4313. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 100th Anniversary of the city of Birmingham, Ala., and the 75th anniversary of the selection of Vulcan, the mythological Roman god of fire and iron, as a symbol of the unity of the working people, natural resources, the steel and iron industry, capital, and economic growth and progress in Birmingham, Ala., and throughout the Nation; to the Committee on Post Office and Civil Service.

(The remarks of Mr. ALLEN when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 4314. A bill for the relief of Miss Inkeri Perkkio; and

S. 4315. A bill for the relief of Doris Ann Janzen; to the Committee on the Judiciary.

By Mr. MCINTYRE:

S. 4316. A bill to clarify and extend the authority of the Small Business Administration, and for other purposes; placed on the calendar.

(See reference to the bill when reported by Mr. MCINTYRE which appears earlier in the RECORD.)

By Mr. PEARSON:

S. 4317. A bill to amend Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of limited air carriers, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. PEARSON when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 4318. A bill for the relief of Indarjit Ramnarine; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 4319. A bill to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 90 days; reported, considered, and passed.

(See reference to the bill, when reported by Mr. MUSKIE, which appears earlier in the RECORD under the appropriate heading.)

By Mr. GOODELL:

S. 4320. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

(The remarks of Mr. GOODELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. TYDINGS):

S. 4321. A bill to amend title 28, United States Code, relating to the annuities of widows of Supreme Court Justices; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. PROUTY, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH):

S.J. Res. 234. Joint resolution to authorize and request the President to proclaim the period September 12, 1970, through September 20, 1970, as "Myasthenia Gravis Week"; to the Committee on the Judiciary.

(The remarks of Mr. JAVITS when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 4310—INTRODUCTION OF A BILL TO ALLEVIATE THE FUEL SHORTAGE AND PROVIDE FOR ENERGY CONSERVATION AND AVAILABILITY

Mr. GORE. Mr. President, coal stocks at many of TVA's generating plants, as well as plants of many utilities around the country, both privately and publicly owned, stand at dangerously low levels. A national crisis in energy impends.

On August 27—just last week—there was only enough coal on hand at two of TVA's plants, Colbert and John Sevier, to run at full capacity for 4 days. At the Johnsonville and Kingston plants there was a 5-day supply of coal. Widows Creek had 6 days of coal on hand. Other TVA plants were somewhat better off. Overall, TVA had on hand last week about one-fifth the supply of coal it considers appropriate, necessary and prudent to insure uninterrupted service.

The slightest interruption in day-to-day deliveries would necessitate shutting down several generating plants. And this would, in turn, mean not only discomfort and inconvenience for thousands of homeowners, but also the loss of jobs for thousands of employees in industries and commercial establishments which cannot operate without electricity.

This sorry situation did not develop overnight. It has been in the making for several years, even though it has become apparent to the general public with disconcerting suddenness. And it has come about not by chance, but through the careful planning of some of our major corporations, and with the knowledge and tacit approval, if not the open support, of the Nixon administration.

Several Senators have proposed studies and investigations of various sorts. I, too, want this matter thoroughly studied, for its long-range implications are even more serious than now readily apparent. I have joined in sponsorship of some of these study and investigation proposals.

But action is needed now to forestall a big increase in electric rates. There are specific actions which can be taken immediately without waiting for more studies, and I have prepared a bill which I send to the desk for introduction and referral. This bill would provide for an immediate attack on this problem of fuel shortage—really fuel control by a few big corporations—for electric power generation.

The need for maintaining a steady growth in the supply of cheap electricity is so obvious as not to require elaboration. All modern industrial societies are economically based in part on electricity. The continued growth of our economy and the continuing comfort and high standard of living of our people demand the continued availability of fuel, particularly coal, in ever-increasing supply, for our generating plants. Coal is also directly essential to the production of steel, cement, chemicals; without an ever-increasing supply of cheap coal and other fuels, our standard of living will begin to fall, and drastically.

The remarkable economic growth we have enjoyed since World War II is closely related to the expansion of facilities and capacity for generation of electric power. At present rates of growth, electric generating capacity must double every 10 years. But at this moment in time, we are simply not prepared to keep up.

For we face right now, today, a fuel shortage which threatens our economic health as well as our physical well-being this winter.

The key fuel, insofar as electric power generation is concerned, is coal. Excluding hydropower, coal accounts for 63 percent of fuel used by our electric utilities. This may be reduced as time goes on as more nuclear generating capacity is brought into operation, but at the present time and for several years to come we must continue to depend on coal to a great extent. And the coal companies, until quite recently, have met the challenge of production. Generating plants use four times more coal now than they did at the end of World War II, and the independent coal companies have heretofore increased output through

advances in mining techniques and mechanization. One man now produces almost 20 tons of coal per day, compared to 5.8 tons at the end of World War II.

Our other sources of energy—oil, natural gas, hydropower, and nuclear energy—are also important, but they, too, are either in short supply or with limited production.

Production of domestic oil is regulated by the various States. A rather tight lid is kept on production in order to insure a good price. And, while foreign oil importation could relieve the production and price problem, a tight import quota system remains in effect.

Natural gas is in short supply—at least where it is needed. While producers complain that Government regulations inhibit sufficient gas production and exploration, there are reports that gas is being artificially held back from would-be consumers.

Coal production is more than 10 million tons short of probable consumption this year. And the coal companies no longer independently controlled, show no signs of wanting production to catch up with consumption.

Nuclear power has not come on as fast as had been predicted. Overall, the program is 2 or 3 years behind. Of the 65 nuclear powerplants scheduled for service between 1970 and 1976, 23 have already been delayed by up to a year.

Hydropower seems about to have nearly reached its limits. New sites are extremely scarce. Some progress may be made in pump-storage procedures to allow some extra generation during peak-load hours, but this appears to be about all that can be done in this direction now.

To sum up, we must depend on oil, gas, coal, and nuclear energy to meet increased electricity demand. And the frightening thing about all of this is that we now have a quasi-monopoly in these fuels. The big oil companies are making a determined effort to attain control of all energy sources. In fact, they already, with help from the Nixon administration, manage effective control.

During the past 5 years, the oil companies have been busily buying up the larger coal producers. They have also been busy in the nuclear area, and may soon even be in a position to dominate absolutely the production of nuclear fuels.

Already, the squeeze on the consumer is tight. Coal prices are being raised at the rate of 56 percent per year; fuel oil is up about 48 percent. Already, the additional cost to the consumer from these fuel price increases amounts to a billion dollars per year through higher electric bills.

And the worst is yet to come—unless President Nixon or Congress acts. The people can hardly expect salvation from the executive branch, as we have seen in so many instances. So Congress should act and hope for Presidential cooperation.

Several reasons have been advanced for our sudden shortage of coal. It has been suggested that there is a shortage of freight cars, and there is a shortage. It is felt by some that the Federal Coal Mine Health and Safety Act of 1969 has been responsible for closing some mines and increasing cost of coal. Some smaller mines are closed, although there has been a spurt in strip mining. There has been an increase in exportation of coal, and this has been felt both in the supply and in the price. Some feel there is a shortage of manpower for mining.

But I submit that an overriding reason for coal shortages and increased prices lies in the concentration of ownership of our Nation's coal supplies and producers in a few giant corporations which also own oil and gas operations.

The concentration of ownership of fuel sources in a few hands should be cause for concern to all who value our system of competitive, free enterprise. And the Nixon administration, which prates about the preservation of our free enterprise system, has taken absolutely no steps to correct this dangerous situation. Rather, through continuation of the oil import quota program, through the recent and thoroughly unjustified hike in the cost of nuclear fuel enrichment, through failure to enforce the antitrust laws, through resistance to true tax reform, and by creating a climate conducive to further big business grabs, much is being done actually to destroy competitive, free enterprise.

Beginning in 1965, the independent coal companies began to disappear. This disappearance was not brought about through failure to make a profit or inability to continue in business. The disappearance was, rather, brought about by consolidations and acquisitions. And, most disturbing to me was the fact that many of the largest coal companies were being bought up by oil companies. I warned Congress and the people of my State about this threat of monopoly in 1966. Moreover, I tried to strike down the tax favoritism that spanned the fuel monopoly.

Perhaps I am overly sensitive to the depredations of big oil companies. I have fought them consistently since I have been in Congress, and, in turn, they have fought me and continue to do so.

The alarming fact we now face is the ownership of a large part of our coal reserves by oil companies, and other giant conglomerates not primarily concerned with coal production. Eight of our 10 largest coal companies are owned by oil or mineral corporations. And, according to TVA power manager James Watson, the oil companies are not particularly concerned about selling coal.

Coal companies, under their now ownership and new management policies, simply refuse to bid when asked to do so. A recent experience by TVA had been duplicated, I understand, in other parts of the country. TVA asked for bids for delivery of 140,000 tons of coal per week for one of its new steam plants. It received only one bid, and that for only 20,000 tons. And the price was very high.

TVA has announced a whopping 23-percent increase. This is a sharp blow to homeowners and industries in the Tennessee Valley. TVA lacks the flexibility of a privately owned utility, a matter I shall go into in some detail in a few minutes.

An electric utility, public or private, must meet its increased costs sooner or later. And these increases, brought about largely through increased cost of fuel and through higher interest rates, must be paid by the consumer.

In the case of TVA, the 23-percent increase in rates will bring in $115 million per year. This is a heavy burden on the people of Tennessee.

But, suppose TVA tries to switch to oil or gas. It must largely deal with the same capital interests.

In the last few years, many of our major oil companies have acquired holdings in competing fuels. Of course, they have always had a tight grasp on gas. They made a real breakthrough in coal in 1966 when Continental Oil took over Consolidation Coal—a deal I unsuccessfully fought. The pace of acquisition quickened after that and today, as I have said, eight of the 10 largest coal producers are owned by oil, mineral, or other industrial giants.

I tried, as I have said, to put a stop to the acquisition of Consolidation Coal by Continental Oil, particularly since that acquisition was undertaken through the use of a most reprehensible and indefensible tax loophole. I was not successful in stopping that one, although this tax loophole has now been pretty well closed up. I have discussed this particular matter several times in the Senate, and will not review it at this time.

Now, with the oil companies controlling most of the fossil fuels, the only remaining hope for competition rests with nuclear fuel. And whose tracks do we find in the nuclear field?

According to testimony presented to the Senate Antitrust Subcommittee, oil companies now control 45 percent of known uranium reserves. Oil companies control uranium milling. Oil companies own four out of five plants for reprocessing used nuclear fuel elements.

About the only operation in the nuclear field not already dominated by oil companies is the enrichment process which the Federal Government now controls. President Nixon, true to form, has been busying himself to find a way to "sell" these enrichment plants at Oak Ridge, Paducah, and Portsmouth to private enterprise. I have spoken out on this matter many times, as have other Members of the Senate, particularly those who are on the Joint Committee on Atomic Energy. I will not repeat what I have already said. I will say at this point only that I will continue to oppose to the utmost of my ability the President's planned giveaway of the people's assets in the nuclear processing plants.

The Nixon administration recently announced a 10-percent rise in the cost of enriching nuclear fuel. This was wholly unnecessary, and can serve only to underpin the oil companies' price increases on fossil fuels, as well as to prepare the way further for a profitable commercial operation of nuclear fuel enrichment

when the contemplated giveaway of the enrichment plants finally does materialize—probably after the fall elections.

As if the monopolistic grasp on fossil fuels by the oil companies were not enough, the Nixon administration continues to help these giants by continuing the oil import quota program.

And, at the same time, exports of coal have taken a sudden jump.

Now, ordinarily I am in favor of increased exports, of increased world trade. We need to correct our always dangerous balance-of-payments deficit. But we must do this in an orderly fashion, and without crippling domestic industry.

The Export Control Act authorizes control over exports for three purposes—national security, foreign policy, and short supply. It is obviously in the national interest at this time of fuel shortage to control exports of coal, since this commodity is definitely in short supply.

At the present time, the only commodities subject to short supply controls are copper and nickel. The President should take steps immediately to place coal on this list. I call upon the President to do so as the first step to forestall the announced increase in TVA electric rates.

Exports of coal now amount to about 9 percent of production. Exports to Japan have taken a particularly sharp rise in the last few years.

The time for action has arrived. Consumers must not be burdened with what amounts to a transfer of taxes from the oil companies to them. Utilities such as TVA must be allowed to operate in a more truly competitive situation in the purchase of fuel.

The Nixon administration talks a great game of "free enterprise." I now call on President Nixon to help preserve free enterprise by restoring competition to the fuel field. How can he continue to ignore this shaky situation in fuels brought on by oil company concentration?

Export controls should be placed on coal. I would not deny any exports at all, but they should be held down to the level of recent years before the big jump in 1968–69. Our own needs come first. That is why we have the Export Control Act.

Next, antitrust action is obviously the first step to be taken. The hold of the oil companies on our fuel supply must be broken. The giant conglomerates involving coal producers must be broken up and at once. I call upon the administration for this needed action.

Third, tax changes which would discourage conglomerates should be adopted. This would require congressional action which I urge.

Fourth, the import quota program on oil should be discontinued. The President extended this import quota only a few days ago. I call upon the President to rescind this in the public interest.

And, lastly, at least as a measure of temporary relief, the payback provision of the TVA Self-Financing Act should be suspended until interest rates are brought down to reasonable levels. This payback provision perhaps requires some explanation for those colleagues not entirely familiar with TVA's self-financing of its power operations.

It will be recalled that under the Eisenhower administration, TVA was ruthlessly attacked. Dismemberment and ultimate disposition was the plan. When that failed, due to the resistance of some of us in the Senate, the attack was continued through refusal of the administration to ask for funds for construction of additional electric generating facilities. Congress finally enacted a self-financing bill under which TVA could sell its own bonds and build its own power facilities.

But administration hostility dictated stringent terms to be imposed on TVA. Not only was TVA required to pay for its future construction by going into the marketplace, it was also required to pay a high rate of return on amounts already appropriated. Now, this might be regarded as something of a dividend to the American people as the owners of this utility. But the amount of this dividend was to be determined by the future cost of money, not by the cost of the money used to build the original facilities when money was much cheaper.

Another provision which was also included, and which is never required of a privately owned utility, required that TVA repay to the Federal Government its original investment in TVA's power facilities.

This latter requirement, comparable to requiring a private corporation to repay equity capital, should never have been imposed on TVA, but it was necessary at the time in order to get the agreement of the Eisenhower administration to the continued existence and growth of TVA. This payback provision surely should be suspended during these unusual times of abnormally high fuel and artificially high interest rates. I call upon President Nixon to help suspend this burden as a partial means of preventing the planned increase from going into effect.

Now, Mr. President, with this brief but unavoidably somewhat tedious background, I have sent to the desk a bill which will, if enacted, do much for the immediate relief of TVA and other utilities, and I would hope it would also be of material assistance in restoring a measure of competition necessary for the survival of free enterprise in our country.

Title I of the bill contains proposed changes in tax law, changes which should discourage further acquisition and consolidation of coal operations and reserves. I discussed these tax changes on August 19 of this year, and my colleagues may find this discussion beginning on page 29502 of the CONGRESSIONAL RECORD.

Title II would suspend the payback provision for TVA until interest rates come down to a decent level. This suspension would enable TVA to reduce materially its most recent rate increase.

Title III would limit coal exports to the level of the average of the 5 years 1964–68, prior to the more recent spurt in exports.

Title IV would amend the antitrust laws to insure the coverage of conglomerates involving the fuels industries, and it would also strongly urge the President to see to it that the Justice Department proceeds immediately to enforce this new law.

Now, Mr. President, I am not sure that what I am now proposing is all that needs to be done. As I said earlier, I have also joined many of my colleagues in sponsoring proposals for more detailed studies and investigations. But I would certainly hope that the obvious and timely steps I am today recommending will not be put off until a more thorough solution is found.

I am concerned, seriously concerned, over the concentrated control which now exists in fuels. This is most dangerous to the national welfare, both in the short and in the long run. It must not be tolerated. Government, as the agent for the whole society, must act for the common good. This is the purpose of government. Why else should we tolerate such an expensive, wasteful, irritating thing as our National Government? We tolerate its shortcomings in the expectation that it will, on occasion, move to our defense. This is such an occasion.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4310) to assist in alleviating the shortage of coal and electrical energy by removing provisions of the income tax laws which are conducive to restricting the supply thereof, by temporarily relieving the Tennessee Valley Authority from certain repayment obligations, by imposing export controls on coal, and by preventing the monopolization of the sources of energy introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

S. 4313—INTRODUCTION OF A BILL RELATING TO ISSUANCE OF A SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE CITY OF BIRMINGHAM, ALA.

Mr. ALLEN. Mr. President, I introduce for myself and the distinguished senior Senator from Alabama (Mr. SPARKMAN) a bill to provide for the issuance of a special series of postage stamps to commemorate both the 100th anniversary of the city of Birmingham, Ala., and the 75th anniversary of the selection of Vulcan, the mythological Roman god of fire and iron, as the symbol of the Birmingham iron and steel industry.

Mr. President, in 1971 the city of Birmingham, Ala., will celebrate its 100th anniversary. In anticipation of this event, the mayor, Hon. George G. Seibels, Jr., and members of the city council on August 11, 1970, and the president of the county commission of Jefferson County, Ala., Hon. W. Cooper Green, and members of the county commission on August 25, 1970, adopted resolutions both of which call upon the President of the United States, the Postmaster General, and the Post Office Department to issue a commemorative stamp bearing a likeness of Vulcan. The reasons underlying the selection of this symbol for a com-

memorative stamp are numerous and interesting both from a historical point of view and from the viewpoint of symbolic meaning.

Mr. President, Vulcan is the largest cast iron statue ever built in the United States. It is situated on top of a mountain of iron ore more than 100 miles long and is located in a Birmingham public park on which the city is currently spending $1 million to further beautify.

The statue was built by public subscription with substantial contributions from business and civic leaders including the United Mine Workers of America, Building and Trades Council, and many women's civic organizations. The park is open and free to all.

The resolutions make a strong case for issuance of the Vulcan commemorative stamp and I ask unanimous consent that they be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred; and, without objection, the resolutions will be printed in the RECORD.

The bill (S. 4313) to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the city of Birmingham, Ala., and the 75th anniversary of the selection of Vulcan, the mythological Roman god of fire and iron, as a symbol of the unity of the working people, natural resources, the steel and iron industry, capital, and economic growth and progress in Birmingham, Ala., and throughout the Nation introduced by Mr. ALLEN (for himself and Mr. SPARKMAN), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The resolutions presented by Mr. ALLEN are as follows:

RESOLUTION BY THE COUNTY COMMISSION OF JEFFERSON COUNTY

Whereas, the year 1971 marks the 75th Anniversary of the adoption of Vulcan, mythological god of fire and metal work, as a symbol of the Birmingham iron and industry; and

Whereas, 1971 marks the 100th Anniversary of the City of Birmingham, Alabama; and

Whereas, the people of Birmingham did in 1903 conceive and construct the world's largest statue, a 60 ton Vulcan, this being a monumental achievement of our American workmen; and

Whereas, this Iron Man, Vulcan, is the largest statue ever built in the United States and the largest cast statue in the world; and

Whereas, Vulcan has been a national and world tourist attraction from the time of its construction; and

Whereas, the Government of the United States does promote the idea of "DISCOVER AMERICA" and national tourism; and

Whereas, the City of Birmingham is currently spending more than one million dollars to further enhance this great historical and tourist attraction.

Now, therefore, we the County Commission of Jeffersor County, Alabama, do resolve, and respectfully call upon The President of the United States, and The Honorable Postmaster General of the United States, and The Post Office Department, to cause to be issued in the Year 1971, in Birmingham, Alabama, a postage stamp commemorating the 75th Anniversary of Vulcan, as a symbol of the working people of Birmingham and The United States, and the steel and iron industry of the South, and for the other unique attributes of the statue and the City.

Adopted unanimously this the 25th day of August, 1970.

W. COOPER GREEN,
President.
E. H. (EDDIE) GILMORE,
Associate.
THOMAS B. (TOM) PINSON,
Associate.

Attest:

E. H. GAMBLE,
Comptroller.

RESOLUTION BY THE CITY COUNCIL OF BIRMINGHAM, ALA.

Whereas, the year 1971 marks the 75th Anniversary of the selection and promulgation of Vulcan, mythological Roman god of fire and iron, as a symbol of the Birmingham iron and steel industry and that of the South; and

Whereas, the year 1971 marks the beginning of the 100th Anniversary of Birmingham, Alabama, the recognized steel and iron center of the South; and

Whereas, the greatest progress of the United States took place following the emergence of Southern steel and iron industry; and

Whereas, a combination of people from New York, New Jersey, and Alabama, under the guidance of the great Italian artist, Guiseppe Moretti, produced the world's largest Iron Man, Vulcan, which was, and is, rated of high artistic merit; and

Whereas, this Iron Man represents a product of American Democracy at its best, being the most monumental achievement of the American Iron Industry, and an important memorial to America's working men, and those of Birmingham in particular; and

Whereas, this Iron Man was built by public subscription, including those of business, citizens, The United Mine Workers, Building and Trades Council, women's civic organizations, and others, and is open and free to all; and

Whereas, Vulcan has been a national and international tourist attraction from its inception, being viewed by more than 19,000,000 people in the first six months of its existence, and untold millions since; and

Whereas, the Government of The United States does promote "Discover America", and tourism from foreign countries, in consideration of international friendship and balance of trade; and

Whereas, this statue is an American phenomenon, being the largest statue ever built in the United States, towering more than 600 feet above sea level, atop a mountain of iron ore more than 100 miles long; and

Whereas, the statue of Vulcan will enjoy its 25th Anniversary as a unique promoter of traffic safety in the United States in the year 1971; and

Whereas, we wholeheartedly support the announced issuance of the Stone Mountain, Georgia Stamp, as being in the best American traditions, promoting our history, and tourist attractions; and

Whereas, the statue of Vulcan is a tourist and historical attraction of equal, or greater magnitude; and

Whereas, The City of Birmingham is currently spending more than one million dollars to further beautify Vulcan and its surrounding public parks, and is free to all; and

Whereas, The City of Birmingham, aside from owning and building Vulcan, did further grow from zero population to a district of over 200,000 people in thirty years, justly earning the title "Magic City"; and

Whereas, The City of Birmingham deserves the honor of recognition for these important anniversaries, and has just received the further honor of being a finalist in the nomination for "All-American City" award, which honor will encompass the year 1971, if received, in this national awards contest; and

Whereas, The City of Birmingham feels this recognition justly deserved for itself and the State of Alabama.

Now, therefore, we the City Council of The City of Birmingham, Alabama, with the Mayor concurring, do resolve, and call upon The President of The United States, The Honorable Postmaster General of The United States, and The Post Office Department, to cause to be issued in the Year 1971, in Birmingham, Alabama, a postage stamp commemorating the 75th Anniversary of Vulcan, as a symbol of the working people of Birmingham and The United States, and the steel and iron industry of the South, and for the other unique attributes of the statue and the City.

Adopted unanimously this the 11th day of August, 1970.

GEORGE G. SEIBELS, Jr.,
Mayor.
JOHN E. BRYAN,
Council Member.
LISTON A. CORCORAN,
Council Member.
DON A. HAWKINS,
Council Member.
NINA MIGLIONICO,
Council Member.
M. E. WIGGINS,
President of the City Council.
E. C. OVERTON,
Council Member.
ARTHUR D. SHORES,
Council Member.
TOM W. WOODS,
Council Member.
RUSSELL YARBROUGH,
Council Member.

Attest:

SARAH W. NAUGHER,
Acting City Clerk.

S. 4317—INTRODUCTION OF THE LIMITED AIR CARRIER ACT OF 1970

Mr. PEARSON. Mr. President, small communities across this Nation are vitally dependent upon adequate transportation. Just as our cities are faced with critical problems of congestion, pollution, and other dilemmas related to transportation, so are small- and medium-size towns affected by the lack of fast and efficient service surface and air transportation. It is my conviction that the future of the United States depends on how well we accomplish the redistribution of our population away from our major hub cities. And as I have stated here many times before, the key to this dream of rural development is transportation.

Unfortunately, the present transportation picture in Small Town U.S.A., is not particularly attractive, as many of us know. In Kansas and in other parts of the country rail transportation is deteriorating and disappearing. Bus transportation remains inadequate. Increasingly, air transportation is vital to the growth of our small- and medium-sized communities.

However, our Aviation Subcommittee of the Senate has been alarmed to note that instead of increasing the number of flights, many regional carriers are suspending or abandoning service to many towns on their systems. Last week

our subcommittee held hearings in my State in an effort to determine the magnitude of this problem at representative communities across the Nation. The record developed at those hearings has prompted me to introduce this legislation in an effort to insure that small- and medium-sized communities will be afforded reliable air service for the future.

The special and urgent need for this legislation is demonstrated by our experience with regional air carriers—originally known as "feeder airlines." These carriers originally flew aircraft of small capacity, such as air taxi operators and commuter air carriers now operate. However, as pressure from Congress urged reduction in subsidy payments, these carriers began using larger aircraft in an effort to operate more profitably. And as larger aircraft were utilized, regional carriers gradually "outgrew" many of the small towns on their systems. The result of this cycle of decreased subsidy and increased costs was a substantial cutback in service to those communities which the regional carriers had originally served. We are now faced, Mr. President, with an extremely large gap in our air transportation system, a gap that can only be filled through the use of smaller capacity aircraft providing frequent, reliable service.

Accordingly, the legislation I am introducing today is intended to achieve the following objectives:

Create and maintain a class of air carriers that can serve that portion of the public that has not and cannot be served by present classes of certificated air carriers by granting the Civil Aeronautics Board the authority to establish a limited air carrier certificate;

Provide the opportunity for the development of new routes and service for the many communities that have suffered from inadequate service;

Provide the stability necessary for a class of air carriers that has been suffering financial losses and failures;

Establish on a solid, legal basis an important segment of our airline industry that is now operating on a temporary basis of questionable validity;

Provide a means by which subsidy to the airline industry may be reduced while service to the public may be increased and improved; and

Provide increased safety and reliability for the industry by encouraging the design of an aircraft to serve a predictable market.

Mr. President, I ask unanimous consent that this bill and an explanation of it be printed in the RECORD.

The PRESIDING OFFICER (Mr. CASE). The bill will be received and appropriately referred; and, without objection, the bill and explanation will be printed in the RECORD.

The bill (S. 4317) to amend Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of limited air carriers, and for other purposes, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Limited Air Carrier Act of 1970".

SEC. 2. The Federal Aviation Act of 1958, as amended, is further amended by adding the following:

(a) Section 101 (49 U.S.C. 1301) is amended by redesignating paragraphs (34) and (35) as (36) and (37) and by inserting the following new paragraphs:

"(34) 'Limited air carrier' means an air carrier holding a certificate authorizing it to engage in limited air transportation.

"(35) 'Limited air transportation' means air transportation by aircraft rendered pursuant to a certificate of authority issued to section 401(d)(4) of this Act to provide scheduled service with aircraft of limited capacity."

(b) Section 401 (49 U.S.C. 1371) is amended by adding the following new paragraph to subsection (d) thereof:

"(4) In the case of an application for a certificate to engage in limited air carrier transportation the Board may issue a certificate to any applicant not holding a certificate under paragraph (1), (2) or (3) of this subsection, authorizing the whole or any part thereof, and for such periods as may be required in the public interest, if it finds that the applicant is fit, willing and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

"In determining whether an applicant is fit, willing and able, the Board may reach this determination on the basis of information furnished the Board in writing and without a hearing. The submission by an applicant of information either on the original application or in the form of any supplemental information furnished in connection with such application shall constitute representation that such information is true and correct to the best of the applicant's information and belief. Upon the finding that any material representation so furnished is not correct, or is untrue the Board may deny the application or suspend or revoke any certificate issue pursuant to such application.

"In the event (i) an applicant is conducting operations as a limited air carrier on the effective date of the Limited Air Carrier Act of 1970 and (ii) such application has been filed with the Board within 30 days after such effective date, then such applicant may conduct such limited air carrier operations until such time as the Board shall have ruled upon the application.

"The Board shall not be required to find that public convenience and necessity require the issuance of a limited air carrier certificate, but shall adopt such rules and regulations and requirements as it may deem in the public interest to implement and enforce the policies set forth in section 102 of this Act.

"Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be in accordance with the purpose of limited air transportation."

(c) Section 401 (49 U.S.C. 1371) is amended by adding before the period at the end of subsection (e)(4) the following: ", or in a certificate for limited air transportation, as required by subsection (d)(4) of this section, the Board shall limit the capacity of the aircraft to be used."

(d) Section 401 (49 U.S.C. 1371) is amended by adding the following new subsection:

"(o)(1) No certificate to engage in limited air transportation shall be issued or remain in effect unless the applicant for such certificate or the limited air carrier, as the case may be, complies with regulations or orders issued by the Board governing the filing and approval of policies of insurance, in the amount of such insurance, amounts for which such applicant or such limited air carrier may become liable for bodily injuries to or the death of any person, or for loss or damage to property of others, resulting from the negligent operation or maintenance of aircraft under such certificate.

"(2) If any service authorized by a certificate to engage in limited air transportation is not performed to the minimum extent prescribed by the Board, it may by order, entered after notice and hearing direct that such certificate shall thereupon cease to be effective to the extent of such service.

"(3) The requirement that each applicant for a certificate to engage in limited air transportation must be found to be fit, willing and able properly to conform to the provisions of this Act and the rules, regulations and requirements of the Board under this Act, shall be a continuing requirement applicable to each limited air carrier with respect to the transportation authorized, by and currently furnished or proposed to be furnished under, such carrier's certificate. The Board shall by order, entered after notice and hearing, modify, suspend, or revoke such certificate, in whole or in part, for failure or such carrier (A) to comply with the continuing requirement that such carrier be so fit, willing and able, or (B) to file such reports as the Board may deem necessary to determine whether such carrier is so fit, willing and able.

"(4) The Board shall prescribe such regulations and issue such orders as may be necessary to carry out the provision of this subsection."

(e) Section 403 (49 U.S.C. 1373) is amended by inserting in the first sentence of subsection (a) after the words "Every air carrier:" the following: ", except a limited air carrier"; and, by inserting in the second sentence after the word "prescribe" the following: ", except that a limited air carrier need not file, post or publish tariffs unless directed by the Board to do so,".

(f) Section 406 (49 U.S.C. 1376) is amended by adding the following before the period at the end of subsection (a): ": *Provided,* That a hearing shall not be required in fixing the mail rates for limited air carriers and that special rules and procedures may be established by the Board for fixing mail rates and authority for limited air carriers."

SEC. 3. This Act shall become effective ninety days after date of enactment.

The explanation presented by Mr. PEARSON is as follows:

EXPLANATION OF AMENDMENTS TO FEDERAL AVIATION ACT OF 1958

The purpose of these proposed amendments is to establish a new and separate class of scheduled air carrier. The Civil Aeronautics Board would be given adequate authority to regulate this class in such a manner as to permit its growth, expansion, and stability. The method to be used is patterned after that followed by Congress and the Civil Aeronautics Board in the adoption of the provisions which established the supplemental air carrier industry in 1962.

Just as Congress defined the supplemental air carrier and defined supplemental air transportation, so do I propose definitions for the limited air carrier and limited air transportation (Section 101 (34) (35)).

The Board in establishing the supplemental air carrier amended Section 401 (d) by adding subsection (3). This language would follow that pattern by adding to Section 401 (d), Subsection (4), which is designed to establish a class of carrier which can en-

ter into business with minimum costs and restrictions. The fit, willing and able requirement remains, but the requirement of public convenience and necessity is eliminated. Further, the fit, willing and able requirement may be established without a hearing. Thus, the Board is given reasonable flexibility to establish such rules and requirements as it considers will permit this segment of the industry to serve those communities and that portion of the public that have been and are now without adequate air service.

The policy established by Congress for the supplemental air carrier is followed with respect to the limited air carrier. This policy is included in a new subsection (o) which has been added to Section 401.

With respect to tariffs, the Board would be authorized to eliminate the filing of tariffs or require them in such degree and form as the Board might from time to time consider in the public interest. This is provided for in amendments to Section 403.

BACKGROUND AND NEED FOR LEGISLATION

During the past ten years the Board has permitted the development of a new and separate class of scheduled air carrier through the use of its exemption authority under Section 416. In previous years, the Board also has used this section to establish another class of air carrier—the supplemental air carrier. When the authority under this exemptive section was no longer available because of the growth of the supplemental industry, the Board endeavored to establish a supplemental air carrier certificate without additional legislation. This effort was held invalid by the courts. However, the need and purpose was valid, and through the cooperation of the Board, the industry and Congress, the law was quickly amended granting the Board the necessary authority to certificate and properly regulate the supplementals.

We are in a similar position today with respect to the air commuter industry. In the opinion of many knowledgeable people, the Board has exceeded its authority in its present use of Section 416. Therefore, we should benefit by past experience. We should not wait for difficulties to arise which can be most harmful for the public's service and detrimental to the industry. By the application of our knowledge and experience we can eliminate these difficulties. This legislative proposal is designed to affirmatively provide the Board with adequate authority to establish this new class of air carrier. By so doing, we can provide service to that substantial segment of the public which has not, will not and cannot be economically served except by such a class of air carrier using limited capacity aircraft and operating under regulations designed to fit the service it performs.

Accordingly, it is essential for the continued growth and stabilization of our national transportation system that the Board be given authority and encouragement by Congress to establish this class of carrier as a permanent, rather than a temporary exempt, segment of the air transportation industry. To accomplish this goal, the Board must have authority to determine the capacity of the aircraft which these carriers shall operate in order to assure that there will be adequate service for the traveler, that little or no federal subsidy may be required, and that service may be provided without creating wasteful or destructive competition for the trunk and regional air carrier. The intent of this legislation is to allow the Board sufficient flexibility to ensure that as traffic needs change, as aircraft and route structures change, there will always be a class of dependable carrier to serve small communities with frequency and adequacy at a cost the public can afford.

S. 4320—INTRODUCTION OF A BILL TO PROVIDE FOR THE PROTECTION OF FOREIGN DIPLOMATIC MISSIONS

Mr. GOODELL. Mr. President, I introduce, for appropriate reference, a bill to provide for the protection of foreign diplomatic missions—including consulates—in the United States, its territories, and possessions. This bill gives the Federal Government primary responsibility for the protection of embassies and missions of foreign nations. This would relieve local police departments of the responsibility and free them to attend to their primary duties of protecting the residents and property of their respective communities.

Earlier this year, we passed legislation which created the Executive Protective Service, an expanded version of the White House police force. The EPS now guards foreign diplomatic missions located in the metropolitan area of the District of Columbia. Accordingly, the District of Columbia Metropolitan police force has been relieved of this responsibility.

However, the Federal Government must also assume its responsibility for the protection of foreign diplomatic missions located outside of Washington, D.C. It must assume responsibility for the protection of embassies and consulates located in New York City and other municipalities.

Last December, the Senate Subcommittee on Public Buildings and Grounds held hearings on legislation which provided for the establishment of the Executive Protective Service. At that time Mr. James Rowley, the Director of the Secret Service, stated:

> The responsibility of protecting foreign diplomatic missions rightly and properly belongs to the Federal Government.

I fully concur with Mr. Rowley's judgment.

The legislation I introduce today would increase the area of authority of the EPS. I have asked the Secretary of the Treasury for an estimate of what the authorized statutory strength of the EPS should be if authority of the EPS is increased as I propose. The legislation I propose takes account of this and provides that the statutory size of the EPS be determined by the Secretary of the Treasury.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD. I also ask unanimous consent that the following documents be printed in the RECORD:

A statement which I delivered on the steps of the 19th Police Precinct, 153 East 67th Street, New York City, on August 12, 1970.

Statements by Mayor John V. Lindsay and Police Commissioner Howard Leary. These statements support my bill.

An editorial from the New York Post, dated August 15, 1970. This editorial supports my bill.

A WCBS radio editorial aired August 27, 1970, and August 28, 1970. This editorial supports my bill.

Articles from the New York Times, dated August 6, 1970, August 14, 1970, August 20, 1970, and August 21, 1970. These articles describe problems which beset the city of New York due to the Federal Government's failure to protect foreign diplomatic missions.

A letter, dated August 4, 1970, from Mr. William J. Diamond, chairman of Community Board No. 8, city of New York, to Police Commissioner Howard R. Leary. Mr. Diamond's letter describes the problems which beset the community.

A statement entitled, "Where Are Your Foot Patrolmen?", issued by concerned police officers of the 19th precinct.

A letter I wrote on August 12, 1970, to the Honorable David M. Kennedy, Secretary of the Treasury.

A response to my letter of August 12, 1970, from James E. Smith, Special Assistant to the Secretary of the Treasury.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill and documents will be printed in the RECORD.

The bill (S. 4320) to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions, introduced by Mr. GOODELL, was received, read twice by its title, referred to the Committee on Public Works and ordered to be printed in the RECORD, as follows:

S. 4320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 202 of title 3, United States Code, is amended by striking out clauses (4) and (5) and inserting in lieu thereof "and (4) foreign diplomatic missions (including consulates) located in the United States, its territories, and possessions.".

(b) Section 203 (a) of title 3, United States Code, is amended by striking out the words "as may be necessary but not exceeding eight hundred and fifty in number" and inserting in lieu thereof "as the Secretary of the Treasury determines is necessary to carry out the provisions of this chapter".

The material presented by Mr. GOODELL is as follows:

STATEMENT BY SENATOR CHARLES E. GOODELL PROPOSING LEGISLATION TO RELIEVE NEW YORK CITY POLICEMEN OF EMBASSY GUARD DUTY

For years, the Federal Government has neglected its responsibility in matters pertaining to the protection of foreign diplomatic missions located in New York. As a result, the City of New York has had to assume this responsibility. Unfortunately, the City's resources are limited—Thus, the people of New York have received less police protection than their tax dollars provide for. As a result, the crime rate in the area from 59th to 86th Streets, and from Fifth Avenue to the East River has increased more rapidly than in other areas of the City. 450,000 people live in this area; they are entitled to adequate police protection. Hundreds of merchants do business in this area; they too are entitled to adequate police protection. I, therefore, support this community's effort to put New York City police back on the street.

To this end, I will introduce legislation which will require the Federal Government to assume its responsibility for the protection of foreign diplomatic missions in areas other than Washington, D.C.

Today, New Yorkers pay more than $1.5 million a year in salaries to more than 150 police officers who serve as security guards at foreign diplomatic missions. The legislation I propose will put these officers back on the streets of New York.

The legislation I offer will transfer this responsibility to the Executive Protective Service, the division of the Secret Service which provides security guards to foreign diplomatic missions in the Nation's capital.

STATEMENTS BY MAYOR JOHN V. LINDSAY AND POLICE COMMISSIONER HOWARD LEARY IN SUPPORT OF LEGISLATION PROPOSED BY SENATOR CHARLES E. GOODELL

MAYOR JOHN V. LINDSAY

New York City bears the heavy burden of protecting foreign diplomatic missions with police officers who are desperately needed to fight crime on the streets of our city. Guarding foreign missions is the responsibility of the Federal Government. Under no circumstance should it tie up our local police.

For several years we have tried to get the Federal government to accept its responsibility. Therefore I strongly support Senator Goodell's legislative proposal which would accomplish this.

POLICE COMMISSIONER HOWARD LEARY

The assignment of policemen to fixed posts outside embassies has placed a financial burden upon the taxpayers of the city of New York, and a manpower drain upon their police department.

There can be no question as to the merits of providing protection for the public, including embassy staffs, on the sidewalks and streets outside of diplomatic missions. The question is should New York City assume the full burden of responsibility.

I am hopeful that Senator Goodell will be successful in his efforts to transfer this dual burden from the city government to the Federal government.

THE WRONG BEAT

The city is spending an estimated $1.57 million yearly for a special police program on Manhattan's East Side, but the citizens of that section of town are getting less protection as a result of it. The money is expended to keep patrolmen posted outside the consulates and U.N. legations that dot the area. While the safety of these buildings is thereby secured, crime against people on the neighborhood's unattended streets is rising alarmingly.

Sen. Goodell (R-N.Y.) has come forward with a sensible solution to the problem. He plans to propose legislation which would place responsibility for guarding missions here and in other cities in the hands of the new federal Executive Protection Service. Members of this force, created last March by Congress, are about to relieve Washington policemen of the task of guarding embassies in the capital.

Mayor Lindsay and Police Commissioner Leary both back the bill, and patrolmen on the East Side picketed last month in support of such an arrangement. The residents and merchants there welcome the presence of diplomats in their neighborhood, but they would also welcome the sight of more men in blue along their streets.

DIPLOMATIC PROTECTION

While the crime rate rises steadily on the East Side of Manhattan, as well as elsewhere in New York City, the police department has to carry an additional and unfair burden.

It is the protection of the United Nations and foreign government missions and consulates.

Policemen have been picketing against these fixed assignments which virtually make doormen of them. Shopkeepers on the East Side protest that the foreign mission security assignments are diverting needed police officers from walking beats.

The cost of this police protection is being shouldered by the taxpayers of New York City and is a manpower drain on the police department. More than 100 patrolmen have been assigned to the fixed posts. The financial cost alone, for the City, is nearly two million dollars a year, according to Controller Abraham Beame.

For several months, the Lindsay administration has pursued discussions with the State Department in an effort to arrange for Federal help.

But with one exception, under present laws foreign mission protection is provided only on a local basis, except in cases of "extreme gravity." And then, only on a temporary basis. The exception is Washington, where the Executive Protection Service was created recently to guard the White House and foreign embassies.

In the meantime, New York Police Commissioner Howard Leary has announced action of his own. Police protection for foreign government interests in New York City will be cut almost in half.

Along with the burden of housing the tax-exempt United Nations and its delegations, we believe the protection of all foreign missions in this country should be assumed by the Federal government.

PRIVATE GUARDS PATROL THE EAST SIDE

Along the leisurely avenues and the shaded side streets of the Upper East Side, clusters of small shops display their expensive temptations. But these days the window-shopper who wants to look more closely, or maybe buy, is likely to find the shop door locked and the proprietor wary.

The reason, shopkeepers say, is a lack of foot patrolmen during business hours that has made them vulnerable targets for robbery. A high incidence of crime had led some shopkeepers to band together to hire private guards, others to protest to the Police Department and many to keep their doors locked until they are satisfied that the person seeking admission intends to pay for the merchandise.

The crime problem is not a new one to the affluent area. By the end of 1967, when the robbery and burglary rate were already rising more quickly in that area than in the rest of the city, some shopkeepers had already installed special locks on their doors and taken more valuable merchandise out of shop-windows. But the persistence of crime has worried an increasing number of storekeepers.

ROLE OF POLICE STRESSED

At the 19th Precinct, which patrols the area from 59th to 86th Street between Fifth Avenue and the East River, a group of patrolmen say they, too, are concerned with the lack of protection they are able to give the shopkeepers. They have been protesting their assignments to guard the many consulates and United Nations missions in their area and they ask that they be allowed instead to return to foot patrol.

"The residents and shopkeepers are being discriminated against," said Patrolman Francis Hughes, a spokesman for the group. "The police are primarily an investigative and prevention unit, not a guard agency."

The patrolmen contend that the fixed guard-duty posts account for about 85 men daily, leaving, usually, only a couple of men available to walk a beat.

A Police Department official said that enough men are assigned to any given precinct to permit the fulfillment of all its functions adequately. If the police were no longer to be used for such guard duty, he said, the men would probably be reassigned to another precinct.

But at many shops, such as Vanity Lane, a small dress shop, in the East Eighties, the door is kept locked.

"I've been robbed twice in the last 10 months," said Mrs. Arthur Harris, the owner. "What else can I do? The only way to keep robbers and shoplifters out is to lock the door."

Before a customer is admitted to Mrs. Harris's shop, he is scrutinized by her. If she does not like his looks, he is not admitted.

A check of 26 shops along Madison Avenue, between 60th and 64th Streets—antique stores, boutiques, jewelers—found only four still maintaining an open-door policy, two drug stores and two shoe stores.

There are some businesses, of course, that cannot easily keep their doors locked, such as that of Everett DeFrees, the owner of the Squires Coffee Shop on East 60th Street.

Mr. DeFrees said he had been robbed six times in the last six months, losing a total of about $20,000 in cash and two diamond rings.

"I never see a policeman," Mr. DeFrees said. "There should be a cop on every block, but they can't do that because there aren't enough of them."

He pointed out a scar above his left eye, saying it was the result of a blow he received during a robbery two months ago. As a result, he said, he has lost some of the vision in the eye.

According to William J. Diamond, the chairman of Community Board No. 8, which is supporting the patrolmen's efforts to release more men for street patrol there are no men on foot patrol between 4 P.M. and 8 A.M., and only six men between 8 A.M. and 4 P.M. on a normal day.

At the police station on East 67th Street, however, Lieut. Nicholas Ferrari said there was no fixed number of men assigned to foot patrol. Last night, for instance, he said he would have eight men assigned, and "tomorrow night, maybe none."

Lieutenant Ferrari said that the number of men available depended partly on what else was going on—and the 19th Precinct has many demonstrations.

The lieutenant mentioned not only the Soviet Mission to the United Nations as a frequent target for demonstrations, but also the headquarters of the Federal Bureau of Investigation, on 69th Street, and Hunter College, on Park Avenue between 68th and 69th Streets, as places that have required police presence in recent months.

Mr. Diamond's board has requested a meeting with police officials to discuss what can be done, citing statistics showing that the precinct has the borough's second highest burglary rate and the fourth-highest overall crime rate.

The board also recommended the use of Federal or United Nations law-enforcement officers to replace city policemen outside the missions, or possible legislation to enable retired, physically fit New York City Policemen to do such work.

One group of 100 Madison Avenue merchants, the Madison Avenue General Ideas Committee, or MAGIC, has already hired unarmed, uniformed guards from Interstate Security Service, Inc., to patrol the avenue between 60th and 72d Streets.

Martin S. Wiener, a spokesman for MAGIC, is distressed by the fact that the guards are unarmed.

Harry Budhoo, one of the Interstate guards, feels that, armed or not, his presence has helped reduce crime. "There's not as much shoplifting now," he said. "When they see us they might think again," he said as he walked north along Madison.

LEARY ASKS WASHINGTON TO HELP IN PROTECTING CONSULATES HERE

Police Commissioner Howard R. Leary yesterday called for Federal assistance to guard

foreign consulates and missions here because local protection was placing a "burden on the taxpayers and a manpower drain on the police department."

But there was little hope of immediate assistance, local and Federal officials said, because current laws limit Federal Government protection to "extraordinary cases of extreme gravity," and even then only on a temporary basis.

Mr. Leary's statement followed a meeting yesterday morning with residents of Manhattan's East Side who contend that the shift of police personnel in the 19th Precinct for use at consulates and missions has contributed to a rise in the neighborhood's crime rate.

Last month, about 40 off-duty policemen in the 19th Precinct picketed the station house to protest the use of local officers to guard the missions. William J. Diamond, chairman of Community Board No. 8, supported the policemen's protest and was one of those who met with the Police Commissioner yesterday.

A mayoral spokesman said after the meeting that the Lindsay administration has sought Federal assistance to protect the missions, but that discussions with Washington have revealed that present laws do not permit such help on a regular basis.

Mayor Lindsay, the spokesman said, will support a bill to be introduced by Senator Charles E. Goodell, Republican of New York, that would expand the Executive Protective Service for such a purpose. The service was created last March to guard the White House and foreign embassies in Washington.

Mr. Diamond, the East Side community leader, said yesterday he felt Mr. Leary's statement was "most unsatisfactory." He suggested that the Mayor could issue an ultimatum to Washington by withdrawing local police protection from the embassies, thereby creating an emergency situation and the need for Federal forces.

"Senator Goodell's bill is an excellent bill," said Mr. Diamond, "but you and I know it will be many months, if at all, before it can be effective. In the meantime, we've got to do something about crime on the East Side."

Mr. Diamond's proposal was ruled out by Mr. Leary, who said he was "hopeful that the city will be successful in its efforts to transfer this burden from the city government to the Federal Government." Jay L. Kriegel, the Mayor's special counsel specializing in Police Department affairs, said he had not seen Mr. Diamond's proposal and could not comment on it.

NEW POLICE FORCE IN CAPITAL GUARDS EMBASSIES

WASHINGTON, Aug. 19—The new blue car cruising in northwest Washington carried no printed legend but had seven large red lights on its roof, an extra radio antenna and a special license plate. Inside were two officers wearing sunglasses and with gold braid on the right shoulder of their white shirts.

A longhaired youth watched from in front of a quick-food hangout as the car passed.

"Who are they fooling?" he asked. "Who do they think they are? What are they? Supercops?"

In fact, they were two members of the Executive Protective Service, Washington's newest police force, created to protect foreign embassies and resident diplomats in the capital.

The protective service was created in response to demands from at least 50 countries for better security for the 100 foreign missions here.

In recent years, diplomats have been among the victims of robberies and muggings, and in recent months there has been an increase in political attacks against missions.

The metropolitan police had been giving special attention to embassy security, but at the same time had to respond to all city crime.

The new protective force—an expanded version of the White House Police—is not hampered in this respect and will be able to devote its full resources to the diplomats.

24-HOUR GUARD POSTED

An example of this availability was demonstrated last week after two United States citizens had been kidnapped in Uruguay and one executed. The new service was able to post a 24-hour guard at the Uruguayan chancery here.

The metropolitan police had lacked the manpower even to station a patrolman permanently in front of the Russian Embassy and had depended on short patrols instead.

Eventually, there will be 850 men in the Executive Protective Service, available to guard the diplomats. About 250 of these will continue to guard the White House and the Executive Office Building next to it.

They will all wear the uniform of the White House police, and their blue patrol cars will be marked with a likeness of the White House as soon as the insignia arrive.

Changing the name of the White House police to Executive Protective Service was explained as an effort to avoid any suggestion that the White House or the President was personally involved in any situation that might develop.

The officers will operate as the Foreign Missions Division of the Secret Service under the operational control of a former Washington police captain, Earl L. Drescher.

The metropolitan police had no official comment on this latest Federal police force.

New York City's Police Commissioner, Howard R. Leary, asked last week for Federal assistance for his department's job of guarding the consulates and foreign missions to the United Nations, many of which are clustered within the 19th Police Precinct, on the Upper East Side of Manhattan.

Senator Charles E. Goodell is reported to be planning to introduce a bill that would expand the Executive Protective Service for just this purpose. The shopkeepers and residents of the affluent neighborhood complain that the manpower drain caused by the guard duties has contributed to a rise in the neighborhood's crime rate.

Last month, a group of patrolmen in the 19th Precinct picketed the stationhouse to protest their use as consulate and mission guards.

At a meeting of the Organization of American States this morning, several ambassadors unofficially praised United States timing in increasing embassy security just as political kidnappings seemed to be on an upsurge.

CITY CUTS GUARD FOR FOREIGNERS

(By Robert D. McFadden)

Police Commissioner Howard R. Leary announced yesterday that police protection for foreign government interests here would be cut nearly in half, starting at midnight tonight.

While patrols outside the major United Nations missions and consulates will be maintained at present levels, the Commissioner's order will call for the withdrawal of 50 of the 106 patrolmen assigned to diplomatic posts and the elimination of protection at 17 of 37 locations housing foreign interests.

In recent weeks, policemen have picketed to protest assignment at fixed diplomatic posts, shopkeepers on the East Side have complained that such assignments are keeping patrolmen off walking beats and the Lindsay administration has unsuccessfully sought Federal assistance in providing protection for foreign missions and consulates.

In a statement issued at Police Headquarters, Mr. Leary said the reduced protection had been under consideration for several months and was ordered only after "extensive discussion" with the State Department and the United States Mission to the United Nations.

The statement did not specify the reasons for the reduced protection, but in calling last week for Federal assistance to guard foreign consulates and missions, Mr. Leary characterized such protection as a "burden on the taxpayers and a manpower drain on the Police Department."

Controller Abraham D. Beam said last month that police protection for consulates and missions was costing the city $1.9-million a year.

Current laws limit Federal Government protection to "extraordinary cases of extreme gravity," and even then only on a temporary basis. However, Senator Charles E. Goodell, Republican of New York, has proposed legislation that would expand the Executive Protection Service to provide protection here. The service was created last March to guard the White House and foreign embassies in Washington.

Under the revisions announced by Commissioner Leary yesterday, the Police Department will discontinue all assignments to locations where foreign personnel do not have diplomatic immunity thus eliminating police guards at private buildings where foreign governments have purely financial or political interests.

In addition, policemen will no longer be assigned inside private buildings housing missions or consulates. Instead, walking beats, a block or two in length, will be set up outside some of the buildings, while others will be watched by men in patrol cars.

Foot patrolmen, who will be equipped with walkie-talkies, will give the missions and consulates on their beats special attention—but not their exclusive attention, Mr. Leary pointed out.

PROTECTION TO BE VARIABLE

The Commissioner said the Police Department would "continue to provide special attention to missions, consulates and private locations which may become the target for reprisals as world conditions change."

In an emergency, Mr. Leary said, patrolmen will be assigned to private locations where foreign governments have financial or political interests when those "normally in charge of the premises" are not available, such as during nonoffice hours or on Sundays or holidays.

But such emergency assignments will be automatically discontinued after 24 hours, the Commissioner said, "inasmuch as this should provide sufficient time for the company concerned to hire private security if they so desire."

PRESIDENT OF THE BOROUGH OF MANHATTAN, CITY OF NEW YORK,
August 4, 1970.

Hon. HOWARD R. LEARY,
Commissioner, Department of Police, New York, N.Y.

DEAR COMMISSIONER LEARY: Community Board #8 which is the official spokesman for the east side of Manhattan in the area of the 19th Police Precinct strongly supports those 19th Precinct police officers who are protesting the absence of foot patrolmen in the precinct due to their assignment to guard duty at Missions to the United Nations, consulates and foreign country information offices.

We understand that in two of the three eight hour shifts between 4 p.m. and 8 a.m. each day there are a total of 50 patrolmen on guard duty while there are *no policemen* on patrol duty in the precinct. During the third shift from 8 a.m. to 4 p.m. there are 25 men on guard duty and only six men on foot traffic duty. In addition, we understand

that there are a maximum of eight radio cars per eight hour tour each with two men. It is apparent, therefore, that the overwhelming weight of police effort in the 19th Precinct (which covers the area from 59th to 86th Street from Fifth Avenue to the East River) is concentrated on guard duty rather than on protection of the four hundred and fifty thousand citizens who live in this community.

This is even more disturbing in the face of an increased crime rate in this precinct. The latest figures available from your department show that the 19th Precinct had the *second highest burglary* rate in Manhattan and the *fourth highest burglary* rate city wide. The 19th Precinct also had the *highest auto theft* rate in Manhattan and its total incidence of reported *crime of all types* made it the *fourth* highest in the city.

In light of these upsetting statistics we recommend the following:

1. Use of federal or United Nations policemen for guard duty as was done recently in Washington, D.C. or,

2. Full reimbursement by the federal government in the annual sum of approximately $1,000,000.00 so that *additional* policemen can be assigned to the 19th Precinct if New York City policemen must continue to perform guard duty or,

3. Use of retired but physically fit New York City policemen for guard duty.

To solve the aforesaid vital problems, I hereby request that a meeting between high level police officers and community representatives be scheduled as soon as possible.

Only in this way can we be assured of adequate police protection on Manhattan's upper east side.

Very truly yours,

WILLIAM J. DIAMOND,
Chairman, Community Board #8.

WHERE ARE YOUR FOOT PATROLMEN?

In the 19th Precinct, there are approximately 25 men per shift, guarding the various foreign consulates to the U.N., or approximately 75 men per day.

This represents approximately $1,000,000.00 taxes in the form of police officers' salaries, for police officers not performing police patrol functions. His "Honor" the Mayor said he would put the cop back on the street, he failed to do so in the 19th Precinct. There are no foot patrolmen, while about 25 non-paying and often as not non-friendly countries are afforded a private doorman in the form of a New York City patrolman.

Demand the coverage you are entitled to, that you are paying excessive taxes for!

Insist on the United Nations police protecting these consulates, or that the consulates hire their own guards. The Metropolitan Police Department in Washington, D.C., no longer guard embassies, the Treasury Department has assumed the duty.

Return the dignity of the police officers, put them back on patrol in the streets of the Nineteenth Precinct, patroling for the people who pay the bills. The 19th Precinct has about 450,000 residents, and an unknown amount of visitors and people here on business, without the luxury of a police officer on "their" post. The 25 man average represents about 50 foot patrol posts or about 200 blocks patroled by those 25 men, each and every shift!

Take a good look at Madison Avenue, shops paying astronomical rents and taxes having to pay additional fees for private guards to walk the streets, guards with no authority, or weapons, or more important, moral obligation to even get involved. Why? Because the police in the 19th Precinct are saddled with the burden of protecting the consulates instead of the "paying public" he was hired to protect.

Demand your rights, get vocal, contact the Mayor, care of City Hall, Commissioner Howard Leary, at 240 Centre Street, New York, N.Y. 10013, Council President Garelik, and your Council members, also your State representatives, demand this burden on your taxes, and the officers of the 19th Precinct be placed elsewhere.

Don't complain you can not find a cop, now you know where they are. Do something.

We have the support of the Yorkville Chamber of Commerce, and the Avenue Associations. Now you as an individual can do something.

THE CONCERNED POLICE OFFICERS OF THE NINTEENTH PRECINCT.

U.S. SENATE, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., August 12, 1970.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury, Treasury Building, Washington, D.C.

DEAR MR. SECRETARY: I intend to introduce legislation that would give the Executive Protective Service the responsibility for the protection of foreign diplomatic missions in the United States, its territories and possessions, on a *permanent* basis.

This legislation would amend Chapter 3 of Title 3 of the U.S. Code to increase the present authority of the Executive Protective Service. Accordingly, the statutory strength of the Executive Protective Service will have to be increased.

I would appreciate an estimate of what the authorized statutory strength of the Executive Protective Service should be if the authority of the Service is increased as I propose.

Please direct this information to Mr. Robert Sachs of my staff at your earliest convenience.

With kindest regards, I am

Sincerely,

CHARLES E. GOODELL.

OFFICE OF THE SECRETARY OF THE TREASURY,
Washington, D.C., August 13, 1970.

Hon. CHARLES E. GOODELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOODELL: For the Secretary, I am acknowledging your letter of August 12 in which you request an estimate of the authorized statutory strength requirement of the Executive Protective Service if increased in accordance with your proposed legislation to amend Chapter 3 of Title 3 of the U.S. Code.

You will have a further reply as promptly as possible.

Sincerely yours,

JAMES E. SMITH,
Special Assistant to the Secretary, Congressional Relations.

S. 4321—INTRODUCTION OF A BILL RELATING TO ANNUITIES FOR WIDOWS OF SUPREME COURT JUSTICES

Mr. HRUSKA. Mr. President, for myself and the senior Senator from Maryland (Mr. TYDINGS) I introduce, for appropriate reference, a bill to amend title 28, United States Code, to provide a contributory survivorship annuity for Justices of the Supreme Court of the United States.

By a quirk in existing law widows of Supreme Court Justices are required to live on a $5,000 annuity dating back to 1937 and not increased thereafter. During this same time pensions have been provided and upgraded for widows of all Federal judges except members of the highest court in the Nation. It is to correct this situation that this bill is introduced today.

The survivorship annuity plan presently in existence for Federal judges provides benefits for surviving widows and dependents equivalent to those then provided the survivors of Members of the Congress. The annual contribution required from a judge who elects to bring himself within the purview of the plan is a sum equal to 3 percent of his salary. This contribution is to fund survivors' benefits only. Retirement is dealt with separately.

It is proposed by this bill that Justices of the Supreme Court shall hereafter become eligible to participate in the survivorship annuity plan under the same terms and conditions as presently prevail for all other judges of the Federal courts. The bill provides that the option to join in the plan shall be available to presently living Justices of the Supreme Court including those who have retired or resigned, for a period of 6 months after the date of enactment. The bill further provides that a Justice who exercises this option shall thereby irrevocably waive the benefits of the law providing a $5,000 annual pension to widows of Justices.

This bill reflects the view that it is right and proper that Justices of the Supreme Court should have an opportunity to join in a survivorship annuity program for their survivors and to contribute to the cost thereof in the same manner as other judges of the Federal courts and Members of the Congress.

Mr. President, it is time that the existing injustice with regard to our highest-ranking judges be eliminated. For this reason, it is hoped that the Judiciary Committee will give this bill prompt and favorable consideration. I ask unanimous consent that at the conclusion of my remarks the text of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4321) to amend title 28, United States Code, relating to the annuities of widows of Supreme Court Justices, introduced by Mr. HRUSKA (for himself and Mr. TYDINGS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 375 of title 28, United States Code, as amended, is amended by adding at the end thereof the following new subsection:

"(c) If a justice of the United States gives notice in writing to the Director of the Administrative Office of the United States Courts of his desire to become subject to section 376, the widow of such justice shall be ineligible to receive an annuity under this section."

SEC. 2. Section 376 of title 28, United

States Code, as amended, is amended by inserting "justice or" prior to the word "judge" wherever that word appears therein, except in section 376(q).

SEC. 3. A justice of the United States, in regular active service on the date of the enactment of this Act, or who resigned or retired prior to the date of enactment of this Act and who on that date is receiving salary under section 371, of title 28, United States Code, as amended, shall be entitled within six months after enactment of this Act to make the election authorized by and to receive the benefits of section 376.

SEC. 4. Section 604(a)(7) or title 28, United States Code, as amended, is amended to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of justices and judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business."

SEC. 5. (a) Item 376 of the analysis of chapter 17 of title 28, United States Code, is amended to read as follows: "376. Annuities to widows and surviving dependent children of justices and judges."

(b) The catchline to section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges."

SENATE JOINT RESOLUTION 234—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE AND REQUEST THE PRESIDENT TO PROCLAIM THE PERIOD SEPTEMBER 12, 1970, THROUGH SEPTEMBER 20, 1970, AS MYASTHENIA GRAVIS WEEK

Mr. JAVITS. Mr. President, on behalf of myself, Mr. DOMINICK, Mr. PROUTY, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH, I introduce, for appropriate reference, a joint resolution to authorize the President of the United States to issue a proclamation designating September 12, 1970, through September 20, 1970, as Myasthenia Gravis Week.

This proposal has the support of the Myasthenia Gravis Foundation, Inc., a nonprofit voluntary health agency established in 1952.

Myasthenia gravis—a neuromuscular disease—comes from the Greek and Latin words meaning serious muscle weakness and was first noted as early as 1672—almost 300 years ago—but the first important research and patient care were not instituted until 1938 and it was not until the organization of the foundation in 1952 that specific diagnostic procedures and drug therapy were established. The advances made possible through research and education programs have saved many lives and permitted thousands to lead more normal lives. Heading the list of achievements is the lowering of the mortality rate from 85 to 15 percent. This is a spectacular achievement in itself and justifies faith in the importance of the work being done.

The exact incidence of myasthenia gravis is not known since it is not among diseases which must be reported to public health authorities. However, surveys estimated it occurs in one in 10,000 of the general population. Since some cases are not recognized, the actual incidence may be still higher.

The drugs used to control myasthenia gravis are very expensive. To help ease the financial burden faced by the patient who must take 20 to 30 pills a day, pill banks have been set up where the pills can be purchased at a greatly reduced cost.

Prior to the foundation's grants-to-clinics program which was established in 1954, only one specialized diagnostic and treatment center for myasthenics existed in the United States. There are now 23 clinics in key cities. Here, where personal relationship with the patient is stressed, individualized treatment under strict supervision is given.

The clinics located in universities and medical centers provide an important environment for research and offer a central source for the latest information and most promising new techniques.

To correct many misconceptions about myasthenia, and to help the patient adjust to his disability and fulfill his capabilities, education of the patient, relatives, employers, and others directly or indirectly concerned with the problems of the patient is vital. Efforts to bring proper evaluation, care and public awareness of the myasthenic patient are uninterrupted. A public information program, therefore, is another major undertaking of the foundation's nationwide programs.

A national observance—through a Presidential proclamation of September 12–20, 1970, as Myasthenia Gravis Week will support and encourage basic research into the cause and cure of myasthenia gravis; and in the establishment of additional treatment centers and assist in the dissemination of information among the members of the medical profession as well as the general public.

I commend this joint resolution to my colleagues and urge their support.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 234) to authorize and request the President to proclaim the period September 12, 1970, through September 20, 1970, as Myasthenia Gravis Week, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3

At the request of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 3, the police insurance bill.

S. 3186

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3186, to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

S. 3281

At the request of the Senator from New Mexico (Mr. MONTOYA) the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 3281, relating to the Interstate System.

S. 4039

At the request of the Senator from Nevada (Mr. BIBLE), the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 4039, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform and relief for small business.

S. 4208

Mr. MURPHY. Mr. President, on August 10, I introduced a bill that will lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country. S. 4208, the Family Physician Scholarship and Fellowship Program Act, would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-shortage areas, or who agree to serve migrant agricultural workers and their families. For each year of the scholarship, 1 year of service would be required by the student in physician-shortage areas. Intern and residency fellowships would also be granted.

Mr. President, in addition to Senators JAVITS, PROUTY, DOMINICK, and SAXBE, who initially cosponsored the measure with me, I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. ALLEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) be added as cosponsors of S. 4208.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 4238

At the request of the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 4238, universal enrollment bill.

S. 4260

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 4260, to authorize appropriations for the fiscal years 1972 and 1973 for the construction

of certain highways in accordance with title 23 of the United States Code and to provide for statewide public works planning, and for other purposes.

S. 4265

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. TYDINGS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Montana (Mr. METCALF), the Senator from Colorado (Mr. DOMINICK), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Tennessee (Mr. BAKER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. STEVENS), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from South Carolina (Mr. THURMOND), were added as cosponsors of S. 4265, to assist sewer projects in rural areas and small towns.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 444

At the request of the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Resolution 444, relating to the legal accountability of members of the Armed Forces of the United States under certain circumstances.

SENATE RESOLUTION 455

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 455, designating January 22 as Ukrainian Independence Day.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 875

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

DISASTER ASSISTANCE ACT OF 1970—AMENDMENT

AMENDMENT NO. 876

SUBMISSION OF AN AMENDMENT TO S. 3619, TO MAKE SECTIONS 231, 232, AND 233 RETROACTIVE TO AUGUST 1, 1969

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me, to S. 3619, the Omnibus Disaster Assistance Act, which would apply retroactively sections 231, 232, and 233 of this bill to August 1, 1969. The purpose for this amendment is to insure that the victims of all major disasters declared by the President from August 1, 1969, to the date of this important bill receive the benefit of the increased cancellation or provisions with regard to disaster loans made by the Small Business Administration, Farmers Home Administration, and Veterans' Administration. By making these provisions applicable to the victims of Hurricane Camille, the Lubbock and Plainview tornadoes, the San Marcos flood, and Hurricane Celia, we in Congress will be showing the people who suffered so much in these great tragedies that they will not be denied these important benefits simply because the disaster that wrecked their homes and businesses occurred before this bill becomes law.

The present law, Public Law 91–79, was enacted in the wake of the tragedy of Hurricane Camille, which ravished Alabama, Louisiana, and Mississippi, and caused serious flooding in Virginia and West Virginia. As part of this law, it was provided that the Small Business Administration and Farmers Home Administration could cancel up to $1,800 of any disaster loan in excess of $500 made to a victim of a major disaster. Since Public Law 91–79 was only intended as a temporary measure, it will expire on December 31, 1970. The bill that is now on the calendar of the Senate, S. 3619, sets forth a permanent and comprehensive plan of disaster assistance. This bill has been needed for years, and I am proud to be a cosponsor of it. It provides many excellent programs which are aimed at dealing with the myriad of human problems associated with a major disaster.

One of the most significant advances in the bill is the increase in the amount of a disaster loan that can be canceled. The bill increases this amount from $1,800 to $2,500. Thus under S. 3619, a disaster victim who receives a loan from the SBA or FHA in the amount of $3,000 would be entitled to have $2,500 of it canceled. As under Public Law 91–79, the borrower is still obligated for the first $500 of any loan he receives. The cancellation feature only applied to loans in excess of $500. I am very much in favor of this increase in the amount that can be canceled on such loans; however, I feel that it would be extremely unfortunate if this significant benefit was denied those victims of major disasters since August of 1969.

During the period from August of 1969 to the present, 19 States have experienced major disasters. Many of these States have had more than one disaster during this period. The States in which one or more major disasters have occurred during this period are: Alabama, Alaska, Arkansas, California, Florida, Illinois, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, New York, North Dakota, Pennsylvania, Texas, Vermont, Virginia, and West Virginia.

Of these major disasters, Hurricane Camille, the California floods, the Lubbock tornado, and Hurricane Celia were particularly devastating.

In all of these areas, there are homeowners, farmers and businessmen who have borrowed money from the SBA or FHA to repair or restore their homes, businesses, and farms. The majority of these loans are still outstanding since they are installment loans. For example, the SBA has authority to defer payment of such loans from 5 months to 3 years, depending on financial ability of the borrower. Loans made to farmers by FHA for replacement of livestock are repayable over a 7-year period, and loans to repair farm buildings or other improvements are payable over periods up to 20 years. Since these loans are still active, it seems only just that these disaster victims have the benefit of the extra $700 provided by S. 3619 to apply against their indebtedness.

Applying benefits retroactively is not a new or unique idea. When Public Law 91–79 was enacted, it provided that the law, including the $1,800 cancellation feature, would be retroactive until June 30, 1967. If that law can be applied retroactively, there is no reason why applying these provisions of S. 3619 should pose any insurmountable problem. One objection that has been raised is that if these provisions are applied retroactively, all the loans made by SBA and FHA would have to be rewritten. However, an examination of the loan application forms and promissory notes used by the SBA and FHA reveals that nowhere on these loan papers is there any mention of the cancellation of any part of the loan.

Mr. President, the amendment I am offering today is a fair and just measure, and I urge that it be adopted. I also ask unanimous consent that this amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. HART). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and other matters, requested by the Senator from Texas, will be printed in the RECORD.

The amendment (No. 876) is as follows:

AMENDMENT NO. 876

On page 98, line 9, after "section 226(c)," insert the following: "231, 232, 233,".

DISASTER ASSISTANCE ACT OF 1970—AMENDMENT

AMENDMENT NO. 877

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me to S. 3619, the Disaster Assistance Act of 1970, which was reported to the Senate yesterday by the Committee on Public Works.

This amendment pertains to the Hurricane Beulah disaster which struck the Texas east coast on the morning of September 20, 1967, which was declared a natural disaster by President Johnson on September 28, 1967. Local officials of Cameron and Willacy Counties, two of the most seriously devasted counties in the disaster area, immediately pursued rehabilitation efforts, making every ef-

fort to comply with the guidelines of the Office of Emergency Preparedness.

Despite the good faith efforts of these counties and the performance of work by contractors, there has been constant disputing over the reimbursement of expense relating to the rehabilitation efforts, even though the Governor of the State of Texas has certified these costs as well as the local governments. The Governor has also appealed the determinations of the Office of Emergency Preparedness, but unsuccessfully.

The circumstances of this problem are fairly simple. There was a hurricane, and relying on indications that the area would be declared a natural disaster, the counties began the emergency rehabilitation as they should. After the fact and after obligations were made by the counties, OEP made their own damage survey estimate and denied the claims after the obligations had already been incurred.

This is an unforgivable situation in which the OEP has a contractual obligation to reimburse for reasonable sums expended in performance of eligible work under the Federal Disaster Act and the counties expended substantial sums in reliance on this commitment. There is no allegation that the counties did not make every effort to comply with all the guidelines of OEP, yet their claims have been denied.

If these costs are not reimbursed then it would be unreasonable to assume that any contractor would assist in rehabilitation efforts until he had the cash in hand, since the Government's contracts would be meaningless. It is my understanding that this amendment would cost no new money, since $10 million was allocated for the relief following Hurricane Beulah and there is more than enough remaining to pay these remaining claims.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HART). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 877) is as follows:

AMENDMENT NO. 877

On page 65, line 5, after "Act." insert the following:

"Funds allocated for the relief of areas devastated by major disasters occurring between July 1, 1967, and December 31, 1970, shall be expended on the basis of costs as certified by State and local governments and shall not be limited to costs estimated by damage surveys made after obligations have been incurred."

Mr. YARBOROUGH. Mr. President, I further ask that telegrams from the local officials of Cameron and Willacy Counties asking for this action be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BROWNSVILLE, TEX.,
August 20, 1970.

Senator RALPH YARBOROUGH,
Old Senate Office Building,
Washington, D.C.:

We urgently need your help to obtain the additional cost incurred during Beulah disaster in any way possible by legislation.

ADOLPH THOMAS,
Commissioner, Precinct 3.
T. R. HUNT,
Commissioner, Precinct 1.

RAYMONDVILLE, TEX.,
August 20, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

We respectfully request your legislative assistance in securing full costs incurred by Willacy County, Texas, in the rehabilitation process following the Hurricane Beulah disaster of 1967.

We have not been reimbursed for full cost incurred in work performed solely by Willacy County.

Within a few days we will inform you of the approximate Willacy County amount.

I understand that George Consolidated, Inc., has not been reimbursed for the full costs of their expenses incurred in work performed within Willacy County. We will greatly appreciate your aid in adjusting these matters.

ART BAUGHMAN,
Commissioner, Precinct 1, Willacy County.

RAYMONDVILLE, TEX.,
August 19, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We urgently request your assistance in any legislation act which will enable us to recover costs as a result of the storm Beulah disaster.

BILL RAPP,
County Judge, Willacy County, Tex.

RAYMONDVILLE, TEX.,
August 20, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

We respectfully ask for your assistance in any legislation that will enable Willacy County to recover costs incurred by Hurricane Beulah.

FRED STONE,
County Commissioner, Precinct 2,
Willacy, Tex.

RAYMONDVILLE, TEX.,
August 19, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington D.C.:

Legislation is needed so Willacy and Cameron Counties can secure full payment to reimburse them for expenditures as a result of "Beulah" 1967.

CHARLES R. JOHNSON.

BROWNSVILLE, TEX.,
August 19, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Urgently request your help in making additional funds available for paying Hurricane Beulah costs through appropriate legislative act.

JOHNNY N. CAVAZOS,
Cameron County Commissioner.

ANNOUNCEMENT OF HEARINGS ON OIL SUPPLIES

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will commence hearings on the problems of small businesses attempting to obtain adequate supplies on fuel oil at reasonable prices in the Northeast and Great Lakes regions commencing on September 21, 1970. The week of September 21–25 has been set aside by the subcommittee for the hearings.

Any person interested in presenting statements to the subcommittee may so inform Mr. Reginald Barnes, associate counsel to the Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510, or Mr. Alan Novins, legislative counsel in my office.

ADDITIONAL STATEMENTS OF SENATORS

THE SENATE'S RECORD AND THE NATION'S CONCERNS

Mr. MANSFIELD. Mr. President, after 8 months of almost uninterrupted work, the Senate is on the threshold of taking a brief recess. Some of our Members may spend the next few days after tomorrow in a respite; some of our Members may spend them primarily engaged in professional pursuits; all of us, I hope, will try to manage to combine both business and relaxation in the week off. For all Senators, the short respite will, I believe, be invigorating. It is my expectation that after the Labor Day recess, we shall return to the Senate in good cheer, with enhanced perspective and with the knowledge that, in the remaining time of the second session of the 91st Congress, we have much left to accomplish.

In achieving a substantial record of achievement, we are well on our way. Certainly, Members of the Senate throughout the year have pursued their tasks with tenacity and diligence. Witness the number of rollcall votes we have had. As of September 1—and, in fact, even as of some 10 days ago—there had been more rollcall votes in the Senate this year than there were in all of 1969. Not since 1964 has the Senate by September 1 exceeded that voting pace. Witness the days the Senate has been in session this year: today will be the 149th day; as of the comparable period last year, we had been in session only two-thirds that number. Last year, at this juncture, hours in deliberation had totaled some 449 hours; this year the Senate has met more than double that amount of time. Witness, too, the results of Senate committee activity as denoted by a legislative calendar that has seldom been in search of an item of significant import.

When the Senate record for 1970 is reviewed, what will clearly appear will be the relevance of that record to the Nation's concerns. The people of this Nation have been concerned about the economy, education, the environment, efficiency in essential services and in the Government, an end to the Vietnam war and American involvement in Southeast Asia, and equality for all Americans. In all these areas, the Senate has responded by passing many legislative proposals of

significance, and it will continue to act on such proposals until its adjournment sine die.

The Senate's record to date speaks for itself. I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of my remarks a summary of the Senate's major legislative activity during the second session of the 91st Congress.

At this time, however, I do wish to highlight some of the major actions we have taken this session.

THE ECONOMY

Reflecting the concerns Americans have about the economy, Congress has acted to extend the coverage of unemployment compensation to 4.7 million workers while at the same time supporting programs to enable segments of our citizenry to become employable. On its initiative, Congress promulgated an Emergency Home Finance Act to make it possible for low- and moderate-income families to purchase homes. The Senate also joined with the House of Representatives in furnishing the President with authority for standby wage, price, salary, and rent controls. The Senate, too, has endeavored to tighten up the loose spending practices of such Government entities as the Department of Defense. It has also acted to provide protection for the American consumer, and to feed hungry children and aid the Nation's needy.

EDUCATION

The people of this Nation also have been concerned about the quality and needs of its educational system. Among the educational measures Congress has approved have been elementary and secondary education amendments. To emphasize the importance it attaches to education, Congress also overrode the President's veto of the education appropriations bill.

ENVIRONMENT

Noting the people's concern about the environment, the Congress approved Federal water pollution control amendments and established an Office of Environmental Quality. Moreover, it has cleared for a conference with the House a much-desired resource recovery bill.

In addition to the ecological problems of the environment, there is also concern with health problems afflicting segments of our population as a result of alcohol, cigarettes, and drug abuse. The Senate has approved an Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act as well as a bill to control the traffic in drugs and a Cigarette Smoking Act. Moreover, our citizens are concerned about the rising costs of, and inadequacies in, health care. Congress approved community mental health centers legislation, and the Senate has passed major mental retardation and allied health professions bills. Congress also stressed construction and modernization of health facilities by overriding the President's veto of amendments to the Hill-Burton Act.

Americans also are gravely concerned about public security in this Nation which has appeared to continue to grow more uncertain. In response to this situation, the Senate passed the organized crime control bill, as well as a number of other crime measures. It also provided for a complete reorganization of the court and criminal procedure system in the District of Columbia this year.

EFFICIENCY IN ESSENTIAL SERVICES AND IN GOVERNMENT

The people of this Nation have a right to expect a degree of efficiency in Government services upon which they depend. In that connection, Congress recently approved a thorough reorganization of the postal service. Also enacted into law has been the Airport and Airways Development Act. A Rail Passenger Service Act was passed by the Senate, along with an urban mass transportation bill, and a railway safety bill.

The Senate has acquiesced in two reorganization plans proposed by the President designed to improve operations of the Government. Also under consideration in congressional committees at the present time are two additional reorganization plans. The Senate has scrutinized with care Supreme Court nominees, thus underscoring the public's desire that high caliber personnel be chosen to serve on that High Court.

ENDING THE WAR

Another profound anxiety of Americans has been that of ending the Vietnam war and preventing its enlargement into a wider conflict in Southeast Asia. During careful consideration of both the military sales and military procurement bills, the Senate has explored and opened for exploration issues relating to the war. The Senate also voted—on two occasions, I might add—to repeal the Gulf of Tonkin resolution. At the same time, the Senate has also been mindful of the Nation's defense needs. By just approving the military procurement bill, the Senate has indicated a willingness to provide adequately for the Nation's defense and support of troops at war abroad.

EQUALITY

Equality for all American citizens is also the Nation's concern. Congress extended the Voting Rights Act of 1965 for an additional 5 years and approved extending the franchise to 18-year-olds. The Senate voted to fund the Civil Rights Commission and pending on the Senate Calendar is legislation to provide for electoral reform, equal employment opportunity, and equal rights for men and women.

Awaiting action when we return from the Labor Day recess are such questions as electoral reform and congressional representation for the Nation's Capital; the establishment of a Joint Committee on the Environment; family medicine needs and research on heart disease, cancer, and stroke; manpower training and equal employment opportunities for American workers; a farm bill to insure food and fiber for our populace and a constitutional amendment to guarantee equal rights for men and women in the United States. It is the intention of the Democratic leadership to call up for consideration prior to the adjournment of Congress any family assistance plan which may reach the legislative calendar. We will also consider promptly the remaining appropriations bills. Other important measures which will reach the calendar will also be acted upon.

The Senate's legislative responses to the Nation's concerns could not have become a reality had it not been for the contributions and collective efforts of both Democratic and Republican Senators. To my Republican counterpart, the distinguished minority leader (Mr. SCOTT), I wish to acknowledge my gratitude for his unfailing consideration and cooperation in helping make it possible to move the Senate's legislative program along in an expeditious and orderly way. If this has been an effective Senate, to date—and, in my judgment, it has—it is due to the effort of both Republican and Democratic Members.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana?

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Senate legislative activity, 91st Cong., 2d sess.

(By Senate Democratic policy committee)

Days in session	149
Hours in session	954 : 48
Total measures passed	535
Public laws	200
Treaties	5
Confirmations	37,841

Symbols: P/H—Passed House; P/S—Passed Senate.

Folowing is a brief summary of major Senate activity:

AGRICULTURE

Apple marketing orders.—Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91-363.

Conservation and development projects.—Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91-343.

Custom slaughtering.—Amended the Federal Meat Inspection Act to permit custom slaughterers to engage in buying and selling meat and meat food products without losing their exemption as custom slaughterers; exempted from inspection requirements the custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (i) cattle, sheep, swine, and goats slaughtered by their producers, and (ii) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91-342.

Dairy products donation.—Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in

nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91–233.

Egg Products Inspection Act.—Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children.—Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91–207.

Guam Agricultural Services.—Continues through June 30, 1975, authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas—advertising.—Amended the Agricultural Marketing Agreement Act of 1937 to add Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91–384.

International animal quarantine station.—Authorized the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States, through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provided measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the bringing in of animals to the station or subsequent movement of animals therefrom to other parts of the United States contrary to regulations to be issued by the Secretary of Agriculture. Public Law 91–239.

Production research.—Amended the Agricultural Marketing Agreement Act to authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and to make such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91–292.

Rural telephone bank.—Creates a Rural Telephone Bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account is to consist of such net collections from the 2-percent telephone loan program received after July 1, 1968, as may be necessary to provide for the Government's investment in the Bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments.—Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The bill provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; nutritional training and education and studies of food service requirements; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; publicly announced policies regarding free or reduced price lunches; no overt identification of children receiving free or reduced cost meals; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; semi-annual estimates of eligible children; monthly reports of the numbers receiving free lunches and reduced price lunches; special developmental projects; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91–248.

Special milk program extension.—Permanently extended the authority for the special milk program which would expire June 30, 1970, at the current authorization level of $120 million. Public Law 91–295.

Tobacco allotments.—Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; subjected such leasing to the discretion of the Secretary of Agriculture and to a determination by him that it will not impair the operation of the marketing quota or price support program; provided for extension of such leasing authority; excepted specified tobaccos from section 316; and extended the maximum duration of leases to 5 years. Public Law 91–284.

Tomato advertising.—Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

Wheat referendum deferral.—Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91–348.

APPROPRIATIONS

1970

Continuing Appropriations

Continued appropriations through February 28, 1970. Public Law 91–193.

Made further continuing appropriations for the fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91–257.

Foreign aid.—Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91–194.

Labor-HEW.—Appropriated a total of $19,747,153,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Labor-HEW.—Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91–204.

Second supplemental.—Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91–305.

1971

Agriculture.—Appropriated a total of $8,475,935,100 for the Department of Agriculture and related agencies. H.R. 17923. P/H 6/9/70. P/S amended 7/9/70.

Continuing Appropriations

Continued appropriations through July 31, 1970. Public Law 91–294.

Continued appropriations through October 15, 1970. Public Law 91–370.

District of Columbia.—Appropriated a total of $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91–337.

Education.—Appropriated a total of $4,420,145,000 for the Office of Education. Public Law 91–380. Congress overrode Presidential veto.

Independent Offices—Housing and Urban Development.—Appropriated a total of $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Interior.—$2,028,524,700 grand total, new budget (obligational) authority and appropriations to liquidate contract authority. Public Law 91–361.

Legislative.—Appropriated a total of $413,054,220 for the Legislative Branch. Public Law 91–382.

Public works—Atomic Energy Commission.—Appropriates a total of $5,258,695,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. H.R. 18127. P/H 6/24/70. P/S amended 8/24/70.

State, Justice, Commerce, the judiciary, and related agencies.—Appropriates a total of $3,122,080,500 in new budget (obligational) authority for the fiscal year 1971. H.R. 17575. P/H 5/14/70. P/S amended 8/24/70.

Treasury, Post Office, and Executive Office.—Appropriates $9,537,429,000 for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. H.R. 16900. P/H 4/13/70. P/S amended 9/1/70.

ATOMIC ENERGY

Atomic Energy Commission authorization, 1971.—Authorized appropriations of $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91–273.

Western interstate nuclear compact.—Gives congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. S. 1628. P/S 6/26/70.

CONGRESS

Library of Congress—James Madison Memorial Building.—Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purposes. Public Law 91–214.

Library of Congress—office equipment and furniture.—Transferred from the Architect

of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91–280.

Library of Congress security.—Extended the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91–281.

Senate office space.—Authorizes the Architect of the Capitol to acquire on behalf of the United States, the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future office needs of the Senate. S. 3594. P/S 5/21/70.

CRIME

Controlled Dangerous Substances Act.—Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretary of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restricts importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing, possession with intent to manufacture, distribute, or dispense, importation, exportation, and simple possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controlled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act, and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Criminal Justice Act Amendments.—Amends the Criminal Justice Act of 1964 relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts, by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; increases the hourly rate to $30 an hour and the total compensation limits available to attorneys providing representation; and changes various other provisions to improve the operation of the Act. S. 1461. P/S 5/1/70.

Executive protective service.—Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91–217.

Organized Crime Control Act.—Embodies a comprehensive, integrated program designed to deal with the menace of organized crime in the United States. Establishes, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unifies and expands existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; deals with recalcitrant witnesses; creates a new false declaration provision applicable in grand jury and court proceedings; authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases; provides a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contains special findings dealing with the effect of such gambling on interstate commerce, makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provides penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; establishes, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes unlawful certain "racketeering activity" and provides penalties for violations; and provides for increased sentencing (up to 30 years) for defined dangerous adult special offenders. S. 30. P/S 1/23/70.

DEFENSE

Civil Defense Act.—Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard Authorization, 1971.—Authorizes appropriations of $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard Officers—interservice transfers.—Places the Coast Guard on the same parity as their counterparts in the military department by providing that the Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. H.R. 9052. Public Law 91– .

Coast Guard omnibus.—Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws.—Modified the law affecting the Coast Guard Reserve, the modifications generally not only being designed to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other Armed Services. H.R. 13716. Public Law 91—.

Command of the U.S.S. "Constitution" by retired U.S. Navy officers.—Permitted a retired officer of the U.S. Navy to command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. H.R. 8662. Public Law 91—.

Defense Production Act extensions.—(See Economy and Finance).

Disposal from national and supplemental stockpiles.—Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos: Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite: Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth: 300,000 pounds. Public Law 91–318.

Cadmium: 4,180,000 pounds. Public Law 91–314.

Castor Oil: 18,500,000 pounds. Public Law 91–319.

Chromite: Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt: 40,200,000 pounds. Public Law 91–317.

Corundum: 1,952 short tons. Public Law 91–330.

Fluorspar: Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite: Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium: 12,000 short tons. Public Law 91–321.

Manganese, Type A: Chemical grade, 111900 short dry tons. Public Law 91–322.

Manganese, Type B: Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese Ore: Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum: 3,500,000 pounds. Public Law 91–333.

Shellac: 4,300,000 pounds. Public Law 91–324.

Tungsten: 100 million pounds. Public Law 91–325.

Headstones or markers for Medal of Honor recipients.—Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. H.R. 6265. Public Law 91 ——.

Leave for uniformed services members in hostile fire areas: Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps Band.—Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Military claims.—Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims, and that a similar provision for partial payment be provided for such claims. Public Law 91–312.

Military procurement authorization, 1971.—Authorizes appropriations of $11,892,389,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,016,500,000 for research, development, test, and, evaluation; and $334,000,000 for military construction authority for the Safeguard antiballistic missile system; continues the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand, with the funding of the Department of Defense; authorizes the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposes certain limitations with regard to specific procurement actions; provides certain addi-

tional legislative authorities; and contains other provisions. H.R. 17123. P/H 5/6/70. P/S amended 9/1/70.

Naval Flight Officers' Command.—Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Savings deposit program for certain uniformed services members.—Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards.—Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports.—Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—presentation to parents of deceased servicemen.—Provided that United States Flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. H.R. 13195. Public Law 91– .

War Claims Act amendments.—Authorized payment under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. "Pueblo", for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $30 per month. Public Law 91–289.

DISTRICT OF COLUMBIA

Anatomical Gift Act.—Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act.—Removed the ceiling of of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer.—Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States, all of which permit the intrastate transfer of blood components within their borders. Public Law 91–256.

Cooperative Association Act amendments.—Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court Reform and Criminal Procedure Act.—Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service to provide legal counsel for up to 60 percent of all indigent criminal defendants and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent; expanded the Bail Agency and enables it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on non-financial conditions; replaced the existing three-judge juvenile court with an expandable Familiy Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Fees.—Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits; license and user fees are presently fixed by statute, and many fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fee is charged. S. 3906, P/S 8/13/70.

Freeway airspace utilization.—Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

Health services improvement.—Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms between the District and other jurisdictions within the Washington "milk shed"; provides for detection of tuberculosis for school children in the District through mandatory tuberculin testing of all children entering school for the first time; allows the District government to enforce liens against recoverable moneys as to persons under care at Glenn Dale Hospital, Maryland; allows physicians licensed in another State to obtain a license in the District, although once failing the District examination. S. 3648. P/S 7/30/70.

Housing Revolving Fund and Unclaimed Property Act.—Establishes in the District of Columbia a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District of Columbia. S. 3011. P/S 5/13/70.

Industrial Safety Act amendments.—Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Metropolitan Area Transit Act.—Grants congressional consent to the public acquisition and operation of mass transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Mortgages and loans.—Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. S. 3313. P/S 4/1/70.

Pay increase for police, firemen and teachers.—Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service; increased by an average of 13 percent, retroactive to September 1, 1969, the salaries of teachers; revised the personal income tax of District of Columbia residents and authorized a special Federal payment of $8 million to the District of Columbia to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Protective eye devices.—Requires students, teachers and observers in the District of Columbia to wear protective devices while participating in or observing certain courses of study or types of training in public or private facilities wherever there is a condition hazardous to the eyes in connection with educational or training programs. H.R. 9528. P/H 11/24/69. P/S amended 5/7/70.

Protestant Episcopal Church Vestry Act.—Conforms applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church to repeal those anachronistic sections of the so-called Vestry Act which deal with the internal organization and operation of the Church, but to leave intact those provisions which establish general corporate powers and which may affect title to property held by the church. S. 2336. P/S 8/13/70.

Rental of space for District of Columbia Agencies and activities.—Enables the government of the District of Columbia to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities, thus allowing the District government to compete for space in the open market on the same terms as the Federal Government. S. 3649. P/S 7/1/70.

Revenue.—Provides that the annual Federal payment authorization be established at 30 percent of the District of Columbia general fund tax revenues and authorizes a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District. The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. S. 3903. P/S 8/13/70.

Taxation of regulated investment companies.—Conformed the provisions of the District of Columbia Income and Franchise Tax Act of 1947 to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954 to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws

of the District similar to that they are accorded under Federal law. H.R. 15381. Public Law 91–

Teachers' retirement amendments of 1970.—Amended the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91–93. Public Law 91–263.

Water and sanitary sewer rates.—Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services; and eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the discretion of the District of Columbia Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

Economy and Finance

Consumer Products Warranty and Guaranty Act.—Requires a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties and requires that a written warranty or guaranty must be designated a "full" or "partial" warranty; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions—independent agency status.—Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be appointed by the President by and with the advice and consent of the Senate. Public Law 91–206.

Defense Production Act extension; standby wage, price, salary and rent controls.—Extended the Defense Production Act until June 30, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91–379.

Defense Production Act temporary extensions

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91–300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91–371.

Eisenhower dollar.—Authorizes the minting of not to exceed 150 million silver dollars, of 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Eligibility of American Samoa banks for Federal deposit insurance.—Establishes the eligibility of the banks in American Samoa for Federal deposit insurance by amending sections 3 and 7 of the Federal Deposit Insurance Act in accordance with the provisions governing U.S. territories. S. 3366. P/S 7/1/70.

Federal National Mortgage Association.—Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Gold and silver content.—Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91–366.

Public debt limit increase.—Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91–301.

Public Works and Economic Development Act extension.—Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91–304.

Purchase of U.S. obligations by Federal Reserve banks.—Extended for 1 year, from June 30, 1970, to June 30, 1971, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 91–360.

Savings bond—Interest increase.—Increased from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91–388.

Securities Act exemption from registration for small businesses.—Amends the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000. S. 336. P/S 8/13/70.

Securities Exchange Act—Additional consumer protection.—Amends the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90–439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock for stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. S. 3431. P/S 8/18/70.

Silver certificates.—Authorizes further adjustments in currencies outstanding which were issued after June 30, 1929; permits the writeoff of Federal Reserve bank notes and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S 6/17/70.

Unsolicited credit cards.—Prohibits the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limits consumer liability for a lost or stolen card to not more than $50, unless there is a lesser liability under other applicable law or under an agreement with the card issuer; amends the definition of a card issuer to include not only the person who issues the card but also any agent of the issuer; set penalties for unauthorized use of credit cards. S. 721. P/S 4/15/70. H.R. 16542. H. Cal.

EDUCATION

Demonstration elementary school for the deaf.—Authorizes the Board of Directors of Gallaudet College to maintain and operate, including necessary renovation, construction and equipment, the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region and authorizes the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation. S. 4083. P/S 8/11/70.

Elementary and secondary education amendments.—Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education laws. Public Law 91–230.

Impacted areas aid.—Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3–A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91–237.

Land-grant status for College of the Virgin Islands and the University of Guam.—Gives land-grant status to the College of the Virgin Islands and the University of Guam; authorizes endowment grants of $1,019,000 to the University of Guam and $714,000 to the College of the Virgin Islands; provides eligibility for annual grants to each college. S. 1148. P/S 4/15/70.

National Commission on Libraries and Information Science.—Established a 15-mem-

ber National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91–345.

FEDERAL EMPLOYEES

Air traffic controllers.—Changes in the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; makes a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of such service in such a capacity. S. 3959. P/S 7/13 70.

Federal firefighters.—Extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578 P/S 8/18/70.

Federal pay legislation.—Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90–207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91–231.

Foreign Service retirement adjustments.—Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91–93). Public Law 91–201.

Government Printing Office—Overtime compensation. — Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91–369.

Government Printing Office—Special policemen.—Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91–359.

Health benefits.—Increases the amount paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act. S. 1772. P/S 9/1/70.

Job Evaluation Policy Act.—Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91–216.

Protecting privacy and the rights of Federal employees.—Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties. S. 782. P/S 5/19/70.

GENERAL GOVERNMENT

Alaska Native Claims Settlement Act of 1970.—Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American Revolution Bicentennial Commission.—Authorizes appropriations of $373,000 for fiscal year 1971, for the Commission's activities. S. 3630. P/S 6/26/70. H.R. 16408. H. Cal.

Bankruptcy Laws Commission.—Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91–354.

Canal Zone Government: Cash relief payments.—Amended the Canal Zone Code to adjust cash relief payments (to be paid from Canal tolls at no cost to the Federal government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for adjustment of future payments on the basis of cost-of-living under provisions of the United States Code pertaining to civil service retirement annuities and extended the eligibility for cash relief payments to surviving widows of such former employees. Public Law 91–355.

Coalinga Canal, California.—Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91–336.

Commission on Population Growth and the American Future.—Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91–213.

Disposition of executive records.—Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91–287.

Family planning services and population research activities.—Makes comprehensive, voluntary family planning services and related information available to all persons in the United States desiring such services; provides greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; provides for development and dissemination of information on population growth; provides for coordination and centralization of the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare (HEW); authorizes $89.750 million in fiscal year 1971, rising in increments of $53.250 million per year to $307.750 million in fiscal year 1975 for a new 5-year program of grants and contracts administered by HEW; establishes an Office of Population Affairs in HEW, headed by the Deputy Assistant Secretary for Population Affairs, to exercise direct authority and control over family planning grants and population research programs operated by HEW, to coordinate and evaluate other HEW family planning and population-related programs, and to provide liaison with other Federal agencies carrying out programs in this field; requires HEW to submit to Congress a 5-year plan for extension of services to all persons having need of them, for research programs, and for training programs and provides for annual reports to Congress on progress under the plan. S. 2108. P/S 7/14/70.

Fire protection contracts on public lands.—Confers on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. S. 3777. P/S 7/1/70.

Fire research and safety act authorization.—Authorizes to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Franklin Delano Roosevelt Memorial Commission.—Authorized $75,000 for the con-

tinued operation of the Franklin Delano Roosevelt Memorial Commission. H.R. 15351. Public Law 91– .

Government systems and equipment purchasing.—Authorizes the Administrator of General Services to determine the systems and equipment required for standard passenger motor vehicles (sedans and station wagons) to be completely equipped for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. S. 2763. P/S 5/28/70. H. Cal.

"Johnny Horizon" symbol.—Protects the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land is Your Land—Keep it Clean") from unauthorized use and permits the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. S. 3838. P/S 7/7/70. H. Cal.

Land Conveyance, Eglin Air Force Base, Florida.—Authorized the Secretary of the Air Force to donate, grant, and convey to the Board of Public Instruction of the county of Okaloosa, Florida, all right, title, and interest of the United States in and to approximately 135 acres of land; such land shall be used for the construction of school facilities in the vicinity of Eglin Air Force Base to alleviate the severe overcrowding of schools in that area. Public Law 91–347.

Mountain Standard Time zone.—Authorized the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. Public Law 91–228.

National Foundation on the Arts and the Humanities Act amendments.—Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities, provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91–346.

National Science Foundation authorization.—Authorized appropriations to the National Science Foundation for the fiscal year 1971 in the amount of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Public Law 91–356.

Oil and gas leases.—Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91–245.

Plymouth-Provincetown Celebration Commission.—Creates a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorizes $100,000 for the Commission's work. S. 2916. P/S 6/26/70.

Postal Reorganization Act.—Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Deputy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operations; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that begins on or after April 16, 1970. Public Law 91–375.

Postal Service.—Makes technical changes in the references to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Sea Grant College and Program Act amendments.—Provided for further funding of the National Sea Grant College and Program Act through fiscal year 1973, authorizing $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively. Public Law 91–349.

Smithsonian Institution

Additional members of board of regents.—Authorizes the appointment of three additional citizen regents to the Board of Regents of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. H.R. 14213. P/H 12/16/69. P/S amended 8/18/70.

Facilities construction.—Authorized the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; limited the authorized appropriations to $500,000; specified that the proposed museum facilities be constructed on land presently within the metropolitan area of the District of Columbia; and limited the use of the appropriated funds to preliminary planning and design of the facilities. S. 209. P/S 7/17/70.

Museum programs authorization.—Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Foundation on the Arts, and the National Foundation on the Humanities. S. 704. P/S 8/7/70.

Trust territory of the Pacific Islands.—Increases the authorization from $50 million to $60 million for the fiscal year 1971 and authorizes $60 million for fiscal year 1972 for the Trust Territory of the Pacific Islands for civil works and administrative programs. S. 3479. P/S 5/18/70. H.R. 15978. H. Cal.

Use of personal checks to pay postal services.—Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

HEALTH

Air pollution compacts

Mid-Atlantic States—Gives Congressional consent and approval to a compact between the States of Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to the Commonwealth of Pennsylvania and the State of Delaware to join in such compact. S.J. Res. 53. P/S 6/26/70.

Ohio-West Virginia—Gives Congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.—Establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs established by the bill; provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country; authorizes for formula grants to States $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively, for project grants to State and local agencies $60 million, $100 million, and $160 million for fiscal years 1971, 1972, and 1973, respectively; requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of alcohol abuse and alcoholism throughout the Nation. S. 3835. P/S 8/10/70.

Cancer Conquest.—Expresses the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carry out said crusade so that the citizens of this land and other lands may be delivered from the greatest medical scourge in history. H. Con. Res. 675. P/H 7/15/70. P/S amended 8/28/70.

Clean Air Act and Solid Waste Disposal Act Extensions.—Extended the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91–316.

Community mental health centers amendments.—Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91–211.

Developmental Disabilities Services and Facilities Construction Act.—Extends and amends the Mental Retardation Facilities

Construction Act of 1963; authorizes $100 million, $125 million, and $150 million for fiscal years 1971, 1972, and 1973, respectively, for grants to assist States in developing and implementing a comprehensive and continuing plan for providing services to persons affected by mental retardation and other developmental disabilities; expands the program for the construction and development of university-affiliated facilities and authorizes therefor $7 million, $11 million and $15 million for fiscal years 1971, 1972, and 1973, respectively, for demonstration and training grants, and $20 million for each of fiscal years 1971 through 1975 for construction grants; and places special emphasis on the need for facilities and services for the retarded in areas of urban and rural poverty. S. 2846. P/S 4/13/70. P/H amended 7/30/70. In conference.

Health Training Improvement Act of 1970.—Extends for 5 years and improves the Allied Health Professions Personnel Training Act of 1966 and authorizes for training of allied health professions personnel $79.25 million for fiscal year 1971, $97 million for fiscal year 1972, $118.25 million for fiscal year 1973, $138.5 million for fiscal year 1974, and $158.75 million for fiscal year 1975. Such funds are allocated to the categories of construction grants, basic improvement grants (formula), special project grants, advanced traineeships, development of new methods, utilization of educational talent, scholarship grants, work-study programs, and student loans; additionally creates a new emergency 1-year $100 million program of special project grants for certain medical and dental schools in financial distress. S. 3568. P/S 7/13/70. P/H amended 7/30/70. In conference.

Medical facilities construction and modernization amendments.—Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program of project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provides for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91–296.

Medical Library Assistance Extension Act.—Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects; and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91–212.

Migrant health services.—Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91–209.

Poison Prevention Packaging Act.—Amends the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; authorizes the Secretary of Health, Education and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; sets penalties for failure to conform to those standards; and creates a technical advisory committee to advise the Secretary. S. 2162. P/S 5/11/70.

Public Health Cigarette Smoking Act.—Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91–222.

Public health training.—Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91–208.

Water pollution compact

Potomac Valley Conservancy District Compact amendments.—Grants the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin. S.J. Res. 67. P/S 8/14/70. H.J. Res. 1179. H. Cal.

HOUSING

College housing debt service grants.—Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency Home Finance Act.—Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for Federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91–351.

Loans to lessees of nonfarm rural land.—Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic housing program.—Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

INDIANS

Chemehuevi Tribe.—Authorizes the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets which funds were appropriated April 30, 1965. S. 4033. P/S 9/1/70.

Cherokee, Chickasaw, Choctaw and Seminole Nations of Oklahoma.—Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91–240.

Choctaw Tribe, Oklahoma.—Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the Choctaw Tribe, Oklahoma. Public Law 91–386.

Coeur D'Alene Indian Reservation.—Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated Tribes of the Umatilla Indian Reservation.—Authorized the Confederated Tribes of the Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91–259.

Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias.—Provided for a per capita distribution of 3 judgments by the Indian Claims Commission totaling $2,049,273 that have been recovered on behalf of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias and provided that any per capita share the Secretary of Interior is unable to deliver within two years shall revert to the Peoria Tribe. Public Law 91–364.

Educational facilities for Indian children.—Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S.J. Res. 144. P/S 5/19/70.

Five Civilized Tribes and Osage Tribe of Oklahoma.—Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe in Oklahoma to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five Civilized Tribes of Oklahoma.—Authorizes the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five Civilized Tribes of Oklahoma.—Authorizes each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to popularly elect their principal officers and makes clear that for purposes of developing election procedures the current leadership shall bear responsibility. S. 3116. P/S 4/27/70.

Fort Belknap Indian Irrigation Project, Montana.—Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91–251.

Fort Belknap Indian Reservation, Montana.—Amends the Act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota.—Authorizes the mortgaging of tribal land on the Fort Berthold Reservation acquired after the date of enactment of this legislation and provides that resulting funds are to be used to buy lands within the reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian Tribe, Arizona.—Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91–264.

Hualapai Tribe, Arizona.—Authorized the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indians Claims Commission Docket No. 90. The net amount available is $2,974,612. H.R. 13434. Public Law 91– .

Inter-Tribal Council, Inc., Miami, Oklahoma.—Authorizes and directs the Secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Incorporated, Miami, Oklahoma, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac Du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin.—Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tribe of Wisconsin, subject to valid existing rights-of-way and the right of the State of Wisconsin to use the fire observation tower located on the land for so long as needed and provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claims against the United States Government determined by the Commission. S. 1751. P/S 4/30/70.

Loans to Indian Tribes.—Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title to land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Potawatomi Indians.—Authorized the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in an Indian Claims Commission Docket, the net amount available being $723,111. H.R. 14097. Public Law 91– .

Quapaw Indians, Oklahoma.—Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada.—Grants to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians, and authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma.—Authorized the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in an Indian Claims Commission Docket, the net amount available, including accrued interest, amounting to $703,345. H.R. 14827. Public Law 91– .

Sioux Tribe of the Fort Peck Indian Reservation, Montana.—Provided for a per capita distribution among the members of the tribe of a judgment of $1,161,354.41 against the United States recovered by the tribe. Public Law 91–283.

Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes.—Disposes of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50. S. 4078. P/S 9/1/70.

Tlingit and Haida Indians of Alaska.—Authorized the disposition of funds (previously appropriated, invested and amounting to $7 million) awarded to the Tlingit and Haida Indians of Alaska by a judgment against the United States for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington.—Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute Tribe.—Authorized the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; authorizes the payment of interest on the tribal funds used; and transfers the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. H.R. 16416. Public Law 91– .

Ute Tribes.—Provides for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in the Court of Claims, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in an Indian Claims Commission docket. S. 3997. P/S 9/1/70.

Washoe Tribe of Nevada and California.—Set aside 80 acres of public domain in Alpine County, California, to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima Tribes.—Provides for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission as compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. S. 3337. P/S 5/15/70. H.R. 15469. H. Cal.

Yavapai-Prescott Community Reservation, Arizona.—Authorized lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

INTERNATIONAL

American Prisoners of War in Southeast Asia.—Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. H. Con. Res. 454. House adopted 12/15/69. Senate adopted 2/18/70.

Arms Control and Disarmament Act Amendments.—Authorized the appropriation of $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention of offenses and certain other acts committed on board aircraft—implementing legislation.—Amends the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, which was approved by the Senate on May 13, 1969 and is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. S. 2176. P/S 8/13/70.

Convention relating to arbitral awards—implementing legislation.—Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Gulf of Tonkin Resolution—termination.—Provides that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International biological program.—Authorizes all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expresses the support and endorsement of the Congress for the International Biological Program; and declares that the provision by the United States of adequate financial and other support for the IBP is a matter of priority. H.J. Res. 589. P/H 11/12/69. P/S amended 8/3/70.

International expositions.—Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically pro-

posed international eposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,000 in any fiscal year. Public Law 91–269.

Military sales—limitations on United States involvement in Cambodia.—Authorizes $250 million for foreign military sales for each of fiscal years 1970 and 1971 and sets a credit ceiling of $300 million in each of those fiscal years; places limitations on United States involvement in Cambodia; repeals the Gulf of Tonkin resolution effective at the end of the second session of the 91st Congress; requires that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels, be made under the regular military grant aid and sales programs; places a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and makes other changes in, or additions to, existing law. H.R. 15628. P/H 3/24/70. P/S amended 6/30/70. In conference.

Pan American Institute of Geography and History.—Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Peace Corps Act amendments.—Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Retirement age for Foreign Service career ministers.—Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers who are now past the mandatory retirement age. S. 3691. P/S 6/19/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems.—Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

Treaties

Convention on the Privileges and Immunities of the United Nations.—Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations, and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through the Internation Organizations Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J (91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand.—This treaty follows generally the form and content of extradition treaties recently concluded by the U.S. Government. Under its coverage are 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C (91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions.—Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A (91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention.—Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I (91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada.—Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A (91st, 2d). Resolution of ratification agreed to 5/27/70.

United Nations Headquarters expansion.—Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70.

U.S.-U.S.S.R. political exchange program.—Assists governmental officials of the United States and the Soviet Union through means of exchange of visits in making better informed judgments about world affairs involving the two countries; authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period. S. 3127. P/S 4/20/70.

Water pollution research—Fifth International Conference.—Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

JUDICIAL

Additional district judges.—Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle the business brought before them. Public Law 91–272.

Civil Rights Commission authorization.—Increases the annual authorization of the Civil Rights Commission from $2,650,000 to $3.400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 31, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expenses; increases the per diem amount payable to Commission members and consultants from $75 to $100; amends the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein, and that said answer shall be annexed to the Commission report. S. 2455. P/S 7/14/70. H. Cal.

Copyright protection extension.—Continues until December 31, 1971 the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, Public Law 90–416, Public Law 91–147. S.J. Res. 230. P/S 8/17/70.

Customs Courts Act.—Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs so that the Court and the Bureau will be better able to cope effectively and expeditiously with their rapidly expanding workload. Public Law 91–271.

Federal Youth Corrections Act.—Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91–339.

Immigration and Nationality Act amendments.—Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign residence requirement for aliens in the United States as exchange visitors. Public Law 91–225.

Immigration and Nationality Act amendments.—Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91–313.

Jurisdiction of U.S. courts—contract claims.—Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy, Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91–350.

Mississippi District Court

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. S. 3122, P/S 6/26/70.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. S. 3225. P/S 8/20/70.

Newspaper Preservation Act.—Provided, under certain conditions, for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91–353.

United States land titles.—Amends section 355 of the Revised Statutes, as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies,

subject to his general supervision and regulation; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. H.R. 15374. Public Law 91– .

Voting Rights Act Extension.—Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

LABOR

Railroad Adjustment Board.—Amended the Railroad Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91–234.

Railroad Retirement.—Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

Railroad Retirement Act Amendments.—Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15 percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing shall be made by a 5-member Commission which is to submit its recommendations to the President and to Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91–377.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1971), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91–203.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91–203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91–226.

MEMORIALS AND TRIBUTES

Apollo 13 astronauts.—Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage; extended support to their families, friends and all involved in their mission; and urged all who wished to and could comply to pause at 9 a.m., April 14, 1970, to ask the help of God in assuring the safe return of the astronauts. S. Res. 388. Senate adopted 4/14/70.

Commendation of heroism of airline pilots.—Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Building.—Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91–237.

Goddard Rocket and Space Museum.—Provides congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Senate adopted 4/7/70. H. Cal.

Harry S. Truman Dam and Reservoir, Missouri.—Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91–267.

Honor America Day.—Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations and called upon the people of the United States to observe such celebrations with appropriate ceremonies and activities. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jose Antonio Navarro Commemorative Medals.—Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society, without cost to the Federal Government, not more than 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91–244.

Mary McLeod Bethune memorial.—Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91–277.

Newt Graham Lock and Dam.—Designates lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. S. 1500. P/S 5/25/70.

Ohio Northern University Commemorative Medals.—Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. Public Law 91–381.

Ohio Northern University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575. House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res. 573. House adopted 4/29/70. Senate adopted 6/26/70.

Peruvian earthquake.—Extended the sympathy of the Senate to the President and the people of Peru in the hour of their suffering and distress resulting from an earthquake on May 31, 1970, causing loss of thousands of lives and destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program.—Designates the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. S. 1100 P/S 5/25/70.

Senate Majority Leader Mike Mansfield.—Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial Medals.—Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation, without cost to the Federal Government, not more than 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91–254.

Tribute to General Omar N. Bradley and Allied World War II victory in Europe.—Expressed the sense of Congress that, on the occasion of the 25th anniversary of V–E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah".—Authorizes the Secretary of the Navy to take such action as is necessary to provide for erection of a flagpole on the remains of the battleship, U.S.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. S. 583. P/S 7/10/70.

William "Bill" Dannelly Reservoir, Alabama.—Changes the name of the Miller Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the development of the water resources of the Alabama-Coosa River Basin. S. 528. P/S 5/22/70.

William G. Stone Navigation Lock, California.—Designates the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this important project. S. 3192. P/S 7/21/70.

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States—Nomination confirmed 5/12/70. (94–0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.—Nomination rejected 4/8/70 (45–51).

Admiral Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years.—Nomination confirmed 6/17/70 (78–2).

PROCLAMATIONS

American prisoners of war and servicemen missing in action in Southeast Asia.—Expressed the sense of Congress that May 1, 1970, be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans. H. Con. Res. 582. House adopted previous Majority Leader in the history of House agreed to Senate amendments 4/28/70.

Clean Waters for America Week.—Authorizes the President to issue annually a proclamation designating the first full cal-

endar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

International Clergy Week.—Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition.—Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Mineral Industry Week.—Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

National Arbor Day.—Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day" and called upon the people of the United States to observe such day with appropriate ceremonies and activities. Public Law 91–236.

National Machine Tool Week.—Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week." H.J. Res. 1194. Public Law 91– .

National park centennial year.—Requested the President to issue a proclamation designating 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

RESOURCE BUILDUP

Anadromous Fish Conservation Act amendments.—Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Arches National Park, Utah.—Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and water of livestock. S. 532. P/S 7/1/70.

Canyonlands National Park, Utah.—Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape Cod National Seashore, Massachusetts.—Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public Law 91–252.

Capitol Reef National Park, Utah.—Establishes the Capitol Reef National Park in the State of Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act.—Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Classification and Multiple Use Act and the Public Land Sale Act extensions.—Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Coral reefs conservation.—Authorizes the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. The bill is designed to control the devastating crown of thorns starfish which has been destroying coral reefs. S. 3153. P/S 4/27/70. H. Cal.

Craters of the Moon National Monument, Idaho.—Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the Wilderness Act (Public Law 88–577). S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum Prairie Project, Idaho.—Authorized construction, Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91–286.

Everglades National Park, Florida.—Provides for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorizes an additional $20 million. S. 2565. P/S 7/10/70.

Falls of the Ohio Interstate Park compact.—Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. H.R. 13971. Public Law 91– .

Federal Water Pollution Control Act amendments.—Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onsore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91–224.

Fisheries Loan Fund extension.—Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91–387.

Ford's Theatre National Historical Site.—Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91–288.

Glen Canyon National Recreation Area, Arizona and Utah.—Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order. S. 27. P/S 7/15/70.

Golden Eagle program.—Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas and provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91–308.

Historic properties.—Extended the national historic preservation program established by Congress in 1966 (Public Law 89–665) and authorized appropriations of $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation; authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91–243.

Homestead National Monument, Nebraska.—Provides for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska. S. 58. P/S 4/27/70.

Hudson River compact negotiations.—Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91–242.

Lake Tahoe, Nevada and California.—Authorizes the Secretary of the Interior to study the feasibility and desirability of establishing a national lakeshore on Lake Tahoe in the State of Nevada and California with the objective of providing legislation to preserve in perpetuity the superb scenic and recreational facilities available in the Lake Tahoe area. S. 2208. P/S 5/13/70. H. Cal.

Marine Resources and Engineering Development Act Amendments.—Designed to extend to June 30, 1971 the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. S. 3617. P/S 7/10/70. H.R. 16607. H. Cal.

Middle Snake River.—Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Missouri River Basin.—Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehen-

sive plan for the Missouri River Basin project. Public Law 91-218.

Missouri River Basin Project, Minot Extension, Garrison Diversion Unit, North Dakota.—Authorizes construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. S. 2808. P/S 7/10/70. H.R. 16987. H. Cal.

Mount Baldy, Pine Mountain, and Sycamore Canyon Wilderness, Arizona.—Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness, as part of the national wilderness preservation system, in accordance with the provisions of the Wilderness Act of September 3, 1964. S. 710. P/S 6/12/70.

Narrows Unit, Missouri River Basin Project, Colorado.—Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River, in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal and industrial water supplies; authorized $68,050,000 for construction of the Narrows unit. S. 3547. Public Law 91- .

National Park System Administration.—Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91-383.

Pacific marine fisheries compact amendments.—Granted the consent and approval of the Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91-315.

Point Reyes National Seashore, California.—Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law 91-223.

Public ownership of lands in Federal reclamation projects.—Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91-310.

Resource Recovery Act of 1970.—Amends the Solid Waste Disposal Act to emphasize recycling, local planning, and training functions; authorizes research programs of $31.5 million, $40.5 million, $40 million and $38.5 million for fiscal years 1971, 1972, 1973 and 1974, respectively; replaces 50 percent State grants for planning activities with 66⅔ percent grants to single municipalities and States, and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provides that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans for the area (especially those emphasizing recycling), (3) developing proposals for demonstration system grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provides for grants to varying sizes of communities to demonstrate resource recovery systems and authorizes therefor annual appropriations of $20 million, $30 million, $50 million and $55 million for fiscal years 1971, 1972, 1973, and 1974, respectively; directs the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and requires him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provides training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; requires Federal installations and federally licensed activities to meet solid waste guidelines; authorizes a two-year study to create a system of national disposal sites for hazardous materials; creates and authorizes $2 million for a National Commission on Materials Policy which is to make a report by June 30, 1973; authorizes $2 million for a 2-year study of issues in resource recovery; and authorizes such sums as may be necessary through June 30, 1964 to carry out the purposes of the Act, excluding those funds specifically provided therein. H.R. 11833. P/H 6/4/70. P/S amended 8/3/70.

River basin plans and civil works.—Authorized additional appropriations of $810 million to cover a period of two years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91-282.

Riverton extension unit of the Missouri River Basin project, Wyoming.—Consolidates the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin Project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, write-off of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. S. 434. P/S 4/27/70. H.R. 7521. H. Cal.

Rogue River Basin project, Oregon.—Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91-270.

Saline water conversion program.—Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91-221.

Toiyabe National Forest, Nevada.—Extended the boundaries of the Toiyable National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91-372.

Touchet-Walla Walla project, Oregon-Washington.—Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91-307.

Volunteers in the park program—establishment.—Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91-357.

Water resources research act amendments.—Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrieval and dissemination activities at each research center; and makes the District of Columbia, Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma.—Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S 4/27/70.

Youth Conservation Corps.—Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91-378.

Yuma Mesa Irrigation District, Arizona.—Amends Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. S. 2882 P/S 3/18/70. H.R. 9804. H. Cal.

NASA authorization, 1971.—Authorized the appropriation of $3,410,878,000 for fiscal year 1971 to the National Aeronautics and Space Administraton ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91-303.

TAXATION

Discriminatory State taxation of interstate carriers.—Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Duty suspensions

Copper.—Continued from July 1, 1970 through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copper-bearing ores and materials for the same period. Public Law 91-298.

Dyeing and tanning materials.—Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91-388.

L-Dopa.—Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91-309.

Manganese ore.—Continued until June 30, 1973, the existing suspension of duties on manganese ore. Public Law 91-306.

Employment security amendments.—Extended coverage of the unemployment com-

pensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91-373.

U.S.S. "Pueblo" crew—taxes.—Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns paying taxes, etc. for all personnel on the ship. Public Law 91-235.

TRANSPORTATION AND COMMERCE

Accessibility of public facilities to physically handicapped.—Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91-205.

Airport and Airways Development Act.—Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years, and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in noncommercial aviation; 8 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91-258.

Aviation war risk insurance extension.—Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. H.R. 17133. Public Law 91- .

Cruise ship regulations.—Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91-250.

Federal Low-Emission Vehicle Procurement Act.—Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes annual appropriations of $50 million to carry out the provisions of this Act. S. 3072. P/S 3/26/70.

Fishing fleet improvement.—Extended and broadened the construction assistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91-279.

High-Speed Ground Transportation Act extension.—Extends the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and authorizes $21,700,000 for fiscal year 1971. S. 3730. P/S 7/30/70. H.R. 17538. H. Cal.

International Travel Act amendment.—Amends the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provides Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and sets the Federal share of cost of any relevant program at 50 percent of its cost; establishes in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); creates a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorizes $1,250,000 for this purpose; and authorizes appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. S. 1289. P/S 3/26/70. H.R. 14685. P/H 5/14/70; P/S amended 5/21/70. Senate agreed to conference report 7/15/70. House rejected conference report 7/16/70.

Maritime authorization, 1971.—Authorized the appropriation of $429,420,000 to the Maritime Administration for the fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship "Savannah"). Public Law 91-247.

National Traffic and Motor Vehicle Safety Act amendments.—Authorized appropriations of $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers, and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report findings and recommendations thereon to Congress; and amended the act in several other respects. Public Law 91-265.

Political broadcasting.—Amends section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to presidential and vice-presidential candidates; limits the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time; and places a ceiling of $20,000 on the amount candidates for Federal elective office, or others on their behalf, may spend on electronic media in a general election. S. 3637. P/S 4/15/70. P/H amended 8/11/70. Conference report filed 8/13/70.

Public Broadcasting Financing Act of 1970.—Amends the Communications Act of 1934 to authorize annual appropriations of such sums as may be necessary for fiscal years 1971, 1972 and 1973 for the continued financing of the Corporation for Public Broadcasting, and to direct the Federal Communications Commission to prescribe regulations for broadcast stations receiving assistance under Title II of the Public Broadcasting Act. S. 3558. P/S 5/19/70. H.R. 17982. H. Cal.

Rail Passenger Service Act of 1970.—Establishes a National Rail Passenger Corporation to provide for the operation of passenger trains, to commence service on March 1, 1971, and authorizes for fiscal year 1971 appropriations of $40 million to the corporation, as well as a guarantee of $60 million in 20-year loans to the corporation to finance the upgrading of roadbeds and the purchase and rehabilitation of rolling stock and for other corporate purposes. The bill also authorizes the appropriation of $75 million for loans or loan guarantees to provide emergency financial assistance for railroads operating passenger service. S. 3706. P/S 5/6/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act.—Designed to promote safety in all areas of railroad operation, to reduce railroad related accidents, and to reduce death and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials. S. 1933. P/S 12/19/69. P/H amended 8/6/70.

Shipper's recovery of a reasonable attorney's fee.—Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban Mass Transportation Assistance Act.—Provides a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals before July 1, 1972 through 1982. Changes use of the discretionary fund from $12.5 million to 1.5 percent of the aggregate amount of funds authorized to be obligated, except that an additional 6 percent may be used if it shall not

prejudice or delay pending projects of other States, but in such case no State shall receive more than 25 percent of the grant funds made available by the exception, and authorizes a new program of 1-year loans to States and local public bodies, and agencies thereof, for the acquisition of real property reasonably expected to be needed and used for urban mass transportation purposes within a reasonable period. S. 3154. P/S 2/3/70. H.R. 18185. H. Cal.

VETERANS

Definition of "child" for veterans' benefit purposes.—Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91-262.

Group life insurance.—Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91-291.

Medical benefits for older veterans.—Provides that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. H.R. 693. P/H 6/2/69. P/S amended 10/21/69. House agreed to Senate amendment with an amendment 5/4/70.

Recoupment of disability severance pay.—Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91-241.

Special health care benefits for certain surviving dependents.—Permits the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. S. 4148. P/S 8/14/70. H.R. 8413. P/H 2/16/70.

Specialized medical resources.—Provides greater flexibility in the Veterans' Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. H.R. 9634. P/H 6/2/69. P/S amended 10/21/69. House agreed to Senate amendments with amendments 5/4/70.

Veterans' Administration Regional Office in the Philippines.—Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a regional office in the Philippines. Public Law 91-338.

Veterans' disability compensation increase.—Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowance to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; established a presumption in the case of any veteran who served for 90 days and who was held as a prisoner of war for not less than 6 months during World War II, the Korean conflict or the Vietnam era that a disability suffered from dietary deficiencies, forced labor, or inhumane treatment is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service; permitted a remarried widow to revert to her earlier eligibility for compensation, pension, and education benefits when her second marriage is ended by death or divorce; clarified Congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement are final and not subject to judicial review. Public Law 91-376.

Veterans Education and Training Amendments Act.—Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veteran Administration's counseling services to advise veterans of their entitlements and assist them in gaining employment. Public Law 91-219.

Social security and railroad retirement benefit.—Extends for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91-306.

BRIDGING THE GENERATION GAP

Mr. KENNEDY. Mr. President, there has been no shortage of discussion recently over the emergence of a "generation gap" in our society. But all too much of this discussion has been inflamed, angry, or, perhaps worst of all, ill-informed.

Last week, however, the American Broadcasting Co., telecast a program that adds a new and very valuable perspective on the phenomena we call the "generation gap." In a program entitled "Anatomy of Youth," ABC News featured the distinguished anthropologist Dr. Margaret Mead presenting some of her observations on what people under 25 are thinking. Dr. Mead has rightly seen our youth movement as part of a worldwide phenomenon that is the result of fundamental changes in 20th century society.

I think we need to cut through the peripheral issues of long hair and bizarre dress, which are simply the more distracting features of today's youth culture. Instead, to understand youth, we need to take a longer and larger look, very much as Dr. Mead has done, for when we do I think we will have come a long way toward bridging, if not eliminating, the generation gap.

To all Members of Congress concerned with establishing contact with our constituents under 25, I commend the perceptive remarks of Dr. Mead and ask unanimous consent that the full transcript of the ABC program, "Anatomy of Youth," be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

ANATOMY OF YOUTH WITH DR. MARGARET MEAD

MARGARET MEAD: If all the people who grew up before World War II realized that they were different, and that the kids are different, and that this isn't about parents and children, and it isn't about teachers and students. It's just about all the people under twenty-five, and all the people over.

And once they realize it, they won't feel it's their problem, that they didn't bring their kids up right, or there's something wrong with their kids, or they shouldn't have sent them to that college, or something of the sort.

We realize this is a world-wide phenomenon. It's happening everywhere, it's happening to everybody. So it's up to everybody to work it out in their own particular situation. Learn who the kids are, because they're going to have to live in the world together for a good long time from now.

ANNOUNCER. "Now," the American adventure, the people and events shaping our lives and our times, now. This week, Anatomy of Youth, anthropologist Margaret Mead's observations of youth and the generation gap.

Here is ABC News correspondent Gregory Jackson.

GREGORY JACKSON: Margaret Mead is, of course, world famous as an anthropologist, writer and teacher. And she has a particular interest in youth; in fact, she's recently written a study on the generation gap, called "Culture and Commitment." And that's why we asked her to join us here in Central Park, New York City, where on summer weekends young people by the thousands gather.

Many of those young people are what most of us would call extraordinary, atypical, far out, largely because of their dress. At least nothing like the clean cut kids most of us know.

Well, in the next thirty minutes we'll hear Dr. Mead's own view of those youngsters, as well as her observations on what people under twenty-five are thinking. And finally some ideas from her on how to reestablish communication with America's youth.

SINGER: "Look at all the silly people/ Wanting to find out/if there's somewhere to be happy./Everyone's in doubt."

JACKSON: In summer the morning quiet of Central Park in the heart of New York City gives way, about noon, to a colorful youth happening. We asked Dr. Margaret Mead to tell us about that scene.

MEAD: Well, we're talking about New York City, in Central Park, a park that people were afraid to go into ten years ago it had become so dangerous.

Kids come here for many reasons; some have bought their clothes for the occasion. From one point of view it's a masked ball.

Then when you get on to the kids who come for the concerts on the mall now, these are all kinds of kids who come to listen to the music. (Rock music)

Some of them are going to school, some of them are working all summer in supermarkets. And they dress up for the occasion too. And it's a dressed up occasion, which people are saying a lot of things with their clothes. They're even saying, "I have a right to be here," you know, "at least for the day. I won't be conspicuous." Or they're saying, "I'm the kind of person who likes rock music." Or they're saying, "Isn't it fun to roll here together." (Rock Music)

I prefer it outdoors. I can enjoy it outdoors. Indoors it hurts my ears, unless I get in the middle and dance. Then my ears take the next trip.

There have always been generations, and there have always been kids rebelling against older people; or older people saying, "You know, it was like that when I was younger," "It wasn't like that when I was younger."

We're talking about something different now, we're talking about something that happened after World War II, happened only once. We don't think we'll have another gen-

eration gap like this. But it's gone right around the world, and we have a group of young people who were born into such a different world that there's real gap between them and all older people, not just their parents or their teachers, but people in their own society.

You know, we have had gaps between parents and children, or gaps between teachers and their students. And gaps in one part of society. Or when immigrants came from Europe there was a big gap between their children and the parents that came over here. Lots and lots of little gaps around the world.

The thing that's unique about this one is that the youngsters who grew up after World War II grew up in a different world everywhere in the world. So that nowhere anywhere are there older people that have had the same experiences they've had. And this is what cuts them off.

JACKSON: What made the world so different in 1945?

MEAD: Well, to begin with we discovered all of it. We began knowing we were in a whole world at once. The bomb, so that we knew that we now held the life of the world in our hands, as we never had before. Television, which means that people could see what was happening on one side of the world, or somewhere else, immediately. Computers, and space exploration. All these things happened at once, and they made such a big change that now there's a real gap. It's around—the oldest are around twenty-five now, you know.

For thousands and thousands of years all societies were what we call post-figurative. Change was so slow, and people knew so little about it, that children learned from their grandparents what their lives were going to be like. So when you were born your future was already laid out in front of you, in the presence of the old people, you know, watching them.

Then when we got change we had what I call a configurative society, where you learn quite a little from your own age mates. Although you still learn a lot from old people.

And now we're in a society where we have to learn from the children, because they're the only people who've lived here.

(Rock music.)

JACKSON. Again, Dr. Margaret Mead on what young people are telling us.

MEAD: They're trying to get through the idea that we do live on one planet, and that its resources are limited. We have to look after it. You know, we thought it was so big we never explored it, we'd never flown around it, we'd never seen it from the moon. And we thought it was an enormous place with inexhaustible resources.

Oh, you might use up some of our good land in the dust bowl, or you might cut down most of the trees in Australia. But in general there was plenty everywhere.

And now we've seen the earth from the moon, which is the way the kids have grown up. And they know how small this planet is, and how limited its resources. So they want us to take care of it better than we did. And from that comes Earth Day, and all of these things.

They've grown up to realize that we're all members of the same species. And whereas their grandparents didn't know this, they really didn't. And they thought people with different skin color or different kind of hair really were different genetically and biologically in a way that mattered.

The kids know this isn't true. When you go into discussions with them, you find that on the whole they have the same position around the world. They're against war. They know we're all one human race. They know the bomb could destroy us all and every living thing. So they're against war in a very different way from the way people used to be against war before.

Despair is a very important element in young pepole today, and it will be as long as the Vietnam war goes on. Because they know the bulk of the American people don't want the war; they know they elected President Nixon because he said he'd end it, and hasn't ended it.

And they only know this Administration. They haven't known other Presidents, and they don't know how slow things are. So they say the whole system has to be destroyed. But they don't really know what they mean when they said this.

And, you know, they don't really want to destroy the system. It's a way of talking, because they don't know what else to do with the plaguey thing.

Authority is wobbling today. Authority was based not only on the belief in authority—you know, that you honored your father, or honored your teacher, or honored elected officials, and things—it was also based on the fact that they did know more, they actually did know more.

Now there are things that they don't know more about. If they'd stop talking about the things they don't know about, they'd get their authority back.

JACKSON: Dr. Mead, aren't the youngsters prone to violence?

MEAD: The young people are not prone to violence.

There has been violence in some confrontations that were badly handled. And there've been rocks thrown. But for every rock that was thrown, there've been thousand and thousands of kids who marched, and stood, or stood vigils, or sat up for nights, and nights, and nights talking, trying to straighten things out. But they never get recorded, they never get in the mass media.

Only violence gets into the mass media. And I don't blame parents for thinking they're all violent, because that's the only thing they ever see.

JACKSON: Why is there this general stigma attached, then, that they are violent, and that they are prone to so-called overthrow the system?

MEAD: Because they're questioning the system. At the outside, there are about four percent of college students that are interested in political activism in the whole country—that's four percent of college students, not of all young people in the country.

There are some violent, or advocate some violence among young people, just as there are among many older people also.

JACKSON: This whole talk, largely from the youngsters too, about dropping out, about leaving the system—is that valid? Do you think they will?

MEAD: A very few people leave the system. They're a criticism of the system when they leave it. This country is made up of dropouts. Everybody who came to this country in the early days was a dropout from the system, who came here and wanted to found some other kind of life. So that the kids that articulately drop out are criticizing the system, you know, their criticism of it.

It doesn't mean that this is what most young people want. It means that the mass media always seize on what is dramatic, what is extreme, what is unusual, and if possible what is violent.

JACKSON: Sargent Shriver, whose son, as you know, was recently arrested, says that young people are under tremendous pressure, with what he called fantastic temptations, and he blames it on, in his words, "almost libertine society." What do you think?

MEAD: I think that is at present a pretty libertine society, and the libertines are middle aged and older. They grew up in a puritanical society; and when you just remove a few of the restraints, the people who grew up puritanical go in for lust. And there are a lot of old libertines around, no young ones.

JACKSON: How does the older generation . . . the authorities . . . approach the question of drugs?

MEAD: We're endangering people terribly . . . with heroin, with LSD, with speed. We're endangering people permanently. We tell them that pot is one of the these. Then they try pot and they find that nothing happens. And they're addicted. And they don't trust the adult world anymore when they say that speed is dangerous, that LSD is terribly dangerous and that heroin is a terrible habit to have. They don't trust their elders because their elders have lied to them about pot. And that's the reason I want to separate pot off from the others, and repeal the laws against pot and put it in another box.

There's a lot of emphasis on not wearing formal costumes, you know. They want people to be free of all kinds of bans and confining things. They're the rag-tag and bob tail of previous fashions; Indian head bands, or old jackets, or crocheted animacassars worn over people's shoulders, and things.

They're picking up things from the past, all sorts, because they live in a world where the whole world's being hurled at them at once in fragments, and they take the fragments and make clothes out of them. And make a few statements when they do that.

They're saying, "We belong to this generation, and for goodness sakes, people have been saying things with hair ever since anybody can remember." You know, you'd think nobody knows any history. They have forgotten what it was like when I cut my hair, in 1920, and the whole barber shop wept. You know, it was the end of womanhood when we cut off our long hair.

But we didn't have TV in those days. People only had to deal with the bob-haired girl next to them. Or in England when the Roundheads came in they didn't have mass media. And today the hair styles and all of these things get on mass media, and they're much more of a statement than they would have been then.

They've been filmed all their lives. They were filmed in their cradles, you know. They've had Christmas morning tape, they've heard their voices on a tape recorder all their lives. They've none of the shyness that we had the first time we heard our voices, or saw ourselves in a film. It was horrible. They've grown up that was in a kind of reflexive, circular world.

After all, in this kind of a show here in the Park, anyway, they're on the stage. They're dressed up for a stage. And if you're on a stage you don't object to having spectators. In fact, you want them. (Rock Music)

You see blacks and whites going around together, treating each other like people. And perhaps not quite forgetting the difference. Enjoying it a little, enjoying the fact that they are stating that we're all human beings, and all the same in God's sight. That's one position.

Then you have the other, you have young blacks together, magnificently dressed, with their hair standing up on their heads. They've proud of what they look like.

So when it's carnival, and everybody's happy, and everybody's singing, you don't get this kind of confrontation between police and young people. And in fact, at Woodstock the police were highly protective.

But of course they realize that young people who look like this have been involved in other kinds of demonstrations, and the cops take an awful beating sometimes. They were brought up to deal with the robbers, not to deal with college kids.

(Rock music)

JACKSON: Dr. Mead, I've heard you often say in the past conversation that one of the ways to reestablish communication with the youngsters is to talk to them. On the other hand you hear so frequently from parents

that they can't talk to their kids. What do you tell them to do?

MEAD: To listen.

JACKSON: Well, they won't talk.

MEAD: No, that isn't so, you see, because the parents don't listen. They don't have much practice listening, and very little practice listening to kids. He'll find if he watches himself that every time the kid says something he gives him a lecture. He moralizes, and tells him he never knew what the Depression was like.

You have to give up remembering your own youth and thinking that will explain things, because it won't. You have a tendency to believe the world's still something like the world you grew up in, and you're kidding yourself. You see, they've never known another world. I mean, you'll get fourteen year old boys now saying, "I used to be interested in space exploration," you see. It's part of their childhood, they're tired of it. This is a difference from people who just stood breathless when the first man landed on the moon, because it still was a marvel to them.

Listen, understand something that they're about. Otherwise we have a great big segmented society that we don't understand, and that many people are afraid of. You're always afraid of things you don't understand.

If the older people listen, then the kids will listen. They're fair.

JACKSON: At this point it's traditional to say, on the one side you've heard this, and on the other side you've heard that, and both sides are worthy of your deepest consideration, and so on. But tonight that cannot be the case.

To be honest, it's been largely all one view through one lens. Quite simply, Dr. Mead says, we must reverse the trend of recorded history and learn from the children. Largely because of the bomb, and television, and space, she says that those born after World War II are different from any other generation ever known.

They are, in effect, the first to know their earth by looking at it from the moon.

Dr. Mead agrees authority is wobbling. But, in a line, she summed up her thoughts when she said, "If those—the elders—would stop talking about the things they don't know about, they'd get their authority back." And then she proposed legalizing marijuana.

In all fairness, we must point out that many doctors strongly oppose this point of view . . . that very little medical evidence has been collected on either side of the pot question . . . and that, in all events, marijuana is, at present, illegal.

But what to say of Dr. Mead's views on youth? Is this kindly anthropologist . . . who is, incidentally, also a grandmother . . . as confusing as the youngsters? That's for you to decide. But it does seem that we Americans are quick, even eager, to believe our experts when they're talking about the natives of New Guinea, or explaining the life styles of the Fiji Islands, but rarely appreciate such analysis at home. And there seems to be a moral to that. But good sense suggests that Dr. Mead have the last word—which she will in a moment.

(Music).

MEAD. If all the people who grew up before WW II really realize that they are different, and that the kids are different, and that it isn't about parents and children and it isn't about teachers and students. It's just about all the people under 25 and all the people over. And once they realize it, they won't feel its their problem, that they didn't bring their kids up right, or there's something wrong with their kids, or they shouldn't have sent them to that college, or something of the sort.

We realize this is a world wide phenomenon that's happening everywhere, and it's happening to everybody. So it's up to everybody to work it out, in their own particular situation.

You know, when people are in an earthquake, and everybody's in the earthquake, they don't go around blaming each other, or blaming themselves. There's an earthquake, they deal with it.

And this is like an earthquake. It's something that's universal, that affects everybody, and everybody has to learn to work with it.

Learn who the kids are, because they're going to have to live in the world together for a good long time from now.

(Music).

ANNOUNCER. This has been a presentation of ABC News.

THE FULBRIGHT-McGOVERN NBC TELECAST

Mr. MANSFIELD. Mr. President, last evening, over the National Broadcasting Co. television network, the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from South Dakota (Mr. McGOVERN) addressed themselves to the overriding issue that faces the country—the tragic war in Southeast Asia.

No more articulate spokesmen—men with great honor and deep conviction—could have been chosen to present this view to the American people.

I ask unanimous consent that the transcript of their remarks be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

THE NATIONAL BROADCASTING CO. PRESENTS A REPLY TO PRESIDENT NIXON ON THE SUBJECT OF SOUTHEAST ASIA

(By Senator J. W. FULBRIGHT and Senator GEORGE McGOVERN)

Mr. MONROE. In the past nine months President Nixon has made five television speeches about our policy in Vietnam. NBC has provided extensive coverage to both sides of the Vietnam debate in its regular and special news programs. Recently the Federal Communications Commission ruled that an equal time answer is not required every time the President makes a talk, but in view of Mr. Nixon's five televised talks on Vietnam, the FCC also said that as a matter of fairness the networks should provide some special program time to his opponents on that issue—A Reply to the President.

Tonight we will hear from two of the most prominent critics of our Vietnam policy: Senator J. W. Fulbright, the Arkansas Democrat who is Chairman of the Senate Foreign Relations Committee; and Senator George McGovern, Democrat of South Dakota, who is co-author of an amendment to require American withdrawal from Vietnam.

Now, Senator Fulbright.

Senator FULBRIGHT. During the past several years, much has been written, spoken and filmed about the war in Indo China. So much, in fact, has been said that it is not easy to filter the truth from the great mass of information, misinformation and pure propaganda, and to assess the full effect of this war upon the personal lives of our people here at home.

Tonight I shall try to focus our attention as clearly as I can upon those aspects of the war which I believe are of first importance to the American people.

In view of our experiences in recent years, is it not appropriate to look inside our hearts and minds, to ask ourselves some searching questions? Two fundamental questions are: What kind of country do we want America to be: and what kind of people do we wish to be?

Generally we have been proud of our common sense. In Arkansas, we sometimes say we have horse sense. We like to think we are generous, friendly and tolerant of other people. We have thought we are sensible and hardheaded, not given to visionary schemes beyond our capacities, and not subject to religious or political obsessions, or bitter hatreds which in endless wars have plagued the lives of so many less fortunate people.

We have been proud of our tremendous success in developing our country, in our technological and scientific knowhow, and our ability, through private business enterprises, to bring the material benefits of this knowledge to more of our people than any other society in the world has ever done.

We have believed we are capable of distinguishing a good investment from a bad investment, of knowing what policy is in our national interests and what is not.

I suggest to you tonight that the war in Indo China is a bad investment of our resources and of our talents. It is contrary to common sense, it is a departure from our best traditions, and it offends our inherent sense of decency.

That is why there is such general dissent, such widespread disillusionment, and such a lack of confidence in the wisdom of our actions. Such confusion and hesitation about what we should do now.

Depending upon the news of the day, the debate about the war focuses on certain questions: Will Vietnamization work? Was the Cambodian invasion justified? Is the President exceeding his powers? What is to be done about crime in the streets and violence on the campus? Why are unemployment rates so high, interest rates so exhorbitant and houses so scarce? And why, with all our wealth and technical genius, have we had so much difficulty in making or cities fit places to live, with good schools and safe streets, fresh air and clean water?

Underlying each of these questions that divide and distract us, may I repeat, is the basic question of what kind of country we want America to be. Do we wish to be the greatest, proudest military power the world has ever known, the world policeman who rushes into the breach whenever and wherever trouble arises, or would we rather be known to future generations for our success in solving human problems, for our practice of democracy at home, and, in foreign policy, or willingness to cooperate with other countries in the United Nations?

I do not know what our choice is going to be, but of one thing I am certain: We cannot be both the policeman or the nursemaid of the world and a flourishing democracy at home. War undermines democracy, and America has been in a full-scale war for 12 of the last 30 years. Three decades of war and crisis have put a great strain on our democracy. War has necessitated the diversion of vast sums of money from urgent domestic needs. And with one war following another, the agenda of domestic neglect has grown dangerously long.

More difficult to measure but no less important has been the drain on our moral and political energies. A President who spends much of his working day trying to win support for his war policy does not have much time nor energy to deal with poverty and crime, housing, schools and pollution. A Congress burdened with war costs and war measures has that much less time, money and spirit for the work-aday tasks of studying social and economic problems and legislating programs to meet them. Worst of all is the loss of spirit and optimism which has affected so many of us. For the first time in history, Americans of all ages are showing signs of cynicism and disillusion about the future of their country.

As the mayor of one of our large cities said after one of the great urban riots of recent years, "We may be able to pacify every village in Vietnam over a period of years, but what good does it do if we can't pacify the American cities?"

These are the real questions arising out of our war in Indo China, and I regret very much that we have been diverted from them by questions of national courage, or of our possible defeat and humiliation.

Courage is a personal quality, not one belonging to nations apart from their individual citizens. It takes no individual courage, for example, for a President, a Vice President, or a Senator to send young men to risk, or to give their lives in a jungle 10,000 miles from home. It takes great moral courage, on the other hand, for Senator McGovern to acknowledge a mistake and to take an initiative to end the war in Indo China, just as it took physical courage when he flew 36 combat missions as a B–26 bomber pilot in World War II, for which he was awarded the Distinguished Flying Cross.

It diverts us from the real question when the President invokes the spector of "This first defeat in American history." We are not really in any danger of being militarily defeated in Indo China. Everyone, including the enemy, knows that. Within hours, if we choose to do it, we could wipe those little countries and every living thing within them off the face of the map.

It is not weakness that prevents us from doing that, but decency and civilized restraint. A war is not a football game which you play to win for the sake of winning. A war is fought for political objectives, and when it is recognized that those objectives are unattainable at a reasonable cost, the appropriate course of action to end that war in an orderly but expeditious way. Correcting a mistake is not a defeat or a humiliation, but a rational and honorable way of coming to grips with reality.

The real questions to be asked about any war are whether it is essential to our security, whether it serves any other useful purpose, and whether the cost is commensurate with the gain. My own view is that the war in Indo China is unjustified on all these counts. I would like to explain why, starting with the question of security.

North Vietnam is a small and poor country which could only be a threat to the United States if it were the spearhead of a far larger power, or unified international movement which was hostile to the United States. Within the framework of a fractured, divided Communist world, North Vietnam is a sovereign Communist country, dependent on Russia and China for military equipment but politically dominated by neither, and far too small and poor to pose a threat to the security of the United States. This is the view of expert witnesses, including distinguished military men who have testified before the Senate Committee on Foreign Relations.

In the plain words of General Shoup, the former Commandant of the Marine Corps, it is "pure unadulterated poppycock" to regard North Vietnam and the Viet Cong as a threat to America's security.

If the North Vietnamese and the Viet Cong pose no serious threat to American security, the question arises as to whether they are a threat to other non-Communist countries with whom we are allied. On the basis of their grudging minimal contributions to the fighting in Vietnam, it would appear that our Asian and Pacific allies either do not take the threat very seriously, or are content to let the United States do their fighting for them, or are willing to fight only if they are paid lavish subsidies by the United States.

Former Secretary of Defense Clark Clifford has said that his own initial doubts about the war arose when none of our allies were willing to make additional troop contributions as we requested. If the countries closest to Vietnam do not care enough to voluntarily send their boys to fight and die in Vietnam, why should we send our boys to fight and die for them?

For all these reasons, I am convinced that this war is mistaken from the standpoint of both our own security and the security of our allies.

I return then to the question which I believe to be the most important of all, the effect of this war upon our own country and our people. The American people are angry and divided, and some of our young people now say that they have lost faith in the American system. I am not referring to that small misguided minority who have resorted to criminal acts of violence, but the great majority of decent, law-abiding and idealistic young people who used to join VISTA and the Peace Corps before they lost faith, and who now return gladly to active constructive participation in their country's affairs if they saw their national leaders returning seriously to the task of rebuilding our country.

I do not share President Nixon's view that our choice is between Vietnamization and precipitate withdrawal. I believe this war can be ended by an honorable negotiated settlement. To get negotiations going, two things are required of the United States: Our willingness to take away from President Thieu the veto he presently exercises over American policy, and our willingness to commit ourselves to a phased but total American military withdrawal from Vietnam to be completed by a specified date.

But the Administration clings to its policy of Vietnamization. And because it is unwilling to offer the key concessions, there is no progress in the Paris talks.

Vietnamization is only the latest of a series of military strategies. It may make the war more tolerable for Americans by reducing the level of our own participation, but it will not extricate us completely. It will keep us involved indefinitely, while condemning the Vietnamese people to the blood bath of continuing warfare.

In any case, I do not think that Vietnamization is going to work, because as General Ridgway, distinguished former Army Chief of Staff has asserted about Vietnam, "A military solution is not now and never has been possible under conditions consistent with our interests."

In the absence of strong leadership by the Administration to end the war through political compromise, it has seemed appropriate and urgent for Congress to take the initiative for peace. One of the ways we propose to do that will be explained by Senator McGovern.

In conclusion, I emphasize again my own belief that a great deal more is at stake than the fate of a poor and now utterly devastated little country in Southeast Asia. The issue is nothing less than the survival of the kind of America we love and the kind of country we want it to be in the years ahead.

Thank you.

Senator McGovern. I am grateful to NBC for inviting me to share this time with you and with Senator Fulbright, a distinguished statesman who has served as Chairman of the Senate Committee on Foreign Relations longer than any other man in our national history.

Four years ago Senator Fulbright wrote a thoughtful book in which he discussed the subject of patriotism. "To criticize one's country," he said, "is to do it a service and pay it a compliment. It is a service because it may spur the country to do better than it is doing. It is a compliment because it evidences a belief that the country can do better than it is doing. Criticism is more than a right. It is an act of patriotism, a higher form of patriotism."

So we are here tonight as patriots who love our country, who cherish its personal freedom and its Constitutional government. We are here because we cannot forget that young men are still dying in a jungle 10,000 miles from home. We are here because too many young men have gone to Asia filled with hope and strength, only to come home in coffins or hospital ships with their legs missing, without their arms, their faces, or their hopes.

It is one of the troubling paradoxes of history that in this war, as in others, young men are condemned to fight the wars that older men begin. So we are here with a special burden to make sure that those young men did not die in vain. We must end this terrible war, but beyond that, we must learn its lessons so that we do not repeat its mistakes with other multitudes of young men.

We are here, too, because we cannot forget the heavy costs of this war in our own society—the wartime inflation which drives up prices, increases interest rates, raises our taxes, elevates our national debt and delays the reconstruction of our society. While this brief telecast is in progress, we will spend another $1 million on the Vietnamese engine of war. One million dollars every half-hour. A million dollars that we need in America to fight crime, to end pollution, to create jobs, to build houses and hospitals and schools.

We are here, too, because we cannot forget that a million Vietnamese have died in this war, and they, too, are the children of God. Thousands of them killed by the destructive power of our own weapons.

This war began in Vietnam a quarter of a century ago as an effort on the part of the Vietnamese people to throw off the yoke of French imperialism. It has continued as a struggle by one Vietnamese faction competing with another for control of Saigon. Since 1954, we have invested some 50,000 American lives and $150 billion trying to help one side of this Vietnamese conflict to defeat the other.

For many years I have believed that it was a mistake to require American boys to die in defense of a political regime in Saigon that has never commanded the respect and support of its own people. What then are the realities we face tonight? First of all, we must recognize it is impossible for us to control events in a society so different from our own, so far from our sphere of influence. We have in effect been drawn into a family quarrel where it is almost impossible to distinguish friend from foe. They are all Vietnamese. They all share the same history, the same language, the same essential outlook on life and death. They have lived and fought and struggled with each other for a thousand years, and no matter how long we stay, when we finally go home they will live and struggle with each other for another thousand years.

So this brings us to the second reality, that our interests in this war are different from the interests of our ally in Saigon. We had hoped from the beginning that the South Vietnamese rulers would carry out reforms that would bring to them the support of their own people, but instead, the politicians and generals of Saigon have feathered their own nests with American money and with bribes demanded from their own people. We had hoped that they would establish political freedom, but instead they have filled their jails with tens of thousands of their own citizens, not because they were Communists, but because they had the courage to point to the failures and corruption of their own government.

We had hoped that they would use the billions of dollars we have given them in aid to build a strong defense for themselves, but instead, an army that now numbers five times the size of the enemy force in the field still lacks the capacity to stand on its own.

We have expressed our willingness to see the various competing groups in South Vietnam get together in a coalition government and end the fighting. But General Thieu, our ally in Saigon, says that never will he participate in such a coalition where he must share his power with his challengers.

Another reality we face is that the longer we stay in Vietnam, the more we play into the hands of the Communists and weaken our own society. The two great centers of Communist power in the world are Russia and China. Yet while we have poured out our substance in Vietnam for ten years, not one Chinese or Russian has been expended in that conflict.

If Peking or Moscow had been in charge of American foreign policy for the past decade, they could not have devised a policy to hurt us more than the one we have chosen for ourselves. Where, then, do we go from here? How do we stop the blood bath now raging in Vietnam? How do we stop playing into the hands of the Communists? How do we end this war that is destroying Vietnam and weakening our own society?

Two courses have been suggested, one by President Nixon, and one by some of us in the United States Senate.

The President's course is called Vietnamization. As I understand it, that means staying in Vietnam until the Vietnamese forces can continue the war without us. The President, to be sure, has withdrawn some American forces. He promises to reduce more. He indicates that 280,000 will still remain a year from now. That is a very large force. The President indicates that they will stay until the Saigon rulers are ready for us to leave.

The trouble with that formula is that General Thieu and his government are never likely to want us to leave. They owe their power to American military and financial presence. The Saigon generals have ignored, and our military command has suppressed a recent poll indicating that 65 percent of the people of Vietnam want us to withdraw from their country now.

The Vietnamization formula is also an invitation for the enemy to continue attacking our troops. Why should he stop his military effort if he believes that Vietnamization is a plan to exclude him from power in South Vietnam.

I believe the formula offered by a group of us in the Senate, called "The Amendment to End the War" is a better approach. What does it provide? Its essence is a definite withdrawal date. It says that all American forces must be out of Vietnam, out of Laos, out of Cambodia, by the end of next year. It provides an emergency clause that would give the President the power to extend the deadline for 60 days. Any further extension would require the approval of the Congress of the United States of your representatives in that assembly.

The amendment also authorizes funds to cover the costs associated with the release of prisoners, with asylum for those Vietnamese who might be jeopardized by our withdrawal, and for assistance for the people of Vietnam in rebuilding their war ravaged country. This amendment builds squarely on the Constitution of the United States, a Constitution which gives the Congress the power to declare war and to decide both the scope and the length of American commitments.

The Senate amendment formula serves notice on the Saigon generals that we are definitely coming home at a set time. It says to them: You have no more than 16 months to broaden and strengthen your government, either for the purpose of taking over the war or negotiating a settlement with your challengers.

If this amendment were enacted, I fully believe it would end the war. I am convinced that Saigon would move quickly toward a political settlement with their challengers, once they knew that they no longer could depend on American blood and treasure.

The Senate amendment would also be an invitation to the enemy to stop his military operations and begin negotiations. With the assurance that our forces were being withdrawn, Hanoi would certainly find less reason to attack and harass American troops during that interim period. Indeed, it would be in their interests to hasten our withdrawal and reduce their own casualties by making it easy for us to leave.

The writers of our Constitution intended that the Congress and the President together should conduct the great issues of war and peace. Article I, section 8 of our Constitution says: "The Congress shall have power to declare war . . . to raise and support armies . . . but no appropriation of money to that use shall be for longer than two years."

Unfortunately, the Congress in recent years has not fulfilled that Constitutional obligation, to review our military operations with a critical eye and an independent point of view. We have instead shifted our responsibilities to the President of the United States.

The Amendment to End the War would help restore Constitutional government. It would place on the Congress part of the burden now being carried by the President. It would reduce the danger of post-war scapegoating by broadening the base of decision for ending this unpopular war short of victory.

Tomorrow morning at 10 o'clock, the Senate of the United States, your representatives, will vote on this Amendment to End the War. I regard that vote as the most important one I have cast in my service in the Senate, and the most important legislative proposal I have offered.

As we prepare to vote tomorrow, I pray that all of us in the Senate will remember the admonition of Edmund Burke, the great British parliamentarian of an earlier age: "A conscientious man would be cautious how he dealt in blood."

Mr. MONROE. We have heard from Senator George McGovern of South Dakota, and from Senator J. W. Fulbright of Arkansas. With me is Paul Duke, NBC News Capitol Hill Correspondent, who covers the activities of these gentlemen and other Congressmen and Senators.

Paul, it seems to me that Senator Fulbright and Senator McGovern didn't say anything particularly new tonight, but maybe it is not possible to say anything new at this stage of the debate on Vietnam.

I was interested and somewhat surprised in Senator McGovern winding up with what seemed to be a pitch in behalf of the Hatfield-McGovern amendment, surprised because it seems likely, as I understand it, that the Hatfield-McGovern amendment, the so-called "Amendment to End the War," will be rejected by the Senate tomorrow, and thus Senator McGovern runs the risk in emphasizing it that his colleagues will seem to be rejecting in a few hours what he and Senator Fulbright have had to say.

What is the possibility for passage of the Hatfield-McGovern amendment?

Mr. DUKE. I would say there is no possibility at all, Bill. We can say with assurance the amendment will be beaten tomorrow. But the goal of Senator McGovern and the other sponsors, now, is not passage of the amendment, but a show of strength. Their hope is to get as many as 40 votes. They hope by getting 40 votes to do three things. They hope that this will show the Administration that many members of the Senate and the House as well are opposed to the dragged-out fighting, and they would like to speed up an end to the war. They hope it also will remind the Administration, will remind the White House, that many Senators now want a greater share in the formulation of foreign policy.

Additionally, they hope that if they can get 40 votes, that President Thieu and the South Vietnamese government will then be convinced of the opposition that continues in this country and that the Thieu regime may take a more flexible view toward working out a peaceful settlement. Those are the real goals of the sponsors of the amendment.

Mr. MONROE. Perhaps we should also mention an unusual thing about this broadcast. It comes in response to an FCC ruling that if the President makes five speeches on a particular subject, the other side should have some time to answer him. It sort of upsets a theory of the networks that the President is a unique figure voted on by all the people, President of all the people, and therefore should have time whenever he asks for it. But the FCC more or less says in effect that the President is also about 20 percent politician. And I wonder in the future if the President might be a little bit inhibited in asking for time as much as he has in the past if he feels he is building up a necessity for the opposition to answer him.

Mr. DUKE. I don't know about the President being inhibited, but I think we can say, Bill, that many senators will not be inhibited because of the FCC's recent ruling. I think we can also say that many Senators regard themselves as unique figures. We are getting various proposals in Congress now for Congress to respond to the President. Senator Fulbright, himself, for example, has one suggestion. That is he would have an authorized representative of Congress appear on television four times a year to state the views of the Congress. But the question here is, who would represent Congress? Would it be Senator Fulbright, or would be be Senator Stennis, who heads the Armed Services Committee and has an opposite viewpoint?

Mr. MONROE. That might take a little deciding.

Thanks very much, Paul.

I am Bill Monroe. On behalf of Paul Duke and myself, good night for NBC News.

ESSAY BY JOHN K. DAVIDSON, ATLANTA, GA.

Mr. GURNEY. Mr. President, it is reassuring to read the measured words of a young man who I feel captures the sentiments of a majority of young people today. John K. Davidson, of Atlanta, Ga., recently wrote an award winning essay that I feel deserves the attention of all of us. As high schools and universities begin to open their doors I think Mr. Davidson's essay is particularly timely and cogent. I ask unanimous consent that John Davidson's poignant and thoughtful essay be reprinted in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

A MATTER OF POTENTIAL

(By John K. Davidson)

One great educator became so enraged with what he called the "licentious, outrageous, and disgraceful" behaviour of his students that he quit in disgust. The city was Carthage, the year 383 A.D., and the teacher, by his narrative in *Confessions*, was Saint Augustine. Nowadays, as students across America and throughout the world are engaging in an enthusiastic and seemingly idealistic mission against the leaders, institutions, and most cherished beliefs of civilizations, the example of Saint Augustine may suggest that adolescent upheaval is not a particularly new or novel historical concern. Nevertheless, the response of society to the youth rebellion, as anthropologist Margaret Mead has pointed out, could involve some of the most significant decisions of our time.

The ferment of the current student revolutionaries, on and off campus, is of enormous benefit to society. There is a unique oppor-

tunity to assimilate the age, experience, money and organization of the elders with the energy, idealism and social consciousness of the young; but a prime requirement is the courage to listen to a youth who has seen his civilization as it really is, burning in poverty and injustice, and seeks the necessary remedies. He is willing to talk with older persons, even those who could be regarded as associates of the "Establishment," but only if he senses that they are genuinely interested in him. His thoughts are rarely senseless babble. They are, in fact, supported by the astonishing public access to new concepts and information which illuminate the subtler shadings and contradictions that scar modern civilization. With the very accomplishments of previous years—in technology, communications, and affluence—focusing the young person's attention on what the parents have actually failed to accomplish, it would be a symptom of grave illness in our social order should the voice of dissent remain silent.

Not all of the youths' concern is admirably expressed, of course. An influential minority have pledged themselves not only to the restructuring of society as a whole but, to quote Winston Churchill, "the thorough disintegration of all that remains of the old". Fortunately, their number is very minute and motley, and their aspect as professional hoodlums is a manageable legal problem. Indeed, young people—all—who break the law as a symptom of protest must be willing, in the comment of a prominent New England statesman, to "pay the penalty and hope for ultimate vindication." But to limit the issue to this ruling will be acknowledgment of defeat. In the repression of dissent, the responsibility for violence shall hang as much on society as those who protest, and the burden of revolt may too soon become crushing.

The prime area to benefit from student activism could well be the educational system itself. As Sputnik advanced the emphasis on square root instead of square dancing, perhaps the increasing concern of the young with the world they are destined to inherit can invoke—in the universities, at least—a less aloof consideration of the desperate nature of the external globe, and the moral responsibilities that accompany existence upon it. "Black study courses" are outstanding applications of this much-needed attitude.

The students are a minority group by distinction of age, and, as it is, their constructive strength is severely limited. Therefore, they need to be impressed not just of their potential but of the faults and exercises that can terminate it. For example, they should be advised to exercise greater restraint in their diplomacy than the bigoted, self-righteous arrogance of "non-negotiable demands". Otherwise, the universities will hold every right to follow suit; they won't negotiate. Concurrently, there should be a watering down of their youthful pride in being so "independent", and more recognition of the value of cooperation with those people they ordinarily assume to be least attuned to joint operation: the parents, the teachers, and the government.

As well, students must realize that they are not the divine inventors of social consciousness, that the world had witnessed its Bonus Marchers and Abolitionists (it was Irwin Cobb who said: "The trouble with the younger generation is that it hasn't read the minutes of the last meeting"). By doing so, they can plot the most profitable courses of action, weigh their own chances of success, and obtain invaluable perspective into the historical denominators that send them in search of dragons to destroy. And above all, *relevance*—they must extend their outlook. The discharging of energies into the harassment of ROTC officers and debating the merits of sexually integrated dormitories seems laced with touches of the sin of selfishness. The fact, as an example, that Biafra is an ocean away, but the Dean's office just across the campus, does not excuse failure to ponder the truly paramount issues facing an entire world, issues that do not smell of trivia, but concern peoples' beliefs, their freedoms, and their lives.

Yet, even the noblest soul can benefit neither itself nor society through the inclination to violence. The colleges must convince students that they will not be permitted to believe there will be no consequences for their actions; the nature of the institutions fail in this obligation, the results of such a *folie a trois*—the college replicating the parental abdication of authority—might not be clarified until the advent of the next generation, but there is a potential for social destruction, and it is indeed immense.

BISHOP JAMES E. WALSH

Mr. TYDINGS. Mr. President, many persons across the Nation shared in the joy of the release of Bishop James E. Walsh after serving 11 years of a 20-year sentence in a Communist Chinese prison.

A native of Cumberland, Md., Bishop Walsh was a missionary in China in 1960 when he was accused of espionage against the People's Republic of China.

Among those who rejoiced most about Bishop Walsh's return were his fellow Maryknollers. Bishop Walsh was one of six students in the first class at Sunset Hill, the Hudson River complex of Maryknoll, a missionary order of Catholic priests and nuns.

As I expressed in a telegram to Bishop Walsh's family in Cumberland at the time of his release, it is indeed unfortunate that Communist China took 11 years to release a man who has served the better part of his life as a missionary of love and peace.

Pope Paul VI rejoiced over the eminent bishop's release. His fellow Maryknollers rejoiced. His family and friends in Cumberland, Md., rejoiced. Indeed, all who honor love and peace, the message that the bishop spread, rejoiced.

I ask unanimous consent that the article from the September 1970 Maryknoll magazine, an article in the August 25, 1970, Baltimore Evening Sun about the meeting of the bishop with Pope Paul VI in Italy, and the text of the Pope's remarks be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Maryknoll magazine, September 1970]

FREE AT LAST!

(By Moises Sandoval)

It didn't look like a day for good news. Morning came but the darkness lingered, held in by black, threatening clouds, and thunder rumbled in the distance. The kind of a day when you hate to get up and, when you do, don't venture a "good morning" to anyone.

But there was no avoiding the smiles in the long, dark seminary corridors. No one passed without greeting you.

"Did you hear the news?"

"Yes."

"Isn't it great?"

Several hours before, Maryknoll Bishop James E. Walsh, for 12 years in a Red Chinese prison, had crossed the border bridge to freedom at Hong Kong.

So there was joy and excitement at the breakfast table. "I wonder how he'll feel about all the changes," said one priest for whom the changes must have come hard.

By now the rain was coming down hard. But the priests and Brothers of Maryknoll paid it no heed. No rain was going to spoil this day. By their happiness, it might well have been one of those clear days when you climb the seminary tower and see—well, not forever—but 35 miles down the Hudson River to Manhattan and several pleats of green Catskills to the north. It was Bishop Walsh's day. And Maryknoll's day. July 10, 1970.

For someone not a Maryknoller it might be difficult to understand the emotion generated by Bishop Walsh's return. But he was to Maryknoll what one of the founding fathers was to the United States. Imagine, then, the excitement if, say a resurrected Thomas Jefferson were to arrive in Washington to counsel with present government leaders and kindle the spirit of a troubled nation!

True, Bishop Walsh was not the founder. But he was the second of six students in the first class. He came here when Sunset Hill, site of the sprawling Maryknoll complex, had only wooden farm buildings badly in need of repair. Perhaps he, more than any of the early Maryknoll missioners, was able to describe and articulate and live the vision and ideal of what the Maryknoll missioner should be and do. He was, perhaps, much larger than life—tough, wiry, stubborn.

Alone, he chose to remain at his post in China despite pressure from the Communists and uncertainty about the wisdom of his decision.

"I cannot estimate the good I may be doing, apart from the settled missionary rule that kept me here," he wrote his superior. "In any case a priest seldom knows if he is an asset to the Church in his particular place at any time. I encourage some, alarm others. I do little more than say my prayers and walk the streets to show my Roman collar.

"The problem really is: are the reasons valid and grave enough to set aside the established principle that a priest ignores adversity and remains at his post?"

Harassed since the Reds took Shanghai in 1949, his Catholic Central Bureau closed in 1951, under house arrest from then until he was finally imprisoned, Bishop Walsh lived the following ideal:

"In the fight for a world, the victory will go to the strong. That fight is going to be won and through the Cross. . . . We must bear and love the Cross as it blisters and burns and bites in order to pour into us its divine strength.

"Sacrifice is needed to make us strong. This is not a time for half measures. We must seek the Kingdom of God and His justice and we must seek them at the cost of any violence to ourselves."

But now Bishop Walsh was coming home and no one awaited his return with more anticipation than Farther Bernard Meyer. At 79, the same age as the bishop, Father Meyer seems to be from the same hardy mold. He is spry, precise, good-humored, articulate, steeped in memories of 31 years in China. They were two of the first four Maryknoll missionaries to go to China in 1918 and worked together for years.

Father Meyer returned from China in 1949. He now resides at Maryknoll's St. Teresa's Residence.

"We will have a lot of things to talk over," he said. "I am looking forward to hearing his reactions to the many changes which have occurred in the Church and in the world since he was imprisoned. They will be typically his very own."

The bishop's release came as a complete surprise. Maryknollers seemingly had resigned themselves to not seeing him again. He was 68 when he was sentenced to 20 years in prison in 1960 on charges of espionage against the People's Republic of China.

Hardly anyone would have dared hope that he would one day walk out.

His brother William, Cumberland, Md., saw him in 1960 for what he thought was the last time. Over three days he was allowed to visit the bishop for two hours and 35 minutes. When they said goodbye, William voiced the thought in their minds. Bishop Walsh replied:

"Then we will meet again in heaven."

Bishop Walsh himself received no hint that July 8 would be a special day. But at 8 a.m. he was told to pack his bags and a doctor came to check his physical condition. His jailers told him that although he was a great criminal, he was being released because of the leniency of the government and out of respect for old age and good behavior. By 10 a.m. he was aboard an air conditioned train from Shanghai accompanied by a doctor, two interpreters, a photographer and three policemen.

With no previous announcement, he walked across the railroad bridge at Lowu. "I have been in China a very long time and I am glad to get out," Bishop Walsh told Hong Kong border authorities.

Arriving at Our Lady of Maryknoll hospital by ambulance, Bishop Walsh said he looked forward to celebrating his first Mass in 12 years. Doctors found him in good health. Drinking his first cup of coffee since his imprisonment, he said, "That tastes as good as this freedom."

Two days later, he celebrated Mass in Latin in his hospital room in the presence of Maryknoll Sisters Patricia Fitzmaurice, a doctor, Katherine Byrne, a nurse, and Father John J. Sullivan, Maryknoll Superior in Hong Kong. Afterward he remarked: "Oh, I forgot to go to Confession." Then, with a smile: "I guess I have no sins."

The only news he read in 12 years were in Chinese magazines in English. His recollections of prison were positive. "He is humble as always," said Father Sullivan.

Father John J. McCormack, superior general of Maryknoll, went to Hong Kong to see Bishop Walsh, returning through Rome where he would see Pope Paul VI. Bishop Walsh and Father McCormack concelebrated Mass in Hong Kong. There were happy telephone calls between Bishop Walsh and his brother and sisters.

"He never gave up hope," said his sister Mary. "He had complete faith in God." An editorial in *the New York Times* following his release said:

"There is stirring human drama in the saga of Bishop James E. Walsh who walked to freedom in Hong Kong yesterday. . . . So indomitable was Bishop Walsh's spirit, so strong his faith, that he has survived and is now free at the age of 79." Similar tributes came from many other people.

Pope Paul VI, in a talk to pilgrims, rejoiced over Bishop Walsh's release. He sent the bishop a special apostolic blessing and hoped that this portended better days "for freedom and religion, as well as for the sake and honor and prosperity of that immense nation (China) which the Church has never ceased to love."

So it was back to Sunset Hill for Bishop Walsh, but, in Thomas Wolfe's phrase, he could not go home again. Because many, many changes have come since he left home in 1946. And of Sunset Hill as he first saw it in 1912 and its farmhouse seminary, perhaps only the magnificent view remains. Gone are the buildings, the streetcars which brought him and others to the base of the hill to begin the priestly life and the other great men who first gave life to the mission of Maryknoll.

Many of the changes would be happy ones. For one, Maryknoll has grown much. The number of Maryknoll priests, Brothers and Sisters has tripled since 1946. There are now about 1,200 priests and Brothers and 1,312 Sisters in 16 countries in Asia, Africa and Latin America. Each major city in the country has its Maryknoll House staffed by priests who serve Maryknoll's large family of concerned Christians who contribute money, prayers and vocations—literally millions of people. New wings have been added to the seminary. New buildings have gone up on Sunset Hill.

Bishop Walsh would probably also rejoice in the added emphasis on professional competence in many fields, always a Maryknoll trademark, but now more than ever a reality. Many of the priests, Brothers and Sisters are not only schooled in the typical curriculum specializing in philosophy and theology but also have special competence in agronomy, medicine, journalism, education, community organization, nursing, labor, management, cybernetics and many other areas. Almost daily, it seems, men return from the field for refresher courses to improve the quality of their service.

All this fits in with Bishop Walsh's vision of what the Maryknoller should be. In a description of a missioner written several decades ago when he was vicar apostolic of Kongmoon, China, he wrote:

"He (the missioner) will do his best praying not in the quiet of his chapel, but treading forest paths and poking into farmhouses and hobnobbing in the market places, where the zeal of his vocation should eternally take him in an unceasing quest for souls. His own soul is saved only by saving others."

The Maryknoller now more than ever sees himself as the modern Good Samaritan. He is not like the priest of the Scripture story who passed by the wounded man on the roadside doubtless because he had to go preach somewhere. Rather, the Maryknoller is the stranger who stops to bind up the wounds of all those along the roadsides of this world who are robbed of their health, dignity or opportunity for the full life of faith to which they are entitled as sons of God. And in coming to serve rather than to be served, to act, to make life better now rather than just promise pie in the sky, the Maryknoll missioner walks in the footsteps of Jesus.

There would be many other changes evident to Bishop Walsh—the new rubrics of the Mass, now in the language of each nation, the ferment in the Church in general, the ever evolving concept of what priesthood is, the changing images and expectations of priests, Sisters and laymen and new perspectives even on moral principles.

And perhaps Bishop Walsh will find that there is to be no luxury of retirement, what with the demands that will be made on his time for articles, memoirs, television interviews. But he long ago resigned himself to that:

"There is no gentle setting into the pleasant groove of old age for the missioner," wrote Bishop Walsh long ago. "His surroundings fail to recognize and allow for that natural process. . . . He is denied the privileges of growing old. It is true that his teeth fall out, and his hair grows grap; he may look old, and even feel old: but in all the essentials that make the man, he is condemned to eternal youth, for the missions will forever demand of him the resiliency of a rubber ball."

But, if he can't have rest he can at least have the peace of knowing that Maryknoll continues to spread the Gospel with the same zeal and energy and impatience of St. Paul.

[From the Baltimore (Md.) Sun, Aug. 25, 1970]

PONTIFF EMBRACES BISHOP WALSH, LAUDS "ENDURING LOVE, SUFFERING"

CASTEL GANDOLFO, ITALY.—Pope Paul VI tearfully embraced Bishop James Walsh today and thanked him "in the name of Christ for all that you have done and suffered" during his 12 years' imprisonment in Red China.

In an audience, the pontiff told the 79-year-old American missionary:

"We know that your sufferings have not been in vain . . . We are confident that the example of your enduring love will show the world and especially the young the greatness of the missionary calling:"

The Pope spoke in English to the frail, white-haired bishop. It was their first meeting, and they talked alone for 15 minutes. Then Church officials, relatives of Bishop Walsh, and a television crew joined them.

HELPED INTO PALACE

The pontiff gave Bishop Walsh a bishop's pectoral cross.

Bishop Walsh's last visit to Rome was in 1943, when he was received by Pope Pius XII.

Although still weak and fatigued from his long ordeal in China, Bishop Walsh waved away a wheelchair when he arrived at the Pope's summer palace after the 15-mile drive from Rome.

He was helped into the papal palace by Sister Patricia Fitzmaurice, chief surgeon at the Maryknoll Hospital in Hong Kong, who accompanied him to Rome, and Bishop Paul Marchinkus, the Pope's American aide.

With them for the papal audience were two of Bishop Walsh's five sisters, Miss Mary Walsh, 77, and Mrs. Frank L. Werner, 68, both of Cumberland; a niece, Sister Betsy Walsh, of Manhattanville College, N.Y.; Father John J. McCormack, the superior general of Bishop Walsh's Maryknoll Order, and Archbishop Giovanni Benelli, the Vatican under secretary of state.

Bishop Walsh and Sister Fitzmaurice arrived in Rome yesterday from Hong Kong. They are expected to fly to New York next Monday with Father McCormack.

[From the Baltimore (Md.) Sun, Aug. 25, 1970]

TEXT OF POPE'S REMARKS TO WALSH

VATICAN CITY.—Here is the text released by the Vatican of Pope Paul's remarks today to American missionary Bishop James Walsh:

"Dear brother in Christ,

"Over 50 years ago you left your homeland with the first group of Maryknoll missionaries to go and serve the beloved Chinese people. It was from the church of Christ that you received your mission to preach the Gospel in His name.

"WITNESS IN JOY, SORROW

"Today you have returned from your mission, more painful than you perhaps expected. It is the Pope who receives you back and who thanks you in the name of Christ for all that you have done and suffered.

"You have been a witness, authentic and simple, in joy and in sorrow, then in suffering and humiliation, and finally, in separation from the people whom you loved so much. For all of this we thank you also on behalf of the entire church of Christ.

"We cannot let the occasion pass without commenting on the mystery of Christian suffering which has been yours.

"Apart from the responsibility of man that is involved sometimes in suffering, we are convinced that it has great value. You have surely meditated long and often on the teaching of St. Peter;

"SUFFERINGS NOT IN VAIN

"The merit, in the sight of God, is in bearing it patiently when you are punished after doing your duty. This, in fact, is what you were called to do, because Christ suffered for you and left an example for you to follow the way He took. (1 Peter 20–21).

"You have indeed followed nobly in his footsteps. We know that your sufferings have not been in vain but that they are like seeds of Christian virtue that will grow up in God's good time. The extent of their value is known only to the Lord.

"We are confident also that the example of your effective and persevering love will

help to show to the world and especially to the young the greatness of the missionary calling.

"We want to tell you today that our joy is great to have you with us. We assure you of our special and deepest affection in the Christ who called you and sustained you in your trials.

"With fraternal love we give you once again our apostolic blessing."

AQUI NO SE HABLA ESPANOL—DEATH OF REUBEN SALAZAR

Mr. KENNEDY. Mr. President, on Saturday, violence flared in a 10-block area of East Los Angeles known as the Barrio. The city blocks stretching across East Los Angeles encompass the Nation's largest concentration of Spanish-speaking citizens, nearly a million Mexican Americans.

The clash between police and a small percentage of the 20,000 persons who had gathered to protest the war in Southeast Asia has cost the Mexican American community one of its most eloquent and the Nation one of its finest journalists.

Reuben Salazar was killed while relaxing after work. He had covered the antiwar march earlier in the day.

An inquest will determine exactly how he died and who was responsible for his death. But it is enough now to know that he is dead for the Natior to mourn.

Reuben Salazar was a reporter for the Los Angeles Times since 1959, drawing assignments in the Dominican Republic, Mexico, and Vietnam before returning 2 years ago to cover the Chicano community of Los Angeles.

His column in the Los Angeles Times frequently expressed to the non-Spanish speaking society some of the anguish and torment of the Mexican American.

For the U.S. Civil Rights Commission, Reuben Salazar chronicled the series of hearings that exposed overt discrimination against the Mexican American in many parts of the Southwest.

He wrote of being a "Stranger in One's Land" and narrated the Mexican American's first exposure to discrimination in the school system:

You know it almost from the beginning: speaking Spanish makes you different. Your mother, father, brothers, sisters, and friends all speak Spanish. But the bus driver, the teacher, the policeman, the store clerk, the man who comes to collect the rent—all the people who are doing important things—do not. Then the day comes when your teacher—who has taught you the importance of many things—tells you that speaking Spanish is wrong.

Reuben Salazar will be missed not only by his family, friends, and fellow Chicanos but also by those who knew him through his work.

I ask unanimous consent that an article on the subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1970]

DEMAND FOR PROBE FOLLOW NEWSMAN'S DEATH IN LOS ANGELES RIOT

(By Leroy Aarons)

LOS ANGELES, CALIF., August 31.—The strange death of newsman Reuben Salazar, whose head was ripped open by a tear gas projectile designed to pierce barricades, prompted a chorus of demands today for federal intervention.

Reaction among Mexican-Americans, here and nationally, was angry and suspicious.

Demands for a federal investigation were made by City Councilman Thomas Bradley, unsuccessful candidate for Los Angeles mayor a year ago; by the station manager of KMEX-TV, where Salazar worked, and by two national Mexican-American figures.

Salazar, columnist for the Los Angeles Times and news director of the Spanish language station KMEX, was killed by a missile fired into a bar by a Los Angeles County sheriff's deputy during a disorder Saturday in the Mexico-American ghetto of East Los Angeles.

His was the only fatality of the four-hour disturbance which resulted in more than 250 arrests, 74 injuries and possibly $1 million in damage.

MEXICAN PROTEST

Newspapers in Mexico, where Salazar was born 42 years ago, featured news of his death on their front pages. A local coalition of Chicano groups demanded today that Mexican President Diaz Ordaz cancel his scheduled meeting with President Nixon in Coronado, Calif., Thursday until "the police murderers of Reuben Salazar" are brought to justice.

President Nixon called Salazar's death "a very tragic thing," but Press Secretary Ronald Ziegler said no federal intervention was planned while the county sheriff was "appropriately investigating" the incident.

County Sheriff Peter Pitchess, who canceled a scheduled press conference today, released a statement saying he had asked the FBI to determine if there were any violations of federal law during the disturbance. He also called for a coroner's inquest into Salazar's death.

The department maintained an official silence, however, about the nagging question of why four 10-inch long, bullet-shaped tear gas missiles were fired into the barroom at close range by sheriff's deputies. Inscriptions on the projectiles state: "For Driving Out Barricaded Persons. Not to Be Used Against Crowds."

Eyewitnesses at the Silver Dollar Cafe, where Salazar had gone during disturbances along Whittier Blvd., said police fired through the open door of the bar through a curtain operating the entrance from the bar.

Sheriff's spokesmen acknowledged this, saying deputies responded to a report of a man with a gun and fired only after demanding the occupants come out and getting no answer.

KMEX station manager Danny Villaneuva contradicted parts of the police version. He cited accounts by a KMEX reporter and two of the reporter's friends, all of whom he said were in the bar with Salazar.

"They report that no warning to clear the cafe was given," said Villaneuva. "They report that people attempting to leave were forced back inside."

"They report that they insisted to sheriff's officers . . . that Salazar was injured and still inside the cafe, but were . . . told to clear the area immediately."

A sheriff's spokesman said deputies did not learn about the body until they received a citizen's report around 7 p.m., nearly three hours later.

Villaneuva's call for a federal probe was echoed by Manuel Luiz, nominated by President Nixon to the U.S. Commission on Civil Rights.

Also, Domingo Nick Reyes, executive director of the National Mexican-American Anti-Defamation Committee, said in Washington, "No other person has been as dedicated (as Salazar) to articulating to the Anglo community and public at large about the hopelessness, frustration and tensions in the barrios of the Mexican-American community." He called for an FBI investigation.

Salazar left the Los Angeles Times four months ago after a career that took him to Mexico City, Vietnam and the Los Angeles barrios. In recent months, both in a weekly column which he continued to write for the Times and in his work for KMEX, he began to show greater frustration with a system which he warned was encouraging increased militancy among his people.

Recently, his attention turned to police abuses, one of the most volatile issues in East Los Angeles.

One recent incident he emphasized was the mistaken slaying of two Mexican nationals by Los Angeles police in July.

Associates said Salazar was about to embark on an expose regarding a number of Chicanos who had been reported as suicides in cells at a sheriff's substation.

Abe Tapia, president of the Mexican-American political association, said flatly today that in his opinion Salazar had been "pinpointed because of what he was bringing out as to injustices."

Present evidence is police did not know who was inside, but the impression that Salazar was a police target was widespread in the four-mile-square barrio.

Tensions continued high in East Los Angeles and spread to Mexican-American communities in Wilmington, south of the city, and Riverside, about 45 miles to the east.

CRIME PREVENTION TEEN PROGRAM, INC.

Mr. ALLOTT. Mr. President, the August 1–2 weekend edition of the Longmont, Colo., Times-Call contained a most informative guest editorial written by a most unusual editorialist.

The author is Joe Weldon Mitchell III. Mr. Mitchell is an inmate at Colorado State Penitentiary. He is also an exemplary citizen.

Mr. Mitchell and other inmates have organized Crime Prevention Teen Program, Inc., a public service program for deterring crime. This program features cooperation between inmates and service organizations in various communities. Their service organizations organize forums where young people can hear inmates discuss their own lives, their problems, and their clear understanding of the fact that crime does not pay.

Before inmates are allowed to undertake these speaking engagements they must complete a 14-week human relations course. Then they are given a chance to give young people the sort of vivid lecture that will make a lasting and beneficial impression.

Mr. President, so that all Senators may profit from Mr. Mitchell's guest editorial, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRISONER EXPLAINS TEEN PROGRAM

(By Joe Weldon Mitchell III)

The Crime Prevention Teen Program, Inc., is a statewide program developed by Colorado inmates in an attempt to deter crime.

They speak throughout the state before numerous groups to encourage youth to not follow the road they have.

Who is qualified to talk on consequences of crime? Who can express the conviction that authoritative presentation demands? Who knows the reality of prison, the inevitable consequences of criminal behavior?

Who can actually establish a line of communication with the "youngster" who may stand on the threshold of those "Little Things" that eventually lead to felony conviction?

Four years ago, these questions caused concern among inmates who wondered how they could deter young people from following them to the penitentiary. The statement was agreed upon that if any of us had understood the consequences of our behavior when we were young, perhaps we would not have come to prison. Thus the idea of convicts telling their lives in crime was born.

Convinced of potential good that such a program could have, Canon City Warden Wayne K. Patterson gave tentative approval and the Crime Prevention Teen Program became reality.

The program was separated into two groups, the "Inside" Committee and "Outside" Committee. The "Inside" phase would talk to groups coming into the institution on tour and the "Outside" would travel around the state to schools, churches, social and civic groups. Successful completion of a 14 week human relations course was made a prerequisite before applying for membership to the "Inside" Committee.

First engagement of the Crime Prevention Teen Program was in Florence, sponsored by the chief of police of Canon City, April 26 1966 to a group of Scouts. Two inmates told their life history, setting themselves up as bad examples and seeking to destroy any hint of excitement that some might think exists in criminal life. They did not advise or counsel but said: "Look at the failure I am and recognize the things I did to get here."

From this engagement, more than a hundred letters were received commending the idea and pledging support.

Since there are no state funds allocated, inmates involved had to at first pay their own way. But soon various civic and church groups began to donate money and since the Crime Prevention Teen Program has been supported through donations. The prison administration does what it can financially but are limited in this respect.

The basic good accomplished can not be measured per se, for how are we to know how many youngsters and adults alike actually change their behavior as a result of hearing a teen presentation. We know of some. One involved a boy who had stolen some money from his mother's purse but after hearing us, he replaced the money.

Our basic sense of accomplishment comes when after talking to a group they make confessions of "wrongs."

I was inspired by acceptance of the program by outside supporters and the sincerity of our members. Often I find, I am listening as intently as the audience to the personal stories, and everytime, see a little bit more of me in the member that is speaking.

The program is twofold. First and foremost—and with a sincere and dedicated effort, we try to convince the youth to "stop and think".

Many of us involved in the program have never done anything for anyone other than ourselves. I would like to think that if I had a son or daughter out there—there would be someone that would take the time to sit and talk with them—at a time that demands that everyone be in a rush. I am proud of the program and proud of the people of Colorado for allowing us to speak with their youth.

We realize that we don't have a "proven" method of deterring crime but we feel confident by telling of our lives, the audience will be able to see in us, the "wrong" choices, and this is what it's all about—"Being able to make the 'Right' choices."

THE ADMINISTRATION'S INFLATION ALERTS

Mr. MUSKIE. Mr. President, recently the Nixon administration issued the first of what it hopes to be several periodic "inflation alerts" on the rate of price increases in the economy. While I welcome this tentative Presidential initiative in the fight against inflation, it does more to tell us where we have been rather than where we are going.

I think we need standards in this area which will tell us the rules of the inflation fight. The President should institute a system of voluntary wage-price guidelines so business and labor know what are proper wage and price increases. If there are no specific standards on an industry-by-industry basis, how do we know if we are winning the fight? It is time to point out the specific causes of an inflation which robs groups already the most vulnerable on our society, the elderly, the poor, the blue-collar worker.

Not only do we not have a scorecard to measure the success of the administration's game plan, but we lack a schedule of its upcoming opposition. For example, I fail to note any reference in this inflation alert to the recent auto price increases, which certainly will provide pressure on the general price level.

As the alert was issued, employment continued its climb to 5 percent. This makes the matter of voluntary wage-price guidelines doubly important if we are going to take steps to resume economic growth without further inflation.

From where I stand, the primary tool the President has at his command is that of persuasion. He should pick up this tool and use it.

MINORITY BUSINESS ENTERPRISES

Mr. MURPHY. Mr. President, I wish to discuss the administration's program to assist minority business enterprises.

I have long believed that most of the problems that face this Nation cannot alone be solved merely by programs initiated from Washington. Rather, we must have the commitment and cooperation of our citizens on the local level for these programs to have a meaningful effect.

I invite attention to the success of one such program in Solano County, Calif., as described in the Vallejo Times Herald for August 9, 1970. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MINORITIES AIDED IN STARTING FIRMS

(By Charlotte Pruitt)

Before "Operation Mainstream," few minority persons had the opportunity to own their own businesses.

There was money available to buy cars and perhaps home ownership was possible if you had a steady income . . . but this is where the rainbow ended.

Not many people or loan institutions were willing to take a chance on a black or tan man operating his own company . . . after all it's hard to admit that minority persons manage to exist without handouts from Uncle Sam.

But the old way has changed.

SEARCH START

In fact, a search is on for responsible black men or other minority persons who previously thought it impossible to be in business for themselves.

Operation Mainstream, coordinated locally by the Solano County Business Development Corporation and working in cooperation with the Small Business Administration (SBA) and local banks, has made the change possible.

Big corporations, including the nation's major oil companies, have pledged their support to the federal government's a chance to enter the mainstream of life and enjoy its benefits.

As an example, the oil companies agreed to put 26,000 new dealerships into minority hands.

OFFER LOANS

The program doesn't involve grants . . . it's a matter of qualifying for a loan to be repaid from business revenue.

One man who met the loan criteria is George Wilson of Vallejo . . . the first black man on the West Coast to own a new service station under Operation Mainstream.

And Wilson's Gulf Service Station isn't located in a little neighborhood area but in the mainstream of traffic at 2050 Solano Ave. across from the new Payless Shopping Center.

The handsome station with its attractive landscaping is worth an estimated quarter million dollars and the hard working Wilson has invested some $10,000 in the new venture.

Wilson opened the station on July 3, 1970 and his grand opening "with all the giveaways" was held yesterday with the participation of civic dignitaries.

Wilson, who spent 20 years in the U.S. Navy before moving to Vallejo 10 years ago, couldn't believe his ears when he was asked if he would like to have his own station. At the time he was pumping gas and operating the tow truck service at the Gulf Station on Sears Point Road at Broadway.

HEADS GROUP

He was approached about the new business opportunity by Lestee Ceasar, a Vallejo school teacher who serves without pay as executive director of the Solano County Business Development Corporation (SCBDC). Since the Gulf company had made its pledge to dealerships, Ceasar couldn't imagine why it wouldn't grab the chance to help a man who already was in their employ . . . and he was right. Now all that had to be done was make contact with the SBA and a local bank which is past history.

"People keep bringing their cars back in because they know we're going to treat them fairly . . . whether it's a matter of gas or repair," Wilson said with his engaging grin.

Henry H. Burton Sr., who owns and operates Burton's Radio and TV Service at 1931 Solano Ave., is another black family man who has received help from Operation Mainstream.

BANK LOAN

Burton's loan, arranged by the Bank of America, gave him needed operating capital and funds to buy equipment and expand his busines which has been established in Vallejo since March, 1955.

Burton, a supply specialist at the Benicia Arsensal when he began training for the television repair business, has been in Vallejo since 1946. After receiving his substantial training in the field, Burton began his service on a part-time basis and graduated

into a full-time operation when he quit the Arsenal in 1960.

He is a graduate of Langston University in Oklahoma where he majored in mathematics and spent two and a half years at the University of Kansas before entering the U.S. Army which took up three years of his life.

Burton is director of religious education at Vallejo's Second Baptist Church, is a member Chapter of the Langston Alumni Association and American Legion John King Post 619 as well as treasurer of the SCBDC, a volunteer position.

SERVICE CENTER

"Referral from satisfied customers who enjoy personalized service has been my best advertising," Burton replied when queried about his thriving business. Although primarily a servicing operation, Burton also is a retail outlet for television sets.

Another example of the value of Operation Mainstream is evidenced by Leo Kiel, Vallejo's major industrial caterer.

Kiel received an improvement loan arranged through the Wells Fargo Bank and SBA which made it possible for him to expand his business to make a better living. He employs both Caucasians and minority persons. "If they do a good job, that's who I want," he explained.

Kiel operates three stainless steel catering trucks that take such items as cold sandwiches, juices, coffee and tea and bakery goods to construction sites, schools and service stations. The business operates with regulated routes to areas in Vallejo, Fairfield and Vacaville.

The loan made it possible for him to purchase a huge machine that produces flaked ice which is set up in the backyard of his home on Walnut Street. He previously had to spend $8.50 a day for ice which is used to keep the perishable items colds while they're in the trucks.

NO MONEY

Kiel, who came to Vallejo in 1938, has previously worked in the construction field and restaurant business. He built his own home in 1964 and is one of the original founders of the SCBDC "when we just had a dream and no promise of money." Since this time Kiel has helped many aspiring businessmen get loans.

He is president of the Lofas-Lakeside Improvement Association and also serves as president of the Flosden Development Association.

All of these men who have established good credit while paying back their loans have made it easier for other minority persons to find their place in the business community. There was no SCBDC loan office operating in Vallejo when Kiel started paving the way for other ambitious men to follow.

Each of the stainless steel truck bodies represents a $6,000 investment to Kiel who starts work at 4:30 a.m. each day and finishes up around 7 p.m. "It doesn't matter how long I work, it's something I enjoy doing and it's my own business . . . I want it run right," he declared.

Information on "Operation Mainstream" may be obtained at 627 Maryland St. or by calling 642-8919 or 643-6079.

MRS. THELMA WYATT—RECIPIENT OF THE REGIONAL VOLUNTEER COMMUNITY SERVICE AWARD

Mr. TYDINGS. Mr. President, the purpose of Zeta Phi Beta Sorority's National Community Service Award is to recognize outstanding women who have given volunteer service to their communities to improve living conditions for their neighbors. The selection of Mrs. Thelma Wyatt, from Baltimore, Md., to receive the Atlantic Regional Volunteer Community Service Award represents the culmination of a year's diligent search and review of the credentials of hundreds of worthy women each of whom deserved recognition in her own community.

I congratulate Mrs. Wyatt and the Zeta Phi Beta Sorority for their outstanding service to the communities. I ask unanimous consent that the description of Mrs. Wyatt's many activities from the Zeta Phi Beta Sorority 50th Anniversary Boule National Awards Program on August 4, 1970, as well as a statement on the occasion, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ZETA PHI BETA SORORITY, INC., 50TH ANNIVERSARY BOULE

A national award for outstanding volunteer service is to be announced on August 4th, by Zeta Phi Beta, one of the leading national sororities of professional, college women, at a ceremony to be held at 8 p.m. at the Shoreham Hotel, as an important part of the Sorority's Fiftieth Anniversary Celebration.

The national award winner has been selected from a group of 8 regional award winners by a panel of six eminent judges. In each of the Sorority's regions an award winner had been selected from among the candidates nominated by the Sorority's Chapters throughout the country, as the women they believe have made the most outstanding contribution in each of their communities as a volunteer in community service. This includes health, welfare, education, day care, housing, community development, among other programs. All eight regional award winners, one of whom will receive the national award, are members of low income families.

The national judges were:

Mrs. Ruth Atkins, Community Worker, Union Settlement, New York City, and member of the Board, National Federation of Settlements.

Congressman William L. Clay, 1st District, Missouri.

Mr. Sterling Tucker, Executive Director, Washington Bureau, National Urban League; Vice Chairman, District of Columbia City Council.

Dr. Caroline Ware, Community Organization Consultant; former Professor, School of Social Work, Howard University.

Miss Barbara Watson, Administrator, Bureau of Security and Consular Affairs, U.S. Department of State.

Dr. Ellen Winston, former U.S. Commissioner of Welfare; welfare consultant.

Dr. Caroline Ware, Howard University.

The National Community Service Award Committee of the Sorority, which directed the search for the volunteers to be honored, was chaired by Mrs. Mary Dublin Keyserling, a member of the Sorority and former Director of the Women's Bureau. Mrs. Keyserling was among the first white women to be invited to join the previously all Negro women's sorority.

The eight regional award winners will all be present when the national award winner among them will be announced at the ceremony on August 4th. The regional winners are: Mrs. Nancy Elizabeth Brown, Washington, D.C. (Eastern Region); Mrs. Rosemary Cooke, Louisville, Kentucky (Great Lakes Region); Miss Kathlan Latimer, Pittsburg, California (Pacific Region); Mrs. Enola Rawles, New Orleans, Louisiana (Southern Region); Mrs. Minnie Mae Smith, Oklahoma City, Oklahoma (Midwestern Region); Mrs. Dannie Mae Thomas, Daytona Beach, Florida (Southeastern Region); Mrs. Irene R. Washington, Mobile, Alabama (South Central Region); Mrs. Thelma Wyatt, Baltimore, Maryland (Atlantic Region).

Mrs. Keyserling, Chairman of the Sorority's National Community Service Award Committee, describing the region award winners, said, "All eight candidates for the national award are inspiring examples of the extraordinary volunteer service women are rendering in all our communities. All are members of very low income families. One woman is coping with a family income of less than $2,000 a year; three have between $2,000 and $3,000; and the other four only a little more. Most of the women carry large family responsibilities. One has 11 children; another has 10, and a third 8 children. Despite their own problems, they have given unstintingly of themselves to others. It is a moving experience to read the Chapter reports on the meaningful contributions these eight remarkable women have made in their communities. The national judges have reported that so significant is the volunteer work each of the candidates is doing, it was almost impossible to single one out above the others for the national award."

The ceremony, paying tribute to the volunteers and announcing the national award, will be an important part of the Zeta Phi Beta Sorority's 50th Anniversary. Mrs. Mildred C. Bradham, Grand Basileus of the Sorority, who will present the national award and preside over the meetings, said, "Our community service award program exemplifies the concept of service to others which has always been a vital part of our activities."

THELMA WYATT, BALTIMORE, MD.; ATLANTIC REGION

Mrs. Wyatt, mother of four, is presently employed as a Children's Aide in the Baltimore Public Schools. Devoted to children, she has given invaluable service as den mother and Girl Scout leader. She has also spearheaded drives to secure clothing for needy pupils, to secure tutoring services after school in her home and in hospitals. In spite of meager resources, she has provided funds for field trips for pupils.

Mrs. Wyatt has been a consistent worker in P.T.A.s and other organizations. She has given service to senior citizens in hospitals and nursing homes, and has participated in voter registration drives. She serves her church on the state and local level, serving as church secretary, youth and senior leader in church and vacation schools.

Her untiring efforts in behalf of children recently culminated in the appointment of a counselor to the school at which she is employed.

PLUG LOOPHOLES IN QUOTAS AGAINST IMPORTS OF DAIRY PRODUCTS

Mr. HRUSKA. Mr. President, the U.S. Tariff Commission now has before it two actions involving the evasion by foreign shippers of our system of import quotas on foreign dairy products. One action is an investigation under section 22 of the Agricultural Adjustment Act involving interference of the imports with our dairy price support program. The other is based on a resolution adopted by the House Ways and Means Committee and involves an additional group of dairy products, but again it relates to the impact on our dairy price support program.

Mr. President, it is very clear that the products dealt with in these investigations are being imported to take advantage of loopholes in our present quota system. In fact, in many cases these products have been deliberately concocted to specifications that are not cov-

ered by existing quota regulations—so that they can be entered through such loopholes and thus benefit from sale at American price levels, which of course are maintained at support levels through purchase of the surplus by the U.S. Treasury. Any additional surplus from abroad added to the surplus already on the market therefore simply adds to the quantity that must be purchased and taken off the market by the U.S. Government.

With respect to the items covered in the investigation under section 22, which was initiated by the Secretary of Agriculture, a graphic description of the economics of this process is given in the statement filed with the Tariff Commission by the representatives of the Department of Agriculture. In his statement Mr. DeFelice, the departmental spokesman, points out that the CCC purchases of dairy products for the past marketing year cost a total of $232 million. These are not small sums. Any substantial savings in such expenditures would be of real help in bringing the budget closer to balance.

Of equal importance is the impact of these daily product imports on our own dairy producers.

I will give one example. One of the foreign dairy products under investigation by the Tariff Commission is ice cream. Before 1969 there were never any imports of ice cream. However, someone discovered that a rather artificial mixture, with a high percentage of butterfat and milk solids but still classifiable as ice cream, did not fall within the restrictions of any of our quotas on imports. In 1969, imports of this product started, and during the first 5 months of 1970 a total of 2.4 million gallons, containing the equivalent of 112 million pounds of whole milk, was imported. After being imported through this loophole in our regulations, the product will not be eaten as ice cream, of course. It will be used as a mix in the manufacture of dairy products. In doing so, it will displace an equal amount of American-produced milk.

Mr. President, I know of no reason why this country should permit the continued evasions of our import regulatory system by products artificially concocted to get around the regulations in this manner.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the presentation made to the Tariff Commission by Mr. A. Richard DeFelice of the Foreign Agricultural Service on behalf of the Department of Agriculture.

It is earnestly hoped that there will be early and favorable action by the Tariff Commission on the petition for relief as advocated by the Department of Agriculture.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY A. RICHARD DEFELICE

I am A. Richard DeFelice, Assistant Deputy Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

In presenting the Department's case, I will emphasize four main points. (1) The Department's dairy price support program is threatened with material interference from imports. (2) There continues to be a world dairy surplus pressing for entry into the United States market. (3) We can identify the forms—the kinds of products—such entry is taking. (4) The threat should be stopped *before* it gets out of control.

This is the third time in the last three years that the Department has appeared before this Commission urging the imposition of controls on certain dairy products. In 1967, controls were placed on Colby cheese, butterfat/sugar mixtures, and frozen cream. In 1968 and 1969, controls were imposed on condensed and evaporated milk; Emmenthaler, Gruyere-process and "Other" cheeses not specially provided for, if priced under 47 cents f.o.b. country of origin; chocolate milk crumb; Italian-type cow's milk cheese not in original loaves; processed Edam and Gouda cheese; butterfat/sugar mixtures ("Junex") in retail packages.

During the past year, new situations have arisen. Imports of products not now covered by controls have increased and threaten to rise further. This is, as in the past, a reaction by the trade to cutting off, by quota controls, of product sources for milkfat and nonfat milk solids. The problems we are encountering mirror the pull of an attractive market in the United States and the push of excessive supplies in the main exporting countries. Let me describe, in brief and general terms, these two situations in turn.

Section 201 of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary of Agriculture "to make available price support to producers for . . . milk, butterfat, and the products of milk and butterfat . . ." at such levels not in excess of 90% nor less than 75% of the parity price as the Secretary determines necessary in order to assure an adequate supply.

This responsibility is carried out through the purchase, under announced terms and conditions, of three manufactured dairy products—butter, Cheddar cheese, and nonfat dry milk. These products account for about three-fourths of the utilization of manufacturing milk. They can be readily stored and utilized in program outlets. The Commodity Credit Corporation's standing offer to purchase these products prevents overproduction of other dairy products which would depress their prices below a level corresponding to the general support level for milk and butterfat.

The milk marketing year runs from April through March. For the present marketing year beginning April 1, 1970, the announced support price is $4.66 per cwt for milk, compared with $4.28 per cwt during the 1969–70 marketing year. The 1970–71 support price for butterfat is 71.5 cents per pound. In 1969–70, it was 68.6 cents per pound. The increase in the butterfat support was necessary to achieve the minimum 75 percent of parity prescribed by law. The support price of $4.66 for milk is the level determined by the Secretary of Agriculture as necessary to achieve the objectives of the law.

Of more pertinence to this investigation are the Commodity Credit Corporation purchases and costs involved in maintaining the announced support level relative to the total supply situation.

Our milk production, although it has declined somewhat in recent years, continues to exceed commercial demand. In 1969 (calendar year), production was 116.2 billion pounds; commercial utilization plus farm use totalled 113.4 billion pounds. Milk production during the first five months of 1970 was slightly more than during the same period of 1969.

If forage and pastures remain normal throughout 1970, total production is likely to rise slightly from the 1969 level. Commercial disappearance of milk in all dairy products, however, continues to decline and 1970 disappearance is expected to be less than 1969, despite a slight increase in the first quarter. In consequence, the outlook this year is for an increase in the extent to which production exceeds commercial demand.

CCC purchases under the support program for the marketing year ending March 31, 1970 were, on a delivery basis, 182 million pounds of butter, 17 million pounds of cheese, and 358 million pounds of nonfat dry milk, at an estimated program cost of $232 million. These purchases amounted to 4.1 billion pounds of milk equivalent as compared with 4.7 billion pounds in 1968–69.

During April–June 1970, CCC purchased (delivery basis) 127.9 million pounds of butter, and 149.9 million pounds of nonfat dry milk, compared with 89.3 and 118.4 million pounds, respectively, for the same period a year ago. These are increases of 43 and 27 percent, respectively, from 1969. The estimated milk equivalent which will be taken from the market in 1970–71 by support activities is 7.3 billion pounds, at a cost of $403 million. This is an increase of 60 and 73 percent, respectively, from 1969–70.

World supplies of dairy products, especially in Europe and Oceania, are in surplus to commercial market demand and increased further in 1969. Milk going to fluid use has not kept pace with increased production. The milk in excess of that needed for fluid use is diverted to the production of manufactured dairy products, thus adding to the continually growing glut of these items. The manufactured dairy product surpluses are seeking outlets at almost any price and in almost any form not specifically restricted by importing countries. Export subsidization is commonplace, with such subsidies in some cases almost as much as the value of the product on the internal market of the exporting country. The subsidized exporting of surplus dairy products has for the past several years kept the world dairy market in a state of turmoil and disorganization.

The surplus situation remains most acute in the European Communities, where enormous surpluses have resulted from the Common Agricultural Policy for dairy—establishing high internal support and restricting access of outside suppliers to the EC market. Surplus butter stocks in the six EC countries on May 1 totalled 675 million pounds; similarly, stocks of nonfat milk are excessive. The rate of accumulation of surplus stocks has slowed, but primarily because of unusual weather conditions last year—drought in the summer and a late spring—which decreased milk production slightly, with a resultant decrease in the amount of surplus moving into manufactured dairy products.

Faced with the present chaotic world dairy market conditions, nearly all countries find it necessary to control dairy product imports by one device or another. In the absence of controls, our domestic market would be inundated. There would be wholesale displacement of domestic supplies, all of which would wind up in the hands of the Commodity Credit Corporation at costs which would quickly become unbearable.

As world dairy supplies have increased, so has the relative attractiveness of the United States market. Recent use of the Section 22 authority has necessarily had the specific intent of restraining importations of foreign dairy surpluses, particularly of products deliberately formulated in order to evade existing dairy import restrictions. Once more we are faced with an increase in imports which again threatens to affect seriously the Department's support program. We are convinced that additional import restrictions are needed.

In my statement before this Commission in 1968, I made the following observation which I believe is basic to the whole problem of imports of dairy products. That is, that we must not lose sight of the fact that the commodity with which we are fundamentally concerned is milk. This is what the farmer produces. It can be processed into a great variety of products—into whatever forms

can be most readily utilized or disposed of. It is a technically simple matter for foreign suppliers to put their surplus milk into any processed form for which an outlet can be found. In the same manner, American dairy manufacturers turn their milk into butter, Cheddar cheese and nonfat dry milk when other dairy products lose their markets to import competition. In short, when commercial outlets are insufficient to absorb the total milk output, the excess goes into the hands of CCC.

This means that the significance of the threat of the specific nonquota products, which are the subject of this investigation, cannot be measured in isolation. Admittedly, the increased trade figures for some of these products look rather small—at least at present—when compared to the figures of total production or trade. The key question is what will be the impact of overall dairy trade total on the price support program if the dairy products which are the subject of this investigation are allowed unrestricted entry. Given the burdensome supplies and depressed prices of the world dairy market, these products are practically certain to be imported into the U.S. in such large quantities as to tend to render ineffective or cause material interference with our price support program. Such imports mean a corresponding displacement of domestically produced milk from commercial channels, and thus corresponding additional purchases by CCC.

Against this background, I now turn to the individual products on which we are asking controls.

1. *Ice cream, as provided for in item 118.25, part 4, subpart D, of Schedule 1 of the Tariff Schedules.*

The most flagrant abuse in the list of dairy products currently free of restriction concerns ice cream. Prior to last year, there have never been any imports of ice cream. In contrast, ingredients for ice cream manufacture in the form of frozen cream, butteroil, or butterfat/sugar mixtures (commonly known as "Junex") are under quota control. The principal Section 22 action in this respect was taken in June 1967, following a heavy and disruptive upsurge of such imports. An exception in that decision for retail packages was subsequently abused, with the result that retail packages were made subject to the quota by Proclamation 3884.

Early in 1969, it became apparent that the economic pressures for bringing in the ingredients of ice cream by one subterfuge or another were again at work. In April of that year, the first shipments of a new putative "ice cream" containing extraordinary amounts of milkfat and nonfat solids were entered. The Bureau of Customs classified the commodity for duty purposes as ice cream. Under present regulations and procedures, such a classification automatically excluded these imports from existing quota control.

These imports were the direct result of the establishment of the Junex quota. In effect, the products are modified Junex mixes. Commercial ice cream normally contains 10–11 percent butterfat, with a 12 percent requirement in one state. These imported products run around 20 percnt butterfat and have been as high as 24 percent butterfat. Total milk solids run between 32 and 40 percent, compared to a normal content of about 21 percent. The products have fancy names like Framil, Petram, Stephanex, Vana Delight, Martex, and Utex. They are not designed for immediate consumption at retail. They are designed as mixes to be processed into ice cream, and that is how they are used.

Imports rose rapidly in the latter part of 1969 and reached a total of over two and one-half million gallons, equal to over 20 million pounds of product and about 44 million pounds of commercial ice cream. Imports represented the equivalent of 120 million pounds of whole milk. Imports have continued upward this year. For January through May, they were 2.4 million gallons, equal to 18.9 million pounds of product, or 112 million pounds of whole milk equivalent. Currently, the supplying countries are New Zealand, Belgium, Netherlands, and Canada. We foresee that, unless controlled, they will reach the proportions attained by Junex.

The incentive, of course, is price. The Bureau of Census data show the price of the imported product at from 73 to 81 cents per gallon. The same product, made at support-level prices with domestic butterfat, nonfat milk solids and sugar, all of which are subject to price support, would be about $1.90 per gallon.

This evasion has become a major leak in the import control structure. A quota on ice cream should be established. We believe that the amount of this quota should properly be zero. As we pointed out, there has been no trade in true ice cream—only trade, beginning in April of last year, in a processing mix masquerading as ice cream. The years of trade history which are really representative of a normal situation are those prior to 1969; in those years, trade was zero.

2. *Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, Schedule 1 of the TSUS, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection).*

Our concern here is with a product known as chocolate crumb, which is used in the production of chocolate candy coatings. It is described in the Commission's report TC 211 as follows: "Chocolate crumb consists of incompletely processed chocolate produced by concentrating, under vacuum, fresh whole milk, sugar, and chocolate liquor (the ground mass of roasted cocoa bean nibs). It is shipped in the form of coarse powder, or 'crumb.' The final concentration typically contains 90 percent total solids composed of 55 percent sugar, 30 percent whole milk solids, and 15 percent chocolate liquor."

Proclamation 3884 of January 6, 1969 established an annual import quota on chocolate crumb of 17 million pounds. The quota description contains, as I have just noted, an exception for commodities containing 5.5 percent or less butterfat. The specification of a butterfat content of over 5.5 percent for quota purposes was derived from similar descriptions of other products made from a combination of dairy and non-dairy ingredients; until recently, it had no practical significance since the butterfat content of normal chocolate crumb is 8–12 percent.

Now, however, the 5.5 percent exception has become a loophole for quota evasion. Crumb with a butterfat content just coming within the exception is being manufactured and shipped to the United States from the United Kingdom and Ireland. The sole purpose of the new, hitherto non-existent formulation is to evade, by the narrowest possible margin, the U.S. quota. I might note in passing, as a matter of interest, that there have been a few instances where the manufacturer has cut the line of butterfat content so fine that, by the time the product arrived at the U.S. port, a minor amount of moisture evaporation had shifted the butterfat content from just barely under 5.5 percent to just barely over 5.5 percent—making the shipments subject to quota, after all.

But by and large the shipments have been getting throguh, and at an increasing rate. Imports began in September 1969 and through December totaled at least 478,500 pounds. For January through May 1970, they amounted to approximately 3.4 million pounds. We anticipate that, unless controlled, annual imports of this product will exceed the 45 million pounds of chocolate crumb imported in 1968 and far exceed the present quota for chocolate crumb of 17 million pounds which the President has determined to be needed to protect the price support program.

I should note for the record at this point that trade in chocolate crumb is not reported separately by the Bureau of Census. Chocolate crumb has entered under two TSUS categories (because of differences in chocolate content), both of which are "basket" categories.

Like ice cream, imports of low-fat chocolate crumb are symptomatic of economic pressures operating to exploit every possible means of evading quota control. The change in butterfat content, also, has been accompanied by an increase in the nonfat milk solids content.

The quota which has been established for imports of chocolate crumb should not be vitiated by an obvious subterfuge. We recommend that the exception for chocolate crumb containing 5.5 percent or less by weight of butterfat be eliminated, and that imports of such chocolate crumb be made subject to the present quota of 17 million pounds.

3. *Animal feeds containing milk or milk derivatives, classified under item 184.57, subpart C, part 1 of Schedule 1 of the TSUS.* There are several products falling into this category, but each contains milk solids and is used as a milk replacer for feeding calves. Some of the importations consist of skim milk to which tallow or grease has been added. The mixing is done while the milk is in a fluid state and the product thereafter is dried. Others are a mixture of tallow with partially skimmed milk; these, therefore, contain some butterfat as well as non-dairy fats.

Under the Tariff Act of 1930, such feeds were given a quota classification under Paragraph 708(c) as substitutes for milk or cream. Under the present Tariff Schedules, such feeds had until August 17, 1967 been classified by Customs under the successor item, TSUS 118.30, "Malted milk; and articles not specially provided for, of milk or cream," by reason of milk being the component of chief value. On that date, Customs agreed to a classification request on the basis of "chief use;" this shifted the merchandise to TSUS 184.75, "Animal feeds, and ingredients therefor, not specially provided for: Other," and freed it from quota control.

Imports commenced in January 1968 and in that year totaled 2.4 million pounds, all from Ireland. Imports in 1969 were just under 10 million pounds, with New Zealand and Australia entering the picture as suppliers. (Imports from countries where foot-and-mouth disease is endemic, which includes most continental European countries, are prohibited.) Imports during January–May 1970 were 5.8 million pounds. For reasons which I will explain, we look for this trade to increase very substantially unless brought under control.

The trend of imports of animal feeds containing milk or milk derivatives is in sharp contrast with the authorized quota amounts, which have been on the books since 1953, for the dairy ingredients which go into the manufacture of such feeds. The aggregate amount of permitted imports of dried whole milk, dried buttermilk and whey, and dried skim milk is only a fraction of the amounts of such solids which are allowed to enter ex-quota because tallow or some other non-dairy fat has been added.

These feeds compete with domestic feeding of milk and milk solids, whether such feeding takes the form of whole milk fed directly; fluid skim milk, buttermilk or whey returned from creameries and cheese factories; dry feeds containing milk solids; or nonfat dry milk purchased for feeding purposes. The landed, duty-paid cost of the imported feeds is from 11–15 cents per pound; the minimum (support) price for domestic nonfat skim milk (to which animal fats must

be added) is slightly above 27 cents. With this price difference, there can be little doubt that the imported feeds, unless checked, will gain wide and growing acceptance. The incentive for the farmer is to buy imported milk replacer commercially and send his own milk to the creamery or cheese factory. The domestic feeds industry has already felt the competition of the imported feeds.

The potential for displacement of domestic milk is very large. Of the 10 billion pounds of nonfat milk solids produced in the United States in 1968, an estimated 1.3 billion pounds were fed to animals, as follows:

(a) Milk utilization on farms: 224 million pounds.

(b) Fluid returns from dairy plants: 574 million pounds, of which about two-thirds were whey solids.

(c) Milk solids used in commercial feed production: 466 million pounds.

As I noted at the outset of my remarks, the basic commodity which is supported by the Department of Agriculture is milk. For the purposes of support and for the purposes of this investigation, the forms into which milk solids are processed are of secondary importance. The quotas established in 1953 recognized the interchangeability of the various forms of nonfat milk solids—that is, that imports of certain fractions of nonfat solids were as likely to interfere with the utilization of domestic solids, and therefore to interfere with price support operations, as were imports of nonfat solids in their entirety. Displacement by the current milk replacer imports of *any* of the domestically produced nonfat solids will cause interference with the support program, although in the case of buttermilk and whey such interference will be indirect.

We view the trends of imports as unmistakeable evidence of a growing threat to the support program. Action should be taken now to forestall that threat before it becomes disruptive and costly. We believe that quotas, based on the history of trade in 1968 and 1969, should be established on animal feeds containing milk or milk derivatives. Quotas should be allocated by country of origin in the representative period. Licensing of importers would not be necessary, and administration of the quotas should be by the Bureau of Customs.

4. *Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4 of Schedule 1 of the TSUS, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the TSUS; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound.*

This item refers to so-called low-fat manufacturing cheese containing 0.5 percent or less butterfat. It is used in the production of processed cheese foods and cheese spreads. It is not used for direct consumption. It is a new product, first imported in February 1969—exactly one month after Proclamation 3884 came into force. In Proclamation 3884, in the import quota for "other" cheese (item 950.10D of the TSUS) an exception was made for "cheese, except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat."

The principal supplier of the low-fat manufacturing cheese is Denmark. Other important suppliers are the United Kingdom, Ireland and Poland. "Low-fat" cheese is apparently not used by the supplying countries and is manufactured solely for export; in some cases, it is not officially considered to be cheese. The sources of supply have largely been determined by the contracting activities of enterprising American importers seeking a low-priced, quota-free product.

From research into the records of the Bureau of the Census, imports of this article in 1969 are placed at approximately 2.9 million pounds. Imports this year for January-May have been 4.5 million pounds.

The potential for the use of imported low-fat cheese as a permissive additive in the processing of cheese foods and cheese spreads is large. Production of these processed cheese foods and spreads (including cold pack cheese) was 327.5 million pounds in 1968. Considering the higher moisture and lower fat requirements for these products, a minimum of 23 million pounds of added nonfat milk solids were used in this production.

In addition to processing convenience over other forms of nonfat solids additives, the imported cheese has a distinct price advantage. The f.o.b. value of the low-fat cheese has ranged from 8 cents to 20 cents per pound, with a median of 17 cents. The average landed duty paid price is in the range of 23–25 cents per pound. The attractiveness of the imported cheese is apparent when these prices are compared to the current quotation of 35 cents per pound of domestic skim milk cheese with 2.0 percent butterfat.

Imports of "low-fat" (0.5 percent or less butterfat) cheese are a circumvention of the 1,807,000 pound annual quota for nonfat dry milk, and also of the quotas covering processing-grade cheeses. Such imports already are larger than the nonfat dry milk quota and are rising. They displace domestically produced dairy products in the production of cheese foods and cheese spreads, resulting in increased purchases under the support program. Interference with the program has already begun. Price incentives are strong and there is nothing to keep imports from becoming very large.

As with the low-fat chocolate crumb, we recommend simply that the exception from quota control for cheese containing 0.5 percent or less butterfat be eliminated and that imports of such cheese be subject to the quota of 25,001,000 pounds, for the cheese category of the TSUS under which they fall, namely, TSUS 117.75 and 117.85.

Let me now summarize our recommendations.

I have discussed four products which are interfering with or threatening to interfere with the Department's price support program for milk and butterfat. Two of them—ice cream and animal feeds containing milk or milk derivatives—enter under tariff classifications for which there are at present no quotas. Quotas should be established for these items. The other two products enter under tariff classifications for which quotas already exist. These products are at present excepted from quota control; the exceptions should be eliminated.

For ice cream, we recommend a quota of zero, which would accurately reflect the amount of trade which has historically taken place in ice cream for consumption at retail. If a representative period is to be specified, this should be 1968 or any previous year.

Imports of animal feeds containing milk or milk derivatives commenced in 1968; we suggest, therefore, that the years 1968 and 1969 may be taken as a representative period. We recommend establishment of quotas by country of origin based on imports during the representative period. If quotas are established, we will recommend to the President that they be on a first-come-first-served basis, to be administered by the Bureau of Customs and without licensing of importers.

For low-fat chocolate crumb, we recommend that the language of the exception promulgated in Proclamation 3884 of January 6, 1969—namely, the words "if containing over 5.5 percent by weight of butterfat"—be eliminated, and that imports of this product be made subject to the existing annual quota for chocolate crumb of 17,000,000 pounds.

For the low-fat cheese, we recommend that the language of the exception promulgated in Proclamation 3884—namely, the words "cheese, except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat"—be eliminated, and that imports of this product be made subject to the existing annual quota for "other" cheese of 25,001,000 pounds.

We urge the Commission's favorable consideration of our proposals and recommendation to the President accordingly.

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Sheila McIlnay, of Casper, Wyo., and Harold R. Yungmeyer, Jr., of Laramie, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

CONSERVATION: IT'S RELEVANCE IN WYOMING

(By Sheila McIlnay, Casper, Wyo.)

Progress. How does one measure progress? In inches, in cubic feet, in dollar signs? In man's progress of social status, financial position or intellectual prestige? Progress can be a funny word that laughs at desecration and calls it advancement. Progress can be a blind word . . . too involved with matters to see, too apathetic to care.

Industrial, status fulfillment, dollar-sign progress in America last year added up to two-hundred million tons of smoke and

fumes dumped into the atmosphere, seven million junked cars left to grace the highways of "America, the Beautiful", seventy million tons of loose paper, forty-five billion cans to add a lasting rusting beauty to our countryside, and twenty-five million bottles to keep the cans company.[1] To suggest, or hope to suggest, that this price of pollution justifies what America calls progress can, indeed, be considered a very myopic sentiment.

Conservation versus pollution is an important national issue and justily so. However, the people of Wyoming can take a slightly different approach to our own conservation programs in comparison to the national campaign against environmental pollution which concerns all of us. The national environmental campaign is directed against the effects of pollution, not just the causes. In other words, that one hundred billion dollar program must deal with a two-fold complication . . . clean-up as well as control of the problem.

Often, people realize too late the benefit of preventative action so that curative measures need never be taken. And all too often the atttiude in Wyoming today, pertaining to important conservation policies, is to cross your fingers, close your eyes, ignore any warnings, turn around slowly three times and wish on the first star you see that nothing will change. Whatever you do, do not under any circumstances "rock the boat"! Wyoming is perfect and if we stay put, so will our natural beauty.

Experience has proved that this method in some prime examples such as California and New Jersey has failed miserably. But do we learn from experience here in Wyoming? Of course not! We stand in our cool breezes under blue skies washed with the miracle of fleecy white clouds; and sit beside mountain streams singing in clarity and sparkling like silver ribbons on green alpine meadows and we dare trust luck to keep it this way!

There are, indeed, many fine conservation organizations in Wyoming and they, and those directing them, must be commended for their outstanding services to the people and wildlife of Wyoming. But too many of the people of this state are absolutely inert when it comes to conservation. Talking something and doing something are two different things.

The people of Wyoming are an independent bunch, but their prized independence may soon be lost to the federal government in such areas as conservation if immediate widespread organized action is not taken.

James R. White of *Wyoming Wildlife* put it rather aptly when he said,

The state is in the best position to administer the game and fish properly and thereby insure to our children the benefits which we now enjoy.[2]

The assumption that people of other locales would never really show up in Wyoming in droves because the sagebrush and prairies take a special 'rugged individual' has been the standing opinion too long. Each year, millions of people come to the state, traveling thousands of miles and spending millions of dollars.

Conservation is as relevant to Wyoming as oil is to Standard. Tourists do not come to this state to take in the same foamy murky mud pits with the same aromatic stench of sulfur and household bleach that they left at home. They come to breathe fresh air, to walk up a mountain path, and to smell the pungent odor of pine drifting from a camp fire on a clear, crisp Wyoming night. For their sakes, as well as our own, we must take care of what we have been given. The tourist business is a big industry in Wyoming and a hat-tip to our Western hospitality, but if we totally commit ourselves economically to tourism, we must be alert that we are exposing ourselves to exploitation by the plastic god of commercialism.

The rancher and the mineral people have always been important to the economy of Wyoming but they must also be aligned with conservation in the state. Diversity of attitude can be found in both groups. Either a zealous, almost radical, concern is taken or a definite apathetic approach is predominant. This is where the middle of the road must be found. Industry is essential to the economic well-being of this state, but as Kip Hinton of the Denver U.S. Forest Service asked,

"How do you measure the value of standing alone listening to the sighing of alpine winds among craggy peaks? [3]

"How many states can boast such marvels and how many states are spending millions to clean up the sewage and junkyards they must now call landscapes? Conservation becomes relevant indeed.

"The present industrial laws concerning environmental pollution in this state are so archaic in value that one wonders why they do not crumble to dust. Sec. 35–500 of the Wyoming Statutes under the Air Quality Act terms pollution violations as misdemeanors which shall not be fined more than $750.00.[4] The laws need to be more stringent and better enforced and the legislatures and politicians need to be forced into immediate action if we are to maintain the natural beauty of 'Wonderful Wyoming.'

"Apathy cannot be stemmed, solutions will not be found, involvement will never become a reality unless, through education, the people of Wyoming are made aware of the pressing needs of conservation. And it is in the youth, from elementary to graduate school in which the hope lies."

Dick Keeney, conservationist and educator in Wyoming, made this comment on conservation education:

"Though these conservation education programs involve a lot of travel and extra time, it is the most rewarding occupation I can imagine. For it enables me to work with two of this country's most precious resources . . . our youth and our wildlife.[5]

"How long will it take, people of Wyoming, before the crossed fingers merely cramp; before we fall from our dizzy blind turning? How long before we no longer can wish upon a star which has long since been ignobly robed in earth's hazy grit?

"The very word 'conservation' implies something worth keeping and Wyoming is worth keeping, we all agree. *How* we keep it is why conservation will never be more relevant to Wyoming than it is right now while we have so much to conserve!"

FOOTNOTES

[1] Raymond Sokolov, "Politics and Environment," *Newsweek* LXXV (Jan. 26, 1970), p. 34.

[2] James R. White, "Who Really Should Control Wildlife," *Wyoming Wildlife*, xxxii (May, 1968), p. 9.

[3] Kip Hinton, "The Case for Wilderness," *Wyoming Wildlife*, xxxiii (Jan., 1968), p. 17.

[4] *Wyoming Statutes–1969 Cumulative Supplement*, (Charlottesville, Virginia, The Miche Company, 1969), p. 318.

[5] Dick Keeney, "Working With Our Most Valued Resources," xxxii (March, 1968), p. 5.

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CONSERVATION: ITS RELEVANCE IN WYOMING

(By Harold R. Yungmeyer, Jr., Laramie, Wyoming)

"The grass thickens and lengthens until it is a lush green lawn of unbelievably vivid color as far as the eye can see. There are patches of pink and blue and lavender made by the forget-me-nots, mariposa lilies, bluebells, larkspur, delphinium. Over all, the heavens deepen into cobalt and are cupped like a bowl. The big, sculptured, white ships of the sky take shape far off in unseen caves, come drifting up from the western horizon, sail slowly across and slide down the eastern slopes. The heavens are patterned with them from north to south and east to west, and the soft wind blowing steadily, but sweat-tempered now and smiling, keeps them ever a-moving."

This was how Mary O'Hara described Wyoming in 1946, in her novel, *Green Grass of Wyoming*. The reaction of most Wyomingites today, upon reading this description, would probably be one of self-satisfaction, because the description is still generally true. For the most part, Wyoming is still beautiful and natural, in a world which has become greatly polluted and worn. A sparse population, a great love for the outdoors and for natural beauty on the part of that population, and the efforts of an advanced and effective conservation program have kept Wyoming that way.

The United States Departments of Agriculture and Interior, along with the various state programs and representatives of the mining, forestry, and agricultural industries, have achieved a high degree of success in areas such as wildlife management, soil conservation, forest and grassland management, and fire prevention and control. In short, government, industry, and people have banded together to make Wyoming an example of the relevance and effectiveness of conservation in keeping a state free from pollution and from wanton depletion of natural resources.

But here a problem arises. Although effective controls are being exercised over Wyoming's traditional industries, the gradual but steady influx of industry into the state is producing new environmental problems for which solutions must be found. Among these industries are oil and gas refineries, cement and asphalt plants, and coal-burning power plants. Foremost among the problems are those which seem to plague every industrialized society, air and water pollution. Although it must be admitted that at the present time neither of these problems is serious, several aspects of the situation must be considered before air and water pollution are dismissed as insignificant.

Obviously, the amount of pollution in the air and water is directly proportionate to the number of pollutant-producing operations in the state. So although the present amount of industry is relatively small and pollution is accordingly only slight, will the present laws of the state of Wyoming be effective in controlling future water and air pollution, which will undoubtedly increase as industry begins its advance on the state? For indeed industry will advance in Wyoming. Wyoming is one of the last great storehouses of natural resources in the continental United States, and it is essential to the economy of the nation that industry utilize these resources. It is even more important to the state of Wyoming that industry be accepted and encouraged, in order to maintain the citizens' standards of living. Perhaps of even more concern, new industry will serve to keep Wyoming's youth in the state.

For these reasons, the idea that Wyoming should entirely prohibit additional industry from the state as a means to control water and air pollution cannot be accepted as a feasible plan. Industry, and with it, the po-

tential for pollution, must grow in Wyoming; the effective control of this industrial growth and its pollutants will depend largely on two factors.

The first, and most obvious factor in controlling Wyoming's future air and water pollution is the effectiveness of the present legislation and of the standards and rules adopted by the Wyoming Air Resources Council and State Health Department. Their success is dependent mainly on three factors, the proof of which is yet to be evident. To begin with, it must be ascertained whether the standards and regulations which have been established will be stringent enough to exercise the degree of control necessary. The second factor centers around the efficiency with which the programs are conducted and with which the regulatory standards are enforced. The third is simply that industry must under no circumstances be allowed to slip by or be exempt from the controls and regulations; no industry is worth the price of uncontrolled water and air pollution. If these three things prove themselves, Wyoming will be halfway toward the goal of industrialization without pollution.

The second factor upon which the effective control of future industrial pollution depends is the willingness and determination of those in authority in the state to continue to act whenever it becomes necessary to add to present legislation. Although the future can hardly be predicted, it is reasonable to foresee the need for further controls as industry develops, thrives, and becomes powerful. And this is certainly not an easy task for Wyoming lawmakers. Pressure will be exerted by industrial lobbyists who would seek to focus their attentions solely on the benefits of business and production, and away from the need for further effective anti-pollution legislation. Added to this will be the pressures of the need for increasing appropriations to finance new and existing programs, so that they may operate efficiently. Such appropriations will put a great deal of strain on Wyoming's treasury and taxpayers. How the governor and legislature react to these and other pressures and circumstances will depend to a great extent on the people of Wyoming. Their concern and demand for effective action will elicit a favorable response from their representatives. So the responsibility ultimately rests on the citizens of the state of Wyoming to inform themselves of the situation, form honest opinions, and inform their representatives of their feelings and desires, to assure the dream of a modern Wyoming—industrialization without pollution.

THE DRUG PROBLEM

Mr. MURPHY. Mr. President, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice, recently addressed the 70th annual conference of the New York Association of Chiefs of Police.

Since the drug problem has reached epidemic proportions in this country and represents a clear and present danger to all Americans, and particularly to the young, I ask unanimous consent that this timely address be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF JOHN E. INGERSOLL

As a nation we certainly haven't yet come to grips seriously with our drug problem. There is plenty of rhetorical heat; there is need for more enlightened, unified, purposeful action. We have only put part of the machinery together to attack one phase of it. A unified law enforcement community understanding its goals, is developing and is proceeding vigorously to eliminate the multitudenous sources of illicit drugs. Law enforcement traditionally has been called upon to fill the breach when other controls have proven ineffective in the solution of serious social conditions.

No less so with this problem.

I don't have to tell you that we have not succeeded in arriving at an overall resolution of the drug problem. Effective law enforcement is being asked, indeed being challenged, to hold the line until more permanent remedies can be developed and applied.

But it is obvious that law enforcement is not enough. While the drug problem is of legal interest, it is also medical, sociological, pharmacological, and a lot of other things as well. We are even applying our diplomatic efforts in unprecedented ways. There is a clear and present need to draw all of these elements together for a unified purpose; each recognizing the values and the limitations of itself and the others.

The response of society is confused. On one hand there are those who see drug abuse as an evil to be stamped out at all costs and on the other, those who question the right of the law to intervene in what they regard as a matter of personal choice and private behavior. The situation is not improved by the mass of conflicting opinion from the rapidly increasing number of "experts."

I'd like to bring to your attention a side of drug abuse that I expect most do not have a lot of information about.

Legalistic controls of abusable dangerous drugs and narcotics raise many contentious issues because the basic purpose is often lost in mountains of rhetoric. The basic purpose is to control those drugs which:

1. Are subject to abuse.
2. Result in damage to the abuser.
3. And, adversely affect society's interests, when abused.

Only one such drug has received general acceptance in our culture, alcohol. The wisdom of that is not at issue today.

Although many of the others may be beneficially used for medicinal and research purposes, they are exceedingly dangerous without proper control and supervision. They are not permitted to be used for purposes of personal "recreation", "enjoyment", or "enlightenment". We do not have, and may never have, the scientific, psychological, or sociological analytical ability capable of determining who could use these drugs for their own pleasure without resultant damage to themselves or others.

Also, it would be difficult, if not impossible, to restrict this unsupervised use only to those certain persons who could qualify. Indeed, it is likely that those who could qualify would be unlikely to resort to such assaults on their physical or emotional stability. Therefore, the laws must prohibit uses of such drugs beyond those situations where the risk of damage is minimized by proper, trained medical supervisors and then under conditions where maximum therapeutic benefits are obtained.

When, however, a regulatory agency such as BNDD imposes new controls over dangerous drugs, there are loud voices objecting because of an imagined interference with medical practice or scientific research.

But let's take a good look at the other side of that allegation.

The fact is that the American medical community has been warned time and again by its own members that it prescribes too many drugs. But many have obviously not heeded those warnings.

If the dispensing of prescription medicine in 1968 was any indicator, the American public apparently was so sick that it required roughly six new or renewed prescriptions for every man, woman, and child. That is one billion, 300 million prescriptions. In the same year the drug manufacturers manufactured 8 billion doses of amphetamines and barbiturates, enough to supply every man, woman, and child with 40 doses of sleeping pills and pep pills. I know at least six people in my own family who have not only not taken their share; but they haven't taken any. I can't help but wonder who did take those 240 doses of depressants and stimulants and under what circumstances and with what results. Also, what happened to the hundreds of millions of others that were manufactured exclusively for *legitimate* medical needs but never used in that way?

It is no wonder that one of the nation's leading publications on drugs and therapeutics, "The Medical Letter", recently felt compelled to remind physicians that life's inevitable anxieties and frustrations do not always require a chemical barrier; that day-to-day living is not a disease that requires frequent treatment.

Recently the AMA's Committee on Alcoholism and Drug Dependence recommended that "strict and rigorous controls" be placed upon the manufacture, import, export, and dispensing, including prescribing the following five drugs: amphetamine, dex-amphetamine, methamphetamine, phenmetrazine, and methylphenidate.

As any youngster knows, these are the most powerful of the synthetic stimulants. They go by such names as "speed, crystal, splash, or if mixed with heroin, bombita". Under trade names they are known as Methedrine, Obedrin, Benzedrine, Dexedrine, Appetrol, Preludin, Ritalin, to mention just a few.

I am hopeful that the Committee's recommendations will be heeded by the Executive Committee of the Association.

I am angered at my inability to do something about the increasing numbers of letters I receive from distraught parents indicating that one of their youngsters died of a methadone overdose or other drug related case when the fatal drug was prescribed or dispensed by a physician.

Just this year, for example, there have been four methadone related deaths in Denver, two in the Washington, D.C. area, and four in Dade County, Florida. How many occurred in other cities? I don't know but when we get better reporting, I'll bet it will shock the nation.

Up to now the opinions of some so-called medical experts have been presented under favorable ground rules of their own choosing without fear of public confrontation or contradiction. I think it is now time that their contentions and supporting rationalizations be subjected to intensive scrutiny. These medical experts expect laymen to accept their dogma at face value. Now is the time to contest their validity and acceptance. Now is the time to expose the opposing contentions of equally well-qualified medical experts and submit them all to the bright light of public review.

Drug abuse is often described as a public health phenomenom by those who earn their livelihood in the health professions. As we all know, however, it has other equally pressing implications; social, legal, safety, well-being. This is as good a reason as any why someone outside the health circles should influence the control of drugs. It is an excellent reason why the concerned Federal policy makers have chosen to leave essential questions of control in the hands of the Attorney General instead of relying exclusively on the health and drug interests.

There are tragic side effects to the perpetuation of modern day medicine man mispractices. There is no proof that people are resting better or staying calmer despite billions of barbiturates. Despite billions of amphetamines, people are not more active, more alert, more energetic; there are not fewer tensions.

Instead, young children are becoming more

drug-oriented and drug-seeking. Many of them first observe the pattern of drug abuse from their pill-popping parents who have legal access to them by over-prescribing physicians supported by an industry that spends millions hawking its wares. Home is frequently a major supply of drugs for kids. Right at home at young ages, they begin using mom's diet pills or dad's sleeping pills on the sly.

How many of them become more and more dependent on these and other drugs, I don't know. I do know that at the other end of the chain of events that can occur, as a nation we are suffering terrible losses.

In New York City as of June 8, 1970, there were 461 deaths directly due or related to the use of narcotics. 72% were directly related (332).

In Philadelphia between January and May of 1970, the Medical Examiner's Office reported 71 drug related deaths, an increase of approximately 86% over the same period of 1969.

In Washington, D.C., there were 18 deaths in the first three months of 1970, double the rate for 1969.

In Dade County, Florida, narcotic deaths have increased from 14 in 1968 to 37 in 1969. During the first six months of 1970, there were 32 deaths due to overdose.

Even smaller areas are infected. During the last two weeks of May, there were 10 cases of heroin overdose reported from the Bakersfield area in California.

This continuing tragedy has to be turned off, before we do grievous harm to our society. And it seems to me that responsible medical practitioners and drug distributors will want to make more of an effort to plug one of the entries into drug dependence.

I raise these issues in this particular forum, not to create division between the various disciplines interested in drug abuse. To the contrary, what we need is a much more unified effort. I would hope that responsible scientists who have thus far been all too silent would move to help us. I would hope that medical practitioners would really analyze their prescribing practices so that no patient could ever get a methadone tablet, or a quantity of amphetamines, or any other drug without a well-considered medical determination that it was necessary for sustaining or restoring good health.

This is all we ask. We do not want to interfere with medical practice. Neither do we want you to have to pick up the dead bodies of youngsters or oldsters for that matter, who were the victims or inexpert care.

The health and lives of our people are too important to permit one to be silent about the matter any longer.

During the next several years, decades, if necessary, we must all work together to achieve an important objective: Reasonable control of all dangerous substances. This means eliminating the illicit traffic at all levels, but it also means awakening the consciences of those who are responsible for the conditions arising from loose professional and commercial practices.

The immortal words of John Donne suggest why we should all be so very much concerned:

"No man is an island entire of itself; every man is a piece of the continent, a part of the main; . . . any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

DAVID SUMMER, AUTHOR OF "YOUR FORESTS, THEIR TIMBER"

Mr. METCALF. Mr. President, I invite attention to a misprint in the August 10, 1970, issue of the CONGRESSIONAL RECORD, page 28110 which has been the source of some misunderstanding. Following introductory remarks, I asked that there be printed an article from the Colorado magazine entitled "Your Forests, Their Timber" concerning the conservation activities of the senior Senator from Wyoming (Mr. McGEE). As was obvious from my remarks, the article was not written by Senator McGEE, although it quoted him extensively. The misprint apparently resulted from a quotation of Senator McGEE's ("Why should we make the Rockies like everywhere else, when everywhere else wants to be like the Rockies?") which appeared at the beginning of the article. The author was actually Mr. David Summer, executive editor of Colorado magazine.

I have long since had this unfortunate error corrected in the permanent RECORD, but some confusion still seems to persist from the original printing mistake. Therefore I am taking this opportunity to make quite clear the authorship of the article, and I hope that this dispels any further misunderstanding. I apologize for any inconvenience this may have caused Senator McGEE and I wish only to reemphasize that the article, despite the printing error, points out the Senator's contribution to conservation.

THE PUBLIC'S CONFIDENCE IN PRESIDENT NIXON

Mr. GOLDWATER. Mr. President, two recent editorials have dealt with the public's confidence in President Nixon and their support of the way he is performing his job.

In "The President and the People" the Tucson Daily Citizen commends President Nixon for his efforts to bring the Presidency closer to the people, particularly through his televised press conferences which show his wide range of knowledge and leadership on national and international isues. The editorial states:

Mr. Nixon is showing a competency and a credibility which is reassuring to the American people. Polls are showing, in turn, that the majority of them are giving him their reassuring support.

The Oregonian, in an editorial entitled "Confidence in Nixon," writes about a poll they conducted which showed a majority supporting the President in his Vietnamization program and his troop withdrawal rate. The Oregonian says:

Most Americans, it appears, believe the President is doing his best to resolve America's problems.

I ask unanimous consent that both editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND THE PEOPLE

Despite the fact that jet travel has brought the nation's capital within a day's journey from anywhere in the country, Washington, D.C., must still seem very far away to most people. And the President likewise might seem to be an equally remote figure.

But President Nixon has been doing a great deal to break down these barriers of distance and remoteness.

He has been bringing the government to the people around the country with various public affairs and foreign affairs forums, involving top administration officials. And he has been making himself visible in the role of the Presidency by frequent TV appearances.

The televised press conference from Los Angeles last Thursday night was a good demonstration in point. Live and in color, as the networks like to put it, Mr. Nixon stepped before a large gathering of newsmen for a 30-minute unrehearsed, unedited, off-the-cuff and on-the-record session of questions and answers.

It was obvious from his easy manner with the press representatives and from his thoughtful handling of the steady barrage of their questions that he is at his best in such a situation.

After having lost the presidential election narrowly in 1960 because, it was oft asserted, of his poor showng in the Kennedy-Nixon TV debates, Richard Nixon has acquired a talent for television exposure much like Franklin D. Roosevelt's talent for effective use of radio to give his famous "fireside chats."

But the important thing about the other night's television press conference was the way in which it reflected the awesome range of knowledge and leadership expected of the President in these times.

Here, in exact sequence, is the complete list of subjects covered:

Vietnam War, Paris peace negotiations, Mideast peace, Southern school desegregation, inflation, Russia's naval threat, politics in South Vietnam, U.S.-Russian confrontation, East Coast smog, problems of students and communication.

South Korea's situation 17 years after the truce, District of Columbia's new crime laws, objectivity of the nation's press, opportunity for Mexican-Americans in government jobs, the appropriations bills for educational support and for housing, and finally the question of bringing government to the people.

On that last one, President Nixon recognized that there was some criticism because he was away from the White House so much. He countered by remarking that a President never leaves the White House; it goes with him wherever he is. And it does.

Impressively, Mr. Nixon is showing a competency and a credibility which is reassuring to the American people. Polls are showing, in turn, that the majority of them are giving him their reassuring support.

CONFIDENCE IN NIXON

Public opinion polls tend to oversimplify because of their statistical nature and this includes the Bardsley & Haslacher poll taken for The Oregonian (Sunday, Aug. 9, editions). Asked their views on President Nixon's program for turning the war over to the South Vietnamese and withdrawing American forces, Oregon citizens divide this way: 10 per cent said the program was too fast; 45 per cent said it was about right; 32 per cent said it was too slow; 13 per cent were undecided.

Leaving out the undecided, this breakdown tends to show a majority, at least, supporting the President. Of the 10 percent favoring a slower withdrawal (or none at all), most probably accept the President's program as preferable to the faster withdrawal advocated by his chief critics.

This is somewhat remarkable, inasmuch as almost everyone would like to see our men out of Indochina as quickly as possible. The President himself has stimulated public sentiment for withdrawal by starting and continuing the pull-out, by his statement that the Cambodia expedition would speed withdrawal and by his firm declarations of intent to get the United States out of the war. Still, only 32 per cent polled said Mr. Nixon was not pulling out troops fast enough.

The poll for The Oregonian substantiates the last Gallup Poll (July 30) which showed 61 per cent nationwide approving the way Mr. Nixon is serving as President and 28 per cent

disapproving. This vote of confidence, after the withdrawal of troops from Cambodia by the deadline set by Mr. Nixon, was the highest in five months. Most Americans, it appears, believe the President is doing his best to resolve America's problems.

THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT: WHOSO DIGGETH A PIT SHALL FALL THEREIN

Mr. ERVIN. Mr. President, on August 21, 1970, I made some remarks in the Senate on the House-passed equal rights amendment—House Joint Resolution 264. My remarks, which begin at page 29668 of the CONGRESSIONAL RECORD for that date, point out the perils which this proposed amendments poses for the health, safety, privacy, education, and economic welfare of women.

At the same time, I called attention to my proposed substitute for the House-passed equal rights amendment—Senate Joint Resolution 231—which is aptly phrased to abolish all unfair discriminations against women without robbing them of necessary legal protection reasonably arising out of the physiological and functional differences between men and women—differences which cannot be abolished by a constitutional amendment.

The House-passed amendment consists of this abrupt and cryptical phrase:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

My proposed substitute for the House-passed equal rights amendment lifts this abrupt and cryptical phrase out of the House-passed equal rights amendment and places it in a context which makes it intelligible. It does this by adding to it this additional sentence:

> This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

My proposed amendment is well-phrased to abolish all unfair discriminations against women, without robbing them of necessary legal protection.

When I made my remarks on August 21, 1970, I expressed my conviction that the advocates of the House-passed equal rights amendment were merely desirous of abolishing unfair legal discriminations against women, and for that reason could support my amendment which would accomplish that objective without robbing women of necessary legal protection. Since I made my remarks in the Senate, some militant advocates of the House-passed equal rights amendment have informed me in no uncertain terms that they will not be satisfied with any constitutional amendment which abolishes all unfair legal discriminations against women and at the same time preserves for women reasonable legal protection based upon physiological and functional differences between men and women.

They have informed me that, on the contrary, they demand a constitutional amendment which abolishes every distinction made by law between men and women, no matter how necessary or rational such distinction may be.

In other words, they have advised me that what they want is a constitutional amendment which will undertake to make men and women identical legal beings and compel Congress and the legislatures of the 50 States to make all laws apply in exactly the same manner to men and women under all circumstances.

Let me confess at this point that I am somewhat puzzled as to how this can be done in respect to laws relating to abortion, carnal knowledge of girls under the age of consent, pregnancy, and rape, or the like.

The extreme advocates of the House-passed equal rights amendment assert with great vigor that they resent the Federal laws which exclude women from compulsory military training and the Federal laws whcih deny women the right to enlist voluntarily in the Armed Forces for combat service. They demand that Congress be denied the power to draft men for military service unless it drafts women on exactly the same terms or to enlist men voluntarily in the Armed Forces for combat service unless it enlists women for the same service. Moreover, they demand that the Air Force Academy, the Naval Academy, and West Point be forthwith made coeducational war colleges.

These same militant advocates also complain with much vehemence of many State laws which make legal discriminations between men and women such as State laws making husbands and fathers primarily responsible for the support of their wives and children, State laws providing for alimony or support for wives who are wrongfully forsaken by their husbands, State laws which give wives allowances as widows in their husbands' estates in the event they survive their husbands, and State laws which deny women employment in such hazardous occupations as mining coal.

One exceedingly irate woman has informed me that she intends to have me purged from the Senate if I persist in my efforts to preserve a few legal protections for the millions of women who are too busy performing their duties as homemakers and mothers to come to Washington to lobby Congress for their own protection against their militant sisters. She even made a remark in the course of her remonstrance to me which may be interpreted to be derogatory to the Senate. She asserted that my efforts to preserve legal protection for the women of America will come to naught because a majority of the Senate does not dare to make any substantial amendment to the House-passed equal rights amendment. I am confident that this good lady placed too low an estimate on the courage of Senators.

Despite the assertions of some militant advocates of the House-passed equal rights amendment, I still adhere to the view that the overwhelming majority of women share my view that unfair legal discriminations against women should be abolished, but legal protection based upon reasonable grounds should be continued.

If the militant supporters of the House-passed equal rights amendment could obtain their hearts' desire without having their sisters robbed of their necessary legal protection, I would keep silent. If such were possible, they would merely reap the fate of those mentioned in this verse of the Apocrypha:

> They digged a well, and made it deep, but fell themselves into the pit which they prepared.

Unfortunately, however, the consummation of their hearts' desire requires that the millions of American women who do not wish to be made into identical legal beings with men in all respects would be dragged into the well with them.

Many newspapers have carried editorials or articles expressing misgivings concerning the House-passed equal rights amendment. I ask unanimous consent that the following editorials and articles be printed at this point in the body of the RECORD as a part of my remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Charlotte News, Aug. 17, 1970]

RIGHTS FOR WOMEN

Proposed Equal Rights Amendment: "Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex."

Like the "I do" of the marriage ceremony, those 23 words are deceptive in their simplicity, for they sweep across the entire social and legal fabric of American society. Like marriage, the equal rights amendment is not something to be entered into lightly.

The Oliphant cartoon above suggests just one of the many possible untoward side effects of the amendment which has passed the House and is likely to win Senate approval. How far the repercussions of the amendment will reach is almost unknowable. The rights, privileges and responsibilities of women in America are defined in a complex, interweaving of law, custom and social and religious practices that both protect and repress women in varying degrees in every sector of life. More than just the conscious product of male oppression, this definition of "woman's role" has evolved consciously and subconsciously through thousands of years. Through the generations it has become more than just an intellectually held concept. Each generation of women and men has been reared according to the previous generation's concept of the proper role for each sex. While there are changes in each generation—especially in recent decades—there is also great continuity. So pervasive are these concepts, so intertwined with the whole of American culture that to most people the "proper" (traditional) roles for the sexes are as natural and right as gravity itself. In both men and women, the very understanding of who they are is colored by lifelong adaption to a sexual role. To what extent these supposed differences between the sexes are eternal and physiological and to what extent they are only changeable manifestiations of conditioning is the subject of no small argument. But regardless, millions of men and women would find it easier to adjust to new laws of gravity than to new roles for the sexes.

COMPLEX ISSUE

This does not argue against trying to remove the barriers still keeping women from full freedom. It does suggest first that altering the relationship between the sexes is a terribly complex thing and secondly that it be approached with great care so that the steps taken to liberate some women do not

intrude unduly on other women who have different goals. For example, while women's liberationists treat the protestive divorce, alimony and support laws as unwanted badges of inferiority, other women, poorly equipped to support themselves should their husbands leave, find great security in those laws. Satisfying both groups of women will not be easy.

But while lowering the barriers that have restrained women's progress will be difficult, it is also necessary. The statistics make a compelling argument that women are discriminated against in jobs and pay. Not only are women relegated to the least desirable, lowest paid jobs and discouraged from entering some fields at all, the evidence is that they are often paid less than men for the same work. Part of the problem lies in outmoded laws that once protected women by limiting such things as the hours of work but which now serve as an excuse to bar them from supervisory positions which often require long hours. These are easily removed, probably with little risk of harm to anyone. Less easily dealt with are subtle prejudices against women in traditionally male areas, such as aviation and engineering.

FEDERAL GUIDELINES

Progress is being made. The Civil Rights Act of 1964, which banned discrimination on the basis of sex as well as race, is now being given a more vigorous interpretation and actively applied to women's rights cases. The Nixon administration has issued guidelines that require federal contractors not only to give women equal treatment, but to grant maternity leaves and not penalize women who have young children, despite the reality that it is usually the mother who will abandon her job at any hour to tend a sick child. Pending court actions could well provide even stronger tools for achieving true job equality.

In other realms—from New York's McSorley's Old Ale House to the ministry itself—women are entering what was male territory—with what promises to be profound social implications. The society is to a great extent structured to accommodate the traditional family in which the man provides and protects while the woman demurely keeps house and raises a family. While this image has long since been breached by millions of working wives and women active in affairs of the world, the recent progress toward equal employment threatens to precipitate truly fundamental change. For if women are able to contribute half or more of the family support, and are able to work continuously with only short breaks for child bearing, then the economic arrangements that encouraged the traditional male-female relationship will be demolished. The consequences, while unknown, could be stunning.

The question is not will these changes come. They are coming. The growing number of aggressive, educated, capable women demanding a meaningful place in the work world will see to that. The question is whether the changes ought to be speeded unwisely by passing an equal rights amendment of unknown effect. That amendment, after languishing in committee for 47 years, was passed by the House without hearings or even the pretense of debate. The Senate may pass it with equal abandon.

Yet, as Harvard Law School Prof. Paul Freund was quoted as saying recently, "If anything about this proposed amendment is clear, it is that it would transform any provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court. Every statutory and common law provision dealing with the manifold relations of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen."

Which, while not an argument for defeating the amendment, is certainly an argument for urging the Senate to move with more caution than did the House. In no case will the amendment take effect before ratification by three-fourths of the states, so the Senate can surely afford to take time for thorough hearings, to be as certain as is possible that the amendment passed does the best possible job of giving women equality before the law without undue side effects. Women's rights are here. There is no need for a shotgun wedding.

[From the Wall Street Journal, Aug. 13, 1970]

THE LADIES AND THE CONSTITUTION

That Constitutional Amendment liberating women broke on the public consciousness so quickly no one's quite sure what its real effect would be.

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex," is what it says. Sounds fine, at least until the lawyers and courts get at it, but it's been languishing in Congress since 1923. Lately Congressman Celler, who's against it, has kept it bottled up without even committee hearings. But when Congresswoman Griffiths strong-armed it out on the floor with a discharge petition, it whizzed through the House by 346 to 15.

The upshot is that it was passed with only an hour of debate, which wasn't exactly time enough to clear up all the little hazy areas. Everyone seems to think it would finally implement the unassailable principle that women ought to get the same pay as men for the same work, but someone ought to take time to notice the words do not mention private employers. We were assured that it wouldn't affect such things as maternity benefits or rape laws, somehow. And what with a volunteer army almost here we don't need to worry about its implications for the draft.

Well, we're all for the ladies, but even so, before we write some new words into the Constitution it'd be nice to know what they really do mean.

[From the New York Times, Aug. 12, 1970]

THE HENPECKED HOUSE

Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity.

The proposed amendment declares: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The implications and consequences of such language are obscure. There are many laws specifically protecting working women; they cover such subjects as night work, dangerous and heavy work, maximum hours and maternity leave. These laws would be thrown into confusion. So would a great body of law governing divorce, child support, custody, alimony, the age at which a women reaches her majority, and a widow's rights in her husband's estate.

Prof. Paul Freund of the Harvard Law School has warned: "If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court. Every statutory and common law provision dealing with the manifold relations of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen."

The prospect of a prolonged and confusing litigation is not necessarily a conclusive argument against the amendment, but it is a powerful argument in favor of holding exhaustive hearings so that an amendment, if one is found necessary, will be carefully drafted and its consequences fully understood by Congress and the states before they act.

It may be perfectly fair to charge that male chauvinism was the only factor that kept the amendment from getting such an essessment through a half-century of total neglect, but that does not wipe out the need for a real evaluation now, no matter how fierce the pressure from the embattled women's lobby.

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in The House. The Commission and the rights of women are both too important for any further playing to the ladies' gallery.

[From the Durham (N.C.) Morning Herald, Aug. 14, 1970]

MISCHIEF IN RIGHTS AMENDMENT

Men stand to benefit almost as much as women from the "equal rights for men and women" amendment which the House of Representatives passed overwhelmingly (350–15)—and seemingly thoughtlessly—Monday. Indeed women may find themselves the losers if this proposed amendment does eventually become a part of the Constitution.

The intent of the amendment is to prevent discrimination against women and in concept this is desirable. Equal pay with men for comparable work is, for example, a commendable objective. Such specific gains can be attained by legislation. A constitutional amendment is so broad and comprehensive that it will produce undesirable results along with the desirable.

Something of the danger inherent in this amendment has been forcefully put by Paul Freund, professor of law in the Harvard Law School:

"It will open a Pandora's box of legal complications. The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

Women now enjoy certain considerations because of their sex: greater restrictions on working hours, restrictions on engaging in certain occupations because of the strenuous physical labor involved, exemption from the draft for military service, a lower age limit for marrying, receiving alimony and custody of children in the event of divorce.

Under this amendment, women could be required to work equal hours with men, to do the same work men do, their exemption from the draft could be ended, their age for marrying could be raised to that set for men, they could be made equally responsible for the financial support of the family with their husbands, they could be denied alimony and husbands would get more consideration in determining custody of children.

The considerations given women are based on their anatomical and physical differences from men and the biological requirement that women be the bearers of children and in consequence the nurturers of children (we wonder how the women's liberation organization proposes to get child-bearing shared with men or turned over to them). These factors have been determined by nature and the long experience of the race; to upset them even to the degree proposed in this amendment will be deleterious to emotional health and to the welfare of children.

The more one considers this amendment the sillier it appears. That any Congress would seriously consider it reflects unfavorably on that Congress.

[From the Durham (N.C.) Herald, Aug. 24, 1970]

PROBABLE

Senator Ervin wants to add some qualifications to the so-called "women's rights amendment" to exempt women from compulsory military service and allow the passage of laws "reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers."

That's a reasonable and desirable amendment to the amendment. And somewhere the amendment should be amended to prevent it from being interpreted to require a sharing of public toilet facilities by both sexes—as the amendment now stands such an interpretation is possible and with a literal interpretation, probable.

[From the Charlotte (N.C.) Observer, Aug. 16, 1970]

LADIES' BILL LACKS MEANING

That Constitutional Amendment liberating women broke on the public consciousness so quickly no one's quite sure what its real effect would be.

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex," is what it says.

Sounds fine, at least until the lawyers and courts get at it, but it's been languishing in Congress since 1923.

Lately Congressman Celler, who's against it, has kept it bottled up without even committee hearings. But when Congresswoman Griffiths strong-armed it out on the floor with a discharge petition, it whizzed through the House by 346 to 15.

The upshot is that it was passed with only an hour of debate, which wasn't exactly time enough to clear up all the little hazy areas.

Everyone seems to think it would finally implement the unassailable principle that women ought to get the same pay as men for the same work, but someone ought to take time to notice the words do not mention private employers.

We were assured that it wouldn't affect such things as maternity benefits or rape laws, somehow. And what with a volunteer army almost here we don't need to worry about its implications for the draft.

Well, we're all for the ladies, but even so, before we write some new words into the Constitution it'd be nice to know what they really do mean.

[From the Charlotte (N.C.) Observer, Aug. 23, 1970]

EQUAL RIGHTS AMENDMENT'S EFFECTS NEED SERIOUS STUDY

The constitutional amendment that would accord "equal rights" to women should have the serious and complete consideration in the Senate that it did not get in the House.

The important aims of the Equal Rights Amendment need to be carried out in law. The most vital function of the Senate at this point is to assess what the amendment's practical effects will be as it is now written.

Opponents of the amendment and critics of its language express concern that the new law will create so much legal confusion in the states that it will work more mischief than it will correct.

One of these criticisms comes from Dr. Paul Freund, professor of law at Harvard, who says, "It will open a Pandora's box of legal complications."

The prospect of legal complications and clashes with state laws is not unique to the women's equal rights amendment. Look at the enormous amount of conflict with state laws that came from the Civil Rights Act of 1964. Or from the 14th Amendment.

If wrongs need to be set right through federal law, resulting complications should be considered but should not necessarily be prevailing. Chances are, too, that opponents are taking an excessive alarmist view of the women's equality act—just as others did towards civil rights laws involving race.

The sentiment for a slowdown to take a good look has come about largely because the House was not deliberative in the matter. This seems paradoxical in view of the fact that the amendment has been around since 1923. But Rep. Emanuel Celler of the House Judiciary Committee sat on the amendment this session until it had to be pried out of his hands with a discharge petition. The House passed it on a one-sided vote that showed the members' concern about the political potency of the issue.

ERVIN CAUTIOUS

Sen. Sam Ervin of North Carolina has spoken now with his customary caution about constitutional questions. He is especially disturbed at the thought that the language of the amendment might wipe laws off the books that, for good and practical reasons, take into account the physiological differences between the sexes.

In gallant tones, Senator Ervin speaks of "the memory of mankind (which) runneth not to the contrary" concerning men's responsibility for supporting their families. But here, already, he has touched on what is basic in the equal rights amendment—economic questions that have been made a matter of physiology so that both sexes are victims of discrimination, but women probably more so than men.

With Senate discussion of the amendment set for mid-September, that body should start giving careful consideration to both its need and implications.

The amendment, if passed into law, will affect five general categories of equality: economic (job, promotion, special protection); family (marriage, divorce, child-care); legal (property, legal procedures); professional (education and advancement); and military service.

The economic targets include discriminatory hiring, in-plant treatment, pay scales, promotion, vacation, sick and maternity leaves. With 565 complaints of violations of the Equal Pay Act of 1963 already filed during fiscal 1970, it could be that the amendment will help clear the courts rather than clog the judicial process as has been claimed.

In some cases the amendment would automatically finish an equalization process that has already begun. Such is the situation with discrimination against women in the employ of government, which lags behind Title VII of the Civil Rights Act of 1964 and its banning of bias in businesses engaged in interstate commerce.

State "protective" laws are the focus of most of the opposition to the amendment. This is not an idle concern, although a closer look at these laws might reveal that the protection in many cases is largely illusory.

In North Carolina these laws merely limit the hours of work for a woman to 55 a week, not more than 11 in one day—a limitation not likely to be exceeded even without special laws. A second protection provides chairs for women workers whose job does not require that they stand. Such laws are hardly of sufficient stature to bloc a constitutional amendment of demonstrated need.

A DETERRENT?

Supporters of the amendment contend that many protective laws act today as a deterrent to equal opportunity and treatment.

Liberalization of divorce and abortion laws is already under way in a number of states. Chances are that the amendment will merely speed up the legislative machinery.

The welfare of children surely would continue to be the primary concern of society in divorce laws under the amendment, with financial responsibility imposed on fathers and mothers in accordance with their ability to pay. In cases where a wife's income exceeds her spouse's, it would well be that she would assume the heavier financial burden. And husbands should get a better break on alimony in instances where divorcees can support themselves.

The laws that restrict the rights of married women to engage in business and own property, and the laws that sometimes impose stiffer jail sentences on women than on men, are obviously unfair. Their removal from the books would probably excite little opposition.

More than 100 lawsuits have already been filed by women challenging colleges and universities for bias in admissions quotas and faculty treatment. One such suit is now pending against the University of North Carolina. The amendment should clear the courts of such suits, based on overt and subtle barriers to professional education and advancement. And it should work both ways. There are unreasonable barriers against male admission to some state and local institutions.

DRAFT BOTH?

Finally, there is the question of military service. (The classic objection to the amendment by those who voted against it in the House was from Rep. McCloskey of California who said he didn't want to sit beside some woman in an Army latrine and didn't believe she wanted to sit beside him.)

Equal treatment of the sexes under the draft laws is, indeed, a momentous step for the nation. The question immediately arises as to whether the physiological differences have to be invoked here. To us, the answer is yes—as they must be in retaining laws that forbid sexual assault on females.

This does not mean women shouldn't be conscripted for national service if men continue to be. Other countries exact such services as needed from their young men and women. But the nature of the services and the assignments will have to vary, as it varies now on a basis of the service's need and the individual's ability.

A volunteer army may make the whole problem extraneous.

All these questions need to be looked at in light of the amendment's wording. Nobody said the move to do away with the obvious discriminations in law against women would be easy. But the debate eventually should tend to even out the rights, opportunities and responsibilities of the sexes.

The states called upon to ratify the amendment will be in a clearer and better position to do so if the Senate does the deliberate job the House left undone.

[From the Salisbury (N.C.) Evening Post, Aug. 17, 1970]

GALS GAIN EQUALITY, BUT WHAT IS LOST?

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Such is the tersely worded but sweeping text of the equal sexual rights amendment passed by the House of Representatives after 47 years of male-chauvinist dillydallying.

While the amendment has yet to be seconded by the Senate (though easy passage is expected there) and by the legislatures of 38 states before it becomes the law of the land as the 26th Amendment to the Constitution, legal experts are already worried about the possible ramifications of the act.

"It will open a Pandora's box of legal complications," warns eminent Harvard law professor Paul Freund. "The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

What kind of mischief?

Every provision in the law which has a sexual basis, every statute dealing with the manifold relations of men and women in society, would be transformed into a constitu-

tional issue that would ultimately have to be resolved by the Supreme Court, says Freund.

Such laws include those designed to protect women from heavy or hazardous work and limiting their working hours; and immense and varied body of laws governing divorce, child support and inheritance; laws setting the age of consent, which is lower for women than for men in 20 states.

Using this one example, the Wall Street Journal asks: To make things equal, should these states lower the age for men or raise it for women?

Others, with tongues not entirely in cheek, suggest that under the amendment, expectant fathers could demand maternity leave, women would be liable for the draft and divorcees' incomes would be subject to alimony deductions to support ex-husbands.

The more militant women liberationists, like those who recently sexually integrated a for-men-only bar in New York, will say that's fine. In fact, they are eager to assume such liabilities and responsibilities. The sillier objections they dismiss as typical male persiflage.

Not all women are liberationists, however, and not all of them feel oppressed because there are such things as men only clubs and bars. (It can also be guessed that even the most ardent female equalitarian would not graciously welcome the male who demanded the right to take a shower in the ladies' locker room of the YWCA).

Which is to say that there are certain fundamental, inescapable differences between men and women and that to label them all as "inequalities" and to attempt to legislate them away is like passing a law giving women resonant voices, thus making them equally eligible for jobs as radio announcers.

Rep. Leonor K. Sullivan, D-Mo., one of 10 female members of the House, deliberately abstained from voting on the amendment because she fears it will strip women of too many protections she considers necessary and valuable.

It remains to be seen whether she represents a "silent female majority" which will rise up and make itself heard when the issue comes before the several state legislatures.

As Freund says, the amendment expresses noble sentiments. Its basic justice cannot be denied.

But neither can its mischief-making potential be blinked away.

We could be in for an interesting time.

[From the Winston-Salem (N.C.) Sentinel, Aug. 19, 1970]

ERVIN AND THE WOMEN

Sen. Sam Ervin wants to rescue the nation from the worst results of a proposed "woman's rights" amendment which the House of Representatives passed last week with precious little investigation and only superficial debate.

The amendment has powerful support in the Senate, and Ervin apparently is reconciled to its passage in some form. Rather than try to defeat it, which in the name of common sense is what should be done, he is attempting to qualify it in a way that would prevent the invalidation of laws that discriminate in favor of women.

Every state has a considerable number of such laws on the books—laws pertaining, for example, to divorce proceedings and alimony payments. Passage of the amendment likewise would bring into question the federal prohibition against drafting women into the armed services.

There is no indication that the House did much probing into the nature of the existing statutes before acting on the amendment. But it is a fair guess that many such laws would, on the ratification of the amendment, become a matter for adjudication in the courts.

Why this proposal should have such overwhelming support may long remain one of the mysteries of the 91st Congress. This Congress has done a number of foolish things, but not usually with so little thought for the consequences.

Sen. Ervin is an old-fashioned sentimentalist about many things—certainly about the Constitution and probably about women—but if he will stick to his guns maybe can persuade the Senate to repair the damage wrought by the House.

Don't bet on it, however. Earth knows no fury like a woman scorned—except a woman with the city of "liberation" on her lips.

[From the National Observer, Aug. 17, 1970]

LIBERATING WOMEN, OR HARMING THEM?

(By Jude Wanniski)

Rep. Leonor Sullivan was not in Washington last week when her colleagues in the House voted 350 to 15 for an amendment to the Constitution that would give women equality of rights with men and vice versa.

But nonetheless she says "I would not have stood up as the lone woman" of the 10 woman in the House "and spoken against the resolution." She would quietly have voted no. "Men can oppose each other on an issue and nothing is said about it," she says, "but if women do, it becomes a 'cat fight' as far as the news media is concerned. I don't want that."

The Missouri Democrat believes, along with the 15 men who voted against the resolution, that "it will do more harm to women than has been anticipated." Rep. Emanuel Celler, chairman of the Judiciary Committee, which has kept the resolution bottled up without hearings for 47 years, regards it as a "blunderbuss proposal that will wipe out all the good as well as the bad." He, and the other male opponents, believe that it will nullify state and Federal laws that were designed to protect women.

THE LAWS AFFECTED

These include: domestic and marital law concerning age of consent, alimony, divorce, community property, and child custody, support, and maintenance; labor law, concerning arduous work, manual and heavy weight-lifting requirements, night work, and rest periods; laws proclaiming differences in ages of legal responsibility and laws that now apply only to men, as rape and certain types of assault; the military draft.

Congresswoman Sullivan is concerned about the upheaval in the law that a Constitutional amendment would necessarily create. She agrees with Prof. Paul Freund of Harvard Law School who says, "It would transform every provision of law concerning women into a Constitutional issue to be ultimately resolved by the Supreme Court." But Mrs. Sullivan's concern goes beyond this to the social values that underpin the family unit. "I guess I'm old-fashioned, but I don't want to see the responsibility of the father taken away as head of the family and as the main financial support of the family." So many protections that women have now "will be thrown away by the drive for equality, equality in everything," she thinks. She was surprised that only 15 members of the House "had the courage to vote no. It was easier to vote yes and not have to explain why. This has become such an emotional thing."

Mrs. Sullivan is probably right that many congressmen didn't know exactly what they were voting for, but if the ladies wanted it, fine. Rep. Martha Griffiths, Democrat of Michigan, led the fight to get the resolution discharged from Mr. Celler's committee by petition and she didn't seem disturbed by the argument that it would create more troubles than it would dissipate. "None of the horrors which have been conjured up will occur," she said just before the vote.

AN HOUR'S DEBATE

Mrs. Griffiths did not say why they would not occur. But then, since there were no hearings and little over an hour of debate on the House floor, there was little time to explore the amendment's impact. It was assumed that insofar as the military draft is concerned women would not be able to pass the physical for combat duty. Rep. Shirley Chisholm, New York Democrat, didn't seem alarmed if women could pass the physical. "Each sex, I believe, should be liable when necessary to serve and defend this country," she declared. More important, she said, was straightening out the work of the Founding Fathers. "The Constitution they wrote was designed to protect the rights of white, male citizens. As there were no black Founding Fathers, there were no founding mothers—a great pity, on both counts."

The 82-year-old Mr. Celler tried flattery, trying to get the measure back so he could hold hearings: "Neither the National Women's Party nor the delightful, delectable, and dedicated gentlelady from Michigan [Mrs. Griffiths] can change nature. They cannot do it. There is as much difference between a male and a female as between a horse chestnut and a chestnut horse—and as the French say, *vive le difference*."

But that didn't work. Snapped Rep. Edith Green, Oregon Democrat, "I hope that the debate today will not be based on *'vive le difference'* arguments." Rep. Margaret Heckler, Massachusetts Republican, made it clear "I do not have any desire to become one of the boys." But her argument is the strongest one used by the congresswomen. It is that the "protective legislation" Mr. Celler worries about scrapping is primarily restrictive in nature; it contains laws that "may prevent desirable job advancement for women and prohibit women from much sought and desperately needed overtime work and pay [under] an alleged chivalrous code of life."

The resolution has a long way to go to become a proposed Constitutional amendment, of course. The Senate Judiciary Committee will hold hearings next month and report a resolution by Sept. 19. It must pass the Senate by a two-thirds vote, then be ratified by the legislatures of 38 states.

One facet of last week's House action was the first time Southerners, in great numbers, voted for a civil-rights measure. One peculiar rationale, hardly widespread in the Dixie delegation, was offered by Rep. Albert Watson, South Carolina Republican. The vote, he said, "is an indication that the American people want this Congress to re-establish priorities. The day of capitulating to the likes of the Black Panthers is over. The time for rewarding loyal Americans is at hand."

[From the Washington Star, Aug. 16, 1970]

WOMEN'S RIGHTS AMENDMENT: WAIT A MINUTE

(By James J. Kilpatrick)

The House of Representatives voted itself a three-week recess on Friday, but the vote came four days too late. In a monumental display of irresponsibility, far beyond the calls of lunacy, the House on Monday voted 346–15 to approve a "women's rights" amendment to the Constitution.

Gadzooks! Zounds! Horsefeathers! What in the world came over the House?

If you follow the course of constitutional amendments on the Hill, you might suppose this action reflected months of painstaking hearings, testimony by professors of law, studies by constitutional experts. None of this. There had not been a single hour of study in committee.

From the lopsided nature of the vote, you might suppose the amendment had overwhelming public support. Bosh! This constitutional time bomb is the contrivance of a gang of professional harpies, descendents

in zealotry of the late Carry Nation. Her bag was Prohibition; theirs is "women's rights." They are as persistent as Secaucus mosquitoes and they are the biggest bores in town. The 346 who voted for this resolution give or take a handful, had but one purpose in mind—to get these furies off their backs.

Now, mind you, there is an excellent case to be made for "equal rights for women" in certain well-defined areas of law and public policy. It is patently unfair for women to be paid less than men for performing the same work. This is more than unfair: It is unlawful, under the Civil Rights Act of 1964. The Department of Justice recently filed a major case to establish the point. Meanwhile, the Equal Employment Opportunities Commission has won scores of voluntary agreements in industry to halt discrimination against women workers.

The equal protection clause of the existing Fourteenth Amendment also is being widely invoked these days, notably in suits to compel the admission of women on an equal basis with men at state-supported institutions of higher learning. Step by careful step, courts and legislatures are in fact adjusting to the changing status of women in America today.

All well and good. But the reckless action of the House on Monday is the very antithesis of this careful, reasoned approach to social and legal change. The proposed amendment says this: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Does anyone have even a foggy notion of what this amendment, as a matter of law, would accomplish? No, sir. The House record is as empty as a ping-pong ball. The Senate Judiciary Committee held three days of hearings this past May, but these were mostly my dear lady, how delighted we are to have you here. The hearings have not even been printed.

The most rudimentary study would have required of the House that it look into all the laws of all the states, along with the Federal Government, especially affecting women. It is a fair assumption that hundreds of such laws exist, affecting marriage, divorce, wills and estates, inheritance, abortion, military service, hazardous occupations. If this amendment were ratified in its present form, as Professor Paul Freund has said, it would "transform every provision of a law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court."

Look. This is serious. The U.S. Constitution, just as Gladstone said in his famous phrase, is in truth the most wonderful political work ever struck off at a given time by the brain and purpose of man. It ought never to be amended lightly or frivolously, or to soothe some passionate sopranos.

Perhaps the Senate will bury this proposal, but the resolution has 83 sponsors over there and the prospect seems unlikely. In the end, it may be up to the sovereign states, God bless them, to demonstrate the same courage and common sense shown by the 15 stouthearted men who had the guts on Monday to stand up and vote no.

[From the Wall Street Journal, Aug. 13, 1970]

PROPOSAL TO BROADEN THE RIGHTS OF WOMEN MAY BRING SURPRISES

(By Elliot Carlson)

WASHINGTON.—A new era of opportunity may await the American woman. Soon, perhaps, privileges long denied will be hers: The right to tend bar just like men, the right to work overtime just like men, the right to earn the same pay men get when she performs the same work.

On the other hand, she may be on the threshold of other, more dubious privileges: The right to be drafted into the army, the right to lift heavy weights, the right to pay alimony should she and her husband divorce.

All of these things could result if a long-simmering Constitutional amendment to provide "equal rights for men and women" finally becomes law. Repeatedly introduced in Congress since 1923, the amendment has a good chance of clearing Congress this year. It comes up for a vote in the House today and House leaders expect to win the necessary two-thirds majority. Senate passage later seems assured. Then the measure would have to be adopted by three-fourths of the states.

Proponents—men, as well as many women's rights and women's liberation groups—believe the amendment will eliminate discriminatory practice against women in nearly every phase of life. But a few critics aren't so sure. They worry the new law will create years of legal confusion and, possibly, go too far in altering legal, economic and other relationships between the sexes.

"It will open a Pandora's box of legal complications," warns Paul Freund, professor of law at Harvard Law School. "The amendment expresses noble sentiments, but I'm afraid it will work much mischief in actual application."

A SWEEPING AMENDMENT

Clearly, the amendment's effects would be sweeping. It would render constitutionally suspect most Federal and state laws that make sexual distinctions. Among them: Laws that restrict the rights of married women to establish a legal domicile and, in some cases, engage in business; laws that exclude women from certain state colleges; laws that impose on them stiffer prison sentences; laws that govern the nation's arrangements as to marriage, divorce, alimony and child support; and also laws that exclude women from the military draft.

Paradoxically, many of these changes apparently would benefit men, such as the overturning of laws that now award alimony to ex-wives but not to ex-husbands.

Moreover, the amendment would nullify protective labor legislation for women covering maximum hours, night work, weight-lifting and occupational prohibitions. States no longer could prohibit women from entering such fields as bartending and coal mining, as several now do. Ohio, which has unusually broad sexual restrictions, would be particularly affected: It would have to admit women to the now-closed ranks of bellhops, shoeshiners, pinsetters and meter readers.

Female backers of the amendment argue these so-called protective laws have sharply limited women's opportunities. "If the amendment means women lose certain privileges, so be it," snaps Mrs. Rita Hauser, U.S. representative to the United Nations Commission on Human Rights. "These laws might have been necessary once, but now they simply prevent women from economically improving themselves."

CLOGGING THE COURTS

But some experts fear the new law's chief effect would be to clog the courts with years of litigation over how to interpret it.

A sample problem: What will happen in the 30 states where women may marry without parental consent at an earlier age than men? To make things equal, should these states lower the age for men or raise it for women?

According to proponents, the problem would be solved by simply extending rights enjoyed by one sex to the other sex. But deciding what is and what isn't a right may not turn out to be so simple, says Harvard's Mr. Freund. He observes that lowering the marrying age for men might actually involve their surrendering certain rights—such as the right to annul marriages and contracts on the ground that they entered into them before reaching their majority.

This problem seems mild compared to the question of women and the draft. Some women feel it's unjust for females to be denied eligibility for involuntary induction. "A lot of privileges go along with being in the military," and the opportunities for women to enlist are limited, says Adele T. Weaver, president of the National Association of Women Lawyers. "Men learn trades in the service—women should have this right, too."

Most likely, women would be selected through the same lottery system that selects men, legal experts think. This doesn't mean they would be assigned combat duty (though one woman lawyer argues that "if it turns out women can shoot straight, they should be placed on the front lines"). Most authorities figure women would be assigned duties on the basis of physical suitability, meaning they would end up as clerks, typists, nurses and aides.

But other experts question whether Congress necessarily would interpret the amendment as making women draftable at all. Conceivably, says James J. White, professor of law at the University of Michigan Law School, Congress could set exceedingly rigorous physical standards that would favor men but work against women. "The Government could then say that since so few women qualified, they should be cut out altogether," Mr. White suggests. "The women's lib groups would raise hell, but the courts are going to have to interpret this amendment reasonably or we'll have chaos."

Indeed, much will hinge on whether courts permit to stand any laws that make sexual distinctions. The sweeping and unconditional language of the two-sentence amendment works against this, say some legal authorities.

"The litigation could be endless," concedes Soia Mentschikoff, professor of law at the University of Chicago Law School. "The courts will have to decide whether sex can ever be a reasonable classification. For example, there's always been a certain presumption in favor of the mother in child custody cases. Courts probably won't alter these traditional roles overnight." Despite the sweeping language of the amendment, "the courts will have to deal with reality," she says.

Nonetheless, many experts believe the new amendment would indeed abrogate many age-old legal rules based solely on sex. One example: The common rule that the husband has the primary duty of support of his family. Instead, it would become "the legal duty of either spouse to support the other, more dependent spouse," explains Mrs. Weaver. In states where the law provides for alimony only for wives, courts could, under the new law, start awarding alimony to husbands. Also, both parties would assume responsibility for child support.

The amendment also would have important effects in the area of employment. While Tile VII of the Civil Rights Act of 1964 already bars job discrimination on the basis of sex, the equal rights amendment probably would speed up the securing of employment rights for women. In addition to gaining opportunities to work more hours and of different jobs, women would receive some Social Security benefits that now apply only to men.

A few critics argue that the amendment's language is just too sweeping to be practical Obviously, they say, states aren't going to strike down the sexual distinction in Iowa providing maternity benefits for women only.

Mr. Weaver answers that such distinctions in law really aren't discriminations as to sex, but rather "medical matters."

A male lawyer, who asks to remain unidentified, isn't convinced by this argument. "This is silly—women reintroduce sexual distinctions into the law when it suits their purpose. They just put a different label on them."

Most critics of the equal rights amendment also argue that the same ends could be achieved through rigorous enforcement of the "equal protection" clause of the 14th Amendment—and without throwing into confusion every law involving sexual distinctions. Rep. Martha Griffiths (D. Mich.), who last year introduced the proposed amendment, agrees that the Constitution, if properly interpreted, could protect women's rights. But she says the Supreme Court, despite many opportunities in the past, has never done so.

[From the Washington Star, Aug. 14, 1970]

WOMEN'S RIGHTS AMENDMENT MAY END PROTECTION

(By Richard Wilson)

Reading in the Congressional Record the hour of debate devoted to the so-called women's rights amendment is hard going but worth it for one reason.

The House of Representatives went on record in favor of a constitutional amendment without a very clear idea of what it will mean. When unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased.

The woman who thinks that making a home and raising a family is the greatest career to which she aspires, and wishes to be protected in what she considers to be a noble and natural role, may quite conceivably find that she has lost some of this protection.

Let us take, for example, a young woman of 20 who wishes to marry and settle for a long, rewarding life with children in a comfortable home. First, she may be subject to the draft, although the women in Congress assure us that she will not have to fight if she is not fitted for it. Some girls of 20 are, of course, quite equal to the ardors of military campaigning as they so ably demonstrate in the sports arena, and some of them can shoot straight, too.

Once married, and if things go awry, some young women may find themselves liable to pay alimony to a wronged husband. The responsibility for the financial support of children may lie equally upon her instead of solely upon a wayward husband.

These details are mentioned with hesitancy and deference because we have the assurance of Mrs. Martha Griffiths, the able congresswoman who accomplished the amazing one-hour feat of putting across an amendment pending for 47 years, that 30 million women are at work nowadays and desire equality more than protection.

In practical effect, as under the social security program, this equality will extend to men such privileges as are accorded women. But Mrs. Griffiths has a little different twist on it. She wishes to reserve for women some existing privileges based upon physiological differences. She asserted in the debate that separation of the sexes by law would be forbidden under the amendment except in situations shown to be necessary because of an overriding and compelling public interest. "For example, in our present culture," she said, "the recognition of the right of privacy would justify separate rest room facilities in public buildings."

However, it seems to be admitted on all sides that the equal rights amendment raises hundreds of other questions in many states concerning family relationships, divorce, separation, alimony, age of consent, military service, child custody, bastardy. The contention cannot be dismissed lightly that the equal rights amendment releases men from sole family and public responsibilities that society has traditionally imposed upon them and not upon women.

An overwhelming majority of the House of Representatives set aside these doubts, raised incidentally by orthodox liberals, largely out of the conviction that women are discriminated against in employment. This is demonstrably true and women are unjustly discriminated against in other ways.

Mrs. Griffiths dismisses the idea that any real protection will be lost to women but her opposition raised a great many telling points, which were not explored in debate nor were they the subject of prior hearings in the House of Representaitves.

The amendment was passed over Judiciary Chairman Emmanuel Celler's plea to wait until after hearings he had scheduled in September. It can readily be understood that the women's rights advocates placed no trust in Celler's plea since in all the years he has been chairman of the Judiciary Committee he has been unmoved by continuous pressure for adoption of the amendment.

The House acted, and presumably the Senate will act also, under heavy pressure from women's organizations who desired this "Magna Charta" in tribute to the 50th anniversary of women's suffrage.

But much more seems to be expected from this simple amendment than it actually promises. Other enactments "liberate" women without sacrificing their protection. The prudent women will wish her state legislature to take a long look at the deceptive amendment when the ratifying process begins. It was designed by men to get women's votes nearly a half century ago.

[From the National Observer, Aug. 24, 1970]

LET US SAVE WOMEN FROM FULL EQUALITY

(By Edwin A. Roberts, Jr.)

Long before Voltaire employed it with historic effectiveness in his *Philosophical Dictionary*, the technique of weakening an institution or a movement by relentlessly mocking it was a staple in human arguments. And no cause has been so zealously mocked for so long as has the campaign for women's rights.

Mockery has many advantages. If you set about making fun of a concept, it's often not necessary to go to the trouble of debating the concept on its merits. The act of mocking carries with it the implication that the target is too ridiculous to rate serious analysis.

This is the attitude men have customarily adopted toward the efforts of feminists to win equal political and social rights. It is the attitude most often adopted today in the face of a powerful challenge by various women's groups to dispel many old myths and inequities that still burden the female sex. Women, on one context or another, have been the stuff of male jokes since the dawn of the race; and beneath the veneer of humore has lain a monumental contempt.

Rousseau wrote: "The education of women should always be relative to that of men. To please, to be useful to us, to make us love and esteem them, to educate us when young, to take care of us when grown up, to advise, to console us, to render our lives easy and agreeable; these are the duties of women at all times, and what they should be taught in their infancy."

LORD CHESTERFIELD'S VIEW

And Lord Chesterfield declared: "Women are only children of a larger growth. . . . A man of sense only trifles with them, plays with them, humors and flatters them, as he does with a sprightly, forward child; but he neither consults them about, nor trusts them, with serious matters."

What is remarkable about the state of mind these observations reflect is not that it is a curiosity from the reactionary past, but that it is a state of mind persisting today. Usually without realizing it, most men continue to think of women as splendid, troublesome, useful accessories. They go well with wine and song; they seem to have a knack for housekeeping; and their childlike interest in clothes, gossip, and sentimental stories deserves only the baffled smile of the generously tolerant male.

Such is the prejudice women have been bucking for centuries. It shouldn't be surprising, then, that some particularly ardent feminists have set as their goal an exact equality with men; that is, there would never be sex discrimination, even if that discrimination amounted to a privilege for women. No more alimony. No more male door-holding. No more exclusion from the draft. No more anything that underlines a social distinction between men and women.

Well, it's possible to sympathize with women activists without buying the package insisted upon by their more radical fellows. Women, after all, have come a long way since 1879 when Henrik Ibsen wrote *A Doll's House*, the play that outraged society by laying bare the absurdly subservient role of wives in the Nineteenth Century. Still it was only 50 years ago that American women got the vote, and in England women weren't fully enfranchised until 1928.

The equal-rights amendment recently passed by the House of Representatives has been kicking around for 47 years, but at least it seems to be getting someplace now. Every male human on earth gives lip service to the proposition that women should be paid equally for equal work, and many of the old barriers against women holding more responsible jobs are being dismantled.

DIMINISHING RETURNS

The question, which the feminists have not articulated very well, is at what point in the process of "liberation" would women begin to realize diminishing returns?

If fair-minded people agree that women should be treated equally in the job market, and that the aspirations of women to make the most of their lives and intellects merit something more than mockery, what else can be done? Should the cause of equality be pursued to such an extreme that the subtle tensions in man-woman relationships are destroyed? Those tensions, after all, go far to assuage the travail of living a human life.

Even casual relationships between men and women are different from those between members of the same sex. And no matter what the more radical feminists say, the reason lies not in custom but in nature. Beauty in a woman is forever a distraction to every man she meets; he may admire her other qualities and respect her for them, but he is always aware he is not in the company of a man.

The tension, of course, is reciprocated. A woman may be mindful that the man at the next desk is a proficient worker and an amiable individual, but she is ever conscious that he is a male.

If this is true, then how it is possible to re-engineer society so that men and women will be treated identically? It can't be done. But are women really the losers because of it?

Let me tell a little story. Some years ago a young, single man living in New York made it a practice to go alone to the theater on Thursday nights. About half the time he wound up sitting next to a single woman, a different woman each Thursday night, who had also purchased only one ticket.

It was an easy matter for the man to strike up a conversation and, after the show, to invite the woman out for a post-theater snack. Emerging from the theater, the man would grasp the woman firmly by the arm, guide her to a taxi, see her into it and then climb in himself. Without asking the woman her preferences, he would tell the cabbie the name of the restaurant. Once there, the man would tell the head waiter what table he preferred, and he would then proceed to make some strong suggestions to the woman about what she might enjoy eating and drinking.

With the logistics taken care of, the man

would then settle back and converse with the woman about whatever seemed to interest her. Once they were seated at the table, the man and the women were indeed equals and the conversation took care of itself. The woman, far from resenting the man's control of the situation in getting them from theater to restaurant, was always pleased that that business had been handled by the man. As a result she quickly developed confidence in him while gaining confidence in herself—after all, he went to all that trouble for her.

FEMINISTS WOULD OBJECT

Radical feminists would undoubtedly despise the man's behavior. They would be happier if the couple discussed, in democratic fashion, what corner to head for to catch a taxi, what restaurant to go to, what table to sit at, and what in the world to have to eat. It probably would have been dawn by the time they agreed on what cab to hail.

It is not mockery or in any way belittling to observe that men and women, by nature, ask of each other certain considerations they would not ask of members of their own sex. A woman is no less "equal" for permitting the man to expedite the logistics of a date. Nor is a man contemptuous for assuming such responsibilities.

The feminists, when they hold their 'strike" Aug. 26, would do themselves and society a favor if they made it a point to distinguish between economic sex discrimination and the natural differences between the social behavior of men and women.

That wouldn't settle the matter, but it would help bring the nation's fuzziest debate into far better focus.

[From the Evening Star, Aug. 18, 1970]

RETAIN PROTECTIVE LAWS FOR WOMEN, ERVIN ASKS

Sen. Sam J. Ervin, Jr., D-N.C., who says he wants to give women the best of both worlds, is leading an attack against the House version of a constitutional amendment to guarantee women equal rights.

Ervin, one of the Senate's experts on the Constitution, has no quarrel with the portion of the House-passed amendment that would invalidate laws discriminating against women.

But he plans to introduce a substitute tomorrow that also would retain laws designed to protect women. This provision, for example, would continue to exempt women from the draft.

FEARS CHAOS

He said in an interview that if the amendment which passed the House last week by a 350–15 vote should be approved by the senate and ratified by the states, it would create chaos in the field of constitutional law.

He said constitutional lawyers with whom he has consulted say the proposed amendment—which has been pending in Congress 47 years—either means nothing or would have the effect of invalidating all federal and state laws making any distinction between men and women.

On Ervin's motion, the Senate Judiciary Committee voted Wednesday to take testimony from constitutional authorities and explore all legal ramifications of the House-passed amendment.

PLACED ON CALENDAR

But Majority Leader Mike Mansfield, D-Mont., had it placed on the Senate calendar without being referred to the Judiciary Committee for consideration.

The effect was to put the amendment in position to be called up on the Senate floor at any time.

The substitute Ervin will introduce provides, as does the House-passed amendment, that equality of rights under the law shall not be denied or abridged on account of sex.

PROTECTION ALLOWED

But it also specifically exempts women from compulsory military service and permits passage of any law "reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers."

Ervin contends the House version "invalidates all acts of Congress and all state laws making any distinctions between men and women, including a multitude of laws which are reasonably designed to afford necessary protection to women."

He said these include laws making a husband primarily responsible for the support of his wife and children, securing dowery and other property rights to women, barring women from hazardous jobs, and requiring separate restrooms and segregation of men and women in jails.

SECOND ANNIVERSARY OF THE RUSSIAN OCCUPATION OF CZECHOSLOVAKIA

Mr. GURNEY. Mr. President, this week marks the second anniversary of the invasion of Czechoslovakia by the Soviet Union and the beginning of the latest subjugation of the Czechs by Russian might. These days, we hear a great deal about the detente, the thaw between East and West. The signing of the treaty between West Germany and the Soviet Union has been hailed as proof of a new willingness on the part of the Kremlin leaders to end old animosities and to "regularize" relations between Russia and other European states. I imagine the Czech leaders must find cruel irony in this talk. I image their vivid recollection of the Soviet tanks rolling into St. Stanislaus Square in Prague 2 years ago this week must make them wonder about the sincerity of current Soviet protestations of peaceful intentions. The Kremlin leadership has not changed since the Czech invasion: the Soviet leaders who are now assuring the world of their desire for peace and freedom, are the same individuals who ordered the rape of Czechoslovakia 2 years ago this week.

I do not suggest that because of past difficulties we should break off negotiations with the Soviet Union or refuse to deal with the Kremlin. On the contrary, I think we should pursue our efforts for a negotiated settlement of European problems, Middle East problems, and the strategic arms limitations talks. What I do suggest is that "one swallow does not make a spring." In all our dealings with the Soviet Union, we should proceed in the knowledge that Soviet overtures are not always what they seem. In the Middle East, we should remember that even though the Russians have apparently given permission to their Arab puppets to proceed toward a negotiated settlement, Soviet territorial ambitions remain the same. In the SALT talks, we must be vigilant about Soviet intentions and we must not squander our defense in the hope that Soviet "good will" will make disarmament work.

Caution should be the keynote in our dealings with the Soviet Union and I suggest that the Czech invasion of 1968 should be recalled from time to time when our optimism tends to blind us to the real intentions of the Soviet Union. The cruel and bitter memory of that unhappy event, the subjugation of that proud people, should remind us to be wary, to be cautious and prudent in negotiating with the Soviet regime.

I ask unanimous consent to have printed in the RECORD a statement by the Czechoslovakia National Council of America memorializing the unhappy anniversary of the most recent assault on Czech national freedom.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

On this sad occasion—the 2nd anniversary of the brutal Soviet-led invasion and occupation of the peaceful, freedom-loving country of our ancestors—we, American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent, again remind the entire world of this Soviet violation of principles of international law, incorporated into the Charter of the United Nations.

The Soviet aggression and occupation of Czechoslovakia—

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) violated Article 2, Section 4, prohibiting the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article 1, Section 2);

(4) was in conflict with Article 2, Section 7, prohibiting outside intervention in matters essentially within the domestic jurisdiction of any state; and

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion. This resolution prohibits intervention in the domestic affairs of any state, and guarantees the protection of its independence and sovereignty.

The hopes that Czechoslovakia, following the Nazi occupation, would resume its splendid progress toward a modern democracy were first shattered by a communist coup in February, 1948. For the next 20 years, the communist regime lived on reserves accumulated by the 1918 generation, all the time deceiving the very ones in whose name communist revolutions occur: the working class. Czechoslovak workers never were given the promised factories; instead they became prey to communist state-capitalism and Soviet neo-colonialism. Wages gradually were reduced to only about half an adjusted pre-war level as compared to earnings being enjoyed by fellow-workers in the West. The whole nation was politically manipulated, and there was no freedom of press, expression or assembly permitted.

Soviet Russia forced Czechoslovakia to sign lopsided commercial treaties under which that country had to buy low-grade Russian raw materials at world-market prices but sell Russian manufactured goods at below market prices. This kind of operation understandably resulted in tremendous yearly losses for the Czechoslovak economy where foreign trade had been profitable and at least 75% western-oriented. Even under these conditions, Soviet Russia failed to fulfill its trade obligations, and by 1967 owed Czechoslovakia approximately $1 billion for excess deliveries.

The glorious spring of 1968 brought an end to oppression and hypocrisy. Without violence, united behind new, young leaders, Czechs and Slovaks began to explore and correct past blunders . . . until the Soviet war machine mustered half a million troops and

subdued a small peace and freedom-loving country.

In Washington, on the first anniversary of that humiliating aggression and occupation, Czechoslovak democratic organizations called a Protest Meeting which was attended by many representatives of other exile and ethnic groups and won strong endorsement by many United States Senators, Governors, and Congressmen. That Meeting voted, by acclamation: August 21st shall henceforth be called the "Soviet Day of Shame." Similar meetings and demonstrations were held in Chicago and other cities in the U.S.A. and throughout the world.

Now the continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order . . . one that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

The Soviet Union has tried, subsequently, to justify its crime by the so-called Brezhnev doctrine, which is—in fact—in direct conflict with the Charter of the United Nations. This doctrine tries to sanction aggression, and thereby deliver small countries to the "tender mercies" of the aggressive plans of Soviet imperialism.

The Czechoslovak people, however, are not resigning themselves to these aggressive plans of Moscow. They resisted, and continue to resist and reject, Moscow's claim to a right to intervene in the leadership of the State; and they deny Soviet Russia the right to determine who should govern their country or represent it in foreign relations. August 21, in Czechoslovakia, is being commemorated as the "Soviet Day of Shame."

And those of us here in the United States who are joining our friends in Czechoslovakia, urge the whole civilized world to support the effort to achieve

THE WITHDRAWAL OF SOVIET TROOPS FROM CZECHOSLOVAKIA

Especially at this time we remind representatives of free nations not to lose this opportunity to support the just demands of the people of Czechoslovakia in international meetings and bi-lateral negotiations. We are grateful to President Nixon for his statement of August 7, 1969, rejecting the Brezhnev doctrine and pointing out that he will not be guided by it in cooperating with countries of Eastern Europe. During the forthcoming General Assembly of the United Nations there will be many occasions for denouncing Soviet aggression and repeating demands for the withdrawal of Soviet forces from Czechoslovakia. We hope that representatives of all free nations will not let this opportunity be lost, but will help us solve a problem that endangers not only the peace in Europe but throughout the world.

FOSTER GRANDPARENT PROGRAM

Mr. MURPHY. Mr. President, I have been a strong supporter of the foster grandparent program. When the Older American Act passed the Senate last year, I spoke in favor of the total program, but I particularly praised the foster grandparent program, citing the various examples in my State of the program's effect not only on the grandchildren but also on the grandmother as well.

Today, I received a report from the Pacific State Hospital, Pomona, Calif., describing their foster grandparent program. I ask unanimous consent that the report, together with an article from the Progress Bulletin, entitled "Love Nurtures Child," written by Rosamond Douglas, a staff writer, be printed in the RECORD.

There being no objection, the report and article were ordered to be printed in the RECORD, as follows:

REPORT ON FOSTER GRANDPARENT PROJECT, PACIFIC STATE HOSPITAL

(Sponsored by Economic and Youth Opportunities Agency of Greater Los Angeles)

Project staff

Alvin Walker, M.D., Medical Director.

Mary Jane Roberts, R.N., Program Administrator.

Betty S. Miller, Sr. P.T. II, Project Director.

Ardath Rivera, Stenographer II, Project Secretary.

Project consultants

Mary Jane Roberts, Superintendent of Nursing Services.

Herbert Schenck, Ph.D., Chief Psychologist.

Sheldon J. Brown, Chief Social Worker.

Donald Bowling, Principal, Educational Services.

Martha Bruske, Director, Nursing Education.

Frances Grove, Director, Rehabilitation Services.

PART I—GENERAL OPERATION

The Foster Grandparent Program at Pacific State Hospital has employed 59 foster grandparents during this first six months of 1970. They all have been paid from federal funds. During this period we have been negotiating a contract for the state funds to pay for twelve of the foster grandparents. These funds were included in the 1969–70 Department of Mental Hygiene budget. The finalization of these negotiations were brought about in June, and procedures were put in motion to transfer the funds for these twelve from the general fund in Sacramento to EYOA.

Foster grandparents are assigned to 17 wards. They work with 133 patients; 86 are males and 47 are females. Their ages range from 4 to 16 years. The IQ's range from 1 to 69 with the greatest majority under 35. Eighty-seven of these patients are ambulatory and 46 are non-ambulatory, 10 are blind, and 3 are deaf.

The program has become a very effective part of the hospital's overall treatment plan for the patient. With all the requests for foster grandparents we receive from medical staff, ward personnel, social services staff, and parents of patients, we could use many more foster grandparents. It is especially hard to explain to a child why he doesn't have a foster grandparent when he sees another child go out with a foster grandparent. There is such a great need for all of the patients to have someone to give the individual attention and love the foster grandparents are so willing and able to give.

We continue to have monthly in-service training sessions for the foster grandparents. These sessions include such subjects as behavior shaping, Social Security, and general information sessions. The foster grandparents published their own FGP Newsletter during their period. This has stirred much interest and participation among them. This is a revival of the old FGP Newsletter which they failed to continue. We hope it has a much longer life this time.

The foster grandparents have formed a Social Committee. This committee of four plan social activities for all the foster grandparents. They have planned picnics and luncheons. These were greatly enjoyed by all. In the future there are plans for a fishing trip. These activities help to keep the foster grandparents a very close knit group. For many these activities are their only social participation.

One of our foster grandmothers has been exchanging correspondence with a grandmother from the Foster Grandparent Program at Denton State School, Denton, Texas. They have exchanged pictures of themselves and other grandparents, also stories of their foster grandchildren.

We are very sorry that Mrs. Ardath Rivera, Foster Grandparent Secretary, will be resigning June 30, 1970. Not only is she my right hand, she is extremely well liked by all of the foster grandparents. She will be greatly missed by all.

* * * * *

PART III—COMMENTS

Foster grandparent financial benefits

"I was a cook at a local hospital, and the work was too hard for my age and health. I was out of work and could not make it on my unemployment. I honestly don't know how I would have made it without the Foster Grandparent Program. I might have had to go on welfare. I do much better financially now."

"It has paid for my groceries, utilities, kept up my car, and with my Social Security I have been able to keep up with my taxes and other bills. I can manage very well, providing nothing happens which would entail a large outlay of money all at once."

"Since becoming a foster grandparent, a lot of worry has been taken off my mind. I can now pay my bills and am more able to care for my family."

"My husband was hospitalized and what little pension he had went for hospital bills. He was due to be transferred into a rest home and that was more than his pension, so I became a foster grandparent. I was then able to pay my bills without worry. It was a "God Send" as my husband passed away 3 months after I was employed. All pension checks were stopped and I had only my Social Security."

"Being a foster grandparent has helped tremendously in being able to get things such as eyeglasses and taking care of dental bills."

"I am able to earn a living instead of going on welfare."

Foster grandparent benefits concerning health, happiness, and improved attitudes

"Before I became a foster grandparent, I was just sitting around doing nothing. Now I feel I have been able to make some children happy. This has helped my feelings of usefulness. Physically I have improved for I am now receiving the exercise we all need to stay healthy."

"Without any doubt, I feel one hundred percent better because my mind is always busy with the kids and I love to be with them. When I first started working here, I didn't think I could do very much for these kids, but now I don't think I could do without the love of these kids. I have met the parents of my boys and they are grateful and enthusiastic for what is being done. I feel very proud to be a foster grandparent because deep in my heart I know that I'm doing something really worthwhile."

"There has been a great change in my mental health and some change in my physical health, all for the better. I enjoy being in the *click* again. I enjoy the few hours I'm away from home. Instead of being lonely, I'm always anxious to see my two boys each morning. I feel that I am doing something to make life a little happier for at least two little guys. Before I started to work on the Foster Grandparent Program, I felt I had very few friends, now I feel everyone is my friend."

"Physically, I am stronger. I must walk at least two miles a day out in the fresh air and sunshine, and I count my blessings. There is no time to feel sorry for me when

I am so busy helping others less fortunate than I am."

"According to friends and family, I seem much happier and relaxed. I don't need sleeping or nerve pills anymore."

Benefits to the patients as expressed by Ward personnel

"About eleven months ago, Gretchen was a very shy, withdrawn little girl. She sat alone, preferred to huddle under a table or anywhere in close quarters. When she was touched by the personnel or other patients, it was very apparent that she did not like this and would pull away. She never made eye contact.

"After talking with her mother, we knew that she had been responsive to people at one time. We asked for and were given a member of the Foster Grandparent Program.

"Gretchen was a difficult patient to work with. When Mrs. Sanger began, she was unable to touch Gretchen at all. Gretchen did not want to go for walks, books or toys didn't interest her, and it was very obvious she much preferred to be left alone in her own little world.

"Mrs. Sanger was very persistent in gently coaxing her on walks, and was elated the day Gretchen reached out and touched her hand. This took 1½ months. She has continued to progress. Now she smiles when Mrs. Sanger arrives, is very willing to hold hands, plays and relates to other patients. She is in speech therapy and is showing progress. She relates well with group leader and has become very outgoing." (Glynn Mitchell, Sr. P.T. II.)

"The staff of Ward 29 would like to offer a special 'thanks' to our ward grandpas. We all feel that they are an important part of our ward program.

"In addition to giving the boys they work with that extra special attention that only they can give, they have done many things to help the boys toward preparation for eventual family care placement.

"Learning proper behavior is a first step. The boys know that grandpa will check and if his boy's behavior has not been good that day, he will take another boy. This has been especially effective with several of the boys.

"Grandpa Keller has taught his boys many useful things. When he found that Richard and Wade could not print their names, he brought paper and pencils and practiced with them until they could. He has also taught them to make change. Wade can now make change for $20. Since our boys use only canteen cards in the hospital, they will be very useful when they are able to leave the hospital.

"The latest project that Grandpa Keller has undertaken is teaching the boys to cast a fly rod in preparation for a fishing trip in the near future." (J. Ruth Hughes, Sr., P.T. II.)

"Brett was using a walker at the time Mr. Hernandez started taking him out. He was taken out of the walker and ambulated by holding onto both of Mr. Hernandez's hands and then proceeded to walk by being held by only one hand. He is now able to walk unaided.

"Frank, a new admittance who had trouble adapting to the ward, was accustomed to being spoken to in Spanish. Mr. Hernandez relates to him in Spanish and English. He has adjusted very well to the ward. His temper tantrums have diminished.

"Stuart was having difficulty walking. He is now able to ambulate very well. His personality has become more outoing, due to Mrs. Travilla's attention.

"Brandi was unable to even sit alone on the swing. Since Mrs. Travilla has worked with her, she is now able to swing herself. Also she is now able to walk up and down stairs.

"Daniel was very unresponsive to everything and everyone. Since Mrs. Walker has worked with him, he appears to be taking more of an interest in his peers and his environment.

"Mary cried frequently. Her crying has diminished since going out with Mrs. Walker.

"Pamela has learned to use the swing. Pamela relates to Mrs. McCloskey whereas she related to no one before.

"Robin verbalizes more frequently and is just thrilled when she sees Mrs. McCloskey." (Dolores Quinlan, Psychiatric Nurse.)

"The loving hand of the foster grandmother has bridged the gap from home to the hospital for Candy. Mrs. Becker (Grandma Kay) has formed a good relationship, not only with the patient, but is in close contact with the patient's mother. She escorts Candy to the telephone weekly to call her mother, and has frequently spoken with the mother personally. Grandma Kay has been with Candy since shortly after her admission.

"With Doug, Grandma Kay has spent much time patiently encouraging speech and counting. In the near future there will be "his and hers" bicycles to be used to encourage physical fitness. Under her special loving care, he has begun to talk more and be less destructive to property.

"Mrs. Tracy (Grandma Willie) is the focus of attention for Charlotte. This child has been frequently disturbed and hyperactive. Grandma Willie's slow pace and acceptance of the child has added greatly to the child's sense of belonging and self worth.

"Mrs. Klippen (Grandma Helen) is the apple of the eyes of her two children. Her smiling participation in their games and tolerance of their humorous mischief has done much to brighten their lives. Alice (a diabetic patient) has become lively and talkative with Grandma Helen's encouragement of speech and self expression.

"These three ladies have brightened the lives of their patients and become an integral part of the ward team. They relay pertinent information to personnel on the progress of each of their patients. Their humor and participation has endeared them to all of us." (Doris Bonnette, Sr. Psychiatric Nurse.)

"As we look at our boys on Ward 40, we see their obvious physical growth. It is also apparent there has been growth in other ways. Some who have made really noticeable gains are those boys who have had foster grandparents.

"John has daily visits with Mr. Watson. He has slowly changed from a quiet, shy, unresponsive little boy to one who openly responds to friendship and attention. This is demonstrated by his cooperation in learning daily living tasks rather than by resistance. He is learning that it is pleasant to learn, be cooperative, and rewarded with the approval of his friends.

"Mrs. Groppe spent long hours with Woody without much progress. Then gradually he became aware of the daily presence of genuine warmth and respect in this foster grandmother. With persistence, she replaced balls of dirt, which he collected and rolled in his hands, with small rubber balls. Then she gradually replaced the balls with other toys. In learning acceptable behavior he also learned that he became more acceptable. Since then he has become progressively more aware of and involved in his environment. Best of all, his mask-like facial expression has been replaced by awareness and an occasional real smile.

"All the children who have had the opportunity to be with the foster grandparents have gained immensely. They have grown not only in receiving love but by learning to be able to give affection and responsiveness.

"From first steps in relating to others, several of the boys have been able to form relationships with others that have enabled them to function well with several people. This has led to their leaving the hospital setting and living successfully in family care homes. Several even attend school. Without the consistent, ever-accepting love of their foster grandparents, these children could not have gained and grown to this rewarding way of life." (Virginia Bagnor, Sr. P. T. II.)

[From the Pomona (Calif.) Progress-Bulletin, May 10, 1970]

LOVE NURTURES CHILD

(By Rosamond Douglas)

Biologists and psychologists alike stress one fact about ourselves that we often forget: human beings are a nurtured species. We cannot survive unless the mother takes care of the child.

As a matter of fact we cannot survive unless the mother wants to take care of the child, unless she feels within herself the love that makes her willing and glad to take on these responsibilities for however long it is necessary, shaping her own life meanwhile to the needs of the baby who is growing.

For some women, mothers of handicapped children, this commitment is not possible. Her child is born with or, in some cases, develops basic abnormalities which make it impossible for the mother to fulfill her nurturing role. She must find or seek substitute professional help.

At Pacific State Hospital, thousands of children from all walks of life find the help they need. Here they are trained in the social, moral and emotional disciplines necessary for life in our society. Methods of teaching in general are the same as those used with normal children, but presentation is reduced to its simplest form and patient repetition is the key to success.

The growing child, though mentally retarded, reveals an incredible need for tenderness, patience and love common to the human estate. With this love the child will grow and learn; without it, apathy and deterioration take place.

A project study in this necessary love and tenderness began at Pacific State not quite three years ago, when approximately 19 senior citizens were enrolled in a Foster Grandparent Program. Their purpose—to share themselves and their love with children ages six through 16.

That pilot group has since grown to 58 grandparents with a waiting list of senior citizens eager to join this emotionally and financially rewarding program. The work is not only something the grandparents can do, but something they can do better than young persons, and they receive $1.60 per hour plus a dollar a day for transportation.

They are not there to work. Their job is play. Four hours a day, five days a week, they take "their grandchildren" out for walks, play ball, fly kites, push swings and in general do all the wonderful things that make children feel prized and loved.

It's a personal relationship. Each child recognizes the familiar friend the moment the "grandparent" enters the ward. Anticipation of "good times" fosters joy and optimism between child and "grandparent."

Mrs. Kay Becker has been with Douglas for more than a year. She relates with pride his many accomplishments.

"He loves to climb the hills and he minds beautifully. We love being together and he's very smart."

Stevie, severely retarded, is called quite bright by his grandmother, Mrs. Bertha Groppe. She's been in the program for more than two years and "looks forward to afternoons with my grandchild."

Carole, Mrs. Lois S. Brummer's "granddaughter," has learned not only to walk, but to run and kick a ball since her grandmother took over eight months ago.

Mrs. Carrie Sanger is very attached to Buddy. She's been with him for more than two years. Those two years tell a story of one accomplishment after another resulting from the patient care and teaching of his "grandmother."

All the "grandparents" interviewed told the same stories of growth and accomplishments with their "grandchildren." Some children who had never had a morsel of food enter their mouths (tube fed babies) were now eating on their own. Others who had withdrawn to a world of sleep were now running and playing with other children.

Harold Schmitz, assistant to the medical director of the project, and Betty S. Miller, project director, speaking for themselves and other staff members praised the project highly.

"We have seen profound changes in the children since the Grandmother Program went into effect. Those who never spoke now make an effort to build a vocabulary, others who just stayed in their beds now run and play," Mrs. Miller said.

She added, "The children have blossomed under the one-to-one contact and a number of them have progressed to the point that they are now able to enter family care homes and schools."

Periodic physical examinations reveal that the grandparents have also undergone marked changes since they entered the Grandparents Program.

"Reports show improvement in their health from one examination to another," Mrs. Miller said.

"They are needed and they know it. It's a two-way street. The love they give comes back to them and they blossom in much the same way as the children," she added.

Mr. Schmitz said the "grandparents" find new friends and new interests.

"They give and they receive. I am sure they get as much out of this program as we do."

Needless to say the effect of the Foster Grandparent Program on Pacific State Hospital has been most rewarding for those involved.

The mothers of children at Pacific State Hospital also benefit by the knowledge that their children are receiving the love and tenderness they themselves need to give, but cannot, because they haven't yet reached those relatively "free" senior years.

THE ALL-PROFESSIONAL ARMY

Mr. HART. Mr. President, I regret that the Senate did not approve the Hatfield-Goldwater amendment which would have made it possible to test the feasibility of an all-professional army while the draft system was still in force.

The amendment would have implemented provisions of the President's Commission on an All-Volunteer Army by raising military pay and other benefits.

If the amendment had been adopted, the Nation could have gained valuable experience with an all-professional army before having to decide next spring whether to extend the draft.

That is why I voted for the amendment.

Mr. President, I have not favored going to a large, all-professional army. Having experienced considerable difficulty in stopping the momentum which attaches itself to a large and expensive weapons system, I am concerned about the momentum which might be built up by a large and expensive professional army.

Weighed against that concern, which would be eased by establishment of limits on the size of a professional army, is my concern for the effect the draft in general and the system's inequities in particular have on many of our youth and their families.

Certainly the goal of any draft system should be equal exposure, but when all qualified men are not needed, and all personnel serving will not see combat, then it is indeed impossible to come up with a system that demands the same for everyone.

The answer in that case is to do away with the draft, and that answer is in keeping with the traditions of this Nation.

The administration has said they are moving toward zero draft calls, and that is good. The question which Congress must decide by next June is whether to extend authority for the draft.

Mr. President, I was one of the Senators who agreed to withhold additional reform amendments last year to insure the swift passage of the lottery system last year.

We withheld our amendments with the very explicit understanding that comprehensive selective service hearings would begin no later than February 15, 1970.

When hearings were not held, I asked in June that hearings be scheduled promptly to consider reform and repeal of the draft. At that time I said:

> To put off consideration until the start of the new Congress might, I fear, leave too little time for both Houses to consider all alternatives before being faced with a deadline on the present system.

The situation I feared has come to pass.

We must now explore the complicated questions of draft repeal-reform and achieve agreement of both Houses of Congress in less than a year and without the experience we might have gained had the Hatfield-Goldwater amendment been approved.

Here are just some of the questions which must be answered:

How large an army should we maintain?

If we go to an all-professional army, should there be a phase-in period or should the draft be ended next June?

Should Congress establish an upper limit on the size of a professional army and be required yearly or biannually to review the authorization for the size of the army, whether up to or less than the limit?

While I believe that if we go to a volunteer army, Congress should set a limit and require regular authorization reviews, we must also decide what if any arrangements will be made to expand the army through a draft in periods of national emergency.

Certainly, draft should not be reinstituted without approval of Congress, but how formal a structure should we maintain to allow Congress to authorize resumption of the draft?

Should we do away with registration and start from scratch each time, or should we continue to require registration?

And if we are to continue with the draft, either on a permanent basis or on a standby basis, what action shall Congress take on such reform proposals as the one dealing with selective conscientious objectors?

Mr. President, these are just some of the tough questions facing Congress next year. The question of draft reform-repeal must be one of the first taken up by the new Congress.

And in seeking advice, I hope we will not overlook men such as Col. Arthur Holmes, Michigan selective service director.

In an interview published in the Detroit News of August 23, Colonel Holmes was quoted as saying:

> I would like to see the draft abolished as soon as possible as long as national security is not endangered.

So that his views might receive wider attention, I ask unanimous consent that the interview with Colonel Holmes, whom I know as a friend and respect as a wise counselor in mobilization matters, be printed at this point in the CONGRESSIONAL RECORD.

I ask also that there be printed in the RECORD my press release of June 16, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE DRAFT BOSS WOULD END DRAFT

(By Allen Phillips)

LANSING.—The man in charge of drafting Michigan's young men for the U.S. armed Forces doesn't approve of the draft, and he doesn't defend the U.S. involvement in Vietnam.

In his 18 years as state selective service director, Col. Arthur Holmes has helped put enough Michigan men into uniform to make up a sizable army, but it doesn't prevent his saying:

"I would like to see the draft abolished as soon as possible as long as national security is not endangered."

After 30 years' experience with the draft program Holmes is convinced that a volunteer army, if it can be done, is the solution.

And if that doesn't startle draft dissenters, as Holmes delights in doing at campus appearances, he will add:

"I wish we were out of Vietnam—or any war—but our nation's leadership is better able to say what we ought to do than I."

On both points Holmes reflects the professional soldier's view that peace is preferable to war, but being a good soldier, he follows orders.

Holmes attends to the administrative details to procure from local boards the requisite number of healthy, reasonably intelligent, morally fit young men to fulfill Michigan's draft quota.

Can the system designed to do this—in wartime destined to send some of these men to their deaths—be humane as well as efficient?

"The draft can't be fair to the extent it pleases everybody. Sure as hell, the man who goes into the Army doesn't think so," Holmes said. "But normally, he doesn't know the reason it's him instead of somebody else."

Even the national lottery, which is supposed to be more equitable, has added to misunderstanding and created some myths of its own.

Two beliefs Holmes said should be dispelled are:

1. That it is a draft only of 19-year-olds. At least half the men called under the lottery have already turned 20.

2. The notion that high lottery numbers assure immunity from the draft. Military manpower needs have a lot to do with this, but it remains a possibility the highest numbers could be reached.

Simply, the lottery works this way: For draft registrants every birthdate of the year is given a number. These are the lottery num-

bers, and the first set were drawn last December for men to be drafted this year.

The December lottery covered births in the period of January, 1944, through December, 1950, spanning the ages 19 to 26. The first numbers drawn were drafted last January. A second lottery drawing last month gave numbers to men with birthdates in 1951 for induction in 1971.

"Some believed in the theory that the lowest third of the numbers would be inducted, the next one-third might face the draft, and the highest third had nothing to worry about," Holmes said.

"Right away I advised young men who had high numbers not to drop their college deferments or drop out of National Guard or Reserve units.

"Don't let anybody tell you because you have a high number you won't be affected."

Holmes' warning was justified. In the first few months this year the draft was only taking men up to lottery No. 30. But in filling draft calls from this group, and the transition from the old system, something went wrong.

Either there were not enough men with those numbers, or a high percentage had deferments. The result was that Michigan failed to meet its quota, shy some 600 men.

The same thing happened in other states. Quickly federal selective service officials jumped up the scale to lottery No. 195, more than half way through all the available birth-dates.

That helped fill the ranks, and so did the June call which turned up hundreds of graduating college students whose deferments expired. Then with military needs tapering off, the Michigan August and September call went only to No. 150.

"I foresee sequence numbers in Michigan going down," said Holmes. "Maybe the numbers will go down to 100, unless the calls increase."

Troop withdrawals in Vietnam and elsewhere, coupled with military strength reductions, will have more than anything else to do with how high the numbers reach.

On an individual basis, however, having a deferment can keep a man with a low number out of uniform indefinitely, at least long enough to weather the decrease in military personnel demands.

On paper, Michigan has a vast reservoir of men. The state has 1,761,151 registrants. But 790,000 are over age 35, 218,900 have deferments for hardship or as fathers, 154,065 have completed military obligation, and 27,000 belong to National Guard or Reserve units.

Narrowing the list further, another 200,000 men have been rejected for service and 75,000 are students. That leaves only about 20,000 men in the "available" pool.

Holmes suspects 20 percent of male college students would shuck their studies if the draft disappeared tomorrow.

For a student deferment the man must be progressing satisfactorily, full time. Deferments for graduate students have been eliminated except for those completing degree requirements.

Yet Holmes estimates that in Michigan between 40–45 percent of men called are rejected. This is almost double the rejection rate in World War II. His explanation is that today's physical standards are much higher.

Draft officials are disturbed by the growing number who evade induction by vanishing, or refuse to take the oath.

At this time about 600 draft evasion cases in Michigan are awaiting federal prosecution, enough men to fill a complete month's quota. They face sentences up to five years in prison and $10,000 fine.

Holmes minimizes the problem. Hundreds of men fail to report because they failed to get notice or they have problems that could easily be cleared up, he said. But the hard-core of draft evaders, he agrees, have been influenced by the Vietnam War.

It is not hard to see why. Virtually all Michigan draftees, after completing physicals at Fort Wayne in Detroit, are shipped off to Fort Knox, Ky., for the Army. A small number are also being sent to the Marine Corps.

PRESS RELEASE OF SENATOR PHILIP A. HART

WASHINGTON.—Senator Philip A. Hart (D-Mich) has asked the Senate Armed Services Committee to hold prompt hearings to consider reform and repeal of the Selective Service System.

In a letter to Senator John Stennis (D-Miss), committee chairman, Hart said the urgency for hearings was prompted by the fact that the draft law expires next year.

"To put off consideration until the start of the new Congress might, I fear, leave too little time for both Houses to consider all alternatives before being faced with a deadline on the present system," Hart warned.

Hart was one of the Senators who agreed to withhold additional reform amendments to ensure swift passage of the lottery system last year.

"We withheld our amendments with the understanding that comprehensive selective service hearings would begin no later than February 15, 1970," Hart said.

He explained:

"Our initial reluctance to withhold additional reform proposals was based on two points:

"First, the proposed lottery system would not correct all inequities in the system.

"Second, passage of the lottery legislation might remove a sense of urgency to press forward promptly with the additional reform.

"Certainly experience with the lottery has justified our first point, and the present lack of movement in Congress for draft reform may suggest the validity of our second concern."

Hart said there was no lessening of interest in draft reform repeal across the country.

He said release of the Gates report calling for an all-volunteer army, Secretary Laird's announcement of a troop reduction and reform recommendations made by the Senate Subcommittee on Administrative Practices and Procedures had increased support for either reform or repeal of the draft system.

"The hearings should consider both draft reform, including those proposals discussed in the subcommittee report, and the creation of an all-volunteer army, including ways of phasing out a conscription army and phasing in a volunteer force," Hart said.

TRIBUTE TO THE 3M CO.

Mr. MONDALE. Mr. President, although Minnesota is often thought of as an agricultural State, we have always been a progressive industrial State as well, particularly with imaginative new industries in electronics and technology.

We have always been immensely proud of the 3M Co.—Minnesota Mining and Manufacturing—and the employment, products, and technology which it has brought to our State, our country, and now to many countries abroad.

Recently, Finance magazine paid tribute to this company and some of the men most instrumental in its phenomenal growth, particularly the current chairman of the board, Bert S. Cross.

I think that this story deserves attention, so I ask unanimous consent that this marvelous example of Minnesota industry and a Minnesota industrialist be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

3M'S MONOLITHIC MONEY MACHINE: THE COMPANY'S SUCCESS FORMULA IS ITS MOST PROPRIETARY PRODUCT

(By John Oliver Gunn)

As the 20th-century industrial successor to Paul Bunyan in the North Woods of its native Minnesota, 3M Company makes some 35,000 individual products, representing 45 major lines. But most of all—first, last, and seemingly always—3M makes money.

It made money during the first World War, multiplying its sales fivefold and emerging from a critically debt-ridden past to move into the half-million-dollar income bracket.

It made money during the '20s, quadrupling sales volume and pushing profits to the point where it could pay two 100 per cent stock dividends within three years (plus regular cash distributions), earn an annual average of 80 cents on the quadrupled shares, and still build up a healthy cushion of retained earnings.

It made money throughout the Great Depression of the '30's, tripling its sales, acquiring two of its major competitors, putting millions into an intensified product-development research program, steadily increasing its staff, and topping the $4 million net income level.

It made money during World War II, tripling sales once more, stepping up pre-tax income some 2¼ times, and doubling stockholders' equity.

Then it began *really* making money. The 24 years from 1946 through 1969 saw sales expand by more than 25 times, net income by over 49 times, and earnings per share by 40 times. In the '60s alone, sales multiplied 3.2 times, net income 2.8 times.

Sales have increased in every year since 1938, while earnings have risen for 18 straight years and for 23 of the last 24 (all but 1951). Cash dividends have been paid for 215 consecutive quarters, extending back to 1916, and have been increased 19 times in the past 17 years, including each of the last 12. The stock split four times in the postwar period—2-for-1 in 1945 and 1956, 3-for-1 in 1960, and 4-for-1 in 1951.

Moreover, 3M is making more money today than ever before. For first-half 1970, its sales of $832.4 million were up six percent, and its $90.6 million net income up 4.7 per cent, over the corresponding six months of 1969. Per-share earnings for the half were $1.62, versus $1.55 a year ago—and the company traditionally steps up both sales and earnings in succeeding quarters, concluding each year with it strongest three-month performance.

This established ability to manufacture profits in ever-increasing volume, year after year and decade after decade, in all seasons and under all species of economic climate and tax atmosphere, obviously is no happenstance. So pronounced a corporate affinity for earnings persuasively suggests the existence, in St. Paul, of a foolproof formula for determining where the market dollars are and divining how to extract them from the purchasers' pocket at minimal cost. But if there is such a 3M formula, it understandably is regarded as a proprietary 3M product, locked safe from prying eyes in the vaults which also house so many process patents.

Despite its extraordinary financial successes and its high degree of market visibility, 3M remains something of an industrial enigma. The principal reason, one strongly suspects, is that it plainly wants to be one. Loose talk has always been shunned at 3M; executives keep their own, and each other's, counsel. In this pragmatic, product-oriented, profit-dominated arena, "corporate image" seems an alien commodity.

NO AD POLICY

For its first 30 years, the company did no publication advertising whatever (except for a management-written series of hard-sell one-column ads in The Saturday Evening Post in 1921), and its multimillion dollar promotional expenditures of today are confined almost exclusively to pushing individual products, rather than selling the organization behind them.

3M-style public relations also is concerned very largely with the nitty gritty of the trade, straight-out product publicity. (A July 1 news release from corporate headquarters, on the unaccustomed subject of a division reorganization, used the term "commensurate with" in place of "commencing", apparently on grounds of syllablic similarity and euphonic preference. Had sales or earnings been involved, such semantic confusion would be unthinkable. The company's internal dictionary is infinitely precise on these matters of moment.)

Thus left to their own devices in fashioning an explanation for 3M's persistent profitability, outside observers generally have concluded the focal point of the company's financial success is to be found in its research laboratories, or in its unique marketing approach.

Certainly, extensive, imaginative, innovative research is a primary 3M activity, and a most rewarding one. The company broke into the field relatively early, in 1916, and has steadily expanded its research operations ever since. Today it employs some 3,000 technicians in 50 laboratories throughout the world. Research and development work consistently receives more than four per cent of 3M's annual revenues, and the percentage has been climbing perceptibly of late, to 4.8 per cent in 1969. The stake involved is large—$285 million in the past five years, $77 million in 1969 alone. So, too, are the returns, for company laboratories have spawned the great majority of 3M's proud stable of patented profitmakers all the way back to Scotch tape. Board Chairman Bert S. Cross estimates that 25 per cent of each year's sales volume comes from products which first left the laboratory less than five years before.

But it should be noted that 3M research bears the same distinctively pragmatic stamp of all other company operations. The emphasis unmistakably is on product development, rather than pure research—on commercial quantity, not scientific quality. Numerically, laboratory output is dominated by multiple improvements and endless new-market adaptations of existing products. There have been remarkably few technological breakthroughs at 3M since Scotch tape itself, and those few have been earthshaking primarily in commercial implication as opposed to scientific magnitude. Not infrequently, 3M products have proved inferior to competitive models subsequently released. Others have displayed field shortcomings variously necessitating laboratory restructuring, redesign, or simple abandonment.

The point, sometimes lost on casual company analysts, is that 3M—as its record spectacularly attests—is a profit-making organization, not a scientific trailblazer. It has made research pay off very handsomely indeed—the return was computed some years ago at $28 sales for every development dollar invested, and today's ratio must be substantially higher—not because 3M researchers are necessarily better than those of competitors, but because its *management* of them is better. From its inception, the 3M laboratory program has operated under multiple management controls installed to assure that research efforts are concentrated on projects affording significant profit potential, and that the resulting developments are released promptly once they reach the stage of marketability.

A MARKETING SPECIALTY

Marketing, too, is (obviously) a 3M specialty—a specialty tailored to a company-developed pattern which is unique in American industry. Visibly, 3M fields a torrent of salesmen, each one assigned not only to a specific segment of a specific market, but also to represent no more than specific products within that market segment.

The apparent duplication gives 3M an army of field representatives who are specialists in the fullest sense—each one knowing all there is to know about his own small group of products, rather than very little if anything about all 35,000 in the (nonexistent) corporate catalog. He is a practicing authority in his own little domain, and as such, he gets beyond the buyer or purchasing agent and into the place where the product is actually used in the plant or sold in the store.

This cements trade relations where they count most. More importantly, it gives the salesman a chance to discover product weaknesses, discuss unmet user needs, and discern additional commercial opportunities for 3M's product-development forces to work on. The comprehensive field reports, which all salesmen are required to file, are probably the genesis of a hundred new 3M products, and entire new product lines, every year.

On the other hand, 3M's brigades of razor-sharp salesmen have scored their greatest triumphs selling patented specialty products, largely of the disposable variety, in a field characterized predominantly by bush-league opposition. Where they have come up against really top-flight competition, like Xerox in office copiers or Eastman Kodak in photographic equipment, their showing has been mediocre at best. (On occasion, it has been considerably worse than that, as in the case of 3M's abortive attempt in 1930–31 to buck DuPont, Simoniz, S. C. Johnson, and others with a "Retsul" line of auto waxes and polishes. The result can only be described as a rout, with the blame somewhat equally distributed between research and sales.)

Despite determined 3M efforts going back a full 10 years (and at least five acquisitions), Kodak still sits alone and effectively unchallenged atop the photography field, while 3M struggles to break even on a minor share of market which seems to be concentrated increasingly in the unglamorous (though potentially lucrative) area of film processing for amateur shutterbugs.

Conversely, a 10-year headstart didn't save 3M when Xerox went after the booming office-copier market in 1961. 3M's Thermo-Fax, previously the dominant machine, was quickly displaced by superior Xerox equipment, and 3M's market penetration has been dropping steadily ever since, to less than 12 per cent today versus Xerox's 50+ per cent, despite the introduction of a series of hopeful new 3M entries—Dual Spectrum copiers, the "Adherography"-process A–09, the VHS, and currently the color-reproducing Color-in-Color" model.

The costly and embarrassing Thermo-Fax experience may have demonstrated a pronounced flaw in 3M research—the disposition, developed during many years without real competitive challenge, to forego potential improvements of a product, once it has been (perhaps prematurely) released for sale, in favor of developmental work on new product opportunities. If so, the company is not publicly conceding the point—although President Harry Heltzer has said that "we just plain didn't see Brand X coming."

In any case, the clashes with Xerox and Kodak effectively explode the myth of 3M marketing invincibility. Yet they also perversely demonstrate the flexibility and strength of the 3M management system. For, despite the severe set-back in the major-equipment copier field, the company nonetheless has steadily increased its sales volume in associated reproduction products and supplies—lithographic plates, microfilm, computer printout systems, sound-slide recorders, overhead projectors, business forms, etc.—on so massive a scale that the Graphic Systems Group, once primarily dependent on Thermo-Fax leadership, was the largest contributor to total corporate revenues and earnings throughout the '60s. Moreover, 3M has by no means abdicated the copier field to Xerox or anyone else. It is making a determind new run at this billion-dollar market, with better machines and a stronger financial base than ever before.

NOT GIVING UP

In photography also, company management is conceding nothing to Kodak. Chairman Cross speaks very confidently of the company's future in this area, pointing out that 3M has made a full-scale lasting commitment to what he calls "the image-forming business"—the whole spectrum of sight communications. Photography obviously is an indispensable component of that field. Cross looks for major industrial-application photographic developments from 3M laboratories in coming months, and he observes with satisfaction: "As always, the research which is undertaken for any one of our divisions may very well show up in another's products. Our new rapid-process X-ray film is a good illustration of the point." Meanwhile, 3M is fast building what may prove to be a very profitable photo-development "sideline," with film processing laboratories throughout the United States and Canada, and in Europe as well.

It thus is perfectly evident from the record that the ultimate source of 3M's extraordinary (and extraordinarily sustained) earnings power is over-all management organizational strength, rather than research orientation or marketing implementation. The company consistently makes money in such copious quantities because its executive structure is channeled single-mindedly toward that all-encompassing objective, and because it has been able to attract and keep the exceptional managerial talents necessary to make the system work. At the heart of that system, logically, is individual monetary incentive.

There currently are four 3M product groups, each headed by a vice president and each comprising five to eight product divisions or subsidiary companies. Every high-potential new product emerging from the laboratory is assigned a manager, with first preference given to the man primarily credited with its research development.

The manager is accorded full responsibility for all aspects of the product's commercial introduction and marketing.

He also receives a compensation package—base salary, stock options, and profit-sharing provision—which is tied directly to the single product's sales and profits. If and when the product's annual sales reach $15 million, it acquires full divisional status, with its own research, manufacturing, and marketing staff, and the manager is properly rewarded—given, in President Heltzer's words, "the same chance that the president had when the whole company was at the $15 million size."

So long as he does not contravene corporate policies or the instructions of the supervising group head, the new division manager has virtually complete operating autonomy—with one all-important exception. One of his division officers does not report to him, but directly to the corporate financial vice president. This is the divisional controller, from whom top management wants to receive the division's fiscal facts undiluted. The manager soon learns, in a series of no-nonsense annual budget meetings with the group vice president and then with the corporate executive committee, that

3M's sales and earnings expectations of his division are pretty demanding. The company generally looks for a pre-tax return in the neighborhood of 23 per cent on sales and 40 per cent on invested capital—and top management points out that these goals reflect no more than a proportionate divisional contribution toward the normal corporate objective of *after-tax* earnings totaling more than 10 per cent of sales and roughly 20 per cent of investment.

CHALLENGES MANAGERS

"Anybody can run an operation for a low margin," Cross has said, "but what challenge is there in that? The risks are greater here, but so are the returns." He adds, meaningfully, that the 3M budgeting procedure is designed to make certain that any lagging division manager feels "uncomfortable" until he gets his division back in step.

Lest too much credit be assigned to the operating-autonomy policy, it should be observed that the company functioned very profitably for many years under a system of strongly-centralized authority, changing to the divisional pattern only in 1948, when it was concluded that decentralization would trigger accelerated growth. The real management keys to 3M's profitability, consistently over the years, have been individual financial incentive and tight central fiscal control.

Those enduring policies were forged during what was perhaps the roughest childhood ever suffered by any major U.S. corporation. 3M was founded in 1902 by five residents of the Lake Superior north-shore region—a doctor, a lawyer, a butcher, and two minor railroad functionaries—each of whom put $1000 into the venture. Its purpose—witness the name, Minnesota Mining & Manufacturing Co.—was to mine what these industrial neophytes considered valuable local reserves of corundum, for sale as a high-grade abrasive to Eastern grinding-wheel manufacturers. It took them some five years to discover (and six additional years to concede publicly) that the ore in question was not corundum at all, but a low-quality, worthless anorthosite.

By early 1905, the company was teetering precariously on the brink of bankruptcy, where it was to remain for another decade, repeatedly rescued at the 11th hour by financial infusions miraculously extracted from a wealthy St. Paul plumbing supplier. This man somehow was led to believe, first that the "corundum" could be used to make commercially-salable sandpaper, then that the company could survive with sandpaper made of inferior garnet imported from Spain.

The $235,000 which Lucius P. Ordway ultimately sank into the struggling enterprise was barely enough to satisfy the most urgent suppliers' bills, but not enough to pay executive salaries nor even, frequently, to meet employee payrolls. In lieu of wages, 3M employees on those occasions were issued scrip convertible into company stock, then the most worthless commodity in town but nonetheless accepted by some St. Paul merchants—primarily bartenders. The going rate of exchange, in stock or equivalent scrip, was two shares for a shot of the cheapest whiskey, worth 15 cents at most. If held to the present day, each of those shares ($1 par value) has become 192 shares, on which dividend payments over the years have totaled $2,897.28 and which are worth (even at today's bargain-basement price) approximately $15,360. Ordway's $235,000 investment was last valued, some years ago, at $272 million worth of stock—held by the Ordway Trust, 3M's largest shareowner.

Emerging from the traumatic beginning—sufficiently painful to leave an indelible mark on the company and succeeding top managements right up to the present—3M developed its first acceptable product (Three-M-Ite cloth, an aluminum-oxide abrasive material) in 1914, paid its first stock dividend in the last quarter of 1916, acquired the patent for a waterproof sandpaper (along with the inventor) in 1921, produced the first masking tape in 1925 and the famous Scotch Brand cellophane tape in 1930, and was off to the races for good.

But the legacy left by the long years of wolf-at-the-door desperation stayed with 3M, ever present in the brilliant mind of its guiding genius for 55 years, William Lester McKnight, who retired in 1966 to become honorary board chairman. Joining the company in 1907 as assistant bookkeeper, McKnight experienced the full brunt of the interminable financial crisis as he rapidly advanced to cost accountant, office manager, sales manager, and (in 1914) general manager. And he determined that, if 3M somehow survived those initial miseries, the company would never again be compelled to live from hand to mouth. He would build for it a Gibraltar-like financial foundation, and a management blueprint designed to safeguard that foundation for all time.

The legendary W. L. McKnight did just that. He created a master plan for progress through profitability which 3M has followed with painstaking precision to this day, and which it can be expected to continue following far into the future. Unyielding consolidated fiscal control is a keystone, of course, as also is the entrepreneurial concept of profit-anchored incentive compensation—and, beginning at the $100-million sales level, reorganization to effect decentralization of operating authority and responsibility.

In terms of additional specifics, as best they can be divined from exhaustive examination of the public records at hand, the cardinal principles of the McKnight blueprint—which 3M understandably is not sharing with outsiders—appear to be these:

Avoid price-cutting under all circumstances and stay out of highly competitive markets in which price discounting is an accepted business practice.

Diversify, to escape excessive reliance on any single market or market combination, and do so through intensive product-development research, constantly policed to assure commercial practicality.

Vigilantly patent and militantly protect from competitive infringement the proprietary products thus developed, licensing such patents to others only under carefully defined conditions and with the assurance of an ample royalty return.

Minimize the risk of outside knowledge and exposure of company plans or developments in progress by confining membership on the board of directors exclusively to company officers, with exceptions restricted to representatives of major-ownership company founders.

Increase sales at least 10 per cent each year, and sustain this growth primarily from within, confining acquisitions to those which are directly related to the company's existing business and favorably priced as well.

Expand production facilities and complete desirable acquisitions as fast as necessary to capitalize fully on growth in sales demand, but finance these developments as completely as possible from retained earnings, avoiding long-term debt and the earnings dilution produced by resorting to recurrent stock issues.

As an essential means of accomplishing the preceding objective, constantly maintain a strong cash position and a conservative dividend payout policy.

Use every reasonable method of keeping employee morale at a level conducive to high productivity and unswerving loyalty, specifically including an inflexible ban on nepotism and an invariable policy of promoting from within under all but the most extraordinary circumstances.

Concentrate on the saturation concept—carefully choose a number of high-potential specialized markets, then go after them with saturation salesmanship designed to fill every need for which 3M can profitably develop products. Similarly, carefully develop a key central product, then bombard it with saturation research designed to create every conceivable variant of that basic product for which a profitable market can be found.

That the management formula works very well indeed is self-evident from the record. 3M today is one of the world's largest industrial enterprises, one of the most respected, and certainly one of the most profitable. For calendar 1969, the company ranked 73rd among U.S. corporations in assets, but 59th in revenues, 21st in net income, and 11th in the total year-end market value of its outstanding shares ($6,145,000,000)—and it seems likely to advance all of these relative positions in 1970. No other company of comparable size has as little long-term debt—$22.3 million, just 2.2 per cent of its $1.01 billion total capitalization.

WORLDWIDE EXPANSION

3M has built a single hard-won basic technological competence—precision-coating of one material with another—into a $1.6 billion worldwide business, with plants located in 46 U.S. cities and 15 foreign countries and sales outlets in 175 nations. Its 66,000 employees produce an almost limitless array of products, 35,000 in all (including 600 types of Scotch tape), marketed through five group classifications—graphic systems; tape and allied products; advertising services, protective products, and photographic products; electrical products; and abrasives, adhesives, building-service materials, and chemicals.

Although the company's phenomenal growth has been generated very largely from within, it has acquired 30 companies since 1929, in England, France, Italy, Germany, Argentina, and Canada as well as the U.S. And it has absorbed them all without breaking stride in the steady earnings appreciation which has attracted a current total of over 108,000 common stockholders.

The present is not without its problems for 3M, of course. For one thing, the slowdown in the U.S. economy, first evident in 3M operations during the second half of last year, dropped the company's income/sales ratio from 1968's 11.5 per cent to 11.1 per cent for 1969 and to 10.9 per cent for first-half 1970. No reduction in the rate of earnings appreciation is ever taken lightly by 3M, but the company's displeasure in this instance seems to fall short of genuine concern. Heltzer points out that recent financial results have been somewhat adversely affected by an exceptionally heavy research investment in several unnamed big-ticket developments undergoing intensive preparation for 1971 market introduction, while Cross adds that market demand is off substantially in relatively few of the company's product lines.

More worrisome to 3M, in all probability, is the Anti-Trust Division's interest in company operations. The Justice Department periodically has paid its respects to 3M ever since 1949–50, when it broke up the international Durex combine involving the company, and its antitrust objections scotched a much-coveted merger prospect with Warner-Lambert Pharmaceutical Co. 10 years ago. But these prior attentions were relatively minor compared with the potential implications of a consent judgment entered against the company last fall.

Following a four-year court battle, 3M was enjoined from a prize collection of alleged practices aimed at monopolizing three primary product areas—pressure-sensitive tapes, magnetic recording tapes, and presensitized aluminum lithographic plates. Included in the prohibition are: agreements to fix prices or allocate customers or markets; the filing of damage claims for alleged infringement of 3M patents in any of the three product lines; ac-

quisition of patents from others on an exclusive basis; acquisition of competitors, wholesalers, or suppliers; and conditional sales arrangements preventing the customer from patronizing a competitor. 3M also was ordered to make patent licenses available to all qualified applicants under "reasonable" royalty provisions, not only for every tape and lithographic-plate patent now held by the company but for any additional patents which it obtains during the five year period through 1974.

Still, the near-term future is viewed at the St. Paul general offices with an air of unmistakable confidence—even outright expectancy. Bert Cross, who reaches 65-year retirement age in October after seven years as chief executive officer, and 59-year-old Harry Heltzer, his long-time associate and thoroughly competent successor, both spoke the other day in concrete terms which left no doubt of their mutual conviction that by far the best is yet to come for 3M.

"All aspects of our business life around here are very much alive and alert and on the move," they agreed. Among the "profit centers" to which they look for particularly pronounced earnings appreciation is international sales, already contributing over 30 per cent of total company volume—$535 million in 1969—and headed upward. "These are developing markets," Cross said, "with a very, very substantial potential and the decided advantage of prior U.S. product testing and use. There is no reason why they shouldn't ultimately represent half of our sales."

Much is expected of the January acquisition of the Riker Laboratories Division of Dart Industries—"which gives us a much-expanded medical line, plus an entree to doctors' offices throughout the world, something we have badly needed in the past."

Increased emphasis on retail sales of disposable household items like Rescue soap pads, Scotchbrite sponge laminates, and Scotchgard fabric protectors, in addition to the omnipresent variations of Scotch tape, is evident in the recent establishment of an inter-group Consumers Products Division, charged with marketing them all.

While awaiting the promised 1971 outpouring of major new products on which management has placed so exceptionally large an investment wager for several developmental years, the company also has extraordinary faith in the market potential of at least one 1970 entry, the "driography" flat-surfaced printing plate, which keeps non-image areas free from ink without the use of water—and which, characteristically, carries a premium pricetag and requires a special ink that 3M just happens to have available for sale.

Then, of course, there is the unfinished business of Xerox and Kodak—two names that, somewhat surprisingly, evoke no apparent fright in St. Paul. Perhaps (as always) not telling all it knows, 3M seems confident of a copier comeback built around the VHS, "fastest on the market," and the unique "Color-in-Color" model, for which Heltzer foresees a future reminiscent of color television's, "provided we have the guts which the color TV people had, to stay with it until it takes off—and, believe me, we do." The conversation is equally assured in the photographic field, where Cross says 3M has no intention of revising its estimates of market-penetration potential, "unless Eastman starts to look very bad."

In the unlikely event that there should be a disposition in rival camps to disregard such implied sword-rattling, it might be observed that the most remarkable accomplishment of the 3M management system is its ability to keep a billion-dollar corporation lean, hungry, and spoiling for a fight. A company that has been conditioned to think habitually of today's sale as the indispensable prerequisite for tomorrow's meal has to be a formidable foe for anyone, even a Xerox or Kodak.

There may be caveat-emptor overtones to the 3M approach, but the dominant drumbeat unmistakably reads *Caveat Competitor.*

BERT CROSS: POLLUTION FIGHTER

By his own admission, Bert Cross did not relish receiving the assignment handed him recently by President Nixon—to take charge of the newly created National Industrial Pollution Control Council.

"I was a slow acceptor," says the affable, 64-year-old 3M chairman and chief executive officer. "I was reluctant to walk into a problem like this."

The council, established to advise the Government on industry's pollution control problems, study those problems, exchange information and advise Government on pollution legislation, has already been labeled "industry's lobby on pollution" by one newspaper columnist. The accusation doesn't bother Cross a bit. It was the kind of thing he expected. But in answer to those who have leveled criticism at the council and at him as its head, Cross offers the observation that "it's pretty difficult to say no to the President of the United States when he asks you to take on an assignment like this."

Cross brings his own brand of determination and enthusiasm to the problem of industrial pollution control.

"There isn't any question as to what the possibilities are," he says emphatically. "This is the first time industry has been able to get together in a common room without running into trouble wtih the Justice Department. In fact they'll be in there with us."

The committee Cross heads is a hydra-headed monster composed of the chairman and vice chairmen of about 30 industry committees. But if this is somewhat bulky, it's also probably the most influential committee that can be drawn from the business world. Its members include such men as Edward N. Cole of General Motors, Fred J. Borch of General Electric, George E. Kech of UAL, Inc., Charles Tillinghast of Trans World Airlines, Robert O. Anderson of Atlantic Richfield, and William F. May of American Can.

Cross believes it will take more than just getting industry together to solve the problem. In fact, he feels industry has been more responsive to the problem of pollution than many other segments of society.

"The daily progress is being made," he says. "It's just a matter of time before you begin to see it."

He takes exception to the notion that industry is totally at fault for pollution. In an editorial in one of 3M's publication's Cross recently noted: "Since objective observers estimate that industry produces no more than about a fifth of the total U.S. pollution, it is apparent that other segments of our society such as agriculture, municipalities and private citizens will have to do their part."

For his part, Cross right now will have to be concerned with getting some specific recommendations out of the council. It probably is too early to predict just what those recommendations will be, but if Cross has anything to say about it, one of the first will be for all levels of Government to get together and establish a common set of standards so that industry will know exactly what is expected. He points out, by way of illustration, that a new nuclear plant in Minnesota is standing idle because the state standards were materially different from those set by the Atomic Energy Commission. "Northern State (the power company) probably has $100 million tied up in that plant. But it will take another $20 million to make the changes the state asked for."

Cross makes it clear that his argument wasn't necessarily with the state's standards but with the overlapping and often different standards set by the two governments.

Just why Cross, who has no special reputation as a pollution fighter, was chosen to head the new council is still a matter of speculation. But up in St. Paul the thinking is that it is because he heads a company that has a reputation for keeping its own backyard clean.

For more than a decade 3M has had a department charged with the responsibility of seeing to it that the company's own manufacturing methods do not contribute to pollution.

Just how successful Cross will be in getting other industries to emulate 3M's example is not known right now, but one man who knows the 3M chairman well remarked, "He's not going to sit on his hands. He's going to get these guys together."

POISONOUS EMISSIONS FROM AUTOMOBILES

Mr. BAYH. Mr. President, the attention of the Nation is at present focused on the urgent need to intensify efforts to curb the poisonous emissions from automobiles. The automobile accounts for over 60 percent of the Nation's air pollution. It is the single most important source of physical damage and health loss due to pollution. As recent events along the eastern seaboard so dramatically indicate, we can expect more and more of these "rehearsals for disaster" unless we can develop a determined national policy and program to produce low-emission automobile propulsion systems.

The Senator from Wisconsin (Mr. NELSON), long an advocate of clean air legislation, has proposed a number of legislative measures to set a national deadline for abating automobile pollution. The challenge that Senator NELSON proposes has received widespread editorial support across the country and is substantially embodied in the clean air legislation soon to be reported by the Committee on Public Works.

Mr. President, I ask unanimous consent that the editorials and an article by James J. Kilpatrick be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 22, 1970]

CLEAN AIR RACE

There's an air of high jinks about the transcontinental, intercollegiate Clean Air Race, scheduled to start Monday. About 40 autos, powered by steam or electricity or other innovative engines, will carry the 3,600 miles from the Massachusetts Institute of Technology campus on the East Coast to California Institute of Technology on the West.

This race has a six-day deadline.

But there's another race in the background, with a five-year deadline. It is a far soberer affair. And where the collegiate competition will cost its promoters and entrants tens of thousands of dollars, the stakes in the larger race reach into the billions.

This race was laid out by Sen. Gaylord Nelson (D) of Wisconsin earlier this month: a ban on the internal-combustion engine in new cars after 1974. Another Senate bill calls for a 90 percent cutback in engine pollutants by the same deadline.

It is hard for the engineering layman to judge whether the Nelson course is possible to cover. The auto companies have said

they're doing what they can to temper the polluting by present engines. They say they're working on alternatives to the internal combustion engine. And so far only the smallest of the automakers, American Motors Corporation, has come out fighting against the gas engine ban deadline. "Impossible," AMC says.

Of course, one would expect the automakers to resist such a proposal. They have billions of dollars invested in the engine they now use. If the proposal were passed by Congress and upheld by the courts, it would mean that the companies had lost a huge chunk of decisionmaking power. The Nelson proposal would even ban yearly styling changes, to compel a diversion of auto resources into finding a pollution solution. The big automakers will likely join AMC in fighting the deadline.

The layman is fascinated, however, with yet another development on the auto clean air scene. Japan's Datsun autoworks has just announced it will begin mass production of a safe-exhaust car in 1973. It will be powered by freon, the gas used in refrigerants. The competition of a successful nonpolluting foreign car could have a swifter impact on Detroit than the threat of legislation.

In any event, the race to clear the air of auto emission is on, at a number of levels. And society—more than collegians, or foreign or domestic automakers—stands to be the biggest winner.

[From the Miami Herald, Aug. 5, 1970]

SURVIVAL IS THE ISSUE: WHAT COST IS TOO MUCH?

Sen. Gaylord Nelson of Wisconsin, one of the hardier hawks on air pollution, wants the manufacture and sale of internal combustion engines to end by 1975 under the laws of Congress.

This is the only way, he reasons, to compel the automobile industry to produce a new pollution-free engine in quantity. The auto on today's road, he explains, is causing 60 to 90 per cent of the nation's air pollution at a cost of $30 billion.

We have a hunch that he is ever so right. The word "smog" was coined as long as 65 years ago and the auto as an air polluter was identified first in 1912.

What's happened since? Really, not very much. Year by year every inhabited place is infiltrated by dirtier and dirtier air. No community is safe; today's gasoline piston engine carries its filth everywhere.

Although pollution-free engines of several types exist, the auto makers have resisted putting them in new model cars. The cost is one argument: conversion from the internal combustion engine to something else is estimated at $3 billion to $5 billion; the buying public would balk.

But would it?

Last week's infestation of smog along the Atlantic seaboard almost literally from Maine to Florida must have thrown a scare in every American who gave it a thought. But here again there is resistance. It comes from taxpayers and governments with distorted ideas of priorities. The New York Times estimates that "the typical urban taxpayer—the father of two, making $10,000 a year—paid $19 for space exploration last year and only $1 for mass transportation. This taxpayer paid $26 for more federal highways to accommodate more automobiles and only $4 to fight pollution of both the air and water."

If the message of Sen. Nelson and other terribly concerned Americans gets to Mr. Average Taxpayer he might start asking questions. As S. Smith Griswold, air pollution consultant, put it to the American Society of Newspaper Editors last May, "Public indignation at paying for ineffective controls will force industry and government to pay more attention to policing the motor vehicle control program and there will be call-backs on engine-carburetor-transmission combinations which do not consistently meet federal emission standards while in public use."

Rapidly the issue in America is becoming human survival—no more, no less. What is it worth to conscientious industry? To the taxpayer? To government which tends to be government-as-usual?

[From the National Observer, Aug. 10, 1970]

CARS AND SMOG

Air pollution, unlike most national problems, is equally a threat to liberals and conservatives, Democrats and Republicans, monarchists and anarchists. So one would think that a great consensus could be arrived at without protracted contention. Smog burns the eyes of all, ergo let's get rid of it.

To get rid of it, however, the nation must be prepared to endure severe dislocations in the economy, and this is where various protagonists begin to part company. Smog or no smog, it's not feasible in an industrial, urban society to shut down power plants because they smoke up the sky. Without electricity almost everything stops. We can survive longer with smog than without electricity.

Similarly, the automobile. The internal-combustion engine is variously described as causing 60 per cent to 90 per cent of all air pollution. Closing some city streets to auto traffic would relieve the air in small areas, but that's obviously only a token measure.

Nor is it realistic to suggest that a nation—especially this nation—abandon its automobiles. But what about banning the major culprit, the internal-combustion engine?

This is what Senator Nelson of Wisconsin proposes to do. He has introduced legislation that would prohibit the sale of any vehicle with an internal-combustion engine after Jan. 1, 1975. At the same time the measure would bar auto makers from making style changes until they had developed a low-pollution substitute for today's engines. Senator Nelson's idea is that Detroit could use the money saved by not retooling for the research and development of a less noxious propulsion system.

Because the internal-combustion engine, as presently designed, is the major cause of foul, hazardous air, there can be no solution to the smog problem until that engine is either banned or improved in such a way that its exhaust is no longer a menace.

To accomplish this, the experts say, will cost billions of dollars. We are not convinced that such a huge bill should be paid only by the auto makers. Just as all Americans, through the Federal Government, help pay for innovations in air, sea, and rail travel, it seems appropriate that the many more of us who benefit directly from motor vehicles should subsidize the expensive transition from one kind of engine to another.

We can think of few subsidy programs that would be so worthy of popular support. Americans want cars to drive, and they want decent air to breathe—and they want and need both far more than they want or need, say, a supersonic airliner.

It is understandable and appropriate that Congress consider drastic measures to launder the air around us. The poisonous vapors that spew from busy streets are more than irritants to the senses. They mock our ingenuity, insult our wisdom, and threaten our lives.

If Americans are as resourceful as we like to think, Senator Nelson's target year of 1975 for correcting the auto-exhaust problem seems entirely reasonable. But we think so radical a transition deserves Federal financial support. Then the high but necessary cost will be distributed among all of us who regularly turn an ignition key and give 'er the gas.

[From the Oshkosh (Wis.) Paper, Aug. 15–16, 1970]

CLEARING THE AIR

The president of American Motors has struck back against a proposal to ban the sale of cars with internal combustion engines after Jan. 1, 1975.

This deadline, proposed by Wisconsin Sen. Gaylord Nelson, was called unreasonable and unrealistic by William V. Luneburg, AMC president.

". . . I am astonished by his proposal. I can only conclude, regardless of the sincerity of his intentions, that the senator has little or no knowledge of automotive design or manufacturing and apparently hasn't taken the trouble to find out—a somewhat shocking situation—in view of the fact that this state's economy is importantly dependent on the automotive industry," Luneburg said.

He continued: "The harmful effect of all this is a growing number of American people are beginning to believe that the automotive industry is callously indifferent to the need and problems associated with its product."

Considering his position, Luneburg's defense of the auto industry is understandable. However, it does not diminish the fact that air pollution is a serious problem and that 60 per cent of this pollution is caused by emissions from car, truck and bus engines.

Almost everyone agrees that something has to be done. How much time we have left is another question. About 80 per cent of the smog in Los Angeles is blamed on auto emissions held down by atmospheric inversions and acted on by sunlight. Other cities have similar problems.

There also have been instances where persons were killed, children prevented from playing and forests destroyed by smog. All of this indicates that we don't have much time and that giving the auto industry until 1975 may be overgenerous.

In spite of Luneburg's statements, it would appear that Sen. Nelson has a good case. It also is apparent that the auto industry will not voluntarily meet the 1975 deadline and will need some government prodding.

Ralph Nader, the consumer advocate, Mayor John Lindsay of pollution-plagued New York City and even the United Auto Workers have accused both the auto industry and the government of dragging their feet on the internal combustion engine.

As for alternatives, the gas turbine looks the most promising. Steam cars, electric cars and cars powered by natural gas are other possibilities. Whatever the auto makers come up with, it will be expensive. It will cost them billions of dollars, which will be passed along to the car buyer.

In the meantime, people can help by driving less and walking more. Lump all your errands into one trip. Make the kids walk to school. Take a bus, train or plane.

It also helps to keep your car well-tuned. One fouled spark plug may double the hydrocarbon emissions of your car. Antipollution devices on cars must be checked regularly. They don't help if they don't work.

Beyond that, we must demand action and be ready to pay for it.

Luneburg's rebuttal may be the beginning of a counterattack by the auto industry. Let us hope that concern for the environment will outweigh other concerns. Americans can live with the auto only if it is tamed.

[From the Minneapolis Star, Aug. 10, 1970]

EXTERNAL COMPULSION MIGHT CURE INTERNAL COMBUSTION

(By James J. Kilpatrick)

WASHINGTON.—An experiment in Tokyo, where automobiles were banned for a day, followed close on the heels of John Lindsay's similar experiment on successive Saturdays in New York. In Tokyo, smog levels plummeted throughout the business district; on

Fifth Avenue, a kind of marvelous euphoria prevailed. Encouraged by these responses, the anti-pollution lobby is urging that the same measures be imposed by local edict on the downtown areas of Los Angeles, Boston, Chicago, Philadelphia and Washington. Sens. Nelson of Wisconsin and Goodell of New York are ready to sponsor the group's national legislative package. Perhaps the toughest of the bills would prohibit the sale of any vehicle powered by an internal combustion engine after Jan. 1, 1975.

The spasms of concern are provoking cries of approval or dismay, depending upon one's point of view, from bus companies, retail merchants, city dwellers, highway builders, and automobile dealers. The point may be approaching, after years of hot air and half-measures, when Americans everywhere will begin to take a serious, sober look at their lovely little Frankenstein 8's.

It seems clear—as clear as anything seems in the smog—that something will have to be done. If one projects the same rate of increase in automobiles over the next 20 or 30 years that we have seen in the past 20 or 30 years, and if one then puts this figure against estimates of urban population growth, the answer is chaos. It will not compute. By 2000 no cities, as such, would remain. As far as the bleary eye could see, nothing would exist but cars, trucks, buses, highways, garages and service stations.

Obviously, this is not going to happen. Either new patterns of urban life will be devised, or new limits on transportation will be imposed on the people, but we cannot in the future have both: That is to say, we cannot have liveable cities if we insist upon unlimited use of your little darlings. The desires are incompatible; they cannot coexist.

To state the dilemma and to solve it are two different things. The typical American motorist lives in a peculiar love-hate relationship with his automobile. Its purchase keeps him in debt; its fuel, upkeep and insurance suck at his income. He acknowledges the smog, the danger, the traffic that chews at his nerves. The automobile, he knows, is a woefully inefficient instrument for moving large numbers of people to and from work.

Yet he looks at his gleaming Frankly, and he loves her all the same. As Psychologist Richard I. Evans has written, automobiles tend to become an extension of the personality and the ego of their owners. Behind their own steering wheels, motorists are masters of their own locomotion; deprived of this command, they feel tension, anxiety, unhappiness and distress.

This is the basic reason, in his view, that mass transit has failed to attract the passengers that reason and logic would indicate. The typical commuter would rather fight his way through traffic alone, sweating and fuming but free, than ride to work with captive strangers on a bus. This may be irrational, but who said commuters are rational?

An answer, ultimately, will lie in compulsion—in the compulsions imposed by Tokyo and Manhattan, in restraints upon engines already imposed by California and certain to be tighted by Congress, and in new forms of prohibition not yet invented. One of these days, we may be licensed to use our cars on certain days only. We will thus be coerced into mass transit or car pools. Or we will do our jobs at home.

YOUTH HOUSING OPPORTUNITY PROGRAM

Mr. MURPHY. Mr. President, I invite the attention of the Senate and the country to a most interesting and promising approach to teach young men a trade, while at the same time they are rehabilitating rundown housing. Of course, an added advantage for these individuals is that they are able to earn while they are learning.

This pilot project, the Youth Housing Opportunity program, was initiated by two Los Angeles businessmen, Robert Renz and John Konwiser, both members of the Young Homebuilders Council, the education arm of the Building Industry Association of Southern California. The project also had the support of the unions and the community, and Gibraltar Savings and Loan Association, which financed the home to be rehabilitated.

Before the youngsters began, the home was described by Gibraltar Savings as "uninhabitable, fit for the bulldozer." After 16 Saturdays of work by 20 industrial arts students from Jefferson High School, for which they were paid $1.75 an hour, under the direction of their teacher, Mr. Harold Campbell, the rehabilitation was completed. The home is expected to be sold soon, and it is expected that a profit will be realized which will yield an additional $1,500 seed capital for similar projects.

Mr. President, this is an excellent example of what can be accomplished when private individuals, private industry, and unions put their minds to turning problems into opportunities. The initial project was accomplished totally with private funds and the sponsors want it to stay that way. This California pilot project will, incidentally, be expanded to provide four additional houses, two in southern California and two in Oakland. The sponsors of the initial project see it as ultimately being given high school credits in California and envision the project becoming a national model for training young people in a useful occupation.

Mr. President, I ask unanimous consent that an August article in the Savings and Loan News, a May article from the Journal of the Federal Home Loan Bank Board, and a Los Angeles Times article of March 1, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STUDENTS LEARN A TRADE IN REHAB

A handful of high school students, a deteriorated house and a lot of imagination have been parlayed into a prototype program to train youths in the building trades.

The program's backers, including a savings and loan association, hope it will mushroom into an accredited part of the California school system and be adopted in other states.

The project, called the Youth Housing Opportunity Program, was conceived by two Los Angeles area businessmen, Robert Renz and John Konwiser. Their plan is to rehabilitate run-down housing while training youngsters to do the work—with pay.

They also want the program to be totally financed by private industry. The pilot project was.

Both men are members of the Young Home Builders Council (YHBC), which is the education arm of the Building Industry Association of Southern California. The link with the builders' group is important because from its membership came many of the people who donated construction materials and volunteered to supervise the on-the-job training of the students.

HOUSE DONATED AT COST

Renz and Konwiser searched for a savings and loan association that would provide a house. They were turned down a number of times, says Renz, because "Our project was something they felt couldn't be done. We couldn't drag the interest out of them."

The two builders did, however, find Earle Dumont most receptive to their idea. Dumont, senior vice president of $700 million Gibraltar Savings of Beverly Hills, Calif., says he accepted the proposal "on the spot." The association entered into a joint venture agreement with YHBC and donated a house at cost.

Renz and Konwiser's plan was also rejected by two high schools. According to Herbert J. Young, chairman and president of Gibraltar, "My understanding is that the school people thought it was too simple, that it wouldn't work." He suggests that their attitude may have been influenced by the fact that "The whole program was written on one sheet of paper. I don't know why they think everything has to be complicated."

Jefferson High School, however, found the plan to its liking and was situated in the same neighborhood as Gibraltar's house, an all-black area about five miles from the Watts District of Los Angeles.

In February, 20 industrial arts students from Jefferson arrived at the corner of Trinity and 36th streets and began renovating the 70-year-old, white frame structure. They were under the supervision of their teacher, Harold L. Campbell, and volunteer workers from the building trades. The students worked only on Saturdays and were paid $1.75 per hour. Campbell earned the standard extracurricular rate of the Los Angeles city schools.

It took 16 Saturdays to complete the rehabilitation, which included a stucco exterior, a new heating system, wiring, plumbing, insulation, kitchen flooring, carpeting, roof, front and back porch, and a completely rebuilt garage. The architecture of the house remained as it was.

In mid-June, the project was exhibited by the students at an open house, which attracted about 600 people. The YHBC received eight purchase offers, including three from residents of the neighborhood, according to Young.

No broker is involved in the sale of the house, he adds. "We're waiting for a Federal Housing Administration commitment, but whether we go FHA or conventional is not important."

Whatever profits are realized from the sale will go toward financing similar projects. The cost of labor amounted to about $6,000, and the property had a book value of about $10,000, says Dumont. "The house will probably go for $17,500 or $18,000," thus yielding upward of $1,500 in seed capital.

UNIONS, BUSINESS AID PROJECT

Donations were significant to the success of the project. "Industry and manufacturers were most cooperative," says Renz, and some have agreed to donate supplies wherever the program catches on. He and others want to see similar projects throughout the country so "We're going to hit the major businesses right down the line" for contributions.

Another factor vital to the program was the endorsement of the AFL–CIO Building Trades Council of Los Angeles. The Council's sanction allowed union members to supervise the project without pay and allowed students to renovate the house unhampered by picket lines.

Renz says, "We told the union people what we wanted, and we had their answer in six hours." He sought the endorsement partly because many associations in Los Angeles hold large union deposits. And Renz needed the associations to supply houses for renovation.

PR MILEAGE FOR EVERYONE

Although the unions have an interest in seeing that their members get first crack at jobs, Renz explains that "We hit on some-

thing they could really capitalize on. The project is good PR for them, and they don't have to do anything."

John Cinquemani, executive secretary of the Building Trades Council, says there is unemployment among union members in the area but that he understood the project concerned only one house. "If it were a continuing operation, it might take work away," he says.

Renz says the endorsement also shows that the unions are willing to give minority groups a chance to get into the building trades—although the program is not aimed directly at minority students. In addition, the unions would save money in their pre-apprenticeship training programs by learning beforehand who is interested in becoming a full-fledged journeyman.

Dumont says the project ran smoothly because of the hours spent on "preparatory agreements and arrangements." Such a project, he says, takes "a lot of involvement from people who are knowledgeable, who are higher than the clerical level. You have to have people who are doers."

Renz and other YHBC members, for example, spent more than a year planning the project "before we opened the first door."

ACCREDITED HIGH SCHOOL COURSE SOUGHT

One of the doors was to the office of California's Gov. Ronald Reagan. Renz went to Sacramento with the idea of creating an accredited, statewide high school course based on the Youth Housing Opportunity Program. He says Reagan and state legislators reacted favorably. In addition, he notes that "We're being backed by both Republicans and Democrats."

But Renz sees two problems ahead: "finding instructors and rewriting textbooks." His program to merge the project into the school system is "in the pilot-writing stage." He estimates that a first draft will be ready this September and that the course will have to run three years "before we have everything down." California Assemblyman Bill Greene, a project supporter, says, "From the reception we've gotten this far, I'm optimistic."

Meanwhile, Gibraltar Savings is going ahead with more projects. Young is pleased that all 20 students—and five more who joined in mid-semester—finished the program. "This working project is so logical in concept that it deserves to spread to the other urban areas in the United States," he says.

The association, which is a subsidiary of Gibraltar Financial Corp., is making available two more houses in Los Angeles. Its sister subsidiary in San Francisco, Gibraltar Savings of Northern California, is providing two houses in need of rehabilitation in Oakland. Work on them will coincide with the opening of the school year next month.

Young is of the opinion that the Jefferson project has "engendered pride in the neighborhood." Upon hearing of the project, several associations were concerned about vandalism, he says. "Some windows were broken the first week, but by the second week, when we had our sign up [identifying the project], there was no further damage. Residents became very protective of the project when they found out that kids from their neighborhood were working on the house and getting paid for it."

Three other houses on the block have been painted, adds Young, and rusting hulks that were once cars have been removed from the street.

Renz is busy spreading the word about those and other results of the YHBC project. He has talked with top officials of the U.S. Department of Labor, the Federal Home Loan Bank Board, and the Department of Housing and Urban Development. He has also received "tentative approval from the National Home Builders Association to go ahead with a one-hour educational film" of the project, and a manual with a step-by-step explanation is being prepared.

Government officials have "found it hard to believe" that the project planners didn't want federal, state or city funds, according to Renz.

As for the students, Renz hopes the unions will eventually grant them, or future project participants, some credit toward fulfilling their apprenticeship requirements. Cinquemani of the Building Trades Council says only that such rehabilitation experience may help young men be more easily accepted into apprenticeship programs "if they meet the other qualifications."

Those "other qualifications" are apparently not insurmountable hurdles: Three of the 25 Jefferson students have already gained apprenticeships.

CREATING HUMAN RESOURCES FOR THE HOME-BUILDING INDUSTRY

This Los Angeles training project could become a national model for developing youthful construction skills.

An old white frame house—empty, dirty, and a potential candidate for the bulldozer—has become a test project in Los Angeles for what may be the most important on-the-job high school training program ever undertaken by the free enterprise housing industry.

The Young Home Builder's Council, an aggressive below 40 age group of builders in Southern California, is in the process of rehabilitating the property from basement to roof through the work of paid manual arts students from Los Angeles' Jefferson High School. Cooperating enthusiastically in the project is the Gilbraltar Savings and Loan Association.

Twenty potential contractors and skilled housing craftsmen from Jefferson have been reporting to 36th and Trinity Streets in Los Angeles at 8 o'clock every Saturday morning for the past 2½ months. There they have been working on the complete renovation of the house under the direction of their teacher, Harold Campbell, and earning $1.75 per hour paid by the YHBC.

This unique program, which its backers feel could become a model for adoption in cities throughout the country, was conceived late last fall by John Konwiser, a vice president of Republic Home Corporation of Los Angeles, and Bob Renz, vice president of Safeway Plumbing & Heating, Inc., of nearby Sante Fe Springs.

Concerned about the lack of practical opportunities through which ambitious youths could take first steps toward careers in construction, Konwiser and Renz felt the housing industry should assume the lead in building human resorces in this field for its own future.

As thorough believers in the private enterprise system, they devised a plan for making a contribution to housing construction in this context. They would "borrow" a house for remodeling, train youngsters in a practical way by letting them renovate it, and pay them for their work. Professional construction people would help teach the students on a volunteer basis. Any profit on the remodeled structure would reimburse YHBC for wages and materials, and provide funds for more remodeling projects.

GETTING THINGS STARTED

The YHBC, education arm of the Building Industry Association of Southern California, accepted the Konwiser and Renz concept, and formed the Youth Housing Opportunity program to make the project a reality.

In the beginning, Konwiser and Renz called on Los Angeles area school officials for approval of the project; on members of the building trades for volunteer instructors and building material donations; and finally, on various savings and loan associations for the loan of a house.

Surprisingly, several savings and loan associations turned them down on the latter project. Then one evening Konwiser met Gibraltar senior vice president Earle Dumont at a seminar Dumont was conducting at the University of California at Los Angeles. Konwiser outlined the plan and Dumont accepted it on the spot.

Herbert J. Young, president and board chairman of Gibraltar, not only endorsed the pilot project, but made the present house available and offered YHBC additional houses in Los Angeles and in Northern California if the first project succeeded.

Another surprise awaited Konwiser and Renz when they began to contact high school manual training classes. Two high school districts in Los Angeles county declined to take part in the project. Not until they approached the Los Angeles city school system did they meet with any interest on the part of school officials.

Then, with the endorsement of the AFL-CIO Building Trades Council of Los Angeles and the support of YHBC member firms and others in the building industry, the project began. There was no fanfare, but plenty of muscle and sweat, and clouds of dust involved as all hands put in an 8-hour day cleaning up the property at 36th and Trinity Streets in preparation for a start on rehabilitation.

Volunteer subcontractors for particular trades worked with Konwiser and Renz each Saturday as the rebuilding project followed a plan prepared by Bob Bowen, a licensed architect and director of YHBC.

One of the first steps was to build a chain link fence around the property. This relatively sophisticated task, requiring tension braces, the setting of posts and the placing of gates and garage door openings, was accomplished in one workday by four students under the supervision of the man who delivered the fencing.

Four Saturdays after the project began, the basement had been cleaned out, the floor had been shored up to true level by being raised from 4 to 6 inches in various areas, and a completely new central heating duct system had been installed. Putting new plumbing throughout the house was the next chore—to be followed by general renovation of the building itself. The project is expected to be finished by June 6, the end of the school year.

WORD OF PROJECT SPREADS

Meanwhile, word has gotten around. For the first time in his teaching experience, Harold Campbell has been flooded with requests from students trying to get into his classes. State Assemblyman Bill Greene and Dr. Alex C. Sheriffs, Special Assistant for Education to Governor Reagan, are working toward establishing the YHBC program as the basis for a statewide high school level accredited course in the educational system.

In this connection, Bob Renz recently made a trip to the State capital at Sacramento and succeeded in winning a 15-minute interview with Gov. Ronald Reagan. The interview lasted an hour and a half as Renz showed slides of the project and answered questions about it not only for the Governor but for leading California legislators who also were present. Now it looks as if accreditation is assured.

STAYING ON THE JOB

Meanwhile, all 20 of the original workers are staying strictly on the job. Not one has dropped out.

Typical of them is Joe Northcutt, a senior at Jefferson and an all-league line backer on last fall's varsity football team. Joe adopted construction of the new garage to the house as his special responsibility. The work ranged from tearing down the old garage to final doorhanging on the new one.

Joe Bryant, Jefferson senior and varsity quarterback on the school's '69 football team is another worker. Joe, who also is the star southpaw on the baseball team's pitching staff, wants to become an electrician. He

hopes his brother will have a similar project to work on when he gets into high school.

Then there is Realious Cyprian, a 17-year-old senior who is perhaps the hardest worker of them all. Realious suffered a polio attack some years ago. Despite disability in one arm and leg, he literally swarms all over the house with hammer and saw. He wants to be an electrician, but is learning about *all* of the housebuilding trades while he's at it.

Another worker is Lee Marvin, a drafting student. Lee is determined to become an architect. He echoes the feelings of the entire 20-man work force. The job will be done, and done on time.

What of the future? A house in the Roosevelt High School area has been scheduled by YHBC and Gibraltar for renovation in the fall, along with one or more additional houses in the Jefferson High area. Harold Campbell says that he could handle two such projects simultaneously himself. That would mean Saturday work for 40 Jefferson High students per semester, or 80 students during the school year.

Already Konwiser and Renz have visited the Bay area in Northern California where Gibraltar Savings & Loan of Northern California has earmarked houses in Oakland that it is ready to commit to the program.

Gibraltar's Herb Young is trying to work out arrangements to provide summer learning jobs for up to 250 high school youths. Ultimately, as has been indicated, he envisions a nationwide year-around work training program, supported in its entirety by private enterprise, and providing a tremendous stimulus to both the homebuilding industry and to the economic well-being of a large number of the youths in this and future decades.

"Gibraltar will stay with this program in California," Young says. "We'd like to recommend that other S&L's in this State get into the act. There is every reason why savings and loan associations throughout the country should join in this activity. The YHBC is doing the pioneering right here and will have an inspiring success story to tell in June."

The early experience has shown Renz that high school students are exceedingly apt when it comes to on-the-job learning in how to build and remodel homes.

"We are making a photographic and written record of this project. When we're done, we hope to be able to advise other communities how to proceed with their own programs," he says.

This old white frame house that is taking on new life and strength as each week goes by may truly be the beginning of a meaningful, nationwide partnership between the high school youth of America and private enterprise that is dedicated to the self-help principles basic to all real progress.

HIGH SCHOOL BOYS LEARN BUILDING SKILLS ON PROJECT

(By Dick Turpin)

A good idea, coupled with youthful exuberance, is being demonstrated every Saturday by 20 Jefferson High School boys, bent on practical on-the-job work experience.

The seniors are eager participants in the Youth Housing Opportunity Program of the Young Home Builders Council, education arm of the Building Industry Assn. The plan is designed to attract youth into the building trades and pay them while they learn.

The boys, all black, enrolled in the manual arts class of teacher Harold Campbell, put in a full day's work each Saturday on rehabilitation of a white frame house at 3602 Trinity St. The YHBC pays them $1.75 per hour and Campbell receives the extra-curricular rate of pay of the city school system.

Gibraltar Savings & Loan Assn. owns the home being remodeled. When finished the remodeled dwelling will be sold through FHA or VA terms. The proceeds will pay off the money owed on the property and will reimburse the student payroll costs of the sponsoring YHBC, quartered at 1571 Beverly Blvd.

The program, operating without government funds, is an experiment of the YHBC but its two active program proponents, John Konwiser and Bob Renz, members of the group's education committee, are confident it will be a success.

They have visions of extending the program to other schools and other cities. Don Young, vice president of Gibraltar, is also convinced that the Trinity St. program can be duplicated and has promised the YHBC to provide other homes for remodeling.

Campbell, aided by subcontractors who are donating their time and service to the project—and with the support of the Building Trades Council—directs work each Saturday.

Crowbars, shovels and strong young arms busily do the work of the day, tearing out the interior of the house on the corner as onlookers from the neighborhood wonder at the commotion. Other boys worked on a chain link fence and others worked on a garage foundation.

On a recent Saturday, interested onlookers were Assemblyman Bill Greene (D-Los Angeles), Mike Garrett, former USC and currently Kansas City Chiefs grid star, and Young.

Renz said Greene and many city building and school officials have helped in planning, and labor, through the Building Trades Council, completely supports the program.

He explained that last year the education committee of the YHBC presented three one-day programs at low-income area Los Angeles city high schools in which subcontractor members of the council described opportunities for employment in the building trades.

To carry the plan along, actual on-the-job experience was needed, the committee felt, and proceeded to make arrangements for the experimental rehabilitation project to stimulate boys into undertaking union apprenticeship programs.

The remodeling will require complete rebuilding of the plumbing system and the garage, electrical wiring, lath and plaster, all according to plans drawn by Barry Berkus & Associates, whose home designs are found in many Southern California housing developments.

Konwiser, an executive of Republic Homes Corp., and Renz, of Safeway Plumbing & Heating, Inc., and other council members will be on hand each Saturday to "advise and assist" the students in carrying out their jobs for the day.

Workmen's compensation, liability insurance, payroll deductions and other necessities are being handled by the council.

The education committee hopes to make the program its permanent function and if the industry shown by all parties concerned is a criterion, that is what will happen.

Konwiser may be contacted for further information at his office, 500 S. Main St., Orange, location of Republic Homes Corp., a division of National Environment Corp.

One other essential factor for the continuing experiment:

McDonald hamburgers and soft drinks are provided for the work crew by the Willis-Clark franchise of the food concern.

WOMEN NOT COMPLETELY SOLD ON EQUAL RIGHTS

Mr. ERVIN. Mr. President, Lil Thompson, an enterprising reporter of the Winston-Salem, N.C., Journal and Sentinel, recently interviewed some outstanding North Carolina women on the subject of equal rights. She reported that they have some reservations about the House-passed equal rights amendment. Her story appears in the Journal and Sentinel for August 16, 1970.

The statements listed by Lil Thompson indicate that the millions of women who have not forsaken their other affairs to come to Washington to lobby for the House-passed equal rights amendment will be far happier if the Senate has the good judgment to support my proposed substitute, which abolishes all unfair legal discriminations against women while exempting them from compulsory military service and preserving those Federal and State laws which are reasonably designed to promote the health, safety, privacy, education, or economic welfare of women and to enable them to perform their duties as homemakers or mothers.

I ask unanimous consent that the interview made by Lil Thompson be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS? WOMEN NOT COMPLETELY SOLD

(By Lil Thompson)

Not all women are completely sold on equal rights for women.

Some Tar Heel women, for instance, have reservations about the women's equal rights amendment to the Constitution, which passed the House of Representatives with flying colors last Monday.

And one woman is downright against the amendment.

Mrs. Doris Potter of North Wilkesboro, who is president of the Northwest N.C. Development Association, said:

"I'm not in favor of women being soldiers, and that's what this will mean if they're equal in all fields."

The amendment has been kicking around for 47 years now, and apparently a few of the 11 women interviewed last week wouldn't mind too much if it got kicked around for the next 47.

NEVER GONE OVERBOARD

"I've never gone overboard on this because I think women can get pretty near what they want if they work for it," said Mrs. Bess Warren of Winston-Salem. She is a former Democratic county commissioner.

"Well, to each his own," said Mrs. Will P. Hanes, president of the Winston-Salem Junior League. "It (the amendment) really doesn't affect me. But the working girl, I can see how it would be beneficial to her."

Members of the Women's Liberation Movement would shudder at some of the comments from the women interviewed, who ranged from a 22-year-old housewife to several Establishment types.

"My husband gives me more rights than I want!" said Mrs. Jon Wright of Winston-Salem, a young housewife.

"It takes away from womanhood for them to go out and demand and demand," said Mrs. Warren.

"I very much want the man to be the man," said Mrs. Robert Scott, wife of the governor.

Mrs. Scott, however, along with most of the women interviewed, approves of the amendment in general.

DISAPPROVE OF MILITANTS

Many do not approve, though, of the militant feminists in the Women's Liberation Movement.

State Sen. Geraldine Nielson, a Republican, summed them up this way: "Being unladylike."

As to why men haven't given women equal rights long before this . . .

"It's partly because women themselves haven't done anything to deserve it," said Mrs. Martha Evans of Charlotte. She is a state senator.

Women, says Sen. Evans, work to earn money for specific things, such as a new fur coat or a new refrigerator. They only want to work spasmodically.

The reason, said Sen. Nielson, is "partly tradition," and the intensity of this feeling, she said, varies in different parts of the country.

In the Northeast, she said, men are "aware" that their wives are not only wives and mothers but competitors.

"In the South, the men are gentlemen and are sweet to women, and because they act this way they give the impression that they haven't accepted women as true competitors."

"Well!" said Mrs. Robert (Marge) Sosnik, who has her own show on WSJS Radio. "I would say the answer is biological. Man has always been the provider, and woman bears the children and makes the nest. . . . A man might vote for equal rights, but deep down inside him, he'd think otherwise."

Mrs. Scott echoed this. "I think it's because men are men, and women are women. By nature, they're different people."

Rep. Emanuel Celler (D-N.Y.), who spoke last week against the equal rights amendment in the House, also considered the biological differences. He brought down the House with laughter when he said, "There is more difference between a male and a female than between a horse chestnut and a chestnut horse."

LIKES BEING WOMEN

Mrs. Frank Bryant of Boonville, well-known clubwoman and first vice president of the N.C. Council of Women's Organizations, said, "I don't think women want to take men's places. I like being a female, a woman in a man's world. I think this is the way it should be . . ."

Miss Judy Cordell, a young Winston-Salem secretary, said, "This goes way back . . . Men just don't want to give over to the new idea."

"It goes against their ego," said Mrs. Warren. "Let's face it. Men are men, and women are women."

"Maybe," mused Mrs. Hanes, "women didn't want them (their rights) until now." Women, she said, weren't "emancipated" from housework until recently and were used to living in rural areas without cars. Now, in a mobile world, she feels perhaps they are thinking of their rights for the first time.

Mrs. Potter, who favors equal pay for equal work, said that many men feel that women are "not emotionally capable of handling certain positions . . ."

Many women, said Miss Louise MacMillan, the assistant editor of the N.C. Medical Journal, have not been willing to assume the responsibilities of equality. She has known women who have "shied away" from jobs with considerable responsibility.

DO WOMEN CARE?

At least half of the women said they didn't think most women really care about or want equality.

"Only the aggressive woman does," said Mrs. Velma Friende, a school guidance counselor here and a leader in the United Methodist Church.

Whether women will get full equality is not certain yet. The amendment will go next to the Senate, and if it passes there it must be ratified by three-fourths of the states.

In the meantime, most of the women interviewed aren't a bit envious of men, anyway.

Listen to Mrs. Wright, for instance. She generally approves of the amendment, but as far as being envious of men, well . . .

"No," she said. "I like being a girl. I love every minute of it."

OIL INDUSTRY SPOKESMEN AGREE ON FUEL CRISIS

Mr. McINTYRE. Mr. President, 2 years ago my colleagues from New England and I urged the administration, both the outgoing administration of President Johnson and the incoming administration of President Nixon, to act promptly to relieve the pressures which we foresaw operating to deprive the East coast of adequate fuel supplies at reasonable prices.

At that time we were denounced by representatives of the oil industry. We were told that the oil industry was able to supply all of our needs, that the prices our constituents were paying for fuel were and would continue to be reasonable, and that there was no need to make any changes in the system of Federal regulation which had served the oil industry so well in the past.

Two years have now passed, and the chickens have come home to roost. There is a clear fuel oil crisis in New England. That crisis has been recognized in statements from the administration. I am hopeful that the many statements and studies of the administration may even lead to some meaningful action.

Today, the crisis has been finally recognized by the oil industry. About an hour ago, the National Petroleum Council, possibly the most prestigious spokesman for the oil industry in the United States, submitted a report to the Department of the Interior on the fuel outlook for the coming fiscal year.

I quote from one of the conclusions of that report:

Even if unlimited offshore supplies of residual were available, expected available foreign-flag transportation facilities will not be adequate to sustain large increases in U.S. imports in the coming winter (assuming continued closure of the Suez Canal).

The U.S. Government has indicated its concern that there could possibly develop a shortage in domestic supplies of residual and other fuel oils during the fall and winter of 1970–1971. The U.S. petroleum industry shares this concern.

I quote again from the report:

With the wide range in possible results the Committee can not be sure whether the U.S. residual fuel oil requirements will be met in the winter of 1970–1971.

That is, in the coming winter which will soon be upon us—

without extraordinary action by industry and Government.

Mr. President, finally the industry has officially acknowledged the validity of what the Senators from New England have been saying for the past 2 years. I believe that this time, the industry is absolutely correct in its judgment, and I commend the members of the National Petroleum Council for this statement.

There are many additional comments which I intend to make about this report in the weeks to come. However, since I have had such a short time to study it since its receipt by the Government, and since the Senate will soon be recessing for the Labor Day holiday, I now ask unanimous consent that the sections of the report entitled "Foreword, Introduction, Summary and Conclusions," "Most Promising Supplementary Actions," "Other Possible Supplementary Actions," and "Distillate Fuels" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SHORT-TERM FUEL OIL OUTLOOK

FOREWORD

The Assistant Secretary of the Interior for Mineral Resources, the Honorable Hollis M. Dole, requested the National Petroleum Council on August 12, 1970, to give an appraisal of the availability of residual and other fuel oils to meet domestic demands through June 30, 1971, considering a variety of alternatives (see Appendix A). The letter of request indicated that the Department of the Interior had been closely monitoring the U.S. energy market for fuel oils since the interruptions in world oil flows beginning in May 1970, and that there had been no clear indication that supplies of residual and other fuel oils, from either domestic refineries or abroad, could meet rising market requirements foreseen. In this light, the Department requested of the National Petroleum Council an appraisal of the prospects for demand and supply of distillate and residual fuel oil for the fall and winter of 1970–1971, as well as its views as to general alternatives available to the Government and possible actions which might be taken individually by various segments of the industry to alleviate the situation.

The National Petroleum Council Committee on Fuels was established under the Chairmanship of Mr. Warren B. Davis, Director, Planning and Economics, Gulf Oil Corporation, and the Co-Chairmanship of the Honorable Hollis M. Dole. The Committee included 22 members, selected on the basis of their training, experience and general qualifications, to deal with the matters assigned, which included expertise in petroleum industry economics, supply and distribution, production, refining, transportation and marketing (a list of the Committee members is included in Appendix B)

The time permitted to prepare this report (20 days) restricted the Committee to an analysis of essentially published data available at the time the request was received and severely limited the degree to which data could be thoroughly checked and evaluated. It was impracticable to attempt detailed industrywide surveys to acquire more recent or detailed statistical data or information. Time was sufficient, however, to permit the development of a consensus as to the validity of judgments based on historical data.

INTRODUCTION

The adequacy of supplies of petroleum to meet U.S. military and civilian requirements has long been a major concern of both the Federal Government and the American petroleum industry. The matter of domestic demand for oil and gas, taken in context with the demand for all other energy sources, is receiving increasing attention. Several factors have brought into focus, in recent months, the domestic fuel oil supply situation.

Residual-type fuel oil is consumed primarily by electric utilities, industry and space heating, and for ships' bunkers. In 1969 some 63% of the total U.S. requirements for residual were imported (about 1.3 million barrels per day), of which only 54,000 barrels per day entered the U.S. West Coast and Gulf Coast, while essentially all the remainder entered New England, the Mid-Atlantic and Florida.

The following occurrences have had particular impact on available supplies of residual to the United States:

(a) There has been a disruption in offshore residual supplies due to abrupt cutbacks in crude oil supplies available from sources in the Middle East and North Africa. What additional crude supplies are

available must be transported around the African continent due to the continued closure of the Suez Canal. This has created a marked strain on ocean-going tanker capacities and has resulted in a worldwide transportation problem.

(b) The relatively recent regulatory developments relating to the composition of fuels or the emissions from their burning, imposed as environmental conservation measures, have resulted in sudden increased demands on the petroleum industry for fuel oils, for the following reasons:

1. More than a decade of excessive regulation has contributed to an impending major shortage of natural gas.

2. Nuclear power plants (for electric generation) have not been completed within the time frame originally planned. For example, had all the nuclear plants planned initially for 1968, 1969 and 1970 been actually completed, then they would have displaced about 265,000 barrels per day of fuel oil equivalent.

3. In anticipation of shifts by the electric power industry to nuclear fuel, and recognizing the trend in air pollution regulations, the coal producers and railroads have not expanded coal production and transportation facilities fast enough to meet the increased demands of the rapidly growing electric power industry. Moreover, the new mine safety laws and wildcat strikes further restricted coal productivity.

(c) Restrictions on the sulfur content of the fuel oils themselves, imposed in a very short time frame in many instances, have resulted in temporary shorter supplies pending time-consuming and costly construction of desulfurization facilities.

As a consequence of the above developments, the U.S. demand for residual fuel oil, which had experienced an average annual growth of 1.7% between 1960 and 1968, grew over 8% in 1969 and is expected to grow at an annual rate of 13% and 11% in 1970 and 1971, respectively.

The present overall energy fuel situation, therefore, is one in which the U.S. has had a relatively large increase in requirements in recent years and has also come to depend heavily on imported residual fuel oil. Such energy problems in the U.S. are further complicated by the fact that the industrial countries of the world are likewise competing for foreign residual fuel oil supplies. Even if unlimited offshore supplies of residual were available, expected available foreign-flag transportation facilities will not be adequate to sustain large increases in U.S. imports in the coming winter (assuming continued closure of the Suez Canal).

The U.S. Government has indicated its concern that there could possibly develop a shortage in domestic supplies of residual and other fuel oils during the fall and winter of 1970–1971. The U.S. petroleum industry shares this concern.

The NPC Committee on Fuels examined U.S. petroleum demand for the years 1968 and 1969 and forecasts of demand for 1970 and 1971, with emphasis on fuel oils, the capacities of U.S. refineries to make fuel oils, and the capacities of U.S and foreign transportation facilities. It has examined the prospects of meeting increased U.S. energy demands with larger volumes of fuel oils manufactured in U.S. refineries, with additional fuel oil imports, and with other fuels.

As the conditions which have created the possibility of a residual fuel oil shortage will continue to exist beyond the time frame of this report, any suggested solutions must be considered in the context of the longer term.

The Committee wishes to emphasize the following points:

1. Emergency actions are inherently expensive. They may require reschedulings, equipment adjustments, new construction, dislocation of personnel and equipment, expensive borrowing of capital, and many other financial and operating actions which inevitably must be reflected in the cost of doing business. Thus, the factors of economics always come to bear on both the industry and the consumer, with the free enterprise system permitting the forces of competition to provide the necessary products to the consumers at the least cost.

2. The long-term stability of energy supplies to meet the Nation's diverse needs appears to be a policy objective of the Federal Government. To achieve this desirable goal it then becomes imperative that the Government adopt wise, firm and consistent long-range energy policies. Individual operators in any industry are motivated and develop their own business programs or plans based not only on existing government policies and regulations at any point in time, but also by what they anticipate will be the future government policies and regulations.

Accordingly, the cause-effect relationship in national energy matters can be anticipated by government policy makers. For example, certain policies of government can and do inhibit exploration efforts for oil and gas in the United States (such as the impact of the Tax Reform Act of 1969 reducing rates of depletion). The result of such policies is seen in the continuing decline in recent years in the ratio of proved domestic petroleum reserves to the U.S. consumption of oil and gas. Likewise, to the extent or degree that U.S. policies permit or encourage dependence on foreign petroleum supplies (for example, residual fuel oil) and transportation systems to move such supplies which are not under effective U.S. control, then it will experience proportionately the vagaries of foreign petroleum sources, particularly under conditions of international tensions or emergencies.

SUMMARY AND CONCLUSIONS

Residual fuel oil

We expect United States residual fuel oil demands which averaged about 2,880,000 barrels per day in the first quarter of 1970 to increase by 260,000 barrels per day to 3,140,000 barrels per day in the first quarter of 1971. Estimates of demand are subject to a number of uncertainties, such as severity of the weather, the level of industrial activity, and the amount of shifting to residual fuel oil usage in the United States in lieu of coal, gas and nuclear power. As a result, the increase in residual fuel oil demand could range from 70,000 B/D to 335,000 barrels per day. The increase forecast in the base case is 9% in the first quarter of 1971 as compared to the 1970 first quarter growth of 18% over 1969. Because refineries supplying residual fuel oil from the Caribbean are all operating essentially at capacity and because there is little or no spare capacity in foreign tanker fleet, there is some doubt as to whether the upper range of the increased volume of residual imports can be brought in.

These forecasts of residual fuel oil demand reflect the best judgment of the Committee. With the wide range in possible results the Committee cannot be sure whether the U.S. residual fuel oil requirements will be met in the winter of 1970–1971 without extraordinary action by industry and Government. A shortfall of up to 250,000 B/D is a contingency which must be recognized.

Most promising supplementary actions

The most promising extraordinary action for providing supplementary residual fuel oil supplies is to run additional crude oil in U.S. refineries and increase residual fuel oil yields. For the level of increases under consideration, it is possible to convert such incremental crude oil runs to nearly 100% residual fuel oil.

The analysis of residual fuel oil supply and demand by districts indicates that possible problems would be confined largely to District I and possibly some shortages in District II. Some additional problems in satisfying fuel oil sulfur requirements will probably occur.

The fuel oil supply for District I from U.S. sources is dependent upon the logistical system in Districts I and III including Texas and Louisiana crude productive capacity, pipeline capacity, refining capacity, and U.S.-flag tanker capacity. An analysis of these components indicates that they could support a supply increase to District I, over projected levels, of about 250,000 B/D of fuel oil made from increased crude production in District III. Much of this additional fuel oil would be low sulfur.

In District II, projected supply about balances demand in total if large shifts from coal to oil do not occur. Nevertheless, low-sulfur fuel oil availability may be a problem in some locations. If a problem does materialize, it should be possible to make up to 115,000 B/D of additional residual fuel oil from increases in U.S. or Canadian crude oil by utilizing spare refinery capacity and shifting yields.

While it is technically feasible to supplement fuel oil availability by running incremental crude oil and shifting yields as outlined above, the economic feasibility of providing larger quantities of fuel oil out of U.S. or Canadian crude oil is a major factor with which refiners would be confronted.

Manufacturing supplementary fuel oil domestically will require physical changes in refinery facilities or operations as well as changes in the logistics system. If this is to be accomplished in time to meet the potential problems this winter, prompt action will be required.

If an incentive program for making low-sulfur fuel oil such as now exists in District V were applied to the whole country, it could be effective only if the quotas were good for several years so the importer might have a chance of using them profitably. Any incentive system would have to be carefully examined to insure that it neither reduced the supply of other products, for example, asphalt, nor unduly distorted the normal economics of refining.

Other possible supplementary actions

1. *Burn unrefined crude.*—While the most economic use of crude would be to process it in refinery equipment designed to utilize the lighter constituents, the feasibility of burning whole crude oil in the event of a shortage of resid was examined. The low flash point of most crude oils would make the addition of safety equipment mandatory. This equipment basically is to prevent the creation of a hazardous, combustible atmosphere in the vicinity of the storage and pumping equipment. It is unlikely that any significant amount of conversion of present resid burning equipment could be accomplished before this winter season. However, the use of crude as fuel could be further examined as a long-range alternate for emergencies or utility peak-shaving, even though this is basically an inefficient utilization of resources.

2. *Relax or delay sulfur restrictions.*—The present availability of both low- and high-sulfur fuel oils is limited. Relaxation of local sulfur restrictions would gain some flexibility, but the net impact on easing the possible overall shortage of fuel oil this winter would be minor. The same is generally true for coal. However, in the case of coal, some delays in imposing sulfur limitations until stack-gas desulfurization is practical may avoid forcing industrial or utility plants to shift from coal to oil.

3. *Obtain waiver under the Jones Act.*—Foreign-flag tankers are in as short supply as U.S.-flag tankers. If the restrictions of the Jones Act were waived to permit use of foreign-flag tankers in coastal service in certain instances, it might provide some flexibility and therefore some relief.

4. *Remove import controls on residual fuel*

oil imported into districts II–IV.—This would not help relieve the possible shortage of residual fuel oil. It would not add to total U.S. imports, and probably would divert imported supply from District I, thus aggravating the shortage there.

5. *Embargo coal exports.*—Nearly all overseas exports of coal are low-sulfur coking coals. Because of the engineering design of existing utility boilers and the combustion characteristics of these fuels, use of these coals for steam purposes poses technical problems that adversely affect their efficient and safe utilization. Existing power plants cannot utilize this type of coal. Therefore, an embargo on coal exports would have no direct benefit.

6. *Use of alternate fuels.*—The availability of coal, gas and nuclear energy to meet increases in the demand for their uses has contributed to the increased requirements for residual fuel oil. None of these three is likely to provide short-term relief to the fuel oil supply problem.

Distillate fuels

The Committee examined the demand and expected supplies of distillate fuel oil for the 1970–1971 heating season. No serious imbalance is indicated between the supply and demand for distillate under anticipated operating conditions and no extraordinary measures should become necessary to meet demands which will result from normal weather conditions.

Assuming normal weather, distillate fuel demand in the first quarter of 1971 is expected to be only about one percent higher than requirements experienced in the first quarter of 1970, which itself was colder than normal. Refinery runs are expected to increase 4–5% over a year earlier. The demand for distillate could, however, be as much as 210,000 B/D if the weather conditions in 1971 should equal the most severe of the last decade, in which case refiners should be able to meet demand, through minor adjustment in yield patterns.

If the weather is significantly colder than normal, distillate supplies will not be large enough to provide a significant replacement volume for residual fuel oil. Potential increased demand for electric utility peak-shaving turbine fuel could also add to the strain on the supply system.

CULEBRA

Mr. BAYH. Mr. President, I have been troubled in the last few months by a situation that demands correction. The situation I am concerned about involves a small island to the east of Puerto Rico named Culebra. It is 7 miles in length by 2 miles in width. Its economy is based on fishing and raising cattle. There is one school, a small church, and 726 people.

The U.S. Navy owns one-third of the island and uses it for bombing and shelling practice for its Atlantic testing range. Because of the Navy's use of the island, the people of Culebra are subject to an unnecessary and dangerous situation.

Since the beginning of this century, the people of Culebra have had the U.S. Navy as their noisy and oftentimes dangerous neighbor. Because of the bombing and constant noise from jet aircraft, the Culebran economy has remained dormant, while generation after generation of Culebran children have left the island to seek their fortune in more hospitable areas of the Commonwealth of Puerto Rico. The naval bombardment has reached such a dangerous level that the people of Culebra have, within the last 9 months, begun to demand the removal of the Navy from their island.

After careful consideration and study of the facts relative to the situation in Culebra, I have come to the conclusion that the Navy must move. First, the Navy's activities represent a high degree of danger to the U.S. citizens living on Culebra. Second, these activities violate the constitutional right of every U.S. citizen to be safe and protected from unnecessary hazards. Third, alternative sites and solutions are available to the Navy that would not endanger the lives or limit the chance for betterment of U.S. citizens.

Having concluded that the Navy should leave Culebra, however, really solves only part of the problem. My desire is to see that the people of Culebra have the opportunity to determine their island's future. I do not believe we can be sure that the residents of Culebra would gain merely from the withdrawal of the Navy—if they are to be the victims of continuing neglect and disinterest or the landscape for ungoverned real estate development.

The most equitable solution presented so far appears to be the resolution offered by my distinguished friend from Massachusetts, Senator KENNEDY. Under this resolution, a five-man commission would be created to study the feasibility of making Culebra a national park. I believe that such an approach may well achieve the objective we would all like to see—a balanced, carefully controlled development of the natural resources and economic potential of Culebra, free from the impact of the Navy and determined by those whose very lives are at stake—the residents of Culebra.

I, therefore, support the efforts to stop all funds going to any military department for the shelling or bombardment of Culebra or any of the adjacent islands. I further urge the passage of the joint resolution introduced by the Senator from Massachusetts (Mr. KENNEDY) which would establish a commission to study making Culebra a national park administered by the Commonwealth of Puerto Rico.

VETERANS' ADMINISTRATION HOSPITAL PROGRAM

Mr. MILLER. Mr. President, much has been written—some accurate, some inaccurate—about the state of our Veterans' Administration hospital program. Allegations have been made that the VA hospitals are neglectful of their patients, our veterans.

An authoritative contribution to this dialog is contained in the September issue of the American Legion magazine. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT THE VA HOSPITALS—ARE VA HOSPITALS NEGLECTFUL OF THEIR PATIENTS, AS CHARGED IN LIFE MAGAZINE?

(By R. B. Pitkin, Editor, The American Legion Magazine)

The American Legion has been getting distress signals from members asking if a story about the 166 U.S. Veterans Administration hospitals in the May 22, 1970, issue of Life magazine is accurate or misleading.

In a dozen pictures Life showed ten scenes in the spinal injury center of the Bronx VA hospital in New York and two in the Wadsworth VA hospital in Los Angeles. They are two of the oldest hospitals in the system, both rated inadequate by the VA and slated for eventual remodeling or replacement. Life's photos and much of its text portrayed callous neglect of paralyzed veterans, staff apathy, filth, rat infestation and disarray. VA patients were called "Our Forgotten Wounded," and Life said that to be put in a VA hospital was "An Assignment to Neglect." Paralyzed patients were shown lying exposed and mainly naked in open wards; stripped of privacy and dignity; left abandoned and undried in a shower; having to aid one another for lack of staff attention; lying with garbage pails beside what seemed to be their beds; or left helpless for "up to four hours" to be attended for enemas. This story overgeneralized and misshaped a real situation that is neither good nor typical of VA hospitals. As a generality, it better fitted the pre-WW2 VA hospitals, then run as a civil service bureaucracy that was scrapped in 1946. The Administartor of the VA, Donald E. Johnson, of Iowa, advised Life's editors that the photos were staged. Life denied it, and "staged" might suggest actors and false settings. The patients were real and the hospitals were real. But nurses, aides and patients in the spinal injury center of the old Bronx hospital have described some posing, arranging and miscaptioning, if not "staging."

Life's cover photo showed a forlorn patient sitting slumped forward and unattended in a wheelchair, hair hanging over his face, stripped to the waist in a dingy ward—the picture of despair. This view was shot once, says one nursing aid, when she was giving the paralyzed patient a bed bath. She was interrupted to have the patient posed alone before she could put on his jacket and comb his hair. But another employee says that the published photo was taken on another occasion when the patient was in the midst of being dressed, then pictured without his attendant. It appeared under the heading "Our Forgotten Wounded."

A two-page photo of the same patient, alone and apparently abandoned in a shower, was captioned ". . . waiting helplessly to be dried." He was waiting helplessly while a Life crew interrupted his shower, according to his attendant. The attendant said he was shampooing the patient when he was asked to step aside for a picture of just the patient. Two other attendants confirmed that description. Several patients said that being left alone in the shower would be a rare thing.

Patients who were in the enema room of the Bronx hospital, where paralyzed patients who have lost the nerve responses of their colons must sometimes lie for hours on "Stryker frames" for an enema to work, described some other photos in the taking. An employee said that the picture-taking crew hauled a garbage pail away from a curtained corner and put it by one of the patients dozing on a Stryker frame, whose curtain was not pulled around it. The photo crew, said one patient, moved a garbage pail lid and added refuse to the pail. The patient on the near frame said he awoke to find a strange wheelchair patient offering him a cigarette, one garbage pail heaped and placed by his frame, and cameras snapping. As the photo appeared, the cigarette scene seemed to reinforce the idea that the patients could not get staff members to light cigarettes, while the garbage pails supported Life's phrase "a medical slum." Another patient said that he was awakened on his Stryker frame with an offer of a cigarette, but explained he didn't smoke. Life's caption said that these patients were "awaiting treatment" and "because of overcrowding, they must share a corner with garbage pails," and did not identify it as the enema room.

They were not awaiting treatment. The patients on frames were waiting for their

enemas to work. The man offering the cigarette seemed to be truly crowding the scene and he was apparently invited in by the photo crew to offer the cigarette. The garbage pails were in the enema room because they have to be, to receive its unpleasant product which is then removed by the housekeeping department of the hospital. But some say they also collect general ward refuse.

Another Life photo heightened the idea that if the patients don't tend to one another, nobody will. It showed a wheelchair patient throwing a sheet over a bed patient, and Life explained to its readers that ". . . a totally crippled patient must depend on a buddy who still has the use of his arms to get a sheet thrown over him." When the picture appeared in Life the "totally crippled patient" was dismayed. He has been a paraplegic for 26 years, has full use of his arms, lives alone in an apartment, is able to take care of himself, and was then in the Bronx VA hospital temporarily for ulcer surgery. The sheet throwing, he said, was horseplay indulged in at the request of the photographer. He said he did not want a sheet and could have gotten one if he did.

Life said of quadriplegic patient Marke Dumpert, who was featured in many of its photos, that "Dumpert hopes to finish high school, and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration."

From this it is not apparent that the Bronx VA hospital has a five-man educational therapy department or that about the time the Life story appeared Dumpert was completing six months of instruction in grammar, literature, math, social studies and science under blind staff instructor Anthony Aliverti. Dumpert sailed through with no grade under 90. He has received his New York State High School Equivalency Certificate and had admission applications in with several colleges last spring. He has learned to type and to turn pages while reading, using a mouth stick.

On these pages and on our cover are shown pictures of 41 of the VA hospitals, and there are 125 more, with new ones going up. No view, either accurate or distorted, of just one section of one hospital can well serve readers as either a good or a bad portrait of the whole system. The spinal injury center in the Bronx is about 1/1250th of the whole.

The VA hospital system today is made up of (1) the dwindling remains of an old, pre-1946 system, and (2) a growing new system of some of the finest hospitals in the world.

Starting in 1946, the new system began to replace the old. In 25 years, 82 brand new hospitals have been added, either as additions or to replace older hospitals. These are, without exception, magnificent. During the same period, 31 of the older hospitals have undergone modern additions and renovations. A total of 106 of the new and the improved hospitals are rated "adequate" by the VA. It is a modest use of the word. Few if any community hospitals can match them in either their facilities or the quality of medical care they give. They are on a par with, or superior to, the hospitals of the great medical centers here and abroad. Sixty hospitals in the system are rated "inadequate" by the VA. Of them eight are rated as "obsolete" and are in line, with six more of the "inadequates," for the speediest replacement possible under the ponderous legislative and budgeting pace of the Congress. Replacing these 14 is a project that will stretch well into the 1980s at the present pace.

The Bronx hospital is among the 60 "inadequates" but not among the eight "obsoletes." It is well located for patients and to command the services of good doctors. It is poorly located to attract nurses, nursing aides, attendants, and others whose VA pay has not been up to the high living costs in New York City. The building's interior is a fright as a piece of hospital architecture. It was built as a huge Catholic orphanage between 1901 and 1903. It was taken over as a veterans hospital in 1922, and D Wing was added in 1940. Of nearly 1,000 patients on any one day, from 90 to 95 may be spinal injury cases. It is a general hospital, and includes psychiatric and tubercular patients. None of the staff there is "neglecting" the patients, but the interior design heaps inconveniences on the whole staff, which is seriously shorthanded.

The devotion of this staff, from Director Dr. Abraham M. Kleinman, down, while working shorthanded . . . working shorthanded in an antiquated building never designed for hospital use, impresses everyone who comes to take a fair look. An aide to Senator Bob Dole, of Kansas, who went there to double check the Life story, put it in a nutshell in a brief report saying that the staff was absorbing the chief punishment of the hospital's handicaps and sparing the patients from most of it.

Many of the paraplegic patients (legs paralyzed but arms normal) speak well of their care there. Life would have rated undiluted applause had it stuck to a valid point it made about the need for more help, especially for quadriplegics, instead of charging neglect at the hospital and identifying exaggerated Bronx conditions with the whole VA system. A quadriplegic cannot move from his neck down, and there is no way that a staff can absorb the punishment that undermanning inflicts upon quads. They must literally ask to have their noses scratched to be rolled over in bed, to be attended for every least thing. They need attendants to do for them the little things that the un-paralyzed do for themselves without even thinking about it. Lacking *constant* attendance, they do not merely suffer physical discomfort, but mental torment. To be a beggar to have your nose scratched when it itches is not just itching. To have to wait even five minutes is humiliation at your helplessness.

On these pages we show a photo of John Pearo, in the Bronx hospital, a quad except for slight use of his right hand. He was provided with an electric wheelchair, with a control in his right hand. Nurse A. T. Campion, R.N., who served five years on the famous international hospital training ship *SS Hope*, asked him if he'd run his wheelchair for our camera. He tooled up and down the hall, zooming from within a fraction of an inch of one wall to a fraction of an inch of the other, wreathed in smiles. "What did the chair mean to you?" asked Miss Campion. "It gave me my liberty back," he told us. "Before then I had to scream for everything." Marke Dumpert, who cannot use either hand, now has a wheelchair run by a microswitch in his mouth.

There were not enough people in the Bronx VA hospital over the last two years to give the quads the full attendance they need, thanks jointly to a staff reduction harking back to the 1968 budget, and to recruiting problems in New York. Congressional committees got going in 1969 to raise the budget, and President Nixon pledged himself to an increase in budget and more staff last April 2.

The problem of more help is not an easy one to solve. The VA pay scale for various attendants is good for many areas of the country, but low for New York and other metropolitan areas where living costs are high. Most of the Bronx employees stay on more out of dedication and the satisfaction of the kind of service they are rendering than for the financial rewards. The place is seriously undermanned for the evening and night shifts, partly because of the difficulty of recruiting at all, partly because of unattractive hours, and partly because of insufficient budgeting by Congress.

The American Legion, other veterans organizations, and many members of Congress have loudly insisted on more adequate operating budgets, particularly for personnel and the putting into use of new medical equipment. In the May issue of this magazine, National Commander J. Milton Patrick asked every Legionnaire and Legion Post to write their Congressmen to ask them to support "sufficient VA funds to keep the high quality of care that has been famous for 20 years." He advised Legionnaires that "the start of decay" was showing "due to repeated cutbacks in staff . . ."

There is no way of knowing how many Legionnaires and Posts actually wrote to their legislators. Congressmen badly need evidence of grass roots support in order to front for an adequate VA budget.

Over the years, the American press has been largely apathetic or hostile to VA appropriations, and has either supported cutbacks or failed to oppose them. Some of the roots of the present difficulties within the system hark back to 1965, when President Johnson ordered a large-scale slash in the VA hospital system. The veterans organization and many members of Congress bitterly opposed the order, and within six months President Johnson rescinded half of the slash, while putting the other half into effect. Thereafter, he supported many veterans programs, and initiated beneficial legislation, though he presided over a 1968 staff cutback that is the main cause of the present problems.

An examination of Life's issues during the six months battle in 1965 shows that it was editorially silent on the whole issue. This could be called a form of "neglect" by the press, but at least it wasn't hostility. The New York Times and some other major newspapers supported the cutbacks and characterized the opposition to them offered by the veterans organizations with the usual cliches about greedy veterans. With year-in-year-out apathy and hostility in the more influential press, it is not surprising that it is extremely difficult for Congressmen to do right by disabled veterans in the annual tugging and hauling over the federal budget. All who care should give them tangible support, which costs 6¢ postage.

Congress should, but seems unwilling to, take a step that would especially help situations like that in the Bronx. It should recognize differences in local living costs, and permit hospital pay scales that are pegged to a local cost-of-living index. Wherever living costs are high, VA hospitals are seriously handicapped in recruiting needed staff. With many categories of good hospital personnel in short supply everywhere, the inability to be competitive locally is a drawback to a hospital which is immediately reflected in what it can do for patients.

Much closer to the Time-Life Building in New York than the Bronx hospital is the magnificent Manhattan VA hospital, opened in 1954. It was not represented in Life's story, but it is one of the finest general hospitals on earth. Its competition for that ranking includes many of the other newer VA hospitals. But, as its Director, John Sheehan, told this writer, it is the very devil to recruit some of the needed people.

"Private hospitals simply raise the rates they charge to patients and pay what they have to for help. We are tied to a nationwide pay-scale, which is pretty good in some places but not here in New York," Sheehan told us.

Nevertheless, the Manhattan hospital has to be seen to be believed. We accosted a patient in one of its sparkling halls who was just up and about after eye surgery. "Do you have any complaints about this place?" he was asked. He exploded. "Anyone who complains about this place ought to be kicked out!" We then identified ourselves as the editor of this magazine and gave him a chance to voice any gripe to 4½ million readers. He identified himself as Lawrence McShay, of Towaco, N.J., a 71st Infantry Regiment veteran of the WW2 European

theater. "I mean it," he said. "Everything about this hospital is fantastic. It's my second time in. I was here three years ago, on my deathbed with pneumonia and complications, and these people saved my life." It says something when an infantryman of any war passes up a chance to gripe.

When Life accompanied its gloomy, special-effects photos with its message that assignment "to a VA hospital" is an "Assignment to Neglect," the copies circulated in Vietnam created in some of the servicemen there a dread of ever having to go to a VA hospital. Perhaps McShay's billigerent defense of the Manhattan hospital may reassure them. Certainly any veteran or serviceman who either must or may go to a VA hospital some day should not be given a bogie-man image of what awaits him there. Needless fear of the institution is not good for someone who is already sick or disabled. One's own spirits and outlook are an important part of restoration to good health, while dread and fear make sickness and disability worse.

Even the gloom of the old Bronx building and the burdens caused by its undermanning are pierced by the tenderness and devotion of the overtaxed staff, the good humor of many of the patients and their appreciation of the excellence of their medical care and training in the face of handicaps. One of the quadriplegics there who was featured in Life is back at his own request after having been transferred to another hospital in a better building.

Richard Carter is shown here in completely candid and undirected photos on pages 8 and 9 as he helps paraplegic Matt Raible break his standing-up record after two years off his feet. Carter has been a corrective therapist in the spinal injury center at the Bronx hospital for eight years. "The pay isn't too much," he says, "but helping these fellows gives you satisfactions that are hard to find in other work." Carter looks as if he might have passed up the world heavyweight championship, he is so burly and powerful. But the tenderness with which he helps Raible shines through in our candid photos of their regular exercise session of 11 a.m., June 24.

Equally attentive to the patients is Carter's corrective therapy teammate, James Ford. On page 10 we show a posed picture of Ford exercising paraplegic Thomas Gary. The photo is posed because Gary insisted that we pose it, so proud was he of the care that Ford gives him. Beside it, we show an unposed picture of Ford putting another paraplegic through his arm-exercise paces. Ford holds up the patient's useless legs while the patient builds up his arm and abdominal strength with pushups.

Vietnam servicemen may believe a statement in Life, attributed to Marke Dumpert, that even the GI humor that men can indulge in under fire is impossible in the Bronx hospital. In Life's photos of Dumpert he appears as a tired, dispirited man. In its shower room photo he seems to be at least 40 years old. In its cover photo where his dressing was interrupted he seems forlorn and forsaken. On page 11 we show an unposed photo of Dumpert who has just cracked a joke about the Marine Corps that set the corrective therapy patients and staff roaring with laughter. That's what Carter and Raible are laughing at in the first photo of them on page 8. Dumpert is actually bright, alert, 21, good-looking, well groomed, and, when not depressed by his terrible injury or the shorthandedness of the hospital, has a sharp sense of humor. He participates in many of the regularly scheduled parties and special events that the Bronx hospital puts on for its spinal injury patients. Thus on May 22 he was one of a party of six who were taken to Aqueduct for a day at the horseraces in a special bus with a hydraulic lift which is regularly used to take the spinal injury cases on outings in the New York area.

None of this is said to make the life of the spinal injury cases or the old Bronx hospital a bed of roses, but simply to tell it as it is, in balance. It is nothing short of a shame that these patients, especially those who cannot use their arms, do not have more attendants—but it is preposterous to pretend that they are "assigned to neglect" or that life is better under fire in Vietnam than in a VA hospital. What is better is to be whole rather than disabled, a fact without bearing on the VA hospitals.

Two other statements in Life that could dismay a prospective VA patient need attention. One was that a totally paralyzed veteran had lain on one side in bed without anyone coming to turn him over from 6 a.m. to 4 p.m. In that period there is a mandatory full day's schedule to be carried out. The statement could only have referred to the refusal of an emotionally upset patient to let anyone touch him (which *has* happened) and not to a refusal of the staff to offer help. The daily routine at the Bronx, as in all hospitals, gets under way at what often seems an ungodly hour of the morning for many patients. Nobody lies in bed unattended all day except at his own insistence. And when that happens it is a staff emergency that can go all the way up to the director if the head nurse cannot persuade the patient to accept care.

And again, Life said of the enema room for spinal injury cases that "patients wait up to four hours to be attended by a single aide." Things are not that bad. The whole enema process for patients with nerveless colons is a tedious, unpleasant bore for patients and attendants alike, due to the nature of the injury. Four hours is maximum for the whole process, from being wheeled to the enema room to being returned to bed after a shower. Most of this exasperating time is spent lying on the Stryker frame waiting for the enema to work, a process that not Life, Congress or the VA can speed up. Nobody waits four hours, or three hours, or two hours, or one hour "to be attended" for an enema. Two to 3½ hours is more common for the entire process. The quads learn to doze or fall fast asleep while on the frame, as two of them have stated they were doing when awakened by the Life crew for the garbage pail, cigarette-offer scene. According to several Bronx patients, the worst delay while *awaiting* an enema is not traceable to staff neglect, but to the slowness of the enemas of those ahead of them to work. A nerveless colon does not react normally.

Just as the revolutionary successful treatment of tuberculosis with drugs was a VA development, so the Veterans Administration is largely responsible for the enormous advances of the last quarter-century in the care and training of paraplegics, quadriplegics, and amputees. Most WWI quadriplegics were dead within five years of the war. Many WW2 quadriplegics are going strong today after 25 years. Nobody has ever found a way to restore the severed nerves of a broken spine. The VA cares not only for war-disabled paraplegics and quadriplegics, but for war veterans who suffer such paralysis in civilian accidents, or from polio or other causes, if they cannot afford their own care (which is astronomical in cost). It returns all of them it can to private life outside of the hospitals, and trains them for a way of life if possible. The war-disabled spinal cases receive a current $400 a month for 100% disability, plus several hundred extra dollars in awards allowed by law because of the special severity of their injuries. Their physical retraining, special equipment, medical care, and further education are free, and special housing and automobiles are provided where applicable. There are other forms of four-way paralysis, such as that caused by multiple sclerosis. If a totally paralyzed service-connected multiple sclerosis case has a family who will keep him at home, the Manhattan VA hospital, for instance, will provide special equipment and send therapists up to 60 miles to their homes to train the family in the ways of care and to keep an eye on the condition of the patient. It will pay a non-VA therapist to do the job if the veteran lives off the beaten track of its own therapists.

Though the VA is doing things like this, and more, and is still in the forefront of world medicine, it is nevertheless hurting.

There has been a steady attrition of staff in the VA hospitals for several years. Without a murmur of protest in the press, the VA medical appropriation as passed by Congress in 1968 required a cutback to the 1966 levels. It was achieved by failing to replace thousands of employees who quit, were discharged or retired.

That made a belt-tightening inevitable, since the influx of new patients from Vietnam service guaranteed an increase of new patients over the 1966 levels.

We wish we could report that Life or any other medium of national influence had spoken up on behalf of a better medical appropriation in 1968 when the damage was done.

An attempt to increase the present VA medical budget failed in Congress last November, and again we can find no word of protest at the time in the media. There was plenty of protest from the veterans organizations and some of the key leaders in veterans affairs in the Congress, including committee chairman Olin E. Teague in the House and subcommittee chairman Alan Cranston in the Senate, as well as from some of the VA medical and administrative staffs.

Last April 2, more than a month before Life's story appeared, President Nixon told the press that he had approved an increase of $50 million in his VA medical care budget for fiscal year 1971—which would make it $210 million more than for 1970—and that he had authorized VA Administrator Johnson to ask Congress for an extra $15 million for the remainder of the 1970 fiscal year. Mr. Nixon gave the background to the press in some detail on April 2. He cited the 1968 cutback and said bluntly that it "deprived the VA's medical care program of several thousand workers in all categories of the health service professions at a time when the VA requirements for such personnel were growing steadily."

VA chief Donald Johnson was the Legion's National Commander in 1965, and led the Legion's fight against the cutback of the VA hospitals of that year. Mr. Nixon named him to head the VA in June 1969. Nixon told the press on April 2 that, after 10 months in office, Johnson had reported to him that "additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention."

The President told the press specifically that the VA has not had the funds to open and operate enough treatment centers for the amputee and spinal injury cases coming from Vietnam, where helicopter airlift and rapid evacuation is saving many who would have died on the battlefield in earlier wars. He told them that in two separate actions he had authorized a total increase of 3,500 employees for VA medical operations, perhaps most of whom were only paper additions, due to lack of funds, until June 30.

The VA hospitals have many of the most advanced treatment centers—coronary intensive care units; cobalt cancer radiation units and even three linear accelerator high voltage radiation units that are a step beyond the older cobalt units; organ transplant centers; pulmonary emphysema units and artificial kidney (hemodialysis) units which keep patients with failed kidneys alive by "cleaning" their entire blood supply twice a week.

Many of these units have long been in operation. Some fine equipment is new but unused for lack of current operating funds. John Andreola, of the staff of this magazine, visited the Bronx hospital last winter where

Director Kleinman showed him new equipment stored in crates. Congressional committees in both houses have reported more such unused equipment around the country. President Nixon told the press on April 2 that he wanted to put this equipment into use and open up more special care centers, and what was needed was funds. He pointed out that the VA has to get moving faster in these areas not only for veterans but for all Americans. Acting in partnership with many medical schools and medical centers, it has a leading role in the development of new techniques and new equipment that benefit all medical practice.

The austerity caused by the 1968 cutback to 1966 operating levels has slowed the progress of the VA's celebrated medical research programs, according to conversations that American Legion National Commander Patrick has had with the professionals of many of the hospitals. This adds weight to the President's comments about getting medical advances cracking again as well as more help for overworked patient-care staffs.

Life was silent on the President's press conference, was silent on Johnson's report to the President, was silent on Nixon's projection of VA needs and the needs for funds for them. It did not mention that the Administration was seeking new funds for 1970 or 1971. It mentioned a possible increase of $122 million by Congress for next year and was silent on Nixon's proposal to make it $210 million while $15 million more should augment the VA budget for the dying year.

Congress granted the extra $15 million for the old year, and by June 30 the first 1,000-odd of the new staff members that the President sought were being hired. Rep. Teague in the House and Sen. Cranston in the Senate, with their respective committees, had, along with the veterans organizations, been working hard on an appropriations increase for more than a year.

When President Nixon's April request for an extra $210 million for 1971 over the original 1970 VA medical budget reached the House, the House passed it with an additional $25 million tacked on by Teague. In the Senate, Cranston's committee added another $80 million, and the Senate approved it. At this writing the House and Senate are scheduled to come together to agree on a final figure. If the whole package goes through it would be $315 million over 1970. The VA says that would allow it to add more than 5,000 to its hospital staffs. This should help upgrade the operating performance of the hospitals tremendously.

Perhaps the climate created by Life's article may rate some of the credit if the whole $315 million increase survives the usual tendency to compromise House-Senate-Administration differences at a lower figure. We live in an age when exaggeration seems to get more results than a balanced view of things.

The renovation or replacement of the 60 "inadequate" hospitals is another matter. It moves slowly, so much is involved. There are hospitals in the system whose needs of replacement is both more urgent and simpler than that of the Bronx, and new construction is going on all the time. The San Juan, P.R., and Long Beach, Calif., hospitals are brand new. The old Hines hospital, just outside of Chicago, became completely outmoded. A brand new Hines hospital will probably open up when you read this, or shortly thereafter. The Hines hospital on our cover is the new one, and it should take in its first patient by October at the latest, to be a sister to the magnificent Chicago VA hospital. A new hospital is going up in Tampa, Fla. It ought to, and may, absorb the patients of the old Bay Pines hospital in St. Petersburg, a few miles away.

In many respects, the St. Petersburg hospital is worse off than the Bronx. It is not air conditioned—which makes it beastly in the Florida summer—and it is better located to attract retired doctors than those in active practice, while the Tampa hospital will be tied as a partner to an existing medical institution. St. Petersburg could more easily be renovated to become a VA nursing home, and it may.

Two hospitals new to the system should open in Columbia, Mo., and San Diego, Calif., next year. The Northport, N.Y. and the Lexington, Ky., hospitals will also probably be replaced before 1971 ends. A 250 bed addition to the Seattle hospital is due soon, as is a major addition to the San Francisco hospital. General hospitals at Martinsburg, W. Va., Richmond, Va., Temple, Tex. (its old section), and Vancouver, Wash., are rated obsolete, as are psychiatric hospitals at Augusta, Ga., Gulfport, Miss. (badly damaged by hurricane Camille), Marion, Ind., and Sheridan, Wyo. Plans to replace all of these by 1980 or before, are in various stages. The Richmond replacement has the needed financial OK. Site selection—no simple matter—is being worked out for Richmond. Bids are out for a new hospital at San Antonio.

Vancouver is an example of an "inadequate" hospital with a higher priority than the Bronx. It too is old. It is also poorly located for the best medical practice and not centrally located for the potential patient population. The VA has insisted since 1946 that it wed all of the hospitals it can to a medical school or center, though this is not possible in some areas. It is these partnerships, more than anything else, that raised VA care quality from perhaps the worst in the country to world leadership over the last 25 years. The Army more often places its hospitals for its convenience. Since it commands its own personnel it can take the staff wherever it wishes. The Vancouver hospital was inherited by the VA from the Army. Its replacement, though only in the talk stage today, will probably be located more centrally in the Vancouver-Portland population area.

The Bronx hospital benefits by affiliation with Mt. Sinai hospital medical school and the Columbia U. dental school. The Manhattan VA hospital is tied to the NYU medical school and the city-owned Bellevue hospital, which is operated by NYU under contract. These three institutions, all physically together, attract a concentration of skilled doctors in all specialties and jointly formulate teamwork in practice and medical policy-making.

The huge Bronx building is a puzzler. VA engineers say that the outer shell is perfectly good, and the insides could be torn apart and restructured to make a fine modern hospital. There are few other land sites in New York, if any, that are as conveniently located except at huge cost. So far nobody has any answer to the question: What would you do with 1,000 Bronx patients during the time the insides were ripped out and rebuilt? In the New York area the Brooklyn hospital (another splendid one), the Manhattan hospital, and the fine East Orange, N.J., hospital could hardly take on the Bronx patients for a couple of years even if they shared the load.

There is reluctance to find some less perfect site for a new hospital and close out the Bronx, though in VA gabfests some say that seems the only choice. New York's Castle Point hospital, not far away, is another old one that is due for renovation or replacement, though plans are vague.

Of 31 older VA hospitals that were modernized rather than replaced in the rebuilding that started in 1946, all but seven are rated "adequate" today. Of the seven that are not, perhaps the Wadsworth hospital in Los Angeles is most critical. In spite of a modern addition since WW2 the whole thing is now rated "inadequate," and its older section hardly belongs in such a fine system.

It's clear that before the last 60 hospitals of this huge system are made completely modern a big pile of money must be spent, and each and every one of them will have to fight its way through the annual federal budget debate.

The future construction on which the VA is actively working or specifically planning today has a present estimated price tag of $250 million, spread out from now into the 1980s. It's anybody's guess that with the way costs are going that could double before the work is finished.

During 1969 alone, seven new hospitals were under construction and six, not yet started, were authorized.

Referring to the entire VA hospital system, Life said that its "standards are far below those of an average community hospital" and rated its facilities for long-term treatment and rehabilitation of paralytic injuries as "generally inferior." The VA's hospitals in general are vastly superior to the average community hospital, while the VA is excelled in its long-term treatment and rehabilitation of paralytic injuries by perhaps one or two highly specialized institutions with limited capacity.

There is not a specialty in medicine practiced in the VA in which it is not accredited by the corresponding professional medical group. Nor is this surprising, in view of the partnership established by the VA with leading medical schools and medical centers starting in 1946.

It was not always so. In 1922 the American Legion National Convention asked that the veterans hospitals be wedded to the great medical schools. It was an idea whose time had not come, and the VA hospitals developed between 1922 and 1946 as a closed system of bureaucratic medicine, with doctors on civil service. It was totally unsatisfactory, locking veterans care in the backwash of American medicine.

In 1945, Earl V. Cliff (who died early this summer) revived the idea of tying the VA hospitals in with leading professional institutions in a conversation with Dr. J. A. Pringle, head of the St. Cloud VA hospital in Minnesota.

Cliff, a practicing lawyer of Ortonville, Minn., was an American Legion volunteer rehabilitation leader in Minnesota and nationally. The idea of a medical wedding took fire in Minnesota in 1945–46, and soon Cliff (as the chief catalyst) and Dr. Pringle enlisted the support of the late Dr. Charles Mayo, of the Mayo Clinic; Dr. Harold Diehl, Dean of the University of Minnesota medical school, Dr. Paul Magnuson and others in Minnesota.

Dr. Diehl got his university's consent to team up his medical school with the Fort Snelling VA hospital if Congress and the President would revise the VA system to permit it.

Dr. Paul R. Hawley was then VA medical chief. He was later a director of the American College of Surgeons and head of Blue Cross-Blue Shield.

Using his Legion contacts, Cliff asked Dr. Winfred Rountree, head of St. Elizabeths Hospital in Washington, to propose the idea to President Truman. Dr. Rountree had been the Selective Service medical chief in WW2. Gen. Omar Bradley, then briefly the head of the VA, called in Dr. Paul R. Hawley to hash the idea over. When Hawley endorsed it, Truman named a special medical committee to make final recommendations, including Dr. Mayo and many of the others named here. Mayo, Rountree and others also served concurrently on the Legion's medical advisory committee. The new system went into effect swiftly. In August 1954 Dr. Mayo, writing in this magazine, described the great transformation in these words:

"Nine years ago the Veterans Administration voluntarily abandoned the bureaucratic idea of medicine, which had failed to achieve

medical leadership and could not have cared for the large number of disabled veterans of WW2. . . .

"The remarkable change in VA medicine since then has come about because it has been running away from 'bureaucratic' medicine as fast as it could. For the care of its veteran patients, for the conduct of its new education and research programs, and for the formulation of its medical policy, the VA asked Congress to write a new law to let private medicine assume a huge role in the VA.

"Today, 92 of the VA's hospitals are affiliated with 72 of our leading medical schools and clinics. The schools appoint Deans Committees from their staffs to help guide and formulate VA medical policy.

"To create national VA medical policy, the VA depends largely on two committees of independent physicians, totaling fifty leaders in medical specialties.

"Thousands of nongovernment doctors take residencies in VA hospitals to qualify for specialties, and VA has already contributed to the education of more doctors than are on its entire full-time medical staff.

"Thousands of independent doctors work on a consulting basis in VA hospitals, caring for patients and guiding medical policy.

"Most of the 4,407 full-time VA doctors are now members of the American Medical Association, while more than 11,000 nongovernment doctors participate in the program of the VA hospitals. . . .

"The whole inspiring story of VA medicine since 1946 is a brilliant example of the American way to solve enormous problems—a story of the voluntary teamwork of all concerned to accomplish what neither government nor private monopoly could ever accomplish alone. . . .

"I am proud of the care we are now giving our veterans. Some of my pride is personal because I played a small part as one of the outside physicians who were invited to aid the medical program for veterans.

"More of my pride is professional. Our hospitals for veterans have helped raise the standards of my profession.

"Part of my pride is patriotic. I am proud that my country and the men of my profession have not forgotten, in peace and security, the awful obligation that we placed on millions of boys and young men in the prime of their lives, when they stood between ourselves and national ruin—and stood well. It is fitting, in time of peace, that if they now stand on the brink of ruin through failing health, we as a nation do not entirely forget them."

That was said by Dr. Mayo in 1954.

The essential problems of VA medicine in 1970 are two in number.

The first is to finish modernizing a system in which 106 hospitals are superlative while eight are obsolete and 52 are not fully up to the VA's exacting standards. To this end, construction is continually under way—which is not to say that good medicine cannot be and is not practiced in old buildings. In fact, when the American Medical Association's Joint Commission on Hospital Accreditation surveyed the antique Bronx hospital last December, it commended it on the "high quality" of the care given, old building or no. The Joint Commission could be called the high court of hospital evaluation in the land.

The second basic current problem is to maintain an operating budget to fit the same exacting standards.

Whether the House and Senate will approve the full $315 million increase for 1971 is not known at this writing. If they do, it will not be evident until some time next year if this is enough, in view of spiralling hospital administration costs, and new federal pay raises which any appropriations increase must absorb.

The painful cutbacks in staff in recent years have not been due to a dollar reduction in budget, but to a failure of the budgeting to keep abreast of needs. Each year, VA medicine has received more operating money from Congress, but not enough more to meet the higher costs of just exceeding 1966 levels. Specific help from the opinion-forming news media at appropriation time each year has been lacking. The Congressional veterans committees and the veterans organizations have pretty much gone it alone to rally support at that key time each year when the money was being handed out.

IS FOREIGN POLICY THE PREROGATIVE OF THE MILITARY?

Mr. HARTKE. Mr. President, during the June debate on my amendment to limit military aid to Greece, I was disturbed that military considerations seem to dominate this country's foreign policy toward Greece.

Evidence of this approach was the fact that when the amendment was called up for a vote on June 29, the only administration paper in opposition to it was prepared by the Department of Defense. I would have thought that the State Department might have had some views on this matter.

In foreign policy, military factors are of course important. But as we have learned elsewhere, undue emphasis on military factors can be, in the long run, self-defeating. It can lead to policies that have disastrous military consequences.

I ask unanimous consent that an analysis of U.S. policy toward Greece be printed in the RECORD. The analysis, prepared by Dr. Theodore A. Couloumbis, a professor of international affairs at American University, and Dr. Nikolaos A. Stavrou, a professor of political science at Howard University, focuses on precisely this problem of military dominance of U.S. foreign policy. It deserves our close attention.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE MILITARY ARM OF OUR FOREIGN POLICY TAKES OVER ITS DIPLOMATIC BRAIN

Greece provides an excellent case study of a country where US foreign policy has been dominated by military considerations and has been executed by men in olive drab rather than diplomatic charcoal gray. This reverses popular assumptions such as "foreign policy is the business of diplomacy—at least in peace time," "civilian control over the military," and "foreign policy is a careful mix of political, military, strategic, economic and ideological considerations." Even a cursory look at the nature of the post-war relationship between the US and Greece is sufficient to demonstrate the structural reasons for this phenomenon.

The United States inherited responsibility for the protection of Greece and Turkey via the Truman Doctrine in 1947. Greece was threatened then by an internal attempt of her communists to take over power by guerrilla warfare, while Turkey was facing strong pressures by the USSR to modify the status of the straights which control the gateway to the Black Sea and the heartland of the Soviet Union. The United States poured huge sums of money in military and economic aid in both countries) amounting to over 4 billion dollars) and guaranteed their Western orientation through bilateral military agreements as well as insisting on their inclusion in NATO.

The battle against internal and external communism was won and the two nations proceeded with the most pressing task of economic reconstruction and development. While under the US nuclear umbrella Greece and Turkey have related with the US in cultural, economic, political but preponderantly in a military fashion. A few indicators are sufficient to demonstrate the all-pervasiveness of military interrelationships. Throughout the post-war years while Greece and Turkey marched forward on the road to development—the United States decreased and eventually in the case of Greece terminated its economic aid. On the contrary military aid through grants, soft loans and underpriced surplus sales continued strong.

Another most eloquent indicator is provided by the statistical figures of Greek personnel training in the United States. Two to three percent per year of the entire Greek officer corps of 11,000 receive their training at various levels in United States installations. This, over a period of twenty to thirty years, amounts to an overwhelming number of American-trainees. The assumption, of course, follows that there builds a special camaraderie and dependency among the two sets of military men which over the years becomes virtually unbreakable.

Another most interesting observation flows from the following statistics: Of the total number of Greek personnel receiving training in the US the crushing majority have been members of the Greek armed forces while only a negligible minority have been selected from the various purely civilian bureaucratic agencies in Greece. Greek officers and soldiers have often worked intimately with their American counterparts in a number of NATO installations and commands at regional headquarters such as Naples, Ismir, Washington, D.C., or Brussels. The presence of American bases and personnel in Greece, the frequent visits of the 6th Fleet discharging large numbers of eager sailors in search of rest and recreation, frequent joint NATO exercises, or the US overseas armed forces radio network beaming Americana tirelessly on to large Greek audiences—all these factors make for a giant profile for the American military presence. Naturally it should not go unstressed that even the Greek Central Intelligence Agency (KYP) was established by its American counterpart and prior to the coup of April 1967 was financed directly by its American sponsors.

Theoretically, American policy in Greece is executed by the country team headed by the American ambassador. It includs sections drawn from the foreign service, defense, other departments having advisory roles in Greece (such as Agriculture or Commerce) and of course the Intelligence agencies. The statistics provided above, showing the overwhelming importance of military contacts between Greeks and Americans quickly lead to the conclusion that US military personnel hold the high cards in the decision-making mix emanating from the country team. The effectiveness of the US military input to policies toward Greece is reinforced by the virtual independence from civilian control which the Greek armed forces have enjoyed throughout the post-World War II period. This conclusion is strengthened by the views of most Greek political circles who articulate on the subject of Greco-American relations. People like Constantinos Karamanlis, Eleni Vlahou, Andreas Papandreou, George Mylonas, Mikis Theodorakis and other political exiles, currently working for the restoration of Democracy in Greece, are agreed in one basic assumption. That the US military arm is the only influential, if not decisive, instrument of US foreign policy in Greece. They argue that the US either engineered the Coup of April 21, 1967, or at least remained benign in its inaction before the suspension of democratic freedoms in Greece. All these political people are definitely agreed that the US has since that time quietly supported

the military junta of Greece, in the interest of maintaining (or not endangering) US strategic interests: namely American bases and personnel in Greece as well as access rights to airports, overflight rights for the much restricted American military aircraft, and welcome and restful environment for the sea-weary crews of the 6th Fleet operating in the Mediterranean sea.

If we accept for a moment the premise that US military considerations outweigh all other factors in the determination of our policy in Greece, let us look into the substance of our foreign policy (word as well as action) with respect to this country. At its cautious best our policy toward Greece can be described as one of painful dilemma. On one side we deplore the "temporary" (nothing is temporary until it is ended) suspension of democratic freedoms and civil rights in Greece and urge sincerely that democracy should be restored in the not too distant future. On the other hand, we point up the vital strategic location and importance of the Greek real estate and the fact that the military government has been fulfilling its NATO obligations with religious exactness.

These obligations presumably involve a welcome stance vis-a-vis U.S. military presence in the Greek territorial complex, a willingness to devote a large part of the governmental budget to defense spending (the possibility that large portions of the defense expenditure will be used for internal control rather than external deterrence must be taken into consideration here), and correct attitudes of silence if not enthusiastic approval with respect to the much-beleaguered U.S. policies in Indochina. Last but not least, the unstated but very thankful approval of the U.S. goes to the Papadopoulos government for his prudent (some say defeatist) policies vis-a-vis the potentially explosive Cyprus issue which could engulf Greece and Turkey in war (over control of Cyprus) thus scuttling the south-eastern flank of NATO at the great glee of the Russian bear which is comfortably acclimating itself to swimming in the warm waters of the Mediterranean sea.

The military spokesmen of our foreign policy vis-a-vis Greece, however, go a step further than stating the two horns of this dilemma. They unwittingly at times and consciously at other times perform the role of public relations good-image-makers for the Greek regime in the United States. A classic example of this role—on the unwitting side—is the constant comings and goings of minor and major officials of the U.S.-NATO establishment visiting Greece, inspecting sites, kissing babies, and invariably posing in smiling, cordial and warm stances for the ever-present photo-reporters to immortalize. These pictures are prominently displayed by the pro-government newspapers in Greece, transmitting with a picture rather than a thousand words a simple message to the war-weary Greece public: UNCLE SAM LIKES US! (Alfred Friendly in a recent column published by the Washington Post claims that Ambassador Tasca has put a virtual stop to this practice.)

On the more serious and formal side, one discerns the Pentagon's position on the Greek regime following statements made by Defense officials before the various committees and subcommittees as well as plenary sessions of the two houses of Congress. A classic example of this attitude is exemplified by the Defense document presented in evidence by Senator Strom Thurmond before the U.S. senate debate on Senator Hartke's amendment that would have suspended military aid to Greece pending the restoration of democracy there.[1] The document eloquently identifies the essence of the American dilemma, but goes considerably further than that. It accepts the good faith of the Greek regime with respect of its oft-announced intentions of restoring Democracy to Greece, and alludes to a time-table which has been allegedly set by the Greek government (namely the end of 1970) as a reasonable time-limit for the application of the 1968 constitution and presumably the announcement of elections which would be the most unequivocal sign of the return of democracy in Greece.

What is remarkable about the naivete of this document is the innocent and unhesitating trust with which the intentions of the Papadopoulos government are accepted without reservation.

If one examines briefly the record of the Papadopoulos regime in its over three years of governance he will quickly come to the conclusion that the Pentagon's overoptimism with respect to the intentions of the Greek regime is not warranted. The old theoretical maxim that actions speak louder than words has been disregarded by the pentagonal thinkers who have elected to emphasize only the rhetoric. Let us look at the record: The regime came to power in 1967, charging the imminent takeover of communists and the rampant corruption of the parliamentary regimes. Neither of these charges being proven, the regime has dropped them and has adopted new, flexible, abstract and theoretical justifications for its stay in power. For instance the objectives of the regime include such long-range goals as the reshaping of the Greek social and political edifice, the re-education of the Greek public so as to introduce civic maturity among them, the transition of Greece from the status of developing to that of a developed country. All these could be (if taken seriously) twenty to a hundred year projects. The regime has spoken with many and forked tongues regarding how these grandiose objectives will be brought to bear. Some call the regime a "parenthesis" which should give way to civilian, representative rule as soon as possible, while others have opted for the deep, surgical objectives which should write if not a new chapter, at least a new paragraph in Greek history.

The most authoritative spokesman of the regime, P. M. Papadopoulos, has spoken unequivocally about return to democracy on a healthier foundation. The actions of his government, however, make its intentions appear suspect at best. After three years have elapsed since the April 67 takeover, the country is still under the shadow of martial law and strict military control of the governmental apparatus. Even if certain ministries have been entrusted to various civilian personalities, it is a common secret in Greece that the General Secretaries of each ministry act as the revolutionary watchdogs in the bureaucratic apparatus. These men are invariably retired military officers that enjoy the strictest confidence of the revolution, if they are not already members of the revolutionary council. The latter quietly passes on matters of highest policy for the Greek nation.

Papadopoulos announced with great fanfare the return of Greece to constitutionalism very early in the game. A new constitution was drafted, and considerably elaborated on, after the unsuccessful coup d'etat of King Constantine in December of 1967. This constitution, which limited the powers of the King, weakened the authority of parliament and reinforced the powers of the executive, was put to the vote of the Greek people in late September 1968. The main catch was that the vote took place under strict conditions of martial law and that an embarrassing majority of over 92% of the Greek people not only voted for the constitution but simultaneously voted for a provision which would keep their own civil rights and freedoms in the freezer until the Revolution deemed it safe or proper to permit a thaw. It was unabashedly claimed by some proponents of the Revolution that the Greeks had voted freely for their own political castration and for the perpetuation of martial law.

Although the new constitution has been put into effect, its provisions are always subject to the highest or revolutionary law of the land which simply restated reads: Nothing is sacrosanct if it endangers the "national security". The Papadopoulos government proved that, when it ignored the decisions of Greece's highest administrative court and forced its chief justice, Stasinopoulos, to resign. Nothing illustrates this hybrid and uncertain freedom that the Greeks are allegedly regaining gradually, than the fashion with which the matter of freedom of the press has been handled. Early in 1970 preventive censorship was lifted and the new law defining the rights and duties of the Greek press went into effect. For many eager to be emancipated publishers, the new law proved worse than pure and simple military censorship. The philosophy of the new law was the imposition by members of the press of "constructive self-restraint." As long as the press did not publish anything that could be construed as "awakening old political passions", or reporting on questions dealing with national defense and security, or reporting on suicides, or presenting news in a fashion promoting a "defeatist, antinational" spirit, they were free to write and publish anything they wanted, but then face the consequences, if they broke the elaborate and flexibly interpretable law.

The examples of half-measures, empty gestures, structurally attractive laws that would not be applied are too numerous to mention in this short article. Suffice it to say that the new "progressive" legislation being carved out of the revolutionary committees limits the right of trial by jury, shackles the educational system under which strict military scrutiny, has abolished all local representation from mayor to monarch and has replaced elected local officials with centrally appointed ones, has purged the armed forces and the bureaucracy, as well as effectively blocked the right of labor strikes, the continuation and maintenance of political parties and the development of even the most rudimentary internal opposition. A regime which has repeatedly and continuously urged modernization and development has also seen fit to decrease the years of obligatory, free and public education from nine to six. A summation of the picture just painted indicates that there is a tremendous gap between promises and delivery of goods, between rhetoric and action.

The Pentagon, by choosing consciously to ignore the double standard if not doubletalk of the Greek government is rapidly becoming identified as an accomplice among the preponderance of the Greek politicians and naturally the public. An accomplice, that is, which is responsible for the perpetuation of unnecessary dictatorial conditions in their country. The long term consequences of this attitude are clearly apparent. The United States is losing the natural support of the great preponderance of the Greek political spectrum. This will mean that if and when a popular regime comes back to power the favorable position that the US has enjoyed in Greece since 1947 may be seriously jeopardized. This then creates a thankless situation where the US will be required to support a dictatorial government against the pressures of the Greek people as well as international public opinion in order to maintain its strategic interests on the Greek real estate. The premise of this paper is that this is an impasse which the United States can avoid because Greece today provides the US with a credible, popular, pro-western alternative to the currently governing Greek junta.

What is this alternative and how can it be brought about? The alternative is the transition from the present impasse to a

[1] The measure was narrowly defeated 50 to 42. It is indeed unique that 42 U.S. senators voted against aid to the Greek nation since the days of the Truman Doctrine in 1947.

situation where the electoral process will permit the Greek people to elect a representative and legitimate government. How can this transition be brought about and what leverage, if any, does the US possess in the situation? The US, although our policy makers will argue to the contrary, possesses still considerable leverage in Greece. The early part of this paper emphasized the parallel relationship and the comaradery between the military establishments of the two countries. Strong, clear-cut statements backed with appropriate action (such as increments of aid, and support in international questions) are adequate to oblige the Papadopoulos government to deliver the goods that it has obliquely promised from the beginning of their takeover. Failure of Papadopoulos to comply would raise serious and divisive questions within his revolutionary council. Regardless of the exact nature of the 1968 constitution (much depends with respect to constitutions on how and by whom they are interpreted), the present government must be persuaded to apply it without further procrastination.[2] The pentagon appears to have adopted this attitude by announcing that December 1970 is a "reasonable deadline for the complete application of the constitution. This means in effect the lifting of martial law, the permission of political parties to restructure themselves, and most importantly the announcement of elections within 1971.

Now, many critics of the regime may question the legitimacy of the elections to be held under possible conditions of intimidation and fraud. This must be avoided at all costs if the Greek situation is to find an evolutionary way out of its present impasse. Once the constitution is applied and elections announced the present regime must give way to an interim or transitional or service government made up of representative personalities from the spectrum of the Greek political world (which in its overwhelming preponderance is pro-western). This government which should not stay in power more than six months will administer fair and impartial elections. The members of this government, will therefore be excluded—par excellence—from running in the elections of 1971. The members and the supporters of the present regime will be free to form their own political party (if they desire) and seek for the first time an honest mandate from the Greek people. Naturally prior to the elections, martial law will have been lifted, political prisoners will have been freed, the press will have been unshackled and campaigning will be thoroughly secure from harassment from any source. Naturally order and justice will once more revert to police and civilian authorities, and the armed forces will not in any way intervene in the political process. They will revert to their traditional role of defense, and deterrence from external rather than internal sources of threat.

There are serious indications that the great preponderance of the Greek politicians are ready to support such a compromise solution. The solution is indeed a compromise. The present regime and its supporters, who came to power by illegal means, will be allowed not only to go unpunished but to form a political party of their own and seek the vote of the Greek people. Naturally there are many hot-heads who would like to see the Junta members prosecuted and perhaps executed, but this is the kind of attitude that leads the country inexorably toward confrontation and civil war rather than genuine compromise and return of the responsibility for the future to the most legitimate arbiter: The Greek People!

The pressure of the US must be substantive and relentless. The Greek government must be positively encouraged to do no more than it has promised to do in its most benign moments. The US has the leverage among the Greek military establishment, the solution has the support of the overwhelming preponderance of the Greek political world, whether at home or in exile, and the Greek people will be once more given a chance to decide for themselves without the bloody and unpredictable cost of a revolutionary, resistance movement against the Junta.

Greece does not need to become another Vietnam to be restored to democracy. There are many, safe and alternative ways to avert violence in a war-tried country, and to divert the energies of a very talented people toward the positive goals of economic and social development, and pluralist, democratic polity—in short a Greek polity. The task is complex and difficult. There must no longer be self-appointed "saviors" for the country, which after all has enjoyed a consistently high economic development rate in its post-war years under parliamentary regimes.

The peaceful transition outlined above will save the much-harassed American policymakers from many headaches which are currently besetting them with respect to Greece. Our domestic, liberal opposition that points to Greece as an example of exporting dictatorship to protect dubious at best military interests will be pacified if not satisfied. Our NATO allies which have all but ostracized Greece from their political forums, will stop pressuring the US with regard to fostering the perpetuation and growth of a dictatorial regime. Fears that a Vietnam scenario will develop in Greece will be put to rest. Western and US strategic interests will be equally well served by representative governments, as it has been demonstrated aptly from 1947 to 1967. Finally some of the latent fears that the Greek regime will become progressively "nasserized" or "papadopoulized" and will start flirting with Moscow in order to secure its internal political survival from external (Western Pressures) will be permanently laid to rest.

The paradoxical conclusion of this paper is that the US by paying greater attention to political factors in the determination of our foreign policy toward Greece, will protect even better our short as well as long range strategic objectives in this most vitally located area of the Mediterranean Sea. By abandoning sterile, shortsighted, tactical objectives on the Greek situation the United States will gain a significant victory in the political, economic as well as the strategic dimension.

The time is ripe today for the US to intensify its pressures so as to convince the present government that it must take its chances with the verdict of its own people.

Theodore A. Couloumbis, Ph. D., Associate Professor, School of International Service, American University.

Nikolaos A. Stavrou, Ph. D., Assistant Professor, Department of Political Science, Howard University.

[2] There are those having fears that certain provisions of the 1968 Constitution would allow for repressive conditions to obtain *ad infinitum*. The compromise would have the first post-junta elected Parliament exercise its power to review and revise the Constitution.

POLLING WOMEN ON HER ROLE

Mr. ERVIN. Mr. President, the Washington Post for August 24, 1970, contains an article entitled "Polling Women on Her Role," written by George Gallup. Dr. Gallup's poll indicates that the overwhelming majority of American women would prefer my proposed amendment—Senate Joint Resolution 231—over the House-passed Equal Rights amendment—House Joint Resolution 264.

It is not surprising that this should be so.

The House-passed amendment is designed by its proponents to abolish all legal distinctions between men and women, no matter how necessary or reasonable such distinctions may be, and to compel Congress and the 50 States to make all future laws applicable to men and women in exactly the same way, no matter how irrational such action may be.

My amendment will abolish all unfair legal distinctions made between men and women without subjecting women to compulsory military service and without depriving women of the protection given them by laws which are reasonably designed to promote their health, safety, privacy, education, or economic welfare, or to enable them to perform their duties as homemakers or mothers.

I ask unanimous consent that Dr. Gallup's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLLING WOMAN ON HER ROLE

(By George Gallup)

PRINCETON, N.J.—"Like all mothers, I get fed up with being cooped up in the house. I'd probably even enjoy a part-time job, but I wouldn't change roles with my husband for one minute."

A Hatboro, Pa., mother of three small children talks about her role in life.

"You hear a lot of talk these days about equality for women," she added. "Single girls may find some discrimination in the business world, but I'll bet most women are fairly satisfied with what they are doing."

She would probably win her bet, according to the results of a special Gallup survey just completed which focused on the attitudes of American women toward their role in life, interest in working and job discrimination.

Two-thirds of American women, mothers included, believe they get as good a break in the world today as men do. However, among those who have attended college, from whose ranks the women's liberation movement has drawn much of its support, far fewer (53 per cent) believe they get as good a break as men.

Moreover, the survey finds that a majority of women feel that members of their sex have it somewhat more difficult when it comes to reaching the upper echelons in business.

Women are now organizing in city after city—publishing handbills, taking out full-page newspaper ads, picketing and threatening court suits. On Wednesday, the National Organization for Women (NOW) will lead a nationwide distaff strike for equality with men.

The feminists are protesting what they regard as "intolerable discrimination" against them in industry, government and the professions.

Here are some of the other highlights of this Gallup survey:

Among the two-thirds of American women (67 per cent) who are presently not working in jobs outside the home, the weight of preference is not to work. Among those women who do crave outside employment (27 percent), most would choose a part-time job over a fulltime position.

Reasons cited by women not now working who want outside employment divide mainly between those who "need the money" and those who admit to being bored at home.

Although 65 per cent of U.S. women be-

lieve they get as good a break in life as men, a majority believe women do not have the same chance as men to become corporate executives. Among women in the higher educational brackets (those who have attended college) the overwhelming majority of 75 per cent believe women are held back from top business positions because of their sex, while among those who have gone only to grade school, 36 per cent hold this view.

The survey was conducted in more than 300 scientifically selected sampling points July 10–12. Following are the questions asked of the 778 women interviewed. The results are shown by all women, women who have children under 21 and by the respondent's educational level.

In your opinion, do women in the U.S. get as good a break as men?

	Percent	
	Yes	No
All women	65	35
Women/children under 21	66	34
Women/attended college	53	47
High school	68	32
Grade school	69	31

Do you wish you had a part-time or full-time job outside your home, or not?

	Percent				
	Yes, part	Yes, full	No	Have job	No opinion
All women	19	8	40	32	1
Women/children under 21	20	9	37	32	2
Women/attended college	11	9	34	43	3
High school	21	8	39	31	1
Grade school	20	8	50	22	

If a woman has the same ability as a man, does she have as good a chance to become the executive of a company, or not?

	Percent		
	As good	Not as good	No opinion
All women	39	54	7
Women/children under 21	33	60	7
Women/attended college	22	75	3
High school	39	54	7
Grade school	54	36	10

Do you think women could run most businesses as well as men, or not?

	Percent		
	Yes	No	No opinion
All women	55	40	4
Women/children under 21	53	43	4
Women/attended college	53	42	5
High school	56	40	5
Grade school	55	38	7

Which do you think has the easier life in the U.S. today—men or women?

	Percent		
	Men	Women	No opinion
All women	30	46	24
Women/children under 21	31	49	20
Women/attended college	28	44	28
High school	30	50	20
Grade school	34	39	27

Have you ever wished you belonged to the opposite sex?

	Percent	
	Yes	No
Women	16	84
Men	4	96

TEXAS STUDY GIVES RETIRED BUS RIDERS' VIEWS

Mr. WILLIAMS of New Jersey. Mr. President, transportation is acknowledged to be the second major problem facing older Americans today, following close on the heels of inadequate income and health costs and delivery.

Indeed, it seems to be a vicious circle: inadequate income keeps older people from using public transportation that is too costly, and this forced immobility keeps them from seeking medical attention, which is also too costly. Chronic illness may worsen, therefore, causing older people to be even more hesitant about using outmoded, cumbersome public transportation systems to reach markets, clinics and other vital destinations.

Although the recent workshop on "Transportation and the Aged" sponsored by the Administration on Aging, Department of Housing and Urban Development and the Department of Transportation, is an encouraging sign of an emerging awareness of this problem within the Federal Government, there is very little research in this area to date.

The Administration on Aging, through title IV of the Older Americans Act, has funded five research and demonstration projects. The results of these few pilot projects have provided an overview of the problem, as well as some direction toward improving existing transportation systems and thus alleviating some of the transportation difficulties for the elderly—and for all who use public transportation.

One such project—a survey of elderly bus riders in San Antonio, Tex.—cited in the July 10 issue of Passenger Transport.

The article, entitled "Texas Study Gives Retired Bus Riders' Views," merits widespread attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS STUDY GIVES RETIRED BUS RIDERS' VIEWS

SAN FRANCISCO, CALIF.—A survey of aged bus riders in the San Antonio (Tex.) area has been made by Frances M. Carp of the Langley Porter Neuropsychiatric Institute, department of mental hygiene in this city.

The subject group was made up of 283 men and 426 women, all retired San Antonio residents. The average age of the respondents was 67½. About 82% were 65 or older. Their median income was $1,400 (slightly higher than the national average for people 65 and older).

Over a third of those surveyed said that they had "Never" ridden the bus, even occasionally. Another 20% said they took the bus about once a week.

Nearly 10% of respondents did not know the location of the bus stop nearest their home.

The most common use of the bus according to the survey, was for visits to the doctor (19%) and shopping for items other than groceries (18%).

SIGNIFICANT VARIABLES

The most significant variables in bus ridership were car ownership, location of residence and distance to the bus stop. If the respondent owned a car, lived on the outskirts of the city and was a considerable distance from a bus stop he was much less likely to be a bus rider than the average retired person.

Of course all three of these variables tend to be related since suburban areas have fewer bus stops and a higher automobile ownership.

Also significant was the ethnic group the respondent belonged to. The survey established three groups: what the study termed Afro-Americans (Negroes), Mexican-Americans (Spanish-speaking people of Mexican ancestry) and Anglo-Americans (everybody else).

Afro-Americans and Mexican-Americans tended to use the bus more often than Anglo-Americans. The Afro-Americans used the bus most often with the Mexican-Americans second.

Half the Anglo-Americans "Never" took a bus, not even occasionally, and less than 10% of them usually rode on a bus more than once a week.

A third of the Mexican-Americans and a quarter of the Afro-Americans "Never" took a bus.

Among users of the bus system the most commonly cited disadvantages were that buses were too infrequent (90%) and were not always headed to the desired location (41%).

The most commonly cited advantage of the bus system according to the retirees was the mobility offered ("It takes me where I want to go") which was cited by 40% of the bus-riding respondents. Also cited favorably were safety and economy (22% for each).

About 47% of the respondents who rode buses recommended rerouting, such as establishment of a cross town service that would not require changing buses downtown.

Only an extremely small number of those surveyed complained of rudeness on the part of the bus operator and the great majority responded quite positively about driver courtesy and driver safety.

Further information concerning the study can be obtained from Frances M. Carp, Langley Porter Neuropsychiatric Institute, 401 Parnassus Ave., San Francisco, Calif. 94122.

TWO FACES OF SOVIET COMMUNISM

Mr. DODD. Mr. President, the American press on August 29 reported a speech by Leonid I. Brezhnev, Soviet Communist Party leader, which, on the surface, was full of good intentions and peaceful expressions. If this statement could be taken at face value, then there would be every reason to be hopeful about the prospects for peace in the Middle East.

Mr. Brezhnev was reported as saying:

It is our profound conviction that an end to the conflict in the Middle East would meet the vital interests of both the Arab countries and of Israel . . . there are opportunities now for approaching the settlement of the Middle East conflict from the position of realism and responsibility . . . what is needed now is not new provocations and subterfuges designed to circumvent or violate the cease-

fire agreement but an honest observance of the agreement reached and real steps in favor of peace.

The address was obviously intended for consumption in the United States and the Western World. But in their Arabic language broadcasts to the Middle East, the Soviets play a quite different tune.

An item in the August 26 Baltimore Sun started out with this paragraph:

Moscow's Arabic broadcasters pursued both an anti-American and an anti-Israel line today as administration sources stressed that the outcome of Middle East peace talks, begun in New York yesterday, will depend in large measure on what influence Moscow brings to bear on the Arab side.

Arab broadcasters, according to the article, are being told by the Kremlin radio that the United States is "playing a hypocritical game" and that there is an "American-Israeli alliance that seeks to strengthen imperialist positions." The article went on to say that, while Cairo from time to time credits the cease-fire to United States' initiative, Moscow consistently refers to it as an arrangement "forced" upon Israel by Egypt's Soviet-backed power. Soviet broadcasters and newspapers apparently make a policy of not mentioning that Secretary of State Rogers and the Nixon administration were the originators of both the cease-fire and the New York talks.

The question arises: Which of Moscow's two conflicting voices is one supposed to believe? And the further question arises: How much trust can we actually put in Soviet pledges of assistance in keeping the peace of the Middle East?

Mr. President, I ask unanimous consent to have printed into the RECORD the two articles to which I have referred.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BREZHNEV BACKS CEASEFIRE

(By Bernard Gwertzman)

Leonid I. Brezhnev, the Communist Party leader, gave strong Soviet backing today to the current Middle East peace efforts and called on all sides for "an honest observance" of the 90-day cease-fire agreement.

"It is our profound conviction that an end to the conflict in the Middle East would meet the vital interests of both the Arab countries and of Israel," he said in a nationally televised address.

Mr. Brezhnev was speaking in Alma-Ata, the capital of Soviet Kazakhstan, in central Asia, at ceremonies marking the 50th anniversary of Communist rule there. . . .

. . . his words were the strongest yet by any Soviet leader in support of the movement toward a political settlement.

He indirectly rebuked the Palestinian guerrillas, the Iraqis, the Chinese and hard-line Israelis, all of whom opposed the cease-fire, which began Aug. 7.

"Only a little step toward peace has been made so far in the Middle East," he said, "but this step has already met with sharp opposition from supporters of continued military actions and from all adherents of an aggressive course."

He said: "It is very important now for the peace forces in the Middle East not to let go of the initiative in settling the conflict, and not to allow the foes of peace to blow up the agreement reached or use it to cover up their aggressive designs."

Referring to charges and countercharges by Israel and Egypt of cease-fire violations, Mr. Brezhnez seemed to urge an end to bickering by both sides, a position also taken publicly by United States officials.

"There are opportunities now for approaching the settlement of the Middle East conflict from the position of realism and responsibility," he said. . . .

"What is needed now is not new provocations and subterfuges designed to circumvent or violate the cease-fire agreement but an honest observance of the agreement reached and real steps in favor of peace," Mr. Brezhnev said.

The party leader said, however, that the Soviet concept of a settlement was the same as that of the Arab states—that Israel must withdraw her forces from all Arab territories occupied in the 1967 Arab-Israeli war.

MOSCOW'S ARABIC RADIO STILL ATTACKS U.S.

WASHINGTON.—Moscow's Arabic broadcasters pursued both an anti-American and an anti-Israel line today as administration sources stressed that the outcome of Middle East peace talks, begun in New York yesterday, will depend in large measure on what influence Moscow brings to bear on the Arab side.

Egyptian, Jordanian and other Middle East listeners were being told by Kremlin broadcasters that the United States is playing a "hypocritical game," that Israel's agreement to take part in the New York talks was "only a formal concession" and that there is an "American-Israeli alliance that seeks to strengthen imperialist positions."

The Soviet broadcasts also included passages bearing upon a hope expressed by administration sources that Moscow might some day join Washington in contributing manpower to an observer force that would supervise enforcement of any Arab-Israeli settlement the New York talks may produce.

Quoting from Pravda, official daily newspaper of the Soviet Union's ruling party, the broadcasts reflected Egyptian government criticism of the Nixon administration for having suggested that the Soviet Union as well as the United States undertake comparable supervision of the current cease-fire and standstill agreement between Egypt and Israel.

"American diplomacy obviously made a step backward," one such Soviet broadcast said, "when the Department of State asserted . . . that allegedly there are 'certain proofs' of violation by Cairo of the terms of the temporary cease-fire. . . .

"This statement was regarded in the United Arab Republic as a reflection of Zionist pressure upon the United States government and also as a testimony that the government of the United States is not capable of opposing this pressure."

There has been, however, no mention in the Soviet press or in either foreign or domestic broadcasts from Moscow of the suggestion, attributed by Cairo to Washington, that the Soviet Union match the United States's current aerial reconnaissance in the Suez Canal area.

The Egyptian government included in a domestic broadcast five days ago this statement:

"Cairo does not agree that U.S. satellites or U-2 espionage planes should monitor the cease-fire line. The UAR communicated this rejection to the United States when it learned of the U.S. desire in this respect . . . the UAR explained that any such action by the United States would help Israel . . . and that the least it (the United States) could do would be, or pretend to be, neutral."

Unlike Cairo, which from time to time credits the cease-fire to "United States initiative," Moscow consistently refers to it as an arrangement "forced" upon Israel by Egypt's Soviet-backed power. No mention has been made by Soviet broadcasters or journals of either William P. Rogers, Secretary of State, or the Nixon administration as originator of both the cease-fire and the New York talks.

NEW JERSEY POLISH AMERICAN DAY

Mr. WILLIAMS of New Jersey. Mr. President, last month, I had the honor of participating in a Polish day celebration at Falcons Camp, Somerville, N.J. The activities of the day brought home very forcefully the truth that the varied backgrounds and cultural heritages of America's people gives strength to our Nation.

It was my honor to present to Mr. John J. Wolczanski, general chairman of the New Jersey Polish-American Day celebration, a mememto of the ceremony in which a bronze tablet in memory of Ignacy J. Paderewski was dedicated in 1963 by President Kennedy at the U.S.S. *Maine* Memorial at Arlington National Ceremony.

I ask unanimous consent to have printed in the RECORD a report of the events of New Jersey Polish-American Day.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News Tribune, August 4, 1970]

8,000 ATTEND POLISH DAY FETE

More than 8,000 persons attended a Polish Day celebration held at the Falcons Camp, Somerville. Area members of the New Jersey Polish-American Congress, the Polish Veterans Post 40 of Perth Amboy, the Polish Veterans Post 208 of South River and the Pulaski Club of Perth Amboy attended.

A special presentation was made to John J. Wolczanski of Perth Amboy, executive vice president of the Polish-American Congress who served as general chairman. He was presented with an inscribed picture of a dedication service performed by the late John F. Kennedy at the gravesite of Ignacy J. Paderewski, who died in 1941.

Paderewski, a Polish statesman, composer and classical pianist, was interred in Arlington National Cemetery, Washington, D.C., in what the then president Franklin D. Roosevelt explained was a "temporary interment in this country until a time when Poland was free."

U.S. Sen. Harrison A. Williams, D-N.J., who made the presentation to Walczanski and was the main speaker at the Polish Day celebration, said, "But Poland is not free. Paderewski rests here and we are proud to have him here."

Williams gave Wolczanski a picture of the dedication of a tablet in memoriam to Paderewski at the USS Maine Memorial at Arlington. The ceremony had been performed May 9, 1963. In making the presentation, Williams acknowledged Wolczanski's "assistance in making this dedication possible."

A welcoming address was given by Reinhold W. Smyczek of Old Bridge, president of the Polish-American Congress.

The Rev. Eugene Prus, pastor of St. Stephen's Roman Catholic Church, Perth Amboy, gave the invocation. American and Polish national anthems were sung by Capt. Richard Winowski.

Speakers, in addition to Sen. Williams, included Arthur R. Sypek, president of the New Jersey Freeholders Association; Marian Swiecicki of the writing staff of the New York Nowy Swiat newspaper; Stanley Maziarz of

Trenton; and Alfred Zlenowicz of Hillside, president of the Polish Falcons District 1.

A memorial Mass was conducted at the camp's chapel for the late Gen. Wlaydyskaw Anders of the Polish Army who died recently while in London, England. Celebrant was Missionary Father Zdislaw Kokowski of the Shrine of Our Lady of Czestohowa in Doylestown, Pa.

MARK TRICE

Mr. PELL. Mr. President, all of us who serve in the Senate, I believe, regard the Senate as an institution with a life of its own that transcends the lives and careers of those who are a part of it.

Few men, however, have been as much a part of this great institution as Mark Trice. In 50 years of service to the Senate, he has seen Senators come and go; he has seen the pendulum of public opinion swing repeatedly, sweeping national leaders in and out of political power; and he has seen national policies as well as politicians come and go.

I am delighted that his long and faithful service to the Senate has been so appropriately recognized, and I extend to him my warmest congratulations and best wishes for the future.

THE FOLLY OF UNDISCIPLINED RADICALISM

Mr. McGOVERN. Mr. President, I ask unanimous consent that a letter I mailed on August 31 to congressional student interns, including a statement of my views on the folly of undisciplined radicalism, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AUGUST 31, 1970.

DEAR SENATE AND HOUSE INTERNS: I wish to use this letter to convey my appreciation and admiration for you for working to improve both the polices and procedures of our national life. I am sure that the viewpoints of students working with Senators and Congressmen this summer have varied widely. But it is significant that you share in common a belief that for all its shortcomings our political system still provides a useful opportunity for an individual who wishes to make a constructive effort. I commend you for your faith and for your effort.

May I take this opportunity to thank especially those of you who gave your time and effort to the issues associated with the so-called Amendment to End the War. I regret that a heavy schedule did not permit me to grant interviews to many of you who visited my office.

In recent months I have been increasingly disturbed by those young people who, unlike yourselves, have resorted to acts of violence and disruption against our society. My thoughts on this subject are contained in the attached statement: *The Folly of Undisciplined Radicalism*. I would appreciate learning of your reaction to this statement.

Sincerely,

GEORGE MCGOVERN,
U.S. Senator.

THE FOLLY OF UNDISCIPLINED RADICALISM

The recent bombing of the Math Center at the University of Wisconsin, which claimed the life of a young researcher, is one of a series of violent acts which underscore the folly of undisciplined radicalism. Bombings in various parts of the country have come with alarming frequency in recent months. These tactics and the wild rhetoric that has afflicted some revolutionary groups are apparently based on the notion that the ends justify the means.

But the bombers, and other irresponsible advocates of violence, threaten all that is decent in our society. They sometimes claim to be operating as anti-war agitators. But we cannot end violence abroad by practicing it on each other here at home. Indeed, the tactics of violence only ensure a self-defeating counter-reaction that leads not to peace and justice but to conflict and repression.

I regret that some radical youth leaders have lost contact with both reality and their own professed idealism.

Radical theoretician Tom Hayden's recent remarks to the National Student Association Congress, as reported in the Washington Star of August 19, 1970, illustrate the point.

In glorifying the recent kidnapping of a California Judge which led to his death and that of three other people, Hayden endorses the very barbarism that he professes to despise.

In claiming that Panther leader Huey Newton was released from prison because of the guerrilla kidnappers of Uruguay and Brazil, Hayden has gone beyond the limits of either reason or honesty.

Newton was released not because of Latin American kidnappers, but because an American court gave him the beneficial protection of our judicial system, and found error in his trial.

The great weakness of many American radicals such as Hayden is that their vision is limited only to the weakness of our society. Even though their own freedom depends on the American legal and political system, they use that freedom to proclaim the worthlessness of the system that makes their protest possible.

At the same time, they naively imagine that the revolutionary society they advocate would measure up fully to the lofty ideals of its architects.

Thus, the American radical all too frequently wears one set of blinders that enables him to see only the disappointments and ugliness of our society, while another set of blinders enables him to see only the virtues of the Utopian alternatives he reads about in radical literature.

Normally, he is comforted in his blindness by the affluence and relative security provided by the system he condemns.

What I personally resent most about some American radicals is their willingness to jeopardize the chances of constructive change by flaunting their own foolish and destructive tactics. They have invited the so-called hard hat reaction to the peace effort by such antics as displaying Vietcong flags, disrupting courtrooms, shouting obscenities and other obnoxious patterns of conduct. Instead of building a broader base on the nearly universal hunger of man for peace, they seem determined to isolate the peace movement from any kind of effective relationship with other human beings.

This kind of reckless political action may be enjoyable for affluent youth cut off from the real world, but it is a grave injustice to those who seek an end to the war and misery. The irresponsible militant "doing his thing" at a peace rally or in a courtroom is undermining those dedicated to the long, hard effort to influence public opinion toward peace and justice.

The Jerry Rubins and the Abbie Hoffmans have done all right for themselves doing their own thing. They have made themselves into nationally known personalities complete with lucrative fees. But they have discredited in the public mind legitimate efforts for peace and justice.

I repudiate the tactics of the Jerry Rubins and the Abbie Hoffmans. And I repudiate the foolish words of Tom Hayden, spoken in praise of the California court tragedy and the Latin American kidnap killers. Their antics betray the hundreds of thousands of concerned people, young and old, who have worked and talked and walked for peace and justice. They betray the thousands of people young and old who work for candidates dedicated to a better society. They betray those in public life who have invested their lives in the cause of a more humane and peaceful society. And, they betray their own hopes for a more harmonious world based on the brotherhood of man.

UNEMPLOYMENT JUMPS SHARPLY FOR MATURE WORKERS

Mr. WILLIAMS of New Jersey. Mr. President, despite the urgent employment needs of middle-aged and older persons, the United States still does not have a clear-cut, effective policy for maximum utilization of individuals now regarded as "older workers."

The price the Nation pays for this inaction is a growing dependency ratio of nonworkers to workers.

Recently the Senate Labor and Public Welfare Committee took potentially far-reaching action for the middle-aged and older worker when it reported out the Employment and Training Opportunities Act, S. 3867.

One major feature—which I cosponsored with the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Massachusetts (Mr. KENNEDY)—authorizes the establishment of a mid-career development service program to provide training, counseling and other supportive services directed at the special needs of persons 45 years and older.

Various indices suggest that the critical period in the worklives of adults occurs during their late forties or early fifties. For this age group several discernible trends become evident:

Joblessness begins to rise;

Duration of unemployment increases sharply;

Labor force participation declines; and

Poverty increases.

In the face of mounting widespread unemployment, the impact upon mature workers and their families has been especially severe.

From January 1969 to July 1970 unemployment for persons 45 and older jumped precipitously from 596,000 to 967,000—about a 62-percent increase.

During this period, long-term unemployment—15 weeks or longer—nearly doubled, from 115,000 to 226,000.

Yet, in far too many instances the employment and training needs of older workers have been overlooked or ignored under present manpower programs.

The midcareer development service program can help to assure that adequate resources for training and supportive services are devoted to the pressing and growing employment problems of the mature worker.

An excellent article in the August issue of the Typographical Journal discusses the need for reshaping our thinking and attitudes about middle-aged and older workers.

Mr. President, I commend this article to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

SCIENCE OF "IDUSTRIAL GERONTOLOGY" INCREASINGLY IMPORTANT TO WORKER

In this time of rapid movement of events and ideas new words and terms are frequently devised because the old expressions are just not adequate.

This is true of an entirely new field which embraces the employment and retirement problems of middle-aged and older workers. It has been given the intriguing name industrial gerontology.

There is already a National Institute of Industrial Gerontology which is funded by a grant of the Department of Labor to the National Council on the Aging.

The director of the institute is Norman Sprague, who defines industrial gerontology as a "new applied science . . . of aging and work."

"Industrial gerontology begins where age, *per se*, becomes a handicap to employment," he says. "Age discrimination in employment may start at 35 or 40 in some industries and occupations and begins to take on major dimensions when a person reaches the age of 45."

Sprague's definition appears in the preface of a new book, "Toward an Industrial Gerontology," by Harold L. Sheppard of the W. E. Upjohn Institute for Economic Research. The book consists largely of a set of essays or papers which were presented at a 1968 seminar sponsored by the National Council on the Aging, on industrial gerontology.

The seminar took place several months before the law prohibiting discrimination in employment because of age became effective.

The participants in the conference were pioneers in this new science long concerned with such problems as employment assistance for older workers, continued employment, pursuit of new skills, and, generally, all the barriers which workers find in relation to work as they continue to grow older.

Everyone who works for a living must be concerned about the science of gerontology since growing older is an essential part of life.

Within the science of gerontology is a question that has been the subject of serious debate within the industrial community and within the labor movement—compulsory retirement. There are many advocates and many positions on this issue.

Sheppard, in his essay, suggests that "preretirement attitudes and preparations should be examined as possible influences on the work behavior of older workers."

More importantly, he says there is no basis for believing "retirement patterns and preference for retirement will continue as they are."

He raises the question of whether it is not possible that under conditions of a general inflationary trend, for example, "older persons would want to work longer to replenish their eroded assets or to guard assets threatened by rising prices."

Sheppard develops other questions, too. For example, he noted that 20 to 30 years from now older workers may not actively seek the "release" from work to the same degree that workers do today. He pointed out that in higher-educated, white-collar and professional areas, the percentage of workers in their 70's in the labor force remains quite high.

"There is a great danger," Sheppard writes, "stemming from the fact that policies affecting the work-play-retirement patterns of future generations of the older population are grounded into today's and yesterday's factual situations—situations which may no longer prevail in future decades."

He observes that with the "process of aging," slowing down and the cultural stress on the prolongation of life, the trend toward early retirement may be reversed on some jobs.

This thoughtful question, of course, is only one small but nevertheless important facet of the science of industrial gerontology.

Among other areas it is concerned with aptitude testing of middle-aged and older workers, with job counseling, vocational training and placement. It also covers job assignments, re-assignment and retention.

There is a deep concentration on the transition from employment to retirement and with industrial retirement, itself. It is concerned with retirement preparation, retirement criteria and retirement income, with public and private pension programs being spotlighted.

The Senate Special Committee on the Aging, in its recent hearings on "Economics of Aging—Toward a Full Share in Abundance" dug deeply into industrial gerontology. It is a science with which those of us who work for a living will become progressively more concerned.

IN MEMORIAM: LEON M. HERMAN

Mr. DODD. Mr. President, just over a year ago, Mr. Leon M. Herman, a noted scholar and Soviet expert who served in the Library of Congress, passed away fom a heart attack. His passing was the occasion for numerous obituaries which praised him for his expertise and the services he had rendered. But it seemed to me at the time that none of the obituaries that were written really did justice to the quality of the man.

In the June 1970 issue of Slavic Review, there appeared an article which, in my opinion, for the first time does justice to Leon Herman. The article was written by Mr. Joseph G. Whelan, one of Mr. Herman's colleagues in the Soviet Affairs Division of the Library.

In his article Mr. Whelan points out that:

Mr. Herman advised and assisted many members and committees of Congress on matters relating to his special field of Soviet economics in East-West trade. He contributed to the work of the Senate committees on Foreign Relations, Aeronautical and Space Sciences, Commerce and the Judiciary.

Mr. Whelan points out that—

The publication of his many studies by these committees testifies to their high regard for his competence in his field.

By his unique professional abilities and extraordinary personal qualities his presence not only enriched the government service, but enriched also the scholarly world; for more than just acting as a conduit of ideas flowing into the government, he was himself a seminal source of influence, generating ideas that spread throughout the nation's scholarly community.

Mr. President, I ask unanimous consent that the full text of Mr. Whelan's article about Mr. Leon Herman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEON M. HERMAN, 1905–1969

On May 29, 1969, Leon M. Herman, as president of the Washington Chapter of the AAASS, presided over its annual spring meeting at George Washington University. In the evening he presented a paper on East-West economic relations. This was Mr. Herman's last professional activity: he passed away suddenly and unexpectedly on May 31, stricken with a heart attack while quietly resting at his home in Silver Spring, Maryland.

An eminent specialist in Soviet economic affairs and East-West trade, Mr. Herman had a long and distinguished career in the government service. His interests and activities were far-reaching, encompassing public service to the Executive Branch and Congress, the scholarly community in this country and abroad, and the business world. In the last decade of a professional career that spanned thirty-five years, Mr. Herman had become an internationally recognized scholar-in-government.

As in the case of so many first-generation American scholars of Soviet affairs, Mr. Herman had his beginning in Eastern Europe. He was born in 1905 near Pinsk, Russia, but spent his early years in Kiev before emigrating to the United States in 1921. After completing his undergraduate work at Long Island University in 1932, he eventually went on to the University of Chicago where in 1935 he received his master's degree under the famed Russian specialist, Professor Samuel N. Harper. In the same year, Mr. Herman entered the government service and began a career in the Department of Commerce that was to last twenty-two years. There he specialized in Soviet affairs and foreign trade, and held important posts during his tenure, include the position of chief of the Russian Division, Bureau of Foreign Commerce. In 1957 he left the Commerce Department and began his long association with the Library of Congress as senior specialist in Soviet economics in the Legislative Reference Service.

While at the Library of Congress, Mr. Herman was able to give full range to the many talents, skills, and expertise that he had developed over the years; and it was no doubt there, in the service of Congress, that he was able to make his greatest impact as a scholar of Soviet Affairs. As a senior specialist, Mr. Herman advised and assisted many members and committees of Congress on matters relating to his special field of Soviet economics and East-West trade. He contributed to the work of the Senate Committees on Foreign Relations, Aeronautical and Space Sciences, Foreign Commerce, and the Judiciary. The publication of his many studies by these committees testifies to their high regard for his competence in his field.

Most notable of Mr. Herman's contributions to Congress were the studies on the Soviet economy prepared for the Joint Economic Committee which he had planned and guided from their inception to final publication. His demonstrated capabilities as a director of research and as a contributing scholar were primarily responsible for making these studies the most widely used and authoritative publications on the Soviet economy. Students of Soviet affairs, economists, and foreign policy specialists in this country and abroad have acclaimed them as a primal source for understanding the Soviet economy. Even the Soviet leaders have taken note of them. In addition, Mr. Herman directed the publication of two definitive volumes on the economy of Mainland China, and at the time of his death he was supervising the preparation of a path-breaking study on the economy of Eastern Europe.

As a producing scholar, Mr. Herman was prolific, and his scholarly efforts are recorded in a vast bibliography of published and unpublished writings, compiled during his years of public service. (A commemorative bibliography of his published works has been reproduced in *The ASTE Bulletin*, 11, no. 2 [Fall 1969]: 4–12.) His chapters in books, articles, and reviews in professional journals were numerous. And students of Soviet affairs in the late 1940s will recall with gratitude that it was he was translated the major Russian economic historical opus by P. I. Liashchenko published by Macmillan in 1949.

But Mr. Herman's professional interests were not confined strictly to the government service; they extended far beyond to the field of education, to organizational activity, and to the business community. For many years he was adjunct professor at the American

University's School of International Service. He found time in his busy professional life to lecture widely and regularly, especially at the State Department's Foreign Service Institute and the Defense Department's National, Industrial, Army, Navy, and Air war colleges. Moreover, he was associated with and actively engaged in the work of the Council on Foreign Relations, the American Management Association, and the Committee for Economic Development. In addition, he was a founding member of the Washington Chapter of the AAASS. And, finally, as a long-time consultant in East-West trade, Mr. Herman won the grateful appreciation of the business community, which looked upon him as a skillful interpreter of the Soviet scene and accordingly sought his counsel.

A truly professional man, Mr. Herman moved with an uncommon grace and ease within the government service and between it and the worlds of scholarship and business; and wherever he went those with whom he was closely associated could not fail to feel the impress of the power of his intellect, the depth and breadth of his wisdom, and the vast dimension of his human understanding. In this way, he epitomized the finest of what the intellectual should be in the government service. By his unique professional abilities and extraordinary personal qualities, his presence not only enriched the government service, but enriched also the scholarly world; for more than just acting as a conduit of ideas flowing into the government, he was himself a seminal source of influence, generating ideas that spread throughout the nation's scholarly community.

This is no small legacy for a career that stretched over three decades. Perhaps it is this feature of Leon Herman's life that will be most remembered by his many professional colleagues. But it will be this and the memory of a warm and gentle man that will remain with those who were closest to him.

JOSEPH G. WHELAN,
Library of Congress.

THE CURRENT MOLD OF SDS

Mr. MILLER. Mr. President, in "Case and Comment" for July–August 1970, appears an article by the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover. The article also appeared in 38 Fordham Law Review 289, entitled "A Study in Marxist Revolutionary Violence," which traces the development of Students for a Democratic Society. This authoritative article is must reading for all Americans, especially for parents of students and students attending or about to attend college.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STUDY IN MARXIST REVOLUTIONARY VIOLENCE: STUDENTS FOR A DEMOCRATIC SOCIETY, 1962–1969

(By John Edgar Hoover)

People ask, what is the nature of the revolution that we talk about? Who will it be made by, and for, and what are its goals and strategy?

The goal is the destruction of US imperialism and the achievement of a classless world: world communism.

The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement. . . . A revolutionary mass movement is different from the traditional revisionist mass base of "sympathizers." Rather it is akin to the Red Guard in China, based on the full participation and involvement of masses of people in the practice of making revolution; a movement with a full willingness to participate in the violent and illegal struggle.

The RYM [Revolutionary Youth Movement] must . . . lead to the effective organization needed to survive and to create another battlefield of the revolution.

A revolution is a war. . . . This will require a cadre organization, effective secrecy, self-reliance among the cadres. . . . Therefore the centralized organization of revolutionaries must be a political organization as well as military, what is generally called a "Marxist-Leninist" party.[1]

We must take every opportunity to explain that the state cannot be challenged except through revolutionary violence. This is its nature.

We must study revolutionary principles of organization as Lenin, Mao, and others have written about them, develop collective methods of work and decision-making, and fight anti-communism. . . .

It is part of our function as a revolutionary youth movement. . . .[2]

We're not communist inspired. We're communists. Corrupt, evil and it [our system of government] should be destroyed, in fact smashed.[3]

A disease afflicts America today—the disease of extremism. We see extremism of several varieties: left wing extremism (Old Left and New Left); right wing extremism (Minutemen); black extremism (Black Panther Party); white extremism (Ku Klux Klan and anti-Negro hate groups).[4] The mass media each day is filled with charges and countercharges, with accusations and counteraccusations, with one group bitterly assailing and denouncing another group. All too frequently these verbal assaults are reinforced with violent acts: murder, assault, arson, bombings.

Extremism poses a dangerous threat to the integrity of democratic institutions. Every American should be concerned. When individuals or organizations take the law into their own hands, they render a grave disservice to the concepts of civility and legality which hold our society together. The Greek historian Thucydides many years ago wrote about Athens:

Trust, the main element in high character, disappeared, laughed to scorn, and a convinced, suspicious hostility between man and man everywhere took its place.[5]

Our democratic society is held together by the law—that body of precedents, interpretations, statutes and pragmatic applications which theoretically provides balance, fair play and, to the best of human judgment, justice and dignity to the individual. The democratic process provides for change—but change within the framework of law. "The life of the law," said Justice Oliver Wendell Holmes, "has not been logic: it has been experience."[6] The law is a constantly evolving process which allows errors to be corrected, judgments to be reversed, and new knowledge to be incorporated.

Our society allows and encourages protest and dissent,[7] the opinions of the minority as well as the majority. Every citizen and group has the right (and duty) to point out the many imperfections in society and to take steps to have them corrected. But these steps must be within the democratic process—not in opposition to the law. Civil disobedience, violence and flouting of the law have no place in a democratic society. Free government is tragically weakened when individuals show disrespect for the law, engage in vigilante actions or endeavor to set one element of society against the other. When any group openly proclaims that our government should be overthrown by violence, the time has come to be concerned—and we as a nation have reached that point!

The quotations above[8] reflect the existence in America today of a small group of individuals, primarily college students, who are working for the overthrow of our democratic institutions. A scant two years ago, few Americans had heard of the Students for a Democratic Society (SDS). Today these initials are the trademarks of a movement whose members have developed into embittered, vociferous revolutionaries who have ignited many campus insurrections. They have nothing but contempt for this country's laws.

THE NEW EXTREMISTS

Here is a new type of extremism, an extremism all the more dangerous because it emanates from a group of young people (many of whom are highly trained academically) whose bitterness against their country is so intense that many of them want blindly to destroy without much (if any) thought as to what is to emerge from this destruction. Their ill will is guided more by whim than plan, more by cynical pessimism than hope for a better future, more by the spiteful revenge of the frustrated than by dedication to a noble cause. A type of youthful barbarism[9] seems to have taken hold of this minority (SDS being an extremely small minority of our college generation). Danger arises from the fact that these people in their hatred and anti-intellectualism, will cause great damage not only in the academic community but also in society as a whole.

Let us look briefly at the history and development of the SDS from a relatively obscure and mild campus group to an organization advocating Marxist revolutionary violence. Then let us discuss some of the controlling processes and techniques of the SDS mentality, *i.e.*, the processes which have severed allegiance to this country and to democratic principles.

The history of SDS is brief—spanning a scant seven years. Actually, SDS as we know it today was born at a convention of a mere handful of students meeting at Port Huron, Michigan, in June, 1962.[10] These were the days of the civil rights struggles in the South. Many SDS members and sympathizers had been active in voter registration drives and freedom demonstrations and rallies. Their enthusiasm ran high and it seemed that SDS was to be a militant protest group bent on achieving reforms.

The original ideological framework of the SDS was proclaimed in the so-called Port Huron Statement adopted at the founding convention. Though the statement dealt with many issues of the day, it was characterized by two key words—"participatory democracy"—meaning, among other things, that the institutions of American society should be more open for individual participation and citizens should be encouraged to develop a sense of personal responsibility and concern.

As a social system we seek the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation.[11]

The preamble of SDS's constitution [12] contains this sentence:

It [SDS] maintains a vision of a democratic society, where at all levels the people have control of the decisions which affect them and the resources on which they are dependent.

Following the Port Huron convention, SDS leaders returned to their respective campuses and embarked on an ambitious organizing campaign with the primary objective of "radicalizing" the students.[13] In 1964, the Free Speech Movement erupted at the University of California at Berkeley. Also, there were the Gulf of Tonkin incident (August, 1964) and the escalation of the Vietnam War. New Left leaders began channeling the movement into anti-war activities. The SDS actively participated in the growing student unrest and the demonstrations against

Footnotes at end of article.

the Vietnam War. However, SDS was not yet regarded as a revolutionary, violence-prone group.

In fact, SDS involved itself in community action projects. In the autumn of 1964, SDS reportedly was active in seven such projects.[14] The theory of these projects was to organize the residents of communities around the immediate issues which affected their lives, such as housing, jobs, education, voting rights, and opposition to the war in Vietnam.

The "participatory democracy" theme propounded by SDS brought many enthusiastic responses. "What is the strategy of social change implicit in the concept of participatory democracy?"[15] asks one commentator. He went on to say:

The concept has become important this past winter [1964–1965]. . . . [A] number of SDS leaders have left college and are seeking to apply the idea in Northern ghettoes.

The SNCC [Student Nonviolent Coordinating Committee] or SDS worker does not build a parallel institution to impose an ideology on it. He views himself as a catalyst, helping to create an environment which will help the local people to decide what they want.[16]

Enthusiastically, this commentator could say: "A new style of work, fusing politics and direct action into radical community organization, is emerging in both SDS and SNCC."[17]

But the whole concept of "participatory democracy"—meaning a sincere effort to strengthen democratic processes by increased citizen responsibility—was a mere shibboleth. The seeds of antidemocratic thought contained in the original Port Huron Statement began to sprout, and the SDS (starting around 1966–1967) changed rapidly and perceptibly. It became more militant, more hostile, more anti-everything.

A close observer noted the process:

A year ago SDS was discussing the possibility of a move "from protest to politics." Today, the discussion, and perhaps the decision, is "from protest to resistance." The distinction between politics and resistance is so great as to imply a qualitative change.[18]

This "qualitative change" was fundamental and foreboding: *The SDS had rejected the role of working as a left wing force within the traditional political structure of society.* "Most people in SDS," said one of its national leaders, "are not even vaguely sympathetic to the parliamentary game."[19] Instead, it had cast its lot on a policy of resistance.

No matter what America demands, it does not possess us. Whenever that demand comes—we resist.[20]

A resistance movement, based on the slogan, "Not with my life, you don't," is basic to helping people break out of their own prisons.

Many of us in SDS share a conviction that this is what has to happen. That we must resist, and that people must break free. None of us is sure we can win. All we can say is that there are other ways to lead our lives in the face of the obscenity of what American life is—and that we intend to live them that way.[21]

The dangerous Rubicon of violence had been crossed! Since 1967 the SDS has been involved in an ever-escalating tempo of radical activity. In the spring of 1968, SDS was a spearhead in the violent student demonstration at Columbia University. The 1968–1969 academic year saw SDS violence on many campuses, including the conviction of an SDS member at a Midwestern university under the federal sabotage statute[22] for attempting to bomb a Reserve Officers' Training Corps (ROTC) building on campus. In April, 1969, Cameron David Bishop, an SDS member, was placed on the Federal Bureau of Investigation's (FBI) "Ten Most Wanted" list of criminal fugitives. Bishop was charged with sabotage in the dynamiting of power transmission towers in Colorado.

Footnotes at end of article.

THE ROLE OF THE FBI

The primary responsibility for handling violations of the law in connection with student disruptions rests with local law enforcement. The FBI, as a federal investigative agency, does not possess police powers including guarding buildings and grounds or providing personal protection. The FBI's responsibility is primarily twofold: (1) collection of intelligence data for immediate dissemination to authorized individuals in the executive branch of the government; and (2) securing evidence of any violation of federal laws within its jurisdiction.

Reported incidents attributed to the New Left suggest a few of the more serious federal crimes which some extremists may be disposed to commit. One group of offenses would be directed toward crippling military programs, including such acts as (1) sabotage to ROTC facilities on campus, recruiting stations, and other military installations, or war material (18 USC §§ 2151–56 (1964)); (2) destruction, theft, or alteration of any Selective Service document or record (50 USC App § 462 (Supp IV, 1969); 18 USC § 1361 (1964)); (3) counseling evasion of the Selective Service Act (50 USC App § 462 (Supp IV, 1969)); (4) counseling insubordination or disloyalty of troops (18 USC § 2387(a) (1) (1964)); (5) harboring deserters from the Armed Forces (18 USC § 1381 (1964)); and (6) interference with government communications (18 USC § 1362 (1964)).

Another group of offenses would involve riot and civil disorder such as (1) traveling in interstate or foreign commerce to incite a riot or otherwise encourage, participate in, or commit any act of violence in a riot (18 USC § 2101(a)(1) (Supp IV, 1969)); (2) interfering with any fireman or law enforcement officer on official duty during a civil disorder in any way that obstructs or adversely affects interstate commerce (18 USC § 231(a)(3) (1964)); or (3) interference with the exercise of federally protected rights (18 USC § 245(b) (Supp IV, 1969)).

There are many other possibilities, of course. Among these are (1) advocating overthrow of government (18 USC § 2385 (1964)); (2) desecration of the flag of the United States (18 USC § 700 (1964)); (3) assaulting, resisting, or impeding certain officers of the federal government (18 USC § 111 (1964)); (4) assaulting certain foreign diplomatic and other official personnel (18 USC § 112 (1964)); and (5) threats against the President (18 USC § 871 (1964)).

At the SDS's 1968 national convention in Michigan, a workshop on sabotage and explosives was held. Here participants were told not only how to manufacture Molotov cocktails and incendiary devices but also how they could best be used against the "Establishment."

In December, 1968, the SDS's National Council approved a resolution entitled "Towards a Revolutionary Youth Movement." This resolution stated flatly:

The main task now is to begin moving beyond the limitations of struggle placed upon a student movement. We must realize our potential to reach out to new constituencies both on and off campus and build SDS into a youth movement that is revolutionary.[23]

This is where SDS is today[24]—a youth movement dedicated to a revolution of violence.

The SDS, however, is merely one group in the so-called New Left movement. This movement consists of many elements, for example, anarchists, communists (of various types), hippies, pacifists, and idealists. We must be extremely careful in differentiating and not lump all protesters into the extremist SDS category. Protest is a legitimate function of the university and society as a whole. This nation was built on protest. Many students and adults, for sincere reasons of their own, oppose the war in Vietnam, the draft, and university policies. They have a right to protest within the structure of free government. Great damage can be done by labeling these individuals as SDS members or guilty of advocating revolution. These non-SDSers are frequently manipulated by the extremist minorities, but they should not be summarily categorized as members or sympathizers of SDS.

WHAT THE SDS BELIEVES

Just what processes caused these tragic developments in the SDS? What factors molded the thinking and actions of this extremist minority of young people?

(1) *A basic and fundamental rejection of democratic institutions and values as archaic, irrelevant and meaningless.*

SDS literature is filled with comments contemptuous of democratic institutions and processes. "I don't plan to vote," said an SDSer. "It's no choice—there are three pigs running for president. [W]e denounce the electoral process, it's senseless."[25] "Vote Where Power Is. Our Power Is in the Street."[26] proclaimed an SDS publication. "While courts are still available to us as a means of defense, we should use them to the fullest extent, using the opportunity each time we appear in court to make clear the political nature of the police, courts, and attacks on individuals,"[27] proclaims the Revolutionary Youth Movement II. The law enforcement officer is called a "pig." SDS members taunt, and hurl bitter obscenities against the police officer. In a recent interview SDS leaders were asked:

Question: "How would you describe the government and the structure of this country?"

Answer: "Capitalist, pig, power structure. That's what it is."

Question: "Would you call it a democracy at all?"

Answer: "No."[28]

The whole history of Judaic-Christian culture is ridiculed, mocked and scorned. Out of this rejection of a belief in democratic values, grow dangerous processes.

(2) *Violence as the type of leadership required to effect change in the United States.*

If an individual rejects democratic values, then violence becomes an acceptable means of action. The hatred of the "Establishment" (meaning the government, the military, private industry, and the educational system) is so intense that *any* means of attack is justified.

Until the student is willing to destroy totally and joyfully those repressive structures—to attack and destroy the bourgeois social order—his student movement will always be just that—never truly revolutionary. There can be no liberated university in a dead society. All or nothing. The buildings are yours for the burning, for until they are destroyed, along with civilization and its death, you will not live.

The revolutionary project should be clear to the student—destruction of the university . . . unless the student is capable of destruction as creation, there will be no revolutionary transformation.[29]

To the SDS member, a key feature of this violence is guerrilla warfare. "We are working to build a guerrilla force in an urban environment."[30] He looks upon himself as an extremely small minority in a vast sea of hostile "imperialism," impotent, inconsequential and weak. Revolutionary power can be generated in his eyes, therefore, only through guerrilla tactics.[31] No wonder the guerrilla, the individual who defied the Establishment and fought to overthrow existing society, is a New Left and SDS hero.[32] Very revealing, a guerrilla warfare is a topic of

study in the so-called free universities.[33] Here is a description of one course from a free university catalogue:

URBAN GUERRILLA WARFARE

We will study the aims and techniques of guerrilla warfare in an urban setting: organization, training, propaganda, intelligence and counterintelligence, sabotage, and civilian resistance. We will do this through the use of theory texts, practical manuals, and war games.[34]

The whole concept of violence was tragically emphasized in a recent issue of SDS's *New Left Notes*. Under the caption, "Bring the War Home!," page one carried a full page photograph of a little boy with a big smile placing an object on a railroad track. The description read: "With a defiant smile, 5-year-old . . . shows how he placed a 25-pound concrete slab on the tracks and wrecked a passenger train." [35]

(3) This violence is justified as moral, honorable, the thing to do. This gives SDS violence and potential violence a pseudo-religious fervor, a seeming moral imperative leading to the danger that the uncritical observer may consider the perpetrator as a martyr rather than a criminal.

In one attempted bombing by an SDSer, the culprit, who was apprehended and convicted, said he did not really want to injure any person. He wanted to destroy this ROTC building, he said, as a symbolic act, as his personal protest against the Establishment.

This SDS attitude is reminiscent of previous anarchist criminal activities in this country. Emma Goldman, the well known anarchist leader, has told how she and Alexander Berkman, another anarchist, plotted the murder of a key American industrial leader who, in their eyes, was symbolic of the hated Establishment. Berkman would personally attempt to kill him—not that Berkman had a personal grievance against this man, but that this individual was a "symbol of wealth and power." Berkman would gain nothing personally—nor did he expect anything.[36] To these anarchists, the deed was justified because it would not only shock the Establishment but also would propagate their message to the whole nation. The "message" was as important as the deed. It was for the cause! Goldman adds:

"Our end was the sacred cause of the oppressed and exploited people. It was for them that we were going to give our lives. What if a few should have to perish?—the many would be made free and could live in beauty and in comfort. Yes, the end in this case justified the means." [37]

Some SDS leaders have talked about "the politics of guilt"—meaning that, in their opinion, Americans have troubled and guilty consciences about injustices and inequities in their society. To the hard core SDS members, a policy of violent confrontation (including campus insurrections, bombings and arson) hopefully will bring public sympathy and approval (even if silent).[38] Moreover, it may stir up interest in their cause and even prevent their prosecution later on criminal charges!

As a nation, we must recognize that this style of anarchist violence is a violation of our laws and should be treated accordingly.

(4) *Disaffection from democratic values and a growing tendency toward violence have led to an increasing SDS emphasis on revolution, meaning a qualitative and fundamental change in the economic, political, social and cultural system of this country.*

Not long ago an observer of SDS activities commented that the SDS's attitude toward specific issues, such as opposition to the ROTC, the war in Vietnam and the university system, had become secondary to a bigger, broader, more important goal, namely, revolution.

Today, the SDS is calling into question the entire structure of American society and pronouncing it unfit for survival. The system as a whole, it says, is the enemy, not specific injustices and weaknesses. Accordingly, what is needed is a total purging of what is regarded as "evil," "corrupt," and "degenerate." Apparently, there is to be no compromise, no selection of what is good or bad. The entire apparatus is to be discarded.

Ideologically we began to grasp the idea that the system as a whole was the enemy; tactically we began to try to attack the system as a whole system. We gradually abandoned the notion that if we fought and fought for reforms we might succeed in reforming the system away or that consciousness would somehow arise out of enough local fights so eventually the local rent-strike group would spring into action as a guerrilla force.[39]

Gone are the days of "sewer socialism,"[40] a term used by the SDS to mean reformist efforts on a local basis to improve society. The anti-war demonstrations changed this attitude.

Here in the United States those demonstrations set the terms for the struggle and gave the movement a push in gutsiness and in the targets it chose to attack. Remember the Pentagon and the nearly simultaneous West Coast Oakland Induction Center demonstrations. The slogans, targets, and militancy were almost totally new. We moved from individual acts of moral protest—remember the spring before the draft card burning had been considered the very limit of the movement—to massive attacks on the centers of military power in this country.[41]

The march on the Pentagon (October, 1967), according to the SDS, enabled the Movement to reach out "to millions where our organizing in the past could only reach thousands. . . . The demonstrations had a double effect: They spread the word that it was legitimate to fight and helped create a culture of resistance in which GIs revolted, white working-class gangs turned political . . . ." [42]

The outcome is the current effort by the SDS to develop what is called a revolutionary youth movement (RYM). An SDS faction, Weatherman, issued a position paper which talks about a cadre-type, clandestine organization of revolutionaries under the discipline of centralized leadership. This organization would be buttressed by a revolutionary mass movement. "The most important task for us toward making the revolution . . . is the creation of a mass revolutionary movement, without which a clandestine revolutionary party will be impossible." [43]

Can SDS, with its factionalism and hatred of discipline, create a revolutionary organization? Without it, the revolution cannot be brought about. The SDS militants know that discipline, organization and trained leadership are needed. The very fact that so many SDSers are talking seriously about revolution makes the future one to watch closely.

(5) *"The new left as it has been known during this decade disappeared during the Chicago SDS convention. It is being replaced by Marxism-Leninism."* [44]

This diagnosis by the *Guardian*, the "independent radical newsweekly" which reports New Left activities, identifies a process inherent in SDS even from its early days. SDS (including its many factions) is today Marxist-Leninist oriented.

Factions

A loosely structured group, SDS has always been an ideological potpourri, including several varieties of Marxist positions: Trotskyites (Socialist Workers Party and its youth group, the Young Socialist Alliance), pro-Moscow communists of the Communist Party, USA, and its youth affiliate, the W.E.B. DuBois Clubs, and the Pro-Red Chinese Progressive Labor Party. As time progressed, the Progressive Labor Party (PLP) became extremely strong in the SDS, resulting in a massive factional struggle at the June, 1969, national convention. The PLP faction was expelled and exists today as a rival group claiming that it is the true SDS.[45]

The two National Office factions (Weatherman and RYM II) and the Progressive Labor Party group have both similarities and differences. Because of conflicting claims the task of distinguishing their positions becomes difficult. The *Guardian* of June 28, 1969, however, reporting on SDS's National Convention, sets forth a brief summary of the various viewpoints.

RYM, as the concept is known, seeks to convert SDS into a mass revolutionary organization of youth grounded in Marxism-Leninism and Mao Tse-tung's thought. . . . [T]he RYM group split into two factions known as "weatherman" and RYM 2, based on names of papers submitted to the convention by the two groups.

Both factions agreed on many points, but came to a parting of ways due to different ideas on such questions as black liberation, women's liberation, nationalism, the white working class and action tactics.

Weatherman . . . tends to deny the leading role of the working class in revolutionary struggle. It has been charged with adventurism both for its seeming indifference to white workers and for a shock-brigade action strategy. . . .

Blacks in the U.S. are viewed [by] weatherman as a separate colonized nation within the oppressor country. National liberation for blacks in the oppressor country, it is maintained, cannot be accomplished until capitalism is overthrown. On women's liberation, the weatherman tendency holds that women should be organized around anti-imperialist, antiracist struggles.

RYM 2 . . . sees the proletariat as being the main force in the revolution, while at this stage, revolutionary blacks at home and liberation struggles abroad play the leading role. Blacks, women and students, RYM 2 holds, play a key role in raising the consciousness of the working class by struggling for their own liberation.

Blacks in the U.S. are seen by RYM 2 as a separate nation, but because of the dual position of black workers—oppressed as blacks, superexploited as workers—"their fight for the right of self-determination is a precondition for any kind of socialism in this country." This struggle for liberation, along with women's struggle for liberation from male supremacy and the struggles of youth, is seen as a means of developing proletarian unity and revolution.[46]

As to the PLP (here called PL) the *Guardian* states:

PL, which considers itself the vanguard of the proletarian struggle, sees the working class as the key to revolution. While supporting self-determination, PL insists that national liberation struggles, including the black struggle in the U.S. must have a class character. Juxtaposed to the Black Panther Party slogan, "Power to the people," PL demands "Power to the workers." PL says student actions must be in the objective interest of the working class. . . . Women are seen as superexploited workers, victims of the ruling class—not as being oppressed by men as well." [47]

These groups differ also on tactics (how to bring about the revolution) as well as an overall strategy (the revolution itself). The Weatherman faction is the most militant, believing that direct, forcible, in-the-street guerrilla incidents must be pursued. RYM II, though not disavowing violence, is less militant. Guerrilla-violent tactics, RYM II leaders feel, are self-defeating and will probably alienate both potential recruits and public opinion. RYM II stresses study and

Footnotes at end of article.

education with an emphasis on the classical definition of the working class as the correct means to attain revolution. The PLP follows more RYM's tactics than those of Weatherman. The PLP, basing its position on the historic teachings of Marxism-Leninism, is not opposed in principle to the use of force. However, tactically speaking, it feels such extremist tactics at the present time would do the movement more harm than good.

Perhaps the SDS is the victim of history—that in attempting to bring about a revolution against "capitalist" society, it has partially succumbed to the Marxist-Leninist analysis of "imperialist" society.[48] Marxist terminology, concepts and thought processes permeate SDS revolutionary literature. In fact, the SDS, despite the purported intellectual prowess of its leadership, has not developed on its own an original, self-thought-out revolutionary analysis of capitalist society which would be independent of the historic. Marxist viewpoint! Rather, the SDS and other New Leftists, who consider themselves "youthful" and "modern," have become prisoners of a nineteenth century doctrine!

USING THE "WORKING CLASS"

A key issue pertaining to Marxist doctrine is SDS's efforts to make contact with the "working class," the "industrial proletariat" whom Marx considered as the class destined to carry out the revolution. Can students alone bring about a revolution? Most SDS thinking (especially the PLP faction) says "no." Students must combine with "workers." In the summer of 1969, the SDS instituted a highly publicized "Work In" program[49] whereby SDS members were encouraged to secure jobs in private industry for the purpose of making personal contact with workers. In these contacts they were to attempt to "radicalize" the workers, that is, to convince them of SDS's position on current issues.

There is an abhorrence in the SDS to the Communist Party, USA, which is considered "bureaucratic," "old-fashioned" and "irrelevant." Communist Party, USA, leaders and members have been active in SDS activities, but its leadership is skeptical and critical of many SDS policies.[50] For that reason, some top SDS leaders[51] have publicly identified themselves as revolutionary communists with a small "c," that is, they claim they owe allegiance to the principles of Marxism-Leninism but not to either the Communist Party, USA, or its mentor, the Soviet Union.[52]

Actually, however, all SDS factions are Marxist—with the Marxist contempt for law, the dignity of the individual, and the rights of others. The tragedy of the SDS is that a group of young people, some with personal idealism and sincerity, have "jumped the tracks." They have left the mainstream of the democratic processes which have given life and meaning to the American experiment of government.

These students, many from economically affluent and well-educated families, have actually corrupted idealism and sullied the historic academic search for the truth. Many of their errors come from a shallow intellectualism, a lack of knowledge of history, and an arrogant self-righteousness which leads them to believe they alone know the truth. Dialogue, reason and understanding are scorned as contemptuous bourgeois values. "Non-negotiable demands," pompous generalizations, the simplification of complex issues into irrelevant and pious slogans—all these have propelled the SDS into the wasteland of nihilism, revolution and destruction.

Moreover, in the process they have lost their independence as either thinkers or custodians of the hopes of the future. Why? Because they have been captured by an antiquated totalitarian system known as Marxism-Leninism. In all their talk about being avant-garde, advanced thinkers, the bringers of a "new day," SDS leaders are voices from the past who talk in terms of violence, brute power and destruction. These are the age-old techniques of the conqueror and the criminal. In the name of dissent, SDS attempts to stifle dissent. In the name of an alleged pursuit of "justice," SDS is willing to jeopardize and undermine the accomplishments, values and welfare of a society which today is providing a higher standard of living and greater personal freedoms to its citizens than any society in history.

SOCIETY'S OBLIGATION

Our society has an obligation to face up to the realities of SDS extremism.

First, we must remember that SDS tactics represent a minority sentiment on our college campuses. The 1960's have been an age of protest, of questioning, of asking vital questions about our society. Our colleges have produced an inquiring generation, young people who are sincerely and deeply concerned about problems which arise from a complex, industrialized, urban society. We want this questioning process to continue. We should be thankful for the sophisticated, intelligent, poised generation of young people now coming of age.

Second, adults have a special obligation to establish and maintain a dialogue with the rising generation. All too frequently we in the FBI find a complete lack of communication between parents and young people about the really serious issues of life. Yes, there is talk about a new car or a vacation trip, but amazingly little about some of the basic problems which concern young people today (the war in Vietnam, the draft, race relations, poverty). Often a parent and a child violently disagree—and each goes his own way, preventing the mutual interchange of opinions. The generation gap is, to a large extent, a communication gap.

Third, in discussing the SDS (or any other type of extremism) we must be careful of our facts and not indiscriminately label those whom we do not personally like or whose opinions are unpopular as extremists. We must remember that many non-SDS, moderate students are also protesting about key issues of the day. We should not label these legitimate protests as "SDS extremism" and therefore dismiss them from consideration. The genuine, hard core radical on campus must be distinguished from the legitimate protester.

Fourth, we must remember that the way to combat extremism is not by counterextremism. In other words, one of the dangers of SDS extremism on campuses is that it will engender antidemocratic vigilante and illegal actions against this minority. These extremists can and must be handled under due process of law. There is no room either on or off campus for an antidemocratic backlash.

Fifth, society must take seriously its own weaknesses and work to remedy them, promptly, effectively and fairly. Young people very rightfully hate hypocrisy and sham. The best way to counteract extremism of any kind is through a healthy society with self-creative energies working for constant improvement.

Sixth, the legal profession has a special obligation. It simply cannot remain quiescent about the SDS's stance toward our laws and democratic society. Students in law school, in particular, have an excellent opportunity, through campus media and discussions, to emphasize the sanctity of the law and to explain that violence ultimately is self-defeating. If lawyers do not protest extremist violations of the law, who else is there to defend the law?

Theodore Roosevelt said: "Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither."[53]

America must face up to the challenge of extremism—lest, step by step, the foundations of the law are eroded to the detriment of all of us. No cement more durable to hold together a free society has ever been found than the law and all the majesty it represents.

FOOTNOTES

[1] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 3, col. 1 (emphasis added).

[2] Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 1. The Students for a Democratic Society (SDS) met in national convention in June, 1969, in Chicago, Illinois. Intense factionalism erupted, and the organization split into two major groups each claiming to be the true SDS. One group is generally known as the National Office faction, the other the Progressive Labor Party. The National Office group, in turn is beset by factionalism and differing viewpoints. One such subgroup is known as the Weatherman group, the other the Revolutionary Youth Movement II, based on the two position papers issued.

[3] Interview with Mark Rudd, SDS National Secretary, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

[4] The Ku Klux Klan has frequently abused the rights of others through extremist and terrorist violence. The brutal murders of Lt. Col. Lemuel A. Penn in Georgia (July, 1964) and of three civil rights workers in Mississippi (June, 1964) are flagrant examples of Klan violence. Extremism denies the legal rights of others (such as the right of assembly, free speech, travel, vote, and the press). On May 2, 1967, a group of Black Panther Party members armed with rifles, shotguns, and handguns invaded the chamber of the California State Assembly while that body was in session to protest pending gun legislation. Obviously, here was an attempt to intimidate the legislative process. In October, 1969, groups of SDS members descended on Chicago, engaging in an orgy of vandalism. These types of hooliganism are a threat to the operation of democratic institutions.

[5] J. Finley, Thucydides 210 (1963).

[6] O. W. Holmes, The Common Law 1 (1881).

[7] Legitimate protest encompasses a wide variety of choices and techniques, such as writing or visiting your congressman or other elected officials, letters to the editors of newspapers, petitions to legislative or executive bodies, and peaceful rallies and demonstrations. Legitimate protest means, basically, citizens expressing their opinions and views within the framework of the law. Our news media reflect constantly instances of how legitimate protest brings changes in society—ranging all the way from obtaining new traffic signs and playgrounds to changes in national policy. A great strength of our society is its ability to adjust to new problems, issues, and challenges through orderly and lawful change.

[8] See text accompanying notes 1 & 2 supra.

[9] A vivid contrast to SDS extremism is shown by the many examples of student groups which have peacefully sought the correction of alleged wrongs in society and achieved results. Sometimes these groups are interested in strictly local problems (traffic control, local elections, housing). Other times, the campus group is part of a larger off-campus organization (political, economic, cultural).

[10] SDS was originally the youth affiliate of the League for Industrial Democracy. The two organizations, however, parted in 1965.

[11] Port Huron Statement, SDS Convention, Port Huron, Mich., Aug., 1962, at 7.

[12] The full text of SDS's constitution can be found in New Left Notes, June 18, 1969, at 2.

[13] SDS is the most militant of New Left groups. From its early days, SDS was basically an unstructured type of organization with little internal discipline (though this is now changing with some elements in SDS trying to develop a more disciplined cadre type of organization). SDS is held together primarily by national secretaries who travel

extensively. There are an estimated 200 to 250 chapters, varying in size. These chapters are autonomous, doing "their own thing." Very little, if any, control can be exercised by the national headquarters (in Chicago) over these chapters. Membership is difficult to determine because of the loosely knit structure. SDS claims some 40,000 members. In addition, on key issues SDS is able to mobilize the sympathetic support of a large number of non-SDS members, especially on anti-Vietnam and anti-draft issues. The moderate students, however, almost invariably drop away when SDS engages in confrontation and violent tactics. Since the June, 1969, national convention, SDS has become fractionalized, so it is difficult to speak of unitary and national policies.

[14] Smith, Report on SDS: Students now stressing 'resistance', National Guardian, April 8, 1967, at 1, col. 3.

[15] Lynd, The New Radicals and "Participatory Democracy," 12 Dissent 324, 327 (1965).

[16] Id. at 324, 328.

[17] Id. at 324.

[18] Smith, Report on SDS: Students now stressing "resistance", National Guardian, April 8, 1967, at 1, col. 1 (became known as Guardian (Independent Radical Newsweekly) in the issue of Feb. 10, 1968.

[19] Id. at 8, col. 2, quoting G. Calvert.

[20] Id. at 1, col. 2.

[21] Id. at 8, col. 3.

[22] 18 U.S.C. § 2155 (1964).

[23] SDS National Council, Towards a Revolutionary Youth Movement (Dec. 1968), in Guardian (Independent Radical Newsweekly), Jan. 18, 1969, at 7, col. 1.

[24] In October, 1969, the Weatherman faction of the SDS staged a series of violent street demonstrations in Chicago. "Radical members of Students for a Democratic Society," read a news account, "wearing helmets and carrying clubs, ran through this city's near North Side last night, breaking windows, damaging cars and intermittently battling with the police." Chicago Police Battle Radicals, Washington Evening Star, Oct. 9, 1969, at 1, col. 8. The young people who used clubs, chains, and pipes and as a tactic would suddenly break out of a peaceful march into small groups, yelling and throwing stones at anything in sight (so-called "guerrilla tactics").

These demonstrations were the result of careful advance planning by Weatherman. Members were encouraged to come to Chicago for violent confrontations. For example, in the September 20, 1969, issue of New Left Notes, an article was carried entitled: The Time is right . . . for fighting in the street. This article stated: "It is a war in which we must fight. We must open up another front against US imperialism by waging a thousand struggles in the schools, the streets, the army, and on the job, and in Chicago: October 8–11." New Left Notes, Sept. 20, 1969, at 6, col. 2. Another heading read, "The time is right . . . for violent revolution." Id. at 10–11. Still another article dealt with how to dress for the violent confrontation ("Wear a motorcycle helmet or surplus army helmet." "Wear protective clothing. Wear hard shoes, never wear sandals! Wear shirts and jackets with tight cuffs and high collars for protection against gas." Id. at 14) and how to behave medically ("Don't panic if you see someone with blood streaming from the head." "Never try to remove a bullet that is still in the body." "Get a tetanus shot." "If you do go to a hospital, treat the doctors and nurses there as if they were pigs." id.).

[25] Daily World, Oct. 19, 1968 (Magazine), at M–4, col. 3 quoting Jerry Selinger.

[26] New Left Notes, Oct. 25, 1968, at 12.

[27] New Left Notes, July 8, 1969, at 9, col. 3.

[28] Interview with Mark Rudd, SDS National Secretary, and two other SDS leaders, on Television Station WJW, Cleveland, Ohio, Aug. 30, 1969.

The transformation of SDS into a more violent posture has caused many moderates and genuine liberals to drop out of the movement. A New Leftist paper comments: "Middle-class liberals, who once predominated in the organized antiwar movement by sheer numbers and political influence, are now a minority, though the decline in influence has taken over-long. The 'hard-core' radicals of last August in Chicago and January in Washington are now ascendant, not simply relative to the liberal shambles but absolutely, in terms of numbers and influence." Viewpoint, Guardian (Independent Radical Newsweekly), April 12, 1969, at 12, col. 1.

[29] Destructuring of SDS 7 (1968) (Leaflet distributed at SDS National Convention, June 9–15, 1968, East Lansing, Mich.).

[30] Hofmann, The New Left Turns to Mood of Violence in Place of Protest, N.Y. Times, May 7, 1967, § 1, at 1, col. 3 quoting G. Calvert.

[31] Here are the tactics of Weatherman as personified in the violent confrontations which took place in Chicago in October, 1969. Weatherman is gambling that guerrilla tactics, on the street violence (as in Chicago), will pay it high dividends in the radical left extremist movement: (1) by attracting recruits and validating militant street warfare as the best means of revolutionary action, and (2) by providing on the spot training for the building of a cadre revolutionary organizaton. Will it succeed? Hopefully, this militant Weatherman approach will be self-defeating, that more moderate student groups will arise, and that democratic methods of protest will prevail. Much will depend on the students on campus themselves.

[32] Fidel Castro, Ché Guevara, Ho Chi Minh, Mao Tse-tung are the tactical-ideological heroes of the New Left. SDS and other New Left literature carries extensive and favorable comments about them (including quotes from their writings and speeches). The Guardian, for example, devoted considerable space to what were reported to be unpublished documents from the Bolivian notebooks of Ché Guevara. These dealt with Ché's plan for guerrilla warfare. Urban Guerrilla warfare. Che's Plan, Guardian (Independent Radical Newsweekly), July 20, 1968, at 13.

[33] These are a haphazard assortment of classes on a variety of topics relating to the radical movement open to students (and others.) Instructors may be faculty members, students or off campus personalities. Classes are largely freewheeling discussions and have no official connection with the university.

[34] Midpeninsula Free University (Menlo Park, Cal.), Catalogue 37 (Fall 1968).

[35] New Left Notes, Aug. 29, 1969 at 1.

[36] 1 E. Goldman, Living My Life 87 (1931).

[37] Id. at 88.

[38] SDS has had both successes and failures. At some campuses during the 1968–1969 academic year, SDS was able to mobilize successfully a large number of students on certain issues. Sometimes SDS exploited sensitive issues on the campus (as dormitory regulations, the unpopularity of some administrative decisions on personnel, a failure of communications between the administration and students) of deep concern to many students. In such instance, SDS was able to gain the support temporarily of moderate students, students who were interested exclusively in campus reform, not disruption or revolution. Failures of SDS have been a growing extremism, an inability to maintain moderate support, and difficulty in attracting non-college (working) youth.

[39] Look At It: America 1969, New Left Notes, Aug. 15, 1969, at 9, col. 3.

[40] SDS's exact words in speaking about "sewer socialism" are: "We had, in fact, overcome localism, provincialism, and tendency for 'sewer socialism'—the term for those in the era of Socialist organizing before the First World War who wanted to concentrate on local issues, prove that socialists could deliver street lights faster than the bosses could, and to build socialism in one city." Id. at 12, col. 2.

[41] Id.

[42] Id.

[43] You Don't Need a Weatherman to Know Which Way the Wind Blows, New Left Notes, June 18, 1969, at 8, col. 3.

[44] Viewpoint, Guardian (Independent Radical Newsweekly). July 5, 1969, at 12, col. 2.

[45] The "PLP problem" had been brewing for a considerable period inside SDS. In a pamphlet on why SDS expelled PLP, published by the National Office of SDS, these comments are found: "SDS's differences with PLP were not differences 'within the movement' or 'within SDS.' They are principled differences on what the movement is about, where and what the international struggle is about, and who the sides of it are. Since the PLP opposes revolutionary nationalism on the part of the colonized peoples; opposes the self-determination of black people within the United States . . . then they are in no sense a part of the people's movement, but in fact serve the enemy of the people." New Left Notes, Sept. 12, 1969, at 2, col. 3. In this connection, the Guardian, reporting on the 1969 national convention, talks about a "virtual ultimatum" from the Black Panther Party (and some other groups) demanding "that SDS purge itself of tendencies opposing their line on self-determination of oppressed peoples (including the right to secession). While insisting that it supports self-determination, PL[P] has stated that 'all nationalism is reactionary,' including the nationalism of oppressed minorities within the oppressor nation." SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3.

In addition to these differences, there were problems of personal power (i.e., which leaders were to dominate). Actually, the voting strength of PLP was strong, and anti-PLP elements feared that PLP might even take over.

[46] SDS ousts PLP, Guardian (Independent Radical Newsweekly), June 28, 1969, at 3, col. 3, 11, col. 1.

[47] Id. at 11, col. 1.

[48] SDS's Marxism is not yet an exact replica of the historic doctrines of communism. Marxism-Leninism, for examples, does vaguely paint a future society after the revolution which, it is claimed, will bring a more abundant, just and harmonious life. The SDS, however, reflects little interest or concern about any society which would come after the revolution it proposes to bring about. Its main purpose is to destroy what now exists. In this aspect, SDS is closer to anarchism than Marxism. SDS, as an activist group, appears to have adopted those concepts, principles, and slogans of Marxism-Leninism which can best be used as destructive weapons against the "Establishment"—as "class struggle," "dictatorship of the proletariat," "imperialism." "[W]e live in a period when capitalism has developed into its highest stage—worldwide imperialism—and that because of this development the class struggle has become a worldwide struggle often manifesting itself in people's wars." Education Secretary's Report, The Boston Strangler: A Paper Tiger, New Left Notes, July 8, 1969, at 3, col. 1.

SDS talks about the need to wage armed struggles for liberation and overthrowing the capitalist order. The RYM II statement says: "In order for the U.S. proletariat to play its historic role, it must be led by a party of revolutionaries, organized on the basis of democratic centralism, guided by the science of the proletariat, the teachings of Marx, Engels, Lenin, Stalin and Mao. The party must be able to apply these teachings to the specific conditions of the U.S., in order to import class consciousness into the spon-

taneous struggles of the proletariat." Revolutionary Youth Movement II, New Left Notes, July 8, 1969, at 5, col. 4.

[49] The SDS circulated a "Work-In Organizers Manual" designed to aid SDSers in obtaining jobs. The Manual sets forth data on how to find a job, how to dress, what to say and not to say, and how to behave. "Try to make a few friends among the workers that might last beyond the summer. Two or three—or even one. And try to get their addresses and phone numbers before you leave the job. . . . Join the bowling league or the baseball team. Avoid running home at the end of the day to the 'safe' company of your old friends and political buddies. . . . Go to the bar or whatever hang-out they go to after work. . . . If you can't hold your liquor, don't make a fool of yourself trying to be what you think is 'one of the boys.' Get to work early—sit around and talk. This is very much worth the extra effort." Students for a Democratic Society, Work-In Organizers Manual 4 (1969). Actually, this Manual was originally prepared (1967) by the Progressive Labor Party and distributed as "The Vietnam Work-In Organizer's Manual." PLP elements in SDS took the original manual, put on a new cover, and introduced it as an SDS Work-In guide.

[50] See the articles by Bettina Aptheker, well-known leader of the Communist Party, USA, in the Party's theoretical journal, for an analysis of the Communist Party's view of the SDS and the New Left. Aptheker, The Student Rebellion, Part I, 48 Pol. Aff., Mar. 1969, at 15; Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12. Aptheker welcomes the "student rebellion," but deplores what she calls "petty-bourgeois radicalism" in the movement. She feels the New Left does not have a correct analysis of Marxism-Leninism and in reality is merely "playing" with revolution. In the Party's eyes, revolution is a "serious business" and must be prepared for through careful study and planning. Aptheker's conclusion is that there "is an urgent need for ideological and political leadership from the Communist Party and from a Marxist-Leninist youth organization." Aptheker, The Student Rebellion, Part II, 48 Pol. Aff., April, 1969, at 12, 59.

[51] Bernardine Dohrn and Mike Klonsky, SDS leaders, were quoted as calling themselves "revolutionary communists" in Guardian (Independent Radical Newsweekly), June 22, 1968, at 4, col. 1.

[52] Bettina Aptheker in her articles in Political Affairs is worried about the anti-Communist Party and anti-Soviet sentiment in the New Left. See note 50 supra.

[53] Roosevelt, Inaugural Address, in The Inaugural Addresses of the American Presidents 185 (D. Lott ed. 1961).

FINDING DIGNITY IN WORK

Mr. WILLIAMS of New Jersey. Mr. President, John W. Edelman has been a long-time friend of the elderly through his years as president of the National Council of Senior Citizens. However, his work with the National Council of Senior Citizens represented a second career for a man who had been previously a tireless worker in the trade union movement and a pioneer in advancing Federal legislation to provide a decent way of life for millions of union members, most notably as legislative representative for the Textile Worker's Union.

A man who "retires" to a second career can never really stop being productive. And Mr. Edelman, although he has "retired" from his post as president of National Council of Senior Citizens—he now holds the title of President Emeritus—is still working diligently to advance the cause of older Americans.

As guest columnist for Theodor Schuchat's syndicated column which appears in the North American Newspaper Alliance papers, Mr. Edelman has written a knowledgeable review of a new and important book entitled "Toward Industrial Gerontology." As the title implies, the book is primarily concerned with the older worker, preparation for retirement and retirement income. Mr. Edelman, with his background in aging and in industry, is eminently qualified to review this publication. "Toward Industrial Gerontology" deserves careful attention as a publication at a time when "retirement" is occurring earlier and earlier in life. With the advent of the "younger" or middle-aged retiree, the problems of the retirement years will become increasingly complex. The publication has been edited by Dr. Harold Sheppard, well-known social scientist with the Upjohn Institute for Employment Research who also lent his considerable expertise to the Senate Committee on Aging's year-long study of "Economics of Aging: Toward a Full Share in Abundance" during 1969.

Mr. President, I ask unanimous consent that Mr. Edelman's review, entitled "Finding Dignity in Work," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETIREMENT AND YOU—FINDING DIGNITY IN WORK

(By John W. Edelman)

(NOTE.—John W. Edelman of Arlington, Va., is an expert on retirement. After retiring from a lifetime as a labor organizer and Washington spokesman, he spent a fruitful second career as head of the million-member National Council of Senior Citizens, of which he is now president emeritus. As guest columnist this week, he reviews an interesting new book.)

I assume that you react more or less instinctively, as I do, against a technical term such as "industrial gerontology".

I rationalize my reaction against this sort of lingo simply because most of the stuff I have read in recent years while seeking enlightenment on the problems of the elderly, if written under the heading of gerontology, has been almost invariably stodgy, pretentious, or muddy in relation to the immediate needs and interests of older persons. So, I tend to ignore anything that is labeled "gerontology".

But now comes along a smallish book, a symposium edited by Harold Sheppard and entitled "Toward Industrial Gerontology". The book is from the Schenkman Publishing Company, Cambridge, Mass. 02138, and the price is $7.95.

Hal Sheppard, of all the people I have worked with in recent years—either in relation to the problems of aging or, earlier, on matters concerning unemployment, manpower and so forth—has one of the liveliest and most penetrating minds I have encountered. He is fully qualified as an expert, a social scientist and a scholar.

A few years ago, Sheppard was with the U.S. Area Development Administration, where he immersed himself in the complexities of disappearing or shrinking industries and economically depressed areas, with their attendant human problems.

Later, when I retired and became active with the National Council of Senior Citizens, I met Hal at the National Council of the Aging, at the Senate Special Committee on Aging, and the W. E. Upjohn Institute for Employment Research.

One of the chapters in Sheppard's collection, written by Norman Sprague, defines the term "industrial gerontology" as follows:

"Industrial Gerontology is concerned with the aptitude testing of the middle-aged and older worker, with job counseling, vocational training, and placement. It is concerned with job assignment, reassignment, retention, and redesign. It is concerned with the transition from employment to retirement and with industrial retirement itself. It is concerned with retirement preparation, retirement criteria, and retirement income, with public and private pension programs."

This volume contains 14 papers on various aspects of retirement by experts (most seem to warrant the title, though a few seem merely addicted to the use of difficult verbiage) at seminars sponsored by the National Council on the Aging.

A chapter by Dr. Sidney A. Fine, on "Older Workers in Pursuit of New Careers," I found most interesting. He writes, "(Seniors) may be tired and frustrated with the work-life they have experienced and thus may wish to make a change from situations of depersonalization and alienation that often characterize modern industry . . . to a situation involving some interest in and concern about people.

"It is as though the older worker suddenly realizes that half his life has gone and all there is to show for it are some material things."

There is, he says, an urge to do something worthwhile, but the author points out that, as a rule, a drastic cut in salary is the price paid by skilled workers taking jobs in social service agencies.

I recall a Congressional hearing a few years ago on the subject of shrinking employment in the textile industry. A famous carpet manufacturer in New York State had moved south, leaving his aging work force stranded.

One small group of former carpetmakers who testified told about being hired as attendants at an institution for delinquent children which had been at the point of shutting down due to inability to find suitable help.

One of the witnesses, a man in his sixties, well-preserved and forceful, told the Senator who was presiding that there was only one drawback to this new career, which he enjoyed greatly otherwise and regarded with pride.

He said he found it most painful to face his former fellow-workers downtown on a Saturday night because they, after several years of layoff, were still idle and deteriorating for lack of anything to do.

WHY REPLACE THE B–52?

Mr. GOLDWATER. Mr. President, the argument against development of the B–1 is usually introduced by the statement, "now I'm not against bombers, they are useful in a mixed force deterrent, but the B–52 is doing a good job and I've been told that it will last for a long time to come—maybe as long as we still have a need for bombers." This argument infers that the validity of the TRIAD force is tenuous at best and the need for a manned bomber could abruptly disappear at some time in the foreseeable future. A set of assumed circumstances which could lead to such a conclusion is difficult to imagine.

That the manned bomber adds visibility, credibility, and unique flexibility to our strategic nuclear deterrent force in an assured destruction role is unquestionable. The continuing need for a manned bomber for this and other tasks

is implicit in President Nixon's Foreign Policy Report to Congress in February 1970, wherein he stated:

. . . The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as Soviet conventional attack on Europe.

Inherent in this broader purpose of our strategic forces is a capability to conduct a limited, controlled nuclear exchange, which hopefully could be terminated before it escalates to an all-out exchange. This task requires weapon systems capable of avoiding undesirable damage and which contribute to careful conflict management during periods of tension and hostilities short of total retaliatory war—and which have capabilities which make a counterforce option feasible at various levels of intensity. Such capabilities can best be provided by the manned bomber because it, alone among the TRIAD force elements, offers a practicable and complete control of weapons all the way to the target and the ability to withhold decision to expend to within a few seconds of weapon detonation. Missiles, once launched, are irrevocably committed and they impose on the opponent a very compressed reaction time—both factors which serve to invite uncontrolled escalation. Bombers, on the other hand, can be launched and recalled. They can attack designated targets with greater precision—that is, there is less chance of their going astray and much higher confidence that they will accomplish their specific destruction task and effect only the destruction desired—and they provide the opponent with much more time to consider his response, or to react in a deliberate, carefully controlled manner. The manned bomber is, in fact, the only strategic weapon system we have that can attack any target anywhere in the world from the Continental United States with either nuclear or iron bombs, and that offers national leaders strategic options short of spasm nuclear war.

Since there is no rational reason to believe that national security requirements, outlined by the President in the statement quoted above, will appreciably decrease in future years, the need for the manned bomber is assured to continue for an indefinite period. If one accepts that there is a continuing need for the bomber, the only remaining concern is how best to maintain a viable bomber force. The first consideration here is that our current strategic bomber, the B–52, is aging and cannot be expected to last indefinitely while the need for a bomber can. Even with progressive modifications to prolong airworthiness and mission effectiveness, the B–52 will one day wear out. Although we have some confidence that with present usage rates and operating in the currently used flight regime, the newer B–52's—G and H—can continue to fly into the 1980's without major structural modifications, this confidence is based on predictions that are at best more art than science. The fact remains that the B–52 was not designed to operate in the low altitude environment which is required against current enemy air defenses and when an aircraft must consistently fly in a regime for which it wasn't designed, catastrophic structural failure is always a possibility because true flight stresses cannot be absolutely predicted or duplicated in ground tests.

Maintaining a flyable bomber fleet, unfortunately, is only a part of the problem. The other part, and perhaps a more important consideration, is maintaining the survivability and effectiveness of the bomber fleet. In the years from 1962 through the current year, nearly $3 billion has been spent on the B–52 fleet for correcting deficiencies or increasing capabilities to meet a changing threat. These modifications have allowed the B–52 to remain capable against the current threat, but it still remains an aging bomber designed in the 1950's for high altitude penetration and which performs marginally in range and speed at low altitude requiring increasing tanker support as the threat advances. It is not unreasonable to predict that required modifications on the B–52, including those programed or planned, will cost much more than $3 billion in the next decade because historically modification costs rise sharply as an aircraft reaches advanced age. It is also important to note that these large amounts could be required without significantly improving the B–52's overall performance or enhancing its effectiveness.

For effectiveness in meeting the projected threat nearly as well as the B–1 design, the B–52 will need improvements in both prelaunch survivability and penetration capability. Prelaunch survivability will require improved response time, capability for wider dispersal and perhaps even airframe hardening to reduce required safe escape distance.

Modifications to provide such capabilities might include quick-engine start equipment, high-lift flaps, improved landing gear flotation, afterburners for engines or higher thrust engines and improved ground support and more reliable aircraft systems to allow autonomous operation from austere dispersal bases. For sustained penetration effectiveness, the B–52 would require modifications to increase low altitude range and speed, plus avionics and airframe improvements to allow flight at lower altitudes. The range and speed requirements infer a new engine requirement, but could also include a requirement for increased tanker support through increased numbers of existing tankers or the development of an improved tanker. Finally, penetration aids of various sorts could be required which would continually displace part of the B–52's destructive payload capacity.

There is a continuing need for the manned bomber. It may be needed indefinitely because it is the most versatile strategic offense system that we possess. Considering all of the possible costly improvements required to make the B–52 viable against the threat in the future, the progressively decreasing payload to accommodate performance improvements and aids to penetration, the rapidly approaching limit of the growth potential within the basic design, and the remaining unknown probability of airframe failure, it is simply more economical to plan a replacement for the B–52 rather than to continue to modify it. Sheer logic dictates that the bomber fleet be updated in the most practical manner possible. The development of the B–1 represents the most economically feasible means to achieve that end.

I ask unanimous consent that a table on the subject be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST OVER THE YEARS FOR STRUCTURAL AND CAPABILITY MODIFICATIONS TO THE B–52 FLEET

MN	Modification	Series	Prior	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Total
63	APN–69 radar beacon	D	$0.6				$0.6
1000	Low level	C–H	331.3				331.3
1124	Phase II ECM (ALR–20)	C–G	124.6	$0.8			125.4
1224	Missile launch detection	F	2.7				2.7
1293	Phase III ECM	DGH	10.8				10.8
1586	ATCRBS (AIMS)	G/H	3.8	1.7			5.5
1586	ATCRBS (AIMS)	CDF			$2.9		2.9
1629	Inc. int conv, weapon capability	D	31.6				31.6
1634	ALR–20 receiver	H	.5				.5
1641	Improved ECM antenna	DGH	1.4				1.4
1700	IFF (AIMS)	G/H	.8				.8
1710	ALQ–T4 simulator mod		5.1				5.1
1747	Secure voice (SEA)	D	.3				.3
1841	Damage assessment and visual sensors	G/H	2.6	17.7			20.3
1841	Terrain avoidance	G/H	6.8	11.8			18.6
1870	APR–25 warning receiver (PROTO) (SEA)	D	2.7				2.7
1870	APR–25 warning receiver	G/H	4.1				4.1
1873	Skyspot (SEA)	D	.8				0.8
1956	Inc'r electrical power	G	10.2	10.9	6.2		27.3
2011	ALT–15 tunable oscillator (SEA)	D	2.6				2.6
2011	ALT–15 tunable oscillator	G/H	.3	2.5			2.8

COST OVER THE YEARS FOR STRUCTURAL AND CAPABILITY MODIFICATIONS TO THE B-52 FLEET—Continued

MN	Modification	Series	Prior	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Total
2035	500 MA S-band tubes/ALT-13 (SEA)	D	$3.5				$3.5
2035	500 MA S-band tubes/ALT-13	G/H	2.5	$1.1			3.6
2036	ALT-28 jammers (SEA)	D	2.2				2.2
2036	ALT-28 jammers	G/H	1.4	1.5	$0.9		3.8
2065	Low S-band ALT-13 oscillator (SEA)	D	.9		1.1		2.0
2065	Low S-band ALT-13 oscillator	G/H	2.1	2.5	1.0		5.6
2126	SRAM capability	G/H	.9				.9
2321	XLQ-X system (PROTO)	D	.2				.2
2296	Coded switch	G/H			8.6		8.6
2296	do	D			3.1		3.1
2397	Aerial mining	D			3.6		3.6
2506	Dual polarized antenna	DGH			1.1	$0.4	1.5
2519	Phase VI ECM	G			10.8		10.8
2530	Additional offset capability				.3		.3
N/N	Other class V mods completed	B-G	224.6				224.6
	ECP-1050/1124/1128 labor completed	B-H	133.1				133.1
	ECP-1185 structural mod	G-H	39.0				39.0
	ECP-1195 stability augmentation	G/H	28.4	30.8	2.5		61.7
	ECP-1243 min. wing mod	DEF	15.4				15.4
	Depot maint/class IV labor (fiscal year 1957-67)	A-H	271.0				271.0
	Contract maint/class IV labor (fiscal year 1957-67)	A-H	463.2				463.2
	Service engineering (fiscal year 1963-67)	C-H	98.8				98.8
	Subtotal		1,830.8	81.3	42.1	.4	1,954.6
	Class IV kits (begin fiscal year 1954)		459.7	15.0	15.0	15.0	504.7
	Total B-52 program		2,290.5	96.3	57.1	15.4	2,459.3

THE HOUSING PRIORITY

Mr. SYMINGTON. Mr. President, for several years, many of us in the Senate have spoken of the "priorities" of our Nation, believing that increased attention and resources must be given to resolving our problems in the United States. My efforts in representing the interests of Missourians have long recognized the fact that domestic needs are being curtailed at the expense of questionable commitments abroad.

Warning signs persist: Our educational system is extremely underfinanced; our law enforcement and criminal justice system needs more support as well as reform; poverty as a way of life is still too much with us; and the shortage of decent, standard housing for all Americans is becoming increasingly acute.

I list these areas of concern, among others, as one who has faith in the ability of this great Nation to face the challenges before her. Optimistically, I see America, through the efforts of her people, as abundantly capable of providing each of her citizens with the basic guarantees of life, liberty, and the pursuit of happiness.

Yet, this will not come easy. We must continue to inform ourselves of the nature of these challenges so that we can more adequately cope with the problems of the present as well as plan for our future well-being.

So today I would take this opportunity to focus on what is surely one of the Nation's most pressing and fundamental needs—standard, decent shelter at a reasonable cost.

As we are all now well aware, on August 11 President Nixon vetoed the congressionally approved fiscal 1971 appropriations for education and for the Department of Housing and Urban Development and several other governmental agencies. The HUD appropriations included increased levels of funding for urban renewal programs which are so desperately needed.

By vetoing both of these bills, the President stated that he was "saying no to bigger spending and no to higher prices in the interest of all the American people." Yet during the same week his administration actively advocated the expansion of new military systems requiring $1.5 billion in outlays for fiscal 1971. Such a structuring of priorities leaves room for improvement.

On August 13 the Congress successfully overrode the veto of the education appropriation bill, but the House vote on the housing funds bill fell 63 votes short of the required two-thirds. That bill must now return to committee, with programs to continue operating at fiscal 1970 levels.

With this in mind, the housing crisis we are now experiencing illustrates in concrete fashion what I mean when I say we need to reorder our priorities in this great Nation of ours.

In 1950 we were the world leader in production of housing, building at a rate of 16 units per thousand. Today—we are averaging 6 units per thousand, below the output of Japan, Russia, and most western European countries.

The demand for housing permeates all sectors of America. While the poor and our minority groups suffer most, middle class Americans are also finding it increasingly difficult to afford and find decent housing.

And while the needs of the central cities, especially our urban ghettos, demand immediate attention, the issue is no less sensitive with respect to rural dwellings.

The Housing and Urban Development Act of 1968 set a national goal of 2.6 million new and rehabilitated housing starts a year. Two million new housing units are needed to house the new households entering the market and to replace the existing units that are destroyed or lost each year. An additional 600,000 units a year are needed to begin an orderly program for replacing the substandard housing now occupied by low- and moderate-income families. Yet we seldom build more than 1.6 million conventional units a year. In 1968, we had 1,540,000 housing starts and that figure went down to 1,496,000 starts in 1969. Actual housing starts for the first 6 months of 1970 were down nearly 19 percent from the same period in 1969. In the past 3 calendar years our total number of housing starts, about 4,350,000, has not even kept pace with the 5 million required to meet the needs of new households. The consequences of this meager production would have been far more serious if the mobile home industry had not stepped in to help meet some of our needs.

Since most Americans do not live in new housing, we must also concern ourselves with the condition of the existing housing stock. Here, too, we confront a gloomy picture. The 1960 census of housing indicated that 24 percent of all occupied housing units were deteriorated, dilapidated, or lacking in some or all plumbing facilities. The situation in Missouri is even worse. The 1960 census of housing showed that 34 percent of Missouri's housing units were deficient.

Not only are we not building enough housing units, but rising costs are pricing an increasingly larger percentage of our citizens out of the housing market. We are presently experiencing a higher price tag than ever before on the land, money, labor and materials necessary to fulfill our housing needs.

One of the fastest rising major cost elements in home construction is land. Land is available—but at exorbitant rates. The price of land has increased at an average 15 percent per year since 1965. Land increased by 12 percent each year for the 1960-70 period. This situation indirectly pressures builders to put larger and more expensive homes on the available acreage—catering to the more affluent. The price of land, alone, amounts to 25 percent of the total sales price of a new home.

Materials and labor have also increased steadily during recent years, yet their rise has been less inflationary than the rise in the Nation's cost of living for the same period. The increase in the cost of living has moved upward since 1963 at

an annual rate of 3.28 percent—Consumer Price Index. At the same time the square footage cost of all houses increased by 3.22 percent.

And yet the most serious problem facing prospective homebuyers has been the cost and availability of mortgage credit.

Interest rates have jumped more than 60 percent in the last 5 years. Not since the days of the Civil War have these rates been so high.

For most Americans, it would be difficult to buy one's own home on today's market. At today's prices, a $20,000, 30-year mortgage will cost the eventual homeowner more than $38,000 in interest payments alone. A $20,000 home—with a $58,000 price tag.

In conjunction with these historically high interest rates, the tight money policies of our present administration have left the housing industry unable to compete with the shorter term, more profitable returns of business, installment, and personal loans.

Residential housing has been especially hardhit. Since 1966 there has been available to new residential borrowing less than 20 percent of all available investment funds. Treating housing as if it were expendable, it is a sad commentary when our Nation's "priorities" place builders and homeowners at the end of the credit line.

The effect of these economic policies can be seen through the present median sales price for new homes—slightly over $25,000. Given the traditional figures that 20 to 25 percent of a family's income is devoted to housing—families with incomes under $8,000 are virtually excluded from the housing market. According to 1969 estimates, this would mean that 63 percent of Missouri's families cannot afford to finance a new home, as compared to a national percentage of 56 percent.

Even if a person can afford to pay the high interest rates, the policies designed to stop inflation have made mortgage money so scarce that many prospective purchasers cannot find lenders who will loan them the money.

Most serious of all is the plight of those who occupy the lower end of the economic ladder. The National Commission on Urban Problems, chaired by my former colleague, Paul Douglas, of Illinois, found that families with incomes below $6,500 find it difficult to buy or rent decent, standard housing at market rates. The Kaiser Committee found that private enterprise at maximum efficiency simply cannot produce housing at rates which the poor can afford. A resource report of the National Commission on Urban Problems stated that there were some 13,600 large families in the St. Louis area who were unable to find or afford adequate housing—16,729 poor families—with 66,300 children—but only 3,118 living units available to them. We must face the fact that subsidies for some families will be necessary if we are to reach the goal of a decent home for every American family established in the Housing Act of 1949.

Legislatively, programs to produce needed housing have come forth. The Emergency Home Finance Act of 1970 is now law, making additional funds available for the home mortgage market. Especially helpful will be the authority given the Federal Home Loan Bank Board to issue up to $3 billion a year in housing certificates, the proceeds from which will be deposited into a middle-income housing fund. All of these funds are to be used in making residential mortgage loans, with reduced interest rate charges to homebuyers staying within established purchase price limits.

During the first session of this 91st Congress we passed a mortgage credit bill granting the President wide discretionary authority to instruct the Federal Reserve Board—FRB—to regulate terms, amount and interest rates on all forms of credit. Laying unused as yet, this affords the President an excellent opportunity to selectively restrain the borrowing powers of less essential segments of the economy.

As mentioned earlier, the veto of fiscal 1971 appropriations for the Department of Housing and Urban Development is unfortunate. The level of funding delegated to urban renewal programs by the Congress exemplifies the increasing efforts on our part to give a higher priority towards resolving the problems of our urban environment, not the least of which deals with housing. Under the guise of labeling these urban renewal programs "inflationary," the administration seems not to share this Congress degree of commitment.

Especially critical to meeting our Nation's housing needs are the Federal assistance programs under the 1965, 1968 and 1969 Housing Acts for low and moderate-income families. These programs must be more adequately funded. Public housing programs are in desperate financial straits—primarily because of spiraling costs. More than 200 local authorities at present are unable to meet operating expenses without increasing rent beyond their low-income tenants' ability to pay. Housing authorities in several metropolitan areas, including St. Louis, have gone broke, and the treasuries of 40 more are near depletion. As short term solutions, these local authorities will require increased Federal Government appropriations to cover their deficits.

For most of us, statistics are rather cold and abstract, and do not translate easily into the human problems that are hinted at in the statistics. What does this crisis in housing mean in human terms?

For young married couples, it means their dream of a home of their own must be postponed indefinitely.

For the executive who is transferred to another city, it means a financial loss and a great deal of worry. To buy a new home at the high prices now prevailing, he has to sell his present home at a jacked-up price. Current financing difficulties make this very difficult to do. As a consequence, more and more companies are finding it necessary to help smooth the housing problems of employees when they are transferred.

For the ghetto child, it means growing up in a crowded tenement with rats, roaches and plaster falling from the walls.

For elderly citizens, it means struggling to find decent shelter with retirement income that is increasingly inadequate in the face of spiraling housing costs.

For the blue collar worker, it means spreading blight and deterioration that threatens to destroy the value of the home into which he has placed his life savings.

The housing problem touches all of us in a very direct way.

In the words of Preston Martin, chairman of the Home Loan Bank Board:

> Of our various goals, housing is perhaps the most pervasive and fundamental. . . . The place a man lives is more than just another commodity, service, or possession; it is a symbol of his status, an extension of his personality, a part of his identity, a determinant of many of the benefits—and disadvantages—of society.

With all this in mind, it is essential that decent, standard housing at a reasonable cost be made available where needed. Too many of our people are paying for their housing out of the total fabric of their lives.

Directing our Nation's resources toward solving our housing needs is not a matter of charity. Rather, it is a necessity if we are to achieve the security and prosperity which rightfully belongs to each of our citizens.

FISH PROTEIN CONCENTRATE AND THE SCHOOL LUNCH PROGRAM

Mr. PERCY. Mr. President, adequate nutrition is, of course, a prerequisite of all human activity. Unfortunately, all too many people, both here and abroad, suffer from malnutrition due to a deficiency in protein. As a consequence, millions of children either fail to reach maturity or do so as physically or mentally stunted individuals.

The development of fish protein concentrates, FPC, has played, and no doubt will continue to play a major role in the elimination of this form of malnutrition. FPC is made from fish which have heretofore been considered either unpalatable or otherwise unfit for human consumption. These fish are ground into a flour which is odorless and tasteless and which is acceptable to all ethnic groups and faiths. Used to supplement other sources of protein, FPC promises to correct protein deficiency at a cost of approximately one-half cent per person per day.

Mr. President, an article recently published in the Chicago Sun-Times reported that FPC may now be used in this country as a supplement in the school lunch program. I think that this development is both encouraging and gratifying in light of the arduous efforts of my distinguished predecessor, Senator Paul H. Douglas, to obtain acceptance for FPC as suitable for human consumption.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Thurs., Aug. 13, 1970]

FISH CONCENTRATE TO PACK PROTEIN IN SCHOOL LUNCHES

(By William Hines)

WASHINGTON.—The world's largest caterer of school lunches is prepared to start fortifying prepackaged meals with a nourishing but controversial "fish flour" as soon as a reliable supply is established, a nutritionist for the Philadelphia-based company said Wednesday.

ARA Services Inc. is negotiating with Nabisco-Astra, a consortium of the National Biscuit Co. and the Swedish Astra industrial group for a steady supply of EFP-90, a protein concentrate made from eviscerated herring, Mrs. Edythe Robertson revealed. The protein-rich substance will be added to such foods as pizza and baked goods, she said.

Mrs. Robertson and officials of the U.S.-Swedish combine discussed at an international food technology meeting here plans to put the fish protein concentrate on the school lunch market.

RESTRICTED IN U.S.

Development of a large-scale fish protein industry in the United States has been held back by highly restrictive Food and Drug Administration regulations. A product known as Whole Fish Protein Concentrate can be sold here only in 1-pound packages labeled "for household use only."

This has made it impossible for manufacturers to put the powder where it would do the most good—in the hands of bakers and other food processers who can use it to reinforce the nutritional value of their products.

EFP-90, which is more than 90 per cent animal protein, can be used in commerce because it is made of fish from which the viscera have been removed. Noneviscerated fish are a common item of interstate commerce under FDA regulations in the form of canned sardines.

FORTIFIED FOODS OK'D

Mrs. Robertson said that this year for the first time the Department of Agriculture announced that fortified foods can be used in "Type A" school lunch. This lunch provides one-third of the minimum daily requirement of protein—the equivalent of two ounces of meat. Any additive not specifically forbidden may be used, and EFP-90 is not forbidden, she said.

"In a few years there will be 55,000,000 children getting school lunches at a cost of $7 billion at 1968 price levels," Mrs. Robertson said. "Animal protein is now 60 per cent of the cost of the meal, and we've simply got to hold costs down."

Fish protein as an additive will solve this problem, Mrs. Robertson continued, and according to nutritionists who attended a press briefing the "fish flours" are the only animal-protein additive in sight. Vegetable, fungal and even bacterial protein concentrates are being developed but none offers the nutritional advantages of proteins derived from fish.

5 MILLION A DAY

Mrs. Robertson said her company is "the largest contract feeder in the world," prepackaging about 5 million schools lunches a day.

Per Hoel, Swedish president of Nabisco-Astra, said the concentrate costs 48.5 cents a pound FOB Swedish ports in lots of 16 metric tons (35,000 pounds).

Dr. Ernest R. Pariser, vice president of Cardinal Protein Ltd., of Canso, Nova Scotia, said his company soon will begin producing fish protein concentrate from the filleting waste of edible fish. There are no marketing limitations in Canada and the product can be used by processors, Pariser added.

One small U.S. plant is in operation in Massachusetts and another is about to start up at Aberdeen, Wash. Each will use a variation of a process sanctioned by the government which uses whole fish but of only certain prescribed species.

NOT FOR SUPERMARKETS

Nabisco-Astra's vice president, an American Nabisco executive named Harry J. Watson, was asked how long it would be before foods containing fish protein would be featured on supermarket shelves.

"It's unlikely that you'll see any of those products for a long time," he told reporters. "But the chances are that if you travel to another country you may see them very soon."

Nabisco representatives passed around samples of some of 34 products made with varying amounts of EFP-90. One of these was animal crackers said to contain 16 per cent protein. In shape, texture and taste they were virtually undistinguishable from ordinary animal crackers.

None of the products is in commercial production and Nabisco spokesmen said their company was moving cautiously into the protein-spiked food market. One reason is that an article inadequately market-tested before general release might be a disaster not only in its own right but for other fish-protein items as well. The other is concern for the general goodwill value of the Nabisco brand name.

HUMAN RIGHTS AND THE ENVIRONMENT

Mr. PROXMIRE. Mr. President, the most fundamental human right is the right to a liveable environment—an environment which is free from noxious pollutants of the air and water. Man cannot fully enjoy life when he is threatened by environmental crises. It is just recently, however, that we have come to recognize this fundamental right to clean air and water. Just a few years ago, the air and the water were considered free economic goods to be despoiled at will. It was reasoned that since the air and water really belonged to no one individual or group of individuals, they were to be exploited without restriction.

Unfortunately the air and the water can assimilate only so much waste. We cannot dump virtually unlimited quantities of waste products into them and just expect these pollutants to magically disappear. If we allow just a few individuals to take advantage of the limited ability of the air and water to assimilate wastes, we will be depriving millions of others of their fundamental right to a clean, healthy environment. Personal freedom does not include the right of one individual to trample on the rights of others. When a polluter dumps waste into a public waterway he is transferring the damages associated with that pollution to down stream users. He is forcing them to pay the cost of waste disposal. The same thing happens when a large factory pours pollutants into the air which are carried further downwind and are deposited on automobiles, houses and other buildings. The polluter rarely assumes the cost of clean-up or pays the medical bills of those afflicted by various respiratory diseases. In both of these cases, the polluter is clearly abridging the rights of others to clean air and water. Our main job now is to restore the fundamental principle that the polluter must be responsible for cleaning up his own wastes. This will restore balance to the system. Currently the public is not only bearing the brunt of the pollution but also the cost of clean-up. We must reverse this situation. All of us have an equal right to the enjoyment of the air and water.

AIKEN SCHOOL DRESS CODE

Mr. THURMOND. Mr. President, I wish to commend the Aiken, S.C., school officials for their reasonable and forthright approach to the increasingly controversial problem of student appearance.

A news article published in the Aiken Standard of August 21, 1970, outlines the dress code enacted by the Aiken school authorities for use in the secondary schools.

Mr. President, I ask unanimus consent that the article, entitled "Dress Code Emphasizes Reasonableness," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRESS CODE EMPHASIZES REASONABLENESS

Proper atmosphere—one that is quiet, orderly and peaceful—is essential to education, Aiken school officials say.

The manner of student dress and personal appearance contribute to either a good or a poor learning atmosphere, they say.

For this reason a written dress code to be used in secondary schools has been formulated this year.

The code emphasizes "reasonableness, not inches," said School Advisory Board member, James Conaway.

No one is going to go around with a ruler measuring dress or hair lengths, he explained. But the "bizarre or disruptive" will be prohibited.

"We have to accept contemporary standards, but not the extremes," he said.

The code says specifically, "each student shall be expected to dress in an appropriate manner avoiding extremes either in clothing or personal appearance."

Parents have been asked to cooperate with the school in upholding the code which stresses health, safety and environment.

The code requires:

Shoes to be worn at all times while on school property.

Clean, orderly hair which must not obstruct eyes or face.

Socks for boys.

That boys' shirts which are designed to be tucked in be tucked in at all times.

Prohibited for girls are:

Excessive jewelry or make-up.

Slacks, shorts, jeans, suit pants or other clothing which may be revealing or provoking.

School officials point to Aiken's reputation for having "one of the best local school systems" in the state in stressing the need to prevent interference with the educational process. Its schools have produced a high percentage of merit and national achievement finalists as well as graduates who become Phi Beta Kappas in college, they stress.

NO AMERICAN MERCENARIES

Mr. CHURCH. Mr. President, in a forthright editorial entitled "Include Us Out," the Salt Lake Tribune praises the Senate's recent efforts to bar the use of

U.S. funds to hire out other nationalities to fight for us in the Indochina war. The Tribune argues that the prohibition to pay for mercenaries in the Senate-passed Cooper-Church amendment and the Fulbright amendment to the military procurement authorization bill "is a sound piece of advice" which the House of Representatives should adopt and the administration should follow out in Southeast Asia.

I ask unanimous consent that the Salt Lake Tribune editorial of August 23, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INCLUDE US OUT

Argument over the Cooper-Church amendment tied up the Senate for 34 days and by the time it was approved most of its impact was lost because American troops had been withdrawn from Cambodia as President Nixon had promised. The amendment was intended to prevent future involvement in Cambodia by forbidding the President to spend funds to retain U.S. forces in that country, send military advisers there, provide air support for Cambodian forces, or pay for advisers or troops that other nations sent to help Cambodia. But the amendment is merely an expression of Senate opinion, not a law, since it has not been accepted by the House.

Now Sen. J. W. Fulbright, leader of the opposition to the administration's Indochina policies, has succeeded in winning Senate approval of another restrictive amendment. Moreover, he didn't even have to put up a fight. The Senate agreed by a unanimous voice vote.

The Fulbright amendment prohibits the use of U.S. funds to pay foreign troops fighting in support of Cambodia and Laos. Thailand has been talking about dispatching 5,000 "volunteers" if Washington will foot the bill. And the South Vietnamese general staff favors an incursion into Laos on the same terms. But the senators obviously feel that such commitments could well lead to direct U.S. involvement.

Fulbright explained that the amendment would prevent the South Vietnamese or the Thais from "building up a full-fledged partnership with the government of Cambodia and drawing us in." Sen. Barry Goldwater, who is as far from being a dove as anyone can get, agreed. The Thais are free to do anything they want on their own, he explained.

The South Vietnames government, because of its partnership with the United States in fighting the Communists, exerts considerable influence on American foreign policy. The Fulbright resolution would make "include us out" the rule to be applied to possible future partnerships in Indochina.

The House ought to follow the Senate's lead. This is not a dovish or a hawkish or a partisan issue, as the unanimous Senate vote demonstrates. On the contrary, it is a sound piece of advice which now needs House concurrence to assure it will be heeded.

MACARTHUR'S FINEST LEGACY

Mr. PROXMIRE. Mr. President, in Wisconsin, Gen. Douglas MacArthur is considered among the State's foremost sons. He is most often thought of as a great soldier, a leader of men. Perhaps the biggest parade ever staged in Wisconsin for a hero was staged for MacArthur when he returned from Korea.

As with all great men, his name did not escape controversy. But what may have escaped him is all the credit that is his due as a statesman for his role in shaping the government of postwar Japan.

It was 25 years ago this week that MacArthur landed near Tokyo to begin his duties as the supreme commander of a vanquished nation. Don Oakley, in the Washington Daily News, wrote of MacArthur's accomplishments there in commemorating that anniversary.

The reforms and the constitution brought to Japan under the general's direction are recounted by Mr. Oakley, who notes that that constitution—

Established in law an array of civil liberties that went beyond even the U.S. Bill of Rights. For instance, Japanese women were given legal equality; the right of unions was affirmed; the right of teachers to voice their opinions was recognized, and war was banned except in self-defense.

Despite the fact that the Japanese Constitution was written by foreigners, Mr. Oakley points out, it has never been amended.

Those basic liberties given the Japanese by MacArthur are his finest legacy. Truly, the Old Soldier's memory will never die. And we should not let it fade away.

Mr. President, I ask unanimous consent that Mr. Oakley's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEMORIAL TO MAC

(By Don Oakley)

The 25th anniversary of the Japanese surrender in World War II was, quite properly, much observed around the nation a little while ago.

Little notice was taken of the 25th anniversary of an event which was the sequel to the first and which was to prove to be fully as significant.

Aug. 14, 1945, marked the ending of a war; Aug. 30, 1945, marked the beginning of the building of a peace. It was on the latter day that Gen. Douglas MacArthur landed at Atsugi air base near Tokyo.

To this one man was handed a war-devastated nation of 90 millions to do with virtually as he wished. Probably no man in history ever wielded such absolute power over so many human beings. Certainly no man ever exercised such power so wisely.

Helped by the peculiar psychology of the Japanese, who accepted conquest as resolutely as they had attempted to conquer others . . . MacArthur imposed sweeping reforms which revolutionized Japanese life.

He instituted a land reform program, one of the most successful ever undertaken, liberating peasants from their rural landlords and giving them their own property.

He transformed Japan's ancient divine emperor into a constitutional monarch and for the first time, a human being.

He presented Japan with a written constitution which gave her a parliament-cabinet government patterned on European lines and established in law an array of civil liberties that went beyond even the U.S. Bill of Rights.

For instance, Japanese women were given legal equality; the right of unions was affirmed; the right of teachers to voice their opinions was recognized, and war was banned except in self-defense.

Japan today, with one of the smallest defense budgets in the world, is the third largest industrial nation and is out-Yankeeing the Yankees in many global markets.

Gen. MacArthur cannot be credited with this prosperity, of course. The energetic Japanese had something to do with it.

The best memorial to Gen. MacArthur—and to the nation which produced him—lies in the fact that Japan has never amended his constitution. Japan remains one of the few countries in the world whose basic laws were largely written by foreigners.

Many Americans took the 25th anniversary of the surrender as an occasion to voice repentance over our dropping of the atom bomb on Japan.

If confession is good for the soul, we ought to remind the world of what we did after the bomb.

HUGH O'BRIAN YOUTH FOUNDATION VISIT TO CAPE KENNEDY

Mr. PERCY. Mr. President, On July 12, 1970, I had the opportunity, together with Dr. Thomas Plans and Sponsor Hugh O'Brian, to address 60 high school sophomores who were participating in a space seminar at NASA's John F. Kennedy Space Center in Florida.

The seminar was sponsored by the Pepsi-Cola Co. and the Hugh O'Brian Youth Foundation in cooperation with the Exploring Division of the Boy Scouts of America and the National Aeronautics and Space Administration.

On the basis of their school leadership community service, and a 400-word essay entitled "What is Man's Future in Space?", 60 young men—one from each State and 10 from various foreign countries—were chosen to fly to the Space Center for an intensive, weeklong seminar dealing with every phase of the space program.

In addressing these students, I emphasized the many practical byproducts we have gained as a result of space exploration. While many Americans have objected to the space program on the grounds that it is too costly and diverts too many resources badly needed to solve problems here on earth, most of us recognize the undeniable benefits derived from the space program. The successes of space exploration have increased our hope, our ability, and our national resolve to face and overcome new and chronic earth problems.

The space program will undoubtedly continue to have a broad impact on our society, our technology, our industrial economy, and our planetary environment. The areas in which we can expect benefits include communications, medicine, meteorology, aviation, and space photography.

Yes, there have been many more significant and far-reaching implications of our space exploration than the ability to display a few moon rocks. It was my privilege to explain these advantages to these young men.

I have received letters from 45 of these young men, as I asked them to convey their feelings concerning the direction of our future space exploration.

The participants in this seminar possess a keen awareness and understanding of our space program. Their views provide a unique insight which I feel

would be beneficial and interesting to my colleagues in evaluating future NASA programs. I ask unanimous consent that four of these letters be inserted into the RECORD.

Mr. Hugh O'Brian is to be commended for his initiative in conceiving of this conference and personally participating with this outstanding group of young men throughout the week at Cape Kennedy.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SHAMOKIN, PA.,
August 10, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washigton, D.C.

MY DEAR SENATOR PERCY: It was an extreme pleasure seeing and hearing you on July 13, 1970 at the "Hugh O'Brian-Pepsi-Cola" Space Seminar. Your impressive speech has enlightened me and, I'm sure, the other sixty-six young men who participated.

The space seminar, with the cooperation of NASA, Hugh O'Brian Youth Foundation, Pepsi-Cola Co. and the Boy Scouts of America, was a great success. I feel that this "once in a lifetime" experience will never be forgotten by any of the young men who attended. The great interest created among us was overwhelming.

From my arrival until the final departure, I enjoyed every exciting minute. The NASA staff gave us a better understanding concerning the "how" and "why" of the space program. During this week of intense study, we learned practically everything about the operation of the Kennedy Space Center; yet we were still bursting with more questions. The men who accompanied us were always willing to listen to our comments and to answer any questions that we had on our minds. Their cooperation contributed much to the success of the seminar.

Upon my return home, I immediately felt so much more involved in NASA's space program—so much more itnerested in man's future in space. No-one knows what may happen in later years—Will man be able to survive on this planet? Will over-population and pollution endanger our environment to the extent, perhaps, where we'll have to find some other suitable place to exist?

These and many other questions must be considered now! Many of our present "insignificant" problems may confront us sharply in the future. This is why we are compelled to have a strong space program and really plan our future in space. The deep exploration and inhabitance of other planets could not only provide us with a place to survive in case of an emergency, but also contribute a vast amount of technology and advancement. Computers and various satellites have added infinitely to the growth of our nation and the entire world.

It would be very detrimental to decrease (to any great degree) the research connected with the space program. Therefore, we must, as space ambassadors, inform the public about the benefits and future values that the space program can give us. In this way, we can "sow back" the wonderful things we get out of life. Our well-being can be preserved (with the help of God) by directing our efforts to man's future in space.

Respectfully,

PETER A. EICHEN,
Pennsylvania Space Ambassador.

OMAHA, NEBR.,
July 27, 1970.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: During its history, the National Aeronautics and Space Administration has achieved some of the greatest goals of all mankind. The well publicized goals like landing on the moon are well known but the more important achievements of advanced knowledge, improved technology, and human understanding are unknown to much of the general public.

Although many other programs have contributed to our recent avalanche of new knowledge, the space program best typifies the search by man for the unknown facts of his environment. From the discovery of the Van Allen radiation belts by our first satellite, Explorer I, to the new facts concerning the moon brought back by the recent Apollo missions, the space program has led the race for new facts in every aspect of our life. Man's exploration of space has created the new fields of space radiation, space geophysics, and exobiology and has added new meaning and importance to the fields of biology, communications, meteorology, oceanography, and earth resources. We are in the journey of success and cannot stop now and be content with a token goal.

A new technology equal to the level of our advanced knowledge has also evolved during the years of the space program. Our national goal of landing on the moon has served as the stimulus for this new technology. To make our goal possible, we developed new materials and methods that can be used for many practical earth applications as well as their function for space. Space technology has helped us greatly in the varied fields of medicine, communications, transportation, electronics, computer design, and engineering. We would be betraying ourselves and our future if we failed to take advantage of the rare opportunities we now have.

The human understanding brought about by the space program can be traced to the people who have created reality out of an unbelievable dream. At Kennedy Space Center and Air Force Station, there is a contagious sense of enthusiasm, pride, and reverance. These people have represented our nation in its quest for leadership in space and they know that greater things are achievable. Their enthusiasm to fulfill these goals is only outmatched by their new understanding of man and his relatively small environment called Earth. The workers of the space age have viewed the whole world as an oasis in the desert of an infinite space. This new perspective gives them a greater regard for themselves, their world, and their neighbors. They are awed by this feeling and proud of their success in accomplishing their jobs. This human understanding will be shown to be more important in the years to come.

When one first encounters the people who brought about the knowledge, technology, and understanding of the space age, a sense of sorrow for the misconceptions of the nation toward the space program is felt. This feeling quickly leaves and is replaced by an intense desire to help install and promote the benefits of the space age. Our nation and the world need to share and use the knowledge, technology, and outlook of the space age. If this was done, there would be no question as to the necessity of the space program.

Sincerely yours,

RICHARD B. MINTZ,
Nebraska representative, NASA Space Seminar.

MALIBU, CALIF.,
July 30, 1970.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: As a participant in the recent Pepsi-Cola—Hugh O'Brian Space Seminar, I am writing to thank you for taking time out of your busy schedule to address us at Cape Kennedy earlier this month. I believe you are one of the leaders America needs to overcome its current plague of polarization, and I would like to pledge to you now any support I may be able to offer you in the future.

During the seminar, I was inundated with valuable information. Now that I have had a few days to reflect on the total experience, several major points stand out.

First among these is the wealth of opportunity available in the space program. Through NASA and the entire aerospace industry, there are places for virtually every field of endeavor. Because of this, there is opportunity for thousands, regardless of their chosen professions. Indeed, without these people and their diversified talents, there would be no American footprints on the moon.

The second thing I discovered was the number of benefits from the space program. The sum of Man's knowledge has doubled in the last decade, because of the space program. This new knowledge has given men, in general and as individuals, numerous benefits. One of the contributions to all of mankind is the possibility of direct communications by satellite with any part of the world, making education possible for many underprivileged nations. Also, new satellite-oriented weather prediction can save thousands of lives and millions of dollars annually. Space technology may help solve today's transportation and pollution problems, while making life and farming on the ocean floor a reality. Space has sparked new innovations in education, many centered around the use of computers, which, spurred by the needs of space exploration, have revolutionized modern industry. Photographic satellites not only help us better develop our natural resources, but also, by detecting new military installations, have helped observe treaty signatories, so that peace may be maintained between nations.

The list of general benefits is truly endless. Similarly, the benefits of space to the individual are multitudinous. Materials technology needed to protect our spacecraft has created new ceramics, metals and plastics, whose derivatives can be found in any modern home. The need for light-weight, nutritious foods for the astronauts has given us freeze dried meats, vegetables and drinks.

Space is also a cornucopia of medical benefits. A recent NASA publication listed some eighty-eight different new developments, including sensors which detect when a patient's breathing is abnormal; biocompatible carbon materials which can provide rejection-proof artificial organs; new computer techniques that provide clearer x-rays than ever before; an eye-switch-operated wheelchair to give new mobility to victims of paralysis; and new medical monitoring systems, developed originally to safeguard our astronauts in space, which allow simultaneous observation of many critical patients by a single physician.

The final, and most frightening, idea that stands out in my mind is the limited future now in store for the space program. I believe we will continue to need a strong space program in the future for many reasons. First, we cannot stop white progress and knowledge are accelerating. We live in an age when, due in part to the space program, to stop is to regress. We cannot afford to give any nation another technological headstart, such as the Soviet Union had with their Sputnik in the early days of space exploration.

Second, we cannot give up the benefits we are deriving from the space program. Also, would not our economy be endangered if the thousands of technically trained people currently employed in the aerospace industry were left unemployed or forced to accept less skilled jobs?

Another major reason for a strong space program is that it could someday replace

War in international philosophy. Space can act as the technological catalyst in much the same way as the military has in the past, with far greater benefits and much less destruction. The space program can also help keep peace by channeling international technology to beneficial uses, rather than to annihilation.

Finally, we must "leave ourselves an out," as a nation. We do not now need a military base in orbit or on another planet, but we may in the future. We do not now need to leave an uninhabitable Earth and colonize another planet in order to survive, but this possibility is certainly looming in the years ahead. Only a strong space program can provide us these options in the future. And, in today's unstable world, how dare we remove from ourselves the possibility of any of these situations, when such options are provided by the space program and may someday be imperative for our very survival?

In the last analysis, the most important single result from the space program, for both mankind in general and men as individuals, may be that space has given us new horizons. Looking ahead from the moon, we can see the whole universe at our feet, if we but continue the effort, looking back from space, we can see that all men are in the same position, all fellow voyagers on the spaceship Earth. We can see how imperiled is our own "life-support system," our polluted environment. And we can see how petty are all the little conflicts, between men, between ideologies, and between nations.

Neil Armstrong has said, "The Space Age may be the time when men begin to understand one another." With the help of forward-looking legislators and a continued strong space program, we can make this vision a reality.

Thank you again for your interest.

Sincerely yours,

TODD GARVIN,
Representative, State of California, Explorer Space Seminar 1970.

JULY 24, 1970.

Sen. CHARLES PERCY,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR PERCY: I have recently completed a one week stay at the Kennedy Space Center during which time I participated in a study of our space program. After consolidating the facts I gained during that week with those which I had personally contacted earlier, I have remained convinced of the inevitability of space exploration but, more importantly, I have realized the full value of space endeavors as well as the great potential that this frontier holds. I recognize that I hold merely one opinion among many, yet I still feel a responsibility to relate that opinion to others. That which follows is a sincere attempt to do just that.

Contrary to what many might expect, I was impressed by neither the sophisticated hardware needed for the program nor by the specific knowledge required to create the program in the first place. What did impress me were the limitless benefits of the program which could be directly applied to man and his ways of life. Some of these would have been difficult for me to recognize and even more difficult to appreciate had I not visited the Space Center. In this sense, the past week has been particularly enlightening for me.

For instance, I had been aware of satellites and their use as a relay station for television, telephone, etc. Yet, I had not appreciated their value as a tool for bringing quality education to underprivileged countries. To have tried to provide this service by conventional means would have necessitated a large commitment of manpower and funds. Such a program alone would have lacked the permanence that a satellite offers.

I had also recognized satellites as instruments that could be used for continuous mapping of the earth. However, I had not appreciated what value this could have in providing advance warning of hurricanes and other severe weather occurrences. I find impossible to express what this means to man, for how can one measure the importance of saving human life? And for that matter, how can one measure the effect of improved weather forecasting on business, agriculture, and all of man's activities?

An equally impressive aspect is the progress made in the field of medicine as a result of the Space Program. Of the complex systems used to monitor the astronauts much is directly applicable to everyday use and more is of value in modified form. Improved monitoring systems, more precise methods of measurement, artificial organs with greater reliability—one can't measure their value on a monetary scale. And as throughout the space program more advances lie in the waiting for someone to apply them to the chief beneficiary—Man himself.

I conclude with an advantage that I have found to be the most difficult to grasp. Man's realization of his relative smallness amongst the infinite vastness of the universe has had a unifying effect bonding the peoples of the world into one. Through no other means can I see as hopeful a future for men to overcome their differences than through a cooperative space program initiated by, funded by, and whose benefits will be shared by all the nations of the world as one.

WADE HILLMAN,
Representative, Pepsi Cola and Hugh O'Brian Space Seminar.

ADMIRAL MOORER'S FAREWELL

Mr. ALLEN. Mr. President, Alabama's and the Nation's Adm. Thomas H. Moorer recently assumed the chairmanship of the Joint Chiefs of Staff, America's highest military post. In so doing, he relinquished the title of Chief of Naval Operations and a naval career spanning 41 years. The following message to the men and women of the U.S. Navy was Admiral Moorer's final communication from their commanding officer.

George Washington's final order to the Armies of the United States and Robert E. Lee's final order to the Army of Northern Virginia have become a part of the Nation's history.

It is my belief that Admiral Moorer's farewell message will occupy an important place in the annals of the U.S. Navy and that it will serve as an inspiration and a guide for all who read it, whether they be servicemen or civilians.

Robert E. Lee said:

Duty is the sublimest word in the English language.

Admiral Moorer uses a more encompassing word, "responsibility," which would embrace "duty" and more.

I ask unanimous consent that Admiral Moorer's farewell to the naval forces, as published in the Birmingham News of August 30, 1970, be printed in the RECORD.

There being no objection, the farewell message was ordered to be printed in the RECORD, as follows:

[The Birmingham (Ala.) News, Aug. 30, 1970]

ADMIRAL MOORER'S FAREWELL: "RESPONSIBILITY" KEY WORD TO GUIDE MODERN LIVES

After more than 41 years of serving in our Navy, I will soon assume the responsibilities of Chairman of the Joint Chiefs of Staff. I am deeply honored that our Commander-in-Chief has shown his confidence by appointing me to this position. At the same time, I will miss the degree of personal contact and close affiliation which I have been privileged through the years to have with officers and men throughout the Fleet and Shore Establishment of the U.S. Navy. The past 41 years have convinced me that our Navy has been made great and will remain great so long as we have dedicated people of all ranks and rates who put service before self, country before comfort, and responsibility before personal convenience—and before what is phrased these days as "doing your own thing." In what is now a different age, the concept of duty has lost none of its importance. It retains its age-old significance in the survival of a free society.

I would like to share with all of you some thoughts on values which I have cherished through the years—beliefs which have not changed in my mind since I was a boy in Alabama, and particularly those which are related to personal responsibility. I hope these thoughts will also be meaningful to you, not only in your activities as Navymen, but also in your everyday life as Americans.

In saying this I fully recognize the large-scale changes which have taken place during the 20th century. When I was a young man, consciously or unconsciously, strong home patterns, strong patriotic feelings, and strong beliefs in traditional religion provided a sort of conscience and care for our total society. The belief in God and Country was adequate to provide the binding cement necessary, particularly in our American way of life.

The kind of responsibility I have in mind leans not so much in the direction of obligation as it does toward concern. It includes knowing to whom one is responsible. It implies caring enough to become involved in discharging these responsibilities.

There is also what can be termed responsibility to tradition—the act of taking hold of the torch passed from one generation to the next, and then moving purposely ahead to achieve higher goals. One of the most common links between generations is the knowledge that the results you want most are the same general aims and results your elders started out to achieve.

Thus, the object is not to discredit and destroy, but to analyze and reject the worthless while continuing to build on that which is consistent with your own goals. You cannot destroy growth and still continue to grow. You cannot keep the ball rolling if you tear the cover off and beat the stuffings out of it.

There is a great difference between discrediting something and offering honest criticism. For instance, public dissent and debate, including public assembly and protest, are part of the American way of life. They are characteristics of an alert and vigorous people. We teach our citizens to have convictions. We urge them to voice these convictions.

Unfortunately, somewhere along the line, something has been forgotten by a great many of our people. There is no quick, easy, and absolute solution to many of the world's problems. But I think we can test the course we are taking toward solutions, at any given time, simply by asking, "Is this consistent with what we are, with what we stand for?" This process is something we must work on

every day. Remember, we live in a real world, not a dream world. Dreams have no limits; the real world has practical limits or at least limitations. Above all, we must distinguish between the world of our dreams and aspirations and the tough, cruel, demanding world of reality where advantage, gain, and privilege are accompanied by work, sweat, tears, and accountability for our actions.

A second responsibility is the one we all have to the society of which we are a part. We cannot try to wash our hands free of involvements in matters happening around us. We cannot try to wash away the stains of our own misdeeds.

You might ask, "Am I my brother's keeper?" The answer is "yes," and the same thought holds true for us as a nation. Over the years while we have been making our freedom more secure, we have learned that if freedom is to endure, it must be shared. We know that when any nation's freedom is denied, ours is threatened. We know that freedom has no sign on it reading, "Made in America" or "Reserved for Americans." Freedom is not free nor does it mean freedom from restraint—freedom means the supremacy of human rights everywhere.

Our support goes to those who struggle to gain those rights and to keep them. I believe that free men throughout the world must work and fight together for what they believe, or soon they will have no cause for which to work, fight or believe.

Closely related to our responsibility to society, are our responsibilities to this great nation of ours. In my opinion, the first step a man should take in sizing up his responsibilities is to stop thinking of our country in terms of "they" or "the government." Instead of trying to place the blame or burden on the "theys," we ought to think more in terms of our own personal involvement. After all, in America the government is we, the people.

In the Pentagon, I spend a sizable portion of my time trying to track down this elusive man "they." We must zero-in on specific organizations and individuals, and not simply make random reference to some unidentified and probably non-existent source of an alleged difficulty.

As a good American, you cannot be indifferent. Your first duty as a citizen is to be alert and interested in public affairs. No discussion of responsibility to the nation would be complete without mention of military service, because national defense is a prerequisite to everything we aspire to as individuals and as a country. As President Nixon has said, if we do not provide for adequate national defense, all other problems are moot.

More specifically, our Armed Forces form a shield behind which all else operates. If you will look at a map of the globe and then remember where our forces are—in Europe, in Southeast Asia, in Korea, and in our outlying states—you will see that they are positioned to dissuade the forces of aggression while we work by other means to achieve a just and lasting peace. They are there to help establish an environment of stability under which free men can determine their own course. They are there to permit orderly, political change.

Nor are our motives entirely altruistic. Freedom is on the line for America, too; certainly there is no more important vocation or profession than to serve in the defense of our great nation.

Therefore, I think those who seek to demean the uniform and degrade this service can well live to regret their actions, because without a strong leadership in the Armed Services, the strength of our country will quickly decline.

The final responsibility I have in mind is the one you have to yourself. Personal responsibility begins with integrity, which is simply another word for personal honesty. Without integrity, all the other qualities of your personality do not amount to much, for the dishonest individual will use his good traits only when they suit his convenience. You cannot be a dishonest person and hope to be a responsible person.

Standing right at the heart of responsibility for one's self is the simple opinion: "What am I for?" We hear a great deal today about what people are against, but only a few ever stand up and tell us what they are for. After you can name and justify to yourself the things you stand for, the next step is to consider what you must do to support and foster those things. In those words, you must decide what you are for and then be for it.

On 2 July of this year I will take over my last assignment as a military officer. As I pass into what one might call the twilight of my career and look about the world full of war and the threat of war—as I look at the nation and see the bitterness of faction against faction and growing disrespect for law and order, I often wonder if everything my generation has attempted to do has been worth the effort. But, soon, I realize that it has, because our nation is stronger today than ever before.

We, as a people, face our problems more squarely than others. We are more willing to talk to one another, if even at the top of our voices sometimes. Above all, in America there is much more than regret. There is less cause for remorse than rejoicing. It will always be so long as, but only so long as, we have men and women willing and prepared to accept responsibility.

So you can approach the future with hands idle in your pockets, or busy rolling up your sleeves. You can stand there on the sidelines and criticize, or you can become involved in constructive. The man who turns away from responsibility will have much company, but not of his own choosing. He will be with birds of his own feather and they will deserve each other. A man who cares enough to become involved picks his company from among the finest.

Unlike many things a man aspires to, no one has to wait long for responsibility. Responsibility begins wherever you find it and you find it whenever you begin to look for it. You begin to look for it that very day in which you realize how important it is for you to care about the world and the people who live in it.

To each of you, with whom I have had the honor and privilege to serve in our great Navy through the years, I wish Godspeed and a great future. My thanks, continuing confidence, and admiration to each of you for your dedicated contributions to making—and keeping—our Navy the finest and strongest in the world.

MIKE MANSFIELD REPORTS FROM WASHINGTON

THE MANSFIELD RECORD AGAINST CRIME, DRUGS, FILTH, AND VIOLENCE

Mr. MANSFIELD. Mr. President, crime drugs, filth, and violence are national problems. They are among the gravest issues facing our State and the Nation today. Crime and violence, drug addiction, obscenity, and raw pornography affect all. They ravage, in particular, those who visit and reside in our crowded urban centers.

To combat crime, to curb violence and drug traffic and to end the spread of filth and pornography will take the boldest and most dedicated efforts. There must be stiffer penalties for drug pushers, better facilities for addicts, more police on the beat and compensation for crime victims. The fight includes steps that may not be the most politically expedient. They are steps that must be taken nonetheless. The fight involves the support of anticrime measures that must be tested constitutionally; measures like preventive detention and no-knock entries. The fight will also involve updating crime programs that are not always popular; programs like the gun law revisions of 1968. But doing only what is popular or expedient will not solve the problems of crime, drugs, filth, and violence.

For my part in this essential effort, I have acted in three ways: First, I have authored or been a principal sponsor of crime-fighting and antiobscenity proposals; second, I have voted for every major anticrime, antidrug, and antipornography measure that has come before the Senate; third, as the majority leader of the Senate, I have helped to bring about Senate passage of nearly all major proposals to curb crime, drug abuse, and pornography pending in the Congress. Here is the list:

MANSFIELD SPONSORED OR SUPPORTED ANTI-CRIME AND PORNOGRAPHY PROPOSALS

1. MANDATORY SENTENCES FOR GUN CRIME (S. 849). The Mansfield Mandatory Sentence bill would deter the use of guns by criminals. It would impose mandatory jail sentences for the criminal's choice of that weapon in committing his crime. The sentence would be served IN ADDITION to the term served for the crime itself. This bill has passed the Senate unanimously. The crime law planned for the District of Columbia has also adopted the Mansfield Mandatory Sentence approach.

2. THE HRUSKA-MANSFIELD PRISON REFORM MEASURE (S. 2875) calls for a major overhaul of our penal institutions to convert them from graduate schools for crime and violence to institutions where criminals will have a chance to be rehabilitated.

3. THE MANSFIELD ANTI-PORNOGRAPHY PROPOSAL (S. 3220) would compel mailers of obscenity to warn addressees of the potential pornographic nature of the enclosures. Recipients could return the offensive material and the sender could be penalized. Hearings on this Mansfield bill are scheduled before the Senate Post Office Committee.

4. THE GOLDWATER-MANSFIELD ANTI-OBSCENITY AMENDMENT to the Postal Reform bill forbids the shipment of obscene materials through the mail where the addressee asks for such a ban. The Mansfield proposal above, goes one step further by placing the burden entirely on the pornography mailer.

THE SENATE'S ANTI-CRIME AND DRUG CONTROL RECORD INCLUDES THE FOLLOWING ACHIEVEMENTS, ALL SUPPORTED OR SPONSORED BY THE MAJORITY LEADER:

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—establishes broad new program of law enforcement assistance at all levels of government;

COMMISSION ON NOXIOUS AND OBSCENE MATERIALS;

GOLDWATER-MANSFIELD ANTI-OBSCENE MAIL AMENDMENT—to the Postal Reform Act (H.R. 17923);

ORGANIZED CRIME CONTROL;

DRUG CONTROL;
DISTRICT OF COLUMBIA COURT REORGANIZATION;
PUBLIC DEFENDER, DISTRICT OF COLUMBIA;
CRIMINAL LAW REVISION, DISTRICT OF COLUMBIA;
JUVENILE CODE, REVISION
OMNIBUS JUDGESHIP BILL;
FEDERAL IMMUNITY OF WITNESSES;
SOURCES OF EVIDENCE;
CORRUPT ORGANIZATIONS ACT;
CRIMINAL JUSTICE ACT AMENDMENTS; and

1968 GUN CRIME LAW—updated and replaced 30 year old gun laws in an effort to keep guns out of the hands of the drug addict, the lawless, the criminal, the untrained and the incompetent.

As these measures take hold, only time will tell the extent to which they will help to stem or even reverse the crime rate. In any event, proposals to fight crime, to curb drug traffic and violence and to put the lid on filth and obscenity will continue to be at the top of the Mansfield agenda.

SPECIAL REFERENCE TO THE LAW AIMED AT CRIMES COMMITTED WITH GUNS

The 1968 Gun Crime law was enacted to help in the fight against crime and violence. In 1968 the Federal Bureau of Investigation and the National Association of Chiefs of Police pleaded for revisions in gun laws that had been on the books for 30 years or more. To save lives and to crack down on criminals, drug abusers and fugitives, I supported the 1968 Gun Crime law. My decision to support the measure was made in a sincere effort to push the war on crime, the war against the killers and cripplers and maimers of innocent citizens. I am persuaded that the law will assist in the war on crime.

There has been much confusion about gun laws; about what they do and what they do not do. There has been much misinformation. The record should be clear and the facts should be known.

THE FACTS ABOUT THE GUN CRIME LAW

1. ITS PROPER FUNCTION. Gun legislation is to cope with crime and violence not to tread on the rights of bona fide users of guns. This was the intent of Congress in 1968 in revising the gun laws. I believe in a continuous review of the 1968 changes and all other gun laws. I believe in adjusting any portions which prove only an annoyance to decent citizens, and of little use as weapons against crime. Congress has already been able to eliminate parts of the 1968 law which were shown as ineffective deterrents to crime. For example, the Bennett-Mansfield Amendment repealed the ammunition section of the 1968 Gun Crime law for rifles and shotguns. If adopted, the McGee-Mansfield Amendment will repeal the provisions for .22 caliber ammunition.

2. THE GUN CRIME LAW OF 1968 SOUGHT TO UPDATE THE EARLIER FIREARMS LAWS ENACTED BACK IN 1934 AND 1938. Since 1938, when the Federal Firearms Act was enacted, Federal LICENSES have been required for all gun and ammunition dealers. The 1938 law also required the REGISTRATION of guns and ammunition as the Secretary of the Treasury directed. Federal orders issued under the 1938 law contained WELL OVER 100 DETAILED REQUIREMENTS covering the sale of guns and ammunition including (1) a full and adequate description of each firearm; (2) the manufacturer; (3) the manufacturer's serial number; (4) the caliber of gauge; (5) the model and type; (6) the name and (7) address of each person from whom received, together with (8) the date of acquisition; (9) the disposition made including (10) the name and (11) the address of the person to whom sold and (12) the date of disposition. Violators of the 1938 law could be jailed for 5 years and fined $2,000.

An even earlier Federal gun control law was the National Firearms Act of 1934. It imposed, among other things, REGISTRATION AND LICENSING RESTRICTIONS on persons possessing sawed-off shotguns or rifles, machine guns, gun mufflers, or gun silencers.

3. WHAT IS THE LAW ALL ABOUT? The 1968 Gun Crime Law (supported by the FBI and the National Association of the Chiefs of Police) replaced and updated gun laws passed in 1934 and 1938, laws which had been on the books for more than 30 years. It actually TOOK OUT REGISTRATION features, while imposing mail order restrictions and encouraged more effective state and local gun crime measures.

[Prior to 1968, state and local gun laws were easily avoided through mail order purchases or by shopping in states or places nearby for "Saturday Night Specials" where there were no gun restrictions.]

4. WHO IS COVERED? The 1968 Gun Crime Law precludes gun sales ONLY TO DRUG ADDICTS, MENTAL INCOMPETENTS, FELONS, FUGITIVES, AND INDIVIDUALS CONSIDERED DANGEROUS. Sales are also banned to minors. A law-abiding gun owner can purchase and use any gun. He can hunt and teach proper weapons handling to his children and others.

5. HOW IT WORKS. To set apart known addicts, criminals and other dangerous persons, records of name, age and address, height and weight, race and place of birth (THAT'S ALL) are obtained when a gun is sold. This identification is exhibited much in the same fashion as is required in obtaining BANK LOANS, INSURANCE, AUTOMOBILES, VOTING REGISTRATION and—as in the case of minors—buying ALCOHOLIC BEVERAGES. The effectivenes of this or any other law will depend upon the vigilance of law enforcement agencies. Note that the fugitive who was cited in the killing of three persons and a judge recently in a California courtroom shoot-out was identified through a gun-purchase record.

6. IS IT CONSTITUTIONAL? The Second Amendment says, "A well regulated Militia, being necessary to the security of a free State, the right to bear arms, shall not be infringed." As read by the Courts this Amendment bars the Federal government from disarming law-abiding citizens who wish to purchase and use ordinary weapons in order to shoot and to hunt, to protect themselves and others and to protect their property and the property of others. THIS IS THE LAW!

But the Second Amendment does NOT say—and the Courts have so read it—that the Federal government and even the State governments CANNOT IMPOSE REASONABLE REQUIREMENTS IN AN EFFORT TO KEEP GUNS OUT OF THE HANDS OF THE LAWLESS, THE CRIMINAL, THE INSANE, THE ADDICT and so forth. That is what the government—Federal, State, and local—has been striving to do since at least 1934.

To repeat, the issue has been tested several times, in the past 30 years. Each time the Supreme Court has ruled that reasonable efforts to keep guns out of the hands of drug addicts, criminals, the lawless and other dangerous persons do not violate the Second Amendment to the Constitution.

7. WHAT THE LAW DOES NOT DO:

(a) It does NOT confiscate weapons;

(b) It does NOT compile or make gun owner lists available;

[As a convenience to gun dealers a computer list of licensed DEALER addresses (NOT OWNERS) is retained by the Treasury Department in order to notify DEALERS (NOT OWNERS) of all gun law regulation changes. Under the Freedom of Information Act some forty or fifty of these lists have been sold (at $140 apiece). It is understood that the list purchasers were mainly gun dealers and political organizations interested in seeking funds and support against gun crime law supporters. It has been held that listing OWNERS AND COLLECTORS would constitute an invasion of privacy. I agree.]

(c) It does NOT preclude the law-abiding gun owner from purchasing or using weapons;

(d) It does NOT prevent young people (under 18) from shooting, hunting and learning proper handling of weapons;

(e) It does NOT cost gun purchasers one cent.

8. WHY VOTE FOR IT? My vote was not a vote FOR banning guns; it was a vote AGAINST guns in the hands of the drug addict, the criminal and the incompetent. It was a vote against all who seek guns to murder, cripple, rob, rape, and maim. And it was a vote for apprehending them as well. It is easy to talk about rising crime rates but, if we intend to do something about them, we must be prepared to do what is necessary, notwithstanding the political consequences.

9. "GUNS DON'T KILL PEOPLE—PEOPLE KILL PEOPLE." But people using guns do kill—and rob, rape, maim and assault. These are the unthinking and the malicious who have no business obtaining weapons. They should not be permitted access to guns. The 1968 law is aimed solely at those people who used guns in 1968 to commit 99,000 robberies, 65,000 assaults and 9,000 murders in this nation. Last year alone 83 police officers were shot to death by the gun-toting criminals. In some of our cities shooting policemen has become commonplace. Ask them or their survivors how they feel about responsible firearms legislation.

Unfortunately, people elsewhere do not always have the gun training and supervision that is commonplace in Montana which would enable them to think prudently when handling a gun. Sensible gun-users are asked by the law to make a sacrifice, therefore, for the good of the nation; the kind of sacrifice that is asked of the responsible licensed automobile driver. They are not asked to accept gun confiscation or repressive gun law. I made certain that the revisions of 1968 contained the following proviso: "That no undue or unnecessary Federal restrictions be placed on law-abiding citizens with respect to the acquisition, possession, or use of firearms. . . ." That was my view when I voted for this measure. It remains my view.

10. THE NEXT STEP IS THE MANSFIELD MANDATORY JAIL SENTENCE BILL. Almost three-fourths of the Senate supported the 1968 Gun law to help the fight against crime and violence. The Mansfield gun sentence bill is another vital anti-crime tool and if enacted will impose mandatory prison sentences against those who commit crimes using a gun. This mandatory sentence would be imposed separately and solely against the criminal for his choice to use a gun. The bill has already passed the Senate unanimously. I have every hope that it will be passed by the House and signed by the President.

11. WHAT ABOUT AMMUNITION? (A) THE BENNETT-MANSFIELD AMENDMENT struck down an ammunition regulation never intended by Congress. In the so-called ammunition provision, the Treasury Department called for the collection of a great deal of specific data covering each sale of ammunition. This was tantamount to registration; it was neither intended nor suggested by Congress. As a result, the law-abiding gun-owning public was burdened immensely in efforts to purchase ammunition. There was no corresponding benefit. The Bennett-Mansfield amendment repealed this provision for rifle and shotgun ammunition. Similar action should be taken and will be spurred by me whenever the intent of Congress is not being served or when the law appears not to meet the objectives sought. (B) THE McGEE-MANSFIELD AMENDMENT to cover twenty-two ammunition and ammunition for other revolvers and pistols has been introduced and co-sponsored by

twenty-nine other Senators to seek to do the same as the Bennett-Mansfield amendment did in the rifle-shotgun area. It is our hope that, like the Bennett-Mansfield amendment, the McGee-Mansfield amendment will be passed by the Congress this year and enacted into law.

12. IS THE 1968 LAW HELPING TO CONTROL CRIME? (A) The Treasury Department reports a 313% increase in arrests for gun crime violations in the first year and one-half after the 1968 revisions went into effect; (B) The first year (1969) also showed for the first time NO INCREASE over the previous year in the rate of murder by guns (65.4%). As already noted, the fugitive cited in the killing of the persons and a judge recently in a California courtroom was identified through her gun record; this and other cases indicate the effectiveness of this updated crime-fighting tool.

13. OUR OBJECTIVES. All of us seek solutions to crime and an end to violence. We do so with every consideration for the protections guaranteed the criminal under the Constitution. Just as emphatically, however, must the rights of the victim of crime be safeguarded. It is the victim who too often in the past has been neglected. Our first concern should be for him, for his suffering, his safety, and the safety of his family and neighbors. To that end, I shall continue to devote my best efforts and to give not only my industry but, in behalf of the people, my best judgment as well. That is what I have endeavored to do ever since I have been a member of the Congress of the United States.

PURSUIT OF A POSTSECONDARY EDUCATION

Mr. PELL. Mr. President, as chairman of the Subcommittee on Education it is my long-range objective to insure that every American who wishes for and is capable of a postsecondary education should have the opportunity to pursue it, whether at a college or vocational school. As a taxpayer I would like to see this accomplished at a minimum expense to the Federal Government. Nevertheless, I believe that there is a definite role for the Government to play to insure this goal.

The present approach of Federal aid to postsecondary education is three pronged. Grants under the economic opportunity and work study programs are available for the most needy students. Three percent direct governmental loans—National Defense Education Act loans—are also available to these students and those from a somewhat higher income level. The guaranteed student loan program—in which the student takes a 7-percent loan from a private bank with the Government paying the interest while the student is in college and paying the bank an incentive to equal the current rate of interest—is available to the student from a middle-income family.

Much discussion of the present aid program has been engendered by the administration's proposed revision of it. The revision would eliminate the 3-percent direct and 7-percent subsidized loans by setting up a mechanism under which the student would take a loan at his bank and shoulder the total cost of that loan himself. This new plan was said to be in the interest of economy. Let us analyze the revision from the point of the Government and the student.

From the Government's point of view there appears to be a savings, for the subsidy and incentive costs would be done away with. However, it should be clearly noted that the NDEA loan program with its low 3-percent cost to the student will ultimately be cheaper to the Federal Government. Both the capital and interest of an NDEA loan return to the Federal Government, working in somewhat the same way as the Federal highway trust fund. For example, a $100 million loaned directly by the Government at 3 percent will return to the Federal Government in the future. The program not only pays for itself, but generates income and it will recycle funds for future loans.

From the viewpoint of the student it is clear a 3-percent loan is more desirable than the current 7 percent of the guaranteed student loan program, or one at the market rate that the administration proposes. The payout under the present guaranteed student loan program and those to be expected under the administration's revision constitute a budget drain lost forever.

Let us take a simple case which could well occur if the administration bill were enacted, or if the present outload of the NDEA 7-percent loan and grant program continues. If a young man were from a family with more than a $10,000 a year income level and borrowed $2,000 a year to further his education, he would be holding at the end of his college career $8,000 worth of loans, at a market rate of let us say 8 percent. If he married a girl who financed her education in the same manner, that young married couple would have a $16,000 debt at 8 percent which would have a marked effect on their future life.

I do believe that within the three pronged package approach I spoke of earlier the present guaranteed students loan program has a place. The subsidized 7-percent loan is one which should be utilized by middle-income students and those who wish to go to the more expensive colleges. And from the viewpoint in relation to immediate expenditure, the volume of loans is great.

The question has arisen, however, as to the position of the private lending institution in this program. Evidence before the Subcommittee on Education indicates that there well may be a need for a secondary market facility at which the banks could rediscount the guaranteed student loan paper. Witnesses expressed their urgent hope for this facility. I personally would be loath to see a new Federal bureaucracy develop, for the servicing of these loans through some quasi-public organization. I would rather see us proceeding in the form of a warehousing account in the Treasury Department if such a facility is needed.

It should also be noted that while the banking community has in the main done a laudable job in participating in the guaranteed student loan program, this participation has not been universal. Witnesses from two States indicated that no student from their State that they knew of ever went without such a guaranteed student loan. However, this is a voluntary program and I would hope that nonparticipating banks would become involved. And, with this in mind, it is also my hope that those banks which reserve this Government-guaranteed no-risk loan for their own business communicants would broaden the scope of lending.

Finally, I would like to point out that should an immediate emergency develop in the student loan area, a warehousing provision would not immediately ease it. There is, however, presently on the books unfunded authorizations for the educational opportunity grant program, the work-study program, and the National Defense Education Act loan program which would more than take up the slack and relieve pressure being experienced by the guaranteed student loan program.

An accompanying table showing certain figures will not only show the administration's poor commitment to the present program, but also demonstrate the available authorization which could be utilized in an emergency situation. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL STUDENT ASSISTANCE PROGRAMS—FISCAL YEAR 1971

Program	Type of assistance	President's budget	Authorization	Appropriation	Additional loans/grants which could be appropriated
National defense student loans	Direct Federal loans	$176,925,000	$375,000,000	$246,000,000	$130,000,000
Educational opportunity grants	Grants	77,500,000	170,000,000	59,614,000	110,386,000
Guaranteed student loans	Insured private loans.	145,400,000	(1)	145,400,000	(2)
College work-study	Part-time work	154,000,000	320,000,000	160,000,000	160,000,000
Total (excluding guaranteed loans)		408,425,000	865,000,000	465,614,000	400,386,000

[1] Such sums as may be necessary.
[2] Unlimited.

CONQUEST OF CANCER—A NATIONAL GOAL

Mr. CRANSTON. Mr. President, on Friday, August 25, the Senate agreed to House Concurrent Resolution 675, which establishes the conquest of cancer as a national goal. I wish to comment briefly on the significance of this declaration of purpose by Congress.

The resolution marks the year 1976 as the target date for the liberation of all

people from fear of this dread disease. In view of the prevalence of cancer and its toll on national productivity and health, this would be a particularly appropriate commemoration of the 200th anniversary of this country's independence.

Cancer is the second leading cause of death in the United States. This year about 960,000 Americans will receive treatment for cancer and 330,000 will die. There will be approximately 625,000 new cases this year. According to present rates, one in four persons now living will contract some form of cancer at some time in their lives. These glaring statistics tell more eloquently than any rhetoric I can muster why we must establish such a special priority for ending the cancer scourge.

By approving this resolution, the U.S. Congress has undertaken an obligation of great magnitude for a substantial duration. While the measure itself neither establishes a program nor appropriates funds, it does commit us to act promptly and generously to provide the necessary resources to achieve our vitally important goal.

An intensive study of how to achieve this goal is already underway. Under the able leadership of the chairman of the Labor and Public Welfare Committee, the distinguished senior Senator from Texas (Mr. YARBOROUGH), the Senate on April 27, 1970, passed Senate Resolution 376, authorizing the committee to expend $250,000 to conduct a thorough study of current research activities on cancer and to determine how these efforts can be better organized and intensified. As a member of the Health Subcommittee of the Labor and Public Welfare Committee, it was my privilege to cosponsor this study resolution.

A special panel of advisers, consisting of 26 eminent medical and lay leaders, was appointed by Chairman YARBOROUGH in May. I am delighted that three distinguished Californians are serving on this panel; they are: Dr. Henry S. Kaplan, chairman of the Department of Radiology of the Stanford University Medical Center; Dr. Joshua Lederberg, professor of genetics at Stanford University School of Medicine; and Mr. Lew Wasserman, president of the Music Corporation of America, Inc., of Universal City, Calif. This distinguished group has already held three full meetings and numerous subcommittee meetings. Their report with recommendations will be made to the committee by the end of this year, and the committee will report to the Senate no later than January 31, 1971.

The conquest of cancer by 1976 is a formidable challenge even for a nation with the audacity and resourcefulness to place a man on the moon. Conquering cancer may well be an even more difficult task.

Achieving victory over cancer will not be as dramatically and precisely marked as the first footprint on the moon. The term "cancer" describes a number of diseases, all characterized by the unrestrained growth of cells which, if left untreated, kill the patient. In view of the diversity of cancer types—several hundred have been identified—a single cure for all cancers is highly unlikely. However, the results of current research in prevention, detection, and treatment are encouraging.

Evidence indicates that we are at the threshold of discovering the relationship of viruses to cancer. The development of vaccines for some forms of cancer now looms as a possibility. Other promising avenues for research lie in chemotherapy. Four kinds of cancer previously considered incurable can now be cured by the use of chemicals alone. The most baffling and basic question remains how normal cells become malignant. Research in molecular biology and recent discoveries in that field may offer hope of progress on that basic front.

Federally supported cancer research has amounted to nearly $1.5 billion over the past 10 years. This research has provided promising leads. However, the productivity of medical research, like that of most human endeavors, is directly proportional to the effort put into it. If we are dedicated to eliminating cancer, as House Concurrent Resolution 675 says we are, we must dedicate substantial resources to the conduct of research, training for research, and construction of research facilities and equipment.

We have not done this. Over the past few years appropriations for the National Cancer Institute have not increased enough even to compensate for inflation. We cannot permit this to continue.

In 1968, the National Cancer Institute appropriation was $183 million; in 1969 only $185 million. In 1970 the allocation was $180 million, and this year the budget request is $202 million.

In testimony before the Labor-HEW Subcommittee of the Senate Appropriations Committee in June of this year, I urged the appropriation for fiscal year 1971 of at least a 20-percent increase over 1970 for the National Cancer Institute. The action of the House on July 23, 1970, which provides for $227 million for this fiscal year is most encouraging.

Mr. President, now that we have resolved to make the conquest of cancer a national goal to be achieved by 1976 and have established the special Labor and Public Welfare Committee study on how to do it, we must view these and related appropriations in a new light. We must be prepared to think and act boldly and imaginatively, and be willing to increase substantially our appropriations for cancer research, training and facilities construction in the next 5 years.

Words about millions of dollars and hundreds of thousands of dead and dying fail to capture the absolutely devastating human tragedy wrought by this capricious disease. That tragedy is especially heartbreaking when it strikes children. And the facts are that more schoolchildren in our country will die of cancer this year than of any other disease.

The impact of cancer in human terms was graphically illustrated to me by Dr. Richard Wolk of San Rafael, Calif., as I listened to his testimony last December before the Labor-HEW Appropriation Subcommittee. In early 1969, Dr. Wolk's son Brian, then 9 years old, was stricken—hopelessly and helplessly—with leukemia. In pleading for more cancer research funds, Dr. Wolk spoke eloquently of the desperate hope which sustains thousands of parents as they fight and pray for their children's lives. He said:

> Well, it is an uncanny mixture of faith, hope and love. Our children's trusting love gives us the power to nurture them, to comfort them, and to protect them. Our children's hope, that they can be as healthy as their playmates, gives us energy to work toward that goal. And we parents have faith that this nation's biomedical technology will soon produce more effective control for childhood cancer. If not for our children, perhaps intensive research can provide help for those five thousand other American school children who might otherwise die in 1970.

House Concurrent Resolution 675 offers some congressional response to the pleas, hopes, and prayers of the parents and brothers and sisters and other loved ones of those young and old whose lives are slowly being drawn out of them by cancer. By adopting this resolution we in the Congress have in a small way echoed the sentiments that Dr. Wolk expressed to me in describing why he had recently given up his general practice to accept a fellowship in medical oncology—the study of tumors—at Mt. Zion Medical Center in San Francisco. He said:

> I want to take part in the action as the conquest of cancer is achieved.

MEMORIAL DAY SPEECH BY REAR ADM. ERNST RUTH, JR., USNR, RETIRED

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD a speech made by Rear Adm. Ernst Ruth, Jr., U.S. Naval Reserve, retired, given on Memorial Day, at the National cemetery in Santa Fe, N. Mex. This stirring address raises many of the important problems facing our Nation today. A speech such as this that raises so many issues is seldom supported in all points by any single person. We will all however, agree that it is necessary to air these issues and to present our various views in an open discussion. The necessity for free discussion and the free exchange of ideas is in fact one of the major points of Admiral Ruth's address. I therefore submit for the RECORD this address given by a man who has served his Nation well.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY 1970

Thank you Mike, Governor Cargo, mayor Gonzales, friends.

As long as anyone of us here can remember—on this day in May each year people gather together in just such groups as ours today—in every town, hamlet and city in this country to honor the memory of those men who have fought for our country and have died—we are gathered here in one of the national cemeteries—those hallowed plots of ground which the people have dedicated in so many places in this country and in foreign countries—where our soldiers and sailors can find a final resting place and having found their place of rest, we the living, can come to them to honor their memory—many of you here today have dear ones, sons, fathers, husbands, brothers lying beneath these markers—all of us have friends

to remember and together we honor the memory of their unselfish service to us—memory—what do we remember—why what we remember is history.

In our almost two hundred years as a nation we have been threatened many times by forces that would destroy our unity, take our territory, deny us access to the oceans of the world—at each of these threats we as a united people sent our armed men to put down these threats and the markers on these graves recite for us the chronicle of brave men who died that we may live on as a nation.

In these present days we are threatened from within by divisive forces that we do not fully understand—we do not understand the war in Vietnam—we recall that in previous calls to arms the country was fully informed about the enemy and why we were in the conflict—in the Vietnam war we are resisting aggression against our country—we are maintaining access to the oceans of the world—we are resisting forces which would disrupt our unity—I say to you that three administrations have failed to adequately explain to the American people the nature of this war—I also say that previous administrations have failed to prosecute the war to the fullest capabilities of our armed forces and have failed to interdict the supplies going to the enemy which have served to prolong this conflict—we are unwilling to identify our adversaries—we use the word "communism" and "communist" in generic context which no longer has the meaning that we intend in this context except that it is still analogous to world domination—even within the so called "communist countries" it has been redefined and continues to be defined and argued there—what we can be sure of is that our adversaries regardless of the label are Russia and China there are the countries that are threatening us—they try to impose their style of government on weak countries—wherever in this world a powerful nation imposes its will on others by taking away freedom on action our Nation is threatened because we do not have free access to the people and their products of commerce, to their ideas nor do such subject people have access to us—in Vietnam it is not Hanoi who is the aggressor it is Russia and China and we are fighting there to resist their aggression against our country—history tells us all too clearly that we were attacked in 1941 and our sailors lying at rest in the bowels of the USS Arizona in Pearl Harbor in our sister state Hawaii, their silent voices shout out to us that we were attacked by an aggressive country from across the Pacific who also wished to extend its imposition of power on other countries as it had done in Manchuria and particularly to deny America access to the western oceans.

No independent nation can continue to exist and retain its power without having other nations or grouping of nations constantly looking for ways to weaken that power—for a moment let us consider the meaning of the word "power"—we speak of America as the most powerful nation on earth—power for America can be defined, and is best defined, as the ability to use all of our resources in concert to maintain the freedoms which our constitution guarantees—so if we are the most powerful nation this means that we are able to maintain more freedoms in America against all agressions from inside or outside this country than any other country in the world—I say to you that I believe sincerely and adamantly that we are the most powerful country in the world and derive our power from the freedoms that we maintain, it seems timely and appropriate for the detractors of the power of our constitutional systems in this country to be forced to prove their case rather than that the others of us should think we must write apologies or talk softly of justifications.

The face of happenings in the world where peoples freedoms are tampered with or taken away how can anyone of us in this country feel that we must apologize to any one—it is also timely and appropriate that our elected officials at all levels stand up to the maintenance of orderly processes of government and involve themselves directly in confrontation of the attacks on our freedoms. Power then in America comes from a multitude of sources and in the final confrontation with a nation who would challenge us we resort to military force and that is why we are here today to honor those who were called on to exert this kind of power—military force has changed since the first men were laid to rest here. The weapons of the 1800's were overshadowed by the big berthas of the German army in WWI. These massive guns yielded to the "A" bomb of WWII and today the "H" bomb possessed by 5 countries all of whom can deliver it if they choose—the tools of war today are truly awful, truly terrible, truly monstrous—are we to be deterred from protecting ourselves from aggressive threats because these weapons are monstrous—are we to say to our adversaries, we will not maintain the best final military defense it is possible for us to do. We have not said this, our adversaries know that we will maintain any necessary defenses—they are now deploying additional naval forces and moving their air forces into strategic areas, confident that the stalemate of nuclear response has been established they will use the more conventional weapons to gain their ends of aggression. To retain the power to protect our freedoms we must as a nation be ready to respond to aggressive actions no matter what form they take. These aggressive actions are not always in the form of military pressures—these actions may be and are taken in the realms of undermining our civil government. They can be effective when a few teachers or professors in our secondary schools or colleges teach the overthrow of our constitutional guarantees. Such aggressive actions are nurtured by college administrators who are either afraid of personal confrontation or are artlessly credulous or craftily naive. Not only do these administrators not protect our freedoms but they destroy the objectivity of colleges and universities. These institutions for learning can not function as such if they become centers of political agitation. The administrators and trustees of these institutions must expel the leaders of this rebellion and all of the rebellious members. At the centers of learning in America we must reestablish the freedoms so that those who are paying and struggling for an education to better confront this fast moving world can get on with learning. And I am not talking here of the freedom of expression, no, I maintain that any student if he has the time or desire may listen to poems or join the ROTC program, do anything that increases his knowledge, he must not be kept away from his classrooms or from any access that is normally and lawfully available to any student, and when there he will allow others full freedom of their expression. If these freedoms are not maintained why should any funds, private or public, be devoted to the maintenance of these institutions.

You the parents of the children of this generation must try to understand what are the problems and hang ups that confront these children. These children are thrust into this present era wholly defenseless. When you where young you could go to your parents for counsel in the problems of your day, but today not only do the children not know the answers but neither do their parents. Your children beg you to interpret the new and terrible forces that are rampant in the world. You must make it clear to them that only in the atmosphere of freedom and personal liberty can these young people unmask the hypocrisy of those in authority, or identify those enemies who would destroy us—they must understand that it is only by destroying our freedoms that we as a nation can be destroyed—if you as parents do not counsel your children then they will learn from others and they may never know what our freedoms are—above all you—you as a parent must take a stand as these men lying beneath these markers took their stand.

I say to the young people here today and everywhere in this land—do not be misled by those who tell you that history is for the birds—every man lying in this cemetery whether he fought in the war of 1840, Korea or Viet Nam died for you. You young men and women did not suddenly appear on the scene as if never before was there anything, the creation happened only once but the drama of life has been played for eons. Each succeeding generation has added its contribution to the script. It just happens that those writing the script in the last 30 years have interjected a whole array of new situations into this drama of life. The television that you stare at, the radio you listen to—the atom and hydrogen bombs were not invented by your parents—they simply put them together. If Sir Isaac Newton, or William Roentgen, or Marie Curie or Steinmetz or Gallileo, or Euclid or thousands of others in scientific history had not contributed their bit to unlocking the workings of the universe then your forebears could not have put these new elements into our life—but if our forebears had not assembled these things—then you young people would have had to do it. And believe me you would have and your children would wonder why and you would have to explain—there is a lot you will have to explain to your children and I say that you had better get on with it so that you do a better job than we are doing for you now—you young people of this generation have been pampered and are ill prepared for the toughness that you find in the world, and I believe that you are in revolt against this pampering. In your veins runs the blood of action, the excitement of the pioneer, physical action, in New Mexico people experienced these things only yesterday—but today excitement must take a different direction, you are the generation which will set the new directions in America and therefore in the world—the measure of the success of your direction will be your understanding of history's lessons so don't waste your precious time protesting things you can't possibly understand unless you have spent your hours in study of the past. You should be Ralph Naders delving into the workings of our present forms of government. You should be studying the philosophical history of our country so that you could know the origin of our laws and our institutions. You have to know these things in order to change things for the better, you must not be surprised if you find violent opposition to the violence that is happening—and one other thing must be said, we hear that there is only a small minority of the youth in this country who are the radicals depending on force and destroying property—and that the majority are too busy with their studies to confront these radical young people.

I ask you to take the time to address the administrators of your colleges and universities, the trustees and the alumni, and petition them to expel the leaders of the rebellion, otherwise you may well find that the public will no longer provide the funds that make it possible for you to pursue your education. If you are not willing to make the effort now it may be impossible to do later. The time has come to step forward out of the silent baffled majority and reclaim yourselves.

And so today we pay reverent tribute to these men lying here—they tell us that finally a nation maintains its strength, its fiber, its laws and its territory only through armed men taking a stand.

I do not want to equate the sacrifice of these men with the confusion of terms we

hear today. Words like, relevant and meaningful, miss the tone of their sacrifice. They gave their lives for that precious gift which transcends the senseless violence of the mob, the haughty hypocrisy of the official who refuses to be involved in real human problems, the stern arrogance of the young and the old when they refuse to appreciate mutual values. They died for the special God-given right we all possess. The right to seek our destiny independently but under the mantle of just laws. They died in the hope that all men would have the right to property, to liberty, to equal treatment, to redress for injury and the deep concern of the officials who represent them in the nations forums. These men die in vain if we here and throughout this broad land, become indolent in looking at our world. If we judge every student by his hair style rather than his life style—if we assume that those who take arms in the military services are evil because arms are evil—if we deny liberty because some use it beyond reasonable bounds—in effect if we think in such a shallow way that we can label everyone as exactly right or wrong, rather than recognize the infinite complexity and beauty of human life then we fail these men, for it is through indolence and intolerance and the negligence that these bring that the very heritage of these brave men will be threatened—God grant that it is never our lot to abandon that heritage.

SENATOR CHARLES E. GOODELL HOLDS LONG ISLAND HEARING ON UNEMPLOYMENT AND ECONOMIC CONVERSION

Mr. GOODELL. Mr. President, yesterday I held public hearings on the subject of rising unemployment on Long Island. I called these hearings to focus public attention on the effect Federal cutbacks in defense and space spending have had and will have upon employment. Nassau County was chosen as the site for these hearings because the impact of such cutbacks has already been felt by Long Island residents.

I ask unanimous consent that my statement at the hearing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR CHARLES E. GOODELL AT LONG ISLAND FIELD HEARING ON UNEMPLOYMENT AND ECONOMIC CONVERSION

We are here today because we are concerned with people, unemployed people. We are concerned with people who work in defense production, research and war-created industry—and now find their jobs threatened as a result of cutbacks in defense spending.

A look at the Defense budget for the current year reveals a reduction of over $5 billion. Today we feel the impact of that cut. Skilled scientists, engineers, and production workers—men who never were jobless before and never expected to be unemployed in their lives—suddenly find themselves without jobs. No one knows this better than the people of Long Island.

The problem—the loss of jobs by skilled and hard working people through no fault of their own—is plain enough. We need solutions. I am holding these hearings to learn what the solutions should be.

Before beginning these hearings, however, I would like to mention a few initial steps I have taken for coping with the problems of finding jobs and minimizing local economic disruption as a result of actual and anticipated reductions in defense spending.

A JOB BANK FOR NASSAU AND SUFFOLK

I would like to announce that my staff and representatives of Governor Rockefeller's office have undertaken a joint effort to establish a Job Bank for Nassau and Suffolk.

The New York State Employment Service has indicated it will apply to the United States Department of Labor to obtain Federal funding for this Job Bank. I have written the U.S. Secretary of Labor requesting that the Department expedite the request. Unofficial indications make me optimistic that the funding will be forthcoming.

The job of Job Banks is to match vacancies with job applicants, and people who have skills with industries that need these skills. The crucial advantage of Job Banks is that they use the resources of computer technology to perform their function of linking people with jobs, instead of the hit-or-miss methods of want ads and employment bureaus.

A Job Bank has a particularly important role to play in an area such as Long Island—where older industries are laying off skilled workers, while newer industries are moving in and being developed that need men with precisely these skills. It can match the engineer or technician who has lost his job in the aerospace industry with the new water pollution research firm that is looking for a man with his engineering or technical expertise.

Job Banks already exist in this state in Syracuse and Buffalo. I am hopeful that one will soon exist in Long Island.

I have long been involved in building a better job market for our nation. I was principal author of the Manpower Development and Training Act of 1962. As a member of the House Education and Labor Committee, I helped to author the legislation adopted in 1968 to provide Federal funding for the initial development of a nationwide system of Job Banks.

AN ECONOMIC CONVERSION COMMISSION

I have co-sponsored legislation to set up a National Economic Conversion Commission to study and recommend policies and programs to be carried out by the Federal government in education and retraining for occupational conversion. This bill is presently before the Government Operations Subcommittee on Executive Recognization. Unfortunately, no hearings have been scheduled by that Subcommittee. This delay has caused other Committees to take on the job of looking into what can be done to check adverse effects of cuts in defense spending as they related to employment and the economy. The Labor and Public Welfare Committee is proceeding with their hearings. As a member of the Banking and Currency Committee, moreover, I am pressing for hearings on the subject before the Subcommittee on Production and Stabilization, of which I am the ranking member.

PRESIDENTIAL REPORT ON MILITARY SPENDING AND THE ECONOMY

As a member of the Subcommittee on Production and Stabilization, I have been seeking ways to minimize the harmful effects of this inflationary economy and the disruptive effects of reductions in national defense expenditures on local employment and economic growth.

In July this year, I proposed legislation to require an annual Report on Military Expenditures and the Economy. I proposed that a report—separate and distinct from the President's annual Economic Report—be prepared to focus specifically on the impact of national defense expenditures on wages, prices, employment and the economy of the nation, states, and local communities. Included in the Report would be specific programs and policies in economic conversion which the Administration proposes to institute to ease joblessness and economic slowdown as a result of defense cutbacks. The Senate failed to pass my proposal for this annual Report on Military Expenditures and the Economy. As a result, I am conducting my own hearings to find out what impact defense cutbacks and reductions in space spending, are having in New York and what can be done about that impact.

DEFENSE SPENDING TRENDS

At the moment, defense spending continues to take the lion's share of the Federal budget. This year's Defense Budget totals nearly $71 billion. Of the "controllable dollars," in the Federal budget, those that can be readily adjusted and redirected, over 66 per cent are earmarked for defense spending.

This year's Federal budget shows only about $70 billion "controllable dollars." Of this, $48 billion are devoted to defense as contrasted to $22 billion for all other civilian programs, including health, education, housing, job training, and natural resource development. While "controllable dollar" outlays for defense have been reduced about $3 billion, spending for civilian programs has increased by only $200 million.

What this means is that out of every $1.00 of tax money paid to the Federal government last year, 48 cents are earmarked for defense spending.

Last Friday, the Senate rejected an amendment which would have placed a ceiling on defense expenditures at $66 billion. The forecast, then, is for defense expenditures totalling about $71 billion. Included are investments in new weapons systems such as ABM and MIRV.

All national postures are subject to change. The President has promised to move the defense policy of this country from war to peace. He has promised to move from an inflationary economy to one of healthy growth.

We must adapt our thinking and actions to the realities of changing times.

Part of the changing reality, as President Nixon has stated, is that this nation is in transition from a wartime economy to a peacetime economy. The President has spoken plainly and he is most certainly right in saying that we must take action now to deal with the problems of an economy transition.

One of the major problems we face in this economic transition is the lack of *nationwide* collective concern over what it entails. Contrasted to local outcries, the nation as a whole is slumbering in a fool's paradise, content that "business as usual" will proceed at the Pentagon. At the moment, there might seem on the surface to be some grounds for this complacency because of the enormous size of the defense budget, and in the fact that budget which, like fat anywhere always seems to come back regardless of efforts to slim down.

Nevertheless, there are efforts being made to trim the size of the Defense budget and reallocate savings to domestic priority programs. In the Congress this is being done by a group of military economizers, and this group is growing.

Beyond cutting dollars from defense, however, Congress simply must plan now to meet the severe economic problems in many parts of the country, particularly those areas which have experienced rapid build-ups because of the war in Vietnam and those which have large amounts of workers whose livelihood depends on defense-related work.

NEED FOR CONGRESSIONAL ACTION

If Congress does not act in a more meaningful way than it has this session, no action will be taken until 1971. This delay could be disastrous for areas affected by massive industrial layoffs related to the defense and aerospace cutbacks.

The reason given to explain why Congress has not acted more decisively on this serious problem is that unemployment problems related to defense cutbacks tend to be considered "local" problems. It is said that no lobby in Washington is concerned about conversion of our economy; that problem is too complex and the overall impact too remote.

These kinds of explanation contribute to the fool's paradise of complacency over changing realities and pressing domestic needs.

THE UNEMPLOYMENT PROBLEM IN LONG ISLAND

I am here because I know that attention focused on the employment problems on Long Island will contribute to public understanding that the impact of Defense cutbacks are not remote; they have arrived. I hope that attention on the problems of Long Island will increase pressure for the Congress to act on plans for economic conversion.

I am here because we cannot allow Long Island to become another California or Seattle, and because I believe people here are prepared to give public officials the guidance they need to develop proper solutions to defense-related and space-related unemployment.

Many people have given their life's work in service to the defense and security of our nation. I feel strongly that we owe them rewards for their work; not the punishments of insecurity and unemployment.

THE ISSUES TO BE CONSIDERED AT THIS HEARING

The question with which a public official must cope is not always: "Shall I act?" but rather "How?"

I am holding this hearing on Long Island because I want to know from those closest to the problems of Long Island employment, answers to the following questions:

(1) Which part of the labor force is/or will be most affected by present and future reductions in space and defense spending?

(2) Is Defense spending the most critical issue on Long Island in terms of joblessness and lack of new employment opportunities?

(3) Should we begin now to invest government spending more heavily in the development of goods and services aimed at internal domestic needs; what impact would this shift in spending have on industry and employment on Long Island?

(4) Is there existing legislation that presents barriers to economic conversion?

(5) In view of anticipated savings in government spending from cuts in war costs, how can these savings be spent to minimize disruptions in employment and industrial development?

(6) What legislation should be adopted to help assist in meeting problems faced by labor and industry on Long Island and across the nation?

I am hopeful that ideas and facts brought out at this economic conversion hearing will give those of us in government, industry, and labor as well as our private citizens, a clear indication of the direction in which we must proceed not only on Long Island and in New York, but throughout the nation.

AMERICA'S ERODING RESEARCH COMMITMENT, A PRESCRIPTION FOR SECOND PLACE

Mr. MONTOYA. Mr. President, I come from a State where research is a very important, meaningful word. New Mexico has been the site of an assemblage of scientific minds rarely matched in world history. Construction of the first atomic weapons was only the first scene in an unfolding drama that has had international repercussions. Since that time, New Mexico has become the site of a world renowned research effort. It has placed America in the forefront of several critically essential fields while giving us military power the world regards with awe. I have supported that effort over the years.

Twenty-five years was how long it took to bring these many minds together, build the facilities and equip them. Silently they have labored. Unheralded in the main, their accomplishments have changed man's history. This was all made possible by a commitment on the part of our Government to excellence in research. The Congress backed that commitment, even though there were some who opposed those of us who pushed hardest for it.

Such excellence in one area has been matched by similar commitments by our Government in other scientific endeavors. Until the effect became cumulative. Until America stood preeminent in scores of scientific fields. Until, even with a running start for our chief competitor, President Kennedy could guarantee and America could deliver the goods in a race to the moon. History will never remember who finished second. But a thousand years hence they will know who was first.

In medicine, we scored first after first, causing revolutions in curing traditional ills of man—earning plaudits from generations to come. In physics. In chemistry. In astronomy. In biology. In every field where the Government committed funds and support. And results appeared each year in terms of lives saved, mankind advanced, frontiers blazed, Nobel Prizes awarded.

It has been a continual source of pride to me to have played a small role in all this. Each time we had a measure in front of us calling for greater research and development effort, there was some struggle put up by those who wanted to sell such work short. Yet now all this progress is in jeopardy.

Dr. Lee DuBridge, President Nixon's own science adviser, has publicly stated that cuts in Federal funds for research can turn the United States into a second-class nation in many critical fields. Research budgets across the land have been cut with a meat ax in the past year and a half. The Federal Government provides the major share of support for research in all fields. Effects of tight Federal budgets and inflation have been felt in every research laboratory. Universities are dipping into limited capital funds. Substantial numbers of medical schools are in difficulty. Many senior scientists have seen research abilities limited because of this. Today's budget stringencies will show up in later years in the form of reduced national capability in science and technology. In my own State of New Mexico, the NASA installation at White Sands has been practically wiped out. At the Los Alamos Laboratories, a 5-percent cut in personnel has been instituted, and worse is expected. The same 5-percent cut has been placed in effect at Sandia, one of the Nation's most critically important centers for top secret work.

Now there is a recommendation afoot that would, if acted upon, bring about some consolidation of the Kirtland Air Force Base, Sandia, and Manzano complex. It took 25 years for the Nation to assemble the complexes in my own State I am referring to. Before the horrified eyes of veteran observers this series of facilities and research teams is being dislocated and disassembled in less than 2 years.

Scientific groups which have worked together for years are being broken up in New Mexico because of such cuts. Men who have worked as teams in surroundings conducive to excellent results watch helplessly as they are scattered to the winds. When researchers are let go, when medical schools are threatened with bankruptcy, when top secret research facilities are cut to the bone, when research teams are ruthlessly broken up, then we are on the way down. Never has a powerful country indulged in such an orgy of self-destruction than we are now doing by eviscerating its total research effort. Our people are suffering for it daily. People are dying uselessly because of it. Our economy is suffering because of it. Our status as a first-class nation is fading because of it.

Mr. President, the Soviet Union is not standing still while we make further research cuts. They are building science cities. Their technical institutes bulge with eager students. Their research institutes work day and night. And we? We debate whether or not to aid medical students. Whether or not to keep a facility open. My State's congressional delegation had to grope around the Nation in desperation to keep a unique primate colony and laboratory open at Holloman Air Force Base near Alamogordo.

Finally, we found a sponsor in the form of the Albany Medical School of Union College. Is it sense to allow such a facility to stand in such jeopardy? Then so will the Washington Monument sprout wings tomorrow and fly to California. Mr. President, we must halt the momentum of these cuts in basic research. We must reverse the trend of the past 2 years. If not, we are courting eventual national disaster.

Our technological mastery has allowed American industry to produce a series of products the world demands. Through sales of such work abroad, we have maintained our status as a "have" or "creditor" nation. Other countries are broadening and deepening research efforts. Only massive endeavors by this Nation, backed by Government assistance for research, can keep our technical supremacy in various fields intact. Further, through such broad-based research, we have kept the lead in the defense area. What we will fail to do through peaceful research will also affect defense systems of the next decade. Both are inextricably intertwined.

Voices of warning emanate from practically every corner of the national research and scientific community. It is time we heeded them.

CULEBRA III

Mr. GOODELL. Mr. President, on August 13, I introduced an amendment to the military procurement authorization bill, amendment No. 838 to H.R. 17123, which would prevent the Navy from con-

tinuing its practice bombardment of the Puerto Rican island of Culebra.

That amendment was originally cosponsored by Senator CRANSTON, and gained on the day of its introduction the cosponsorship of Senators HUGHES, JAVITS, and KENNEDY. It subsequently gained the cosponsorship of Senators CASE, COOK, EAGLETON, GRAVEL, HART, METCALF, and YOUNG of Ohio.

Representative JORGE L. CÓRDOVA, the distinguished Resident Commissioner of the Commonwealth of Puerto Rico, supported the Culebra amendment in a letter to me of August 10. I ask unanimous consent to have that letter's text printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1970.

HON. CHARLES E. GOODELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOODELL: I have received a copy of the amendment to H.R. 17123, the military procurement authorization bill, which you propose to introduce in order to ensure the termination of the Navy's use of the island of Culebra as a target.

Since early 1969 I have been exposed to Navy briefings on the importance of Culebra to the Atlantic Fleet. Recently I participated in the hearings of the Real Estate Subcommittee of the House Committee on Armed Services on the subject of Culebra, and visited Culebra with members of the Subcommittee. I remain unconvinced that Culebra is essential, or even important, to our national defense.

What is important not only to the 726 citizens on Culebra, not only to the four million Puerto Ricans in Puerto Rico and on the mainland, but to our entire nation, is that the dignity and the integrity of the 726 Culebrans be respected and maintained.

Because of this, I am in full agreement with the language and intent of your proposed amendment. As you know, at the time H.R. 17123 was considered and approved by the House of Representatives, during April and the first week of May of this year, there appeared to be a good chance that the problem would be solved without having to introduce legislation such as you now propose. However, this has not been the case, the Navy has of late assumed a position of utter and arrogant intransigence, and it is my opinion that passage of your proposed amendment is necessary.

In Puerto Rico opposition to the Navy's use of Culebra as a target has been unanimously expressed by all political parties. I hope that your amendment will also receive the necessary bipartisan support to ensure its passage. I will be glad to cooperate with you in order to secure approval of your amendment by a majority of your colleagues in the Senate.

Sincerely,

JORGE L. CÓRDOVA.

Mr. GOODELL. Mr. President, I indicated on August 13 that the Subcommittee on Military Construction of the Senate Armed Services Committee, a subcommittee ably presided over by the distinguished Senator from Washington (Mr. JACKSON), was inquiring into the Culebra situation in executive session. It was my hope then that the results of that subcommittee inquiry would include Navy withdrawal from Culebra.

In a statement of August 27, Senator JACKSON indicated that he had requested the Navy to answer a number of questions regarding Culebra no later than September 2. Presumptively he and the subcommittee will be inquiring further into the matter based upon the information which the Navy will transmit to them.

I have conferred today with the distinguished mayor of Culebra, the Honorable Ramón Feliciano. We have jointly concluded that hope remains for the emergence of a negotiated settlement between the subcommittee and the Navy, a settlement which will result in Navy withdrawal from Culebra. I am, therefore, withdrawing my amendment 838 to the military procurement authorization bill, and reintroducing, on behalf of myself and the previously cosponsoring Senators, that same measure as an amendment to H.R. 17604, the military construction authorization bill.

It is my expectation that that bill will come to the Senate floor for a vote in late September. Mayor Feliciano and I have concluded that floor action on Culebra should be deferred further until then, in order to give the subcommittee several more weeks to resolve the issue. Let it be crystal clear, however, that, if the Navy continues its obduracy until the time that the construction bill is brought to the floor, and if the Jackson subcommittee will not, by then, have succeeded in inducing the Navy to terminate its bombardment of Culebra, then I will offer this amendment for a vote on the floor of the Senate.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT TO H.R. 17604

On page 49, after line 22, add a new section as follows:

"SEC. 661. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), of any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

On p. 49, line 23, delete "611" and insert in lieu thereof "612."

SENATOR GORE AND TENNESSEE

Mr. GORE. Mr. President, the supreme reward for service in the U.S. Senate is the satisfaction of serving well one's fellow man, of having represented the best interest and the enlightened will of the people of one's State and of one's country. In this regard, I have experienced both joy and pride.

Yet a contrary point of view regarding my service has been advanced.

So, I have examined the record for the last 8 years. The record speaks distinctly in my behalf. On hundreds and hundreds of votes I have, I believe, represented my State and my country. On only a very few votes, perhaps on no more than 10, have serious questions been raised.

Even so, all public records belong in the public domain and each is properly subject to question.

The record is my fort and my strength. From the record, I have identified my votes and the votes of my colleagues from Tennessee on 50 important issues. I ask unanimous consent that this record appear in tabular form in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

OFFICIAL VOTES ON 50 IMPORTANT ISSUES

	How—			
	Senator Gore voted	Senators Kefauver, Walters, Bass, or Baker voted	A majority of Congressmen, other than Congressman Brock, voted [1]	Congressman Brock voted
1. To override Veto of Education Appropriation (1970)—Funds for all education programs for 1971: elementary, high school, college, and vocational education.	Yea	Nay	Yea (7 to 1)	Nay.
2. Elementary and Secondary Education Act Extension (1970)—Grants to States for elementary and high school education.	Yea	Yea	do	Nay.
3. To Override Veto of HEW Appropriation (1970)—Overturning Presidential veto of bill allotting funds for all programs of Department of Health, Education, and Welfare: health services, mental health research, rehabilitation.	Yea	Nay	Yea (4 to 3)	Nay.
4. To Override Veto of Medical Facilities Act (1970)—Overturning Presidential veto of Hill-Burton Act extension. This program extended Federal aid to communities for building hospitals and nursing homes.	Yea	Nay	Yea (6 to 1)	Nay.
5. Voting Rights Act Extension (1970)—Extension of 1965 Voting Rights Act including provision for allowing 18-year-olds to vote.	Yea	Yea	Yea (5 to 3)	Nay.
6. Coal Mine Health and Safety Act (1969)	Yea	Yea	Yea (6 to 0)	Nay.
7. Water Resource Development Study (1969)—Established research program to study methods of preserving adequate supply of clean water for industrial and recreational uses.	Voice vote (Senator Gore supported).		Yea (8 to 0)	Nay.

[1] Includes pairs and announced positions.

OFFICIAL VOTES ON 50 IMPORTANT ISSUES—Continued

	How—			
	Senator Gore voted	Senators Kefauver, Walters, Bass, or Baker voted	A majority of Congressmen, other than Congressman Brock, voted [1]	Congressman Brock voted
8. Labor-HEW Appropriations (1969)—Funds for all Department of Health, Education, and Welfare programs and for all programs of the Department of Labor including vocational education and retraining programs.	Yea	Yea	Yea (5 to 0)	Nay.
9. Department of Transportation Appropriation (1969)—All programs of the Department of Transportation including air safety and airport construction aid, and highway safety and highway beautification programs.	Yea	Yea	Yea (8 to 0)	Nay.
10. Education Centers for the Handicapped (1969)—For development of teaching methods and materials for the handicapped.	Voice vote (Senator Gore supported).	do	do	Nay.
11. Economic Opportunity Act Extension (1969)—Continuation of Headstart program, legal services, alcoholic and drug rehabilitation, health services, and other Office of Economic Opportunity programs.	Yea	Yea	Yea (5 to 2)	Nay.
12. Arms Control Agency Extension Act (1968)—To extend the Arms Control Agency for two years	Voice vote (Senator Gore supported).	do	Yea (5 to 3)	Nay.
13. Interior Department Appropriations (1968)—Including Fish, Wildlife, and Forestry Conservation Office of Coal Research, Bureau of Mines, and Bureau of Indian Affairs.	do	do	Yea (8 to 0)	Nay.
14. HUD Appropriation (1968)—Funds for all programs of the Department of Housing and Urban Development including urban renewal, basic water and sewer grants and model cities funds. Also included funds for civil defense, veterans' benefits, Appalachian aid, and the space program.	Yea	Yea	do	Nay.
15. Food Stamp Amendments (1968)—Extension and expansion of food stamp program	Voice vote (Senator Gore supported).	do	do	Nay.
16. Agriculture Appropriation (1968)—Funds for all Department of Agriculture programs for 1969	do	do	do	Nay.
17. Housing and Urban Development Act (1968)—Increased urban planning and mass transit aid, increased college housing aid and extention of programs of 1965 Housing Act.	Yea	Yea	do	Nay.
18. Supplemental Appropriations (1968)—Funds for disaster relief, veterans' benefits, airport and highway aid, narcotics control, medicare, nursing student aid, Teachers Corps and education programs for the handicapped.	Yea	Yea	Yea (7 to 0)	Nay.
19. Model Cities Appropriation (1967)—Funds for model cities projects	Yea	Yea	Yea (5 to 3)	Nay.
20. Elementary and Secondary Education Amendments (1967)	Yea	Yea	do	Nay.
21. Appalachia Development Act Extension (1967)	Yea	Yea	Yea (8 to 0)	Nay.
22. Agriculture Appropriation (1967)—Funds for all Department of Agriculture programs for 1968	Yea	Announced for	do	Nay.
23. Elementary and Secondary Education Amendments (1966)	Yea	Yea	Yea (5 to 3)	Nay.
24. Supplemental Appropriation (1966)—Funds for veterans' benefits, aid to medical and college libraries and vocational education.	Yea	Yea	Yea (6 to 2)	Nay.
25. Urban Mass Transportation Act (1966)—Authorized aid to State and local governments for mass transit systems and research.	Yea	Absent	Yea (4 to 3)	Nay.
26. Minimum Wage Act (1966)—Increase minimum wage and extend coverage to workers not previously covered.	Yea	Yea	Yea (5 to 3)	Nay.
27. Demonstration Cities Act (1966)—Established model cities program	Yea	Yea	Yea (4 to 3)	Nay.
28. Omnibus Rivers and Harbors Act (1965)	Voice vote (Senator Gore supported).	do	Yea (6 to 2)	Nay.
29. Health Professions Education Assistance Act (1965)	do	do	Yea (5 to 2)	Nay.
30. Medicare (1965)—Health insurance for the elderly	Yea	Yea	Yea (6 to 2)	Nay.
31. Food and Agriculture Act (1965)—Combined feed grains, cotton and wheat price-support programs. These programs were in effect practically unchanged through 1970.	Yea	Yea	Yea (5 to 3)	Nay.
32. Agriculture Appropriation (1965)—Funds for all Department of Agriculture programs for 1966	Yea	Yea	Yea (8 to 0)	Nay.
33. Appalachia Development Act (1965)—Construction of highways, industrial parks, hospitals, schools, water and sewer systems, and other facilities in order to encourage development of industry and trade.	Yea	Yea	do	Nay.
34. Housing Act (1965)—Established or extended programs for urban renewal, college housing, and water and sewer system construction aid.	Yea	Yea	Yea (6 to 2)	Nay.
35. Supplemental Appropriation (1965)—Funds for social security, air pollution, mental health and medical student aid.	Voice vote (Senator Gore supported).	do	Yea (5 to 3)	Nay.
36. Establishment of Department of Housing and Urban Development (1965)	Yea	Yea	do	Nay.
37. Elementary and Secondary Education Act (1965)	Yea	Yea	do	Nay.
38. Labor-HEW Appropriation (1964)—Funds for all programs of Department of Health, Education and Welfare and Department of Labor.	Voice vote (Senator Gore supported).	do	Yea (6 to 1)	Nay.
39. Food Stamp Act (1964)—Program for relief of needy families and relief of agriculture over-supply problem.	do	do	Yea (6 to 2)	Nay.
40. Combined Cotton and Wheat Act (1964)—Wheat and cotton support program including relief for domestic cotton mills.	Yea	Yea	Yea (7 to 1)	Nay.
41. Agriculture Appropriation (1964)—Funds for all Department of Agriculture programs for 1965	Voice vote (Senator Gore supported).	do	Yea (6 to 1)	Nay.
42. Economic Opportunity Act (1964)—Provided work-study program for college students, "Operation Headstart" for pre-school children, adult education programs and other Office of Economic Opportunity programs.	Yea	Yea	Yea (6 to 2)	Nay.
43. Library Services Act (1964)—Extension of program to provide aid for construction of community libraries.	Voice vote (Senator Gore supported).	do	Yea (5 to 1)	Nay.
44. Agriculture Appropriation (1963)—Provided funds for all Department of Agriculture programs for 1964	Yea	Yea	Yea (8 to 0)	Paired against.
45. Supplemental Appropriation (1963)—Provided funds for social security and public health programs, veterans' benefits, Federal prisons, the National Park Service, and educational television.	Voice vote (Senator Gore supported).	do	Yea (7 to 1)	Nay.
46. Arms Control and Disarmament Agency (1963)—Provided funds for operation of this agency	Yea	Yea	Yea (6 to 2)	Nay.
47. Air Pollution Control Act (1963)—Authorized aid for State and local pollution control programs and research programs.	Voice vote (Senator Gore supported).	do	Yea (7 to 1)	Nay.
48. Feed Grains Act (1963)—Provided price supports for corn and other feed grain producers	Yea	Yea	Yea (5 to 3)	Nay.
49. Area Redevelopment Act (1963)—To encourage industries to locate in economically depressed areas	Yea	Yea	do	Nay.
50. Health Professions Education Assistance Act (1963)—Medical school construction and assistance to medical students.	Yea	Yea	do	Nay.

[1] Includes pairs and announced positions.

EWING WINS BABE RUTH WORLD SERIES

Mr. WILLIAMS of New Jersey. Mr. President, in a hard-fought double header, Ewing Township, N.J., won the Babe Ruth World Series last weekend. The team, having lost one game to their opponents earlier in competition, had to make it two straight to clinch the championship. They did just that, winning the first game by shutting out the opponents 1–0. The second game was won by the margin of 7–2.

I am very proud of these fine young New Jerseyites and congratulate them on being No. 1. I also wish to take this chance to comment on the hard work, dedication, and sacrifice that made this championship possible. Bringing this title to New Jersey and to Ewing Township took some doing. The raising of funds for regular competition plus those extra demands of the trip out to California was a community affair.

In addition, special mention should be made to the guidance and dedication provided by Joe Sgro and his staff—Reggie Bentivogli and Carl Gray.

Mr. President, this is indeed a proud moment for these young men and for all of us from New Jersey. However, there is something here for all of us to learn. These young men won because they were willing to put in the work and polish the natural talent necessary to be the best. I am sure that their success on the field is just one example of their striving for excellence. While congratulating them, I know we will all learn from them and

others of the younger generation who have given us occasion to be proud.

CONGRATULATIONS TO THE CHAMPS

Mr. WILLIAMS of New Jersey. Mr. President, it is a pleasure and an honor to inform the Senate that the World Little League series champions of Wayne, N.J., came to Washington yesterday.

Their host here is their Congressman, BOB ROE, Democrat of the Eighth District. I understand a fine time is being had by all and that the Wayne champs are able to get in some sightseeing while in Washington.

These fine young New Jerseyans defeated their opponents 2–0 in a hard-fought battle. The game, in Williamsport, Pa., last weekend, was attended by over 3,000 residents of Wayne.

All of us appreciate what it means to be the very best there is. These young men have proven their worth—they are champs. I salute them and wish them well. May their victories on the playing field be the measure of their future successes in life.

I ask unanimous consent that a story from the Sunday Record of August 30, by Ron Drogo, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LITTLE LEAGUE CHAMPIONS: WONDERFUL WAYNE

(By Ron Drogo)

WILLIAMSPORT, PA.—The big bats of Wayne N.J., were stilled yesterday, but little Dave Shaver made sure the Jersey champs became the World Little League champions.

Shaver, who had only one infield hit in two previous Series games, lashed a two-run double to left-center in the second inning to give Wayne a 2–0 victory over Campbell, Calif., in the World Series final.

Shaver's hit and some sparkling defensive play made Steve O'Neil a winner although he struggled throughout. The righthander allowed six hits, walked two and left nine California runners stranded, six of them in scoring position.

"With Steve far from his best and our big hitters handcuffed, I never believed we could win," said Manager Gene Cancellieri. "But our defense was great and little Davy really came through."

Shaver's two-bagger, a liner which bounced past centerfielder Kevin Linnane, scored Ron Webb and Bob Houghton, both of whom had singled.

Wayne got just one more hit, Mike Fantau's fourth-inning single, off big Tom Davis.

"We weren't ready for a pitcher that good," Cancellieri said. "He was just fantastic. I can't believe we did it."

Davis fanned 12, including Len Fruci three times. Fruci brought a .600 batting average into the final and had hit 11 homers in 14 games, including two here.

DEFENSE AIDED O'NEIL

O'Neil, who had no-hit Valleyfield, Que., Can., Wednesday, really didn't have much. But the Wayne defense helped him out of serious jams in the first two innings.

Two bloop singles put Campbell runners on first and second with two out in the first. But rightfielder Fantau made a fine one-handed catch of Hank Rowland's liner to end the threat.

In the second, the losers loaded the bases with one out. But O'Neil fanned Steve Esau and Shaver made a running catch of Ricky Roth's liner in right-center.

The Californians had runners on in every inning except the sixth. O'Neil retired the side in the final inning on a come-backer and two strikeouts.

"I felt a little tired and stiff," O'Neil said. "I just couldn't throw hard at all."

"He was quite nervous before the game," Cancellieri said. "And he was tired because he usually gets more than two days rest."

Davis was overpowering with his fastball and added to its effectiveness with a good off-speed curve. Craig Kornfeld, Fruci, Mark Epstein, and O'Neil, the heart of the Wayne lineup, got just one hit. That was an Epstein single with two out in the first.

"He stopped our meat," Cancellieri said, "but our balance was the key."

Shaver, the little centerfielder who hadn't gotten many hits or much recognition, was the boy who brought the Little League World Series championship to New Jersey for the first time since 1949 when Hammonton won it.

"I can't believe it. It's great, but I just can't believe it," said Cancellieri.

TOURNEY NOTES

Nicaragua took third place by beating Highland, Ind., 3–0, in morning consolation game . . . More than 20,000 people watched final, many of them sitting on grassy hill behind outfield fences . . . Wayne pitchers, O'Neil and Kornfeld, did not allow a run in three World Series games . . . The new champs leave for Washington, D.C., today and have audience with President Richard Nixon tomorrow.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. The hour of 9 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read the following:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 862.

THE M'GOVERN-HATFIELD AMENDMENT

Mr. PERCY. Mr. President, I do not intend to vote for the McGovern-Hatfield amendment. I have had grave reservations about it from its inception as an effective means of ending the war. Although its authors have made commendable and frequent efforts to modify its most controversial features, I still feel it would detract from our efforts to negotiate a settlement of the war which would end the war, not just American participation in the war.

I take second place to no Senator in my deep desire and commitment to end the war in Vietnam. I have believed for many years that the war has not been in our national interest, does not affect our own vital national security, and should be ended.

I continue to believe that the way to end the war is to promote meaningful negotiations, and I am not dissuaded by the failure so far of the Paris talks, because the recent appointment of Ambassador Bruce and the return to Paris of Xuan Thuy have set the stage for a new era in the negotiations. I have been doing everything I can to urge the President, Secretary Rogers, and Dr. Kissinger to give Ambassador Bruce a green light for peace.

The administration will have to introduce new positions if meaningful negotiations are to be realized. Now is the time. Once again, I renew my call for the appointment of a United Nations or other appropriate representative to help arrange a cease-fire in Vietnam and the opening of an international conference, all-Asian or otherwise, to end the war.

THE M'GOVERN-HATFIELD AMENDMENT—A REASONABLE TIMETABLE FOR WITHDRAWAL

Mr. SYMINGTON. Mr. President, last May the original text of this McGovern-Hatfield amendment was presented to Congress and the American people.

At that time, many voiced their approval of this amendment. Others, however, although they favored the idea of setting some sort of timetable for the withdrawal of troops from Vietnam, had objections to some of the provisions contained in the original amendment.

During the intervening 3 months, supporters of the amendment have worked earnestly to develop language which would meet most of these objections, without sacrificing the original intent.

I believe the time devoted to this end has proven to be well worth the effort and commend the final product the Senate has before it today.

This amendment, as now drafted, should go a long way in answering any questions which some had about the earlier version; and all Senators who are interested in preserving the role of the Senate in matters of foreign policy should support it.

Some criticized the withdrawal date of June 30, 1971, in the original amendment as a "cut-and-run" policy; but the December 31, 1971, date for "orderly termination of military operations" and "the safe and systematic withdrawal of remaining Armed Forces" can hardly be characterized in any such manner.

Surely, 16 more months for the orderly termination of this costly war, one that has now dragged on for more than 5 years, is a reasonable timetable.

In addition, of particular concern to many with respect to the original version was that it would "tie the hands" of the President, militarily as well as diplomatically.

That concern has been laid to rest.

The amendment now provides that if the President finds in meeting the termination date of December 31, 1971, the Armed Forces of the United States are exposed to "unanticipated clear and present danger," he may suspend the withdrawal for 60 days; and so report these findings to Congress within 10 days

in order that Congress can authorize a further extension.

Diplomatically, I believe the setting of a withdrawal date, combined with this provision of flexibility, could well provide a long overdue stimulus to the progress of the peace talks in Paris.

On the one hand, the setting of a specific withdrawal date will serve notice to the Government of South Vietnam that U.S. Armed Forces will not be on the Asian mainland for an indefinite period of time; and that it will, therefore, be in their best interest to seek an early negotiated settlement of the war on the best terms possible.

Until the United States takes such a firm position, why should the South Vietnamese be overly concerned about the progress of the negotiations?

On the other hand, the flexibility which the sponsors have built into this amendment gives the President a strong negotiating hand with the North Vietnamese and Vietcong. They have no guarantee that if they "wait it out" until December 31, American military forces will have been withdrawn. The President alone can delay the withdrawal by 2 months; and if found necessary request Congress to delay it even longer should the enemy launch a new offensive that would endanger the safe withdrawal of our troops.

The major intent of this amendment, however, is to give the Senate an opportunity to exercise its rightful role in the formulation of foreign policy—to share with the President the responsibility for a plan to bring about the orderly end to direct American military involvement in Southeast Asia.

An overwhelming majority of the American people seek this goal; and I believe the chances for obtaining it are far better if the Congress and the administration work together toward this all important objective.

I believe this amendment provides the Senate with an opportunity to exercise responsibly its role in foreign policy; and would hope, therefore, that it be adopted.

Mr. McGOVERN. Mr. President, I yield myself 2 minutes to reply to the excellent statement of the Senator from Missouri, who is a senior member of the Committee on Foreign Relations and the Committee on Armed Services. I commend him for the support that he brings to this amendment.

As the Senator knows, during most of the discussion and debate, the amendment has had a number of critics but very few positive defenders of our present course in Vietnam. Very few people understand why we have become so heavily involved in Indochina.

Most of the opponents of the amendment have contented themselves largely with criticism of the amendment, without making very much of a defense of the alternative, which is what is taking place in Vietnam now.

Does not the Senator think that the burden of proof really ought not to be on those who call for underinvolvement, who call simply for flexibility for the President, who are opposed to the surrender of the constitutional responsibilities that are placed on Congress? It seems to me that the burden of proof ought to be on those who, according to a recent projection by two defense experts, recommend a situation in which we would keep a residual force in Vietnam over a period running, perhaps, to 1975, which could lead to the death of another 15,000 Americans and the expenditure of another $50 billion.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. McGOVERN. I yield myself an additional minute.

Does not the Senator think that the burden of proof ought to be on those who defend that kind of course rather than the termination of the war?

Mr. SYMINGTON. If I may answer somewhat indirectly, under the Constitution Congress should have some say as to where, when, and how the youth of America are to be sent to fight and die for this country. We have had more than half a million Americans in Germany for over a quarter of a century. We have had some 60,000 military in Korea for over 20 years. We have hundreds of thousands in Southeast Asia. This policy will break the back of the economy of the United States if we are not more careful.

It is such world "baby sitting" policies which make it impossible in my State of Missouri to have adequate schools, adequate hospitals, adequate control of pollution, adequate care for our aged and ill. Too many people in my State live in a manner in which they should not live as citizens of the most prosperous Nation in the world.

As has been well said, all this is now getting to the point where we are taking money from the poor people in a rich country so as to give it to the rich people in poor countries.

The PRESIDING OFFICER. The time of the Senator from South Dakota has again expired.

Mr. McGOVERN. Mr. President, I yield 5 minutes to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I, too, wish to express my appreciation for the eloquent statement by the distinguished Senator from Missouri (Mr. SYMINGTON) because it contributes greatly to the debate that has been taking place on the floor of the Senate.

Let us put aside all the rhetoric about whether or not we are supporting the President and whether or not we are undermining the negotiations in Paris or whether or not we are retreating into a new isolationism. These are not the real issues; they are not what are at stake here today. Rather, let us simply examine what the amendment prescribes. It says that the Congress supports the President in his currently announced withdrawal plan, that the Congress believes that the withdrawal should be completed by the end of 1971—an opinion shared by the majority of Americans—and that if the President finds it necessary or advisable to maintain troops beyond that time, then he should simply obtain the authorization of the Congress.

To be opposed to that proposition is to believe that the executive branch should be able to chart any course of policy in Indochina and maintain any level of troops there into 1972 and beyond without the Congress saying a single word.

It is the difference between those who would yield to the idolatry of the Presidency, those who would grant what amounts to one-man rule, and those who believe in the wisdom of the constitutional process which is designed to guide this country.

We who support the amendment believe that we have been granted, by the people and by our Constitution, an obligation and a duty to exercise a role in the determination of the policies guiding our Nation. We have constructed the amendment not to be in opposition and confrontation to the Executive, but simply as a means to share in the responsibility which is ours.

Today, we shall choose to assume that responsibility, or to continue to abdicate it.

The future of our institutions is at stake this morning. We have a chance to begin the renewal of our constitutional system. We have a chance to demonstrate that Government is truly by the people and for the people.

The PRESIDING OFFICER (Mr. HUGHES). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 4 minutes.

This highly important amendment is, I think, as grave a matter as we could possibly have to consider in connection with the war in Vietnam. No one is happy about the war. Everyone wants the winding down and termination to be successful and to be as early as possible. I stated my main points yesterday, as I see it, that the pending amendment is constitutional. It is a limitation on the expenditure of appropriated funds, and Congress has the sole power under our system to appropriate money. Therefore, it can put limitations on that money.

The goal being the same, however, the real question is how to do it. I think that as of now the program of Vietnamization and withdrawal is fairly successful. I think that the power of the South Vietnamese Army is growing. I was skeptical about the matter at first. However, my opinion now is that the South Vietnamese Army is growing and really developing after all these years. It is now showing a capacity to meet these situations which, if it continues to improve, will perhaps be successful.

I frankly said all the time that we may reach a point where, if we withdraw troops too soon, we will leave the ones who are left behind in jeopardy. That is a key decision that will have to be made.

I think the difficulty of all these things is compounded if, in a feeling hardly of emotion, we attempt to help the situation by freezing in concrete here the termination date.

I think that no Chief Executive of the Nation can be effective as a negotiator or peacemaker or in the conduct of a war if he has one of his hands tied behind him. We had a policy that had our boys' hands tied behind them in the battlefield. Now, this amendment unmistakably ties the President's hand behind him. He is

trying to get the boys out with his left hand. But he has to keep this mailed fist in position.

The President has been wise to say, "I am not closing the door on aggressive action if it is necessary."

That is just commonsense. I am not an expert.

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, I plead with the Senate that as of now we should not stampede. Let us go right on down the road we are going, retaining whatever power the Chief Executive has as a negotiator and as a peacemaker. He is a man of discernment.

We should let him use whatever discretion he can exercise. We should not only let him do that, but we should also keep the responsibility on him.

I feel that the President is trying to do everything he can. If I did not feel that way, I would not say what I am saying.

I think that sometimes we need someone to rock the boat, but not now in this matter.

I hope that by a clearcut, clean, and large majority the Senate rejects the amendment.

The PRESIDING OFFICER (Mr. HATFIELD). Who yields time?

Mr. McGOVERN. Mr. President, I yield 3 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3 minutes.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from South Dakota.

My contribution here this morning will be brief. I think that over the course of the year and 8 months that I have been a Member of the U.S. Senate, this particular subject matter has had the greatest debate of any subject matter that has been discussed before the Senate.

I think that the pros and cons of the question before us today are probably as clearly put before the American people as any other question has ever been.

I simply believe that the distinguished Senator from Oregon put the question very clearly when he asked if, in the minds of the American people, we, the elected representatives of the people in the U.S. Senate, wish to take this action to bring a logical conclusion to the war in Indochina.

This method, I believe, can totally disengage our troops from the war in Indochina and can do it with the fullest protection for American men involved in the combat area. It can also guarantee sanctuary to the civilians in that area, if they wish sanctuary and are in fear of their lives after we leave. And it will permit us to do our utmost to exert pressure for the repatriation of our prisoners of war who may be lodged in any of those nations.

We would be saying to the American people that these are the goals and these are the dates which allow enough latitude for the President to adjust to whatever problems might arise in the meantime. But we should act to achieve the maximum disengagement and withdrawal from this conflict. I think this is ultimately important in this soul-searching time for our Nation.

I have the greatest respect for the distinguished Senator from Mississippi, the chairman of the Armed Services Committee, and value his opinions highly, and also those of my other distinguished colleagues who have stated the other side of this issue.

I believe that we have demonstrated before the people of America that it is vitally important to say not only to our Nation but also to the world that we are ending this conflict, that we are going to negotiate a peaceful settlement, that we are going to withdraw all of our troops, and that Asian peoples, with the support we can give them, are going to have to take on the responsibility of their own conflict.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the senior Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. AIKEN. Mr. President, Senators HATFIELD and McGOVERN are to be commended for their efforts to bring the war in Indochina to an early conclusion.

The debate on their amendment has been very much worthwhile.

It does not appear, however, that approval of this amendment would be any assurance that their objective could be attained.

Congress cannot fix a specific date for final withdrawal of our forces. I have always held the position.

President Nixon has announced his intention of withdrawing our troops at an early date and is effectively working toward this objective.

Let us look at the record to date.

On June 8, 1969, the President announced that 25,000 troops would be withdrawn before August 31, 1969.

This commitment was kept.

On September 16, he announced that another 35,000 troops would be withdrawn by December 15.

By November 27 this commitment was met, 3 weeks ahead of schedule.

On December 15, he announced that another 50,000 troops would be withdrawn by April 15, 1970.

That commitment was also kept.

On April 20, 1970, he announced that 50,000 more troops would be out by October 15 of this year plus 100,000 more by the last of April 1971.

The present rate of withdrawal indicates that this commitment will also be kept.

At this rate of withdrawal and considering all factors involved, I doubt that the adoption of the Hatfield-McGovern amendment would speed up the rate of our disengagement in Indochina.

A resolution expressing the sentiment of the Congress that the earliest possible withdrawal with safety is our goal would be more desirable and would indicate cooperation between Congress and the White House.

With 549,500 as the base figure, total withdrawal on current announced schedule by next spring will be 265,500 or nearly one-half the total in less than 2 year's time.

I believe that President Nixon fully intends to keep his promise to end this war and that adoption of the Hatfield-McGovern amendment would not enhance the prospects for an earlier end to our involvement in Southeast Asia.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

THE AMENDMENT TO DISENGAGE OUR TROOPS FROM VIETNAM

Mr. YARBOROUGH. Mr. President, yesterday I placed before the Senate petitions bearing the names of more than 10,000 persons from my home city of Austin, Tex., requesting that all American troops be withdrawn from Southeast Asia by June 30, 1971. We are now about to vote on a request to the President to withdraw such troops by December 31, 1971. In so doing, we are asking the President to carry out his pledge to the American people in 1968 to settle the war in Southeast Asia. All the Hatfield-McGovern amendment does is to request the President to settle the war more than 2 years after he promised to settle it.

The President won the 1968 election by 0.43 percent—less than one-half of 1 percent—by promising to settle the war. What is wrong with voting, nearly 2 years after the promise was made, to ask the President to settle it? It should help him; he can point to congressional action as demanding and requesting it. We take the political responsibility off his back and place it on our own. This I am willing to do.

The war is not an Indochina war; it is an American war, fought in every instance by Americans and their hired mercenaries, South Vietnamese, Korean, Philippine, Thai—save only a token force of Australian and New Zealanders. We have poured over $110 billion into Indochina, have lost over 338,000 of our men dead and wounded, more than twice our losses in the Korean conflict and more than our total losses in World War I.

We have killed hundreds of thousands of South Vietnamese civilians and wounded over a million more. We have burned their villages, poisoned their fields and forests, virtually destroyed their civilization. The civilized world stands shocked at our ruling that it is proper and legal for an American military man to kill 18 women and children if he suspects that they sympathize with the Vietcong.

Who wants us in South Vietnam? Not the South Vietnamese people, not the

North Vietnamese people, not the Vietnamese people. Our own polls show that they want us out. Then what validity is there in our continuing to stay, to send back a long casualty list each week of American boys dead and wounded because we hire people to kill their own people, and some of our own are lost in the process.

It takes courage to vote for this measure—far more than to vote against it. Wayne Morse, Joe Clark, Ernest Gruening, and I are examples of the price one risks in voting against those who make billions off this unwise, stupid war. A director of Lockheed Aircraft ran against me and spent $6.5 million to gain my seat. That is a small price to pay if it gains one vote in the Senate for those who want this war to continue. But I have a faith that right makes might, and that right and wisdom will prevail here in the Halls of the Congress, as I believe it now does in the hearts and minds of the American people.

We have a chance today to vote for our little, timid request to the President to do by 1972 what should have been done 10 years earlier. The measure is years late, but it is never too late to start on a course of wisdom and justice.

Neither side here has a patent on patriotism. It is just as patriotic to oppose the senseless killings and the monstrous concentration jails of Vietnam, as it is to support them. A percentage of Americans taught the pleasure of killing in Vietnam will be unable to reorient themselves on their return to America, and murder in the street will continue here. Those who live by the sword will perish by the sword. As wise old Ben Johnson said:

Fear to do base unworthy things, is valour;
If they be done to us, to suffer them
Is valour too.

Mr. President, again I repeat my support for amendment No. 862, to end the war in Indochina, of which I am a cosponsor. In the last 10 years, this war, like a large and terrible cancer, has spread over the face of Southeast Asia, until today it is being waged not only in Vietnam, but in Cambodia and Laos as well. If it is not soon brought to an end, it may tomorrow engulf all of Asia. During these years, Congress has discussed and debated extensively the legal, economic, and moral aspects of the war, but despite our seemingly endless talk, Congress has shown very little desire to exercise the power expressly granted to it by the Constitution, and bring this tragic chapter in the history of America and the world to a close.

The amendment that is now before us offers an opportunity for each Member of the U.S. Senate to go on record as to whether he wishes to continue this terrible military involvement which has killed and maimed thousands of young Americans, ruined our economy, and sapped our national spirit, or take the action necessary to bring the war to a prompt and orderly end. Having carefully studied the information, such as it is, that has been presented to Congress regarding our involvement in Southeast Asia, and having personally toured the battlefields of Vietnam, I have come to the firm conclusion that I would be untrue to my duty to the people of the United States, to the citizens of Texas, who have elected me as the trustee of their public will, and to my conscience, if I did not give my full support to this reasonable and courageous effort to end America's involvement in this war and save the lives of our gallant troops.

The terrible truth which we in this country must face is that the Indochina war is a mistake. It is not a Democratic mistake or a Republican mistake, but rather an American mistake. It resulted from and has been prolonged by our blind obedience to a foreign policy that simply cannot work in the nuclear age. Instead of recognizing our blunder, both the Democratic and Republican administrations have continued to follow these outmoded theories with the result being a wider and more costly war.

During this tragic period in our history, attempts are constantly made to justify our continued involvement in this military misadventure. The American people have been subjected to a continuing flow of speeches, programs, conferences and promises regarding the war. Out of this war has come a series of words and slogans such as "pacification" and lately "Vietnamization" which are ushered in with great pomp and ceremony, only to evaporate in the hard light of reality. The American people have had their patience and trust strained to the breaking point. They are no longer willing to accept without question such shallow and fruitless plans for ending the war as Vietnamization or put their trust in so-called secret plans such as the one to which President Nixon continually refers. What they want is positive proof that Congress will put a stop to the killing of Americans in Indochina.

The amendment we have offered gives our people the action they call for. Since it is obvious that the administration does not know how to end this war or lacks the will to do so, it is Congress' responsibility to end it and end it now.

Our country cannot continue to bear the cost of this immoral and fruitless conflict. As of August 22, 1970, the Department of Defense reports that 43,418 of America's finest young people have died in battle in Southeast Asia. Another 8,425 persons have perished as a result of disease and injuries sustained in these foreign lands. This means that over 51,000 young lives have been abruptly ended before they reach their most productive years. In addition to the tragic loss of life, over 287,000 of our servicemen have been wounded, some crippled for life. Another 1,556 of our troops are either missing or prisoners of war. This is twice as many dead and wounded as we suffered in the Korean conflict, and more than our total casualties in World War II.

We can only wonder what the world has lost by the death of these young people. The man who could have cured cancer might have been among them. We will never know how many potential teachers, lawyers, doctors, engineers, scientists, and artists we have lost. Nothing we can say can ever bring the dead back to life or restore the wounded and crippled to health. We can, however, insure that no more of their generation will be sacrificed in this purposeless struggle.

In addition to the terrible loss of life, this war has played havoc with the economy of the Nation and halted progress in many vital domestic areas. Never in the history of our Nation have we been subjected to runaway inflation and rising unemploymnet at the same time. The cost of the war is being felt on every domestic front. There is not enough money to build and expand medical schools, so that doctors can be trained to treat our sick. Students cannot obtain loans to continue their education. Colleges and universities are turning away students because they cannot build facilities to accommodate them. The average American cannot purchase a suitable home or borrow money from a bank without paying interest at the rate of 9 to 10 percent a year.

In 1969, the Government admitted spending $29 billion on the Indochina war. This year it plans to commit another $20 to $25 billion on this struggle. Let us stop and think what this money could be used for in this country. As one author has suggested, the cost of 1 month of the war by itself could provide enough food to end hunger among 10 million Americans, finance the annual cost of State and local police forces, and train 100,000 scientists. The cost of 1 year of the war would be more than sufficient to double the social security benefits of 20 million Americans.

Instead of spending America's tax dollars where they would benefit the majority of our people, the administration continues to throw billions on the blood-soaked battlefields of Vietnam, Cambodia, and Laos, while attacking funds for education and health as inflationary. War is inflationary, the most inflationary of all physical governmental actions. Education is not inflationary.

The recent veto of the education appropriations bill is an example of how distorted our goals have become. The bill that passed both Houses of Congress was a modest measure, only $4.4 billion, in comparison to the great need for increased education in America. Although the President considers the expenditure of $88 per student so inflationary that he must veto this bill, he has shown no reservation whatsoever in paying $120 a month to each Thai, Korean, and Philippine lieutenant fighting in Vietnam. This administration, whose total budget request for health programs averages only $35 per person, does not mind paying sergeants in the Thai Army that fight in Vietnam $60 per month. The payment by our Government of combat allowances to the so-called volunteer forces of Thailand, South Korea, and the Philippines that serve in Vietnam which are higher than those we pay our own troops is one of the most shocking disclosures of this war. The American public would never had known that we are literally bribing other Asian nations to fight with us in

this war, unless the distinguished Senator from Arkansas, Senator FULBRIGHT, had not made this practice public. Since these facts have been poorly publicized in many of the newspapers of this country, I ask unanimous consent to have the following comparative tables, originally introduced by Senator FULBRIGHT, printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PHILIPPINE FORCES SENT TO VIETNAM[1]

	Monthly base pay and quarters allowances paid by Philippines	Monthly per diem and overseas allowances paid by United States	Monthly total
Brigadier general	$305	$210	$515
Colonel	235	195	430
Lieutenant colonel	195	180	375
Major	153	165	318
Captain	125	150	275
1st lieutenant	102	135	237
2d lieutenant	90	120	210
Master sergeant	53	76	129
Sergeant 1st class	53	45	98
Corporal	43	36	79
Private 1st class/private	43	33	76

[1] The average monthly per capita Philippine income is $16.67.

THAI FORCES IN VIETNAM[1]

	Monthly base pay paid by Thailand	Monthly overseas allowance paid by United States	Monthly total
Lieutenant general	$370	$450	$820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

[1] The average monthly per capita Thai income is $13.92.

Note: Quarters and rations paid by United States for both Thai and Phillippine forces.

Source: Department of Defense.

U.S. PAY OVERSEAS ALLOWANCES[1]

	Monthly average base pay[2]	Monthly overseas allowances[3]	Monthly total
Lieutenant general	$2,426.70	$65.00	$2,491.70
Major general	2,180.20	65.00	2,245.20
Colonel	1,425.30	65.00	1,490.30
Lieutenant colonel	1,209.30	65.00	1,274.30
Major	962.40	65.00	1,027.40
Captain	870.00	65.00	935.00
1st lieutenant	731.40	65.00	796.40
Master sergeant (E-9)	903.60	22.50	926.10
Sergeant (E-5)	395.40	16.00	411.40
Corporal (E-4)	330.60	13.00	343.60
Private (E-1)	124.50	8.00	132.50

[1] The average monthly per capita U.S. income is $285.08.

[2] U.S. Armed Forces are paid according to the number of years of service they have accumulated. Thus, there is a varying pay scale within each rank. The above figures were supplied by the Department of Defense based on the average number of years a person has served when he attains the given rank.

[3] In addition to the above amounts, which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Rank	Thai forces in Vietnam: Annual overseas allowances paid by United States	Thai forces in Vietnam: Exceeds the annual per capita GNP of Thailand ($130) (times)	U.S. forces in Vietnam: Annual overseas allowances paid by United States[1]	U.S. forces in Vietnam: Annual overseas allowances U.S. forces would receive[2]
Lieutenant general	$5,400	41	$780	$150,470
Major general	4,680	36	780	132,120
Colonel	3,600	27½	780	100,925
Lieutenant colonel	2,880	22	780	80,740
Major	2,160	16½	780	60,550
Captain	1,800	14	780	51,380
Lieutenant	1,440	11	780	40,370
Master sergeant	828	6	270	22,020
Sergeant	720	5	192	18,350
Corporal	600	4½	156	16,515
Private	468	3½	96	12,845

[1] In addition to the above amounts which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers salaries are exempt up to $500.

[2] If paid in same ratio to annual per capita GNP of the United States ($3,670) as Thais are paid.

Note: Figures in columns 1 and 3 are from Defense Department. Figures in cols. 2 and 4 are arrived at by relating the Defense Department figures to the annual per capita gross national product of the United States and Thailand. The GNP figures used are from the World Bank Atlas 1969 and are for the year 1967, the most recent year for which accurate figures are available.

Mr. YARBOROUGH. Mr. President, the use of mercenaries in this war only underscores the futility of the entire operation. This type of hoax only widens the credibility gap that now exists in the minds of millions of our citizens.

The impact of this war cannot be measured strictly in terms of casualties incurred and dollars spent. The harm that has been done to our national will and spirit is beyond calculation. Not since the Civil War has this country been so divided and confused. With every day that the war continues, these divisions grow wider and more serious. In this time of crisis, the Nation cries out for strong moral leadership. But instead of talking sense to the people, the present administration only adds to the turmoil in the country by trying to convince our people that the prolonged plan of indefinite involvement called "Vietnamization" and fruitless excursions into Cambodia and other countries will bring what is styled as "peace with honor." The truth is that this so-called "peace with honor" is nothing more than a hollow slogan designed to intimidate concerned citizens into remaining silent on this matter. From the actions and policies of this administration, it is apparent that their concept of peace is total annihilation of the enemy, regardless of the cost. Or as stated in the words of an ancient Roman philosopher, "They make a desert, they call it peace." Such a policy will not only fail, but will no longer be tolerated by the American people.

Instead of "bringing us together" as promised in his campaign, the administration is fueling the fires of those forces who would suppress all free discussion and debate of this question. Even the Vice President of the United States has stooped to unleasing unwarranted and vicious attacks on anyone, including the Senators who support this amendment, who raises his voice against the fallacy of these polices. I know from personal experience the impact of these attacks. In my campaign for reelection, I was the subject of relentless barrages of false and malicious propaganda by those merchants of hate whose sole purpose was to distort and twist my work for peace. However, no public office or personal honor is worth the life of a single American. Therefore, regardless of the cost to me personally, I shall not relent in my efforts to rescue this country from this cruel war.

Mr. President, the amendment we are supporting presents a prompt and efficient means for ending this war. It calls for:

First, reduction in troops in Vietnam to a level of 280,000 by April 30, 1971;

Second, complete withdrawal of all American forces by December 31, 1971; and

Third, authority for the President to extend the withdrawal deadline by 60 days if our troops are exposed to a clear and present danger during the withdrawal process.

It is not a defeatist proposal, but rather a constructive plan for ending the war and freeing our resources to be used to battle against hunger, poverty, sickness, and ignorance.

In the final judgment of history, the greatness of a nation will not be measured by its ability to inflict misery, but by its ability to do good. Let us put an end to this war and enter a new era of American greatness.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Amendment To End the Shell Game," published in the Washington Post this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AMENDMENT TO END THE SHELL GAME

Over the weekend the Associated Press invited Senators McGovern and Griffin to argue for, and against, the so-called Amendment to End the War and while we don't agree with all of what Senator McGovern had to say (and least of all with the patently spurious title that has been given to this measure) we find ourselves disagreeing with just about everything Senator Griffin said. When his argument is not merely specious it turns upon itself in a way which seems to us worth noting as the Senate comes up to today's final vote.

What Senator Griffin winds up saying, on behalf of the administration, is that "There is no need at all for a law or anything else seeking to accomplish *what is already being done.*" He quotes Mr. Nixon as saying that his administration "has adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat forces on an orderly, scheduled timetable." He quotes Secretary Rogers as saying that this process is "irreversible"—that it "contemplates the complete withdrawal of the troops in Vietnam." and he acknowledges that a large part of this withdrawal, and therefore an important part of the timetable, has already been publicly announced; by next April, "an additional 150,000 troops will have come home."

So there is apparently no harm in the President's fixing some deadlines, a full year ahead, and in making flat and final commitments to eventual, total withdrawal. But

when the Congress proposes to fix a timetable which is no more binding, in effect, than Mr. Nixon's timetable, and is in fact quite consistent with it, this becomes "dangerous" and "disruptive" and a clear signal to the Communists that they "need not negotiate seriously, that they could attain by default what they could not win on the battlefield." The Communists, Senator Griffin tells us, have "in an infinite degree the capacity to walk with time."

Well, so they do. And so they can also read, which means that they can probably tell the difference between a piece of legislation which is open-ended, as currently revised, obliging the President only to ask for more time if he wishes to extend the deadline, and a public presidential commitment which is "irreversible." As a practical matter, the amended McGovern-Hatfield provision requires the President merely to do what he would have to do in any case to get the money he would need to stretch out the war; he would have to ask. When we are talking about an adversary with "an infinite . . . capacity to walk with time," McGovern-Hatfield offers no more incentive for stalling on negotiations than the President's own promises.

So our answer to Senator Griffin is very simple; if there is no *need* for a law to accomplish *what is already being done*, there can equally be no *harm* in a law which seeks only to accomplish *what is already being done*. The McGovern-Hatfield proposal does not, after all, *require* the President to follow a congressional timetable if he can improve upon it—although Senator Griffin seems to be arguing that it would. All it really does, in its present form, is to reinforce the President's announced intentions with a statement of similar intent on the part of Congress. In this sense, just because the amendment accepts the President's current sense of timing without foreclosing the need for a stretchout later on, it is as much an expression of support as it is a restraint. It is a sharing of responsibility, long overdue in this divisive and tormented undertaking, and it is beyond our comprehension why the President should not positively welcome it—above all, at a time when he and his lieutenants are at great pains to prove to us and to our adversaries that things are going our way. Our casualties are down, drastically, which is the most effective evidence we could have that the burden of the war is being transferred progressively to our South Vietnamese allies; the enemy, for reasons not yet entirely clear, is not pressing the war with the same old intensity; the South Vietnamese army is performing better every day, we are told. The Vice President is returning from an Asian tour aglow with progress reports.

If things were going badly, if there were ominous indications of an enemy buildup, if there were any real doubt in the minds of administration officials about their ability to make good on their timetable—that would give us all pause. But if that were the case, it would be all the more reason for the administration's being under some requirement to say so—to tell us what is going on, to prepare us for new adversaries, to rally support in the face of new challenges—which is all that McGovern-Hatfield in its final form would now require. It would oblige the executive branch to come clean with the rest of us so that we don't learn, as we did on April 30 of this year, for one example, of a crippling adversity in Cambodia, which was not worth mentioning in a full-dress Vietnam report 10 days earlier.

That is what has robbed our efforts of force and conviction—the endless shell game with public opinion, which only serves to bring on the great political upheavals when the hard facts can no longer be suppressed. The President blames the war critics for this; the Vice President finds it close to treason. But the process of public disillusionment over this war does not begin with the disillusioned; it has always begun with dissembling by the government. And the main virtue of the McGovern-Hatfield amendment is not that it will end the war, which it does not guarantee, but that it will require a certain degree of candor about the war, if our effort or our fortunes should take a bad turn, while imposing no real limitations on the President if things go well.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McGOVERN. Mr. President, I yield 5 minutes to the majority leader, the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, we are on the verge of a vote which will stand stark in the light of the continuing tragedy in Indochina. The vote is sought as a step toward peace in a time of war. Despite incessant talk of the one we remain enmeshed in the other. In my judgment, therefore, it is a necessary step.

We are still in Vietnam. We are still in Laos, deeper perhaps, than a year or 2 ago. The lives of Americans are still risked over Cambodia where they were not risked a year ago. The zone of combat, in short, does not contract; it expands. The war goes on.

To be sure, as Americans have been withdrawn in the tens of thousands, the tempo of ground combat has slowed. To be sure, in consequence, the rate of American casualties has dropped. As Commander in Chief, the President deserves every credit for bringing about this reverse thrust. He deserves every support in continuing to press the military withdrawal. Nevertheless, we cannot ignore the fact that despite his efforts, the totals of American dead and wounded continue to rise every day. They rise relentlessly, from week to week. As of August 22:

Wounded	287,216
Combat dead	43,412
Non-combat dead	8,392
Total dead	51,804
Total casualties	339,020

That was a week ago. Since then others have died; others have been wounded. What will the totals be when they are reported as of August 29? What of the week after? And after that? Where is the end, Mr. President, where is the end?

The Senate cannot evade its share of responsibility for the answer to such questions. The dead and wounded are not the President's obligation alone. The burden falls on all of us. What we do or do not in conjunction with the President, in the end, will determine the end of the road.

We cannot say, "Leave it to the President," and then wash our hands of the matter. The Senate so said at the beginning of this ill-fated military involvement, a half decade ago. We left it to a President. We raised no caveat. All in the name of leaving it to the President, we endorsed a war which we did not expect to begin. In the same name, by rejecting Hatfield-McGovern, will we now hail an American military withdrawal which has yet to take place?

We do not confront this vote on Hatfield-McGovern lightly or suddenly. It has been coming for a long time. In a legislative sense, it has been coming ever since last year when the Senate sought, in the Cooper-Church amendment on Laos to restrain the deepening involvement in Indochina. Then on June 24 the Senate voted for the Dole amendment, 81 to 10 to repeal the Tonkin Gulf resolution. In a legal sense that may have been redundant but, in my judgment, it was not a useless gesture. The repeal of Tonkin served notice once and for all that whatever its initial responsibility, the Senate was henceforth disassociating itself from a course of policy which had enmeshed us and was tending still to plunge us deeper into Indochina. Then, on June 30 the Senate voted 58 to 37 for Cooper-Church on Cambodia. In so doing, the Senate sought to establish a legal barrier to the enlargement of the commitment of American lives and resources as the Vietnamese tragedy expanded into that country.

I am only too aware that these actions to date have had a limited effect. The Senate's repeal of the Tonkin Gulf resolution has not yet brought an end to the involvement in Vietnam. Nor did the first Cooper-Church terminate our involvement in Laos. Even now, a creeping commitment is underway in Cambodia notwithstanding the Cooper-Church amendment. But who is to say these Senate measures were without effect? Who is to say to what other places and depths in Asia the inertia of present policy would have carried this Nation without the resistance of the Senate?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. May I have 2 minutes?

Mr. McGOVERN. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. We come, now, to Hatfield-McGovern. I respect the President's sincerity in opposing this amendment just as I do his intentions with regard to this tragic conflict. I know that he desires to restrain the involvement, to end the war and to hasten the American withdrawal.

I do not question the President's will or skill in conducting foreign policy and as Commander in Chief in the pursuit of these ends. I would seek only to reinforce them, as the Constitution intended, by

the exercise of the separate Senate function of advise and consent in concert with the President's powers. With all due respect, the difficulties are such, in my judgment, as to require a joint effort of this kind if there is to be an orderly termination of this conflict.

The Hatfield-McGovern amendment offers an opportunity for concerted action. It offers an opportunity to strengthen the President's efforts both abroad and at home in seeking to speed up the drawndown of American forces. It offers, therefore, an opportunity to reduce more rapidly toward zero the level of American casualties. It offers an opportunity to hasten our military exit from the Southeast Asian mainland where we had no vital interests which required us to lodge our military strength in the first place.

To bring to an end a mistaken policy; to save American lives, to help restore the inner unity of this Nation—reasons enough to support Hatfield-McGovern. I will vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I do not think there is any question in any Senator's mind that this has been a wrong war. I do not think the idea of our getting into it was particularly wrong, but we never meant to win this war, and when you do not mean to win a war, for God's sake, do not get into a war. This is the first war in the history of our country which history will say we lost because we did not go into it with the will on the part of any President who participated in getting us into the war to win it. We could have won it. We could have won it 6 years ago, and in my opinion, had we used our power correctly, the war might never have started. But we allowed it to start.

It has been an expensive war, one of the most expensive in our history, not just in money, because that becomes an inconsequential cost when we compare money against men. It has divided our country as probably no war in the history of this country except the War Between the States has divided us. And it need not have divided our country had we gone into this war and had we made a decision to go into the war and at the same time made up our minds to win the war.

I hope that never in the history of this country will anything like this ever again be perpetrated against the American people. I think it has been a shame and a crime. I think history is going to blacken the names of those Presidents who got us into this position and refused to do anything about it.

It has weakened us in the eyes of the world. As I talk to friends around the world, it shocks me to hear what people are saying about the United States and the United States inability to make up its mind, inability to separate national politics from international policy, international policy on which depends the whole peace and freedom of the world. And yet we do not seem to have the courage—if I may say, the guts—to stand up and face it.

It rather sickens me to hear amendments coming up like this. I know it is perfectly within our constitutional rights to offer amendments like this, to control the spending by the President so that we might end the war, but I have to remind us that our President inherited these wrongs. He did not create them. He is the first President we have had to do anything about changing those wrongs. He is the man charged with the responsibility of going to war and emerging with peace.

We have some constitutional rights in this general area but, Mr. President, they are very, very fuzzy, and I would suggest to those who are constantly bringing up this type of amendment that they do as I have so often suggested—if they are not happy with the warmaking powers of the Congress, if they are not happy with the strategic, tactical, and force level decisionmaking powers of the Executive, let us offer constitutional amendments to the people to correct that. If we are not happy with the powers given to the President as Commander in Chief under the Constitution, then let us change it by constitutional amendment. Let us not try to get it changed by congressional edict.

I hope the amendment is soundly defeated. Even though I recognize the right of Senators to offer it, I think it comes at a poor time in our history, when we are trying to engage the enemy in meaningful talks. I do not think we are giving our negotiators any kind of handle at all. I hate to say this, but we are helping Hanoi every time we seek to hamper the President in ending a war that need never have started. I said that 6 long years ago, but, unfortunately, people would not listen.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, we have about concluded the Madison Avenue effort costing hundreds of thousands of dollars to sell the so-called "end the war" amendment which I have designated the "lose the peace" amendment—to the U.S. Senate. For the first time in history, U.S. Senators have raised funds directly to be used to lobby their follow Senators. It is fair to say, excluding those who have Presidential ambitions, the vote today will for all practical purposes be a vote of confidence or no confidence in the Vietnamization policy of President Nixon.

The various versions of the so-called "end the war amendment" should prove to everyone the impossibility and the impracticability of attempting to fix a date. While the sponsors would impose a fixed date on the President, it is interesting to note that they have had difficulty arriving at a date themselves.

First the war was to end on December 1, 1970; then December 31, 1970; then April 30, 1971; then December 31, 1971; and now March 1, 1972.

It seems strange, indeed, that the sponsors, having used five different, arbitrary dates in an effort to attract more votes, would now seek to hamstring the President who has been extracting us from South Vietnam.

I can imagine what the critics would be saying if President Nixon had changed his mind five different times on troop withdrawals or on South Vietnam policy.

The hard facts are that the President and only the President is the Commander in Chief—that the President and only the President can negotiate peace, and that despite the appeal of the so-called "end the war" amendment—which I designate the "lose the peace" amendment—it can best be characterized as a shallow appeal to the emotions and anxieties of good Americans who are weary of 7 years of war.

Politics might dictate supporting the amendment, but I believe the great majority of Senators have confidence in President Nixon's policies because he is demonstrating that we may achieve peace with honor—rather than retreat and defeat.

To those who say that 40 votes would be a moral victory, I say 40 votes for the amendment would be a moral defeat for this country.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 18 minutes.

Mr. STENNIS. How much time does the Senator from South Dakota have?

The PRESIDING OFFICER. The Senator from South Dakota has 5 minutes remaining. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, as I said yesterday and take this occasion to repeat, the attempt to determine how one extricates oneself from an unpopular war is difficult enough for the agency of government which is charged with the conduct of the war and with the extrication from it—namely, the executive department, under the Commander in Chief.

That difficult job is being well handled. The deescalation is going on according to plan and promise. The plans were announced and the promises have been kept. The credibility is good.

The American people clearly have accepted the fact that this is being done as well as it can be done, by one who was not initially responsible for the condition, but who inherited it, who grasped this particular nettle and is seeking to meet his responsibility for the security of the Nation and its Armed Forces by putting an end to this war as readily as it can possibly be managed.

I do not believe that any person in this Chamber could do as well. Certainly not under these circumstances. I do not quite understand why it becomes so necessary to establish a series of calendar dates. If the first date was good, why did they not adhere to it? If the second date is good, why not adhere to it? If they can get the prisoners of war out, let them tell us how they can do it. If they cannot get the prisoners of war out, why not be candid about it?

But in truth and in fact, to extricate

ourselves from the fantasy which has suffused and perhaps confused this debate, the only proper solution, I think, is to send word to the other nations of the world that they can still trust us, that we keep our promises, that the Senate of the United States has not been asked to take over the conduct of the war, that the President is doing what he undertook to do, and that this amendment is unnecessary and mischievous.

The amendment does serve to advance, of course, the popularity of individuals, who can manage considerable full-page publicity out of it; but aside from the ointment which it pours upon the individual and the aroma which may be sniffed by the gullible public, the amendment does harm and no good.

I, therefore, ask that it be defeated.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I have had the opportunity to listen to a good deal of this debate. One of the things that has intrigued me about the amendment is that it is billed as an end-the-war amendment.

Well, if we are going to end the war at the end of 1971, why do we not end it now? Why give the enemy 18 months' advance warning, so they can start killing more American men? It does not make any sense to me to say "You have 18 months' leeway to try and knock us off, and we will then get out."

Obviously, everyone wants to end our American presence in Vietnam as quickly as we can. It is equally obvious that if we are going to give the enemy 18 months' advance notice of what we are going to do, it will be impossible to achieve anything at the peace talks in Paris, and it will further endanger the process of withdrawal and Vietnamization under the program of the President. It will give the enemy a chance to build up tactically, so that he can use his own initiative wherever he feels like it and it will prohibit us from taking any action to upset enemy offensive buildups.

It just seems to me that when U.S. Senators try to act as tactical generals, at a time when we are fighting a war some seven or eight thousand miles away, we are making about as bad a mistake as anyone could make. So I hope my colleagues will vote with me to defeat this amendment.

Mr. RANDOLPH. Mr. President, today the Senate will vote on the McGovern-Hatfield amendment to establish a timetable for the withdrawal of American forces from Indochina. The language of the amendment is directed toward bringing to an end the involvement of U.S. forces—active combat and support personnel—in Vietnam and the other Indochina countries by not later than December 31, 1971. The major goal of the amendment—as stated by the sponsors—is to end the war in Vietnam. These objectives are earnestly desired by all Members of this body and by millions of Americans of all ages and social status. Let us hope that there is no implication in the title of this proposal, "An Amendment To End the War", that proponents want to end the conflict in Vietnam and that the opponents do not. It would be a tragedy if this impression were assumed by the people of this country.

All Senators must face the question of whether the pending amendment is the proper way and the best method of effecting American withdrawal and bringing peace to Vietnam. As have other Senators, I have faced that question. I have given it painstaking study. My conclusion is that the McGovern-Hatfield amendment will not achieve the totally desirable objectives.

It is my belief that the establishment of a fixed timetable by law will remove from the President of the United States critical flexibility which he needs in terminating American involvement, in pursuing the Paris peace negotiations, in shifting more responsibility to South Vietnam, and in securing a peaceful settlement. Any serious consideration of ending the Vietnam conflict must take into consideration progress on all of these fronts. I do not feel that the proposed timetable does this.

It has been argued that the revised amendment which allows the President sixty extra days in case of an emergency when "members of the American Armed Forces are exposed to unanticipated clear and present danger" provides the Chief Executive with needed flexibility. There is indication that some persons may have changed from a position of opposition to one of support based on this change. It is my evaluation that the adding of sixty days does little to enhance the options of the President. The fact remains that the timetable is established—give or take sixty days. While giving authority to the President to suspend the date of withdrawal of American forces, the amendment provides that he "may", within 10 days after the suspension, submit recommendations, including a new withdrawal date. It is stated that this is another concession to allow flexibility for the President and to lessen the rigidity of earlier versions of the pending amendment. I do not question the sincerity of the sponsors of the amendment. They are honorable and patriotic men. I find little in this provision however, which adds to the President's options or which changes the rigid nature of the otherwise fixed timetable to which he must adhere.

Realistically, if the Congress were to act on a proposal submitted by the President under the previously mentioned provision he would be required to begin an early campaign to secure support for his proposal. As the withdrawal date came closer, the chances of his presenting to the Congress a recommendation to change the date would diminish substantially. Thus, it is very questionable whether this provision could ever be used by the President if the need developed and if he chose to act.

I have stressed the issue of the President's flexibility. My reason for this is twofold: The President is required to bear the burden of implementing American policy on the battlefield and at the negotiating table. He is the leader responsible for the continuing decisions which must be made as the United States disengages from Vietnam. The Congress does not share and cannot share in the exact decisionmaking process and the McGovern-Hatfield amendment is certainly not written to provide detailed congressional guidance in those decisions. I think Senators will agree that such an amendment could not be written.

The establishment of a fixed timetable is just that—a timetable only. And within the limits of the timetable there is much remaining that is open to question. The President is basically left to confront and cope with those questions.

This is not to say that there must be complete freedom of action by the President or that the Congress should not become actively involved in determining future U.S. policies. The Senate advocated such action in passage of the Cooper-Church amendment for which I voted. But congressional activity in this area must be viewed in the context of the particular issue. In my opinion, the enactment of Cooper-Church was based on a different set of circumstances and to achieve a different objective. It was legitimate legislative action to establish the guidelines under which the President could move into Cambodia in the future. But the Congress does not take action merely to assert congressional authority. This should not be the end objective. So much of the debate has focused on this question that the impression is abroad that congressional authority is the only issue involved. The proposition that passage of the McGovern-Hatfield amendment would result in the sharing of responsibility for what happens next in Vietnam has been overemphasized. There is no doubt that passage of the amendment would place in the Congress a greater responsibility for the final outcome of the conflict—the manner in which the United States disengages and how a settlement is secured. However, there are degrees of responsibility. In the final analysis the major burden and the responsibility fall upon the President.

I have noted that the President is charged with the responsibility of conducting negotiations for the United States. He has been criticized for supposedly having downgraded the efforts to secure a negotiated settlement in the Paris peace talks, particularly because of the long delay in the appointment of a permanent negotiator. I certainly agree that the President should have moved more rapidly to name a representative to the peace talks and to bolster emphasis on and determination to try harder for a negotiated settlement. The stalemate in Paris has been extremely discouraging, but we must not write this effort off as hopeless. We must continue to hope and work for new initiatives.

There is considerable disagreement on the possible impact of the pending amendment on the Paris negotiations. Supporters of the amendment have contended that it would help to reach a negotiated settlement by forcing North and South Vietnam to confront the realities of ending their own war. I do not concur. Rather, it is my belief that the fixed timetable under which the President must proceed would eliminate any incentive on the part of North Vietnam to negotiate a final settlement. North Vietnam would have the knowledge of and

the fact of a fixed timetable. And it would be in a law mandated by the Congress—not negotiated by the President. I do not see in this posture any reason why the enemy would then rush to negotiate a settlement.

Mr. GRIFFIN. Mr. President, from the outset—from the time when the original version of this amendment was first presented to the Senate—there has never been any serious question about the outcome. The debate has been extended and the public relations efforts have been intense. But, in my opinion, no one really believed that this proposition would ever become law. Even if the amendment were to pass the Senate, it would not survive a conference with the House of Representatives—and everyone knows that.

So, the only real point of all of this long debate seems to be related to psychological impact. It is rather ironic but predictable, perhaps, that as we are about to vote and the outcome is quite clear an effort is being to portray rejection of this amendment as some kind of a victory for those who have championed it. I say this with the greatest respect for those who sponsored the amendment. Their motives and intentions are honorable.

However, at the same time, rejection by the Senate of this amendment will not be a victory in any sense, psychologically or otherwise, for those who have sponsored and advocated this amendment. The vote of the Senate will be, and it should be portrayed to the country and the world as a vote of confidence for President Nixon.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McGOVERN. I yield 1 minute to the Senator from New York (Mr. GOODELL).

Mr. GOODELL. Mr. President, we are nearing a historic vote, a vote for a reassertion of congressional responsibility over the issues of war and peace, a vote to set a fixed date to end our involvement in the war in Southeast Asia, a vote to assist the President, if you will, in removing our troops for us to share the burden and pain of removing those troops.

From a handful of supporters last fall, we now will have a substantial number. I do not regard the vote, whatever it be, as a victory unless we win. But I think it is measurable and significant progress toward peace, measurable and significant progress toward the rightful assertion of congressional authority over the issues of war and peace.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 4 minutes.

Mr. President, I have been here several weeks, and so many other things have been going on that we have had scant attendance and seldom little contribution at the end of the debate, but this is an exception. Some excellent statements have been made here this morning, even though they were compelled to be brief. I am very gratified, and I thank those who have spoken this morning in opposition to the amendment.

True, it is a historic vote. For the first time, if this amendment is adopted, we will have voted to change direction in the midst of a war.

Mr. President, I have said before, but I say again, that if we are going to take away the discretion of the President of the United States in times of stress, regardless of who he is, take away his judgment, his power to act, and strip him of his responsibilities to be our negotiator, our terms maker, our peacemaker; if we are going to take away the symbol of our Nation, and that is what our Chief Executive is; if we are going to put him under a shroud, put him under the cold hand of death so far as his discretionary powers are concerned—if we are going to do that and immobilize him, then we ought to immobilize every single military man we have in Indochina, but not on the date contained in this amendment. I would advocate starting our withdrawal within 30 minutes after this vote is taken. I mean every word of that.

If the legislative body is going to resolve against our position in everything that comes with judgment and discretion, then I do not have the heart to continue to tell those boys that they are fighting for something worthwhile.

So I believe it is all or nothing today, and I think that ought to be clear and unmistakable.

No one has more respect than I do for those on the other side and for their great sincerity. I repeat over and over that it is a question of judgment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I say that this is a matter of judgment, not a question of patriotism. They are as patriotic as I am.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I beg the Senator's pardon. I have to continue. My time is running.

So my parting word is that if we are going to immobilize the power of our Government at the White House, immobilize the President, who is the natural leader, then let us immobilize our Army and really come home.

I have no doubt that when the showdown comes on this vote, there will be, as there should be, a smashing majority, opposed to this amendment, regardless of its good intentions.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I just wanted to express my deep appreciation to the Senator from Mississippi and his colleagues who have assured us that they do not think that those of us who support this amendment are unpatriotic. I think they are very generous in saying that they do not think we are unpatriotic citizens of this country.

Mr. ALLOTT. Mr. President, I rise to greet, and urge the defeat of, this piece of Senate business which was dealt with so brusquely the last time it made an appearance in our midst.

Senators will recall that this amendment was shunted away by its proponents when I tried to get it voted on in June. Still, I want to salute the sponsors of this amendment for allowing it to see the bright light of day. I am only perplexed as to why they now consider it a suitable time to discuss it. After all, 9 weeks ago our attempt to deal with this amendment was represented as a crime against humanity.

I suppose something must have changed. Perhaps the planets are in some especially appropriate conjunction. Perhaps the supporters of the amendment know a rule that is relevant—something like the rule for telling the months during which one may or may not eat oysters. That might explain why they were so desperately anxious to avoid voting on this in June. However, in the hurly-burly of modern life it is nice to see that the supporters of this amendment have a leisurely attitude. They are not to be rushed. They do not surrender to the sense of urgency that pervades so much of modern life. The pace with which they approach their cherished amendment has the stately grandeur of a graduation procession. Only the playing of "Pomp and Circumstance" is missing.

Mr. President, it is well known that I considered it appropriate to act on this matter some time ago, during the extensive and properly comprehensive debate on American foreign policy and the constitutional powers of the Commander in Chief. But it could well be that, by modern standards of "relevance," this amendment is more "relevant" right now. Surely the last thing one wants to do is get caught athwart this week's standards of relevance, so I yield, relatively cheerfully, on this point. However, I wonder if the same tolerance is prevailing among all the persons who have been following the promises made by the supporters of this amendment.

On May 2, Senators McGOVERN, HATFIELD, HUGHES, and GOODELL held a press conference at which they announced their intention to submit this amendment. In their joint statement at that time they said:

> The time has come for Congress to face a historic constitutional choice.

That was 17 weeks ago. Nine weeks ago I urged these Senators to allow the Senate to face this historic choice about which they feel so strongly. They would not hear of it. The junior Senator from South Dakota became very exercised and used very strong language about those who would hasten the process of facing this choice.

On May 7, Mr. President, the junior Senator from South Dakota made a speech in which he assured the generous financial supporters of this amendment that the vote on the amendment would come "in approximately 30 days."

After 54 days had passed I did my best to enable the distinguished junior Senator from South Dakota to get on with the business he and his contributors think so important. I urged that we vote on his amendment on June 29. But Senators will not soon forget the vivid way in which the junior Senator from South Dakota expressed his lack of enthusiasm

for voting on his amendment—even though a vote at that time would have come 24 days later than he originally promised.

On May 24, the Sunday New York Times carried a full-page advertisement asking for money to finance agitation on behalf of the "Amendment To End the War." A huge headline on the advertisement assured contributors that the amendment would come to a vote by July 1. On June 29, I gave the supporters of the amendment a last chance to make that advertisement honest. Senators will recall the colorful language this educed from the junior Senator from South Dakota.

Still, better late than never. The distinguished junior Senator from South Dakota, I am sure, has now determined that it will be appropriate to vote on this amendment approximately 60 days after the date promised in the advertisement.

So now, after all the delay, we come up to what promises to be a fairly short debate followed by a predictable defeat for the amendment. After the properly thorough debate on Southeast Asian policy during May and June, it is hardly necessary for us to rehearse our respective views.

Mr. President, least of all is there need for me to meet this meandering amendment with fresh zest and spirited debate. I have spoken on this amendment at greater length and with more seriousness than have most of its proponents.

On June 25, when I introduced an amendment with the same wording as this amendment, there was talk about it being "premature" to vote. At that time I said this:

Mr. President, let us all face some elementary facts. Every Senator is a responsible citizen. Every Senator is a responsible member of the Senate. Every Senator has been pondering the difficult problems of American disengagement in Vietnam for years. I very much doubt that there are any Senators who are not clear in their own minds as to where they stand on the so-called "Amendment to End the War."

Mr. President, it has also been rumored that it is premature to consider this measure now because the McGovern-Hatfield Amendment, of which this is a true copy as to its contents, was due to be revised in some particular. I do not know whether the rumored revisions are more than rumors. I do know two things.

First, if some Senators want to introduce a revised version of the so-called "Amendment to End the War," then they may do so.

Second, I know that a lot of money has been raised from television shows and newspaper advertisements on behalf of the Amendment on which my Amendment is modeled. The money has come from people who sent money to support appeals for that "Amendment to End the War." These appeals have been going on for nearly two months. I think the people who expressed this support deserve to have a prompt vote on the amendment they sent money to support.

Now, I understand that the junior Senator from South Dakota would rather prefer to bring a matter exactly like this before the Senate a little later in the year. Of course it is his privilege to do so. He can bring it up, with his name on it, whenever the spirit moves him. But I should have thought the spirit would move him rather more quickly than it now appears.

At that time, Mr. President, I voiced my puzzlement as forcefully as I could. I said this:

The junior Senator from South Dakota has spoken with admirable energy and astonishing frequency on the subject of squarely confronting what he considers the vital issues of the day. He has not been reluctant to share with a wide public his opinion that it is time for the American people, and especially the Senate, to stand up and be counted on controversial matters.

Given the fact that the junior Senator from South Dakota thinks his amendment is vital to the future of the Republic; and given the fact that he is ardently in favor of hastening consideration of vital matters in this chamber; and given the fact that he is anxious to stand up and be counted on the question his amendment touches; given all this, then I should think I am doing the junior Senator from South Dakota a distinct favor by doing what I can to expedite a vote on his amendment.

In my remarks of June 25, I expressed my views on the constitutional issues involved in the related debates we have been having this spring and summer. I said this:

Let me be very clear. I am convinced that the various measures designed to dictate disengagement policy to the President raise serious constitutional issues. In fact, I am convinced that they involve serious constitutional transgressions. They violate the spirit and the letter of the Constitution.

With regard to the spirit of the Constitution, one thing is very clear. Our Constitution is a product of the eighteenth century. According to some people, this makes the Constitution hopelessly out of date. I respectfully disagree. I say that our Constitution was a product of the richest period of political philosophizing the world has ever seen. I know that our Constitution was the product of the greatest single deliberative body in the history of human politics—the Constitutional Convention of 1789. I know that the very heart of the political philosophy embodied in the Constitution is the idea of the separation of powers. The towering figures who drafted our founding document understood the overriding necessity for a rational division of labor among political men and institutions. I respectfully suggest that the legislative amendments designed to circumscribe and fetter the President violate the spirit of this Constitution.

Mr. President, in addition, these amendments violate the letter of the Constitution. The Constitution stipulates, and nearly two centuries of precedent attest, that the President is the Commander-in-Chief and that, once troops are committed to battle, the responsibility for their intelligent use falls on the President.

No Congress has failed to understand this and I am confident that when, in a very short while, we put this pending amendment to a vote, this Senate will demonstate that it understands the letter and the spirit of the Constitution. This Senate will demonstrate that it understands the facts of our relevant constitutional history. The Senate will demonstrate that it has no appetite for hasty and reckless tampering with our settled constitutional arrangements. The Senate will demonstrate that it has no desire to undertake an unprecedented usurpation of Presidential power at a moment when the President is engaged in the delicate task of extracting this Nation from a war he inherited. The Senate will demonstrate its accord with the Nation's public opinion as measured by every poll—the opinion that the accepted role of the Commander-in-Chief should not be mutilated by the Senate. The Senate will demonstrate all these things by rejecting this amendment.

Mr. President, in that same speech I explained why I thought an amendment of this sort would damage the Paris peace talks. I said this:

Obviously, there is little talk now because the other side does not want peace on any terms other than its own. What we must ponder is the possibility that, were we in the enemy's position, we would behave in exactly the same way as long as the United States Senate had failed to act on a measure that would make it unnecessary for the enemy to negotiate.

Is it not clear that this would be one of the most noxious effects of passing this measure? Is it not clear that this measure would make it unnecessary for the enemy to ever get serious about reaching a negotiated settlement to the war? Is it not clear that this amendment would only prolong the violence and killing in Asia.

Further, is it not clear that passage of this measure by the Senate will have somewhat the same terrible effect even if it is not passed by the House? Is it not clear that the enemy will take this as a sign that the American Government has no expectation that meaningful talks will ever take place, in Paris, or anywhere else? This is why I oppose this amendment on two grounds. First, it tampers with proven constitutional arrangements as regard the vital powers of the Commander-in-Chief. The second reason for opposing the amendment is that it would have a dangerous effect, should its provisions ever become law. These provisions cut the ground from under our judicious withdrawal policy, a policy that is designed to give Vietnamization a fighting chance to succeed.

The vital question here is what would a rash and inflexible withdrawal timetable do to the Vietnamization program which alone can guarantee that our many sacrifices have not been in vain.

Mr. President, in my remarks of June 25 I reviewed the long history of American concessions and warned that another concession in the form of an amendment such as this would not serve the cause of peace. I said this:

We have agreed to fourteen holiday ceasefires. Our enemy violated every one of these and even launched the infamous Tet Offensive of 1968 during such a holiday cease fire.

We worked for the neutralization of Laos. But the enemy kept 67,000 troops in that country.

For years we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Viet Cong in the negotiations thereby tolerating the fiction that the Viet Cong are truly independ-

ent of North Vietnam. We did agree to include the Viet Cong in the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some troops from South Vietnam. We began withdrawing troops and still no meaningful negotiations began.

Most recently (and most implausibly) we have been told that meaningful negotiations would begin if only we would send a "top level" personage to head our negotiation team in Paris. Now I reject the idea that Mr. Phillip Habib is not a top level American official. But in any case, it is important to notice that we have had first Ambassador Averill Harriman and then Ambassador Henry Cabot Lodge at the head of our Paris delegation, and still there have been no meaningful negotiations.

Mr. President, the lesson is clear. America has been conciliatory. We have gone beyond the call of duty—sometimes beyond the bounds of prudence—to encourage the enemy to begin meaningful negotiations. I hope we shall continue to make every effort to get the negotiations off dead center. But all of us who hope for some peaceful resolution of the current conflict should note three things.

First, the many American concessions so far have been taken at the initiative of American Presidents. They have been exercises of the Commander-in-Chief's traditional latitude.

Second, if meaningful negotiations are ever going to come about, it is not unlikely that they might come about as a result of other Presidential initiatives regarding the use of American forces.

Third, if meaningful negotiations do not come about, it will be all the more crucial to preserve the Commander-in-Chief's flexibility and maneuverability as he works to achieve a safe and honorable non-negotiated American disengagement in that area.

Mr. President, again the next day, June 26, I urged the Senate to bring this matter to a vote, and to remember the real nature of the differences that divide us. I said this:

There is a curious irony here. It is rare that Senators become so deeply divided on constitutional issues. Yet the current deep division stems from a relatively minor disagreement over means to an end.

Let us be very clear about this. One hundred United States Senators long for peace. They share with the President an intense desire to free American men from dangerous service in Vietnam. The differences that divide us are real enough, but they concern questions of means.

Three days later, Mr. President, I again urged the Senate to allow this measure to come to a vote. I expressed the fear that any reluctance to vote on this—especially any reluctance on the part of the most vigorous proponents of the amendment—might be construed by the watching American people in a way detrimental to the good name of the Senate.

I explained that some persons might think that Senators were trying to delay a vote on this not to expedite Senate debate, but only to facilitate a gigantic advertising campaign designed to merchandise the amendment. I took note of the fact that the proponents of the amendment had already raised approximately half a million dollars for their advertising budget and I said this:

I am uneasy about an attempt to treat a piece of Senate business like a brand of toothpaste. I do not think huckstering has a place in our legislative process. And I am especially firm in my belief that the Senate's order of business should not be bent to conform to the prerequisites of any advertising campaign.

This resort to advertising raises some questions. Are the American people supposed to have their political judgments manipulated by Madison Avenue? And are we in the Senate supposed to hold our breath until the campaign has run its course, and then trim our convictions to suit whatever wind has been made to blow?

Let me answer these questions with three statements.

I do not think the American people like seeing legislative proposals merchandised like potato chips.

Second, I am sure the American people cannot be manipulated.

Finally, the Senate will not allow Madison's Republic to be governed by Madison Avenue. This is world's greatest deliberative body, and it does not need or appreciate advertising bombardments. Senators are elected to exercise their judgment, not to conform their decisions to generated passions.

In this regard, I am reminded of Winston Churchill's comment when in the dark days of September, 1941, he urged American leaders not to allow their decisions to be swayed by the fluctuations of the Gallup poll. Churchill put it this way: "I see (it said) that leaders should keep their ears to the ground. All I can say is that the British nation will find it very hard to look up to the leaders who are detected in that somewhat ungainly posture."

Mr. President, the American people do not expect Senators to adopt that ungainly posture. I am sure Senators have settled opinions on the pending Amendment and are ready to vote. To them I suggest Mark Twain's advice: "Always do right. You will please some people and you will amaze the rest."

Mr. President, these were my views 2 months ago. At that time, it was already past the date on which the sponsors of the amendment had promised their cash-paying supporters that a vote would be held.

These were my views then, and nothing has happened to change my views.

In fact, only three things have changed that are at all relevant, and these three things buttress the case for defeating this amendment promptly and decisively.

First, we have appointed a new and indisputably eminent chief negotiator for our delegation at the Paris peace talks. This is a time for forebearance as Mr. David Bruce takes up the arduous task of being civil and constructive with the obdurate Communist negotiators. This is no time to undermine Ambassador Bruce and the President who sent him. This is no time for the Senate to recommend a sudden lurch in the steady, effective policy of disengagement.

The second relevant thing that has happened since I stated my views on this subject is that the President has met his commitment to remove all American troops from Cambodia. The President gave his word and he kept his word, just as he has been keeping his word on every aspect of his announced policy disengaging America from the war he inherited. Thus, Mr. President, I conclude that the course of events in recent months has confirmed what most of us have never had any reason to doubt: the President can be relied upon to continue to fulfill his solemn commitment to withdraw American forces, and it is insulting as well as imprudent to bind him to a rigid timetable.

Mr. President, the third thing that has happened since I urged the Senate to vote promptly and negatively on this amendment is that the amendment has been altered. This raises an interesting point with regard to all the fund raising that took place before the amendment began to mutate.

That is, the people who sent in the money paid for a product that has since been taken off the market. It would seem that if a person orders a shirt he should not get a blouse.

I understand that the persons who have altered the amendment say that one important alteration—an extension of the deadline for achieving withdrawal—was necessitated because the amendment was not voted on as soon as they had anticipated. To which the proper answer is: Indeed it was not voted on as soon as they promised, but whose fault is that?

Again, I assume Senators recall the exuberant language with which the junior Senator from South Dakota greeted my attempt to help him bring his amendment to a vote in the time period he seemed to favor.

Actually, Mr. President, it is perfectly clear that the proponents of this amendment are marching to the beat of a different drummer. Indeed, the drummer to which they are marching is a drummer understood as a traveling salesman.

It is interesting that the supporters of the amendment are relying on short 30-second commercials. It is delightful to learn that the proponents of the amendment, who only a month ago were unwilling to vote because—they said—the vast complexity of their amendment, and the subtlety of its rationale, was such that they needed a huge amount of time to deploy it all, have now managed to boil it all down to the point where they can get their message across in 20 seconds.

Mr. President, one really must chuckle at some of the ironies in this.

First, it is no secret that this amendment is the current focus of interest in some liberal circles. Yet for years these circles have been warning the Nation about the large and pernicious influence of advertising.

The second irony has to do with their lament that they must present their views in commercials because they are not given enough exposure on television. I say this complaint is ironic because I so frequently see these Senators making this complaint—on television. This spectacle reminds me a bit of the student radicals who are constantly telling network newscasters that no one is listening to them—while ten million viewers listen to them.

The sponsors of these commercials are not having them shown in the Washington area, and that is unfortunate. Judging by the one I have seen, they are somewhat more diverting than the usual run of commercials.

This is not to say that they are substantial contributions to public enlightenment.

The one I have seen pictures a group of 12-year-old boys playing in a field. This commercial, which is about 12-year-olds, and must have been designed by 11-year-olds to appeal to 8-year-olds, presents an altogether pleasant scene, and is accompanied by an unexceptional message: Would it not be nice if these young men would grow to maturity in a peaceful world?

To which question the answer is "Yes." To which answer the response is: What has this homily to do with clarifying the best strategy for peace?

The Senators explain that they need to run these advertisements because they do not get as much television time as the President of the United States. That may be true—just as it is true that they do not get as much pay, votes or furnished rooms as the President of the United States. But it is not self-evident what all this has to do with justifying the practice of commercializing the legislative process.

So far as I can tell, the complaint registered by some of these Senators is really that the television networks do not treat them like the President of the United States. This network behavior is understandable because none of these Senators is President of the United States—although some of them were doing their best to change that situation. Therefore the criticism of the networks by these Senators is hard to comprehend.

Anyway, I suspect that these Senators get a good deal of time on network television.

Each of the three major networks carries a news interview show each Sunday. Senators feel free to accept invitations to appear on these shows, and frequently do appear. By tradition, the President does not appear on such shows.

Each of the three major networks has a late evening "talk" show that runs an hour and a half. Senators frequently appear on this kind of show. Presidents do not.

In addition, there is a fourth "talk" show—the "David Frost Show"—that is widely syndicated throughout the Nation. Senators frequently, and Presidents never, appear on this show.

Finally, the National Educational Television network has a variety of public affairs shows on which Senators frequently appear.

In short, it is well known that the networks have not been reluctant to provide forums for those Senators who are critical of the President and his policy for dealing with the war he inherited. Consider what this means in terms of television exposure for those Senators who are currently backing the amendment to end the war.

The President, whose traditional powers are at stake, opposes the amendment. Those Senators who not only support the amendment, but who support it so fervently that they want to be listed as cosponsors, number 25.

Now a conflict that pits 25 cosponsors and some other supporters against one is hardly unfair to the 25 plus persons, even when the one person is the President.

I would wager that if you totaled up all the time the President has taken on network television since coming into office—excluding press conferences, where he must conform to the wishes of the press, and excluding film clips of ceremonial activities—you will come up with a total of television time that is much smaller than the total television time enjoyed by those who oppose the President today by supporting this amendment.

Just consider the television fare of recent days. On Sunday, August 23, Americans could have watched a half hour of the distinguished junior Senator from Arkansas on NBC's "Meet the Press." Then, with a flick of the wrist, the miracle of modern communications enabled viewers to see the distinguished junior Senator from South Dakota on ABC's "Issues and Answers." True, the junior Senator from South Dakota was not alone; the distinguished junior Senator from Kansas was present. But that is just a hazard of free debate, and it certainly does not lend support to the idea that the junior Senator from South Dakota is having trouble getting himself on television.

Anyway, last Saturday evening Americans could have seen a debate on the war. The debators included—the junior Senator from South Dakota. Yesterday evening viewers could have seen two Senators whose views on the war span the spectrum from A to B. These two were the junior Senator from Arkansas and—the junior Senator from South Dakota. And there is more to come. This Friday evening viewers can see two Senators discuss the war. The Senators will be the junior Senator from Maryland and—surprise—the junior Senator from South Dakota. Perhaps on his Friday broadcast the junior Senator from South Dakota will discuss all the difficulties he has getting on television.

Meanwhile, we can get on with the business of dealing with this amendment I urge its decisive defeat.

Mr. MATHIAS. Mr. President, the ultimate question that a member of the U.S. Senate, or for that matter, any other American, must ask when considering the Hatfield-McGovern amendment is "How will this affect the safety and security of America?" All partisan temptation, all personal risk, all individual bias has to be subordinated to the answer to that overriding question.

I was an early, visible and vocal supporter of President Nixon's policy of gradual withdrawal from Vietnam. It seemed to me that a new administration charting a new course, headed in the right direction, should be fully supported. Acting on this position, I introduced last year a resolution calling for congressional ratification of the Nixon policy.

At that time I did not, however, fully appreciate the difficulties that lay ahead of President Nixon. His inheritance of gags, hobbles, and infirmities from preceding administrations has made this job impossible even for a President. At home he is exposed to the argument, pressure, and influence of those who still think no stake is too high to risk in achieving a solution by force. Overseas he is at the mercies of both a foe and an ally who share a common reluctance to negotiate an end to the war. The Government in Hanoi can trigger greater military effort and deeper involvement on our part by rattling its own sabers. The Government in Saigon can attain the same object by resting on its arms.

It is time to take the President off the spot where he is subject to pulling and hauling from so many directions.

We can remove the temptation from friend and foe alike to entice us deeper into the swamps. We can do so by embodying into law in a constitutionally proper way the President's proposals for removal of troops between this date and next April, and adopting a national policy to govern our conduct thereafter, with proper provision for alteration if events require it. Such a course might encourage negotiations. At the very least it is a positive step toward ending our participation in the war.

That is what the amendment before us would do. The language of the amendment follows:

AMENDMENT TO THE MILITARY PROCUREMENT BILL, H.R. 17123

At an appropriate point in the bill insert the following:

"1. In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expended to maintain a troop-level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971.

"2. After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

"(a) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971;

"(b) to secure the release of prisoners of war;

"(c) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(d) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Provided however, That if the President while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period of not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to section 2(a) for Congressional approval."

The first clause places Congress on record in support of the President's declared objective of reducing the United States troop level in Vietnam to 280,000 men by next April 30. The second clause places Congress on record in support of terminating U.S. military operations in that troubled nation by the end of 1971, while providing specific assurance that we will do whatever necessary to guarantee the safety of our troops, the release

of prisoners of war, the provision of asylum to Vietnamese who might be physically endangered and the grant of assistance to the Government of South Vietnam in pursuit of the same aims. In addition, it provides the flexibility of an extension to February 29, 1972, of our withdrawal if necessary to assure the safety of our troops. And, it provides a clear avenue to the enactment of further extensions of the U.S. troop presence if the President and Congress shall deem it necessary.

President Nixon and his advisors deserve the commendation of the Congress and the thanks of a grateful nation for turning around the long escalation of our involvement in Indochina; present and planned withdrawals will bring the U.S. troop level from well over 500,000 2 years ago to at most 280,000 by next spring. The Senate took an important first step in participating in this change in policy when it repealed the Tonkin Gulf Resolution of 1964, a policy statement obtained under dubious circumstances by a previous administration, and which, by its language, left open the possibility of unending warfare involving the United States in Indochina.

Now, we must take the second step, endorse the President's announced withdrawal plans and free the President from possible entrapment by all and foe alike in order that he may complete an orderly withdrawal by the end of next year if possible, extending our presence for a longer period if it shall be deemed necessary, by the President and Congress.

This amendment, then, seems to be a proper course and I shall support it.

Mr. JORDAN of North Carolina. Mr. President, today the Senate faces another major decision on the Vietnam war.

It is by no means the first question to be posed by this long and costly conflict. Nor is it likely to be the last.

But for many reasons it could be a most crucial one.

It is also a most difficult one because it hinges primarily on how to reach a goal rather than on the issue of what the goal should be.

The vote today on the McGovern-Hatfield amendment will not be for or against peace in Southeast Asia.

It will, instead, reflect a thoughtful judgment by each Member of this body on whether setting a specific timetable for ending our combat role there will help or hinder the quest for that peace.

This issue is too vital to warrant hasty conclusions or pat answers and is so complex as to guarantee honest and unresolved differences of opinions in the Senate and in the country.

Speaking as one fully committed to ending our part in the Southeast Asia conflict as soon as it can be responsibly accomplished, I find the "end the war" characterization of the McGovern-Hatfield amendment an appealing one. I am in complete accord with that avowed purpose.

It is only because I seriously doubt that it would achieve the intended result without unwanted effects that I find myself unable to support it.

My primary reservation turns on whether, in seeking to set a December 1971 deadline for ending this country's combat role, the amendment could endanger the chance for earlier termination while increasing the cost in lives and money by reason of the delay.

I question too the effect which adoption of the amendment might have on the naturre and terms of any subsequent peace settlement.

Either or both of these unwanted eventualities could result from an action stripping this country's Paris negotiators of any real bargaining power and leaving Hanoi with no requirement except to hold on until the deadline and then set its own terms.

Granted that the amendment would allow the President to postpone the deadline if a clear new danger became evident, the practical effect would be altered little since the request for delay could be expected only a short time in advance of the original target date.

To the degree that it lessened pressure on the Communists to negotiate, the amendment would also diminish the prospect for improved treatment and possible release of prisoners of war whose plight is of such serious concern to all of us.

In summary, it seems to me the practical effect of the amendment could be almost the complete reverse of its intended purpose by limiting the President's options and that of the U.S. negotiators in their efforts for a military scaledown and an acceptable peace settlement.

Even without the amendment I think Congress has already made clear its desire for a settlement of the Vietnam issue and its intention of taking a part in that settlement.

This war has been going on for over 7 years now. I think the Senate has already told the President and the world it wants the negotiators to get down to serious bargaining in Paris and to reach an agreement that will bring our boys home long before the deadline which this amendment proposes.

Mr. HARRIS. Mr. President, as a cosponsor of the McGovern-Hatfield amendment to end the war, I rise to speak in support of its adoption.

The objective of this amendment is supported by most Americans. The main issue is no longer whether to continue the war; it is now how to end the war—how quickly we should and must extricate ourselves from a bad situation.

The supporters of the McGovern-Hatfield amendment believe in the moral, economic and political necessity of bringing this conflict to as rapid a conclusion as possible. The amendment accomplishes this purpose and at the same time is sufficiently flexible to answer many of the problems that might be presented by the withdrawal.

This proposal does not advocate precipitate withdrawal. It would permit a force level of 280,000 troops in Vietnam on April 30, 1971, with a systematic withdrawal of the remaining troops by December 31, 1971. The 280,000 force level by April 30, 1971, is consistent with the schedule of withdrawal already announced by the President.

Nor is there a failure in this proposal to recognize the need to provide for the safety of our troops while the withdrawal is conducted. The amendment specifically provides that funds may, after April 30, 1971, be expended to insure the "safe and systematic withdrawal of remaining Armed Forces."

The amendment also makes provisions for funds after April 30, 1971, that might be needed to secure the release of prisoners of war.

Attention in the amendment has also been given to the fear that a withdrawal will lead to a blood bath. While the history of other conflicts in Vietnam does not support these fears, and while the McGovern-Hatfield amendment does not provide for overnight withdrawal, the amendment does permit funds to be used after April 30, 1971, to provide "asylum for Vietnamese who might be physically endangered by withdrawal of American forces."

Attention to the fear of many that when we get down to the final termination date, additional time may be needed and to cut off all support as of that date would be unwise, likewise has been given in the amendment. Added to the original McGovern-Hatfield amendment is a provision granting to the President the power to suspend the December 31, 1971, deadline for 60 days, and if he believes the 60-day period may need to be expanded he could, within 10 days after he exercises his option to extend the withdrawal date, submit to Congress his recommendations along with a revised deadline.

Thus, Mr. President, many of the fears that have been expressed about any plan of withdrawal, have been met by the safeguards of the McGovern-Hatfield amendment.

The President, as I stated earlier, has stated that he desires to have the level of troops down to 280,000 by April 30, 1971—the McGovern-Hatfield amendment provides for the same level. The President has announced that he will get us out of Vietnam and bring our involvement in the conflict to an end—this is, of course, the primary objective of the McGovern-Hatfield amendment. The primary difference in what the President proposes and the McGovern-Hatfield amendment is the setting of a date for final withdrawal of troops. This difference is one which, I believe, is significant.

Former Secretary of Defense Clark Clifford has outlined the desirable results that would follow from the setting of a timetable and has argued the necessity of this approach. He believes, and I agree, that only through an announcement of systematic withdrawals will we convince Saigon that their government must become a more popularly supported government, and that they have got to take on more responsibilities themselves.

Mr. Clifford has further stated that chances for meaningful negotiations now with Hanoi may be increased by a fixed schedule, indicating that they are actually going to be eventually met with the prospect of dealing with a purely local, popularly supported government in the south.

In any event, our staying in Vietnam

will not insure the accomplishment of any objective we may have had in becoming involved in the conflict. As Mr. Clifford stated in his landmark article in Foreign Affairs:

> In the long run, the security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at plan is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home.

If the South Vietnamese Government cannot stand on its own feet by December 31, 1971, and at that time offer to the people of South Vietnam the right of self determination, it never will be able to do so.

This Nation has already lost 43,000 young men and spent $140 billion in the hopes that at some time in the future the problems of South Vietnam will all be solved. That is enough.

Nor can the growing social and economic needs of our own people continually be pushed aside.

In 1968, Congress passed the Housing and Urban Development Act which established the national goal of 26 million new housing units over the next decade, including 6 million units for low-income and moderate-income families. But we have not begun to approach our goal. Instead, we have fallen backward—since January 1969 housing starts have dropped by 37 percent.

Our educational needs are equally great. The National Advisory Commission on Civil Disorders pointed to the failure of education in the slums and ghettos of America. Overcrowded classrooms, poorly equipped schools and a lack of sufficiently trained teachers all have contributed to the growing chaos and violence in the classrooms. Yet, at the same time, urgently needed school bond issues are being defeated in communities throughout the Nation—not as a rejection of America's pride in education, but as a reaction to the increasing tax burden in local communities. This unfortunate development threatens the education of children in all sections of the country, black and white, rural, urban and suburban.

The Nation's level of health care is also slipping. Better availability of health care for all Americans at a price they can afford must be an immediate goal of this Nation and must be given urgent attention.

Greater resources to fight crime are required. More policemen, improvement in salaries for our law enforcement officials, the streamlining of our judicial system to break the bottlenecks to swift justice, and the reform of our penal system are in great need of full support.

To some extent these urgent domestic needs are all casualties of the war in Vietnam and have caused us to suffer greatly. The people of Vietnam have suffered even greater losses. To a lesser extent, all the people of the world have suffered. Surely much of this suffering can be eliminated if we enact the McGovern-Hatfield proposal and, as Mr. Clifford has suggested, "depend upon the ability of the countries there to meet the legitimate growing demands of their own people."

The question of the constitutional role of Congress in the making of foreign policy has been discussed in the debate. The distinguished Senator from South Dakota (Mr. McGOVERN) addressed himself to this question in an excellent manner on Friday of last week. An examination of the Federalist papers and other writings make clear the responsibilities of Congress. An excellent article on this subject in volume 50 of the Boston University Law Review, page 40, states:

> The grants of the war powers to the Congress are juxtaposed to references to the power of the purse. Thus, Congress raises and supports armies, but no appropriation for the military may be for a period longer than two years. Congress provides and maintains the Navy. In particular, the two-year limitation indicates that the Framers intended the appropriation power be used to ensure civilian control over the military. Jefferson expressed this relationship between the appropriation power and the presidential power in the strongest terms:
>
> "We have already given, in example, an effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

Passage of this amendment would be consistent with other recent actions taken by the Senate to fulfill its constitutional role in the making of military and foreign policy—the national commitments and the Cooper-Church resolutions are prime examples.

Finally, Mr. President, by passage of the McGovern-Hatfield amendment we would give support to the President's announced intention of withdrawing our troops from Vietnam and thereby make it implicitly clear that all of us will share the responsibilities; we would present a united front of bipartisan action to the world—a unity of purpose and aim. I believe the editorial writer of the Washington Post in an August 28 editorial was correct in stating:

> Orderly termination of the war as soon as feasible ought to be the joint policy of the two political branches, and it is doubtful that there will be a better opportunity than the present to make it so.

I urge the adoption of the McGovern-Hatfield amendment.

Mr. JACKSON. Mr. President, our objective, shared by the administration and by a great majority of the Congress and the American people, is to speed the withdrawal of American forces from South Vietnam consistent with the policy of leaving the people of South Vietnam sufficiently strong to defend themselves. It is important to move toward the goal of ending our combat operations in Vietnam as rapidly as possible and in a responsible manner that is likely to bring genuine, durable peace in Vietnam and not a larger war later.

Mr. President, the issue posed to the Senate by the McGovern-Hatfield amendment is whether its adoption will advance or worsen the prospects for American withdrawal from Vietnam and the negotiation of an honorable settlement in Paris.

I believe, Mr. President, that the "amendment-to-end-the-war" will not achieve that objective. The supporters of the amendment have failed completely to convince me that the total number of lives lost in this tragic conflict will be fewer if the amendment is passed than if we carry out an orderly withdrawal in the absence of statutory compulsion. It is entirely possible, for example, that passage of the amendment will serve, not to shorten the war, but to deepen the intransigence of the North Vietnamese at Paris and further liberate their armed forces to concentrate on the destruction of innocent civilians in Cambodia and Laos.

As our withdrawal proceeds, the only leverage we have with which to promote the chance of a negotiated settlement lies in the uncertainty that surrounds the President's timetable. This leverage applies not only to Hanoi—which must view with displeasure our efforts to strengthen the South Vietnamese—but also to Saigon whose cooperation will be essential to any negotiated settlement. If we establish a date certain for the withdrawal of the last American soldier, our capacity to influence the South Vietnamese will vanish. And what is worse, the spirit of cooperation essential to the collaborative training mission of the Vietnamization program may be turned, instead, to enmity and bitterness.

For this reason, I believe it is mistaken to asume that if the McGovern-Hatfield amendment were adopted Vietnamization could go forward successfully in the months before December 31, 1971. It might well collapse entirely under the burden of a seriously demoralized South Vietnam and an invigorated North Vietnamese military force.

Moreover, Mr. President, I am opposed to the rigid inflexibility that would result from the legal requirements that all armed forces be withdrawn by December 31, 1971. I can imagine contingencies in which lives—American and Vietnamese—could be saved by retaining the freedom to keep highly specialized military advisers, on a volunteer basis, at their posts after this arbitrary date. Medical corpsmen, for example, may well be on the job saving lives on December 31, 1971. Specialists in aircraft maintenance, reconnaissance, the utilization of sophisticated electronic systems, and so forth, may be required—and may be able to perform important duties in a safe and secure environment. Their efforts, which would be terminated under the McGovern-Hatfield amendment, may prevent the very loss of life its sponsors have taken as their declared objective.

My own view is that the McGovern-Hatfield amendment is no way to negotiate with Hanoi. It would fix a withdrawal schedule for the President by law, removing once and for all the President's options. What sort of a signal is that to give the North Vietnamese? What incentive would Hanoi have to negotiate a settlement if the President is under Congressional mandate to meet a

deadline for evacuation, even the somewhat extended deadline in the amended version of the McGovern-Hatfield amendment?

I do not believe the adoption of the proposed amendment will bring closer the objectives the great majority of us seek.

Mr. President, the appointment of David Bruce as our top negotiator in Paris presents a new opportunity to make a determined effort to break the stalemate in the Paris talks.

As I have said on a number of previous occasions, we should take advantage of this new opportunity to offer a proposal in Paris to start negotiations for a standstill overall cease-fire.

I am glad to see that the New York Times in the last few days has also come to the view that an initiative for a standstill cease-fire in Vietnam is a promising and wise alternative to the McGovern-Hatfield amendment.

As part of a negotiated political settlement, we should promptly urge in Paris:

A formal proposal for an internationally supervised cease-fire by all parties throughout Vietnam specifying provisions for the international peace-keeping machinery to oversee the cease-fire, the withdrawal of outside military forces within a specified time of the effective date of the cease-fire; the protection of minorities, with safeguards to guarantee all South Vietnamese freedom of speech, assembly and the press; and protection against terrorism and political reprisals;

Free and open internationally supervised elections in South Vietnam, with all agreeing to accept the results of the elections.

I shall vote, Mr. President, against the pending amendment; and I would urge my colleagues seriously to consider a negotiated cease-fire, and to affirm the wisdom of such a course.

Mr. MILLER. Mr. President, the pending amendment by Senators McGOVERN, HATFIELD, and others has been revised in a desperate effort to pick up additional votes. Amendment 609 has now become amendment 862. When experienced Capitol Hill observers unanimously agree that no matter what happens here in the Senate, the amendment has not the remotest chance of approval by the House of Representatives, one wonders why all of this effort, time, and publicity have been expended on it.

If the reason is to try to mislead the voting public into thinking that those who are for the amendment are "anti-war" Senators and those who oppose it are "pro-war" Senators, one can only conclude that the proponents have the utmost contempt for the intelligence of the voters. Most of the public understand very well that every Member of the Senate hates war—and especially those of us who have served in one. But that does not cause a reflex response to support a proposal that is deceptive in title and specious in content.

Legislators are very familiar with the old tactic of puting a nice-sounding label on a bill or amendment for the purpose of attracting support. We are also familiar with the fact that it isn't the label that counts, but the content of the proposal. If, indeed, this was a genuine "end the war" amendment, it would have passed both Houses long ago. But it is not. And cutting through to its essence, it is clear that it is a peace at any price proposition. The hatred of war does not compel one to embrace peace at any price.

The quickest way for this war to end is through negotiations genuinely entered into by the opposing sides. It is true that the meetings in Paris have been unproductive thus far, notwithstanding all of the false optimism generated over them by former President Johnson. However, it is well known that the principal reason for their failure has been the belief of the North Vietnamese that all they had to do was be patient, and they would win the war in Washington—just as they did in Paris during the war with the French. The key to this strategy is a continued high level of American casualties. Vietnamization is the answer to that, and all evidence demonstrates that our casualties are steadily going down. By the time most of our ground combat troops are out of Vietnam next spring, we may expect our casualties to be very small. And as the North Vietnamese see this trend, we may expect them to become more serious about negotiations.

I join with most Americans in the hope that this war will be ended soon through the negotiation procedure. But I must warn that, if this pending amendment is adopted, there would be no incentive for the enemy to negotiate. All he would have to do is wait patiently until all American troops are out, as the amendment provides and the enemy has ample patience. Thus the amendment's fatal defect is that it would kill the possibility of ending the war through negotiations—and ending it much sooner than the amendment would do, incidentally.

The proponents argue that the Congress should share the responsibility for ending the war with the President. It is true that we have that power, and it is true that we exercise it through the appropriations process. That is not the point. The point is whether it is wise for us to use that power. If the war was getting bigger and worse—as it did for 5 long years before President Nixon took office, I myself would advocate use of that power. But when our new President has reversed the tragic trend and is moving us in the right direction, I do not believe it is prudent to use our power in the manner being proposed.

Moreover, I find it most interesting that those who support this amendment were, with rare exceptions, strangely silent during the 5 years when this war grew bigger and worse. Where were they then with their end the war amendments? It may be said that not until we had a new President—a Republican President—did they think it was timely to seek to share the responsibility for ending the war. If that new President was moving us in the wrong direction, or maintaining the status quo, such an excuse might be acceptable. In the present state of affairs, however, it strains the credulity of a majority of our fellow citizens.

Mr. HART. Mr. President, today the Senate can begin to reassert its proper role in determining the foreign policy of the United States.

Today, the Senate has the opportunity to take a step toward ending U.S. involvement in a war which has claimed 43,000 American lives and 285,000 wounded Americans.

We can take those steps by approving the McGovern-Hatfield amendment which defines the limits of our efforts in Indochina.

In brief, the amendment says:

First. No funds to support more than 280,000 armed service personnel in Vietnam after April 30, 1971.

Second. After April 30, 1971, funds can be used only to complete withdrawal by December 31, 1971, and to secure release of prisoners of war, to provide asylum for any Vietnamese who feels physically threatened by our withdrawal, and to aid the Republic of Vietnam in programs consistent with those goals.

Mr. President, I would like to address myself to three points raised by this amendment:

First. Would the amendment undercut efforts to negotiate a settlement to the war?

Second. Would the amendment "tie" the President's hands in protecting our troops?

Third. Would the amendment infringe on the constitutional powers of the President to conduct a war?

Mr. President, it has been argued that to announce a withdrawal date would take the pressure off the North Vietnamese to negotiate.

However, the President, correctly I believe, has already announced an irreversible policy of withdrawal. While the date for complete withdrawal, if one has been selected, has not been announced, it seems to me that if the McGovern-Hatfield amendment undercuts negotiations, so too does the administration's policy.

However, it seems to me that both the administration's policy of withdrawal and the McGovern-Hatfield amendment could be a spur to negotiations.

The fact is that as long as our Nation has been willing to fight the battles, the Saigon government has shown little interest in negotiating a settlement. If we tie our withdrawal schedule to progress Saigon makes in building its ability to carry on the war, then our withdrawal schedule will be determined by those who prefer our men to fight their battles.

On the other hand, if we set a date certain for withdrawal, the Saigon government will be on notice just how much longer it has to get its house in order or to begin meaningful negotiations.

And certainly, it can hardly be argued that a withdrawal spread over 15 months does not give Saigon long enough to assume the burdens of Vietnamization, particularly in light of the facts that we have given Saigon governments more than $6 billion in direct military aid since 1950 and Saigon now has more than 1 million men under arms.

If Vietnamization of the war is a proper policy, another 15 months of American presence in Vietnam surely will give

it time to succeed if it ever is going to succeed.

The McGovern-Hatfield amendment then is not a change of policy but rather a speed-up of the administration's announced plan, which brings me to the question of tying the President's hands.

The language of the amendment makes quite clear that the President can pursue any plan in the interest of safeguarding our troops. Equally important, he can extend the withdrawal timetable by 60 days by informing Congress additional time is needed.

And if still more time is needed, the President can come to Congress to ask for a further extension.

That requirement brings me to the question of the authority to declare war and the Constitution.

The writers of the Constitution clearly wanted the power to put this Nation into war in the hands of Congress.

While the Constitution gives the President, as Commander in Chief, authority to conduct the day-to-day tactics of a war, the Constitution empowers the Congress to declare war, to raise an army, to appropriate funds for an army, but not for more than 2 years at a time.

The limit on appropriating funds for not more than two years seems to me to reflect the importance the writers of the Constitution placed on having the decisions of war or peace in the hands of the Members of Congress rather than in the single pair of hands of a President.

Congress then is acting within its constitutional responsibilities to require that the executve branch come to Congress if it believes our participation in the conflict must be extended beyond a certain date.

It seems to me any administration should welcome this approach, for it insures that future decisions affecting the course of our action in Vietnam will be shared by both branches of Government. Such a sharing will do much to increase the acceptance of any such decisions.

Mr. President, after pursuing a war effort which has cost this Nation 43,000 lives, 285,000 wounded and $140 billion, it is long past the time that Congress and the Executive join in bringing an end to that effort.

I would say that even if the funds spent on the war were not so vitally needed here at home.

I would say that even if the war spending were not the main cause of an inflation which greatly dilutes the quality of life in our Nation and efforts to improve that quality.

I say that because in lives and treasure we have more than lived up to any commitment we had to give the Saigon government time to build a stable peace, and under this amendment, that government will still have 15 more months to meet its commitments to those Americans who have lost their lives or have been wounded.

To those who fear a "bloodbath" may follow our withdrawal, I would say history does not indicate that will happen. Equally important, the war already has caused an estimated 300,000 civilian deaths and more than 275,000 civilian casualties. That bloodbath will continue, perhaps at a reduced rate, as long as the fighting continues.

Mr. President, it is time that the Senate takes a step toward exercising its constitutional role in this tragic conflict, and take that step by setting a limit on our participation in the war.

Mr. McINTYRE. Mr. President, I rise in support of this amendment. My support is based on two convictions:

First, indefinite continuation of this war will threaten the internal stability, even the security of our Nation.

Second, we got in this war together; and we must get out of it together.

We have all seen the damage this war has done to our Nation. It has caused the deepest internal division since the Civil War. This division has torn up our cities, our institutions, our families. It has set father against son, brother against brother, and average American against himself as he has struggled to come to terms with this war.

The average American, like myself, supported our intervention step by step. And even when he saw optimistic report after optimistic report crumble to dust, he continued to hope for the best.

He has wrestled with his conscience over the rightness, the wrongness or the effectiveness of our presence in Vietnam and now he has concluded that we must withdraw.

The average American, the middle American if you will, has come to this conclusion because it is his son who dies in Vietnam, his community which suffers because the costs of the war preclude meeting urgent domestic needs, his pocketbook which is squeezed hardest by war-inspired inflation—and his pride in what he wants our Nation to be which is confronted by his awareness of what this war has led us to do.

The average American knows that the furies abroad in our land have their roots in this war. He knows it is time to get out of that war before our nationhood itself becomes the ultimate victim of it.

Indeed, in a Nation which is polarized in so many ways, the deep desire for peace in Southeast Asia is perhaps the most broadly American feeling in our land today.

This amendment at its heart reflects that desire for peace by setting a reasonable date for our withdrawal.

It also recognizes that the only sure way we can realize such a peace at home and abroad is to seek it together.

Four administrations, both parties, the Congress of the United States—share responsibility for an involvement in Vietnam.

There is no room for any partisanship here. In particular those of us who are Democrats must remember that this is not Mr. Nixon's war. He inherited it from us.

And I want to make it clear now as I have since he has become President that I support our President in his efforts for peace. I have also pledged to defend him in the future against attacks from those in either party who in latter, more difficult stages of our withdrawal, might be tempted to try to accuse him of having "sold out" in Vietnam.

I am pleased that this amendment approaches this problem in such a broad spirit of bipartisanship. It enjoys the support of Members of both parties here in the Senate just as it does in my own State.

This amendment also recognizes the responsibility for peace and war which Congress and the President shares under the Constitution. This has been essential for my support.

It scrupuously does not interfere in the President's responsibilities or prerogatives as Commander in Chief.

As is constitutionally proper, it speaks only to the broadest of long-range policy questions and leaves all tactical, operational, and administrative matters to the President.

It recognizes that the Commander in Chief should be able to make exceptions to this broad policy unilaterally to protect our troops if they are exposed to unanticipated clear and present danger.

It provides funds for the President in support of our efforts to release our prisoners of war, to protect those Vietnamese who might be endangered by our withdrawal, and to continue our assistance to the South Vietnamese so that they can defend themselves.

It supports and shares the responsibility for implementing the President's stated policy of withdrawing to the level of 280,000 troops by April 30, 1971.

Finally, it recognizes that it is not enough to support the President in his efforts for peace; every Member of Congress, indeed every citizen, must help the President to achieve peace by accepting his appropriate share of the constitutional responsibility for making the tough decisions which must be made if we are to extricate ourselves from Vietnam.

In sum, in its present moderated form, it seeks to find a common constitutional and policy ground on which this Nation can move together in a responsible, bipartisan, and determined search for peace.

THE AMENDMENT TO END THE SHELL GAME

Mr. MUSKIE. Mr. President, this morning's lead editorial in the Washington Post is one of the most cogent and forceful arguments I have read in favor of the McGovern-Hatfield amendment. Cutting through much of the rhetoric and misinterpretation to which this amendment has been subject, the editorial concluded:

> . . . the main virtue of the McGovern-Hatfield amendment is not that it will end the war, which it does not guarantee, but that it will require a certain degree of candor about the war, if our effort or our fortunes should take a bad turn, while imposing no real limitations on the President if things go well.

I ask unanimous consent that this editorial, "The Amendment To End the Shell Game," be reprinted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AMENDMENT TO END THE SHELL GAME

Over the weekend the Associated Press invited Senators McGovern and Griffin to argue for, and against, the so-called Amendment to End the War and while we don't

agree with all of what Senator McGovern had to say (and least of all with the patently spurious title that has been given to this measure) we find ourselves disagreeing with just about everything Senator Griffin said. When his argument is not merely specious it turns upon itself in a way which seems to us worth noting as the Senate comes up to today's final vote.

What Senator Griffin winds up saying, on behalf of the administration, is that "There is no need at all for a law or anything else seeking to accomplish *what is already being done.*" He quotes Mr. Nixon as saying that his administration "has adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat forces on an orderly, scheduled timetable." He quotes Secretary Rogers as saying that this process is "irreversible"—that it "contemplates the complete withdrawal of the troops in Vietnam." And he acknowledges that a large part of this withdrawal, and therefore an important part of the timetable, has already been publicly announced; by next April, "an additional 150,000 troops will have come home."

So there is apparently no harm in the President's fixing some deadlines, a full year ahead, and in making flat and final commitments to eventual, total withdrawal. But when the Congress proposes to fix a timetable which is no more binding, in effect, than Mr. Nixon's timetable, and is in fact quite consistent with it, this becomes "dangerous" and "disruptive" and a clear signal to the Communists that they "need not negotiate seriously, that they could attain by default what they could not win on the battlefield." The Communists, Senator Griffin tells us, have "in an infinite degree the capacity to walk with time."

Well, so they do. And so they can also read, which means that they can probably tell the difference between a piece of legislation which is open-ended, as currently revised, obliging the President only to ask for more time if he wishes to extend the deadline, and a public presidential commitment which is "irreversible." As a practical matter, the amended McGovern-Hatfield provision requires the President merely to do what he would have to do in any case to get the money he would need to stretch out the war; he would have to ask. When we are talking about an adversary with "an infinite . . . capacity to walk with time," McGovern-Hatfield offers no more incentive for stalling on negotiations than the President's own promises.

So our answer to Senator Griffin is very simple; if there is no *need* for a law to accomplish *what is already being done,* there can equally be no *harm* in a law which seeks only to accomplish *what is already being done.* The McGovern-Hatfield proposal does not, after all, *require* the President to follow a congressional timetable if he can improve upon it—although Senator Griffin seems to be arguing that it would. All it really does, in its present form, is to reinforce the President's announced intentions with a statement of similar intent on the part of Congress. In this sense, just because the amendment accepts the President's current sense of timing without foreclosing the need for a stretchout later on, it is as much an expression of support as it is a restraint. It is a sharing of responsibility, long overdue in this divisive and tormented undertaking, and it is beyond our comprehension why the President should not positively welcome it—above all, at a time when he and his lieutenants are at great pains to prove to us and to our adversaries that things are going our way. Our casualties are down, dramatically, which is the most effective evidence we could have that the burden of the war is being transferred progressively to our South Vietnamese allies; the enemy, for reasons not yet entirely clear, is not pressing the war with the same old intensity; the South Vietnamese army is performing better every day, we are told. The Vice President is returning from an Asian tour aglow with progress reports.

If things were going badly, if there were ominous indications of an enemy buildup, if there were any real doubt in the minds of administration officials about their ability to make good on their timetable—that would give us all pause. But if that were the case, it would be all the more reason for the administration's being under some requirement to say so—to tell us what is going on, to prepare us for new adversities, to rally support in the face of new challenges—which is all that McGovern-Hatfield in its final form would now require. It would oblige the executive branch to come clean with the rest of us so that we don't learn, as we did on April 30 of this year, for one example, of a crippling adversity in Cambodia, which was not worth mentioning in a full-dress Vietnam report 10 days earlier.

That is what has robbed our efforts of force and conviction—the endless shell game with public opinion, which only serves to bring on the great political upheavals when the hard facts can no longer be suppressed. The President blames the war critics for this; the Vice President finds it close to treason. But the process of public disillusionment over this war does not begin with the disillusioned; it has always begun with dissembling by the government. And the main virtue of the McGovern-Hatfield amendment is not that it will end the war, which it does not guarantee, but that it will require a certain degree of candor about the war, if our effort or our fortunes should take a bad turn, while imposing no real limitations on the President if things go well.

Mr. DODD. Mr. President, the impression has been conveyed by some of the backers of the McGovern-Hatfield amendment that their amendment offers the only possible way of terminating our involvement in Southeast Asia, and that the alternative to their amendment is an indefinite prolongation of the Southeast Asia conflict.

They convey the impression, in short, that they want to end the war, whereas those who oppose them do not want to end the war.

Nothing could be further from the truth than this juxtaposition.

The fact is that every single member of the Senate and every patriotic American wants to end the war and wants our American boys back home from Southeast Asia as soon as possible.

But the manner in which we go about disinvolving ourselves is all important. It can make the difference between a crushing military and diplomatic defeat and the achievement of a settlement that offers substantial hope for the independence of Southeast Asia.

The administration last year committed itself to a progressive disinvolvement in Vietnam, to be paralleled by a progressive strengthening of the South Vietnamese forces so that they could take over the burden of battle in an orderly manner as we withdrew.

Over the first 10 months of this program, more than 115,000 combat troops were withdrawn.

In April of this year the President committed himself to the further withdrawal of 150,000 American troops over the following 12-month period.

The expectation is that all ground combat forces will be out of Vietnam sometime in 1971. But air support and logistical support units and American military advisers might still remain for some time, in a carefully measured tapering off process. This would give the President flexibility and enormously strengthen our posture in dealing with the North Vietnamese Communists.

The McGovern-Hatfield amendment would completely deny the President this flexibility, because it calls for the withdrawal of all American forces, lock, stock, and barrel, from all of Indochina by December 31, 1971.

Although what seems to be involved is a simple and perhaps not too substantial difference in timetable, the rigidity of the McGovern-Hatfield amendment makes it a formula for defeat and disaster.

It would reduce the possibility of any progress at the Paris conference, because all the Communists would have to do would be to sit back and wait for the fixed date on which the last American serviceman would be withdrawn from Vietnam.

It would completely nullify the very real possibilities that exist of a peaceful settlement of the Vietnam conflict.

It would deprive us of any leverage we may today possess in seeking to negotiate for the liberation of the American captives now in Communist hands. Indeed, I do not think it an exaggeration to say that the McGovern-Hatfield amendment would seal their doom.

The amendment to end the war has been dubbed by certain critics "The Amendment to Lose the Peace." I do not think that this play on words overstates the case in any way.

The fact is that the sponsors of the amendment more or less frankly admit that their measure would probably lead to a Communist takeover in Vietnam and Southeast Asia.

The junior Senator from Rhode Island has even suggested that Communist governments in Vietnam and Southeast Asia might be preferable to weak pro-Western governments which will require our continuing support.

The principal sponsors of the amendment have not gone quite this far. But, recognizing the fact that hundreds of thousands of Vietnamese may fear for their lives if their amendment were to become law and if the Communists were then to take over, they have suggested that we should be prepared, together with other nations, to open our doors to all Vietnamese who might prefer asylum abroad.

The Vice President has already asked the pointed question:

How many Vietnamese refugees is the Senator from South Dakota willing to accept in his State?

This question has to be carried several stages further if the sponsors of the McGovern-Hatfield amendment really mean what they say about offering asylum to all of those who would want to flee if the Communists took over.

The sponsors of the amendment are obviously thinking in terms of some scores of thousands of Vietnamese refugees, or of one or two hundred thousand at the most.

This is an impossibly low figure when one recalls that there were almost 1 million refugees from North Vietnam in just over 6 months after the Ho Chi Minh takeover. Moreover, millions of South Vietnamese have put their lives on the line against the Communists, in the government service and in the armed forces. Putting these two facts together, there is every reason to believe that the number of South Vietnamese who would want to leave their country if the Communists took over would run into the millions.

Who is going to accommodate these millions of South Vietnamese?

And who is going to accommodate the millions of Laotians and Cambodians and Thais who may come after them?

Where does the process stop?

I say that the so-called humanitarian solution proposed by the sponsors of the McGovern-Hatfield amendment is utterly unrealistic and would, in practice, turn out to be a sordid fraud on the peoples of Southeast Asia.

The only way that the lives and safety of these millions of Southeast Asians can be assured is by keeping Southeast Asia free.

I do not understand the reasoning of those Senators who insist that in South Vietnam we can bug out or raise the white flag, or call it what you will, and emerge from this with enhanced credibility rather than reduced credibility.

Four successive American Presidents, in scores of consecutive statements, have committed the United States to help the people of South Vietnam withstand the onslaught of Communist aggression. If we now forget about these solemn commitments and simply pull out completely on a fixed date as the amendment proposes, do not imagine that we can do so without a fearful cost in honor and in credibility.

The high cost of surrender in Vietnam has been underscored by some of our best and wisest friends in Europe. The London Economist, which is internationally recognized as one of the free world's foremost political reviews, had this to say on the subject.

> It is arguable that the cost of victory, in terms of bloodshed, is proving to be too great; but the cost of betrayal could be even greater. After backing so many rickety regimes through thick and thin, it would be tragic if they were to ditch this much better government to let the Liberation Front in. It is an illusion to imagine that the United States can agree to a compromise peace that would amount to a sell-out and retain any credibility in Asia. Nor in Asia alone; for in this shrunken world credibility is indivisible.

And I should like to quote once again the bitter words written several years ago by a prominent Filipino writer, Vincento Villiman. This is what he said:

> The abandonment of Vietnam would be an indelible blemish on America's honor. It would reduce America in the estimation of mankind to a dismal third-rate power, despite her wealth, her culture, and her nuclear arsenal. It would make every American ashamed of his Government and would make every individual American distrusted everywhere on earth.

The justification offered for the McGovern-Hatfield amendment is that it will save lives by ending the war more rapidly.

This is the same kind of fateful illusion that led Neville Chamberlain and the other well-intentioned appeasers of the pre-World War II period to believe that they could save human lives by avoiding war in 1938.

The price they paid for this fateful illusion was World War II.

You do not save lives by destroying the credibility of the United States, because it is this credibility more than any other single factor that preserves the larger peace of the world.

World war is less likely so long as we conduct ourselves in a manner which persuades both our friends and our enemies that we will honor our commitments and that, in the words of our martyred President John F. Kennedy, "we are prepared to pay any price and bear any burden" to do so.

But if we raise the white flag in Vietnam and accept the humiliation of this unprecedented military and political defeat, no ally thereafter will be able to take our word seriously, and our enemies will have an equal disregard for us.

In such a situation, our enemies might easily make a miscalculation that would lead to Armageddon. It could happen in the Middle East. It could happen in Berlin. It could happen at half a dozen other points.

Historically, the loss of credibility by a major power has resulted in more than one major war.

It has been argued, for example, that Germany invaded Belgium in World War I because they did not find it credible that Great Britain would honor her commitment to defend that country.

The failure of Britain and France to honor their commitment to Czechoslovakia during and after the Munich crisis destroyed their credibility in the eyes of Hitler. He therefore felt free to move against Poland in 1939, in the confidence that there would be no war despite the Anglo-French commitments to Warsaw.

And the Korean war might very well have been avoided had we made it unmistakably clear in advance of the war that we would not tolerate a Communist effort to take over South Korea by force.

Unfortunately, certain careless statements that were made and certain actions that we failed to take, combined to convince the Communists that an American defense of South Korea just was not credible.

Historically, it can be demonstrated that millions of human lives have been lost as a result of lack of credibility or the loss of credibility. And those who are willing to surrender American credibility in the name of saving human life in Vietnam, may, if they have their way, bring on a catastrophe which will again consume millions of human lives, men, women, and children.

I have said that there is reason for hoping that the Vietnam war will terminate in a peaceful settlement if we do not commit the folly of legislating a fixed date of withdrawal, as this amendment asks us to do. There are many reasons why I believe this to be so.

First of all, there is the terrible bloodletting which North Vietnam has brought upon itself. According to reliable estimates, their losses in the Vietnam conflict exceeds 600,000 men, which would be the equivalent of more than 8 million men for a country like the United States.

As much as they may strive to conceal it, there are many evidences of exhaustion today in the Hanoi dictatorship. Among other things, it is clear that powerful members of the Politburo in Hanoi believe that they would be much better advised to try to take over South Vietnam via the political route, rather than continue indefinitely this inconclusive and frightfully costly conflict.

Second, there is the growing success of the Vietnamization program.

Third, there is the massive victory scored by the allied forces in their action against the Communist sanctuaries in Cambodia.

Fourth, there is the increasing difficulty which the Communists are finding in their Cambodian operation. A surprise conquest of Cambodia is no longer possible. The Cambodian army is getting arms and shaping up. But even more important, according to all correspondents, the North Vietnamese invasion has given birth to a fierce patriotic resistance among all sectors of the population.

Finally, Hanoi is haunted by the ever present specter of the Sino-Soviet conflict.

This conflict has intensified in recent years to the point where all-out war has become a serious possibility. Indeed, some of the leading China experts in the free world are convinced that such a conflict is all but inevitable, and that it will probably erupt within the next several years.

Whether it is inevitable or not, I do not presume to say. But certainly, Hanoi is aware of the intensification of the conflict.

It is aware of the open preparations for war that have been reported on by numerous observers in Northern China.

It is aware of the massive buildup of Soviet military strength, now estimated to total more than forty divisions on the Chinese frontier.

And it knows, far better than we can know, what totalitarian Communist regimes are capable of.

For all of these reasons, the members of the Hanoi Politburo must worry day and night over the possibility that the Sino-Soviet conflict will erupt in open war. For, if it does erupt, and if at that time they are still bogged down in South Vietnam, then their time will have run out. There would be virtually no possibility of military support from the two warring Communist superpowers, and their diplomatic leverage in the Paris talks would fall close to zero.

I am convinced that the North Vietnamese leaders have thought of these things and I am also convinced that more than one of them has argued that perhaps they ought to try to achieve a settlement while there is still peace between the Soviet Union and Red China, rather than risking the possibility that, if they

persevere too long, catastrophe may overtake their own enterprises on the simmering Sino-Soviet frontier.

I hope the Senators will decisively reject the McGovern-Hatfield amendment and that they will support the President in seeking American disinvolvement from Indochina under conditions that will assure the continued freedom of these proud and ancient peoples.

Mr. SPONG. Mr. President, peace is our goal in Southeast Asia; the ways and means of achieving it, our dilemma.

Congressional participation in the formulation of the ways and means is our right and responsibility; evaluation of the proposals advanced and their implications, our obligation.

I seek an end to the hostilities in Southeast Asia, but I have reviewed the McGovern-Hatfield amendment and have concluded that it will not accomplish the goal we seek.

It would, instead, forestall any slim chance for a negotiated settlement that might exist. Its inflexibility might preclude actions necessary to facilitate disengagement. And, it is questionable whether the course proposed, more than the course now pursued, would contribute to an end to the conflict and the establishment of peace and stability in Southeast Asia.

Thus, while sharing a goal with the authors of the amendment, I do not share their confidence in the ways and means advocated and, therefore, voted against the amendment.

It is my hope that there will be a sense-of-the-Senate resolution offered after the Labor Day recess which I can support that will not infringe upon the constitutional prerogatives of the Chief Executive and yet will state what I believe to be the desire of the Senate and of the President himself for an early and orderly disengagement from Indochina.

Mr. DOLE. Mr. President, the eagerness today of some Members of the Senate to take over control of foreign policy plus the duties of the President as Commander in Chief is exceeded only by the lethargy they showed during the decade of the 1960's when John F. Kennedy and Lyndon Johnson were slowly but steadily involving us in an Asian land war.

Had they been as zealous about their asserted prerogatives and as conscientious about their constitutional responsibilities in those days as they are today, President Nixon would never have inherited this war and would never have been faced with the task—which he is carrying out magnificently—of extricating us from this Kennedy-Johnson disaster in such a way as to retain America's credibility in the world and the American people's respect and confidence in themselves.

I would like to cite a series of dates and events to show how we got into this war, while a Democrat-controlled Congress either stood idly by or lent aid and support to the kinds of actions which those same Democrats now say are either wrong or circumvent the Constitution and the prerogatives of the Congress.

On May 5, 1961, President Kennedy says United States considering use of U.S. military forces to help the Republic of Vietnam. It is interesting to note that only 3 months earlier the total Vietcong strength was estimated by the Republic of Vietnam at 10,000 men.

On December 4, 1961, President Kennedy informs President Diem that the United States is prepared to participate in an increased effort with South Vietnam, and that U.S. uniformed forces would participate in operational missions with Vietnamese forces.

February 14, 1962, President Kennedy says U.S. troops are instructed to fire to protect themselves if fired on.

February 22, 1963, the Department of Defense states U.S. pilots flying many operational missions and are authorized to make tactical strikes.

July 27, 1964, the Pentagon announces several thousand additional U.S. advisers will go to Vietnam.

August 2, 1964, U.S.S. *Maddox* on patrol in Gulf of Tonkin attacked by three North Vietnamese PT boats.

August 4, 1964, U.S.S. *Maddox* and U.S.S. *Turner Joy* attacked by five North Vietnamese PT boats.

January 1, 1965, U.S. military strength in Vietnam reaches 23,000.

March 8, 1965, elements of first Marines land in South Vietnam.

July 28, 1965, President Johnson announces U.S. troop strength in Vietnam will rise to 125,000.

January 1, 1966, U.S. military strength reaches 184,000.

February 1, 1966, U.S. troops in South Vietnam number 201,000.

May 1, 1966, U.S. troop strength reaches 252,000.

September 1, 1966, U.S. troop strength reaches 306,000.

November 1, 1966, U.S. troops in South Vietnam now number 350,000.

May 1, 1967, United States now has 460,000 troops in South Vietnam.

January 1, 1968, United States now has 486,000 men under arms in South Vietnam.

February 1, 1968, we pass the half million mark. There are 510,000 American fighting men in South Vietnam.

April 1, 1968, troop limit for South Vietnam upped to 538,500.

October 31, 1968, just before the presidential elections, President Johnson orders a complete cessation of air, ground, and naval bombardment of North Vietnam.

December 1, 1968, U.S. military strength in Vietnam is 538,000 men.

Finally, on February 28, 1969, our troop strength hits 542,000.

Mr. President, that was the peak. From that day onward U.S. efforts to disengage honorably and credibly and responsibly from Vietnam have been increasingly successful.

By June 13, 1969, the President was able to have the Secretary of Defense announce the first redeployment of troops from South Vietnam—25,000 men.

The rest, of course, we know. Continuing withdrawal to where there will only be 280,000 Americans—or less—in South Vietnam by the end of next spring. This is nearly a 50-percent reduction from the peak number.

Mr. President, as we have watched the President unwind this war, we have seen casualties decline markedly. They have run under the 100-a-week mark now for the last 8 weeks, thanks largely to the President's decision no longer to allow the North Vietnamese sanctuary in Cambodia.

Vietnamization is proceeding better than our experts had dared hope, as is shown by the successes of the South Vietnamese troops and since the Cambodian operation began.

Reports from former pessimistic viewers of the South Vietnamese scene are now generally optimistic.

The President has assured us that American fighting men will continue to come home and that we will have peace in South Vietnam.

The President said yesterday:

> So far as the United States involvement is concerned in Vietnam, peace is certain.

Mr. President, let me continue with a few more comparisons. For instance, the costs of the war in Vietnam. The full cost in fiscal year 1968, the last full Johnson year, was $26.5 billion.

This fiscal year it is $23.2 billion. Substantial further reductions are expected in fiscal year 1971.

Casualties are most important. In 1968, we suffered 14,592 casualties. Under President Nixon, these were reduced in 1969 to 9,414. Through July of this year, they were reduced further—to 3,207—too many, a substantial reduction.

Let us look at draft calls which are a good indicator of which way we are going. In 1968, 299,000 men were called. This year 163,500 will be called.

The total military and civilian manpower of the Defense Department has declined by 680,000 men since 1968.

Procurement has been cut by 20 percent, meaning that the Defense labor force has been cut back 600,000 workers.

For the first time in 20 years, we are spending more on human resources than on defense.

Mr. President, it is clear the President is unwinding this war. It is equally clear that he is turning this Nation into the paths and pursuits of peace.

Actions, unreasonable actions, actions that can only lead to defeat and disaster.

Why?

Where were those voices of "peace now" in the 1960's?

The fact is, Mr. President, those voices carping against the President today belong largely to the same persons who must share the blame for the disasters of the 1960's.

They not only let it happen; they abetted it.

Now they have seen their failures. And now they cannot stand to see the President's successes.

By shouting loudly for more they seek to obscure those successes.

Mr. President, it will not work. The Nation has seen what happened in the 1960's. They have seen what the President has done in the 1970's.

There are those who would not give him the chance to complete the task of undoing the errors of the past.

But the American people will not be fooled, and most of the Members of Congress will not be fooled.

They will give him that chance.

He is leading us down the road away from war, the road toward peace with honor and justice.

The American people are a fair people. They will not ask for more.

They are a proud and responsible people—they will not settle for less.

Mr. COOPER. Mr. President, I ask unanimous consent that there be inserted in the body of the RECORD a statement issued to the press on the Hatfield-McGovern amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

Senators Hatfield, McGovern, Cranston, Hughes, Goodell and Javits deserve the appreciation of the people for their efforts to bring to the Congress and to the President their deep conviction, shared by millions, that the war in Vietnam should be brought to a close.

As it has been for all members of this body, my chief concern for many years has been the war in Vietnam, draining the resources and life of our people. It remains, I am sure, the chief concern of our country.

The majority of the Senate has sought to halt its spread, as evidenced by the approval of amendments last year to prohibit the use of ground forces in Laos and Thailand and, this year, to prevent the commitment of our country to the defense of Cambodia without the approval of the Congress. I have thought there is a legal distinction between these past amendments and the present amendment. The former dealt with the commitment of our country in a new war without the approval of the Congress. The latter deals with the conduct of the war until the final day of withdrawal. But I do not labor this legal point for the objective in both cases has been to end our involvement in Vietnam.

Nevertheless, I shall vote against the Hatfield-McGovern amendment. My chief concern has always been and remains that a settlement of the issues of Vietnam and of Indochina and the end of all fighting should be secured by negotiations. For this reason, several years ago, with other members of the Senate, I joined in urging a cessation of the bombing of North Vietnam to ascertain if it were possible to enter negotiations. Unhappily, despite the able and devoted efforts of Ambassadors Harriman, Vance, Lodge and Habib, the Vietnamese refused to negotiate.

Now, President Nixon is making a new initiative toward negotiations. He has stated that he has given new and flexible instructions to another able and skilled representative of our country, Ambassador Bruce. The sponsors of the Hatfield-McGovern resolution urge that its adoption would promote negotiations between North and South Vietnam. The Administration's position is that it would inhibit negotiations. No one can predict which is correct, but the President is in control of negotiations, their conduct is in his hands, and I believe that he should be given the opportunity and the mandate to secure a settlement. Whether our course should be withdrawal by Vietnamization or withdrawal under this resolution, I believe that without a settlement, fighting and instability will continue in Southeast Asia after our withdrawal.

Today, I believe that negotiations will have the better chance if the amendment is not adopted. I urge the Administration to devote greater efforts to negotiations for a settlement in Vietnam and Indochina.

Mr. DOLE. Mr. President, I received a very forcefully worded and concise statement of opposition to the McGovern-Hatfield amendment. It is remarkable in that its brevity adds to the impact of its message by saying in a few words all that is really necessary to know about the amendment.

The statement was in the form of a telegram from J. Milton Patrick, national commander of the American Legion. It was sent from Portland, Oreg., where the Legion is holding its national convention.

I believe Mr. Patrick's statement expresses the feelings of millions of Americans, both members of the Legion and other citizens.

I ask unanimous consent that the text of the telegram be inserted in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 27, 1970.

HON. ROBERT DOLE,
U.S. Senate,
Washington, D.C.:

The American Legion strongly opposes the Hatfield-McGovern amendment to FY-71 military procurement authorization act, This amendment would compel the United States to withdraw forces from Viet Nam and ham-string the President's efforts to achieve a just and honorable peace in that war torn country. The action called for by this amendment would in effect hand over all Indochina to Communism and make a terrible mockery of the sacrifices we have made to insure the right of South Vietnam to self determination. We urge you to oppose the passage of the Hatfield-McGovern amendment and to encourage your colleagues to do likewise.

J. MILTON PATRICK,
National Commander of American Legion.

Mr. McGOVERN. Mr. President, the vote we are about to cast could be one of the most significant votes Senators will ever cast.

I have lived with this vote night and day since last April 30—the day before the Cambodian invasion—the day this amendment was first submitted.

I thank God this amendment was submitted when it was, because, as every Senator knows, in the turbulent days following the invasion of Cambodia and the tragedy at Kent State University, this amendment gave a constructive rallying point to millions of anguished citizens across this war-weary land.

I believe that, along with the Cooper-Church amendment, the pending amendment helped to keep the Nation from exploding this summer. It was the lodestar that inspired more mail, more telegrams, more eager young visitors to our offices, more political action, and more contributions from doctors, lawyers, workers, and housewives than any other initiative of Congress in this summer of discontent.

Now this question is about to be resolved. What is the choice it presents us? It presents us with an opportunity to end a war we never should have entered. It presents us with an opportunity to revitalize constitutional government in America by restoring the war powers the Founding Fathers obliged the Congress to carry.

It gives us an opportunity to correct the drift toward one-man rule in the crucial areas of war and peace.

All my life, I have heard Republicans and conservative Democrats complaining about the growth of centralized power in the Federal executive.

Vietnam and Cambodia have convinced me that the conservatives were right. Do they really believe their own rhetoric? We have permitted the war power which the authors of the Constitution wisely gave to us as the people's representatives to slip out of our hands until it now resides behind closed doors at the State Department, the CIA, the Pentagon, and the basement of the White House. We have foolishly assumed that war was too complicated to be trusted to the people's forum—the Congress of the United States. The result has been the cruelest, the most barbaric, and the most stupid war in our national history.

Every Senator in this Chamber is partly responsible for sending 50,000 young Americans to an early grave. This Chamber reeks of blood.

Every Senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval and all across our land—young men without legs, or arms, or genitals, or faces, or hopes.

There are not very many of these blasted and broken boys who think this war is a glorious venture.

Do not talk to them about bugging out, or national honor, or courage.

It does not take any courage at all for a Congressman, or a Senator, or a President to wrap himself in the flag and say we are staying in Vietnam, because it is not our blood that is being shed.

But we are responsible for those young men and their lives and their hopes.

And if we do not end this damnable war, those young men will some day curse us for our pitiful willingness to let the Executive carry the burden that the Constitution places on us.

So before we vote, let us ponder the admonition of Edmund Burke, the great parliamentarian of an earlier day:

A conscientious man would be cautious how he dealt in blood.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SPONG). All time on the amendment has now expired.

The question is on agreeing to the amendment (No. 862) of the Senator from South Dakota (Mr. McGOVERN) and the Senator from Oregon (Mr. HATFIELD).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG (when his name was called). On this vote I have a pair with the Senator from Utah (Mr. Moss). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that, if present

and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Oregon (Mr. PACKWOOD) would each vote "nay."

The result was announced—yeas 39, nays 55, as follows:

[No. 278 Leg.]

YEAS—39

Bayh	Hatfield	Montoya
Brooke	Hughes	Muskie
Burdick	Inouye	Nelson
Case	Javits	Pastore
Church	Kennedy	Pell
Cranston	Magnuson	Proxmire
Eagleton	Mansfield	Ribicoff
Fulbright	Mathias	Schweiker
Goodell	McCarthy	Symington
Gravel	McGovern	Tydings
Harris	McIntyre	Williams, N.J.
Hart	Metcalf	Yarborough
Hartke	Mondale	Young, Ohio

NAYS—55

Aiken	Ervin	Percy
Allen	Fannin	Prouty
Allott	Fong	Randolph
Baker	Goldwater	Russell
Bellmon	Gore	Saxbe
Bennett	Griffin	Scott
Bible	Gurney	Smith, Maine
Boggs	Hansen	Smith, Ill.
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Spong
Cook	Hruska	Stennis
Cooper	Jackson	Stevens
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dodd	McClellan	Tower
Dole	McGee	Williams, Del.
Dominick	Miller	Young, N. Dak.
Eastland	Murphy	
Ellender	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—5

Anderson	Moss	Packwood
Cannon	Mundt	

So the McGovern-Hatfield amendment (No. 862) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HATFIELD-M'GOVERN PLAN OUR BEST HOPE

Mr. YOUNG of Ohio. Mr. President, 39 Senators today in giving their support of the Hatfield-McGovern amendment have spoken out in clear and convincing terms that the United States must disengage and withdraw our combat troops from Vietnam next year. There were six absentees. Fifty-five Senators voted "no."

In my judgment, Mr. President, while we Senators who supported this amendment represented approximately 42 percent of those Senators present and voting, I am personally convinced that a clear majority of American people, if a referendum were taken, would urge that we withdraw all of our fighting men from Southeast Asia next year.

It is unfortunate, Mr. President, that we have been maintaining in power a militarist regime in Saigon which lacks the support of South Vietnamese people and has undertaken no land or other reforms whatever.

Michael Harrington, nationally known columnist, in a recent column, "Hatfield-McGovern Plan Is Our Best Hope," commented that the United States is the tool of Thieu and Ky. He wrote of the arrogance of the leaders of the Saigon regime. It is well known that Ambassador Ellsworth Bunker and other American officials in Saigon have catered unduly to Vice President Ky and other Saigon militarists we are maintaining in power. I ask unanimous consent, Mr. President, that this column be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HATFIELD-MCGOVERN PLAN IS OUR BEST HOPE

(By Michael Harrington)

According to Hanoi the government in Saigon is an American puppet. However, I think that the North Vietnamese have got the relationship backwards and that the United States is the tool of Thieu and Ky.

When for example, Richard Nixon indicated that this country would accept a political settlement which might bring the Communists into the South Vietnam government, Thieu snapped back that there would be no coalition under any terms. Semanticists were then summoned to prove that Nixon's tough line and Thieu's tougher line amounted to the same thing.

I cite the arrogance of our "men in Saigon" because it relates to the Hatfield-McGovern proposal to get America out of Vietnam by the end of 1971. For paradoxically, the only hope of achieving what the United States claims it wants in that unhappy land—a political settlement, not a military victory—depends on taking the Hatfield-McGovern approach.

As long as this country does not fix a time limit for withdrawal, there is no real pressure on Thieu and Ky to undertake the reforms which are an absolute pre-condition to any settlement. Those include freeing the political prisoners, and allowing open debate in the upcoming election and not discovering—as Thieu and Ky did in the last campaign—200,000 misplaced, pro-regime ballots, long after the polls were closed.

Up until now, the Saigon government has not given the least hint that it will do such things. Instead, every time there is an even moderately conciliatory statement from the White House, our "puppets" usually outshout and prevail over the President of the United States. And with Vice President Agnew's recent speech in which he all but urged military victory in Vietnam, the line of the Saigon hawks is now apparently the policy of the American government.

In this context, it must be understood that the Hatfield-McGovern proposal does not advocate that we simply walk out of Vietnam without a thought for the consequences. It gives us, rather, the possibility of confronting Thieu and Ky with the clear choice of either accepting a political settlement or going it alone. In that sense, it is a valiant effort to confer some meaning on the more than 40,000 American lives—and the many more Vietnamese lives—that have been lost in the slaughter.

I say this believing that the United States never should have backed French colonialism in Indochina from 1945 to 1954; never should have supported Diem's mandarin dictatorship from 1955 to 1963; and never should have committed its power since 1963 to the present to generals who fought against their own country's independence. But the question then arises, how should we extract ourselves from the tragedy in which we never should have been involved in the first place? Hatfield and McGovern have an answer; Nixon does not.

For if we are not ready to lean on Thieu and Ky and get them to accept a political settlement which includes the Viet Cong, then the only alternative is to continue to support them in an unconscionable, unwinnable war and the only way we can convince our arrogant allies in Saigon that we are serious is to tell them the date on which we are leaving.

According to James Reston there is a faction within the Nixon administration which understands this point. But if ever there was an issue that transcends partisan loyalties, this is it. It would completely transform the debate if a man, or men, of conscience high in the administration would publicly state that the Hatfield-McGovern approach is a genuine strategy for peace and not the sell-out the Agnews try to make of it.

Mr. JAVITS. Mr. President, as an epilog to the vote on the Hatfield-McGovern amendment, I wish to say that I think the vote settled nothing in a definitive sense as regards the role of Congress in this matter.

It is clear to me that somehow or other, we have to find a way to join the President and Congress in establishing what will be our national policy in bringing this war to an end, now that the Senate has voted to terminate the Gulf of Tonkin Resolution.

I shall offer my contribution in this connection. I have authored a bill to divide the war powers between Congress and the President. That is a long-term matter, and my bill excludes Vietnam—which I feel is sui generis in a legal sense.

I shall propose a resolution to express those major sentiments of the sentiment which I feel were obscured by the final vote on the McGovern-Hatfield amendment.

Now that the Senate seems to have rejected the concept of legislating a withdrawal date, I think it is practical to propose a resolution based on the President's policy, as well as policy developed here. Its purpose would be to commit the President and Congress to a common expression of what should be the policy for withdrawal, the way it should be done, and the conditions under which it should be done in respect to Vietnam. This has now become urgent in my judgment.

I thank the Senator for yielding.

AMENDMENT NO. 754

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the consideration of amendment No. 754, as modified, of the Senator from Wisconsin (Mr. PROXMIRE), with a time limitation of 1 hour, 30 minutes to the side.

Amendment No. 754, as modified, reads as follows:

At the end of the bill add a new section as follows:

"SEC. . No funds appropriated pursuant to this or any other Act may be expended after the date of enactment of this section for the purpose of sending to South Vietnam, Laos, or Cambodia, any person inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any subsequent Act providing for the conscription of persons into the Armed Forces, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted. The preceding sentence shall not apply in the case of any person in-

ducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any subsequent Act providing for the conscription of persons into the Armed Forces, who (1) volunteers for duty in South Vietnam, Laos, or Cambodia, or (2) has voluntarily extended his military service obligation after having been inducted into the Armed Forces."

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes. The Senate will please be in order.

Mr. STENNIS. Mr. President, if I may have the attention of the Senate, I point out that the Senate is considering the amendment of the Senator from Wisconsin, with the debate limited to 30 minutes to each side. There will then be a vote. The next amendment will be the Muskie amendment, with 2½ hours of time, and there will be a vote on that amendment.

If we can just stay with this matter, Mr. President, I think it is possible—although we do not know—that we might have some time yielded back.

Mr. NELSON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats or retire from the floor.

Mr. STENNIS. Mr. President, I am just making the point that it is possible that time can be yielded back by both sides on these amendments. That would make the votes on the amendments come earlier than otherwise and would move us along that much faster. I think there is a possibility of that perhaps on all of these amendments.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 2 minutes.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, I wish to point out, with respect to the last vote, that today is election day in Nevada. The Senator from Nevada (Mr. CANNON) is unable to be here. I want the RECORD to show that.

I would have gladly paired with him or with the Senator from Oregon, who, I understand, is on an airplane and because of some problem could not get here. However, it would not have made any difference on the vote. The vote was very decisive.

I want the RECORD to show that these two Senators made every effort to be present but were unavoidably detained.

Mr. STENNIS. Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. PROXMIRE. Mr. President, I want it understood that the amendment is amendment No. 704, as modified on August 31, 1970.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, may we have order so that the Senator may be heard?

The PRESIDING OFFICER. Senators will take their seats or retire from the floor. The Senate will be in order before we proceed further with the consideration of this amendment.

The Senator may proceed.

WHY PROXMIRE-NELSON-HUGHES AMENDMENT SHOULD BE PASSED

Mr. PROXMIRE. Mr. President, on behalf of myself, Senators NELSON, HUGHES, CHURCH, CRANSTON, GOODELL, MCGOVERN, YARBOROUGH and YOUNG of Ohio, I have offered the amendment.

Draftees bear an unfair burden of both the fighting and the dying in Vietnam. Listen to these facts:

Draftees make up only 11 percent of all those in the military forces. But draftees make up 25 percent of the troops in Vietnam. More than that, last year they suffered 40 percent of the combat deaths in Vietnam. In the first 3 months of this year, they suffered 46 percent of the combat deaths in Vietnam.

This situation is unfair, improper, and wrong. It should be corrected. It must be changed.

This amendment does not say, bring all the 107,400 draftees home today.

All it provides is that after the enactment of this bill no funds can be used to send a draftee to Vietnam, Cambodia, or Laos, unless specifically authorized by Congress or if he volunteers to go.

This would put the draftee on a par with those who enlist in the military. The reason the draftee bears such an unfair burden of the fighting and dying is that the volunteer or enlisted men in the military get to choose their training and specialty. The practical effect of that is to exempt them from combat duty if they choose. And, in the past, Regular Army men in Vietnam could escape combat duty by reenlisting in the Army. These are the reasons why the draftee has borne the overwhelming burden of the fighting.

The time has come when this can be done. It is both possible and practical.

The President has announced that we are going to withdraw 265,000 men from Vietnam by next spring. This means that these 265,000 men will not have to be replaced in Vietnam.

In addition, last May Secretary Laird announced that by the end of this fiscal year, June 30, 1971, and possibly before, American ground troops in Vietnam will not be assigned to combat missions.

So with withdrawal of the troops, and consequently a far smaller call for replacements—with combat missions ended—and this was the prime function of draftees that is to serve in combat—with these missions ended, the need to send draftees to Vietnam disappears.

Result there are more than sufficient forces to meet the lower troop levels in Vietnam.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. PASTORE. Does the Senator have any figures or statistics on how many draftees are sent to the European theater as against the number that go to Vietnam?

Mr. PROXMIRE. I would be very happy to get that figure for the Senator. Of the draftees, a very much larger proportion are sent to Vietnam than are sent elsewhere.

Mr. PASTORE. I would like to know the proportions.

Mr. PROXMIRE. As far as those figures are concerned, I do not have them before me, but I will try to get them and supply them to the Senator in a few minutes.

Mr. PASTORE. I thank the Senator.

Mr. PROXMIRE. Mr. President, let us face it. The division and bitterness that has characterized the past few years, that has enfeebled our country, that has resulted in so much of the moral and morale collapse on our campuses and among so many of our youth, has been the Vietnam war and especially the overhanging, nightmarish threat for the young man, and for his mother and his father, of being drafted, sent to Vietnam, put into combat, and killed.

This amendment would go a long way toward ending this nightmare. The traumatic fear of death in Vietnam for unwilling draftees would be over. And just as important the sense of guilt that haunts tens of thousands of our young who have found ways to avoid this nightmare—the evasion of draft duty to avoid the possibility of death—this too would be ended.

Mr. President, this is a practical amendment. It is a just amendment. It would end a discrimination no man can explain or rationalize. How in the world can we condone a system that results in draftees constituting 11 percent of the Armed Forces but—more than twice as many—25 percent of the troops in Vietnam and an incredible—this year four times as many in proportion to their numbers—46 percent of the deaths in Vietnam?

If this amendment passes would there be enough troops to man Vietnam until we get out.

First, troops in Vietnam are being steadily drawn down so that replacement demands are rapidly diminishing.

Second, the combat activities are swiftly decreasing for American forces and the Secretary of Defense has announced they will stop next June 30 or earlier.

Third, only 3 percent of all our military forces—that is of all American military personnel are draftees in Vietnam. So obviously nondraftee military personnel is available in spades now, and the need for combat troops is rapidly diminishing.

Fourth, since 1964 some 275,000 Army military men have volunteered to go to Vietnam. In view of the rapidly diminishing need for American combat troops, volunteers for combat could supply much of the remaining need.

And, fifth, nothing but nothing would be more likely to reduce the division and bitterness that has plagued this country than the passage of this amendment that would end the long nightmare for so

many thousands of young men and their mothers and fathers who dread the specter of their boy being drafted, sent to Vietnam, put into combat, and killed.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I think this amendment points up that in any war it is the young who die. I do not support the amendment but I do recognize that if we continue to have this war, if we continue our wars all over the world as we have in the last 100 years, it is going to be the young and it is going to be the draftee. The majority of casualties are the riflemen. In the very nature of our Armed Forces, the riflemen are the lowest ranking soldiers in any echelon of our troops.

My son, who is in the Marines, wrote to me recently and said that old soldiers never die, it is the young ones.

It points up the fact that war, in itself, is based upon the service of young men who do not enlist, who sometimes are used for cannon fodder, but in all cases are the ones who bear the brunt of service.

If we are really interested in keeping young men out of war we will wind up this war. If we are really interested in stopping the shipping of draftees all over the world we will pull in our horns to the point where we have sufficient professional soldiers—mercenaries, if you please—to answer the needs of this country.

Mr. PELL. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I have not made up my mind on this amendment. While this amendment sounds fair and just, it would also remove the pressure to end the war. At present, the only thing that is really getting the country upset about the war is the draft, unfair and unequitable as it is, because young men are being drafted and then sent to Vietnam.

I have heard it said that only two of Harvard, Yale, and Princeton graduates have been drafted and then killed in combat in Vietnam. That may be so, but, let us remember that it is the draft itself that has made war so dreadfully unpopular. If that cause of unpopularity is removed, would not doing so extend the war?

Mr. PROXMIRE. The Senator from Rhode Island raises the question that was asked in connection with the volunteer army. I think in this case the answer is "No, it will not." There is no question that one of the principal reasons the American public is opposed to war is the fear that our sons will be sent to Vietnam and killed. That has been a factor. But at the same time the present use of draftees represents a mechanical device to get expert soldiers for Vietnam. We do not get them from the Regular Army or through people who enlist. People are drafted into the Army but it has been known among young people that the best way they can avoid going into combat in Vietnam is to enlist, so the military now has devices to attract people to the military forces. The amendment would stop the use of this device.

For that reason, it seems to me the present system is a way to continue the war. The more we can move into a situation where one goes into combat in Vietnam only if it is on a more or less volunteer basis, it seems to me the farther we move away from the practicality of continuing the war in Vietnam.

I would like to support the position—but I do not think it would be practical—that a distinguished conservative commentator is said to have supported, and that is to send only volunteers to Vietnam. That might end the war. There were a number of volunteers, men who were Senators and Congressmen, in World War II, but not a single Member of Congress, none has wanted to go to Vietnam. In this way, if those who are forced to go into the military are not required to go to Vietnam and fight, it seems to me we are more likely to end the war, by simply making it more difficult for us to continue it.

Mr. PELL. Mr. President, I had the Library of Congress ascertain for me the percentage of veterans in the Senate and then the percentage of veterans in the Senate who sponsored the Hatfield-McGovern amendment. It was very interesting. The percentage of veterans in the Senate is 71 percent, but the percentage of veterans who cosponsored the Hatfield-McGovern amendment was 88 percent. So there is some truth in what the Senator has said.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, the pending amendment No. 754 would prohibit the sending of draftees to Vietnam, Laos, or Cambodia unless such draftees volunteer for this duty or extend their military service obligation.

Mr. President, this amendment should be opposed for a number of reasons. While I recognize the distinguished Senator from Wisconsin feels his amendment would not disrupt U.S. plans in Indochina, as announced by the President, I cannot agree with him.

First, passage of this amendment would make it impossible to meet our manpower needs in Indochina as we carry out President Nixon's plan of troop reduction. At present only 4 percent of personnel requirements for ground combat in Vietnam are met by enlistees who volunteer. We may as well face it, the tough job of the infantryman is not a sought-after role. Such duty is unpopular with American youth in this war as has been the case in most other wars.

If replacements to complete our commitment in Vietnam are cut off it would be necessary to extend tours of those draftees now in Vietnam. It would not be fair to ask these men to shoulder a disproportionate share of the tough job the infantryman bears.

Furthermore, the United States would have to reduce the time between Vietnam tours for our servicemen. This would aggravate the reenlistment problem and possibly drive from the service some well trained men who would remain in uniform otherwise.

Second, Mr. President, passage of this amendment would result in increased draft calls at a time when the President is trying to reduce them. Many men volunteer for the Army now in hopes of avoiding combat duty. Thus, if you remove the possibility of combat duty for the draftee this would reduce the incentive for a man to enlist voluntarily.

Defense Department officials estimate that at least half of all volunteers enlist because of the pressure of the draft. Thus, it is easy to see draft calls would have to increase sharply to meet military personnel requirements.

Finally, Mr. President, the Senate would be establishing an Army of men who live by different requirements. Some would have to face the hard task of combat, others would not. By such an action we would create conditions which would split our Army wide open. Those required to bear arms in Indochina would resent those who were not.

As our manpower requirements in Vietnam are reduced we should be able to reach the point soon where our personnel needs for combat troops would be small. By the middle of next year our fighting men in South Vietnam will be acting mainly in a defensive role.

Mr. President, if such a precedent as that proposed by the authors of this amendment is accepted it could lead to far reaching problems.

For example, draftees might also wish to be exempt from all hazardous duty, including riots and other internal disorders. There may be no end to the demand for exemptions.

Mr. President, we are a proud nation and a great people. Let us stand together in these trying times. Our men in uniform stand as one force, bound together by common goals and ideals. If we accept this amendment the divisions we have seen in our streets could erupt within our defense forces. By rejecting this amendment we can assure continued unity and the accomplishment of a tough job nearly completed.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I certainly recognize what the Senator from Wisconsin is trying to do. I only wish it were possible for me to support the amendment, because just last week I worked diligently, along with many other Senators, trying to establish a voluntary military force. I think it would work.

Again, this amendment at the present time I see as tying the hands of the Commander in Chief, and, in addition to that, and more important probably, tying the force level decisions of the Joint Chiefs of Staff.

I do not believe the "nightmare," as the Senator termed it, is necessarily Vietnam; I think it is the draft itself. While some young men complain about that, generally I have found that the complaint of young men is against being drafted and having to spend a period of their lives away from home and away

from school doing something that they do not particularly want to do. The objections to going to Vietnam or elsewhere around this globe are not as loud or as numerous as they are to being drafted.

I see this amendment as unfortunately at the present time tying the hands of those who have to make the decisions.

I believe, for example—and I know the Senator from Wisconsin has supported me in this—that a voluntary military, had we approached it in the proper way, prior to the unfortunate war in Southeast Asia, probably would have provided all the forces we needed to fight a war of that size.

I may sound as if I am about to vote for the amendment, but I assure the Senator I am not. Had we not engaged in warfare over there, which to me was unfortunate, we would not have needed to draft young men at all had we had a volunteer force. But we decided to use ground forces there, which is not conducive to our type of living or our kind of fighting or our type of equipment. But that decision was made. That decision is still standing, and I am afraid we are going to have to use draftees over there.

I hope by the time the draft law ends in June of next year, the President can say, "Fine. We have this down so we would not send draftees to Southeast Asia."

Mr. PROXMIRE. Mr. President, will the Senator yield to me 1 minute, on my time?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. I would like to ask of the Senator from Arizona, since his objection is principally directed toward tying down the military, whether the principle of not using draftees is a sound one.

I ask the Senator if he does not recognize that the number of draftees in Vietnam, in relationship to our whole military force, is only 3 percent.

Mr. GOLDWATER. I recognize that.

Mr. PROXMIRE. Furthermore, the Secretary of Defense has announced that we are going to stop combat missions in 10 months. Furthermore, he is withdrawing 260,000 troops, so that the replacements will have to be very few. Under the circumstances, does it not seem logical that we can find that small number of volunteers to send there; and if not, end that feature of the draft which, according to my constituents, is giving the young people of this country the most concern: the prospect of being killed or badly wounded in Vietnam?

Mr. GOLDWATER. Mr. President, I might say to the Senator that the prospect of being killed or badly wounded is never tasteful to anyone, whether 18 or 180 years old.

I regret having to get back to this, because it may sound a bit like a personal bone I am chewing, but during the years when Robert McNamara was Secretary of Defense, we never had an adequate force structure, and when the war in Vietnam came along, we robbed the forces of NATO to send to Southeast Asia. Practically our whole force of trained men, at one time, were in Vietnam. Had we, during the unfortunate years of McNamara, paid some attention to force structure and training, we would not have been as bad off.

I agree with the Senator that 3 percent is not a large number, and one would think we could find volunteers to fill that number of places. Personally, I would hope so. I would hope that by next year, the President would have reduced the number of combat soldiers to the point where all we have over there are the GI's with their rifles guarding the supplies, the air bases, Naval installations, and communications installations.

If that happens, I think the President would be the first one to say, "Let us confine our Southeast Asia troops to volunteers."

But if we tie his hands now, and say we have a time certain past which no draftees can go, then, if he runs into this problem of July 1, and he says we have to extend the draft even in a limited way, and we say here today, "Fine, you can do that, but you cannot use those men where you want to use them," we tie his hands.

Mr. PROXMIRE. We do not say he cannot do it, but he has to come back to Congress in order to do it.

Mr. GOLDWATER. He has to come back to Congress in order to do it anyway. Even had we passed the bill the other day he would have had to come back.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the Senator from Wisconsin for his fine work in this fine effort. I join him as a cosponsor in supporting this amendment.

Mr. President, this amendment is vitally necessary to correct a gross inequity in our Selective Service System. I have long favored substantial draft reform, and I hope that the Senate will be able to take action on that matter early next year. In the meantime, I believe that we can now take a significant step forward by ending involuntary service in Vietnam.

The inequities of the present system have been detailed by the distinguished Senator from Wisconsin in his remarks on this amendment. I would remind the other Members of the Senate of these startling facts: Draftees comprised 88 percent of our infantry riflemen in Vietnam last year, while first-term Regular Army men comprised 10 percent of the riflemen. And Army draftees were killed in Vietnam last year at nearly double the rate of nondraftee enlisted men.

The inequity is undeniable. It was even admitted, although anonymously, by a Defense Department manpower expert. He told the National Journal:

> We recognize the inequity this causes in a shooting war, but we don't know what to do about it.

Mr. President, we do know what to do about it: give the draftees a choice about fighting in Indochina.

The inequity goes deeper than a preference for volunteers over draftees because of the disparities in the groups actually drafted. Draft Director Curtis Tarr has said that in some affluent areas—where the white, middle-class, college-bound students live—up to 70 percent of the young men find some way or another to avoid military service. But in rural areas and among the poor, that figure is only 30 percent. Thus, over twice as many young men with better access to lawyers and to sympathetic doctors can find loopholes to avoid combat.

The Defense Department contends that with an amendment such as ours:

> Morale in the Armed Forces would be lowered under conditions where some must assume an inordinate share of our nation's combat burdens simply to spare others.

That, Mr. President, is the situation today.

Perhaps we have a choice between inequities. How shall we resolve it?

Should we say that the draftee, although he might not favor the war, should be sent into the front lines because he did not have the foresight or advice to volunteer? Or should we say that the volunteer, although he may now know what he is getting into, should be forced to prove his professionalism by laying his life on the line?

This judgment on equity is difficult to make, so we should consider other factors.

One is the feasibility of limiting combat roles to volunteers.

Last spring, the Secretary of Defense said that he hoped to phase down to an all-volunteer force in Vietnam by the middle of 1971. Now—was it because of the alleged "success" of the Cambodian invasion?—Mr. Laird has retreated from that position.

I believe that the plan is still feasible, and the able senior Senator from Wisconsin (Mr. PROXMIRE) has given the figures to prove it.

Such a plan would have important and significant "anicillary benefits," to use a term now much in vogue at the Pentagon.

One such benefit is that, if only volunteers are sent to Indochina, we are likely to have career-minded soldiers who are better trained and more highly motivated than draftees.

Another benefit was cited in a thoughtful letter to me last month by an Air Force officer. He wrote:

> Requiring only career military personnel to serve in the war zone . . . would give the Pentagon a powerful incentive to end the combat as soon as possible.

The pending amendment is feasible. It would not require the immediate withdrawal of all nonvolunteers; it would only forbid the future sending of them.

The Pentagon estimates that about 1,800 men are required each month to replace rotating ground combat troops and that only about 800 volunteer each month. Are the men in the Pentagon so dubious of their own justifications for the war that they do not believe that, from our population of over 200 million people, 1,000 more men each month will volunteer to fight in Vietnam? Perhaps they could improve their persuasiveness by changing their policy—or by ending the war.

This amendment is fully within the constitutional powers of the Congress. In 1940, Congress prohibited the sending of draftees beyond the western hemisphere. In every postwar draft law, we

have prohibited sending men overseas without a prescribed minimum of training.

We can draw a lesson from European experience. In France and Germany, an act of parliament is required for conscripts to serve outside the country.

During what was only the first Indochinese war—1947 to 1954—the French were so divided that parliament never approved such a law. As a result, that conflict was fought by career military men and volunteers.

In France's next major effort to preserve its empire—in Algeria—the question did not arise legally because Algeria was considered part of metropolitan France. Yet the disagreements over that war were so profound that the fourth republic was toppled by a military coup—and General deGaulle rose to power.

That experience shows, I believe, that no nation can fight a war when it is deeply divided over its wisdom or justice. Using draftees only adds to domestic dissent and to the likelihood of political chaos.

There is also a moral factor which compels us to adopt this amendment. Our Indochinese war has divided our country more profoundly than any other public issue since the Civil War.

We can no longer calm the rising discontent—especially among the young who are being conscripted to die in this war—by shouting criticisms from our middle-aged safety.

It does our country no good to impugn the courage or integrity of those who go to great lengths to avoid military service.

We cannot ask the young to be united behind a war which has divided us so much.

We cannot ask them to accept uncritically the justifications for actions which so many of us find incredible or unacceptable.

We cannot even ask them to fight a war, because we have never followed the constitutionally required steps to declare the Indochinese conflict a war.

What we can ask of the young men of this country, however, is the same considered judgment that all other citizens are forced to make: If we favor the war, to support it; if we oppose the war, to deny our support.

In recent months, I have received a number of illuminating letters from combat soldiers in Southeast Asia. The tone of the letters is thoughtful, not complaining.

One theme runs through all of these communications—the idea that the young people of this Nation would willingly unite to defend our country if they truly felt our national security was endangered. In this undeclared war, they do not feel that our national security is imperiled. Nor do they believe it is in our national interest to try to determine, by military force, the political destinies of all of the countries of Southeast Asia.

I believe these young people have a case. I urge the Senate's support of this amendment to end sending draftees to Vietnam.

We got into Vietnam by political and diplomatic decision. We ultimately are going to withdraw from Vietnam by political and diplomatic decision. It is no use—in fact, it is injust—to simply cry out against military leaders who, in the first place, advised us not to be involved and, in the second place, have undoubtedly been hampered in what they considered their best advice by the political intervention.

So, in the final analysis, the decisions that must be made are going to be made in Congress, in this determination. I urge the Senate to adopt this amendment on draftees in Vietnam.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. PROXMIRE. Did I correctly understand the Senator to say that in his judgment something like 1,000 replacements a month would be all that would be necessary under the circumstances?

Mr. HUGHES. That is correct.

Mr. PROXMIRE. It is a very interesting fact. The Senator pointed out that there are 200 million people in this country. I might also point out that 3 million are members of the Armed Forces. If out of that number we cannot get this tiny fraction, a fraction of 1 percent, to go to Vietnam, it raises very serious questions as to whether we should not find some way of terminating the Vietnam war much more rapidly.

Mr. HUGHES. As indicated, a total of 1,800 are needed, and approximately 800 volunteered, and they needed a thousand draftees to implement that on a rotating basis. I agree with the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator for a very powerful statement.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining in opposition to the amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 15 minutes remaining. The Senator from Wisconsin has 8 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Mississippi.

Mr. President, I had not planned on engaging in a debate on this particular amendment, but I have been listening to the speeches that have been made; and I think that one of the things that the distinguished Senator from Iowa, for whom I have great respect, misses in his argument is the question of who is a draftee and who is a volunteer in this day and age.

We can say that only 3 percent of the forces are actually draftees; and, technically speaking, that is correct. But there are many men in the armed services or in the National Guard or in the Reserves who went in so that they would be volunteers and would get into the area they wanted, rather than be a draftee. If there had not been a draft, they would not have gone into service.

I happen to know this. My son happened to be one of them, so I can say it very easily. He served in Vietnam for a year. He was a volunteer. He was a volunteer because he found that, although he did not like the military, there was less harassment in Vietnam and a better chance to accomplish something than there was if he was just in a home base over here. The military experience of 2 years that he had, obviously did not do him any particular harm, but it was not something that he liked. He had not wanted to be there, or to be any part of it. He got in because, as I said, he felt that otherwise he was going to be subject to the draft. There are many people in this category.

So if we suddenly take just the draftees and say that they do not have to go but that the fellows who have volunteered in lieu of the draft do have to go, we will have to draft many more people and we will have many more problems. We will have, as the Senator from South Carolina so aptly said, a two-system division within the Army, as to who is going to perform respective types of services. It seems to me that that would be very inequitable, when we are faced with this difficult psychological problem as well as a difficult military problem.

I just wanted to put that into the RECORD. I thank the Senator from Mississippi for giving me the time.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute to reply to the Senator from Colorado.

The President's Commission on an All-Volunteer Armed Force stated that in recent years approximately 500,000 men a year have volunteered for military service. Although some of these volunteers volunteered only because of the threat of the draft, the commission found that the best estimate is that at least half, 250,000, are true volunteers.

The reply to the Senator from Colorado, it seems to me, is that it is true that young people can volunteer for the National Guard or the Reserves; they can volunteer and get a particular assignment; and that is exactly the problem that this amendment tries to meet. Those people are exempt from combat. If not exempt, their chances of getting into combat are much less, while the men who are drafted are now put into combat in great numbers; 11 percent of the Armed Forces are draftees; 46 percent of the deaths in Vietnam are draftees. This terrible injustice is what we are trying to overcome.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 10 minutes.

Mr. President, we are getting right down to the nub of things now. It has been agreed in all the debates. On a volunteer army, on the end-the-war amendment, that we want the war to end, that we would like to have a volunteer army. But, by a vote of 52 to 35, we decided that it was not wise now—in fact, that it was impossible now.

With respect to the McGovern-Hatfield amendment to end the war, everyone wants the war to end; but the judgment of this body was, by a vote of 55 to 39, that that was not the way to do it, by putting it in writing and stereotyping and limiting the President on the floor of the Senate.

We decided to stay in Vietnam, under the conditions, in debate, and we would like to say that we are going to stay but that we are not going to require anyone except volunteers for Vietnam to go to Vietnam. I am sure that we would get a hundred votes for that, if we were expressing our wishes. But, again, the realities must be considered. The realities do not permit it.

Mr. President, the effect of this amendment simply would be to stop effective military operations in Vietnam, and I believe that I can explain why. Overall, approximately 8,000 of the 21,000 monthly replacements for the Army to Vietnam are draftees. That is 8,000 and 13,000, to make a total of 21,000. It is estimated that half of the 13,000 are draft inducted—induced to volunteer by the draft; and that is a very respectful term to be used. It is a matter of choice. Some would just rather go when their time comes under the regular turning of the wheel in the Selective Service. Others would rather go ahead. But from the realities of these figures, it is readily evident that there would be insufficient replacements to continue present operations even on the phased-down basis which is now in progress.

Let me refer to a crucial element of combat replacements. I brought this up during debate on the volunteer army.

These are the boys in the infantry, armor, and artillery units—and let me first observe just what the significance is of being assigned to this particular type of activity. In fiscal year 1970, 10 percent of all Army personnel in Vietnam—about 48,000 men—were riflemen—those who carry their gun in their hands, who bear the brunt of every attack, and whose lives are constantly at stake. This group, constituting only 16 percent of the Army in Vietnam, took 54 percent of all the casualties.

If we include all of the infantry skills, that is, those who handle the mortars, assist with the tanks, et cetera, this group constituted 22 percent of all the Army in Vietnam in 1970 and this group took 67 percent of all the casualties. These are the men, Mr. President, who bear the heaviest burden of war.

Mr. President, I want to speak now to the Vietnam monthly requirements for these combat elements—infantry, armor, and artillery. For August 1970, the monthly replacement requirements for this total group is 6,500 men. It is expected that this monthly figure will go down to 3,600 in May 1971.

Now let me state that the total monthly production for the Army worldwide is 7,500 men and, as I have indicated, 6,500 men go to Vietnam.

Where do these men come from, Mr. President, for these combat elements? Out of the 7,500, 5,100 are inductees or about two-thirds. Twenty-one hundred are volunteers with no particular skill choice but are placed in these combat elements after training. Three hundred are volunteers with a combat skill.

Mr. President, those figures are taken from the record. That is not an estimate. That is the record of what has been going on.

The Army has made some rather intensive studies of what would occur on the premise that we make no involuntary assignments to Vietnam or that we send no draftees to Vietnam. In either case, Mr. President, the result is the same. The total number of monthly replacements who could be expected to go to Vietnam under these conditions would range from 400 to 700 men. Three hundred of these would be the combat skill volunteers, with the remainder out of the other volunteer group. In other words, Mr. President, out of a present requirement of 6,500, and out of a May 1971 requirement of 3,600, only about 400 to 700 men would be available. We can always say this estimate is too low but even if we double it, the results are the same. The combat units in Vietnam could not continue to operate. Keep in mind that we have a 1-year tour in Vietnam and there must be the monthly replacements coming in for those who have served their required period of service.

The result of this amendment would be such that in a very short period of time we could anticipate a near breakdown of the combat elements of the Army in Vietnam. Among the several dire results is that the thousands of Americans who are already there, would have their lives placed in jeopardy. Under these circumstances I do not see how the Senate, by any stretch of the imagination, would be acting responsibly in adopting this amendment. I, therefore, urge amendment No. 754 be voted down.

Mr. President, these facts are sordid. I wish they could be to the contrary. I wish we could give this group some element of reasonable hope and practicality that the plan would work. But the overwhelming facts are to the contrary. The conclusion is inescapable, that as long as we have to continue the war, we must have the selectees, and we are going to have to send some of them to Vietnam. We pray that all will come back, even though we know that some will not. But, as long as the fighting goes on over there, I think it would be a debacle in Vietnam and in this country, should this amendment be adopted and become law.

Mr. President, I yield back such time as I did not use.

Mr. PROXMIRE. Mr. President, I yield myself the remainder of my time.

In reply to the Senator from Mississippi, we fought for, and, from my standpoint, we lost the volunteer army amendment. But this amendment would not end the draft. It would provide that draftees would still be brought in as needed. But they would not be sent to Vietnam.

It is possible. The statistics are overwhelmingly clear that it is possible to stop sending draftees to Vietnam now.

After all, they constitute, in Vietnam, 3 percent of the whole of our military force. Why can we not send some from the 97 percent available, if, as the Senator from Iowa has pointed out, the replacements are only 1,000 a month? That is not much of a drain out of a 3-million-man military force and out of 2½ million men who are volunteers.

There is a simple reason why. The argument made by the Senator from Mississippi is the one that the Pentagon has been making against this kind of amendment. They argue that this would disrupt the skills they now have in the military. What that means and as translated is that the skill the draftees have is carrying a rifle or a mortar, or serving in light artillery, and getting into combat and getting killed.

What happens is that those voluntary enlisted are given a choice. They can have vocational training and they can be put into something that keeps them out of combat, or some kind of training that they can use in later life. Those who are drafted are not given that kind of choice. They go into the area available because it is not chosen—to wit, combat—infantry and the much greater prospect of death.

We know that those in the military forces get about eight weeks' training When I was in, in 1941–1946 it was a sixteen weeks' training period. It is not a high skill but it is certainly respectable and a very vital skill to defend one's country. Nevertheless, it is possible for the military to change this. They have all the flexibility, and time, and all the personnel, to make the change. The system that now permits those who reenlist for three years to get out of combat makes it necessary for those who decide to do this to take their chances. Those chances are not increasing but diminishing sharply. Combat missions are to be ended at the end of this fiscal year, June 30. Personnel needs in Vietnam of all kinds are diminishing. This is the time when we can act and we must act now. We are facing a most troublesome school year just coming up in this country.

This is the kind of amendment that could help enormously toward easing the kind of serious problem we face.

Let me sum up by pointing out that the troops in Vietnam are being steadily drawn down and replacement demands are rapidly diminishing. Combat activities are decreasing for American forces. The Secretary of Defense has announced that it will stop next June 30 or earlier. Only 3 percent of all military forces—that is, of all the American military personnel—are draftees in Vietnam, so that the number of draftees for military personnel is available now, and the need for combat troops is diminishing. Since 1964, 275,000 Army military men have volunteered to go to Vietnam.

In view of the rapidly diminishing need for American combat troops and the fact that volunteers for combat could supply much of the remaining need, few if any actions, Mr. President, perhaps nothing would be more likely to reduce the division and the bitterness that is plaguing this country today than the adoption of this amendment.

It would end the long nightmare for so many thousands of young men, and their mothers and fathers who dread the prospect of their boy being drafted and sent to Vietnam and killed.

I realize—most of us realize—that the chances of that happening now are less than they used to be—that they are rather small. But that is not much com-

fort to the young man, or to the mother and father, who may be drafted.

We are in a position where we can provide, with the passage of this amendment, a great advantage for the country and the ending of a long nightmare.

Mr. KENNEDY. Mr. President, I cannot support the amendment of the Senator from Wisconsin. The amendment suggests that only professional soldiers could fight our Nation's battles and that civilian inductees would be insulated from combat duties. And, as I have said on many occasions, I think it is unwise to free all but a relatively small number of volunteers from the possibilities of having to serve on the battlefield.

Under this amendment, any young man who is drafted would not have to serve in Indochina. This is directly contrary to one of the primary purposes of the draft—which is to assure that the burdens of war are, to the greatest extent possible, shared equally by all our citizens.

I also have the feeling that this amendment would be self-defeating and would create enormous confusion. The draft would become the haven for war-dodgers and the number of volunteers would rapidly decline. In all probability, it would soon become necessary to subject draftees to combat duties once again. We would be right back where we started with a great deal of dashed hopes and administrative inconvenience.

Mr. MUSKIE. Mr. President, the Proxmire amendment poses a difficult issue for a Senator who is opposed to our continued involvement in the Indochina war: If we are opposed to a continuation of the fighting and the killing, why should we send young men who have not voluntarily accepted the risk to fight in Vietnam?

If the vote on the Proxmire amendment were treated as a symbolic gesture, the vote would be an easy one for me. I would vote for the amendment. But the vote is much more than a symbol; it is a statement of policy, affecting not only the Indochina war, but broader questions of national defense manpower.

I have spoken against our indefinite military involvement in Southeast Asia. I have submitted a resolution calling for a declaration of peace and steps to end the fighting and the killing. I have supported the McGovern-Hatfield amendment. But I voted against the proposal to create an all-volunteer army at this time, because I believe it would increase—not decrease—the danger of a repetition of our involvement in Vietnam, Cambodia, and the rest of Indochina. Having followed that path, which I believe to be the most consistent and logical path of opposition to military adventures and increases in the risks of war, I cannot support the Proxmire amendment, worthy as its objectives are.

Mr. President, there is a danger that as the level of combat for our ground forces drops, the temptation to hang on in Vietnam, propping up the Thieu-Ky regime, will grow. If we substitute volunteers for draftees, the danger will be greater, for the public cost of the war will be less obvious. If we are going to end the killing of American men in Indochina, Mr. President, let us end the killing of them all, not some. And let us do so in such a way that we increase the chances for an end to the killing of the people of that area, and help lay the groundwork for a negotiated settlement. Let us not be diverted from that goal by stratagems which cut our costs, but do not go to the heart of the problem. Let us work to end the war, and end it soon.

Mr. NELSON. Mr. President, in the muddy fire bases and in the thick, steamy jungles where the ugly warfare of body counts and kill ratio is being fought in Vietnam and Cambodia, the prospects of an end to the fighting tomorrow or even next summer have a cynical, unreal ring.

To the young soldiers and marines who spill out of helicopters with thumping rotors kicking up dust and debris, ready to lift quickly in case of attack, war is present and endless.

By ever-increasing numbers, the young men who make up the units that seek out and destroy the suspected sanctuaries of the elusive Vietcong guerrillas are not the volunteer soldiers of 5 years ago, but the draftee, who in most cases would have finished his schooling or started a family and a career had he not been drafted.

And he goes to fight with a good chance of not returning from a confusing, unpopular war that no rational man wants to see continue and that nearly every American leader in and out of Government says must come to an end.

He is fighting and sacrificing his life in a war Congress did not declare. In a war that grew to full scale as the country first sent economic and military assistance to the shaky government of South Vietnamese President Diem after the French colonial rule ended in 1954, then sent advisers, then volunteers, and then the draftees.

The draftee, as so often has been the case in this country's wars, is an efficient, economical source of manpower. He can be quickly trained and is inexpensive because he falls into the lower ranks. At present, it is estimated that it costs only $6,200 a year to maintain a foot soldier.

With the overwhelming bulk of the draftees—some 95 percent—going into the Army ground forces, the draftee's chance of becoming a combat soldier is very good. With the reenlistment rates of regular Army soldiers dropping from a normally stable level, the draftee, while numbering only one-third of all the troops in Vietnam, is bearing an increasingly heavier share of the fighting and now is representing almost 65 percent of the total of the men dying in the Southeast Asian war.

The likelihood of a draftee ending up in a combat rifle company is also increased by the fact that the enlisted or volunteer soldier has the first choice for the technical and support jobs available. It is estimated that it takes about 10 men outside the immediate combat areas to support one rifleman in combat.

Since he makes up two-thirds of the total of all men going into the Army, increasing numbers of draftees are being sent to Southeast Asia.

The Marines, an almost totally volunteer force, and the Army are handling the bulk of the fighting in Vietnam. Since 1965, when we first committed ground combat troops to Vietnam the reenlistment rates of the career soldier plunged along with the increase in the war's unpopularity.

In 1965, the reenlistment rate for the Army was 47.4 percent. According to recent Department of Defense figures for fiscal year 1969, it has dropped to 30.1 percent. For the Marines, it was 34.3 percent in 1965. By fiscal 1969, it had fallen to a dramatic 14.7 percent.

The reenlistment figures are even dwindling for the Air Force and Navy. The Navy has experienced a drop from 40.4 to 34.5 percent, and the Air Force from 61.4 to 54.3 percent during the same period.

On April 23 of this year, the President sent a message to Congress proposing an end to the draft. He said the draft "must be phased out, so that we can be certain of maintaining our defense strength at every step . . . as we move away from reliance on the draft, we must make provisions to establish a standby draft system that can be used in case of emergency." In addition, last May, Secretary Laird stated that by the end of fiscal 1971, we will have some ground forces in Vietnam, but they will not be assigned a combat mission.

The goal of an all-volunteer Army, which I have strongly supported, is the concern of many Congressmen. But that goal seems to be slipping farther and farther away as this country places greater reliance on the draftee to fill the widening gap left by the diminishing reenlistment rates.

That problem, like so many of the others—domestic and foreign—presently plaguing this Nation, is tied tightly to the undeclared war in Vietnam that is tarnishing the Nation's image, draining our resources, and destroying the morale of young and old alike, both within and outside the armed forces.

Amendment 754, which I have coauthored with Senators PROXMIRE and HUGHES, will provide that after the date of enactment of the military authorization bill, no funds may be expended to send draftees to South Vietnam, Cambodia, or Laos unless they volunteer for such duty.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that

the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 754, as modified, of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 22, nays 71, as follows:

[No. 279 Leg.]

YEAS—22

Church	Hatfield	Pastore
Cranston	Hughes	Percy
Fulbright	Inouye	Proxmire
Goodell	Mansfield	Ribicoff
Gravel	McCarthy	Yarborough
Harris	McGovern	Young, Ohio
Hart	Mondale	
Hartke	Nelson	

NAYS—71

Aiken	Ervin	Montoya
Allen	Fannin	Murphy
Allott	Fong	Muskie
Baker	Goldwater	Pearson
Bayh	Gore	Pell
Bellmon	Griffin	Prouty
Bennett	Gurney	Randolph
Bible	Hansen	Saxbe
Boggs	Holland	Schweiker
Brooke	Hollings	Scott
Burdick	Hruska	Smith, Maine
Byrd, Va.	Jackson	Smith, Ill.
Byrd, W. Va.	Javits	Sparkman
Case	Jordan, N.C.	Spong
Cook	Jordan, Idaho	Stennis
Cooper	Kennedy	Stevens
Cotton	Long	Symington
Curtis	Magnuson	Talmadge
Dodd	Mathias	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Williams, N.J.
Eagleton	McIntyre	Williams, Del.
Eastland	Metcalf	Young, N. Dak.
Ellender	Miller	

NOT VOTING—7

Anderson	Mundt	Tydings
Cannon	Packwood	
Moss	Russell	

So Mr. PROXMIRE'S amendment (No. 754), as modified, was rejected.

Mr. STENNIS. Mr. President, I move now to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN and Mr. THURMOND moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. MUSKIE. I yield.

Mr. MANSFIELD. Mr. President, I would like to have the attention of the Senate. The Senate will note that this vote was completed a half hour before it was supposed to take place. It is quite likely that the same occurrence will take place on the Muskie amendment, which will be the pending business. So I would urge Senators not to stick too closely to the 2:30 time stated on the charts on their desks and to keep in mind that this vote may take place at 2 o'clock, or even before that time.

I thank the Senator from Maine for yielding.

AMENDMENT NO. 811

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Chair wishes to lay before the Senate the pending amendment, amendment No. 811, offered by the Senator from Maine (Mr. MUSKIE). There are 2½ hours of controlled time on the amendment, divided equally between the Senator from Maine (Mr. MUSKIE) and the Senator from Mississippi (Mr. STENNIS).

Amendment No. 811, as modified August 31, 1970, is as follows:

On page 7, line 6, strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That none of the funds authorized by this Act may be expended for the procurement of DD 963 class destroyers unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers is required under the terms of such contract to subcontract to another United States shipyard and (2) the total number of such destroyers set forth under the terms of the prime contract is divided substantially equally between the prime contractor and subcontractor."

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I yield myself 10 minutes.

As the debate reopens today on my amendment to divide the 30-ship, multibillion dollar DD–963 procurement, between two American shipbuilders, let me make clear the real issue at stake, and the main thrusts of my proposal.

First, it must be clearly understood that this is not a Bath amendment, as it has been described in the press this morning, but, rather, the amendment would give every qualified destroyer builder a fair shake, in open competitive bidding, at half the ships in the program. It is expected that bidders will compete from Washington State, California, Louisiana, Virginia, Massachusetts, and Maine, as they did in the course of the competition up to this point.

Second, that this is an economy amendment, whose objective it is to reduce the long-term costs of constructing destroyers in the DD–963 program and other combatant ship programs.

Third, that even the short-term cost increase which might result from a division of the contract will fall far short of the figures suggested by the Navy and my distinguished colleague from Mississippi, Senator STENNIS.

Fourth, that it would be a dangerous precedent to award the entire class of complex destroyers to one shipbuilder under a high risk "cradle to the grave" concept which is at present completely untested in the procurement of combat Navy ships. The cost of such a policy could well be a concentration of all our destroyer building capability in one yard and the destruction of potential competition.

Fifth, that the well publicized problems associated with overconcentration of defense contracts under one corporate entity must be avoided in the DD–963 program to minimize the possibility of overruns and slipped schedules.

Sixth, that this amendment comes as no surprise to the Navy or Litton Industries.

Seventh, that the House of Representatives military procurement bill, which was passed before the award of the contract, included language similar to my amendment, and indeed Litton's contract with the Navy includes language designed specifically to implement my amendment without delay or disruption to the program.

Eighth, that the weight of evidence since the DD–963 program was first planned, in 1966, has swung to such a degree that it is no longer prudent to award a single contract for 30 ships as it may have appeared 3 or 4 years ago.

Ninth, that acts of God, labor difficulties or mismanagement can disrupt any single facility and could endanger our entire destroyer program for the 1970's unless the contract is divided.

And finally, that the overwhelming evidence clearly indicates that the national interests can be best served by dividing this huge multibillion dollar procurement, which will span the next 10 years.

Mr. President, let me just repeat that my amendment would support:

The concept of a single design for all 30 ships, which the Navy desires;

The utilization of a central procurement group to purchase 30 ship sets of machinery and equipment, which the Navy desires;

The standardization of ships within a class, which the Navy desires;

The economies of series production of a large number of ships, which the Navy desires;

The transfer of a reasonable degree of responsibility from the Navy to the contractor, which the Navy desires.

And the modernization of more than one shipyard, which the Navy desires;

Mr. President, my amendment does not stop there. It also supports:

A broader and less risky distribution of defense contracts;

The maintenance of a competitive shipbuilding environment;

And the lowest long-range ship procurement cost to the Government.

My amendment is workable and it is cost effective.

Mr. President, after World War II throughout the mid-1960's the Navy came to Congress annually with requests for funds to purchase destroyers in lots of one, two, or three. This policy was fraught with problems, but virtually every representative of the Department of Defense argued that this was neces-

sary in order to maintain our mobilization base and spread economic benefits.

In 1970, with changing threats, we may be justified in changing the character of that mobilization base and unquestionably we should encourage new procurement techniques which will result in better ships at lower costs. But a reduction from 10 or 11 destroyer builders to one, when the Navy talks of replacing a large percentage of our entire destroyers, makes no sense at all.

It is my opinion that in attempting to correct the deficiencies of earlier procurement policies the Navy has overreacted and gone too far in the other direction. It is certainly a far cry from contracting for one, two, or three destroyers worth perhaps $50 million, to a contract for all 30 destroyers worth over $2 billion. And these are not small ships. In World War II they would probably have been called light cruisers.

It has been argued that dividing the DD–963 contract will increase the cost in the 30 ships at issue over $225 million and some have even suggested $600 million. These have been described as scare figures and in my judgment that is an apt description. The fact is that any increase would result primarily from two 15-ship learning curves rather than one 30-ship learning curve.

While no firm estimates have been made, my sources indicate the increased costs from two learning curves rather than one would be $91 million, if my amendment is implemented as intended. In addition, there may be other start-up costs and management costs to the Navy from having a second shipbuilder in the program. However, there are mitigating factors, and a reasonable range of possible increased cost by a division of this program might be in the order of $80 to $120 million which would be funded over 5 years. To put this in perspective let me note that under the Litton contract costs could increase $387 million while still providing a profit of $107 million.

This is a relatively small investment to make on a 30-ship program now projected to cost the Navy many millions of dollars. And the cost benefits from healthy competition would accrue to the Government's advantage on 20 planned follow-on ships and other Navy programs for years to come.

Before concluding my opening remarks there is one aspect of my amendment which should be clarified. There may be a false impression that the dollar value of the contract would be divided equally between the prime and the subcontracting shipyard simply because each would be building 15 ships.

In actuality the prime contractor would be responsible for the entire ship design, the procurement of essentially all material, and the construction of half the ships. This package would include approximately 75 to 80 percent of the dollars spent in the entire program. The subcontracting shipyard would be paid primarily for the labor expended on the construction of 15 ships, which would equal approximately 20 to 25 percent of the total contract price.

My fellow Senators, experts such as those on the Fitzhugh blue ribbon defense panel appointed by the President, as well as the General Accounting Office, cite the risks of overconcentration and the need to maintain competition. Even the Senate-House conferee's report on this bill last year stated in part:

> The conferees strongly point out the necessity of developing and maintaining the shipbuilding capability for all kinds of combatant and support ships on the east coast, the west coast and the gulf coast.

These, Mr. President, are my arguments in behalf of the amendment. And I repeat, in closing this opening statement, that this is not a "Bath amendment." It is designed to open up 15 ships in this procurement to competitive bidding, because of the national interest involved.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I yield 10 minutes to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I congratulate my neighbor from the State of Maine upon this amendment. As he knows, I serve on the Armed Services Committee, and one of our procurement problems today is in the area of the CVAN. That is one of our giant carriers. We are currently producing two, I believe, of the Nimitz class. All of us on the Armed Services Committee have been staggered by the tremendous costs of these carriers—$500 million to $550 million to $600 million to $625 million.

I know that the Senator from Maine has suffered with me through the agonizing period when New York Shipyard and Portsmouth were brought under the gun. But today, to build a CVAN carrier, we really have only one shipyard, Newport News, that has the capability and the expertise to build this giant, sophisticated carrier.

Some years ago, there was a possible competition from New York Shipyard. Today there is no competition. The one supplier is Newport News.

I would want to amend my remarks by saying that in the event of an emergency, we would beef up some of the other yards in the country, public and private, to take on this gigantic task. But it is a one provider; it is a one supplier; and the costs have gone up and up, almost out of sight.

So that this year, the third carrier planned, the CVAN No. 3—Nimitz No. 3—is not in the bill that is being debated today.

So, as the concept of the one manufacturer, the one provider, goes on and competition drops by the wayside, we do not effect in the long run what we had hoped to do.

Mr. MUSKIE. The Senator has brought out the point that I think is the key element of this amendment—the importance of maintaining competition. When we contemplate the award of a total destroyer program over a time period that would span most of the next decade, thus depriving any other destroyer builder yard of the opportunity to maintain its expertise and capability and manpower for this purpose, what we are doing is considering the question of concentrating our entire destroyer building capability in one yard, with all the consequences for cost and competition that that implies.

Mr. McINTYRE. Mr. President, I am a cosponsor of the pending amendment, which was submitted by the distinguished junior Senator from Maine (Mr. MUSKIE), and also cosponsored by the distinguished senior Senator from Maine (Mrs. SMITH), the distinguished Senator from Vermont (Mr. AIKEN), the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from New Jersey (Mr. WILLIAMS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Ohio (Mr. YOUNG). The amendment asks that two shipyards be used for construction of 30 new DD–963 class destroyers instead of the one shipyard called for in the Navy contract for the recent award.

I believe we may have gone too far in one direction in our procurement policy of recent years. Earlier we had the policy of spreading awards to many suppliers so that our shipbuilding potential and expertise could be developed in many places. This procedure brought about some more competition between yards and kept costs relatively low. The procurement costs for some ships were somewhat reduced over the years while the cost of most military procurement was rising.

This same procedure, however, caused many problems:

Awards were spread among so many shipyards that no single yard felt it could fully justify the costs of building the most modern facilities. Shipbuilding facilities did not keep up with the state of the art.

Moreover, it was necessary for the Navy to develop and fund a number of expensive monitoring staffs to follow the building of the ships in several yards.

And it was difficult to fully utilize standardization procedures when several shipyards were engaged in production.

Because of these problems, the Navy changed course and began to use fewer and fewer shipyards for construction. This reaction, I believe, has gone too far in the recent award of the 30 DD–963 program to a single shipbuilder.

I am supporting the pending amendment, offered by my good friend, the Senator from Maine (Mr. MUSKIE), because I believe the single supplier concept raises problems which can better be met by dividing the shipbuilding between two yards.

Specifically, the problems I see are:

First. When a contract is placed solely with one shipyard the area surrounding the installation experiences a period of boom to be followed, when the contract is completed, by serious economic and job problems. I can speak personally about this phenomenon for I have seen what cutbacks have meant in the seacoast area of New Hampshire as phaseout has taken place at the Portsmouth Naval Shipyard during recent years. But if large contracts are split between two areas, the impact of completing them will fall less heavily on any single locality.

Second. Splitting the workload also

lessens the chance that an act of God, mismanagement at one yard, a strike or other problem might seriously delay completion of the work in question. The devastation recently caused by Hurricane Celia on the Gulf Coast and by other hurricanes in recent years in the same area clearly illustrate what might happen if this total contract were placed in one basket.

Third. Under the single supplier award for the building of these destroyers we would, in effect, be placing all of our expertise in the building of destroyers in one location. If, at some time in the future, we have a sudden need for the construction of destroyers or a requirement for a rapid expansion of destroyer building we may find that this one yard is incapable of fulfilling our demands. We should not place our defense structure in this kind of possible jeopardy. It might take years to restructure the skilled teams necessary to staff the additional facilities in case of need. Having staffs at two installations to fulfill this destroyer contract would be a hedge against such future difficulties.

Four. The argument can be made that placing the award with a single company would effect some savings. However, it can also be argued that the lack of competition, particularly in future years when new ships are built in this and similar classes, may well lead to higher and higher costs.

I hope, Mr. President, that the amendment will have strong support. My concern is not with the ability of the present recipient of the award. My concern is helping, if I can, to keep our defense structure strong. I believe the Muskie amendment will help to do just that, and I urge its support.

I thank the distinguished Senator for yielding to me so that I might bolster his arguments.

Mr. MUSKIE. I thank the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I strongly believe that it would be a very serious mistake for the Senate to adopt the Muskie amendment which calls for the Navy DD–963 contract to be divided among contractors other than the bid winner. This amendment, should it become law, would set an extremely bad precedent and throw the entire military contracting procedures into chaos. It would make a mockery of our defense contract machinery. More important, however, it would introduce politics and political considerations directly into defense procurement. For that and other reasons, it is a dangerous amendment which should not be seriously considered.

Let me remind the Senate of the amendment we recently had before us by the distinguished Senator from Delaware (Mr. WILLIAMS). The purpose of that amendment was to preclude the making of announcements of defense contract awards by Members of the Congress. The primary reason advanced in support of the amendment was that it raised the suggestion of political influence if Members of the Congress were permitted to make such announcements. We all agreed that this was a bad practice, and the amendment was unanimously adopted.

Mr. President, we have before us an amendment which would disrupt the award of the DD–963 destroyer contract which has been made on its merits by the Navy. While I can understand that the author of the amendment wants some of the business to go to his State, the procedure which he would have us follow does far more than "suggest" political interference in defense contracting. His amendment, if adopted, would be political interference of the most direct and blatant type because the Senate, or a majority of it, rather than the Defense Department, would have passed final judgment on a military contract award.

I hope my colleagues will look to the future and realize that if we establish the precedent that we are going to interfere with and set aside contract awards in such cases, we are inviting more trouble than can possibly be imagined. If this precedent is set defense contracts will no longer be awarded on the merits of the proposals and on the basis of the lowest and best bid. If such a policy is set contracts will finally be determined by who has the most votes or most political influence in the Congress of the United States. This will inevitably result in political logrolling of the worst type and would open the door for all types of undesirable practices.

If we adopt this amendment, Mr. President, we might as well add another amendment to the bill to the effect that no contract award by the Defense Department or any other Government agency shall be final or binding until it has been submitted to and approved by the Congress. If we interfere with one Government contract award, certainly we are taking upon ourselves the responsibility to look at others. There is certainly no reason to single out this contract. So far as debate here shows, its handling has been free of wrongdoing or irregularity.

Mr. President, I think that we should all realize the trouble that we are inviting if we should adopt this amendment. I do not believe that we want to disrupt the established procurement and contract selection processes. Congress should not get into the contract award process and I trust that the amendment will be rejected.

Mr. MUSKIE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the Senator from Maine.

Mr. MUSKIE. I should like to remind the Senator from South Carolina that the issue raised by him was first raised in the House and was included in the House version of the present bill before the contract was awarded.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. It was incorporated in the bill before the award was granted. As I argued yesterday, the consequences to the national interest of implementing Department of Defense procurement policy of awarding 30 ships to a single yard are so important to the country that the Navy should have withheld the award so that the contract negotiations at issue could be raised. Since the Navy did not, I do not think the point made by the Senator from South Carolina is relevant or applicable. I did not press the Navy to make the award prior to full consideration by Congress or raise the policy involved in the amendment. The award was made after it was raised. I think the Senate has every right to consider the issue on the merits, and by merits I mean the consequences to the Nation of the award of a destroyer program of 30 ships to a single shipyard. Obviously, on any award of this magnitude, everyone in this Chamber whose State may be involved is interested in the result.

I concur in the principle incorporated in the Williams amendment, cited by the Senator from South Carolina that to the extent possible political influence should be divorced from the awarding of contracts, but here we have a mixed bag. The question was raised and, I repeat, it was incorporated by the House in the form of an amendment to the bill before the contract was awarded. I think that dilutes the force of the Senator's argument considerably.

The PRESIDING OFFICER (Mr. HOLLINGS). Who yields time?

Mr. THURMOND. Mr. President——

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Maine, the Senator from South Carolina would say that the ground rules for the competition provided that the contract would be awarded to a single successful contractor. No changes in the ground rules were made at any time during the competition. The Litton Co. submitted the lowest bid, a bid of $9 million per ship lower than the competitor, or an aggregate of $270 million lower. The competitor had a chance to bid. Both had the opportunity to bid. Both studied this matter for a long period of time. Litton was the lowest bidder. Now, would not this destroy companies from coming in and bidding, if you will, Mr. President, letting them bid, and then saying to the loser, after the bid is over, "Although you are not the lowest bidder, we will let you share in the contract anyway." Where would we get companies to come in and submit a bona fide bid—the best bid, the lowest bid, the final bid, if they know they will have a chance later on to share in the contract anyway?

To me, it is perfect nonsense. To me, the Navy has followed the only logical procedure; namely, they have let a contract to a company that is $270 million lower than the competitor. I would say that there is no merit in the position of the Senator from Maine.

Mr. MUSKIE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I yield myself 2 minutes for the purpose of responding to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Mr. President, first of all, this procurement competition has proceeded over a period of 4 years. Throughout that time there has been widespread speculation, well known throughout the industry, that although it was directed to the objective of a single yard, the award conceivably would have to be split, not so much because of its magnitude but because of the national interest. I am sure that speculation was as well known to Litton Industries as to Bath and the other four shipyards involved in the competition at one point or another.

Second, the blue ribbon panel that was appointed by President Nixon about a year ago recommended that contracts for shipbuilding of this magnitude should be split. Indeed, the McNeil subcommittee on that panel recommended that no contract of this type involve more than 10 ships. That was known within a week after the award. That raises the national interest issue which I am seeking to raise here today.

Finally, I repeat that the House spelled out this issue before the contract was awarded. I can therefore say to the Senator from South Carolina that the Senate is a perfectly appropriate forum to consider national security policy which has such consequences for the Nation. I believe that it deserves to be considered on its merits. The Muskie amendment does not propose to divide the contract between Litton or Bath. The Muskie proposal is that 15 ships remain with Litton and that the other 15 ships be subject to open competitive bidding which, presumably would elicit bids from the other five shipyards involved in the competition at one point or another and conceivably others. Bath may not be the winner. Other shipyards are well aware now of the economic bases of the two bids submitted and are in a position to bid competitively for the other 15 ships.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 2 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, in response to the Senator from Maine, I would say that the Wyman amendment has not been adopted, and is not law; that the recommendations of the blue panel commission have not been put into operation and they are not the law; that the Navy followed the law, in that it called for bids, and the Navy let the contract to the low bidder. That was the law. That was the law then and it is the law now. Everyone had a right to come in and bid. Litton came in and submitted the lowest bid.

Now the Senator from Maine would come in and say, "Let us open it up and give it to others," after Litton was the lowest bidder, $9 million per ship lower than the other competitor, with a saving on the 30 ships of $270 million.

I say that this would be the most dangerous precedent Congress could establish. I would say further, when any company is dissatisfied, if they can run to Congress and say, "We did not get the bid but we want it anyway and therefore we want you to pass an amendment or a law to let us share in the contract," if we ever establish that kind of precedent in Congress, we are treading on dangerous ground.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, without casting any aspersions, or making a remark in a facetious way, I believe that I can participate in this debate freely because we do not make destroyers in Arizona.

Mr. President, having spent a good part of my life in business, and having spent a part of my life in this body watching procurement procedures, I can certainly understand the concern of the distinguished Senators from Maine—both of them. I can understand the concern of others, too, who might see in this award something damaging to the shipbuilding companies who have not been successful. Even though I can understand this concern, I believe it is an unwise procedure.

We have a similar situation developing, I must say, in the aircraft industry. Mr. President, I spent last Saturday in the portion of southern California that has been dominant in space manufacture. There is very heavy unemployment out there now. Very few things are being manufactured in the space field at this time.

I would be the last one to suggest that because of this and because of the efforts to keep companies going and spread the business around that we should take the bid away from a successful bidder and divide it up and say to him, "You can keep 50 percent of the bid. But the other 50 percent must go out for further bidding."

I must say that I know of nothing in the contract that would prohibit Litton from saying to any other ship company, "Look, we have the contract for all of these ships. If you build them at our bid price, we would be glad to do business with you." I see nothing wrong with that. I do not think that ought to come out of any legislative decision of the Congress.

We have shipyards in the far west, in the southern part of the United States, in the northeast, and in the eastern part of the United States. They all need business.

I must say that this Senator from a desert State is most concerned about the state of the merchant marine. I think it is deplorable. I think the fact that we are way down on the list of the world's shipbuilders is deplorable. But we have to recognize the fact. And if we want to do something about it, we should do it. But this is not the way to do it.

As I mentioned earlier, we have aircraft companies in our country that have no business. We have that giant company, Boeing, making the C–47 and, hopefully, the SST. However, a large block of the Members of Congress are opposed to that.

Would it be proper for us to say to North American, the successful bidder on the B–1 contract, "Look, your friend Boeing has a high unemployment rate. We are going to reopen the bids on the B–1. You can keep half of them. But we will allow other companies to bid on the remainder, even though the bids might be higher than your successful bid."

Litton made a bid that was substantially lower than those of other companies.

We have a similar situation developing with trucks. The military is buying trucks, and we find fewer and fewer suppliers. We used to have dozens of firms that would bid on trucks. Today, there is a relatively small number.

Speaking again from the standpoint of a Senator who has been in business and has engaged in bidding and has sat in the committee and on the floor and watched our procurement proceed, although I have to agree with the Senator from Wisconsin that we have practiced procurement in a very unwise manner, I do not think that this is unwise.

The bid was open to all companies. One company, Litton—a relatively small shipyard—was successful in underbidding the other companies.

I do not know how we can do this. We cannot do it legally.

The question pops into my mind, having made a contract for the ships with Litton, how can we, in essence, break that contract by law?

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I will yield in a minute.

We can do it. There is no question of that. But is it right? Would we not be subject to suit?

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MUSKIE. Mr. President, as I have indicated in the record, the contract was written to provide for a split in the event of a legislative mandate, anticipating the possibility that the House amendment might become law.

There is a provision in the contract to implement such legislative provision, if adopted.

Congress, through adopting my amendment, would be moving in the direction anticipated by the contract and would be implementing the terms of the contract. We would not be breaking the contract.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. GOLDWATER. Mr. President, as I said before, there is certainly nothing to prevent us from doing this in a legislative way. But I think of the consequences for Litton if they had already proceeded with construction under their contract. This might cause them losses for which they could sue.

This is something that has concerned me about the C–5A program. We have never gone into it. How much would we be liable for?

I am not speaking as a lawyer, because I am not one. Let us say that they had made provisions for starting construction. We could not say to them, "We will divide the contract up among other companies, even though their price might be higher than the bid Litton submitted."

I do not see how we can do this from an ethical standpoint. Certainly we can do anything we want. But I think we would be paying more than if we had stuck to the contract.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I have no more time.

Mr. MUSKIE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. Mr. President, I want the record to be clear. The following is from the contract signed by Litton:

> The government shall have the right to require the contractor to subcontract the construction of a quantity of complete vessels as may be necessary to comply with the legislation referred to in the premises hereof. The contracting officer may require a contractor to solicit all shipbuilders of naval ships systems . . . a possible list for destroyers of one or more subcontractors.

That is from the contract itself. My amendment is directed to implement the bidding procedures anticipated in the contract itself for a quantity of complete vessels, using the contract language, as indicated by Congress. If Congress acts favorably on my amendment, it will do what the contract anticipates.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield me 1 minute?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. GOLDWATER. Mr. President, if what the Senator says is true, then I see no need for legislative action on this matter. I question whether it is wise and whether it can be done in view of the low bid we have had on this destroyer and whether it is ethical, even though it is written into the contract.

Mr. MUSKIE. Mr. President, may I say in response that what the Senator is saying is that even though there is a provision in the contract that anticipates possible legislative decision on the contract and even though this award to a single shipyard for the entire destroyer building program for the seventies is obviously of the first magnitude in the national security field, it is inappropriate for the Senate to consider this policy and make a judgment on it.

I do not agree with the Senator.

Mr. GOLDWATER. Mr. President, I must say that I do not agree with the Senator from Maine. I think we would open up a real Pandora's box.

We do not make destroyers in Arizona, but we do make other things.

While I do not accuse the Senator of being interested in the matter because of one shipyard located in Maine, I can understand his concern as I can understand the concern of any Member of Congress over high unemployment in his State occasioned by the loss of a contract or by decreased prices.

I feel that the amendment is unwise. That is the reason I oppose it.

Mr. MUSKIE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. Mr. President, first of all may I say to the Senator that when this procurement competition began over 4 years ago, I indicated to Secretary McNamara, who was responsible for the concept, my very real reservations about the wisdom of a single shipyard procurement for a contract of such magnitude in the national security field. My record on that is clear.

Speaking of a Pandora's box, if the Litton contract is completed in accordance with the single shipyard award, I will be interested in seeing what kind of a Pandora's box we have when the 21 ships are open to competitive bidding and there is only one shipyard available.

Then, we can decide which was the Pandora's box.

Mr. GOLDWATER. The Senator and I agree on one point. We both agree Secretary McNamara was unwise.

Mr. MUSKIE. I think the Senator is unwise in agreeing with Mr. McNamara.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I think the facts have been fairly well developed here in the debate and in matters that have been placed in the RECORD. One thing is outstanding and incontrovertible about this matter and I think it largely decides this issue. From the very beginning the Navy had made up its mind, and so announced, that it wanted to award a contract for these destroyers, and that the winning bidder would get the entire contract. The idea was that they could get more ships for their money. That was put into writing in the very beginning in the invitations that went out to shipyards to compete. It has been reiterated over and over again. They first had six; they reduced that to three; then they eliminated the third, and the two remaining bidders ran head and head for a year—Bath and Litton-Ingalls.

Of course, they knew and expected that the winner was going to get the full amount, and the bids were based on that fact. Their bids were bottomed on it and that was the basis on which they were bidding.

It has been stated that it was understood or talked about in the trade that there was going to be a division. I do not see how that could be classified as true. Both of them were figuring their heads off trying to get the contract for the 30 destroyers, should Congress authorize the full 30 destroyers. That was the only issue with those bidders. The figures were based on that understanding. They knew what they were doing, of course, with all their competence. They knew exactly what they were doing. They were operating under the law and the Navy was, too. There is no proof here that there is any fraud or that the Navy or the bidders failed to follow the procurement law Congress has laid down.

Along the way, just before it was over, and just before their bids did become final, this amendment was filed in the House of Representatives. It would make some kind of uncertain change about it. There is no debate on that amendment or explanation such as we are having here. If there was a vote it was formal; the chairman said he would take the amendment.

But the bid dates were running out and the day was approaching when the Navy had to act or those bids would not be valid or binding any more. That was the idea months and months before this was to become final. That was the reason for having a clause in there that if Congress should pass legislation on the subject then the Navy could ask the successful contractor, whoever it was, whether it was Bath or Litton—both of them were in the running then—to open it up, whatever the conditions might be, but that it might increase the cost. Everybody knew that and the Navy understood it. That is why there is an estimate placed on the amendment from the House of Representatives that it would cost a minimum of $225 million extra.

But at any rate, the only matter before us now is the Senate amendment. The Senator from Maine (Mr. MUSKIE), the author of this amendment, and his cosponsors knew that Litton was going to be the prime contractor. They got the bid and got it on 30 ships but now it is asked, "Would we let them have one-half, just one-half?"

But when he asked for one-half, he agrees that the company is all right, that they have the capability, that the contractor is all right, that there is no fraud, and that the law was followed. Otherwise he would not have agreed to do that. But he said that they want one-half. They do not say one-half at the bid Litton put in or that the price would be the same as Litton put in. No, they do not say that.

That is the first question many Senators ask me when I tell them the facts.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. I shall yield in a moment. I wish to finish my thought.

They would open it up and ask for one-half of the ships. When the Senator is asked whether that would be at the same price as it was to the low bidder, we are told that the answer is no.

When the question is asked at what price it would be, we are told, "We do not know."

That is why I say the best estimate on this matter is that it would cost from $225 million to $300 million. It could cost as high as $600 million. That would be the price if we went back and said that we were going to start over and have two designs, 15 ships under one design and 15 ships under another design. Frankly, the form of the Senator's amendment now does not propose that, but in the original form it did.

I am glad to yield to the Senator from Maine.

Mr. MUSKIE. I want to be sure I understand one of the Senator's points. I understand the Senator objects to the fact that my amendment provides for open competitive bidding to decide the that would be released from the contract.

Mr. STENNIS. I make the point there is no shipyard, Bath or any other shipyard, that states, "Yes, we will take 15 at the price the Government already has for those 15."

Mr. MUSKIE. Mr. President, will the Senator yield again?

Mr. STENNIS. I yield.

Mr. MUSKIE. What would be the Senator's comment on the provision in the contract between Litton and the Navy which provides if such a division is directed by Congress that there should be open competitive bidding to decide the distribution of the 15 ships?

It seems to me that contract provision reflect that that way of dealing with the problem is the best way in the judgment of both Litton and the Navy. Does the Senator disagree?

Mr. STENNIS. I know that that is the method adopted, but as a practical matter, the Senator is asking that this matter be disemboweled and torn up so that some other shipbuilder could build some of the ships but when the question is asked at what price it would be we are told, "We do not know. It is going to be competitive. We do not know if it will be as low as this or not."

I judge that Litton would be left out of the competition. I hear reports that many shipyards think they will get in on that. I do not know that; nobody knows. But it will cost more money. We have spent 5 weeks trying to reduce the amount of money to be spent for these military articles and now we are going to put in a provision and the only evidence is that it would cost nearly one-quarter of a million dollars for the same number of ships.

Mr. MUSKIE. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. MUSKIE. I assume the Senator is not saying that this provision in the Litton-Navy contract is impractical. The Senator applied that adjective to my amendment; because it would open up 15 ships to competitive bidding. If it is impracticable as contained in my amendment, then I take it it is impracticable in this provision of the contract.

The second point I make is that any estimates of the increased cost, when what is involved is the price that would be set as a result of open, competitive bidding, is an attempt to look into the future as a result of the competition and what the result of the competition will be. I must say I do not have that kind of vision, and I doubt if the Senator has.

Mr. STENNIS. That is exactly what we had—open competition on the bids, looking for the best deal for the Federal Government. This competition was between six, to start with, three later, finally two. The award went to the one that was low. Now the Senator's amendment proposes to tear that up and say that we are going to have competitive bids for the second 15.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. I will not yield just now.

I do not think we are going to find that the bids for the second 15 are as good as the bids we have for the 30.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Mr. President, with all deference to the Senator, I must get along to other points. I want to show him courtesy——

Mr. MUSKIE. Mr. President, will the Senator yield? I am sure the Senator does not want it to appear that he is making the point in this way, as I understand it; but the Senator is saying that the competition up to this point has resulted in the lowest possible bid, but that if we use the same process to get the lowest possible price for the Government on the 15 ships, it would not result in the lowest possible bid. How going through the same process would result in two diametrically opposite results is beyond me.

Mr. STENNIS. As I know my eighth grade arithmetic and with what commonsense I have, if we stand right here now, the Navy has the lowest bid it will ever get on the 30 ships. Call it what you will, it calls for less money in the contract the Navy already has than any others. No one has shown anyone will even take that contract at the price Litton proposes to get on the second 15.

Mr. MUSKIE. Has anyone made that offer?

Mr. STENNIS. Everybody wants to get in on it, but no one makes the proposal.

Mr. MUSKIE. Are such proposals being invited?

Mr. STENNIS. Not officially, and not even in argument. No one has said it believes we could get a better bid for the second 15 than the Navy has.

Mr. MUSKIE. Has anybody been solicited?

Mr. STENNIS. That is academic.

Mr. MUSKIE. I think not. Can the Senator expect anyone to come forward with bids with any idea that the 15 ships would be open to such bids?

Mr. STENNIS. What the Senator from Maine means and what I mean are so clear that I think, if we may, we should pass on to some other points.

I shall not be contradicted in saying flatly that if this award goes some other way, it is expected to cost more money. The original contract, in talking about this opening up, said the parties recognized—who were the parties recognized? The parties to the contract, Ingalls and Bath Co.—will require equitable adjustments in the terms and conditions of the contract.

That is a nice way of saying it will cost more money. That is what the letter I put in the RECORD the other day said, that the Muskie amendment in its present form is going to cost more. I will read the paragraph:

> The actual impact of the proposed amendment will not be known until the government negotiates with the prime contractor, but it is clear that the cost could be substantially higher than even the $225 million increase which has been estimated for up to a 20–10 split of the program. Without a significant increase in program funding, the use of a second ship builder will substantially decrease the number of ships the Navy will be able to procure.

All Senators are put on notice, then, that if we get into this matter, we are going to have to increase the money substantially higher than the $225 increase which is estimated for the 20–10 split—either that or we will get fewer ships for the same money. That is plain commonsense. One does not have to go to the Naval Academy or anywhere else to arrive at that conclusion. That applies whether one goes to the grocery counter or anywhere else.

Mr. President, I want to move on, if I may. The most serious matter I think Senators have before them, in addition to the extra money, is that we would be converting ourselves into a kind of supreme committee to pass on the change or altering or modifying and the awarding of contracts. That is what it is. This has all been done according to law, and the award went to this group because it had the lowest bid.

Call it what you will, the proposal here is that we want a part of that contract set aside, when the Government has done the best it can, even if it costs more. We do not want this contract.

Here is a list of contracts coming on: Take the B–1. Major contracts are coming up on ongoing bombers. It is in research and development now. That is so unless it is stopped along the way by the Congress. That has now gone to North American Rockwell, in California.

The F–14 aircraft, Grumman in New York State. That is one that was let a year ago, or a little more.

We find ourselves just sucked into a vortex by every disappointed contractor who finds one reason or another to get his Senator to offer an amendment to have the contract reviewed in the congressional halls because he failed to get the contract.

There are always some pros and cons, arguments back and forth, some points being good and strong, and some others being weak.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

We are plowing right into that particular situation without warning.

F–15 aircraft. McDonnell Douglas, Missouri.

A WACS aircraft. Boeing, Washington.

The MBT–70, main battle tank. General Motors.

There will be others on ships.

Our function, as I see it, in the absence of fraud, is to lay down the law and, under the law, the Navy, the executive branch, and the Defense Department operate and carry out the law and make those awards.

We really adopted, by unanimous vote on a rollcall, an amendment offered by the Senator from Delaware, in which Congress said:

> We are going to prohibit you from even telling us where that award is going until you announce it to the general public.

Now we come right back around, here, and say we are going to get in here and review these contracts, and change them.

On this 2-yard proposition, I am certainly not blind to the proposition that we want sources for our production. I know in this case I had no idea who would get this contract, but the Navy, in its judgment, decided to try out this 1-yard concept for some ship, and they tried it out on one that was not awfully difficult, and got this good price, and everyone knew what they were doing. Congress knew it, and had passed on it, in a way, time after time, and they saved this money.

There are modern methods of building ships involved here, and the Navy got the benefit of them in this contract. I think the Federal Treasury is entitled to the benefit of what looked like a mighty good figure. We have spent all these days here, Mr. President, arguing over the money in this bill. The committee spent months and months, and we reduced this bill by $1.3 billion. Senators have almost endlessly offered amendments from the floor to reduce it more. One Senator, in particular, proposed a $5.2 billion reduction, I believe it was. After a fine, vigorous debate, my good friend from Maine—I say friend, and I mean it—jumped in and voted for that reduction. That was last Friday, less than a week ago.

Now, the substance of this amendment is, "Well, we are going to put about a quarter of a billion dollars more into this contract, for just one type of vessel."

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. In just a moment. "And let it be carried on off, with good luck to everyone."

I do not criticize the Senator for what he has done. The very opposite. But where are we going? What do we mean by these things, anyway?

I think the die is already cast. The measurements have been taken. The law has been followed. Bath and Litton had their day in court when they made their bids, and under the rules, they knew they could not both win. They went into that situation as free American citizens. They are bound by the result.

We do not change the rules in the middle of a ball game. That is an old American principle of fairness. This amendment does not even seek to change the rules in the middle of the game, but after the ball game is over and the score has been announced. Then, this proposal says:

> Well, we are going to get up different rules; we are not going to let that go through.

I yield to the Senator from Maine.

Mr. MUSKIE. I should like to make one or two points. Would the Senator like to yield on my time?

Mr. STENNIS. Yes. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 37 minutes remaining.

Mr. MUSKIE. All right; I yield myself 2 minutes on my time, to respond.

First, we are concerned about savings in the military defense field. We are concerned not only with savings in this year's budget, but in the long term; and I think a great deal of the debate that has taken place last summer and this summer in the area of military spending has focused on the long-term cost implications of national defense to a greater extent than ever before. What my amendment focuses on is the long-term cost consequences of this award.

The second point I would make, and very briefly, is this: The Navy Department reserved its option, right up until the award, to award it either to one source or to two or more. It was clear that this was a possibility. If the Navy reserved the right to decide the question at the moment of the award, certainly the Senate and Congress had a right to consider the policy at the same time, and that is what the amendment on the House side did. It raised the issue just about the time that the Department of Defense was resolving the issue in its own councils.

The Senator is saying that although Congress raised the issue before the award was made, the Navy, by its unilateral act, could foreclose Congress from any further consideration of that policy by awarding the contract before Congress could determine the issue. That is the issue here; not the question of "changing the rules in the middle of the game." The issue I am talking about was in process and should have been considered fully, not only in the Department of Defense, but in Congress, before the contract was awarded; and I do not think Congress should be foreclosed at this point.

Mr. President, I yield 10 minutes to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the distinguished Senator from South Carolina spoke about how this amendment would involve logrolling and political pressure. If he means that this amendment represents a congressional challenge to military procurement, I say it is about time that, on the basis of our disastrous experience with the military handling of procurement, Congress took some interest in procurement. I do not think we have taken enough. The Under Secretary of Defense said the other day in a speech that was heard throughout the country that our procurement is in a mess, that we overspend and underperform, and that we need a drastic shakeup, in effect.

Mr. President, I would not be in favor of the Muskie-Smith amendment if it would not save money, in my view. I think it will save money. The reason I say that is because, in my opinion, that amendment will help to prevent another C–5A situation from arising.

We know about the $2 billion overrun—the two thousand million dollar overrun—on that one weapons system. Anyone who has followed the C–5A affair must be dismayed at the manner in which the DD–963 destroyer program has been handled so far. It is as if one were witnessing a modern variation of a Greek tragedy. The details of this procurement may differ somewhat from other major weapons systems, but the disastrous outcome is quite predictable. At the very least there will be massive cost overruns, all or most of which will be absorbed by the Federal Government and paid for by the American taxpayer. In all likelihood, there will be significant delivery delays. In addition, we can expect degredation of the original contract performance specifications, or performance failures, or both. These problems are the hallmarks of the modern major weapons system, especially evident in the procurement of ships.

In the first place, we already find the same pattern of cost growth or cost overruns in the planning and contract definition stages of the DD–963 that is so typical of military procurement. In 1967, the Navy estimated the cost per ship at $35 million. In 1969, the unit cost had increased to $68 million. The most recent official cost estimate is $83 million per ship. Even this estimate seriously understates the known program costs for the DD–963. Components such as the LAMPS helicopter, scheduled to be installed on these ships, have been entirely omitted from the official cost estimates. Moreover, the most serious cost overruns in weapons programs have occurred during the production phase, and production of the DD–963 has not yet begun. In my judgment, a cost estimate of $110 million per ship would not be unreasonable.

Second, the award of the DD–963 and the events leading up to the award bear striking similarities to the award of the C–5A contract. It will be recalled that there were three major contenders for the C–5A contract and that in the early rounds of the bidding, Lockheed proposed neither the lowest bid nor the best proposal from a technical standpoint. Yet, in the last round, Lockheed's bid was sharply reduced below its two rivals. In retrospect, in light of the enormous overruns in the C–5A, Lockheed's low bid can only be categorized as a buy-in. In other words, it appears from the evidence that Lockheed deliberately underpriced its proposal, knowing that actual costs would greatly exceed its bid. In the vernacular of the defense industry, Lockheed "took a dive" or "bought in" in order to get the C–5A contract.

The facts that have emerged in the DD–963 program suggest another buy-in. Up until the last round of bidding, Litton's proposal was almost identical to its rival. In the last round, however, Litton's bid suddenly nosedived. An examination of the breakdown of Litton's price proposals indicates, as Senator

MUSKIE pointed out yesterday, serious inconsistencies that can be reconciled only by assuming that the eventual final costs will be far higher than Litton's proposal.

The type of the contract used in the DD–963 program is also strongly reminiscent of the C–5A. Once again, we have a fixed-price incentive contract with firm price commitments on the part of the contractor. At the same time, we have a provision in the contract entitled "Incentive Price Revision—Successive Targets" which permits future repricing of the contract. A similar clause, called the repricing formula, was incorporated in the C–5A contract. It was the repricing formula which completely undermined the so-called fixed-price aspects of the C–5A contract and which permitted much of the C–5A cost overruns. The successive targets feature of the DD–963 program, in my opinion, is the Navy's version of the repricing formula which came to be known as the golden handshake.

In these and other respects, the DD–963 contract bears all of the significant attributes of a total package procurement. Of course, since the revelations of the C–5A contract, total packaging has been roundly condemned by the administration, high officials in the Defense Department, and the defense industry, and the Navy would be the first to deny that the DD–963 is a total package procurement. Nevertheless, the essential elements of total packaging exist in this case.

But what is most disturbing about the program is the fact that it has been concentrated into the hands of a single contractor. Although it would be unfair of me to criticize Litton's capability, or its performance thus far in this program, it should be pointed out that Litton is primarily an aerospace conglomerate, that it purchased the firm that is to perform this program only a few years ago, and that it has therefore only limited experience in the shipbuilding field. Yesterday, Senator MUSKIE went into the serious backlog that exists in Litton's shipyard, a backlog totaling over $1.5 billion. According to Senator MUSKIE, Litton is already stretched beyond its ability to perform. The question that we must ask ourselves today is whether Litton will, in the next few years, do to the Federal Government and the taxpayer what Lockheed has done to the Federal Government and the taxpayer. Having become the sole source producer of the DD–963, as well as other weapons programs, will Litton one day inform the Government that unless Litton is bailed out of a multihundred million dollar cost overrun, it will halt production of its weapons programs? Will Congress be faced with yet another ultimatum to bail out a defense contractor or risk the loss of programs deemed necessary to the national security?

In my judgment, the present DD–963 contract has already taken us far down the road toward a Lockheed C–5A situation. The only way to avoid this situation at this late date is to follow the procedures set forth in the Muskie-Smith amendment. The way to prevent the further concentration of ship construction in the hands of one contractor is by opening up this program to further competition.

In conclusion, I want to express my complete dissatisfaction with the handling of the DD–963 program. As I have indicated, the contract used is very much like the C–5A contract and will undoubtedly result in problems similar to those encountered in the C–5A. A more serious shortcoming, however, has been the failure on the part of the Navy and other proponents of the DD–963 to demonstrate a military requirement for this program. For example, the interrogation of Admiral Sonnenshein, commander, Naval Ship Systems Command, with respace to this program, consisted of less than three pages in the hearings of the Senate Armed Services Committee. The committee's report discusses this program in five lines in which it states only that the new class of destroyers will be heavier than the present destroyer and will be fast enough to escort attack carriers. It seems incredible to me that a program which will cost over $2½ billion can be ushered through the Congress with so little discussion and consideration. Any civilian program of even a fraction of the size of the DD–963, intended to result in social benefits to the American people, would receive much more careful scrutiny, and possibly a Presidential threat of a veto in this period of cost cutting and budget trimming.

Mr. MUSKIE. Mr. President, I should like to express my appreciation for the contribution the Senator has made this morning.

I think the entire country is aware of the public service which the Senator has rendered in his extensive inquiry, extending over many months now, into the cost implications of our procurement policies in the national defense field. I want to take this opportunity to pay my tribute to him, because I think that as a result of that experience, the Senator's views on this amendment are most important to the Senate and to the country.

Mr. PROXMIRE. I thank the Senator. I think this is an excellent amendment, and I am very happy to support it.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I wonder whether my distinguished colleague from Maine wishes to speak at this time.

May I, at the outset, express my appreciation to my colleague for the tremendous amount of work and effort she has provided in connection with this matter from the very beginning. I think she has raised questions and answers which are useful not only to the people of our State but also to the Senate and country in connection with this procurement. I should like to take this opportunity to express my public appreciation for that work.

Mrs. SMITH of Maine. Mr. President, I shall be very brief. Perhaps 2 minutes will be all the time I shall require, for the information of my distinguished colleague. I am deeply grateful for his generous and kind words.

Mr. President, I have on five previous occasions set forth in detail my reasons for urging that this destroyer procurement be divided. On June 29, 1970, when I discussed the aspects in detail; on August 18, 1970, when I disclosed for the first time the McNeil staff study report to the Blue Ribbon Defense Panel condemning ship procurement of more than 10 units in one yard; on August 20, 1970, exposing the lack of credibility in Navy Department contradicting estimates of extra cost stemming from split procurement; on August 26, 1970, revealing the shocking and incredible refusal of the Attorney General's Office to investigate indicated violation of the law in this procurement; and on August 27, 1970, reporting on the GAO report and its joining me and the McNeil staff study report in condemning the procurement policy of placing the award of so many ships in one yard at considerable risk to national security interests.

I will not repeat today the details of my contentions on these occasions as they have been before the Senate for a sufficient length of time for full consideration. But I do want to make final comment on the lack of credibility in Litton's price.

In the first place, on the "best and final offer" Litton amazingly and without explanation reversed its prior economic assumptions in order to make the drastic reduction in its price. In the second place, detailed audits were not made on the final prices prior to the award. These two factors will retain a cloud over the credibility of the Litton price for many years to come, especialy since under the contract the Navy let, Litton can recover for any economic forecasting error it has made with little loss of profit and can overrun its target costs by $387 million and still realize a profit of $107 million.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum, the time to be taken out of my time.

Mr. STENNIS. Mr. President, I will share that time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. HANSEN. Mr. President, I rise to express my very strong opposition to the amendment offered by the distinguished Senator from Maine (Mr. MUSKIE). This amendment asks us to repudiate the contract which the Navy has awarded for the new DD–963 class destroyer program to Litton-Ingalls and require that one-half of the 30 ships involved be subcontracted to another shipbuilder. I certainly hope the amendment will be defeated. Aside from the very adverse ef-

fect which its adoption would have on the DD–963 program by increasing costs and delaying delivery of ships, I am almost appalled at the thought that Congress should step in and require a subcontract in a procurement matter which has been legally and regularly conducted by the Navy and which has resulted in the award of a contract after more than 2 years of intense industry competition.

I strongly believe, Mr. President, that it would be most improper and would set a very dangerous precedent indeed for the Congress to intervene in a procurement matter such as this, particularly since the fact that Ingalls Shipbuilding Division of Litton Systems, Inc., had both the best technical design and the lowest bid by far is not questioned. As a matter of fact, about the only criticism which the Senator from Maine has been able to make of this contract award is that all of the 30 destroyers are to be constructed by a single shipyard and that he feels that it would be dangerous to contract such a large portion of the shipbuilding program to one contractor.

It is my understanding, Mr. President, that the DD–963 program was deliberately intended by the Navy and the Defense Department to be a major departure from prior ship procurement programs. This procedure was followed in recognition of the rising costs of ships and as a result of a determined effort to reduce ship operating costs by having them as nearly identical as possible. Since the Navy realized early in its consideration of the DD–963 program that significant savings would result by designing the destroyer for low production costs and building the ship in large production lots, the basic ground rule was established that the production responsibility—that is, the entire contract award—would be limited to a single contractor. The Ingalls shipyard was selected as the contractor after a very careful analysis of its proposal and all aspects of its capability to do the job, including its detailed management plans, production plans, schedules, and labor force. The Navy concluded—and correctly so, I believe—that Ingalls was fully capable of doing this job.

The Navy estimates that if the Muskie amendment is adopted the actual cost of the program will be increased by a minimum of $225 million, depending on a number of factors. It is a fact that Litton was more than $270 million lower than Bath for the 30-ship program. Those of us who so strongly advocate economy in Government and in defense procurement certainly should not vote for an amendment which could increase the procurement costs by a quarter of a billion dollars or more. The use of a second shipbuilder would substantially decrease the number of ships the Navy will be able to procure unless we provide a significant amount of added funding for the program. This is directly contrary to the expressed desire for a reduction in military spending which has been repeated and reiterated so many times during the last several weeks.

In addition, if I understand the Muskie amendment, it would contemplate that all ships would be constructed under a single design, presumably Litton's. It also contemplates that there would be competitive bids from shipyards approved by the Department of Defense. If only one design is to be used—and this, of course, would be desirable from the standpoint of bringing about standardization—it would entail delaying procurement of ships from the second source until a bid package is available from Litton. This would involve about a 2-year delay in the contract award for the second 15 ships. The Navy needs these new destroyers just as quickly as possible in view of the everincreasing submarine threat by the Soviet Union, and we should not impede their construction and delivery.

Mr. President, while Litton-Ingalls was lower than Bath on the final bid by about $9.2 million a ship, I understand that the award was not based on price alone, although, of course, price was a significant consideration. I understand that there were five separate categories and that the award was based on full consideration of all of these categories. The Navy has advised, and I think this is very significant and should be emphasized, that in all five categories Litton's proposal was judged superior. The degree of superiority varied depending on the category but at no point was there a reversal of the relative position. These categories were known to all contractors from the day they entered the competition. The evaluation within these categories was based on a comparison with predetermined standards which were established prior to receipt of the proposals and prior to the start of the evaluation. No reversal of position has occurred as a result of the extensive reviews of the source selection conducted by the Secretary of the Navy and the Secretary of Defense prior to receipt of approval to proceed with the award of the production contract.

The clear fact is that not only were the ground rules not changed to the detriment of Bath or any other bidder, but there was no change whatsoever after February 15, 1968 when the request for proposals were issued.

In summary, Mr. President, the DD–963 destroyer program originated in December 1966. From its inception the Navy intended to award the entire contract to a single shipyard. This was well known and well recognized, both by the Department of Defense, the Congress and by the competitors. Not until this year has the Senate been asked to legislate or mandate a subcontract of the prime contract. I think this proposal is entirely too late. The award has been made to the shipyard which won the competition because it had the lowest and best bid. If subcontracting half of the ships is so meritorious and necessary, I fail to understand why the Senator did not attempt to mandate this prior to the selection of the winning contractor. Until this year—until the award was made—the Senator apparently was entirely content to proceed on the Navy's prescribed "winner take all" basis. Repudiation of these procurement processes and source selection procedures would, in my judgment, establish a very dangerous precedent that could have very serious repercussions indeed.

In conclusion, Mr. President, I am convinced that this amendment is without merit. As I have said, I believe it will set a very dangerous precedent in the procurement field and would mean that no contract award by the Defense Department would have finality until Congress has passed upon it. This would mean that none of the military departments could be sure as to how to proceed or whether their findings as to the best and lowest bidder would be final, even in cases where the procurement procedures were entirely legal and regular. Since I think we would live to regret the adoption of this amendment, and that it would destroy the integrity of the established procurement processes, I urge that it be defeated.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HANSEN. I have just a few minutes.

Mr. MUSKIE. Mr. President, I yield myself 1 minute on my own time.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. Mr. President, this is a question which I have asked other Senators on the Senator's side of this issue. Does the Senator know of any basis in terms of figures submitted by the two final bidders upon which such estimates of increased costs could be put? I know of none. I have searched for it. I have asked for it. I thought that since the Senator made the point over again, that he might have it.

Mr. HANSEN. Mr. President, as nearly as I can respond to the Senator from Maine, let me say that if the bid proposals that have been submitted by Litton Ingalls are compared with those submitted by the other contractors, I think it is not unreasonable, based upon the fact that each ship would cost $2.9 million extra, that $225 additional will be spent.

Mr. MUSKIE. Mr. President, was the Senator aware that my amendment provides that 15 ships go, not to Bath, but to open competitive bidding? Was the Senator concluding what the results of that bidding would be?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator from Wyoming 2 additional minutes for additional colloquy if he needs it.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 additional minutes.

Mr. HANSEN. Mr. President, let me say that one thing that disturbs me most about this matter is that this contract has been entered into legally, in complete conformity with regulations and with the procedures set forth by the Department of Defense. I think that now to step in and say, "We will vitiate the contract and take half of the ships which have been awarded to Litton Industries and have rebidding on them," would do great violence to the whole bidding system.

It is well documented that once a final bid proposal has been made, to then throw it out to new bidding and to ask for a rebidding does violence to the sys-

tem. It would not only result in bad faith on the part of the Government but would also be a gross injustice to the original bidder. Such a procedure, if it were to be followed repeatedly, I should think, would most certainly result in a diminishing interest on the part of bidders. It would result in rising costs to the Government in the procurement of all of the materials which it may require from time to time.

That is the thrust of my argument. The Senator from Maine misunderstands me completely if he thinks that my concern may be quibbling over whether it would be $225 million, $235 million, or $250 million.

The point I am trying to make is that this is a very serious proposition to say that we will vitiate the contractual procedure that has been agreed upon.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HANSEN. I have no further time.

Mr. MUSKIE. Mr. President, I yield myself 2 minutes to direct a question to the Senator.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Mr. President, the Senator is making the point, but he did not answer the question.

The argument of the Senator from Mississippi has very clearly pointed out as the key element of his opposition a possible price increase that might result.

The Navy has given us no basis to have a firm figure of projected increased or decreased cost.

The only figures submitted by the two bidders were on 30 ships. The figures the Senator submits show an increased figure of $225 million.

My amendment provides that the building of these 15 ships will be open to open competitive bidding.

If what the Senator is telling me is that the result of that bidding is foregone and foreclosed and that it will result in a price increase of $225 million, I then have a question as to whether the bidding which resulted in this award might not have resulted in a higher price than we ought to pay.

My amendment provides for open, competitive bidding and the throwing around of figures like $225 million up to $600 million, which has been used by the Navy, is not responsive to the substance of the amendment.

Mr. HANSEN. Mr. President, if the Senator would yield, I am not certain whether the Senator was asking me a question or making a statement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. Mr. President, I took 2 minutes time to respond to the Senator and to invite any comment he might wish to make. I would have asked a question if I had been speaking on his time. Since I was speaking on my time, I made a response to him and invited any response that he might wish to make.

Mr. President, I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, I am a supporter of the amendment.

I commend my friend and colleague from the State of Maine for bringing this matter to the attention of the Senate this afternoon.

I think this matter is of great significance, not just in terms of this particular contract, but more generally with respect to the kinds of procedures we will follow over the period of the next several years as we continue to develop these various new weapons systems.

Mr. President, I heard the splendid statement of the Senator from Maine earlier. I think it was most convincing and most compelling.

I think that over the period of the last couple of years, the Senate has been made increasingly aware of the problems many large defense contractors have in fulfilling their responsibilities under contractual arrangements with the Department of Defense.

This matter has been, I think, best demonstrated by the distinguished Senator from Wisconsin (Mr. PROXMIRE) who has reviewed in considerable detail the fact that single source contract have in many instances had enormous cost overruns and have not met the criteria demanded by the Defense Department.

I think the alternative which is presented here by the distinguished Senator from Maine is in the national interest no only with respect to this contract, but as a procedure to follow in the future.

In terms of the cost factor, the Senator from Maine, I think, effectively rebutted the argument that the purchase of all 30 destroyers from a single source would necessarily be less expensive. But the point I find to be very compelling is that we have to think in terms of the long-range cost of contracts for destroyers and other ships. What will this award mean in the future? What will it mean that 5 or 7 years from now when the requirements of our defense posture may mandate that we purchase additional destroyers or ships we will find out this Mississippi yard is the only yard in our country prepared to do the required work, the only yard that has the technique, skill, and manpower to do the job. We will then be in a bind. I think it is appropriate for us to think about the future in our consideration of costs.

So, Mr. President, I rise this afternoon to say that I share the sentiments which have been expressed so well by my colleague from Maine. I think the case for his amendment has been substantiated and is very strong.

I find that the report of the blue ribbon Fitzhugh Commission appears to endorse the sentiments which have been so eloquently stated on the floor of the Senate this afternoon by the Senator from Maine. I would urge Senators to consider favorably this amendment for the reasons stated, because it does protect the national interest and it does strengthen the whole system of contracting arrangements between contractors and the Department of Defense.

I ask unanimous consent that my brief prepared statement be placed in the RECORD at this point.

There being no objection, the statement by Senator KENNEDY was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KENNEDY

Mr. President, I strongly support the amendment of the Senator from Maine. In my view we can most efficiently meet our national security needs by building the DD 963 destroyers at more than one shipyard.

In recent years we have seen that even the largest defense contractors can woefully mismanage an important weapons contract. Such mismanagement can cost the American taxpayer billions of dollars. It can delay production of weapons systems for years.

The possibility of mismanagement is greatly increased when only one contractor has the capability of producing the plane or the ship that the Pentagon needs. The contractor has no fear of competition. It knows that if expenses soar, the Pentagon will have little choice but to bail it out.

The DD 963 contract places the production of thirty new destroyers in the hands of only one company. In addition, it forecloses competition for future contracts since it deprives shipbuilding facilities in Maine, Massachusetts and elsewhere of the opportunity to modernize and gain valuable technical know-how. From now on the Pentagon will have to rely on a single contractor to meet the nation's needs for destroyers.

This is as unnecessary as it is unwise. There are several shipyards which are able to build the destroyers the Pentagon requires. In Maine there is the Bath Iron Works. In Massachusetts there is General Dynamic's Quincy Shipyard. This Yard has demonstrated its capabilities by building destroyers, carriers, submarines—every class of naval vessel. With Yards such as these there is simply no need for the Pentagon to turn over all production of destroyers, now and in the future, to just one company.

The current situation is an invitation to mismanagement. The amendment introduced by Senator Muskie, on the other hand would insure that additional shipbuilding facilities participate in the production of the DD 963 and retain the capability to compete for future contracts. I therefore urge my colleagues to adopt this amendment.

Mr. KENNEDY. Mr. President, will the Senator yield further so that I might ask several questions?

Mr. MUSKIE. Mr. President, I yield 2 minutes to the Senator from Massachusetts for that purpose.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 additional minutes.

Mr. KENNEDY. One of the questions which has been brought up by the Senator from Wyoming and the Senator from South Carolina is whether this is an appropriate time for the consideration of this amendment. Is it too late to raise these issues after the contract has been awarded? Could the Senator amplify briefly his earlier arguments on this point?

Mr. MUSKIE. Mr. President, the point made by the Senator from Mississippi and his colleagues is that the awards having been made, Congress should not move in to upset them lest the precedent invite political influence in the future to achieve similar results.

Well, this is not that case because here,

at a time when the contract had not been awarded, the House of Representatives attached a similar amendment to the bill and it is still there. The Navy at that time had still preserved to itself the option of awarding the contract to one yard or more than one yard. Since the Navy itself had that under consideration, it was timely that Congress at the same time have it under consideration; but before Congress could resolve the issue here, the Navy moved in and awarded the contract. That is different than the situation the Senator from Mississippi and other Senators have been arguing.

I say that since the issue was raised in Congress before the award was made, it is appropriate for Congress to resolve it, and that is what the amendment would permit.

Mr. KENNEDY. As I understand it, one of the most important facets of the amendment is that it would permit competitive bidding for the building of these last 15 destroyers by a number of different yards around the country. I think all of us are aware of the great work done by Bath in Maine. They obviously would be one of the contenders.

The thrust of the amendment is to open up the opportunity for bidding from a variety of different private companies and to get the lowest possible cost for these additional 15 destroyers. Is that correct?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. MUSKIE. Bath would undoubtedly be one of the bidders. There might be up to four others that were involved in the earlier stages.

First, on the basis of actual cost, independent of economic factors, Bath's costs were actually lower than Litton's on the final round.

On the economic factors, when the procurement was completed and the ships built and paid for, they are likely to even off between yards because the economic payments are related to national indices on labor and material. This suggests that Bath is one of the companies in a position to bid in at least as low as Litton has.

The second point is this: All potential bidders are now aware of the outcome of the bidding and the economic basis upon which the two yards submitted their bids. In other words, other yards know what Litton is going to get. With that situation, it seems to me that the opportunity for competitive bidding is more likely to produce a lower figure than a higher figure on the balance of the ships.

Mr. KENNEDY. The thrust of the argument is that with this kind of competitive bidding for the remaining 15 ships, we might be able to save money, that if this award were to go to Bath, or General Dynamics in Massachusetts, or any other shipyard, it could very well mean that these next 15 ships could be built at a lesser cost and the savings would inure to the taxpayer.

Mr. MUSKIE. That is conceivable. The one offsetting factor is that a shorter learning period would be involved for Litton and the other yards. That would tend to increase the cost per ship. But I think that could be offset completely and may be more so by the competitive factor we discussed; at least that is speculative.

Mr. KENNEDY. Finally, I wonder if the Senator would comment on the long-term impact of this contract award. We have heard so much during the course of this debate that we are really saving over $200 million because Litton had the lowest bid, and that we should be grateful for those savings.

However, does not the Senator share my concern that at some time in the future, when the Navy will need additional destroyers, the situation might be quite different. Does not the Senator agree that there will then be one yard that will be able to say to the Federal Government, "Either you are going to pay this amount or you will not have the ships you want, at least you will not have them in the time that you want."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 additional minutes.

Mr. MUSKIE. Mr. President, I think the Senator is correct. Let us consider Bath as one potential bidder. It has been almost completely a destroyer building yard. They have built 160 destroyer types. They have a reputation beyond that of any other company in the history of the Navy.

If this award to Litton sticks, it means that for 8 years, at least, no other destroyers will be available for bid by that or any other yard. It is highly unlikely to me that the destroyer building capability of Bath could be sustained for the 8-year period, because what are involved are skilled workmen who have been working on destroyers for decades, expertise, use of the organizational structure which has been erected to build a destroyer. If in that 8-year period Bath must shift to other types of ships in order to maintain its existence, then its destroyer building capability will be reduced. That is a capability which the Navy has always valued, and which will be in jeopardy as a result of this policy.

That may or may not be in the national interest. I have a parochial interest, but I think there is a national interest in sustaining that capability in this as well as other yards. If we destroy that capability, then, 8 years from now, or any such time as 20 destroyers—the target was 50 originally—are submitted for bid, it may well be that Litton can name its own price, and that is not likely to be in the national interest.

Mr. KENNEDY. I thank my colleague.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. I yield myself 30 seconds.

Mr. KENNEDY. I feel that Senator MUSKIE's case is convincing. I think it has been stated extremely effectively. I would urge my colleagues to support the amendment.

I thank the Senator from Maine.

Mr. MUSKIE. I thank the Senator from Massachusetts.

Mr. STENNIS. Mr. President, I yield myself 2 minutes for the time being.

As I understand the situation now, so far as the Senator from Maine and I know, we have no other speakers except the two of us.

Mr. MUSKIE. The Senator is correct.

Mr. STENNIS. We have discussed this matter, and after I make a few remarks with reference to some of the comments that have been made, the Senator from Maine suggested, and I agreed, that we could have a quorum call and have it announced through the speakers that we are going to yield back all of our time except for 5 minutes to each of us to complete our statements.

Mr. MUSKIE. Yes, Mr. President, that procedure has been discussed, and it is perfectly agreeable with me.

Mr. STENNIS. So, unless something intervenes that we do not know about now, we can follow that procedure.

Mr. President, I yield myself 5 minutes.

Some points have been made by Senators.

I just want to reply. I say in all fun here that I have thoroughly enjoyed our two friends here who are really versed in shipcraft and who have ascertained that the second 15 ships could probably be built at a lower price than Litton has bid. Litton's price, though, is $9 million under the price of Bath Iron Works, as they stand now.

I say that in half fun, because the very thing we are talking about, competitive bidding, is the thing that has been going on all this time, furiously, on these identical ships. These bids were firm bids and represented hard money.

I do not see any fault with the fact that the Navy made some kind of estimate, in response to official requests, to give us some kind of picture as to what it probably would cost to split the contract up. Neither one of those bidders has given an estimate. They have not been called on to give estimates, as I understand. So the only word we have is the word of the Navy here.

May I refer to the remarks of the Senator from Wisconsin just briefly? He said that he studied the contracts and he said that he did not want another C–5A contract. I am sorry the Senator was called away from the Chamber. The contract has been through the mill of the General Accounting Office. They were familiar with the C–5A. There is not a word of their analysis that makes any similarity in any way with the C–5A. The Senator said this was the Navy version of the golden handshake. With all due deference, I have to judge that to mean that was an attempt to "smear" the contract.

No one has found anything like that,

including the General Accounting Office people.

We had the C–5A matter up. It was debated on its merits. The $200 million in controversy was in the bill. The Senator from Wisconsin did not offer an amendment to strike it out. I think we should move on from there .

I regret that the Senator's remarks could not have been based on a further analysis. He talks about massive overruns and the way the DDT has been handled so far. Almost everyone will agree that the Government received a rather good contract, lower than Bath expected it to get by $9 million a ship, and they have not had a chance to proceed with any kind of start on construction.

Mr. President, it is easy to get up here and cut loose and start charging people with things. Someone quotes Mr. Packard about how terrible things were in the Pentagon. Mr. President, do you know who had the final say on that contract? Mr. Packard, the same man who is quoted here about the iniquities and inequities and gross abuse and everything else wrong. This is the same man who passed on this contract. It had to come across his desk and he had to exercise surveillance over it as the effective, strong right arm in these matters for the Secretary of Defense.

This matter has gone through the regimes of some of our best officers. Take Admiral Moorer. The Senate unanimously confirmed his nomination after President Nixon named him as Chairman of the Joint Chiefs of Staff. Admiral Moorer was Chief of Naval Operations, the highest office in the Navy. Two Secretaries of the Navy have sat on this problem, the last one being a very fine Secretary and former Governor of Rhode Island. So these charges that are just thrown around here do not have the force of proof. They are just talk.

I pass on to more important matters.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. If we are going to hold ourselves to 5 minutes, I cannot yield.

Well, I will yield to the Senator.

Mr. MUSKIE. I am not aware that I made any charges against anybody. I focused my argument on national interest questions as I see them. I am not interested in inpugning the motives of anyone, including the Senator from Mississippi.

Mr. STENNIS. No. I thank the Senator. I think I said the Senator from Wisconsin had quoted Mr. Packard and talked about all the things wrong with the Pentagon. He happened to be the very man who exercised surveillance over this very contract, and to that extent it is his product and has his approval.

This is no new kind of contract. This contract has been in use for years. It is under this type of contract that the Navy received bids on the A–7, the tactical air fighter. We are calling them up now as fast as we can; the UAG weapons control system, under which Pratt & Whitney supplies engines for the F–14 and the F–15.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 minutes.

These are the most modern aircraft we have. The Air Force used this type of contract for years.

This is no golden handshake contract.

This type is old, and worn, and used, and tried, and tested, and has proved to be reliable.

Mr. President, let us talk about this single builder approach being an unsound approach.

A basic aim of this plan was to provide shipyards with programs of sufficient size and stability to permit the most economical ship procurement, and to provide incentive to the shipbuilders to undertake modernization of their facilities.

That is exactly what it is doing. In the final analysis, with the Navy falling behind in keeping up its requirements for new construction, the Government would be better off to apply the dollars which would be required to split the DD–963 program toward procurement of additional ships, and so forth. I shall not go any farther into the details.

I say the Navy made a judgment on this matter, and the way the bids came in proves the soundness of that judgment.

Mr. President, if we are able to reach this agreement, I would have 5 minutes under it, and for the time being I would yield.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. STENNIS. Let us see what the Senator from Maine says.

Mr. MUSKIE. Mr. President, I yield myself 1 minute to respond.

The Senator has, of course, again raised points that I would like to cover, but I think I can do so in the 5 minutes we each have agreed to allot ourselves after the quorum call.

May I suggest to the Senator that the quorum call be a live quorum, so that Senators will have time to get here? We are advancing the time by an hour.

Mr. STENNIS. If the Senator will yield, let us say it will be a rather slow quorum call, but not make it live. It might take an unusual amount of time.

Mr. President, with that understanding, with the time to be charged to both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator ask that there then be 5 minutes for each side, after the quorum call is concluded?

Mr. STENNIS. We have agreed to that.

The PRESIDING OFFICER. That would require unanimous consent.

Mr. MUSKIE. Yes, we have agreed to yield all our time except 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, do I correctly understand that we are now in the process of closing the debate on this amendment with 5 minutes for each side, all of the time remaining thereafter to be yielded back?

The PRESIDING OFFICER. That is the order.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

We have had a great deal of discussion about the single award to a single shipyard, and about the value of having more than one mobilization base.

Let me point out clearly now that the materiel, the subcontracting, the work, and all the other things that go to make up this order are scattered through 45 States of the Union—45 States. The labor and the products that will come under the subcontracts will take 60 percent of the money. So it is no longer true that the mobilization base is the shipyard alone.

America's great mobilization base is the one that produces these products all over the Nation. The shipyard at Pascagoula, Miss., under the present contract, is the assembly point where some of the work will be done, of course. But the making of a destroyer, which is not a complicated ship, does not require a great deal of time, under present, modern conditions, in any shipyard.

I have before me a letter that I wish to refer to briefly. I shall read a part of it. It relates to the solemn obligation of the Acting Secretary of the Navy to give us an estimate—and it is the only estimate we have—about what the impact will be if the present contract is divided. The entire letter was placed in the RECORD the other day, but I shall read a few lines from it. After a review of the matter, here is the significant paragraph:

> The actual cost impact of the proposed amendment—

That is the Muskie amendment—

> would not be known until the government negotiates with the prime contractor—but it is clear that the costs could be substantially higher than even the $225 million increase which has been estimated for up to a 20/10.

Mr. President, that is the big point here. More than $225 million—considerably more—higher—is almost certain to be the added cost if this amendment should be adopted.

The Government already has a contract for the production of the ships.

To sum up the matter, the Bath bid was something like $275 million over and above the Litton bid. Had it not been for the Litton bid or someone else's bid, under Bath's, Bath could have walked off with the $275 million, based on a 30-ship program.

Because the Bath bid was that much higher—and I say that with all respect—Bath prompts an amendment here in the Senate and asks it, by its vote, to set aside the contract and let Bath have a full chance at it—let Bath

and others—let Bath or someone—Bath and others, I would say, take another chance to get to the bidding again and maybe walk off with even a higher bid than it did on the original 30 ships—I mean higher than the Bath bid.

We have no assurance of what would happen, but they want to get another shot at it. I do not blame them for that. My point is, they have had their day in court. They have had their chance.

Is it right for the successful bidder to be penalized in order to help Bath or anyone else?

Mr. President, last year the Congress authorized and appropriated funds for the first increment of a new class of destroyer, known as the DD–963 class. The fiscal year 1971 defense authorization bill now before us contains a request for the second increment of six of these ships. This program is considered one of the most urgent within the Department of Defense. The multiyear contract for 30 of these ships has recently been awarded to Litton Systems, Inc., Ingalls Shipbuilding Division, after 3 years of planning and over 2 years of intense industry competition. Mr. President, I would like to expand for a few minutes on why we need these ships, what they are like, and what they are intended to accomplish.

Most of the Navy's destroyer force consists of ships whose basic design stems from the late 1930's and whose construction was completed in the early 1940's. All of these older ships have been modernized to the extreme limit permitted by their basic hull and machinery. They are now incapable of being updated with today's weapons and electronics. This means that, unless replaced, substantial numbers of our destroyers will find themselves inadequate if they should have to deal with the modern submarines, warships, and missiles being deployed by the Soviet Union.

As of August 1 of this year there were 112 World War II destroyers in the fleet—almost two-thirds of the current general purpose destroyer force. These old destroyers were modernized in the late 1950's and early 1960's. This program was designed to extend their useful life for 8 years against the expected threat. A large number of these ships have now exceeded their extended life period. Though modernized, these ships do not have the basic electrical power and space to accommodate the new weapons and electronics capable of countering the Soviet threat of the 1970's and 1980's. Further modernization of these ships is not feasible. These World War II destroyers, even those that have not exceeded their extended life period, are only marginally effective with respect to the rapidly increasing Soviet threat.

I have a table, Mr. President, showing the age comparison of United States and Soviet destroyer-type ships and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AGE COMPARISON OF UNITED STATES/SOVIET [1] DESTROYERS

	Age (years)				
	0 to 4	5 to 9	10 to 14	15 to 19	Over 20
Guided missile destroyers: [2]					
Soviet	8	16	11	(3)	(3)
United States	6	30	15	3	(3)
Destroyers: [2]					
Soviet			50	45	(3)
United States			8	8	[4] [5] 112
Escort ship:					
Soviet	(3)	(3)	30	15	
United States (DE's)	23	8	10	3	
Patrol escort:					
Soviet	25	35			
United States	(3)	(3)			

[1] Although the Soviet destroyer force is, in general, new and modern, they are rapidly retiring their oldest destroyers (none are over 20 years old) and replacing them with new units. At the same time in order to keep up with improved technology and threats, the Soviets are continually updating and modernizing their newer classes of ships.

[2] This comparison does not include the Soviet classes of escort and patrol escort ships. The Soviets employ these ships in a manner comparable to the U.S. employment of destroyers.

[3] None.

[4] 99 of the 112 destroyers are 25 years old.

[5] All 112 were modernized in the late 1950's and early 1960's.

Mr. STENNIS. Mr. President, this new class of ships, the DD–963 destroyer, will be the first major warship in the history of the Navy to use marine gas turbines for propulsion. This system will enable the ship to react more quickly in emergencies and will drive the ship faster than any destroyer we now have at sea. It is expected that the DD–963 will have a speed in excess of 30 knots. They will have sufficient speed and endurance to escort attack carriers.

This program is considered to be one of the most urgent within the Defense Department. Its urgency stems directly from our country's need for a Navy second to none. Let me expand for a few minutes on why this need is so pressing at this time.

Today Soviet units can be found deployed in all the world's oceans. Their submarine force alone numbers about 375 highly capable ships, many of them nuclear powered. When we remember that in late 1942 the Germans, with only about 69 submarines at sea in the Atlantic, succeeded in almost severing our vital sea lines communications, we can begin to grasp the scope and magnitude of the threat confronting our Navy. It could be fatal to underestimate this threat. Sealanes can be maintained only by a dedicated modern Navy with adequate resources in terms of modern ships and aircraft. This submarine threat generates an urgent requirement that the United States must have capable, up-to-date antisubmarine warfare units. The backbone of any antisubmarine warfare force is the destroyer. It is the ship which has tne speed and sea-keeping qualities to keep up with our fast task forces and high speed, high value military convoys. It is the ship which must be able to carry out its antisubmarine warfare mission at high speeds in all sea conditions anywhere in the world. The destroyer force has always been and will continue to be known as the "work horse" of the Navy. A modern, capable destroyer force composed of adequate numbers of ships is more essential to our country's defense today than ever before.

Briefly, our Navy requires destroyer types to support several elements of our seapower. Included as one of the more important requirements is operating with and as a part of the combatant task forces, including the attack carrier forces, amphibious forces, and hunter-killer forces which constitute the spearhead of the Navy's offensive power. All of these ships and forces must be protected against submarine, surface and air attack so that they can carry out their missions. Coupled to the major protective functions are several other requirements for destroyers, such as naval gunfire support during amphibious operations, offensive action against surface ships, blockades, and search and rescue work.

The most pressing need is for replacements for the large bloc of World War II multipurpose destroyers still active in our fleet. These ships were built well before most of the men manning them were born. Our last new destroyer was a 1953 design and it is in this type that the Navy is most deficient. Most of us are aware of the serious obsolescence problem we have in the fleet, but few seem to realize just how acute this situation is with respect to the Navy's destroyers.

Let me say that I have personally been on some of these old destroyers and I know that the living conditions on them are almost a disgrace. Efficient galley and messing arrangements, modern berthing, air conditioning, reading areas, toilet and shower facilities are a must if we expect to retain highly trained officers and skilled technicians.

Unless replaced, substantial numbers of our destroyers will be inadequate if they should have to fight the modern submarines, warships and missiles being deployed by the Soviet Union. That is why we so urgently need the DD–963 class destroyers. While a one-for-one replacement of the old ships is not contemplated, the Navy has consistently reported to Congress the requirement for a minimum of 50 new multipurpose destroyers. This is less than half of the World War II ships which must be retired. The contract signed in June was for 30 ships which is about as many as the Navy desires to commit to a single design. A new or modified design is contemplated for the balance of the ships required.

The DD–963 is going to be a very impressive, forward-looking ship. First of all, it will incorporate outstanding sea-keeping and endurance characteristics. As I have already stated, Mr. President, this new class of ships will be the first major warship in the history of the Navy to use marine gas turbines for propulsion. This will give it many advantages over other types of propulsion systems and will drive the DD–963 faster than any destroyers we now have at sea. The gas turbine propulsion system is not unproven. All components, turbines and propellers, are at sea now.

The DD–963 is a multipurpose ship with a primary mission of antisubmarine warfare. The weapon systems

planned for the ship are the most modern equipment available in this country today. This equipment, including the long-range sonar, antisubmarine warfare weapons and gun and missile batteries, have already been tested at sea and demonstrated their capability and readiness for use in the DD–963. The DD–963 is not a research and development program—it is a ship production program. Only equipment already tested will be installed. At the same time the ship is being designed with sufficient electrical power, weight and space reservations and other features to insure that as new weaponry is developed, in the years ahead, they can be installed without ripping the ship apart with costly conversions.

For antisubmarine warfare, the ship will have a long-range sonar and the most favorable noise characteristics at high speeds—25 knots and higher—ever projected for a surface warship. This ship will carry about twice the antisubmarine warfare weapon load of that in our most recent class of destroyers. The DD–963 will also have a helicopter facility for manned helicopters. The facility will include a hangar, and is expected to operate two helicopters under normal conditions. These helicopters will extend the ship's antisubmarine warfare attack capability well beyond the horizon.

For defense against air and missile threats the ship will have a long-range air search radar, a new gunfire control system of great accuracy and quick reaction capability, Sparrow missiles, and 5-inch projectiles.

The ship will have a full shore bombardment capability, including two 5-inch lightweight guns—the first new major shipboard gun system produced by our Navy in 18 years. A comparison of DD–963 gun range capability and the gun capability of various Soviet cruisers and destroyers indicates that the DD–963, with its new rocket-assisted projectiles, will outrange all except the *Sverdlov* cruiser.

Of importance to the young men who will man these ships, the living conditions in the DD–963 class will surpass those of any previous destroyer. Noteworthy also is the fact that the ships incorporate equipment to overcome air and water pollution.

From the beginning, the basic aim of the DD–963 program has been to procure, through series production, a large number of identical destroyers which meet the Navy's operational requirements at minimum life cycle cost. The plan always has been to award a multiyear contract to a single shipbuilder. This will minimize the cost growth, delays, claims and inefficiencies. The currently approved procurement plan beginning in fiscal year 1970 avoids peak funding, insures proper ship construction economies, and delivers the ships at least cost to the Government.

Mr. President, I stress that the expanding Soviet threat to our sea lines of communications requires our Navy to be equipped with modern antisubmarine warfare forces of which destroyers are the backbone. The Soviet submarine force each year, in its pattern of operations, is extending its patrols for longer periods, in greater numbers, and at greater distances than ever before. It is apparent to me, Mr. President, that to maintain our sealanes of communication, in light of this growing Soviet capability, requires a modern Navy with up-to-date ships and equipment. The DD–963 destroyer program will provide a significant step in this direction. We need it and we need it just as soon as possible. I hope that the Senate will not impede this program in any manner.

In conclusion, Mr. President, and as evidence of the problem which we face, I call attention to an article which appeared in the Washington Post on August 28, 1970, stating that the authoritative Jane's Fighting Ships said that the United States and British fleets are being reduced below danger levels while the Soviet Navy undergoes "spectacular" growth. In particular, I would like to call attention of the Senate to one statement made in Jane's Fighting Ships:

> The problem the U.S. Navy faces is still the encroaching obsolescence of much of the fleet. The replacement of these worn out ships and aircraft is expensive under present market conditions, but cannot be further delayed if the Navy is to have the combat capabilities which the United States can rely on in the future.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 28, 1970]

JANE'S CALLS SOVIET FLEET'S GROWTH "SPECTACULAR"

LONDON, Aug. 27.—The U.S. and British fleets are being reduced below danger levels while the Soviet navy undergoes "spectacular" growth, the authoritative Jane's Fighting Ships said today in its 1970–71 edition.

"There is no hiding place from the hammer and sickle," Editor Raymond Blackman said in a foreword.

The U.S. Atlantic Fleet is stretched thinly to maintain a Mediterranean presence and is unable to maintain the desired capability, he said.

Blackman argued that Soviet naval activity throughout the world—pursued with technical confidence and operational competence, imagination, ingenuity and flexibility—adds up to a Soviet drive to attain supreme sea power.

Meanwhile, Britain's naval planners have had the dual tasks of reducing the British fleet to its lowest peacetime level and creating from what remains a fleet adequate for the envisaged needs of the late 1970s and the 1980s, Blackman wrote.

He said of the American navy:

"Those of responsible opinion in the United States are worried about the military posture and budget of the U.S. Navy, which is considered to be inadequate to meet world-wide national and international commitments, or even to compensate for the natural wastage of an aging fleet, an alarming proportion of which was built during the 1939–45 war emergency . . .

"The problem the U.S. Navy faces is still the encroaching obselescence of much of the fleet. The replacement of these worn out ships and aircraft is expensive under present market conditions, but cannot be further delayed if the Navy is to have the combat capabilities which the United States can rely on in the future."

Blackman asserted that "in the Atlantic, U.S. Navy resources are stretched thinly to maintain the 6th Fleet in the Mediterranean as well as a modest force in the Middle East . . . The Navy has been unable to maintain the modernity, readiness and capability of the Atlanta Fleet at the desired level."

The PRESIDING OFFICER (Mr. CASE). The time of the Senator from Mississippi has expired.

Mr. DODD. Mr. President, will the Senator from Maine yield for a question?

Mr. MUSKIE. I yield.

Mr. DODD. I should like to say to the Senator from Maine that I come from a shipbuilding State, too. We have a long history in the construction of ships. I have read as carefully as I could what the Senator has said. He makes sense. There is one thing that bothers me about the situation. Litton is the designer, am I right about that?

Mr. MUSKIE. The Senator is correct.

Mr. DODD. Does the Senator think that the designer of a vessel should be given special or extra consideration? Under the Senator's amendment, as I read it, he would not get anything for having designed the ship, which I take it is a good design.

Mr. MUSKIE. Let me say to the Senator that under the amendment, Litton would remain the prime contractor. Litton would be responsible for the entire ship design and for the procurement of essentially all the materiel and construction of half the ships. Litton's share under my amendment would involve something like 75 percent to 80 percent of the dollars. Bath's share of the subcontract, or whatever other yard it might be under my amendment, would have a share of 20 percent to 25 percent of the dollars.

In the rest of my argument I can pinpoint the significant points.

There is just one issue in this debate, whether it is in the national interest over the next 10 years to concentrate all our destroyer building program in one shipyard.

The points raised in the course of this debate by the Senator from Mississippi and others are these:

One, he raises the point, is it fair for the Senate and Congress to consider this issue at this time.

May I say to the Senator that this issue was raised by a House amendment adopted by the House to the bill, before an award was made, and at the time when the Navy itself was considering the options of awarding a contract to one shipyard or more than one shipyard. It is appropriate in a decision of such serious consequences to national security that not only the Navy but also Congress would, as a whole, share in setting a policy which will determine who will build the destroyers for the next decade and, in effect, determine where the destroyer building capability of the country will be concentrated.

The second question which has been raised in this debate is the question of cost, whether a division of the contract would increase the costs.

May I say to my colleague that under the amendment, the 15 ships which would be taken from under the Litton contract would be awarded on the basis of open, competitive bidding.

On this point, may I say to the Sen-

ate that Bath, as one of the bidders, submitted a bid which, on the basis of all the factors except the projection of the economic increases, presented costs lower than Litton's. The entire $276 million difference was represented not in terms of the final cost to the Government, but in the difference of the two shipyards in projected increases relating to economic factors. Over the period of the contract, those differences would disappear because they are related to the national indices of material and labor costs that would apply to both shipyards.

Mr. SCOTT. Mr. President, on June 24, 1970, the majority leader on nationwide television made some statistics available regarding the amount of money being spent by the present administration on human needs.

On August 20 in Los Angeles, the Vice President spoke about the emphasis this administration is placing on adequately funding programs designed to aid all our people.

A few days after the Vice President's speech, I indicated on the floor of the Senate to the majority leader that for each thousand dollars of expenditures a certain amount was being channeled into the fields of health, education, urban renewal, the environment, and education for the handicapped. I said at that time that I believed this administration had allocated for each thousand dollars more moneys for these programs than for the previous 4 fiscal years.

Under a previous order, I ask unanimous consent to insert in the RECORD at this time a series of tables which, with but one exception, indicate that this administration is devoting a greater share of each thousand dollars spent than the previous administration did in the past 4 fiscal years.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MANSFIELD IN CONGRESSIONAL RECORD [1]—STATEMENT: FOR THE COMING YEAR, OF EACH $1,000

	1966	1967	1968	1969	Estimated in 1971 budget 1970	1971
About $7 is requested for health and mental health research:						
Health Services and Mental Health Administration (organization total including administration):						
In millions of dollars	724	1,077	1,181	1,349	1,468	1,558
Per $1,000 of total outlays	5.38	6.81	6.60	7.31	7.42	7.76
Total health function (650):						
In millions of dollars	2,543	6,721	9,672	11,696	13,265	14,957
Per $1,000 of total outlays	18.89	42.47	54.08	63.37	67.03	74.50
About $7.50 for elementary and secondary education:						
Appropriation account—elementary and secondary education:						
In millions of dollars	815	1,266	1,417	1,830	1,796	1,822
Per $1,000 of total outlays	6.05	8.00	7.92	9.92	9.08	9.08
Subfunction 601 (elementary and secondary education):						
In millions of dollars	1,804	2,439	2,595	2,480	2,668	2,710
Per $1,000 of total outlays	13.40	15.41	14.51	13.44	13.48	13.50
About $5 for urban renewal for our cities:						
Urban renewal appropriation account:						
In millions of dollars	357	445	437	572	1,049	1,082
Per $1,000 of total outlays	2.65	2.81	2.44	3.10	5.30	5.39
About $4.50 for air and water pollution:						
Account: Air pollution control	(20.9)	(30.7)	(38.6)	(56.9)	(79.7)	(104.2)
Water Pollution Control Administration	(116.5)	(130.2)	(184.1)	(214.9)	(258.0)	(465.0)
Rural water and waste disposal grants	(.1)	(11.1)	(29.4)	(27.9)	(34.0)	(30.8)
Total of above, in millions of dollars	138	172	252	300	372	600
Per $1,000 of total outlays	1.02	1.09	1.41	1.63	1.88	2.99
Pollution (including above, and also pesticides, radiation, solid waste, noise, and thermal):						
Total outlays, in millions of dollars	(2)	(2)	(2)	763	885	1,380
Per $1,000 of total outlays	(2)	(2)	(2)	4.13	4.80	7.48
About $1.40 for vocational education:						
Subfunction 603 (excluding adult education):						
In millions of dollars	136	250	265	262	266	274
Per $1,000 of total outlays	1.01	1.58	1.48	1.42	1.34	1.36
About $0.50 for education for the handicapped:						
Account: Education for the handicapped. Plus: Printing house for blind; technical institute for deaf; secondary school for deaf; Gallaudet:						
Total, in millions of dollars	20	29	46	64	88	99
Per $1,000 of total outlays	.15	.18	.26	.35	.44	.49
About $2.40 to assist State and local governments in their fight against crime:						
Per concept used in Special Analysis M (Federal programs for the reduction of crime):						
In millions of dollars	(2)	(2)	(2)	104	288	518
Per $1,000 of total outlays	(2)	(2)	(2)	.56	1.46	2.58
Outlays for the law enforcement assistance program:						
In millions of dollars	1	6	8	29	178	368
Per $1,000 of total outlays	.01	.04	.04	.16	.90	1.83
Over $375 for military defense:						
Defense function:						
In millions of dollars	56,785	70,081	80,517	81,240	79,432	73,583
Per $1,000 of total outlays	421.72	442.84	450.24	440.19	401.40	366.50

[1] June 24, 1970, pages 21231—21233. (Cong. Record.)
[2] Not available.

Note: 1970 and 1971 had allowances for contingencies and pay raises.

The PRESIDING OFFICER. All time has now expired.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the parliamentary situation? What is the pending matter?

The PRESIDING OFFICER (Mr. CASE). The question is on adoption of amendment No. 811, as modified August 31, 1970, by the Senator from Maine.

Mr. STENNIS. In other words, a straight vote of "yea" for the amendment and "nay" against the amendment; is that correct?

The PRESIDING OFFICER. That is the customary procedure.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maine (Mr. MUSKIE), No. 811, as modified by him on August 31.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF (when his name was called). On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 29, nays 62, as follows:

[No. 280 Leg.]

YEAS—29

Aiken	Hatfield	Pell
Boggs	Javits	Prouty
Brooke	Kennedy	Proxmire
Case	Mansfield	Schweiker
Church	Mathias	Scott
Cooper	McGee	Smith, Maine
Cotton	McIntyre	Williams, N.J.
Dodd	Mondale	Yarborough
Goodell	Muskie	Young, Ohio
Hart	Pastore	

NAYS—62

Allen	Eagleton	Holland
Allott	Eastland	Hollings
Baker	Ellender	Hruska
Bayh	Ervin	Hughes
Bellmon	Fannin	Jackson
Bennett	Fong	Jordan, N.C.
Bible	Fulbright	Jordan, Idaho
Burdick	Goldwater	Long
Byrd, Va.	Gore	Magnuson
Byrd, W. Va.	Gravel	McClellan
Cook	Griffin	McGovern
Cranston	Gurney	Metcalf
Curtis	Hansen	Miller
Dole	Harris	Montoya
Dominick	Hartke	Murphy

Nelson	Smith, Ill.	Talmadge
Pearson	Sparkman	Thurmond
Percy	Spong	Tower
Randolph	Stennis	Williams, Del.
Russell	Stevens	Young, N. Dak.
Saxbe	Symington	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ribicoff, for.

NOT VOTING—8

Anderson	McCarthy	Packwood
Cannon	Moss	Tydings
Inouye	Mundt	

So Mr. MUSKIE's amendment (No. 811), as modified, was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 868

The PRESIDING OFFICER (Mr. CASE). Under the previous order, the Senate now turns to amendment No. 868, proposed by the Senator from Arkansas (Mr. FULBRIGHT). Under the unanimous-consent agreement, the time has been equally divided, 20 minutes to a side.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 18, line 7, insert "(a)" immediately after "SEC. 501.".

On page 18, between lines 21 and 22, insert the following:

"(b) The provisions of subsection (a) of this section shall become effective only in the event that H.R. 15628 of the 91st Congress, a bill amending the Foreign Military Sales Act, or other legislation authorizing funds for the fiscal year beginning July 1, 1970, for carrying out the Foreign Military Sales Act, fails to be enacted into law within fifteen days after the sine die adjournment of the second session of the 91st Congress. The Congress declares that enactment of subsection (a) of this section as a part of the Act authorizing funds for military procurement rather than as a part of an Act relating to foreign military sales or foreign assistance shall in no respect be considered as a precedent to be followed by the Congress in the future."

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order.

The Senator may proceed.

Mr. FULBRIGHT. I yield myself 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly to me?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I have an amendment that is drafted as a substitute for the Fulbright amendment. Rather than offer the amendment as a substitute, I can offer it as a separate amendment to the bill, with the proviso that the same 20-minute limitation will apply, or even less.

I ask unanimous consent that when the Fulbright amendment is disposed of my amendment be eligible at that time for a 20-minute time limitation on its own bottom.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? The Chair hears no objection, and it is so ordered.

Mr. JACKSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may we have order so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, the purpose of the amendment is twofold. One, to protect the jurisdiction of the Committee on Foreign Relations. Contrary to allegations, it does not go in any way to the substantive issue of providing arms for Israel.

Two, to give the opportunity to the Senate to review and understand how unrestricted existing laws are relating to the availability of money for giving or selling arms, to foreign countries.

It is amazing how far Congress has gone over the years in removing any really effective controls on the disposition of arms around the world.

Section 501 of the current bill contains an open-ended and unrestricted authorization for the "transfer to Israel by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries in the Middle East." The provision clearly deals with policy and substantive matters within the jurisdiction of the Foreign Relations Committee.

If this section were introduced as a bill, there is no question but that it would be referred to the Foreign Relations Committee for consideration, not to the Armed Services Committee.

The Standing Rules of the Senate confer jurisdiction on the Foreign Relations Committee for the following subjects, among others:

First, foreign loans. Section 501 clearly authorizes foreign loans; and

Second, relations of the United States with foreign nations generally. Section 501 involves most delicate relations between the United States and Israel, other nations in the Middle East, and with the Soviet Union.

If the Armed Services Committee is to justify any claim to jurisdiction over arms sales to Israel, or any other country, it must do so under its jurisdiction over matters involving "common defense generally." It can hardly be argued that "common defense" relates to a country with which the United States is not joined by a security treaty. All other subjects over which the Armed Services Committee is given jurisdiction by the Senate rules are irrelevant to this issue.

In the past there have been occasions when questions arose concerning a possible overlap in the jurisdictions or interests of the two committees. The Committee on Foreign Relations has always tried to lean over backwards to be accommodating in such cases. We have either asked the Armed Services Committee to sit with us, as in the hearings on the Nuclear Test Ban Treaty, or arrangements have been worked out for joint or serial referrals, as with the resolution concerning troop deployments in Europe. On matters where both committees have had an interest the Foreign Relations Committee has tried hard to establish an atmosphere where comity and courtesy prevailed instead of insisting on strict adherence to the letter of the jurisdictional rules.

But we are not dealing here with a case of overlapping or questionable jurisdiction. Both the Senate's rules and traditional practice give unquestioned jurisdiction to the Committee on Foreign Relations over foreign arms sales matters. Prior to 1968, when the Congress passed the Foreign Military Sales Act, arms sales to foreign countries were authorized by the Foreign Assistance Act, the successor to the old Mutual Security Act. Since the days of the Marshall Plan all military aid matters have been subject to yearly review by the Foreign Relations Committee.

The bill to authorize the annual credit sales ceilings, under the permanent Foreign Military Sales Act, was the subject of nearly 8 weeks of debate in the Senate earlier this summer. It should be remembered that the delay in passage of that bill was due to a filibuster by administration forces, not by any action on the part of committee members. I point out that that bill, H.R. 15628, contains not only an authorization of $600 million in credit for arms sales abroad but also a section pertaining directly to arms sales to Israel. That section, approved in the Senate by a vote of 59–1, expresses the sense of Congress that "the President should be supported in his position that arms will be made available and credit provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states." The section also states that "if the authorization in the Foreign Military Sales Act . . . should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation." I might note that while the Military Sales bill was being debated in the Senate, and before the defense authorization bill was reported, I wrote to the Chairman of the Armed Services Committee to express my committee's concern over this invasion of its jurisdiction. In that letter, which I ask unanimous consent to have printed in the RECORD at this point, I urged members of the Armed Services Committee to introduce an amendment to the Military Sales bill if they thought that this language was not strong enough, or if the authorization were not sufficient. No such amendment was ever proposed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 26, 1970.

The Honorable JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At a Foreign Relations Committee meeting on June 24 there was discussion of an amendment to the Defense Procurement Act which, according to press reports, was adopted by your Committee. The amendment to which I refer authorizes the President to transfer to Israel by sale or other credit means such aircraft and equipment as may be necessary to counteract increased military assistance provided by other countries in the Middle East.

Members of the Committee on Foreign Relations appreciate that our respective Committees occasionally have situations in which questions arise relating to Committee jurisdiction. And, as you know, there have been several occasions in the past when we have asked the Armed Services Committee to sit with us on borderline cases, or, when without precipitating discussion of jurisdictional questions we have arranged for joint or serial referrals. Indeed, I believe the Mansfield resolution with respect to troop deployments in Europe (S. Res. 292) has been referred to our Committees jointly.

Thus, it is with the utmost respect for the jurisdictional rules of the Senate that on behalf of the Committee on Foreign Relations I suggest the amendment to which I have referred concerns a subject within the jurisdiction of the Foreign Relations Committee on the grounds that the amendment relates to "foreign loans", "relations . . . with foreign nations generally", or "commercial intercourse with foreign nations."

I might add that the bill now before the Senate, H.R. 15628, to amend the Foreign Military Sales Act (a bill considered for a number of years by the Foreign Relations Committee) deals rather precisely with the subject of cash and credit sales of military equipment to foreign nations. In fact, Section 5 of that bill as favorably reported by the Committee on Foreign Relations expresses the sense of Congress that "the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states." That section continues, noting that "if the authorization in the Foreign Military Sales Act . . . should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation."

If the foregoing language is not forceful enough in the opinion of Members of the Committee on Armed Forces, I should think that an amendment to the pending bill would be a more appropriate vehicle for bringing the subject before the Senate than an amendment to the Defense Procurement Act.

I bring these views to your attention for such use and consideration as you may think proper.

With best wishes,

J. W. FULBRIGHT,
Chairman.

Mr. FULBRIGHT. Mr. President, contrary to the assertion by the Secretary of Defense, the foreign military sales bill now in conference contains ample funds for providing additional planes to Israel, if the President has decided that it is in the national interest to do so, as Secretary Laird's letter implies. There is no limit on how much of the $600 million authorization in the bill the President can use for Israel.

Secretary Laird said, in his letter to Senator STENNIS:

The requirements of Israel have increased significantly since 25 February 1970 when our Foreign Military Sales Congressional Presentation Document was submitted.

At no time since then—until yesterday—has the administration suggested that a supplemental authorization for Israel might be needed, despite the fact that the military sales bill did not pass the Senate until June 30. If the administration wants additional aid for Israel they should follow the traditional, straightforward procedure of asking for a supplemental authorization instead of using this back-door approach, which evades the scrutiny of the Foreign Relations Committee.

This move appears to be the foot in the door to a general attempt to transfer all military aid and sales matters to the Armed Services Committee—because the Foreign Relations Committee has been too critical of current arms aid policies. Of course, the bureaucracy would like to have free access to the Defense Department's budget for the arms giveaway and sales programs. This may be the opening wedge to that unless the Congress is permitted to work its will on the military sales bill.

One other point concerning the alleged need for additional authority to give Israel arms. There are a number of sources for providing arms even if the military sales bill is not enacted. Let me mention but a few and I will insert in the RECORD more detailed information:

First. Purchase through credit from the Export-Import Bank, following a Presidential determination;

Second. Use of military grant aid funds—$350 million authorized for fiscal year 1971;

Third. Use of the $300 million "drawdown" authority under section 506 of the Foreign Assistance Act;

Fourth. By declaring arms and equipment "excess," as was done last year with jets for Taiwan;

Fifth. Purchase through commercial channels with credit extended by private banks; and

Sixth. Purchase under sections 21 and 22 of the permanent Foreign Military Sales Act which, in effect, permit the Department of Defense to act as Israel's purchasing agent.

Israel will get the arms she wants, if the President wants to give them. There should be no doubt about that.

The military sales bill, however, is still very much alive, and I have no doubt that the conferees will meet again shortly after the end of the House recess. For the Senate to approve section 501 as written under these circumstances would be both premature and a direct violation of the jurisdiction of the Foreign Relations Committee.

My amendment would not strike section 501 from the bill nor would it diminish its authority. It would merely make the authority of section 501 conditional on the Congress' failure to pass a military sales bill before adjournment. And it would insure that the inclusion of a military sales item in this bill will not be considered as a precedent for the handling of future military sales legislation, so that the traditional jurisdiction of the Foreign Relations Committee over this subject will be preserved.

The 90-day cease-fire in the Middle East will not expire until November 5, after the Congress has adjourned.

Although, as Secretary Laird has said, arms deliveries to Israel may continue during the cease-fire period they will not be affected in any way by the withholding of this authority for only a matter of a few weeks. Any arms deliveries during this intervening period were financed long ago and have been in the pipeline for some time. We are dealing here with financing for items to be delivered well in the future, not immediate requirements. So as a practical matter there is no need for additional arms sales authority until well after the time when it will be known definitely whether the conferees on the military sales bill can reach agreement.

Mr. President, this amendment does not in any way affect the substance of section 501. To charge that it does so is but a "red herring" to divert attention from the real issue. It has nothing to do with whether the United States will or will not provide jets to Israel, or the number that may be provided. It relates only to a matter of jurisdiction. The Senate has already passed a bill which authorizes funds for selling aircraft to Israel. That bill is in conference.

All my amendment does is to stop the rug from being pulled out from under that conference. It is not merely the jurisdiction of the Foreign Relations Committee at issue here; it is the preservation of the comity and mutual respect between committees so essential to the proper functioning of the Senate. I hope that the amendment will be considered in that light.

Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of the sources for supplying arms to Israel even if the military sales bill in conference does not pass the Congress.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

STAFF MEMORANDUM—SENATE COMMITTEE ON FOREIGN RELATIONS

Subject: Possibilities of Supplying Jet Aircraft to Israel.

Without passage of the pending Foreign Military Sales Bill, Israel could receive jet aircraft from the United States under any of the following:

1. *Private Commercial Channels:* Assuming the State Department would provide the necessary export license, Israel could purchase any jet aircraft directly from the U.S. manufacturer. The terms and conditions of the sale would be subject to negotiation. Israel has purchased military equipment through these regular commercial channels.

2. *Foreign Military Sales Act of 1968:*

(a) Sections 21 and 22 provide the President with the authority to sell defense articles or services on a regular commercial basis. The purchaser has up to 120 days after delivery to make payment. Israel is eligible to purchase defense articles on these terms.

From 1965 to 1969, Israel used this method more than any other to purchase U.S. military equipment.

(b) Section 32 prohibits the Export-Import Bank from extending credit to a less-developed country for the purchase of military equipment. However, for purposes of distinguishing between developed and less-developed countries, EX-IM Bank officials follow the interest equalization tax provision of the Internal Revenue Code.

Aside from some 20 countries listed under this provision as economically developed (Israel is not listed as one of them), the President determines which countries are categorized as developed and which are less developed. *Israel is presently categorized as "less developed."* But it could be categorized as "developed" if the President so determined. Such a determination by the President would make Israel eligible for EX-IM Bank credits.

In talking with the Treasury Department about the categories of developed and less-developed countries under the interest Equalization Tax provision, it was apparent that the determination of these categories is not based on economic criteria alone. I was told, for example, that Iran and Libya are categorized as "developed" while, as stated above, Israel is categorized as "less developed." I asked Treasury how this could be in view of Israel's greater economic development, relative to both Iran and Libya, and I was told that there are "other factors" that entered into determining the two categories and that they are considered on an inter-agency basis.

3. *Foreign Assistance Act of 1961, as Amended:*

(a) Section 504 authorizes an appropriation for military grant aid of $350 million for FY 1971. The President could use any or all of this amount for supplying Israel with military equipment. The House has passed the Foreign Aid Appropriations Bill for FY 1971, including in it the full $350 million for military grant aid. The bill is pending in the Senate. Foreign aid expenditures are now being made under continuing resolution.

(b) Section 506 gives the President "Special Authority" to draw from Department of Defense stocks an additional $300 million for military assistance during the present fiscal year providing he determines such action "vital to the security of the United States." Any or all of this amount could be used to meet Israel's requirements. This provision is subject to subsequent reimbursement from future MAP appropriations.

In considering (a) and (b), it is well to recall that, under the Foreign Assistance Act, "The President is authorized to furnish military assistance on such terms and conditions as he may determine . . ." Assuming Israel preferred to purchase jet aircraft (as versus receiving them gratis), the President has the authority to provide up to $650 million in *credit* to Israel for the purchase of such aircraft. He could provide any or all of this amount on, say, a 40-year basis at 2 percent interest.

Moreover, the President could provide Israel with jet aircraft on a *loan* basis. In other words, the President could loan Israel a squadron of Phantom jets, and has the authority to determine the terms and conditions of the loan arrangement.

(c) Under section 503 the President can provide "excess defense articles" for purposes of military assistance. For all practical purposes there is no limitation on the amount of surplus equipment that can be given away or sold in any fiscal year. (You will recall that this authority was used during the last fiscal year to give Taiwan a number of F–100s and F–104s after the Senate refused to authorize an additional $54.5 million in military aid to that country. So far as I know, there are no F–4s in the excess stockpile, but a squadron of them could be declared excess, as witness the F–100s and F–104s.)

The FY 1971 Military Authorization Bill, reported July 14, authorizes the sale of jet aircraft to Israel. Section 501 of the bill provides as follows:

"The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit, or guaranty, such aircraft, and equipment appropriate to use, maintain and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment."

It should perhaps be emphasized that until there is a change in the Administration's policy even the passage of the Military Sales Bill would not secure for Israel the Phantom jets she has requested. Likewise, as the abovementioned possibilities indicate, the President has considerable leeway under existing law to meet Israel's request—but, again, before any of these possibilities are open to him, there must be a change in policy.

I certainly think, for orderly procedure, that this amendment ought to be adopted. It cannot possibly prevent the sale of weapons to Israel.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Is the main thrust of the Senator's amendment to the point that he feels that his committee should have jurisdiction over sale of arms to foreign countries, rather than the Armed Services Committee?

Mr. FULBRIGHT. It is not that I feel that; it is the rules of the Senate which specifically spell it out, and that has always been true up until this session.

Mr. GOLDWATER. Does the Senator's amendment clarify that point?

Mr. FULBRIGHT. If the Foreign Military Sales Act does not pass—I think it will, of course, but if it does not—this section 501 will go into effect. It does not change it. But the orderly way is for completion of congressional action on the bill, passed by the Senate, which provides authority for $600 million in sales. In addition to that authority the President also has the right to sell through the Import-Export Bank, the right to give arms away through the grant aid program and there are other means available. Even those items that have a limit are very large. This amendment does not in any way prohibit Israel from getting her jets. All my amendment seeks to accomplish is to insure orderly procedure.

Mr. GOLDWATER. If the Senator's amendment is accepted, it would not affect sales to any country, not just Israel, but any country, for example sales to Libya that we have made?

Mr. FULBRIGHT. It would not affect it. This amendment is related specifically to Israel, but it would not affect the sales to Israel, which are the only ones the Jackson amendment was directed at. The other one comes under the bill, the one in conference, which, as the Senator knows, is hung up primarily over the Cooper-Church amendment. We had several conferences, but the House went out of session, as the Senator knows. We will meet again, no doubt, as soon as they come back.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. In the letter of the Secretary of Defense to the chairman of the Armed Services Committee, he says:

Israeli requirements for military credit may be filled from the President's budget if the Jackson Amendment prevails. This will not be the case, however, if Mr. Fulbright's amendment to the Jackson Amendment is adopted, and I urge your opposition to such adoption.

He points out that:

There is, additionally, the question of timing of fund availability for Israel. The long deferral in Congressional approval of fiscal years 1970 and 1971 FMS legislation has already delayed important programs in about a dozen countries including Israel. Moreover, delay until fifteen days after the sine die adjournment of the Congress could mean that vital funds would not be available for the maintenance of the military balance in the Middle East, a policy to which the United States is committed.

Would the Senator comment on that?

Mr. FULBRIGHT. Well, I am not quite sure what he means by the President's budget.

But as to use of the existing authority, they are already supplying arms through the regular sales program as the Senator well knows. I have another letter which the Secretary marked "confidential." The one from which the Senator quoted is for immediate release. I got one today marked "confidential" which I can show the Senator, but cannot put into the RECORD under existing law.

I do not know whether he meant to use the word "sell" or "give," because there is authority from various sources which I have outlined making arms or aircraft available to Israel.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 4 minutes.

The Senator knows that last year, when we turned down special funds for Taiwan, they turned around and made the planes available to Taiwan under the excess program, which they could do for Israel. I only cite that to illustrate that, in the case of a real emergency, the President can use that authority. He can also furnish them $300 million in arms, if it is an emergency, pending a supplemental appropriation, or whatever orderly way he might wish to follow.

What is involved here is whether there is to be an orderly procedure for the authorization and control of these various programs for selling and giving away arms. We suggested to the Armed Services Committee that they offer an appropriate amendment to the sales bill, and they did not choose to do it.

The provision involved here is an open-ended authorization, without any limit or restriction whatever. There is no limitation for the number of years the authority will be in effect. They just say, "Whatever you want to give them—$10 billion or $20 billion—go ahead if you want to."

Normally we do not do that for anyone, anywhere. We certainly do not do it for domestic programs.

Mr. SCOTT. Does not the Senator know that under the Foreign Military Sales Act, language, one-half of the amount which it is intended to give to the Israeli defense will not be possible? Not more than one-half can be made available under the present Military Sales Act alone.

Mr. FULBRIGHT. I do not think that is correct. I think it is a question of the discretion of the President, if the Sen-

ator is talking about grants or sales. If it is credit sales, he can use the Export-Import Bank, for example. All he has to do is declare that Israel is a developed country. He can supply them through the Export-Import Bank, if he wants to, a billion dollars worth, or more.

Mr. SCOTT. All the Jackson amendment says is that he can help Israel to the degree to which assistance is committed; and under the Senator's amendment, the Senator says he cannot. Is that correct?

Mr. FULBRIGHT. The law is available. I have the details; the Senator himself can interpret it. He does not have to take my word or that of the Defense Department.

Mr. STENNIS. Mr. President, I yield myself 1 minute in opposition to the amendment.

Referring now to title V, page 18 of the bill, which is section 501, I was opposed to this as an amendment to the bill, and voted against it in the committee. However, a majority of the committee voted for it, and I stand by the committee in support of that section now.

The Senator from Washington was the author of the amendment in committee, and I ask unanimous consent that I may now turn over all the time in opposition to the amendment of the Senator from Arkansas, now under consideration, to the Senator from Washington.

The PRESIDING OFFICER. Without objection, the Senator from Washington is recognized.

Mr. JACKSON. Mr. President, how much time? Twenty minutes to the side?

The PRESIDING OFFICER. The side in opposition to the amendment has 19 minutes remaining.

Mr. JACKSON. Mr. President, I yield myself 8 minutes.

Mr. President, the issue before us is a simple one: will the Senate now provide the President with the authority he needs to implement our long-standing policy in the Middle East, a policy based upon support for the security of Israel and the maintenance of a military balance in the Middle East?

That there exists a consensus among us as to the wisdom and importance of this policy is a certainty affirmed by five Presidents and more than three-fourths of the current membership of the Senate.

The distinguished Chairman of the Foreign Relations Committee has said that his amendment is nothing more than an effort to protect the jurisdiction of his committee. To the people of Israel, and to the citizens of the world whose security rests on the avoidance of war in the Middle East, the Senator's amendment is more than that. It would deny or delay the absolutely essential authority upon which we can provide, on favorable credit terms, the aircraft and other equipment necessary for the defense of Israel and for the stability of the Middle East.

Section 501 of the Defense Procurement Act contains a policy statement of great importance. It is a policy statement that echoes the sentiments of 81 Senators who have expressed themselves in letters to the President or the Secretary of State. Section 501 would enable the President to respond positively to their expressed view, and to give effect to their collective request. I ask, Mr. President, that the names of Senators who have called upon the President or the Secretary of State to provide adequate military aid to Israel be inserted in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

James B. Allen (D-Ala.).
Gordon Allott (R-Colo.).
Howard H. Baker, Jr. (R-Tenn.).
Birch Bayh (D-Ind.).
Wallace F. Bennett (R-Utah).
J. Caleb Boggs (R-Del.).
Quentin N. Burdick (D-N. Dak.).
Harry F. Byrd, Jr. (D-Va.).
Robert C. Byrd (D-W. Va.).
Howard W. Cannon (D-Nev.).
Clifford P. Case (R-N.J.).
Marlow W. Cook (R-Ky.).
Norris Cotton (R-N.H.).
Alan Cranston (D-Calif.).
Thomas J. Dodd (D-Conn.).
Peter H. Dominick (R-Colo.).
Thomas F. Eagleton (D-Mo.).
Paul J. Fannin (R-Ariz.).
Hiram L. Fong (R-Hawaii).
Charles E. Goodell (R-N.Y.).
Albert Gore (D-Tenn.).
Mike Gravel (D-Alaska).
Clifford P. Hansen (R-Wyo.).
Fred R. Harris (D-Okla.).
Philip A. Hart (D-Mich.).
Vance Hartke (D-Ind.).
Spessard L. Holland (D-Fla.).
Roman L. Hruska (R-Nebr.).
Daniel K. Inouye (D-Hawaii).
Henry M. Jackson (D-Wash.).
Warren G. Magnuson (D-Wash.).
Barry Goldwater (R-Ariz.).
Ernest F. Hollings (D-S.C.).
Willam B. Saxbe (R-Ohio).
Alan Bible (D-Nev.).
Charles McC. Mathias, Jr. (R-Md.).
George McGovern (D-S. Dak.).
Thomas J. McIntyre (D-N.H.).
Lee Metcalf (D-Mont.).
Walter F. Mondale (D-Minn.).
Joseph M. Montoya (D-N. Mex.).
Frank E. Moss (D-Utah).
George Murphy (R-Calif.).
Edmund S. Muskie (D-Maine).
Gaylord Nelson (D-Wisc.).
Robert W. Packwood (R-Oreg.).
John O. Pastore (D-R.I.).
Claiborne Pell (D-R.I.).
Charles H. Percy (R-Ill.).
Winston L. Prouty (R-Vt.).
William Proxmire (D-Wisc.).
Jennings Randolph (D-W. Va.).
Richard S. Schweiker (R-Pa.).
Ralph T. Smith (R-Ill.).
John Sparkman (D-Ala.).
William B. Spong, Jr. (D-Va.).
John Stennis (D-Miss.).
Ted Stevens (R-Alaska).
Strom Thurmond (R-S.C.).
John G. Tower (R-Tex.).
Joseph D. Tydings (D-Md.).
Harrison A. Williams, Jr. (D-N.J.)
Ralph Yarborough (D-Tex.).
Stephen M. Young (D-Ohio).
James B. Pearson (R-Kans.).
B. Everett Jordan (D-N.C.).
Frank Church (D-Idaho).
Sam Ervin, Jr. (D-N.C.).
Carl T. Curtis (R-Nebr.).
Stuart Symington (D-Mo.).
Hugh Scott (R-Pa.).
Herman E. Talmadge (D-Ga.).
Gale W. McGee (D-Wyo.).
Edward M. Kennedy (D-Mass.).
Abraham Ribicoff (D-Conn.).
Jacob K. Javits (R-N.Y.).
Edward W. Brooke (R-Mass.).
Robert J. Dole (R-Kans.).
Edward J. Gurney (R-Fla.).
Jack Miller (R-Iowa).
Harold E. Hughes (D-Iowa).

Mr. JACKSON. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the Secretary of Defense to the chairman of the Armed Services Committee, dated August 31, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., August 31, 1970.

HON. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I oppose the Fulbright Amendment to Section 501 of the Military Procurement Authorization Act currently in debate.

The Fulbright Amendment states that Section 501, the Jackson Amendment, will not become operative unless the Foreign Military Sales Act fails to become law. This implies that the provisions of the FMS Act adequately meet the credit needs of Israel. This implication is strengthened by Mr. Fulbright's comment that the FMS Bill "contains ample funds for that purpose".

This is not the case and I must urge disapproval of the proposal.

The requirements of Israel have increased significantly since 25 February 1970 when our Foreign Military Sales Congressional Presentation Document was submitted. In the light of this requirement, I believe that we must provide credit to Israel in a substantially larger amount than we have anticipated. When the Conference Committee approves the FMS legislation, we expect to be able to provide less than one-half of Israeli requirements from funds contained therein.

Israeli requirements for military credit may be filled from the President's budget if the Jackson Amendment prevails. This will not be the case, however, if Mr. Fulbright's amendment to the Jackson Amendment is adopted and I urge your opposition to such adoption.

There is, additionally, the question of timing of fund availability for Israel. The long deferral in Congressional approval of fiscal years 1970 and 1971 FMS legislation has already delayed important programs in about a dozen countries including Israel. Moreover, delay until fifteen days after the sine die adjournment of the Congress could mean that vital funds would not be available for the maintenance of the military balance in the Middle East, a policy to which the United States is committed.

With regard to arms deliveries to Israel during the 90-day cease-fire, we are taking such steps as are necessary to assure that the arms balance does not tip against Israel. FMS legislation or other credit arrangements for Israel should, therefore, not be delayed further, and we must assure that the total available credit is adequate to maintain a balance subject to rapid change.

We have hope, of course, along with Senator Fulbright, that the cease-fire will hold and will lead to lasting peace. Our aid policy is based upon and acts in support of this common objective.

Sincerely,

MELVIN R. LAIRD.

Mr. JACKSON. The precise effect of the pending amendment would be either to kill or delay the crucial authority contained in section 501.

Mr. FULBRIGHT. Mr. President, will the Senator yield at that point?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. How does it kill it?

It says specifically it is not to be effective unless the Foreign Military Sales bill does not pass. That bill contains a great deal of authority.

Mr. JACKSON. But if the conference committee reaches an agreement that is approved by both bodies and sent to the President, then that supersedes section 501.

Mr. FULBRIGHT. That is right. But that is——

Mr. JACKSON. And I want to point out right here and now, the real issue is the amount of credit that will be available for Israel's needs; and under the Military Sales Act, taking together fiscal 1970 and fiscal 1971, there simply are no funds available to fulfill future commitments to Israel. All the money has been obligated by agreement covering the 13 nations. This is the crux of the issue.

Mr. FULBRIGHT. Assuming that that is true—I do not agree that it is true, because there are other sources—is not the orderly way, which the Senate follows in every case I know of, to ask for a supplemental? Does the Senator know of any precedent in which Congress or the Senate has ever authorized an unlimited appropriation, as this amendment does, for any country in the world?

Mr. JACKSON. I cannot cite a specific precedent.

Mr. FULBRIGHT. It never has.

Mr. JACKSON. The point is that this is an unprecedented situation, and the truth is that, under the military sales authorization, if it goes through, for fiscal 1970 and 1971, a total of $500 million——

Mr. FULBRIGHT. It is $600 million.

Mr. JACKSON. All right. The Senator knows the total amount. All he has to do is check. Only $500 million has been authorized for appropriation. No funds are available to take care of ongoing commitments. This refers to past commitments. The authority would cover agreements already entered into.

Mr. FULBRIGHT. The Senator knows that the President has discretion to shift that. If he wants to give it to Israel, he can.

Mr. JACKSON. They have already entered into agreements with the other 12 countries, and there is no authority available. This is the heart of the issue. The authority under the Military Sales Act is not sufficient to meet this immediate problem.

Mr. FULBRIGHT. Why did not the Senator follow the usual practice and ask for a supplemental? That is what is done in every other similar case of which I know. To go to a different committee and give an open-ended authorization, without any ceiling whatever, I think is unprecedented, for a domestic or a foreign program.

Mr. JACKSON. The Senator knows that this is not self-executing. Funds are or must be appropriated to carry out the terms of this provision.

Mr. FULBRIGHT. Then, the Senator is saying that the authority is of no significance. Did the administration request this amendment?

Mr. JACKSON. No; they did not.

Mr. FULBRIGHT. The Senator initiated it?

Mr. JACKSON. That is correct. I initiated it in the Armed Services Committee, in light of the crisis we face in the Middle East.

I just want to say to my good friend that I thought—that the Senate ought to take a little more initiative in matters pertaining to the security of the country, and this is exactly what we did. We did not stand by and wait.

I did consult informally with representatives of the executive branch, and they welcome this additional authority in light of the crisis in the Middle East.

With respect to the jurisdictional question, I want to say that these committees overlap. Both committees get into areas that pertain to problems of the other. I am trying to take care of an immediate problem, a critical situation, which demands action.

Mr. FULBRIGHT. This is not overlapping. What the Senator is proposing is that the Foreign Relations Committee give up jurisdiction over foreign military sales. That can be accomplished in an orderly way, but until it is, I think the Senator will have to agree that he knows of no precedent by which, under similar circumstances, the administration does not ask for a supplemental, which is the right way to do it. We have that in domestic or foreign matters. We do not go around a committee which has jurisdiction and put in this kind of open-ended authorization.

Did the Senator conduct hearings on this authorization? Were there any hearings on it?

Mr. JACKSON. No hearings were held on it. It was discussed twice at length in committee, with 17 senators present.

Mr. FULBRIGHT. There were no hearings; yet, it is an unlimited authorization. It could be $10 billion if they wish. This is a practice which, I submit, is entirely contrary to the traditions and practice of the Senate—or of either body, for that matter. It is a matter of no hearings but an authorization of an unlimited amount.

Mr. JACKSON. Let me say that the Appropriations Committee—I want to emphasize again—must appropriate the funds that are necessary. The letter from the Secretary of Defense amply answers all questions about the administration's position. They support it. I think this amendment is vital to our own security.

Mr. FULBRIGHT. Mr. President, will the Senator yield for one other comment, for a half minute?

Mr. JACKSON. I yield for a half minute, because I do want to yield time to other Senators.

Mr. FULBRIGHT. I want to refer to the letter I put in the RECORD on June 26. I wrote to the chairman of the Armed Services Committee, having heard about this, and suggested that if the language in the existing bill, the Foreign Military Sales Act, is not broad enough to cover the situation—I will read from the letter:

If the foregoing language is not forceful enough in the opinion of members of the committee on Armed Forces, I should think that an amendment to the pending bill would be a more appropriate vehicle for bringing the subject before the Senate than an amendment to the Defense Procurement Act.

If the foregoing language is not forceful enough in the opinion of Members of the Committee on Armed Forces, I should think that an amendment to the pending bill would be a more appropriate vehicle for bringing the subject before the Senate than an amendment to the Defense Procurement Act.

In other words, I suggested in June that they follow the usual procedure. There certainly is no disposition in the Foreign Relations Committee or anyone else I know of to deny Israel what is needed, but the objective is merely to retain the orderly procedure.

Mr. JACKSON. Mr. President, most Senators are realists. Had we proceeded to attach this amendment to the Military Sales Act, it would have failed utterly to aid Israel; because some of us were aware that this particular act, the Military Sales Act, was going to be tied up indefinitely. I was aware of this; and when I offered the amendment in the Committee on Armed Services, I did so for the purpose of trying to get action, so that the President of the United States would be in a position to grant the aid he needs. I think that events since then have clearly sustained my position.

Mr. President, if the pending amendment were adopted, and if the Foreign Military Sales Act, or similar legislation, were to be enacted into law, section 501 would die at once. The result would be to deny to the President the authority he needs to carry out our policy of providing Israel with the tools she needs to provide for her own defense. If, on the other hand, the Foreign Military Sales Act fails to be enacted into law, the effect of the pending amendment would be to delay to a date uncertain the authority contained in section 501. Either result is undesirable; neither has any redeeming value, save as a senseless obstruction to important legislation that is supported by the administration, the Congress, and the American people.

I am hopeful, Mr. President, that the House and Senate conferees will achieve a compromise in their deliberations, and that they will thereby prepare the way for the Foreign Military Sales Act to be enacted into law. I am convinced that the interest of the Senate in seeing its version of the Foreign Military Sales Act emerge from conference is adversely affected by the pending amendment. This is so because the pending amendment provides that if the conference does produce agreement, Israel will have available to it only the severely limited credits contained in the Foreign Military Sales Act, rather than the adequate credits available under section 501.

I believe, Mr. President, that the Foreign Military Sales Act is inadequate for the purpose of assisting Israel to maintain the military balance on which her survival—and our vital interests in the Middle East—is based. There are several reasons why this is the case and why, therefore, section 501 is vital:

First, the total authority to appropriate in the Foreign Military Sales Act is only $250 million for each of fiscal 1970 and 1971, a sum small in itself and one which must serve the credit needs of approximately 13 nations. The Israeli

share of these funds is but a fraction of the total and has been negotiated for the purpose of meeting Israeli obligations for equipment agreed to in earlier years. In fact, Mr. President, there are no funds available to Israel under the Foreign Military Sales Act to meet the sharply increased requirements arising out of recent Soviet aid to the Arab States.

Moreover, Israel has outstanding obligations to make repayments on prior arms transactions that today constitute a severe burden on an economy already laboring under a defense budget that consumes more than a quarter of her GNP, the equivalent of a $300 billion U.S. defense budget. In addition, Mr. President, total immediate Israeli needs are several times greater than the entire authorization for Israel in the Foreign Military Sales Act, and these needs are subject to rapid increases as the military balance in the Middle East is in a state of continuous adjustment.

Finally, I am bound to say that I anticipate additional Israeli requirements for credit aid. The repeated violations of the cease-fire—each time they occur—raise the costs to Israel of maintaining an adequate defense. This financial burden on Israel is matched, I believe, by an equal burden on the United States to provide, on favorable terms, the equipment necessary to offset the effects of clandestine military activity to which Israel is now unable to respond as a result of their adherence to the terms of the cease-fire. We can never offset the price in Israeli lives that may have to be paid to restore the deteriorating military balance. The provision of adequate credit aid is the very least we can do.

Second, section 501 would be necessary even if the authority contained in the Foreign Military Sales Act were substantially greater than it in fact is. This is so because the terms under which credits are made available through that act are wholly inappropriate to pressing Israeli needs. Repayment, for example, must be completed within 10 years. There can be no departure from this statutory provision. Moreover, it is standing practice under the Foreign Military Sales Act to charge rates of interest equal to the prevailing cost to the Treasury. Both of these conditions, in the present case, are prohibitive. Israeli foreign exchange reserves are such that it is impossible for them to meet their defense needs on a cash sale basis. Ten year and cost-to-the Treasury terms are only a marginal improvement, given the serious state of the Israeli economy.

It is for these reasons that I introduced section 501, with the intention that credits be made available to the extent necessary to effect the policy stated in section 501. Moreover, I anticipate that my intention to have credits made available on substantially more favorable terms has proven essential and will be so regarded by the executive branch. I have in mind a period for repayment on the order of 25 years or more, and rates of interest that would be negligible—and certainly concessionary.

It was also my intention that the executive branch should place a broad interpretation on the terms "equipment necessary to use, maintain, and protect [such] aircraft" so that equipment such as ordnance, ECM, maintenance and repair facilities, reconnaissance devices, defensive missiles and the like are included, as well as vital advanced aircraft. This is in recognition of the fact that the security of Israel is dependent upon the unchallenged superiority of the Israeli Air Force.

The Israelis have said that they will not be another Czechoslovakia and we alone are in a position to help them restore and maintain the military balance. I might add that the fate of Czechoslovakia in 1938 is as real to the Israelis as the fate of Czechoslovakia 30 years later, in 1968.

We cannot escape the fact that the Soviets have manifested an interest in the Middle East since Czarist times, and they would be involved there today even if Israel did not exist. Moscow is aggressively exploiting the tragic conflict between Arabs and Jews to strengthen the Soviet position in the Middle East and to destroy Western influence in the area. We must recognize the threats to our own security that result from Soviet designs in that region. The Mediterranean is of crucial strategic interest to all NATO nations, including the United States. The Middle East is a gateway not only to the Persian Gulf but to the Indian Ocean and North Africa. We have important political interests in the Middle East where we have good friends, including Israel and a number of nations in the Arab world. We, and especially our NATO allies, have vital interests in the area.

Mr. President, the chairman of the Foreign Relations Committee has expressed the view that, were it not for the fact of cultural and sentimental relationships between the United States and Israel, the question of who controls Israel would not involve a direct threat to the United States. For the reasons I have just suggested, I simply cannot agree with this view.

But I wish to add, Mr. President, my deep belief that the cultural and sentimental ties of which the Senator speaks are a tribute to the open identification of the American people with the ardent desire of the Israeli people for freedom, peace and security. Far from lamenting the fact that we as a nation are moved to a common bond with this liberal democracy in the Middle East, I am proud that our sentiments lie with the impulse to democracy and justice wherever in the world these values are to be found. So long as we retain our determination that free men desiring to remain free and independent will strike the sentiments of the American people, we and the free world will survive and flourish.

Mr. President, I, for one, could not find it in my conscience to ask the Israelis to allow another day to pass, while they continue to support our peace initiative at great risk to their survival, without assuring them that we will stand by our commitment to help them maintain the military balance in the Middle East. Section 501 offers such assurances by granting the President the authority he needs. Seldom in the history of our country have the dictates of national prudence and honor been so congruent. Seldom has an issue so clear and direct been within the power of the Senate to resolve.

Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, section 501 of the military procurement bill was agreed upon in the Armed Services Committee after considerable discussion. It was not intended nor should it be interpreted as an effort to usurp the jurisdiction of any other committee. Rather, it was approved as a measure necessary to provide the executive branch of our Government with sufficient flexibility to meet its Mideast commitments.

I do not intend to resurrect the debate on the Foreign Military Sales Act at this time. It is sufficient to say that that legislation simply does not contain adequate authorization of funds to meet the present and expected credit requirements for military equipment purchases of the Israeli government. According to Secretary Laird, in his August 31 letter to Senator STENNIS, we can expect to be able to provide less than one-half of Israel's requirements from funds contained in the Foreign Military Sales Act. Furthermore, the FMS bill must also provide assistance for some 12 other countries.

Section 501, however, would enable the United States to sell to Israel aircraft and equipment necessary to maintain and protect such aircraft, if it deems it necessary to do so. Retention of section 501, unamended, would give the executive authority to provide aid consistent with its commitment to Israel without having to wait and see whether the Foreign Military Sales Act ever emerges from conference.

Mr. President, the Mideast ceasefire is tenuous. I believe that a firm reaffirmation of the U.S. determination to rebuff Soviet adventures in the Mideast will do much to preserve the ceasefire and bring about peace there. Without altering the military balance in any way, a large vote against the Fulbright amendment to section 501 will provide evidence to the Soviets that the Senate will not let mere technicalities nor jurisdictional squabbles hinder its effort in the Mideast.

In the course of consideration of the military procurement bill, this body has consistently voted in a manner which indicates a determination not to allow this Nation to become a militarily inferior one. This determination, while meaningless without the hardware necessary to implement U.S. policy, will do much to convince the Soviets that it is clearly in their best interests to pursue peace in the Mideast and around the world. We should seize on this one additional opportunity to underline this determination.

We should not be deterred by the jurisdictional argument. As I stated previously, section 501 is not designed to seize jurisdiction from any committee. I would respectfully observe, however, that if the Foreign Relations Committee can call scientists to testify on the technical feasibility of the Safeguard ABM system, there seems little reason why the Armed Services Committee cannot assist in assuring the military security of Israel.

Mr. JACKSON. Mr. President, I yield

2 minutes to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, while the failure to pass the foreign military sales bill would damage our relations with several countries, the case of Israel is unique, more urgent, and should be treated in a special manner.

At a time when there is at least some chance for a settlement in the Middle East—based on the initiative of the United States—it is essential that the good faith which Israel has shown by agreeing to the ceasefire and a start of talks not be shaken. Her long-term security must not be endangered as a result of our initiative. Yet, despite the United States repeated efforts to engage the Soviet Union in serious arms limitations in the Middle East, Soviet arms have continued to flow to Egypt in recent months. Even if the foreign military sales bill were passed, it would not be adequate to meet this new situation.

More than dollars are involved in this debate. There are some in Israel who have already expressed doubts about our intention and misgivings about entering into peace negotiations. Failure to provide credit assistance can only reinforce the apprehensions of these skeptics. This could make much more difficult the already difficult task of trying to find a peaceful solution to the problems which have for too long troubled the Middle East.

Even if passed the foreign military sales bill would not be sufficient to deal with the situation created as a result of increased Soviet involvement in the UAR. But adoption of the Fulbright amendment could result in no action on credits for Israel in this session of Congress if the foreign military sales bill is not enacted. The administration would then not be able to make a request before January–February 1971.

This delay could lead to serious financial problems in Israel; it could impair confidence in our good faith. It would come at a most injudicious time—when the urgent need is to avoid actions that would jeopardize the chances of moving toward a peaceful settlement in the Middle East.

Mr. President, one would suspect that the purpose of the amendment is to ease the pressure on some of those in the conference here on the foreign military sales bill who might otherwise be disposed to agree to support it in the conference, if they were to be assured that something would be done with regard to our commitment to Israel. I think it wrong just to attempt to influence another conference by an amendment of this kind, which would force the United States to delay or possibly even to default on some of its commitments to Israel.

Mr. JACKSON. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. RIBICOFF. Mr. President, the pending amendment to section 501 is cast in terms of jurisdictional responsibility. However, its practical effect is to threaten the very purpose of section 501, which is to provide Israel with the means of providing for her own security.

I oppose it for several reasons:

First, the need for assistance to Israel cannot await the condition that section 501 become operative only when foreign military sales legislation has failed. This threatens to defer too long the necessary legislative authority to help Israel.

Apart from excessive delay, the Fulbright amendment does not assure funds sufficient to meet Israel's credit requirements. As it now stands in the conference committee, the foreign military sales legislation will authorize a military credit program in amount no higher than $300 million for each of fiscal years 1970 and 1971. These amounts must be shared by at least a dozen countries. More importantly, Israel's needs have mounted during the last few months far beyond those anticipated last February when the request for foreign military sales legislation was submitted. Those requests contained only nominal amounts for Israel. I must question the suggestion that foreign military sales legislation contains, what Senator FULBRIGHT calls "ample" funds for Israel.

Lastly, the normal credit terms for foreign military sales established by statute are not as flexible as Israel now requires, and section 501 provides.

In summary, approval of amendment 868 would establish that the Senate favors insufficient credit resources for Israel, deferred too far into the future, and on terms inconsistent with Israel's critical financial problems. I urge, therefore, that the pending amendment be rejected.

Mr. President, I cannot be too high in my praise of the distinguished Senator from Washington (Mr. JACKSON), who sought to remedy the situation in Israel as it relates to the United States and the entire Arab world, and I want to commend him for offering this section 501.

Mr. JACKSON. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, I am a member of the Committee on Foreign Relations and I honor my chairman for raising this issue, as it properly should be raised.

I wish I could go along with him on it but I am sure that everyone would agree that I have an inflexible and moral rule that I do not yield to any given exigency. This is such an exigency. Even if the amendment were not in the bill, or it had gone to committee and been voted on and no one would have voted on it, the exigency is this: It is essential, in my judgment, that the cease-fire is to hold up so that Israel may have at least the feeling that it is not being divested of any arms supplies; otherwise a cease-fire is more likely to collapse because of the time element in the Fulbright amendment and must inevitably result in a delay of indispensable arms supplies to Israel to sustain the peace negotiations.

I shall most regretfully have to vote against the amendment but I do so without in any way considering this a precedent. I am fully confident that the Senate will, when the occasion is suitable, protect the jurisdiction of every committee.

Mr. JACKSON. Mr. President, I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, the situation in the Middle East is one of grave concern to all Americans and especially the Congress of the United States.

In the military procurement bill for fiscal year 1971 the Senate Armed Services Committee, recognizing the serious nature of the Middle East situation, took action to meet that requirement.

This was done by authorizing the President to transfer to Israel, by sale, credit sale, or guaranty, such aircraft and equipment to maintain or protect such aircraft, as may be necessary.

Amendment No. 868, as proposed by the distinguished Senator from Arkansas, would strike this section from the bill unless the Foreign Military Sales Act fails to be enacted into law within 15 days after the sine die adjournment of the second session of the 91st Congress.

Mr. President, this amendment indicates that the provisions of the Foreign Military Sales Act are adequate to meet the needs of Israel. The Defense Department takes the position that such is not the case. This is based on the fact that the situation in the Middle East has changed considerably since the first of the year.

Administration requests, incorporated in the Sales Act, were drawn during the first of the year before Soviet intervention in the Middle East. Since passage of the act by the Senate an uneasy truce has developed between the two factions. During this truce Israel has charged that Egypt has strengthened its forces and further affected the balance of power against them.

In order to provide the needed flexibility in the Middle East the President needs the authority contained in the pending bill. It should be remembered that due to various delays funds for both the 1970 and 1971 foreign military sales programs are tied up in the Military Sales Act now in conference. At present the conferees are trying to resolve the differences between the House and Senate bills, the latter containing the Cooper-Church amendment attached by this body.

Thus, many countries which receive assistance under this act, including Israel, have not had the benefit of such help which would normally have been provided in the fiscal year 1970.

For these reasons, Mr. President, I urge the Senate to reject this amendment. By so doing, we would be better able to meet our commitments in the Middle East and thereby help insure peace in that troubled area.

Mr. FULBRIGHT. Mr. President, I want to make two or three points. One is that this could not possibly affect the immediate situation. This money we are talking about is for arms next year or the following year—it has no application to immediate shipments.

Let me make a few more points: There was no formal request for the amendment by the administration. Also there were no hearings on it. The chairman of the committee, the Senator from Mississippi (Mr. STENNIS) opposed it in committee, as he just stated a moment ago.

There is no limit on the authority in the section. Evidently those who oppose my amendment do not have the slightest confidence that the ceasefire will result in a settlement. It means, obviously, that they are getting ready for a major war. At least, that is the way it will be interpreted, I would think, because of the unlimited nature of the arms proposal. Since there were no hearings, I do not know how the Senate could be so impressed with a bill giving unlimited authorization without hearings, and with the chairman opposed to it, as he stated a moment ago, and the administration not recommending it.

Mr. JACKSON. Mr. President, I yield the remainder of my time to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Kentucky (Mr. COOPER) is recognized.

Mr. COOPER. Mr. President, this is a difficult question to vote upon but I support the chairman of the committee. We have been waging this battle not solely on jurisdictional grounds. The question is whether the President should come to Congress and make his proposals to a committee—whether to the Committee on Foreign Relations or the Committee on Armed Services—regarding major supplies and weapons to other countries. That is the issue involved.

I support the proposal that the Senator from Arkansas makes, for the Congress to provide arms for Israel, and agree with his reasoning that it could be interpreted as if the ceasefire would not stand.

Mr. JACKSON. Mr. President, we have taken the initiative now, and the Department of Defense and the administration now agree with the provisions of section 501. I think it is the sort of authority that is needed in light of the present situation.

Thus, I urge that the amendment be rejected.

Mr. SCHWEIKER. Mr. President, I wish to express my opposition to the amendment of the distinguished Senator from Arkansas (Mr. FULBRIGHT).

As a member of the Armed Services Committee, I was one of those who strongly supported section 501 when it was offered as an amendment in our committee by the distinguished Senator from Washington (Mr. JACKSON).

While the matter of foreign military sales might not normally fall within the scope of our work on the Armed Services Committee, I regard section 501 as a critical provision that must be enacted as soon as possible.

The President has stated this country's desire to see the balance of power retained in the Middle East and to help Israel to retain it. However, due to the failure of Congress to pass a Foreign Military Sales Act for either the 1970 or 1971 fiscal year, the President finds that his hands are tied on the matter of selling Israel the additional aircraft it so desperately needs.

The President's hands will stay tied unless we can enact section 501, which gives the President explicit authority to sell to Israel all the aircraft it needs to restore and maintain the military balance. The amendment of the Senator from Arkansas would have the effect of sidetracking section 501 until we see what progress the House and Senate conferees make with the Foreign Military Sales Act, H.R. 15628. But that bill is simply not an acceptable alternative to this section 501.

First of all, this bill has been tied up in conference since the beginning of July, with no clear indication when it will emerge.

Second, this bill, even if it does emerge from conference, will only be an authorization for foreign military sales. If the conferees do not reach agreement until late in the session, it may be too late for the regular appropriation bill to apply and a supplemental appropriation will have to be sought next year by the administration.

Third, and most important, the Foreign Military Sales Act is not going to meet Israel's full requirements for military aid at present. In fact, in the opinion of the Secretary of Defense, Mr. Laird, less than half of what Israel requires could be provided from the Foreign Military Sales Act now in conference. As the Secretary of Defense stated in his letter to our committee chairman, the distinguished Senator from Mississippi (Mr. STENNIS):

> The requirements of Israel have increased significantly since 25 February 1970 when our Foreign Military Sales Congressional Presentation Document was submitted. In the light of this requirement, I believe that we must provide credit to Israel in a substantially larger amount than we have anticipated. When the Conference Committee approves the FMS legislation, we expect to be able to provide less than one-half of Israeli requirements from funds contained therein.

Mr. President, it is clear that if we were to sidetrack section 501, as the amendment of the Senator from Arkansas would do, the military aid so vitally needed from us by Israel would be too little, and too late. Israel has its back to the wall, a situation which, in the past, it has not been able to tolerate for long. It has accepted a standstill ceasefire in the Suez Canal Zone and has accepted, for the first time, some notion of eventual withdrawal from territories it occupies. In return, we have promised Israel that its security, present, and future, would not be compromised. Now it is time to give the administration the authority it needs—and wants—to make good on these pledges to Israel.

In his remarks made on the floor last Friday, the Senator from Arkansas drew the conclusion that as long as the ceasefire in the Suez Canal Zone was in effect, the President would not be deciding to ship additional arms to Israel. Hence the Senator reasoned, it would be all right for section 501 to be shelved at least until November 5, the expiration date for the cease-fire.

Mr. President, as I understand the ceasefire agreement, it applies only to hostilities along Israel's border areas with Egypt, Jordan, and Lebanon. It does not bar measures by either Israel or its Arab neighbors to strengthen their military positions in nonborder locations. In fact, the reports are that the Soviet Union has continued its heavy flow of armaments to Egypt unabated since the standstill ceasefire began.

Thus we are not bound by the ceasefire agreement to refrain from all arms shipments to Israel. And in fact, with the Soviet Union continuing to arm Egypt to the teeth, it seems to me that we have an affirmative duty to supply Israel with the weapons it needs to maintain the balance of power. Thus we need section 501 without any amendments to cripple or delay its operation.

Finally, in this vote, Mr. President, we are going to influence, one way or another, the coming course of events in the Middle East. The President, in his remarks of July 1, announced an American policy of greater firmness toward the Soviet-Egyptian alliance in the Middle East. It was on July 30 that 71 Members of this body wrote to the President extending their support to him in this regard. Now it is absolutely essential that this body declare its support for section 501 as it now stands, so that the President will once again have a solid display of senatorial support for his efforts. Too often in the past our country has failed to speak and act decisively regarding the Middle East crisis. The result of our restraint, instead of a lessening of tensions, has been encouragement of the Soviet-Egyptian alliance to move ahead with more daring steps, embroiling the Middle East in more tension and greater potential conflict. So if we are firm, and if we in the Senate stand firmly behind our President and give him the explicit authority to aid Israel with aircraft, I firmly believe we will be helping to promote the cause of a true, ultimate peace in the Middle East.

Mr. President, I will oppose the amendment of the Senator from Arkansas.

Mr. BAYH. Mr. President, I oppose the amendment offered by the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT). If adopted, the amendment would have the unfortunate effect of either delaying or diminishing military credit to Israel. Neither result is in our national interest. Neither result is consistent with America's oftstated policy of support for the security of Israel, a policy we have implemented by attempting to maintain a balance of power in the Middle East.

The chairman of the Foreign Relations Committee rests his case for this amendment on the grounds that it represents an effort to "protect" the jurisdiction of his committee. As a member of neither the Foreign Relations nor the Armed Services Committee, I find the jurisdictional question much less compelling on its face than the strategic implications of delaying and, possibly, even greatly diminishing the urgently needed credit that could be made available to Israel on the basis of section 501.

The pending amendment is of such profound strategic significance that its

adoption would gravely endanger the state of Israel. First, because of the increasing Soviet military presence in the Middle East and, second, because of continued Egyptian violations of the cease-fire. Ironically, this comes at a time when Israel, with American assurances for its security, has demonstrated its willingness to seek a negotiated political settlement through the Jarring mission. The Fulbright amendment, in effect, would undermine the original American assurances that during the cease-fire the military balance would not be permitted to tip in favor of the Arabs and, as a result, further damage whatever prospects the cease-fire might hold for continued negotiations.

Recent Senate expressions, moreover, reveal that there is overwhelming support in this body for our traditional foreign policy of maintaining a strong and secure Israel as the best deterrent to aggression in the Middle East. About 3 months ago, for example, I joined with 75 colleagues in a letter to the Secretary of State urging the administration to provide Israel with the aircraft needed for its self-defense. And just 1 month ago, 72 of us signed a letter to the President indicating our support for his strong statement of July 1 on the need to maintain a strong Israel.

In addition to these very recent expressions of Senate support for Israel, the Foreign Relations Committee itself has gone on record in favor of assisting Israel in order to preserve the military balance of power in the Middle East. The 1968 amendments to the Foreign Assistance Act, as I recall, included a specific policy statement on Israel. The 1968 act, as reported from the Foreign Relations Committee, expressed the sense of the Congress that the United States should sell to Israel as many supersonic planes as may be necessary to provide it "with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered by Israel in the 1967 conflict."

In short, Mr. President, the foreign policy issue of whether the United States should assist Israel has long since been determined—and it was determined that we should provide the necessary assistance. The question at hand, therefore, is the extent to which the military credit authorized by section 501 will be needed to restore the military balance of power. That is a decision, it seems to me, that logically should rest initially with the Senate Armed Services Committee.

There is one final point, Mr. President, and that concerns Secretary Laird's letter to the distinguished chairman of the Armed Services Committee, Mr. STENNIS. In opposing the pending amendment, the Secretary pointed out that the Foreign Military Sales Act now in conference does not provide adequate funds for assisting Israel to the extent required. He explained:

> The requirements of Israel have increased significantly since February 25, 1970.

As a result, the Secretary of Defense concluded that "we must provide credit to Israel in a substantially larger amount than we have anticipated." As one Senator who has urged a policy of providing the needed assistance to Israel, I was pleased to learn that during the cease-fire the United States is, in the Secretary's words, "taking such steps as are necessary to assure that the arms balance does not tip against Israel."

The defeat of the pending amendment would strengthen the President's hand in assuring that the military balance does not, in fact, tip against Israel.

The PRESIDING OFFICER (Mr. BELLMON). All the time on the amendment has now expired.

The quesiton is on agreeing to amendment No. 868 of the Senator from Arkansas.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Utah (Mr. MOSS), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 7, nays 87, as follows:

[No. 281 Leg.]

YEAS—7

Church	Fulbright	Williams, Del.
Cooper	Hatfield	
Ellender	Mansfield	

NAYS—87

Aiken	Gravel	Murphy
Allen	Griffin	Muskie
Allott	Gurney	Nelson
Baker	Hansen	Pastore
Bayh	Harris	Pearson
Bellmon	Hart	Pell
Bennett	Hartke	Percy
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Case	Javits	Schweiker
Cook	Jordan, N.C.	Scott
Cotton	Jordan, Idaho	Smith, Maine
Cranston	Kennedy	Smith, Ill.
Curtis	Long	Sparkman
Dodd	Magnuson	Spong
Dole	Mathias	Stennis
Dominick	McCarthy	Stevens
Eagleton	McClellan	Symington
Eastland	McGee	Talmadge
Ervin	McGovern	Thurmond
Fannin	McIntyre	Tower
Fong	Metcalf	Williams, N.J.
Goldwater	Miller	Yarborough
Goodell	Mondale	Young, N. Dak.
Gore	Montoya	Young, Ohio

NOT VOTING—6

Anderson	Moss	Packwood
Cannon	Mundt	Tydings

So Mr. FULBRIGHT'S amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, on another matter, I ask unanimous consent that, following the vote, I may have printed in the RECORD certain material which I have—and I have informed the majority leader on it—which is a reply to a statement made by him on an earlier occasion.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

Congress has failed to enact a Foreign Military Sales Act for either FY 1970 or FY 1971. The USG has therefore been unable to provide Israel credits for military purchases since January 1970.

Nevertheless Israel is confronted by obligations of repayments due on past contracts. Given the "war of attrition" Israel's military requirements have sharply increased, resulting in a severe drain on her foreign exchange.

To provide her some financial relief, we had assured Israel early last spring that we would provide credit facilities of the order of magnitude of at least $100 million.

Moreover, the USG has assured Israel that its security would not be degraded by accepting the ceasefire. The good faith of the U.S. is at stake here.

The U.S. has taken a major peace initiative, and it should be supported.

Israelis are already edgy and some critics in Israel already express doubts regarding our intentions. Failure to provide credit assistance would only reinforce those who question our good faith, and could seriously complicate the difficult peace negotiations.

The FMS bill contains programs furnished in the fall of 1969. They do not reflect increased Soviet involvement and the substantial Soviet deliveries of highly sophisticated equipment since then which threatens to alter the military balance. Even if passed the FMS bill would not be adequate to meet this new situation.

Adoption of the Fulbright Amendment may mean no action on credits for Israel in this session of Congress if the Foreign Military Sales bill is not enacted. The Administration would then not be able to make a request before January–February 1971.

To oppose this provision is not to impugn the Senate's responsibilities in the field of foreign affairs. Indeed the Senate has already endorsed two amendments to the Defense Procurement Act proposed by Senator Fulbright, and the Foreign Military Sales bill remains in Conference due to several amendments that are in dispute.

Mr. MANSFIELD. Mr. President, I call up my amendment.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be stated.

The legislative clerk read as follows: The Senator from Montana (Mr. MANSFIELD) proposes an amendment at the end of the bill by adding a new section as follows:

> The Congress supports the President's policy of reducing the U.S. force level in Vietnam to not more than 280,000 by April 30, 1971, and will support a Presidential policy of the orderly termination of military operations in Indochina and the safe and systematic withdrawal of all remaining Armed Forces from Indochina by December 31, 1971.

Mr. GRIFFIN. Mr. President, will the majority leader yield for a parliamentary inquiry?

Mr. MANSFIELD. Yes, indeed.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, we must insist on order. I have had no notice or hearings on this matter, such as the unanimous-consent request.

Mr. GRIFFIN. Mr. President, the parliamentary inquiry is, under the unanimous-consent request which allowed this amendment to be put before the Senate, who has charge of the time in opposition to the amendment?

The PRESIDING OFFICER. The Chair is informed that the manager of the bill is in charge of the time in opposition to the amendment, if he opposes the amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further parliamentary inquiry?

Mr. MANSFIELD. Surely.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Under the Fulbright amendment, which I understood this was originally to be a substitute for, and then it was presented separately, amendments would have been in order. I take it that an amendment offered to this amendment would also be in order.

The PRESIDING OFFICER. The Chair is informed that the leader assured him that it was his intention that amendments would not be in order.

Mr. MANSFIELD. Mr. President——

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an amendment——

Mr. MANSFIELD. Mr. President, I am forced to object. I am sorry the Senator did not hear.

May I read what I said? Most of it was written down. I think I spoke fairly loudly and I think the Senate was fairly quiet and that the Presiding Officer took a moment or two before making a decision.

I read:

Mr. President, I have an amendment that is drafted as a substitute for the Fulbright amendment. Rather than offer the amendment as a substitute, I can offer it as a separate amendment to the bill, with the proviso that the same 20-minute limitation will apply, or even less.

I ask unanimous consent that when the Fulbright amendment is disposed of my amendment be eligible at that time for a 20-minute time limit on its own bottom——

Which I could have gotten if I had offered it as a substitute.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that amendments to that amendment be in order, without debate.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I think this is the first time I have ever been forced to object; but I must insist upon the same rights afforded to every Senator under the rules; I do not believe in working under the table or around the ends; I always make every effort to disclose fully to the Senate all my intentions and that includes all Senators who happen to be on the floor or who have expressed interest in a matter. I have never attempted to get by on any other basis. I do not intend to now. I acted in good faith in offering this amendment first as a substitute for the Fulbright amendment and then directly to the bill under the stated terms. I am speaking now in good faith.

What I am trying to do—and the Senator has not even heard the amendment read—is to support the President. That is what the amendment does. I would like to read the amendment, or at least have the clerk read the amendment, so Senators may hear.

May I have it read again, please?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

The Congress supports the President's policy of reducing the U.S. force level in Vietnam to not more than 280,000 by April 30, 1971, and will support a Presidential policy of the orderly termination of military operations in Indochina and the safe and systematic withdrawal of all remaining Armed Forces from Indochina by December 31, 1971.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes, but before I do so, and in the interest of comity, I am willing to consider a reasonable extension of debate if further debate is desired.

Mr. STENNIS. Mr. President, if the Senator will yield, without taking any of his time, I feel compelled to say this as the Senator who is managing the bill. This bill has been on the floor for over 5 weeks. It was 5 weeks last Friday. A great number of amendments have been offered. We had unanimous consent to close this thing out following the amendment by the Senator from Arkansas. I have been right here all day. I do not deserve any credit for this, but as evidence that I have been here all day, I have not had lunch.

I was standing here at the time I heard the majority leader, the Senator from Montana, making remarks about the Fulbright amendment. The best I understood, it was something about a possible substitute to the amendment. I had not seen it. I had not been consulted about it. It had not been presented to me.

The PRESIDING OFFICER. On whose time is this statement?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may make a statement without the time being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. So I was very surprised. I am opposed to the amendment. I think it is a rerun, without the bite in it and the limitation on funds, of the amendment that we debated here, offered by the Senator from South Dakota and other Senators.

I hope we can defeat the amendment. I think there should be more time than 10 minutes, if desired, on a matter of this importance.

Perhaps the Senator has a suggestion about how much time he desires.

Mr. MANSFIELD. I am open to suggestions.

Perhaps the Senator from Arizona has a suggestion.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes; I yield.

Mr. GOLDWATER. Mr. President when I look at the time we have given to other amendments we have discussed today—1 hour, 2½ hours, 40 minutes—in my opinion this amendment, if approved would do far more damage to this bill than any amendment we have had so far, and yet the majority leader wants to give only 10 minutes to a side. I just do not think we can get our points across in that time. This is a very major amendment. I heard the majority leader make his remarks. I thought, as the assistant minority leader did, that he was talking about a substitute to the Fulbright amendment. Had I known what he was offering, I would have objected to it. As the Senator said, he spoke loudly and clearly, but I thought he was speaking about another subject.

I do not think 10 minutes is sufficient. As I have said, it is a very damaging measure to the President's efforts, and also to the Senate's.

Mr. STENNIS. Mr. President, if I may be permitted to make a suggestion, I would have objected to this request if I had heard the unanimous-consent request. But that is past. I think there ought to be an hour to a side, as a minimum, to debate this amendment, because if it is taken seriously, it will go around the world that, if it is adopted, the Senate has bound the President in on these dates. I do not believe the majority wants to do it.

I know many Senators have made plans and under the agreement we are supposed to vote finally on the bill within a few minutes.

We could take 40 minutes to a side and perhaps we could get full expressions in that time.

Mr. MANSFIELD. Will the Senator agree to 30 minutes to a side?

Mr. GRIFFIN. Mr. President, will the majority leader agree that amendments, on some reasonable basis, would be considered?

Mr. MANSFIELD. No; I made the request I did when I did with the specific purpose of having it considered on its own bottom, to repeat my own words. I first drafted the amendment as a substitute amendment for the Fulbright amendment. The unanimous-consent agreement on this military procurement bill did not provide for any additional amendments to be offered today other than those amendments specifically set out in the consent agreement. There was time, however, set aside for amendments to any of these amendments. Thus, in order to offer this amendment it was necessary to draft it as an amendment to one of these specified amendments. I supported the McGovern-Hatfield amendment. But in view of its failure to pass, I believe that this amendment is the next best Senate position.

Under the terms of the overall consent agreement on this military procurement bill, amendments to the Fulbright amendment were limited to 20 minutes of debate. A substitute amendment under the rules of this body need not be ger-

mane to the amendment to which it is offered. Thus, my amendment as a substitute for the Fulbright amendment was in order and limited to 20 minutes of debate. As thus offered, my amendment would not be open to further amendment under the rules of the Senate.

When I asked consent that my amendment be offered after the disposition of the Fulbright amendment rather than before as a substitute must necessarily be, I merely attempted to accommodate Senator FULBRIGHT. The consent request did not take advantage of any Senator.

Mr. GRIFFIN. Of course, it would be considered to any proposed amendment we voted on.

Mr. MANSFIELD. No; I made it on that basis of standing on its own.

I feel a little disturbed, however, about the assertions and implications which have been raised because, as far as I am concerned, I must say they are without foundation and I dislike the idea that something in the way of a gimmick is being attempted, because this is far too important to consider in that manner. When the Senate operates under its rules or under unanimous-consent agreements, they must apply in all situations whether favorable or unfavorable to one's substantive position.

May I ask the Senator if he has any suggestion about the time?

Mr. STENNIS. Mr. President, I propose 30 minutes to a side, with amendments.

Mr. MANSFIELD. No, no; not with amendments. I would rather withdraw this amendment than to give in on amendments. My original substitute amendment would not have provided for amendments and I do not believe that I should be prejudiced by virtue of the consent agreement to permit the Fulbright vote first.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN and other Senators objected.

Mr. MANSFIELD. Mr. President, now I yield myself 5 or 6 minutes.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. How much time does each side have?

The PRESIDING OFFICER. Twenty minutes; 10 minutes to a side.

Mr. MANSFIELD. Mr. President, the Senate earlier today refused to use its power over the pursestrings to force a termination of the Vietnam war. The McGovern-Hatfield amendment, of which I was a cosponsor, and which was supported by 40 Senators, would have ordered the termination of all our operations in Vietnam by December 31, 1971. If the McGovern-Hatfield amendment were adopted and were to become law, the full responsibility for the termination of the Vietnam war would have been assumed by the Congress. This is a burden that 40 Senators were fully willing to assume.

However, arguments were raised that the adoption of this amendment would undermine the President and telegraph our intentions to the enemy. I hope that I am clear in my understanding that the policy of this Government is to terminate American involvement in the war in Southeast Asia. I do not know what the McGovern-Hatfield amendment would have telegraphed inconsistent with such a policy.

I believe the McGovern-Hatfield amendment would have been heard not only in Hanoi, but in Saigon as well, and I think its reception in Saigon would have been more meaningful in the implementation of what I hope is this Government's policy to terminate the war; it is what I must believe this Government's policy to be.

Nevertheless, since the McGovern-Hatfield amendment did not pass, and since the Senate is not willing to use the extreme remedy of cutting off funds, and since I believe that Congress does have a role in ending this war, the amendment which I have offered will permit the Senate and Congress to go on record in supporting the President's reduction of forces to 280,000 by April 30, 1971. By adopting this amendment, the Senate will announce, and, if the House approves, Congress will announce that it will support total withdrawal and termination of the military operations in Indochina, and the safe and systematic withdrawal of U.S. forces from Indochina, by December 31, 1971.

With the adoption of this amendment, Congress would tell the President and the country that it is willing to share fully the responsibility for the total withdrawal from Southeast Asia by December 31, 1971. It would in no way pull the rug out from under the President. If he could not complete this withdrawal by 1971, then it would be up to the President, but at least until that time the President would have the full support of the Senate, provided it approves this amendment, and he would be assured that there would be no ragging at him, no criticizing, no bullying, no taking advantage of a Presidential policy of total withdrawal by the date certain.

Perhaps the difficulty with this amendment is its simplicity. I have tried to explain it simply, to prove that there is nothing underhanded about it, there is no gimmickry attached to it, it is offered in good faith, and it is a part of a joint effort on the part of the Senate, at least if it agrees to it, and the administration.

Why should we not share this responsibility? Why should we not support the President? Why should we not say what this amendment says?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. DOLE. Does the Senator have any objection to striking out the words "by December 31, 1971?"

Mr. MANSFIELD. Yes; because if you strike out the date, then it could be 1978, or 1980. Not that it would, but it could be. The amendment would then affirm a policy of withdrawal with no limitation of time to complete the withdrawal.

Mr. DOLE. Well, I say that in good faith, because I think the Senator said this is an effort to support the President.

Mr. MANSFIELD. That is right.

Mr. DOLE. And by striking out those words, I think we go on record in support of the President. I think that is the only amendment the Senator from Michigan had in mind.

Mr. MANSFIELD. Yes, I understood that; I saw the proposed amendment. But with the date stricken from my amendment, the war could go on ad infinitum, into eternity and with congressional sanction.

I think a date in here means something. I think it is in support of what I think the President has in mind and intends to do, and with a date certain we would strengthen his hand.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. STENNIS. Mr. President, I shall be quite brief. I yield myself 4 minutes.

As the so-called manager of the bill, I knew nothing about this amendment. If I had heard the request, and had recognized it as a request, I would have promptly objected on the ground that we had already debated that very question, in some different form, for 5 or 6 hours on the McGovern amendment.

Mr. President, with great deference—and I know the Senator from Montana is acting in total good faith—I think his response, here, to the suggestion that this date be struck out, shows exactly what the amendment means, that we support the President to that date and no more, and that is the very thing we have been debating over here for days and even weeks. That is the issue: Whether or not we are going to tie the hands of the man who is Chief Executive to a date.

It is a war we are in. It is not a game of some kind. This is a war. Men are dying. I just do not believe that the Senate ought to do this. It is a rerun of the same thing, without the limitation on the money. The world has already been advised of what a majority of the Senate thought about it. Now, a few minutes later—not days, but minutes—are we going to reverse ourselves here, and vote for language that, by the author's own interpretation, puts on a limitation of time?

I believe not.

I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I believe that the same arguments that lay against the Hatfield-McGovern amendment are applicable and cogent in this situation.

There is no question but that there is a veiled threat—or a not so strongly veiled threat—contained in this amendment that all support for the President will be withdrawn if all U.S. forces are not withdrawn by the end of next year. The amendment says "withdrawal of all remaining Armed Forces from Indochina." It does not even allow for a small residual force of technical advisers, logistical personnel, air personnel, or maintenance forces; it allows nothing. All it says here is that it is Senate policy that there will be absolutely no support of the President beyond the end of next year if there is, indeed, one remaining

American serviceman in Indochina after that date.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to look at this thing from the arithmetic standpoint. We are talking about lowering the U.S. force level to 281,000 by April 30, 1971. If we took out all Army personnel, every rifleman and the 6-to-1 backup behind those men on the front line, we would have a total of about 106,000 left; but when we add 22,500 Navy, 48,400 Air Force personnel in South Vietnam and 42,000 in Thailand, and the 36,500 Marines, we get up to a figure of 255,400, which does not give the President any leeway at all.

Mind you, we cannot leave those billions of dollars worth of supplies over there. We are already bringing back the ones we can. We have to protect them. We have to provide some guards for the camps, we have to provide guards for the hospitals, and for all the other installations, including communications and Air Force bases. So, Mr. President, I think this is tying the President's hands in a very dangerous way, because the President is the one who is going to make these force level determinations, not Congress. I say if we want to become the strategic people, the tactical people, the force level people, let us amend the Constitution, because under the Constitution the only power we have is the power of the purse to accomplish this.

I think this is a very dangerous amendment. I think it goes much farther than the amendments we have already defeated, and defeated very easily. So, Mr. President, I am hopeful that this amendment, which came in at the last minute, through the back door, under the mat, will be soundly defeated.

Mrs. SMITH of Maine. Mr. President, will the Senator from Mississippi yield me half a minute?

Mr. STENNIS. I yield 1 minute to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I do not see, in all consistency and logic, how anyone who voted against the McGovern-Hatfield amendment could possibly vote for this amendment. It looks to me as though we would be going up the hill and down the hill on the same issue, and I shall feel obliged to vote against the amendment.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. STENNIS. For a question?

Mr. HANSEN. One minute for a question.

Mr. STENNIS. I yield to the Senator from Wyoming 1 minute for a question.

Mr. HANSEN. Mr. President, would it be fair to assume that if we were to pull out by December 31, 1971, and our prisoners of war were still there, that they would stay there, under the terms of this amendment?

Mr. STENNIS. Well, I think that would be the inference of putting in this time limitation. I certainly do not think it would increase the chances, but would diminish the chances to do something about them. Beyond then, the Lord only knows what would be the situation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. ALLOTT. Mr. President, will the Senator yield for 1 question?

Mr. STENNIS. I yield.

Mr. ALLOTT. Under the amendment which is offered, is it not true that even the Marines in the embassies in Southeast Asia would have to be withdrawn?

Mr. STENNIS. Well, I think so; the inference is that we must get out, although it says here "military operations" and "the withdrawal of all remaining forces." Perhaps so.

Let me make this point, and I yield myself 1 minute to do so: We have a 60-day grace period for the chief executive in the other amendment, and there is no reference here, just to cut off. We have a reference to Vietnamization and that we are going to support that.

I think that this is dangerous language. It nullifies what we have done before and creates doubt as to what it means, which is the best that can be said for it. Its meaning is doubtful.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. STENNIS. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. Mr. President, I have been in the Chamber since 5 minutes after 8 this morning and just happened to be off the floor when the distinguished majority leader made his unanimous-consent request. I would have objected to it had I been on the floor. I did not understand, even later, in the discussion in the cloakroom, the nature of the request.

I think the majority leader underestimates the impact that this resolution would have. If I were not against it on the basis of its merits, I would oppose it because I do not think that something as profound and as important as this should be debated with 10 minutes on each side.

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. A total of 6 minutes. The Senator from Mississippi has 1 minute.

Mr. MANSFIELD. Mr. President, to repeat what I said previously, let me state what was a part of the unanimous-consent request. This was not rushed through, believe me.

Mr. President, I have an amendment that is drafted as a substitute for the Fulbright amendment. Rather than offer the amendment as a substitute, I could offer it as a separate amendment to the bill, with the proviso that the same 20-minute limitation apply to my amendment.

As I said, the original amendment was drafted as a substitute to the Fulbright amendment under the terms of the original consent agreement. The time would have been limited to 20 minutes. There would have been no opportunity to have amended the amendment had I offered it as a substitute for the Fulbright amendment. I think I made that very clear when I made my statement.

All I asked was that the vote on my amendment come after the Fulbright amendment, not before it. All I ask now is the same treatment for this amendment that it would have received under the original consent agreement.

When we question the figure of 280,000, I think we ought to keep in mind, if my memory serves me correctly, that that is the figure used by the administration itself, and so is the date. In fact, with exact computations of the administration's statements, the troop level in Vietnam next April 30, will be 277,000.

To those Senators who think that this is a replay in a different form of the McGovern-Hatfield amendment, I would suggest that they vote against this amendment; but they are wrong because that is not only not the intent but not the case, and, as I have said before, I do not believe in making end runs. This is an effort to be of assistance to the President of the United States, to do it on a joint, cooperative basis, and to take some of the strain off him and to assume some of the responsibility for a decision to terminate the war down here. This is, in effect, nothing more than a sense of the Senate amendment, and it is intended to be helpful, believe me, to the President; to provide him with support in any decision to terminate the American involvement in Southeast Asia by December 31, 1971.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I do not think the majority leader should or needs to stand alone in this matter; and I think that when the votes are taken, he will not stand alone.

Mr. President, The Senator has an absolute right to test the Senate on the issue of whether some Senators voted the other way earlier in the day precisely because it was a mandatory requirement. This is a "sense" resolution.

Also, the Senator is on the right track. We will ultimately have to agree with the President, or this country will be in a bigger shambles than it ever was before in its history. I shall stand with the majority leader, and I am proud to do it.

Mr. MANSFIELD. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I ask the Senator this question: Is there anything in this amendment which would require the President to set the terminal date of December 31, 1971, or any other date, for the withdrawal of troops?

Mr. MANSFIELD. None whatsoever.

Mr. AIKEN. The amendment then says that if the President does set this date—and, I would assume, any other reasonable date—he would have the support of Congress.

Mr. MANSFIELD. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. The distinguished majority leader says that he wants to help the President, wants to support the President. His amendment could do exactly that, with the very simple amendment of striking "by December 31, 1971," which is a fixed date, and inserting in lieu thereof "at the earliest practical time."

Mr. MANSFIELD. The Senator has brought that amendment to my attention several times, and so have some of his colleagues. I would prefer to stick to a specific date; and if the President wanted an extension beyond that, I am certain he would have no difficulty achieving that.

Mr. GRIFFIN. Will the Senator yield for a parliamentary inquiry?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Mr. President, I addressed an inquiry to the Chair earlier as to whether or not an amendment to the amendment would be in order under the unanimous-consent agreement earlier propounded and agreed to by the distinguished majority leader, affecting this amendment only. As I understood it, a substitute to the Fulbright amendment would have been in order. My parliamentary inquiry is this: Can a substitute be offered to this amendment?

The PRESIDING OFFICER (Mr. BELLMON). The Chair is informed that the majority leader had stated that it was his intention that amendments to the amendment not be in order.

Mr. GRIFFIN. And a substitute would not be in order.

The PRESIDING OFFICER. The Chair has not seen a copy of the agreement.

Mr. MANSFIELD. Mr. President, may I say that the one error I made, and it was unintentional, was not to state what the specific nature of the amendment now pending was at the time I proposed offering my amendment as a substitute. I must express my apologies to all concerned for not doing so.

Mr. SCOTT. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I was on my feet, to bring out the same explanation, that when the distinguished majority leader proposed his amendment and offered a unanimous-consent request, he stated that he could have offered it as a substitute to the Fulbright amendment. We had not seen it, nor had anyone else. Had I seen it, I would have moved to assure any Senator the right to offer an amendment.

The PRESIDING OFFICER. All time of the majority leader has expired.

Mr. GRIFFIN. Mr. President, has the Chair ruled on my parliamentary inquiry?

The PRESIDING OFFICER. The Chair has responded to the parliamentary inquiry. The Chair does not rule on a parliamentary inquiry.

Mr. RUSSELL. Mr. President, did the Chair rule that no amendment can be offered to the amendment?

The PRESIDING OFFICER. The Chair stated that it did not have a copy of the agreement.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the pending amendment.

Mr. RUSSELL. I understood the Chair to say that the Senator from Montana had stated that amendments would not be in order, but I know of no rule of the Senate that would prevent an amendment from being offered to this amendment.

Mr. MANSFIELD. Mr. President, I believe I asked unanimous consent—unintentionally and not with that thought in mind—that such be the way the amendment would be considered; because, as I indicated, I could have offered it as a substitute to the Fulbright amendment and it would not have been subject to amendment under those circumstances.

Mr. FULBRIGHT. I was sitting here. I heard the Senator. He stated it exactly as he has repeated it here. It was clear. The Senator from Michigan was sitting there. I wondered then why he did not object, but he did not.

The PRESIDING OFFICER. The Chair is advised that no copy of any such agreement was ever presented to the Chair so that it could be examined.

Mr. MANSFIELD. The agreement was made orally.

Mr. FULBRIGHT. I heard it.

Mr. MANSFIELD. The request was made orally, as requests usually are.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Is it not in order to ask the Official Reporter to report the words of the agreement as agreed to? If so, I make such request.

The PRESIDING OFFICER. Without objection, a copy will be sent to the desk, so that it can be examined.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Pennsylvania will state it.

Mr. HOLLAND. Mr. President, I ask for an answer to my parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator please state it once again?

Mr. HOLLAND. I understand that I have the parliamentary right to ask the Official Reporter to read to the Senate the exact wording of the request which has been made and agreed to. I make that request.

The PRESIDING OFFICER. The Chair would inform the Senator from Florida that the Official Reporter is in the process of bringing the language in writing back to the Senate.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. SCOTT. Mr. President, renewing my parliamentary inquiry, I ask unanimous consent that debate may proceed for an additional 5 minutes, with the time to be equally divided between the majority and the minority leaders.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, I object.

Mr. MANSFIELD. Mr. President, I would yield my time to the manager of the bill.

The PRESIDING OFFICER. Objection is heard.

The Chair would inquire was there objection to the request of the Senator from Pennsylvania?

Mr. RUSSELL. Mr. President, will the Senator state the request again, please?

Mr. SCOTT. I will restate it. I ask unanimous consent that debate may be continued for 5 additional minutes, with the time to be equally divided between the majority and the minority leaders.

Mr. TOWER and Mr. RUSSELL objected.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, what time do I have remaining?

The PRESIDING OFFICER. The language in writing from the Official Reporter has just been received. The clerk will please read it to the Senate.

Mr. PASTORE. Mr. President, may we have order in the Senate so that we can hear it?

The PRESIDING OFFICER. The Senate will please be in order. Will Senators please take their seats.

The clerk will proceed.

The assistant legislative clerk read as follows:

Mr. MANSFIELD. Mr. President, I have an amendment that is drafted as a substitute for the Fulbright amendment. Rather than offer the amendment as a substitute, I can offer it as a separate amendment to the bill, with the proviso that the same 20-minute limitation will apply, or even less.

I ask unanimous consent that when the Fulbright amendment is disposed of my amendment be eligible at that time for a 20-minute time limitation on its own——

Mr. MANSFIELD. Bottom only.

The ASSISTANT LEGISLATIVE CLERK. Bottom.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? The Clerk hears no objection, and it is so ordered.

The PRESIDING OFFICER. The Chair requests a brief time to examine the language.

Mr. MANSFIELD. Mr. President, before the Chair rules, would the clerk read that last sentence again—the last two or three words?

The assistant legislative clerk read as follows:

The PRESIDING OFFICER. Is there objection to the request of the majority leader? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. I mean my last two or three words.

The assistant legislative clerk read as follows:

be eligible at that time for a 20-minute time limitation on its own bottom.

Mr. MANSFIELD. On its own bottom? I thought I said "on its bottom only." But that is the same thing.

Mr. STENNIS. Mr. President, what time do I have remaining?

The PRESIDING OFFICER. The Senator will please suspend for a moment.

Mr. RUSSELL. Mr. President, may we

have order in the Senate. I find it very difficult to hear.

The PRESIDING OFFICER. The Senate will please be in order.

The Chair would inform the Senate that under the precedents of the Senate—in order that every Member of the Senate may hear the finding, will each Senator please take his seat so that we may have order in the Senate?

The agreement does not specify that other amendments will or will not be in order.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. It merely states 20 minutes on that particular amendment, to be equally divided. Under the precedents of the Senate, it is stated that likewise an amendment to preclude further debate upon a measure after a certain hour and proceed to vote at the regular parliamentary stage to its final disposition, amendments may be offered thereafter, voted upon, but not debated. Such an agreement providing that a certain hour the Senate shall proceed to vote without further debate upon a joint resolution or any amendment or motion thereto, an amendment offered after that hour must be voted upon without debate.

Mr. MANSFIELD. Mr. President, I withdraw my amendment in view of this ruling that amendments to my amendment would now be in order.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, I want to yield back my 1 minute.

Mr. SCOTT. Mr. President, a parliamentary inquiry. Does the vote now recur—on what amendment?

The PRESIDING OFFICER. Will the minority leader please state his inquiry again?

Mr. SCOTT. In view of the withdrawal of the amendment, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Is my understanding correct that we have yielded ½ hour of debate——

The PRESIDING OFFICER. We have not succeeded in getting the committee amendment in the nature of a substitute agreed to yet. That is the question.

Mr. STENNIS. Mr. President, under the bill now, as filed by the committee, and as amended on the floor, is the parliamentary situation to this effect; namely, that if we get the committee amendement in the nature of a substitute agreed to, that is equivalent to third reading of the bill?

The PRESIDING OFFICER. No further amendments would be in order at that stage.

Mr. STENNIS. Mr. President, I move the adoption of——

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may we have order. I yield to the Senator from Missouri (Mr. EAGLETON) 8 minutes.

The PRESIDING OFFICER. Debate is in order for 30 minutes. Who yields time?

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from Missouri (Mr. EAGLETON).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 8 minutes.

Mr. STENNIS. Mr. President, may I just say that, having yielded 8 minutes to the Senator from Missouri, I shall then yield 3 minutes to the Senator from South Carolina (Mr. THURMOND) and 1 minute to the Senator from Michigan (Mr. HART), and then I want to take only 1 minute.

The PRESIDING OFFICER (Mr. SAXBE). The Senator from Missouri may proceed.

Mr. EAGLETON. Mr. President, although I opposed any extension of the ABM at this time, I support the Senate Armed Services Committee action which strikes the House-approved administration request to proceed with advance preparation of four area defense sites. An overwhelming majority of the U.S. Senate agrees with the Armed Services Committee report which "affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack."

I fervently hope that the Senate Armed Service Committee upholds the Senate position in conference. That position, in the words of the committee report, states:

> Present circumstances do not justify a diversion of our resources from the primary task of defending the deterrent to the less urgent objective of providing a defense against the evolving Chinese Communist threat. Whether the development of a thin area defense is a wise response to a future Chinese nuclear capability remains to be demonstrated.

The deletion of authorization for this so-called thin shield system is far more important than the $10 million in funding involved. I am sure it is clear to everyone in the Senate that there is an enormous difference between authorizing the four sites for deterrent protection and a fifth site for thin shield or area defense. The authorization of the fifth site would put the Congress of the United States on record as favoring an area defense for the ABM, and an overwhelming majority of the Senate, in my judgment, is opposed to that.

For this reason I am particularly distressed to see a report in Sunday's Washington Post, written by Chalmers L. Roberts, to the effect that a possible compromise between the House position which authorizes eight sites and the Senate position limiting ABM to four sites might be a new authorization to start work on an ABM defense for Washington—ostensibly in anticipation of an arms-control agreement with the Soviet Union limiting ABM's to command and control centers.

Preparation for an ABM around Washington is clearly wasteful at this time. If SALT fails, the four ABM sites will continue. If it is a success, the more than $1 billion we have appropriated this year will, in all probability, not be needed. To continue work on the four Minuteman missile sites to provide defense should SALT fail, at a cost of over $1 billion this year, while at the same time beginning an ABM site around Washington, at an unspecified cost, in the anticipation that SALT will succeed, is clearly unjustifiable.

Quite honestly, I feel that this matter is extremely important and have discussed with Senator STENNS and Senator JACKSON the possibility of a motion to instruct the conferees to insist upon and uphold the Senate position with respect to the number of new sites authorized for deployment and advance preparation in connection with the ABM.

I did so thinking that such a motion would provide them with an important bargaining chip in these most difficult negotiations with the House Armed Services Committee.

Senator STENNIS said that he appreciated the offer, and both he and Senator JACKSON said they would do their utmost to uphold the Senate position.

After rereading the Senate colloquy on this subject, I feel that the distinguished chairman of the Senate Armed Services Committee has made his position clear as well as his determination to hold that position.

In an exchange with Senator BROOKE, who stated his fear that—

> If we go into conference with the House with the Committee bill, there is a possibility, and perhaps even a probability, that we could end up with area defense.

Senator STENNIS reaffirmed that he did not "think there is any probability. My idea is that everything considered, the high probabilities are that that position—the Senate position—would prevail."

As Senator STENNIS pointed out:

> If we are going to go into an area defense, that would be debated in the Senate fully.

I fully concur. And more than the four sites now authorized would be "going into an area defense."

Further, in calling for the rejection of the Brooke amendment, Senator STENNIS stated:

> If the Senator's amendment is rejected . . . everyone connected with this matter will be willing to settle on this for this year in the Senate bill. That is the practical side of it. That is what I am going to fight for. I will tell everyone that.

In fact Senator GOLDWATER, on the floor of the Senate on August 19, acknowledged that even Secretary Laird had accepted the Senate position. Senator GOLDWATER stated:

When the committee came out with the language we arrived at, it ignored that part of it, (area defense) and the Secretary agreed with that, and I feel that is the Secretary's position.

In view of this record, and the possibility that such a move might be wrongly interpreted as impugning the integrity of the Senate Armed Services Committee on this terribly important matter, I will not offer a motion to instruct the conferees at this time.

Mr. President, at this time I ask unanimous consent that the section of the Senate Armed Services Committee report dealing with the ABM be entered into the RECORD.

I further ask unanimous consent that the article by Chalmers Roberts of the Washington Post be entered at this time.

And finally, I ask unanimous consent that excerpts from the Senate colloquy on this subject be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE ARMED SERVICES COMMITTEE REPORT NO. 91-1016, PAGE 19

The Committee has decided to confine the authorization for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. Thus the Committee has approved continuation of the Phase I sites at Malmstrom and Grand Forks, as well as full deployment at Whiteman and advanced preparation at Warren Air Force base.

In taking this action, the Committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterrent. By striking from the authorization the House approved administration request to proceed now to advanced preparation of four area defense sites, the Committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack.

While the impact of the Committee's action on the Safeguard authorization is only $10 million, the long term effect, should this decision be perpetuated in subsequent years, is substantial.

Present circumstances do not justify a diversion of our resources from the primary task of defending the deterrent to the less urgent objective of providing a defense against the evolving Chinese Communist threat. Whether the development of a thin area defense is a wise response to a future Chinese nuclear capability remains to be demonstrated.

It is the Committee's considered judgment that the proposed deployment, sufficient for our national security requirements and conducive to strategic arms control, deserves the full support of the Senate.

From the Washington Post, Aug. 30, 1970

CONGRESS EYES D.C. SAFEGUARD

(By Chalmers M. Roberts)

A start on an anti-missile (ABM) defense for Washington in anticipation of an arms control agreement with the Soviet Union may be approved by Congress this year as a compromise between House and Senate.

This possibility was discussed by Pentagon sources after other administration officials said they do not now consider it essential that Congress approve a full anti-Chinese "thin" ABM system to protect much of the United States.

The House has voted approval of land acquisition for five widely scattered sites, including the national capital area, as a first step in that part of the Safeguard system as requested by President Nixon.

"THIN" DEFENSE STRIPPED

But the Senate Armed Services Committee stripped the entire "thin" defense system from the bill. No move has been made during the current debate in the Senate to reinstate it and none is expected before the $19.3 billion military authorization bill is finally approved and sent to a House-Senate conference to resolve differences.

Sen. Henry M. Jackson (D-Wash.), one of the leading backers of Safeguards but an opponent of the "thin" system aspect, said yesterday he will stand by the Senate version but expects resistance from House conferees to anything but the full "thin" system.

He also said it was "getting the cart before the horse" to compromise on a Washington site because it might fit an eventual strategic arms limitation (SALT) agreement. The prospect now is if there is an agreement it will call for either no ABM defenses in either the U.S. or the U.S.S.R., or for ABM limited to defense of the command and control centers in the two national capitals.

"BARGAINING CHIP"

It is this aspect, however, which gives the compromise idea appeal. The administration had to fight hard to prevent major cuts in Safeguard and did so successfully chiefly by using the argument that the ABM system was a vital "bargaining chip" at the SALT talks.

The argument for Senate approval of ABM defense of Washington would be that it would fit a likely outcome at SALT. If "zero ABM" were called for by a treaty, of course, nothing would be done here and the Moscow ABM system would have to be dismantled.

The administration- and House-approved version of the bill call for initial land purchases and site preparation, authorized at $10 million as a first step, in New England, Michigan-Ohio, the Upper Northwest and the Washington area. The Senate committee turned the fifth initial site, in Wyoming, into a deployment site and authorized advanced preparation work there.

DEFEND MISSILE SITES

The committee rationale was that defense of Minuteman missile sites should come first and that whether the "thin" system to protect the public was "a wise response to a future Chinese nuclear capability remains to be demonstrated."

Last Jan. 30, President Nixon declared that the anti-Chinese "thin" area defense aspect of Safeguard was "absolutely essential," in part to give the United States "a credible foreign policy in the Pacific area." He has never commented publicly on the Senate action striking down that part of Safeguard.

Jackson pointed out what other officials confirm: an effective ABM system to protect the command and control structure in the Washington area would have to be much "thicker," that is have far more defensive missiles, than if it were part of a "thin" anti-Chinese system. The cost would be much higher.

KEY CENTERS INCLUDED

That command and control structure includes the White House, Pentagon and other key installations as well as the alternate headquarters in the nearby Maryland mountains. There also are specially-fitted aircraft for command purposes in an emergency available to the President and other top officials.

One argument for permitting national capital defenses at Washington and Moscow is that this would prevent a small scale Chinese attack from knocking out the government leadership in either capital, thus affording a deterrent to a Chinese attack.

The Soviets at the SALT talks have indicated the possibility of going to "zero ABM" but the limited Moscow-Washington ABM systems are rated a more likely outcome in any treaty.

STATEMENT OF SENATOR STENNIS, AUGUST 19, 1970

That is our policy, in one sentence. We are not an aggressor nation. We have no plans to fire the first shot. We depend, instead, on capable retaliation and confident deterrence to prevent a nuclear war. We want them to realize that we do have this deterrent and the capability of protecting it. I think that is the only real defense we have. Let them know that we are ready and that we have everything that is necessary to protect us.

I have said many times in this Chamber that if we give them doubt on that subject, we invite trouble; and it may be that after they have fired the shots, it will be too late on both sides. I think that millions and millions of lives would be lost on both sides should we ever turn these weapons loose against each other. That underscores the necessity for letting them know all the time that there is no weakness about our position or our capacity.

ARMED SERVICES COMMITTEE POSITION

It was for this reason that the Committee on Armed Services supported that portion of President Nixon's request which provided for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. In doing so we wished to establish the primacy of active defense to increase the survivability of the land-based deterrent as opposed to increasing our offensive forces to achieve this end. In this regard we shared the President's judgment that defense of the U.S. deterrent in no way jeopardizes the security of the Soviet deterrent and, in fact, provides additional incentives for the Soviet Union to enter a substantial arms limitation agreement.

By the same token, the committee affirmed its conviction that there is no compelling need to move now to the deployment of an area defense of our population against a Chinese Communist ICBM attack by striking from the authorization the House-approved administration request to proceed now to advanced preparation of four area defense sites. That is a horse of another color. That is a defense system for another purpose. In our judgment, the prime threat—the threat that today poses the greatest danger to our security—is the Soviet threat to our strategic deterrent. That is where the soft spot is—the threat to our capacity to retaliate with our ICBM's, our influential deterrent. Therefore, our resources should not be diverted from the primary task of defending our deterrent from this threat. That is my answer. That is the committee's answer to all that has been written and said about our recommendation on that point.

COLLOQUY BETWEEN SENATOR BROOKE AND SENATOR STENNIS, AUGUST 19, 1970

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, does the chairman favor an area of defense for the country? Or does the Senator agree that area deployment could well be self-defeating, by forcing the Soviet Union to increase its offensive capabilities to insure that it can retaliate?

Mr. STENNIS. I think, with all deference to the Senator, that is an academic question now. We are not discussing area defense at all under this amendment, or even under the bill.

Mr. BROOKE. Might I point out to the Senator that the House, as I understand it, would grant not only a deterrent defense but also an area defense as well in the bill it passed. If we go into conference with the House with the committee bill, there is a possibility, and perhaps even a probability, that we could end up with area defense. That prompts my question to the distinguished chairman.

Mr. STENNIS. I do not think there is any probability. We would all go to conference to represent the views of the Senate and vigorously represent that position.

My idea is that, everything considered, the high probabilities are that that position would prevail.

I have never been strong for this area defense. However, I do not close the door on it. I do not think that the threat there is imminent.

I think the primary purpose is to put the money on this deployment, as we have now, for these four sites, and perhaps on more.

There is no doubt in my mind about that. That is my purpose. That is what I propose to stay with.

If we are going to go into an area defense that would be debated in the Senate fully. But I do not believe the urgency is there. I do not have really a thought of urgency there. It is something in the future. The Senator is correct. However, this is not the time for it, as I see it.

COLLOQUY BETWEEN SENATOR BROOKE AND SENATOR STENNIS

Mr. BROOKE. Mr. President, I raised this question with the distinguished chairman because he certainly has had a wealth of experience in conference committees.

It is my undrstanding that in conferences sometimes it is customary to split the difference. I am very much concerned that if we were to go into conference with the committee bill and the House bill, we could very well come out of the conference not only with Whiteman but with Warren as well, and perhaps an advanced site in the Northeast and the other areas which would, in effect, give us area defense.

I think that is a matter of very serious concern for our conferees, because of the House action initially.

Let me say to the distinguished Senator that this does not mean that I do not have the utmost confidence in our chairman and in the conferees. I know that they will do all they can to maintain the Senate position. But I wonder, since we have a rather extreme position taken by the House where we would be if a "middle ground" is adopted.

Mr. STENNIS. The Senator is speculating on something here that no one can give an answer to.

I can give an answer as far as attitude is concerned. There is no motive except what I have given for this committee acting as it did in bringing in this recommendation.

No one has in his mind, so far as I know, any idea of having this matter pass the Senate and then going to conference and bringing a whole hog back. There is not the least intention to do that.

If the Senator's amendment is rejected—and I believe it will be—everyone connected with this matter will be willing to settle on this for this year in the Senate bill.

That is the practical side of it. That is what I am going to fight for. I will tell everyone that.

COLLOQUY BETWEEN SENATORS BROOKE, TOWER, AND GOLDWATER, AUGUST 19, 1970

Mr BROOKE. Mr. President, I am very much buttressed by the statement made by our distinguished chairman that he believes that if we should reject this amendment—and I am hopeful that we shall not and I do not expect that we shall—and go to the conference with the committee bill, that he will press for the Senate position.

Mr. STENNIS. There is no doubt about that in my mind. In addition, the Brooke amendment does not have a thing in the world to do with that situation. If we agreed to it or rejected it, the situation would be the same.

Mr. BROOKE. I do not think that is correct. Under the Brooke amendment there is a limitation on sites. You could not go beyond the existing first and second sites of phase I. So I think if we went into a conference with the Brooke amendment, we would be in a stronger position to maintain the distinguished chairman's position than we would if we went in with the committee position. That is my thinking on the subject.

Mr. STENNIS. I thank the Senator. I appreciate his suggestion.

Whatever area defense would come from Whiteman is purely incidental. That is not the object of the site at all.

Mr. BROOKE. I agree it is not the object of the site, but it is there; and I point that out to the distinguished Senator from Texas, who raised the question.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. I wish to remind the Senator that the committee rejected area defense. That is the committee position. The bill, as it came out of committee is, indeed, itself a compromise.

Mr. BROOKE. The Senator is correct, but the House did not reject area defense. That is my point.

Mr. TOWER. Since we have rejected it, that is the Senate position and I do not see that going in with the Brooke amendment would give us a better bargaining chip in that connection than the committee version.

Mr. BROOKE. I point out to the Senator, and I hope he understands what the amendment provides, that limitation would be helpful in conference—it would help the conferees on the Senate side to maintain the position which the committee bill has set forth.

Mr. TOWER. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TOWER. I wish to read the following language from the committee report:

"In taking this action, the committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterrent. The authorization the House approved at administration request to proceed now to advanced preparation of four area defense sites, the committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against the Chinese Communists ICBM attack."

There is our position.

Mr. BROOKE. That is the committee position. The Senate has not taken a position yet.

Mr. TOWER. If we adopt the committee bill it is the Senate position.

Mr. BROOKE. We have not done that yet.

Mr. TOWER. But the Senator's amendment would put us in no better bargaining position with the House than the committee position.

Mr. BROOKE. I disagree with that; and I make the point my amendment would put us in a better position. Secretary Laird on Sunday stressed that a major reason for going to the Whiteman deployment was to keep open "the follow-on options for either area coverage or for accidental launch coverage."

In my opinion, that is an area defense option. I think the Secretary is keeping clear that option. That is why I asked the question of the Senator that I did.

Mr. STENNIS. We have tried to answer as fully as we know how.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I think I understand what the Secretary is getting at. He made no commitment to area defense, but any weapons planner would be foolish not to be looking ahead. You cannot say that site protection would not provide some area protection. There may be some small town within the radius of the cone of destruction. Whether they like it or not, they might be saved by the ABM designed to protect that particular missile. But I do not think anyone in the weapons business in his right mind would ever stop his thinking at this wall; namely, the protection of a missile site, because when we can prove a missile site protection system will work without danger to a community, we are going to see an about face by small towns and some large cities that now do not want the ABM near them.

I would not advocate that we go into area defense at this particular time, but I think the Secretary would not be acting in the way a Secretary should act if he is not thinking a long way ahead with respect to all problems connected with the ABM, including the possibility at some time of its use as an area defense.

Mr. BROOKE. Of course, any decision is reversible, depending upon the circumstances. As I understand it, he made this decision to go to deterrent defense rather than area defense not so much because people living in these various areas are objecting to it, but because we believe it gives us maximum security.

Our committee discussed that matter thoroughly; and the chairman made clear he supports it. But this language by the Secretary would indicate some possibility he might be seeking to restore that area defense when we go to conference.

I think it is important that we discuss this matter on the floor of the Senate. I am much buttressed by what the chairman has said.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I do not believe the Secretary of Defense is trying to restore anything. The Senator, being a member of our committee, recalls that there was almost universal objection when the Secretary made his report to the so-called Chinese threat, and, in fact, there were quite a few members of that committee that I think would not have supported that. I have my doubts as to what I might have done. But when the committee came out with the language we arrived at, it ignored that part of it, and the Secretary agreed with that, and I feel that is the Secretary's position.

What the House of Representatives does is something else. It will be found the House goes beyond the Senate in practically every area of this bill. We will spend so much money on the B–1 and they are going to spend twice that much. We will have an amendment to strike $284 million from the F–15, but the House will think they should get the whole thing.

I think the Senator's experience on the committee will convince him that the House always goes beyond the Senate in this particular area. So when it comes to the work of the conferees, I do not think the Secretary has any weight at all because I do not think there are many things in this bill from the House that the Secretary either pushed for or did not push for. It is a House bill.

Mr. STENNIS. Mr. President, I yield 2½ minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, as the ranking Republican handling this legislation. I wish to take this opportunity to express my appreciation to the Republican members of the committee

who have contributed so much to this debate.

Each member has taken some role in an effort to hold our committee bill intact. I wish to single out Senators TOWER, DOMINICK, MURPHY, and GOLDWATER for their especially active roles. Many hours of preparation, as well as active participation in the debate by the committee members, has strengthened the positions taken by the committee on this important legislation. The junior Senator from Kansas (Mr. DOLE) was a tower of strength on some amendments, as were the minority leader (Mr. SCOTT) and the assistant minority leader (Mr. GRIFFIN).

The ranking Republican on the Senate Armed Services Committee, the distinguished Senator from Maine (Mrs. SMITH) was necessarily absent during the first part of the debate. However, she made a remarkable recovery which enabled her to return to her duties in the Senate soon enough to join with us in fighting to maintain many provisions of the procurement bill. All members of the committee have nothing but respect and admiration for this courageous and intelligent lady.

In particular, I would like to commend our distinguished chairman from Mississippi (Mr. STENNIS) whose leadership as floor manager of the bill has been an inspiration to us all. He has been at hs post here on the Senate floor fighting for this bill for nearly 2 months. Furthermore, he has received substantial support from some of the members of the Armed Services Committee on his side of the aisle.

Before closing, I would like to make one point: The Senate should stop and think what this bill would contain if some of the amendments offered had been adopted. Certainly, the majority of us feel that some of the rejected amendments would have created confusion in the Defense Department and within our military services. We are fortunate in having a military force whose loyalty has never been questioned. I am proud of the way the Senate has stood behind our men and women in uniform during this debate, and I believe this result will be a unifying force for the Nation as well as the miltary.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, I rise to support the point made by the Senator from Michigan (Mr. EAGLETON). I hope that our conferees, when they go to conference on the bill we have just passed, bear in mind the very strong sentiment in this body against expanding the ABM beyond the four Minuteman sites.

Between the Cooper-Hart amendment and the McIntyre-Brooke amendment, 50 Senators out of 99 voted to limit the ABM to two sites only: Grand Forks and Malmstrom. The Senate Armed Services Committee approved expenditures only at two additional sites—Whiteman Air Force Base and Warren.

Clearly then, in this body there is wide agreement that the Congress should exercise restraint in expanding the system to other areas, and I know the able Senator from Mississippi (Mr. STENNIS) will convey this sentiment to the conferees from the other body in his most persuasive fashion.

TEMPORARY EXTENSION OF CLEAN AIR AND SOLID WASTE DISPOSAL ACT

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of S. 4319, a bill to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 90 days.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill (S. 4319) was read the first time by title, and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending extensions by Act of Congress of the Clean Air Act and Solid Waste Disposal Act, the authorizations contained in Sections 104(c) and 309 of the Clean Air Act, as amended, for the fiscal year ending June 30, 1970, and the authorization contained in Section 210 of the Solid Waste Disposal Act, as amended, for the fiscal year ending June 30, 1970, shall remain available through November 30, 1970, notwithstanding any provisions of those Sections.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. RANDOLPH. Mr. President, I have cleared this matter with both sides. I would like to state to the Senate that our purpose is to provide a further extension because on the 31st of August, the time ran out and we need a further authorization for the solid waste and the air pollution programs in order to continue them at their present level through November 30, 1970. The extension would allow appropriations for this period with the unappropriated balance for the fiscal year 1970 authorizations.

We anticipate completion of congressional action on both the solid waste and air pollution programs prior to the expiration of this extension.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 4319) was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. GOLDWATER. Mr. President, after 5½ weeks on this measure, we are about to pass it.

I take this opportunity to pay my tribute to the chairman of the committee, the Senator from Mississippi (Mr. STENNIS). I have watched him on the floor day after day, sometimes for 8 hours a day, defending a measure that, Mr. President, in my humble opinion, should require less debate than any other measure we consider in the Senate.

The authorization bills are born in the Pentagon. They receive the scrutiny of the President. They receive the scrutiny of the other body. They go to the House and then come to the Senate where expert staff members look at them. They then come to the floor.

I think that we have wasted 5 long weeks. We could have passed this with ease in a week at the most.

To point out some of the foolishness we get into during the consideration of a measure such as this, during the debate on the ABM, I made mention of the fact that tests were contemplated in the near future on the ABM. I was very happy to see in this morning's New York Times an article, the headline of which is, "Army Intercepts Missile in ABM Test Over Pacific."

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY INTERCEPTS MISSILE IN ABM TEST OVER PACIFIC

WASHINGTON, Aug. 31.—The Army has successfully staged an interception of one of its own intercontinental ballistic missiles. The interception, which took place above the atmosphere, tested a key element of the controversial Safeguard antiballistic missile system.

The test took place over the Pacific Ocean Friday, the Defense Department announced today. The target was the third stage, or nose cone, of a Minuteman 1 missile fired from Vandenberg Air Force Base, California.

After the Minuteman had been fired, it was picked up by a missile site radar 4,200 miles away at the Safeguard test facility on Kwajalein Atoll.

The radar, according to the Defense Department, tracked the incoming nose cone in somewhat the same manner it would track an incoming enemy intercontinental ballistic missile and launched the intercepting rocket.

This rocket, a Spartan missile, which would be used to defend offensive missile sites in the event of a real missile attack, came close enough to have destroyed it if a nuclear warhead had been used, the Pentagon said.

Neither the Spartan nor the target nose cone carried explosive warheads, however, the Defense Department said.

Altogether, the test represented the most advanced simulation of what would happen in a missile attack on the United States if an ABM system was deployed.

It was the first time, for example, that a Spartan missile had intercepted an incoming object. In the past, the 55-foot-long rocket, which has a range of "hundreds of miles," was tested only against static targets in the air.

It is believed that the range of the Spartan is close to 400 miles. Although the altitude of the interception was not released, it has been estimated that, in a real firing, the altitude would be at least 100 miles above the earth's surface.

Defense Department officials said that the test was only a first-time effort and lacked several elements of an attack.

The technicians at Kwajalein had been alerted to the test. In addition, the incoming missile was not accompanied by the kind of penetration aids—such as decoys—that would presumably aid incoming enemy missiles.

In addition, the incoming missile was a simple I.C.B.M. with a single "warhead," whereas the Soviet Union has been testing—but is not believed to have deployed—missiles with multiple re-entry vehicles, that is, missiles with a cluster of warheads.

FIRST IN A SERIES

The test announced today was the first in a series against a target such as a nose cone. Future tests will presumably match the Spartan against more advanced incoming missiles.

The Spartan and the missile site radar form two key elements of an operational antiballistic missile system, but the two other elements—a Sprint missile and a perimeter acquisition radar have borne the burden of opposition arguments against the ABM's effectiveness.

The acquisition radar which has a range of more than 1,000 miles, would, in a fully operational system, pick up the incoming missiles at a great distance and alert the missile site radar.

The acquisition radar, the Army has indicated, is to expensive to test at the Kwajalein site, which is 2,500 miles southwest of Hawaii.

It will be integrated with other elements when the ABM system is made operational, which is scheduled for early 1975 at Grand Forks Air Force Base in North Dakota.

The other original site for the system is at Malmstrom Air Force Base in Montana.

In addition, the Administration has requested—and Congress, after much debate, has approved—$322-million to construct a third site around the Minuteman missile complex at Whiteman Air Force Base in Missouri and to start preliminary work on a fourth site at Warren Air Force Base in Wyoming.

The controversy over the antiballistic missile system has occupied a good deal of the Senate's time, in both hearings and floor debate, this year. A Senate amendment that would have blocked expansion of the program was defeated Aug. 12 by a vote of 52 to 47.

MORE CRITICISM EXPECTED

The successful testing of the Spartan missile is not expected to deter opponents of missile deployment, however.

Dr. Ralph Lapp, a Washington physicist, who has been one of the foremost opponents of the system, said today, for example, that "nobody really believed Spartan was not an effective ABM."

But he argued, the missile would be considerably less effective against a missile with multiple warheads.

In addition, he said, the Sprint missile, a 27-foot-long missile with a range of 25 miles, which would serve as a more effective counter to an incoming enemy missile, has not been tested, as the Spartan has.

The Sprint would be the most effective counter against a "saturation" attack on a Minuteman base because it is believed to be better able to discriminate between a real incoming warhead and a decoy than the Spartan can, he said.

Mr. GOLDWATER. Mr. President, that demonstrates in my mind more conclusively than anything I might say that after this bill has received careful scrutiny of the committees, probably no other bill reaches this floor in more perfect form. I hope next year we can keep this debate to a minimum.

Again I compliment my chairman. He is a man of infinite patience and infinite wisdom. If it had not been for him this bill could have become mangled by worthless amendments.

Mr. STENNIS. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, I heard just a moment ago the Senator from Missouri discuss a newspaper article by Chalmers Roberts stating that the two committees might agree to an ABM command center for Washington.

I know the action that the Committee on Armed Services has taken and I know that almost one-half of the Members of this body took the position last year that it should not be extended beyond last year.

I asked the Senator if he adheres to the position of the Committee on Armed Services.

Mr. STENNIS. Yes. That would be my position as a conferee, and with great deference to the position of the House of Representatives. Frankly, I think the debate is over on the ABM.

Mr. COOPER. I know that. I was talking about the position of the Senator's committee.

The last 2 years I have been in a position of opposition to the Senator on that particular part of the bill.

Also, I would like to say that I disagree with the Senator from Arizona, as much as I like him and respect him, when he said that a bill of this size should be debated and enacted in a week or so. This bill not only supports a total investment of about $70 billion, but it also affects the security of our country.

I think the debate in the last 2 years, especially that part questioning our weapons systems, has opened up the Department of Defense to the scrutiny of Congress and the public.

Mr. President, having said that, I wish to conclude in saying that I admire and appreciate the hard work and contribution of the distinguished chairman of the committee in managing this difficult bill and the important contributions made by the members of his committee.

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute remaining.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, I yield 1 minute to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, in a very few moments we will conclude debate on the fiscal 1971 military procurement bill, wrapping up almost 2 months of floor action on the bill.

A few words of recognition are in order at this time.

Those of us on the Armed Services Committee have long known the capacity for leadership of the distinguished Senator from Mississippi (Mr. STENNIS)—his deep concern for the national defense, his firm grasp of complicated issues, his organizational mastery, and his seemingly endless patience, as evidenced by his willingness always to attend to the views of others. These and other qualities of this remarkable man have been widely demonstrated in the debate now ended. We are fortunate to have him with us in the Senate.

It has also been both a rare privilege and a wonderful education for me personnally to work once again with the Senator from Mississippi as chairman of the Armed Services Committee's Research and Development Subcommittee. Let me assure my chairman that the cooperation and assistance which he has shown to me and the other members of my subcommittee have been deeply appreciated indeed.

I would like to say a word of thanks also at this time to Mr. Hyman Fine of the Armed Services Committee staff and Mr. Ross Hamachek of my own staff, both of whom aided the subcommittee in its often thorough and painstaking review of this extremely complex and intricate R.D.T. & E. budget.

Mr. Fine came to the committee staff this year after many years as a budget expert on Air Force R. & D. programs. His expertise was of great value to the subcommittee, enabling it to uncover a large number of instances in which the Defense Department simply did not need all the funds it claimed it needed to carry on with given programs. Mr. Fine also left behind when he came to the committee what too many former associates of a given service bring with them—a loyalty to their old employers which transcends the degree of detachment needed to critically assess their funds requests. The subcommittee's action on Air Force R. & D. programs attests well to Mr. Fine's inherent objectivity.

Mr. STENNIS. Mr. President, the bill is now in its last stage before final passage and I would like to make a few concluding remarks.

By way of summary, the military authorization bill now before the Senate recommends $11.9 billion for procurement, $7 billion for research and development, and some $334 million for construction relating to the Safeguard system for a total of $19,242,889,000. These are the same amounts recommended by the Armed Services Committee and represent a $1.3 billion reduction from the administration request.

I want the Senate to know that this bill will be taken to conference with every intention on the part of the Senator from Mississippi of upholding to the extent of his ability the position taken by the Senate on this bill including both the Committee action and the amendments voted on the floor of the Senate. As always, of course, the House will fight hard for its own position but I am confident that a sound bill will emerge from the conference committee. I would also emphasize, Mr. President, that we hope to initiate this conference as soon as prac-

ticable after the recess and conclude the final action on this legislation in order for the Defense appropriations to proceed in as rapid a manner as possible.

Mr. President, the discussion on the Senate floor on this bill represents a debate in the finest traditions of the Senate. The debate has been hard but fair and I think has been extremely helpful to the bill as a whole. I would observe that the Senate started deliberating on this bill July 24 and it has remained the pending business of the Senate until today, September 1, which covers a period of 39 calendar days. There have been 47 amendments or modifications thereto offered. Of this total, 12 have been approved and 15 have been rejected, with the remainder not being called up for a vote. I wish to say that whether these amendments were adopted or rejected, all of them have made a contribution to this bill and, in many cases, the wisdom and experience of those Senators who sponsored amendments—even though they did not pass—provide food for thought on which we can work for the next year.

I wish at this time, Mr. President, to express my thanks for the cooperation which has been extended to the manager of the bill by the Senate as a whole.

I want to especially thank the senior Senator from Maine, Senator SMITH, who has always been most cooperative on every matter including this bill.

We began hearings on February 20th and without the firm support of Senator SMITH, we could not have proceeded as we have. I also extend my thanks to Senator THURMOND, who has been most helpful.

Also, I wish to give special recognition to Senator MCINTYRE, Chairman of the subcommittee on Research and Development, Senator CANNON, Chairman of the Tactical Air Power Subcommittee, both of whom rendered splendid service. I also wish to thank all the members of the committee who have been most cooperative in every way and have actually worked on the bill and on the floor of the Senate.

Lastly, Mr. President, I want to acknowledge the help of the staff on this matter.

The committee staff members who worked and whom I highly commend and warmly thank, are: T. Edward Braswell, Jr., Chief of Staff, Labre Garcia, Hyman Fine, Don Lynch, and Frances Funk.

Preparedness investigating subcommittee members who worked on bill: James Kendall, Ben Gilleas, Ed Kenney, and George Foster.

SEVERAL SENATORS. Vote! Vote!

Mr. STENNIS. Mr. President, I yield back the time I have remaining.

Mr. MANSFIELD. If I have any time I yield back the remaining time.

Mr. GRIFFIN. Mr. President, I wish to take a moment just to pay my respects to the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS). He has demonstrated once again what a great American he is, and what an effective legislator he is.

On behalf of many Senators on both sides of the aisle who would like to speak but do not wish to take the time of the Senate, I want to praise the Senator from Mississippi. He has been patient, effective, and always very courteous to all who have participated in this debate. The Senate is indebted to him, and the country is indebted to him.

Mr. President, I wish also to pay tribute to the leadership of the distinguished ranking minority member of the Armed Services Committee, the senior Senator from Maine (Mrs. SMITH), and to the other Republican members of the committee who have worked so hard and effectively. In particular, I wish to commend the Senator from South Carolina (Mr. THURMOND) who has served in a leadership capacity during part of the time this bill has been under consideration.

Mr. MANSFIELD. Mr. President, I would be derelict in my duty if I did not express my respect, admiration, and high regard for the distinguished Senator from Mississippi, who has done a magnificent job in handling a most difficult bill over a number of week—7 in number, I believe.

The outstanding manner in which he managed this very complex and most important measure was exemplary. Over these past weeks while this bill was being debated on the Senate floor, Senator STENNIS once again demonstrated at all times his outstanding legislative skill and ability. With his handling of this authorization he brought his clear and articulate views and his immense knowledge and understanding to the discussion. In large part he was responsible for the thoughtful and high quality of the debate throughout the entire time. We are indebted to him for his great courtesy and all his efforts. He deserves the highest commendation for steering this measure through to overwhelming success.

To be equally commended is the ranking minority Member of the Armed Services Committee, the distinguished Senator from Maine (Mrs. SMITH). As always, her contributions were thoughtful, most perceptive and to the point. Her contribution was immeasurable. She cooperated magnificently to make certain that this bill received the thorough discussion warranted. Her help and assistance was indispensible in bringing about final disposition today. On behalf of the entire Senate, I wish to thank Mrs. SMITH for her unstinting devotion and dedication and for the fine manner in which she lead the discussion.

It is too difficult to single out the numerous other Senators who contributed. Suffice it to say that the cooperation of every member permitted the orderly disposition of the bill. I, personally, am deeply grateful.

Mr. STENNIS. Mr. President, I thank the majority leader.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I would like to borrow 1 minute from the minority leader.

Mr. GRIFFIN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, we had important help from the committee and the staff in connection with the preparation of this bill and the work that is necessary to be done on the floor of the Senate. I want to publicly thank all of them and the members of the committee who worked so hard in connection with this bill, especially the Senator from Maine (Mrs. SMITH), whose counsel and loyalty have meant a great deal to me.

I had access to my mentor, the Senator from Georgia (Mr. RUSSELL), who was always available with good sound counsel and advice. I call him the oracle.

Mr. President, I ask unanimous consent that the bill be printed with all of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. PACKWOOD), and the Senator from North Dakota (Mr. YOUNG) would each vote "yea."

The result was announced—yeas 84, nays 5, as follows:

[No. 282 Leg.]

YEAS—84

Aiken	Eagleton	Long
Allen	Ellender	Magnuson
Allott	Ervin	Mansfield
Baker	Fannin	Mathias
Bayh	Fong	McClellan
Bellmon	Goldwater	McGee
Bennett	Gore	McIntyre
Bible	Gravel	Metcalf
Boggs	Griffin	Miller
Brooke	Gurney	Montoya
Burdick	Hansen	Murphy
Byrd, Va.	Harris	Muskie
Byrd, W. Va.	Hart	Pastore
Case	Holland	Pearson
Church	Hollings	Pell
Cook	Hruska	Percy
Cooper	Hughes	Prouty
Cotton	Inouye	Proxmire
Cranston	Jackson	Randolph
Curtis	Javits	Ribicoff
Dodd	Jordan, N.C.	Russell
Dole	Jordan, Idaho	Saxbe
Dominick	Kennedy	Schweiker

Scott	Stennis	Tower
Smith, Maine	Stevens	Williams, N.J.
Smith, Ill.	Symington	Williams, Del.
Sparkman	Talmadge	Yarborough
Spong	Thurmond	Young, Ohio

NAYS—5

Fulbright	Hatfield	Nelson
Goodell	McGovern	

NOT VOTING—11

Anderson	McCarthy	Packwood
Cannon	Mondale	Tydings
Eastland	Moss	Young, N. Dak.
Hartke	Mundt	

So the bill (H.R. 17123) was passed.

The title was amended so as to read:

An Act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, just for the information of the Senate, we, of course, will go to conference as soon as we can, but I shall not ask the Chair to name the conferees today.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader if he will tell us what is the remaining order of business for tonight and for tomorrow.

Mr. MANSFIELD. Mr. President, I am glad to respond to the distinguished Republican leader.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATIONS, 1971

Mr. MANSFIELD. I move that the Senate proceed to the consideration of Calendar No. 1174, H.R. 16900. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. WILLIAMS of Delaware. Mr. President, to let the record be straight that there would be objection if based on unanimous consent but it can be put to a vote. Appropriation bills are being taken up the day after they are reported, under a ruling made by the former Vice President, Mr. Humphrey. The Senator from Montana is in order with his motion let it be voted on. I do not question his authority, but I want the record to show that we are not unanimous in our feeling that this is a proper procedure.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. I think the Senator from Delaware has a point. I wish it could be cleared up some way, so that this particular question would not come up every time, because we do bring some of these appropriation bills out pretty quickly.

Mr. WILLIAMS of Delaware. That is true in this particular case. I was not questioning the right of the majority leader to establish the business, as he understands; but I do think at some time the Senate would be well advised to amend the rules and put them back where they were prior to that ruling by the former Vice President, Mr. Humphrey, where there would be a 3-day limitation except by unanimous consent, by which of course we could always proceed.

In this particular case, we are asked to vote on a $9.5 billion bill reported out last night, which got back from the printer sometime just before noon today. So Senators are not in the position to consider it intelligently; and technically, they could be caught in the same situation with the defense appropriation bill, a $60 billion or $70 billion bill, being voted on the following day.

I think the rules of the Senate should be amended to take care of the situation, but I was not questioning the right of the leadership to lay down the pending business under the rules of the Senate as they are being interpreted today.

Mr. MANSFIELD. I understand.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is our hope that we will be able to finish with this bill tonight. We will come in tomorrow morning; I believe we already have an agreement to that effect.

The PRESIDING OFFICER. At 9 o'clock.

Mr. MANSFIELD. It is estimated that tomorrow when we convene at 9 o'clock we will take up unobjected-to items on the calendar. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. There will be no votes tomorrow, and, so far as I know, there will be very little, if any, controversial legislation considered. I do not know yet what will be laid before the Senate to be the pending business when we come back on Tuesday next.

Mr. SCOTT. Is the distinguished majority leader prepared to give us some indication as to matters that are likely to brought up upon our return to the Senate next week, without specifying the order in which they will occur?

I make this request because I have been asked by a number of Senators to ascertain what is likely to be the pending business next week.

Mr. MANSFIELD. Perhaps the survivor annuities, the bill to amend the FDI Act, air pollution control, appropriation bills as ready, hopefully the farm bill, and somewhere in there, the electoral college reform measure.

Mr. SCOTT. The constitutional amendment?

Mr. MANSFIELD. Yes; and later on in the month equal rights for women, another constitutional amendment.

Mr. SCOTT. Which is not to be reported out, I believe, until September 19, however; is that correct?

Mr. MANSFIELD. Around that date; yes. And the one-bank holding company bill; and then I want to confer further the exact scheduling of Senate counsel in the 18-year-old voting case which will come up before the Supreme Court in mid-October, I understand.

Mr. SCOTT. It is my understanding that there is some informal undertaking on the part of the chairman of the Committee on Banking and Currency and its ranking member to bring the one-bank holding company bill up about September 15.

Mr. MANSFIELD. The one-bank holding company bill is on the calendar and will be taken up around that date.

Mr. SCOTT. To bring it up about September 15.

Mr. MANSFIELD. Yes. And I would like to bring the electoral college reform measure up at a reasonable opportunity, because there will be some debate on that, but as of now I do not know just when. Maybe next week, but do not hold me to it.

Mr. SCOTT. I thank the distinguished majority leader.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, the Committee on Appropriations has authorized me to present to the Senate its report on the pending bill, H.R. 16900, making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for fiscal year 1971.

Senators will find on their desks copies of the bill and the committee report, together with copies of the hearings, and I will now present to the Senate a brief summary of what is contained in the bill in the way of increases and decreases.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator. I am sitting immediately behind the Senator, and I am having difficulty hearing him.

Mr. YARBOROUGH. I assure the Senator that I am not whispering, either. I am speaking fairly loudly, though I have hesitated to call for order.

The PRESIDING OFFICER. The Senate will be order.

The Senator may proceed.

Mr. YARBOROUGH. The bill which is reported to the Senate provides new budget obligational authority in the amount of $3,016,429,000. This amount consists of definite appropriations in the amount of $1,283,121,000, and indefinite appropriations in the amount of $1,733,308,000. The grand total of titles I, III, and IV—New Budget Obligational Authority—and title II—Authorizations out of the Postal Fund—is in the amount of $9,537,429,000. This amount is an increase of $44,727,000 over the House allowance of $9,492,702,000; $374,892,000 over the 1970 appropriations and $28,614,000 under the estimates for fiscal 1971.

TREASURY DEPARTMENT—TITLE I

The first group of items, Mr. President, are the appropriations for the Treasury Department, which total $1,248,078,000. This is a decrease of $4,473,000 in the estimates and an increase of $25,956,000 compared with the House bill amount of $1,222,122,000. The amount recommended is $78,766,000 over the 1970 appropriation of $1,169,312,000, including supplementals recently enacted totaling $79,222,000. Major increases recommended under title I of the bill are as follows.

Here, Mr. President, are items we put back in the bill that the House of Representatives deleted or increased over 1970.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For the Federal Law Enforcement Training Center the committee concurred with the House in allowing the full estimate of $5,000,000. That is an increase of $4 million over 1970, to cover the cost of the first phase of constructing and equipping the Consolidated Federal Law Enforcement Training Center at Beltsville, Md., on a federally owned site.

We felt that was necessary, in view of the problems with law enforcement in the country today, and the necessity for building this facility as a proper law enforcement training center.

BUREAU OF CUSTOMS

For the Bureau of Customs, Mr. President, the amount recommended is $137,085,000. This amount is the same as the budget estimate. The House had cut that, and we restored the reduction of $1,585,000 made by the House. The committee allowed 970 new average positions. These were requested by the Bureau of Customs to permit the continued stepped up enforcement efforts to stamp out illegal drug traffic. The increased manpower recruited and trained will aid in further increasing the effectiveness of this important antinarcotics agency. They need this additional manpower at airports because of the vast increase in foreign air travel. They need them along the land borders and need it in my State, along the thousand-mile border along the Rio Grande River. We felt that the budget request was reasonable and we increased the House allowance by $1,585,000.

ONE HUNDRED SEVENTY EXTRA NARCOTICS-CONTROL CUSTOMS AGENTS APPROVED

Mr. GOODELL. Mr. President, I commend the Appropriations Committee, and particularly the subcommittee presided over by the distinguished Senator from Texas (Mr. YARBOROUGH) for having restored to the Bureau of Customs appropriation for fiscal year 1971 the sum of $1,585,000 which the House had cut from the President's budget request. The restoration is included in the Treasury Department appropriation to be voted upon today.

That restoration, in accordance with the recommendation which I made in a letter to the subcommittee on July 27, provides for 170 extra customs agents who can be used to check on the ever-increasing volume of commercial importations into the United States, and particularly on the dangerous importation of narcotics.

As a result of the subcommittee's action, the 340 new agents which the administration proposed—and which the House cut in half—can be hired, and will be heavily employed in the battle against illegal narcotics importation. Those agents are desperately needed in New York City, in which the Justice Department estimates over half this country's addicts live. Rockland County and Dutchess County of New York just recently suffered their first teenage deaths attributed to drugs.

As the Appropriations Committee report notes, customs is one of our key weapons for the interdiction of illicit drug traffic. Virtually all of the heroin, cocaine, hashish, and other narcotics used in this country comes from outside the United States.

In fiscal year 1969, the Bureau of Customs seized more than 310 pounds of heroin, 34 pounds of opium, and 199 pounds of other narcotics, mostly cocaine, were seized.

The 170-man increase in customs agents which the Appropriations Committee has provided over the House allotment will be helpful in decreasing the amount of drugs illegally flowing into the country, and in thus protecting the citizens of New York State and the Nation.

INTERNAL REVENUE SERVICE

Mr. YARBOROUGH. For the Internal Revenue Service the committee recommends a total appropriation of $908,335,000. This amount is $4,473,000 under the estimates, but $48,483,000 over the total amount appropriated for fiscal 1970. The amount recommended is $17,835,000 over the House allowance. Areas of major increase are the revenue accounting and processing and compliance activities, and the amounts recommended should provide for practically all the additional personnel requested.

Furthermore, there is one other item; namely, salaries and expenses, Bureau of the Mint. The House had cut $1,633,000 from the amount requested for the Bureau of the Mint. The Bureau of the Mint estimated that they would need the full amount of the budget estimate—$19,663,000, to enable it to mint 8.7 billion coins estimated to be required this year. The House allowed only enough money for the manufacture of 7.6 billion coins, according to the Department.

Due to the increased use of vending machines, the hoarding of small coins, and others taking many small coins out of circulation, the committee allowed for restoration of the $1,663,000 cut by the House in order to give the Bureau of the Mint enough money to mint the 8.7 billion coins they requested.

All of these items mentioned there for the Treasury Department were raised back to the estimate from the House allowances. The total increase by the Senate over the House for title I—Treasury amounts to $25,956,000. The Department had appealed for restoration of $30,429,000 and the Senate committee restored all of that but $4,473,000.

Mr. President, I ask unanimous consent that the committee amendments as regard to title I, the Treasury Department, be taken up separately and agreed to en bloc, and that title I as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, why the separation of title I from the other titles?

Mr. YARBOROUGH. We knew of no objection in the committee to any items in title I of the bill. There are objections to some of the other items which I wanted to discuss at a little more length.

Mr. WILLIAMS of Delaware. I have no objection to taking them separately. In view of the short time that the committee has had this bill before it, I wonder whether it would be more orderly to explain each amendment as they come and vote on them separately.

Mr. YARBOROUGH. We proposed that the Treasury amendments be agreed to en bloc. We have nine items there. Rather than voting on them en bloc, we would have nine separate votes. Is the Senator suggesting that we have nine separate votes as to the Treasury Department items?

Mr. WILLIAMS of Delaware. I was not suggesting a rollcall vote on each one, but I thought we could have an explanation.

Mr. YARBOROUGH. I have already explained the items in the Treasury Department. I have not touched on the items for the Post Office or the Executive Office of the President.

Mr. WILLIAMS of Delaware. I ask for an explanation on each one separately, in light of the fact that we have had so little time to consider this bill.

Mr. YARBOROUGH. I submit to the Senator that there was a great deal of

noise in the Chamber at the time, but I have just finished explaining them.

Mr. WILLIAMS of Delaware. Let us take them as they come.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 7, after the word "expenses," strike out "$9,500,000" and insert "$9,660,000".

Mr. YARBOROUGH. Does the Senator desire the amendment explained?

Mr. WILLIAMS of Delaware. Yes.

Mr. YARBOROUGH. A restoration of $160,000 was asked over the House allowance of $9,500,000. That is for the Office of the Secretary of the Treasury. They asked for 25 additional average positions, and the House authorized 20 of those. The Department stated that the dollar cut of $160,000 imposed by the House reduce their new employment by 14 average positions. That allowed an increase in 1971 employment over 1970 of only 11 average positions, in lieu of the 25 requested. They want the other 14 average positions. They stated that these were required to avoid reduction in the quality of staff assistance and the curtailment of work on tax policy analysis, equal employment, and administrative support. They wanted 14 men for those three categories—tax analysis, equal employment, and administrative support. The subcommittee and the full committee voted for the restoration of $160,000.

Mr. WILLIAMS of Delaware. I thank the Senator for the explanation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

On page 2, line 12, after the word "Center", strike out "$1,000,000" and insert "$1,113,000".

Mr. YARBOROUGH. In connection with the request of $1,113,000 for the Federal Law Enforcement Training Center, the House bill authorized only 42 of the 44 average positions requested. They cut out two positions. The Department appeared and testified that cutting those positions would reduce the efficiency and quality of training, and they wanted the $113,000 restored. Of all the items of the Treasury Department, I think the committee questioned that more closely than any other. The idea that $113,000 and two more positions would have that much influence on the training at this Federal law enforcement training center seemed to us to be high. But due to the claims and the necessity for law enforcement at this time in this country, we were unwilling to cut a dollar where they said it would impair the efficiency of their training. It seemed high to us, and we discussed it for more than some of the other larger items. But we voted to increase it, on their plea that they could not train those people in law enforcement as efficiently if we were to cut the $113,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

On page 3, line 6, after the word "and", strike out "thirty-seven" and insert "fourteen".

Mr. YARBOROUGH. The Committee found a discrepancy between the budget estimate and the Department's justification and this amendment corrects it as regards the actual number of vehicles needed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

On page 3, line 8, after the word "and", strike out "twenty-seven" and insert "four".

Mr. YARBOROUGH. This is the same as the previous explanation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

On page 3, line 11, after the word "of", strike out "$400" and insert "$800".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

On page 3, line 15, strike out "$135,500,000" and insert "$137,085,000".

THE AMENDMENT DEALS WITH THE BUREAU OF CUSTOMS

Mr. YARBOROUGH. That is an increase of $1,585,000 over the House bill amount of $135,500,000. This restoration was requested to fund 170 additional new positions in the Bureau of Customs. They had asked for a total of 970 new man-years of employment. The Department stated that the House funds allowed only a portion of those and that those cut were needed in the Customs Service. I think they made a good case, in view of the vast increase in air traffic overseas, the problems in smuggling that go on, and their attempt to prevent the bringing of narcotics into the United States. It used to come in by boat, but now it comes in by airplanes, by cars, through the mails, or on the person. With millions of people traveling in and out of this country every year, it is a difficult problem. We felt that they needed the personnel, and the Senate committee raised that to the full amount asked by the Bureau. The big problem now is to uncover narcotics. It has shifted from smuggling just to dodge a tax on imported goods to the bigger thing of smuggling millions of dollars of narcotics. We know of the example of the plane that was caught on Crete which had been flown from the United States and was going to bring in millions of dollars of hashish on one trip.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows:

On page 3, line 20, after the word "commission", strike out "$18,000,000" and insert "$19,663,000".

Mr. YARBOROUGH. Mr. President, that is an increase of $1,663,000 over the House allowance for the Bureau of the Mint. The Bureau of the Mint stated that there would be required to be manufactured a total of 8.7 billion new coins. The House allowed only enough money to mint 7,600,000,000 coins. We restored the $1.6 million in the Senate committee to permit the minting of the 8.7 billion coins estimated needed for the year.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows:

On page 4, line 8, strike "$25,500,000" and insert "$26,096,000."

Mr. YARBOROUGH. That is for the Internal Revenue Service, salaries and expenses, and the restoration of the $596,000 by the Senate committee. The House cut this $596,000 and that reduction resulted in the loss of 41 man-years of employment, under their estimate. They stated that these were needed to avoid further reductions in management support and internal integrity programs. The Senate committee, after hearing the voluminous testimony, 1,466 pages of it, went into each one of the items and had three hearings on them.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows:

On page 4, line 14, after the word "exceed", strike out "$35,500,000" and insert "$36,500,000";

Mr. YARBOROUGH. That item is to permit for the increased hire of temporary employment. The fiscal 1970 limitation for this purpose was $32.5 million. The Department requested an increase to $36,900,000 to provide more flexibility in the assignment of employees during the period of transition to the new service centers at Fresno, Memphis, and Suffolk County, N.Y. They need that money for the transition, for temporary employment. The Senate committee increased the 1970 limitation to $36,500,000 for fiscal 1971.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows:

In line 17, after the word "applicants", strike out "$220,000,000" and insert "$222,239,000".

Mr. YARBOROUGH. That restores a House reduction of $2,239,000 in the budget estimate. An increase of the 559 additional new positions was requested for Revenue accounting and processing, Internal Revenue Service. The Department states that the House allowance provides only 229 man-years of the 559 requested. This reduction would require a 3- to 4-month delay in the processing of refunds, returns, delayed billings, and so forth, sent to some 400,000 taxpayers. We felt that Internal Revenue should have enough personnel to avoid that delay. Treasury feels they would save

money by not having any delays in the billings.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows: On page 4, line 25, after the word "of", where it appears the first time, strike out "$400" and insert "$800".

Mr. YARBOROUGH. This sets a limitation that can be paid for police-type vehicles above the general purchase price limitation. This allows for the purchase of special equipment for police-type vehicles, including air conditioners. Some had a limitation that they could not buy air conditioners in some parts of the Southwest. These specially equipped cars are needed by law-enforcement personnel, and cars without air conditioners are almost unbearable to stay in, especially in the Southwest. We moved to increase the limitation in order to equip the law-enforcement cars with air conditioners.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows:

On page 5, line 3, after the word "Commissioner", strike out "$645,000,000" and insert "$660,000,000".

Mr. YARBOROUGH. That is for the Compliance Division of the Internal Revenue Service. The House allowed 1,550 of 2,894 new average positions requested. The Department contended that although the House authorized the position, funding for only 732 positions, was provided, thus it would be short 2,162 average positions. The 1970 funding provided for 44,009 average positions. The Department stated that the House bill provides for the funding of only 44,741 average positions rather than the 46,903 requested, and this was not enough and that they could not possibly operate with the collection levels they had previously had, especially in audit and collection of individual income taxes, without this additional personnel.

With the greater number of income tax returns, the larger amounts of money being filed, and the money being claimed in refunds, it requires this additional personnel to do an efficient job. The committee, after hearing all the evidence and the presentations of the witnesses, including the Department's, recommends to the Senate that the Internal Revenue be granted sufficient personnel necessary to do an efficient job in auditing and collection. We know from examples around the world that if people do not have confidence in an efficient, speedy, and impartial tax department, this can undermine the foundation of government. We felt that an efficient tax department was necessary in fairness to everyone, so the committee recommended such a restoration.

Mr. WILLIAMS of Delaware. Mr. President, I want to commend the committee on its action here. It is a step much needed to be taken.

Mr. YARBOROUGH. We cut $4 million of the $19.4 million requested to be restored because of the lapse of time. We allowed $15 million over the House figure. We had a lapse of 3 months there, and then we cut that approximately $4 million—because they cannot hire and train the people now, except for three-quarters of the year. Other than the lapse of time, we granted all that they asked in this account.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The legislative clerk read as follows: On page 5, line 14, after the word "of", where it appears the first time, strike out "$400" and insert "$800"; and, in line 16, after the word "aircraft", strike out "$40,000,000" and insert "$44,600,000".

Mr. YARBOROUGH. The first item is similar to the one previously explained. The second item restores $4,600,000 to the Secret Service for personnel to protect the office of the President, presidential candidates for nomination, and so forth, and we felt that what the group presented showed this protection was necessary.

The PRESIDING OFFICER. The question is on agreeing to the two amendments en bloc.

The amendments were agreed to.

The legislative clerk read as follows: On page 7, at the beginning of line 2, strike out "$50,000" and insert "$100,000"; and, in line 9, after the word "General", strike out "161,000,000" and insert "$163,670,000".

Mr. YARBOROUGH. That, I believe, is for confidential information and is an item under title II of the bill. We move over to the Post Office Department now. We might as well take this up by line items to save time, rather than making a general explanation.

Mr. WILLIAMS of Delaware. I have no objection to the Senator, if he wants to, considering the Post Office, title II, but I do want an explanation of the first item. I will leave it to the Senator's discretion what line items, or whether he wants to consider that section en bloc.

Mr. BOGGS. Mr. President, will the Senator yield? On page 5, I believe we have yet one amendment to take up—lines 16 and 17.

The PRESIDING OFFICER. We have covered that amendment.

Mr. BOGGS. All right. If the chairman would yield further, I at this time move that the amendments to the remaining part of the bill be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. YARBOROUGH. Mr. President, I think the Post Office Department should be considered separately from the Executive Office of the President.

Mr. BOGGS. That will be satisfactory.

Mr. YARBOROUGH. I have no objection to the Post Office amendments being considered en bloc.

Mr. BOGGS. I withdraw my request.

Mr. YARBOROUGH. Mr. President, in the case of the Post Office Department, the committee voted to increase the Post Office appropriations over the House bill by $18,483,000.

I personally voted against this increase in the subcommittee, but was overwhelmingly outvoted. So I offer no motion on the floor.

They stated that they needed 16,643 new positions and the House allowed an increase of $120.9 million over 1970. The House cut the budget estimate of $8,278,259,000 by $42.4 million. They requested a restoration of $36,959,000.

Since the House of Representatives passed on this bill, we are approaching a 3-month lapse due to a number of unavoidable things that delayed final consideration of the bill by the Senate through our subcommittee and full committee.

Even if all the increases asked for in the Post Office Department were justifiable, it seems to me that the amount should be cut by one-fourth because nearly 3 months have gone by. The amount should have been cut before. I personally did not think it was justifiable last year.

The Postmaster General asked for an increase of 1,122 positions in the Post Office Department and in the regional offices in 1970 over 1969. In 1969, the Post Office Department had in its regional offices and the offices of the Postmaster General a total of 8,628 positions. Last year the Postmaster General stated he was going to make the Post Office more efficient. For fiscal 1970, he asked for 1,122 additional positions. Congress granted that request, bringing the total to 9,760 positions for administration and regional operation.

After having been granted the enormous increase of 13 percent, and after having said that it was to be the most efficient operation in the history of the country, I think it has proven to be one of the most inefficient operations that we have had in history.

A citizen from my county, John H. Reagan, did a better job in the confederate union when half of the country was overrun.

The Postmaster General is now asking for 710 additional positions in addition to the 1,122 now on board. I will offer no amendment because we have so few votes to retain our position. However, since nearly one-fourth of the year has lapsed, the amount should be cut by one-fourth. The House cut some. They did not cut one-fourth because they passed the bill on April 13, I believe.

To be candid, there were only three votes in the committee to cut it back to the House committee amount.

I think it is wasteful. However, I want to explain to the Senate what we are doing here in this portion of the appropriation bill.

Mr. BOGGS. Mr. President, I move that the committee amendments be considered en bloc.

Mr. YARBOROUGH. Mr. President, I object. I have no objection to all of the Post Office amendments being considered en bloc.

Mr. BOGGS. I beg the Senator's pardon. I move that the remaining committee amendments in the Post Office section be considered and agreed to en bloc.

The PRESIDING OFFICER. Without

objection, the amendments will be considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 7, at the beginning of line 2, strike out "$50,000" and insert "$100,000"; and, in line 9, after the word "General", strike out "$161,000,000" and insert "$163,670,000".

On page 7, line 15, after "3109", strike out "$60,000,000" and insert "$65,675,000".

On page 8, at the beginning of line 1, strike out "$6,500,000,000" and insert "$6,517,138,000".

On page 8, line 15, after the word "mail", strike out "$655,000,000" and insert "$659,000,000".

On page 8, line 21, after the word "Government", strike out "$255,000,000" and insert "$259,000,000".

On page 9, line 9, after the word "of", strike out "$400" and insert "$800"; and, in the same line, after the word "vehicle", strike out "$217,000,000" and insert "$219,000,000".

On page 10, line 2, after the word "amended", strike out "$269,825,000" and insert "$252,825,000".

Mr. BOGGS. Mr. President, with the permission of the Senator from Texas, I send to the desk a technical amendment on page 8 to the Post Office section of the bill.

The PRESIDING OFFICER. The Chair is advised that it will require unanimous consent to consider that floor amendment before all committee amendments have been agreed to.

Mr. BOGGS. Mr. President, I ask unanimous consent that this technical amendment be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated by the clerk.

The legislative clerk read as follows:

On page 8, line 5, strike out "Bureau of the Budget" and insert in lieu thereof: Office of Management and Budget.

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, I turn now to title IV of the bill—Independent Agencies. This involves the Administrative Conference of the United States, the Advisory Commission on Intergovernmental Operations, and the Tax Court of the United States.

The committee recommended an increase of $288,000 for the Tax Court. House Document 91–305, dated April 13, 1970, was received in the Senate as it was too late for House consideration. The $288,000 added by the Senate provides for personnel, travel, and related expenses incurred by the Tax Court in carrying out its new small case procedure responsibilities. We passed a Small Case Procedures Act for the Tax Court to bring the court closer to the people.

I move that that increase of $288,000 be approved.

Mr. BOGGS. Mr. President, I concur.

The amendment was agreed to, as follows:

On page 15, line 24, after the word "services", strike out "$3,000,000" and insert "$3,288,000".

Mr. YARBOROUGH. Mr. President, reverting to title III, the Executive Office of the President, I feel that I should call the attention of the Senate to some matters. I shall not make a motion, although I have grave reservations about some of them. We have discussed these matters in the committee. They have been voted on in the committee. That is the reason that I offer no amendment at this time.

I point out that the White House office had a budget obligational authority last year of $3,940,000. This year it is $8,550,000, an increase of $4,610,000 to operate the White House office, more than double the year before.

The reason given was that this was so as to have an honest accounting, that in the past people had been assigned from the Defense Department, the Interior Department, and other departments, and were still carried on the rolls of those Departments and paid by those Departments although they were actually working in the White House.

We made some inquiry into this matter. We were told that situation would have to continue, that some people were assigned for 3 or 4 months from the Defense Department and that they have an accounting problem concerning their status and transferring them over and the White House makes it a temporary rotating thing.

There has been a vast increase in the number of personnel. The White House has moved from the old State Department Building, Treasury Building, and War Department Building and is occupying other buildings around Lafayette Square. I talked to the distinguished Senator from Georgia (Mr. RUSSELL) about this matter. He is chairman of the Committee on Appropriations. Apparently there is a longstanding understanding that they do not question our appropriation request as pertains to the Congress and we do not stop their appropriations.

However, I call to the attention of the Senate that this is more than double the amount for the year before for the same President to run the White House.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. PROXMIRE. Is the Senator saying that the expenses of the White House will be more than doubled in the coming year on the basis of the recommendation of the present administration?

Mr. YARBOROUGH. That is what the figures here indicate. However, the administration contends it will not be.

They state that what they are doing is taking people detailed to the White House from the different bureaus and agencies of the Government, such as the Department of Defense and of the Department of Interior, and that they will be paying them from the White House allowance instead of having them paid by the Department of Interior or the Department of Defense.

Mr. PROXMIRE. Mr. President, this is a very important point. I have great respect for President Nixon and I have said so in my State and elsewhere, and I will continue to do so. But the President made a big issue of economy in Government. Economy must start at the top, if there is to be a believable example for the rest of the country.

As I understand what the Senator has said, the Administration's explanation is that while the cost has doubled, they are no longer borrowing personnel from other offices.

Mr. YARBOROUGH. The Senator is correct.

Mr. PROXMIRE. Did the committee have an opportunity to determine how many people they have borrowed? Was the committee able to determine how much they have gotten in terms of help from other Departments? Second, what kind of report will there be to the country and the Congress, which I think they deserve, as to how this will be true economy, or whether the White House will continue to borrow personnel and add to this expense?

Mr. YARBOROUGH. I cannot answer that because we could not get the hard facts since it is in futuro.

Mr. PROXMIRE. It is not in futuro that they have been borrowing personnel.

Mr. YARBOROUGH. No. I am going to talk about that.

In fiscal 1970 there were 208 personnel funded or paid by the White House; 95 funded out of special project funds and there were detailed from other Federal agencies 273, which is more than the regular employees in the White House.

They expect during fiscal year 1971 to hire or fund 548 regulars from the $8,550,000; that they will have that many regulars.

I am told by knowledgeable people that certain people are detailed from the Department of Defense on a rotating basis every 2 or 3 months and they do not believe it will be feasible or that it will happen. But we do not know until it is happening if it will continue. They say it will not, but they put these people on the payroll and they pay them.

Mr. PROXMIRE. When are those people detailed from other agencies to the White House? When will their services cease so we can follow up to determine whether the White House eliminates them?

Mr. YARBOROUGH. We do not know what date this change would take effect. Presumably it would take effect when it is signed. We tried to put in some control over that. Next year you can, as the Senator is on the committee.

The committee has recommended a commensurate decrease in personnel expenditures by the departments and agencies. If they increase this by $4,610,000, we expect the other agencies to cut their budgets accordingly if the 548 are really to be paid by the White House.

Mr. PROXMIRE. Have there been reports in the past on the personnel they borrow?

Mr. YARBOROUGH. No. One reason we held up the hearings on this matter was that it took me many weeks to get a detailed list.

Mr. PROXMIRE. Will it be possible in the future for Congress to get such a list?

Mr. YARBOROUGH. I think we should. I did receive one, but we had nothing to compare it with. They surrendered this very grudgingly and we understand why. They said that none of their predecessors had filed one.

Mr. PROXMIRE. The Senator is now making legislative history that it is his understanding that the White House in the future will indicate to the committees of Congress when they come up for appropriations the personnel they borrowed from the agencies during the year so we can determine if this is an additional or substitute expenditure.

Mr. YARBOROUGH. I do not know if they promised what they would do in the future. That will be up to the next committee. We got their commitment that they are going to put them on the White House payroll and not detail them from the departments.

I have talked to people who have said it cannot be done on the rotating policy of the Department of Defense; that due to the status of these people, if they were sent on a 2- or 3-month detail, it could not happen.

Mr. PROXMIRE. It seems to me that the country, Congress, and the President would be better served if this were all made public and clear to Congress, the Committees on Appropriation, and the public as to how many people are being used from other departments as time goes on so we can have an accounting, know the situation, and be able to determine it.

Mr. YARBOROUGH. I have a detailed accounting. That is one reason this bill was so late in reaching the floor of the Senate. We demanded it and the White House furnished it reluctantly. They said none of their predecessors had furnished it. One can understand why they were reluctant.

We did not do this to humiliate the White House. When the White House is denouncing Congress for being spendthrift and they say, "Give us a 100-percent increase to run the White House and to raise the number of employees to 548 a year," I felt I was entitled to an explanation. We received a detailed breakdown, and I have it here for the fiscal year 1970.

Mr. PROXMIRE. The chairman is absolutely correct that the circumstances are unusual. I do not think we ever had a situation where we have doubled the amount. Under these circumstances it is proper and right to require a more meticulous and complete accounting.

I congratulate the Senator and I hope we can follow up in the next year to determine the extent to which this was a substitute and the extent to which there was a substantial increase for the White House.

This is important because, after all, Congress and the American people should and must look to the President to set an example in the area of economy.

Mr. YARBOROUGH. I will state why I had misgivings. I shall read certain questions and answers from the hearing record. Mr. Schlesinger was the witness, and he was asked the following questions:

Senator YARBOROUGH. How many military personnel are assigned to the White House on full-time and how many on part-time basis?

Mr. SCHLESINGER. Approximately 170 military personnel are detailed to the White House.

Senator YARBOROUGH. Are they funded out of the funds requested here?

Mr. SCHLESINGER. No, sir.

Senator YARBOROUGH. Then, that is another group which I assume covers the Navy mess personnel, that is not funded out of the amount requested here, in addition to the Secret Service and White House Police, some postal employees, some Interior Department personnel, and employees of other branches of the Government.

Mr. SCHLESINGER. Yes, Mr. Chairman, that is correct.

Senator YARBOROUGH. Well, if you had to pay for all of those out of this appropriation request, that would be one thing, but if these salaries are paid out of other appropriations, you narrow this sum down. If the special projects request for $1.5 million is kept at that level, this becomes a matter of economy, it seems to us.

Mr. SCHLESINGER. The appropriation deals with the White House Office narrowly defined. It does not include certain other agencies located within the Executive Office of the President. For example, the National Security Council has military personnel detailed to it. This does not cover them, but the White House Office does not include those personnel. Any individuals who are part of the ordinary White House Office will be covered by this appropriation.

Senator YARBOROUGH. Now, if this appropriation is adopted this way, for example, the consolidation that the Bureau of the Budget is presenting here, will the White House continue to have personnel detailed on a permanent basis from other agencies after that?

Mr. SCHLESINGER. There will be personnel on temporary assignment, but the practice in the past of permanently assigning people to the White House will be ended.

So we will have this temporary type we have been talking about rotated, but they claim them as permanent personnel.

It took a considerable time after the hearings to get the breakdown of the 548. We have just broken the ice on this. As I have said, we were not attempting to heckle the White House, but the reason we did it was that the Congress has been accused by being spendthrift. I know I have heard it in my State. But the great economizers say they want to approximately double the amount, from $3,940,000 to $8,550,000. I felt we were entitled to an explanation, and this is the explanation we received. But the White House had no figures to compare with them in the past. I do not blame them for being reluctant to furnish figures that their predecessors did not have to. Nobody should blame them for having that reluctance to furnish the breakdown of personnel. I do not blame them for it. I am not going to put that in the RECORD unless a Senator especially requests that it be put in the RECORD.

There is another item, Special Assistance to the President. This is a new item for the Vice President and is $700,000 more than had previously been provided. The only way I could see to keep them from using any number to help them in running for reelection was to provide a ceiling of 39 positions. My fellow Texan, formerly in the White House, was not known as being a modest person in asking for help. Neither was Vice President Humphrey or Vice President Nixon. We had three aggressive vice presidents. But this is an item of 39 new positions, and provides $700,000 for these positions. We have not had an emergency requiring that help. I did not see the proof made for that need as a necessary item, and I offered two amendments in the subcommittee and full committee. They were voted down. So I did not think it was incumbent on me to offer those amendments to the bill on the floor.

Mr. PROXMIRE. How many staff members does the Vice President have now?

Mr. BOGGS. Mr. President, will the manager of the bill yield to me?

Mr. YARBOROUGH. I yield.

Mr. BOGGS. May I suggest that there may be an answer on page 1256 of the hearing record. I read:

Senator YARBOROUGH. But he has had these assistants all along?

Mr. SCHLESINGER. He has.

Senator YARBOROUGH. How many assistants does the Vice President have assigned to him full time now, exclusive of the legislative staff, as Chairman of the National Aeronautics and Space Council, as a member of the National Security Council, and all of these chairmanships, vice chairmanships, and memberships? How many personnel are now assigned full time to him downtown?

Mr. SCHLESINGER. The average number, Mr. Chairman, is 39.

So he is not asking for new personnel. These 39 have been assigned from other agencies and, as pointed out in the colloquy, for the first time an effort is being made to designate where they come from and where they are going.

Mr. PROXMIRE. As I understand it, the Vice President has a legislative staff and he has a number of staff assistants. He has the assistance of the staff members of the various commissions on which he serves if he is working with a particular commission. Is that correct or am I misinformed?

Mr. BOGGS. I understand he has a total of 39. He may have the assistance of the staff members of the various commissions, but they are not assigned to him. They are assigned to the commissions.

Mr. PROXMIRE. In some cases he is chairman of a commission, in which case I assume he can use that staff member for any work of the commission.

Mr. BOGGS. I assume so.

Mr. PROXMIRE. In addition, he has a legislative staff. In addition, it appears, as the Senator from Delaware has said, that he has 39 people who are paid by other departments, but whom he uses.

Mr. BOGGS. That is correct.

Mr. YARBOROUGH. He has 28 assistants on the legislative staff. That does not include secretaries. They are 28 staff members.

Here are the functions that have developed upon the Vice President beginning some years ago. Here is the total number of functions assigned to the Vice President:

Chairman of the National Aeronautics and Space Council.

Chairman of the National Council on Marine Resources and Engineering Development.

Member of the National Security Council.

Member of the Council for Urban Affairs.

Member of the Council for Rural Affairs.

Presidential liaison with State and local officials and supervision of the Office of Intergovernmental Relations.

Vice Chairman of Environmental Quality Council.

Chairman of the Cabinet Committee on School Desegregation.

Chairman of the President's Council on Youth Opportunity.

Chairman of the National Council on Indian Opportunity.

Chairman of the President's Council on Physical Fitness and Sports.

Member of the National Advisory Council of the Office of Economic Opportunity.

Member of the Cabinet Committee on Economic Policy.

Member of the President's Cabinet and acts as chairman when the President is absent.

Mr. PROXMIRE. On each of the commissions on which the Vice President serves as chairman, he has the staff to assist him when he is working for that particular commission. When he is a member of the commission, he has a staff to assist him while doing work for that commission.

Mr. YARBOROUGH. That is correct, like the Environmental Quality Council or the Council on Youth Opportunity. He has 39 staff members and he can assign them to do the work he wants done. Sometimes these councils are created by law, such as the National Advisory Council of the Office of Economic Opportunity. Many of them are created by Executive order. I have omitted the number. Many, like the Cabinet Committee on School Desegregation, are designations by the President without Executive order. Most are by Executive orders or law, beginning with the National Security Act of 1947. So he has a staff. They can serve him on commissions on which he serves.

Taking these 39 and establishing these positions is something new.

Mr. PROXMIRE. We know that the Vice President is a very effective political force. Many people feel he is a more effective political figure than any other person except the President. In fact, as far as many in my State of Wisconsin are concerned, there is no more popular figure than Vice President Agnew. I say that with respect and sincerity. At the same time, if he is going to get 39 staff people entirely assigned to him, as the chairman of the subcommittee has indicated, we ought to have some assurance that they will not be used solely to assist the Vice President in his tremendously effective political work, which many of us in the Senate have reason to disapprove.

I am one of a number of Democratic Senators up for election this year. I am wondering what protection we have in seeing that these 39 employees will be used for constructive work on behalf of the taxpayer and not primarily for political work.

Mr. YARBOROUGH. Well, we Democrats are in the majority in each House, and it seems to me that to give the Vice President 39 more assistants to turn loose on the Democrats, who are acting as though they were a little bit tired of being leaders and chairmen, anyway, or are just tired, if we give him 39 men to beat them with, he might well do it.

Mr. PROXMIRE. Does the Senator from Texas conclude that there is a restraint on the 39 people who are now assigned to the Vice President from other agencies, which restraint would be absent if we agreed to this amendment and provided the 39 people directly to the Vice President?

Mr. YARBOROUGH. That is my interpretation of what we are doing here. If there is any disagreement on it, I invite it, if Senators think it is in error. I see no restraint on the Vice President if we adopt the amendment.

Mr. BOGGS. Mr. President, will the chairman yield?

Mr. YARBOROUGH. I yield.

Mr. BOGGS. Mr. President, I might say that these 39 employees, as I pointed out to the Senator from Wisconsin, reading from the record, are already employees assigned to the Vice President's office, and they are all scheduled employees under——

Mr. PROXMIRE. Civil service?

Mr. BOGGS. Civil service, that is correct; and they are not participating in any fanciful or imaginary political program.

Mr. PROXMIRE. These 39 employees to be provided by this bill——

Mr. BOGGS. They are the same 39 people.

Mr. PROXMIRE. Would they be under civil service, under the Hatch Act?

Mr. YARBOROUGH. I just do not believe the Vice President's assistants, assigned to him by Congress, are going to be under any Hatch Act.

Mr. BOGGS. But these assigned to him now from various departments——

Mr. PROXMIRE. Are now under the Hatch Act, but if they are assigned directly to him——

Mr. BOGGS. They will all be scheduled civil service employees except one, I understand.

Mr. PROXMIRE. And would be under the Hatch Act?

Mr. BOGGS. That is correct.

Mr. PROXMIRE. Is that in accordance with the understanding of the chairman?

Mr. YARBOROUGH. I would say under the law, as scheduled employees, they would be under the Hatch Act.

Mr. BOGGS. They would be under schedule C civil service rating, schedule A and schedule C, and would, therefore, have to be. They are not an additional 39 employees.

Mr. YARBOROUGH. I think we ought to make this record right here, then, before we vote on the remaining amendments. I think we ought to make it clear that it is the interpretation of the Senate that these are scheduled employees.

Mr. BOGGS. Schedule A and C employees.

Mr. YARBOROUGH. I offer in evidence at this time, from page 1260 of the hearings record, the consolidated schedule of permanent positions paid from funds available for special assistants to the President, with the detail of personnel compensation.

Is that the list?

Mr. BOGGS. That is the list.

Mr. YARBOROUGH. I ask unanimous consent that that list be printed in the RECORD at this point, with the understanding that these are scheduled employees under civil service, and that all except that one at the executive level, at $42,500, will be under the Hatch Act, and cannot participate in political activities.

Mr. BOGGS. That is what I understand.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

CONSOLIDATED SCHEDULE OF PERMANENT POSITIONS PAID FROM FUNDS AVAILABLE FOR SPECIAL ASSISTANCE TO THE PRESIDENT—DETAIL OF PERSONNEL COMPENSATION

03-22-1454-0-1-903	1969 actual, number	1970 estimate, number	1971 estimate, number
GRADES AND RANGES			
Executive level II, $42,500			1
GS-18, $33,495			1
GS-17, $28,976 to $32,840			2
GS-16, $25,044 to $31,724			1
GS-14, $18,531 to $24,093			3
GS-13, $15,813 to $20,555			1
GS-12, $13,389 to $17,403			1
GS-9, $9,320 to $12,119			4
GS-7, $7,639 to $9,934			8
GS-6, $6,882 to $8,943			7
GS-5, $6,176 to $8,030			4
GS-4, $5,522 to $7,178			2
GS-3, $4,917 to $6,393			4
Total permanent positions			39
Unfilled positions, June 30			
Total permanent employment, end of year			39

Mr. YARBOROUGH. That includes the writing of the political speeches for the Vice President. That is a political activity.

Mr. BOGGS. I do not know what a political activity consists of, Mr. President.

Mr. YARBOROUGH. Well, that is a political activity.

Mr. BOGGS. I do not know what is a political speech.

Mr. YARBOROUGH. You can tell when the Vice President makes a speech whether it is political or not. He does not leave any doubt about it; you are not under any illusions, when he makes a speech.

Mr. BOGGS. But that schedule is a part of the hearing record. I ask that it be made a part of this RECORD also.

Mr. YARBOROUGH. And that is the agreement and understanding as to the meaning of this provision on the part of both the floor manager of the bill and the able and distinguished Senator from Delaware, who faithfully sat through all these hearings and took a very beneficial and active part on this legislation. I want to compliment the Senator for being there at all times, and for his diligent work.

Mr. BOGGS. I thank the Senator.

Mr. PROXMIRE. Is it the Senator's understanding that this means these 39 people could not act in any campaign capacity, such as advance man, writing releases, soliciting funds, or any of these other capacities which are obviously, distinctly, and peculiarly political?

Mr. YARBOROUGH. Certainly soliciting funds is taboo, at the beginning, right off, under the Hatch Act.

Mr. BOGGS. They would be under scheduled civil service regulations, just as any other employee would be.

Mr. YARBOROUGH. The first thing a scheduled employee cannot do is solicit funds.

Mr. PROXMIRE. These other activities could be damaging, too. The Vice President does not need much help in soliciting funds. There are few people in recent years who can solicit the way he can.

Mr. YARBOROUGH. As successfully, the Senator might say.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

Mr. BOGGS. Mr. President, I move that the remaining committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the remaining amendments be considered en bloc?

Mr. BOGGS. Yes.

The PRESIDING OFFICER. Without objection, the remaining committee amendments are considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 13, line 18, after "$350,000", strike out "to remain available until expended,".

On page 14, line 13, strike out "BUREAU OF THE BUDGET" and insert "OFFICE OF MANAGEMENT AND BUDGET"

On page 14, line 16, after the word "the", strike out "Bureau of the Budget" and insert "Office of Management and Budget".

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BOGGS. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: On page 16, after line 2, insert the following:

"TITLE V—FUNDS APPROPRIATED TO THE PRESIDENT

"Protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations

"For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds as he may specify, to provide adequate security protection to foreign heads of state and other foreign dignitaries while visiting in the United States during or in connection with the 25th anniversary of the founding of the United Nations, $1,650,000."

And on page 16, line 3, strike out "Title V" and insert: "Title VI."

And on page 16, line 4, strike out "SEC. 501." and insert "SEC. 601."

Mr. BOGGS. Mr. President, I would like to give a short explanation of this amendment. We have just received this morning a message to the President of the Senate for the President of the United States requesting an appropriation of $1,650,000 to pay expenses for protection of visiting foreign dignitaries who will be attending the observance of the 25th anniversary of the United Nations. It is expected that about 60 heads of state will be at the United Nations in New York in October and some may arrive in late September. While the executive branch has been aware of the need to provide additional protection under the laws of the land for these official foreign visitors, it had not been decided whether to provide for the extraordinary expenses of additional protection by deficiency funding or a request for a special supplemental appropriations bill. This has caused the delay which resulted in our not receiving this budget request before the Appropriations Committee on Treasury and Post Office met in executive session to mark up the bill now before the Senate.

I think it should be made clear that the $1,650,000 requested is not for the salaries of any additional personnel; it is solely for the travel and other related expenses which will be incurred by the U.S. Secret Service and other agents and agencies of the Government in connection with the assignment of special protective personnel to the task of protecting the visiting heads of state. I understand that the assignment of such personnel will commence in early September and, therefore, there is an urgency for the passage of this appropriation.

Mr. President, I move that the amendment be adopted.

Mr. YARBOROUGH. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. YARBOROUGH. Mr. President, if there are no further amendments to be proposed, I suggest a third reading of the bill.

Mr. GRIFFIN. Mr. President, will the Senator withhold that request, and have a quorum call? The Senator from Delaware (Mr. WILLIAMS) is on the phone.

Mr. YARBOROUGH. Does he have an amendment?

Mr. GRIFFIN. He may have. I do not know.

Mr. YARBOROUGH. Then, Mr. President, I withdraw my request for third reading, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOGGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, the legislation before this body, H.R. 16900, Treasury post office and section of appropriation bill 1971, is a responsible and a responsive appropriations bill, I believe.

It is responsive to our overheated economy in that it does not appropriate any more money than necessary to operate the departments and offices involved efficiently. It is responsive to the needs of the taxpayers in that it provides a sound basis on which those agencies can operate effectively.

This is milestone legislation in one important aspect. It marks the last time the Post Office Department will come before the Congress with a budget request amounting in the billions of dollars.

As we all know, this body on June 30 voted 86 to 11 to create the U.S. Postal Service and give it great latitude in its own operation. Under that legislation, the Postal Service, beginning in fiscal year 1972, will be entitled to an appropriation of only 10 percent of the 1971 figure, amounting to about $825 million if this bill becomes law as now written. That 10 percent was designed to cover the vital public service costs of the mail system.

There are four titles to this bill, of which the Post Office Department is the second. This bill would appropriate $8,235,825,000 for the operation of that Department during fiscal year 1971. That figure is $272,806,000 more than in fiscal year 1970, but $42,434,000 below the budget estimates for fiscal year 1971.

It must be noted that the Department expects to realize $6,521,000,000 in revenues during the year, fixing out-of-pocket expenses at $1,714,825,000.

The increase in the 1971 appropriation amounts to about 3.4 percent of the 1970 budget. Measured against an expected 3-percent increase in mail volume during the year, this leaves a small margin for improvement of vital services.

Title I of the bill appropriates $1,222,122,000 for the Department of the Treasury. This figure is $54,660,000 more than last year, but $30,429,000 below the budget estimates for this year.

There are several noteworthy items in title I.

First, it includes $5 million for first-phase construction of the Federal Law Enforcement Training Center in Beltsville, Md. This center, when completed, will conduct recruit, advanced, specialized and refresher training for enforcement personnel of participating agencies.

Second, the bill provides $135.5 million for the Bureau of Customs, $10,369,000 more than in fiscal year 1970. This appropriation, I believe, is vital if we are ever to cut down on the flow of narcotics into this country and to lessen the customs congestion at our major ports of entry.

Finally, title I provides $890.5 million for the Internal Revenue Service, an increase of $31,143,000 over fiscal year 1970. This appropriation is vital, I believe, if the IRS is to provide prompt refunds and other taxpayer services and to assure compliance with the law.

Title III of the bill provides $30,765,000 for operation of the Executive office of the President. This is $5,451,000 higher than fiscal year 1970, but $190,000 below the budget estimates.

This budget represents an effort by the administration to produce a realistic budget document. It attempts to bring more full accountability into the budget process and to eliminate everywhere possible the reliance upon personnel loaned from other agencies.

And finally, title IV provides funds for several small independent agencies. It would appropriate $3,990,000 for the operation of the Administrative Conference of the United States, the Advisory

Commission on Intergovernmental Relations, and the U.S. Tax Court.

In summation, Mr. President, this bill would appropriate $9,537,429,000 to the agencies involved in fiscal year 1971. That figure is $374,892,000 more than appropriated for fiscal year 1970, but $28,614,000 below the budget estimates for the current year.

I take this opportunity to especially compliment the distinguished chairman and manager of the bill, the Senator from Texas (Mr. YARBOROUGH), on the very fine job he has done and on his attention to his assignment as chairman of this important subcommittee. It has been a pleasure to work with him.

I also wish especially to compliment the members of the Appropriation Committee staff, particularly Mr. Joseph Gonzales, Mr. Clark, and the other members of the staff who worked with them and have been so helpful, for their fine contributions.

Mr. YARBOROUGH. Mr. President, I appreciate the remarks of the distinguished Senator from Delaware, and wish to express my appreciation to him.

In scheduling hearings on the bill, we never had any problem about time insofar as he was concerned. He held himself available at all times, and, as I think has come out here in colloquy about some of the reasons for the delay as we discussed this transfer of funding, a different way of paying the personnel for President and Vice President, we have had a number of things to iron out. They have all been successfully ironed out, and the Senator from Delaware, with his unfailing courtesy, has assisted and was generous in all matters.

I have had the privilege of serving with the Senator from Delaware for years on the Post Office and Civil Service Committee, in addition to the Appropriations Committee, and it has always been a pleasure to serve with him. I would like to add that he hunts in my State, and, now that I am going to have the opportunity to move back there, I hope to have the pleasure of hunting with him in the future.

Mr. BOGGS. I thank the Senator very much.

Mr. YARBOROUGH. Mr. President, if there are no further amendments, I suggest third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16900) was read the third time.

The PRESIDING OFFICER (Mr. HART). The bill having been read the third time, the question, is, Shall it pass?

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the senior Senator from Colorado (Mr. ALLOTT), the junior Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 283 Leg.]

YEAS—68

Aiken	Gore	Muskie
Allen	Gravel	Nelson
Bayh	Griffin	Pastore
Bellmon	Hansen	Pearson
Bennett	Hart	Pell
Bible	Hatfield	Prouty
Boggs	Holland	Proxmire
Brooke	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Hughes	Saxbe
Byrd, W. Va.	Jackson	Schweiker
Case	Jordan, Idaho	Scott
Church	Kennedy	Smith, Maine
Cook	Long	Sparkman
Cooper	Magnuson	Spong
Cotton	Mansfield	Symington
Cranston	Mathias	Talmadge
Curtis	McClellan	Thurmond
Dole	McGee	Tower
Eagleton	McGovern	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Miller	Yarborough
Fulbright	Montoya	

NAYS—0

NOT VOTING—32

Allott	Gurney	Murphy
Anderson	Harris	Packwood
Baker	Hartke	Percy
Cannon	Inouye	Russell
Dodd	Javits	Smith, Ill.
Dominick	Jordan, N.C.	Stennis
Eastland	McCarthy	Stevens
Fannin	Metcalf	Tydings
Fong	Mondale	Young, N. Dak.
Goldwater	Moss	Young, Ohio
Goodell	Mundt	

So the bill (H.R. 16900) was passed.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BOGGS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. BYRD of West Virginia, Mr. MCGEE, Mr. MONTOYA, Mr. BOGGS, Mr. ALLOTT, and Mr. FONG conferees on the part of the Senate.

AUTHORIZATION FOR CERTAIN ACTIONS TO BE TAKEN DURING THE LABOR DAY RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senate committees be authorized to report bills, together with minority, supplemental, and individual views on Friday, September 4, 1970, between the hours of 9 a.m. and 1 p.m. o'clock, during the Labor Day recess.

I also ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and that the President pro tempore and Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate during the Labor Day holiday until September 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF GOVERNMENT CONTRIBUTION WITH RESPECT TO HEALTH BENEFITS COVERING FEDERAL EMPLOYEES AND ANNUITANTS—ENTRY OF MOTION TO RECONSIDER

Mr. BYRD of West Virginia. Mr. President, I enter a motion to reconsider the vote by which H.R. 16968 was passed earlier today and I move that the Secretary of the Senate be instructed to request the House of Representatives to return the message on that bill to the Senate.

The PRESIDING OFFICER. The motion to reconsider is entered, and without objection, the motion to instruct the Secretary of the Senate is agreed to.

MILITARY PROCUREMENT AUTHORIZATIONS—ADDITIONAL COSPONSOR OF AMENDMENT

Mr. BYRD of West Virginia. Mr. President, at the request of the majority leader, the Senator from Montana (Mr. MANSFIELD), I ask unanimous consent that his name be added as a cosponsor of the amendment of the Senator from New Hampshire (Mr. MCINTYRE), which was adopted by the Senate on Friday last to the military procurement authorization measure. Through inadvertence, there was a failure to request that the Senator's name be added as a cosponsor at the time when he spoke in favor of the proposal which embraced section 203 of last year's act and the new section 207. The amendment was on page 14, immediately above line 19, of the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. At the request of the majority leader, I ask unanimous consent that the Journal and the permanent RECORD reflect this cosponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1140, S. 3822. I do this so that it will become the pending business, with no action to be taken on it today.

The PRESIDING OFFICER (Mr. HART). The bill will be stated by title.

The legislative clerk read as follows:

S. 3822, to provide insurance for member accounts in State and Federally chartered credit unions, and for other purposes, reported with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 2, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 1, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Dwight Dickinson, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

Emory C. Swank, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

Nicholas G. Thacher, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

L. Dean Brown, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

INTERNATIONAL MONETARY FUND

Charles R. Harley, of Maryland, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years.

ASIAN DEVELOPMENT BANK

Artemus E. Weatherbee, of Maine, to be U.S. Director of the Asian Development Bank.

DEPARTMENT OF LABOR

Laurence H. Silberman, of Hawaii, to be Under Secretary of Labor.

Peter G. Nash, of New York, to be Solicitor for the Department of Labor.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Frederick Carlton Weyand, [redacted] Army of the United States (major general, U.S. Army).

Gen. James Karrick Woolnough, [redacted] Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general, under the provisions of title 10, United States Code, section 3962.

IN THE AIR FORCE

The nominations beginning with William J. Corrigan, to be major, and ending Alfred C. Schultz, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 10, 1970; and

The nominations beginning Rallin J. Aars, to be captain, and ending Thomas D. Edmonds, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 10, 1970.

IN THE ARMY

The nominations beginning Alice M. Tate, to be captain, and ending Martin B. Woodruff, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 10, 1970;

The nominations beginning Joseph Y. Kurata, to be lieutenant colonel, and ending Michael C. Egan, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 10, 1970; and

The nominations beginning Lester W. Abrams, to be colonel, and ending Leroy J. Rosenberg, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 19, 1970.

IN THE NAVY

The nominations beginning Joel H. Ross, to be ensign, and ending Robert C. Wisser, to be a permanent lieutenant and a temporary lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 7, 1970; and

The nominations beginning William Walter Aabye, to be lieutenant, and ending Mary Elizabeth Wuest, to be lieutenant, which nomination was received by the Senate and appeared in the Congressional Record on Aug. 10, 1970.

IN THE MARINE CORPS

The nomination of James H. King, Jr., to be 2d lieutenant in the Marine Corps, which nominations was received by the Senate and appeared in the Congressional Record on Aug. 7, 1970; and

The nominations beginning Kevin R. Danehy, to be captain, and ending Glenwood H. Yopp, Jr., to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 13, 1970.

SENATE—*Wednesday, September 2, 1970*

The Senate met at 9 a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Dr. Edgar J. Mundinger, pastor, Christ Lutheran Church of Washington, Washington, D.C., offered the following prayer:

O God, You have urged that prayers and petitions be made for all men. You have invited us to pray for and with one another.

We make our requests for all branches of our government and for those who are Members of this assembly. Help them to see how we depend upon Your mercy and how our strength comes down from above. Enable them to feel the oneness of the human family and to promote it. Encourage them to test the truth of human history and to learn from it. Give them the blessing of sound judgment; the skill to make wise decisions; the patience to await Your time; and then the courage to carry out Your will with dispatch.

Make us all alert to the promptings of Your spirit and ready to serve those for whom Your son died and rose again to give life in fullness and abundance, even Jesus Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 2, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Sena-

tor from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 1, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS WITH STATEMENTS LIMITED TO 3 MINUTES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senator from Utah (Mr. BENNETT) has concluded his remarks on the bill which will be pending, and after passage of the bill, there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1140, S. 3822.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 3822) to provide insurance for member accounts in State and federally chartered credit unions and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking and Currency with amendments, on page 2, line 12, after the word "Rico," insert a comma and "and (2) credit unions organized and operating under the jurisdiction of the Department of Defense if such credit unions are operating in compliance with the requirements of title I of this Act and regulations issued thereunder."; in line 19, after the word "union", insert "or a credit union operating under the jurisdiction of the Department of Defense."; on page 3, line 2, after the colon, insert "*Provided*, That examinations required under title I of this Act shall be so conducted that the information derived therefrom may be utilized for share insurance purposes, and examinations conducted by State regulatory agencies shall be utilized by the Administrator for such purposes to the maximum extent feasible;"; on page 4, line 6, after the word "may", strike out "acquire for protecting the interest of members" and insert "require for protecting the interest of members or to assure that all insured credit unions maintain regular reserves which are not less than those required under title I of this Act;"; in line 18, after the word "pursuant", strike out "hereto" and insert "thereto"; on page 5, after line 17, insert:

"(d) If the application of a Federal credit union for insurance is rejected, the Administrator shall suspend or revoke its charter unless, within one year after the rejection, the credit union meets the requirements for insurance and becomes an insured credit union.

At the beginning of line 23, strike out "(d)" and insert "(e)"; on page 6, line 24, after the word "of", where it appears the first time, strike out "the directors" and insert "three of the officers"; on page 7, line 8, after the word "which", insert "willfully"; after line 16, insert:

"(5) Reports required under title I of this Act shall be so prepared that they can be used for share insurance purposes. To the maximum extent feasible, the Administrator shall use for insurance purposes reports submitted to State regulatory agencies by State-chartered credit unions.

On page 11, after line 4, insert:

"(6)(A) An insured credit union which is closed for liquidation because of insolvency or otherwise is entitled to a rebate of premiums paid by it to the fund. Rebates shall be paid in accordance with regulations prescribed by the Administrator, but no payment of rebate shall be made during any period in which

"(i) a loan to the fund from the Federal Government is outstanding; or

"(ii) the Administrator determines that the payment would unduly jeopardize the financial condition of the fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot at any given time be made under the limitations prescribed in clause (i) or (ii).

"(B) The amount of rebate of premiums to which a credit union is entitled under subparagraph (A) shall be computed as follows: To the total amount of premiums paid to the fund by the credit union, plus interest on such payments at the average rate of interest earned by the fund on its assets during each of the years in which the payments were made; subtract the sum of

"(i) the credit union's prorata share of the fund's administrative expenses during the period in which the credit union had an insured status;

"(ii) the credit union's prorata share of the net insurance payments (other than those referred to in clause (iii) chargeable to the fund for claims arising during such period; and

"(iii) the net insurance payments chargeable to the fund for claims arising in connection with the liquidation of the credit union.

A credit union's prorata share of the fund's administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to member and nonmember accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

On page 13, line 25, after the word "who", insert "knowingly"; on page 15, line 11, after the word "union", strike out "not" and insert "fail"; on page 16, line 21, after the word "term", strike out "net" and insert "normal"; in line 22, after the word "to" where it appears the second time, strike out "2" and insert "1"; on page 19, line 4, after the word "the", strike out "purposes" and insert "purpose"; in line 14, after the word "time," strike out "and"; on page 23, after line 1, strike out "For each day an insured credit union continues to violate any provisions of this subsection or any lawful provision of regulations prescribed pursuant hereto, it shall be subject to a penalty of not more than $100, which the Administrator may recover for his use."; after line 24, strike out:

"(c) Except with the prior written consent of the Administrator, no insured credit union shall establish and operate any new branch or move its main office or any branch from one location to another.

On page 24, at the beginning of line 4, strike out "(d)" and insert "(c)"; in line 5, after the word "under", strike out "subsections (b) and (c)" and insert "subsection (b)"; at the beginning of line 19, strike out "(e)" and insert "(d)"; on page 25, at the beginning of line 3, strike out "(f)" and insert "(e)"; on page 26, line 18, after the word "authority", insert "if any"; in the same line, after the word "union", strike out the comma and insert "if any"; on page 38, line 19, after the word "of", where it appears the first time, strike out "directors," and insert "directors"; on page 39, line 5, after the word "successors", strike out "take office" and insert "have been elected by the members at an annual or special meeting and have taken office. Directors appointed temporarily by the Administrator shall, within thirty days following their appointment, call a special meeting for the election of new directors, unless during the thirty-day period (A) the regular annual meeting is scheduled, or (B) the suspensions giving rise to the appointment of temporary directors are terminated."; on page 40, line 6, after the word "as", strike out "hereinafter"; on page 43, line 2, after the word "has", where it appears the second time, strike out "becomes" and insert "become"; on page 44, line 2, after the word "authority," insert "if any,"; in line 3, after the word "union", strike out the comma and "if any"; in line 9, after the word "authority", insert "if any,"; in line 10, after the word "union," strike out "if any,"; on page 46, at the beginning of line 12, strike out "shall have"; on page 59, line 2, after the word "Act", insert "(formerly section 2 of such Act)"; in line 5, after the word "paragraph", strike out "(3)" and insert "(2)"; in line 7, after the word "paragraph", strike out "(4)" and insert "(3)"; in line 10, after the word "paragraph", strike out "(4)" and insert "(3)"; at the beginning of line 11, strike out "(5)" and insert "(4)"; in line 13, after the word "share,", insert "share"; in same line, after the word "or", insert "share"; in line 18, after the word "member," insert a comma and "and, in the case of a credit union serving predominantly low-income members (as defined by the Administrator), such terms (when referring to the account of a nonmember served by such credit union) mean a share, share certificate, or share deposit account of such nonmember which is of a type approved by the Administrator and evidences money or

its equivalent received or held by such credit union in the usual course of business and for which it has given or is obligated to give credit to the account of such nonmember;"; on page 60, at the beginning of line 3, strike out "(6)" and insert "(5)"; at the beginning of line 11, strike out "(7)" and insert "(6)"; at the beginning of line 16, strike out "(8)" and insert "(7)"; at the beginning of line 18, strike out "(9)" and insert "(8)"; on page 61, line 6, after the word "credit", strike out "union" and insert "union,"; on page 63, line 2, after the word "appears", strike out "therein; and" and insert "therein."; in line 11, after the word "Act", insert "(formerly section 17 of such Act)"; after line 19, strike out:

"15 per centum of gross income until the regular reserve shall equal 5 per centum of the total of outstanding loans and risk assets, then

On page 64, line 4, after the word "per", strike out "centum," and insert "centum or"; in line 5, after the word "per centum", strike out the comma and "or 5 per centum"; in line 8, after the word "of", strike out "5 per centum,"; in line 9, after the word "per", strike out "centum," and insert "centum"; and after line 15, insert a new section, as follows:

SEC. 10. Section 107 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 8 of such Act), is amended—

(1) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) to receive from its members or other federally insured credit unions payments on shares, share certificates, or share deposits, and, in the case of credit unions serving predominantly low-income members (as defined by the Administrator), to receive payments on shares, share certificates, or share deposits from nonmembers;" and

(2) by adding at the end of paragraph (8) the following: "and (H) in shares, share certificates, or share deposits of federally insured credit unions;".

So as to make the bill read:

S. 3822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Credit Union Act, as amended (12 U.S.C. 1751–1775), is further amended—

(1) by inserting immediately above the heading of section 2 the following:

"TITLE I—FEDERAL CREDIT UNIONS";

(2) by redesignating sections 2 through 28 as sections 101 through 127, respectively; and

(3) by inserting the following new title after section 127, as redesignated by paragraph (2) of this section:

"TITLE II—SHARE INSURANCE

"INSURANCE OF MEMBER ACCOUNTS AND ELIGIBILITY PROVISIONS

"SEC. 201. (a) The Administrator, as hereinafter provided, shall insure the member accounts of all Federal credit unions and he may insure the member accounts of (1) credit unions organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, and (2) credit unions organized and operating under the jurisdiction of the Department of Defense if such credit unions are operating in compliance with the requirements of title I of this Act and regulations issued thereunder.

"(b) Application for insurance of member accounts shall be made immediately by each Federal credit union and may be made at any time by a State credit union or a credit union operating under the jurisdiction of the Department of Defense. Applications for such insurance shall be in such form as the Administrator shall provide and shall contain an agreement by the applicant—

"(1) to pay the reasonable cost of such examinations as the Administrator may deem necessary in connection with determining the eligibility of the applicant for insurance: *Provided,* That examinations required under title I of this Act shall be so conducted that the information derived therefrom may be utilized for share insurance purposes, and examinations conducted by State regulatory agencies shall be utilized by the Administrator for such purposes to the maximum extent feasible;

"(2) to permit and pay the reasonable cost of such examinations as in the judgment of the Administrator may from time to time be necessary for the protection of the fund and of other insured credit unions;

"(3) to permit the Administrator to have access to any information or report with respect to any examination made by or for any public regulatory authority, including any commission, board, or authority having supervision of a State-chartered credit union, and furnish such additional information with respect thereto as the Administrator may require;

"(4) to provide protection and indemnity against burglary, defalcation, and other similar insurable losses, of the type, in the form, and in an amount at least equal to that required by the laws under which the credit union is organized and operates;

"(5) to maintain such regular reserves as may be required by the laws of the State, district, territory, or other jurisdiction pursuant to which it is organized and operated, in the case of a State-chartered credit union, or as may be required by section 116 of this Act, in the case of a Federal credit union;

"(6) to maintain such special reserves as the Administrator, by regulation or in special cases, may require for protecting the interest of members or to assure that all insured credit unions maintain regular reserves which are not less than those required under title I of this Act;

"(7) not to issue or have outstanding any account or security the form of which, by regulation or in special cases, has not been approved by the Administrator;

"(8) to pay the premium charges for insurance imposed by this title; and

"(9) to comply with the requirements of this title and of regulations prescribed by the Administrator pursuant thereto.

"(c)(1) Before approving the application of any credit union for insurance of its member accounts, the Administrator shall consider—

"(A) the history, financial condition, and management policies of the applicant;

"(B) the economic advisability of insuring the applicant without undue risk of the fund;

"(C) the general character and fitness of the applicant's management;

"(D) the convenience and needs of the members to be served by the applicant; and

"(E) whether the applicant is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

"(2) The Administrator shall reject the application of any credit union for insurance of its member accounts if he finds that its reserves are inadequate, that its financial condition and policies are unsafe or unsound, that its management is unfit, that insurance of its member accounts would otherwise involve undue risk to the fund, or that its powers and purposes are inconsistent with the promotion of thrift among its members and the creation of a source of credit for provident or productive purposes.

"(d) If the application of a Federal credit union for insurance is rejected, the Administrator shall suspend or revoke its charter unless, within one year after the rejection, the credit union meets the requirements for insurance and becomes an insured credit union.

"(e) Upon the approval of any application for insurance, the Administrator shall notify the applicant and shall issue to it a certificate evidencing the fact that it is, as of the date of issuance of the certificate, an insured credit union under the provisions of this title.

"REPORTS OF CONDITION; CERTIFIED STATEMENTS; PREMIUMS FOR INSURANCE

"SEC. 202. (a)(1) Each insured credit union shall make reports of condition to the Administrator upon dates which shall be selected by him. Such reports of condition shall be in such form and shall contain such information as the Administrator may require. The reporting dates selected for reports of condition shall be the same for all insured credit unions except that when any of said reporting dates is a nonbusiness day for any credit union the preceding business day shall be its reporting date. The total amount of the member accounts of each insured credit union as of each reporting date shall be reported in such reports of condition in accordance with regulations prescribed by the Administrator. Each report of condition shall contain a declaration by the president, by a vice president, by the treasurer, or by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report is true and correct to the best of his knowledge and belief. Unless such requirement is waived by the Administrator, the correctness of each report of condition shall be attested by the signatures of three of the officers of the reporting credit union with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct.

"(2) The Administrator may call for such other reports as he may from time to time require.

"(3) The Administrator may require reports of condition to be published in such manner, not inconsistent with any applicable law, as he may direct. Every insured credit union which willfully fails to make or publish any such report within ten days shall be subject to a penalty of not more than $100 for each day of such failure, recoverable by the Administrator for his use.

"(4) The Administrator may accept any report of condition made to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of condition made to the Administrator.

"(5) Reports required under title I of this Act shall be so prepared that they can be used for share insurance purposes. To the maximum extent feasible, the Administrator shall use for insurance purposes reports submitted to State regulatory agencies by State-chartered credit unions.

"(b) On or before January 31 of each insurance year, each insured credit union which became insured prior to the beginning of that year shall file with the Administrator a certified statement showing the total amount of the member accounts in the credit union at the close of the preceding

insurance year and the amount of the premium charge for insurance due to the fund for that year, as computed under subsection (c) of this section. The certified statements required to be filed with the Administrator pursuant to this subsection shall be in such form and shall set forth such supporting information as the Administrator shall require. Each such statement shall be certified by the president of the credit union, or by any officer of the credit union designated by its board of directors, that to the best of his knowledge and belief the statement is true, correct, and complete and in accordance with this title and regulations issued thereunder.

"(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, each insured credit union, on or before January 31 of each insurance year, shall pay to the fund a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the preceding insurance year.

"(2) Each credit union which was in existence prior to the enactment of this title and which becomes insured under this title after January 1 of any insurance year shall pay to the fund, for the insurance year in which it becomes insured, a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the month before the month in which it becomes insured, reduced by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which it becomes insured. Such payment shall be made within 30 days after the date on which the credit union receives the certificate of insurance issued to it under section 201 of this title.

"(3) Each credit union which is chartered after enactment of this title and which becomes insured under this title in the insurance year in which it is chartered shall pay to the fund, for the insurance year in which it is chartered, a premium charge for insurance computed in the following manner:

"(A) To the total amount of the member accounts in the credit union at the close of the month in which it becomes insured, add the total amount of such member accounts in the credit union at the close of each succeeding month of the insurance year and divide the total by the number of such months (including the month in which it becomes insured).

"(B) From the figure obtained under subparagraph (A), subtract $10,000.

"(C) Multiply the figure obtained under subparagraph (B) by one-twelfth of 1 per centum.

"(D) Reduce the figure obtained under subparagraph (C) by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which the credit union becomes insured. The figure obtained under this subparagraph is the amount of the premium charge for insurance due to the fund. Such premium charge shall be paid on or before January 31 of the insurance year following the year in which the credit union was chartered.

"(4) When any loans to the fund from the Federal Government and the interest thereon have been repaid and the amount in the fund equals or exceeds the normal operating level, the Administrator may reduce the premium charge for insurance, but not below the amount necessary, in his judgment, to maintain the fund at the normal operating level. Any such reduction shall be effective only so long as the amount in the fund equals or exceeds the normal operating level and no loan to the fund from the Federal Government is outstanding.

"(5) If in any year expenditures from the fund exceed the income of the fund, the Administrator may require each insured credit union to pay to the fund for such year, in addition to the regular premium charge for insurance payable under paragraph (1), (2), or (3) of this subsection, a special premium charge which shall not exceed an amount equal to the amount of the regular premium charge.

"(6)(A) An insured credit union which is closed for liquidation because of insolvency or otherwise is entitled to a rebate of premiums paid by it to the fund. Rebates shall be paid in accordance with regulations prescribed by the Administrator, but no payment of rebate shall be made during any period in which

"(i) a loan to the fund from the Federal Government is outstanding; or

"(ii) the Administrator determines that the payment would unduly jeopardize the financial condition of the fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot at any given time be made under the limitations prescribed in clause (i) or (ii).

"(B) The amount of rebate of premiums to which a credit union is entitled under subparagraph (A) shall be computed as follows: To the total amount of premiums paid to the fund by the credit union, plus interest on such payments at the average rate of interest earned by the fund on its assets during each of the years in which the payments were made, subtract the sum of

"(i) the credit union's prorata share of the fund's administrative expenses during the period in which the credit union had an insured status;

"(ii) the credit union's prorata share of the net insurance payments (other than those referred to in clause (iii) chargeable to the fund for claims arising during such period; and

"(iii) the net insurance payments chargeable to the fund for claims arising in connection with the liquidation of the credit union.

A credit union's prorata share of the fund's administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to member and nonmember accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

"(d)(1) Any insured credit union which fails to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed by it in connection with determining the amount of any premium charge for insurance may be compelled to make such report or to file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Administrator against the credit union and any officer or officers thereof. Any such suit may be brought in any court of the United States of competent jurisdiction in the district or territory in which the principal office of the credit union is located.

"(2) Any insured credit union which willfully fails or refuses to file any certified statement or to pay any premium charge for insurance required under this title shall be subject to a penalty of not more than $100 for each day that such violation continues, which penalty the Administrator may recover for his use. The provisions of this paragraph shall not be applicable in any case in which the refusal to pay the premium charge for insurance is due to a dispute between the insured credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

"(3) No insured credit union shall pay any dividends on its member accounts or distribute any of its assets while it remains in default in the payment of any premium charge for insurance due to the fund. Any director or officer of any insured credit union who *knowingly* participates in the declaration or payment of any such dividend or in any such distribution shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both. The provisions of this paragraph shall not be applicable in any case in which the default is due to a dispute between the credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

"(e) The Administrator, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured credit union the amount of any unpaid premium charge for insurance lawfully payable by the credit union to the fund, whether or not such credit union shall have made any report of condition under subsection (a) of this section or filed any certified statement required under subsection (b) of this section and whether or not suit shall have been brought to compel the credit union to make any such report or to file any such statement. No action or proceeding shall be brought for the recovery of any premium charge due to the fund, or for the recovery of any amount paid to the fund in excess of the amount due it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made. Where the insured credit union has made or filed with the Administrator a false or fraudulent certified statement with the intent to evade, in whole or in part, the payment of any premium charge, the claim shall not be deemed to have accrued until the discovery by the Administrator of the fact that the certified statement is false or fraudulent.

"(f) Should any Federal credit union fail to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed under subsection (b) of this section or to pay any premium charge for insurance required to be paid under any provision of this title, and should the credit union *fail to* correct such failure within thirty days after written notice has been given by the Administrator to an officer of the credit union, citing this subsection and stating that the credit union has failed to make any such report or file any such statement or pay any such premium charge as required by law, all the rights, privileges, and franchises of the credit union granted to it under title I of this Act shall be thereby forfeited. Whether or not the penalty provided in this subsection has been incurred shall be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which the principal office of such credit union is located, under direction of and by the Administrator in his own name, before the credit union shall be declared dissolved. The remedies provided in this subsection and in subsections (d) and (e) of this section shall not be construed as limiting any other remedies against any insured credit union but shall be in addition thereto.

"(g) Each insured credit union shall maintain such records as will readily permit verification of the correctness of its reports of condition, certified statements, and premium charges for insurance. However, no insured credit union shall be required to retain such records for such purpose for a period in excess of five years from the date of the making of any such report, the filing of any such statement, or the payment of any premium charge, except that when there is a dispute between the insured credit union and the Administrator over the amount of any premium charge for insurance the credit union shall retain such records until final determination of the issue.

"(h) For the purposes of this section—

"(1) the term 'insurance year' means the period beginning on January 1 and ending on the following December 31, both dates inclusive; and

"(2) the term 'normal operating level,' when applied to the Fund, means an amount equal to 1 per centum of the aggregate amount of the member accounts in all insured credit unions.

"NATIONAL CREDIT UNION SHARE INSURANCE FUND

"SEC. 203. (a) There is hereby created in the Treasury of the United States a National Credit Union Share Insurance Fund which shall be used by the Administrator as a revolving fund for carrying out the purposes of this title. Money in the fund shall be available upon requisition by the Administrator, without fiscal year limitation, for making payments of insurance under section 207 of this title, for providing assistance and making expenditures under section 208 of this title in connection with the liquidation or threatened liquidation of insured credit unions, and for such administrative and other expenses incurred in carrying out the purposes of this title as he may determine to be proper.

"(b) All premium charges for insurance paid pursuant to the provisions of section 202 of this title and all fees for examinations and all penalties collected by the Administrator under any provision of this title shall be deposited in the National Credit Union Share Insurance Fund.

"(c) The Administrator may authorize the Secretary of the Treasury to invest and reinvest such portions of the fund as the Administrator may determine are not needed for current operations in any interest-bearing securities of the United States or in any securities guaranteed as to both principal and interest by the United States or in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States, and the income therefrom shall constitute a part of the fund.

"(d) (1) If, in the judgment of the Administrator, a loan to the fund is required at any time for carrying out the purposes of this title, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate $100,000,000 outstanding at any one time. Except as otherwise provided in this subsection and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Administrator and the Secretary of the Treasury.

"(2) Interest shall accrue to the Treasury on the amount of any outstanding loans made to the fund pursuant to paragraph (1) of this subsection on the basis of the average daily amount of such outstanding loans determined at the close of each fiscal year with respect to such year, and the Administrator shall pay the interest so accruing into the Treasury as miscellaneous receipts annually from the fund. The Secretary of the Treasury shall determine the applicable interest rate in advance by calculating the average yield to maturity (on the basis of daily closing market bid quotations during the month of June of the preceding fiscal year) on outstanding marketable public debt obligations of the United States having a maturity date of five or less years from the first day of such month of June and by adjusting such yield to the nearest one-eighth of 1 per centum.

"(3) For the purpose of making loans under paragraph (1) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are hereby extended to include such loans. All loans and repayments under this section shall be treated as public debt transactions of the United States.

"(e) So long as any loans to the fund are outstanding, the Administrator shall from time to time, not less often than annually, determine whether the balance in the fund is in excess of the amount which, in his judgment, is needed to meet the requirements of the fund and shall pay such excess to the Secretary of the Treasury, to be credited against the loans to the fund.

"EXAMINATION OF INSURED CREDIT UNIONS

"SEC. 204. (a) The Administrator shall appoint examiners who shall have power, on his behalf, to examine any insured credit union, any credit union making application for insurance of its member accounts, or any closed insured credit union whenever in the judgment of the Administrator an examination is necessary to determine the condition of any such credit union for insurance purposes. Each examiner shall have power to make a thorough examination of all of the affairs of the credit union and shall make a full and detailed report of the condition of the credit union to the Administrator. The Administrator in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured member accounts. Each claim agent shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect to claims for insured accounts, and to issue subpenas and subpenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpena.

"(b) In connection with examinations of insured credit unions, the Administrator, or his designated representatives, shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect of the affairs of any such credit union, and to issue subpenas and subpenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpena.

"(c) In cases of refusal to obey a subpena issued to, or contumacy by, any person, the Administrator may invoke the aid of any court of the United States within the jurisdiction of which such hearing, examination, or investigation is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other papers. Such court may issue an order requiring such person to appear before the Administrator, or before a person designated by him, there to produce records, if so ordered, or to give testimony touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or carries on business or wherever he may be found. No person shall be excused from attending and testifying or from producing books, records, or other papers in obedience to a subpena issued under the authority of this title on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) The Administration may accept any report of examination made by or to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of examination made on behalf of the Administrator.

"REQUIREMENTS GOVERNING INSURED CREDIT UNIONS

"SEC. 205. (a) Every insured credit union shall display at each place of business maintained by it a sign or signs indicating that its member accounts are insured by the Administrator and shall include in all of its advertisements a statement to the effect that its member accounts are insured by the Administrator. The Administrator may exempt from this requirement advertisements which do not relate to member accounts or advertisements in which it is impractical to include such a statement. The Administrator shall prescribe by regulation the forms of such signs, the manner of display, the substance of any such statement, and the manner of use.

"(b) (1) Except with the prior written approval of the Administrator, no insured credit union shall—

"(A) merge or consolidate with any noninsured credit union or institution;

"(B) assume liability to pay any member accounts in, or similar liabilities of, any noninsured credit union or institution;

"(C) transfer assets to any noninsured credit union or institution in consideration of the assumption of liabilities for any portion of the member accounts in such insured credit union; or

"(D) convert into a noninsured credit union or institution.

"(2) Except with the prior written approval of the Administrator, no insured credit union shall merge or consolidate with any other insured credit union or, either directly or indirectly, acquire the assets of, or assume liability to pay any member accounts in, any other insured credit union.

(c) In granting or withholding approval or consent under subsection (b) of this section, the Administrator shall consider—

"(1) the history, financial condition, and management policies of the credit union;

"(2) the adequacy of the credit union's reserves;

"(3) the economic advisability of the transaction;

"(4) the general character and fitness of the credit union's management;

"(5) the convenience and needs of the members to be served by the credit union; and

"(6) whether the credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

"(d) Except with the written consent of the Administrator, no person shall serve as a director, officer, committee member, or employee of an insured credit union who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or a breach of trust. For each willful violation of this prohibition, the credit union involved shall be subject to a penalty of not more than $100 for each day this prohibition is violated, which the Administrator may recover for his use.

(e) (1) The Administrator shall promulgate rules establishing minimum standards with which each insured credit union must comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

"(2) The rules shall establish the time limits within which insured credit unions shall comply with the standards and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures.

"(3) An insured credit union which violates a rule promulgated pursuant to this subsection shall be subject to a civil penalty which shall not exceed $100 for each day of the violation.

"TERMINATION OF INSURANCE; CEASE-AND-DESIST PROCEEDINGS; SUSPENSION AND/OR REMOVAL OF DIRECTORS, OFFICERS, AND COMMITTEE MEMBERS

"SEC. 206. (a) Any insured credit union other than a Federal credit union may, upon not less than ninety days' written notice to the Administrator and upon the affirmative vote of a majority of its members within one year prior to the giving of such notice, terminate its status as an insured credit union.

"(b) (1) Whenever, in the opinion of the Administrator, any insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of such credit union, or is in an unsafe or unsound condition to continue operations as an insured credit union, or is violating or has violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or is violating or has violated any written agreement entered into with the Administrator, the Administrator shall serve upon the credit union a statement with respect to such practices or conditions or violations for the purpose of securing the correction thereof. In the case of an insured State-chartered credit union, the Administrator shall send a copy of such statement to the commission, board, or authority, if any, having supervision of such credit union. Unless such correction shall be made within one hundred and twenty days after service of such statement, or within such shorter period of not less than twenty days after such service as the Administrator shall require in any case where he determines that the insurance risk with respect to such credit union could be unduly jeopardized by further delay in the correction of such practices or conditions or violations, or as the commission, board, or authority having supervision of such credit union, if any, shall require in the case of an insured State-chartered credit union, the Administrator, if he shall determine to proceed further, shall give to the credit union not less than thirty days' written notice of his intention to terminate the status of the credit union as an insured credit union. Such notice shall contain a statement of the facts constituting the alleged unsafe and unsound practices or conditions or violations and shall fix a time and place for a hearing thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured credit union. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time above-prescribed in which to make such correction, the Administrator may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice.

"(2) Any credit union whose insured status has been terminated by order of the Administrator under this subsection shall have the right of judicial review of such order only to the same extent as provided for the review of orders under subsection (i) of this section.

"(c) In the event of the termination of a credit union's status as an insured credit union as provided under subsection (a) or (b) of this section, the credit union shall give prompt and reasonable notice to all of its members whose accounts are insured that it has ceased to be an insured credit union. It may include in such notice a statement of the fact that member accounts insured on the effective date of such termination, to the extent not withdrawn, remain insured for one year from the date of such termination, but it shall not further represent itself in any manner as an insured credit union. In the event of failure to give the notice as herein provided to members whose accounts are insured, the Administrator is authorized to give reasonable notice.

"(d) After the termination of the insured status of any credit union as provided under subsection (a) or (b) of this section, insurance of its member accounts to the extent that they were insured on the effective date of such termination, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by insurance on the effective date of such termination, shall continue for a period of one year, but no shares issued by the credit union or deposits made after the date of such termination shall be insured by the Administrator. The credit union shall continue to pay premiums to the Administrator during such period as in the case of an insured credit union and the Administrator shall have the right to examine such credit union from time to time during the period during which such insurance continues. Such credit union shall, in all other respects, be subject to the duties and obligations of an insured credit union for the period of one year from the date of such termination. In the event that such credit union shall be closed for liquidation within such period of one year, the Administrator shall have the same powers and rights with respect to such credit union as in the case of an insured credit union.

"(e) (1) If, in the opinion of the Administrator, any insured credit union or any credit union any of the member accounts of which are insured is engaging or has engaged, or the Administrator has reasonable cause to believe that the credit union is about to engage, in an unsafe or unsound practice in conducting the business of such credit union, or is violating or has violated, or the Administrator has reasonable cause to believe that the credit union is about to violate a law, rule, or regulation, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or any written agreement entered into with the Administrator, the Administrator may issue and serve upon the credit union a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged unsafe or unsound practice or practices or violation or violations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the credit union. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or violation specified in the notice of charges has been established, the Administrator may issue and serve upon the credit union an order to cease and desist from any such practice or violation. Such order may, by provisions which may be mandatory or otherwise, require the credit union and its directors, officers, committee members, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such practice or violation.

"(2) A cease-and-desist order shall become effective at the expiration of thirty days after service of such order upon the credit union concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein) and shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

"(f) (1) Whenever the Administrator shall determine that the unsafe or unsound practice or practices or violation or threatened violation specified in the notice of charges served upon the credit union pursuant to subsection (e) (1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the credit union, or is likely to otherwise seriously prejudice the interests of its insured members, the Administrator may issue a temporary order requiring the credit union to cease and desist from any such practice or violation. Such order shall become effective upon service upon the credit union and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2) of this subsection, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Administrator shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the credit union, until the effective date of any such order.

"(2) Within ten days after the credit union concerned has been served with a tem-

porary cease-and-desist order, the credit union may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the credit union under subsection (e)(1) of this section, and such court shall have jurisdiction to issue such injunction.

"(3) In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Administrator may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the principal office of the credit union is located for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

"(g)(1) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the credit union, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member and the Administrator determines that the credit union has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member, the Administrator may serve upon such director, officer, or committee member a written notice of his intention to remove him from office.

"(2) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union, by conduct or practice with respect to another insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director, officer, or committee member, and, whenever, in the opinion of the Administrator, any other person participating in the conduct of the affairs of an insured credit union, by conduct or practice with respect to such credit union or other insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured credit union, the Administrator may serve upon such director, officer, committee member, or other person a written notice of his intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such credit union.

"(3) In respect to any director, officer, or committee member of an insured credit union or any other person referred to in paragraph (1) or (2) of this subsection, the Administrator may, if he deems it necessary for the protection of the credit union or the interests of its insured members, by written notice to such effect served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. Such suspension and/or prohibition shall become effective upon service of such notice, and, unless stayed by a court in proceedings authorized by paragraph (5) of this subsection, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraph (1) or (2) of this subsection and until such time as the Administrator shall dismiss the charges specified in such notice or, if an order of removal and/or prohibition is issued against the director, officer, committee member, or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the credit union of which he is a director, officer, or committee member or in the conduct of whose affairs he has participated.

"(4) A notice of intention to remove a director, officer, committee member, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured credit union shall contain a statement of the facts constituting the grounds therefor and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after the date of service of such notice unless an earlier or a later date is set by the Administrator at the request of such director, officer, committee member, or other person, and for good cause shown, or at the request of the Attorney General of the United States. Unless such director, officer, committee member, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any of the grounds specified in such notice has been established, the Administrator may issue such orders of suspension or removal from office and/or prohibition from participation in the conduct of the affairs of the credit union as he may deem appropriate. Any such order shall become effective at the expiration of thirty days after service upon such credit union and the director, officer, committee member, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

"(5) Within ten days after any director, officer, committee member, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an insured credit union under paragraph (3) of this subsection, such director, officer, committee member, or other person may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, committee member, or other person under paragraph (1) or (2) of this subsection, and such court shall have jurisdiction to stay such suspension and/or prohibition.

"(h)(1) Whenever any director, officer, or committee member of an insured credit union, or other person participating in the conduct of the affairs of such credit union, is charged in any complaint authorized by a United States attorney or in any information or indictment, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. A copy of such notice shall also be served upon the credit union. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Administrator. In the event that a judgment of conviction with respect to such offense is entered against such director, officer, committee member, or other person, and at such time as such judgment is not subject to further appellate review, the Administrator may issue and serve upon such director, officer, committee member, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Administrator. A copy of such order shall also be served upon such credit union, whereupon such director, officer, or committee member shall cease to be a director, officer, or committee member of such institution. A finding of not guilty or other disposition of the charge shall not preclude the Administrator from thereafter instituting proceedings to remove such director, officer, committee member, or other person from office and/or to prohibit further participation in the affairs of the credit union pursuant to paragraph (1) or (2) of subsection (g) of this section.

"(2) If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a Federal credit union less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a Federal credit union are suspended pursuant to this section, the Administrator shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the credit union and their respective successors have been elected by the members at an annual or special meeting and have taken office. Directors appointed temporarily by the Administrator shall, within thirty days following their appointment, call a special meeting for the election of new directors, unless during the thirty-day period (A) the regular annual meeting is scheduled, or (B) the suspensions giving rise to the appointment of temporary directors are terminated.

"(i)(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the credit union is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. Such hearing shall be private unless the Administrator, in his discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Administrator has notified the parties that the case has been submitted to him for final decision, he shall render his decision (which shall include findings of fact upon which his decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as

provided in this subsection (1). Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection and thereafter until the record in the proceeding has been filed as so provided, the Administrator may at any time, upon such notice and in such manner as he may deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Administrator may modify, terminate, or set aside any such order with permission of the court.

"(2) Any party to the proceeding, or any person required by an order issued under this section to cease and desist from any of the practices or violations stated therein, may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the credit union or the director, officer, committee member, or other person concerned or an order issued under subsection (h) of this section) by filing in the court of appeals of the United States for the circuit in which the principal office of the credit union is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of said paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator.

"(j) The Administrator may in his discretion apply to the United States district court, or the United States court of any territory within the jurisdiction of which the principal office of the credit union is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such courts shall have jurisdiction and power to order and require compliance therewith. However, except as otherwise provided in this section, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this section or to review, modify, suspend, terminate, or set aside any such notice or order.

"(k) Any director, officer, or committee member, or former director, officer, or committee member, of an insured credit union or of a credit union any of the member accounts of which are insured, or any other person against whom there is outstanding and effective any notice or order (which is an order which has become final) served upon such director, officer, committee member, or other person under subsections (g)(3), (g)(4), or (h) of this section and who (1) participates in any manner in the conduct of the affairs of the credit union involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such credit union, or (ii) without the prior written approval of the Administrator votes for a director, serves or acts as a director, officer, committee member, or employee of any credit union, shall upon conviction be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(l) As used in this section (1) the terms 'cease-and-desist order which has become final' and 'order which has become final' means a cease-and-desist order, or an order issued by the Administrator with the consent of the credit union or the director, officer, committee member, or other person concerned, or with respect to which no petition for review of the action of the Administrator has been filed and perfected in a court of appeals as specified in paragraph (2) of subsection (i) of this section, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in said paragraph, or an order issued under subsection (h) of this section, and (2) the term 'violation' includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding, or abetting a violation.

"(m) Any service required or authorized to be made by the Administrator under this section may be made by registered mail or in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide. Copies of any notice or order served by the Administrator upon any State-chartered credit union or any director, officer, or committee member thereof or other person participating in the conduct of its affairs, pursuant to the provisions of this section, shall also be sent to the commission, board, or authority, if any, having supervision of such credit union.

"(n) In connection with any proceeding under subsection (e), (f)(1), or (g) of this section involving an insured State-chartered credit union or any director, officer, committee member, or other person participating in the conduct of its affairs, the Administrator shall provide the commission, board, or authority, if any, having supervision of such credit union, with notice of his intent to institute such a proceeding and the grounds therefor. Unless within such time as the Administrator deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of such commission, board, or authority, the Administrator may proceed as provided in this section. No credit union or other party who is the subject of any notice or order issued by the Administrator under this section shall have standing to raise the requirements of this subsection as ground for attacking the validity of any such notice or order.

"(o) In the course of or in connection with any proceeding under this section, the Administrator, or any designated representative thereof, including any person designated to conduct any hearing under this section, shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum, and the Administrator is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. Any party to proceedings under this section may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this section by an insured credit union or a director, officer, or committee member thereof may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper, and such expenses and fees shall be paid by the credit union or from its assets.

"PAYMENT OF INSURANCE

"SEC. 207. (a)(1) Upon his finding that a Federal credit union insured under this title is bankrupt or insolvent, the Administrator shall close such credit union for liquidation and appoint himself liquidating agent therefor.

"(2) Notwithstanding any other provision of law, it shall be the duty of the Administrator as such liquidating agent to cause notice to be given, by advertisement in such newspapers as he may direct, to all persons having claims against such closed credit union, to present their claims within four months from the date such advertisement first appeared; to realize upon the assets of such closed credit union, having due regard to the condition of credit in the locality; and to wind up the affairs of such closed credit union in conformity with the provisions of law relating to the liquidation of bankrupt or insolvent Federal credit unions, except as herein otherwise provided. The Administrator as such liquidating agent shall pay to himself for his own account such portion of the amounts realized from such liquidation as he shall be entitled to receive on account of his subrogation to the claims of members, and he shall pay to members and other creditors the net amounts available for distribution to them. The Administrator as such liquidating agent, however, may, in his discretion, pay dividends on proved claims at any time after the expiration of the period of advertisement made pursuant to the first sentence of this paragraph, and no liability shall attach to the Administrator himself for as such liquidating agent by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(3) Notwithstanding any other provision of law, the Administrator as liquidating agent of a closed Federal credit union insured under this title shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist him in his duties as such liquidating agent. All fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Administrator and may be paid by him out of funds coming into his possession as such liquidating agent.

"(b) Whenever any insured State-chartered credit union shall have been closed by action of its board of directors or by the commission, board, or authority having supervision of such credit union, as the case may be, or by a court of competent jurisdiction, on account of bankruptcy or insolvency, the Administrator shall accept appointment as liquidating agent therefor, if such appointment is tendered by the commission, board, or authority having supervision of such credit union, or by a court of competent jurisdiction, and is authorized or permitted by

State law. With respect to any such State-chartered credit union, the Administrator as such liquidating agent shall possess all the rights, powers, and privileges granted by State law to a liquidating agent of a State-chartered credit union. For the purposes of this subsection, the term 'liquidating agent' includes a liquidating agent, receiver, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a credit union.

"(c) Whenever an insured credit union shall have been closed for liquidation on account of bankruptcy or insolvency, payment of the insured accounts in such credit union shall be made by the Administrator as soon as possible, subject to the provisions of subsection (d) of this section. For the purposes of this subsection, the term 'insured account' means the total amount of the account in the member's name (after deducting offsets) less any part thereof which is in excess of $20,000. Such amount shall be determined according to such regulations as the Administrator may prescribe, and, in determining the amount due to any member, there shall be added together all accounts in the credit union maintained by him for his own benefit either in his own name or in the names of others. The Administrator may define, with such classifications and exceptions as he may prescribe, the extent of the insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy. The Administrator, in his discretion, may require proof of claims to be filed before paying the insured accounts, and in any case where he is not satisfied as to the validity of a claim for an insured account, he may require the final determination of a court of competent jurisdiction before paying such claim.

"(d) In the case of a closed Federal credit union, the Administrator, upon the payment to any member as provided, in subsection (c) of this section, shall be subrogated to all rights of the member against such closed credit union to the extent of such payment. In the case of any other closed insured credit union, the Administrator shall not make any payment to any member until the right of the Administrator to be subrogated to the rights of such member on the same basis as provided in the case of a closed Federal credit union shall have been recognized either by express provision of State law, by allowance of claims by the commission, board, or authority having supervision of such credit union, by assignment of claims by members, or by any other effective method. In the case of any closed insured credit union, such subrogation shall include the right on the part of the Administrator to receive the same dividends from the proceeds of the assets of such closed credit union as would have been payable to the member on a claim for the insured account, but such member shall retain his claim for any uninsured portion of his account. The rights of members and other creditors of any State-chartered credit union shall be determined in accordance with the applicable provisions of State law.

"(e) Payment of an insured account to any person by the Administrator shall discharge the Administrator to the same extent that payment to such person by the closed insured credit union would have discharged it from liability for the insured account.

"(f) Except as otherwise prescribed by the Administrator, the Administrator shall not be required to recognize as the owner of any portion of an account appearing on the records of the closed credit union under a name other than that of the claimant any person whose name or interest as such owner is not disclosed on the records of such closed credit union as part owner of such account, if such recognition would increase the aggregate amount of the insured accounts in such closed credit union.

"(g) The Administrator may withhold payment of such portion of the insured account of any member of a closed credit union as may be required to provide for the payment of any direct or indirect liability of such member to the closed credit union or its liquidating agent, which is not offset against a claim due from such credit union, pending the determination and payment of such liability by such member or any other person liable therefor.

"(h) If, after the Administrator shall have given at least four months' notice to the member by mailing a copy thereof to his last-known address appearing on the records of the closed credit union, any member of the closed credit union shall fail to claim his insured account from the Administrator within 18 months after the appointment of the liquidating agent for the closed credit union, all rights of the member against the Administrator with respect to the insured account shall be barred, and all rights of the member against the closed credit union, or the estate to which the Administrator may have become subrogated, shall thereupon revert to the member.

"(i)(1) Liquidating agents of insured credit unions closed for liquidation on account of bankruptcy or insolvency may offer the assets of such credit unions for sale to the Administrator or as security for loans from the Administrator, upon receiving permission from the commission, board, or authority having supervision of such credit union, in the case of an insured State-chartered credit union, in accordance with express provisions of State law. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such credit unions. The Administrator, in his discretion, may make loans on the security of or may purchase and liquidate or sell any part of the assets of an insured credit union closed for liquidation on account of bankruptcy or insolvency, but in any case in which the Administrator is acting as liquidating agent of a closed insured credit union, no such loan or purchase shall be made without the approval of a court of competent jurisdiction.

"(2) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator in any asset acquired by him under his subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

"(A) shall be in writing;

"(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

"(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

"(D) shall have been, continuously, from the time of its execution, an official record of the credit union.

"SPECIAL ASSISTANCE TO AVOID LIQUIDATION

"SEC. 208. (a)(1) In order to reopen a closed insured credit union or in order to prevent the closing of an insured credit union which the Administrator has determined is in danger of closing, the Administrator, in his discertion, is authorized to make loans to, or purchase the assets of, or establish accounts in such insured credit union upon such terms and conditions as he may prescribe. Such loans shall be made and such accounts shall be established only when, in the opinion of the Administrator, such action is necessary to protect the Fund or the interests of the members of the credit union. Such loans and accounts may be in subordination to the rights of members and creditors of the credit union.

"(2) Whenever in the judgment of the Administrator such action will reduce the risk or avert a threatened loss to the fund and will facilitate a merger or consolidation of an insured credit union with another insured credit union, or will facilitate the sale of the assets of an open or closed insured credit union to and assumption of its liability by another insured credit union, the Administrator may, upon such terms and conditions as he may determine, make loans secured in whole or in part by assets of an open or closed insured credit union, which loans may be in subordination to the rights of members and creditors of such credit union, or the Administrator may purchase any of such assets or may guarantee any other insured credit union against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured credit union.

"(3) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator in any asset acquired by him under this subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

"(A) shall be in writing;

"(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

"(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

"(D) shall have been, continuously, from the time of its execution, an official record of the credit union.

"(b) For the protection of the Fund, the Administrator, without regard to the Federal Property and Administrative Services Act of 1949, may—

"(1) deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, sell for cash or credit, or lease, in his discretion, any real property acquired or held by him under this section; and

"(2) assign or sell at public or private sale, or otherwise, dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by him under this section.

Section 3709 of the Revised Statutes of the United States shall not apply to any purchase or contract for services or supplies made or entered into by the Administrator under this section if the amount thereof does not exceed $1,000, or to any contract for hazard insurance on any real property acquired or held by him under this section.

"(c) In connection with the liquidation of any insured credit union, the Administrator shall have the power to carry on the business of and collect all obligations to the credit union, to settle, compromise, or release claims in favor of or against the credit union, and to do all other things that may be necessary in connection therewith, subject to the regulation of the court or other public body having jurisdiction over the matter.

"(d) Money received by the Administrator in carrying out this section shall be paid into the Fund.

"ADMINISTRATIVE PROVISIONS

"SEC. 209. (a) In carrying out the purposes of this title, the Administrator may—

"(1) make contracts;

"(2) sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Administrator shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof, without regard to the amount in controversy. The Administrator may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect, except that any such suit to which the Administrator is a party in his capacity as liquidating agent of a State-chartered credit union and which involves only the rights or obligations of members, creditors, and such State credit union under State law shall not be deemed to arise under the laws of the United States. No attachment or execution shall be issued against the Administrator or his property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Administrator shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any insured credit union is located;

"(3) pursue to final disposition by way of compromise or otherwise claims both for and against the United States (other than tort claims, claims involving administrative expenses, and claims in excess of $5,000 arising out of contracts for construction, repairs, and the purchase of supplies and materials) which are not in litigation and have not been referred to the Department of Justice;

"(4) to appoint such officers and employees as are not otherwise provided for in this Act, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Administration of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof;

"(5) employ experts and consultants or organizations thereof, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

"(6) prescribe the manner in which his general business may be conducted and the privileges granted to him by law may be exercised and enjoyed;

"(7) exercise all powers specifically granted by the provisions of this title and such incidental powers as shall be necessary to carry out the powers so granted;

"(8) make examinations of and require information and reports from insured credit unions, as provided in this title.

"(9) act as liquidating agent;

"(10) delegate to any officer or employee of the Administration such of his functions as he deems appropriate; and

"(11) prescribe such rules and regulations as he may deem necessary or appropriate to carry out the provisions of this title.

"(b) With respect to the financial operations arising by reason of this title, the Administrator shall—

"(1) prepare annually and submit a business-type budget as provided for wholly owned Government corporations by the Government Corporation Control Act; and

"(2) maintain an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act.

"NONDISCRIMINATORY PROVISION

"SEC. 210. It is not the purpose of this title to discriminate in any manner against State-chartered credit unions and in favor of Federal credit unions, but it is the purpose of this title to provide all credit unions with the same opportunity to obtain and enjoy the benefits of this title."

SEC. 2. Section 101 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 2 of such Act), is amended—

(1) by striking out the word "and" at the end of paragraph (2) thereof;

(2) by striking out the period at the end of paragraph (3) thereof and inserting "; and" in lieu thereof; and

(3) by adding the following new paragraphs after paragraph (3) thereof:

"(4) The terms 'member account' and 'account' (when referring to the account of a member of a credit union) mean a share, share certificate, or share deposit account of a member of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business and for which it has given or is obligated to give credit to the account of the member, and, in the case of a credit union serving predominantly low-income members (as defined by the Administrator), such terms (when referring to the account of a nonmember served by such credit union) mean a share, share certificate, or share deposit account of such nonmember which is of a type approved by the Administrator and evidences money or its equivalent received or held by such credit union in the usual course of business and for which it has given or is obligated to give credit to the account of such nonmember;

"(5) The terms 'State credit union' and 'State chartered credit union' mean a credit union organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, which laws provide for the organization of credit unions similar in principle and objectives to Federal credit unions;

"(6) The term 'insured credit union' means any credit union the member accounts of which are insured in accordance with the provisions of title II of this Act, and the term 'noninsured credit union' means any credit union the member accounts of which are not so insured;

"(7) The term 'Fund' means the National Credit Union Share Insurance Fund; and

"(8) The term 'branch' includes any branch credit union, branch office, branch agency, additional office, or any branch place of business located in any State of the United States, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, at which member accounts are established or money lent."

SEC. 3. Section 493 of title 18 of the United States Code (relating to bonds and obligations of certain lending agencies) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "insured credit union," following the words "intermediate credit bank,".

SEC. 4. Section 657 of title 18 of the United States Code (relating to lending, credit, and insurance institutions) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "or by the Administrator of the National Credit Union Administration" following the words "Federal Savings and Loan Insurance Corporation".

SEC. 5. Section 709 of title 18 of the United States Code (relating to false advertising and misuses of names to indicate a Federal agency) is amended by adding after the third paragraph thereof the following paragraph:

"Whoever falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured under the Federal Credit Union Act or by the United States or any instrumentality thereof, or, being an insured credit union as defined in that Act falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which shareholdings in such credit union are insured under such Act; or".

SEC. 6. Section 1006 of title 18 of the United States Code (relating to false entries in reports and transactions of Federal credit institutions) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "or by the Administrator of the National Credit Union Administration" following the words "Federal Savings and Loan Insurance Corporation".

SEC. 7. Section 1014 of title 18 of the United States Code (relating to false statements in loan and credit applications) is amended by striking out the words "or a Federal credit union" and by inserting the words ", a Federal credit union, or an insured State-chartered credit union" in lieu thereof.

SEC. 8. Section 2113 of title 18 of the United States Code (relating to bank robbery and incidental crimes) is amended as follows:

(1) Subsections (a), (b), and (c) are each amended by inserting the words "credit union," following the word "bank," each place it appears therein.

(2) The following new subsection is added at the end thereof:

"(h) As used in this section the term 'credit union' means any Federal credit union and any State-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration."

SEC. 9. Section 116 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 17 of such Act), is amended to read as follows:

"SEC. 116. (a) Immediately before the payment of each dividend, the gross earnings of the credit union shall be determined. From this amount, there shall be set aside, as a regular reserve against losses on loans and against such other losses as may be specified in regulations prescribed under this Act, sums in accordance with the following schedule:

"10 per centum of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then

"5 per centum of gross income until the regular reserve shall equal 10 per centum of the total of outstanding loans and risk assets.

Whenever the regular reserve falls below 10 per centum or 7½ per centum of the total of outstanding loans and risks assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ per centum or 10 per centum.

"(b) In addition to such regular reserve, special reserves to protect the interests of members shall be established—

"(1) when required by regulation; or

"(2) when found by the Administrator, in

any special case, to be necessary for that purpose."

SEC. 10. Section 107 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 8 of such Act), is amended—

(1) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) to receive from its members or other federally insured credit unions payments on shares, share certificates, or share deposits, and, in the case of credit unions serving predominantly low-income members (as defined by the Administrator), to receive payments on shares, share certificates, or share deposits from nonmembers;" and

(2) by adding at the end of paragraph (8) the following: "and (H) in shares, share certificates, or share deposits of federally insured credit unions;".

Mr. BENNETT. Mr. President, I appreciate the thoughtfulness of the chairman of our Banking and Currency Committee, Senator SPARKMAN, in allowing me to report this share insurance bill for credit unions. The fact that he has done so is an indication of the nonpartisan nature of the measure and the complete cooperation which he and other members of the committee have displayed in the consideration of this bill. Indeed, the bill was reported by the committee without any objection after the approval of several amendments which I believe have adapted its provisions to reflect the unique operations and structure of credit unions. At the same time, the bill provides what I consider to be a reasonable assurance that the insurance program will be able to meet demands which may be made on it as the result of the liquidation of credit unions or difficulties experienced by credit unions which require the use of the fund to assist in the prevention of liquidation.

The need and desirability of this legislation, I believe, is self-evident. Credit unions are the only major depository institutions which do not have an opportunity to insure their accounts under a Federal insurance program. We are all aware that the great preponderance of savings in commercial banks and savings and loan associations are insured either under the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Some State-chartered banks and savings and loan associations are insured under State or private insurance programs. On the other hand, the only share insurance available to credit unions is that made available to State credit unions through State insurance programs now operating in two States and a private plan operating in one State. These plans are available only to a relatively few credit unions and thus only a very small proportion of the more than $14 billion of savings held by 24,000 credit unions operating in the United States is insured against loss by the saver. Federal credit unions are unique in that they are the only federally chartered thrift institutions that do not provide Federal share insurance protection to their depositors.

Perhaps equally as important is the fact that most credit union members do not know that their savings are uninsured. The returns received as a result of a continuing survey by the National Credit Union Administration indicate that five out of six respondents believed their shares were insured. The overall loss experience in credit unions has been relatively small. Yet the losses which have occurred have weighed heavily on a few credit unions and only a relatively few members. Since many credit unions deal primarily with individuals having limited incomes, it is particularly important that they enjoy the same insurance protection enjoyed by other savers and depositors in other financial institutions.

Recent testimony in our Banking and Currency Committee indicated that credit unions in limited-income areas which are specifically established to assist poor people would benefit greatly from share insurance. Mr. Edward C. Sylvester, Jr., testifying for the Urban Coalition Action Council, testified that the lack of deposit insurance is a serious deficiency. He supported share insurance on the basis that it would provide additional funds for credit unions serving residents in the inner city where it is difficult to attract deposits. He said of share insurance:

It seems to us to be an essential device really to encourage others to participate in credit unions and in making a great deal more capital available to them than they are apt to get through their normal membership activities.

A program of Federal share insurance should also enable the average credit union to be more competitive in attracting savings, thus enabling such credit unions to increase their services to members.

The need for share insurance has been made clear by a study of regular reserves in Federal credit unions published by the Bureau of Federal Credit Unions last year. In the study, the Bureau noted that 1,204 Federal credit unions completed liquidation in the 5 years ending December 21, 1967. Sixteen percent of 189 of these liquidated at a loss to shareholders. Losses to the shareholders, although small in dollar amount, totaled just over 20 percent of shares. The majority of the credit unions which paid less than 100 percent at liquidation were small, according to the Bureau's study. Almost four-fifths of them had assets of less than $25,000. It appears quite clear that the burden of loss falls on the smaller credit union and the small saver. Yet the credit union can and should be most useful to those who have a relatively small amount to save. There are more than 9,500 Federal credit unions with assets of less than $500,000 serving people who may have limited access to other thrift and credit facilities.

Stabilization or liquidation funds have been esatblished by State credit union organizations fo rthe purpose of assisting liquidating credit unions to return 100 cents on their members' share dollars. Despite the beneficial activities of the funds, credit unions continue to liquidate at a loss to their members. In 1969, 31 of the 36 Federal credit unions that liquidated at a loss to shareholders were located in States that had stabilization funds.

The need for share insurance is further indicated by moves within some States for statewide share insurance. State-chartered credit unions in Massachusetts and Wisconsin now have a State plan for insurance of member accounts, and Rhode Island has recently passed enabling legislation of this nature. The State plans, however, have the disadvantage of a restricted membership and of not being available to federally chartered credit unions. Thus, a system which will provide insurance for Federal credit unions and for State-chartered credit unions, if they so desire, is needed.

In addition to share insurance, credit unions which are serving low-income persons need assistance in attracting capital if they are to meet the legitimate needs of their members. Because those who are members have relatively little in savings to deposit in their credit union, the need for loans at reasonable rates of interest by members far exceeds the capital available to the credit union. In order to overcome this deficiency, it is necessary for credit unions serving low-income persons to receive capital from outside sources. Many individuals, financial institutions, and other businesses have expressed a willingness to deposit assets in credit unions serving low-income persons. To make it possible for those who have capital to deposit it in credit unions serving low-income persons, it is necessary to amend the Federal Credit Union Act to authorize credit unions serving low-income persons to accept deposits from nonmembers and to authorize Federal credit unions to place deposits in other insured credit unions.

Mr. President, I do not desire to discuss the provisions of the bill in any detail, but I do believe that it is appropriate to generally outline what the bill contains and discuss briefly some of the considerations of the committee in reporting the bill in its present form.

The bill amends the present Federal Credit Union Act by adding a new title providing share insurance. It also amends the present act by broadening the authority of certain specified credit unions to allow deposits by nonmembers and reduces the regular reserve schedule for Federal credit unions.

INSURANCE OF CREDIT UNION SHARES

The committee bill provides that the Administrator of the National Credit Union Administration insure the member accounts of all Federal credit unions and may insure the member accounts of credit unions organized according to the laws of any State, territory, or possession of the United States, the Panama Canal Zone, and Puerto Rico, as well as nonregulated overseas credit unions operating under the Department of Defense jurisdiction. Authority to insure nonregulated overseas credit unions was added by the committee in response to a request that insurance be made available to four uncharted credit unions serving American military personnel at overseas installations. The committee agreed to authorize such insurance on the condition that these overseas installations meet all the requirements of the Federal Credit Union Act and those addi-

tional requirements made by the Administrator under this legislation.

Applications by State and Federal credit unions for insurance must contain an agreement by the applicant with regard to specific provisions such as examinations and their cost, reserves as required by the Administrator, protection against certain insurable losses, reports, insurance premiums, and permissible securities and accounts.

The committee amended this section of the bill to assure that examinations required by the Administrator and the resulting expense to credit unions be minimized. This was done by requiring the Administrator to so structure presently required examinations of Federal credit unions so that they could be used for insurance purposes. The Administrator is also required to use State examinations to the maximum extent feasible.

The bill as introduced was also amended to assure that reserves required by other than Federal credit unions would not be less than those required under title I of the act for Federal credit unions. The committee decided such a provision was necessary to protect the solvency of the insurance fund as well as a matter of equity that all insured credit unions comply with the minimum net worth reserve requirements contained in title I of the act. State authorities presently determine reserves for credit unions under their jurisdiction and they would continue to determine such reserves. However, the Administrator is authorized to require special reserves on insured non-Federal credit unions in the event reserves required by authorities having jurisdiction over these credit unions are less than those required under title I of the act for Federal credit unions.

Lower reserve requirements on the part of State-chartered credit unions in a particular State would increase the risk to the fund and penalize all other credit unions which pay the same insurance premium but which because of their higher reserve requirements, present a lesser risk to the fund. Authority to establish uniform reserve requirements is also provided the Federal Home Loan Bank Board with respect to State-chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Federal credit unions are required to be insured under the act. As originally written, if a Federal credit union application for insurance were denied by the Administrator, the credit union was not given a specific time period within which to qualify for share insurance and thus retain its Federal charter. The committee amended the bill to provide all Federal credit unions with 1 year in which to qualify and become insured. If it did not meet this requirement, its charter would be either revoked or suspended. Under the committee bill, the Administrator could also provide a Federal credit union with partial share insurance up to the extent of its unimpaired share capital.

The committee considered a proposal which would have required the Administrator to grant provisional insurance for not less than 1 year and not more than 2 years to all Federal credit unions which did not meet insurance requirements. This proposal would have provided insurance to credit unions whose capital was impaired or whose financial policies or condition were found to be unsafe or unsound. The committee decided that such a provision would unduly restrict the authority of the Administrator to require such credit unions to meet insurance requirements while unduly jeopardizing the insurance fund and possibly increasing the financial burden placed on all other credit unions. Section 206(d) of the bill provides that when insured status is terminated, all accounts insured as of that date would continue to be insured for 1 year. The proposal rejected by the committee, therefore, would have provided a minimum of 2 years of insurance and possibly 3 years of insurance to credit unions which were unsafe or unsound without authority for the insurance coverage to be withdrawn by the Administrator. The committee provision, on the other hand, provides an opportunity and a strong incentive for unqualified credit unions to become qualified without jeopardizing their ability to attract funds or risking the reserves of the insurance fund.

REPORTS OF CONDITION AND INSURANCE PREMIUMS

The bill authorizes the Administrator to require reports of condition and to require the payment of insurance premiums. A committee amendment assures that reports will be kept to a minimum needed to meet insurance requirements by requiring present Federal credit union reports to be structured so that they can be used for insurance purposes and requiring the use of reports made to State agencies to the extent feasible such reports can be used for insurance purposes. A provision is contained prorating the insurance premium for credit unions which become insured during the insurance year, and in order to avoid the burden of a premium on newly chartered credit unions during their formative period, the bill provides for a deduction of $10,000 of share account liability in computing the first annual insurance premium.

No provision is made in the bill for original capitalization or funding of the credit union insurance fund. This is at variance with other Federal insurance funds which have been established by the Congress and minimizes the burden on the insured institutions.

The annual premium required is one-twelfth of 1 percent. The committee also considered a recommendation that the annual premium be one-twentieth of 1 percent.

Both the one-twelfth of 1 percent and the one-twentieth of 1 percent annual premium rates would produce amounts substantially in excess of the historical losses of Federal credit unions which averaged 0.0089 percent for the period since 1934. Only in 1 year during that period were the actual losses greater than the total income that would have resulted from a premium rate of one-twentieth of 1 percent. It must be remembered, however, that the purpose of the insurance fund is to pay immediately to all savers the amount of their savings up to $20,000 in a credit union and to assist other credit unions over difficult periods so that they will not be forced to liquidate. The temporary cash demands on the fund, therefore, could greatly exceed the amount indicated by the ultimate loss figures. As an example, the disbursements of the Federal Deposit Insurance Corporation during its lifetime have been about eight times as great as the losses.

There was no way for the committee to determine what the demands on the fund will be in the future. It was decided, however, that there is some value in building up the fund during the early years. The committee, therefore, approved the one-twelfth of 1 percent annual premium rate along with language providing for a partial rebate of paid-in insurance premiums to liquidating credit unions. Thus, any surplus produced by the higher premium would ultimately be paid back to a credit union if it liquidates. Under the committee proposal requiring one-twelfth of 1 percent as an annual premium, the National Credit Union Administration estimates that 16 years would be required to build up an insurance fund equal to 1 percent of member accounts in insured credit unions.

The bill as introduced established the normal operating level of the fund at 2 percent of member accounts. The Acting Administrator of the National Credit Union Administration, Mr. J. Deane Gannon, recommended that the normal operating level be reduced to 1 percent and the committee approved such a reduction. Under the bill when the fund reaches 1 percent, the Administrator may reduce the annual rate of premium from the one-twelfth of 1 percent to a level he deems sufficient to maintain an adequate insurance fund. In addition, the committee approved a provision which would under certain conditions entitle an insured credit union which is closed for liquidation to a rebate of its share of the insurance fund after deducting its share of losses and administrative expenses and any claims arising from liquidations. The Administrator is also authorized under this section to increase the annual premium to an amount not to exceed double the regular premium or one-sixth of 1 percent for any year in which the expenditures from the fund exceed the income to the fund.

INSURANCE FUND CREATED

The bill creates a national credit union share insurance fund in the Treasury of the United States as a revolving fund and authorizes the Administrator to use the fund to administer and operate the share insurance program. Authority is also provided for the Secretary of the Treasury to make loans to the fund not to exceed an aggregate of $100 million and to assess interest charges, based on outstanding U.S. debt obligations, for such loans.

EXAMINATION AND REPORTS

The Administrator is authorized to appoint examiners and claim agents who would have power to examine insured credit unions and investigate claims for insured accounts. Provision is also made for acceptance of reports made by or to

any State supervisory agency and for furnishing reports of examination by the Administrator to such authorities.

REQUIREMENTS OF INSURED CREDIT UNIONS

The bill contains requirements governing insured credit unions, including a requirement, unless exempted by the Administrator, that all advertising must contain a statement that member accounts are insured and that a sign be displayed showing that the credit union has such insurance. Written approval of the Administrator would be required for certain mergers, transfer of assets, conversion to a noninsured institution, or employment of persons convicted of criminal offenses involving personal dishonesty or breach of trust. The Administrator would be required to establish minimum security standards and procedures to be complied with by insured credit unions. In establishing such standards, the committee expects the Administrator to take into consideration those factors necessary to make the standards responsive to the circumstances of individual credit unions.

The committee deleted from the original bill language providing for a penalty of up to $100 a day if a credit union does not comply with the requirements stating that member accounts are insured. There was concern by some credit union representatives that the Administrator might impose such a penalty on small credit unions with temporary offices.

The committee also deleted a prohibition against establishing branches or moving an office or branch without approval from the Administrator. Since credit unions are noncompetitive with each other, authority over branching or movement of the main office is not necessary for proper operation of the insurance program. If branching were to affect costs of operation adversely, the Administrator could deal with the problem under other authority in the bill.

TERMINATION OF INSURANCE; CEASE-AND-DESIST PROCEDURES; AND REMOVAL OF OFFICERS

The bill provides for voluntary termination of insurance by State-chartered and nonregulated credit unions. It also provides for termination of insurance by the Administrator after proper notice and hearing. In addition, this section authorizes cease-and-desist proceedings and the removal of directors, officers, and committee members for cause after hearing and with provision for judicial review. In the unlikely event that all directors of a credit union are suspended, the Administrator would be authorized to appoint temporary directors to operate the credit union until new ones were elected by the credit union members.

This authority assures credit union members access to their savings and continued operation of their credit union in the event the entire management of the credit union is suspended. The committee amended this section to provide for an election of new directors by members of the credit union within 30 days after the appointment of temporary directors.

PAYMENTS OF INSURANCE

The bill contains detailed procedures for the closing of bankrupt or insolvent insured credit unions for liquidation, the appointment of the Administrator as liquidating agent, and for the payment of insured member accounts. The Administrator is authorized to appoint an agent or agents to assist him in his duties as liquidating agent. It is expected that the Administrator will use whatever procedures or means he deems appropriate to assist him in his responsibilities as liquidating agent to minimize the burden on the insurance fund. The Administrator, however, is not authorized to delegate his responsibility as liquidating agent.

ASSISTANCE TO AVOID LIQUIDATION

The Administrator is also authorized to make loans to or purchase assets in order to reopen a closed insured credit union or to prevent the closing of an insured credit union.

REGULAR RESERVE REQUIREMENTS

The bill revises the regular reserve requirements for Federal credit unions to provide for a transfer of 10 percent of gross income until the regular reserve equals 7½ percent of loans and risk assets after which a 5-percent transfer of gross income is required until the regular reserve equals 10 percent of loans and risk assets. By comparison, the existing law requires a transfer of 20 percent of net earnings until the regular reserve equals 10 percent of members' shares. Basing the reserve requirement on loans and other risk assets instead of shares will reduce the reserve requirement by about 14 percent for the average credit union.

The provision is generally in line with a formula developed by the National Credit Union Administration after a comprehensive study of Federal credit union losses and reserves. However, the committee amended the formula developed by the Administration in order to reduce the burden of reserve transfers on small, newly organized, or relatively less efficient credit unions.

NONMEMBER SHARES AND INVESTMENTS IN CREDIT UNIONS

Finally, the bill amends the Federal Credit Union Act to allow credit unions serving predominantly low-income members—as defined by the Administrator—to accept funds for nonmembers. Share deposits in credit unions serving low-income members are presently insufficient to meet the needs of their members.

This amendment would make it possible for others who are not included in the "common bond" required for membership, to invest in shares of credit unions serving low-income members and thus assist in providing reasonable cost credit to these individuals. This section also authorizes Federal credit unions to invest in shares of federally insured credit unions.

Mr. President, I am pleased to be able to say that there is no opposition to this bill from the organized credit union industry. This is significant because less than 4 months ago I could not have made such a statement. At that time, when I tried to provide protection for the savings of credit union members, CUNA International, the largest credit union trade association, mustered an organized campaign against the provision. The unfortunate thing about that campaign was that its basis was irresponsible misrepresentation of the proposal. Despite the all-out opposition of CUNA International it failed in the Senate by only a few votes. The only argument against it on the Senate floor was that there had been no hearings by the Banking Committee. There is no doubt in my mind that the test vote in the Senate and the reaction of credit unions throughout the country to CUNA International's opposition were very instrumental in bringing about a change in the association's policy.

Indeed, in May of this year representatives of the credit unions affiliated with CUNA forced a change in the association's official position by a convention vote of almost 2 to 1 in favor of a Federal program providing share insurance for their members. I, of course, welcomed this grassroots support. I also should point out that despite the earlier unfortunate attitude I would like to express here today my gratitude to CUNA for its support of this share insurance proposal.

I also thank the National Association of Federal Credit Unions representing perhaps 10 to 15 percent of Federal credit unions and now a major and responsible voice in the credit union movement. NAFCU has strongly supported the Federal share insurance proposal from the beginning and they, along with individual credit unions throughout the country, deserve much of the credit for this bill protecting the shareholders in America's credit unions.

Mr. President, our hearings on the bill and the deliberations of the committee have resulted in a good bill which will provide the needed protection for savers who place their funds in credit unions.

I believe this protection should have been provided long ago and that there is no acceptable excuse for further delay. I therefore hope that the Senate will approve the legislation so that the more than 22 million members of credit unions, many of whom are in the lower income categories, may receive protection for their savings this year.

Thank you, Mr. President.

Mr. SPARKMAN. Mr. President, the purpose of the bill which is pending Senate consideration, that is, S. 3822, is to establish a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system. In this connection, this legislation is intended to provide the same sort of protection for savings accounts in credit unions as is now provided for savings accounts in banks through the Federal Deposit Insurance Corporation and on savings accounts in savings and loan associations through the Federal Savings and Loan Insurance Corporation.

In general, insurance coverage would be provided for all federally chartered credit unions. Insurance coverage would also be provided for State chartered credit unions and credit unions operated under the jurisdiction of the Department of Defense if those credit unions elected to be covered and agreed to comply with all the requirements of the insurance program.

For the information of the Senate, the Banking and Currency Committee held hearings on this measure on June 18 and 19 and the bill was subsequently reported favorably without objection on August 4.

In addition to the purposes which I have already described, S. 3822 would change certain reserve requirements of Federal credit unions, authorize Federal credit unions to invest in other insured credit unions and would authorize certain Federal credit unions serving low-income persons to accept funds from nonmembers.

Mr. President, I am sure that all the Members of the Senate know that the growth of credit unions in the last three decades has been phenomenal. At the present there are approximately 24,000 credit unions in this country. This is a greater number than all other financial institutions combined. Of the 24,000 some 13,000 credit unions are federally chartered. This is more than all other federally chartered institutions combined. More than 20 million Americans are members of credit unions and their saving deposits exceed $14 billion.

Credit unions in general, and specifically Federal credit unions, are perhaps unique in that today they are the only type of financial institution that do not provide some type of insurance program on savings held by them. In fact, few credit union members realize their savings are uninsured. Thus far, the overall loss of credit unions has been very small and I think this is a point which must be attributed to the successful operation of the entire credit union movement. On the other hand, there have been a few losses and when these losses have occurred they have weighed heavily upon those whose savings were uninsured.

A Federal program of share insurance such as S. 3822 would provide will enable the average credit union to be more competitive in attracting savings thus enabling those credit unions that do participate in the insurance program to increase their services to their members.

During the hearings conducted by the Banking and Currency Committee there was a preponderance of evidence submitted by witnesses indicating the need for the type of insurance program as would be provided by S. 3822.

In that S. 3822 provides for an insurance program for savings that have not heretofore been covered, I believe, it is a good bill and I am very much in hopes that the Senate will give this measure favorable consideration.

Mr. PROXMIRE. Mr. President, the bill reported by the Senate Banking and Currency Committee would for the first time provide Federal insurance for savings deposited in credit unions. Credit unions are the only financial institution whose deposits are not insured by the Federal Government. While the total losses over the years have been quite small, there have been cases where individuals have lost sizable amounts.

For example, during the last 36 years 150,000 members have lost money in liquidating Federal credit unions. It should be emphasized that in three-fourths of these cases, the loss was less than $10. On the other hand, there are 1,430 cases where the loss exceeded $500 and there is one case where the loss reached $9,100.

The small saver is entitled to the same insurance protection when he puts his funds in a credit union as he gets when he saves in a bank or savings and loan association. Despite the remarkable safety record compiled at credit unions, we need to insure that no one who saves in a credit union is subject to losing his savings if the credit union liquidates.

Credit unions are different from banks or savings and loan associations in that the credit union is organized around a common bond of membership such as a factory or office. Thus, if the plant closes down or the office relocates, the credit union is required to liquidate. From 1934 through 1969, over 5,600 Federal credit unions liquidated, an average of 155 per year. Over 4,500 of these credit unions paid 100 percent or more to their depositors, or looked at another way, about 1,100 Federal credit unions liquidated at a loss.

During the last 5 years an average of 247 Federal credit unions liquidated each year. In 1969, 274 Federal credit unions liquidated, 35 of them at a loss to their members which aggregated $95,000.

To some extent, stabilization funds established by State credit union leagues have compensated credit union members for their losses. The total losses at Federal credit unions over the last 36 years totaled $4.9 million of which $1.6 million was returned to members through State stabilization funds. Despite the excellent efforts made by State stabilization funds, they have not been able to cover all of the losses incurred by Federal credit unions. Moreover, given the rapid growth rate of credit unions, the gap between losses and stabilization fund resources may be expected to grow.

The importance of credit unions in the national economy cannot be exaggerated. There are over 24,000 credit unions, both State chartered and Federal chartered. As a matter of fact, there are more credit unions operating today than there are insured commercial banks and savings and loan associations combined.

Over 22 million Americans have their savings in credit unions. These savings total about $14.5 billion and average about $650 per member. Credit unions also play an important role in the consumer credit market. Member loans outstanding are about $13.4 billion which is about 12 percent of all consumer installment loans. At the end of World War II, credit unions held only 4 percent of consumer installment debt. Thus, credit unions have grown in importance, both relatively and absolutely.

Over the last 10 years credit unions have steadily increased their percentage share of consumer savings and consumer loans. Their persistent growth record indicates they are continuing to fill an unmet need among financial institutions. In the last year alone, savings at credit unions jumped 11.5 percent and member loans increased 9.7 percent. If these trends continue, and there is no reason to assume they will not, credit unions will play an increasingly important role in our credit economy.

A program of Federal share insurance will thus place credit unions on a par with other federally insured financial institutions. Share insurance will permit credit unions to continue their rapid rate of growth and assume their important responsibilities throughout the 1970's and 1980's. Share insurance will permit credit unions to compete for funds on a more equal basis so that they may continue making low-cost loans to their members.

Another important advantage of share insurance is that it permits low-income credit unions to attract more funds to serve their members. Credit unions organized in low-income neighborhoods have a heavy loan demand which far exceeds the available supply of savings. Various corporations, churches, financial institutions, and other organizations have indicated they would be willing to deposit their excess funds in low-income credit unions if they could be assured against loss. Thus, Federal share insurance should stimulate the flow of funds to these low-income credit unions.

During the years, the credit union movement was understandably split on the issue of share insurance. Since the credit union movement is essentially a self-help, cooperative movement there has been a certain degree of reluctance to look to the Federal Government for share insurance. It was felt that any share insurance program should be organized and operated by the credit union movement itself without drawing upon the resources of the Federal Government.

On the other hand, others have argued a strictly private insurance program could be prohibitively expensive. The reserves in the insurance fund would have to be large enough to cover all contingencies including the possibility of a prolonged economic slow down. The initial assessments and annual premiums would thus constitute a heavy burden on credit unions.

The subject of Federal share insurance was recently revived by Senator BENNETT as an amendment to a bill establishing an independent National Credit Union Administration which was approved by the Senate on February 5, 1970. The Senate rejected the Bennett amendment primarily on the grounds that hearings had not been held on the subject by the Senate Banking Committee. Senator BENNETT accordingly introduced a share insurance bill on May 11 and this bill, in an amended form, is before the Senate today.

Senator BENNETT is to be congratulated for his leadership in pressing for the adoption of a Federal share insurance bill for credit unions. Since the introduction of the legislation, the Credit Union National Association has voted overwhelmingly to support a program of Federal share insurance for credit unions although they differed with some of the provisions of the original Bennett bill. However, for the first time there was broad agreement on the major objectives of the legislation.

Since the Credit Union National Association represents over 92 percent of the credit union movement in the United States, their decision to support a program of Federal share insurance obviously had a decisive impact on the legislation. The strong support given to the concept of Federal share insurance by

CUNA resolved many of the doubts which had been raised about the need for share insurance and, in my view, led to the unanimous approval of an amended credit union bill by the committee.

While it is hazardous to allocate the credit for a legislative achievement, certainly much of the credit must go to Senator BENNETT for helping to work out a consensus, to Mr. J. Dean Gonnon, Acting Administrator of the National Credit Union Administration, to Mr. R. C. Robertson, president of CUNA International, Inc., and to Mack Rogers, president of the newly organized National Association of Federal Credit Unions. While there are still some differences over certain provisions of the bill, there is a broad consensus on the end objectives.

The bill approved by committee is patterned largely after the deposit insurance program available to commercial banks through the FDIC and to savings and loan associations through the FSLIC.

All federally chartered credit unions would be required to obtain share insurance and State-chartered credit unions could obtain share insurance on an optional basis.

Each member's account would be insured up to $20,000 as is the case for deposits or savings accounts in commercial banks and savings and loan associations.

Premiums for the share insurance would be paid by the credit unions themselves, thus the program would operate without cost to the Federal taxpayer.

In the event the reserves in the insurance fund were inadequate to cover losses, the fund could borrow up to $100 million from the Treasury. Thus the availability of Treasury borrowing authority lends stability to the fund without the need for heavy initial assessments on the members.

The insurance program would be administered by the National Credit Union Administration and the Administrator would be given powers comparable to the FDIC and FSLIC including the authority to issue cease and desist orders.

Mr. President, one of the principal issues before the committee centered on the premiums to be charged for share insurance. The bill originally introduced required an annual premium of one-twelfth of 1 percent of credit unions shares. The Credit Union National Association, in testimony before the committee recommended a premium of one-twentieth of 1 percent. According to figures supplied by the National Credit Union Administration, both the one-twentieth of 1 percent and one-twelfth of 1 percent premium would produce revenues to the fund substantially in excess of the historical record of credit union losses. For example, over the last 36 years, losses at Federal credit unions have averaged less than one-hundredth of 1 percent. Thus, the one-twentieth of 1 percent formula would be over five times the actuarial loss ratio and the one-twelfth formula would be over nine times the actuarial loss ratio.

In view of the remarkably low loss ratios experienced by credit unions, I personally favored the one-twentieth of 1 percent formula. Nonetheless, there was some argument that the reserves of the insurance fund needed to be built up during its early years in order to minimize the possibility of drawing upon the Treasury borrowing authority. For this reason, the committee reached a compromise which assessed credit unions at the one-twelfth of 1 percent rate, but which also entitled insured credit unions to a rebate in the event of their liquidation. The rebate would include all of the premiums paid into the fund by the credit union plus interest, less the credit union's prorata share of the losses and expenses of the fund. Thus, any excess premiums paid by an individual credit union due to the higher assessment rate will ultimately come back to the credit union if it liquidates.

Since credit unions liquidate more frequently than other types of financial institutions due to the closing of an office or plant, it seems reasonable that such a liquidating credit union should be entitled to a rebate of the excess insurance premiums which it has paid.

Mr. President, I believe this bill is a sound and workable bill and will fill a pressing need. I am encouraged that the leaders of the credit union movement and the members of the Banking and Currency Committee are united in their determination to achieve a workable bill this year. I thoroughly recommend the bill to the Senate and hope that it can be signed into law this year.

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Senate will proceed to the transaction of routine morning business, with a 3-minute time limitation on speeches.

DEATH OF JOHN D. RHODES, FORMER CHIEF OFFICIAL REPORTER OF SENATE DEBATES

Mr. MANSFIELD. Mr. President, Mr. John D. Rhodes, former Chief Official Reporter of Senate debates, died on Saturday, August 29, at age 90.

Mr. Rhodes' service in the Senate spanned a long period of our country's history. When he joined the corps of Official Reporters in 1919, the Senate was debating the approval of the Versailles Treaty, which involved the question of the United States becoming a member of the League of Nations. At his retirement, 44 years later, the Senate was preparing to debate the nuclear test ban treaty.

Mr. Rhodes was born in Jackson, Ohio, on January 19, 1880, and moved with his family to Washington in 1886. He was educated in the elementary schools and Eastern High School of the District of Columbia. He then studied law at Columbian University, now George Washington University; was admitted to the bar of the District of Columbia and the bar of the Supreme Court of the United States; and entered upon the practice of law in Washington.

In 1918, Mr. Rhodes served as a captain in the U.S. Army, being assigned to the Judge Advocate General's Corps.

We mourn his death and offer our condolences to the members of his family.

I ask unanimous consent that an article about Mr. Rhodes, published in the Washington Post of August 31, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN D. RHODES, 90, SENATE OFFICIAL REPORTER OF DEBATES

(By Stephen P. Caplan)

John D. Rhodes, retired chief official reporter of Senate debates, died Saturday at Sibley Memorial Hospital after a short illness. He was 90.

Mr. Rhodes' career of recording and reporting debates on the Senate floor spanned 44 years, beginning with the arguments on ratification of the Versailles Treaty and U.S. membership in the League of Nations in 1919.

A native of Jackson, Ohio, he moved to Washington with his family in 1886 when his father took a position as head of the files section with the U.S. Patent Office.

Mr. Rhodes attended public schools in Washington, graduating from Eastern High School. He received his law degree from the Columbian Law School, now part of George Washington University, in 1902.

His legal career was short, however, as he became increasingly interested in shorthand, which he had learned as a student to facilitate taking notes in his law courses.

Mr. Rhodes taught shorthand for a short time after graduation and later joined a District law firm that assigned him to attend Senate and House committee debates to record information for the firm.

In 1904, he married the late Jessie MacTaggart, of Washington.

Mr. Rhodes went to the Annapolis State House in 1907 to report one of Mark Twain's last public speeches.

When the U.S. Chamber of Commerce was formed in 1912, Mr. Rhodes was named official reporter for the organization, a position he held until 1930.

In 1919, he joined the Senate reporting staff, recording the speeches of orators such as William E. Borah, Hiram Johnson and Henry Cabot Lodge, and the addresses of visiting heads of state including Winston Churchill and Konrad Adenauer.

At ceremonies honoring his retirement from the Senate reporter's office on July 31, 1963, Mr. Rhodes cited the tumultuous reception of Gen. Douglas MacArthur in a joint session of Congress as his most dramatic recollection.

MacArthur had just been recalled from the Far East by President Truman and at the conclusion of his address to Congress quoted an old barracks room ballad, "Old soldiers never die; they just fade away."

When Mr. Rhodes was being lauded by members of the Senate at his retirement, former Senator Minority Leader Everett M.

Dirksen (R-Ill.) rose and thanked him for making the daily Congressional Record readable, which he conceded was no mean task.

"Congress," said Mr. Dirksen, "is really the home of the split infinitive . . . the place where the dangling participle is certainly nourished . . . the home of the broken sentence . . . where with impunity, we can ignore the colon, we can ignore the exclamation mark and the question mark; and yet, somehow, out of this great funnel it all comes out all right."

Senator Hubert H. Humphrey said of Mr. Rhodes at his retirement: "He started out being good and able and talented, and he has continued to be so each year, and he has improved on that exemplary record."

Mr. Rhodes, who lived at 3535 Williamsburg La., NW., was a member of the National Baptist Memorial Church, Kappa Sigma Fraternity, George Washington Post No. 1 of the American Legion and the Sons of Union Veterans of the Civil War.

He is survived by two nieces and a nephew.

THE FIGHT AGAINST PORNOGRAPHY

Mr. MANSFIELD. Mr. President, on yesterday, I had the opportunity to appear before the Committee on Post Office and Civil Service and there I spoke on behalf of the bill, S. 3220, introduced by the Senator from Arizona (Mr. GOLDWATER) and me. It seeks to face up to the problem of unsolicited pornographic literature being sent through the mails to unsuspecting persons who neither desire nor want it but who, unfortunately, have had no recourse until the amendment to the postal reform bill introduced by the Senator from Arizona (Mr. GOLDWATER), which I cosponsored, as did a number of other Senators, took the first step in facing up to the problem of the invasion of the privacy of one's home in this manner—a manner which, incidentally, puts the U.S. Government, through the Post Office Department, in the position of being the handmaiden in the delivery of this type of stuff, this smut—to people who neither desire nor want it—the type of lewd literature which all too often falls into the hands of children and against which there is not, up to this time, sufficient protection.

Mr. President, I ask unanimous consent to have printed in the RECORD the testimony which I gave yesterday on behalf of the Mansfield-Goldwater proposal.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE FIGHT AGAINST PORNOGRAPHY

Mr. Chairman and Gentlemen of the Committee: Among the most basic troubles facing this nation today are crime, violence, and pornography. Many people talk about these subjects but seem unwilling to do anything to curb them. Many people raise Constitutional questions about proposals before the Senate. Constitutional questions which—I might say—have to do with the rights of the accused and the criminal elements more than they do with the Constitutional rights of the robbed, the raped, the maimed, and those who are subject to receiving unsolicited pornographic literature through the mails. I emphasize the word "unsolicited."

I point out that when this type of lewd literature comes through the mails, it is delivered to unsuspecting parents and often times to their children. Just as under the Drug Control Act, the emphasis in this legislation should be placed on and against the "pusher" or peddler of this smut. It is long past the time when we must face up to legislation of this sort and do something about this type of pernicious propaganda. Our people are entitled to privacy within their homes. They should not be assaulted with this type of "literature" and, therefore, their rights to privacy must be maintained.

I mentioned the Constitutional rights we advocate in behalf of the accused, the criminal, the pusher, and the peddler. What about the rights of the innocent and the aggrieved? Should we sit by and quibble over Constitutional questions which the Courts can and should decide while allowing crime to become more rampant, while allowing violence to continue to spread, while we see our police insulted, spat upon and accused of being "pigs" to mention just one of the least obscene epitaphs heaped on them? Or are we going to face up to our responsibilities as Senators and meet these issues head-on in behalf of the people we represent?

As I have said, Mr. Chairman, talk alone is worthless. And sometimes, action is not politically expedient. I believe we owe our primary responsibility to the people of this nation, and I believe too many of us have been derelict in our responsibilities in facing up to these issues of violence, crime and pornography.

The First Amendment to the Constitution is not all-embracing because it has definite limits in the right to exercise the freedoms involved. I believe in the First Amendment but I do not believe it allows any leeway for crime, for license, or for the sending of unsolicited pornographic materials through the mails to the citizens of this country.

As our society enters a new decade, the American people are both confronted with and confused by some of the most complex issues ever faced in our history. Increased crime and drug addiction, a widening gulf between the young and old, between our congested urban centers and the sparse rural areas, student unrest, and the on-going crisis over our foreign involvement; these constitute just some of the problems. One of more recent origin concerns the protection of individual privacy. This right is as fundamental as the safeguards provided under the Constitution. It includes most assuredly the protection of our citizens from unwanted invasions of their privacy in the form of unsolicited, obscene, pornographic materials.

In the past several years there has been a tremendous increase in the indiscriminate mailing of obscene matter through the United States mail. These mailings go out under any number of mailing lists obtained from a variety of sources. In most cases they receive the protection given First Class mailings. These advertisements and circulars are offensive. They shock the general moral standards of most citizens. And there must be some way to protect the individual, especially to safeguard the very young and impressionable against this kind of unwanted solicitation. Doing so while also recognizing the privacy of the United States mails is a difficult task indeed. In any case, I believe that we must hit hard at the purveyor and give the receiver some means of recourse.

My mail on this general subject has been extremely heavy during the past year. I have given the issue a great deal of thought about what must be done.

As a first step, I was pleased that the amendment offered by the distinguished Senator from Arizona (Mr. Goldwater) and myself to the Postal Reform bill was enacted into law. While this measure would penalize the smut panderer if he mailed his unwanted materials to anyone seeking a ban, it still puts the burden on the prospective recipient. As I understand it, it is up to the individual to see that he is listed appropriately with postal officials.

On the other hand, I introduced S. 3220. My bill puts the burden where it belongs—on the peddler and pusher. It would protect a person's right of privacy by requiring that all mailings containing obscene or offensive material be so designated. This would enable the obvious identification of the sender and would also give a person the right to choose and if need be to return the package unopened at the expense of the sender. At the very least, under my proposal, the sender would be more cautious in his mailing methods.

In other words the labeling legislation, as proposed by S. 3220, would give the individual an opportunity to react without being embarrassed or offended. Identification may not be the simplest method, but the problem itself is not simple. I strongly believe it is a step in the right direction—one which protects clearly a basic element in our democratic society, the right of privacy.

I have co-sponsored several other legislative proposals which offer alternative proposals for combating this growth of filth and pornography. I am delighted that these hearings have been scheduled. These Committee deliberations can place the issue in its proper perspective and legislation, hopefully, will be agreed upon soon which will provide complete protection for the unsuspecting boxholder and place on the sender the entire responsibility for keeping this material out of the mail.

As I said, my proposal which amends Postal regulations would compel the filth peddler to mark the envelope he uses—the one that is now often blank—with a warning that the enclosure could be obscene or offensive. With such a warning there can be no mistake. The addressee is fully protected. He would be put on notice, as would his entire family. He would know and his family would know that what is inside may violate his standards of decency and those he wishes to impress upon his children. And that is his right. Such action would protect, not violate, a person's constitutional rights.

May I say that such warning is not new to the legislative field. It has already been imposed by the Congress in the case of cigarettes. Indeed, without even deciding for sure that there is a danger involved in smoking, cigarette manufacturers are compelled to warn each purchaser of a possible hazard. By the same token, under my bill, it need not be decided that the material enclosed is obscene, per se. But if there is that possibility, then the envelope must say in plain and simple words, "The Enclosed Material May Be Obscene or Offensive to the Addressee."

A second feature of my proposal would permit the addressee of obscene mail to return the matter to the sender, without charge. And it is left up to the addressee himself to decide what violates his standard of decency. The return mail fee would be paid by the original sender—the pusher, in other words—with an additional handling charge.

Finally, the violators of either of these provisions would be met with a penalty of $5,000.

My proposal is one which I would like to see incorporated into any pornography control measure, whether it be reported by the Senate Judiciary Committee or the Committee on Post Office and Civil Service. The Senate has already taken action in the area of drug control and crime. To a limited extent it has acted against obscenity. I firmly believe that further steps must be taken to meet head-on the issue of mass mailings of obscene materials—especially to minors and the unsuspecting. I wish to thank the Committee for this opportunity and I commend the Chairman and the members for focusing

much needed attention on this vital problem. I wish to offer the Leadership's cooperation in bringing about early legislative action on this most serious issue.

"GETTING DOWN TO BASICS" AND DR. MOYNIHAN'S SALT LAKE CITY SPEECH

Mr. BYRD of West Virginia. Mr. President, last weekend in Salt Lake City the National Legislative Conference held its 23d annual meeting and the featured speaker was the well-known counselor to the President, Dr. Daniel P. Moynihan.

In his address to the large gathering Dr. Moynihan outlined again the President's desire and interest in the family assistance plan. He likened its passage as a rare issue that comes before the Congress and which separates one era of social policy from another.

In addition, he praised the efforts of Utah's senior Senator (Mr. BENNETT) who is second ranking Republican on the Finance Committee, for his contributions toward drafting an equitable and workable plan.

Dr. Moynihan pointed out that the President and the Senate rely most heavily on the support and counsel of Senator WALLACE F. BENNETT. Dr. Moynihan said:

He is one of the most learned men concerning this enormously, and, at times, discouragingly complex subject.

I think Dr. Moynihan's text of his Salt Lake City remarks should be included in the RECORD as well as an editorial from the Salt Lake Tribune entitled "Getting Down to Basics" which also discusses the speech and the family assistance plan. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. DANIEL P. MOYNIHAN

I have come to Salt Lake City in response to the cordial invitation of Senator Wallace F. Bennett to speak to the 23rd National Legislation Conference which is meeting here this week. I should have been pleased to do so in any event, but am doubly so in the present circumstances.

We are living in Washington through one of those moments that come every one or two generations when legislation of historic consequence is before the Congress. Not just important legislation, or urgent legislation. Matters of that kind are the day-to-day business of the Congress. They are demanding, even exhausting, but in a sense routine. It is only very rarely, once or at most twice in the career of the average legislator, that an issue comes before the Congress which separates one era of social policy from another.

The Social Security Act of 1935 was such a piece of legislation.

The Family Assistance Act of 1970 will be such a piece of legislation.

The principles of the legislation are simple. As President Nixon stated in his national television address a year ago, this legislation would place a floor under the income of every American family with children. Poverty would cease to be a normal condition of any child's life, anywhere in the United States.

The legislation is aimed at helping the working poor. These are the families that try the hardest in America and somehow get the least. For decades now we have been providing income assistance to everyone save those persons who are most likely to benefit from that little bit of help that makes the difference between deprivation and just enough.

The Family Assistance Program has built into it strong work incentives, so that the more a man earns, the more he keeps. It has training and day care provisions, which in themselves would be legislative enactments of major consequence, but are only part of this monumental event.

For generations Americans have been importing social policy. Most of our legislation, even the most advanced, on examination turns out to consist largely of ideas Lloyd George stole from Bismark. With Family Assistance all that changes. President Nixon has taken the lead not just in the Nation, but in the world.

Surprisingly, the costs of the program are not excessive. At the present rate of growth of the existing welfare program, we would be spending more money on AFDC payments by the mid 1970's than we would be on family assistance.

The key idea behind the President's proposal is that we are moving toward an income strategy in dealing with problems of poverty and disadvantage. We are moving away from a services strategy. We believe that what most families need is a decent income. If they can get that through work and income supplementation, the government should leave them alone to run their own lives.

But we do believe there is a government responsibility, and that this is a national responsibility. The key to the New Federalism is not that power will be decentralized, or centralized or mediocratized, if I am correct in recalling that that is a word for middling. It is rather that we hope to assign government responsibilities to that level of government most suited to carry them out efficiently and effectively. In the case of Family Assistance, we have a national program, with national standards. As the President stated when he announced the program, no child is worth more in one state than in another. That is a principle all Americans should agree upon, but somehow American government has never responded to.

We are responding now. In one of the great legislative events of recent times. Family Assistance not only passed the House of Representatives this Spring, but did so overwhelmingly. It is now before the Senate, specifically in the Senate Finance Committee.

The President has every expectation that the bill will be reported to the floor of the Senate, and as he observed in a meeting we held on this subject yesterday at the Western White House in San Clemente, if the whole of the Senate is given an opportunity to vote on this legislation, there is no question but that they will respond as favorably as did their colleagues in the House.

In this matter the President, of course, relies most heavily on the support and counsel of Senator Wallace F. Bennett, who is the second ranking Republican member of the Finance Committee. Senator Bennett is one of the sponsors of the President's legislation, and one of the most learned men concerning this enormously, and at times discouragingly complex subject. If Family Assistance succeeds, the people of Utah will not have to look far to find one of the men who will have made it possible.

It happens that this is the most pressing matter before the Senate at this moment, but it would be a rare moment indeed for a visitor from Washington to arrive in Salt Lake City and not be able to report that some matter of national consequence—one thinks immediately of health care issues—is at issue in the capital and that in one way or another Wallace F. Bennett is involved in deciding the outcome. It is perhaps one of his qualities that he does not always advertise this fact.

It has been said of Washington that it is a city where there is almost nothing a determined and intelligent, and principled person cannot achieve—*if* he is willing to see other men get the credit. It is a truthful saying, and likely to remain such. Still, there are occasions when that fact ought to be acknowledged, and I would hope my brief visit to Utah might be taken as an indication that the President and his Administration have not failed to note the process at work in the person of the Senior Senator from the State of Utah.

[From the Salt Lake Tribune, Aug. 30, 1970]

GETTING DOWN TO BASICS

It is in fact, as presidential adviser Daniel Patrick Moynihan says, "five minutes to midnight" for the administration's bold, new family assistance welfare plan. In an effort to stop the clock President Nixon has agreed to postpone full implementation of the key guaranteed annual income provisions for a year while the program is "field tested" in several areas of the country.

In simplest terms the family assistance program would replace the awkward machinery of the present patchwork welfare system with an income maintenance scheme providing a minimum of $2,465 a year—$1,600 in cash payments and $865 in food stamps—for a family of four with no income. Payments on a diminishing scale would also be provided the so-called "working poor." The plan also would require able-bodied men and women, excluding mothers with children under six, to apply for job training or take jobs if available, and provides certain sums for day care centers for children of working mothers.

Whatever weaknesses are turned up by the tests could be remedied by Congress next year or used by critics to repeal this year's law, though as a practical matter once the welfare plan becomes law it is likely to remain. That prospect is at the heart of the President's willingness to compromise now.

Mr. Nixon's concession, in the form of an acceptance of an amendment offered by Sen. Abraham Ribicoff, D-Conn., is an urgent move to pry the House-passed welfare plan out of the Senate Finance Committee in time for the Senate to act before the 91st Congress adjourns. It is widely felt that if the welfare measure fails to gain approval of the present Congress it may be years before it will be enacted.

The administration estimates that the program would cost $4.1 billion a year above existing welfare costs and would expand eligibility payments to 24 million persons compared with about 15 million eligible under existing programs. Proponents maintain that despite the plan's initial high cost it will in time be more thrifty than the present system because of its job training and employment incentive features. Opponents are divided between those who say the plan doesn't go far enough and those who oppose guaranteed income on principle and say it will cost much more than the administration estimates.

Both views are well represented on the finance committee and between them they have managed to keep the bill from reaching a Senate vote. With time running out Mr. Nixon has agreed to the Ribicoff amendment in hope of swinging enough support in the finance committee to send the bill out.

Mr. Nixon is in a determined struggle to rescue a concept. He appears willing to agree to almost anything reasonable in order to get the idea of a government guaranteed minimum income enacted into law. He is dealing in basics now and the finance committee is going to be forced to do the same. By agreeing to the year of "field testing" to spot weaknesses the President has forced the committee, to decide for or against the

unadorned idea of guaranteed minimum income.

Stripped of arguments over cost estimates and whether the plan goes too far or not far enough, the finance committee will be voting on whether to continue with a cumbersome welfare system which has failed or to embark on a new one of great promise. There is no longer an excuse for delay. The welfare bill should be sent to the Senate and passed forthwith.

ADDITIONAL STATEMENTS OF SENATORS

OPPOSITION TO A 15-PERCENT RAILROAD FREIGHT RATE INCREASE

Mr. JORDAN of Idaho. Mr. President, I wish to address myself today to a subject of great concern to me and to the people of my State. I have noted in the press recently that the chief traffic officers of the country's eastern and western railroads intend to file a request with the Interstate Commerce Commission for an across-the-board freight rate increase of 15 percent. This request will be for an 8-percent increase to be granted immediately with the remaining 7 percent to be added at a later date. This request, I submit, is totally unreasonable. It is much larger than any of the increases that we have seen the railroads receive in the past few years. In fact, during the 7 years prior to 1967 there were no increases in the freight rate structure at all. Suddenly, in 1967, the railroads were off and running with a series of increases granted by the Interstate Commerce Commission.

The first of these successful requests was in 1967, in which the railroads asked for a 6-percent increase in commodity rates and were permitted an increase of approximately 3 percent.

Next, the carriers asked for a 3- to 6-percent increase on selected commodities which was granted as they wished. In 1969, another request was made for a 6-percent increase which was also allowed. Still another of these boosts, which was made on selective commodities as opposed to an across-the-board increase, ranged from a high of 10 percent to a low of 3 percent with the average being about 5 percent.

Finally, the railroads asked for a 6-percent increase earlier this year but the ICC trimmed it to 5 percent, effective in June. The shocking truth is that since 1967 the railroads have requested and received a total of five general freight rate increases. When will this pattern cease? Indeed, the latest 5 percent interim increase is still under review by the ICC. Now the railroads are asking for an unreasonable increase of 15 percent.

In addition, I would also like to point out that services by the railroads have declined as markedly as these rates have gone up. Intercity passenger routes have been cancelled; there is a serious boxcar shortage in some areas; and we have all noted with alarm the mismanagement of the Penn Central Railroad, which finally led to its falling into bankruptcy. Certainly, these events call for a review of our Nation's railroads; but I do not believe that this excessive freight rate increase is the answer.

Moreover, it should be noted that these increases in the past have benefited the larger, more prosperous railroads which actually required this assistance the least.

The farmers in my own State of Idaho will have to bear the burden of the increased costs which will result from this massive freight rate increase. The increase will affect about 175 eastern and 125 western railroads. In addition, the consumer will be forced to pay higher prices for the goods he purchases. This point is especially crucial at a time when inflationary pressures are already being felt in every consumer's pocketbook.

When we consider all of these factors: the recent increases in freight rates; the decline in railroad services; and the general state of the economy; I feel that the proposed freight rate increase is excessive and ill-timed and I ask that the Interstate Commerce Commission not allow such an increase to take place.

CONSERVATION: ITS RELEVANCE IN WYOMING

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship Contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of the democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Judy Ann Wilson, of Cheyenne, Wyo., and Dennis Freeman, of Rock Springs, Wyo., which received honorable mention in the McGee Senate Internship Contest, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

CONSERVATION: ITS RELEVANCE IN WYOMING
(By Dennis Freeman)

The third planet in the system of Sol, a third magnitude star on the edge of an obscure galaxy, presents an interesting example of self-extermination. This planet's ecology revolves about the liquid state of water. All forms of life upon this planet, which we will refer to as "Earth" rely upon the availability of hydrogen oxide and various gases in the planet's atmosphere. The one form of life on Earth intelligent enough to perceive this is, strangely enough, the same one that is intent upon destroying it.

These creatures, who refer to themselves as "Humans", have developed a rather advanced technology, and are applying that technology to the speedy extermination of all life on the planet.

Far-fetched? Not in the least. That is just how someone from outside our planet might view our society. We are on the slide down hill. If we don't *do* something concrete, we may very well exterminate ourselves within fifty years.

Yet, in Wyoming, people are apathetic about any type of conservation concerning things other than game and fish. All about them, the environment is being buried in a tomb of pollution, and Wyoming citizens continue to blindly affirm that we have no pollution. First, let's look and see what kind and how much pollution there is in our nation, and then decide how this relates to Wyoming.

Elsewhere in America, pollution is rampant. For instance, the Cuyahoga River, which flows into Lake Erie at Cleveland, is so disgustingly polluted that it has been declared a fire hazard! The Potomac river is nothing more than a moving cesspool. Every day 9.6 billion gallons of industrial waste, and 1.5 billion gallons of sewage are belched into Lake Erie.

Still, Wyoming residents sit back, thinking that all this just doesn't effect them. Let's look at the facts: Each year, the United States (Wyoming included) manages to dump 1.3 billion tons of manure and farm refuse onto the land and into the rivers, deposit 1 billion tons of mine wastes and 15 million tons of scrapped cars on our landscape. In addition, the air that we are expected to breath is blessed yearly with over 142 million tons of *toxic* exhausts from cars and industries. These are *national* figures, and even so-called unpolluted Wyoming contributes to this.

The problem does then affect us. Just how bad is our pollution? Where do our problems lie? Pollution can be separated into three distinct catagories: domestic, industrial, and agricultural. To understand our situation, it is necessary to examine each.

Let's first look at agricultural pollution. With a large agricultural economy, the state has seen the use of large amounts of D.D.T. Some birds and fish in the state already have dangerous percentages of this long-lasting killer in their systems. We cannot take this lightly; in Lake Michigan, D.D.T. is directly responsible for massive numbers of dead fish, and the birds about that area who eat the fish, including the "bald eagle", are not reproducing correctly. The same thing may quite likely happen in the near future in Wyoming. In addition local farmers contribute the 1.3 billion tons of farm refuse annually deposited on our land. This filth is often dumped into rivers and lakes, and even if it is put on the land, it finds its way into the ground water, inevitably reaching our streams and rivers. Perhaps one of the least obvious and yet most insidious forms of agricultural pollution is the use of so-called "red dyed" wheat seed. The preservative on these seeds contains large amounts of mercuric oxide. Like all heavy metals, mercury has a devastating effect on the nervous system when in concentrations of more than

30 or 40 parts per million, and some pheasants in the state, who eat the freshly-sown wheat, have concentrations of 28 or 29 parts per million. The connotations are obvious. Not only may the pheasants suffer, but hunters who eat heavily contaminated birds may show symptoms. Farms and ranches also burn refuse in open air, contributing to the pall of smog which covers even our state.

That is only agricultural pollution; there is still industrial and domestic pollution to discuss. First, industrial pollution. Even Wyoming's limited industry is making a brave effort at upsetting nature's delicate balance. In just the Rock Springs—Green River area, there are five or six plants dumping tons of filth into our air and our water. When Stauffer Chemical Company dumps waste into the Green River, they in effect pollute the entire Colorado River system. When the Quealy coking plant releases its black plume into the air over Rock Springs, they throw away profits: the products they release in the destructive distillation of coal contain many valuable chemicals. This type of situation occurs all over the state. The Platte at Casper looks very little like an upstream river; it is coated with the oil and sludge typical of cities father downstream. Another example of large-scale pollution is the refineries at Sinclair. The prairie downwind resembles a fog bank, but this fog can be lethal. All over this land of wide-open spaces, we are treating those spaces as literal junkyards. The state's industries belch not pounds but tons of filth into our air and dump more tonnage into our waters.

There is still one more contributor to the uglification and intoxication of our state—domestic pollutant release. Wyoming, just as other areas, moves on wheels, and the tonnage of fumes released by motor vehicles reaches into the millions. This is air that we have to breathe. On a still day, the clear air over our cities takes on a yellow-gray tinge. Wyoming residents also improve our trout streams with several million tons of raw sewage annually. Besides being detrimental to Wyoming, this sludge is carried down stream, so that the people of Nebraska, Colorado, Utah, Idaho and Nevada may enjoy our stream additives. Wyoming homes belch sewage into the same rivers they drink from, and introduce poisonous gases into the same air they breathe, and still continue to insist that we don't have a pollution problem.

True, our problem with environmental pollution has not reached the proportions of Los Angeles, Lake Erie, or New York, but that is only further reason for getting rid of our pollution right now, while we still can. If we don't spend a little money and thought now, we'll have to spend huge amounts later.

Experts estimate that to just get a start on nation-wide pollution will require 20 billion dollars over the next four years. Is there a better argument for Wyoming to get to its pollution before it gets that serious?

We will be making an investment in much more than just unclouded scenery and clear waters: we will be buying our very survival. If pollution is allowed to continue, the delicate scale of survival will be tipped. In some areas, this may have already occurred. Once the base of life is gone, the rest will follow quickly. The citizens of our state must awaken to that sobering fact and take quick, effective action. Nothing is at stake but survival!

CONSERVATION: ITS RELEVANCE IN WYOMING

(By Judy Ann Wilson)

By the time you finish reading this first sentence, a new American is born. This birth will initiate a consumptive force on our natural resources 50 times greater than the demand as the same event in India. In his life time he will utilize over 1 million tons of water; 2,000 gallons of gasoline; 10,000 pounds of meat; 28,000 pounds of milk and cream; 9,000 pounds of wheat, and he will inundate 3 acres of productive land. The demand for outdoor recreation will triple by the year 2000.

All too often, life seems to be a struggle of man against nature, where man is the lord and nature is the subject. Survival is a battle of opposition rather than a joint venture between the two. Instead of conserving to the best of our ability our natural resources, wildlife, air and water, and freedom of movement, we are neglecting the responsibility and taking them for granted.

It has been a characteristic inherent to man, to be a wasteful, messy animal. Societies as far back as the Romans have complained of dirty cities, wildlife doomed because of polluted, sewage-filled streams and crop destruction resultant from impurities in the soil.

Because man overpowers his environment not only in ingenuity, but also in sheer numbers, the fight to preserve his surroundings must be foremost to his attention. His response to the crisis at hand, must encompass the totality of the scope. In pursuing the aim of conservation, we have tended to stero-type the need of it to areas such as California and New York, but it is imperative that conservation start right here—here in Wyoming. If America can justifiably be titled "America the Beautiful," Wyoming must uphold the true claim of "Wide Open Spaces," "The Cleanest Air," and "A Hunter's Haven."

The word *conservation* is a concept composed of a variety of special interest definitions. To assess the relevance of conservation to Wyoming, its measures must act as a mirror to reflect the needs and wants of each individual interest group. For instance, to the tourist, conservation may be the preservation of our parks and unspoiled wilderness, to the hunter, the definition is only adequate hunting and fishing, and still another segment of the population is concerned with the natural resources, forests, and minerals. The direction of the public attention plays a vital role in conserving "these interests" through the allocation of the tax dollar in support of maintaining proper facilities.

Wyoming can boast of a living environment second to none in the nation. The abundant wildlife is under the careful eye of the Wyoming Game and Fish Commission, hundreds of miles of water flowing from mountain streams is insured of purity by the organization of the Stream and Pollution Council, air pollution problems are tackled by the Air Resource Council in accordance with the newly adopted Air Quality Standards and the battle of soil conservation and the application of water conservation measures fall into the capable hands of the State Soil and Water Conservation Committee.

These programs allow the success of the Cowboy's State's third largest industry, tourism, which brings into the state annually, large sums of money.

However, conservation is woven inextricably in the lifeblood of Wyoming, its economy and its people. For example, Wyoming has 20,000 miles of fishing streams. It has the largest elk and antelope herd in North America. Petroleum, ore, uranium and valuable material lie deep in the veins of the state. Prudent use of Wyoming's valuable resources, from the clean air, the mountain streams to the phosphates, all play an integral part of the nation's conservation picture.

On the other hand, it is estimated that each antelope is worth over $100.00 to the state as a source of revenue. Studies indicate that the per capita expenditure for soil conservation and water conservation in Wyoming was $1.32 in 1968. This investment returned $118.00 per person through the flow of direct income.

It would be difficult to assess the economic value of the majestic Tetons, or the sprawling Big Horn Mountains, or the vast open grasslands that awe so many visitors, aside from enjoying the direct benefits from our conservation programs in Wyoming.

The future has never been . . . it remains for man to make. A poet once remarked, "The towers of tomorrow are built on the foundations of today." In thirty years, we will be attempting to build towers on what we do today, as we will be turning the corner into the 21st century. In the year 2000, Wyoming's population will be demanding and utilizing even more of our natural resources, recreational benefits, and open spaces than it does today.

Perhaps we can measure with a degree of certainty, the level of quantity for the future, but what is impossible to weigh beforehand, is the quality of the life to come. The quality of your life—as well as mine in the century ahead rests on what we and other Wyomingites do now to preserve the balance of nature and the earth's reserves of our resources. Foresight, legislation, and public awareness will lend support to helpful programs already under way.

While you have been reading this essay, a portion of the 1.6 million people, which join the United State's population annually, have come into the world. Without perservative conservation in Wyoming, these people could soon actively join the unstemmed tide of those already draining our natural resources and damaging our environment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1135, Senate Joint Resolution 1. I do this so that it will become the pending business.

The ACTING PRESIDENT pro tempore. The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct election of the President and Vice President of the United States.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of the joint resolution which had been reported from the Committee on the Judiciary with an amendment to strike out all after the resolving clause and insert:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE —

SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

SEC. 3. The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices. If no pair of persons has such number, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

SEC. 4. The time, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

SEC. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice-President-elect.

SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

SEC. 7. This article shall take effect one year after the 15th day of April following ratification.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, there will be no action taken on the pending business today and no speeches that I know of. However, when the Senate returns after its recess on Tuesday next at 12 noon, that measure will be the pending business of the Senate. It is anticipated that the distinguished Senator from Indiana (Mr. BAYH), the initiator of this measure, in whose committee hearings were held, will be on the floor, as well as other Senators, prepared to begin discussion of this most important constitutional amendment.

I had hoped that we could take up other measures at that time. But in view of the fact that the Committee on the Judiciary has made the stipulation that they would report an equal rights amendment sometime between the 15th and 19th—probably closer to the 19th—I feel that it would be most inappropriate at this time to call it the equal rights amendment, because to do so, I think, would make it subject to extended debate even in the course of taking it up and, when and if that was finally achieved, further extended debate when it became the pending business.

So, with that explanation, I hope it will be understood why one of these constitutional amendments precedes the other. May I say frankly that I am in favor of the Bayh measure for a constitutional amendment seeking to bring about a change in the electoral college in the direct election of the President and the Vice President, and I am also in favor of the equal rights amendment, which I hope will be coming to the floor at an auspicious time.

I had considered taking up the bank holding bill, H.R. 6778; the farm bill, H.R. 18546, which will be reported by the committee shortly; a bill having to do with survivors' annuities, S. 437; and an amendment to the FDIC Act relating to bank records, S. 3678. It is anticipated that sometime between Labor Day and October 15, we shall bring before the Senate legislation having to do with air pollution control and law enforcement assistance amendments.

I believe that we still have six appropriation bills to attend to. I find no fault with the Senate committees. I think they are working as expeditiously and as efficiently as they can. As soon as those bills are reported, we shall try to dispose of them.

I would point out that while we are a little bit behind the House in the matter of appropriation bills, we are considerably ahead of the House in the consideration of bills having to do with crime, pornography, drug addiction, violence, and the like.

If my memory serves me correctly, the Senate has passed 20 out of 21 crime control, drug control, antipornography, and other types of legislation facing up to the problems of rampant crime, increasing violence, and the continued assaulting of policemen. Just a day or two ago, I read the headlines in the newspaper which said that across the country 10 policemen had been shot. Since that time the number has increased almost once again.

I think it is about time that we give to these guardians of law and order, these people who are entrusted with the responsibility of the safety of all people, the kind of respect which is their due and paid the kind of salaries which I think they are entitled to for the dangerous tasks they perform.

I think that people ought to achieve some degree of civility once again—it seems to me to be becoming a lost virtue—some degree of responsibility in its finest sense, and some recognition of the fact that this is one country, regardless of the divisions which are in effect today and that the future of the Republic lies not in further divisiveness, not in increased violence, not in increased crime and drug addiction, not in an increase in pornographic literature, but in a mutual understanding on one another's needs and problems—and we all have them—and a desire to try to bring about a reconciliation to the end that once we are over these dangerous hurdles—like Southeast Asia to mention one example—the difficulties at home can be met and faced up to more squarely and appropriate methods and funds can be used to bring about an alleviation of the situations which call for action. In that way, I think that collectively we can achieve some worthwhile service.

I would hope that neither political party would try to take advantage of any of these issues, knowing that before we are Democrats or Republicans, we are Americans and that the welfare of the country at all times should come ahead of the welfare of either party or any of us as individuals who hold elective office.

So, with those brief remarks, I will only add that hopefully sometime the week after next, and that is the earliest we can get to it, it would be possible to take up the farm bill and, as far as the social security amendments and the family assistance program are concerned, I note that the distinguished Senator from Utah is on the floor. I was wondering if he could give the Senate any information which would indicate when these proposals might be brought up.

Mr. BENNETT. Mr. President, the Finance Committee will finish its hearings on the family assistance plan during the first week we return. Then before meeting in executive session, we will finish the hearings on the social security amendments, with the thought that they will be studied together in committee, but will not be tied together for action on the floor.

It is my understanding that the bills will be reported separately, but after the committee has worked on them at the same time.

My guess is that it will be pretty close to the first part of October before we will be able to report them.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Utah, the acting minority leader, for giving us the latest information at his disposal concerning not only the social security amendments, in which we are all interested, but also the family assistance program which the President has indicated that he would like to have the Senate take action on this year.

I think the President is entitled to that courtesy and that much consideration. While I have some grave questions in my mind about the family assistance program, nevertheless, I would hope that a bill would be reported, debated, and disposed of by the Senate in one way or the other.

I thank the distinguished Senator for giving us this additional information.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BENNETT. I have some of the same doubts about the program as it is now before the committee, but a number of members of the committee, including the chairman and me, are working rather hard to try to develop alternatives which might eliminate some of the problems that I am sure the senior Senator from Montana sees in the program. As of now I am still optimistic that we will get a program in the Senate.

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 8, 1970

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment, pursuant to House Concurrent Resolution 689, as amended.

The motion was agreed to; and (at 9 o'clock and 21 minutes a.m.) the Senate adjourned until Tuesday, September 8, 1970, at 12 noon.

EXTENSIONS OF REMARKS

SENATOR JENNINGS RANDOLPH DISCUSSES INADEQUACY OF THE FEDERAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION EFFORTS ON METHOD TO CONTROL AND ABATE POLLUTION RESULTING FROM FUELS AND ENERGY PRODUCTION—THE ENVIRONMENT IMPACT OF FUELS AND ENERGY PRODUCTION ARE UNACCEPTABLE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 1, 1970

Mr. RANDOLPH. Mr. President, there have been repeated warnings concerning environmental threats to our survival, but it seems that the more intense the atmosphere of crisis, the more quickly concern apparently is deadened. We have learned to live with the constant threat of nuclear destruction, and, until now, we have accepted coexistence with a polluted and crowded environment. But the growing concern for the quality of our environment has been most cogently phrased by Prof. Robert B. Platt, chairman of the department of biology at Emory University, when he expressed:

> The analogy of our western civilization as a great pendulum whose speed and direction of motion through time is determined by the forces of technology and economic determinism on the one hand and the opposing forces of human ecology on the other . . . The forces of technology and economic determinism, fired sequentially by the industrial age, the atomic age and the space age, have pushed the pendulum at an ever-increasing and recently a dizzying speed . . . We now have the knowledge, concepts and attitudes, not only to reverse this motion, but to then push the pendulum back to an equilibrium position which is favorable for human health and happiness. The unknown factor is man's will to do this.

The time has come for our society, its people and institutions—educational, political, and religious—to act to avert further environmental crises and to plan for a future in which man can restore that balance which is essential to quality living. The critical factor in reestablishing this equilibrium will be man's will to create an environment adapted to his physical, psychological, and spiritual needs.

The public demand for environmental quality is no longer based solely on the desire to save the alligator, the wolf, or the spoonbill. Man has joined the list of endangered species.

This realization is immediately apparent in the current fuels and energy crisis. On August 6, the President directed the Domestic Council to study the national energy situation and recommend actions which may be taken to alleviate the short-term acute shortage of clean fuels. In sum, we are faced with two conflicting requirements—to provide reliable sources of electric power while also protecting the health and welfare of our citizens and the quality of our environment.

Securing adequate supplies of fuels, particularly coal, for the next 5 years is one of the most pressing problems facing many electric utilities.

During the past 18 months fuel stocks have reportedly slipped from sufficient coal for at least 90 days' operation to quantities sufficient for only about 40 days' operation. The causes contributing to this serious problem were reported in the April 18 issue of Business Week magazine. They include a willingness of the Japanese to pay high coal prices, a shortage of railway hopper cars, wildcat strikes, and the impact of the Coal Mine Health and Safety Act.

The future, however, looks equally threatening. In the next 15 years the United States will require more petroleum products than have been consumed since the discovery of oil by Colonel Drake in 1859, more natural gas than has been consumed in our Nation's history; and more coal than has been mined in the United States since World War II. Yet, today we cannot meet our current fuel requirements and we are plagued by an environmental crisis. Surely, the need for a national fuels and energy policy cannot be denied.

This situation need not have occurred and cannot be allowed to repeat itself. For many years the future of electric power generation has focused on nuclear power development—or the fast breeder-reactor in particular. Yet, development of the fast breeder-reactor has slowed down and may not be commercially available until the 1990's. By then the world may be running out of economical sources of uranium. Alternative energy supplies, compatible with environmental quality goals must be developed in the interim. Additional reliable and accessible sources of crude oil, natural gas, coal, and synthetic fuels must be developed, as well as more efficient means of utilizing these fuels. Attention must be directed beyond the short-term crisis before us and to the long-term requirements of this Nation and indeed the world.

On July 16, 1970, I introduced S. 4092, a bill to establish a Federal Commission on Fuels and Energy. This legislation is now cosponsored by 60 of my colleagues.

In my introductory remarks, I presented a detailed analysis of the next 30 years' requirements for energy and fuels. A brief summary is appropriate at this point:

Electric generating capacity in the United States has doubled every decade since World War II. This growth reflects population increase as well as an increased standard of living.

For some time to come our ability to meet this growing demand will reside primarily in fossil fuels. Recently, nuclear power has emerged as a competitor in its own right, but installed generating capacity lags behind projected figures. A shift from fossil to nuclear fuels was anticipated, however, and in recent years, there was a reluctance in many cases to develop alternative sources of oil or coal production. The required new mines were not capitalized and opened to the extent originally envisioned. This is part of the fuels crisis that has developed.

Abundant supplies of coal and other fossil fuels are in the ground; our shortcoming is our capacity to extract these resources from the earth and convert them into electricity and deliver the energy to the ultimate consumer.

Accustomed to doubling electric generating capacity every decade, we have lost sight of the fact that today this represents doubling an investment of $100 billion. A single 3,000 MW power station involves 1,000 acres of land, 7 million tons of coal per year, and $450 million in plant and equipment. This entails opening new coal mines, purchasing new coal cars, and building a huge new plant and equipment. It means acquiring sites and rights-of-way for transmission lines and transformers and other equipment; in all a gigantic undertaking.

In the next 20 years we must triple our national power capacity to meet projected population and industrial demands. This may require 250 new powerplant sites with an estimated capital need of as much as $350 billion. Such an expansion will require approximately 8 million acres of land and may require over one-half million miles of high-voltage transmission lines, enough to circle the world four times.

Yet, the electric power industry, with annual revenues of some $20 billion, is, according to the Federal Power Commission, currently spending less than one-half of 1 percent of its gross revenues on developing new and improved methods for the generation and transmission of electric power.

Energy industries and this Nation, and the world, are embarked on a gigantic gamble that we can continue to supply this energy requirement with known and unproven sources of crude oil, natural gas, and coal or other sources of energy such as the breeder reactor, fuel cells, or even the fusion reactor. To lose this gamble would be a catastrophe.

Both fossil and nuclear fuel resources are being depleted at an ever-increasing rate. Accompanying this is a greater potential for deleterious environmental effects and a greater potential for brownouts or blackouts. Major power interruptions as reported by the Federal Power Commission have increased from 148 in the 12 years from 1954 to the end of 1966 to 97 in 1967 alone; 94 in 1968; 85 in 1969; and 43 in the first half of 1970. The historic New York City blackout on June 5, 1967, affected 13,000,000 people, alone.

Mr. President, I offer an explanatory table summarizing power service interruptions from 1954 to 1970 and request unanimous consent to have it printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—POWER SERVICE INTERRUPTIONS REPORTED BY THE FEDERAL POWER COMMISSION, 1954 TO 1970

Year	Number of service interruptions	Number of customers affected
1954 to 60	54	
1961 to 65	64	
1966	30	
1967	97	[1] 14,880,000
1968	94	2,398,000
1969	85	
1970:		
1st quarter	24	483,000
2d quarter	19	347,700

[1] Includes 13,000,000 people affected by the June 5, 1967, "blackout" in New York City.

Source: Federal Power Commission Reports on electric power interruptions, selected news releases.

Mr. RANDOLPH. Mr. President, without question these service interruptions have resulted in part from insufficient planning by the power industry, efforts to preserve the environment, and the strain of extreme heat or cold waves. These combined factors have placed intolerable strains on existing electric power systems. The past should have taught us the importance of better planning and development of power systems with adequate margins of safety.

The security of the United States is entwined by this issue. The principal issue confronting us is how to create an integrated policy for the development of energy and the maintenance and enhancement of environmental quality while minimizing our dependence on uncertain foreign sources of bulk energy.

Let us take the Atlantic seaboard as an example. Federal Power Commission estimates of utility construction along the Atlantic seaboard through 1977 will increase by 24,350 megawatts or 70 percent over 1970. The majority of this growth will be nuclear; 24 percent will be oil fired and only 4 percent coal fired. The bulk of the required oil will come from foreign sources, subject to competitive international energy markets. Yet, each decision, today, may represent as much as a 30-year commitment to this oil supply.

These figures are consistent with individual facility figures supplied to me by the Edison Electric Institute on April 9, 1970, for the period up to 1975. I ask unanimous consent that this material appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDISON ELECTRIC INSTITUTE,
New York, April 9, 1970.

Attention: Mr. Walter Planet.
Hon. JENNINGS RANDOLPH,
Chairman, Senate Committee on Public Works, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your letter of February 27, 1970 to Mr. Barnett, of the National Association of Electric Companies, and the subsequent correspondence between Mr. Walter Planet and Mr. David Toll, we are enclosing data on steam electric power plant fuels for the District of Columbia and eight Eastern states: Connecticut; Massachusetts; Rhode Island; New Jersey; New York; Pennsylvania; Delaware; and Maryland.

The enclosed Attachment A includes information with respect to City, Utility, Plant, Type of Fuel, Amount, and Source or Supplier. Attachment B shows steam electric units or plants under construction or proposed in the District of Columbia and seven states: Connecticut; Massachusetts; New Jersey; New York; Pennsylvania; Delaware; and Maryland. Attachment C offers additional information relative to current and proposed pollutant control devices.

Sincerely yours,
W. DONHAM CRAWFORD,
Managing Director.

ATTACHMENT A.—STEAM ELECTRIC POWERPLANT FUEL DATA—1969

City and utility	Plant	Type of fuel	Amount	Source or supplier
CONNECTICUT				
Milford, Connecticut Light & Power	Devon	Coal	727,930 tons	Mostly Pennsylvania, minor amount from West Virginia.
		Oil	1,584,099 barrels	Foreign.
		Gas		
Montville, Connecticut Light & Power	Montville	Coal	467,097 tons	Mostly Pennsylvania, minor amount from West Virginia.
		Oil	26,132 barrels	Foreign.
		Gas		
Norwalk, Connecticut Light & Power	Norwalk Harbor	Coal	842,805 tons	Mostly Pennsylvania, minor amount from West Virginia.
		Oil	31,415 barrels	Foreign.
		Gas		
Middletown, Hartford Electric Light	Middletown	Coal		
		Oil	4,790,945 barrels	Foreign.
		Gas		
Stamford, Hartford Electric Light	Stamford	Coal	56,907 tons	Mostly Pennsylvania, minor amount from West Virginia.
		Oil	137,367 barrels	Foreign.
		Gas	47,246 mcf	
New Haven, United Illuminating	English	Coal		
		Oil	1,689,851 barrels	Venezuela.
		Gas		
Norwich, Norwich Department of Public Utilities	Greenville	Coal, Oil, Gas	Consumes oil and gas	
Wallingford, Wallingford Department of Public Utilities	Pierce	Coal	18,050 tons	West Virginia.
		Oil		
		Gas		
MASSACHUSETTS				
Cambridge, Cambridge Electric	Blackstone Street	Coal		
		Oil	121,906 barrels	Venezuela.
		Gas	309,638 mcf	Algonquin.
Do	Kendall Square	Coal		
		Oil	506,154 barrels	Venezuela.
		Gas	1,080,502 mcf	Algonquin.
Worcester, Massachusetts Electric	Webster Street	Coal	56,412 tons	Pennsylvania.
		Oil	16,010 barrels	Venezuela.
		Gas		
Salem, New England Power	Salem Harbor	Coal	243,323 tons	West Virginia.
		Oil	1,780,110 barrels	Venezuela.
		Gas		
RHODE ISLAND				
Pawtucket, Blackstone Valley Electric	Pawtucket No. 1	Coal		
		Oil	150,481 barrels	Gulf Oil.
		Gas	171,165 mcf	Valley Gas.
Providence, Narragansett Electric	Manchester Street	Coal		
		Oil	1,106,017 barrels	Venezuela.
		Gas	972,061 mcf	Louisiana.
Do	South Street	Coal		
		Oil	1,144,159 barrels	Venezuela.
		Gas		

City and utility	Plant	Type of fuel	Amount	Source or supplier
NEW JERSEY				
Sayerville, Jersey Central Power & Light	Sayerville	Coal	583,981 tons	West Virginia.
		Oil	727,909 barrels	Imported.
		Gas	2,698,518 mcf	Texas.
South Amboy, Jersey Central Power & Light	Werner	Coal		
		Oil	1,255,996 barrels	Imported.
		Gas		
Holland, New Jersey Power & Light	Gilbert	Coal	341,434 tons	17 percent Pennsylvania, 4 percent Virginia, 79 percent West Virginia.
		Oil		
		Gas		
Ridgeland, Public Service Electric & Gas	Bergen	Coal	985,159 tons	50 percent Pennsylvania, 50 percent West Virginia.
		Oil		
		Gas	8,043,310 mcf	Louisiana, Texas.
Newark, Public Service Electric & Gas	Essex	Coal		
		Oil	3,039,344 barrels	Hess, Sinclair, Paragon.
		Gas	584,877 mcf	Louisiana, Texas.
Jersey City, Public Service Electric & Gas	Hudson	Coal	287,208 tons	West Virginia.
		Oil	2,554,918 barrels	Hess, Sinclair, Paragon.
		Gas	7,841,130 mcf	Louisiana, Texas.
NEW YORK				
New York, Consolidated Edison	Astoria	Coal	1,747,627 tons	5 percent Kentucky, 18 percent Pennsylvania, 29 percent Virginia, 48 percent West Virginia.
		Oil	1,659,789 barrels	Africa, South America.
		Gas	17,843,085 mcf	Louisiana, Texas.
Do	East River	Coal	26,009 tons	5 percent Kentucky, 18 percent Pennsylvania, 29 percent Virginia, 48 percent West Virginia.
		Oil	2,102,019 barrels	Africa, South America.
		Gas	22,221,340 mcf	Louisiana, Texas.
Do	Hell Gate	Coal		
		Oil	3,294,252 barrels	Africa, South America.
		Gas	6,235,236 mcf	Louisiana, Texas.
Do	Kent Ave	Coal		
		Oil		
		Gas	3,074,104 mcf	Louisiana, Texas.
Do	Arthur Kill	Coal	1,003,709 tons	5 percent Kentucky, 18 percent Pennsylvania, 29 percent Virginia, 48 percent West Virginia.
		Oil	675,745 barrels	Africa, South America.
		Gas		
Do	Ravenswood	Coal	980,702 tons	5 percent Kentucky, 18 percent Pennsylvania, 29 percent Virginia, 48 percent West Virginia.
		Oil	7,433,120 barrels	Africa, South America.
		Gas	13,618,038 mcf	Louisiana, Texas.
Do	Sherman Creek	Coal		
		Oil	1,381,863 barrels	Africa, South America.
		Gas	253,469 mcf	Louisiana, Texas.
Do	Waterside	Coal		
		Oil	2,277,693 barrels	Africa, South America.
		Gas	15,715,015 mcf	Louisiana, Texas.
Island Park, Long Island Lighting	Barrett	Coal	106,511 tons	17 percent Pennsylvania, 83 percent West Virginia.
		Oil	1,254,380 barrels	Libya, Venezuela.
		Gas	8,254,483 mcf	Tennessee Gas, Texas Eastern, Transcontinental.
Far Rockaway, Long Island Lighting	Far Rockaway	Coal		
		Oil	820,801 barrels	Libya, Venezuela.
		Gas	1,044,169 mcf	Tennessee Gas, Texas Eastern, Transcontinental.
Glenwood Landing, Long Island Lighting	Glenwood	Coal		
		Oil	2,073,521 barrels	Venezuela.
		Gas	2,595,290 mcf	Tennessee Gas, Texas Eastern, Transcontinental.
PENNSYLVANIA				
Middletown, Metropolitan Edison	Crawford	Coal	199,283 tons	Pennsylvania.
		Oil	12,156 barrels	Gulf Oil, British Petroleum.
		Gas		
Reading, Metropolitan Edison	Eyler	Coal	172,317 tons	Pennsylvania.
		Oil	9,284 barrels	Gulf Oil, British Petroleum.
		Gas		
Portland, Metropolitan Edison	Portland	Coal	1,055,212 tons	Pennsylvania.
		Oil	30,666 barrels	Gulf Oil, British Petroleum.
		Gas		
Reading, Metropolitan Edison	Titus	Coal	687,542 tons	Pennsylvania.
		Oil	16,394 barrels	Gulf Oil, British Petroleum.
		Gas		
York Haven, Pennsylvania Power & Light	Brunner Island	Coal	2,277,204 tons	94 percent Pennsylvania, 6 percent West Virginia.
		Oil		
		Gas		
Hauto, Pennsylvania Power & Light	Hauto	Coal	Plant was shut down in January 1969.	
		Oil		
		Gas		
Holtwood, Pennsylvania Power & Light	Holtwood	Coal	497,100 tons	Pennsylvania.
		Oil		
		Gas		
West Norristown, Philadelphia Electric	Barbados	Coal	213,000 tons	West Virginia.
		Oil	209,000 barrels	Foreign, mostly from Paragon.
		Gas	3,116,000 mcf	Texas Eastern, Transcontinental.
Chester Philadelphia Electric	Chester	Coal	50,000 tons	Pennsylvania, West Virginia.
		Oil	2,023,000 barrels	Foreign, mostly from Paragon.
		Gas		
East Pikeland, Philadelphia Electric	Cromby	Coal	707,000 tons	Pennsylvania, West Virginia.
		Oil	1,322,000 barrels	Foreign, mostly from Paragon.
		Gas		
Philadelphia, Philadelphia Electric	Delaware	Coal	196,000 tons	Pennsylvania, West Virginia.
		Oil	3,001,000 barrels	Foreign, mostly from Paragon.
		Gas		
Eddystone, Philadelphia Electric	Eddystone	Coal	1,567,000 tons	Pennsylvania, West Virginia.
		Oil	58,000 barrels	Foreign, mostly from Paragon.
		Gas		
Philadelphia, Philadelphia Electric	Richmond	Coal	86,000 tons	Pennsylvania, West Virginia.
		Oil	5,453,000 barrels	Foreign, mostly from Paragon.
		Gas		

ATTACHMENT A.—STEAM ELECTRIC POWERPLANT FUEL DATA—1969—Continued

City and utility	Plant	Type of fuel	Amount	Source or supplier
PENNSYLVANIA—Continued				
Philadelphia, Philadelphia Electric	Southwark	Coal	301,000 tons	Pennsylvania, West Virginia.
		Oil	3,372,000 barrels	Foreign, mostly from Paragon.
		Gas		
DELAWARE				
Delaware, Delmarva Power & Light	Delaware City No. 3	Coal		
		Oil	21,976 barrels	Getty Oil.
		Gas		
		Petroleum coke	184,296 tons	Getty Oil.
		Refinery gas	30,668 tons	Do.
Wilmington, Delmarva Power & Light	Edge Moor	Coal	817,061 tons	Pennsylvania, West Virginia.
		Oil	787,349 barrels	Philadelphia, Pa., refineries.
		Gas	1,026,353 mcf	Texas and Louisiana.
Millsboro, Delmarva Power & Light	Indian River	Coal	466,590 tons	Pennsylvania, West Virginia.
		Oil	84,449 barrels	Pennsylvania and New Jersey refineries.
		Gas		
Dover, Dover Electric Department	McKee Run	Coal	57,118 tons	Pennsylvania, West Virginia.
		Oil	220 barrels	Pennsylvania.
		Gas	659,160 mcf	Do.
DISTRICT OF COLUMBIA				
Washington, D.C., Potomac Electric Power	Benning	Coal	326,149 tons	15 percent Virginia, 85 percent West Virginia.
		Oil	242,734 barrels	Texas.
		Gas		
Do	Buzzard Point	Coal	450,934 tons	79 percent Virginia, 21 percent West Virginia.
		Oil	5,086 barrels	Texas.
		Gas		
MARYLAND				
Baltimore, Baltimore Gas & Electric	Crane	Coal	895,928 tons	West Virginia.
		Oil	221,871 barrels	Various.
		Gas		
Do	Gould Street	Coal	400,297 tons	Pennsylvania.
		Oil	203,220 barrels	Various.
		Gas	73,281 million cubic feet	Atlantic Seaboard Corp.
Do	Riverside	Coal	231,321 tons	Pennsylvania.
		Oil	2,730,701 barrels	Various.
		Gas		
Do	Wagner	Coal	1,486,043 tons	West Virginia.
		Oil	9,667 barrels	Various.
		Gas		
Do	Westport	Coal	438,032 tons	Pennsylvania.
		Oil	434,556 barrels	Various.
		Gas		
Vienna, Delmarva Power & Light	Vienna	Coal	242,833 tons	Pennsylvania, West Virginia.
		Oil	179,007 barrels	Baltimore, Md., Refineries.
		Gas		

ATTACHMENT B.—UNDER CONSTRUCTION OR PROPOSED STEAM ELECTRIC POWERPLANT FUEL DATA

City and utility	Rating	Completion	Fuel	Annual consumption	Source or supplier
CONNECTICUT					
Montville, Connecticut Light & Power	400 mw	1971	Oil	3,000,000 barrels	Foreign.
Middletown, Hartford Electric Light	400 mw	1973	do	3,000,000 barrels	Do.
New Haven, United Illuminating	400 mw	1975	do	2,522,714 barrels	Unknown.
MASSACHUSETTS					
Salem, New England Power	450 mw	1972	do	4,189,200 barrels	Venezuela.
Somerset, New England Power	450 mw	1973	do	4,189,200 barrels	Do.
NEW JERSEY					
Sewaren, Public Service Electric & Gas	400 mw	1973	do	1,400,000 barrels	Hess, Paragon, Sinclair.
Do	400 mw	1975	do	1,400,000 barrels	Do.
NEW YORK					
Astoria, Consolidated Edison	800 mw	1974	do		Africa, South America.
Do	800 mw	1974	do		Do.
Northport, Long Island Lighting	380 mw	1972	do	3,700,000 barrels	Venezuela.
PENNSYLVANIA					
Washingtonville, Pennsylvania Power & Light	800 mw	1971	Coal	1,800,000 tons	Pennsylvania.
Do	800 mw	1973	do	1,800,000 tons	Do.
DELAWARE					
Dagsboro, Delmarva Power & Light	167 mw	1970	do	460,000 tons	Pennsylvania, West Virginia.
Edge Moor, Delmarva Power & Light	400 mw	1974	Oil	4,300,000 barrels	Philadelphia, Pa., refineries.
Dover, Dover Electric Department	100 mw	1974	do		
MARYLAND					
Hawkins Point, Baltimore Gas & Electric	400 mw	1972	do		Various.
Vienna, Delmarva Power & Light	150 mw	1971	do	770,000 barrels	Baltimore, Md., refineries.
Newburg (approx.) Potomac Electric Power	556 mw	1970	Coal	490,600 tons	Pennsylvania, West Virginia.
Do	558 mw	1971	Oil	6,256,000 barrels	Venezuela.
Washington, D.C., Potomac Electric Power	275 mw	1972	do	539,500 barrels	Do.

ADDITIONAL INFORMATION RELATIVE TO CURRENT AND PROPOSED POLLUTANT CONTROL DEVICES

BALTIMORE GAS AND ELECTRIC

The Company's plan of compliance with the Maryland Air Quality Control Standards provides for substantial additional conversions from coal firing to oil firing during 1970 and 1971.

CAMBRIDGE ELECTRIC

Rehabilitating electrostatic precipitators.

CONSOLIDATED EDISON

In 1969 we were able to purchase 3,900,000 gallons of very low sulphur oil for test purposes. The availability of this very low sulphur oil (0.37%) has been increasing rapidly. Already turbo-generator units 1 and 2 at Astoria (nameplate rating 180,000 MW each) are being fueled with 0.37% sulphur oil. Unit 3 at Astoria (nameplate rating 335 MW) is scheduled to be converted from coal to 0.37% sulphur oil by Oct. 1, 1970 and we plan to convert units 4 and 5 at Astoria (nameplate rating 380 MW each) to burn this very low sulphur oil by the fall of 1971. In addition the company has made a firm commitment that units 6 and 7 which we are pro-

posing to build at Astoria will burn 0.37% sulphur oil.

Refineries are now being built in Aruba and the Virgin Islands to reduce the sulphur content of Venezuelan and Colombian oils to the 0.37% level. In addition, increasing amounts are becoming available from African sources. When more 0.37% sulphur oil becomes available, we will increase our purchases. Nevertheless, we have no way of knowing how much of the oil we plan to purchase in the years 1970–79 will be 1% sulphur and how much will be 0.37% sulphur oil.

To date Consolidated Edison has invested over $150,000,000 to control the emission of pollutants. Much of this money was spent to install and upgrade electrostatic precipitators in the coal burning plants to meet New York City's stringent requirements. Due to this improvement and the purchasing of low sulphur fuels. Con Edison has already done much to improve the quality of the air in the city. According to data from the New York City Department of Air Resources, Con Edison has reduced its emissions of sulphur dioxide by 55% and of ash by 53% over the past three years.

In the 1970's much of our new capacity will be nuclear. Consequently, decreasing amounts of fossil fuel will be required, even though the amount of electricity produced will increase. By the end of the decade, we expect to burn considerably less than half as much coal as in 1969. While we then expect to burn almost 70% more oil than in 1969, we expect most, if not all, of that oil to be very low sulphur oil. Therefore in this decade we believe we will be able to reduce our emissions of both sulphur dioxide and ash to less than 25% of what they were three years ago.

DELMARVA POWER & LIGHT

A precipitator is proposed on Delaware City No. 3 boiler which is currently open for bids that are expected in by end of March, 1970. In addition, in line with policy to reduce air pollution, our plant at Edge Moor, Delaware is being converted to burn 100% low sulphur oil.

GENERAL PUBLIC UTILITIES

Emphasis in planning future generation is on nuclear, natural gas and low-sulphur oil. In addition, existing plants such as E. H. Werner have converted from coal and plans have been made for converting other plants during the next few years.

LONG ISLAND LIGHTING

All of the steam generating units of Far Rockaway, E. F. Barrett and Glenwood Power Stations have been equipped to burn low sulphur (1%) oil. In addition, four old boilers in Glenwood Station are being replaced by new efficient oil and/or gas fired steam generators.

Port Jefferson Power Station, now burning oil exclusively, utilizes combination mechanical and electrostatic dust collectors for air pollution control. Northport Power Station Units 1 and 2, also exclusively oil fired, are provided with efficient mechanical collectors. Unit 3, now under construction, will employ an electrostatic precipitator when firing oil. If plume appearance is improved over Units 1 and 2, electrostatic precipitators will be added to these installations for aesthetic reasons.

Other means applied to reduce air pollution include operating with low excess air and the use of additives when firing residual oil.

NEW ENGLAND ELECTRIC SYSTEM

I. Presently used measures and devices

(a) Electrostatic precipitators and mechanical dust collectors are used to control particulate emission from stacks.

(b) Flue gasses are dispersed from high stacks to reduce ground level concentrations of pollutants.

(c) Coal pile dust abatement is accomplished:

1. In reserve coal piles by surface sealing with an asphalt emulsion.

2. In active coal piles by spraying water onto coal as needed using oscillating nozzles fed from a permanent piping arrangement.

(d) Types of fuel burnt have been changed to include natural gas when and where available.

(e) Participation in ownership of nuclear generating plants.

II. Presently proposed measures and devices

(a) Higher stacks for even better dispersion and further reduced ground level concentrations.

(b) Use of low content sulphur fuel oil during periods of low level atmospheric inversions.

(c) Additional nuclear plant participation.

III. Possible future measures and devices

(a) Use of 100% low sulphur content fuel, if such fuel is made available by the supplying oil or coal companies at reasonable cost.

(b) Use of additional devices with present modes of generation—such as flue gas scrubbers—which devices today are being researched, developed, and a few being already tested in pilot projects.

(c) Use of a basically different mode of generation, such as magneto-hydrodynamics (MHD)—present research indicates that it is a more efficient cycle—therefore, it would produce a given amount of electricity using less fuel (i.e.—less pollution.)

PENNSYLVANIA POWER & LIGHT

We will be able to meet the present regulations of the Commonwealth of Pennsylvania with the exception of Stanton which is due to be shut down in 1972. As to the proposed regulations for Pennsylvania, we believe it will be extremely difficult to comply. Our studies on the present generation of sulphur removal devices leads us to believe it will be four or five years before these or other sulphur removal devices will be delivered for modern fossil fuel plants.

PUBLIC SERVICE ELECTRIC & GAS

In 1969 the Company initiated steps to convert Bergen Generating Station from coal firing to low-sulphur oil. This represented another major effort by Public Service toward the elimination of air pollution. This will leave only two stations in our system which will still burn coal regularly. One of these—Hudson Generation Station—is the newest station in the system and has the most modern and efficient pollution control devices obtainable. The other—Mercer Generating Station—is undergoing a $6 million addition to its electrostatic precipitator installation to bring its performance up to the same high standards of pollution control.

Our construction program provides for nuclear, gas-turbine, and low-sulphur oil-burning units. In this manner we will move further toward our goal of virtually eliminating air pollution by our plants in the future.

NORTHEAST UTILITIES

With respect to devices for controlling air pollution, all Northeast Utilities coal fired production units have devices for removal of particulate matter resulting from combustion. The company is also planning a sulphur removal pilot project and continues to do research on air quality control. In accordance with the proposed directive of the Connecticut Clean Air Commission, Northeast Utilities plans to convert all fossil fuel steam generating units to fuel containing not more than 1.0 percent sulphur as of September 1, 1971.

Mr. RANDOLPH. Mr. President, short of a nuclear attack it is impossible to imagine a worse contingency than a major stoppage of the flow of oil in the United States. This would be analogous to a transportation stoppage, a contingency the U.S. Government has gone to extraordinary lengths to forestall. Any significant failure in crude oil supplies would not only shut down electric power, but would create havoc in our system. Without an alternative fuel the movement of aircraft, trucks, buses, privately owned automobiles, barges, boats, and ships could be halted, and through immobilization of transportation virtually all industry could be shut down. Electric power generation, lacking fuel, would decrease, if not cease, and our economy could descend into utter chaos.

The alternative is to pay a somewhat higher price and encourage the development of our domestic industry and resources—not only of oil and gas but, also, synthetic liquid and gaseous fuels—knowing that regardless of world events our energy supply is secure.

Society's needs are broader than reliable energy alone; they extend to an immediate requirement for "clean" forms of energy for automobiles as well as for electric generating plants. The likelihood of abandoning the current per capita energy production and the accompanying high standard of living is remote. Therefore, the remedy is to coordinate our environmental policies with a compatible fuels and energy policy, where none now exists.

Until recently energy growth has been spurred on by aggressive marketing and promotional rates and Government policies. Such promotional techniques as "Gold Medalion Homes," "All Electric Living," and "Ready Kilowatt" have stimulated consumption to the point that peak energy consumption now occurs in the summer months. Reportedly, 10 years ago, peak loads occurred the week before Christmas; now the high loads are in the summer and the peaks run for 4 months instead of 1 week.

One of the difficulties cited is strongly promotional pricing policies or rate structures. Currently the greater one's use of electricity, the lower the unit cost. In light of the crisis before us there is adequate basis to question how well these rate structures are performing in terms of overall national needs. A national energy policy should consider the benefits to be derived from restructuring electric rates to taper the growth of electric energy consumption in affluent America.

Pricing structures have also emphasized direct costs of energy production, neglecting the indirect social costs such as the impact of energy production on the air, water, and land, and on the people. As steam electric powerplants have increased in size, their environmental impacts have been passed on to the general public as increased air pollution and increased thermal loading of rivers, or "thermal pollution."

The general public, however, has expressed a desire to deal directly with these environmental costs. Utilities are being required to take the necessary measures to protect and enhance the quality of our environment. This will require the expenditure of large sums for air pollution control, for cooling towers to dissipate waste heat, and for power plants and transmission lines more compatible with the surrounding landscape. In turn, these expenditures must be reflected in rate structures.

Additionally, the price of coal must reflect the cost of health and safety measures to protect the health of this work force, vital to reliable energy supplies. The cost of nuclear plants must reflect occupation standards in uranium mines and emissions standards for nuclear power plants, and energy costs must begin to reflect research and development expenditures to perfect new sources of power generation and perfecting means for placing transmission lines underground.

The public should be made aware that low cost nuclear power was possible because the Congress, through the Atomic Energy Commission, subsidized and promoted a multibillion-dollar nuclear power industry. Through 1967, a $2.3 billion subsidy was provided to the civilian nuclear power program. While the benefits of this program appeared high, such selective subsidizing may well have contributed materially to our current energy crisis and retarded synthetic fuel developments.

The public must be made aware that environmental protection will mean higher prices for electricity. I am not sure that this is all bad; the higher prices will reflect the real cost of producing electricity, and instill an awareness that the availability of energy cannot be taken for granted at the flick of a switch.

The immediate question that must be asked is: Can the environment be preserved while providing reliable and adequate energy supplies?

There is an obvious, immediate need for both short-term and long-term fuel planning.

The first task is to understand the environmental implications of the use of alternative fuels. Then the environmental impact of current fuel usage can be estimated and the advantages of alternative fuel patterns determined.

Contrary to popular belief, the controlling of particulate emissions from power production may well require the development of new control technologies. Current techniques for powerplants do not cope adequately with the low-resistivity ashes resulting from the combustion of low-sulfur and cleaned coals or the emission byproducts of such desulfurization processes as limestone injection. Even improving particulate collection efficiencies from an average of 86 percent to 99 percent will not offset the impact resulting from increased growth in generating capacity.

Recently, a new dimension has been added to particulate control. Although control and collection efficiencies continue to rise the fine particulates escape into the atmosphere. These fine particulate emissions are expected to increase fourfold between 1970 and the year 2000.

Because they are easily inhaled and retained in the lungs the fine particulates are most hazardous to public health. They also offer the greatest potential for inadvertent weather modification, particularly near urban areas.

There exists unequivocal evidence that the combustion of fossil fuels has added materials to the atmosphere that are capable of causing global changes in the earth's temperature. The temperature changes that are being discussed are not large and most probably will be felt only over a long period.

Nitrogen oxides are produced by all combustion processes. The current estimate of 9 million tons annually is expected to increase to about 25 million by the year 2000. Currently 30 to 40 percent of these emissions from stationary sources is from power production. This contribution is expected to increase to 60 to 70 percent in 30 years.

The development of technology for controlling nitrogen oxide emissions lags well behind that for sulfur oxides. Although there is considerable potential for improvement in controlling nitrogen oxide emissions from the combustion of oil and gas, techniques for controlling emissions from coal-fired plants are not yet demonstrated in either pilot or prototype stages.

According to the National Air Pollution Control Administration, at the present rate of development it may well be 10 or more years before methods are available to control nitrogen oxide emissions from powerplants. Significant reductions may take even longer unless special attention is given to the development of reliable control alternatives applicable to both new and existing facilities. Nitrogen oxide levels in the ambient air can, therefore, be expected to almost triple in the next 30 years.

Mr. President, at this point, I offer a second table showing projected nitrogen oxide emissions from 1970 to 2000 and ask unanimous consent that it be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—PROJECTED ANNUAL UNCONTROLLED NITROGEN OXIDE EMISSIONS, 1970–2000

[In millions of tons per year]

Year	Total emissions		Powerplants emissions	
	With breeder reactor	Without breeder reactor	With breeder reactor	Without breeder reactor
1970	10.8	10.8	4.8	4.8
1975	12.5	12.5	5.7	5.7
1980	14.3	16.0	7.2	8.8
1990	19.5	20.8	11.6	13.2
2000	25.3	27.3	16.5	18.3

Reference: Spaite, P. W. & Hangebrauck, R. P., "Pollution from Combustion of Fossil Fuels", paper presented at National Pollution Control Conference and Exposition, San Francisco, California (Apr. 1–3, 1970).

Mr. RANDOLPH. Mr. President, a more critical and immediate problem is sulfur oxides. Projected emission levels through the year 2000 present a disturbing picture. Electric power production, which now accounts for 70 percent of current sulfur oxide emissions, will amount to 90 percent of anticipated emissions in 30 years.

Although the impact of increased sulfur oxide emissions from power production will not be felt equally in all parts of the country, it is certain that the public which considers present sulfur oxide levels a health hazard, will consider projected increases intolerable.

Methods are under study for controlling sulfur oxides emissions by fuels substitution. For example, replacing high sulfur coal for low sulfur coal; fuel switching, or changing from one fuel to another. For example, switching from coal to gas; or postcombustion or flue gas treatment to remove atmospheric contaminants.

The disturbing fact is the inadequacy of this effort. If we assume that the control processes under industry-supported development are applied as developed—case I—an estimated fourfold to fivefold increase is expected. This represents the current baseline development program.

Under a development program supported jointly by Government and industry—case II—a higher level of control results; even then a threefold to fourfold increase would be expected nationally by the year 2000. This assumes that all anticipated initial commercialization dates are achieved and all the processes under development are successfully developed, which is a rather optimistic view. Mr. President, data supporting these observations are included in table III; I ask unanimous consent it be included in the RECORD at this point:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE III.—PROJECTED ANNUAL CONTROLLED SULFUR OXIDE EMISSIONS FROM ALL SOURCES, 1970–2000

[Millions of tons per year

Year	Emissions with breeder reactor		Emissions without breeder reactor	
	Case I	Case II	Case I	Case II
1970	37	37	37	37
1975	46	44	46	40
1980	54	46	57	44
1990	78	57	82	62
2000	116	80	126	92

Source: Hangebrauck, R. P. and Spaite, P. W., "Pollution from Power Production," paper presented at National Limestone Institute 25th Annual Convention, Washington, D.C. (Jan. 21–23 1970). Spaite, P. W., and Hangebrauck, R. P., "Sulfur Oxide Pollution: An Environmental Quality Problem Requiring Responsible Resource Management," paper presented at 19th Canadian Chemical Engineering Conference, Canadian Society of Chemical Engineers, Edmonton, Alberta (Oct. 19–22, 1969).

Mr. RANDOLPH. Mr. President, considering the critical nature of this problem, a review of the available control alternatives is warranted.

Two immediately available control techniques are fuel substitution and fuel cleaning. Both these alternatives are limited by available fuel reserves and cleaning capabilities. Low-sulfur fuel substitution will reduce sulfur oxide emissions; however, the general unavailability of low-sulfur fuels and the technological difficulties inherent in desulfurization limit the impact of this alternative.

Although low-sulfur coal—less than 1 percent sulfur by weight—comprises 67 percent—or 522 billion tons—of the total national reserves, only 6 percent—or 44 billion tons—is situated east of the Mississippi River. This geographic dependence severely limits the availability of low-sulfur coals in such critical areas as the Atlantic seaboard.

A considerable Federal effort has been launched to involve the coal industry in coal cleaning; however, there remains some dissatisfaction within the industry. This is understandable in those instances where a coal may be uncleanable, but it

is, in my opinion, an unrealistic viewpoint for the industry as a whole to adopt.

Mr. President, I ask unanimous consent that material on the cleanability of coal in four Appalachian States be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 17, 1970.

To: Mr. Richard Royce, chief clerk, Senate Public Works Committee.

Subject: Coal cleaning.

1. We are making a considerable effort to involve the coal industry in our coal cleaning pilot plant. Plans are now laid to negotiate a $7 million contract for that purpose.

2. There still remains some disaffection with coal cleaning within the coal industry. This is understandable in those cases where the owner of the mine may possess an uncleanable coal. It is not understandable from the broad coal industry viewpoint.

3. Because of your especial interest in activities under the Clean Air Act and particularly Section 104, as well as associated knowledge with the coal industry, I am sending you a copy of a letter from Paul W. Spaite to James R. Garvey together with tabular material entitled "Cleanability of Test Coals From Selected Seams in 4 Appalachian States."

JOHN T. MIDDLETON,
Commissioner.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 16, 1970.

Mr. JAMES R. GARVEY,
President and Director of Research, Bituminous Coal Research, Inc., Monroeville, Pa.

DEAR JIM: Enclosed you will find further information on the mine testing program. I think the data will answer questions which came up at the April 9th meeting with your Board of Directors.

The table entitled, "Cleanability of Test Coals From Selected Seams in 4 Appalachian States" shows which seams the mines shown on my hand out map were working. Table 1 is a summary showing how many of the 279 mines tested to date are inherently low in sulfur on "cleanable" to less than 1%. Table 2 shows the annual production for the same group of mines. You will note that we have tested mines representing over 240 million tons of annual production and find over 30% are indicated to be less than 1% sulfur or are cleanable to less than 1%. This group represents over 20% of the annual production which was tested.

Thanks again for the opportunity to discuss our programs.

Sincerely yours,

PAUL W. SPAITE,
Director, Bureau of Engineering and Physical Sciences.

CLEANABILITY OF TEST COALS FROM SELECTED SEAMS IN 4 APPALACHIAN STATES

Coal beds	Pennsylvania–Maryland			Ohio			West Virginia			Total		
	EC [1]	C [2]	T [3]	EC [1]	C [2]	T [3]	EC [1]	C [2]	T [3]	EC [1]	C [2]	T [3]
L. Kittanning	5		16		1	4				5	1	20
M. Kittanning			2	2		10	1	1	2	3	1	14
U. Kittanning	3		6							3		6
L. Freeport	3	2	7	1	1	2				4	3	9
U. Freeport	6	6	12				3	2	6	9	8	18
Clarion		1	3			1					1	4
Pittsburgh	1	3	7			16			14	1	3	37
Brookville	1		1	1		1				2		2
Mahoning				1		1				1		7
U. Mercer				1		1				1		1
Bakerstown		2	3							1	2	4
Franklin	1		1				1		1	1		1
Total	20	14	58	6	2	36	5	3	23	31	19	111

[1] EC—"Easily cleanable" when sulfur is reduced to 1 percent or less and recovery of B.t.u.'s is over 90 percent at a top size of 3/8 inch.

[2] C—"Cleanable" when sulfur is reduced to 1 percent or less and B.t.u. recovery is 80 percent at a top size of 14 mesh.

[3] T—Number of mines tested, Apr. 14, 1970.

TABLE I.—NUMBER OF MINES TESTED—BY STATE AND CLEANABILITY CATEGORY

State	Total number mines tested	Number EC [1]	Number C [2]	Number LS [3]	State	Total number mines tested	Number EC [1]	Number C [2]	Number LS [3]
Alabama	6	1	1	1	Missouri	4			
Arkansas	3	1			Ohio	48	6	2	
Colorado	5			5	Oklahoma	4	1		2
Illinois	43	3	1		Pennsylvania	47	16	10	2
Indiana	10	1	1		Tennessee	6			5
Iowa	6		1		Virginia	4			4
Kansas	4				West Virginia	28	5	3	4
Kentucky	31		1						
Maryland	30	4	4	4	Total	279	38	24	27

[1] EC—"Easily cleanable" when sulfur is reduced to 1 percent or less and recovery of B.t.u.'s is over 90 percent at a top size of 3/8 inches.

[2] C—"Cleanable" when sulfur is reduced to 1 percent or less and B.t.u. recovery is 80 percent at a top size of 14 mesh.

[3] LS—Low sulfur <1 percent—originally in raw coal.

TABLE II.—PRODUCTION OF MINES—BY STATE AND CLEANABILITY CATEGORY

State	Total number mines tested	Total production of mines tested	Production EC [1]	Production C [2]	Production LS [3]	State	Total number mines tested	Total production of mines tested	Production EC [1]	Production C [2]	Production LS [3]
Alabama	6	3,150	426	589	366	Missouri	4	3,405			
Arkansas	3	1,291	589			Ohio	48	32,856	2,304	1,939	
Colorado	5	1,724			1,724	Oklahoma	4	854	141		487
Illinois	43	53,754	5,992	589		Pennsylvania	47	32,464	7,194	8,694	1,025
Indiana	10	13,476	469	1,579		Tennessee	6	2,613			2,019
Iowa	6	783		208		Virginia	4	2,202			2,202
Kansas	4	1,928				West Virginia	28	25,775	2,534	1,553	2,125
Kentucky	31	47,667		589							
Maryland	30	16,721	2,356	2,356	2,356	Total	279	240,663	22,005	18,906	12,304

[1] EC—"Easily cleanable" when sulfur is reduced to 1 percent or less and recovery of B.t.u.'s is over 90 percent at top size of 3/8 inch.

[2] C—"Cleanable" when sulfur is reduced to 1 percent or less and B.t.u. recovery is 80 percent at a top size of 14 mesh.

[3] LS—Low sulfur (<1 percent) originally in raw coal.

Mr. RANDOLPH. Mr. President, although the coal supplied from proven reserves often can be cleaned, recent studies indicate that only about 10 percent can be reduced to the equivalent of 1 percent sulfur coal. An additional 12 percent is cleanable to the equivalent of 1.5 percent sulfur coal. Extrapolation of these test results to unproven coal reserves is difficult. Nevertheless, it is apparent that coal cleaning will provide only limited supplies of low-sulfur coal for areas now consuming higher sulfur coals.

As for coal, there is also a limited supply of naturally occurring low-sulfur residual oil in the world. The paradox is that in 1966 the United States produced the largest supply of low-sulfur crude oil—containing less than 0.5 percent sulfur—in the free world. By 1968, however, domestic refineries had decreased their production of powerplant residual oil to such an extent that 65 percent or 422 million out of 680 million barrels of residual oil consumed, were imported. This trend is expected to continue.

Residual oil can be desulfurized but supplies are limited and for the most part are dependent on Venezuelan sources. The usefulness of this alternative in affecting any regional fuel mix is obviously limited by ocean transport.

Fuel switching—for example, from coal to oil—is a third alternative for reducing environmental impacts. Feasibility is restricted by both the availability of lower environmental impact fuels as well as the capability of a facility to utilize a different fuel. The greatest potential for environmental improvements is in switching to natural gas.

Industry plans call for the importation of liquified natural gas—LNG—by tanker. Obtaining large quantities of LNG from foreign sources will be dependent on the number of tankers available as well as the availability of terminal storage facilities. An added factor is the yet unresolved reliability question.

The fourth alternative is to remove sulfur oxides from flue gases after combustion. Many processes are under development and in varying states of laboratory bench scale, pilot plant, or advanced scale demonstration. With each day more information is gathered and we are brought closer to determining the economics of all these processes.

The Air Quality Act of 1967 provided for a major program for the development of air pollution control research. While effort has not met the congressionally estimated needs, some processes have fallen short of expectation; others are approaching commercial status. But the effort, as a whole, has been inadequate, and both Government and industry are to blame.

Last year this program was analyzed by a National Academy of Engineering-National Reserach Council Ad Hoc Panel on the Control of Sulfur Dioxide from Stationary Combustion Sources. As was expected, their report concluded that "contrary to widely held belief, commercially proven technology for control for sulfur oxides from combustion processes does not exist," and a 5-year research plan was recommended.

The 1967 projection of Federal expenditures for a 5-year research and development plan relating to the control of sulfur oxide emissions from stationary sources called for $394 million, including $215 for the period from 1968 through 1970. In this 3-year period the estimated actual expenditure was only $82 million, or $123 billion behind schedule.

Yet, the estimated expenditure for fiscal 1971 is $26 million compared to an estimated research and development need of $94 million.

As anticipated one of the recommendations of the First Annual Report of the Council on Environmental Quality was:

Federal research and development on sulfur oxides and nitrogen oxide control technology should be accelerated. Sulfur oxides control technology for large coal-and-oil-fired power plants should be demonstrated in actual operation so that the technology can be applied throughout the industry.

The Council's report also recommends:

A more balanced research and development program is necessary to hasten the development of more efficient energy processes. Although control technology for sulfur oxides will provide appreciable improvement for several decades, a longrun answer to this type of air pollution lies in better energy conversion processes which will emit less pollutants per unit of energy produced. Gasified coal, fluidized bed combustion, breeder reactors, and nuclear fusion all hold promise. Although research for new nuclear power sources has already received significant support, greater attention must be given to these other processes. Even now, the Nation needs to use its fuel resources more effectively through development of a national energy policy. Such a policy would guide the use of natural gas, low-sulfur coal and oil, and other energy resources to assure their availability and minimize air pollution.

I hope this recommendation receives better support from the administration than has the development of sulfur oxides control technology.

The last year has seen progress, however. As of last week four sulfur oxide control demonstrations have been initiated and three additional projects are under negotiation.

Mr. President, I ask unanimous consent that selected reports and correspondence supporting these observations be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ABATEMENT OF SULFUR OXIDE EMISSIONS FROM STATIONARY COMBUSTION SOURCES

(Prepared by Ad Hoc Panel on Control of Sulfur Dioxide from Stationary Combustion Sources, Committee on Air Quality Management, Committee on Pollution Abatement and Control, Division of Engineering, National Research Council)

I. SUMMARY AND CONCLUSIONS

Controlling and improving the quality of our environmental resources is a growing concern of the nation. National and regional goals and standards for air quality management are being defined. Capital investments of billions of dollars will be required to install processes to meet these standards. Keeping these costs within bounds, while still attaining an acceptable level of control within the shortest practical period of time, will call for the best efforts and most careful planning at all levels from individuals, civic groups, and companies through local, regional, state, and Federal agencies.

The emission of SO_2* from combustion of sulfur-bearing coal and oil, primarily for the generation of electrical energy, is second only to the emission of pollutants from internal combustion engines in quantity of pollutants discharged to the national air environment.

During the next 20 years, the national requirement for electrical energy is expected to more than triple. The supply of natural gas, a low-sulfur fuel, is expected to decrease in about 10 years, and petroleum products may reach their maximum availability in about 30 years. To supply the needed electricity, the use of coal is expected to triple by the year 2000, when it is expected that the use of nuclear energy will about equal the use of coal, after which the requirement for coal will start a downward trend.

The substitution of low-sulfur fuels, the only presently available method for reducing SO_2 emissions, is restricted by the limited availability of natural gas, low-sulfur oil, and low-sulfur coal. More rapid expansion of the application of nuclear energy is constrained by engineering and economic problems, in addition to siting problems, that are of growing concern to all planning of major electricity generating installations. By the late 1980's, new fossil-fueled plants may employ magnetohydrodynamic (MHD) generators followed by conventional steam boilers, or by an advanced gas-turbine/steam-power cycle. The combined energy conversion efficiency of such plants is expected to be in the range of 50 percent to 60 percent compared with about 40 percent for modern conventional plants, which would result in a corresponding decrease in SO_2 emissions. However, the high operating temperature of MHD units may result in increased NO_x emissions.

In addition to improving the energy conversion efficiency, the fast breeder nuclear reactor produces a net gain of fissionable material and thereby reduces the net cost of fuel. The Atomic Energy Commission is planning a 500 MW fast breeder demonstration plant for 1976 and expects the first commercial units to start up about 1985 in the United States.

Therefore, *the reduction of SO_2 emissions from stationary combusion sources, in the next 5 to 20 years, will depend very largely on the development, demonstration, and application of a combination of technologies designed to prevent the sulfur in coal and petroleum products from reaching the atmosphere through the combustion processes.*

The technology for removal of sulfur from oil is being developed by a number of oil companies, and the panel does not believe that NAPCA should contribute significantly to these developments.

Although broader application and refinement of existing technology could increase the quantity of low-sulfur coal available, there are no cleaning or washing processes presently in sight that have the potential for substantially reducing sulfur content below levels presently being achieved. This emphasizes the need for new concepts in engineering and chemical approaches to the desulfurization of coal.

In addition to joint support by groups of utilities, a number of industrial organizations have committed significant funds to research, development, and demonstration of sulfur emission control processes and equipment. An increase in these activities, together with increased support by the Federal Government, is needed.

The panel reviewed the status of United States and foreign sulfur oxide abatement and control processes and firmly concluded that, *contrary to widely held belief, commercially proven technology for control of sulfur oxides from combusion processes does not exist.*

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* The symbol SO_2 is used in this report to designate the sulfur oxides in stack gases (SO_2 plus 1 percent to 2 percent SO_3).

Efforts to force the broad-scale installation of unproven processes would be unwise; the operating risks are too great to justify such action, and there is a real danger that such efforts would, in the end, delay effective SO_2 emission control. *A high level of government support is needed for several years to encourage research, engineering development, and demonstration of a variety of the more promising processes, as may be suited to specific local and regional conditions, to bring these processes to full-scale operating efficiency at the earliest practical date. This can be done most expeditiously if Federal support, in addition to industry commitments, is provided at the appropriate time and in the needed amounts.*

Federal support for the development of the following control approaches is suggested:

1. "Throw-away" processes for removal of SO_2 from stack gases, such as limestone injection, which produce a presently nonmarketable product.

2. New combustion concepts, such as fluidized bed combustion (FBC), which fixes the sulfur as a sulfate during combustion and prevents its release as SO_2 to the stack.

3. Chemical recovery processes, which produce salable SO_2, sulfuric acid, elemental sulfur, or fertilizers.

4. Coal gasification processes, which produce sulfur-free fuels.

5. New concepts in engineering and chemical approaches to the desulfurization of coal.

The limestone injection processes, with adequate particulate control, should be commercially demonstrated within the next 1 to 3 years and, if successful, can be installed in many existing plants.

Several sulfur-recovery processes appear to be ready for scale-up to commercial demonstration size (100,000 kw or larger boilers). Full-scale demonstration of the industrial reliability of these processes is 3 to 10 years away. Some of them can be installed in a portion of existing plants or engineered into future plants.

New combustion technology may be available for industrial application in 5 to 10 years. Efficient coal gasification processes, which are 5 to 10 years away, have the potential for producing pipeline-quality, low-sulfur gas for supplementing existing supplies of natural gas or for producing a product of less than pipeline-quality, but adequate for power generation. Such fuels seem likely to become increasingly competitive for use in power production as the cost for controlling all pollutants (SO_2, NO_X, and fine particulates) increases the costs for conventional systems.

These time estimates are realistic only if there is dedication and a positive commitment on the part of government agencies, utilities, fuel suppliers, and equipment manufacturers to support the orderly development and timely application of the more promising processes.

In recommending a 5-year plan for future work, the panel places special emphasis on the following:

1. Complete development of the limestone process should be given high priority because it is applicable to many existing boilers and is closer than others to demonstrated industrial application.

2. For new power plants and some existing plants, it is expected that sulfur-recovery processes will be necesary to keep costs for future control within reasonable limits.

3. NAPCA should continue to support the development and demonstration of new concepts in combustion technology, sulfur-recovery, and coal-desulfurization processes.

4. Research should be supported on ways to combine the abatement of nitrogen oxide and particulates with sulfur oxide control.

5. Elemental sulfur is a more desirable by-product than sulfuric acid or sulfur dioxide. The conversion of sulfur dioxide to sulfur is not a well established process, and it is important that the technology and costs of this conversion be thoroughly studied.

6. NAPCA should employ a *process engineering and construction firm* to project costs on a *common basis* for all the promising processes at various stages in their development to aid in making scale-up decisions.

STAFF MEMORANDUM, MAY 22, 1970

From: Walter Planet and Richard Grundy.

Subject: Summary of NAE/NRC comments on SO_2 removal process developments.

The NAE/NRC report "Abatement of Sulfur Oxide Emissions from Stationary Combustion Sources" states ". . . contrary to widely held belief, commercially proven technology for control of sulfur oxides from combustion processes does not exist." The processes along with their status as given in the report are summarized here.

SULFUR RECOVERY FROM STACK GASES

Process	Status	Comments
(a) Monsanto Cat-Ox	Piloted on 15-MW plant; possible commercial demo by 1973.	Requires boiler modification.
(b) Wellman-Lord	Piloted in 1969	Commercial unit being installed on sulfuric acid plant.
(c) Esso-B & W	Bench-scale unit in operation; 25-MW pilot being planned.	Requires boiler modification; commercial process by 1973 is objective.
(d) Magnesium oxide	Pilot studies being conducted	
(e) Formate scrubbing	Bench scale studies conducted	
(f) Ammonia scrubbing	Bench scale studies conducted years ago.	
(g) Westvaco Char	Pilot studies being conducted	
(h) Molten Carbonate	Bench scale studies conducted	Mainly new plants with modified boilers.
(i) Sodium bicarbonate adsorption.	Pilot studies conducted	
(j) Modified claus	Bench scale studies conducted	Requires hydrogen for sulfur removal process.
(k) Catalytic chamber	do	
(l) Ionics/S&W	Pilot-level studies conducted	
(m) Alkalized alumina	Engineering and cost analysis	Further work unjustified.
LIMESTONE PROCESSES		
(a) Wet scrubbing (combustion engineering).	Units on 2 existing plants (125MW); 3d unit planned for 430 MW plant.	Problems in scrubber optimization and waste removal.
(b) Dry removal	1 unit being installed on 175-MW plant.	Possible worsening of flyash problem.
COMBUSTION PROCESSES		
(a) Fluidized bed	Piloted in U.S.; English studies indicate 20-30MW pilot can be completed by 1972.	Applicable only to new plants.
(b) B, S and B process	Feasibility studies being conducted; pilot plant design begun.	New concept in boiler design.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
May 19, 1970.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I am pleased to reply to your April 9 letter in which you requested our estimates of the costs of developing and demonstrating several sulfur oxide control processes. Please understand that the costs shown for private industry are our best estimates based on limited actual data, since this information is proprietary to the organizations involved.

Your letter specifically mentions Scientific Research Instruments Corporation. To our knowledge, SRI has not developed a sulfur oxides control process. Rather, they are working under a contract with National Air Pollution Control Administration (Contract No. CPA-70-50) to provide fundamental data on sulfur behavior during thermal treatment of coal. These data are being used to analyze various coal gasification or partial gasification processes for efficiency, economics, allowable circulation rates, etc.

Bituminous Coal Research, together with Chemico, has been working on an aqueous alkali carbonate process in the laboratory. This process is only in its earliest stages of development. We would estimate that about $200,000 has been spent so far by Bituminous Coal Research and Chemico. If this concept proves to be technically sound, we would estimate that a total of $15 to $20 million would have to be spent to bring it to the stage of having been demonstrated. A proposal for funding small pilot-scale development at a cost of $2.2 million to National Air Pollution Control Administration has been submitted by Chemico.

Chemico has, in addition to this aqueous alkali carbonate process, been developing a process based on the use of magnesium oxide slurry scrubbing of flue gas. Chemico and Basic Chemicals, Inc., have spent between one-half and one million dollars on this process so far. A proposal for a large scale pilot plant has been submitted to the National Air Pollution Control Administration, to be jointly funded by Boston Edison. This pilot plant if funded would cost approximately $5 million and would be cost shared, 40 percent by the National Air Pollution Control Administration and 60 percent by Boston Edison. If this pilot plant suffices for demonstration, total development costs will be $6 to $8 million. If a larger demonstration plant is required, an additional $7 to $9 million will be required.

Combustion Engineering has been developing a process based on limestone injection followed by wet scrubbing. Funds for this work to date have been supplied by Combustion Engineering, Union Electric Company of St. Louis and Kansas City Power and Light (Kansas City, Missouri). A total of $3 to $5 million has been spent so far. Further development is required and the National Air Pollution Control Administration has an extensive program to evaluate major process engineering problems, solid and liquid waste disposal problems, and optimization of the process. The total that will be required by all parties is estimated at about $19 million.

Monsanto Enviro-Chem Systems, Inc., has developed the Cat-ox process mainly with its own funds and some contribution from Pennsylvania Electric Company. This proc-

ess has been operated on a sizable pilot plant. Total development costs to date have been about $7 million. Monsanto has submitted a proposal for a demonstration plant costing an additional $6.6 million which would bring the total development cost to $13.6 million. The demonstration would be jointly funded by National Air Pollution Control Administration and Illinois Power on a 50–50 basis.

Stone and Webster and Ionics have spent about $750,000 so far on a process for which a $4.2 million proposal has been submitted to the National Air Pollution Control Administration. This proposal, presently being negotiated, calls for a jointly funded (National Air Pollution Control Administration and a consortium of utilities represented by Tampa Electric Power on a 50–50 basis) program to build and operate a large pilot plant. It is estimated that a total of about $3 million would be required to bring this process to the point of having been demonstrated.

Westvaco is developing a process based on char sorption of sulfur oxides. This process is less advanced than others and therefore would require considerably more work to thoroughly assess its viability and economics. Westvaco has spent about $750,000 so far of its own funds and has submitted a proposal to the National Air Pollution Control Administration calling for a small pilot plant at a cost of about $1 million to the National Air Pollution Control Administration. This is presently being negotiated. Total development cost for this program would be about $14 million.

Wellman-Lord has spent a total of about $6 million of its own funds and funds supplied by several utilities, including Potomac Electric Power Company and Baltimore Gas and Electricity. The current status of this program is not clear. The sizable pilot plant at the Crane Station of Baltimore Gas and Electricity has been shut down because of technical problems.

It is anticipated that the demonstration costs for processes that reach that state of development will be in part borne by the ultimate users of the process, e.g., utilities and smelters, through cost-shared programs. For product producing processes, it may generally be said that processes that produce sulfur (the most desirable by-product of sulfur oxides pollution control processes) cost somewhat more to develop than do processes that produce sulfuric acid.

Low-sulfur fuels can provide relief in areas of severe pollution where industrial users are unable to use control methods such as flue gas cleaning. Coal cleaning-studies have shown the significant potential of this control method. National Air Pollution Control Administration has funded support studies totalling $2.5 million to date, including a successfully completed conceptual design study for a demonstration coal-cleaning plant. Detailed design, construction, and operation of the plant, along with supporting studies, will cost an estimated additional $13 million. The National Air Pollution Control Administration is attempting to gain coal industry participation in this activity.

A coal-cleaning plant would provide a cleaned fuel stream and a sulfur-rich stream that could be utilized in a special combustor equipped with a sulfur recovery system. The National Air Pollution Control Administration now has under way a feasibility study of such a combustor. Demonstrating the combustor and recovery system will cost at least $10 million.

I trust this gives you a satisfactory picture of the total effort involved in developing an adequate array of usable processes for sulfur oxides control. Further information on any of these processes is, of course, available, and can be provided at your request.

Sincerely yours,

JOHN T. MIDDLETON,
Commissioner.

NATIONAL COAL ASSOCIATION,
Washington, D.C., August 21, 1970.

Mr. RICHARD D. GRUNDY,
Professional Staff Member, Senate Committee on Public Works, New Senate Office Building, Washington, D.C.

DEAR MR. GRUNDY: The following is in response to your request for data on SO_2 units recently contracted or anticipated. The units listed below have been contracted within the last two weeks.

CHEMICO—BOSTON EDISON

This project involves a 150 MW unit at B–E's Mystic Station. The total cost is $5 million and it is shared equally by Boston Edison and the National Air Pollution Control Administration. The fuel used is No. 6 oil containing 2.25% sulfur and the expected SO_2 removal efficiency is 90% which will bring them well within the State of Massachusetts regs of 1% sulfur or equivalent.

MONSANATO—ILLINOIS POWER CO.

This project involves a 100 MW unit at the Wood River Station. The total cost will be approximately $6.8 million with the utility picking up $3.3 million and NAPCA the rest. Again, 90% SO_2 removal is expected.

TVA

The latest project announced August 12, 1970 is for full-scale SO_2 removal equipment on a 500 MW generating unit at the Widow Creek Steam Plant in northeast Alabama. The unit is expected to cost more than $10 million. It is to incorporate a wet limestone scrubber to achieve the SO_2 control.

In addition, NAPCA in concert with Black Sivals & Bryson announced on July 9, a novel project to combine techniques used in steel making with fuel utilization. The present contracts, in cooperation with NAPCA ($890,000) are directed at constructing a *pilot plant.*

I am familiar with three additional utility projects quite near public announcement. I have requested clearance from each to announce their plans. I have not received this as yet but hope to within the next few days. These, too, are full-scale demonstrations; two on a 100 MW unit, and a third proposed for a 800 MW unit. Several other utilities are in preliminary stages—cost evaluation, engineering studies, etc. The foregoing frankly causes me to feel confident of the future for SO_2 control devices.

Sincerely,

JOSEPH W. MULLAN,
Director of Environmental Affairs.

Mr. RANDOLPH. Mr. President, despite these efforts by government, the pollution control industry, and, only recently, the electric power industry, progress is insufficient to meet the needs. It will be the mid-1970's before any sulfur oxide control devices can be considered tested and commercially available.

One process, the Monsanto limestone injection process, may be commercially available before the mid-1970's; but even then, full application of this process can only mitigate, not eliminate the problem of sulfur oxide emissions from coal combustion.

Those electric utility executives who are attempting to provide air pollution control are faced with a dilemma. A very descriptive picture of this situation was recently presented to me by Mr. Jack Busby, president of Pennsylvania Power & Light Co.

I ask unanimous consent that this letter appear in the RECORD at this point as well as a letter from Mr. J. Eck of Monsanto to Mr. Busby.

There being no objection, letters were ordered to be printed in the RECORD, as follows:

PENNSYLVANIA POWER & LIGHT CO.,
Allentown, Pa., July 9, 1970.

Hon. JENNINGS RANDOLPH,
Committee on Public Works,
Washington, D.C.

DEAR SENATOR RANDOLPH: I have just seen a copy of a letter sent to you on March 13 by Joseph G. Stites, Jr., of Monsanto Enviro-Chem Systems, Inc. It appears to be an earnest appeal by a man who believes he has something to sell. However, I do feel that we should examine some of Mr. Stites' assertions and implications.

From his letter, the conclusion could be drawn that Monsanto's Cat-Ox unit is an "off-the-shelf" item, ready for installation on an 800,000-kilowatt generating unit. The closest Monsanto ever came to demonstrating such an item has been a prototype unit which operated at Metropolitan Edison Company's 250,000-kilowatt generating unit at its Portland, Pa., plant. And at that relatively small-sized plant, the Cat-Ox unit processed only 6% of the flue gas. But perhaps this observation is meaningless since Mr. Stites says they are willing to guarantee the unit's performance.

This guarantee would imply a high degree of faith in their equipment—faith enough, perhaps, to use their own equipment if Monsanto were having SO_2 emission problems at any of its operations. Maybe even if the age of a Monsanto plant precluded a Cat-Ox system, added credibility would justify its installation.

Therefore, I should like to call your attention to an article in the June 28, 1969, issue of Business Week,—keeping in mind that Mr. Stites said that the Cat-Ox system has been available since October, 1968. The article is headed "Fight swirls over pollution. Stiff new air standards imposed by St. Louis have put manufacturers in a quandry, the issue in the courts." About halfway through the article a pertinent paragraph appears. It states:

"One of the local concerns that could be left out in the cold next winter is Monsanto Co., one of the country's leading chemical companies. Monsanto has three plants in the St. Louis area that use high-sulfur coal to heat steam boilers. Company officials say that efforts to find a source of low-sulfur coal have been fruitless, and that barring a last-minute change of luck they may have to seek a variance from the new law."

Toward the end of the article under a subheadline "Controls," another pertinent paragraph appears. It states:

"One system called Cat-Ox, is under development by Monsanto and now being tested in a power plant owned by Metropolitan Edison Co. in Portland, Pa. The system catalytically oxidizes sulfur dioxide in flue gases and recovers it as marketable sulfuric acid. Monsanto says that Cat-Ox has progressed to a point where the company *may"* (italics ours) "try it in some of its St. Louis operations."

Mr. Stites also states that the higher the sulfur content of the fuel, the lower the operating costs because sale of the by-product produced—sulfuric acid—helps to offset some of the operating expenses. We question the proximity of markets for the volume of sulfuric acid which would be produced from full-scale Cat-Ox operations at large new generating stations—we have four new units of about 800,000 kilowatts each, scheduled for service in 1971, 1973, 1974 and 1975. Transportation charges quickly turn sulfuric acid from asset to liability within a relatively short distance from point of origin.

This is a cost we shall have to face someday. We already accept the costs of fly ash disposal. We believe this is also the prospect

for large volumes of sulfuric acid from our power plants—*disposal*, not marketing.

Further along in his letter, Mr. Stites states that utilities are reluctant to do anything until they are forced to. Speaking for PP&L, that just isn't so.

Before there were regulations or laws for environmental control, PP&L was installing flue gas cleaning equipment and making environmental studies. Several of our stations which are now retired had dust collectors and Sunbury units 1 and 2 designed in the late '40s had installed with them the best commercially available collectors designed for 96% efficiency. This rating was excellent for that time.

Our newest unit has 99.5% efficient precipitators as will another large plant we have under construction. Furthermore, we are upgrading dust collection efficiency at two of our older plants—one with a Venturi scrubber and the other with a completely new installation. The latter plant's upgrading is at a cost of $2.2 million and will be in operation for about only three years before we convert it to burn oil.

In addition to particulate control, PP&L has adopted what it considers to be the only workable approach that is available at this time to handle SO_2 emission—this is to increase the height of our stacks for better dispersion of stack gases. At our Brunner Island plant we spent $490,000 for increased stack height. At our Montour plant (now under construction) we estimate an expenditure of $700,000 for two units. At Montour we have designed so as to have room for sulfur removal equipment when it becomes available for large units.

At Brunner Island we have spent $26,000 for an air monitoring station to measure SO_2 ground levels. Air monitoring stations are being installed at Montour plant at an estimated cost of $70,000. In addition to this we have installed ready piles of low-sulfur coal to be used under extreme inversion conditions.

Looking ahead, our recently announced addition of two 800,000-kilowatt generating units at the Martins Creek site will involve total expenditures of about $800,000 or more for added stack height. When the units are in operation we will also be paying about $11.5 million per year in premiums for the *low-sulfur* oil they will burn.

By the end of 1970, we estimate that our research expenditures through EEI and other groups on sulfur abatement will have cost some $400,000. This includes vegetation studies and, for example, a study with other Keystone and Conemaugh owners on a pyrite removal scheme using the coal mines and their rejection systems.

In all, our construction budget for the 1970–74 period is $847 million. About $40 million or 5% of this is slated for pollution control and aesthetics.

Why then don't we install Cat-Ox or other SO_2 collection equipment? We have studied the pilot installations and the reports and we just don't believe that they can be installed as reliable vital components of an 800,000-kilowatt plant. There is also, quite frankly, the very significant matter of the estimated $24 million which a Cat-Ox system would add to a unit's cost. But the matter of costs aside, in this period when every kilowatt of capacity counts, we cannot—and our customers cannot—tolerate equipment or operations which would jeopardize the availability of our generating stations.

In 1974 and 1975 we will bring 800,000-kilowatt oil-fired generating units on the line. When in operation they and existing coal-fired units which will be converted will consume about 23 million barrels of low-sulfur oil which at today's prices, cost about a 50-cent premium per barrel. As I mentioned before, this premium for low-sulfur content totals about $11.5 million per year—a sum which would support a sizeable investment in SO_2 collection equipment. So we are not out to duck the costs nor our responsibility to maintain the quality of the environment.

Do our words mean we have closed our minds to SO_2 collection equipment? Not at all. We have made design provisions for future installation of SO_2 removal equipment at our 1,580,000-kilowatt Montour plant now under construction and at our soon-to-start 1,600,000-kilowatt expansion of our Martins Creek plant. And we sincerely look forward to the day when a satisfactory SO_2 removal system is available. Regrettably, we firmly believe that it has not yet arrived.

Our position regarding the state of technology for SO_2 removal equipment is well substantiated by an agency of the Federal government. In order to settle the question of whether or not such equipment existed, the Federal Department of Health, Education and Welfare, through the National Air Pollution Control Administration, on June 20, 1969, asked the National Academy of Engineering to make a comprehensive review of present industry and government research and development programs directed toward control of sulfur oxides from power plants. The project was undertaken by an ad hoc panel selected by the National Academy of Engineering and the National Academy of Sciences. The report of this panel has recently been made and concludes—

"The panel reviewed the status of United States and foreign sulfur oxide abatement and control processes and firmly concluded that, contrary to widely held belief, commercially proven technology for control of sulfur oxides from combustion processes does not exist.

"Efforts to force the broad-scale installation of unproven processes would be unwise; the operating risks are too great to justify such action, and there is a real danger that such efforts would, in the end, delay effective SO_2 emission control. A high level of government support is needed for several years to encourage research, engineering development, and demonstration of a variety of the more promising processes, as may be suited to specific local and regional conditions, to bring these processes to full-scale operating efficiency at the earliest practical date. This can be done most expeditiously if Federal support, in addition to industry commitments, is provided at the appropriate time and in the needed amounts."

The panel cautioned the government against leading the public to expect improvements in the environment faster than they can be realized. The requirements for electrical energy, expected to more than triple in the next 20 years, and the increasing amounts of coal needed to supply this electricity will contribute to a significant rise in total sulfur emissions. The best that can be hoped for through the year 2000 is to hold total sulfur oxide emissions from all utilities somewhere near the present level. Unless immediate action is taken, however, the emission level will be more than four times as great by the year 2000.

Very truly yours,

JACK K. BUSBY.

JULY 24, 1970.

Mr. JACK K. BUSBY,
President, Pennsylvania Power & Light Co., Allentown, Pa.

DEAR MR. BUSBY: Thank you for your letter of July 9 to Mr. Thomas. Your company is to be congratulated on its aggressive approach to environmental control.

Before Monsanto and Metropolitan Edison built the prototype Cat-Ox plant at Portland, Pennsylvania, we gave careful consideration to the sizing of the plant. We needed to develop meaningful data in which we had confidence—and from which we could scale to even the largest power stations. The Cat-Ox plant is a merging of equipment common to the power industry and to sulfuric acid manufacture. We received assurances from power plant equipment suppliers relative to their ability to scale to full size operations and are confident of our ability to build the sulfuric acid equipment. Monsanto has designed over 50% of the sulfuric acid plants in the world.

The prototype plant was sized by the air heater. It was the smallest commercially available air heater from which Air Preheater Company (Combustion Engineering) said they could scale with confidence to the largest power plant. It was large enough that leakage did not become an overpowering variable and, therefore, meaningful data could be obtained.

We received similar assurances from other vendors—for the precipitator, fans, heat exchangers, etc.

The Cat-Ox prototype was located at Portland rather than at one of our own plants because we believed that it was very important to design and operate a system in conjunction with a utility type operation rather than with an industrial boiler operation. We needed to develop a system capable of handling the variable boiler loads—and we did it.

In nearly three years of operation at Met-Ed, we have achieved a high degree of confidence in the Cat-Ox system and our ability to scale it to large units. For very large power stations, we would recommend the use of modular construction—using a multiplicity of Cat-Ox trains rather than treating all of the flue gas in a single train. A basic design premise is that the Cat-Ox system will not adversely affect the ability of the power station to generate electricity.

With respect to installation of the Cat-Ox system on one of our own plants, our biggest problem area is here in St. Louis at the oldest Monsanto plant. The boilers at this plant are old and small and we have elected to solve the problem by burning low sulfur (premium priced) fuel.

Sulfuric acid is the backbone of the chemical industry. It is used in large amounts today and will be for a long time to come. Over 35 million tons of sulfuric acid was consumed in the United States last year. Until a large number of sulfur recovery systems are installed on power stations, there will be no problem in the marketing of acid. To be sure, the value of the acid is a function of the location of the producing plant with respect to the market. Monsanto is prepared to use its best efforts to market the acid for utilities in the most economically attractive way.

Last week Illinois Power Company announced that it would be installing a Cat-Ox system on one of their 100 Mw units at their Wood River plant. We believe this is a significant step forward.

If you have any questions regarding the operability or reliability of the Cat-Ox system, may we suggest that you contact Mr. Fred Cox, President, Metropolitan Edison Company, in Reading.

Again, thank you for your interest and if we can be of further assistance, please contact me.

Sincerely,

J. R. ECK,
Vice President.

Mr. RANDOLPH. Mr. President, obviously the abatement and control of air pollution sufficiently to protect the public health will require more drastic measures. In order to minimize the resultant economic impact, however, these measures must be coordinated with a national fuels and energy policy.

I present for consideration one alternative which deserves special attention. This proposal is for a major substitution of our cleanest fuel, gas, for coal; not natural gas, but synthetic gas in electric

power generation commencing in 1980. The example chosen assumes the creation of a major coal gasification industry in this country which will be able to commence significant production of pipeline quality synthetic gas at the end of this decade, a difficult but not unrealistic task considering current technology and economics.

I review in the Atlantic seaboard region, alone, the benefits to be derived from such a national fuels policy.

Let us first look at currently anticipated developments within the region as described in this table, which I ask to be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE IV.—ATLANTIC SEABOARD PROJECTED ANNUAL SULFUR OXIDE EMISSIONS FROM ALL SOURCES, 1970–2000

[Millions of tons per year]

Year	Uncontrolled	Case I	Case II	Gas substitutions (utilities only)
1970	5.6	5.5	5.5	5.6
1975	5.2	5.0	4.7	5.2
1980	5.1	4.7	4.0	5.1
1990	5.8	5.1	3.7	4.9
2000	6.8	5.9	4.1	5.0

References. Personal correspondence to Senator Jennings Randolph, chairman, Committee on Public Works, U.S. Senate from Dr. John T. Middleton, Administrator, National Air Pollution Control Administration; on July 8, 1970, transmitting requested entitled, "Projections of Sulfur Oxides and Particulate Emissions from a Portion of Northeast Atlantic Seaboard," (May 1, 1970).

Mr. RANDOLPH. Mr. President, most likely, as a result of air pollution regulations, control processes under industry development would be applied as they become proven—case I—and sulfur oxides emissions would remain relatively constant at current levels through the year 2000. Under an accelerated research and development program supported by Government and industry—case II—the best that could be achieved would be a 20-percent reduction in the next 20 years.

For the purposes of this example, let us assume that the only control measure taken is to substitute gas for coal for power generation. Under our proposed fuel policy this substitution would begin in 1980 and the objective would be to return to 1965 levels of sulfur oxide emissions from power generation by 1990. Recognizing that these figures are only approximate, the startling fact is that total sulfur oxide would be reduced to levels comparable to those achieved with the application of fuel substitution, fuel cleaning, and flue gas treatment.

Additional sulfur oxide reductions could be achieved if other fuels users, for example, smelters and refineries, also adopted some revision of this modified fuels policy. The outstanding point is that, without such significant modification in our national fuels policy, pollution control is an illusion.

The task involved in creating such an industry is large, if the required quantities of synthetic gases from lignite and bituminous coal are to be supplied. Construction cost will run into the billions of dollars, but the projected cost for add-on sulfur oxide control equipment runs as high as $24 billion over the next 30 years for powerplants alone.

The environmental impacts of supplying energy can also be reduced by improving combustion efficiencies. Several years ago, electrical energy production reached a plateau in approximately 40 percent efficiency for converting fuel energy to electric energy. One sure road to environmental protection and low-cost power supplies and efficient utilization of our energy resources is to move on to a new plateau where more kilowatt-hours are obtained from a ton of coal or a pound of uranium. Each step taken toward increased efficiency in the production, transmission, and even consumption of energy reduces the future requirements for powerplants and transmission lines.

In the July 16 speech in the Senate, I mentioned magnetohydrodynamics—MHD—as one possibility for improved combustion efficiencies; however, a very large number of engineering problems remain before MHD becomes a practical reality.

MHD has a potential plant efficiency of approximately 50 percent; sulfur oxides and particle emissions would be reduced by about 20 percent, and thermal pollution by nearly 40 percent.

One disadvantage of MHD is the possible increase of nitrogen oxide emissions, perhaps by as much as 10 times that found in a conventional plant. It may well be that controlling these higher nitrogen oxide emissions as well as other contaminants is more costly than controlling the emissions from conventional electric power generation methods. This remains to be proven.

I do not mean to discount the potential of MHD, but rather to suggest alternative methods for central station power generation must be pursued, also, in parallel. Our current energy crisis, I believe, is in large part caused by an overreliance on nuclear energy development.

Another advanced-cycle power system with a potential for more immediate application is that under development by the United Aircraft Research Laboratories. An outgrowth of that company's research efforts on aircraft turbine engines utilization is an advanced industrial gas turbine in combination with a conventional steam electric turbine. A projected 54-percent efficiency is possible using on-the-shelf equipment, including coal gasification equipment by 1980.

Benefits include a reduction in the depletion rate of our fuel resources, reduced atmospheric emissions of sulfur oxides and particulates, and reduced thermal pollution.

Simultaneous development is needed on combined steam-gas turbine cycles, coal-fired gas turbines, thermionic and thermoelectric devices, and fuel cells, to name a few alternatives. All offer promise for increased efficiency, and lower pollution emissions. Acceptance will undoubtedly be delayed, however, because of the utility industries reluctance to depart from standard fuel combustion techniques and apply new design concepts.

Long-term solutions to fuel and environmental problems will require the parallel development of new, nonpollution fuels, and flue gas cleaning methods. A national fuels and energy policy could serve to guide the efficient use of our resources and provide the priorities necessary for a balanced research and development program. Each alternative must be considered in terms of potential environmental impact, economics, commercial availability, and fuel reserves.

These are some of the advantages to be derived from a national fuels and energy policy, the objective of the National Commission on Fuels and Energy proposed in S. 4092.

Initial hearings on this legislation are scheduled for September 10 and 11, 1970, before the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, which are chaired by Senator FRANK MOSS and Senator HENRY JACKSON, respectively.

I am concerned, however, with the apparent proliferation of Federal efforts in this time of crisis. Recent reports indicate energy studies are being undertaken by the Office of Science and Technology, the National Science Foundation, the Atomic Energy Commission, the Department of Commerce, the Federal Power Commission, and two studies by the Department of the Interior, to name a few. There is an apparent need for overall coordination if piecemeal examinations and competitive forces are to be minimized. Government agencies must be directed to lay aside jurisdictional disputes and short-term self-interests and recognize the long-term national interests involved.

I have written the President expressing my concern, suggesting that the President provide the needed additional direction and coordination.

I ask unanimous consent that this letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., August 24, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Be assured that I endorse your August 6 directive to the Domestic Council to study the national energy situation and recommend actions which may be taken to alleviate the short-term acute shortage of clean fuels. Indeed, one of the most pressing problems for many, if not most, electric utilities is the ability to secure adequate supplies of fuels, particularly coal, for the next five years.

Over the past 18 months fuel stocks have reportedly slipped from sufficient coal for at least 90 days operation to quantities sufficient for only about 40 days operation. Several causes have contributed to this serious problem and were reported in the April 18 issue of *Business Week* magazine. These causes include a willingness of the Japanese to pay high coal prices, a shortage of railway hopper cars, a plague of wildcat strikes, and the impact of the Coal Mine Health and Safety Act. A major cause, however, is this Nation's lack of a national fuel and energy policy.

With the development of nuclear power a shift was anticipated from fossil to nuclear fuels and there has been a reluctance in many cases to supply alternative sources of oil or coal. This shift which also would re-

quire the opening of new mines has been slower than originally envisioned, and a situation of crisis proportions has developed. The fossil fuel shortage is the most acute phase of our short-term energy crisis, dwarfing the problem of short-term needs for adequate generation and transmission facilities to meet demands for the next five years.

This situation need not have occurred and cannot be allowed to repeat itself. For many years the future of electric power generation has focused on nuclear power development, in particular the fast breeder-reactor. Yet, development of the fast breeder-reactor has slowed down and may not be commercially available until the 1990's when we will probably begin to run out of economical sources of uranium. Alternatives compatible with environmental quality goals must be developed in the interim period. Reliable sources of crude oil, natural gas, coal, and synthetic fuels must be developed as well as more efficient means of utilizing these fuels. Attention must be directed beyond the short-term crisis before us to the long-term requirements of this Nation and indeed the world.

A national fuels and energy policy is needed to establish a program for insuring the most efficient utilization of all energy resources, without sacrificing or degrading environmental qualities. In examining the dimensions of the energy crisis confronting us, attention must be directed to include an evaluation of anticipated energy demands and available fuel resources. Additionally, this examination must evaluate methods to expand our resource base through such technical developments as coal gasification, fuel cells, and M.H.D. (magnetohydrodynamics). These alternatives must be developed in parallel and coordinated to avoid recurring crises.

A national fuels and energy policy would serve to guide the efficient use of our resources as well as provide priorities for a more balanced research and development program to hasten the development of more efficient energy processes. These are the objectives of the proposed National Commission on Fuels and Energy provided for in S. 4092, which I introduced on July 16, 1970, with 55 co-sponsors. The remarks I made on this subject, including an analysis of the bill, and a copy of the measure are included in this letter.

Insuring a coordinated, integral fuels and energy policy is of deep concern to me, and I am equally concerned over an apparent proliferation of Federal efforts in this time of crisis. The few experts capable of advising the government are being competed for without an adequate definition of national priorities.

Recent reports indicate energy studies are being undertaken by the Office of Science and Technology, the National Science Foundation, the Atomic Energy Commission, the Department of Commerce, the Federal Power Commission, and two studies by the Department of the Interior, to name a few. There is an apparent need for overall coordination to avoid piecemeal examinations and eliminate competitive forces.

Positive steps new can lead to solutions to both our short-term and long-term energy problems and assure the best use of our domestic fuel reserves. The efforts of the Domestic Council represent a first step. The next step is the formation of a national fuels and energy policy, a policy which should have been established a decade ago. Cooperation, not competition, is needed now if the energy needs of the 1970's are to be met and long-term policies formulated. Government agencies must be directed to lay aside jurisdictional disputes and short-term self-interests in favor of long-term national interests.

I respectfully suggest that additional Presidential direction and coordination is needed at this time if our short-term fuels and energy crisis is to be overcome and future energy crises averted.

With esteem and best wishes, I am,

Truly,

JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, positive steps now can lead to both short-term and long-term solutions to this Nation's energy problems. The efforts of the Domestic Council represent a first step. The next step is formation of a "national fuels and energy policy," a policy which should have been established a decade ago.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOOD—XIII

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, on previous occasions, I have discussed three ways of achieving open dating of foods: First, through legislation; second, through action by the Federal Trade Commission under section 5 of the Federal Trade Act; and third, through voluntary action by supermarkets and food manufacturers.

I have attempted to utilize each of these routes. Last November, I introduced H.R. 14816, legislation to require open dating of canned and packaged foods. In June, I filed a petition asking the FTC to require open dating; and subsequently, I launched Campaign A&P, which had as its objective voluntary action by the Nation's 10 largest supermarket chains to achieve open dating.

There is also a fourth route through which the objective of open dating can be achieved, through State or local requirement. New York, for example, except for a brief period has required the dating of milk for more than 30 years. The State of New Jersey has a similar requirement.

The main disadvantage in consumer action at the State or local level is that lobbyists for the food trade associations opposed to open dating are strongest at these levels of government. They were thus able to force Illinois to drop its law requiring the open dating of milk and to get the New York State Legislature to ban open dating for a time.

A unique example of State action on open dating is Virginia, where the nine member Board of Agriculture and Commerce has set up a special committee to study open dating. The action came as a result of recent testimony by the Virginia Citizens Consumer Council.

The board has been deluged with food industry lobbyists opposing open dating; but despite this, its investigations have found dating to be a key to unlocking a number of dangerous practices followed by some aspects of the food industry.

The investigation of open dating, for example, exposed the fact that much of the sour milk being sold in the State was the result of attempts by some dairies to cut down on the number of deliveries to local stores by giving price discounts to retailers who purchased greater quantities of milk less frequently.

The special committee is expected to report its findings to the full Board on September 29. How willing the board is to act on open dating will serve as an indication of whether the State or local government can be looked to for effective action to protect the consumer, or whether such action can only come from stepped up pressure at the Federal level.

I insert at this point in the RECORD material describing the actions by the Virginia board:

NEWS RELEASE OF VIRGINIA DEPARTMENT OF AGRICULTURE AND COMMERCE

A committee of the Virginia Board of Agriculture and Commerce appointed to study the possibility of code dating perishable food items met in Richmond, August 24.

The committee was appointed by President John C. Lester, Jr., following the board's July meeting because of considerable public interest in the open dating of grade A milk. The committee was asked to broaden its scope and look into the need or desire for dating all perishable foods.

For the past month the committee, which includes three board members, Mrs. John A. Baker of Arlington, Millard B. Rice, Jr. of Phenix, and is chaired by Edward C. Norman of Purcellville, has been gathering information from state and federal organizations, industry, educational institutions and consumer organizations. At the meeting Monday, this material was discussed and evaluated.

Mr. Norman stated the overall objective of the committee was to assure quality foods for the consuming public and to make recommendations to the board for future action.

At the present time federal legislation is under consideration in Washington and the committee is following the progress of this legislation to see how it would apply in Virginia and the need for any possible additional legislation on the state level. The committee also instructed the department staff to survey quality control methods in relation to quality of products in retail stores.

The committee is to meet again on September 28, and will have a preliminary report available for the Board meeting on September 29.

[From the Richmond Times-Dispatch, July 10, 1970]

CONSUMERS SHOULD KNOW MAELSTROM IN MILK BOTTLE MAY DEVELOP

(By Estelle Jackson)

A maelstrom in a milk bottle may be developing in Virginia.

The state's cows may be contented, but some Virginia housewives aren't. They want open dating on milk and milk products sold in supermarkets and other stores. This would mean that pasteurization or pick up dates would be printed in terms that the consumer could understand. And they have a strong ally in Mrs. John A. Baker of Arlington—a member of the Virginia State Board of Agriculture and Commerce, the agency that would have the power to order such open dating.

Mrs. Sacha Miller of Springfield, representing the Virginia Citizens Consumer Council, testified last week before the Virginia Board of Agriculture and Commerce, saying that perishable products are already marked with

the date that they were packaged or the date they should be removed from the shelves. However, she added, the dates are marked in a code that currently benefits only the retailer. It would be in the interest of the milk industry, the retailer and the consumer if these codes were replaced with open dates, she said.

Instead of labeling milk with figures such as 709, 907, 0524 or 45520 to indicate that it should be removed from the shelves by July 9, milk should be just labeled with the date, JUL 9, said Mrs. Miller.

The Virginia Citizens Consumer Council presented petitions asking for open dating signed by 300 Virginians during a brief mailing campaign. Mrs. Miller said signature are still being collected.

The board passed new regulations for production, processing and sale of Grade A milk that did not mention open dating, but proponents did win a point.

John C. Lester Jr. of Forest, president of the board, appointed a three-member committee to study and report on open dating. Edward C. Norman of Perceville is chairman of the committee, and members are Millard B. Rice Jr. of Phenix, and Mrs. Baker.

This open dating "could possibly include other perishable food items," according to Raymond D. Vaughan, who is executive assistant to the commisisoner of agriculture and commerce.

Wilbur M. Gaunt Jr., executive vice president of the Virginia Dairy Products Association, is categorical about what that problem is.

"We are unalterably opposed to open dating," he said. "Some distributors and processors do have open dating, and they have all kinds of trouble. Dating has nothing to do with the freshness of the product—it's how it's handled that matters," he said.

Temperature problems that can originate in a retail store—such as storage for an hour or so in a back room, or stacking in a cooler above the refrigeration line—would not be solved by open dating, he said. "Open dating has no public health significance."

The committee investigating open coding will be given aid and advice by industry and by members of the department of agriculture and commerce.

M. W. Jefferson, head of dairy inspection for the department, said, "We regulatory people hate to see the coding question come back because of the extreme waste it creates. Open dating in our opinion would be an extra cost."

Jefferson also prophesies that the consumer would purchase only the milk with the latest date, forcing dairies to make daily deliveries, and collect day-old milk that was "perfectly wholesome."

The returned milk would then either be dumped, creating sanitary problems, or "down-graded"—re-pasteurized at a higher temperature than before and used in such milk products as ice cream, cheese or butter, he said. (State law prohibits the re-pasteurization and re-sale of milk as such.)

To extra costs resulting from these procedures would be added the costs of the unused and discarded milk cartons, Jefferson said.

Jefferson can enumerate off-the-cuff the names of about a dozen localities, including Richmond, that have rescinded milk-dating regulations in the last 15 years.

He served as representative of his department on a National Labeling Committee that, after six years work, drafted a model labeling law for milk and milk products.

"Twenty-eight states have adopted it, and one thing it says is that (open) dating should be prohibited," said Jefferson.

Mrs. Baker is wholeheartedly in favor of open dating of milk (and of all perishables, for that matter) and attributes the seeming silence of other board members on the subject to a lack of exposure to problems of milk-buying. "I ask them, have you ever bought a half-gallon of milk for your wife?" she says.

"What we have now in Virginia is real confusion," she said. "A coded number is put on to show the advance or expiration date, which can be six to 10 days after pasteurization. Some milk is on sale two weeks after pasteurization. If you read the codes, you still don't know what they mean. (Mrs. Baker does concede that proper refrigeration will keep bacteria count down, but she questions what happens to milk's vitamin content after a time.

Mrs. Baker wants open dating, but she wants a regulation that can be enforced.

"If you have a strict law, and not enough people to enforce it, that could be a disaster," she said. Therefore, she leans toward a regulation that would require posting the pasteurization date on the carton "and let the customers make up their own minds.

An alternative, stricter law—such as is now in force in Baltimore—might require printing on the carton the "pull" or expiration date, roughly four days after pasteurization.

Mrs. Baker has an answer for the argument that sour milk can always be returned for credit. She says, "I don't thing that's the answer. We should be able to take for granted that food is fresh. And it's not the easiest thing for people—especially mothers with little children—to go back. It takes time and money."

VIRGINIA CITIZENS CONSUMER COUNCIL, INC.,
Alexandria, Va., August 24, 1970.

ELLIS LEVIN,
℅ CONGRESSMAN FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR ELLIS: Enclosed is a copy of the statement prepared by the Virginia Citizens Consumer Council and delivered by our founding, past president, Mrs. Sacha Miller, before the Virginia Board of Agriculture and Commerce earlier this summer. This statement shows the concern of Virginia's only statewide consumer citizens organization over open dating and presents a case showing that it is in the interests of the retailers and producers as well as of the consumers for open dating to be instituted with regard to milk and milk products.

We are very much aware of the outstanding efforts that the Congressman has been making to call attention to the need for open dating in supermarkets and other stores and we support him in these efforts. If you feel our statement would be of interest to others, we would be delighted if you would add it to the series of articles you have been inserting in the Congressional Record to show that consumer groups throughout the country are behind the Congressman in his campaign for open dating.

Unfortunately, the Virginia Board of Agriculture and Commerce declined to institute open dating of milk and milk products in July, and this is one reason why we look to the federal government. Hopefully, it can act where state governments have been unwilling to act in the consumers' interests. The Virginia Board of Agriculture and Commerce, however, has, as a result of its hearing in July, set up a committee to look into packaging and selling of perishables, particularly open dating, and we remain hopeful that the Board will at a later date issue regulations favoring open dating.

Sincerely,

Mrs. LAURA HOROWITZ,
Board Member.

OPEN DATING OF MILK AND MILK PRODUCTS

(Remarks of Sacha K. Miller, past president and board member, before the Virginia Board of Agriculture and Commerce, July 2, 1970)

First, I would like to introduce myself to this board. My name is Mrs. Sacha K. Miller. You might say that I am a small business woman in that I am in charge of production and fiscal responsibility at a small dwelling in Fairfax County, Virginia. I am first, and foremost, a homemaker with a husband and three and one half children. In my spare time I am a Board member of the Consumer Federation of America, headquartered in Washington, D.C., and a Board member of the National Consumer League, also headquartered in Washington, D.C.

I am here today as a Board member and past president of the Virginia Citizens Consumer Council in order to voice our support for the open dating of milk and milk products.

When weighing the pros and cons of this issue, it is imperative that we consider all aspects of open dating. You must consider the side of the milk industry and retailer as well as that of the consumer. I would like to suggest that while considering all of these—you keep in mind that usually the interests of industry, retailer and consumer go hand in hand. These mutual interests, when brought to fruitation, result in fair play within the market place. In this instance, fair play is open dating of all milk and milk products. Open dating will result in marketplace equality—equal knowledge for all—manufacturer, retailer and consumer.

At the present time, most perishable food is coded. A code which signifies either the date the item was packaged or the date after which the item should not be sold. These codes serve to advise store personnel when items should be removed from the shelf. With the codes now in use, far be it for the consumer to try and decipher their meaning. As it stands now, any coding utilized by industry and retailers is of great benefit to the retailer as it helps him in controlling his inventories. He's more aware of his ordering and has a gauge to go by so that he won't over-order. All well and good.

Now, let's look at our consumer. She (and no offense to you gentlemen here today, but *she* is usually the one we find at the dairy counter, meat counters, etc.)—she too is running a small, but equally important business. In her own right she is a manufacturer, retailer and consumer rolled into one. Let me illustrate. She must purchase, or consume, from the retailer. Then she is her own "trucker" in the sense that she delivers her goods to her "plant" at 000 Somewhere Drive, USA, and begins her process of manufacturing. Her end products result in, hopefully, delicious, nutritional, balanced meals and their accompaniments: cakes, casseroles, pies, chocolate milks, entrees, salads, etc. After this labor is spent—she "sells" her products to her family. So you see—the little consumer is actually the largest industry in this country. The consumer is just as concerned over what I'll call efficient production quotas as your largest industries.

At this time, all coding is a voluntary gesture by the manufacturer on behalf of the retailer. Since coding is already being done, it really isn't an insurmountable problem to undertake, and engage in, "open dating."

For instance, I buy milk. My carton is stamped with a 709, or a 907, or a 5254, or a 45520. And usually one, two, or three of these numbers are so blurred they are indecipherable to me. But, I know that ultimately, this code says this carton of milk is considered good until July 9. After which it should be disposed of in the name of good health and salmonella. I consider myself a fairly intelligent, informed consumer. What about those consumers who don't know, or understand, these codes? How much better, for all of us, to be able to refer to a clear, legible date—such as JUL 9.

If this form of dating, what I am calling open dating, were utilized, our consumer could also benefit. As I've tried to demonstrate, our little consumer is in fact, a little industry unto itself, with thousands of dollars at stake; and she too, must maintain an

economical inventory and must be able to determine shelf-life and health standards for those consumers for whom she is responsible. Spoilage and shelf life are just as important, for efficient management, to her as they are to the managers of A & P, Safeway, and Grand Union.

I am not here today to make accusations or pass judgment—but, the way this voluntry dating or coding is used now, it tends to deliberately conceal information which the consumer needs vitally in order to make intelligent decisions.

It has been said that if consumers are given the benefit of "open-dating," they will buy only the latest items and leave the earlier dated ones to spoil. I say—not true! we are right back to inventory efficiency.

Stores can overcome this by closer inventory controls which would result in goods being moved more quickly after being put on the shelf and by not mixing goods of significantly different ages on the shelves. When goods are not sold promptly, they can and should be reduced in price to allow the consumer to decide whether they are willing to purchase slightly older but still relatively fresh goods at lower cost. This is done with bread and canned goods now.

We ask that the codes be replaced NOW with clear, readable dates. We ask that you require the date for removing perishable milk products from the shelf be clearly marked on the package.

Many times we have come to Richmond on behalf of consumers, asking for regulation and truth. We come once again, to the capitol of the South, asking for no more, nor any less, than Truth-in-Dating. . . . I thank you.

[Release from Virginia Citizens Consumer Council, Inc.]

VCCC ASKS FOR OPEN DATING ON MILK AND MILK PRODUCTS

RICHMOND.—In testimony presented today (July 2) to the Virginia Board of Agriculture and Commerce, the Virginia Citizens Consumer Council (VCCC) asked for open dating on milk and milk products sold in supermarkets and other stores in Virginia.

Perishable products are already marked with the date they were packaged or the date they should be removed from the shelves, said Mrs. Sacha Miller, speaking on behalf of the Council and to the state's consumers. However, she added, the dates are marked in a code that currently benefits only the retailer. It would be in the interest of the milk industry, the retailer, and the consumer if these codes were replaced with open dates, she said.

Instead of labeling milk with letters like 709, 907, 05254, or 45520 to indicate that it should be removed from the shelves by July 9, milk should just be labeled with the date, JUL 9, the Consumer Council testimony maintained.

"We ask that codes be replaced now with clear, readable dates. We ask that you require the dates for removing perishable milk products from the shelves to be clearly marked on the package," Mrs. Miller said.

To back up the VCCC's request for open dating in Virginia, Mrs. Miller presented the Board of Agriculture and Commerce with a number of petitions signed by citizens throughout the state asking for open dating. She said that because the Council had only a short time before the hearing to circulate the petitions, signatures are still being collected and will be forwarded to the Board as they arrive.

In her testimony, Mrs. Miller developed the idea that the housewife, like the store owner, is running a business operation in running her home. "Spoilage and shelf life are just as important to her as they are to the managers of A & P, Safeway, and Grand Union," Mrs. Miller said.

Relatively speaking, the housewife has just as much money at stake as the shopkeeper does, Mrs. Miller continued. Her plant is her home. She must purchase supplies from the stores, with which she manufactures finished "products" (e.g. chocolate milk, cakes, casseroles, etc.) which she must "sell" to a group of consumers, her family. The little consumer is, in fact, the largest industry in the nation, said Mrs. Miller.

Mrs. Miller, a founder and past president of the VCCC, introduced herself as "a mother and homemaker with 3½ children." She is currently a board member of the VCCC, the Consumer Federation of America, and the National Consumers League.

[From the Washington Post, July 4, 1970]

"SHELF LIFE" DATE ASKED FOR MILK

A Virginia consumer group has asked the state's Board of Agriculture and Commerce to require that packages of milk and milk products sold in food stores bear the date the item can be expected to spoil.

Most milk processors use codes on the packages to tell store managers either when the item should be pulled from the shelf or when the product was packaged.

Mrs. Sacha Miller, a board member of the Virginia Citizens Consumer Council, testifying before the state board Thursday said "spoilage and shelf life are just as important to her (the consumer) as they are to the managers" of stores.

Food store officials have said they only sell milk that they know will last at least a week in home refrigerators before spoiling.

They also contend that if they placed the actual spoilage dates on products, shoppers would buy only the freshest items. This, the store officials say, would result in wasted products and higher operating costs that would be passed on to consumers.

PRESIDENT'S DECISION TO FLY THE AMERICAN FLAG CONTINUOUSLY AT THE WHITE HOUSE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, August 31, 1970

Mr. THURMOND. Mr. President, it has come to my attention that President Richard M. Nixon has given orders for around-the-clock flying of the American flag at the White House.

This decision is made possible because the American flag may be flown at night if it is properly lighted. Steps have been taken for special lighting effects at the White House, and it is my understanding the effect of the flag flying over the President's house at night is most inspiring.

I commend the President for taking this step. Further, Mr. Walter R. Martin, president general of the National Society of the Sons of the American Revolution, has also praised the President for this action.

Mr. President, I ask unanimous consent that the letter from General Martin to the President dated August 27, 1970, be published in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION,

Washington, D.C., August 27, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your recent decision to fly the American Flag over the White House twenty-four hours a day is strongly endorsed by the Sons of the American Revolution. Particularly now, when some of our people seem to have forgotten that thousands of Americans have died so that our flag might fly over a free country, your action is proper, appropriate and justified.

As the thirty-seventh President of the United States, your job is probably more difficult than that of any of your predecessors. Our Country is striving to prove that government of the people, for the people, and by the people will not perish. People of diverse political philosophy, aided by misguided but, perhaps, conscientious students and well-meaning adults, are successfully promoting anarchy.

Our flag is a rallying point around which all Americans can join; all races, creeds, and colors. The Sons of the American Revolution was founded in 1889 by descendants of those brave men who wrested independence from tyranny. We are dedicated to the principles for which they fought, especially the preservation of human freedom. The Flag is the visible symbol of America, and it is only right that it be flown twenty-four hours a day to remind all of us that we are free, and must rededicate ourselves to remain so.

Sincerely yours,

WALTER R. MARTIN,
President General.

DESEGREGATION, NORTH AND SOUTH

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DICKINSON. Mr. Speaker, I was very interested to notice in the news accounts of today, and also yesterday, that President Nixon and a group of his top Washington advisers were to fly to New Orleans today to talk with people from seven Southern States about how fast and how far school desegregation will be carried out in the South this fall.

This is commendable, and I hope the President comes up with some workable solution.

But it would seem to me, Mr. Speaker, and it would seem to most of the people in my area of the country and indeed to most people of the United States, that if this administration is in fact interested in carrying out the law equally there must be evenhanded justice.

Mr. Speaker, it would seem to me that if this administration is genuinely interested in justice and carrying out the laws, it would be just as concerned with segregation in the North as in the South.

As a matter of fact, Mr. Speaker, as of today, there is more genuine segregation in the North and in Chicago itself than there is in the whole State of Alabama.

If this administration is truly interested in carrying out the law of the land and in treating everyone fairly, then I would say it is time to bring lawsuits

elsewhere than in Alabama, Georgia, and Mississippi. There are 90 school suits consolidated in one suit in the middle district of Alabama. There has not been one suit filed in Illinois that I know anything about or in any other State that has in fact more segregation than we have.

Mr. Speaker, I am again calling on the Department of Justice today to start enforcing the law fairly throughout the land.

Mr. Speaker, according to June, 1970, statistics prepared by HEW in its "Survey of 93 of the 100 Largest Elementary and Secondary School Districts," there are over 87 percent of Chicago's Negro students going to schools in essentially all-black schools. An all-black school is defined by HEW as having an enrollment of between 90 and 100 percent Negro students. Only 3.4 percent of Chicago's blacks are attending integrated school systems. An integrated school, according to the Health, Education, and Welfare definition, is one where blacks are enrolled with 50 percent or more of the student population consisting of white students.

The survey continues pointing to the double-standard policies that are ignored in the North and abhorred in the South. How can the schools outside the South continue to receive preferential treatment when their school systems are much more segregated, when there is much less effort by them to obey the law? The answer is simple. They are allowed to keep their segregated neighborhood school systems while busing and closing of schools is rampant throughout the Southern States.

We in the South are not asking for special handling and special treatment. We are merely asking that laws which we deem unworkable, especially in regard to busing, be applied equally throughout the United States. We are sick and tired of being the scapegoat. If the laws being applied in the South are just and equal, we demand that they also be applied justly and equally to all sections of the country.

Schools in the South are complying, but HEW's own statistics—which appear below—show clearly that this is not the case outside of the South.

If they mean what they say and the law applies in every State, enforce it in every State—not just in the South.

Mr. Speaker, I include a tabulation of the HEW survey:

TAKEN FROM HEW'S "1969-70 SURVEY OF THE LARGEST 100 SCHOOLS"

[In percent]

City	Blacks attending integrated schools	Blacks attending all black schools
New York, N.Y.	17.6	54.3
Chicago, Ill.	3.4	87.1
Milwaukee, Wis.	11.4	71.3
Gary, Ind.	2.9	86.6
Detroit, Mich.	6.4	69.2
Newark, N.J.	2.4	85.3
Philadelphia, Pa.	8.2	69.6
Washington, D.C.	1.1	94.9
Los Angeles, Calif.	4.8	84.5
Houston, Tex.	5.5	87.0
St. Louis, Mo.	6.9	84.9
Miami, Fla.	16.1	70.8
Baltimore, Md.	8.4	77.7
Cleveland, Ohio	4.0	88.0

THE SEVENTIES: A TIME FOR GIANT STEPS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, much talk is heard these days about "the sixties" and the great changes which occurred in the United States during this period. One of the fields in which the foundations of major innovations were laid, but to which little public attention has been given, is that of education.

In the past 10 years psychologists, sociologists, linguists, and educators as well as leaders in almost every profession, have devoted a great deal of effort toward learning how the growing process of young minds can best be fostered. Experiments have been made; new forms have been tried; the potentialities of the computer have been exploited; and a great deal has been learned.

This progress has not been confined to the urban school systems and the problems of the "culturally disadvantaged." Programs are underway to better stimulate the maximum development of each individual's unique capabilities, regardless of his social background. The rigidities of a system based solely upon IQ ratings are becoming apparent, and they are being changed. The growth process of one's creative abilities is becoming better understood, as are the methods of conveying an appreciation for the beauty of art and music.

Although many of these developments may not yet have appeared in most of our school systems across the country, new techniques are becoming more widely utilized, producing new possibilities about which every parent should be aware.

The character of these changes, which will become more prevalent during the seventies, is concisely described in an article printed recently in the Education Digest under the authorship of Joe L. Frost and G. Thomas Rowland. I insert this article in the RECORD at this time for the benefit of my colleagues and all concerned citizens:

THE SEVENTIES: A TIME FOR GIANT STEPS

(By Joe L. Frost and G. Thomas Rowland)

The course of educational events during the sixties was unique in history. The poor were discovered; the obsolescence of the slum schools was exposed; early childhood education was rediscovered; technology invaded the schools; federal support spurred innovation; the hippies and student militant groups forced public attention to focus on our stumbling schools; teachers, too, decided to join the act and demanded the right to participate in the politics that permeate schools.

In general, life was exciting for educators of the sixties, though most of them took only baby steps toward the future. Few were able to break away from ingrained notions about norms and grades, workbooks and basals, and free themselves to be daring and courageous in educational programing. Federal funds were responsible for practically all the innovations of the sixties. There is no reason to believe that these innovations—Head Start, research and development centers, regional laboratories, libraries, Title I instructional programs, to mention a few—would have been supplied by any other source, nor is there reason to fear that federal sources will be less important during the seventies.

Assuming sympathetic politicians, the seventies will be a decade of unprecedented progress in education. The few adventurous educators of the sixties will attract a sizeable following during the seventies. Cooperation and teamwork among teachers, specialists, administrators, and consultative sources will permanently erase the isolationism of individual teachers. Although very young children will continue to receive the close attention of one familiar adult, this adult will be a member of an instructional team composed of highly specialized people, semiprofessionals, and a clerical worker.

After hundreds of years of honored service, our education system is being accused of social obsolescence. Its critics feel that time and too many encounters have made once-keen professionals tough, and that they fail to respond. If such is true, time may be running out for education as it was known and practiced in the first half of this century.

In the late sixties, the great urban schools were the embodiment of all the ills of education. The urban school structure was attacked at its very core. One proposal was that the enormous structure be divided into smaller structures which would be more manageable and more in touch with the communities they serve. This concept of decentralization, and the battles it engendered, may well be recognized in the future as a key element in the evolution of education. At stake was the need for a school to work with the children of a community rather than to attempt to force them into some fantasized norm.

Tragically not everyone believes that the teacher of the sixties really cared about the cries for change which came from ghetto parents whose own educational experiences had chained them to poverty. If teachers who punch timeclocks and commute continue to exist in the seventies, then the school will have continued to exist as an irrelevance to education instead of a necessity, and society will turn to some other alternative.

The teacher of the seventies will necessarily come to terms with the essential humanity of students. Sensitivity development will certainly become a vital part of the education of teachers. For the teacher to be sensitive does not mean a compromise with science. Indeed, the sensitivity of science may well hold the key to the needed changes in educative processes. Massive research related to learning and memory is coming from biochemistry and neurophysiology, and the frontiers it opens for education almost stagger the imagination. Perhaps we will find out in the seventies what all this new knowledge will mean for the educator, just as we will surely come to terms with the possibility that the nature of the individual, as reflected in the chromosomatic mosaic, largely influences the learning processes. This may mean that contentual objectives will have to be radically rethought and revised so that the teacher can approach the student on a genuinely individual basis.

One of the most remarkable possibilities for the future is concerned with the science of child development. Educators have come to understand at last that the reasoning of the child is not inferior but qualitatively different. And they have been forced to come to terms with the idea that if the brain is the functional organ of intelligent behavior, and if that organ can, as research has demonstrated, be made more effective by experience, then there is an important possibility that education can overcome the debilitating effects of deprivation in early childhood.

As the allied sciences of psychology and education build toward an interdisciplinary

science of human behavior, the notion of "*an* intelligence" should fade away. The IQ will be abandoned as false and unworthy, though reevaluation of measures of intelligent behavior will not cease, since they do have value in helping the teacher plan for the needs of children.

The contentual objectives of the seventies will be expressed in a to-the-point fashion, reflecting the skill of educators who apply objective criterions in their search for curricular relevancies. As the teacher plans from ordinal (as opposed to normative) bases, and as the conceptual structures of the respective fields of inquiry are clarified, it will become possible to avoid traditional hit-or-miss teaching.

The linguist stepped heavily into the educational scene of the sixties, adding considerable fuel to old controversies about the teaching of speaking, spelling, reading, and writing. As linguists pool their talents with psychologists, educators, sociologists, and anthropologists to discover structure in language and apply it in dynamic societal contexts, the implications for greater flexibility of teacher attack will become obvious and exciting.

The teacher and the child will discover new avenues for vitalizing communication—nonverbal clues, multiple media, the fine arts. The supporting personnel-administrator team will pool skills to build diagnostic programs in every content area.

In the social studies curriculum, topics once considered taboo or overly difficult—sex, racial relations, violence, politics, economic systems, pollution, war—will be among fields of inquiry. Key concepts and generalizations will replace the "quiz show" content of the past. As humanistic, social, and intellectual objectives become relevant to our times, the effects will be observed in the miniature society of the classroom.

Despite verbal homage, the spirit of inquiry is still absent from most science and mathematics instruction. Even in many of the newer programs, more attention is given to *what* and *how* content is to be taught than to how learning is to take place. In the near future, the collective possibilities of science and mathematics programs for dramatizing related studies will become clear.

Esthetic education in the schools is a relatively untapped field. Art and music are rarely taught in ways that develop love and understanding for the art form. We suggest that the skills prerequisite to sensory intensification are identifiable; that a hierarchial structuring of performance criterions leading to increased awareness in individuals is possible; and that the forthcoming decade will witness the fruition of these goals.

If giant steps are taken, schools of the seventies will reject normative teaching in practice as they have already done in theory. The child will no longer receive letter grades; grade levels will be abolished. These will be replaced by a continuous diagnostic program appropriate to the individual child. The teacher will devote his time to teaching relevant processes of scientific inquiry, and the computer will provide for the repetitive type of learning through individually tailored programs, as well as for record-keeping, reporting to parents, and diagnostic evaluation.

International television via satellites will revolutionize communication of societal roles. The complexities of cultural interdependencies will crease new problems unimaginably complex, and the concept of the school as an institution set apart from society at large will grow increasingly obsolescent.

The school may assist parents in developing appropriate out-of-school activities, but arduous homework will be rejected. Schools will utilize musums, parks, libraries, theaters, industrial complexes, farms, and other sites as classrooms for providing experiences geared to the unique interests of students.

Early childhood education will be universal. Regional laboratories and other federally sponsored organizations will develop imaginative programs and assist schools in development activities. Teacher aides (paraprofessionals) will assist the teaching team and even assume some instructional roles. There will be times for small group instruction, individual explorations, and large auditorium-type activities using media in imaginative ways.

Teachers will have time for inservice education during school hours. Working closely with teacher-education institutions and using the resources of research centers and regional laboratories, the principal will find that his primary task is ensuring the ongoing education of his staff. His partnership with teacher-education institutions will be cultivated to the extent that college students will have semiprofessional roles in the public schools. University personnel will assume instructional duties for both college students and public school teachers in this cooperative relationship.

The "training program" for teacher education will be swept out like cobwebs from colleges and schools of education. Teachers are not trained, and this will become clear when we realize that those who think creatively should be more valued than those who conform.

If giant steps are taken, the educator will be a scientist-professional, qualified to analyze the data of behavior and then to couple this behavioral analysis with a keen understanding of human development in order to plan precise, effective intervention with the objective of change toward a predetermined goal.

UNIVERSITY CENTERS FOR RATIONAL ALTERNATIVES

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 1, 1970

Mr. SCOTT. Mr. President, on June 8, my good friend the able and distinguished majority leader very kindly placed in the RECORD the partial text of my commencement address delivered at Gettysburg College in my Commonwealth. My remarks were an appeal to reason and an urging that all of us seek to assert our strongly held views with a deep and honorable respect for the differing opinions of others.

Reason and mutual tolerance are indispensable to the survival of academic institutions. One organization that seeks to uphold these principles is University Centers for Rational Alternatives. This organization, whose national headquarters is located at 110 West 40th Street, New York, N.Y., was established early last year to encourage faculty members on college and university campuses across the Nation to organize local chapters in defense of academic freedom and integrity.

One of the founders and chairman of this distinguished group of scholars and teachers is Prof. Sidney Hook, of New York University, author of the recently published book, "Academic Freedom and Academic Anarchy." On July 23, Professor Hook testified on behalf of University Centers for Rational Alternatives before the President's Commission on Campus Unrest, whose Chairman is the distinguished former Governor of my Commonwealth, the Honorable William W. Scranton. I ask unanimous consent that Professor Hook's statement be printed in the RECORD. I also ask unanimous consent that a list of the officers and directors of University Centers for Rational Alternatives be printed at the conclusion of Professor Hook's statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF PROF. SIDNEY HOOK OF NEW YORK UNIVERSITY, PRESIDENT OF UNIVERSITY CENTERS FOR RATIONAL ALTERNATIVES, BEFORE THE PRESIDENTIAL COMMISSION INQUIRING INTO THE CAUSES OF CAMPUS UNREST

University Centers for Rational Alternatives is a grass-roots organization of scholars and teachers of different educational and political viewpoints. It is united by its dedication to three basic propositions. The first is that the entire academic community should freely and continuously participate in resolving all issues of educational policy. The second is that there is no place for violence or the threat of violence in this process of evaluation and decision. The third is that the academic community must gird itself against all threats to the academic freedom of scholars and teachers, from without and within.

American colleges and universities today face the gravest crisis in their history. Some university presidents to the contrary notwithstanding, it is *not* a crisis caused by lack of money. It is a crisis caused by the lack of a coherent educational philosophy and by a betrayal of the primary commitment of the university to the quest for truth and integrity in inquiry, in learning, and teaching. All the money in the world cannot remedy the failures of nerve and intelligence that follow from the loss of central purpose. Nor is the crisis one of student unrest—if unrest is related to the pursuit of an education, to interest in ideas and beliefs. Intellectual unrest is not a problem but a virtue, and no university can have too much of it if the university is engaged in genuine educational tasks. The problem and threat is *not* academic unrest but academic *disruption* and *violence*, which flow from substituting the political goals of action for the academic goals of learning.

Some academic administrators are currently seeking to muddy the waters by pretending that the public is getting fed up with controversy, and that the chief threat to academic freedom today comes from without and not from within. This is noisome hogwash—intended to draw attention away from what is actually happening on our campuses. The public's objection, of course, is not to controversy, for intellectual controversy is the life of mind. The public's objection is to *how* controversy is carried on—to the use of bombs, arson, vandalism, physical assault, and other expressions of violent and destructive impulses and desires.

Most of the problems that plague the American university today and threaten its future as a genuine educational institution can be traced to one fundamental, poisoned premise. This is the view that unless "the major social and foreign policy problems of our society" are solved satisfactorily, campus disruption and violence will continue. Leading university administrators have endorsed this proposition. One of them has even proclaimed that academic violence in part "derives from the distance separating the American dream from the American reality." This view and the actions that flow from it lead first to the political polarization of the campus, then to the political alienation of the campus from the general community and, if unchecked, will result in "academic genocide," the destruction of academic freedom.

What is wrong with this view? Many things. First, there will always be a disparity between the American dream and reality, especially when, as we raise our sights higher, we redefine the meaning and content of that dream. Second, in an open society of uncoerced opinion, there will always be social and foreign policy problems. In either case, if we accept the above view, we are confronted with a prospect of unending academic violence.

Third, this view perverts the university's function, which, in part, is to *study* social and political problems and to analyze alternative purported solutions to them. This view transforms an agenda of study into an agenda of action, and therewith converts the university into a political organization, agitating for the adoption of partisan political measures. It jeopardizes the university' tax-exempt status and invites political reprisals from a public that does not share its political commitments.

Fourth, and most important, it violates the fundamental principles of political democracy, by threatening resort to force and violence unless the community adopts the solutions to social and foreign-policy problems advocated not by the majority of the electorate, but rather by en elite minority.

To *whose* satisfaction must the "major social and foreign policy problems of our society" be solved before we have surcease of campus violence and turmoil? Even if there were complete unanimity among students and faculty on how such problems are to be solved—which is far from being the case—what right would they have to demand that the solutions they advocate be adopted by the community? Such decisions are for the representative legislative bodies of a democracy to make! The political process is open to students and faculty on the same footing as to all other qualified citizens. For a fanatical minority of students and faculty to use, or to threaten, or merely to condone violence when they have failed to persuade or convince the electorate, shows profound contempt for democratic due process.

Suppose the trade unionists or the farmers of the nation, who are also minorities but much more numerous than students, were to threaten violence unless "the major social and foreign policy problems of our society" were met to *their* satisfaction? Everybody would recognize such threats a subversive of the democratic process, and as harbingers of fascist rule, no matter what the deceptive rhetoric in which such threats were clothed.

Actually the university community is *not* homogeneous. The most militant student factions are small minorities. And they make no bones about their hostility to democracy, their scorn for rational process. Their heroes are the leaders of the most ruthless dictatorships—Lenin, Mao-tse-tung, Castro, Ho Chi Minh, Che Guevara. They openly declare that "major social and foreign problems of our society" can never be solved to their satisfaction and that their goal is the destruction of our society.

How then account for their influence, for their ability to create a major crisis in American higher education? There are many reasons. Among them are the great publicity buildup that extremist student groups and their irresponsible leaders have received in the mass media. (Liberal students who do not threaten to blow up computers are not news, no matter how intelligent their programs of educational reform.)

More important is administrative cowardice, and in consequence of this cowardice, administrative connivance. The scenario runs something like this. Different extremist groups vie with each other in making all sorts of demands on the university administration, coupled with a threat to tear the university apart. In hopes of winning them over, or of purchasing peace, the administration, often with the support of the faculty, yields to at least some of the demands, at the same time granting amnesty for defiance of rules governing student conduct. The mood of "peace at any price," together with actual fear of physical harassment, becomes dominant. The extremists escalate their demands until administrations and faculties, to avoid a new confrontation, yield on issues that politicalize the campus. Thus the university is "saved" by transforming, indeed reversing, its *raison d'etre*. A handful of extremists gain considerable prestige, while those who disagree with them appear ineffectual. Violence and the threat of violence seem to pay. Or, if the administration resists but violence gets out of hand, and measures of meeting it also get out of hand (as at Kent State), a sense of collective guilt weakens the will to resistance of almost all administrators; faculty bodies are weakened in the same way; and again the end result of cowardice and the illusion that violence can be made to pay.

An obvious consequence of the politicalization of the university is erosion of the academic freedom—of the right to teach and the right to learn—of both faculty and students. Once a university as a corporate body takes a political stand, teachers who disagree with that stand are harassed. When classes are suspended for purposes of political demonstration, or when universities are closed down by student "strikes," the teacher's freedom to teach has been abridged, or the right of nonstriking students freely to attend their classes has been destroyed. Even before recent events led some prestigious universities to mobilize their educational resources to influence Congress to take particular political actions, or led many of their students and some of their teachers to strike in behalf of causes that had nothing to do with educational issues (as in the case of the Yale strike on behalf of the Black Panthers), or led administrators to encourage the closing down of their institutions in the fall (as at Princeton) to permit electioneering for so-called "peace candidates"—even before these events, intimidation of faculty members and students by student extremists had become widespread.

It is no exaggeration to say that on many American campuses today academic freedom has been severely crippled. Certain extremist groups have interfered with the rights of students and faculty to hear views that disagree with or challenge their own. The consequence of the so-called Free Speech Movement at Berkeley is that in many areas free speech has disappeared at that campus. And not only at Berkeley! At scores of universities the extremist speakers representing revolutionary or antigovernment points of view are made welcome, but the meetings of other groups either critical of the extremists or offering forums to contrary positions are not tolerated. Their meetings are disrupted. Their speakers are shouted down, sometimes assaulted. While spokesmen for movements hostile to the government have unlimited freedom to incite to violent action in opposing government policies, spokesmen *for* these policies are often barred from campuses or can appear only under heavy police escort. By and large, in the affected institution, faculty and administration either remain silent or issue ineffectual news releases mildly deprecating the worst excesses. Even when official guests of the university have been insulted or scandalously mistreated, the administrations and faculty bodies seem loath to invoke or enforce disciplinary action.

On some campuses, fanatical student extremists have disrupted with relative impunity classes of professors of whom they have disapproved. Both students and faculty members have been threatened with bodily harm. On other campuses, similar elements have refused to permit student bodies to choose freely among curricular options relating to subjects connected with national defense, or have refused to abide by the majority student decision, once it was expressed. Scientists whose projects these fanatics have declared to be not in the public interest have been denounced, and attacks have been made against their laboratories. Most shameful of all, student fanatics have received the support of faculty allies who have encouraged and extenuated attacks on the academic freedom of their professional colleagues.

In view of the foregoing arguments and the mountains of evidence that can be cited, it is clearly demonstrable that universities that permit themselves to be politicalized are betraying their mission to serve as "citadels of reason, sanity, and civility in a deeply troubled world." Although opportunistic administrators with flexible backbone have opened the doors of their institutions to academic vandals, in the last analysis it has been the faculties who have been chiefly responsible for the decline in academic freedom. For they have lacked moral courage to uphold the professional standards of their calling as teachers and seekers of truth.

It remains to be asked: What is to be done? What measures must be adopted to insure a receding of the flood of violence and confrontation that has engulfed so many of our colleges and universities? How can we bring peace to the campus—a peace now shattered all too often by those who have cried loudest for peace in the world? There is no panacea with which this can be quickly done. We cannot abolish history or retrieve all the errors of the past, both of omission and commission. But I wish to submit an educational strategy that has recommended itself, as a possible first, tentative step, to the officers and members of University Centers for Rational Alternatives. This strategy, based on study of scores of educational disorders, is designed to work towards preventing outbreaks of violence on campuses so far as possible, and possibly to limit or contain it whenever it occurs, by methods acceptable to the overwhelming majority of the university community. The particular proposals that the strategy involves stem from a union of experience and common sense. They are not to be blindly followed anywhere or everywhere. On the contrary, they need to be intelligently adapted to specific emergencies.

A. The first thing to do is to convoke a representative assembly of the constituent parts of the university community—faculty, students, and administrators. Its chief business should be to draft the principles that are to serve as guidelines affecting the expression of dissent on any matter of interest to the academy, whether great or small. The drafting of such principles should be followed by the drafting of specific rules of implementation that spell out clearly—among other things—the kinds of conduct and behavior that shall constitute prima facie violations of the limits of legitimate dissent. At the beginning of each academic year, the principles and rules established in this way should be examined, and either reaffirmed or modified in the light of experience. Pains should be taken to make this reappraisal an intellectualy meaningful experience, not a mechanical ritual of academic piety. Academic due process should be linked up with rational process and—mutatis mutandis—with due process generally, so that conclusions will not only be fair but will be seen to be fair.

B. The rules implementing the principles should make provision for the establishment of a representative faculty-student discipline committee. The procedures for conducting hearings and the rules of behavior for defendants, complainants, and witnesses should be explicitly endorsed by the academic community or its representatives. The rules should clearly set forth the sanctions to be invoked against members of the academic community, whether students, teachers, or administrators, who disrupt the judicial proceedings of the discipline committee.

C. Violations of rules should be promptly punished by the appropriate agreed upon sanctions.

D. In the event of forcible disruption of the academic process, faculty and student marshals, equipped with cameras, should be empowered by the academic community to maintain order, report participants, and remain in liaison with the responsible officers of the university.

E. When a situation acquires a gravity beyond the power of faculty and student marshals to cope with it, the administrative authorities, after consultation with the executive or other appropriate committee of the academic community, should apply to the courts for injunctive relief, without suspending their own sanctions.

F. If the court injunction is disregarded, its enforcement should be left to the civil authorities.

G. If and when matters reach an extreme pass and hazards to life and limb—caused by arson, assault, vandalism, or whatever—can be contained only by use of police power, faculty and student marshals should accompany law enforcement officers, so that their mission may more probably be accomplished without force where resistance is not offered, and with minimum force where it is.

H. Where the scale of violence—for example, through intervention by large outside, nonstudent forces, as can happen in urban centers—takes on a magnitude that makes the previous steps inadequate or creates an atmosphere in which teaching and learning are impossible, the university may have to shut down for a limited period, and the preservation of life and academic property entrusted to the civil authorities. In such a case, before reopening, university sanctions against those found guilty of violence or inciting to violence, whether students or members of the faculty, should be strictly enforced. Amnesty for crimes of "academic genocide" can only invite their repetition.

The above strategy is designed to forestall costly and senseless violence, preserve or restore peace on the campus, and obviate the inescapable punitive legislation that continued violence will precipitate. It has the added advantage that, in case of failure, whether during the designing or the implementation stages, it will become obvious who the offenders are. I wish to conclude, however, with the reminder that in the long run the most serious threat to the integrity of teaching and learning comes not from the criminal violence of extremists but from measures of appeasement and captulation, adopted in the vain hope of curbing their frenzy. The wounds that will prove the most dangerous to the survival of academic freedom—without which the university is undeserving of its name—are the wounds that the academy inflicts on itself, in the course of bewildered and hysterical efforts to ward off further attacks by its enemies, chiefly its enemies within its own walls.

The history of American higher education is a history of change. Violence has never played an appreciable role in that history. It need not play a role today if it is recognized that the university is not responsible for the existence of war, poverty, and similar evils; that the solution of these and allied problems lies in the hands of the democratic citizenry and not of a privileged élite; and that the primary function of higher education is the quest for knowledge, wisdom, and vision—not the conquest of political power. The universities can by indirection help in the solution of "major social and foreign policy problems" by providing the knowledge, wisdom, and vision required for intelligent action—but only if it retains its relative autonomy and objectivity, and freedom from partisan political bias.

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[1] Institutions for identification only.

FLETCHER THOMPSON REPORTS TO YOU

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, I insert my most recent newsletter in the RECORD in order that it may be made available to all the Members who receive the CONGRESSIONAL RECORD and are not on my mailing list.

The newsletter follows:

FLETCHER THOMPSON REPORTS TO YOU

DEAR FRIEND: *Truth in housing.*—Should you have a right to know at the time that property near your home is being rezoned whether a low-rent, taxpayer-subsidized housing complex will be built or not? *Or, should the Atlanta Housing Authority be allowed to put low-rent housing on property originally zoned for regular apartments, thus denying the homeowners a chance for a hearing on the change of use?* The Atlanta Housing Authority is now trying to force low-rent housing similar to Carver Homes and Perry Homes into well-established neighborhoods without letting the homeowners in the neighborhoods know of their plans until it is too late. Why?

Fraud at Red Oak.—The deception practiced on local residents and your Congressman first came to light with the notification for funding of $4.5 million low-rent housing project at Red Oak. Notification of HUD's approval of the project was the first word your Congressman or the homeowners received that the project was even being considered at that site. *The Atlanta Housing Authority had not notified me nor the homeowners that it had submitted such a proposal on land which had been zoned for regular apartments.* Only after the announcement of the approval of the project did the true facts come to light which I say reveals blatant deception practiced on the homeowners in Red Oak.

Luxury apartments? Information supplied me about the Red Oak project and details now coming to light on other proposed projects show unmistakably that *land which was zoned on the premise of regular or "luxury apartments"* is being converted to low-*income housing without letting the neighbors know the truth before such is done.* If the Atlanta Housing Authority is able to force low-rent projects into Red Oak and on Kimberly Road at Niskey Lake without a hearing, then *a moral wrong is committed against the home-owners by denying them the right to be heard. It is wrong to represent at the time of the zoning hearing that regular apartments will be built and then, after the fact, change the use to taxpayer-subsidized units similar to Carver and Perry Homes* just because the developer can make more money and the Atlanta Housing Authority can force low-rent projects into suburban areas.

Personal appeal.—After getting the facts from nearby property owners on how they had been deceived, I personally met with HUD Secretary George Romney and *appealed to him to stop federal funding of the project because of the deception practiced on property owners.* Secretary Romney assured me he had no intention of allowing federally-financed housing projects to be placed on land where everything was not "above board." He ordered the projects to be stopped while a full review is made of the case.

Editorial reaction.—It was almost predictable that because of my efforts to keep this project from being rammed down the throats of property owners using their own tax money, that the editorial writers at Atlanta newspapers would take me to task. *Without the slightest investigation into the fraud practiced on property* owners, I was cartooned, denounced as a political "boob" and characterized as an opponent of public housing. *But this is what we have come to expect* from the once-respectable local press.

Sticks and stones.—Though the Atlanta newspapers in the cruelest fashion have lowered themselves to name-calling, I will not be deterred in representing the best interest of all citizens, white, black, poor, middle class or rich. *While the editorial writers were trying to think of new names to call me, I was busy asking HUD in Washington to approve $4,000,000 to upgrade some 9,000 units already existing in Atlanta. We got this and a few days later were also able to announce our approval, and the funding of, a 252-unit high rise, low-rent complex for the elderly.* Though the editorial writers ignored this almost $10 million for needed housing which I supported, I will continue to support that which is just and oppose that which is wrong.

Just the beginning.—In checking into the Red Oak and Kimberly Road projects, I learned that *this is just the beginning of a determined effort by social planners in Atlanta to force taxpayer-subsidized low-income public units into all the suburban areas, North and South.* Figures in the press have stated that Atlanta now has about 12,500 low income units built during the last 20 or more years and that 16,500 more are planned in the next 24 months. Plans are now being made by the Atlanta Housing Authority to distribute low-income housing projects into all neighborhoods throughout the city in an effort to eliminate "economic stratification."

Revealing conversation.—Several months ago at a reception, a holdover from the last Administration told me bluntly: *"Congressman, you might as well tell your constituents who are moving to the suburbs that they're wasting their time* because we plan to use their own tax money to build low-income units in the suburbs and send the intercity residents to them whether they like it or not." At the time I laughed and dismissed this as idle talk . . . *but it looks like this is exactly what is being tried.*

"Open communities".—As your Congressman, *I have placed myself on record with HUD as being unalterably opposed to any*

effort to force public housing into suburban home developments over the opposition of property owners. This insidious effort, I have learned, is being attempted under a program called "Open Communities" whose aim is to *forcibly eliminate "economic stratification" in all parts of the nation through the use of federally-financed housing projects utilizing both federal regulations and the federal courts.* In Chicago, for example, a court order was obtained to force 75% of all public housing to be built outside the inner city. To me, this is the ultimate in dictatorship. People naturally congregate in certain areas according to income, interests, ethnic backgrounds and other factors and to attempt to force people of diverse backgrounds together by law or regulation *is outright totalitarianism which I shall unrelentingly oppose.*

Continuing the fight.—Though I've asked HUD not to fund the Red Oak and Kimberly Road projects and have stopped them temporarily, the battle is far from won. *My investigation discloses an amendment has been proposed to the housing bill now being considered in the two Congressional subcommittees to authorize the Open Communities" program by law and also give HUD authority to completely overturn local zoning laws* through federal court suits to carry out the grand social scheme of mixing all classes through federal force. *I will fight this amendment wherever and whenever it is brought up.* You invested your hard-earned money, perhaps your life savings in your homes and dutifully paid your federal taxes while doing so. You deserve and shall get *my strongest efforts to protect your investment* from the loss of property value which undoubtedly would result if the above plan is allowed to go into effect. I shall not stand still for your property values being destroyed with your own tax money!

It is a high honor for me to serve you in Congress.

Yours very truly,

FLETCHER THOMPSON,
Member of Congress.

THE PLIGHT OF JEWS IN THE SOVIET UNION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 1, 1970

Mr. SCHWEIKER. Mr. President, the plight of the 3 million Jews living in the Soviet Union deserves widespread and repeated notice.

Prohibited from the free exercise of their religious and cultural traditions, Jews in the Soviet Union are clearly made second-class citizens within their country.

Officially approved anti-Semitic propaganda is flourishing in the Soviet Union, yet Soviet Jews are also kept from emigrating to Israel. Today a Soviet Jew runs the risk of imprisonment if he merely makes application for an exit visa. Nevertheless, many Jews are coming forward and doing just that.

In the face of such adversity, the Jews of the Soviet Union are thus showing some remarkable courage. They want to continue living as Jews, not merely assimilate into the overall Soviet population. They deserve to have their case told throughout the world, and they deserve our active support. We must continue to call on the Soviet Government to permit emigration to Israel for all those Jews who desire to leave, and to improve the religious and cultural climate within the Soviet Union for those Jews who will remain.

Mr. President, I had the privilege recently of receiving a firsthand report on the status of Soviet Jews from a knowledgeable observer who visited the U.S.S.R. earlier this summer. He is Dr. Owen S. Rachleff, director of European Affairs for the Anti-Defamation League of B'nai B'rith

Mr. Rachleff, at my request, put some of his eyewitness, firsthand impressions of Jewish life in the Soviet Union into a written report. I feel that his report will be of considerable value to all my colleagues who are concerned, as I am, with the condition of Jews in the Soviet Union. I ask unanimous consent that Dr. Owen S. Rachleff's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

VISIT TO THE U.S.S.R.—JUNE 1970

(Report to Senator RICHARD S. SCHWEIKER from Owen S. Rachleff, national director of European affairs, Anti-Defamation League of B'nai B'rith)

Knowing of your great concern for the Jewish population of the Soviet Union, and its present difficulties, I am very pleased to make the following report to you as a result of my recent visit to Moscow, Kiev, and Leningrad.

I. GENERAL OBSERVATIONS CONCERNING THE SOVIET JEWISH COMMUNITY

No doubt the Jewish people in the Soviet Union are having a very bad time of it. This is true even in comparison to other Soviet citizens who are not exactly enjoying total freedom and democracy. What makes the Jewish condition so unbearable is that relief, in the form of steady emigration to Israel, is not forthcoming. And so the Jew is forced to live as a pariah, a "foreigner", but at the same time he is denied the chance to "go back where he came from"—namely to Israel.

There has always been some question as to whether Soviet anti-Semitism is endemic or based upon political necessities, such as current Soviet involvement in the Middle East. In my own view, it is an endemic problem on the part of the Soviet establishment. This naturally bodes ill for the future of the Jewish community. For example:

The Jewish religion, though tolerated, is given no opportunity for growth or natural development. There are still no religious objects manufactured and no updated prayerbooks available. Though the chief synagogue in Moscow has been recently refurbished—probably as a result of tourist pressure—and the chief synagogue of Leningrad similarly scheduled for renovation, nevertheless, these houses of worship are merely shells of a moribund religion.

Police and other agencies concerned with "dissidents" still keep an eye on activities in the synagogue. This naturally inhibits the flourishing of any religious and cultural development. The Hebrew language, which is integral to the future of religious study and devotion, is not taught. Accordingly I was approached by an elderly gentleman in the Moscow synagogue who asked—in a whisper—if he could get from me a Hebrew dictionary or a Hebrew calendar.

The cultural and historical life of Jews in the Soviet Union has been pinched off, and except for the energies and devotion of brave young people, there is very little happening to assure a future for the Jewish ethnic tradition in the USSR. The government itself ignores the existence of a Jewish entity. In the Museum of Ethnology in Leningrad, which purportedly displays "all the cultures and nationalities of the USSR", there is, predictably, no mention of the Jewish People or even of the Birobidzhan culture—which for so many years was considered the "Jewish National region." Similarly, in a folk-dance festival I saw in Kiev, which again purported to represent all the cultures of the USSR—including the gypsies—there was no reference whatsoever to Jews or their ethnic songs and dances.

Regarding jobs and social rank, the Jewish people are forcibly kept in a second-class position. A pretty Jewish girl, whom I met in Moscow, found it more realistic to become a high-grade prostitute than to study for years and lose out on a good job because of a quota system or some other discriminatory practice. A young woman who had studied for years to teach grammar and linguistics was obliged to take a job as a gym teacher, while someone far less qualified filled the grammar-teaching post. She cautiously admitted that this happened because of her Jewish background. It is also true that in many engineering laboratories the Jews conceive the blueprints, renderings, and other specialized work but someone else (a non-Jew) signs his name as supervisor.

Concerning emigration to Israel, there is a great sense of futility among Jews about applying for visas to Israel. All around them they see the weary, long-term efforts of their co-religionists in trying to get out; as I view it, a pessimistic attitude about emigration has developed even among the young. In some cases there are those who are loathe to leave their families behind; others frankly do not wish to expose themselves to the troubles of the Middle East, and there are even one or two who have an oddly patriotic love for Mother Russia which blinds them to the conditions at home. In Kiev, however, a young man named Vladimir F—was very anxious to emigrate and said that his big problem was now securing enough money to "convince" the emigration bureaucracy.

The Soviet Union remains rife with *anti-Semitic materials,* both for Soviet consumption and for the tourist trade. Of course, the government makes no secret of its anti-Zion, anti-Israel posture, though it will continue to proclaim that it is not anti-Semitic in the ethnic sense. But references to "international Zionist conspiracies" and to the aggressive principles allegedly inherent in the Jewish faith cannot be written off as purely political propaganda. Indeed, such remarks smack of the fraudulent "Protocols of the Elders of Zion" campaign of the czars. Swipes at Israel and at coordinate "American imperialist aggression" are evident almost daily in the tourist-oriented *Moscow News* and the *New Times,* which are available in all hotels and at the airports.

II. SPECIFIC ITEMS OF INTEREST

The Saturn Restaurant: Young Jews, as reported, do indeed seek out tourists to make their message heard. I found this to be particularly true in Moscow, where I had occasion to visit the Saturn Restaurant, which seems to be a prominent gathering place for "swingers". The restaurant boasts of a rock band (early-Beatles vintage). Here one can speak relatively freely, often in English, with young people, both Jews and non-Jews, who have raised questions in their own minds about the System.

Kol Israel: Among the most important links with the West are the daily broadcasts of radio station Kol Israel (Tel Aviv). Despite Soviet attempts at jamming, these broadcasts are beamed in every day at 7 P.M. Because of Kol Israel broadcasts, Soviet Jews can learn the facts about the Middle East war and also hear of the petitions that have been received in Israel by those who wish to emigrate. Hebrew language programs are also transmitted, as well as news of the world. I found that a great many young people—Jews and non-Jews—were devoted to

Kol Israel and looked forward to tuning it in.

Babi Yar: The small cenotaph at the Babi Yar ravine, near Kiev, is a fairly popular tourist attraction, and as a result is relatively well-cared-for and nicely landscaped. To this date the Soviet government still ignores the tragic loss of Jewish life which occurred at this site during the Nazi occupation. The cenotaph only refers to the massacre of *Soviet* citizens at the hands of the Fascists. Now, rumors have it that a new monument will be erected which will commemorate the 150,000 slaughtered Jews. Presumably, this is in deference to the pressure of tourists. The Babi Yar monument, as far as I can report, is under surveillance. Most tourists will find that they are followed there and that the license numbers of their cabs are gratuitously noted.

Nearby Babi Yar is the only synagogue of Kiev, which has no rabbi and which is badly run-down and dilapidated. Because few tourists visit this small building, there will probably be no renovations as in Moscow or Leningrad.

In Kiev one may witness some striking contrasts in terms of religious life. Greek Orthodox priests, in their robes and mitres, are frequently seen at the Hotel Ukrainia—where they evidently live. During my stay at the hotel, a contingent came and went quite frequently and was driven in a large chauffeured limousine. No rabbi enjoys such favors. The point here is that the Soviet government, for all its official "atheism," still favors Christian clerics over Jews. One is inclined to believe this is the result of an anti-Semitic attitude.

It is interesting to note, in this connection, that a Russian Orthodox clergyman visiting France in late July denounced charges of anti-Semitism in the Soviet Union and indicated that Jews have the same opportunities, including jobs, as other nationality groups. He is Archpriest Pavel Sokolovski, who was sent from the USSR as an official observer to the Fifth Assembly of the Lutheran World Federation.

In Kiev, as well, young people want their message heard. While in that city, I learned that the Jewish martyr *Boris Kochubiyevsky,* who was sentenced for "slandering the State" to three years in prison in May 1969, had been removed this spring from his local cell in Kiev and taken to a nearby labor camp. Here he will begin his three-year sentence. Thus, in effect, Kochubiyevsky will be serving four years: the one year from May 1969 to the time of his removal to the labor camp, and the three years hereafter.

Leningrad has many interesting features concerning the Jewish problem. Here, young people will speak rather more freely because of a so-called "Western" (i.e. liberal) influence in that city. I was in Leningrad just two or three days prior to the alleged hijacking incident which resulted in a police roundup of many Jews. The only inkling I had of this was from two young men who questioned my opinions that things were "apparently better" in Leningrad. No, they said, it can be very serious here if we don't watch out. I left in the hands of one of these men a small photograph showing the April 26th "Exodus" demonstrations at the UN Plaza in New York, sponsored by the American Jewish Conference for Soviet Jewry. This was an eye-opener to them: they have heard of American activities on their behalf, but this picture was truly worth a thousand words.

III. THE IMPACT OF TOURISTS

There is no doubt that any slight improvements which may occur within the Soviet Union regarding the Jews are the result of outside pressure and the impact of tourists. It is doubtful that the Moscow and Leningrad synagogues would be scheduled for repainting and renovation if it weren't for the fact that tourists made complaints about their shabby conditions. The Soviet travel bureau, Intourist, is very sensitive to the reactions of their clients, and like any "bourgeois" agency in the West, wishes to do profitable business. However, it should be said that even for tourists, there are good times and bad times in the USSR. Therefore, a certain amount of caution is always advisable. Baggage is sometimes searched and there is a sense of "being followed" in some instances.

SUMMARY

It is hard to summarize a complicated and serious situation like the status of Soviet Jewry. Perhaps the best expression of conditions was given to me by a young Jewish student in Moscow named Mikhail. "We are given less than the others," he said, "and the others don't have very much. We want to do the best work we can, but we get second-rate jobs. They tell us we're not really one of them, but they won't let us go where we belong."

STATEMENT OF CONGRESSMAN CHARLES A. VANIK ON PEACE IN THE MIDDLE EAST

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. VANIK. Mr. Speaker, in connection with our strong desire for a lasting and just peace in the Middle East, I should like to reiterate my deep disappointment in the manner with which the administration has addressed itself to the violations by the Egyptians of the standstill cease-fire. Israel stands alone in her own defense. She cannot afford chicannery and must be abe to trust the words of those who advocate that she stand still and submit to a cease-fire. There is little chance for errors in judgment; one error in a situation of this magnitude could easily spell demise of the nation.

It is high time that the administration challenge the Egyptians' abuse of the terms of the cease-fire. The facts should be made clear. Egypt must live up to the cease-fire agreement or be blamed for its failure because of its own dereliction. The missiles must be dismantled if the cease-fire is to be maintained and Israel's integrity is to be inviolate. To do less under these grave circumstances is to face the prospect of irreparable damage to the stable Government of Israel which depended so heavily upon the work of this administration.

The extent to which the defense posture of Israel has been damaged is currently uncalculable.

Our Government has a deep responsibility to the people of Israel since the cease-fire and the subsequent enforcement of its terms are completely within our control, morally and legally. To refuse to acknowledge these violations places this administration in the tenuous position of protecting the the wrongdoer and penalizing Israel militarily and from the standpoint of future sensitive negotiations if they come about.

It seems to me only fair that the administration keep faith with the government and people of Israel and verify publicly the violations of the cease-fire and ask that the missiles be removed so that negotiations can proceed. Otherwise Israel's rights will have been compromised and negotiations will have little meaning. What is sought is lasting and meaningful peace, not further war. Now is the time that such a course may again be developed.

I wish to insert a very fine statement by Dr. William Wexler on this important subject and commend it to the attention of every Member of this House. The statement is as follows:

STATEMENT BY DR. WILLIAM A. WEXLER, CHAIRMAN OF THE CONFERENCE OF PRESIDENTS OF MAJOR AMERICAN JEWISH ORGANIZATIONS

The hopes for peace that had been raised by the achievement of a standstill cease-fire along the Suez Canal have been severely impaired by the action of the Soviet and Egyptian forces in installing missile sites and batteries within prohibited zones along the west bank of the canal.

This defiance of the basic condition of the cease-fire agreement demonstrates the cynicism with which the Soviet and Egyptian governments have responded to the American peace initiative. By violating the fundamental principle of the cease-fire—that there shall be no change in the military position of the opposing forces—the Soviet-Egyptian axis has critically undermined the very basis for the negotiations under the auspices of Ambassador Gunnar Jarring called for by the American plan. There can hardly be productive negotiations toward a Middle East settlement if one side to the conflict deliberately and flagrantly violates the terms under which the negotiations are to begin.

In his statements to the American people and his assurances to the government of Israel, President Nixon has made clear that he will not permit the Soviet government to strengthen its bridgehead into the Middle East. The cause of world peace, the defense of American vital interests and the security of Israel's people all demand that prompt and vigorous steps be taken to remove the missile sites and other equipment brought into the Suez Canal area since the beginning of the cease-fire; that the United States expand economic and other aid to Israel essential to the maintenance of a balance of power in the Middle East; and that our government make clear to all concerned that there can be no progress toward a just and lasting peace in the Middle East unless all parties to the conflict scrupulously respect the terms of the American initiative.

SENATOR PROUTY'S ENDEAVORS FOR MEANINGFUL SKILL TRAINING PROGRAMS

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, September 1, 1970

Mr. PEARSON. Mr. President, during the 1960's the most imaginative ideas for job training efforts came from my good friend from Vermont, Mr. PROUTY. A look at his record indicates he was far ahead of others in his concepts. A look at his record indicates that it was his efforts that insured that job-training programs served all America—rural and urban.

His ideas keep coming. He continues to be imaginative and innovative. This decade needs his leadership in manpower training. A look at his record will prove this so. I ask unanimous consent that a

summary of his record on skill training be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR PROUTY'S ENDEAVORS FOR MEANINGFUL SKILL TRAINING PROGRAMS

During his twelve years in the Senate, Winston Prouty has relentlessly attacked our nation's manpower dilemma; unemployment and underemployment paradoxically coexisting with job vacancies.

Senator Prouty has fought for manpower programs that teach skills that are needed, that train persons for jobs that are available. "To do otherwise, to train persons in unneeded skills or for jobs that do not exist, only adds to the disillusionment of the unemployed or underemployed," Senator Prouty has said time and again.

More important than what Senator Prouty has said is what he has done. He has been in a key position to act. He served as ranking Republican on the Manpower, Employment and Poverty Subcommittee and he is the ranking Republican on the Education Subcommittee. During most of the Sixties he was the ranking Republican on both subcommittees and he continually pressed for greater educational and job training opportunities.

During the Sixties there was a vast expansion of federal expenditures for manpower programs. In 1965, the total federal expenditure for manpower was $403 million and 278,000 people enrolled for the first time in such programs. In 1969 the federal expenditure totalled $2.2 billion and there were 1,761,000 new enrollees.

While the statistics are impressive, Senator Prouty has been most concerned that job training programs are responsive to all regions and all training needs. He has fought hard to insure this is the case. The major momentum for job training began in 1962. At the time the country was slowly recovering from a recession. Senator Prouty responded with a bill called the Public Works Employment Act of 1962. Its purpose was to reduce unemployment through acceleration of public works programs. But it offered much more. The bill sought to permanently relieve unemployment through manpower training on projects which could later be used in the private sector of the economy.

Senator Prouty made it clear that "make war" was not enough for those who had the potential for regular employment. His position has not changed. His bill also provided for a substantial state role in the program. Senator Prouty's bill never became law, but it served to stimulate the landmark Manpower Development and Training Act of 1962. The Act was the beginning of the big push for job training in the 1960's.

THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Senator Prouty was one of the principal sponsors and primary supporters of the Manpower Development and Training Act of 1962.

The bill was a bipartisan product of the Labor and Public Welfare Committee, but Senator Prouty often reminded his Democratic colleagues that their party had adopted a Republican concept—job training by and for the private sector.

The two essential components of MDTA are: (1) Institutional training of skills in classrooms, shops and laboratories; and (2) On-the-job training of skills in the factory, shop or office.

In the institutional training programs, the federal government provides 90% of the cost of instruction and allowances for trainees. The state contributes 10%. In 1969, 461 Vermonters enrolled in over thirty institutional training programs throughout the state. The federal government provided $508,282 to support these programs.

During the time that these Vermonters were receiving classroom training, 109 Vermonters enrolled in ten on-the-job training programs. These trainees were learning skills as they worked under supervision. Under MDTA, the federal government contracted with private employers and contributed $141,602 to support OJT programs in Vermont.

The OJT portion of MDTA was later to be used by the Labor Department as a model to establish the Concentrated Employment Program (CEP) where necessary supportive services are supplied together with job training. The Job Opportunities in the Business Sector Program (JOBS) run through the National Alliance for Businessmen, was to adopt on-the-job training and the concept of hire first, then train.

Perhaps it was a Republican idea, but that's not what is important to Senator Prouty. The idea was put into action in 1962 and Senator Prouty and others have been able to build on its successes and correct its failings. He was also able to expand and redirect vocational education programs to provide early opportunities for skill training.

THE VOCATIONAL EDUCATION AMENDMENTS OF 1963

The Vocational Education Amendments of 1963 revitalized vocational education across the nation. They provided greatly increased federal support for vocational education programs. Senator Prouty helped draft the amendments and made certain that allocations to the states were based on ability to pay, as well as population. Without this provision, Vermont and other rural states would have been short-changed.

Senator Prouty also made sure that construction funds could be used for divisions of schools teaching vocational education, rather than only for schools devoted solely to this purpose. Again, the rural states were protected by Senator Prouty. He also won his battle to include semi-skilled occupations in programs previously restricted to skilled occupations.

THE ECONOMIC OPPORTUNITY ACT OF 1964

Senator Prouty approached the "war on poverty" with a determination to make it successful. In 1964 a leading New York newspaper dubbed Senator Prouty "one of the few who seem to care if the program actually does what it purports to do." He cared enough to fight for anti-poverty manpower programs that offered hope that the trainees would be able to find jobs at the end of their training. He was critical of "make work" projects for those with the potential for meaningful self-supporting jobs. He still is.

His concern about structural unemployment resulted in specific proposals. In a special minority report filed by Senator Prouty and Senator Len Jordan of Idaho, several recommendations were made:

(1) Tax credits for education expenses be enacted. In 1967 and 1969 the Senate approved such a proposal, but it is still not law.

(2) The Manpower Development and training Act (MDTA) be expanded to allow private vocational education schools or technical institutes to run MDTA programs. After six years, Senator Prouty is close to achieving this aim.

(3) A program designed to supplement the regular unemployment insurance program at any time in the future when unemployment nationally increases beyond the level for which the regular program would be responsible. This was a reiteration of a proposal first contained in a bill he introduced in 1961. This proposal was adopted into law in 1966.

(4) Counseling under the Vocational Education Act of 1963 for seventh and eighth graders be lowered to the fifth and sixth grades.

(5) A national clearinghouse for matching skills and jobs be set up. The job bank concept was finally adopted in 1970.

(6) The establishment of unemployed workers' revolving funds to give the jobless temporary assistance in paying installment debts be a proper subject for labor-management negotiations.

(7) The establishment of a system of mortgage unemployment insurance for the purpose of preventing foreclosure resulting from lengthy unemployment.

(8) That employers be given a tax credit for training expenses similar to the 7% tax credit for capital investment. This tax credit approach and the other recommendations were far ahead of their acceptance by Congress. Some have still not been implemented. But Senator Prouty looks ahead and keeps ahead.

MANPOWER DEVELOPMENT AND TRAINING ACT AMENDMENTS OF 1965

In 1965, MDTA was still in an experimental stage, but Senator Prouty noted several defects.

For one, under the 1962 Act, a trainee's weekly allowance was cut off when the trainee reached 22. Senator Prouty's amendment eliminated this cut-off.

Another inequity was that private training schools could participate in the program only when they could provide training cheaper than a public institution. Senator Prouty's amendment changed this so that a private institution would only have to provide the services at the same costs to participate.

Senator Prouty also foresaw problems in the new provision for 10% matching funds to be provided by the states. His amendment put this off a year to fiscal year 1967 to provide time for states to plan.

Beyond those problems he corrected, Senator Prouty foresaw inefficiencies, duplication and the prospects of programs training persons for jobs that did not exist.

In the Committee on Labor and Public Welfare, the Democrats had succeeded in writing a bill to extend the MDTA program five years to June 30, 1970. Senator Prouty argued that this experimental program needed close Congressional oversight and that it would be best to have the Act extended three years to insure an early review of MDTA. His amendment to extend MDTA three years to June 30, 1968 was defeated.

In conference with the House, the bill was reduced to four years and MDTA was extended to June 30, 1969. Senator Prouty though was proven correct. In 1968, the Congress overhauled MDTA just as he said they should.

THE HUMAN INVESTMENT ACT

In 1965, Senator Prouty first put his tax credit for job training proposal into legislation. His first version of the measure, called "The Human Investment Act" was introduced in February. Six months later after intensive study, a second version of the measure was introduced in the Senate by Senator Prouty and in the House by Representative Thomas Curtis (R.-Mo.). From its introduction, this approach began to gather strong Republican support, which continued to build.

UNEMPLOYMENT COMPENSATION FOR HIGH LEVEL UNEMPLOYMENT—ENACTED 1966

Senator Prouty's proposal for expanded unemployment compensation was enacted into law in 1966. He didn't boast, but he did point out that in 1961 he had introduced a bill similar to the one passed in 1966.

HUMAN INVESTMENT ACT REVISED—1967

Senator Prouty continued his efforts to broaden the scope of manpower programs by stimulating private industry training pro-

grams through a tax credit for training expenses. In February 1967, twenty-eight Senators joined him as cosponsors of a revised Human Investment Act. On the same day, a companion measure was introduced in the House with 129 cosponsors. The 1967 version of the bill incorporated the results of two years of intensive study to improve the 1965 measure.

The 1967 bill upped the percentage of tax credit allowable from 7% to 10% and a more precise description of the type of training expenses for which a credit would be allowable.

In the fall of 1967, the Economic Opportunity Act Amendments of 1967 were reported by the Labor and Public Welfare Committee to the Senate. Title II of the amendments, "The Emergency Employment Act of 1967" would have authorized a $2.8 billion two-year program to create public service jobs for the hard-core unemployed.

The Johnson Administration opposed the program authored by Senator Joseph Clark, a Pennsylvania Democrat. It was evident the Administration could ally those opposed to "make work" programs with staunch Administration supporters to defeat the $2.8 billion proposal. To prevent a total defeat, Senator Prouty and Senator Hugh Scott of Pennsylvania offered a substitute proposal. The Prouty-Scott plan called for a $925 million program with 57½% of the funds to be used for human investment training programs run by private industry and for on-the-job training and other vocational and institutional training programs under the Manpower Development and Training Act.

Senator Clark supported the compromise, but even this proposal was defeated 47 to 42 in what the New York Times called a "defeat for the poor".

Commenting on the Senate's refusal to accept either proposal, the Bennington Banner noted in an editorial: "In a sense the most distressing thing about the Senate's refusal to buy this program (or to buy even a scaled down version of it) was that the Johnson Administration joined the torpedo squad."

NEW APPROACHES IN 1968

Senator Prouty was discouraged in the fall of 1967. Not only were manpower efforts set back by the Senate's refusal to accept an emergency program, but it became apparent that the Johnson Administration only wanted programs it could tightly control from Washington and this was hurting small rural states like Vermont. Senator Prouty documented this evidence and he proceeded to move. As he had predicted in 1965 when he sought to limit extension of MDTA to three years, the Congress found it necessary to overhaul MDTA in 1968.

1968 was an election year and Senator Prouty was aware that the Democratic-controlled Congress was not likely to pass a Republican tax credit for job training measure in an election year. Therefore, he and Senator Scott introduced the Job Opportunities Act of 1968 which called for a three-year $3.11 billion program of federal support for private industry job training through grants rather than a tax credit. The bill though was similar in other regards to the Human Investment Acts of 1965 and 1967.

Senator Prouty was encouraged when the Republican Party adopted his tax credit for job training proposal at the Republican National Convention in Miami Beach, Florida.

He returned to Washington, intent on revising the Manpower Development and Training Act to make it more responsive to rural areas. He succeeded.

The Labor Department, he discovered, was refusing to accept applications for on-the-job training programs in rural states and applications formally filed were being ignored. The Department was re-allocating funds from Vermont and other rural states to urban centers in large industrial states. Senator Prouty hit this bias against rural America head on. In 1968 he had amendments enacted into law, which did the following:

(1) Required the Department of Labor to accept and consider all applications for on-the-job training programs.

(2) Prevented the re-allocation of one state's funds to another state until the ninth month of the fiscal year and required the Department of Labor give the state 15 days written notice prior to such transfer.

(3) Gave each state a minimum allotment of $750,000 regardless of the population formula for allocating MDTA funds. This resulted in an immediate increase of over $200,000 available for Vermont training programs.

(4) Provided that a state could itself approve programs using 20% of the funds without seeking federal approval.

(5) For the remaining 80% of the funds, provided that state approval becomes final if not reversed by the federal government within thirty days.

(6) Provided comparability of training allowances so that youths would receive the same rates as older trainees.

Senator Prouty fought hard for these six amendments. He succeeded in eliminating inequities against rural states and young trainees. The amendments established a whole new pattern for manpower training with more discretion and power at the state and local level. He brought control closer to the training actually being done. However important his victories, he still felt more could be done to streamline manpower programs. He made this clear as he urged adoption of the Manpower Development and Training Act Amendments of 1968.

The bill included another Prouty amendment which became law and has had a far-ranging impact on the nation and Vermont. His amendment required the Secretaries of Labor and Commerce to conduct a joint study of seasonality of employment in the building and construction industry. He noted that "20% of our nation's unemployment occurs in the construction industry, and approximately one-third of this figure represents seasonal unemployment." He envisioned the study "establishing affirmative programs for regularizing construction employment through such means as comprehensive advance planning and the development of improved technology in the construction field."

Initial reports required by Senator Prouty's amendment have proved productive. As a result of Senator Prouty's interest, Vermont Technical Service and the University of Vermont obtained two contracts with the Department of Labor to help with the study. VTS has made a major contribution to the study.

The Job Opportunities in the Business Sector (JOBS) Program run by the National Alliance for Businessmen and funded through the Department of Labor, was launched in 1968. Senator Prouty noted from the start that the NAB was ignoring rural America in implementing the JOBS program.

1968 was an important year for skill training. Not only was MDTA revised, but vocational education programs were completely overhauled with new provisions for the disadvantaged and handicapped. Senator Prouty also pressed for more innovation in vocational education through special emphasis programs. The Vocational Education Amendments enacted in 1968 provided a new direction, but Senator Prouty warned that unless more funds were available, we could not proceed along the direction charted.

A NEW HUMAN INVESTMENT ACT—1969—JOBS COMES TO VERMONT

On June 14, 1969, Senator Prouty addressed the National Alliance for Businessmen. He praised their successes but warned "The NAB must not dissolve into a mutual admiration society because of past successes." He had another warning about limiting the JOBS program to major cities.

"We do not begrudge the assistance JOBS is giving to our metropolitan areas. We do, however, have reservations about approving government action which results in funneling money from training programs which operate in our states into other programs such as JOBS which do not."

The National Alliance for Businessmen got the message, and began working with Senator Prouty to expand the JOBS program.

In December 1969, JOBS was extended to Vermont and several other small states. Senator Prouty's warning and urgings had worked.

In his speech to the NAB, Senator Prouty also outlined his revised version of the Human Investment Act. As updated in 1969, the measure provides a two-tier tax credit for private employer's training. The first tier is a 20% tax credit for expenses incurred in training the hard-core unemployed. The second tier is a 10% tax credit for up-grade trainiing to boost employees up the "skill ladder." Senator Prouty's latest version of the Human Investment Act embodies the recommendation of the National Advisory Commission on Civil Disorders (the Kerner Commission) and is cosponsored by thirty Senators. Senator Prouty believes that his latest proposal will work because it offers employers a bureaucracy-free approach to manpower training. He sees his proposal as adding another alternative, not as replacing existing manpower programs. He wants all sectors of our economy to be able to respond with flexibility to our nation's problems of unemployment and underemployment.

He also wants closer ties between vocational education administered by the Department of Health, Education and Welfare and manpower programs administered by the Department of Labor.

NEW DIRECTIONS IN 1970

On May 27, 1970, Senator Prouty introduced the Manpower Development and Training Act of 1970. His bill was based on the lessons of the 1960's and imaginatively sought to redirect manpower programs for the 1970's.

His bill proposed a National Manpower Advisory Committee to oversee, advise and review all aspects of manpower needs and responses.

Senator Prouty's measure sought an increased state and local role in manpower programs. It provided strong incentives for cooperation between education programs and manpower programs. It provided for direct funding of private schools and technical institutes to run manpower programs. It called for an increased minimum allotment of manpower funds for small states. It also provided for bonus payments to trainees equal to two weeks of training allowances to assist the trainee between completion of the program and his entry into a job.

The bill provided for a labor market information system using the most up-to-date telecommunications and data processing systems.

Most importantly, Senator Prouty's bill stressed flexibility at all levels so that programs can respond to changing needs.

On August 20, 1970, the Labor and Public Welfare Committee reported the "Employment and Training Opportunities Act of 1970" to the Senate.

The measure is filled with proposals made by Senator Prouty over the years and contained in his bill.

The bill authorizes the expenditure of $12 billion over three years for manpower training. It extends and improves the programs set up by the Economic Opportunity Act and MDTA.

Along lines suggested by Senator Prouty,

a new decentralized network of governors and mayors is set up with state and local responsibility for planning and execution of the manpower programs.

Through Senator Prouty's effort, the annual state minimum for manpower programs in the private sector is doubled from $750,000 to $1.5 million. The $1.5 million is also the annual floor for the new public service employment program authorized.

Thus under the bill, Vermont is assured $3 million annually in manpower funds.

Prouty also won out in his battle to allow private schools and technical institutes to directly participate in the programs.

He also had included in the bill a set-aside of 5% of all funds to be used as an incentive to bring local manpower programs into closer cooperation with vocational education programs. This will provide a much broader range of opportunities within communities.

The bill also contains the national computerized job bank, which Senator Prouty first advocated in 1964.

Throughout this landmark measure are provisions stemming from Senator Prouty's experience and knowledge in the manpower field.

He authored the provisions which provide special considerations to jobless heads of households with dependents and special consideration in job referral to those who need it most—the unemployed, underemployed or the unskilled.

Senator Prouty has always been skeptical of "make work" projects and he modified the public service employment section of the bill to emphasize training in skills that will lead to long-term employment. He insisted that "dead end" jobs be avoided wherever possible.

Whatever his reservations about some aspects of this measure, Senator Prouty feels he has made much progress in reshaping the programs he drafted in the 1960's. He has never felt wedded to old ways. He has never hesitated, out of pride of authorship, to change one of the programs he authored. His constant study has brought an increasing cohesion and flexibility to our manpower efforts.

DAY CARE

Day care facilities and programs are an integral part of manpower training programs and Senator Prouty has been one of the prime movers in day care programs.

He has continually insisted that pre-school programs be comprehensive and not piecemeal. He believes that food and medical programs should be provided and that more than custodial care of children is needed.

This year Senator Prouty introduced the most comprehensive day care bill to date. Called the "Head Start Child Development Act of 1970", the bill proposes to consolidate and improve existing day care programs. It would upgrade custodial day care programs to education programs. To do this, Senator Prouty's bill proposes statewide coordination and adoption of minimum standards, stressing the need to provide comprehensive services to young children.

Senator Prouty's day care bill has been widely acclaimed. Work on the measure is proceeding.

VOCATIONAL REHABILITATION

Nineteen hundred and seventy marks the 50th Anniversary of the federal-state vocational rehabilitation program. People familiar with the program to assist the handicapped with meaningful training realize Senator Prouty's contribution to expanding the program.

This year Senator Prouty was honored for his efforts. In commending Senator Prouty, John Twiname, Administrator of the Social and Rehabilitation Service, write: "On behalf of America's 2,500,000 rehabilitated citizens, we thank you for your support."

Senator Prouty knows that 5,000,000 handicapped Americans need the assistance of rehabilitation programs. He will continue to fight for them.

VERMONT SKILL TRAINING

Statistics have little appeal to Senator Prouty, but people do. He wants to be sure that the programs he designs help the unemployed, underemployed or unskilled. He oversees the Vermont applications for job training programs and does what he can to insure that Vermonters receive skill training.

The Barre-Montpelier Times Argus noted Senator Prouty's contribution in an editorial on February 15, 1969: "Certainly Senator Prouty's labors in this cause have had direct results of important value in Vermont and throughout the country."

The editorial referred to the on-the-job training program for stonecutters run by the Barre Granite Association. For a while it appeared the program would not be approved by the Department of Labor, but Senator Prouty worked hard and turned the Department around.

He also was able to get the Vermont Department of Employment Security designated as prime sponsor of on-the-job training programs. This designation brought control of the program from Boston to Vermont and thus closer to the training.

A LOOK AT THE FUTURE

Senator Prouty's proposals and warnings have proven correct. Finally this year manpower programs appear to be moving toward the flexibility and coordination he long sought. The state and local role has at long last been spelled out. The need for the day care programs Senator Prouty has advocated is now well recognized. This is reinforced by new and higher minimum state manpower allocations to bolster the job training efforts of small states.

The significance of rural manpower training has been underscored by clear Congressional action prompted by Senator Prouty. Six years after he first proposed the concept, job banks will be a reality.

After years of his prodding, private schools and technical institutes will have a full role in manpower programs.

Senator Prouty has accomplished much and he challenges the Congress to do more. His tax credit for training proposal still awaits action. His review and scrutiny will continue.

His thoughtful approach will lead the nation in finding new solutions to our nation's manpower dilemma—unemployment and underemployment paradoxically coexisting with job vacancies.

FUTURE EMPLOYMENT PROJECTIONS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. LOWENSTEIN. Mr. Speaker, even the Thirty Years' War came to an end and so, it seems safe to assume, will the war in Vietnam.

When it does, 800,000 military men and 170,000 civilian Defense Department employees will rejoin the civilian economy. Of the 1.5 million civilians employed in defense-related jobs generated by the war, 900,000 will be looking for new jobs. At the same time, projected troop reductions will further flood the pool of jobseekers.

These estimates come from Presidential reports in 1968 and 1969. The Pentagon only last month estimated that 367,000 workers in defense industries have lost their jobs in the last 11 months, and that another 592,000 will be given notice in the next 13 months owing to defense cutbacks. But as yet there is no evidence that the Nixon administration is acting on this knowledge.

There is a certain perverse consistency in the fact that the administration has neither a plan to end the war nor a plan to make the transition from a wartime to a peacetime economy. What the country has shown it wants is a consistency of another kind: a definite plan to end the war and a definite plan for insuring that workers who have been employed in war production are able to move into other jobs in a stable peacetime economy. There is no time for further shilly-shallying, for the future of this country depends on the urgency and commitment with which we deal with the critical problem of unemployment.

We have ample evidence of the damaging effects of the war on our economy. The recent gyrations of the stock market have further unsettled an economy so out of whack that consumer prices are rising at an annual rate of 6 percent, while industrial production is down 3 percent. Unemployment is now over 5 percent, as the ranks of the jobless have swelled from 2.8 million in December to over 4 million now.

In my community, Nassau and Suffolk Counties lost 2,400 manufacturing jobs in 1 month—from April to May—of this year. Between March 1967 and last May, 11,400 jobs folded up, almost all of them in aerospace and defense industries. Unemployment on Long Island has already risen to 5.9 percent and continues upward. The danger signals are up, and the administration ignores them at its peril and, more important, the peril of millions of Americans.

Urgent domestic needs go begging to satisfy the demands of the bottomless war chest. We have flushed $113 billion in direct war costs and another $82.5 billion in indirect costs down the Vietnam drain, money that could have been used to clean our air and water, and renovate our dilapidated cities, attack crime and drug abuse, and generally make America a better place to live.

Despite the myth of increasing affluence, the real average income of production workers, adjusted for war-induced inflation, has declined by 2 percent in the last 5 years. The average American worker with three children had a weekly take-home pay of $78.53 in 1965; today in constant dollars, it is down to $77.28.

The war and astronomical military spending remain the primary cause of the inflation, whatever the President says in his periodic vetoes of relatively modest appropriations for urgent domestic needs like hospitals, schools, libraries, and housing. In fiscal 1967, for example, military spending skyrocketed $13 billion over the 1966 figure. It rose $10 billion more in fiscal 1968.

The most lasting damage to the economy from the Nation's longest war may prove the distortion it has caused in the

allocation of our resources. As military spending rose from $50 billion before the Vietnam buildup to $91 billion last year, we have had more guns and less butter. As the war comes to an end we are going to have to make the transition back to more butter—and more schools, more livable cities, less pollution, et cetera—and fewer guns. The people who have been making the guns are going to be out of jobs unless the Government takes charge of converting the economy from a wartime to a peacetime operation.

If the Nixon administration persists in ignoring this fact we are going to be in for more of the hard times that people have come to associate with Republican economic policies.

You don't need a crystal ball to foresee that cutbacks in defense expenditures will put a lot of people holding jobs with defense contractors and subcontractors out of work. There is little an individual can do when he has been working, for example, as an engineer or a shopworker in the highly specialized gyroscopic division of Sperry Rand and is suddenly handed his walking papers because the demand has slackened for ships and planes and the gyroscopes that keep them on course. This is precisely what happened to 90 engineers and 385 shopworkers at Sperry Rand's Lake Success plant on July 10. Over 900 jobs have been lost at Sperry Rand during the last 2 years.

A man does not deserve to be in public office—whether he is a Congressman, a Senator, or the President—if he stands by while the people he represents are thrown out of work without trying to do something about it.

Over a year and a half ago, before a single soldier had been withdrawn from Vietnam, many of us in the House and Senate introduced a bill designed to protect men and women working in defense-related industries from economic forces beyond their control.

Our proposal would establish a National Economic Conversion Commission to coordinate existing Federal programs to assist veterans, defense workers, and industries that have come to depend on defense contracts. The Commission would offer direct planning assistance to defense contractors to ease the transition from wartime to peacetime production. It would also assist local and State governments in developing regional and statewide plans for conversion of defense-related industries to peacetime enterprises.

I plan to supplement this bill by introducing in legislative form a plan proposed by the late Walter Reuther that would require defense contractors to set aside a portion of their profits from defense production in a "conversion reserve fund." This government trust fund would be drawn on by the contractor to execute a conversion plan he would be required to file and to finance specified benefits for workers thrown out of work by plant closings.

This procedure would require contractors profiting at the public expense to do what prudent private businessmen do as a matter of course: establish a kitty for reequiping and retraining to produce a new product when the market for an old one dries up.

With the urban, environmental, and various other domestic crises that afflict us, no one doubts that there is an abundance of production alternatives for defense plants. Experts tell us that the housing shortage could be alleviated by airframe manufacturers, that our snarled transportation system could be eased by applying the expertise and technical skills of the aerospace industry to the problem of producing mass-transit systems. The list goes on—electronics firms producing medical equipment, computer firms devising new equipment to automate police departments, and a thousand and one other nondefense jobs that urgently need doing.

These kinds of measures, or something like them, are vitally needed; but to date the administration has neither supported them nor come forth with alternate proposals of its own.

Some would be fooled by the success of demobilization after World War II, when in the 9 months following the armistice, 8 million servicemen and 4 million defense worker rejoined the civilian economy. And even though the postwar decline in defense spending was an incredible one-third of the gross national product, unemployment during the transition period never rose above 4 percent.

But the problem then was primarily one of reconversion, of turning weapons plants back into the auto plants they had once been. The economic shifting of gears was also greased by pent-up consumer demands and postponed domestic needs accumulated during the war, neither of which exists today.

When we introduced the legislation a year and a half ago, there was merely the prospect of thousands of people thrown out of work because of defense layoffs. Now we are confronted with the reality.

Areas like Long Island suffer doubly, for not only are they faced with the dislocation of so many residents out of jobs, but they stand to see much of their labor force move elsewhere.

On Long Island we are fortunate to have a highly skilled work force, but many of these people will be the first to lose their jobs as defense spending is curtailed because many of them are employed at places like Grumman Aircraft, Sperry Rand, and Republic Aircraft. Once laid off, they will look for greener pastures in other parts of the country, and we on Long Island will lose the people who have been so instrumental in the region's rapid growth in recent years.

No longer can we enjoy the luxury of waiting for some invisible force to bring an end to the tragedy of unemployment now besetting the country.

We are going to have to have plans and programs. Above all, we need to be motivated by a concern for the working men and women who are going to be out of work if we simply hope for the best and try to muddle through.

COMPULSORY BUSING OF SCHOOL CHILDREN TO ACHIEVE RACIAL BALANCE IN SCHOOLS—DETROIT SAID A FIRM "NO"

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 1, 1970

Mr. BYRD of Virginia. Mr. President, recent events in Detroit show conclusively that opposition to compulsory busing of schoolchildren to achieve racial balance is not confined to the South.

In a recall election held August 4, the voters of Detroit removed from office four school board members who had pushed through a plan to institute forced busing. Opposition to the plan was expressed by both whites and Negroes in Detroit.

To force the recall election, the opponents of busing had to gather signatures on petitions. More than 520,000 signatures of Detroit citizens were collected on these petitions.

Now the four members who sponsored the busing plan will be removed from office, and the Governor of Michigan will replace them with temporary appointees until a school board election is held on November 3.

The will of the people of Detroit has been made unmistakably clear. It is obvious that like their fellow citizens in the South, the residents of Detroit firmly oppose compulsory busing to achieve racial balance.

The Richmond News Leader, in its August 12 edition, published an excellent editorial on the Detroit election. I ask unanimous consent that this editorial be included in the Extensions of Remarks.

The chief editorial writer of the Richmond News Leader is Ross Mackenzie.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DETROIT SAID A FIRM "NO!"

Apparently, Southerners are not the only Americans who object vigorously to compulsory integration. In Detroit, four school board members lost their jobs last week because as gung-ho integrationists, they pushed a plan through the seven-member board that would have instituted forced busing for the purpose of integration.

The school board was not being pressed by the courts, the Department of Justice, or the Department of Health, Education, and Welfare. Detroit, being in the North, naturally has remained free from the coercion now being applied to cities in Southern States. The four-man majority of the school board just decided—out of the blue—that attendance zones for a dozen high schools should be redrawn to foster higher levels of integration. Under this plan, 3,000 white students would have been bused for great distances to attend predominantly Negro schools.

The plan displeased many Detroit residents, including many Negroes who wanted to retain a higher degree of control over their neighborhood schools. An organization called Citizens for Better Education was formed, and its members set themselves the difficult task of acquiring enough signatures on petitions to demand a recall election of

the four integrationists. They succeeded in getting 520,000 signatures on their petitions—more than 120,000 for each of the four men they wanted recalled.

A number of legal challenges were made to the recall election, but it finally was held last week. In the election, sixty per cent of the voters approved recall of the four school board members, and recall carried a majority of votes in every section of the city—Negro and white. When the election returns are certified, within a few days, the four recalled members formally will be removed from the board. The Governor of Michigan will replace them through temporary appointments, pending a school board election on November 3.

The people of Detroit obviously have strong feelings about their schools, and they place the value of education above that of contrived integration. Many parents in the South feel the same way, but, because they are Southerners, they have no means of expressing their wishes, and school boards in Southern cities must knuckle under to intimidation and court orders.

Detroit's school superintendent views the recall of the four school board members as a "rejection of the national policy of integration." No doubt if a national referendum were held to determine the voters' wishes, the vote against compulsory integration and forced busing would have the same results as the recall election in Detroit, and all the votes wouldn't come from white Americans, or from the South, either.

YOUTH SAVES TOTS AS BUILDING BURNS

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DADDARIO. Mr. Speaker, I would like to call to the attention of my colleagues the heroism of Anthony Ellis, a 16-year-old boy from Hartford who risked his own safety to rescue two young children from a burning building.

It is actions such as this one by Mr. Ellis which should serve as a constant reassurance of the good qualities and motives which are found in the overwhelming majority of our young people. An article from the August 28, 1970, edition of the Hartford Courant detailing Mr. Ellis' heroism follows:

YOUTH SAVES TOTS AS BUILDING BURNS

(By Ken Cruickshank)

A Hartford Public High School junior, climbing up a wall to a burning second-story apartment in Bellevue Square, Thursday night is credited with the rescue of two young chidlren.

Police Sgt. Dean Weech said 16-year-old Anthony Ellis of 36 Bellevue Square rescued Dwight Snipes, 3½, and Gregory Snipes, 2, while police were futilely trying to break down the front door of the blazing apartment.

Weech said smoke from the fire was noticed by some children at 8 p.m. playing near the apartment and that he ran up an inside stairway and tried to gain entrance through the apartment door.

Anthony Ellis also saw the smoke and, taking a running leap at the side of the brick building, clawed his way up to the second story window.

Anthony said that he kicked the screen in while clinging to the window ledge and crawled in through the open window. Making his way through the smoke-filled apartment he found the two children in the kitchen and carried them back to the window.

Anthony said he lowered the children by the arms to Nadine Nelson, 15, of 67A Bellevue Square, who was waiting under the window. He then jumped out the window himself.

Minutes later Sgt. Weech managed to break down the front door and enter the apartment.

"My flashlight was useless," said Weech, "All I could see was smoke." A couch and the front wall of the apartment were ablaze, Weech said, and he had just time for a quick check of the rooms before being overcome by the smoke.

The mother of the two children arrived moments later and found her children safe outside the building. Then the fire department arrived and extinguished the fire. Much of the apartment was scorched or smoke damaged and it was rendered uninhabitable.

Anthony's heroism was brought to the attention of The Courant by Sgt. Weech who said "considering the time it took to break down the door, I could have been too late. Thank heavens he was there."

He said it was possible that the fire had been started by the children playing with matches.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOOD—XIV

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, since I first introduced H.R. 14816, legislation to require the open dating of packaged and canned foods, there has been a great deal of media focus on food coding, there have been numerous surveys of food coding practices in cities across the country which have uncovered a great deal of nonfresh food being sold consumers, and there have been attempts by some supermarkets and food manufacturers to provide the consumer with information on the meaning of codes.

None of this would have happened if the American consumer had been indifferent to food freshness or to the specific proposal I put forth to require all packaged and canned foods to be open dated. That the consumer is anything but indifferent on either score is dramatically demonstrated by the thousands of letters I have received from all across the country on my legislation. This mail has described numerous examples of food coding abuses with respect to foods ranging from milk to canned chicken.

A lady in Baton Rouge, La., wrote concerning 8-year-old baby food she had recently purchased. The items she described had a shelf life of 18 months.

A women in Jeannette, Pa., wrote concerning her purchase of five jars of rancid mayonnaise that turned out to be 2 years old. Mayonnaise has a 6-month shelf life.

A resident of Sonoma, Calif. described milk that she purchased which turned her coffee a "dull gray" and frozen short ribs which had worms.

A citizen of the Nation's Capital wrote concerning her own survey of milk which found cartons left on the shelves, 2, 3, and even 4 days beyond the pull date.

And a housewife from Trenton, Mich. described mouldy packaged grapes, mouldy meat, and stale candy bars she had just purchased from her local store. These items were in addition to many others which spoiled very quickly after she got them home.

My mail has also described numerous related experiences of consumers.

A lady from Higland, Mich., described her frequent dilemma of returning home after a shopping trip to face the choice of going right back to the store to return stale food or throwing it away. She noted that on the occasions when she opted to return the food, the grocery personnel were not always very gracious about accepting the items back.

A housewife from Flushing, N.Y., wrote concerning a similar experience with meat—only they would not take it back at all.

And a lady from Garden Grove, Calif., noted that in talking with supermarket personnel, frequently she found even they did not know what the codes on the items they were selling meant, and they thus did not know if they were selling stale food.

But a great deal of my mail has come from people who simply wished to express their support for Government action to require open dating.

There was the petition from 150 women in suburban Detroit.

There was a second petition from a group of consumers in St. Louis.

There was the letter from a housewife and home economist from Cincinnati.

And there was the letter of a lady from Lake Junaluska, N.C.

I found my greatest volume of mail was from Las Angeles, Detroit, Florida, North Carolina, and Massachusetts.

The text of some of these letters follow:

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., April 29, 1970.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. FARBSTEIN: Enclosed is the copy of a letter sent to Senator Hart by a consumer in Louisiana. Since you are interested in coding, I'm sure you'll find this letter of interest.

Can you help us unravel the code and the truth?

Sincerely,

(Mrs.) ERMA ANGEVINE,
Executive Director.

APRIL 13, 1970.

Hon. PHILIP HART,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I have just discovered that my normal average supply of strained baby food contains four jars of Heinz baby food whose labels do not bear the zip code of the manufacturer: (1) macaroni, tomatoes, beef & bacon; (2) veal and veal broth; (3) lamb and lamb broth; and (4) liver and liver broth. I enclose one as a sample.

Those four jars represent 8.5% of the total amount of Heinz baby food (47 jars) that I happen to have on hand today. I purchased the entire supply last week from Gibson's Discount Center, 6945 Florida Blvd., Baton Rouge, La. 70806.

My concern is two-fold: (1) Is the Heinz Company failing to comply with the Truth-in-Packaging Law? (2) Is Gibson's selling baby food so old that its stocks there were canned and labeled before Truth-in-Packag-

ing went into effect? The codes on the lids tell me nothing about the age of the contents. These codes are, respectively, PO200-VND, PO470YJN, PO305XIJ, and P3029VHI.

Both as a mother and as co-editor of the *Louisiana Consumer*, I am most interested in getting the truth on this matter.

Sincerely,

DORALES F. RICHARDSON.

(NOTE.—The sample was manufactured in January, 1962.)

MAY 1, 1970.

Representative LEONARD FARBSTEIN.

DEAR SIR: Would like to have some action on this Hellmann's mayonnaise.

This is our fifth five-quart jar that is bad. We don't know what rotten food our government let these manufacturers sell us. No wonder everyone is sick, everything is rotten in USA.

Thank you.

Mrs. MARY KELLEY.

RD 2, JEANNETTE, PA.

NOTE.—The sample was manufactured in January, 1968.

JULY 27, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: I read "Dates on Food" in today's Washington Post and thought that I'd send you the enclosed label as evidence to prove your point that food is left on shelves. This soup was bought about two weeks ago at the A&P, Greenbelt Road, near College Park (Hollywood area). I was about to send for the offer when I discovered the time had expired.

Sincerely yours,

NOREEN HASSLER.

COLLEGE PARK, MD.

NOTE.—The offer expired on December 31, 1969.

Rep. Leonard Farbstein, (D-N.Y.), has introduced a bill to force food manufacturers to print all food dates plainly on each package or can. Your letter has been passed on to him. Anyone who wants to support Rep. Farbstein's food-date decoding efforts should write to him c/o Rayburn Building, Washington, D.C.

Mr. and Mrs. Robert Moore, Mr. and Mrs. Frank Cerne, G. Trolaushas, C. Olivirio, M. Yanah, Mrs. E. Bechinger, Mrs. Stanley, Mrs. R. Miller, Jean McMullen, Mrs. U. Becka, Mrs. U. Bocks, Mrs. C. Anderson.

Mrs. Raymond Bryer, Mr. and Mrs. John Kohut, Mr. and Mrs. Dubicio, Mrs. H. Babiarz, Mrs. Ray Correa, Mrs. Dora Fratharelli, Mrs. Bonnie Mallay, Mrs. Andrew Lopez, Mrs. Mary Drags, Mrs. A. Levanovao, Marcella Smollk, Simon Levanorage.

Veronica Robert, Dorothy Donope, Alava J. Gorski, Eleanore Gorski, Pauline Hamzey, Leon Kozorowski, Carol Bauiser, Ida Irasweld, A. Saliba, Mr. and Mrs. Alfred Dorptatter, Mr. and Mrs. Skinner.

Mr. and Mrs. D. E. Whitefoot, Mr. and Mrs. H. L. Setzer, Mr. and Mrs. R. M. Hlcua, Mrs. Carol Smith, Mrs. Alverna Truax, Betty McDougell, Bea Lazette, Florence Von Glahn, Mildred A. Ferrari, Harry Lynn, Stella Lynn, Mrs. Rose Marie Hunter, Mrs. Paul McCullen, Paul W. McCullen.

Olindo J. Costa, David King, Gary F. Pull, J. J. Wertmraf, W. Vannest, A. C. Discher, J. Jelacsity, J. Geron, J. Widak, W. T. Robertson, O. G. Gregg, C. S. Gregg.

H. C. Heeby, R. S. Deeley, Jack Haroner, Grace Hanner, Josephine Kraue, Barbara Hinzman, Frank Couch, Dennis C. Krceh, Ellen Engberg, Dale Engberg, John Portscheller, Irene Portscheller, Catherine Cory.

Donald G. Johnson, Martha Wye, Robert Cady, Don Cady, Ken Nye, Kathy Nye, Jim Wright, Giovanna Feneck, Diana M. Radi, Lee Cohoon, Virgil Cohoon, Fred Wright.

Mae Mays, Donald H. Johnson, Margie Johnson, Dwight W. Murphy, Dorothy E. Bennett, Stella Dtofe, Betty Kleitch, Therese Dooley, Irene Walters, Alice L. Wett, Eleanise D. Schenkel, Barbara L. Daley, Betty K. Grant.

Elaine Kettler, Delores Bray,, Ardine Matsey, Gerald B. Poole, Dorene Maroncelli, Marjorie E. Pich, Frances Bustus, Becky Laymon, Beverly Dauis, Jenny Albright.

Sue de Boer, Anne Nularoni, Mrs. Gilhirt Bird, Mrs. Clifford Robinson, Mrs. Clara Wiktorowski, Mrs. Gertrude Bielowski, Mrs. William Jarsubic, Mrs. Josephine Gernish, Charlotte A. Heathcock, Frederick Heathcock.

L. J. Paulson, R. Lahti, N. Lahti, W. B. Thompson, L. Paulson, Rita Thompson, C. M. Jensen, Eleanor Hillman, Kenneth Lyday.

Betty Yesulonis, Robert Etta, Sybil Etta, Wilma Taylor, Nancy Fanvier, Gibons Wunkteer, C. L. Robinson, C. L. Veale, T. V. Stanley, L. Scheunberg, Joseph Kaszlams.

Donna L. Lyday, Alice M. Kosztowny, Viola Stege, Rose Muniga, Dennert Richter, Robert A. Ludol, Helene J. Albrecht, H. H. Albrecht, Florence Willman, Evelyn Stephens, Wm. R. Stephens, Mrs. M. Derby.

March 3, 1970.

DEAR SIR: Here is a list of the people that would like your food bill to pass. There are probably more people that would like to see it passed but they don't know about it.

Sincerely,

MRS. D. BENNETTS.

TRENTON, MICH.
March 6, 1970.

Representative LEONARD FARBSTEIN,
Washington, D.C.

DEAR SIR: I am very much in favor of your bill to force manufactures to print all fund dates plainly on each package.

This week, I had to return 3 packages of stale food: (purchased this week)

1. mouldy grapes (package)
2. mouldy packaged meat (Wilson's shoulder butt)
3. stale candy bars (Nestles, tasted horrible)

These purchases were bad when I got them but condition did not show through the package.

Since my family is small (2) there is a lot of items we do not use as fast as people with a large family. So there is also a lot of things such as bread, milk, cottage cheese, sandwich meat, etc. that are on the verge of spoiling a day or 2 after purchase if they have been on the grocery shelf a couple of days before I buy them.

People who have large families or eat a lot of bread, etc., purchase these items more often, so they do not have the product long. But people with small families have to keep the bread and milk longer. So we have to buy fresh food in order to keep it fresh at home longer.

The "codes" on food do not help the purchaser such as I. And I have worried many times if the sandwich meat in my husband's lunch is fresh or not. I have no way to knowing how old it is when I buy it.

Thank you,

Mrs. HARRY LAYNEW.

MILWAUKEE, WIS.,
July 27, 1970.

DEAR CONGRESSMAN FARBSTEIN: You hit the nail on the head when you said grocers and manufacturers are opposed to identification on packaged foods the consumer can read and understand. I just witnessed why they don't want us to know to. We had a electric power failure here last week end due to storm electricity was off 2½ hrs. on Sunday eve. Monday evening after work 4 p.m. I went into the National Tea Co. Store at Teutonia & Capitol Dr. the stock boys were emptying the one long freezer. I felt the packages they were room temperature. I asked the stock boy what he was going to do with the food and if they had a freezer break down. He said yes they had it repaired but were going to clean it out to and were going to take the food upstairs and refreeze it till they had the freezer cleaned. Whether they put it back out for sale I don't know. I reported it to the Health Dept. tho. This freezer contained all types TV Dinners Pizzas, Pastry, Cream Pies, Cheese Cake. How many stores with the power failure did the same thing with no one reporting it? I do know there are suppose to be quite a few cases of flu I wonder if its flu. Also how many times does this occur and the consumer pays the price without knowing. Hope this letter has been some help in your effort to get Consumer Legislation passed.

Mrs. EDITH ROUTE.

CINCINNATI, OHIO, *April 9, 1970.*

DEAR MR. FARBSTEIN: I have just read of your bill that would require stamps on food stating the deadline for removing products from the store shelf. As a housewife as well as a professional home economist, I feel it very important to let the housewives know in plain english how old the food is.

Consumer education seems to be the "in" thing right now and your bill is just one more step towards helping the everyday housewife become a better consumer.

I certainly hope that the big food retailers lobbys don't find a way to defeat your bill!

Good luck.

Sincerely,

JOAN BECKER.

MAY 20, 1970.

DEAR REPRESENTATIVE FARBSTEIN: I wholeheartedly support your idea of an "open dating bill." I am so disgusted with the stale bread, sour cottage cheese and bad meat that is being pawned off on the public.

Recently my mother purchased 3 pounds of chuck chopped from Hills Supermarket. We opened one package, it didn't smell, but when we cooked it, it was unedible. My mother threw it out, the same thing happened with the other 2 pounds of meat.

Unfortunately my mother did not bring it back to the supermarket, we have brought things back before that were stale in other stores, with no satisfaction. I think that with the high price of food today the public is entitled to fresh food.

Thank you sincerely,

JANE NEWMEYUR.

FLUSHING, N.Y.

GARDEN GROVE, CALIF.,
March 12, 1970.

Representative LEONARD FARBSTEIN,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: In today's Los Angeles Times I read that you have introduced a bill to force food manufacturers to put food dates on packages and cans.

Please try to get this legislation passed because it is such an annoying thing to try to figure out store codes. In some instances I have found out that the employees themselves cannot translate their codes. This happened in the case of some salad dressing. It would be nice to know you're getting fresh bread too instead of having to squeeze and feel it.

Thank you for working for us housewives. It is difficult enough to shop today with the inflationary prices; but to have to be a detective (with the children hanging out of the carts) is ridiculous.

Good luck to you!

Sincerely yours,

(Mrs.) KENNETH LANDERS.

MARCH 4, 1970.

DEAR MR. FARBSTEIN: I wish to support a bill to print all food dates plainly on frozen foods and canned.

I live in the 5th largest city Detroit, Mich., and shop at Supermarkets buying the best brands. Here are a list of the items I have had to throw out.

Del monte peaches, Milk, Krafts cheese, eggs, sliced sausage, frozen fish, Green Giant corn, cup cakes, ice cream.

HIGHLAND, MICH.,
March 3, 1970.

Representative LEONARD FARBSTEIN.

HONORABLE SIR: Please do carry on your work of help for the purchasers to know the perishable food he buys is at least (current) in its shelf storage.

Many times I have had to choose between a return trip to the store (often 8 miles) or tossing out a smelly package of cottage cheese.

Cheese and yogurt are my worst problems, although I have even at times bought butter that seemed to have absorbed other odors.

The attitude of the manager is not always gracious, either, when one brings back a deteriorated food product. They act hurt or annoyed or even doubtful that such a thing could happen at their establishment.

I make very sure to retain all sales slips until I have checked my purchases for quality, amount, and accuracy of figures (at home of course).

Thank you, thank you, I pray that your bill passes very quickly.

MRS. GLADYS CONNOLLY.

HIGHLAND, MICH.

WARREN, MICH.,
March 9, 1970.

Rep. LEONARD FARBSTEIN,
Rayburn Building,
Washington, D.C.

DEAR SIR: We recently read in the Detroit Free Press of the bill you have introduced which would force food manufacturers to print all food dates plainly on each package or can.

We are very much in favor of this idea. I had cut the reference to your bill out of the paper and kept it, with the thought that I might possibly write to you. The final incentive was provided yesterday by an egg, which, when cracked into a bowl by our ten-year-old, almost made him sick; it was that rotten.

In the past year we have purchased several cartons of eggs which turned out to have a rotten one in them, a pound of butter which was rancid, a carton of whipping cream which was sour, and even a sealed can of sweetened milk which had spoiled.

We feel there is a very definite need for your bill, and support it wholeheartedly.

Sincerely,

Mr. and Mrs. GORDON E. KOBS.

ST. LOUIS, MO.,
June 10, 1970.

Rep. LEONARD FARBSTEIN: We strongly support the bill you have introduced to force food manufacturers to print all food dates plainly on each package or can.

Mr. & Mrs. Chas. L. Wells, Max J. Seltzer, J. F. Hubbard, Dennis M. Sullivan, Joyce Pickering, R. Wildibor, Doris Hornbold, Elmer D. Englehardt, Mrs. O. F. Fluhr, John Constanti, Alfred L. Borgman, Donald W. Gronemeyer, D. W. Hines, James Alvers, John W. Schaefer, W. F. Arndt, Stanley C. Hudson.

WASHINGTON, D.C.
August 4, 1970.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: A belated letter to express my full support and encouragement to you in your attempts to pass legislation requiring the clear dating of perishable, semi-perishable and canned food products.

The weekly battle of trying to determine whether or not a product, a carton of milk, a package of meat or a loaf of bread is fresh and safe to buy is both frustrating and exhausting. The cost of having guessed wrong is even harder to bear.

Having figured out the dairy product coding used in my local store, it is disgusting to note that they do, in fact, keep products on the shelf marked for removal two, three and even four days previous. The whole method used in dating products by its complexity suggests a lack of honesty and an intent to deceive on the part of the manufacturer and marketer, another frustrating and resentment-provoking situation.

My fullest support for your bill and my daily support in telling others of the problem, your proposed legislation, and asking their support also.

Sincerely,

Miss L. J. GARDNER.

MARCH 27, 1960.

Representative FARBSTEIN,
c/o Rayburn Bldg.,
Washington, D.C.

DEAR SIR: I would like to add my complaint along with so many others concerning our bakery goods. It is very difficult to get a fresh (morning loaf) of bread these days even at a bakery. Everything is baked ahead and frozen.

Just this week I went to a local bakery in Torrance (I was visiting there) and asked for a fresh cream puff—all they had she said was a frozen one.

Another instance is the "Day Old Stores"—day old, my eye—that bread is a week old, if its a day. That's fine as long as it hasn't molded—etc., but they price it as day old bread! It's the misrepresentation I resent. We all like bargains—our struggling class, I mean—but when is a bargain, a real bargain?

And when I need a fresh loaf of bread—I'm willing to pay for just that—especially the brown breads—since I punch on every loaf—I didn't used to tho—

So I'm with you, anything that can be done to better the situation—I'm for that. As is I buy very little bakery goods—and I also know there are 10 times the people who are so busy they could care less if the bread is stale or fresh. They aren't around when their children fix their own sandwiches, etc.

Sincerely,

MRS. VIRGINIA GATTI.

PALMS, CALIF.

NOVEMBER 18, 1969.

Representative FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR REP. FARBSTEIN: Congratulations on your bill requiring dating of perishable foods. This is much needed.

May I suggest that cake mixes and other products now coded with a date also be included as "perishable" even though they do not appear in the dairy case.

My best wishes to you.

Sincerely,

D. FURBUSH.

TUCSON, ARIZ.,
Nov. 1969.

DEAR SIR: It is with great applause that I salute you!!

I have been living in Arizona for 25 years after coming here from Boston, Mass.

For many years I have believed a bill such as yours should be passed either locally or Nationwide.

Manytimes I carried groceries home on the bus and found a dairy product I purchased to be spoiled. It isn't pleasant to buy a spoiled product at any time. A person hates to return items to the store. After many hours to "tote" a bad product home and find it so, is even more irritating.

The milkman knows and the grocers know but does the purchaser know? (That is the date code.)

Also the fact that used mattresses are sold in many states is unbelievable to me. In a state like Arizona to allow this practice to go on for all these years in beyond me.

I love Arizona and enjoy living here.

Thank you for reading my letter and may your bill pass. Amen Amen.

I must add to my letter that canned products on shelves and sold as specials very often are found to be black inside the can and signs that the product is very old.

The year a product is canned is never known to the consumer it could be 5 or 10 years old. Then your special or bargin becomes a waste of money. It doesn't always happen with specials either. It can happen with regular stock.

MRS. E. WHEELER,

PRESCOTT, ARIZ.,
November 20, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR SIR: It has been brought to my attention that you have introduced a bill rquiring packagers of perishable foods to put on the label the date after which they cannot be safely used. I think this is splendid and I wish you success in bringing this about.

In the past months I have had unpleasant experiences with packaged meats. I have returned such purchases and the merchant has replaced them willingly, however, the replacements were also spoiled. The merchant stated that the packages were coded by the packager but he had no way of interpreting the code and did not know how long the products had been in his case.

This speaks for itself and again, I wish you success with your bill.

Very truly yours,

ANNE E. MILLER.

BATTLE CREEK, MICH.,
March 2, 1970.

DEAR MR. FARBSTEIN: Here is another person who is in favor of the system you propose for dating food for freshness.

Some time ago I bought meat from a grocery freezer. It was unfit for human food. I doubt if it was even safe for dogs.

The store was selling all merchandise as they were giving up a lease.

So I was out the cash and could not even get an exchange for something else. I'm a retired widow and pensions are my income.

Thanks for trying to help people.

Sincerely,

MRS. PETER TERRY.

WESTLAND, MICH.,
March 8, 1970.

DEAR REPRESENTATIVE FARBSTEIN: Congratulations for introducing a bill "forcing food manufacturers to print all food dates plainly on each package or can." The homemakers have a busy day each and everyday; whereas, planning dates on merchandise will save us time each time we go shopping and guarantee freshness.

Even though I buy groceries a week at a time, I still have dairy, meat, and produce spoil on me which is no fault of mine. I've placed fresh meats in freezer immediately after purchasing them. Three or four days later I will take them out to thaw and discover when it was too late that the meat is spoiled. At times a hasty substitute will spoil the rest of evening. It is all because we do not know just how old certain items are.

Time is a very important factor in organizing a day. I waste so much time trying crack formulas for dates on perishable items that it ruins my schedule for the rest of the day. I do not like to dally at supermarkets.

Money is very important in running a household efficiently. Do you know how much it cost to run a car per mile? My husband informed last year it cost over "eleven cents a mile to run a car." I have three miles to drive to the nearest market. If I have to return a spoiled item it cost me sixty-six cents round trip. So if my item cost less than that, I do not return it. Why waste anymore money and time than I already have.

Since I and many of my friends want the best in a supermarket, we must deal at two or three places a week to get what we want.

Manufacturers know we need the items they produce. I feel like they are not being fair to me or the middleman, the supermarket manager. How can they in turn expect us to be fair to the next man if the consumer is always taken to the cleaners?

Thank you for reading my letter.

Mrs. THOMAS A. HIZ.

DETROIT, MICH.,
March 3, 1970.

DEAR SIR: Your bill to force food manufacturers to print all food dates is excellent. You are to be commended for such a bold step to help the consumer.

As a busy schoolteacher, I shop once a week for our family of four. I get so discouraged at times trying to reach the bottom package of sausage or cheese thus hoping to get fresher food products to last through the week.

Thank you for your thoughtful efforts to aid the shoppers.

Sincerely,

MARY PARZYCH.

WILLOUGHBY, OHIO,
March 20, 1970.

Representative LEONARD FARBSTEIN.

DEAR SIR: I am with you 100% on this bill to force food manufacturers to print all food dates plainly on packages and cans, instead of a string of numbers which I can't decode.

I just threw out a can of Kroger's pineapple which was spoiled, don't know whether I had it too long or Kroger, the top & bottom of can bulged. But Krogers do mark their breads, rolls, etc. plainly with the date. Thank you & much success with your bill.

Mrs. GEO. CABLE.

LOS ANGELES, CALIF.
March 20, 1970

Congressman FARBSTEIN.

DEAR SIR: We back you 100% on the food-date effort.

Knudsen Products and cottage cheese in this area relies on this trick and I have thrown out cottage cheese that lasts only 3 days—under refrigeration. Get a really fresh one and it's good for a week. (Thank you so much.)

Mrs. R. WOOD.

SAN PEDRO, CALIF.,
March 12 1970.

DEAR SIR: I have just read Peter Weaver's column in today's Los Angeles Times in which he mentions your bill to force food manufacturers to print all food dates plainly on each package or can.

In the past, I have tried to get information on how to read the codes on various items, but without success . . . even from otherwise very helpful store personnel. I never have any trouble when I bring food back that was stale when I bought it, but it is a lot of trouble. Recently I even purchased a box of stale cereal.

Anyway, I do hope your bill passes; and I am sure a lot of other people beside me feel the same way . Good luck!

Mrs. ROSEMARIE WEICHEL.

DEAR MR. FARBSTEIN: I was very pleased to hear that you have drafted a bill requiring production date labels clearly stated on canned and packaged foodstuffs.

Besides helping the housewife and food store properly rotate their supplies, it would help the household budget also. Shoppers can save quite a bit of money by buying "day old" merchandise, but, frequently, the goods are just a small distance from being actually spoiled and useless, because the stores themselves don't even know how old the products are.

If we knew actual production dates, we could more accurately judge the wisdom of "day old" purchases.

Thank you for taking time to consider the needs of the average consumer. In these days of rapidly increasing prices we all like to know that we're getting the best value for our dollars.

Sincerely,

Mrs. ROCHELLE FRIEDMAN.

SKOKIE, ILL.,
March 15, 1970.

DEAR REPRESENTATIVE FARBSTEIN: May I take this opportunity to commend you on your efforts to help the poor, abused, consumer by introducing legislation which would compel food manufacturers to print dates of processing on all packages and cans or containers, and particularly on milk, cream and other dairy products.

Have recently had 3 experiences with cartons of half and half cream, where it became soured within 24 hours of purchase.

We need more representatives like yourself, who are interested in helping their constituents rather than the special interests, with their well heeled lobbies.

Sincerely yours,

MORRIS ROSENTHAL.

Question—Baking companies identify the day bread is baked for a store by attaching colored, twist clips at the end of the loaf. What is the color code used? I wrote several large baking companies but so far no replies.

Answer—Every bakery uses its own code. One popular code is: Monday-white, Tuesday-blue, Wednesday-pink, Thursday-gray, Friday-yellow, Saturday-green. Others switch these colors around. Safeway says it is doing away with stale bread codes and will have bread delivery dates plainly marked on each loaf. Other supermarket chains may be forced to follow suit.

Rep. Leonard Farbstein (D-N.Y.) has introduced a bill to force food manufacturers to print all food dates plainly on each package or can. Your letter has been passed on to him. Anyone who wants to support Rep. Farbstein's food-date decoding efforts should write to him care of Rayburn Building, Washington, D.C.

CLINTON, MO.,
February 7, 1970.

Hon. LEONARD FARBSTEIN,
Washington, D.C.

DEAR REPRESENTATIVE: I read in the newspaper where you have introduced a bill to force food manufacturers to print all food dates plainly on each package or can or on loaves of bread.

I have bought bread that I know must have been at least a week old. Several years ago several markets had the day of the week printed in large letters on the end of the loaf. But now they leave it on the shelf until sold as fresh bread. They use the twist clip color for the day it arrived, and it is changed from time to time to fool the public.

Hope you may be able to do something about this.

Yours truly,

L. M. KLUTTZ.

HOUSTON, TEX.,
March 22, 1970.

Hon. LEONARD FARBSTEIN,
Rayburn Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: I am one of many housewives who appreciate your efforts to force food manufacturers to print all food dates plainly on each package, can or carton. Purchasing sour milk and stale bread all too frequently has prompted me to take this means of letting you know that your efforts to correct the situation are enthusiastically supported.

Yours truly,

BEATRICE S. ROSE.

NEW LEBANON,
February 10, 1970.

DEAR REPRESENTATIVE FARBSTEIN: I am very much in favor of your bill to force food manufacturers to print all hand dates plainly on each package or can. So many times after shopping carefully you end up with something stale or not fit to feed your family. I live in a small town and know the grocer very well. He is always willing to take things back but you feel like a nut bringing something back and I'm sure the grocer feels little awkward, too. I don't think anyone should be put in a position like that. I think food date decoding would help the grocer as well as the customer.

Thank you.

Mrs. WM. RIKE.

KANSAS CITY, MO.,
February 9, 1970.

Representative LEONARD FARBSTEIN,
Rayburn Building,
Washington, D.C.

DEAR SIR: I am very much in favor of forcing food manufacturers to print all food dates plainly on each package or can.

I am tired of getting boxes of cookies, cartons of cottage cheese etc. home and finding they are stale. I don't have time to make two trips to the store to return them and it is a nuisance. The money I pay for the article should guarantee it to be at least today or yesterday but sometimes it is a week old.

Thank you.

Mrs. JOHN R. FOLEY.

WORCESTER, MASS.,
February 6, 1970.

Representative FARBSTEIN.

DEAR SIR: I am writing in support of your bill to have food manufacturers *print all* food dates on each package or can. Too many times I have bought dairy products and on arriving home found them not fit to eat.

Namely cottage cheese, I can shop only one day a week as I don't have transportation so I use a cab which is expensive. When I told the manager about bad dairy products he said I must bring them in. A week later? They would surely say then, it was my own fault for not using it soon enough or storing it properly, so why bother?

Your wonderful bill for food dates, printed so that the public can understand them is greatly appreciated by a great many shoppers I am sure.

Mrs. LILLIAN A. DERRY.

Rep. Leonard Farbstein (D-N.Y.) has introduced a bill to force food manufacturers to print all food dates plainly on each package or can. Your letter has been passed on to him. Anyone who wants to support Rep. Farbstein's food-date decoding efforts should write to him c/o Rayburn Building, Washington, D.C.

KENMORE, N.Y.
February 4, 1970.

Representative LEONARD FARBSTEIN,

DEAR REPRESENTATIVE: I am for your Bill—"100%"—Saw it in Buffalo Morning Courier. I wrote Washington, D.C. Dept. of Agriculture almost a year or so ago about a pkg of stale coffee cake and rolls, which I had purchased not once, but on several times, have I gotten *stale baked goods*. But to date nothing has been done about it.

I do not buy their baked goods any more, I will not mention their name as they are a very large outlet in the state of New York, having general offices in New York City.

I am a Republican, but I do not play party politics. I say if the shoe fits wear it. If you can get this bill passed I am all for it, Republican or Democrat, Washington would be a far better place today if the men down there would handle vital issues with the peoples interest at heart instead of My Party first and the people second.

Thanking you and good luck on the Food Date Bill. I hope and I am confident you will and can get a passage on it as a protection to us consumers in the future. I am rather fed up on getting stuck with stale baked goods and trips back to the store for return of same, which is very inconvenient to me.

Sincerely yours,

MISS ELSIE D. SWEET.

HIALEAH, FLA.,
February 11, 1970.

Congressman LEONARD FARBSTEIN,
Rayburn Building,
Washington, D.C.

DEAR SIR: I wish to say I am in favor of your food-date decoding efforts.

As a housewife I have often tried in vain to understand manufacturers, in code, dates on groceries. I am beginning to tire of bringing home spoiled products.

Please do all you can, and urge your colleagues to see that proper and easy to understand dating is on all products, such as 2–11–70.

I was happy to hear someone is finally doing something about this annoying problem.

Sincerely,

MRS. ELAINE BRIAIS.

DEAR SIR: I am in full support of your bill concerning food date decoding!

I am really aggravated when I get milk home, find out its beginning to sour, when I have paid for fresh! When I can't figure out the codes myself—I have asked clerks and been deliberately misinformed. The same is true of bakery products.

MRS. S. C. MANDEL.

MT. HOLLY, N.C.,
February 7, 1970.

Hon. LEONARD FARBSTEIN,
Rayburn Building,
Washington, D.C.

DEAR SIR: Thank you for your concern about "dates" on food packages and cans. We homemakers need to know this information to make wise purchases for our families.

I sincerely hope the bill passes and goes into effect soon.

I have had my share of unhappy experiences with dairy products, meats, breads and even frozen products not being fresh—the frozen packages apparently had been partly thawed and refrozen. I have also bought things like nuts and corn meal with worms or bugs in them.

It surely would help if we could know for sure that the products would still be good when we get home with them from the store.

Thank you.

MRS. C. LOWE.

LA GRANGE, ILL.,
February 24, 1970.

Hon. LEONARD FARBSTEIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: I have noted with interest an item to the effect you propose to have perishable foods dated.

That is an excellent idea and I wish you success in your effort. The news article did not mention milk and I sincerely hope that you will include that product in your bill.

For many years we had a law in the State of Illinois which required the milk distributors to show a date on the milk carton which was the latest date on which such milk could be sold at retail. We in our home never experienced milk going sour with the cartons properly marked.

However a few years ago the milk distributors lobby in Springfield succeeded in knocking that law out of the Illinois Statutes.

Since then we have had to throw out a considerable amount of milk which has gone sour and I assume that many others have had the same experience.

I trust that you will include milk in the dating program.

Good luck and best wishes.

Yours truly,

A. A. REDDERSON.

N. KANSAS CITY, MO.,
March 9, 1970.

Representative LEONARD FARBSTEIN,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: I definitely support you in your efforts to have "dates" imprinted on packages of food, etc. So often cakes or puddings when they are old simply do not bake well or taste good.

Just recently I bought a package of Yorkshire pudding at $1.00 for 4 helpings and it was a complete flop! I wrote the company and they suggested I check my oven. Well, I had used this product before with the same oven (new) and they were successful—so I say it must have been old and had lost its rising power.

Thanks for your interest in our (the homemakers) behalf.

Good luck in your endeavors.

Sincerely,

MRS. W. J. HOLTKE.

P.S.—I have asked my family and others to contact you.

UNADILLA, N.Y.,
February 4, 1970.

Representative LEONARD FARBSTEIN.

DEAR SIR: I am very glad to see someone is interested in forcing food manufacturer's to print all food dates plainly on each pkg. or can. I for one am tired of worrying if my milk is fresh and also returning cream cheese pkg. because of mold.

I would like to see these codes clearly stamped on each pkg or can and in the very near future.

Thank you.

MRS. ALFRED COMPTON.

KENMORE, N.Y.,
February 4, 1970.

DEAR SIR: As a mother of two small children, I am just beginning to realize the importance of knowing the freshness of the food I purchase. Where before my husband and I were unconcerned with the vitamin and mineral contents of food, I now see the necessity for getting the freshest food items to insure optimum vitamin and mineral content.

I am in full support of your food-date decoding efforts. I am a frequent shopper in the Tops Supermarkets a division of Niagara Frontier Services in Buffalo, New York. Perhaps you could recommend ways of alerting this food chain of the necessity of proper and uniform code-dating of their merchandise. Thank you for your efforts.

Sincerely,

MRS. FRANCIS BELLIOTTI.

WINSTON-SALEM, N.C.,
May 12, 1970.

DEAR MR. FARBSTEIN: Three cheers for you and the other congressmen who sponsored the bill to require dating of packaged foods.

Please include cream, milk and sandwich meats. It is maddening to have dairy products spoiled the day after they are brought from the store. Just as maddening is a return trip to the market to return them.

The packagers of sandwich meats are the worst offenders. One is forced to stick with the most common varieties, those that move the fastest.

The poor consumer, I feel, is being taken for a ride . . . and then has to take another ride to return to the market. Not to mention the fact that the consumer is "poor" because of ever increasing prices.

Good luck in getting your bill enacted.

Sincerely,

BETTY MORRISON.

P.S.—Single taxpayers deserve more consideration than they got in the last tax bill.

MICHIGAN CONSUMERS COUNCIL,
LANSING, MICH.,
May 8, 1970.

Mrs. JOHN SANTRUCEK,
Bannister, Mich.

DEAR MRS. SANTRUCEK: Thank you for your recent letter suggesting that processors should be required to include dates on the labels of perishable foods.

You will be interested in knowing that a proposal along the lines you suggested is presently pending before the Federal Congress. The proposal is H.R. 14816, introduced by Congressman Farbstein of New York.

We appreciate your bringing your views to our attention and we will send a copy of your letter to Congressman Farbstein, as we know he will also be interested in your comments.

Sincerely yours,

DIANNE MCKAIG,
Executive Director.

BANNISTER, MICH.,
May 6, 1970.

DIANE MCKAIG,
Mich. Consumer Council,
Lansing, Mich.

I'm writing to you about what I think concerns a lot of people not only in Mich. but the whole U.S.

When we put meat, veg. & fruit into our freezers we put labels and dates on packages so as to use the oldest ones first, and are told—Beef 6 to 9 months, Pork 4 to 6 months, chickens 6 mo. etc.

Now I have bought frozen fish at the store (never could find any date on box when it was frozen) my guess is that a lot of the meat is quite old, (I know that the fish sure doesn't taste good) I think it would be a good idea to put labels on all packages, who wants stale food.

Thank you.

Sincerely,

MRS. JOHN SANTRUCEK.

P.S.—If I'm wrong please let me know.

BETHEL ISLAND, CALIF.,
May 20, 1970.

Representative FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: I have just learned that you have introduced legislation that would compel open dating on consumer items in grocery stores. I applaud your action and have written to my congressman to ask that he support this measure. As a housewife I must say it is very frustrating and madden-

ing to pay for stale goods only because one cannot read the cryptic codes that are used on such goods.

Another measure of which I would be in favor would be requiring temperature-sensitive tape to be affixed to frozen goods so that consumers could tell if an item had been thawed and then refrozen.

Sincerely,

Mrs. JAN ULRICH.

DICKINSON, TEX.,
May 10, 1970.

Representative LEONARD FARBSTEIN,
19the District of New York

DEAR MR. FARBSTEIN: I *heartily* approve of the legislation you have introduced which would compel open dating of pacakaged foods

As a bachelor, I buy a lot of ready-to-eat food and find that much of it is unfit to eat after I get it home.

Please keep up the good work! I am also writing my state representative asking him to support your bill.

Very truly yours,

KEITH MCKINLEY.

INDEPENDENCE, MO.,
May 12, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR MR. FARBSTEIN: Earlier this year, an article in *The Kansas City Star* discussed the food-date bill, and indicated that we should write to you if we wish to support your food-date decoding efforts.

We wholeheartedly support your efforts and hope that some action has been taken on the bill. In particular, we would like to emphasize the importance of dating frozen fish products as well as the importance of keeping such products constantly frozen from the time they are packaged by the distributor until they are purchased by the consumer. We have been able to determine from the deteriorated condition of the package and contents that lobster for example has on occasion been frozen thawed and refrozen. Yet instructions on the package advise not to refreeze once the package has been thawed. Consuming fish products under these conditions undoubtedly would be dangerous. We hope that special attention will be given these products through the passage of your bill.

Thank you very much for your consideration.

Sincerely,

Miss BETTY L. HISEY,
Mr. and Mrs. F. C. HISEY.

LAKE JUNALUSKA, N.C.,
April 21, 1970.

Hon. LEONARD FARBSTEIN,
U.S. SENATE
Washington, D.C.

SIR: I don't know whether this letter will ever reach you or not as I never know the correct address of the Senators. However, I would like to congratulate you for introducing a bill stating that each food package should carry the latest date. We have needed such a bill for a long while. It is simply ridiculous for food processors to be allowed to put coded dates on the packages that the consumer cannot understand for it is the consumer that really needs to know how fresh the food is that he's buying. It doesn't help the processor very much to know the date for he sells us just anything anyway. They don't care how old the food is that we're getting just so the money goes into their pockets.

Sir, you would be shocked if you knew the food situation here. We live in a summer resort town the year round. In winter the store managers seem to think they can just sell the customers inferior meat or just anything at all and in summer, because of the tourist trade prices go so high that the average person finds it difficult to just barely get by on the salary he makes.

I honestly think that the food companies think they can just dump their very worst and oldest food here because this is a mountain area.

I have in mind a sausage firm, "Jenkins," that must evidently make a small batch of new sausage and work in the old sausage that isn't fit for human consumption. I say this because time and again we've bought it, hoping to get a fresh package, then had to return it to store because it smelled almost rotten. A conglomeration of coded dates were on the outside of packages, so we'd never know what we were buying. I imagine some frozen foods we buy, such as chickens and turkeys, have been frozen as long as ten years. We went to a restaurant once that was considered the best in town and were served turkey. The steam escaping from it smelled so terrible that it made us sick and we had to leave immediately to keep from upchucking. The same thing happened one Christmas when I started to cook a turkey (frozen).

I do not think the food pk. should carry the latest date on which the food could be bought with confidence, I think it should carry the exact date the food was prepared for market.

I have never known a time such as now. The consumer is getting a bad break, and all the Ralph Naders in the world cannot change the situation. The Govt. must step in and change things. The deodorant companies, companies that sell cleaning products, all sorts of companies, in addition to the food processors, are just going wild and selling things they know are harmful but our Govt. does absolutely nothing about it. There was a great stir up recently over monosodium glutamate being harmful but V8 juices still have this harmful ingredient in them, as do a lot of other products.

The Government permits towns and cities to sell fluoridated water to the people just because parents are too lazy to see that their children brush their teeth and we elderly people have to suffer the consequences. I know that fluoridated water is bad for elderly and maybe for others. It just doesn't mix with the antibiotics and many other medicines we have to take. Now I know the opponents of fluoridation are labeled crack pots. This is a scheme to help those who vote it in. If they can make the opposition look bad, of course they will.

It is time someone in Congress began looking more closely at the consumer's needs and his rights. The labels on "Janitor in a Drum" a texize product advises one to wear gloves when using this product. Reports have been circulated that washday products are harmful. We want the truth, sir. Our lives and our health are at stake. I wish there'd be a protest march and protest speeches made against the foods that are killing us by the thousands. The nurse lays the sheet over many a hospital patient that died of food poisoning. Of course this is wasn't made known, the doctors label it a virus.

Sunday we bought our dinner from a restaurant. A few minutes after eating it we had pains in the stomach and dysentery. We think perhaps the preparations used to wash the dishes and clean grills etc. may have caused our trouble. In this area some of the restaurants, even the better ones, use young boys to wash the dishes and I never knew of a boy who liked to wash dishes and they never get them clean.

Very truly yours,

ROSE CLODFELTER.

P.S.—I hope you'll excuse this clumsily written letter. I am incurably ill with Parkinson's Disease and complications and sometimes I cannot put my thoughts coherently into words.

DES MOINES, WASH.
April 14, 1970.

Congressman LEONARD K. FARBSTEIN,
Democrat, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Recently our local newspaper published a UPI release reporting the work you and Mr. Bruce Terris are doing on dating the termination deadline on foods on grocery shelves. This has been done for some time on frozen biscuits but the consumer had better look at the date as stores do not remove these supplies from the shelves and it is not unusual to bring cans home only to discover that the time allowed has run out. Also if one keeps such supplies beyond the termination period, one can be very chagrined to discover that the biscuits did not raise. If I over-buy, as I do occasionally, I find it necessary to just throw them away. This, of course, is my fault.

Also, being a two-member family, I find that now and then, I use something from my supply shelves, that should have been disposed of and if there had been a termination date, I would have done so. I wrote to General Mills about this some time ago and received a nice letter from them.

If you can establish some sort of dating system with the help of your organization, it will be most helpful.

Sincerely,

Mrs. G. J. SCHICK.

ROCKVILLE, MD.,
April 17, 1970.

Representative LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

SIR: Re dating foods for consumer knowledge. I and many friends and neighbors hope this will be done—and soon. It is irritating to have milk turn in 1 day—sugar, cereal, flour, bread crumbs, etc. to have little black or white insects waiting to greet you when you open a bag or box. I've had raisins which were not good—and meat must be very carefully selected. We deal in stores in our area and recognize these things do happen sometimes—but this would not be so if all things were dated. It *is* just a matter of stocking properly to meet the demand—and very irritating to ask a clerk how to read the date on a carton of milk or bag of flour and be told 'That's for us to know—and you to find out.' I'd like to find out.

Mrs. F. FLORSCHUTZ.

JACKSONVILLE, FLA.,
April 10, 1970.

Representative LEONARD K. FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR SIR: Today I read in the newspaper that you are proposing a bill to require stamps on food products stating deadlines for removing such products from grocery store shelves. I feel that consumers definitely should be aware of deadlines on perishable items and that such deadlines should be printed in plain view and certainly not in codes.

After my daughter was born (10 months ago), my husband purchased a case of the formula she was on. Being our first child, we were not even aware that there was a deadline for use of formula, thinking it, like evaporated milk, would be good for quite some time. Thus, it did not occur to us that it would be dated. Some time later, after using approximately half of the case, I noticed the formula was leaving a scum around the bottles that I would prepare the night before. Frantically, I checked the cans to make sure that they were not supposed to be refrigerated, thinking that I perhaps didn't see some fine, small print. Then I noticed the date on the top of the can, imprinted in the lid which was hardly noticeable. As it turned out, this formula was on the shelf of the grocery store over one month

beyond the expiration date! After that experience, and even after the child was no longer on formula, I periodically checked the supermarkets out of curiosity to see if they were still stocking "old" formula. Many of them were. Even though the date was stamped on the formula, it was done in such a manner that unless you examined it closely, it could not be seen. I feel that such a date should be put on the product in a contrasting color, or the like, so that it is immediately seen without having to look for the "fine print."

Your efforts in seeking passage of the above bill are greatly appreciated not only by me, but also by housewives and consumers all across the country. Thank you.

Respectfully yours,

Mrs. PATRICIA A. LAUGHLIN.

[From the Los Angeles Times]

POISONING LEADS TO BEEF JERKY RECALL

Statewide recall of B & S Food Products Co.'s beef jerky because of reported food poisoning incidents was disclosed Wednesday by the State Bureau of Meat Inspection and the County Health Department.

"Three separate incidents of food poisoning involving seven people in Los Angeles County and six people in Ventura County have been attributed to the ingestion of B & S Foods' brand of beef jerky," said County Health Officer Gerald A. Heidbreder.

"Any private citizen in possession of it or any beef jerky which cannot be identified, should dispose of this food item as garbage . . . Persons who think they are ill because of eating it should consult their physician."

Dr. Heidbreder said laboratory tests indicate that the product is contaminated with salmonella bacteria.

Edward Barrett, B & S Foods' president, believes 90% of the spiced, dehydrated beef has been withdrawn by jobbers since Friday in Ventura and Los Angeles counties.

"This bacteria was brought into our new plant at 107 S. Myers St.," he said, "and it was not due to negligence."

WASHINGTON, D.C.,
April 22, 1970.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: I was delighted to learn that you are introducing legislation seeking open dating of packaged foods in the grocery stores.

In the past few years I have noticed that more and more foods are stale or spoiled when purchased and I have conducted a one-woman campaign to combat this practice by returning all such items to the store for credit.

In order to avoid buying shelf-stale or out-dated items I often ask the store clerks to tell me the expiration date, only to be told that the manufacturer uses a "secret code" which the clerks cannot decipher. When I inform them I will return the goods if it is not fresh, they usually advise me which package to buy.

I have bought cream that sours in two days, frozen strawberries that are sour when opened, and soup so old it must almost be removed from the can with a chisel—and these from super markets in the best residential sections. Until your legislation is passed, I will continue to return such items to the stores. More power to you!

Sincerely yours,

FRANCES W. KERR.

DEAR REPRESENTATIVE FARBSTEIN: After reading your piece in Daily News, I was wondering if you might look into spoiled meat in A. & P. markets in Farmingdale. They are all wrapped in cellophane and I picked out chicken cutlets the paper wrapping was exceptionally wet, I made nothing of it, but clerk waiting on me said pick other chicken, this is old laying, I had had bad tasting meats before and never had an honest saleslady stop my purchase. Please look into A. & P. meat dept. in Farmingdale, L.I. and Massapequa Park. I would like to sign my name but I would not want honest clerk's identity known. I would be so grateful Rep. Farbstein for I am a Senior Citizen living in my Son's Home and live on a small pension and cannot afford the high price they charge for bad meat. This girl is still in A. & P. store, and thank you so much for looking out for the people's benefit.

Sincerely,

SOUTHBRIDGE, MASS.,
April 16, 1970.

Representative LEONARD FARBSTEIN,
Washington, D.C.

DEAR SIR: I read an item in this morning's Worcester Telegram, quoting you as fighting for a bill to date food packages so one can tell how old it is. This is something I have been fighting for a long while and it is long over-due.

I wrote three large bread companies, but didn't even get the courtesy of a reply. At today's prices for food one should get what you pay for and not a stale item. Keep up the fight and good luck.

Yours truly,

WILLIAM A. BAKER.

MOORESVILLE, N.C.

DEAR MR. FARBSTEIN: What a relief, now we have someone getting to bottom of a waste of money by housekeepers, homemakers or anyone buying food.

So often I have bought prepared food that I knew was ready to spoil as soon as it was open, not only certain foods need a date on them, at the present I have on hand a can of cocoa that is musty, it has to be five or more years old, spices sometimes are a cake of webs. Most older homemakers can tell old cakes by the freshness of paper if old paper is brittle and yellowing. Bread is very easy to detect age by softness.

I am a farm wife and do a lots of canning, freezing plus hand raising my vegetables myself. To see the rough way grocery boys handle vegetables make me almost bite my tongue, such a long list I could give you on the way things are ruined in Gro Stores.

I use to manage a school lunch room before becoming disabled. There is always enough left over to feed the hungry kids, but it happens there is a rule everything has to be poured out. This I took care of by letting older children eat last and eating all they wanted rather than throw it out. The woman who took over after me did not want the bother and dumped it all out.

People don't seem to care what happens to others like I do. Maybe that's why I am disable to work at public work, (do plenty at home as I can) seems people are tearing up everything and don't care how a job is done just so they get by. People during the depression years at least tried to put a little art in their work. All this trash was not beside the roads. We even get bottles, cans, broken glass in bales of hay we prepare for our cattle.

While on the subject of dates on food, make it a law that all the fine print on goods of any kind be larger. Its always so small that I put lots of things under a large light bulb with reading glasses to see and then lots isn't plain. Now there is lots of people who would not be able to even see there was small writing on labels. When I see it it makes me feel like the company hoped we could not read it, there is always plenty of room to write or print it larger. All this fine print is costing money and lives.

Having arthritis, diabetes, and some heart trouble, I have tried lot of medicine since the same doctor does not treat all three ailments. Several times I have been given the same drug in other shapes and color. Once each doctor gave me (3) the same drug in different shapes and I took it a couple days, then after I was sure something was wrong with medicine, I took all bottles to the druggist and found out what I had suspected was true. The three were dolonil, donnazyme and donnatol, all had same of the same drug in them plus other drugs. Ever since, I don't pay for drugs until the name of drug is put on the label. Doing this a person can either carry their medicine with them to the other doctor or write the name down on a card to carry with them to doctor, if you want a dry mouth and to be listless just try these three together a couple days. No need to pinch yourself to see if you are alive, you wont feel that either.

Wish a doctor could treat all of me without having to wear a person out getting around to all of them and each charges enough for full exam, when all one get is another bill and stay on some pills.

There is lots of time for me to think Government things over since this arthritis doesn't let me get about like other people. We see a lots that would help but who would listen to any of our suggestions since we or I am from the South and not a big shot.

If you would like my suggestions on crime, hippies, drug addicts, rioting, unemployment, gangs, government waste, housing for people on welfare and how to help ease these problems, I will write it up, if you want it.

Too hard to write with arthritis unless it's useful—could be taped.

Mrs. KNOX.

P.S.—It's we plain people who are holding this country together.

LAW OFFICES OF
GOTTLIEB & SCHWARTZ,
Chicago, Ill., April 13, 1970.

Hon. LEONARD K. FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: I just read about your bill to require explicit dating of food products in supermarkets, and I wanted to join the people supporting it. I think that consumers ought to receive a great deal more information about the products they buy and the prices they pay than they now do.

Thank you for taking on this cause.

Sincerely yours,

ROGER LEVIN.

LYNN, MASS.,
April 10, 1970.

DEAR CONGRESSMAN FARBSTEIN: I read yesterday in the Lynn Item of your bill which would require stamps on food, stating the deadline for removing products from the shelf before consumers buy stale food.

I give support to you and this bill because there have been plenty of times that I have bought something in a supermarket which was no longer useable and the cost of food the way it is now consumers should be assured that the product they are buying won't end up in the trash bucket because it was no good.

Thank you for your time. Good Luck with your bill.

Mrs. EMILE LANDRY, Jr.

BROOKLYN, N.Y.,
April 9, 1970.

Congressman LEONARD A. FARBSTEIN,
New York City, N.Y.

DEAR MR. FARBSTEIN: Throughout your years in public life, I have followed your career personally and proudly.

This morning I heard on radio news of the bill you are introducing, that manufacturers of food should *DATE* their food packages—therefore enabling them and all stores to properly rotate food in freezers and shelves for the safety and health benefit of thousands of people.

For this I salute you and so will the public. If you would like signatures of millions of housewives, I would think that *all orga-*

nizations would help in getting signatures to help in getting your bill passed, if you could get one copy of this bill printed up for signatures sent to all organizations and they can make up duplicates and get the signatures of many people for this bill.

I happen to belong to Phyian Ladies and B'nai B'rith and there are many more organizations as you know. The public I am sure will be 100% behind you.

I'm sure you do not remember me, but inasmuch as you are in the public eye so many years, I haven't forgotten you. Somehow thru my mother (Mollie Miller) and her mother (Hannah Isaacs) we might have been related distantly with your folks.

This bill you are introducing got to me so deeply I just had to write to you.

Wishing you and many people success in your endeavors.

Very sincerely yours,

GERTRUDE "MILLER" ROSENZWEIG.

P.S.—I will be leaving on a European trip by next week, so decided to sit down at once to write this, and again to salute you.

UNITED PLANNING ORGANIZATION
OF THE NATIONAL CAPITAL AREA,
April 3, 1970.

Congressman LEONARD FARBSTEIN,
U.S. Capitol,
Washington, D.C.

DEAR SIR: It was good to read in the Consumer Federation of America's "Consumer News Roundup", that you had introduced a bill, HR 14816 requiring the dating of perishable and semi perishable foods.

The Consumer Action component of the United Planning Organization conducts consumer education classes for residents of low-income areas of Washington. Often these consumers relate experiences of getting home from the food market only to learn that they have just purchased an item which is not fresh. The consumers tell us that they do not return these foods to the market for many reasons, some of which are:

(a) Transportation is usually poor in their areas, and most can not afford private transportation.

(b) They do not have money for extra bus or taxi fares to and from the markets.

(c) It is inconvenient and time consuming to make extra trips to the store.

The participants are asking that we include in their classes information on how to read codes of freshness on perishable foods.

We are in the process of writing and/or visiting many of the stores, packers and distributors in an effort to secure such information.

We are discovering that freshness codes represent an entirely new language of the marketplace. The codes are totally meaningless to the consumer because he is unaware of their existence or does not understand them.

We would certainly appreciate being kept informed as to what happens with the bill. Please notify us if hearings are planned. We would certainly want to participate.

We would appreciate any suggestions you might have.

Thank you.

Sincerely,

THERESSA H. CLARK,
Consumer Action Coordinator.

DENVER, COLO.,
April 10, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I read the article concerning "food coding" with much interest. The housewives in Denver have known about the coding system for over three years, but our complaints have gone unnoticed. Perhaps you remember that in 1966 the women in Denver made one great big objection to many things about the food industry. Food coding was one of those complaints. It is a prevalent thing in Denver for the code to be outdated—or it may be moved from our more affluent neighborhoods to the poorer neighborhoods. Time after time we have asked our Congress to make an investigation into the practices of the Super Markets—time after time we have been lied to or rebuffed.

Much "to do" is being made as to the plight of the poor. Nothing is really being done to help the poor. If a study could be made of the chain store's pricing structure I think you would find a monopoly. Every time we get some one interested enough to look into the situation we run into great BLOCKS—such as the FTC–FDA–USDA.

Being a Democratic Committee woman—I am concerned about what is happening to our Party. I'm convinced that we have already lost in Colorado—simply because the Democrats only issues are concerned with the Black, the Poor, and the Young—these are idealistic issues of course—and dreams that are commendable—but they don't get votes. If the Democratic Party would insist upon doing something to get food prices down to the level where all people could afford to eat—they would have a good campaign issue. If there's hunger in this land—it is simply because you men in Congress, despite pleas from the public, have allowed a pussy cat grow into a people devouring Lion.

Food consumerism started in Denver—but no great study has been made here. True, Betty Furness was sent here—as was Virginia Knaur, but they never talked to the Middle Class or the poor housewife—they visited the huge feed lots and the American National Cattlemens Association, who, according to our men in agriculture, do not reflect the feelings of the ranchers and the farmers. I do not blame the potato farmers for burning their products when they can get only 2c a pound. The housewife must pay 12c at the market—and so far as we have been able to learn the farmer must pay for everything that happens to that spud from the time it is planted until it is in the store.

Perhaps it is time to do something instead of just making studies. I'm sure food quality and food prices are more important than the facial expression of a fish or the sex life of birds.

The women of Denver would much appreciate your thoughts on this—and perhaps you could give us some advice as to what can be done.

Sincerely,

Mrs. ROSAMOND WEST.

MINNEAPOLIS, MINN.
August 6, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR SIR: The Minneapolis Star is currently carrying a series of articles on the dating of food. One article mentions that you are sponsoring a bill requiring open dating, so that consumers could know the relative freshness of the foods they buy.

I am writing to you to indicate my wholehearted support of this bill, and I am sorry to see that no Representative from Minnesota has cosponsored it with you. Please keep up the good work on behalf of the entire nation. It is shocking that food producers are consciously and deliberately keeping packaging dates and pull dates from the people who are going to eat the food. One meat wrapper in a local store, according to the Star "sits down with a calendar at the start of each month and arbitrarily gives each day a number code."

This insidious form of "caveat emptor" must be destroyed. I commend you for your efforts.

Yours truly,

Mrs. JENNIFER B. DEAN.

CHICAGO, ILL.,
July 15, 1970.

Rep. LEONARD FARBSTEIN,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing in support of your proposed legislation to make codes in grocery stores readable by the average consumer. The mysterious markings now give no clue as to the quality of the meat, bread, or dairy product to be purchased. The claim by grocery store managers that such a measure would cause consumers to buy only the freshest food. Hence more waste is absolute obscenity to me. Environmental obscenity. Why are so many useless items then produced and sent out to these stores? Surely there are better ways to stock supermarkets than continually stocking them with too many goods. And surely the health of the consumer not to mention the environment is more important than continually spiraling markets and profits—they, I believe, will lead to ultimate doom. The environmental and people's bodies cannot take this continued production and poison being poured into them.

Hence, I see this bill as at least a step in letting the consumer judge more carefully in what he buys and the supplier and the manufacturer with what they produce and supply.

Thank you for your consideration.

LEJUNE HOLMAN.

HOLLYWOOD, CALIF.,
April 29, 1970.

Representative LEONARD FARBSTEIN,
New York, N.Y.

DEAR SIR: I just want to add my support to your bill to force food manufacturers to print all food dates, plainly, on each and every package, box or can.

I have been wife, mother and housekeeper for many years, and I know I would be money ahead if I had advance knowledge that the loaf of bread or carton of milk was older than it seemed to be! It's a pitiful waste, and a very unnecessary one!

Food bills these days are high enough without adding to it with waste which could have been avoided had the consumer known how old the product was when it was purchased.

Thank you for your help to all consumers, and for the chance to have my say, after these many years!

Very sincerely yours,

Mrs. E. I. SLATER.

MONROVIA, CALIF.,
March 12, 1970.

Representative LEONARD FARBSTEIN,
Democrat of New York.

DEAR SIR: I read in the Los Angeles Times March 12th, under, *Mind Your Own Money,* that you have introduced a bill to force food manufacturers to print all food dates plainly on all food packages or cans.

I will not buy food packages because there are not marked dates, that I can decode. The manufacturer and grocer may know, if there is a code, but not we homemakers.

I am all for your bill. Please let me know if I can help in anyway. I thought you might be interested in this article that appeared in the Times March 12, 1970.

More power to you!

Sincerely,

Mrs. MARGARET V. JOHNSON.

P.S.—I would appreciate a reply on your progress.

JULY 16, 1970.

DEAR REPRESENTATIVE FARBSTEIN: It was good to read in our local newspaper that you have introduced a bill to force food manufacturers to print *All* food dates plainly on each package or can.

You have my complete support in your food date decoding efforts. It will be not only

convenient but also safe to know just what we should expect out of our edible products. We deserve this for the money paid out.

Sincerely,

SANDRA JANISEH.

REPORT OF BLACK LAWYERS AND JUDGES IN THE UNITED STATES, 1960–1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MIKVA. Mr. Speaker, on July 21–25, 1970, the National Bar Association held its 45th annual meeting in New York City. At that meeting, the Honorable Edward B. Toles, Referee in Bankruptcy in the U.S. District Court for the Northern District of Illinois and chairman of the National Bar Association's Committee on the Judiciary, submitted a report on black lawyers and judges in the United States. Since Mr. Toles' report differs significantly from the estimates of the U.S. census in 1960, I believe it will be of interest to place the report in the CONGRESSIONAL RECORD.

The document referred to follows:

REPORT OF BLACK LAWYERS AND JUDGES IN THE UNITED STATES, 1960–1970

(By Edward B. Toles)

The following comparative chart records the number of black judges and lawyers in all 50 States and the District of Columbia for the period 1960–1970. Population figures are based on the 1960 census; lawyer figures are from the Journal of American Judicature Society, Vol. 49, No. 9, page 192, February 1966. The statistics as to the number of black judges and lawyers were obtained by questionnaire survey from the Governors of the 50 States and from individual inquiries from National Bar Association members at the 45th Annual Meeting of the Association in New York City, July 21–25, 1970.

According to the 1960 United States Census, there were employed as black lawyers and judges in that year, 2004 black males and 176 black females, a total of 2,180 black lawyers. There are probably more than 4,000 black lawyers, but the nature of the legal profession among blacks is such that considerable numbers of blacks may be qualified to practice law but be employed and classified in other occupational categories; presidents of black banks, newspapers, insurance companies, colleges, law school instructors, teachers and government officials, who are lawyers, are listed in census reports in their respective businesses rather than as lawyers.

45TH ANNUAL CONVENTION NATIONAL BAR ASSOCIATION

JUDICIAL COMMITTEE REPORT, JULY 24, 1970—BLACK LAWYERS AND JUDGES IN THE UNITED STATES ACCORDING TO U.S. CENSUS, 1960 POPULATION, AND AMERICAN BAR ASSOCIATION CENSUUS OF U.S. LAWYER POPULATION

State	State population	Black population	Number of lawyers	Number of black lawyers	Number of black judges
Alabama	3,266,740	980,271	2,712	24	1
Alaska	226,167	6,771	198	1	0
Arizona	1,302,161	43,403	1,693	2	1
Arkansas	1,786,272	388,787	1,789	10	0
California	15,717,204	883,861	22,798	373	15
Colorado	1,753,947	39,902	3,635	10	2
Connecticut	2,535,234	107,449	4,002	26	3
Delaware	446,292	60,688	514	3	1
Florida	4,951,560	880,186	7,801	60	2
Georgia	3,943,116	1,122,596	4,824	30	3
Hawaii	632,772	4,943	482	1	0
Idaho	667,191	1,502	683	1	0
Illinois	10,081,158	1,037,470	19,045	667	26
Indiana	4,662,498	269,275	4,757	56	2
Iowa	2,757,537	25,354	3,596	15	2
Kansas	2,178,611	91,445	3,013	30	2
Kentucky	3,038,156	215,949	3,353	22	4
Louisiana	3,257,022	1,039,207	4,217	27	2
Maine	969,255	3,318	990	0	0
Maryland	3,100,689	518,410	5,301	32	5
Massachusetts	5,148,578	111,842	10,443	50	3
Michigan	7,823,194	717,581	9,464	250	15
Minnesota	3,413,864	22,263	4,787	14	1
Mississippi	2,178,141	915,743	2,201	23	0
Missouri	4,319,813	390,853	7,501	64	6
Montana	674,767	1,467	1,031	1	0
Nebraska	1,411,330	29,262	2,358	5	0
Nevada	285,278	13,484	441	4	1
New Hampshire	606,921	1,903	647	1	1
New Jersey	6,066,782	514,875	9,460	65	9
New Mexico	951,023	17,063	980	0	0
New York	16,782,304	1,417,511	50,204	650	36
North Carolina	4,556,155	1,116,021	3,637	70	2
North Dakota	632,446	777	742	0	0
Ohio	9,706,397	786,097	15,535	416	18
Oklahoma	2,328,284	153,084	4,829	16	2
Oregon	1,768,687	18,133	2,657	7	1
Pennsylvania	11,319,366	852,750	12,319	141	14
Rhode Island	859,488	18,332	1,070	2	0
South Carolina	2,382,594	829,291	1,896	11	1
South Dakota	680,514	1,114	760	0	0
Tennessee	3,567,089	586,876	4,251	35	3
Texas	9,579,677	1,187,125	14,022	95	2
Utah	890,627	4,148	1,151	1	0
Vermont	389,881	519	496	0	0
Virginia	3,966,949	816,258	4,758	103	3
Washington	2,853,214	48,738	3,907	20	3
West Virginia	1,860,421	89,378	1,809	8	1
Wisconsin	3,951,777	74,546	6,231	18	0
Wyoming	330,066	2,183	497	1	0
District of Columbia	763,956	411,737	12,693	503	6
United States	179,323,175	18,871,831	288,336	3,845	195
U.S. courts					19
Total U.S. black judges					214
Total U.S. black lawyers					3,845

U.S. COURTS

District of Columbia—7

1 Supreme Court
1 D.C. Court of Appeals
4 U.S. District Court
1 Magistrate

New York—3

1 District Court
2 U.S. Customs Court

Pennsylvania—2

1 Court of Appeals
1 District Court

Michigan—3

1 Court of Appeals
1 District Court
1 Referee in Bankruptcy

Illinois—2

1 District Court
1 Referee in Bankruptcy

California—1

1 District Court

Virgin Islands—1

1 District Court

Total U.S. Courts—19

BLACK JUDGES IN THE UNITED STATES—JUDICIARY OF THE UNITED STATES, JULY, 1970

Supreme Court of the United States

Associate Justice of the Supreme Court—Thurgood Marshall of New York.

U.S. Court of Appeals

District of Columbia Circuit—Spottswood W. Robinson.

Third Circuit—William Henry Hastie, Chief Judge, Philadelphia, Pa.

Sixth Circuit—Wade M. McCree, Jr., Detroit, Mich.

U.S. Customs Courts

Scovel Richardson.

James L. Watson, New York City.

PART II

U.S. District Courts

District of Columbia—William B. Bryant; Aubrey E. Robinson; Joseph C. Waddy; and Barrington D. Parker, Washington, D.C.

U.S. Magistrate—Arthur L. Burnett.

New York (Southern)—Constance B. Motley.

Pennsylvania (Eastern)—A. Leon Higginbotham.

Illinois (Northern)—James B. Parsons.

Referee in Bankruptcy—Edward B. Toles.

Michigan (Eastern)—Damon Keith.

Referee in Bankruptcy—Harry Hackett.

California (Central)—David W. Williams.

Virgin Islands—Almeric Christian.

Alabama—Orzell Billingsley, Part-time Judge, Roosevelt City, Ala. (Population 4,000 all black).

Arizona—H. B. Daniels, City Magistrate, Phoenix, Ariz., 307 Greater Arizona Savings, Phoenix, Ariz.

California—Edwin L. Jefferson, District Court of Appeal, Los Angeles, Calif.

Bernard Jefferson, Superior Court, Los Angeles, Calif.

Thomas Griffith, Municipal Court, Los Angeles, Calif.

Xenophon F. Lang, Municipal Court, Los Angeles, Calif.

Vaino Spencer, Municipal Court, Los Angeles, Calif.

Sherman W. Smith, Los Angeles, Calif.

Earl C. Broady, Los Angeles, Calif.

Earl B. Gilliam, Municipal Court, San Diego, Calif.

Alan Broussard, Municipal Court, Alameda, Calif.

George D. Carroll, Municipal Court, Richmond, Calif.

Lionel Wilson, Oakland, Calif.

William Ross, Los Angeles, Calif.

Albert D. Matthews, Municipal Court, Compton, Calif.

(Judges Ross and Matthews appointed by Governor Ronald Reagan.)

Raymond Reynolds, San Francisco, Calif.

Joseph Kennedy, San Francisco, Calif.

Colorado—James Flanigan, District Court.

Gilbert Alexander, Municipal Court of Denver.

Connecticut—Arthur G. Williams, Court of Common Pleas, Madison, Conn.

Robert L. Levister, Circuit Court, Stamford, Conn.

Robert D. Glass, Juvenile Court, Watertown, Conn.

Delaware—Leonard Williams, Municipal Court of Wilmington, Del.

Florida—Harold R. Braynon, Municipal Court of the City of Miami.

James Wesley Matthews, Associate Judge of the City of Opa Locka, Fla.

Georgia—R. Pruden Herndon, Part-time Judge, City of Atlanta, Ga.

Romae Turner Powell, Special Juvenile Court, Atlanta, Ga.

Edith Jacqueline Ingram (Elected Nonlawyer), Ordinary (Probate Court), 718 New Street, Sparta, Ga.

Illinois—Archibald J. Carey, Circuit Court, Chicago, Ill.

Richard A. Harewood, Circuit Court, Chicago, Ill.

James D. Crosson, Circuit Court, Chicago, Ill.

William S. White, Presiding Judge, Juvenile Court Division, Circuit Court, Chicago, Ill.

George N. Leighton, Appellate Court of Illinois, Circuit Court, Chicago, Ill.

Glenn T. Johnson, Circuit Court, Chicago, Ill.

Sidney A. Jones, Jr., Circuit Court, Chicago, Ill.

Edith S. Sampson, Circuit Court, Chicago, Ill.

Mark E. Jones, Circuit Court, Chicago, Ill.

Kenneth Wilson, Circuit Court, Chicago, Ill.

Richard Gumbel, Magistrate, Circuit Court, Chicago, Ill.

Alvin Turner, Magistrate, Circuit Court, Chicago, Ill.

Maurice Pompey, Magistrate, Circuit Court, Chicago, Ill.

George Blakey, Magistrate, Circuit Court, Chicago, Ill.

Earl J. Neal, Magistrate, Circuit Court, Chicago, Ill.

Edwin C. Hatfield, Magistrate, Circuit Court, Chicago, Ill.

E. C. Johnson, Magistrate, Circuit Court, Chicago, Ill.

James M. Walton, Magistrate, Circuit Court, Chicago, Ill.

Myrtle Stryker, Magistrate, Circuit Court, Chicago, Ill.

Willie Whiting, Magistrate, Circuit Court, Chicago, Ill.

Russell R. DeBow, Magistrate, Circuit Court, Chicago, Ill.

Charles Durham, Magistrate, Circuit Court, Chicago, Ill.

Billy Jones, Magistrate, East St. Louis, Ill.

Ora Polk, Magistrate, East St. Louis, Ill.

Indiana—Rufus C. Kuykendall, Indianapolis, Ind.

Wilbur Grant, Indianapolis, Ind.

Iowa—Luther Glanton, Municipal Court, Des Moines, Iowa.

William Parker, Municipal Court, Waterloo, Iowa.

Kansas—A. B. Howard, Part-time Judge, Municipal Court.

Myles C. Stevens, Part-time Judge, Juvenile Court, Kansas City, Kans.

Kentucky—Neville M. Tucker, Police Court Judge (Elected), Louisville, Ky.

Charles H. Anderson, First Black county elected Judicial Officer, Magistrates Court, Jefferson County, Ky.

Darryl Owens, Juvenile Court.

Benjamin Shole, Misdemeanor Court, Louisville, Ky.

Louisiana—Israel Augustine, Criminal Court, New Orleans, La.

A. P. Tureaud, Part-Time Judge, New Orleans, La.

Maryland—Harry A. Cole, Eighth Judicial District.

Robert B. Watts, Eighth Judicial District.

Joseph C. Howard, Eighth Judicial District.

James H. Taylor, Seventh Judicial District.

John R. Hargrove, Municipal Court of Baltimore City, Md.

Massachusetts—Joseph Mitchell, Boston, Mass.

Elwood S. McKenny, Boston, Mass.

G. Bruce Robinson, Juvenile Court, Boston, Mass.

Michigan—

Circuit Court:

Edward F. Bell, Detroit, Mich.

Charles F. Farmer, Detroit, Mich.

John T. Letts, Grand Rapids, Mich.

Recorders Court: George W. Crockett, Detroit, Mich.

Elvin L. Davenport, Detroit, Mich.

Geraldine B. Ford, Detroit, Mich.

Robert L. Evans, Detroit, Mich.

Henry L. Heading, Detroit, Mich.

William C. Hague.

Common Pleas:

Julian P. Rodgers, Detroit, Mich.

District Court:

Ollie B. Bivins, Jr., Flint, Mich.

Charles A. Pratt, Kalamazoo, Mich.

Missouri—Theodore McMillian, St. Louis, Mo.

Lewis Clymer, Kansas City, Mo.

William S. Diguid, Magistrate, St. Louis, Mo.

John W. Harvey, Magistrate, St. Louis, Mo.

Frank S. Bledsoe, Magistrate, St. Louis, Mo.

Nathan B. Young (First Black Police Court Judg 1966), St. Louis, Mo.

Clifford Spotsville, Municipal Court, Kansas City, Mo.

Minnesota—Stephen L. Maxwell, St. Paul, Minn.

Nevada—Robert E. Mullen, Municipal Judge, Las Vegas, Nev.

New Hampshire—Ivorey Cobb, Colebrook District Court, Colebrook, N.H.

New Jersey—County Court, Van Y. Clinton (Essex County).

William Fillmore Wood (Union County), Roger M. Yancey (Essex County).

Juvenile & Domestic Relations, Herbert H. Tate (Essex County).

District Court:

Herbert S. Jacobs (Atlantic County).

Robert B. Johnson (Camden County).

Municipal Court:

Harry Hazelwood, Jr. (Newark).

Samuel C. Scott (Jersey City).

William H. Wells (Newark).

New York—Appellate Division, First Judicial Department, Harold A. Stevens.

Supreme Court, First Judicial District:

Amos Bowman, Thomas Dickens, Edward R. Dudley, Jawn A. Sandifer, Darwin W. Telesford, Andrew R. Tyler, and Ivan Warner.

Appellate Division, Second Judicial Department:

Oliver D. Williams, Franklin W. Morton, Jr., and Thomas R. Jones.

Criminal Court of City of New York:

Julius Archibald, William H. Booth, Dennis Edwards, Jr., Walter Gladwin, Maurice Grey, William H. Lougen, Albert R. Murry, Thomas G. Weaver, James M. Yeargin, and Bruce Wright.

Family Court within City of New York:

Jane M. Bolin, Joseph E. Dyer, and Phillip D. Roache.

Civil Court of the City of New York:

Howard E. Bell, Henry Bramwell, Kenneth Browne, Herbert B. Evans, George M. Fleary, Clifford A. Scott, Oliver C. Sutton, James H. Shaw, Jr., Samuel A. Welcome, and Albert P. Williams.

Harold Woods, Westchester County Family Court, White Plains, N.Y.

Wilbur P. Trammel, Municipal Court, Buffalo, N.Y.

North Carolina—

Elreta Alexander (first Black Judge elected in North Carolina), Greensboro, N.C.

Clifton E. Johnson, Mecklenburg District Court, Charlotte, N.C. (appointed by Gov. Bob Scott).

Ohio—

Robert M. Duncan, Associate Justice, Ohio Supreme Court, Columbus, Ohio.

Charles W. White, Court of Appeals, Cleveland, Ohio.

Theodore M. Williams, Cleveland, Ohio.

Perry B. Jackson, Cleveland, Ohio.

Frederick Coleman, Cleveland, Ohio.

Lloyd O. Brown, Cleveland, Ohio.

Lillian W. Burke, Municipal Court, Cleveland, Ohio.

George White, Court of Common Pleas, Cleveland, Ohio.

Referees in Probate Court:

Robert Decatur, Will Farrier, Cleveland, Ohio.

James A. Pearson, Municipal Court, Toledo, Ohio.

Robert L. Franklin, Municipal Court, Toledo, Ohio.

Clay E. Hunter, Canton, Ohio.

Joseph D. Roulhac, Akron, Ohio.

George Bunyan, Cincinnati, Ohio.

Arthur Fisher, Municipal Court, Dayton, Ohio.

Jack Franklin, Ottawa Hills Police Court, Ottawa Hills, Ohio.

Andrew Johnson, Shaker Heights, Ohio.

Oklahoma—

Charles L. Owens, District Judge, Oklahoma County (first Black Judge appointed by Governor Dewey Bartlett in 1968).

Amos Hall, Special Judge, Tulsa, Okla.

Cecil Robertson, Special Judge, elected by Muskogee Bar Association, Muskogee, Okla.

Oregon—Mercedes F. Deiz, District Court of State of Oregon, Multnomah County.

Pennsylvania—

Theodore Spaulding, Superior Court, Appellate Court, Philadelphia, Pa.

Clifford Scott Green, Thomas Reed, Robert Williams.

Paul Dandridge, Philadelphia, Pa.

Common Pleas:

Raymond Pace Alexander, Herbert R. Cain, Robert N. C. Nix, Jr., Juanita Kidd Stout, Charles Wright, Philadelphia, Pa.

Homer S. Brown, Common Pleas, Pittsburgh, Pa.

Henry Smith, Municipal Court, Pittsburgh, Pa.

Warren Watson, Allegheny County Court, Pittsburgh, Pa.

Edward Cox and Harry Melton, (Nonlawyers elected prior to Judicial Article), Magistrates, Philadelphia, Pa.

South Carolina—Richard E. Fields.

Tennessee—Bennie Harris, City Court, Chattanooga, Tenn.

Adolpho A. Birch, General Sessions Court, Nashville, Tenn.

Otis Higgs, (Succeeding Judges Odell Horton and Ben L. Hooks, resigned, Memphis, Tenn.

Texas—Thomas Routt, Corporation Judge, Houston, Tex.

Lewis Bedford, Corporation Judge, Dallas, Tex.

Virginia—James Overton, Portsmouth, Va., Appointed July, 1970.

William Stone, Williamsburg, Va.

Phillip Walker, Hampton, Va.

Washington—Charles Z. Smith, Washington State Superior Court.

J. Jerome Farris, Washington State Court of Appeals.

Charles M. Stokes, Seattle Municipal Court.

District of Columbia, Washington, D.C.: Austin L. Fickling, District of Columbia Court of Appeals.

Court of General Sessions:

Harry T. Alexander, William C. Pryor, and William S. Thompson.

John D. Fauntleroy, Juvenile Court.

Richard R. Atkinson, Family Court.	
Special Judge and Part-time Judge---	15
U.S. Federal Judiciary----------	19
State and Municipal Court Judges----	180
Total U.S. Black Judges--------	214
Total Number Black Lawyers---	3,845

Respectfully submitted,

EDWARD B. TOLES.

RISING STAR OF RED STACK

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MILLER of California. Mr. Speaker, I am privileged to include as part of these remarks an article that appeared in the San Francisco Chronicle pertaining to Thomas B. Crowley, president of the Crowley Launch & Tugboat Co., of San Francisco, who has been selected by the Secretary of Defense and the Joint Chiefs of Staff as a recipient of the National Transportation Award.

For many years I served on the House Post Office and Civil Service Committee and was privileged to know and work very closely with Tom Crowley during that period.

I was not unfamiliar with his distinguished father who recently passed on at the age of 94.

The "Red Stack" Tugboat Co. is an institution in the San Francisco Bay area, and those of us who know of the fine service that it has given to the maritime industry and to this country during the period of wars appreciate the fine leadership that Tom has given it.

The article follows:

CROWLEY HONORED: RISING STAR OF RED STACK

(By Sidney P. Allen)

Thomas B. Crowley, president of Crowley Launch and Tugboat Co., San Francisco, has just been selected by the Secretary of Defense and the Joint Chiefs of Staff as the recipient of the National Transportation Award. This annual award is for achievements that have contributed most to the transportation and logistics industry in support of the national security.

The silver trophy emblem will be presented to Crowley at the annual award luncheon September 23 at the Hilton Hotel here during the convention of the National Defense Transportation Association.

The "Red Stack" tug fleet, keystone of the Crowley organization, has of course been a familiar sight around this port over the years. But not much has been written about the closely held, family-dominated operation.

When founder Thomas Crowley died a month ago, at age 94, the ramifications of the shipping services empire his son has been piloting (and building) for the past decade began to come into focus.

The Transportation Award citation, plus a brief look at the organization's new command post a San Francisco's Pier 50, make it apparent this is a huge, complex, and highly innovative operation.

For instance, the famed "Red Stack" tug fleet, now operating under more than 100 different corporate entities, numbers somewhere near the 200 total. Some of these tugs are seagoing vessels ranging from 2800 to 7000 horsepower and designed for long-cruising range.

They tow military vessels and equipment to Southeast Asia, take assignments for coast-to-coast hauls, even make delivery of cargo to the icy reaches of the oil rich North Slope at Prudhoe Bay, Alaska, in what has to be one of the great transport accomplishments of history.

There's danger and drama in the business.

Right now, for instance, a flotilla of tugs and barges en route from Prudhoe Bay back to Point Barrow is trapped by ice. Hopefully the ice flow will permit passage of the equipment and several score of personnel before summer ends.

Be that as it may, the Crowley organization—and specifically Thomas B. Crowley—get credit for providing another daring and vital transport service link.

It's one in a series.

In 1958, says the citation, Crowley took personal direction of the first commercial resupply of military DEW Line installations on the Arctic Coast of Alaska and later on the Bering Sea and throughout the Aleutian Island chain. This resupply reaches 46 of the most isolated and inaccessible military facilities in the world.

And in 1959 he established the first large scale container shipments by van-carrying barges between West Coast ports and Alaska. This was followed in 1963 by the Hydro-Train service through which the important direct rail-water-rail link has been established between the lower 48 States and Alaska.

The seat of this service inevitably became Seattle.

And now Crowley Northwest interests, which pivot around Puget Sound Tug & Barge, exceed the San Francisco operations built around the old Shipowners and Merchants Tugboat Co.,

Dollar figures and organization charts don't tell all, to be sure. But they tell something.

Nobody says flatly, but there are indications the organization has gone on the line for upwards of $20 million just in the last few years on special new equipment primarily for the northwest work.

The staff is now estimated at about 1000—based from Alaska to San Diego. Headquarters here houses the computer center for the works.

It also houses most of the 1000-plus corporate seals of Crowley-owned or dominated companies—some just one tugboat in asset size. (Included are seals for Merritt Ship Repair, and Pacific Drydock & Repair, both of the East Bay, and of course the Long Beach-Catalina as well as Tiburon and Angel Island Ferry Companies.)

Parenthetically, the old original Shipowners and Merchants Tugboat Co. is a stock company, but Crowley family holdings dominate the list of about 100 shareowners.

And the organization has applied to start Binnacle Insurance Co., to provide its own admiralty insurance coverage, naturally.

Award winner Thomas B. Crowley, incidentally, observes his own 56th birthday this week. Maybe gross business this year will approximate $56 million in honor of his anniversary.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—XV

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, Helene Lippincott recently conducted a 6-week survey of food coding practices in the San Francisco area. Her results appear in an excellent feature article of the San Francisco Bay Guardian.

Miss Lippincott found rotting vacuum-packed meats a regular item in area stores. She found milk commonly being sold 2, 3, and even 4 days past the pull date. Her survey of independent grocery stores disclosed that of some 100 cartons of cigarettes only one carton was fresh. The others averaged from 4 to 6 months old, and one was pull-dated February 1969.

A county food inspector told her "it is possible to get some pretty stale stuff in the marketplace. Imported anchovies can be as old as 10 years. They keep the codes from the consumer with deliberate intent to deceive them."

Despite the claims of the National Association of Food Chains that open dating would increase the cost of foods, Miss Lippincott found supermarket chains like Jewell Food Stores, which provide consumers with information on their codes, actually make a profit because they are able to attract the freshness conscious housewife.

In California, the Berkeley co-op posts explanations of dairy codes right on the refrigerator case. "The store clerks are more careful to anticipate the sale and more careful about the rotation of the products in the dairy case," Berkeley co-op home economist Mary Gullberg testified last January before the Senate consumer subcommittee.

Miss Lippincott discovered that most delicatessen merchandisers were enthusiastic about open pull date legislation. But then most of them have been subscribing to the American Meat Institute's voluntary system of coding for years. Said the distributor for Oscar Mayer:

More and more government agencies are trying to educate the consumer—and they should. You don't want a pack date—you want a pull date on a package. A quality insurance day. It's a real commitment to freshness.

Finally, the Bay Guardian reporter found that the law required the food manufacturer to provide a number of State and Federal agencies with their codes. However, these agencies refused to release them to the public. A secretary to the California Food and Drug Administration told Miss Lippincott:

The codes are confidential to *protect* the canner.

One wonders what the canners are being protected from.

The text of the San Francisco Bay Guardian article follows:

FOOD CODING PRACTICES

(By Helene Lippincott)

Almost everything in grocery stores—bread, bologna, cigarettes, even babyfood—is coded as to freshness—either by pull date, the last day it should be sold as fresh, or by pack date, the day the food was wrapped.

Little numbers. If you have eyes like microscopes or can read Braille, maybe you can figure them out. But once you find the numbers, you still must find the system to unscramble them and turn them into dates.

I have spent the past six weeks breaking the codes.

Daily, I entered the stores and cruised the aisles for two hours at a time with nothing but a bag of English muffins (code-dated by blue plastic twister) in my shopping cart.

I inspected everything in reach—pulled jars of coffee off the shelf to look at hieroglyphics on each label, up-ended one by one all the cottage cheese containers to read the stamped code on the bottom and rummaged through the meat bins to squint at the blue blurr on each hot dog package pull tab—the code date.

Occasionally, store detectives would hover near by, smiling patiently, while I took notes. Store clerks would grow edgy at my frequent questions, then evasive and, finally, downright hostile—and totally absorbed in their work of stocking shelves.

THE RUNAROUND

My conversation with the clerk in the Mayfair Market on Geary Blvd. was typical of the run-around I got in checking out the codes. It was a slow Saturday morning in the vacuum-packed meat section. The clerk was stirring the meats into place—oldest in the front, newer packages carefully buried in the back.

I asked her what the number on the back of the package meant.

"Those are a code," she snapped. "You aren't supposed to know it."

But I thought I did. "Take 0128," I said. I said "Doesn't it mean that the last day this should be sold is August 12?"

"Yes," she mumbled, suddenly becoming very busy.

I picked up a package of Mayfresh luncheon loaf marked 0247. "Doesn't this mean the last day it should have been on the shelf was July 24? Today is August 1."

But she was wise in the ways of coding. "No, that's not a code. Those are just numbers. Watch it—you're messing up the meat."

Codes are complex, say store executives, to simplify stock rotation for the food clerks—to tell clerks when to remove outdated shipments. Management insists it has perfect controls now. "We don't handle stale products," Mayfair's regional director Rick Richardson told me indignantly.

Executives say that by keeping freshness coded, they are not being paternalistic—just practical. If the foolish housewife were allowed to know the exact variations of freshness (which are, of course, so small as to be inconsequential) she would paw through displays, leaving behind older but perfectly good food, and thus eventually increasing the cost of food to herself.

BREAKING THE CODE

The codes are so complex that store clerks often can't figure them out. But if you combine luck with a persistence approaching fanaticism, you can break the codes.

I doped out some myself. I stopped bread drivers in the street. A Kilpatrick bakery driver, for instance, doffed his cap and explained both Kilpatricks' color code and Wonderbread's.

I met and telephoned government officials and supermarket executives and worked my way up the chain to command. Once I explained the codes to them, the supermarket executives would reluctantly confirm them.

If the codes mean what the store executives say they do, then the stores all over the Bay area—from chains like Lucky, Mayfair and Safeway to the mom and pop stores—are selling outdated and unfresh food at fresh food prices.

I found rotting vacuum-packed meat a regular item. A Lucky clerk at the Eddy Street store removed the moldy salami when I pointed it out, but in the Bush Street Safeway on July 15, though the clerk was only too happy to identify several packages of bologna as pull-dated June 5, he put them back on the shelf.

Milk, one of the most perishable products, is commonly sold two, three, even four days past the pull date. Cigarettes get stale, too. A Guardian survey of independent grocery stores in the Richmond district disclosed that of some 100 cartons of cigarettes, only one carton was fresh. The others averaged from four to six months old, and one carton was pull-dated February, 1969.

"It's possible to get some pretty stale stuff in the market place," says a county food inspector who asked not to be identified. "Imported anchovies can be as old as ten years. They keep the damned codes from the consumer with deliberate intent to deceive them."

A 1969 Congressional survey disclosed that poorer quality food is being sold at high prices in low income neighborhoods. But the sale of outdated food appears to be widespread, regardless of income bracket.

On July 20, I found, Safeway's classy Marina store would have sold you 10 day old "fresh" haddock fillets, just as eagerly as the small Safeway on Bush—just above the Tenderloin—would have sold you week-old "fresh" chicken fryers on July 15.

Many markets also re-wrap and thus re-date their products. For instance, at the middle-income Lucky store on Eddy, I discovered on July 23 that Lady Lee cooked ham was streaked a yellow-pink—like a rainbow—or an oil slick.

Four packages bore a smudge and then a new stamp—013–8 meaning pull date Aug. 13. But on one package, the smudge was still legible. It was a stamp reading 017–7, meaning July 17 pull date.

BAD EGGS?

On July 27 in the South Van Ness Safeway, the pull date on the end of the carton of Lucerne eggs read, 8 214–1, meaning pull Aug. 2. The store clerk attempted to reassure me that the store would not be confused by the code. "I suppose on Aug. 16, we could just throw them up to the front and everyone would think they were dated 8–21 and were fresh . . . But we wouldn't do it."

Since the Safeway's management is trying to maintain simple, legible open dates on all Safeway brands, executives apologized for the ambiguous code I found on their eggs. "Some of our packers haven't gone along with our policy," said Lorenzo Hoopes, a vice-president.

Fresh meat, usually wrapped in the stores, bears a simple two digit pack date or, as in the Mayfair stores, a letter meaning the day of the week. But if the food remains unsold for a month, or a week, the ambiguity of the code date makes it read as fresh.

"The meat moves out of here so fast we don't even have a code," said one Mayfair clerk at the Geary Blvd. store, though the empirical evidence of his own meat counter—where everything was code-dated after all—pointed to the opposite conclusion.

The practice of re-wrapping and re-coding old food is also common in Washington, D.C., as disclosed by surveys conducted by the staff of Leonard Farbstein (D-N.Y.) and in Chicago by the National Consumers Union and the Chicago Journalism Review.

However, selling old food is not illegal, nor are secret codes. San Francisco Public Health and California Food and Drug Administration officials can only take action against stores which are selling either short weight, harmful or adulterated food. And stale food is not necessarily any of these.

"The laws don't cover nutritional value of foods," said FDA cannery inspector James McElwee. "Just whether or not it's harmful." In the case of meat or bread, it may become shortweight as it ages. Then inspectors can move in and threaten to revoke licenses.

But this catches the offender on a technicality. Besides, officials don't have time to care much about freshness. "If we had to worry about food codes, we'd have to triple our staff," said San Francisco health center supervisor Santos Sanchez.

However, some government regulatory agencies know the food codes. The San Francisco inspectors, for example, have codes for dairy products. Also, cannery inspection officials in the California Food and Drug Administration have the codes for canned goods with low acid content. Since low acid products could support the growth of botulism, a deadly bacteria. California law requires that the codes of these products be registered with the FDA.

But since there is no requirement for the agencies to release their codes to the public, they adamantly refuse to do so. "The codes are confidential to protect the canner," secretaries for FDA officials say routinely before hanging up on you.

What the canner is being protected from is not a topic they will discuss. State meat inspection supervisor Mel Wahl said, "We can't as a public agency give out the codes. It would be like giving out the formulas of the plants."

Legislation is pending in Washington and Sacramento which would require legible, understandable pull dates on perishable foods, making the degree of food freshness a legitimate item for both government regulation and consumer information.

In Washington, the bill is an amendment to the Fair Packaging and Labeling Act (H.R. 17005), authored by Rep. Farbstein and sponsored by some 58 congressmen, including San Francisco's Philip Burton. The issue, now in the House Sub-committee on Agriculture, has been postponed until January, 1971, but observers generally agree that if any food-coding bill can pass, it will be this one.

Farbstein also is petitioning the Federal Trade Commission, asking that its section 5 on deceptive practices be amended to include food codes. When the FTC meets Sept. 1 to make its staff report on perishable and canned foods. Farbstein's petitions will ask for a definite shelf-life to be listed clearly on such products' labels.

MORE DISMAL

In Sacramento, the picture is more dismal. State Senator Anthony C. Beilenson (D–Los Angeles) has authored two bills which are now dying in committee—one on open pull dating of bakery products, another on open dating of dairy products.

Bob Toigo, Sen. Beilenson's legislative aide, attributes the bills' demise to pressure on the legislators from the powerful grocers' lobbies—and to the lack of strong public opinion.

Consumer spokesmen testified for the bills before the committees, but did not conduct any all-out drive on food codes. Mrs. Sylvia Siegel, executive director of the Association of California Consumers, said, "It wasn't one of the key consumer issues. In relation to the total volume of consumer complaints, incidents of stale food are relatively small." How-

ever, Mrs. Siegel has recently changed her mind. She said she was shocked by some of the Guardian's findings and is currently organizing local consumer groups to do a complete survey on conditions in the markets.

The grocers' position is unchanged. They vehemently and almost unanimously oppose the open-dating bills. Stan Johnson, director of the San Francisco Bay Grocer's Association—representing some 17 counties and 1400 stores—stated the reasons for opposing the Beilenson bill.

"The grocer puts forth every effort to get fresh products at the lowest price to the consumer," Johnson said. "He's got to in order to be competitive; he's vulnerable.

"Actually we're getting more complaints about out-of-stock fod than food which is not fresh. The happy medium is not open-dating but well-trained store people who are regularly rotating stock."

BREAD DEALERS

John McCarthy, distributor for Langendorf Bakeries said, "Open dating is useless. You just get housewives confused. Fresh bread isn't good for you anyway—it's not healthy."

Milk and dairy executives are distraught over the prospect of requiring open dating. "Is it your purpose to raise the cost of milk 50 to 100 per cent for the poor people of the city?" screamed Mickey Davis, general manager of Christopher Milk, when I asked him about open dating. "As long as we know how to control our products, we think that's all we need to do."

The milk industry has marshalled surveys of the cost effects of open-dating to bolster its point. The most recent, done in February, 1970, for the Milk Industry Foundation, comes to the same conclusions as earlier milk industry surveys—(1) that the quality of open-dated and code-dated milk is comparable, (2) that milk sold past the code-dated is generally still fresh, and (3) that costs do generally increase under open dating because more deliveries are required to keep freshest milk in stock.

John Kaczor, manager of the Northern California Dairy Association, stands by that report. "Open dating on milk is an anachronistic phenomenon," he said emotionally, "The quality of a bottle of milk is better than it was five years ago, and milk-dating was anachronistic even then. If there's a problem, let a consumer handle it on an individual complaint basis, not impose upon an entire industry—a struggling industry—an uneconomic prospect."

The milk industry report states that the average shelf life of pasteurized grade A milk at 40 degrees F is 20 days. However, Farbstein and other sponsors of the bill for open-dating accept the shelf life of milk when stored at a lower temperature—33 degrees F—as only seven days.

Stores now using open-dating report none of the cost increases which opponents of open-dating fear. The Berkeley Co-op, which handles Gold'n Rich and Knudsen's dairy products, posts explanations of codes right on the refrigerator case.

"The store clerks are more careful to anticipate the sales. . .and more careful about the rotation of the products in the dairy case," Berkeley co-op home economist Mary Gullberg testified last January before the Senate Subcommittee for Consumers on the Fair Packaging and Labeling Act.

Two months ago in Chicago, the Jewell Food Stores chain began an experimental campaign to educate consumers about codes. They gave consumers access to their complete guidebook for the codes. And last week Jewell reported that profits, not costs, had increased with open dating. In a telephone interview, Jane Armstrong, Jewell's director of home economics, scoffed at the concern over the cost increases. "Initially we maybe had some out-of-stock problems—clerks hesitating to order for fear of losing sales. But most of our sales people know how much to order," she said.

SAFEWAY PARADOX

Paradoxically, Safeway stores, which pride themselves on having maintained an "open-dating" system since the 1940s, oppose the open-dating bills. "The customer has a right to know and should be informed, as to what she is buying," states a Safeway position paper. But later it reveals its true colors. Safeway says regulations which would standardize the shelf-life of foods are uneconomic. ". . . Experiments with open 'pull' or 'off-sale' dates . . . have been unfavorable and, in our opinion, may even lessen our ability to rotate stocks in a manner at all times to assure fresh products for our customers." Shelf life standards, it says, would be "a disincentive" to improving the quality, freshness and thus the shelf-life of its products.

Perhaps we can concede Safeway's point about the question of incentive, but Safeway's opposition to the open-dating bills does not suggest the constructive alternative of requiring open pack dates on all products. Nor is it currently planning a consumer-education program, on the line of the Jewell chain, to explain its "open-dates" to customers, though executives suggest they might someday.

So let us examine the sincerity of Safeway's claim that it does indeed have consumer-oriented "open-dating." Many Safeway products, Mrs. Wright's salad dressing, for instance, are plainly marked with a simple number pull date. For instance, 10–6–70 means that October 6, 1970 is the last date the product should be sold or anyway, sold at full price.

WITH A SMILE

At the Safeway headquarters in Oakland, in the executive inner sanctum, Lorenzo Hoopes, the vice president in charge of supply, leaned over his broad mahogany desk and, with a young public relations aide at his side, said with a smile, "In as many products as we produce ourselves, our philosophy is one of pull dates that can be and are easily recognized by the consumer. We've got a large number of steady customers who shop milk by the date."

But milk is one of those items where the pull date is concealed—imprinted in wax (no ink used) on the pour spout of the carton. Hoopes explained that Safeway packing machinery cannot print clearly on wax, but, he said, the clerks can understand the date to rotate the milk efficiently.

However, I told them I checked three different San Francisco Safeways on July 15, 24 and 26, and found Lucerne milk that was past the code date and that, by Safeway rotation policy, should have been dumped as many as four days earlier. This was a revelation to P.R. man Duane Carlstrom who worked his way through college in Safeway stores. "If we had outdated milk when I was a clerk, I was stood up in the corner and often almost reduced to tears," he said. "You cannot find a more pure and wholesome product than our milk."

Other code dates on Safeway products are more difficult to read than the code on Safeway's milk. Code dates are color-camouflaged or placed on the back of products. Numbers on vacuum-packed meat are especially deceptive—carefully stamped in blue ink on the only red portion of the Safeway label. Also, the numbers contain zeroes and no break between the month and day of month so the code is not easily read as a date.

I found the greatest number of outdated goods on vacuum-packed meats, Safeway "guaranteed fresh." For instance I checked nine packages of bologna on July 15 in the Bush St. Safeway that read 0605, 710 and 708, meaning pull date June 5, July 10 and July 8.

"It's not a code," said Hoopes of these findings. "I use numbers to date my checks." On June 5, he writes 0605?

THE PLASTIC TWISTER

Also, the freshness of Safeway bread is code-dated by the color of the plastic twister. Hoopes said there is also a number on the twister, indicating a pull-date. Though I have often looked for such a number, I have never found it.

I asked Mr. Hoopes about Safeway's color code. "I don't think we would want to educate the consumer as to our color coding," he said, "It would be meaningless to her." (See chart for breakdown of code.)

Again, Safeway bread—Airway, Ovenfresh and Skylark—is often sold as fresh after the pull date. For instance, in the Safeway on Ocean Ave. on Friday July 24, blue twister sesame rolls (fresh the previous Saturday) were selling as fresh. According to a Safeway rotation chart, they should have been sold at reduced prices on Tuesday—about three days after they were fresh.

Mayfair and Lucky use more complex codes (see chart). On request, executives and store clerks will explain them to consumers. But they offer little justification for the continued use of codes.

"There isn't much of a rationale," said James Stell, Lucky vice president in charge of administration and finance. "A lot of this is a mechanical problem. Our older machines can only print letters and numbers, not clear dates." He said Lucky may try to switch to less deceptive kinds of dating.

But like Mayfair and Safeway, Lucky management has qualms about the open-dating legislation. "No one argues with the need for a meaningful code," says Stell. "But I'm not sure a pull date should be uniformly applied."

Oddly, most delicatessen merchandisers are enthusiastic about open pull date legislation. But then most of them have been subscribing to the American Meat Institute's voluntary system of coding (see chart) for some years. Said the distributor for Oscar Mayer, "More and more government agencies are trying to educate the consumer—and they should. You don't want a pack date—you want a pull date on a package. A quality insurance day. It's a real commitment of freshness."

Even as this goes to press, the coding game goes on. George Schaefer, the purchasing agent for Orowheat Bakeries, called the other day to ask whether the Guardian was printing Orowheat's bread code. I told him we were.

He was distressed. "We can't let our competition know the code," he said. "If you've got it and we are going to publish it, we're going to change it, even if it is the first time we've changed it in 18 years."

CIGARETTE CODES

Codes are printed or stamped on end of carton.

American Tobacco: Brands—Carlton, Lucky Strikes, Pall Mall, Herbert Tareyton, Tareyton and Silva Thins. SK (example of code).

A two letter month-year pull date. First letter stands for month based on the word "Ambidextrous." Second letter is year: i.e., A is Jan. and I is 1970; M is Feb., J is 1971; B is Mar., K is 1972; I is Apr., L is 1973. SK means pull after Dec., 1972.

Brown & Williamson: Brands—Bel Air, Kool, Raleigh and Viceroy. OE (example of code).

A year-month pull date. Digit refers to year, letter refers to month: i.e., O is 1970 and A is Jan.; 1 is 1971, B is Feb.; 2 is 1972, C is Mar. OE means pull after May, 1970.

Liggett & Meyers: Brands—Chesterfield, L&M and Lark. SO (example of code).

A letter-number pull date. Number stands

for year. Letter stands for month, based on the words "quality smoke": i.e., Q is Jan. and 0 is 1970; U is Feb., 1 is 1971; A is Mar., 2 is 1972. SO means pull after Aug., 1970.

P. Lorillard: Brands—Kent, Newport, Old Gold, Spring and True. HO (example of code).

A letter-number pull date. Number stands for year. Letter stands for month based on the words "black or white"; i.e., B is Jan. and 0 is 1970; L is Feb., 1 is 1971; A is Mar., 2 is 1970. HO means pull after Sept., 1970.

R. J. Reynolds: Brands—Camel, Doral, Salem and Winston. HJ (example of code).

A two letter pull date. First letter refers to month, second to year: i.e., A is Jan. and J is 1970; B is Feb., K is 1971; C is Mar., L is 1972. HJ means pull after Aug., 1970.

Do Not Buy Stale Bread, Sour Milk, Rotting Meat—Break Your Supermarket Codes

(A special Guardian offer—The main supermarket codes and how to break them)

BASIC DEFINITIONS

Pull date—Last date product should be sold at regular price. After that date, it should be reduced in price, returned to distributor, thrown out or (sometimes in the case of meat) ground into hamburger.

Pack date—Date the product was wrapped or packaged. Judge for yourself how fresh it is.

Shelf life—Length of time that the product will stay fresh under ideal handling and temperature.

Main codes—1. Calendar or month-date—a four or five digit number telling year (usually 0 at front or end of code means 1970, 1 is 1971, etc.), then month and day. For instance 0117 is Nov. 7, 1970.

2. Day of year—numbers 1 through 365 represent the consecutive days of the year starting Jan. 1. Usually indicates pack date. Aug. 19 is 231st day.

3. Calendar subtraction—reverse method of day of year code. 365 is Jan. 1, 1 is Dec. 31. Count down. Aug. 19 is 134th day.

4. American Meat Institute or Supermarket Institute—a four digit code, usually a pull date. Add the first and last numbers for the month. The middle two digits (do not add) are the day of the month. For instance 5313 is Aug. 31.

BREAD

Color coded by color of plastic twister and, occasionally, by letter stamped on end of package.

Safeway: Brand—Mrs. Wright, Skylark, and Ovenfresh. Fresh Monday—orange twist, fresh Tues.—yellow twist, fresh Weds.—no delivery, fresh Thurs.—red twist, fresh Fri.—white twist, fresh Sat.—blue twist.

Lucky: Brand—Harvest Day and Variety. Fresh Monday—blue twist—L, fresh Tues.—green twist—U, fresh Weds.—no delivery, fresh Thurs.—gray twist—C, fresh Fri.—pink twist—K, fresh Sat.—white twist—Y.

Mayfair: Brand—Mayfresh. Fresh Monday—blue twist—B, fresh Tues.—red twist—R, fresh Weds.—no delivery, fresh Thurs.—orange twist—O, fresh Fri.—green twist—G, fresh Sat.—Yellow twist—Y.

MILK AND CREAM

(Shelf life of 7 days at 35-40° F.)

Safeway: Brand—Lucerne. 7–28 (example of code).

Located on spout flap of carton, imprinted in wax (no ink). A simple three digit pull date. First number is month. Second and third digits show date of month. 7–28 MEANS July 28 is last date milk should be sold.

Lucky: Brand—Lady Lee. S0128 or S1131 (example of code).

Located on spout flap of carton, imprinted in wax (no ink). A one-letter, four-digit pull date. Ignore letter which is plant. Middle digits are date of month. First and last digits (do not add) are month. S0128 MEANS pull Aug. 12. S1131 MEANS pull Nov. 13.

Mayfair: Brand—Arden. 23 or 23SF1 (example of code).

Located on spout flap of carton, imprinted in wax (no ink). A two, sometimes three, digit-two letter pull date. First two digits mean date of month. Letters stand for city. Ignore final digit. 23 or 23SF1 MEANS July 23 (or the 23rd of whatever month it happens to be) is last date milk should be sold.

BUTTER

(Shelf life of 2 months at 32–40°F, 1 year at 0 to 10°F.)

Safeway: Brand—Lucerne. 10 (example of code).

Located on left end flap; imprinted in wax (no ink). A two digit pull date indicating last day of month it should sell. 10 MEANS pull after 10th of whatever month it is.

Lucky: Brand—Lady Lee. 813 (example of code).

Located on left end panel of carton. A three or four digit pull date. Last two digits are date of month. First are month. And then add 30 days, and that's the last date product should be sold. 813 MEANS Aug. 13, but pull Sept. 12.

Mayfair: Brand—Mayfresh. 1109 (example of code).

Located on left end flap, imprinted in wax (no ink). A four digit pull date. Use American Meat Institute system (see definitions). 1109 MEANS pull after Oct. 10.

COTTAGE CHEESE

(Shelf life of 10 days at 35–40° F)

Safeway: Brand—Lucerne. A81BA or A731A (example of code).

Located on bottom of plastic container. A four or five unit code. Ignore letters. First number is month. Second and perhaps third numbers show date of month. A81BA means Aug. 1 pull date. A731A means July 31 pull date.

Lucky: Brand—Lady Lee. 082 or K122 (example of code).

Located on bottom of plastic container. A three or four unit pull date. Ignore letter (if there is one) which is the plant. First and second digits are date of month. Final digit is month in system of 1–6 is Jan. thru June, then 1–6 is July thru Dec. 082 means pull Aug. 2. K122 means pull Aug. 12.

Mayfair: Brand—Arden or Mayfresh. NO3 or N31 (example of code).

Located on bottom of plastic container. A three unit pull date. Ignore letter. Two digits refer to date of whatever month it is. NO3 means Aug. 3 pull date. N31 means Aug. 31 or probably July 31, whatever month it is.

FRESH MEAT, FISH AND POULTRY

(Shelf life approx. 1 week, 33° F., but varies per cut.)

Safeway: Brand—Safeway "guaranteed fresh" ("Manor House" poultry). 4 or 24 (example of code).

Located on price label, just below kind of meat, imprinted (no ink used). A two digit pack date. 4 means meat was wrapped on 4th of whatever month it is. 24 means meat was wrapped on 24th.

Lucky: Brand—Lucky. 1 or 13 (example of code).

Located on green portion of Lucky price label. A two digit pack date. 1 means meat was wrapped on 1st of whatever month it is. 13 means meat was wrapped on 13th.

Mayfair: Brand Mayfair. HH, TS (example of code).

Located on price label. A two letter pack date code. First letter designates pack date. Second (ignore this) is letter of packer. H is Mon., K is Tues., L is Weds., N is Thurs., O is Fri., T is Sat., S is Sun., HH means packed Mon., TS means packed Sat.

EGGS

(Shelf life of 5 to 9 months at 20–31° F, but actual avg. is 21 days in your refrigerator.)

Safeway: Brand—Lucerne and Cream O' Crop. 8 214–1 (example of code).

Located on left panel of carton. Usually three but here five digit pull date. Read only first two (or three) digits, first is month, then date of month. 8 214–1 means pull date of Aug. 2!! (when in doubt, ask.)

Lucky: Brand—Lady Lee. W220 (example of code).

Located on left panel of carton. A one-letter three digit code. Ignore letter which is plant. A day of the year code (see definitions). W220 means pull 220th day, Aug. 15.

Mayfair: Brand—Mayfresh. L7–222 or 7–222 (example of code).

Located on left end of flap. A four digit pull date. Ignore first letter and digit. Digits following dash refer to day of year (see definitions). L7–222 or 7–222 means pull after 222nd day, which is Aug. 10.

VACUUM-PACKED MEAT AND BACON

(Bacon shelf life is 1 week, for meats—shelf life ten days after pull date.)

(Note—bacon code date is located on left panel of package.)

Safeway: Brand—Safeway "guaranteed fresh" 0813, 813 or 8–13 (example of code).

Stamped on red portion of package label. A two to four digit pull date. Read first digit(s) as month. Last two digits are date of month. 0813, 813 or 8–13 means Aug. 13 is last date meat should be sold.

Lucky: Brand—Lady Lee. 0139 or 0192 (example of code).

Stamped on back and bottom of package where opening instructions are. A two to four digit pull date. Like Lucky milk, middle digits are date of month. First and last digits are month. 0139 means pull Sept. 13, 0192 means pull Dec. 9.

Mayfair: Brand—Mayfair. 8171 or 817–1 (example of code).

Located on back, on bottom of pkg. A four digit pull date. Use American Meat Institute system (see definitions). 8171 or 817–1 means Sept. 17 is last date it should be sold.

VACUUM PACKED MEATS

(Bologna, salami, luncheon meats, etc. Not bacon.)

Morrell/Bob Ostrow: 0908 and 5084 (examples of code).

Located on bottom seal of pkg., near pull tab if there is one. A four digit pull date. When first digit is zero, code is a month-date code—first two digits are month, last two digits are date of month. When first digit is NOT zero, code follows American Meat Institute format—add outside digits for month. Middle digits are date of month. 0908 is month-date code, means Sept. 8, pull date. 5084 is A.M.I. code, means Sept. 8, pull date.

Exception—Morrell smoked ham, 31 (example of code). Located on price label, upper left hand corner. A two digit PACK date. Digits are day of month product was packed, 31 means product was packed 31st of whatever month it is.

Oscar Mayer: 4274Y and 44 (example of code).

Four or five unit code is located on bottom, back of pkg.

Two digit code is located on price label.

Four or five unit code is pull date. Ignore final letter. See American Meat Institute code format. Two digit code is pull date referring to the last week product should be sold, in system where first week in Jan. is #1, last week in Dec. is #52.

4274Y MEANS pull date Aug. 27.

44 MEANS pull 44th week of year, which is last week in Aug.

Armour: 3314 (example of code).

Located at bottom of pkg., at right angle to Armour label.

A four digit pull date. See definition, American Meat Institute Code.

3314 means pull July 31.

BACON

(All codes located on left side of pkg.)

Morrell/Bob Ostrow: 0816 and 4164 (examples of code)

A four digit pull date. See MORRELL/OSTROW vacuum-pked. meats.

0816 MEANS pull Aug. 16.

4164 MEANS pull Aug. 16.

Dubuque: 0820 (example of code)

A four digit month-date code.

First two digits are month. Second two are date of month. Code is a PACK date, not a pull date.

0820 MEANS bacon was packaged Aug. 20.

Hormel (George A. Hormel Co.): 851 199F and 12132 199F (examples of code).

A three to nine unit code. Ignore 199F which refers to an inspection number. Code is a month-date PACK date. First digit refers to month. Second digit refers to day of month. 1 means packed in A.M. 2 means packed in P.M. 851 199F MEANS packed on Aug. 5 in morning. 12132 199F MEANS packed on Dec. 13 in afternoon.

BREAD

(Coded by colored twister or letter stamped on end of bag.)

American Bakeries/Langendorf/Mayfresh: Fresh Mon.—blue twist—B, fresh Tues.—red twist—R, fresh Weds.—no delivery, fresh Thurs.—orange twist—O, fresh Fri.—green twist—G, fresh Sat.—yellow twist—Y.

Kilpatrick: fresh Mon.—orange twist, fresh Tues.—white twist, fresh Weds.—no delivery, fresh Thurs.—yellow twist, fresh Fri.—blue twist, fresh Sat. red twist.

ITT Continental/Wonderbread: fresh Mon.—red twist, fresh Tues.—white twist, fresh Weds.—no delivery, fresh Thurs.—yellow twist, fresh Fri.—organge twist, fresh Sat.—green twist.

Orowheat: fresh Mon.—blue twist—B, fresh Tues.—yellow twist—Y, fresh Weds.—no delivery, fresh Thurs.—green twist—G, fresh Fri.—pink twist—P, fresh Sat.—white twist—W.

DAIRY PRODUCTS

Christopher/Berkeley Farms: Tricky code. We couldn't break it and they wouldn't tell us how, except that it changes each week. Readers are invited to break it.

4333 (example of milk code).

NOH6 (example of code on cottage cheese and sour cream).

Borden's/Knudsen's: milk, cottage cheese and sour cream.

SOH7, SF7OH7 or DOH7; and S1H7 (examples of code)

Located on pour spout of milk, on bottom of plastic container on cottage cheese and sour cream.

A four to six unit pull date. Ignore everything but last three units. Of those, the letters stands for month in system of A is Jan., B is Feb., C is Mar. etc. except X is Sept. date. Digits stand for date of month.

SOH7, SF70H7 or DOH7 means pull Aug. 7.

S1H7 means pull Aug. 17.

Spreckels/Southland Corporation:

Milk: OC7 (example of code).

Located on pour spout.

A three unit pull date. Ignore letter. Digits are date of month.

OC7 MEANS pull 7th of whatever month it is.

Cottage cheese and sour cream: OH6 (example of code).

Located on bottom of plastic container.

A three unit pull date. Letter is month in system of A is Jan., B is Feb., C is Mar., etc. Digits are day of month.

OH6 MEANS pull Aug. 6th.

Foremost/Marin Dell:

Milk: SF–08 (example of code).

Located on pour spout, imprinted in wax (no ink).

A two digit pull date. Ignore SF.

Digits stand for date of month.

SF–08 MEANS pull on 8th of whatever month it is.

Cottage cheese:

1A8 (example of code).

Located on bottom of plastic container.

A three unit pull date. Ignore letter. Digits stand for date of month.

1A8 MEANS pull on 18th of whatever month it is.

Sour cream: H172 (example of code).

Located on bottom of plastic container.

A one letter-three digit pull date. Ignore letter. First and second digits are date of month. Last digit is month in system of 1–6 is Jan. thru June, then 1–6 is July thru Dec.

H172 MEANS pull August 17.

CANNED GOODS

Even on the stores own brands, the codes are different for every product.

For instance Safeway's Townhouse diced beets are coded 9N908 PFQDJ, but Townhouse canned beets are coded 1682.

Though canned goods are eventually perishable, right now there is no way for the consumer to unscramble each code in a systematic way. Just hope that what is inside is only a year old.

HOW CLOSE CAN YOU GET TO BEING A CASUALTY?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MILLER of California. Mr. Speaker, I was happy to learn that a young Army officer from my district was one of two survivors of the recent tragic helicopter crash that took the lives of 32 men in Vietnam. Capt. Eric P. Reid, a career soldier with a fine record of service during 5 years in the Army and two tours of Vietnam, copiloted the big CH–47 Chinook helicopter which was shot down by enemy fire near Saigon. Captain Reid is the son of Mr. and Mrs. Monte Reid of San Lorenzo. His wife, Patricia Lewis Reid, and two sons also reside in San Lorenzo. I join with his family in thanksgiving for his safety, and I include in the RECORD the Oakland Tribune account of the incident:

HOW CLOSE CAN YOU GET TO BEING A CASUALTY?

SAN LORENZO.—Mrs. Patricia Reid was concerned yesterday when she heard a radio news report that an Eastbay soldier was injured in a helicopter crash in Vietnam.

She was shocked and relieved when a Tribune reporter called her later and informed her that Capt. Eric P. Reid, her husband, was one of the two survivors of the crash that took the lives of 30 others on the chopper, killed two soldiers on the ground and injured five other ground troops.

Capt. Reid, 23, was the co-pilot of a big CH47 Chinook helicopter that was transporting troops of the 196th Brigade when it was hit by a burst of enemy machinegun fire and crashed near Saigon.

"As we started falling," Reid said in an interview at Chu Lai yesterday, "I noticed that my aircraft commander was dead, and there was an orange glow coming from behind me. I turned and saw the entire inside of the ship was on fire.

"The ship stopped falling, and I remember loosening my shoulder rig and safety belt and pushing myself out the emergency exit," he said. "When I hit the ground, I started rolling away, down the slope. I don't remember what happened for a while after that."

One other person aboard the craft escaped with severe burns, but military officials declined to identify him immediately.

Reid said the next thing he remembers was crawling back up the hill and finding the Chinook destroyed—"being magnesium, it burned completely and left only ash."

Reid suffered only bruises, and was released from the Chu Lai hospital yesterday.

Mrs. Reid, who lives in a townhouse at 15716 Washington Ave., said her husband is due home from Vietnam in 38 days.

"I wrote him just last night that with only five weeks to go, everything is just about through," said the pretty housewife as her sons, Ricky, 1½, and Les, 4, scurried around the living room.

"I just can't explain how lucky I feel and how grateful that out of all the victims, my husband walked away with just a few scratches."

She said her husband is a career man with the Army, and is completing his second tour of duty in Vietnam. He has been awarded two Bronze Stars and an Air Medal during his two year-long tours in the combat zone.

Mrs. Reid said both she and her husband enjoy their military life, although she said the separations are difficult. They have been married for five years, and they've been separated more than two-and-one-half years.

But her husband has received rapid advancement in the Army. He enlisted as a private in 1965, after graduating from San Lorenzo High School. The following year he attended officers candidate school and was commissioned a second lieutenant.

He was then sent to Vietnam as a tank commander, where he won the Bronze Stars, one for gallantry and the other for meritorious service.

Last year he attended the Army's flight school and won his wings. He just began his second Vietnam tour last October.

Reid is currently serving as executive officer of the 178 Assault Support Helicopter Co., of the 23rd Infantry Division, stationed at Chu Lai.

HON. G. ROBERT WATKINS

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. KING. Mr. Speaker, because of my recent hospitalization, I was unable to participate in the many fine tributes paid to our late colleague, the Honorable G. ROBERT WATKINS of Pennsylvania. I was indeed shocked and saddened to learn of the sudden death of my good friend who I will always consider one of the most likable persons I have ever known. BOB WATKINS was a man's kind of man and his word was always his bond. Not only was he an outstanding public servant, he was a successful businessman, a successful sportsman, and a successful leader. He possessed a certain quality of human understanding, working hard to help his fellow man to make this a better world in which to live. Those of us who knew BOB WATKINS well considered him a great American and a great gentleman and no man could ever hope for a finer epitaph. I most sincerely count it as a privilege and an honor to serve in the same Congress in which he served.

Mr. Speaker, BOB WATKINS' untimely death has created a void in the 91st Congress. We are comforted, however, in the knowledge that he lives in the minds and hearts of all of us who served with him.

Mrs. King joins me in extending to his wife and beloved family our deepest and sincerest sympathy.

PROUD POLISH RECORD

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DADDARIO. Mr. Speaker, 31 years ago on September 1, 1939, Nazi troops launched an unprovoked attack against Poland, signaling the first of Hitler's military drives to dominate the European continent. Unaided by any ally, Poland's small army was the first to offer any forceful resistance to the Nazi invasion.

Polish cavalry faced tanks, while the infantry stood up to the fearsome Nazi blitzkrieg, unintimidated by the awesome superiority of the most powerful army the world had ever seen. Though the Polish forces could hold off their invaders for only a few weeks, underground resistance to the occupation plagued the Nazis throughout the war. On August 1, 1944, 200,000 Poles gave their lives during a massive uprising in the capital city of Warsaw. Thousands of other, less dramatic instances of resistance bear witness to the tenacity of the Polish people in their struggle to regain their freedoms.

Elsewhere in Europe, Polish forces played a significant role in the Western war, fighting with allied troops in the battles of Britain and Narvick, and elsewhere in Italy, France, Belgium, and the Netherlands.

On September 1, we observe both an infamous aggression against a peaceful people, and the courageous efforts of those people to resist and overcome their invaders. Americans of Polish descent are justly proud of that record.

SENATE—*Tuesday, September 8, 1970*

The Senate met at 12 noon and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we thank Thee for Thy providence which has brought us to this hour, for Thy protection and guidance in work and in travel, and for the knowledge that underneath are The Everlasting Arms. We thank Thee for work completed and for the challenge of work yet to be undertaken.

Guide the Members of this body that the rule of Thy higher will may transcend all lesser wills. Make us worthy of these demanding days which try men's souls and cry aloud for wisdom and courage. Help us to lengthen our days by intensity of living, to fill the swift hours with mighty deeds and to lay up treasures where neither moth nor rust doth corrupt.

Be with all nations of the world. Draw them together in firm spiritual alliance. Lift all consultations for peace into the higher order of Thy kingdom and lead all men in paths of righteousness for Thy name's sake.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of September 2, 1970, the Secretary of the Senate, on September 2, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission dockets Nos. 90 and 122, and for other purposes;

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 2, 1970, Mr. BIBLE, from the Committee on Interior and Insular Affairs, reported favorably, with an amendment, on September 4, 1970, the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, and submitted a report (No. 91-1160) thereon, which was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 1, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, on September 4, 1970, reported favorably, without reservation, Executive F, 91st Congress, second session, the Supplementary Extradition Convention with France, signed at Paris on February 12, 1970, and submitted a report (Ex. Rept. No. 91-23) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 2, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 24, 1970:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act, and for other purposes.

On August 28, 1970:

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colo., and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States, submitting the nomination of Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration, which was referred to the Committee on Banking and Currency.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW AND FOR THE REMAINDER OF THE WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, and for the rest of the week, up to and including Friday, September 11, 1970.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM FOR THE REMAINDER OF THE SESSION

Mr. MANSFIELD. Mr. President, I must say, in all candor, that I am some-

what disturbed at the reported lack of attendance today and express the hope that, with the concurrence of the leadership on the minority side, and the Senate, beginning tomorrow, it will be possible to operate on a two-shift basis, so that items on the calendar, which are being held and are debatable, can be brought up and considered. Whether this can be done will, of course, depend upon the consent of the Senate as a whole; but I would point out that we have much important legislation left, including six appropriation bills, and that we have some important legislation still coming out of the committees. There is also a certain number of important legislative items on the calendar.

I, therefore, believe that the Senate had better try to clear the calendar, so that an adjournment can be reached as soon as possible.

May I say that unless there is a great deal of cooperation and understanding on the part of every one of the 100 Senators, it will be well nigh an impossibility to adjourn sine die by the middle of next month. So, with those few words, I yield to the acting minority leader.

Mr. GRIFFIN. I thank the distinguished majority leader. I know I speak for the minority leader, the Senator from Pennsylvania (Mr. SCOTT), when I say that the leadership on this side wants to cooperate in every possible way with the majority leader in his efforts to complete the business of the Senate, if at all possible, before election day so we can adjourn sine die.

Even though it may appear, as a practical matter, that such a goal is impossible, we all know that sometimes the impossible is accomplished.

So far as the request of the majority leader that the Senate come in early each day and work late, on a two-shift basis, I want to indicate that the procedure certainly has the approval of the minority leadership. I wish to commend the distinguished majority leader for his approach and his attitude which points strongly in the direction of expediting the business of the Senate. And I wish to assure him that he will have every possible cooperation from the leadership on this side of the aisle.

Mr. MANSFIELD. I thank the distinguished acting minority leader.

Mr. WILLIAMS of Delaware. Mr. President, I am glad the majority leader is outlining a program by which we may be able to complete our business. I certainly want to cooperate with him. I am sure all Senators do.

I wonder whether it would not be a good policy, rather than have all committees meeting during a session of the Senate, which means that all we do in this Chamber is spin our wheels and do nothing while the committees are in session, that the leadership on both sides of the aisle get together to establish the priorities and decide which bills need most to be considered during this session, then give permission for those committees which have those bills in hand to meet and shut down the other committees.

As long as we keep grinding out the bills, even though they are referred to as minor bills or "cats and dogs," they are expensive cats and dogs. Bills that are passed in the last days of a session are ofttimes bills which should not pass. Therefore, it might be better to let them go over to next year, rather than to give blanket permission for all committees to meet, to keep grinding out the bills and holding hearings on legislation, which it is known will not be promoted or pushed until next year. Why not just stop committees from meeting during the session of the Senate except as they deal with legislation of high priority.

In that manner we could bring this session to an end and I am sure by so doing we would gain the thanks of the taxpayers.

Mr. MANSFIELD. The distinguished Senator from Delaware (Mr. WILLIAMS) has been reading my thoughts. I hope everyone can hear me. I have been out in Montana where the air is dry and invigorating, and I have returned to Washington with a touch of laryngitis. But I have instructed the Policy Committee to start compiling such a list, and I intend to discuss the matter with the Republican leadership, to see just what we jointly can consider as most important in the way of items to be taken up the remainder of this year.

I hope to have that ready for the regular luncheon of the Republican membership of the Senate, which I understand will be held tomorrow, rather than today.

I also want to discuss with the Republican leadership the possibility of an executive session, with only Members of the Senate present, both Republicans and Democrats, so that together we can discuss the program and see what we can do in the way of cooperating and considering bills in order to get them passed and wind up this session at some reasonable date.

But I want to say that the leadership cannot do it alone. It will take the cooperation and understanding and the pulling together of the entire membership—all 100 Members. The leadership can propose but the membership disposes.

Mr. GRIFFIN. If the Senator from Montana will permit me to correct an error, I indicated earlier that the Republican policy luncheon would be held on Wednesday of this week. I understand now that I was in error, and that the luncheon is virtually scheduled for Thursday of this week.

Mr. MANSFIELD. We will have the list for the Senator then.

Mr. BAYH. I would like to express a special word of appreciation to the distinguished majority leader for his willingness to make the electoral reform bill the pending business.

I realize that it was not an easy decision to make because the electoral reform proposal will, in all probability, create heated debate and discussion.

I believe the decision was right: that in the history of the country, this could be one of the most critical decisions the majority leader has made.

As one who is very anxious to see this matter debated and discussed, I should like to say now, at least from my standpoint, that I see no reason for prolonged debate. But I hope that the people of the country will not be denied the opportunity to have the Senate vote on the joint resolution, inasmuch as the House passed it by a 339-to-70 vote.

So far as the proponents are concerned, probably by the end of this week we could be persuaded to vote on the joint resolution, if the opponents are ready to vote. I hope that will happen, and in short order, so that we can get on with the other important items of business before the Senate, to which the majority leader has already referred.

Mr. MANSFIELD. Mr. President, I am in full accord with the remarks just made by the distinguished Senator from Indiana. I feel the same way about the equal rights amendment which, I hope, will be given expeditious consideration when it is laid before the Senate, as well as the President's proposal to reform the present welfare assistance in the name of what I think is referred to as the Family Assistance Act.

Personally, I have some grave questions in my own mind about that particular proposal. But I think that President Nixon's interest in this matter should be given every consideration and that the Senate should give the President the courtesy of having the bill reported out so that it can be discussed, debated, and disposed of and receive the same consideration as other important legislation which is coming to us in the shank of the evening, so to speak.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with the statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the period for the transaction of routine morning business, the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON WEDNESDAY, THURSDAY, AND FRIDAY THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate adjourn tonight, Tuesday, Wednesday, Thursday, and that for the rest of this week, Friday included, the Senate convene at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNUAL FEDERAL EXPENDITURES FOR CIVILIAN PAYROLL IN THE EXECUTIVE BRANCH FOR FISCAL YEARS 1960–70

Mr. WILLIAMS of Delaware. Mr. President, the Joint Committee on Reduction of Federal Expenditures has just compiled a report summarizing the annual Federal expenditures for civilian payroll in the executive branch for the fiscal years 1960 through 1970.

This report shows that the average civilian employment for 1970 for civilian agencies was at an all-time high, totaling 1,694,157, or an increase of 374,125 over 1960, or an increase of 38,181 over 1969.

Civilian employment in the Defense Department for 1970 declined 41,457, but this was still 209,467 over 1960.

The annual cost of a civilian payroll in 1970 was $26,834,000,000, or more than double the $12,564,000,000, total cost in 1960.

The annual cost of the payroll in civilian agencies alone has climbed from $6,804,000,000 in 1960 to an all-time high of $15,621,000,000 in 1970 while the civilian employment payroll in the Defense Department has risen from $5,760,000,000 in 1960 to $11,213,000,000 in 1970.

I ask unanimous consent that this statistical report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ANNUAL FEDERAL EXPENDITURES [1] FOR CIVILIAN PAYROLL IN EXECUTIVE BRANCH—FISCAL YEARS 1960–70

Fiscal year	Civilian agencies	Defense Department [2] (civilian employment)	Total
1960	$6,804,000,000	$5,760,000,000	$12,564,000,000
1961	7,546,000,000	6,026,000,000	13,572,000,000
1962	7,898,000,000	6,318,000,000	14,216,000,000
1963	8,659,000,000	6,603,000,000	15,262,000,000
1964	9,297,000,000	6,818,000,000	16,115,000,000
1965	10,043,000,000	7,102,000,000	17,145,000,000
1966	10,875,000,000	7,732,000,000	18,607,000,000
1967	11,727,000,000	8,668,000,000	20,395,000,000
1968	12,919,000,000	9,395,000,000	22,314,000,000
1969	13,840,000,000	10,298,000,000	24,138,000,000
1970	15,621,000,000	11,213,000,000	26,834,000,000

[1] Dollars in rounded amounts.
[2] Excludes pay for foreign nationals not on regular rolls ($390,000,000 for fiscal year 1970).

Civilian employment in the Executive Branch during fiscal year 1970 averaged 2,958,364 as compared with 2,961,640 in fiscal year 1969. This decrease of 3,276 reflects inclusion in 1970 of an annual average of about 32,300 temporary 19th Decennial Census employees.

The average Executive Branch employment total of 2,958,364 for fiscal year 1970 includes an average of 2,592,549 full time employees in permanent positions; the total of 2,961,640 for fiscal year 1969 includes an average of 2,623,472 full time permanent employees. This was a decrease of 30,923 in average full time permanent employment.

The following tabulation shows average civilian employment for the Executive Branch broken between civilian military agencies for fiscal years 1960 through 1970.

AVERAGE CIVILIAN EMPLOYMENT BY FEDERAL AGENCIES IN EXECUTIVE BRANCH—FISCAL YEARS 1960–70

Fiscal year	Civilian agencies	Defense Department [1] (civilian employment)	Total
1960	1,320,032	1,054,740	2,374,772
1961	1,323,567	1,037,356	2,360,923
1962	1,373,485	1,058,676	2,432,161
1963	1,417,937	1,063,720	2,481,657
1964	1,434,104	1,042,552	2,476,656
1965	1,443,376	1,024,482	2,467,858
1966	1,500,349	1,074,080	2,574,429
1967	1,605,919	1,234,474	2,840,393
1968	1,654,973	1,280,853	2,935,826
1969	1,655,976	1,305,664	2,961,640
1970	1,694,157	1,264,207	2,958,364

[1] Excludes foreign nationals not on regular rolls (averaging 109,237 for fiscal year 1970).

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Federal Home Loan Bank Board for the fiscal year ended December 31, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved operation and maintenance of municipal waste treatment plants, Federal Water Quality Administration, Department of the Interior, dated September 1, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT COVERING PROPERTY DONATED TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS AND CIVIL DEFENSE ORGANIZATIONS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property donated to public health and educational institutions and civil defense organizations and real property disposed of to public health and education institutions, for the period January 1 through June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECLASSIFICATION OF LANDS WITHIN THE MIDVALE IRRIGATION DISTRICT OF THE RIVERTON PROJECT IN WYOMING

A letter from the Secretary of the Interior, reporting, pursuant to law, on the reclassification of lands within the boundary of the Midvale Irrigation District of the Riverton project in Wyoming; to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

A letter from the Associate Administrators, Law Enforcement Assistance Administration, U.S. Department of Justice, transmitting, pursuant to law, the second annual report of the Administration for fiscal year 1970 (with an accompanying report); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to

law, copies of orders entered, granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, September 8, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission dockets numbered 90 and 122, and for other purposes;

H.R. 13716. An act to improve and clarify laws affecting the Coast Guard Reserve;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indiana Claims Commission docket numbered 220, and for other purposes; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project. Utah, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MCCLELLAN:

S. 4322. A bill for the relief of Vincenzo Li Mandri; to the Committee on the Judiciary.

By Mr. YARBOROUGH (for himself, Mr. KENNEDY, Mr. COOPER, and Mr. SAXBE):

S. 4323. A bill to create a health security program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear below under the appropriate heading.)

S. 4323—INTRODUCTION OF THE HEALTH SECURITY ACT

Mr. YARBOROUGH. Mr. President, today I introduce a bill along with Senator EDWARD KENNEDY of Massachusetts, Senator JOHN SHERMAN COOPER of Kentucky, and Senator WILLIAM SAXBE of Ohio, to create a national health security program, to be funded out of general revenue appropriations. While I jointly introduced S. 4297 along with Senator KENNEDY and 14 other Senators on Thursday, August 27, 1970, that bill was to be financed through the establishment of a Health Security Trust Fund and therefore was referred to the Senate Finance Committee. The bill I introduce today is financed out of general appropriations and therefore is to be referred to the Senate Labor and Public Welfare Committee.

I give notice that I intend to hold hearings on the national health security program on Wednesday, September 23, 1970, and Thursday, September 24, 1970. While this bill would normally be heard by the Health Subcommittee, of which I am chairman, I have had requests from members of the full committee to be able to participate in this hearing. Because of these requests and because of the significance of this bill and its relation to our national health problems, I will hold these hearings as chairman of the full Labor and Public Welfare Committee, rather than as chairman of the Health Subcommittee. In this manner, all the members of the full committee will be afforded an opportunity to participate. It is hoped that further hearings in addition to the 2 days in September will be held this year by me.

The need for improved health care is obvious and grows more persistent every day. The figures that used to shock us have now become common place: The United States ranks 13th in death of infants during the first year of life; seventh in the percentage of mothers who die in childbirth; no better than 18th in the life expectancy of males and 11th for females; and 16th in the death rate of males in their middle years.

This is the comparison of the United States with other industrial countries of the world, which are the countries that surpass us in their health programs. In all instances, the United States ranked better than 15 or 20 years ago. The fact is that the health of Americans is lagging behind our other national improvements and the national response to this fact is inadequate.

Not only are the facts becoming commonplace, but the rhetoric is also. At a press conference last year, President Richard Nixon said:

> We face a massive crisis in this area [health care] and unless action is taken both administratively and legislatively to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout the country.

Yet, the President's response to the crisis was to veto this year the two major bills that Congress put before him to improve health care.

It should be pointed out that Americans have not just sat idly by, but we have attempted within the framework of the present health system to secure adequate health care. In 1969, Americans spent $63 billion for health care—seven percent of the gross national product. This expenditure exceeded 1950 figures by over 500 percent. Since 1950 when health spending amounted to $12 billion the total health expenditures have risen at an average of 8.8 percent per year—an average of 12.2 percent in the past 3 years.

Furthermore, we have tried to cover the costs of health care through insurance, but the coverage has been inadequate. In 1968, health insurance was a giant $12 billion industry but benefit payments met only about one-third of the private costs of health care, leaving two-thirds to be paid from elsewhere by the recipients of the services. Twenty-four to 34 million Americans under age 65 have no private health insurance benefits at all.

That is a wide spread, Mr. President, but exact figures are impossible to obtain. We have searched this out, and we know that somewhere between those brackets is the accurate figure. The fact is that despite huge expenditures for health care and for medical insurance in this country, we still have not developed a system of adequate financing of health care for the people.

Even if we were to develop a better system of financing health care, however, there would still be an intense need to revamp the system to provide efficient care for all our citizens. That is, it is not simply a matter of more money to be spent on the present system, since experts maintain that $14 billion of the $63 billion we spend on health care is wasted and hospital overuse runs over 25 percent of the beds. With this great shortage in hospital beds, the medical people who have worked on the problem say there is 25 percent overuse, use of beds which is not needed.

The lessons of medicare and medicaid should teach us that the system needs to be changed so as to provide the motivation for better care at a more reasonable cost, not the motivation to provide more health care whether needed or not. Unfair advantage has been taken of the public health care programs of the past and the bill that I introduce today is designed to prevent that abuse.

Let me repeat, Mr. President, that health experts in this country think that, of this $63 billion, $14 billion is wasted, and that we could, with better planning, get health care to all the people for much less money.

Under the national health security program bill which I offer today, costs of necessary health care would be paid for in full. This includes physician services, psychiatric services, hospital and other institutional care, dental services, medicines, therapeutic devices, appliances, and equipment, as well as needed supporting services.

Furthermore, money will be provided to develop a more adequate supply and appropriate distribution of health professionals and supporting personnel. The program will actively encourage more efficient organization of existing health manpower, provide funds for special training of physicians, dentists, and other health workers needed for this program, and apply financial incentives to stimulate the movement of health manpower to medically deprived areas.

We have heard talk all during this Congress that there were "new" proposals forthcoming from the administration, that we should wait and see.

Mr. President, I have been urged for months to wait and see, that the administration will have a bill. And I have been waiting. But it is late in the session. The time for waiting is now past. We can no longer wait for a band-aid approach for our disintegrating health system that needs major surgery. While the bill I introduce today is not the complete answer, it is the best answer we have yet come up with.

Mr. President, I have been on the Health Subcommittee of the Senate for

nearly 13 years, up until last year under the great Lister Hill as chairman. I have listened to the evidence for 13 years. We have talked to the experts, and we have studied this question for years. Last January, when I became chairman of the subcommittee, I expressed a desire to introduce such a comprehensive health care bill. This, I repeat, is the best we have been able to come up with after hearing testimony from the people who have worked in this field over in the private structure of the economy, made a study of the problem, and come in with their recommendations.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD in accordance with the Senator's request.

The bill (S. 4323) to create a health security program, introduced by Mr. YARBOROUGH (for himself, Mr. KENNEDY, Mr. COOPER, and Mr. SAXBE), was received, read twice by its title, and was referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF A BILL

S. 3220

At the request of the Senator from West Virginia (Mr. BYRD) the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 3220, to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 878

Mr. GRIFFIN submitted amendments, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which were ordered to lie on the table and to be printed.

ANNOUNCEMENT OF HEARINGS: FEDERAL DATA BANKS AND THE BILL OF RIGHTS

Mr. ERVIN. Mr. President, in recent months, with the discovery of each new Federal data bank and data system, public concern has increased that some of the Federal Government's collection, storage, and use of information about citizens may raise serious questions of individual privacy and constitutional rights.

The Constitutional Rights Subcommittee has received countless letters and telegrams from Members of Congress and from interested persons all over the United States, urging that hearings be scheduled to consider the total impact of some of these data programs on preservation of individual rights.

I wish to announce that, in response to these demands, the subcommittee has scheduled a new series of hearings on "Federal data banks and systems and the bill of rights." The first stage of the hearings will be held October 6, 7, and 8.

The subcommittee has already undertaken a survey of Federal data banks and automated data systems to determine what statutory and administrative controls are governing their growth and what rights and remedies are provided for the citizen. The analysis of the executive branch replies to that subcommittee questionnaire, together with the hearings held in the last session on "privacy and Federal questionnaires," and the hearings which begin in October, will assist Congress in determining the need for a new independent agency to control Federal data banks on behalf of the privacy and due process rights of citizens. It has been my conviction that such an agency is needed, along with new remedies in the courts and other corrective actions. I detailed the reasons for my belief in a Senate speech in November 1969.

The purpose of the hearings is: First, to learn what Government data banks have been developed; second, how far they are already computerized or automated; third, what constitutional rights, if any, are affected by them; and, fourth, what overall legislative controls, if any, are required.

Witnesses familiar with the constitutional and legal issues, as well as the practical problems raised by some current and proposed data programs will document these for the record. The Secretary of the Army and other representatives of the Defense Department have already been invited to attend the October hearings to describe how and why the Army and other armed services have collected and stored information on civilians, and to what extent the records have been automated for easy access and retrieval.

Prof. Arthur R. Miller of the University of Michigan Law School, author of a forthcoming book, "The Dossier Society: Personal Privacy in the Computer Age," has been invited to describe the state of the law governing information flow in our society and its relationship to legal rights. Another witness will be Christopher Pyle, an attorney and former Army intelligence officer, who has investigated the Army's civil disturbance data programs, and has written widely on the subject.

In later hearings, other representatives of the executive departments and agencies will be invited to respond to the complaints and fears which have been expressed by the public. They will be afforded the opportunity to explain exactly what their data programs on people involve, and how, if at all, the privacy, confidentiality and due process rights of the individual are respected.

The subcommittee has received enthusiastic support from specialists in the computer sciences, in both the computer industry and in the academic community. We hope to receive the benefit of their expertise for our hearing record.

Mr. President, our Nation is predicated on the fundamental proposition that citizens have a right to express their views on the wisdom and course of governmental policies. This involves more than the currently popular notion of a so-called right to dissent. Our system cannot survive if citizen participation is limited merely to registering disagreement with official policy; the policies themselves must be the product of the people's views. The protection and encouragement of such participation is a principal purpose of the first amendment.

More than at any other time in our history, people are actively expressing themselves on public questions and seeking to participate more directly in the formulation of policy. Mass media have made it easy for large numbers of people to organize and express their views in written and oral fashion. Rapid means of transportation have aided our mobile population to move easily to sites of central and local authority for the purpose of expressing their views more publicly. The freedom of our form of government and the richness of our economy have made it possible for individuals to move about freely and to seek their best interests as they will in vocations and avocations of their choice, or indeed, to pursue none at all for a time, if that is what they wish. If modern technology has provided citizens with more efficient means for recording their dissent, or for registering their political, economic, or social views, it has also placed in the hands of executive branch officials new methods of taking note of that expression of views and that political activity. For these reasons, those individuals who work actively for public causes are more visible than ever before.

These new sciences have accorded those who control government increased power to discover and record immutably the activities, thoughts and philosophy of an individual at any given moment of his life. That picture of the person is recorded forever, no matter how the person may change as time goes on. Every person's past thus becomes an inescapable part of his present and future. The computer never forgets.

To be sure, recordkeeping is nothing new in the history of government; nor indeed, is the habit all governments and all societies have of surveillance, blacklisting and subtle reprisal for unpopular political or social views. Men have always had to contend with the memories of other men. In the United States, however, we are blessed with a Constitution which provides for due process of law. This applies to the arbitrary use of the recordkeeping and information power of government against the individual.

Despite these guarantees, the new technology has been quietly, but steadily, endowing officials with the unprecedented political power which accompanies computers and data banks and scientific techniques of managing information. It has given Government the power to take

note of anything, whether it be right or wrong, relevant to any purpose or not, and to retain it forever. Unfortunately, this revolution is coming about under outdated laws and executive orders governing the recordkeeping and the concepts of privacy and confidentiality relevant to an earlier time.

These developments are particularly significant in their effect on the first amendment to our Constitution.

No longer can a man march with a sign down Pennsylvania Avenue and then return to his hometown, his identity forgotten, if not his cause.

No longer does the memory of the authorship of a political article fade as the pages of his rhetoric yellow and crumble with time.

No longer are the flamboyant words exchanged in debate allowed to echo into the past and lose their relevance with the issue of the moment which prompted them.

No longer can a man be assured of his enjoyment of the harvest of wisdom and maturity which comes with age, when the indiscretions of youth, if noticed at all, are spread about in forgotten file cabinets in basement archives.

Instead, today, his activities are recorded in computers or data banks, or if not, they may well be a part of a great investigative index.

Some examples come readily to mind from the subcommittee survey.

The Civil Service Commission maintains a "security file" in electrically powered rotary cabinets containing 2,120,000 index cards. These bear lead information relating to possible questions of suitability involving loyalty and subversive activity. The lead information contained in these files has been developed from published hearings of congressional committees, State legislative committees, public investigative bodies, reports of investigation, publications of subversive organizations, and various other newspapers and periodicals. This file is not new, but has been growing since World War II. The Commission has found it a reasonable, economical and invaluable tool in meeting its investigative responsibilities. It is useful to all Federal agencies as an important source of information.

The Commission chairman reports:

> Investigative and intelligence officials of the various departments and agencies of the Federal Government make extensive official use of the file through their requests for searches relating to investigations they are conducting.

In its "security investigations index," the Commission maintains 10,250,000 index cards filed alphabetically covering personnel investigations made by the Civil Service Commission and other agencies since 1939. Records in this index relate to incumbents of Federal positions, former employees, and applicants on whom investigations were made or are in process of being made.

The Commission's "investigative file" consists of approximately 625,000 file folders containing reports of investigation on cases investigated by the Commission. In addition, about 2,100,000 earlier investigative files are maintained at the Washington National Records Center in security storage. These are kept to avoid duplication of investigations or for updating previous investigations.

For authorization for these data banks, the Commission cites Executive Order 10450, an order promulgated in 1953.

Another department, the Housing and Urban Development Department, is considering automation of a departmental procedure. According to the report made to the subcommittee:

> The data base would integrate records now included in FHA's Sponsor Identification File, Department of Justice's Organized Crime and Rackets File, and HUD's Adverse Information File. A data bank consisting of approximately 325,000 3x5 index cards has been prepared covering any individual or firm which was the subject of, or mentioned prominently in any investigations dating from 1954 to the present. This includes all FBI investigations of housing matters as well. In addition, HUD maintains an index file on all Department employees which reflects dates and types of personnel security investigations conducted under the provisions of Executive Order 10450.

In the interest of preparing for possible civil disturbances and for protecting the armed services from subversion, the Department of the Army and other military departments have been collecting information about civilians who have no dealing with the military services.

The Secret Service has created a computerized data bank in the pursuit of its programs to protect high Government officials from harm and Federal buildings from damage. Their guidelines for inclusion of citizens in this data bank refer to "information on professional gate crashers; information regarding civil disturbances; information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas; information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, and so forth."

In the area of law enforcement, the Bureau of Customs has installed a central automated data processing intelligence network which is a comprehensive data bank of suspect information available on a 24-hour-a-day basis to Customs. The initial data base, according to the Secretary of the Treasury, is a "modest" one comprising some 3,000 suspect records: He states:

> These records include current information from our informer, fugitive and suspect lists that have been maintained throughout the Bureau's history as an enforcement tool and which have been available at all major ports of entry, though in much less accessible and usable form. With the coordinated efforts of the Agency Service's intelligence activities, steady growth of the suspect files is expected.

This data bank, which is used by the Bureau to identify suspect persons and vehicles entering the United States, is an "essential tool" in performance of Customs officers' search and seizure authority, Secretary Kennedy has stated.

The Department of Justice is establishing comprehensive law enforcement data systems in cooperation with State governments, and is funding State data programs for law enforcement, civil disturbance and other surveillance purposes.

The National Science Foundation has created a data bank of scientists.

The Department of Health, Education, and Welfare has established a data bank on migrant children to facilitate the transfer of school records.

During our subcommittee hearings last year, case after case was documented of the vast programs to coerce citizens into supplying personal information for statistical data banks in the Census Bureau and throughout other Federal agencies.

These are only a few of the data programs which have raised due process of law questions from Congress and the public.

How do these things come about? It would be unfair, perhaps, to attribute suspicious political motives, or lack of ethics to those responsible for any one program or for any group of programs for collecting and storing personal information about citizens. Frequently, they just grow over the years. Sometimes, executive department data banks are either merely good faith efforts at fulfillment of specific mandates from Congress; or they are based on what some officials think to be implied mandates to acquire information necessary for Congress to legislate. If so, then Congress has no one to blame but itself when such programs unnecessarily threaten privacy or other rights. But it then has an even greater responsibility for acting, once its own negligence is discovered.

Perhaps the most such officials can be charged with is overzealousness in doing their job within narrow confines, to the exclusion of all other considerations.

Sometimes the issue of threats to individual rights is presented only after a data system has developed, and only after practical problems are raised which were not envisioned on paper.

At times, due process may be threatened by the failure of the computer specialists to consider only the information on a person absolutely essential for their programing.

There are political reasons also. One is the failure of heads of executive departments and agencies to mind their own stores and stay out of the business of other agencies. Each department does not need to seize the total man when it administers a program; only those portions of him necessary for the job. Another reason is the tendency of executive branch officials in the interest of political expediency and shortcuts to law and order goals, to seize upon the techniques of data banks, intelligence gathering, and surveillance activities as a substitute for hard-hitting, practical law enforcement work by the proper agencies, and for creative administration of the laws.

All of these excuses will not help the law-abiding citizen who, at the whim of some official, is put into an intelligence-type data bank which is part of a network of inquiry for all manner of governmental purposes.

No one would deny that the Government of such a populous and farflung country should not avail itself of the efficiency offered by computers and scientific data management techniques. Clearly, Government agencies must, as Congress has charged them, acquire, store, and process economically the information it obtains from citizens for administrative purposes. There is an ever increasing need for information of all kinds to enable the Congress to legislate effectively and the executive branch to administer the laws properly.

Furthermore, there is an obvious need in such a complex mobile society for recording and documenting amply the official relationship between the individual and his government.

More and more frequently, misguided individuals are resorting to violence and violation of the law. Communities are faced with rising crime rates. Local, State, and Federal Government have a right and a duty to know when a person has a legal record of violation of the law which, under the law, would deny him certain rights or benefits. They should be able to ascertain these matters quickly.

There are always some problems of accuracy and confidentiality with such records, especially when automated. It is not the carefully designed individual law enforcement data banks which concern the public. Rather, the subcommittee study is revealing that data programs which have aroused the most apprehension recently are those—

Which bear on the quality of first amendment freedoms by prying into those protected areas of an individual's personality, life, habits, beliefs, and legal activities which should be none of the business of Government even in good causes;

Which are unauthorized, or unwarranted for the legitimate purpose of the agency;

Which keep the information they acquire too long, and which by the very retention of unknown data may intimidate the individual subject;

Which are part of a network of data systems;

Which make little, if any provision for assuring due process for the individual in terms of accuracy, fairness, review, and proper use of data, and thereby may operate to deny the individual rights, benefits, privileges, reputation, which are within the power of Government to influence, grant or deny.

There is growing concern that the zeal of computer technicians, of the systems planners, and of the political administrators in charge of the data systems threatens to curtail the forces of society which have operated throughout our history to cool political passions and to make our form of government viable by allowing a free exchange in the marketplace of ideas.

The new technology has made it literally impossible for a man to start again in our society. It has removed the quality of mercy from our institutions by making it impossible to forget, to forgive, to understand, to tolerate. When it is used to intimidate and to inhibit the individual in his freedom of movement, associations, or expression of ideas within the law, the new technology provides the means for the worst sort of tyranny. Those who so misuse it to augment their own power break faith with those founders of our Constitution who, like Thomas Jefferson, swore upon the altar of God eternal hostility against every form of tyranny over the mind of man.

Mr. President, it has become dangerously clear in recent times that unless new controls are enacted, new legal remedies are provided, and unless Federal officials can be persuaded to exercise more political self-control, this country will not reap the blessings of man's creative spirit which is reflected in computed technology. Rather, if the surveillance it encourages is allowed to continue without strict controls and safeguards, we stand to lose the spiritual and intellectual liberty of the individual which have been so carefully nourished and so valianty defended, and which our Founding Fathers so meticulously enshrined in the Constitution.

I say this out of my conviction that the undisputed and unlimited possession of the resources to build and operate data banks on individuals, and to make decisions about people with the aid of computers and electronic data systems, is fast securing to executive branch officials a political power which the authors of the Constitution never meant any one group of men to have over all others. It threatens to unsettle forever the balance of power established by our Federal Constitution.

Our form of government is the fruition of an ideal of political, economic, and spiritual freedom which is firmly rooted in our historical experience. Basic to its fulfillment has always been the monumental truth that such freedom is truly secure only when power is divided, limited, and called to account by the people. For this reason the central Government was divided into three separate and equal branches.

For this reason, the bill of rights was added to secure certain areas of liberty against incursion by Government and the exercise of Federal power was limited to certain purposes.

For this reason, we cherish and protect the legal freedom of each citizen to develop his mind and personality and to express them free of unwarranted governmental control.

I differ with those who say that there are no existing checks on this developing power of computer technology, for I believe they already exist in our form of Government. The guarantees are established in our Constitution.

The forthcoming hearings will help Congress determine how these guarantees may best be implemented to meet the demands of the computer age.

In the interest of responding to the many inquiries from scholars, reporters and members of the public who are working on this subject, I should like to refer to other sources of materials which provide useful background information.

The subject of how Government manages its information systems, and its paperwork, how and when it uses computers and automation to assist in this effort, has been a continuing subject of concern by a number of congressional committees and their efforts should interest those working on this subject.

The Senate Administrative Practice and Procedures Subcommittee has contributed valuable hearings, reports and studies on the subject of computers, privacy, and Government dossiers. Particularly informative is their 1967 report "Government Dossier: Survey of Information on Individuals Contained in Government Files."

The Senate Government Operations Committee has, in other years, conducted comprehensive hearings and issued reports on Government information systems and management uses of computers.

In the House of Representatives, the Committee on Science and Astronautics has held a provocative and stimulating series of hearings and panel discussions on the impact of technology, especially on the management of Government information.

The House Government Activities Subcommittee of the Government Operations Committee, chaired by Representative JACK BROOKS, has produced valuable hearings, reports, and legislation on "Data Processing Management in the Federal Government."

More than anyone else, Representative CORNELIUS GALLAGHER has continually pointed out the dangers to individual rights and privacy of the establishment of a national data center, and his Special Subcommittee on Invasion of Privacy, after stimulating hearings, produced a classic and concise report entitled, "The Data Bank Concept." The record of his hearings contains testimony from many expert witnesses on the philosophy of privacy and computer technology.

The Census and Statistics Subcommittee of the House Post Office and Civil Service Committee produced a thought-provoking and influential report in the 89th Congress entitled "The Federal Paperwork Jungle." Scholars will find most informative that subcommittee's hearings and reports dealing with the paperwork requirements placed upon business, industry, and the public by the Federal departments.

I commend the publications of all of these committees and the thoughtful speeches of the chairmen and the members of these committees to persons interested in this subject.

It is my hope that the hearings and study by the Constitutional Rights Subcommittee will add a unique and valuable dimension to the public and congressional dialog on the role of data banks, information systems, and computers in our constitutional form of government.

Ben A. Franklin, in an excellent article in the New York Times on June 28, 1970, has described some of the current data banks and computers in the Federal Government and their possible effect on individual rights and privacy. I ask unanimous consent that his most perceptive article be printed in the RECORD at this point, together with the following

thoughtful articles and editorials. These are only a few of the excellent editorials and articles on this subject which have come to my attention, and they suggest a nationwide interest.

Editorials from the Greensboro, N.C., Daily News, July 1, 1970; Asheville, N.C., Times, June 18, 1970; Omaha, Nebr., World Herald, January 15, 1970; Sioux Falls, S. Dak., Argus, January 16, 1970; New York Post, June 30, 1970; Washington, D.C., Post, April 24, 1970; Asheville, N.C., Citizen, July 2, 1970; New York Times, July 4, 1970; Computerworld, March 4, 1970, and August 27, 1969; Huntsville, Ala., Times, July 12, 1970; Washington, D.C., Evening Star, March 16, 1970; and Houston, Tex., Post, March 16, 1970.

An article by Tom Wicker, entitled "In the Nation: A Right Not To Be Data-Banked?" from the New York Times, July 7, 1970, and an article from the Boston, Mass., Herald Traveler by John S. Lang, entitled "Big Brother, U.S., Is Watching You," April 19, 1970, an article from the Morning Call, Allentown, Pa., entitled "Guardian of Freedom," June 30, 1970, "Mitchell Defends Justice Department's 'Big Brother' Role," by Jared Stout, Staten Island, N.Y., Advance, July 19, 1970, and "Justice Department Keeps Files on Activists," by Morton Kondracke, Roanoke, Va., World News, March 11, 1970.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 28, 1970]

FEDERAL COMPUTERS AMASS FILES ON SUSPECT CITIZENS—MANY AMONG HUNDREDS OF THOUSANDS LISTED HAVE NO CRIMINAL RECORDS—CRITICS SEE INVASION OF PRIVACY

(By Ben A. Franklin)

WASHINGTON, June 27.—The police, security and military intelligence agencies of the Federal Government are quietly compiling a mass of computerized and microfilmed files here on hundreds of thousands of law abiding yet suspect Americans.

With the justification that a revolutionary age of assassination, violent political dissent and civil disorder requires it. The Government is building an army of instantly retrievable information on "persons of interest."

The phrase is an agent's term for those citizens, many with no criminal records, whom the Government wants to keep track of in an effort to avert subversion, rioting and violence or harm to the nation's leaders.

Critics of this surveillance, so far few in number, believe that the collection and dissemination of such information on noncriminals—for whatever purpose—is unauthorized by law and raises the most serious constitutional questions.

The foremost among them, Senator Sam J. Ervin, Jr., Democrat of North Carolina, has said that computerized files already in existence here are leading the country toward a "police state."

Discussions with officials, an examination of some known data files and information supplied by the Senator show that the files often contain seemingly localized and mundane information, reflecting events that today are virtually commonplace.

The leader of a Negro protest against welfare regulations in St. Louis, for example, is the subject of a teletyped "spot report" to Washington shared by as many as half a dozen Government intelligence gathering groups.

The name of a college professor who finds himself unwittingly, even innocently, arrested for disorderly conduct in a police roundup at a peace rally in San Francisco goes into the data file.

A student fight in an Alabama high school is recorded—if it is interracial.

Government officials insist that the information is needed and is handled discreetly to protect the innocent, the minor offender and the repentant.

The critics—including the Washington chapter of the American Civil Liberties Union and Representative Cornelius E. Gallagher, Democrat of New Jersey—charge that the system is an invasion of privacy and a potential infringement of First Amendment rights of free speech and assembly.

MASS SURVEILLANCE SYSTEMS

Senator Ervin, a conservative, a student of the Constitution, a former judge of the North Carolina Superior Court, and the chairman of the Senate Subcommittee on Constitutional Rights, says that the advent of computer technology in Government file keeping is pushing the country toward "a mass surveillance system unprecedented in American history."

In a recent series of Senate speeches, Mr. Ervin said that the danger was being masked by a failure of Americans to understand "the computer mystique" and by the undoubted sincerity and desire for "efficiency" of the data bank operations and planners.

The Government is gathering information on its citizens at the following places:

A Secret Service computer, one of the newest and most sophisticated in Government. In its memory the names and dossiers of activists, "malcontents," persistent seekers of redress, and those who would "embarrass" the President or other Government leaders are filed with those of potential assassins and persons convicted of "threats against the President."

A data bank compiled by the Justice Department's civil disturbance group. It produces a weekly printout of national tension points on racial, class and political issues and the individuals and groups involved in them. Intelligence on peace rallies, welfare protests and the like provide the "data base" against which the computer measures the mood of the nation and the militancy of its citizens. Judgments are made; subjects are listed as "radical" or "moderate."

A huge file of microfilmed intelligence reports, clippings and other materials on civilian activity maintained by the Army's Counterintelligence Analysis Division in Alexandria, Va. Its purpose is to help prepare deployment estimates for troop commands on alert to response to civil disturbances in 25 American cities. Army intelligence was ordered earlier this year to destroy a larger data bank and to stop assigning agents to "penetrate" peace groups and civil rights organizations. But complaints persist that both are being continued. Civilian officials of the Army say they "assume" they are not.

Computer files intended to catch criminal suspects—the oldest and most advanced type with the longest success record—maintained by the Federal Bureau of Investigation's National Crime Information Center and recently installed by the Customs Bureau. The crime information center's computer provides 40,000 instant, automatic teletype printouts each day on wanted persons and stolen property to 49 states and Canada and it also "talks" to 24 other computers operated by state and local police departments for themselves and a total of 2,500 police jurisdictions. The center says its information is all "from the public record," based on local and Federal warrants and complaints, but the sum product is available only to the police.

A growing number of data banks on other kinds of human behavior, including, for example, a cumulative computer file on 300,000 children of migrant farm workers kept by the Department of Health, Education, and Welfare. The object is to speed the distribution of their scholastic records, including such teacher judgments as "negative attitude," to school districts with large itinerant student enrollments. There is no statutory control over distribution of the data by its local recipients—to prospective employers, for example.

WARNING BY ERVIN

Senator Ervin has warned: "Regardless of the purpose, regardless of the confidentiality, regardless of the harm to any one individual [that might occur if there were no computer files], the very existence of Government files on how people exercise First Amendment rights, how they think, speak, assemble and act in lawful pursuits, is a form of official psychological coercion to keep silent and to refrain from acting."

But despite his sounding of such alarms, Senator Ervin has noted that there is "unusual public and Congressional complacency." When he speaks on the Senate floor of "techniques for monitoring our opinions" and of "grave threats to our freedoms," the chamber is more often than not nearly empty. He has gained little Congressional support and scant attention outside the Congress.

Meanwhile, various official and high-level pressures on Government agencies to acquire computers and to advance their surveillance are producing results.

The pressures include a stern recommendation for the broadest possible surveillance of "malcontents" and potential assassins by the Warren Commission, which investigated the assassination of President Kennedy. The commission's mandate is widely cited in the Government as the authority for citizen surveillance.

The commission, headed by former Chief Justice Earl Warren, disapproved as too narrow, the criteria for persons to be bought under "protective" surveillance proposed in 1964 by the Secret Service. The guidelines were "unduly restrictive," the commission declared, because they required evidence of "some manifestation of animus" by disgruntled and activist citizens before those persons could be brought under Secret Service surveillance as poential "threats to the President."

EVERY AVAILABLE RESOURCE

"It will require every available resource of the Government to devise a practical system which has any reasonable possibility of revealing such malcontents," the commission said.

The guideline was broadened. A computer was installed by the Secret Service last January. The commission's edict became a surveillance bench mark.

For surveillance of persons who may be involved in civil disturbances, the riots of 1967 and 1968 served the same purpose.

"The Warren Commission and the riots legitimized procedures which, I grant you, would have been unthinkable and, frankly, unattainable from Congress in a different climate," one official said. "There are obvious questions and dangers in what we are doing but I think events have shown it is legitimate," the official declined to be quoted by name.

Senator Ervin contends that in the "total recall," the permanence, the speed and the interconnection of Government data files there "rests a potential for control and intimidation that is alien to our form of Government and foreign to a society of free

men." The integration of data banks, mixing criminal with noncriminal files, is already underway, according to his subcommittee.

INTEGRATION OF FILES

The subcommittee has been advised by the Department of Housing and Urban Development, for example, that its data systems planners have proposed to integrate on computer tape files concerning the following: the identities of 325,000 Federal Housing Administration loan applicants; the agency's own "adverse information file," the Justice Department's organized crime and rackets file, and F.B.I. computer data on "investigations of housing matters." The object, the Department said, is a unified data bank listing persons who may be ineligible to do business with H.U.D.

As another example of how computer data proliferates, the subcommittee cites a report it received from the Internal Revenue Service.

The I.R.S., with millions of tax returns to process, was one of the earliest agencies to computerize. It has also had a reputation as a bastion of discretion. The privacy of individual tax returns has been widely regarded as inviolate, to be overcome only by order of the President.

But the subcommittee has been told that the I.R.S. has "for many years" been selling to state tax departments—for $75 a reel—copies of magnetic tapes containing encoded personal income tax information. It is used to catch non-filers and evaders of state taxes.

The District of Columbia and 30 states bought copies of the I.R.S. computer/covering returns from their jurisdictions in 1969, the service has told the subcommittee. Each local jurisdiction was merely "requested" to alert its employees that the unauthorized disclosure of Federal tax data was punishable by a $1,000 fine.

FIREARMS DATA FOR SALE

The I.R.S. also sells at cost—apparently to anyone who asks—the copies of its data files of registrants under the various Federal firearms laws it enforces.

The Secret Service computer file is capable of instant, highly sophisticated sorting and retrieval of individuals by name, alias, locale, method of operation, affiliation, and even by physical appearance.

The agency's Honeywell 2200, with random access capability, makes it possible to detect, investigate and detain in advance "persons of interest" who might intend—or officials concede "they might not but we don't take chances"—to harass, harm or "embarrass" officials under its protection.

Unknown to most Americans, the names, movements, organizations and "characteristics" of tens of thousands of them—criminals and noncriminals—are being encoded in the Secret Service data center here.

The names of other thousands have been inserted in less specialized computers operated by the Justice Department and the F.B.I. Although the agencies insist that they do not, the computers can—and Senator Ervin stresses that no law says they may not—"talk" to each other, trading and comparing in seconds data that may then spread further across the nation.

The Secret Service can now query its computer and quickly be forewarned that, say, three of the 100 invited guests at a Presidential gathering in the White House Rose Garden are "persons of protective interest."

Under current Secret Service criteria, they may have been regarded by someone as the authors of reportedly angry or threatening or "embarrassing" statements about the President or the Government. The action taken by the Secret Service may range from special observation during "proximity to the President" to withdrawal of the invitation.

What constitutes a computer-worthy "threat" thus becomes important. The Secret Service asserts that it applies relatively easy-going and "sophisticated" standards in deciding who is to be encoded. But the critics point out that the vast capacity of a computer for names and dossiers—unlike that of a paper filing system, which has self-limiting ceiling based on the ability to retrieve—is an encouragement to growth.

The information or "data base" for a Secret Service computer name check flows into the protective intelligence division from many sources—abusive or threatening letters or telephone calls received at the White House, F.B.I. reports, military intelligence, the Central Intelligence Agency, local police departments, the Internal Revenue Service, Federal building guards, individual informants.

Much of it that may be "of interest" to the Federal monitors of civil disturbance data is screened out, Secret Service spokesmen say, or is merely name-indexed by the computer with a reference to data reproducible elsewhere.

According to guidelines distributed by the Secret Service last August, the types of information solicited for insertion in the computer—broadened at the insistence of the Warren Commission—included items about:

Those who would "physically harm or embarrass" the President or other high Government officials.

Anyone who "insists upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc."

Those who may qualify as "professional gate crashers."

Participants in "anti-American or anti-U.S. Government demonstrations in the United States or overseas."

In an interview, Thomas J. Kelley, assistant director of the Secret Service for protective intelligence, said the computer name insertions already totaled more than 50,000. The Secret Service is extremely careful, he said, both in evaluating the encoded subjects and in checking to determine that those who receive a printout are entitled to it.

But there apparently is no formal guideline or list of criteria for dissemination, as there is for insertion. And direct, automatic, teletype access to the computer from distant Secret Service bureaus—the system used by the airlines and the National Crime Information Center—may be the next step, Mr. Kelley said.

Nothing demonstrates how remote access multiplies the output of a computer better than the crime information center's system, staged by the F.B.I. in 1966.

With direct-access teletype terminals in 21 state capitals and large cities, the information center computer here can be queried directly by local police departments on the names, aliases, Social Security numbers, license tag numbers and a broad array of stolen goods (including boats) that come hourly before the police.

An officer in a patrol car tailing a suspicious car can radio his dispatcher, ask for a check of a license number, and be told by teletype and radio in less than a minute that the automobile is stolen and that its occupants may be "armed and dangerous."

With one of the newest and most sophisticated random access computers in Federal service the Secret Service data center can also perform some wizardry that no other equipment here can master. It can be ordered, for example, to print out a list of all potential trouble makers—"persons of protective interest"—at the site of a forthcoming Presidential visit. The random access scanning can be geographical.

Photographs and descriptions can be assembled for the traveling White House detail. Investigations, even detentions, can be arranged at the site.

"You take a waiter in a hotel dining room where the boss is going to speak," a Secret Service spokesman explained. "Let's say the computer turns up his name and we investigate and decide it would be better for him to be assigned to some other duties. No one has a constitutional right to wait on the President, you know. That's how it works."

Cued by another more elegant electronic program, the same computer can also produce all the information it contains on the "characteristics" of subjects encoded on its tapes—all the short, fat, long-haired, young white campus activists in Knoxville, Tenn., for example. Only the Secret Service computer can do that.

The American Civil Liberties Union office here protested last October that the Constitution protects such acts as an effort merely to "embarrass" a Government official, the persistence of citizens in seeking redress even of "imaginary" grievances, and their participation in "anti-U.S. Government demonstrations." The Secret Service, however, has declined to withdrew or amend its intelligence reporting guidelines.

"They seem satisfactory to us," Mr. Kelley said. "If we weren't getting the information we want, we'd change them."

Under the heading, "Protective Information," the guidelines read as follows:

"A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

"B. Information pertaining to individuals, groups, or organizations who have plotted, attempted, or carried out assassinations of senior officials of domestic or foreign governments.

"C. Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

"D. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

"E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements; (2) irrational statements, and (3) abusive statements.

"F. Information on professional gate crashers.

"G. Information pertaining to 'terrorist' bombings.

"H. Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.

"I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

"J. Information regarding civil disturbances."

Senator Ervin, who is noted for a piquant sense of humor, said in a speech a few months ago: "Although I am not a 'professional gate crasher,' I am a 'malcontent' on many issues.

"I have written the Persident and other high officials complaining of grievances that some may consider 'imaginary.' And on occasion I may also have 'embarrassed' high Government officials."

Based on the guidelines, the Senator asserted, he himself is qualified for the computer.

[From the Greensboro (N.C.) Daily News, July 1, 1970]

PERSONS OF INTEREST

Are you a "person of interest" to the United States government? You may be whether you know it or not, and regardless of whether you have a criminal record or even an arrest record.

You are if you:

Are a "professional" gate crasher.

Have attempted or plan to attempt, either individually or as a member of a group or organization, to "physically harm or *embarrass* the persons protected by the U.S. Secret Service, or any other high U.S. government official at home or abroad."

Have made any oral or written statements about high government officials that might be interpreted as "threatening," "irrational," or "abusive."

Occasionally or regularly "insist upon personally contacting high government officials for the purpose of redress of imaginary grievances, etc."

These are some of the guidelines certain federal agencies are using as they quietly build up information (some of it almost certainly false information based on rumors) dossiers on hundreds of thousands of law-abiding, but for one reason or another suspect, American citizens.

Among the federal agencies engaged in this sort of information gathering are the Secret Service, The Federal Bureau of Investigation, Justice Department, Internal Revenue Service and the Army's Counterintelligence Analysis Division. These agencies swap information freely and make their files available to certain other federal agencies.

The agencies involved cite as the source of their authority the recommendations of the Warren Commission. The commission recommended the broadest possible surveillance of "malcontents" and potential assassins. Although the commission's recommendations have not been enacted into law, the federal agencies now in the surveillance business are going far beyond them. Participation in an anti-war demonstration is enough to get on the list.

This is taking place apparently with the tacit consent of a majority of American citizens, possibly because most of them are unaware of the extent of the information gathering and its implications.

The broad language of the guidelines the agencies use is dangerous in itself. So is the practice of integrating the files on criminals with the files on law-abiding citizens. Together with certain provisions of the Nixon administration's omnibus crime bill, such as the preventive detention and "no-knock" search clauses, they lay the ground work for a police state of a sort Americans have never known except by hearsay.

Few public critics of this developing surveillance system have emerged. The only two in Congress are Senator Sam J. Ervin Jr. of North Carolina and Rep. Cornelius Gallagher of New Jersey. Mr. Ervin charges that the system is a threat to the right of privacy and a potential infringement of the First Amendment rights of free speech and assembly.

Senator Ervin, chairman of the Senate Subcommittee on Constitutional Rights, takes the view that the government's information gathering about the lives and habits of its citizens is pushing the country toward a mass surveillance system "unprecedented in American history." The federal gumshoes are getting by with it because Americans fail to understand the computer mystique and its implications, Mr. Ervin says.

Briefly, the computer mystique is the doctrine that the computer is foolproof, 100 per cent objective, and naturally superior to the human brain that created it. Emotion clearly does not enter into a computer's decisions. And a computer can perform a routine task much faster than a man. But thousands of Americans on computer billing lists know the computer can make the same errors that men make.

The difference is that when a computer makes a mistake it is almost impossible to get it to correct itself without the intervention of the humans who guide it. But it is not in the self-interest of those who program and operate the computer to catch it in too many mistakes. That would tend to undermine the computer mystique upon which their jobs and power depend.

Senator Ervin contends, and we agree, that within the government data files there exists "a potential for control and intimidation that is alien to our form of government and foreign to a society of free men." Based on the guidelines, the Senator told reporters, he is himself qualified for the computer files.

"I have written the President and other high officials complaining of grievances that some may consider 'imaginary.' And on occasion may also have 'embarrassed' high government officials," he said.

How do you break up the snoopers' playhouse in Foggy Bottom? The quickest way is to let your congressman and senators know you don't like it. Congress can put the national data bank out of business. Congress will put it out of business when the public demands it, but not before.

[From the Asheville (N.C.) Times, June 18, 1970]

BIG BROTHER WINS ANOTHER ONE

Overruling a lower court, the New Jersey Supreme Court has decreed that police agencies in that state may indeed compile exhaustive dossiers on persons who take part in demonstrations—whether or not the demonstrations involved disorder and whether or not the person investigated committed any illegal act.

The range of this Big Brotherism is dangerously wide. It permits the compiling of information on the individual's family, employment, finances, personal habits and past activities. The danger is that it makes people who may have been only innocent bystanders subject to the most intensive kind of official prying. The mere gathering of the information, which involves police questioning of friends, employers and others, can all too often arouse unjustified suspicion among acquaintances.

This prying trend is by no means confined to New Jersey. It has been revealed recently that Army Intelligence has dossiers on millions of Americans with the only excuse that such persons *might* some day be investigated for sensitive posts in the military establishment. Just recently the White House instigated a check into the personal backgrounds of 250 State Department employees who protested the Cambodian invasion. The FBI of course has voluminous files.

It would seem that the point is right here at which to draw the line on this ever-increasing snooping into the private lives of presently uninvolved citizens. The line should be at the point where an individual has actually applied for a sensitive position, or has actually been involved in illegal disorders. Mere participation in an orderly demonstration should be no authorization to open a file.

North Carolina's Senator Sam J. Ervin has been the leader in Congress in defending federal employees from the often outrageous lengths to which security checks go. He could well lift his sights and take in the whole range of official prying into private lives.

Enforcement agencies have the right and duty to learn all they can about individuals who seek sensitive posts or who are suspected of committing illegal acts. Investigation before the act is indefensible.

Hopefully, the New Jersey ruling will be taken into the federal courts and there overturned. Big Brother has too much power already.

[From the Omaha World-Herald, Jan. 15, 1970]

ERVIN ON GUARD

The trouble with letting government agencies have all those data processing machines is that it helps create a demand for more data to be processed.

This can lead to the government's having much more information than it needs or than is good for it or the country, especially when the information consists of files on individual citizens.

Sen. Sam. J. Ervin, D-N.C., chairman of a subcommittee on constitutional rights, thinks he detects an instance in which the government is trying to collect too much about too many people, and for insufficient reason.

Ervin has questioned the Secret Service's attempt to enlist other government agencies in the compiling of computer dossiers on persons who make threatening, irrational or abusive statements about high government officials; professional gate crashers; persons who insist on personally contacting high government officials for the purpose of redress of grievances, or people who take part in demonstrations.

This sort of information gathering Ervin characterized as "conducive to a mass surveillance unprecedented in American history." He wrote a concerned letter about it to Treasury Secretary David M. Kennedy, whose department includes the Secret Service.

Kennedy replied that the Secret Service limited such activities to its mission of protecting the President and others for whose safety it is responsible.

He said the information Ervin referred to was being sought only from law enforcement agencies, not from "run of the mill" government workers. He also said that the information relating to people who had taken part in demonstrations was required only in connection with the safety of the President while traveling.

Ervin also questioned whether the information the Secret Service was gathering would be in safe hands. He said he was concerned over who would have access to the files.

Kennedy replied that all computer personnel have top secret clearances and that no other persons or agencies had direct access to the files.

That, perhaps, is the key to maintaining continued freedom from mass surveillance by the government. If the information on individuals obtained by one branch or department is kept in its own files and used only for its own necessary purposes, the likelihood of untoward government surveillance is reduced.

However, if all the agencies of government started comparing notes and collecting individual files into master dossiers, Washington could end up with a frightening array of weapons that could be used, at the whim of a bureaucrat, for any number of unsanctified purposes.

Sen. Ervin has suggested several approaches to computer control and legislative safeguards, including prohibitions on transfer or use of data collected for one purpose only.

Perhaps, in the case of the Secret Service, nothing particularly ominous is involved in the gathering of information. At least Secretary Kennedy's reassurances to Sen. Ervin sound convincing.

But this assuredly will not be the last time when the government's use of information gathering and storing techniques will be called into question. The best way to keep 1984 from getting here before it is due on the calendar is to be alert to the dangers, and we hope Sen. Ervin and others will continue to be.

[From the Sioux Falls (S. Dak.) Argus Leader, Jan. 16, 1970]

A HINT OF BIG BROTHER

Sen. Sam J. Ervin of North Carolina, chairman of a Senate subcommittee on constitutional rights, has expressed concern about what he sees as a new threat to First Amendment freedoms.

The threat, he fears, is embodied in new Secret Service guidelines for gathering and storing information about many citizens. Ervin has performed a valuable public service by calling attention to this matter.

It is the old story: Little exception could be taken to what the Secret Service is doing if there were firm guarantees against misuse of the data, but there are no guarantees.

Congress had better get busy and provide for some. Ervin thinks "the criteria for filing information about individuals are questionable from a due process standpoint, are impractical and are conducive to a mass surveillance unprecedented in American history." That is something to worry about.

[From the New York Post, June 30, 1970]

BIG BROTHER'S NEW TOYS

There has been little response on Capitol Hill to disclosures about the government's growing industry in recording the names and activities of "malcontents" on its computerized and milcrofilmed tapes. But the Senate's leading lecturer on Constitutional law, Sam Ervin (D-N.C.), has suggested that under the government's criteria, he could well be suspect.

According to Secret Service guidelines, among the dissidents the computer should know about are:

—Those who would "physically harm or embarrass" the President or other high officials.

—Those who seek personal contact with high officials "for the purpose of redress of imaginary grievances."

Obviously there's room there for more than just one Senator.

Consider the phrase "imaginary grievance." To whom is a grievance imaginary—the lawmaker who brings it or the official who rejects it? The answer, of course, is the official; he's also the guy with the computer.

That section, then, nets all of Sen. Ervin's colleagues in Congress. The only remaining Capitol Hill figure unaccounted for is the president of the Senate, Vice President Agnew, and he could fit the composite for section one.

That he feels to embarrass the President has been adequately proven. That he might physically harm him would seem implausible. But it should be noted that he has had to look elsewhere than the White House for his golfing companions and tennis partners.

[From the Washington Post, Apr. 24, 1970]

IN THE NAME OF SECURITY

A fear of unorthodoxy is the first symptom of insecurity. It marks national administrations that have no clear sense of purpose or direction. Such administrations quite naturally, like a stream seeking its own level, tend to seek in their personnel mediocrity, conformity, conventionality. Innovation frightens them; dissent dismays them. And so they bar from employment anyone who has ever displayed any signs of eccentricity or independence. It is all the more disquieting that such a system of selection is always undertaken in the name of national security. It operates, manifestly, to diminish security rather than enhance it.

Sen. Sam J. Ervin Jr., chairman of the Senate's Constitutional Rights Subcommittee wrote to the chairman of the U.S. Civil Service Commission last week to inquire about report "new rules governing qualifications for federal employment which would exclude persons who have engaged in demonstrations and protests." The CSC says that no new rules have been adopted; the old rules are simply being applied with a bit more stringency. In this connection it is alarming indeed—although by no means surprising—to learn that the Civil Service Commission maintains a blacklist containing the names of at least 1.5 million Americans who might, at some time, have been involved in "subversive activity." The blacklist is largely compiled, without any fixed standards, from references to individuals in the publications of so-called radical student movements.

Shades of Titus Oates and Joe McCarthy! These scraps of information squirreled away in the files of the CSC are like so many pellets of deadly poison. Although they are not supposed to be taken in themselves as proof of subversive activity or intent, they operate inevitably, nonetheless, as flags disqualifying their subjects for federal employment. The injustice of this system to the individuals damaged by it is the least of the problem. The worst of it is the impact on the public service. As Senator Ervin observed, it is essential to assure that any denial of a security clearance or of a federal job is rendered on equitable, just and timely standards of social behavior. Otherwise we face dangerous conformity in our national life and a bleak future of mediocrity in the federal service.

[From the Asheville (N.C.) Citizen, July 2, 1970]

YOU CAN BE A PERSON OF INTEREST

Despite the fact that a few voices are raised in opposition—notably that of Senator Sam J. Ervin—intelligence agencies of the Federal government are still quietly compiling informational files on hundreds of thousands of law-abiding—though presumably suspect—Americans.

Declaring that violent political dissent and civil disorder require the policy, the government is building a mass of computerized information on "persons of interest."

The phrase is a term for those citizens, many with no criminal records, whom the government wants to keep track of, just in case trouble breaks out.

The files often contain seemingly unimportant data, which can be shared—almost instantaneously—by half-a-dozen intelligence gathering groups.

The operation does not disturb us particularly, though it is unauthorized by law and raises serious constitutional questions.

Critics claim the computerized "who's who" is leading the country toward a police state.

Possibly so, and much of the action seems senseless. But think what a convenient tool the files would be if the country—God forbid—ever drifts toward dictatorship.

[From the New York Times, July 4, 1970]

OUR ALIENATED RIGHTS

One hundred and ninety-four years ago the Founding Fathers asserted their independence with a ringing Declaration of man's "unalienable rights."

Today, as too often before, those rights are once more threatened. They are threatened not by some tyrannical foreign monarch, but by domestic governmental agencies whose actions and proposed actions against crime and dissent endanger constitutional guarantees designed to safeguard the rights of Americans to "life, liberty and the pursuit of happiness."

Typical of these new dangers is the spreading web of Federal prying into the private lives of citizens. Utilizing modern computer technology, Federal police, security, military intelligence and other agencies are accumulating vast stores of data on the activities of hundreds of thousands of unsuspecting "suspect" Americans.

There is nothing wrong with the use of the computer to help make more efficient and effective the legitimate work of law-enforcement and other agencies. A modern society must use modern techniques to help enforce and administer its laws and to protect itself from those who would do violence to its leaders and institutions.

But a subcommittee headed by the highly respected Senator Sam J. Ervin Jr., Democrat of North Carolina, has unearthed alarming evidence that Federal agencies have been employing the new technology to amass data that has little or no direct relation to criminal or other activities of legitimate Federal concern. Particularly disturbing are persistent reports that the Army's Counterintelligence Analysis Division is disregarding orders to stop collecting information on peace and civil rights organizations. Furthermore, the subcommittee reports that restrictions on the dissemination of "intelligence" accumulated by some agencies is woefully inadequate.

Among the "persons of interest" on whom the Secret Service collects data are individuals who have merely threatened to "embarrass" a high Government official, who "insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.," and who participate in anti-American or anti-United States Government demonstrations.

Senator Ervin, a conservative and a student of the Constitution, has observed: "I am a 'malcontent' on many issues. I have written the President and other high officials complaining of grievances that some may consider 'imaginary' and on occasion I may also have 'embarrassed' high Government officials."

Senator Ervin is obviously a "person of interest" by Secret Service definition and therefore grist for a Federal computer. Indeed, any American today who vociferously articulates unpopular or unorthodox views is in danger of being digested by a Federal computer, along with common criminals, and of being exposed to potential harassment and humiliation.

If Americans still cherish the Declaration of Independence and the rights we celebrate today, they will insist that their representatives in Congress support Senator Ervin's efforts to place strict legal limits on Federal collection and dissemination of information on the activities of private citizens.

[From Computerworld, Aug. 27, 1969]

PRIVACY LOST?

The bill to implement President Nixon's national computerized job bank program does give the secretary of labor the power to prescribe "rules and regulations to assure the confidentiality of information submitted in confidence" to one of the banks.

But nowhere is there any mention of the key point made by President Nixon during his election campaign. At that time, he stressed that only jobs would be stored. Applicants would not have to input their names, he said, only their qualifications. This would assure privacy and eliminate any possibility that additional personal records would be gathered and stored.

While the absence of this precaution from the bill does not mean this safeguard will not be included in the final program, we would be much happier if it were spelled out in the bill.

POLITICAL PRESSURE NEEDED

At present, the individual has no protection against the use or misuse of personal information in data banks, and it now appears that it will be several years before adequate protective legislation can be formulated.

But the most important data banks are being set up now, and there is a need for immediate protection. Several congressmen have suggested that a person or group be named as a data bank ombudsman, with the power and responsibility to protect the individual against the misuse of information in data banks.

Such an ombudsman provides an immediate solution to an immediate problem. And he would also help to find a long-term solution, because he would be able to use his experience to help formulate laws regulating data banks.

Ombudsmen should be appointed on both the state and federal level. But the appointment of such ombudsmen will occur only if pressure is brought on legislators now. This is an election year and consumer protection is an important issue—congressmen and state legislators will be more responsive this year than at any other time.

We propose that individuals and local chapters of professional societies immediately begin a campaign for data bank ombudsmen. Such a campaign should be primarily educational at first: informing local newspapers, state legislators, and congressmen of the dangers posed by computerized data banks and proposing the appointment of ombudsmen as an immediate solution. And we must keep the pressure on.

Data bank ombudsmen offer the only hope of protecting the rights of the individual in the near future. Concerted action by computer professionals could make such protection a reality.

[From the Washington Evening Star, Mar. 16, 1970]

PRIVACY AND THE COMPUTER

The cliche about people having skeletons in their closets is woefully out of date. These days, the skeletons are in computerized data banks. What's worse, the figurative skeletons may be mislabeled with the wrong owners' names, or they may be the figment of a computer's imagination.

The dangers of the mysterious, hard-to-refute data banks have been much discussed in the last few years. The discussion is about to accelerate again, and it's a good thing, because eventually something may be done about the problem.

The National Academy of Sciences has a $149,500 Russell Sage Foundation grant to conduct a broad study of how to preserve privacy and civil liberties against the onslaught of the computer age. The study will be conducted by Columbia Professor Alan Westin, an expert on the subject, and will focus on how to protect the rights of persons (meaning everybody) on whom information is collected and stored for a variety of uses. Westin will be backed by a panel including Ralph Nader, James Farmer, former Attorney General Katzenbach and Representative Cornelius Gallagher of New York, who heads the House subcommittee on invasion of privacy.

On another front, House committee hearings are to start tomorrow on the proposed Fair Credit Reporting Act, which already has Senate approval. The bill aims at giving consumers a way to counter erroneous or malicious information on file against them in credit data banks. Included in the bill's provisions are rules to limit disclosure of information, to let the consumer know what's in his own file and to give him the right to dispute the information.

Still dormant is the 5-year-old proposal for a National Data Bank, a menacing centralization of the information collected by federal agencies. The plan raised congressional howls in 1966 and was quickly put down as an Orwellian step toward Big Brotherism. But don't count it out—it makes too much computer-type sense to have one big control panel able to spill the beans on all our lives.

Future studies are likely to add to the growing pile of horror stories about people whose lives were marred because a computer dredged up some embarrassing fact from the sooner-forgotten past—or from nowhere. It's too bad the comprehensive National Academy of Science investigation, which could lead to important reforms, is scheduled to take 2½ years. Because that will bring us 2½ years closer to 1984.

[From the Houston (Tex.) Post, Mar. 16, 1970]

DATA BANK IDEA ALIVE

The proposal advanced a few years ago to establish a national "data bank" in which information collected by federal agencies would be stored and made available at the push of a computer button appears to be far from dead.

It is being talked up again, at least sufficiently for Sen. Sam J. Ervin of North Carolina, chairman of the Senate's subcommittee on constitutional rights, to say that he will reopen the hearings this year.

Despite assurances that there would be all kinds of safeguards to protect the privacy of individual citizens, the mere thought of the pooling of all the information gathered by government agencies was enough to arouse in the minds of a great many people Orwellian nightmares of a "Big Brother" watching their every move constantly.

Even though it was promised that the stored information would be impersonal and not linked with any individual, being of the general type collected by the Census Bureau, there were fears that, once the information bank should be established, this could be changed. It would be a relatively simple matter to compile and file away a fairly complete dossier on every citizen, containing all kinds of highly personal information. This information might or might not be accurate.

The great fear was that any concentration of data could be abused and the information misused, perhaps not immediately but at some time in the future. The instinctive reaction of most people that it would be much safer, so far as the privacy and perhaps the freedom of the individual citizen is concerned, not to permit the proposed "bank" to be created.

Potentially, there could be a great concentration of power in the hands of whoever assembled and controlled the information, and it is elementary that the diffusion of power is the best protection against tyrannical government.

Federal agencies now collect a great deal of information about a great many people in the course of their normal operations, but the data collected by one in most cases is not available to the others. For the "data bank" idea to be acceptable to most people, it would be necessary that there be strong restrictions upon the information that is pooled, on how it is to be used and to whom it is to be made available. It remains for advocates of the idea to prove that adequate, foolproof safeguards against misuse and abuse are possible.

Although efforts to establish a national "data bank" have been blocked thus far, vast quantities of highly personal information already are stored in computers about practically every American citizen, and if the data ever should be brought together, it would make fairly complete dossier on him and all of his personal affairs.

The tremendous expansion of this country's credit system has made necessary the compilation of information about everybody who buys anything on credit. It is necessary for those who extend credit to know a great many facts, much of it very personal, about those seeking credit to determine how good credit risks they are. This has given rise to many private agencies that collect this information. Many of these co-operate and exchange information.

It is estimated that one credit agency alone has data on millions of Americans on file in its computers. Every time a citizen draws a paycheck or answers a census question, the information is recorded on somebody's computer somewhere.

There is relatively little reason for alarm in this because the information is fragmentary and widely scattered. What arouses concern are continuing efforts to bring all these bits and pieces of information together in one vast computer bank, with the possibility that the data might fall into the wrong hands and/or be misused.

[From the New York Times, July 7, 1970]

IN THE NATION: A RIGHT NOT TO BE DATA-BANKED?

(By Tom Wicker)

WASHINGTON.—Do you have a right not to be stored in a computer, where you can be called up for instant investigation by any bureaucrat or law officer who considers you a "person of interest" or who may want to provide someone else—maybe your employer—with "facts" about you? If you haven't thought about that, it's high time you did.

Ben A. Franklin detailed in The New York Times of June 28, for example, how Government "data banks" are mushrooming out of computer wizardry. Literally hundreds of thousands of individual dossiers now are being stored on tape by various agencies. The tape can be fed to computers with instant recall; and the computers and tapes can be interconnected from one agency or region to another in an ominous national network. Numerous state agencies have easy access to the material in this computer network, and are under little or no pressure to keep it confidential.

At the very least, therefore, some guidelines on the compilation of these banks and some safeguards on disseminating the material appear in order. An interesting case pending in Federal court here (*Menard v. Mitchell and Hoover*) may help provide them.

A Maryland man was arrested in California in 1965 on suspicion of burglary, held for two days, then released when police found no basis for charging him with a crime. Subsequently, a brief record of the detention, together with the Maryland man's fingerprints, appeared in F.B.I. criminal files.

Maintaining that the record is misleading and incomplete and that it is not properly a "criminal record," the Maryland man moved in Federal District Court here to have it purged from the F.B.I. files.

COURT CONCERN INDICATED

The Court denied this motion, and the man appealed. On June 19, the Court of Appeals for the District of Columbia, while finding no fault with the district court's ruling on the motion, ordered the case remanded for trial and "more complete factual development." The supporting opinion, although limited to the case, suggests the circuit court's concern about what ought to go into Government files, under what rules, and whether proper safeguards surround its dissemination.

The judges (Bazelon, McGowan and Robinson) pointed out that the fact that the police had been "unable to connect" the Maryland man with a crime did not necessarily acquit him of having committed one, and they conceded that certain arrests not followed by a charge or a conviction might be a proper part of someone's criminal record. But, they asked, did the mere fact that a man had been picked up and held for two days justify the F.B.I. in retaining the record in its criminal identification files?

An arrest record (the distinction between a "detention" and an "arrest" is considerably less than a difference) can be terribly damaging to one's opportunities for schooling, employment, advancement, professional licensing; it may lead to subsequent arrests on suspicion, damage the credibility of witnesses and defendants, or be used by judges in determining how severely to sentence. Moreover, thousands of arrests are made every year without any further action against the arrested person, usually for lack of evidence.

DISSEMINATION ISSUE

Thus, the court asked, if a person is arrested, even properly, but no probable cause for charging him is developed, should he "be subject to continuing punishment by adverse use of his 'criminal' record"?

This has particular point because of the lack of established safeguards on dissemination. The Maryland man's record, for instance, could be made available by statutory authority to "authorized officials of the Federal Government, the states, cities, and penal and other institutions" and also, by an Attorney General's regulation, to government agencies in general, most banks, insurance companies, and railroad police.

When New York recently passed a law requiring employes of securities firms to be fingerprinted, several hundred were dismissed for "criminal records," but about half of them had only arrests, not convictions, on their records. The Appeals Court, noting this, reasoned that F.B.I. records had been passed directly to the securities firms involved.

As data banks proliferate, so will the indiscriminate use of the material they contain. And that raises the question whether an American citizen has a constitutional or legal right not to be data-banked, computerized, stored exchanged and possibly damaged—materially or in reputation—by the process.

[From the Huntsville (Ala.) Times, July 12, 1970]

"MAFIA MACHINE" GOES TO WORK

(By Jared Stout)

WASHINGTON.—A computer nicknamed the Mafia Machine has gone to work in the Justice Department, giving organized crime fighters their most powerful weapon to date. But it may be a mixed blessing.

While the machine is enabling heretofore impossible analysis of the activities of organized criminals, it is also raising new questions about computers in law enforcement and invasion of individual privacy.

Within the computer's memory, the department is storing histories of the major and minor figures in confederated crime, how and where they travel, even details on their eating habits.

But the department is also computerizing the names of those legitimate individuals with whom the Mafiosi often deal, persons against whom no charges have been brought or proved.

Thus while members of the Organized Crime and Racketeering section are highly pleased with the workings of their still embryonic system, they are deeply troubled by the privacy issue.

"I feel like I'm walking around with a bomb in my hands," said one official who has worked on the project and who declined to be quoted by name. "Some of this information is really dynamite."

"The fact is the privacy issue is one of paramount importance and we haven't yet figured out a way to balance the law enforcement needs with the constitutional safeguards for privacy," the official said.

For the moment, however, the privacy question is being put to one side as the department fine-tunes the computer and explores its use in analysis of what's going on within the organized crime community.

Individuals now included within its memory against whom there may be no more than a suspicion—a person who, for example, is frequently seen in the company of a known hoodlum—are protected by tight security.

According to the department, only law enforcement, agencies with a need to know are given information drawn from the computer, and they insist that individuals listed because of unverified suspicions are made known to none outside the federal investigative family.

The basic data for the computer has come from reports given the organized crime section by 26 other federal agencies, principally the FBI, the Internal Revenue Service and others that regularly join the section in cooperative investigations.

The information is, however, keyed into portions of the 400,000 file cards containing 250,000 names of Mafia or Mafia-related individuals.

Until six weeks ago, the file cards were the major source of section information, a system that prevented recall of the data they contained without spending days, perhaps weeks, of manual sorting.

The computer makes possible high-speed searches of the records the section has incorporated within its memory, yielding up in minutes, for example, a list of all those Mafia figures nicknamed "Sonny."

Such information becomes useful because the operators of big crime often speak of one another only in nickname references.

Gerald Shur, the man-in-charge of the computer program, said in a recent interview "the kinds of questions we can ask are limited only by the data we can feed into the computer."

Shur said ultimately the department hopes to store enough information to enable predictions about the impact of investigations or develop economic theories to estimate what kinds of business situations organized crime may be heading toward.

[From the Boston Herald Traveler]

BIG BROTHER (U.S.) IS WATCHING YOU

(By John S. Lang)

(NOTE.—The government knows far more about you than you may suspect. And if you've ever taken part in protest marches or the like, even the military services probably have been keeping tabs on you. Some agents have seized garbage in hunting incriminating evidence.)

WASHINGTON.—Behind the closed door of Room 2439, a handful of government clerks search through radical newspapers, methodically snipping out names. They are hunting Americans favorably mentioned by the publications of dissent.

Found, snipped, checked, reviewed, the names are conveyed down a wide clean corridor to be fed into a "subversive activities" data bank already bulging with names of 1.5 million citizens.

The name-hunters in Room 2439 are low-level servants of the Civil Service Commission, the agency set up to oversee federal employment.

The commission's security dossier—not to be confused with its separate files on the 10 million persons who have sought federal jobs since 1939—are indicative of the watch the government keeps on Americans in this age of dissent and social turmoil.

An Associated Press study showed:

Military intelligence agents have spied on civilian political activities and kept secret computerized files on thousands of individuals and organizations although Pentagon counsel cannot cite any law authorizing this surveillance.

The Army has kept a so-called blacklist which included the names, descriptions and pictures of civilians "who might be involved in civil disturbance situations."

A second list has been circulated by the Pentagon's counter-Intelligence Analysis Division as a two-volume, yellow covered, loose-leaf publication entitled "Organizations and Cities of Interest and Individuals of Interest"—according to a court suit.

The FBI, with the most extensive security files and 194 million sets of fingerprints, has infiltrated the leadership of virtually every radical organization in the United States.

Agents of the FBI, Naval Intelligence and local police have seized citizens' garbage in hunts for incriminating evidence. In one case Navy agents examined garbage from an entire apartment house to find information about one tenant.

The Secret Service has set up a computer with 100,000 names and 50,000 investigative dossiers on persons who it says could be dangerous to top government officials.

A Senate subcommittee found that federal investigators have access to 264 million police records, 323 million medical histories and 279 million psychiatric dossiers. In each category, that's more numbers than there are people in the United States.

And the massive files of investigative and intelligence agencies contain but a small portion of the information the government collects on its citizens.

Millions of scraps of information go into federal files routinely when citizens pay their taxes, answer the census, contribute for Social Security, serve in the military, or apply for a passport.

In fact, a Senate subcommittee calculated that the names of U.S. citizens appear 2.8 billion times in federal records. This means, the panel said, that the statistical odds are that a dozen different agencies have files on the typical law-abiding citizen.

Much of this data is held in strictest confidence. Census questionnaires, for example, can be inspected only by Census Bureau employes—and they're sworn to secrecy.

Federal income tax returns also are considered confidential by the IRS. But they may be seen by the heads of federal agencies, some congressional committees, the governors of every state and by a special counsel to President Nixon.

A proposal three years ago to gather files of all agencies into a National Data Bank and use them for statistical purposes kicked up such a furor in Congress that, according to one official, "now that issue is dead as a dodo."

But the AP study showed that investigative and intelligence agencies can—and do—share the information they gather.

For example, investigative agencies of the executive branch have access to the "subversive activities" data bank in the Civil Service Commission's downtown Washington headquarters.

According to an official commission publication, the data bank "at present . . . contains approximately 2.5 million index cards containing information relating to Communist and other subversive activities."

The document adds: "No information is added to this file until it has been determined after careful review by a responsible official who is experienced in this field that an actual question of subversive activity is involved. . ."

A quick thumbing through the file discloses names like:

Charles Garry a white San Francisco attorney who represents the Black Panthers.

Robert Shelton, a leader of the Ku Klux Klan.

Staughton Lynd, a professor and radical writer.

Robert DePugh, head of the Minutemen.

The files are kept as index cards in mechanized rotary cabinets. There are thick bundles of cards for some individuals, only one

card for others. The cards do not state anything about a person; they are more like a bibliography, citing publications which mention him. Until evaluated, the clippings are considered "raw data" and are kept in other filing cabinets.

One name in the raw data is that of William Kunstler, civil rights attorney who represented the defendants in the "Chicago 7" conspiracy trial and who faces a jail term for contempt of court.

Kimball Johnson, director of the commission's Bureau of Personnel Investigations, says the security file is kept up to date by 17 clerks, "experts in the field," who read Communist publications, the Black Panther newspaper, the free presses, underground papers and other publications such as The Guardian, Workers World, The Militant and Liberation News Service.

"We read these and clip the names of people supported by them," Johnson says. "It's all in the public domain. It's simply that unless you clip it and title it there's no one mind that can comprehend it."

Section Chief Pierce waves a hand toward a stack of publications on a table in his office and says: "That's what we check. It's full of subversive material. Note the Commie art, Picasso and others all tied in to Communism."

Asked to cite a statute or regulation authorizing the security file, Johnson replied there is no specific law. But, he added:

"The file is an essential tool to the commission's legal function of investigating the fitness of people for federal employment for security positions. And there is Public Law 298 which shifted responsibility for making personnel investigations from the FBI to the Civil Service Commission."

The commission says its security file aids in personnel investigation which give "the reasonable assurance that all persons privileged to be employed in . . . government are reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States."

It also says that when any subversive information from the security file is identified with a person under investigation the case is referred to the FBI for a full field loyalty probe.

The FBI has overall responsibility and broad powers—based on presidential directives dating back to 1939—for investigating matters relating to espionage, sabotage and violations of neutrality laws.

FBI Director J. Edgar Hoover told Congress last year his agency had placed informants and sources "at all levels including the top echelon" of such groups as the Student Nonviolent Coordinating Committee, the Ku Klux Klan, the Black Panther Party, the Republic of New Africa, the Nation of Islam, the Revolutionary Action Movement, the Minutemen and the Third National Conference on Black Power.

Hoover also gave a hint of the scope of FBI security files when he outlined how agents keep tabs on sympathizers *who contribute money for radical causes.*

"Included among these," he testified, "are a Cleveland industrialist who has long been a Soviet apologist, the wife of an attorney in Chicago who is a millionaire, an heiress in the New England area who is married to an individual prominent in the academic community who has been active in New Left activities, and a wealthy New York lecturer and writer who for years had been linked to more than a score of Communist-front organizations and has contributed liberally to many of them.

"These individuals alone have contributed more than $100,000 in support of New Left activities."

Hoover also said agents have identified most of the writers of antiwar newspapers—which he termed "the work of the dedicated revolutionaries who are against ROTC and against our war effort in Vietnam"—and had referred that information to the Justice Department for possible prosecution.

Don Edwards, a member of the subcommittee which oversees FBI budget requests, complains that Congress does not exert proper authority over the FBI. He believes one reason for this is fear stemming from long standing rumors that the FBI, among its many dossiers, has files on each member of Congress.

"There are lots of congressmen who think that probably they do have files," Edwards told an interviewer.

But the rumors have never been proven and there have been few complaints from congressmen.

There was, however, much alarm expressed in Congress with the recent disclosure that, for the past several years, military intelligence agents have conducted surveillance of civilian political activists and have fed information on individuals and organizations into data books.

In response to 50 congressional inquiries, the Army admitted that it:

Kept a so-called blacklist which included the names and descriptions and pictures of civilians "who might be involved in civil disturbance situations."

Operated a computer data bank for storage and retrieval of civil disturbance information.

Used its intelligence agents in some instances for direct observation and infiltration of civilian organizations and political meetings.

But in making these admissions, the Army said that during the past year it has sharply curtailed such activities after realizing they weren't needed to prepare for any civil disturbances.

The Army said the blacklist—a term to which it objected—had been ordered withdrawn and destroyed. It said the computer data bank had been discontinued and that its agents have conducted no overt operations in the civilian area during the past year.

Extensive details of the military's domestic intelligence activities were disclosed in January in an article written by a former intelligence officer, Christopher H. Pyle of New York, for the Magazine Washington Monthly.

Pyle wrote that the Army's Intelligence Command, headquartered at Ft. Holabird, Md., was in a position to develop one of the largest domestic intelligence operations outside the Communist world.

A few weeks later, the Pentagon announced that Ft. Holabird would be closed in an economy move and the Army Intelligence School there would be moved to Arizona.

An Army spokesman said the domestic surveillance operations were expanded in 1967 after the outbreak of serious civil disorders.

"There was a feeling we had to be in a position to predict when federal troops would be used again. We need more information to inform tactical commanders on the streets and to guide them. This led to widespread collection efforts," he said.

The information gathered by the military was funneled into Ft. Holabird, summarized and sent out on the Army's Teletype system.

One weekly summary, marked "Pass to DIA Elements," was distributed to Army commands throughout the world. It contained this dispatch:

"The Philadelphia chapter of the Women's Strike for Peace sponsored an anti-draft meeting at the First Unitarian Church which attracted an audience of about 200 persons. Conrad Lynn, an author of draft evasion literature, replaced Yale chaplain William Sloan Coffin as the principal speaker at the meeting."

Lynn, the Women's Strike for Peace and a dozen other individuals and groups identified in the summary have filed suit through the American Civil Liberties Union, claiming the Army has violated their constitutional rights of free speech and association.

The suit, filed in U.S. District Court in Washington, contends that in addition to the surveillance and computer operations the Army admits conducting, it is concealing from Congress the existence of:

A large microfilm data bank on civilian political activity indexed by computer and maintained by the Counterintelligence Analysis Division.

A second computerized domestic intelligence data bank maintained by the Continental Army Command at Ft. Monroe, Va., as well as extensive regional files at other locations.

The "two volume, yellow-covered, looseleaf publication entitled Counterintelligence Research Projects Organizations and Cities of Interest and Individuals of Interest, which describes numerous individuals and organizations unassociated with either the Armed Forces or with domestic disturbances."

The Army said it would not comment on the lawsuit's charges.

But, in an interview, a spokesman for the office of the Army's chief counsel could cite no legal basis for surveillance of civilian activities.

"In the civilian sphere the FBI has jurisdiction," the spokesman said. "We must get approval for what we do from the FBI. There is no specific law on domestic intelligence as such applying to the Army."

To determine the range of domestic military surveillance, The Associated Press submitted a list of 20 questions to each branch of the service. Army spokesmen declined to answer the questions specifically, preferring to speak generally about the program. The Air Force said it does not have any domestic program. The Navy never responded.

But Navy intelligence operations slipped into public view last August when the ACLU complained that agents were sifting through garbage from the apartment house of Seaman Roger Lee Priest accused by the Navy of soliciting members of military forces to desert in an underground newspaper he published.

A spokesman for the District of Columbia government acknowledged garbage from all apartments in the building where Priest lived was searched because it couldn't be separated from the seaman's prior to collection.

"We ended up with an ONI agent posing as a sanitation worker and picking up trash and bagging the garbage," he said.

"Then the Civil Liberties union got in, raising hell."

Searching citizen's garbage apparently is not uncommon for government security agencies. Last summer a D.C. Sanitation Department official disclosed that the city, on request of investigators, makes up to a dozen special garbage collections yearly "in the interests of law and order."

Besides garbage, private mail also is often watched by government law enforcement agents.

The most commonly used means is the "mail cover," recording from a letter the name and address of the sender, the place and date of postmarking and the class of mail.

The Post Office declines to say how many mail covers are in effect. A Senate committee asked for a list of several years ago, but the agency objected.

"The list you have requested would contain the names of about 24,000 persons, a large percentage of whom are innocent of any crimes," a postal official said.

More recently, the Post Office confirmed a new regulation allows federal agents to open

all mail coming into this country frim virtually every nation in the world.

"However," a spokesman said, "it's not intended to be used on personal mail."

When threatening letters are received by the President or other high government officials, the Secret Service moves into action.

Operating under guidelines adopted after President John F. Kennedy's assassination, the agency collects "protective information" which is fed into its computers.

One of the 1963 guidelines asked other federal agencies to relay information on citizens who make abusive statements or attempt to "harm or embarrass" high government officials.

Civil libertarians objected that this guideline means that any citizen who writes a strongly worded letter of complaint to a government official might come under the agency's scrutiny.

A Secret Service spokesman responded: "At the time the guidelines were passed emotions were high. Everyone was saying, 'Let's protect the President.' Now people are apparently forgetting the tragedy of that year . . ."

Several years ago when Congress was considering proposals to establish a National Data Bank to gather files from all agencies and use them for statistical purposes, author and sociologist Vance Packard raised the spectre of Big Brother, the symbolic totalitarian government in George Orwell's book "1984."

Noting that the year 1984 would come in the next decade, Packard told a congressional committee:

"My own hunch is that Big Brother, if he ever comes to the United States, may turn out to be not a greedy seeker, but rather a relentless bureaucrat obsessed with efficiency."

[From the Morning Call, (Pa.) June 30, 1970]

GUARDIAN OF FREEDOM

Sen. Sam J. Ervin Jr. is a conservative Democrat from North Carolina. But he is also a guardian of constitutionlly guaranteed freedoms.

Sen. Ervin is currently worried about the massive record-keeping which has come into vogue in government agencies. And press reports concerning the type of records being kept give substance to his fears.

It is all very well for the FBI to utilize computers to process information on criminals and persons sought in connection with crimes. This type of service has been credited with speeding the apprehension of suspects.

But it is a different matter when the Justice Department, the government's prosecutor, maintains dossiers on participants in peace rallies and welfare protests. Moreover, Justice takes it upon itself to categorize such persons as "radical" or "moderate" although it is unclear upon what criteria it bases this distinction.

The Secret Service, which says it is trying to spot potential assassins, also has recourse to the computers: It keeps files on miscontents, persistent seekers of redress and those who would "embarrass" the President or other high-ranking government officials.

These are just a few of the agencies which maintain voluminous files on the activities of citizens in a wide variety of fields. The reasoning behind this extensive bookkeeping is valid. Agencies believe that to be forewarned is to be forearmed. In brief, it is a continuing hunt for potential troublemakers.

But when the government gets into the business of gathering intelligence about its own citizens, it can easily go too far. And there is evidence that it has already done so.

For what reason should an agency keep notes on persons who are doing nothing more than exercising their right to freedom of speech, assembly and petition? Since when has it become a crime to persistently seek redress of grievances?

When it gets into these areas, government is dangerously close to trampling on constitutional freedoms and on the individual's right to privacy. It is easy to see how Sen. Ervin reached the conclusion that such methods have "the potential for control and intimidation that is alien to our form of government and foreign to a society of free men."

[From the Advance, July 19, 1970]

MITCHELL DEFENDS JUSTICE DEPT.'S "BIG BROTHER" ROLE

(By Jared Stout)

WASHINGTON.—The Justice Department has asserted a virtually unchecked right—not subject to the Constitution—to keep records on persons who are "violence prone" in their protests of government policies.

The right, Atty. Gen. John N. Mitchell said through a spokesman, arises from the inherent powers of the federal government "to protect the internal security of the nation. We feel that's our job."

It was the first time Mitchell had outlined the legal basis for the collection and computerization of dossiers on protesters within the department's special Civil Disturbance Unit.

The assertion matches in breadth the claim made June 13, 1969 when the government said it had unlimited powers to eavesdrop on those the Justice Department thinks are seeking to "attack and subvert the government by unlawful means."

The eavesdropping claim was made in defense of electronic eavesdropping against some defendants in Chicago Seven riot conspiracy trial.

The extension of this doctrine to the department's domestic intelligence operation came in response to questions arising from Mitchell's news conference last Tuesday.

Mitchell declined to give the legal foundation for the intelligence operation last Tuesday. He said only "there are no court decisions that would restrain us from compiling this type of information."

Later, however, he acknowledged through the department's spokesman that the legal argument used to justify the Chicago Seven eavesdropping also applied to the intelligence operation.

In the Chicago case, the department said nothing in the Constitution's ban on unreasonable searches and seizures limits the powers of the President—and the Attorney General—to eavesdrop, and now keep records on, those who try to "foment violent disorders."

This position has been sharply attacked by critics including Sen. Sam Ervin Jr. (D-N.C.) as a step toward "a police state" and a potential violation of First Amendment rights to free speech and association.

Earlier this past week, it was disclosed that Treasury Department agents had been seeking the names of those who had checked out books on bombs and explosives from public libraries in Atlanta and other cities.

Ervin attacked this step as he has other intelligence efforts, including those of the Secret Service which lists in computer files all those who may pose a threat to the President.

Throughout his opposition to such activities, Ervin has stressed the lack of standards in deciding who shall be listed within such files, and how once a person is catalogued, he may learn of the step and question his inclusion.

The Justice Department spokesman said the definition of "violence prone" persons for its purposes included those who either acted violently, counselled violence or appeared in the ranks of violent confrontations.

He said the dossiers were not kept on "as broad a range as those compiled by the Army," a reference to the watch military intelligence agents have kept on civilian protesters. No notice is given to those whose names have been recorded.

According to the spokesman, this means those individuals listed in department records at least had to be present or in the leadership of violent events. Army records included, for example, those who subscribed to New Left publications.

It was learned, however, that the justice intelligence unit still has access to the records compiled by the Army, which said in February it had discontinued its record-keeping but has hung on to those it made in four years from 1966.

[From the World News, Roanoke, Va., Mar. 11, 1970]

JUSTICE DEPARTMENT KEEPS FILES ON ACTIVISTS

(Note.—In the last few weeks members of Congress have responded with cries of outrage to a magazine article that reported on how the Army was maintaining a computerized data bank on persons it considered politically dangerous. As a result, the Army announced it was closing down the data bank and that it only began it because the Justice Department, which is responsible for political intelligence functions, was unable to handle them. Now the Justice Deparmtent says it is ready to take over. Morton Kondracke, who reported the government's political intelligence activities in this article.)

(By Morton Kondracke)

WASHINGTON.—While the Army has closed down its political computer, the Justice Department maintains an even bigger one in its "war room" containing data on thousands of individuals, including many whose activities are entirely nonviolent.

Political computers were part of the federal government's response to the problem of controlling ghetto riots. Now that the riots have subsided, the government is more and more devoted to gathering intelligence on campus disorder, antiwar activity and militant left and right-wing groups.

The government's justification for such surveillance is its need to be aware of potential violence, but thousands of persons are drawn in whose activities are peaceful and lawful.

For example, the Army continues to maintain a microfilm file that reportedly contains information on such persons as Mrs. Martin Luther King Jr., Georgia State Rep. Julian Bond and retired Adm. Arnold E. True, a critic of the Vietnam war.

The Army file is primarily, made up of FBI reports, and FBI reports are also the chief source of data feeding the Justice Department's computer. The FBI makes it a point to keep its information in "raw" form—unevaluated as to truth or falsity.

Those who process the FBI data at Justice say it is impossible to tell whether or not any of it comes from wiretaps. Atty. Gen. John Mitchell has declared that taps may be used without court permission on domestic organizations believed seeking to "attack and subvert the government."

Besides input from the FBI, Justice's computer contains information supplied by 93 U.S. attorneys around the country and by other government agencies, such as the Treasury department's Alcohol and Tobacco Tax Division, which enforces federal firearms laws.

Some information comes also from the Secret Service, which has lately begun assembling a data bank of its own. The service's primary concern is with threats to the

President, but its data bank will also contain information on demonstrations, "abusive statements" and plans to embarrass government officials.

Each week, the Justice Department computer disgorges its intelligence onto printout paper. The product is four books, each about two inches thick and enclosed in brown cardboard covers.

Each book refers to a region of the country. It contains a city-by-city assessment of the potential for civil disorder, indicating what marches, rallies or meetings are occurring, the organizations and individuals sponsoring them and the city's disturbance history.

The books are combed by officials of the department's interdivisional information unit, which sends pertinent data to the attorney general and the various divisions of the department.

The community relations service gets information, for example, on potential racial problems for it to try to conciliate. The civil rights division gets reports on possible violations of the laws it enforces. The criminal division gets data on such violations as interstate movement to incite riots.

Besides city print-outs, the computer can produce a run-down on a specific upcoming major event, listing all stored information on the individuals and organizations who are planning it.

This was done, for example, prior to the Nov. 15 antiwar march on Washington organized by the New Mobilization Committee to End the War in Vietnam and the Vietnam Moratorium Committee.

Special print-out reports have also been done on at least one organization, the Black Panther Party.

Whether special reports have been prepared on individuals is not known, although interdivisional information unit director James T. Devine said it could be done if needed.

Devine, also chief of the department's civil disturbance group, declined to identify any individual whose name is on computer tape.

He said, however, that it is "impossible not to have information on nonviolent individuals." He added, "I think it's realistic to expect that what would normally be in the files of the Justice department would reflect itself in the computer. You can make your own assumptions (about who is listed). It should not be difficult."

Another Justice department official said that a specific unput report on an individual might tell "he made a speech on such-and-such a night at such-and-such a place. This is what he said. This was the result."

Government officials differ on whether computerized storage of political information is dangerous to the civil liberties of Americans.

Devine contended that it is not. He said it is "a ghost" to see danger.

"The information is here anyway, in the records of the department. Putting it on a computer is just a matter of systematizing it and making it more retrievable," he said.

He added: "Having your name on a computer does not involve the question of guilt or innocence."

This is not the attitude of the two chief congressional defenders of the right to privacy, Sen. Sam Ervin, (D-N.C.) and Rep. Cornelius Gallagher, D-N.J.

The two were responsible, along with 13 other congressmen who wrote letters, for forcing the Army to abandon its political computer at Fort Holabird in Baltimore. Ervin and Gallagher are continuing inquiries into other Army political files.

Neither has commented about the Justice Department computer. It is not known whether they are even aware of its existence, for no specific authorization was sought from Congress to set it up. Justice does not believe legislation was necessary to computerize files already maintained in the department.

ADDITIONAL STATEMENTS OF SENATORS

PRISONERS OF WAR STILL A MATTER OF PRIORITY

Mr. BAKER. Mr. President, as we return to do the work of the people after the Labor Day recess I would call attention once again to one of the great unsolved problems of the year—the plight of the Americans held prisoner by the North Vietnamese.

The Communist regime remains adamant against abiding by the Geneva Convention on Prisoners to which it is a signatory power. Those agreements provide the bare minimum of guarantees for the captured men. They are entitled to health care, an adequate diet, proper shelter, and at least minimal communications with their families. In addition the government is required to notify our Government of their capture, listing their names and condition when captured.

The North Vietnamese have abided by none of these agreements.

It must remain a matter of top priority with the Government of the United States to ease the lot of these men and to continue every possible avenue of negotiation for their safe return to their waiting families.

EVERY DAY THE STAKES GROW HIGHER FOR HUMAN RIGHTS: THE LEGACY OF ROBERT F. KENNEDY

Mr. PROXMIRE. Mr. President, the past few days have been frought with senseless violence and bloodshed, both here and abroad. The tragic bombing at the University of Wisconsin and the terrorism so prevalent in the Middle East made me think back to a speech of the late Senator Kennedy that is memorable in its insight and compassion. In his speech at Fordham University and also to students in South Africa in 1967, Senator Kennedy spoke poignantly of what must come close to being his personal philosophy:

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Mr. President, a little more than 3 years ago, Robert Kennedy spoke of political courage in the quest for human rights. It was his firm conviction, both in his words and his acts, that "only those who dare to fail greatly can ever achieve greatly."

I ask unanimous consent that this stirring and provocative statement by one of the most gifted leaders of our time be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE WORK OF OUR HANDS

If you fly in a plane over Europe, toward Africa or Asia, in a few hours you will cross over oceans and countries that have been a crucible of human history. In minutes you will trace the migration of men over thousands of years; seconds, the briefest glimpse, and you will pass battlefields on which millions of men once struggled and died. You will see no national boundaries, no vast gulfs or high walls dividing people from people; only nature and the works of man—homes and factories and farms—everywhere reflecting man's common effort to enrich his life. Everywhere new technology and communications bring men and nations closer together, the concerns of one more and more becoming the concerns of all. And our new closeness is stripping away the false masks, the illusion of difference that is at the root of injustice and hate and war. Only earthbound man still clings to the dark and poisoning superstition that his world is bounded by the nearest hill, his universe ended at river shore, his common humanity enclosed in the tight circle of those who share his town and views and the color of his skin.

Each nation has different obstacles and different goals, shaped by the vagaries of history and experience. Yet as I talk to young people around the world I am impressed not by the diversity but by the closeness of their goals, their desires and concerns and hope for the future. There is discrimination in New York, apartheid in South Africa and serfdom in the mountains of Peru. People starve in the streets of India; intellectuals go to jail in Russia; thousands are slaughtered in Indonesia; wealth is lavished on armaments everywhere. There are differing evils, but they are the common works of man. They reflect the imperfection of human justice, the inadequacy of human compassion, the defectiveness of our sensibility toward the sufferings of our fellows; they mark the limit of our ability to use knowledge for the well-being of others. And therefore, they call upon common qualities of conscience and of indignation, a shared determination to wipe away the unnecessary sufferings of our fellow human beings at home and around the world.

TO RELY ON YOUTH

Our answer is the world's hope; it is to rely on youth—not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease. The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. It cannot be moved by those who cling to a present that is already dying, who prefer the illusion of security to the excitement and danger that come with even the most peaceful progress. It is a revolutionary world we live in; and this generation, at home and around the world, has had thrust upon it a greater burden of responsibility than any nation that has ever lived.

"There is," said an Italian philosopher, "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." Yet this is the measure of the task of this generation, and the road is strewn with many dangers.

First is the danger of futility, the belief that there is nothing one man or one woman can do against the enormous array of the world's ills—against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man. A young monk began the Protestant Reformation, a young general extended an empire from Macedonia to the borders of the earth, and a young woman reclaimed the territory of France. It was a young Italian ex-

plorer who discovered the New World, and the thirty-two-year-old Thomas Jefferson who proclaimed that all men are created equal. "Give me a place to stand," said Archimedes, "and I will move the world."

These men moved the world, and so can we all. Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation. Thousands of Peace Corps volunteers are making a difference in isolated villages and city slums in dozens of countries. Thousands of unknown men and women in Europe resisted the occupation of the Nazis and many died, but all added to the ultimate strength and freedom of their countries. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

"If Athens shall appear great to you," said Pericles, "consider then that her glories were purchased by valiant men, and by men who learned their duty." That is the source of all greatness in all societies, and it is the key to progress in our time.

The second danger is that of expediency, of those who say that hopes and beliefs must bend before immediate necessities. Of course, if we would act effectively we must deal with the world as it is. We must get things done. But if there was one thing President Kennedy stood for that touched the most profound feelings of people across the world, it was the belief that idealism, high aspirations, and deep convictions are not incompatible with the most practical and efficient of programs—that there is no basic inconsistency between ideals and realistic possibilities, no separation between the deepest desires of heart and mind and the rational application of human effort to human problems. It is not realistic or hardheaded to solve problems and take action unguided by ultimate moral aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and belief, forces ultimately more powerful than all the calculations of economists and generals. Of course, to adhere to standards, to idealism, to vision in the face of immediate dangers, takes great courage and self-confidence. But we also know that only those who dare to fail greatly can ever achieve greatly.

It is this new idealism that is also, I believe, the common heritage of a generation that has learned that while efficiency can lead to the camps of Auschwitz or the streets of Budapest, only the ideals of humanity and love can climb the hill to the Acropolis.

A RARER COMMODITY

A third danger is timidity. Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change. Aristotle tells us that "at the Olympic games it is not the finest and the strongest men who are crowned, but they who enter the lists. . . . So too in the life of the honorable and the good it is they who act rightly who win the prize." I believe that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the world.

For the fortunate among us, the fourth danger is comfort, the temptation to follow the easy and familiar paths of personal ambition and financial success so grandly spread before those who enjoy the privilege of education. But that is not the road history has marked out for us. There is a Chinese curse that says, "May he live in interesting times." Like it or not, we live in interesting times. They are times of danger and uncertainty, but they are also more open to the creative energy of men than any other time in history. And all of us will ultimately be judged, and as the years pass we will surely judge ourselves, on the effort we have contributed to building a new world society and the extent to which our ideals and goals have shaped that effort.

Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature nor the irresistible tides of history, but the work of our own hands, matched to reason and principle, will determine our destiny. There is pride in that, even arrogance, but there is also experience and truth. In any event, it is the only way we can live.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BAYH. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN). In accordance with the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct election of the President and Vice President of the United States.

The Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, today the Senate begins an historic debate on one of the most pressing issues facing this Nation—determining the best method of electing the President and Vice President. Nothing short of the very best method will suffice.

I am sure, because of the gravity of this question, that the debate will be active, enthusiastic, and perhaps at times heated, but I hope that by the time we are through we will have provided a major change which will correct some of the shortcomings of the present system.

Mr. President, I ask unanimous consent that there be printed in the RECORD immediately following my remarks a copy of Senate Joint Resolution 1 as reported from the Committee on the Judiciary, together with a section-by-section summary and analysis.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. BAYH. Mr. President, I want to emphasize the point I made a moment ago as strongly as I know how. I have said before, and I say once again, Mr. President, that as long as man is frail and as long as an occasional human being, either within Government or without, will yield to the temptation not to walk the straight and narrow, any system for choosing our President could have shortcomings. In short, no system devised by man can be perfect, and prevent an unscrupulous individual from trying to distort it to give him more advantage than he should have under the system.

So, Mr. President, at the start of this debate, I hope we will lay aside the effort to find a perfect system. As one who has studied this matter for 4 or 5 years, I do not know of any perfect system, but rather, I think what we are striving for in this debate today, is to find the best system, that which has the fewest shortcomings and the fewest possibilities of malfunctioning. Because, Mr. President, nothing short of the very best method for choosing our President will suffice. I believe that the measure now pending before this body, Senate Joint Resolution 1, is the very best method for selecting the President. It is the only system that is truly democratic, truly equitable, and truly responsive to the will of the people.

Having already been fortunate enough to be a principal in the successful effort to secure passage of the 25th amendment, Mr. President, I know that amending the Constitution is an awesome responsibility. It is a responsibility that I do not take lightly.

I think our Founding Fathers were correct in requiring two-thirds of both Houses and three-fourths of the State legislatures to join in concurrence before a major change could be made in the bedrock constitutional law of this land. Because of this responsibility, I say to the Senate at the outset that today, after 4½ years of exhaustive committee study not only in the Halls of Congress, but by many organizations throughout the country, I urge the Senate to approve a constitutional amendment providing for direct popular election of the President.

The burden in this debate will be on those of us who support direct popular election—as it rightly should. Certainly, Congress should approve constitutional amendments only when there has been exhaustive study and the need for constitutional change has been clearly demonstrated. In the case of our antiquated electoral college system, where

the prospect of electing a man who is not the popular choice of the voters is an ever-present danger, I believe the need for change is clear. But more than change, the archaic and dangerous method by which we elect our Presidents and Vice Presidents requires substantial reform. Mr. President, I have not taken a poll of the Members of this august body, but I would hazard a guess that if we were to poll the 100 Senators, more than 90 of them would suggest some change that they think should be made in our present system.

So, as we embark upon our discussion and our study on the floor of the Senate, I think we should emphasize, while trying to achieve the best change we possibly can, that change alone is not enough. We need a basic reform that will minimize the inequities and the malfunctioning of the present system; and it is in this respect that I suggest that the direct election of the President would be a change of the type that is necessary.

There has developed, over the past few years, a strong amount of support for this type of change. It is, I think we can accurately say, an idea whose time has come.

In view of the national consensus on the need to replace the electoral college system with direct popular election, I am hopeful that two-thirds of the Senate will agree with the more than 40 of us who already have joined in sponsoring Senate Joint Resolution 1: that now is the best time to reform—and that direct popular election is the best reform available to us.

"The road to reform in the method of choosing the Presidents and Vice Presidents of the United States," Arthur Krock wryly commented more than 20 years ago, "is littered with the wrecks of previous attempts." The first attempt, I might point out, was as long ago as 1816, almost before the ink on the original Constitution itself had dried.

For more than a century and a half, Mr. President, we have recognized the perils of a system that leaves the choice of President to a group of independent electors—electors whose freedom to disregard the will of the people is presently guaranteed by the Constitution. We have recognized the inequities in a scheme that allocates all of a State's electoral votes to the candidate who wins a popular vote plurality in that State, regardless of whether that plurality is 1 vote or 1 million votes—a scheme, I should add, that is nowhere to be found in the Constitution itself. We have recognized the grave risks that the popular will of the people can easily be thwarted, either by the strange arithmetic of the electoral system or by the mischievous deeds of a handful of power brokers.

Having long recognized these obvious inadequacies, we have yet to correct them. Why? Because repeatedly in the past we have failed to achieve agreement as to the most desirable route to reform. As I said a moment ago, I am fully convinced that 90 percent of the Members of this body want some type of change.

For that matter, there has always been near unanimous agreement as to the need for reform, but never before has there been a national consensus as to what specific type of reform was needed.

Today we have that elusive national consensus. That is why now is the best time to reform.

Mr. CURTIS. Mr. President, would the distinguished Senator from Indiana care to yield at this point?

Mr. BAYH. I am glad to yield to my distinguished colleague from Nebraska.

Mr. CURTIS. I should like to ask the distinguished author of this resolution to explain lines 23 to 26 on page 4 of the resolution, also including the word "except" in the previous line: "except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications."

What does the Senator mean by that?

Mr. BAYH. I shall be glad to answer the question, but does the Senator from Nebraska have a series of questions to which he would like to address himself? If so, I would feel better if the RECORD could show my entire opening statement first.

Mr. CURTIS. Very well. I withhold further questions.

Mr. BAYH. I think the Senator's question is very pertinent, but I should like to have continuity in my opening remarks. After I have concluded them, I shall be glad to answer any questions the Senator from Nebraska cares to ask.

Mr. CURTIS. I withdraw my question.

Mr. BAYH. I was saying that I feel now is the best time for reform, Mr. President.

I feel that at the outset of this debate, perhaps a bit of study as to what has gone on before the debate would be helpful to the Senate in its consideration.

In February 1966, Mr. President, the American Bar Association established a Special Commission on Electoral Reform. As some Members of this body will recall, the American Bar Association, with a similar commission, was very helpful to us in preparing the ground work for the consideration of the 25th amendment, and I thought it would be helpful, and indeed it has proved to be very helpful, for the Bar Association to appoint another such commission to help us with this different constitutional problem.

The commission was composed of distinguished political scientists, lawyers, legal scholars, public officials, and other leaders from every section of the country and reflecting various political views. It studied the present electoral system and considered all of the various proposals for reform. After an extensive 10-month study, the commission concluded that the existing electoral system is: "Archaic, undemocratic, complex, ambiguous, indirect, and dangerous."

The Bar Association's blue-ribbon commission further concluded that:

> While there may be no perfect method of electing a President, we believe that direct, nationwide popular vote is the best of all possible methods. It offers the most direct and democratic way of electing a President and would more accurately reflect the will of the people than any other system.

In urging the abolition of the present electoral system and replacing it with direct popular elections, the commission foreshadowed an emerging national consensus on the question of electoral reform.

The Harris and Gallup polls have shown, for example, that 78 percent and 81 percent of the American people, respectively, favor direct popular election. The extent of this feeling, it is important to note, is nationwide—and fairly evenly distributed throughout the country. To quote excerpts from one of Mr. Gallup's polls, the figures reveal that 82 percent of the people in the East, 81 percent in the Midwest, 76 percent in the South, and 81 percent in the West think direct popular election is both desirable and necessary.

Despite some speculation to the contrary, this debate should not result in a sectional type dispute, because the people themselves, when they are asked, "Do you think you should have a right to vote for your President? Do you think direct popular election is today the best way to choose our President?" by an overwhelming majority, as the figures show, respond in the affirmative.

In addition, Senate Joint Resolution 1 has been publicly endorsed by a unique and formidable array of national organizations, among them the American Bar Association, the Chamber of Commerce, the AFL–CIO, the United Auto Workers, the National Federation of Independent Business, the National Small Business Association, and the League of Women Voters—indeed a rather prestigious group of organizations representing broad philosophical and nationwide support.

For years, one of the arguments often raised against direct popular election was that it could not be ratified by the legislatures of three-fourths of the States. In fact, even a few direct popular supporters, including the late Senator Estes Kefauver and Senator Henry Cabot Lodge, were deterred from pushing it because of their doubts as to whether direct election could be ratified.

In 1966, the distinguished Senator from North Dakota (Mr. BURDICK) dramatically refuted this argument by polling 8,000 State legislators and finding that of the 2,500 who responded. nearly 60 percent favored direct election. The results, once again, revealed very little variation from State to State. More recently, Senator GRIFFIN polled 4,000 legislators from the 27 States thought most likely to oppose direct election—and 64 percent of those responding endorsed direct election.

If I might make a brief detour, it would seem to me, as an ex-State legislator, that the average State legislator is probably not too far from the thinking of his average constituent. And as the polls of Harris and Gallup show, and the polls of the various State legislators show, there is strong grassroots support throughout the country for this major constitutional change.

In September 1969 the House of Representatives reflected this national consensus by approving a constitutional amendment for direct election by an overwhelming 339 to 70 vote. Now it is the Senate's turn to act. The people of the United States will not put up with the electoral roulette of the present system. They want reform. They want direct popular election of the President. Now is the time for reform. Now is the time for direct popular election.

There is another equally compelling reason for acting now, Mr. President—before it is too late. Why not eliminate, once and for all, the ominous prospect of elevating to the Presidency a man who is not the choice of the American voters? Why not take an ounce of prevention now, before the antiquated electoral college backfires, and it is too late for the proverbial pound of cure?

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BAKER. Mr. President, I am in thorough accord with the statement just made by the distinguished Senator from Indiana. Not only am I a cosponsor of this joint resolution, but also, I have long advocated the abolition of any system that dilutes the full effectiveness of one man's vote in relation to any other man's vote in the selection of our chief magistrate and the Vice President.

But may I say at this point that I believe it is urgent and essential, as the Senator from Indiana points out, to take action on this matter now, and to take affirmative action. In 1968, this country witnessed one of the several significant third-party efforts in our history, in the form of the American Independent Party, supporting the candidacy of Governor Wallace; and I believe that most Members of this body would agree that the principal strength claimed by former Governor Wallace, and his principal claim to support in that campaign in 1968, was not that he would receive a majority of the votes but, rather, that he would receive enough electoral votes to deny a candidate a major and therefore to create for himself a bargaining position.

If we are to avoid that again—and all the forces and factors present in 1968 are still there and will be, I suppose, in 1972—if we are to avoid that in 1972, we have to get about the business of changing the machinery now. It is the machinery, it is the mechanism, that creates the opportunity for the third party effort to create a bargaining position.

I believe, as I think the Senator from Indiana believes, that our President and the Vice President ought to be chosen on some basis other than a bargaining position, and they ought to be chosen by the clear expression of the sentiment of the people themselves, not by some three-cornered set of forces and powers which throw the election to the House of Representatives.

At this point and without undue interruption, I hope, of the Senator's excellent statement on this subject, may I say that I want to underscore the imperative nature of early and affirmative action, so that we can prepare ourselves for the 1972 election without again subjecting ourselves to the risk of a bargaining election.

Mr. BAYH. I appreciate the comments of the Senator from Tennessee. His cosponsorship and his active support of this measure provide not only comfort but also assurance, in my judgment, that the measure has an excellent chance of being accepted by the Senate.

As this debate proceeds, I am sure that some of our colleagues—the distinguished Senator from Nebraska, I am sure, will be one—not only will express reservations with respect to certain sections dealing with technicalities and how the mechanics of this proposal is to operate, but also will express broad philosophical disagreement with the right of the people to vote directly on a one-man, one-vote basis for the President. I think there is room for difference of opinion in this body. But I think the Senator from Tennessee touched the keystone of our argument. Today, perhaps more than ever before in the history of our country—at least, since the great War Between the States—the ability of our system to respond and to be a viable system of governing 200 million people is being tested. Some very critical questions are being asked now that were not asked 20 years ago. Hopefully, they will not be asked 20 years from now. But they are being asked today.

I think that one of the major reasons why we need to prevent an occurrence such as that described by the Senator from Tennessee, which almost happened in 1968, is the recognition of the fact that it would be extremely difficult, if not impossible, today for the President of the United States to govern if he were chosen in the manner mentioned by the Senator from Tennessee.

Mr. BAKER. If the Senator will yield further, I agree entirely with that observation. As ominous as it is, I am afraid it is entirely accurate; and I think it underscores another important point in support of the basic necessity for electoral reform of this type.

At the time of the creation of the electoral college, this was a great, sprawling nation, even though smaller in geographical size than it is today. Now it is a homogeneous nation. It is for the first time, I suppose, a nation-state. The United States is no longer an aggregation of dissimilar States but a federation of 50 States in which the people are more nearly alike. By and large they think the same things, they are concerned about the same problems, they are moved along by the same impulses, they respond to the same stimuli, and they dislike the same things. We live in an era of instantaneous communication by reason, primarily, of the electronic media, and of almost instantaneous transportation because of the advent of the jet airplane and other swift means of transportation.

The point is that as the electoral college may once have served a useful purpose for an undereducated or poorly educated populace in a federation of colonies or States with respect to the nomination of candidates capable of serving as President, or to be selected by the House of Representatives, which after all was the rationale, no longer is that condition applicable to a nation-state such as we have today, but is positively destructive of the ability of this Republic to resonate fully to the range of desires, demands, and dissents of 200 million Americans.

Thus, I suggest most respectfully, especially in view of the high esteem in which I hold Senators who disagree with this statement, that not only is it necessary to accommodate every one of those items now, but we are incurring great and grave risks by jeopardizing our ability to govern efficiently and effectively in these trying times, if we are to do our best to fine-tune the democratic system so that every citizen is a fully participating citizen; so that every person regardless of the State in which he lives or the congressional district in which he resides, no matter how heavily Republican or how overwhelmingly Democratic that State or that congressional district may be, can have his vote counted.

I have only this additional comment to make, with apologies once more to the Senator from Indiana for this lengthy interruption. I remember, as I was growing up in my native State of Tennessee, that the National Democratic Party paid very little attention to us because they assumed the State would vote Democratic, and the National Republican Party paid no attention to us because they assumed that they could not carry the State. Yet, Tennessee always has had 35 percent, 40 percent, 45 percent Republican voters—until recently, mostly in the eastern third of the State—but they were ignored. In fact, they were disfranchised because the Democratic Party—and the Republican Party, as well—paid no attention under the winner-take-all theory, which is what the electoral college process amounts to, and it did not make that much difference whether one campaigned for the Republican candidates or not.

Only by the direct popular election of a President and a Vice President can that minority of 40 percent or 45 percent, as it was in Tennessee for many years, or 1 percent, as it is in some States, regional, ethnic, or otherwise, be fully counted with the same vitality, strength, and energy that the vote in every other State is counted.

I believe that it is not unseemly for me to say, in this time of much talk about a southern strategy, and the Senator from Indiana, who is not of my party, will not be offended by my saying that I hope that there is a southern strategy by both parties; that never again will either party take the South for granted or ignore it, but, rather, that both parties will compete for the support and dedication of the South and the Southeast, just as they compete for every other State in every other area.

I believe, and I say on my own experience, that one-partyism in the United States is a unique, direct product of the defective design of the electoral college

system in modern times, and that it will never again exist with all of its attendant evils if we resort to the direct popular election of a President and a Vice President.

Mr. BAYH. I certainly appreciate the thoughts of the distinguished Senator from Tennessee and hope, during debate and discussion of this issue, that we can drive home that point.

Coming from Indiana, I have seen the national political strategy work the opposite way, in that in most elections in this century the Democratic Party voters have been ignored because it looked as though the Republicans would carry, and the Republicans on the other hand thought they had such a big majority they did not need to pay much attention to the State, either. As a result, this is not conducive to strong, two-party activity. I think this is one of the items that strongly recommends our proposal.

Mr. President, what I should like to do now, if I may, is to touch on and briefly review some of the obvious defects and deficiencies of the electoral college that make it such a clear and ever-present danger.

DEFICITS AND DEFICIENCIES IN THE ELECTORAL COLLEGE

There is no need for me to dwell on the historical accidents that led the framers to compromise on the hybrid electoral college system, but it is interesting to note what a make-shift arrangement the framers were forced to devise.

The appearance of political party candidates as early as 1800, for example, meant that Alexander Hamilton's original design of a "select assembly" of independent electors already had lost its purpose only a decade after its embodiment in the Constitution. Alexander Hamilton was one of the original Founding Fathers and he wanted to create electors to be an elite group that had complete freedom of choice. He made no apologies for this. But 10 years after the measure was put on the books, parties developed that had not been anticipated by the Founding Fathers. When the party system did develop, Alexander Hamilton's ideas of a "select assembly" went out the window. A Senate report published in 1826 caustically noted that the free and independent electors had "degenerated into mere agents in a case which requires no agency and where the agent must be useless if he is faithful and dangerous if he is not."

This danger was accurately reflected in the remarks of the distinguished Senator from Tennessee (Mr. BAKER) a few moments ago.

But today, more than 125 years later, the elector still retains his constitutionally guaranteed independence.

The elector is to the body politic what the appendix is to the human body. As Henry Cabot Lodge said:

> While it does no good and ordinarily causes no trouble, it continually exposes the body to the danger of political peritonitis.

The prospect of unknown electors auctioning off the Presidency to the highest bidder remain all too real. That is the lesson of 1968, when the present electoral system brought us to the brink of constitutional crisis. A shift from Nixon to Humphrey of only 42,000 popular votes in three States would have denied Nixon an electoral majority. No one would have had an electoral majority on election day. It would have given Wallace, with his 46 electoral votes, the balance of power.

Let me add there that a recent study showed that a change of less than 1½ percent of the vote in one State alone—in California—would have produced the same outcome.

We can avoid this dangerous disease simply by eliminating the elector. But that is not a cure-all for what ails our present electoral machinery. The elector, in fact, is merely a symptom of more fundamental flaws in our system of electing the President.

Mr. President, one of the well-intentioned suggestions that I am sure will be made by one of our colleagues is to remove the elector and just count the electoral votes, so that we remove the independence. That is a step forward, but it is a very small step when we need a great leap forward. We need a major reform to clear up the fundamental flaws of the present system.

Among other things, the present system can elect a President who has fewer votes than his opponent and thus is not the first choice of the voters. The present system awards all of a State's electoral votes to the winner of the State popular vote, whether his margin is one vote or 1 million votes. As I discussed a moment ago, it cancels out all of the popular votes cast for the losing candidate in a State and casts these votes for the winner; it assigns to each State a minimum of three electoral votes regardless of population and voter turnout; and provides for a patently undemocratic method for choosing a President in the event no candidate receives an electoral majority. How can we possibly justify the continued use of such a patchwork of inequity and chance?

One of the major difficulties of the present electoral system is the unit rule, which is not even a constitutional provision. I wonder whether all our colleagues realize that this is the way we operate and have been operating for some time. The State of Maine, I think, made a change at its last legislature. How permanent that will be, we do not know, but prior to that time all of the States, for a great period of time, during most of this century, operated on the winner-take-all unit system, although it is not provided for in the Constitution.

Mr. BAKER. Mr. President, will the Senator yield on that point?

Mr. BAYH. I yield.

Mr. BAKER. Mr. President, I would note also that while Maine has changed the winner-take-all effect by changing the unit rule provision as it pertains to its electoral votes, the action of the State of Maine probably creates a constitutional question in itself that we will not really need to grapple with if we act affirmatively on this amendment. It may be said that some legal scholars will say—and I am sure that some will—that if the State of Maine in its legislative discretion decides to abolish and prohibit the unit rule that the equal rule provision of the Constitution would require an investigation of the unit rule requirement in any other State and that it might be possible that the validity of an election could be challenged on the basis of the equal rule just as it has been challenged on the 18-year-old vote.

I am not sure that a good case could be made. But it seems to me that the very last thing we need is to have a challenge of the electoral system. Even though it is archaic, it is the only thing we have until we act.

Mr. BAYH. Mr. President, I thank the Senator from Tennessee for pointing out the shortcomings that indeed decrease the capability of our system as we indicated a moment ago.

In effect, millions of voters are disenfranchised if they vote for the losing candidate in their State because the full voting power of the State—its electoral vote—is awarded to the candidate they opposed. The obvious injustice of this was pointed out by Thomas Hart Benton—a former U.S. Senator—over a century ago. He said:

> To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

I found myself about a year ago addressing a joint session of the Arkansas Legislature on this very subject. Suddenly it came to me like a bolt out of the blue—I do not know why it took that long a period after studying the matter for years—as I looked around that beautiful, ornate chamber in Little Rock, that all the representatives were either Democrats or Republicans. Yet, every citizen in Arkansas who voted for either a Democratic or Republican candidate in the 1968 election not only lost his vote but had it cast for Governor Wallace who received barely 38 percent of the popular vote but got 100 percent of the Arkansas electoral vote. That is how the unit rule operates.

One practical consequence of this disenfranchisement is that it discourages the minority party in traditionally one-party States. Simply stated, where there is no hope of carrying the statewide popular vote, the size of the voter turnout for the likely loser is meaningless. This necessarily leads to the atrophying of the party structure in many States. By the same token, the prospective winner has little incentive to turn out his vote because the margin of victory likewise is meaningless. In sum, the unit rule has the unhealthy political effect of both maintaining weak second parties and discouraging voting. This is reflected most clearly in the poor voter turnout in U.S. presidential elections in comparison to most other democratic nations.

Another byproduct of the unit rule is the distortions it produces in the value

of individual popular votes. The unit rule tends to inflate the voting power of a small number of well-organized voters in the handful of large, closely contested States where blocs of electoral votes can be won on the basis of narrow popular vote margins. A candidate, for example, could win an electoral majority by capturing slim statewide pluralities in the 11 largest States—even if he did not receive a single popular vote in all of the other States. This means, in effect that under the present system in 1968, 25 percent of the popular vote could have elected a President. For these reasons, some of those opposed to direct election urge that the present system be retained because it represents "the only effective hold on power that the urban population centers have in the Federal Government today."

On the other hand, some spokesmen for rural America have suggested that the present electoral vote formula should be preserved because it enhances the voting power of citizens of the less populous States. This argument has, I admit, a certain theoretical appeal. The ratio of electoral votes to population indicates that the smaller States would have a voting advantage, because each State is entitled to at least three electoral votes regardless of its size. On this basis, it would appear that a voter in Alaska has five times the power of a voter in California. This argument, however completely ignores the practical advantage of the unit rule. A careful analysis will show that because of the unit rule an individual voter in a more populous State has greater voting power than his small State neighbor, since his vote could swing a much larger number of electoral votes.

But even if one could conclude—as some apparently have—that the present system favors one citizen over another, one region over another, or one group over another, that would not be the end of the question. There is something more important at stake in the debate over electoral reform—a fundamental question of national fairness. The President represents every American, regardless of region or State, and he should be elected by all Americans, fairly and equitably. Every vote should count the same, urban or rural, black or white, rich or poor, North, South, East or West. Any system which favors one citizen over another or one State over another is inherently inconsistent with the most fundamental concept of a democratic society.

Any student of the electoral college system can point out examples of how when all of the large States go one way the voters in the large States have an advantage. However, when the large States are divided, the mathematical advantage of the small States take effect.

I think the important question to ask ourselves here in the United States of America in 1970, in the country that we believe is the world's greatest democracy, is why under any circumstances should any voter have an advantage over another. The answer is that he should not. Everyone ought to have the same right and opportunity to choose the President.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BAKER. Mr. President, I agree entirely. I think that the time when the President is elected by land space or territory, as distinguished from people, is over and that we are in fact a nation of States and demand to be a nation of States and demand equality in the election of magistrates, Vice President, and Presidents and demand that they be elected by people and not by area.

It is unique indeed that the advocates of the popular election and the foes of popular election each claim that it favors one side or the other. The fact of the matter is that the numerical balance tends to be absolute neutrality, which is where it ought to be.

It is a paradox that those who come from smaller States—and I come from a small State; Tennessee has a population of about 4 million which puts us near the median—point out that the minimum guarantee of two Senators gives them some slight advantage in the selection of a President.

I agree with the Senator from Indiana that even a slight advantage is an unconscionable advantage. Those from urban areas say that the 11 most populous States could choose a Vice President and President without any remaining votes at all from the other 39 States.

If it is true, then it is wrong and is an unconscionable advantage. If the electoral system does create an advantage in any way, it is demonstrably improper. The direct popular election of the President is the only way to have absolute equality.

I believe that those who claim that the system of the election of the President grew up as the result of a great compromise by our Founding Fathers have misread history. The great compromise was the creation of a bicameral system with two Members of the Senate from each State and one Representative in the House of Representatives for each representative district.

The electoral colleges was created according to that formula—that is, the sum total of the Senators and Representatives—almost as an afterthought to that great compromise; not a product of the compromise, but a corollary to it. The system was designed to work, as the Senator pointed out, in the nature of an electoral college serving as a nominating committee. After they had nominated five people who were eminently qualified to serve as President and Vice President, the House, which, according to our Founding Fathers, was established on a one-man, one-vote basis—or a representative basis and not a territorial basis—then chose a President. But in usage it did not work that way, and as a result we now have the historical mobilization of a patent inequity; that is, a proportion of electoral votes of the sum total of elected Representatives plus two Senators from each State.

Mr. President, to conclude this interruption, the fact that both urban areas and small States claim the perpetuation of the electoral college system creates some slight advantage in favor of one or the other, depending on which group one talks with, is a demonstration of the clear inequity of the system.

(At this point Mr. NELSON assumed the chair.)

Mr. BAYH. Mr. President, I thank the Senator from Tennessee for elaborating on that point.

I must say, sitting through two or three volumes of hearings over the last 4 or 5 years was not at all times an inspirational experience. Some of the testimony was repetitive. Nevertheless, as chairman of the Subcommittee on Constitutional Amendments, I sat there. I thought it amusing, if not ironic, that on the last day—and I am not going to name individuals or organizations—and after 4 years of study, the last two witnesses appeared before our committee. One witness came before our committee suggesting the present system should be maintained because it gave an advantage to the larger States and the next witness suggested the present system should be maintained because it gave an advantage to the small States.

I think the Senator is absolutely correct. These two advantages balance each other out. We should go ahead with direct election because regardless of what a person believes, no person will have a greater opportunity to choose the President and Vice President than his neighbor across the street.

But despite the seriousness of these defects in the electoral college system, they are not so dangerous as the most fundamental flaw: the fact that the present electoral vote system cannot guarantee that the candidate with the most popular votes will be elected. This dangerous prospect, more than anything else, condemns the present system as a faulty device for recording the sentiment of American voters. In 1824, 1876, and again in 1888, this system produced Presidents who were not the popular choices of the voters. On seven other occasions in this century, a shift of less than 1 percent of the popular vote would have produced an electoral majority for the candidate who received fewer popular votes.

To give an example of how extreme this can be, in 1948, a shift of less than 30,000 popular votes in three States would have given Governor Dewey an electorial vote majority—despite President Truman's 2 million-plus popular vote margin. I suggest to Senators that that is the type of malfunctioning which would bring our Nation to its knees.

Good fortune, not design, has produced Presidents who were the popular choices of the people. A glance at past elections reveals that there have been very few elections where the candidates' percentage of the electoral vote reasonably resembled their percentage of the popular vote.

In runaway elections, of course, any system will produce an electoral victory

for the popular vote winner. It is the accuracy of the results produced in closely contested elections, however, that determines the true soundness of an electoral system. Based on this criterion, the present system is clearly defective. A recent computer study of presidential elections over the last 50 years revealed, for example, that in elections as close as 1960 the present system offered only a 50–50 chance that the electoral result would agree with the popular vote. For an election as close as 1968, where some 500,000 popular votes separated the candidates, there was one chance in three that the electoral vote winner would not be the popular vote winner as well. According to the evidence, the danger of an electoral backfire is clear and present. And as President Nixon said during the 1968 campaign:

> If the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing.

The tests of an equitable modern electoral system are threefold. First, it must guarantee that the candidate with the most votes is elected President. Second, it must count every vote equally. Third, it must provide the people themselves with the right to directly make the choice. Only direct popular election meets all three tests.

DESCRIPTION OF SENATE JOINT RESOLUTION 1

Senate Joint Resolution 1 proposes an amendment to the Constitution of the United States to abolish the antiquated electoral college and undemocratic "unit vote" system and substitute direct popular election of the President and Vice President. The proposed amendment contains several major features worthy of discussion at this time.

First, the amendment requires the winning candidate to obtain at least 40 percent of the total popular vote. During the past 5 years, questions have been raised as to what percentage of the popular vote—if any—should be required for election. On one hand, it is necessary to establish a reasonable plurality requirement indicating a legitimate mandate to govern. On the other hand, such a requirement should not be set so high that it would disrupt the stability of our political system.

Requiring a majority of the popular vote for election might too easily proliferate the party system and needlessly trigger the runoff. Historically, 15 Presidents have been elected with less than 50 percent of the popular vote. But only once in our history has no candidate for President received 40 percent of the popular vote: In 1860, Lincoln received 39.79 percent of the vote, although his name did not appear on the ballot in 10 States.

It should be pointed out that he came this close to the 40-percent mark. It is fair to assume that if the same rules applied across the board in that election as they have subsequently, at no time has a President failed to get the 40-percent required under Senate Joint Resolution 1.

Mr. President, I believe that a 40-percent plurality requirement would assure a reasonable mandate to govern, while not unnecessarily triggering the runoff election. It is extremely unlikely that neither major party candidate would receive a 40-percent plurality—even with a third party candidate in the race. In 1968, for example, the most significant third party bid since 1924 could only produce 13.5 percent of the popular vote for George Wallace.

Even more to the point, in 1912, in the face of challenges by an incumbent President and a popular former President, Woodrow Wilson still received more than 40 percent of the popular vote. It should be pointed out that in 1912 1 million votes went to the Socialist candidate, Eugene V. Debs. Yet the winner, Woodrow Wilson, had more than the 40-percent mark provided in Senate Joint Resolution 1. The four-way race in 1948, involving Truman, Dewey, Thurmond, and former Vice President Wallace, likewise produced a candidate with well over 40 percent of the popular vote. The likelihood of a major party candidate receiving the required plurality, therefore, is not confined merely to third party races but to multiparty contests as well.

The 40-percent requirement, in short, is a prudent cutoff point because it avoids the likelihood of frequent runoffs, places reasonable limits on the growth of third parties, and provides a sufficient mandate to govern.

Since a 40-percent plurality requirement was established, a contingent election procedure was necessary in the unlikely event that no candidate received the requisite 40 percent. I believe that the popular vote runoff is the most appropriate contingency in a situation where the country is so divided that no candidate receives 40 percent of the popular vote. No other contingency procedure would insure as much legitimacy and would be less susceptible to intrigue and closed-door deals.

A question has been raised as to whether the runoff might unnecessarily encourage third parties to enter presidential elections. Prof. Paul Freund, a distinguished member of the Harvard Law School, is both eloquent and very persuasive on this point, and I should like to quote from Professor Freund's testimony before our subcommittee:

> This provision for a run-off is important not only as a democratic solution to the problem of a deadlock, but as a deterrent to the rise of splinter parties. Some critics of a direct popular vote have feared that by giving effect to every voter in the final tally, the plan would jeopardize the two-party system. If, however, the only achievement that such splinter parties could hope for would be to force a run-off between the two leading candidates, their gain would probably not seem to be worth the candle in the first place, and there would be an incentive to come to terms with a major party, as at present.
>
> The two-party system, in addition, is buttressed by more than the unit count of the present electoral system; it rests on the foundations of the party system in Congress and the States, and there is no solid reason to expect that these foundations would be shaken by the direct election of the President.

In the long run the political health of our democratic system would be strengthened if the final choice rests with the people. A choice by any body other than the people is either useless or mischievous—useless if it reflects the will of the people and mischievous if it does not.

The proposed amendment strikes a necessary balance between traditional State authority and compelling Federal interests in the conduct of presidential elections. I believe such a balance is workable and sound. The proposed amendment empowers the States to establish voter qualifications and election machinery similar to the responsibilities the States now exercise for the election of Senators, Representatives, and for electors of the President and Vice President. Senate Joint Resolution 1 provides that the qualifications for voting in presidential elections are to be prescribed by State law and shall be the same as those voting for members of the most numerous branch of the State legislature. These provisions are identical to the present constitutional requirements spelled out in article I, section 2, relating to the qualifications for voting for Members of the Congress.

The States are further authorized to prescribe less restrictive residence requirements for voting in presidential elections. This provision was deemed necessary in order to prevent the invalidation of existing laws in many States where less restrictive residence requirements for voting in presidential elections are already in effect. Congress, moreover, is expressly empowered with a reserve authority to establish uniform residence requirements. In this age of great mobility, State residence requirements for voting in presidential elections often work an undue hardship on millions of Americans. It is estimated, for example, that in 1968 approximately 5 million voters were arbitrarily disfranchised because of restrictive State residency requirements.

These features do not reflect any doubt whatsoever as to the constitutionality of the Voting Rights Act Amendments of 1970, now awaiting a Supreme Court test.

The mechanical details of providing for a direct popular election, including provision for the runoff, prescribing a uniform election date, and the manner in which the vote is to be ascertained and declared, are left to Congress to legislate.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. BAKER. I agree with the Senator's statement. There are other factors to be left to a later date as to which it might be necessary to take further action. My statement is prompted by a recent decision of the Supreme Court to the effect that a 1 year's residency requirement in order to vote in Tennessee was unconscionably long and deprived a citizen of due process and equal protection. If that be the case, it seems to me that there is another area of great uncertainty that might require some action with respect to statutory election reform.

I inject that note not for the purpose of complicating the subject before the Senate, or of diverting our attention from the obvious necessity of correcting the

defects in the electoral college system, which the Senator from Indiana and I agree should be corrected, but to suggest that we will not have finished our job when we successfully ratify an amendment to the Constitution to provide for direct election of President and Vice President.

I think we ought to give consideration to universal suffrage as far as any citizen is concerned, regardless of his location in whatever State, but reserve the right to every State to fix such requirements as residency and others for a citizen to cast a vote in each State election. I think we ought to provide for a 24-hour vote. I think we have an abominable record of votes cast by those who are eligible to cast them.

Mr. BAYH. It is my honor and privilege to have joined the Senator in providing for corrections in that area.

Mr. BAKER. I thank the Senator for his assistance. We will fight that battle on another day.

The last suggestion I have is that we provide for a national primary, also requiring State preferential primaries for each of the two of our great political parties, making them more responsive, so that the delegates to the national conventions, who ought to be elected, in my judgment, will have a better view of what the people think.

So that is my view of a broader range of refinement and fine tuning of the electoral system that we have to undertake after we complete the first, Herculean task of putting at rest the greatest inequity we have, and that is correction of the inequity under the electoral college system.

Mr. BAYH. I appreciate the Senator's journey into the future. I concur in his statement that the proposed constitutional amendment is the beginning and not the end of our efforts to revitalize and make more equitable and open our electoral process. Certainly, this is a major step, and one which I think provides us with the opportunity to make some uniform recommendations, by statute, if Congress at a later date might prefer to do so.

I am not going to deal in detail with that field now, because I am sure the Senator from Tennessee is fully aware that we are proceeding to the electoral process at this time and leaving the nominating process for consideration on some future date. It is our judgment that, if we were to commingle the nominating process with electoral reform, it would sound the death knell of the basic electoral reform. This whole matter, of course, needs consideration.

Prescribing the times, places, and manner of holding such elections and provision for inclusion on the ballot remain the primary responsibility of the States. The Congress, however, is given a reserve power to make or alter such regulations. In the event a State attempts to exclude the name of a major party candidate from the ballot, for example, the Congress would have the authority to prevent such arbitrary action. Furthermore, such action appears unlikely in view of the Supreme Court's recent decision in *Williams* v. *Rhodes*, 393 U.S. 23 (1968), holding that the equal protection clause of the 14th amendment and the right of assembly guaranteed by the first amendment impose limitations upon a State's freedom to restrict parties in their access to the ballot.

Mr. President, it has been 4½ years since the Subcommittee on Constitutional Amendments began its most recent study of electoral reform. After 4½ years of continuous study and debate, the full Judiciary Committee voted 11 to 6 to report Senate Joint Resolution 1. I believe it is the only authentic reform proposal, the only proposal that guarantees the election of the popular choice, counts every vote equally and works in the manner in which most Americans expect the electoral process to work—directly and democratically.

ALTERNATIVE PLANS

I might take a moment or two of the Senate's time here to discuss very quickly some of the alternative plans, because I am certain that there are a number of our colleagues who share the concern of the Senator from Indiana that reform is necessary, but do not share the judgment of the Senator from Indiana that a direct popular vote is the best alternative.

Because we have studied these alternative proposals in some detail, it might be helpful to the Senators to make a cursory examination of the alternative plans.

There can be no disagreement that direct popular election would produce these results though some may disagree as to the desirability of such basic reforms. Over the years, several other plans have been offered. They may be offered in the course of this debate, and I expect they will. I would like to discuss the drawbacks in these proposals.

I say this without for an instant impunging the motives of those who make these suggestions, because I think it is possible for men of good will and sound judgment to examine a difficult and complicated problem like the morass of the present electoral college system, and come up with different conclusions as to what would be the best reform to propose to the Senate.

THE DISTRICT PLAN

The district plan would retain the electoral vote, with electors chosen from single-member districts within each State and two electors running at large statewide.

The district plan, like the present electoral system, is based on the winner-take-all principle—merely shifting its application from the State level to the district level. As a result, the district plan would continue to produce significant disparities between the popular vote and the electoral vote.

Mr. BAKER. Mr. President, will the Senator yield for an observation on the district plan, which I believe is quite relevant to the remarks of the Senator from Indiana?

Mr. BAYH. I yield.

Mr. BAKER. In a book by Neal R. Peirce entitled "The People's President," he tells what the results of the election of 1960 would have been under a district plan. I quote from page 11 of his book:

> Had the nation, for example, been voting in 1960 under the often-proposed plan that would give each state two electoral votes and each Congressional district one, Nixon would have been elected by 278 to 245—a small but clear electoral majority that would have done nothing to clear up the clouded popular vote and might well have made him a minority President.

I agree with the Senator from Indiana that although the district plan diminishes the inequity of the electoral system, it does not eliminate it, but preserves all of the disadvantages of the winner-take-all theory.

Mr. BAYH. I appreciate the comments of the Senator from Tennessee. A number of comments have been expressed suggesting that the district plan might even produce a popular vote loser or a minority vote winner. We can play all sorts of games with figures. The best example I have found of the disparity which can be produced in any one election was brought to our attention in the 1964 election. To cite just one example of the consequences of the district plan, compare the returns for the First and 15th Illinois Congressional Districts in 1964. These were adjoining congressional districts. President Johnson carried the First District by 167,458 votes. Senator GOLDWATER, in contrast, won the 15th district by only 71 votes. Under the district plan, each candidate would have received one electoral vote. The unit rule operating at the district level would have wasted a net popular vote margin of 167,387 votes for President Johnson.

Mr. CURTIS. Would that have been bad?

Mr. BAYH. Of course, it would have. By wasting large numbers of popular votes, the district system can easily elect a President who is not the popular choice of the voters. I am sure one could find instances, in that same election or other elections prior or since, of the same exaggeration in favor of the Democratic candidate. I say that if we were to allow this unit rule to operate, whether at the National, State, or local level, we would be tossing on the scales of chance the election of the President.

Mr. BAKER. Mr. President, one of my distinguished Republican colleagues was overheard to say, "Would that have been bad," with reference to the outcome of the 1960 elections.

Far be it from the Senator from Tennessee to suggest that from his point of view a different outcome would have been bad, if the Senator will permit me to say so, for the welfare of the country. But the point I am making, and I believe the point the Senator from Indiana makes, is that any election system short of a direct popular election creates circumstances where one party or the other may win under circumstances where it receives fewer votes than the other; and the only system which affords absolute equality of opportunity, and no advan-

tage for any candidate, but straight, undiluted equality of opportunity, is by popular election of the President and Vice President.

Mr. BAYH. I appreciate the analysis of the Senator from Tennessee. It is not the first time his statesmanship has shown that there are things more important than partisan politics, though both of us are strongly partisan. In this particular reform effort, we join hands as partisan Republicans and Democrats, with the best interests of our country as our sole goal.

I thought it might be helpful to pursue one of the other items that was brought to the attention of the Senate by the Senator from Tennessee, namely, the effect of the present electoral college system on the strength of the two-party system.

As in the case of the present system, the district plan would discourage the minority party's voters within each electoral district, thus reducing the incentive to vote. The district plan, in fact, would operate even more effectively to discourage voters because a larger number of congressional districts are safely controlled by one party than are States. Defining a "safe" State or district as one carried by 60 percent of the vote or more, for example, 32 percent of the districts were safe in 1960 and only 10 percent of the States.

So I think this erosion of strength in the 2-party system would also be present under the district plan, well-intentioned as it is, thus providing the same shortcoming as under the present electoral system.

Furthermore, despite the specific requirement of Senate Joint Resolution 12 that electoral districts be "compact, contiguous, and nearly equal in population" it still would be possible for partisan State legislature to gerrymander electoral units. The impracticality of enforcing this vague constitutional standard is another major obstacle to the district plan.

I should add that there is no provision within this well-intentioned alternative plan that the districts from which presidential electors would be chosen should be the same as congressional districts to elect Congressmen. I cannot think of anything that would be more confusing to the general public.

THE PROPORTIONAL PLAN

The proportional plan would retain the electoral vote, but replace the unit rule with a proportional division of a State's electoral vote on the basis of the popular vote in that State.

Had the proportional system been in effect in 1968, it would have produced the following distortions in two States having the identical number of electoral votes:

First, President Nixon captured 43 percent of the popular vote in Virginia and under the proportional plan this would have produced 5.2 electoral votes. Vice President Humphrey's 43 percent of the popular vote in Missouri, likewise, would have produced 5.2 electoral votes. President Nixon, however, only required 590,315 popular votes, whereas Humphrey had to poll 791,444 votes in order to produce 5.2 electoral votes—a startling difference of 201,129 popular votes.

A similar distortion can be found in both Idaho and Utah, which have four electoral votes. In both States, Nixon captured 56 percent of the statewide popular vote, and this would have entitled him to 2.2 electoral votes under the proportional plan. The interesting point is that it required 238,728 popular votes in Utah to produce the same number of electoral votes as 165,369 popular votes in Idaho.

The practical political consequences of the proportional plan is that it enhances the political influence of the "safe" States, which traditionally have had poor voter turnouts. Simply, a popular vote in a State where the voter turnout is poor is worth more than a vote in a State of equal size with a heavy voter turnout.

States sharing marked sectional interests, moreover, would have a great incentive to maximize their electoral influence by encouraging one-partyism. As a result, regional third party challenges are likely to be encouraged. In 1948, for example, the States Rights Party polled only 2.4 percent of the total popular vote, but under a proportional plan, it would have received more than three times that percentage of the electoral vote.

Under certain political conditions, the proportional plan would produce a President who was not the popular choice of the voters. If one candidate won handily in most of the States where the turnout was poor and the results in the remaining States were almost evenly divided, it is likely that the electoral winner would have been the popular vote loser. A perfect example of this division occurred in the election of 1896. Bryan captured 46.7 percent of the popular vote and McKinley won 51.1 percent. McKinley's majority of the popular vote under the present system produced 61 percent of the electoral vote. Under a proportional plan, however, Bryan would have won a 6 vote electoral victory-despite being a popular vote loser.

A recent computer study presented to the committee examined the electoral results produced under a proportional system in close popular elections. The random survey, based on several thousand two candidate races with a popular vote distribution varying from a wide 60–40 split to a 50–50 division, revealed that with a plurality of less than 1 million votes, there was a 14-percent chance of an electoral mishap. In an election as close as 1968, moreover, there was a 25-percent chance—one in four—of electing the popular vote loser.

THE MODIFIED PRESENT SYSTEM

The modified present plan would write into the Constitution for the first time the major defect of the present system—the unit rule. It would leave the election of the President to the strange arithmetic of the unit rule and perpetuate the other inequities in the present system—including the distortions in voting power, the built-in advantage for low voter turnout, and above all the great risk of electing a candidate who is not the first choice of the voters. The adoption of the "Automatic Plan" would not only write into the Constitution the evils of the winner-take-all rule, but also is likely to preclude meaningful reform indefinitely.

THE "FEDERAL SYSTEM PLAN"

The "federal system plan" would provide that in order for a candidate to be elected he would have to receive at least 40 percent of the popular vote and have "confirmed" his mandate by achieving a plurality of the votes in more than one-half of the States or in States having at least one-half the total number of voters. If no candidate received such a plurality, the decision would be made on the basis of the distribution of the popular vote in accordance with the present electoral college system. If none of the candidates received a majority of the electoral vote under this proposal, the electoral votes received by candidates other than the two receiving the greatest number of popular votes would be divided among the first two candidates in accordance with the proportion of the popular vote these two candidates received in the State.

This would be an extremely complicated and confusing method of electing the President and Vice President. Moreover, the plan might tend to fragment the presidential election process, with one candidate hoping to "confirm" his victory by concentrating on the most populous States and the other by concentrating on the smaller States. Such divisiveness should be minimized, not magnified, by the system of selecting our President. Finally, and above all, the plan does not correct the fundamental flaw in the electoral college system. It would not prevent the possibility of electing a President and Vice President who had not received the most popular votes.

CONCLUSION

Mr. President, these are the alternative plans. None of them has the support of a significant segment of the American public. None of them has the slightest possibility of securing passage by a vote of two-thirds of the Members of the Senate. None of them would be ratified by three-fourths of the States.

Indeed, Mr. President, if one of these plans were somehow to be adopted by the Senate and were to secure a two-thirds vote for passage, it would in my opinion foreclose all possibility of reform in this Congress—perhaps in this generation. The House has already expressed its preference in the strongest possible terms, by a vote of 339 to 70, for direct popular election.

No one has put it more succinctly than President Nixon, in his statement of last September 30 in support of direct popular election:

> The House of Representatives has overwhelmingly supported the direct election approach. It is clear that unless the Senate follows the lead of the House, all opportunity for reform will be lost this year and possibly for years to come.

I repeat:

> All opportunity for reform will be lost this year and possibly for years to come.

The President continued:

Accordingly, because the ultimate goal of electoral reform must prevail over differences as to how best to achieve that goal, I endorse the direct election approach and urge the Senate also to adopt it. While many Senators may prefer a different method, I believe that contrary views are now a luxury—that the need for electoral reform is urgent and should be our controlling consideration. I hope, therefore, that two-thirds of the Senate will approve the House-passed amendment as promptly as possible so that all of us together can then urge the States also to give their approval.

The question that confronts the Senate is whether we will have direct popular election or no reform at all.

EXHIBIT 1

S.J. RES. 1

A Joint Resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE —

SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

SEC. 3. The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices. If no pair of persons has such number, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

SEC. 4. The time, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

SEC. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice-President-elect.

SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

SEC. 7. This article shall take effect one year after the 15th day of April following ratification.

ANALYSIS OF THE RESOLUTION

The resolution contains the customary provisions that the proposed new article to the Constitution shall be valid as part of the Constitution only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

Section 1 of the proposed article would abolish the electoral college system of electing the President and Vice President of the United States and provide for their election by direct popular vote. The people of every State and the District of Columbia would vote directly for President and Vice President. This section prevents a candidate for either office from being paired with more than one other person. Candidates must consent to run jointly.

Section 2 provides that voters for President and Vice President in each State must meet the qualifications for voting for the most numerous branch of the State legislature in that State. The term "electors" is retained, but instead of referring to the electoral college, the term henceforth means qualified voters, as it does in existing provisions dealing with popular election of members of Congress. This clause also permits the legislature of any State to prescribe less restrictive residence requirements and is necessary in order to prevent invalidation of relaxed residence requirements already or hereafter adopted by the States for voting in presidential elections.

The Congress is also empowered to establish uniform residence qualifications. This authority would in no way affect the provisions dealing with residency requirements in presidential elections adopted as part of the proposed Voting Rights Act of 1970. The Voting Rights Act would abolish residency requirements for voting in presidential elections and establishes nationwide, uniform standards relating to absentee registration and absentee voting in presidential elections. This provision, moreover, does not modify or limit in anyway existing constitutional powers of the Congress to legislate on the subject of voting qualifications. The District of Columbia is not referred to in section 2 because Congress now possesses the legislative power to establish voting qualifications for the District under article I, section 8, clauses 17 and 18.

Section 2 is modeled after the provisions of article I, section 2, and the 17th amendment to the Constitution regarding the qualifications of those voting for Members of Congress. As a result, general uniformity within each State regarding the qualifications for voting for all elected Federal officials is retained. Use of the expression "electors of the most numerous branch of the State legislature" does not nullify by implication or intent the provisions of the 24th amendment that bar payment of a poll tax or any other tax as a requisite for voting in Federal elections. The Supreme Court, moreover, has held that a poll tax may not be enacted as a requisite for voting in State elections as well, *Harper* v. *Board of Supervisors*, 383 U.S. 663 (1966).

Section 3 requires that candidates obtain at least 40 percent of the whole number of votes cast to be elected President and Vice President. The expression "whole number of votes cast" refers to all valid votes counted in the final tally. The term "whole number" is consistent with prior expressions in the Constitution, as in the 12th amendment. Section 3 further provides that if no pair of persons receives at least 40 percent of the whole number of votes cast for President and Vice President, a popular runoff will be held among the two pairs of persons who receive the highest number of votes.

Section 4 embodies provisions imposing duties upon the Congress and the States in regard to the conduct of elections. The first part of this section requires the State legislatures to prescribe the times, places, and manner of holding presidential elections and entitlement to inclusion on the ballot—subject to a reserve power in Congress to make or alter such regulations. This provision is modeled after similar provisions in article I and the 17th amendment dealing with elections of members of Congress. States will continue to have the primary responsibility for regulating the ballot. However, if a State sought to exclude a major party candidate from appearing on the ballot—as happened in 1948 and 1964—the Congress would be empowered to deal with such a situation.

Section 4 also requires Congress to establish by statute the days for the regular election and any runoff election, which must be uniform throughout the United States. This conforms to the present constitutional requirement for electoral voting (article II, section 1), to which Congress has responded by establishing a uniform day for the election of electors (3 U.S.C. 1).

Section 4 further requires Congress to prescribe the time, place, and manner in which the results of such election shall be ascertained and declared. The mandatory language is comparable to the mandatory duties imposed upon the States to provide popular election machinery for Members of Congress. In implementing this section, Congress may choose to accept State certifications of the popular vote as it now accepts electoral vote certifications under the provisions of 3 U.S.C. 15. Federal enabling legislation will be required to provide the specific legislative details contemplated in the broad constitutional language of the amendment.

Section 5 empowers Congress to provide by legislation for the death, inability, or withdrawal of any candidate for President and Vice President either before or after a regular runoff election, but before a President or Vice President has been elected. Once a President and Vice President have been elected, existing constitutional provisions would apply. Thus, the death of a President-elect would be governed by the 20th amendment and the death of the Vice President-elect would be governed by the procedure for filling a Vice Presidential vacancy contained in the 25th amendment. Section 5 also empowers the Congress to provide by legislation for the case of the death of both the President-elect and Vice-President-elect.

Section 6 confers on Congress the power to enforce this article by appropriate legislation. The power conferred upon Congress by this section parallels the reserve power granted to the Congress by numerous amendments to the Constitution. Any exercise of power under this section must not only be "appropriate" to the effectuation of the article but must also be consistent with the Constitution.

Section 7 provides that the article shall take effect 1 year after the 15th day of April following ratification. The committee was of the opinion that since State and Federal legislation will be necessary to fully implement and effectuate the purposes of the proposed amendment, a reasonable period of time should be provided between the date of ratification and the date on which the amendment is to take effect. The committee believes that this provision affords both the Congress and the States an adequate opportunity to legislate, but does not foreclose the possibility of securing ratification in time for the proposed article to be in effect before the 1972 Presidential election.

Mr. CURTIS. Mr. President (Mr. CASE) will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Nebraska, and I certainly appreciate his patience.

Mr. CURTIS. I commend the distinguished Senator for a most eloquent defense of a proposition that is both unsound and weak. He has done an excellent job, and I congratulate him upon it.

I should like to ask the Senator a few questions——

Mr. BAYH. If the Senator will yield, I certainly appreciate that compliment.

Mr. CURTIS. The Senator is entitled to it.

In how many States do the voters actually vote for the President and Vice President by name on the ballot?

Mr. BAYH. I do not know the exact number, but in most of them.

Mr. CURTIS. In most of them, yes.

It is probable that many of the people have this in mind, as contrasted to voting for a list of electors when the direct election is used, is it not?

Mr. BAYH. No, I do not think it is. I think most people associate direct election with the same elections they are familiar with in all other offices. When they go into the booth and choose a Senator from Indiana, a Senator from Tennessee, a Governor of Oklahoma, a legislator, or a mayor, they choose by direct popular election. I think that is what the people understand, and I think that is what they want to do with respect to the President.

To answer the Senator's other question, I think 12 States do not specifically name the candidates but list the elector.

Mr. CURTIS. Yes; and in those 12 States they do not get the opportunity to vote for their candidates by name; is that not correct?

Mr. BAYH. That is accurate; yes.

Mr. CURTIS. Now, the Senator spoke of the danger that could have arisen out of the last election with reference to Governor Wallace, and that the danger was based on the fact there was the possibility the other two candidates might lack a majority in the electoral college; is that not correct?

Mr. BAYH. That is one of the specific dangers that the Senator from Indiana and the Senator from Tennessee discussed. There are others, of course, that we also discussed.

Mr. CURTIS. Would the Senator from Indiana state that in order to deal with that particular danger, a lack of a majority in the electoral college, the only solution is to go to a direct election of President and Vice President?

Mr. BAYH. No. I do not think that is the only solution.

Mr. CURTIS. There is a great deal of criticism about the unit rule. Would it be possible—I am not asking would the Senator approve—but I am asking, would it be possible to retain the electoral system of voting and eliminate the evils of the unit rule?

Mr. BAYH. It is rather obvious that there is one proposal that would eliminate the unit rule. But if we are concerned about electing a President and Vice President who have the most votes, if we are concerned about everyone's vote being equal, and if we are concerned about giving the people the opportunity to participate directly in the election of their President and Vice President, without interposing a mathematical formula or agent, there is only one proposal that would meet these three criteria. That is the direct popular vote.

Mr. CURTIS. I am fully aware that the distinguished Senator and many of our other colleagues favor direct election, but the point is that the system of counting electoral votes could be retained and we could still eliminate the unit rule, could we not?

Mr. BAYH. Under the proportional plan——

Mr. CURTIS. Yes.

Mr. BAYH. I understand that the Senator from Nebraska is one of the chief advocates of the district plan. Would he suggest that same shortcoming could be overcome by the district plan?

Mr. CURTIS. I would agree to any plan to stop direct election of a President and Vice President.

Mr. BAYH. Even if it brought the country to its knees, and the chaos we had in 1968?

Mr. CURTIS. We did not have any chaos in 1968.

Mr. BAYH. We came close to it.

Mr. CURTIS. What is the Senator's alternative?

Let me ask this question in regard to the holding of the second election. I realize that the date will be fixed by law, but when would the Senator hold the runoff as provided for in lines 4 and 5 of page 5 of the proposal? When would the Senator hold it?

Mr. BAYH. That would be determined by Congress.

Mr. CURTIS. Yes.

Mr. BAYH. That is a very good question. It is a question and an aspect of Senate Joint Resolution 1 which has given both the Senator from Indiana and the Senator from Michigan pause, and has caused several other Senators pause. Frankly, I do not like to anticipate a runoff election. I think, and I gather that the Senator from Nebraska was listening carefully, that the mathematical possibility of that happening is remote. It would never happen if the same rules applied in all elections. I would suggest that if the Senate endorsed this plan and passed it by a two-thirds vote, and if it were then ratified by three-fourths of the State legislatures, it would become incumbent upon Congress to pass a measure which would govern the possibility of a runoff. I do not think it will happen, but we have to be prepared for it in advance.

Specifically, I could suggest a date, if the Senator would like me to.

Mr. CURTIS. I would like very much for the Senator to suggest a date, because I do not believe any catastrophe happened in this country in 1968, and it did not. It did not. So the fact that we do not expect it to happen has nothing to do with what we write into the Constitution. But I should like to ask the distinguished Senator, as the chief spokesman of this proposal and plan that provides for a runoff election, when would he suggest that election be held?

Mr. BAYH. The Senator from Indiana is not prepared to bind the Senate——

Mr. CURTIS. I understand that.

Mr. BAYH (continuing). By his suggestions. I would suggest that if the people of France are sophisticated enough to have an electoral system in which they can have a runoff election the people of the United States, and Congress in particular, should be sophisticated enough and intelligent enough to pick a date that would work. I would, however, like to point out that if the 40 percent provision contained in Senate Joint Resolution 1 had been operative in France, that country would not have had to have a runoff.

Mr. CURTIS. I am taking the amendment as written here.

Mr. BAYH. Why does not the Senator from Nebraska pick a date?

Mr. CURTIS. I think that is the fatal defect in the proposal.

Mr. BAYH. Would the Senator put a date in there?

Mr. CURTIS. I believe the Senator is forcing the country to choose between one of two alternatives, one wherein we might have a minority President elected by as little as 40 percent, or else we must hold two elections. The runoff election would cause confusion in this fast-moving age. I think that the Senator, as the chief sponsor of this proposal, should give us an idea as to when he would hold that second election. That is my question.

Mr. BAYH. I believe that the Senator from Indiana——

Mr. CURTIS. I know the Senator cannot bind the Senate.

Mr. BAYH (continuing). Would be very glad to give his idea. I would suggest such a time as 2, 3 weeks—I believe that would be ample. I am just saying that. We now have a group of distinguished authorities who have been studying this question.

When we take into consideration the fact that we have recounts now, I think that the Senator from Nebraska must consider that although there is a contingent possibility that we might have to have a recount following the first election, we have that same liability under the present system. We have recounts in the present system, and that system is still functioning. I see no reason why it cannot continue to function, although I think that the runoff possibility is the weakest part of Senate Joint Resolution 1. However, I think that weakness is insignificant compared to the real liability presented by the present system, or by any other well-intentioned alternative.

Mr. CURTIS. I listened carefully to the distinguished Senator and he talked a long, long time about the evils of the electoral vote going to someone who did not have the greatest number of votes, yet here we are asked to hold two elections. Because it is bad on the face of it, then we write into the Constitution that we can elect a President with only 40 percent of the choice of the people.

Now, coming back to the date that the Senator fixed, of 3 weeks, how long does the Senator think it would take to certify the first election, and who would do the certification?

Mr. BAYH. I think that the certifica-

tion could be done either by the States, or as Congress by law would prescribe. We will have to have some reasonable feature in the statute to safeguard and protect what we already have. Does the Senator from Nebraska realize that there are several States today operating with runoff election provisions? I have not seen any of them brought to chaos.

Mr. CURTIS. That is much simpler because that is all within one sovereign State. Who would certify to the grand total of a popular vote that a pair of candidates would receive?

Mr. BAYH. That would be up to the Senate and the House of Representatives.

Mr. CURTIS. I know, but this is the Senator's proposal and I believe that we are entitled to know, before we make a fundamental change in the Constitution, what will flow from that? Will those votes be canvassed by Congress in the manner that the electoral votes are, or does the Senator suggest that an official in the executive branch be ordered to do it?

The Senator is proposing that there be a total vote of all of the votes in the United States in one column. My question is simple. Who will do that?

Mr. BAYH. Mr. President, I suggest that if the Senator wants me to be a bit more specific—and I am not trying to be evasive—this body will work its will and determine the best way in which to do this.

I say that each vote in the popular vote should be certified as it is now.

It is a very simple matter, whether it is done in a joint session in the House of Representatives or by the head of the GAO or the Bureau of the Census. I think this is a mathematical thing that can be handled very simply.

I would be happy to see the popular votes cast the way the electoral votes are cast so that we would know the result.

We now have some freedom of choice by which electors are free when they cast their votes. On the floor of the House the popular votes could be counted in the same way.

Mr. CURTIS. How much time would the Senator provide a State? The Senator says that we would hold a second election within 3 weeks. How much time would the Senator give a State to certify the votes?

Mr. BAYH. However long the Senator from Nebraska or a majority of this body would like.

Mr. CURTIS. Mr. President, I think that is buying a pig in a poke. Under our present system, it takes a number of days in the various States for local counties and boards to certify the votes. They then go to a State agency.

What I am trying to get at is how the Senator justifies holding the second election 3 weeks after the first election.

Mr. BAYH. Mr. President, would the Senator rest easier if it were 4 weeks instead of 3?

It should be whatever period of time the Senate and House determine to be a reasonable time in which to determine the vote count of each State. I think that immediately following that period of time, and without any lengthy campaign period, we could have a second election from the top two candidates.

This is done in States where they have runoff elections. We do not find any great difficulty on a State-by-State basis, and I do not see why it could not be done on a national basis.

Mr. CURTIS. The Senator is dealing with one sovereign State.

Mr. BAYH. Is that not also the case insofar as the electors of each individual State are concerned? They multiply that by 50 and get the certified popular vote in each State before determining who gets the electoral votes.

Mr. CURTIS. Mr. President, the Senator has studied these things for years. How long does it take to do that? Could it be done by the first of December?

Mr. BAYH. Mr. President, I have discussed this matter with Richard Scammon, among others. He was former director of the Bureau of the Census and is a noted writer in this field. He suggests that with the capabilities we have now, this could be done in 3 days.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BAKER. Mr. President, I would make the observation that the electors are elected within one sovereign State and the results are certified.

The Senator from Nebraska was elected within one sovereign State, as was the Senator from Tennessee and the Senator from Indiana. I foresee no difficulty in having each of the 50 States certify the results of the popular election any more than there is difficulty in having States certify to the Secretary of the Senate the results of a State election.

Mr. CURTIS. Mr. President, that is very helpful. Would the Senator suggest that be done according to the presently existing State law?

Mr. BAKER. I think each State ought to have a reasonable latitude in deciding how to do that.

May I ask a question, if the Senator from Indiana would yield briefly, that has occurred to me in the course of his colloquy with the Senator from Nebraska.

I wonder if the Senator from Nebraska is telling the Senator from Indiana and the Senator from Tennessee that if the runoff provision were put at 50 percent, instead of 40 percent, that would remove his objections, at least as far as the imbedding of the minority requirement in the Constitution is concerned.

I have to confess if that is the case, except for my concern over having it passed on now in the well of the House, that I would be tempted as far as I am personally concerned to change it to 50 percent. Would the Senator from Nebraska feel better with 50 percent?

Mr. CURTIS. Mr. President, I feel that the runoff is a fatal defect in the measure.

The State Legislature of Nebraska, which certifies the results of the election of Members of Congress from Nebraska, does so after the Member of Congress has been sworn in on the basis of no objection because the legislature does not meet until after Congress convenes. That is usually in January and is before the State legislature could certify the election results.

Mr. BAYH. Mr. President, the Senator said that the Legislature of Nebraska has to certify the votes.

Mr. CURTIS. The Senator is correct.

Mr. BAYH. Mr. President, I suggest to the Senator from Nebraska, so that we can keep the record straight, that 41 days now exist between the time the people may vote and the time that the statutes mandate that the votes of the electors be cast.

That means that between the election and the third week in December, that legislature has to meet. If they can do it to confirm the vote so that the electors can cast their votes, it seems to me they can do it to ratify the popular vote.

Mr. CURTIS. Mr. President, I am trying to figure out the timetable proposed by the Senator.

Mr. BAYH. I am not proposing any timetable. I have tried to be as courteous as possible to the Senator from Nebraska.

Mr. CURTIS. But the Senator is requiring that that be done. The Senator is the chief sponsor of a proposal not to change the law, but to change the Constitution and call for a runoff election. I think that we have the right to know, not what the Senator's guess is that Congress would do, but what the Senator as the chief spokesman of this measure would feel would be ample time in which to hold that election.

I cannot quite see that we could get that done in 3 weeks.

I believe there are States that have to have as much as 10 days for their tabulations because they involve absentee voters, disabled voters, and others. Those results have to be certified by some State authority. Then some State authority would have to certify that to someone in Washington, I would assume.

I will not dwell on the point. However, I cannot see any way in which we could handle this without the lapse of several weeks and ascertain whether we would have to have a runoff. Then, after that is determined, if we are going to allow some time for the parties and candidates to prepare for the second election, we would have a period of doubt and confusion and a period when the country, particularly in world affairs, would suffer because of this period of indecision.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BAKER. Mr. President, listening attentatively to this further colloquy between the Senator from Nebraska and the Senator from Indiana, I have neglected to hear any criticism by the Senator from Nebraska of the merit and equity of the election of the President and Vice President by popular vote, except those technical requirements for certification. I ask the Senator from Nebraska if there is some technical way in which Senate Joint Resolution 1 could be changed so that popular election of the President and Vice President would be acceptable to the Senator from Nebraska?

Mr. CURTIS. I would say that in my opinion it would be a better proposal if it did not carry the risk of calling for two

elections at this time of tremendous happenings all over the world, and happenings that occur instantly.

But I will leave that point. I will have something to say on my own time about the merits of electing a President by States, and that is all it is, or electing them by individuals. There is nothing evil about either one.

Mr. BAKER. Will the Senator agree that the real issue is the relative desirability of the people electing the President and Vice President or the States electing the President and Vice President, and the rest is technical?

Mr. CURTIS. The people elect the President in any event. It takes people to go in and cast ballots and vote. But whether they vote through instrumentalities of the States or in one great adding machine operation is the issue.

I would like to ask the distinguished Senator from Indiana a few questions about section 2 of the bill.

Mr. BAYH. While we are on this one item could we just proceed a little further?

Mr. CURTIS. Surely.

Mr. BAYH. I make that request for the sake of continuity. I salute the Senator for bringing up this point about the runoff. As I suggested earlier, it has been a point that has bothered me; that there would be some uncertainty if we got into a situation where we would have to have a runoff. Given the past 200 years of history, we would never have had a runoff if the ballots had been treated across the board. Certainly that is a desirable criterion for an election scheme.

Is the Senator suggesting the present system has created certainty at each election?

Mr. CURTIS. Not necessarily. But in regard to the problems the Senator raises about a play for power in the case of a tie, or the lack of a majority, I would say there are other approaches to that, other than the one the distinguished Senator from Indiana has offered. It seems to me that the issue of voting for the President as individuals through the instrumentality of their States or of voting directly should be debated on its merits, and not given a free ride to this untried method as the only way to meet the threat of someone having undue power in the case of a lack of a majority in the present system. They are two different problems and they do not have to be tied together.

Mr. BAYH. I suggest that the Senator from Indiana in talking about the uncertainty is not alluding to the problem of neither candidate getting a majority. I was talking about the uncertainty that exists even if one of the candidates does get a majority. I hope the remarks of the Senator from Nebraska, which I am anxious to hear, dwell on the 1960 election, when there was a runoff, a recount in Hawaii. In the original count Vice President Nixon was awarded the electoral vote of Hawaii. The recount turned out differently and the electoral vote went to President Kennedy. This was not consumated until some time in July under the present system. It was only then that a recount was vacated or not pursued in Illinois.

As I said at the outset, I felt any system devised by man would have the imperfections of man built into it. But life itself is a choice of alternatives, and if we are dealing with the question of certainty, whether it is the certainty of the Senator from Indiana or not, it has not happened in 200 years. The matter that concerns the Senator from Nebraska has never happened in 200 years, but the matter that concerns the Senator from Indiana happened 10 years ago. We weigh the alternatives and hopefully we get the best package with the least uncertainties.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. Of course, the situation in Hawaii was a situation that was very extreme, and it was a limited and compartmentalized situation. There was no hope of overturning the result of that election whichever way those three votes went. That would not be true under the Senator's proposal because if there were a difference of 6,000 votes or 8,000 votes every State would have the opportunity to participate and would cast votes. Instead of a contest in one State there would be contests and recounts and proceedings that would be raised in as many as 10 or 12 States. That matter was discussed thoroughly in the testimony before the Committee on the Judiciary and it was generally agreed that that would be the result. There was no advantage in the recounts in 1960 in most of the States because the result in these States was such a foregone conclusion. But that would not be true if the result were very close and if a combination of actual votes in any series of States would have the impact of throwing the majority—that is, the total votes in favor of one candidate—over into the other column. Conceivably those recounts and election contests—honest-to-goodness election contests and not a mechanical recounting of the votes—where legal questions are involved would take months.

Recently in a case that reached the Supreme Court that involved a race for the office of attorney general in Oregon, it was not until May the following year that the case was considered by the Supreme Court, and that was pretty much by default rather than a conscientious effort to get those proceedings extended further.

So when we say that no system is perfect, we can grant that, but that does not justify or warrant the adoption of a measure which would proliferate and make serious, dangerous, menacing, and even disastrous the alternatives, and that is precisely what this would do.

Mr. BAYH. The Senator is eloquent, as usual. I must say I am proud to serve with him on this subcommittee as well as on the Committee on the Judiciary. However, his memory of the 1960 election is different than mine. If the recount in Hawaii had turned out the other way in 1960, then there would have been a recount in Illinois where a change of less than 8,000 votes could have shifted the electoral votes of Illinois. To suggest otherwise flies in the fact of history. The suggestion that the present system has merit because a handful of votes can be distorted and magnified, because changing a few popular votes would change a large proportion of electoral votes, hardly recommends this system as equitable.

Mr. HRUSKA. Is not that process limited to those States where the vote margin is small under the present compartmentalized system of votes for each State? How much further would it have gone besides Hawaii and Illinois? In most of the States there was such a big difference that it would have availed them nothing to challenge the results of the electoral process. So there is an automatic braking system in there. If it were nothing but a popular vote, then the whole system, the whole recount, could go on indefinitely; but that is not true under the present system. There are only a few States now where the margin is so small that there can be any hope of overturning the results on a recount. Therein lies the trouble with the proposed system.

Mr. BAYH. Mr. President, I yield now to the Senator from Tennessee.

Mr. BAKER. Mr. President, I think we are anticipating problems in the colloquy between the distinguished Senator from Nebraska and the distinguished Senator from Indiana that we do not now have to face, because under Senate Joint Resolution 1 as now framed, and as overwhelmingly adopted by the House of Representatives, it is still the province of Congress to decide how it shall be handled, to whom certificated, and on what basis. Congress can, in its judgment and wisdom, provide that each of the 50 States can certify, just as they decide now, as to who will be certified as electors. So the question of fraud and dilution of the fraud would be the same under that system as it is today.

If we followed a different route and said, "We will simply certify the votes cast and there will be a single national certification," that would be different. There would be a further dilution of the fraud.

I do not intend to be caustic, but I observe that the argument on the compartmentalization because it tends to restrict the election process smacks a little of saying that if the fraud were a little fraud, it might be challenged, but if the fraud were a massive and overwhelming fraud, or if the election were embedded in a massive and overwhelming fraud, then it would be beyond the pale and no one could consider it.

It seems to me one of the advantages of the proposed election process is the dilution of fraud—that is, the margin of the 8,000 votes which were in dispute in Illinois in 1966 was extraordinarily significant in terms of the electoral vote in Illinois—but if we followed the second method I have suggested, with our further implementation of it by statute, those votes would have been diluted greatly if they had been included in the total number of votes cast in the United States.

I think, once again, we have a rather considerable leeway in deciding the question of certification and compart-

mentalization after we ratify the constitutional amendment. That probably is the way it ought to be—that something having the permanency and dignity of a constitutional amendment ought to decide the theory and the general practice, and that we leave to statute, which may be changed more readily, the matter of implementation, because circumstances will change more rapidly.

That is why I asked the distinguished junior Senator from Nebraska a moment ago whether or not there was some change in method of certification for his State on a runoff, or the percentage required to avoid a runoff, or the elimination of runoff entirely that in his judgment would make direct popular election of President and Vice President acceptable and agreeable to him.

We look forward to hearing him on that question, and he said he would speak further on that subject later.

This final observation: I think there is a tendency in our colloquy to confuse, as the saying goes, apples and oranges. We are talking about two different things. When we speak of the election of a minority President, that is one thing, which Senate Joint Resolution 1 is directed to. The other thing is the absolute equality of every vote cast for President and Vice President. There we have taken care of it by the same solution, Senate Joint Resolution 1. But they are separate problems. They are interrelated only casually.

In this entire colloquy I have heard nothing that attacks the proposition that direct popular election of President and Vice President is the only method by which we have absolute equality of every vote cast in every State by every person under every circumstance.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I think it is incumbent upon the proponents of this measure to give the Congress and the country a general idea of what they think would be a reasonable time for the determination as to whether or not there would have to be a runoff election, and then how long a time they would allow afterward for the printing of the ballots, the appearance of the candidates before the electorate, even though it is done by television.

I am not going to press for an answer now. I am aware that not all the details should be embodied in the Constitution, but in debating an amendment to the Constitution that calls for certain procedure, it is incumbent that we have the best possible estimate as to the time in which that procedure could be carried out. I would like to go to another——

Mr. BAYH. Before the Senator leaves that point, let me ask unanimous consent to have printed in the RECORD at this point an article from the Dickinson Law Review. This article points out rather eloquently, and perhaps amazingly to some, that under the present provisions of the electoral colleges, the electors meet on the Monday after the second Wednesday in December, only 40 days after they are appointed by election. Therefore, if there is a contest in any of the States, it must be completed 6 days prior to that date, only 34 days after the election, in order for those votes to have a binding effect when they are cast.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Dickinson Law Review, June 1961]

ELECTION CONTESTS AND THE ELECTORAL VOTE

(By L. Kinvin Wroth*)

The extremely close presidential election of 1960 stirred a problem that has long lain dormant. As the result of a recount of the popular vote in Hawaii, Congress, in its joint meeting to count the electoral vote, was presented with conflicting returns from a state for the first time since the Hayes-Tilden controversy of 1877. Since the outcome of the election was not affected, the joint meeting accepted the result of the recount proceeding, and the votes given by Hawaii's Democratic electors were counted.[1] The once fiercely agitated question of the location and nature of the power to decide controversies concerning the electoral vote was thus avoided.

This question, arising from an ambiguity in the Constitution, has long been deemed settled by the statutory provisions for the count of the electoral vote made in the aftermath of the Hayes-Tilden controversy.[2] The system for resolving electoral disputes which this legislation embodies has never been tested, however. The events of 1960 raise serious doubts as to whether the present provisions would be effective either in resolving election contests on their merits or in producing a smooth solution to a political crisis on the order of 1877. Moreover, Mr. Kennedy's narrow margin is a reminder that the possibility of controversy is always present. With broad electoral reforms once again under consideration in Congress,[3] it seems appropriate to take a fresh look at the present constitutional and statutory scheme for dealing with disputed electoral votes.

The basis of our system of electing a President is laid down in the Constitution, which provides that

"Each State shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative, or person an office of trust or profit under the United States shall be appointed an elector.

* * * * *

"The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.[4]

"The Electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least shall not be an inhabitant of the same state with themselves; . . they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President to the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of Electors appointed." [5]

The only other constitutional limitations on the election of a President are those which establish the age and citizenship requirements for eligibility to the office.[6]

Pursuant to the constitutional plan the electors are "appointed"—now uniformly by popular vote—on the Tuesday after the first Monday in November.[7] The procedure for counting the vote and ascertaining the results varies from state to state,[8] but in general it is something like this: The ballots, or the contents of the voting machines, are tabulated at the polls by precinct election judges, who send their tally sheets forward to a county canvassing board. This board makes an abstract of the votes shown for each candidate in the precinct returns, which it sends to a state canvassing or returning board. The state board tallies all the county returns and determines who have been appointed electors. This result is then relayed to the governor of the state, who under federal law is required to make a certificate of the result based on this ascertainment and forward it to Washington.[9] The electors, who have also received the governor's certificate meet on the Monday after the second Wednesday in December to cast their votes, which they certify and send to the President of the Senate.[10] On January 6th, at a joint meeting of Congress, these votes are opened and tabulated and the result declared.[11]

At a number of points in this process, controversies may arise which could affect the validity of a state's electoral vote. (1) There may be fraud or error at the polls on the part of voters or election officials. (2) There may be fraud or error in the initial count of the ballots at the precinct level. (3) There may be fraud or error on the part of the county or state canvassing board, or one of these agencies may abuse whatever powers are given to it by state law. (4) The governor may act fraudulently or erroneously in certifying the electors. (5) An elector may be appointed who is constitutionally ineligible for the office. (6) The electors may act erroneously in the signing and sealing of their certificates of the vote. (7) The electors may cast their votes for an ineligible person. (8) The electors may vote on a day other than that ordained by Congress. (9) The electors may be influenced by fraud or a third party may somehow tamper with their deliberations. (10) The right of a state to participate in an election, or of a particular government to attest to the acts of a state may be called in question.

This group of controversies may be divided into those concerning the recognition of state governments and the status of states; those concerning the qualifications and acts of the electors in giving their votes; and those concerning the manner in which the popular vote is given, counted, canvassed and communicated to Congress. The problems of greatest importance are those of the last class. Questions of statehood and the recognition of state governments are unlikely to arise short of another Civil War. When they do come up, Congress has sole jurisdiction.[12] Questions concerning the electors would be important in a great crisis such as that of 1877,[13] but they involve technicalities which are no longer of the essence of our electoral system. We view our presidential elections as popular elections. If the President is to take office free of uncertainty or scandal that might weaken his authority, controversies concerning the popular vote in a close election must be promptly resolved by a method that leaves no doubt of its fairness on the merits.

Problems of all three classes arose during the stormy century of legislative history which culminated in the Electoral Count Act of 1887.[14] Controversy focused on the congressional counting sessions, where three great questions were continually agitated. First, does the Constitution give the President of the Senate sole power to exercise whatever discretion the count involves, or

Footnotes at end of article.

are the two Houses of Congress the final judge of the validity of votes? Secondly, is the power to count merely the power to enumerate votes given by electors declared by state authority to have been appointed, or is there power to determine the correctness of the state authority's declaration and to examine the validity of the acts of the electors? Thirdly, whatever the scope of the power, how is the evidence necessary to a decision to be presented, and by what means is the decision to be made?

Close scrutiny of the debates of the Constitutional Convention reveals no direct discussion of these problems. The possibility that a dispute might arise with which Congress would have to deal does not seem to have been considered. In fact, the machinery of the Electoral College, a compromise between popular election and election by Congress, was designed to provide a means for the election of a President free from any hint of the evils of Congressional influence.[15] The plain implication of the original scheme is that the states in their control of the manner of appointment were to provide for the settlement of whatever controversies might arise. Only local interests would be at stake in the appointment process, because the electors were to be independent of any presidential candidate[16] and would thus be chosen solely on their own merits. Local authorities would naturally resolve any contest.

While state control guarded state interests, other features of the plan protected the national interest. If certain states failed to appoint electors, the President was still elected by a majority of those who were appointed.[17] If no state had appointed electors, the provisions for failure of a majority would come into play, and the election would devolve upon the House.[18] The method for electing a President may be contrasted with the provisions for congressional elections. In the latter instance, as Hamilton pointed out in the *Federalist*,[19] Congress must have ultimate control over the manner of election of its own members, lest the states, by refusing to elect Congressmen, cause the whole structure to fall. In the case of the presidency, since the House was ready to carry out the election if the states failed, congressional control was not only undesirable but unnecessary.

The absence of two elements in the original plan made is impossible to determine when a state had failed in its obligations. No provision was made for the states to validate their choice of electors to Congress, and the power to determine what were valid votes was neither defined nor expressly granted. The former gap was filled in 1792 by a statute providing that the "executive authority" of each state was to give to the electors a certificate of their appointment which they were to forward to the President of the Senate with their votes.[20] That this provision did not solve the problem, however, became apparent as the result of a development unforeseen in the Convention. After a very few elections the electors virtually lost their independence.[21] Their election thus took on a national interest, requiring that the electoral votes counted be those given by electors who were actually chosen, whatever the executive certificate might say. In the absence of provision as to the second missing element, it was considered that the President of the Senate had the power to "count," and thus to determine what votes were to be counted.[22] The dangers in such a system, especially when that officer was a presidential candidate soon appeared, however, and it was urged that Congress could by legislation provide a more satisfactory procedure.[23]

These problems were first faced after the good will surrounding Washington's administrations had been dissipated by strife over John Adam's efforts to deal with the foreign and domestic consequences of the French Revolution. In the spring of 1800 both Houses of the Federalist Congress, in a last ditch effort to stem the tide of Jeffersonian Republicanism,[24] passed different versions of a measure under which a joint committee was to meet prior to the count of the vote, with "power to examine into all disputes relative to the election of President and Vice President of the United States, other than such as might relate to the number of votes by which the electors may have been appointed." All petitions for the contest of electoral votes were to be referred to the Committee, which was to take any necessary additional evidence, and make a report of its entire proceedings, without opinion, to both Houses. Congress was then to meet in joint session, for the count of the vote. If objection was made to the vote of any state, the Houses were to decide it without debate in separate session. As passed by the House the bill provided that a disputed vote was to be counted unless the Houses concurred in rejecting it.[25] The Senate, agreeing in every provision of the bill but this one, passed an amendment providing that a disputed vote was to be *rejected* unless the Houses concurred in counting it. The House, would permit rejection by vote of the Senate alone. The bill failed when neither House would yield.[26]

The bill of 1800 was a measure designed to achieve partisan ends. While it prohibited Congress from questioning a state's popular vote, it did not bind Congress to accept a particular determination of the popular result. Since the facts reported by the Committee were in no way made the basis of the ultimate decision, there was not even a procedural guarantee that the result reached by the two Houses would be based on a fair assessment of the facts. If the bill did not provide a satisfactory means of validating a state's votes, however, it left no doubt as to where the power to validate lay. Even the Republican members of both Houses seemed to concede that Congress had full power to deal with the matters over which the bill gave it jurisdiction.[27] In light of this understanding it can be argued that the Twelfth Amendment, the remedy for other defects appearing in the election of 1800, embodied the view that the power to count the vote lay in Congress, rather than in the President of the Senate.[28]

No measure materially affecting the electoral count was passed in the years prior to the Civil War,[29] but on three occasions, Congress assumed the power to reject the votes of a state which had not completed the formalities necessary for admission to the Union.[30] The only other question concerning the electoral vote during this period arose in 1857, when the votes of Wisconsin, unavoidably given on the wrong day, were counted after an inconclusive debate.[31] In all four of these cases, the disputed votes had no effect on the outcome of the election. The only consistent pattern in the debates is the call for legislation to deal with the problem of the count.[32]

Congress asserted total power over the electoral vote with the adoption of the Twenty-second Joint Rule in 1865. Even more than the bill of 1800, the Rule was a political measure, passed and used by Republican majorities of both Houses to assure control over the votes of the recently rebellious southern states. It thus contained no machinery at all for solution of disputes on the facts. The Rule first provided for the joint meeting of the two Houses, at which the certificates were to be opened by the President of the Senate and read out by tellers. The critical portion was as follows:

"If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and the question shall be submitted to that body for its decision; and the Speaker of the House of Representatives shall in like manner state the question to the House of Representatives for its decision; and no question shall be decided affirmatively, and no vote objected to shall be counted, except by the concurring vote of the two Houses, which being obtained, the Houses shall immediately reassemble, and the Presiding Office shall then announce the decision of the question submitted; and upon any such question there shall be no debate in either House. And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner." [33]

Since concurrence was required to count a disputed vote, either House, by its negative, could cause rejection. This procedure created no problem, because in the post Civil War political climate there was little prospect of disagreement over which votes to reject.

The Twenty-second Joint Rule was not applied in the count of 1865.[34] In 1869, although serious questions arose, no votes were rejected under the Rule.[35] The count of 1873, in which the Rule was applied to the votes of five states, is the first case in which a dispute over the popular vote was presented to Congress.[36] In four cases objection was made to the acts of the electors and to alleged technical faults in the certification.[37] When the votes of Louisiana came up, Congress for the first time dealt with a "double return," the device with which all subsequent legislation has been designed to deal. Two bodies in the state claimed to be the final canvassing authority. One had certified the state's Grant electors, while the other had validated a slate of Democrats, who also had the certificate of the governor. After a debate in which members of both parties said that Congress could look to the fact of a disputed election, in order to prevent the acceptance of a corrupt return, the Senate Committee on Privileges and Elections was empowered to investigate the situation.[38] The Committee found that neither canvass was valid, and held that Congress itself could not canvass the votes without usurping the state's constitutional powers. The Committee's report suggested, however, that it would be proper for Congress to go behind the governor's certificate to determine whether a legal canvass had been made.[39] In the count proceedings this report was not mentioned, but objections based on its facts were made and both sets of votes were rejected by concurrent vote.[40]

Under the Twenty-second Joint Rule Congress not only claimed the power to count, but defined that power as permitting it to reject an invalid state canvass. As in 1800, however, Congress would not undertake to decide for itself which electors had actually been appointed. Moreover, the make-shift fact-finding provisions relied upon were effective only because the state contest was not material to the outcome of the national election. The solution that was reached may have been just, as far it went, but it left unresolved the question of who actually carried Louisiana.

Between 1873 and 1876 Congress tried vainly to pass permanent legislation to regulate the electoral count. A bill drafted by Senator Oliver P. Morton of Indiana passed the Senate in February 1875,[41] but the House failed to act upon it. The bill was in essence the Twenty-second Joint Rule, with a provision that a single return from a state could not be rejected unless both Houses concurred in the action, but that in case of a double return, no vote could be counted unless both Houses concurred. Brief debate was permitted in the separate sessions of the Houses, but an amendment creating a committee to find the facts was rejected.[42] Since any serious contest would present a double return the bill gave no greater guarantee of a non-political

Footnotes at end of article.

decision than did the Rule. When the 44th Congress convened in December 1875, the House was Democratic for the first time since before the Civil War.[43] In this situation the Senate did not readopt the Twenty-second Joint Rule, in effect repealing it.[44] The Morton bill was brought up again in an effort to fill the gap, but members of both parties apparently felt that the time was not ripe for a measure which would permit the action of one House to control the other. The bill was laid aside for good in August 1876.[45] The nation thus faced the election of 1876 with no machinery for resolving disputes over the electoral vote. Perhaps both sides expected a close fight and neither wished to put into effect a plan which might work to its disadvantage.

All such expectations were more than justified in the election of 1876, which resulted in the Hayes-Tilden controversy, the one great test of our electoral system.[46] In no other election have disputed electoral votes been sufficient to affect the outcome. On this occasion Tilden, the Democratic candidate, could win either by picking up one of twenty contested votes or by prevailing in an election in the Democratic House. Unless Hayes won all of the contested votes, he would lose the presidency. In the count the chief problem was presented by double returns from Florida, Louisiana, and South Carolina, where Republican returning boards, claiming that the Democrats had used force and fraud among the Negro voters, had thrown out sufficient Tilden votes to carry the states for Hayes. Questions were also raised as to the eligibility of certain Hayes electors in Florida and Louisiana, and in Oregon, where the Democratic governor had certified a Tilden elector in place of the ineligible Republican. To resolve the controversy, a bi-partisan majority of both Houses passed an act [47] creating the Electoral Commission, a body with "the same powers, if any, now . . . possessed by the two Houses," to take evidence upon and arrive at a decision of the disputes. In the joint session for the count, single returns were to be dealt with as in the Morton Bill.[48] Questions involving double returns were to be sent to the Commission. Its decision was to be binding upon Congress in the count, unless rejected by the vote of both Houses.

The composition of the Commission reflected a game but unsuccessful attempt to attain impartiality. It consisted of five Senators, five Representatives, and five Justices of the Supreme Court. In this group there were seven Democrats and an equal number of avowed Republicans. The fifteenth man, a Justice to be chosen by the other four Justices, was to be the neutral balance. After Mr. Justice Davis, an independent, thankfully declined the honor in somewhat dubious circumstances,[49] it fell upon Mr. Justice Bradley, a Republican, who seemed to the Democrats the next most likely to decide impartially. Whether for partisan reasons, or because he saw the issues that way, Bradley consistently voted with the Republicans, giving Hayes an eight-man majority on every important question before the Commission. As a result, the view that the decision was at least influenced, if not corrupted, by political considerations was widely held at the time and seems difficult to avoid today.[50]

The main issue before the Commission was its power (and thus the power of Congress) to go behind a state's own determination of the results of the popular election, as reflected in the findings of the returning board, duly certified by the governor. It seems clear, that whatever acts of violence the Democrats may have committed, in the three southern states, the Republican boards, in throwing out votes wholesale, had exceeded even the broad powers which reconstruction statutes had given them.[51] The Democrats argued that pursuant to the national interest in a true result, the Commission should look to the facts of the election and find that the Tilden electors had been appointed. In the alternative they urged that, as in the case of Louisiana in 1873, that there were no valid returns from the states in question. These arguments failed to persuade the Republican majority of the Commission, which held by an eight to seven vote in each case that it was bound by the certificates based on results reached by the validly constituted state returning boards and would look to no evidence of the facts of the election.[52] The Commission also held that it had power to look into eligibility only if ineligibility at the time of voting were alleged. In the case of Oregon it made clear that the unchallenged result reached by the returning board could not be overruled by the governor's certificate.[53] In denying that it had power to go behind the returns, the majority was careful to leave open the possibility that Congress might provide by law some proper means for determining such questions.[54]

The decision of the Commission was accepted by the Senate in each case and so was binding in the count in spite of rejection by the House. The more eager Democratic partisans threatened to prolong the proceeding past the end of Grant's term on March 4, but other forces were working for compromise. Those who honestly feared civil tumult worked with those who saw the chance for personal advantage in a series of desperate negotiations that finally persuaded a majority of the House to desist, in time for Hayes to be declared elected on March 2.[55]

Congress had again taken control of the power to validate electoral votes, but Democratic hopes that the validation would be based on the merits of the individual controversies were illusory. The Commission not only refused to make impartial findings of fact, but allowed itself to be bound by the findings of partisan state agencies that were the source of the dispute. In spite of its judicial trappings, the Commission was a political body, an arm of Congress, and so it reached a partisan result. This result did not itself resolve the great controversy. It rather provided a medium for political compromise. The legal arguments involved had merit on both sides and would have divided Congress unalterably on political lines. The Commission prevented such a split by reaching a result which one House was bound to accept. A House compromise could then be reached without loss of face on either side. Considering the potential for civil disturbance which underlay the Hayes-Tilden controversy, an acceptable political solution was of great importance. Crisis might have been avoided altogether, however, if there had already been in effect a provision for fair determination of state controversies on the merits.

The Hayes-Tilden decision marked the end of a fifteen-year period of national crisis but it did not halt congressional efforts to pass legislation that would solve the problems made manifest in 1877. The bill which finally became the Electoral Count Act was introduced by Senator Edmunds of Vermont in May 1878.[56] Spurred by two close presidential elections,[57] the Senate passed the bill three times in the next decade, but each time could not win the agreement of the House.[58] Finally, in 1887, when the passions of Reconstruction had cooled, the Republican Senate and Democratic House of the 49th Congress were able to pass a compromise measure in an atmosphere relatively free of partisan pressures.[59]

The Electoral Count Act as introduced in 1878 and passed in 1887 involved one significant change from the plan of the Morton Bills of 1875–76. If a state provided for the determination of contests over the electoral vote, the result of any proceeding under such a provision was to be binding on Congress in the count. Only in the failure of such a determination was Congress to have the power to reject votes. In its report in December 1886, the House Select Committee on the Election of President and Vice President described the effect of the proposed legislation:

"The bill provides the means of determining what is the vote, how it shall be counted, its count, and the authoritative declaration of the result.

"The two Houses are by the Constitution authorized to make the count of the electoral votes. They can only count legal votes, and in doing so must determine from the best evidence to be had, what are legal votes; and if they cannot agree upon which are legal votes, then the state which has failed to bring itself under the plain provisions of the bill and failed to provide for the determination of all questions by her own authorities will lose her vote.

"Congress having provided by this bill that the State tribunals may determine what votes are legal coming from that State, and that the two Houses shall be bound by this determination, it will be the State's own fault if the matter is left in doubt." [60]

The great problems of the first century of our electoral system seemed solved. A measure had finally been passed providing for a fair determination of the facts of individual contests that would be binding upon Congress in the count. The national interest in a true result was thus vindicated without offense to state control of the process of appointment. While Congress claimed full power to validate votes, its role was limited to cases in which a state had failed to settle its own disputes and to questions beyond state competence. If the Act worked in practice, no dispute could again disrupt the orderly process of a presidential election.

The pertinent provisions of the Electoral Count Act as presently found in the United States Code [61] are as follows:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned." [62]

Congress is to meet in joint session in the House at one P.M. on January 6th for the count of the vote, with the President of the Senate in the chair. The latter is to open "all the certificates and papers purporting to be certificates of the electoral votes," in alphabetical order by states and hand them to tellers who are to read them out.

"Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all objections made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representa-

Footnotes at end of article.

tives for its decision; and no electoral vote or votes from any state which shall have been regularly given by electors whose appointment has been lawfully certified to according to Section 6 of this title[63] from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in Section 5 of this title[64] to have been appointed, if the determination in said section provided for shall have been made . . .but in case there shall arise the question which of two or more of such State authorities determining that electors have been appointed, as mentioned in Section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State under the seal thereof, shall be counted."[65]

A survey of the sessions of Congress called to count the vote under the Electoral Count Act shows that prior to 1961 no question was presented to any count that might have called any of these provisions into play.[66] It is thus necessary to look closely at the language of the Act and its legislative history in order to understand its operation and effect in dealing with the problems of single and double returns so familiar to its drafters.

(1) *Single Returns.* If those who wish to contest the vote of a state have not sent forward a paper purporting to be a certificate of the electoral votes which they urge to be the correct ones, then the return which Congress has received is given virtually binding effect. The intention here was to insure that the election result reached by proper state authority would not be questioned in Congress if it were unchallenged in the State. Even in such a case, however, Congress must have power to see that the state governor has certified the results actually reached in the state canvass, and to deal with any irregularity in the acts of the electors.[67] By concurrent action the Houses may thus reject even votes in a single return that they find not "regularly given by electors whose appointment has been lawfully certified to" by the executive authority of the state under the terms of the Act.

The power of Congress over a single return is carefully limited to these two areas, but even in carrying out this mandate, difficult problems of interpretation could arise. Presumably votes "regularly given" are given in accordance with the requirements of the Constitution as to time and form. The language undoubtedly also means that the electors have acted without mistake or fraud. Does it have the further meaning that they have voted for an eligible candidate? Likewise, votes "lawfully certified to" would seem to be votes certified to in accordance with the terms of the Act. Presumably the phrase also extends to a case in which the governor has certified electors other than those shown to have been elected by the state canvass, as in the case of Oregon in 1877. Could Congress look further under this provision and refuse to accept a governor's certificate based on a canvass illegally made? Does a vote cast by an ineligible elector otherwise properly certified to, who is ineligible to the office of elector fall within either of these categories upon which Congress may act? These unanswered questions could lead to the arbitrary congressional action which the Act sought to avoid.

(2) *Double Returns.* Since a return need only "purport" to be a certificate of the vote to merit consideration under the Act, in any serious contest, double returns will be presented. There are four situations which may arise.

(a) *Final Determination by Appropriate State Authorities.* The state contest provision was considered the central provision of the Act. Since the result of a contest was to be absolutely binding upon Congress as to the identity of the electors,[68] a return so validated would be counted if otherwise proper. The Act requires that only votes "regularly given" must be counted. The implication seems clear that votes not meeting this standard could be rejected as in the case of a single return,[69] and the problems of interpretation in that case would again be present.

Unfortunately the contest provisions present such difficulties, both of interpretation and application, that in the great majority of cases they will not apply. In the first place there is another problem of definition. Although the language of the Act was intended to give the states the broadest latitude to provide for the final determination of contests by any means—judicial or otherwise—only 19 states have passed contest legislation expressly dealing with presidential electors in any way.[70] In the remaining states a variety of provisions exist which deal generally with election contests.[71] In these states the courts would first have to decide whether they had jurisdiction in a contest involving electors.[72] If a state court took jurisdiction, Congress would then face two questions: (1) Does the language of the Electoral Court Act include contest provisions which do not specifically deal with electors? (2) If the state result is otherwise binding, is it the "final determination" envisioned by the Act? The Act does not provide for the decision of such questions. There seem to be grounds for argument that concurrence would be required to reject a state determination on these grounds, as in the case of a single return, but the question is open.

Problems of definition aside, there is a further difficulty in the time provisions of the Act. In Edmund's original bill a state determination made at any time prior to the date of the meeting of the electors would bind Congress. To insure that contests would be completed, the electors were to be appointed on the first Tuesday in October and were not to meet until the first Monday in January.[73] In the Act as passed, although a November election day was retained and the requirement that a state determination be made at least six days prior to the meeting of the electors was added,[74] contests were still practicable, because the electoral meeting was to be on the second Monday in January.[75] When the Twentieth Amendment changed Inauguration Day from March 4 to January 20, the legislation enacted to implement it made a corresponding change in these provisions.[76] The electors now are to meet on the Monday after the second Wednesday in December, only 40 days after they are appointed. In order to be of binding effect, a contest must be completed six days prior to that date, a mere 34 days after the election.

In only two states are the election contest provisions certain to produce a final result within this short period.[77] In the rest, finality would depend on a number of factors, such as the diligence of the contestant, the success of his opponent with delaying tactics, the number of votes questioned, and the time limitations of the contest procedure.

The aftermath of the 1960 election highlights the time problem. In Hawaii the official count of the popular vote showed that Mr. Nixon had carried the state by a mere 141 votes out of some 184,000 cast.[78] In the latter part of November the Democratic electors petitioned in the circuit court for a recount, which was allowed on December 13th, over the protest of the State Attorney General that federal law required a decision six days prior to the meeting of the electors.[79] Both sets of electors met on the appointed day, December 19, 1960, and cast their votes. The governor of Hawaii gave his certificate to the Republican electors. On December 30, 1960, the court handed down its decree, finding that the Kennedy electors had prevailed by 115 votes. On January 4, 1961, the governor forwarded to the Administrator of General Services a copy of the court decree and his revised certificate, validated the Democrats.[80] In the counting session the certificate of the Republican electors with its validation by the governor, the certificate of the Democratic electors, and the governor's revised certificate were all presented. After ascertaining that there was no objection, Mr. Nixon, presiding as Vice President, accepted the revised determination, with a careful statement that he was not to be considered as setting a precedent.[81] With the best will in the world the contestants in Hawaii were not able to reach a result until seventeen days after the deadline set in the Act. If Hawaii's three votes could have affected Mr. Kennedy's lead, Republican objections to the acceptance of the decree as binding would have been sound, whatever their fate in a Democratic Congress.

In Illinois, where Mr. Kennedy had prevailed by 8900 votes out of 4½ million cast, Republicans launched a vigorous campaign to uncover vote frauds in heavily Democratic Cook County and carry the state's 27 electoral votes for Mr. Nixon.[82] Amidst charges and counter-charges, they soon discovered that even without hindrance from Democratic election officials, it would be impossible to achieve a result in time.[83] They then urged that there was sufficient evidence of fraud that the State Election Board could refuse to certify the Democratic electors.[84] After maximum delay the Board, which was four-to-one Republican, certified the Kennedy electors, in the absence of "an overwhelming showing of fraud."[85] While the Republican tactics had an obvious political motivation, the episode illustrates that in a state the size of Illinois,[86] any kind of final state determination would be impossible within the time allowed by the Electoral Count Act. The combination of inappropriate procedures, large numbers of votes to be recounted, and delaying tactics would undoubtedly mean that in any serious contest no state result could be reached six days prior to the meeting of the electors.

(b) *Conflicting Determinations by Different State Authorities.* The question of which state tribunal has been empowered by the legislature to determine contests could arise either in a dispute between two groups of men, each claiming to be the same final authority, or between two different tribunals, each claiming the power to act under a different provision of state law. The drafters of the Act left the decision of this problem to Congress. The concurrence of the two Houses was necessary for an affirmative result, as in any question of the recognition of a state government.[87] If the Houses cannot agree on

Footnotes at end of article.

the authoritative determination, or, if, as in the case of Louisiana 1873, they agree that no determination was authoritative, the principle of the Twenty-second Joint Rule is applied and no vote from the state in question is counted. This result follows regardless of the governor's action. Congress in this case looks to the executive certificate only as evidence of the decision reached by a tribunal authorized by the state legislature. If the decision of the authorized tribunal cannot be made out, then there is no valid return for the governor to certify.[88] Congress must here decide a difficult factual and legal question, in addition to the problems already noted in the cases of single returns and single determinations.

(c) *No Determination by State Authorities.* As the previous discussion of state contest provisions indicates, this situation is the one most likely to arise. If the Houses are in agreement, they can decide to count any set of votes that they find to have been "cast by lawful electors appointed in accordance with the laws of the State." This language presents difficulties. If double returns are presented they must be based on conflicting versions of the true state canvass. The decision of the governor should not be permitted to bind Congress if the state has not made him its final canvassing authority, but how far may Congress go? Is it limited to determining which of the two contesting bodies is the lawfully appointed canvassing board of the state, or can it find that the lawfully appointed board has itself violated state law in the manner of its canvass? [89] If the Act really does embody a policy that Congress may act in the national interest to find the true result when the states have failed to do so,[90] then the latter course should be permissible. There might be practical limitations on reaching a fair result in the case, however. If the question were merely one of the legal effect of the board's action, the decision would be easy to make, but if the board had taken no action, and there were unresolved contests in the state, Congress would be ill-equipped to solve the problem on its merits.

If the House disagrees, then the votes certified by the state executive are counted. Presumably the Houses could then agree that some or all of the votes so certified were not "lawful," that is, not "regularly given" [91] and so reject them. This turnabout, however, is politically unlikely. The provision reflects a long-standing concern that no votes should fail merely through disagreement of the Houses, but it seems more dangerous than the ill that it is meant to cure. In an election where contested votes in one or two states are decisive, the actual choice of a President will devolve upon the governors, who may act to serve a personal interest in the outcome.

(d) *No Executive Certification; Conflicting Certificates.* None of the returns presented may have a valid certificate because the governor has refused to certify any electors, or because one who has certified votes may have done so without authority under state law. There may be two claimants to the office of governor, or to the right to exercise executive authority under state law, each of whom has certified a different return. In these cases if the two Houses concur, either return may be counted, subject to the problems noted in the case where there is a governor's certificate. If the House disagree, the clear implication of the Act is that the vote of the state fails altogether, merely through lack of concurrence.[92]

The contest provisions of the Electoral Count Act were intended to provide a balance of the state interest in the process of appointment and the federal interest in reaching a result free of fraud or unfairness in time to inaugurate the winning candidate. If these provisions work as planned, contests over the popular vote will be resolved in a fair manner, and few matters will be left to the decision of Congress. State contests are not likely to be effective, however. All disputes—even those involving the facts of the popular election—will thus be presented to Congress in the first instance.

The questions of fact or law which Congress must resolve in these disputes are problems of the sort which courts are accustomed to decide, but Congress is not a court. The facts upon which a court bases its decision are adduced according to stringent rules of evidence, and the legal questions before it are decided under long-established canons of construction and interpretation. At best Congress can get its facts at second hand through the medium of an investigating committee,[93] with only a little further light to be shed during the brief debate which the act permits. Moreover, even if the facts are carefully and completely put before it, Congress is under no obligation to justify its decision by reference to the evidence or to rules of law. Courts may not be free from bias and prejudice in their treatment of the issues before them, but the paraphernalia with which their decisions are surrounded at least forces them to carry the burden of self-justification. Moreover, courts decide single cases, whereas Congress would unavoidably be dealing with the entire range of political questions involved in the election. There is no way of demonstrating whether each Congressman who votes on a question such as an electoral contest would pose is deciding it on the merits, but it is a fair inference that he is not.[94] Perhaps he should not even be expected to so decide, since he was elected to serve the political interests of those whom he represents. Congress is thus not only ill-equipped to solve the kind of problems which it will face, but is more than likely to decide these problems according to political needs. It is difficult to imagine public confidence of a high order in an election result arrived at in this manner.

If the Houses of Congress are of differing parties, partisanship may reach such heights that no decision under the Act is possible. While there is some question as to the effect of the rejection of votes on the number needed for a majority,[95] the situation could arise in which enough votes were rejected to throw the election into the House.[96] If in spite of the provision of the Act designed to guard against dilatory tactics, the count is prolonged past January 20th, the Speaker of the House would assume the presidency until one of the candidates should have qualified, or until the next election, if the deadlock is impenetrable.[97] In either case, while the country is not left without a leader, the public is unlikely to feel that its interests have been served in the choice.

Congressional control of any phase of the appointment of electors can be justified only if it serves the interest of all the states in finality and accuracy of result. The Electoral Count Act gives to Congress a substantial measure of control, but it fails to serve the requisite national interest. If a dispute arose the mechanism of the Act would undoubtedly lead Congress to a final result, but a President chosen in this way could never completely refute the charge that his title depended on mistake or illegality in the election process.

The Electoral Count Act must be revised to provide for the impartial and conclusive settlement of all contests arising out of popular vote. It is possible that the number of such contests could be reduced by state election law reform [98] and their effect minimized by change in or abolition of the Electoral College,[99] but prospects for these developments are unclear. The dangers in an unresolved electoral dispute are clear, however, and provision must be made to meet them, whatever other reforms are enacted.

There are at least four possible methods by which the present system might be improved. The basic pattern of the existing legislation could be retained, with revisions that would make effective its original provisions for the final determination of state contests by state authority. The existing legislation could be strengthened by making a state determination within certain time limits mandatory, with an alternative action in federal court if the state failed to provide an appropriate procedure. Exclusive jurisdiction of contests could be lodged in the federal courts. Finally, federal control might be established over all phases of the presidential election. Federal contest jurisdiction is the most satisfactory of these alternatives. Technical changes in the present plan would not insure a state finding in every case, because the requirement of a timely proceeding is not binding. If the state proceeding was made mandatory, this objection would be met, but the removal proceedings would be cumbersome and subject to abuse by a dilatory defendant. A provision for total federal control, which would have to be made by constitutional amendment, would totally defeat the wisdom of the original plan by making the executive at least indirectly subject to control by Congress.

Exclusive federal jurisdiction of contests offers a number of advantages. It insures that questions which are suitable only for judicial decision are heard by a tribunal versed in the law and accustomed to the role it must play. It utilizes the federal judiciary. State judges and other state officials are often subject to election and may be dependent upon a local political leader with national ambitions. Federal judges, on the other hand, having life tenure, are less likely to be influenced by partisan considerations.[100] Other advantages are procedural. Congress can provide a schedule for filing, hearing and decision of all contests. Since this schedule and other rules of procedure applied by the federal courts will be uniform, a contest in any state will be decided according to a single standard and within the time requirements of the electoral system.

For maximum fairness and effectiveness the plan must contain certain features. Selection of judges on an impartial basis must be provided for in advance, perhaps by requiring each circuit to establish an election contest calendar prior to the election.[101] The importance of the questions to be decided and their potential for conflict with state authority might justify trial before a special three judge court.[102] The court should have jurisdiction of all questions arising out of the popular election which affect the validity of votes and the accuracy and fairness of the count and canvass. To preserve state control over the manner of appointment the court would be bound to apply state election law in these matters.[103] The court's jurisdiction should further extend to questions of the eligibility of the electors under the Constitution. It should be made clear that an objection on these grounds is waived unless it is raised during the contest proceeding. In addition to the ordinary powers of a trial court to compel testimony and subpoena documents, the court should have express power to order the preservation of the ballots for a recount under the direction of a court-appointed master.[104]

A maximum of sixty days should be allowed between election day and the date of meeting of the electors. A complaint could be filed at any time after the election and until ten days after the completion of the state canvass. Answer and hearing should follow within ten days at most. This period is none too long for settling a controversy in a major state, but the nation cannot afford

Footnotes at end of article.

a longer period of uncertainty between administrations. At this point the interest in continuity of government must prevail even over the interest in an absolutely accurate result. The shortness of the time limit will be alleviated to some extent by procedures designed to achieve the maximum speed commensurate with fairness and accuracy. Moreover, the short time limitations will tend to prevent the bringing of exploratory contests without specific claims of mistake or fraud. Provision for direct appeal to the Supreme Court within the time limit should be made.

To eliminate the double return problem altogether, the court rather than the state governor should certify the electors to Congress, even in states where no contest has been brought. Upon completion of the canvass the final state canvassing authority should certify its results to the appropriate court. If a contest has been, or is filed, the court should hear it and certify the result to Congress. If no contest is filed within ten days after the final state canvass is received, the court should forward the state certificate with the endorsement that it is uncontested. In any case Congress will be bound to accept as duly appointed and as eligible those electors named in the certificate of the court, subject to the action of the Supreme Court on appeal.

Certain questions will necessarily remain for Congress to decide. As previously noted, no other authority can determine the right of a state to participate in an election, or of a given government to represent it.[105] If such a situation arose, the court might properly refuse jurisdiction. As long as there are electors, there will be the possibility that they will carry out their trust in a fraudulent or erroneous manner. The vestigial nature of the office and the publicity attendant on any effort to corrupt them decrease the probability that such problems will arise. If they do come up, they must be left to Congress. A tribunal can be appointed to find the facts, but the action which Congress will take on the findings is not as clear as in the case of a contested election. Whether a given deviation is sufficient ground for disfranchizing all who voted for a challenged elector is a policy question which only Congress should answer.[106] Finally, if for some reason the judicial system failed to reach a result, the old problems would be present. This situation, too, is an unlikely one. Should it come to pass, Congress would have to decide the underlying questions as best it could.

In those questions which are remitted to Congress, the present provision for acceptance only by the separate and concurrent vote of the two Houses should be retained. No plan can eliminate the political motivations of individual legislators. When the two Houses act as legislative bodies, however, individual prejudice is at once removed from the final decision, and they may serve as a check on one another. If the Houses are divided, they reflect a divided sentiment in the country. In these circumstances it is better that a vote not be counted at all than that one House be able to dictate a result.

The effect of the rejection of votes on the number needed for a majority should be made clear.[107] If it is found that there was no valid election in a state, then no electors were appointed there, and the number needed for a majority should not include the votes of that state. Likewise, the votes of a state excluded from the count by Congress for failure to comply with the conditions of statehood do not reflect electors who have been appointed, and should reduce the majority figure accordingly. When votes are rejected for reasons that do not have to do with failure of appointment, rejection should have no effect on the majority.[108]

A statutory provision for federal court jurisdiction of contests over the appointment of presidential electors could be enacted by Congress under the Constitution as it now stands. Until the passage of the Electoral Count Act of 1887 Congress had always refused to look into the facts of a state election. It was often suggested, however, that Congress could, by legislation passed prior to the election, give itself the power to do so. The Electoral Count Act may be construed as an expression of this view.[109] If Congress itself can step in to protect the national interest in honest and accurate election results, there would seem to be nothing to prevent the delegation of the task to the federal courts.

The power of Congress to establish federal jurisdiction over contests in presidential elections has never been ruled on by the courts. In the absence of specific provision it is clear that no such jurisdiction exists.[110] The Supreme Court has recognized that state power over the appointment of electors is broad enough to justify state prosecution of violations of state law in presidential election.[111] This state jurisdiction is not exclusive, however. The federal courts would undoubtedly take jurisdiction of a criminal or civil proceeding under the appropriate Civil Rights Acts, based on a discriminatory deprivation by state action of the right to vote in a presidential election.[112] Moreover, the the court has upheld statutory criminal penalties for individual action which interferes with the lawful conduct of presidential elections. This decision was justified on the ground that Congress has inherent power to protect the vital structure of the nation by preserving the purity of elections.[113]

With this inherent power Congress may provide a means for settling contests over the appointment of electors. Each state has a right to control the manner of appointment of its electors, but this right does not permit a state to determine that it shall appoint no electors, or that its appointment process shall be tainted with fraud or error. Any candidate for the office of elector, or any voter for that office, as a citizen of the United States, has a right to insist that the states carry out their function in a manner that will insure the integrity of the national government. That right is one granted by the federal Constitution. The mere fact that the Constitution provides that the right shall be made effective through state law does not deprive the federal courts of jurisdiction. There are numerous other situations in which rights that are defined by state law may be enforced in federal court.[114] In each such instance a national interest is present which establishes the right to federal enforcement. Diversity jurisdiction embodies a national interest in providing justice for citizens outside of their own states.[115] The interest involved in admiralty is that in having a single forum to dispense a uniform maritime law.[116] Here, the clear national interest is in preserving national stability through a fair and accurate presidential election.

Although there are strong arguments in favor of congressional power to provide by statute for electoral contests, it would be desirable to make the necessary changes by constitutional amendment. Legislation is now pending in Congress for amendments which would provide other much-needed reforms in the electoral system.[117] In an amendment is finally passed that alters the system in such a way that the requirements for contest provisions will be radically changed, the location of the power to resolve contests under it should be made explicit. Even if the basic structure of the electoral system is altered only in minor detail, the chance to make a new provision for contests should not be overlooked. At the very least, an amendment should provide that Congress may resolve, or pass legislation to resolve, all controversies arising out of the count or canvass of the popular vote.[118] While such a provision would finally settle the question of the location of the power to resolve disputes, it would not insure a timely and accurate resolution in every contest. Even if Congress were to pass legislation, there is good reason to expect that in a real crisis the provisions might be evaded or ignored altogether. Clearly, if the President approved, legislation providing an *ad hoc* political solution for a particular crisis could be passed, whatever prior statutes said. For this reason a constitutional amendment should make clear that contests involving the popular vote are to be decided by the federal courts in a trial on the merits. The plan could then be implemented by legislation similar to that suggested in the absence of constitutional change.

In a government of divided powers, no judicial decision, however fair, can prevent Congress from exercising its political authority in the election of a President. On the other hand, a Congress which hopes to preserve political stability cannot exercise its authority in a manner that is so clearly erroneous or self-seeking that it is offensive to the electorate at large. A legislative scheme that provides stringent measures for the fair decision of election contests will act as a check on arbitrary action. If Congress ignores or evades such a scheme, it carries a heavy burden of demonstrating that it has governed fairly. The present system for resolving contests imposes no such burden. Fair-minded men could reach a fair result under it, but unfair men could easily act to serve their own interests. In either case there is no certainty that the result reached is the true one.

The President of the United States will increasingly require strength based on national and international respect if he is to guide the nation through times of mounting crisis. This respect will not come to one who is elected under the slightest suspicion of error or fraud. To insure that no electoral contest will mar or disrupt the orderly succession to the presidency in the difficult future, Congress must give to the federal courts the power to reach a timely, final, and binding decision of all controversies.

FOOTNOTES

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[1] 107 CONG. REC. 281–284 (daily ed., Jan. 6, 1961). For an account of the proceedings in Hawaii, see *infra*, notes 78–81.

[2] Act of Feb. 3, 1887, ch. 90, 24 Stat. 373, [hereinafter referred to as the Electoral Count Act]. For subsequent legislative history, see *infra*, notes 61, 63, and 76. The Act provoked considerable debate following its passage, but recent commentators have treated it only in passing, or have viewed it as solving all problems. See Burgess, *The Law of the Electoral Count*, 3 POL. SCI. Q. 633 (1888); Carlisle, *Dangerous Defects in Our Electoral System*, 24 FORUM 257, 264 (1897); DOUGHERTY, THE ELECTORAL SYSTEM OF THE UNITED STATES, 214–249 (1906); Tansill, *Congressional Control of the Electoral System*, 34 YALE L.J. 511, 524 (1925); Mullen, *The Electoral College and Presidential Vacancies*, 9 MD. L. REV. 28, 41–42 (1948); Dixon, *Electoral College Procedure*, 3 WEST. POL. SCI. Q. 214 222–223 (1950); WILMERDING, THE ELECTORAL COLLEGE XI (1958).

[3] *Infra*, note 117.

[4] U.S. CONST. art. II, § 1

[5] See *infra*, notes 18 and 28.

[6] U.S. CONST. art II, § 1.

[7] 3 U.S.C. § 1 (1958). As to state methods of appointment, see Wilkinson, *The Electoral Process and the Power of the States*, 47 A.B. A.J 251, 253–4 (1961).

[8] See HARRIS, ELECTION ADMINISTRATION IN THE UNITED STATES, 236–307 (1934).

[9] 3 U.S.C. § 6 (1958). See *infra*, note 63.

[10] 3 U.S.C. §§ 7–11. To insure safe arrival of the electors' certificates, five duplicates are

deposited with various other officers. *Id.*, § 11. Provision is made for the President of the Senate to send for these duplicates if necessary. *Id.*, §§ 12–14. See 20 OPS, ATT'Y GEN. 522 (1893).

[11] *Id.*, §§ 15–18.

[12] See *infra*, note 30.

[13] See *infra*, note 53.

[14] *Supra*, note 2. The history of the electoral system can be only sketched here. For fuller treatment, see MCKNIGHT, THE ELECTORAL SYSTEM OF THE UNITED STATES (1878); DOUGHERTY, *op. cit. supra*, note 2; STANWOOD, A HISTORY OF THE PRESIDENCY FROM 1788 TO 1897 (Bolton ed. 1926); Tansill, *supra*, note 2. A complete compilation of all congressional proceedings on the subject from 1789 until 1876 may be found in *House Special Committee on Counting Electoral Votes*, H.R. MISC. DOC. No. 13, 44th Cong., 2d Sess. (1877) [Hereinafter cited as *Counting Electoral Votes*]. When appropriate, reference will be made to this work, rather than to the original sources in the congressional debates. Dates will be given, however, so that the referenced matter may be found in the original.

[15] See 2 RECORDS OF THE FEDERAL CONVENTION OF 1787 109, 501 (Farrand ed., 1911). The Convention wavered between election by Congress and a number of other methods. The Congressional plan was actually approved and then reconsidered. *Id.* 101, 171.

[16] U.S. CONST., art. II, § 1; 2 RECORDS OF THE FEDERAL CONVENTION, *supra*, note 15, at 500–501. THE FEDERALIST No. 68, at 452 (Ford ed. 1898) (Hamilton).

[17] Before the present language was adopted in the Convention, a motion that the provision read "who shall have balloted," intended to prevent the number needed for a majority from being increased by non-voting electors, was lost. 2 RECORDS OF THE FEDERAL CONVENTION, *supra*, note 15 at 515.

[18] U.S. CONST., art. II, § 1; *cf. id.*, amend. XII. In the original provision, if the electoral vote ended in a tie, or if no candidate had a majority, the House, balloting by states, was to choose the President from the tied pair. If there were no majority, the choice was to be from among the five highest candidates. In any case the Vice President was to be the man who placed second. The Twelfth Amendment, in providing for the separate election of the Vice President, preserved the power of the House over the Presidential election and gave the Senate similar powers in the case of the Vice President. See *infra*, note 28.

[19] The Federalist, *supra*, note 16, No. 59, at 392-393, Hamilton did not discuss the electoral count or contests over the electoral vote. *Id.*, No. 68.

[20] The Act of March 1, 1792, ch. 8, 1 Stat. 239, also established the times at which the electors were to be appointed and were to vote, as well as the date on which Congress was to meet for the count of the vote.

[21] The rise of party feeling was apparent enough by 1796 to cause outspoken comment when a Federalist elector voted for Jefferson, STANWOOD, *op. cit. supra*, note 14, at 51. While the electors retain their independence as a theoretical matter, in practice virtually every elector ever appointed has voted at his party's call. DAVID, GOLDMAN & BAIN, THE POLITICS OF NATIONAL PARTY CONVENTIONS 222n (1960); *cf.* CORWIN, THE PRESIDENT—OFFICE AND POWERS. 1787–1957 40–41 (4th rev. ed 1957). One court has gone so far as to suggest that mandamus would lie to compel an elector to vote as the party directed. Thomas v. Cohen, 146 Misc. 836, 262 N.Y. Supp. 320, 326 (Supp. Ct. 1933) (dictum), and the statutes of at least five states require a pledge. Wilkinson, *supra*, note 7 at 254. The Supreme Court has indicated, however, that while a political party may exact a pledge from a primary candidate, its enforceability is constitutionally dubious. Ray v. Blair, 343 U.S. 214, 230 (1952) dictum). Recent legislation in the southern states seems to embody express recognition of the principal of independence. CORWIN, *supra*, at 41; Wilkinson, *supra*.

[22] Resolution of September 17, 1787, 2 RECORDS OF THE FEDERAL CONVENTION. *supra*, note 15, at 665–666; *Counting Electoral Votes* 7–8 (April 6, 1789); 1 KENT, COMMENTARIES ON AMERICAN LAW 258–259 (1826); MCKNIGHT, *op. cit supra*, note 14 at 140–147, 157–167, 179–181.

[23] In 1797 John Adams did not hesitate to count for himself the four votes of Vermont, which apparently had been improperly cast by the state legislature. STANWOOD, *op. cit. supra*, note 14, at 52. Although this act gave Adams the presidency, no objection was raised in the counting session. *Counting Electoral Votes* 13, 15 (Feb. 8, 1797). In the tied election of 1800, Jefferson, also without opposition, counted dubious votes that gave a majority to himself and Burr. 2 DAVIS, MEMOIRS OF AARON BURR, 71–73 (1837); STANWOOD, *op. cit. supra*, at 69–73; *Counting Electoral Votes* 30 (Feb. 12, 1801). As to the idea that Congress could by legislation provide another agent for the count, see *Counting Electoral Votes* 16 (Senate, Jan. 23, 1800); KENT, *op. cit. supra*, note 22; H.R. REP. No. 31, 40th Cong., 3d Sess. 84–88 (1869). *cf.* 2 STORY, COMMENTARIES ON THE CONSTITUTION § 1470 (3d ed. 1858).

[24] Their purpose was to prevent the appointment of Republican electors by the Pennsylvania legislature. BEVERIDGE, THE LIFE OF JOHN MARSHALL 452–458 (1916); MCKNIGHT, *op. cit. supra*, note 14, at 262–269; DOUGHERTY, *op. cit. supra*, note 2, at 62–63.

[25] *Counting Electoral Votes* 23, 27 (April 25, May 2, 1800). The original version of the bill in the Senate had provided for a "Grand Committee" with a majority of its members drawn from the Senate, having power to arrive at a binding final determination of all disputes except those over the popular vote. *Id.*, 21 (March 27, 1800). The milder House version reflected the efforts of John Marshall, a somewhat more moderate Federalist than his New England colleagues, to prevent the passage of a measure that would have excited even greater popular ill will against his party. BEVERIDGE, *op. cit. supra*, note 24.

[26] *Counting Electoral Votes*, 28, 29 (May 8, 9, 1800).

[27] In both Houses they had urged substitute measures that gave the power to decide disputes to a majority of the joint convention. *Id.* 19 (Senate, March 25, 1800); *id.* 26 (House, April 30, 1800).

[28] The amendment did not alter the language of the original instrument regarding the count of the vote. *Cf.* U.S. CONST. art. II, § 1. As to the changes actually made, see *supra*, note 18. The amendment was passed by the Republican 8th Congress on December 8, 1803, in a strict party line vote. 2 Stat. 306; STANWOOD, *op. cit. supra, note* 14, at 77–82. The language of the act which implemented it suggests that someone other than the President of the Senate was to count the vote. Act of March 26, 1804, ch. 50, 2 Stat. 295. The language used in the count of 1805 indicates an understanding that Congress was the counting authority. *Counting Electoral Votes*, 36, 37 (Feb. 13, 1805).

[29] In 1824, another year of impending crisis, the Senate passed a bill providing that the Houses should separate to decide disputed votes, with votes to be rejected only if the Houses concurred. The bill died in the House without being considered. *Id.* 57–60 (March 4–April 21, 1824). The Act of January 23, 1845, ch. 1. 5 Stat. 721, established the present elction day and permitted the states to remedy minor defects in the electoral process. See 3 U.S.C. §§ 1, 2, 4 (1958).

[30] In 1817 the votes of Indiana were counted after a debate in which it was assumed that if Indiana were not a state her vote would not be counted. *Counting Electoral Votes* 44–47 (Feb. 10–11, 1817). In 1821, Missouri not having complied with the anti-slave conditions to its admission, Henry Clay put through a compromise resolution which provided that the result should be announced in alternative form, both as though the vote of Missouri had been counted and as though it had not. *Id.* 48–56 (Feb. 6–14, 1821). Michigan's vote was counted in similar fashion in 1837, and the ineligibility of certain electors was pointed out. *Id.* 70–76 (Jan. 26–Feb. 8, 1837). The power of Congress to make such decisions is derived directly from its power to provide for the admission of new states. U.S. CONST., art. IV, § 3. If the two Houses cannot agree as to whether a certain entity is a state, or whether certain acts are the acts of the lawful government of a state, no other authority can resolve the question. See Luther v. Borden, 48 U.S. (7 How.) 1 (1849). For the treatment of similar problems in 1865 and 1869, see *infra*, notes 34, 35.

[31] *Counting Electoral Votees* 87–144 (Feb. 11–12, 1857).

[32] *Id.* 47 (House, Feb. 11, 1871), 52 (House Feb. 14, 1821), 71 (Senate, Feb. 4, 1837), 129–132 (Senate, Feb. 12, 1857).

[33] *Id.* 224 (Senate, Feb. 6, 1865). The rule was hastily passed in sparsely attended sessions of both houses. *Id.* 223–226. *Cf. id.* 536 (March 13, 1876) (Remarks of Senator Whyte).

[34] The Twenty-second Joint Rule was only an alternative to the chief measure upon which the Radical Republicans relied to block the votes of lately reconstructed Louisiana and Tennessee. The Houses had previously resolved that no votes from those two states should be counted. *Id.* 147–149 (House, Jan. 30, 1865); *id.* 149–223 (Senate, Feb. 1–4, 1865; House, Feb. 4, 1865). In the count of the vote this resolution, reluctantly approved by Lincoln at the last minute, was relied on by the President of the Senate to keep the votes of Louisiana and Tennessee from the floor. *Id.* 227–228 (Feb. 8, 1865). In a message received two days after the count Lincoln made it clear that he deemed his approval of the measure unnecessary, if not improper, since Congress had "complete power to exclude from counting all electoral votes deemed by them to be illegal." *Id.* 229–230 (Senate, Feb. 10, 1865).

[35] The vote of Louisiana was objected to under the Twenty-second Joint Rule on the ground that no valid election had been held there. During the debate it appeared that there was no evidence of any misconduct, and the Houses concurred in accepting the questioned votes. *Id.* 237–244 (Feb. 10, 1869). The votes of Georgia, whose statehood was then pending before Congress, were counted under an alternative measure similar to those used in the pre-war crises, *supra*, note 30. The radicals of the House had sought to have Georgia's vote rejected altogether under the Twenty-second Joint Rule. Outraged, they debated a censure proposal for two days after the count. *Id.* 231–236 (Senate, Feb. 8, 1869; House, Feb. 8, 1869); *id.* 246–266; 267–320 (House, Feb. 11, 12, 1869). After the election an intensive and enthusiastically partisan investigation in New York City by a House Committee produced evidence of fraud which Republican members claimed would have given the state's electoral votes to Grant. H.R. REP. No. 31, *supra*, note 23.

[36] In several instances between 1836 and 1872, the returns of isolated counties had been thrown out in the state canvass for various irregularities, but no protest was made in the count. BURNHAM, PRESIDENTIAL BALLOTS, 1836–1892 895–949 (1955).

[37] Three votes from Georgia cast for Greeley, the Democratic candidate who had died after the election were rejected on the vote of the House, the Senate voting to accept them. *Id.* 368, 377 (Feb. 12, 1873). Objections

on various technical grounds to the votes of Texas and Mississippi were denied by both Houses. *Id.* 369–371, 380, 383, 386–389. Arkansas's votes for Grant were rejected by the Senate for lack of a seal, suggesting that the Republicans were seeking to create an impression of fairness. *Id.* 402. It later appeared that Arkansas had no seal at the time of the election. *Cf. id.* 510 (Feb. 25, 1875) (Remarks of Senator Logan).

[38] *Counting Electoral Vote* 336–345 (Senate, Jan. 7, 1873).

[39] *Id.* 358–363 (Senate, Feb. 10, 1873). The Republican returning board had been upheld by the state supreme court, but the majority voted to ignore this fact, since the decision came after the meeting of the electors. *Id.* 362. See State *ex rel.* Attorney General v. Wharton, 25 La. Ann. 2 (1873).

[40] *Counting Electoral Votes* 399, 406 (Feb. 10, 1873).

[41] *Id.* 519 (Feb. 25, 1875). Prior efforts to pass a Constitutional Amendment giving Congress "power to provide for holding and conducting the elections of President and Vice President and to establish tribunals for the decision of such elections as may be contested," had been unsuccessful. *Id.* 345–357 (Senate, Jan. 17, 1873), 408–444 (May 28, 1874, Jan. 21–27, 1875). A proposal to change the Twenty-second Joint Rule to provide that concurrence was necessary for rejection also failed. *Id.* 444–458 (Feb. 4, 1875).

[42] S. 1251, 43 Cong., 2d Sess., *id.* 459 (Feb. 25, 1875). The amendment was thought too great a delegation of the congressional power over the count. *Id.* 480–487, 498–499. An amendment to eliminate the broad language of the Twenty-second Joint Rule, *supra*, note 33, permitting decision of "any other question" was passed, in order that the bill would not be construed as covering questions over which Congress had no jurisdiction, such as the determination of state contests. *Id.* 463.

[43] U.S. BUREAU OF THE CENSUS, HISTORICAL STATISTICS OF THE UNITED STATES 692 (1960) [Hereinafter cited HISTORICAL STATISTICS].

[44] *Counting Electoral Votes* 786–787 (Jan. 20, 1876).

[45] *Id.* 519–520, 676–687 (Senate, March 13, April 19, August 5, 1876).

[46] For fuller treatment of the controversy, see HAWORTH, THE HAYES-TILDEN ELECTION (2d ed. 1927); DOUGHERTY, *op cit. supra*, note 2, at 105–213; NEVINS, ABRAM S. HEWITT 305–399 (1935); WOODWARD, REUNION AND REACTION (1951); Lewis, *The Hayes-Tilden Election Contest*, 47 A.B.A.J. 36, 163 (1961). The proceedings of the Electoral Commission are found in 5 CONG. REC., part 4 (1877), a separately paged supplement to the CONGRESSIONAL RECORD [Hereinafter cited as 5(4) CONG. REC.]. See also U.S. CONGRESS, ELECTORAL COMMISSION, ELECTORAL COUNT OF 1877 (1877).

[47] Act of Jan. 29, 1877, ch. 37, 19 Stat. 227. For a summary of the debates on the Act, see DOUGHERTY, *op. cit. supra*, note 2, at 110–135. The committee deliberations that led to the acceptance of the measure are documented in NEVINS, *op. cit. supra*, note 46, at 342–364.

[48] During the count single returns from Michigan, Nevada, Pennsylvania, Rhode Island, Vermont, and Wisconsin were objected to on eligibility grounds. All were accepted, either by concurent vote or by the vote of the Senate, 5 CONG. REC. 1720, 1728, 1938, 1945, 2054, 2608 (1877).

[49] Davis was unexpectedly chosen by the Illinois legislature to fill a vacancy in the United States Senate. It is unclear whether this transpired through Democratic stupidity or Republican cleverness. See NEVINS, *op. cit. supra*, note 46, at 361–367.

[50] The letters of Mr. Justice Miller, avowedly a Republican, leave little doubt that he was heavily in favor of Hayes and greatly relieved by the outcome. FAIRMAN, MR. JUSTICE MILLER AND THE SUPREME COURT, 1862–1890 280–291 (1939). For the torrent of abuse to which Mr. Justice Bradley was subjected both before and after the proceedings, see Klinkhamer, *Joseph P. Bradley: Private and Public Opinion of a "Political" Justice*, 38 U. of DET. L. J. 150 (1960). The role of the five justices in the controversy increased public criticism of the opinion of the Court in the Granger Cases (Munn v. Illinois), 94 U.S. 113, handed down on March 1, 1877. 2 WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 583 (Rev. ed. 1926). For more recent views, see NEVINS, *op. cit. supra*, note 46, at 370–373, 378n; FAIRMAN, *op. cit. supra*, at 292; WOODWARD, *op. cit. supra*, note 46, at 155–163.

[51] The applicable Florida statute provided that the Board of State Canvassers might throw out any returns which appeared so false and fraudulent that the Board could not determine the true vote. Acts and Resolutions of Fla. 1872, ch. 1868, § 4. See FLA. STAT. ANN. § 102.131 (1960). The Board had taken testimony regarding alleged offenses and had thrown out numerous individual votes. In the gubernatorial contest the state supreme court ruled this action illegal, holding that the statute gave the Board discretion to look only to the *bona fides* of the returns, not to the votes themselves. State *ex rel.* Drew v. Board of State Canvassers, 16 Fla. 17 (1877). In Louisiana the statute set up an elective returning board. If sworn complaints regarding fraud or violence at the polls were made to it, the board could investigate the charges and exclude from the count any return which it found materially affected by these influences. Acts of La. 1872, No. 98. § 3. Without complying with these formalities, the board had thrown out some 13,000 Democratic votes. 5(4) CONG. REC. 60–61. The South Carolina statute gave the State Canvassing Board power to decide "cases under protest or contest." S.C. REV. STAT. tit. 2, § 26 (1873). See S.C. CODE § 23–476 (1952). The Board had refused to entertain Democratic allegations of fraud in certain of the county canvasses. 5(4) CONG. REC. 180. For the unsuccessful efforts of the South Carolina Democrats in the state courts, see State ex rel. Barker v. Bowen, 8 S.C. 382 (1876); *Id.* 400 (1877).

[52] 5(4) CONG. REC. 56, 119, 192. In the case of Florida the Commission further held invalid the certificate of the newly elected Democratic governor based on a state quo warranto proceeding completed subsequent to the date of meeting of the electors. In Louisiana it decided that a group of Democrats claiming to be the returning board was not authorized to act as such. In South Carolina it rejected Democratic arguments based on the failure of the state to enact a registration statute required by its constitution and on alleged federal interference in the election. *Ibid.* See generally, DOUGHERTY, *op. cit. supra*, note 2, at 136–183, 202–207.

[53] 5(4) CONG REC. 38, 57, 117, 119, 179. DOUGHERTY, *op. cit. supra*, note 2, at 153, 160, 180, 184–202.

[54] 5(4) CONG REC. 56, 192; *cf. Id.* 263–264 (Opinion of Mr. Justice Bradley).

[55] 5 CONG. R53. 2068 (1877). The story of the negotiations is told in full detail in WOODWARD, *op. cit. supra*, note 46. See also, NEVINS, *op. cit. supra*, note 46, at 379–399.

[56] S. 1308, 45th Cong., 2d Sess., 7 CONG. REC. 3739. *Cf.* Edmunds, *Presidential Elections*, 12 AM. L. REV. 1, 15–19 (1877).

[57] Garfield defeated Hancock in 1880 by only 7,368 votes out of some 9,000,000 cast, and won in the Electoral College by 214 votes to 155. In 1884 Cleveland's popular vote lead was some 68,000 out of 9,500,000, but his electoral vote lead was a mere 37. He carried New York with its 36 electoral votes by a plurality of only 1,167 out of nearly 1,200,000 votes. HISTORICAL STATISTICS 682–683, 689, *Cf.* BURNHAM, *op. cit. supra*, note 36, at 130, 137. As to the counts in 1880 and 1884, see *infra*, note 58.

[58] S. 1308, *supra*, note 56, passed the Republican Senate in December 1878, but was allowed to die in the still Democratic House. 8 CONG. REC. 51–54, 68–74, 157–170, 197 (1878). In the 46th Congress, with both Houses Democratic, efforts to pass legislation to control the count of 1881 failed, and a compromise was adopted, providing for the alternative count of the votes of Georgia, which had been cast on the wrong day. STANWOOD, *op. cit. supra*, note 14, at 399; 11 CONG. REC. 19–32, 39–48, 61–73, 132–134 (1880). The count proceeded peacefully under this device. *Id.* 1386–1387 (1881). The bill reappeared in the Republican 47th Congress as S. 613, 13 CONG. REC. 859, 2651–2652 (1882). It died in the House, after an unsuccessful effort to amend it to provide that the losing candidate might contest the election in federal court after the President of the Senate had declared the result. *Id.* 5142–5150. On its next appearance the bill passed a Republican Senate for the third time. S. 25, 48th Cong., 1st Sess., 15 CONG. REC. 430 (1883). The House, again Democratic, passed a substitute giving decision of all questions to a per capita vote of the joint session, which was unacceptable to the Senate. *Id.* 5460–5468, 5547–5551 (1884); 16 *Id.* 1618 (1885). As in 1876, neither party would give ground in an election year, but the count of the vote in 1885 passed without incident. *Id.* 1532. As to the composition of Congress, see HISTORICAL STATISTICS 692.

[59] S. 9, 49th Cong., 1st Sess. It was introduced in the form in which it had last passed the Senate. 17 CONG REC. 122, 242 (1885). After a brief debate, a substitute was reported back. *Id.* 1021, 1057–1064, 2387 (1886). This version passed the Senate without amendment. *Id.* 2427–2430. Numerous amendments were added in the House, and the final form of the bill was the result of a conference, 18 CONG REC. 29–31, 45–52, 77 (1886); 668 (1887).

[60] H.R. REP. No. 1638, 49th Cong., 2d Sess., 18 CONG. REC. 30 (1886).

[61] Act of February 3, 1887, ch. 90, 24 Stat. 373, 3 U.S.C. §§ 5–7, 15–18 (1958). Technical changes were made by the Act of October 19, 1888, ch. 1216, 25 Stat. 613, and by the Act of May 29, 1928, ch. 859, 45 Stat. 945. For later changes, see *infra*, notes 63, 76. The Act, prior provisions still in effect, *supra*, notes 20 and 29, and subsequent changes were codified as 3 U.S.C. §§ 1–20 (1958), by Act of June 25, 1948, ch. 644, § 1, 62 Stat. 672.

[62] 3 U.S.C. § 5 (1958).

[63] *Id.* § 6 provides that the executive of each state, "as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment," is to mail a certificate of the electors appointed and the number of votes to the Administrator of General Services. Copies of this certificate are also given to the electors, who forward them with the certificates of their votes. *Supra*, note 10. If there is a subsequent determination of a controversy under 3 U.S.C. § 5, *supra*, note 62, evidence of it is to be forwarded in similar fashion. As to the role of the Administrator of General Services, see 107 CONG. REC. 265 (daily ed. Jan. 6, 1961) (Remarks of Senator Russell). This function was transferred from the Secretary of State as part of the reorganization of 1950. Act of Oct. 31, 1951, ch. 655, §§ 4–9, 65 Stat. 711.

[64] *Supra*, note 62.

[65] 3 U.S.C. § 15 (1958). The Act also provides for brief recesses during the count, *id* § 16; for a maximum of two hours of debate in separate session, with each speaker limited to five minutes, *id.* § 17; and in joint session for no debate and consideration of no other question except a motion to withdraw, *id* § 18.

[66] In the count of 1889 there was some confusion, but no actual problems were present.

20 CONG. REC. 1859–1860. For the subsequent counts, see 3 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES, §§ 1960–1963 (1907); 6 *Cannon's Precedents of the House of Representatives*, §§ 442–446 (1935); 81 CONG. REC. 83 (1937); 87 *id.* 43 (1941); 91 *id.* 90 (1945) 95 *id.* 89 (1949); 99 *id.* 130 (1953) 103 *id.* 294 (1957). The procedure presently followed has been purely a formal ritual for many years. See *Cannon's Procedure in the House of Representatives*, H.R. Doc. No. 122, 86th Cong., 1st Sess., 193–196 (1959).

[67] See 8 CONG. REC. 54 (1878) (Remarks of Senator Edmunds); 18 CONG. REC. 30–31 (1887) (Remarks of Mr. Caldwell); *id.* 49 (Remarks of Mr. Eden); *id.* 668 (1887) (Report of Conference Committee).

[68] CONG. REC. 52 (1878) (Remarks of Senator Edmunds). In the course of the debates in 1882, the Senate rejected an amendment that would have given the two Houses power to overturn the state determination by concurrent vote. The proponents of the bill made it clear that they deemed the state's determination to be absolutely binding. 13 CONG. REC. 2651–2652. *Cf.* H.R. REP. No. 1638, *supra*, note 60.

[69] 8 CONG REC. 54 (1878) (Remarks of Senator Edmunds); 18 CONG. REC. 31 (1886) (Remarks of Mr. Caldwell).

[70] As to the legislative intent, see 17 CONG. REC. 2387, 2427 (1886). In five states the legislature has provided a special contest proceeding in an existing court. COLO. REV. STAT. ANN. §§ 49–14–1, 49–14–2 (1953); CONN. GEN. STAT. ANN. §§ 9–315, 9–323 (1958); DEL. CODE ANN. tit. 15, §§ 5921–5928 (1953); MASS. ANN. LAWS, ch. 54, §§ 119–120 (1953); S.D. CODE, §§ 16.1902–1914 (1939). In two states a special court has ben established. IOWA CODE ANN. §§ 60.1–60.6 (1949); N.D. CENT. CODE §§ 16–06—16–15 (1960). In two states express provision is made for trial in the manner decreed for contests for other offices. OKLA. STAT. ANN. tit. 26, §§ 518, 392 (1955), 391 (Supp. 1960); PA. STAT. ANN. tit. 25, §§ 3291, 3351–3352, 3456–3475 (1938). The legislature of one state has provided that it shall determine all contest for the office of elector. WERNONS ANN. MO. STAT. § 128.100 (1952). Three states have provided for final determination of contests by the canvassing authority. KANS. GEN. ANN. § 25–1433 (1949) R.I. GEN. LAWS ANN. § 17–22–4 (1956); VERNON'S ANN. TEX. STAT. EECTION CODE, § 9.29 (1952). In two other states there are similar provisions, but court decisions cast doubt on their finality. ME. REV. STAT. ANN. ch. 5 § 50 (1954) (See Rounds v. Smart, 71 Me. 380 (1880)); *cf. infra*, note 71; S.C. CODE §§ 23–475, 23–476 (1952) (See Redfearn v. Board of State Canvassers, 234 S.C. 113, 107 S.E.2d 10 (1959)). In two states the provisions specifically applicable to electors are not the exclusive form of contest. FLA. STAT. ANN. tit 9, §§ 102–121, 131; 99.192–221 (1960) (See *infra*, note 71); N.H. REV. STAT. ANN. §§ 59:94–98, 68:1–11 (1955) (See *infra*, note 71). Two southern states have passed identical legislation giving to a special board powers over the electoral vote which might be construed to include final power to determine contests. ARK. STAT. ANN. § 3–327 (Supp. 1959); GA. CODE ANN. § 34–2515 (Supp. 1960). If the Arkansas provision does not apply, then contests would be tried as for supreme court judge. ARK. STAT. ANN. § 3–313 (1947). In Georgia the contest provisions for members of the General Assembly would govern. GA. CODE ANN. §§ 34–2101, 2901, 2801–2803 (1936). One proposal for legislation to implement the Twenty-third Amendment, giving the District of Columbia the presidential vote, would provide both a recount and a special contest proceeding in the United States District Court for the District of Columbia. Washington Star, April 2, 1961, § 1, p. 7; cf S. 1883, 87 Cong., 1st Sess., 107 CONG. REC. 7478–9 (daily ed. May 16, 1961).

[71] In 17 states provision has been made for the contest in the state courts of election to "any office" "any public office," "any state office," or a similar variation. ALASKA Sess. Laws 1960, ch. 83, §§ 4.71–4.93; ARIZ. REV. STAT. ANN. §§ 16–1201–1207 (1956); CAL. ELECTIONS CODE §§ 8510–8575; FLA. STAT. ANN. tit. 9, §§ 99.192–99.221 (1960) (See *supra*, note 70); HAWAII REV. LAWS §§ 11–85.1 (Supp. 1960); ILL. ANN. STAT. ch. 46, §§23.19–.30 (1944; Supp. 1960); KY. REV. STAT. §§ 122.070–.090 (1955); MD. ANN. CODE art. 33, §§ 145–146 (1957; Supp. 1960); MINN. STAT. ANN. §§ 209.02–201.10 (Pamphlet Supp. 1959); MONT. REV. CODES ANN. §§ 23–1459–1467 (1955); NEV. REV. STAT. §§ 296.505–.515 (1959); N.J. STAT. ANN. §§ 19:29—1–11 (1940); N.M. STAT. ANN. §§ 3–9–1—3–9–10 (1953); N.Y. ELECTION LAW §§ 330–333, *cf.* N.Y. CIVIL PRACT. ACT §§ 1208–1221; OHIO REV. CODE §§ 3515.08–.15 (Baldwin, 1960); ORE. REV. STAT. §§ 251.025–.090 (1957); UTAH CODE ANN. §§ 20–15–1—15–12 (1953). Two states provide for such contests in the legislature. IND. STAT. ANN. tit. 29, §§ 5601–5617 (1949); N.C. GEN. STAT. §§ 163–99 (1952). The general contest provisions of the remaining states do not extend to presidential electors, but all of these states provide an action in quo warranto against one who "usurps, intrudes into or unlawfully holds or exercises any public office." In 11 of the states there is little doubt that a lack in the general contest provisions is to be supplied by a quo warranto proceeding. ALA. CODE tit. 17, §§ 231, 254 (1959), *id.* tit. 7, §§ 1136–1155 (1960) (Provision that no election triable under the Code may be tried by quo warranto is to be strictly construed. Walker v. Junior, 247 Ala. 342, 24 So. 2d 431 (1946); IDAHO CODE ANN. §§ 34–2001–2011, 6–602–609 (1948) (See Tiegs. v. Patterson, 79 Idaho 365 318 P.2d 588 (1957)); ME. REV. STAT. ANN. ch. 129, §§ 21, 22 (1954) (Common law right of action preserved) (See *supra*, note 70); MICH. STAT. ANN. §§ 27.2315–2326 (1938), 6.1861–1892 (1956) (Statutory recount proceeding does not abridge common law right); MISS. CODE ANN. §§ 1120–1145, 3287–3290 (1956) (Quo warranto lies in cases not covered by election contest provisions. Kelly v. State *ex rel.* Kiersky, 79 Miss, 168, 30 So. 49 (1901); Warren v. State *ex rel.* Barnes, 163 Miss. 187, 141 So. 901 (1932)); N.H. REV. STAT. ANN. § 491.7 (Supp. 1960) (Common law right of action preserved. Stickney v. Salem, 96 N.H. 500, 78 A.2d 921 (1951) (See *supra*, note 70); TENN. CODE ANN. §§ 2–1901–2017, 23–2801–2821 (1955) (Provision that no election triable under the Code may be tried by quo warranto is designed to insure that there be only one contest proceeding. State *ex rel.* Anderson v. Gossett, 77 Tenn. 644 (1882)); VT. STAT. ANN. tit. 12, §§ 4041–4045 (1958), tit. 17, §§ 1361–1365 (1959) (See State *ex rel.* Ballard v. Greene, 87 Vt. 515, 89 Atl. 743 (1914)); WASH. REV. CODE §§ 29.65.010–.130 (1951), WASH. REV. CODE ANN. §§ 7.56.010–.100 (1961) (See State *ex rel.* Holt v. Hamilton, 118 Wash. 91, 202 Pac. 971 (1921)); WIS. STAT. ANN. §§ 6.66 (1957), 294.01–.13 (1958) (See State *ex rel.* Dithmar v. Bunnell, 131 Wis. 198, 110 N.W. 177 (1907)); WYO. STAT. ANN. §§ 22–296, 22–306–324 (1957), 1–896–929 (1959) (See State *ex rel.* Walton v. Christmas, 48 Wyo. 239, 44 P.2d 905 (1935)). In the remaining four states serious doubts exist as to whether the writ would lie in an election contest. LA. STAT. ANN. §§ 18:1251, 42:76–85 (1951); NEBR. REV. STAT. §§ 25–21,121–21,134 (1956), 32–1001–1034 (1960); VA. CODE ANN. §§ 24–419–434 (1950), 8–857–865 (1957); W. VA. CODE ANN. §§ 193–207, 5310–5316 (1955). As to quo warranto generally, see MCCRARY, AMERICAN LAW OF ELECTIONS §§ 393–395, 425 (4th ed. 1897).

[72] This question in most cases would turn on the definition of the term "public" or "state" office in the applicable statute. The United States Supreme Court has held that electors are "state officers" in denying habeas corpus in a conviction under state law for vote fraud in a presidential election. In re Green, 134 U.S. 377 (1890). Interpretation in state courts has varied from case to case, however, according to the intention of the legislature. *Compare* State v. Mountjoy, 83 Mont. 162, 271 Pas. 466 (1928), *with* Spreckels v. Graham, 194 Cal. 516, 228 Pac. 1040 (1924); Harless v. Lockwood, 85 Ariz. 97, 332 P. 2d 887 (1958), *with* Lane v. Melamore, 169 S.W. 1073 (Tex. Civ. App. 1914); *cf.* Annot, 68 A.L.A. 2d 1320 (1959). See also Smith v. Ruth, 308 Ky. 60, 212 S.W. 2d 532 (1948); Lillard v. Cordell, 200 Okla. 577, 198 P. 2d 417 (1948).

[73] 8 CONG. REC. 51 (1878).

[74] In the third version of the bill, S. 25 *supra*, note 58, Senator Hoar, floor manager, insisted that it was unchanged from its previous passage in the Senate, but the six-day requirement was in the version taken up by the House. 15 CONG. REC. 430, 5076 (1884). Amendments to eliminate the provision from the final version of the bill, S. 9, *supra*, note 59, were rejected in the House. 18 CONG. REC. 77 (1886).

[75] 24 Stat. 373.

[76] Act of June 5, 1934, ch. 390, §§ 6–7, 48 Stat. 879. The Twentieth Amendment altered Inauguration Day to January 20th, and the first meeting of the new Congress to January 3d. The Act, in providing that the counting session should be on January 6th, insured that the count would not be made by a lame-duck Congress.

[77] The statutes of Connecticut and Iowa, *supra*, note 70, expressly provide that a result is to be reached prior to the deadline in the federal statute.

[78] N.Y. Times, Dec. 16, 1960, p. 28, col. 2 (city ed.).

[79] Lum v. Bush, Civil No. 7029, Circuit Court of the First Judicial Circuit. See N.Y. Times, Nov. 30, 1960, p. 29, col. 7(city ed.); *Id.* Dec. 2, 1960, p. 17, col. 6; *id.* Dec. 15, 1960, p. 39, col. 1; 107 CONG. REC. 282–3 (daily ed. Jan. 6, 1961). See Hawaii's contest statute, *supra*, note 71.

[80] For the various certificates; the court decree, and the governor's letter of explanation, see *ibid.* The governor noted that the time for appeal would not expire until January 9th, but that no appeal was planned. *Id.* 282.

[81] *Id.* 283. *Cf.* N.Y. Times, Jan. 7, 1961, p. 1, col. 4; p. 8, col 2 (city ed)

[82] N.Y. Times, Nov. 29, 1960, p. 17, col. 1 (city ed.); *id.* Nov. 30, 1960, p. 29, col. 1; *id.* Dec. 2, 1960, p. 17, col. 2; *id.* Dec. 3, 1960, p. 23, col. 3. *Cf.* 107 CONG. REC. A–1402 (1961).

[83] Under Illinois law a "discovery" recount, which is of no effect on the official count or in a subsequent contest, may be undertaken by a defeated candidate in order to determine whether or not he has grounds for contest. ILL. ANN. STAT., ch. 46, § 22–6 (Supp. 1960). This proceeding bogged down due to a difference of opinion between the parties as to the scope of the recount. N.Y. Times, Dec. 1, 1960, p. 22, col. 3; *id.* Dec. 3, 1960, p. 23, col. 3; *id.* Dec. 6, 1960, p 30, col. 1. An attempt to get mandamus requiring the Cook County Canvassing Board to change its result in accordance with the discovery proceeding failed. Id. Dec. 13, 1960, p. 23, col. 1.

[84] The Board, composed of the governor and four other executive officers, is required to meet within twenty days after the election and "proceed to open and canvass" the returns from the counties in order to ascertain which presidential electors are the winners. ILL. ANN. STAT. ch. 46, §§ 1–3, 7–14, 21–2, 21–3 (1944; Supp. 1960). The Republican claim was based on a "1912" decision which would permit the Board to reject county returns. The Democrats consistently argued that the Board had ministerial powers only and could do no more than tabulate

the county canvasses. N.Y. Times, Dec. 1, 1960, p. 22, col. 4 (city ed.); *id.* Dec. 7, 1960, p. 24, col. 3. The Republicans' case was apparently People *ex rel.* Hill v. Deneen, 256 Ill. 536, 100 N.E. 180 (1912), in which the state board was permitted to refuse a revised proclamation by a county board based on a court proceeding in which there was no jurisdiction. The board was directed to accept the original county canvass. This case is far from giving the state board power to hear facts and decide a contest for itself. If anything, it stands for the proposition that the county canvass is conclusive upon the board unless attacked in a proper proceeding, which under Illinois law is a statutory election contest. *Supra,* note 71. See People *ex rel.* Wilson v. Mattinger, 212 Ill. 530, 72 N.E. 996 (1904); People *ex. rel.* Ganschinietz v. Renner, 334 Ill. App. 302, 79 N.E. 2d 298 (4th Dist. 1948).

[85] N.Y. Times, Dec. 15, 1960, p. 39, col. 1 (city ed.).

[86] Illinois ranked fourth in the 1960 census, with 10,081,158 inhabitants. Chicago, with a population of 3,550,404 is the nation's second largest city. *World Almanac 1961* 81–82.

[87] 8 CONG. REC. 52–54 (1878). See *supra,* note 30.

[88] In the debates and in the final report of the Conference Committee, it is clear that the provision for the governor's certificate to control in the disagreement of the Houses was to apply only in the case of double returns without a state determination. See 17 CONG. REC. 1020, 1022 (Remarks of Senator Hoar); 18 *id.* 49–50 (Remarks of Mr. Eden); *id.* 668 (1887) (Conference Committee Report).

[89] This situation might have arisen if the Illinois Election Board had failed to certify the Kennedy electors. See *supra,* note 84. In 1877 the Electoral Commission would not extend Congressional power beyond an inquiry into the credentials of the state board. *Supra,* note 52.

[90] This was the view of Mr. Caldwell of Tennessee, House floor manager of the bill. 18 CONG. REC. 30–31 (1886).

[91] *Id.* 31.

[92] 17 *id.* 2427–2428 (Remarks of Senator Hoar).

[93] In the Senate the Committee on Privileges and Elections, now a standing subcommittee of the Committee on Rules and Administration, has jurisdiction over "matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally." Senate Standing Rule XXV 1(o)(1)(D), *Senate Manual,* S. Doc. No. 2, 87 Cong., 1st Sess. (1961). Similar jurisdiction is vested in the appropriate sub-committee of the Committee on House Administration. House Rule XI.9. (K), *House Manual,* H.R. Doc. No. 358, 85 Cong., 2d Sess. (1959). See GALLOWAY, THE LEGISLATIVE PROCESS IN CONGRESS 358 (1953). *Cf.* the activities of Senate investigators in 1873, *supra,* notes 38–40, and committees of both Houses in 1877, DOUGHERTY, *op. cit. supra,* note 2, at 141, 164.

[94] Congress has long had a reputation for the partisan decision of contests over its own membership. Out of 382 cases decided in the House between 1789 and 1907 only three members not of the majority party were seated. ALEXANDER, HISTORY AND PROCEDURE OF THE HOUSE OF REPRESENTATIVES 313–324 (1916). Decisions in the years since 1907 seem to have been somewhat less partisan. 1 HAYNES, THE SENATE OF THE UNITED STATES 126n (1938); *cf.* GALLOWAY, *op. cit. supra* note 93. In the most recent contest in the House, minority members of the Sub-Committee which has conducted a partial recount agreed in seating the Democratic candidate, but accused the majority of partisanship in certain decisions regarding the application of Indiana law. Roush v. Chambers, H.R. REP. No. 513, 87 Cong., 1st Sess. 65–70 (1961). On the floor Republican members raised the same objection, urging that the state determination should have been binding, but conceded that to object was "an exercise in futility" in view of the Democratic majority in the House. 107 CONG. REC. 9647–9661 (daily ed. June 14, 1961).

[95] In 1877, because no votes were rejected, the problem never arose. Since the constitutional language, *supra,* note 5, calls for election by a majority of the electors appointed, the answer would seem to depend on whether the votes in question were rejected because of a failure in the appointment process, or because of a subsequent failure on the part of the elector. Precedents drawn from other electoral counts are inconclusive. In 1873 the total announced by the President of the Senate as necessary for a majority included the votes of Louisiana, even though both sets of electors had been rejected because neither was found to be supported by a valid canvass. *Counting Electoral Votes* 408 (Feb. 12, 1873). In the years in which the vote was counted in the alternative, the number needed for a majority was reduced by the amount of the questioned votes. In these cases, however, it is clear that a state which cannot vote at all has not appointed electors. *Id.* 266 (Feb. 10, 1869); see *supra,* note 30; *cf.* 11 CONG. REC. 1387 (1881) (electors voted on wrong day; majority not reduced). On several occasions the majority figure was reduced to account for electors who had been appointed but had not voted through death or disability, *Counting Electoral Votes* 40 (Feb. 8, 1809); *id.* 50 (Feb. 14, 1821); *id.* 226, 229 (Feb. 8, 1865); see STANWOOD, *op. cit. supra,* note 14, at 63, 113. This practice is in direct contravention of the express intention of the Constitutional Convention, *supra,* note 17. Whatever the precedents, the sponsors of the Electoral Count Act clearly intended that votes rejected under it would reduce the number needed for a majority accordingly. 17 CONG. REC. 821 (1886) (Remarks of Senator Hoar).

[96] U.S. Const. amend. XII.

[97] For the succession, see CONST. amend. XX; 3 U.S.C. § 20 (1958).

[98] See HARRIS, ELECTION ADMINISTRATION IN THE UNITED STATES (1934); *cf.* Note, 106 U. PA. L. REV. 279 (1957).

[99] See WILMERDING, THE ELECTORAL COLLEGE 85–86, 115–116, (1958); *cf.* Margolin, *Proposals to Reform Our Electoral System,* 30, 46, 66 (Library of Cong. Legisl. Ref. Serv. 1960).

[100] Federal judges owe their positions to executive appointment with the advice and consent of the Senate, but they have life tenure during good behavior and may be removed only by impeachment, U.C. CONST. art. II, §§ 2, 4; art. III, § 1; art. I, §§ 2, 3.

[101] In England, where contested seats in Parliament are tried before a two judge election court, all the judges of the King's Bench Division meet annually to select three of their number to serve on a special rota for the court during the coming year. Supreme Court of Judicature Act (Consolidation), 1925, 9 & 10 Geo. 5, c. 64, § 67. See Representation of the People Act, 1949, 12 & 13 Geo. 6, 68, §§ 119–137. *Cf.* SCHOFIELD, PARLIAMENTARY ELECTIONS: 503–544 (3d ed. 1959). Efforts to introduce such a system for congressional contests have been unsuccessful. Haynes, *op. cit. supra,* note 94, at 122n.

[102] These factors led to the present requirement that a three judge court sit on proceedings where injunction of state action is sought. 28 U.S.C. §§ 2281–2284 (1958). See HART & WECHSLER, THE FEDERAL COURTS AND THE FEDERAL SYSTEM, 47–48, 843—849 (1953).

[103] Federal courts apply state substantive law in many cases in which they serve as the forum for the enforcement of state-defined rights. See Erie R. Co. v. Tompkins, 304 U.S. 64 (1938) (Diversity jurisdiction); Hess v. United States, 361 U.S. 314 (1960) (Admiralty); cases and sources cited in Hill, *The Erie Doctrine in Bankruptcy,* 66 HARV. L. REV. 1013, 1033–34, nn.87–89 (1953) (National bank winding-up, trade-mark infringement, tax appeal, bankruptcy). Congress in deciding contested congressional elections, has often claimed the power to view state law as merely advisory in such questions as the validity of ballots. HAYNES, *op. cit. supra* note 94, at 155; H.R. 513, *supra,* note 94, at 22, 69–70. This power is justified in the complete control over its own elections and contests which the Constitution vests in Congress. U.S. CONST., art. I, §§ 4, 5. Since there is no such federal control provided over the appointment of electors, the courts should be limited to the liberty which they now exercise in appropriate cases to interpret state law freely in the absence of a clear state pronouncement on the point in question. 1 MOORE, FEDERAL PRACTICE ¶¶ 0.307–0.309 (2d ed. 1959).

[104] To insure that the recount is carried out as quickly and impartially as possible, great care must be exercised in the selection of the personnel who actually count the ballots. In the most recent contest in the House, this chore was performed by auditors from five regional offices of the federal General Accounting Office. H.R. REP. 513, *supra,* note 94, at 12. If it is objected that what are essentially executive employees should not participate in the count of the presidential vote, then the court might be authorized to assign private accountants to the job.

[105] *Supra,* p. 5; note 30.

[106] All of these problems would be resolved by what one political scientist has pointed out to be the simplest and least controversial of all Electoral College reforms—eliminating the office of elector. Burns, *A New Course for the Electoral College,* New York Times, Dec. 18, 1960 (magazine), p. 10, at 28. President Kennedy proposed such a change as a Senator in 1957. S.J. Res. 132, 85th Cong., 1st Sess. The Kennedy plan is again pending in the Senate. See *infra,* note 117.

[107] See *supra,* note 95.

[108] The distinction may be difficult to make. Has an ineligible elector been "appointed"? When votes are rejected merely because the Houses disagree, has the state appointed electors? Questions of interpretation such as this must await an actual case.

[109] See H.R. REP. No. 31, *supra,* note 23, at 84–88; *cf., supra,* note 54.

[110] See State ex rel. Barker v. Bowen, 8 S.C. 382 (1876). Congress has given the District Courts jurisdiction of election disputes in which the sole question arises out of the denial of the right to vote on account of race, creed, color, or previous condition of servitude. The offices of elector, Senator, representative, and state legislator are excluded from these provisions, however, 28 U.S.C. § 1344 (1958). The provision has been held to bar federal jurisdiction over a contest in a primary election for United States Senator. Johnson v. Stevenson, 170 F.2d 108 (5th Cir. 1948), *cert. denied,* 336 U.S. 904 (1949). After the 1960 presidential election jurisdiction over a contest proceeding was refused by the United States District Court for the Southern District of Texas. New York Times, Dec. 13, 1960, p. 23, col. 1 (city ed.).

[111] In re Green, 134 U.S. 377 (1890). As to the variety of methods of appointment permissible, see McPherson v. Blecker, 146 U.S. 1 (1892).

[112] See Nixon v. Herndon, 273 U.S. 536 (1927); *cf.* James v. Bowman, 190 U.S. 127 (1903); see Wilkinson, *The Electoral Process and the Power of the States,* 47 A.B.A.J. 251, 252–3 (1961).

[113] Burroughs v. United States, 290 U.S. 534 (1934). The decision was based on the broad language of *Ex Parte* Yarborough, 110 U.S. 651 (1884), which did not distinguish between congressional and presidential elec-

tions in holding that Congress could legislate to preserve the rights of citizens that were essential to the continuance of the government. These cases may be distinguished from Walker v. United States, 93 F.2d 383 (8th Cir. 1937), *cert. denied*, 303 U.S. 644; *reh. denied*, 303 U.S. 668 (1938) in which it was held that a conspiracy against the right to vote for presidential electors could not be prosecuted under a federal statute making conspiracy to injure a citizen in his constitutional rights a crime. The latter case holds only that the citizen's individual right to vote is not protected by the Constitution, since it is subject to the control of the state legislatures. The power of Congress to protect the integrity of elections remains unchallenged.

[114] See *supra*, note 103.

[115] See HART & WECHSLER, *op. cit. supra*, note 102, at 892–893.

[116] *Id.* 20–21, 789–790.

[117] See S. 102, a proposal for "a commission to study and propose improvements in the methods of nominating and electing the President and Vice President"; S.J. Res. 1, a proposal for a Constitutional amendment to abolish the electoral college altogether in favor of direct popular election, including power in Congress to provide by legislation for the settlement of controversies; S.J. Res. 2, a proposed amendment to abolish the electors and to apportion the electoral vote among the candidates according to the proportion of the popular vote each has received; S.J. Res. 4, a proposal similar to S.J. Res. 2, with the proviso that if no candidate gets at least 40% of the vote a combined session of the House and Senate will choose the President and Vice President; S.J. Res. 12, a proposed amendment that would divide the states into equal districts in which each person votes for a district elector and for two electors at large; S.J. Res. 17, a proposal similar in effect to S.J. Res. 1, *supra*, with no provision for settling controversies and with some additional features S.J. Res. 28, a reintroduction of S.J. Res. 2, 81st Cong., 1st Sess., in the form in which it passed the Senate in 1950, a proposal generally similar to S.J. Res. 4, *supra;* S.J. Res. 113, a proposal embodying the Kennedy plan, *supra*, note 106. Similar measures have been introduced in the House. Hearings began before the Senate Constitutional Amendments sub-committee on May 23, 1961, New York Times, May 24, 1961, p. 13, col. 1 (city ed.). For a general discussion of the various proposals, see Margolin, *op. cit. supra*, note 99.

[118] The only measure presently pending which deals with the problems of contests has such a provision. S. 102, *supra*, note 117.

Mr. BAYH. Mr. President, I call to the attention of Senators the fact that, according to that law review article, there are only two States now in which the election contests are certain to be final within the period presently called for by the 20th amendment to the Constitution.

So we are really trading uncertainty for uncertainty. I do not like uncertainty, but I think the Senator from Tennessee hit the nail on the head when he said we are straining at a gnat rather than looking at the basic grievances we are trying to correct.

I appreciate the Senator from Nebraska's bringing this matter out. The reason I have been less than enthusiastic about being tied down to a specific date is that before a law is passed, we should call upon the judgment of those in this body and the other body and ask how recounts have worked out in their States.

I would like to point out at this time that in Alabama 4 weeks are permitted for a runoff. Our colleague from Alabama can tell us how well that has worked. I refer to the time before the runoff election.

In Arkansas it is 2 weeks. In Florida it is 3 weeks. In Georgia it is 2 weeks. In Louisiana it is 6 weeks. In Mississippi it is 3 weeks. In North Carolina it is 4 weeks. In Oklahoma it is 3 or 4 weeks. In Rhode Island it is 4 weeks. In South Carolina it is 2 weeks. In Texas it is 4 weeks. In Virginia it is 5 weeks.

So to suggest that runoff is not workable flies in the face of election history. That is how it has operated in these States. I do not think runoff is foreign to our purposes, although I do not think the likelihood of this ever happening is very great, as I said before.

Mr. CURTIS. Well, has there been an election under the procedure set forth in the Senator's proposal?

We have never held such an election.

Mr. BAYH. That is accurate.

Mr. CURTIS. Yes. So we do not know. Judging from what the Senator just read, some States would have as many as 5 weeks to settle a contest. I would hardly think that the runoff could be held within 3 weeks; would the Senator say so?

Mr. BAYH. I am sure the Senator was listening when our friend from Tennessee suggested that this provision could be established uniformly across the board—and I think it would be—by this body. So whether it was 5 weeks, 3 weeks, or 2 weeks would be up to this body. I think we could find a time that would be agreeable and workable. It has worked up to now in the States, and it has worked in other countries.

Mr. CURTIS. Then at this time the Senator is abandoning——

Mr. BAYH. In the last election in France, I should point out, there was a 2-week hiatus between the first election and the runoff. This is not foreign, either to this country or other nations.

The question is whether we are going to trade one relatively insignificant uncertainty for another relatively insignificant uncertainty which exists under the present law; and at the same time, as zeroed in on by the Senator from Tennessee, deal with three or four basic inequities and malfuntions that have in fact occurred under the present system.

Mr. CURTIS. No, I do not think having this country on dead center so far as its government is concerned while we hold a runoff is a trifling matter. I do not think it is trifling at all, compared to the procedure that could be taken along other lines to deal with the question of a contested election.

Mr. BAYH. Will the Senator yield at that point?

Mr. CURTIS. Because none of them call for a runoff. I think the Senator has the floor. I would like to ask him about some of the other provisions.

Mr. BAYH. I thank the Senator. I shall not impose further on his good nature.

Mr. CURTIS. The junior Senator from Nebraska refrained from asking questions after the Senator from Indiana said he would rather finish his statement.

Mr. BAYH. That is why I say I will not impose further on the Senator's good nature, but I hope in his statement he will speculate on what might have happened if there had been a change of less than 42,000 votes in the last election; also, if he cares to so speculate, as to how long it would have taken our colleagues in the House of Representatives to elect a President. I think it could have gone on forever.

Mr. CURTIS. I think perhaps one rollcall.

Mr. BAYH. We had one President elected after 27 rollcalls. What makes the Senator from Nebraska feel that it might not be 37, 47, or 57 this time? We are playing a guessing game, and I do not think——

Mr. CURTIS. No, no. It would not take as long.

I am not defending the present system for deciding the contest. I think the Senator has latched onto a proposal that is entirely separate and apart from that. They may be related, but it is not necessary that we abandon the principle of electing the President through State action in adopting what the Senator terms a direct election of the President, that we go on record as favoring minority Presidents down to 40 percent, and that we have two elections in order to deal with what defects may now exist in the method of determining the winner under our electoral system as we now have it.

Mr. BAYH. Does the Senator see anything in this report saying we are in favor of electing Presidents down to 40 percent?

Mr. CURTIS. Yes.

Mr. BAYH. Or that we will not elect a President with less than 40 percent?

Mr. CURTIS. Well, it is "at least 40 percent"; and the Senator spent a great deal of time talking about the evil of some President being elected but not having a majority of the vote.

Mr. BAYH. No, a plurality, if the Senator will recollect. I did not say a majority; I said a plurality, because we have had several plurality Presidents. It is when we have a President elected who did not have a plurality, as we have had three times, that the Senator from Indiana is concerned. The Senator from Nebraska is not concerned, I am sure, because there is a President in the White House now who had less than 50 percent of the popular vote; is he?

Mr. CURTIS. Well, I would be much more concerned if his opponent were there.

Mr. BAYH. I think that speaks for itself.

Mr. CURTIS. The Senator asked if I was concerned.

Mr. BAYH. The Senator is expressing concern over the 40 percent. But we have had several minority Presidents, of which the present distinguished occupant of the White House is just one.

Mr. CURTIS. I would like to ask the Senator some further questions about the Senator's proposal.

Mr. HRUSKA. Mr. President, before the Senator does that, will the Senator from Indiana yield to me just briefly?

Mr. BAYH. I am happy to yield to the senior Senator from Nebraska.

Mr. HRUSKA. It has been suggested that some uniform rule could be developed, and that we could solve these

mechanical defects, and that we have heretofore solved many more complex problems.

That issue was taken care of, I believe, when Theodore White was before our committee, on two scores. One had to do with recount, and the other with this uniform rule that would have to be applied.

Professor Freund was quoted by the Senator from Indiana to this effect:

If apart from fraud, recounts are called for, this is a sign that every vote counts. This is not a bad thing itself.

And, of course, here is the answer that Mr. White gave:

Mr. WHITE. Theoretically, you see, all of the proponents of direct elections are pure and theortically sound. It is very difficult to object to a proposition which on paper seems to be noble, but on the basis of my reporting the good professor's suggestion does not work. I have a dozen questions to ask the good professor. Who decides where and what we recount? Are we going to recount the entire Federal vote, all 70 million of it, or is some electoral commission here going to decide what we recount and what not? Are we going to recount only Oregon or are we going to recount only Florida? Who decides on recounts? Is it to be decided by the local authority, as it is right now? And the local authority decides we can squeeze a few more thousand out of this.

The good professor's theory sounds perfect to me, but it does not answer my reporter's questions. I am sorry I disagree with him.

That has to do with recounts. Now, what about a uniform rule? Mr. White had this to say about that:

If you are arguing for a Federal surveillance system of 180,000 Federal agents out surveying each precinct box, I think it becomes an almost integral part of your amendment. If the polls are going to be watched by the present party officials, the same kind of fraud will go on—I hope in a diminishing measure, but if we are going to be watched by the same kind of party agents as we have right now, then fraud remains. If you say that your proposition applies to Federal surveillance in every 180,000 precincts, you have a point.

There is where we start amending the Constitution and our system of government with a venegeance, because then no longer do we have a Federal Republic, but one monolithic Nation trying to decide a question of this kind.

Those answers that I read from Mr. White are going to be debated here at great length, and I suppose they will unfold as we go along. There is only one brief comment I would like to make to my distinguished colleague from Tennessee. He says the only way that we can achieve absolute equality is to give every citizen the same kind of voting power.

Mr. President, it is that very proposition I greatly oppose, because the small States, 34 of them, will lose voting power. They have voting power under the circumstances we have now, through the assignment to each State of a certain number of electoral votes, equal to the number of Representatives in Congress added to the number of Senators from each State. I say that I am not ready to let go of that concept, because it will mean that the small States of this Nation will be heavily penalized and discriminated against and degraded in their political influence. The crux of this debate, it seems to me, as we advance in it, will be whether we are ready to abandon the small States for the sake of giving each man a supposedly equal vote. Goodness knows, in the 34 less populous States, each of which would lose some voting power, that will be a heavy factor. It will also be a heavy factor in the minds of the State legislatures that will be called upon to ratify this amendment.

President Nixon was right in his February message on this point, and his shift of position did not alter the fact that one of the greatest objections to the proposed amendment is the difficulty—in fact, the great unlikelihood—of its being ratified by the States.

If that is true, the opportunity to reform our electoral system in a reasonable way will go by the board. It will be most difficult to formulate and get another amendment before the States.

That amendment, as the Senator has indicated, does not indicate that the present system of runoff is good. That can be corrected, and the discretionary power of the elector can be corrected. In fact, the office of elector can be abolished altogether and the results certified directly by each State.

As this debate unfolds, these problems will be more and more developed, to the point where I am hopeful the Senate will turn down the proposal, on behalf of something more sensible, more workable, and more acceptable.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator for yielding, so that I may respond to the remarks of the distinguished senior Senator from Nebraska, especially the portion that alluded to my previous reference about a challenge to the concept of equality.

Mr. President, I reiterate, in reply, what I said earlier in this colloquy. One of the fundamental questions we must determine is whether States or people elect the President. For my part, I believe people should; geography should not, nor should 50 sovereignties.

I believe that no one—I reiterate, no one—nor did the distinguished senior Senator from Nebraska, challenge the concept that the only way to provide equality so that every man's vote counts the same as every other man's vote is by the popular election of the President and the Vice President.

I reiterate again: The only arguments I have heard so far, including that just put by the distinguished senior Senator from Nebraska, is that it is too difficult or risky or uncertain to provide equality; therefore, we should provide something short of equality. With all deferential respect to one of the greatest men in the Senate, the distinguished senior Senator from Nebraska, I disagree with that. I believe that equality is the fundamental matter in debate here and that the balance of our consideration is one of mechanics—that is, after we dedicate ourselves to the basic proposition that every man's vote is equal to every other man's vote, we must set ourselves about the business of trying, in our collective judgment and wisdom, to devise a statutory method for doing that in the least disruptive and most satisfactory way.

I have no doubt in my mind that we can do that and that we can have equality—that, indeed, we must have equality—of the vote of every man and woman in the United States, and that we must then find the least disruptive way—not a nondisruptive way, but the least disruptive way—to implement that.

I reiterate: I reject the idea, on the part of the junior Senator from Tennessee, that we can sacrifice equality of the vote on any altar—certainly not on the altar of difficulty in drafting legislative language. Once we have established the requirement and dedicated ourselves to the necessity of equality of the vote, then we set ourselves about the business of trying to find how best to do it.

That is why I again commend the distinguished Senator from Indiana for drafting Senate Joint Resolution 1, so that we create the principle of equality, further embed it in the fabric of the Constitution, and leave full discretion to Congress and to the President to decide by statute how we do the less difficult job of implementing it.

Throughout this debate—and it will be a long debate, I judge; throughout this debate—and it will be a heated one, I judge—we ought not lose sight of the fact that we are dealing with the most fundamental of all American rights, and that is equality. For my part, I will not sacrifice it for any other purpose.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I will be glad to yield in a moment.

I appreciate the comments of the distinguished Senator from Tennessee.

For the sake of continuity in the RECORD, I think it should be pointed out that the senior Senator from Nebraska, in quoting Theodore White's reference to Professor Freund—it is somewhat like Tinker to Evers to Chance—perhaps did not emphasize one very important part of this discussion, and that is that Professor Freund and Theodore White were talking about having the same type of policing done at the local level that is now being done.

The Senator from Indiana does not anticipate the need for some giant influx of Federal policemen in each polling place. But I think the Senator from Tennessee and the Senator from Indiana were trying to point out that if we have a system whereby each vote counts, then the incentive is going to be on the Republican precinct committeeman and the Democratic precinct committeeman to make sure that each one of those votes is valid. Presently they could not care less in some States. If you are going to carry Indiana by 165,000, there is no real incentive to watch it closely and cut it down to 65,000. Nor is there is an incentive to push it up to 300,000. I think the direct popular vote, where each vote counts, is the best way of guaranteeing close, accurate policing by the precinct official who is supposed to be doing this in the first place.

I do not anticipate any big influx of Federal officials into this area. I think it is going to be done by each State, and it is going to be done better than it has been done in the past.

I must say in supporting the Senator from Tennessee—who needs no support from the Senator from Indiana—that it would be a rather ironic chapter in our history if we fail to make this needed major electoral reform because the Senate of the United States does not feel that Congress has enough ingenuity to deal with purely mathematical and technical questions. How in the world can we say that we, as a nation, have enough capacity, know-how, ingenuity, drive, and foresightedness to land a man on the moon, when we cannot write a common, ordinary, everyday election statute?

PRIVILEGE OF THE FLOOR FOR STAFF MEMBERS OF COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, I ask unanimous consent that Judiciary Committee staff members may have access to the floor during all the debate on the pending joint resolution.

The PRESIDING OFFICER (Mr. CASE). Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. CURTIS. Mr. President, I direct this chief sponsor of the proposal to section 2, which states—

The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, . . .

What is included in the term "qualifications"?

Mr. BAYH. It is in the Constitution right now—the same language. We took that language from the Constitution, feeling that Senators would accept it again if it was in the Constitution once.

Mr. CURTIS. There is no question about that. I ask that as a prelude to my next question. It includes such things as age, does it not?

Mr. BAYH. I think that is accurate; yes.

Mr. CURTIS. Citizenship?

Mr. BAYH. That is accurate. Residency would be another.

Mr. CURTIS. Yes, residency. Are there any others? I imagine citizenship in its broadest terms would cover that.

Mr. BAYH. Age, residency, and citizenship. Also the ability to read and write, but, as to residency and age, that is now subject to a possible Supreme Court decision on the 1970 Voting Rights Act. I might point out that these will be matters that will really go by the board if the Supreme Court upholds the 1970 Voting Rights Act.

Mr. CURTIS. Suppose it does uphold the 1970 Voting Rights Act and some State chooses to permit, through its State legislature, 17-year-olds to vote, may it do that?

Mr. BAYH. Yes. I would suppose it could.

Mr. CURTIS. If another State chose not to have any citizenship requirement, may it do so?

Mr. BAYH. For what office?

Mr. CURTIS. Electors for President and Vice President.

Mr. BAYH. Yes; I suppose it could.

Mr. CURTIS. So that if a State wants to permit aliens to vote, they can vote and those aliens would be included in the adding machine tabulation to find out who was President and Vice President.

Mr. BAYH. They could do that with convicts on death row, I suppose, if they wanted to, and go down the list, but I do not believe that is going to happen. Does the Senator?

Mr. CURTIS. Yes; I think there are States in the Union that do not require full citizenship to vote.

Mr. BAYH. Well, that would not change any, would it?

Mr. CURTIS. Yes, it would. It would give an uneven contest, if here is a State that my party is expecting to carry in a big way, and it changes the rules so that more people can vote. Yet those same kinds of people are denied the right to vote in another State, and we end up with an uneven contest; is that not correct?

Mr. BAYH. Of course, there is nothing to prevent that from happening under the present rules, is there?

Mr. CURTIS. The difference is that they vote by States under our present program. The State determines who is eligible to vote, yet here we are committing 50 States to abide by the outcome of one adding machine tabulation, and at any time the several States can write their own rules so as to add their numbers to that computation.

Mr. BAYH. Except in the vital areas, as the Senator knows, Congress retains authority for uniformity——

Mr. CURTIS. Uniformity of what?

Mr. BAYH. The Senator knows—residency——

Mr. CURTIS. Just residency?

Mr. BAYH. Congress already has the power to act in relation to age and literacy. That question is before the Supreme Court right now for final resolution. So we may, in effect, already have a uniform law in these areas.

Mr. CURTIS. Did I not understand the Senator to say that if the 1970 Voting Rights Act is upheld by the Supreme Court, they all could go below that if they wanted to?

Mr. BAYH. Yes; that would be my judgment.

Mr. CURTIS. Yes, so it would be possible for States, with the exception of residency, to write their own rules which will result in a number of votes that they can cast that will go into a contest, where other States have a more restrictive voting requirement; is that not correct?

Mr. BAYH. Does not the Senator realize that although the States have flexibility to do what they please, so far as some of the State offices are concerned, we are talking about the election of the President, a Federal officer. Congress can, if this type of thing gets out of hand, set uniform provisions across the board.

Mr. CURTIS. As to what?

Mr. BAYH. For example, suppose the statute is——

Mr. CURTIS. There is no such language in the proposal. We have the right to set uniform requirements as to residency——

Mr. BAYH. Would the Senator please repeat his question?

Mr. CURTIS. I think I can restate it. Is it true that under the Senator's proposal as written, the States can determine who could vote, with the exception of residency requirements, and thus could have a greater input or "advantage" over the other States that had a more restrictive set of qualifications for voting?

Mr. BAYH. Any State that is willing to let 17-, 16-, 15-, 14-, 13-, 12-year-olds vote for its State legislature can also let these same people vote for President. The Founding Fathers showed great wisdom, I think, by incorporating that same criteria into the Constitution so far as voting for Congress was concerned. Thus I think the question has worked very well. We do not see any rash of people rushing on out to get a bigger input as to who should vote for Congressmen. I do not believe that will happen, because the average legislator is thinking about who will vote for him. I do not think we will lower the barriers as promiscuously as the Senate suggests.

Mr. CURTIS. The Senator from Indiana talked about 12-, 13-, and 14-year-olds——

Mr. BAYH. I was just anticipating the Senator's next question——

Mr. CURTIS. In New York State, or in California, if we took their rules, if we are closer to 18- and 17-year-olds, they can vote, there would be nothing ridiculous about that, but the Senator could add hundreds of thousands of votes. The fact remains that the Senator has written some rules here that would be uneven so far as the States are concerned.

My next question is this, Is it not true, to make the Senator's system work properly, we should have uniform qualifications for voting throughout the country?

Mr. BAYH. Well, with a very few exceptions, as I think I have said twice already, that is just about what we have right now. I, for one, would be willing to permit the States to have the leeway if the 1970 Voting Rights Act is affirmed by the Supreme Court. If that is upheld, then we will have established the right of Congress to set uniform age requirements, and to establish the 18-year-old age, and we can deny them the right to go down to 17. We have established the 30-day uniform Federal residency law. We have stricken from the books all literacy laws. The question as to whether a person is an alien, I do not anticipate that as being a significant problem.

Mr. CURTIS. What is the answer to my question, that in order to have the Senator's system work, we should have uniform qualifications for voters throughout all the States?

Mr. BAYH. Mr. President, I think to have this resolution work properly, it ought to have the provision in it that the Senator from Nebraska refers to there.

Mr. CURTIS. Mr. President, the Senator is evading my question.

Mr. BAYH. This was passed by the House and was given extensive hearings

by the House Judiciary Committee. It was gone over and over. We tried to walk a very delicate line between giving the States an opportunity to take into consideration the local customs and that type of thing and yet give Congress authority under the section referred to by the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CURTIS. We have had the high privilege of hearing a lot of oratory this afternoon about the equality of voting. We will hear a lot more in the weeks and months ahead in which we will be considering this measure. So, I want to ask the Senator if, in all seriousness, he feels that to carry out this proposal he should have uniform qualifications for voters throughout all States.

Mr. BAYH. Mr. President, I will be glad to answer the question again.

Mr. CURTIS. The Senator has not answered the question.

Mr. BAYH. I appreciate the Senator's perseverance. The second answer and the third answer will be the same as the first.

I think the measure deals with it very well. We have basic uniformity throughout the country and provide some flexibility for States. If it gets out of hand, we have the authority to impose the type of authority that the Senator from Nebraska says he supports.

Does that concern the Senator?

Mr. CURTIS. Very much so. I think that before the Senate passes on it and the State legislatures consider it for ratification, we should know whether we will have uniform voting requirements for voters throughout the country.

That may be a good thing. But I think that the forthright thing to do is to take a position on that so that we know what to expect.

Mr. BAYH. Mr. President, I will read this and we will let the RECORD stand.

It reads:

SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

That is rather specific. I do not think there is much question about what that says. That says what the Senator from Indiana feels we need.

Mr. CURTIS. Mr. President, I will ask another question. I do not think that I got an answer to my other question.

I have the right to elicit from the chief sponsor of this proposal whether he feels there ought to be uniform requirements for voters in all 50 States to implement the type of proposal he suggests.

Mr. BAYH. Mr. President, I appreciate the perseverance of the Senator. I think I have answered the question. If the Senator feels that the answer is not the answer the Senator is seeking, that is another thing.

I am suggesting that we permit each State to set the same qualifications they set for their State legislature. We reserve the right to establish uniform residence qualifications. If the Voting Rights Act goes through, we have established literacy and age as congressional prerogatives in all elections. These two matters are satisfactory to the Senator from Indiana because he supported that act.

Beyond that, I do not know why it is incumbent upon Congress to go through all of these minutiae involving local and State customs that might be taken into consideration in determining qualifications for the State legislature.

I appreciate the concern of the Senator from Nebraska. As a former member of the State legislature, I must say that I think a lot of my former colleagues in the Indiana General Assembly were probably more concerned about the qualification of the voters to cast votes for them than they were about the qualifications of the voters to cast votes for the President.

If the Senator from Nebraska has any concern over the fact that there would be hordes of voters who would be qualified to vote for the President, I suggest that that same horde of voters would be qualified to vote for the members of the State legislatures.

Mr CURTIS. Mr. President, I never referred to any group of voters as a horde of voters. I have stood on the position that if we choose the President on one tabulation of voters, we should have the same requirements prevail in all sections of the country to determine who is eligible to vote.

The Senator from Indiana merely refers me to this language. I am not critical of him as an individual. But I do not take the view that the Senate or the people of the country generally cannot answer until after the Supreme Court rules that the Federal Government should impose uniform rules.

I will pass that and ask another question.

Mr. BAYH. Mr. President, I do not want to evade the question that the Senator persists in asking. I think I have answered it. I will try to answer it again.

I think that the language proposed in section 2 of the proposed constitutional amendment deals with the criteria imposed by each State. These criteria are the criteria applied to the most numerous branch of the State legislature. They are the same criteria that have been applied for almost 200 years in the election of Members of Congress.

In the area of age and literacy tests, the Senator from Indiana is perfectly comfortable with uniformity. I can see that if we let the 18-year-olds vote in one State and not in another, it would pose a problem.

Mr. CURTIS. Mr. President, I think it poses very much of a problem. It cannot be likened to the discrepancy under our present system. Certainly it cannot be likened to voters participating in their own States to elect Congressmen or a member of a State legislature. All voters participating in those elections are subject to the same rules.

Here we have a proposal for a method of choosing the President, and on the face of it different rules will be applied to different voters in different States on an uneven basis.

We do not need to get ridiculous and suggest that we are proposing that the 12-year-olds vote. Not at all. However, the life insurance rule, to which I referred a while ago, says, "If you are closer to 18 than you are to 17, you are 18." If the State of California adopts that rule, they would probably pick up votes that would be greater in number than the difference in some of these elections. I do not know how many votes it would involve.

Does the Senator from Indiana believe that it would be necessary under his proposal to have Federal registration of voters?

Mr. BAYH. No.

Mr. CURTIS. That disturbs me, because the right to vote must be preceded by registration.

If one State can adopt one procedure of registration and another State can be very, very lax in its rules of registration, it makes an uneven contest. In other words, the proponents of this measure have failed to distinguish this point about voting jurisdiction, where all the votes which are to be tabulated and counted, must have within that jurisdiction equality of voter qualifications and equality of registration laws because they are competing against each other. It is totally inconceivable that we would have before us a proposal suggesting that we choose a President by tabulating the total vote in one pool, one adding machine tabulation, if you choose, when the different States could have different rules to decide who was going to vote and they would have different rules, different methods as to who would register and how registration would be accomplished.

Mr. President, if you are going to have that all one jurisdiction, one voting arrangement, you must have uniformity. Before this debate is over I hope the proponents will tell us something about the national registration of voters that they propose. I think that is pertinent here.

Mr. BAYH. The Senator has not found one word in that measure that talks about national registration. The patience of the Senator from Indiana is not unlimited. If the Senator can find one word about national voter registration, I would be glad to have him do so.

Mr. CURTIS. The Senator knows there is nothing in there.

Mr. BAYH. Why does the Senator blatantly suggest the sponsors are for national registration? If the Senator is for national registration, let him offer such a proposal. But I understand he is not for national registration.

Mr. CURTIS. That is my point. The Senator is suggesting a nationwide contest without a nationwide set of rules as to who would vote or how they would register.

Mr. BAYH. Because the Senator feels there should be a national registration provision, I think it is unfair for him to suggest that I suggested it.

Mr. CURTIS. I did not——

Mr. BAYH. We could have the reporter

read what the Senator said. A moment ago the Senator said the proponents should discuss the questions about the national registration plan they are proposing.

Mr. CURTIS. No; the national registration plan to carry out what they have proposed.

Mr. BAYH. With all due respect, I do not think that will be necessary.

Mr. CURTIS. I think it will after the Senator thinks it over. I do not understand how any Senator would seriously contend that voters participating in the same contest to be decided by the same totals should not have the same ground rules in all the States. Therefore, I think the question is pertinent as to the thinking of the proponents of this measure.

The Senator has been very generous in yielding. I do want to say one thing; then I will yield the floor.

I hope it will not be understood by anyone in the country that we have on one side a direct election of the President and on the other side an evil system where individuals' votes count differently. What we have is a federal system of 50 sovereign States, and there is not an argument made here today for the direct election of the President, and each man having the same vote, that could not be applied to the election of U.S. Senators. There are Senators serving in this body who are here by reason of a few hundred thousand votes or very few total votes in their States. There are other Senators here who have the mandate of millions of people. That is part of our federal system. Just as the States have equal representation in the Senate and representation in the House based on population, our country has chosen a federal system and the counting of the votes for the election of the President is a blend of those two things. No man can insist on one man, one vote for the choosing of a President and thus wipe out the significance of the sovereign States and at a later time come in and defend equal representation of the States in the Senate.

That is why I have referred to the excitement that has been raised about a possible contest last election when Governor Wallace was in the race. Instead of dealing only with better and more modern methods of dealing with such a contest if no one gets a majority, we have before us a proposal to change the fundamental structure of the country, to wit, the abandonment of our federal system ending of the election of the President through State action. At the present time every State has as many electoral votes as has Senators and Representatives. That is our system. There has not been an argument made that that has not worked well. It has nothing to do with the method of how we determine the contest if no one receives a majority. We can deal with any questions involving electors if we keep them and the system of voting according to the way the States vote. It is not necessary that we change our basic system in choosing a President.

Mr. President, the distinguished Senator from Indiana has been very gracious in yielding to me.

Mr. BAYH. Mr. President, I have enjoyed this opportunity to share views with my distinguished colleague from Nebraska. I would like the RECORD to show I do not believe that my earlier remarks could accurately be described as being uncritical of the way the system has worked. The item about which the Senator from Nebraska expressed concern, the possibility that no candidate would receive a majority of the electoral votes on election day, is just incidental compared to the real problem that the people now do not vote directly for their President; they vote for electors who are free to ignore their vote. As the Senator from Tennessee and I described, all votes are not counted the same way, some are not counted, and some are cast for candidates not listed.

There is no need to pursue this matter at great length. We have discussed at considerable length our desire to strive for equality.

I wonder how the people of the Second Congressional District of North Carolina must have felt in 1968, particularly those who cast their votes for the present President of the United States, Richard Nixon. The only way one could vote for Richard Nixon in the Second Congressional District of North Carolina was to vote for the Republican elector. If a citizen wanted to vote for Hubert Humphrey, he could vote for that elector. If he wanted to vote for Wallace, he could vote for that elector. But if he were a dues-paying Republican in 1968, the only way he could express his vote for Nixon in that election was to vote for the Republican elector.

How would that person feel when he suddenly learned that the man he had voted for as the Republican elector had gone to the State capital and cast that vote for Wallace, totally disfranchising the Republican voters in the Second Congressional District of North Carolina?

I point that out as an actual malfunction of the system we have today. We do not have to resort to hypotheticals of what may have happened or what could have happened. We looked at the way the system now functions and found it wanting.

It is for that reason that I, the Senator from Tennessee, and the distinguished Presiding Officer of the Senate at this moment, the Senator from Oklahoma (Mr. BELLMON), who, I may point out, was one of the original, one of the charter members of the American Bar Association's Commission on Electoral Reform, have made our proposals. I am looking forward, hopefully in the near future, to hearing the Senator from Oklahoma describe the tortuous process that the Commission went through and the studies and processes that the Senator from Oklahoma, a former Governor of the State of Oklahoma, went through in his own mind.

The fact is that the direct election proposal is one, it seems to me, that embraces a broad range of party and philosophy and is geographically dispersed, for one basic reason. It comes closest to solving the problem which confronts us. It is not perfect, as I have said two or three times. It comes the closest to perfection, we think. It is the only one that gives the people the right to vote for their President and Vice President. It is the only proposal that counts each vote equally. It is the only one that guarantees that the candidate who gets the most votes in the election will win the election.

I yield now to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding.

On tomorrow, assuming I gain recognition, I intend to have further statements of my support of Senate Joint Resolution 1.

I think it is vitally important to face up to the problem that confronts the public and the need of fine-tuning our electoral system.

I think that it would not be amiss for me to reiterate what I said before. I hope we do not lose sight of the several considerations which are involved in this debate. There are several, not the least of which is the method of implementing the election of President and Vice President by direct popular vote.

I disagree with our distinguished junior colleague from Nebraska when he indicates, as I understood him, that Senate Joint Resolution 1 would destroy the federal system in the United States. I would point out that the several States now prescribe the method by which the electors will be elected and the electors in turn will elect the President.

Senate Joint Resolution 1 provides nothing as to whether the States provide for the certification of their returns to the State boards of election, the legislatures, or otherwise. It provides nothing with respect to national registration of voters or national uniformity of voting requirements; and, very properly, in my judgment, leaves it to this and future Congresses to decide the method of implementation according to their judgment at that time.

The point of the matter is that nothing contained in Senate Joint Resolution 1, in the judgment of the junior Senator from Tennessee, detracts in one iota from the nature and strength of federalism in the United States. The one immutable argument that I have not heard attacked today is that nothing else except direct popular voting for the President and Vice President provides equality of the vote of every man to that of every other man.

I think it is fundamental to this debate that we commit ourselves to the proposition that nothing will subvert the nature of equality in this field at this time.

I thank my colleague from Indiana for affording me the opportunity to make these random remarks from time to time. I look forward to continuing my participation in this debate as it progresses.

Mr. BAYH. Mr. President, once again I wish to express appreciation to the distinguished Senator from Tennessee for the enlightenment that he has brought to this debate. He is a long-time student of this problem, as I am. He expresses, in a very articulate and convincing manner, the real need. He also points out that, although some persons would suggest we are interjecting some foreign mechanism into the American electoral

system, in fact we are trying to make consistent with the rest of the elections in the country that part of the electoral process that is inconsistent.

I think we will be successful. We have had a warning. I hope we will heed the warning bell and take action.

I appreciate the contributions of the Senator from Tennessee, the Senator from Oklahoma, and other Senators who have helped and who will help in this matter. Because of their perseverance, I think, and I hope, we will be successful.

I yield the floor.

Mr. HRUSKA. Mr. President, one of the most distinguished witnesses in our series of hearings on the pending resolution while it was considered by the Committee on the Judiciary was Mr. Charles Black, Henry Luce professor of jurisprudence at the Yale Law School. He stated:

I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

Mr. President, during the 91st Congress we in the Senate have considered many extremely important issues—ABM, our continuing presence in Vietnam, crime legislation, postal reorganization, tax reform, to name just a few—but not one of these is, in my judgment, as vital to the continued existence of this Nation as we know it as the issue we now take it—constitutional change in the manner in which we select our Chief Executive.

For 180 years our system of electing our Presidents has worked extremely well. In the main we have chosen wise and capable leaders, quite often great and prescient ones. It is no accident that this has come about. Our present electoral college method for selecting the President guarantees a leader who has a true mandate to govern; a man who has the majority of the votes in a majority of the States behind him.

The framers, in creating the college, sought an instrument which would give the States as well as the people a say in the choice of our Presidents, an instrument which would carry out the general Federal principle of the Constitution. Just how wise their selection was can be seen in the 46 times we have chosen the Chief Executive and the 46 times power has changed hands efficiently and peacefully. What other nation on earth can make that claim? Not once has a constitutional crisis arisen; not once has the legitimacy of the new Government been challenged. In large measure we owe our stable Government and our unparalleled prosperity and well-being to this smooth transition from one President to another; often from one of our great political parties to another.

There are those who claim that the present electoral college system is not the perfect or ideal method for choosing our Chief Executive.

To this I believe there is general agreement. I happen to be one who has suggested some changes in the college. For many years now I have joined with many of my colleagues in looking for an alternative to the winner-take-all method of electoral vote counting. Ten years ago I first testified on this question to the Senate Constitutional Amendments Subcommittee upon which I now sit. Since that time that subcommittee has earnestly sought to find a proper manner in which to amend the present system. Some of us have favored the district plan, others the proportional, others the automatic, while still others favor the plan before us today: direct election without any intervening electoral colege at all and without any intervening State entities.

I am certain that all those who champion one plan or another believe they do so with the best interests of the Nation uppermost in their minds.

But, in all seriousness and all candor, I must say that those who espouse direct popular election of the President are wrong if they believe this plan is best for this Nation. It is the most mischievous and dangerous constitutional amendment that has ever received serious consideration by the Congress.

To adopt it would be to set out on a vast uncharted sea, with no guarantee that the slightest political breeze might not capsize and destroy our ship of state. During discussion on this resolution I expect to have a great deal more to say concerning the dangerous consequences that adoption of this plan may have for this Nation.

In the Judiciary Committee report which accompanies this resolution, six senior members from both parties have included a minority report which is on each Senator's desk today. I urge each of my colleagues to read that report with special care and then compare it with the views of the majority. Which is the most persuasive? I earnestly believe that a fair reading of the entire document will convince many that the minority has carried the day.

Those who seek to alter our Constitution have the burden of proof to show that there is a legitimate need for change and that their proposed substitute is an improvement over the original. I do not believe that those who champion Senate Joint Resolution 1 today have successfully carried that heavy burden.

In our report we suggest that direct election of the President would:

Destroy the two party system and encourage the formation of a host of splinter parties;

Undermine the federal system by removing the States as States from the electoral process;

Remove an indispensable institutional support for the separation of powers;

Radicalize popular opinion and endanger the rights of all minorities by removing incentives to compromise;

Create an irresistible temptation to electoral fraud;

Lead to interminable electoral recounts and challenges;

Necessitate national direction and control of every aspect of the electoral process.

Each of these seven consequences of direct election seem to me to pose grave dangers to our system of government as we have it today. Many of us shall be most anxious to see if the supporters of direct election answer these indictments of their proposal. We do not believe that it can be done satisfactorily, just as we do not believe that under a system of direct election of the President, our federal form of government can survive. Doomsday language is not popular but sometimes it is essential. I believe that this is one of those times. It is impossible to overstate the case against direct election.

As one eminent scholar of jurisprudence told our committee—I opened my remarks with this quotation, but it is so important that I am going to repeat it:

I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

Mr. President, those who advocate direct election assume that our political system will remain basically unchanged if this resolution is adopted. That assumption is totally unwarranted. I believe that a completely different electoral system cannot help but affect profoundly the political institutions that have grown up around the present arrangement. We began with the electoral college system and the Presidency; our political institutions, customs, and traditions came later. Now to destroy the keystone is to remove the underpinnings from our entire political structure.

The proposed constitutional amendment, like the statement of the proposition itself in the minority report, is disarmingly short and succinct. On the surface the change is made to appear simple and reasonable. Direct election is touted as a panacea which will sweep away all the obsolete and antiquated features of the present system. It promises to erect a shiny perfection in its stead where the voters will have direct and final control over who occupies the White House through the simple instrumentality of the ballot box.

Those who oppose this fundamental change will seek to show the churning turmoil which will occur below the surface should this proposal be adopted.

As an American, I am deeply committed to preserving our present form of government against any challenge. As a Nebraskan, I am committed also to do those things which are in the best interest of my State. Direct election would, in my opinion, lead to a new form of tyranny which would number Nebraska and other less populous States among its victims. Thirty-four States and the District of Columbia—more than two-thirds of the primary governmental jurisdictions in this Nation—would be adversely affected should direct election be approved. I urge my colleagues to pause for a moment and consider whether this resolution is in the best interests of this Nation and their States. I believe their answer must be negative.

In addition to all the problems which could be created by the adoption of the direct election amendment, there is one very practical consequence which should

be considered. That is the very real likelihood—in fact, I would say virtual certainty—that direct election would never be ratified by the requisite number of States.

After Congress has approved any amendment, the legislatures of three-fourths, or 38, States must ratify it. There are in this Nation 99 State legislative bodies—every State having two except my own State of Nebraska, which has only one. Therefore, just 13 houses of the State legislatures which refuse to approve the amendment could end any chance of electoral college reform. It is not unreasonable to think that many more than 13 would fail to register their approval, especially in light of the statement made earlier in these remarks that 34 States and the District of Columbia would lose voting power under the direct election proposal.

Would it not be far better to use this time to work on and approve a revision of the present electoral college system which has a substantial chance of ratification? Those of us who are serious in our desire for reform believe that such a course would be more useful and more prudent.

It could be accomplished, Mr. President, by first abolishing the electoral college, or at least by removing from the electors the personal discretion now vested in them as to the candidates for whom they can vote; and second, by devising a different system for resolving college deadlocks, perhaps substituting a joint session of Congress instead of giving each State one vote in the body at the other end of the Capitol.

As I mentioned earlier, I intend to have a great deal to say before the Senate consideration of the pending proposal is concluded. At a later time, I shall expand on the points I have alluded to today. Those of us who perceive a grave danger in this proposed amendment intend to bring before the Senate a great deal of evidence and learned opinion to support our case. It is my sincere belief that, in the end, direct election will be rejected.

Mr. President, let me conclude this opening statement by saying that before we reject the electoral college and 180 years of testing, adaptation, and stability, let us make certain that what we erect in its stead is an improvement on the old. Direct popular election of the President is not an improvement; it could be a disaster.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, I have listened with great interest as the distinguished Senator from Nebraska described the opposing position expressed in the minority views in the report of the Committee on the Judiciary. I, too, am hopeful that Senators will look at the majority and minority views and base their judgments on the relevant arguments presented therein.

I thought it might be helpful if the distinguished Senator from Michigan (Mr. GRIFFIN), who had the foresight to conduct a poll of State legislators, would let us have the benefit of his thinking relative to what the legislators might do.

I must say that I hope the Senate will not base its judgment on what any one Senator or, indeed, more than one Senator might anticipate a State legislature might do or not do on this matter. It is rather risky business to base our judgment on something that certainly is not scientifically proved, if there is any evidence of proof to the contrary. I do not want to interfere with what the Senator from Michigan has done, but he might give us some background on what he found when he took the leadership in this field and polled State legislators.

Mr. GRIFFIN. Mr. President, I would respond to the Senator from Indiana in this way: It is true that during several weeks preceding August 7, 1969, my office did undertake to conduct a survey among State legislators in 27 States. We selected 27 States having the smallest population, States which had the most to lose through the adoption of the direct election proposal. We put to each State legislator the question whether he, individually, would vote in his State legislature to ratify a direct popular election proposal to amend the Constitution. We also asked, whether he would vote to ratify a proportional plan or a district plan, which were and are the other two major alternatives.

I must say that the junior Senator from Michigan had been reluctant to support the direct election plan because he had assumed prior to the survey that the direct election proposal would not have a chance for ratification.

I feel strongly that the present system of electing the President of the United States does need reform. Prior to the survey I leaned in the direction of favoring the proportional plan because I felt that it would stand a better chance of ratification by the several States.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the results of the questionnaire which I sent to each State legislator in the 27 States.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

RESULTS OF ELECTION REFORM QUESTIONNAIRE

[Percent]

State	Legislators responding	Direct election				If direct election fails, legislators would favor					
		Individual support [1]		Predicts legislative approval [1]		Proportional plan			District plan		
		Yes	No	Yes	No	Yes	No	Undecided	Yes	No	Undecided
Alabama	32	60	40	49	45	62	27	11	33	31	36
Alaska	43	69	31	57	23	35	50	15	30	55	15
Arkansas	52	75	23	59	34	61	12	27	50	23	27
Delaware	41	63	37	50	42	66	17	17	25	12	63
Georgia	44	56	39	41	50	49	29	22	54	24	22
Hawaii	34	92	8	92	8	69	12	19	38	19	43
Idaho	50	47	53	27	70	38	30	32	66	21	13
Louisiana	25	79	15	67	22	56	16	28	62	8	30
Maine	43	63	37	52	42	43	29	28	54	26	20
Maryland	48	70	30	51	35	62	24	14	36	34	30
Mississippi	53	59	40	47	47	55	35	10	38	30	32
Montana	63	65	34	57	32	53	36	11	42	28	30
New Hampshire	41	69	31	48	41	62	20	18	37	27	36
New Mexico	42	70	30	67	31	50	26	24	39	43	18
Nevada	50	73	27	67	30	83	7	10	14	43	43
North Carolina	36	58	42	30	60	53	27	20	65	28	7
North Dakota	51	37	60	20	72	44	31	25	46	29	25
Oklahoma	29	53	47	35	47	47	24	29	50	21	29
Oregon	52	66	32	54	36	42	37	21	52	29	19
Rhode Island	37	81	19	78	18	71	16	13	33	38	29
South Carolina	47	62	35	51	43	58	28	14	43	34	23
South Dakota	55	66	34	50	45	42	30	28	52	20	28
Texas	43	60	38	53	40	63	23	14	44	25	31
Utah	40	69	29	64	31	67	20	13	28	33	39
Vermont	52	77	23	62	30	59	25	16	34	34	32
Virginia	54	55	43	39	50	61	32	7	44	35	21
Wyoming	54	55	43	37	55	53	32	15	27	47	26
Total	44	64	34	50	41	55	26	19	43	29	28

[1] Where total of those responding to direct election questions does not equal 100 percent, the difference represents those legislators who were undecided.

Mr. GRIFFIN. Mr. President, to my surprise and great interest, there were only two States in which less than a majority of those responding indicated they would ratify the direct election plan; and furthermore, to my surprise and great interest, I found that the proportional plan and the district plan alternatives enjoyed less support among the individual State legislators than the direct election proposal.

So among the three, at least at that particular stage in debate in August 1969, it appeared clear to me that if reform were to be based on any of the three proposals, the best chance to achieve ratification was through the route of the direct election plan rather than approval by Congress of either the proportional or the district plan.

I have no reason to believe that the attitude of State legislators has changed since August 1969, although I recognize that a considerable period of time has elapsed.

I hope that this information will be of assistance during the debate.

Mr. BAYH. I appreciate the Senator's permitting me to impose upon him. As I stated in my earlier, prepared remarks, the Senator from Michigan has made a significant contribution toward putting this question in proper perspective. We can all speculate—indeed, the Senator from Michigan would be the first to admit it, as I am sure he has mentioned—but there is really no way of knowing how legislators who are to be elected in 1970 will vote in 1971. I have had 8 years' experience as a State legislator, but I do not think State legislators are a unique breed. I think they pretty well represent their constituencies. Although the Senator from Nebraska (Mr. HRUSKA) would be the first to take issue with me, I just cannot conceive of a State legislator making such an important judgment on this question by some sort of mathematical formula. When 80 percent of the people of a State feel that something ought to be done, I think there is a reasonable chance that the State legislature will respond, just as I think there is a reasonable chance that this body will respond, as the House has already responded, because this is an idea whose time has come.

I should like to quote a statement made by our lovely lady colleague, who has put this proposal in exactly the right perspective. The distinguished Senator from Maine (Mrs. SMITH), who has been a longtime supporter of direct election, said about what might happen if this proposal is agreed to:

> The foremost objection to the popular election vote proposal is that under it the small population States like my own State of Maine would lose proportional power to the large population States.
>
> My answer to that argument is that it is the will of the people—the will of a majority of the voters—rather than the proportional power of any State that is important and that should prevail—the people should not be secondary and subservient to the States.

I think the Senator from Maine put it very well. Interestingly enough, if we go down the list of some 40 cosponsors, we find the names of both the Senators from Maine, both the Senators from Rhode Island, one Senator from Alaska, one Senator from Hawaii, both Senators from Montana, and one Senator from New Mexico. There does not seem to be any indication that they are concerned about supporting direct election while being from a small State.

I respect the judgment of anyone who looks at the matter differently. But I think that basically most Senators will look at this situation from the best interests of their country and not try to figure out whether they are losing a proportionate share of their influence in the electoral college, particularly when one takes into consideration the very real and practical consequence of the unit rule and how this is a tremendous advantage to the large States. I think that sometimes the large States have an advantage and sometimes the small States have an advantage.

I do not know whether we have to play this electoral roulette business and hope that everyone comes out well.

I must say that as I listened to the comments of the Senator from Nebraska, my recollection of history is a bit different than his. I think that we can look back and see some malfunctions and constitutional crises that developed under this system. We can see some very near misses.

Thank God for our Founding Fathers and we are grateful for their wisdom, but it was not infinite wisdom. And if there was one area in which they did not have foresight, it was in the way in which they drafted the electoral college system. It is not functioning today in the way in which they intended to have it function.

Although the Constitution was not finally concurred in by the requisite number of States until late in the 18th century, by 1804 we had the 12th amendment to the Constitution which was the direct result of the constitutional crisis brought on in 1800 by the very electoral college which, according to the Senator from Nebraska, has never subjected us to a constitutional crisis.

The John Quincy Adams-Andrew Jackson race in 1824, in my judgment, came very close to presenting us with a constitutional crisis.

I do not see how we can call the Tilden-Hayes matter anything but a constitutional crisis. We ended up by choosing a man as President who had fewer votes than his opponent.

In 1948, if there had been a change of 30,000 votes, we would have sent to the White House a man with an electoral majority but with 2 million fewer votes than his opponent.

We are all familiar with what happened in 1968.

If we take the situation in 1948 and apply it to 1972 or 1976, I am deeply concerned that we would have chaos that would be unparalleled in this country. We cannot expect the President of the United States to be an effective leader if he had 2 million votes less than the man he was running against.

Those are not isolated examples of what could happen. Those things very nearly did happen. Those are numbers that actually did result. We have had what I feel were malfunctions of the system which I alluded to in my earlier remarks.

As the Senator from Nebraska knows, I strongly disagree with his feeling that this would destroy the two-party system. Frankly, I think it would strengthen it. It is the only plan that would guarantee to the Democratic or Republican precinct workers that they should get out and hustle the votes because the votes will count. Sometimes they do not count. Sometimes they count for the person for whom the voters did not vote.

I think the best way to strengthen our two-party system is to assure the men and women who work at the grass roots level that the direct election system does bear fruit and that they should go out and get the votes.

I will not go down the point-by-point indictment given so eloquently by the Senator from Nebraska. However, later we will have a chance to see what the historians say happened in Philadelphia. I was not there and no other Senator was there. We do not know.

Most historians say that the electoral college had nothing to do with the "grand compromise." As the Senator from Tennessee has pointed out, the "grand compromise" established the Senate and the House of Representatives. It had nothing to do with the electoral college. The matter of fraud, recount, challenges, and national control were dealt with earlier.

Rather than delay the Senate any longer at this time by going over the same ground a second time, I will wait until later.

Mr. HRUSKA. Mr. President, the Senator from Indiana and the Senator from Nebraska are in agreement on one point. There will be ample time during which we can knock down each other's arguments.

I would imagine that if the arguments advanced on both sides are all knocked down, we would find that those who want very drastically to change our Constitution had not met their burden of proof.

With reference to 1804 when the 12th amendment was adopted, it must be said that that amendment left untouched and unchallenged and fully effective the assignment of a given number of electoral votes to each State. Indeed, I find it striking that, even though there was an unanticipated tie in the electoral vote in 1800, no one dared to suggest in the discussion over the 12th amendment that the concept of electoral votes be destroyed. The 12th amendment is striking proof that the electoral system can be intelligently reformed when necessity requires it, without destroying the system altogether.

Now then as to the idea that State legislatures are not judged by a strict mathematical formula of approval or disapproval on the pending amendment, let me suggest this very simple statistic. It is something that is going to interest every one of the legislatures of the less populous States. Each one of the less populous States has a larger agricultural orientation than industrial. Some of the larger States, like Indiana, have a vast orientation toward the agricultural votes of their State.

Last Saturday, a preliminary report of the Bureau of the Census was pub-

lished. It showed that the farm population in 1960 was roughly 15 million people. The report for 1970 shows 10 million people—a reduction of 5 million people or 33⅓ percent.

Are we to think that the legislatures and the legislators of those States—and we can just imagine that tremendous bread basket area in the Midwest—are going to look at those figures and say, "We will concede to these heavily populated States with metropolitan areas—conceivably not more than a dozen of them—the power to overrule any semblance of choice we have?"

I think not.

They have a little leverage power now. Nebraska has a total of three Representatives plus two Senators. It is not enough to dominate but it is enough to neutralize and contain in a reasonable way any excesses that might be practiced upon the less populous States by the more populous States. That would not appeal to those who seek strict mathematical equality; but it appeals to us as a matter of survival.

We know the relative position of the farm bloc 25 years ago and 30 years ago, and the position now. It used to be big and it used to be influential; it no longer is. We who come from States comprising the farm bloc no longer have the power we used to have. It is a battle now to get a sensible farm plan and have it adopted, particularly in the other body. The only way we have been able to contend with the situation in a reasonably effective way has been to adopt such features as appeal to metropolitan areas such as food stamp plans and the free distribution of food to the poor, the oppressed, and the hungry and to say, "We will do this much for your people but you will have to do these things which have a direct impact on the agricultural population in order that that segment of our Nation can continue to remain economically feasible."

That is the only way we have been able to do it. Given the impact of the heavily populated areas, this minority will be shunted to one side and its impact destroyed. That is not the only minority. There are many minorities in America: the poor, the black, the yellow, the red. Mr. Richard Goodwin testified most eloquently on that point. I know of no one who has been more eloquent than he in speaking on behalf of minorities.

The impact and the influence of minorities will be heavily, heavily handicapped and discounted and in some places totally obliterated if the mass monolithic direct election process is approved.

Mr. BAYH. It is interesting to see that the Senator from Nebraska used Richard Goodwin to support his contention when Richard Goodwin is arguing that the large States have the advantage under the present system; but the Senator from Nebraska is arguing that the small States have the advantage under the present system.

Mr. HRUSKA. No. Mr. Richard Goodwin said that the minorities are virtually snuffed out.

Mr. BAYH. Would that suggest that when an expert agrees with you he speaks the Gospel but when he reaches another conclusion he is no longer accepted?

Mr. HRUSKA. That is poetic license in which all debaters engage. The Senator from Indiana and the Senator from Nebraska are no exceptions to that rule.

Now, I wish to turn to the so-called poll of the State legislatures taken by the Senator from Michigan. I have before me an analysis of the poll that was prepared for me, and I shall read it in the RECORD. I wish to call attention to some of the points in this analysis.

I understand the Senator did ask that the poll be printed in the RECORD.

Mr. GRIFFIN. That is correct.

Mr. HRUSKA. This analysis was prepared by a member of my staff in whom I have great confidence and I have high regard for his integrity and honesty in these computations. If there is anything in here that is in error, I will make corrections on the floor of the Senate.

My analysis indicates that the national mail poll was sent to 3,943 legislators in 27 States. Responses were received from 44 percent of them. Of those answering, 65 percent, or a total of 28.2 percent of those polled indicated they favored direct popular election.

In weighing the value of the poll in each of the 27 States, it must be noted that the percentage of legislators who responded from each State varied tremendously. It ranged from a low of 25 percent in Louisiana to a high of 55 percent in South Dakota. In 16 of the 27 States less than 50 percent answered. In no States were the responses from legislators favoring direct election high enough to establish that the State would approve direct election.

We can extrapolate and conjecture and say that so many went this way and so many that way, but the figures are the facts to which I advert now.

This poll does not establish the existence of a groundswell of support for direct popular election. The percentage of any State legislature actually "voting" for direct election never exceeded 41 percent. That was in Montana. Vermont followed closely with 40 percent.

What kind of basis is this upon which to base the conclusion that legislatures would be for direct election? Why, in this body, when we do not have 50 percent, we suspend operations until we get 50 percent to continue operations. I think that example would be well followed in this instance.

Responses from five other States showed that more than one-third of the legislators favored direct election. Between one-fourth and one-third of the legislators in 13 States were favorable, and less than one-fourth were favorable in the other seven States polled. A State-by-State breakdown has been placed in the RECORD by the Senator from Michigan.

There was no breakdown of the responses by the houses within a State; that is, between members of the lower house and the upper house. That is very important. There could be a 90–10 break in the composite legislature but if they voted separately, that breakdown could be very important. I do not know what it would show but we should consider it in this composite picture.

The legislators in seven States predicted the amendment would not be ratified by their State: Georgia, Idaho, North Carolina, North Dakota, Oklahoma, Virginia, and Wyoming. In three other States, fewer than 50 percent of those answering predicted victory: Alabama, Mississippi, New Hampshire.

The only other recent poll was conducted by the UPI, May 12, 1969. UPI interviewed legislative leaders in all 50 States. The result, in several cases are in direct conflict with the Griffin poll. UPI listed the following States as unlikely to approve direct election while the Griffin poll showed they were likely to approve: Alabama, Arkansas, Utah. The Griffin poll showed opposition while UPI showed a liking for direct election in North Dakota and Oklahoma. UPI listed Nebraska and Arizona as unlikely to approve direct election. Senator GRIFFIN did not poll those States.

I want to say that in the State of Nebraska the legislature has gone on record very overwhelmingly against direct election. The majority party of the State of Nebraska, hopefully to become the majority party in this body next January, held a State convention last Saturday and overwhelmingly opposed the idea of direct election. They understand full well what is here involved—not only a throwing to the wolves of the voting power of the less populous States, but also the idea of losing a very great part of their present vote.

I make these remarks not in a personal way at all, but as an analysis of figures that have been compiled. I am sure that in due time additional polls will be taken, perhaps too late for the purposes of debate, but I think these polls should be the subject of a little cogitation and thought and analysis and criticism and should well be explored before we accept the conclusion that a predominant number of States are in favor of this proposal.

Now I am happy to yield to the Senator from Michigan who, I am sure, has some telling points to make.

Mr. GRIFFIN. I do not know that that is the case. I thank the Senator for yielding.

Concerning the statement made by the Senator from Nebraska on the survey—and those facts are obtainable from an examination of the report and a summary of the results—I would say to the Senator from Nebraska that a return on any questionnaire survey of 40 percent is an extraordinarily high return. I have often heard that if a Member of Congress or a Senator receives a 15-percent response to a questionnaire sent out to his constituents it is considered very high.

Of course, I would be much more satisfied and pleased with the survey if every one of the State legislators had responded. In evaluating the results, I think it is appropriate to point out that we did not get a 100-percent response. Nevertheless, I do not think the results can be easily discounted because the percentage of return was 40 percent, or 35 percent, in this or that State.

As I indicated earlier, I sent out the survey, believing, without any basis, that the so-called proportional or perhaps the

district plan would stand a better chance for ratification by the legislatures of the several States than would a direct popular election proposal.

In his comments the distinguished Senator from Nebraska did not touch on the fact that the survey does reveal, in an interesting way, that there is more support, among those who responded, for the direct popular election plan than for either of the other two proposals.

I could not avoid the conclusion, looking at the results of the survey, that if we are to have election reform, and the choice is to be among those three alternatives, we stand the best chance of achieving reform by approving the direct popular election proposal.

Mr. HRUSKA. I could not quite agree with that last suggestion and conclusion by the Senator from Michigan, and I will tell the Senator why, frankly. A little while ago a statement was made that there was no division between the two Chambers of the legislature. That further dilutes what is already a skinny basis on which to form any conclusion. Normally, 40 per cent is a very high response, especially on a rank-and-file basis. We have heard of Professor Gallup and others taking 13 or 14 percent and then extrapolating it from that. That was done in England, and they got "fouled up" on it, and they did not quite get the drift of things, to the delight of Mr. Heath.

But when we are representing people in a representative capacity and when there is no known alliance between those in one House and those in the other House, each of which must vote separately, a great deal of doubt is cast onto the picture. There is no doubt about that.

There is this further element which is going to come out very soon, because when the dangers that led to Professor Black's conclusion—the conclusion he reached and articulated in the course of the hearings—becomes known to the legislatures—the seven grounds upon which the minority views are predicated—I have an idea that when that concept is coupled with the loss of voting power, with the likely destruction of the political party system in the country, with the disappearance of one of the two remaining characteristics of a federated republic concept, when all those factors sink into the consciences and thinking of the legislatures, and they hear from their voters, the outcome will be a resounding "No."

I might observe that there are only two vestiges, two traces, two evidences of the federated system. The Chamber in which we sit, which houses 100 Members of the U.S. Senate, is one. The electoral college is the other. Given the approval of the direct election amendment, there will be only one, because the election of a President by that system will destroy any role of States as States in the election process.

All the other Federal institutions having been taken away. Not even the States can say how they want their legislatures composed. We were not guilty of that. A body of nine men down the street did that. No longer is there intrastate commerce; it is only interstate commerce, because those words and clauses have been defined as anything which affects interstate commerce, and there is not anything that does not affect interstate commerce.

The list is long, but the process of erosion and the process of destruction of the federated system is almost complete. The only two aspects that we have that are recognizable, that are identifiable, and that are so fundamental and so important are the electoral college and the Senate of the United States.

Mr. President, already the literature has been printed and the declarations by those interested in politics have been set into motion—the Senate is next.

In the hearings on the one-man, one-vote rule and the resolution for a constitutional convention to consider that subject, in the legislature of the great State of Illinois, a man representing a large segment of the political picture in that State frankly said, "Yes; when we get through this and see to it that the legislatures are what the Supreme Court said they should be, and not what each sovereign State determines that they should be, the next target is the U.S. Senate."

Mr. President, if and when that becomes a reality, and we face the type of debate which we are commencing today, then I do fear for the durability of this Republic. Then there will be dominance of the national picture by the populous States, and they will number a dozen, more or less. The rest of the States can resign themselves to the proposition of taking a highly inferior role, and one that will degrade their standing and their rights, and will represent a total obliteration of consideration, even in the limited fashion which they now receive.

I say again, the weighting of the electoral votes assigned to each State does not give them control or a veto; it gives them just a little assistance, so that collectively, in the Mississippi Valley, for example, it would have some slight effect on the voting power of that vast area which has so many common interests.

If the small States are deprived of that, then indeed they will be consigned to the tender mercies of those States which, even now, under our present system, sometimes rush pellmell into situations that might subserve their respective States, particularly in the matter of garnering votes, but which, on a national basis, are not good, and which could even portend disaster, because, in the long run, economic losses cannot be defined by legislation. Too many unsuccessful attempts have been made in that direction.

So, Mr. President, I say, as we proceed in this debate, I hope these points will be considered laboriously. I hope the debate will not be tedious, but will be thorough, and I feel satisfied that when the scales are measured out, this body will not follow the path of discarding one of the most fundamental, deeply rooted, and highly necessary elements in our federated system of constitutional government as we have known it from the outset.

Mr. BAYH. Mr. President, I have listened with a great deal of interest to my friend from Nebraska as he has pleaded the cause of the farmers of this country. He is looking at one of them. I have had dirt under my fingernails and other ingredients of farm life on my clothes, and I am a little bit familiar with the plight of the American farmer.

I suggest to the Senate that for us to think that the farmer is being saved by the electoral college system totally ignores the fact of what has been happening to the farmer under the electoral college system.

Come, let us stand shoulder to shoulder, I say to my colleagues from Nebraska and others who are concerned about the plight of the farmer in America, but let us not rely on such faulty evidence as would suggest that the present presidential election system is any safeguard for the farmers of America. The rural economy of this country is going right down the drain, but that fact has no relationship at all, I say to my friend from Nebraska, to the type of electoral system we have been using.

If the electoral college system is the savior of the farmers of America, with friends like that the poor farmer does not need enemies.

What we are talking about is an entirely different type of thing. I share the Senator's concern that we not ignore the vast reaches of this country which provide the sustenance for America; but I must say I wonder just how much influence they really have under the present system.

The Senator from Nebraska speaks eloquently of the fact that, at the rate we are moving toward large metropolitan areas, before long a dozen or so will be able to control the country and elect the President.

Right now, as the Senator from Indiana reads the 1970 Census figures, 11 States, under the unit rule, can indeed elect the President of the United States, and all a candidate has to do is carry each of those States by a handful of popular votes. It does not have to be any broad mandate. If you carry those 11 States, theoretically, by one vote each, your man is elected President of the United States. This is so even if the Nevadas, the Utahs, the Nebraskas, the Arizonas, the New Mexicos, the Idahos, and the Montanas all vote the other way.

What sort of a voice does the farmer in those areas really have under the present system in electing his President? Why is it that in the last election campaign, the major candidates did not go to Omaha, Nebr., with its 380,000 people? They all went to Oakland, Calif., with its 380,000 people.

It is obvious why they went to Oakland and did not go to Omaha: Because they were after those electoral votes. It did not make any difference how many people lived there; but they thought, If you can change a few votes in Oakland, you are not really dealing with 380,000 people, you are dealing with those 40 electoral votes.

They have done this time and time again. There is Topeka, Kans., with about 110,000 people. In the last election, none of the major candidates went to speak in Kansas. They did go to Battle Creek, Mich. They did go to Springfield, Ill., Canton, Ohio, Lancaster, Pa., and

Rochester, N.Y., each with 110,000 people.

The answer is the same. I ask the Senator, Why do we not want a system, why do we not urge a system whereby, if you live in a hometown that has 110,000 people, or 380,000 people, or a half million, the candidates will go there because there are that many people who live there? Why do we have to interject the artificial factor of electoral votes?

When I was in Anchorage, Alaska, last summer, I was approached by the democratic floor leader of the State senate, a very fine young man.

He said, "Senator BAYH, I want to tell you frankly that I have followed your proposal very carefully, and I want to tell you that when that direct popular vote thing gets up here to Alaska I am going to have to be against it."

I asked, "Why is that?"

He said, "We would lose our vote. We would lose our influence."

I said, "I do not want to step on your toes, but how much influence do you now have?"

He asked, "What do you mean?"

I said, "When is the last time we had any candidates who were so interested in your influence that they came up here?"

Of course, he said, 1960, when Richard Nixon came up there.

I repeated to him what Theodore White, whom we have been quoting so profusely here today, said in his book. He said that Nixon would have been elected in 1960 if he had not gone to Alaska, but instead had campaigned around Cook County.

But we do not know. We are playing a numbers game, and do not gain a great deal from it. There are some instances when small States can have great advantage; there are other situations where the large States can come in together and elect the President of the United States. I must say I think we are going to find more patronage, more campaigning, and all those things in the more populous States as time goes on.

I think we must not overlook that what is important in this country is not political advantage, but people. We now have a system which largely ignores the people, and that is why I hope this measure will be successful; because then, instead of being concerned about State boundary lines, we will be concerned about the people, where they live, and what their problems are, and will not always be thinking about that angle of how to be successful in getting a few more electoral votes. Instead we will really be concerned about the problems of the people who live in the various areas.

As I have pointed out—I do not think the Senator from Nebraska was here, but it will be in the RECORD—it was interesting to me, while sitting there listening to those hearings, to have one very learned individual come in and suggest that the present system ought to be kept sacrosanct because it protects the large States that have an advantage, and to have the very next fellow, equally expert, come along and say he thinks it ought to be kept intact because it protects the interests of the small States.

I think it is a compounding of that irony when my friend from Nebraska quotes Richard Goodwin to sustain one of his points, because Goodwin is one who is arguing contrary to the Senator from Nebraska. Unlike the Senator from Nebraska, Goodwin feels that the large States have an advantage.

I do not know whether Goodwin is right or our distinguished friend from Nebraska is right. But I say that if we are really worried about equity, duty, justice, and equality, we are going to wipe away all the disadvantages. We are going to see that each vote counts one time, and one time only, and see to it that the man who wins is the man who gets the most votes; and the only system that guarantees that result is direct popular election.

I want to say one word in defense of the Senator from Michigan, although after listening to him, I do not think he needs any defense. I must say his poll includes the sort of mathematics we need. His poll is one of the most sophisticated polling efforts I have ever seen, especially when compared with some of the polls sent out by some of our brothers here or over on the other side. The Senator from Michigan was obviously concerned about what those legislators felt. He gave them the alternative solutions. Perhaps a 40-percent return does not speak as well as it should for direct election. But the Senator from Nebraska, as I recall, has been supporting the district plan. That fares much worse in this poll. In fact, I have not been out of the State legislature too long to be unsympathetic to State legislators. However, we are in the U.S. Senate now, and the Senator from Nebraska suggests that there are those who say that now it is the Senate's time, the Senate is next.

But I wonder whether there really is any place for the U.S. Senate if we make our final judgment as to whether there should be a constitutional amendment or not by going hat in hand to the State legislatures and trying to figure out exactly how they are going to vote. I think we must pass the best amendment we can.

The Senator from Michigan has shown that certainly this is not an uphill battle. 339 Members of the House of Representatives voted in favor of it. I do not think that these people, who have to run every 2 years, can be too far out of touch with their constituencies. We are told that 81 percent of the people of this country are for direct popular vote. The League of Women Voters studied this matter for over a year and have received a favorable response of approximately 89 percent. Interestingly enough, favorable sentiment was equally dispersed throughout the country. The chamber of commerce polled its members and received a more favorable response for direct popular vote than for all the other plans put together. Add to this the support of the AFL–CIO and the UAW, and I will take my chances with that of State legislatures. I will take my chances, because I think most legislators want to do what is right for the country.

I think that the plan we are presenting comes closest to meeting the problems that exist. This plan also lets the President of the United States truly represent the whole country—the entire country—and lets each voter have the chance to cast his vote and be counted. Direct election does not allow this decision to be made in some smoke-filled room, where the power brokers parcel out the presidency, with the people not really knowing what is going on.

I think this is the true test, and I hope we do debate it fully and then let the Senate work its will. I am willing to abide by the Senate's decision, because the Senate has proved historically that it usually comes down on the right side when the hour is late.

Mr. HRUSKA. Mr. President, I shall not delay the Senate any longer. I ask unanimous consent to have printed at this point in the RECORD the last two full paragraphs on page 37 of the report on this bill, together with the first full paragraph on page 38.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The proponents of direct election may reply that they bear no animus against the federal system, that, on the contrary, they support it by recommending retention of State equality in the Senate. State equality in the Senate is certainly a strong underpinning of federalism, but with the great powers at the disposal of the President, would it not be foolish to rely upon the Senate alone as the bulwark of the federal system? Certainly, the Framers did think that equality of representation in the Senate would be sufficient—which is why they decided to give the States a role in the selection of Presidents, a role that has been reinforced by our federally structured political parties.
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> If one day, someone comes forward to say that it is surely an absurdity to give New York and Hawaii equal representation in the Senate, that a recent computer study has conclusively demonstrated that a citizen of New York is disfranchised 33 times relative to a citizen of Hawaii; and that, in so important a matter as the passage of national legislation this is tantamount to a denial of equal protection of the laws—when that day comes, what argument can the proponents of direct election make to defend State equality in the Senate?
>
> The proponents of direct election must be asked how they proposed to defend the federal system in principle. It is one thing for them to say that they favor the retention of the federal system; it is quite another for them to make an argument for federalism on the basis of the logic which impelled them to propose direct election in the first place.
>
> The federal system is an explicit departure from the doctrine of mere numerical majorities, from the doctrine of "one-man, one-vote." If no departure from the doctrine is to be permitted in the Presidency, by what reasoning is it to be defended in the federal system? Conversely, if it is to be tolerated in the federal system, why should it not be tolerated in the Presidency?

Mr. HRUSKA. This bears upon the proposition of the federal system being eroded little by little to the point of final disappearance.

I am happy that this debate started before we consider the farm bill that we are going to have here soon. It is suggested that rural life is going down the drain with the electoral college, and I suggest that perhaps this amendment could be offered as a part of the farm bill so as to revive and make prosperous once

again the agriculture of this country. It would make just as much sense, Mr. President, to make that kind of amendment to the farm bill as it would to contend, as did the Senator from Indiana, that the farmer is not in good shape under the electoral system and therefore we ought to get rid of it.

Mr. BAYH. The Senator from Nebraska was the one who opened the argument about the farm problem. He said unless we were able to keep the electoral college, the poor farmer was going to get it in the neck.

I just suggested, as one farmer who has been getting it in the neck under the electoral college, that this kind of argument does not make much sense.

Mr. HRUSKA. With full due respect to the Senator from Indiana, he will see, upon reviewing the record, that I say that the adoption of the direct election will result in a loss of voting power for the President by the agricultural States, and I stand by that statement. If they do not have as much political clout as they had 25 years ago, it is going to be reduced by almost 30 percent, I think—that is subject to verification—under the transfer from the electoral system to the direct popular system. I do not see how that vast interest known as the agricultural economy of this country can profit from 30-percent loss in voting power for the President.

I recall with some pleasure that there was virtually unanimous decision in the electoral vote in the Mississippi Valley, in all the agricultural States, on behalf of the present incumbent in the White House. That means something, acting as a unit. But to cut that down by 30 percent, or whatever the figure is, would not serve their interest quite so well. I stand on that proposition, not that it is going to directly bring prosperity back to the farmer. But it gives him a little instrument with which to work.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in this afternoon's Washington Star, written by James J. Kilpatrick, entitled, significantly, "The Most Deeply Radical Amendment."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MOST DEEPLY RADICAL AMENDMENT

The United States Senate launches itself this week into one of the most fateful debates in American constitutional history. By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Prof. Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the States for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Consider, for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.

It is at this point that the machinery of federalism begins its delicate braking action. Major parties ordinarily have no trouble in getting their candidates on the ballot in every state. The petition process makes it more difficult for third parties. George Wallace, it will be recalled, had a terrible time in 1968 before he could get his American Independent Party qualified. When Strom Thurmond ran in 1948, he made it to the ballot in 15 states only.

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties. Only four times in this century has a minority party won electoral votes. The Socialists, Progressives, Prohibitionists, Constitutionalists and others have sputtered ineffectively within their state compartments. And because each of the two major parties has been compelled to make a broad appeal, the United States has benefited from political stability and prudent compromise.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples party, a Peace party, a Revolutionary party, a Young Americans party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists, and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn, and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by our illustrious majority leader, the Senator from Montana (Mr. MANSFIELD) on the federal system under direct election.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Federal System is not strengthened through an antiquated device which has not worked as it was intended to work when it was included in the Constitution and which, if anything, has become a divisive force in the Federal System by pitting groups of states against groups of states. As I see the Federal System in contemporary practice, the House of Representatives is the key to the protection of district interests just as the Senate is the key to the protection of State interests as State interests. These instrumentalities, and particularly the Senate, are the principal constitutional safeguards of the Federal System, but the Presidency has evolved, out of necessity, into the principal political office . . . for safeguarding the interests of all the people in all the states. and since such is the case . . . the Presidency should be subject to the direct and equal control of all the people.

Mr. BAYH. I think it is important for us to put this matter in proper perspective. None of us wants to destroy the federal system, but I think that if we look at what was said by Madison and Hamilton and some of the other illustrious gentlemen of a bygone age, we really see that the Senate, not the electoral college, is the key to the federal system. We are on a very weak reed if we think the electoral college was any part of it.

Mr. President, I have not had a chance to read the article by Mr. Kilpatrick which the Senator from Nebraska put in the RECORD, but I wonder whether the Senator will let me know whether Mr. Kilpatrick referred to Professor Black in that article.

Mr. HRUSKA. Yes. And I have read similar articles on the same subject by that very fine columnist—and a wise and levelheaded man he is, very intelligent. I bank on his general philosophy, and when he deals with "the most deeply radical amendment," he deals with it successfully and well.

Mr. BAYH. In order to be consistent, I ask unanimous consent to have printed in the RECORD an article published in this morning's Washington Post, written by columnist David S. Broder, which I think deals with this matter rather lightly, yet accurately, if one reads about the strange bedfellows who exist in this particular debate. I say "bedfellows" in the finest sense of the word.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLASS IN POLITICAL ADVICE

Following are taperecorded excerpts from this morning's seminar in contemporary issues as Professor John Henry Galbissinger's Academy of Political Understanding:

Professor: All right, class, settle down. It's been a nice holiday, but now we must commence again the thinking. I have for you, a little riddle.

Johnny: OK, pops but not too tough. We've been away all summer.

Prof: What do the following men have in common: Nicholas deB. Katzenbach, Congressman William L. Clay of Missouri, Richard Goodwin, Theodore H. White and Professors Alexander Bickel, Harry V. Jaffa, Ernest Brown and Charles Black?

Mary: What a question! I never even heard of half of those cats.

Prof: All right, I'll help you. Nicholas Katzenbach was Robert Kennedy's successor as attorney general.

Class: Cool!

Prof: Mr. Clay is a black Congressman from St. Louis, a liberal Democrat. Richard Goodwin, you all know?

Johnny: Oh, yes. He's cool. He was for Kennedy and McCarthy and peace and everything.

Prof: Theodore White—the "Making of the President" author?

Mary: Oh, he's a dreamy writer. And how about those others, the professors?

Prof: Distinguished lawyers and political scientists from Yale and Harvard and so on. Now, think. What do they have in common?

Butch: Spiro Agnew has attacked them?

Prof: A good guess, but not quite right, I'll give you a hint. They have something to do with a current question before Congress.

Mary: They're a committee to outlaw the ABM.

Johnny: They're trying to repeal the no-knock law.

Butch: They've all opposed the Vietnam war.

Prof: Good guesses, but you're still not on target. I'll ask it this way. There are six senators who use these men as their intellectual advisers. I'll give you an A if you can name one of the senators.

Mary: George McGovern.

Butch: Charley Goodell.

Mary: Mark Hatfield.

Others: Harold Hughes, Charles Percy.

Prof: No, no. I can see you are very out-of-touch. Nicholas Katzenbach, Congressman Clay, Richard Goodwin, Theodore White and the four professors are the intellectual heroes of—are you ready?

Prof: James Eastland, John McClellan, Sam Ervin, Roman Hruska, Hiram Fong and Strom Thurmond.

Class: You're kidding! What've you been smoking, pops?

Prof: I am not kidding. Those six senators are the members of the Judiciary Committee who oppose the constitutional amendment for direct election of the President, which we will discuss these next few weeks, while it's under debate in the Senate. I want you to read the minority report they filed, and you will see that their authorities—the only contemporaries they quote to back up their own arguments—are the men I mentioned.

Johnny: Well, what's their beef with direct election?

Prof: As you will see if you do your homework, they say it is a "truly radical" proposal, and they cite Katzenbach and Goodwin and Theodore White to prove it.

Mary: But to guys like Eastland and Thurmond and Hruska, those cats must seem pretty radical themselves. And you say this congressman they're quoting all over the place is a black? McClellan and Eastland and Thurmond are quoting him? Why don't they quote any conservatives?

Prof: Perhaps they think it takes a radical to spot a radical proposal. It's odd. The groups you would consider conservative—like the Chamber of Commerce and the American Bar Association—are the ones who are really pushing this amendment, so they can't quote them. They can't even quote President Nixon—he's for it.

Butch: But—isn't it kind of embarrassing to those senators to have to quote Dick Goodwin and Teddy White and all those Ivy League professors?

Prof: Well, how do you think Goodwin and Katzenbach and White and the professors feel about being quoted by those senators? It balances out, I'd guess.

Johnny: Hoo-boy, that would be some caucus if all those cats got together to make plans. Wouldn't you love to have that picture? Ole Strom and Dick Goodwin! Man, I'm dreamin'.

Prof: Settle down, class. I can see you've forgotten what Washington is like. . . .

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 p.m.) the Senate adjourned until tomorrow, Wednesday, September 9, 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 8, 1970:

NATIONAL CREDIT UNION ADMINISTRATION

Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration; new position.

EXTENSIONS OF REMARKS

FORMER TEXAS GOV. COKE STEVENSON RECEIVES FRED EARWOOD MEMORIAL AWARD

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FISHER. Mr. Speaker, at the recent annual convention of the Texas Sheep & Goat Raisers' Association in San Antonio, Tex., the coveted Fred Earwood Memorial Award was given to former Gov. Coke Stevenson. It was a highly deserved recognition not only for the contribution Governor Stevenson has made to the sheep and goat industry but also for the distinguished record he has made as a statesman in the constant battle for good government.

The Fred Earwood Memorial Award was created last year by the growers in memory of the late and lamented Fred Earwood who resided at Sonora, Tex. Following Mr. Earwood's death more than 2 years ago the Texas Sheep & Goat Raisers' Association created a special fund "to memorialize one of the outstanding leaders of our industry, and to annually recognize some deserving person whose contributions exemplify Fred Earwood's dedication and efforts for the welfare of all sheep and goat producers."

Hundreds of Mr. Earwood's admirers made voluntary contributions, and I understand the fund now totals more than $10,000. Income from this fund is used annually for some appropriate way to recognize the recipient. Last year it was my honor to have been the first to receive the award, which to me was a source of much pride.

Mr. Speaker, under leave to extend my remarks I include an article about the award to Governor Stevenson, which appeared in the August edition of the Texas Sheep and Goat Raiser magazine. The article follows:

EARWOOD AWARD GIVEN EX-GOVERNOR OF TEXAS

The Texas Sheep and Goat Raisers' Association honored its only living charter member here today at the 55th convention by presenting former Texas Governor Coke R. Stevenson with the Fred Earwood Memorial Award.

Created some two years ago by TS&GRA directors, the Earwood Award is the highest award of distinction given by the association. Following the death of Fred Earwood, friends and associates brought about the formation of a special fund to memorialize him. Each year some deserving person whose contributions exemplify Earwood's dedication and efforts for the welfare of all sheep and goat producers is recognized.

Coke Stevenson of Junction was singled out for his continued support and aid to the sheep and goat organization for over 55 years. Since the first meeting in Del Rio in 1916, his services and advice have aided in the building of the association.

"I doubt if any of us realized how important that meeting was, or what a great organization it would lead to," said Governor Stevenson recently as he recalled the Del Rio meeting. "At the time, there wasn't much about it that would make us think we ought to try to remember it in later years."

He said the purpose of the meeting was to stop large-scale stealing of sheep and goats.

"The talk in Kimble County was that somebody was doing a lot of stealing, but nobody was able to catch them. We set some traps, and pretty soon we caught a man. We found out he would go out into a pasture, stretch a wagonsheet in the gate and drive the sheep across. The wagonsheet kept them from leaving tracks. We sent him to the penitentiary."

"Agitation had grown to form a statewide organization of sheep and goat raisers to stamp out the stealing. The charter was established that day in Del Rio," he added.

Governor Stevenson bought his first ranch land in 1913 and at all times when not engaged in public service, operated the ranch at Telegraph and practiced law.

He was elected to the state legislature in 1929. He later was elected Speaker of the House. He was re-elected Speaker in 1935. For the first time in the history of the Texas Legislature a Speaker succeeded himself!

He is the first Texan to hold the three highest executive posts: Speaker of the House (1933–37), Lieutenant Governor (1939–41), Governor (1941–47). He still holds that record. He was also the first man to have more than two terms as governor.

As Governor of Texas, Coke Stevenson and his administration became known for putting the state on a sound financial basis directing a deficit of 34 million dollars from a column of red figures to a column of black ones. There was no curtailment of services. On the day Stevenson became Governor, the

state's leading newspapers noted that he was "as Texan as a Steer Brand."

Following his retirement from public service at the state level, Mr. Stevenson's life has been a time of enrichment for him as a human being. He has developed in Kimble County one of the finest ranch properties in the hill country. Stevenson and his son's (Coke, Jr.) holdings total more than 14,000 acres and in some seasons as many as 7,000 wild deer roam over their grazing lands with the sheep and goats.

Mr. Speaker, while I am on the subject I believe it appropriate to include an article about the late Fred Earwood, which appeared in the April 1969 issue of the Sheep and Goat Raiser. Following that I will include a tribute I wrote about Mr. Earwood, which appeared in the same issue.

The two articles follow:

FRED EARWOOD: "MR. SHEEP AND GOAT RAISER"
1893–1968

It has been said that a leader accomplishes the most when those around him consider him just another busy worker; a person who leads by example rather than by dictating to others. The late Fred T. Earwood of Sonora was such a leader.

The sheep and goat industry—from Texas to international levels—benefited from Earwood's efforts to improve his goats and sheep by continuous culling and breeding. In speaking of his philosophy for the industry Mr. Earwood stated, "I've always felt that we *can* and *must* produce what the buyers want." He worked his entire lifetime ceaselessly toward this goal. The influence of his tried and true methods continues as a living monument to a man who did not seek leadership but was so often drafted for front line duty.

Improved wool and mohair, improved breeding practices, greater market demand, soil and range conservation, producer graded products, improved grading and judging standards, wider youth education and participation, world-wide market reports, better organization for governmental purposes, and public education on the livestock industry were only a few of the many facets of this man—a heritage that cannot and should not be forgotten or unremarked.

Born in Kimble County in 1893 he learned ranching from his father. He started ranching for himself in 1917, locating in Edwards and Sutton counties. He soon realized that ranchers would have to improve their products if they were to be able to exist in the midst of myriad combined problems that harassed and often broke the producers.

The struggle he experienced in those early days to obtain quality products from inferior livestock spurred his actions throughout his career.

Through the years both his pleasure and his increasing workload came from culling out low quality sheep and goats from his own flocks and teaching other ranchmen how to cull. Many years of experience gave him the ability to demonstrate culling as an art of mind, eye and hand. His simple rule of "cull out the bad so that the good will automatically improve" was far more difficult to do than mere words indicate. He believed in bloodlines, registration and pedigrees.

In 1929, a railroad line was laid through Sonora. Earwood was among a group of ranchmen with the foresight to see this opened up the area as a market center. A stock company was formed to build the Sonora Wool and Mohair Company. Earwood was made a director and a member of the wool marketing committee. He later was manager and president of the company.

The largest warehouse in Texas, Senora Wool and Mohair Company, is today the fourth largest in the nation. Earwood maintained an extensive and unique source of national and international market information. He obtained current reports from South Africa, England, Australia and other foreign markets on an unwritten exchange system operated for mutual benefit to producers everywhere. Many market center managers, brokers and buyers who had never met Earwood personally—knowing him only by his reputation in the industry—kept him abreast of market action and fluctuations by telegrams, as a matter of mutual respect and regard for his desire for the best for all concerned. He reciprocated by a constant stream of telegrams from Sonora.

His search for ideas and methods for industry improvements and problem solving extended far beyond market reports. He spent many of the night hours reading newspapers and magazine articles covering subjects ranging from scientific research on natural fibers to local coverage of his neighboring ranchmen's activities and problems.

Each day as he covered many hours driving his pickup over long Texas-size miles, he would mull over in his mind all the information gathered in his reading and try to apply answers to questions and solutions to problems. Over a period of years the distillation of this knowledge, combined with his own experience and his natural tendency to be a good listener, made him a foremost authority in his field.

It was a natural process of cause and effect based on respect for this quiet, hardworking, judicious man that caused him to be chosen time and again as a spokesman in the state and national capitals and in industry organizations. Texans like for their leaders to "practice what they preach" and Earwood did.

A past president and long active in the Texas Sheep and Goat Raisers' Association, he was also elected president of the board of trustees of the National Wool Growers Association. He was an avid water and soil conservationist. In 1965 he received one of the Texas Agriculture Agents Association's "Man of the Year in Texas Agriculture," awards.

Instrumental in organizing the warehousemen, he served two terms as president of the Texas Wool and Mohair Warehousemen's Association. The American Angora Goat Raisers Association chose him as an officer in their organizations. He was a member of the American Sheep Producers Council, the Mohair Council of America and other industry groups.

A vigorous "youth" backer too, he believed in the future and importance of 4–H and FFA club work for the nation's young people. Annually he turned over the giant warehouse at Sonora to the young people for the Sonora Wool and Mohair Show, and the annual wool judging contest.

"Young people must learn how to produce a better product," he said, adding "that a better product is the only way sheep and goat producers can stay in business." Recently he added another division to the annual event covering range grass identification. The show now offers an opportunity to learn about production from the range to the warehouse. Mr. Earwood believed, "that knowing about grass is important to youngsters for they cannot produce top quality wool and mohair unless they know what their animals are eating."

"He was a man who always had time to listen to my problems or anyone else's," recalled one ranchman. Another said, "The harshest criticism I ever heard Fred Earwood give, even under great pressure, was that he was 'a little disappointed' in someone or something. He was slow to criticize and quick to praise." "He was always working on some civic improvement for Sonora and I don't know how he kept so many irons in the fire at one time," commented a citizen of Earwood's hometown.

It is amazing that Fred Earwood in his busy active far-reaching crusades is remembered best as a person who had time to care about others and their welfare.

Texans are an independent, cautiously conservative people of whom it is said that "you can lead them over a cliff but you can't push them an inch." This, however, does not mean that they are easily lead or persuaded toward changes and innovation. Through the years Mr. Earwood met opposition to some of his ideas and methods without discouragement or loss of purpose.

A TRIBUTE
(By O. C. Fisher)

Of all the people with whom I have dealt, the late Fred Earwood was the most unforgettable and irreplaceable one person I have ever known. There's an old saying that "no one is indispensable." And it is true. But there is a difference between being indispensable and being irreplaceable.

Fred Earwood could be called "Mr. Wool," "Mr. Mohair," or "Mr. Ranchman," and each appellation would be remarkably appropriate. That was his life—breeding, sorting, buying and selling sheep, goats, wool and mohair. In each respect he was pre-eminent. The quality of the sheep and goats he raised and improved long ago became legend. Even Earwood cut-backs were sought by those with a flare for excellence.

While amazingly successful in his own business, Fred was essentially a servant of others—a form of service for which he was rarely ever paid. That was the way he wanted it. That was the only way he would have it. Seeing others benefit from the application of his expertise was compensation enough.

How many ranchmen can testify about hours spent by Earwood at their cutting chutes, dividing their sheep and goats for disposal of cut-backs, and then advice about replacements?

To be sure, the tens of millions of pounds of mohair and wool he sold on assignment meant normal income for the warehouse he managed. I have in mind that extra service, those extra hours he gave—whether at a ranchman's corral or while bantering buyers to pay an extra cent or two per pound for that man's clips.

In the latter respect his talents were exceptional. He knew market trends and watched them with the eye of an eagle. He read the trade journals each day. When it came to making a sale, the buyers knew that Fred knew what he was doing. They trusted his word about what he had to offer and they respected his knowledge.

More than once Fred has telephoned me in Washington to find out what the Turkish and South African mohair stockpile amounted to at a given time. He, like all alert mohair salesmen, had an eye on the export market.

The day following Earwood's death, Hugh Munro, dean of the Boston buyers, came into my Washington office to express his sorrow. "Fred Earwood knew wool and mohair like few other men in his time," he commented.

After the war ended, it was feared the imported supply would be dumped on the market. Fred kept the telephones to Washington and Boston busy as he pleaded for restraint in plans for disposal.

Disposal as related to quantities and qualities could make a major difference. There was no inventory or breakdown with respect to kid hair, grown hair, and othr assortments.

It was agreed that an inspection was necessary. Who was to do it? Growers were wary of bureaucratic findings. It was finally agreed by growers, the trade, and the government—that Fred Earwood was the one man in America who could be trusted by all of them to do that job. He did it, carefully

and laboriously sorting fleece after fleece, sack after sack of sampling—with the eye of a true expert.

His findings were readily accepted, and his recommendations for painless disposal were agreed to. The mohair was sold in limited amounts so as to do the least harm to the market. The mounting concern was eased, and the effect of the sales on the market was hardly noticeable.

I have seen Fred Earwood match wits with government wool and mohair experts on more than one occasion. They could never cope with his cold logic, that vast storehouse of useful experience and knowledge which he would draw upon. As a general rule they would come around to his way of thinking.

A book could be written (as indeed one should be!) about Fred Earwood's varied contributions to the industry and to individual growers. The night was never too dark, the hour was never too early, the distance was never too far, for Fred to go that extra mile in behalf of an industry he loved and the growers to whose interest he was devoted. Who ever heard of Fred Earwood taking a vacation?

He was in the true sense a square shooter. His word was his bond. The smallest producer got the same treatment as the biggest one. His judgment was rarely ever questioned.

Fred honored every man for his face value, and he was instinctively a good judge of men. He placed implicit trust in every man whom he knew deserved to be trusted. He maintained a proper aloofness from the others, always polite and discreet. He helped untangle many a problem for a distressed ranchman, covering nearly anything from a domestic quarrel to a financial jam.

Speaking of Earwood's mannerisms, an intimate recalled: "If someone would say something slightly derogatory about one of Fred's friends, Fred wouldn't argue. More often he'd just stare at the man in cold silence."

During his lifetime Earwood probably sold more breeding stock sight-unseen than anyone. I recall buying a bunch of young ewes from him one time. I never saw them until after they were trucked to my ranch 75 miles away and unloaded. Two or three years later range got short and I sold some ewes to a neighbor.

"Where did you get 'em?" he asked." They're mostly Fred Earwood sheep," I replied. 'I'll take 'em! he snapped—and he did so, sight-unseen.

For years to come, ranchmen and cowboys, as they meet in shearing sheds, in warehouses, and over coffee cups, will talk about Fred Earwood.

"Fred would love this rain!" an old-timer would say: "I'll never forget one time when my best buck came up with a limp. We tried everything, and I thought sure we'd lose him. Then I got on the telephone and called Fred an' . . ." Still another would add, "There'll never be another like him."

And so in nostalgia the talk will go on and on, year after year, about the truly unforgettable and irreplaceable—the one and only—Fred Earwood.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Wednesday, September 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good, a great help in the day of trouble: And He knows those who trust in Him.—Nahum 1: 7.

Renewed in spirit and restored in mind, our Father, we return from our recess ready for the responsibilities we face in these troubled and trying times. Give us strength to do our work well this day and all days. Let us not turn from its difficulties, nor evade its challenges, nor seek to escape its duties.

Help us to keep our minds clear, our hearts clean, and to live so faithfully that no failure can dishearten us, no frustration can discourage us, and no fear can take away from us the joy of an inner integrity.

God bless America, we pray Thee, and lead her and all nations in the paths of peace. By Thy grace alive within us may we remove all bitterness, reduce all misunderstanding, and learn to live together in the spirit of a genuine good will: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, August 14, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution;

H.R. 16900. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 17123. An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes;

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; and

H. Con. Res. 675. Concurrent resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16900) entitled "An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. BYRD of West Virginia, Mr. MCGEE, Mr. MONTOYA, Mr. BOGGS, Mr. ALLOTT, and Mr. FONG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17575) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. FULBRIGHT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18127) entitled "An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. RUSSELL, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mrs. SMITH of Maine, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1933) entitled "An act to provide for Federal railroad safety, hazardous materials control and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. SCOTT, and Mr. PROUTY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 578. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 1196. An act for the relief of the Casa Angelia mental retardation facility of Albuquerque, N. Mex.;

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 1943. An act for the relief of Arie Abramovich;

S. 2735. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land;

S. 3032. An act for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza;

S. 3129. An act for the relief of Dr. Pio Albert Pol y Zapata;

S. 3196. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes;

S. 3225. An act to provide that the U.S. District Court for the Western Division of the Southern District of Mississippi shall be held at Natchez;

S. 3330. An act to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes;

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors;

S. 3487. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes;

S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.);

S. 3553. An act to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes;

S. 3702. An act for the relief of Dr. Nahid Mansoori Diaz;

S. 3775. An act to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code;

S. 3796. An act for the relief of Reynaldo Canlas Baecher;

S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes;

S. 3853. An act for the relief of Mrs. Pang Tai Tai;

S. 3997. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians;

S. 4078. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes;

S. 4148. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents;

S. 4319. An act to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 90 days;

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin;

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases; and

S. Con. Res. 79. Concurrent resolution favoring the suspension of deportation of certain aliens.

The message also announced that the Senate requests the House of Representatives to return the bill (H.R. 16968) entitled "An act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 17, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the following messages:

That the Senate passed without amendment the following:

An act for the relief of Low Yin (H.R. 5655);

An act for the relief of Tae Pung Hills (H.R. 12400);

An act to confer United States citizenship posthumously upon Jose Guadalupe Esparza-Montoya (H.R. 12446);

An act to confer United States citizenship posthumously upon Lance Corporal Frank J. Krec (H.R. 13265);

An act for the relief of Mrs. Maria Eloisa Pardo Hall (H.R. 13895);

An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact (H.R. 13971); and

An act to confer United States citizenship posthumously upon Staff Sergeant Ryuzo Somma (H.R. 13997).

That the Senate agree to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3547) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes."

Respectfully,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 19, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the following messages:

That the Senate passed without amendment the following:

An Act for the relief of Eagle Lake Timber Company, a partnership, of Susanville, California (H.R. 1749);

An Act for the relief of Anan Eldredge (H.R. 2849);

An Act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient (H.R. 6265);

An Act to authorize command of the United States ship *Constitution* (IX-21) by retired officers of the United States Navy (H.R. 8662);

An Act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard (H.R. 9052);

An Act for the relief of Gloria Jara Haase (H.R. 12959);

An Act to amend title 10 of the United States Code to provide that United States flags may be presented to parents of deceased servicemen (H.R. 13195);

An Act for the relief of Mrs. Marcella Coslovich Fabretto (H.R. 13383);

An Act for the relief of Vincenzo Pellicano (H.R. 13712);

An Act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes (H.R. 15374).

In addition, the Senate having proceeded to reconsider the bill (H.R. 16916) entitled "An Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Respectfully,

W. PAT JENNINGS,
U.S. House of Representatives.
By W. RAYMOND COLLEY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *August 21, 1970.*

The Honorable The SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the following message:

That the Senate passed without amendment the following:

An Act to repeal the Act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe. (H.R. 15866),

Joint Resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week". (H.J Res. 1194).

Respectfully,

W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.
By W. RAYMOND COLLEY,

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *August 25, 1970.*

The Honorable The SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the fol lowing message:

That the Senate passed without amendment the following:

An Act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission. (H.R. 15351);

A Concurrent Resolution authorizing the reprinting of additional copies of the report of the Select Subcommittee on Education entitled "Education in Israel" for the use of the Select Subcommittee on Education. (H. Con. Res. 679).

Respectfully,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.
By W. RAYMOND COLLEY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 31, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the following message:

That the Senate passed without amendment the following:

An Act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance (H.R. 17133).

Respectfully,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 1, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on August 14, 1970, the Clerk received from the Secretary of the Senate today the following message:

That the Senate passed without amendment the following:

An Act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission dockets numbered 90 and 122 and for other purposes (H.R. 13434);

An Act to improve and clarify certain laws affecting the Coast Guard Reserve (H.R. 13716);

An Act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket numbered 96, and for other purposes (H.R. 14097);

An Act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes (H.R. 14827);

An Act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes (H.R. 16416);

An Act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes (H.R. 16968).

Respectfully,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, August 14, 1970, he did, on Tuesday, August 18, 1970, sign enrolled bills of the House, and an enrolled bill of the Senate, as follows:

H.R. 5655. An act for the relief of Low Yin, also known as Low Ying;

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 12446. An act to confer U.S. citizenship posthumuously upon Jose Gauldalupe Esparaza-Montoya.

H.R. 13265. An act to confer U.S. citizenship posthumously upon Frank J. Krec;

H.R. 13895. An act for the relief of Mrs. Maria Elosia Pardo Hall;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact;

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma; and

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

And on Wednesday, August 19, 1970, signed enrolled bills of the House, as follows:

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the U.S. ship *Constitution*—IX–21—by retired officers of the U.S. Navy.

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen.

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano;

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

And on Thursday, August 20, 1970, signed an enrolled bill of the House, as follows:

H.R. 1749. An act for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif.

And on Friday, August 21, 1970, signed an enrolled bill and joint resolution of the House, as follows:

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

And on Tuesday, August 25, 1970, signed an enrolled bill of the House, as follows:

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission.

And on Monday, August 31, 1970, signed an enrolled bill of the House, as follows:

H.R. 17133. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

And on Wednesday, September 2, 1970, signed enrolled bills of the House, as follows:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission Dockets numbered 90 and 122, and for other purposes;

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission Docket numbered 220, and for other purposes; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

APPOINTMENT AS MEMBER OF JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as a member of the Joint Committee To Investigate Nonessential Federal Expenditures the following member of the Committee on Appropriations to fill an existing vacancy thereon: Mr. WHITTEN, of Mississippi.

APPOINTMENT AS MEMBER OF BOARD OF REGENTS, THE SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 United States Code 42 and 43, the Chair appoints as a member of the Board of Regents of the Smithsonian Institution the gentleman from New York, Mr. ROONEY, to fill the existing vacancy thereon.

THE LATE HONORABLE JAMES SECCOMBE

The SPEAKER. The gentleman from Ohio (Mr. Bow) is recognized.

Mr. BOW. Mr. Speaker, I have the sad duty of announcing to the House the death of the Honorable James Seccombe, a Member of the House of Representatives for the 16th District of Ohio in the Seventy-sixth Congress.

Mr. Seccombe passed away Sunday, August 23, in Canton, Ohio, at the age of 77, after a lifetime of dedicated service in the public interest.

He was my dear friend and I mourn his passing.

Jim Seccombe began working after he finished the eighth grade in Canton. He never stopped. During his long career, he served as a member of the Canton City Council, as mayor of Canton, as a Member of Congress and as a director of the Stark County Board of Elections for many years. Under his direction, the board of elections undertook registration and voting campaigns which won attention and honors throughout the Nation.

Mr. and Mrs. Seccombe celebrated their 50th wedding anniversary in November. In February of this year he was honored by the members of the First United Church of Christ and tributes to him came from across the Nation, including a message from President Nixon.

In addition to Mrs. Seccombe, survivors include his son, James Seccombe, Jr., of Birmingham, Mich., and daughter, Mrs. Dorothy E. Shriver of Canton.

To include with my remarks at this point the Canton Repository article on Mr. Seccombe and editorials from the Repository and the Evening Independent of Massillon, Ohio, as follows:

STARK'S "MR. REPUBLICAN": DEATH COMES AT 77 FOR JIM SECCOMBE

James "Jim" Seccombe—Mr. Republican of Stark County—is dead.

The former U.S. representative, mayor of Canton, city councilman and longtime director of Stark County Board of Elections died Sunday after a long battle with heart trouble. He was 77 years old.

"Jim," as everyone knew him, resigned early this year as a member of the board of elections.

He was still active and still felt pretty well but he knew he was not as strong as he should be.

And he wanted to be on hand to help break in his successor, Jim Williams of Alliance.

Born in Mineral City Feb. 12, 1893, the seventh of 10 children, Jim completed the sixth grade in Tuscarawas County before the family moved to Canton.

He finished the eighth grade here and then went to work to help support the family, selling newspapers and clerking in stores before becoming a machinist's apprentice with Wheeling & Lake Erie Railroad in Canton and Brewster.

He was a machinist for Arctic Ice when World War I broke out. He enlisted in the Army and served with the 134th Field Artillery, 37th Division in the front lines of the Meuse-Argonne offensive and took part in the battles of Verdun and Apremont.

After the war he returned to Arctic Ice and then moved to Timken Roller Bearing Co., first as a machinist and later as foreman in the tool room.

He started his political career by being elected a Republican precinct committeeman.

His first major victory was in 1927 when he was elected Ward 5 councilman. He was re-elected in 1929 and was elected president of council in 1931. He became mayor on June 30, 1932 when C. C. Curtis died.

Jim lost his bid to remain mayor in 1933 but was elected in 1935. He was re-elected in 1937.

In 1938, he was elected U.S. representative and served in 1939 and 1940.

While in Congress Jim served on the District of Columbia Committee and chairman of subcommittees on government buildings, traffic, police, fire and parks.

He was dubbed the "Mayor of Washington." Because of his work with the parks, the Botanical Gardens daily sent flowers to his office.

That was when he started wearing a carnation in his lapel, a practice which became his trademark for the rest of his life.

Jim also had two other trademarks—a cheery smile and his devotion to the Republican Party.

Jim was honored and eulogized by the great and the small last March 31 when 400 of his friends attended a testimonial in his honor at Onesto Hotel.

At this meeting, Gov. James A. Rhodes told the group, "We are here to give flowers to the living and to eulogize a living legend in Stark County."

Jim responded, characteristically, "This is the day I hoped would never come but it is a day I will always remember. I'm going to dedicate the rest of my days to service to the people of Canton."

After quitting his post as a member of the board of elections, Jim had several sick spells and finally ended up in Aultman Hospital.

He recovered enough to act as grand marshal of the Memorial Day parade but later was in and out of the hospital several times.

When Jim resigned last year, he had completed 27 years of service to the Board of Elections.

He also served as member and chairman of the Stark Metropolitan Housing Authority, member and chairman of the Canton Park Commission and as chairman of the Ohio High School All-Star Football Game Directors Association.

He was a member and former deacon of First United Church of Christ. He formerly was assistant superintendent of the Sunday school and taught the Neher class for many years.

A member of Fidelity Lodge F&AM, he was past monarch of Nazir Grotto, a member of Stark Consistory 32nd Degree Masons, Al Koran Shrine, Canton Shrine Luncheon Club, Canton Commandery 38, Knights Templar, American Legion Post 44, Floyd Hughes Post Veterans of Foreign Wars, Cootie Club and Canton Ex-Newsboys Association.

Jim and his wife, Hazel R., celebrated their 50th wedding anniversary in November. They lived at 1439 Fulton Road NW.

Other survivors include a son, James Seccombe Jr. of Birmingham, Mich.; daughter, Mrs. Dorothy E. Shriver of Canton; sisters Mrs. Anna Umbenhour, Mrs. Dora Howe and Mrs. Minnie Coble, all of Canton; brothers, William Seccombe of Canton and Samuel Seccombe of Uniontown; eight grandchildren and one greatgrandchild.

Services will be at 2:30 p.m. Wednesday in First United Church of Christ with the Rev. Karl Koepke officiating. Burial will be in North Lawn Cemetery.

Friends may call from 2 to 4 and 7 to 9 p.m. Tuesday at the Arnold funeral home. The body will lie in state at the church from noon until the services Wednesday. Fidelity Lodge will conduct Masonic services at 6:45 p.m. Tuesday in the funeral home.

JAMES SECCOMBE: CANTON'S FRIEND

The little man with the big heart and the white carnation is gone.

Jim Seccombe has passed from the Canton scene he graced so proudly and loved so dearly. There is not likely soon to be another like him.

The range of his activities and interests was so wide and so varied that no man could claim to being his equal in involvement in politics, sports and community service.

A former mayor and congressman, an election specialist, a recreation enthusiast and a champion of public housing as a member of the commission devoted to that purpose, he gave liberally of his time and energies to every cause he undertook.

In a sense, he might be described as Canton's "toastmaster general" in the tradition of Georgie Jessel. When he was called upon to serve as a master of ceremonies, no meeting was too large or too small for his special touch of good humor or serious comment.

And no contribution to civic betterment was to obscure to win his acclaim because his generous recognition of the good deeds of others far exceeded any credit he took for himself.

While he proudly bore the gratuitous label of Mr. Republican he had a host of friends in both parties. One need only recall the luncheon tribute on the occasion of his retirement as director of the Stark County Board of Elections to confirm the respect and admiration he held among his Democratic contemporaries.

It would be less than honest to say that everyone was Jim's friend. No one who accepted the challenge of controversy as he did on so many occasions could escape some ill feelings. But his sincerity was seldom questioned and he was respected for never running from a confrontation if he felt he was right.

The old town won't seem the same without the presence of the dramatic little figure who seemed to be everywhere with a ready greeting and a warm handshake.

He was not afraid of death. He knew his time was running out, but even to the end his interest never diminished and his dedication to the things that were good for Canton were vibrantly alive.

Jim Seccombe will be missed.

A CAPABLE AND DEVOTED LEADER

The little fellow with the ready smile and fresh boutonniere is dead. James E. Seccombe of Canton died Sunday morning in Aultman hospital, Canton, where he had been a patient since April 14. He had had a long battle with heart trouble.

Mr. Seccombe was perhaps Stark county's best known resident. A superb greeter, he headed the welcoming line at so many functions that thousands came to know him by his affectionate name of "Jim" or "Jimmy."

He was also "Mr. Republican" to many, for he had been active in the party for over 40 years. He started as a precinct committeeman in 1927 and worked his way up through the Canton city council to mayor of Canton and congressman from the 16th congressional district.

Jim served his city, county and nation well. He concluded 27 years on the Stark county board of elections when he resigned last year, and at his death was still a member of the Canton-Massillon Metropolitan Housing authority, the Canton Planning commission, Canton park commission and a member of the executive committee of the Stark County Republican Central committee.

Mr. Seccombe was well known in Massillon, particularly by older residents of the city and for many years was always present to help honor Tiger football teams at their annual banquets.

He was a self-made man, having quit

school after the eighth grade to help support a family of 10 children by selling newspapers and clerking in stores, until he got a job as an apprentice machinist with the Wheeling & Lake Erie railroad in Brewster.

Anyone who knew the man can understand how it was possible for him to rise from such a small beginning to represent his district in the United States congress. He was ambitious, forceful and determined, but with it all had the ready smile that won so many friends; it will be remembered long after this has been written.

Canton and Stark county have lost a capable and devoted leader who will be missed by the public and in the many halls in which he has served. And we in Massillon, too, have lost a friend and good neighbor.

The Evening Independent sympathizes with his wife, Hazel, and other surviving members of his family.

APPOINTMENT OF CONFEREES ON TREASURY AND POST OFFICE DEPARTMENTS, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATION BILL, 1971

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none and appoints the following conferees: Messrs. STEED, PASSMAN, ADDABBO, COHELAN, MAHON, ROBISON, CONTE, EDWARDS of Alabama and BOW.

USE OF RESERVISTS AND GUARDSMEN

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, Secretary of Defense Laird has taken a realistic course in his plans to use reservists and guardsmen to bolster U.S. military forces where additional personnel are needed. For some unaccountable reason, very little use has been made of the Reserve components, other than Air Force, for a number of years. Apparently this has been a carryover from the efforts of Secretary McNamara to downgrade the reserves and to reduce reliance upon these forces in times of national emergency. Substantial sums are required for the training and equipping of the Reserve components and it makes sense to utilize their services where and when they are needed. The Reserve components are the least costly of all our military forces, they maintain a constant state of readiness, and they are composed of dedicated individuals. I am confident the units will welcome an opportunity to serve and that the Secretary's action in reducing dependence upon the draft will evoke a good response throughout the country.

URGES ACTION ON HOUSE CONCURRENT RESOLUTION 340 WHICH CALLS FOR MANDATORY EXTRADITION AND TRIAL OF AIRPLANE HIJACKERS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, 69 Members of this House from both sides of the aisle are now cosponsoring House Concurrent Resolution 340 which I introduced a year ago calling for the State Department to negotiate bilateral treaties with as many countries as possible for mandatory extradition of hijackers and requiring that such hijackers be tried for the crime of hijacking.

I hope that the House will pass this resolution without any delay for, indeed, the wave of terrorism that is now sweeping the world can no longer be ignored by anybody.

We have had 79 hijackings so far this year, and 250 altogether.

Mr. Speaker, the thing that disturbs me most is that in aviation circles today, among the foremost American jet pilots, there are reports that some of our own American revolutionaries are planning to hijack American jet airplanes and fly them to North Vietnam and China.

We can no longer tolerate this. The American Pilots Association and the International Federation of Pilots are both supporting House Concurrent Resolution 340, and both have indicated that if such treaties are negotiated, they will boycott those countries which refuse to sign such treaties for mandatory extradition of hijackers by refusing to fly into or out of such countries.

So, Mr. Speaker, it is my hope that this resolution will be adopted forthwith.

As I said, Mr. Speaker, 69 Members are cosponsoring the resolution, and it would be my hope that we have no delay in either hearings or adoption of this resolution as a significant contribution toward dealing with this international piracy and wave of terrorism now sweeping the world.

POSTPONEMENT OF HEARINGS BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, I regret to announce postponement of the hearings previously scheduled by the Committee on Standards of Official Conduct for September 10, 15, 16, and 17 on operation of the present laws on lobbying practices.

Prospective witnesses have advised the committee that they cannot arrange to appear on those dates, principally because they say they cannot prepare the type of presentations they want to submit in this short length of time.

We hope to reschedule the hearings as soon as dates satisfactory to all parties can be arranged, hopefully early in October.

The hearings had been scheduled in response to a resolution, which the House adopted last month, directing the committee, which I have the honor to chair, to conduct investigations and studies looking to possible remedial legislation in the areas of lobbying and campaign finances. The committee decided to treat the two subjects separately and announced the first series of hearings would deal with lobbying.

The decision to postpone these hearings temporarily came about in response to requests from several interested organizations whose spokesmen asked for more time in which to prepare their testimony.

We want to accommodate everyone we possibly can, not only those private groups most concerned with operation of the present lobbying statutes but Members of the House as well, many of whom have just returned to Washington following the recess.

DIFFERENCES IN DESEGREGATION BETWEEN THE NORTH AND SOUTH

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, elementary and secondary schools across Alabama are opening their doors for the new school year amid statements by the Nixon administration that almost all schools are being completely desegregated. There are, however, vast differences between the methods used in the North and South.

Recently, two articles relating to schools appeared in an Alabama newspaper on the same day. One told of a Federal court judge in Mobile ordering two county school systems to implement an amended desegregation plan after the freedom of choice method was ruled out. The other article quoted the Honorable George Romney, Secretary of the Department of Housing and Urban Development, telling 40 suburban mayors at a meeting in Warren, Mich., that his Department has no plans to force racial desegregation on their cities. Mr. Romney said and I quote:

> Nobody should be pressured to go anywhere—it is the essence of a free society that every family should have a choice.

Mr. Speaker, I respectfully ask why that choice should be in effect for residents of Michigan but not for Alabamians.

FILLING THE GAPS IN FEDERAL CIVIL RIGHTS LAWS

(Mr. MIKVA asked and was given permission to address the House for 1 minute.)

Mr. MIKVA. Mr. Speaker, on August 13, just prior to the recent recess, I introduced two bills, H.R. 18976 and H.R. 18977, to amend the Civil Rights Act of 1964.

The introductory statement relating to these bills, along with supporting correspondence with the U.S. Civil Rights Commission, appears on pages 29059–29067 of the CONGRESSIONAL RECORD. In the introductory statement, I name seven of our colleagues who had agreed to cosponsor with me the two bills

described above. These Members are Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. FRASER, Mr. ROSENTHAL, and Mr. RYAN. Although these Members had agreed to cosponsor the bills and although their names were mentioned in my introductory remarks, they were inadvertently, through a clerical error, omitted as cosponsors when the bills themselves were introduced.

Because of the omission of the names of the seven cosponsors on H.R. 18976 and H.R. 18977, I am today reintroducing those two bills, with no changes except the addition of the seven cosponsors.

INTERNATIONAL AIRPLANES' HIJACKINGS MUST BE STOPPED

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the airplane hijacking situation has reached international crisis proportions. The world community must act—and act quickly—not only to obtain the release of the hijack victims now being held hostage by Arab commandoes in Jordan but to prevent or at least deter future hijackings.

It would seem that agreement could be reached by the nations involved, not only on the matter of punishment for hijackers taken into custody but also on security measures which could be adopted to nip incipient hijackings in the bud.

To that end I urge that the countries which figure in airplane hijackings—actual or attempted—agree on a number of preventive measures which some have already adopted at least in part.

I suggest the placing of armed plain clothes security guards on all international commercial flights, searching baggage and the persons of passengers in some cases, and instituting an airlines personnel security program.

It is my information that U.S. airlines are employing a passenger profile or screening system which eliminates hijacking suspects among airline passengers down to approximately one-half of 1 percent. The rest of the passengers then go through a magnetometer check to see if they are carrying any weapons or bombs.

Now the Federal Aviation Administration and the airlines are talking about an actual physical search of suspected hijackers on certain risk flights. I urge that such action be taken.

Another proposal with considerable merit is a boycott by the International Pilots Association of any country harboring hijackers. A boycott of this kind could not very well be instituted by a government without offending the other government involved, but it might well be carried out by an organization like the IPA.

Mr. Speaker, there is no question that action must be taken to put a stop to international airplane hijackings. This is a matter of the greatest urgency and one that calls for the highest degree of international cooperation.

ADMINISTRATION IS ACUTELY AWARE OF CRITICAL HIJACKING SITUATION

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, as a follow-up to the remarks of the gentleman from Michigan, Mr. GERALD R. FORD, I think that the public should know that this administration is acutely aware of the critical hijacking situation across this Nation and the world.

I attended a meeting at the Federal Aviation Administration this morning which was attended by more than 25 representatives, including the Airlines Pilots Association, the Department of Transportation, the IATA organization, and some of the major airlines, at which time this overall problem was discussed in depth.

At the same time there was another high-level meeting at the White House, where the President, of course, expressed his very deep concern, and I would expect momentarily that there will be a statement issued that would pretty well follow the suggestions made by the gentleman from Michigan having to do, perhaps, with the use of sky marshals, armed personnel from the Department of Transportation or from the FBI or from the FAA or from the Department of Defense, some in uniform, and some out of uniform, but some armed persons to fly aboard, not only the international but also the domestic carriers.

I attended this meeting as the ranking minority member of the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, which has jurisdiction in this overall area.

ADJUSTMENT OF GOVERNMENT CONTRIBUTION WITH RESPECT TO HEALTH BENEFITS COVERAGE OF FEDERAL EMPLOYEES AND ANNUITANTS—RETURN OF H.R. 16968 TO THE SENATE

The SPEAKER laid before the House the following communication from the Secretary of the Senate:

IN THE SENATE OF THE UNITED STATES,
September 1, 1970.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 16968) entitled "An act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes".

Attest:

FRANCIS R. VALEO,
Secretary.

Mr. DULSKI. Mr. Speaker, I move that the request of the Senate be agreed to.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman explain to the House briefly the nature of this legislation and the reason for the Senate asking the papers and this bill be sent back to that body?

Mr. DULSKI. Mr. Speaker, I will be happy to.

On September 1, the Senate, by unanimous consent, passed S. 1772, which would increase the Government's contribution toward the premium of Federal employee health insurance.

The two major differences between the Senate-passed bill and the House-passed bill—H.R. 16968—are: First, the Government contribution would be 40 percent of the premium whereas the House bill would be 50 percent; and second, the Senate bill would be effective on October 1, 1970, whereas the House bill would be effective on January 1, 1971.

It is our understanding that immediately upon passage of the Senate bill, it was intended that the Senate take up the House bill, strike out all after the enacting clause, and amend it to include the provisions of the Senate-passed bill, S. 1772.

However, the action on the floor of the Senate was to adopt the House bill without the amendment to include the Senate language.

Subsequently, when it was realized what had actually happened, a motion was approved in the Senate that the Secretary of the Senate be instructed to request the House to return the message on the House bill—H.R. 16968. The Secretary has made such a request that the House bill be returned to the Senate for consideration.

It also is our understanding that upon return of the House bill, a motion will be made in the Senate to amend the House bill by inserting the language of the Senate-passed bill. The House bill with the Senate amendment would then be returned to the House for further consideration.

This gives the details of what happened in the Senate.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. DULSKI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in other words, the other body took up the bill, apparently on the call of the calendar, and by unanimous consent, without debate, passed a bill that was faulty and now asks its return by the House.

Mr. DULSKI. That would be correct, in substance.

Mr. GROSS. I thank the gentleman for yielding.

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I thank the distinguished chairman of the Committee on Post Office and Civil Service for yielding.

It seems to me that the other body demonstrated remarkable perspicuity in passing H.R. 16968, the House-approved health benefits bill, without amendment. I deeply regret that the other body now feels that its action was in error and has formally requested return of the bill for further consideration. However, I shall not oppose the extension of this courtesy to the other body.

The SPEAKER. The question is on

the motion offered by the gentleman from New York.

The motion was agreed to.

A motion to reconsider was laid on the table.

PREVAILING RATE PAY SYSTEMS FOR GOVERNMENT EMPLOYEES

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 285]

Alexander	Fish	O'Neal, Ga.
Anderson, Calif.	Flynt	Ottinger
Ashley	Fountain	Pelly
Aspinall	Fraser	Pepper
Beall, Md.	Friedel	Powell
Belcher	Fulton, Tenn.	Price, Tex.
Berry	Gallagher	Pryor, Ark.
Biester	Gettys	Quie
Blackburn	Giaimo	Rees
Blatnik	Gilbert	Rivers
Brock	Goldwater	Rogers, Colo.
Buchanan	Green, Oreg.	Rosenthal
Burke, Fla.	Griffin	Roudebush
Burleson, Tex.	Gubser	Rousselot
Burton, Utah	Hagan	St Germain
Bush	Halpern	Sandman
Byrne, Pa.	Hansen, Wash.	Satterfield
Cabell	Hays	Scherle
Cederberg	Hébert	Scheuer
Chisholm	Hicks	Schneebeli
Clancy	Hull	Sebelius
Clark	Hungate	Sisk
Clausen, Don H.	Hutchinson	Skubitz
Clay	Jones, Ala.	Snyder
Collier	Jones, Tenn.	Stafford
Corman	Karth	Stephens
Cowger	Kuykendall	Stokes
Cramer	Landgrebe	Stratton
Daddario	Landrum	Stubblefield
Daniel, Va.	Leggett	Stuckey
Davis, Ga.	Long, La.	Symington
Dawson	Long, Md.	Taft
Delaney	Lowenstein	Thompson, Ga.
Denney	Lujan	Tunney
Diggs	McCulloch	Van Deerlin
Dowdy	Macdonald, Mass.	Watson
Edwards, Ala.	Mayne	White
Esch	Melcher	Wiggins
Evans, Colo.	Meskill	Wilson, Bob
Evins, Tenn.	Miller, Calif.	Wilson, Charles H.
Fallon	Morton	Wold
Feighan	Murphy, N.Y.	
	Obey	

The SPEAKER. On this rollcall 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, The JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. ROONEY of New York, SIKES, SLACK, SMITH of Iowa, FLYNT, MAHON, BOW, CEDERBERG, and ANDREWS of North Dakota.

PREVAILING RATE PAY SYSTEMS FOR GOVERNMENT EMPLOYEES

The SPEAKER. The question is on the motion of the gentleman from New York (Mr. DULSKI).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 17809, with Mr. BROOKS in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour and the gentleman from Iowa (Mr. GROSS) will be recognized for 1 hour. The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, H.R. 17809 is designed to provide an equitable and long-needed system in law for fixing and adjusting the pay scales for prevailing rate employees of the Federal Government.

Prevailing rate employees are more commonly identified as wage board or blue-collar workers.

There are more than 800,000 wage board employees on the Federal payroll, including workers in a wide range of crafts and trades.

The bill provides a limited expansion of the definition of prevailing rate employees so as to include two other small groups: First, employees of nonappropriated fund activities of the Armed Forces; and, second, employees of the Veterans' Canteen Service.

What we propose to do here is to write into law for the first time the long-established principles and policies for setting pay scales for these workers. About 80 percent of the wage board employees are employed by the Department of Defense. The others principally work for the Veterans' Administration, the General Services Administration, and the Department of the Interior.

There are laws on the books to cover other Government employees, but wage board employees lack this protection.

Why do we need these principles in law? Simply so that the employer and the employee know exactly the rules of the game.

There would be no conflict with the present rules as they apply to wage board employees. The problem is that present rules have no assurance of continuity. There is nothing to prevent them from being changed by administrative action tomorrow.

This uncertainty does not apply to other Government workers, and there is no justification for it applying to wage board workers.

To me, it is fundamental and only fair that we establish a Federal Prevailing Wage Advisory Committee with a full-time Chairman to replace the present advisory group.

We need five steps instead of the present three, plus a pattern of automatic step advancements.

There is clear need for a nationwide system of pay differentials for nonovertime work on second and third shifts. The present system is locally oriented.

Mr. Chairman, our Subcommittee on Manpower and Civil Service has investigated this matter very thoroughly as a result of public hearings and executive discussions. I commend the subcommittee chairman, the gentleman from North Carolina (Mr. HENDERSON) and his subcommittee for their excellent work.

I support the bill as reported from our committee and urge its passage.

For a more detailed explanation of the bill, I yield now to the gentleman from North Carolina (Mr. HENDERSON), the subcommittee chairman for such time as he may consume.

Mr. HENDERSON. Mr. Chairman, I thank the chairman of the full committee for yielding me this time.

Mr. Chairman, I rise to request favorable floor action on H.R. 17809, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

The purpose of this legislation is to establish statutory policy for setting the pay of the Federal Government's 800,000 prevailing rate employees. Prevailing rate employees are also commonly referred to as wage board or blue-collar workers. They are laborers, craftsmen, and tradesmen; as for example: truckdrivers, welders, aircraft mechanics, carpenters, and tool and diemakers.

The definition of "prevailing rate employee" is amplified by this bill to include employees of nonappropriated fund activities of the Armed Forces and employees of the Veterans' Canteen Service.

The bill has two major purposes:

First, it enacts into law the long-established principles and policies for setting the pay of prevailing rate employees.

Second, it makes the following changes in the current operating system and procedures:

Establishes a statutory Federal Prevailing Wage Advisory Committee to replace the current advisory committee created by administrative action to guide the coordinated Federal wage system. The committee currently has six representatives from management and five from employee groups. The proposed legislation requires one of the 11 members to be a full-time Chairman, who shall not hold any other office in the Federal service, and shall be appointed by the President for a 4-year term.

Provides that the new wage schedules have five pay steps instead of the present three steps. The present third step is 104 percent of the prevailing wage, the fifth step, as proposed, would be 112 percent.

Provides automatic step advancements after 26 weeks work in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4.

Provides a 7½-percent pay differential, nationwide, for nonovertime work during the second shift—3 p.m. until midnight—and 10 percent for the third shift—11 p.m. until 8 a.m. Currently the premium pay depends on the prevailing custom of each labor market area.

Provides "saved pay" for 2 years for prevailing rate employees who are reduced in grade. General schedule employees now have this but prevailing rate employees who must take a general schedule position, due to a reduction in force, do not.

Brings the employees of nonappropriated fund activities of the Armed Forces and employees of the Veterans' Canteen Service, within the 50 States and the District of Columbia, under the provisions of the prevailing rate system.

BACKGROUND INFORMATION

About 80 percent of the Federal Government's 800,000 prevailing rate employees work for the Department of Defense. Other leading employers are the Veterans' Administration, General Services Administration and the Department of the Interior.

In 1862 Congress authorized the Secretary of the Navy to establish the rates of pay of blue collar employees. The only existing legislation relating to these employees is found in 5 United States Code, sections 5341, 5342, and 5343. These sections briefly relate to a policy for setting the pay of prevailing rate employees.

During all these years the pay for wage board workers has been based on a survey of a sample of private industry firms in the local labor market area, generally within a 50-mile radius of the Government activity.

Since July 1968, the Federal Government has had a coordinated wage system, purporting to insure like pay for like work in the same labor market area. This was not necessarily true prior to 1968. The coordinated Federal wage system was established by Civil Service Commission regulations as the result of Presidential memorandums of November 16, 1965; one to the Civil Service Commission and the other to the heads of agencies, requiring equitable coordination of wage board practice.

PUBLIC HEARINGS

The Manpower Subcommittee held extensive public hearings last year on wage board pay policies and problems. The chairman of the Civil Service Commission, the Assistant Secretary of Defense for Manpower, and personnel officials from the General Services Administration and Veterans' Administration appeared before the subcommittee. All of these officials testified there was no need for legislation at this time. They were specifically opposed to having five pay steps and also to bringing the nonappropriated fund employees under the provisions of the Coordinated Wage System.

The Members took testimony from the heads of five national Federal employee organizations. All strongly endorsed the need for legislation.

COST

Cost estimates of this bill, developed by officials of the executive branch, and provided the subcommittee, are $230 million annually. This includes $190 million annually due to the fourth and fifth pay steps, and $40 million due to increased premium pay for second and third shift work. The present wage board payroll is approximately $4 billion. The cost of this legislation is only 5.7 percent above the present wage board salary expenditure. This falls short of the 6-percent pay raise enjoyed by most Federal employees last January.

The implementation of Public Law 90–560, the Monroney amendment, is going to cost an additional $100 million annually. But that would be true regardless of this proposed legislation.

NEED FOR LEGISLATION

Mr. Chairman, until now, Congress has been content to leave it up to the executive branch to provide for an equitable pay scale for the wage board employees. This is the only area of the Federal service where we have not made statutory provision to establish a pay scale.

In the classified civil service, we have established the general schedule salaries and benefits by act of Congress. Under the old Post Office Department, we have long had a statutory PFS salary schedule. The same is true of the armed services.

The wage board employees have been redheaded stepchildren and we have left it up to the executive branch for all practical purposes to pay them whatever it chose under a system entirely of its making. I do not oppose the concept of area wages, but I do believe that an employee receiving compensation which supposedly reflects the prevailing wage in his area for comparable work is entitled to a statutory guarantee that his wage will, in fact, be comparable.

The postal employees have had sizable raises and increased benefits by act of Congress in recent years and in this Congress. The classified civil service employees have had sizable raises and increased benefits by act of Congress in recent years, and in this Congress. Our uniformed military personnel have had salary increases and increased benefits by our action in recent years and in this Congress. Surely our wage board employees are entitled to equal consideration.

Mr Chairman, the need for this legislation has existed for some time, and early enactment into law will certainly be in keeping with recent legislation for other Federal employees.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Arizona.

Mr. UDALL. I wish to commend my friend from North Carolina for the excellent statement he has made and for his work on this bill. The subcommittee which he heads in the full committee is one of the most valuable in the House, in my judgment. And, the gentleman in the well is undoubtedly one of the most valuable members of our committee and, for that matter, of the House of Representatives as a whole. I wish to associate myself with what he has said, to strongly register my support for this bill, and to express the hope it will pass the House and become law this year.

I do have one further comment, if the gentleman will yield further.

Mr. HENDERSON. I am glad to yield to the gentleman.

Mr. UDALL. The really forgotten people in the Federal service have been the people who work for the nonappropriated fund activities—the post exchanges, the barber shops, the beauty shops, the officers clubs, the noncommissioned veterans' canteens, and places of that kind. For too long now those people have been without any protection. For a number of years they were not even covered by the minimum wage laws.

One of the features of this bill, under the gentleman's guidance, is that we would bring those nonappropriated fund employees under the cover of the wage board system. On page 24 of the bill we provide that their rates of pay be not less than the Federal minimum wage. So this is a great step forward for some of the people really at the bottom of the totem pole, people who have been neglected and ignored by the Congress and mistreated in connection with their work. I merely wish to commmend the gentleman for that feature of his work on the bill in addition to what I have previously said.

Mr. HENDERSON. I thank the gentleman for his comments on those points. Certainly on the first point, as chairman of the House Subcommittee on Civil Service, I know of no one who can point out more clearly than the gentleman from Arizona can that the wage board employees covered by this bill have not faired as well as they should, and it is time that we give them the attention this bill would give them.

On the second point to which the gentleman referred, coverage of nonappropriated employees, I am delighted the gentleman has highlighted that matter this early in the general debate, because the gentleman in the well expects to do all that he can to defend any attempts to remove the coverage of this bill for nonappropriated employees, and certainly I wish to alert all our colleagues in the House that there is no feature in this bill that I am more convinced is an absolute necessity in order to bring about fairness to those affected to the greatest extent, the dependents of the military who are located on the bases where post exchanges and nonappropriated activities are conducted. I will do my best to spell this out in greater detail as amendments are offered.

Mr. UDALL. Mr. Chairman, will the gentleman yield further?

Mr. HENDERSON. I yield to the gentleman from Arizona.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania (Mr. CORBETT), the ranking member of the Post Office and Civil Service Committee.

Mr. CORBETT. Mr. Chairman, I rise in support of H.R. 17809. I will vote for the bill and hope a large majority of my colleagues will do the same.

H.R. 17809 establishes statutory policy for setting the pay of the Federal Government's 800,000 prevailing rate employees.

Basically, this bill follows the procedures incorporated in the coordinated Federal wage system, which was authorized by Presidential memorandums dated November 16, 1965, and developed under the leadership of the chairman of the Civil Service Commission. The policy framework for the coordinated Federal wage system was established in December 1967, and the first wage surveys were started in July 1968, with complete conversion to this system on an area by area basis expected to be completed in October of this year.

The structure of the coordinated Federal wage system and that provided for in H.R. 17809 is very similar, except for the following major differences:

Under H.R. 17809 the chairman of the Federal Prevailing Rate Advisory Committee will be appointed by the President of the United States for a 4-year term at a rate of pay equivalent to the maximum rate for the general schedule, whereas under the coordinated Federal wage system, the chairman of the National Wage Policy Committee corresponding to the Federal Prevailing Wage Advisory Committee is a Civil Service Commission official.

The membership of these committees is the same—five agency members and five labor organization members.

H.R. 17809 provides for inclusion of nonappropriated fund employees—these are not included in the coordinated Federal wage system.

H.R. 17809 provides for five steps in each grade, whereas only three steps per grade are in the coordinated Federal wage system.

H.R. 17809 provides for 7½ percent and 10 percent differential for night shift work, whereas local wage area practices are used under the coordinated Federal wage system.

Both systems are affected by the Monroney amendment, which provides that where there is not a sufficient number of matching jobs in private industry in an area on which to base comparable wage schedules for Federal employees concerned, the wage area will be expanded beyond the normal geographical limits to obtain appropriate industry wage data.

In effect, H.R. 17809, in addition to including a number of provisions that are not in the present coordinated Federal wage system, will set in concrete the existing procedures, and will negate the present system of administratively making changes as new and unexpected situations arise.

And while we are sympathetic to the idea of setting wage schedules for nonappropriated fund employees in line with those paid for similar occupations in the private sector, we feel very strongly that this should be accomplished in a separate piece of legislation which would cover all aspects of the nonappropriated fund work force.

The Department of Defense estimates that their annual cost of certain provisions in H.R. 17809 would be:

Increase from three steps to five steps per grade, $190 million.

The 7½ percent and 10 percent night differentials, $40 million.

Monroney amendment—first year cost—$300 million, plus, of which $200 million will be required for retroactive payments, in some cases up to 18 months.

Annual cost $120 million after the first year.

Mr. GROSS. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding and rise in support of this bill. It will provide that the prevailing rate employees, also referred to as wage board or blue collar workers, have their compensation based on the principles of equal pay for equal work. There will be pay differences based on substantial or recognizable differences in work, and the rates of pay will be maintained with prevailing rates of comparable work so that the rates will attract and retain qualified employees.

To accomplish this, a new Federal Wage Advisory Committee will be established with, for the first time, a full-time Chairman appointed by the President for a 4-year term. Instead of the present three-step wage scale, five steps will be provided at 96, 100, 104, 108, and 112 percent, respectively, of the prevailing rate. Employees with satisfactory work performance will be automatically advanced to the next higher step within a grade following 26 weeks of continuous service in step 1, 78 weeks in step 2, and 104 weeks each in steps 3 and 4. Differentials will be provided for severe working conditions when they are not otherwise taken care of by the grade or basic pay rate. In addition, 7½ and 10 percent differentials for regular schedule of nonovertime work for the 3:30 to midnight and 11 p.m. to 8 a.m. shift are provided. "Saved" pay similar to that now provided for employees of the general schedule who are reduced in grade is provided for a period of 2 years.

I do have reservations, however, concerning the inclusion of the employees of the nonappropriated fund activities who have previously not been covered by the prevailing rate system, being included at this time. These employees work for the Armed Forces, and the Canteen Service of the Veterans' Administration in occupations such as bartenders, waiters, kitchen help, and clerks in nonappropriated fund stores and post exchanges. To include these people in this partial law affecting only wages will further cloud the uncertainty of their possible status as Federal Government employees.

In addition, since many of their normal hours are during the second and third shifts previously mentioned, this will of necessity result in an increase in costs to personnel using these facilities.

I urge that the measure be adopted in fairness to our blue collar worker.

Mr. GROSS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I oppose the enactment of this bill because it is inequitable, dangerously inflationary, completely unnecessary, and because it threatens to destroy the area wage system that has operated successfully for many years.

I would like to emphasize that H.R. 17809 is not a direct pay bill as such for the so-called wage board Federal employees. The intent of the bill is to write into law a rigid and inflexible set of national procedures for setting the pay of these employees according to prevailing wage rates. It also contains four additional provisions which are absolutely contrary to all principles of prevailing wage practices and which are costly and will create serious inequities throughout the country and untold administrative problems.

Mr. Chairman, for many, many years we in the Congress who have had the responsibility of considering legislation involving pay of Federal employees have always pointed with considerable pride to the operation of the so-called area wage board system.

While each year we have had to labor with statutory pay adjustments for employees covered under the Classification Act, the postal field service, Foreign Service, and the medicine and surgery employees of the Veterans' Administration, the pay of Federal blue-collar workers—the craftsmen and tradesmen—has been adjusted automatically through the operation of the wage board system in accordance with local prevailing wage rates.

This system has been operating since 1862 under a rather simple policy enactment by Congress that the pay of these employees should be set regularly on the basis of pay rates paid by private industry in the local areas.

This system has operated with a very minimum of Congressional involvement under a mandate to the agencies that they must pay their employees the same rates as private industry pays in the same wage area.

There is no better evidence as to the effectiveness of the present wage board system than the fact that in fiscal year 1969 these employees received pay raises averaging 9.5 percent while the nationwide Consumer Price Index rose only 4.8 percent, and in fiscal year 1970 they received pay raises averaging 8.9 percent while the nationwide Consumer Price Index rose 6 percent.

It is abundantly obvious that the present system works; that pay raises are more than keeping pace with increases in the cost of living, and that no further legislation in this field is necessary.

The existing law provides the entire basis for establishing and operating the system. Over the years it has permitted the agencies to be responsive to any need for change, and when it became evident that certain inequities and complaints were arising, the existing authority was

broad enough to permit the Civil Service Commission to establish its coordinated Federal wage system which will be fully operative nationwide by October of this year.

It is also quite interesting to note that the philosophy involved in this piece of legislation runs counter to what we have done and are doing with respect to the pay of all other Federal employees. Just a few short weeks ago, we took Congress completely out of the picture in setting the pay of postal employees, and our subcommittee on compensation is right now considering the administration's proposal which will permit the President to set pay scales for the three other statutory salary systems with a very minimum of congressional involvement. But here for some reason with our wage board employees, and with a system that has operated well and efficiently for many years, we now seem to want a maximum of congressional involvement, and we want written into law a rigid, cumbersome system that should be as flexible as possible to change as new and unforeseen situations arise.

I indicated earlier that this bill also contains at least four extraneous provisions that violate accepted personnel and pay policies, and which in themselves are sufficient reasons for rejecting this bill.

The first provision is the so-called Monroney amendment requiring wage surveys outside the local wage area. Instead of being reeancted by this legislation, the Monroney amendment is so bad that it should be repealed entirely. Its additional cost to the Government is $103 million per year, but just as important, it destroys the entire concept of paying Federal wages on a local prevailing rate basis.

By requiring wage surveys for certain occupations to be made outside the local wage area, the Monroney amendment acts to inflate the entire Federal wage schedule in that area. The Defense Department and the Civil Service Commission expect that between 40 and 60 major labor markets throughout the country will eventually be affected by the operation of the Monroney amendment, and I would very seriously advise my colleagues to consider very carefully the effect this provision will have upon pay policies—both Federal and private industry—in their own districts. The only logical result of the operation of the Monroney amendment in most labor markets is the creation of untold problems for local merchants and local industries who will be forced to raise wages and pay rates in order to keep pace with inflated local Federal wage scales.

A second specific objectionable provision of this bill is the creation of a pay schedule containing five pay steps. The present system has three steps and most private industries have three steps.

The two additional pay steps contained in this bill are added at the top with the pay line—100 percent—at the second step. But the fifth step, where most of the employees will be placed, is set at 112 percent of local pay rates. In other words, this provision works almost automatically to insure that most Federal blue-collar workers in any given local wage area will be paid 12 percent more than local private industry rates. The cost to the Government of this provision will be an additional $190 million per year.

The third inequity in this bill is the provision which writes into rigid law national percentage differentials of 7½ percent for swing shift work and 10 percent for nightwork.

Differentials in local private industries vary throughout the country according to local pay practices. They are seldom, if ever, paid in percentage amounts. Instead they are paid in a fixed sum of money of so many additional cents per hour. It is extremely unwise personnel practice to write into fixed law a percentage differential that applies nationwide. In fact, some wage board employees currently are being paid a higher differential than that called for in the bill, and enactment of this provision could actually reduce their total pay.

Finally, Mr. Chairman, there is no conceivable reason why non-Federal employees—the so-called nonappropriated fund employees—should be blanketed in as they are under this bill in a pay system designed solely for Federal employees. These employees are not Federal employees. They have none of the obligations, responsibilities, or commitments of Federal employees.

If there are legitimate complaints about the pay and employee policies for these employees, the answer certainly is not to blanket them in under legislation that applies strictly to Federal employees. We are informed that the Department of Defense, which employs most of these people, will very soon be implementing a total personnel management system that will cover all aspects of the nonappropriated fund work force. It will be designed to suit their special circumstances and special needs.

Mr. Chairman, the total cost of this bill, including reenactment of the Monroney amendment, is $340 million per year. The bill should be rejected not only because of its cost and its inflationary impact on our economy, but primarily because it is bad legislation, it is not needed, and because it will create many more problems than it is intended to solve.

Mr. HENDERSON. Mr. Chairman, I am delighted to yield now to the distinguished gentleman from Hawaii (Mr. MATSUNAGA) 5 minutes.

Mr. MATSUNAGA. Mr. Chairman, there should be no real difficulty for any Member of this body to support H.R. 17809, for it would merely enact into law the long-established principles and policies for setting the wages of prevailing-rate employees of the Federal Government.

For over a century, Congress has recognized that Federal blue-collar workers deserve to be paid wages comparable to those in private industry in any one particular area. During all of these years, wages for Federal blue-collar employees have been based on a survey of the private labor market. The survey would usually sample private industry within a 50-mile radius of the Government activity. The primary purpose of H.R. 17809 is simply to enact that practice into law.

Since 1968, the executive branch of our Federal Government has operated a system providing for similar pay for similar work. This was not so before 1968, and there is nothing to prevent the system from being changed or eliminated by Executive order. It is time Congress accepted the responsibility of insuring into the future, fair treatment for the 800,000 blue-collar workers employed by the Federal Government.

H.R. 17809 would also establish a five-step wage schedule, to replace the current three steps for nonsupervisory employees. The second step, as now, represents the prevailing rate, or 100 percent; the third step, 104 percent; the fourth, 108 percent; and the fifth, 112 percent. Also specified is the amount of time a worker must spend in each step before advancement to the next. This new procedure will allow more equitable differentiation among workers performing the same tasks, and will allow fairer rewards to those who have served faithfully and competently for a number of years.

The bill also provides for a uniform nationwide pay differential for work on the second and third shifts. Currently, whether such premium pay is awarded or not depends on the prevailing local custom. This provision of the bill recognizes the fact that second and third shift employees do endure a hardship which deserves compensation.

Another provision of the bill allows "saved pay" for the blue collar worker for 2 years if he is transferred to a general schedule position because of reductions in force. General schedule—white collar—employees already enjoy this protection; it is simple justice to extend it to our blue collar workers.

A very important provision of the bill, Mr. Chairman, is the expansion of the definition of the term "prevailing rate employee" to include approximately 143,000 employees of nonappropriated fund activities of the Armed Forces and Veterans' Canteen Service. The Federal Government has a major stake in the employment of these persons, and they naturally look to the Federal Government for a measure of protection in many matters. None of these matters is more vital than the wages they are paid, and this bill will stabilize and improve their wage structure.

Finally, H.R. 17809 sets up a Prevailing Wage Advisory Committee. This Committee will have 11 members: Five representing employee organizations, five representing Government agencies with large numbers of blue collar workers, and a Chairman appointed by the President. This Committee will make recommendations to the Civil Service Commission about prevailing wage structures, and will make an annual report to the Congress containing whatever legislative suggestions it deems appropriate. This Committee will insure the fairness of decisions involving Prevailing Wage Rate employees.

Mr. Chairman, H.R. 17809 is a sound bill. It is evident that the subcommittee

chaired by the competent and distinguished gentleman from North Carolina (Mr. HENDERSON), and the full committee under the able leadership of the distinguished gentleman from New York (Mr. DULSKI), have labored long and diligently to produce an equitable piece of legislation. It is deserving of the support of this body, and I urge its approval.

Mr. GROSS. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to H.R. 17809. I view with particular concern that feature of the bill that would add 8-percent greater costs, $330 million, to the $4 billion-plus payroll of the Department of Defense that employs most of the wage or blue-collar employees of the Government. This expenditure would come about by the addition of two more within-grade step rates for each grade in the proposed system and calculating the fifth step rate 112 percent of the base rate. Presently, wage employees have three step rates in each grade and step 3 is 104 percent of the base.

The fifth step rate would be reached after 6 years of continuous service. Most employees on the rolls would qualify for the top step immediately and thereby get the 8-percent increase in addition to the increases that accrue through regular annual surveys that have averaged near 9 percent during 1969 and 1970.

There is no support for the greater number of step rates based on general industry practice. Studies have consistently shown that most companies utilize single, or in some cases, two-step rate plans.

The costs represented in the expanded step-rate proposal could produce an inflationary impact in the local wage areas where DOD is a major employer. Other industries would feel the force of the higher rates imposed by the Government employer and would have to meet these increased rates.

The total cost impact of this and other features of the bill, and the lack of sound supporting industrial practice, urge me to recommend the defeat of the legislative proposal.

Mr. Chairman, I also draw attention to that particular provision that would fix a uniform nationwide 7½-percent pay differential for employees assigned to the first night shift and a 10-percent pay differential to those assigned to the second night shift.

The foundation of the Federal wage system is to relate its pay practices to those of industries in the local wage area with which the Government must compete to secure its work force. Just as basic pay rates vary from company to company, so do the differentials differ for payment of employees assigned to work on other than the day shift.

In the obtaining of wage data from private employers, the Government stresses its desire to minimize the possibility of unfair competition. It would be inappropriate to abandon the current practice of setting shift differentials based on the consideration of differentials of the companies that furnish basic wage data. An accurate tie-in of shift differential practices with basic pay rates is essential because of the other pay considerations that have been recognized by the various agencies and the Comptroller General. Overtime and other premium pays are built on the rates that include the shift differentials so it is extremely important that valid differentials be established.

For the most part, companies express their shift differentials in hourly amounts and provisions to follow this general practice have been incorporated into the coordinated Federal wage system.

Uniform shift differentials in the recommended amounts would add $40 million in payroll costs annually within the Department of Defense. This would contribute to the problems this agency is experiencing with significant budget cuts and the need to reduce expenditures.

Mr. Chairman, after hearing the eloquent remarks of the gentleman from Hawaii in support of this bill and after reading my remarks against it, I am wondering if we were speaking on the same subject matter. However, honest differences of opinion do exist, especially at this time of the year.

I wish to point out, Mr. Chairman, that this is a more complicated bill than its supporters have alluded to. If I may, I would run through what the Department of Defense refers to as the objectionable features of the bill and reemphasize some practical points that I believe should be made.

First, Mr. Chairman, the total cost of this bill runs in the neighborhood of $320 million.

Due to the mechanics of the Defense Department budget this figure is not covered in the appropriation bill and as a result the Department will probably have to have a reduction in force of 40,000 of the wage board employees so that the net result of this bill will be that across the country 40,000 wage board employees may find themselves laid off because of the adverse impact of this bill.

Mr. Chairman, I merely point that out because this would not be the pot of gold at the end of the rainbow for these 40,000 employees who would be adversely, directly, and personally affected.

As a matter of fact, the Department of Defense finds every portion of the bill objectionable.

I believe the bill could probably properly be classified as premature and unnecessary at this time, costly and subject, I would think, to a very hard look in the executive department before any final approval is given.

Mr. Chairman, I wish to remind those Members who may have perused our committee report that the Civil Service Commission provided an especially vehement statement in opposition, and knowing the Civil Service Commission as we do, and their bland approaches to legislation, the fact that they took it upon themselves to vehemently oppose this bill would be a practical warning to all of us.

Mr. Chairman, I would emphasize that this is a costly bill, and in my opinion it is an unnecessary bill, and its timing is especially bad. The gentleman from Iowa (Mr. GROSS) and I will offer constructive amendments, hoping to make this bill a little bit better, and we would solicit your objectivity, your understanding and your support in these amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. HENDERSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. ABBITT).

Mr. ABBITT. Mr. Chairman, I desire first to express my deep appreciation to the gentleman from North Carolina (Mr. HENDERSON) and to all members of his committee, for the splendid work that they have done on this all-important bill. It covers a matter that has needed attention for quite some time. The bill affects the so-called blue collar workers, as they have referred to themselves, and as the people who deal with them refer to them, but I would say that they have actually become the forgotten employees because, during the last 5 or 6 years, the other Government employees have had congressional action in their behalf some six times, and that applies to the military and to the civil service employees, but during that same period of time these blue collar workers have had no congressional action on their behalf whatsoever.

Mr. Chairman, the main thrust of the bill is to establish by statute the policy of fixing the pay for the so-called prevailing wage employees.

Of course, the bill does several things, as has been previously described. It establishes a Federal Prevailing Wage Advisory Committee to replace the present committee.

Mr. Chairman, I am highly pleased that the committee saw fit to establish this committee by statute. Presently the committee is made up of six management members and five representatives of labor—and we have had a good demonstration in my area recently of just what such a committee can do to wages. We are down in the great tidewater area of Virginia, and the question came up on the subject of establishing wages for the blue collar workers there, and all along the line the vote of the wage board was 5 to 6—always 5 to 6.

Finally the distinguished Congressman from Norfolk (Mr. WHITEHURST) and the gentleman from Newport (Mr. DOWNING) together with what help I could give them, tried to prevail on this committee to insist on getting a fair wage survey.

We talked and talked but we were never heard.

We are convinced that this new committee which will be established by this bill will be a tremendous improvement.

It will keep the 11-member committee. But it provides, as I understand it—and I know that our chairman will correct me if I am wrong—it sets up one man as chairman, who will be a full-time employee and that is the only employment, thank goodness that he can have with the Federal Government.

So it is contemplated that if and when this legislation becomes law then we will have fair and equitable and just decisions on these all-important matters.

In addition, it keeps in the so-called

Monroney amendment which is vitally important.

It developed in our area that the big employer on the outside was the Newport News Shipbuilding & Drydock Co. They did not want to give the wage rates and I do not blame them. I can well understand that. But this committee went back five times to get additional information recognizing each time that they did not have the information and we have no way of knowing now whether or not all the information was turned over to the wage board. It is hard for me to believe that we did get all the information owing to the understandable reluctance of the Newport News Co. to make it available. In addition it is impossible to say in all fairness that the Department can have a fair rate based on the two vastly different systems of pay because of the incentives and things like that over on the Newport News side.

In addition to that I am informed that this bill brings into the system the so-called set-asides. That is a group of blue collar workers who have no particular place to go—and they are just on the outside of every group.

As I understand it this bill brings in all blue collar workers on an equal basis including the set-asides.

Thousands of our production workers are loyal, hardworking Government people but they have begun to wonder if the Congress appreciates fully their work. They look around and see the interest of Congress for the other Federal employees, but little outward effort for them.

Mr. Chairman, we have in the Henderson bill, H.R. 17809, a way to express our feeling for the Government's 850,000 blue collar workers. We have an opportunity to update the pay procedures for these employees. Here is a means for the Congress to state unequivocally its policies in the setting of pay for these prevailing rate workers who build the ships, overhaul the planes, load shells, maintain Government facilities, and perform hundreds of other functions necessary for our Government.

Mr. Chairman, I wholeheartedly support H.R. 17809.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. Mr. Chairman, I yield the gentleman 2 additional minutes and would ask the gentleman to yield to me briefly.

Mr. ABBITT. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, I want to commend the gentleman on the very important statement that he has just made.

I know of no Member of the House who has had more recent experience with these problems than the gentleman from Virginia and his colleagues from that area of the great State of Virginia, whom he has mentioned. I thank the gentleman for the contribution he is making.

Mr. ABBITT. Thank you very much, Mr. Chairman.

I was just going to add that this will give us five steps instead of three. It is most important that we have that. We recognize these fine dedicated Government employees and we feel like they are part and parcel of America and should be so considered.

I want to again thank this committee for the splendid work that they have done on this important matter.

Mr. GROSS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have heard some remarks about this being a bad bill. I do not want the Members to be misled. I am on the full Committee on Post Office and Civil Service but I am not on the subcommittee. However, I am very familiar with the bill.

This whole matter of handling the problems including wage requests, classifications, and so on, of blue-collared workers has troubled this committee for many years. This is a step in the right direction. If there is something very wrong with this bill that I learn during the debate, of course, it can be considered in the form of an amendment. I do not want the Members, particularly on this side of the aisle, to get the impression that this is a bad deal, because in my opinion it is not.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I wish to join my colleagues from Virginia (Mr. ABBITT and Mr. DOWNING), in commending the gentleman from North Carolina (Mr. HENDERSON) for his efforts on behalf of the blue-collar employees.

The legislation we are considering today, H.R. 17809, will for the first time put into law basic policies for setting the pay of over 850,000 appropriated and heretofore nonappropriated Federal employees.

Over the past 5 years, these loyal and dedicated employees have watched while Congress has expressed its appreciation and understanding to all other Government employees by granting six separate pay increases to employees of the Post Office, class act, and military, which have averaged over 33 percent.

Mr. Chairman, this legislation gives us the opportunity to eliminate many of the doubts the blue-collar employees have built up over the years, and particularly to eliminate the confusion that has developed over the implementation of the new Federal coordinated wage system. But most of all, it will update their pay systems by providing a full five steps at each grade level; a save-pay provision for all Government employees; and the addition of the language in section 5342 guaranteeing the supervisors equally equitable treatment.

Mr. Chairman, I wholeheartedly support H.R. 17809, and I urge the House to accept this legislation. I urge the House to accept it, furthermore, without adding any crippling amendments.

Mr. HENDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I do not know of a bill that has recently come before the House which meets as great a longtime objective with respect to what the Congress ought to do as well as this bill does. I have represented Jacksonville, Fla., for 22 years, and many of the employees involved in the bill are employed in the city of Jacksonville. I have noted through the years that they have had great difficulty in having proper attention paid to their wage problems. Efforts have been made sporadically by the Department of Defense to make little adjustments here and there, but never has Congress recently come fully to grips with this problem as it has in the bill now before the committee. I congratulate the committee and its very able chairman, the gentleman from North Carolina.

With regard to the blue collar workers this bill certainly represents a very substantial thrust forward. I join with the gentleman who just spoke in saying that if there is something that needs to be corrected in the bill that has not been brought to my attention, I will be glad to join anyone in that sort of an operation.

There is one other thing I would like to mention before I am seated and that deals with the nonappropriated fund employees, employed indirectly by the Federal Government, were at below-minimum-wage standards. This is an excruciating thing for a Member of Congress who believes in a minimum wage law, as do I, to experience—people employed indirectly by the Federal Government not even getting a minimum wage. So, many years ago I introduced a bill requiring that these employees be given at least a minimum wage. This bill goes further than that and puts these employees on a strong basis where they will have the attention that should be given to them in their wage rates and I am happy the committee included that provision in the bill.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I am happy to yield to the gentleman from North Carolina.

Mr. HENDERSON. As a member of the Armed Services Committee, I want to especially commend the gentleman for his support of the provisions for the nonappropriated fund employees. I am sure he is deeply concerned about the total welfare of all military personnel and their dependents. I am most appreciative of the gentleman's support.

Mr. BENNETT. I would like to point out that there are other military wages that need to be given prompt attention. This is in the field of the compensation paid to the enlisted men and officers of our military forces today. I am told we now have somewhere between 15,000 and 20,000 people in the military who are below the poverty level. This is certainly something that should be corrected immediately. I have a bill to correct this and I hope that this problem can be solved promptly.

Mr. HENDERSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I am happy to rise in support of H.R. 17809, a bill to provide an equitable system for

fixing and adjusting the rates of pay for blue collar employees of the Federal Government; and I am especially honored to support my esteemed colleague from North Carolina, the most able chairman of the Manpower Subcommittee of the House Post Office and Civil Service Committee, DAVID N. HENDERSON. I commend him most highly for bringing this bill to the floor of the House.

Thousands—actually thousands of my constituents say that the time is long past due for this legislation. I am in complete agreement with them. During the past several years, thousands upon thousands of laborers, aircraft mechanics, carpenters, and the many other occupations in the wage board category have witnessed Congress improve the salary scale of other Government employees again and again. Rightfully they have asked the question: Why cannot Congress give us fair pay? If any of us had been in their place, we would have asked the same question and I doubt seriously if we would have been content to sit and wait as they have.

I have reviewed H.R. 17809 and this bill does give proper recognition to our productive employees. This will give them fair pay. Additional wage steps are provided and these in turn give added incentive to the employees. Likewise, there is a nationwide premium pay for overtime work.

I am happy to note that the Henderson bill provides assistance to our more than 100,000 nonappropriated fund employees. These are the employees of post exchanges, hobby shops, and so forth. They are the forgotten employees in the Federal service. This bill brings them under the wage board pay system and guarantees them step raises that previously had been denied to them.

Mr. Speaker, this is sound legislation. It deserves the support of all the Members. To do otherwise would deny the Federal blue collar worker the basic right of every American citizen—his and her right to equal pay for equal work.

Mr. GROSS. Mr. Chairman, I yield whatever time he may require to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 17809, better known as the wage board bill, which will enact into law and improve upon the long established principles and policies for setting the pay of wage board or blue collar workers.

Among the redeeming features of this bill are provisions which will——

Establish an 11-member Federal prevailing wage advisory committee with a full-time chairman to guide the coordinated Federal wage system;

Provide for a five-step wage schedule instead of the present three steps;

Provide automatic step advancements after 26 weeks work in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4;

Provide a 7½ percent pay differential, nationwide, for scheduled nonovertime work during the second shift—3 p.m. until midnight—and 10 percent for the third shift—11 p.m. until 8 a.m.;

Provide wage board employees who are reduced in grade the same "saved pay" protection as is currently provided General Schedule employees; and

Bring under the pay system approximately 143,000 employees of nonappropriated fund activities of the Armed Forces and of the Veterans' Canteen Services.

Mr. Chairman, it is my opinion that this upgrading and revision of the prevailing pay system is long overdue and necessary if the Federal Government is to be in a position to compete with private industry for topflight laborers, draftsmen and tradesmen. Therefore, I urge the passage of this legislation.

Mr. HENDERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. OLSEN), a member of the full committee.

Mr. OLSEN. Mr. Chairman, after considerable foot dragging and delays which, as you know, resulted in disruption of the postal service, the Congress has finally lived up to its 1967 pledge of wage comparability and increased the pay of postal workers to a place where most of them feel they are making a living wage.

I hope that today we can adopt the sound proposals of the Manpower Subcommittee concerning the more than 800,000 wage board employees so that we do not next year find ourselves again facing a situation where dedicated Federal employees have fallen behind in their wages and benefits and have to precipitate chaos and strikes in order to gain nominal benefits.

The chairman of the Manpower Subcommittee, our distinguished colleague, DAVE HENDERSON, has always had a keen and active interest in the welfare of our loyal and hard working wage board employees. But he is a realist. I know that he and his subcommittee rejected numerous pie-in-the-sky proposals by different groups before his subcommittee. After much study and research he has reported to us a bill that is realistic, equitable and just. It is a bill backed by the biggest and one of the most responsible Federal unions, the American Federation of Government Employees.

Admittedly it does not give the Federal unions everything they asked for, but it is a measure that looks to the chronically troublesome matters of improved wage surveys, equitable step increases, uniform overtime, more definite job grading, protection for the nonappropriated fund employees, and the establishment of a rate advisory committee that will, I am positive, solve so many of the nagging and repetitious ailments of the wage board system. In short, Mr. Chairman, this bill formulates, on a statutory basis, many important reforms in procedures that will provide necessary guidelines for the wage board rates compensation system for many years to come.

Mr. Chairman, the overall cost of this bill amounts to less than 6 percent of the total wages for Federal blue collar workers. It is a small benefit in these times of rising prices and climbing cost of living, and in view of the 6-percent classified employee pay raise, effective last January 1.

I congratulate and wholeheartedly support the gentleman from North Carolina (Mr. HENDERSON) and his subcommittee and the gentleman from New York (Mr. DULSKI) and the full committee and urge the speedy adoption of this most needed legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

The gentleman spoke of the so-called comparability pay increase in the postal reform bill. Is it not true that the increase was a payoff for union leader support of the so-called postal reform?

Mr. OLSEN. I think the gentleman has a good argument there.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I cannot help but notice that of all people in the House, the two who are least apt to discuss postal reform in an agreed situation are the gentleman in the well and the gentleman from Iowa.

Mr. OLSEN. Mr. Chairman, I do not think we should relate the postal pay increase to this bill. This bill should be related to the increase of the other Federal employees last January 1.

That is why the gentleman from North Carolina (Mr. HENDERSON) brought this bill to the floor.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, we have been given indication that the increases contained in this bill will cause the further layoff of thousands of Federal employees thus adding to an already serious unemployment situation. We can ill afford this additional burden to our present economy nor should we impose the great hardships of disemployment to more Americans.

We have been further advised that the Bureau of the Budget, Civil Service Commission, Department of Defense, and General Services Administration consider the bill unjustified and unacceptable. The restrictive and inflexible nature of the proposed wage administration practices will cause serious problems in trying to manage the system as well as making it difficult for the system to react to problem situations. There is further concern for the implications this bill will have on the entire prevailing rate concept. The overall consequences of this bill should be given careful consideration by this body and weigh heavily in its decision.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, this legislation has proponents who I am sure are acting in the utmost good faith.

I am sure there are some extenuating circumstances which would justify legislation in this area to some extent. But I have consulted with the Secretary of Defense, who will have the responsibility of implementing this legislation if it should become law, and according to him this legislation could have some very serious ramifications for a great many employees who are now on the payroll of the Federal Government—such ramifications as a severe cutback in the number of employees currently on the payroll of the Federal Government or the Defense Department.

Let me read certain excerpts from a letter sent to me by Secretary Laird dated August 28, 1970. In this letter from the Secretary of Defense there is the following:

H.R. 17809 would—

Result in Federal agencies paying 12% above prevailing rates in localities throughout the U.S., with a resultant inflationary impact on the wages of other employers.

Make it necessary for the DoD (which employs 80% of all Federal wage employees) to lay off thousands of additional employees in order to absorb hundreds of millions of dollars in unwarranted wage increases. These would take effect at a time when the Defense budget is being sharply reduced.

The Secretary goes on to say:

H.R. 17809 would cause a further departure from the sound principle of fixing wages of employees in trade and craft positions in accordance with rates prevailing in the communities in which they work.

I do not believe anybody by action here today wants to vote for legislation which, according to the Secretary of Defense, will result in a layoff of thousands of additional employees of the Department of Defense. According to the Secretary of Defense, the enactment of this legislation would bring about that result.

The letter is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., August 28, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR MR. FORD: I would like to call your attention to a number of problems that would be created for the Department of Defense and other Federal agencies if H.R. 17809, scheduled to be considered by the House on September 9, were to be enacted:

H.R. 17809 would—

Result in Federal agencies paying 12% above prevailing rates in localities throughout the U.S., with a resultant inflationary impact on the wages of other employers.

Make it necessary for the DOD (which employs 80% of all Federal wage employees) to lay off thousands of additional employees in order to absorb hundreds of millions of dollars in unwarranted wage increases. These would take effect at a time when the Defense budget is being sharply reduced.

Cause a further departure from the sound principle of fixing wages of employees in trade and craft positions in accordance with rates prevailing in the communities in which they work.

There are several high-cost features of H.R. 17809 that are contrary to the principle of fixing the rates of pay for these employees based on rates prevailing in their communities. These include the provision for five step rates (prevalent industry practice is to have not more than one or two step rates); fixed 7½% and 10% differentials for night work which exceed the prevailing practice in the vast majority of local wage areas; and continuing the unsound requirement of the so-called Monroney amendment that rates from other wage areas be imported and used in calculating the locality wage schedule.

Proponents of this legislation have contended that wage employees have not received adequate increases under the current Coordinated Federal Wage System, despite the fact that wages of employees are adjusted under this system at annual intervals based upon surveys of prevailing local rates. During FY 1969, employees under the system received wage increases averaging 9.5%, and in FY 1970 their increases averaged 8.1%. These increases have more than kept pace with national wage increase trends during this period.

H.R. 17809 should be opposed for the reasons set forth above. Its wage increases are unjustified, and its cost increases would impose great hardships in the form of disemployment for thousands of additional Federal employees. Moreover, in light of these factors there can be no justification for permitting its very substantial inflationary effect upon prices and the cost of living.

Sincerely,

MELVIN R. LAIRD.

Therefore, I strongly oppose the legislation. I will vote for some of the remedial amendments which will be offered during the reading of the bill. Unless it is cleaned up to a very substantial degree by the kinds of amendments I understand are in prospect, I intend to vote, first, to recommit the bill and, second, against it if we get to that stage in the parliamentary situation.

I wish that some reasonable compromise could be worked out. Apparently that is not feasible, so the net result is we have to meet the issue head on, which means if we are unsuccessful on amendments there will be a motion to recommit and a vote on final passage.

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I take this opportunity to commend the gentleman from North Carolina, the chairman of this distinguished subcommittee, for the fine job he has done in the preparation of this legislation.

I certainly support it and urge all Members of the House to support it.

The purpose of this legislation is to establish statutory policy for setting the pay of the Federal Government's 800,000 prevailing rate employees. Prevailing rate employees are also commonly referred to as wage board or blue-collar workers. They are laborers, craftsmen, and tradesmen; as for examples: Truck drivers, welders, aircraft mechanics, carpenters, tool and diemakers.

The definition of "prevailing rate employee" is amplified by this bill to include employees of nonappropriated fund activities of the Armed Forces and employees of the Veterans' Canteen Service.

The bill has two major purposes:

First, enacts into law the long-established principles and policies for setting the pay of prevailing rate employees.

Second, makes the following changes in the current operating system and procedures:

Establishes a Federal Prevailing Wage Advisory Committee to replace an advisory committee currently established by administrative action to guide the coordinated Federal wage system. The committee currently has six representatives from management and five from employee groups. The proposed legislation requires one of the 11 members to be a full-time chairman, who shall not hold any other office in the Federal service, and shall be appointed by the Chairman of the Civil Service Commission for a 4-year term.

Provides that the new wage schedules have five pay steps instead of the present three steps. The present third step is 104 percent of the prevailing wage. The fifth step, as proposed, would be 112 percent.

Provides automatic step advancements after 26 weeks work in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4.

Provides a 7½-percent pay differential, nationwide, for nonovertime work during the second shift—3 p.m. until midnight—and 10 percent for the third shift—11 p.m. until 8 a.m. Currently the premium pay depends on the prevailing custom of each labor market area.

Provides "saved pay" for 2 years for prevailing rate employees who are reduced in grade. General schedule employees now have this but prevailing rate employees who must take a general schedule position, due to reduction-in-force, do not.

Brings the employees of nonappropriated fund activities of the Armed Forces and employees of the Veterans' Canteen Service, within the 50 States and the District of Columbia, under the provisions of the prevailing rate system.

Mr. Chairman, passage of this type of legislation is long overdue. I urge all Members to support it.

Mr. HENDERSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Chairman, I think it ought to be pointed out on page 27 of the bill that this fifth step increase of 112 percent would not occur until 10 years.

Mr. HENDERSON. Of service.

Mr. OLSEN. Ten years of service. So using that as a base I think an objection does not make a good representation on the floor of the House.

The other thing is I do not think Federal employees in the military should have to contribute any more than any other worker in the world. Other workers in the defense industry get the comparability and get the pay. What we are saying is people in the Federal service, including the military, should be paid comparably. That is all we are saying. They should not be paid more but certainly not less, and they should not be carrying the burden of the defense industry just in the Federal service.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 17809, to provide an equitable system for fixing and adjusting the rates of pay for some 850,000 Federal employees in wage board or blue-collar jobs.

A review of the legislative activity or

lack of it in the Congress in this area leads me to ask why we have waited so long to establish statutory policy for setting the rates of pay for so many loyal Federal servants.

In many instances the system now in operation, that of determining the pay of wage board workers by attempting to set salaries comparable to those paid by private industry for similar work in a labor market area has proven inequitable. In some cases Federal employees have received lower pay in one agency for work identical to that paid at a higher rate in another agency nearby. While an effort has been underway since 1968 to create a coordinated wage system to insure like pay for like work in the same labor market areas, it is not fully operable and a large number of employees of support services for the Armed Forces are not included in the system.

I am in complete accord with our committee colleagues in feeling that the chairman of a committee charged with so important a matter as coordinating a wage system affecting several hundred thousand public servants should be a full-time officer who would be freed from other duties and obligations. I agree, too, that it is very important that capable employees be able to advance within grade in five steps to as much as 112 percent of the prevailing wage for comparable work rather than the three-step increase to 104 percent of prevailing wage. Promotions within the ranks of laborers, craftsmen, and tradesmen are too few to force loyal and capable employees to wait for grade promotions for any advancement. Under the proposed legislation capable employees will be eligible for automatic advancements after 26 weeks in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4.

Another important feature is a 7½-percent pay differential for second shift—3 p.m. to midnight—and 10 percent for third shift—11 p.m. to 8 a.m.—employees. While recognition is given to those who work less desirable hours in some labor market areas, this is not true nationwide as I believe it should be at the present time. Even more important is the provision for "saved pay" for 2 years for employees reduced in grade. We have provided for "saved pay" for our classified employees for some time and it is high time we provided the same benefit for prevailing rate employees.

Finally, we are including within the provisions of this legislation and the system it creates, a large number of workers who, although they are employed by the Federal Government, are not covered at the present time under provisions of law relating to classified employees or to wage board employees. These are the so-called "nonappropriated fund employees" mostly working for the armed services in supply depots, post exchanges and clubs operated for service personnel. While the Civil Service Commission has long acknowledged concern about the manner in which pay is fixed and administered for these employees, and the extent of apparent differences between their pay and that of other Federal employees doing similar work, there has yet to be a recommendation from the Commission for guaranteeing them the employment rights of other employees of the Government. I believe they should be guaranteed these rights without delay.

Mr. Chairman, this is a good bill, and long overdue. I am proud to support it, and I urge favorable consideration by the Congress.

Mr. STEED. Mr. Chairman, I am glad to join in expressing support for this measure, H.R. 17809 by Congressman HENDERSON. It represents a substantial step forward for our 850,000 wage board employees, and I commend the Committee on the Post Office and Civil Service for its consideration of their problems.

The wage board employees make up more than one-fourth of the civilian total of the Federal Government. And they have been too long neglected.

My own district includes probably as many of them as any district in the country. They have been patient and understanding, but they deserve action. They need the protection of a sound statutory policy for the prevailing wage system.

I have sponsored a measure of my own in this field, H.R. 8424, one of those on which the committee conducted hearings. Several of its features have been included.

The bill will do these badly needed things:

First. Confirm as law the long-established principles and policies for setting the pay for prevailing rate employees.

Second. Establish a prevailing wage advisory committee in law to replace the one currently operating under administrative action in operating the coordinated Federal wage system. The bill provides that one of the 11 members will be a full-time chairman holding no other office under the Federal service, appointed by the President for a 4-year term. This step will give additional stability and objectivity.

Third. Provide a five-step wage schedule instead of the present three.

Fourth. Provides automatic step advancements after 26 weeks of work in step 1, 78 weeks in step 2, and 104 weeks in steps 3 and 4.

Fifth. Provides a 7½-percent pay differential, nationwide, for scheduled nonovertime work during the second shift and 10 percent for the third shift.

Sixth. Provides "saved pay" for 2 years for prevailing wage employees who are reduced in grade. This protection already is available by law, of course, to general schedule employees who must take a reduction in force.

Seventh. Includes the employees of nonappropriated fund activities of the Armed Forces and employees of the Veterans' Canteen Service within the prevailing wage system.

The last decade has seen substantial progress toward justice for prevailing wage employees. This bill can be the biggest step yet.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 17809, a bill to establish a prevailing rate pay system for Government employees. This legislation incorporates a number of provisions supported by Federal Government employee unions and represents an important though small step in bringing more practical and reasonable considerations to bear on the setting of wages for blue collar workers.

The legislation would create an 11-member Federal Prevailing Wage Advisory Committee, chaired by a full-time appointee outside the Federal service. This will replace the present administratively created advisory body with an objective, independent committee.

Another most significant provision of H.R. 17809 is the adoption of pay differential for second- and third-shift workers. The 7½-percent differential for nonovertime second shift and 10-percent differential for third-shift workers is a reasonable provision long overdue. The five step wage schedules, automatic step increase clause and "save pay" for prevailing rate employees who are reduced in grade are all needed improvements in the present system.

If Government is to attract and keep dedicated workers, the system must be updated and modernized to take into account the prevailing wage and benefit scales necessary to assure fair treatment for those who come within the system. This bill is an attempt to reach that objective and I urge my colleagues to join me in voting for passage of H.R. 17809.

Mr. LEGGETT. Mr. Chairman, I strongly support the bill now before the House and urge my colleagues to join in the passage of this long overdue legislation to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Federal Government.

It is time for Congress to establish a pay rate system for its blue collar employees that will bring Federal pay levels into balance with private industry.

It is time for Congress to admit that in order for the Federal Government to keep its highly qualified and dedicated employees and to attract such individuals in the future, it must be willing to compete with the private sector of the economy.

Lack of comparability in wages and benefits are inequities which lead to low morale and unrest; and ultimately results in costly inefficiency.

This bill will enact into law well-established principles for setting the pay of approximately a million Federal blue collar workers, mainly employees at the Departments of Defense and Interior and the General Services and Veterans' Administration.

The changes in the current operating procedures which this bill provides are few but their impact upon the present inequities are potentially great.

The bill may be summarized as follows:

First. Establishes an 11-member Federal Prevailing Wage Advisory Committee to replace the current administratively established committee and will replace the present chairman who is from the Civil Service Commission with a full-time chairman appointed by the President and who may hold no other office in the Federal service.

Second. Provides for a five-step wage schedule instead of the present three-step, with automatic step advances af-

ter 26 weeks' work in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4. The present third step of 104 percent of the prevailing wage will be replaced by an upper level of 112 percent at step 5.

Third. Provides a 7½-percent pay differential, nationwide, for scheduled nonovertime work during the second shift—3 p.m. until midnight—and 10 percent for the third shift—11 p.m. until 8 a.m. Currently the premium pay depends on the prevailing custom of each market area.

Fourth. Provides "saved pay" for 2 years for prevailing rate employees who are reduced in grade. General schedule employees now have this protection. Prevailing rate employees who must take a general schedule position, due to reduction in force, do not.

Fifth. Brings employees of nonappropriated fund activities of the Armed Forces, the Veteran's Canteen Service, and the District of Columbia under the system.

The selection of a truly important Federal Prevailing Wage Advisory Committee chairman by the President will go a long way in restoring the confidence of wage board employees in fairness of the committee's rate recommendation.

The added grade steps will encourage more efficient performance over a longer period of time by allowing increased compensation for increased proficiency and capacity.

The inclusion of nonappropriated fund employees will establish comparable wages with private industry, establish an equitable promotion system, and provide a just grievance and appeals system; all of which have not been provided in the past.

Regretfully, the administration is opposed to this bill because of its estimated first year cost of $230 million which the administration feels is excessively inflationary.

I cannot accept this administration contention as valid, despite my deep concern for the state of the economy.

It is unrealistic to make Federal blue collar workers the sacrificial lambs in an ineffective and inconsistent attempt to control inflation.

It is strangely inconsistent for the administration to urge expenditure of $2.3 billion for ABM and $200 million for development of the SST and to then suddenly become alarmed at a $230 million expenditure to provide Federal employees an equitable rate of pay.

These changes are a long overdue step in eliminating the serious inequities which have existed for far too many years in the treatment of wage board employees.

The adage that "you get what you pay for" applies here in a way that a number of this legislation's opponents do not wish to recognize.

It is time that Congress admits that an effective, imaginative, and hard-working Federal employee is entitled to the benefits of his counterpart in private industry.

I urge immediate passage of this legislation.

Mr. MAHON. Mr. Chairman, I wish to express my opposition to H.R. 17809, and having received unanimous consent to do so, I am placing in the RECORD a letter addressed to me by the Secretary of Defense under date of August 28, 1970, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C. August 28, 1970.

HON GEORGE H. MAHON,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to call your attention to a number of problems that would be created for the Department of Defense and other Federal agencies if H.R. 17809, scheduled to be considered by the House on September 9, were to be enacted:

H.R. 17809 would:

Result in Federal agencies paying 12% above prevailing rates in localities throughout the U.S., with a resultant inflationary impact on the wages of other employers.

Make it necessary for the DOD (which employs 80% of all Federal wage employees) to lay off thousands of additional employees in order to absorb hundreds of millions of dollars in unwarranted wage increases. These would take effect at a time when the Defense budget is being sharply reduced.

Cause a further departure from the sound principle of fixing wages of employees in trade and craft positions in accordance with rates prevailing in the communities which they work.

There are several high-cost features of H.R. 17809 that are contrary to the principle of fixing the rates of pay for these employees based on rates prevailing in their communities. These include the provision for five step rates (prevalent industry practice is to have not more than one or two step rates); fixed 7½% and 10% differentials for night work which exceed the prevailing practice in the vast majority of local wage areas; and continuing the unsound requirement of the so-called Monroney amendment that rates from other wage areas be imported and used in calculating the locality wage schedule.

Proponents of this legislation have contended that wage employees have not received adequate increases under the current Coordinated Federal Wage System, despite the fact that wages of employees are adjusted under this system at annual intervals based upon surveys of prevailing local rates. During FY 1969, employees under the system received wage increases averaging 9.5%, and in FY 1970 their increases averaged 8.1%. These increases have more than kept pace with national wage increase trends during this period.

H.R. 17809 should be opposed for the reasons set forth above. Its wage increases are unjustified, and its cost increases would impose great hardships in the form of disemployment for thousands of additional Federal employees. Moreover, in light of these factors there can be no justification for permitting its very substantial inflationary effect upon prices and the cost of living.

Sincerely,

MEL LAIRD.

Mr. HENDERSON. Mr. Chairman, I have no further requests for time.

Mr. GROSS. I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 17809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV.—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual including a foreman and a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality under the jurisdiction of the armed forces described by section 2105(c) of this title; and

"(D) an employee of the Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) thereof; and

"(3) 'position' means the work, consisting of duties and responsibilities assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the several States or the District of Columbia shall be bona fide residents of the United States, unless the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described under section 5102(c) of this title other than under paragraphs (7), (8), and (14) thereof.

"§ 5343. Prevailing rate determinations; wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. The pay of a prevailing rate employee of a nonappropriated fund instrumentality under the jurisdiction of the armed forces described under section 2105(c) of this title, when the instrumentality is located within the several States or the District of Columbia, and the pay of a prevailing rate employee of the Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) thereof, shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing

rates determined by a survey of wages paid to employees in a representative number of retail, wholesale, service, and recreational establishments in the local area engaged in activities similar to those of the instrumentality or Canteen Service for which the survey is made. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) and title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years. However, the Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. In addition, the regulations shall provide—

"(1) that wages surveyed be those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4)(A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that when it is determined that there is an insufficient number of comparable positions in private industry to establish the wage schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have five steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, the fourth step at 108 percent of the prevailing rate, and the fifth step at 112 percent of the prevailing rate;

"(B) that with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) twenty-six calendar weeks of continuous service in step 1;

"(ii) seventy-eight calendar weeks of continuous service in step 2; and

"(iii) each one hundred and four calendar weeks of continuous service in steps 3 and 4; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8)(A) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually sever hazards;

"(B) for a 7½-percent differential for regularly scheduled nonovertime work a majority of the hours of which occur between 3 o'clock postmeridian, and midnight; and

"(C) for a 10-percent differential for regularly scheduled nonovertime work a majority of the hours of which occur between 11 o'clock postmeridian, and 8 o'clock antemeridian;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as appropriate), and other similar changes in employment status; and

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later than the first day of the first pay period which begins on or after the forty-fifth day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay under this section is payable only when—

"(1) the individual is in the service of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

"(c) Retroactive pay under this section is not basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, in the case of any retired or deceased employee.

"(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, relating to group life insurance for Government employees, an increase in the rate of pay under this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment or equivalent tenure in the excepted service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for two continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the two-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of two years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of one workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not exceed the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is three grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchap-

ter, his rate of basic pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. For this purpose, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistently with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other office in the Federal service, and who shall be appointed by the President of the United States for a four-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the four executive agencies (other than the Civil Service Commission), and military departments having the largest number of prevailing rates employees that the Chairman of the Civil Service Commission from time to time designates;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) five representatives, appointed by the Chairman of the Civil Service Commission, from among the several labor organizations, representing under exclusive recognition of the Federal Government, the largest numbers of prevailing rate employees throughout the Federal service.

"(b) In making the appointments from among the labor organizations, the Chairman of the Civil Service Commission shall recognize appropriate proportional representation by labor organizations to total representation of Federal and District of Columbia prevailing rate employees. However, in any case there shall not be more than two representatives from any one labor organization nor more than four representatives from a single council, federation, alliance, association, or affiliation of labor organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review labor organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the labor organizations shall serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) shall serve without additional pay. Employee organization members shall not be paid by the Federal Government for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. Crews of vessels

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.".

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read:

"SUBCHAPTER IV.—PREVAILING RATE SYSTEMS

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

SEC. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544 (a) of title 5, United States Code, is amended to read: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

SEC. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period at the end thereof.

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5, United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154(b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

SEC. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between Government departments and agencies or subdivisions thereof and organized employees. It is the intent of this Act that through negotiations between the Civil Service Commission, the heads of excepted agencies, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

(c) The provisions of this Act shall become effective on the first day of the first pay period which begins on or after the one hundred and eightieth day after the date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least ninety days after the date of enactment.

Mr. HENDERSON (interrupting the reading). Mr. Chairman, I ask unani-

mous consent that the further reading of this section be dispensed with and that the entire bill be considered as read, printed at this point in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 23, line 18, strike out the word "fied" and insert the word "fide".

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and it may be printed at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. DERWINSKI. Mr. Chairman, reserving the right to object, I hope the gentleman will explain his amendment.

Mr. HENDERSON. Yes. The amendment now being presented is technical in nature. It has been furnished to the minority and their counsel. It corrects spelling and technical errors in the bill and makes no substantive change.

Mr. DERWINSKI. Reserving the right to further object, Mr. Chairman, I merely inquire of the distinguished gentleman from North Carolina are there any other amendments of this kind to correct items like misspellings?

Mr. HENDERSON. That is the only amendment.

Mr. DERWINSKI. How about an amendment to correct the excessive cost of the bill? Are any of those amendments pending?

Mr. HENDERSON. We will leave that laboring oar to the opposition to the bill.

Mr. GROSS. Mr. Chairman, further reserving the right to object, as I understand it, these are all technical amendments, designed to correct language in the bill.

Mr. HENDERSON. The spelling or the addition of words like "and" and so on. They are merely technical in nature.

Mr. GROSS. May I suggest to the gentleman that he offer the amendments en bloc if that is the case.

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent that the amendments at the desk be offered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Chairman, further reserving the right to object, may I ask the gentleman if these amendments are, the first dealing with language on page 23, the second on page 24, then page 31, page 32, page 34, and page 35?

Mr. HENDERSON. The gentleman is correct, and they total six in number.

Mr. GROSS. A total of five amendments, or six amendments?

Mr. HENDERSON. I believe the gentleman will find that there are six amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Clerk will read the remaining amendments.

The Clerk read as follows:

Amendments offered by Mr. HENDERSON: On page 24, line 18, strike out the word "and" and insert the word "of";

On page 31, line 17, strike out the word "curtialment" and insert the word "curtailment";

On page 32, line 13, strike out the word "entitlde" and insert the word "entitled";

On page 34, line 16, strike out the word "Commissioner" and insert in lieu thereof the word "Commission";

On page 35, line 7, strike out the word "rates" and insert the word "rate".

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina (Mr. HENDERSON).

The amendments were agreed to.

Mr. DERWINSKI. Mr. Chairman, recognizing the intense interest of many Members in this bill, and noting the obvious absence of a quorum, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 286]

Alexander	Fountain	Price, Tex.
Anderson, Calif.	Fraser	Pryor, Ark.
Ashley	Friedel	Quie
Aspinall	Fulton, Tenn.	Rees
Beall, Md.	Giaimo	Reuss
Belcher	Gilbert	Rivers
Biester	Goldwater	Rogers, Colo.
Blackburn	Griffin	Roudebush
Blatnik	Grover	Rousselot
Brock	Gubser	St Germain
Broyhill, Va.	Hagan	Sandman
Buchanan	Hanna	Satterfield
Burke, Fla.	Hansen, Wash.	Saylor
Burleson, Tex.	Hays	Scherle
Burton, Utah	Hébert	Scheuer
Bush	Hicks	Schneebeli
Cabell	Hull	Sebelius
Carey	Hungate	Shipley
Chisholm	Hutchinson	Sikes
Clancy	Jones, Ala.	Sisk
Clark	Jones, Tenn.	Skubitz
Clay	Kuykendall	Snyder
Collier	Landgrebe	Springer
Corman	Landrum	Stephens
Cowger	Long, La.	Stratton
Cramer	Lowenstein	Stubblefield
Culver	Lujan	Stuckey
Daddario	McCulloch	Symington
Daniel, Va.	Macdonald, Mass.	Taft
Davis, Ga.	Meeds	Teague, Tex.
Dawson	Melcher	Thompson, Ga.
Delaney	Meskill	Tunney
Denney	Mikva	Van Deerlin
Diggs	Miller, Calif.	Watson
Dowdy	Montgomery	White
Edwards, Ala.	Morton	Wiggins
Esch	O'Neal, Ga.	Wilson, Bob
Evans, Colo.	Ottinger	Wilson, Charles H.
Evins, Tenn.	Pelly	Wold
Feighan	Pepper	Young
Flynt	Powell	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Moss) having assumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17809 and finding itself without a quorum, he had directed the roll to be called when 307 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 26, strike out all of clause (4), beginning in line 5 down through line 22, and renumber the succeeding clauses.

Mr. DERWINSKI. Mr. Chairman, this is what is called a perfecting amendment. It is intended to bring a degree of perfection to an otherwise very imperfect bit of legislation.

Specifically my amendment would strike from the bill, and then through it, from the law, the Monroney amendment which was enacted to section 5341 of title 5, United States Code on October 12, 1968.

Now, that was approximately 2 years ago. The theory behind the Monroney amendment was that it would help to solve the problems of differences in rates between certain areas. But rather than resolving those problems it actually has complicated them. And so much so, that in the 2 years that have elapsed since the enactment of the bill it was so difficult to interpret and implement that the Civil Service Commission has just now approved a requirement for settling pay rates for employees who are subject to the Monroney amendment.

The matter is a bit more complicated than it may seem.

Mr. Chairman, under the provisions that are pending there would be a retroactive feature back to October 12, 1968, and that alone will cost the Department of Defense $103 million in addition to the annual cost of this Monroney amendment of $106 million.

The concept involved here of using out of area wage rates is contrary to the basic prevailing rate premise on which wage systems are based and it would result in a distorted wage scale with rates out of line with prevailing levels for comparative work within the local wage area.

Unless my amendment is accepted, all private employees in an area affected by this amendment would be discriminated against. This is hardly consistent with proper wage practices. I would emphasize to the Members of the House that, despite the fact that this amendment has not been applied the Federal agencies employing Wage Board employees have experienced no difficulty whatsoever in recruiting and retaining qualified employees. The logical thing to do is to accept this amendment which would strike an unworkable provision from the law. May I mention—an item of proper interest to the Members—this is a $209 million item, at a time when the budget is hardly in proper shape. This is a practical amendment and prudent amendment. I believe it is in the interest of the Federal employees and in the interest of private employees, who far out-

number the Federal employees involved. I hope it will receive some objective support from the Members of the House.

The Monroney amendment, enacted as an amendment to section 5341 of title 5, United States Code, on October 12, 1968, was designed to help resolve problems of differences in rates between certain areas, but, rather than resolving problems, it has served to complicate the wage-determination and wage-fixing process. So much so that almost 2 years have elapsed since its enactment, but, because the bill was so difficult to interpret and implement, the Civil Service Commission has just now approved regulations for setting pay rates for employees who are subject to the Monroney amendment.

As rates are computed under these regulations, employees will receive pay adjustments retroactive to the date of the first wage schedule adjustment in each area after October 12, 1968. It is estimated that the retroactive feature alone will cost $103 million, with an annual cost thereafter of $106 million.

This concept of using out-of-area rates is contrary to the basic prevailing rate premise on which wage systems are based, and would result in a distorted wage schedule with rates out of line with prevailing levels for comparable work within the local wage area.

The fact that the various Federal agencies employing wage board employees have experienced no serious difficulty in recruiting and retaining qualified employees is evidence that inclusion of the Monroney amendment in H.R. 17809 represents an unwarranted and excessive expense, particularly at this time when the Federal budget is already bursting at the seams.

I urge, therefore, that my colleagues join me in approving this amendment to strike out the provisions of the Monroney amendment from this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. As I remember it, the so-called Monroney amendment was put into the law in 1968 as a measure designed to aid in the reelection of a Member of the other body by that name. It failed of this purpose of reelecting a Senator.

Moreover, it was also brought before the Congress as an ungermane amendment to a bill, if I remember correctly, dealing with the mailing of master keys to automobiles. This so-called Monroney amendment was spawned under devious political circumstances, and I commend the gentleman from Illinois for offering an amendment to this bill to get it out of the law. It should never have been there in the first place.

Mr. DERWINSKI. I thank the gentleman for his support. May I emphasize to the House that this is a practical amendment. The application of the Monroney amendment would create new inequities and complicate conditions relative to private enterprise employees, and the very fact that in the 2 years since the amendment was adopted implementation is about to begin is proof positive of the unworkability of the measure. I should emphasize that the Civil Service Commission strongly recommends adoption of this amendment. I hope, as I have said, we have some objective support in the House.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like the very close attention of my colleagues on this very complicated subject, because with a clear understanding of exactly what we are doing today, I feel confident that the outcome of our action will be fair and equitable.

The so-called Monroney amendment has been discussed. It is the Monroney law. It has been law for 2 years. It is simply a tool to do what we say we are doing in the area wage approach to employee compensation, and that is, to pay a wage which is truly comparable. We have not implemented that law for 2 years.

The Federal Government owes employees covered by this act and this law over $200 million. If you defeat this bill today, they are going to be paid that, and they will be paid approximately $105 million in the future. If you repeal it today in the enactment of this bill, you will still owe them the money that is being talked about for this 2-year period. The normal wage survey area is usually an area with about a 50-mile radius. The only aircraft mechanics working in such an area may be employed by the Federal Government at military installations. If you make a study and attempt to compare with local industry, and there are no aircraft industries or aircraft repair facilities in the area, what are you going to compare with? With aircraft mechanics, with automobile mechanics, with truck, tractor, or bus mechanics? The Monroney act says that you then go to the next nearest place where there are aircraft mechanics.

It was recognized that there would be difficulties in implementing the law. This bill solves the problems of implementing the Monroney Act, and provides that whatever difference you find you bring it back to the labor survey area and put it into the wage scale all the way up and down, not just to aircraft mechanics, which obviously could knock the whole pay scale into a cocked hat.

The scale required for aircraft employees working on a combat airplane, a combat engine, is obviously different than that for an employee who is required to repair an automobile, a truck, or a tractor. So if the comparability principle cannot be applied within the limits of the normal survey area, it seems to me the next logical step in determining a comparable job is to find the nearest area where that work is being done and to make your study there.

This is what the Monroney law was intended to do and this is what, with clarification of the present bill, will be done. It is true there will be retroactive pay for the employees which they are entitled to under the law of the land today. It is not a departure from the concept of area wages, but instead it is a reaffirmation of that concept. The concept tries to embrace both elements of normal criteria in determining fair compensation for our Federal employees, comparability and cost of living within the area. They are inescapably related, but they are separate and distinct. True comparability will always reflect the cost-of-living differential, but the cost-of-living differential does not necessarily always reflect comparability.

Maybe it is cheaper to live in Arizona than it is in San Diego, but that does not mean that an employee in Nebraska is receiving comparability pay if the job he is doing is unique in the wage survey area in which he happens to live and work. It is my belief that the Monroney law approach is a fair and equitable one. I think Members should be very cautious and should understand exactly what they are doing, because if we adopt the amendement offered by the gentleman from Illinois (Mr. DERWINSKI) which is now before us, we will be repealing law which has been on the books and has not been fully implemented. If that is the will and the wish of the Congress, it ought to know exactly what it is doing. The bill before the Congress ought not to have to carry the burden of nonimplementation of the law.

Mr. DULSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment to strike out the Monroney amendment. Mr. Chairman, the Monroney amendment is the law of the land. Even though it was passed in 1968, the administration did not see fit to implement it until 2 months ago.

The Monroney amendment must be kept in law until the administration can show us a better way for compensating all Government employees who have special skills that cannot be matched in local private industry.

If through experience we find that the Monroney amendment is of questionable value, then I am quite willing to hold public hearings and review all aspects of this subject.

Mr. Chairman, I repeat: I oppose the motion to strike the Monroney amendment.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I am very pleased to have the Chairman of the full committee say he will hold hearings and I would suggest the most practical way would be to accept my amendment at this point and then hold hearings on the entire subject.

If the gentleman will permit me, I wish to correct two items. The gentleman referred to the fact that the amendment would not save anything. It would save approximately $100 million regardless of the retroactive factor. But also the gentleman referred to the amendment facetiously as a gutting amendment. I referred to it earlier as a perfecting amendment, and I remind the gentleman that my emphasis is on the perfecting nature of it.

Mr. DULSKI. Mr. Chairman, I appreciate the observation of the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I rise in support of H.R. 17809, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. The bill is important for several reasons, but I wish to make two main points that alone justify the necessity for the passage of this legislation.

First, the wage board employee, often referred to as a blue-collar worker, is the only federally classified worker who did not receive the retroactive pay increase earlier this year. In fact, the wage board employee received no automatic pay increase at all, while other workers, including postal employees, members of the Armed Services, congressional staffs, committee staffs and others were receiving an automatic 6 percent cost-of-living increase in their salaries. Make no mistake, if the cost-of-living increases for one group, it is also increasing for others.

As yet, no wage board employee has resorted to strikes and the like to gain much-needed increases in pay. The wage board employee has remained patient in hopes of receiving fair and equitable treatment through an orderly process. We cannot sit here and allow their needs to go unanswered.

Mr. Chairman, the second point I would like to make in support of this bill is in regard to the present unfair system which is used to adjust salaries according to the prevailing wage in the area served by the wage board employee.

One hundred and nine years have passed since Congress passed the last Wage Board Act of 1861. Except for a few minor changes, the wage board compensation system, involving only a few tens of thousands of employees in 1861, has had no legislative or statutory growth up to the present. Therefore, today over 800,000 Federal employees, or more than 28 percent of all Federal employees, live in the space and rocket age under legislation enacted more than a hundred years ago. This is the only statutory basis today for the fixing of compensation for wage board employees.

By the beginning of the 1960's, it was common knowledge to everyone that the wage board compensation system was uncoordinated, inequitable and inefficient. Reform was urgently needed, yet reform did not come.

Just citing one example, Mr. Chairman, in Montgomery, Ala., a great disparity can be found in the pay one worker receives compared to what another worker receives for an identical job and in an identical status to a worker in Mobile, Ala.; Huntsville, Ala.; or Birmingham, Ala. It has been found that in some communities wage board employees performing the identical work were paid wages differing as much as 100 percent. In many areas, wage board employees even received less pay than minimal wage rates applying to private enterprise. There definitely is a significant difference in the prevailing wage paid with no measurable difference in the cost of living. This situation is not equitable. It is not fair. And the bill before us today will help to correct this situation. I support this legislation fully and without reservation.

Mr. Chairman, if I might inquire of the Chairman of the committee, my wage board employees feel very strongly they are being discriminated against. In Alabama we have four areas located in Mobile and Montgomery and Birmingham and Pensacola, and they are all paid at different levels. By removing this so-called Monroney amendment, will this overcome this problem, so they will all be paid approximately the same, or does this just complicate the matter?

Mr. DULSKI. No; it will not. They have to get the area wage.

Mr. DICKINSON. I know, but I have four area wages within 100 miles, and I want to know which way this amendment goes. Does it keep the law as it is? Will there be four different wage scales if the amendment is adopted?

Mr. DULSKI. I leave that to the chairman of the subcommittee.

Mr. HENDERSON. Mr. Chairman, if the gentleman will yield, as I said, the Monroney law has not been applied in any place the gentleman is speaking of except Mobile, Ala., and, therefore, the Derwinski amendment would leave the Monroney law as it is, but I think the gentleman is saying that in the four areas there is a differential.

That will continue to be true whether or not the amendment before the committee is adopted. It will continue to be true with the passage of the bill before the House.

It is still envisioned that within the labor market areas defined there will be pay differentials. They will not be uniform all over the country.

Mr. DICKINSON. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of the amendment. I should like to quote briefly from a letter by the Acting General Counsel for the Department of Defense as of July 1, 1970, to the chairman of the Senate Post Office and Civil Service Committee. He said in part:

> The bill would continue in law the present Monroney amendment which requires that a lead agency go outside a local wage area to collect wage data for principal types of Federal positions when comparable positions in private industry are not found in the local area. This provision is contrary to the whole principle of establishing wage rates for wage employees on the basis of rates prevailing in private industry in the area. Going outside the local area as provided by the Monroney amendment serves to distort pay in the local area. * * * It also will result in the Government paying wages substantially above those prevailing among private employers in the community, will create inflationary pressures as private employers are forced to compete, and will create unwarranted increases in the Federal Government's wage costs.

And so forth and so on.

Mr. Chairman, I submit that unless the Monroney amendment is eliminated, as the amendment provides, there will be this kind of distortion of pay in private enterprise as set forth by the Acting General Counsel for the Department of Defense, in North Carolina and in all other States where there is substantial wage board employment.

I urge adoption of the amendment.

Mr. BRASCO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Derwinski amendment. While I have great respect and admiration for the gentleman from Illinois, it seems to me that he applies his usual unique mode of reasoning with respect to his amendment.

The Monroney amendment is law today, and has been law for 2 years.

I have a letter in my hand from the Civil Service Commission, dated July 14, 1970, which puts into effect the Monroney amendment in terms of developing wage board employee salaries.

If we were to listen to and take the advice of the gentleman from Illinois, who is always so systematic and reasonable in his approach, we would be reversing what is already law today, and what has already been put into effect by the Civil Service Commission, which has the responsibility for coordinating all wages in this area, and then holding hearings to do it all over again.

I submit what we should do is defeat this amendment. Then, as the chairman of the Committee on Post Office and Civil Service indicated, he would be more than glad to continue personal and public inquiry into this area to ascertain whether or not there is a more desirable way to accomplish the desired result.

It seems to me, in conclusion, to be perfectly reasonable, when we set up a system of trying to pay comparable wages, to compare someone who is working for the Federal Government with someone doing a like job in private industry.

That is all the Monroney amendment says, that when one works in an area and one cannot compare the Federal employee job with the job of anyone doing similar work in private industry, then one goes to the next area which is similar economically and which has that same kind of job available for comparison. That is all that the Monroney amendment, which by the way is not an amendment but is law today, does. It certainly is a reasonable approach.

While I still have great respect for the gentleman from Illinois, his approach is most unreasonable.

Mr. Chairman, I yield to the gentleman from Illinois.

Mr. DERWINSKI. I appreciate the gentleman's affection.

Personally, would the gentleman give me his very serious attention, because it is Illinois and not Illinoise." I understand the Brooklyn accent, but it is not correct.

Mr. BRASCO. You are wrong on the amendment, but you are right on the accent.

Mr. DERWINSKI. If the gentleman will check his records, which I am sure he has very carefully, the reason for the 2-year delay by the Civil Service Commission is the basic unworkability of the Monroney amendment. So we really want to strike out bad law and then we will go back to the committee under Mr. DULSKI and try to produce good law.

Mr. BRASCO. But what the gentleman fails to recognize—and he does it more often than not—is that the Civil Service Commission as per memorandum dated

July 14, 1970, has already implemented this into law.

Mr. DERWINSKI. Out of necessity. Not through a great spirit or motivation but out of necessity they finally followed through.

Mr. BRASCO. Obviously they feel it is workable. Otherwise they would have persisted in not putting it into effect as they have in the last 2 years.

Mr. DERWINSKI. But they are on record as asking for repeal of the Monroney amendment.

Mr. HENDERSON. Will the gentleman yield to me?

Mr. BRASCO. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Will the gentleman agree with me the way we got the implementation of the Monroney amendment was by hearings and action on this legislation working together with the Civil Service Commission. We came up with a way that they thought it could best be implemented, and it was implemented and we put it in this act, and now we get it to the floor and they want to repeal the act which we have worked out the proper implementation of.

Mr. BRASCO. The gentleman is certainly correct in his observation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and on a division—demanded by Mr. DERWINSKI—there were—ayes 48, noes 32.

Mr. HENDERSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DERWINSKI and Mr. HENDERSON.

The Committee again divided, and the tellers reported that there were—ayes 73, noes 55.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 22, line 20, insert the word "and" immediately following the semicolon.

On page 23, strike out subclauses (C) and (D), beginning in line 3 down through line 9.

On page 23, strike out line 22 and insert in lieu thereof "under paragraphs (7) and (8) thereof."

On page 24, strike out the second sentence of Section 5343(a), beginning in line 2 down through the period in line 15.

On page 38, strike out Sec. 2 beginning in line 1 through the period in line 4, renumber the succeeding sections accordingly, and make the necessary section reference changes.

Mr. GROSS. Mr. Chairman, the amendment I have offered will strike from the bill all the provisions which cover the so-called nonappropriated fund employees.

First of all I would like to emphasize that the employees involved are not Federal employees. There are presently 85,000 nonappropriated fund employees including 36,000 off-duty military personnel. These are the people who are employed in commissaries, post exchanges, officers' clubs, and in the Veterans' Administration canteen service.

These employees are currently being paid wages and fringe benefits that are based on practices in private industry having similar operations and comparable work. The firms with the most similar operations are those engaged in retail sales, and hotels, motels, restaurants, clubs, and recreational facilities.

There may be legitimate complaints concerning some of the pay and personnel practices for these employees, but action is being taken at the present time to correct any problems that may exist. The Department of Defense is presently getting ready to implement a total personnel-management system covering all phases of the nonappropriated fund work force.

Certainly, the answer to problem areas is not that proposed in H.R. 17809—to include them under a pay system designed exclusively for Federal employees. In fact, if this bill is not amended as I propose, any problems that now exist will appear rather minor compared to the untold problems that will arise by reason of the provisions contained in this bill.

It is quite obvious that if we are to inflate the wages and fringe benefits paid to these employees, all of whom work in programs involving the morale and welfare of military personnel, these programs will suffer with the increases made necessary in the price of goods and services made available to the servicemen. Consequently, the serviceman at a lower level with a limited income would be forced to pay prices as high or higher than those in the local economy. The entire concept of the commissary-post exchange system, whether right or wrong, would be destroyed.

A problem additionally arises with the supervisory or so-called white collar employee paid from nonappropriated funds. These supervisors, or executives, now are paid administratively at levels comparable to those contained in the GS schedule. Under the bill as written, these executive employees would be paid at prevailing wage rates for which there would be no source of local wage data for survey purposes—an impossible situation.

The bill would grant the so-called nonappropriated fund employees the 7½ and 10 percent differentials; would cover them under the so-called saved pay provisions applicable to wage board employees; and would cover them into the new five-step pay schedule, all of which will result in a complete administrative nightmare.

The inequities that result will apply not only to the Federal pay system, but will infest the local private industry pay system as well.

For example, under the provisions of this bill, the checkout clerk at a post exchange—a non-Federal employee—would be blanketed into the new five-step wage board pay system. If she had been employed for at least 5 years, she would go into step 5 that pays a rate 12 percent higher than that being paid by local merchants. Not only will prices charged at the PX have to be raised to cover her inflated salary, but local merchants will find themselves at a complete economic disadvantage in trying to compete with the Federal Government in that labor market.

Mr. Chairman, I urge the adoption of my amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, in many ways, and with the deepest of personal feelings, this is the most important provision contained in this bill.

Who are we talking about? Before I get into my major argument I would like to answer that question.

We are talking about employees working for the Army, the Air Force exchange, the Navy exchange, the Marine Corps exchange and other nonappropriated activities.

I would like to read from the hearings very briefly and state what the Army-Air Force exchange system business was for the fiscal year ending January a year ago.

In the fiscal year ended last January 25, the service had net income of $112 million on sales of $2.1 billion, up from earnings of $66.3 million five years earlier, when sales were $941 million. For comparative purposes, during its most recent year, Penney earned $89.5 million on sales of $2.7 billion, and Montgomery Ward had net income of $17.4 million on a volume of $1.8 billion.

Mr. HALL. Mr. Chairman, will the gentleman yield at that point?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Missouri. I hope I shall have time to conclude my argument.

Mr. HALL. I will see that the gentleman has additional time, as the chairman of this subcommittee. I do appreciate his yielding. I would merely like additional information.

Is this net profit or gross profit the gentleman is referring to on the part of the post exchanges and commissaries?

Mr. HENDERSON. The quotation, as presented to our committee, was the net income.

Mr. HALL. Second, if I may ask one additional question, Is it not true that any net profit from these bodies which are considered a side effect or a fallout benefit to service personnel go back to their dayroom funds, recreational funds, or is spent on the maintenance of the company dayroom as controlled by the various departments, advisory councils or committees?

Mr. HENDERSON. The gentleman is absolutely correct. That leads me to make this point. About whom are we talking when we speak of the employees themselves? The full-time employees in the military service number 65,500; part-time 34,000. The part-time military—these are the lowest military grades, and there are 40,000 of them moonlighting—that is what they call it. We might as well put it in the record. They do not get enough from their military pay, so they have to go to work for the post exchange. There are 400,000 of them. What are they being paid? By action of the Congress, when we had the last Fair Labor Standards Act Amendments before the House, the minimum wage bill, the gentleman from Michigan (Mr. O'HARA) handled that bill and brought these employees under the coverage of that act, and that is the basis on which they are being paid. But the argument is being made today that they ought not to be

covered under this legislation because the post exchange is paying them the prevailing wage.

The bill, if it becomes law, would say that all you have got to do is to pay them the prevailing wages, so it is not going to cost them one cent, if the argument is made that the coverage ought not to be put into law is factually true. Now, if it does cost them anything, who is it going to cost? It will not cost the American taxpayers one penny. From the profits being made out of the military man, and, to a great extent, his dependents, will come the amount that is going to be paid.

Let me tell you the situation at Camp Lejeune at the main post exchange. There are 155 employees. Five of them are full-time, military-assigned to that exchange. That leaves 150 employees. Out of the 150, 115 of them are dependents of military from all over this Nation stationed on that base.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(On request of Mr. HALL, and by unanimous consent, Mr. HENDERSON was allowed to proceed for 5 additional minutes.)

Mr. HENDERSON. Mr. Chairman, I thank the gentleman for making the unanimous consent request for time.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's argument, and I wonder if the gentleman will yield once more?

Mr. HENDERSON. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, first of all, in the gentleman's argument, I fail to see that a profit has been made. I fail to see the difference between net income, gross income, and nondelineated profit; but if there is a profit, that perforce must come from those who consume at the post exchanges and the commissaries, or it must come from those who are privileged by a service regulation to participate.

Believe me, my only interest is in the service personnel and their fringe benefits on this particular question, but I cannot help but wonder if we are not cutting off our nose to spite our face when we take away the privilege to hire out as a moonlighter, as the gentleman refers to it; the man who by working would like to increase his sphere of influence, and accumulate a little more. I believe we are eliminating the very job that he, himself, or his dependents have chosen to work at, in order to have a little additional income to do more with and to support the system that gives them the all-out benefits of the PX, the BX, the Navy ships stores, or the commissaries in the first place.

I am very interested that we do not do damage to this system.

Mr. HENDERSON. Mr. Chairman, I appreciate the gentleman's position. I do not believe we have great differences in our thinking about the profits. Of course, we want the profits to go for the benefit of all, but I do not want the profits of the post exchange or any other nonappropriated fund activity to be taken from the employees at a rate that is not fair or comparable in the civilian community.

That is all this bill does. It says they pay the employees there what is being paid in the local communities. If they make a profit on top of that, because we, for instance, furnish the site, or the building, or the heat, or the air conditioning, or all the other things that merchants downtown have to compete with—that argument is not in here. All we are trying to say to the military is that the record is clear that they have not done it, or if the record is not clear, if they are doing it today, then the law says they do it and it will not cost them anything.

Mr. HALL. Mr. Chairman, will the gentleman yield again at that point?

Mr. HENDERSON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, again I appreciate the gentleman's yielding, and his cooperation, but I think what we are doing here is applying national legislation to a problem that should be handled by the law of supply and demand, the market place, and by local citizens.

What I am trying to say to the gentleman is, please do not insist on legislation that will throw out the baby with the wash water.

Mr. HENDERSON. Can the gentleman assure the House that the post exchanges all over the Nation pay the local prevailing wages?

Mr. HALL. No, I cannot do that, nor do I think it is necessary, but I can assure the gentleman the profits, if any, go back to embellish and increase the accoutrements of the serviceman and his family. And by eliminating this all-out benefit or right to work part-time at it, we will be doing exactly what we did to the schoolboy ambulance drivers. We eliminated the county ambulance services and those of funeral directors, when we passed the Fair Labor Standards Act, and there is not an ambulance in the country today, other than municipal or public, that is worth its salt, because they cannot meet the service which was provided by those part-time employees.

Mr. HENDERSON. Mr. Chairman, I appreciate the gentleman's remarks. I hope the gentleman does not fall into the trap of voting for the amendment offered by my friend, the gentleman from Iowa—and we have had our differences on this one. Here we are saying in the law they ought not be doing it today. I am saying the laws say they have to pay what they would get in the local community. If they are doing it today, it will be minimal.

If they are not doing it today, I say they should be doing it, and the profits we are all interested in for the servicemen ought to come after a fair and reasonable wage has been paid for those who work in the exchanges. If we do not do it, the exchange system will go down. Those of us who recognize the essentiality of this benefit and would still support this amendment would say to the military that we just cannot afford to pay fair wages.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. HENDERSON was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman seemed reluctant to use the word "moonlighting." It is my understanding that there are Members of Congress who moonlight, and it is my understanding that there are members of the U.S. Supreme Court who moonlight. Now what is so wrong about moonlighting?

Mr. HENDERSON. If the gentleman would like me to answer it, I would say this. I am reluctant to admit that there is a serviceman in the United States who finds it necessary to moonlight himself. I understand his dependents may have to work, and that is becoming a way of life in America, but I do say when they do have to work and they are stationed on a military base, we ought to pay the same wages as the prevailing wages in the area. That is all this bill provides. I think the gentleman would agree with me on that.

Mr. GROSS. I hate to think a member of the U.S. Supreme Court, who is paid $60,000 a year, is forced to moonlight, or that a Member of Congress, who is paid $42,500 with other emoluments, is also forced to moonlight.

Mr. HENDERSON. Let me reply to the gentleman.

Mr. GROSS. I am not about to join in closing the PX's, the officer's clubs, noncommissioned officer's clubs and in-other services operated by and for the benefit of the military. I am not to do that and, by the same token and indirectly increase the pay of those who are working in privately operated supermarkets and other retail outlets in wage board areas. It is a vicious cycle the gentleman proposes with this provision in the bill, which I seek to take out by my amendment.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(By unanimous consent, Mr. HENDERSON was allowed to proceed for 1 additional minute.)

Mr. HENDERSON. Mr. Chairman, I suggest that my prepared arguments will appear under an extension. I have never been more serious in the 10 years I have been here than on this issue before us.

Members of the full committee and of the subcommittee know that I have said year after year, in hearing after hearing, that the post commanders, the military commanders of our overseas bases, have not treated the post exchange and nonappropriated fund employees fairly, yet we have had very little relief. Only under the Fair Labor Standards Act were we able to write in minimum wage coverage. We were saying to American industry, "You have to pay $1.60," but they were not doing it in the post exchanges.

I went overseas and I found that the

American commanders were saying, "We do not have to pay the minimum wage, as we would have to back in the United States."

In my home district one will find Federal employees mowing grass on one side of the highway paid one rate and, because one works for a golf course mowing grass on the other side, that one paid a much lower rate. There is no fairness in today's system.

This provision will not cost one penny, if they are doing what they say they are doing.

SEPARATE ARGUMENT ON NONAPPROPRIATED FUND EMPLOYEES COMING UNDER WAGE BOARD

Mr. Chairman, prior to January of 1967, nonappropriated fund employees, principally the employees at military bases in such facilities as post exchange, laundry, guest houses, clubs, and the like, were, in many cases, not even receiving the minimum wage prescribed by law for private employees doing similar work.

At present, the pay and other benefits of exchange employees are pretty well set and established by individual services, and even in many instances by base commanders. Now, I do not mean to suggest or imply that these are not highly competent and capable individuals, or that they are insensitive to the needs, wishes, and condition of nonappropriated fund employees. But they are military men. To them the nonappropriated fund activities are of, by, and for military personnel, and civilian employees are almost a necessary evil to be tolerated.

In every instance that I am familiar with, the claim is made that nonappropriated fund employees are already being paid the prevailing rate in the community for the work they are doing.

Fine; if this is true, the military has nothing to fear from bringing them under the protection of the Civil Service Wage Board and insuring that they are, in fact, paid what an independent survey board finds to be the prevailing rate.

In this instance, it is important to point out that if increased pay and benefits to exchange employees would result from bringing them under this law, the increase will not be borne by the taxpayers, but will be borne out of the profits from PX's and other profitmaking activities of the nonappropriated funds. This might mean that instead of building six new bowling lanes on a base, they would have to limit it to three, but I do not believe anyone can seriously and conscientiously argue that it would really cut into the profits sharply enough to have an adverse effect on the activities of the bases.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have reached the culmination of a long debate, as the gentleman from North Carolina has said, which has run for over 10 years on a very basic question involving simple justice.

The gentleman from North Carolina has led that fight. If this amendment is carried we will be doing a grave injustice to some people who are at the bottom of the economic totem pole. We have worked out provisions for the aircraft controllers, Supreme Court judges, Members of Congress, Federal doctors, and people who are highly paid and skilled. Here we are talking about the janitors, sales ladies, charwomen, waitresses, and similar unskilled people who work on miltary installations. If we pass this amendment, we will be saying to them, "We do not care about you. You are not going to get the prevailing wage. We will make a little bit of profit for the officers' club, but we will make it out of your hide, out of the sweat of your brow."

I believe this is unjust and unfair.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield for a comment?

Mr. UDALL. I yield to the gentleman from North Carolina.

Mr. HENDERSON. The real debate we have had is as to whether or not these employees ought to be civil service employees.

Mr. UDALL. That is right.

Mr. HENDERSON. If they were, then they would be under the jurisdiction of the gentleman's subcommittee, and I am sure that they would be paid, if perhaps not twice as much as they are now paid, certainly more than they will get out of the provisions in this bill, if they were regular Federal employees.

Perhaps the issue ought to be drawn just that clearly. I have been endeavoring to say that we should treat them fairly, and treat them as they would be treated in the local area.

This is a moderate provision. If this is not kept in the bill, I intend to sponsor and continue the fight for, as long as I stay here, a provision to make them civil service employees, like the rest of the employees of this country.

Mr. UDALL. I thank the gentleman. I am with him all the way. If this amendment carries in committee, I hope that we will have a rollcall vote on it, to see who is in favor of paying wages which are substandard to these people at the very bottom of the scale.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. GONZALEZ. I rise in support of what the gentleman from Arizona as well as the gentleman from North Carolina has stated in regard to this very important issue. One can try to explain this away any way one wishes, but these people are working in the commissaries and in the nonappropriated fund activities and are considered Federal employees. They fail to understand why they should be exempt from the minimal provisions of the protective acts this Congress has passed for years.

We have had cases where these people have earned, as late as this year or last year, as little as 40 cents an hour. This is wrong.

I share the concern expressed by the distinguished gentleman from Arizona (Mr. UDALL), and the gentleman from North Carolina (Mr. HENDERSON), and I hope the House will back them up.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I am glad to yield to the gentleman from Michigan, who played a key role not too long ago in making sure that we applied the Federal minimum wage provisions to these same employees. For years and years we did not even apply the Federal minimum wage. The gentleman from Michigan helped to lead the fight to make sure we did at least that.

Mr. O'HARA. That is right. And a few years ago, I would like to say to the gentleman from Arizona, we tried to establish that principle around this Congress, that the Federal Government was not going to try to come into a community and pay less than the minimum wage or permit its contractors or related services to pay less than the prevailing wage. It seems to me all that the gentleman from North Carolina is trying to do is to extend that concept on a rational basis. I cannot understand what all of the objection to it is.

Mr. HENDERSON. Will the gentleman yield?

Mr. UDALL. Yes. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. O'HARA) because I remember so clearly that it was his bill and his leadership that required the minimum wage to be paid to these employees. What happened then? Immediately we got a depression. As soon as they had to go to $1.15, $1.25, or $1.60, employees who had been there 15 or 18 years were paid 5 or 10 cents more than they were required to pay as a result of the actual coverage under the legislation you sponsored.

When I went overseas last year and saw that the employees there were not covered by this interpretation, I knew it was not your intention or my intention that American dependents would be employed in exchanges overseas and not be paid the minimum wage that was paid back home when local nationals were not working in American commissaries and post exchanges because they could make more on the local economy.

Mr. UDALL. Mr. Chairman, this amendment is extremely unwise and unfair, and I believe it ought to be defeated.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

May I point out to the Members of the House that the gentleman from North Carolina is certainly excused for exaggerating in favor of a particular amendment or against it on the floor. This is the technique of debate. The gentleman from Arizona sailed off into the wild blue yonder in support of the gentleman from North Carolina, but that, too, is understandable. But let us get back to a few facts which I wish the Members to think of as they vote on this amendment.

First of all, we are not speaking of Federal employees and we are not speaking of people working under adverse conditions. You will find that the people holding these positions seek them in order to augment their incomes and the incomes of their families.

I respect the gentleman from North Carolina for his deep knowledge of labor economics and the intricate factors in-

volved, but when the gentleman argues that the profits of post exchanges are excessive and attacks them, what he is not saying is, if this amendment is not adopted that an adverse impact because on the profits of post exchanges and other facilities, will drive up the prices to the military people and their dependents. That is where it will be felt. It will be felt in higher prices and in the cost of services rendered through these installations.

However, the real argument that is made for the Gross amendment—and may I say that the gentleman from Iowa is a very positive and progressive thinker in this regard and the objections do not reflect positive thinking—may I emphasize that the Department of Defense is undertaking a major study of this very subject and will come up with practical results on it.

The language in the bill, therefore, is premature. It has not been thought through to the end result that it will have on individuals as well as the cost in products and services at post exchanges and related facilities.

I think the gentleman from Iowa has a very practical and wise amendment, and I would urge support of the Gross amendment.

Mr. HENDERSON. Will the gentleman yield?

Mr. DERWINSKI. Yes; I yield to the gentleman from North Carolina.

Mr. HENDERSON. The gentleman mentions the study being conducted. If that study concludes that the post exchanges are paying the prevailing wages in the local areas, does the gentleman agree with me that the effect of the provisions of this bill would be null and void and mean nothing?

Mr. DERWINSKI. No, I do not. I cannot conceive of a bill being null and void, that is the point I make. If the gentleman will hold this portion in abeyance——

Mr. HENDERSON. If the study shows that they are paying local prevailing wages, then the provision of the bill would not be affected; would it?

Mr. DERWINSKI. But the impact of the study goes far beyond that. The impact of the study goes into such things as fringe benefits and the coordinated compensation, and it is a far more expansive study, and with far more corrections intended than just the emphasis the gentleman from North Carolina has placed upon it.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield to me for one more brief question?

Mr. DERWINSKI. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, we have heard it said today that if this bill passes that—and I think the figure used was something like 40,000 will have to be reduced or fired out of the Defense Department. I wonder if the gentleman can give us any assurances that if the bill is not passed that there will not be any employees fired or reduced?

Mr. DERWINSKI. The gentleman from North Carolina is setting up a strawman. It has nothing to do with the present amendment being considered. I will yield for any question as long as it pertains to the amendment offered by the gentleman from Iowa (Mr. GROSS).

The gentleman from North Carolina is raising points that are not allied to the amendment offered by the gentleman from Iowa (Mr. GROSS). The amendment offered by the gentleman from Iowa (Mr. GROSS), remember, intends to preserve the effective service to our servicemen and their families that they are now receiving from the post exchanges and other base facilities.

May I point out to the gentleman that in his exuberance to oppose this positive-thinking Gross amendment that the gentleman has referred to Americans who are employed overseas. This amendment applies to facilities in the 50 States and the District of Columbia so that even geographically the arguments presented against the Gross amendment have gone a bit astray. The positive, progressive vote is to support the Gross amendment.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa with pleasure.

Mr. GROSS. What the gentleman from North Carolina seeks to do by opposing this amendment is to put waitresses and others, such as clerks in the PX's, under the same pay scales as carpenters, electricians, airplane mechanics—and you name it—under the same pay scale as all other Wage Board employees.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I will yield to the gentleman if he tries to answer the gentleman from Iowa (Mr. GROSS).

Mr. HENDERSON. I certainly want to do exactly that.

What I am trying to say is that the clerks, stockroom employees, and waitresses, are paid the same as waitresses, stockroom clerks and other employees in the local community under the same system that carpenters and electricians are under, not the same amount, but just what they get in that local area. And the argument is made that it ought not to be in the bill because we are already doing it.

Mr. DERWINSKI. That was not the argument at all. The argument was that there is a study being made which is designed to go much broader than the language of the bill, such as the adverse impact of the cost and other factors that would affect the servicemen in these installations.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(On request of Mr. HENDERSON, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. HENDERSON. If the gentleman will yield further, these people who would be covered, if they are going to get anything out of the action of this coverage, will get something out of the coverage, and they are more likely to receive something out of that than they are out of a study.

Mr. DERWINSKI. Knowing full well the seriousness of the gentleman, to which I certainly can give testimony, may I say that we do not know what the end results of the proposals of the gentleman from North Carolina may be insofar as adversely affecting the service men and their families, and the people who have access to these facilities. What will happen to certain products, and certain costs of the goods that are available through the post exchanges? I do not think that there have been any facts presented to our committee that would show the possible adverse effects upon the services and the costs of goods, and therefore the impact on the pocketbooks of the service men.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken and on a division (demanded by Mr. GROSS) there were—ayes 29, noes 49.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 27, strike out "(A)", in line 24.

On page 28, strike out subclauses (B) and (C) of clause 8, beginning in line 3 through line 10.

Mr. DERWINSKI. Mr. Chairman, I take the liberty of describing this amendment as another perfecting amendment to the bill.

What it would do would be to strike from the bill the provision for a 7.5-percent differential for scheduled nonovertime work from 3 o'clock to midnight and 10-percent differential for scheduled nonovertime work between 11 o'clock p.m. and 8 o'clock in the morning.

Now, let me point out a few facts to the Members. The bill as drawn would fix a uniform nationwide 7.5-percent pay differential for the first night shift and a 10-percent pay differential for the second night shift.

Industry practices vary widely within and between wage areas. But basically they are established not on a percentage basis but on a basic pay system related to the dollars and cents rather than percentages.

The fact that this would cost the Department of Defense $40 million, if my amendment is not adopted, I would just leave to anyone to ponder.

Earlier in discussing the basic bill we referred to the objections of the U.S. Civil Service Commission and the Civil Service Commission in a letter to Chairman DULSKI in March of 1970 outlined the objections to the bill including an objection to this wage differential.

I quote from this letter which is part of our committee records. They said:

This represents a complete departure from pay practices prevailing in industry for trades, crafts, and laboring occupations. The predominant practice is to pay a flat cents-an-hour amount to all employees on a shift rather than a percentage differential basis.

And continuing quoting from that letter, they said:

It would be highly undesirable to set part of a Wage Board employee's rate of basic pay on the basis of rates prevailing in an area and part of the basis of a nationwide differential bearing no relationship to the prevailing practice in the area.

Then it goes on to point out the complications to employees who are not on regularly scheduled, nonovertime hours.

As a matter of fact under the provisions of this bill, and if there are any Members from California present I direct this to your special attention. There are employees who are covered by this bill who now receive in California nighttime differentials above the limits that would be set by the bill. Therefore, under the provisions of this bill they would have a pay cut, not a pay raise.

Furthermore, the employees of the Bureau of Engraving and Printing are now covered by a 15-percent night differential, from 6 p.m. to 6 a.m., and they would be adversely affected by this bill unless my amendment is adopted.

This amendment, I believe, as I have emphasized, is practical. It would remove language in the bill which would be inconsistent with practices prevailing in private industry. It would also, I might add, save $40 million to the Defense Department. I think it is a practical, progressive, necessary perfecting amendment, and I naturally urge support of this amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. HENDERSON. Mr. Chairman, what the bill attempts to do is to grant uniformity for the second- and third-shift workers. Under section 5545, covering the Class Act employees for night, Sunday, standby, irregular, hazardous duty differential, the law provides—except as otherwise provided, under subsection (c) of this section, an employee is entitled to pay for night work at basic plus premium, amounting to 7½ percent for the first shift and 10 percent of the basic rate for the third shift.

We have a uniform 10-percent differential for Class Act employees who work at night. We know that among blue-collared employees it is not at all unusual that some of them will work on a second shift and others will work on a third shift. So our bill provides for a 7½-percent pay differential, nationwide, for scheduled nonovertime work during the second shift, that being during the hours 3 p.m. to midnight, and 10 percent for the third shift, 11 p.m. to 8 a.m.

The gentleman's amendment would remove this provision from the bill, and I presume would leave the practice that now is very confusing. It depends on where you are and for which Government agency you may be working as to what your second- and third-shift pay differential is. It seems to me that the blue-collar workers of America ought to be told that wherever they work, when they work on the second shift or the third shift, they will get a differential. If the percentage which the subcommittee and the full committee thought were the best percentages are not the best percentages, consideration might be given to amending it.

But here we are saying that we do not want continued chaos and confusion. It was the majority opinion of the committee, and the subcommittee chairman strongly feels that there should be a fair differential for second- and third-shift employees. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 27, noes 40.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BRASCO

Mr. BRASCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRASCO: On page 40, line 20, add a new section at the end thereof to read as follows:

"SEC. 10(a). Subchapter V of chapter 55 of title 5, United States Code, relating to premium pay, is amended by adding at the end thereof the following new section:

"'§ 5550. Pay for Sunday and holiday work; employees of nonappropriated fund instrumentalities, Veterans' Canteen Service

"'An employee of the Veterans' Canteen Service, Veterans Administration, or an employee paid from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, or other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces—

"'(1) whose regular work schedule includes an 8-hour period of service, a part of which is on Sunday, is entitled to additional pay at the rate of 25 percent of his hourly rate of basic pay for each hour of work performed during that 8-hour period of service; or

"'(2) who performs work on a holiday designated by Federal statute or Executive Order, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not in excess of 8 hours or overtime work for such employee.'.

"(b) The table of sections of subchapter V of chapter 55 of title 5, United States Code, is amended by adding at the end thereof—

"'§ 5550. Pay for Sunday and holiday work; employees of nonappropriated fund instrumentalities, Veterans' Canteen Service.'."

Mr. BRASCO (during the reading). I ask unanimous consent that further reading of the amendment be dispensed with, that the amendment be considered as read and printed in the RECORD and open to amendment at any point, and I will, of course, explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, I understand that the gentleman's amendment, very simply, provides for Sunday and holiday work differential for the nonappropriated fund employees.

Mr. BRASCO. That is correct.

Mr. HENDERSON. And in keeping with the action of the Committee of the Whole in recent votes, this amendment certainly comes at a very timely and appropriate moment. I commend the gentleman, and, speaking for myself, the amendment will be very acceptable to me. I thank the gentleman for yielding.

Mr. BRASCO. Mr. Chairman, I thank the gentleman from North Carolina for his very kind words.

Mr. Chairman, this body chose to treat the employees who are being paid out of nonappropriated funds the same as employees who are being paid out of appropriated funds for the purpose of determining the salaries they ought to receive. I believe, certainly, that was a most equitable way of treating those who are in the employ of the Federal Government. I know there are some who question that premise, but in my opinion that is exactly what these employees are—Federal employees.

This amendment would do no more than go down that road a little further by providing truly equal treatment between those who are being paid out of appropriated funds and those who are being paid out of nonappropriated funds. What this amendment does is to establish a 25-percent increase to a worker's hourly rate for each hour of work performed on Sundays and double pay for employees working on holidays.

Very simply, what this does is to treat both categories of employees in exactly the same manner.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. Certainly I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, I wish all of the argument could be made at one time. This is not a remote situation nor an amendment that is not meaningful. Just recently we had a post exchange open on Sunday. Do Members know what kind of pay the military and post exchange offices were going to give the employees for working from 1 o'clock until 6 o'clock on Sunday afternoon? They were going to give them time off, equal time off.

Mr. BRASCO. That is exactly what this amendment seeks to correct. Let me say this in all sincerity. The strength and foundation of our Government has been in the way that it treats those who consent, to be governed by it. Particular emphasis has been placed on the matter of treating those people fairly and squarely in the area of protecting them

on something that is most vital and important to their welfare, that is the amount of money they earn for a just day's work. I can only say that during the course of the years it has been very evident that the Congress has promulgated law after law with respect to protecting this most precious thing, the money earned with which the people support themselves and their families. However, we have been less than fair in our treatment of those who are in the employ of the Federal Government. What we did here today in this bill goes a long way toward correcting some inequities. The previous amendment would subject nonappropriated fund employees to the prevailing wages that are paid people locally, which was a step in the right direction. I submit by giving them the same treatment for work they perform on Sundays and holidays as those who are being paid out of appropriated funds will certainly correct an existing problem, and it will allow all inequities to be corrected at one time. I urge all Members of this body to support this amendment.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am a bit amazed that the chairman of the subcommittee would so quickly jump to accept this amendment. If it was so obviously correct and needed, it should have been discussed in the subcommittee and should have been contained in the bill as it stands.

Actually, this amendment is merely compounding the complication which the bill is causing for the post exchanges, for the servicemen and their families who use those facilities.

I do believe that when we do not have a fair record of the facts and we do not understand the total impact of the language in the bill affecting these nonappropriated fund employees. If we add to it this extra feature which the committee did not consider, I believe we will be compounding the complication. I would think the prudent thing to do would be to reject this amendment. Prudence would dictate that the amendment be rejected, and if the House will accept the language in the bill, certainly that would be a far enough step to take this afternoon. This new language, completely without support by facts and figures in its impact, I believe, is hasty legislation.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished gentleman from New York.

Mr. BRASCO. It is obvious that the gentleman's motto is, "Always put over until tomorrow what we can do today."

Mr. DERWINSKI. Especially when I fear damage.

Mr. BRASCO. The gentleman mentioned on two occasions during the course of this debate that if we pass the amendment which I propose—that we in some way were doing harm to the dependents of those in the military and in fact those in the military themselves.

Is the gentleman suggesting that whatever benefit the military and their dependents get out of the profits from these exchanges should be kept at the expense of denying to other Americans a living wage?

Mr. DERWINSKI. Not at all.

Mr. BRASCO. It seems to me that is what the gentleman is saying.

Mr. DERWINSKI. I am pleased the gentleman gives me the opportunity to make a rebuttal.

Nobody is being denied a living wage. The people who are the employees discussed here are the servicemen and their families, who are augmenting their basic wage. Nobody is denied a living wage under the existing system.

I am pointing out, as the gentleman well knows, that especially the noncommissioned officers, the rank and file military people, have taken for granted as a part of their fringe compensation, certain services at reduced costs which are available in the PX's, the noncommissioned officers clubs, the officers clubs, and so forth. This is accepted, standard procedure. Provisions in the bill itself raises a question as to just what will happen to these benefits in the future. The gentleman's amendment, coming like a bolt out of the blue, may completely complicate the factors as they apply to the benefits and to the acceptable procedures which the servicemen expect.

I say that there is no foundation in testimony or in figures before our committee to support this amendment. I believe if it has the overpowering value suggested, the chairman of our subcommittee should hold immediate hearings and move it along. I do not believe we should accept it at this point.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished gentleman from North Carolina.

Mr. HENDERSON. I should like to answer the inquiry which the gentleman has raised. I can tell the gentleman very simply why it was not in the bill.

I could not imagine a Federal employee being worked on a Sunday and not being given anything but equal time off. I did not know it until after this bill was reported and the rule was adopted and the House went into recess.

Mr. DERWINSKI. In other words, our staff had not done its homework?

Mr. HENDERSON. No. The military just began this operation that was brought to my attention during the period of recess. To be exact, it was on September 6, last Sunday.

Now will the gentleman answer a question for me, as to whether he would adopt the previous amendment and say that they ought to be paid the local prevailing minimum wage? Surely the gentleman would not say that we ought to work Federal employees on Sunday and not give them anything but compensatory time off.

Does the gentleman know of any American industry or any good retailer anywhere in America who says to his people, "You work on Sunday, or you get fired if you don't work on Sunday, and we will give you some time off."

Mr. DERWINSKI. May I compliment the gentleman for finally sharing with the rest of us some information he has just acquired. I do wish the gentleman would establish proper lines of communication with subcommittee members and I do wish the gentleman had made that a positive argument, quoting his information. I wish that the staff would share its information and figures with all of us.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to ask one question. What is the price tag on this amendment?

Mr. HENDERSON. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HENDERSON. I will tell you what my price tag is on it.

Mr. GROSS. I would like to know, and I do not want to take any further time of the House. I am sure the gentleman can give us the cost of this proposal.

Mr. HENDERSON. I can answer that by saying if they will prevent the post exchange employees from working on Sundays, then it will not cost anything.

Mr. GROSS. Of course, that is not much of an answer. Cannot the gentleman put any kind of a figure on this? Any kind of a figure.

Mr. HENDERSON. The best information I have is there are now eight or nine. This is a growing practice. Just recently one in the Washington area, I understand, opened. Two in North Carolina opened since I have been here.

Mr. DERWINSKI. Will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. DERWINSKI. It seems to me that this amendment has opened up a Pandora's box of subject matter. I understand that our distinguished chairman now wishes to legislate blue laws. I am perfectly agreeable to debating the pros and cons of blue laws with him at some time, but that is not the argument here.

Mr. HENDERSON. Will the gentleman yield?

Mr. GROSS. Yes. I yield.

Mr. HENDERSON. Let me make my position clear—this bill does not say that you do not work them on Sundays, but it says that if you do, you provide what they should be paid.

Mr. GROSS. The gentleman from North Carolina is well aware that officers clubs and noncommissioned officers clubs have been operated for years and years. This is not something new.

Did the gentleman make an effort to find out what it would cost?

Mr. HENDERSON. If the gentleman will yield further, that is a service to the employees. This amendment would extend itself to the employees that are required to work in the major exchanges for these profitmaking organizations.

Again I remind the gentleman it does not come out of the taxpayers' pockets but only out of the profits of the post exchanges.

Mr. DERWINSKI. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. DERWINSKI. I merely wish to observe that the gentleman is such a perceptive student of this entire program. I know he realizes when these profits that are being so vigorously attacked disappear, the servicemen and their dependents will have to dig into their pockets to make up the difference. So we will have to be careful that this does not become a two-edged sword.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BRASCO) there were—ayes 51, noes 32.

So the amendment was agreed to.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to highly commend my friend and colleague, the gentleman from North Carolina (Mr. HENDERSON), for his leadership in bringing this bill to the floor. I believe all of the North Carolina delegation well realizes the impact this legislation will have on my congressional district. I was impressed by the comments that were made concerning the PX's and base exchanges because, as the gentleman knows, I have in my congressional district Fort Bragg, Pope Air Force Base, and the Sunny Point Ocean Terminal Ammunition Depot.

Incidentally, the largest PX in the continental United States, on the basis of annual dollar volume, is at Fort Bragg, N.C.

Mr. Chairman, my purpose in taking this time is to direct the attention of the distinguished chairman of the subcommittee to a situation that is now taking place at the ammunition uploading depot. As the gentleman from North Carolina, I am sure, knows the problem involves the men who are assigned to the firefighting ship crews on a full-time basis so as to provide fire protection to this terminal facility as well as to the hundreds of millions of dollars worth of explosives that move out of that ocean terminal, and are truly identified as Government employees. The chairman will recall that in June of this year in an exchange of correspondence with the gentleman I received his assurances that his subcommittee would go into the questions raised by the employees who operate these firefighting boats under these very hazardous conditions. And I would like to have the gentleman's comments on that.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, I am very aware of the gentleman's intense interest in the legislation before us, and especially with respect to the hazardous duty of the firemen serving in the ammunition loading depot, as well as elsewhere in the Nation, as the gentleman revealed in an exchange of correspondence earlier this year, and I am very happy at this time to reaffirm to the gentleman that just as soon as our subcommittee concludes this legislation that we will give very serious attention both by way of study and certainly hopeful early hearings on the legislation that the gentleman from North Carolina has introduced covering this very subject.

Mr. LENNON. I thank the gentleman from North Carolina, because on March 19, of this year I introduced H.R. 16584 in the House that would give these employees this much deserved equity. Also a bill was introduced in early April in the Senate to do the same thing. The question was raised earlier as to whether or not this bill which was introduced in the House and the companion bill in the Senate would be germane if offered as an amendment to H.R. 17809.

And after consultation with the gentleman from North Carolina and other members of the subcommittee, and recognizing that this matter had not been considered, and that there had been no hearings, I refrained from taking that action.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield further for one more comment?

Mr. LENNON. I yield further to the gentleman from North Carolina.

Mr. HENDERSON. I certainly thought at the time that the bill the gentleman introduced here in the House, and the one in the Senate, had great merit to them, and that the executive department and the Department of Defense would pay a lot of attention to them and determine whether or not this was hazardous duty, and it is my opinion that they could take such action and give proper pay for such duty.

And further, after the movement of the nerve gas, the entire membership of this body, after studying the matter, ought to appreciate that this is hazardous duty, and is a day-by-day function in that location.

Mr. LENNON. Mr. Chairman, if I might ask the gentleman from North Carolina (Mr. HENDERSON) one other question:

Has your subcommittee asked the DOD and other affected agencies of the Federal Government, including the Civil Service Commission, to take any position with respect to the legislation that I introduced?

Mr. HENDERSON. I can assure the gentleman that we have asked for reports. I regret that I cannot give you the result of them from memory but I certainly will provide that information.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, pursuant to House Resolution 1182, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. HENDERSON. Mr. Speaker, I demand a separate vote on the Derwinski amendment that would have repealed the Monroney Act.

The SPEAKER. Is a separate vote demanded on any other amendment to the Committee amendment?

If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

On page 26, strike out all of clause (4), beginning in line 5 down through line 22, and renumber the succeeding clauses.

The question was taken and on a division (demanded by Mr. DERWINSKI) there were—ayes 40, noes 61.

So the amendment was rejected.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 17809 to the Committee on Post Office and Civil Service.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 231, nays 90, not voting 109, as follows:

[Roll No. 287]

YEAS—231

Abbitt	Brooks	Clay
Adams	Brotzman	Cleveland
Addabbo	Brown, Calif.	Cohelan
Albert	Broyhill, Va.	Colmer
Anderson, Tenn.	Burke, Mass.	Conyers
Annunzio	Burlison, Mo.	Corbett
Ayres	Burton, Calif.	Coughlin
Barrett	Burton, Utah	Culver
Bennett	Button	Cunningham
Bevill	Byrne, Pa.	Daniels, N.J.
Biaggi	Byrnes, Wis.	de la Garza
Bingham	Caffery	Dent
Blanton	Carey	Dickinson
Boland	Carter	Dingell
Bolling	Celler	Donohue
Brademas	Chappell	Dorn
Brasco	Clark	Downing
Brinkley	Clausen, Don H.	Dulski
		Duncan

Dwyer	Kluczynski	Randall
Eckhardt	Koch	Reid, N.Y.
Edmondson	Kyl	Reuss
Edwards, Calif.	Kyros	Riegle
Edwards, La.	Leggett	Roberts
Eilberg	Lennon	Rodino
Eshleman	Long, Md.	Roe
Farbstein	McCarthy	Rogers, Fla.
Fascell	McClory	Rooney, N.Y.
Fisher	McDade	Rooney, Pa.
Flood	McDonald, Mich.	Rosenthal
Flowers	McEwen	Rostenkowski
Foley	McFall	Roybal
Ford, William D.	McKneally	Ruppe
Fulton, Pa.	McMillan	Ryan
Fuqua	MacGregor	Scheuer
Galifianakis	Madden	Scott
Gallagher	Mailliard	Shipley
Garmatz	Mathias	Shriver
Gaydos	Matsunaga	Sikes
Gettys	Meeds	Slack
Gibbons	Mikva	Smith, Iowa
Gilbert	Mills	Smith, N.Y.
Gonzalez	Minish	Stafford
Goodling	Mink	Staggers
Gray	Mollohan	Steed
Green, Oreg.	Monagan	Stokes
Green, Pa.	Montgomery	Stratton
Griffiths	Moorhead	Stuckey
Gude	Morgan	Sullivan
Haley	Morse	Talcott
Halpern	Mosher	Taylor
Hamilton	Moss	Teague, Calif.
Hanley	Murphy, Ill.	Thompson, N.J.
Hanna	Murphy, N.Y.	Thomson, Wis.
Harrington	Natcher	Tiernan
Harsha	Nedzi	Udall
Hathaway	Nichols	Ullman
Hawkins	Nix	Vanik
Hechler, W. Va.	Obey	Vigorito
Heckler, Mass.	O'Hara	Waggonner
Helstoski	O'Konski	Waldie
Henderson	Olsen	Wampler
Hogan	O'Neill, Mass.	Watts
Holifield	Patman	Whalen
Howard	Patten	Whitehurst
Hunt	Perkins	Widnall
Ichord	Philbin	Williams
Jacobs	Pickle	Winn
Jarman	Pike	Wolff
Johnson, Calif.	Pirnie	Wright
Johnson, Pa.	Podell	Wyatt
Jones, N.C.	Poff	Wydler
Karth	Preyer, N.C.	Wyman
Kastenmeier	Price, Ill.	Yates
Kazen	Pucinski	Yatron
Kee	Purcell	Zablocki
Keith	Quillen	Zwach
King	Railsback	

NAYS—90

Abernethy	Devine	Minshall
Adair	Erlenborn	Mize
Anderson, Ill.	Findley	Mizell
Andrews, Ala.	Fish	Myers
Andrews, N. Dak.	Ford, Gerald R.	Nelsen
Arends	Foreman	Passman
Ashbrook	Frelinghuysen	Pettis
Bell, Calif.	Frey	Poage
Berry	Gross	Rarick
Betts	Grover	Reid, Ill.
Bow	Hall	Reifel
Bray	Hammer-schmidt	Rhodes
Broomfield	Hansen, Idaho	Robison
Brown, Mich.	Hastings	Roth
Brown, Ohio	Hosmer	Ruth
Broyhill, N.C.	Jonas	Sandman
Camp	Kleppe	Saylor
Casey	Langen	Schadeberg
Cederberg	Latta	Schmitz
Chamberlain	Lloyd	Smith, Calif.
Clawson, Del	Lukens	Springer
Collins	McCloskey	Stanton
Conable	McClure	Steiger, Ariz.
Conte	Mahon	Steiger, Wis.
Crane	Mann	Teague, Tex.
Davis, Wis.	Marsh	Vander Jagt
Dellenback	Martin	Whalley
Denney	May	Whitten
Dennis	Mayne	Wylie
Derwinski	Miller, Ohio	Zion

NOT VOTING—109

Alexander	Boggs	Cowger
Anderson, Calif.	Brock	Cramer
Ashley	Buchanan	Daddario
Aspinall	Burke, Fla.	Daniel, Va.
Baring	Burleson, Tex.	Davis, Ga.
Beall, Md.	Bush	Dawson
Belcher	Cabell	Delaney
Biester	Chisholm	Diggs
Blackburn	Clancy	Dowdy
Blatnik	Collier	Edwards, Ala.
	Corman	Esch
Evans, Colo.	Landgrebe	Rousselot
Evins, Tenn.	Landrum	St Germain
Fallon	Long, La.	Satterfield
Feighan	Lowenstein	Scherle
Flynt	Lujan	Schneebeli
Fountain	McCulloch	Schwengel
Fraser	Macdonald, Mass.	Sebelius
Friedel	Melcher	Sisk
Fulton, Tenn.	Meskill	Skubitz
Giaimo	Michel	Snyder
Goldwater	Miller, Calif.	Stephens
Griffin	Morton	Stubblefield
Gubser	O'Neal, Ga.	Symington
Hagan	Ottinger	Taft
Hansen, Wash.	Pelly	Thompson, Ga.
Harvey	Pepper	Tunney
Hays	Pollock	Van Deerlin
Hébert	Powell	Watson
Hicks	Price, Tex.	Weicker
Horton	Pryor, Ark.	White
Hull	Quie	Wiggins
Hungate	Rees	Wilson, Bob
Hutchinson	Rivers	Wilson, Charles H.
Jones, Ala.	Rogers, Colo.	Wold
Jones, Tenn.	Roudebush	Young
Kuykendall		

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Horton for, with Mr. Morton against.

Mr. Pryor of Arkansas for, with Mr. Burleson of Texas against.

Until further notice:

Mr. Hébert with Mr. Bob Wilson.
Mr. Hays with Mr. Biester.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Friedel with Mr. Snyder.
Mr. Daddario with Mr. Meskill.
Mr. Giaimo with Mr. Kuykendall.
Mr. Delaney with Mr. Michel.
Mr. Boggs with Mr. Skubitz.
Mr. Anderson of California with Mr. Pelly.
Mr. Hull with Mr. Belcher.
Mr. White with Mr. Esch.
Mr. Charles H. Wilson with Mr. Wiggins.
Mr. Jones of Tennessee with Mr. Edwards of Alabama.
Mr. Aspinall with Mr. Harvey.
Mr. Corman with Mr. Taft.
Mr. Ottinger with Mr. McCulloch.
Mr. Miller of California with Mr. Gubser.
Mr. Hicks with Mr. Wold.
Mr. Davis of Georgia with Mr. Burke of Florida.
Mr. Dowdy with Mr. Hutchinson.
Mr. Evins of Tennessee with Mr. Landgrebe.
Mr. Rees with Mr. Diggs.
Mr. Lowenstein with Mr. Powell.
Mr. Landrum with Mr. Cramer.
Mr. Daniel of Virginia with Mr. Buchanan.
Mr. Evans of Colorado with Mr. Watson.
Mr. Fountain with Mr. Clancy.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Griffin with Mr. Thompson of Georgia.
Mr. Hagan with Mr. Blackburn.
Mr. Rivers with Mr. Cowger.
Mr. Rogers of Colorado with Mr. Lujan.
Mr. Sisk with Mr. Goldwater.
Mr. Stephens with Mr. Collier.
Mr. O'Neal of Georgia with Mr. Bush.
Mr. Macdonald of Massachusetts with Mr. Weicker.
Mr. Blatnik with Mr. Pollock.
Mr. Jones of Alabama with Mr. Scherle.
Mr. Pepper with Mr. Sebelius.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Young with Mr. Price of Texas.
Mr. Melcher with Mr. Quie.
Mr. Alexander with Mr. Rousselot.
Mr. Baring with Mr. Schneebeli.
Mr. Ashley with Mr. Schwengel.
Mr. Feighan with Mr. Stubblefield.
Mr. Flynt with Mr. Roudebush.
Mr. St Germain with Mr. Tunney.
Mr. Satterfield with Mr. Symington.
Mr. Long of Louisiana with Mr. Hungate.
Mrs. Hansen of Washington with Mr. Fraser.

Mr. SCHADEBERG changed his vote from "yea" to "nay."

Mr. COUGHLIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 17809, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REGULATION OF CREDIT CARD MAILINGS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1046 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1046

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16542) to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16542, it shall then be in order in the House to take from the Speaker's table the bill S. 721 and to move to strike all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16542 as passed by the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 2, strike out all of the last sentence, beginning with "After the passage of" in line 6 and ending with the period in line 11.

The SPEAKER. The question is on the amendment offered by the gentleman from Hawaii.

The amendment was agreed to.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1046 provides an open rule with 2 hours of general debate for consideration of H.R. 16542 to amend the United States Code to regulate the mailing of unsolicited credit cards, and for other purposes.

The purpose of H.R. 16542 is to minimize the possibility of theft from the mails of unsolicited credit cards by requiring that such mailings be by registered mail.

The legislation amends the United States Code to provide that a credit card is nonmailable unless it has been solicited, is a replacement for one previously issued or lost, mislaid, or stolen, and is being returned to the addressee. Any unsolicited card must be sent by registered mail, with return receipt requested, with delivery restricted to the addressee, and the envelope must show the name and address of the sender and such notice as may be prescribed by the Postmaster General.

A penalty is prescribed for each violation in the amount of $1,000 maximum.

Mr. Speaker, I urge the adoption of House Resolution 1046 in order that H.R. 16542 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in the interest of saving time I will say that the gentleman from Hawaii (Mr. MATSUNGA) has adequately explained this bill and I will extend my remarks on the rule.

Mr. Speaker, I commend the gentleman from Illinois (Mr. ERLENBORN) for bringing to our attention a matter which I have been more or less fussing about for the last year; that is, the language which we have agreed to strike from the rule, which says that after the passage of the bill, "it shall then be in order in the House to take from the Speaker's table the bill S. 721 and to move to strike all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16542 as passed by the House."

If Members will read the second paragraph under clause 3, rule XXVIII, the second paragraph has to do with precedents and they will find that once this happens then the conferees can put most anything in the bill they wish to, whether it is germane to anything passed by the House or by the Senate, and it will come back to us, and it is made in order.

The gentleman from California (Mr. SISK) has sent to me a suggested change in that rule which we are going to bring to the attention of the House next week in connection with the reorganization bill, which we hope will confine the activities of the conferees to what has been passed by the House and by the Senate, within those two outside and inside limits, so the two bodies will not be able to bring in any legislation in the bill which was not considered by either the House or the Senate.

Mr. Speaker, I do urge the adoption of the rule.

The purpose of the bill is to minimize the likelihood of theft from the mails of unsolicited credit cards.

The bill seeks to achieve this by providing a new category of nonmailable items. A credit card of any kind is declared to be nonmailable unless the card—

First, is requested by the addressee; or

Second, is a replacement card for one previously issued to the addressee; or

Third, if the card was lost or stolen previously, it is being returned to the addressee by mail; or

Fourth, if the card is unsolicited, it is sent by registered mail with delivery restricted to the named addressee and a return receipt is requested showing to whom, when, and where delivered, and is sent in an envelope bearing on its face the name and address of the sender, along with such notice as the Postmaster General may prescribe.

For each violation of these provisions, a sender is liable for a fine of $1,000.

As our society comes more and more to rely on credit cards, the mailing of unsolicited cards has become normal business procedure for many business firms and banks. Losses inevitably result from such indiscriminate mailing policies, and the cost of these losses are just as inevitably passed on to the ultimate consumer in the form of higher prices. Estimates of such losses annually range from $50 to $150 million.

Additionally, persons receiving unsolicited credit cards are often those persons who are not wise and prudent purchasers. Such a temptation should not be indiscriminately placed in their hands.

The bill seeks to reduce these problems significantly by requiring that credit cards be sent by registered mail. This will reduce the possibility of theft because such mail is sent in locked mailbags. By requiring a named addressee and a return receipt, the chances of theft will be likewise reduced. The cost of this type of procedure will help insure that only credit-worthy persons will receive such cards through the mails.

Finally, the bill authorizes the Postmaster General to require a notice on the envelope of such mailings to show that an unsolicited credit card is contained therein.

The Post Office Department supports the legislation, pointing out that the cost of mailing by registered mail—$1.36—may very well stop such mailings completely.

The Board of Governors of the Federal Reserve System opposes the bill. It does not believe the current situation requires such strict limitations on the mailing of unsolicited credit cards. It points out that many banks would be seriously handicapped in expanding their credit card programs, thus giving banks already in the field protected advantage.

There are no minority views.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Hawaii for offering the amendment which I intended to offer if the members of the Rules Committee themselves did not.

The gentleman from California (Mr. SMITH) I believe has quite thoroughly described the effect of the language which has been stricken from the rule. If this language had been left in the rule and the Senate bill were then amended by substituting the language of the House bill and sent to conference, under the rules and under the precedents, the conference committee would have been free to put in this bill almost anything that would have been germane and that could have been offered in either the House or the Senate. It would not have been at all limited to the bill passed by the House or passed by the Senate.

I believe most of us have felt that the conference committee had these restraints, that the conference committee could not write new legislation in the conference. But in the past several years there have been too many instances in which altogether new legislation was written by the conference committee, and the House and the Senate have had only two alternatives—to accept the new legislation as written by the conference committee or to reject the conference report and send the whole matter back to conference.

I hope this will be a precedent of the House now, so that we will not include this sort of language in the rules sent by the Rules Committee to the House for the consideration of bills in the future. Or, as suggested by the gentleman from California, that the rules of the House themselves may be amended in the reorganization bill to see that the kinds of restraints we all understand to be imposed upon the conference committee will be imposed in the future to protect us in our legislative function.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16542) to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16542 with Mr. STEED in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI), will be recognized for 1 hour, and the gentleman from Idaho (Mr. MCCLURE), will be recognized for 1 hour. The Chair now recognizes the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 16542, a bill to restrict the mailing of unsolicited credit cards.

I believe that a vote in support of this bill is a vote in support of the American consumer.

The security requirements in this bill

will protect the American public from large scale theft of unsolicited credit card mailings.

Further, these security requirements will, in turn, reduce the number of such mailings. At the same time, this bill will not interfere in any way with normal provision, renewal, and replacement of credit cards requested by individuals or companies.

This legislation from my committee received unanimous support both in the full committee and in the Postal Operations Subcommittee. It is indeed bipartisan legislation.

Unsolicited and unwanted credit cards have been sent through the mails to millions of Americans.

In the too many cases where these unsolicited credit cards have been stolen, the mail patron did not learn of his loss until he received a bill from the credit card company perhaps a month to 6 weeks later.

One victim from my State was a 96-year-old widow, living on social security, who received a bill from a credit card company for several thousand dollars. She had asked for no account with the company—it was established by an unsolicited credit card in her name which had been stolen from the mails.

The pending bill will protect the public from such thefts by providing: First, credit cards are classed as unmailable matter unless they are requested specifically by the receiving party or involve renewals or proper replacements; second, unsolicited credit card mailings can be sent only by restricted delivery to the addressee. The Postal Service will prescribe regulations to insure personal delivery, plus proof of when, where, and to whom the card-carrying envelope is delivered; and, third, any additional costs resulting from the nondelivery of the unsolicited mailing and its return to the mailer must be borne by the mailer.

There is one additional requirement: This directs that a notice be printed on the face of the envelope explaining that the mailing contains an unsolicited credit card and that the addressee may refuse to accept the mailing.

Under present conditions, unsolicited credit card mailings can be—and often are—disguished in order to gain acceptance into the home. While the proposed careful security delivery system will give maximum protection to these mailings, we still need to guard against disguised envelopes.

The total cost of each mailing of unsolicited credit cards under present rates and procedures would be at least $1.71. It is not possible at this time to forecast the cost to be set by the new Postal Service.

As for violations, the bill provides criminal penalties of up to $1,000 for each instance.

As will be apparent to the Members in referring to the bill and report, this bill was reported from our committee before enactment of the Postal Reorganization Act which the President signed into law on August 12.

Thus the bill, as reported, applies to the current version of title 39 of the United States Code, which will be replaced by the Postal Reorganization Act.

Therefore, we have redrafted the pending bill on a technical basis to conform to the new title 39 which will come into effect next year, at least by August 12.

There are no changes in substance, only the technical changes needed to conform to the new law.

When the general debate is concluded and we proceed under the 5-minute rule, the gentleman from Pennsylvania (Mr. NIX) will propose an amendment in the nature of a substitute. I urge support of the amendment which conforms fully with the original intent of our committee, as well as the subcommittee.

I want to congratulate the chairman of the Subcommittee on Postal Operations, the gentleman from Pennsylvania (Mr. NIX), for sponsoring this legislation and the members of our committee for their support. I particularly commend the gentleman from New York (Mr. HANLEY), a member of our full committee, for his special concern and leadership in this matter.

I urge the House to support this needed legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I am in wholehearted support of H.R. 16542, and I commend the chairman of the full committee, the gentleman from New York (Mr. DULSKI) and the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), for bringing this legislation to the floor. I also salute the author of the bill, my colleague (Mr. HANLEY), who also serves as a very able member of the Banking and Currency Committee.

There are a number of problem areas that arise in connection with the use and distribution of credit cards. But perhaps the most important question that needs to be explored is the reliance upon unsolicited credit card mailings, a tactic which is increasing at an alarming rate.

In 1967, I introduced legislation to curb the unsolicited distribution of bank credit cards. Hearings were held on this legislation before the Banking and Currency Committee in November of that year. Unfortunately, we were unable to take action on the legislation because the three bank regulatory agencies—the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation—all opposed the legislation, even though Miss Betty Furness, Special Assistant to the President for Consumer Affairs, strongly supported the legislation and said the bill "would make a major contribution to a secure consumer marketplace."

The bank regulatory agencies, although admitting that there were problems with bank credit cards, did not feel that the problems were significant enough to call for legislation. More than 2 years have passed since that initial hearing on credit cards, and the problems and abuses of credit cards have continued to mount. Recently, the Federal Trade Commission held hearings on credit cards because it too was concerned about the problems that have arisen with the plastic debt package. However, the Federal Trade Commission does not have jurisdiction over the banking industry and several other industries such as the airlines. Since that hearing, a representative of President Nixon's administration has suggested that all credit cards should be regulated and I strongly endorse such a proposal. No sooner had the Nixon administration proposal been made than the Federal Reserve System made it clear that it would not go along with any proposals that in any way would regulate bank credit cards. In a speech before the Seattle Clearinghouse Association on September 23 of last year, Federal Reserve System Governor Andrew Brimmer said:

> Furthermore there appears to be no reason to change the Board's position that the System has adequate supervisory power governing the development of bank credit card programs and does not see any necessity for special legislation to limit or control bank credit cards.

Of course, it is not unusual for the Federal Reserve System to operate on a course different from that of the administration in power and, once again, we are seeing why the independence of the Federal Reserve System is a major deterrent to an effective government.

CONSUMERS WANT REGULATION—BANKS DO NOT

We know that the Federal Reserve System wants no change in the present handling of credit cards. But the Federal Reserve System, it must be remembered, speaks only for the bankers, mostly big bankers. Since I introduced legislation to regulate bank credit cards, I have received numerous letters from consumers supporting the legislation. I have not received a single letter from a consumer group or an individual consumer opposing the legislation. In fact, virtually every consumer group that I can think of favors Federal credit card legislation.

The Federal Reserve System also does not believe that credit cards are responsible for financial difficulties such as the marked increase in personal bankruptcies. The Federal Reserve System is thus in sharp disagreement with Royal Jackson, Chief of the Bankruptcy Division, Administration Office of the U.S. Courts. Testifying before a credit card hearing in the other body, Mr. Jackson said that a prohibition against sending unsolicited credit cards would reduce the rate of consumer bankruptcies.

Mr. Jackson still believes that there is a direct correlation between heavy credit card use and personal bankruptcies. He added that bankruptcy referees around the country are more concerned about the problem now because of the continued increase in personal bankruptcies. He added that the problem will not be solved until legislation or regulation controlling the distribution of credit cards is enacted.

REGISTERED MAIL COSTS WOULD NOT BE PROHIBITIVE

I am impressed by Mr. Jackson's statement and I feel that the first step toward correcting the problem would be the en-

actment of Congressman HANLEY's bill. According to the Federal Reserve, some banks have adopted the policy of sending credit cards via registered mail—a procedure which would be required under the Hanley bill. The main objection to the use of registered mail appears to be the cost. According to Governor Brimmer, one bank is reported to have spent an average of 80 cents per mailing to distribute its cards by registered mail. Perhaps the Federal Reserve System feels that an expenditure of 80 cents per card is prohibitive but actually it is a very small expenditure when compared against the profit potential of the card.

For example, at the end of July 1969, there was $1.7 billion outstanding in bank credit card plans. And during the period from January to July of 1969, there was an average of $1.4 billion outstanding during any given 30-day period. The banks charge the credit card holder 1½ percent a month on the unpaid balance or a total of 18 percent a year annual interest charge. Not only do the banks collect from the purchaser but the bank acts as a double tollgate operator and also collects from the merchant in the form of a discount which ranges as high as 7 percent of the purchase price. Thus, if a merchant sells a $100 item to a customer who uses a bank credit card to pay for the item, the bank will reimburse the merchant for only $93, keeping the $7 as its discount fee.

The bank is collecting 18 percent from the consumer and 7 percent from the merchant or a total of 25 percent in the form of interest or discounts. The 25 percent collected on $1.4 billion, the average monthly balance during 1969, comes to $350 million. It would appear to me that with this kind of profit picture, the banks, or for that matter any credit card distributor, could easily absorb the cost of processing credit card distribution through registered mail.

FEDERAL RESERVE CRITICISM IS SO MUCH BLUESKYING

The other objection that the Federal Reserve has against using registered mail for distribution purposes is one of the most ludicrous that can be imagined. This is what Governor Brimmer had to say about the distribution of credit cards through registered mail:

> Since registered mail must be accepted by a responsible person at the address indicated, in many cases this means that the potential card holder must make a special effort to pick up the letter at his post office. Not infrequently this means taking time off from work (many times without pay), incurring transportation costs and other inconveniences. Consequently, the actual cost to potential card holders may be substantially greater than that borne by the sending bank.

If this body accepts Governor Brimmer's premise, it should immediately take action to do away with all registered mail since it is Governor Brimmer's contention that registered mail works a great hardship on the recipient and may be even a major factor in lost man-hours in the work force.

Mr. Chairman, we must work our way through the smokescreen being laid down by the Federal Reserve System and take action on the credit card problem. Day by day, the use and abuse of credit cards increases.

On September 30, 1967, there were only 197 banks with credit card plans and the total outstanding in this area amounted to only $633 million. But on June 30 of last year, 699 banks had established plans and the amount of credit outstanding has more than doubled to $1.7 billion. We cannot hope to control spending as long as credit card regulation is lacking. Nor can we have an effective bank supervision and regulation without adequate safeguards. We are in one of the most inflationary periods in our history and spending at all levels must be reduced if we are to find an end to inflation. But we will never solve that problem if credit card operations, particularly banks, encourage widespread, unlimited credit card expenditures.

Congressman HANLEY has said that "credit card convenience has become a credit card menace." And he has aptly described the situation. The banks are not offering a convenience—they are selling debt and they are packaging debt in a highly attractive form that not only has helped the banking industry to collect record profits but to drive personal bankruptcies to an all-time high.

Virtually every letter that I have received from consumers complaining about unsolicited credit cards wanted to know why there was no legislation to curb this invasion of privacy. Today, Mr. Chairman, this body has an opportunity to answer those letters, and I hope very shortly that I will be able to tell the people who have written me that the House of Representatives has taken action to help those people who have come to Congress seeking our assistance.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX).

Mr. NIX. Mr. Chairman, H.R. 16542, a bill to restrict the mailing of unsolicited credit cards by requiring that such mailings be by secured mail to the addressee only, return receipt requested, was supported unanimously in the Subcommittee on Postal Operations and in the full Committee on Post Office and Civil Service.

At the conclusion of general debate, I will offer a perfecting substitute amendment which will conform this bill to Public Law 91-375, which was approved by the Congress in mid-August 1970. H.R. 16542 was ordered reported to the House on March 26, 1970. The postal reorganization bill was enacted in mid-August and it is necessary to redesignate the paragraph and section of this bill, and to fit H.R. 16542 into the new title 39, U.S. Code which will result from the enactment of postal reform.

The Subcommittee on Postal Operations held 4 days of hearings, heard 23 witnesses, including 12 Members of Congress. We also received 17 communications from prominent State officials as well as seven statements which were entered in the record. One of our witnesses, Attorney General Louis Lefkowitz, of New York, successfully sponsored in the New York State Legislature a bill signed in May by Governor Rockefeller which makes the distribution of unsolicited credit cards a crime.

At least 13 States have statutes regulating or eliminating the use of unsolicited credit cards. These States are California, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, Wisconsin, Ohio, North Dakota, South Dakota, Alaska, and New Mexico. Basically the States approach the problem by limiting the liability of credit card holders.

During November of 1969 the New England Bankcard Association mailed 2 million unsolicited credit cards. This type of mailing has resulted in children, bankrupts, and other irresponsibles receiving credit cards. Indeed, it has done more than that, it has resulted in creating an entire new industry for organized crime.

Stolen credit cards can be sold by thieves on the black market for $50 to $500. These cards are then used to run up huge bills and a stolen unsolicited credit card gives comparative safety to the thief because the mail patron in whose name the card is drawn does not know what has been done until a month to 6 weeks later when the credit card issuer sends him his first bill.

Every year $150 to $200 million in fraud losses are accumulated through the use of stolen credit cards. The greatest source of stolen credit cards is the mass mailing of unsolicited credit cards and the theft of such credit cards directly from the Postal Service or from home mailboxes.

The yearly loss of $150 to $200 million through the fraudulent use of stolen credit cards is the fault of the companies involved because it is impossible to protect the public and the mailer from theft when mailings are made by the millions.

As stated above, a great source of theft is that from individual mailboxes and since entire areas are blanketed with these unsolicited credit cards mailings a thief merely has to go from mailbox to mailbox in order to accumulate a large supply of these unsolicited credit cards which can be sold for the first time at $50 to $100 each. In Brooklyn, N.Y., a mere 26 stolen unsolicited credit cards were used to run up $200,000 in fraudulent sales. Two brothers in Chicago used stolen credit cards to build up a $500,000 profit.

Credit card companies are not particularly concerned about these losses because they charge cardholders 18 percent interest a year on the unpaid balance. In order to delay payment they send out confusing bills which list the true total in one corner of the bill and then list a comparatively small amount as the amount due.

Merchants are pressured into joining credit card plans because they know that mass mailings have gone to practically every household in their neighborhood.

This 18-percent interest charge to the cardholder and the 7-percent discount charge to the merchant results in a 25-percent increase in prices. This is true because credit card plans are not exclusive, they are sold to every merchant in

an area so that no one merchant can gain any advantage by a higher volume of business. He can only raise his prices to gain his discount back, and the great mass of people who fall into the credit card habit must rely on credit cards in order to make purchases, because their extra income has been siphoned off into interest charges. The average American family according to the Wall Street Journal, pays 23 percent of its income after taxes in interest charges which is equal to the tax payments to all governments by the average American family.

One of the greatest causes of inflation today is the credit card industry. Their greed is such that almost every bankruptcy referee in the country reported in a recent survey that bankrupts going through bankruptcy and almost every bankrupt had gotten into trouble with credit cards.

A 5-year-old boy in Tampa, Fla., received two credit cards, either one of which entitled him to travel around the world. A 9-year-old boy in Massachusetts received a credit card which entitled him to open credit of $300. Strikers in a New York State city received two credit cards in their homes around Christmas time, after they had been out on strike for 2 months. Among the many tragic examples encountered was the theft of an unsolicited credit card by an alcoholic whose name was the same as his son. He bankrupted his son's family and went to an insane asylum as the result of the use of the unsolicited credit card and his son had no idea what had happened until he was faced with huge bills a month or more later.

ANALYSIS OF H.R. 16542

H.R. 16542 amends section 4001 of title 39, U.S. Code, by adding a new subsection (d) at the end of that section, which makes all credit cards nonmailable unless they have been applied for or are replacement credit cards. A committee amendment will broaden this exception to include renewal or substitute credit cards which are issued when a company merges.

This leaves, then, unsolicited credit cards as being nonmailable unless they are:

First, forwarded by registered mail;

Second, with delivery restricted to addressee only;

Third, with return receipt requested.

Fourth, showing to whom, when, and where delivered;

Fifth, only upon agreement by the issuer of the card or other sender to pay to the Post Office Department an additional charge fixed by the Postmaster General to cover the cost of return to the issuer or other sender if not delivered.

According to Post Office Department Notice 59, issued July 14, 1969, registered mail service cost 80 cents, restricted delivery costs an additional 50 cents and the return receipt showing to whom, when, and addressee where delivered costs 35 cents for a total additional cost per mailing of $1.65.

In addition, the mailer must indicate on the envelope or cover subject to the Postmaster General's order, notice that the mailing contains an unsolicited credit card, which may be refused by the addressee. This notice is necessary so that the mail patron will not unwittingly accept the mailing and the notice does not detract from the safety of the mailing because the unsolicited credit card mailing will be signed for upon entry into the postal system, proceed through the system in locked mail bags, and be personally delivered to the addressee in order to avoid theft from the mailbox.

A penalty is provided for by amending chapter 83 of title 18, United States Code, by adding immediately after section 1734 a new section 1734(a). This section provides for a criminal sanction which consists of criminal fines of up to $1,000 for each mailing in violation of the legislation. Criminal fines are provided for since it is very difficult to prove personal responsibility in a corporate structure and jail sentences become very difficult to impose.

The effective date of this legislation is set out in section 3, page 3, line 22, the effective date of the legislation is 6 months after enactment.

NECESSITY

This legislation is necessary because the key to the unsolicited credit card business is the mass mailing of the cards.

It is necessary to protect the efficacy of State statutes by controlling the mailing of the cards which are in violation of State statutes.

It is necessary to protect mail patrons against the theft of unsolicited credit cards from the patron's own mailbox or the postal system, since the credit rating of the individual is more important to him than paying a bill which he does not in fact owe. If an individual refuses to pay even an unjust debt, a negative entry in credit bureau files may destroy his credit rating, prevent the purchase of housing or transportation, and may even lead to the loss of an individual's job.

Finally, it is necessary to protect the integrity of the mail service. I urge the passage of H.R. 16542.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield for a question?

Mr. NIX. I am very happy to yield to the distinguished gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, there is no question in my mind—and I am sure there is none in the minds of other Members of the House—that the American people are deeply concerned over what they regard as threats to their individual economic well-being by the mailing of unsolicited credit cards. Our mail attests to that fear. Enough individual consumers have been billed for merchandise they did not buy, on credit card accounts they did not use, to convince them that the practice of mailing unsolicited credit cards is wrong and should be stopped. The theft rate is high. Even more worrisome is the fact that once a card is mailed out—whether or not it is ever used by the recipient or by anyone else, and even if the card itself is destroyed—an account has been opened in the name of the person to whom the card was sent. This account bears a computerized number. And computers make mistakes. And consumers are experiencing many hardships by erroneous information in credit bureau files about debts they did not contract for and do not owe.

So an unsolicited credit card which has been received in the mail, cut into pieces and made useless and never used, can nevertheless become the vehicle for a subsequent billing from the credit card company for merchandise bought by someone else under a completely different account number. Evidence of this type of billing error involving credit card account numbers which were never used by anyone is documented in the hearings conducted by the Federal Trade Commission at 12 different parts of the hearing record, according to the FTC's report of its study which led to the issuance of a trade regulation order prohibiting the mailing of unsolicited credit cards. Furthermore, the theft of unsolicited cards has made thousands of consumers the object of abusive collection efforts they bitterly resent.

As chairman of the Subcommittee on Consumer Affairs which would customarily have jurisdiction in the House Committee on Banking and Currency over legislation dealing with credit cards, I am, of course, intensely interested in this whole issue.

Mr. Chairman, I would like to ask the chairman of the Subcommittee on Postal Operations whether he feels that H.R. 16542, if enacted in this form, would supersede and, in effect, repeal the trade regulation rule of the Federal Trade Commission which went into effect May 18 prohibiting the mailing of unsolicited credit cards? H.R. 16542 permits such mailings if sent by registered mail with a notification on the envelope that it contains a credit card which can be refused by the person to whom it is addressed. The FTC trade regulation rule does not permit that. I have obtained from the FTC a letter which indicates that H.R. 16542, by permitting the mailing of unsolicited credit cards by registered mail, would have a "preemptive effect" on the FTC rule, and, in effect, repeal it.

My letter to Commission Chairman Miles W. Kirkpatrick and Acting Commission Chairman Everette MacIntyre's reply read as follows:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CONSUMER AFFAIRS OF THE COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., August 25, 1970.

Hon. MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR CHAIRMAN KIRKPATRICK: It seems only yesterday that I was writing to Mr. Caspar W. Weinberger congratulating him on his assumption of the chairmanship of the Commission and offering to cooperate in every way possible in the work of the Commission, particularly on consumer issues and specifically on the FTC's activities in connection with enforcement of the Federal Truth in Lending Act. Mr. Weinberger impressed all of us on this Subcommittee when he testified before us in behalf of H.R. 16340, the Fair Credit Reporting bill on which we are now working, and we were sorry to see him leave the FTC after such a promising start. I now want to take this opportunity to extend my best wishes to you in undertaking what you

certainly have had full opportunity to discover is a most difficult assignment in government, and also a most vital one.

I hope you will feel free to contact me at any time on problems you encounter within the jurisdiction of this Subcommittee, such as on Truth in Lending, or on any other matter you feel I would be interested as a consumer-oriented Member of Congress.

In addition to expressing my congratulations on your confirmation by the Senate yesterday, I would like to use this means to ask for some guidance on some questions which would have occurred to me concerning a bill scheduled for House consideration after the present recess. It is H.R. 16542, authorizing the distribution by registered mail only of unsolicited cards.

I am interested in knowing whether this bill, as reported by the House Committee on Post Office and Civil Service, last March prior to the order of the Federal Trade Commission prohibiting the distribution of unsolicited credit cards, in effect repeals the FTC rule. It is my feeling that it would do so, but I would like the judgment of the FTC on this matter. Unlike the Senate-passed S. 721, which I believe writes into law what the Commission has proposed—with additional consumer safeguards—am I correct that H.R. 16542 would go in the other direction by permitting what the FTC order now prohibits?

Sincerely yours,

LEONOR K. SULLIVAN,
Member of Congress, Third District, Mo.

FEDERAL TRADE COMMISSION,
Washington, D.C., September 2, 1970.

Hon. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Mr. Kirkpatrick has asked me to reply to the portion of your letter of August 25, 1970, in which you pose questions concerning the relationship between H.R. 16542, a bill to regulate the mailing of unsolicited credit cards and our Trade Regulation Rule for unsolicited credit cards.

You ask specifically if H.R. 16542 would permit what the Commission's unsolicited credit card rule now prohibits and if the bill would, in effect, repeal our rule. Our rule, in brief, prohibits the mailing of unsolicited credit cards, and defines "unsolicited credit card" as a credit card which is mailed to a party without prior expressed request or expressed consent to the mailing of the card by the recipient. An exception to the rule is made for the mailing of credit cards which are renewals, substitutions, or replacements of cards expressly requested, expressly consented to, or accepted prior to the effective date of the rule through use by the holder.

H.R. 16542, as reported out of the House Committee on Post Office and Civil Service last March, is, with one important exception, quite similar to our rule in that it also would prohibit the mailing of credit cards unless the card is mailed in response to a request or application, or is mailed as a replacement card, or as a return of a lost, mislaid or stolen card. The bill goes on, however, to permit the mailing of credit cards which are mailed by registered mail with delivery restricted to the addressee only, return receipt requested, and which are mailed in an envelope bearing the name and address of the issuer and which indicates on its face that it contains a credit card which is not solicited or requested, and which may be refused by the addressee.

In thus permitting the mailing of unsolicited credit cards by registered mail, H.R. 16542 would clearly permit the mailing of such cards in a manner now prohibited by our rule. And, to answer your second question, it is my view that, if enacted, H.R. 16542, as an act of Congress, would have a preemptive effect on our rule.

I hope that the above information answers your questions, and if I may be of further assistance, please do not hesitate to let me know. I wish to express my sincere appreciation for your interest in the work of the Commission and your efforts to solve consumer problems.

With kind personal regards,

Sincerely,

EVERETTE MACINTYRE,
Acting Chairman.

Mr. NIX. First of all, I have not read the ruling, but obviously if H.R. 16542 as amended—which I stated before, are necessary to have the provisions of the bill conform with the provisions of the postal reform bill which is passed—I think to answer your question specifically, the bill is passed as amended, will be the law of the land. I do not think the regulation that you referred to could be classed as law, and I certainly do not think it could perform the function that this bill will perform if it is passed.

Mrs. SULLIVAN. I thank the gentleman.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Montana.

Mr. OLSEN. I wish to commend the gentleman for his sponsorship of this legislation and his subcommittee. I join with him in supporting the legislation. I think that this is a real strong step forward in regulating the mailing of credit cards, and I think it is very highly necessary.

H.R. 16542 is a bill that will help minimize the loss of unsolicited credit cards by requiring maximum security mailings in the form of high security mail, delivery which is restricted to the addressee, which bears a notice to the addressee that the mailing contains an unsolicited credit card and if the mailing is returned guarantees that the credit card issuer will pay for any additional cost.

The bill is made enforcible through criminal fines of up to $1,000 per mailing of an unsolicited credit card in violation.

Mass mailing of credit cards has led to mass theft in the Post Office Department and from mailboxes by street thieves.

Mass mailing of credit cards, which Life magazine compares to the mass mailing of $100 bills is massive negligence.

It is a practice indulged in by credit card companies because they recover the $200,000,000 in fraudulent credit card loss from the general public in higher prices and from some consumers who will pay for almost anything in order to protect their credit rating.

How is this cost passed on to the public?

The annual interest on credit card debt is 18 percent. Discounts charged merchants who are forced to join credit card plans because of the fear of competition amount to as high as 7 percent. It may be lower where there is competition but the banks are driving all other types of credit card operations out of the business with the "everything" credit card by which you can make loans of hundreds and even thousands of dollars, by which you can indulge yourself in extensive world travel, and clothe and feed yourself as well.

Merchants can only be forced to join credit card plans if they are afraid that all of their customers have the cards. They know this has happened when there is a mass mailing of credit cards to every person in a geographical area. The merchant knows he will lose some of his customers if they start using the cards because the high rate of interest on the card will make the customer rely on the card as he exhausts savings and cannot use the normal channels of credit.

The worst of it for the merchant is that he must pay higher interest rates at the bank for his own loans because bank money has been drawn into the credit card operations of the bank.

Credit cards are a monopoly device that makes credit card companies the partner of the businesses that are unfortunate enough to become involved. With this type of practice going on at the same time that the banks are raising interest rates with the connivance of the Federal Reserve Board under the banner of fighting inflation, the raising of interest rates has of course made business very profitable for the banks at a time when the stock market has lost over $200 billion in values or 60 times the total real property value of the city of Philadelphia. There seems to be a direct correlation between high interest rates and a plunging stock market.

There is a direct correlation as well between the high interest rates and discount charges of the credit card issuers and increasing interest rates for consumer and business loans.

A speech by Mr. Edward E. Bontema, president of the Eastern States Bankcard Association, is quoted in the article "The Plastic Jungle," published in the Montana Law Review which stated in part:

> By 1975 almost every bank depositor in the U.S. will be a bankcharge card holder. This will result in a decline in the volume of checks handled by banks.

The banks then plan to get rid of checking accounts which does not draw interest, but only bring in service fees. If credit cards largely replace checking accounts, the resulting profits to the banks would be a great boom to the banks and a great loss to bank depositors.

If this is the aim of the banking community, I think they should take their time and not depend on the mass mailing of unsolicited credit cards to bring that day closer because these mass mailings have become a subsidy to thieves.

On May 20, Gov. Nelson Rockefeller signed a bill that would make the issuance of unsolicited credit cards in New York State a crime. At least 13 States have statutes restricting liability for unsolicited credit card spending.

These statutes are not sufficient. It is mass mailing that fuels the excesses of the credit card system.

We need legislation that involves the postal system in restricting credit card operations or at least protecting the public from the cost of mass theft of mass mailings of unwanted credit cards.

The Wall Street Journal pointed out

in January that 23 percent of the average American's income after taxes is eaten up in interest charges. The average American then pays as much in interest as he pays in taxes.

If an American citizen wishes to pay 18 percent a year in interest payments for the sake of convenience or as a badge of status that is his business. But the mass mailing of credit cards to children, to the unemployed, to the bankrupt, in an effort to force merchants to join credit card plans is wrong. The carelessness of such mailings is wrong as well in that they have created a new industry for organized crime. I believe that the very least that we can do is to protect the general public from paying the bill for credit card crime in hidden costs. H.R. 16542 does this.

Registered mail with its protection of the mailing of unsolicited credit cards is necessary. The stolen individual credit card brings $50 to $500 on the black market and results in thousands of dollars of fraudulent spending. We can no longer afford to allow credit card issuers to mail a device similar to a $100 bill through the mail at 6 cents in an unprotected envelope.

Mr. Chairman, there is no argument against this legislation except by extremely selfish interests. I congratulate our distinguished colleague, ROBERT NIX, on bringing us such an excellent bill and I strongly urge its passage today.

Mr. Chairman, I also include the article, giving a history on this bill and entitled "The Plastic Jungle," immediately below:

THE PLASTIC JUNGLE

(By Thomas R. Kennedy*)

INTRODUCTION

Tony Benitez of Tampa, Florida, was never able to use either of his unsolicited credit cards. One of his credit cards was a Master Charge card which he would have used to finance a trip to Europe or buy a new wardrobe. Tony is five years old and he can't sign his own name, although his credit rating is excellent according to the bank that mailed the credit cards to him.[1]

Roger Gelpey of Marblehead Massachusetts, was able to use his unsolicited credit card. He bought a dollar tie after he had been turned down for a three hundred dollar loan. He is nine years old.[2]

A Lima, New York, widow didn't buy anything with her unsolicited credit card. She had never received it. Someone else used it and she received a bill for $1,661. She is 96 years old and leaves her house once a month to cash her social security check of $114.[3]

The stealing as well as the mailing of unwanted and unsolicited credit cards is a big business. In Brooklyn, New York, according to testimony by District Attorney Eugene Gold before the Federal Trade Commission on September 9, 1969, twenty stolen credit cards were used to run up bills totaling $175,000. An unsolicited credit card is easily used by organized crime because the person in whose name it is issued is unaware of its existence. Credit cards obtained through assaults are sent across the country for immediate use because the victim will realize immediately that his card has been stolen. In the case of a stolen unsolicited credit card, thieves may use it at leisure as it will take up to six weeks for the bills to arrive in the victim's mailbox.[4]

The losses that occur as a result of the mailing of unsolicited credit cards to adolescents,[5], alcoholics,[6] bankrupts,[7] and financially overburdened families are paid for by the general public in the form of higher prices.[8]

Individuals cannot pass on the expense of resisting erroneous claims against them as a result of the fraudulent use of unsolicited credit cards.[9]

What can a lawyer in Billings, Butte, Missoula or Great Falls tell his client when he has been billed because of the fraudulent use of an unwanted and unsolicited credit card which he never received?

LEGAL LIABILITY AND THE LOST CREDIT CARD

A lawyer can advise his client that his legal position is strong. He can say that even if he requested the credit card and had been using it before it was lost he would be only liable for fraudulent use between the time of loss and the time of notification to the credit card company. Since he never received the unsolicited credit card and did not use it, he is not bound by the terms of any agreement which imposes any liability on him for fraudulent use. The credit card company will have to prove, if it brings suit, that the card had been used by the defendant in order to show that he is bound by any of the contract terms associated with the use of the card. These terms are for the most part printed on the card. A comparison of the signatures on the charge slips with the actual signature of the client should clear the matter up.[10]

In addition, the defendant may allege negligence on the part of the merchant for not obtaining proper identification.[11]

The client could be advised that regardless of the abusive credit collection letters he has been receiving, credit card companies almost never bring such suits on the basis of unsolicited mailings as a matter of public relations and their poor legal position.[12]

With this advice in mind, can the case file be closed with an exchange of correspondence between the lawyer and the credit card company? [13] The answer is no.

"AGREE, FOR THE LAW IS COSTLY" [14]

Estimates of collections on unpaid credit card debts without suit vary from 30% to 50%.[15]

Financially responsible families would rather pay an unjust debt than have a lawsuit filed against them with the possibility of garnishment and/or a ruined credit rating, as well as possible difficulties resulting from telephone calls to the breadwinner's employer.

An average American family cannot afford the payment of legal fees in defending a lawsuit over an amount of money which may very well be less than the cost of a defense. A good credit rating is a matter of necessity in obtaining decent housing and, in the land of the automobile, transportation. Certainly no wage earner can afford the damage resulting from a garnishment which brings about the failure to meet monthly payments. Garnishments are the number one cause of bankruptcies.[16]

We live in a cashless society in the midst of a credit explosion and we may even see the end of personal checks as a regular means of payment. The debtor, because he lives from check to check and from monthly payment to monthly payment, is not in fact able to refuse to pay even unjust bills. Thus the law has not been kept in balance between debtor and creditor rights.

WHAT'S THE PROBLEM?

American consumer debt stood at $5 billion dollars in 1945. Today consumer debt stands at $118 billion and it is growing.[17] The expansion of consumer debt has now reached some final stage with the mass mailings of millions of credit cards with no credit check of the addressees.

Credit card companies charge merchants from 4% to 7% in discounting credit card bills. The credit card customer pays a monthly interest rate of 1½% or 18% a year as a charge on the portion of his bill that is unpaid at the end of 30 days. Some credit card companies in addition charge their customers fees for membership and additional services. The merchant may raise his prices to compensate him for the 7% discount on his sales.[18]

Many people derive an emotional satisfaction from credit card ownership. According to motivational research expert Dr. Ernest Dichter, the credit card is a "symbol of inexhaustible potency. . . . It gives its owner the wonderful feeling that he has Aladdin's omnipotence in thousands of famous restaurants, hotels and shops throughout the world, even though the chances are that he will never see the inside of a hundred of them." [19]

According to the National Petroleum News of March 1967 (Page 92), "American business is creating credit faster than certain Roman emperors minted money." [20] It seems that the flood of credit has created a cashless society, and at the same time easy credit for some items has led to limited credit for major items such as housing, and harsh collection procedures have resulted in order for some creditors to be the first in line to be paid by the overcommitted debtor.[21]

THE CREDITOR'S WEAPONS

In the new cashless society creditors have protected themselves by the expansion of a computerized highly organized, and until now unregulated, credit bureau system.[22] With credit a necessity to consumers, and taking into account that one out of every five Americans moves each year, it is natural that this has come about.[23] There is a vast need for credit information and it is sold like any other commodity.[24]

Credit collection agencies have found a position of great power in the fact that almost every American is an employee in a highly industrialized society.[25] The loss of a job is far more devastating to Americans than the payment of a bill, just or unjust. The use of "garnishments" has become a perfected weapon, since almost no consumer can safely fail to meet his monthly payments without facing financial disaster.

In order to redress the balance to some extent it is vital that new regulatory legislation be passed by the Congress and State legislatures.

THE GARNISHMENT SANCTION

Since garnishment is one of the chief sanctions against debtors, and the threat of garnishment is a means of collection of disputed bills, it is important to note, in reference to claims resulting from the fraudulent use of unsolicited credit cards, Public Law 90-321, better known as the "Truth in Lending" law.[26]

Title III of the Act entitled "Restriction of Garnishment" applies federal regulations to all garnishment proceedings and sets up federal standards for future proceedings. This title will take effect on July 1, 1970 (Sec. 504).[27]

The findings in section 301 of the Act stated that the unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit and that such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce; that the application of garnishment as a creditor's remedy frequently results in loss of employment by the debtor; and the resulting disruption of employment, production and consumption constitutes a substantial burden on interstate commerce. Further, "the great disparities among the laws of the several states relating to garnishment have in effect destroyed the uniformity of

Footnotes at end of article.

the bankruptcy laws and frustrated the purposes thereof in many areas of the country."

The Secretary of Labor, through the Wage and Hour Division of the United States Department of Labor, shall enforce the provisions of the Act (Sec. 306).[28]

Section 303 limits the amount of wages that can be garnished through a percentage figure and/or a mathematical formula based on the Federal Minimum Hourly Wage prescribed by the Fair Labor Standards Act of 1938.[29]

Only 25% of the weekly wages of an employee would be subject to garnishment or the amount of disposable earnings for that week which exceeded thirty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, whichever is less. If wages are other than weekly wages, the Secretary of Labor by regulation shall set up a formula that achieves the same result.[30]

These restrictions do not apply to court orders for support, an order of any court in bankruptcy under Chapter xiii or any debt due for any state or federal tax. No court of the United States or of any state may make or enforce any order or process in viclation of this section.[31]

Section 304 provides that no employer shall discharge an employe as the result of garnishment for one indebtedness, and willful violation of the section shall subject the employer to a fine of not more than $1,000 or imprisonment for not more than one year, or both.[32] State laws which are more restrictive shall not be annulled.[33]

THE CREDIT BUREAU SANCTION

A reporter for the Columbia Broadcasting System, claiming to represent a non-existent firm, obtained credit reports on 10 individuals out of a random list of twenty names. His investigation was the basis of a televised report on credit bureaus, which generally claim that their information is kept confidential.[34]

Credit bureaus have dossiers on 110 million Americans or almost the entire adult population of the United States. Most credit bureaus belong to the Associated Credit Bureaus of America, which has over 2,200 individual members serving 400,000 creditors in 36,000 communities. These credit bureaus issued 97 million credit reports in 1967. This information is freely transferable between the association's membership and the information is used for extensions of credit and employment purposes.[35] Massachusetts and New Mexico passed statutes regulating credit bureaus in 1969. Until this year, the only state statute regulating credit bureau activities was one passed in Oklahoma in 1916 and that was inadequate.[36]

Credit reports include such items as age, race, marital status, opinions of neighbors of personal habits as well as financial information. In addition information goes into credit reports and remains on file without being corrected or updated. Information is not evaluated and wholly false information has the same status as correct and relevant information.[37]

Senator Proxmire in his explanation of S. 823, an amendment to the Consumer Protection Act, outlined seven problems and then gave seven solutions his amendment would provide.[38] These are shown below by enumerated paragraphs with the proposed S. 823 solution in an indented letter paragraph.

1. Consumers do not know that they are being damaged by adverse credit reports.

(a) The bill provides that where a person is refused a loan, employment or insurance because of an adverse credit report, those who make the decision upon the written request of the disappointed applicant must disclose the name and address of the credit bureau from which they obtained the information. Present contracts between creditors and the bureaus forbid revealing the identity of the credit bureau. A person would then have the opportunity to correct misleading information in such credit files (Sec. 615).

2. A Consumer is rarely given access to his own file, even if he knows the name of the credit bureau which has it on record.

(a) Under the Proxmire bill, S. 823, credit bureau reporting agencies must interview complaining consumers during normal business hours and on reasonable notice disclose all information in the consumer's file. A complaining consumer may bring one other person with him when he asks to examine his file. This could be helpful generally but especially so in poorer areas (Secs. 609–610).

3. Consumers have great difficulty in correcting inaccurate information.

(a) Debtors would, under S. 823, have the right to file explanatory information or to have incorrect or unverifiable information deleted as the result of the right to demand reinvestigation of allegations. Frivolous consumer statements need not be included (Sec. 611).

4. Information in credit files is not kept confidential.

(a) Those who request credit reports must certify as to the purpose for which they are requested and agree not to use the information for any other purpose. A person who obtained a credit report under false pretenses would be subject to a fine of up to $5,000 or imprisonment up to one year, or both (Sec. 619).

5. Credit bureaus gather highly personal information based on the subjective opinions of others, whether or not such information is relevant to credit standing.

(a) Investigations of a personal nature must be revealed to the consumer as well as the nature and scope of such investigation, if he makes a written request. His right to make such a written request must also be disclosed to him (Sec. 615b).

6. Public record information such as arrests are not updated and do not show eventual disposal of cases.

(a) This problem will be solved upon passage of the Proxmire bill (S. 823) by the requirement that public record information be kept up to date. If this cannot be done, the consumer must be notified that an inquiry has been made and of the identity of the person to whom a report was sent. The consumer would then have the opportunity to have updated information forwarded to the inquirer and the file corrected (Sec. 613).

7. Old information on past credit deficiencies is not updated to show improved performance on any regular basis.

(a) Section 605 provides that obsolete information from official records such as suits and judgments, unpaid tax liens, records of arrest, indictment, conviction and matters such as accounts placed for collection or charged to profit and loss, shall not be made part of consumer reports beyond 7 years. In the case of bankruptcies the limit is 14 years (Sec. 605a). Section 605b provides that transactions involving more than a principal amount of $50,000 or more, the underwriting of life insurance policies involving a principal amount of $25,000 or more, or the employment of any individual whose yearly compensation amounts to more than $20,000, is exempt from these restrictions.

MASS MAILING KEYS CREDIT CARD OPERATIONS

There are 300 million credit cards in use in the United States. About 1.5 million of these credit cards are stolen each year and the annual loss from fraudulent use has reached a figure of $100 million.[39]

In an article in the Christian Science Monitor, entitled "Mass Mailing Keys Credit Card Operations," dated November 4, 1969, it was noted that "In the past month, member banks of the New England Bankcard Association, Inc., (NEBA), have mailed over two million unsolicited Master Charge Cards to customers. This practice has also been common in other areas." With large mailings of this kind, it is inevitable that unsolicited credit cards are stolen.[40]

The lead time given to thieves through the theft of unsolicited credit cards makes them valuable to them, not only in providing funds, but in providing identification.

As a direct result of hearings held in the Postal Operations Subcommittee of the U.S. House of Representatives, Congressman Arnold Olsen introduced H.R. 15103, which provides for restricted conditions for the mailing of credit cards.

H.R. 15103

Section 4001 of 39 U.S.C.A. would be amended upon passage of the Olsen bill by adding credit cards to the category of nonmailable matter under subsection (b). Subsection (c) contains the exceptions to the mandate of Subsection (b).

Subsection (c) provides that credit cards may be mailed:

(1) by registered mail, return receipt requested, with restricted delivery to the person in whose name the card is drawn;

(2) in response to a written application; and

(3) the credit card bears a term on its surface, in eight point type, that liability for fraudulent use is assumed by the sender, unless the credit card bears a photograph and signature of the person in whose name the credit card is issued. In that case liability to the cardholder will be limited to $50; and that

(4) the sender agrees to pay an additional charge for any mailing returned to him covering the cost to the Department of such return as established by the Postmaster General.

A criminal fine of $1,000 per mailing of each nonmailable card is added as a sanction in Subsection (d). Subsection (e) provides that nonmailable matter under the bill may be seized and disposed of as the Postmaster General shall direct in postal regulations.

The Olsen bill is a combination of approaches that are now before the Congress.

For example, Senator Proxmire's bill, S. 721, introduced for himself and Senators Dodd, Eagleton, Inouye, McGee, McIntyre, Mondale, Moss, Nelson, Yarborough and Young of Ohio, would amend Section 103 of the Truth in Lending Act (82 Stat. 146).

It would limit the liability of the cardholder for unauthorized use of an unaccepted credit card (Sec. 132). An accepted credit card is defined, in what will be a new subsection (1) of Section 103 of the Truth in Lending Act (82 Stat. 146), as "any credit card which the cardholder has requested in writing or has signed or used, or authorized another to use." Also a "Renewal card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used;" and "A new credit card issued in substitution for an accepted credit card as a result of a change in the corporate structure or ownership of a card issuer shall be deemed to be an accepted credit card."

Section 2(b) of S.721 would be added to Section 105 of the Truth in Lending Act, and it would require that the Board of Governors of the Federal Reserve System shall prescribe regulations under which card issuers may issue credit cards not requested in writing by a prospective cardholder, in the matter of minimum credit standards for such prospective cardholders. The purpose being to limit overextension of credit by consumers and protect the financial stability of banks insured by the Federal Deposit Insurance Corporation.

Footnotes at end of article.

H.R. 13244

This bill, introduced by Congressman James Hanley, Democrat of New York, provides that unsolicited credit cards must be sent by registered mail restricted to addressee only and that otherwise the mailings of unsolicited credit cards would be a criminal offense, subject to penalties of not more than two years imprisonment and/or a fine of not less than $1,000, or both.

H.R. 14346

This bill, introduced by Congressman William Scott of Virginia, would bar unsolicited credit cards from the mail as being nonmailable. The criminal sanction in the Scott bill is a misdemeanor, with a maximum imprisonment of one year and a fine of not less than $1,000, or both.

H.R. 14897

Congressman Glenn Cunningham, Republican of Nebraska, introduced H.R. 14897 which would require that all credit cards be forwarded by registered mail and bear the words on the envelope "credit card" or "unsolicited credit card—addressee may refuse" in the appropriate case.

OBJECTIONS

The Federal Reserve Board and the Credit Card industry object to all of these bills on the basis that there is no serious problem involved in the mailing of unsolicited credit cards that cannot be corrected by better screening of mailing lists.[41] They also maintain that the barring of unsolicited credit card mailings would prevent other credit card companies from entering the field because they cannot procure sufficient credit card holders to support a plan and solicit participation in a credit card plan by merchants unless large numbers of consumers have credit cards in their possession.[42] A bank that attempts to obtain cardholders by forwarding credit card applications received less than a 1% response. The same bank found that by mailing unsolicited credit cards a 19% use rate was established within a few months.[43]

The Olsen bill, H.R. 15103, and the Cunningham bill, H.R. 14897, are objected to because of the cost of sending all credit cards by registered mail. Registered mail in the case of credit cards would cost $.80 per piece, and a restricted delivery requirement would cost an additional $.50 a total of $1.30 per credit card mailing.[44]

THE OLSEN POSITION

Congressman Olsen and the authors of other bills are in agreement that unsolicited credit card mailings should in effect be barred from the mails because of the danger of theft. Credit cards are instant cash to persons who take them. They are sold, for instance, by criminals at rates from $25 to $500.[45] In our larger cities, apartment mail boxes are regularly rifled and some postal employees who have fallen into the hands of loan sharks are induced to pilfer mailed credit cards as repayment.[46] The passage of credit cards through the postal system in locked mail bags with a limited number of individuals responsible for the entire process would cut down on the opportunity for such theft. A restricted delivery insures proof of receipt in the form of the cardholder's signature.[47]

Cardholder liability for fraudulent use of credit cards should be restricted and in the case of unsolicited credit cards eliminated altogether. The main concern of credit card companies is that without some liability cardholders will be negligent about prompt notice to the issuer of the loss.[48] While this is a consideration, a credit card carrying the photograph and signature of the cardholder would prevent much of the fraudulent use of such cards.[49] Merchants would have to be grossly negligent to accept credit cards when they are being used by a third person. If a credit card company did perfect its credit cards so that the card itself identified the person seeking to make a purchase, it would seem reasonable that limited liability on the part of the cardholder be provided for in order to assure prompt notification of loss.

SUMMING UP

The ending of unsolicited mailings is the issue on which the Members of Congress who have introduced bills and the Federal Reserve Board, the banks and the credit card companies cannot agree.

Unsolicited credit card mailings are under attack in the state legislatures, before the Federal Trade Commission, and before committees of the Congress. Thirteen states have already passed laws restricting unsolicited mailings and limiting liability for the fraudulent use of credit cards.[50] Most states have enacted criminal statutes for fraudulent use of credit cards.[51]

It is true that legislation banning unsolicited credit cards from the mail will stabilize the credit card industry insofar as new companies will find it difficult to enter the field. But the entry, beginning in 1966, of giant new bankcard operations has not resulted in competitive pricing or cost cutting on the part of credit card companies. Their charges for bills over 30 days are on the average 18% and that is attractive to those who enter the credit card business. The consumer has seen no benefit in lowered costs of this form of credit. In fact, there is every indication it has raised the cost of maintaining his family's budget. He continues to pay 1½% a month on his credit card purchases and most people seem to stretch out such purchases beyond the "thirty days to reality" period. In fact, this is the source of the great profitability of credit card operations. In addition, the discounts charged merchants for the sale of bills run up under the credit card plans are significant and are as high as 7%.[52] Moreover, the switching of funds from consumer loan, investment and small business loans has the tendency to raise interest rates on funds remaining and available for those purposes.[53]

The mailing of millions of unsolicited credit cards is a hard sell device that has been used to excess. The excesses of past operations do not justify continuing the same practices. What is more, building credit card operations on the basis of applications and the well thought out decisions of consumers to participate in one or two plans will cut down on ill-considered impulse spending, which is inflationary.

The main opposition to curbs on the mailing of unsolicited credit cards comes from the banking industry and the Board of Governors of the Federal Reserve System.[54] Bankcards are the latest arrivals in the credit card field. They are the "everything" cards and they have great competitive advantages over the more specialized credit card operations such as the airline companies and the oil companies who use credit cards as a selling device for their product; or the entertainment cards issued by the Diners Club and the American Express Company. Out of 300 million credit cards there are now 60 million bank credit cards in use.[55] The future belongs to the bank credit cards because they seem to be more convenient. Half of all the banks in the United States now offer a charge plan, either as part of a larger operation or individually.

Mr. Edward E. Bontema, president, Eastern States Bankcard Association, said in an Atlantic City Conference on Consumer Credit:

"By 1975 almost every bank depositor in the U.S. also will be a bankcharge card holder. . . .

"This will result in a decline in the volume of checks handled by banks and at the same time reduce the number of operations needed to process checks. . . .

"According to a Federal Reserve System survey nearly 20 billion checks were processed in 1967. It cost almost $4 billion to process those checks through some 20 operations."

It may be easy to understand why the banks of this country are in a hurry to establish credit card plans. But although a soft sell through applications may take longer, it will probably take place nonetheless. Legislation which protects the consumer from liability for fraudulent loss and which provides for credit cards which in fact do accurately identify people are worth the trouble and time to the public. If the Olsen bill and bills like it delay the switch from checks to credit cards by protecting the consumer, it may be worth doing.

CONCLUSION

Technology has changed forever the American's way of borrowing and spending by the mass issuance of the credit card.

The law develops much more slowly than technology. Legislation balancing the rights and duties of individuals and organizations, debtors and creditors, has developed very slowly. The time has come for the passage of such legislation.

The Truth in Lending Law, the Proxmire bill on arbitrary credit reporting, and the Olsen bill limiting liability resulting from lost credit cards and the mass mailing of unwanted credit, are all steps on a road toward protecting individual rights in a computer civilization.

This legislation and more like it must be enacted. The market place cannot become a lawless place where only the buyer has to beware. A computer civilization and the applied technology resulting therefrom will not reach its full promise if individuals do not share in that promise. A sense of fairness resulting from new rules in a new society is essential. A plastic jungle is not an alternative.

APPENDIX

State Statutes Limiting Liability in matters involving the fraudulent use of unsolicited credit cards. (Citations from Commerce Clearing House Service. Consumer Credit Guide.)

Alaska

Sec. 06.05.209. Issue of credit cards. A bank is not prohibited from issuing unsolicited credit cards or other similar credit granting devices but the bank may not hold the customer liable for changes made on a credit card or other device before its acceptance by the customer. Before an unsolicited card is considered accepted by the customer, the customer shall execute and furnish to the bank a written statement of acceptance. (Sec. 06.05.209, as added by Laws 1969, S.B. No. 173, approved May 5, 1969, effective August 3, 1969).

California

Sec. 1718. (Definitions—Cardholder's liability limited.)

(a) as used in this section: (1) "Credit Card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by a card issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(2) "Accepted credit card" means any credit card which the cardholder requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition, or the like of card issuers or credit card services in substi-

Footnotes at end of article.

tution for an accepted credit card shall be deemed to be an accepted credit card.

(3) "Card Issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(4) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by a card issuer.

(5) "Unauthorized use" means a use of a credit card by a person, other than the cardholder, who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit.

(b) The cardholder is not liable for any unauthorized use of a credit card which has not become an accepted credit card.

(c) If an accepted credit card is lost or stolen after the credit card has reached the cardholder, and the cardholder notifies the card issuer within a reasonable time by telephone, telegraph, letter, or any other reasonable means after discovery of the loss or theft or after the time in which a reasonable man in the exercise of ordinary care would have discovered the loss or theft, the cardholder is not liable for any unauthorized use of the credit card.

(d) This section applies only to credit cards originally issued or renewed on or after the effective date of this section.

(Sec. 1718, as added by Laws 1969, A.B. No. 1763, Ch. 904, approved August 23, 1969, effective November 10, 1969.)

Sec. 1719 (Disclosure of Charges). Whenever fees, charges, or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges and penalties.

The terms "credit card," "card issuer," and "cardholder" in this section shall have the same meaning as prescribed in Section 1718. (Sec. 1719, as added by Laws 1969, A.B. No. 1764, Ch. 905, approved August 23, 1969, effective November 10, 1969.)

Connecticut

Sec. 1. (Acts 1969, P.A. No. 136) (Distribution of unsolicited credit cards.)

(a) No person, company, partnership or corporation shall engage in the practice of mailing or the distribution in any form of any credit card, charge plate or any like instrument or device to any other person, firm or corporation unless such other person, firm or corporation has previously made a request therefor in writing or verbally.

(b) Any person, company, partnership or corporation which violates the provisions of subsection (a) of this act shall be fined not more than one hundred dollars for each card, plate, instrument or device so mailed or distributed.

(c) The provisions of this act shall not apply to the renewal of any credit card, charge plate or like instrument or device unless the recipient has previously indicated in writing his intention that such renewal not be affected nor shall it apply to the replacement of any such instrument or device by the issuer thereof during the period such instrument or device is in effect. (Approved May 15, 1969, effective January 1, 1970.)

Illinois

Credit Cards—Act of July 27, 1967.

Sec. 1. (Rev. Stat. 121½ Sec. 381) Unsolicited credit cards—Liability to issuer—Burden of proof—Fees and costs.

(a) No person in whose name a credit card is issued without his having requested or applied for the card or for the extension of the credit or establishment of a charge account that card evidences is liable to the issuer of the card for any purchases made or other amounts owing by a use of that card from which he or a member of his family or household derive no benefit unless he has indicated his acceptance of the card by signing or using the card or by permitting or authorizing use of the card by another. A mere failure to destroy or return an unsolicited card is not such an indication. As used in this Act, "credit card" has the meaning ascribed to it in Section 17–1 of the Criminal Code of 1951 (6381), except that it does not include a card issued by any telephone company that is subject to supervision or regulation by the Illinois Commerce Commission or other public authority.

(b) When an action is brought by an issuer against the person named on the card, the burden of proving the request, application, authorization, permission to use or benefit as set forth in Section 1 hereof shall be upon plaintiff if put in issue by defendant. In the event of judgment for defendant, the court shall allow defendant a reasonable attorney's fee, to be taxed as costs.

Sec. 2. (Rev. Stat. 121½ Sec. 382) Requested or accepted credit cards—Liability to issuer—Burden of Proof—Fees and Costs.

(a) Notwithstanding that a person in whose name a credit card has been issued has requested or applied for such a card or has indicated his acceptance of an unsolicited credit card, as provided in Section 1 (6835) hereof, such person shall not be liable to the issuer of the card for any amount hereinafter set forth, resulting from a use of that card from which he or a member of his family or household derives no benefit or which he has not authorized or permitted:

Card without signature panel	$25.00
Card with signature panel	$75.00

(b) When an action is brought by an issuer against the person named on a card, issuance of which has been requested, applied for, solicited or accepted and defendant puts in issue any transaction arising from the use of such card, the burden of proving benefit, authorization, use or permission by defendant as to such transaction shall be upon plaintiff. In the event the defendant prevails with respect to any transaction so put in issue, the court may enter as a credit against any judgment for plaintiff, or as a judgment for defendant, a reasonable attorney's fee for services in connection with the transaction in respect of which the defendant prevails.

Maryland

Art. 83, Sec. 21B. (Unsolicited Credit Cards—Liability of Issue—Renewals.)

When a credit card or card of identification for credit is issued to a person in the absence of a prior request or application for such card by that person or an authorized agent of that person, such card shall not be deemed to have been accepted until such person signifies acceptance in writing or uses such card to obtain credit. Until such acceptance takes place, the person issuing the card shall be presumed to have assumed the risk of the loss, theft, or unauthorized use in any action against the person to whom the card is issued. The provisions of this section shall not be applicable to cards issued to renew or replace existing cards originally applied for or accepted by the cardholder.

(Sec. 21B, as added by Laws 1969, Ch. 252, approved April 23, 1969, effective July 1, 1969.)

Massachusetts

Chap. 255, Sec. 21E (Credit Cards—Cardholder Liability)

(Series of definitions. Relevant definitions)

"Accepted Credit Card", any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be an accepted credit card.

"A provision imposing liability on a cardholder for the unauthorized use of a credit card shall be effective only if the card is an accepted credit card, the liability imposed is not in excess of one hundred dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the unauthorized use occurs before the cardholder has notified the card issuer of the loss or theft of the card or of any unauthorized use, and the card issuer has provided a method whereby the user of the credit card can be identified as the person authorized to use it, including without limitation a place on the card for the photo or signature of the holder.

"Except as hereinbefore provided, a cardholder incurs no liability from the unauthorized use of either an accepted or an unaccepted credit card."

(Sec. 12E, as added by Laws 1968, Ch. 394, approved—June 11, 1968, effective January 1, 1969, and applicable only to credit cards issued after the effective date.)

Minnesota

(Credit Card Liability)—Laws 1969, Ch. 1004. Approved June 6, 1969, effective June 7, 1969.

Sec. 2. (Unsolicited credit cards.) No person in whose name a credit card is issued shall be liable for any amount resulting from use of that card from which he or a member of his family or household derives no benefit unless he accepted the card by (1) signing or using the card, or (2) authorizing the use of the card by another. A mere failure to destroy or return an unsolicited credit card is not such an acceptance.

New Mexico

(Credit Card Liability)—Laws 1969, Ch. 172.

Sec. 1. Unsolicited credit cards—Liability of issuer—Burden of proof—Attorney fee.

A. No person in whose name a credit card is issued is liable to the issuer of the credit card for any amount owing because of a use of the credit card if: (1) he did not apply for the credit card; or (2) he has not indicated his acceptance of the credit card; or (3) he or a member of his family or household derives no benefit from the use of the credit card. If the person named in the credit card has indicated his acceptance of the credit card by signing or using it or by permitting or authorizing another person to use it, he is liable to the issuer. The failure to destroy or return an unsolicited credit card is not an indication of acceptance.

B. In any action brought by the issuer against the person named in an unsolicited credit card, the burden of proving the application, authorization, permission to use or benefit is on the plaintiff if put in issue by the defendant. If the defendant prevails, the court shall award the defendant a reasonable attorney fee.

(Approved April 1, 1969, effective 12 o'clock noon, June 20, 1969.)

New York

General Business Law—Ch. 20, Art. 29-A. Credit Cards.

Sec. 512. Limitations on liability for use of lost or stolen credit cards. A provision to impose liability on an obligor for the purchase or lease of property or services by use of a credit card after its loss or theft is only if it is conspicuously written or printed in a size at least equal to eight point bold type either on the card, or on a writing accompanying such a card when issued, or on the obligor's application for the card, and then only until written notice of the loss or theft is given to the issuer. Such a provision either in a credit card issued prior to the effective date of this article, or in a writing accompanying such a card when is-

sued, or in the obligor's application for such a card is effective, on or after the effective date of this article, only if the issuer mails to the obligor, properly addressed, written notice of the provision conspicuously written or printed in a size at least equal to eight point bold type. Such a provision is effective only if the obligor has requested in writing the issuance of a credit card; the signature of the obligor or of a person authorized by him upon a sales slip or memorandum evidencing a purchase or lease of property or services by use of a credit card is the equivalent of the obligor's request in writing for the issuance of a new credit card and for the issuance of a new credit card to replace or renew a credit card previously issued to him.

North Dakota

Credit Cards. Enacted by Laws 1969, S.B. No. 345, approved March 17, 1969, effective July 1, 1969.

Sec. 1. Definition of credit cards and other terms and imposition of liability on cardholder.

4. "Accepted credit card" means any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition, or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be an accepted credit card."

7. "Unauthorized use" means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit.

A provision imposing liability on a cardholder for the unauthorized use of a credit card shall be effective only if the card is an accepted credit card, the liability imposed is not in excess of one hundred dollars, the card issuer gives adequate notice to the cardholder of the potential liability, and the unauthorized use occurs before the cardholder has notified the card issuer of the loss or theft of the card or of any unauthorized use.

Ohio

Sec. 1319.01. (Unsolicited credit cards—Liability)

A cardholder who receives a credit card from an issuer, which such cardholder has not requested nor used, shall not be liable for any use made of such credit card which has not been authorized by such cardholder, unless such credit card is in replacement or renewal of a credit card previously requested or used by the cardholder.

(Sec. 1319.01, as added by Laws 1969, S.B. No. 326, approved August 19, 1969, effective November 18, 1969.)

South Dakota

Laws 1968, H.B. No. 721, effective July 1, 1968.

Sec. 4. (Issuance—Unsolicited—Nonliability) No credit card shall be issued unless its issuance was requested nor shall any person who has not so solicited or has not accepted or utilized any unsolicited credit card be liable to the person who issued it or honored it for its misuse by others.

Wisconsin

Sec. 895.45. Exemption from civil liability for lost or stolen credit cards. Notwithstanding any provision contained on a credit card, no person shall incur civil liability for the fraudulent use of a credit card by another, as defined in Sec. 943.41 which was used without the former's knowledge or consent.

(Sec. 895.45, as enacted by Laws 1967, Ch. 155)

Attorney General's opinion

Washington. .02 Credit Cards. The regulatory provisions of the Credit Card Disclosure Act pertaining to maximum service charges, collection of delinquency charges, disclosure, etc., that apply to retail charge agreements as defined by the Act apply to situations where the holder of a bank card used the card to purchase goods or services from a participating vendor. Opinion of Attorney General of Washington. (February 8, 1968.)

FOOTNOTES

*Counsel, Postal Operations Subcommittee, Committee on Post Office and Civil Service, U.S. House of Representatives; B.A. Carroll College; LL.B., University of Montana; Member of the bar of Montana and U.S. Supreme Court.

[1] England, "Mass Mailing Keys Credit Card Operation," *Christian Science Monitor*, November 4, 1969.

[2] United Press Release, *Los Angeles Times*, October 22, 1969. See also England, *op. cit.*

"In the past month, member banks of the New England Bankcard Association, Inc. (NEBA) have mailed over two million unsolicited master charge cards to customers. This practice has been common in other areas."

"Robert C. Rier, President of NEBA, defends the practice. 'Each bank decided from their own accounts who would get cards,' he said of the operation here. 'We spent months and months to do the proper thing. In Chicago, they literally handed them out on the street.' "

Subcommittee staff study on Chicago incident. Testimony of Eric E. Bergsten, professor of law, University of Iowa, before Subcommittee on Financial Institutions of the Committee on Banking and Currency, U.S. Senate, 90th Congress, October 10, 1968, pp. 90–128. Mrs. Betty Furness, Special Assistant to the President for Consumer Affairs, p. 63, October 10, p. 64 same committee.

The reference to Chicago by Mr. Rier, referred to the first mass mailing engaged in by American Banks of unsolicited credit cards. They picked the Christmas rush of 1966 to begin this practice. In addition, the Chicago banks are quite competitive and they all sought to build up the most massive lists possible in order to convince merchants that the credit plan individuals were trying to sell individual merchants was the best. Large numbers of cards were stolen. Credit cards were sent to children and the deceased and entire neighborhoods were flooded with the new bankcards from rival Chicago banks. One man received 18 credit cards from the same bank addressed to himself and each of his sons, aged 9, 11 and 13. The Chicago banks had issued millions of credit cards during the height of the 1966 Christmas rush.

[3] *New York Times*, November 26, 1969, "State Attorney General Louis J. Lefkowitz, reported another incident yesterday, which he said should dispel any doubt that the legislature should pass a law to prohibit the forwarding of unsolicited credit cards."

[4] Testimony of Gold, Eugene F., District Attorney, Kings County, New York, Transcript of Federal Trade Commission Hearings, September 10, 1969, p. 76. Testimony of Rotker, Seymour, Executive Assistant to District Attorney, Bronx County, New York, at hearings before Subcommittee on Postal Operations, U.S. House of Representatives, October 19, 1969, p. 114, unpublished transcript.

[5] Miraglia, "My $10,000 Credit Card Bingo," *Life*, October 26, 1959, p. 53. A 19 year old took a one month trip across the United States by means of an all purpose credit card. He purchased $10,000 worth of goods and services, including U-Drive It cars, a silver mink coat for a girl friend, and a puppy for himself.

[6] McDonald, "Credit Cards—Our Funny Money," *Detroit News*, November 4, 1969, p. 1.

[7] Jackson, Royal E., Chief of the Bankruptcy Division, Administrative Office U.S. Courts, at Hearings before Subcommittee on Financial Institutions, Committee on Banking and Currency, U.S. Senate, October 9, 1968, p. 31 *et seq.*

[8] *Ibid.*, p. 33.

[9] McDonald, *op. cit.*, In San Francisco, California, Mrs. Lucille Vitorelo received a bill for $368.78 from a department store. A credit card in her name, sent without her knowledge or request, was apparently stolen from the mails. The store threatened to sue her for the unpaid bill, her credit rating was damaged and she had to pay a lawyer $175 to prove she was not liable.

[10] If there is no contract placing liability for unauthorized purchases on one of the parties and if neither of the parties has been negligent or acted in bad faith, the credit card holder will not be liable even though he does not report the loss promptly. The only implied duty in the absence of a contract is to exercise due care in handling the card. *Thomas v. Central Charge Service Inc.*, 212 A.2d 533, (D.C. Municipal Court of Appeals 1965) 15 ALR 3rd 1983, in which a judgment for the plaintiff was reversed.

The holder may be liable for fraudulent use if he authorizes a third party to make purchases and such a state of facts raises a jury question as to liability. *Jones Store Co. v. Kelly*, 225 Mo. App. 833, 36 S.W. 2d 681 (1931).

Under a contract for complete liability on the part of a cardholder prior to giving the issuing company notice of loss such terms may be enforced according to a decision in New York in the case of *Texaco, Inc. v. Goldstein*, 34 Misc. 2d 751, 229 N.Y.S. 2d 51, aff'd 39 Misc. 2d 552, 241 N.Y.C.2d 495. The facts of this case involved not only the contract term which placed complete liability for fraudulent use on the cardholder but the credit card was an oil company credit card which had no identification but a card number and the court took the position that only the cardholder could save the company from loss by prompt notice.

In *Union Oil Company v. Lull*, 220 Ore. 412, 349 P.2d 243, (1960), the court relied on an analogy between a bank passbook where there is a duty by the issuer to ascertain the identity of the person presenting the passbook, even though a contract term existed which placed all liability for fraudulent use of the passbook on the holder, since the bank as an indemnitee has the duty of exercising reasonable care to protect the indemnitor.

On the other hand, a case involving a contract term placing all liability on the cardholder until surrender of the card was upheld in *Socony Mobil Oil Company v. Grief*, 10 App. Div. 2d 119, 197 N.Y.S. 2d 522 (1960).

The standard clause now used limits cardholder liability for fraudulent use until the card is surrendered or written notice is given the issuer that the card has been lost or stolen. Where a "hot list" of missing cards is issued by the credit card company and the merchant still accepts the card for credit, the contract between the merchant and the credit card company may require the merchant to assume liability. Bergsten, "Credit Cards: Distributing Fraud Loss," 77 *Yale Law Journal* 1418, 1420 (1968).

[11] *In Humble Oil and Refining Company v. Waters*, 159 S.2d 408 (1965), the one whose negligence occasioned the loss must bear the loss. In this case a card was mailed as the result of a telephone request from a person claiming to be a cardholder who had lost her credit card and was asking for a replacement. The replacement card was stolen from the cardholder's mailbox. The court held that it was negligent for the credit card company not to ascertain the identity of the caller and that the credit card had been obtained by fraudulent means.

[12] Pollack, Earl E., Attorney, Midwest Bank Card System, Inc., Postal Operations Sub-

committee Hearings, U.S. House of Representatives, November 19, 1969, p. 153 *et seq.* Transcript.

[13] The credit card transaction which we are discussing is new to the law and unique. It involves a credit card issuer, an honoring merchant who sells diverse products to cardholders. There is virtually no authority, judicial or statutory, that is controlling. The problems arising from the use of this device are discussed in Mafly & McDonald, 49 CALIF. L. REV. 459, 465 (1960). In addition, legislation has been enacted in each state but relating only to criminal penalties for fraudulent use. Montana's statute is R.C.M. 1947, § 94–1823–1830.

[14] Agree, for the law is costly (William Camden: *Remains*), Evans, *Dictionary of Quotations*, p. 378.

[15] Half the issuers try to recover and are successful in 30% to 50% of their attempts. Interviews with managers of local bank credit card plan. Murray, "A Legal Empirical Study of Unauthorized Use of Credit Cards," 21 U. MIAMI L. REV. 811, 833, 834 (1967).

[16] Jackson, Royal E., Hearings on Bank Credit Card and Check Credit Plans, Subcommittee on Financial Institutions, Committee on Banking and Currency, U.S. Senate, p. 33, October 9, 1968. Subcommittee Staff Study, Postal Operations Subcommittee, U.S. House of Representatives. Filed, September 1969.

[17] Meade, Robert L., Legislative Director, Office of Special Assistant to the President on Consumer Affairs, at Hearings before Subcommittee on Postal Operations, U.S. House of Representatives, November 19, 1969, p. 88 *et seq.* Mr. Meade also stated that credit card losses are over $100 million a year, stolen credit cards sell in New York City for at least $50 and that mail fraud cases involved stolen credit cards have risen over 700% in the last four years. According to a United Press International release the consumer debt of the United States has jumped from a figure of $110 billion that Meade used on November 19, 1969 to a figure of $118 billion as of December 4, 1969 according to end of October figures issued by the Federal Reserve System.

[18] Patman, Wright, M. C., Chairman of the Banking and Currency Committee of the U.S. House of Representatives, before the Subcommittee on Postal Operations of the U.S. House of Representatives on October 29, 1969.

[19] Brean, "Charge Plans Make Cash Unstylish," *Life*, June 1, 1959, p. 120 *et seq.*

[20] "Credit Card Frauds: What You Need to Know About This Growing Danger," *National Petroleum News*, March 1969, p. 92.

[21] Jackson, Royal E., Hearings on Bank Credit Card and Credit Plans before the Subcommittee on Financial Institutions, U.S. Senate, October 9, 1968, p. 33.

[22] Proxmire, William, U.S. Senator, Statement on Senate Floor, CONGRESSIONAL RECORD, vol. 115, pt. 15, p. 33409.

[23] Wattenberg and Scammon, *"This U.S.A."*, p. 112. (1960 Census Figures)

[24] Lederberg, "Business Marketing Data Once Sold by Private Eye," *Washington Post*, August 2, 1969.

[25] *Supra* note 23, at 179.

[26] 15 U.S.C. 1601, *et seq.*

[27] 15 U.S.C. 1673.

[28] 15 U.S.C. 1676.

[29] 29 U.S.C. 201, *et seq.*

[30] 15 U.S.C. 1673.

[31] 15 U.S.C. 1675.

[32] 18 U.S.C. 891.

[33] 15 U.S.C. 1677.

[34] Williams, Harrison, U.S. Senator. Remarks, CONGRESSIONAL RECORD, vol. 115, pt. 15, p. 33412.

[35] Proxmire, William, U.S. Senator. Remarks, CONGRESSIONAL RECORD, vol. 115, pt. 15, p. 33409.

[36] Massachusetts General Laws, Ch. 93, amended by addition of Sections 44–47, 1969; New Mexico, 50–18 –2 through 6, 50–19–1, General Laws 1969, Ch. 259, Sec. 1; Oklahoma, 24 Oklahoma 81 through 85, 1910.

[37] Brenton, "The Privacy Invaders," p. 38, 43, 1964.

[38] Proxmire, William, U.S. Senator, explanation of amendment to the Consumer Protection Credit Act, CONGRESSIONAL RECORD, vol. 115, pt. 15, pp. 33408–33410.

[39] Dallos, "Fighting Credit Card Fraud," *Washington Post*, December 7, 1969, p. 1.

[41] England, "Mass Mailing Keys Credit Card Operation", *Christian Science Monitor*, November 4, 1969.

[41] Brimmer, Andrew F., Member of the Board of Governors of the Federal Reserve System, "New Horizons in Credit Card Banking", before Seattle Clearing House Association, September 23, 1969, p. 10.

[42] Martin, William Mc., Jr., Chairman of the Board of Governors of the Federal Reserve System, Letter to Chairman Robert N. C. Nix, M.C., dated October 28, 1969.

[43] McNeal, Edward J., Chairman of the Consumer Credit Issues Committee of the American Retail Federation, Proceedings Federal Trade Commission, Docket No. 215–20, p. 185, 186. "The Marine Midland Trust Company of New York made a promotional mailing soliciting applications for credit cards, and received a return of .007, of a total mailing of 33,000. An unsolicited mailing to a control group of 731 indicated that 139, or about 19%, had been used within a 90-day period."

[44] P.O.D. Notice 59, Domestic Postage Rates, Fees and Information, July 4, 1969.

[45] United Press International, "Mafia Strikes Gold in Credit Cards," *St. Paul Sunday Pioneer Press*, November 26, 1967, p. 4.

Rotker, Seymour, Executive Assistant to the District Attorney, Bronx County, N.Y., Credit Card Hearings, Postal Operations Subcommittee, U. S. House of Representatives, November 19, 1969, p. 138. Transcript.

[46] United Press International, "Mafia Strikes Gold in Credit Cards," *St. Paul Sunday Pioneer Press*, November 26, 1967, p. 4. "Traditional 'Shylocking' techniques are also being streamlined by the shift from cash demands to credit. When syndicate collectors need to pressure these days," said Hantel (former District Attorney, Queens County, New York City), "they'll collect their pound of flesh not by beating on his noggin but by getting his credit cards . . . and if he doesn't have one, they tell him 'Get one, get two, get three . . .'"

Cotter, William J., Chief Postal Inspector, Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 112. Transcript.

[47] Cotter, William J., Chief Postal Inspector, Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 113, 114. Transcript.

"From the enforcement standpoint, unsolicited credit cards present several problems to the Postal Inspection Service. As unsolicited mailings are promotional mailings, regardless of the extent of screening the mailing lists, address reliability is apt to be lower in comparison with credit cards mailed in response to an application. Wrong deliveries, forwarding and multiple handling increase the exposure of an unsolicited mailing to theft and loss."

"As unsolicited mailings are unwanted by some percentage of the addresses, perhaps as high as 75%, that percentage of a given mailing is needlessly exposed to loss or theft in postal transit and otherwise until the cards are either destroyed or returned to their issuer."

"The addressee of an unsolicited card, not anticipating it, usually finds out about its misuse when he receives an invoice, perhaps six weeks after the date of mailing. The delay in initiating the investigative process is an impediment to its success."

"Postal employees and others can usually spot unsolicited mailings and one inclined to theft will reckon an unsolicited mailing as a safer and more desirable target than regular customer mailings."

[48] Pollock, Earl E., Attorney, Midwest Bank Card System, Inc., Credit Card Hearings, Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 153 *et seq.* Transcript.

[49] H.R. 15103, Subsection (c), is not impractical or futuristic. The Marine Midland Grace Trust Company of New York advertises a Master Charge Card with photograph and signature and has done so for several years. Advertisement, *New York Times*, December 9, 1969, p. 36. The advertisement read in part: "If you grow a mustache we'll give you a new card." "We have to." "We're the only bank in town that puts your picture on the back of a charge card." "At no cost to you."

[50] See Appendix.

[51] *See* R.C.M. 1947, § 94–1823 through 1830. These provisions applying criminal sanctions to the fraudulent use of credit cards are typical of statutes now part of the law in almost every state.

[52] Patman, Wright, M.C., Chairman of the House Banking and Currency Committee, in testimony before the Postal Operations Subcommittee of the U.S. House of Representatives, October 29, 1969, p. 9, referring to bank credit cards. "The bank is collecting 18% from the consumer and 7% from the merchant, or a total of 25% in the form of interest on discounts."

[53] Gulan, Jerome R., Legislative Director, National Federation of Independent Business, in testimony before the Postal Operations Subcommittee, U.S. House of Representatives, November 19, 1969, p. 83. "While the example of the South Atlantic States shows up the most dramatically, there appears to be a relationship between bank interest rates to independent business, and the degree of acceptance of bank credit cards."

[54] Martin, William Mc., Chairman of the Board of Governors, Federal Reserve System, in a letter to Chairman Robert N. C. Nix, M.C., Postal Operations Subcommittee, U.S. House of Representatives, dated October 28, 1969.

[55] Bontema, Edward E., President of Eastern States Bankcard Association, in *Philadelphia Evening Bulletin*, October 30, 1969, p. 10.

Mr. McCLURE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 16542, a bill to restrict the mailing of unsolicited credit cards.

This legislation is designed to minimize the possibility of theft from the mails of unsolicited credit cards. I believe that this bill is an important and necessary consumer protection measure. Theft breeds the fraudulent use of credit cards. The burdens from the fraudulent use of credit cards fall ultimately upon the individual under whose name the credit card has been sent, whose credit rating is often endangered, and upon the millions of other consumers who bear the cost of losses incurred by merchants. Cardholders have turned to Congress, seeking help against losses which have been estimated to be anywhere from $50 to $150 million per year.

I personally foresee the banking industry issuing credit cards to replace checks, as checks have replaced cash in the marketplace, and for a myriad of other uses. This legislation will help to assure that a balance is struck between the interests of credit card-based companies and the protection of individual consumers.

Already, our semicashless society uses credit cards for groceries, weddings, church dues, trips around the world, and

in Phoenix, Ariz., even to arrange bail. In the States of California, North Carolina, Washington, Oregon, and Arkansas, I understand you can pay your State taxes by credit card. All this can be done with a payment to credit card companies of a service charge as high as 18 percent a year on the indebtedness. Gangsters have even been known to accept credit cards in lieu of payments of loan shark debts.

The latent dangers of unregulated, unsolicited credit cards are apparent. If an unsolicited credit card falls into the wrong hands, a mail patron may be surprised to find himself billed for purchases he never made. The victim of this fraud is then faced with lawsuits or other collection action that may ruin his credit standing. Only 2 years ago, banks had about $815 million invested in credit card plans. Today, through the use of mass mailings of unsolicited credit cards, that business has reached a $2 billion mark and is still climbing. There are estimates that the entire credit industry is a $13 billion dollar going concern.

This bill proposes to protect the public by requiring that the unsolicited credit card must be sent by registered mail. This will assure that the mailings will be signed for by a postal employee upon entry into the mail system, the mailings will proceed through the mail system in locked mail bags, and the unsolicited credit card mailing must be signed for by the addressee, and the addressee only, upon delivery. I understand that because of the recent postal reform and the broad authority it delegated to the Postmaster, the gentleman from Pennsylvania will offer a technical substitute. This substitution provides for the same protective steps I have delineated.

This type of mailing will almost certainly eliminate the theft of unsolicited credit cards from within the postal system. It will also end the theft of unsolicited credit cards from mail boxes, since it must be hand delivered to the addressee. A notice on the envelope is required to notify the addressee that an unsolicited credit card is contained within the envelope. The notice will not aid thieves, since the mailings will be protected within the system and the notice also will prevent the throwing away of the mailing by an innocent mail patron who believes he has received direct mail advertising. Failure to abide by this legislation can result in a $1,000 fine for each mailing violation. These new postal requirements, and the criminal sanctions for violations thereof, however, will in no way hamper or interfere with mailings of other than unsolicited cards.

The public needs protection from the mail advertising practice which forces credit on unwilling families. The credit card issuers believe that if they can get a credit card into the home, one of the members of the family will use the card within 9 months. They have run tests which show that less than 1 percent of the mail patrons who are asked to fill out a credit card application do so, but when unsolicited credit cards are forced into the home, 19 percent of the mail patrons will use the cards within 90 days.

Legislation which restricts the credit card menace has been enacted in States such as New York, California, Illinois, Connecticut, Maryland, Massachusetts, Minnesota, Ohio, Wisconsin, Alaska, New Mexico, North Dakota, and South Dakota. This legislation will aid these State programs. This bill received unanimous bipartisan support in committee and in subcommittee. I urge my Colleagues to support this bill today on the floor of the House.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I rise in support of H.R. 16542, a bill to restrict the mailing of unsolicited credit cards.

In our age of almost "instant everything," we have all seen the proliferation of instant credit. This is usually done through the use of credit cards; some issued by local and national merchants, others by banks and national credit organizations. All these cards and the credit they provide are important for the growth and strength of our modern economy. But, as in virtually every act of commerce ever conceived, there are those individuals who refuse to obey the laws of our society and elect instead to acquire products and services through trickery and deceit. In this particular instance, through the use of stolen credit cards.

Another aspect of this overall problem is the issuance of credit cards to individuals who, in many cases, could not receive credit through ordinary channels.

The committee files are filled with sad cases involving either the illegal or indiscriminate use of credit cards.

H.R. 16542 is a good bill. It will, in the opinion of the committee and many in the law enforcement field, help to drastically reduce the theft and illegal use of credit cards.

It proposes to make a credit card nonmailable matter, unless such card:

First, is mailed in response to a request or application by the addressee for such card; or

Second, is mailed as a replacement, for the addressee; or

Third, in the case of a previously issued credit card which has been lost, mislaid, or stolen, is mailed as a return of that card to the issuer or to the addressee to whom that card was issued; or

Fourth, is sent under conditions prescribed by the new postal service to insure security in handling in the mails, the certainty of personal delivery of the card, and proof of when, where, and the person to whom it is delivered.

The conditions described in item four are the same as those which exist today under the registered mail procedure of the Post Office Department. The change in phraseology from the committee-reported bill is necessary to conform to the language of the new title 39 which will be implemented under the Postal Reorganization Act of 1970, which was signed into law August 12, 1970.

Mr. Chairman, the bulk of evidence demonstrating the undesirous effects of the mailings of unsolicited credit cards behooves us to support and approve this legislation.

Mr. McCLURE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of H.R. 16542, which I cosponsored, a bill to restrict the mailing of unsolicited credit cards, for it is long overdue consumer protection legislation.

I believe that this legislation is necessary because the credit card explosion is a permanent feature in our economy and the burdens from the fraudulent use of credit cards fall on the individual cardholder whose credit standing is endangered. The individual must turn to Congress and ask for its help against what is now a $13 billion industry. In addition, it seems to me that credit cards will be used by the banking industry to replace checks, as checks have replaced cash in the marketplace. If this is the case, it certainly seems reasonable to me that a balance be struck between the interests of these giant credit card companies and individual consumers.

Today in our cashless society we use credit cards for groceries, weddings, church dues, trips around the world, and in Phoenix, Ariz., even to arrange bail. I would also like to point out that you can pay your Federal income taxes by credit card in the States of California, North Carolina, Washington, Oregon, and Arkansas. All this can be done for the payment to credit card companies of 18 percent a year on the indebtedness.

There is great urgency upon the part of those banks who have not yet cut into this 18-percent loan business to engage in mass mailings of unsolicited credit cards. Mail patrons get credit whether they want it or not. Why? The credit card issuers evidently cannot convince merchants that they have to join credit card plans in order to protect themselves against competitors who do, unless the bank or other issuers can show that an overwhelming number of customers in the merchant's area have the cards. Banks apparently find it difficult to convince people to join the plan voluntarily. A survey by the Marine Midland Bank of New York showed that less than 1 percent of consumers responded to requests to join credit card plans, but where unsolicited credit cards are forced into the mail box, 19 percent of the mail patrons contacted used the card within 6 months. However, the merchant doesn't know how many cards are in use. He is told only about the thousands and in some cases millions of cards that have been sent through the mail and are in the possession of mail patrons. When the merchant joins the plan, he must pay the credit card people from 3 to 7 percent for discounting the debt run up in his store. He can only get this amount back by raising his prices. The merchant is not guaranteed any exclusive territory, so he finds himself raising prices without any competitive advantage. His only satisfaction is knowing that he has protected himself against a competitor, who is protecting himself against the first merchant. This situation wouldn't be possible in the ab-

sence of the mass mailing of unsolicited credit cards.

Individual consumers have to pay 18 percent on the unpaid portion of the debt they owe over 30 days. If the unsolicited credit card falls into the wrong hands, a mail patron may be surprised to find himself being billed for purchases he never made. The victim of this fraud is then faced with law suits or other collection action that may ruin the credit standing of an individual.

Only 2 years ago banks had about $815 million invested in credit card plans. Today, through the use of the mass mailings of unsolicited credit cards, that business has reached a $2 billion mark and is climbing. There are estimates that the entire credit card industry has a $13 billion business going for it.

The answer of the industry and the Federal Reserve Board to pleas for support of regulatory legislation is that $100 million a year loss in fraud does not hurt the industry. Credit cards are good for the money changing and bill collecting business. It may be good for their business but it is not good for the families of America and their budgets. It is not good for the merchants who have to turn over a large share of their profit on sales. Most important of all, it is not good for the county. A respected syndicated columnist, in an article last fall, had this to say on the subject of inflation:

> There is a considerable body of opinion which feels that while tight money cripples the housing industry, nothing is done to curb consumer credit aggravated by the proliferating credit cards.

I agree with that observation. The majority of the American people are concerned with the public debt but they give little, if any, attention to the spiraling private debt.

The private debt is the real demon and is due largely to buying on credit by the general public.

I asked the Library of Congress for figures on our total debt—both private and public. Their figures show that the estimated private debt for the year 1969 is $1¼ trillion, net. The Government debt, Federal, State, and local is estimated to be $1.7 trillion. The total, therefore of the public and private debt is estimated to be in the neighborhood of $3 trillion. This is a serious situation and a major cause of adding to the fires of inflation. The credit card user had better think that over, and the business community who are pushing the use of credit cards had better realize what they are doing to our economy and give less thought to the almighty dollar.

This is the people's business and the business of the Congress.

I strongly urge my colleagues to approve this much needed legislation.

Mr. NIX. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from New York (Mr. HANLEY) a member of the committee who has contributed greatly to this effort.

Mr. HANLEY. Mr. Chairman, initially I want to commend the efforts of the chairman of the subcommittee (Mr. NIX) a gentleman who comes from Philadelphia, for his recognition of the problems associated with the mass distribution of unsolicited credit cards. His efforts have resulted in the legislation which we are presently considering.

This bill, which regulates the mailing of unsolicited credit cards, is an important piece of consumer legislation which this House should favorably consider.

This is not an antibusiness or even an anti-credit-card bill. The credit card business is an important factor in our economy. Judiciously used, credit cards tend to lubricate the wheels of industry and encourage sound financial management for many families.

We, in this bill, are trying to stop, or severely restrict, an unpleasant, unnecessary, and dangerous offshoot of our expanding credit card economy. The practice of issuing unsolicited credit cards has had an unsettling effect on our economy and on thousands of individuals and families to whom they have been sent.

Mr. Chairman, I was the sponsor of the original bill on which the Postal Operations Subcommittee held hearings last year. I was both proud and pleased at the strong support received by my bill. After the subcommittee concluded its hearings, the bill was tightened up and reintroduced as H.R. 16542.

Unsolicited credit cards commit three grave sins:

They tend to feed inflation, which has already reached an unacceptable level;

They have encouraged the criminal elements; and

They are an invasion of privacy.

It is an anomaly that in this day when we must pull out all of the stops in fighting inflation, banks, businesses, and other credit card issuers hold out the lure of instant money. The catch is that the typical credit card charges average an 18-percent annual rate on the unpaid balance. In addition, businesses honoring the cards are often required to pay a premium of up to 7 percent on purchases made with a credit card. Thus, we have a situation where the price of an item may be hiked as high as 25 percent through the use of credit cards.

It seems clear that the mailing of millions upon millions of credit cards can only add to the inflationary spiral by encouraging promiscuous use of credit cards and adding ultimately to the price of the purchased goods.

The increasing problem of mail theft is another major consideration in our desire to restrict the flow of unsolicited credit cards through the mail.

The chief postal inspector has told us that investigations of credit card thefts from the mail have increased by 700 percent over the past 4 years. In Chicago and New York, credit card theft rings were recently broken up and many indictments brought—several against postal employees. Authorities feel that the hundreds of thousands of dollars involved in these cases are only a small fragment of the total cost of credit card thefts from the mail.

These thefts are injurious to business as well as the consumer. As many of you know, Washington's Central Charge Service revealed early this year that some $200,000 in charges during January were made fraudulently with credit cards probably stolen from the mail. One store reported that 90 percent of its business during that month was thus charged.

While it is difficult to determine how many of these stolen cards were unsolicited, it is undeniable that a flood of millions of unsolicited cards can do nothing but multiply the problem many times over.

Finally, the mailing of unsolicited credit cards is a gross invasion of privacy. Credit ratings have been destroyed and people hauled into court because of fraudulent charges made by a card with their name on it—but which they did not know they were supposed to get and which they did not ask for. Individuals with financial problems have been enticed to go even more deeply into debt when an unsolicited card fell into their laps like manna from heaven.

The bill pending here today would go a long way toward alleviating these problems. By requiring that unsolicited cards be sent by registered mail, the flood would be cut to a trickle. The expense of this procedure would require that the businesses wishing to continue the practice meticulously cull their lists to weed out all those who might use the card unwisely. The requirement that the card be delivered only to the addressee—with his signature an absolute necessity—would provide clear proof as to whether an individual did or did not receive the card. And the provision for clear marking on the outside envelope that an unsolicited card is enclosed will enable the recipient to immediately reject or destroy it.

Mr. Chairman, a substitute motion will be made later which will make some technical changes in this bill and which rewrites its language to conform with the recently enacted postal reform bill. The substitute, however, accomplishes essentially the same purposes as does H.R. 16542 as reported by our committee.

This is a good bill—good for the consumer who has been victimized by unsolicited credit cards—and good for businesses which have seen a sharp upturn in fraudulent charges. I strongly urge that we approve H.R. 16542.

Mr. TIERNAN. Mr. Chairman, I rise today to express my strong support for the first major consumer bill which will come out of the Congress this year, H.R. 16542. This legislation is aimed at minimizing the possibility of theft from the mails of unsolicited credit cards.

As a member of the Post Office and Civil Service Committee, I am particularly pleased to see this bill come before us today. With our Nation rapidly becoming a credit card society, the mailing of unsolicited credit cards is becoming the norm, and the opportunity for theft has substantially increased. It is estimated that the theft and subsequent fraudulent use of credit cards involve losses of up to $150 million per year.

Needless to say, the credit card companies are losing money hand over fist. But the ultimate loser is the individual consumer. The cost of credit card insurance against fradulent use has risen dramatically. The discount rate charged to the merchant for the convenience of

charging sales to these credit cards has also risen, and these increased charges will certainly be passed on to the consumer.

A consumer who is the victim of the fraudulent use of a credit card is necessarily charged with purchases made in his name. These persons are often individuals with weak credit standings who normally would not be eligible for this mode of credit. There are reports of unsolicited cards being addressed or mailed to deceased persons, 5-year-old, bankrupts, convicts, and elderly pensioners.

H.R. 16542, in my opinion, will provide the corrective action that is needed. It provides that the same security procedures used for registered mail—including locked mailbags—be applied to credit card mailings. Under this bill, delivery is restricted to the named addressee only and the required receipt must show to whom, when and to what address the card was delivered.

Let me also point out that this legislation would permit the Post Office Department to require a notice to be placed on the envelope indicating the enclosed is an unsolicited credit card. This feature will facilitate a recipient's refusal of such mail.

Mr. Chairman, the consumers of America need this bill and I urge its immediate adoption.

Mr. KARTH. Mr. Chairman, there is little doubt in the minds of any of the Members present of the great value credit cards have served in an expanding economy. The wise consumer through credit card purchases has been able to take advantage of bargains even though cash may not be on hand at the moment. And the wise consumer can deter the cost of a vacation over a period of time, rather than stay at home. I could enumerate many of the contributions that credit card buying has brought to the American consumer.

Today we find ourselves with an opportunity to provide the credit card industry with much needed regulation and the consumer with much needed protection.

As the committee hearings show, we are fast becoming a credit card society—whether there is a wisdom in that trend in our present inflationary society is not the point of this legislation. While some consumers are trapped in their own problems of unwise use of credit cards, Congress cannot set itself up as the body that decides who does and does not receive credit, or credit cards. It is the responsibility of the media and each individual Congressman according to his own conscience to warn people of the great amounts of interest he must pay for the credit card privilege—but that is not the collective responsibility of this body.

It is our responsibility to insure that the consumer will not unknowingly be harmed by the mailing of unsolicited credit cards. The great fault in this expansion of credit is not that people who should not have credit, receive it unsolicited. That is not a fault, but a tragedy. The fault lies with the thief who takes a mailed unsolicited credit card and puts it to his own use.

The person hurt is the consumer—but supposedly we are told, he is not damaged that much. Within a short time the mixup is supposedly straightened out and the person who did not ask for the credit card in the first place has his name cleared. If that sounds like a person being cleared of a prison conviction, it should.

The person whose card falls into the wrong hands is dunned, called, threatened, and may have to pay attorney fees to remove charges he never made in the first place. And once it is all over his name is supposedly cleared.

Unfortunately, that often is not the case. The media has reported recently that so-called credit and personnel reference agencies make little effort to update or correct their files—and so a person whose unsolicited credit card is stolen and used, may not be able to obtain a credit card when he wants and deserves one.

Not only does this bill protect the consumer, but also the credit card firm that issues the card. No longer will he be forced into an unwanted credit card war or bliaz with the competition to see who can blanket a community first. The results we have found are stolen credit cards and not only does the consumer pay his price, but the issuing firm pays for services and goods sold, but never paid for. In the end the consumer must pay again for higher prices due to misused cards.

I was pleased when the Federal Trade Commission banned the issuance of unsolicited credit cards—but disappointed when unsolicited bank credit cards were not included in that ban. This is unfortunate—and the legislation we have before us corrects that gap in regulation.

The Federal Reserve System has argued that banks should continue to be exempt because those in the filed first were able to send out unsolicited cards, and the new ones won't be able to—the Board says this will discourage competition.

I tend to weigh this possible discouragement of competition with other possibilities. By passing this legislation we are recognizing the mistakes of the past—the mistake of letting any one send out unsolicited credit cards. Now to allow a late arrival the same abuses is not to discourage competition, but only to repeat the mistakes of the past.

That is not only not learning from past experience, but ignoring past experience.

Mr. CORMAN. Mr. Chairman, I rise in support of the bill before the House this afternoon—to restrict the unsolicited mailing of credit cards. I also want to commend the distinguished authors of the bill and the members and staff of the House Post Office and Civil Service Committee, whose efforts have made it possible for this very important piece of legislation to be brought to the floor for our attention. I strongly urge its favorable consideration.

I feel particularly close to this legislation because of my own bill, which was originally introduced early in the 90th Congress, when problems arising from the distribution of unsolicited credit cards became national concern. I then reintroduced the proposal in this Congress. While my bill was referred to another committee, the substance of its provisions parallels H.R. 16542.

Those of us who have become disturbed about the abuse of credit cards in general could spend hours here on the floor citing case after case describing how the unrestricted mailing of unsolicited cards has given credibility to the saying that the credit card "is both a blessing and a curse." Many cases have had catastrophic results for consumers who have had to assume payment of large debts that they could ill afford. Not every State has statutory provisions exempting an unwary intended recipient of a card from liability incurred by unauthorized use. In fact, only 13 States have some such legislation. Not every State has statutory provisions setting criminal penalties for theft and fraudulent use of stolen credit cards.

The situation for the consumer is difficult enough when a credit card he has requested is lost or stolen. To be liable for charges to a credit card he has not asked for and perhaps is stolen from the mails before he has had a chance either to destroy or return it to the issuer places an unconscionable and totally unfair burden on him. The time is long past due, Mr. Chairman, for the Congress to exercise its responsibility in seeing that the consumer is protected through Federal legislation. In doing so, I do not in any way want to handicap banks or businesses who wish to offer credit to the public. The issue at hand is that every safeguard must be afforded to the public whose business is wanted.

Short of a complete ban on the mailing of any unsolicited credit card, I believe that the bill before us assures this safeguard. It amends that title of the Code relating to the nonmailability of certain items by adding a new nonmailable category, and specifically declares that a credit card of any kind is nonmailable matter unless such a card is: solicited by the addressee; or is a replacement of one previously issued to the addressee; or in the case of a lost, mislaid or stolen credit card previously issued, is being returned to the addressee by mail; or is sent by registered mail, with delivery restricted to the addressee and return receipt requested showing to whom, when and where delivered, and is sent in an envelope bearing on its face the name and address of the sender and such notice as may be prescribed by the Postmaster General. Additionally, a fine of not more than $1,000 for each violation is set.

The Federal Trade Commission, after extensive public hearings and due consideration, issued a trade regulation rule effective this past May 18, banning the mailing of unsolicited credit cards as an unfair trade practice. I am not convinced that there needs to be a total ban on the mailing of unsolicited credit cards. It would seem to me that carefully planned regulations as to how such cards should be mailed would be sufficient protection for the consumer, who is my concern.

The provisions of the bill before us would permit such protection, and I strongly urge its passage.

Mr. DANIELS of New Jersey. Mr.

Chairman, the present practice of the unprotected mass mailing of unsolicited credit cards is nothing less than an indiscriminate invitation for larceny and fraud.

In the city of Washington, D.C., the Central Charge Co. incurred $300,000 in losses in January and February of 1970 alone, and nationally there were, in 1969, $200 million in fraud losses to thousands of innocent persons who never ordered a card and never knew it had been sent to them.

It is no answer that some of these losses were borne by the credit companies or their insurers. In too many cases intended recipients of the cards have been forced into court in order to prove, of all things, that they never received a card and were, therefore, not responsible for the charges. Even if the intended recipient was able to prove that he never received a card, he has had to bear the large cost of legal fees, the adverse effect upon his credit rating, as well as a great deal of aggravation.

An article entitled "How To Counterfeit Credit Cards and Get Away With It," by Elihu Blotnick, in Scanlon's magazine, presents a detailed description of the ease with which a stolen credit card can be obtained and used to obtain merchandise which is later sold for cash. Moreover it details the laxity on the part of many stores which know they will be reimbursed by insurers. The article also charges that credit companies actually favor the business promoted by these cards. The only person hurt is the consumer since increased insurance rates are passed on either directly or by way of increased service or interest charges.

I think you should be aware of the ease with which a credit card may be altered. According to the Scanlon's article, it is really quite simple. In the case of a stolen card, the ink on the raised letters is removed with 25 cents worth of polyester resin; the card is then heated with a warm iron to remove the raised plastic letters and restamped with an addressograph plate. If it has been signed, a strip of white paper is glued over the owner's signature and the card is signed with a phony name.

Most of the stolen credit cards are purchased from pickpockets and pursesnatchers. Even if they are caught, the sentence is often light, the bail low, and often, through plea bargaining because the district attorney feels he has more important cases, the criminal may get off with a suspended sentence. In many cases these stolen credit cards finance the drug habits of an increasing number of dope addicts.

Generally, the user of a fraudulant credit card will own a number of cards which he will either steal himself or purchase for about $10 apiece. After that, it is relatively easy to charge merchandise and dispose of it. According to Scanlon, most credit card thefts are not reported and even if they are, the credit card companies are lax in warning stores since many stores may be unwilling to carry the service of a credit company whose stolen credit card rate causes the store high losses, or inconvenience in checking for stolen cards.

Mr. Chairman, H.R. 16542 will minimize the loss resulting from the theft and fraudulent use of credit cards by requiring that unsolicited credit cards be mailed by secured or registered mail, with restricted delivery and a return receipt requested.

Under this bill, unsolicited credit cards will be signed for by each postal employee who handles the envelope. Cards will proceed through the system in locked mail bags and be delivered only to the addressee, who, if he wishes to receive the mailing, will sign for it.

The addressee will be put on notice that the envelope contains an unsolicited credit card and that he may refuse the mailing. The cost of return mailings will be paid for by the mailer. The cost for this protection is presently $1.71 per mailing.

Credit card operations are basically mass mailing operations, sometimes amounting to 2 million persons and blanketing whole communities with a flood of unwanted and unasked for credit cards.

The very integrity of our postal system is threatened. The mass mailing of unsolicited credit cards is little different than the mass mailing of $100 bills in transparent envelopes.

In order to protect the public, the bill simply would eliminate the now too easy opportunity to steal a card between the time that it is mailed and the time of its receipt.

If unsolicited credit card mailings were made unlawful by this legislation, the violator would be subject to criminal fines of up to $1,000 per individual credit card mailing. Penalties have been limited to criminal fines because of the lack of personal responsibility for decision in large corporate organizations. The boards of directors of credit card companies will understand that criminal fines for each violation could amount to a considerable sum.

At least 13 States have statutes which regulate and restrict unsolicited credit cards. Most of these States protect the consumer merely by limiting the liability for the use of credit cards which have not been accepted by the cardholder.

Governor Rockefeller signed a bill on May 20 which also makes the issuance of unsolicited credit cards a crime.

None of this legislation can be fully effective, however, unless the Post Office Department can act in the matter. It is mass mailing which is the heart of this operation. Mass mailing is the key to the offensiveness of the unsolicited credit card system.

The Federal Trade Commission, which has limited jurisdiction, has issued a rule defining the mailing of unsolicited credit cards as an unfair trade practice. However, it is very doubtful whether the jurisdiction of the Federal Trade Commission extends to the biggest offenders in the unsolicited credit card matter, the banks.

It is the banks that are mailing millions of unsolicited credit cards today. It is the banks who issue the "everything."

Mr. Chairman, the bill was supported unanimously in committee by members of both parties. The administration does not oppose this legislation.

Mr. ROSENTHAL. Mr. Chairman, Americans are subjected each year to a barrage of unsolicited credit cards that number in the millions. These cards are a flagrant abuse of the consumer's confidence, and an abuse of the Federal mail system. They constitute an additional, unneeded harassment of the consumer. These unsolicited cards must not be allowed to flow through our mails as easily as they presently do. Such cards almost invite mail theft and fraud, and, as a result, the unsuspecting consumer is exposed to the possibility of incurring a substantial economic loss.

H.R. 16542, which the House considers today, begins to place much needed checks on the flow of these credit cards through the mails. This bill requires that all unsolicited credit cards be sent by registered mail, and be clearly designated as unsolicited credit cards, with the name and address of the sender clearly visible on the envelope, as well. These precautions may help to eliminate some of the theft and resulting fraudulent use that is made of these unsolicited credit cards. It is for these reasons that I support this bill.

But this is only an interim measure. We must move toward a much more thorough regulation of these cards, either by amendment or passage of a stronger bill. I question whether these unsolicited cards should be allowed through the mails at all, no matter how they are marked. The FTC has proposed a rule which restricts the mailing of unsolicited credit cards, as an unfair trade practice, and permits only those credit cards that are expressly requested, or are replacements of credit cards already held, to be sent through the mail. This is what I believe should be the ultimate goal of any legislation regulating the use of credit cards.

Last October, I introduced a bill, H.R. 14527, which comes much closer to realizing this goal. It bans the mailing of all unsolicited credit cards, and requires certified mailings of all other credit cards that are expressly requested. This bill, if enacted, would go further than any previous proposal to protect the consumer from the hazards inherent in credit card mailings. The Senate has recently passed a similar bill. It bans the mailing of all unsolicited credit cards, and limits the consumer's liability in the case of a lost or stolen credit card. I hope the House will move toward a bill as strong as that of the Senate. And I hope the House will pass H.R. 16542, the very first step toward this goal.

Mr. WILLIAM D. FORD. Mr. Chairman, $200 million are lost each year through credit card fraud and 200,000 credit cards are stolen each year.

Most of this theft is facilitated by the mass mailing of unsolicited credit cards. The mail patron does not know that such a card has been forwarded to him. Yet it is similar to mailing a $100 bill through the mail because many of these cards are sold for that amount on the black market.

In Washington, D.C., one company lost approximately $300,000 through the theft of credit cards in January and February and every credit card company has suffered the same kind of losses. All of this

is passed back to the consumer in higher prices.

For example, new businesses have sprung up which for $5 a year will keep track of your credit card numbers and notify companies when your card has been stolen. Another company will insure you against loss for $9 a year.

The mail patron who loses an unsolicited credit card cannot insure himself against loss, because he does not know that he has been issued a card until the bills start coming in.

This bill will protect that consumer. It will protect mail patrons because it requires that all unsolicited credit cards be mailed by registered mail, restricted delivery, return-receipt requested. This means that credit card issuers will be forced to pay a maximum amount for maximum protection to mail patrons. If unsolicited credit cards are sent out in violation of the bill, criminal penalties of fines up to and including $1,000 per mailing will be imposed on violators.

It is only reasonable that the American public receive the maximum protection. Many of the credit card companies themselves must see the need for this kind of legislation. A large number of these companies will not mail credit cards through the Washington, D.C., post office. Up until now, credit card companies were not concerned with theft because they made huge profits from 18 percent interest and discount charges up to 7 percent. If it was necessary they merely pass the cost on to the public. They only became concerned when the losses in the millions became a matter of public record. It was too hard then to frighten timid consumers into paying bills they did not owe to save their credit ratings.

The public needs protection. It needs to regulate this mass-mailing gimmick and I think this legislation will help to do just that, and I ask for its passage.

Mr. HALPERN. Mr. Chairman, American consumers now possess over a quarter of a billion credit cards. There are retail store cards, travel and entertainment cards, oil company cards, bank cards, and air travel cards. There are in circulation over 50 million "universal" cards on which almost anything can be charged. These all-purpose credit cards, particularly, are growing in popularity. An estimated $50 billion worth of goods and services were purchased with credit cards last year. As of June 30, 1969, almost 13 percent of consumer credit outstanding was on card credit. The potential uses for credit cards are abundant. Some experts have been predicting that plastic credit will eventually replace cash and checks as a means of payment. The "credit card revolution" is no understatement. Credit cards are here to stay.

As we might expect with such a new phenomenon, serious problems are arising with the growth of credit card usage. One of the most serious problems is the theft and unauthorized use of the cards. It has been estimated that in 1969 more than $150 million worth of goods and services were charged on stolen or lost credit cards. Fraudulent use of these cards, including activities by organized crime, has increased 700 percent in the last 3 years.

It is most unfortunate but true that one of the primary causes of the unauthorized use of credit cards stems from thievery through the mailing system of mass-mailed cards. The cards are stolen and then sold through middlemen and distributors and may yield as much as $400 each on sale to the final user. At least 80 arrests of postal employees involved in credit card thievery have been reported. Many of these were linked to Mafia and other organized criminal groups. Theft through the mail system is particularly facilitated when the cards are mass mailed within short periods of time.

H.R. 16542 attacks this problem directly by requiring that unsolicited credit cards, be mailed by registered mail, under specified regulations. Unlike regular first-class mail, registered mail travels through the postal system in locked mailbags Thus the possibility of theft in the mail system will certainly be minimized under H.R. 16542. The bill also restricts delivery to the addressee only, providing further protection for the consumer against thefts.

While the bill does restrict and regulate the mailing of unsolicited credit cards, it does not prohibit that particular method of distribution. It is to be noted that the continued use by business of mass unsolicited distribution has stemmed from the past success of this method of distribution. Consumers on the whole have been receptive to unsolicited credit cards. Many faithful and satisfied users of credit cards originally received these cards without having requested them. Most people are quite capable of learning to use this method of payment, and find it a great convenience. True, there have been and continue to be complaints concerning the receipt of unwanted cards. Annoyance and inconvenience are caused to those who do not want the cards and who must either destroy or return them. But the rights of the uncomplaining and often too silent majority must, however, be counted as well. It is my feeling that the abuses caused by theft of the cards are more serious than the inconvenience caused by having to destroy those cards not wanted. Furthermore, the important abuses can be corrected without destroying the advantages both to receptive consumers and to business of unsolicited distribution.

It has been argued that in effect the mailing of unsolicited credit cards would be eliminated under the bill due to the high cost of registered mail. This is not necessarily true. The Post Office Department reported in a letter printed in House Report 91–974 that the provisions of H.R. 16542 would raise the postage charge for mailing these cards to $1.36, which includes an 80-cent registry fee and a restricted delivery fee of 50 cents. Now I wish to submit that $1.36 is not a prohibitive sum for a company to pay to obtain a good credit customer, one who will remain a customer for years and years. This is particularly true at present charges of 18 percent per year for this type of credit. What the bill will do is eliminate the irresponsible mass mailing of unsolicited credit cards.

One of the most regrettable effects of the mass distribution of credit cards to date is that they have been sent almost at random. One reported study of 84 representative credit card programs revealed that only a fifth of the banks checked the credit background and employment of people to whom they mailed cards. Mailing lists of people with whom the banks had not done business were used by 30 percent of the banks.[1] To quote House Report 91–974:

> Recipients of unsolicited credit cards are often individuals with weak credit standing who normally would not be eligible for this mode of credit. There have been many instances of unsolicited cards being addressed or mailed to deceased persons, 5-year-olds, bankrupts, convicts, and elderly pensioners.

It is not surprising that many people going through personal bankruptcy have stated that the use of unsolicited credit cards was a factor contributing to their financial problems. The cards would not have been sent to these people had the appropriate checks been made. By raising the costs of sending unsolicited cards, through the requirement of registered mail, companies will have the incentive to check the credit worthiness of a potential customer before extending him unasked for credit.

It may be argued that raising the costs of distribution gives an unfair advantage to those companies with established credit card programs which in the past made use of mass mailing, as against new entrants into the credit card business. That some inequities are unavoidable goes without saying. The object is to minimize these inequities. It should be clear that to absolutely prohibit the mailing of all unrequested credit cards gives a much greater advantage to established companies than does the regulation of such mailings as provided for under H.R. 16542.

A vital part of consumer protection involves the assurance that monopoly powers will not be established—that the consumer will always have a choice. Prohibiting the issuance of all unsolicited cards would, in my opinion, substantially enhance the market power of the companies which now have established programs. There are at present two giant bank card systems, each having about 450,000 merchant members and over 20 million cards in circulation apiece.[2] But the field is not closed. Other companies are reported to have plans of going nationwide. Competition in this business is essential if we are to hold down the price of credit, particularly in the future. To ban all unsolicited credit cards could greatly harm the consumer by enhancing the market power of existing companies.

On the other hand, not to enact legislation will mean the continuation of the serious inequities and injustices I already mentioned. In addition let me remind you of the fact that banks and

[1] Paul O'Neil. "A Little Gift from Your Friendly Banker", Life magazine. March 27, 1970, p. 55.

[2] Bank of America's Bank Americard and the Interbank card system commonly known as Master Charge, as referred to in "Those 'charge anything anywhere' credit cards," Changing Times, The Kiplinger Magazine, v. 24, March 1970, p. 7.

common carriers are excluded from the current Federal Trade Commission ban on the mailing of unsolicited credit cards, which applies to oil companies, independent card companies, and retail stores. Needless to say, banks and common carriers are enjoying a significant advantage over those companies covered by the FTC ban.

Our goal is not to prohibit a method of distribution which American industry has found effective, and which has been met favorably by many consumers. Our goal is to protect the American consumer from abuses arising from that method of distribution, as well as to insure him that the advantages of the system will be retained. A workable balance must be achieved, and, I believe, is achieved under H.R. 16542. I urge your support for this necessary piece of legislation.

Mr. BROCK. Mr. Chairman, during general debate on the regulation of credit, the card mailings bill (H.R. 16542), I was in the State of Tennessee and unable to personally represent my interest by voting.

I wish to take this opportunity to express my strong support of this very worthwhile legislation which does much to protect the citizen in his acquisition and use of credit cards. Had I been there I would have voted "yea."

Mr. BINGHAM. Mr. Chairman, this legislation, H.R. 16542, is intended mainly to remedy the alarming unsolicited credit card theft problem. For that purpose, it is a constructive bill, which I cosponsored and supported in testimony.

However, there are a number of other undesirable aspects of unsolicited credit cards beyond their susceptibility to theft. In fact, the Federal Trade Commission, as the committee report notes, recently issued a ruling banning unsolicited cards as an unfair trade practice and a form of unfair competition after an exhaustive investigation.

In view of this ruling by the FTC, as well as recent Senate passage of a complete ban on unsolicited credit cards, I suggest that the provision of H.R. 16542 permitting continued mailing of unsolicited cards if they are sent registered mail no longer makes sense. Sending unsolicited cards registered mail would help protect them from theft. But is an unsolicited card any less an unfair trade practice or unfair competition if it is sent registered rather than regular mail? I think not.

It is my understanding that if this legislation passes a request will be made to substitute the Senate bill number so that this legislation can be considered in conference with the Senate passed bill.

I intend to support this legislation, despite the loophole in it that I have pointed out, in the hope that in conference the House will accede and accept the Senate legislation on this matter providing for a complete ban on unsolicited credit cards as I and many other Members of the House have been urging for some time.

Mr. SCOTT. Mr. Chairman, I also rise in support of H.R. 16542, which I cosponsored, to restrict the mailing of unsolicited credit cards.

Today, we live in a society where credit is the economic password, and a credit card is its vehicle. They are important to our economy.

In testimony before our committee, it was estimated that consumer credit in the United States for 1968 totaled $110 billion. An estimated 200 million credit cards accounted for some $13 billion of this all time high figure. It is reasonable to expect these figures to be considerably higher for 1969 and 1970, and for all future years.

On the other hand, credit card losses are running from $50 to $100 million a year, and unsolicited credit cards are contributing to law enforcement problems. In the last 4 years ending July 1, 1969, mail fraud credit card cases have increased over 700 percent.

In addition to the legal aspects involved, unsolicited credit cards are an invasion of privacy and in too many cases are indiscriminately mailed to children and others who are either immature or financially unable to be extended credit of any magnitude.

To illustrate some of the adverse effects created by the unsolicitation of credit cards, I quote from some letters I have received from constituents:

DEAR MR. SCOTT: A few weeks ago we received a notice from —— (name of the credit card which I will not repeat here) that we had run up bills totaling $699 and they were reminding us that $600 was the limit.

Since we had never seen a—— credit card, we were profoundly shocked. Apparently, they took our name from the Richmond phone book, or some list but we had moved from Richmond.

Another constituent writes:

I received an unsolicited credit card from the —— organization last year. I was under the impression that they were a reputable firm and I was interested in using their services. However, as you can see from the attached copies of letters that I have been forced to exchange with them, they are totally unresponsive when it comes to answering simple questions concerning my account.

I seem to be getting nowhere with them. As I have stated to them repeatedly, I am most anxious to pay my just debts, but I just cannot determine from them what that amount should be.

The individual then attached seven letters written between March 24 and October 15, 1969, including one he sent by registered mail trying to correct erroneous charges signed by another person, and trying to get some explanation from the company other than the terse notice that his account was overdue. The material is not presented for the RECORD because I do not wish to single out one organization for criticism when mailing of unsolicited credit cards is so widespread.

It is evident that something must now be done by Congress to correct this very questionable and unhealthy practice of mailing unsolicited credit cards. This legislation, H.R. 16542, amends title 39, United States Code, as enacted by the Postal Reorganization Act, by adding a new nonmailable category.

The new section, 3012, declares credit cards as nonmailable items unless such card—

First, is solicited by the addressee; or

Second, is a replacement of one previously issued to the addressee; or

Third, in the case of a lost, mislaid, or stolen credit card previously issued, is being returned to the addressee by mail; or

Fourth, is sent under conditions prescribed by the new Postal Service to insure security in handling in the mails, the certainty of personal delivery of the card, and proof of when, where, and the person to whom it is delivered.

The conditions described in item 4 are the same as those which exist today under the registered mail procedure of the Post Office Department. The change in phraseology from the committee-reported bill is necessary to conform to the language of the new title 39 which will be implemented under the Postal Reorganization Act of 1970, which was signed into law August 12, 1970.

The bill will also amend chapter 83 of title 18, United States Code, by adding a new section 1738 which prescribes a fine of not more than $1,000 for each violation of section 3012 of title 39.

Mr. Chairman, the consumer, the merchant, the credit card issuers, and every other legitimate party need this legislation to provide basic consumer protection.

I ask your support of this measure.

Mr. VANIK. Mr. Chairman, I am in hearty support of H.R. 16542, relating to the regulation of credit card mailings. This legislation gives the force of law and penalty to a recent ruling started by the Federal Trade Commission limiting the abusive practice of unsolicited, mass mailings of credit cards.

The legislation before the House would provide that a credit card is nonmailable unless the card is:

First, solicited by the person to whom it is addressed;

Second, is a replacement for one previously issued to the addressee;

Third, in the case of a lost, mislaid, or stolen credit card previously issued, is being returned to the addressee by mail; or

Fourth, is sent by registered mail, with delivery restricted to the addressee and return receipt requested showing to whom, when, and where delivered, and is sent in an envelope bearing on its face the name and address of the sender and such notice as may be prescribed by the Postmaster General.

The bill imposes a $1,000 fine for each violation of the above conditions.

I have long been receiving mail from constituents of the 22d Congressional District complaining about the receipt in the mails of unwanted credit cards. In several cases, cards were addressed to the constituent's children. I have heard from other Members here that cards have been addressed to deceased persons as well as bankrupts and even convicts in prisons.

Not only does this practice raise serious questions about the extension of credit to persons who cannot competently manage it, but it also seems to encourage an inflationary psychology.

It addition, there has been an increasingly serious problem of theft of mail deliveries. In the case of credit

cards, this is particularly serious since those to whom the cards are being sent, not being aware of the unsolicited mailing, cannot notify the sender that they have not received the card.

Losses due to credit card theft are now estimated to run between $50 to $150 million per year. The final burden of these losses rests on the consumer. The lost of credit card insurance against fraudulent use has risen drastically. The discount rate charged to the storeowner for the convenience of charging sales to these credit cards is now about 7 percent. The merchant cannot absorb this burden and he passes it on to the consumer. In addition, the consumer who is the victim of fraudulent use of a credit card is necessarily charged with purchases made in his name. This can result in hundreds of dollars of expense to the consumer, needless aggravation, and impaired credit ratings.

This bill should go a long way toward ending the abuse of unsolicited credit cards. It will, through the process of requiring registered mailing, increase the cost of such mailings dramatically; it will place such mailings in the Post Office Department's locked registered-mail pouches rather than in the more loosely guarded general-mail sacks.

For the privacy and security of the consumer, this legislation is long overdue.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 16542, legislation to regulate the mailing of unsolicited credit cards.

This bill is similar in purpose to legislation I am cosponsoring, H.R. 17158, which would also proscribe the issuance of credit cards except in response to a request or application.

H.R. 16542, as approved by the Committee on Post Office and Civil Service, would prohibit the mailing of unsolicited credit cards except by registered mail which would provide the recipient with an opportunity to refuse the card. The bill would require a specific notice on the outside of the envelope that it contained an unsolicited credit card which may be refused by the addressee.

The objective of this bill, as is the purpose of my own bill before the House Committee on Banking and Currency, is to protect our consumers from the recent barrage of unsought credit cards that have been sent through the mails. In all too many instances, credit cards have been lost or stolen in the mails with the result that the intended user is jeopardized through no fault of his own and without his knowledge.

If they fall into unauthorized hands, such unsolicited credit cards may be used to make extensive credit purchases for which the person whose name is on the card is held liable. Our citizens have been hounded and badgered by credit companies and collection agencies for debts acquired in this manner, even though they had no way to protect themselves from the loss or theft of the card.

In addition, many people receiving unsought credit cards in the mail may not fully understand the dangers involved in overuse of the credit thereby conferred. Such use can lead to the loss of credit ratings, court actions, impoundment of property, and garnishment of wages—all brought about because some credit card issuers seek to exploit the economically naive through mass mailings of unsolicited credit cards.

Since the industry has not taken adequate steps to protect the consumers from this abuse of the mails, it is therefore necessary for Congress to act. I firmly support the protection for our consumers which is contained in this legislation, and urge its adoption by my colleagues.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I consider H.R. 16542, the bill to regulate credit card mailings, to be vital consumer legislation.

This bill strengthens the consumer protection afforded by the 1967 Truth in Lending Act. Certainly each of us is aware of abuses which have occurred because the act is not strong enough in its provisions affecting the distribution of credit cards.

There are said to be 300 million credit cards in use by American consumers, representing some $15 billion in annual credit card sales. We buy-now, pay-later, with increasing frequency. We fly, take vacations, telephone long distance, or eat in the best restaurants on credit cards. Abuses result when there is accidental or uexpected loss or theft of credit cards, or careless disposal of an unwanted card. Although certainly the retailer is justified in believing that the distribution of credit cards stimulates consumer purchasing, the practice of mailing unsolicited credit cards often creates chaos. The unsolicited credit card may be discarded, or fall into the wrong hands. There have been too many tragic instances in which innocent persons or families incur large debts in accounts which they did not know they had.

We can all cite instances of what happens. I recall a case in my district which received widespread attention recently. A family in Natick—a couple with four children—had a credit card stolen. The family notified the company in the proper manner, but still the bills mounted. The family was sued for recovery of a debt exceeding $2,000, although the father had been ill for 9 years, undergone six operations, and was able to work only a few weeks at a time. In fact, the company threatened to put the family's house on the auction block to repay the debt.

This case had a bearable ending because the company agreed to a smaller settlement which the family could afford. But not every story does.

This bill would narrow the opportunities for theft from the mail of unsolicited credit cards through requirements for labeling and more effective mail security procedures. It requires that the cards be sent by registered mail, with return receipt requested, so that the recipient can refuse the mailing. Unsolicited credit cards are being mailed in substantial volume, and this does represent an invasion of the citizen's privacy. I do not believe the practice should be entirely eliminated. However, I feel, as this bill provides, that the mailing of unsolicited credit cards should be limited and carefully regulated.

This is an essential step forward in enhanced consumer protection. We are concerned not just with problems of embarrassment or nuisances, but with a very real potential for serious financial loss. The passage of this bill is in the interest of consumer protection and an important step in the effort to end fraudulent misuse of the credit card.

Mr. McCLURE. Mr. Chairman, I have no further requests for time.

Mr. NIX. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 16542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4001 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Every credit card is deemed nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs, unless such card—

"(1) is mailed in response to a request or application by the addressee for such card; or

"(2) is mailed as a replacement, for the addressee, of a credit card previously issued to the addressee; or

"(3) in the case of a previously issued credit card which has been lost, mislaid, or stolen, is mailed as a return of that card to the issuer or to the addressee to whom that card was issued; or

"(4) is mailed—

"(A) by registered mail, with delivery restricted to the addressee only and with return receipt requested showing to whom, when, and where delivered, upon the agreement of the issuer of the card or other sender to pay to the Department an additional charge which shall be fixed by the Postmaster General, to cover the cost to the Department of the return to the issuer or other sender, after such period of time as the Postmaster General shall prescribe, of the card if not delivered as prescribed by this subparagraph; and

"(B) in an envelope or other cover which bears the name and address of the issuer or other sender of the card and indicates on its face, by such notice as the Postmaster General shall prescribe, that such envelope or cover contains a credit card which is not solicited or requested, and which may be refused, by the addressee.

For the purposes of this subsection, 'credit card' and 'card' mean every card, paper, or other device, of whatever shape, design, and composition, intended or adapted for the purpose of establishing the identity and credit of any person in connection with the purchase or rental, on credit, of goods or services, or both, or in connection with the procurement of loans. The Postmaster General shall prescribe and issue special regulations for the administration of this subsection.".

SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding immediately after section 1734 thereof the following new section:

"§ 1734A. Unlawful mailing of credit cards.

"Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any matter in violation of section 4001(d) of title 39, or willfully violates any regulation of the Postmaster General prescribed

and issued in such section 4001(d), shall be fined not more than $1,000 for each offense.".

(b) The table of sections of chapter 83 of title 18, United States Code, is amended by inserting—

"1734A. Unlawful mailing of credit cards."

immediately below—

"1734. Editorials and other matter as 'advertisements'.".

SEC. 3. The foregoing provisions of this Act shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NIX

Mr. NIX. Mr. Chairman, I offer an amendment in the nature of a substitute

The Clerk read as follows:

Amendment offered in the nature of a substitute by Mr. NIX: Strike out all after the enacting clause and insert in lieu thereof the following:

"That (a) chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 719; Public Law 91–375), is amended by adding at the end thereof the following new section:

"'§ 3012. Nonmailable credit cards

"'(a) Every credit card is deemed nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such card—

"'(1) is mailed in response to a request or application by the addressee for such card; or

"'(2) is mailed as a replacement or renewal of, or substitute for, a credit card previously issued to the addressee; or

"'(3) in the case of a previously issued credit card which has been lost, mislaid, or stolen, is mailed as a return of that card to the issuer or to the addressee to whom that card was issued; or

"'(4) is mailed—

"'(A) under such conditions as the Postal Service shall prescribe in order to provide—

"'(i) security in the handling of the card in the mails, and

"'(ii) certainty of personal delivery of the card to the addressee, and

"'(iii) proof of when, where, and the person to whom, the card was delivered;

and

"'(B) upon agreement by the issuer or other sender of the card to pay, if the card is not delivered after such period of time as the Postal Service shall prescribe, an additional postal fee to be fixed by the Postal Service to cover its cost of return of the card to the issuer or other sender;

and

"'(C) in an envelope, or under other cover, which bears the name and address of the issuer or other sender of the card and indicates on its face, by such notice as the Postal Service shall prescribe, that such envelope or cover contains a credit card which is not solicited or requested, and which may be refused, by the addressee.

"'(b) For the purposes of this section, "credit card" and "card" mean every card, paper, or other device, of whatever shape, design, and composition, intended or adapted for the purpose of establishing the identity and credit of any person in connection with the purchase or rental, on credit, of goods or services, or both, or in connection with the procurement of loans or cash advances. The Postal Service shall prescribe and issue special regulations for the administration of this section.'.

"(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 719; Public Law 91–375), is amended by adding at the end thereof—

"'3012. Nonmailable credit cards.'.

"SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the Postal Service, is amended by adding at the end thereof the following new section:

"'§ 1738. Unlawful mailing of credit cards

"'Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any matter in violation of section 3012 of title 39, or willfully violates any regulation of the Postal Service prescribed and issued under such section 3012, shall be fined not more than $1,000 for each offense.'.

"(b) The table of sections of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"'1738. Unlawful mailing of credit cards.'.

"SEC. 3. The amendments made by this Act shall become effective on—

"(1) August 12, 1971; or

"(2) such earlier date, published in the Federal Register by the Board of Governors of the Postal Service, as the Board may prescribe."

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute amendment be dispensed with, and that it be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Chairman, I offer this amendment to perfect the bill in that since the Postal Reorganization and Salary Adjustment Act of 1970, now Public Law 91–375, it is necessary to renumber the sections of the bill for the purpose of proper codification.

Under the Postal Reorganization and Salary Adjustment Act of 1970, the rates commission will set all postal rates.

Further, the words "registered mail" are not a part of the Postal Reorganization and Salary Adjustment Act of 1970 or Public Law 91–375.

This amendment deletes the term "registered mail" hereby conforming with the language of Public Law 91–375.

This amendment spells out the same security conditions adopted in committee and incorporated in H.R. 16542.

These security conditions are as follows:

Every credit card is deemed nonmailable matter, shall not be carried or delivered by mail, shall be disposed of as the Postal Service directs. Unless such card—

Is mailed in response to a request or application by the addressee for such card, or

Is mailed as a replacement or renewal or substitution for, a credit card previously issued to the addressee, or

In the case of a previously issued credit card which has been lost, mislaid, or stolen, is mailed as a return of that card to the issuer or to the addressee to whom that card was issued, or

If the card is mailed under such security conditions as the Postal Service shall prescribe and the unsolicited credit card cannot be delivered, an additional charge shall be fixed to cover the cost of returning the mailing to the sender and the envelope or other cover which bears the name and address of the issuer shall bear on its face such notice as the Postmaster General shall prescribe stating that the envelope contains a credit card that was not solicited and that the card may be refused by the addressee.

In section 3012, which sets out the exemptions to the nonmailable credit card ban, we have added the word "renewal" to the word "replacement" in 3012(a)(2) in order to make clear our intent that all replacement cards including renewal cards are exempted from the restrictions on unsolicited credit cards.

On page 3 of the substitute amendment, in section 3012(4)(c)(a), we have added the words "cash advances" to the definition of credit card transactions in order to make clear our intent to include those credit card transactions which guarantee credit card users the payment of overdrafts within certain limits. The phrase in "connection with the procurement of loans" does not sufficiently express our intent to regulate those transactions dealing in cash advances.

Section 2 of the substitute amendment, amends the bill to add a new section to chapter 83 of title 18, United States Code rather than a section 1734a, and such section shall include appropriate references to the new numbering conforming to the Postal Reorganization Act.

Section 3 of the substitute amendment, amends the bill so that the effective dates of the bill conform to the effective dates of the Postal Reorganization Act.

My amendment is a perfecting amendment. I urge the adoption of the amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. NIX) has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Iowa.

Mr. GROSS. As the gentleman well knows I supported the bill in committee and I now support the substitute language offered by the gentleman.

But I wonder how many more errors of omission and commission will be found as we proceed under the authority granted in the so-called postal reform bill? I wonder how many more errors of omission and commission we will find including the failure to specifically provide for registered mail?

I thank the gentleman for yielding.

Mr. NIX. I thank the gentleman.

Mr. Chairman, I urge the adoption of the amendment.

Mr. McCLURE. Mr. Chairman, I move

to strike out the last word and rise in support of the amendment.

I take this time only to state to the Members of this body that this amendment in the nature of a substitute has been cleared with the minority. It has our support. We think it is an advisable and worthwhile substitute for the committee language.

I did want to ask a question of the chairman of the subcommittee however in regard to the interpretation of language bearing on the renewal of a credit card.

A credit card under the bill would be nonmailable unless it were a routine renewal of a current credit card or unless that renewal were requested by the holder; is that not correct?

Mr. NIX. The gentleman is correct.

Mr. McCLURE. I thank the gentleman from Pennsylvania.

I did not want us to construct a loophole through which some credit card issuer could say, "Well, you once had one," and therefore 5 or 10 years later or in a matter of months later he could say, "I am mailing you a renewal." It is not the intent to exempt that kind of thing?

Mr. NIX. Not at all. The gentleman's statement is correct.

Mr. McCLURE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. NIX).

The amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16542) to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes, pursuant to House Resolution 1046, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLURE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 0, not voting 127, as follows:

[Roll No. 288]

YEAS—302

Abbitt	Frey	Natcher
Abernethy	Fulton, Pa.	Nedzi
Adair	Fuqua	Nelsen
Adams	Galifianakis	Nichols
Addabbo	Gaydos	Nix
Albert	Gettys	Obey
Andrews, Ala.	Gilbert	O'Hara
Andrews, N. Dak.	Gonzalez	O'Konski
Annunzio	Goodling	Olsen
Arends	Gray	O'Neill, Mass.
Ashbrook	Green, Oreg.	Passman
Ayres	Green, Pa.	Patman
Barrett	Griffiths	Patten
Bell, Calif.	Gross	Perkins
Bennett	Grover	Pettis
Berry	Gude	Philbin
Betts	Haley	Pickle
Bevill	Hall	Pike
Biaggi	Halpern	Pirnie
Bingham	Hamilton	Poage
Blanton	Hammer-schmidt	Poff
Boggs	Hanley	Pollock
Boland	Hansen, Idaho	Preyer, N.C.
Bolling	Harrington	Price, Ill.
Bow	Harsha	Pucinski
Brademas	Hastings	Quillen
Brasco	Hathaway	Railsback
Bray	Hawkins	Randall
Brinkley	Hechler, W. Va.	Rarick
Brooks	Heckler, Mass.	Reid, N.Y.
Broomfield	Helstoski	Reifel
Brotzman	Henderson	Reuss
Brown, Calif.	Hogan	Riegle
Brown, Mich.	Holifield	Roberts
Brown, Ohio	Horton	Robison
Broyhill, N.C.	Hosmer	Rodino
Broyhill, Va.	Howard	Roe
Burke, Mass.	Hunt	Rogers, Fla.
Burlison, Mo.	Ichord	Rooney, N.Y.
Burton, Calif.	Jacobs	Rooney, Pa.
Byrne, Pa.	Jarman	Rosenthal
Byrnes, Wis.	Johnson, Calif.	Rostenkowski
Caffery	Johnson, Pa.	Roth
Camp	Jonas	Roybal
Carey	Jones, N.C.	Ruppe
Carter	Karth	Ruth
Casey	Kastenmeier	Ryan
Celler	Kazen	Sandman
Chamberlain	Kee	Saylor
Chappell	Keith	Schadeberg
Clark	Kleppe	Scheuer
Clausen, Don H.	Kluczynski	Schmitz
Clawson, Del	Koch	Scott
Cleveland	Kyl	Shipley
Cohelan	Kyros	Shriver
Collins	Langen	Sikes
Colmer	Latta	Slack
Conable	Leggett	Smith, Calif.
Conte	Lloyd	Smith, Iowa
Conyers	Long, Md.	Smith, N.Y.
Corbett	Lukens	Springer
Coughlin	McCarthy	Stafford
Crane	McClory	Staggers
Culver	McCloskey	Steed
Cunningham	McClure	Steiger, Ariz.
Daniels, N.J.	McDade	Steiger, Wis.
Davis, Wis.	McDonald, Mich.	Stokes
de la Garza	McEwen	Stratton
Dellenback	McFall	Stuckey
Denney	McKneally	Sullivan
Dennis	MacGregor	Talcott
Dent	Madden	Taylor
Derwinski	Mahon	Thompson, N.J.
Devine	Mailliard	Thomson, Wis.
Dickinson	Mann	Tiernan
Dingell	Marsh	Udall
Donohue	Martin	Ullman
Dorn	Mathias	Vander Jagt
Downing	Matsunaga	Vanik
Dulski	May	Vigorito
Duncan	Mayne	Waggonner
Dwyer	Meeds	Waldie
Eckhardt	Michel	Wampler
Edmondson	Mikva	Watts
Edwards, Calif.	Miller, Ohio	Whalen
Eilberg	Mills	Whalley
Erlenborn	Minish	Whitehurst
Eshleman	Mink	Widnall
Farbstein	Mize	Williams
Fascell	Mizell	Winn
Findley	Mollohan	Wolff
Fish	Monagan	Wright
Fisher	Montgomery	Wyatt
Flood	Moorhead	Wydler
Flowers	Morgan	Wylie
Foley	Morse	Wyman
Ford, William D.	Mosher	Yates
Ford, Gerald R.	Moss	Yatron
Foreman	Murphy, Ill.	Zablocki
Frelinghuysen	Murphy, N.Y.	Zion
	Myers	Zwach

NAYS—0

NOT VOTING—127

Alexander	Flynt	Pepper
Anderson, Calif.	Fountain	Podell
Anderson, Ill.	Fraser	Powell
Anderson, Tenn.	Friedel	Price, Tex.
Ashley	Fulton, Tenn.	Pryor, Ark.
Aspinall	Gallagher	Purcell
Baring	Garmatz	Quie
Beall, Md.	Giaimo	Rees
Belcher	Gibbons	Reid, Ill.
Biester	Goldwater	Rhodes
Blackburn	Griffin	Rivers
Blatnik	Gubser	Rogers, Colo.
Brock	Hagan	Roudebush
Buchanan	Hanna	Rousselot
Burke, Fla.	Hansen, Wash.	St Germain
Burleson, Tex.	Harvey	Satterfield
Burton, Utah	Hays	Scherle
Bush	Hébert	Schneebeli
Button	Hicks	Schwengel
Cabell	Hull	Sebelius
Cederberg	Hungate	Sisk
Chisholm	Hutchinson	Skubitz
Clancy	Jones, Ala.	Snyder
Clay	Jones, Tenn.	Stanton
Collier	King	Stephens
Corman	Kuykendall	Stubblefield
Cowger	Landgrebe	Symington
Cramer	Landrum	Taft
Daddario	Lennon	Teague, Calif.
Daniel, Va.	Long, La.	Teague, Tex.
Davis, Ga.	Lowenstein	Thompson, Ga.
Dawson	Lujan	Tunney
Delaney	McCulloch	Van Deerlin
Diggs	McMillan	Watson
Dowdy	Macdonald, Mass.	Weicker
Edwards, Ala.	Melcher	White
Edwards, La.	Meskill	Whitten
Esch	Miller, Calif.	Wiggins
Evans, Colo.	Minshall	Wilson, Bob
Evins, Tenn.	Morton	Wilson, Charles H.
Fallon	O'Neal, Ga.	Wold
Feighan	Ottinger	Young
	Pelly	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.
Mr. Hays with Mr. Biester.
Mr. Garmatz with Mr. Beall of Maryland.
Mr. Fallon with Mr. Snyder.
Mr. Friedel with Mr. Morton.
Mr. Daddario with Mr. Meskill.
Mr. Delaney with Mr. Anderson of Illinois.
Mr. Burleson of Texas with Mr. Skubitz.
Mr. Anderson of California with Mr. Pelly.
Mr. Hull with Mr. Esch.
Mr. White with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Wiggins.
Mr. Jones of Tennessee with Mr. Edwards of Alabama.
Mr. Aspinall with Mr. Harvey.
Mr. Corman with Mr. Taft.
Mr. Ottinger with Mr. McCulloch.
Mr. Miller of California with Mr. Gubser.
Mr. Hicks with Mr. Wold.
Mr. Davis of Georgia with Mr. Burke of Florida.
Mr. Evins of Tennessee with Mr. Landgrebe.
Mr. Rees with Mr. Diggs.
Mr. Lowenstein with Mr. Powell.
Mr. Landrum with Mr. Cramer.
Mr. Daniel of Virginia with Mr. Buchanan.
Mr. Evans of Colorado with Mr. Watson.
Mr. Fountain with Mr. Clancy.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Griffin with Mr. Thompson of Georgia.
Mr. Hagan with Mr. Blackburn.
Mr. Rivers with Mr. Cowger.
Mr. Rogers of Colorado with Mr. Lujan.
Mr. Sisk with Mr. Goldwater.
Mr. Stephens with Mr. Collier.
Mr. O'Neal of Georgia with Mr. Bush.
Mr. Macdonald of Massachusetts with Mr. Weicker.
Mr. Giaimo with Mr. Kuykendall.
Mr. Dowdy with Mrs. Reid of Illinois.
Mr. Blatnik with Mr. Rhodes.
Mr. Jones of Alabama with Mr. Scherle.
Mr. Pepper with Mr. Sebelius.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Young with Mr. Price of Texas.
Mr. Melcher with Mr. Quie.

Mr. Alexander with Mr. Rousselot.
Mr. Baring with Mr. Schneebeli.
Mr. Ashley with Mr. Schwengel.
Mr. Feighan with Mr. Stubblefield.
Mr. Flynt with Mr. Roudebush.
Mr. St Germain with Mr. Tunney.
Mr. Satterfield with Mr. Symington.
Mr. Long of Louisiana with Mr. Hungate.
Mrs. Hansen of Washington with Mr. Fraser.
Mr. Whitten with Mr. Hutchinson.
Mr. Cabell with Mr. King.
Mr. Anderson of Tennessee with Mr. Minshall.
Mr. Gallagher with Mr. Stanton.
Mr. Teague of Texas with Mr. Teague of California.
Mr. Gibbons with Mr. Hanna.
Mr. Pryor of Arkansas with Mr. Podell.
Mr. McMullan with Mr. Purcell.
Mr. Lennon with Mr. Cederberg.
Mr. Button with Mr. Burton of Utah.
Mr. Clay with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NIX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 16542, and to include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FRANK M. WHISTON—LONGTIME PRESIDENT OF CHICAGO BOARD OF EDUCATION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it was with a feeling of great loss and sorrow that I learned of the untimely death of my good friend of over 25 years, Frank M. Whiston, who was the longtime president of the Chicago Board of Education.

Frank Whiston was a kind, considerate, and fair man who devoted many hours, days, weeks, months, and years to the improvement of the educational system in our city. He was sympathetic to the parents who sought better education for their children. He was sympathetic to the plight of the teachers who sought pay raises. He was a member of the Loyola University Citizens Board and the lay board of Barat College. Over the years, his wise counsel and astute guidance contributed much toward improving the quality of education in Chicago.

Despite his heavy burdens as president of the Frank M. Whiston Management Corp., he found time to devote himself to many civic activities in the city of Chicago. His firm is located in the Seventh Congressional District of Illinois, which I have the honor to represent, and I knew personally of his tireless work to improve the downtown area of Chicago through the Wabash Avenue Businessmen's Association.

Frank Whiston was a man of tremendous foresight, outstanding ability, and deep compassion. He gave of himself in order to bring fulfillment to the high ideals that motivated him, and his efforts to bring about meaningful and effective solutions to community problems, especially within our educational system, earned for him the respect and admiration of his fellow citizens.

His death is a tremendous loss to our community, and he will be missed by his friends, his associates, and indeed, by all those who had the privilege of knowing him. Mrs. Annunzio joins me in extending to Mrs. Whiston, and to his son, Jerome, our deepest sympathy on their bereavement.

HIS EXCELLENCY, HUGO B. MARGAIN, AMBASSADOR TO THE UNITED STATES FROM THE REPUBLIC OF MEXICO

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de la GARZA. Mr. Speaker, a strong friend of our country, His Excellency Hugo B. Margain, Ambassador to the United States from the Republic of Mexico for more than 5½ years, has been called home to assume the high post of Secretary of the Treasury.

His appointment to that position is without precedent in that it provides for the first time in Mexico a transitional link between the outgoing administration and the incoming one. He was named Secretary of the Treasury by President Gustavo Diaz Ordaz on the recommendation of President-elect Lic. Luis Echeverria. The confidence shown in Ambassador Margain by these two distinguished officials is truly a measure of the man.

I speak from a deep personal knowledge of the former Ambassador and new Secretary. He is my friend and a friend of the area I represent, which lies along the border between the United States and Mexico. He has been a welcome visitor in the 15th Congressional District of Texas. He is a man of many talents and an adherent of physical fitness; oh, how well I know. I hold in my heart a fond memory of jogging with him one midnight along a south Texas lane called Sugar Road after he had fulfilled all his social commitments for the day. My regret over his departure as Ambassador to our country is mitigated only by my pleasure that he should be called by his government to another notable position of trust.

In assuming the Office of Secretary of the Treasury, Ambassador Margain returns to the department where he began his career as a public servant in 1951 when he was named Director of the Office of Taxes on Commercial Imports. He went on to become Director of the Office of Income Taxes; Chief Officer in the Industry and Commerce Secretariat where he later became Assistant Secretary; and in January 1965 was named Ambassador to the United States.

During his service in our country, this illustrious author and able attorney and great public servant appeared before many distinguished audiences to speak about the past, present and future of Mexico. As he very humbly said, he found great satisfaction in witnessing the high respect in which Mexico is held in the financial, political, cultural and social circles of the United States. Let me assure you, my friends, that Ambassador Hugo Margain added greatly to that admiration and respect during his service as Ambassador.

Mr. Speaker, Mexico has always honored the United States by sending its very ablest to be Ambassadors to the White House—they followed faithfully this custom when they named Ambassador Margain to follow such names as Tello and Carrillo Flores.

Mr. Speaker, the progress and social justice found in our neighbor to the south are due to the unceasing efforts of such men as Ambassador Margain. He is a fine human being, a man I am proud to call friend. My warm good wishes, and I know the good wishes of my colleagues are with him as he directs his outstanding ability and competence to the important duties of his new assignment.

He will be missed here by his many friends, but we know he will continue to add greatly to the advancement of his beloved Mexico and will be once again with his people.

Mr. Speaker, I am sure that all of us will love, admire and respect Mexico more because once there was amongst us a great Mexican named Hugo Margain.

BEVILL OPPOSES COMPULSORY BUSING

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, with the opening of public schools this fall, we are once again getting a firsthand view of the unfair and unjust tactics being used against many school districts in the South by the Department of Health, Education, and Welfare and the Department of Justice. These two Federal agencies are expending a great deal of manpower and tax money pressing their directives and guidelines upon Southern school districts. They are working day and night to see that these school systems comply with orders for the compulsory busing of schoolchildren to achieve racial balance.

It is strange, Mr. Speaker, that no such action is being taken in the North. It is strange, indeed, when it has been documented time and again that there is more segregation in the public schools of the North than those of the South.

Mr. Speaker, I say the time has come for this administration to stop operating under a double standard of justice. If compulsory busing to attain racial balance is required in the South, then let the same requirement be applied equally throughout the land.

Could it be that compulsory busing and pupil assignment are so unpopular in all areas of our country and is so strongly opposed by both Negroes and whites that the Justice Department is reluctant to take action against school districts in the North? From my observations, this certainly appears to be the case.

In Detroit, Mich., voters recently removed from office four school board

members who had pushed through a plan to institute forced busing. The people in Detroit, like those in the South, obviously want to retain control over their community schools.

I am of the firm opinion that the people of this Nation—every section included—are more concerned with the quality of education their children are receiving than with some numerical quota system devised by a Government agency. Our public school system was built on the concept of local control. The forced busing of students is threatening to destroy this system.

I favor a freedom-of-choice plan and I am strongly opposed to zoning, busing, and pupil assignment by any Federal Government agency.

A KUDO TO THE CENSUS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, there have been many anguished cries from cities and communities throughout the Nation objecting to the manner in which the 1970 census was conducted, and the results obtained.

Today, I rise to praise the Bureau of the Census and the multitude of enumerators who performed so conscientiously this year as in former years in performance of the duties required by article I, section 2, of the Constitution.

The preliminary results of the census of my hometown of Huntington, W. Va., showed that we had suffered a population loss from 83,627 in 1960 to 72,970 this year. Huntington authorities were understandably concerned and asked my assistance in a thorough recount by blocks, manned by volunteers. On June 4, 1970, I issued a public statement starting with these words:

> I am sure that Mrs. Maxine Booth, manager of the Huntington office of the Census Bureau, has done an excellent job with her enumerators.

On the other hand, I urged that every opportunity be afforded to insure a complete and accurate count. Joseph Norwood, Regional Director of the Census Bureau in Charlotte, N.C., authorized and assisted in making materials available for a massive volunteer bloc-count. Newspapers, radio and television stations, and civic organizations actively participated in this volunteer effort.

As a result of these efforts, approximately 1,300 additional forms were forwarded to the Census Bureau. All but 72 families constituting 183 persons proved to be duplicates of forms already submitted by the regular census enumerators. These 72 forms were then field checked, and all but 30 were found to live outside the city limits, to have nonexistent addresses, or to constitute persons who had moved into Huntington since April 1 and had been counted elsewhere. The rockbottom additional count of 30 families, or about 90 persons, were then added to the Huntington census count. Some of these had understandably not been counted because they were transients or floaters, lived above or in the back of business establishments, or were simply overlooked.

Mr. Speaker, when an all-out effort adds only one-tenth of 1 percent of valid names to the official census count, I believe the census enumerators deserve congratulations. I am therefore inviting all the census enumerators in Huntington, W. Va., to be my guests at a tribute dinner. We hear too much criticism of Federal workers, and when Federal workers do a thorough and conscientious job they deserve praise as in this instance.

TREATMENT OF AMERICAN PRISONERS OF WAR

(Mr. ZION asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include certain letters.)

Mr. ZION. Mr. Speaker, I want to express my profound and sincere appreciation to the 405 Members of this House who signed the letter of protest to the Communist Government of North Vietnam. Your interest in demanding the provisions of the Geneva Conference pertaining to POW's was forcefully presented during a 1 hour and 45 minute discussion with Mai Van Bo, the Delegate-General of North Vietnam to Paris.

Unfortunately he refused to accept the letter, saying that we, the duly elected Representatives of the overwhelming majority of the American people, did not in fact represent the true feelings of our people. He quoted a handful of our Nation's protesters whom he said supported the Communist invasion of the south. It is apparent that the freedom of speech in this country, which permits our people to take exception to the policies of our elected leaders, is not undertood in totalitarian societies. I submit at this point two letters which convey our contempt at their refusal:

HOTEL DE CRILLON,
Paris, August 26, 1970.

Mr. MAI VAN BO,
Delegate General of North Vietnam,
Paris.

DEAR MR. BO: This is to thank you for taking the time to meet with me today.

I deeply regret that you refused to accept the letter that was signed by virtually the entire membership of the United States House of Representatives. I am mailing it to you nevertheless with the expectation that you will bring it to the attention of your government in Hanoi.

Our discussion today indicates that your government is not yet prepared to comply with your commitments to the provisions of the Geneva Convention with respect to treatment of prisoners of war.

My colleagues in both Houses of the United States Congress and the overwhelming majority of the American people want to see this subject discussed and settled in the immediate future. It is hoped that your government will soon be ready to handle prisoners of war in accordance with internationally accepted standards of civilized behavior.

Sincerely,

ROGER H. ZION,
Member of Congress,
The United States.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 1, 1970.

Mr. MAI VAN BO,
Delegate General of North Vietnam,
Paris, France.

DEAR MR. BO: Again, this is in reference to the treatment of American prisoners of war held by your government—a subject discussed in my last visit in your office last week.

I would very much appreciate it if you would request some of your officials in North Vietnam to provide me with identification of the men shown in the film which you gave to me during my visit. The film is of uneven quality, and hence positive identification of many of the men is difficult or impossible. This has only served to heighten the anxieties of the wives and families of these men. In this connection, a more positive identification of the men shown would be most helpful.

As you can see, the identification of these men is most difficult through such an unwieldy process. This points up the importance of a humane system of approaching the problem, such as that prescribed in the Geneva Convention.

Hopeful that you will see fit to accede to this request, I remain

Sincerely,

ROGER H. ZION,
Member of Congress,
Indiana's Eighth District.

I would say that our letter did, however, accomplish two singularly significant objectives. It helped me gain access to the previously closed chambers of the Communist delegation to Paris, and thus receive a movie film which is helping to identify Americans who have been listed as missing in action.

Secondly, it is a clear, loud signal to the people of the world, that the North Vietnamese refuse to provide the humane treatment of POW's that civilized nations have a right to expect.

As a result of your interest and your support, the world can now heap justifiable scorn on these criminals and join us in bringing pressure on them to provide the care and treatment for our men who are missing in action that universally accepted standards of decency and humanity demand.

THE COTTON INTERESTS

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, as we in the House return from our recess, there is a natural curiosity about what has been going on in the other body. I would not presume to assess how hard they have been working. One committee, however, has been working so hard that its achievement simply must be recognized. The Agriculture Committee has managed to put out a farm bill that is so loaded with goodies for the special interests, especially for cotton, that, as the Journal of Commerce said recently, it "must be read right through to be believed."

Time does not permit me here to detail its accomplishments. I will include some relevant details from press accounts at the close of my remarks as well as Secretary Hardin's views. Suffice it to say that its net effect would be to add more than

$1,730,000,000 to Federal expenditure during fiscal 1971. It is not surprising that Secretary Hardin has labeled it unsatisfactory.

While it remains to be seen whether the other body will accept the handiwork of its committee, I think this development makes one fact crystal clear. The fact that the traditional opponents of all efforts to limit farm subsidies have now made a gesture in the direction of reform by supporting a $55,000 ceiling does not mean they have "gotten religion." The cotton interests and their legislative champions continue to feel they can do business as usual without regard to the interests of the consumer and the taxpayer.

I for one, Mr. Speaker, will rededicate myself to oppose them with all my energy.

The materials referred to follow:

[From the Journal of Commerce, Sept. 2, 1970]

FAILURE OF SENATORS TO CHALLENGE ELLENDER ON FARM BILL QUESTIONED

(By Muriel Allen)

WASHINGTON.—The failure of several key members of the Senate Agriculture Committee to challenge Chairman Sen. Allen Ellender's, D-La., position on new farm legislation has strong political overtones, some dating back to 1965 when current law was enacted. The result is one of the worst pieces of farm legislation ever considered by Congress, reliable observers said.

Even long-time farm bill observers on Capitol Hill were surprised at the way senators representing farm interests on the committee capitulated to Sen. Ellender's wishes. Chairman Ellender cut short a debate on substantive issues, regarding wheat, feed grains and cotton and refused to consult USDA officials on the possibility of conflicting language before he forced final approval of his preferred bill Friday afternoon.

The result is a bill that as one source put it "offends none of the individual producers and is no political liability for any committee members."

The Senate bill is not the market-oriented bill that the administration wanted and got for the most part in the House-approved version. Instead it is excessively producer-oriented despite the fact that many producers have expressed satisfaction with the Poage-Belcher-Hardin compromise bill worked out over 18 months on the House side.

The political implications of last week's events in the closed-door committee sessions go back to 1965 when Sen. Herman Talmadge, D-Ga., and other senators watching out for cotton interests, particularly Sen. James O. Eastland, D-Miss., and Sen. B. Everett Jordan, D-N.C., defeated Sen. Ellender's attempt to quash low-loan, direct payment cotton provisions.

UNUSUAL MOVE

In an unusual move, Sen. Talmadge introduced on the Senate floor a cotton amendment which was passed over the chairman's objections. The senators who opposed Mr. Ellender then were strangely quiet last Friday because times have changed.

Sen. Ellender is now in line to become the powerful chairman of the Senate Appropriations Committee for which he has been serving as acting chairman lately due to the illness of Sen. Richard Russell, D-Ga. Although Sen. Russell could retain that post until 1973, there is much Washington speculation that he will retire sooner due to poor health.

When Sen. Ellender moves up to that job, Sen. Talmadge is in line to become the next chairman of the Senate Agriculture Committee. In view of this, Sen. Talmadge was probably being especially careful last week not to cross the present chairman.

Undoubtedly, the Democratic senators also wanted to present a united partisan front to the administration in making an opposing stand.

The amendments offered in committee were not discussed sufficiently, committee sources said, and Sen. Ellender rejected some of them out of hand commenting that "I know about that, it's no good."

One disgruntled insider remarked about the chairman's single-minded insistence on his own undiluted cotton provisions that "he may have some loyalties but he's risen above them." This kind of feeling reflects the frustration over the nature of Senate bill which, because of its large-scale changes in House cotton provisions, will make a long conference between House and Senate inevitable to iron out the many differences.

In trying to satisfy all the warring agricultural factions—trade vs. growers, small vs. big growers, independent vs. cooperative growers, cooperative trade and independent trade, and exporters and domestic growers—the committee ultimately created a bill with no coherence according to committee sources.

The issue sure to be most debated when the bill returns to the House after Senate floor action and conference are the increased costs to the government it represents and the expanded benefits to the cotton industry where past government support has failed to stop declining markets.

[From the Journal of Commerce, Sept. 3, 1970]

THE FAILURE OF A COMMITTEE

The version of the farm bill approved last Friday by the Senate Agriculture Committee must be read right through to be believed. Perhaps because it adopts verbatim the $55,000 annual payment limitation voted by the House, Chairman Ellender didn't think anyone would bother to read it through. In that case it would not be discovered until too late how outrageously loaded it is in favor of cotton and against the taxpayer.

It might not be discovered, either, that what the committee proposed taking away from some cotton farmers by means of the annual payment limitation it also proposed giving back to them more or less surreptitiously via a series of changes in the Commodity Credit Corp.'s crop loan program. Just how much extra these changes would cost the taxpayer is problematical. The secretary of agriculture estimates $150 million. Some private estimates run higher.

On Monday Secretary Hardin wrote Senator Ellender that it was imperative to avoid loan levels that would entice farmers to produce for CCC instead of the market; that CCC loans should not be used as a device to hold cotton prices permanently well above the market and that U.S. cotton farmers generally should compete effectively in world markets. The committee's bill fails on all three of these counts.

It is, in fact, an open invitation to cotton farmers to forget competition, forget the market and produce primarily for CCC, which would be saddled with the responsibility for selling as best it could all the noncompetitive cotton it would be forced to accumulate under the nonrecourse loan program.

The committee bill also deals with the wheat program and feed grains, in which it departs somewhat from the House version and would extend the dairy, wool and Public Law 480 programs pretty much as they stand. Cotton is another matter.

In the case of this commodity the agriculture secretary would retain some discretionary powers in fixing the loan rate, allowing production increases and in other matters. Until it is known just how he is going to use this authority over the next three years, it is impossible to estimate just how much it all would cost. But within the trade itself there isn't much doubt of the bill's objectives. It is to force cotton prices up at the very time it is under heavy pressure from other fabrics.

One particular feature of this measure strikes us almost as ingenious. As matters stand now, the secretary can be expected to call in all CCC cotton loans on July 31, the end of the marketing year. Nothing in the House bill would change this. But something in the Senate bill would.

This is a stipulation that the secretary make nonrecourse loans to those covered by the program for a term of one year from the day of the month in which the loan is made. In other words, as interpreted by cotton experts, a farmer could harvest his crop in September, 1971, put the cotton in a warehouse in May or June of the following year and then leave it there until May or June of 1973 before CCC could acquire title to the cotton. And that isn't all. When CCC finally did take title it would owe the producer about 20 months storage and interest costs.

These costs are estimated at $20 to $25 per bale. But that isn't all either. Under this provision large numbers of cotton producers could elect to withhold their output from the market for the purpose of running up prices. If the stratagem worked, they could pay off their loans and reap whatever profit was available. If it failed they wouldn't even lose their storage and insurance costs. These would be met by the taxpayer.

Fortunately the issue is not yet settled. When a measure as important as the farm bill is as thoroughly bad as that approved by the Senate Agriculture Commission, there is always a fair chance that it will run into difficulty on the floor of the Senate itself. If this doesn't happen, it may be changed for the better in the Senate-House conference. And when two versions of the same bill differ as markedly as the cotton sections of the House and Senate committee bills, there is always a possibility of a further floor battle over the conference report.

Finally, if the final bill is as wretched a piece of legislation as that approved by Senator Ellender's committee, there is always the chance of a presidential veto. But we would consider it sad if this should become necessary, for that would mean a reversion to the pre-1965 program, also cotton-oriented. If it does, the administration must bear a fair amount of the blame. For the better part of two years it has seemed content to let congressional farm leaders "follow their own heads" in working out a comprehensive program, even though it did supply some guidelines.

Only within the past few months have President Nixon and Secretary Hardin shown much disposition to carry their battle for the relatively worthy features of the guidelines to Capitol Hill. Once in the fray, they have proved resolute and resourceful but whether they got into it too late remains to be seen. We hope not.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 31, 1970.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The Agriculture Bill as reported by the Senate Committee is not satisfactory to the Administration. The Administration's position on farm legislation was related to the Senate Agriculture Committee in testimony before your committee on August 25, 1970. This testimony emphasized the need to move away from the present language which results in rigidity in pricing and acreage and to offer additional flexibility to producers in directing their individual farming operations. We feel it nec-

essary to deemphasize rigid base acreages and allotments.

If producers are to be given a wider choice of crops within their acreages, it remains imperative to avoid loan levels that may entice the farmers to produce for Commodity Credit Corporation instead of the market. It is vitally important that Commodity Credit Corporation surpluses not accumulate. This additional flexibility is also needed to allow the U.S. farmer to compete effectively in world markets. In general, the flexibility in determining loan levels is needed to encourage exports and bring the desirable mix of crops as directed by the forces of the market. It is in the best interest of producers that loans be a method of obtaining credit and for the promotion of orderly marketing and that they not be used as a means of holding prices permanently and substantially above where the market determines they should be.

The requirement that producer payments for feed grains and wheat be made within 60 days after sign-up, instead of after compliance is assured, has the effect of raising costs in the 1971 fiscal year by approximately $1,730 million. These advance payments would constitute essentially a doubling of payments in fiscal year 1971 with no offsetting reduction in fiscal year 1972. This is contrary to our fiscal objectives and therefore, we must oppose the Agriculture Bill as reported by the Senate Committee. In addition, we have the following reasons for opposing the bill:

(1) Wheat:

(a) The provision in the Wheat Section which would retain the 1965 Act would restrict the freedom and flexibility of farmers to adjust their production patterns. The tying of payments to loan and parity levels bring about built-in prejudices favoring high and escalating loan levels.

(b) The provision requiring a minimum loan is inconsistent with the wheat producers best interest to remain competitive in the domestic feed and international export markets (with minimum export subsidies).

(c) The provision requiring advance payments of sixty days following the sign-up period requires a doubling of payments in one fiscal year and results in an unacceptable budgetary impact. The advance payment requirement for wheat would increase fiscal year 1971 costs by approximately $634 million. These payments would have to be made before compliance could be checked.

(d) There is presently sufficient legislative authority to attain corrective action on the importation of second clears and other wheat products, In addition, all of the items covered by the proposal are bound under provisions of GATT. The proposed legislative change would be in violation of the United States commitment.

(2) Feed Grains:

(a) The provision for the minimum loan is inconsistent with the Administration's position of maintaining maximum flexibility and may unduly encourage increased production in competing exporting countries. It may also contribute to an unsatisfactory balance between corn and soybeans.

(b) The advance payment requirement for feed grains would increase fiscal year 1971 cost by approximately $1,097 million.

(3) Cotton—Under the cotton section, there are several serious problems. Some of these are:

(a) Government's costs would be increased to unacceptable levels (about $150 million per year above the House bill). (See attachment.)

(b) A national allotment of 14.5 million acres with a minimum paying base percentage of 87.5 percent will produce sufficient cotton to meet all needs. This means that the additional acres provided for in the 25% additional provision will not be used. Thus, high-cost producers (and there are many of them in all areas of the Belt) will be induced to increase their cotton production from their share of 11.1 million acres in 1970 to their share of 12.7 million acres in 1971; at the same time efficient producers (and there are a few of them in almost all areas of the Belt) would be required to reduce their non-subsidized production from their share of approximately 6 million acres in 1970 to their share of 1.8 million acres in 1971 (35 percent of 17.1 in 1970 versus 12.5 percent of 14.5 for 1971). This means that the cotton industry cannot make the adjustments necessary to move toward a more viable economy but would in fact move backwards toward an almost completely government supported economy. In this respect, the Senate bill compares most unfavorably even with the Act of 1965. In contrast, the House bill would allow maximum freedom to produce for the market without subsidy. The government cannot spend this much money to save an industry and at the same time preclude freedom of action by those who will try to save it without being subsidized.

(c) The Senate bill retains marketing quota penalties while seeming to remove the effect of them in one section but bringing them back into play in another section if the Secretary is to prevent the accumulation of surplus cotton. Marketing quota penalties will forestall much-needed adjustment and, of course, will be completely unfair to those growers who are not able to realize the full benefits of the program because of the payment limitation.

(d) The Senate bill in many instances reduces the Secretary's authority to deal effectively with changing conditions and to carry out basic program procedures. Specifically, restrictive provisions have been added or retained in connection with the loan rate, lease and sale of allotments, the loan maturity date, and CCC carrying charges. Some of these restrictions preclude actions on the part of the Government and the industry to adjust to the competition of synthetic fibers and foreign cotton production, to let the market determine what crops and qualities are to be grown, and to permit changes to occur in planting, marketing and use patterns that are inhibited by Government payments and controls.

(e) A maximum set-aside percentage of 12.5% for cotton is too low. When comparing payment rates per acre for land set-aside under the cotton, feed grain and wheat titles, it becomes clear that the 33⅓% set-aside provided in the House bill is highly favorable to cotton producers. A lower maximum set-aside for cotton would increase government costs under the feed grain program because an additional 2 million acres would need to be diverted.

(f) The 30% increase in the cotton payment rate for small, low income farmers has much appeal on its face. However, the increased benefits could not be more than about $250 per year regardless of income and family size. We think that poverty in agriculture should be dealt with through the President's Family Assistance Plan now pending in the U.S. Senate.

We are authorized to state that the Office of Management and Budget concurs in our opposition to this bill as stated in this letter.

We have attempted to deal in this letter with the major issues and we will be happy to discuss them with you. There are a number of additional items that are also objectionable which we will submit to you if you should desire.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

UPLAND COTTON—PRODUCER PAYMENTS AND MAJOR EXPENDITURES, 1966–70, AND HOUSE AND SENATE VERSIONS OF AGRICULTURAL ACT OF 1970 FOR 1971

[In millions of dollars]

	1966	1967	1968	1969	1970	1971 House	1971 Senate
Producer payments	774	934	784	824	907	860	1,040
Value of production	980	938	1,197	1,024	1,131	1,143	1,085
Major net expenditures by the U.S. Government	357	305	1,077	1,012	1,006	1,092	1,243

THE REVENUE-SHARING PLAN

(Mr. BUTTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTON. Mr. Speaker, in recent months, a good deal of attention has been devoted to a phenomenon popularly known as the taxpayers' revolt.

It is most clearly recognized when evidenced by the periodic failure of some bond issues at the polls. School districts have found themselves the most frequent target, but they are by no means alone in the midst of a serious problem—a problem of how to provide the various services and programs needed by the people without escalating the already high tax burden on the average citizen.

A chief source of the problem, I am convinced, lies in the antiquated and generally unfair methods of tax collection that survive in our society. Through multiple levels of government various tax structures—and mechanisms for collection—prevail. Too much overlap exists—and too much waste. This revenue hodgepodge must be changed—it must be updated to meet the pressing needs of today's society.

The importance of this issue is best measured in terms of studies showing the high cost of living as one of the chief issues on the minds of the people of this country. Of course, a key part of the inflationary spiral is the high cost of government, especially of seemingly endless military spending.

In New York State, for example—and in this area in particular—city and county governments and school districts all find themselves approaching the constitutional taxing limit of their jurisdiction.

In my 29th District of New York, recent consideration of a 3-percent sales tax levy in Schenectady County focuses attention anew on this problem of dwindling tax resources.

This is not to say that taxing limits are not desirable. They are. But it does point to the pressing issue of how to maintain—and, in fact, to expand—municipal services to meet the increased needs of our growing population.

It is to this problem that I wish to direct attention now.

Over a year and a half ago, in a major address, President Nixon outlined his plans for "The New Federalism," a policymaking blueprint for the economy encompassing all levels of national life—Federal, State, and local. The key to that plan—as the President himself said—was a piece of legislation known as the Revenue Sharing Act of 1969, though, unfortunately, it was not enacted either that year or in 1970.

This legislation would shift part of the burden from the States and localities and redistribute tax levies more equitably. Under the plan, a certain percentage of Federal income tax collections would be transferred automatically each year to the States and on down to counties, towns, cities, villages, and special districts. One of my first legislative acts, when I arrived in Congress in 1967, was to join as a cosponsor of the first such legislative proposal.

As envisioned, virtually every unit of local government would be eligible to receive funds. The amount would be figured at one-sixth of 1 percent of the Federal tax base in fiscal 1971, rising to a full 1 percent in 1976. In 1975, for example, the total amount to New York State would be $543 million, with $32 million earmarked for local governments in this area. And at least one proposal heard in Congress would triple that amount in planned funding, with the additional possibility that even greater resources could be later transferred to the program if it proves successful.

This would represent a giant step toward solving the financial difficulties now faced by many local governmental bodies. At the same time, the pressure on the average taxpayer would be substantially relieved. Among the chief beneficiaries of such a move would be property owners, who have shouldered an inequitably high portion of the local tax burden for too long.

In many cases, property tax levels have already reached the limit. The problem, however, is that local units of government are best able to meet the specific needs of an area for streets, sewage treatment, water, police protection—all the myriad and welcome municipal services.

New York State has a revenue-sharing plan, enacted under the leadership of Governor Rockefeller, one of the initial authors of the revenue-sharing concept. Under this program, the State will share 21 percent of its personal income tax collections with local governments.

But the need is still great, even greater, for a companion Federal program to balance the fiscal responsibility among all levels of government. Governor Rockefeller has urged adoption of the Federal Revenue Sharing Act and has termed its passage of "critical importance to States and localities throughout the country."

It is time, then, to equalize the burden on a national level and give local governments greater responsibility for programing. The time is past when we can tolerate the counterproductive overlap inherent in the present system.

The revenue-sharing plan would effectively begin the process of eliminating unnecessary duplication. This would have the dual benefit of reducing bureaucratic inefficiencies, while returning to the local level a more effective control over programing to meet local needs.

We face a further complicating problem, however. The revenue-sharing program—the key to President Nixon's new federalism—has been stalled in Congress for almost 2 years.

Some 400 grant-in-aid programs are operated by the Federal Government for the presumed benefit of local government. Most are overregulated and underfunded, and the inexhaustible number of guidelines cause waste and frustration.

But instead of meeting the particular needs of each community or area, the regulations force local governments to engage professional programing and planning staffs to unravel the Federal bureaucracy and then make exhaustive cases for whatever Federal program comes closest to matching the need.

The inefficiency and waste inherent in such a system is evident. The solution would be enactment of a revenue-sharing program in which each local unit of government would be guaranteed an equitable share of the Federal tax dollar.

I have had drawn up a discharge petition which has been placed in the hands of the Clerk of the House, directing the Ways and Means Committee to report out the revenue-sharing bill for action by the full House of Representatives.

I am confident that the sentiment of the House favors positive action on this measure and I hope that without regard to partisanship my colleagues will sign the discharge petition forthwith so that there can be action on it in the remaining month of the 91st Congress.

I can only hope that the interests of the taxpayer will win out in this crucial battle. Victory will mean a major overhaul of our country's revenue system. To do less, I believe, would be the grossest irresponsibility, and a major threat to the economic well-being of the Nation.

ROGERS AND DINGELL INTRODUCE BILL TO AMEND ENVIRONMENTAL POLICY ACT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, the Army's announcement in late July of plans to transport and dump 418 nerve gas coffins into the Atlantic Ocean brought on substantial national and international outcry. We still do not entirely know what the consequences of the dumping may be on our population and marine life. Nor will we ever fully understand the severity of the potential dangers to our people of transporting the gas by rail through communities along the proposed route, although the operation was completed without mishap. There were simply too many questions left unanswered, and it was apparent that the course recommended by the Army was too hastily announced and inadequately coordinated with other Federal agencies, and interested State and local officials.

During the recent hearings before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries on the plans of the Department of the Army to dump these poisonous gases, we learned that the Department had been negligent in its consultations with the Department of Health, Education, and Welfare, other Federal agencies, and the States and communities involved. The Army seemed to have forgotten that these other bodies had a stake in the implications of ocean dumping because of its potential effect on the public health, the environment, fish and wildlife resources, and our Nation's foreign relations.

Testimony at the subcommittee hearing revealed that a memorandum from the Atomic Energy Commission, stating that the nerve gas could be vaporized safely by an underground nuclear explosion at a cost of $4 million, had been placed under wraps by the Department of the Army when other governmental agencies and the Council on Environmental Quality were making their deliberations and recommendations on the matter. We strongly believe that these recommendations might have been different had these agencies been fully apprised of this alternate means of disposal. It is our firm belief that the National Environmental Policy Act of 1969, which was enacted as a result of legislation we introduced in the House of Representatives last year, was violated by the failure of the Department of the Army to make a full and timely disclosure of the facts to the Council on Environmental Quality, as well as to other Federal agencies, and to give prior full consideration to the environmental impact of the planned action.

Mr. Speaker, Mr. DINGELL, of Michigan, and I, joined by four distinguished colleagues, Mr. DOWNING, Mr. HANNA, Mr. ANNUNZIO, and Mr. MCCLOSKEY, are today introducing two bills to strengthen the National Environmental Policy Act so that future actions by Federal agencies that significantly affect the environment will be more closely coordinated with other Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. Both bills will specify that the Departments of the Interior, Health, Education, and Welfare State, and the Council on Environmental Quality will all have an adequate opportunity to study an agency's proposed action and make comments and recommendations to be incorporated into the overall proposed operation.

As the Members will recall, the Army gave Congress, the State and local governments, and the rest of the Nation only a 10-day advance notice of their plans to dump nerve gas into the Atlantic Ocean. Ten days is simply not enough time to adequately study the potential impact of such an action on our environment and fish and wildlife resources. Our bills will require the responsible Federal official to give at least 120-days

advance notice to the appropriate Federal agencies, to Congress, and to interested State and local officials. At that same time, comments and recommendations would be requested from these officials. Their observations and recommendations would then be returned to the responsible Federal official who would incorporate such recommendations into the environmental impact statements. Then, at least 60 days prior to the planned action, the responsible Federal official would be required to forward the impact statement to the Council on Environmental Quality, the Congress, and other interested Federal, State, and local officials for their further review and analysis.

This provision of our bills would serve to prevent any hasty deliberations of important decisions in the future such as that which we have just recently experienced with the nerve gas dumping. Furthermore, we are delighted to report that any recommendations made by the State, local, and Federal officials which are intended to minimize the impact on or enhance the quality of the environment, or to protect the fish and wildlife of the United States, would be required to be adopted and implemented by the responsible Federal official.

One of the bills will require the Secretary of Defense to develop adequate plans for the eventual disposition of munitions, chemical, biological, and radiological warfare agents, through demilitarization, detoxification, and decontamination procedures.

Lastly, one of the bills would provide for a complete prohibition of any future dumping of these warfare agents into the oceans and other navigable waters of the United States that present a danger to man, the environment, or to fish and wildlife.

Mr. Speaker, we feel certain that the bills we are introducing today will insure to the public that such an event as the nerve gas dumping episode will never occur again.

NATIONAL FAMILY WEEK

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I am today introducing a resolution designating the fourth week of November as "National Family Week." I am proud that a number of my colleagues have joined as cosponsors of this legislation. Hopefully, many more will in the days ahead.

The basic strength of our or any free and orderly society is the family. There could be no more appropriate week than that including Thanksgiving Day for us to honor our family loyalties and ties.

The legislation would authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

The Family Week observance was inspired by a constituent, Mr. Sam Wiley, who formerly taught in the Shakamak school system and is now assistant principal at Whiteland High School. My research shows this is the first such resolution of its kind.

The current unrest and dissatisfaction among the younger generation and the so-called generation gap can be traced in most cases to a complete breakdown in communications between parents and children. While observance of Family Week does not promise to resolve all the unrest, I view it as a giant step toward the goal of restoring the traditional principles of respect and self-discipline which have made this a great nation.

National Family Week is designed to coincide with Thanksgiving Day, that traditional time in America when families are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

National Family Week would serve as the focal point for the enlistment of millions of American parents in an effort to better understand the wants and needs of their children and to encourage the children to better understand the duties and obligations of their parents.

I am hopeful of speedy approval of this resolution and that various organizations in the local communities, such as service clubs, patriotic organizations, church groups, scouts, and 4–H, will join together to make this observance as meaningful as possible.

Primarily, the emphasis must come from within the family structure itself. It is this vital institution which has proven its capacity to provide adult and child alike with the needed affection, discipline and security which so many today complain are lacking in their lives.

APPEAL TO SOVIET TO CHECK PERSECUTION OF JEWS

(Mr. PHILBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, in December of last year, I strongly protested Soviet mistreatment of Jews in Russia. I addressed the House in a fervent plea to our State Department and the Secretary General of the United Nations to circulate among its members the request of the Israeli Government on a specific case of mistreatment it cited, and refer the matter for action to the Human Rights Commission.

In addition, I urged our Secretary of State to recommend to the Secretary General that this matter be officially referred to the Commission and placed on the agenda for consideration at the earliest possible time and to use the good office of our Government with the Soviet Union to prevent these abuses.

While some consideration has been given to mistreatment and persecution of Jews in Russia, there are continued complaints that these pernicious practices are still taking place. I renew my protest, and am again calling on the Secretary of State to give these matters his insistent attention, so that representations can be made to the Soviet Government in behalf of our own Government that we strongly oppose any manifestation of anti-Semitism, and particularly mistreatment and persecution, and denial of human rights of the Jews in Russia.

I am also joining with my friend and colleague, the distinguished Congressman from New York, Hon. RICHARD OTTINGER, in the concurrent resolution he is supporting in an effort to fix attention on this very regrettable situation in Russia and bring it to an end.

I am introducing this resolution in the House today. It reads as follows:

CONCURRENT RESOLUTION

Whereas the Congress deeply believes in freedom of religion for all people and is opposed to infringement of that freedom anywhere in the world; and

Whereas the Union of Soviet Socialist Republic continues to practice cultural and spiritual genocide against its three million Jews; and

Whereas the Soviet Union denies exit visas to its Jewish population, singling out those who wish emigrate to Israel for special persecution; and

Whereas the United States has not taken effective action to halt these repressive practices; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that (1) persecution by any person because of his religion by the Soviet Union should be condemned, and (2) the President of the United States should take immediate action through diplomatic contacts, including the SALT talks and the Big-Four Mid-East talks to negotiate permission for Soviet Jews to emigrate to Israel and other countries willing to receive them.

I think we should continue to press the Soviet Government in conferences and in the United Nations to make every effort to end persecution and discrimination, and other manifestations of anti-Semitism, so that all men and women would be entitled to equal treatment under the law, regardless of race, class, creed, or status, and would be treated and be protected in their individual and human rights.

As I have noted before, anti-Semitism is a curse and a scourge to humanity, and it must be banished by all mankind, and this great Nation of ours must set the example, as we have done in the past. I repeat, and I urge, that the Jews must be free from the cruel bondage of discrimination, mistreatment, and persecution.

I also urge our Government to take a determined stand in striking down these gross violations of ordinary, human rights, and I plead with all my heart with the Soviet Government to end these deplorable practices that shock world conscience.

CONCURRENT RESOLUTION FOR EXTRADITION OF AIRLINE HIJACKERS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I have tolay joined the distinguished gentleman from Illinois (Mr. PUCINSKI) and 70 other Members of the House in introducing Concurrent Resolution 340, calling on the administration to negotiate

extradition treaties covering aircraft hijackers. The Tokyo convention signed by the United States and nearly 40 other countries condemns hijacking but does not provide for the return of hijackers to the flag country of the aircraft involved to face prosecution. Yet aircraft hijacking is a dangerous crime threatening the lives of innocent people indiscriminately.

Aircraft hijacking will only cease when there is an effective body of international law which recognizes it as a vicious international crime and makes it possible for hijacking to be punished as such.

Mr. Speaker, at this moment 200 men, women, and children sit in their broiling airliners on the surface of the Jordanian desert, threatened with death at 10 o'clock tonight. The madmen who took them there—men who rob language of meaning by styling themselves liberators—hold them ransom and threaten a slaughter of innocents if criminals and prisoners of war are not set loose in several countries. They make this threat in the hope of reopening hostilities between Israel and the Arab States. Surely this is an excercise in foulness seldom matched in international power struggles.

We must pray for the success of the International Red Cross in its delicate negotiations to free the people caught in this terrible trap. And we must also move to free international air travel from the future threat of hijackers.

Mr. Speaker, I believe that a first step in that direction is the resolution many of us have introduced here today. Our resolution calls upon the administration to negotiate mutually binding treaties with all countries to force the return of aircraft hijackers to the flag country of the aircraft they have hijacked. There they could face prosecution for their crime.

In the case of hijackings motivated by the political aims of Middle Eastern outlaws, we recognize, tougher and more farreaching steps may be necessary. Governments, airlines, and pilots' associations are now considering whether this is the case.

Mr. Speaker, if President Nixon finds it necessary to cut off landing rights in the United States to airlines of nations which treat hijacking as a game, or if the President takes other strong steps against governments playing patsy with air pirates, I will support him fully. I am confident that other Members of Congress will, as well.

AIR POLLUTION AND THE ADMINISTRATION'S TAX PROPOSALS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, the Committee on Ways and Means began important hearings on the administration's excise tax proposals including a tax on leaded gasoline. Congress must not overlook this opportunity to fight pollution by use of the power to tax pollution out of existence.

Therefore, I intend to offer an amendment to the administration's tax proposal which will strike at the heart of the motor vehicle pollution problem by imposing an increased excise tax on polluting automobiles which fail to conform to acceptable and feasible standards.

Under my proposal, polluting motor vehicles will be subject to a 10-percent excise tax in 1972, a 20-percent excise tax in 1974, and a 25-percent excise tax thereafter. Those vehicles, factory-equipped with adequate pollution control devices, will be exempt.

I am confident that the automobile industry is capable of developing feasible solutions within this timetable. This effort will be effectively stimulated by this tax proposal.

The tax table which I propose is based upon the California standards of emission control with which the industry must already comply in California. They are the strongest and most effective in the Nation. Since they are feasible, legal, and successful in California, they should be adopted as the national minimum standard. After 1975, the emission tables will have to be modified to insure the utilization of the latest technologies in pollution control.

I propose the following schedule of excise taxes on polluting vehicles:

	Grams per mile		
	1972	1974	1975
Reactive hydrocarbons (HC)	1.5	1.5	0.5
Carbon monoxide (CO)	23.0	23.0	11.0
Oxides of nitrogen (NO_x)	3.0	1.3	0.9
Excise tax on motor vehicles above these standards (percent)	10	20	25

I do not anticipate that my amendment will bring any substantial sums into the Treasury. Its purpose is not to gain money for the Treasury; its purpose is to provide an incentive—a very strong incentive—for the development of clean-powered cars. Its purpose is to cut down the level of air pollution; its purpose is to improve the health and quality of life of all Americans.

If the administration is really serious about stopping pollution, it will support my amendment. As President Nixon himself has said:

I have become further convinced that the 1970's absolutely must be the years when America pays its debts to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never.

It is literally now or never. The existing automobile engine is the most serious and dangerous source of air pollution in the United States—and the world—today. The U.S. Public Health Service estimates that the auto causes 60 percent of all air pollution in America today. In urban centers, like Cleveland, Los Angeles, New York, it can cause up to 85 percent of the pollution in the air. It is an unbelievable figure, it staggers the imagination but it is a fact that the auto causes 180 billion—billion—pounds of pollutants per year—many of these pollutants are poisonous, deadly compounds.

What does this pollution do to the health of each of us? In New York City, death rates from emphysema have increased by over 500 percent in the last decade. Death from chronic and acute bronchitis have increased by some 300 percent. Lung cancer and heart disease are at new highs. There is a reason for this, and the reason is increasingly dirty air—and the major reason for the dirty air is the present automobile engine. The September 1, 1970, issue of Conservation News carries an item about the findings of two Pittsburgh economists, Dr. Lester B. Lave and Eugene P. Seskin of the Carnegie-Mellon School of Industrial Administration who have compiled statistics proving that if air pollution were cut by 50 percent in major cities, they say:

A newborn baby would have an additional 3 to 5 years life expectancy.

Deaths from lung cancer and in fact all lung disease would be cut by 25 percent.

Death and disease from heart and blood vessel disorders might be cut by 10–15 percent.

All disease and death would be reduced by 4.5 percent yearly, and the annual saving to the Nation would be at least $2 billion.

We can put it more simply.

Said Lave in an interview with the Washington Post—

For the average middle-class American family living in an urban area, abating air pollution is the single most important thing we could do to improve health.

Not only does air pollution kill and disable, but it causes extensive corrosive damage to building, property, forests and crops. The total cost to the economy is estimated at $30 billion annually.

If we are to fight pollution, we must utilize every form of governmental persuasion. The pollution excise tax will bring about a more rapid program of control than any other device. The power to tax pollution is the power to stop it.

RESULTS OF 1970 OPINION POLL

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, for several years I have benefited quite substantially from the annual opinion poll I conduct each year among the residents of Missouri's Fourth Congressional District. The results of these polls, plus the added comments that many participants send along, not only help keep me abreast of the thinking of the citizens I have the honor to represent, but happily in some instances confirm the judgments I have previously exercised in the performance of my duties as their Representative in Congress.

The returns from my 1970 opinion poll have now been finally tabulated. Once again I wish to share with my colleagues the concerns that have been expressed by what I like to believe are the straight-thinking people of America's heartland—west central Missouri. I admire their forthright expressions and respect the good judgment of their recommendations for coping with the problems of the day.

The totals in this poll have been arrived at by reading and then counting every single ballot as it was returned. I have noted in every case the added written comments. This tabulation is not a mere "sampling of opinion" or some kind of estimate of results. Instead, it is a precise or exact reflection of the expressions

of opinion of those who responded to our opinion poll.

At the conclusion of these remarks I intend to include the complete results of my poll. Before that, I would like now to direct attention to some of the interesting highlights of the responses as follows:

Sixty-nine percent of those who participated are willing to rely upon the President's careful use of his constitutional authority as Commander in Chief of the Armed Forces in committing U.S. troops to service in combat zones. Thirty percent felt that such actions should be taken only with congressional authority, even if the delays thereby encountered exposed our intentions to the enemy.

The President's policy of withdrawing our troops from Vietnam in stages, while strengthening the South Vietnamese to assume responsibility for their own security, was supported by 58 percent of the ballots. Twelve percent of those who responded urged immediate U.S. withdrawal, while only 6 percent favored an agreement upon some deadline date in the future for absolute withdrawal, without consideration for interim developments.

Fear of crime and the fervent desire for meaningful legislation to control crime remain high in the concerns of the residents of west central Missouri. Seventy-six percent of the respondents to our poll support tough mandatory court sentences on all offenders with the exception of those who may be convicted for the first time. Eleven percent of the respondents suggested that more money be spent for equipping and training local police, while 9 percent believe more money should be appropriated to relieve social tensions as the best means of reducing crime.

The effects in Missouri of runaway inflation have been so great as to lead 71 percent of the participants in my opinion poll to advocate mandatory use of price, wage, and consumer credit controls for protecting the economy. In a list of six Federal programs that might be reduced as a means of cutting Government spending and balancing the budget, 40 percent supported cuts in the foreign aid program, while over 27 percent asked for less money for space exploration.

On 41 percent of the ballots, the respondents appraised the job being done by President Nixon to be "good." However, an identically equal number, another 41 percent, believed his performance was only "fair." Seventeen percent adjudged the President's performance to be "poor."

Where subtotals on some questions do not add up to exactly 100 percent such means that a few respondents were uncommitted as to such questions.

The complete results of my 1970 opinion poll are as follows:

RESULTS OF 1970 OPINION POLL

[*In percentage*]

PRESIDENTIAL AUTHORITY

If long Congressional Debate would give advance notice of our intentions to the enemy, would you, nevertheless:

(1) Insist that the President obtain approval of the Congress before committing U.S. troops to cambat zones..... 30

(2) Rely upon the President's careful use of his Constitutional authority as Commander in Chief of the Armed Forces to take such actions when necessary without prior Congressional approval... 69

VIETNAM

With respect to "getting out of Vietnam", do you favor:

(1) The President's policy of withdrawing troops in stages while strengthening the South Vietnamese to assume responsibility for their own security.... 58

(2) Agreement upon some absolute future deadline for total troop withdrawal, regardless of interim developments..... 6

(3) Immediate U.S. withdrawal..... 12

(4) All-out effort for military victory..... 23

CRIME

In order to fight crime, do you favor:

(1) More federal aid to cities and states to train local police and buy equipment..... 11

(2) A Federal Police Force..... 3

(3) Tough mandatory sentences by courts upon conviction of all but first offenders..... 76

(4) Spending more money in cities on urban renewal, job training and additional welfare to relieve social tensions said by some to be the cause of crime.. 9

SOCIAL SECURITY

Which one amendment do you think is most necessary:

(1) Periodic benefit increases by Act of Congress..... 11

(2) A built-in system of automatic cost-of-living adjustments..... 40

(3) Liberalized ceilings on outside earnings without reducing benefits..... 24

(4) Eligibility at age 62 for full payment of benefits to men as well as for women?..... 24

Do you think the job President Nixon is doing is:

Good..... 41
Fair..... 41
Poor..... 17

INFLATION

In order to reduce inflationary pressures, would you favor use of mandatory controls over prices, wages and consumer credit?

Yes..... 71
No..... 28

Reductions in federal spending would also combat inflation while helping balance the budget. For accomplishing these purposes, please list (1, 2, 3, etc.) by number your preferences for the order in which the following programs should be reduced:

1. Foreign aid..... 40
2. Space exploration..... 27
3. Poverty, welfare programs..... 11
4. National defense..... 10
5. Urban aid, renewal..... 8
6. Educational assistance..... 3

AGRICULTURE

When the present farm program expires this year, should we:

(1) Renew the existing program, as is.. 18

(2) Abolish all federal farm programs.. 21

(3) Adopt an administration proposal to reduce price supports and loan levels and limit payments under the program... 26

(4) Substitute the program recommended by 21 major farm organizations for farm improvements..... 35

Do you live on a farm?

Yes..... 38
No..... 61

POLLUTION—WATER AND AIR

Because of long delays, the magnitude of the task to clean up our environment will require enormous expenditures. Are you willing to help pay for it with higher taxes, if necessary, and increased prices on some consumer goods?

Yes..... 61
No..... 38

In your opinion, What is our Nation's No. 1 need today?

Crime abatement..... 26
Peace in Vietnam..... 14
Spiritual renewal..... 13
Inflation control, improved economy... 11
National unity, renewed patriotism..... 11
Control of campus unrest..... 10
Better national leadership..... 8
Pollution control..... 6
All other suggestions..... 1

STATEMENT BY CONGRESSMAN SEYMOUR HALPERN—SUGGESTED MEASURES TO PREVENT ANOTHER WAVE OF HIJACKING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I rise today to show my deepest concern for the rash of criminal acts that have been perpetrated by criminals from Arab terrorist groups.

Today we learn that these senseless criminals have struck again and endangered more innocent lives by hijacking yet another airplane to their so-called revolutionary airport in the desert; but the world community has done nothing to prevent this kind of lunacy in the future. Indeed, it has demonstrated extreme impotence in dealing beforehand with the terror tactics of these vicious air pirates. The demonstrated helplessness of the world after innocent passengers are taken prisoner and held under threat of death is, of course, more understandable.

The time is ripe to renew the proposal which I put before this distinguished body some months ago; namely, that an international conference be convened for all countries serving the Middle East by air in order that they might adopt strong measures to stop this gangster-like terrorism. There are six measures which, at a very minimum, I would ask such a conference to consider.

First, the nations should boycott all airports of any nation that gives aid and comfort to these terrorists, including those which fail to prosecute captured air pirates.

Second, this boycott should also include a refusal by participating nations to permit the airlines of such countries to use the airports of other nations.

Third, these sanctions should extend to an embargo on the sale of all civilian and military aircraft to such countries.

Fourth, the resources of the member nations should be pooled to develop and install effective detection equipment in all of the major international air terminals in the world. When one compares the $23 million loss suffered by Pan American in the destruction of one airplane by terrorist bombs, this makes the cost involved in the development and installation of detection equipment seem like a pittance.

Fifth, all participants with major in-

ternational air carriers should consider the employment of armed personnel to discourage and prevent the lawless terrorists from usurping control of aircraft. I believe that the Israeli Airlines, El Al, should be commended for their comparable security measures and for their prompt action in preventing the recent attempt to hijack one of their airplanes over England.

Finally, the international convention should consider all necessary amendments to such international legal pacts as the Warsaw and Hague conventions so that acts of international terrorism, such as we have seen in recent days, are defined as violations of international law.

It is unfortunate that this terrorism should come at a time when the hoped-for peace talks between Israel and Egypt are at an impasse. At the same time, this senseless terrorism does demonstrate dramatically to the world exactly what the Israelis are up against. It is not a reasoning and rational enemy that they face; it is the unreasoning, criminal, overreacting terrorists like those involved in these hijackings.

I hope and pray that no innocent passenger will lose his life, but we must act immediately.

SST'S THREATEN WORLD OIL SUPPLY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, a recent article in the London Observer concludes that the proposed fleet of American SST's and British-French Concordes will need so much oil for fuel that the world could face a critical oil shortage in 15 years if the planes go into production according to schedule.

The article, which appeared in the August 30, 1970, edition of the Observer, was written by Observer Reporters Gerald Leach and Andrew Wilson.

According to their calculations, the fleet of 300 British-French Concordes and 80 American SST's planned for 1980 will use up 320 million metric tons of crude oil each year—more than 8 percent of the estimated total world oil consumption for that year.

The supersonics, they point out consume up to 2½ times as much fuel per passenger-mile as subsonic aircraft. The Concorde will consume 272 metric tons of kerosene each day—three times its own weight—while the larger and faster American SST will burn more than twice as much fuel as the Concorde.

Even without the supersonics, the oil industry is going to have to double its production in the next decade. This means twice as many tankers to spill oil in the ocean, twice as many offshore wells to pollute beaches, twice as many pipelines and refineries to disturb the ecology, and twice as many depletion allowances to torment the average taxpayer.

When the demand for oil generated by the supersonics is added on, the problem becomes truly staggering. By 1985, with a combined fleet of 585 supersonics projected—300 Concordes and 285 American SSTs—609 million tons of crude oil per year will be needed just to keep these planes running—that figures out to around 11 percent of currently projected world oil demand for that year.

The National Environmental Policy Act of 1969—Public Law 91–190, January 1, 1970—requires every Government agency which proposes an action significantly affecting the quality of the human environment to submit to Congress a statement on the environmental impact of the proposed action. This statement is to include, among other things, an estimate of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Transportation Under Secretary James M. Beggs told the Senate Transportation Appropriations Subcommittee nearly 2 weeks ago, on August 27, that the Transportation Department would submit the required statement on the SST within 2 weeks. Hopefully this statement will deal with the demands the SST will place on the world's oil resources in the next 15 years. If it does not, it will certainly make a mockery of the Department's claim that it "first asked some 5 years ago the questions certain ecologists are asking today relative to the possible environmental consequences of supersonic transport operations"—Secretary Beggs' August 27 testimony. If the Department has been seriously concerned about these matters for 5 years, surely the problem of depletion of the world's oil supply must have come to their attention. And since they have had 9 months to prepare the environmental impact report, surely there has been time to deal with this problem in the report.

I include the full text of the London Observer article in the RECORD at this point:

SST's THREATEN WORLD OIL SUPPLY

(By Gerald Leach and Andrew Wilson)

LONDON, ENGLAND.—If British and American planemakers sell their planned total of supersonic airliners, the world could face a critical oil shortage within 15 years.

This is the unmistakable conclusion to be drawn from an analysis of the planes' projected fuel consumption measured against the amount of oil that the petroleum industry expects to provide by 1985.

Calculations show that even by 1980 the planned fleet of supersonic transports—300 British-French Concordes and 80 American Boeings—will demand the production of about 320 million metric tons of crude oil each year.

THIRD OF PRODUCTION

This is nearly a third of the total planned oil consumption of Western Europe or the United States in the same year. It is more than one and a half times the forecast need of Southeast Asia, more than three times that of Africa. And it is some 8% of expected total world oil consumption—all for 380 aircraft.

In 1985 the Boeing fleet will have swollen to 285, making a total of nearly 600 supersonics, a far more serious drain on world oil. Beyond 1990, estimates become more difficult; American officials have spoken of an ultimate market for 1,200 planes, including Boeings, Concordes and Soviet TU–144s.

THE 100,000 TONS A YEAR

What mars the plane makers' dream is the voracious appetite of supersonic aircraft for kerosene. The British Aircraft Corp. says that one Concorde will consume 5,600 gallons an hour on a 3½ hour London-New York flight . . . or a total of 18,600 gallons.

A subsonic jet such as the Boeing 707 or the Douglas DC–8 burns about 1,700 gallons of fuel an hour at cruising speed and cruising altitude and much more at lower altitudes. But the flight is longer—6½ or 7 hours meaning consumption of at least 11,000 gallons.

To justify investment in the aircraft, airlines will have to operate four transatlantic flights by each plane each day—or an average of 14 hours revenue flying in every 24. This means that a single Concorde will consume 272 metric tons of kerosene each day, three times its own weight. Over a year the consumption amounts to 100,000 tons.

The first Concorde is due to enter service about January, 1974, and subsequent planes will come off the production line at the rate of one a week.

In 1980, these 300 aircraft will burn 20 million tons of kerosene.

But in 1978—two years before this happens—the much larger Boeing supersonic airliner, the 2707–300, will have entered airline service—if it passes Congress.

Boeing plans to produce one 2707 every nine days to meet a sales target of 500 by 1990, or 80 by 1980. The 1,800 m.p.h. Boeing is twice as heavy as Concorde, carries nearly twice as many passengers (234 against 125)—and will burn more than twice as much fuel.

On conservative assumptions, a fleet of 80 Boeings will burn 16 million tons of kerosene in a year. The ultimately planned fleet of 500 will burn 100 million tons.

SEVEN TONS OF OIL

In other words, the supersonic fleet of 1980 will consume a total of 46 million tons of fuel.

But this is merely the supersonics' requirement in kerosene. To produce one ton of kerosene means refining at least seven tons of crude oil.

In unrefined petroleum—the stuff that comes in tankers—the 1980 supersonic jet fleet will take up 322 million tons annually.

To appreciate what this means, one must look at the official projected 1980 figures for crude oil demand, published in the International Petroleum Encyclopedia: North America 1,120 million tons, Western Europe 1,100 million, Soviet bloc 710 million, Latin America 240 million, Southeast Asia 200 million and Africa 95 million.

BASED ON PROJECTIONS

These figures are based on projections of how oil requirements for industry, motor transport, domestic heating and the chemical industry are likely to grow.

They allow for the enormous expected growth of air traffic (now about 12% per year), but cannot take account of the further increase of a switch to supersonics.

The critical factor is that the supersonics consume up to 2½ times as much fuel per passenger mile as subsonic aircraft, and are ultimately expected to carry about 20% of all traffic.

To meet increased demand, the oil industry is planning to double its production in the next decade—from a world total of about 2,000 million tons this year to 4,100 million tons in 1980.

But can it do it? To double production means squeezing into the next 10 years as big an investment in money, skill and effort as has gone into the entire 110 year history of the industry; double the tanker tonnage, double the refinery capacity, double the well production, double the exploration to keep

up the oil reserve pool—assuming such oil can be found.

There are already some doubts in the industry as to whether this can be done—let alone meet the further tidal increase demanded by the supersonics.

By 1985 the increase demanded by the latter will be even more staggering. Even if the Concorde fleet is limited to 300 after 1980, the American Boeings will number 285 and the combined fleets will be burning 87 million tons of kerosene in the year.

The Boeing and Concorde fleets will then need the kerosene from an astronomical 609 million tons of crude oil—around 11% of currently projected world oil demand, and much more than the requirement of several underdeveloped continents.

All this suggests that the $4.8 billion that will ultimately be needed to launch the Concorde and the Boeing could be more rationally applied to the development to technologies that will ease, not aggravate, the transition to a world without oil.

ARTHUR GODFREY OFFERS "CONFESSIONS OF A POLLUTER"

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. FALLON), is recognized for 30 minutes.

Mr. FALLON. Mr. Speaker, wanting to share with my colleagues an outstanding contribution to the fight against pollution by Arthur Godfrey I ask consent to include in the RECORD an article entitled "Confessions of a Polluter," which appears in the September issue of Reader's Digest.

Authored by the distinguished gentleman known to most Americans as one of the most talented members of the radio-TV fraternity, the reasoned and rational position set forth by Mr. Godfrey cannot but help us in our struggle against the various forms of pollution which threaten our very existence. All too often those who are deeply committed to, and are involved in the antipollution fight are scientists, engineers, and similar professionals who present their arguments in the technical terms of their professions.

Not so Arthur Godfrey. In the terms of current jargon he "tells it as it is," reaching the millions of readers of this popular publication. He reveals that for the past 25 years he has been acutely aware of the changes in our environment and has been actively involved in doing something about it. Many may be surprised to learn that he is a member of numerous conservation groups, among them the Izaak Walton League, the World Wildlife Fund, the Audubon Naturalist Service, Friend of the Earth, the National Parks Association, and Save-the-Redwoods League.

Many Members of this House are already aware of Mr. Godfrey's interest in these areas, since he has appeared before us on occasion to support antipollution legislation. He is to be commended for his deep concern and his personal involvement in the continuing battle to maintain the balances of nature, so that mankind can survive.

This article and the activities of all concerned citizens helps those of us who are involved in the effort to enact vital conservation and environmental legislation:

CONFESSIONS OF A POLLUTER

(By Arthur Godfrey)

The fact that something is wrong with the environment began to seep through my thick skull some 25 years ago—soon after World War II, when gas rationing ended and I resumed flying my own plane. I think I noticed the urban sprawl first and then the dirty air. Fliers used to say, "If you're ever lost, look for smoke. Where there's smoke, there's a city—and a field you can land on and ask where you are!" But by the middle 1950s this no longer held true. There was smoke—and something new called smog—*almost everywhere*, over country and city alike. Today it hangs like a pall most of the time over the entire nation, and even out over the sea.

There were other changes, too. I used to race an "S" class sloop on the sparkling waters of Long Island Sound every weekend. On fine days we'd get a good start in a brisk northwest breeze, but this would almost invariably poop out by midafternoon. Still, we could always count on the "evening southerly" to spring up about five o'clock and give us a thrilling beat back to the finish line off Larchmont, N.Y. This was due to the green earth's cooling off in the late afternoon and the consequent advection of the warmer air from the ocean, whose temperature remains comparatively constant. Over the years, however, the evening southerly became less and less reliable, and our boats were frequently becalmed.

Now I'm the kind of guy who always needs to know why and wherefore. So I went looking, and from a borrowed seaplane one dead-calm Sunday I discovered that the late-afternoon breeze still blows farther east, down the Sound—but not in the western waters, of Hempstead and Sands Point, where the land is covered with concrete and asphalt. These highways, airports, factories and houses, I figure, absorb the heat of the sun and retain it. Not until long after sunset does the concrete eventually cool, and *then* the southerly blows.

Meanwhile, the quality of the water had also changed. From those same factories and power plants and dwellings every day, millions of gallons of industrial and human wastes are poured out, eventually into the Sound. It's bad enough sailing briskly through this crud but, when you find yourself becalmed in it on a hot afternoon, that's all, folks! I resigned from the Larchmont Yacht Club and shipped my boat down to Florida in the early '60s, then gave her to the University of Miami a year later when I observed Biscayne Bay going the same polluted route.

FARMER'S FOLLIES

The rape of the good earth has struck me where I live, too. I bought a farm 25 years ago in the beautiful, unspoiled Blue Ridge Mountain country of Virginia. That is, I thought the land was unspoiled.

Disillusionment set in the first year. The grand old farm manager I inherited with the place worked it on shares as he had for previous owners. "Ever' sprang" he plowed those lovely, rolling hills and planted corn, in long straight rows so it would be easier to cultivate and to pick. Still, the harvest was always poor; we were lucky to get 25 bushels of corn to the acre.

Driving home one day during a heavy rain, I observed seas of mud being washed down off the plowed hillsides of other farms onto the highway. At home, I donned foulweather gear and rode a horse out across the fields. My worst fears were confirmed: the swollen creeks draining my own farm were torrents of reddish, soupy mud. No wonder little grew on the hillsides! The topsoil, with all the expensive chemical fertilizers we had put on it, was being flushed down those straight corn rows to the streams, the creeks, to the Potomac River. And this process had been going on for half a century or more!

I decided then that perhaps the greatest contribution a man can make is to leave the piece of ground which has nurtured him in better shape than it was when he took over. Since that day, I have not allowed a plow to touch my hillsides. The bald spots left by erosion we covered with hay and straw and spreader-loads of manure from the stables. Each year a first crop of hay is harvested; then later we clip the fields again and "let it lay." The result has been the greenest hillsides in the area even in times of late summer drought—and there are no more bald spots. The streams run clear and sparkling.

But one cannot fatten steers on grass, so about 15 years ago we went to a cow-calf operation—breeding purebred white-faced Herefords. And a new set of troubles began.

Every spring we lose apparently healthy cows. Suddenly, a week or two after calving, a cow begins to act strangely. She looks wildly around, weaves drunkenly, falls, and within seconds stiffens and expires. Sometimes, if one can get to her fast and inject a mixture of dextrose and minerals directly into the jugular vein, she'll stand up after a while and resume grazing as though nothing had happened.

Grass tetany, say the vets, caused by a mineral imbalance. But though we tried special feeding, and put mineral and salt blocks all over the place, the strange malady still strikes. In the spring of 1968, for example, we lost 27 cows.

Finally, on a hunch, we analyzed samples of water from a stream which drained a pasture. Sure enough—arsenic! It is probably the residue of small quantities spilled or left forgotten during spraying operations when the pasture was an orchard half a century ago! Every spring when the snow melts and the heavy rains come, traces of the arsenic—which is persistent, practically non-biodegradable—are washed into the stream. (We have found the arsenic in the grass, too, and in the livers of the dead cows.) Now, in addition to the intravenous dextrose and minerals, we give a stricken cow a shot of arsenic antidote as well. And last spring we lost only three cows.

How many more decades will have to pass before nature can rid our fields of that arsenic? And how about the DDT and other hydrocarbons used by people we hired to spray our garden fruit trees before I learned better only four years ago? We use no chemical fertilizers or persistent pesticides of any kind now. We use pyrethrins instead, and friendly insects and lots of birds. The fruit isn't as free of blemishes as it used to be when we sprayed with DDT, but I swear it's tastier, and we're no longer afraid to eat it without washing it. We poison nothing anymore.

WHAT MAKES EARTH DIFFERENT

In Genesis 1:28, God said: "Be fruitful and multiply and replenish the earth, and subdue it." The Judeo-Christian world heard every word except one. "Subdue it" came in loud and clear, and so did "multiply." But practically nobody heard the word "replenish."

When our forbears came to this land, massive trees marched from Maine to the Dakotas. There were fragrant cedar swamps, miles of fir, pine, oak, chestnut, elm and hickory. Lewis and Clark reportedly saw them rising "like masts along the shores of a thousand crystalline lakes." Now, most of those forests are gone and the crystalline lakes are open cesspools. Man subdued and took dominion all right.

In addition to being beautiful, trees are a vital part of the ecosphere—the very thin,

fragile interface of sea, land and atmosphere which is what makes earth differ from other planets. When the land is scalped at the headwaters of our rivers, the humus in the soil is eventually destroyed and water is no longer held in gradually seeping storage. Then flash flooding results in devastating soil erosion, as California learned in 1964. And thus do green forests become bleak deserts. Famed ecologist Paul Ehrlich stated recently that the deserts and wastelands of the world have increased from 10 percent of the total land area to 25 percent in the past century alone.

STUFF IN THE WATER

What about water pollution? Well, for starters we have killed Lake Erie. Lake Michigan is sick with a gray tide of pollution. All of America's 22 major rivers are running sewers carrying our wastes and poisons to the seas. Millions of fish have perished in the Mississippi (to name just one) because its tributaries drain 32 states that have been saturated with such persistent pesticides as DDT, endrin and dieldrin.

In addition, phosphates overfertilize these rivers, lakes and streams, causing excessive algal bloom and eutrophication, or aging. Ironically, household detergents have become the "whipping boys" for this. It's true that laundry products are responsible for about 60 percent of the phosphates in municipal sewage; human body wastes furnish the rest. But in non-urban, agricultural areas—a greater part of the country—more than 70 percent of the phosphates come from the farms, washed out by rains and irrigation. In either case, the pollution may be considerable. (You may have noticed that I don't sell a certain laundry product anymore. It's still a good detergent, but like its competitors it is in some degree a polluant. And I can't sell a product for which I have to spend time in a 30-second commercial apologizing for its shortcomings.)

Of course, we have long believed that the seas possess limitless capacity to cleanse themselves. Wrong! Dead wrong. In fact, the seas are fast approaching their limits of pollution. Because of winds, currents and tides, toxic pesticides are now found in penguins and seals in both the Arctic and Antarctic. No one ever did any spraying there!

QUALITY OF LIFE

All the pollution in our once-beautiful land has been produced by only 200 million Americans. At our persent rate of population increase, there will be 300 million Americans 30 years from now (with seven billion persons on the entire planet). And those 300 million Americans will be hungry, too. We have less than 450 million acres of arable, usable soil upon which to raise food, and we're losing about a million acres of that per year to highways, airports and urban sprawl. At this rate, we will be left by 1995 with just 1.4 acres per person upon which to raise a year's supply of food. And that will be a problem!

Since millions of people already are going hungry, it seems obvious to me that the world passed its optimum population figure—perhaps as early as 1830, when the first billion mark was reached. And yes, we've got an optimum population figure for America, too, if we're going to maintain any quality of life. I'm old enough to remember vividly when we had only 100 million: what a paradise this was!

What can be done? Well, first, we who vote must learn the facts. Some of our politicians and leaders of industry shrug off books like Paul Ehrlich's Population Bomb or Barry Commoner's Science & Survival as "just too far out." They fly across the country, see all that empty-looking land stretching below them, and they cannot believe there isn't enough room for ten times our present population and then some. They forget that less than 450 million of those acres can be used to raise food—and the "emptiness" only means that 85 percent of our people are living in the cities. As ingenious as our technologists have become, they cannot manufacture one grain of soil or one drop of water or one cubic inch of fresh air. Man—especially urban man—actually contributes nothing to the environment but pollution.

So, read the books I have mentioned, plus others like Robert and Leona Reinow's Moment in the Sun, Wesley Marx's The Frail Ocean and Aldo Leopold's A Sand County Almanac. Digest them. Encourage others to read them. Then when you vote, vote carefully—and make sure that your candidate knows at least as much as you do. Raise hell with him if he cops out.

Make every effort not to pollute or litter. Try to recycle resources that you use. Don't waste. And remember: Nothing will work unless we cut the population down.

If such restrictions are hard to understand, consider this: The population of the world is now 3.6 billion and doubling every 30 years or so. Forgetting other considerations, that means 7.2 billion by the year 2000; 14.4 billion by 2030; 28.8 billion by 2060; 57.6 billion by 2090. And that means no breathing room for anyone, even in America.

Man is now an endangered species. And nobody can save him but himself.

HIJACKING AND AIR PIRACY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am today introducing a resolution calling on the President to take positive and concerted action, both unilaterally and collectively through the United Nations, to protect civil aircraft from illegal seizure. My resolution urges the President to direct the Civil Aeronautics Board to revoke the permit of any foreign carrier to land in the United States that continues to serve any country which accepts a hijacker or which harbors, finances, or in any way sanctions acts of air piracy, and to suspend all flights of U.S.-registered aircraft to any such country pending successful action by that government to secure the release of the passengers, crew, and aircraft and the apprehension and punishment of those responsible for the illegal seizure of civil aircraft.

My resolution also urges the President to direct the permanent U.S. representative to the United Nations to request a special meeting of the General Assembly for the purpose of imposing a boycott on those countries who refuse to cooperate in efforts to stop air piracy.

Mr. Speaker, illegal terrorist organizations around the world are acting like barbarians. Diplomats are kidnapped and murdered, airplanes are hijacked, innocent citizens of the world are illegally detained, and the holding of hostages in return for the release of criminals has become a common practice. There has been a complete breakdown of law and order around the world, and air piracy is one of the more despicable examples of a world gone mad.

For when the law has been violated and those responsible are treated as heroes and are permitted to go free, it can only encourage others to break the law in the same way. When such violations by criminal elements are encouraged by sovereign governments there is little chance that law and order can prevail throughout the world.

The current wave of illegal seizures of civil aircraft by Arab terrorist organizations and the corresponding illegal detention of the passengers and crews is a violation of international law. The fact that the Arab terrorist organizations are financed, armed, and supported either overtly or covertly by other Arab States, are members of the United Nations, compounds this breach of international law. No law can be effective if there are two standards: One for those who obey the law and one for those who flout it.

Action, such as I have outlined, by the Civil Aeronautics Board can be an important first step in attempting to reach a solution of the problem of air piracy. But in the final analysis, final solution to the problem can only be found through international cooperation and law enforcement.

As President Nixon said at the United Nations on September 18, 1969:

Plane hijacking is a morally, politically and legally indefensible spreading practice and the United Nations ought to do something about it. Sky piracy cannot be ended as long as the pirates receive asylum. . . . The issue transcends politics. There is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air traveller, and the integrity of that structure of order on which a world community depends.

But words are no longer enough. The world needs leadership. The United States must lead; not follow. Action such as I have suggested will help to provide that leadership.

Mr. Speaker, I urge adoption of my resolution.

The text of the resolution follows:

H. RES. 1202

Whereas the continued illegal seizure of civil aircraft and detention of passengers and crew is prejudicial to international peace, and

Whereas such acts of air piracy places in jeopardy the lives and safety of innocent citizens of the world, and

Whereas as long as those guilty of air piracy are permitted to escape unpunished, such acts are likely to continue, and

Whereas the recent seizure of a number of civil aircraft, their diversion to the Middle East and the illegal detention of the passengers and crew by Arab terrorist organizations constitute a violation of the principles of international law, and

Whereas said terrorist organizations are financed, armed and supported overtly or covertly by several member states of the United Nations, and

Whereas there is little likelihood of stoping the illegal seizure of civil aircraft without positive and concerted action both by the United States and collectively by the United Nations, now therefore be it

Resolved, That it is the sense of the House of Representatives that the President of the United States direct the Civil Aeronautics Board to revoke the permit of any foreign carrier to land in the United States that continues to serve any country which accepts an air pirate or which harbors, finances or in any way sanctions acts of air piracy or the illegal detention of passenger

and crew and to suspend all flights of United States-registered aircraft to any country in which an illegally seized aircraft has been diverted pending successful action by such country to obtain the release of the passengers, crew and aircraft. Such landing rights shall not be restored or flight suspensions lifted until those responsible for any illegal seizure of aircraft have been apprehended and punished in accordance with the applicable laws dealing with piracy.

Be it further resolved, That it is the sense of the House of Representatives that the President of the United States direct the Permanent United States Representative to the United Nations to request a special meeting of the General Assembly for the purpose of imposing economic sanctions on those nations that—

a. give sanctuary to and permit the landing of air pirates in their territories;

b. refuse to secure the aircraft and to arrest and surrender to lawful authorities the perpetrators of such hijackings or planes or people who are being held hostage.

THE NEW TERROR TACTICS

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, we are now witnessing the tragic harvest from the new social order of ordered freedom and compensatory rights.

First to receive the treacherous assault of hate under this "new" system of so-called freedom are the true defenders of individual freedom—our police officers. The agitators, dupes, and cultivated liberal fascists have been educated by conditioning to accept the police officer as the symbol of law and order—the establishment—which stands in their way of an even greater license.

In the past few months, police officers and lawmen have been attacked, ambushed, sniped at, and assassinated in what has been recognized by many of our authorities as a programed revolution of violence. Yet, the police officers who are the front-line defenders of law and order and the protectors of individual liberty continue to be maligned by the mass media while the revolutionary crackpots are portrayed as youths, unfortunates, and a misinterpreted minority seeking a place in our society. The lack of expressed public indignation, shame, and revulsion toward these atrocities is notably lacking in much of our free press.

How far will this body allow the international criminal element to proceed before we demand and take action? Do we not understand that if today the police officer is under attack because he is a symbol of authority, then tomorrow Federal judges or Congressmen and Senators can also be zeroed in upon as symbols of the establishment?

Suppose 12 Federal judges were systematically kidnaped or executed in one weekend. What would be the reaction of Congress? How many Members of this body need be held hostage or shot before the rest of our colleagues become awakened and concerned at what is taking place in our land?

In the last few days a new assault on the sovereignty of our Nation has appeared in the hijacking our Nation's airlines—obviously, a new operation of international belittlement of our National Establishment. Yet, few of our interpretive news analysts or our national leaders have advised our people of the similarity of these acts of barbarianism and the interlocking international leadership and control. The news headlines are quick to give the glory to the Black Panthers and Palestinian guerrillas but are silent in identifying the tax-free foundations, leadership, and support emanating from within the United States.

Last week the newspapers gave full coverage to the Black Panther Convention in Philadelphia but suppressed the Congress of African People meeting in Atlanta, Ga. Both meetings differed little from the Third World meeting held at the same time at Lusaka, Zambia, in Africa.

It should be obvious to anyone following the tragedy of the comic opera taking place in our country and without, that the true identity of the establishment under attack is the Constitution of the United States; that those who shriek freedom and tolerance and equality are those who would deny these blessings.

The American people are engaged in the most serious international armed revolutionary conflict that they have ever faced and their leaders are not even telling them how late it is.

Mr. Speaker, I include a variety of news clippings, as follows:

[From U.S. News & World Report, Aug. 31, 1970]

KILLING COPS: THE NEW TERROR TACTICS

Killing police is the newest tactic in a spreading campaign of terrorism in this country.

In less than eight months of this year, at least a dozen policemen have been killed and more than 100 wounded in terrorist attacks.

Police officers are being ambushed, shot by snipers, blown up by bombs, lured to lethal booby traps and slain or wounded in "shoot-outs."

Many law-enforcement officers believe that the intensification of assaults against police is part of a guerrilla war being waged by organized revolutionaries. These officials predict that the onslaughts will increase in months ahead.

Warnings are being sounded in Congress. Senator John L. McClellan (Dem.), of Arkansas, chairman of an investigating committee which has developed evidence of the growing guerrilla warfare against police, told "U.S. News & World Report":

"The revolutionary is trying to destroy or demoralize the 'establishment' through chaos, fear and terror. And the police departments represent the first barrier against that revolutionary."

A former member of the militant Black Panther Party, Donald Berry, told the House Subcommittee on Internal Security early this summer that "killing cops" had become part of a Black Panther pattern.

Around the country, police officials make no secret of their apprehension.

"We fully expect further intensification of these guerrilla attacks," said Inspector Tom Janes of the Los Angeles police department. "The situation is getting worse."

PREDICTION: CIVIL WAR

From an official in Washington who is in a key position to assess ominous developments comes this assertion:

"Unless something is done to reverse the present trend, this country is going to be in a civil war within five to 10 years.

"People are getting fed up with this violence in the streets—black people as well as whites.

"If this thing continues, it is only a matter of time until some white man stands up and says, 'O.K., white men, it's one on one—let's go get them.'

"You will have fascist mentality created in this country. Because of their overwhelming numbers, the whites would win. But what they would have left would be a fascist state."

As terrorism spreads, police departments are improving the protection of their officers, police stations, court houses, city halls and other government buildings. Federal officials are doing likewise.

In Chicago, on August 18, U.S. Marshal John C. Meiszner revealed that authorities are taking "strenuous precautions" in guarding federal judges because of rumors of a kidnaping plot by Black Panthers.

Mr. Meiszner said that the rumors stemmed from the August 7 slayings of a superior-court judge and three other persons in a gun battle at San Rafael, Calif., after armed black desperadoes invaded a courtroom to free prisoners who were on trial.

A federal fugitive warrant charging unlawful flight to avoid prosecution for murder, was issued for Angela Davis, former college philosophy professor—a black militant and avowed Communist—who, State authorities said, purchased guns used by the attackers at San Rafael. Miss Davis was placed on the Federal Bureau of Investigation's list of "Ten Most-Wanted" fugitives.

NATIONAL PICTURE

Although such spectacular incidents as the invasion of the San Rafael courthouse capture headlines nationwide, a guerrilla war is taking an almost daily toll of police in city after city.

On August 20, for example, in Berkeley, Calif., a policeman was shot and killed by a gunman who approached as the officer was talking to a motorcyclist who had made an illegal turn. It was the third slaying of a policeman in the San Francisco area in the past two months. Berkeley Police Chief Bruce Baker called it a "political assassination."

In Chicago, seven policemen have been slain this year, 15 others wounded and at least 750 injured by assaults.

The fatal shooting of a Chicago policeman on August 13 was the city's third police death by sniper fire in less than a month—all in black "ghetto" areas. Two officers were gunned down on July 17 as they patrolled grounds of a housing project occupied by blacks.

In both the July and August murders, police say, they have evidence that members of Negro street gangs deliberately set out to kill policemen—any policemen, black or white—to show that black gangsters hold the real power in the ghetto and that police can be eliminated at will.

The police killings in Chicago prompted Adlai E. Stevenson III, Democratic candidate for U.S. Senator, to declare:

"There is more sniping and shooting in the streets of large American cities than in the streets of Saigon. This is intolerable."

SAIGON, CALIFORNIA

In the Los Angeles area, spokesmen for law-enforcement agencies say that their forces are, without question, engaged in open guerrilla warfare with well-organized and well-equipped revolutionaries.

Some police stations in Los Angeles have been turned into fortresses—resembling, Vietnam veterans say, barricaded buildings in Saigon at the height of Viet Cong terrorist attacks.

California lawmen fear that the courtroom raid which ended so bloodily in San Rafael was just the beginning of a wave of revolutionary violence.

Peter J. Pitchess, sheriff of Los Angeles County, told a staff member of "U.S. News & World Report" that "recent terrorist attacks against law officers—as primary symbols of our legal system—indicate the extent to which guerrilla tactics are being used."

Increasingly, Los Angeles police officials say, plots against police are being carried out by members of a revolutionary underground. A senior officer said:

"There is no question that there is communication between radical organizations around the country, co-ordinating plots.

"The targets of guerrillas can be any symbol of the American system—a police station, a school, a public building, or a private business. The aim of the attacks is to demoralize police and citizens. In the slums, violence is intended to intimidate Negroes into co-operating with guerrillas, or at least into remaining silent."

From Inspector Janes, in Los Angeles:

"A few years ago, a sniper attack against a police officer was almost unheard of. Now it is almost routine."

In the year ended June 30, Inspector Janes said, more than two dozen attacks on policemen were specifically classified as guerrilla assaults. These involved shootouts, ambushes, or sniping at officers while they were directing traffic or cruising in patrol cars.

The Los Angeles police department singles out the Black Panthers as the group allegedly most often involved in armed attacks on police and police installations. But the Black Panthers, officers say, get support from other radical organizations, including the Weatherman faction of the Students for a Democratic Society (SDS).

California's chief deputy attorney general, Charles O'Brien, said the pattern used in bombing attacks on police stations "fits into the tactics and methods of the Black Panthers and the Weathermen." Mr. O'Brien noted on August 18 that there had been 20 bombings a week in California for the last three months.

Mr. O'Brien also made this point:

"We are concerned because the radical groups are extremely imitative. The recent wave of kidnapings of diplomats in South America held as hostages by terrorists—is something the extreme left in this country may seek to emulate."

IMPORTANT UPRISING

On August 18, Tom Hayden, radical leader who is free on bail after conviction in the "Chicago Seven" conspiracy trial, told the annual congress of the National Student Association, in St. Paul, that the San Rafael courthouse invasion was "one of the most important uprisings or acts of rebellion in the past 20 years."

Hayden predicted that political kidnapings in the South American style would become more frequent in the U.S. He said that the California incident "has changed the entire relationship between the courts and political prisoners, between the oppressed and the oppressors." He added:

"We have to realize that we've had our first kidnap attempt. There will be a second, and a third."

The radical organizer also said that "Nixon and Vice President Spiro T. Agnew know it is going to happen to them unless something is done to calm down frustrations."

PROVOKING THE POLICE

Cities large and small are witnessing terrorist operations that grow increasingly bolder.

In New York City, attacks on policemen are running at a monthly rate of close to 300. So far this year, seven New York City policemen have been killed. Noting an increase in gunshot attacks on police under his command, an officer in charge of a New York City division in a largely black district observed:

"There is a theory that it is being done by people who hope to provoke the police into an overreaction that would lead to major trouble in the community."

New York City police headquarters was damaged by a time bomb earlier this year.

In Omaha, on August 17, one policeman was killed and seven others injured by a booby-trap bomb. A police sergeant was killed in the bombing of a San Francisco police station on February 16. Six officers were injured in a police-station bombing at Berkeley, on February 13. Police installations in Oakland, Des Moines, Kansas City, and other cities have been bombed.

RECIPE FOR "COCKTAILS"

In Washington, D.C., an "underground" newspaper called "The Quicksilver Times" reprinted an article from a Black Panther newspaper which gave specific instructions for making such deadly devices as Molotov cocktails and "people's hand grenades."

The article was followed by a map showing locations of police stations, other law-enforcement agencies, private detective agencies and National Guard headquarters.

[From the Atlanta (Ga.) Journal, Sept. 5, 1970]

LIBERATION VITAL, ENVOY TELLS BLACKS

(By Harmon Perry)

Guinea's ambassador to the United States assured delegates to the Congress of African Peoples that its program for the liberation of black people the world over is necessary.

"I assure you that Mother Africa is thinking about you and is in the struggle with you," Ambassador Dr. El Hajj Aboulaye Toure told a cheering crowd of congress delegates during a keynote address at Herndon Stadium on the campus of Morris Brown College.

The African diplomat, who is Guinea's permanent representative to the United Nations, was the surprise speaker and one of several international luminaries scheduled to address the five-day black power meeting in Atlanta.

Dr. Toure termed liberation of black people everywhere, as called for by the congress, "absolutely necessary and inseparable from the African continent, even though the meeting is taking place on the American continent."

An estimated 2,500 delegates, who have come to Atlanta for this first meeting of the congress since it was activated last year by merging the National Black Power Congress and the International Black Congress, represent blacks from several nations of the world.

Later, at a press conference he shared with Mayor Kenneth Gibson of Newark, N.J., Mayor William Hart of East Orange, N.J., and Percy Sutton, president of the Manhattan Borough in New York, Dr. Toure said it is time to close the ends of the ties that bind the blacks of America with the blacks of over 41 independent countries of Africa.

Gibson, one of three black mayors of U.S. cities scheduled to speak to the congress before it ends Labor Day, said it is important that black power, a term that often misleads people, be clearly defined.

He said the congress of black people is concerned with black unity around the world, with emphasis on power and economics, employment and the improvement of the quality of life.

Dr. Ralph Abernathy, president of the Southern Christian Leadership Conference, challenged the congress to search out new formulas against oppression of black people, and "let the forces of evil know you have been to town and have mapped out the program to sock it to America."

Whitney Young, executive director of the National Urban League, and Black Muslim minister Farrakhan are scheduled to address the congress Saturday night.

[From the Sun Advocate, Sept. 6, 1970]

"THIRD WORLD" MEETING SET

LUSAKA, ZAMBIA.—Leaders of the so-called Third World meet here this week determined to reaffirm the aim of the 10-year-old movement—the creation of a buffer force of the world's nonaligned nations in the interests of peace between the two big power blocs.

The nations which disclaim military or political ties with the Western or Eastern blocs open preliminary discussions Sunday. Business sessions begin Tuesday.

Sources in this central African capital said Zambian President Kenneth Kaunda hopes the meeting will result in a permanent body to coordinate economic cooperation.

As delegates gathered for the conference of nonaligned nations, however, the obstacle to creation of an effective Third World force between the big power systems seemed as big as it was a decade ago. The difficulty is to find a common denominator broad enough so that the uncommitted nations can speak with a single, powerful voice.

Third World efforts have not lacked effective spokesmen: President Tito of Yugoslavia, the late Prime Minister Jawaharlal Nehru of India and Egyptian President Gamal Abdel Nasser were among its original sparkplugs. But disagreement regarding the movement's aims sapped its strength and blurred its purpose.

Tito, along with Kaunda, is expected to be one of the strongest personalities in Lusaka.

JOINT PROJECT

The third nonaligned summit meeting is virtually a joint Yugoslav-Zambian project. Belgrade supplied experts to build the elaborate conference hall and 62 villas for visiting heads of state. The Yugoslav delegation is likely to be among the largest and most active.

Tito visited Zambia earlier this year for advance talks with Kaunda. Analysts say Tito hopes to recharge the batteries of the Third Worlders and, at the same time, reaffirm his distinctive brand of communism as an independent force among nonaligned powers.

For his part, Kaunda plans to mount a fresh attempt to focus world public opinion on the problems of Africa, Zambia sits on the northern edge of Africa's black-white Mason-Dixon line and hopes to attract additional outside support for guerrilla efforts to undermine South Africa, Rhodesia and the Portuguese territories.

At the very least, Kaunda would like to force Britain to decide against its tentative plan to resume sales of defensive arms to South Africa.

The heads of state meet Sept. 8-10. Their foreign ministers will arrange a tentative agenda and tackle preliminary details Sept. 6-7.

Topics expected to be covered include tariff barriers imposed by developed nations, aid from major powers, and methods of obtaining more assistance funds channeled through the United Nations and other bodies.

The Times of Zambia, closely linked to the government, pronounced in an editorial Saturday what probably will be Kaunda's position:

"We are hopeful that efforts to begin meaningful economic cooperation between the participating nations are not submerged in the quagmire of discussions on Vietnam, Cambodia and the Middle East."

About 75 nations are considered in the nonaligned movement. More than 30 heads of state are expected with other countries represented by high-ranking officials.

Representatives of the North Vietnamese government, the Lon Nol military regime in Cambodia and the Cambodian government in exile of Prince Norodom Sihanouk are among the delegations.

The question of whether to seat the Si-

hanouk delegation could wreck the conference.

Malaysia's chief delegate, Deputy Prime Minister Tun Abdul Razak, said in Kuala Lumpur that the delegates should either shelve the issue or reach a consensus on it, avoiding a split "at all costs."

Two previous nonaligned conferences—at Belgrade, Yugoslavia, and Bandung, Indonesia—resulted in little more than ringing declarations in support of peace.

Lusaka is decked out with billboards with slogans in four languages. Sample: "Nonalignment for racial equality."

Flags and banners of the national delegations flutter from utility standards and aluminum poles especially imported from the United States.

[From the Washington Post, Sept. 8, 1970]

BLACK PANTHERS SCHEDULE NOVEMBER CONVENTION IN THE DISTRICT OF COLUMBIA

(By Bernard D. Nossiter)

PHILADELPHIA, September 7.—The Black Panthers today concluded the first round of their "Revolutionary People's Constitutional Convention" and announced that Washington, D.C., has been "tentatively" chosen as the site for the next installment.

There, on Nov. 4 the day after Election Day, and one or two days thereafter, Panther leaders said they and their sympathizers hope to complete the task of writing a constitution that will end "oppression."

At a press conference this evening in a North Philadelphia church, Raymond Hewitt, who likes to be called "Masai" and is the Panthers' minister of education, predicted that there would be obstacles placed in the way of the Washington gathering because "Nixon is a big pig."

Hewitt cited the convention the Panthers have held here in the wake of police raids on their headquarters as evidence that resistance would be overcome.

No hall in the Capital has yet been selected, Hewitt said.

Another spokesman, the deputy minister of information, who goes by his street name of "Big Man" called the assembly here a "success despite all the problems and pig oppression."

The convention, he said, had produced "concrete proposals for change in the social contract . . . to create a document relevant to the lives of the people."

Hewitt said the convention has produced 100 pages of summaries from its Sunday seminars, and the "most concrete" was a proposal to "make it unconstitutional for one man to oppress another."

Some of the other proposals in the mimeographed summaries from the seminars are these:

MILITARY AND POLICE

National defense conducted by "people's militia, trained in guerrilla warfare, on a voluntary basis and consisting of both men and women."

"No genocidal weapons shall be manufactured or used."

No men, arms or money shall be sent abroad "for military or police purposes."

No citizen shall be denied the personal possession of "small arms without due process."

Police shall be a rotating force of volunteers from each community subject to a locally elected control board.

FAMILY AND CHILDREN

"Children are not possessions."

"Children have the right to be breast fed."

"Children must be loved in a true revolutionary manner."

REVOLUTIONARY ART

"All people are born with a creative potential and society must guarantee that every person has the opportunity to develop and express that potential."

"Art is a creative expression of a people's culture or way of life."

Other proposed amendments to the "peoples' constitution" include the rights of homosexuals, women, lesbians, control of the means of production and control of the use of land.

Hewitt said that drafting committees of "people" would work these up into several alternative documents to be offered at the November meeting.

Big Man abruptly cut off the press conference after 25 minutes because, he said, the questions were becoming "futuristic."

[From the Washington Post, Sept. 8, 1970]

GROUP WORKS ON NEW U.S. CONSTITUTION

(By David S. Broder)

A draft of a proposed new Constitution for the "United Republics of America," with six branches of government and a President limited to a single nine-year term was published yesterday by Rexford Guy Tugwell, the former Roosevelt braintruster.

Tugwell's document, described as the 37th draft of a still unfinished project, appears in the latest issue of the Center magazine, published in Santa Barbara by the Center for the Study of Democratic Institutions.

Tugwell and officials of the Center said the draft Constitution was being made public to stimulate discussion, not with the idea that it would be adopted intact.

But Robert Maynard Hutchins, chairman of the Center, noted in an introductory statement that the existing Constitution "says nothing about the principal concerns of the present day . . . technology, ecology, bureaucracy, education, cities, planning, civil disobedience, political parties, corporations, labor unions or the organization of the world."

Tugwell, a 79-year-old retired professor who came to prominence almost 40 years ago as a New Deal planner, began working on the project six years ago.

By coincidence, the draft document appeared just as the Senate was preparing to open debate on the most sweeping constitutional amendment proposed in many years—one calling for direct election of the President and abolition of the electoral college.

The Tugwell draft would also provide for popular election of the President, but it goes far beyond that in its redesign of the American government.

Among the sweeping changes recommended for consideration, Tugwell would:

Abolish existing states and substitute no more than 20 "republics," each of which would have at least 5 per cent of the national population. The name of the country would then become "the United Republics of America."

Create three additional branches of the national government—an electoral branch to administer elections and set regulations for political parties, a planning branch to develop long-term budgets and goals, and a regulatory branch, to coordinate the work of the administrative agencies.

Finance all political activity from a 1 per cent income tax surcharge and forbid personal expenditures by any candidate.

Give the President a single nine-year term, but provide for a new election if 60 per cent of the voters rejected his leadership after three years in office.

Create jobs for two vice presidents, elected on the same slate as the President, one to handle foreign, financial and military affairs and the other internal affairs.

Make the Senate an appointive body, with lifetime tenure. Former Presidents and presidential candidates and certain other retired high officials would automatically be members, along with persons nominated by national non-political associations and some picked by the President and the House.

Elect members of the House for three-year terms, with 300 chosen from local election districts and 100 elected by the nation-at-large.

Establish a National Watchkeeper, elected by the Senate, to oversee the "adequacy, competence and integrity of government agencies."

Have the Chief Justice (renamed the Principal Justice) nominated by other sitting judges, not the President, and give him an appointment for 12 years, not life. During his term, he would appoint all lesser judges.

Require the high court, on a constitutional question, to "return to the House of Representatives statutes it cannot construe." Only if the House failed to resolve the question within 90 days could the court make its own judgment.

Create a series of citizen's duties, paralleling the guarantees of individual rights carried over from the present Constitution. For example, the article guaranteeing freedom of expression, movement and communication says "the exercise of the rights may not diminish the rights of others or of the republic."

In a preface to the document, Tugwell states his belief that "the time might come when the American people, exasperated by the obstructionism of their Congress, the unwarranted assumption of legislative powers by their Supreme Court, or the unbearable load of duties undertaken by their President, might decide that new institutions are necessary to fulfill their reasonable expectations of progress."

Under those circumstances, he says, the adoption of a new Constitution might become the central issue in a presidential election campaign. The election of a candidate pledged to a new Constitution he suggests, might constitute a mandate for so sweeping a reform.

Of his own draft document, he says: "We think we have been as American as apple pie, but made with the best apples and baked in an electric oven, not one attached to an old firewood stove."

[From the Washington Post, Sept. 8, 1970]

ATLANTA CONGRESS ENDS: BLACK POLITICAL PARTY URGED

(By Ivan C. Brandon)

ATLANTA, September 7.—The Congress of African People closed today with a call for the formation of a black international political party.

Heyward Henry, chairman of the congress, said, "We are moving toward the creation of a black political institution that will express and move to fulfill the needs of black people wherever they are."

The resolution called for the party to represent black people on the international level as well as locally. The party will also operate to provide blacks with political aspirations with the support and expertise needed to handle their campaigns.

The five-day conference, which attracted 2,200 delegates of 35 countries, ended also with a plea for unity under the banner of Pan Africanism. Pan Africanism, a militant political ideology, calls upon all blacks to unite to change the plight of the black man and establish a black nation.

The goal of the congress, held on the Atlanta university complex, was to form institutions that would aid in the establishment of a black nation. "We are about building a nation," Henry said at the congress opening. "We are going to create concrete institutions for the formation of our nation."

A number of resolutions were presented at tonight's final sessions but no actual plans for their implementation were offered. The proposals included the creation of a black communications network to express the motives and fulfill the needs of the congress; the establishment of an African people's publishing house, the setting up of community security forces to protect the black commu-

nity and the decentralization of police departments in the black community.

The congress also called for black people to infiltrate all existing social institutions to gain power and to prepare for revolution.

Henry said that a number of committees would meet in New York in October to continue the work of the congress. The committees have been set up from workshops held during the five days of the congress.

[From the Atlanta (Ga.) Journal, Sept. 8, 1970]

BOND SEES KING AS MAN TO ELECT

(By Harmon Perry)

State Rep. Julian Bond said black gubernatorial candidate C. B. King is the only one of 12 candidates seeking the top executive office who could best serve black and white citizens.

"Look at the political situation here in Georgia," Bond told newsmen Monday attending the final press conference of the Congress of African People meeting in Atlanta.

"Which of the candidates would you want to serve?" he asked. "Anyone thinking it's any of the other candidates, that's his mistaken opinion, but the best candidate for black and white people is C. B. King, Bond declared.

Bond, along with Mayor Richard Hatcher of Gary, Ind., and poet Imamu Baraka, better known as LeRoi Jones, shared a press conference prior to addressing 3,000 delegates during a final rally in the Morehouse College gym.

Bond said it was significant the five-day congress chose to meet in Atlanta and predicted the outcome will have an effect on black people throughout the world. "It has been a spiritual coming home," he said.

In his address to the delegates, however, Bond urged blacks of African descent to reject patriotism "which has made us first in war, last in peace, and last in the hearts of our countrymen."

He said the congress, in its program to unite black people, has revealed there is a variety of ways to conquer enemies, but he warned this cannot be done if blacks are to discuss their liberation with whites, "using their pen and paper."

Whites did not participate in the congress, and white newsmen were permitted to attend only press conferences. The white news media was urged to send black representatives but all black newsmen were required to pay a $10 registration fee.

The congress, which grew out of the merger last year of the National Black Power Conference with the International Black Power Conference, attracted many national luminaries as speakers including Dr. El Hajj Aboulaye Toures, Guinea's ambassador to the United States, Whitney Young of the National Urban League, Mayor Kenneth Gibson of Newark, the Rev. Ralph Abernathy, president of the Southern Christian Leadership Conference, and the Rev. Jesse Jackson of Operation Breadbasket.

Mayor Hatcher predicted more oppression of black people, unless they redefine the political structure, develop their own political institutions and leaders for their own survival.

He denied that the Pan-African movement was nonexistent prior to the congress meeting here. "Black people here have always been concerned about what is happening to black people everywhere, and unless we take steps to unite we will see more oppression," warned Hatcher.

Jones said the fall and rise of black people is "an evolution process. The congress is saying African people are realizing they are one body and must function as one body to survive," asserted Jones.

The congress focused on 11 areas during workshop discussion, including political liberation, economic autonomy, law and justice, and community organization.

[From the Atlanta (Ga.) Journal, Sept. 8, 1970]

CAB DRIVER DEAD IN "EXECUTION" HERE

(By Orville Gaines)

A Marietta taxicab driver was found murdered early Tuesday under circumstances a police investigator described as an "execution-type" slaying.

"It was cold-blooded murder," said homicide investigator H. F. Pharr. He added: "Four bullets were fired into the back of his head at close range."

The victim, Bobby Jack McManus, 24, was found in a sitting position under the steering wheel of his cab in the 800 block of Ashby Place SW, at about 1 a.m. Tuesday.

Earlier he had radioed his dispatcher at the Victory Cab Co. from the bus station in Marietta that he was en route to Atlanta with two fares. He radioed the company about 11:25 p.m.

"There was no evidence of robbery. We found $65 in his shirt pocket and $7.63 in a coin changer which was hanging on the dash of the car," Detective L. F. New said.

The killing, which has all the earmarks of an execution-type slaying, Detective Pharr said, cut short the young man's hopes of purchasing a new home for his family of three—his wife and two boys, Bobby Jack Jr., 5, and Charles Allen, 3.

"He dropped by his home around 9:30 p.m. Monday to eat. At that time the family discussed plans of buying a new home. They now live in a duplex residence on Hedge Street in Marietta," Mrs. Glenn H. McCullough, the victim's mother-in-law, commented.

According to investigators Pharr and New, a resident alerted police after seeing the cab parked on Ashby Place with its headlights on.

"We found him under the steering wheel with his right foot on the brake pedal. The ignition switch was in an on position, the radio was playing and a rear door was open," detective New said.

It appeared, the officers theorized, that McManus, a driver for the Victory Cab Co. for three years, braked his car at the location and then was shot for no known reason.

Officers added that McManus supplied no additional information on his fares before leaving for the trip to Atlanta.

"He just told the dispatcher that he was en route to this city with two fares," one of the officers said.

The slaying is Atlanta's 159th homicide of the year, an increase of 35 over the similar period of 1969. Three of the victims have been cab drivers.

In addition to his wife and children, McManus is survived by his father, Nolan McManus of Marietta; a brother, Charles McManus of Marietta, and three sisters, Mrs. Virginia Nash of Athens; Mrs. Evelyn Webb of Cherokee County and Mrs. Jack Hornsby of Marietta.

ABANDONED ANTI-BALLISTIC-MISSILE SITE IN NORTH ANDOVER, MASS.

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 20 minutes.

Mr. HARRINGTON. Mr. Speaker, I want to discuss a problem which has tried the patience of the residents of my District for more than 18 months. I am referring to the abandoned anti-ballistic-missile site in North Andover, Mass.

Initially the U.S. Government decided that major cities should be defended by the ABM. The Army decided that a perimeter acquisition radar site should be constructed north of Boston. North Andover was chosen. Work began on the site in late 1968. At that time an access road 9,200 feet in length was started. Thirty-two acres of land were torn up to build the road. Over 20 acres of forest land were also bulldozed in order to dig holes for the emplacement of the missiles.

Shortly after President Nixon's election, it was determined that the ABM would be used to protect other missile sites—not as a major defense of the cities. On February 6, 1969, the Army discontinued construction on the North Andover site. They abandoned the site leaving behind one partially completed road, two huge holes now filled with spring fed water and more than 50 acres of decimated land.

Mr. Speaker, the citizens of North Andover had vigorously protested the location of the missile site in their town. They are pleased that the Army has stopped construction of that site. But, even in their displeasure they were polite to and cooperated with their Government. The Army, however, has been both uncooperative and impolite since its departure.

The issue in this case is really quite simple. Does the Government of the United States have the right to destroy land, abandon it, and leave the State of Massachusetts and the town of North Andover with a useless and dangerous piece of property? I think not. North Andover thinks not.

We believe that it is the obligation of the Government and the Army which represents it to restore the land to the condition in which it was found, or turn it to some public use.

The Army spent somewhere between $2 and $8 million for the construction of this site. They are unwilling now to spend more than a fraction in reparations for the damage they have done.

North Andover and the State of Massachusetts are being used as political footballs by the Army. In a still-secret memorandum quoted in an article by George C. Wilson in the Washington Post of August 13, 1970, General Starbird, head of the ABM program, ties suspension of work on completion of the road directly to the voting in Congress on the Safeguard ABM. Starbird stated that it is:

> My intent to authorize its resumption after completion of the House action of the Defense authorization bill. . .

Starbird obviously did not want to stir up public opinion about the ABM by starting work on the site before he had his money authorized for this year.

Even if the road were finished, it still leads nowhere. Nowhere except to the two holes filled with water in which anyone could easily drown. I visited the site a few weeks ago and found that I could drive right to the edge of one of these pits. No fence kept me out because the fence is broken.

The State of Massachusetts has met repeatedly with representatives of the

Army in an attempt to come to an agreement on the disposition of the land. For 18 months the Army has rejected various State plans to make the land into a recreation area or to restore it to its former condition. The Army asked the State for its ideas. The Army now rejects those ideas as too costly. The Army now, in fact, has decided to apply only the strictest legal interpretation to the problem. The Army says it will pay the State the value of the land—an amount which they allege to be less than $30,000. The State, however, has estimated that it will cost $685,120 to turn the land into a recreation area and $505,000 to restore the land to its former condition. By asking the State for plans for the land the Army was saying in effect that it recognized the "equity" of the problem and would do something to help. Yet 18 months later, the Army claims they can act only according to the "legal" interpretation. If this is true, why did they request other plans from the State?

Mr. Speaker, I have introduced legislation to pay to the State of Massachusetts $685,120 in damages caused by the demolition of its land by the Army. This legislation needs to be passed.

North Andover's problem is not a regional one alone. As more and more military installations are abandoned, many more towns are going to be stuck with useless land unless a policy is established now to return the land to the people in some usable form. In days when we speak of ecology and conservation, the Government must not be permitted to destroy land belonging to the people with no obligation to return it to aesthetically pleasing and usable property.

Mr. Speaker, I have tried to be patient and to cooperate with the Army in finding a solution to the problem of the land. I have told the Army on countless occasions that I did not want to make a Federal case out of the problem. But, Mr. Speaker, the citizens of North Andover are fed up, and the time has come for action.

I do not think it possible to fully comprehend the frustrations and difficulties encountered in North Andover unless one sees the actual account of meetings held and promises broken over the months. I am, therefore, inserting a chronology of the events.

On April 3, 1969 representatives of the Army and the State of Massachusetts met to discuss the termination of real estate and construction operations at the North Andover site. At that time the Sate was asked for its views on the disposition of the property.

On May 8, 1969 the Department of Natural Resources of the State of Massachusetts submitted a proposal to turn the land into a recreational area. Estimated cost would be $685,120.

On June 19, 1969 the State was told that their plan was too costly and could not be implemented by the Army.

On August 7, 1969 a meeting was held between Army and State Representatives General Starbird said that the New England Division of the Corps of Engineers advised Representatives of the Division of Natural Resources "that the Army could not construct the recreational facilities; however, an offer of settlement based upon reasonable restoration of the PAR construction area would be given consideration."

On November 21, 1969, after I was elected to Congress, I visited the site of the abandoned project in North Andover, together with Colonel Frank P. Bane, Chief of the New England Division of the Army Corps of Engineers, and Commissioner Arthur Brownell of the Department of Natural Resources of the Commonwealth of Massachusetts.

On November 25, 1969, I held a meeting in my office in Washington, D.C., as a followup to the meeting in North Andover. At that meeting were General Graves, Deputy Director of Military Construction of the Corps of Engineers, Colonel Keezel, his assistant, and several others. At that time I was told that a decision would be forthcoming within a "few weeks."

During the month of December my office was in weekly contact with the Corps of Engineers to ascertain the progress of the negotiations.

On January 20, 1970, my office was told that the State's park proposal, then in Colonel Bene's hands, was due in Washington for review at any time. On January 22 we were told that the proposal had arrived and would be sent to General Graves very soon, probably that afternoon. On January 28 we asked for a progress report and were told that General Graves had received the proposal that afternoon and that he would "almost definitely" brief me the following week. At that point I felt that the Corps had had more than enough time to make a determination. I therefore sent a telegram to General Starbird and released the content of that telegram to the press on January 30. In part my telegram stated that I was "dismayed at the constant delay and postponement of decisions regarding ABM site restoration for North Andover."

On February 4, 1970, a second meeting was held in my Washington office with representatives of the Defense Department. Representatives from the offices of Senator BROOKE and Senator KENNEDY were also present at that meeting. We were told that the proposal of the State to turn the land into a recreational area was considered unfeasible and that the Army would be willing to pay the value of the land $37,500, and possibly include the road which is worth about $70,000.

On February 10, 1970, my office talked to the Corps of Engineers. The Corps stated they had met with representatives of the Department of Natural Resources, but that the Corps had not outlined any proposal to the State. The Corps stated they did tell the Department of Natural Resources that plans for a park were excessive and that the basic approach of the Army would be to pay the value of the land involved. I was informed that the State would consider this and make its own recommendation around March 1.

General Starbird, writing me about the February 10 meeting, said that the Army "requested as a basis for discussion the Commonwealth's itemized estimate of actual damages incurred as a result of Government construction, stating that upon receipt of these figures, the Government would then evaluate them and arrive at legally supportable settlement figures."

On February 27, 1970, the Commonwealth submitted a restoration proposal amounting to approximately $533,516. This proposal was simply to restore the land to its former condition.

On March 5, 1970, I talked to both Commissioner Brownell and General Starbird, head of the Safeguard system. General Starbird stated he was waiting to receive the State's proposal.

On March 11 Colonel Keezel called us and stated that a meeting had been held with Brownell's office and the Corps to discuss the State's most recent proposal. He said there were difficulties involving acreage and that the Corps and the State would go to the missile site the following week in order to work out the problem.

On April 21, 1970, representatives of the Army met with representatives of the Justice Department, according to Starbird, "to discuss the restoration plan for site disposition." Assistant Attorney General Kashiwa said that Justice did not concur, holding that since the restoration costs exceed the value of the land the matter should be brought to trial to determine if the disturbed land can be acquired. Justice advised that they would take over the negotiations relative to the Commonwealth land.

This meeting was held more than 1 year after the initial meeting between the State and the Army. In 1 full year, no progress had been made on the disposition of the land. The State spent time and money at the request of the Army in attempting to find a solution to the problem, and no solution was forthcoming. The Army handed the case over to the Justice Department for litigation.

During the entire month of April my staff was in contact with the Corps of Engineers.

On May 5, 1970, I was informed that the Justice Department had decided to take over the case based on the consideration that it was the Attorney General's responsibility to adjudicate the case.

I called the Chief Counsel of the Army, Mr. Jordan, and General Starbird on that date to determine the status of the proposal and found that the Army believed it could do nothing more until the Justice Department decided whether or not to settle the case without a court hearing.

I also talked with the corps on May 14 and May 26 and both days discovered that the situation was the same.

On July 9, 1970, a meeting was held in my office with Mr. Jordan. At that time Mr. Jordan informed me that the Army would pay between $12,000 and $20,000 for the land and would also finish the road and turn it over to the State. I informed Mr. Jordan that this was not a satisfactory solution to the problem and that I would work to see that the land was made useful and safe for the people of North Andover.

On July 20, 1970, the Army Corps of Engineers suddenly began work on completing the road to the site.

On July 23, 1970, agreement was reached between my office and the Army to halt work on the road—a road to nowhere—until the matter could be discussed with the citizens of North Andover.

On August 7, 1970, I met with the selectmen of North Andover to discuss with them what the town wanted done with the land and what action should be taken.

On August 10, 1970, I filed the bill, H.R. 18881, to pay the State of Massachusetts $685,120 for reparation of damages done to the land in North Andover.

On August 19, 1970, Senator KENNEDY introduced an identical bill in the Senate.

On August 20, 1970, a public meeting was held in North Andover with representatives of the State, the Army Corps of Engineers, and myself. Senator KENNEDY spoke to the gathering from Washington. The purpose of the meeting was to focus attention on the lack of action taken regarding the disposition of the abandoned missile site.

It is now September 9, 1970, and no agreement has yet been reached.

This matter has dragged on too long.

Mr. Speaker, I think you can understand the feeling of discouragement I have when you recognize the obvious time and effort which has been expended with so little result. I will continue in my efforts to see that the controversy over the abandoned ABM missile site in North Andover is resolved to the satisfaction of the people. A major step would be passage of H.R. 18881.

THERE IS NO END TO BLACKMAIL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, it is going to be hard for world governments to stand up to the demands of hijackers but there is no end to blackmail. It should be obvious that hijackings and other terrorist activities will continue as long as world governments yield to their demands. It is possible to foresee that in time the jails will be emptied and criminals will be in control everywhere. It is time for positive and responsible action, time to insist that world governments including our own accept their responsibility to protect the public against such occurrences.

What has happened to law enforcement? Some nations appear unable to cope with terrorist activities. Possibly they have not really tried. Particularly does this appear true in the Arab nations of the Middle East. This situation cannot be tolerated indefinitely. There should be a coordinated effort to deal with the problem.

There are alternatives to a clampdown on terrorist activities by law enforcement agencies. They may be required in addition to strong legal action. Such alternatives include an end to commercial aircraft flights to certain areas or refusal of visas to travellers to those countries until a stronger effort is made to control terrorist activities. At the least, there should be armed guards on commercial air flights, particularly those within reach in the Middle East. As harsh as it may seem at the moment, there must be an end to capitulation to terrorist demands. Acts of terrorism are not going to stop as long as the perpetrators get what they want. The United States has not faced up to the problem. Here it has been looked upon more as a joke than a deadly serious business which flaunts national and international law. Surrender to blackmail cannot become an accepted way of life.

VILLA SCALABRINI—ITALIAN OLD PEOPLES HOME

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I would like to call to the attention of my colleagues the Night of Stars benefit show held by the Scalabrini Fathers on Saturday, August 15, on behalf of Villa Scalabrini, the Italian Home for the Aged in Melrose Park, Ill.

These benefit shows have been held annually for the last several years in order to raise funds for building the old peoples home, and this year's show culminated in that long-anticipated wonderful event—burning the mortgage for the home.

Villa Scalabrini stands today as an outstanding example of a modern facility which provides compassionate care for its residents. During the more than 19 years of its existence, the Villa has provided not only physical care, but spiritual comfort and a refuge of peace and happiness for elderly persons.

The home is a $5 million institution with an up-to-date geriatrics department and a full-time doctor on the staff as well as specially trained nurses who are available around the clock. With this kind of complete medical service available at the home, none of the old people have to be moved to other institutions or hospitals when they become seriously ill, but instead receive complete medical care right at the home.

I am calling the Villa Scalabrini Italian Old Peoples Home to the attention of my colleagues because right here in the Congress we recently have been concerned over conditions surrounding the nursing home industry in the United States. Only a few months ago several Members took the floor to discuss fires and other calamities that have occurred in old peoples homes across the Nation because even minimum standards of safety were not maintained.

The Villa in Melrose Park, by contrast, maintains the highest of standards. It is operated by the Scalabrini Fathers and the Missionary Sisters of St. Charles under the jurisdiction of the Catholic Archdiocese of Chicago.

I want to emphasize that the entire amount of money used for constructing, modernizing, maintaining, and expanding Villa Scalabrini was raised through contributions, through private foundations, and through benefit shows, and no Government funds are involved. By far the great bulk of these funds was raised through the annual Night of Stars benefit shows to which great artists of the entertainment world have contributed their talents, without charge for their services, to the board of directors of Villa Scalabrini. They have paid for their own transportation, and in many instances, for their own hotel rooms, and other expenses, in order that the net proceeds of the shows could be as large as possible. Very few administrative expenses are involved in arranging these shows.

We have had such famous stars as Jimmy Durante, Tony Bennett, Frank Sinatra, Joni James, Connie Francis, Enzo Stuarti, Steve Lawrence, Pat Cooper, Frankie Ford, and Gary Reynolds, George Kirby, Lida Da Valle, Vic Damone, and many others. Because of the dedication of these stars of the entertainment world, our home today is a living reality.

But I would like especially to call to the attention of my colleagues the show of August 15. Over 3,500 people assembled this year on August 15 at the Civic Opera House in Chicago in order to view the 1970 Night of Stars benefit show. The world's No. 1 entertainer, Frank Sinatra, flew from California in his own plane bringing with him four of the most outstanding musicians in the world to assist him, and he performed before this vast audience at no cost, contributing of his time and of his talents for the pleasure and entertainment of the people of Chicago. Through his performance, he gave of himself as only one human being can give to another in order to better the lot of his fellow man and to promote a worthy cause. To Frank Sinatra, who has participated in many charitable events throughout his long and distinguished career as an entertainer, goes the profound appreciation of all of the people that I am privileged to represent and all of the people of my great city and my great State.

The 1970 Night of Stars benefit show was billed as the "Tony Bennett Show," and Tony Bennett introduced Frank Sinatra as his guest. Following Frank Sinatra's appearance, Tony Bennett performed for over 1 hour, singing to the audience with every ounce of strength and feeling he possesses, and pouring his heart out in a myriad of songs. When Tony first walked on stage, he was greeted with cheers and a wildly enthusiastic standing ovation. Time and again he was interrupted by applause as he sang first one, then another, and then many more of the audience's favorite songs. When he concluded his brilliant performance, Tony was ushered off the stage with yet another standing ovation. The enthusiastic audience just did not want Tony to leave, and, by their applause, let him know how much they appreciated his truly memorable performance.

Frequently the press treats all too lightly the enormous contributions that men like Tony Bennett and Frank Sinatra are making to America and to the people of the world. These men are outstanding entertainers. These men make life a little more worth while for millions and millions of people throughout the

world by bringing them joy and happiness through their songs and music, and also by their charitable contributions to so many worthwhile causes.

As I speak on the floor of the House of Representatives today, I want to pay tribute to Tony Bennett and Frank Sinatra, for they are two great, wonderful men who have contributed so much of themselves in order to make life a little bit easier for so many others.

In honor of the day that Villa Scalabrini burned its mortgage, Hon. Richard J. Daley, the distinguished mayor of Chicago, approved and issued a proclamation designating August 15, 1970, as Villa Scalabrini Home for the Italian Aged Day in Chicago. Hon. Vito Marzullo, alderman for the 25th ward, originally introduced the proclamation in the city council.

Additionally, the Sixth Illinois Constitutional Convention adopted by acclamation a resolution recognizing the valuable service the Villa Scalabrini Home has provided and honoring the entertainers who over the years have contributed so much toward making the dream of the villa a reality.

I want to commend Rev. Armando Pierini, C.S., director of Villa Scalabrini, for his many years of dedicated service, and also Father Paul Asciolla, assistant director, the Missionary Sisters of St. Charles, the other staff members at the Villa, and the members of the lay advisory board, as well as the many generous contributors to the home, whose combined efforts have made our Italian old peoples home one that the entire community, and indeed, all of the citizens of Illinois point to with great pride and admiration.

At this point in the CONGRESSIONAL RECORD, I would like to include an article that appeared in the August 20 edition of the Chicago Tribune about the 1970 Villa Scalabrini benefit show as well as the program for the benefit, the text of the constitutional convention's resolution and Mayor Daley's proclamation, which follow:

[From the Chicago Tribune, Aug. 17, 1970]

"THE KING" COMES TO OUR TOWN

The King in a sling came to "his kind of town" Saturday night and made the Villa Scalabrini "mortgage burning" benefit at the Civic Opera House an even more successful event than it already was for the Italian-American community of Chicago.

Frank Sinatra himself, with his right arm in a black sling because of hand operation, was Tony Bennett's surprise guest in a show that raised more than $220,000 to retire the mortgage on the Italian old folks home in Melrose Park. Sinatra sang half an hour of songs, including, of course, "My Kind of Town, Chicago Is . . . ," backed by four musicians he'd brought with him from Los Angeles in his private plane. [The Dick Sarlo Orchestra, who played the music for all the other entertainers, sat mute because they didn't have Frank's arrangements.]

Then Tony Bennett, "Mr. Perfection," took over and delivered his full Las Vegas show of a month ago, direct from Ceasar's Palace, as they say. The color film accompaniment to his all-time favorite, "I Left My Heart in San Francisco," was projected on a huge screen behind him as he sang.

Master of ceremonies Sig Sakowicz had earlier introduced comedian George Kirby and songstresses Christine Corelli and Lida Da Valle. The three-hour benefit was the best entertainment Chicago has seen for many a moon.

And it was all for a good cause.

VILLA SCALABRINI PROUDLY PRESENTS "A NIGHT OF STARS," CIVIC OPERA HOUSE, AUGUST 15, 1970

Starring Tony Bennett.

Featuring Christine Corelli, Lida Da Valle and Special Guests.

Music by The Dick Sarlo Orchestra.

Sig Sakowicz, Master of Ceremonies.

Hon. Frank Annunzio, General Chairman, Development Fund.

Rev. Armando Pierini, C.S., Director, Villa Scalabrini.

Jimmy Durante, Honorary Chairman, Development Fund.

PROCLAMATION

Whereas, Villa Scalabrini Home for the Italian Aged at Melrose Park, provides care and spiritual comfort for the elderly persons in need; and

Whereas, This Home for the Italian Aged has proved an invaluable refuge of peace and happiness for innumerable senior citizens during the last twenty years, and is ranked among the finest facilities of its kind in the United States; and

Whereas, To raise funds for the payment of indebtedness connected with the completion of a new nursing care wing at the Home, a "Night of Stars" benefit performance will be staged at the Civic Opera House on the evening of Saturday, August 15, and

Whereas, Outstanding entertainers, headed by the great Chicago favorite, Tony Bennett, will contribute his appearance on this occasion for the benefit of the Villa;

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim Saturday, August 15, 1970 A.D., to be Villa Scalabrini Home for the Italian Aged Day in Chicago and urge all citizens to take cognizance of the special events arranged for this time.

Dated this 1st day of July, A.D. 1970.

RICHARD J. DALEY, *Mayor.*

Introduced by Alderman Vito Marzullo, 25th Ward.

PROGRAM

Sig Sakowicz, Master of Ceremonies.

"A Night of Stars"

Posting of the Colors: Filippo Mazzei, Post No. 1 (Illinois); Italian American War Veterans.

The National Anthem: Lida Da Valle.

The Dick Sarlo Orchestra, Lida Da Valle, Christine Corelli.

Intermission.

Tony Bennett and special guest.

Burning of the mortgage.

Tony Bennett, Congressman Frank Annunzio, and the Lay Advisory Board welcoming Frank Sinatra, the world's Number One entertainer, to Chicago, his kind of town!

Villa Scalabrini Mortgage Burning Ceremony, August 15, 1970—Civic Opera House.

LAY ADVISORY BOARD OF VILLA SCALABRINI

Dominick Di Matteo, President.

Matthew Alagna, Hon. Frank Annunzio, Edward Armanetti, Frank Armanetti, Rev. Paul J. Asciolla, C.S., Salvatore Battaglia, Leo Bianchi, William Boschelli, Martin R. Buccieri, Louis Buffardi, Frank N. Catrambone.

Sam Cerniglia, Frank W. Chesrow, James Coli, Dr. August R. Daro, Joseph De Letto, Pasquale De Marco, Pat De Moon, William V. De Nicolo, Joseph De Serto, Marco De Stefano, Domenick Di Frisco.

Gabriel Ditore, Victory Failla, Nello V. Ferrara, Mrs. Serafina Ferrara, Anthony Fornelli, Joseph C. Fusco, James Galante, Frank Gerapolo, Louis Garippo, Sr., Peter D. Giachini, Hon. Anthony Girolami.

Emil Greco, James Guido, Joseph La Calamita, Peter Lavorata, Joseph Lizzadro, Mrs. Stefano Luotto, August J. Maggio, Henry Maiucci, Joseph Marchetti, George Marcucci, Lawrence Marcucci, Hon. Vito Marzullo.

Hon. Robert Massey, Gil Mazzolin, Anthony Montellione, Carmen Nunziato, Anthony J. Paterno, Rev. Armando Pierini, C.S., Francis Ponticelli, Mrs. Grace Ponticelli, Eugene C. Pullano, Nunzio Raimondi, Joseph Rizzo.

John G. Rovetto, Dr. Mario O. Rubinelli, Victor P. Salce, Mrs. Helen Salvatore, Alfred T. Savino, John G. Spatuzza, Anthony Terlato, Joseph Tolitano, Frank Tomaso, John Trotta, George Trucco.

A NIGHT OF STARS, THE TONY BENNETT SHOW

Joseph C. Fusco, Ticket Chairman.

Co-Chairmen: Hon. Frank Annunzio, Dominick Di Matteo, Joseph Lizzadro, Frank Armanetti, Nello V. Ferrara, Anthony J. Paterno.

Special arrangements

Rev. Paul J. Asciolla, S.C., Frank Tomaso, Domenick Di Frisco, Julian Portman, Paul Gallis.

Villa Scalabrini and the Lay Advisory Board say "Thanks" to all their friends in the entertainment industry who have given so much through the years so that our Home for the Italian Aging could be realized. Special thanks go to our friends in the media who have helped us in bringing the message of the Villa Scalabrini concept to the great Chicagoland audience: Jack Eigen, Irv Kupcinet, Maggie Daly, Robert Wiedrich, Sig Sakowicz, Wally Phillips.

SIXTH ILLINOIS CONSTITUTIONAL CONVENTION

RESOLUTION NO. 67

(Proposed by Delegates Arrigo and Orlando)

Whereas, Villa Scalabrini Home for the Italian Aged at Melrose Park provides physical care and spiritual comfort for elderly persons in need; and

Whereas, This Home for the Italian Aged has proved an invaluable refuge of peace and happiness for innumerable senior citizens during the last twenty years, and is ranked among the finest facilities of its kind in the United States; and

Whereas, To raise funds for the payment of indebtedness connected with the completion of a new nursing care wing at the Home, a "Night of Stars" benefit performance will be staged at the Civic Opera House on the evening of Saturday, August 15; and

Whereas, Outstanding entertainers, headed by the great Chicago favorite Tony Bennett, will contribute their appearances on this occasion for the benefit of the Villa; and

Whereas, Richard J. Daley, Mayor of the City of Chicago, has proclaimed Saturday, August 15, 1970 A.D., to be Villa Scalabrini Home for the Italian Aged Day in Chicago and urges all citizens to take cognizance of the special events for this time.

Now, therefore, be it resolved, that the Sixth Illinois Constitutional Convention join in the recognition of the valuable service that the Villa Scalabrini Home has provided, commend the entertainers for their unselfish contributions to the benefit of the Villa and express its wishes for a successful result of the endeavors planned for August 15, 1970, and that a suitably engrossed copy of this resolution be forwarded to Tony Bennett and the Villa Scalabrini Italian Old Peoples Home.

Adopted by acclamation.

SAMUEL W. WITWER,
President.

GERALD SBARBORO,
Clerk of the Convention.

SWISS-UNITED STATES TREATY NO ANSWER TO SECRECY LAWS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is gratifying to learn that the Senate Banking and Currency Committee has acted expeditiously in conducting hearings and reporting out a bill designed to curb the illegal use of secret foreign banking facilities. The Senate legislation is almost identical to H.R. 15073, which passed the House May 25, 1970.

I am somewhat disturbed at recent press reports indicating that tremendous progress has been made in the Swiss-United States treaty negotiations and a tentative agreement has been made. One would suspect that the publicity attending this development is designed to curtail our legislative effort. No one has seen a copy of this treaty nor have its details been fully explained. More importantly, we have pointed out that a treaty between the United States and Swiss Governments is a meaningless answer to the problem of foreign bank secrecy. We need treaties with all bank secrecy jurisdictions before we can close the secret foreign financial institution as a device for American criminals.

There recently appeared in the Washington Sunday Star an article by John A. Grimes entitled "Funny Business Thrives on Foreign Bank Accounts." Mr. Grimes has done an excellent job of reviewing the foreign bank secrecy problem and analyzing the proposed legislation.

I highly recommend the article to all Members of Congress and the public:

[From the Washington Star, Aug. 9, 1970]

FUNNY BUSINESS THRIVES ON FOREIGN BANK ACCOUNTS

(By John A. Grimes)

The average American taxpayer is being victimized by the tax immunity of the secret foreign bank account.

The use of this device to hide taxable funds is costing the U.S. government hundreds of millions of dollars in the estimation of some federal officials—and the average American taxpayer is helping to foot the bill.

How much American money is making its way to hideaways in the secret foreign bank accounts is not precisely known. But through constant delving into the traffic and a small number of successful prosecutions, U.S. officials know enough to be sure the amount is huge. "If I had a budget of $1 million a year to prosecute Swiss bank cases," says one Assistant U.S. Attorney familiar with the problem, "I could easily make much more than that back for the government."

By many accounts, an increasing number of Americans are using these accounts to hide their true income. Not only can money extracted from illegal operations be hidden from the tax collector, but it can also be used to finance illegal operations in this country.

The situation is causing increasing concern among officials of the U.S. Treasury Department, Internal Revenue Service and the Securities and Exchange Commission, all of whom are affected. It is also causing concern among members of Congress, who are seeking some way to close the door to the now-easy outflow of this money. Measures to accomplish this are pending in both houses of Congress.

The manipulations connected with American money secreted in foreign bank accounts border on the fantastic:

Through a deposit in a foreign bank account of little more than $20, one American citizen was able, by manipulating a stock through a foreign account, to realize a gain of $4 million.

A father-son team of specialists on the American Stock Exchange managed to avoid payment of federal taxes on nearly $900,000 by trading stock through a foreign bank account.

Although it is illegal for U.S. citizens to trade in gold, officials have evidence that a foreign corporation controlled by an American citizen and operating through foreign bank accounts made a profit of nearly $9 million by buying and selling gold in a one-week period in 1969, when the price of gold was fluctuating wildly on the open market.

A scheme to funnel more than $1 million in government money assigned to an anti-poverty agency in New York City to a secret foreign bank account was spotted by federal officials before it could be accomplished.

—Money from the narcotics racket, loan-sharking and other illegal practices has been sent abroad into the sanctuary of foreign bank accounts—only to return as "loans" from the bank taking the deposit, thereby hiding the source of the money and making it "clean."

FOREIGN WARS

But by most accounts, the far wider use of the secret foreign bank account is by businessmen, financiers, banks, stockbrokers, doctors, dentists and other affluent Americans who cover up their actual incomes and dodge the taxes due on them. These are dealings which, if carried on in this country, would clearly be illegal.

So far, U.S. government officials most concerned with combating the problem have found themselves almost helpless. The main reason for this is the foreign laws dealing with the secrecy of bank accounts. Under many of these laws, revelation of any sort about a depositor is a crime. And many foreign bankers don't define tax evasion or illegal operations the same as U.S. officials do.

"Once that money gets into a foreign account, it is almost impossible to trace," asserts a government official. "The foreign bankers say they will cooperate if we are trying to run down illegal funds, but in practice they seldom do."

The most noted haven for the deposits of this potentially "hot" money is the tiny, landlocked nation of Switzerland, long known for its extensive knowledge and sophistication in banking procedures. Indeed, the handling of other nations' and other persons' money is Switzerland's biggest national business. Foreign depositors are not only welcome, they are actively sought by some Swiss banks.

Other outlets for American money include Hong Kong, Panama, Curacao and others, but the Swiss bank account has become the prime hiding place, and not only among Americans. Swiss banks can provide absolute secrecy—such as the numbered account, which lets only a few of the bank's officers know who the depositor really is.

The numbered Swiss bank account has become an international badge of prestige. King Farouk of Egypt, among other world leaders who were forced into exile, found the Swiss banks a convenient resting spot for large amounts of his nation's cash just before he was deposed, allowing him to live out his life on the French Riviera in considerable luxury.

The Swiss banking laws are strict in favor of secrecy. Both the Swiss banking code and penal code enforce this, applying severe penalties to those bank officials who violate them. These laws have been in existence a long time and for many reasons. For example, many will argue that Swiss banks provided a valuable service for German Jews who were trying to get out of Germany in Hitler's time, when secrecy was essential to prevent the Nazis from discovering and identifying the funds. But now many U.S. officials declare that these same provisions, even though used for humanitarian reasons during World War II, have become distorted and are being used to cover illicit actions by American citizens.

When U.S. investigators seek to uncover illegal operations being conducted through Swiss bank accounts, the Swiss claim their hands are tied by their laws, preventing disclosure of information about the source of the funds and their owners. And again, the Swiss interpretation of what is legal or illegal doesn't square with the U.S. interpretation.

ICEBERG'S TIP

As a result, very few cases have been uncovered and prosecuted and these few have revealed only the tip of the iceberg. Robert Morgenthau, former U.S. Attorney for the southern district of New York and perhaps one of those with the most knowledge of the dealings of Americans in foreign bank accounts, puts it this way:

"We have just begun to scratch the surface. For every case we have prosecuted, there are roughly six where we have specific information that a crime has been committed, but we are unable to prosecute. . . . And we have reason to believe that there are thousands of other cases of criminal conduct cloaked by secret foreign accounts which have not even been touched by our investigations."

How did all of this come about and how does it operate? Testimony by Morgenthau and officials of various federal agencies helps unravel the story.

As mentioned, Swiss banks have long dealt in the accounts of foreigners and foreign countries for various purposes. They have been an element of stability on the world banking scene for decades, a time when stability was difficult and vital. They finance a goodly portion of world trade. They have aided the American government in crises relating to the U.S. balance of payments. They have helped in concert with other governments in the stabilization of currencies, the "cooling" of "hot" trading in the gold market and helped American corporations expand their overseas operations. The Swiss government has been of considerable assistance to the United States as a go-between and intelligence aid in its contacts with nations this country considers hostile.

So American officials are reluctant to get tough with a government it considers, on balance, friendly and helpful.

But the Swiss banks have, in recent years, become an enigma and a problem to American authorities, all because of the secret bank account.

Until the 1960s, the advantages of Swiss bank accounts were known, or usable, to few. Time and distance were important factors. But with the advent of jet travel, Switzerland suddenly became close. In repeated testimony before congressional committees, the factor of jet travel figures highly in the use of foreign bank accounts.

According to this testimony, the U.S. criminal element first discovered the advantages of foreign bank accounts. "Dirty" money—collected from narcotics, numbers, gambling, prostitution—could be "laundered" through foreign bank accounts.

The example of how this money is "laundered" is not confined to underworld operations; it is a technique used to "clean" much of the money gained from other illegal operations. Here is how it works:

Money in cash is sent by special courier (either one working for a fee or supplied by a Swiss bank), to a secret bank account. This can be done by sending the money directly to Switzerland or to some convenient location where Swiss banks have branches, such as Nassau.

Plenty of avenues are open for getting

money to secret bank accounts. While all Swiss banks are not willing to receive such accounts, representatives of others even make regular trips to the United States to solicit and pick up deposits. Indeed, the competition for depositors has increased over the years so that, if anything, the task of lodging money in Swiss bank accounts is getting easier. A recent story in a New York newspaper recounts an incident of a representative of a Swiss bank stuffing several hundreds of thousands of dollars, supplied by an American citizen, into a satchel for return to Switzerland. Some contacts have outlets which can carry money through "diplomatic immunity."

Once the money has been placed in the secret account, it's easy to "launder" it and hide it from U.S. investigators and tax authorities. Buried in anonymity under Swiss secrecy law, the deposit is "lost." The beauty of this arrangement is that the depositor can recover the money without detection through several devices—or make use of it to his profit with American tax authorities none the wiser.

One vehicle is the "loan." Having his money secreted in an Swiss bank account, the American citizen can then arrange a "loan" from the bank in which it is deposited. Actually, he is borrowing against his own money, a convenient device which not only allows him to hide the money, but to get a tax advantage by deducting the "interest paid on the loan" from his gross earnings.

It's easy. He makes the "loan" from the Swiss bank against his own account. The Swiss banker knows it is a secured loan. The U.S. citizen has the use of money without anyone being able to trace it. He has already escaped federal taxes on that money, but now he can add to his advantage while using the money freely for investment in this country. When the tax collector comes around, he can show him evidence of the "loan" and deduct the interest he is paying on the "loan" on his federal tax return.

So he has the use of illegal money in several ways: He can use the "loan" for his own personal expenses. He can invest it in a legitimate business—without ever having paid taxes on it in the first place. And, whatever use he makes of it, the interest on the "loan" is a federal tax deduction against his declared income.

The investment of racketeer money in legitimate U.S. businesses also is disturbing U.S. officials. Before a congressional committee, Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations, testified on the strong evidence of a substantial flow of funds from U.S. racketeers into foreign banks. "Some of the funds appear to have been brought back into the United States under the guise of loans from foreign sources," he said. "This may be providing a substantial source of funds for investment by the criminal element in legitimate businesses in the United States."

Morgenthau is even more positive about this development. "Our investigations into the importation and sale of heroin have revealed that accounts in foreign banks are frequently depositories for the proceeds of heroin transactions," he told the committee. Because those accounts are secret, attempts to uncover persons directing the international dope traffic frequently end up in complete frustration. Generally money received from the sale of heroin in the United States is either carried to Europe by courier or handcarried to a local money exchange or bank where it is forwarded to an accountant in a European country under the direct control of the initial supplier of the heroin.

"Alternately, the money may be given directly to the supplier from the Swiss account. . . . In numerous instances, reputable Swiss banks have loaned their depositor his own money so as to provide him with an explanation of his spending money," Morgenthau said.

LOANS AND TRANSFERS

But the racketeer trade is only a part of it. U.S. officials, from their studies and investigations, are certain that operations by other American citizens are a far larger part of the traffic in secret Swiss bank accounts. Not only do these other depositors use the "loan" route to cover their money, but they can use their own money—again through "loans"—to repurchase from themselves their own assets, thereby getting a tax advantage. A "transfer" of assets is arranged with the foreign bank so the bank appears to hold these assets through a "loan."

Since all transactions involving the property are in the name of the bank, by prearrangment, it results in tax protection for the American citizen. "In this fashion," declares Morgenthau, "depositors have recaptured the use of their foreign secret cash and have sheltered from U.S. taxation the annual income as well as any eventual gain on its sale." Again, money hidden free from taxation is regained, either through a "loan" or by having the bank hold the assets purchased with the depositor's own money—a transaction which would be subject to scrutiny in an American bank. And all dealings are conducted in the bank's name, so no tax man knows what's going on.

One U.S. tax agent explained how it's done: "Let's say you took $500,000 that you obtained by padding your firm's payroll and put it in a Swiss bank. You decide to buy, say, a motel for $1 million. You put up $100,000 in cash. You take out a $400,000 first mortgage. Then you 'borrow' the other $500,000 from the Swiss bank. Let's say you sell the motel for a $200,000 profit. That's a $200,000 profit on an ostensible cash investment of $100,000. You're making the $500,000 of illegal money work for you." Again, the depositor is avoiding taxes on the money in his bank account.

Another avenue for tax evasion through deposits of money in foreign bank accounts is by securities trading through these accounts. Practically every Swiss bank, in addition to its deposit and credit banking activities, will act as broker and dealer in securities for its customers. To deal in American securities, these banks maintain accounts in the Swiss bank's name at American brokerage houses. Through these, the bank can trade the securities of all of its customers with the records revealing only the bank's name. No names of the individuals for whom the trades are conducted appear on the record; all the activity is lumped together under the name of the foreign bank. Result: Hidden income, through gains on stock sales, and a tax loss for Uncle Sam and the American taxpayer.

In one case uncovered through painstaking investigation by American authorities—and only because insiders to the scheme divulged its workings—four "Liechtenstein trusts" (set up in the tiny principality of Liechtenstein, adjacent to Switzerland) holding Swiss bank accounts were instrumental in a scheme by American promoters to sell 750,000 shares of unregistered, over-the-counter stock to the American public at prices manipulated to more than $16 a share. Once the promoters had taken their profits, the stock dropped to less than a $1 a share. Although in each of the cases the titular head of the trusts was a Swiss lawyer, each of the trusts was in fact American-owned. Some Swiss lawyers do a thriving business of being titular heads of trusts and corporations. Evidence has been uncovered of one such lawyer heading 400 separate "corporations."

Secret bank accounts have also been used by corporate "insiders" to hide sales of stock they hold in their own company. "Insiders" are those corporate officials owning more than a certain percentage of stock in the company they work for. Under American law, transactions involving that stock must be specially reported.

But by dealing through secret foreign bank accounts, such transactions for profit have been hidden. The secrecy afforded by the foreign bank account opens the way for the unscrupulous corporate official to take advantage of "inside" news and sell at enormous profits.

SIXTY-FIVE PERCENT

Again, because the transaction is in the name of the bank and not the person, the income derived from this remains hidden—and thus out of reach of the American tax collector.

U.S. officials also say that Swiss bank accounts are enabling more and more American citizens to avoid Federal Reserve Board requirements on how much credit can be extended by brokers to persons buying stock. The current requirement is that the buyer must put up 65 percent of the purchase price of the stock: the broker may then provide the rest of the purchase price by extending credit. But by dealing through Swiss bank accounts, Americans can purchase stock for as little as 10 percent down because the banks will extend the rest of the purchase price in credit. If the stock starts to drop, the bank quickly sells to protect its investment.

But if the stock rises, the customer has gained an advantage that's not available to U.S. citizens who abide by Federal Reserve Board requirements. Again, any profit does not have to be reported to the American tax collector as income; it remains hidden in his secret bank account.

U.S. officials have little doubt that more and more Americans are using the Swiss bank route for the purchase and sale of securities. Last year alone, foreign purchases of American securities amounted to $12.4 billion and sales reached $10.9 billion.

Also, many American brokers are happy to handle Swiss bank business. "That's good clean stuff," admits one broker. "It comes in volume, payment is prompt and we've never had any trouble with them."

Another transaction which has been used by American businessmen is to hide profits in secret bank accounts through "double invoicing." It works this way, as described by U.S. officials in testimony before a congressional committee:

An American corporation selling abroad will invoice the product twice. One will be a lower invoice, which eventually will be shown to U.S. tax officials. The other will be a higher invoice; this will carry the real selling price. But the overseas customer will pay the amount of the lower invoice directly to the seller. By pre-arrangement he will deposit the difference between the invoices in the American businessman's secret bank account. There is little chance of tracing this money for taxation.

"These activities—and the apparent willingness of American bankers, brokers and businessmen to go along with them—have appalled the U.S. officials who are seeking to stem the outflow of illegal money.

In a recent appearance before the House Banking and Currency Committee, Morgenthau said: "What has been perhaps the most galling development to the law enforcement officer is that U.S. persons, even legitimate U.S. bankers, have become foreign bankers claiming the advantage of the secrecy of foreign banking laws. U.S. banks have opened branches in countries having bank secrecy laws. These foreign branches have been used directly to circumvent U.S. restrictions on U.S. banks and to facilitate illegal activities of American citizens.

NASSAU BANKS

"When the U.S. law enforcement agencies have sought to subpoena U.S. banks to produce records of accounts maintained in a foreign branch in the belief that these ac-

counts were being used to commit crimes in the United States, the banks on occasion have refused to produce such account records on the grounds that by so doing they would violate the bank secrecy law of the country where the branch is located," Morgenthau testified. "Their refusal to produce records on this grounds has in some cases been sustained by the courts. I find it shocking that an American bank, by opening a branch abroad, can lend its facilities to citizens who are defrauding Internal Revenue and violating our laws, then successfully deny its obligation to make account records available to the Department of Justice by claiming that the laws of a foreign country would be violated."

Morgenthau also pointed to other straws in the wind. "Note that Nassau, which lies only a half-hour off Florida, has recently become an extremely active banking center with many American-controlled and branch banks. The explanation for this activity is obviously the convenience which its secret bank accounts offer to Americans to unload cash which they prefer not to deposit in their non-secret American accounts."

Morgenthau also commented bitterly that foreign bankers have not been content to sit back and wait for business to come to them. "Many foreign banks have offices or representatives in New York City. Other foreign bankers make frequent trips to the United States to solicit business . . . foreign bankers have organized a system of international couriers who carry large amounts of cash to Switzerland and Nassau for a fee," he said.

One fact which bothers Morgenthau is "the significant change in the identity and ownership of foreign banks. Today, numerous banks in Switzerland and the Bahamas are owned and controlled not only by Americans but in some cases by American hoodlums closely linked to loansharking, gambling rackets and other illegitimate businesses."

An incident last year caused concern for Morgenthau and other U.S. officials. An officer of a Swiss bank told a New York brokerage house that "a fellow with $100,000 will come into your office in the next few days. Take it." Over the next few weeks, deliveries of money were made by an anonymous individual until the total reached some $840,000 in cash. When the Swiss bank official flew to the United States to solicit business and pick up deposits, the broker and the bank official were called to Morgenthau's office.

"Do you know what you've been doing?" they were asked. "You've been taking payoffs for heroin."

Both men were shocked. "I didn't really think about it," said the broker. The Swiss banker said he "thought it was something a bit illegal, like diamond smuggling. If I had known it was narcotics, I never would have touched the money."

Even when cases of violations have been uncovered and successfully prosecuted, however, the penalties have been light for American citizens. Tongue lashings by the judge and fines—which the defendants have been easily able to pay—have been the rule in the few cases which have been brought to court.

What, then, is being done about these "white-collar" crimes? And what efforts are being made to close the easy route for illicit American money and help the U.S. government pinpoint the tax losses involved?

First of all, the United States is seeking to negotiate a treaty with the Swiss government with the aim of opening the door of secrecy on accounts which American officials know involve money from illegal activities. The bar here, however, is the difference between what Americans and the Swiss view as a tax violation. The history of Swiss cooperation makes U.S. officials somewhat pessimistic about making the treaty into an effective instrument of control.

The Swiss say, okay, show us a crime and we'll cooperate, says one U.S. investigator. "Only you can never show them a crime because stock manipulations or income tax violations are not crimes to them. The only time you get any help is when it's really scandalous."

In short, tax evasion to the Swiss is an administrative rather than a criminal matter. Swindling may be beyond the pale. But Swiss securities laws as to what constitutes a swindle are neither so sophisticated nor demanding as ours.

Yet enough of the iceberg of illicit operation has been revealed to cause the Swiss to worry about their "world image"—meaning the possible loss of deposits and resulting incomes, so American officials do have some hopes of eventually concluding a treaty. The gut of the matter, however, is how this treaty will be enforced. And diplomacy, however successful in the end, can use up a lot of time.

Many direct approaches are being made in Congress. The House Banking and Currency Committee has taken the lead under Chairman Wright Patman, D-Tex. Hearings have been completed and a bill forwarded to the full House.

The Patman bill would give American authorities much stronger weapons than they now have in combating the practices revealed. It would:

Require all banks, brokerage houses and similar institutions to microfilm checks and see that any person transacting business for a foreign bank properly identifies himself and the persons for whom he is acting. The provision could end the common practice of signing false names and addresses on forms for cash transfers to Switzerland of large sums of money.

Direct any person carrying more than $5,000 in cash out of the United States at any time, or $10,000 in a year, to report these transfers to the U.S. Treasury.

Make it illegal for an American citizen or corporation to have a secret foreign account unless records are kept in this country or, where required, reports are made to the U.S. Treasury.

Give the Secretary of the Treasury the power to seek court orders against anyone, individual or corporation who is violating, or appeared to violate, the laws in the area.

Give U.S. attorneys the power to force a witness to testify by a court order granting immunity from personal criminal prosecution, thus preventing the witness from invoking the Fifth Amendment.

Create stiff criminal and civil penalties for infractions. A simple violation would bring a penalty of not more than twice the amount of money involved in the transaction, a year in jail or both. Violations exceeding $100,000 in any 12-month period as well as violations involving other federal laws, such as the income tax laws, could bring a fine of $500,000 or five years in jail, or both. Civil penalties would require forfeiture of the entire transaction.

REMOVE SECRECY

As a result of the activity by the House committee, the Senate Banking and Currency Committee has held hearings similar to those initiated by Patman. The Senate bill by Sen. William Proxmire, D-Wis., closely follows the Patman bill. Proxmire, concerned about possible violations of U.S. securities laws, has included two specific provisions dealing with questionable foreign stock transactions through secret bank accounts. One would prevent U.S. broker-dealers from trading in U.S. securities in behalf of a foreign bank or broker unless the foreign bank or broker discloses the individual for whom it is acting, or else states that it is not acting for a U.S. citizen or resident. That would be intended to remove the cloak of secrecy from the foreign stock transactions.

The other section in the Proxmire bill would require U.S. citizens who place stock orders through foreign banks or brokers to give the foreigners permission to disclose the person's identity to the U.S. broker-dealer who ultimately handles the transaction. That would allow the foreign banks or broker to disclose the U.S. citizen's identity without violating the foreign country's secrecy laws.

It is little wonder that both of these measures have begun to run into opposition. There is, to understate it, a lot of money involved which many people wish to see protected. Already banks and brokers have lodged complaints—rightly or wrongly—about the additional paperwork burden. The paperwork requirements will be substantial, no doubt.

But if the U.S. officials who have been battling the secret bank account problem for so many years are correct, the return to the Federal Government in recovered tax revenues will more than pay the cost.

And hopefully it will spell the end of a giant conspiracy for which the average American taxpayer has been paying the bill.

OCCUPATIONAL SAFETY BILL RECEIVES NATIONAL ATTENTION

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, in the past few weeks, three major newspapers, the Christian Science Monitor, Newsday, and the New York Times, have called national attention to the Occupational Safety and Health Act, H.R. 16785, which is pending before the House Rules Committee.

Surely no issue is more vital to America's 80 million working men and women than their safety and health, and it is incumbent upon the Rules Committee and the Congress to move swiftly to end the carnage in our factories and on our farms. A year ago the Select Subcommittee on Labor began hearings on a number of occupational safety and health bills. Since that date, another 14,500 workers have died and 2.2 million have been maimed or otherwise injured as a result of their employment.

This Nation cannot afford the loss of its citizens when, as the New York Times states in its editorial:

Virtually all of today's occupational diseases and most of the accidents could be avoided if the necessary time, money, and equipment were invested in preventing them.

This Congress cannot remain aloof to the national attention focused on this important legislation. It cannot let H.R. 16785 fail to reach the floor where this body can give the bill its full consideration.

I am including the complete newspaper reports so that the Members of the House may note the discussion and support centered on occupational safety and health legislation:

[From the Christian Science Monitor, Aug. 28, 1970]

JOB-SAFETY BILLS HEAD FOR SHOWDOWN IN CONGRESS

(By Ed Townsend)

NEW YORK.—Congress is moving toward a showdown on controversial occupational health and safety legislation. Organized la-

bor, the Nixon administration, and large business interests appear to be on a collision course.

Worried political strategists on Capitol Hill are trying to avert troubles at least until after the congressional elections this November. The issue could hurt many candidates.

Occupational health and safety is protected now—"inadequately" according to labor—by a hodgepodge of state regulations. Almost everyone believes that conditions need to be improved. The question is how, and whether, the federal government should take primary responsibility for doing it.

REPORTING SYSTEMS STUDIED

Organized labor supports a strong measure introduced in the House and Senate by two New Jersey Democrats, Rep. Dominick V. Daniels and Sen. Harrison A. Williams Jr. The House Education and Labor Committee recently reported the Daniels bill favorably by a 21 to 13 vote . . .

Two years ago, the Johnson administration sponsored similar legislation, and the Chamber of Commerce of the United States and other major employer groups mustered Republican and conservative Democrat support to overwhelm it on the hill. The chamber is girding for another fight on the Daniels-Williams bill as "a very dangerous piece of legislation based upon harassment." It contends that the labor-backed proposals would give "czarlike powers to the secretary of labor and allow safety inspectors to close down plants and impose fines at their discretion."

Business and the Nixon administration have other ideas about what should be done. The administration would empower the federal government to set and enforce safety standards. The Chamber of Commerce favors proposals by Rep. William A. Steiger (R) of Wisconsin for three-way cooperation between the government, labor, and management without a system of "penalties and harassment" and without "attempts to federalize the whole safety and health field."

The Labor Department will release shortly a study of national statistics on occupational injuries and illnesses, being prepared for it by Jerome B. Gordon, a private consultant, at a cost of $58,000. The government also has under way a study by the American National Standards Institute on injury- and illness-reporting systems, and a task-force project on new legislation.

ONLY HALF THE STORY?

Recently the AFL–CIO asked the Labor Department to release the Gordon study; the administration said it would be premature—the study is still not official. But labor says inside information indicates that the study will show that there has been a gross undercounting of job injuries and deaths, by as much as 10 percent or some 200,000 accidents each year. It also says the study will show that only disabling injuries (those that cause at least the loss of a day's work) are reported now, and that "there is a ratio of 10 serious injuries for every disabling injury reported."

The AFL–CIO charges that industrial-safety records kept by the Bureau of Labor statistics "may be telling only half the story of the yearly toll of job-related accidents."

According to labor, the partial story is bad enough:

On every working day, it says, 55 U.S. working men or women, lose their lives because of on-the-job accidents or illnesses; more than 14,500 were killed on jobs in 1969.

Another 27,200 are injured and 5,480 are reported disabled daily; government figures show 2.2 million were disabled in 1969—but labor contends that the number disabled probably was as high as four million, twice the figure reported to the Labor Department's bureau of labor statistics (BLS) on a voluntary basis by states, and that injuries probably totaled at least 25 million instead of the nearly 10 million reported to the BLS.

The daily total, it notes, is "a lot more than the U.S. casualty list in Vietnam." The cost to workers is estimated at $1.5 billion a year in lost wages—plus another $600 million in medical expenses. The cost to the American economy is set at $6.8 billion.

One of labor's concerns is "occupational health hazards from chemicals and other substances . . . harder to identify than conventional safety hazards." The Oil, Chemical, and Atomic Workers and the United Rubber Workers, among others, are pressing in collective bargaining for industry-labor research programs to identify and seek safeguards against such hazards.

GRANTS-IN-AID FAVORED

The struggle for stronger laws in this area went on without gain for years. There is less opposition to changes now, in part because the shock of the Farmington, W. Va., mine disaster which resulted in 78 fatalities. Increased occupational health and safety protection is considered almost a certainty in a matter of months.

Labor wants the Daniels-Williams legislation that would provide for federal-state regulations. The Secretary of Labor would be responsible for the administration of the program and for promulgating standards for enforcing regulations and for setting civil penalties for violations. States meeting certain federal criteria—minimum standards set forth in the bill—would be certified by the labor secretary to carry out the provisions of the act within the state, with grants in-aid from the federal government.

The administration has its own bill and is seeking union support for it as a "compromise" providing for establishment of an independent agency with administrative powers, instead of giving authority to the Labor Department. So far labor has balked at this, calling it "a watered-down version" of health-and-safety legislation that would "break down the regulatory processes and decisionmaking into too many independent elements" to work effectively.

The Chamber of Commerce and business favorite is the Steiger bill. It would establish an independent health and safety board to set standards, provide for the labor secretary to carry out inspections and an outside commission to make judgments on the results of the inspections. In the chamber's view the bill would refrain from safety requirements which would put an employer in jeopardy for "something he knows nothing about." It would permit plants to be closed only by federal court order and penalties to be set on a basis of each infraction.

[From Newsday, Aug. 29, 1970]

THE FACTORIES AND SHOPS ARE ENVIRONMENTS, TOO

(By Stewart Udall)

Of all the environments inhabited by Americans, the places where 80,000,000 of us work and spend half our waking hours are among the most lethal. The blue collar employe, in particular, merits hazardous duty pay. He is surrounded by unsafe machines. Toxic substances often seep into his lungs and bloodstream. He may die of job-induced cancer, metal poisoning, quick crushing or slow suffocation from lung disease.

In short, the blue collar worker suffers from an environmental neglect that is overwhelming. Industry seldom treats him with adequate care. His union, when it negotiates for his health and safety, rarely wins full safeguards. State compensation boards seem unmoved by his working conditions.

Environmental groups, above all, act as if the blue collar worker did not exist. Their lack of concern for his workplace—their failure even to recognize it as an environment—is the most glaring defect in their young movement.

This defect can be remedied—and there is no more appropriate vehicle for doing so than the Occupational Safety and Health Act which will soon come to a floor vote in the U.S. House of Representatives. Inspired by Rep. Dominick V. Daniels of New Jersey, this is the most far-reaching work of environmental legislation (disguised as labor legislation) to come along in decades. It is vehemently opposed by the U.S. Chamber of Commerce and other industrial groups, which have been waging a drumfire lobbying campaign against it.

Environmentalists, however, seem nowhere in sight. Of the hundreds of environmental lobbying organizations in this country—organizations which have sought and won labor support for air pollution, SST and wildlands legislation—only Environmental Action of Washington, DC, has responded on this issue.

Where *are* the environmentalists? Anthony Mazzocchi, legislative director of the Oil, Chemical and Atomic Workers Union says: "The environmental groups are rightfully up in arms about air pollution in the Delaware Valley and oil slicks along the Gulf Coast, but they are blind to the places where 28,000,000 blue collar employes earn a living. They think the 'environment' begins out there in the trees. They really don't believe industry is killing its workers."

Last year, partly because of unhealthy and unsafe industrial environments, 14,500 working Americans died from on-the-job accidents or illness. Millions more suffered from job-related diseases or impairments. Approximately 25,000,000—nearly a third of the work force—were seriously injured.

The negligence behind the death, disease and injury toll is shocking. In the states today there are 1,600 occupational health and safety inspectors and 2,800 game wardens. Elk and deer are better protected than working men and women.

Nobody has adequately measured the scope of this scandal. "The occasional man who is crushed by heavy equipment becomes a statistic," says Mazzocchi, "but the man who withers away with cancer, emphysema or brain damage does not." Steelworkers die of sulfur dioxide poisoning. Cobblers, painters and dry cleaners die from benzene vapors. Asbestos workers die of lung cancer. Machinists lose their hearing and inhale lung-shredding slivers of metal. Textile workers are killed by the particles of lint they breathe. How many become victims? Nobody counts.

The workplace is an environmental disaster partly because employers find it less costly to pay modest compensation fees than to monitor lethal substances, install safe equipment and otherwise treat workers with care. Only 500 of all 6,500 industrial chemicals now in use have been tested and given safe tolerance levels. In some states, fatal or disabling diseases such as asbestosis are not even compensable. Existing compensation laws pay workers or their widows only a tiny fraction of the income lost through incapacitation or death. Says Gary Sellers, a work environment specialist with the Center for Study of Responsive Law: "This system gives employers a license to commit mayhem and manslaughter."

In a bold departure from all previous labor legislation, the Daniels bill would:

Impose on industry the "general duty" of furnishing workers "a place of employment which is safe and healthful."

Empower the Secretary of Labor to set nationwide health and safety standards for work environments.

Call for unannounced federal inspections

of workplaces and prompt disclosure of the findings to workers.

Authorize the Secretary of Labor to impose fines and seek court action against employers who violate the "general duty" or specific standards.

Permit the Secretary of Labor to close down all or part of any plant where workers are in "imminent danger" of injury or disease.

Direct the secretary of health, education and welfare to publish a list of all known or potentially toxic substances—including those whose analysis is specifically requested by workers.

Allow employes to refuse work, without loss of pay, in areas where toxic substances are found at dangerous concentrations.

The poisons that menace workers inside our factories inevitably foul the outside environment—and only then are they recognized as "pollution." When arsenic powder is spilled inside a Monsanto chemical plant in Illinois, says one worker, "Why, we just hose down the room where the spill is and it goes into the sewer and on out into the river."

This is one more reason—beyond safeguarding the lives and livelihood of millions of workers—why the Daniels bill is sorely needed. It is heading for a crucial floor vote amid stiff opposition from industry. It may well go down to defeat.

Environmentalists have only a few weeks to wake up and act.

[From the New York Times, Sept. 1, 1970]

DANGER ON THE JOB

Every day men and women go to work and lose their lives or suffer crippling injuries. Every year nearly a half-million workers come down with job-related illnesses of varying duration and severity. Approximately two million persons suffer from chronic diseases picked up from their work.

The "black lung" of the coal miners is the best known, but there are many other occupational diseases, such as the "brown lung" of the textile workers who breathe cotton dust, the radiation-related diseases of those who work with uranium and other more obscure and exotic ailments.

The struggles to enact workmen's compensation laws and to achieve health and safety standards in industry were fought and won so long ago that it comes as a surprise that these problems are still the subject of controversy. But as with other battles won in the past, complacency gradually creeps in.

The irony is that virtually all of today's occupational diseases and most of the accidents could be avoided if the necessary time, money and equipment were invested in preventing them. Dr. Irving J. Selikoff, Professor of Preventive Medicine at the City University of New York, told a Senate subcommittee of many industrial health measures devised in recent decades but not put fully into effect.

A year ago President Nixon proposed new legislation in this field. Democratic-controlled committees in Congress have now written more aggressive and comprehensive bills than the one the Administration proposed. The House Labor Committee last month approved on almost a straight party-line vote a measure by Representative Daniels of New Jersey, which is expected to be voted on in the House next month. A somewhat similar bill is taking shape in the Senate Labor Committee.

Some of the differences between the Administration bill and the Congressional versions are open to compromise. But experience has shown that Federal standards are necessary and, if they are to be effective, Federal inspectors must have the authority to assess civil penalties and to close a plant temporarily if an overwhelming peril exists. In addition to the human suffering and anxiety involved, avoidable hazards and illnesses in industry are a waste of economic resources which the nation can no longer tolerate.

THE ELEMENTARY AND SECONDARY EDUCATION ACT: 5 YEARS LATER

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, September 23 marks the fifth anniversary of the first implementation of the historic Elementary and Secondary Education Act of 1965—Public Law 89-10. On that day, 5 years ago, President Johnson signed into law the first appropriation act which made the ESEA a reality instead of a dream. Federal dollars, almost a billion of them, began to flow to the Nation's hard-pressed rural and urban school systems.

Now, 5 year later, memories have faded and the underlying thrust of the Elementary and Secondary Education Act has dimmed from view. A new group of administrators at the Department of Health, Education, and Welfare and the Office of Education has taken over the reins of governing this and other educational programs. Much of what the Congress had in mind when it enacted the ESEA is either unknown to or forgotten by this new generation of administrators. Many of the crucial objectives of the ESEA, consequently, are not given the attention or the care they deserve.

Now, Dr. Samuel Halperin, formerly Deputy Assistant Secretary for Legislation in the Department of Health, Education, and Welfare has recalled in writing the important assumptions and expectations underlying the Elementary and Secondary Education Act of 1965. In so doing he not only sets the historical record straight but also helps to rekindle our dedication to the education of the disadvantaged, to educational innovation, to equality of educational opportunity, and to the other key objectives of the ESEA.

Because I believe that my colleagues will enjoy reading his article and that educational administrators may learn much from it, I include Dr. Halperin's article at this point in the RECORD:

ESEA: FIVE YEARS LATER

(By Samuel Halperin)

If birthday candles burn on September 23 in celebration of the fifth anniversary of the first appropriation bill for the Elementary and Secondary Education Act,[1] it is hard to imagine where. Not among the ranks of federal budget-makers and top policy-makers, many of whom seem to doubt that the Act is "cost-effective." Not among educators, many of whom accept its funds but complain of excessive red-tape and bureaucracy in order to obtain relatively little federal money. Not among the embittered parents of ghetto children, most of whom have seen precious little change for the better in the quality of their children's education. Not even among the Congressional liberals who were the Act's most dedicated advocates but who are now embarrassed by the critics and seem unable to counter with dramatic success stories made possible by ESEA.

Yet, five years ago, the nation's press, most of the Congress, and top educational spokesmen hailed President Johnson's signing of the Elementary and Secondary Education Act as a "social breakthrough" of the first magnitude. After a century of failure to pass major school aid bills, a "down payment" of a billion dollars was delivered—more help in a single year than in the entire 189-life of the Republic.

That euphoria of 1965 has now given way to grim soul-searching and not a few recriminations. As if to write off most recent education legislation, President Nixon's recent Message on Education Reform proclaims a major new criterion for judging federal school aid programs: "What do the children learn?"

It is difficult to quarrel with that statement as an ultimate test for federal expenditures. But lest we fall prey to the slogans of the moment or, worse yet, compound error by failing to learn from the past, it may be useful to recall the assumptions underlying ESEA when it was developed and enacted five years ago.

THE POLITICAL IMPERATIVE: "PASS A BILL!"

Unlike 1970, when some $10 billion in annual federal outlays are authorized, the stark problem facing ESEA's authors in 1964 was how to get any kind of major school aid bill enacted. Consequently, the place to begin an understanding of ESEA is with the recognition of the heavy legacy of conflict and defeat resulting from 100 years of abortive federal efforts to aid the schools. Much of the Congress, both intellectually and politically, was committed to school aid. Yet premonitions of doom dogged policy-makers contemplating the possibility of large-scale federal financing of the schools. ESEA's founding fathers had a keen sense of history, and they were painfully aware that the federal aid proposition had, in Robert Bendiner's words, "been beaten down in every way known to parliamentary man." Having passed the Senate seven times and the House twice since the 1960's, a large-scale school aid measure had yet to reach the President's desk for signature.

The first task of the Administration's legislative team, then, was to devise a bill which was politically viable. Politicians needed assurance that the aid to education issue would not create yet another bruising battle on the church-state, desegregation, or "equitable" distribution formula issues—the three traditional obstructions to federal aid bills. They also needed leadership to assert that the time was finally at hand to establish a permanent federal role in the improvement of the nation's schools.

To this overreaching political objective, based on the now-respectable assumption that school problems would not be solved unless the federal government did its part, much of what our changing value system today considers educationally important was submerged. "Getting the law on the books" was the objective uniting perhaps the widest constellation of interest groups ever assembled on a domestic issue. In the spirit of "Consensus Politics" which then dominated Washington, legislative success in important new social areas—like school aid, Medicare, and civil rights—was taken as a valid end in itself. In time, one reasoned, the legislative process would remedy any imperfections or omissions in the original ESEA concept. Andy Biemiller, chief lobbyist for the politically potent AFL-CIO, said bluntly what most ESEA backers were thinking:

"Let's get started . . . and get a bill through here, and begin to get some money into our school systems where we now know it is badly needed, and then we can take another good look and get closer to the goal that both you and I want; and we make no

[1] Public Law 89-199.

bones about it, that we want a general education bill."

In hindsight, some have said that the overwhelming Democratic Congressional majority won in the 1964 landslide should have enabled the Johnson Administration to take its time, to develop a "more workable" statute. Yet all those involved with ESEA recall vividly the periodic waves of near-panic which accompanied the bill's hurried passage through the legislative mills: this or that key educational group was rumored to be departing from the coalition; the church-state compromise was about to become unglued; pending court cases were about to be decided which could wreck the tenuous political alliance; this or that influential Member of the Congress was going to denounce one of the bill's major compromise sections, etc. And so, from its introduction on January 12 to its signing only 89 days later, on April 11, 1965, no effort was spared to speed ESEA to the President's desk. (No wonder some critics called it "The Railroad Act of 1965!") If there were lingering doubts about the efficacy of any of the bill's features, they would have to be deferred until the principle of federal aid was first firmly established.

FIRST PRIORITY: THE DISADVANTAGED

While ESEA's prime objective constituted a political "first," its second was no less ambitious: to begin the tedious task of making the mammoth American educational system (then 29,000 districts, 123,000 schools, 2 million teachers) more responsive to the need for overall educational change. Above all, the Act called for a better deal for the disadvantaged.

Title I, which provides aid to school districts with concentrations of children from low-income families, has always commanded the lion's share of Congressional and public attention. In fact, the allocation of a billion dollars in the first year—far surpassing any school aid bill ever proposed—was a Texas-sized gesture specifically designed to capture the popular imagination. In each of the several extensions and large-scale revisions of ESEA since 1965, Title I continued to be in the spotlight.

As much as any other act of government, Title I characterizes the nation's commitment to eliminating the educational deficits of the young. Nothing has changed more dramatically from pre-1965 to today than the national dialogue over Title I. Then the issue was: "Is it a proper federal responsibility to pump money into slum schools?"

Today the only real question seems to be: "Is Title I working? Can federal aid, in fact, make a difference in the lives of kids? Indeed, are the children learning?"

Erroneously regarded by many of its backers as a general aid program, Title I was actually something new in federal aid statutes: the broadest type of categorical aid ever devised for elementary and secondary schools. Its major thrust was toward discovering ways to educate the "category" called disadvantaged children. But local educational judgments, weighed and approved by state authorities, were given almost complete reign.

In this spirit, more than pork-barrel politics underlay the Administration's decision to provide funds to more than 90 percent of the nation's school districts. Not all such districts lacked the fiscal capacity to raise their own funds. Rather, by earmarking federal funds for the exclusive use of the educationally disadvantaged, it was hoped that all schools would embark quickly upon a new era of concern for the underprivileged. The Act's central task of "public education" could not be trusted to the indefinite workings of a so-called general aid, tax credit or revenue-sharing bill. Instead, using the lure of categorical federal money, the Johnson Administration hoped to see school bureaucracies rethink their priorities and put educationally disadvantaged children at the forefront of the schools' concern.

ESEA was part of a team effort. The Economic Opportunity Act, passed the previous summer, would aid the young outside the formal "power structure"—through Head-start, Community Action, Job Corps, Neighborhood Youth Corps, VISTA, and the like.

By design, the "educational establishment" would be prodded into action by OEO-financed "outside competition." Title I, on the other hand, would undertake the far more difficult task of rejuvenating the schools from within. In theory, then, the War on Poverty would be waged on several fronts simultaneously.

However, Title I's concept of extra help for the poor ran against the grain of American educational tradition which held that all children were to be treated equally, that school resources were to be divided equally, and that the job of the educator was to serve his students even-handedly. Even among some liberals who had recently discovered "The Other America," the concept of compensatory programs for the "disadvantaged" or the "culturally deprived" grated on the ears, smacked of "special treatment."

Reluctance to embrace compensatory education programs was difficult enough to overcome; what compounded the problem was a sheer lack of lore and know-how about them. Today's curricular materials, special research efforts, and evidences of professional concern—journals, seminars, training courses, etc.—no matter how inadequate they may ultimately prove, were almost nonexistent in 1964–1965. Indeed, as the House and Senate Committee Reports (drafted with the aid of the Administration) indicated, no one in America knew exactly how to reach and teach the culturally deprived youngsters of the urban slums and rural depressed areas. Consequently, the committees suggested to educators literally fifty different types of programs which might conceivably improve the quality of life, as well as the formal education program, of the children of the poor.

Why not use federal money, asked the Congress, for "supplemental health and food services," "educational summer camps," "afterschool study centers," "scheduling of concerts, dramas, and lectures; mobile art exhibits and libraries," etc.

In the level sunlight of 1970 much of this seems terribly naive to many an onlooker. Yet there was, in the "era of good feeling" of 1965, a widespread belief that educators did want "to do right" and, given the funds for which they longed, would in time discover how to strengthen the system from within. There were then few cynics (now called "realists") to question whether dollars would, in fact, make a difference; the system simply craved dollars, especially dollars for the poor and dollars to stimulate innovation. There were then scarcely any "system engineers" to insist that the only way to judge federal aid programs was by how much kids improved their ability to read and write. These were concerns whose time had not yet come.

THE BIRTHPANGS OF ACCOUNTABILITY

One exception, by its uncommonness, helps to illuminate the actual state of affairs of that time. Phrases like "accountability," "performance requirements," "educational achievement output," and the like are stock-in-trade rhetoric today. But almost no one in Washington voiced such notions during the period when ESEA was being developed and enacted. Those who dreamed of effective measurements of educational achievement laid their dreams aside in order to pass a school aid bill; the charge of "federal control of education" had to be avoided.

A notable exception was freshman Senator Robert F. Kennedy, whose national eminence made him impossible to ignore. Almost as soon as ESEA reached Capitol Hill, Mr. Kennedy let it be known to HEW that, unlike most of his colleagues in the Congress, he had scant confidence in the ability or motivation of educators to serve the poor. From Commissioner of Education Francis Keppel he won ready agreement that "the school system itself has created an educationally deprived system." Of Mr. Keppel and HEW Secretary Celebrezze he inquired rhetorically:

"Would you not agree, that one of the really great problems we have in the country, being blunt about it, is the school boards of some of these communities, in some of these states, and the commissioners of education in some of the states, that they are just not going to take the necessary steps to deal with the problem?"

Mr. Celebrezze's response—"That is the price of democracy"—received Kennedy's tart retort: "It may be the price of democracy but we don't have to accept it."

Kennedy's impatience with "the educational establishment" did not end there. He conditioned his subsequent support for passage of the ESEA upon good-faith Administration efforts to hold educators responsive to their constituencies and to make educational achievement the touchstone of success in judging ESEA.

After receiving the Senator's ultimatum, the HEW legislative team worked intently with Mr. Kennedy's Legislative Assistant, Adam Walinsky, to develop the first primitive legislative requirement in history which would hold educators accountable for educational progress under federally-funded programs. Section 105(a)(6) of the ESEA was drafted requiring the States to adopt "effective procedures, including provision for appropriate objective measurements of educational achievement . . . for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of culturally deprived children." This and other Kennedy-inspired provisions, such as a watchdog National Advisory Council on the Education of Disadvantaged Children and Section 105(9): "effective procedures . . . for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects" were then carried by the Administration to the House Committee on Education and Labor and introduced by friendly Congressmen.

All of this was done by the Administration and its backers with great fear and trembling; fear that opponents of the bill would find ammunition for their charge that ESEA represented unwarranted federal control over local school districts; trembling that pro-ESEA educational lobbies would break with the Administration on the same issue. Yet Senator Kennedy's language survived and a tenuous beginning at accountability was at least possible.

The subsequent history of these fledgling provisions for evaluation and dissemination is not encouraging to those who believe in the power of federal legislative dicta to change human behavior rapidly. The response of much of the educational community varied from "We already have too much evaluation" to "Nobody knows how to do educational evaluation" to "Years will be required until anybody can do it." (At about the same time the Administration was expending thousands of man-hours attempting to keep afloat the now-respectable National Assessment of Education, a large-scale testing project which had been launched by Commissioner Keppel and several of the foundations in the face of much educator outcry.) The emotionally charged battle cry

"Federal control!" intimidated the Office of Education from meaningful efforts to find out what worked in education and how these successes could be disseminated to the country at large. Years would have to elapse before a climate of sufficient concern could be generated to begin in earnest the task of discovering what difference federal dollars make in the lives of children.

THE THEME OF REFORM

As we have seen, a major objective of ESEA was to give educators the fiscal tools and the national encouragement which, most observers then believed, were required to focus attention on schooling in the slums and to wage a meaningful war on educational neglect. The notion of assessing federal progress by measuring academic achievement ("pupil output") had hardly dawned in Washington. Yet it would be unfair to characterize ESEA's founding fathers as thinking that "money alone would solve all problems."

On the contrary, ESEA's authors believed that the educational system was non-responsive and stody. Their solution was to *buy* educational reform; "Mad money" from Washington would stimulate educational change. Indeed, despite all of the public attention surrounding Title I of ESEA, with its emphasis on one neglected segment of the educational system, it was really the theme of reform which dominated the concerns of ESEA's authors. From the 1964 Task Force on Education, chaired by John W. Gardner, to the Office of Education's nine mid-1965 regional "road shows" set up to publicize the new Act, the federal commitment to educational change was paramount.

The "buying of reform" dictated other, lesser-known parts of ESEA: to the clearly documented state of neglect of the nation's school libraries, Title II respond with support for the purchase of textbooks and school instructional materials. In the view of that time, books and teaching aids were not regarded as "frills" to adorn the schools but as indispensable tools to raise the quality of learning for all children. Not incidentally, Title II also firmly cemented private educators' support of ESEA by ensuring equal access to instructional materials by both public and private school children.

Title III, a conception of the Gardner Task Force, complemented the overall strategy of reform by calling for a broadly-based coalition among educators and every other type of community educational resource—universities, museums, orchestras, galleries, parks, etc. The schools were to be a partner in a consortium of inspired laymen and professionals who, together, would apply their talents to the education not merely of children but the community's adults as well.

The best minds and talents of the community would be harnessed for the common good; the "closed corporation of educationists" would be cracked by the infusion of fresh ideas and new perspectives; concrete expression would be given to Commissioner Keppel's dictum: "Education is too important to be left solely to the educators."

In the view of some reformers, the demise of this program of Supplementary Centers and Services was sealed at the outset. To protect itself on church-state grounds, the Congress insisted that Title III programs be operated solely by local public schools, instead of by community corporations in which the schools would be only a partner and not the master. Two years later, the "educational anti-establishment" was further depressed when approval of Title III projects was turned over completely to the States. Whatever theoretical virtues might have been inherent in the award of grants on the basis of "a national competition in the marketplace of new educational ideas" now became moot. Educational reformers washed their hands of what had been proudly hailed as the "dream title."

Title IV of ESEA authorized the construction of a national network of Regional Educational Laboratories to perform better basic research and to introduce into the classroom quickly the effective results of that work. (The rhetoric used in urging the Act's passage in 1965 is echoed strongly in President Nixon's 1970 Message on Education Reform. Apparently, fear of a large federal R&D effort in education has faded even if support for such an effort has not yet become politically irresistible.)

Concurrently, educational research grants were to be vastly increased with a view toward involving non-education academics and other talented "outsiders" in the work of the schools. The lengthy task of inducing social and physical scientists and experts in the humanities to abandon their traditional aloofness to the work of the "pedagogues" was clearly the underlying thrust of this ESEA title.

MAKING THE STATE MACHINERY WORK

The theme of reform and revitalization was given a special prominence by another objective of ESEA's authors: the commitment to improve federal-state educational relations through a massive build-up of state educational agencies. Almost single-handedly, Commissioner Keppel convinced the executive branch that Washington's educational bureaucracy could not and should not be the operating focus for most federal programs. State departments of education, generally weak and understaffed, needed federal aid if they were to be able to shoulder their vast new responsibilities under the ESEA.

Title V and other earmarked funds were included in ESEA to greatly enlarge and, hopefully, strengthen state educational leadership. In some states, as much as 70 percent of all state department personnel were soon federally financed in the expectation that these new educational cadres would exercise the judgment required of them in approving some 20,000 local district plans under Title I, the state library plans under Title II, and in giving advice and technical assistance to the thousands of consortia-based plans under Title III. Prodded by federal dollars, the states would have to "measure up" in unprecedented fashion.

MONEY AND TIME: THE WORK OF A GENERATION

But reform was more than a theme throughout ESEA. The Act's authors also believed that change would be a very lengthy and expensive undertaking. Congressional and public opinion had been electrified by President Johnson's unprecedented commitment of $1½ billion to the improvement of education in 1965–66. Yet virtually everyone connected with the legislation was convinced that the ambitious goals of ESEA would require years and annual appropriations at least 3 to 10 times greater than those of the first year.

One important meeting at the Budget Bureau in late 1964 sheds light on what was on the minds of ESEA's founding fathers. There, HEW representatives were amazed to learn that their traditionally skeptical, if not penurious, colleagues in the Bureau, were critical of the proposed Title I formula because it didn't spend enough money! By limiting payments on behalf of children from families with incomes under $2000, Title I would cost "only" slightly over a billion dollars. Even raising the family income factor to $3000 or $4000 would not provide the nation's schools with the minimum 5 to 10 billion dollars which was then believed required to make a meaningful impact upon the lumbering educational system. Consequently, the Budget Bureau designed, and the Congress subsequently enacted, a special "incentive grant" program. This add-on feature was deliberately designed to stimulate state and local effort and to spend many hundreds of millions of federal dollars over and above the regular Title I formula, then projected to grow to appropriations of $3–4 billion by 1968–69.

Then, to the chagrin of its authors and backers, the distant cloud of Viet Nam grew to behemoth proportions. Budget deficits and inflation took over center stage from the schools and from America's year-old "unconditional war against poverty." As a result, the nation's appropriation of $1.3 billion for Title I in 1970 is, in real purchasing power, actually less than Title I's fiscal 1966 appropriation. (Per pupil expenditures under Title I, in fact, have fallen sharply over the years: from $213 in fiscal 1966 to $173 in fiscal 1971.)

Budget Bureau and HEW projections for Title III of ESEA were even more ambitious: over a billion dollars by the early 1970's (as contrasted with an actual appropriation in 1970 of only $116.4 million). The point is simply that in 1964–65 there may have been many illusions, but about the cost and time required for change, very few.

INTERSTATE EQUALIZATION

Yet another objective of ESEA's authors was that of channeling federal funds to low-income regions of the country and to our harassed big cities, without proportional aid to most high-income communities. Aware that previous federal aid bills had foundered on the rocks of this "equalization" issue, ESEA's authors steered clear of traditional aid formulae. Instead, they devised a series of ingredients in Title I which provided both the needy South and the North's great cities with proportionally greater assistance than any bill proposed before (or since) ESEA.

After enactment, the distinguished economist Murray Weidenbaum, now Assistant Secretary of the Treasury, concluded from his studies that Title I:

Is a highly progressive program . . . tending to lessen regional income differentials . . . it appears to be more oriented to directing funds to low-income regions, even more effectively than pure income transfer payments such as public assistance. . . .

"Government expenditures on education—with their heavy orientation to investment in human beings—may be considered in an even more favorable light vis-a-vis the more traditional welfare and income maintenance programs. This may become increasingly the case when it is realized that the new type of federal aid to education contributes both to the anti-poverty efforts, by channeling funds into low-income areas, and to raising the economic potential of the nation by increasing the productivity of its present and future labor force."

In the last years of the Johnson Administration, too, support for Title I rested more on its merits as an equalizing vehicle than as a proven instrument of educational improvement.

EASING THE PAIN OF DESEGREGATION

Finally, the architects of ESEA harbored yet another expectation about ESEA: they saw it as a potent lever for inducing southern school districts to undertake quick and "cooperative" school integration. Just as ESEA was seen as the in-school complement to the Economic Opportunity Act of 1964, so it was believed to be the "sugar solvent" which could break the log-jam on desegregation, as mandated by the Civil Rights Act of 1964. Under Title I alone, hundreds of southern school districts would receive an increment to their total operating budget of as much as 50 percent (Congress limited this payment to 30 percent in the first year). Administration leaders expected that southern school districts would be in-

duced to desegregate faster in order to be eligible for such windfall funds.

In this expectation, as in the others enumerated above, only careful historical research can ascertain whether, in fact, the availability of federal funds hastened the pace of southern school desegregation. But it is amply clear that, by judicious display of county-by-county fund distribution tables, the White House was able to garner greater southern support for ESEA than for any school aid bill since the *Brown* decision of 1954.

In sum, ESEA was designed to achieve a number of distinct objectives: establish firmly the principle of federal aid to the schools; begin reform of the entire fabric of American education; redirect educational priorities to put the disadvantaged at the head of the class; provide sorely needed funds, particularly to the nation's poor rural areas and overburdened cities; strengthen federal-state educational relations by building up state departments of education; and speed the pace of school desegregation in the South.

Such is the context of expectations in which ESEA was born. The validity of these original objectives is still worth pondering even while we share the historical perspective (or charity) of the President's Counsellor, Daniel P. Moynihan, when he summed up recent experience under compensatory education programs:

"By and large, these programs have not achieved what was hoped for them. It is not to say they could not and that they don't achieve some things, but on balance, this subject has turned out to be more complicated than we had understood or thought, and there was no way to learn this except to try."

Learning by trying is what ESEA was all about. On its fifth birthday in 1970 one wonders if ESEA has yet had a fair trial.

HEARINGS ON LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I would like to take this opportunity to announce that the Select Subcommittee on Education, which I chair, will hold hearings on Thursday, September 10, on amendments to the Library Services and Construction Act.

This legislation, which was initially passed in 1964, has been extremely important in expanding public library services throughout the country, supporting new library construction, and promoting interlibrary cooperative networks.

Witnesses at the September 10 hearings will include: Burton E. Lamkin, Associate Commissioner for Libraries and Educational Technology, U.S. Office of Education; Keith Doms, director of the Free Library of Philadelphia; and Carlton Rochell, director of the Public Library of Atlanta.

Also scheduled are State librarians Helen Miller of Idaho and Roger McDonough of New Jersey, and library trustees Alex Allain of Louisiana and Margaret Warden of Montana.

The hearings, which are open to the public, will be held in room 2175 of the Rayburn House Office Building at 9:45 a.m.

HEARINGS SCHEDULED ON LEGISLATION TO ESTABLISH KENDALL SCHOOL AS DEMONSTRATION SCHOOL FOR THE DEAF

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on Friday, September 11, the Select Subcommittee on Education will hold hearings on H.R. 18766, introduced by the distinguished gentlemen from New York (Mr. CAREY), and related bills, which would establish a demonstration elementary school for the deaf at Gallaudet College in Washington, D.C.

The school to be established under Mr. Carey's bill would be an expansion of the present Gallaudet School for the Deaf on the Gallaudet campus and would serve as a working demonstration center where learning problems of the deaf could be dealt with on a day-by-day basis and where new techniques, media, materials, and technology could be readily observed.

Mr. Speaker, I should like to take this opportunity to salute Congressman CAREY for his initiative in bringing this significant measure to the attention of Congress. All of his colleagues in Congress know HUGH CAREY as one of the best friends of handicapped persons in the Nation.

Mr. Speaker, our witnesses for the September 11 hearing are: Dr. Edward Merrill, Jr., president of Gallaudet College; the Very Reverend John Hourihan, executive director of the Mt. Carmel Guild in Newark, N.J.; Thomas Coleman, executive director of the National Association of Hearing and Speech Agencies; Fred Schrieber, executive secretary, National Association of the Deaf; Alfred Cranwill from the Council of Organizations Serving the Deaf; and Mr. Barbara Stevens, a teacher and graduate of the present Kendall School; and David Denton, superintendent of Maryland School for the Deaf.

Hearings will be held at 9:45 a.m. in room 2261 of the Rayburn House Office Building.

AIRCRAFT HIJACKING

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. HORTON. Mr. Speaker, I want to commend my able colleague, GERALD R. FORD, for his remarks on the shocking international hijacking in Jordan.

This is a very personal situation to me since more that 20 of my constituents are victims of the hijacking. They are either incarcerated in a blistering-hot aircraft parked on a desert runway outside Amman, Jordan, or in an Amman hotel which has been subjected to shelling. This act of terrorism and piracy deeply worries me. And the welfare of the people held by the guerrillas greatly concerns me.

I completely agree with the gentleman from Michigan, and I have proposed a solution to international hijacking to Secretary of State William Rogers and Secretary General U Thant. I would like to share this proposal with my colleagues:

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: With each shocking saga of international hijacking of civilian aircraft, the danger of a total breakdown of a safe and reliable system of airline routes between nations become greater.

At the present time, it is reported that more than 20 of my constituents are either incarcerated in a blistering-hot aircraft parked on a desert runway outside Amman. Jordan, or in an Amman hotel which has been subjected to mortar fire.

While we must concentrate current efforts on obtaining the safe return of the passengers and crews of the hijacked aircraft, we must not let this emergency pass without taking steps, far stronger and more positive than before, toward a long-term solution to the air piracy problem.

In my analysis, the problem is centered on terrorist groups around the world who have some reliable assurance of immunity from punishment at certain ports of call. In the nations which offer this immunity, there is neither incentive or sanction to pursuade them to apprehend and punish these criminals. Neither the community of nations, the airlines, the pilots associations nor the United Nations have been able to come to any agreement on sanctions against the nations which have caused repeated breakdowns in the safety and reliability of civilian air travel.

The key to any international effort to end air hijacking must be to force these host-nations to bear the responsibility for the acts of the terrorists who come to them for sanctuary. Mr. Jack Dempsey, National News Director of Mairite Broadcasting Company, Rochester, New York, has suggested to me that our government and the United Nations should seek to establish an international mechanism which would automatically suspend international air travel to or from any nation which offers sanctuary to a hijacker. After a minimum number of hours after the hijacked aircraft is landed and the passengers, crew and plane are not returned intact, the host nation would be subjected to a world-wide air boycott—permitting neither departures to nor arrivals from ports of call in that country.

So that the highly-charged regional political questions could be resolved and compromised within this sanction agreement, it should offer the host nation a choice as to where the hijackers should be brought to trial.

If for political or other reasons the host-nation does not want to prosecute the pirates themselves, they would have the option of returning them to the nation over which the hijacking occurred, or to the nation whose airline was the victim of the attack. These and other details of the mechanism needed to trigger the sanctions could be worked out by the International Civilian Aviation Organization of the United Nations.

I urge you as the highest foreign policy official of our government to place extreme urgency on initiatives within and outside the United Nations to reach such an agreement. As long as the world remains disorganized with respect to hijackings, the only answer will be to give in to the capricious demands made by successful terrorists—and each time one of their demands is met, it will stimulate more and more dangerous hijackings and more and more unreasonable demands until a total breakdown of order is threatened. Already, one hijacker set free by Syria earlier this year has felt bold enough to hijack another aircraft.

In the absence of an effectual international sanction agreement, we should consider the temporary employment of armed guards on civilian aircraft, as well as more thorough airport search procedures. Without such action, we will have little alternative than to inform our citizens and those of other nations that they must travel at their own peril, with little guarantee of their safety or protection from terrorists.

With kindest personal regards, I am,

Sincerely,

FRANK HORTON.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There are more museums in the United States than any other nation in the world. In 1965 there were 4,595 museums in the United States with over 187 million reported visitors. France has 1,014 museums, the United Kingdom 964, and the Soviet Union 937.

RELIEVE POLICE OF CONSULATE PROTECTION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am introducing a bill to extend protection by the Executive Protection Service to foreign missions and consulates throughout the country. The Executive Protection Service was established in March of this year as an adjunct to the White House Secret Service to give protection to foreign diplomatic missions in the District of Columbia. While this act has relieved the Washington police of their consulate protection duties, critically needed police manpower in other cities continues to be diverted to foreign diplomatic mission guard duty.

The drain on the police department's manpower is a problem which particularly affects New York City's 19th precinct in my congressional district; the 19th precinct extends from 59th Street to 89th Street on the East Side and includes the United Nations and most of the missions and consulates of the foreign delegations. As a result, New York taxpayers pay an estimated $1.57 million a year in salaries to 150 police officers guarding the missions; the total cost of this service comes to $1.9 million a year.

In addition, New York City suffers a loss in real estate taxes because of the consulates' tax exempt status. Last year I introduced a bill, H.R. 8441, to provide reimbursement by the Federal Government for this revenue loss and for expenses incurred in providing police protection for officials and visiting dignitaries.

The bill I am introducing today, H.R. 19099, would go one step further. It would take out of the hands of the metropolitan police departments the responsibility for guarding the consulates, thus freeing the local police to protect the entire neighborhood.

Mr. Speaker, not only are the people of New York bearing the burden of this service in tax dollars, but they are also suffering from a lack of protection for several hundred thousand people living and working in the 19th precinct. While policemen are performing guard duty at the foreign missions, there are few officers left to patrol the neighborhood. This has resulted in spiraling crime rates placing the 19th precinct first in Manhattan in auto theft and second in burglary. Many stores now keep their doors locked during business hours because of the threat of armed robbery, and many businesses and residents have been forced to hire private, but unarmed, security guards.

Is it right that we place the burden of protecting foreign missions on the local governments? The whole country benefits from having the United Nations and the foreign consulates located in New York City—not just New York and surely not just the residents of the East Side of Manhattan; $2 million is but a small sum in the Federal budget, but a sizable amount for a city even as large as New York where local taxes are so high and the municipal dollar so short.

Both policemen and local residents are unhappy about the use of police manpower at the consulates. Community Board No. 8 on the East Side has recommended that all police officers be withdrawn immediately from the consulates to create an emergency situation forcing the President to act.

I urge, Mr. Speaker, that we not wait for an emergency situation to develop, but that instead we move to meet a responsibility that rightfully belongs to the Federal Government. I hope that the Congress can take prompt and favorable action mandating that the Executive Protection Service extend its jurisdiction to all foreign diplomatic missions and consulates located in the United States.

The text of the bill which my colleague from New York (Mr. BINGHAM) is cosponsoring with me, follows:

H.R. 19099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 202 of title 3, United States Code, is amended by striking out clauses (4) and (5) and inserting in lieu thereof "and (4) foreign diplomatic missions (including consulates) located in the United States, its territories, and possessions."

(b) Section 203 (a) of title 3, United States Code, is amended by striking out the words "as may be necessary but not exceeding eight hundred and fifty in number" and inserting in lieu thereof "as the Secretary of the Treasury determines is necessary to carry out the provisions of this chapter."

TEACHER'S DAY RESOLUTION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, our teachers have a greater responsibility than any other class of workers for the future attitudes and mores of our Nation. The members of this great profession are on the firing line, day in and day out, where the battle of minds is taking place. In this period of rapid social change and resulting friction, it is to our teachers that we assign the awesome task of making sense out of the apparent chaos and arming our youth with the knowledge and values that will prepare them to assume the role of responsible adults.

Often they are asked to bear this responsibility, and the prodigious labor that goes with it, under the worst possible conditions, working in overcrowded classrooms, with inadequate equipment, with salaries that keep them one step ahead of the bill collector, harried with custodial and administrative chores, and often misunderstood and vilified by those who need a scapegoat on which to fix the blame for the problems our troubled youth is experiencing.

In recognition of these facts, Mayor Ronald James of San Jose has proclaimed September 28, 1970, as "Teacher's Day" in that city, and the Santa Clara County Board of Supervisors has done likewise for the county. The purposes of these proclamations are:

To increase public awareness of the important responsibility of our teachers in formulating the ideals and goals of our young.

To bring about understanding that the strengths and weaknesses of our Nation's future leaders depend greatly on the mental, spiritual and leadership qualities of our teachers.

To recognize publicly our appreciation of the many fine educational achievements of our teachers.

To recognize the many years of exacting training necessary for teachers to prepare for their profession.

To encourage a greater understanding between our young and those responsible for helping to realize their ideals and goals, thus helping to bridge the apparent generation gap.

This form of recognition, the setting aside of a special day to show our esteem for a special group, has its precedence in Mother's Day, initiated in Philadelphia in 1908, and in Father's Day, begun in Spokane, Wash., in 1910.

The Teacher's Day Committee of San Jose has proposed September 28 as "Teacher's Day" because it coincides with the birthdate of Confucius and has been celebrated by the Han people as Teacher's Day for 20 centuries. I believe the date is entirely appropriate and the fact that it coincides with the birthdate of Confucius is in keeping with the spirit of understanding and cooperation toward which the human race is striving.

Today I am introducing a resolution to establish September 28 as "Teacher's Day"—a day of national recognition for the most important profession in our society. I hope it will find prompt and unanimous approval among my colleagues.

STATEMENT BY REPRESENTATIVE JOHN M. MURPHY—INTRODUCING VINCENT THOMAS LOMBARDI NATIONAL CANCER RESEARCH PROGRAM

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, Vincent Thomas Lombardi thrived on challenge.

Whether on or off the field, Vince Lombardi had one overriding philosophy: play hard, play fair, play to win.

But Vincent Thomas Lombardi lost his most important battle last Thursday—victim of a heinous disease called cancer.

Vince was aware of this challenge.

This man of intense dedication, this devout man, this stern man, this gentle and humble man, succumbed to this insidious poison that claims more than 300,000 Americans each year.

This man, who played on guts as one of the famed Seven Blocks of Granite at Fordham, who led the Green Bay Packers to an unprecedented five National Football League championships and two Super Bowl victories, was but one of the more than 1 million Americans who are currently under treatment for this dread disease.

With the death of Vince Lombardi, the Nation suffered a most serious loss. Vince was more than a giant in the world of athletics. He was a leader in every sense. He justified hard work, dedication, pride, and love. He instilled the dividends that can be reaped by sacrifice for a goal, respect for authority, and commitment to duty in everyone associated with him.

I know, for I had the good fortune and honor to be coached by Vince Lombardi when I played football at the U.S. Military Academy.

Throughout his coaching days—as an assistant at Fordham, West Point, and the New York Giants, then as headman at Green Bay and finally the Washington Redskins—Lombardi committed himself fully to the challenges before him.

Among his many civic commitments, Vince was a member of the Board of Trustees of the American Cancer Society in Washington.

He knew of the challenge of cancer. He battled for the necessary funds that can help find a cure to the curse of cancer. He knew, also, that current appropriations were inadequate to accomplish this task.

But he knew that it was both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer in this decade.

He died of a virulent cancer, believing this. In lieu of flowers, his brave family requested that contributions be made instead to the American Cancer Society.

So Vince Lombardi died leaving us a challenge—a test of our national priorities. There is no reason why this Nation, with its medical minds and medical resources, backed up by Federal funds in a total national effort, cannot solve the mystery of cancer. There is no reason why we cannot cure every patient who gets the disease, prevent the disease as well, and bring to an end its great cost in money, suffering and loss of life.

The prospects of an early breakthrough in cancer are very real.

If we follow the example of Vince Lombardi, utilizing to the fullest our talents and resources to a given goal, there is no limit to what we can do as a Nation, to bring dramatic results. In World War II, we developed the atom bomb and we did it with an incredible concentration of management, money, and brains. More recently, we sent men to the moon and our approach in the space program was very much like the atomic Manhattan project.

I now ask, in the name of Vincent Thomas Lombardi, that we do the same thing in cancer.

Let it be resolved that it is the sense of the House of Representatives that no less than $1 billion be appropriated over the next 10 fiscal years for the Vincent Thomas Lombardi national cancer research program; and be it further resolved, that no less than $500 million of this appropriation be utilized to construct five new Vincent Thomas Lombardi cancer research institutes in the United States during the first 2 years of the new appropriations.

Let this be our memorial to a great and good man from a grateful Nation; let this be our dedication to a challenge.

PRESIDENTIAL COMMISSIONS ON THE INCREASING TIDE OF PORNOGRAPHY AND ANARCHISTS ON OUR CAMPUSES

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, the country will soon be confronted with the reports of two Presidential Commissions which have been given the unrealistic task of providing solutions for two of our major domestic problems—the increasing tide of pornography and the anarchists on our campuses.

I say that these Commissions have been given unrealistic tasks because the underlying, fatal flaw with such groups, as Senator GORDON ALLOTT recently pointed out, is that they are literally irresponsible.

They do not have to answer to any set of voters. They can, by their actions, generate high tempers and much flamboyant publicity and then go out of existence, leaving others to clean up the debris left by the instant experts. I am pleased to note by Senator ALLOTT's recent remarks that the Republican leadership is showing concern over the probable outcome of the work of these two groups.

If the results are as I anticipate them, the Nixon administration will be well advised to repudiate them in the most immediate and forceful manner possible.

There are some alarming indications that both of these so-called blue ribbon commissions will hand in reports which, if they do not actually encourage smut and adolescent rioters, will at least condone them.

We already have much evidence—in the form of a draft report—that the President's Commission on Obscenity and Pornography had such intentions as late as last month. It may be that the publicity attendant to the surfacing of this draft report will result in its being toned down somewhat.

But it is clear that the majority of the members and the staff of this Commission are of the true head-in-the-sand liberal school that believes that pornography is just dandy and has no ill effect on anybody.

I am afraid that the President's Commission on Campus Unrest is also composed mainly of the illiberal-liberal types who gave us the ruinous decade of the permissive sixties where anything went as long as it was done in the name of the so-called repressed, the so-called disadvantaged, or the so-called disenchanted youth.

The liberal do-gooders who openly encouraged and fostered the arrogance of the modern campus anarchist are, unfortunately, too well represented on this Commission which is to tell us why rioters riot and what the rest of us can do to mollify them.

The evidence of this is plainly present in the manner in which the Commission allowed its hearings to become little more than a forum for anti-American harangues by the young hoodlums, who also took the occasion to threaten any and all who show signs of resisting their demands or who are not responsive to them.

Then, too, the Commission became a favorite outlet for advancing the leftist politics embraced by some of its members and many of its witnesses. For example, the statement by the youngest Commission member who, upon appointment, and without waiting for even one hearing, announced that President Nixon was to blame for the situation at Kent State.

That one statement alone proved not only his absolute uselessness as an impartial investigator but also his lack of elemental commonsense.

The blame for the situation at Kent State, and the conditions on so many other campuses, lies no more with the President or this administration than it does with the administration of Ulysses S. Grant.

The blame rests on the ultraliberal politicians and bureaucrats who went up and down this land in the last decade decrying almost every institution, while they held out utopian promises they well knew could not be fulfilled.

They encouraged the destruction of our institutions. They applauded the so-called leaders who urged their followers to break any law they found inconvenient and to present—as arrogantly as possible—their nonnegotiable demands to the despised establishment.

And the blame for the present campus situation rests also on those cringing, spineless, hand-wringing college presidents who whimperingly abdicated to the first Nazi-like knot of nihilists who showed up.

I do not imply that the members of this Commission on Campus Unrest—

the very name is a sop to the brick and bottle crowd—have been out making speeches to encourage this lawlessness. But their conduct of this alleged investigation points to a report that will be as appeasing as Chamberlain at Munich. And everyone above college age knows what that has gotten us.

I sincerely hope that I am dead wrong in my estimate of what is going to come from these two Presidential Commissions.

I sincerely hope that the one will urge an immediate and effective brake on the dissemination of all types of pornography, and that the other will demand the application of swift and severe punishment for these hoodlums of the privileged class, who are so hellbent to tear down this Republic.

I hope it, but I doubt it.

GOOD WORD FOR UNCLE SAM

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, the recent article forwarded to the able writer, Mr. Jenkin Lloyd Jones, and recently published in Copenhagen, taking the side of the United States, seems to be an enlightening and pleasing piece.

In this article, the very distinguished former Minister Viggo Starcke, Danish statesman, defended the United States against the tide of criticism which is the current fashion of some Europeans who have forgotten some quite recent lessons of history, according to Mr. Jones.

Minister Starcke stated in his remarks, and I quote him, as reported:

> We, who have experienced the first World War, have seen how America ultimately turned the scales when liberty was at stake.
>
> We, who have lived through the Second World War, have seen how America ultimately deprived the unrighteous of their power.
>
> We, who have seen the crimes of Fascism, the infamy of Nazism, and the terror of Communism, have seen America's strength and magnificence prevent a third World War, and the unleashing of the bears of Russia on the remnants of Europe.

This is very strong language in any man's book, and the thoughts expressed have often found more than passing lodgement in my mind.

I am, therefore, very glad to know that this great Danish statesman reminded some people of the great debt that they owe to this country, and to the American people, for the assistance and help that has been so unselfishly given some European nations in the name of human freedom and friendship.

The Minister does not hesitate to speak out strongly against the failure of his own government to support NATO more substantially.

I do not wish to comment in any way upon the Government of Denmark, because what they do is their own business, but I do want to urge that every nation that is associated with the forces of freedom in this world, should well realize at this time, how important it is to render support to NATO so that in case of aggression this force created to keep the peace and security of Europe can continue to be the deterrent force that it has been in so largely preventing aggression on the European continent, with just a few rather noteworthy exceptions.

Minister Starcke has referred to the oppressive conquests in Europe, also with the approval of the people involved:

> Country after country has been "liberated," meaning suppressed. Czechoslovakia has been "liberated" twice. The Communist gains in territory are not based on internal success of the system, for why would it be necessary with machine guns, barbed wire and mine fields to prevent the inhabitants, who know communism at close quarters, from fleeing from paradise?
>
> This galloping imperialism of the Communists is hardly unusual in the history of the world. What is unusual is the firm, steady conduct of the United States. In two world wars America has been victorious without subduing any country, without taking possessions of any territory.
>
> In spite of this honest behavior, the Communists and their crypto-communistic helpers have succeeded in smearing the name of America."

Minister Starcke recalls that in 1948 when the United States had a monopoly of atomic weapons, the British philosopher, Bertrand Russell, suggested a preventive atomic war to destroy the Russian threat. America, of course, paid no attention to this wild proposal. Years later when he was far gone in his dotage and under the influence of a young left-wing companion, Russell lent his name to a farcical "trial" of America for aggression which the Swedes hosted and many Danes applauded.

Starcke concludes:

> The safe foundation for Danish foreign policy is confident co-operation with a great power that has not subdued other nations and holding aloof from a great power which has subdued one country after another.

This statement by a great Danish leader puts the position of the United States vis-a-vis Communist Russia in context.

It shows that one nation has devoted much of its energies to open aggression and conquest as well as infiltration of other nations, while the other, the United States, has fought unselfishly and without hope of territorial conquest or return of any kind, except for the satisfaction and reward of helping all peoples who desire to live in a free world.

Attacks being made upon the United States are not based on reason, logic, or fact, but rather on Communist propaganda and left-wing circulation of standard canards older than Methuselah. The pity is that some of these groundless criticisms and factual deceptions, echoed time and time again in the left-wing places all over the world, have reached, and no doubt influenced, certain public opinion outside of Communists in the United States.

What is more, they have been parrotted by Communists and their cronies in many ways and places to downgrade and belittle the American Government, American policy in support of freedom, and all the efforts we have made, or are making, to try to keep man free.

It is too bad that any of our American youth should fall for this badinage and palpable, left-wing propaganda.

I doubt that these words of caustic criticism and expressed hatred toward the United States would ever cause our great country to cease to take an interest in the people who inhabit the globe with us—let alone abandon our comrades and friends.

This statement by a wise leader should alert people that there are, not only enemies abroad, but enemies at home, who are doing everything they can to topple over our free system, and replace it with the repression, brutal domination of monolithic, police-state communism.

One lesson we can take from this situation is that we must not let down our guard, that we must not allow anything to soften us to the point where we dissipate our strength, and fail to keep our country equipped to meet every contingency that may develop in this dangerous world, where powerful forces are trying to extinguish the lamps of freedom and replace them with the black crepes of the Marxist society.

If we allow our national defense to weaken, so that it is no longer a match, or a deterrent force, for our enemies in the world, that is the time this country will begin to experience real problems that will put things of the present into obscurity by comparison.

We do not want a world of combat and aggression and war. We seek peace with all our hearts. But until the day comes when the Soviet Union agrees to negotiate with us and other free nations, and puts down the sword for the plowshare, this Nation must remain strong, or it will perish like many others in the past, stricken by those who plotted, and schemed, and in the end moved to destroy them.

We are all pleased to learn of possible meaningful negotiations in the Middle East area. There are many conflicting issues, and the survival of the new State of Israel is a basic problem, and our Nation is deeply concerned and deeply interested in the security and well-being of this young state and is committed to helping this fine young country to defend itself against enemies that would destroy it.

But there are disquieting factors that must be taken into account.

Minister Starcke has struck a note of just appraisal of the great contributions of the United States to the salvation of civilized, free government and a free world. We must thank him for his able talk, admire him for his courage, and hail him for his wisdom and sense of justice.

ANNIVERSARY CELEBRATION BY LEAGUE OF WOMEN VOTERS OF 19TH AMENDMENT AND STAMP FOR SUSAN B. ANTHONY

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, on August 26 at Adams, Mass., the League of Women Voters, under the brilliant leadership of Mrs. Bruce Benson, conducted a very

impressive celebration of the 50th anniversary of the 19th amendment that gave women the right to vote and ceremonies attending the commemorative stamp honoring the famous champion of women's rights, Susan B. Anthony.

I was sorry previous engagements made it impossible for me to join my able, distinguished, admired friend and colleague, Congressman SILVIO CONTE, the esteemed and beloved representative of this great district, and the very distinguished company that gathered in the charming New England town of Adams to commemorate these great events in American history, which are so meaningful to the League of Women Voters and looked upon with such great pride by the American people.

I would like to congratulate and commend Mrs. Benson, the famous and inspiring head of the League of Women Voters, whose work has been so outstanding, and the members of the league and the many enthusiastic people who joined in these exercises of celebration.

As we all know, these great events in American history are extremely meaningful to the League of Women Voters and the American people, because they emphasize the important place that American women have played in the development of our Government, our free institutions, and the enrichment of American life.

I heartily congratulate and commend the league and its officers and members for the initiative and leadership their fine organization has displayed in making this great day possible, and in arranging the memorable program that was presented to recall and commemorate these moving events in the history of our country.

I am honored to send to Mrs. Benson, and to her entire organization, the warm greetings of the people of my district and my own cordial, best wishes for the continuance and success of their vital work in promoting the cause of American womanhood and their constructive purposes and effective advocacy of lofty public causes that have won support and appreciation throughout the Nation and in the hearts of the American people.

I also want to express my pleasure and pride in these most commendable, memorable exercises, and wish for Mrs. Benson and the league many more successful achievements in behalf of community, State and Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

Mr. DANIEL of Virginia (at the request of Mr. ALBERT), for today, on account of official business.

Mr. HAGAN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PEPPER (at the request of Mr. ALBERT), for today and the balance of the week, on account of official business.

Mr. SKUBITZ (at the request of Mr. GERALD R. FORD), for today and balance of week, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today and balance of week, on account of official business as a member of the House Committee on Science and Astronautics.

Mr. BUCHANAN (at the request of Mr. GERALD R. FORD), for today and balance of week, on account of official business as member of the House Committee on Foreign Affairs.

Mr. FOUNTAIN (at the request of Mr. WAGGONNER), for today and remainder of week, on account of official business.

Mr. CORMAN for Wednesday, September 9, on account of official business.

Mr. HICKS (at the request of Mr. MEEDS), from October 9, 1970, to October 16, 1970, on account of official business,

Mr. LANDGREBE (at the request of Mr. GERALD R. FORD), for today and balance of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEIGER of Arizona) and to revise and extend their remarks and include extraneous matter:)

Mr. MORSE for 60 minutes, on September 10.

Mr. WYDLER for 30 minutes, on September 15.

Mr. MYERS for 5 minutes, today.

Mr. HALPERN for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS for 30 minutes, today.

Mr. FALLON for 30 minutes, today.

Mr. FARBSTEIN for 15 minutes, today.

Mr. HARRINGTON for 20 minutes, today.

Mr. RARICK for 10 minutes, today.

Mr. CORMAN for 60 minutes, September 14.

(The following Members and to revise and extend their remarks and include extraneous matter:)

Mr. RANDALL for 10 minutes, today.

Mr. PUCINSKI for 60 minutes, tomorrow, September 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. VANIK and to include extraneous matter.

Mr. MCMILLAN, and to include extraneous material.

Mr. GROSS to extend his remarks and include extraneous matter.

Mr. GERALD R. FORD to include with remarks made in the Committee of the Whole a letter from the Secretary of Defense.

(The following Members (at the request of Mr. STEIGER of Arizona) and to include extraneous matter:)

Mr. COUGHLIN in seven instances.
Mr. SPRINGER.
Mr. SCHERLE in 10 instances.
Mr. LANGEN.
Mr. FINDLEY.
Mr. SCHMITZ in four instances.
Mr. KLEPPE in two instances.
Mr. HALL.
Mr. HUNT.
Mr. GERALD R. FORD.
Mr. CUNNINGHAM in five instances.
Mr. MICHEL.
Mr. WYMAN in two instances.
Mr. BYRNES of Wisconsin.
Mr. GOLDWATER in three instances.
Mr. MINSHALL in three instances.
Mr. GOODLING in two instances.
Mr. QUILLEN in four instances.
Mr. FULTON of Pennsylvania in 10 instances.
Mr. ANDERSON of Illinois.
Mr. RHODES in six instances.
Mr. FISH.
Mr. SCHWENGEL in three instances.
Mr. DERWINSKI in three instances.
Mr. ASHBROOK in two instances.
Mr. STEIGER of Wisconsin.
Mr. BRAY in four instances.
Mr. HOSMER in two instances.
Mr. ZION.
Mr. COLLINS in five instances.

(The following Members (at the request of Mr. JONES of North Carolina) and to include extraneous matter:)

Mr. HATHAWAY in two instances.
Mr. OTTINGER in two instances.
Mr. FISHER in six instances.
Mr. MONTGOMERY.
Mr. BOLLING.
Mr. ROYBAL in eight instances.
Mr. CORMAN in six instances.
Mr. MURPHY of New York in three instances.
Mr. ROONEY of New York.
Mr. O'HARA in four instances.
Mr. ABBITT.
Mr. COHELAN in 10 instances.
Mr. NATCHER in two instances.
Mr. BINGHAM in three instances.
Mr. EILBERG in two instances.
Mr. MAHON in two instances.
Mr. MATSUNAGA in two instances.
Mr. ROGERS of Florida in six instances.
Mr. ULLMAN in 10 instances.
Mr. RARICK in six instances.
Mr. DONOHUE in two instances.
Mr. JACOBS in two instances.
Mr. VANIK in two instances.
Mr. BOLAND in two instances.
Mr. DIGGS in three instances.
Mr. PUCINSKI in six instances.
Mr. HANNA in five instances.
Mr. GARMATZ.
Mr. DADDARIO in two instances.
Mr. LEGGETT.
Mr. WILLIAM D. FORD.
Mrs. SULLIVAN in three instances.

SENATE BILLS AND JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills and joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 578. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

S. 721. An act to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

S. 1196. An act for the relief of the Casa Angelica mental retardation facility of Albuquerque, N. Mex.; to the Committee on Interstate and Foreign Commerce.

S. 1785. An act for the relief of Irene Sadowska Sullivan; to the Committee on the Judiciary.

S. 1943. An act for the relief of Arie Abramovich; to the Committee on the Judiciary.

S. 2735. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Committee on Interior and Insular Affairs.

S. 3032. An act for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza; to the Committee on the Judiciary.

S. 3129. An act for the relief of Dr. Pio Albert Pol y Zapata; to the Committee on the Judiciary.

S. 3196. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3225. An act to provide that the U.S. District Court for the Western Division of the Southern District of Mississippi shall be held at Natchez; to the Committee on the Judiciary.

S. 3330. An act to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors; to the Committee on Interstate and Foreign Commerce.

S. 3487. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.); to the Committee on the Judiciary.

S. 3553. An act to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3702. An act for the relief of Dr. Nahid Mansoori Diaz; to the Committee on the Judiciary.

S. 3775. An act to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code; to the Committee on Veterans' Affairs.

S. 3796. An act for the relief of Reynaldo Canlas Beecher; to the Committee on the Judiciary.

S. 3853. An act for the relief of Mrs. Pang Tai Tai, to the Committee on the Judiciary.

S. 4078. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 4319. An act to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 90 days; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

S. Con. Res. 79. Concurrent resolution favoring the supsension of deportation of certain aliens; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1749. An act for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif.;

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the U.S. ship *Constitution* (IX–21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Gaudalupe Esparza-Montoya;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen.

H.R. 13265. An act to confer U.S. citizenship posthumously upon L. Cpl. Frank Krea;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission Dockets Numbered 90 and 122, and for other purposes;

H.R. 13712. An act for the relief of Vincenzo Plicano;

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve;

H.R. 13895. An act for the relief of Mrs. Maria Elosia Pardo Hall;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact;

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes;

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission;

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes;

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe;

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes;

H.R. 17133. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance; and

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 16, 1970:

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

On August 17, 1970:

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

On August 18, 1970:

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya;

H.R. 13265. An act to confer U.S. citizenship posthumously upon L. Cpl. Frank J. Krec;

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park compact; and

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma.

H.R. 1749. An act for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif.;

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the U.S.S. *Constitution* (IX–21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano; and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

On August 21, 1970:

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.J. Res. 1194. A resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week";

On August 28, 1970:

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission.

On September 1, 1970:

H.R. 17133. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

On September 8, 1970:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission Dockets Nos. 90 and 122, and for other purposes;

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission Docket No. 220, and for other purposes; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Thursday, September 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2311. A letter from the Deputy Secretary of Defense, transmitting the second semiannual report on funds obligated in certain research programs, for the second half of fiscal year 1970, pursuant to section 409 of Public Law 91–121; to the Committee on Armed Services.

2312. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 71–3, authorizing military grant assistance to an economically developed country, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2313. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 46th and 47th annual reports of the Board of Actuaries of the Civil Service Retirement System for the fiscal years ended June 30, 1966 and 1967, pursuant to 5 U.S.C. 8347(a) (H. Doc. 91–380); to the Committee on Post Office and Civil Service and ordered to be printed.

2314. A letter from the Clerk, U.S. House of Representatives, transmitting the semiannual report of the Clerk covering receipts and expenditures of appropriations and other funds for the period January 1 through June 30, 1970, pursuant to Public Law 88–454 (2 U.S.C. 104a) (H. Doc. 91–379); to the Committee on House Administration and ordered to be printed.

2315. A letter from the Architect of the Capitol, transmitting a report of all expenditures during the period January 1, 1970, through June 30, 1970, from moneys appropriated to the Architect of the Capitol, pursuant to section 105(b) of Public Law 88–454; to the Committee on Appropriations.

2316. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1971, has been apportioned on a basis which indicates a need for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2317. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Management and protection," National Park Service, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2318. A letter from the Assistant Secretary of Defense, transmitting a report on the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter April 1 to June 30, 1970, pursuant to section 620, Public Law 91–171; to the Committee on Appropriations.

2319. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2320. A letter from the Deputy Assistant Secretary of the Army (Research and Development), transmitting a report on Army research and development contracts for $50,000 or more which were awarded during the period January 1, through June 30, 1970, pursuant to section 4 of chapter 882 of Public Law 557, 82d Congress; to the Committee on Armed Services.

2321. A letter from the Deputy Chief of Naval Materiel (Procurement and Production), transmitting a report on Navy research and development procurement actions of $50,000 or more, covering the period January 1 through June 30, 1970, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2322. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report of actions taken by the Bank under the authority of Public Law 90–390 during the quarter ended June 30, 1970, pursuant to that act; to the Committee on Banking and Currency.

2323. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide for the payment of medical or surgical services of hospital treatment for certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protection Service, and the U.S. Secret Service Division, and for other purposes; to the Committee on the District of Columbia.

2324. A letter from the Acting Commissioner of Education, Department of Health, Education, and Welfare, transmitting an interim report on research in the area of school finance, pursuant to section 809 of the Elementary and Secondary Education Amendments of 1969; to the Committee on Education and Labor.

2325. A letter from the Secretary of the Treasury, transmitting a report on foreign credits by the U.S. Government as of December 31, 1969, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2326. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report covering personal property donated to public health and educational institutions and civil defense organizations under section 203(j), and real property disposed of to public health and educational institutions under section 203(k), pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2327. A letter from the Secretary of the Interior, transmitting a report on the reclassification of lands in the Midvale Irrigation District of the Riverton project in Wyoming, pursuant to the provisions of section 8 of the Reclamation Project Act of 1939; to the Committee on Interior and Insular Affairs.

2328. A letter from the Acting Secretary of the Interior, transmitting a copy of a proposed grant agreement with the board of trustees of the Leland Stanford, Jr., University, Stanford, Calif., for a research project entitled "Atmospheric Pollution Aspects of Magnetohydrodynamic Powerplants," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2329. A letter from the Assistant Secretary of the Interior, transmitting notification of the receipt of a project proposal for the Graham-Curtis project of Safford, Ariz., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2330. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; to the Committee on Interior and Insular Affairs.

2331. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Commission as of July 31, 1970, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

2332. A letter from the Chairman, Federal Power Commission, transmitting copies of the publications entitled, "Hydroelectric Plant Construction Costs and Annual Production Expenses, 1968" and "Part III of the 1970

National Power Survey"; to the Committee on Interstate and Foreign Commerce.

2333. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

2334. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2335. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2336. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2337. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2338. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2339. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2340. A letter from the Associate Administrators, Law Enforcement Assistance Administration, U.S. Department of Justice, transmitting the second annual report of the Administration, for fiscal year 1970; to the Committee on the Judiciary.

2341. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on the ethnic isolation of Mexican Americans in the public schools of the Southwest, pursuant to Public Law 85-315, as amended; to the Committee on the Judiciary.

2342. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to documentation of vessels; to the Committee on Merchant Marine and Fisheries.

2343. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a publication entitled, "Handbook of Toxicity of Pesticides to Wildlife"; to the Committee on Merchant Marine and Fisheries.

2344. A letter from the Secretary of Defense, relative to a number of problems that would be created for the Department of Defense and other Federal agencies if H.R. 17809, scheduled for consideration by the House on September 9, were to be enacted; to the Committee on Post Office and Civil Service.

2345. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide that the Federal Government shall assume the risks of its fidelity losses; to the Committee on Post Office and Civil Service.

2346. A letter from the Secretary of Health, Education, and Welfare, transmitting the final report of the task force on medicaid and related programs; to the Committee on Ways and Means.

2347. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report of grant financed wholly with Federal funds approved by that office, for the period April 1 through June 30, 1970, pursuant to section 1120b of the Social Security Act; to the Committee on Ways and Means.

2348. A letter from the Commissioner of Social Security, transmitting a copy of proposed regulations on fire safety standards for carpeting in medicare-participating health care facilities; to the Committee on Ways and Means.

2349. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to clarify the authority of the Atomic Energy Commission to authorize the establishment of a material access approval program for individuals having access to certain quantities of special nuclear material, and for other purposes; to the Joint Committee on Atomic Energy.

2350. A letter from the General Sales Manager, Export Marketing Service, Department of Agriculture, transmitting a report of agreements signed for foreign currencies under Public Law 480 during July and August 1970, pursuant to Public Law 85-128; to the Committee on Agriculture.

2351. A letter from the Under Secretary of the Navy, transmitting notice of the intention of the Department of the Navy to donate certain surplus property to the Pacific Southwest Railway Museum Association, Inc., San Diego, Calif., purusant to 10 U.S.C. 7545; to the Committee on Armed Services.

2352. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation relating to benefits for employees of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

RECEIVED FROM THE COMPTROLLER GENERAL

2353. A letter from the Acting Comptroller General of the United States, transmitting a report summarizing the status of development of the Joint Uniform Military Pay System; Department of Defense; to the Committee on Government Operations.

2354. A letter from the Acting Comptroller General of the United States, transmitting a report on the need to improve effectiveness of contractor procurement system reviews; Department of Defense, National Aeronautics and Space Administration; to the Committee on Government Operations.

2355. A letter from the Acting Comptroller General of the United States, transmitting a report on a survey of the use of advertised contracting in military construction; Department of Defense; to the Committee on Government Operations.

2356. A letter from the Comptroller General of the United States, transmitting a report on actions taken or planned to improve use of cargo space on aircraft operated under contract with the Department of Defense; to the Committee on Government Operations.

2357. A letter from the Acting Comptroller General of the United States, transmitting a report providing rent-free space in Government-owned buildings to the Office of the Comptroller of the Currency; Department of the Treasury; to the Committee on Government Operations.

2358. A letter from the Comptroller General of the United States, transmitting a report on continuing problems in providing nursing home care and prescribed drugs under the medicaid program in California; Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2359. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in determining graduate education requirements for military officer positions; Department of Defense; to the Committee on Government Operations.

2360. A letter from the Acting Comptroller General of the United States, transmitting a report on the high turnover of managers directing major research and development projects within the Department of the Army; to the Committee on Government Operations.

2361. A letter from the Acting Comptroller General of the United States, transmitting a report on the need for improved operation and maintenance of municipal waste treatment plants constructed under grants awarded by the Federal Water Quality Administration, Department of the Interior; to the Committee on Government Operations.

2362. A letter from the Acting Comptroller General of the United States, transmitting a report on the examination of financial statements of the Federal Home Loan Bank Board for the year ended December 31, 1969; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to an order of the House the following report was filed Aug. 17, 1970*]

Mr. DAWSON: Committee on Government Operations. On protecting America's estuaries: the San Francisco Bay and Delta (Rept. No. 91-1433). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to an order of the House the following report was filed Aug. 21, 1970*]

Mr. PERKINS: Committee on Education and Labor. H.R. 17555. A bill to further promote equal employment opportunities for American workers; with an amendment (Rept. No. 91-1434). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Aug. 14, 1970, the following report was filed on Aug. 21, 1970*]

Mr. MILLS: Committee on Ways and Means. H.R. 18970. A bill to amend the tariff and trade laws of the United States, and for other purposes (Rept. No. 91-1435). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS: Select Committee on Small Business, rural and urban problems of small businessmen (Rept. No. 91-1436). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Sept. 9, 1970*]

Mr. DADDARIO: Committee on Sciences and Astronautics. H.R. 18469. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes (Rept. No. 91-1437). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. H.R. 959. A bill to amend the Internal Security Act of 1950; with amendments (Rept. No. 91–1438). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 12870. A bill to provide for the establishment of the King Range National Conservation Area in the State of California; with amendments (Rept. No. 91–1440). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 19007. A bill to designate certain lands as wilderness (Rept. No. 91–1441). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. S. 719. An act to establish a national mining and minerals policy; with amendments (Rept. No. 91–1442). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. S. 3777. An act to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts (Rept. No. 91–1443). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9087. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States in certain lands located in Wagoner County, Okla., to I. Earl Nutter; with an amendment (Report. No. 91–1439). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 19050. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 19051. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. EILBERG:

H.R. 19052. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ESCH:

H.R. 19053. A bill to amend title IV of the Social Security Act to remove the provision which presently limits to 30 days in any 12 consecutive months the period during which emergency assistance may be furnished thereunder to needy families with children; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 19054. A bill to repeal section 7275 of the Internal Revenue Code of 1954 which provides penalties for offenses relating to certain airline tickets and advertising; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 19055. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

H.R. 19056. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19057. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL (for himself and Mr. MOLLOHAN):

H.R. 19058. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 19059. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. MIKVA (for himself, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. FRASER, Mr. KASTENMEIER, Mr. ROSENTHAL, and Mr. RYAN):

H.R. 19060. A bill to prohibit denial of equal employment opportunity by States and local governments because of race, color, religion, sex, or national origin; to the Committee on Education and Labor.

H.R. 19061. A bill to amend title II of the Civil Rights Act of 1964; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mr. HARSHA, Mr. SYMINGTON, and Mr. WYMAN):

H.R. 19062. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 19063. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 19064. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 19065. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 19066. A bill to amend the Internal Revenue Code of 1954 to allow percentage depletion at a 22-percent rate for low-sulfur coal; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 19067. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

H.R. 19068. A bill to amend title 18 of the United States Code to provide for better control of interstate traffic in explosives; to the Committee on the Judiciary.

H.R. 19069. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BENNETT:

H.R. 19070. A bill to permit the release of veterans from liability to the United States arising out of loans guaranteed, insured or made under chapter 37 of title 38, United States Code, and to eliminate fraud from the Federal home loan and mortgage insurance programs; to the Committee on Veterans' Affairs.

By Mr. BERRY:

H.R. 19071. A bill to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 19072. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 19073. A bill to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs; to the Committee on Public Works.

By Mr. BURTON of Utah:

H.R. 19074. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. CASEY:

H.R. 19075. A bill to amend the Consumer Credit Protection Act; to the Committee on Banking and Currency.

By Mr. DERWINSKI:

H.R. 19076. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROGERS of Florida, Mr. DOWNING, Mr. HANNA, Mr. ANNUNZIO, and Mr. MCCLOSKEY):

H.R. 19077. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH (for himself, Mr. GERALD R. FORD, Mr. GAYDOS, Mr. MCKNEALLY, Mr. BARING, Mr. BURTON of California, and Mr. ANDERSON of Tennessee):

H.R. 19078. A bill to extend for 2 months the period within which the Secretary of Commerce is required to report the decennial census tabulation of total population by States for the apportionment of Representatives; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 19079. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and de-

velopment activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GALLAGHER:

H.R. 19080. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. LANGEN:

H.R. 19081. A bill to provide for the reauthorization of the project on the Red River of the North at East Grand Forks, Minn., in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. McDONALD of Michigan:

H.R. 19082. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. MINSHALL:

H.R. 19083. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 19084. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York (for himself, and Mr. RUPPE):

H.R. 19085. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 19086. A bill to assist in the provisions of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 19087. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. DINGELL, Mr. DOWNING, Mr. HANNA, Mr. ANNUNZIO, and Mr. McCLOSKEY):

H.R. 19088. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSENTHAL:

H.R. 19089. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 19090. A bill to extend the Consolidated Farmers Home Administration Act of 1961 to Guam; to the Committee on Agriculture.

By Mr. STOKES (for himself and Mr. HOWARD):

H.R. 19091. A bill to authorize a program for the improvement of the Cuyahoga River, Ohio; to the Committee on Public Works.

By Mr. TALCOTT:

H.R. 19092. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of California:

H.R. 19093. A bill to provide that certain time spent by Federal employees assigned to the California offshore Islands shall be considered as hours of employment; to the Committee on Post Office and Civil Service.

By Mr. TIERNAN:

H.R. 19094. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

H.R. 19095. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the United States requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 19096. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole or for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 19097. A bill to establish the Federal City Bicentennial Development Corp., to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANNA:

H.R. 19098. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, for the study of water pollution and fish diseases, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH (for himself and Mr. BINGHAM):

H.R. 19099. A bill to amend chapter 3 of title 3 United States Code to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, and Mr. HALPERN):

H.R. 19100. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania:

H.R. 19101. A bill to amend title XVIII of the Social Security Act to provide medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 19102. A bill to provide for a temporary reduction in the salaries of certain officials of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.J. Res. 1357. Joint resolution authorizing the President to declare one week each September as "National S.S. Hope Week"; to the Committee on the Judiciary.

By Mr. JACOBS:

H. J. Res. 1358. Joint resolution to set forth a national policy on the stabilization of the population of the United States of America; to the Committee on Government Operations.

By Mr. MILLS:

H.J. Res. 1359. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 1360. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. LANDGREBE, Mr. BEALL of Maryland, Mr. SCOTT, Mr. CRANE, Mr. PUCINSKI, Mr. MONTGOMERY, Mr. DERWINSKI, Mr. YATRON, Mr. SCHADEBERG, Mr. NICHOLS, Mr. FREY, Mr. MESKILL, Mr. BUCHANAN, Mr. HUNT, Mr. HORTON, Mr. PIRNIE, Mr. McDONALD of Michigan, Mr. TALCOTT, Mr. BURTON of Utah, Mr. GROVER, Mr. DUNCAN, Mr. ERLENBORN, Mr. TUNNEY, and Mr. RHODES):

H.J. Res. 1361. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. DONOHUE, Mr. ANDERSON of Illinois, Mr. LUKENS, Mr. GOLDWATER, Mr. KUYKENDALL, Mr. FULTON of Pennsylvania, Mr. MIKVA, Mr. FRIEDEL, Mr. WILLIAMS, and Mr. McKNEALLY):

H.J. Res. 1362. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. ADAMS:

H. Con. Res. 720. Concurrent resolution to utilize more effectively the expertise and abilities of the scientists and engineers associated with the National Aeronautics and Space Administration in the fight against environmental pollution; to the Committee on Science and Astronautics.

By Mr. EDWARDS of California:

H. Con. Res. 721. Concurrent resolution to establish a National Day of Recognition for Teachers; to the Committee on the Judiciary.

By Mr. OTTINGER:

H. Con. Res. 722. Concurrent resolution expressing the sense of the Congress with respect to religious discrimination in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H. Res. 1201. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H. Res. 1202. Resolution urging the President to take unilateral action, as well as collective action through the United Nations,

to stop air piracy; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Res. 1203. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California:

H.R. 19103. A bill for the relief of Mr. and Mrs. Francisco de Paula Baptista and Joao Baptista; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 19104. A bill for the relief of the estate of Vesta A. Habicht; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 19105. A bill for the relief of M. Sgt. Robert M. Stachura; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19106. A bill for the relief of Miguel Angel Ortiz; to the Committee on the Judiciary.

H.R. 19107. A bill for the relief of Silvia Italia Vassallo-Pastor; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19108. A bill for the relief of Rita Swann; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 19109. A bill for the relief of Alfonso Guerricabieta; to the Committee on the Judiciary.

H.R. 19110. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 19111. A bill for the relief of Mrs. Gloria Vazquez Herrera; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 19112. A bill for the relief of Denise Korbani; to the Committee on the Judiciary.

By Mr. MYERS:

H.R. 19113. A bill to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 19114. A bill for the relief of Kyu Whan Whang and spouse, nee Young Won Lee; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

433. By the SPEAKER: A memorial of the 10th Guam Legislature, relative to the statute of limitations with respect to claims by the citizens of Guam arising from the taking of private property by the Federal Government following World War II; to the Committee on Interior and Insular Affairs.

434. Also, a memorial of the Senate of the State of California, relative to the protection of the Farallon Islands; to the Committee on Merchant Marine and Fisheries.

435. Also, a memorial of the Legislature of the State of California, relative to water pollution; to the Committee on Public Works.

436. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to oil imports; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

571. By Mr. BOW: Petition of the Youngstown City Council approving and endorsing the efforts of Congressman Frank T. Bow to rename the West Branch Reservoir on the Mahoning River the Michael J. Kirwan Dam and Reservoir; to the Committee on Public Works.

572. By the SPEAKER: Petition of the Executive Board, Oil, Chemical, and Atomic Workers International Union AFL–CIO, Denver, Colo., relative to expenditure of public funds for development of the supersonic transport; to the Committee on Appropriations.

573. Also, petition of the Honorable Robert J. Lagomarsino, California State Senate, Sacramento, relative to open-pit mining in the Los Padres National Forest; to the Committee on Interior and Insular Affairs.

574. Also, petition of the Congress of Micronesia, Saipan, Mariana Islands, relative to relations between the United States and Micronesia; to the Committee on Interior and Insular Affairs.

575. Also, petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on Internal Security.

576. Also, petition of the Honorable John F. McCarthy, California State Senate, Sacramento, relative to control of news media in a market area; to the Committee on Interstate and Foreign Commerce.

577. Also, petition of the American Bar Association, Chicago, Ill., relative to observing an annual national holiday entitled "Family Day USA"; to the Committee on the Judiciary.

578. Also, petition of Barry Dale Holland, Portsmouth, Va., relative to lowering the voting age to 18; to the Committee on the Judiciary.

579. Also, petition of Elizabeth B. Smith, Atlanta, Ga., relative to appointment of Justices of the Supreme Court; to the Committee on the Judiciary.

580. Also, petition of Robert E. Williams, Forest Heights, Md., relative to redress of grievances; to the Committee on the Judiciary.

581. Also, petition of the Association of Midwest Fish and Game Commissioners, Denver, Colo., relative to resolutions adopted by the association concerning various matters that affect fish and game; to the Committee on Merchant Marine and Fisheries.

582. Also, petition of the Washington State Sportsmen's Council, Vancouver, Wash., relative to extending the U.S. fishery zone from 12 miles to 200 miles or to the outer edge of the Continental Shelf, whichever is greater; to the Committee on Merchant Marine and Fisheries.

583. Also, petition of the city council, Youngstown, Ohio, relative to transportation policy; to the Committee on Public Works.

584. Also, petition of the Hollywood AFL Film Council, Hollywood, Calif., relative to imported motion picture and television productions; to the Committee on Ways and Means.

585. Also, petition of the National Association of Life Underwriters, Washington, D.C., relative to the national debt; to the Committee on Ways and Means.

586. Also, petition of the town board, Ogden, N.Y., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Wednesday, September 9, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose presence is everywhere in the universe, help us to "be still and know—to be still and know that Thou art God." Let not this voice stand between Thee and the Members of this body. Help us in this holy silence to give ear to the "still small voice" which whispers love and peace, poise and power—the presence of a friend nearer than breathing, closer than hands or feet. Enable us to hear the message too high for words, too deep for human utterance, the eternal beyond the temporal, so vivid we are made new. And hearing Thy voice may we obey it. Call us back to Thee, keep up close to Thee, lead us forward with Thee in the spirit of Thy Son who went about doing good.

We pray in His name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 8, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRINTING OF THE 71ST ANNUAL DAR REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1147, Senate Resolution 452.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 452, authorizing the printing of the seventy-first annual report of the National Society of the Daughters of the American Revolution as a Senate document.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the seventy-first annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1968, be printed, with an illustration, as a Senate document.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, today is the day on which the joint leadership agreed to go on a two-shift basis.

Later this afternoon, it is anticipated that the Senate will proceed to the consideration of amendments to the Public Health Service Act, covering bills H.R. 18110, H.R. 17570, S. 3355, S. 3418; and then S. 437, a bill to eliminate the reduction in the annuities of employees or Members who elected reduced annuities.

If we dispose of these measures today, the Senate will consider the Disaster Relief Act. There will be debate on all of these bills.

Hopefully, with these and other measures out of the way by the end of the week, it is anticipated we may well get started, on Monday next, on H.R. 18546, the so-called farm bill.

This announcement is for the information of the Senate. It is a joint leadership declaration.

Mr. SCOTT. If the distinguished majority leader will yield, that is correct.

I repeat, the calendar may be called at the beginning of business following the prayer on any day.

Senators are thus on notice.

Mr. MANSFIELD. Yes. We have to serve notice the day before that that will be the case. It will be the case tomorrow, if Senators do not object.

Mr. SCOTT. I thank the distinguished majority leader.

CIVIL UNREST AND CIVIL RIGHTS

Mr. SCOTT. Mr. President, I ask unanimous consent that two editorials dealing with civil unrest and the McGovern-Hatfield amendment, plus a column on the civil rights accomplishments of the Nixon administration, be printed in the RECORD.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Sept. 2, 1970]

SENATE DOES ITS DUTY

It seems to us that both proponents and opponents of the Hatfield-McGovern amendment to the military sales bill were guilty of unwarranted flights of hyperbole and exaggeration which served no good purpose.

We believe the Senate was right in defeating the amendment which would have put a Congressional limit on the Vietnam war; indeed, that it had no real choice in the matter.

It is one thing to be against the war, which many Americans are, but another thing entirely to tell the enemy that he need not exert himself, you're going to quit anyway by such-and-such a date.

Senator George McGovern (D., S.D.), one of the authors of the measure, was quoted as saying he thought, "far from causing the enemy to attack . . . it would have quite the opposite impact; it would cause him to see that we are terminating our activities and that therefore there's no reason to press an attack on American forces."

That's guesswork, and it could have been a bloody mistake if the Vietcong and North Vietnamese, seeking to score political and propaganda points, pressed even harder to prove their "superiority" over retreating Yanks.

Senator Mark Hatfield (R., Ore.), the co-author, said in his last-minute effort before the vote that to oppose his amendment, because it would hamper executive branch maneuvering, would amount to "idolatry of the Presidency and acceptance of one-man rule."

This seems equally overstated to us. President Nixon did not precipitate the war and is, as far as we can see, doing more than anyone else to date to extricate our troops honorably and safely. One need not "idolize" him to give him a chance to continue this highly desirable effort.

On the other hand, those Senators who chose to view the 55–39 defeat of the amendment as some football-field kind of "triumph" for the President—a "vote of confidence" of sweeping dimensions—might also reconsider the realities.

Thirty-nine senators—well over a third of the Senate—voted in favor of the amendment despite considerable doubts of what disastrous effects it might have; and of the 55 defeating it, many undoubtedly had serious reservations about what effects THAT might have.

All were correct, we think, in assuming that the general public wants the war over. But this was not the way. And no "magic" alternative has yet appeared.

We don't think one should be expected, high-flown oratory notwithstanding.

PUBLIC ENEMIES

Anyone who would deliberately kill or attempt to kill a policeman or a Park Guard—merely because the target is a law-enforcement officer and is representative of the forces of law and order in the community—is a public enemy without parallel.

Let there be no mistake about this: Unless there is strong community support for the guardians of law and order, there can be no lawful and orderly protection of the citizenry against criminal violence.

The outrageous attacks upon policemen and Park Guards in Philadelphia over the past few days are shocking reminders of the daily hazards confronted by law-enforcement authorities in the performance of their duties.

We extend our deepest sympathies to the families of the victims of these attacks and our prayerful wishes for a speedy and full recovery to those among the victims whose wounds were not fatal.

But to deplore and to sympathize is not enough.

We believe there has been far too much complacency, bordering on encouragement, in public attitudes toward organizations that make no secret of their hostility toward police.

When facilities are made readily available for such organizations to hold meetings, when their antipolice literature is widely circulated and viewed by some people as harmless or even humorous, the inevitable consequence is an erosion of the forces of law and order.

When revolving-door justice allows hardened criminals to be turned loose on the streets again and again, making a mockery of efforts by police to enforce the law and protect the public, the result is a weakening of the war against crime and a strengthening of the forces of lawlessness.

When the phrase "law and order" is itself held in scorn and contempt by some supposedly responsible persons, the lawless and the disorderly are inspired to ever more reckless assaults upon structures of government and democracy.

Fortunately, the police have the overwhelming and unequivocal support of the vast majority of the people. One laudable evidence of this was the heroic cooperation given to police which aided in the arrest of suspects in the latest shootings of police and Park Guards.

A story in Sunday's Inquirer by Robert S. Boyd of our Washington Bureau gave further evidence of the widespread popular support for law and order. It was pointed out that conservative and liberal politicians are trying to outdo one another in championing the law and order cause in this election year.

Politicians of every ideological stripe embrace the law and order theme for one reason: They know the people want law and order and a tougher crackdown on violence and crime.

The vociferous few who declare war on the police as a counter-attack against the war on crime are a public menace and should be dealt with accordingly.

Their crime is not against the police alone but against the entire community of law-abiding and law-respecting citizens.

NIXON COMPILES AN IMPRESSIVE LIST OF CIVIL RIGHTS ACCOMPLISHMENTS

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—"By any criterion the civil rights record of the Nixon Administration is better than any of its predecessors."

Attorney General John Mitchell told this to a group of reporters at a recent breakfast interview.

Skepticism was so great that not one bothered to demand: Prove it.

We took Mitchell's statement as so challenging that it ought to be checked, not dismissed out of hand. We didn't set out to prove or disapprove it, only to look at the facts. Here is what we found:

Money—The budgets of the civil rights division of the Justice Department for the last two fiscal years of the Johnson Administration were $2.6 million and $3 million.

For the first two years of the Nixon Administration they were $4.37 million and $5.3 million.

Staff—The number of Justice Department lawyers handling civil rights cases during the last two years of the Johnson Administration was 105 and 116.

For the first two years of the Nixon Administration it was 138 and 159.

Cases—During the last fiscal year of the Johnson Administration 98 civil rights cases were filed. In fiscal 1969 the Nixon Administration filed 145 civil rights cases and in fiscal 1970, 197 cases—or double the number of civil rights cases over 1968 involving school integration, fair housing, voting rights and equal employment opportunity.

Question: Were these expanded assets—money, manpower and case load—put to significant use?

School desegregation—Prior to the 1969–70 school year only 5.2 percent or 164,273 of the 3.1 million Negro public school students in 11 Southern states had been in desegregated school systems.

At the opening of the 1970–71 school year, either as the result of court orders or voluntary agreements, 58.9 percent or 1.8 million

Negro children were in schools in desegregated systems.

More headway is imminent. As the result of new litigation plus the negotiating efforts of both Health, Education and Welfare and the Justice Department, it is a near certainty that 97 percent or all but 7000 of the 3.1 million Southern black students will, within the next month, be attending school in desegregated systems.

More than 500 districts will be desegregated this fall—half at the direction of court orders and half as the result of HEW-Justice Department negotiations.

Through aggressive negotiation and litigation, it is accurate to say that the dual school system as it existed prior to the Supreme Court decision of 1954 is being eliminated.

Philadelphia plan—This is the first coordinated federal attempt to remedy racial discrimination in construction unions where there has been extreme anti-Negro bias. It was fought by the unions and by some political liberals. It has been upheld by the courts and is opening up new job opportunities to minorities.

Housing—The civil rights division of the Justice Department is utilizing the fair housing law to open up suburban housing to low-income blacks. It has been filing a nationwide network of suits to make houses, apartments and developments available to nonwhites, to strike down obstacles to low-income housing and to prevent block-busting of stable neighborhoods by unscrupulous real-estate firms.

Assistant Attorney General Jerris Leonard, who heads the civil rights division, would undoubtedly agree that much remains to be done and that this record does not touch the racially discriminatory practices in the Northern school districts which neither the courts nor any administration has begun to deal with effectively.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HIJACKING OF AIRLINERS BY PALESTINIAN GUERRILLAS

Mr. BYRD of Virginia. Mr. President, the hijacking of three airliners by Palestinian guerrillas threatens not only the lives of the Americans and others held captive, but is a menace to the cease-fire in the Middle East so painfully negotiated over the last few months.

This situation is extremely grave.

Negotiations for the safe release of the passengers must be left to the diplomatic officials of the nations involved. Public comment on these negotiations by a U.S. Senator would contribute nothing to the solution of the problem.

However, I believe that the United States must take warning from this tragic affair. We must look ahead to see what can constructively be done to prevent future crises of this kind.

Last year the Senate overwhelmingly ratified the Tokyo Convention on hijacking of aircraft, which among other things provides that signatory governments "shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft."

But it is obvious from the most recent hijackings that some nations may be powerless to act.

Therefore, even if all nations signed the Tokyo Convention—and they have not—it may not be an effective instrument to insure the safety of air travelers.

A Swedish security official was quoted in the press today as saying:

> There is no really effective way to stop hijackers.

I suggest that under the circumstances, the time may have come for the United States to order its own airlines to halt service to those nations who act as willing hosts to hijackers, or treat hijacking as a minor offense, or simply lack the power to prevent hijacking. As a further step, the U.S. Government might deny landing rights to the airlines that serve such nations.

I recognize the complexity of the problems involved in landing rights treaties. But at the same time, I believe that the deep concern of civilized nations over the hijacking problem would lead to adoption of similar sanctions by most other nations—if the United States takes the lead.

The safety of American citizens—and perhaps grave questions of war and peace overseas—are at stake here. Hijacking of international civil aircraft is being used for both blackmail and as an instrument to determine foreign policy.

The United States should not hesitate to act vigorously.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Showdown in the Desert," published in the Washington Post today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SHOWDOWN IN THE DESERT

The grim drama being played out on the sands of the Jordanian desert is international blackmail in its basest form. The lives of scores of innocent people have been put on the auction block by a gang of vicious, desperate outlaws. What these gangsters expect to gain from this deadly exercise in ransom and threat is a renewal of the Arab-Israeli war; there is no place for rabid fanatics in a peaceful settlement. By raising their demands to include the release of 3,000 guerrillas held captive in Israel, the Palestine "liberators" made clear their purpose of increasing the pressure on the Israeli government to break the cease-fire, either before or after the ransom deadline runs out tonight.

The negotiations to release the hostages are so delicate now that no useful purpose would be served by public comment on them. Only those in close contact with them can judge the temper of the kidnapers. Those who are making that judgment for the Western nations now being blackmailed are entitled to proceed as best they can without a background of noisy advice. We only hope that in this, as in any other kidnaping, they chose wisely among the few courses of action open.

It is possible, however, to begin to plan ahead in hopes that the nations of the world can take some immediate steps to prevent any repetition of this tragic affair. The world cannot tolerate a threat of this kind to international air travel—a threat in which innocent people are pawns in a deadly international power play. There have been long negotiations and much talk in many national capitals since the wave of airplane hijackings broke out many months ago but very little concerted action. The massive dose of criminal activity that took place in one day—four planes under attack and three seized—ought to convince every nation that this outrage has gone on long enough.

The United States, in our view, should seize the initiative in this situation by ordering this country's airlines to suspend all service to and from any nation that welcomes hijackers, that treats hijacking as a minor offense, or that is unable to prevent its citizens from engaging in hijacking. At the same time, the government should deny landing rights in this country to any airline that serves such nations. This action should be taken, not so much as an economic sanction against offending nations—although there would be significant economic effects—but as a simple safety measure designed to protect American citizens.

There may be legal red tape in such a unilateral approach; international treaties governing landing rights and so on are complex affairs. But this should not be allowed to stand in the way. For one thing, surely most other civilized nations would join in such a ban since it would place the responsibility for hijacking squarely where it belongs—on those governments which have encouraged it by throwing welcoming parties for the pirates. Even if other nations did not join immediately, the United States should take the first step since its prime responsibility in this situation is the safety of its citizens and of those citizens of other countries who travel on American air carriers.

The airlines themselves can help by strengthening their security measures, although the fact that would-be pirates got aboard an El Al plane last Sunday indicates that even Israel's relatively strict precautionary measures are far from fool-proof. It may be that for a while international travelers will have to undergo the kind of scrutiny now given to visitors of prison inmates. If so the price will not be too great if it helps to prevent another showdown on the desert sand.

A PROFILE ON GEORGE SHULTZ

Mr. BYRD of Virginia. Mr. President, on Sunday, September 6, 1970, the Associated Press distributed to its member papers an excellent profile on George

Shultz, who is now director of the newly created Office of Management and Budget. As such Mr. Shultz has been described, with some accuracy I think, as "Assistant President." Most certainly his responsibilities are great. I think it is appropriate that the Associated Press should have distributed this excellent article relating to Mr. Shultz to the Sunday newspapers.

Last week I had the opportunity to spend a good bit of time with George Shultz. Prior to that time I had been impressed with him as an individual and with his service as Secretary of Labor, and I had been impressed with his testimony whenever he came before the Committee on Finance. The more I see of Mr. Shultz the more highly I think of him.

In my discussions with him in the past week I found that he is not only a man of great ability but also that he is a man who is eminently fair in his dealings with other individuals and with the great problems with which he is so closely associated.

Mr. President, I ask unanimous consent to have printed in the RECORD the Associated Press article entitled "George Shultz: Economist in Hot Spot," which was published in the Sunday papers of September 6, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE SHULTZ: ECONOMIST IN HOT SPOT

(By Neil Gilbride)

WASHINGTON.—George P. Shultz, the quiet man of the Nixon administration, is emerging as one of its most powerful figures in his new job of managing the federal government's vast spending programs.

The 49-year-old Shultz, who switched from secretary of labor to director of the newly created Office of Management and Budget at President Nixon's request, described the formidable job simply as "a challenge." To his wife, Helena, Nixon's entrusting the post to her husband was "a great honor."

But 10-year-old son Alex Shultz, showing signs of his father's economic training and bent for wry humor, summed up the change in jobs in more practical terms: "Less money and no cars."

"I'm an expert in taking pay cuts," Shultz grinned, and said fellow economists had kidded him about the wisdom of switching from the $60,000-a-year labor post to the $42,500 OMB post.

He also lost the big, blue limousine that goes with the labor secretary's job, though he still gets the use of a government car when he needs it.

IMPORTANT POST

Despite the pay cut, knowledgeable Washington sources in and out of government describe Shultz's new post in such terms as "assistant president" and "general manager of the United States" and "the most important new government post to be created in years."

The task is no less than trying to manage the entire range of the federal government's spending programs adding up to some $300 billion a year.

Shultz, who left the relative quiet of academic life as dean of the University of Chicago Graduate School of Business for the maelstrom of national political life, is a polite and scholarly man with a quiet sense of humor he doesn't mind turning on himself.

He likes to tell the story of his first venture into politics—leading a drive to create a new consolidated school board in Stow, Mass., when he was teaching at the Massachusetts Institute of Technology several years ago.

"The voters, in their wisdom, defeated the proposal for a regional school board—but they elected me to head the nonexistent school board as its director," he laughed.

Shultz's amiable demeanor hides a tough-minded firmness of purpose that can be surprising and disconcerting to those inclined to view him as a mild professor unversed in the rough-and-tumble of high political life.

"We're going to get some control over the cascading flow of federal expenditures," Shultz said firmly when sworn in by Nixon to the new job. "We're doing everything we can to see that each dollar expended is expended effectively."

It still is too early to say how Nixon's new effort to manage the budget in businesslike fashion will work under Shultz, but most of those who knew him believe Shultz can do it if anyone can. A major part of the job is resisting the blandishments of other federal officials demanding more money for their own pet programs.

Shultz's track record so far indicates he can resist such pressures.

As labor secretary in an unenviable period of the steepest inflation in 20 years, sharply rising unemployment and a declining economy, Shultz wasted no time in telling off either labor or business leaders he believed wrong.

He chided Chamber of Commerce officials at their own national conference for overemphasizing the threat of strikes to the nation. And he told construction union leaders bluntly they could wind up pricing themselves out of the market by demanding too high wage increases.

LIKED BY BOTH

Yet he was given high marks by both business and labor leaders generally.

Shultz shows little ambition toward becoming the traditional power-broker in high places, softly discounting any suggestion that his new post amounts to being an economics "czar."

Nor, he said, will there be any prestige struggle between himself and John Ehrlichman, another major Nixon aide who heads the newly formed Domestic Council to work with him in overseeing federal programs.

"There's so much to do, and you're anxious to get it done well, and if you find somebody else who can do it well and get him to do it, you're just that much ahead of the game," Shultz said.

Although obviously deeply involved in the prodigious job of managing federal expenditures and trying to take the teeth out of inflation, Shultz does not appear overawed by his own position or that of the President he works for.

Yet, after more than a year-and-a-half under the relentless pressure of the national spotlight, he still sometimes seems surprised at the tough pace.

"If you told me a year ago that I'd be working this hard, I'd have said you were crazy," he confided to an aide not long after taking the labor secretary's job—and now he's even working harder.

"They start meetings at 7:30 in the morning and meet all day," an informant said of Shultz' operations in the White House to get the new job underway.

But, as a husky 6-footer of considerable athletic ability who does not smoke and drinks sparingly, Shultz appears to have the stamina for the job.

A blocking back on Princeton's football team in 1939 and 1940, Shultz won his letter. His tennis game is aggressive and competent, and he shoots 80 on the golf course despite infrequent opportunities to break away from the government grind for recreation.

"No," he said when asked if he lost his White House tennis privileges in addition to the salary cut and the loss of the blue Cadillac. "But I don't know how often I'll get a chance to use it."

Shultz' high ranking in Nixon's esteem blossomed early while he was labor secretary, but there was nothing new in his rapid climb to prominence. In World War II, Shultz entered the Marine Corps as an enlisted man and emerged a major. After that he quietly, unspectacularly built a solid reputation as one of the nation's keenest experts on economics and labor affairs as professor, mediator, arbitrator and writer.

He and wife Helena, whom he met and married when she was a military nurse in World War II, have five children—10-year-old Alex; Barbara, 12; Margaret, 22, a teacher; Kathleen, 20, a University of Denver student, and 18-year-old Peter, who attends Palo Alto High School in California.

Shultz was virtually unknown to Washington when he became labor secretary, and the ways of the nation's capital sometimes irked him.

Observing the maneuvering for power and position, and frequent job switches many political Washingtonians go through to obtain them, Shultz said: "I think you ought to be what you are. If you're an economist, you ought to be an economist. If you are a newspaperman you ought to be a newspaperman."

Shultz, despite his swift climb to the heights of power, is still basically what he was, an economist—if perhaps the nation's foremost. One of Shultz's most surprising friendships in Washington was with George Meany, the blunt and shrewd plumber from the Bronx who rose to head the 13.6-million-member AFL-CIO.

Despite frequent policy clashes between the labor federation and the Nixon administration whose election Meany had fought tooth and nail to defeat, the two men—Shultz and Meany—hit it off.

BACKED BY MEANY

Meany appeared to appreciate Shultz's sincerity toward the problems of the nation's rank-and-file workers—even though they sometimes quarreled about such things as sharply rising plumbers' wages.

"George Shultz has served with distinction as chief of the Department of Labor. He has fully deserved the confidence that American workers, their unions and the AFL-CIO have placed in him," Meany said on Shultz's elevation to federal budget manager. "We are sure he will do well in his new assignment."

Shultz, gently tying together his criticism of high wages and his theory that a man should stick to his own trade, likes to tell a story about another ex-plumber, Republican Rep. William H. Ayres of Akron, Ohio.

Shultz, speaking at an international labor conference at which Ayres was a delegate, mentioned the Ohio congressman had once been a plumber.

"From the back of the room," Shultz said, "a voice asked, 'then how can he afford to be a congressman?' "

Shultz, stuck with the difficult task of defending Nixon's stringent economic policies to control inflation, doesn't duck the problem.

"There's nothing like a profit squeeze to put backbone into management," he once said of a tough set of labor negotiations in explaining that Nixon's policies were designed to slow business, take the heat out of the economy and pressure labor and business into more moderate wage and price hikes.

The remark infuriated Meany and other labor leaders, but the ill feeling over that incident didn't damage his over-all relations with union leaders.

On the other hand, Shultz was the first Nixon administration economist to side with labor complaints and warn that the government's tight money and high interest policies had become a "stranglehold" that threatened to slow the economy too much.

Shultz had to buck other highly placed federal economic policymakers on that issue, and he won. The Nixon policy since has been to ease the money supply in an effort to guide the economy back into a hopefully moderate growth without renewing inflationary pressures.

Shultz makes no bones that the job is tough.

"It's clear enough that the inflation we inherited is a very tough thing to get hold of. Tougher than I thought it would be," he said. "It's a hard road, there's no doubt about it."

At the Western White House recently, faced with the less than happy news of the highest rise in wholesale prices in six months, Shultz said, "We're still hanging in there and working to contain inflation."

Nixon is staking a large part of his political fortunes on Shultz's ability to check inflation before the 1972 presidential election.

Besides acquitting himself well in advising Nixon on labor and economic affairs during his tenure as labor secretary, Shultz is also credited with rescuing Nixon's proposed revolutionary Family Assistance Plan, designed to wean welfare recipients to gainful employment through a sliding formula of federal payments that embrace the low-paid "working poor" in addition to unemployed welfare clients.

The big hangup was in devising the sliding scale formula that would encourage welfare recipients to train for jobs and go to work without penalizing them financially with wages lower than welfare payments.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PROFILE IS LOWERING

Mr. GRIFFIN. Mr. President, on last Thursday another benchmark in the Nixon administration's program of Vietnamization was reached with the departure of 2,800 more American troops from Vietnam. For the first time since 1967 there are fewer than 400,000 American soldiers in Vietnam.

The American command in Saigon announced over the weekend that our troop level in Vietnam is now 399,500.

This lowering of the American profile in Asia is a firm, rational effort on the part of the Nixon administration to return the problem of protecting South Vietnam to the Vietnamese themselves.

From 1961 until the spring of 1969 it was otherwise. Day by day, month by month, the number of Americans directly involved in the fighting grew and grew. When President Nixon took office in January 1969, there were nearly 550,000 Americans fighting in Southeast Asia.

President Nixon almost at once began to reverse the trend. In the spring of 1969 he announced the first withdrawal of American troops with the promise that this would be followed by other withdrawals as the war became more and more the affair of the South Vietnamese themselves and less and less the business of young Americans.

Success of the Vietnamization program can be judged by reports from Vietnam. The South Vietnamese Government now controls most of the countryside, according to unbiased observers. The Vietcong, which once commanded the loyalty of the vast majority of the peasants in the Mekong Delta area, is now despised and hated. Their powerful hold on the area has been broken. Only the presence of troops from North Vietnam prevents peace in much of the countryside.

A little recognized fact is that, at long last, the promised land reforms are taking place and South Vietnamese peasants really do have something worth fighting for—their own land. These reforms were promised and repromised throughout the 1960's, but it was not until the Nixon administration took a firm, hard-nosed stand that land reform actually began.

Mr. President, the war in Vietnam is not over, and peace has not yet come to that land. But American participation in that war is growing less and less, day by day.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. GRIFFIN. I yield.

Mr. CURTIS. I want to commend the Senator for calling the attention of the country to the troop withdrawals from Vietnam. There is a parallel set of figures to which attention should also be called. I refer to the draft calls. At the same time that we are recalling trips from Vietnam, the draft calls have gone down and down. I believe it was yesterday that the Secretary of Defense announced that hereafter emergencies would be met by the use of National Guard Reservists, and indicated a dwindling use of draft calls.

When we think back to the middle 1960's, when the buildup was taking place in Vietnam and we were escalating action there and the United States was sending troops and more troops there, the draft calls likewise were escalating and increasing rapidly.

Just when the draft can end remains to be seen, but the point is that without the Vietnamization program and the withdrawal program that has been underway, we could not look forward to any ending of the draft soon.

I commend the distinguished acting minority leader for bringing out this fact.

Mr. GRIFFIN. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATION FROM EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT ON GRANTS WHICH ARE FINANCED WHOLLY WITH FEDERAL FUNDS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on grants approved by that office which are financed wholly with Federal funds, for the period April 1, 1970 to June 30, 1970 (with an accompanying report); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the Senate of the State of California; to the Committee on Commerce:

"SENATE RESOLUTION 286 RELATIVE TO THE PROTECTION OF THE FARALLON ISLANDS

"Whereas, For the first time in more than a century, the southeast island of the Farallon chain will be uninhabited when the United States Coast Guard, late this year, completes the automation of its lighthouse there; and

"Whereas, All of the picturesque rocky islands of the chain are breeding grounds for thousands of sea birds and a temporary refuge for a fantastic number of land birds; and

"Whereas, California and Steller sea lions breed there, and the elephant seal uses the islands as a resting area; and

"Whereas, The Coast Guard personnel for more than sixty years have acted as unofficial game wardens for all the islands; and

"Whereas, The Audubon Society, the Wilderness Society, and the Sierra Club, have succeeded in their efforts to add South Farallon Island to the Farallon National Wildlife Refuge, but it will turn into a grim joke unless a caretaker is stationed there to enforce regulations; and

"Whereas, Because there are numerous reports of killing and disturbing of the animals and birdlife in spite of the protection offered by the Coast Guard, it is feared there may be wholesale slaughter when the islands are left defenseless; and

"Whereas, The Point Reyes Bird Observatory is seeking funds from the Fish and Wildlife Department to establish a permanent base on the island for scientific studies and protection from vandals; now, therefore, be it

"Resolved by the Senate of the State of California, That the Members do hereby urge the federal government to finance the permanent base on the Farallon Islands as proposed by the Point Reyes Bird Observatory; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

"This is to certify that the above resolution was adopted by the Senate on August 6, 1970.

"DARYL R. WHITE,
"Secretary of the Senate."

A resolution adopted by the board of trustees of the National Association of Life Underwriters, Washington, D.C., praying for the establishment of a planned procedure for the expeditious reduction and ultimate

retirement of the national debt; to the Committee on Finance.

A resolution adopted by the International Conference of Police Associations, Washington, D.C., praying for immediate steps to be taken to end the vengeful and senseless killings of police officers throughout the United States and Canada; to the Committee on the Judiciary.

The petition of Polytechnic Institute of Technology, Grass Valley, Calif., praying for a redress of grievances; to the Committee on the Judiciary.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate sundry messages from the President of the United States submitting nominations received on September 3, 1970, under the order of September 1, 1970, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, without amendment:

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council (Rept. No. 91–1161).

By Mr. PELL, from the Committee on Labor and Public Welfare, with an amendment:

S. 3318. A bill to amend the Library Services and Construction Act, and for other purposes (Rept. No. 91–1162).

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons (Rept. No. 91–1163).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 18260. An act to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance (Rept. No. 91–1164).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 4324. A bill to amend title I of the Narcotic Addict Rehabilitation Act of 1966 to cover addicts charged with misdemeanors in the District of Columbia; to the Committee on the District of Columbia.

(The remarks of Mr. TYDINGS when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS of New Jersey:

S. 4325. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

S. 4326. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; and

S. 4327. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Labor and Public Welfare.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bills appear below under the appropriate headings.)

By Mr. TYDINGS:

S. 4328. A bill to improve judicial machinery by providing the district courts with jurisdiction over certain types of civil actions, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. TYDINGS when he introduced the bill appear below under the appropriate heading.)

By Mr. SMITH of Illinois:

S. 4329. A bill to amend title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosive and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Illinois (by request):

S. 4330. A bill for the relief of Jean Panagiote Anastasakis; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. MAGNUSON, Mr. HARTKE, and Mr. NELSON):

S. 4331. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear below under the appropriate heading.)

S. 4324—INTRODUCTION OF A BILL RELATING TO NARCOTICS TREATMENT

Mr. TYDINGS. Mr. President, I am introducing today a bill to amend title I of the Narcotic Addict Rehabilitation Act of 1966 in order to allow addicts charged with misdemeanors in the District of Columbia to be eligible for the treatment provisions under that act.

Currently, under that act, all suspects charged with felony violations of Federal law who are adjudged to be addicts may be committed to treatment in lieu of prosecution at the discretion of the U.S. attorney. But because of a legislative oversight, persons charged with misdemeanors, who are adjudged to be addicts, cannot be committeed to treatment in lieu of prosecution, even if the U.S. attorney believes treatment is the best course to follow.

Since the District of Columbia is the only jurisdiction where persons charged with misdemeanors are tried in Federal courts, my bill would correct that legislative oversight.

I ask unanimous consent that my amendment to title I of the Narcotic Addict Rehabilitation Act of 1966 be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4324) to amend title I of the Narcotic Addict Rehabilitation Act of 1966 to cover addicts charged with misdemeanors in the District of Columbia, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 4324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2902(a) of Title 28 of the United States Code, is amended by inserting in the first sentence after the word "court" and before the word "believes" the phrase "or the Court of General Sessions in the District of Columbia."

S. 4325—INTRODUCTION OF A BILL TO PROHIBIT FLIGHT IN INTERSTATE OR FOREIGN COMMERCE TO AVOID PROSECUTION FOR THE KILLING OF A POLICEMAN OR FIREMAN

Mr. WILLIAMS of New Jersey. Mr. President, during the past several weeks the American people have become deeply disturbed by the increasing frequency of senseless attacks upon law enforcement officers at the State and local levels. The brutal pointblank shooting of a Philadelphia policeman is just the most recent example in what has become an alarming trend toward brutal assaults upon policemen and firemen.

This year alone there have been all too many instances of unprovoked attacks on policemen throughout the Nation:

In July, an officer on Chicago's South Side was shot and killed as he sat in his patrol car filling out a report; in mid-August an Omaha policeman was killed when a bomb exploded as he and seven of his fellow officers were investigating a report of a screaming woman; in San Francisco, a patrol car was blown up as two police officers were checking out a burglary report; a New York City policeman was shot in the right arm while investigating a report of gunfire at a Brooklyn yacht club; and in my own State of New Jersey a State trooper was grazed in the head by a bullet in a brief exchange of gunfire during a 13-mile chase of a stolen truck.

Since 1960 more than 600 policemen have been killed in this country. Thus far this year, 16 police officers have been murdered in unprovoked attacks—nearly four times the annual average for the past 10 years. At least 57 have died in the line of duty so far in 1970. And last year there was an all-time record of 86 such police deaths.

This is an absolutely intolerable situation and we must move quickly to stop this gruesome trend before it spreads further. Today I am introducing legislation which will enable the Federal Bureau of Investigation to join the search for killers of policemen and firemen within 24 hours of the crime. The bill makes it a specific Federal crime to flee across State lines to avoid prosecution for the killing of a policeman or fireman. The key section of the bill provides that if no person alleged to have committed the offense has been apprehended and taken into custody within 24 hours after the crime was committed it will be assumed that he has fled across State lines. Thus, if the killer is still at large

24 hours after the murder of a policeman or fireman the FBI will be automatically authorized to take part in the search.

The FBI has repeatedly proven itself to be a most effective law enforcement agency and it is feared by lawbreakers throughout the world. I believe the knowledge that the FBI will enter the hunt for the killer of a policeman or fireman within a short time of the commission of the crime will prove an important deterrent to anyone contemplating an attack on our police or firefighters.

I am well aware that under the existing fugitive felon law the FBI is authorized to conduct a search in the case of any crime where the offender crosses State lines to avoid arrest. However, it is not clear from the law as to when specifically the FBI will enter into the case. And although it is my understanding that the FBI has an informal arrangement with State and local police to lend at least technical and laboratory assistance in the case of a police or fireman shooting I think this arrangement should be formalized in the Federal statute books without delay.

This Nation, and every civilized nation relies upon its law enforcement officials to enforce the rules of conduct which separate man from the wild animals. We also know the tremendous importance of our firefighters who not only protect our property from burnings and bombings but, more importantly, who save countless lives each year through their ambulance and resuscitation units.

Today the policeman is the man in the middle. We expect him to be a lawyer, a sociologist, a guard, a doctor, and sometimes a gunfighter. The same is true for the fireman who we count on to heroically save our burning buildings, rush victims of fires and ill health to safety, and perform many other public services particularly for our children. Yet, we want them to work for ridiculously low wages and often pay them little respect.

Police and firemen in big cities are in an especially precarious position because they must do their jobs in an atmosphere of strong and conflicting emotions which can, and often do, explode into violence.

Congress is moving to help build thoroughly professional law enforcement agencies throughout the Nation by providing more Federal assistance. But we must also back up our policemen and firemen by making sure that anyone who contemplates attacking these public servants knows beforehand that he will have to face the full force of our law enforcement machinery. This is a critical situation and we should not lose any more time in striving to correct it.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4325) to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4326 AND S. 4327—INTRODUCTION OF BILLS TO PROVIDE ADDITIONAL PROTECTION FOR RIGHTS OF PARTICIPANTS IN PRIVATE PENSION PLANS AND TO PROVIDE FOR MINIMUM UNIFORM FIDUCIARY RESPONSIBILITY ON PERSONS HANDLING WELFARE AND PENSION FUNDS

Mr. WILLIAMS of New Jersey. Mr. President, for some months now the Subcommittee on Labor, of which I am chairman has been engaged, pursuant to Senate Resolution 360, in a major study of welfare and pension plans. A very significant part of our effort is a survey of major private pension and welfare plans currently in progress. We have now distributed our initial survey form to a sample of more than 1,500 of the approximately 34,000 plans registered with the Department of Labor. This survey is designed to elicit vitally needed data on the vesting, funding, portability, investment and fiduciary operations of the private pension system.

We expect that some time will be required to process the incoming information and I expect that recommendations evolving from this study will be ready early in the next Congress.

There is, however, in my judgment a need for a continuing congressional inquiry into private pension plans so as to illuminate the serious problems many American workers suffer as a result of certain insufficiencies in the private pension system.

Our recent hearings on the UMWA welfare and retirement fund have illustrated that this area needs serious attention. We have found that frequently, when workers and their families need help most, they find it wanting. When workers and their families think that sufficient provision has been made for their security, they find it an illusion.

I believe the failure to provide workers with complete information concerning their expectancies under a private pension plan results in grave consequences to that worker, his family, and society when he reaches retirement age. Too frequently, a worker reaching retirement finds the promised benefits to be an empty cupboard. I believe that there is an urgent need to provide a worker with adequate information about retirement years early in his career, so that he will have an opportunity to consider and plan for his retirement needs.

We must devote more attention to the question of standards for vesting, funding, insurance, and portability of pension benefits for each American worker so that if he is forced to leave his job, as so many workers are finding it necessary to do because of today's sluggish economy, he will not be faced with a termination of future pension benefit rights.

We must also fully explore the area of fiduciary responsibilities of pension plan administrators and trustees in order to be assured that appropriate standards are followed in the operation of private pension plans so as to eliminate and prevent pension abuses.

There are presently several different bills pending before the Senate to regulate private pensions. Today, in the interest of presenting the Senate with additional options in this regard, I am introducing two bills that were introduced in the last Congress by the distinguished chairman of the Committee on Labor and Public Welfare, Senator YARBOROUGH.

There are many points of view on these bills, and much has been written and said already. Some will say all the bills go too far, others will say the bills do not go far enough—both positions may be right in certain respects. In my judgment none of the bills presented thus far represent the ideal approach. Consequently, I anticipate close scrutiny of this legislation by the committee, and I expect that many of the ideas embodied in the various bills will be included in the final legislation.

The bills I introduce today are directed at providing the worker with some degree of certainty with respect to his retirement benefits and will provide for necessary fiduciary standards by those who are charged with the operation of their pension funds.

The first bill I am introducing, "The Pension Benefit Security Act," contains a number of provisions relating to vesting, funding, termination insurance, and portability studies, as follows:

First. A minimum standard is imposed that would require vested retirement benefits to all participants who have worked for the same employer for 10 or more years after reaching the age of 25.

Second. A minimum standard of funding is required to assure that sufficient assets are accumulated to carry out promises to employees and the dependents.

Third. The bill creates a Pension Benefit Insurance Corporation to administer a system of termination insurance to provide payment of benefits in the event a pension fund is terminated before it is fully funded.

Fourth. The bill authorizes the Secretary of Labor to conduct studies of pension plans including studies relating to the "portability" of pension credit.

The second bill, I am introducing, "The Welfare and Pension Plan Protection Act of 1970," is addressed to the fiduciary aspects of pension plans. It amends the Welfare and Pension Plans Disclosure Act as follows:

First. New disclosure requirements are provided in order to establish a sound basis for evaluating fiduciary conduct.

Second. The bill provides minimum and uniform standards of fiduciary responsibilities on persons handling pension and welfare funds, including the imposition of and liability for those breaching the standard.

Third. The bill provides limiting standards on the investment of retirement funds in the securities of the employer company.

Fourth. The bill gives the Secretary of Labor added investigative and enforcement powers with respect to the requirements of the act, and establishes an Ad-

visory Council on Employee Welfare and Pension Benefit Plans to advise the Secretary of Labor.

Mr. President, I ask unanimous consent that the texts of these two bills and an explanatory statement of each bill's provisions be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The bills will be received and appropriately referred; and, without objection, the bills and statements will be printed in the RECORD.

The bills, introduced by Mr. WILLIAMS of New Jersey, were received, read twice by their titles, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4326

A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension Benefit Security Act of 1970".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that private pension plans are a major and increasing factor with respect to the continued well-being and security of millions of employees and their dependents; that because of the present and anticipated size and importance of these plans they have a significant bearing on industrial relations, on employment, and on the national economy; that owing to their interstate character they have become an important factor in commerce, that a large volume of the activities carried on by such plans are effected by means of the mails and instrumentalities of interstate commerce; that they substantially affect the revenues of the United States because they they are afforded preferential Federal tax treatment; that despite the enormous growth in such plans many employees with long years of employment are losing anticipated retirement benefits owing to the lack of vesting provisions in such plans; that owing to the inadequacy of current minimum standards, the soundness and stability of plans with respect to adequate funds to pay promised benefits may be endangered; that owing to the involuntary termination of plans before requisite funds have been accumulated, employees and their dependents have been deprived of anticipated benefits; and that it is therefore desirable in the interests of employees and their beneficiaries, for the protection of the revenue of the United States, and to provide for the free flow of commerce, that minimum standards be provided assuring the equitable character of such plans, their financial soundness, and protection of benefits in the event of involuntary plan termination.

(b) It is hereby declared to be the policy of this Act to protect interstate commerce, the Federal taxing power, and the interests of participants in private pension plans and their beneficiaries by improving the equitable character and the soundness of such plans by requiring them to vest the accrued benefits of employees with significant periods of service, to meet minimum standards of funding, and to protect the vested rights of participants against losses due to involuntary plan termination.

DEFINITIONS

SEC. 3. When used in this Act—

(a) The term "Secretary" means the Secretary of Labor.

(b) The term "pension plan" means any plan, fund, or program which is communicated or its benefits described in writing to the employees as a group and which was heretofore or is hereafter established or maintained by an employer or by an employer or by an employer together with an employee organization, for the purpose of providing for its participants or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits, including any profit-sharing plan which provides benefits at or after retirement; providing that nothing herein shall be construed to include any plan, fund, or program to which only employees contribute.

(c) The term "employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning an employee pension plan, or other matters incidental to employment relationships.

(d) The term "employee" means any individual employed by an employer.

(e) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from a pension plan, or whose beneficiaries may be eligible to receive any such benefit.

(f) The term "beneficiary" means a person designated by a participant or by the terms of a pension plan who is or may become entitled to a benefit thereunder.

(g) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension plan, and includes a group or association of employers acting for an employer in such capacity.

(h) The term "person" means an individual, partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, association, or employee organization.

(i) The term "State" means any State of the United States, the District of Columbia, the Canal Zone, the Commonwealth of Puerto Rico, any territory or possession of the United States, or the Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

(j) The term "administrator", whenever used in this Act, means, in the case of a pension plan established or maintained by a single employer, the employer; in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees or other similar group of representatives of the parties who established or maintained the plan.

(k) The term "regular retirement benefit" means only that benefit payable under the plan in the event of retirement at the regular retirement age.

(l) The term "accrued portion of the regular retirement benefit" means—

(1) Under a plan which provides for payment of a fixed benefit, that portion of such benefit which would have been payable at regular retirement age, computed as of the day of termination of employment, as the number of years of credited service under the plan bears to the total possible years of credited service had employment continued to the regular retirement age.

(2) Under a plan which provides for benefits based solely upon the amount contributed to the employee's account, the amount credited to such account toward regular retirement benefits at the time of termination of employment.

(m) The term "regular retirement age" means not later than age sixty-five.

(n) The term "vested liabilities" means the present value of the immediate or deferred benefits for participants and their beneficiaries which are nonforfeitable and for which all conditions of eligibility have been fulfilled under the provisions of the plan prior to its termination.

COVERAGE

SEC. 4. (a) Except as provided in subsections (b) and (c), this Act shall apply to any pension plan—

(1) if it is established or maintained by any employer engaged in commerce or in any industry or activity affecting commerce or by such employer together with any employee organization representing employees engaged in commerce or in any industry or activity affecting commerce; or

(2) if such plan is established or maintained by any employer or by any employer together with any employee organization and if, in the course of its activities, such plan, directly or indirectly, uses any means or instruments of transportation or communication in interstate commerce or the mails.

(b) This Act shall not apply to any pension plan if—

(1) such plan is administered by the Federal Government or by the government of a State or by a political subdivision of a State, or by an agency or instrumentality of any of the foregoing;

(2) such plan is established and maintained outside the United States primarily for the benefit of persons who are not citizens of the United States;

(3) such plan provides contributions or benefits for a sole proprietor or in the case of a partnership, a partner who owns more than 10 per centum of either the capital interest or the profits interest in such partnership.

(c) In addition, titles II, III, and IV, shall not apply to any pension plan if—

(1) the plan has a fixed contribution rate and does not provide an amount expected to be paid as a fixed benefit;

(2) the plan is a profit-sharing plan which provides benefits at or after retirement;

(3) the plan is one in which benefits are paid solely from the general assets of the employer.

(d) For purposes of this section—

(1) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication, among the several States or between any State and any place outside thereof.

(2) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Act, 1947, as amended, or the Railway Labor Act, as amended.

EFFECTIVE DATE

SEC. 5. The provisions of titles I, II, and III of this Act shall become effective two years after enactment of this Act. The provisions of titles IV and V of this Act shall become effective upon the date of the enactment of this Act.

TITLE I—VESTING

ELIGIBILITY REQUIREMENTS

SEC. 101. No pension plan subject to this title which was adopted after the date of enactment of this Act shall, after the effective date of this title, provide as a condition for eligibility to participate in such plan a period of services longer than three years on an

age higher than age 25. Any pension plan subject to this title which was in effect on or before the date of enactment of this Act may retain its eligibility requirements until such plan is amended to provide increased benefits to participants or beneficiaries or ten years after the date of enactment of this Act, whichever occurs first. Thereafter, such pension plan shall comply with the eligibility requirements applicable to pension plans adopted after the date of enactment of this Act.

NONFORFEITABLE BENEFITS

SEC. 102. Every pension plan subject to this title shall provide for nonforfeitable rights to regular retirement benefits when the plan has been in effect for five years or more, as follows:

(a) PRESENT PLANS.—Every pension plan created before the date of enactment of this Act shall, in accordance with one of the following alternatives, provide that the rights of employees to receive benefits are non forfeitable:

(1) After a specified period of service not exceeding ten years, as to that part of the accrued portion of the regular retirement benefit (including benefits provided under amendment) which is attributable to periods after the effective date of this title, or

(2) After a specified period of service not exceeding ten years, as to not less than 10 per centum of the entire accrued portion of the regular retirement benefit (including benefits provided under amendment) which percentage shall increase at a rate equivalent to at least 10 percentage points for each year the plan has been in effect after the effective date of this title, so that the percentage will reach 100 per centum no more than nine years after the effective date of this title; or

(3) After a specified period of service not to exceed twenty years, as to the entire accrued portion of the regular retirement benefit (including benefits provided under amendment) which period shall be reduced at a rate equivalent to at least one year for each year the plan has been in effect after the effective date of this title, so that ten years after the effective date of this title the required period of service does not exceed ten years; or

(4) In accordance with such other provisions making nonforfeitable, after a specified period of service, the entire accrued portion of the regular retirement benefit, which are approved by the Secretary, after notice and opportunity to be heard, as substantially consistent with the purposes of this section as expressed in subsection (a) paragraphs 2 and 3.

(b) NEW PLANS.—Every pension plan created on or after the date of enactment of this Act shall provide that the rights of the employees to receive benefits shall be nonforfeitable—

(1) After a specified period of service not to exceed fifteen years, as to the entire accrued portion of the regular retirement benefit as of the sixth year of the plan's operation, which period shall be reduced at a rate equivalent to at least one year for each year after the sixth year of the plan's operation, so that in the eleventh year of the plan's operation, the required period of service does not exceed ten years; or

(2) After a specified period of service not to exceed ten years, as to 50 per centum of the entire accrued portion of the regular retirement benefit as of the sixth year of the plan's operation, which percentage shall increase at a rate equivalent to at least 10 percentage points for each year the plan has been in effect after the sixth year of the plan's operation, so that in the eleventh year of the plan's operation, the entire accrued portion of the regular retirement benefit shall be nonforfeitable after a period of service not to exceed ten years.

(c) COLLECTIVE BARGAINING AGREEMENTS.—With respect to a pension plan created or operated under a collective bargaining agreement in existence as of the date of enactment of this Act but due to expire after the effective date of this title, the provisions of this title shall apply after the expiration date of such collective bargaining agreement but in no event later than one year after the effective date of this title.

(d) PERIOD OF SERVICE.—In computing the period of service under the plan, an employee's entire service with the employer contributing to or maintaining the plan shall be considered, except the following may be disregarded:

(1) service prior to age 25;

(2) service during which the employee declined to contribute to a plan requiring employee contributions;

(3) service with a predecessor of the employer contributing to or maintaining the plan (except where the plan of the predecessor has been continued in effect by the successor employer); and

(4) service broken by periods of suspension of employment, provided that the rules governing such breaks in service are not unreasonable or arbitrary as determined under regulation of the Secretary.

(e) PROVISIONS DEALING WITH FORFEITURE OF BENEFITS. Nothing contained in this title shall be construed to disallow any plan provision—

(1) making benefits forfeitable for misconduct such as theft, dishonesty, or divulging the employers' trade secrets to competitors: *Provided,* That such provisions are not unreasonable or arbitrary as determined under regulation of the Secretary; or

(2) adopted pursuant to regulations of the Secretary of the Treasury or his delegate to preclude discrimination in the event of early termination of a plan.

(f) CONTRIBUTORY PLANS.—No penson plan subject to this title to which employees contribute shall provide for forfeiture of benefits which accrued during participation in the plan by the employee and which were attributable to employer contributions, solely because of withdrawal by such employee of amounts attributable to his own contributions.

DISTRIBUTION OF NONFORFEITABLE BENEFITS TO TERMINATION PARTICIPANTS

SEC. 103. (a) Nonforfeitable benefits accrued by terminating participants may be distributed in the manner set forth in the plan: *Provided,* That distribution of such benefits shall commence no later than the regular retirement age and that such benefits are paid in the same form as retirement benefits are paid.

(b) The administrator shall, upon termination of a vested participant's employment prior to regular retirement age, report to the Secretary of Health, Education, and Welfare such information as the Secretary of Health, Education, and Welfare may prescribe by regulation to facilitate notification of vested rights to such participants or their beneficiaries. The Secretary of Labor shall reimburse the Secretary of Health, Education, and Welfare for use by the latter of personnel and facilities in the performance of his functions under this subsection.

ENFORCING OF VESTING STANDARDS

SEC. 104. Whenever the Secretary finds it necessary or appropriate for the enforcement of the provisions of this title or any rule or regulation thereunder, he may require a certificate of approval with respect to the vesting provisions of any pension plan. Denial of any such certificate shall be by order of the Secretary, and only after reasonable opportunity for hearing. A certificate of approval shall be issued by the Secretary when he determines that the vesting provisions in question do not violate the requirements of this title. Whenever a certificate of approval is required for any pension plan, it shall be unlawful for the administrator of any such plan to maintain or operate such plan unless a certificate has been obtained.

TITLE II—FUNDING

FUNDING SCHEDULE

SEC. 201. (a) GENERAL RULE.—Every pension plan subject to this title shall—

(1) provide for contributions to the plan in amounts necessary to meet an amount equal to the normal cost since inception of the plan plus interest on any unfunded past service costs, and

(2) maintain a minimum ratio of assets to vested liabilities according to the following schedule:

If the plan has been in effect (in years)	The ratio of assets to vested liabilities shall be at least (in percent)
5	20
6	24
7	28
8	32
9	36
10	40
11	44
12	48
13	52
14	56
15	60
16	64
17	68
18	72
19	76
20	80
21	84
22	88
23	92
24	96
25	100

(b) SPECIAL PROVISION FOR PLANS FIVE OR MORE YEARS OLD.—In the case of a plan which on the effective date of this title has been in effect for five or more years, the administrator, when he files the first funding status report required by section 202 of this Act, may choose as the required funding ratio—

(1) the ratio specified by the schedule in subsection (a)(2), or

(2) the actual funding ratio of the plan.

Beginning with the ratio thus chosen, the required ratio shall increase by 3 percentage points each year for the next five years and 4 percentage points each year thereafter until the ratio becomes 100 percent.

(c) SPECIAL PROVISION FOR PLANS LESS THAN FIVE YEARS OLD.—A plan which on the effective date of this title has been in effect for less than five years shall become subject to (a)(2) above as soon as the plan has been in effect for five years. The options provided in subsection (b) shall be available to a plan in this category except that the time allowed for increasing the required ratio by 3 percentage points each year shall be limited to a period equal to the number of years the plan has been in effect prior to the effective date of this title.

(d) SPECIAL PROVISION FOR PLAN AMENDMENTS.—If, after the effective date of this title, a plan which has been in existence for five or more years is amended with a resulting increase in vested liabilities, the administrator may adjust the required funding schedule according to one of the following methods:

(1) The plan's funding ratio may be decreased in proportion to the ratio which the additional vested liabilities bear to the total vested liabilites after the amendment. The resulting ratio will be increased each year by percentage point increments according to the applicable funding rate specified in subsection (a)(2) or (b).

(2) If the amendment results in a 25 per

centum or greater increase in vested liabilities, the portion of vested liabilities created by the amendment may be regarded as a new plan subject to the funding schedule imposed by subsection (a)(2). In this case, the administrator shall keep separate records for ascertaining the funding status of the vested liabilites created by the amendment.

FUNDING STATUS REPORTS

SEC. 202. (a) Within one hundred and fifty days after the end of the plan's first fiscal year during which it is subject to section 201(a)(2), and within one hundred and fifty days after the end of each third fiscal year thereafter, or within one hundred and fifty days after the end of any fiscal year in which the plan is amended so as to increase vested liabilities, the administrator of the plan shall file with the Secretary, a statement containing the following information:

(1) the amount of normal cost since inception of the plan plus interest on any unfunded past service costs;

(2) the total amount of the plan's vested liabilities at the close of its preceding fiscal year;

(3) the assets held by the plan as of the close of its preceding fiscal year valued at market value or by any other method approved by the Secretary pursuant to regulation;

(4) the number of years the plan has been in effect;

(5) a statement of the amount, if any, by which the assets held by the plan either exceed or fall below the amount of assets required in order for the plan to meet the funding ratio required under section 201(a)(2);

(6) such other information determined by the Secretary by regulation to be necessary for adequate disclosure of a plan's funding status.

(b) At such times as the administrator of a plan subject to this title is required to file a report with the Secretary pursuant to (a) above, the administrator shall make available to each person having a vested benefit such report, by posting such report in a prominent location at the employer's place or places of business or through such other means that will insure that persons with vested benefits have adequate access to such information.

ENFORCEMENT OF FUNDING STANDARDS

SEC. 203. (a) When the contributions to a pension plan fall below amounts necessary to meet the requirements of section 201(a)(1), the Secertary shall require by order, after notice and oppotrunity for hearing, that the administrator take such steps as the Secretary shall find necessary to guarantee that the rights of each participant to benefits accrued to the date of such failure to make appropriate contributions, to the extent then funded, or the rights of each participant to the amounts credited to his account at such time, are nonforfeitable in the event of the participant's termination, except that nonforfeitable benefits resulting other than through operation of this subsection shall take priority over nonforfeitable benefits resulting exclusively from operation of this subsection with respect to any allocation of plan assets or distribution to participants.

(b) When a pension plan's ratio of assets to vested liabilities falls below the funding ratio required by section 201(a)(2) as determined by the Secretary—

(1) the plan's vested liabilities shall not be increased by an amendment until the plan's actual funding ratio is equal to or greater than the required funding ratio;

(2) the administrator shall inform, in writing, each person having a vested benefit as to (A) the amount of his vested benefit, (B) the portion of his vested benefit protected by assets and insurance, and (C) the portion of his vested benefit not protected by assets and insurance. Such reports shall be made annually until the plan's actual funding ratio is equal to or greater than the required funding ratio; and

(3) the administrator shall make such additional reports to the Secretary as the Secretary may by rule or regulation prescribe to aid in the enforcement of this title.

(c) When a pension plan's ratio of assets to vested liabilities falls below the funding ratio required by section 201(a)(2) for five consecutive years the Secretary shall require by order, after notice and opportunity for hearing, that the administrator take such steps as the Secretary shall find necessary to suspend further accumulation of vested liabilities until such time as the funding deficiency has been removed: *Provided, however,* That the Secretary may, after notice and opportunity for hearing, order the action specified herein to be taken at any time after a funding deficiency has occurred but prior to expiration of the five-year period whenever, in his discretion, such action is necessary to protect the interests of participants. The Secretary may by order revoke or modify any order previously made under this subsection, if, after notice and opportunity for hearing, he finds that the circumstances upon which the order was predicated do not exist.

(d) During any time that a pension plan is in suspended status pursuant to action taken under subsection (c), the Secretary, whenever he finds it necessary to protect the interests of participants, may, after notice and opportunity for hearing, require by order that the plan terminate and wind up its affairs in accordance with the provisions of title III and procedures established by the Pension Benefit Insurance Corporation.

TITLE III—VESTED LIABILITY INSURANCE

INSURANCE COVERAGE

SEC. 301 (a) Every pension plan required to meet a specified funding ratio in accordance with section 201(a)(2) of this Act shall obtain insurance covering unfunded vested liabilities to protect participants and beneficiaries against possible loss of vested benefits arising from an essentially involuntary termination of the plan. The amount of insurance shall be the plan's vested liabilities less the greater of—

(1) 90 per centum of the assets needed to meet the funding ratio required under section 201(a)(2), or

(2) 90 per centum of the plan's actual assets.

(b) The Pension Benefit Insurance Corporation shall issue a certificate of insurance coverage to each plan administrator after receipt by the Corporation from the Secretary of a copy of the statement required by section 202(a). A plan's insurance coverage shall be continuous from the date of issuance of the certificate until canceled.

(c) The Pension Benefit Insurance Corporation shall not insure—

(1) any unfunded vested liabilities created by a plan amendment which took effect within three years immediately preceding termination of the plan; or

(2) any unfunded vested liabilities resulting from the participation in the plan by a participant owning 10 per centum or more of the voting stock of the employer contributing to the plan or by any participant owning a 10 per centum or more interest in a partnership contributing to the plan.

PREMIUMS

SEC. 302 (a) Each plan shall pay a premium for insurance under this title at such uniform rates prescribed by the Pension Benefit Insurance Corporation, based upon the amount of unfunded vested liability which is to be insured and upon such other factors as the Corporation determines to be appropriate. The premium for the initial three-year period shall be not more than 0.6 per centum of the amount insured.

(b) Should any administrator of a plan subject to this title fail to pay any premiums required to be paid under subsection (a), the Pension Benefit Insurance Corporation shall give the administrator of the plan not less than thirty days' notice of intention to cancel insurance unless the premium is paid by the end of such period. If the unpaid premium is not paid by the end of such period, the Corporation shall cancel the plan's certificate of insurance and the plan shall give notice of such cancellation to each person entitled to a vested benefit under the plan.

CLAIMS PROCEDURE

SEC. 303. (a) The administrator of a plan insured under the provision of this title shall file a claim with the Pension Benefit Insurance Corporation in the event the plan is terminated for reasons of financial difficulty or bankruptcy, plant closing, by order of the Secretary, or such other reasons as the Corporation by regulation shall specify as reflecting an essentially involuntary plan termination. The Corporation shall be authorized to honor such claim up to the limits prescribed by section 304 if it finds that the assets of the plan may not be sufficient to pay vested liabilities.

(b) Claims shall be made as specified in the rules and regulations of the Pension Benefit Insurance Corporation. The Corporation shall also require the administrator who files a claim to submit proof of all facts necessary to establish a claim, but in any event, the Corporation may in its discretion independently make such investigation as may be necessary for it to determine the validity of any claim. The Corporation shall require the payment of any contributions owing to the plan and required to meet the funding ratio specified in section 201(a)(2) of this Act, and may sue to recover such contributions on behalf of the plan in connection with settling any claim.

(c) The Pension Benefit Insurance Corporation shall give written notice to the administrator of its decision on any claim. Upon notice that a claim will be honored the administrator shall wind up the affairs of the plan by arranging for the purchase of single premium annuities from a qualified life insurance company for each person entitled to vested benefits, or by making such other arrangements for the distribution of vested benefits as the Corporation may by regulation approve as providing adequate protection to persons with vested benefits. The administrator shall be allowed a reasonable period in which to liquidate the assets of the plan. Upon completing the process of liquidation he shall thereafter submit to the Corporation, within such period specified by regulation of the Corporation, a plan termination report. Such report shall fully disclose the amount of the vested benefit payable to each person under the terms of the plan as of the date the plan was terminated, the amount realized from liquidating assets, the aggregate amount of funds needed to purchase single premium annuities to provide the vested benefit to which each person is entitled under the terms of the plan, and such additional information as may be prescribed by rules of the Corporation. Upon receipt of the plan termination report, the Corporation shall direct the purchase of annuities or authorize the implementation of such other approved arrangement for distributing vested benefits, and pay the claim for insurance in the amount authorized under this title.

PAYMENT OF CLAIMS

SEC. 304. The amount of insurance payable under a valid claim shall be the difference between the realized value of the assets of the plan and the amount of vested liabilities, limited to the amount of insurance determined under section 301 at the time the plan was terminated: *Provided,* That—

(a) in any case where a plan would be entitled to relief under section 502 of this Act with respect to meeting the funding ratio specified in section 201(a)(2) if it were not terminating, such relief may be accorded to the plan upon termination and the amount of insurance to be paid shall be adjusted to take into account the relief so provided; except that no relief in this connection shall be accorded where the only basis presented for such relief is a decline in the value of the assets of the plan;

(b) in any case where Pension Benefit Insurance Corporation is unable to recover any contributions or portions thereof owing to a terminating pension plan to meet the funding ratio specified in section 201(a)(2), the amount of insurance to be paid shall be adjusted to take into account such unpaid contributions.

(c) in any case where a plan is terminated as the result of the closing of a plant of an employer contributing to such plan and the vested liabilities of such terminated plan are less than 20 per centum of the vested liabilities of all the pension plans maintained by such employer, such employer shall be liable to reimburse the Pension Benefit Insurance Corporation for any insurance paid by the Corporation in satisfaction of a claim presented by such terminated plan, and the Corporation is authorized to sue such employer to recover the amount of any unpaid liability lawfully payable under this provision.

UNINSURED PLANS

SEC. 305. It shall be unlawful for any administrator of a plan subject to this title to maintain or operate such a plan without the certificate of insurance required by this title.

TITLE IV—PENSION BENEFIT INSURANCE CORPORATION

CREATION OF PENSION BENEFIT INSURANCE CORPORATION

SEC. 401. There is hereby created a Pension Benefit Insurance Corporation (hereinafter referred to as the "Corporation") which shall insure the vested liabilities of pension plans subject to title III. Such Corporation shall be an agency and instrumentiality of the United States, within the Department of Labor, subject to the general supervision and direction of the Secretary of Labor. The principal office of the Corporation shall be in the District of Columbia but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Corporation.

GENERAL POWERS OF CORPORATION

SEC. 402. The Corporation—

(a) shall have succession in its corporate name;

(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) may enter into and carry out such contract or agreements as are necessary in the conduct of its business;

(d) may sue and be sued, in any district court of the United States or its territories or possession or the Commonwealth of Puerto Rico, which courts shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation;

(e) may adopt, amend, and repeal by laws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(f) shall be entitled to the use of the United States mails in the same manner and upon the same conditions as the executive departments of the Federal Government;

(g) shall have power when necessary to carry out the provisions of title III, to make investigations and in connection therewith to enter such places and inspect such records and accounts and question such persons as the Corporation may deem necessary to determine the facts relative thereto. For the purpose of any investigation provided for herein, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Corporation or any officers designated by the Corporation;

(h) shall determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to wholly owned Government corporations; and

(i) shall have such powers as may be necessary or appropriate for the exercise of the powers specifically vested in the Corporation and all such incidental powers as are customary in corporations generally.

SPECIFIC POWERS OF CORPORATION

SEC. 403. In the fulfillment of its purposes and in carrying out its annual budget programs submitted to and approved by the Congress pursuant to the Government Corporation Control Act, the Corporation is authorized to use its general powers in accordance with the provisions of title III of this Act to—

(a) establish adequate premium rates to cover the insurance of vested liabilities of private pension plans and the administrative expenses of the Corporation. In determining such premium rates, the Corporation shall consult with the Technical Advisory Committee on Pension Benefit Insurance established by section 405;

(b) establish procedures for the application, renewal, and cancellation of insurance, including the prescribing of such forms and reports as may be necessary or appropriate to implement such procedures;

(c) collect premiums and manage and invest the funds of the Corporation;

(d) adjust and pay claims for insurance under rules prescribed by the Corporation;

(e) conduct research, surveys, and investigations relating to pension plan insurance and assemble data for the purpose of establishing sound bases for insurance;

(f) bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin any acts or practices that constitute or will constitute a violation of title III or IV or of any regulation or order issued thereunder, or obtain any other appropriate relief, and the United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction for cause shown, to restrain violations of title III or title IV and provide for any other appropriate relief; and

(g) carry out such other functions as are required by this Act and as Congress may specifically authorize or provide for.

PENSION BENEFIT INSURANCE FUND

SEC. 404. (a) There is hereby created within the Treasury a separate fund for pension benefit insurance (hereafter in this section called the fund) which shall be available to the Corporation without fiscal year limitation for the purposes of this title.

(b) There is hereby authorized to be appropriated such sums as are necessary to provide capital for the fund. All amounts received as premiums and any other moneys, property, or assets derived from operations in connections with this title shall be deposited in the fund.

(c) All claims, expenses, and payments pursuant to operation of the Corporation under this title shall be paid from the fund. From time to time, and at least at the close of each fiscal year, the Corporation shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations provided as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable Treasury obligations. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

BOARD OF DIRECTORS: TECHNICAL ADVISORY COMMITTEE

SEC. 405. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the "Board"). The Board shall consist of the Secretaries of Labor and Commerce ex officio and three other Directors appointed by the President by and with the advice and consent of the Senate. The President shall designate a Chairman of the Board from among the three Directors he appoints. Of the first three Directors, one shall be appointed to serve for a term of two years; one shall be appointed to serve for a term of four years; one shall be appointed to serve for a term of six years. Thereafter, upon the expiration of the term of office, each succeeding Director shall be appointed to serve for a term of six years. Not more than three of the members of such Board of Directors shall be members of the same political party. Each appointed Director shall receive compensation at the rate of $150 per diem when engaged in the actual performance of duties of the Board, and may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently, except that any such Director who holds another office or position under the Federal Government shall serve without additional compensation. A majority of the Directors shall constitute a quorum of the Board and action shall be taken only by a majority vote of those present.

(b) In addition to the Board of Directors there shall be a Technical Advisory Committee on Pension Benefit Insurance which shall consist of five members to be appointed by the Secretary after consultation with the Secretary of Commerce, to advise and consult with the Corporation with respect to carrying out the purposes of this title. The Secretary shall select for appointment to the Committee individuals who are, by reason of training or experience, or both, familiar with and competent to deal with, problems involving employees' pension plans and problems relating to the insurance of such plans. Members of the Committee shall be appointed for a term of two years. Members shall be compensated at the rate of $100 per day for each day they are engaged in the duties of the Committee and, while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently. The Committee shall meet at Washington, District of Co-

lumbia, upon call of the Chairman of the Board of Directors who shall serve as Chairman of the Committee. Meetings shall be called by such Chairman not less often than twice a year.

PERSONNEL OF CORPORATION

SEC. 406. The Corporation shall appoint and fix the compensation of such officers, attorneys, and employees as may be necessary for the conduct of its business in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem equivalent for GS–18.

COOPERATION WITH OTHER GOVERNMENTAL AGENCIES

SEC. 407. The provisions of section 509 shall be applicable to the Corporation.

INVESTMENT OF FUNDS

SEC. 408. All money of the Corporation except appropriated funds, may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

TAX EXEMPTION

SEC. 409. The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property shall be exempt from all taxation imposed by any State, county, municipality, or subdivision thereof, except nothing herein exempts from taxation any real property acquired and held by the Corporation.

RECORDS; ANNUAL REPORT

SEC. 410. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Labor a complete report as to the business of the Corporation, a copy of which shall be forwarded by the Secretary of Labor to the President for transmission to the Congress.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 411. The provisions of the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841), as applicable to wholly owned Government corporations, shall be applicable to the Corporation.

TITLE V—ADMINISTRATION, CIVIL PROCEEDINGS, AND MISCELLANEOUS PROVISIONS

RULES AND REGULATIONS

SEC. 501. The Secretary shall prescribe such rules and regulations as he finds necessary or appropriate to carry out the provisions of titles I, II, and V. Among other things, such rules and regulations may define accounting, technical, and trade terms used in such provisions; and may prescribe the form and detail of all reports required to be made under such provisions; and may provide for the keeping of books and records, and for the inspection of such books and records.

VARIATIONS; APPEALS BOARD

SEC. 502. (a) PROCEDURE FOR VARIATIONS.—The Secretary on his own motion or after having received the petition of an administrator may, after giving interested persons an opportunity to be heard, and in accordance with the provisions of subsection (b) or (c) below, prescribe an alternative method for satisfying the requirements of title I or II, or both, with respect to any pension plan or any type of pension plan subject to this Act.

(b) GENERAL RULE FOR GRANTING VARIATIONS.—The Secretary may prescribe an alternative method for satisfying the requirements of title I or II, or both, for such limited periods of time as is necessary or appropriate to carry out the purposes of this Act and which will provide adequate protection to the participants and beneficiaries in the plan, whenever he finds that the application of title I or II, or both, would (1) increase the costs of the parties to the plan to such an extent that there would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of pension benefit levels or the levels of employees' compensation, or (2) impose unreasonable administrative burdens with respect to the operation of the plan, having due regard to the particular characteristics of the plan or the type of plan involved. Nothing herein shall be construed to authorize the Secretary to grant a permanent variation from the requirements of title I or II, or both, except as indicated in subsection (c) below.

(c) SPECIAL RULE FOR MULTIEMPLOYER PLANS.—On the basis of the factors described in (b) above, the Secretary may grant a variation from the provisions of title I on a permanent basis to any plan jointly entered into by five or more employers within a single industry (other than employers under common ownership or control) in which (1) employees in the plan represent a substantial proportion of employees in the industry, either nationally or in a particular region or labor market area, (2) the plan provides for complete transferability of pension benefit credits within the group of employers who are parties to the plan, and (3) a substantial proportion of job changes involving a shift of employers by plan participants takes place within the scope of the plan. No permanent variation shall be authorized which has the effect of permitting the adoption of a period of service longer than 15 years for vesting accrued portions of regular retirement benefits.

(d) VARIATION APPEALS BOARD.—There is hereby established a Variation Appeals Board which shall hear and determine appeals from decisions denying grants of variations in accordance with procedures promulgated by the Secretary pursuant to regulation. Such Board shall include the Secretary of Labor or his designee, the Secretary of Commerce or his designee, and a person jointly selected by the Secretaries of Labor and Commerce from outside the Federal Government who is, by reason of training or experience, or both, familiar with and competent to deal with, problems involving employees' pension plans. The Secretary of Labor or his designate shall serve as presiding officer on such Board. Such non-Federal Government member of the Board shall be compensated at the rate of $100 per day for each day he is engaged in the work of the Board, and, while serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

INVESTIGATIONS

SEC. 503. (a) The Secretary, in his discretion, may investigate any facts, conditions, practices, or matters which he may deem necessary or appropriate to determine whether any person has violated or is about to violate any provisions of titles I, II, and V or any rule, regulation, variation, or order thereunder, or to aid in the enforcement of the provisions of titles I, II, and V, in the prescribing of rules, regulations, variations, or orders thereunder, or in obtaining information with respect to studies undertaken pursuant to section 506. The Secretary, in his discretion, may publish or make available to any interested person or official, information concerning any matter which may be the subject of investigation.

(b) For the purpose of any investigation provided for in (a), the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

CIVIL ENFORCEMENT

SEC. 504. (a) Whenever it shall appear to the Secretary that any person is engaged or about to engage in any acts or practices that constitute or will constitute a violation of any provision of titles I, II, or V or of any regulation, variation, or order issued thereunder, he may in his discretion, bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

(b) The United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have exclusive jurisdiction with respect to violations of titles I, II, or V or regulations, variations or orders issued thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, titles I, II or V or regulations, variations or orders thereunder, and to provide such other relief as may be appropriate.

COURT REVIEW OF ORDERS

SEC. 505. The administrator of any pension plan who has been denied a certificate of approval under title I, or whose plan has been suspended or ordered terminated under title II or who has been aggrieved by any final decision with respect to any claim for payment of insurance under title III or with respect to denial of a request for a variation under this title, may obtain a review of the order denying such application for a certificate of approval, such order suspending or terminating the plan, such final decision with respect to an insurance claim or denial of a request for a variation, or any other order or final decision made under this Act, in the United States district court for the district where the principal office of the plan is located. Such court shall have jurisdiction to affirm, modify or set aside such order or decision, in whole or in part. The administrative findings as to the facts, if supported by the evidence, shall be conclusive.

STUDIES

SEC. 506. The Secretary is authorized and directed to undertake research studies relating to pension plans, including but not limited to (1) the effects of this Act upon the provisions and costs of pension plans, (2) the role of private pensions in meeting the economic security needs of the Nation, and (3) the operation of private pension plans including types and levels of benefits, degree of reciprocity or portability, and financial characteristics and practices.

ANNUAL REPORTS

SEC. 507. The Secretary shall submit annually a report to the Congress covering his administration of this Act for the preceding year and including such information, data, research findings, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable.

ADMINISTRATIVE PROCEDURE ACT

SEC. 508. The provisions of the subchapter II of Chapter 5 of title 5, United States Code, shall be applicable to this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 509. In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he

may find to be practicable and consistent with law. The Secretary may utilize, on a reimbursable basis, the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions under this Act. The Attorney General or his representative shall receive from the Secretary for appropriate action such evidence developed in the performance of his functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.

SEPARABILITY PROVISIONS

SEC. 510. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

PENALTIES

SEC. 511. Any person who willfully—

(a) violates any provision of this Act or any rule, regulation, variation, or order issued thereunder,

(b) makes, passes, utters, or publishes any statement in any application, report, document, account, or record filed or kept or required to be filed or kept under the provisions of this Act or any rule, regulation, variation, or order thereunder, knowing such statement or entry to be false or misleading in any material respect,

(c) forges or counterfeits any instrument, paper, or document, or utters, publishes, or passes as true any instrument, paper, or document, knowing it to have been forged or counterfeited, for the purpose of influencing in any way the action of the Secretary or the Pension Benefit Insurance Corporation,

(d) destroys (except after such time as may be prescribed under any rules or regulations under this Act), mutilates, alters, or by any means or device falsifies any account, correspondence, memorandum, book, paper, or other record kept or required to be kept under this Act or any rule, regulation, variation, or order thereunder,

(e) influences or induces or attempts to influence or induce the Secretary or the Pension Benefit Insurance Corporation with respect to any action of the Secretary or the Corporation, by fraud, deceit, misrepresentation, or by any manipulative or deceptive device or contrivance,

shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both, except that in the case of such violation by a person not an individual, the fine imposed upon such person shall be a fine not exceeding $200,000.

ADMINISTRATIVE ASSESSMENTS AND APPROPRIATIONS

SEC. 512. (a) The Secretary shall, pursuant to regulation, assess each plan which is subject to this Act such fees or charges as the Secretary deems appropriate to cover administrative costs incurred by the Secretary, and as are consistent with the policy of title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a; 65 Stat. 290).

(b) There is hereby authorized to be appropriated such sums, without fiscal limitation, as may be necessary to enable the Secretary to carry out his functions and duties under this Act.

S. 4327

A bill to amend the Welfare and Pension Plans Disclosure Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to strengthen and improve the protections for the interests of participants in and beneficiaries of employee welfare and pension benefit plans, under the Act of August 28, 1958, as amended (72 Stat. 997), such Act is amended to read as follows:

"SHORT TITLE, FINDINGS, AND DECLARATION OF POLICY

"Section 1. This Act may be cited as the 'Welfare and Pension Plan Protection Act of 1970.'

"FINDINGS AND POLICY

"SEC. 2. (a) The Congress finds that the growth in size, scope, and numbers of employee welfare and pension benefit plans in recent years has been rapid and substantial; that the continued well-being and security of millions of employees and their dependents are directly affected by these plans; that they are affected with a national public interest; that they have become an important factor affecting the stability of employment and the successful development of industrial relations; that they have become an important factor in commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organizations, and other entities by which they are established or maintained; that owing to the lack of employee information and adequate safeguards concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made and safeguards be provided with respect to the operation and administration of such plans.

"(b) It is hereby declared to be the policy of this Act to protect interstate commerce and the interests of participants in employee welfare and pension benefit plans and their beneficiaries, by requiring the disclosure and reporting to participants and beneficiaries of financial and other information with respect thereto, by establishing fiduciary standards of conduct, responsibility, and obligation upon all persons engaged in, or responsible for receiving, disbursing, or exercising any control or authority with respect to employee welfare and pension benefit funds, and by providing for sanctions in the case of a breach of such fiduciary standards as well as for recovery of losses suffered by such funds by reason of such breach.

"DEFINITIONS

"SEC. 3. When used in this Act—

"(1) The term 'employee welfare benefit plan' means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death, or unemployment.

"(2) The term 'employee pension benefit plan' means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits, and includes any profit-sharing plan which provides benefits at or after retirement.

"(3) The term 'employee organization' means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning an employee welfare or pension benefit plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing such a plan.

"(4) The term 'employer' means any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee welfare or pension benefit plan, and includes a group or association of employers acting for an employer in such capacity.

"(5) The term 'employee' means any individual employed by an employer.

"(6) The term 'participant' means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee welfare or pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit.

"(7) The term 'beneficiary' means a person designated by a participant or by the terms of an employee welfare or pension benefit plan who is or may become entitled to a benefit thereunder.

"(8) The term 'person' means an individual, partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

"(9) The term 'State' includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

"(10) The term 'commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

"(11) The term 'industry or activity affecting commerce' means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry affecting commerce within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

"(12) The term 'Secretary' means the Secretary of Labor.

"(13) The term 'party in interest' means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan.

"(14) The term 'administrator' means—

"(A) the person or persons designated by the terms of the plan or the collective bargaining agreement with responsibility for the ultimate control, disposition, or management of the money received or contributed; or

"(B) in the absence of such designation, the person or persons actually responsible for the control, disposition, or management of the money received or contributed, irrespective of whether such control, disposition, or management is exercised directly or through an agent or trustee designated by such person or persons.

"COVERAGE

"SEC. 4. (a) Except as provided in subsection (b), this Act shall apply to any em-

ployee welfare or pension benefit plan if it is established or maintained by an employer or employers engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce or by both.

"(b) This Act shall not apply to an employee welfare or pension benefit plan if—

"(1) such plan is administered by the Federal Government or by the government of a State, by a political subdivision of a State, or by an agency or instrumentality of any of the foregoing;

"(2) such plan was established and is maintained solely for the purpose of complying with applicable workmen's compensation laws or unemployment compensation disability insurance laws;

"(3) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of such Code or by organizations described in sections 501(c)(3) and 501(c)(4) of such Code: *Provided*, That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining; or

"(4) such plan covers not more than twenty-five participants.

"DUTY OF DISCLOSURE AND REPORTING

"SEC. 5. The administrator of an employee welfare benefit plan or an employee pension benefit plan shall publish in accordance with section 8 to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain the information required by sections 6 and 7 of this Act in such form and detail as the Secretary shall prescribe and such other information as the Secretary shall determine to be necessary and appropriate to carry out the purposes of this Act, and copies thereof shall be executed, published, and filed in accordance with the provisions of this Act and the Secretary's regulations thereunder. The Secretary may by regulations provide for the exemption from all or any part of the reporting and disclosure requirements of this Act of any class or type of welfare or pension benefit plans, if the Secretary finds that the application of such requirements to such plans is not required in order to effectuate the purposes of this Act.

"DESCRIPTION OF THE PLAN

"SEC. 6. (a) Except as provided in Section 4, the description of any employee welfare or pension benefit plan shall be published as required herein within ninety days of the effective date of this Act or within ninety days after the establishment of such plan, whichever is later.

"(b) The description of the plan shall be published and signed by the person or persons defined as the 'administrator' and shall include their names and addresses, their official positions with respect to the plan, and their relationship, if any, to the employer or to any employee organizations, and any other offices, positions, or employment held by them; the name, address, and description of the plan and the type of administration; the schedule of benefits; the names, titles, and addresses of any trustee or trustees (if such persons are different from those persons defined as the 'administrator'); whether the plan is mentioned in a collective bargaining agreement; copies of the plan or of the bargaining agreement, trust agreement, contract, or other instrument, if any, under which the plan was established and is operated; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether the records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Secretary.

"ANNUAL REPORTS

"SEC. 7. (a) The administrator of any employee welfare or pension benefit plan, a description of which is required to be published under section 6, shall also publish an annual report with respect to such plan if the plan is subject to section 14 of this Act or if it covers one hundred or more participants. However, the Secretary, after investigation, may require the administrator of any plan otherwise covered by the Act to publish such report when necessary and appropriate to carry out the purposes of this Act. Such report shall be published as required under section 8 within one hundred and fifty days after the end of the calendar year (or, if the records of the plan are kept on a policy or other fiscal year basis, within one hundred and fifty days after the end of such policy or fiscal year).

"(b) A report under this section shall be signed by the administrator and such report shall include the following: 'The amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid in what amount, and for what purposes.'

"(c) If the plan is unfunded, the report shall include only the total benefits paid and the average number of employees eligible for participation, during the past five years, broken down by years; and a statement, if applicable, that the only assets from which claims against the plan may be paid are the general assets of the employer.

"(d) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization such report shall include with respect to such plan (in addition to the information required by subsection (b)) the following:

"(1) The premium rate or subscription charge and the total premium or subscription charges paid to each such carrier or organization and the approximate number of persons covered by each class of such benefits.

"(2) The total amount of premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carrier or other organization; dividends or retroactive rate adjustments, commissions, and administrative service, or other fees or other specific acquisition costs, paid by such carrier or other organization; any amounts held to provide benefits after retirement; the remainder of such premiums; and the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose: *Provided*, That if any such carrier or other organization does not maintain separate experience records covering the specific groups it serves, the report shall include in lieu of the information required by the foregoing provisions of this paragraph (A) a statement as to the basis of its premium rate or subscription charge, the total amount of premiums or subscription charges received from the plan, and a copy of the financial report of the carrier or other organization and (B), if such carrier or organization incurs specific costs in connection with the acquisition or retention of any particular plan or plans, a detailed statement of such costs.

"(e) Details relative to the manner in which any funds held by an employee welfare benefit plan are held or invested shall be reported as provided under paragraphs (B), (C), (D), (E), (F), and (G) of subsection (f)(1).

"(f) Reports on employee pension benefit plans shall include, in addition to the applicable information required by the foregoing provisions of this section, the following:

"(1) If the plan is funded through the medium of a trust, the report shall include—

"(A) the type and basis of funding, actuarial assumptions used, the amount of current and past service liabilities, and the number of employees, both retired and nonretired, covered by the plan;

"(B) a statement showing the assets of the fund which shall be valued on the basis regularly used in valuing investments held in the fund and reported to the United States Treasury Department, or shall be valued at their aggregate cost or present value, whichever is lower, if such a statement is not so required to be filed with the United States Treasury Department;

"(C) a detailed list, including information as to cost and present value, of all investments of the fund, separately identifying investments in securities or properties of the employer or employee organization or any other party in interest;

"(D) a statement of the aggregate purchases, sales, redemptions and exchanges of investment securities (including bonds and debentures) made during the period covered by the report, identified by issuer and by each type of security such as, common stock, preferred stock, bond issues, and so forth, and including information as to the number of shares of stock or the principal amount of bonds or debentures; in the case of purchase, the purchase price; and in the case of sale, redemption or exchange, the cost, proceeds (including a description and value of consideration other than cash, if any), and the net gain (or loss);

"(E) a detailed list of all purchases, sales or exchanges of investment assets other than securities, including information as to the identity of the asset purchased, sold or exchanged (and, in the case of fixed assets such as land, buildings, leaseholds, and so forth, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase or sale; the cost of the asset and proceeds, and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, and the identity of the purchaser in the case of a sale, and their relationship, if any, to the plan, the employer, or any employee organization;

"(F) a detailed list of all loans made by the plan during the year and all loans outstanding at the end of the year, separately identifying loans made to the employer or employee organization or any other party in interest, including information as to the identity and address of the debtors, dates made and maturity dates, interest rate, face amount of the loans, amount outstanding at the end of the year, type and value of collateral held, and any other terms and conditions: *Provided, however*, That Veterans' Administration and Federal Housing Administration insured mortgage loans and mortgages on single-unit residences which were

purchased on a block basis from banks or similar institutions need not be listed, nor loans made to plan participants where such loans are available to all participants on a nondiscriminatory basis and are made in accordance with specific provisions regarding loans to participants set forth in the plan, but the total amounts of each category of such loans outstanding at the end of the year shall be reported;

"(G) if some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(f)(1) (C), (D), (E), and (F) with respect to such common or collective trust or separate account as the Secretary may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar or other fiscal year, as the case may be, the information determined by the Secretary to be necessary to enable the plan administrator to comply with the requirements of this Act.

"(2) If the plan is funded through the medium of a contract with an insurance carrier, the report shall include—

"(A) the type and basis of funding, actuarial assumptions used in determining the payments under the contract, and the number of employees, both retired and nonretired, covered by the contract; and

"(B) except for benefits completely guaranteed by the carrier, the amount of current and past service liabilities, based on those assumptions, and the amount of all reserves accumulated under the plan.

"(3) If the plan is funded through the medium of a trust invested, in whole or in part, in one or more insurance or annuity contracts with an insurance carrier, the report shall include, as to the portion of the funds so invested, only the information required by paragraph (2) above.

"(4) If the plan is unfunded, the report shall include the total benefits paid to retired employees for the past five years, broken down by year.

"(g) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.

"(h) The administrator of an employee welfare or pension benefit plan shall cause an audit to be made annually of an employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report.

"PUBLICATION

"SEC. 8. (a) Publication of the description of the plan and the latest annual report required under this Act shall be made to the participants and to the beneficiaries covered by the particular plan as follows:

"(1) The administrator shall make copies of such description of the plan (including all amendments or modifications thereto upon their effective date) and of the latest annual report available for examination by any participant or beneficiary in the principal office of the plan.

"(2) The administrator shall deliver upon written request to such participant or beneficiary a copy of the description of the plan (including all amendments or modifications thereto upon their effective date) and a copy of the latest annual report, by mailing such documents to the last known address of the participant or beneficiary making such request.

"(b) The administrator of any plan subject to the provisions of this Act shall file with the Secretary a copy of the description of the plan and each annual report thereon. The Secretary shall make available for examination in the public document room of the Department of Labor copies of descriptions of plans and annual reports filed under this subsection.

"(c) The Secretary shall prepare forms for the descriptions of plans and the annual reports required by the provisions of this Act, and shall make such forms available to the administrators of such plans on request.

"ENFORCEMENT

"SEC. 9. (a) Any person who willfully violates any provision of this Act shall be fined not more than $1,000, or imprisoned not more than six months, or both.

"(b) Any administrator of a plan who fails or refuses, upon the written request of a participant or beneficiary covered by such plan, to make publication to him within thirty days of such request, in accordance with the provisions of section 8, of a description of the plan or an annual report containing the information required by sections 6 and 7, may in the court's discretion become liable to any such participant or beneficiary making such request in the amount of $50 a day from the date of such failure or refusal.

"(c) Action to recover such liability may be maintained in any court of competent jurisdiction by any participant or beneficiary. The court in such action may in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

"(d) The Secretary shall have power, when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act, to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto. The Secretary may report to interested persons or officials concerning the facts required to be shown in any report required by this Act and concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation.

"(e) For the purposes of any investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

"(f) Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this Act, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

"(g) The United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act.

"(h) In addition to the rights of action specified above, the Secretary or any participant or beneficiary may bring an action—

"(1) to recover the liability specified in section 14 or to enjoin any acts or practices which constitute or will constitute a violation of section 14 and for such other relief as may be appropriate,

"(2) to remove any person occupying a fiduciary position under section 14 and, pending the replacement of such person, to appoint an appropriate individual to carry out the duties of the person removed, in any district court of the United States and in the United States courts of any place subject to the jurisdiction of the United States where the fund is administered or where the breach took place or where the defendant is an inhabitant or may be found, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. No proceeding specified in clause (1) or (2) shall be brought by a participant or beneficiary except upon leave of the court obtained upon verified application and for good cause shown which application may be made ex parte. The court in any such action may in its discretion, in addition to any judgment awarded to the participant or beneficiary, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. Upon the filing of a complaint by the Secretary to enforce the provisions of section 14 or to remove a fiduciary, the jurisdiction of the district court over the subject matter of the action shall be exclusive and the final judgment shall be res judicata.

"(i) The district courts of the United States and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction—

"(1) to award the liability specified in section 14, and, for cause shown, to grant injunctive and other appropriate relief in any action involving a violation of section 14,

"(2) to order the removal of any person serving as a fiduciary, and to appoint a replacement pending the appointment or election of a person to fill the vacancy created, if the court finds (A) that such person is failing to carry out his fiduciary responsibilities, or (B) such person is disqualified from serving in a fiduciary capacity under the provisions of section 15.

"(j) In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he may find to be practicable and consistent with law. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions

under this Act. The Attorney General or his representative shall receive from the Secretary for appropriate action such evidence developed in the performance of his functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.

"REPORTS MADE PUBLIC INFORMATION

"SEC. 10. The contents of the descriptions and regular annual reports filed with the Secretary pursuant to this Act shall be public information, and the Secretary, where to do so would protect the interests of participants or beneficiaries of a plan, may publish any such information and data. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

"RETENTION OF RECORDS

"SEC. 11. Every person required to file any description or report or to certify any information therefor under this Act shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

"RELIANCE ON ADMINISTRATIVE INTERPRETATIONS AND FORMS

"SEC. 12. In any action or proceeding based on any act or omission in alleged violation of this Act, no person shall be subject to any liability or punishment for or on account of the failure of such person to (1) comply with any provision of this Act if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Secretary, or (2) publish and file any information required by any provision of this Act if he pleads and proves that he published and filed such information in good faith, on the description and annual report forms prepared by the Secretary and in conformity with the instructions of the Secretary issued under this Act regarding the filing of such forms. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publications or filing is determined by judicial authority not to be in conformity with the requirements of this Act.

"BONDING

"SEC. 13. (a) Every administrator, officer, and employee of any employee welfare benefit plan or of any employee pension benefit plan subject to this Act who handles funds or other property of such plan shall be bonded as herein provided; except that, where such plan is one under which the only assets from which benefits are paid are the general assets of a union or of an employer, the administrator, officers and employees of such plan shall be exempt from the bonding requirements of this section. The amount of such bond shall be fixed at the beginning of each calendar, policy, or other fiscal year, as the case may be, which constitutes the reporting year of such plan. Such amount shall be not less than 10 per centum of the amount of funds handled, determined as herein provided, except that any such bond shall be in at least the amount of $1,000 and no such bond shall be required in an amount in excess of $500,000: *Provided*, That the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of $500,000, which in no event shall exceed 10 per centum of the funds handled. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the person, group, or class to be covered by such bond and by their predecessor or predecessors; if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such person, group, or class, estimated as provided in regulations of the Secretary. Such bond shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of such administrator, officer, or employee, directly or through connivance with others. Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to the Act of July 30, 1947 (6 U.S.C. 6–13). Any bond shall be in a form or of a type approved by the Secretary, including individual bonds or schedule or blanket forms of bonds which cover a group or class.

"(b) It shall be unlawful for any administrator, officer, or employee to whom subsection (a) applies, to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of any employee welfare benefit plan or employee pension benefit plan, without being bonded as required by subsection (a) and it shall be unlawful for any administrator, officer, or employee, of such plan, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any such person, with respect to whom the requirements of subsection (a) have not been met.

"(c) It shall be unlawful for any person to procure any bond required by subsection (a) from any surety or other company or through any agent or broker in whose business operations such plan or any party in interest in such plan has any significant control or financial interest, direct or indirect.

"(d) Nothing in any other provision of law shall require any person, required to be bonded as provided in subsection (a) because he handles funds or other property of an employee welfare benefit plan or of an employee pension benefit plan, to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned.

"(e) The Secretary shall from time to time issue such regulations as may be necessary to carry out the provisions of this section. When, in the opinion of the Secretary, the administrator of a plan offers adequate evidence of the financial responsibility of the plan, or that other bonding arrangements would provide adequate protection of the beneficiaries and participants, he may exempt such plan from the requirements of this section.

"FIDUCIARY RESPONSIBILITY

"SEC. 14. (a) Except as provided in subsection (b), the term 'employee benefit fund', when used in this section, means a fund of money or other assets established pursuant to or in connection with an employee welfare or pension benefit plan or plans and includes contributions to a plan made by employees, either through withholding or otherwise.

"(b) This section shall not apply to—

"(1) an employee welfare or pension benefit plan in which the benefits payable to participants or other beneficiaries are provided solely from the general assets of an employer or of an employee organization;

"(2) premiums or subscription charges for which benefits are guaranteed and which are received by an insurance carrier or service or other organization;

"(3) moneys deposited with an insurance carrier, the repayment of which including interest thereon is guaranteed;

"(4) any investment company registered under the Investment Company Act of 1940.

"(c) An employee benefit fund whenever established, shall be deemed to be a trust fund available only for the sole and exclusive purpose of (1) providing the benefits to participants in the plan and their beneficiaries, and (2) defraying the reasonable costs of administering the plan.

"(d) Every person who receives, disburses, or exercises any control or authority with respect to any employee benefit fund is a fiduciary and occupies a position of trust with relation to such fund and to the participants and their beneficiaries for whose benefit the fund was established. Each such fiduciary shall handle, manage, invest, and expend such fund with the same degree of care and skill as a man of ordinary prudence would exercise in dealing with his own property.

"(e) Except to the extent permitted by subsection (g), no person who is a fiduciary of an employee benefit fund shall—

"(1) sell or lease property of the fund to any employer of employees for whose benefit such fund is established, to any employee organization for whose members such fund is established, or to any official of such employer or employee organization;

"(2) purchase or lease on behalf of the fund any property of such employer, employee organization, or official thereof;

"(3) deal with such fund in his own interest or account;

"(4) represent any other party dealing with such fund, or in any way act on behalf of an adverse party relating to the fund or to the interests of the participants or beneficiaries for whose benefit the fund was established; or

"(5) receive any consideration from any other party dealing with such fund on account of any of the foregoing transactions or dealings whether or not such fiduciary participates in such transactions or dealings on behalf of such fund.

"(f) No loan of money or other assets shall be made from an employee benefit fund to a fiduciary with relation to such fund, or to any relative of such fiduciary, or to his employer, employee, partner, or other business associate, or to a labor organization for the benefit of whose members the fund was established or to any official thereof, or to an employer who contributes to the fund on account of his employees or any official of such employer. For the purposes of this subsection, the term 'relative' means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(g) Nothing in this section shall be construed to prohibit any fiduciary from—

"(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

"(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties as a fiduciary of such fund;

"(3) serving as a fiduciary in addition to being an officer, employee, agent, or other representative of an employer whose employees are participants in the plan under which the fund was established, or of an employee organization whose members are participants in such a plan;

"(4) Engaging in the following transactions:

"(A) purchasing on the market on behalf of the fund any security, as defined in the Securities Act of 1933, which has been issued by an employer whose employees are participants in the plan under which the fund was established: *Provided,* That the purchase of any security is for no more than adequate consideration in money or money's worth: *Provided, further,* That if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this Act by a fiduciary of such a fund in stock or securities of such an employer or of a corporation owned or controlled by such an employer, if such investment, when added to such securities previously held, exceeds 10 per centum of the fair market value of the assets of the fund, regardless of the ability of such an investment to meet a fiduciary test. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit-sharing plans, nor to stock bonus, thrift and savings, or other similar plans which have the requirement that some or all of the plan funds shall be invested in stock or securities of the employer.

"(B) selling on the market on behalf of the fund any security, as defined in the Securities Act of 1933, which is acquired or held by the fund, to an employer whose employees are participants in the plan under which the fund was established, to an employee organization whose members are participants in such a plan, or to an officer, employee, agent, or other representative of the foregoing: *Provided,* That the sale of such security is for no less than adequate consideration in money or money's worth;

"(C) for purposes of this paragraph, the term 'on the market' means through a securities exchange, regardless of whether it is a national securities exchange registered with the Securities and Exchange Commission, or a purchase or sale in an over-the-counter transaction.

"(D) for purposes of this paragraph, the term 'adequate consideration' means either (i) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by current bid and asked prices quoted by persons independent of the issuer.

"(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

"(6) contracting or making reasonable arrangements with an employer or an employee organization of which he is an officer for office space and other services necessary for the operation of the plans and paying reasonable compensation therefor.

"(h) Any fiduciary in relation to an employee benefit fund who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this section shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

"(i) When an employee benefit fund is held by and under the management and control of two or more trustees each shall participate in the administration of the trust and shall use reasonable care to prevent a cotrustee from committing a breach of trust, or to compel a cotrustee to redress a breach of trust. If there are more than two trustees any power vested in such trustees shall be exercised by no less than a majority of such trustees but no trustee who has not joined in exercising a power shall be liable for the consequences of such exercise: *Provided, however,* That nothing in this provision shall excuse a cotrustee for liability for inactivity in the administration of the trust nor for failure to prevent a breach of trust.

"(j) Each employee benefit plan shall contain specific provisions for the disposition of its fund assets upon termination. In the event of termination, whether under the express terms of the plan or otherwise, such fund, or any part thereof, shall not be expended, transferred, or otherwise disposed of, except for the exclusive benefit of the plan participants and their beneficiaries. Notwithstanding the foregoing, after the satisfaction of all liabilities with respect to the participants and their beneficiaries under a pension plan in accordance with the Internal Revenue Code and regulations promulgated thereunder, any remaining fund assets may be returned to any person who has a legal or equitable interest in such assets by reason of having made financial contributions thereto.

"(k) Any exculpatory provisions in the agreement establishing an employee benefit fund or any resolution or agreement by the parties thereto which purports to relieve any fiduciary with relation to any such fund from liability for breach of the responsibilities, obligations, or duties declared by this section shall be void as against public policy.

"PROHIBITION AGAINST CERTAIN PERSONS HOLDING OFFICE

"SEC. 15. (a) No person who has been convicted of, or has been imprisoned as a result of his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 15(b)(5)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–(b)(5)(B)), or in section 9(e)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)(1)), any crime involving the misuse of the funds of a labor organization or the funds of an employee welfare or pension benefit plan, or a violation of any provision of this Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended, 29 U.S.C. 186), or a violation of chapter 63 or 73 of title 18, United State Code, or a violation of section 1027 of title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (chapter 11 of title 29, United States Code) or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

"(1) as an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee welfare or pension benefit plan, or

"(2) as a consultant to any employee welfare or pension benefit plan,

during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, County, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection.

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) For the purposes of this section, any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section.

"(d) For the purposes of this section, the term 'consultant' means any person who, for compensation, advises or represents an employee welfare or pension benefit plan or who provides other assistance to such a plan, concerning the establishment or operation of such plan.

"ADVISORY COUNCIL

"SEC. 16. (a) There is hereby established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter referred to as the 'Council') which shall consist of thirteen members to be appointed in the following manner: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all appointed by the Secretary from among persons recommended by organizations in the respective groups; and three representatives of the general public appointed by the Secretary.

"(b) It shall be the duty of the Council to advise the Secretary with respect to the carrying out of his functions under this Act, and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least twice each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year and a report covering his activities under the Act for the preceding fiscal year, including full information as to the number of plans and their size, the results of any studies he may have made of such plans and the Act's operation and such other information and data as he may deem desirable in connection with employee welfare and pension benefit plans.

"(c) The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties.

"(d) Appointed members of the Council shall be paid compensation at the maximum per diem rate authorized in the current Department of Labor Appropriation Act for consultant, and experts when such members are engaged in the work of the Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"ADMINISTRATION

"SEC. 17. (a) The provisions of the Administrative Procedure Act shall be applicable to this Act.

"(b) No employee of the Department of Labor shall administer or enforce this Act with respect to any employee organization of which he is a member or employer organization in which he has an interest.

"EFFECT OF OTHER LAWS

"SEC. 18. (a) In the case of an employee welfare or pension benefit plan providing benefits to employees employed in two or more States, no person shall be required by reason of any law of any such State to file with any State agency (other than an agency of the State in which such plan has its principal office) any information included within a description of the plan or an annual report published and filed pursuant to the provisions of this Act if copies of such description of the plan and of such annual report are filed with the State agency, and if copies of such portion of the description of the plan and annual report, as may be required by the State agency, are distributed to participants and beneficiaries in accordance with the requirements of such State law with respect to scope of distribution. Nothing contained in this subsection shall be construed to prevent any State from obtaining such additional information relating to any such plan as it may desire, or from otherwise regulating such plan.

"(b) The provisions of this Act, except subsection (a) of this section and section 13, shall not be held to exempt or relieve any person from compliance with any Federal or State law imposing obligations, duties, responsibilities, or other standards of conduct with respect to the operation or administration of employee welfare or pension benefit plans; nor, except as explicitly provided to the contrary, shall anything in this Act take away any right or bar any remedy to which participants or beneficiaries are entitled to under such other Federal or State law: *Provided, however,* That no State law shall relieve any persons of the obligations, duties, responsibilities, and standards provided in this Act.

"SEPARABILITY OF PROVISIONS

"SEC. 19. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

"EFFECTIVE DATE

"SEC. 20. The amendments made by this Act shall take effect upon enactment of this Act, except that the amendments made by this Act which modify the reporting requirements of section 7 shall take effect one year after enactment or upon publication of implementing regulations in the Federal Register, whichever is sooner."

AMENDMENT OF SECTIONS 664, 1027, AND 1954 OF TITLE 18, UNITED STATES CODE

SEC. 3. Section 664, 1027, and 1954 of title 18, United States Code, are hereby amended so that the term "Welfare and Pension Plan Protection Act" is substituted for "Welfare and Pension Plans Disclosure Act" or "Welfare and Pension Plans Disclosure Act, as amended," wherever these terms appear in sections 664, 1027, and 1954.

The statements, presented by Mr. WILLIAMS of New Jersey, are as follows:

ANALYSIS OF THE PENSION BENEFIT SECURITY ACT OF 1970 (S. 4326)

The proposed legislation would:

1. Establish a minimum standard of vesting of retirement benefits after ten years' service after age twenty-five;

2. Establish minimum funding standards to assure accumulation of assets in line with obligations;

3. Establish a system of plan termination protection to assure payment of benefits in the event of involuntary termination of the plan before it is fully funded;

4. Provide specially designed transitional arrangements for existing plans to provide adequate opportunity to adjust to the new standards;

5. Authorize the Secretary to approve alternative methods of meeting the vesting or funding standards where he finds that these standards result in unreasonable cost or impose unreasonable administrative burdens on a plan or certain types of plans;

6. Provide that the vesting and funding requirements are to be administered by the Secretary of Labor;

7. Establish a Pension Benefit Insurance Corporation, a wholly-owned government corporation within the Department of Labor, to administer the termination insurance program;

8. Provide rule-making and enforcement powers with provision for judicial review of administrative decisions;

9. Authorize the Secretary of Labor to conduct studies of pension plans, including among other things, studies related to portability of pension credits.

Section 1—Title: "Pension Benefit Security Act".

Section 2—Findings and Policy: Congress finds that pension plans are a major factor in the Security of millions of persons; that they are an important factor in commerce, and substantially affect the revenues because of preferred tax treatment; that many do not contain vesting provisions, are not properly funded to pay promised benefits, and do not afford adequate protection in the event of involuntary plan termination; and that minimum standards for vesting and funding and protection of benefits in the event of involuntary termination are therefore needed.

Section 3—Definitions.

Section 4—Coverage: The Act will apply to any pension plan in interstate commerce of which uses any means or instruments of transportation or communication in interstate commerce or the mails, if the plan is established or maintained by an employer or employers alone or with an employee organization. The Act will not apply to plans administered by a government unit or agency, or to a plan established outside of the United States for non-citizens, or to certain plans established for the benefit of a proprietor or a partner.

In addition, the funding and insurance requirements of the Act will not apply to unfunded plans, profit-sharing plans, or plans which have fixed contribution rates but no fixed benefits. The vesting provisions will apply to all such plans, however.

TITLE I—VESTING

Basic standard: Full vesting after ten years of employment after age 25.

Transition rules—Existing plans are permitted to: 1. Vest only benefits based on service after the effective date of the standard for any employee with 10 years service, or

2. Vest an increasing proportion of benefits for past and future service for any employee with 10 years service (first year—10 percent; tenth year—100 percent), or

3. Vest benefits for past and future service, beginning in the first year for employees with 20 or more years of service reducing gradually to employees with ten or more years of service after the tenth year.

Transition rules—New plans are permitted to: 1. Vest benefits for past and future service beginning in the sixth year of the plan's operation for employees with 15 or more years of service, reducing gradually to employees with ten or more years of service after the tenth year of the plan's operation, or

2. Vest an increasing proportion of benefits or past and future service, with 50% of the benefits for 10 years of service (in the sixth year of the plan's operation) and reaching 100% of benefits after the tenth year of the plan's operation.

Limitation on vested benefits: Only regular retirement benefits are vested, not ancillary benefits such as death or "special" early retirement benefits.

Service conditions: Continuous service may be required in order for benefits to vest but safeguards are adopted to prevent artificial breaking of service.

Calculation of vested benefits: Proportionate credit rule will apply under which the vested employee is entitled to his prorated share of the benefit he would have attained had he remained under the plan until retirement.

Distribution of vested benefits: Not later than age 65—To facilitate notification of vested benefits, information on employees terminating with vested benefits will be furnished to the Secretary, HEW, for use at time individual applies for Social Security benefit.

Age and service requirements for plan eligibility: Maximum requirement permitted will be age 25 and three years of service; existing plans may retain current eligibility requirements until plan is amended but not beyond ten years after enactment of this Act.

Contributory plans: Employer-purchased benefits are vested even though the employee is permitted to withdraw his contributions.

Enforcement: The Secretary of Labor may require a certificate of approval for a plan's vesting provisions. Once such a certificate is required, it is unlawful to operate a plan without such a certificate.

TITLE II—FUNDING

Funding standards

Basic approach: To continue the present Internal Revenue Service minimum funding standard as a basis for prescribing a plan's minimum annual contribution but to introduce an additional funding standard as a more meaningful basis for plan termination protection.

Termination funding standard: Built around a plan's funding ratio of plan assets to vested liabilities—a schedule is established under which a plan's funding ratio is expected to increase at a rate of 4 percentage points annually, reaching 100 percent (full funding of vested liabilities) after 25 years.

Transition rule for existing plans: Existing plans are accepted into the funding schedule at their current ratio, if this is lower than the funding target specified in the schedule; in addition, for the first five years after the standard is effective, the scheduled increase in the funding target is at the rate of 3 percentage points annually.

Transition rule for new plans: No funding target for first five years at which point the funding is 20 percent.

Implementing the funding standards

Periodic testing: Each plan will submit basic information on funding status every three years and whenever plan is amended to increase vested liabilities.

Amendments: Funding target can be adjusted after amendments which add to vested liabilities; amendments which increase liabilities by more than 25% may be treated as new plans with new funding targets.

Enforcement: Plans failing to meet IRS minimum funding standard would be required to make accrued benefit rights nonforfeitable (essentially the same as current rule).

Plans failing to meet termination funding standard (1) could not liberalize benefits, (2) would have to inform each employee of effect of funding deficit on his vested benefit, and (3) make such additional reports to the Secretary as are necessary. If a plan

fails to meet funding standard for five years, the Secretary can order the plan to suspend further accumulation of vested liabilities. He may do this earlier at his discretion. The Secretary may further require by order the termination of a suspended plan to protect the interests of participants.

TITLE III—VESTED LIABILITY INSURANCE

Basic concept: Full protection for employees' vested benefits against involuntary plan termination through a system providing insurance and enforceability of employer contributions to meet termination funding standard.

Method of providing protection: For plans meeting termination funding standard, vested benefits would be insured—plans not meeting termination funding standard would not be permitted insurance coverage for the amount by which their funding fell short of funding target but in event of plan termination, employing unit, if solvent, would be liable for this amount; otherwise such amount would be covered by insurance.

Insurance procedures: Insurance will be obtained on a three year basis predicated on the report of the plan's funding status.

Amount of insurance: Total vested liabilities less the greater of 90 percent of the actual assets or the assets needed to meet the funding ratio under title II. The 90 percent of assets requirement is intended to provide a uniform limited hedge against loss due to market depreciation of assets.

Premium: Plans would pay premium based on uniform percentage of unfunded vested liabilities—maximum premium rate for initial three-year period is 0.6 percent.

Payment of claims: Claims against insurance fund to be honored only upon essentially involuntary plan termination caused by financial difficulty or bankruptcy, plant closing affecting 20% or more of the vested liabilities of the firm's pension plans, or order of the Secretary—claims to be paid by the purchase of annuities or other approved arrangement.

Additional restrictions on insurance coverage: Benefits created by amendments will not be insured for three years—benefits accruing to participants owning 10 percent or more of the firm will not be insured.

Enforcement: Unlawful to operate a plan without required insurance.

TITLE IV—PENSION BENEFIT INSURANCE CORPORATION

Establishment of Corporation: A wholly-owned Government corporation under the supervision of the Secretary of Labor is established to administer the termination insurance provisions of title II. The management of the Corporation is vested in a five-man board of directors, two of whom shall be the Secretaries of Labor and Commerce serving ex officio. The other three directors, including the Chairman, are to be appointed by the President with the advice and consent of the Senate, and shall serve for a term of six years. No more than three members of the Board of Directors can be of the same political party.

A five-member Technical Advisory Committee on Pension Benefit Insurance is created to advise the Corporation, the members to be appointed by the Secretary after consultation with the Secretary of Commerce.

Powers of Corporation: The Corporation, in addition to possessing general corporate powers, is specifically authorized to: (1) establish adequate premium rates, (2) establish procedures for the application, renewal and cancellation of insurance, (3) collect premiums and manage and invest its funds, (4) adjust and pay claims, (5) conduct research relating to pension plan insurance, and (6) bring actions to enjoin insurance violations.

Financing and administration: To finance the Corporation a revolving fund is established to which premium payments shall be made and from which claims, Payments, and expenses shall be paid. The Corporation may also receive appropriations for capital which shall be repayable with interest.

Personnel of the Corporation are to be appointed in accordance with the civil service laws. The Corporation must file annual reports. The Government Corporation Control Act is made applicable to the Corporation.

TITLE V—ADMINISTRATION, CIVIL PROCEEDINGS, AND MISCELLANEOUS PROVISIONS

Variations: Relief from the vesting and funding standards may be provided if such standards would impose unreasonable administrative burdens. In general, this relief would be provided only for temporary periods. However, with respect to the vesting standards, broadly based multi-employer plans could apply for permanent variation relief based on their experience in granting transfer rights to employees changing employers within the plan. A Variation Appeals Board is established to review decisions denying such relief.

Administration: The Secretary is authorized to promulgate rules and regulations; the Administrative Procedure Act is made applicable to the Act. The Secretary is authorized to assess and collect an appropriate user charge to cover costs in administering this Act.

The Secretary is authorized to conduct studies into all phases of pension plans, including such important areas as portability of vested credits and plan financial practices. In addition, the Secretary is authorized to cooperate with all other agencies and to utilize their facilities (on a reimbursable basis) to assist him.

Enforcement: The Secretary is authorized to conduct investigations into violations of the vesting and funding requirements, or to assist him in prescribing rules or regulations or making studies. He may bring action for injunctive or other appropriate relief in federal district courts with respect to violations of the vesting and funding provisions. Judicial review in the federal district courts is provided for all orders and administrative decisions made by the Secretary or the Corporation.

Criminal penalties are provided for willful violations of any provision of the Act, for making false statements or records, for forging or counterfeiting documents for purposes of influencing the Secretary or the Pension Benefit Insurance Corporation, for destroying or falsifying records or for practicing fraud or deceit on the Secretary or the Pension Benefit Insurance Corporation for the purpose of influencing any of their actions. The penalties provided are a fine of $10,000 or imprisonment for not more than five years or both, except that in the case of a corporation, the fine can be as high as $200,000.

EFFECTIVE DATE

The vesting, funding, and insurance provisions become effective 2 years after enactment; all other provisions become effective upon enactment.

ANALYSIS OF MAJOR OBJECTIVES OF AMENDMENTS TO WELFARE AND PENSION PLANS DISCLOSURE ACT IN THE WELFARE AND PENSION PLAN PROTECTION ACT OF 1970 (S. 4327)

The changes contemplated by the proposed amendments to the Welfare and Pension Plans Disclosure Act fall in three categories:

1. The prescription of fiduciary responsibilities and duties upon persons handling welfare and pension funds; the imposition of civil liability for a breach of such duties and responsibilities; provision for the remedy of such breaches by civil action, including the right to recover funds lost by reason of the breach; and disqualification of persons convicted of certain crimes from serving in a fiduciary capacity with respect to welfare and pension funds.

2. Collateral changes in the existing law necessary to enforce and implement the new provisions relating to fiduciary responsibility. These changes expand the investigatory and enforcement powers of the Secretary of Labor and expand the financial reporting requirements to aid in implementing the provisions concerning fiduciary responsibility.

3. Minor technical modifications of the law.

The provisions of this bill pertaining to fiduciary responsibility are similar to the general principles and rules evolved by courts of equity for the governing of the conduct of trustees, with certain modifications deemed to be appropriate and desirable in the operation of the particular types of funds covered under the bill.

The imposition of a fiduciary responsibility on persons handling welfare and pension funds is necessary to protect the funds and the interests of the participants and their beneficiaries from losses arising from lack of ordinary care and prudence in the management and investment of the funds. Existing Federal law makes theft, embezzlement, bribery and kickbacks in connection with welfare and pension plans Federal crimes; but it does not deal with breaches of fiduciary responsibility except to the limited extent that the Internal Revenue Code provides that the tax-exempt status of a pension fund may be lost if the investments made by the trustees constitute so-called prohibited transactions within the meaning of the Code. These provisions of the Code have not proved adequate to the task of maintaining fiduciary responsibility particularly since use of this sanction in effect penalizes the participants and beneficiaries perhaps more severely than the persons responsible for the prohibited transactions.

Legal protection against breaches of truth has generally been left to State law. However, the mere labeling of employee benefit funds as "trust funds" does not by itself impose on the persons handling such funds the law regulating the duties of a trustee. The terms of the plan, trust agreement, or other agreement under which the fund is established and operated may relieve such persons of duties which otherwise the law would regulate and define. Moreover, there is considerable uncertainty under existing law as to whether, and to what extent, participants of the plan have enforceable rights against the plan or the administrators.

The proposed bill, therefore, by its terms prescribes the duties and responsibilities of the persons defined therein as "fiduciaries" so that the terms of the plan, trust, or other agreement under which the fund is established and operated cannot immunize such persons or relieve them from liability for the breach of their fiduciary duties and responsibilities.

In order to establish effective sanctions, the bill expands the investigatory and enforcement powers of the Secretary of Labor. While the bill also creates civil remedies for participants and beneficiaries with respect to breaches of trust, self-policing of benefit funds on their part is not a sufficient nor adequate method of insuring that such funds are not misused. In addition, it is necessary to insure that criminal elements do not infiltrate the management and operation of these funds. Accordingly, there is a specific prohibition against certain convicted criminals serving in a fiduciary capacity.

Further and more detailed disclosure as to the financial operations of these funds is a necessary complement to the imposition of fiduciary responsibility. It is well-established that fiduciaries are required to give a detailed accounting of their stewardship. Present disclosure provisions limit the amount and type of financial information re-

garding these funds. It is essential that further disclosure be obtained so as to provide participants and beneficiaries with an adequate basis for evaluating the fiduciary's performance of his obligations.

Finally, experience in administering the present law has demonstrated that minor technical amendments are needed to resolve certain details of procedure and to otherwise make the law more workable.

S. 4328—INTRODUCTION OF A BILL TO EXPAND THE JURISDICTION OF FEDERAL DISTRICT COURTS TO PROTECT FIRST AMENDMENT CONSTITUTIONAL RIGHTS

Mr. TYDINGS. Mr. President, I introduce today a bill to expand the jurisdiction of Federal district courts to issue injunctions against those who by physical force or disruptive tactics interfere with the first amendment rights of others. This bill provides the full power of the Federal judiciary, as recommended by the President's Commission on the Causes and Prevention of Violence, to protect fundamental rights against disruption and violence by private or public persons.

No one can help but note the increase of violence in our society. Whether it be street rioting, student battles, or individual bombing, our Nation is beset with increasing resort to physical force aimed at disruption and disorder. Such a trend threatened the very heart of our democratic procedures. No system of free speech, persuasion, and majority rule can exist in a climate of violence and disruption. Violence breeds hatred and division; it creates only unreason and distrust. It cannot be constructive. Violence brings only more violence.

Disruption and violence are antidemocratic and morally indefensible. No matter how strong his beliefs, no one has a right to disrupt and destroy. No one has a right to shout down speakers with whom he disagrees or to break up a school session, a church service, or a public meeting. No one has the right to take the law into his own hands.

Much of the disruption and disorder comes from a few who evidently would like to destroy our democratic processes. Others either do not understand the responsibilities of democratic citizenship or take them too lightly. So I think our Nation must reassert its respect for its own constitutional principles and strengthen its enforcement of them.

The key constitutional principle of our system—and the one most under attack—is the first amendment's guarantee of free speech, free assembly, and the petition of the Government for redress of grievances. Without these protections, our society will no longer be free.

Most disturbing is the fact that a few radicals and protesters have gone beyond the law and have repeatedly violated the constitutional rights of the law-abiding citizen. Examples are, unfortunately, easy to give—students interrupt classes or seize buildings, ending school for all the other students; or they threaten teachers or blackmail administrators, demanding that their ideas and programs be followed. Radicals break up or interrupt meetings or speeches of local civic groups or private groups, or they disrupt the meeting of local officials. Some dissidents have stopped church services. Civic parades, veterans gatherings, business meetings have all been threatened. All of these incidents are examples of our constitutional rights being arrogantly ignored by a few.

In order to bolster our constitutional protections and rights from a few who would violate them, I am introducing today a bill to give Federal district courts jurisdiction to enjoin interference with first amendment rights. Individuals whose rights have been infringed or are about to be infringed by private or public persons can go to court and seek to halt interference

First, with the orderly conduct of any meeting, address, discussion, worship, or other assembly, or with the free passage of persons or the conduct of business or research in any street, building, or other place incidental to the exercise of the constitutional rights of religion, speech, press, assembly, or petition; or

Second, with the exercise by any person or group, by demonstration, picketing, publication, or other means, of the rights of free speech, free press, peaceable assembly, or petition to the Government for redress of grievances.

Thus those who try to break up meetings or lectures, who occupy buildings, or who try to interrupt marches or demonstrations will meet the full force of Federal law. This is proper, for our strongest Federal institutions should be used to protect our most important freedoms.

This bill does not create any new first amendment rights; rather, it grants a new and effective remedy for those precious rights. Under this bill, both private and public parties, if they have been or will be injured, may go to court. And injunctions will prohibit the interference of their constitutional rights by official or private acts. These court injunctions will protect freedom of speech and assembly from violation whether or not the interference is under color of law or not.

Further, this legislation protects the first amendment freedoms of everyone—those of the majority and the minority. Any group of dissidents or radicals who try to disrupt a parade, to seize a school building, to shout down a speaker, or to end a church service can be enjoined. Also, any unpopular or minority group that wants to be heard, to march, or to speak will be protected against a mob or officials who would seek to quiet this group.

This bill does not try to handle the problem of violence and disruption in our tense times by narrowing our freedoms. To the contrary it strengthens our freedoms by creating more power to protect them. This bill will not silence debate, but encourage it. It will not halt protest or dissent, but merely keep it within constitutional limits.

The legislation seeks to stop those who abuse our free society—those who break the law and interfere with others' constitutional rights.

Hopefully this remedy of Federal court injunction will be effective. The full prestige and power of our Federal legal system will be used. To enforce our laws against those who ignore them, we will use the orderly processes of a democratic society. And one of the basic principles of that system, free speech, itself is being invoked. To defy such a court injunction, disrupters would have to reject not only property rights and trespass laws, which some of the alienated feel are unimportant when protest is involved, but also reject the very foundations of a free society.

Present State law deals inadequately with this problem. Trespass statutes and disorderly conduct laws in most cases are ill suited or irrelevant to the full sweep of first amendment protections. These laws are just not written to deal with the complex problems of handling demonstrations. And the most fundamental freedoms of the Constitution should be dealt with in our Federal courts. They are best suited to develop uniform and complex precedents in this area, and they can deal most effectively and fairly with the enforcement of these injunctive powers.

On the Federal level at present, the most nearly effective Federal remedy available today for forcible interference with first amendment rights is a court injunction under 42 U.S.C. 1983, a Reconstruction era statute creating liability for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" by any person "under color of" State law. In the landmark case of *Hague* v. *CIO*, 307 U.S. 496 (1939), the Supreme Court upheld under section 1983 a Federal district court injunction against an antiunion campaign involving interference with free speech and assembly by the mayor, police chief, and other officials of Jersey City, N.J.

But section 1983 does not specifically enumerate and define the first amendment freedoms to be protected or the kinds of interference against which they are protected. It does not, in the first amendment context, adequately establish the right to relief from threatened violations as opposed to violations that are already in progress. Most importantly, in instances in which private individuals and groups—not public officials—obstruct free speech, peaceful assembly and petition, such conduct cannot be reached under section 1983, since the interfering individuals are not acting under color of law.

The limitation of section 1983 to State action stems from the jurisdictional statute. The type of action in the bill I have introduced to protect against private interference of constitutional rights is fully constitutional. Of course, in the civil rights cases, 109 U.S. 3 (1883), Justice Bradley narrowed the scope of the 14th amendment to State action, in spite of the eloquent protests of Justice Harlan. But this position was reversed when six members of the Supreme Court held that Congress could legislate against private interference of constitutionally protected rights in *Guest v. United States*, 383 U.S. 745 (1966):

> There now can be no doubt that the specific language of § 5 [of the Fourteenth Amendment] empowers the Congress to enact laws punishing all conspiracies—with

or without state action—that interfere with Fourteenth Amendment rights. (Justice Clark, with whom Justices Black and Fortas join, concurring.) (383 US 745, 762).

A majority of the members of the Court expresses the view today that § 5 empowers Congress to enact laws punishing *all* conspiracies to interfere with the exercise of Fourteenth Amendment rights, whether or not state officers or others acting under the color of state law are implicated . . . § 5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under that Amendment. . . .

Some decisions of this Court . . . have declared Congress' power under § 5 is confined to the adoption of "appropriate legislation for correcting the effects of . . . prohibited state law and state acts. . . ." I do not accept—and a majority of the Court today rejects—this interpretation of § 5. (Justice Brennan, with whom the Chief Justice and Justice Douglas join, concurring.) (383 US 745, 782–83).

See also *Adickes* v. *S. H. Kress and Co.*, 398 U.S. 144, 208 (1970)—Brennan, J., concurring.

Congress has explicitly relied upon this power of section 5 of the 14th amendment when, as part of the 1968 Civil Rights Act, it barred private interference with the right to vote or to participate in various other Federal and State benefits. So now 18 United States Code 245(b) reads:

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with . . .

See also Senate Report No. 721, 90th Congress, second session. (1968): *Jones* v. *Mayer Co.*, 392 U.S. 409, 438 (1968).

The President's Commission on the Causes and Prevention of Violence specifically recommended that this type of Federal remedy be created. In its final report, "To Establish Justice, To Insure Domestic Tranquility," the Commission stated:

Society's failure to afford full protection to the exercise of these rights is probably a major reason why protest sometimes results in violence. Although these rights are expressly safeguarded by the Federal Constitution, the existing remedies available to aggrieved persons are not adequate. The only approximation to an effective remedy at the federal level is a court injunction authorized under 42 U.S.C. sec. 1983, a Reconstruction era civil rights statute that creates a private cause of action for the "deprivation of any rights, privileges, or immunities secured by the Constitution" by any person acting "under color of" state law. The relative ineffectiveness of this private remedy is indicated by the rarity with which injunctions have been sought in the thirty years since the statute was first interpreted to apply to interference with First Amendment rights. Moreover, state officials acting under color of state law are not alone in posing threats to First Amendment rights; on college campuses, for example, the protesters themselves have obstructed free speech and peaceful assembly. No present federal law affords a remedy for private abridgement of First Amendment rights.

Accordingly, we recommend that the President seek legislation that would confer jurisdiction upon the United States District Courts to grant injunctions, upon the request of the Attorney General or private persons, against the threatened or actual interference by any person, whether or not under color of state or federal law, with the rights of individuals or groups to freedom of speech, freedom of the press, peaceful assembly and petition for redress of grievances. (Page 77–78.)

This bill will not solve the problem of violence and disruption in our society. And it will not fully protect our first amendment freedoms. But it shall be an important step in doing both. We should turn to our processes of law to reinforce and protect our most precious rights. In these times, we should protect free speech and dissent and end interference with them. This is the prerequisite of a free society. I think this bill is a good beginning in that task.

The PRESIDING OFFICER (Mr. SPARKMAN). The bill will be received and appropriately referred.

The bill (S. 4328) to improve judicial machinery by providing the district courts with jurisdiction over certain types of civil actions, and for other purposes; introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4331—INTRODUCTION OF THE MOTOR VEHICLE INFORMATION ACT

Mr. HART. Mr. President, those who wish to dramatize the significance of auto ownership are fond of saying that—next to a house—the car represents the largest investment a consumer ever makes.

That does give perspective. It is impressive.

But, it understates the cost.

A Department of Transportation study determined that if a consumer drove one $3,300 car over its 10-year lifespan, the total cost would be almost $12,000. It would be greater if crash repairs, insurance deductibles and finance and interest charges were included.

Because most of us own cars over a 40-to-50-year span, the total outlay is obviously more like $50,000—far more than the investment in the average family home.

In a Nation where the average family income is $10,577, the burden that $1,200 in annual car support puts on many consumers is clear. Yet, consumers have little choice. For most a car is a necessity. In fact more than 25 percent of our families have two cars and 82 percent of commuting workers rely on their car to get them back and forth to work.

About 3 years ago, in response to many consumer complaints, the Senate Antitrust and Monopoly Subcommittee undertook a study to find out why a part of the cost of owning a car—insurance—was so high.

We were only ankle-deep in that study when it was clear that a close look at the role repair costs play in the total tally would be desirable.

These were not casual studies. Together, they produced 12 volumes, encompassing the testimony of more than 150 witnesses, statements submitted by dozens of others, reports, studies and other exhibit material.

In a nutshell, we determined:

That about $15 billion of the $45 to $55 billion spent annually for auto repairs and auto insurance buys little or no value.

Conservatively, $8 to $10 billion goes for auto repairs that are unneeded, undone or improperly done. Several billion goes to buy auto insurance that duplicates other insurance coverage—such as medical or protection of lost income. And we are only getting about half the compensation for injury and death under the present insurance system that we could buy with the same $12 billion outlay under another system.

Worse, the compensation under the present system is frequently inadequate. A DOT study showed that small claimants were overcompensated—with $500 claims settled for four and one-half times their value. Yet, serious losses were undercompensated—with claimants with $25,000 losses getting only 30 percent back.

And, the ones most desperately needing the money must wait the longest to get any. The average delay in settlement on claims over $2,500 was 19 months.

Obviously, changes are needed.

Today I am suggesting one set—in the Motor Vehicle Information Act. I offer it on behalf of myself and the senior Senator from Indiana (Mr. HARTKE). This bill zeros in on the car itself—trying to cut its contribution to high insurance and maintenance costs.

While the bill focuses on economic losses—it also would do a great deal to cut the number of injuries and deaths.

In a few days, I will propose three bills aimed at reforming the insurance system.

Many will find these bills short of perfection. I am in that camp myself. Hearings on the bills and debate I am confident will improve them. But they represent time, thought, and effort, and are the result of discarding other solutions which seemed more imperfect.

The purpose of introducing these bills now is to allow interested parties to study them, to point out any flaws, and to suggest their ideas of better ways to meet the problems.

If that process begins now, we can hope for early legislative hearings next Congress.

The bill I introduce today basically would do three things:

First. Require rating of cars for relative susceptibility to damage in low-speed collisions;

Second. Strengthen and implement vehicle inspection standards, and

Third. Establish a nationwide uniform titling system.

Mr. President, about 55 percent of the Nation's insurance premiums pay for protection against damage to cars. Forty-five percent covers potential damage to persons.

About $3.8 billion of the $6.6 billion paid out by the insurance industry in 1968 went to repair crash-damaged cars. Consumers paid $385 million more in deductibles out of their own pockets.

In our hearings, we learned that 75 percent of crash claims paid by the insurance industry are under $200. That is a bit startling to a people conditioned to think of an "auto accident" as a twisted pile of metal pictured on the front page of a newspaper. More startling is the fact that when the Insurance Institute of Highway Safety crashed four popular

models of 1969 sedans at 5 miles an hour into a solid barrier, the average amount of damage was $200.

So—if we are trying to protect consumers against high insurance premiums for collision coverage and to keep the frustration of dents, dings and laid up cars from their lives, we should reduce the "little accidents."

What we need are cars that pull away from low-speed collisions virtually unscathed.

Two roads to that destination are apparent. We could regulate the design of cars by government edict—much as the safety amendments do. Or, we could turn industry loose and let the company that produces the toughest car reap the rewards for its ingenuity.

Both as the senior Senator from Michigan and the chairman of the Senate Antitrust and Monopoly Subcommittee, "competition" won my vote.

For I know—and have deep respect for—the way this industry can solve problems presented it. And Government regulation, in my book, is truly the court of last resort because of its many drawbacks.

So, this bill is aimed at the production of cars which will survive low-speed collisions by encouraging a market for them. Thus, the marketplace itself—aided only by a requirement for information much like that supplied by other consumer products—will handle the problem itself.

Under the bill, manufacturers would report to the Department of Transportation—and prospective buyers—how each model of a car likely would fare in a collision.

Insurance companies would assign lower collision premiums to those cars which would cost them less in repairs. Consumers, seeking the lower premiums and to save deductibles, would buy the cars making these things possible.

This is in keeping with the philosophy of telling consumers the true interest on loans or the weight and contents of packaged goods, so they may make rational buying decisions.

Our information is that it is now possible to develop a system for evaluating the crash damage a particular model would incur—and that this does not necessarily mean each car would have to be crashed.

However, there is debate as to how reliable at this point any system would be in determining the anticipated injury to occupants in collisions.

Therefore, the bill directs the Secretary of the Department of Transportation to conduct a feasibility study of this aspect. If such a system cannot be developed, he is to tell Congress by July 1, 1972. If it can, he is to proceed to implement the testing and require the results be made public.

Mr. President, the second section of the bill—requiring inspection—also seeks to save money through loss prevention. But it goes further and promises the consumer some assurance that he gets a full dollar's value for money spent on used cars and repairs.

Back in 1966, with the safety bill, Congress decided that a national system of periodic motor vehicle inspection and registration was necessary. It directed the Secretary of Transportation to issue standards and to require such programs be operating in each State by mid-1968. Twenty-one States had inspection programs in 1966. Ten have enacted them since. However, none of the remaining 19 have lost the 10 percent of their Federal highway construction funds—a penalty Congress instructed the Department of Transportation to impose effective January 1, 1970.

The lackadaisical implementation of Congress' decree is disappointing. This bill not only insists that the will of Congress no longer be frustrated but strengthens the inspection standard.

It requires that all vehicles be inspected before being sold to a consumer and after safety-related crash repairs.

Mr. President, more than 32 million consumers buy a new or used car each year.

Probably in no other purchase does the average consumer understand less what he is buying—and yet he is paying out hundreds or thousands of dollars. Thousands of letters received by the subcommittee in the past 2 years, show that surprisingly even the new cars frequently are not up to snuff on delivery. How much better it would be—for the consumer and the dealer—if the hidden defects were uncovered before sale. Certainly this appraisal would be of even more obvious value when we are talking of the 22 or more million used cars.

The inspection process would be equally useful in checking out the competency of repairs—another area the consumer cannot judge for himself. And $25 to $30 billion is paid out each year for repairs. Yet, testimony before the subcommittee was that conservatively one-third or more of that work is not done properly. And, if it does not result in an accident the consumer winds up returning two or three times to finally get it corrected.

For too long, those seeking reasons for accidents have looked to the driver, the road, or the weather. Seldom have they looked to the car. Statistics on how many accidents are caused by defects in cars are hard to come by—because of this lack of emphasis. However, there is an increasing body of evidence pointing to the vehicle as a contributor to our rising accident rate.

A study, done by the Automobile Club of Missouri, indicated that safety defects in cars is frightenly common. Based on inspection of 10,000 cars, the report showed 43.9 percent of the then-current models—1968's—driven less than 500 miles—had potentially dangerous defects. The figure rose to 92 percent of cars 5 years old.

Our hearings demonstrated that not only are consumers hard put to know what is wrong with their cars—or if they are repaired correctly. Testimony showed that a substantial number of auto mechanics were themselves unable to diagnose the trouble with today's complex machines. Thus, part of this bill is a requirement for standards so cars manufactured after January 1, 1975, will be designed so they are easier to inspect, diagnose, and repair.

The inspection facilities established under this bill also could be available to consumers who might want an expert diagnosis before taking the car in for maintenance repairs.

This would enable more rational decisions on whether the car is worth repairing. It would also encourage shopping around for the best quality repair at the best prices.

Such shopping is difficult—if not impossible—today when the mechanic frequently has your car in pieces on the garage floor before he sadly announces it may take a couple of hundred dollars to make it right.

The final section of the Motor Vehicle Information Act provides that a uniform titling act be enacted by the seven States which do not now have one.

In 1968, 871,000 cars were stolen, one-third of them are never recovered. This form of crime in the streets is costing insurance companies $1.6 billion in annual losses. The impact a titling law can have on these figures can be easily demonstrated: In States that have titling acts, an average of 86 percent of cars are recovered, compared with 51 percent in New York which has no title law.

Mr. President, it would be puffing for a senior Senator from Michigan to sing the praises of the automobile—and how this Nation moves on wheels. Consumers for years have had a love affair with their cars. Many other things would be sacrificed before a family would face the prospect of life without a car. But in recent months or years, consumers have suspected that despite its great value to them, owning a car was costing more than necessary.

The subcommittee investigation of auto repairs and auto insurance proved that suspicion well founded. It also showed ways to lighten the burden.

This bill is offered as a means, a necessary step to that end.

Mr. President, I ask unanimous consent that the Motor Vehicle Information Act be printed at this point in the RECORD.

Now, Mr. President, the distinguished Senator from Washington (Mr. MAGNUSON) had intended to speak on this bill at this time. Official business prevents him coming to the floor and I ask unanimous consent that his remarks be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SPARKMAN). The bill will be received and appropriately referred; and, without objection, the statement of the Senator from Washington (Mr. MAGNUSON) will be printed in the RECORD.

The bill (S. 4331) to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

The statement of Mr. MAGNUSON is as follows:

Mr. President, I am very pleased to join with Senator Hart and others in sponsoring the Motor Vehicle Information Act.

The concepts underlying this bill are logical extensions of the National Highway and Motor Vehicle Act of 1966 and are greatly needed additions to it. The original act was intended to bring safer vehicles onto our Nation's highways. The Motor Vehicle Information Act is intended to increase auto safety and to bring additional economic benefits to auto purchasers. It would assure the American consumer that his automobile—whether new or used—is safe when he buys it. It would stimulate dissemination of information about comparative risks of accident injury for various makes and models of vehicles. Further, it would provide information to both consumers and insurance companies on the costs of repairing various makes and models of automobiles, hopefully giving manufacturers incentive to make cars that will be cheaper to repair—and to insure.

Of course, although the bill introduced today is the result of careful drafting and is based on extensive hearings, I expect it to be refined and altered as a result of hearings and deliberation on it. Therefore, I support this bill as a working paper and as a way of bringing its concepts before Congress.

ADDITIONAL COSPONSORS OF BILLS

S. 3619

At the request of the Senator from Alabama (Mr. ALLEN), his name was added as a cosponsor of S. 3619, to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

At the request of the Senator from Mississippi (Mr. STENNIS), his name was added as a cosponsor of S. 3619, to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

At the request of the Senator from Louisiana (Mr. ELLENDER), his name was added as a cosponsor of S. 3619, to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

S. 3927

At the request of the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3927, to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes.

S. 3939

At the request of the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3939, to amend the Federal Aviation Act of 1958 in order to provide for an Air Travel Protection Agency.

S. 4236

At the request of the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Maryland (Mr. TYDINGS), were added as cosponsors of S. 4236, which would designate certain election days as legal public holidays.

AMENDMENT OF BANK HOLDING COMPANY ACT OF 1956—AMENDMENTS

AMENDMENTS NOS. 879 AND 880

Mr. PROXMIRE submitted two amendments, intended to be proposed by him, to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, which were ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 881 AND 882

Mr. TYDINGS. Mr. President, I rise today to submit two amendments to H.R. 17550 to help provide retired Americans with the economic security and quality health care they so richly deserve.

The first amendment is designed to lift much of the excessive property tax burden from senior citizens. It would provide a Federal income tax credit of up to $215 a year in property tax relief to Americans over 65 with annual incomes of $3,500 or less and higher than normal property tax rates.

Many elderly homeowners in Maryland and across the Nation have a great deal of difficulty paying their local property taxes. Frequently they purchased their homes years ago when property taxes were lower and their incomes were higher. Now they suddenly find themselves saddled with drastically increased property tax bills which must be paid out of smaller fixed retirement incomes rapidly shrinking under the pressure of inflation.

Over the years the security they thought they had bought for their retirement has become a burden. As a result, many retired Americans are being forced to sell their homes despite the inconvenience and the sentimental attachment to old familiar residences.

This legislation meets this problem by providing elderly homeowners with a Federal income tax credit or a refund, for those who pay no Federal tax, to offset that portion of their property tax that is well in excess of what is normal. Property taxes are considered unusually high if they exceed a certain percentage of household income. These percentages are increased as household income increases.

After determining what amount of the property tax paid in an excessive portion of a senior citizen's income, a percentage of this excessive portion is relieved. For households with incomes over $1,000, there is a refund or a credit for 60 percent of the excessive part, for those with incomes under $1,000, the refund or credit is 75 percent of the excessive part. The bill limits the amount of property taxes that can be used in computing relief to $300.

To insure that only truly needy persons receive relief, applicants must list all forms of money income, including nontaxable income such as social security, veterans' disability benefits, public assistance payments, and railroad retirement benefits.

Renters would also qualify for relief under this bill. It is assumed that 25 percent of the rent payment is in effect payment for property taxes.

My second amendment would authorize Federal grants to public agencies, institutions of higher education, and private nonprofit organizations to develop curricula, establish courses, and hire teachers to train qualified nursing home administrators. The amendment would also provide Federal loan money to help those interested in becoming nursing home administrators to pay the tuition cost of these courses.

With the number of retired Americans living in nursing homes expected to double to two million by 1975, dramatic action is required to insure that we have enough qualified administrators to provide excellent care to our retired citizens. Present Federal grants extend assistance only for training courses offered to persons who already were nursing home administrators at the time the State required that all nursing home administrators be licensed. Given the expected growth in our nursing homes population and the probable commensurate growth in the number of nursing homes, there is clearly a need for training new nursing home administrators beyond those who are already in that profession.

The nursing home administrator is the key man in assuring excellent care to our retired citizens. It is he who oversees the purchase of food, makes sure that the preparation of food occurs in sanitary surroundings, and hires nurses and doctors to care for the residents of his house. We should also remember that more efficient administrators of these nursing homes will allow the taxpayer to purchase more care for the elderly for his medicare and medicaid dollar.

After a man and a woman have worked hard for 40 or 50 years to raise a family and help build this Nation, we owe them the best care we can provide if they become ill.

The PRESIDING OFFICER (Mr. CRANSTON). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 881 and 882) were referred to the Committee on Finance.

AGRICULTURAL ACT OF 1970—AMENDMENT

AMENDMENT NO. 883

Mr. SMITH of Illinois (for himself, Mr. WILLIAMS of Delaware, Mr. CANNON, Mr. CASE, Mr. HART, Mr. MCINTYRE, Mr. MATHIAS, Mr. PROUTY, and Mr. SCHWEIKER) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE CONSTITUTION RELATING TO DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 884

Mr. EAGLETON (for himself, Mr. DOLE, and Mr. STEVENS) submitted an amendment in the nature of a substitute, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON S. 4268, TO AMEND THE EXPORT-IMPORT BANK ACT OF 1945

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on S. 4268, a bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

The hearing will be held on Thursday, September 17, 1970, and will begin at 10 a.m. in room 5302 New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

TRAGIC PLIGHT OF ANTIPOLLUTION EFFORTS

Mr. SAXBE. Mr. President, Art Buchwald, the well known satirist, expressed the tragic plight of our antipollution efforts the other day in his column "Capitol Punishment." The usually humorous column lacks its customary mirth. I find it a frank and honest indictment of our indifference to the death of our environment.

Mother Nature is not sick; she is dying. She needs more than opiates; she needs a cure. Mr. Buchwald suggests that we may be talking ourselves to death.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOTHER NATURE IS DYING

(By Art Buchwald)

MARTHA'S VINEYARD, MASS.—The other night I was home reading a book when I received a telephone call that Mother Nature was dying. I dressed hurriedly and rushed over to the hospital. A lot of people had gotten there before me and they were all sitting in the waiting room crying and wringing their hands. I searched out the doctors who were in another room having a heated argument as to how to save her. Each doctor seemed to have a different remedy.

One doctor said, "We have to get her some fresh air. She can't breathe. We'll have to turn off the power plant because of the smoke."

"Are you out of your mind?" another doctor said. "We turn off the power, and she'll freeze to death."

"Perhaps we could keep all cars away from the hospital," a third doctor suggested. "That would relieve her breathing."

"Out of the question," a fourth doctor barked. "How would we get back and forth to work if we prohibited cars near the hospital?"

"Gentlemen," another doctor said, "I don't believe it's the air that's hurting her as much as the water. We have to find some water that's drinkable. Strong measures must be taken immediately against polluting the hospital water."

The director said, "Where would we get the money to support the hospital if we closed down the factories because they're polluting the streams?"

"We'd also have to give up detergents," a doctor added, "and we can't have a clean hospital if you give up detergents."

"Isn't anybody going to do anything?" I shouted.

They saw me for the first time and one of the doctors said angrily, "We're sorry, this is a medical conference for professionals only. Would you kindly leave?"

I walked out, and down the hall. Suddenly I saw a closed room, which had the name "Mother Nature" hand-printed on the door. Underneath it, in large red letters, was another sign: "No Visitors."

No one was in the hall, so I opened the door. There was Mother Nature propped up on pillows. She looked old and tired and haggard. I couldn't believe anyone could have changed so much in 10 short years. But she seemed glad to see someone and smiled weakly.

"Hi, Ma," I said. "You're looking swell."

"You wouldn't kid a very sick lady, would you?" she said, gasping.

"No, I'm not kidding. You look wonderful. I've just been talking to the doctors and they say they'll have you on your feet in no time."

"Those quacks don't know anything," she said. "All they do is come in every few hours and take my temperature and give me something to relieve the pain. I think I've had it this time."

"Don't talk that way, Ma. You're going to pull through. You've survived worse things than this before."

"It's never been this bad," she said and then started having a coughing fit. "This time the grim reaper's coming to get me."

"But if you go, we'll all have to go, Ma," I cried. "You have to hold on. Please, Ma."

"I kept complaining of pain," she whispered, "but no one would pay attention to me. I said, 'If you keep on doing what you're doing I'm going to die.' But everyone said, 'Ma, you'll never die.' Why didn't they listen to me?"

"We're listening now, Ma. We're listening. We have the best doctors in the world. They're out there now, and they have a plan."

"I guess the real thing that hurts," she said, "is that my will won't be worth anything now. I left every person in the world clear water, pure air, green fields, brilliant sunsets and blue skies. It wasn't much, but it was everything I had."

Just then the door opened and a nurse came in. She went over to the bed waving a thermometer.

"Come on, Mother. It's time to take your temperature."

TREATED LIKE ANIMALS

Mr. GRIFFIN. Mr. President, for some 1,400 Americans 1 weary day follows another in drab succession and the future seems just as bleak. For the American prisoners of war being held in North Vietnam, days have blended into weeks and months and, in many cases, years of uncertainty. They have been treated less like humans than animals; they have been denied the barest essentials. Perhaps, worst of all, they are denied that mental uplift that comes only with the knowledge that their families are well and the ability to let their families know they are well. They have been barred from the most minimal communications with their families.

Ours must be the continuing task of striving to see that these men are provided with the decent treatment to which they are entitled under the Geneva Convention.

THE BEAUTY OF LAKE POWELL

Mr. MOSS. Mr. President, I have attempted many times on the floor of the Senate to describe the beauty of Lake Powell, which is created by the Glen Canyon Dam in southern Utah and northern Arizona. It has remained for Merlo J. Pusey, a Utah man who is on the editorial staff of the Washington Post, to put into type the glory and the splendor of the region. There is little I can say after reading Mr. Pusey's beautiful prose—except to urge Senators to see Lake Powell and the surrounding area for themselves.

I would make only one correction—and the fault is that of the headline writer, not of Merlo Pusey. Lake Powell spreads also into Utah—in fact about 97 percent of Lake Powell is in Utah. The beauty which Mr. Pusey specifically describes is Utah beauty.

Mr. President, I ask unanimous consent that Mr. Pusey's article, published in the Washington Post of August 31, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAN-MADE BEAUTY OF ARIZONA'S LAKE POWELL

(By Merlo J. Pusey)

PAGE, ARIZ.—Lake Powell is winning increasing recognition as the gem of the Southwest. Its deep blue waters are an exhilarating contrast to the burning sun and the dry sand of this largely desert area. It may well be the most magnificent body of water that man has ever created.

There are still many who lament that this lake has filled the gorge of the Colorado River in Arizona and Utah for a distance of 185 miles and turned hundreds of once-accessible side canyons into spectacular fiords. They have a point in mourning the loss of much irreplaceable scenery that is now under water. But the water has greatly enhanced the magnificent views that remain and brought them within reach of ordinary folk whose response to the lure of nature may be no less keen than that of the few mountaineers and river-runners who used to penetrate the area before the lake was formed.

To thousands of boatmen, vacationers and connoisseurs of exotic scenery the controversy over Glen Canyon dam, which created the lake, has receded into the background. The blue paradise that extends from Wahweap, Ariz., almost to the Canyonlands National Park in Utah is the only reality of the 1970's. And it is a joy to residents of the area and visitors alike.

At Wahweap Marina you may put your own boat into the water or you may rent a boat for fishing, cruising or water skiing. If you prefer, you can take an excursion boat for a short cruise, for a one-day expedition or for a five-day cruise and hike into a wilderness that is still little known. There is not much to see at Wahweap and the southern end of the lake but the water and the

typical red sandstone mountains in the background. But as your boat moves up the canyon, one spectacular panorama succeeds another with almost bewildering profusion.

Some parts of the like widen, with long arms of water reaching into Warm Creek Bay, Padre Bay, Last Chance Bay and dozens of others. The last-named arm takes its name from the canyon used by early explorers to escape from the depths of the Colorado River gorge before venturing into dangerous rapids below. Today there is little disposition to escape. You glide over the clear water with increasing fascination as the once-forbidden Colorado yields its beauty without a struggle.

As the cruise proceeds, you are almost irresistibly lured into playing a child's game of discovery. With very little strain on the imagination, you see on the horizon beyond the cooling spray from the boat's propellers great monuments, cathedrals, statues and so forth carved out of red sandstone by wind and water over eons unknown to man.

Here on the right is a sinking battleship and in the distance a series of pyramids and perhaps even ancient mosques. At many points there are anticlines that will please the geologists, along with curious mounds, gargoyles and Mexican hats. At one point you will swear that the Arc de Triomphe is looming up in the distance.

You tire of counting pillared temples, acropolises with imaginary ruins and rocks fantastically balanced on pinnacles as only nature can do it. At one point a British-looking lion in stone appears to have strayed from Trafalgar Square. Looming up on the far horizon is a natural imitation of the Colosseum and a clock tower that is a reminder of Big Ben in London. On close inspection, too, you can scarcely fail to note a menagerie of dinosaurs, alligators, frogs and the like or the little stratified islands that might almost be mistaken for stacks of griddle cakes.

The most popular all-day trip in the lower canyon ends near one of the greatest freaks of nature on this continent—the Rainbow Natural Bridge. As the boat turns into Forbidding Canyon, the lake narrows to perhaps 200 feet, with sheer stone walls rising several hundred feet on each side. The physical world here consists of red sandstone cliffs, water and blue sky, with no vegetation in sight, except for occasional glimpses of Navajo Mountain in the distance.

The boat stops at Rainbow Marina, a floating service station and home for the attending personnel, because there is no ground between the vertical stone walls on which it could be built. All boats move at creeping speed on this part of the lake to avoid making waves that might keep residents of the marina in a perpetual state of seasickness.

From Forbidding Canyon the boat slips through the narrows—a space of possibly 60 or 70 feet between precipitous walls—into Bridge Canyon. Here you take a dusty and sometimes rocky trail up the ravine for one mile to the great natural bridge. The Indians call it "Monnezoschie"—a rainbow turned to stone. It is not a mere arch, with only air beneath, but a real bridge of stone spanning a canyon which has an active stream in wet weather. The bridge is said to be high enough to arch right over the Capitol dome, but out here in this wild country where wind and water are supreme the works of man are not a happy comparison.

Temperatures on the trail are likely to range between 100 and 110, but under the bridge itself the shade is cool and refreshing. A few years ago this unique natural wonder was rarely seen; now it is the objective of pilgrimages by about 60,000 persons a year. Their feet grind the primitive trail to dust, but as yet the "rainbow turned to stone" and its setting are unspoiled.

After a picnic lunch under the "rainbow" there is opportunity to continue up the trail for more advantageous pictures or merely different views of the great bridge. Photographers vie with one another to capture a maximum of sky or distant horizon under it. From any angle of sight it claims a high place among the wonders of the natural world.

The heat of the trail creates an almost irresistible longing to leap into the waters of Lake Powell at the conclusion of the return trip. But restraint is in order. The end of the trail is not an ideal place to swim, and as soon as you reboard the boat you will have an opportunity to change into your bathing suit and swim in a truly exotic setting.

The boat stops under an overhanging cliff in Cascade Canyon. Except for the overhang, the stone walls are perpendicular and there is no shore to swim to or even catch hold of. The water is about 200 feet deep but marvelously clear and cool. The grime and heat of the trail disappear with the first refreshing plunge.

Returning to Wahweap at the end of the day, you will be surfeited by a preponderance of fantastic sights and pleasant memories. But you will have viewed only a small fraction of the scenery available in the first 50 miles of the lake. Beyond those 50 miles lie Mystery Canyon, Hidden Passage, Hole in the Rocks, a large arm of the lake in San Juan Canyon, Halls Crossing and a vast array of inlets, fiords and watery amphitheaters. If you want to take a three-day cruise, you can visit the Cathedral in the Desert, Water Cave, Dinosaur Rock, the Cookie Jar, the historic Crossing of the Fathers and various Indian ruins.

A five-day cruise will add an additional variety of canyons along with waterfalls, pictographs and rare formations. Even if you love the out-of-doors and crave strange and beautiful sights, you are likely to be weary before you have seen a fraction of the mysteries and unique phenomena this strange land has to offer—now that it has an easily traversible waterway.

Travelers who are seeking the most fascinating and most unusual recreation areas in America can pass by many of our national parks without feeling that they have been cheated. But they cannot afford to ignore Lake Powell. It affords a rare opportunity to leave behind the world you know and venture into a setting that combines novelty with breath-catching beauty.

COUNTRY'S ECONOMIC SITUATION SERIOUS DESPITE ADMINISTRATION'S ROSE-COLORED GLASSES

Mr. PROXMIRE. Mr. President, we have had many statements from the administration lately attempting to persuade us that economic conditions are improving. Every statistical wiggle is analyzed at length in the hopes of discovering some evidence of less inflation or of more economic growth.

In an excellent article published in last Thursday's Washington Post, Hobart Rowen suggests that the administration would be well advised to stop looking at each statistical wiggle separately, to take off their rose-colored glasses, and take a good hard look at the basic economic situation today.

Let me quote Mr. Rowen:

> Everybody—not just the administration's politicos—is eager for good economic news. But the stubborn fact is that after adding in every favorable crumb of statistics for the past month, the economy is still running 4 percent below its capacity, unemployment is still 5 percent (and threatening to go higher), and the rate of inflation at the consumer level is still an unacceptable 5 percent.

Mr. Rowen notes that even Paul McCracken, Chairman of the Council of Economic Advisers, noted in a recent speech that we may be faced with "an unduly protracted period of excessive slack and unemployment."

The administration has repeatedly attempted to explain our rising unemployment as a result of a decline in defense spending and a shift in our priorities. Let me quote what Mr. Rowen has to say about this:

> Okay, that's fine; but if the priorities have been re-ordered, why haven't the men and the unoccupied facilities been shifted into nonwar activities? In other words, what the administration is using as an excuse for the downturn is really a critique of its own lack of planning.

I submit that it is time for the administration to come forward with some well-planned policies to do something effective about our rising unemployment rather than to continue to deluge us with excuses and explanations of why nothing can be done about it. I ask unanimous consent that Mr. Rowen's article entitled "Looking at the Economy Without Rose-Colored Glasses" be printed in the RECORD at the end of my remarks.

I also ask unanimous consent that the letter from Mr. Herbert Stein, a member of the Council of Economic Advisers, which appeared in the Washington Post on September 5, be printed in the RECORD.

Mr. Stein attempts to reply to Mr. Rowen's column by listing again the statistical wiggles in which the administration takes such comfort. I will not take time this morning to discuss each of Mr. Stein's nine points, but let me just refer to one or two of them. Mr. Stein points out with apparent satisfaction that real gross national product rose at an annual rate of 0.6 percent in the second quarter; 0.6 percent, when the real growth rate required just to keep unemployment from rising further is 4 percent or more. Is it a cause for satisfaction that the GNP growth rate is at least 3½ percent less than the rate of growth of our economic potential, so that the unemployment gap is increasing all the time?

Mr. Stein also appears to take satisfaction in the fact that the wholesale price index for industrial commodities rose at an annual rate of about 2 percent in August. Let me just point out that this same index was rising at exactly the same annual rate last February and March. If we use this index as our guide, it is only by comparison with the extraordinary increases in April and May that we can find any hint of improvement.

Mr. Stein's letter only reinforces Mr. Rowen's point. Perhaps that is what Mr. Stein intended to do. The basic truth is that the economy is falling farther below the full employment level all the time. At best it will be several years before our current "game plan" brings us back to full employment. I find this situation totally unsatisfactory. I call on Mr. Stein and other administration advisers to devote the same imagination and effort to proposing new economic policy that they have devoted to reading optimism into the latest economic statistics.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washingon Post, Sept. 3, 1970]

LOOKING AT THE ECONOMY WITHOUT ROSE-COLORED GLASSES

(By Hobart Rowen)

Leafing through the accumulation of Nixon administration speeches and statements last month on the condition of the economy, the returning vacationist finds one dominant theme: self-congratulation. The economic downturn, the Nixon men say with satisfaction, is at an end; inflation has been cooled (or, at least, the rate of inflation is subsiding); labor efficiency is increasing; and there is probably a broad upturn in the offing.

The Vice President, in a guest column in this newspaper, went so far as to say that recession talk was a myth, and that things were now happily breaking the administration's way. One newspaper, reprinting Mr. Agnew's economic commentary, headlined it: "Spiro Says Everything's Coming Up Roses." But it is clear from the government's own statistics—and even from a close reading of some of the speeches—that there is not yet very much to crow about. It seems a reasonable assumption, with an election in the offing, that the White House has been pressing hard to put a rosy hue on skimpy evidence.

For example, White House aide George Shultz (who knows better) got a great deal of mileage out of one month's statistics showing slightly reduced wholesale price pressure, and Assistant Commerce Secretary Harold Passer then read too much into the July set of so-called "leading" indicators.

Everybody—not just the administration's politicos—is eager for good economic news. But the stubborn fact is that after adding in every favorable crumb of statistics for the past month, the economy is still running 4 per cent below its capacity, unemployment is still 5 per cent (and threatening to *go* higher), and the rate of inflation at the consumer level is still an unacceptable 5 per cent.

Paul W. McCracken, Chairman of the Council of Economic Advisers, has done his best—in a reasoned, academic way—to make the administration's case that the adjustment has been mild and that there is "some evidence" that a mild expansion "may be resuming." But he has been candid enough to say, as well, that the task ahead is very great because economic performance continues to be far below potential—and the nation's basic capacity to produce continues to grow.

If the nation fails to boost demand sharply, McCracken said recently in a speech at Madison, Wisc., we may be faced with "an unduly protracted period of excessive slack and unemployment." What McCracken was trying to convey (and this was not highlighted in any of the daily press reports of his speech) was that a below-par economy is in prospect for all of 1971, with unemployment still ranging around 5 per cent or higher, not dipping toward 4 per cent until 1972.

That's a new "game plan"—if you remember the administration's first "game plan," a gentler hand was going to contract inflation with unemployment never even hitting the 5 per cent mark in 1970; the average, in fact, would be held to 4.3 per cent.

But inflation proved to be tougher to handle than Mr. Nixon and his advisers thought, and the policy screws were turned tighter than had been planned. So the "progress" that is hailed in the canned statements by the Vice President, Treasury Secretary David Kennedy and Commerce Secretary Maurice Stans is mostly wishful thinking. The patient's temperature may have been reduced from, say, 103 degrees to 102 degrees (and he hasn't passed away). But the evidence of infection persists. The economic doctors are aware that the patient is not back to normal weight. They hope there will eventually be full recovery. But it will take time—and in the process, a further physical toll.

Curiously, the administration has ascribed to the two-year decline in defense activity a share of the blame for the economic decline—especially a "displacement" of 1,000,000 jobs. This has been a recurrent theme of administration propaganda ever since the President's June economic speech.

There's no denying that war-connected spending has been cut sharply, and the Nixon administration deserves more credit for this than its political opponents want to give it. Military prime contracts, for example, are at their lowest level in nearly five years, or since just after the Johnsonian escalation of the Vietnam war.

This typifies, the administration is fond of saying, a "re-ordering of national priorities." Okay, that's fine; but if the priorities have been re-ordered, why haven't the men and the unoccupied facilities been shifted into nonwar activities? In other words, what the administration is using as an excuse for the downturn is really a critique of its own lack of planning. There could have been offsets to lowered defense outlays. "When they blame reduced Pentagon contracting for unemployment," says a Democratic critic, "it's like a guy giving up candy and then complaining that he's skinny."

What is really needed at this point is less attention to the latest statistical wiggle, and action to promote a faster rate of real growth for the economy. There appears to be little prospective impetus from stronger capital goods expansion (in fact, the latest official government survey now points the other way), or from a consumer spending binge (individuals seem disposed for the time being to save more). And the Federal Reserve is still fearful enough of inflation to resist. McCracken's behind-the-scenes pressure for more stimulus from monetary policy. The main expansionary thrust is coming from a growing federal deficit.

If things continue this way, the economy for a long time will be essentially flat—it will do no more than creep upward sluggishly, with a growing multibillion gap between actual and potential production. The most one can hope for is that the election will come and go quickly; then, perhaps, the occasional irreverent public comment or criticism that formerly punctuated the administration's outpourings may return. At the moment, the internal skeptics—who are still present—raise their doubts in private.

[From the Washington Post, Sept. 5, 1970]

CEA MEMBER ON ROWEN'S ASSESSMENT OF THE ECONOMY

Three cheers for Hobart Rowen! I had been wondering how he would manage to find gloom in the economic statistics that were reported while he was away on vacation. He has managed this in a way that demonstrates again his great ingenuity.

The problem he faced was a difficult one. During the period August 15 to August 31 the following news was reported:

1. Total real output (GNP) rose at an annual rate of 0.6 per cent in the second quarter, compared to the preliminary estimate of 0.3 per cent made in July.

2. Total corporate profits, adjusted for inventory valuation, increased a little in the second quarter.

3. The index of wholesale prices, seasonally adjusted, declined in August for the first time since April 1967.

4. The index of wholesale prices for industrial commodities rose at an annual rate of about 2 per cent in August, or a rate of about 3 per cent for the three months May to August, compared to a rise of about 4 per cent in the year ended in May 1970.

5. The Consumer Price Index rose at an annual rate of about 3½ per cent in July, about the same as in June, as compared to 6 per cent in the year ended in June.

6. Housing starts rose sharply in July for the second month in a row—by 15 per cent.

7. Business appropriations for capital expenditures in manufacturing leveled out in the second quarter after declining during the preceding year.

8. Interest rates declined fairly generally.

9. The index of stocks (Standard and Poors) rose from 75.48 in the week ended August 14 to 81.25 in the week ended August 28.

This is not the kind of information Mr. Rowen usually ignores. In fact, it was in precisely this kind of information, when it was running in the other direction, that he found the picture of "the worst of both worlds"—mounting unemployment and mounting inflation.

What would he do now, upon return from vacation, to throw out the first ball in the season of discontent? Would he deny the facts, ignore them, or unveil some bad news that was exclusively his—like corn blight in Bethesda, Maryland?

Mr. Rowen, in his homecoming article of September 3, did something subtler than any of these. He turned attention from the facts of the economy to what some administration officials have said about those facts. He operates on the following syllogism:

(a) Administration officials have a tendency to see good news when there isn't any.

(b) Administration officials saw good news in August.

(c) Therefore there wasn't any.

(I don't feel personally involved in any of this because I was also on vacation in the second half of August, and while I sometimes exclaimed, "Great News!," I only exclaimed it to my wife, who is discreet.)

This is all very interesting and even amusing. But there is a danger of misleading your readers. The truth of the matter is that there was good economic news while Mr. Rowen was on vacation, He has us all so buffaloed that we must say in the same breath that the news in August is not as good as we had hoped in January and may not be as good in September as in August. Still the good news of August is a fact. You can kick it with your foot and feel it. And not only the administration economists but the American people including Mr. Rowen are entitled to be reassured by the news.

HERBERT STEIN,
Member, Council of Economic Advisers.
WASHINGTON.

THE FAMILY ASSISTANCE PLAN

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of Friday, September 4, contains an interesting article entitled "Welfarism and Society," relating to the family assistance plan, and written by Kevin P. Phillips.

Mr. Phillips points out that the plan does not emphasize work incentive, as contended by the proponents.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WELFARISM AND SOCIETY

It is bad enough, as the White House's new welfare proposal moves nearer enactment, to contemplate the federal projection that 29 million persons will be eligible for the relief rolls in 1975 and that increased benefits will cost the taxpayers an additional $10 billion a year.

Yet that is only the beginning. The "megadole," as conservatives are beginning to term it, has chilling implications for the fabric of society. Information compiled by the U.S. Labor Department, the General Accounting Office, the Committee on Economic Develop-

ment, and the City of New York illustrates the destructive impact of 1965–1970 federal welfarism on U.S. society and suggests the inaccuracy of the administration's contention that its plan emphasizes work incentive rather than a dole.

On Aug. 18, the General Accounting Office told the Senate Finance Committee that the administration's early 1970 study, which argued that welfare did not erode work incentive, was incomplete and misleading because it used only poor people with a background of employment and ignored the attrition of certain sampled families.

Data published by the U.S. Labor Department on public employee work stoppages during the last decade show a massive upsurge dating from 1965 when the impact of anti-poverty programs and Great Society welfarism began to make itself felt. As welfare recipients became "clients", as payments became "rights" rather than benefits; as welfare became fashionable and humdrum occupations something to scoff at, the motivational dynamics of working-class America began to break down.

In 1965, after years of stability, every index of public employee work discontent—man-days idle, workers involved, stoppages—took off like a rocket. By 1969, work losses were five to ten times those of 1964.

Nowhere has this demoralization of the working class been more poignant than in New York City, welfare capital of the world, where the half million persons on relief in 1965 when John V. Lindsay was elected mayor have become 1.1 million in June, 1970—15 per cent of the total population of the city. The lower-middle-class bedroom boroughs beyond Manhattan have become seething centers of hostility to the Manhattan welfare client-rich liberal axis.

In the face of the huge rise in welfare in New York City and elsewhere, the Committee for Economic Development—in an August statement, "Training and Jobs for the Urban Poor"—observes that there are hundreds of thousands of service jobs (as waiters, gas station attendants, household help) going begging, partly because rising welfare payments pose too attractive an alternative. And, it might be added, because the welfarist psychology decries such employment as insufficiently fulfilling.

New York's Mayor Lindsay recently labeled as "a return to the Dark Ages" the suggestion that able-bodied welfare recipients be put to work cleaning up city streets.

Because revulsion against this sort of welfarism helped put Richard Nixon in the White House, his support of a vastly inflated welfare program is puzzling. According to conservative Nixonites, the President, preoccupied with his productive efforts to achieve peace in the Middle East and wind down the Vietnamese war, has been intermittently misled on the welfare scheme (especially the work incentive features that formed the basis of his initial approval) by elements of the White House staff. The same advisers who blueprinted the program have wrongly convinced the President that his prestige is at stake so as to oblige Mr. Nixon to pull their chestnuts out of the fire at his own political expense.

Thus, many conservatives who believe that the welfare program is a sociological, economic, and political threat to the nation and the administration are hoping that the Senate Finance Committee will see that the prestige at stake is not the President's but that of the left wing of his White House staff, who will pay the piper if Congress rejects their handiwork.

VETERANS' ADMINISTRATION HOSPITALS

Mr. CRANSTON. Mr. President, on September 1, 1970, the senior Senator from Iowa (Mr. MILLER) placed in the RECORD an article published in the September issue of the American Legion magazine entitled "The Truth About the VA Hospitals—Are VA Hospitals Neglectful of Their Patients as Charged in Life Magazine?" It deals primarily with another article entitled "Our Forgotten Wounded," published in Life magazine for May 22.

I think it is most unfortunate that the VA and others have devoted so much time and attention to taking issue with the Life magazine article. That time and attention, it seems to me, might be better spent in attempting to obtain vitally needed appropriations to improve the quality of care for our disabled men in VA hospitals.

In my public statements on the VA hospital situation, I have tried to focus on conditions in those hospitals, rather than on the Life article. For example, in speeches I delivered this summer before the national conventions of the American Veterans Committee, the Disabled American Veterans, the Veterans of Foreign Wars, and the Jewish War Veterans, I did not stress the Life article. I did not even mention it when I spoke on the Senate floor on July 5 to support the Senate's increase of $125 million over the administration's budget request for VA medical care. Nor did I mention it when I spoke again on August 4 to support the $105 million increase agreed to in conference.

However, given the tremendous amount of time and attention which the Veterans' Administration, and then the American Legion magazine, have devoted to rebutting the Life article, I did state my views about it, in addressing the national convention of the American Legion on August 29. This is what I said:

In that regard, you will notice that I made only passing mention earlier in my statement to the now famous Life magazine article. That is, first, because I think the article speaks for itself. And, second, I think it is beside the point and peripheral to the real issue facing us to become involved in arguments over whether certain photographs were staged or not.

Rather, the question is what *are* conditions now in VA hospitals, and what can we do about them now. As I have indicated, our investigation has demonstrated beyond all doubt that in many veterans' hospitals conditions are deplorable. That is really the point of the *Life* article, and I think far too much time and attention has been devoted to nitpicking at the *Life* article by those who really should know better and who share major responsibility for seeing that we are providing the best quality care to our wounded veterans.

I do not wish what I have said about the *Life* article to indicate that I have any quarrel with its accuracy. I have talked personally to two individuals who were present when the pictures were taken and have received affidavits from fifteen paraplegics now at the Bronx Hospital, or who were former patients there, attesting to the accuracy of the conditions portrayed in the *Life* piece. These affidavits, by the way, were made a part of our public hearing record.

So, I have no reason to question the integrity of *Life's* photographers or editors. But, frankly, I am rather weary at the continuing attempt to focus on that article rather than on the actual conditions in our veterans hospitals. That is what I care about. That is what I am deeply worried about. And that is what I know you are equally concerned about.

I also repeated before the Legion convention what I had said at the VFW convention on August 20—in responding to a question—that my views on the Life article were strongly influenced by testimony to the Senate Independent Offices Appropriations Subcommittee on May 27 by Donald Broderick, executive director of the Eastern Paralyzed Veterans' Association who was present when the Life photographs were taken. This is what Mr. Broderick told the subcommittee:

We were very happy when we saw the article and there was this reaction when we saw the article throughout the organization.

The article is true. This is a picture of what goes on there day-to-day.

Now, the Senator made a statement before which I think was erroneous. He said there haven't been survivors, you know, though even after World War II. This is when it did begin was after World War II. And I think that maybe, instead of all the name-calling and everything else that goes on, maybe one of the things that is at the bottom of that is that the attitude then since nobody lived before was that let's try and keep these men alive. But we have come a long way since then. Yet the treatment is the same. We have these young fellows now who are coming in and they are vibrant; they are vital. They have interests. They have better educations usually than before. And they are subject to conditions that are so degrading that not to stand up for it, I couldn't face my family or my friends much less go back to these people.

It exists. I cannot really even understand why the VA could categorically deny these pictures or just even bother going into picture-by-picture denials because these pictures happen every day.

I guess part of it is the staff is overworked; maybe they are used to not seeing even what goes on around them. The staff has felt bad about these pictures and now there is some polarization there. But there was no attempt to degrade the staff. These people are overworked and, we feel, underpaid because there are all kinds of problems. We don't deny there are special problems. We want people to know it. This may be something else, that it is hidden shame. For awhile some people thought a guy in a wheelchair is a paraplegic.

Well, being in a wheelchair, sir, is the lesser part of it. I am a quadraparaplegic. Some of the guys in the picture are totally paralyzed, meaning from—what you do when you become spinal cord injured is you lose the use of your body including even the feel of sensation from the level of the injury down. There is no way you can get a worse injury. And there is no way that anyone can tell me you don't need special care. And even the fact that our staffing ratios are less than anything average it just doesn't make sense. It is special care for special needs.

The young fellow who was pictured in here, who was being maligned and assailed, he has made a lot of remarks from his heart, but nobody can question this man's patriotism. He volunteered to serve and he was on a voluntary mission when he got hurt. He is totally paralyzed. He can't move anything. He relies on people for every function.

This article is the first thing I have ever seen on this. We have gone to the VA for years and years with words about what is wrong. You can't be—like if you were blind, well, somebody could put a blindfold on say that is what it is like to be blind. You could stumble over something. You could say it is terrible. You couldn't see colors. You couldn't visualize a woman, something along that line. But no one can just sit in a wheelchair. You don't know what it is like to experience body dysfunction constantly, skin pressure sores.

All these things exist. And there are techniques that the VA has not availed itself of. Like one thing that comes to mind every time I see this one picture, if he even wants to move over to the window he has to get somebody to push him. Now, there exists, obviously in this era of scientific everything, simple procedures like an electric wheelchair which can be operated by somebody like him by using his head, getting a console and he can touch it with his breath or tongue or things like that.

Don't quote me on the tongue. Maybe the VA has said that has been done.

Now, there are others quite similar who are service-connected veterans, wartime veterans, any kind, in this situation who are home and probably out of the hospital having someone care for them who could avail themselves of such devices, yet we never see the equipment.

So I look again at the pictures and I have had calls from members who have been out of the hospital for years and who are business people now. They have made there way in life. They live now. They are productive, not bitter people. They are productive and they have families. They have pride and they don't like people seeing this knowing they went through similar things. But yet all calls I get are favorable and every one of these people has called to say that he would testify about the conditions.

And one remark that sticks so much in my mind is a remark by Dr. Maurice McGee and he's a professor of English at Montclair State College. He is the veteran of World War II and Korea. And he called up and he said the Life Magazine article is false, "because they didn't get the smell."

It is just incredible. It does exist. And the name calling is no good. It doesn't help anyone. And the polarization of the staff is going to drive away the dedicated people who are responsible for maintaining what we have. And we feel that spinal cord injury personnel should receive more money, a special appropriation because of the work they do. We don't malign them. We have had liaison with these people for a number of years, liaison with the VA personnel. I have met with them regularly and its been good. They have been honest and I hope to maintain that. But to deny funds when there is improvement—because we have been promised improvement—and I don't speak for the whole system. I can't. I would be foolish to. I speak for my members at the Bronx who have had it up to here. And as I speak for them, I know that they just need certain things done for them. It just has to be done, that is all.

On May 21, the junior Senator from Kansas (Mr. DOLE) placed in the RECORD letters from the Administrator of Veterans' Affairs and the Director of the Bronx VA hospital challenging the Life article. Since critics persist in attacking the magazine, I think it is only fair that Life now be afforded equal time and space to present its case. This is done in letters which Thomas Griffith, editor of Life magazine, sent on May 27 to the Administrator of Veterans' Affairs, Donald E. Johnson, and the director of the Bronx VA hospital, A. M. Kleinman, M.D.

I refrained from offering these letters previously because I did not believe that it served any useful purpose to extend further the debate on this question. But I now ask unanimous consent that these letters be printed at this point in the RECORD in order to give Life magazine an opportunity to defend itself against some very harsh charges.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LIFE,
New York, May 27, 1970.

DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. JOHNSON: Your telegram regarding our article "Assignment to Neglect" which appeared in the May 22nd issue of Life was waiting for me when I returned from Europe this morning.

The language you use—of photographs "obviously contrived" and "staged," and a narrative "totally distorted"—is as erroneous as it is intemperate.

Life magazine has built a reputation for accurate reporting over more than three decades, and has no desire to sensationalize a subject of such sensitivity and importance. Our article on conditions in Veterans Administration hospitals was thoroughly researched and documented. If you take issue with our facts I will be glad to discuss them with you.

I have received, as you know, a much longer and more temperate letter regarding the same article from Dr. A. M. Kleinman, director of the Veterans Administration Hospital in the Bronx where the pictures illustrating this article were taken.

We have carefully checked every question raised by Dr. Kleinman and a copy of my reply to him is enclosed.

Since copies of your telegram and Dr. Kleinman's letter were released by you to the news media before I saw them I hope you will not mind if I make my response similarly available.

Sincerely,

THOMAS GRIFFITH,
Editor.

LIFE,
New York, May 27, 1970.

A. M. KLEINMAN, M.D.,
Director, Veterans' Administration Hospital, Bronx, N.Y.

DEAR DR. KLEINMAN: Your letter regarding our article "Assignment to Neglect" which appeared in the May 22nd issue of Life arrived last Friday while I was out of the country. I saw it when I returned this morning, and have reviewed the questions you raised with all concerned.

We will be glad to print excerpts from your letter in the June 12th issue of Life, together with examples of other letters we have received about this article.

I think I should tell you in advance of that, however, that your charge that our pictures were staged is quite inaccurate.

Co Rentmeester, the photographer who took the pictures, was accompanied by Charles Childs, the reporter who worked on the story, and by Donald Broderick, executive director of the Eastern Paralyzed Veterans Association. All of them deny point by point the allegations in your letter that pictures were posed. They have, in addition, statements from patients affirming the conditions under which the pictures were taken.

The charges made against us we do not regard lightly. Life has built a reputation for accurate photographic reporting during more than three decades, and we have no intention of endangering that reputation for a momentary sensation. May I take up some of your accusations one by one:

You state in your letter that no patient is left under the shower after the completion of his bath. The fact is that Rentmeester, Childs and Broderick found the patient unattended in the shower and took the picture shown in Life. The patient will corroborate the fact. In addition, five other patients on the same ward have given Life written statements complaining of undue waiting during showering. If attendants have told you otherwise, I think you should investigate further.

At another point in your letter you allege that the photographer asked that curtains screening a patient's cubicle be drawn back out of sight. This also is not true. The curtains were open when Rentmeester, Childs and Broderick arrived and the picture accurately depicts the conditions they found. The patients also will corroborate that. If attendants have told you otherwise I again suggest that you investigate further.

You also charge that it was the photographer's idea to pose a paraplegic veteran throwing a sheet over a totally crippled patient nearby. This, again, is not true. When Rentmeester, Childs and Broderick arrived on the scene they found three paraplegics in wheel chairs struggling to transfer a quadriplegic patient from his stretcher to his bed. One of them said to the photographer: "I want you to photograph this. You see, we have to help ourselves." Then he tossed the covering over his friend in the bed. No part of this was the photographer's idea.

You write, about another picture, that a curtain was pushed back and a trash can pushed toward the stretcher of a patient "for misleading photographic effect." Again this is not true. In fact, the photographer visited the same room on different days and on each occasion found the trash cans unscreened and in the same relationship to patients. The patient who, according to your letter, was "disturbed at the invasion of his privacy" has, in fact, given us a written statement saying: "To my knowledge and my personal observation the conditions shown in the photo were true. It is also true that at times the condition of the room pictured is even more disgraceful."

You also object to a picture showing a sleeping patient and, on the floor beside him, a mouse caught in a trap. You write: "We do not use traps in our campaign against mice which admittedly we do have." We clearly stated in the article that it was the patients, not the hospital personnel, who set the traps. To substantiate that, we have the written statement of one patient reporting that he had trapped nine rodents, and a written statement from another patient that he had trapped 14 mice in a single room.

There are a number of other points in your letter about which I feel you have been misinformed. But since they do not directly impugn the integrity of Life I will not prolong this letter to debate them. You can be sure that we have given careful consideration to all you have written.

Life has admiration and sympathy for the thousands of capable and dedicated physicians, administrators and other personnel in the Veterans Administration medical system. VA staffers in many cases have performed better than could be expected, given their budget limitations.

Life believes, however, that these staffs should not have to work under the severe shortages and handicaps even you describe. Certainly the wounded should not have to endure substandard conditions. It was Life's intention and hope that its report would help those who are trying to correct those conditions.

As you know, a copy of your letter to me was placed in the Congressional Record last week by Senator Robert J. Dole, and copies have been distributed to news media by Donald E. Johnson, Administrator of Veterans Affairs. Therefore I am sending copies of this reply to Senator Dole and Mr. Johnson, and to news media.

If you have any further question on any of the points you have raised I will be happy to discuss them with you in person.

Sincerely,

THOMAS GRIFFITH,
Editor.

Mr. CRANSTON. Mr. President, the situation confronting Congress now with respect to the VA fiscal year 1971 appropriations is most unfortunate. The

VA appropriation, and others like the independent offices and housing and urban development appropriation bills, must be passed by the Congress all over again as a result of the President's August 11 veto.

I discussed this situation with respect to the VA medical care appropriation at considerable length in my August 29 address to the American Legion. I ask unanimous consent that the text of that statement be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO JOINT MEETING OF LEGISLATIVE, REHABILITATION, AND ECONOMIC COMMISSIONS OF THE AMERICAN LEGION NATIONAL CONVENTION, AUGUST 29, 1970

It is a great pleasure to be back with you key policymakers again. I enjoyed my appearance before your Washington meeting in March, and I welcome the Economic Commission members this morning. I regret that Senate business will not permit me to remain at the convention this week.

At the outset, I want to express my deep appreciation and admiration for the special cooperation our Veterans Affairs Subcommittee has received from your national staff. Herald Stringer, assisted by Chuck Mattingly and Terry Wertz, as well as Ed Golembieski and Austin Kerby have been of great support to us.

I want to touch on a few legislative matters first and then turn to the pressing hospital situation. I must note that our ability to proceed with legislation has been severely impeded by the need to continue to devote our major attention to the pending VA hospital appropriation.

Last spring, I made a rather lengthy report to you about the work and long-range plans of the Veterans Affairs Subcommittee since I became its chairman. Today I will try to bring you up to date on our activities and our more immediate plans in this final session of the 91st Congress.

We are currently working closely with the Veterans Administration and the House Veterans Affairs Committee staff to perfect five bills which we will consider in subcommittee executive session on September 10. I introduced four of these bills: S. 3656, which would (1) provide special financial assistance to veterans wanting to use their GI home loan entitlements, (2) extend all existing entitlements and restore those which have been lost, and (3) create a mobile homes loan program within the GI bill;

S. 3657, which would provide for advance payment of educational allowances and establish a special work-study program for trainees;

S. 3683, an administration bill which deals with some of the same subjects; and

S. 3907, which would move up the effective date for increasing GI bill allowances when trainees acquire dependents. We also have under active consideration a House-passed bill, H.R. 370, to increase and expand the special automobile allowance for seriously disabled veterans.

There is another bill pending in the Senate, H.R. 693, which has caused considerable controversy between the House and Senate over the part of the bill dealing with the so-called "pauper's oath" that a veteran must take before he can be admitted to a VA hospital for a non-service-connected condition. I have been working with members of both parties in the Senate and House committees to arrive at an acceptable resolution of our differences, and I firmly believe we will agree to liberalize the House-passed bill so that any veteran who is 65 years or older will be eligible for admission to a VA hospital or domiciliary for non-service-connected conditions, regardless of his financial means. This would eliminate the so-called pauper's oath for such veterans. The VA has already accepted our committee recommendation and such veterans no longer have to complete the detailed income questionnaire.

Virtually every veteran 65 or older is entitled to federal Medicare benefits. Yet, based on VA hospital per diem costs, it is more economical for the United States Government to permit him the option of VA hospitalization if a bed is available, rather than reimburse a civilian hospital at a substantially higher per diem rate under Medicare.

There is one legislative matter of particular concern to the Economic Commission that I want to discuss this morning. The Labor and Public Welfare Committee has just reported to the Senate S. 3867, the proposed "Training and Employment Opportunities Act of 1970." We all recognize what an enormous problem our rising unemployment rate is for the whole country, especially for returning Vietnam veterans. There just are not now enough decent, productive jobs at living wages available today or enough good training opportunities to fill jobs that are available. This bill attempts, effectively I believe, to deal with this situation.

During subcommittee and full committee consideration of the bill, I was successful in securing adoption of a number of amendments designed to ensure appropriate provision for veterans in employment, manpower and training programs.

The basic veterans' amendment that was adopted rewrote and updated present provisions of the veterans' law establishing in the Department of Labor the Veterans' Employment Service. The new provision attempts to strengthen Veterans' Employment Service, enlarge its staff and protect its appropriation from diversion to other Labor Department purposes. It also includes as a positive responsibility of the Labor Department job development activities for veterans and providing counseling for and referrals to appropriate training and manpower programs, as well as directly to job openings.

The amended provision establishes new administrative controls and data gathering and reporting requirements to attempt to ensure that all veterans seeking employment or training assistance will receive it promptly and adequately. And it calls for close coordination and cooperation with the Veterans' Administration especially in assisting the VA in its promising new job fair program and in its outreach services program, authorized in the new public law enacted last March. Hopefully, this will lead to the assignment of more state public employment counsellors to work at Veterans' Assistance Centers and to more such counsellors devoting their full time to meeting the needs of a growing veteran population generally.

I believe this new veterans' employment provision offers very tangible progress toward providing veterans with prompt, effective job and job training placement and assistance. I want to acknowledge the cooperation of Austin Kerby on this amendment and thank him for his help.

Now, I will turn to the most immediate and urgent business before all of us—the task of getting vitally necessary money for our crippled and disabled men who are in our VA hospitals.

On November 11, 1969—Veterans Day—I announced to the Senate the initiation of an investigation of medical care for Vietnam veterans in VA hospitals. My subcommittee proceeded to receive testimony from 45 witnesses, including eminent medical school deans and medical experts, seriously disabled veterans, and rehabilitation experts of the Legion and other veterans' groups. The subcommittee staff and I visited a number of VA hospitals—mostly unannounced—to talk with patients, administrators, physicians, nurses and other personnel, and look over the general hospital situation.

Our subcommittee investigation, focusing on immediate care problems for wounded Vietnam veterans, illustrated graphically that war is not merely a killer: It is a cruel and terrible crippler.

Everybody knows that men get wounded in war. We get the statistics of the wounded right along with those of the dead. But somehow, we don't seem to feel for the wounded the way we feel for the dead. We count the cost of battles in dead, not maimed. We count bodies not agonies.

For many, wounded men evoke a vision of a brief period of pain, a stay in the hospital, rest and recreation, and the purple heart. Then, many people seem to presume everything goes back to normal for these men, and they push them out of their minds. But the men that many Americans have forgotten have become uppermost in my mind since I learned what was happening to those whom the nation treated as heroes only a short while ago.

I found some eye-opening and heart-rending facts. I found that the Vietnam war is the most crippling and seriously disabling war in our history. So far 286,585 men have been wounded in Southeast Asia.

I found that the wounds suffered by our men are incredibly severe because of the kind of war we are fighting—a war of high-powered rifles on the one hand, and, on the other hand, a war of mines and primitive booby traps that destroy a man without killing him.

I found that ten percent of our surviving wounded are so badly shot-up or burned that they would have died in any other war. But, miraculously, we are keeping these men alive. It is a great tribute to our country that we are saving these men—a tribute to the intensity and compassion of our rescue operations.

Probably no other country spends as much manpower and money in rescuing a downed pilot or evacuating a wounded infantryman. But, science and man have their limitations. And I found that our veterans hospitals are being filled with more and more paraplegics and quadriplegics, more and more amputees and patients with multiple injuries.

And what is perhaps even worse, I found that these men—along with our hospitalized veterans of previous wars—are not getting the top quality medical care which they so richly deserve and have so painfully earned. I found hospitals severely understaffed, with insufficient numbers of general physicians and specialists, too few nurses, too few technicians. I found overcrowding in some hospitals and, in others, I found empty wings and idle equipment because there weren't enough trained people to put them to use.

I found dedicated and conscientious staffs—overworked because of personnel shortages, and frustrated by inadequate and obsolete facilities. I found many of the patients wasting precious months and years of their lives because they are not receiving the care and compassion they must have for rapid recovery and rehabilitation. I found others suffering deeply from debilitating neglect.

As a result of all this, when on May 27 I went before the Appropriation Subcommittee, headed by Senator John Pastore of Rhode Island, I asked for $174 million more than had been appropriated by the House for the hospital and medical program.

Our investigation showed that this sum was necessary to provide high-quality hospital and medical care to our disabled veterans—to make up for the major deficiencies that plague very many VA hospitals. For the financial squeeze over the last five years has produced deterioration and a dangerously enlarging crisis in our VA medical system. This crisis did not occur overnight. It's the result of a steady erosion.

A Democratic administration and a Republican administration share responsibility for the sad state of affairs that now confronts us—a crisis caused by taking it for granted

that things could be done without adequate funds. The Executive Branch in two administrations has turned down the budget requests of the VA's medical staff.

Year after year, the purchase of essential equipment and supplies has been deferred, along with renovation of facilities, construction of new facilities, and acquisition of staff. This process of slow deterioration, masterminded by the Bureau of the Budget, dramatically surfaced when increased numbers of Vietnam veterans began flowing into our VA hospitals.

The number one problem facing VA hospitals is a shortage of staff. VA hospitals have an overall staff-to-patient ratio of only 1.5 to 1 compared to staffing ratios of about 2.7 to 1 in community hospitals.

To help overcome this unfair, intolerable situation, I recommended to the Pastore subcommittee adding about $51 million to fund an additional 5,000 more staff positions in VA hospitals. This would increase staff ratios to about 1.7 to 1, a substantial improvement which should help every veteran in a VA hospital.

I also asked for $46 million to eliminate the serious backlog in equipment purchase, maintenance and repair.

The plight of those who have spinal cord injuries is especially deplorable. The ratio in the VA spinal cord injury units, as of April 1970, was approximately 1.02 staff for each spinal cord injury bed. In stark comparison, the ratio at New York's Institute of Rehabilitation Medicine, headed by the world famous Dr. Howard Rusk, who is a consultant to the VA, is 2.17 to 1—more than twice as high. Many VA spinal cord injury centers are well equipped, but I have found only a few patients actively engaged in therapy at one time. Others wait endlessly for their turn in an *unhappy, helpless, hopeless prone* line. And still others have lost the incentive to come and wait, and wait.

I have proposed that by the end of fiscal year 1971 we provide the Veterans Administration with $10 million to *double* the spinal cord injury staffing ratio.

Under the impetus of our investigation and embarrassed by the recent *Life* magazine article, the VA decided to reallocate funds and make a 25 percent increase in spinal cord injury staffing ratios for fiscal 1971. They had not planned to do this. I am glad we helped change their minds. I also recommended adding almost $6 million to eliminate an outrageous backlog in dental examinations and treatment.

Although I have focused my recommendations primarily on the needs of disabled Vietnam veterans, I have tried to stress that inadequate conditions in our hospitals afflict *all* veterans of *all* wars. You and I know, too, that there is growing, exploding need now for long-term care facilities for aging and infirm veterans of World War I and World War II. Because of this, I proposed an additional $6 million to convert 1,000 more present hospital beds to nursing care use.

Despite strong Veterans Administration opposition to every one of my recommendations, the Appropriations Committee accepted the bulk of them. It voted to increase the House-passed bill by $100 million.

During the subsequent Senate debate, 35 Senators took to the floor to state their strong support for this incresae, and the Senate passed it—*unanimously*.

Altogether, the Senate passed $175 million more than was requested in the President's initial budget—the $100 million added by the Senate—$25 million won on the House floor by your good friend and mine, Chairman Teague of the House Veterans Affairs Committee—and the $50 million belatedly added by the administration to its original budget after our Congressional investigations aroused the nation and shook the White House.

Congressman Teague energentically supported the Senate increase, and has been an indispensable ally from the start. He deserves the praise and respect of all Americans for his outstanding work for disabled veterans. So do Ralph Yarborough, Chairman of the full Labor and Public Welfare Committee and ranking member of the Veterans Affairs Subcommittee; Richard Schweiker, its ranking minority member, Senator Pastore; and Senator Gordon Aliott, the ranking minority member of the Appropriations Subcommittee.

The support we received in the Senate was characteristic of the bipartisan effort I have tried to foster for all veterans matters. So far—and I will do all I can to keep it this way—all actions of our subcommittee, our full committee, and the Senate on VA education and training and medical legislation and on appropriations for these programs has been *unanimous*.

The amount finally passed by both houses totalled $105 million above the administration budget request. Chairman Teague and I accepted the conference recommendation to eliminate $20 million which the Senate earmarked for additional construction, because it was our understanding that most of the priority items, including design of a replacement hospital for both the Bronx Hospital in New York and the Wadsworth Hospital in Los Angeles, would very likely be carried out by the VA with existing construction money.

We thus felt that the crucial money was in the medical care category. We were particularly pleased that the full $105 million for medical care was accepted by the conference committee.

That brings us up to date except for one small item. Last week, the President suddenly vetoed the VA appropriation, which was in the Independent Offices and HUD appropriation bill. This wholly unexpected, totally unjustified action has created a whole new crisis. Last Thursday, the House of Representatives failed to muster the necessary two-thirds vote to override the veto. Now, even if we are successful in restoring the vetoed $105 million—an assumption we cannot now make with any certainty—the VA will be delayed at least a month and a half, and perhaps far longer, before it can start hiring the new medical staff and before it can start buying and repairing the medical equipment which that increase would authorize. The tragic result of the veto is, therefore, the same kind of slow-down and deferral process which is largely responsible for bringing VA hospitals to the crisis that now confronts them.

Let me give you a sad, shocking statistic: If the President had signed that bill and turned loose the money, the VA today would have $622,000 a day more for our wounded veterans! This money is irreparably lost—yesterday, today, and tomorrow—because the VA is now without any fiscal year 1971 appropriation bill at all. So all it can do is spend money only at the totally inadequate, intolerably low level, wholly out-of-date level of the fiscal year that ended last June 30. Almost a quarter of a billion dollars less is available now than would have been available if the President had signed that bill!

If the Congress sticks to its guns, we will eventually be able to get that money back—but we'll get it back too late. We will never get back the lost medical care and the lost rehabilitation our maimed veterans desperately need now—*at this very moment!* And with every week that goes by until the VA finally receives its appropriatalon, it will be more and more difficult to recruit all the additional staff it so desperately needs. We must do all we can to break this log jam!

"Tiger" Teague and I have agreed on a united effort in our respective houses to restore the full amount of the VA medical increase that was in the bill rejected by the President.

So that is the situation that now confronts us. It is not a very attractive one. I feel that it is absolutely urgent that all of us devote our maximum efforts to securing the appropriation with the full increase intact and then seeing to it that it is expended.

In that regard, you will notice that I made only passing mention earlier in my statement to the now famous *Life* magazine article. That is, first, because I think the article speaks for itself. And, second, I think it is beside the point and peripheral to the real issue facing us to become involved in arguments over whether certain photographs were staged or not.

Rather, the question is what *are* conditions now in VA hospitals, and what can we do about them now. As I have indicated, our investigation has demonstrated beyond all doubt that in many veterans' hospitals conditions are deplorable. That is really the point of the *Life* article, and I think far too much time and attention has been devoted to nitpicking at the *Life* article by those who really should know better and who share major responsibility for seeing that we are providing the best quality care to our wounded veterans.

I do not wish what I have said about the *Life* article to indicate that I have any quarrel with its accuracy. I have talked personally to two individuals who were present when the pictures were taken and have received affidavits from fifteen paraplegics now at the Bronx Hospital, or who were former patients there, attesting to the accuracy of the conditions portrayed in the *Life* piece. These affidavits, by the way, were made a part of our public hearing record.

So, I have no reason to question the integrity of *Life's* photographers or editors. But, frankly, I am rather weary at the continuing attempt to focus on that article rather than on the actual conditions in our veterans hospitals. That is what I care about. That is what I am deeply worried about. And that is what I know you are equally concerned about.

That is why I count on you to help us make some very telling points to the Congress and to your many friends, Legion associates and neighbors. You as veterans' leaders and spokesmen bear a particularly heavy responsibility to look at the situation objectively and tell it how it really is.

We must explain that first the administration of Lyndon Johnson and then the administration of Richard Nixon have held down funds for the Veterans Administration, looking upon its program as if it were really no different from any other domestic program

Both administrations, one Democratic, one Republican, have been plagued with the problem of how to fight a war, maintain a balanced budget, and prevent inflation. Neither administration has succeeded in solving this problem, mostly because they have been attempting the impossible—every war in American history has brought inflation, inflation that hasn't ended until the war has ended.

Many people in our country have been unfairly hurt by this misguided brand of economics—but those who have been hurt the most have been our disabled veterans. They have already made one heavy sacrifice in this war that is the very cause of the inflation confronting us.

Then, when they come home, they are asked to make still another sacrifice—by giving up first-quality medical care. I believe preserving the lives and well-being of these men is far more important than preserving the value of somebody else's dollars. I believe the war against inflation must be fought on other fronts—not in the wards and clinics of our veterans hospitals.

I believe that President Nixon underestimates the American people. I believe that the American people know that high-quality medical care for our wounded veterans is a basic, inescapable cost of war that must be paid.

We demand the best possible weapons for our fighting men. We must also demand the best possible medical care for these men when they are hurt. I appeal to you, here and now, to help me bring these facts home to our fellow citizens.

Even then—if we succeed in getting the full $105 million increase finally appropriated—our job will not be ended. Administration spokesmen time after time have contended that they do not need any more money for more staff and better equipment. They say all is well in our VA hospitals.

That just is not so. You know it. I know it. And the very VA officials who are making blanket denials of the need know it most of all.

The Administration insists that the VA medical program does not need and cannot use more than the $1,752,000,000 in the proposed budget. You might think it logical to assume that the VA's medical officials agree. But that is just not so.

In early 1969, when they were making long-range forecasts of needs, the heads of the VA's department of medicine and surgery said they would need $78 million more than that amount for fiscal 1971.

This discrepancy between what the Budget Bureau said the VA medical program needs and what VA doctors say it needs grew even greater as time passed.

As the fiscal year approached, as costs continued to rise and it became possible to make an even more realistic appraisal of medical needs, the House Veterans Affairs Committee made a new analysis. The directors of the VA's 166 hospitals were asked how much money they needed for quality medical care for the fiscal year beginning last July 1, 1970. Their answer: they said they needed not $78 million more than the proposed budget, they said they needed $180 million more. Indeed, that is why I had initially asked for $174 million more.

The situation we are now in is that Congress has voted a $105 million increase in the medical budget, the VA's own hospital directors say they really need a $180 million increase, and the Budget Bureau requires Donald Johnson to say our VA hospitals don't need any increase at all!

Let me make clear that I do not intend my references to the Administrator of the VA to be in any way personally critical of him. I know that you and I and Donald Johnson and his staff all want the same thing—the finest possible medical care for our disabled veterans. I understand what public appointed officials are required to say and do. And I know full well the telltale signs of the Budget Bureau handcuffs, the Budget Bureau blindfold, the Budget Bureau gag, and the Budget Bureau straitjacket.

This past Wednesday was Women's Liberation Day. I propose a Donald E. Johnson Liberation Day! I call upon you to help Don Johnson liberate himself and the VA from these Budget Bureau restraints, so crippling and so unjust.

I call upon you to help Mr. Johnson communicate to the President that he should listen to the VA's own medical experts. I call upon you to help Mr. Johnson communicate to the President that he should listen to wounded and sick veterans.

I call upon you to help Mr. Johnson communicate to the President that he should listen to disabled veterans' families. I call upon you to help Mr. Johnson tell it how it really is to the President and tell him that he must stop listening to the penny pinchers in the Budget Bureau.

As recent activities make painfully clear, we cannot take the additional money for granted, if it is appropriated, any more than we could last year when the Bureau of the Budget held up for almost two months the $34 million by which the Congress increased the 1970 budget request.

The fact is that it wasn't until we had held four days of hearings in our investigation, and Chairman Teague had circulated his questionnaire to all VA hospital directors, that the Bureau of the Budget finally got the message. Only then did it release the funds.

Let there be no mistake about it: This is the hour of crisis for VA hospitals. If we fail now, with all of the momentum that has been built up by our Congressional investigations, by the veterans' organizations, and by the tremendous publicity from the news media, if we fail now, our hospitals will be doomed to continuing deterioration, and our veterans will be condemned to indifference and neglect. At that point, the VA's once proud motto, "Medical Care Second to None," would degenerate into "Medical Care, *Equal* to None."

You and I must not and will not allow this to happen!

I realize these are very strong words. But in my view, and the view of many highly knowledgeable experts on VA medicine—many inside the VA's own medical department—it is now or never.

With your help, with the enormous resources at the command of your mighty organization, we can make it "now" for first-quality medical care for all our disabled veterans.

CHALLENGES OF THE NEW ACADEMIC YEAR

Mr. PELL. Mr. President, we are again at that time of year when young men and women return to college and university campuses to resume their studies.

Our institutions of higher education, as they begin another academic year, are faced with serious challenges. The rights and responsibilities of administrators, faculty, and students of our universities are being questioned, and more basically, the role of the university itself in our society is being subjected to intensive reexamination.

In my own view, this questioning and reexamination can be highly beneficial to our universities and our society if it is conducted in good faith by all parties and in a constructive and cooperative spirit.

It is important, moreover, that this reexamination be conducted with full recognition of some basic precepts: the preservation of freedom of thought which is so vital to the functioning of a university; and adherence to law, on which the preservation of all of our freedoms depends.

The president of the University of Rhode Island, Dr. Werner A. Baum, addressed himself to these questions in an address at the Independence Day celebration in Bristol, R.I. Dr. Baum's remarks are, I think, particularly appropriate as a new academic year begins. I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REVOLUTION THEN: EVOLUTION NOW

(By Dr. Werner A. Baum)

I am deeply honored that you asked me to speak at this, the most distinguished Fourth of July celebration in our state. But I am also frightened by appearing among men recognized as magnificent orators not only here in our state but throughout this great nation of ours. Since you have given me the opportunity, I would like to put before you some of my thoughts on the Declaration of Independence we celebrate today, on its pertinence to our times, and on the role of your state university in its implementation.

Today's youth culture, which puzzles so many who do not live with it on a daily basis, announces its desire for a new beginning, a fresh start, the Age of Aquarius. Now, certainly our society is far from perfect. Certainly there are large gaps between what we profess and what we do. Certainly we all, individually and collectively, sometimes ignore the golden rule, the Ten Commandments, the Declaration of Independence, the Bill of Rights, and various other expressions of man's lofty and noble ambition.

But this I wonder: are some of us, at our idealistic best, confusing the imperfections inherent in man himself with the faults in the system which governs him?

I would like to quote a section of our Declaration of Independence which is rarely cited, important as it is, because it does not often suit people's convenience to do so:

"Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

By no stretch of the imagination, in my humble opinion, can any reasonable man claim that we today are subject to evils which are insufferable. Despite all the rhetoric about suppression, oppression, deteriorating environment, hunger, discrimination, unpopular war, and so on, the evils are, to use Thomas Jefferson's term, "Sufferable." They are sufferable because our system permits us to change them without, in the words of the Declaration, "abolishing the form."

One of the miracles of the form of government which grew from that Declaration 194 years ago has been its ability to survive despite certain built-in paradoxes. Two of these paradoxes I want to discuss in particular. They are the paradoxes of majority rule with minority rights, and of individual liberty within restraints of law.

The French writer Alexis de Tocqueville, writing 140 years ago in his "Democracy in America," was among the earliest observers to note one of these dilemmas—the one of reconciling majority rule and minority right. He saw the power of majority opinion to suppress unpopular views in a democracy, and he wrote, "The authority of a *king* is purely physical . . . but the majority possesses a power which is physical and moral at the same time. It acts upon the will as well as the actions of men, and it represses not only all contests, but all controversy."

I can think of no better example of the type of democratic institution we have developed to deal with this particular paradox than the university. One of the great achievements of American democracy has been the creation and support, on an unprecedented scale, of institutions which exist for the very purpose of analyzing and criticizing that society and seeking improvements in it. Those institutions are the American universities. They play a major role in resolving the dilemma of majority rule and minority right.

The university in its role as a sanctuary for diversity serves to answer Tocqueville. It is our duty in the university to help maintain the viability of the American democracy by providing a forum for all views.

In order that we may do this, the university has been accorded what is termed academic freedom, a freedom to examine any question from all viewpoints, to hear all voices. We anger many persons of many different viewpoints because we carry out Justice Oliver

Wendell Holmes' dictum that, "if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought. Not free thought for those who agree with us, but freedom for the thought we hate."

In this quest in the university we live up to the expression of the American mind which men put to words 194 years ago in the Declaration of Independence. We provide a forum for the minority opinion as well as the majority, even though the opinion may be hateful to the majority.

A second paradox of our system is that of liberty and law. The theory of government set forth in our Declaration of Independence was based on the natural law concept. Jefferson and his colleagues had absorbed the beliefs of philosophers like John Locke, who wrote of the state of nature. Said Locke, "The state of nature has a law to govern it, which obliges everyone. And reason, which is that law, teaches all mankind that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."

In Locke's state of nature, then, all men have freedom, yet are bound by law. This paradox, too, faces us all, including the university. The university would not be true to the Declaration of Independence if it failed to observe its dedication to law. And that is why academic freedom cannot exist without academic responsibility.

Civil law, like natural law, is based on the concept of responsibility. James Bryant Conant told the overseers of Harvard some years ago that the duty of educators to their students is to "cultivate in the largest possible number of our citizens an appreciation of both the responsibilities and the benefits which come to them because they are Americans and are free." As an institution, the university itself shares these responsibilities as well as these benefits of being American and of being free.

We cannot yield to the pressure of a political majority to suppress unpopular opinion. At the same time, we cannot allow any expression of opinion to violate the legal precedents, such as the doctrine of clear and present danger, which exist concerning the freedom of speech. Nor are we obligated to or can we permit excess which would violate both the safety of the government which supports the university and the spirit of the Declaration of Independence which foresaw a government of law.

The historian Samuel Eliot Morrison notes: "To the Americans of 1776, liberty meant, first, freedom under laws of their own making and, second, the right to do anything that did not harm another. One of the crisp sayings of John Locke, with whom all reading Americans were familiar, was "Where law ends, tyranny begins."

In the spirit of '76, I pledge to you as the president of this state's rapidly maturing university that there will be neither tyranny of the majority nor tyranny of the minority at the University of Rhode Island.

If our society is indeed undergoing basic change in this age of Aquarius, then let us ensure that the change is evolutionary not revolutionary. Let us ensure that it is based on the rule of reason and not on hysteria among a polarized population.

MORAL COURAGE IN THE FIGHT FOR HUMAN RIGHTS: THE LEGACY OF ROBERT F. KENNEDY

Mr. PROXMIRE. Mr. President, Robert Francis Kennedy knew the anguish of senseless death and destruction more than any of us truly realized. Speaking extemporaneously upon the assassination of the Rev. Dr. Martin Luther King, Kennedy remembered a treasured quotation from Aeschylus:

In our sleep, pain that cannot forget falls drop by drop upon the heart and in our own despair, against our will, comes wisdom through the awful grace of God.

Periodically, we all think and ponder over the gift and miracle of life. A run in the rain, along a beach, a football game—all these experiences give us the zestful, sensual feeling of breath, sweat, passion, and freshness. All these being portions of the experience of being alive.

The experience of being alive is as fragile as it is fresh and spontaneous. Auschwitz, Dachau, and Auterlitz remind us of its delicate and brittle nature. We, as a world family, cannot simply continue to hope that we will not again be ravaged and destroyed. For the systematic destruction of a people is a systematic devaluation and destruction of the fiber of all mankind. We can never allow these kinds of atrocities to occur again on this planet. We in the United States have an intense moral obligation to do all we can to make it known to the world that we will not tolerate genocide of any type, or in any conceivable form.

To this end, I again plead, as I have daily in this body for more than 3 years, that the Senate move expeditiously to the ratification of the United Nations Convention Against the Crime of Genocide.

INJUSTICE TO AMERICAN INDIANS

Mr. PELL. Mr. President, in the course of building this great Nation, in the zeal of westward expansion and economic development, we have at times in our history as a nation been less than fully sensitive to the rights of our fellow men.

We need not be reminded today of the injustices suffered by the black citizens of our country, and most of us now recall with shame the treatment accorded residents of Japanese descent during the Second World War. We are, however, prone to forget the injustices suffered by the original residents of this land—the American Indians. This is particularly true of we who live in the East, where reminders of Indian predecessors are few.

Perhaps because I have some Indian ancestry, I have had more than the average interest in the welfare of our American Indians, particularly in the East.

Recently, however, I have noted an instance of injustice of American Indians that I believe clearly calls for corrective action. I refer to the struggle by the Taos Pueblo Indians to regain control of the Blue Lake Lands in New Mexico. To the Taos Indians, these lands are a sacred place of worship.

These lands were seized by the U.S. Government more than 60 years ago and are now part of one of our national forests.

Mr. President, legislation to remove this land from the national forest and to place it under Government trusteeship for the Taos Pueblo has been introduced and passed by the other body. The passage of that bill, H.R. 471, has been urged by the President in a message to the Congress. Mr. President, I believe the bill affords an opportunity to correct an unfortunate injustice and I intend to support it.

PROGRAM OF PANAMA CANAL SOCIETY OF WASHINGTON, D.C., ANNUAL MEETING, AUGUST 15, 1970

Mr. THURMOND. Mr. President, August 15, 1970, was a day of interesting coincidences: the 56th anniversary of the opening of the Panama Canal and the 100th birthday anniversary of Hon. Maurice H. Thatcher, of Kentucky, former civil Governor of the Canal Zone, 1910–13, a most distinguished former Member of the Congress, 1923-33, and, for many years, the sole surviving member of the Isthmian Canal Commission that supervised the construction of the Panama Canal.

As a close student over many years of Panama Canal history and interoceanic canal problems, I consider it uniquely fitting that the Panama Canal Society of Washington, D.C., at its annual meeting on August 15, before a large and impressive gathering of his friends in the John Wesley Powell Auditorium of the Cosmos Club in the Nation's Capital City, commemorated the opening of the great interoceanic waterway and honored Governor Thatcher. The membership of this society, which was originally formed in 1936 by certain U.S. builders of the Panama Canal, with them Governor Thatcher, was later extended to include U.S. citizens who have participated in its subsequent maintenance, operation, sanitation, protection, defense, and modernization. A few oldtime canal builders were present and duly recognized.

Among the distinguished personages present were: Dr. Alexander Wetmore, former Secretary of the Smithsonian Institution; Rear Adm. Calvin B. Galloway, president of the Gorgas Institute of Tropical and Preventive Medicine; Dr. Fred L. Soper, distinguished authority on tropical diseases; Maj. Gen. Glen E. Edgerton, former Governor of the Panama Canal; John F. Stevens II, former official of the Baltimore & Ohio Railroad, and grandson of former Chairman and Chief Enginer John F. Stevens of the Isthmian Canal Commission; Capt. C. H. Schildhauer, former aviation executive, now vice chairman of the John F. Stevens Hall of Fame Committee; Mrs. Ailene Gorgas Wrightson, daughter of Maj. Gen. William C. Gorgas, the great sanitarian of Cuba and Panama; Mrs. David Pierre Gaillard, daughter-in-law of Col. D. D. Gaillard, after whom the famous Culebra Cut was renamed as Gaillard Cut; Dr. Edward L. R. Elson, pastor of the National Presbyterian Church and Chaplain of the U.S. Senate; Paul M. Runnestrand, executive secretary of the Canal Zone Government; Dr. Francis G. Wilson, author and political scientist; Ralph Townsend, author of books on transpacific affairs and former instructor of journalism at Columbia and Stanford Universities; Maj. Gen. Paul H. Streit, former president of the Gorgas Memorial Institute; Comdr. Homer Brett, Jr., historian general, Order of the Stars and Bars; and John R. Whit-

ney, deputy governor of the General Society of Mayflower Descendants.

The organizations represented by those present included the following: American Legion; the Filson Club of Louisville, Ky.; the Gorgas Memorial Institute of Tropical and Preventive Medicine of Washington, D.C.; the Jamestowne Society of Richmond, Va.; the Military Order of the World Wars, Washington, D.C.; the Scottish Rite Masons, Southern Jurisdiction, Washington, D.C.; the Societies of Mayflower Descendants, National and Local; the Sons of Confederate Veterans; and the Virginia Historical Society of Richmond, Va.

The officers of the Panama Canal Society for the year 1969–70 were Prof. Edwin J. B. Lewis, president; Brig. Gen. Herbert D. Vogel, vice president; and George L. Chapel, secretary and treasurer. Subsequent to the program, the following were elected as officers of the society: Brig. Gen. Herbert D. Vogel, president; Will G. Arey, vice president; and George L. Chapel as secretary and treasurer.

The Committee on Arrangements included James L. Hatcher, Comdr. William C. Humphrey, and Mr. Chapel. The program was of truly outstanding character. Preceded with a concert by a section of the U.S. Marine Corps Band, under the direction of Drum Major James R. Donovan, it was opened with the national anthem splendidly sung by Madame Patricia Bruchalski, mezzo-soprano of Baltimore, accompanied by the band, an invocation by Dr. Elson, and the Pledge of Allegiance to the Flag, led by Mr. Chapel, with professor Lewis presiding.

An interesting feature was the presentation of a huge birthday cake baked by Mrs. Charles Havlena with a slice for everybody present.

Expressions of regret, with congratulations included communications from Speaker JOHN W. MCCORMACK of the House of Representatives; Senators JOHN SHERMAN COOPER and MARLOW W. COOK of Kentucky; Representatives DANIEL J. FLOOD of Pennsylvania, LEONOR K. SULLIVAN of Missouri, and ROGERS CLARK B. MORTON from Maryland; former Panamanian Ambassador to the United States, Roberto Heurtematte, and many others, including a cablegram from Count H. d'Angerville, internationally famed genealogist of London.

The testimonials and awards for Governor Thatcher were many and of exceptional character. Those from the Isthmus, presented by Mr. Runnestrand as the special representative of Gov. Walter P. Leber of the Canal Zone were:

Certificate designating Governor Thatcher as Honorary Governor of the Canal Zone.

Night picture in color of the Thatcher Ferry Bridge.

Album containing pictures relating to Governor Thatcher's 60 years of Canal Zone associations, including visits by him and wife in recent years to the Isthmus.

Pen and pencil set mounted on historic wood.

Serving tray of tropical timber containing a mola made by San Blas Indian women.

Honorary public service award for 60 years service to the Panama Canal.

Special letters from Governor Leber with reference to Governor Thatcher's public services for which he will receive when minted the first gold medallion under the recently created Panama Canal Public Service Award.

Deputy Gov. John R. Whitney of the General Society of the Mayflower Descendants addressed the gathering briefly, referring to Governor Thatcher's service for seven terms as Governor of the District of Columbia Mayflower Society, as counsellor general of the General Society, and now as its honorary life counsellor general.

Another testimonial was the reading of a fine letter of commendation and congratulations from Gov. Louie B. Nunn of Kentucky, accompanied by the Governor's commission designating Governor Thatcher as a "Kentucky Colonel," both presented by Mrs. Franklin C. Mason of Frankfurt, Ky.

Mr. President, another feature was the announcement by Admiral Galloway that a history of the Gorgas Memorial Institute and Laboratory soon to be published is dedicated to Governor Thatcher and I ask unanimous consent that the dedication of this book be printed in the RECORD at this point in my remarks:

There being no objection, the dedication was ordered to be printed in the RECORD, as follows:

DEDICATION

This volume is affectionately dedicated to the Honorable Maurice H. Thatcher, distinguished public servant, Governor of the Panama Canal Zone 1910–1913, friend and wise counselor to Maj. General William Crawford Gorgas, member of the United States House of Representatives from the State of Kentucky 1923–1933, author and sponsor of the legislation which provided the first appropriation for the George Memorial Laboratory, Honorary President and General Counsel of the Gorgas Memorial Institute, Vice President 1948–1969, member of the Executive Committee, and strong advocate and staunch supporter of the Gorgas Memorial Institute and the Gorgas Memorial Laboratory for over 40 years.

Mr. THURMOND. Mr. President, the climactic testimonial was a letter of appreciation from the President of the United States read by General Vogel, vice president of the society, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 5, 1970.

Hon. MAURICE THATCHER,
Washington, D.C.

DEAR GOVERNOR THATCHER: Several days ago, H.R. 7517, a bill to provide for increased payments for certain former employees of the Canal Zone, came to my desk for signature. Since your term as Governor of the Canal Zone covered the period in which the Panama Canal was constructed, I know this legislation is of particular significance to you. For this reason, I am pleased to send you the enclosed pens to commemorate my signing this legislation.

I have also noted that you will celebrate your 100th birthday on August 15. Mrs. Nixon joins me in sending our best wishes and congratulations on this special occasion. We hope you have a most happy and memorable day and that the year ahead will bring you continued joy.

With warm regards,

Sincerely,

RICHARD NIXON.

Mr. THURMOND. Mr. President, the principal addresses were by a panel of speakers with outstanding qualifications to deal with the subjects assigned them:

Capt. Miles P. DuVal, Jr., distinguished historian of the Panama Canal and one of the Nation's leading authorities on interoceanic canal problems.

Dudley C. Bayliss, former Chief of Parkways of the National Park Service and a recognized authority on our Government's activities in the planning and development of our national parkway systems and related activities.

Prof. Richard B. O'Keeffe, former research associate for the Foreign Relations Commission of the American Legion specializing in Panama Canal history and interoceanic canal problems, who is now the assistant director of the library of the George Mason College of the University of Virginia.

The finale of the program was a moving response by Governor Thatcher followed with the singing by Madame Bruchalski, accompanied on the piano by Howard R. Thatcher, well known musician and composer of Baltimore, of one of the governor's poetic compositions, "Come You Back to Panama," to the melody of Kipling's "On the Road to Mandalay."

Following the celebration at the Cosmos Club, another feature of the day for Governor Thatcher was the reception for him by the Society of Mayflower Descendants in the District of Columbia on the beautiful lawn of the home in nearby Kenwood, Md., of Col. Frederick J. Ordway, Jr., the present governor of the local society, and Mrs. Ordway.

Features of the Ordway reception were the presentations to Governor Thatcher of a scroll bearing the names of all those in attendance and a handsome china crystal goblet, a souvenir of the celebration of the current 350th anniversary of the landing in December 1620 of the Pilgrims at Plymouth Rock.

In order that a suitable record of the August 15, 1970, historical program of the Panama Canal Society of Washington, D.C., be made available to the Nation at large, especially for research institutions, I ask unanimous consent for its principal parts to be printed at this point in the RECORD as follows:

First. Invocation by Dr. Edward L. R. Elson, S.T.D., Litt. D., LL.D., Chaplain of the U.S. Senate.

Second. Maurice H. Thatcher: "Dedicated Universal Man," by Capt. Miles P. DuVal, Jr., U.S. Navy, retired.

Third. Maurice H. Thatcher: "Conservationist Par Excellence," by Dudley C. Bayliss, Chief of Parkways, National Park Service, retired.

Fourth. Panama Canal: "Historical Prelude," by Prof. Richard Bennett O'Keeffe, George Mason College of the University of Virginia.

Fifth. Response of Gov. Maurice H. Thatcher.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INVOCATION BY DR. EDWARD L. R. ELSON

Let us pray. Almighty God, Creator, Preserver, and Redeemer of Mankind, unto to Whom men of all ages have lifted up their hearts and hands in prayer, we give Thee hearty thanks for this good land that Thou has given us for our heritage, for the hero's valor, patriot's devotion, the toil of hand and mind by which we have become great and strong. We thank Thee for all of the natural resources and all the human resources with which Thou hast blessed us. Make us ever mindful of Thy favor, obedient to Thy laws and glad to do Thy will. We give Thee thanksgiving for this occasion which brings us to this hour, especially for him whom we honor, for the great length of his service to mankind, for all the good and gracious influences which have flowed from his life into the lives of others and made the world richer, for his high service to this nation, and the nations beyond. We give Thee thanks. Grant to him, we pray Thee, sacred memories and hallowed recollections and the knowledge of work well done. Guide us through this, our noonday meal, blessing our fellowship and our food. Make us ever mindful of the needs of others. In the Redeemer's Name we pray. Amen.

MAURICE H. THATCHER: DEDICATED UNIVERSAL MAN

(By Capt. Miles P. DuVal, Jr.)

Mr. President, Members of the Panama Canal Society and Distinguished Guests:

The celebrated English philosopher, Francis Bacon, in his *Essay*, "Of Youth and Age", made this significant statement: "A man that is young in years may be old in hours if he have lost no time; but that happeneth rarely."

The one whom we honor today is a leader whose life has illustrated the truth of Bacon's observation; and more. Born in Illinois, where his parents were temporarily domiciled, on August 15, 1870, and reared in western Kentucky, both of which states were once countries in Virginia when the Old Dominion extended from the Atlantic seaboard to the Mississippi, the Honorable Maurice H. Thatcher has ancestral lines tracing back to early colonial days and beyond. They include William Brewster, one of the passengers on the Mayflower and the spiritual leader of the Pilgrims.

Educated in public and private schools in Kentucky and having an aptitude for literature at an early age, he learned the art of printing in the composing room of the Butler County newspaper. Just after this, he was employed in the county offices. Thus acquiring at the start of his career the habits of close application, industry and integrity, he set high standards of performance for himself.

Recognized as a man of promise, young Thatcher, after reaching his majority, was elected Clerk of the Circuit Court of Butler County in 1892, and started the study of law. After three and a half years, he resigned and moved to Frankfort, the Capital of Kentucky, for a position on the staff of the State Auditor, continued his studies in law, became a licensed attorney, and was appointed in 1898 as the Assistant Attorney General of the State.

On the conclusion of this service, the youthful attorney went to Louisville in 1900 and, after a while in the private practice of law, was appointed in the year following as the Assistant United States District Attorney for the Western District of Kentucky. He soon established himself as an able and fearless prosecutor, and served in that position until 1906, when he again resumed his law practice in Louisville.

In 1908, Mr. Thatcher was chosen as the State Inspector and Examiner for Kentucky. During his two year tenure in this position, he had invaluable experience in the study of many aspects of civil government, especially in the operations of charitable and penal institutions, and in unprecedented collections of delinquent funds due the State. His investigations led to many reforms, including the abolition of flogging in the prisons.

An outstanding political activity by him during the Frankfort period of his life, was as chairman of the successful and historic campaign of former Governor William O. Bradley for election by the State Legislature to the United States Senate.

Following the resignation of the member of the Isthmian Canal Commission then functioning as Governor of the Canal Zone, President Taft began a search for a qualified successor. Mr. Thatcher's experience in Kentucky had made him a "natural" for the position, and on April 12, 1910, the President appointed him as a member of the Commission with special assignment as Head of the Department of Civil Administration. On May 6, with his bride of two days, the gifted former Anne Bell Chinn of Frankfort, he sailed from New York for the Isthmus on the old S.S. Panama.

For more than three years in the new office, he functioned both as a Member of the Isthmian Canal Commission, and as the civil Governor of the Canal Zone at the time of peak construction, and took full advantage of the opportunities thus afforded.

Making frequent inspection trips along the line of the canal and the surrounding areas, he saw the Atlantic and Pacific locks take shape; observed vast land slides in Culebra Cut; watched Gatun, Pedro Miguel and Miraflores Locks slowly rise, arranged for the acquisition of needed additional lands in the Republic of Panama for lake purposes; and observed Gatun Lake grow from a body of water no larger than a mill pond to what was then the largest artificial lake in the world, making islands out of mountains and providing the summit level channels for the Panama Canal from Gatun to Pedro Miguel.

Along the significant occurrences witnessed by Governor Thatcher during his Canal Zone career was the first nonstop transcontinental airplane flight. That event took place on April 27, 1913, when a small sea plane piloted by Robert G. Fowler flew from Panama Bay to the Atlantic entrance of the Canal. The observation of that historic flight was to bear important fruit in the future.

Governor Thatcher's Isthmian achievements, which reflected his previous public services in Kentucky, include matters of historical interest in the Canal Zone. He was the—

1. First to recognize the evils of flogging convicts and to abolish that practice.

2. First to institute a system of rewards and denials to prisoners as an instrument for enforcing discipline—a program that reduced infractions by fifty per cent in six months.

3. First to use prison labor in the Canal Zone for the construction of highways, some of which are still in use and have served as models for road building in other Latin American countries.

4. First to introduce the teaching of Spanish in Canal Zone public schools.

5. First to enforce the Mann Act in the Canal Zone, and, by such enforcement, to send a number of notorious criminals to prison.

6. First to draft a comprehensive vehicular traffic code for the Canal Zone, which was enacted into law by the Isthmian Canal Commission.

7. First to bring about the abolition of saloons in the Canal Zone, which had become a menace, especially to our soldiers stationed there.

Of the many close associations developed by Governor Thatcher in the Canal Zone, one of the most satisfying was that with Colonel William C. Gorgas, the celebrated sanitarian whose work made the Panama Canal possible.

Among the various responsibilities of the Governor was the conduct of all the relations of the Isthmian Canal Commission with the Republic of Panama and the representatives of other countries accredited to Panama. In these duties, which included health and sanitation to the terminal cities of Panama and Colon and contiguous Panamanian areas, Governor Thatcher always exemplified the principles of the good neighbor. No request of any character by him to Panamanian authorities was ever refused.

After a change in the national administration in Washington, Governor Thatcher, as of August 18, 1913, resigned his position after more than three years of eventful service, for which he was warmly commended by Secretary of War Lindley M. Garrison and President Porras of Panama. At the time, he had no idea of what an impact his Isthmian experiences had made on him, or what would later unfold from them.

Returning to Louisville in the fall, he again took up the practice of law and assumed an active role in politics and in 1917 became a member of the city's Board of Public Safety for two years. In 1919, he was appointed as department counsel for Louisville and served in that capacity for four years with outstanding success.

In 1922, he was elected to the Congress as the Representative from the Louisville District. He was re-elected four times, serving from March, 1923 to March, 1933. Throughout his Congressional service, he was a member of the powerful House Committee on Appropriations, with assignment to the Subcommittee for the Treasury and Post Office; also to the Subcommittee for the District of Columbia. In these capacities, Congressman Thatcher's services were of eminent distinction.

He was a principal leader in establishing our air mail services, foreign and domestic, a contribution that traces back to his witnessing in 1913 of the Fowler flight across the Isthmus that had inspired him to believe in the future value of aviation for mail and general transportation purposes.

He was the author of the 1928 legislation providing for the establishment, maintenance and operation with Federal appropriations of the Gorgas Memorial Laboratory in Panama City, for which the Republic of Panama granted the necessary land and original buildings. Under the Thatcher Act this laboratory has become the outstanding institution in the world dealing with research in the field of tropical diseases.

He contributed greatly in securing legislation for the conversion of the temporary World War I Camp Knox into the major permanent military post of Fort Knox, which included the construction of storage facilities for the metallic monetary reserves of the United States. In this effort, he worked closely with General Douglas MacArthur, then Chief of Staff of the Army, and fully recognized the splendid qualities of that great soldier.

He was the author of, or a key leader for, legislation for important projects, among them the following:

Construction of the George Rogers Clark Memorial Bridge at Louisville under pioneer fiscal legislation that resulted in its ultimate freedom from tolls; and which legislation has ever since served as a model throughout the nation.

Manufacture of braille books and apparatus for blind pupils of the United States.

Construction of Ohio River navigational improvements.

Construction of a new Federal post office, customs and court building and a new marine hospital in Louisville; also a veterans' hospital at Lexington.

Construction of the Madden Dam Project in the Canal Zone that has supplied more water for lockages, generated additional power, controlled floods, and improved navigation for the Panama Canal.

Establishment of the free Thatcher Ferry across the Pacific Entrance of the Canal at Balboa and of the Thatcher Highway connecting the ferry with the Inter American Highway system in Panama. The ferry operated from 1932 for a period of thirty years transporting millions of passengers and vehicles.

Also, he was the author of the kidnapping law for the District of Columbia, which is still in effect.

In recognition of the Governor's contributions for Pan Americanism, President Hoover, in 1930, named him to a special mission to present to the people of Venezuela at Caracas a statue of Henry Clay—the great protagonist of Latin American independence.

Especially notable in his Congressional career were his effective services in support of National Park systems and historic shrines, for which he came to be widely known as an effective conservationist. The story of his achievements in this field will be given by another speaker.

After leaving the Congress in 1933, Governor Thatcher entered into the practice of law in Washington. Because of his knowledge of the Isthmus and authorship of the legislation for the Gorgas Memorial Laboratory, he was chosen first as General Counsel and then as Vice President and General Counsel of the Gorgas Memorial Institute of Tropical and Preventive Medicine, which supervises the work of the Laboratory in Panama. He held these two positions from the late 1930's to September, 1969.

Through the years following his retirement from the Congress, he has been chiefly responsible for obtaining much Congressional legislation for the benefit of the Canal, its employees, the Laboratory and the Isthmus of Panama.

His latest effort in this general connection was his effective support in the 91st Congress for beneficial legislation for retired alien employees of the Canal, chiefly West Indians. All of the many services rendered by Governor Thatcher following his retirement from the Congress have been of humane character and without financial compensation.

When the time came in 1950 for the election of General Gorgas to the Hall of Fame for Great Americans, Governor Thatcher played an important role in securing that signal honor for the great sanitarian of Cuba and the Isthmus in a field of eminent competitors.

Since World War II, the problems of the Panama Canal have been the subject of extensive debate. Governor Thatcher recognized the pattern of events as repeating the Canal struggles in the early 20th Century, saw their implications for the United States, Panama, and the entire Western Hemisphere, and has urged policies derived from reasoned lines of thought.

Invited to the Canal Zone by our Government for special occasions, the Governor has participated in the following ceremonies:

March 31, 1954. Dedication of the Goethals Memorial.

October 27, 1958. Centennial of the Birth of Theodore Roosevelt.

October 12, 1962. Dedication of Thatcher Ferry Bridge.

August 15, 1964. Celebration of the 50th Anniversary of the opening of the Panama Canal, including the unveiling of the memorial to the builders of the Panama Canal.

The Governor's contribution has not been limited to material achievements. He has honored, and continues to honor, the Panama Canal, the Isthmian area, and Kentucky with impressive writing in prose and verse, much of it of universal character, which will be read for generations to come. He has studied, and still studies Panama Canal history and problems, especially the parts played by the great leaders in its design and construction.

In the course of his long career, Governor Thatcher has received many honors, including the highest civil orders of Panama, Ecuador and Venezuela. Here it may be added that he and Mrs. Thatcher visited five continents, including North America, and became one of the most traveled couples of their generation.

One of the greatest distinctions ever bestowed by the United States on those responsible for the construction of the Panama Canal was the naming in 1961 by Act of Congress of the magnificent new bridge across the Pacific entrance of the Canal at Balboa as the Thatcher Ferry Bridge, which was opened on October 12, 1962, to replace the Thatcher Ferry. The next day, the United States honored the memory of former Chairman and Chief Engineer, John F. Stevens of the Isthmian Canal Commission, the basic architect of the Panama Canal, by the naming of the traffic circle in Balboa as Stevens Circle and in the unveiling on it a monument to that great engineer. Governor Thatcher attended both of these events. In all but the 1962 and 1964 ceremonies, Mrs. Thatcher (deceased in 1960) accompanied him.

When the time came in 1968 to organize the John F. Stevens Hall of Fame Committee to sponsor the election of Stevens to that great honor, the Governor was selected as the senior Honorary Chairman and has effectively supported the movement for Stevens as he did for Gorgas.

In 1969, at the annual meeting of the Gorgas Memorial Institute, Governor Thatcher was elected as its Honorary Life President, a position previously occupied by Presidents of the United States from Coolidge to Johnson and was re-elected as its General Counsel; which positions he yet holds.

Adhering through his life to the high standards that he set for himself in his youth at Butler County in Kentucky, he has had a career that should be an inspiration to present and future generations.

On this occasion, which arouses so many memories and so much thought, there can be no higher tribute to this dedicated universal man than to paraphrase Bacon by saying that one in advanced years may be young in spirit if he has lost no time in keeping his mind sharp with constructive endeavor.

MAURICE H. THATCHER—CONSERVATIONIST PAR EXCELLENCE

(By Dudley C. Bayliss)

Mr. President, Governor Thatcher, Members of the Panama Canal Society, distinguished guests and friends:

My wife and I are greatly pleased and honored to be invited to this happy Centenary birthday gathering in honor of Governor Thatcher, whom we have known and loved for many years.

Because my professional architectural and landscape architectural career of 33 years has been with the National Park Service, and has been concerned almost entirely with the development of national parkways in the eastern part of the country, I am most familiar with those activities of Governor Thatcher concerned with the conservation and protection of our nation's scenic, historic and recreational resources. In this field he has been active and most effective over a period of many years both in and out of Congress. A mention of some highlights of his accomplishments, I think, will confirm the value of his distinguished contributions to this country's permanent and everlasting conservation treasury.

During his years of public service from 1912 to 1933 in the House of Representatives, in addition to many other important legislative accomplishments, Governor Thatcher was the author of, and steered through the Congress, the Acts for the creation of Mammoth Cave National Park; the permanent improvement and perpetual maintenance and operation of the Lincoln Birthplace farm—now designated the Abraham Lincoln Birthplace National Historic Site; and the creation of the Zachary Taylor National Cemetery, consisting of about 20 acres including the old Taylor burial ground and a new and handsome mausoleum to house the remains of President Taylor and his wife. All of these scenic and historic sites are in Kentucky.

In 1931 Governor Thatcher organized the Eastern National Park-to-Park Highway Association and was then elected and has ever since served as its President. This Association promoted and secured the improvement of existing highways linking up national parks and other scenic and historical areas. The basic soundness of this conception has been demonstrated in the suceeding years when independent studies made by National Park Service-Bureau of Public Roads survey teams have designated routes for new national parkways in close proximity to many sections of the 1931 plan.

As time went on Governor Thatcher recognized the ever increasing volume of truck traffic, commercial roadside development and billboards on these existing highways. He was also aware of the nearing completion of two pioneer large scale national parkways, the Blue Ridge and the Natchez Trace, with truck free, scenically protected park-like roadways being developed exclusively for passenger car use and pleasure travel. He therefore advocated a similar national parkway linking The Blue Ridge and Natchez Trace by way of Great Smoky Mountains National Park, Cumberland Gap National Historical Park and Mammoth Cave National Park as a logical and desirable improvement over the corresponding portion of the Eastern National Park-to-Park Highway, thus closing the gap between these two national parkways and providing a continuous national parkway and park road of over 1530 miles from Front Royal, Virginia to Natchez, Mississippi.

A Survey of such a national parkway has been the objective of legislation initiated by Governor Thatcher and introduced in several successive Congresses by United States Senator John Sherman Cooper and Representative Eugene Siler, both of Kentucky. In 1964 the National Park Service, on the basis of Governor Thatcher's and Congressional recommendations, initiated a feasibility study, with engineering assistance furnished by the Bureau of Public Roads.

As Chief of Parkways, I had the privilege of being in charge of the National Park Service activities on the study. The study was made by detailed investigation of several routes, topographic map and aerial photographic study. It proceeded intermittently as funds and circumstances permitted and the report was completed in 1967. Governor Thatcher contributed many valuable suggestions during the study and in the preparation of the report. Publication and filing of the report has been held up, unfortunately, since that time due to budgetary considerations. It would be most desirable for this report to be submitted to the Congress at an early date.

The study disclosed that such a national parkway, to be known as the Cumberland Parkway, would have unique and unusually fine recreational potential in addition to its rich variety of scenery. It would traverse mountain regions embracing national and state parks and forests, lakes and large reservoirs, rivers, sections of blue grass country, pioneer and historic areas, ancient Indian village sites, wilderness trails, stu-

pendous underground caverns and areas of pastoral beauty interspersed with far flung vistas and panoramas. Consistent with national parkway principles the route would bypass cities and follow the most scenic location, providing full opportunity for picnic areas and overnight camping and lodge sites.

The Cumberland Parkway would extend about 450 miles from Great Smoky Mountains National Park in Tennessee through Kentucky via Cumberland Gap National Historic Park and Mammoth Cave National Park and passing near the Abraham Lincoln Birthplace National Historic Site to the Natchez Trace Parkway south of Nashville, Tennessee. More importantly, it would close a gap between the 470 mile Blue Ridge Parkway, now virtually completed, and the 450 mile Natchez Trace Parkway, about three fourths complete. It would thereby provide an overall continuous national parkway and park road more than 1530 miles in length, free from trucks and billboards, from the north end of Shenandoah National Park near Front Royal, Virginia, to the southern end of the Natchez Trace Parkway at Natchez, Mississippi. It is a vital link in this eastern system of national parkways and park roads within easy access of the most populous section of our country.

Governor Thatcher's most recent conservation efforts extending over several years have also been directed toward the establishment of the Plymouth Rock National Memorial, embracing some 12 acres surrounding the famous landing place of the Pilgrims in 1620 in Plymouth, Massachusetts. He has been very active on this project all during his service as Honorary Life Counsellor General of the General Society of Mayflower Descendants. It now appears that legislation to establish the Memorial, which has been introduced in the Senate and the House, should shortly be enacted due largely to Governor Thatcher's efforts in its behalf.

In all of these conservation achievements, which have been carried on at his personal expense, with no reimbursement, Governor Thatcher has displayed unflagging enthusiasm and encouragement, unlimited patience and the rare ability to make lasting friendships with all parties concerned. He has acted as the catalyst in keeping things and people moving toward the final goal. The National Park Service and the people of the nation have been most fortunate to have this rare and devoted interest directed toward preserving the intrinsic character of our rapidly vanishing landscape and history.

In brief it may be said of him that he is one of the nation's finest and most effective conservationists.

I might mention an example of the great strength and dedication this man possesses. Last fall, while he was hurrying to get some papers together prior to attending the Triennial Congress of the General Society of Mayflower Descendants of Plymouth, Massachusetts, he fell and cut his head severely. Despite his serious injury he was able to staunch the flow of blood, summon a conveyance and go to the hospital where many stitches were required to close the wound. Fortunately no fracture was involved. The very next day he took off by automobile for Plymouth, where he presided over a ceremony in dedication of a memorial of his ancestor Elder William Brewster of Mayflower fame, as though nothing had happened! A superhuman effort even for a man half his age? Yes, but remember this descendant of Charlemagne and William the Conqueror is no ordinary man!

In addition to his administrative, legislative and conservation abilities, Governor Thatcher has a fine literary talent in the field of poetry. With his permission I would like to conclude by reading one of the many poems he has written concerning the major national parks. I believe this an eloquent expression of the deep and abiding love this wonderful man has for the crown jewels of our nation. It is titled:

"OUR NATIONAL PARKS

"Our National parks are bits of Paradise,
Created by the hand of God, to be
What man, at length, has come to realize
As Nature's richest realms, untamed and free,
And full-designed to serve his need and pleasure;
And therefore set apart. The terrains vast,
Of awesome majesty in matchless measure,
Are vested with a beauty unsurpassed.
These mountains, hills, streams, lakes, and sea-washed zone;
These mighty chasms and buttes, all irishued;
These boundless, sculptured caverns, deep and lone;
Woods, groves, and monarchs with deathless life endued,—
Combine into a wondrous, magic whole
Of healing for the body, mind, and soul."

PANAMA CANAL: HISTORICAL PRELUDE

(By Prof. Richard Bennett O'Keeffe)

Mr. President, members of the Panama Canal Society, distinguished guests, ladies and gentlemen, in the world of today, there is struggle. There is peace. This is the year in which young Poles hone their wits with conundrums such as: "What was the most important event in international affairs in the year 1875? Answer: Lenin was five years old." Two men saw daylight in that year 1870. One, Vladimir Ulyanov, knew struggle but no peace. Indeed, in a manner almost diabolical, he brought to the planet a permanent social malignancy that ails the world still, 47 years after his death. The other man, whose centenary we are so proud to honor today has known peace and has won, in his distinguished service, our most profound respect and gratitude.

This afternoon, in a most informal way, I would like to pass along to you some observations, the fruit of my studies of the great achievement that belongs to President Theodore Roosevelt, John F. Stevens, Colonel Goethals, but most fittingly, in this happy occasion's context, to Governor Thatcher.

Ladies and gentlemen, that man I first mentioned, V. I. Lenin, nee Ulyanov, left so many vicious legacies that you may wonder at my adding the accusation of corrupting the mother tongues of many peoples. Please bear with me, however, and I believe we can journey together to where we may see a little more clearly, the greatness of the Panama enterprise. Lenin and his fellows have degraded our language, specifically with the capture and misuse of the word "exploitation." Now I *could* proffer a detailed etymological defense of "exploit," citing the *Oxford English Dictionary* derivation from the Latin verb for "to unfold"; or I could pursue the historical analysis and reveal to you *that* time, not so long ago, when "exploit" denoted a deed of great bravery or the valorous achievement of some most difficult undertaking. No longer: along with "square" and "charity" and "law and order," the word "exploitation" has come to have a prejudicial meaning.

Comrade A: Tell me, comrade, what is your definition of capitalism?

Comrade B: Gladly, capitalism is the exploitation of man by man.

Comrade A: And what is your definition of socialism?

Comrade B: Just the other way round.

It is my conviction that the achievement at Panama is an "exploit," an exploitation of the natural resources of the new world which is worthy of our deepest admiration and emulation. I shall try to develop in my talk this theme, that the Isthmian bridge is "positive exploitation."

Using the term "Isthmian bridge" may fall upon your ears as bombast. Still, before there was a canal, the bridge across this narrowest strip of Isthmian land was on rails; and before the achievement of 1855, back in the days of the almost legendary exploits of "los cristianos", this bridge transported the goods and treasure of the New and the Old Worlds on beasts of burden and in canoes to waiting caravels, thus saving about 8,000 miles of voyage distance.

The era in Panama which began with the heroism of Vasco Muñez de Balboa is extravagant in interest and fascination for anyone professing to study that region. The person and authentically documented character of the man makes him a natural for our sympathy. Whether in the chronicles of Oviedo[1] or in that excellent contemporary study of Kathleen Romoli's,[2] Balboa is hero. The terminal cities of today's Panama Canal are Colon (as you know, the Spanish name for Columbus) and Balboa. Cut through the poesy and romantic historigraphy, Balboa was the grandest and most successful of Spain's conquistadors, in the sense that measurably accounts for Spain's long rule in present day Latin America. With something fewer than 100 men, Balboa departed from the original Castillian settlement of Tierra Firme, Darien, crossed the Isthmus from Acla to the Gulf of San Miguel and returned through the territories of many Indian tribes, almost always at peace, without enslaving or destroying these tribes, and ending after four months back at Darien with a considerable amount of collected gold. We tend to overlook the Balboa, the archetype of the benevolent conquistador, because of the importance of his discovery of the western shore of the Pacific, then called the "Great Southern Sea."

If the humane opening of Panama by Balboa was negated by his successors, and historians are pretty well agreed that it was, nevertheless the results of his explorations were immense for the Western world . . . for the world. The 66 men who stood in the rip tide on September 26, 1513 and claimed for the Catholic majesties the lands and islands of the Pacific, may be seen by shallow observers as Quixotic braggarts. I suggest, on the contrary, that the force, the spirit which brought such a tiny band to make so great a claim represents the finest moment of an exuberant Spanish *elan*, a glory to all the world. With the failures, the setbacks and the disappointments that Spain's three centuries in America suffered, the effort, that crusade if you will, that explosion of arms, pious purpose and culture are historically established and, in a pleasing way, expose the fallacy and fraud of Marxism and determinism. Thousands of unsung Balboas, these Iberian pioneers, by their courage, faith and perseverance establish the claims for all time.

Charles V, Holy Roman Emperor, and his great-grandson, Philip IV of Spain, each had an "impossible dream." To take the latter first, there appeared in 1958 a curious account of the claim, put forward at the court of the Escorial, a claim to the moon for Spain.[3] The 16th century argument for this sovereignty was based on the plausibility of the King's claim to that which his subject astronomer saw in topographic detail through his newfangled telescope. In any case, the learned men of Charles V's court could see, in the sense of appreciating the tremendous opportunity a canal at Panama would afford the trade and commercial exploitation of the world, could see but . . . there simply was no way, in the technology of that world, for mankind to realize the proposal. This dream came to fulfillment in the minds and at the hands of other peoples.

The next hands to visit Panama, were, as you know, rather more ferocious, the great buccaneers and captains of Britain, Drake, Morgan *et al.* The United Kingdom's positive contribution to the exploitation of the region came in two instalments: the generalised Pax Britannica of Victorian times which promoted a great increase of marine trade, and secondly, the diplomatic initiative which, in

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Footnotes at end of article.

the Hay-Pauncefote Treaty of 1901, gave the United States its unique opportunity to build the Panama Canal.

But this is running a bit ahead. Go back mentally to the 1820's when our still struggling Republic was with difficulty attempting to secure its enormous "Great American Desert" [that portion of the Louisiana Purchase West of the 100° of Longitude]. At that time in Europe a universal man, a genius, old in years only, pondered the correspondence he had accumulated with Alexander von Humboldt, the physiographer. Johann Wolfgang von Goethe pored over charts and sketches and "wrote enthusiastically of the duty of the United States to open" such a canal.[4] I quote from a recent biography:

"But he is always interested to hear about what is going on in England, France, or distant America, in Russia or China. He hears of great projects, of proposed canals at Panama and Suez, of plans for huge harbors. In his old age his thoughts roam far over the seas . . ."[5]

However, many men there were, great or small, who desired the construction of a Panama Canal, the first true step toward its realization, the railroad across the Isthmus, came twenty years after Goethe's plaintive prophecy. Those who have read Captain DuVal's fascinating account of "The Two Streaks of Rust in the Jungle" are well aware of the fascinating history of the development of the Panama Railroad.[6] It seems to me, knowing something of the world of research, that a rich field of graduate and scholarly research lies in the history of this enterprise. First I would suggest the genesis and development of the Panama railroad: that is, the interaction of the visionary John Lloyd Stephens and the businessmen William Henry Aspinwall and Henry Chauncey with the Congress and with the Polk and Taylor/Fillmore administrations. Or another and perhaps more rewarding research would be the effectiveness of the lessons taught by the rail building experience, the lessons for the engineers and planners of the Canal.

These lessons, at the stage of hypothesis, appear to be: 1) Although no excessive fatalities due to the nature of the Panamanian Isthmus are recorded for the rail construction, there would be climatological and medical factors limiting the use of a construction labor force, a work force very much larger for a canal than for a railway. 2) The region of Panama "possessed no important resources in labor, capital, material and food, but required importation of all these materials."[7] Finally, the United States would be embarked upon the decisive development of the Western Hemisphere.

Have we learned our lessons well? The answer to this lies partly in the future. But for that part of the question which is prologue, the answer is an unequivocal yes. The French nation, an industrious and intelligent people, stumbled badly because of the persistence of their great canal builder, Ferdinand de Lesseps in the planning of the Canal. And yet there is a distinct contribution to the Canal enterprise in Godin de Lepinay's original, ingenious suggestion of 1879 as to type of canal as well as in the later French Compagnie's efforts. So many contributed so much and in so many different ways; but De Lepinay's contribution was basic, and may yet be fully realized. So we can see that there is no straight-line progression of civilization's advance, neither on the Isthmus nor elsewhere. When the opportunity, a moment's duration in the span of history, arrived for the United States, the lessons of the 19th century were advantageously used by our leadership to build the Canal.

These applied lessons, and they were brilliantly pointed out by William Barclay Parsons as early as the year 1905[8] *are:* 1) the necessity for an enormous capitalization and long-term effort which all but a few great nations, if any, were capable of sustaining; 2) the vital necessity of rail transportation in constructing the Canal and corollary to this, the fact that John F. Stevens was essentially a railroad man has great significance in the development of the Canal, planning and construction stages; and 3) the need to import the overwhelming percentage of construction materials, together with the necessity of inducing large numbers of West Indian and European laborers to come to the Isthmus.

We are all familiar with the magnificent work of William C. Gorgas. There is no need in Governor Thatcher's presence, certainly, to repeat encomiums to the former's contribution to the Canal enterprise. But I wonder, in submitting these observations, if sufficient attention has been given to the sanitation work of Gorgas on the whole Isthmus. The 15,000 ocean-going ships which safely touch the ports of Colon and Panama are a tribute to all the builders of the Panama Canal, including the man we now honor. Imagine, if you will, the quarantine stringency which would have to be in force in Panama if "Chagres fever" and other tropical diseases still raged their deadly courses there.

It is fitting to conclude in poetry, this tribute to Governor Thatcher, poet and gentleman. First a poet's prose, again the great Goethe, had such men in mind when he wrote:

Here and now begins a new epoch of world history, and you sir(s), can say that "you were there."[9]

Finally, the last stanza of "Isthmian Heroes," written by Ford Lewis Battles under the stimulus of his World War II experiences on the Isthmus:

"Hail to those men who know each struggling hour
Of building; clearly see the present task;
Above confusing murmur, say with power,
'Not ended; let us ever build, not bask.' "[10]

FOOTNOTES

[1] Fernandez de Oviedo, Gonzalo. *Historia general y natural de las Indias.* vol. III, pp. 137–352. vol. 119 in *Biblioteca de autores espanoles.* (Madrid, Coleccion Rivadeneira, 1959)

[2] Romoli, Kathleen, *Balboa of Darién, discoverer of the Pacific.* (Garden City, N.Y., Doubleday, 1953).

[3] Serrale, Joaquin. "Cuando Felipe IV le ofrendaron la luna recién conquistada por el telescopio." *Razon y Fe,* June 1958.

[4] Herring, Hubert, *A history of Latin America.* (New York, Knopf, 1964), p. 509.

[5] Friedenthal, Richard. *Goethe, his life and times.* (Cleveland, World Publishing Co., 1963), p. 472.

[6] DuVal, Miles P., Jr. *And the mountains will move.* (New York, Greenwood Press, 1968, c. 1947), pp. 3–30.

[7] *Ibid.,* p. 30.

[8] Parsons, William Barclay. "The Panama Canal." *Century Magazine,* 49:138–156 November 1905.

[9] Goethe, Johann Wolfgang von. *Goethes Werke,* Band X, *Autobiographische Schriften,* 2er. Band. (Hamburg, Chr. Wegner Verlag, 1963), p. 235: "Von hier und heute, geht eine neue Epoche der Weltgeschichte aus, und ihr könnt sagen, ihr seid dabei gewesen."

[10] Battles, Ford Lewis. Printed in DuVal, *op. cit.,* p. xvi.

RESPONSE OF GOV. MAURICE H. THATCHER

Officers and Members of the Society, Dr. Elson, Mr. Runnestrand and other distinguished guests, neighbors and friends:

It would be trite of me to say that I am overwhelmed by this observance of my centenary date; but I do thank all of you for the eloquence of your presence, and this includes the other speakers on this program. My earnest thanks also include Dr. Edward L. R. Elson, the distinguished Chaplain of the U.S. Senate for his splendid invocation; and to Col. Albert Schoepper, Leader of the Marine Band, the Commandant of the Marine Corps, Gen. Chapman; and also to the large segment of the Band, led by Drum Major Donovan, which has given us such a fine musical program.

In addition, I would express my earnest thanks and deepest appreciation to Gov. Walter P. Leber of the Canal Zone for the beautiful gifts and tangible tributes that have been brought here by my long-time friend, Paul M. Runnestrand, Executive Secretary of the Canal Zone government, who has made the presentation.

My thanks also go to Admiral Galloway, President of the Gorgas Memorial Institute of Tropical and Preventive Medicine, and to John R. Whitney, Deputy Governor of the General Society of Mayflower Descendants, for their greatly esteemed remarks.

Then, I would thank fellow officers of the Institute, who are in attendance, including the Institute's loyal and efficient Executive Secretary, Gloriela Calvo of Panama and Washington.

I am especially grateful for the presence here of those who have come from a distance including two nieces of my wife (now deceased), Mrs. James S. Darnell of Louisville, Kentucky and Mrs. Franklin C. Mason of Frankfort, Kentucky, the State Capitol, who has already appeared on this program as a personal representative of Louie B. Nunn, Governor of Kentucky, and has presented me with a very fine letter of congratulation and commendation from the Governor and my commission as a Kentucky Colonel. Also, I am pleased with the presence of two former loyal secretaries of mine, Mrs. Marcia Hoverson of Cape Cod and Mrs. Kay Leonard of West Virginia. My most earnest thanks go to Gov. Nunn.

In my extension of thanks and appreciation, I certainly wish to include Speaker McCormack and other members of the House and Senate who have written me on this occasion.

With deep emotion and heartfelt appreciation, I welcome the presence of a few of the oldtimers who helped to build the Panama Canal.

I am most grateful, indeed, to Capt. DuVal, widely known as an able historian of the Panama Canal enterprise and "occasional speaker," a term first applied to Daniel Webster many generations ago; to Dudley C. Bayliss, many years an official of the National Park Service with assignment as Chief of the National Parkway System; and to Prof. Richard B. O'Keeffee, former Research Associate of the Foreign Relations Commission of the American Legion, specializing in Panama Canal history and problems, and now a Staff Director of the Library of the George Mason College of the University of Virginia.

Then, we owe much to George L. Chapel, the tireless Secretary-Treasurer of this Society for his effective services in helping to make this event a success. Also, we owe Mrs. Charles Havlena thanks for baking a cake large enough to supply each of us with an adequate slice.

I note with appreciation the presence of John DeLay, accompanied by Mrs. DeLay, now occupying the post of National Parkway Studies.

I am sure we are all delighted with the singing of Madam Patricia Bruchalski, who sang The National Anthem with the Marine Band. Later, she will sing as a climactic feature of this program some verses from the poem I wrote a good many years ago, "Come You Back to Panama," set to the air of "On the Road to Mandalay" by Kipling. She will be accompanied at the piano by Howard R. Thacker, widely known musician and composer. Both are from Baltimore, and Madame Bruchalski is now singing there in summer opera.

The assemblage would probably like to know something of the reasons why I have lived beyond the age of three score and ten. I can only speak briefly in this connection.

I have sought to live temperately and with the practice of a simple dietary, based on my own experience, I have not indulged in "rebellious liquors," or anything in the way of food and drink that I thought would be in anywise deleterious. I have never tried to impose on others anything of my own habits; and my only advice to them has been to do what was best for themselves, based on their own experience. One man's meat may be another man's poison.

It might be apt for me to cite the story—old, but humorously apropos of my situation—of the old farmer who, in his 100th year, was asked by a reporter the reason for his advanced years. The answer was, "I'll tell you on next Tuesday what has caused me to tick—I am still dickering with two breakfast food outfits."

My own reasons are not quite the same as those of the old farmer. I never cared for publicity as regards my age. I retain in normal fashion, mind and memory; and my interests and desire for achievement have served to keep me young in thought and deed. Duty is, indeed, the chief consideration.

Luck and chance have much to do with our lives. I've had my share of luck, good and bad.

Whatever one may have of success is largely due to the help of friends. This has been especially true in my own case: and in every effort which requires support of many people, there is difficulty in determining who is entitled to the most praise. Thus, in the building of the Panama Canal and its operation, there is glory enough for all.

Always, I have held in first esteem, the Bible, with its moral and spiritual values; and next the works of Shakespeare, with his realistic mirror of life and glorious language.

By popular standards, I suppose I could very well say that I am self-made; but in this connection, I recall the observation of Josh Billings, a famous humorist of many years ago who said, "The trouble with a self-made man is that he is too proud of his creator." However, I am like Winston Churchill in one respect, I have picked up a few things as I came along.

I am constantly intrigued by the ancient, courageous appeal of Isaiah, "Here am I Lord, send me."

On the occurrence of my birthday last year, President Nixon wrote me a greatly appreciated letter of congratulations and referred to a featured article in the Washington Post concerning my anniversary which included a reference to my poetic endeavors. I have a sustained inclination in that direction, and have always found the writing of verse an excellent form of relaxation. Some of these poems have been published in magazines and newspapers of Panama and the United States; but I have given priority always to my public duties of official nature, and to subjects of humane and conservational character. As a result, I have never found time to collate and publish a volume of verse; and if I am ever to have any fame in this field, it will have to be of posthumous nature.

I do not know that I deserve any characterization as a "universal" man. I do have interests in every direction, but do not have any developed aptitude or versatility. I have long since reached the posture of objectivity and can see myself somewhat as "others see us." Thus, I have been able to work with others in various efforts, which have proved to be for public good and humane goals.

Through the years, in addition to my official service during the Canal construction era, in and out of Congress, I have been grateful for the opportunities that have come to me to render beneficial services to this, the greatest industrial enterprise of the ages, the Panama Canal, and its employees of every category; and the Isthmus of Panama. Also, the establishment and operation of the Gorgas Memorial Laboratory in prevention of tropical disease. The Laboratory chiefly operated and maintained by congressional funds—is now generally considered to be the chief institution of its kind in all the world.

Lacking special talents and skills in the arts and sciences, I have had, in more or less degree, the every day qualities of perseverance, patience and diligence; and although what I may have achieved may not yield any during recognition in history, I, nevertheless, believe that I have accomplished some things of value, worth and benefit to many people and regions. In my efforts, I have always been anxious to serve the "underdogs"—men and women who, through no fault of their own, are driven into want and need.

Some mention has been made concerning a recent bill, the enactment of which I aided, which was largely due to my catalystic efforts. Some modest workers in the Canal organization were fully supported by Gov. Leber in certain proposed legislation that would remove a cruel discrimination against them; but congressional enactment was delayed until recently when the Senate Armed Services Committee acted and the Senate passed the bill, without change or amendment, which the House had passed a year before. The bill was signed into law by President Nixon and the two pens used by him were given to me. One of these pens, I am sending to the Isthmus for delivery to these workers, mostly West Indian, and the other pen, I am retaining as the last of fifteen pens used by Presidents of the United States—Coolidge to Nixon—in the signing into law enactments by Congress for which I was directly responsible while in Congress, or largely responsible for after I left Congress. In his letter transmitting the pens, the President, joined by Mrs. Nixon, extended warm congratulations upon my centenary, and best wishes; and my deepest thanks are due him and Mrs. Nixon.

In connection with my efforts to aid "forgotten" employees, I may, I believe, appropriately refer to another beneficial act I sponsored in Congress, in behalf of another underdog class. The measure, in brief, was for the purpose of placing on the U.S. Treasury rolls, with uninterrupted employment—as was true of other Treasury employees—the faithful and efficient storekeeper-gaugers of the Nation. These neglected men have always been under Civil Service subject to call for duty, and not free to accept other employment; their work was intermittent, and their compensation very low, though their qualifications were of the highest order. This legislation gave them all-year employment, sick and annual leave, and all benefits long accorded to other Treasury employees.

In addition to what I have already expressed, as regards my philosophy of life, I may add that I believe man's divine mission is to go through an apprenticeship here to befit him for a nobler sequence. I am a believer in the Law of Compensation. The infinite hosts of the heavens were not created as ornaments or toys, but for the benefit of the human races wherever they may be. All and everything is governed by inexorable laws of eternal character. The races have tremendous responsibilities and must rise to meet them. Man has great potentials, but he has far to go. On this small planet, he has made great progress, and to science we owe much indeed. The miracle of today becomes the commonplace of tomorrow. The general condition, however, is at low tide; and we are plagued with unmatched violence and confusion. The law of mathematics has enabled astronauts to explore the orbits of space and stand upon the moon. My hope is that science may do much to serve our great need for moral and material betterment.

Order is Heaven's first law, and must be Man's, if ever he achieves his mission.

The divinest gift ever bestowed on Man is the Moral Principle; the greatest secular gifts, healing and redemptive, Mirth and Music.

Believing in ultimate good, I would submit the ancient query—"Eventually, why not now?" The moral and spiritual laws are as immutable as the multiplication table and the Ten Commandments. The past, indeed, is prologue and must be taken into account throughout the future.

Reverting to my Isthmian tenure, I recall the fact that my wife and I came to hold in highest respect and esteem the leaders who brought about the Panamanian Revolution of 1903, whereby Panama became an independent state. These were of the highest courage and patriotism, and their efforts were inspirational in the highest degree. We came to know them and their families, and the closest ties of friendship followed. No collective memorial has yet been erected in Panama, or elsewhere, commemorating their deeds and inscribed with their names. I would suggest that such a memorial, in bronze or granite, now be erected in Panama.

Reference has been made to my prosodic efforts over the years. It may not be inappropriate for me now to read a few of these poems. First, I quote from the poem entitled, "Builders of the Panama Canal," written some years ago and published in the Panama Press at the time of the 25th Anniversary of the formal opening of the Canal. The whole consists of thirteen 8-line stanzas, and I now give you the first and last two.

"BUILDERS OF THE PANAMA CANAL

"There were workers great, and workers small—
As judged by rank—in the Enterprise;
But glory enough there was for all,
And each was great to Seeing Eyes.
Let Fame take care that her Scroll be just,
And give to each his meed of praise—
Else, out of the Ashes and the Dust,
The Shade of Censure shall upraise.

* * * * *

The mountains moved, and the waters rose;
And Faith, at last, fulfilled her Dream:
Lake, Lock, and Channel—the whole World knows—
Attest the worth of a Hope Supreme!
The ships now shuttle from Shore to Shore:
Up, up, and up—and thence straight on;
Then three times downward—and on, once more—
Into the Sunset or the Dawn!
All were as one; and They strove and wrought
To shape the Passage to the Ind.
In terms of life it was dearly bought;
In money, cheap, The Ranks are thinned
By Time and Death; but the Deed They did
Excels all others of like and kind;
Its strength and virtue cannot be hid:
It lives—all tongues and lands to bind!"

"FRIENDSHIP

"Oh, Friendship is a flow'r of precious worth;
It bridges all the bounds of time and space;
Distance and years but yield it fairer grace,
It is the same in sorrow and in mirth;
Its vital strength has neither lapse nor dearth.
When one most needs to see its cheerful face,
Behold! tis there, in its appointed place,
Inspiring courage in a troubled Earth!
Aye, Friendship is a rare, eternal bloom;
It is indigenous to ev'ry breast:
Who stifles it does grossest violence
Unto himself. Its noble rays illume
Life's darken'd way. How truly is he blest,
Who lives within its sweet beneficence!"

"MUSIC

"Oh, give me music steeped in adagio;
Melodic strains of tenderest appeal;
Themes cadenced with soft minors to reveal
The heart's experience; the ebb and flow,
Within the soul, of treasured joy and woe!
Into my inmost being let there steal
Tomorrow's dream, and memories that kneel
At sun-blest altars of the long ago!

Language of the angels, and mother tongue
For all mankind; an universal key;
Common denominator of the Race;
True elixir that helps to keep Earth young;
The bridge of distance, time—dear harmony—
Noblest of arts, and richest in its grace!"

"AGE, YOUTH, AND TIME

"Why should men age, altho they must grow old?
Why doth not Time deal gently with his own?
And why should rosy Youth his bloom withhold
From those who unto ancientry have grown?
Tell me, I pray, why Time should leave his mark—
His stamp, indelible, on face and form?
And, for ripe years, tax me with tokens dark,
Wrought from Life's long and all-relentless storm?
Were I a tree I'd bear internal rings
To prove mine age—but they'd be hid from sight:
But, being man, my span most surely brings
Inward and outward witness of my plight.
Bid me grow old—Time's flight no strength can stay:
But keep me youthful till I've passed away."

"QUATRAINS: OUR BEST

"The Years go by more swiftly than of Yore,
When Youth was prone to dally on Life's shore
As if this Mortal Round would never cease,
And Good might nought deny us of her Stone.
Where are the Stars we long have sought to see?
And where the Selves we ever hoped to be?
Where are the dreamed-of rare and precious Goals;
And where our Passports for eternity?
Yet, when the Light shall wane within the West,
May we not count Ourselves as something blest,
If, one the Whole, in Justice we can say,
Our All, tho Little, was and is—Our Best?"

BUDGETING OF COUNTER PART FUNDS FOR SOCIAL REHABILITATION ASSISTANCE PROGRAMS IN FOREIGN COUNTRIES

Mr. PELL. Mr. President, the appropriation for the international research and demonstration program of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare has been reduced by the House from $7 to $4 million for fiscal 1971, a cut of $3 million. I suggest that this reduction is not in the best interest of the Nation.

This program supports many activities in the field of health abroad that complement and supplement domestic programs of the Social and Rehabilitation Service.

Advances in medical practice and technology, derived from this program, have benefited hundreds of thousands of U.S. citizens. For example, many persons, including veterans of the war in Vietnam, have been helped by improved techniques in the fitting of prosthetic devices. Other examples could be cited in such fields as cardiovascular disease, handicapped children and vocational training for the handicapped.

In this current year studies are planned in such areas as aging in contemporary society, rehabilitation of the mentally retarded, and services to the disadvantaged handicapped. All of these planned studies are closely associated with the domestic priorities of the Social and Rehabilitation Service. This program represents a unique opportunity to gain vital information in these fields.

Besides gaining valuable data for the United States, this program has also greatly aided the health services of other nations at minimal cost. For example a decade ago there were only two centers in India where an amputee could receive an artificial limb. Since 1962 eight new centers have been started, equipped, staffed, and maintained. If the $3 million are not restored, the necessary curtailment of these needed health services will certainly not favor the U.S. image abroad.

Moreover, this program serves as a bridge of understanding to some nations with whom our relations have been strained. Egypt, for example, has extended more invitations for participation than many other countries. The personal contacts thus fostered cannot but help to improve U.S. relations.

I think it important to note that these benefits accrue to the United States at additional expense to the U.S. taxpayer. The so-called counterpart funds, used for this program, originated in payments for surplus U.S. agricultural products. By agreement these funds can only be spent in the host country.

The expenditure of these funds has absolutely no effect on inflation in this country, as no moneys of the United States are involved. As of December 31, 1969, the total amount of excess currencies available to the United States in the countries involved was equivalent to $1.6 billion; the amount requested is only $7 million.

These funds are useless if not spent in the host countries. In an article in The New York Times of Sunday, August 23, 1970, Dr. Howard A. Rusk has cogently supported the obvious conclusion that the original appropriation of $7 million be restored. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALTH-FOR-PEACE CUT; ANY CURTAILMENT OF PROGRAM OPPOSED AS NOT HELPING THE FIGHT ON INFLATION

(By Howard A. Rusk, M.D.)

The battle of the budget continues in Congress with a heat that rivals the Washington temperature in August.

Those interested in the problems of health continue to present their views on the pain and anguish that any further budgetary cuts will bring in the fields of medical education, research and health facilities.

On the other side of coin, Administration leaders continue to fight for the budget cuts in the hope of combating inflation.

However, one budget cut recommended in the House and now being reconsidered in the Senate seems completely illogical as an anti-inflationary measure.

This is a proposed cut from $7-million to $4-million for the International Research and Demonstration Program of the Social and Rehabilitation Service. It would appear on the surface that this would mean a saving of $3-million.

ITEM CALLED MISLEADING

This, however, is completely misleading, for although the amounts appear in the record as United States dollars, they are really Polish zlotys, Yugoslav dinars, Indian and Pakistani rupee, Indonesian rupiahs, Guinean francs, Egyptian pounds and Moroccan dirhams and other assorted lots of counterpart currencies.

These are moneys that have accumulated to the United States as a result of sales of surplus agricultural commodities to these nations by the United States.

Since these nations could not afford to pay United States dollars for the commodities this Government agreed to accept payment in their national currency. The United States in turn, sponsors projects with the funds to improve the economy and health, rehabilitation and educational services in those nations.

These programs, which have been in existence for more than a decade, have been enormously successful and have cost this Government no dollars—they are "frozen assets"—by agreement. The funds must be spent in the host country.

The last figure available—for June 30, 1969—indicates that the United States Government hold the currencies of 71 countries in amounts totaling $2.135 billion.

India, for example, has a population of 500 million people. A decade ago, however, there were only two resources in all of India from which an amputee could get an artificial limb, and the limited number of limbs available were not of modern design and construction.

NEW CENTER STARTED

Using these "counterpart" funds, personnel has been trained, equipment ordered and eight new prosthetic-orthotic centers started since 1962. The plans were to start approximately two such new centers each year.

The average cost of training the personnel, purchasing equipment and supplies and maintaining the center until it becomes self-sufficient has been equivalent in rupees to around United States $15,000.

In 1962, with a grant in cruzeiros equal to United States $22,000, two four-month courses for bracemakers were held in São Paulo, Brazil.

These were so successful that the Pan American Health Organization and UNICEF sponsored three additional courses in both bracemaking and the making of artificial limbs.

As a result there are now 62 technicians in Central and South America working in 45 centers in 34 cities in 14 nations.

There are also pilot training centers throughout the world for the mentally retarded, speech and hearing clinics, mobile sight conservation clinics, vocational training for the emotionally ill, epidemiology of cardiovascular disease, and projects in tuberculosis and chronic obstructive lung diseases.

Efforts are made to select projects that may contribute to knowledge that will affect United States health and rehabilitation services.

POLISHED PROJECT CITED

The finest example of this was the development of a few years ago in Poland of a technique for the immediate or early fitting of artificial limbs that spectacularly reduced complications and the period of hospitalization.

The technique was introduced in the United States in a number of research and demonstration centers and has now become an accepted and most effective procedure. It is also being used in Vietnam.

Ironically, these projects, which have had great impact in the nations where they have been conducted, have been operated at virtually no cost to the American taxpayer. The action of the House in reducing the appropriation for this program means no saving at all to the American taxpayer.

It means only that these foreign currencies will continue to accumulate in New Delhi, Karachi, Belgrade, Warsaw, Cairo, Tunis, Rabat and elsewhere.

Even more tragic than the curtailment of needed health and rehabilitation services now being financed with the moneys is the

further downgrading of the American image overseas.

The Department of Health, Education and Welfare has sent representatives frequently to these countries, with the cost of their travel and expenses paid by counterpart funds, to stimulate the submission of applications for projects.

Now, unless Congress restores these funds, many applications will have to be rejected even though there are huge surpluses of such funds in many nations.

Today, the world-wide rehabilitation research and demonstration program is financing 83 projects in 13 countries.

The Health for Peace program has just celebrated its 10th anniversary. It would be tragic to see the program curtailed at this critical time, for its curtailment is simply not germane to the inflationary arguments.

RELIANCE ON NATIONAL GUARD AND RESERVE FORCES TO MEET THE REQUIREMENTS OF ACTIVE MILITARY FORCES FOR ADDITIONAL PERSONNEL

Mr. ELLENDER. Mr. President, on August 21, 1970, the Secretary of Defense, in a memorandum to the Secretaries of the military departments and other Department of Defense officials, established a new military manpower policy whereby the National Guard and Reserve Forces will be used to meet the requirements of the active military forces for additional personnel. In this memorandum the Secretary stated:

Guard and Reserve Units and individuals of the Selected Reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., Aug. 21, 1970.

Memorandum for Secretaries of the Military Departments: Chairman, Joint Chiefs of Staff; Director, Defense Research and Engineering; Assistant Secretaries of Defense; Department of Defense Agencies.

Subject: Support for Guard and Reserve Forces.

The President has requested reduced expenditures during Fiscal Year 1971 and extension of these economies into future budgets. Within the Department of Defense, these economies will require reductions in overall strengths and capabilities of the active forces, and increased reliance on the combat and combat support units of the Guard and Reserves. I am concerned with the readiness of Guard and Reserve units to respond to contingency requirements, and with the lack of resources that have been made available to Guard and Reserve commanders to improve Guard and Reserve readiness.

Public Law 90–168, an outgrowth of similar Congressional concern, places responsibility with the respective Secretaries of the Military Departments for recruiting, organizing, equipping and training of Guard and Reserve Forces. I desire that the Secretaries of the Military Departments provide, in the FY 1972 and future budgets, the necessary resources to permit the appropriate balance in the development of Active, Guard and Reserve Forces.

Emphasis will be given to concurrent consideration of the total forces, active and reserve, to determine the most advantageous mix to support national strategy and meet the threat. A total force concept will be applied in all aspects of planning, programming, manning, equipping and employing Guard and Reserve Forces. Application of the concept will be geared to recognition that in many instances the lower peacetime sustaining costs of reserve force units, compared to similar active units, can result in a larger total force for a given budget or the same size force for a lesser budget. In addition, attention will be given to the fact that Guard and Reserve Forces can perform peacetime missions as a by-product or adjunct of training with significant manpower and monetary savings.

Guard and Reservist units and individuals of the Selected Reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces. Toward this end, the Assistant Secretary of Defense (Manpower and Reserve Affairs) is responsible for coordinating and monitoring actions to achieve the following objectives:

Increase the readiness, reliability and timely responsiveness of the combat and combat support units of the Guard and Reserve and individuals of the Reserve.

Support and maintain minimum average trained strengths of the Selected Reserve as mandated by Congress.

Provide and maintain combat standard equipment for Guard and Reserve units in the necessary quantities; and provide the necessary controls to identify resources committed for Guard and Reserve logistic support through the planning, programming, budgeting, procurement and distribution cycle.

Implement the approved ten-year construction programs for the Guard and Reserves, subject to their accommodation within the currently approved TOA, with priority to facilities that will provide the greatest improvement in readiness levels.

Provide adequate support of individual and unit reserve training programs.

Provide manning levels for technicians and training and administration reserve support personnel (TARS) equal to full authorization levels.

Program adequate resources and establish necessary priorities to achieve readiness levels required by appropriate guidance documents as rapidly as possible.

MELVIN R. LAIRD.

Mr. ELLENDER. Mr. President, I commend the Secretary for this change in policy. During the course of the hearings on the Department of Defense appropriations bill for fiscal year 1971, I became convinced that limited use of National Guard and Reserve Forces to meet the personnel needs in the conflict in Southeast Asia added to the many inequities in the Selective Service System. Furthermore, we have been spending from $2 billion to $2.5 billion annually to maintain this very large National Guard and Reserve Force. In my view, the failure to use these forces more extensively has been a waste of these very large expenditures.

As a result of my concern, I requested the Department of Defense to provide the Department of Defense Appropriations Subcommittee with detailed information on the Guard and Reserve Forces. This information included detailed data on the $2,478 million requested for the support of these forces during fiscal year 1971; the cost of these forces for fiscal years 1962 through 1970; the number of active duty military and civilian personnel required to support the Guard and Reserve Forces; the number of nonprior service personnel included in the total strength; the use of these forces in previous conflicts; and the additional number of draftees needed to meet the required increase in the active duty forces for the conflict in Southeast Asia. I submitted this information in a statement to the Department of Defense Subcommittee and it is included in the hearings of May 20. I ask unanimous consent to have included in the RECORD at this point a copy of this statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Excerpt from the Hearings of the Department of Defense Subcommittee, Committee on Appropriations, U.S. Senate, on the Department of Defense appropriation bill, 1971. (Part 1, Pages 1158–1168)

GUARD AND RESERVE FORCES

Senator ELLENDER. During the course of the hearings on the budget requests for the support of the various National Guard and Reserve Forces, I was surprised to learn that over 30,000 active duty personnel are engaged in activities in direct support of the Guard and Reserve Forces. These 30,000 active duty military personnel are in addition to over 60,000 civilian employees engaged in such activities. I was also surprised when I learned that the cost of the Guard and Reserve Forces during fiscal year 1971 will total approximately $2.5 billion. These facts prompted me to go into the matter further in order that I might be able to present details on this $2.5 billion program to the full committee.

FISCAL 1971 REQUESTS

The budget requests for the support of the Guard and Reserve Forces during fiscal year 1971 total $2,478 million, of which $1,291 million is for the support of the Army National Guard and the Air National Guard, and the balance of $1,187 million is for the support of the Reserve Forces of the Army, Navy, Marine Corps, and Air Force. I will include in the record at this point a tabulation giving a breakdown of this total by appropriations.

(The tabulation follows:)

Guard and Reserve Forces fiscal year 1971 request

[In millions of dollars]

Army National Guard:	
Military personnel, Army	$21
National Guard personnel, Army	387
O. & M., Army National Guard	287
PEMA	75
Military construction	15
Total	[1] 786
Air National Guard:	
Military personnel, Air Force	8
National Guard personnel, Air Force	109
O. & M., Air National Guard	344
Aircraft procurement, Air Force	32
Other procurement, Air Force	4
Military construction, Air National Guard	8
Total	505
Army Reserve:	
Military personnel, Army	23
Reserve personnel, Army	305
O. & M., Army	132
PEMA	4
Military construction	10
Total	[1] 475
Navy Reserve:	
Military personnel, Navy	110
Reserve personnel, Navy	134
O. & M., Navy	104
Other procurement, Navy	1

Military construction, Navy Reserve	$4
Family housing	3
Total	356
Marine Corps Reserve:	
Military personnel, Marine Corps	30
Reserve personnel, Marine Corps	52
O. & M., Navy	7
O. & M., Marine Corps	7
Procurement, Marine Corps	29
Military construction, Navy Reserve	1
Total	[1] 127
Air Force Reserve:	
Military personnel, Air Force	12
Reserve personnel, Air Force	76
O. & M., Air Force	130
Aircraft procurement, Air Force	8
Other procurement, Air Force	1
Military construction, Air Force Reserve	4
Total	[1] 230
Grand total	[1] 2,478

[1] Due to rounding the above amounts do not add.

FUNDING HISTORY

Senator ELLENDER. The request for $2,478 million for the Guard and Reserve Forces for fiscal year 1971 is in line with the cost of these forces in previous fiscal years. For fiscal year 1970 the cost was $2,523 million; for fiscal year 1969, $2,141 million; for fiscal 1968, $2,203 million; and for fiscal 1967 the cost was $2,477 million. I will include in the record at this point a tabulation giving the cost of the Guard and Reserve Forces for fiscal years 1962 through 1970 and the estimate for fiscal year 1971.

(The tabulation follows:)

GUARD AND RESERVE FORCES (FISCAL YEAR 1962–70)

[In millions of dollars]

Fiscal year	Total	Army National Guard	Air Force National Guard	Reserve forces: Army	Navy	Air Force	Marine Corps
1962	1,617	508	287	348	208	155	111
1963	1,549	476	303	310	222	157	80
1964	1,784	588	350	354	250	163	80
1965	1,794	587	370	330	264	164	81
1966	2,154	686	419	330	280	180	260
1967	2,477	934	429	414	318	188	193
1968	2,203	688	440	353	301	184	237
1969	2,141	727	415	358	311	176	153
1970	2,523	834	506	439	347	234	164
1971	2,478	786	505	475	356	230	127

PLANNED PROGRAM FOR FISCAL 1971

Army National Guard

Senator ELLENDER. The requests for the support of the Army National Guard fiscal 1971 total $786 million. During fiscal year 1971 the Army National Guard plans to maintain average strength of 400,000, of which 383,058 will be in paid drill status and 16,942 will be non-prior-service personnel assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. Of the total strength of 400,000, it is estimated that 329,600 will be non-prior-service personnel.

Air National Guard

For the support of the Air National Guard the budget for fiscal 1971 includes requests totaling $505 million. During fiscal year 1971 the Air National Guard will maintain an average strength of 87,878, of which 2,612 will be non-prior-service personnel assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. Of the total strength of 87,878, it is estimated that 62,700 will be non-prior-service personnel.

Army Reserve

For the support of the Army Reserve the budget includes requests totaling $475 million. During fiscal year 1971 the Army Reserve will maintain an average strength of 260,000, of which 22,868 will be non-prior-service personnel assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. Of the total strength of 260,000, it is estimated that 239,700 will be non-prior-service personnel. In addition to those individuals in a paid drill status the request includes funds for short active duty tours of 15 days for an additional 48,000 Army reservists.

Naval Reserve

The budget includes requests totaling $356 million for the support of the Naval Reserve during fiscal year 1971. These funds will provide for an average strength of 129,000, of which 700 will be assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. Of the total strength of 129,000, about 12,400 will be non-prior-service personnel. Funds are also included in these requests for 3,350 paid training tours of 15 days for naval reservists not included in the paid drill program.

Marine Corps Reserve

For the support of the Marine Corps Reserve, the budget for fiscal year 1971 includes $127 million. These funds will provide for an average strength of 47,715, of which 5,797 will be assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. Of the total planned strength of 47,715, about 41,800 will be nonprior service personnel. The total of $127 million also includes funds for 561 active duty training tours of 15 days for personnel not engaged in the paid drill training program.

Air Force Reserve

The requests include $230 million for the support of the Air Force Reserve with an average strength of 47,921, of which 1,955 will be assigned to active duty training for at least 4 months under the provisions of the Reserve enlisted program. The total of 47,921 includes 34,500 nonprior service personnel. These funds will also provide for 2,600 15-day active duty for training tours for Air Force reservists who do not participate in the paid drill program.

USE OF ACTIVE DUTY PERSONNEL FOR SUPPORT OF GUARD AND RESERVE FORCES

The requests totaling $2,478 million for the support of the Guard and Reserve forces during fiscal year 1971 includes approximately $204.1 million for the pay and allowances and other costs of 31,106 active duty military personnel engaged in supporting the Guard and Reserve programs. I will include in the record at this point a tabulation breaking down the number of personnel and their cost for each of the services.

(The information follows:)

ACTIVE DUTY MILITARY PERSONNEL SUPPORTING GUARD AND RESERVE FORCES

	Number	Cost
Army	5,894	$43,901,000
Navy	17,635	110,287,000
Marine Corps	5,315	30,422,000
Air Force	2,262	19,468,000
Total	31,106	204,078,000

Senator ELLENDER. The need for over 31,000 active duty military personnel for the support of the Guard and Reserve Forces is subject to question.

CIVILIAN PERSONNEL ENGAGED IN THE SUPPORT OF GUARD AND RESERVE FORCES

In addition to the 31,000 active duty military personnel the budget requests include approximately $590 million for the compensation of benefits of 63,318 civilian employees that are also engaged in the support of the Guard and Reserve Forces. I will include in the record at this point a tabulation setting out the number and cost of these civilian employees by Services.

(The information follows:)

CIVILIAN PERSONNEL SUPPORTING GUARD AND RESERVE FORCES

	End strength	Cost dollar (thousands)
Army	33,643	$302,459
Navy	2,766	24,017
Marine Corps	89	665
Air Force	26,820	262,376
Total	63,318	589,517

Nonprior Service Personnel

Senator ELLENDER. It will be noted that of the planned end-strength of 972,094 Reserve and Guard personnel engaged in the various paid drill programs, 720,760 are nonprior service personnel. These are individuals who have enlisted in one of the National Guard or Reserve Forces for a period of 6 years and who must under the provisions of the law perform an initial period of active duty for training of not less than 4 months. After their enlistment in one of the Guard or Reserve Forces, these individuals are no longer subject to induction into the Armed Forces through the Selective Service System. Of course this has been a very popular program since the beginning of the war in Southeast Asia, as many young men would prefer to enlist in one of the Guard and Reserve Forces for a period of 6 years with a certainty of only 4 to 6 months active duty. I will include in the record at this point section 511 (d) of title 10 of the United States Code which authorizes this program.

(The information follows:)

"§ 511. Reserve components: terms

* * * * *

"(d) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a non-prior-service person who is under twenty-six years of age, who is qualified for induction for active duty in an armed force, and who is not under orders to report for induction into an armed force under section 451–473 of title 50, appendix, may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term

of six years. Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than four months and shall, subject to section 269(e)(4) of this title, serve the rest of his period of enlistment as a member of the Ready Reserve. As amended Sept. 3, 1963, Pub. L. 88–110, § 3, 77 Stat. 135."

Senator ELLENDER. During fiscal year 1971 it is estimated that the National Guard and Reserve components will take in 97,750 new "6-months" trainees under the provision of the Reserve enlistment program. I will include in the record a tabulation giving the planned end strengths for fiscal year 1971, the nonprior service personnel strengths, and the number of new nonprior service enlistments planned for the National Guard and Reserve Components for fiscal year 1971.

HISTORY OF GUARD AND RESERVE FORCES STRENGTHS

Senator ELLENDER. We have been maintaining a "paid status" Guard and Reserve Force of approximately 1 million men since the end of fiscal year 1957. I will include in the record at this point a tabulation giving the total Guard and Reserve Forces personnel from June 30, 1947 through January 31, 1970. I will also include in the record at this point a tabulation giving the number of Guard and Reserve Forces in "drill pay status" for the period from June 30, 1946 through December 31, 1969.

(The tabulations follow:)

DEPARTMENT OF DEFENSE RESERVE COMPONENT PERSONNEL IN PAID STATUS, JUNE 30, 1947, TO DATE

Pay group	Total in paid status (all)	Paid drill training: Total (A, B, C, F)	Paid drill training: Drill pay status (A, B, C)	Paid drill training: Undergoing active duty basic training [1] (F)	Paid active duty training only [2] (D, E)
June 30, 1947		230,996	230,996		([3])
June 30, 1948		534,372	534,372		([3])
June 30, 1949		796,861	796,861		([3])
June 30, 1950		839,170	839,170		([3])
June 30, 1951		557,444	557,444		([3])
June 30, 1952		506,102	506,102		([3])
June 30, 1953		578,254	578,254		([3])
June 30, 1954		696,837	696,837		([3])
June 30, 1955		826,196	826,196		([3])
June 30, 1956	949,859	925,688	905,877	19,811	24,171
June 30, 1957	1,069,312	1,046,982	973,485	73,497	22,330
June 30, 1958	1,025,041	985,030	930,869	54,161	40,011
June 30, 1959	1,061,578	1,006,588	954,066	52,522	54,990
June 30, 1960	1,078,589	997,162	931,072	66,090	81,427
June 30, 1961	1,085,665	1,004,760	936,916	67,844	80,905
June 30, 1962	958,013	889,117	825,716	63,401	68,896
June 30, 1963	964,361	896,499	843,060	53,439	67,862
June 30, 1964	1,047,542	953,256	871,384	81,872	94,286
June 30, 1965	1,002,493	932,469	890,581	41,888	70,024
June 30, 1966	1,054,095	969,188	929,204	39,984	84,907
June 30, 1967	1,065,564	982,670	887,877	94,793	82,894
June 30, 1968	1,000,941	922,318	909,261	13,057	78,623
June 30, 1969	1,013,067	960,404	921,830	38,574	52,663
July 31, 1969	1,009,940	955,149	907,062	48,087	54,791
Aug. 31	1,007,807	953,016	895,742	57,274	54,791
Sept. 30	1,010,373	955,582	902,147	53,435	54,791
Oct. 31	1,006,074	951,283	897,734	53,549	54,791
Nov. 30	1,004,321	949,530	886,988	62,542	54,791
Dec. 31	1,007,686	952,895	892,454	60,441	54,791
Jan. 31, 1970	1,004,353	949,562	883,689	65,783	54,791

[1] Formerly designated "3–6 Month Active Duty Training."
[2] Number of participants in no paid drills and 15–30 days paid active duty training during the fiscal year. Budget plan estimates listed for fiscal year 1970 as shown in fiscal year 1971 budget to be revised at end of year when actual data are available.
[3] Not available.

Source: Directorate for Information Operations, Office of Secretary of Defense.

RESERVE COMPONENT PERSONNEL IN DRILL PAY STATUS BY COMPONENT, JUNE 30, 1946, TO DATE

[Excludes personnel undergoing active duty basic training]

	Total, Department of Defense	Army: National Guard	Army: Army Reserve	Naval Reserve	Marine Corps Reserve	Air Force: Air National Guard	Air Force: Air Force Reserve
June 30, 1946	None	None	None	None	None	None	None
June 30, 1947	230,996	78,241	([1])	133,510	9,158	10,087	([1])
June 30, 1948	534,372	289,531	([1])	179,541	36,242	29,048	([1])
June 30, 1949	796,861	313,805	196,427	177,177	40,543	41,418	[2] 27,491
June 30, 1950	839,170	326,395	186,541	182,840	39,868	45,084	58,442
June 30, 1951	557,444	226,785	154,816	146,807	2,422	20,057	6,557
June 30, 1952	506,102	214,646	134,937	123,420	8,988	14,888	9,223
June 30, 1953	578,254	255,887	117,323	135,980	19,775	35,556	13,733
June 30, 1954	696,837	318,776	136,918	139,199	28,781	49,845	23,318
June 30, 1955	826,196	358,241	163,137	149,142	42,856	61,306	51,514
June 30, 1956	905,877	401,999	197,340	150,193	42,080	60,054	54,211
Dec. 31, 1956	932,381	400,663	225,345	143,471	42,090	64,499	56,313
June 30, 1957	973,485	403,420	260,377	141,747	43,122	63,142	61,677
Dec. 31, 1957	896,010	386,383	217,009	129,671	39,934	66,870	56,143
June 30, 1958	930,869	272,921	272,683	129,632	42,735	64,611	48,287
Dec. 31, 1958	945,073	374,279	289,849	124,394	39,082	68,164	49,305
June 30, 1959	954,066	370,354	298,642	120,350	42,356	67,620	54,744
Dec. 31, 1959	942,682	371,255	288,393	116,343	39,785	69,390	57,516
June 30, 1960	931,072	367,840	276,992	120,232	41,562	68,021	56,425
Dec. 31, 1960	944,074	381,026	282,420	119,835	39,783	68,660	52,350
June 30, 1961	936,916	363,403	271,363	129,272	40,837	69,138	62,903
Dec. 31, 1961	873,940	345,397	268,747	115,775	38,299	49,942	55,780
June 30, 1962	825,716	323,883	244,497	110,496	41,556	48,753	56,531
Dec. 31, 1962	875,315	355,977	249,856	112,776	38,771	65,125	52,810
June 30, 1963	843,060	332,153	222,935	119,029	42,537	70,399	56,007
Dec. 31, 1963	883,029	347,178	239,842	123,583	42,010	72,578	57,838
June 30, 1964	871,384	335,678	243,070	122,652	41,952	68,963	59,069
Dec. 31, 1964	883,295	339,839	254,467	125,935	39,348	70,476	53,230
June 30, 1965	890,581	353,806	254,055	122,596	42,135	73,365	44,624
Dec. 31, 1965	942,521	399,852	250,069	134,962	39,113	75,491	43,034
June 30, 1966	929,204	399,094	244,252	122,754	44,414	75,098	43,592
Dec. 31, 1966	930,549	398,157	242,743	125,832	43,048	78,364	42,405
June 30, 1967	887,877	364,888	230,765	123,756	44,373	80,052	44,043
Dec. 31, 1967	952,624	405,752	250,422	123,874	44,064	82,523	45,989
June 30, 1968	909,261	384,968	241,507	122,906	45,730	71,813	42,337
Dec. 31, 1968	899,168	376,382	233,499	129,676	43,224	74,580	41,807
June 30, 1969	921,830	376,499	247,173	131,540	43,123	79,795	43,700
Dec. 31, 1969	892,454	367,031	234,001	122,513	45,176	80,671	43,062

[1] Inactive duty training for pay was not started until fiscal year 1949.
[2] Number as of July 31, 1949.

Source: Directorate for Information Operations, Office of Secretary of Defense, Mar. 12, 1970.

RESERVE COMPONENTS—END STRENGTHS, NONPRIOR SERVICE STRENGTHS AND NONPRIOR SERVICE ENLISTMENTS FISCAL YEAR 1971

	ARNG	USAR	USNR	USMCR	ANG	USAFR	Total
End strength	400,000	260,000	129,000	48,000	87,110	47,984	972,094
Nonprior service strength	329,600	239,700	12,400	41,760	62,700	34,500	720,760
Nonprior service enlistments	43,785	34,000	1,950	7,200	5,730	5,085	97,750

Note: Fiscal year 1971—End strength and nonprior service enlistments from fiscal year 1971 apportionment request; nonprior service strength is estimated.

USE OF GUARD AND RESERVE FORCES

Senator ELLENDER. It has always been my understanding that we maintain the large Guard and Reserve Forces to augment our Active Duty Forces when there was a need to do so, and the use of these forces prior to the buildup for the current conflict in Southeast Asia followed this basic concept.

Korean conflict

During the Korean conflict July 1, 1950, through July 26, 1953—938,379 reservists and National Guard personnel were called to active duty, I will include in the record at this point a tabulation setting out the number of units and personnel of the various Reserve components involved in this callup.

RESERVE MOBILIZATION
KOREAN CONFLICT (JULY 1, 1950 TO JULY 26, 1953)

Reserve component	Number of units	Number of individuals
Army National Guard	[2] 1,457	139,000
Army Reserve	[3] 969	244,300
Navy Reserve	[4] 42	274,563
U.S. Marine Corps Reserve	([5])	98,229
Air National Guard	[6] 20	46,413
Air Force Reserve	[7] 25	135,874
Department of Defense total	2,513	938,379

[1] Bulk of unit callups occurred during period July 1950 to June 1951; however, selected units were mobilized throughout the period.
[2] Includes 8 infantry divisions, 3 regimental combat teams, and 714 company-size units.
[3] Company-size units.
[4] Squadrons.
[5] Entire organized Marine Corps Reserve used as individual augmentees.
[6] 13 fighter-bomber, 5 fighter-interceptor, and 2 tactical reconnaissance wings.
[7] 20 troop carrier and 5 light bomb wings.

BERLIN CRISIS

Senator ELLENDER. During the Berlin crisis—October 1, 1961, through August 31, 1962—147,849 reservists and National Guard personnel were called to active duty, I will include in the record at this point a tabulation setting out the number of units and personnel of the various Reserve components involved in this callup.

(The tabulation follows:)

RESERVE MOBILIZATION

BERLIN CRISIS (OCT. 1, 1961 TO AUG. 31, 1962)

Reserve component	Number of units	Number of individuals
Army National Guard	[1] 106	67,424
Army Reserve	[2] 437	45,830
Navy Reserve	[3] 58	8,020
U.S. Marine Corps Reserve		
Air National Guard	[4] 32	23,388
Air Force Reserve	[5] 5	3,187
Department of Defense total	638	147,849

[1] Includes 2 infantry divisions and 104 nondivisional units.
[2] Co/Det-size units.
[3] 40 DD/DE surface and 18 air patrol ASW units augmented the active fleet.
[4] 32 flying and other support units (squadrons).
[5] Air Force Reserve troop-carrier units.

Cuban crisis

Senator ELLENDER. During the Cuban missile crisis in October and November of 1962 eight troop carrier wings of the Air Force Reserve were called to active duty. These units included 14,025 Reservists.

Vietnam war

At the end of fiscal year 1965 our active military forces had a total strength of 2,635,142 which included the following: Army, 968,313; Navy, 671,009; Marine Corps, 190,187; and Air Force, 823,633.

During fiscal year 1966 we started increasing the strength of our Active Duty Forces to meet the requirements of the war in South Vietnam. At the end of fiscal year 1968 these forces peaked-out at a total strength of 3,547,429—an increase of 912,287 over the fiscal year end strength. The fiscal 1968 end strength included the following: Army, 1,570,186; Navy, 765,232; Marine Corps, 307,252; and Air Force 904,759.

I will include in the record at this point a tabulation setting out the active duty end strengths for fiscal years 1964 through 1969 and the estimates for fiscal years 1970 and 1971.

(The tabulation follows:)

ACTIVE DUTY FORCES—END STRENGTHS, FISCAL YEARS 1964-71

	Fiscal year—							
	1964	1965	1966	1967	1968	1969	1970 (estimate)	1971 (estimate)
Army	972,445	968,313	1,119,046	1,442,422	1,570,186	1,511,946	1,363,210	1,239,582
Navy	667,163	671,009	744,469	751,394	765,232	775,644	693,705	643,840
Marine Corps	189,751	190,187	261,687	285,269	307,252	309,771	294,105	241,185
Air Force	855,802	823,633	886,350	897,426	904,759	862,062	809,627	783,520
Total	2,685,161	2,635,142	3,091,552	3,376,511	3,547,429	3,459,423	3,160,647	2,908,127

Senator ELLENDER. During fiscal years 1966, 1967, and 1968 we maintained Guard and Reserve Forces in "paid drill status" totaling about 900,000, so we had trained men available in the Guard and Reserve Forces to augment the Active Forces. It should be remembered that a large portion of these individuals were nonprior service personnel who were not subject to the draft. Even though we were required to increase the strength of our Active Duty Forces by 912,287 men only 36,972 National Guard and Reserve personnel were called to active duty. I will include in the record at this point a tabulation setting out the units and personnel involved in the callups of January 26, 1968, and May 13, 1968.

(The tabulation follows:)

VIETNAM WAR—RESERVE PERSONNEL ORDERED TO ACTIVE DUTY INVOLUNTARILY

Reserve component	Jan. 26, 1968, actual strength	Number of units	May 13, 1968 actual strength	Number of units	Total ordered to active duty	Total number of units
Army National Guard			12,234	34	12,234	34
Army Reserve			5,181	42	5,181	2
Naval Reserve	593	6	995	2	1,588	8
Air National Guard	9,340	14	1,333	3	10,673	7
Air Reserve	4,868	8	736	6	5,604	4
Total	14,801	28	20,479	87	35,280	115
Individual Ready Reservists (Army only)					1,692	
Total involuntarily ordered to active duty					36,972	

Draft calls

Senator ELLENDER. As indicated in this tabulation the Guard and Reserve Forces were not used to provide the additional men required in the Active Forces for the conflict in Vietnam, except for the 36,972 men involved in the two limited callups. However, let us look at the draft calls during fiscal years 1966, 1967, and 1968. During fiscal year 1965, the year prior to the build-up of the Active Forces, draft calls totaled 102,000. During fiscal year 1966 draft calls increased to 334,500; during fiscal year 1967 they totaled 288,900; and during fiscal year 1968 they reached 343,300. The record is clear: The increase in the Active Duty Forces for the war in Vietnam was accomplished by increased draft calls and the normal desire to enlist during a period of high-draft calls in order to obtain the choice of service.

ANNUAL STRENGTH AUTHORIZATIONS

I am aware of the fact that the title III of the pending Department of Defense Procurement and Research Authorization bill (H.R. 17123) provides for programed average strengths of not less than : 400,000 for the Army National Guard, 260,000 for the Army Reserve; 129,000 for the Naval Reserve, 47,715 for the Marine Corps Reserve, 87,878 for the Air National Guard, and 57,921 for the Air Force Reserve. These are the strengths on which the budget for fiscal year 1971 is based However, I think the failure to use the Guard and Reserve Forces to meet the increased requirement for Active Duty Forces for the war in Southeast Asia imposes upon this committee, the Congress, and the executive branch the responsibility to review the need for these large Guard and Reserve Forces to determine if we should continue to spend $2.5 billion annually for the support of these forces.

NATIONAL GUARD STATE MISSIONS

I want to make my position absolutely clear with respect to the need for an adequate National Guard to meet the requirements of each of the States. I know of no other organization that could take over the various State missions performed by the National Guard, and I would be the last person in the world to propose any reductions that would reduce the Guard's capability to perform these varied State missions. During calendar year 1969 the National Guard was called on more than 150 times to respond to the urgent needs of the various States. These needs range from three men called upon during a blizzard at Pender, Nebr., in January of 1969 to over 5,000 men involved in relief and cleanup activities following Hurricane Camille in August and September of 1969. I will make this matter clear in my presentation to the committee with respect to the $2.5 billion requested for Guard and Reserve Forces.

Mr. ELLENDER. Mr. President, this announced change in policy with respect to future buildups of the active duty military forces does not answer all of the questions with respect to the need of $2.5 billion annually for the support of the National Guard and Reserve forces. Why do we need to assign over 31,000 active duty military personnel at a cost of over $204 million to support these forces? Without the pressure of high draft calls can we obtain competent personnel to maintain the large strengths authorized by the Congress? Can these forces obtain the degree of readiness that is required for the "total force concept" that Secretary Laird envisions? Is it possible to reduce the strength of the National Guard forces without diminishing the capability of these forces to meet their important State missions? In these days of tight Defense budgets can we allocate $2.5 billion—and under the announced policy, the cost will be much more—to the support of these forces? These are questions that the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, the Committee on Armed Services and Appropriations of the Congress, and the Congress as a whole are going to have to consider in depth in order to devise a National Guard and a Reserve force that meet the military and State requirements that we can afford to maintain.

PROPOSED CEASE-FIRE IN VIETNAM

Mr. SCOTT. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) and myself, I ask unanimous consent to place in the RECORD the bipartisan letter which we sent to President Nixon on September 1, 1970, urging him to offer at the Paris negotiations a comprehensive proposal for an internationally supervised standstill, ceasefire in Vietnam. Nineteen Senators signed the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 1, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are encouraged by your appointment of Ambassador David K. E. Bruce to lead the U.S. delegation at Paris, and believe that this presents a new opportunity to move forward the Vietnam peace negotiations.

We wish to commend to your attention a course of action that has not yet been tried, but which we believe could move us toward a just and responsible peace.

We believe the United States should take a new political initiative by offering at Paris a comprehensive proposal for an internationally supervised standstill cease-fire throughout Vietnam.

The cease-fire proposal should spell out details regarding:

a) International peacekeeping machinery required to oversee the cease-fire, the protection of minorities against terrorism and political reprisals, and the withdrawal of all outside military forces within a specified period following the effective date of the cease-fire;

b) The conduct of prompt free elections supervised by a mixed electoral commission in which the Government of Vietnam, the National Liberation Front, and the broad middle spectrum of religious and political forces are fairly represented, with all sides agreeing to accept the results of the elections;

c) Safeguards to assure freedom of speech, assembly and the press to all the people of South Vietnam;

d) Release of all prisoners of war and political prisoners by both sides;

e) Economic and medical relief and assistance to bind the wounds of war and to provide for social and economic reconstruction in South and North Vietnam.

We believe that a proposal at this time for an overall cease-fire by all parties throughout Vietnam could present a new context for the Paris negotiations, give fresh and added meaning to our previous proposals, and create a new impetus for the other side to respond.

Since all participants in the Paris talks, including Hanoi and the National Liberation Front, have proposed elections as the basis of a final solution, a chief point of contention between the two sides is who shall conduct these elections. Clearly, fair elections with all groups free to compete in the political process cannot take place as long as the fighting continues.

It therefore seems apparent that a cease-fire is necessary before a political solution can be achieved. Indeed, negotiating a cease-fire may be a more achievable goal, since it is a more limited one than negotiating a total political solution prior to cessation of fighting. At the same time, working out the on-the-ground arrangements for a cease-fire could lead to compromises on some of the more difficult political problems.

While we are undertaking to turn the burden of the war over to the South Vietnamese, at the same time we should make this effort to achieve a cease-fire and an end to all the killing in South Vietnam, and not simply an end to American involvement in it.

Because of its possibilities for moving toward a compromise solution, this proposal may gain the interest of the other side in at least pursuing private talks, and thus aid in breaking the impasse in the negotiations. In Vietnam it would gain support among the people by reassuring them that we are intent on achieving peace and a fair settlement.

The cease-fire proposal would rally the support of moral leadership throughout this country and the world, and help to unify the vast majority of Americans who want to see the war ended in a way that assures the best chance for a durable peace. Thus it would serve to draw Americans together in a common and constructive approach toward ending this tragic and divisive conflict.

We believe that there is much to gain by making this proposal the next order of business at the Paris talks, and we hope you will give it your most serious consideration.

Should you share our interest in considering this proposal, we would be pleased to meet and discuss it with you further at your earliest convenience.

Sincerely yours,

HENRY M. JACKSON, HUGH SCOTT, BIRCH BAYH, ALAN BIBLE, ROBERT J. DOLE, BARRY GOLDWATER, JACOB K. JAVITS, WARREN G. MAGNUSON, MIKE MANSFIELD, THOMAS J. MCINTYRE, CHARLES H. PERCY, WINSTON PROUTY, JENNINGS RANDOLPH, ABRAHAM RIBICOFF, RICHARD S. SCHWEIKER, TED STEVENS, STUART SYMINGTON, RALPH YARBOROUGH, MILTON R. YOUNG.

RETIREMENT OF REAR ADM. ODALE D. WATERS, JR.

Mr. PELL. Mr. President, Rear Adm. Odale D. Waters, Jr., who has served as Oceanographer of the Navy for the past 5 years, announced recently his intention to retire. Admiral Waters will be relieved as Oceanographer of the Navy on September 23 by Rear Adm. W. W. Behrens, Jr.

Mr. President, Admiral Waters has served with great distinction as Oceanographer of the Navy. As one who has a deep interest in our national oceanographic program, both civil and military, I know of the many contributions he has made to the advancement of our national program.

To a very large extent, Admiral Waters was personally responsible for the development of a unified and comprehensive oceanographic effort within the Navy. It was under Admiral Waters that the status of the Oceanographer of the Navy was augmented by establishment of an Office of the Oceanographer of the Navy, reporting directly to the Chief of Naval Operations and to the Secretary of the Navy.

For 5 years, Admiral Waters has been responsible for the largest, most comprehensive oceanologic program in the country. With the increased sophistication of Naval operations, both on the surface and beneath the sea, the programs of the Office of the Oceanographer, including basic and applied research, ocean engineering and fleet support, have assumed increasing importance, and under the direction of Admiral Waters, these new challenges have been met with outstanding success.

At the same time, Admiral Waters has recognized the importance of the development of a strong civil oceanographic program in this country. His cooperation with the administrators of civil oceanographic programs, with university and private industrial ocean programs, has won him the respect and admiration of the entire marine community in the United States.

Mr. President, I salute Admiral Waters for a job well done, and I extend to him my personal wishes for success in whatever tasks he may undertake in the future. I also extend my congratulations and best wishes to his successor, Rear Admiral Behrens.

I ask unanimous consent that the biographies of Rear Admiral Waters and Rear Admiral Behrens be printed in the RECORD.

There being no objection, the biographies were ordered to be printed in the RECORD, as follows:

REAR ADM. ODALE D. WATERS, JR., U.S. NAVY

Odale Dabney Waters, Jr., was born in Manassas, Virginia, on July 13, 1910, son of the late Mr. and Mrs. O. D. Waters. He attended the Swavely School and Strayer Business College, Washington, D.C., prior to entering the U.S. Naval Academy, Annapolis, Maryland, on July 9, 1928. As a Midshipman he was a member of the Track Team, was Managing Editor of the "Lucky Bag," and was Battalion Commander his First Class year. Graduating with distinction, ninth in the Class of 1932, he was commissioned Ensign on June 2, 1932, and subsequently advanced in rank to that of Rear Admiral, to date from October 1, 1960.

After graduation from the Naval Academy in June 1932, he was assigned to the USS AUGUSTA (CA–31) in which he had junior officer duties in Gunnery and Fire Control while that cruiser was employed as Flagship of the Commander in Chief, Asiatic Fleet, during the period July 1932 until May 1936. He then returned to the United States, and in September 1936 joined the USS DOWNES (DD–375) as Torpedo Officer. Detached in June 1938, he was a student in Ordnance Engineering at the Naval Postgraduate School, Annapolis, until October 1940, after which he served for six months as Assistant Naval Attache at the American Embassy, London, England, also serving as Technical Observer in mine recovery operations. This resulted in his establishing the first U.S. Navy Mine Disposal School, after his return to the United States in 1941. In June of that year he became Officer-in-Charge of that school, and operated it for the training of personnel until January 1943, during the early period of the war.

Admiral Waters is authorized to wear the Navy's Explosive Ordnance Disposal Insignia badge for his qualifications in this field.

Ordered next to the USS MEMPHIS (CL–13), he served aboard a year. From February 1944 until October of that year he served as Fleet Gunnery Officer and Assistant Chief of Staff to Commander FOURTH Fleet, and for five months thereafter was Assistant Operations Officer and War Plans Officer on the Staff of the Commander in Chief of U.S. Atlantic Fleet. He was awarded a Bronze Star Medal, "For meritorious service as Gunnery, Training, War Plans Officer and Assistant Chief of Staff to Commander Fourth Fleet from March 18 to November 15, 1944, and as Assistant Operations Officer and Officer-in-Charge of War Plans on the Staff of Commander in Chief, United States Atlantic Fleet, from November 15, 1944, to April 27, 1945 . . . Commander Waters contributed materially to the success of the anti-submarine campaign in the South Atlantic by his persistent prosecutions of the training program of the FOURTH Fleet. After keen analysis and studies of past operations and of current and probable future situations, he prepared operational plans which contributed to the success of the Atlantic Fleet in the prosecution of the war . . ."

In June 1945 he assumed command of the USS LAFFEY (DD–724), and after the close of hostilities of World War II in August 1945, remained in that command until October 1946, participating in "Operation CROSS-

ROADS," the Atom Bomb Tests at Bikini in the Pacific during the summer of 1946. In November of that year he reported to the Naval Ordnance Laboratory, Washington, D.C., for duty as Senior Technical Officer and Mine Development Project Officer. There he was also engaged in the design of atomic weapons. Detached in January 1950, he spent five months as a student at the Armed Forces Staff College, Norfolk, Virginia, completing the course in July 1950.

He served as Ordnance and Gunnery Officer on the Staff of Commander Operational Development Force, from July 1950 until May 1952, after which he commanded the USS GLYNN (APA–239) until July 1953, spending three months in Sub-Arctic waters. During the three years to follow he served on the Staff of the Supreme Allied Commander, Atlantic, concerned with Strategic Applications and Policy. In September 1956 he assumed command of Destroyer Squadron TWO, which operated in the Middle East during the Suez Canal incident, as a unit of the Middle East Force.

He assumed the duties of Commander, U.S. Naval Weapons Station (formerly U.S. Naval Mine Depot), Yorktown, Virginia, on December 31, 1957. In July 1960 his selection for the rank of Rear Admiral was approved by the President of the United States, and in December of that year he reported as Commander Destroyer Flotilla ONE. From March 5, 1962 until February 1964 he served as Inspector General and Assistant Chief of the Bureau of Naval Weapons for Administration, Navy Department, then became Commander Naval Base, Los Angeles, California. In May 1965 he was designated Oceanographer of the Navy, Office of the Chief of Naval Operations, and Commander Naval Oceanographic Office, Suitland, Maryland.

Recognizing the increasing importance of oceanography the Secretary of the Navy, seconded by the Chief of Naval Operations, took vigorous action in mid 1966 to establish a new structure of command which would serve to pull together the management of the entire Navy Oceanographic Program. An Office of the Oceanographer of the Navy was established in August 1966 under Rear Admiral Waters. As head of this Office, Admiral Waters reports directly to the Chief of Naval Operations for operational purposes and to the Secretary of the Navy for policy guidance. The Oceanographer has full responsibility for all the Navy's oceanographic programs including basic and applied research, Ocean Engineering and Fleet support.

In addition to the Bronze Star Medal, Rear Admiral Waters has the American Defense Service Medal with star; the American Campaign Medal; European-African-Middle Eastern Campaign Medal; Asiatic-Pacific Campaign Medal; World War II Victory Medal. As Oceanographer of the Navy, he was awarded in 1968 the highest honor the Public Relations Society of America can bestow: a Silver Anvil for Institutional Programs in the government or military category. In 1969, he received the Navy League's Parsons Award which is awarded annually to a Navy or Marine Corps officer or enlisted man or civilian who has made the most outstanding contribution in any field of science which has furthered the development and progress of the Navy or Marine Corps.

Rear Admiral Waters was married in 1936 to Miss Lucile Elizabeth McGehee of Washington, D.C. They have four daughters, Martha Lane (now Mrs. George Philipps), Carol Weir (now Mrs. Robert Waldron), Lucile Dabney and Ann Elizabeth. Rear Admiral Waters resides at 8620 W. Blvd. Drive, Waynewood, Alexandria, Virginia 22308.

REAR ADM. WILLIAM W. BEHRENS, JR., U.S. NAVY

William Wohlsen Behrens, Jr., was born in Newport, Rhode Island, son of Mrs. W. W. Behrens, Sr., and the late Rear Admiral Behrens, USN. Following graduation from Friends Select School, Philadelphia, Pennsylvania, and Rutherford Preparatory School in Long Beach, California, he entered the U.S. Naval Academy on Presidential Appointment in June 1940. He was graduated and commissioned Ensign on June 9, 1943 (Class of 1944), and in May 1967 was selected for Rear Admiral to date from August 1, 1968.

After commissioning, he attended Submarine School, New London, Connecticut. In January 1944, he reported on board USS *Sandlance* for her first submarine war patrol, which resulted in an award of the Presidential Unit Citation for the sinking of several enemy ships including a Japanese cruiser. Because of *Sandlance's* extensive depth charge damage during this patrol, he was shortly transferred to USS *Picuda*. While serving in this ship, he participated in the assaults on the Philippine Islands, Luzon operation, and the assault and occupation of Okinawa Gunto. For outstanding service while attached to *Picuda*, he was awarded the Silver Star Medal and the Bronze Star Medal with Combat "V". The citations follow in part:

Silver Star Medal "For conspicuous gallantry and intrepidity, attached to the USS *Picuda*, during her third war patrol against enemy forces in the forward Pacific War Areas from July 23 to October 3, 1944. Skillfully supervising and coordinating communication throughout the ship, (he) rendered invaluable service to his commanding officer and contributed materially to the sinking of five enemy freighters and to the damaging of a 10,000-ton, Japanese transport . . ."

Bronze Star Medal: "For heroic service while attached to the USS *Picuda*, during her fourth war patrol in Japanese-controlled waters in the East China Sea Area from October 27 to December 2, 1944. Demonstrating sound judgment and skill in the coordination of important tactical information, (he) rendered valuable service to his commanding officer in conducting attacks which resulted in the sinking of more than 30,000 tons of enemy shipping and in the damaging of 10,000 additional tons . . ."

He also has the Ribbons for and facsimiles of the Presidential Unit Citation awarded USS *Sandlance* and the Navy Unit Commendation awarded USS *Picuda*.

After six World War II submarine patrols and service as Executive Officer of USS *Picuda*, he was in June 1946 transferred to USS *Quillback*. From September 1948 until March 1950 he served as Executive Officer of the early Guppy II submarine USS *Clamagore*. After a tour as Anti-Submarine Warfare and Sonar Instructor at the Fleet Sonar School, Key West, Florida, he joined USS *Odax* in August 1952 as Executive Officer. A year later, Lieutenant Behrens assumed command of USS *Balao;* and from August 1954 until August 1955 he commanded USS *Harder*, a new post-war fast attack submarine.

As Head of the Engineering Department, U.S. Submarine School, New London, Connecticut, he next organized and served as Director of the first Nuclear Power School in the Navy until March 1957, when he became Special Advisor on Submarine Matters to the Chief of Naval Reactors Branch, Atomic Energy Commission, Washington, D.C. In January 1958, he reported for fitting out duty aboard USS *Skipjack*, the fourth of the Navy's new nuclear powered ships and the first of the high speed, whale-shaped attack submarines. He put into commission and assumed command of *Skipjack* on April 15, 1959. In January 1961 he was awarded the Legion of Merit with citation as follows:

"For exceptionally meritorious conduct in the performance of outstanding service in 1960 as Commanding Officer of the USS *Skipjack* (SS(N)585). Exercising sound judgment, keen foresight, and forceful leadership, Commander Behrens contributed in large measure to the successful completion of a complex and highly important mission which was of great value to the United States."

He is entitled to the Ribbon for and a facsimile of the Navy Unit Commendation award USS *Skipjack* for outstanding services during the period May to June 1960.

In December 1960, he was assigned to duty in connection with fitting out USS *Ethan Allen* (SSB(N)608), and assumed duty as Commanding Officer at her commissioning, August 9, 1961. *Ethan Allen* was the first of the new nuclear submarines designed from the keel up for the Polaris mission and she fired the live nuclear war head missile in Pacific Ocean tests. After Polaris patrols, Commander Behrens was a student at the National War College, Washington, D.C., from August 1963 to June 1964. He received the degree of Master of Arts in International Affairs from George Washington University. He next headed the NATO Nuclear Planning Section, Strategic Plans Division (OP–60), Office of the Chief of Naval Operations. In that capacity, for meritorious service from August 10, 1964 to January 21, 1966, he was awarded the Navy Commendation Medal. The citation states in part:

"Captain Behrens exercised dynamic and highly imaginative leadership in guiding the responses of the U.S. Navy in the development of the many detailed planning studies conducted to identify naval responsibilities in the formation of NATO nuclear force requirements. Further, he had primary responsibility for coordinating all aspects of the Mixed-Manning Demonstration participated in by seven NATO nations aboard USS *Claude V. Ricketts* (DDG–5). Repeatedly displaying outstanding diplomacy and tact in his coordination with representatives of the participating NATO governments, he contributed markedly to this important international endeavor to which the U.S. Navy had direct commitments. By remaining sensitive to the national interest and the political requirements of his tasks, yet recognizing the military responsibilities of the Navy he consistently directed constructive efforts toward common goals . . ."

He is also entitled to the Ribbon for, and a facsimile of, the Navy Unit Commendation awarded the USS *Claude V. Ricketts*.

Assigned in January 1966 to the Office of the Secretary of Defense, Washington, D.C., he was selected for assignment as a Member of the Policy Planning Council, Department of State. For this service, he was awarded the Joint Service Commendation Medal. On December 1, 1967 he assumed command of the U.S. Seventh Fleet Amphibious Force Amphibious Group One. He was awarded a Gold Star in lieu of the Second Legion of Merit with Combat "V". The citation follows in part:

Gold Star in lieu of the Second Legion of Merit: "For exceptionally meritorious service from December 1967 to April 1968 as Commander Amphibious Force, U.S. Seventh Fleet. During this period of United States involvement in combat operations in support of the Republic of Vietnam, Rear Admiral Behrens was in command of all naval amphibious operations in Southeast Asia. He astutely directed the planning and organization of five successful amphibious assault landings, continually utilizing the Navy and Marine Forces under his command to optimum advantage. Under his able direction, the longest amphibious operation of the Vietnam conflict was successfully completed during the critical periods of the northeast monsoon and the enemy TET offensive. The success of amphibious landings and the successful resupply of forces ashore were due largely to Rear Admiral Behrens' astute

planning, ingenuity, and leadership qualities. The accomplishment of the myriad of tasks under the stress of constant enemy attack and extremely difficult operating conditions demonstrated his great dedication and assiduous attention to duty . . ."

For combat operations on January 12, 1969 to February 14, 1969 during the largest amphibious operation of the Vietnam conflict, during which Rear Admiral Behrens was in direct command, he was awarded the Bronze Star Medal (First Oak Leaf Cluster) by the famous American Division, U.S. Army.

Upon detachment as Commander Amphibious Force, U.S. Seventh Fleet on July 1, 1969, Rear Admiral Behrens was awarded a Gold Star in lieu of the Third Legion of Merit with Combat "V", for his exceptionally meritorious service in directing amphibious operations in Southeast Asia during the period January through July 1969. In July 1969, he assumed the position as Director, Politico-Military Policy Division (OP-61), Office of the Chief of Naval Operations, Navy Department.

In addition to the Silver Star Medal, Legion of Merit with two Gold Stars and Combat "V", Bronze Star Medal with "V" and first Oak Leaf Cluster, Combat Action Ribbon, Joint Service Commendation Medal, the Navy Commendation Medal, Presidential Unit Citation Ribbon, the Navy Unit Commendation Ribbon with two stars, the Meritorious Unit Commendation with two stars, Rear Admiral Behrens has the American Defense Service Medal with star, Asiatic-Pacific Campaign Medal with one silver and four bronze stars (nine engagements), American Campaign Medal, World War II Victory Medal, National Defense Service Medal with bronze star, the Vietnam Service Medal with three stars, Philippine Liberation Ribbon, the Submarine Combat Insignia and the Polaris Patrol Insignia. He also has the National Order of Vietnam and the Vietnam Gallantry Cross with Palm.

He is married to the former Betty Ann Taylor of Tampa, Florida, and they have four children, Elizabeth Hunt Behrens, William W. Behrens, III, Charles Conrad Behrens, and Susan Taylor Behrens.

CULEBRA BOMBING MUST STOP

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that certain remarks I intended to place in the RECORD last week be printed at this point in the RECORD.

I also ask unanimous consent that an article bearing on this subject, written by Mr. Carleton Kent, and published in the Chicago Sun-Times of September 3, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STOP CULEBRA BOMBING

(Statement by Senator RALPH TYLER SMITH of Illinois)

I wish to state briefly, but very strongly, my views on the bombing by the United States Navy of the Caribbean Island of Culebra. This tiny island is the home of some 700 United States citizens. It is also the target for World War II bombing and target practice by our naval forces. Reports from too many independent sources to be unreliable prove that this bombing is both dangerous and unnecessary—dangerous to the physical health and commercial well-being of the inhabitants and unnecessary to the requirements of a modern navy in the nuclear age.

As a United States Navy veteran myself, and as one who commanded a gunboat during World War II, I am well aware of the need to keep both ships and crew in fighting readiness, but it is neither necessary nor desirable to practice with outmoded weapons on United States citizens to keep in battle trim.

Mr. President, I believe in calling a spade a spade: The Navy's continued insistance on using Culebra as a target for bombs and shells in the face of the rafts of clear and convincing evidence that it is dangerous and unnecessary is not only an affront to reason: It is a total disregard for the welfare of hundreds of American citizens whose home this island has always been.

This stupid policy must cease.

PUERTO RICO GETS SMITH'S AID PROTESTING NAVY TARGET AREA

(By Carleton Kent)

WASHINGTON.—Sen. Ralph T. Smith (R-Ill.) called on the Navy Wednesday to stop its "stupid policy" of using the tiny Puerto Rican island of Culebra as a bombing and shelling target.

"As a U.S. Navy veteran myself, and as one who commanded a gunboat during World War II, I am well aware of the need to keep both ships and crew in fighting readiness, but it is neither necessary nor desirable to practice with outmoded weapons on United States citizens to keep in battle trim," Smith said.

"I believe in calling a spade a spade: The navy's continued insistance on using Culebra as a target for bombs and shells in the face of the rafts of clear and convincing evidence that it is dangerous and unnecessary is not only an affront to reason.

"It is a total disregard for the welfare of hundreds of American citizens whose home this island has always been. This stupid policy must cease."

MAYOR PRAISES SMITH

Smith drew prompt praise from Mayor Ramon Feliciano, whose constituency is 726 inhabitants of the 7-by-2-mile island, and from two young Washington lawyers who are representing the Culebran municipality on a no-fee, for-the-good-of-the-public basis.

"The Culebrans, as Puerto Ricans are American citizens without a vote in Congress, and they must depend on the courage and political disinterestedness of men like Sen. Smith to represent their legitimate aspirations," Feliciano said.

Attorney Thomas C. Jones, Jr., whose parents live in Geneva, Ill., told a press conference that Smith's statement was the strongest of more than 30 made on behalf of the Culebrans by senators.

Jones and Richard Copaken have been representing Feliciano since May. They are from former Sec. of State Dean Acheson's law firm of Covington & Burling.

DEVELOPMENT RUMOR DENIED

Feliciano said he came to Washington to consult with friendly senators; to recruit others to his cause of persuading the Navy to abandon the island; and to assure Navy officials there was no truth to the rumor, which he said came from Navy personnel, that speculators wishing to develop the island's open spaces as a resort were behind the Culebran protests.

He said that although Navy Sec. John H. Chafee refused to meet with him, Assistant Navy Sec. Frank Sanders and Joseph A. Grimes, Jr. of Chafee's office had conferred with him earlier Wednesday and had assured him "no high Navy official believes there is any substance to any allegation to the effect that land speculators are behind the protests of the Culebrans."

Asked if he approved of a new recommendation by an adviser to Gov. Luis A. Ferre of Puerto Rico that the Navy phase out its target operations on Culebra in five years, Feliciano said, "No, that's too long. One or two years . . ."

MAYOR ISN'T OPTIMISTIC

Asked if he thought the Navy would yield and leave the island, he said slowly: "I think the Navy will fight up to the end."

But Jones and Copaken thought there was promise in a move by Sen. Henry M. Jackson (D-Wash.) of the Senate Armed Services Committee to see if some compromise was acceptable to the Navy Department.

Feliciano denied there was substance to recent Navy charges that Culebrans have around the municipal pier.

"I haven't seen one Culebran doing that," he said. "I don't believe it. Maybe once in a while a fisherman uses a piece of Navy iron for an anchor on his boat . . . maybe people outside . . . maybe Navy people . . ."

MIGRANT FARMWORKER CHILDREN AND THE DRUG "RITALIN"

Mr. MONDALE. Mr. President, an article published in the Miami Herald of August 7, 1970, calls public attention to the proposal of a Broward County, Fla., doctor to use the controversial drug Ritalin on migrant children.

In view of the unknown qualities of this drug, it is particularly disturbing to learn that it is the children of migrant and seasonal farmworkers who are the recommended guinea pigs upon whom the drug will be used. The full implications of the needs and use of the drug are set forth in the Florida newspaper article, and in a feature story and editorial in the Washington Post, which I would also like to bring to the attention of the Senate.

Especially disturbing is that certain preconditions for the use of this drug cannot possibly be met when experimenting with the migrant farmworker population. Proper administration to children requires careful and accurate diagnosis of possible behavioral disorders. In view of the desperate lack of funds for fundamental preventive health care for farmworkers, it is difficult to imagine where sufficient funds for adequate, thorough or correct diagnosis will come, and even if funds are available, serious question of health care priorities is voiced. Additionally, the drugs should be administered under careful control and in the presence and guidance of a physician. Yet, by definition, the migrant is mobile, and often lives in remote locations, thus eliminating the reasonable possibility of sustained continuous medical treatment.

As chairman of the Subcommittee on Migratory Labor I have today called upon the various Federal Government units that administer migrant programs, and whose funds are proposed to be used, to respond to the following inquiries.

Are federally funded programs involved in the use of behavior modification drugs such a Ritalin, and if so, is the use of these drugs fully approved by your unit?

What assurance do you have that these drugs are necessary for migrant children?

What guarantees do you have that these drugs will not do any physical or mental harm to any of these children?

And finally, in view of the mobility, impoverishment and history of exploitation of so many migrant and seasonal farmworkers, and the possibility that

parents have only limited opportunities or channels to protest the use of these drugs, what protections for the individual rights of the parents and children involved has your unit recommended?

Let me emphasize that I am not interested in blindly standing in the way of medical progress. But let us not use the kids of the Nation's most powerless persons as guinea pigs in the name of progress.

Mr. President, I ask unanimous consent that the Miami Herald article, a Washington Post editorial of July 3, 1970, and a Washington Post feature article by Robert Maynard, published August 23, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 7, 1970]

MIGRANT TOT DRUG EXPERIMENT PROPOSED BY BROWARD DOCTOR

(By Louise Montgomery)

FORT LAUDERDALE.—Public health officials in Broward county are considering an experimental study using a controversial drug to control the behavior of a group of 3- and 4-year-old children of farm laborers.

The study, which must be approved by the State Board of Health, would employ ritalin, a drug described by its manufacturer as "a mild stimulant and anti-depressant, which brightens mood and improves performance."

The subjects of the experiment would be chosen at random from among 900 farm labor children referred by a federal aid program to the Broward County Health Department's Migrant Clinic in Pompano Beach for treatment of behavior disorders.

The study was proposed by Dr. Sonja S. Harrold-Lessne, a private physician who operates a baby clinic for the Health Department.

Dr. Paul Hughes, Health Department director, said Ritalin "looks like a magic drug," to many pediatricians. He said it is "useful with children who are unmanageable and can't concentrate."

Dr. Hughes said Dr. Harrold-Lessne submitted the proposal for his review about two months ago and asked him to submit it to the State Board of Health for approval.

The use of Ritalin and similar drugs has aroused a furor that reached the halls of Congress, with some opponents arguing that it is an improper and dangerous practice to introduce children to drugs.

Rep. Cornelius E. Gallagher (D., N.J.) ordered an investigation of Ritalin use in Omaha, Neb., schools and charged that drugs were being used to "deaden" energy of hyperactive children instead of converting it to creative channels.

The U.S. Food and Drug Administration also is investigating use of Ritalin and other "behavior modification" drugs. Gallagher said the drugs are classed by the government as "dangerous substances."

Dr. Harrold-Lessne proposed using the drug on Broward migrant children to determine its long-range effects on behavior, learning abilities and school adjustment. The study would involve giving Ritalin to about 100 children for one year, with follow-up studies for four more years.

For the experiment, Dr. Harrold-Lessne proposed defining "behavior disorder" as "any disorder of behavior that the teacher or parent deems dangerous to the child's own well-being as well as to that of his classmates; disruptive to normal routine; lethargic or dull to the extent that the child seems unable to participate in classroom activities."

A control group will be set up during the study.

Each child given the drug will be paired with another child of the same sex, age, ethnic group and intelligence range who will be given a placebo or sugar pill.

Dr. Harrold-Lessne said Dr. Hughes was "very interested" in the proposal, but he would have to go through the state and regional U.S. public health service offices in Atlanta "to make sure we weren't encroaching on anyone's rights."

However, she said she is trying to get private financing through a foundation for the experiment because the project got "all wrapped up in bureaucratic nonsense."

"This project has to be done," she said, "whether I do it or someone else does it."

Dr. Harrold-Lessne said she anticipates no trouble getting some sort of a grant for the project, and she is talking with a local firm, Educational Associates Inc., about having them administer the program.

Dr. Jesse Arnold, director of the Maternity and Infant Care project administered by the Health Department, is listed in the proposal as the medical coordinator. He said he acted as a consultant to Dr. Harrold-Lessne and had not discussed the project with her in about a month.

Dr. Arnold said Ritalin has been given by pediatricians "just like aspirin for a headache if we saw a kid who needed it to settle down."

Although Dr. Harrold-Lessne objected to Ritalin's being called a "mind-expanding" drug, another local doctor said that that is an appropriate term for it as it helps one part of the brain to expand and concentrate.

The doctor, who asked that his name not be published, questioned the advisability of administering the drug to groups of children, particularly since full control over migrant children would be impossible. He also said the drug sometimes produces results opposite those anticipated.

Dr. Harrold-Lessne maintains that the benefits of Ritalin are well known, although in her proposal she said no long-term studies on the effect of the drug have been undertaken.

The manufacturer of Ritalin, Ciba Pharmaceutical Co., warns in a descriptive leaflet of several possible side effects.

"Nervousness and insomnia are the most common . . ."

Other side effects may include, the leaflet says: Nausea, dizziness, palpitation, headache, drowsiness and skin rash.

"Overt psychotic behavior and psychic dependence in emotionally unstable persons have occurred rarely," it adds.

Precautions suggested by the manufacturer say patients with "an element of agitation" may react adversely.

Dr. Harrold-Lessne proposed giving the medication to the children in steadily increasing doses "until therapeutic effect, maximum dosage or adverse reactions are seen.

"A child will be withdrawn from the study only if serious adverse effects are noted," she said.

[From the Washington Post, July 3, 1970]

DRUGS AND CHILDREN

Reporter Robert C. Maynard's recent account in this newspaper of the administration of "behavior modification" drugs to supposedly overactive and unmanageable children in the Omaha, Nebraska, public schools raised some nightmare visions. Somewhere between 3000 and 6000 elementary children in Omaha, Mr. Maynard reported, "were walking around with potentially dangerous drugs in their pockets and lunch pails." And he quoted a retiring assistant superintendent of the school system as saying. "They were trading pills on the school grounds. One kid would say, 'Here, you try my yellow one and I'll try your pink one.' "

The pills inovlved are amphetamine-type drugs—those most widely used are patented drugs called Ritalin and Dexedrine—which are known to act as stimulants when taken by adults but which, paradoxically, have a quite contrary, tranquilizing effect when taken by children. Competent, careful medical researchers have found these drugs to be extremely effective in treating children afflicted with hyperactivity growing out of some physiological defect in the inhibitory portion of the brain. This defect makes a child restless, incapable of any sustained attention—and intolerably disruptive to classmates. Dexedrine, which has been used successfully since the 1930s for children suffering from this physical disorder, and Ritalin, a more recent and less tested substance, have helped such children to enlarge their attention span and to develop motivation for study. They have operated, in short, as psychic energizers, giving troubled children a start which, after a year or two of this medication enables them often to go forward quite normally on their own.

These drugs are by no means without side effects however; and their effects are by no means fully known. While it is believed that they have no addictive consequences for children, it is not certain that they may not lead to some sort of psychic dependence which in turn could lead to a resort to more dangerous drugs as a solution of life's problems. In any case, proper administration of any drugs depends in the first instance upon correct, careful diagnosis. There are many overly active children whose difficulties grow out of environmental rather than physical handicaps or out of boredom when the school curriculum has no relevance to their life experience. Far too frequently behavior problems in children are the fault of incompetent or indifferent teachers; and far too frequently such teachers try to discard children by designating them as unteachable and relegating them to a basic track or to a drug that quenches their curiosity and calms their restlessness.

A second imperative condition for the administration of drugs is that they should be dispensed only by a competent physician and consumed in his presence or under some other careful control. The idea of letting children have pills in quantity so that they can swap with one another or overdose themselves in hair-raising. The "behavior modification" drugs undoubtedly have uses. But evidently they are also subject to dangerous abuse. The medical profession ought to act to keep them under stringent control.

[From the Washington Post, Aug. 23, 1970]

CAN DRUGS HELP A "WILD" CHILD?

(By Robert C. Maynard)

Of 30 children in any American grade school classroom, the statistics say, as many as three may be "hyperactive," a word that can describe a whirlwind of a child.

In the language of that world where medicine meets education, such children—no fewer than 1.7 million and probably no more than 3 million—have minimal brain dysfunction, functional behavior problems, learning disorders or behavior disorders. Sometimes they are called neurologically handicapped.

They are the focus of considerable national attention now because of the approach to their problem that is most common today. Their behavior is "modified" by the use of stimulant medications that have themselves been the source of controversy over drug abuse.

"Speed kills," the television and magazine advertisements warn. Sustained adult usage of "speed"—amphetamines—can lead to dependency, and dependency may lead to a state known as "freaking out on speed," a hordendous trauma. (This condition, how-

ever, has not been found in children under treatment; the dosage is very small.)

Billions of amphetamine pills, also known as "uppers," are sold illicitly each year. Willing to throw out the baby with the bath water, several medical authorities have urged Congress to make amphetamines illegal if they cannot be better controlled.

THE OMAHA PROGRAM

Among the physicians alarmed at that suggestion are those scores of doctors, principally in the specialties of pediatrics, child psychiatry and pediatric neurology, who believe—and present evidence—that amphetamines are a safe and effective treatment for learning and behavior disorders in children below the age of puberty.

Taking place in private physicians' offices and medical clinics, this form of treatment received little attention until a community controversy in Omaha brought it into the national spotlight. The Omaha program was described in the Washington Post of June 29.

Omaha physicians and school officials estimated the number of children involved in drug therapy there at 3,000 to 6,000 in the city public school population of 62,000. The same Omaha spokesmen have since withdrawn that estimate, explaining that the number was intended to indicate a potential—the number of children with behavior problems—and not the actual number of children on behavior drugs in Omaha.

The Omaha program has provoked nationwide controversy. Rep. Cornelius Gallagher (D-N.J.), appalled at the idea of "modifying" children's behavior, has scheduled hearings next month, but respected physicians have also spoken up, many of them insisting that the use of amphetamines is such a tried and true method of handling these problems in children that they are surprised at all the fuss.

"There's nothing new about it," said Dr. C. Keith Conners of Massachusetts General Hospital. "It was discovered by Dr. Charles Bradley in East Providence, R.I., back in 1937. Since the 1950s, there has been a great deal of research going on in this field."

AIMED AT OBESITY

Dr. Bradley was looking for a way to cut down the weight of disturbed children. He hit upon a method, amphetamines, that was not to become a popular means of weight-reducing for another generation.

More important than weight, however, Dr. Bradley observed that the children on amphetamines were calmer. He documented what was later to become known as the "paradoxical effect." A drug that stimulates adults seems to do the reverse in children.

Dr. Barbara Fish, a child psychiatrist and an associate professor at the New York University School of Medicine, is among those who doubt there is a "paradoxical effect." In fact, Dr. Fish said, "the child is being stimulated, too. He is just being stimulated in a different way. The portion of his brain that controls his inhibitory functions is being stimulated. Instead of running around the classroom, he sits down. Instead of his attention wandering every which way, he concentrates on what is before him."

Although she has been observing children under treatment with amphetamines for nearly 20 years, Dr. Fish feels that she still does not know as much as she would like to about how amphetamines and other drugs function in the brain.

Dr. Daniel X. Freedmann, the noted University of Chicago psychiatrist, is another of those authorities in the growing field of psychopharmacology who feel that much remains to be known about mind-affecting drugs in children. After serving recently on a National Academy of Sciences panel of experts passing on the effectiveness of such drugs in children, Dr. Freedman said he felt that at least three years and possibly five years may pass before anyone can say for certain just how useful such drugs are, and for whom.

"The problem," he said, "is that we don't know what the diagnostic population really is—don't know how to predict which children will really benefit from these drugs and which will not."

A MEDICAL CONTROVERSY

Whether there is an organic illness called "minimal brain dysfunction" or whether the majority of hyperactive children are emotionally distressed is still a matter of controversy between neurologically oriented physicians and psychiatrically oriented physicians.

Dr. J. Gordon Millichap, a Chicago neurologist who teaches pediatric neurology at the Northwestern University School of Medicine, says that "emotional problems are secondary; they are a rarity." He finds neurological disorders in a majority of the 20 new cases of hyperactivity he sees each week. He also finds that a majority respond to drug treatment.

Dr. Millichap, like many other physicians treating children with drugs, prefers Ritalin—methylphenidate hydrochloride—produced by the CIBA Pharmaceutical Co. Dexidrene, generically known as dextroamphetamine, marketed by Smith Kline & French, is also popular.

Dr. Millichap's belief that the problems of the hyperactive child are basically organic is not shared by many child psychiatrists. Bellevue's Dr. Fish said: "There are too many doctors who believe that all you have to do is pop a pill into a kid. It makes the child feel better and function better, but it is just a tool that may buy you time while you work with the child."

The disagreements do not end with the cause of the problem; there are differences about what kind of problems yield to solutions with the aid of drugs.

Dr. Sidney Adler of Anaheim, Calif., is a pediatrician who specializes in the problems of children with learning disorders. He is treating 2,000 children—"from kindergarten to college," he said—with behavior modification drugs.

"We are flying by the seat of our pants," Dr. Adler said in a transcontinental telephone conversation. "There is a lot we don't know. We gain experience as we go along."

Among Dr. Adler's discoveries over the past 15 years is that behavior problems and learning problems are so linked that drugs can be employed effectively against what he describes as the "learning lag." Children with grade averages of C and D have been "pulled up to B and sometimes even A" after a period on one drug or another prescribed by Dr. Adler.

"This is an educational problem that has been dumped into the lap of medicine," Dr. Adler said. "These kids with behavior or learning problems are failures. As you know, failure only breeds more failure and frustration. That's why a lot of these kids who have these problems and don't get treated wind up getting into trouble later."

BEGAN WITH SCHOOL

Mrs. Robert O'Betz of Torrance, Calif., is the mother of a 15-year-old son with a behavior problem who was treated successfully. "We didn't know there was anything wrong until he got to school," Mrs. O'Betz said.

"He was a lovely child and we enjoyed him, but when he got to school, he couldn't handle it. He became frustrated at first, and soon actually nasty."

The O'Betzes, like thousands of other parents, had to face the difficult question of whether to give their son drugs.

"Many parents worry," said Dr. Fish, "'Is this going to make my child a drug addict?' I have rarely heard of these drugs doing that, because they don't make children feel the same reaction of being high that adults can feel. Actually, amphetamines in these dosages for children are really very mild drugs."

Mrs. O'Betz, for all of her misgivings about drugs, is pleased with the result. Not all parents are. "It was like giving our child water," a Toronto father said. "The drugs didn't do a thing."

Some doctors have the same experience with most of their child patients. "Drugs," said Dr. Bruce D. Freeman of the University of British Columbia at Vancouver, "have only been helpful to me 10 per cent of the time."

Dr. Freeman believes in exhaustive investigation. He is likely to drop into the classroom of a new patient "just to see what goes on in the child's world." He also makes the home visits, almost unheard of in psychiatry, for the same purpose, to see the child in his natural setting.

Dr. Freeman feels that drugs are most helpful in the hands of those physicians who believe in them.

"The placebo effect is well known in medicine," he said. "I think the charisma of the man using any technique is going to influence the outcome."

This wide variance of opinion and experience is one of the reasons that Dr. Daniel X. Freedman and his National Academy of Sciences panel would only go as far as to agree to label such drugs as Ritalin and Dexidrene "probably effective" for child treatment.

"There is something there," Dr. Freedman said, "but it's hard to tell yet just what it is. It is clear the drugs help some children, but which children, which class of children, which kinds of problems—all of that remains to be known."

Mrs. O'Betz, the mother of the hyperactive boy, said: "Many, many parents don't want their children on drugs, but we have no choice. I sometimes feel that the schools are pushing the kids too hard to conform to a norm."

Her concern is shared by so many parents that associations for children with learning disorders and behavior problems have sprung up in 32 states. Mrs. O'Betz is an official of the California Association for Neurologically Handicapped Children, which sends out hundreds of pieces of literature a week, including descriptions of drug-free management of hyperkinesis.

But sometimes drugs are the only solution parents see. To illustrate the point, Mrs. O'Betz tells the story of a neighbor boy, Tommy:

"He's a very good Little League pitcher—when he isn't clowning. But sometimes in the game he will hide the ball under his shirt and do all kinds of embarrassing antics. After Tommy got pills and calmed down, he did fine."

That dramatic effect has been described by other parents, such as the wife of a Washington physician who feels that problem children should be identified sooner so they can benefit from the peace that drugs bring.

"It was fantastic to see in our daughter," she said. "Within 15 minutes you could see the change. She was at peace."

She reported, as many parents have, that her daughter had trouble sleeping at night. Among the side effects of stimulant drugs are sleeplessness, loss of appetite (which is why people use amphetamines to reduce their weight) and agitation.

A DWINDLING EFFECT

Dr. Millichap said he is greatly concerned that the public concern over addiction—he feels it is groundless—might lead to curtailment of the research in hyperactivity. But he has noticed that the drug's effectiveness as a learning and behavioral aid diminishes over time, making it necessary to increase the dosage from as little as 10 milligrams to as much as 60 milligrams a day.

Of a score of physicians and other authorities who discussed the drug treatment with a reporter, Drs. Adler and Fish, whose practices are research and clinical, have been able to keep children on the drugs for the longest periods—six years in some cases. They are convinced that there are no long-range effects to be concerned about.

Dr. Conners of Massachusetts General said he has gone back over some of Dr. Bradley's patients who are now in their 30s and 40s. "We found nothing alarming or unusual about them" Dr. Conners reported. "They had no greater addiction or alcoholism problems than would be found in the general population."

Despite those scientific reassurances, wary eyes from Capitol Hill are looking at "behavior modification." In addition to Rep. Gallagher's alarm, there is a warning from a staff member of a Senate subcommittee that has been monitoring the drug industry since the Kefauver hearings in 1962.

"I remember several years ago," he said, "when the question arose of labeling amphetamines as useful in treating obesity. We invited the American Medical Association up here and asked them to assure us that this was a wise indicated use of these drugs. They assured us it was.

"So we went along with the drug companies and the 'fat doctors.' Need I tell you that now our mental institutions are filled with women suffering from self-induced paranoia from taking those pills to lose weight?"

And Dr. Sidney Berman of Washington, president of the American Academy of Child Psychiatry, said the other day:

"There is no way to be too careful when you are talking about drugs and children. They ought to be approached very cautiously and used with all of the judiciousness at a doctor's command. Anything that smacks of mass use of drugs in children must be viewed with some concern."

A HOPEFUL VIEW

So the pendulum of opinion swings between those who feel they are witnessing a medical advance and those who warn of medical mistakes. Dr. Fish feels that the new tool, used carefully, will prove itself in time. She trusts the verdict of the evidence thus far and says of the future:

"I would hope that people will overcome their fears about these drugs because, judiciously used, they can be of great help . . . I would hope to see a time when this tool, or any useful tool, when parents would come knocking on the door, asking, 'Why can't this be used to help my child?' "

MISSION TO MEXICO

Mr. DOLE. Mr. President, President Nixon's recent visit to Mexico is an excellent example of the good will that can be fostered through personal diplomacy between two national leaders.

I ask unanimous consent that editorials from the New York Times, Salt Lake Tribune, Albuquerque Journal, Seattle Post Intelligencer, and San Francisco Chronicle be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 25, 1970]

USEFUL MISSION TO MEXICO

If all Presidential trips abroad could accomplish as much in short order as Mr. Nixon's 28-hour visit to Mexico, the case for personal diplomacy at the highest level would be unanswerable. Actually, the ground had been laboratory prepared for the agreement designed to resolve remaining boundary disputes between the United States and Mexico and to set up machinery for heading off such quarrels in the future.

The basic climate had been created through earlier resolution of the century-old dispute over the Chamizal area on the Rio Grande between El Paso, Texas, and Ciudad Juarez. Negotiations for the Chamizal Convention were launched by Presidents Kennedy and Lopez Mateos in 1962 and brought to fruition by Presidents Johnson and Diaz Ordaz in 1967.

These bits of recent history are recalled not to diminish the accomplishment of Presidents Nixon and Diaz Ordaz at Puerto Vallarta, but to point up the invaluable continuity that has been built up for amicable relations between the two countries in recent years. That continuity was endangered last year when Washington embarked on "Operation Intercept," a drive to halt the flow of marijuana and narcotics from Mexico.

Fortunately, the Administration soon abandoned this ham-handed venture and the two Governments agreed to replace it with "Operation Cooperation," under which Mexico promised to intensify its efforts to curb production and export of narcotics. In the improved climate, Attorney General John Mitchell accompanied Mr. Nixon to Puerto Vallarta and agreed on new measures of cooperation against the drug traffic.

Finally, Mr. Nixon has made what Mr. Diaz Ordaz calls a "constructive" proposal for improving the agreement involving distribution of the waters of the lower Colorado river. If a new agreement satisfactory to both sides can be reached by the time the old one expires in November, Mr. Nixon will have even more cause to be pleased with his personal diplomacy south of the Rio Grande.

[From the Salt Lake Tribune, Aug. 22, 1970]

GOOD NEIGHBORS MEET

Since there are no major issues plaguing the United States and Mexico, President Nixon's trip south of the border to visit President Diaz Ordaz was basically a good will expedition. But there were a few minor issues which a personal exchange of views by the two Presidents could easily help resolve.

Agreement on one of these—the problem created by the wandering Rio Grande—was quickly achieved. The river frequently shifts its course and every time that happens, the border changes, too, causing arguments over the ownership of land. Methods for handling this problem will now be submitted to the U.S. Senate and the Mexican Congress in the form of a treaty requiring ratification.

An even more important problem, on which both nations were already in agreement, arises from the fact that Mexico is the largest single source of marijuana smuggled into the U.S. as well as an important way station for heroin and cocaine produced elsewhere. A year ago, the U.S. instituted tight controls along the border, slowing down travel and distressing Mexicans who feared a loss of tourist trade. Since then, "operation cooperation" has gone into effect, with the U.S. supplying Mexico with $1 million worth of helicopters and light planes equipped with sensor devices for improved surveillance and weed killers for destroying marijuana crops. The U.S. is now urging Mexico to take stronger action to arrest and prosecute large operators.

The meeting between President Nixon and President Diaz Ordaz at Puerto Vallarta was a gala affair, complete with mariachi bands, cheering school children, streamers and confetti. And since it took place in a fairly small town, it was also a sort of counterpart to Mr. Nixon's travels "out into the country" at home. That is an excellent way of promoting good will.

Whenever an American president goes abroad, some great diplomatic triumph is often expected to occur. That certainly didn't happen at Puerto Vallarta. A good neighbor simply called on a good friend. Yet the longrun effects could be significant. Successful diplomacy involves more than striped pants and protocol.

[From the Albuquerque Journal, Aug. 23, 1970]

NIXON'S VISIT TO MEXICO

In recent years the often embittered relations between the United States and Mexico have steadily improved.

The agenda for talks between President Nixon and President Gustavo Diaz Ordaz during a 24-hour visit Thursday to the Pacific resort of Puerto Vallarta reflected this historically wary relationship. Topping the list was Mexican irritation at American attempts to stem the flow of narcotics from south of the border. The salinity of the Colorado River and problems resulting from the meanderings of the Rio Grande also were at issue.

Nixon expressed the concern of organized labor in the U.S. about factories set up along the border to process parts for electronic equipment and clothing later sold in this country as American-made.

These are hardly issues to make headlines; indeed they attest to the increasingly friendly relations between the two nations.

[From the Seattle Post Intelligencer, Aug. 5, 1970]

GOOD NEIGHBORS

Sometimes it seems as though there is nothing but bad news—and for the most part this is true. Day after day the news columns and broadcasts are filled with crises, disasters, crimes and portents of more gloom to come.

But not always. A really refreshing, bright bit of sunshine broke through late last week in the reports telling of President Nixon's colorful and highly productive visit to Mexico.

For two days the President and his wife were swept up in a fiesta whirl of warmest welcome. Everywhere they went they were hailed by Mariachi bands, throngs of cheering natives and officials whose handshakes were as sincere as their smiles.

It was a remarkable demonstration of friendship and good will. And it could have had no more fitting climax than the joint announcement by Mr. Nixon and Mexican President Gustav Diaz Ordaz of a formula for settling future border disputes.

For over 100 years the shifting Rio Grande River had made such disputes inevitable. Yet in only 28 hours of friendly talk the two chief executives were able to agree that henceforth the center of the river, no matter how it may twist, will be the dividing line.

It seems like the simplest kind of common sense and mutual compromise. Yet consider how rare such common sense and compromise are in the tense world of present-day diplomacy.

Our nation is fortunate indeed in sharing unarmed borders with its friendly neighbors to the north and south. So long as good will is cultivated by all concerned, there is no reason why every difference of opinion cannot continue to be solved in the spirit of amity which prevailed at Puerto Vallarta.

[From the San Francisco Chronicle, Aug. 24, 1970]

AGREEMENT IN PUERTO VALLARTA

The Nixon-Diaz Ordaz agreement on the boundary between their two countries is a sensible one that leaves the decision to nature and the Rio Grande.

Whithersoever the Rio Grande flows, the boundary will go right down the center of the river, shifting as the stream bed shifts. This

means that future questions about the boundary are to be determined by observation of the actual course of nature and not by composing the claims of quarreling Texans and Mexicans.

Boundary disputes have caused hard feelings between this country and Mexico over most of the years since 1884, when the border was first surveyed. That survey established the center of the Rio Grande as the boundary, but made no provision to settle disputes arising when the river changed course, as it has frequently done. In addition to providing that future sovereignty will flow with the stream, the agreement of Puerto Vallarta disposes of all territory presently under dispute, Mexico receiving three quarters of it and the United States one quarter.

The next steps are to submit the agreement to the Senates of the United States and Mexico for ratification as a treaty. Confident of approval, the two Presidents have pronounced that it will be one of the most significant Mexican-U.S. agreements of this century. If it succeeds in satisfying the jealous riparians of both countries, it will be all of that.

OCEANS

Mr. MONDALE. Mr. President, the Senator from Wisconsin (Mr. NELSON), who speaks to the environmental conscience of the Nation, is, once again, ahead of his time. He is warning that if we do not hasten to act, the oceans themselves will become poliuted, lifeless, clogged with wastes.

With the Santa Barbara oil spill and other dramatic evidence of environmental problems in the sea and along our populous coastlines, the Nation is beginning to awaken to the threat to this fragile, vital environment.

In an article in the August/September issue of National Wildlife magazine, Senator NELSON spells out the ocean environment threat in concise, dramatic, no-nonsense terms, and he calls for new national and international policies to assure that we do not wreak the same destruction in the sea as we have on the land.

Mr. President, it is hoped that the tragic future for the marine environment, of which this article warns, will never come to pass, but that we will take action now.

I ask unanimous consent that Senator NELSON'S excellent article, entitled, "We're Making a Cesspool of the Sea," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE'RE MAKING A CESSPOOL OF THE SEA

(By GAYLORD NELSON)

In the Atlantic Ocean, about 7000 feet off the sunshine and salt-spray wonderland of Miami Beach, there is a man-made phenomenon known as the "Rose Bowl". Mockingly named for its unpleasant fragrance, the "bowl" is a large, bubbling splotch of ugly brown sprawling over those famous blue-green waves.

The "bowl" is caused by raw, untreated sewage piped into the Atlantic from the fabulous hotels and other Miami Beach facilities and from three other nearby communities. The wind and the tide have to be just right, however, to wash the wastes and debris back in from the sea and onto the beaches. And for those who can stand the stench, fishing around the "bowl" is excellent.

Ordered ten years ago by Florida's health department to treat its sewage, Miami Beach is now taking its first step—extending the discharge pipe one mile further out to sea in hopes the wastes will be picked up by the offshore Gulf Stream and carried away to the mid-Atlantic. But scientists question whether this will do any good. Dr. Durbin Tabb, marine biologist at the University of Miami says that because of prevailing winds, extending the pipe means the sewage is just going to be blown back in-shore on somebody else's beach.

With a southeast Florida megalopolis of 10 million people predicted in 20 years, Dr. Tabb and other scientists believe the "Rose Bowl" is one more ominous sign that big trouble lies ahead for that supposedly limitless resource on which the booming Florida economy is built, the sea and the beaches.

Fishermen, professional divers and marine scientists whose lives are entwined with the sea, report similar situations all along America's coastlines.

Filter cigarette butts, bandages and bubblegum have been found in stomachs of fish caught near New York city's sewage sludge dumping ground 8 to 10 miles out in the Atlantic.

NIGHTMARISH BEACH SCENES

Some northern New Jersey beaches near the Atlantic shipping lane into New York Harbor have been turned into a nightmarish scene of tar from oil slicks, plastic bottles, broken dolls, even dead animals thrown into garbage somewhere.

People are sometimes driven from their waterfront homes in Galveston Bay in Texas near the Gulf of Mexico by the stench from thousands of decaying fish killed by pollution.

In the Panacea, Florida, area on the Gulf Coast, one of the state's last national frontiers, crab fishermen are coming in with only a tenth of their catch of five years ago, while real estate and land developers fill in and destroy hundreds of acres of fertile marsh areas, the Army Corps of Engineers is planning to cut new waterways, and industry pours poisonous wastes down once wild rivers into the Gulf.

Batches of mackerel caught in Pacific Ocean waters off central California last year contained so much DDT that they were impounded by federal health officials as unfit for human consumption, while in the sea off a southern coast, scientists have found miles-long slicks containing pesticide levels 10,000 times higher than surrounding waters.

"If only I could get the majority of Americans under the surface of the sea to witness what's going on," says Dr. Rimmon C. Fay, a collector of marine specimens who has been diving in the Pacific off Los Angeles for years. When he turns over rocks now in that undersea wasteland caused by sewage and industrial pollution, he finds "it's foul and putrid underneath".

Throughout history we've believed that at the sea's edge man's power to destroy stopped and nature's invincibility began. In her 1951 book *The Sea Around Us*, even Rachel Carson saw the oceans as one last haven, safe forever. How could it be otherwise, when the oceans are so vast the continents are just islands in their midst, so deep a Mount Everest could be lost beneath their surface, so powerful their waves have tossed a 2600-ton breakwater around like a cork? How does one pollute the volume of the sea, 350 million cubic miles? How does one poison an environment so rich it harbors 200,000 species of life?

Yet last year Stanford University ecologist Paul Ehrlich projected the end of all important life in the sea by 1979, and the probable end of the human species shortly thereafter, in a grim scenario based on current trends. I've talked to Dr. Ehrlich and other ecologists since, and there is no disagreement among them that the oceans are on the way to destruction. The only issue is when. Some scientists say that it will take perhaps 50 years at the present rate.

The vulnerability of the marine environment becomes dramatically clear when we realize that even though the oceans blanket three-fourths of the earth, their productivity is mostly limited to the rich waters over the continental shelves, narrow bands of undersea lands extending from our coastlines. Eighty percent of the world's saltwater fish catch is taken from these shallow coastal waters that make up only a tiny fraction of the total sea area. In addition, almost 70 percent of all usable fish and shellfish spend a crucial part of their lives in the estuaries—the coastal bays, wetlands and river mouths—that are 20 times more fertile than the open sea, seven times more productive than a wheatfield.

Cut the chain of life in the coastal marshes and bays, destroy the myriad bottom organisms and pollute the waters above the continental shelves, and inevitably we will eliminate the great ocean fisheries that are vital in feeding an exploding world population.

Pollution or overfishing, and sometimes both, have gouged fisheries around the world. Several bottom fish species off the Pacific Northwest have been virtually exhausted by Russian fleets with factory ships that take the bounty home all canned and labeled. The once-mammoth sardine fishery off California is now gone. The croaker, a popular food fish, has virtually disappeared from much of its native East Coast waters. Off New York, fish are becoming afflicted with a strange disease that rots away fins and tails, and in dirty Pacific waters off Southern California, fish are being found with high rates of deformities and disease.

THE HIGH PRICE OF PROGRESS

Today our accelerated exploitation of the marine environment in the name of "progress" at any price is aimed directly at the continental shelf and its coastal resources, the tiny Achilles Heel of the sea. In our greedy rush to create more land, vital United States coastal wetlands are being dredged and filled for highways, industry, bridges, waterfront homes—to the tune of almost 900 square miles in 20 years. In spite of scientists' warnings, this continues at an accelerating pace from Galveston to Chesapeake Bay. Meanwhile, our remaining estuaries are fed 30 billion gallons of sewage and industrial wastes every day, poisoning fish, choking out oyster and clam beds, and rendering the bays and wetlands unfit for almost any use.

While the vise tightens on the critical inshore areas that lace our coastlines, the pressure builds on the ocean itself. More and more, the continental shelf waters and beyond are a tempting dumping ground for our garbage, especially for those cities and industries looking for a new way to ease the burden of the national cleanup push on inland waters.

In 1968 alone, 37 million tons of solid wastes were dumped in ocean waters off the United States. The wastes—taken out to sea by barge and ship—include garbage and trash, waste oil, dredging spoils, industrial acids, caustics, cleaners, sludges and waste liquor, airplane parts, junked automobiles, spoiled food, and even radioactive materials. During his papyrus boat trip in the Atlantic last year, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes, oil and other trash that had somehow been swept on the currents to mid-ocean.

One big new proposal calls for piping the concentrated wastes of up to 50 industries in the Delaware River Valley more than 80 miles out to sea. But Dr. Howard Sanders of the Woods Hole Oceanographic Institute in Massachusetts says wastes could wreak even more havoc on low tolerance life in the ancient.

almost unvarying environment of the deep sea than in a little stream in our backyard.

LOOSE DUMPING REGULATIONS

Regulations on ocean dumping and other activities are so loose now that it amounts to every-man-for-himself on the high seas. A chief regulator, the United States Army Corps of Engineers, recently confirmed that it didn't even know how many ocean-dumping permits it has issued. And "letters of permission" handed out by the Corps for dumping more than three miles off our coasts are, the agency admits, "really an acknowledgment that anyone can do anything they please when outside our jurisdiction."

As yet, no one really knows who has what rights and responsibilities in the ocean environment, and state, federal and international jurisdictions remain in their historically chaotic tangle. The origin of national sovereignty over the first three miles of sea bed was the range of a cannon shot in the 17th Century.

Perhaps more than any other problem, the dramatic, sudden oil-well blowouts in the sea and the oil tanker breakups have begun to awaken us to the total inadequacy of our present ocean policies. The list of places where oil has blackened beaches, killed untold thousands of birds, and posed lingering threats to marine animal and plant life already includes many of the great recreational areas of this nation and the world: Florida, the Gulf Coast, New England, New Jersey, Puerto Rico, Southern California, southern England.

What famous coastline will be next? According to a report last year by the President's Panel on Oil Spills, we can expect a Santa Barbara-scale disaster every year by 1980 if present trends continue. Yet in a shocking invitation for trouble, we will be drilling 3,000 to 5,000 new undersea oil wells worldwide each year by 1980, even as the experts confirm we do not possess the technology to contain the oil from ocean disasters. And oil-carrying tankers are being built to monumental scales, cutting transportation costs but increasing the risks of gigantic spills.

How many more oil spills like the one in the Santa Barbara Channel and the break-up of *Torrey Canyon* off England will it take before all nations realize the human race is now so populous and generates so much waste that we can no longer treat the environment as if it were created for our limitless plunder?

Radioactivity from nuclear fallout can be found in any 50-gallon sample of water taken anywhere in the sea. Investigators of a massive die-off of sea birds off Britain last year found unusually high counts of toxic industrial chemicals used in making paints and plastics. Because of the use of toxic, persistent pesticides worldwide, species of sea birds such as the brown pelican have been pushed to the brink of extinction over large portions of their ranges, and there is evidence these poisons can attack phytoplankton, a food fundamental in the chain of ocean life.

Ironically, while we continue the gruesome process of polluting the sea, we are laying big new hopes on ocean space for everything from floating jetports to housing developments. The conclusion is unavoidable. If tough, intelligent action is not taken now, we will make the same wreckage of the oceans as we have of the land and of our sprawling, decaying cities. There will be more reckless exploitation, user conflicts, gigantic oil spills and other environmental disasters, and the ultimate destruction of marine life.

And the greatest losers of all will be the people of America and the world—the hundreds of millions of people to whom the coastlines and the sea mean recreation, or a home, or a livelihood, or peace and inspiration, or—because of the food provided for whole nations by the great fisheries—survival itself. Destroy this vital frontier, and in effect we will be slamming the door on, our last chance for a livable world and for a decent future for generations to come.

STEPS TO SURVIVAL

The day is already tragically late, but there is still reason to hope. As astronaut Neil Armstrong expressed, "We citizens of earth, who can solve the problems of leaving earth, can also solve the problems of staying on it." But make no mistake, it is going to be a tremendous task. Turning back the massive assault on the sea and meeting our other staggering environmental problems will mean dramatic modifications in our present policies and priorities, including, at the very least, the following three steps:

1. We must end, by 1975, all dumping of wastes into the sea, the Great Lakes and the coastal areas of our rivers and bays, except for liquid wastes treated at least to levels equal to the natural quality of the ocean waters.

Rather than using the sea as a last-ditch catchall for our wastes, our only rational choice now is to put our sophisticated technology to work finding ways to recycle our wastes back into the economy as useful new products. As Dr. Athelstan Spilhaus, president of the American Association for the Advancement of Science, said, "We are running out of an 'away' to throw things away."

2. We must prohibit any new activity—from building offshore jetports to the drilling of additional oil wells—until we set tough, new controls to avoid the chaos and destruction in the sea that is everywhere apparent on the land.

And for once the public must be fully informed and consulted at every step in decisions on whether cities are built off our coasts, whether a new sea horizon is created with the paraphernalia of marine industry, whether huge new supertankers whose wrecks could smear whole coastlines with oil will be allowed.

We should never have permitted oil drilling anywhere under the sea until we understood and could control the dangers. Stricter enforcement of regulations for offshore oil wells is not a sufficient answer. Now, the only logical course is to halt all drilling in ecologically sensitive areas—such as the Santa Barbara Channel—and to prohibit new drilling anywhere, until there is convincing evidence it will not harm the marine environment, and until we have the technology to contain oil spills. Until we know more, all our untapped oil and mineral deposits under federal jurisdiction in the sea should be held unexploited in a National Marine Resources Trust, which should be established immediately.

3. We must halt the reckless dredging and filling of priceless wetlands and the carving up of ocean front in the name of "progress".

Faced with a coastal environment crisis, Maryland, Massachusetts and the San Francisco Bay area, among others, have taken first steps toward outlawing the "right to destroy" that has in effect been claimed by private interest lobbies, and set new standards to protect remaining wetlands.

Curtailing these long-standing practices is not easy. But the framework for these desperately needed new national standards could—and should—be taken in this session of Congress. The Marine Environment and Pollution Control Act which I introduced earlier this year would do this. Under its provisions, the Secretary of the Interior would take on major new responsibilities to protect that part of the ocean environment under his jurisdiction, at the same time setting a model which the states could well follow in their own parts of the seabed. This kind of legislation would be only a beginning in saving our oceans.

These "environmental quality" policies will be adopted only when the majority of Americans demand them in a sustained political action drive at every level of this society. There will be action in the public interest only when the land developers, the oil interests, Congress and local governments know the public means business. Citizens must take a stand now for their friend, the sea. They must use every device within the political process to see that it is protected.

Finally, all nations must together establish an International Policy on the Sea that sacrifices narrow self-interests for the protection of this vast domain that is a common heritage of all mankind. It is a challenge that will test our intelligence as a species, but a task of highest priority for the future of the human species. We must acknowledge our interdependence with all of nature, including the sea, rejecting the prevailing philosophy of Western civilization that man can dominate the planet while ignoring the works and forces of nature. For as Thoreau said: "What is the use of a house if you haven't got a tolerable planet to put it on?"

MILLIONS DONATED TO FIGHT MUSCULAR DYSTROPHY

Mr. GRIFFIN. Mr. President, Americans all across the land this week demonstrated anew that generosity is one of the hallmarks of a great people.

It is reported that the annual Jerry Lewis Labor Day telethon for the Muscular Dystrophy Associations of America brought a record of nearly $5.1 million in pledged contributions.

The program, featuring the well-known entertainer Jerry Lewis and numerous other celebrities, was carried by 65 television stations and lasted for 20 hours.

The telethon began at 9:30 p.m. Sunday and ran continuously until 5:30 p.m. Monday.

It is particularly gratifying to this Senator to know that Detroit Station WKBD–TV, Channel 50, was part of that network.

WKBD–TV's participation in the telethon meant more than $265,000 in pledged contributions to fight muscular dystrophy. The station reported receiving more pledges from more than 42,000 people.

Furthermore, I understand that the total amount raised by the Detroit station made the Metropolitan Detroit region the second largest fund raising region in the Nation.

Mr. President, I wish to commend all the broadcasters who participated in this important campaign, and in particular I wish to pay tribute to station WKBD–TV, its performers, its management and staff personnel who gave so unselfishly of their time and talent for this worthy cause.

ENVIRONMENTAL AGENDA

Mr. MONDALE. Mr. President, last January 19, the first day of the second session of the 91st Congress, the Senator from Wisconsin (Mr. NELSON) delivered a Magna Carta speech on the Senate floor proposing an environmental agenda for the Nation in this decade.

Not content to merely make speeches about it, he went on to introduce 20 measures to implement the environmental agenda, staking out for Congress the tough, uncompromising positions that must be taken if we are to put a halt to the nationwide and worldwide assault on man's environment.

It is a legislative package of truly broad scope, reflecting the insight and dedication of a man who clearly recognizes the complex challenges facing America as the Nation moves into the last third of the 20th century. In the 8 months since that speech, 10 of the 20 Nelson environmental agenda measures have either been enacted, their provisions incorporated into other legislation, or hearings held—dramatic evidence of an awakening national environmental conscience and a tribute to the Wisconsin Senator, who has done so much to awaken that conscience.

In an excellent article recently, the Christian Science Monitor, which does a thorough job of covering environmental issues, makes reference to the progress of Senator NELSON'S environmental agenda. I ask unanimous consent that it be printed in the RECORD at the end of these remarks.

Further, I think it worth while to point out the specific environmental achievements of the Senator from Wisconsin thus far in this Congress. He has been a leader in the fight for a clean automobile, for action to stop the pollution of the Great Lakes and the oceans; for protection of Everglades National Park; in the effort to eliminate DDT, control other hard pesticides, and stop environmental warfare with herbicides in Vietnam; and in the effort to stop the social and environmental disruption by our massive highway system.

And Senator NELSON was the originator of the National Earth Day idea—proposing it in a September 20, 1969, speech before the Washington State Environmental Council—and was instrumental in bringing it to reality in teachins, conferences, and in seminars last April 22 involving 2,500 colleges and universities, 10,000 high schools and grade schools and an additional 2,000 communities.

Action resulting from Senator NELSON'S environmental agenda includes the following:

Senate subcommittee inclusion of provisions of three Nelson amendments to end pollution from the automobile by 1975;

Congressional action to guarantee from a competing Corps of Engineers project the water supply crucial to the survival of Everglades National Park;

An amendment to the Water Quality Improvement Act, now signed into law, which will lead to the establishment of State-by-State standards to halt pesticide pollution of our lakes and rivers and will improve the means of nonchemical pest control;

Senate passage and House consideration of the Apostle Islands National Lakeshore, proposed by Senator NELSON;

Senate passage and probably congressional enactment of Nelson legislation to add three Lake Michigan islands to the national wilderness system;

Senate committee hearings on a Nelson bill which sets forth a new Federal program to cut massive erosion along our streams, rivers and highways;

Senate hearings and probable congressional enactment of Nelson legislation, the Environmental Quality Education Act, to vastly upgrade national efforts to educate students at all levels regarding the environment and its problems;

Senate committee hearings on the Marine Environment and Pollution Control Act introduced by Senator NELSON which would stop cities, industries, and others from dumping solid wastes into the Great Lakes and the sea and would institute comprehensive environmental management plans for our ocean resources;

Senate committee hearings on Senator NELSON'S Detergent Pollution Control Act which would ban phosphorus in detergents by June 30, 1972, and set national pollution control standards on all detergent ingredients;

Inclusion in a Senate-passed bill now in Senate-House conference of several provisions in Nelson legislation designed to establish economic penalties on "throwaway" packaging and require return, reuse, and recycling of such consumer containers;

Senate committee hearings on the future of the highway aid program, at which Senator NELSON testified on his proposal to make highway trust fund moneys available for mass transit systems in our Nation's congested cities;

Senate committee hearings and probable committee action on a Nelson bill to assure opportunities for employment and training to the unemployed in needed public services such as health service jobs, family planning, transportation, public safety, education, pollution, rural development, and conservation and beautification.

Federal-State requirements to end the pollution of Lake Superior by an iron ore processing company and other sources, the result of a pollution control conference called at Senator NELSON'S urging, and continued cleanup action by a similar Lake Michigan conference also called at Senator NELSON'S suggestion.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS TOYS WITH NIXON LEGISLATION

(By Peter C. Stuart)

WASHINGTON.—"It is now or never," President Nixon declared in February when handing Congress his environmental program.

Today, nearly six months later, his program is quietly drifting from "now" toward "never."

None of the President's seven major bills has been enacted into law. The House of Representatives has passed two—cracking down on air polluters and broadening research on waste disposal. The Senate has adopted none.

The House hasn't even held committee hearings—the very first legislative step—on four of the bills, including all three clean-water measures. The Senate has held no hearings on one bill (to acquire more parklands).

One bill in each house (the waste bill in the Senate and the parks bill in the House) has awaited floor action longer than a month.

IMPATIENCE GROWING

The snail's pace of the Nixon environmental program is arousing impatience within the administration. So far it hasn't boiled into public—but it may.

Persons keeping tabs on the presidential package, inside and outside the administration, lay the sluggishness to two factors:

The bills themselves are truly major. "The Nixon bills," conceded an aide of one leading environmental Democrat in the Senate, "are broad-gauged, setting whole new directions."

Thus they require longer for Congress to scrutinize—and also loom as bolder targets for critics.

"Sometimes the overall view gets lost in nit-picking," an administration source complained.

"Shorter steps often come easier. About the same time the President submitted his program, Sen. Gaylord A. Nelson (D) of Wisconsin introduced his own package of 20 briefer, more-specific environmental bills. Today fully 10 of them either have been enacted, their concepts incorporated into other legislation, or hearings completed.

Environmental politics. Most of the Nixon bills in the Senate (six out of seven) wound up in the pollution subcommittee chaired by Sen. Edmund S. Muskie (D) of Maine—the President's chief rival for environmental leadership and a likely challenger for the White House in 1972.

"It isn't that Muskie is mistreating the President's bills," explained one Capitol Hill environmentalist. "But both men have written bills covering the same areas. In most cases, in fact, Muskie has proposed and the President has responded."

Senator Muskie's involvement may account for the differing approaches of the Senate and the House.

HOUSE MORE PASSIVE

The House seems content to ratify Mr. Nixon's recommendations, or even weaken them, as when watering down his clean-air provisions on fuels and additives.

But the Senate, in committee at least, is inclined to outdo the President. A tougher waste-disposal bill emerged last month from committee, soon to be followed by air and water pollution measures also expected to outstrip the President's.

Both the White House and congressional critics stoutly deny partisanship. "The environment is no place for open political warfare," an administration spokesman said. But it's there, unavoidably.

So is lobbying. "There's a lot of lobbying going on," one of the executive legislative liaisons admitted, in a massive understatement. The clean-air bill alone has mobilized two of the most powerful lobbies in town—the automobile and petroleum industries.

With so many intangibles at work, few close to the Nixon program will predict how much of it is likely to survive the hectic closing months of the congressional session. Administration sources are uniformly pessimistic—except for one important consideration.

"This," said one, speaking of environmental protection, "is not a good issue for Congress to leave undealt with in an election year."

DAIRY IMPORT PROTEST TO TARIFF COMMISSION

Mr. MOSS. Mr. President, the U.S. dairy industry has been seriously hurt in the past years by a tide of ingeniously designed foreign products which have

come into this country as "dairy equivalents."

Technically, they are not dairy products, but in actuality they are—although they are so designed and constituted that they can be imported outside of the dairy quotas.

I recently protested these technical evasions to the U.S. Tariff Commission. I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DAIRY IMPORT PROTEST TO TARIFF COMMISSION

Until 1966 dairy imports had been maintained at modest levels. In that year foreign exporters began their successful efforts to design products which technically were outside of dairy quotas but which closely resembled products under quota. These were new products—ones which had not been known in the trade to that time, bearing such unique names as Junex.

Sensing these technical evasions President Johnson directed the Tariff Commission to investigate these products in 1967. Following this investigation and report President Johnson on June 20 imposed quotas on the products which had accounted for 95 per cent of the import increase during the preceding year and a half. At that time he said "On a basis of these new quotas, annual imports will be approximately one billion pounds of milk equivalent." The emphasis is mine; it is done to show an intended policy of level of dairy imports.

Unfortunately President Johnson had not reckoned with the ingenuity of foreign exporters to the United States. New evasions were found and further investigations were required by your commission in 1968. By that time dairy imports were running closer to two billion pounds of milk equivalent than the anticipated one billion pound figure of President Johnson. A further Presidential proclamation was issued on January 6, 1969.

Again, ingenious ways of evading the quotas were found. Cheeses which were intended to sell under 47 cents a pound were priced through various means (kickbacks, dehydrating, etc.) over that figure. Ice cream mix was called ice cream. Swiss cheese from New Zealand was called Monterey.

As a result, once again a President, this time President Nixon, had to call on the Tariff Commission for further investigation, abetted by a call for an investigation of other products by the Ways and Means Committee.

As a result we find that there have had to be three investigations by the Tariff Commission called by Presidential proclamation since 1967. Hardly were the results of the previous two announced than new evasions occurred. Is there any reason to assume that the same will not occur after the commission makes its recommendations following these hearings?

What I am really leading up to with this background is not the suggestion that either President Johnson or President Nixon have not proceeded in good faith in dairy imports or that the Tariff Commission has failed to perform its duties within the framework prescribed for it. Rather it is to suggest that our entire system of quotas on dairy products—handling them commodity by commodity—is wrong. Recent history shows that this approach simply is not doing what was intended. If it was, then the Tariff Commission would not again be having hearings now, so soon after their previous actions.

It is recognized that the Tariff Commission is limited in what it can recommend as an immediate practical remedy. It, for example, can only recommend on those products for which the hearings have been called. Obviously it must also recommend within the framework of present law. But I would like to urge them in the views which are expressed by the Commission members subsequent to this hearing to go beyond that. I would urge them to give us long-term recommendations on how national objectives of approximately one billion pounds of milk equivalent, stated by agricultural spokesmen of both the last Democratic and the present Republican administration, can best be achieved without the continuous patchwork of having to hold new hearings to counter the newly thought-up evasions every year or two.

Speaking as one United States Senator I would welcome the views of the members of the Tariff Commission in this respect.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BAYH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows: A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the joint resolution.

Mr. BAKER. Mr. President, yesterday I indicated that I would have further and additional remarks on the pending bill, to explain and amplify my reasons for supporting it.

I believe the most fundamental of those reasons, and the most fundamental of all American rights, is the right to equality.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senator from Tennessee may proceed.

Mr. BAKER. Equality is the first of the self-evident rights set out by Thomas Jefferson in the Declaration of Independence. The ideal inscribed in stone above the entrance to the Supreme Court of the United States is "Equal Justice Under Law".

Strict equality is an ideal and, therefore, unachievable. At times in our sprawling history it has even been the policy of governments explicitly to deny equality. But steadily through the progress of our history as a people we have sought and confronted and tried to eliminate all bars to equality.

In the landmark case of Baker against Carr, which was first brought in my native State of Tennessee, the Supreme Court established decisively the principal that one man is entitled to one vote, no more, no less.

The pending issue in the Senate today is no more complex than this: does two-thirds of the membership of this body believe that the principle of complete equality should be extended to each citizen of this country in the election of the President and the Vice President of the United States.

There are those who argue that it is too complicated, too risky, too uncertain to extend equal voting rights to all franchised Americans. I cannot agree. It is true that the proposed constitutional amendment is not foolproof and that it raises important questions of implementation. But the Congress can—by statute—resolve these matters after ratification of the amendment. The paramount issue, the single issue that cannot be sacrificed on the altar of any expedient or technicality, is the fundamental right of every citizen to cast a vote that has no more weight nor no less weight than that of any other citizen.

The electoral college may well have served a purpose in sprawling, uneducated, postcolonial America. But all of that has changed. Geography should not elect Presidents; States should not elect Presidents; people should elect Presidents.

There are those who argue that the big city States will lose in influence if the electoral college is abolished. It has been pointed out that under a direct election system a man could be elected President without winning a single vote in 39 States. Others argue that, on the contrary, it is the smaller States that will lose if the direct election system is adopted. Neither case is readily demonstrable, and such arguments pale in significance when compared with the basic issue of equality.

One of the most undesirable aspects of the existing electoral vote system is the so-called unit rule, under which the winner takes all. A presidential candidate who wins a plurality in any State wins all of the electoral votes of that State.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a question?

Mr. BAKER. I am happy to yield to my distinguished colleague from Nebraska.

Mr. CURTIS. On the subject of equality of individuals' voting rights, would the distinguished Senator tell us, in con-

nection with the election of what officials did that case arise?

Mr. BAKER. The Baker against Carr case, as the distinguished Senator from Nebraska knows, was filed by a group of citizens against the Secretary of State of the State of Tennessee, alleging that there was a malapportionment of the representation in the State legislature of my State.

The point of the matter in these remarks, however, is that Baker against Carr has become a landmark decision, an innovative decision of the highest tribunal in this country establishing the basic principle of equality. It is not directly applicable, obviously, to the electoral college, because the provision for the electoral college is imbedded in the Constitution itself, and Baker against Carr was a holding to the effect that the Constitution itself required that there be equality of representation and that there be equality of the right to vote.

Mr. CURTIS. Did the element enter into it that the plaintiffs in the suit maintained that the constitution of the Soverign State of Tennessee was not being adhered to?

Mr. BAKER. There were arguments pro and con in Baker against Carr at the three-judge level and then through the appellate stages in the several briefs and the amicus curiae briefs filed in the course of the proceedings, to the effect that the basic nature of federalism required that the State be permitted to apportion one or both of the houses of its legislature on some basis other than population, and that the constitution of Tennessee so provided.

The court, in effect, at least by inference, held that notwithstanding any provision of the Tennessee constitution, there could not be an abrogation of the guarantee of equal representation by the Federal Constitution.

Mr. CURTIS. I am interested in the distinguished Senator's attitude toward the election of U.S. Senators. It is quite apparent that a voter in the State of Wyoming or Alaska has a greater proportionate voice in selecting U.S. Senators than one in the State of California. My question is this: Would the Senator carry his argument for equality of voting power, if that is the proper term, to the selection of U.S. Senators?

Mr. BAKER. My answer is "yes" to the distinguished Senator from Nebraska, but I think not for the purpose he intends, if he will permit me to expand and elaborate a little further.

Mr. CURTIS. I will be happy to have the Senator do so.

Mr. BAKER. I believe that the Senate of the United States and the election of the Members of this body is the personification of one-man, one-vote under the constitutional mandate of the United States of America. I made that remark when I was engaged in debate with the distinguished senior Senator from North Carolina when we were debating a one-man, one-vote issue in a proposed constitutional amendment by the late Senator Dirksen to overturn the effect of Baker against Carr. The distinguished senior Senator from North Carolina energetically disagreed, pointing out, as I think the Senator from Nebraska points out, that the vote of one citizen in Wyoming counts for a great deal more in electing one Member of this body than does, say, the vote of one citizen and one voter of California, New York, or Tennessee. That is quite true. But bear in mind that the Constitution provides for two Members of the Senate of the United States from each State, that every citizen of that State votes for both of those Senators, and that every citizen's vote counts for precisely as much as every other citizen's in that State. The fact that it does not count as much as it does in New York or in California is not in derogation of the validity of one-man, one-vote, as it applies to the Senate of the United States but, rather, the design for federalism built into the Constitution itself.

Many say that the Senate of the United States and the electoral college are the only two institutionalized elements of national federalism remaining in the United States. I disagree. Clearly, the Senate represents the fruits of the great compromise that led to the ratification of the Constitution of the United States. The compromise was in the form of a bicameral legislative department, with the House of Representatives representing all the citizens of this country on a direct, equal basis and the Senate of the United States representing them on a direct State federation basis.

The electoral college was designed and created, if we examine the notes and commentary on the deliberations of the constitutional convention, almost as an afterthought, long after the so-called great compromise was effected. The electoral college, in my humble judgment, does not represent a testimony to the great compromise; because when we examine it carefully, we find that not only did it come long after—and, in my view, as an afterthought, almost—but also, it provided for election of the President by the House of Representatives, and the House of Representatives is the one-man, one-vote body in the great compromise.

If we examine the rationale of the electoral college and the deliberations that led to it, we find that the electoral college was to serve, in effect, as a nominating committee to select distinguished and qualified citizens of this country who would be nominated to be President, five of whom would be submitted to the House of Representatives, and from that list the House of Representatives, its membership elector on a strict one-man, one-vote basis, would choose the President of the United States.

I believe that there is ample justification now for transferring the one-man, one-vote relationship away from the vicarious function of the House of Representatives directly to the people, especially, as I said yesterday, in this age of instantaneous communications through the electronic media and almost instantaneous transportation by airplane and otherwise.

The very nature of federalism has changed. We are closer to being a Nation-State than we ever have been. But the fact that I would propose to transfer this one-man, one-vote function of electing the President from the vicarious function of the House of Representatives directly to the people in no way implies that I would destroy the symbol of federalism which is the Senate of the United States.

Mr. CURTIS. So the Senator is for this doctrine, the absolute equality of voting power for every citizen, having that implemented into everything except the election of U.S. Senators. Is that correct?

Mr. BAKER. No. I believe, as a matter of fact, as I said earlier in these remarks, that the Senate of the United States and the process by which we now elect Senators of the United States is the embodiment and personification of absolute perfection of one-man, one-vote. Taking the basic requirement for federalism—that is, that each State have two representatives in this body—we then proceed to this question: Does each citizen of that State have the same voting power as every other citizen? The answer is: "Yes." Every citizen in Tennessee, more than a million of them, who voted in the election of 1966, in which I was engaged, had precisely the same voting power as every other citizen, regardless of their geographical location in my State, the color of their skin, their age, or anything else. So long as they were permitted to vote, they had absolute equality of that vote. But, unfortunately, that is not the case in the election of the President of the United States.

Mr. CURTIS. What was the total vote in the State of Tennessee?

Mr. BAKER. We had approximately a million votes.

Mr. CURTIS. We have approximately one-half million in my State, so everybody who goes to the polls has one-half millionth of the authority to name a U.S. Senator in the State of Nebraska. In the State of Tennessee, it is cut in half. Each voter has one-millionth of the voting power. Is that equal?

Mr. BAKER. Of course, it is equal. It is equal because each State is entitled to two Senators, and every vote in Nebraska counts the same as every other vote. That is not the same as the election to the House of Representatives, where, until recently, in Nebraska and Tennessee and in every other State of the Union, single member districts were not of the same size and there was a vast disparity in the effectiveness of a single vote of a Member of the House of Representatives. But we are comparing apples and oranges when we compare the House and the Senate in this respect, in the examination of one man, one vote.

I feel, as does the Senator from Nebraska, that this Republic has flourished and has prospered and has endured in large part because we have adhered to the Federal system, which is the product of the great compromise. I do not propose to destroy that compromise. That is

why I insist that the Senate and the House be selected on a different basis—both, however, selected on the basis of equality of the vote. I do suggest, however, that there is gross inequality in the selection of the President because of the electoral system which originally was conceived to be, in effect, a nominating committee, and the function of electing the President was to be performed by the House of Representatives, which theoretically, was to be chosen on a one-man, one-vote basis. I want now to transfer that vicarious function of the House of Representatives to the people. I believe that we can safely do so, and it does not have a thing on earth to do with continuing, nurturing, and protecting the symbol of federalism which is embedded in the Senate of the United States.

Mr. CURTIS. I contend, however, that the federalism is part and parcel of our electing of a President.

Mr. BAKER. And I agree.

Mr. CURTIS. And it will no longer be so if this measure prevails. The same forces that are today arguing for the passage of this proposal, if they are to be consistent, will have to carry that so-called reform into the election of U.S. Senators. The mere fact that some textbook writer has said that the procedure provided in the Constitution for the election of a President was sort of an afterthought does not make it so.

As a lawyer, the Senator knows that it is an established principle that words are intended to mean what they say, exactly what they say. One need not go back to resurrect something else, although sometimes it is helpful.

The fact remains that they provided for the selection of a President just as they provided for Congress a blend between equal voting power of the States and voting power based upon the number of people involved. I do not think it was an accident. I think that the manner of deciding a contest as well as binding the electors or doing away with the electors and using the electoral vote can be modernized to meet our present situation.

Does not the Senator agree that to destroy the basic fabric that provides that the vote shall be counted similar to the way the Senate is constituted and the way the House is constituted is a mistake?

Mr. BAKER. No; as a matter of fact, I feel that direct election is essential, if we are to meet the challenge that will confront the country in the years just ahead, because the President and the Vice President, as the Senator from Nebraska knows, are the only two elected officials who are not elected by popular vote. They are the only two who are not elected by equality of vote at the Federal level, if the mandate of the Supreme Court is to be carried out.

Mr. CURTIS. We were never elected that way. We were elected by the States, because there are two pillars, one the Senate, which gives recognition to the States; the other, the House, recognizing the States as having Representatives chosen proportionally by the people. They are the two pillars of federalism. The Senator from Tennessee wants to tear down one; I say that the other will follow.

Mr. BAKER. The President of the United States is, in my judgment, the President of all the people, not the President of 50 States. The President, throughout the fabric of the Constitution, the minutes, and the commentary on the convention leading to the framing of the Constitution itself, and in the body of the statute law, is reflected to be the chief magistrate of the people of the United States of America, the people of this country.

Mr. CURTIS. No, no; the States. He is the President of the United States.

Mr. BAKER. It seems to me that there is no conscionable basis on which one can say that in the selection of the highest elected officer, the highest officer in the United States, the people of one State should have an advantage over the people of another State. If equality of representation is not stated to be the fundamental purpose of democratic government, then there is something about the nature of federalism which I believe we should examine a little further, because federalism, in the view of the junior Senator from Tennessee, does not represent discrimination by favoring one group over another.

Federalism as a generic term does not imply an advantage by one group over another. Federalism means a group of 50 States united for their mutual self-interest and for the creation and functioning of a central government. That is federalism, and that element of federalism is protected, nourished, and perpetuated by the daily functions of the U.S. Senate. It does not require that the voters of New York City have a greater voice in selecting the President than the voters of Omaha, Nebr. That is precisely the case now, according to the arguments of some.

I come from a Southern State. I come from a fairly small State. Scholars and observers argue effectively that Tennessee has an advantage in the electoral college system and also that Tennessee has a disadvantage under the electoral college system. My reply to both of those arguments is, if it is clear there is an advantage or a disadvantage, that is proof positive that the electoral college system should be abolished, because Tennessee should not have one whit more or one whit less influence than any other region or section of the country.

If we do not start with the basic premise of equality in the selection of a President, in the selection of the House of Representatives, and in the selection of the Senate—which we do now have and have always had in the Senate—then we end up with a premise that does not, in my view, constitute a part of federalism. That is inequality. There is no relationship between federalism and discrimination.

Mr. CURTIS. My learned friend has been most generous in yielding to me, so at this point I will ask him just one more question. He stated he would transfer the functions of the House of Representatives to the people themselves. I take it he could only be referring to deciding a contest for President because that is the only place the House gets into it.

My question is simple: When would the Senator hold that runoff election?

Mr. BAKER. Whenever the Senate and the House of Representatives decided it should be held.

Mr. CURTIS. Well, I do not think that is a responsive answer. The Senator is proposing a plan for machinery to elect a President of the United States. In considering that plan, we not only have a right but a duty to inquire as to how it would work out. I do not believe it is responsive to the question for anyone to say that Congress will decide it later, because they may decide and change their minds many times. But it is incumbent upon the proponents of this amendment to give us an idea of their estimate, after their proposal is adopted and implemented, as to how long it will take to carry it out, in case we have to have a contest.

Mr. BAKER. My reply to that may not be judged responsive and, if that is so, it is unfortunately but necessarily so. My reply to that is that Senate Joint Resolution 1, which is the pending business, which is the proposed amendment to the Constitution to provide for the direct election of the President, which is the piece of legislation that my distinguished colleague from Nebraska and I are discussing now, provides for the direct election of the President and would abolish the electoral college. It is intentionally silent on the implementing features of that plan. Congress can clearly and Congress can obviously provide for the time to conduct a runoff if a runoff is held. That is in the best traditions of representative government. We should imbed in the permanency of the Constitution the requirement for the direct election of the President, but we should not fix in concrete a statutory requirement as to when a runoff election should be held, or how.

Mr. CURTIS. I believe my distinguished friend from Tennessee fails to understand that I am not suggesting we amend his proposal and put in a specific date. I am merely saying that no one can properly weigh the Senator's proposition, which clearly calls for a runoff election, unless some idea is brought into it as to the timing of it and how it would work.

Mr. BAKER. Might I ask my friend from Nebraska to suggest a time? He has the same vote that I have in this body. If the resolution is silent on it, and if it is adopted, he will have the same force and freedom to suggest that I will.

Mr. CURTIS. I am not proposing that we have a runoff election in this space age. I believe that would be an act like Rip Van Winkle.

Mr. BAKER. Let me ask the Senator if he would support the direct popular election of the President if there were no runoff provision.

Mr. CURTIS. I could forget direct election a lot easier.

Mr. BAKER. Would the Senator support it?

Mr. CURTIS. No. I would not, because it violates the very federalism the distinguished Senator has talked about.

Mr. BAKER. Is the Senator really concerned about whether——

Mr. CURTIS. Very much so—very much so——

Mr. BAKER. We have a runoff election for President?

Mr. CURTIS. Very much so. This resolution may pass. It may pass. It may be ratified. I believe that what the Senator has in it for a runoff is a very great error. I criticize no one. But I hope the proposal will frankly discuss the mechanics and the timing of carrying out a runoff, and how, so that we do not buy a pig in a poke. I have a good hunch why it is not being discussed.

Mr. BAKER. Well, if I can reply to that, I can say that it is not being discussed by me because I do not presume to tell the Senate or Congress how they should implement it. I do not intend to try to impose my ideas on the amendment, at this time, before the Senate has decided on the principle.

Did I correctly understand the Senator from Nebraska yesterday to say, at the opening of his colloquy with the Senator from Indiana, that he would agree to almost anything before he would agree to the popular vote?

Mr. CURTIS. Yes.

Mr. BAKER. Well, would the Senator from Nebraska tell me what he would agree to——

Mr. CURTIS. All right——

Mr. BAKER. In order to make the popular vote acceptable?

Mr. CURTIS. In order to make the popular vote acceptable?

Mr. BAKER. Yes.

Mr. CURTIS. No. I am against the popular vote.

Mr. BAKER. There is no way, then, that the popular vote for President could be made acceptable to the Senator from Nebraska?

Mr. CURTIS. My opinion is this: That one of the problems raised and discussed everywhere following the last election concerned the threat of Governor Wallace, which involved two things; one, the possible assertion by an elector of the right to vote contrary to the way the people in his State voted. That can be corrected. We can still keep the electoral counting system. The other point was, what about the mechanics for making a decision in a contested election? The Constitution now provides that each State shall have one vote, which gives Alaska and New York the same vote in deciding a contest. I do not think, in this day and age, that can be defended.

Mr. BAKER. Why not, if I may ask the Senator from Nebraska?

Mr. CURTIS. Because it is unfair.

Mr. BAKER. Because it is discriminatory?

Mr. CURTIS. No, no——

Mr. BAKER. It gives less than one-man, one-vote in the selection of a President, then?

Mr. CURTIS. That less than one-man, one-vote statement, and "discriminatory"—they are just catch words.

Mr. BAKER. Not on the basis——

Mr. CURTIS. Let me finish, please. The Senator asked me what I would support. I would support meeting the two problems uppermost in the minds of the American people. I do not think that the erroneous philosophy, in my opinion—and I condemn no one—that would destroy federalism and change the basic way of counting the vote is at all necessary to meet those two problems.

Mr. BAKER. Mr. President, the Senator from Nebraska thinks that the selection of a President in the case of a tie by the House of Representatives on the basis of 50 votes—that is, one vote for each State—could not be defended, which is what I understood him to say a moment ago. Is the reason it cannot be defended because it gives an unconscionable advantage to one State over another in the selection of the President?

Mr. CURTIS. No. It does not blend the two components of the selection of a President. I would suggest that Congress meet in joint session and each Senator and each Representative have one vote. That would carry out the basic principle of federalism.

Mr. BAKER. And it would dilute the inequality, the unconscionable advantage.

Mr. CURTIS. I do not think it is an unconscionable advantage any more than one could argue that "*x*" number of people could elect 50 Senators to control the Senate.

Mr. BAKER. Mr. President, would the Senator agree, regardless of whether we call it an unconscionable advantage or a better blending of federalism, that one vote per Member of the House and Senate in joint session is a better way to select a President in the event of a tie?

Mr. CURTIS. Yes. I think it conforms to the concept of electing a President.

Mr. BAKER. Would the Senator agree that that diminishes the relative advantages of small States over large States?

Mr. CURTIS. Yes.

Mr. BAKER. Would the Senator agree further that if we pursue that logic, the only way we provide equality for every voter, as distinguished from every State, is to provide for direct election of the President, as Senate Joint Resolution 1 would do?

Mr. CURTIS. No.

Mr. BAKER. How else might it be done?

Mr. CURTIS. Mr. President, in the first place I do not agree that that is a sound premise. We cannot accept that and hang on to federalism. Furthermore, we are asked not to vote on theories and not according to the Gallup poll. It is fine to read the Gallup poll. But I think we should read the amendment. It is a prescription for chaos.

Mr. BAKER. Mr. President, in my own State of Tennessee for many years the voters were ignored by the National Democratic Party because they were in the bag. At the same time, the voters in Tennessee were ignored by the National Republican Party because they were a lost cause.

The same has been true in other States and regions of the Nation, often with the positions of the national parties reversed.

In his book, "The People's President," Neal R. Peirce writes that Lawrence F. O'Brien recalled that:

> In the final week of the 1960 campaign, Kennedy and his managers decided to cancel a planned overnight tour of Indiana because they had decided that Nixon would carry the State and its electoral votes anyway.

Mr. Peirce quotes O'Brien as saying that, "We might have gone through with" the Indiana trip if there had been a direct popular election.

Mr. President, I believe that one-party control of any State or region of this country is demonstrably bad. I believe that it promotes the attitude of the national parties toward the South or Southeast to which I have just alluded—that is, one taking it for granted and the other writing it off as hopeless.

I think the competition of two broad-based national parties is part of the fabric of the success of the self-governing experiment of the United States of America. Two broad-based national parties, each able to—indeed, anxious to—accommodate a wide variety of viewpoints, ideas, and ideologies and to meld them together into a single voice of the majority on any given election day perform an invaluable function in the self-governing process.

I think that any region, any State, or for that matter any congressional district, county, or township that is dominated by one party for very long is deprived of some of the advantages of this keen, broad-based, two-party competition. I think it is in the essence of democratic government that we are required by the very nature of the two-party system to have a decent respect for the differing opinions of our compatriots and to come together to form an effective voice of public unison on election day.

It is interesting to me that in examining the deliberations of the Constitutional Convention, while our Founding Fathers in their considerable wisdom created this tripartite form of government with partial and overlapping jurisdiction between the legislative, executive, and judiciary, and while they spelled out in considerable detail the relationship of these bodies, they made no reference to how the people of the United States would communicate with that Government that was designed for them.

There is no reference at all in the Constitution, in the amendments to it, or the Declaration of Independence—or, for that matter, in the body of statute law—of a requirement for a national party of any type—Republican, Democratic, American or otherwise. There certainly is no requirement for two-party competition, much less two broad-based national parties, each embracing conservatives and liberals, and bringing them together with attenuating and moderating force so that they provide an effective governmental instrumentality.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BAYH. Mr. President, I think the Senator from Tennessee has eloquently expressed the goals for which we are striving in this effort to change the Presidential election system.

The whole matter of equality, which I hope to debate and pursue in a little more detail when the Senator from Nebraska returns to the Chamber, has been an indispensable ingredient to any fair, meaningful electoral process.

In the 20th century, a direct popular vote is the only means by which this can be obtained.

The present system has an effect on the two-party system, as the Senator from Tennessee and I both observed yesterday. The best way to strengthen the two-party system, and not to allow it to proliferate, is to see that each party worker at the precinct level, where the foundation of the party structure is built, knows that all the votes in his precinct will count.

That is a point that the Senator from Tennessee has made and indeed I salute him for it. But more recently he has touched on another point that I think it is important to stress.

I do not suppose there was ever a more wise or more far-sighted band of souls than those that met in Philadelphia to draft the Constitution. They had great wisdom. The fact that our Nation stands today is testimony of that wisdom. But that wisdom was not infinite.

Perhaps the best example of the small chink in this otherwise strong armor was their conception of the election of the President.

The distinguished Senator from Nebraska and others who beat on their chests and call on the memory of our founding fathers to sustain the electoral college position today ignore what the distinguished Senator from Tennessee pointed out, that the system will not work today the way our founding fathers anticipated that it would.

They did not anticipate that there would be parties. As a result, almost before the ink was dry on the original ratification of the Constitution, we needed the 12th amendment which made an important change in the way we elect a President, as the Senator from Tennessee knows.

Also, as he pointed out repeatedly, the original election was not supposed to be an election at all, but a means by which electors could be chosen to nominate. It was supposed to be an election for the choice of convention delegates.

Mr. BAKER. If I may interrupt the Senator at that point, I think that is precisely correct. That is the closest our Founding Fathers came to providing for an election system. They provided for electors for the Presidency, to be elected by the House of Representatives.

I said yesterday that while we are dealing with one aspect of electoral reform now, and that is the abolition of the electoral college and providing for the direct election of the President, I feel we must soon come to the requirement that we fine tune the rest of the electoral system. I believe the national election system by both the Democratic Party and the Republican Party should be changed by Federal statute so that there is the election of delegates to those conventions by popular vote. That has no bearing on the direct election of the President, but I say it only to emphasize my agreement with the Senator and not to elicit support for my proposal. As the Senator knows, I have introduced legislation on this point, along with legislation on transient voting and the 18-year-old vote. But if we are to meet the challenge, we must fine tune the election process so that this representative democracy of ours does resonate accurately and fully against the demands, desires, and dissents of all the people we govern.

Mr. BAYH. I share the concern of the Senator from Tennessee. If the Senator will yield further, I know of no better area where we in this body at this particular moment in history can, by our deeds and votes, as well as our voices, show that our system does have the ability to be responsive.

I can think of no more basic and fundamental change than that suggested by the Senator from Tennessee. The whole area of the electoral process is ground zero as far as our democracy is concerned.

I think we have to give far more attention than we are giving to the modernization of the electoral process. A good first step, which the Senator from Tennessee is pursuing this morning is to see that the people of this country have equal power to say who will be the most powerful official in this land and in the world. They do not have that equality of power under the present archaic and antiquated process.

Mr. BAKER. The Senator from Indiana, in his typically fine way, has pinpointed the difficulty with our present system and the necessity for reform. I agree with him that it is urgently necessary that we take this step today. The other steps I outlined might be postponed. They might even be changed, or modified, or not adopted at all. I believe representative democracy would still be responsive enough in the foreseeable future to accomplish our purposes. But I have some real fear about the future of the responsiveness of our democratic institution if we do not do our utmost to provide absolute equality of opportunity for every citizen in the selection of the President and Vice President. Whether the occupant of the White House is Republican or Democrat, we in the Senate, to a greater or lesser degree, depending on which side of the aisle we reside on and the side of the aisle with which the President is identified, are concerned about the increasing concentration of power in the President and the executive bureaucracy.

I thought at one time we might early take steps to diminish the growth and proliferation of the executive authority and the bureaucratic autonomy. I believe it is nearly autonomous now. But I have decided we have to do it in a little different way. We will have to control the bureaucracy by making sure the President is responsible in a maximum way to the people themselves.

It was said to me by a friend in Tennessee recently, a friend who is not engaged in politics, and judging from his statement probably never will be, that he thought the bureaucracy in Washington was nameless, faceless, controlled by no one, least of all the President and Congress; that it was autonomous and its purpose was self-perpetuation. He said if he were President he would abolish every position below GS–16 and start over like Andrew Jackson. Mr. President, you cannot do that and I do not propose that. But one of the fundamental problems in the Central Government of the United States is that it tends to grow so large and unwieldy that it becomes increasingly brittle and less responsive, and that, lacking a better approach to it, the way to provide against its encroachment on freedom and to bring it under control and conform it to serve its function is to provide that the head of the bureaucracy, the head of the pyramid, the President of the United States, is keenly attuned to the times and the people. You do that by providing maximum equality in representation.

Throughout this debate I intend to reiterate that there are two fundamental things involved in the direct election of the President. One is the nature of federalism, as pointed out by the distinguished junior Senator from Nebraska, and the other is equality. It is my contention that the nature of federalism does not require the electoral college but that equality does require its abolition.

Mr. BAYH. Mr. President, the Senator from Nebraska has returned to the Chamber. If the Senator from Tennessee will yield I would like to comment on a point raised in the colloquy between the Senator from Nebraska and the Senator from Tennessee.

Mr. BAKER. I yield.

Mr. BAYH. We, in this body, of course, are governed by rules of the Senate as well as by our own consciences and normally by a certain amount of—perhaps I should say an abnormal amount—patience and tolerance of one another. I am sure that throughout this debate, in the finest tradition of the Senate, each Member will try to pursue what he, in his own heart, thinks is right.

The Senator from Nebraska opposes direct election of the President as strongly as the Senator from Indiana supports it.

But I think we ought to look at some of the emphasis of the Senator from Nebraska, and I certainly intend to remind the Senate of this periodically. If he wants us to leave the major thrust of the reform, equality of influence at the ballot box; if he wants us to pass over the fact that the people of this country do not vote now for the President and Vice President, and that we need to eliminate the wall of independent electors who can disregard the will of their constituents which has been erected between elected officials and the people; or if he wants to disregard the fact that the present system has in the past denied the presidency to the person getting the most votes in the election, it is the right of the Senator from Nebraska to do that. But if we are going to leave these three basic things and go back to a discussion of the runoff provision, then let us at least remember what the Senator from Nebraska said yesterday. He said that he would do almost anything to keep direct election from passing.

Mr. CURTIS. Will the Senator point

out those words, that I would "do almost anything"?

Mr. BAYH. I was standing here when he said them and I heard them. I repeated them and asked whether the Senator would "bring the country to its knees"? The Senator said, "Of course not."

I am not being critical of the Senator from Nebraska. He is within his right. I am sure he would not want to depart from the decorum and normally accepted procedure. But I must say, in my judgment, that the Senator from Nebraska is trying to lead the Senate astray and to divert its attention from the most important point by getting it tied up on something that is almost insignificant.

I would like to buttress that opinion by pointing out, as I did yesterday, that the language in Senate Joint Resolution 1 is not foreign to the Constitution. This is not something we have dreamed up to try to interject now. I say, with all respect to my colleague from Nebraska, that if he will look at section 4 of article I of the present Constitution, he will find the following language:

> The time, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations . . .

This shows that under the present Constitution the Congress has flexibility to move in and make regulations if necessary. I see no reason why we should not reasonably anticipate and expect the same flexibility in the election of the President.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I know the Senator from Nebraska does not share that view, but I must say I do not feel the runoff provision, which troubles the Senator from Nebraska, is nearly as important as three or four other items which I just mentioned.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CURTIS. The Senator's answers are evasive. The words just read in section 4 of course are found in the present Constitution. I find no fault with them. But in section 3 there is a new departure, a provision for two elections in certain situations. And it is not irrelevant to raise the question, When would the second election occur?

I am not suggesting that the Senator write it in here. I am suggesting that that is pertinent information that the Senate and the country are entitled to know in deciding whether or not section 3 is a proposal that ought to be adopted or rejected.

Mr. BAYH. The Senator from Indiana discussed this whole point with the Senator from Nebraska yesterday. In the event that perhaps the Senator from Nebraska did not hear what the Senator from Indiana said, the idea that the runoff provision is something new, as the Senator from Nebraska seems to suggest, that it is foreign to our electoral process, it seems to me, if I may say with all respect, is dead wrong.

Mr. CURTIS. The runoff is used——

Mr. BAYH. Let me finish, please. Let me point out that the runoff is used in Alabama, Arkansas, Florida, and Georgia, among others. As I said yesterday, I think Congress, after adoption of the amendment, needs to study their experiences. We need to call on our colleagues from Alabama, which requires 4 weeks between the two elections, from Arkansas, which requires 2 weeks, from Florida, which requires 3 weeks, from Georgia, which requires 2 weeks, from Louisiana, which requires 6 weeks, from Mississippi, which requires 3 weeks, from North Carolina, which requires 4 weeks, from Oklahoma, which requires a similar period, from Rhode Island, which requires 4 weeks, from South Carolina, which requires 2 weeks, from Texas, which requires 4 weeks, and on our colleagues from Virginia, which requires 5 weeks.

I think those runoffs are "in the ball park," if I may say so. They involve a reasonable length of time. I am not wedded to any particular time. My judgment would be that 2 or 3 weeks would be sufficient, just as I said in response to the question raised yesterday by the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CURTIS. I know a long list of States that use runoffs in their nominating process. Would the distinguished Senator from Indiana read into the RECORD the States that use runoff in those elections?

Mr. BAYH. I do not know of any State that does, but I think if it works in the nominating process, and it does, then it can work in the final election. It works in other countries. Are we so sterile and devoid of inventiveness and foresight that our people cannot devise some sort of mechanical scheme that gives the people some right to choose their President?

Mr. CURTIS. They have all through the years.

Mr. BAYH. Oh, no; no citizen has ever voted for the President.

Mr. CURTIS. Oh, yes.

Mr. BAYH. Can the Senator point out one example where the people have voted for the President and Vice President?

Mr. CURTIS. They do right along in Nebraska.

Mr. BAYH. I beg to dispute the statement of the Senator from Nebraska.

Mr. CURTIS. The Senator asked me a question. They go to the polls, are handed a ballot, and vote for the President. The names of the electors do not appear. That is done in accordance with the Constitution. It is done in many States.

Mr. BAKER. I thank my colleagues for this colloquy. I have another question to address to the Senator from Nebraska, but before I do so, I would like to say I, too, am not certain about the runoff provision. I would prefer to have none. However, I think, as a practical matter, this resolution having passed the House of Representatives overwhelmingly and coming to the Senate as a substitute for the Senate measure, as it does, the possibility that it might be adopted by the Senate and sent to the President without conference is a strong consideration.

But my question to the Senator from Nebraska is, Is that really the matter that concerns him and puts him in opposition to direct election of the President?

Mr. CURTIS. It is one. I have a basic conviction that to cease electing the President by counting the votes on the basis of the States would be a departure from federalism. I have a further deep feeling that, if I am overruled, and we do depart from our present system of counting the votes and go to a direct election, the provisions written in the joint resolution for a runoff are filled with dangers.

I agree with that very distinguished writer, Dr. Theodore White, who describes this proposal as an invitation to chaos. I cannot imagine holding an election that takes a few weeks to certify the results from the States, and takes awhile longer to send those results to Washington, and then we have a situation that requires a runoff, and the candidates and parties are entitled to some notice, ballots have to be printed, proclamations have to go out in the State for the elections, and finally the election is held, and then they can be counted. In this fast-moving space age, I do not think that is a wise course for our country.

While I think that provision is full of dangers, that is only part of my objections to it. I think the basic thrust of the amendment destroys the federal system.

Mr. BAKER. If we eliminate the provision for runoff, the Senator from Nebraska would still not be for the amendment?

Mr. CURTIS. Oh, no, because it is a departure from federalism.

Mr. BAYH. Mr. President, I would like the RECORD to be corrected, and ask unanimous consent that it be corrected, to show that I answered the question of the Senator from Nebraska about runoff too hastily. There are, indeed, four States that have runoff provisions in the final election.

So runoffs are not foreign to our electoral process in this country, either at the primary or the final level. And I would also go one step further, and say that, although the Senator from Nebraska feels that the citizens of Nebraska vote for President, the fact of the matter is that they do not. They vote for electors. When we accepted Dr. Bailey's vote right here on this floor in January of 1969, we, in essence, said that any of those electors of Nebraska can ignore totally and completely what the constituents of Nebraska suggest they do. The electors can vote for someone else, who may not even have been a candidate in the first place. That has, in fact, happened. The people of North Carolina——

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAYH. I think the Senator from Nebraska had mentioned this, but let me just ask him, as a distinguished and illustrious member of the opposition party, the Grand Old Party, how would he feel if he were a Republican voter in North Carolina—or in Nebraska, as far as that is concerned, and the only way he could

vote for the present occupant of the White House, President Nixon, was to go in and vote for the Republican electors. The only way those electors could be chosen was to be chosen by the Republican Party. Yet all of those who voted for Richard Milhous Nixon in the Second Congressional District of North Carolina in 1968 saw the man they chose vote for George Wallace. How can the Senator say that the people of the Second District of North Carolina, or the people of Nebraska, actually vote for the President?

Mr. CURTIS. My distinguished friend is citing one problem that could be easily met by an amendment to do away with the right of an elector to vote contrary to the way his constituents vote. That can be done. We could also deal with the other problems involved. I do not believe that it would be wise, in meeting those problems, about which there is no debate, to depart to a procedure such as this.

We cannot have direct election and allow one State to set qualifications for voters that are different than those in another State. We cannot have the States be in charge of voter registration, if it is a national election, because they no longer vote as States. We are moving away from local government, and that is where liberty is.

Mr. BAKER. Mr. President, may I ask the Senator from Nebraska if it is true that while he contends that we might take care of all of the defects in the electoral college system, as I understood him to say——

Mr. CURTIS. That is correct.

Mr. BAKER. Is it not really true that we could take care of all of them but one, and that is to make sure that every man's vote counts the same?

Mr. CURTIS. That is not a defect.

Mr. BAKER. It is to me.

Mr. CURTIS. But the Senator would not vote against protecting his seat in the Senate. The Senator said, "Oh, no, let us not go that far." But yet a tiny minority of the voters in the United States can elect 51 Senators, and the Senate is an entity just as the Presidency is an entity.

So I say it will not be long; if this nefarious, ill-conceived, unsound, ridiculous proposal should ever find its way into our Constitution, do not worry, the time will come when four or five States will each have a fifth of a Senator, instead of two.

Mr. BAKER. I do not believe that would happen. Of course, my crystal ball is no brighter, no clearer, and no less cracked than that of the Senator from Nebraska; but I believe the principles of federalism are also embodied in this branch of the Government, and besides that, I will take my chances.

Mr. CURTIS. Of course, the Senator from Tennessee is above average in intelligence and flexibility, and he can defend having one rule of fairness for the election of the President and another for the election of Senators. But he will not always be so certain.

Mr. BAYH. Mr. President, it is interesting to the Senator from Indiana that our friend from Nebraska suggests that if we go to the direct popular vote, there is something dramatically wrong about letting the States have as much control as is possible over the registration and other matters that we discussed in some detail yesterday. But the Senator ignores the fact that they do that now. They do it in choosing all of us here as Senators; and they do it now since the electors who go in to vote for President are the product of the electorate in each State. They are chosen and qualified by State law. I think we could do that for the President.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. BAYH. With the deference of the Senator from Tennessee, I yield.

Mr. CURTIS. The vote is counted within the State, so that when the States decide what the qualifications are for voters, how they shall register, and how the votes shall be counted, they are deciding how to do something where the votes are tabulated and the winner declared within the State. No State would permit subdivisions to determine the qualifications of voters in a statewide election, because that would give rise to the opportunities for an area with certain particular leanings to either restrict or enlarge its number of voters. I say it is just as ridiculous to suggest that we could have a national tote board to determine who is President, and count the votes nationally, and let subdivisions of the Nation determine the qualifications of voters, as they would in the States for elections within the States.

Mr. BAKER. I thank my friend from Nebraska for those comments, which cast the Senator from Nebraska in the role of seeking to destroy federalism and deprive the States of their rights to determine the qualifications of their electors as they wish, and puts us in the position of wanting to see the United States in the position of a homogeneous——

Mr. CURTIS. Mr. President, I ask the Senator to yield at that point, because he is putting the Senator from Nebraska in a false light.

Mr. BAKER. I shall be glad to yield to the Senator in a moment.

As the Senator from Nebraska knows, this proposal for the abolition of the electoral college is entirely silent on how the individual citizen voters will be required to vote, on what day, or in what manner. It is implicit in Senate Joint Resolution 1, as now written, that Congress may make additional provisions to carry out its purposes. So far as I am concerned, I would assume it would be better to let each of the 50 States decide how they want to qualify their citizens to vote, how they want to canvass those votes within their States, and how they want to certify the result to the U.S. Government, the same as they certified my election returns and those of the Senator from Nebraska. But clearly, the Senator from Nebraska sees it in a different light.

Looking at his crystal ball, he proposes, instead, that we have "a national tote board"—I believe I quote him correctly—and he relegates the sovereign States in this federation to subdivisions of the Nation. He talks about an adding machine tape, and what he describes, as far as I am concerned, is a great national election rather than a certification of the results from the 50 States. Under Senate Joint Resolution 1, the Senator's view and mine can both be submitted to the Senate. His would represent the abolition of federalism, and mine would represent the perpetuation. Is that a proper role for the Senator from Nebraska to take?

Mr. CURTIS. I have not taken any such role.

Mr. BAKER. I believe the Senator has.

Mr. CURTIS. No. I said if we adopt this procedure, these things will follow. At no time have I ever said that the States should not go on determining the qualifications of voters. I have made no such proposal at all.

Mr. BAKER. Did the Senator say he thought if we passed this, we would have to have a national registration of voters?

Mr. CURTIS. I think we will.

Mr. BAKER. Does not the Senator imply that the States cannot do it? I do not believe that, but is not that the Senator's view?

Mr. CURTIS. I think we would be making such a vast change in our Government that we would destroy many things that mean a great deal to the States.

Mr. BAKER. With all due deference to the Senator from Nebraska——

Mr. CURTIS. The fact that I likened, not what I propose, but I likened the results of what the Senator proposes to a situation within the States, where they might permit subdivisions to determine the qualifications of voters is applicable; because what is proposed here—and I do not think anyone denies it—is that we take all the votes cast all over the United States, add them up somewhere nationally, and determine who wins. I wish the Senator could explain to me how that could be done fairly, without having the same rules applied in every State. That is my point. I do not want to destroy any of these things. I think the Senator's proposal would.

Mr. BAKER. Mr. President, with all due deference to the Senator from Nebraska, I suggest that it is not Senate Joint Resolution 1 that creates the specter of the destruction of federalism but, rather, his glimpse and preview of what he would do by statute to implement the provisions of Senate Joint Resolution 1 if he were left to his choice. There is no provision in Senate Joint Resolution 1 for any national tote board. It would be just as appropriate, and the Senator from Tennessee would prefer, that each of the 50 States prescribe its own method for the qualification of voters of each State, provide its own method for the counting, tabulation, and certification of votes, and that each of the 50 States, therefore, retain its indentifiable, efficient indexes of federalism.

If we were to adopt a different plan by statute, after the ratification of Senate Joint Resolution 1, as suggested, as I understand, by the distinguished Senator from Nebraska, then we would be in trouble. I would oppose the provisions that the Senator from Nebraska now claims he is concerned with, and I hope he would, too.

Mr. CURTIS. I have not suggested those things. I have not said that I would support them. I pointed them out as dangers that would follow if this constitutional amendment is adopted.

Mr. BAKER. I wonder whether the Senator would agree that it is probably within the scope and authority of Congress now, since the Voting Rights Act of 1970 was adopted, to provide for uniform standards for voters around the country.

Mr. CURTIS. As to what—age?

Mr. BAKER. As to anything.

Mr. CURTIS. I voted against the provision for 18-year-olds to vote on the basis that I did not think so. We will have to wait to see what the Court says.

Mr. BAKER. The Senator from Tennessee has long favored and sponsored a constitutional amendment to provide for the right to vote for 18-year-olds, and I voted for that bill with the hope that the judiciary would decide whether or not, under the equal protection clause of the Constitution, Congress had that authority. If the Court upholds it, then I think the fear that the Senator expresses already exists, and it is a fear of ourselves; because if we have that authority, we can do now what the Senator concerns himself with in regard to Senate Joint Resolution 1.

Mr. President, I thank the Senator from Nebraska and the Senator from Indiana for their most useful and most enlightened colloquy in this adversary debate on the desirability of the passage of this resolution.

As a relatively junior Member of this body, I am bold enough to volunteer that I think some of the best work in this Chamber is done when energetic debate precedes the final disposition of a measure, and there is no more energetic debater than the distinguished junior Senator from Nebraska.

Before we began our colloquy, I was speaking of the—to me—odious consequences of one-party domination of any region or section of the Nation. I had expressed considerable affection, respect, and admiration for the genesis of the American two-party system which exists nowhere else in the world in this format—not two broad-based national parties as distinguished from specialized parties, such as conservative or liberal, labor or something else. But two broad-based national parties exist in this format nowhere else in the world. I think it has served the United States extraordinarily well. But I think that this examination of the fundamentals of this fourth department of government, which is the way I characterize our two broad-based national parties, is appropriate to another development of our times, another political development, and that is the so-called Southern strategy.

Mr. President, it comes as no surprise to my colleagues in this body and not many voters in Tennessee when I say that I am an ardent Republican and that I do, indeed, hope that the Republican Party, for a change, has a Southern strategy—not a strategy just for the South, but a strategy that, for a change, includes the South. I hope the Democratic Party does, too. I hope the Democratic Party does not take the South for granted and that the Republican Party does not ignore it.

I hope that the mistakes of one-party domination of the last 50 years—indeed, in many States since the Civil War, the last 100 years—will not be repeated in the 1970's and the 1980's. So I hope that both our parties do have a strategy that includes the South, because the South, as the East, the North, and the West, must be a part of the mainstream of the political life of this Republic if we are to govern effectively.

I think that the abolition of the electoral college and the direct election of the President will do much to preserve our two-party system throughout the Nation and to guard against the recurrence of one-party domination in any part of the Nation.

I believe that one-party control of any State in any region of the country where it is found is directly attributable to the electoral vote system. I believe that the institution of the direct popular election of the President and Vice President will lead to the end of one-party control wherever it is found.

There has been much talk recently of a so-called southern strategy being pursued by the national Republican Party. Let me say again that I hope the Republican Party strategy does include the South and the Southeast as a part of this Nation in its general planning, just as I hope the Democratic Party does, too.

It is no secret that the Democratic Party has had the South "locked up" for years. I hope that both of the two great national parties will develop strategies that include all regions of the country; because, like it or not, this country is becoming homogenized so far as its people are concerned. Southerners are less Southern, northerners are less Northern, and easterners and westerners are less discernibly different. The country is becoming more the same, and I think it is good, but it produces the necessity for change; it is time now to fine-tune the electoral process, and the first step is the abolition of the electoral college.

At the bottom of the domination by one party or the other of a particular region is the understanding that the winner takes all under the present system and that it is not important to one party or the other that they compete in a presidential election for the 10 percent, 20 percent, or 30 percent of the votes they may gain in Louisiana or Alabama, on the one hand, or in Nebraska, Maine, or Vermont, on the other hand. It would be important that we have the direct popular election of the President, and every citizen not only would have the same strength to vote, but also, every citizen would have the same dignity and the same standing in importance in relation to his peers and equals, numbering almost 200 million in this country.

Mr. President, the proposal now before the Senate is not a technical legislative issue. What is at issue is the idea of equality. I am from a relatively small State. I am from a relatively southern State. But I do not believe that the vote of a citizen of my great State should count for less than the vote of a citizen of the State of Montana. I do not believe that the vote of a citizen of my State should be counted more than the vote of a citizen of the State of Illinois or California.

The great federal compromise made in Philadelphia in 1787 was not the devising of the electoral college. The great compromise that guarantees the federal natures of our system was the decision to fashion a bicameral legislature. It is the fact that each State of the Union, regardless of its population, is entitled to two Senators that guarantees the continuing federal nature of our National Government, not the electoral college. The Presidency belongs to all the people, and to none more than any other.

Mr. President, the time is at hand when we must examine the necessities for the more efficient governing of this Nation. I think that in these times, in this nuclear age, in this time of swift communication and transportation, in the language of Lady Barbara Ward in her excellent book "Spaceship Earth," the "have nots" of the world are rapidly finding out how much the "haves" really have, and that there is not likely to be a single president, or a single king, a single chancellor, prime minister, or dictator who has the answers to all the problems that will confront civilization in this nuclear age—in this age of technological and scientific revolution.

Only the people, in their collective genius, are likely to find the answers that will be durable and workable, that will preserve us from mutual destruction and annihilation.

If that be the case, if only the people, in their collective genius, can identify the problems and formulate the solutions to the problems of today and tomorrow, then it is urgently important that we continually monitor this business of self-government, of representative government, because the people must be heard. The engine of government which was designed for them by our forefathers must respond, not adequately but well, to that full range of desires, demands, and dissents which represent the business of self-government.

Mr. ALLEN. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. ALLEN. I have been listening with a great deal of interest to the learned and eloquent discussion by the distinguished senior Senator from Tennessee of the resolution under consideration. It was interesting to hear him say that he had some misgivings about the runoff provision contained in the resolution. It is noted, too, that two other cosponsors of the resolution, the distinguished Senator from Maryland (Mr. TYDINGS) and the distinguished Senator from Michigan (Mr. GRIFFIN), speak most critically of the 40-percent requirement.

Therefore, I am wondering and would like to ask the Senator from Tennessee whether he feels it is wise to make the runoff provision a part of the basic, fundamental law of the land, the Constitution of the United States. Would it not be possible merely to provide in the amendment that Congress have authority by law to provide for the direct election of the President, and is it necessary to provide the runoff provision in the amendment?

Mr. BAKER. I thank my colleague from Alabama. I may have been misunderstood in my expressed concern about

this. Although I stated earlier that I would prefer to have no runoff. My concern is actually with the 40-percent trigger of the runoff. I have some feeling that we should have a 50.1-percent requirement.

Mr. ALLEN. Requirement for what?

Mr. BAKER. For election.

Mr. ALLEN. In other words——

Mr. BAKER. That there should be a runoff, unless one of the candidates receives 50.1 percent. Thus, I am not concerned with the concept of the runoff embedded in the constitutional requirement as provided in Senate Joint Resolution 1. I am somewhat concerned with the 40-percent requirement. While the distinguished Senator from Indiana on yesterday pointed out that in the entire history of the Republic, only one President has been elected with less than 40 percent, that being Abraham Lincoln with 39.7 percent, I believe, there is still the possibility that we could elect a 40-percent President.

We are doing what I freely admit is radical surgery on the electoral process—that is, we would be doing it—with the enactment of Senate Joint Resolution 1. We do not do this sort of thing very often. This is the first time since the Constitution was drafted that there has been a serious prospect of changing this provision in this manner.

So, while we are at it, I believe, personally, that I would have preferred to go the whole mile and provide that there be a runoff unless there was 50.1 percent of the popular vote for a particular candidate. But I am persuaded that, under the circumstances, with such an overwhelming vote by the other body in favor of this resolution, in this manner, with the concern that it might totally eliminate certain third party efforts of candidates, that the 40-percent provision, in some views, is more desirable and at least in my view is acceptable. Thus, on that basis I came to terms with my own concern, while I do now freely confess that I would prefer to see a runoff, unless a candidate received 50.1 percent of the vote or more.

Mr. ALLEN. The Senator is concerned that there be no amendment of a basic nature to the resolution under consideration?

Mr. BAKER. Yes. I think the time is so important that we should adopt this resolution in this fashion with special reference to the overwhelming vote in the House of Representatives for the resolution in this form.

Mr. ALLEN. But the point the junior Senator from Alabama is seeking to make is, would it not be possible merely to provide in one sentence that Congress should have the authority by law to provide for the direct election of the President, and could not then legislation be agreed on at a later date that would possibly meet the views of the Senator from Tennessee?

Mr. BAKER. The point is very well taken. I do not dispute the attractiveness of the proposal of the Senator from Alabama. But I do not support it. I believe that we must pass this resolution in its present form and do so now in order to prevent going through the 1972 election with the same old system. But the Senator is entirely right, the arguments made by the Senator from Nebraska about the qualification of voters, about the time for the runoff, and the other provisions, that the States might set, if Congress does not, might very well apply to the percentage figures if a runoff is held at all. All I can do is express my personal preference. It is the personal preference of the junior Senator from Tennessee that Senate Joint Resolution 1 be passed in its present form without amendment.

Mr. ALLEN. The Senator stated that his preference would be that there be a runoff unless a candidate received more than 50.1 percent of the vote. That, then, would make a runoff much more likely and almost inevitable, would it not?

Mr. BAKER. I think it is not likely that it would be inevitable. I think it is certainly possible that runoffs would be more frequent. Once again, as the Senator from Indiana stated, we would not have had one runoff, save possibly one, and that was in the case of the first Lincoln election, when Lincoln's name was not on the ballot in 10 States.

Mr. ALLEN. Quite a number of winning candidates do not receive 50 percent of the votes.

Mr. BAKER. It is certain that if the requirement were 50.1 percent, there would have been runoffs. The junior Senator from Tennessee has no fear of runoffs. I do not think the runoff provision is a valid criticism of Senate Joint Resolution 1. I do not think there is anything in the electoral process of the United States that is inimical to a runoff vote that requires a candidate to receive 50 percent of the vote in order to be certified as President of the United States.

Mr. ALLEN. The Senator from Tennessee, then, does not share the fear of a runoff that is expressed by the Senator from Michigan (Mr. GRIFFIN) and the Senator from Maryland (Mr. TYDINGS), as set forth in the last two paragraphs on page 16 of the report of the Committee on the Judiciary?

Mr. BAKER. The Senator from Alabama is correct. As a matter of fact, my concern, I suppose, would be diametrically opposite to the concern expressed by the Senator from Maryland and the Senator from Michigan.

Mr. ALLEN. In other words, the Senator from Tennessee likes the provision for a runoff?

Mr. BAKER. It would be my personal preference—I do not serve on the Committee on the Judiciary, and I do not intend to offer an amendment—it would be my personal preference to have a runoff unless a candidate received more than 50.1 percent. That is not the form of the provision as passed by the House, and it is not the form as reported by the Senate Committee on the Judiciary. However, I am at ease with the provision in its present form, and I shall support it.

Mr. ALLEN. If the Senator from Tennessee would kindly permit the junior Senator from Alabama to do so, for the purpose of the RECORD, I should like to read the fear expressed by the two distinguished Senators, who are themselves cosponsors of the joint resolution, in which they say:

> On the other hand, under the 40-percent plurality required for direct election, a minor party or a combination of minor parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 percent of the vote is quite realistic in the near future of American politics.
>
> In view of this attractive political framework, the direct election plan, as embodied in Senate Joint Resolution 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

The Senator from Tennessee does not share those fears?

Mr. BAKER. Mr. President, let me answer the Senator from Alabama a little more in detail than in a categorical reply.

I have great admiration for the junior Senator from Alabama. He has quickly shown his ability and quickness of mind and intellect in the debate on the floor. The point he puts is fundamental and important. I choose to answer it a little obliquely, and I think he will understand why when I finish.

The junior Senator from Tennessee has strong admiration for and dedication to the concept of two broad-based national parties, as he stated earlier, but the junior Senator from Tennessee does not believe that we have any right to legislate—from a practical standpoint—out of existence any effort of a third party.

Third parties now, in the past, or in the future will proliferate and exist and prosper or fail in my view in direct relationship to the effectiveness of the job that the two national political parties do in seeking out and determining the views of the people and translating them into effective policies for government.

Therefore, I feel it is important in designing an amendment to the Constitution or an implementing statute or any other provision that we accomplish two things—that we try our best, as I tend to put it, to fine tune the electoral process so that the people have absolute freedom and equality in expressing their viewpoints no matter how far out or traditional they might be, with absolute equality.

Then, I have the hope that the two national parties will be so stimulated by this equality of opportunity throughout the country—the South, North, East, and West—that they will be in effect forced to go out and understand what the people are concerned about.

My direct answer now, after that little

excursion, is that I do not share the concern that small parties or a third party might have undue influence by reason of the runoff provision and that that influence might be heightened in the runoff. I think if that is so that it is testimony in favor of the two national parties.

I do feel that the possibility would be lessened with the direct popular election of a President and would be far less destructive than the continuation of the electoral college system.

I also feel it is likely that the two national parties are going to become far more vigorous, far more responsible, and far more important in the business of self-government if they are out to compete for every vote, wherever it is, than they are under the winner-take-all system which undergirds the electoral system.

Mr. BAYH. Mr. President, will the Senator yield to permit me to continue this discussion with the Senator from Alabama?

Mr. BAKER. I yield.

Mr. BAYH. Mr. President, I appreciate the fact that the Senator from Alabama brought up this particular aspect of the runoff question.

I would like to recite a bit of history which I am sure is already familiar to the distinguished Senator from Alabama, not to be historical, but to put in proper perspective and better define the size of the obstacle before us.

Having been the principal author of the 25th amendment and as chairman of the Constitutional Amendments Subcommittee, I was right in the midst of the battle on that amendment. I think it is fair to say that it did not involve the degree of controversy that this matter involves.

We can go back to the death of President Harrison and to the time when President Garfield lay helpless for 81 days and could not do more than sign one document. We can go back to the time when President McKinley could not perform the duties of the President.

There was introduced in the Senate and in the House of Representatives at least one, and perhaps several different plans designed to deal with the problems of the President's inability to act. Each time the measure failed because we could not develop a consensus that would have the support of two-thirds of each House.

Passage only came when we were able to get the proper give and the take. Senator said he would give a little on his pet proposal, and another Senator said he would give a little on his pet proposal.

Without the tolerance and help of many Senators, we would not have been successful on the 25th amendment. I am sure that some Senators would have preferred a change or two in the final language of the 25th amendment.

However, it was because we were able to move toward the center and give up our personal preferences here and there that we were able to have the 25th amendment, which provides a course of action in the event of presidential disability.

I make this point to show that unless we realize the necessity of some give and take here, we will end up with the same problem in 1972 that we had in 1968. We will run the risk of malfunction again as we did on the three occasions when the President was elected with fewer votes than his opponent had.

With this thought in mind, the runoff is a matter of some concern to me. It is not of such concern that I do not believe it is the best proposal that has been presented. I realize that this is a tough vote and that we are close to the margin of the two-thirds required. No one is certain how some of his colleagues will vote. I have been tempted to accept a change, if I thought that giving up a sentence or two would pick up the necessary two or three additional votes.

But looking at it hard and fast, the Senator from Indiana has determined in his own mind that despite the weaknesses of the runoff, there are fewer weaknesses with the runoff than with the other proposals. The credibility of the final outcome and the acceptance by the greatest number of citizens in his State has persuaded the Senator from Indiana that the runoff is preferable to the alternatives. The Senator from Alabama has pointed out it is possible for a third party to get 20 percent. It should be pointed out that is the minimum required to prevent a winner if all other votes were evenly divided. I do not anticipate a runoff election with a great deal of relish. I think that everyone who has given support to the runoff provision would prefer to have a vote final, with one election.

But what happens if we get below 40 percent? Then, is the President presented with sufficient credentials so that he can govern efficiently? If he gets below 40 percent, perhaps his credibility is eroded and perhaps we should broaden that base. As the Senator from Tennessee said, who would have guessed that the minority party 2 years ago would be the party of the man who is now sitting in the White House?

Mr. BAKER. Who would have guessed in 1860 that a minority would soon become the dominant party?

Mr. BAYH. Exactly.

Mr. BAKER. As the Senator from Indiana said, we do our best to fine tune the system, but we do not leave out of the system the free choice of the small party to become a big party; and if two parties fail, another may emerge.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BAYH. I appreciate the Senator's tolerance. Does the Senator from Alabama wish to proceed?

Mr. ALLEN. I shall have a question or two after the Senator has completed his remarks.

Mr. BAYH. I do not wish to be so lengthy but I want to point out that unless each of us is willing to give and take a little, we will end up with no improvement in the present system, just as we were unable to get a consensus prior to the enactment of the 25th amendment.

The best way to broaden the base of support for the President if it gets below 40 percent, is to go back to the people and say, "Everyone has a second crack." Then the majority can say, "That man who is sending my son into battle, or who is enforcing pollution laws, or proposing highways has the support of the majority of the people." That is why I am convinced that the runoff is the best choice.

The Senator from Alabama struck a familiar chord and it is one which the Senator from Indiana is willing to consider. Given the runoff as the best proposal, I suppose it is fair to say none of us knows for certain how it is going to act. We might want to give ourselves the opportunity to change that if it malfunctions at some future date. This is the same type of proposal we used in one of the contingencies of the 25th amendment.

Would the Senator from Alabama feel inclined to support the direct election proposal if we could deal effectively this way with the runoff?

Mr. ALLEN. No. The Senator from Alabama would not support it. The Senator from Alabama was trying to find out why the resolution was drafted in these terms and the question the Senator from Alabama asked—I believe while the Senator from Indiana was out of the Chamber—was why does this resolution seek to put into the basic and fundamental law of the Nation, the Constitution of the United States, a portion of the procedure and leave out other important items of the procedure; and put in highly controversial items?

The Senator from Alabama asked the question, Would it not have been possible merely in one sentence to have said Congress shall be authorized to provide by law for the direct election of the President and Vice President of the United States, leaving to the Congress the decision of these matters that are very much in controversy at this time? Why go half way and spell out a portion of the controversial items and leave other controversial items unanswered? Why not go all the way or none of the way?

Mr. BAYH. Mr. President, with the permission of our distinguished colleague, I would like to continue the colloquy. Before doing so, I would like to express one word of appreciation to the Senator from Tennessee for the contribution he has made in his usual, eloquent manner, going into the intricacies of the problem involved. I think his support and explanation of the reason for his support will be of great help in the final consummation of this effort. I also would like to express my personal gratitude to the Senator from Tennessee.

The Senator from Alabama, I think, raises a very legitimate question as to why we should put part of the mechanism for a popular election into the bedrock law, the Constitution, thus making it more difficult to change, and not go all the way by putting in every dot, every comma, and every word of what I suppose may be called a national election code, as the senior Senator from Nebraska refers to it.

I think there is a great deal of similarity in dealing with presidential power, whether it is electing a President or deposing a President for disability, as provided in the 25th amendment. We asked ourselves those same questions when we

were dealing with the 25th amendment. Should we just authorize Congress to do certain things, particularly in relation to filling a vice-presidential vacancy, because such a person was just one heartbeat away from the presidency, or should we put it in the bedrock law of the land?

We decided at that time that the basic structure and framework should be put in the bedrock law of the land so that, given a close election, Congress would not be tempted to tamper with that formula and alter the result. For example, in a close election it is conceivable that future generations of representatives in this body—certainly not any here today, but perhaps future generations—would be tempted to go to a district plan that might reach a definite result, instead of going to a runoff with its uncertain result. Or, if we had a district plan, and permitted Congress the authority to change it by Congress, Congress could quickly reconvene, change it by statute, and have a different outcome.

Mr. ALLEN. Does the Senator mean after the election?

Mr. BAYH. After the election.

Mr. ALLEN. I think the Senator is drawing upon his fanciful imagination to come up with any such supposition as that.

Mr. BAYH. I am not. I ask the Senator from Alabama to search the depth of his memory, which is at least as good as the memory of the Senator from Indiana. In 1960 the State Legislature of Louisiana tried to change the outcome, knowing the way their electors were going to go.

I think we need to have as close to a final result as we can get and give to Congress the necessary authority. Of course, the Senator from Alabama is dealing with less than a final return on the first election. Suppose we had a 40-percent requirement and we had a 40-percent result. Then I do not think there will be any tampering at all. But suppose someone received less than 40 percent and Congress had power by law to establish an alternative procedure. I think, based on political tradition, the different party members would look at the formulas based on which might put their man in the White House. I do not think we want that to happen.

Mr. ALLEN. Why not put it all in the Constitution, then, and not stop half way?

Mr. BAYH. As far as the means of registration, qualifications, the infinite details of times and places are concerned, those decisions are made, and must by nature be made, prior to the election.

The votes are totaled, and once the votes are totaled I am not concerned about the qualifications of the voters who cast that vote, but I am concerned that we not give Congress the power to change the formula by which the vote, once cast, can be manipulated to reach a different conclusion.

Mr. ALLEN. I do not see the dangers at this point which the distinguished Senator from Indiana does.

Mr. BAYH. I would like to think that Congress would not resort to a purely political count such as we found in the election of 1876. That was a political count. Perhaps I do not know how it would have been done any better, but I do not think that was a shining moment in our history. I think we are inviting the possibility of another 1876 to the degree that we do not establish a final formula for deciding the outcome.

Mr. ALLEN. Why not spell the whole thing out in a constitutional provision? We have plenty of time. As the junior Senator from Alabama reads the joint resolution, it would have to be submitted by the Congress and ratified by three-fourths of the States by April 15 of next year in order for it to apply in the 1972 election. Since that is almost humanly impossible, it would seem that the first election that could be conducted according to the provisions of the suggested amendment would be the election of 1976.

So does not that fact give the distinguished Senator from Indiana and the cosponsors of the proposed constitutional amendment ample time to decide on the questions that have been raised by both distinguished Senators from Nebraska, having to do with to whom shall these votes be certified, who has the right to make the final certification, is there going to be a national election law, how shall contests to conducted, shall they be conducted at the State level or at the national level?

All those questions need to be answered at some time, and it occurs to the junior Senator from Alabama that if those questions are not answered at the time the amendment is submitted to the States, there will be so many hidden dangers in this procedure that it is going to make it very, very difficult indeed to obtain ratification by the requisite three-fourths of the State legislatures.

So there is plenty of time. Why not work on these matters at the next Congress and come up with a final, well-refined version, upon which the Senator can get two-thirds of the Members of both Houses of Congress to agree? What is the hurry?

Mr. BAYH. I do not share the feeling of the Senator from Alabama that we cannot get the necessary three-fourths of the legislatures to approve something so important. I must admit he is accurate in describing it as a monumental task, but I submit that the task is of such significant size that we should exert every effort toward accomplishing it.

This is not a measure which has been treated lightly, as I am sure my distinguished friend and colleague from Alabama realizes. In the past, these questions have been discussed by our colleagues in the House of Representatives, as well as heretofore in the Senate. The House passed this measure by a 339-to-70 vote. We have been laboring at this for a number of years. We have volumes of hearings dealing with these very questions.

I think it is incumbent upon us not to interchange a disagreement with the answers and suggestions that have been proposed with the fact that no answer has been forthcoming. I personally feel that the fact that we have used language from the Constitution as it now exists bodes well for the future of this present amendment.

I call the attention of my distinguished colleague to section 4 of article I of the Constitution, in which it says the times and places and manners of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but that Congress may at any time by law make or alter such regulations.

I think the same thing is true as to the presidential electors. Some flexibility has been provided, and the primary responsibility has been given to the States.

I personally would rather see this responsibility accepted by the States. In the event they do not accept it, then I would like to see us have a stopgap, a safety valve, to permit Congress to go in and provide uniformity in these areas.

Mr. ALLEN. It occurs to me that the constitutional provision having to do with the election of Representatives and Senators is a regulation that would be applicable in the respective States, and that application would be insulated and contained within the particular States.

But are we going to have a national tabulating board, where all of the returns will be submitted to it, or is it going to be a composite of the returns in the 50 States? Who decides what is the vote in a particular State? Is that decided at the State level, or is it decided at the national level?

Mr. BAYH. As the Senator from Alabama knows, voting laws are not foreign to this body. We just got through enacting one. I think it is generally accepted, and it is the opinion of the Senator from Indiana, that following the ratification of this particular amendment, Congress would pass a statute in relation to these election prescribing what items of law should be national and what should be left to the States.

Mr. ALLEN. Yes, but should not that decision be made prior to sending this amendment out to the States? It is just like a comet; it stays out there for 7 years, as a comet stays out for 70. This amendment is out there, cutting off all possible electoral reform of a different nature. As long as it is out making its 7-year round among the States, we are not going to have any other type of electoral reform. Even though Congress, in its wisdom, should decide that this runoff provision that will be imbedded in the basic law of the land, according to the amendment of the Senator from Indiana, is not wise, and might want to go a different route, we would have this procedure set up in the proposed constitutional amendment, with half of the other questions still unanswered.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I should like first to respond to the Senator from Alabama.

I think perhaps we would be putting the cart before the horse if we come up with a statute suggesting how a constitutional amendment should be administered before the constitutional amendment is even passed by Congress, let alone ratified by the States.

I think now is the time to explore the matter, and to get a general idea whether it can work. The Senator from Indiana is convinced that it can work. Richard Scammon and others who have studied the matter in some detail are convinced that it can and will work. The Senator from Alabama suggests we should have a statute to govern the administration of a constitutional amendment that is not even a constitutional amendment yet. I think that is going too far.

Mr. ALLEN. The Senator from Alabama did not suggest a statute. He suggested putting it all in the constitutional amendment, so that the legislatures of the States would know what they are voting on. As it is now, they have only half an idea.

Mr. BAYH. That is the point. As I have pointed out, many parts of the Constitution now have such flexibility. I think it is appropriate. It is not, in my judgment, submitting us to any foreseeable dangers. Instead it lets Congress, after this proposal becomes a part of the Constitution, make a judgment, calling on the experience of Senators such as the Senator from Alabama, who has a runoff in his State, to see how it should be implemented. I would leave to the States a maximum amount of authority, unless that authority is abused, at which time the Congress would provide for uniformity.

Let me suggest that if the Supreme Court ratifies and upholds the 1970 Voting Rights Act, the age problem and the residency problem, which were anticipated when we first introduced Senate Joint Resolution 1 several years ago, will now be moot questions. That issue will have been taken out of our hands, and will be uniform. Literacy tests, too, have been made uniform.

Mr. ALLEN. That might not be uniform. I assume the Senator is talking about the 18 year olds. But, as the distinguished Senator from Nebraska (Mr. CURTIS) pointed out yesterday, the States could go beyond that; that if the insurance age requirement were followed, it would provide that a person would be entitled to vote if his birthday was nearest to being 18 years of age, and that if New York were to put in such a law, it would be to the disadvantage of States that did not have the law, because it would open the polls to tens of thousands of additional people in that State.

Mr. BAYH. That is certainly possible, if the Senator from Alabama is correct. But I suggest that if the Supreme Court upholds the 1970 Voting Rights Act, saying that Congress has the authority to establish a uniform voting age of 18, Congress could make that a mandate and prohibit any State from lowering it to 17 for the election of the President.

Mr. ALLEN. But they have not.

Mr. BAYH. Mr. President, I find myself in the rather interesting position in comparison with my friend from Alabama, of arguing for States rights, and he is apparently opposing States rights. I must remark that I have seen other debates when apparently the shoe was on the other foot for both of us.

Mr. ALLEN. No, contrary to what the Senator from Indiana says, the Senator from Alabama is asking that he advise the States what they are voting on so they can protect their rights. The Senator from Alabama is not abandoning his time-honored defense of States rights.

Mr. BAYH. I am glad that the Senator from Alabama made the RECORD clear there, because I am sure he is not, and I hope he will not abandon his position. I think we have here a unique opportunity to meld together, in the finest tradition of our country, the rights and powers of States with the rights and powers of the Federal Government, by leaving certain of these determinations to the States. Unless the States are arbitrary in the use of those powers, the regulations established by the States will stand. For example, if some State, to use the wild hypothetical example I used in responding to our friend the senior Senator from Nebraska, lowered the voting age to 12, or some ridiculous thing like that, Congress would have the power to come back and say, "We are going to prevent that from happening."

I think we have the right amount of power on both levels here. I am sorry that my friend from Alabama does not concur.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. The suggestion made by the Senator from Alabama that the matter of a central or national vote-counting agency be resolved now is of great interest. I believe the State legislatures would like to know, either that we in our constitutional amendment will disavow any interest in getting Federal precinct inspectors and supervisors, State counters, and then a centralizing of the State counting in Washington, D.C., or that we will put that in the amendment and assert that right in these national elections. Then they will know what they are voting on.

As it is, as the witnesses testified last April—particularly Mr. White and Professor Bickel—there is no provision in that regard. Yet they see it following, as day follows night, that there must necessarily be, under the system authorized by Senate Joint Resolution 1, a national central counting bureau. If that is true, it seems to me that we ought to say so. We ought to say so, so that the States will know what further rights they are surrendering. They are already surrendering a good deal of the prerogatives of the States as we have known them since the beginning of the Republic.

One of the points made in the debate—and it will be made again and again—is that the resolution will tend to destroy the two-party system and encourage splinter parties. That is not the basis upon which the States have been operating up until now. It will tend to undermine the Federal system by removing the States as States from the electoral process. That is our contention. It is based upon the idea that there must inevitably be the assertion of Federal power in the voting process all the way from registration and voting through counting from the precinct level on up to the national level.

The State legislatures could vote more intelligently upon this amendment if they knew in advance, spelled out in the amendment, that a central national counting and election supervisory bureau will be created and that Congress has the power, duty, and the responsibility to implementing it. Then the major procedural steps can be set out in the resolution and the incidental decisions such as how big a commission, where it will reside, who will appoint it, whether it will be a part of the executive department, or whether it will be an arm of Congress can be enacted by simple statute.

What becomes of the separation of powers? That is another doctrine that is in great danger of destruction in this process of trying to amend the electoral college system.

The Senator from Alabama seems to me to have an idea that is very worthy and meritorious. I do believe that if this matter is going to be presented in any form to the State legislatures, they ought to know what they are buying.

Mr. BAYH. Would the Senator from Nebraska care to offer such an amendment to this resolution, establishing a nationwide vote-counting structure? The Senator from Indiana will vote against it. But if that is what the Senator from Nebraska feels he ought to have in here, then I think he should offer such an amendment. I see nothing in the language, as I said to the distinguished junior Senator from Nebraska yesterday, that suggests such a national body.

To be sure, men like Professor Bickel may have inferred that this would be like the day following the night, or vice versa. But I must say that it is interesting for the Senator from Indiana to see the Senator from Nebraska accept part of what Alexander Bickel says and deny other parts of what he says. It is the same as yesterday, when he was relying on Teddy White and Richard Goodwin to support part of his theory; but then, when men like Bickel, White, and Goodwin suggested that the large States have the clout under the present system, the Senator from Nebraska said no, the small States have the clout under the present system. He does not believe that Bickel, Goodwin, and White have any credentials when we are arguing that part of the case.

Mr. HRUSKA. This Senator is willing to accept the totality of the testimony and conclusions of Professor Bickel and Mr. White. There is a distinction in the presentation of all these witnesses. Certain facts are indulged in. They declare and assert certain opinions based upon those facts. We should not, in this Chamber, in any logical, rational debate, differ as to facts. We can differ on the conclusions drawn from those facts.

Professor Bickel and Mr. White are not in disagreement on this. They say that the amendment is no good, and they do not want it, and they advise strongly against it. I wholeheartedly concur.

Mr. BAYH. With all respect to the Senator from Nebraska, I think that if

he reads the testimony of Mr. White, Mr. Goodwin, and Mr. Bickel, he will find that they agree with him on the conclusions, not the facts.

The Senator from Nebraska made a compassionate, eloquent plea in support of the rural areas and talked to the Senator from Indiana as a farmer about the plight of the farmers of this country. The Senator from Nebraska suggested that we should not accept the direct popular vote and should keep the electoral college system as it is now because the small States have the advantage. But Bickel, Goodwin, and White say that the large States have the advantage. It is for this reason that they want to keep the present system and that they reach the conclusion that direct election is bad.

Mr. HRUSKA. But, at page 19 of the hearings of last April, there is printed a chart which shows that there would be a 29.7 loss of voting strength by the Midland States of North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, and Colorado. Their voting strength would be decreased, regardless of any conclusion to the contrary asserted by any witness that the strength would be lost by the metropolitan areas.

The same is true with reference to the Southwest States of New Mexico, Arizona, Utah, and Nevada. They will lose 37 percent of their voting strength as a group.

Mr. BAYH. The Senator from Nebraska should point out that he was previously quoting Bickel, White, and Goodwin and that now, coincidentally, when he refers to the small-State argument, he is quoting a document which he introduced into the RECORD himself.

Mr. HRUSKA. That is correct.

Mr. BAYH. The fact is that the three men he is relying on in connection with the national-vote count disagree with him 180 percent, so far as the figures are concerned that he introduced in the RECORD.

Mr. HRUSKA. The Senator from Indiana should not impeach this document on the basis of the man who puts it in the record, because that does not make any difference. That document, that chart, is based upon the official population and voting strength of the States. It comes from official sources. Is there any doubt in the Senator's mind about the mathematical calculation of these charts? They have not been challenged heretofore.

Mr. BAYH. The Senator from Indiana would be the last one to impeach the credibility of a document introduced by the Senator from Nebraska. In fact, so far as the Senator from Indiana is concerned, that would enhance its credibility.

But the fact is that this document is only half of a document. It takes the number of electors and divides them into the population and comes out with some rather interesting fundamental arithmetic.

But it ignores chapter 2 of that document, which must also be included—namely, the unit rule. It is the unit rule that causes men like Bickel, Goodwin, and White to suggest that the conclusions the Senator from Nebraska reaches from the document he put in the record are wrong.

Mr. HRUSKA. The fact is that all three witnesses—Professor Bickel, Mr. White, and Mr. Goodwin—argue not that the large-State power will diminish. That is not what they have argued. Their argument is that there will be a shift of power from the center cities to the suburbs. But they also point out that under the electoral college the smaller States have extra weight added to their votes. That is what they have been arguing. That is the thrust of their argument. The large States will still have the greater power. I think an analysis of their testimony will show that to be an accurate summary of their testimony. The large States will still have the greater power, but if the electoral college is abolished they will obtain an inordinate increase in power.

Mr. BAYH. I think that if the distinguished Senator from Nebraska will read carefully the statements of the three men, he will find that the analysis of the Senator from Indiana is accurate.

This goes back to the fundamental fault in this large State-small State argument. Distinguished men such as the Senator from Nebraska are saying that the small States have the advantage. Equally distinguished men, such as Goodwin, White, and Bickel, argue that the large States have the advantage.

We can look back in history and say this or that election resulted in so and so, and we can figure it out with a slide rule, that perhaps voters in one State or another, large or small, will have an advantage. But the question that the Senator from Indiana has proposed time and again is, Why should any State have an advantage? Why should not we all have the same opportunity to decide who will be President of the United States? Bickel, White, and Goodwin, I respectfully suggest, feel that if we change the system, we are penalizing the large States who, they feel, now have an advantage. I do not see how the hypothesis presented by the Senator from Nebraska holds water. What difference does it make if the population shifts from the center to the suburbs? The population is still contained in the State.

Mr. HRUSKA. I would most respectfully say to the Senator from Indiana that I have read the record carefully and I have had it verified by competent members of my staff, and the testimony of the three witnesses is that it is the large cities that will lose power in favor of the suburbs of those large States—not loss of power by those States.

But I would like to answer the question suggested, or comment on the question posed by the Senator from Indiana, why should any State have an advantage? Because that is the federal system. Look around us. Why does one State here have an advantage over another State? Because that is part of our federal system. That is the way the electoral college was fashioned. That is the way it has been from 1789, not 1804 or 1824. From 1789, it has been required to assign to each State an electoral vote consisting of a certain number of Members for the House of Representatives, and two Senate Members. That is why they should have an advantage—it carries into the voting for President the same federal system which is the basis for the Senate. Every time the question will be raised as to the unfairness of the disadvantage in some States, the Senator from Indiana and all who argue like him will be hard put to it to defend the existence of this body. He has stated that no State in this Chamber has an advantage over another State. Why is it, then, that California, the most populous State in the Nation with 20 million persons, has only two Senators, yet my State of Nebraska, with 1,400,000 persons, also has two Senators? How can the Senator answer that, if he argues that there should be no advantage in the electoral college system? There is no answer to that.

Mr. BAYH. If the Senator will permit me to say so, the Senator goes back to 1789 to suggest——

Mr. HRUSKA. That is exactly right.

Mr. BAYH (continuing). That the electoral college is operating now as Founding Fathers sugested it would operate in 1789. Does the Senator from Nebraska feel that it should operate as Madison, Hamilton, and Monroe and some of the Founding Fathers thought it should operate?

Mr. HRUSKA. No. It is not operating exactly in that fashion. The 12th amendment made minor changes.

Mr. BAYH. That is exactly right.

Mr. HRUSKA. But there is one feature that has been unchanged from its inception, and that is that each State has the total of its votes in the House and Senate to determine whether a President is elected. That was initially fashioned so that the small States would not be lost in the mill, so that they would have some reasonable weight given their interests so that the big States would not be able to overwhelm them completely by reason of their massive size.

How foretelling they were, and how wise they were in their foretelling, because now we have eight or 10 metropolitan centers—I forget what the percentage of the population is—with the overwhelming bulk of the population. Many of the other States are sparsely settled and, under the circumstances proposed by this resolution, those sparsely settled areas of the country would be completely inundated by pressures from the metropolitan centers. That is why there is a difference between the voting strength of one State over another—not disproportionately, not predominantly, but by a little, so that those similarly situated would find it possible to make their voices heard.

Mr. President, I ask unanimous consent to have printed in the RECORD tables which will be found on pages 19 and 20 of the April 15 hearings before the Judiciary Committee.

There being no objection, the tables was ordered to be printed in the RECORD, as follows:

IMPACT OF DIRECT ELECTION ON VOTING STRENGTH OF MIDLAND, SOUTHWESTERN, AND SOUTHERN STATES

State	1968 estimated population	1968 electoral vote: Number of electors	1968 electoral vote: Percent of all electors	1968 direct vote: Number of votes cast	1968 direct vote: Percent of all popular votes	Voting strength lost in percent
Midlands:						
North Dakota	627,000	4	0.74	248,000	0.34	
South Dakota	656,000	4	.74	281,000	.38	
Nebraska	1,439,000	5	.93	537,000	.73	
Kansas	2,293,000	7	1.30	873,000	1.19	
Montana	693,000	4	.74	274,000	.37	
Wyoming	315,000	3	.56	127,000	.17	
Colorado	2,043,000	6	1.12	807,000	1.10	
Total	8,066,000	33	6.13	3,147,000	4.31	29.7
Southwest:						
New Mexico	1,006,000	4	.74	327,000	.45	
Arizona	1,663,000	5	.93	487,000	.67	
Utah	1,034,000	4	.74	423,000	.58	
Nevada	449,000	3	.56	154,000	.21	
Total	4,152,000	16	2.97	1,391,000	1.90	37.0
South:						
Virginia	4,595,000	12	2.23	1,360,000	1.86	
North Carolina	5,122,000	13	2.42	1,587,000	2.17	
South Carolina	2,664,000	8	1.49	667,000	.91	
Georgia	4,568,000	12	2.23	1,250,000	1.71	
Florida	6,151,000	14	2.60	2,188,000	2.99	
Tennessee	3,975,000	11	2.04	1,249,000	1.71	
Alabama	3,558,000	10	1.86	1,044,000	1.43	
Mississippi	2,344,000	7	1.30	655,000	.90	
Arkansas	1,986,000	6	1.12	610,000	.83	
Louisiana	3,726,000	10	1.86	1,097,000	1.50	
Texas	10,977,000	25	4.65	3,079,000	4.21	
Total	49,666,000	128	23.79	14,786,000	20.23	15.0

IF PRESIDENTS ARE ELECTED BY POPULAR VOTE: EFFECT ON STATES

15 STATES WOULD GAIN POLITICAL POWER

State	Percent of electoral votes	Percent of popular votes cast in 1968	Difference (percent)	Percent of change
New York	7.99	9.49	1.50	+18.77
California	7.43	9.89	2.46	+33.10
Pennsylvania	5.39	6.47	1.08	+20.03
Illinois	4.83	6.30	1.47	+30.43
Ohio	4.83	5.40	.57	+11.80
Michigan	3.90	4.51	0.61	+15.64
New Jersey	3.16	3.92	.76	+24.05
Florida	2.60	2.98	.38	+14.61
Massachusetts	2.60	3.18	.58	+22.30
Indiana	2.42	2.90	.48	+19.83
Montana	2.23	2.47	.24	+10.76
Wisconsin	2.23	2.31	.08	+3.58
Minnesota	1.86	2.17	.31	+16.66
Washington	1.67	1.78	.11	+6.58
Connecticut	1.49	1.71	.22	+14.76

34 STATES AND THE DISTRICT OF COLUMBIA WOULD LOSE POLITICAL POWER

Texas	4.65	4.20	0.45	−9.67
North Carolina	2.42	2.16	.26	−10.74
Virginia	2.23	1.85	.38	−17.04
Georgia	2.23	1.70	.53	−23.76
Tennessee	2.04	1.70	.34	−16.66
Maryland	1.86	1.68	.18	−9.67
Louisiana	1.86	1.50	.36	−19.35
Alabama	1.86	1.42	.44	−23.65
Iowa	1.67	1.59	.08	−4.79
Kentucky	1.67	1.44	.23	−13.77
Oklahoma	1.49	1.29	.20	−13.42
South Carolina	1.49	.91	.58	−38.92
Kansas	1.30	1.19	.11	−8.46
West Virginia	1.30	1.03	0.27	−20.76
Mississippi	1.30	.89	.41	−31.53
Colorado	1.12	1.10	.02	−1.78
Arkansas	1.12	.83	.29	−25.89
Nebraska	.93	.73	.20	−21.50
Arizona	.93	.66	.27	−29.03
Utah	.74	.58	.16	−21.62
Maine	.74	.54	.20	−27.02
Rhode Island	.74	.52	.22	−29.72
New Mexico	.74	.45	.29	−39.18
New Hampshire	.74	.40	.34	−45.94
Idaho	.74	.40	.34	−45.94
South Dakota	.74	.38	.36	−48.64
Montana	.74	.37	.37	−50.00
North Dakota	.74	.34	.40	−54.05
Hawaii	.74	.32	.42	−56.75
Delaware	.56	.29	.27	−48.21
District of Columbia	.56	.23	.33	−58.92
Vermont	.56	.22	.34	−60.71
Nevada	.56	.21	.35	−62.50
Wyoming	.56	.17	.49	−69.64
Alaska	.56	.11	.45	−80.35

1 STATE WOULD HAVE NO CHANGE

Oregon	1.12	1.12

Source: Testimony before the House Judiciary Committee, May 16, 1969.

Mr. BAYH. Mr. President, if I might suggest, I must say, as dispassionately as I know how, that it does not make good logic for the Senator from Nebraska, as one Member of this body, to suggest that the reason for keeping the present system was due to the wisdom of our Founding Fathers, who established it in 1789. Before the ink was dry on the document, they found they were in error, and the 12th amendment was necessary. They did not anticipate the development of political parties. With the advent of political parties and the unit rule, the mathematical formulas that the Senator from Nebraska continues to rely upon to sustain the advantage of the small States went right out the window. Today, under the present electoral system, despite the contention and the mathematical formulas to the contrary, we can elect a President if we carry the slimmest margin in 11 States—11 big States today. This hardly speaks well for the advantage of the small States. The small States do not have an advantage. If one can win New York, Pennsylvania, California, Michigan, Ohio, and Illinois, and the others of the 11 large States under the 1970 census figures, he will be elected President, even if he carries each State by only one vote. That is the way the system works. That is the reason men like Bickel, White, and Goodwin do not want to change the system. They are liberally oriented, and they want the liberals in the large cities to continue to have the advantage; yet the Senator from Nebraska continues to rely on these men of liberal persuasion who feel that the large States have an advantage, to support his contention that the system should not change.

Mr. ALLEN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. May I finish first, please. I think my comment relates to the national vote count issue raised by the Senator from Nebraska and the Senator from Alabama. I must say that I find myself 180 percent away in assessing the small State-large State advantage. But I think the question of a national vote count should be resolved. I personally do not feel that we should have provisions in the Constitution providing for a limitation with a national bureaucracy going in and governing each precinct. There should not be language to that effect. I do not feel, as day follows night, that this will follow, because my friend Bickel thinks it does. I do not agree.

Mr. HRUSKA. There are many others besides Bickel.

Mr. BAYH. Pardon me?

Mr. HRUSKA. There are many others besides Bickel.

Mr. BAYH. I am sure there are probably a few others.

Mr. HRUSKA. Besides the realities of the situation.

Mr. BAYH. I do not think the realities of the situation are such. I am not familiar with the way the votes are tabulated in the States of Nebraska or Alabama or, indeed, in 47 of the other States. I am familiar with the way the votes are tabulated in Indiana, where we do not have a State election official standing at each precinct in every county in the State.

Mr. HRUSKA. We have.

Mr. BAYH. We do not in Indiana.

Mr. HRUSKA. We have two, one for each major party.

Mr. BAYH. We do not have them in Indiana. The votes are tabulated in most States by county officials. They are counted and sent to the State and there they are compiled and the State's total is arrived at. If this can happen in Indiana, then I suggest, if it happens there, it can happen in other States where they do not have appointed officials of the Governor to look into each ballot box as it is counted. So that I cannot see how it can happen on a national level. The votes are counted and certified at the State level, then sent to Washington where they are counted. It does not really make much difference to me where they are counted. They can be counted in the House of Representatives in general as the electoral votes now are tabulated, or we can establish by law to have an official do the final tabulating. We could give it to the General Services Administration or to the Director of the Census. I do not think that is important. It is a matter of running an adding machine. I think it can be handled very well. I think that this debate, this type of discussion, is good. If there is any question raised at a later date, I hope that some judge will look at what the Senator

from Indiana as the principal sponsor of this amendment had to say. He does not believe there should be a national bureaucracy set up to go into each precinct of the country.

As the Senator has heard me say, I think direct popular vote is the best way to guarantee an honest count. The direct popular vote is the only method which gives each party a reason to get the extra votes. If they get those votes, they will be counted in the national total. That does not happen now.

It was pointed out earlier today that it was suggested in a book that in 1960 the Democrats would never carry Indiana. I never had anyone suggest that to me. They decided to write off Indiana. It would not make any difference if they were going to lose by 265,000 or by 265 votes. All the Indiana votes would go to Mr. Nixon.

I am sure that the Republicans made the same assessment. They brought Mr. Nixon in at high noon one day and that was the last we saw of him. That was because they knew they were going to carry the State.

If we know that each vote will count, we will have a Democratic and Republican precinct man sitting at each polling place to make sure that vote is honest.

Mr. HRUSKA. Mr. President, let us get back to the 1789 Constitution. I find nothing repugnant in standing up for the principle and arrangement adopted then with reference to the electoral college and with reference to the Senate of the United States. I do not think that age is necessarily something that should be used against either of those matters.

The same system with reference to the assignment of electoral votes in each State is in operation now as was in operation in 1789. That part has not been changed one iota by the 12th amendment.

There has been a change in that the votes of the electors have to be cast for the President and Vice President together and not for the President separately and the Vice President separately.

That is what the amendment of 1804 was all about. But the assignment of a certain number of electoral votes to each State is now as it has been since 1789 pursuant to the same formula that was contained in the original Constitution as ratified. There was nothing thrown out the window. That is still the law. That is still how we find the assignment made today. I think that ought to be made perfectly clear.

I still say that anyone who contends for the scrapping of the electoral college and the scrapping of the votes would almost by necessity be unable to defend against a challenge made in the Senate Chamber for the proposition of two Senators for each State. I do not see how any other arrangement or conclusion can be reached.

If there is unfairness now with reference to the electoral college, there is at least equal unfairness by reason of the fact that the most populous States have the same number of Senators as the least populous States.

Mr. BAYH. Mr. President, the Senator is accurate in suggesting that the tabulation of votes by States as originally prescribed by our Founding Fathers is still followed today.

Mr. HRUSKA. Not the tabulation, but the assignment of the number of electoral votes. That is correct, and I stand by that statement.

Mr. BAYH. And the tabulation of those votes precedes the assignment of the electors. What has changed, and the Senator cannot deny it, is that our Founding Fathers did not anticipate the development of political parties. They did not anticipate the unit rule.

Read what Hamilton said. He was considering each of these men as red-blooded, intellectual patriots who were smarter than the average individual citizen. He was considering that they would have independent judgment. With the advent of the unit rule, where was the mathematical advantage to the large or small States which the Senator describes?

If I might, for the sake of the record, read what Alexander Bickel had to say on page 50:

> But the practice for nearly a century and a half has been to cast the electoral vote of each State by the unit rule. Under these conditions, the malapportionment in favor of the small States is for the most part only apparent, not in fact real. This is so because even a small popular majority or plurality in a State gains for a candidate that State's entire electoral vote, which, in turn, means that to carry New York, or Illinois, or California, or Texas by 50,000 or even 5,000 popular votes is to win a much larger block of electoral votes than could be won by getting large popular majorities in any number of small States.
>
> The system is, therefore, in effect malapportioned in favor of the large industrial States, . . .

Mr. HRUSKA. States, but not cities. That is the point he made.

Mr. BAYH. I would say that we do not have electoral votes cast by cities or suburbs. They are cast by States.

Mr. HRUSKA. The States have the power. But the point he was making was that the central cities themselves will lose significance.

Mr. BAYH. How can they possibly lose significance? There is not a suburb or a city that chooses an elector. States choose the electors by a statewide popular vote count.

Mr. HRUSKA. The Senator misses the point in the tabulation of the votes and the assignment of electoral votes to States by getting into a discussion of parties and the unit rule, and so on.

I did not contend that. I said this, with full confidence—and this is the fact—that the original Constitution devised a formula for the assignment to each State of the number of votes it would cast for the election of a President.

That formula still persists today. It is very simple. Add the number of Congressmen and two Senators for each State, and that is the number.

It is the destruction of that formula to which the Senator from Nebraska objects and strenuously objects.

Mr. BAYH. Mr. President, I sympathize with the Senator's desire to see that the formula is maintained in the same manner. What I am trying to suggest to my distinguished friend, the Senator from Nebraska, is that if he believes that the present system is supported by citizens throughout the vast heartland of the Mississippi Valley from which he comes and that it gives them a larger share of representation than they are really entitled to under the electoral college system, he is woefully wrong. And the man on whom he relies to sustain his case, Alexander Bickel, says so.

Mr. HRUSKA. Mr. President, the Senator from Nebraska does not bottom his case on Professor Bickel's argument, nor on that of Mr. White, nor on that of Mr. Goodwin, although in the main they agree with me on this.

The Senator from Nebraska relies on the fundamental proposition that when the electoral college, as such, is abolished, we will have changed our form of government. We will reach a point where we will impair to the point of uselessness the major political parties as we know them now. That change will result in the destruction of States as States in the electoral process of presidential elections.

Those are the things—and there are others—on which the Senator from Nebraska bases his case, not upon Mr. Bickel or Mr. White, or the others. I do not think there is any question that that will be the fact, because if the electoral system is abolished, the role the States play in the selection of the President will be ended.

The electoral system can be modified without forsaking the basic formula provided in the original document. It can be modified by proportional voting; it can be modified by a district plan; it can be modified by a joint session of Congress, with each Member of Congress having one vote for the present House vote with each State having one vote. And it can be modified by depriving the elector of his discretionary power as to whom he might vote for when the college meets. But the important thing is that the electoral system be based upon the proposition that the smaller States shall have the same protection from the overbearing and overwhelming strength of the large, populated States as they presently have in the Senate of the United States.

It is the elimination of such protection to which the Senator from Nebraska vigorously objects. He will resist that change as vigorously as he is able.

Mr. BAYH. I do not wish to imply that I am demeaning or underestimating the intelligence of the Senator from Nebraska. He is a worthy adversary. I am merely trying, as best I can, to persuade him to lend his talents and his persuasiveness to the other side of this question, in which I am seeking, as vigorously as I can, to involve him. I certainly do not believe that he bases his case on one person or individual. I am sure that his final persuasion will be that of ROMAN HRUSKA, not based on the views of anyone who may have testified.

What I am attempting to suggest to the distinguished Senator from Nebraska is that it is just a bit inconsistent to rely on the expertise of men like Bickel, White, and Goodwin, who say that the electoral college should not be changed.

and then to disagree with one of their basic concepts as to why the college should not be changed.

Bickel, White, and Goodwin believe that the electoral college should not be changed because it will give an advantage to the election of liberal elements around the large States, and the large States, then, will have an advantage under the unit rule. The Senator from Nebraska disagrees with that. I merely point it out.

I just cannot see how the two-party systems will be destroyed by moving to a national popular vote. I have done a considerable amount of reading on the subject. I invite any Senator who may desire to pursue the subject further to read the 65-page document compiled, after an extensive, 10-months' study, by the American Bar Association, in which the association cites the dozen or so principal works of outstanding political scientists.

Not one of them felt that the electoral college was in any way indispensable or even a primary factor in the development of the two-party system.

If we are to suggest that the direct popular vote for President would destroy the two-party system in America we might as well suggest that the two-party system has already been destroyed in States which elect their Governors, Senators, Representatives, mayors, aldermen, township trustees, and school board members by direct popular vote. The two party system is ingrained in the basic foundation of our political system. It is not going to disappear. It has not been weakened at the State level.

One of the reasons most people agree in connection with the two-party system is that the more you proliferate one of the parties the better chance you give the other side for winning.

These political scientists—and anyone who cares to read the bar association study can verify this—suggest that one of the major reasons we have had a two-party system is the election of candidates from single-member districts. We elect a Governor from a State, we elect a township trustee from a township, or a school board member from a school board member district. We do not apportion the power as some of our friends in foreign nations do. Thus, we have had a strong two-party system.

I suggest that, if anything, we are going to strengthen the two-party system by direct popular vote. I will not repeat what I said a moment ago but let the RECORD show I believe it will be better for the two-party system because under that system we know every vote will count and now it does not.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the material in the minority views commencing at page 30 under the heading "Direct Election Would Destroy the Party System" and continuing over to page 33 to the conclusion of the first full paragraph on that page. I do that rather than to read it into the RECORD or to suggest that the conclusion of the Senator from Indiana is wrong, because I think it will save time and serve my purpose very well.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DIRECT ELECTION WOULD DESTROY THE PARTY SYSTEM

It is generally agreed that our two-party system has been an indispensable aid in carrying out the dual purpose of American politics: majority rule with minority rights. It is also generally agreed that in a multi-party system either or both of these goals would be frustrated. Given the extent and variety of interests which compose this land, the maintenance of a two-party system is a remarkable feat. Indeed, the striking fact about American party politics is not that we have had a number of third-party movements, but that we have not had more of them. All third-party movements in U.S. history, taken together, account for only 5 percent of the total vote cast in presidential elections.

The two-party system, however, is not a product of chance. Public opinion in this great and diversified land has no inherent tendency to divide itself into two, and only two, major political groupings. The ultimate causes of two-party politics are to be found in the requirements of the presidential election system under which parties have operated for nearly a century and a half. In the words of Prof. Richard McCormick, perhaps our foremost authority on the formation of parties in the 1820's and 1830's, "In broad terms, it was the contest for the Presidency that shaped this party system and defined its essential purpose." From the very moment of their inception, the major parties as we now know them had as their central organizing purpose the capturing of the Presidency. In order to carry out that goal, the parties had to contend with three constitutional requirements:

(1) The Constitution established a single office to be held by a single man. That is, it established winner-take-all on the national level.

(2) It required a majority of electoral votes for victory.

(3) It distributed a fixed number of electoral votes to each State.

In addition to these, there was a fourth requirement, which was a product of State law: the custom within each State of awarding electoral votes according to the unit rule.

These four requirements—a unitary Presidency; the necessity of carrying a majority of electoral votes; the distribution of electoral votes according to States; and the awarding of electoral votes within the States on the basis of winner-take-all—are chiefly responsible for the most important distinctive features of the American party system:

(1) We have only *two* major parties. Third party movements have been sporadic and, on the whole, ineffectual.

(2) The major parties, often called "national" are in fact coalitions of 50 State parties; the State parties, in turn, are coalitions of county and local party organizations.

(3) Both major parties include a wide range of interests and a broad spectrum of opinion.

Let us now consider briefly how these features are related to the requirements of the present electoral system.

THE NEED FOR BROADLY BASED PARTIES

Because a majority of electoral votes is required for victory, a party seeking the Presidency must expand its base of support beyond a narrow geographical region. And because electoral votes are apportioned according to the Federal principle, a party must campaign in all or most of the States. The States, thus, are the decisive political battlegrounds. The States, of course, are free to award their electoral votes as they see fit. All States, except one however, follow the practice of awarding electoral votes by the unit rule, winner-take-all; and they have followed the practice without notable exception for 150 years. Whatever else may be said about the custom, pro or con, it cannot be denied that winner-take-all has had a great impact on the character and structure of our political parties. Because of winner-take-all, a party is under a strong inducement to extend its platform as widely as possible within each State; it must expand its base of support to carry a popular plurality. Since both major parties face the same requirement, both must campaign in most of the same places before most of the same voters. Both must be hospitable to a wide range of minority interests which might otherwise be excluded from electoral competition. Every minority, in turn, is under an inducement to moderate its views to make them compatible to *both* major parties, at the risk of having to form a separate party.

Winner-take-all, in short, encourages both parties to include everyone and to exclude no one. Both, of course, have traditional bases of support which remain loyal over a considerable period of time; but with rare exceptions, these are seldom sufficient to provide the margin of victory. In most States most of the time, neither party can afford to alienate any sizable interest group; both are forced to seek the support of those who are not traditionally wedded to either party. Since both parties face the same requirements in all States, an electoral majority, when it does emerge, is both geographically dispersed and ideologically moderate. The victorious party is therefore capable of governing. The electoral college, in sum, produces truly competitive, State-based, moderate political parties.

Why, it will be asked, are there only two such parties? The answer is that the same inducements which produce broadly based, competitive, moderate national parties also operate to confine third parties to a narrow regional base. In order to compete with any hope of success outside a regional base, a third party must be able to outpoll the major parties in States where the major parties are strongest—a highly unlikely occurrence. The same difficulty is presented even within the regional base of the third party, for the major parties, or at least one of them, may be found competing there also.

DIRECT ELECTION WOULD ENCOURAGE SPLINTER PARTIES

Under direct election, most of the incentives toward moderate, broadly based, two-party competition are removed. It is true that a sizable popular plurality—40 percent—would be required for victory. But that, without more, is insufficient to sustain two-party competition of the kind we have known. Under direct election, it is not the distribution of the vote which matters, but only its size. Votes would be sought without regard to the States which happened to contain them. Interest groups would face no necessity to moderate their views or to compromise with other groups within their resident States. Candidates, in turn, would face no necessity to present a broadly based platform within each State. Indeed, there would be little necessity for a candidate to campaign in most, or even many, States. He would be encouraged to build a numerically sizable following without regard to its character. Since the same strategy would be followed by many others at the same time, there would be tendency toward a multiplicity of single-interest splinter parties, each uncompromisingly attached to a particular candidate. Only a few might realistically expect to win; but all would hope, at the very least, to maximize their bargaining position by accumulating as many popular votes as they could, if for

no other reason than to prevent someone else from winning.

As Mr. Richard Goodwin told the Judiciary Committee:

"To see that this is more than a theoretical possibility let us look at the experience of New York. That State is as close to a minature nation, in terms of diversity of population and interests, as any in the Union. It is as large as some countries. New York now has four parties. The two smaller parties—liberals and conservatives—cannot carry a single city or borough, but within a States that does not matter. Popular vote is everything in statewide contests. The result is that both minor parties are important, and can make a decisive difference in a close race. They behave on a State scale, exactly as we speculate that minor parties might act on the national scale: offering endorsements, making deals, and running their own candidate. For their members a separate party has proved the surest route to real power. If we move to direct election, there is no reason whatsoever why the same will not be true at the national level. In fact, operating just in New York both the liberal and conservative parties receive more votes than the total margin of national victory in two of our last three presidential elections."

The proponents of direct election may reply that the 40 percent requirement would mitigate against the multiplication of parties. It must be noted, first, that proponents of direct election originally favored a 51 percent requirement. That was reduced to 40 percent precisely because they doubted whether anyone could get 51 percent under direct election. That concession, however, may prove fatal to the proponents of direct election, because it confirms one of our worst fears, namely, that direct election will undermine the two-party system.

Moreover, we cannot but think it somewhat disingenuous to condemn the electoral college for being "undemocratic" while at the same time embracing a 40 percent requirement under direct election. For that figure, turned upside down, says that the man who is not the choice of 60 percent of the electorate shall be President. To this, proponents of direct election like to reply that under the present system, Presidents have been elected with less than a simple majority of the popular vote even while winning a majority of the electoral vote. What this argument fails to recognize is the essential difference between the size of a plurality and the manner of its composition. A 43 percent vote under direct election, for example (assuming it could be acquired), represents a very different kind of popular plurality from a 43 percent popular vote under the electoral college. The popular vote under the electoral college, even when it is less than a simple majority, is always widely dispersed geographically and ideologically and is distributed, moreover, throughout all the States. Thus, even when the winning percentage is less than a popular majority, it is still possible for the electoral vote majority winner to govern. Under the direct election scheme, which is indifferent to the way in which majorities are formed or where they are located, there is no guarantee that a winner will actually be able to govern.

The direct election proposal makes no provision whatsoever for any pre-election machinery capable of putting together a 40 percent coalition, or of insuring that the coalition will be truly representative of the Nation as a whole. The proponents of direct election assume that all else in the political process will go on pretty much as-is, that the negotiation, compromise, and coalition now undertaken by the two major parties within the States will be performed in the same way. No argument is made, no facts are listed, to indicate how or why this would be the case. We are asked to take it on faith that everything will continue in the accustomed manner. Needless to say, we have strong reservations about that prospect.

Mr. HRUSKA. I understand that the Senator's conviction is firm and that he is sincere in it. I give him every credit for it.

However, the fact is there are many political scientists who are in profound disagreement with the American Bar Association—and hallowed be its name; I have been paying dues to it for many years—and the views of the Senator from Indiana. I think my remarks have demonstrated that.

Mr. BAYH. Mr. President, I do not want to put words into the mouth of my distinguished colleague from Nebraska. He is able to do a better job of that himself.

I suggest there are a number of political scientists who disagree with the conclusion of the Senator from Indiana that we should have a direct popular vote. I must say I think there is a difference between the conclusion one reaches and the facts people use to sustain the conclusion.

I do not know of a number of political scientists who feel this is going to bring the downfall of our two-party system. There may be a few, but certainly most of them feel the two-party system is on strong ground. But if the electoral college is the only thing that perpetuates our two-party system we are in trouble.

Mr. HRUSKA. It may be so, but Alexander Heard, chancellor of Vanderbilt University, Richard McCormick, and Harry Jaffa, students and scholars of renown, have concluded that direct popular election will result in the destruction of the major political parties. There are others but these names will suffice to illustrate the outstanding men and scholars in this field who have reached that conclusion.

It was not the general conclusion of the Senator from Indiana to which the Senator from Nebraska referred. It was his conclusion that the major parties would not be impaired or destroyed. It was that conclusion with which I said many political scientists are in disagreement, and the record will so show.

Mr. BAYH. I must admit to the Senator that the Senator from Indiana at one time in the study, as we have been studying this for 4 or 5 years, had cause to reflect on what will be the future of the two-party system.

Mr. HRUSKA. Mr. President, we have been studying this matter for more than 4 or 5 years. This Senator testified for the first time on this question 10 years ago. It was a problem of immediate concern which was 10 years old at that time. I think it is significant that in spite of pressure, constant efforts, and many attempts, no action has been taken.

I recall well when the Committee on the Judiciary within a year or two after I became a member, reported a bill to the Senate and that bill provided there would be a combination of the proportional plan and the district plan and each State could choose whichever it wanted. Nothing came of it because the Senate did not think that recommendation was sufficiently meritorious to put on the calendar. That tells a story in itself. There have been those attempts and efforts and hard tries, and nothing has come of them. Why? Because there is not sufficient uniform thinking on the subject among those who make the decision to go forward with the proposition.

Mr. BAYH. We shall see whether that is the ultimate result of this effort or not. I sincerely hope it is not the case. I would like to point to rather substantial evidence that indicates that the American people have had enough and they are tired of playing American roulette every 4 years with this antiquated and archaic system.

I do not know how long the Senator from Nebraska has been studying this question. I know it has been far longer than the Senator from Indiana. It was a decade or so after we became a nation that the first amendment was introduced for direct election, so we are rank amateurs as far as bringing this matter before a national forum is concerned.

The facts are that the House of Representatives, by a vote of 339 to 70, has passed this proposal. Today we have grassroot support across the country the likes of which we have never had before, including bar associations, chambers of commerce, the AFL–CIO, the League of Women Voters, who have studied the matter with great particularity. Of course, their judgment is not immune from mistakes, but I think it speaks somewhat of the temper of the times in which we live. This wide spectrum of support has been evident across the country. When people are asked whether they should have the right to vote directly for the President, 80 percent of them respond in the affirmative. When 80 percent of the people respond in the affirmative, I have faith that we are not irresponsible to say that they should have the opportunity to vote as they desire.

I am glad to yield either to the Senator from Alabama or the Senator from Nebraska. The Senator from Alabama has been patient. I do not want to cut the Senator from Nebraska off in the middle of his colloquy.

Mr. HRUSKA. I wanted to suggest that no number, however large or small, of statements relating to the electoral college as ancient, antiquated, dangerous, and no good, makes it so. It is a good system. It has steered this country for more than a century and three-quarters happily and well and in a stable manner.

There are two respects in which it can be improved so that all the goblins and devils and semidevils that we see around us at election time can be removed. We can deprive the electors of their discretionary power and we can have a joint session of Congress to determine the election when there is not a sufficient majority, with each Member of the Congress having a vote to determine who will be the President.

Those two changes are the only ones that can be leveled against the electoral college system that have any real merit at all.

Every argument made in favor of abolishing the electoral college assignment of votes to each State and putting

direct election in its place can also be asserted against the composition of the Senate. And I do not believe that this body is ancient, antiquated, dangerous, and no good. I think it is a good system. I think it is the backbone of the strength of this Nation and its government. That strength and that stability also are partaken of by the electoral system in electing the President.

Mr. BAYH. I think I would be somewhat remiss if I did not suggest that there is a significant body of thought that disagrees diametrically with the conclusion of the Senator from Nebraska.

Mr. HRUSKA. And I will say so. I said every argument advanced to prove that the present electoral college system method of assigning votes to each State can be advanced to abolish the present composition of the Senate.

Mr. BAYH. Only if one suggests that the electoral college was and now is part and parcel of the federal system. The Senator from Indiana is not willing to make that a part of his argument at all. I think it is absolutely erroneous. The Senator from Indiana does not believe that the electoral college is important to the federal system. The U.S. Senate is one of the two pillars of the federal system. And the Senator from Indiana will fight, as long as he is here or has any influence anywhere else or as a citizen on the street, to protect that role of the Senate. But I suggest that the electoral college as it now operates has been distorted.

It is interesting for the Senator from Indiana to hear the Senator from Nebraska suggest the vitality and importance of the electoral college system and the wisdom of our Founding Fathers when the original purpose of the electoral college was to give to those electors complete freedom, as I think the Senator from Nebraska will agree.

Mr. HRUSKA. That is right.

Mr. BAYH. If it is so good for them to have complete freedom, why does the Senator from Nebraska suggest that the way to improve it is to take that freedom away?

Mr. HRUSKA. The Senator distorts what I said.

Mr. BAYH. I am repeating what the Senator said.

Mr. HRUSKA. The Senator from Nebraska would take the essence of the electoral college system today, the device, the formula, assigning to each State a certain number of votes to be cast in determining who shall be President of this country. It is that essence that the Senator from Nebraska would like to preserve. The Senator from Nebraska does not believe that the electors should have discretion to vote for whomever they want.

Mr. BAYH. Yet that is what the Founding Fathers desired.

Mr. HRUSKA. Yes; and the Senator from Nebraska does not believe they should have separate elections for President and separate elections for Vice President when the electors gather to cast their votes. That also has been cast aside.

I plead for the maintenance of the formula for assigned voting strength to each State. The original fashion in which those votes were cast is not of the essence, and I would plead strongly for the elimination of the person of the elector himself and replace him with an automatic casting of the number of votes from each State, either by district or by State, of the number of votes cast for the President.

I do not see by what process of reasoning the Senator from Indiana can say that the Senator from Nebraska wants preserved intact and unchanged what was in the original document of the Constitution. There has been no intimation of that. I think the record should show that fact, and perhaps some concession by the Senator from Indiana that that is the fact.

Mr. BAYH. The Senator from Indiana would not want to distort the views of the Senator from Nebraska, but I must say that the assessment made by the Senator from Indiana was correct in light of what the Senator said. I think the record will show that in a short period of time this inconsistency did show itself. I have been inconsistent in my own behalf. I am glad I can agree with the Senator from Nebraska that we should do away with the electors. I think it is a step in the right direction. It is a small step when we need a leap—

Mr. HRUSKA. On that we can agree.

Mr. BAYH. If I have been wrong in interpreting the statement of the Senator from Nebraska, I apologize. He knows enough of our relationship to know that I would not want to impugn his motives or misinterpret what he has said.

Mr. HRUSKA. I appreciate that, but I repeat that what the Senator from Nebraska has argued for from the original document of the Constitution is the essence of the electoral college system; to wit, the assignment to each State of a certain proportion of the voting strength that is used to elect a President. That is the central part of the whole thing, and it is the item and characteristic that impart to our Republic that federal character which has meant so much to it and which is the mainstay of the body in which both the Senator from Indiana and the Senator from Nebraska have the privilege to serve.

Mr. BAYH. I think the Senator from Indiana was trying to point out that it is a bit inconsistent to constantly invoke the infinite wisdom of our Founding Fathers as to the apportionment of votes under the electoral college system, and then to imply that they did not have infinite wisdom as far as the rest of it is concerned.

Mr. HRUSKA. Then does the Senator from Indiana believe that the entire Constitution should be destroyed? Because if you follow his logic and reasoning to its conclusion, the Senator from Indiana would have to disavow the entire Constitution. That I would not subscribe to.

Mr. BAYH. The Senator from Indiana has not been invoking the wisdom of our Founding Fathers. I agree that they were probably the smartest group of men who ever got together under one roof, but they themselves recognized that in this particular area they were found wanting.

For some of them were still serving in Congress when they passed a constitutional amendment to undo a part of the electoral system they had established.

Mr. HRUSKA. But not the part which conferred upon each State a certain number of votes in accordance with a well-devised formula for the purpose of electing the President. They did not touch that, and no Congress since then has touched that, Mr. President; and it is my hope that we will not do so at this time.

Mr. BAYH. It is the hope of the Senator from Indiana, with equal fervor, that this Congress will.

Certainly my friend from Nebraska has nothing but the finest of motives and intentions, but despite the good intentions of the proponents of the district plan, the proportional plan, or the automatic plan, all of those plans fail to strike at some of the basic shortcomings of the present system.

Only the direct popular vote permits the people of this country to vote personally for their President and Vice President. Only the direct popular vote guarantees that everyone's vote counts the same, and only the direct popular vote—and this is the most important of all—guarantees that the man who is elected President is the man who gets the most votes.

I think to suggest that we would accept less than these three important criteria is to be less than forthright in the fulfillment of our duty.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. PASSMAN, Mr. ADDABBO, Mr. COHELAN, Mr. MAHON, Mr. ROBISON, Mr. CONTE, Mr. EDWARDS of Alabama, and

Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY of New York, Mr. SIKES, Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. MAHON, Mr. BOW, Mr. CEDERBERG, and Mr. ANDREWS of North Dakota were appointed managers on the part of the House at the conference.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

DESTRUCTION OF THE FEDERAL SYSTEM

Mr. THURMOND. Mr. President, most proposals for electoral system change are perfecting amendments of one sort or another, designed to cure abuses and deficiencies in the electoral college system. However, if the provisions of Senate Joint Resolution 1 are incorporated into the Constitution, a profound alteration of the federal system will take place, with indeterminable effects throughout our political machinery. Therefore, Senate Joint Resolution 1 must be considered not as reform, but as the alternative to reform, that is, as a radical reconstruction of our constitutional theory.

Historically, the Constitution is often viewed as a response to an 18th century situation. However, the reason why the Constitution has survived for nearly 200 years is that it was more fundamentally a response to the eternal problems of balancing political power. Many people agree that the formula of 1789 can be improved so that we can move toward the goal of a "more perfect union." But the radical surgery proposed by Senate Joint Resolution 1 may cut more deeply than it heals.

As the noted proponent of political change, Mr. Richard Goodwin, noted in the course of the hearings before the Senate Judiciary Committee:

> If we were starting a new country we might well do things differently. In fact, the idea of an electoral college would probably never occur to us. But that is not our privilege. We are trying to continue and improve a system of government which has lasted longer than any other in the history of the world. Times change of course and so must we. I myself believe we need radical changes in our social and economic policies. But when it comes to modifying the structure itself, the process by which change comes, then we can only afford to act when we are certain of improvement. The theoretical and remote chance of what at worst would be a rather minor malfunction does not warrant a change which might have large and unforeseen consequences. And once made, of course, there is no return. (Pp. 167–168.)

The historical incidents of the politics of compromise at the Philadelphia Convention have receded into the textbooks, but they have left behind a legacy of political wisdom in the structure of our institutions. The Constitution is an attempt at finding means other than mere population as the basis of distributing political power. The division of powers between State and Federal governments and the separation of powers within the Federal Government were designed to preserve communities within which the citizen could fully participate to the extent that he was qualified. It provides a delicate balance of competing interests, promoting coalition and compromise.

However, the key compromise was hammered out on the question of the federal system itself. The Senate and the House of Representatives are testimony to this compromise, with two Senators representing every State and the House apportioned according to population. This is not simply a compromise between large and small States on representation. It is a compromise on the nature of the Union, as indicated by the lively controversy as to whether it should be a great, consolidated central government, or whether the States should retain status over their own affairs. The Senate, with equal representation, is a body representing the sovereign interests of the States—a concept which was clearer in the original method of choosing Senators by State legislatures. The House, with proportional representation, is a body representing the interests of the people.

This basic point was underscored in the statement of J. Harvie Williams to the Senate Judiciary Committee:

> The more perfect Union formed by our limited Constitution of representative government, and the sources of its power are Federal and national. It is the *Federal* Union of sovereign people equally represented in the Senate and the *national* Union of sovereign people equally represented in the House of Representatives. Each is superimposed on the other in both the legislative and executive branches of the government; and are separated from each other at the roots of their power—the States and the People. This, I submit, is our original and unique contribution to the art of politics and statecraft.

The electoral college system is based upon this same compromise. The problem of balance between large and small States, and the relation of States to the Federal Government is solved in the same way—namely, the electoral votes shall equal the whole number of Senators and Representatives. In this way, the legislative compromise embodied in Senate and House is translated into terms of Executive power. In short, the legislative and Executive power is divided throughout the Nation according to the same principle of compromise. Senate Joint Resolution 1 would destroy this parallel system for the selection of the Executive.

The Federal principle allows for a subtle and complicated relation both between large and small States, and between the States themselves and the Federal power. It also provides a rich source for local variations and new responses to the problems of the time. Our present system is not a simplistic rendering of the Constitution; it is an organic growth which has many surprising developments and relationships. It has a potential for satisfying the claims of both majority and minorities, as Yale Law Prof. Alexander M. Bickel pointed out in his testimony before the Senate Judiciary Committee:

> The seeming paradox, embodied in the Electoral College, of a system which offers the possibility of disproportionate influence both to cohesive groups in the large States and to the small States—this paradox should not seem strange in this chamber, for it is embodied also in the Senate itself. The at-large popular election of Senators means that in the big industrial States cohesive groups can have disproportionate influence in the elections of Senators, just as under the Electoral College system, they can have disproportionate influence in the election of the President. For this reason, the Senate has in recent years had a more urban and liberal orientation than the House. Yet at the same time, of sources, the Senate is the place of disproportionate influence for the small States, being malapportioned in their favor in far greater measure than the Electoral College.

Senate Joint Resolution 1 would reduce this complex system of democracy to a simple head count. The federal principle would play no part in the selection of an Executive who is even now far more powerful than envisioned by the Constitution. Senate Joint Resolution 1 would swing the present imbalance even further out of line. It was to this point that the journalist and political observer Theodore White testified before the Senate Judiciary Committee:

> It changes the nature of our Presidential campaigns. Our Presidential campaigns right now are balanced in each party to bring a compromise, to eliminate the extremes of both sides, and create a man who has at least the gift of unifying his party and thereafter the nation.
>
> Once you go to the plebiscite form of vote you get the more romantic, the more eloquent and the more extreme politicians, plus their hacks and TV agents polarizing the nation rather than bringing it together. It is that fundamental erosion of the U.S.A. that horrified me . . . (p. 110–111).

It is clear, then, that Senate Joint Resolution 1 would not reform our electoral system's shortcomings but rather would substitute an entirely new system, of unpredictable merit, for the federal principle which is the cornerstone of our Constitution.

Theodore White, Prof. Alexander Bickel, and other witnesses before the committee have thus become alarmed over the direct election plan's sharp break with the past. By altering one element of our checks-and-balances system, we will most certainly disrupt the rest of the system in ways that are perhaps impossible to foresee.

However, some effects of the direct election plan, unforeseen by its sponsors, are very easy to predict. Mr. White pointed out that such traditional voting blocs as the Negro vote and the Jewish vote would be overwhelmed if all votes were cast into a national pool. Such vot-

ing blocs traditionally carry an influence out of proportion to their size. Many liberals have become alarmed that this disproportionate influence would be destroyed by the direct election proposal.

At the same time, the direct election proposal would also destroy the legitimate representation of regionalism that is inherent in the present Constitution. The Federal principle would be utterly destroyed, not only as it relates to the highest office in the land but also as it relates to the vast power of the executive branch. Our Government is not based upon mere numbers but upon the feeling of community which the voters have in each State.

As it happens, I am the only Member of the Senate who has personal experience with the power of regionalism in the electoral college. In 1948, when I ran as the presidential candidate of the Democratic States' Rights Party, I captured 39 electoral votes. The intention of this race was to deny a majority both to Truman and to Dewey, and thus bring into play the House of Representatives as planned by the framers of the Constitution.

This plan failed only by a few votes. If the States' Rights candidates had carried two more States, or if the Republicans had not lost two of the three they were scheduled to carry, the election would have gone to the House.

However, the strength of the electoral college system was demonstrated by the fact that I won these 39 electoral votes with a popular vote of 1,176,125. Henry Wallace, an ideological candidate in the same election, had a popular vote of 1,157,326, but won no electoral votes. His votes were scattered around the country.

Regionalism is a healthy development in a nation, since it gives citizens a feeling of community and involvement. On the other hand, ideological candidates lead to divisiveness and factionalism, as demonstrated by the governments of France and Italy. Reform of the electoral college, therefore, should strengthen the States, and lessen the chances for ideological factionalism.

The chief fault in the electoral college today is the widespread adoption of the unit system, or winner-take-all method of assigning votes in each State. The unit system is not part of the U.S. Constitution, but has gradually been adopted by the States. It maximizes the strength of the large States, and also gives rise to the importance of bloc voting in large population centers. A few thousand votes in a large city can win a whole State.

I have long worked for electoral college reform. The plan which I have supported over the years would keep the electoral college, but break up the unit system. Each voter would vote for two electors at large, and one elector in his evenly apportioned district, in the same way as he now votes for two Senators and one Congressman. This is the so-called district plan.

The district plan meets the criteria for fair and just electoral reform. It eliminates the disproportionate effect of bloc voting, but strengthens the role of the States in national politics.

The direct election plan is full of unfortunate results. It undermines the federal system which has served us so well since 1789. It increases the likelihood of corruption and attempts to swing elections. It fails to provide any mechanism for such important questions as qualifying a candidate, certifying elections, or handling recounts.

There is also the danger that the direct election plan will never be ratified by the States, thus thwarting the reforms outlined above. One-third of the States will lose power under the plan. There are 99 houses of the State legislatures—Nebraska is unicameral. If only 13 of those 99 houses failed to ratify, the project would fail. I believe it is far better to get on with a genuine reform than attempt radical surgery.

Mr. President, an article entitled "The Most Deeply Radical Amendment," by Columnist James J. Kilpatrick, was published in the Washington Star of September 8, 1970. I now wish to present this article to the Senate. It reads:

The United States Senate launches itself this week into one of the most fateful debates in American constitutional history. By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Prof. Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the States for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Consider, for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.

It is at this point that the machinery of federalism begins its delicate braking action. Major parties ordinarily have no trouble in getting their candidates on the ballot in every state. The petition process makes it more difficult for third parties. George Wallace, it will be recalled, had a terrible time in 1968 before he could get his American Independent Party qualified. When Strom Thurmond ran in 1948, he made it to the ballot in 15 states only.

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties. Only four times in this century has a minority party won electoral votes. The Socialists, Progressives, Prohibitionists, Constitutionalists and others have sputtered ineffectively within their state compartments. And because each of the two major parties has been compelled to make a broad appeal, the United States has benefited from political stability and prudent compromise.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples party, a Peace party, a Revolutionary party, a Young Americans party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists, and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn, and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

Mr. President, Mr. Kilpatrick is one of the ablest columnists in this country. He has written a number of fine articles on this subject. I invite the attention of the Senate to other articles that this able writer has provided the public on this topic.

Mr. President, Thomas A. Lane writes a column that is of vital interest to the American public. This column is entitled "Public Affairs."

In an article on September 18, 1968, he discusses this subject under the heading "U.S. Must Retain Electoral College."

It reads as follows:

The campaign for electoral reform is based upon misinformation and misrepresentation. Advocates of centralized power would take another giant step in breaking down the Constitution.

They allege that democracy requires direct popular election of the President. That is a contention without merit. The Chief Executive of Great Britain is elected by Parliament, not by the people. In Germany, neither the President nor the Chancellor is elected by the people. In France, the President is elected by popular vote but the Premier is not. In India, neither the President nor the Prime Minister is elected by popular vote. In the general pattern of democratic government, the people elect representatives who elect the heads of government.

The Electoral College adapts this parliamentary system to the different pattern of American government. It numbers electors in the combined strengths of the House of Representatives and the Senate, but it provides a special body of electors (who may not be members of Congress) to elect the President. Just as the creation of a bicameral legislature resolved the conflicting interests of large and small states, so were those interests again reconciled in the election of a President.

Throughout our history, the Electoral Col-

lege has served well. It has resolved conflicts with minimum delay and uncertainty. It would be singularly improvident to change from so effective a system to a direct popular vote.

The direct vote proposal has serious defects. In a close vote, who would believe the count? The potential for recount would be opened wide. With three candidates, do we accept minority government or do we have a run-off election? The system would intensify strife and confusion.

Politicians appeal to the spectre of George Wallace to arouse popular opposition to the third party threat. Their fears actually underscore the special merit of the Electoral College. The present law does not allow minority government. It requires a majority of the electoral votes for election.

Thus, Richard Nixon carried a majority of the electoral vote even though he did not win a majority of the popular vote. That was true of John F. Kennedy in 1960. We regard them as majority presidents.

If Richard Nixon had received less than a majority of the electoral votes, the Wallace electors would have been required by the interests of their voters to cast their votes for Nixon rather than Humphrey. The Electoral College would have expressed the will of the people without the confusion and turmoil of a run-off election.

The direct vote plan has even more serious defects. It would destroy state participation in the electoral process and centralize election control in the federal government. With the capacity of modern news media to shape public opinion, the invitation to demagogy is apparent. No one who cherishes the American system of government can vote for such change.

There are some, however, who would withdraw the discretion of electors in voting for a president. That ill-considered proposal would destroy one of the most valuable features of the College—its capacity to resolve minority elections. Although this option is rarely exercised, it should be retained.

Others suggest that the electors should be chosen, one from each congressional district and two from the state at large, as are members of Congress. The suggestion has merit, but it is already within the power of the states. It can be adopted by state legislatures whenever the voters insist on that method of choosing their electors. A constitutional amendment is not required.

The campaign for electoral reform comes chiefly from those socialist-oriented Americans who see salvation in a centralized all-powerful government. They have no taste for the American way.

Mr. President, that column was written by Thomas A. Lane, a very able writer on the American scene.

WHICH WAY AMERICA?

Now, turning to another topic, ever so often an author will be moved by some indefinable inspiration to sum up concisely the mood of the Nation. He will hit upon exactly the thoughts which everyone is thinking, and express them clearly, and with a profound understanding of their meaning.

Such an article appears in the August issue of Christian Economics, an article entitled "Which Way America?" It was written by the distinguished Southern journalist, Anthony Harrigan, who has recently assumed the post of executive vice president of the Southern States Industrial Council. Mr. Harrigan has written a broad ranging and deeply philosophical piece which explains the present predicament of our Nation, and offers a solution.

Mr. Harrigan points out that our present situation is unique because, for the first time, we must recognize that many Americans—a minority, to be sure—have accepted the concept of the United States as an evil Nation that must be destroyed. He traces the growth of this concept to the transplantation of absolutist thinking from Europe during the thirties and forties. He says:

The traditional pattern of life here had allowed different areas to live in different ways. Americans did not anticipate the conditioning of minds or centralization of opinion. Local loyalties and traditions were respected. The notion of the law as an instrument for accomplishing social revolution was alien to our people.

Mr. Harrigan then goes on to say:

Law in the American sense, was designed to protect the individual from oppression and wrong-doing. It was regarded as a restraining influence, not as a monolithic directing force. Such a non-absolutist attitude towards law, government and society was bitterly opposed by the Europeans who assumed commanding positions in the universities and the intellectual community off-campus. The traditional easy-going American approach to national problems gave way to an angry, harsh, all-out approach which stressed "necessity."

This absolutist approach in our universities and in other positions of intellectual leadership has borne its bitter fruit. The great centralizing effect of national radio and television has served to promote this line of thought in a way that would have been impossible to foresee. As Mr. Harrigan writes:

It's no wonder that such moral and intellectual confusion abounds. Never before in the nation's history has there been a studied attempt to change American psychology, to dissolve faith in America's achievements and values, to make dirty things of national symbols, to brainwash the entire population and to create inside the country a parallel society of protesters who dissent from every action and value of the United States. We are witnesses, in other words, to an effort to transform our society by lies and violence and to liquidate its strength.

Mr. President, this is a vitally important article, and I urge all Americans to study it carefully. Mr. Harrigan has captured the essence of our problem, which is basically moral and spiritual at heart.

Mr. President, I think that this article, "Which Way America?" by Anthony Harrigan is so important that I would like to read the entire piece into the RECORD at this time.

WHICH WAY AMERICA?

(By Anthony Harrigan)

The signs of our time point to the fact that we in the United States are entering a dark age of internal strife, marked by the decline of civilized values and the emergence of a new barbarism and revolutionary spirit. In Asia, the U.S. is on the verge of suffering total defeat in war because of indecisiveness and revolutionary agitation on the homefront. Authority and discipline in the nation's armed forces have been downgraded to where some troops use the clenched-fist salute of communist origin and where the command structure is virtually powerless to halt publication of underground subversive newspapers on military posts. A filthy flood of pornography covers the country and is described as a "sexual revolution." Nihilists in universities occupy academic buildings, threaten professors with bodily injury, and hold guns on administrators. Bishops of an historic communion bow to blackmail and vote to give money to an organization that calls for destruction of the U.S. government and the crippling of American society.

DISAFFECTED CITIZENS

The United States has been beset before by deep-seated divisions. It has known internal conflict and experienced losses of loyalty among some of its citizens. Except for the Civil War, however, the nation's difficulties always have been resolved without resort to open conflict. Peaceful adjustment and reasonable accommodation always have been possible. Today, Americans have reason to doubt that the nation's problems can be solved as they have in the past. New and severe methods may be necessary to assure the nation's survival and to protect cherished freedoms.

The unhappiest reality of our era is the acceptance by numerous Americans of a concept of the United States as an evil nation that must be destroyed. Radicalism is nothing new in the history of the U.S. What is new and perilous is the burning hatred of America by many thousands of disaffected citizens who enjoy its freedom, security and prosperity, who bite the proverbial hand that feeds them. This ugly passion has been revealed in the revolt of the Vietniks, but it has deeper roots than protest against U.S. participation in the Vietnam War.

A CONTINENTAL GERM

Prof. Andrew Ezergailis, writing in the *Yale Review* (June, 1969), asserts that the havoc in America today stems from seeds of absolutism (advocacy of a rule by absolute standards or principles) planted in the last generation. "Somewhere along the way since the end of the Second World War," he says, "a portion of America's youth caught the continental germ of absolutism and now they demand totalitarian purity in politics and society."

In years past, U.S. colleges and universities spoke for the churches and states that created them and for the alumni who received their education there and sustained the institutions' growth. The idea of alienation from the surrounding American life was virtually unknown.

A NEW IDEOLOGICAL EMPHASIS

To be sure, America was not wholly free of ideological thinkers even in the early years of the 20th Century. Nevertheless, the number of ideologies in America was small until a generation ago.

Significant change took place in the thirties and forties. A generation was involved in a world war in which ideology was a factor. At the same time, the United States gave refuge to many educated Europeans who were steeped in the absolutist doctrines of the continent. Many of these refugees became formidable figures in America's intellectual life. They stamped their ideological approach to public issues on a rising generation of writers, jurists and public officials. For the first time in American history, newcomers shaped the nation's thinking, instead of American society giving shape to the newcomers' vision of life in this land.

A NEW ACTIVIST MENTALITY

America was not ready to receive such a transfusion of absolutist conceptions. American society had not evolved so as to be able to deal effectively with the sophisticated absolutism of European origin. The traditional pattern of life here had allowed different areas to live in different ways, Americans did not anticipate the conditioning of minds or centralization of opinion. Local loyalties and traditions were respected. The

notion of the law as an instrument for accomplishing social revolution was alien to our people.

Law, in the American sense, was designed to protect the individual from oppression and wrong-doing. It was regarded as a restraining influence, not as a monolithic, directing force. Such a non-absolutist attitude toward law, government and society was bitterly opposed by the Europeans who assumed commanding positions in the universities and the intellectual community off-campus. The traditional easy-going American approach to national problems gave way to an angry, harsh, all-out approach which stressed "necessity."

One of the first departments of American life to feel the impact of the new intellectual approach was the law. Activist judges swept aside the precedents born of generations of adjudicating disputes among American citizens, states and the federal government. A passion for "justice," narrowly defined and shaped to serve a particular conception of government, became so strong in the fifties and sixties that fundamental needs of society—under the heading of law and order—were ignored or scorned.

FRUIT OF ACTIVISM: CONFLICT

What happened in this period is that the conscience of a large part of the nation was radicalized. In this process, the electronic media, chiefly television, played a central role. Television, as in the "news" programs of the late Edward R. Murrow, became an instrument of absolutists who were trying to impose their conceptions on the American public. The cameras presented lawful authorities as overbearing and brutal, but carefully avoided showing any of the provocative acts engaged in by political activists. Spokesmen for revolutionary change were given ample time to make a powerful impact on national audiences. Revolutionaries were presented as calm and logical. No embarrassing questions were put to demonstration organizers. Their smooth words were recorded but not their brutal or insulting actions. As a result, revolutionaries received a sympathetic feedback. Many young viewers were fired with enthusiasm for turning America upside down.

CHALLENGE OF NAKED POWER

The challenge to government and society is one of naked power—the same challenge that the Nazis held up to the German people in the 1930's. Concerned citizens often ponder the ugly record of recent years: Watts, Detroit, Newark, the yippie war against Chicago, the Easter bomb plot in New York City, the junkets to Hanoi by various American friends of Ho Chi Minh, the march on the Pentagon, the SDS coups at Columbia and Harvard and the invasion of the Wisconsin Assembly. Nothing succeeds like success. Thus the abuse and terror continue: more threats of arson, militants shouting obscenities at churchmen gathered in convention, insults to judges on the bench and Black Panthers teaching children to kill policemen.

THE FOLLY OF POWER WORSHIP

The absolutists in our midst, who have caused this mess, started out justifying anything in the name of "justice." Now, they worship the absolute of power. They talk of "participatory democracy," but aim at an absolutist "democracy" of their own making. Young men are told—and many are persuaded—that rioting and a touch of arson can bring a world without war, prejudice or hunger. Anyone who can believe that can believe anything.

Ten or even five years ago, if America's leaders had appreciated the danger posed by absolutist conceptions, it would have been relatively easy to prepare universities for the coming assault, to stiffen the backbone and moral understanding of the churches and to prevent infiltration of the armed forces by militants. Because nothing was done to defuse the New Left and to pulverize its incipient absolutism, an evil has spread across the nation.

A DAZED CITIZENRY ASK QUESTIONS

The prestige and authority of the United States government has accumulated in the course of almost 200 years. Yet as our country approaches its bicentennial celebration, much already has been accomplished by the New Left to eradicate the esteem with which Americans have viewed their republic. Many citizens seem dazed by the efforts of those who distort and downgrade America. The U.S. public may be approaching the point where it doesn't know what to believe about the country. After years of ceaseless propaganda from homegrown haters of the United States, many Americans ask: Are our military leaders the cause of wars in the world today? Is the United States attacking a legitimate nationalist movement in Vietnam? Has our society adopted inhuman values?

It's no wonder that such moral and intellectual confusion abounds. Never before in the nation's history has there been a studied attempt to change American psychology, to dissolve faith in America's achievements and values, to make dirty things of national symbols, to brainwash the entire population and to create inside the country a parallel society of protesters who dissent from every action and value of the United States. We are witnesses, in other words, to an effort to transform our society by lies and violence and to liquidate its strength.

Survival requires that the federal and state governments use all their lawful authority to deter and isolate those who make a new religion or cult of violence against America and its institutions. Fortunately, the hard-core of violence oriented defectors from our society is still a small percent in a nation of more than 200 million people.

PRESCRIPTION FOR PEACE WITH FREEDOM

Stamping out the revolutionary movement will require unusual firmness and steadfastness. Americans place a high value on tolerance, and are reluctant to take vigorous measures against even the most open and notorious advocates of disorder. One is reminded of Hegel's dictum: "History is not the realm of happiness." This absolutist, whose conceptions have brought so much woe to mankind, was right in indicating that the carrying out of essential task of life and leadership, can be an unhappy experience. We all yearn for the older America that was free of internal clashes and ideological strife. Nevertheless, we won't again enjoy the blessings of peace with freedom without administering unpleasant remedies, precisely as the physician often has to prescribe bitter medicine in order to restore health to a sick man.

It is important to bear in mind that no irreversible law of breakdown rules our society. Breakdown occurs only where our society has failed to take preventive measures against the sick, aberrant element within. This destructive element, which is trying to destroy our way of life, has seceded from allegiance to America. An inner secession from our country is no more permissible in the late 20th Century, however, than a sectional secession was tolerable to the nation in the mid-19th Century.

WEAPONRY TO COMBAT INTERNAL BARBARIANS

If the law is our shield and spear, it will have to be used in innovative fashion. Laws already on the books can be used in new ways.

The law doesn't afford society sufficient protection where it only imposes punishment on those who commit acts of violence. To be adequate to the needs of peace and justice for the community, the law has to apply against those who advocate violence and preach overthrow of the United States or its political subdivisions. Long ago, the American judiciary established the principle that freedom of speech does not extend to those who shout "fire" in a crowded theater. Today, the entire United States is a crowded theater—a setting where an irresponsible act could result in a massive conflagration.

If we accept the concept of law barring advocacy of revolution in any form or whatever guise, this understanding will crystallize out in the form of new rules for the operation of our society—rules that will make possible the security of America in the remaining years of this century.

THE DARKNESS CAN BE DISSIPATED

The basic assumption we must make is that our society has a right to defend itself against those who would liquidate its values—that there is a superior wisdom in the organization and purposes of the United States that rightfully commands protection. To put this truth in other terms, America has an inalienable right to keep the internal barbarians at bay. The darkness that's fallen over America will lift if the American government and people offer total resistance to revolution.

THE FLIGHT TO THE SUBURBS

Mr. THURMOND. Mr. President, Mr. Walter Trohan, the head of the Chicago Tribune Washington Bureau, wrote an article for the Tribune which was published in that newspaper on September 7, 1970, entitled "Flight To Suburbs Has Meaning."

This article is one of importance, and I feel it should be called to the attention of the Members of this body, and, therefore, I should like to read it to the Senate at this time.

Mr. Trohan says in the article:

Perhaps nothing so demonstrates the failure of the school integration decision of 16 years ago as the preliminary figures of the 1970 census. This is your failure and my failure and the failure of every American man, woman and child.

The preliminary figures show that suburbanites now outnumber residents of the central city for the first time. The trend away from the central city is not only common to New York and Chicago but also to lesser concentrations like Peoria. Washington's suburban population is over 800,000, exceeding that of the capital itself.

Many reasons may be offered for this, but we must face the facts. One of the more important reasons is the school integration program. In the capital of the nation, the population has virtually stood still between 1960 and 1970, but the schools have become almost entirely black.

Whites have fled to the suburbs here, as they have in other cities. Their places have been taken by blacks who have come from the deep South or from the slums of northern cities.

And in the South, integration is also failing. In Summerton, S.C., for example, one of the cities involved in the historic decision declaring racial segregation must cease, the once white schools have an all black enrollment because whites have turned to private schools.

America should have learned from Prohibition that it is impossible to legislate morals. The noble experiment, which was conceived in the highest idealism, resulted in wholesale disrespect for law and the rise of syndicated crime with its murders, extortion and violence.

Integration had even loftier aims which few opposed in their hearts, but many, saw as moving too rapidly. The result has been

that today most blacks are not happy with whites of any hue and many whites are disappointed with blacks.

There may be much in the black contention that integration is proceeding on white terms. But this would hardly seem to justify the position of some blacks that they be segregated on their own terms.

One of the saddest stories of the integration drive comes from Fayette, Miss., a test tube of the race issue. In this predominantly Negro town, blacks once lived in fear, but today whites live in fear, according to an article in the magazine, Business Week, and the Delta Democrat Times of Greenville, Miss.

Fayette has Mississippi's only black mayor, Charles Evers, the brother of Medgar Evers, the Negro civil rights leader who was assassinated in Jackson, Miss, on June 11, 1963. Mayor Evers says there is no "tension" in Fayette, but Mrs. Marie F. Walker, editor of the weekly Fayette Chronicle, says there is black terrorism, in speaking for the whites, outnumbered four to one.

Mrs. Walker tells a sad story of intimidation and disregard of law. This commentator doesn't know enough of the acts to decide whether right lies with Mayor Evers or Mrs. Walker, but he does know that politicians—white, red, black or yellow—generally justify any form of extremism to remain in power.

Our concern should be with any and all evidence that integration is breaking down. If we are to survive, it should not break down, but it cannot be kept afloat on either black or white terms.

George Meany, head of the AFL–CIO, made it clear that blacks should not be taken into unions merely because they are black, but promised they will be accepted if qualified.

Integration doesn't mean an all black society, nor does segregation necessarily mean an all white society. In the ideal community equality must be built on ability and culture—not revolution and prejudice.

THE BLIGHT OF "WELFARE"

Mr. THURMOND. Mr. President, I should like to invite the attention of the Senate to an editorial published in the Chicago Tribune recently, entitled "The Blight of 'Welfare.'" This is a subject on which the Senate will be legislating in the near future and is one of paramount importance today. Because of that, I should like to present this editorial to the Members of the Senate.

"Welfare" is a word of good connotation—cf, Webster's: "state or condition in regard to well-being; condition of health, happiness, prosperity, and the like"; also, "good cheer; material plenty; a good thing." In order to capitalize on these euphoric definitions, the politicians have given us the Department of Health, Education, and Welfare [bundling all good things into one] and the "welfare state," under which, supposedly, we should all be as happy as kings.

But lest we be carried away let us examine the realities beneath the buoyant terminology. A helpful point of departure is the extraordinarily informed, and profoundly depressing, paper read here last week by Roger A. Freeman before the Governmental Research Association. Mr. Freeman is associated with the Hoover Institution on War, Revolution, and Peace at Stanford, and until recently was special assistant to President Nixon.

His conclusion, buttressed by overwhelming statistics and specific citations of failure, is that everything touched by government, no matter how good the intention, is blighted and withered. There is a general death of every part touched. In every program of government activity, after the expenditure of billions, hundreds of billions, and even trillions, Mr. Freeman says, all attempts to correlate tangible achievements with resources applied "have cast great doubt on the idea that improvements are necessarily proportionate to the amounts spent or even tend to be favorably affected."

What are the primary purposes of the state? First, the protection and safety of its citizens, their lives and property, from would-be attackers, foreign and domestic. Second, to establish and enforce rules for the ordinary and peaceful conduct of civil affairs and to settle disputes among its citizens.

The thrust of the "welfare state," however, is not in these directions. It has succeeded in circumscribing the range of decisions a citizen can make for himself and his family by assuming to make these decisions for him and it has drastically infringed on his right to determine the share of his resources which he can allocate to his various wants according to his own wishes by taking such determinations unto itself. It aims to overrule, thru the political process or by threats, the rewards and punishments of the free market, both in the disposition of goods and resources and in ideas and options.

With what result? "Our international position and our defensive strength, measured against the power of potential enemies," Mr. Freeman says, "have never been as weak. The safety of person and property in our homes and streets—and on highways—has never been as much threatened or more frequently violated. At the same time, government has never before claimed, held, or exercised so many responsibilities for our personal affairs nor made so many decisions affecting our individual lives. It has assumed duties which, judging by the results, it is unable to discharge satisfactorily, while neglecting or forsaking its foremost and primary obligations."

While the "welfare state" proliferates, devouring an ever-increasing share of total tax revenue, the political statists who try to daub cosmetics over its manifold failures keep up their dishonest bleat that, if it weren't for expenditures on national defense, government "services" wouldn't be "starved."

Mr. Freeman disposes of that propaganda by demonstrating that, since 1952, defense spending declined from 50 per cent of all federal expenditures to about 18 per cent today, while domestic services climbed from 37 per cent to 66 per cent in the same period. Of $145 billion now being laid out on domestic services, $118 billion goes for social welfare.

Despite these huge outlays, results are negligible where they are not counter-productive. Crime, delinquency, and most kinds of social ills are multiplying at a frightening rate, the federal, state, and local expenditures on crime prevention and law enforcement have increased 338 per cent in 17 years. A criminal has four chances in five never to be arrested; a person arrested has five chances out of six not to serve time in jail or prison; and the one in about 30 criminals who winds up behind bars serves on the average only 55 per cent of the time to which he has been sentenced.

The status and products of our educational system do not reflect the fact that more than five times as much is now allocated to it each year as was being allocated two decades ago. Expenditures for public education have increased 489 per cent since 1952 and staff in the school system has increased 172 per cent, while enrollment has been increasing only 78 per cent. Yet the result is what one study committee called a continuous "spiral of decline."

The government's approach to relief for the poor and aid to families with dependent children, Mr. Freeman says, is not directed at rehabilitating recipients or turning them into self-sustaining workers. Rather, its precept is that there should be no connection between work and income. "Why," Mr. Freeman asks, "should persons of little skill and low productive capacity work for a wage that is not more than what they can get on welfare, and often less?" So the rolls increase by leaps and bounds even in times of rising prosperity and employment—that of ADC rising from 2 million recipients in 1952 to 7.5 million now, with benefits rising 117 per cent in the same period.

These enormous "welfare" outlays have a bearing on inflation, of which we all complain. But, as Mr. Freeman says, only government can create inflation: thru budget deficits, easy money, and lopsided labor policies.

For example, consider construction costs. In 22 years the urban renewal program has destroyed three times as many buildings as it has completed. It has not removed slums but shifted them from one part of the city to another. In doing this, government adds billions to the housing demand in subsidies, grants, loans, and guarantees, and this in a market in which private demand is high and costs and prices are rising faster than in the rest of the economy. The inflation engineered in this way drives moderate income families out of the housing market and adds their voices to the clamor for more housing subsidies.

These examples could be multiplied endlessly, in every field from farm quotas and subsidies to foreign aid, with its harvest of thistles and venom. Taxes on everyone, except the free riders, are already prohibitive. How much crazier can we get?

Mr. President, that is an article which I hope will be read by all Senators. I hope they will study this subject further and in depth. The matter of welfare today is one of great importance. It is costing this country billions of dollars. Sooner or later we must come to the point of providing people on welfare with various types of trade school, technical and vocational training, so that they can make their own way in life. It is unfair to the individual to keep him on welfare when he can be trained and made into a productive citizen.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BELLMON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. BELLMON. Mr. President, as a member of the commission of the American Bar Association that spent some 2 years in studies and in the preparation of the language which has become the main portion of Senate Joint Resolution 1, and also as a representative of a small State

I feel that I am in a rather unique position so far as this debate is concerned.

I might say that when the American Bar Association commission undertook its study of the electoral college, I entered into this study as a Governor of a small State and with my mind, I thought, made up that I would never be in favor of any change that would abolish the electoral college. I felt, rather selfishly I might say, that the electoral college gave the small States some advantage, and while it had flaws and imperfections the approach we should take would be to correct those flaws and imperfections and yet preserve the system.

But as the studies of the American Bar Association commission proceeded, I began to realize more and more that my earlier feeling toward the electoral college was a mistake. I felt simply because a State like Oklahoma, with a fairly small population, and with eight electors, by virtue of an elector for each Representative and Senator, had a small advantage.

As I worked with other members of the commission and understood more how the electoral college operates I began to see that the small States are at a great disadvantage during campaigns, as party platforms are drawn, and also as the executive branch operates in the administration of the programs Congress passes. The reason is very simple. At the present time, because of the "winner take all" provision of the electoral college, a candidate for President can be elected if he carries only the 12 most populous States. This, then, causes the candidates for President and the parties preparing to make the campaigns for President, to generally ignore the small and less populous States and prepare campaigns and platforms that appeal to the most populous States of the Union.

I have before me a compilation of appearances made by both candidates for President in 1968. This information was furnished to my office by the national committees of both parties. We found that both of the committees concentrated the campaigns and scheduled candidates in those States which have been referred to as the "big eight." These are the States that have the most electoral votes. These States are: New York, Pennsylvania, Ohio, California, Illinois, Michigan, Texas, and New Jersey. Those so-called big eight States have a total of 227 electoral votes. In 1968 the presidential candidates made a total of 63 visits to those eight States.

Looking at the attention which the candidates paid to the less populous States, we find there are 16 States with 82 electoral votes where the candidates made no appearances at all. That is to say, neither the Republican nominee nor the Democratic nominee took time to stop in any of these 16 States.

Also there were a large number of States in which the candidates made only one stop: Delaware, Iowa, Louisiana, Maine, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin and Idaho. A candidate of one party or the other made one stop in those States so, Mr. President, you can see there is a total of 13 States where the candidates made a total of only one stop in each State and 16 States where they made no stops at all; and in eight States with the most electoral votes they made 63 visits.

This is symbolic of the attention the smaller States get from the parties and the candidates when they are running for President and it indicates the attention they get from the executive branch after the campaign is finished and the winner begins discharging his duties as the Chief Executive of this Nation.

I recognize there are many persons who feel otherwise; who feel that a State like Alaska, with two Senators and one Representative has more influence now than it would have under a direct vote. But I submit that this is not the case because at the present time the State of Alaska gets no attention from the candidates and if we had the direct vote the voters of that State would be just as important as the voters of another State.

At the present time a candidate who takes time out to go to Alaska can only hope, if he succeeds to win every vote in that State, to get the three electoral votes. The candidates feel the time would be better spent in a State where they would get a larger block of electoral votes.

I feel very strongly that the smaller States of this Union need all the breaks they can get. Our population trends are continuing in the direction of the concentrating of more and more people in our more populous States, to the great disadvantage of those States and also the entire Union. Therefore, I feel that the Congress ought not to take steps that are likely to further that trend.

I would certainly not favor a change in our electoral system if I felt the small States were going to be damaged by such a change in the Constitution, but my study of this question throughout the time I served as a member of the American Bar Association commission, and since that time, convinces me that the smaller States are going to be helped, and not hurt, by the abolition of the electoral college and by the substitution of a direct vote for President in its place.

I feel very strongly that as long as a voter in California is a means by which a candidate for President may hope to win 40 electoral votes and when a voter in the State of New York is a means whereby a candidate can win 43 electoral votes, those votes are going to be more important to the candidate than the votes of citizens in a State like Oklahoma where the candidate can hope to gain only eight electoral votes or, perhaps under the new census, only seven votes. Therefore, we in the smaller States are going to have to take a back seat to the larger States under the present electoral college system.

That would not be the case if every voter had an equal vote and an equal voice in the election.

The interesting thing about a political campaign is that the crowds that candidates get are as large in the small States as they are in the big States. So it is not the fact that the candidates appear before larger groups that motivates candidates to go into large States like California and New York, and the other States that make up the Big Eight, but, rather, by going into those States the candidates are hopeful of winning the big blocks of electors that make the difference in the outcome of presidential elections.

There is another reason why I feel the electoral college works to the great disservice of the smaller States. Anyone who has studied the outcome of elections in States like Illinois and New York, particularly, will recognize that the vote between the out-State voters and the urban centers voters divides almost evenly.

For example, in Illinois, the down-State vote generally goes Republican and the Cook County vote tends to be Democratic. Since we have a winner-take-all situation in the electoral college, the pressures are tremendous on the Democratic organization in Cook County to build up a sufficient majority to overcome the down-State Republican vote and in that way throw the total block of electors in the State of Illinois to the Democratic Party.

The same is true in New York. The New York City vote tends to be Democratic, and the upstate voters in New York State tend to vote Republican. So there are tremendous pressures in the city of New York for the Democratic organization to deliver a large enough vote to overcome the Republican majority in upstate New York, and in that way capture the total block of electors for the Democratic Party.

I believe that this situation, more than anything else, contributes to some of the irregularities that have plagued our presidential elections in recent decades. If every voter in this country were of equal importance, the pressures would be just as great in the small precincts and in the small States to get the voters to vote as they presently are to get the voters to cast their votes in those special situations.

There is another reason that causes the electoral college to work to the disadvantage of the small States, and that is that many of our small States tend to be one-party States. For instance, my State of Oklahoma has tended, until very recently, to be a one-party State. The same is true of the State of Kansas. My State of Oklahoma tended to be Democratic. The State of Kansas tended to be Republican.

Under the present system with the electoral college, the Republican voters in a State like Oklahoma had little tendency to go out to vote because the State generally ended up in the Democratic column, and the votes cast for the Republican candidate did not count.

In Kansas, the Democratic voters had little tendency to vote because the State generally went Republican and their votes were disfranchised.

Under the direct vote proposal, the vote of all citizens in all parts of the country will be counted, because the votes will be cast directly for the President, and the minority voters will not be ruled out or disfranchised by the winner-take-all arrangement.

The same kind of problem would exist if we went to some of the other kinds of changes proposed in our electoral system. Under the district system, the minority party in a district that tended to vote with the other party would be disfranchised, and that plan would be undesirable for a large number of voters in this country.

When I first became involved in an effort to improve the electoral system, I felt very strongly that there were some aspects of the present system that needed to be corrected, but that they could be corrected and the system could be preserved; but I feel now, as I felt after I studied the question for a while, that there is absolutely no way that the electoral vote in the electoral college can be preserved, but, rather, that the time has come for us to completely abolish the system and give every voter in this country an equal vote and a direct voice in the choosing of our President and Vice President.

In my opinion, these two offices are by far the most important offices in the world in these times, and they deserve to be filled by individuals who have gained those offices by virtue of having been the choice of a majority of the voters in this country, who have gained those offices without resorting to any kind of trickery or kind of political machinations, and who, therefore, can serve without the feeling on the part of many of our citizens that they were the second choice or that they were not chosen except by accident.

I feel that if we continue using the electoral college as it now exists, the day will come when we will have a candidate who will have gained the office of President by accident, and that fact will turn the country into turmoil. A Chief Executive who will not have the full backing of the voters of this country will therefore find it difficult to discharge the onerous task that goes with leading the most powerful nation on earth.

I feel, therefore, the time has come when the Senate must follow the pattern that the House has already followed and abolish the electoral college and substitute in its place a direct vote for President.

I feel very strongly, as has already been said on the floor, that the hour is late; that if we undertake to amend Senate Joint Resolution 1, throwing it back into a conference with the House, the time will expire, the Senate will adjourn, and we will not be able to amend the Constitution during this session; that it will take many months to reach this point again in another session, and before the Congress is able to act, the time will expire and we will not be able to get the approval of the various State legislatures, and that we will have another Presidential election under the same system now in existence.

Therefore, I feel it is extremely urgent that the Senate vote on this matter and that we place it before the State legislatures, so that they will be able to act upon it, to truly modernize our system of electing a President.

I recognize that there are many who are fearful that the change to a direct vote will cause some serious changes in the makeup of our National Government; but I do not share those fears.

I have checked the CONGRESSIONAL RECORD for the year 1911, at which time the Senate was debating the question as to whether or not we should change to a direct vote for choosing Members of the Senate. Up until that time, as Senators will remember, Members of the Senate were chosen by the State legislatures, and there were many who felt that if we gave up that system and went to a direct vote for Senators, very serious and undesirable results would follow.

For example, in the debate, the then Senator from New York, Mr. Elihu Root, on February 10, 1911, speaking in defense of retaining the system whereby members of the State legislature chose U.S. Senators, made this statement:

> Let us continue upon the theory that State governments are corrupt and incompetent. The time will come when the Government of the United States will be driven to the exercise of more arbitrary and unconsidered power, will be driven to greater concentration, will be driven to extend its functions into the internal affairs of the States; and then sooner or later the people of the country will reject a Government that has subjected their personal and intimate neighborhood affairs to the control of a central power in Washington, and then in the place of competent States governing their own affairs we shall go through the cycle of concentration of power at the center while the States dwindle into insignificance, and ultimately the breaking up of the great Republic upon new lines of separation.
>
> Mr. President, there is another view of the fundamental proposition on which this resolution rests. It is an expression of distrust for representative government. It does not stand alone. It is a part of the great movement which has been going on now in these recent years throughout the country and in which our people have been drifting away from their trust in representative government. These modern constitutions which are filled with specific provisions, limiting and directing the legislature in every direction, furnishing such startling contrasts to the simplicity of the Constitution of the United States, are an expression of distrust in representative government. The referendum is an expression of distrust in representative government.

It is obvious that Senator Root was very much concerned that giving the people the opportunity and responsibility of voting directly for U.S. Senators was going to produce some fundamental changes in our Federal system. It is equally obvious that the years since 1911 have shown that Senator Root's concern was not well founded. I doubt that any Member of the Senate would be willing now to go back to the old system of having Members of the Senate chosen by the legislatures of the various States.

I believe that Senator Root suffered from the pain that was described many years ago by Walter Bagehot, in an article entitled "Physics and Politics," in which he said that one of the greatest pains to human nature is the pain of a new idea. I would suspect that for Senator Root, the idea of running in a public election was rather painful because it was new.

I am of the opinion, having heard some of the debate here, that one of the things that makes many Senators today oppose the change in our electoral college and the adoption of the direct vote for President is that the idea is somewhat new to them. I doubt that their fears will come to pass, any more than the fears Senator Root had some 50 years ago, when he stood on this floor and advocated retaining the system by which Senators were elected by State legislatures.

I share some of the fears expressed by some of my colleagues; but after studying the matter from the viewpoint of the smaller States, I feel strongly that the best interests of the country and of the smaller States will be served by abolishing the present electoral system, with its winner-take-all arrangements, and going to a direct vote, which will give every qualified voter in this country an equal voice in choosing the President, and thereby make certain that the person who occupies the position of President of this country holds his position by virtue of being the choice of most of the voters in the country, and is thus the unchallenged leader of the United States in conducting its affairs as they relate both to the progress of our country and to his peacekeeping responsibilities.

I very strongly feel that the time when this decision should be made is now. It should not be put off any longer, and I am hopeful that if the Senate will act promptly, the State legislatures will also act, so that, by the time we elect our new President in 1976, we will have a new system, which will give every voter a reason to participate, and to realize that his vote counts the same as the vote of any voter in any other State.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BELLMON. I am glad to yield to the Senator from Indiana.

Mr. BAYH. I have listened with great interest to my colleague from Oklahoma. Having been familiar with the development of the support for this particular proposal, I must suggest that the contribution that the Senator from Oklahoma makes is perhaps more significant than that which might be made by any other Senator. He had the opportunity to study this proposition independently before he came to the Senate, and from talking with him personally as well as listening to his remarks I know that his views changed somewhat as he went through the study.

My experience was similar. My opinion changed as I delved into the actual functioning of the electoral college system. I compliment my distinguished friend and colleague from Oklahoma particularly for presenting to the Senate the quotation from former Senator Root, in which he prophesied that there would be great discord and the country would be on its knees if the Members of this body were chosen by a direct popular vote.

I ask my friend from Oklahoma to comment briefly as to whether he shares my opinion that the change which we propose—direct popular vote for President—is not in fact a revolutionary change. Nor would it be a panacea for all of the other problems that confront

our country today. I hope he agrees that we do not offer it as a panacea for problems, but rather because it gives us the opportunity to minimize the chance of malfunction of the Presidential election system.

Mr. BELLMON. I certainly agree with my colleague from Indiana. I feel that Senate Joint Resolution 1 does exactly that. It will prevent, or at least greatly lessen, the opportunity for a breakdown in the system whereby we choose our President. Also, in my opinion, as I have already stated, it will lessen the pressures for malfeasance in the way our electoral processes are carried on. I very strongly feel that this country, at the present time, and perhaps for the next decade or so, is going to face very tense times, both here at home and abroad. I seriously doubt that a President who held his office as a result of what could appear to some to be trickery, or perhaps even just an accident, could discharge the duties that he will be faced with and make the decisions he will be called upon to make.

I feel that while this proposal, as the Senator has stated, is not revolutionary, it is certainly one of the most important decisions that the Senate and Congress will be called upon to make for many years. I am very pleased that the committee of which the Senator from Indiana is chairman, and which he has led so ably, has come to the conclusion that the House of Representatives reached, and that this makes it possible for us to go ahead and act upon this matter promptly and to bring about the change which I feel is absolutely necessary and which in many ways is long overdue.

I might say to the Senator from Indiana that one of the recent developments that strengthens my belief in what is about to happen here is what has happened to us in the State of Oklahoma. Until the present time, the State of Oklahoma has had eight electors because of the fact that we have two Senators and six Members of the House of Representatives. As the result of the most recent census, which is not yet final, but based upon the preliminary reports, our State has gained 7.3 percent in population; yet, we apparently are going to lose a Representative. This means that the voters of Oklahoma, when they vote next for President, will have one less elector, even though we have more citizens than we have had in the past.

To me, it is rather arbitrary and totally unfair that the electoral system works to deprive a growing State, as we are, of our voice in choosing the President.

Under the present system—that is, under the system in effect—when we chose our President in 1968, one electoral vote in Oklahoma represented 291,035 citizens. If we lose one of our representatives and one of our electors, as apparently is going to happen, when we vote in 1972 and in 1976 and in 1980, one electoral vote in Oklahoma will amount to 356,911 voters. This, I think, shows how totally unrealistic and how wrong it is to have such an arbitrary system that changes the voting strength of an individual citizen of this country simply because his State happens to wind up one side or the other of the line when the representatives are divided up.

According to the figures we have been able to compute, as based upon the most recent census, in the United States the average elector represents 372,000 citizens. So our State, which is a small State, would still have fewer than the average for the Nation, but an electoral representative would represent about 60,000 more voters than was true when we voted in 1968.

Mr. BAYH. I appreciate the focus that the Senator from Oklahoma brings to bear on the question of the small-State large-State argument. Indeed, some Senators are concerned that a change would penalize the small States. But the Senator from Oklahoma, who comes from a less-populated State, has studied this matter carefully and has reached the conclusion that going to a direct popular vote would not be disadvantageous to the small State.

Mr. BELLMON. That is correct. I feel that small States have a great disadvantage at the present time, and the fact that Presidential candidates do not even bother to campaign in 16 of the smaller States is eloquent testimony to that.

One other reason that causes me, as a citizen of a small State—and, as I have said, of a traditionally one-party State—to favor a change to direct vote is the fact that the present system discourages citizen participation. The fact that we have an electoral college and the fact that many citizens do not feel that they are actually voting for President tends, I believe, to discourage them from even voting at all.

I served as State chairman of a political party and also for a time as national campaign chairman for President Nixon during the early days of his campaign. I know that in many of the one-party States there was not even serious thought about President Nixon campaigning. We recognized that there was no chance to win in those States, and therefore there was no reason for him to put in an appearance. We realized that if he did not get a majority of the votes in those States, he would get no electors at all.

If we go to the direct vote system, then no matter how strongly a one-party tradition may exist in a given State, there will still be reason for a candidate to go there and campaign, because he will get some votes as a result of his effort.

Mr. BAYH. Then, in addition to the small State-large State argument, which I think the Senator from Oklahoma has put to rest very ably, it appears to me that the Senator is dealing with accusations and concerns of some opponents of Senate Joint Resolution 1 that direct election would weaken the two-party system. It is the experience of the Senator from Oklahoma that the contrary would be true. Is that accurate?

Mr. BELLMON. That is exactly true. I feel that the present system, which makes it rather unnecessary—and, in fact, futile—for candidates to campaign in one-party States, would be totally changed if the candidate knew that by going to these States he would get a certain number of votes under a direct-vote system.

For example, if I had been the manager of Hubert Humphrey's campaign in 1968, I certainly would not have allowed Vice President Humphrey to campaign in a State such as Kansas or Nebraska, or for that matter, even in Oklahoma—though he did come there—because those States were leaning strongly the other way. There would be no purpose in Candidate Humphrey even planning to come to those States, because there was no chance for him to gain anything from it.

I think that the present system works to the disadvantage of many sectors of the country and totally to the disadvantage of our form of representative government.

I strongly feel that this is the most important question that has been before the Senate this year, and since I have been a Member of this body. I again want to congratulate the Senator from Indiana for the leadership he has displayed in bringing this matter before the Senate in the way it has been done.

Mr. BAYH. I do not want to delay the Senator further, but I wish to compliment him on his remarks. I hope that history will show that because of the leadership and the determination of him and other Senators, such as the distinguished Senator from Tennessee, at long last we will lay to rest the possibility that this system will malfunction.

Although there has been concern about fraud, we must recognize that fraud alone will not cause malfunctioning. Fraud is not the only way the present system can malfunction. Three times in the past the electoral college has given to the country a President who has fewer votes than the man he is running against, as the Senator from Oklahoma knows.

We could, of course, continue the system in which all our votes do not count the same.

But we now have a chance to rectify these inequities and to protect ourselves from such a possible malfunctioning.

I express my personal appreciation to the distinguished Senator from Oklahoma for the contribution he has made.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BELLMON. I am happy to yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I wish to commend the Senator from Oklahoma for this presentation and to apologize to him for not being present in the Chamber during the entire delivery.

He makes a point, though, that is important to all of us who come from small or medium sized States, who are confronted with the anomaly of an increasing population and a decreasing electoral vote. Tennessee, it appears, may be one of those States, where we now have 11 electoral votes—nine Members of the House of Representatives and two Senators—and there is at least some possibility that our House delegation will be reduced from nine to eight and our electoral vote from 11 to 10. Yet, the popula-

tion of Tennessee has increased very materially.

It seems to me that this anomaly is proof positive of the necessity for overhaul of the electoral system if the medium and small sized States are to continue to be effective partners in the federal system.

Mr. BELLMON. I agree with the Senator.

I have not had an opportunity to discuss this matter with many of the voters in Oklahoma. In fact, these figures are very recent. But I think I can sense some of the frustration and perhaps even anger that is going to be fairly widespread in my State when they realize that, because of the working of the system we have, they are going to be about 12 percent disenfranchised as a result of the electoral college.

I might say to the Senator from Tennessee, I do not know what his observation has been, but in my State many polls have been taken, and certainly in the many conversations I have had with the voters, they show me that among the populations of the smaller States such as Oklahoma, the electoral college system is not understood and is not popular. The voters generally greatly prefer to go to the direct vote system, even though some of the politicians try to make it appear that they are being helped by the present system. I feel that the voters generally are willing to be treated as equals, that they do not expect any real or suggested advantages, and that at least in our State the direct vote for President is the way the voters prefer to see any changes brought about. I doubt strongly that the voters would like to see us merely amend the electoral college system. They feel that the time has come for a direct vote for President as it was changed in 1911 so that the people could vote directly for their Senators.

Mr. BAKER. I entirely agree and commend the Senator from Oklahoma for a perceptive observation as to the attitude of the public generally toward the electoral college system. I agree with him. I think the same situation pertains in my State of Tennessee. As a matter of fact, I would hazard the guess that many people in the United States think that they vote for their President and are not aware of the fact that the system prohibits anyone from voting for the President but rather for a slate of electors. The disillusionment I found in some quarters when this point was made is real and substantial and constitutes a hazard to the respect and support that representative government must have if it is to function properly.

The Senator from Oklahoma pointed out that he was, at one time, the national campaign manager for President Nixon before he relinquished that post in order to mount his own campaign for the U.S. Senate. I remember his early and effective organizational ability for our President. I know of the high esteem and respect in which he is held by President Nixon. I do not speak for the junior Senator from Oklahoma and neither for the President, but I would speculate that the fact the President is strongly in favor of electoral reform in this manner, and the fact that the junior Senator from Oklahoma is such an effective advocate of this proposal on the floor of the Senate, is not coincidental.

Mr. BELLMON. I might say, in reply to my good friend from Tennessee, that the voters in Oklahoma became incensed as a result of the 1960 incident in which one of the Republican electors, Henry Erwin of Bartlesville, who had been elected an elector on the assumption he was going to cast his electoral vote for candidate Nixon, actually cast his vote for Harry F. Byrd. Since then, the Republican voters in our State who thought they had cast their votes for candidate Nixon felt that was an absolute violation of trust, as they felt they were, as the Senator said, voting directly for the candidate of their choice; yet when it became clear to them that they had not done so, that the person in whom they had placed their trust had violated that trust, they were incensed.

At that time, I was serving as Republican State chairman, and we had a great deal of correspondence over that incident and many confrontations with irate citizens who began to demand immediately that the system be changed. That was the point at which my interest in the electoral college system was first kindled, and I have become more interested in this problem since that time.

The State legislature of Oklahoma, as a result of that incident, changed the law so that there will probably not be a repeat of that situation ever again in our State, but there is still the danger that if one of the parties who gains the most electoral votes should lose his life before he is sworn in, the electors would have a completely free hand to choose any candidate they wished to be President of the United States. That is certainly not going to be that way if we go into the direct vote system.

There are many other flaws, Mr. President, in the electoral college system that will be brought out during debate, and I hope to have further comment on that in the future.

I ask unanimous consent to have printed in the RECORD, Mr. President, a table showing the number of appearances candidates Nixon and Humphrey made in each State of the Union during the 1968 campaign.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SCHEDULE OF CANDIDATE APPEARANCES[1] BY STATES, 1968 CAMPAIGN (SEPT. 3 TO NOV. 3, 1968)

	Nixon	Humphrey	Total
Alabama	10		0
Alaska	3		0
Arizona	5		0
Arkansas	6		0
California	40	4	3	7
Colorado	6	1	1	2
Connecticut	8	1	1	2
Delaware	3		1	1
Florida	14	2	1	3
Georgia	12	2		2
Hawaii	4			0
Idaho	4	1		1
Illinois	26	4	3	7
Indiana	13	1	1	2
Iowa	9	1		1
Kansas	7			0
Kentucky	9	1	1	2
Louisiana	10	1		1
Maine	4		1	1
Maryland	10			0
Massachusetts	14	1	2	3
Michigan	21	4	3	7
Minnesota	10	2		2
Mississippi	7			0
Missouri	12	3	1	4
Montana	4			0
Nebraska	5			0
Nevada	3			0
New Hampshire	4			0
New Jersey	17	2	2	4
New Mexico	4			0
New York	43	6	9	15
North Carolina	13	1		1
North Dakota	4	1		1
Ohio	26	4	4	8
Oklahoma	8	1	1	2
Oregon	6		1	1
Pennsylvania	29	6	4	10
Rhode Island	4			0
South Carolina	8	1		1
South Dakota	4		1	1
Tennessee	11	2	1	3
Texas	25	3	2	5
Utah	4	1	1	2
Vermont	3			0
Virginia	12	1		1
Washington	9	1	1	2
West Virginia	7		1	1
Wisconsin	12	1		1
Wyoming	3			0
District of Columbia	3			

[1] 16 States not visited by either candidate—with 82 electoral votes, ranging from 3 to 10.

Mr. BAYH. Mr. President, one further observation for the record, if I may. The Senator from Oklahoma described his experience in Oklahoma in 1960, concerning the truant or the errant elector and noted that subsequently the State Legislature of Oklahoma attempted to deal with that problem.

Several years ago, I recall a Supreme Court case, Ray against Blair, in which a candidate exacted a pledge from an elector. But the Court held that there was no way it could be enforced because of the freedom given by the Constitution to the elector.

I think the concern of the Senator from Oklahoma is evidenced by his leadership in our efforts to try to provide direct election for the people of this country of their President. The experience we all had here in January, on the opening day of the Senate in 1969, in which we had the Dr. Bailey incident, the errant elector in North Carolina, led me to believe that this whole issue is very much alive and has not been laid to rest. There is no way it can be laid to rest except to proceed with adoption and, hopefully, the ratification of Senate Joint Resolution 1.

Now, Mr. President, if I could have the attention of the Senator from Alabama (Mr. ALLEN) who, I think, perhaps, has inherited the mantle of the opposition here, for the time being——

Mr. ALLEN. I am delighted to yield to the Senator from Indiana.

Mr. BAYH. I should like to pose this question because, I understand, the Senator from Nebraska would desire to proceed to other business now, and perhaps the majority leader would as well. But I should like to know whether those in opposition have any idea as to when we would be prepared to put this issue to a vote.

I feel that it has been discussed and

covered rather well, and I am prepared at this moment to go on to the next legislative step. Of course, we do not want to rush into this when some Senators have not been heard.

Therefore, would the Senator from Alabama care to hazard an opinion on this matter?

Mr. ALLEN. I notice on the wire this afternoon that the Senate Democratic leadership and committee chairmen decided today "to shoot for adjournment October 15 without ditching any major legislation. Senate Majority Leader MANSFIELD said it would take the unanimous cooperation of all 100 Senators and added that is always something difficult to do. The majority leader and the chairmen set a tentative timetable for each piece of legislation which MANSFIELD said will make it possible for the Senate to complete its work by mid-October."

So I do not know what tentative schedule has been set by the majority leader. The junior Senator from Alabama would state that he is not sitting in for the majority leader. He would have thought, since the distinguished Senator from Indiana (Mr. BAYH) has been occupying that chair, he himself was sitting in for the majority leader at this time.

Mr. BAYH. It is difficult for me fully to occupy the chair of the majority leader but I am certain that I am accurate in suggesting that the majority leader would be willing to support the motion which the Senator from Indiana is prepared to make now, that we go to third reading, if the Senator from Alabama is prepared not to object to such a motion.

Mr. ALLEN. The Senator from Alabama notes that in the committee report itself there is a suggested amendment by the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS). Certainly the junior Senator from Alabama would not want to cut them off from their right to offer an amendment.

Also, the district plan is embraced in a proposed amendment to the resolution. The proportional plan will probably be offered as an amendment and also the possible planned revising of the functions and setup of the present electoral college.

So, the junior Senator from Alabama feels sure that the distinguished Senator from Indiana would not want to cut off amendments, which moving the resolution to third reading at this time would do.

Mr. BAYH. Mr. President, I would not want to cut off amendments. The Senator from Alabama was desirous of knowing the opinion of the majority leader.

The judgment of the Senator from Indiana is that the majority leader probably would not support any of the amendments that the Senator from Alabama has just mentioned.

I was hoping, inasmuch as many of our colleagues have other obligations and the senior Senator from Tennessee and possibly other Senators have important appointments with constituents, that it would be helpful in advising our colleagues who are not present if we can suggest a timetable. I would hope that maybe tomorrow or by next week we would make the maximum effort to dispose of all amendments. I would not want to prevent the offering of any amendments. However, the quicker we can get to them the quicker the Senate can work its will.

Mr. ALLEN. Mr. President, the junior Senator from Alabama has no amendment which he wishes to offer. He does feel, though, that the right of Senators who do have amendments to offer them should not be cut off.

All that the junior Senator from Alabama could suggest is that the Senator from Indiana, if he desires to make a unanimous-consent request, should do so, and then the membership present could decide whether they wished to give unanimous consent to the request.

Mr. BAYH. Mr. President, the Senator from Indiana does not want to be arbitrary in any way about this matter.

It is the recollection of the Senator from Indiana that it is the responsibility of those who have amendments to be prepared to offer them. Since the Senator from Indiana has no such amendments, he is hardly in a position to offer amendments for other Senators.

I feel charged with the responsibility of expediting the consideration of this measure as much as possible.

Mr. ALLEN. Mr. President, the junior Senator from Alabama does not have authority to speak for any other Senators. He just happens to be here at this time to speak for himself and the people he represents.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, under the informal agreement made, that the pending business be laid aside temporarily until after the conclusion of morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar 1100, S. 3355.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 3355) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO TITLE IX OF THE PUBLIC HEALTH SERVICE ACT

SEC. 101. This title may be cited as the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendment of 1970".

SEC. 102. (a) Section 900(a) of the Public Health Service Act is amended—

(1) by inserting "and contracts" immediately after "grants";

(2) by striking out "related demonstrations" and inserting in lieu thereof "demonstrations";

(3) by striking out "and related diseases" and inserting in lieu thereof "kidney disease, and other major diseases and conditions".

(b) Section 900(b) of such Act is amended by striking out "diagnosis and treatment of these diseases" and inserting in lieu thereof "prevention, diagnosis, and treatment (including treatment through home health care) of these diseases and conditions, and in the rehabilitation (including rehabilitation through home health care) of individuals suffering from these diseases and conditions".

(c) Section 900 of such Act is further amended by—

(1) striking out "and" at the end of subsection (b) thereof;

(2) redesignating subsection (c) thereof as subsection (d); and

(3) inserting after subsection (b) thereof a new subsection (c) which reads as follows:

"(c) to promote and foster regional cooperation among health care institutions and providers so as to strengthen and improve primary care and the relationship between specialized and primary care; and".

(d) Section 900(d) of such Act (as redesignated by subsection (c)(2) of this section) is amended by striking out "the health manpower and facilities to the Nation" and inserting in lieu thereof "the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services for persons residing in areas with limited health services".

SEC. 103. (a)(1) The first sentence of section 901(a) of such Act is amended by striking out "and $120,000,000 for the next fiscal year, for grants" and inserting in lieu thereof "$120,000,000 for the fiscal year ending June 30, 1970, $150,000,000 for the fiscal year ending June 30, 1971, $200,000,000 for the fiscal year ending June 30, 1972, $250,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years, for grants".

(2) The second sentence of section 901(a) of such Act is amended to read as follows: "Of the sums appropriated under this section for the fiscal year ending June 30, 1971, not more than $15,000,000 shall be available for activities in the field of kidney disease."

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) At the request of any recipient of a grant under this title, the payments to such recipient may be reduced by the fair market value of any equipment, supplies, or services furnished to such recipient and by the amount of the pay, allowance, traveling expenses, and any other costs in connection

with the detail of an officer or employee to the recipient when such furnishing of such detail, as the case may be, is for the convenience of and at the request of such recipient and for the purpose of carrying out the regional medical program to which the grant or contract under this title is made."

SEC. 104. (a) Section 902(a) of such Act is amended by striking out "training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and at the option of the applicant, related disease or diseases" and inserting in lieu thereof "training, prevention, diagnosis, treatment, and rehabilitation (including home health care) relating to heart disease, cancer, stroke, or kidney disease, and, at the option of the applicant, other major diseases or conditions".

(b) Section 902(a) of such Act (as amended by subsection (a) of this section) is further amended, in the part thereof which precedes clause (1) thereof, by—

(1) inserting "(i)" immediately after "engaged"; and

(2) inserting immediately before the semicolon the following: ", or at the option of applicant, (ii) in developing and demonstrating systems for organizing and delivering medical care, but only (I) with respect to an applicant which is engaged in one or more of the activities referred to in subclause (i), and (II) for any period of time, if prior to the commencement of such period the applicant has for a reasonable period of time engaged in one or more of the activities referred to in subclause (i)".

SEC. 105. Section 902(f) is amended by striking out "includes" and inserting in lieu thereof "means new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs,".

SEC. 106. Section 903(b)(4) of such Act is amended—

(1) by striking out "voluntary health agencies, and" and inserting in lieu thereof "voluntary health agencies, official health and planning agencies, and"; and

(2) by inserting immediately after "under the program", where it first appears therein, the following: "(including as an ex officio member, if there is located in such region one or more hospitals or other health facilities of the Veterans' Administration, the individual whom the Administrator of Veterans' Affairs shall have designated to serve on such advisory group as the representative of the hospitals or other health care facilities of such Administration which are located in such region)"; and

(3) by striking out "need for the services provided under the program" and inserting in lieu thereof "need for and financing of the services provided under the program, and which advisory group shall be sufficient in number to insure adequate community representation (as determined by the Secretary)".

SEC. 107. That part of the second sentence of section 904(b) of the Public Health Service Act preceding paragraph (1) is amended by striking out "section 903(b)(4) and" and inserting in lieu thereof the following: "section 903(b)(4), if opportunity has been provided, prior to such recommendation, for consideration of the application by each public or nonprofit private agency or organization which has the responsibility for development of a comprehensive regional, metropolitan, or other area plan referred to in section 314(b) covering any area in which the regional medical program for which the application is made will be located, and if the application".

SEC. 108. Section 905(a) of such Act is amended—

(1) by striking out "The Surgeon General, with the approval of the Secretary," and inserting in lieu thereof "The Secretary";

(2) by striking out "the Surgeon General" and inserting in lieu thereof "the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs";

(3) by inserting immediately after "chairman," the following: "the Chief Medical Director of the Veterans' Administration who shall be an ex officio member,";

(4) by inserting "health care administration," immediately after "the medical sciences,";

(5) by striking out "study, diagnosis, or treatment of cancer" and inserting in lieu thereof "study of or health care for persons suffering from cancer"; and

(6) by striking out "and one shall be outstanding in the study, diagnosis, or treatment of stroke" and inserting in lieu thereof "one shall be outstanding in the study of or health care for persons suffering from stroke, one shall be outstanding in the study of or care for persons suffering from kidney disease, and three shall be members of the public".

SEC. 109. Section 907 of such Act is amended by striking out "or strike," and inserting in lieu thereof "stroke, or kidney disease,".

SEC. 110. Section 909(a) of such Act is amended by inserting "or contract" after "grant", each place it appears therein.

SEC. 111. (a) Section 910 of such Act is amended to read as follows:

"SEC. 910. (a) To facilitate interregional cooperation, and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions or combinations thereof and to contract for—

"(1) programs, services, and activities of substantial use to two or more regional medical programs;

"(2) development, trial, or demonstration of methods for control of heart disease, cancer, stroke, kidney disease, or other major disease or conditions;

"(3) the collection and study of epidemiologic data related to any of the diseases and conditions referred to in paragraph (2);

"(4) development of training specifically related to the prevention, diagnosis, or treatment of any of the diseases or conditions referred to in paragraph (2), or to the rehabilitation of persons suffering from any of such diseases or conditions; and for continuing programs of such training where shortage of trained personnel would otherwise limit application of knowledge and skills important to the control of any of such diseases or conditions; and

"(5) the conduct of cooperative clinical field trials.

"(b) The Secretary is authorized to assist in meeting the costs of special projects for improving, or developing new means for, the delivery of health services concerned with any of the diseases or conditions with which this title is concerned.

"(c) The Secretary is authorized to support research, studies, investigations, training, and demonstrations designed more effectively to utilize health personnel in the delivery of health services."

(d) The heading to section 910 of such Act is amended to read as follows:

"MULTIPROGRAM SERVICES".

SEC. 112. The heading to title IX of such Act is amended by striking out "STROKE, AND RELATED DISEASES" and inserting in lieu thereof "STROKE, KIDNEY DISEASE, AND OTHER MAJOR DISEASES AND CONDITIONS".

SEC. 113. Sections 902(a), 903(a), 903(b), 904(a), 904(b), 905(b), 905(d), 906, 907, and 909(a) (as amended by the preceding provisions of this title) are each further amended by striking out "Surgeon General" each place it appears therein, and inserting in lieu thereof "Secretary".

TITLE II—AMENDMENTS TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT

PART A—RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

SEC. 201. (a)(1) Section 304(a) of the Public Health Service Act is amended—

(A) by inserting "(1)" immediately after "SEC. 304. (a)".

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively.

(2) Section 304(b) of such Act is amended—

(A) by striking out "(b)" and inserting in lieu thereof "(2)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(3) Section 304(c) of such Act is amended—

(A) by striking out "(c)" and inserting in lieu thereof "(3)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(b) Section 304 of such Act is further amended by adding after the provision thereof redesignated as paragraph (3) by subsection (a)(3)(A) of this section the following new subsection:

"Systems Analysis of Alternative National Health Care Plans

"(b)(1)(A) The Secretary shall develop, through utilization of the systems analysis method, alternative plans for health care systems designed adequately to meet the health needs of the American people. For purposes of the preceding sentence, the systems analysis method means the analytical method by which alternative means of obtaining a desired result or goal is associated with the costs and benefits involved.

"(B) The Secretary shall complete the development of the alternative plans referred to in subparagraph (A), within such period as may be necessary to enable him to submit to the Congress not later than June 30, 1971, a report thereon which shall describe each plan so developed in terms of—

"(i) the number of people who would be covered under the plan;

"(ii) the kind and type of health care which would be covered under the plan;

"(iii) the cost involved in carrying out the plan and how such costs would be financed;

"(iv) the number of additional physicians and other health care personnel and the number and type of health care facilities needed to enable the plan to become fully effective;

"(v) the new and improved methods, if any, of delivery of health care services which would be developed in order to effectuate the plan;

"(vi) the accessibility of the benefits of such plan to various socioeconomic classes of persons;

"(vii) the relative effectiveness and efficiency of such plan as compared to existing means of financing and delivering health care; and

"(viii) the legislative, administrative, and other actions which would be necessary to implement the plan.

"(C) In order to assure that the advice and services of experts in the various fields concerned will be obtained in the alternative plans authorized by this paragraph and that the purposes of this paragraph will fully be carried out—

"(i) the Secretary shall utilize, whenever appropriate, personnel from the various agencies, bureaus, and other departmental subdivisions of the Department of Health, Education, and Welfare;

"(ii) the Secretary is authorized, with the

consent of the head of the department or agency involved, to utilize (on a reimbursable basis) the personnel and other resources of other departments and agencies of the Federal Government; and

"(iii) the Secretary is authorized to consult with appropriate State and local public agencies, private organizations, and individuals.

"Cost and Coverage Report on Existing Legislative Proposals

"(2)(A) The Secretary shall, in accordance with this paragraph, conduct a study of each legislative proposal which is introduced in the Senate or the House of Representatives during the Ninety-first Congress, and which undertakes to establish a national health insurance plan or similar plan designed to meet the needs of health insurance or for health services of all or the overwhelming majority of the people of the United States.

"(B) In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

"(i) the costs of carrying out the proposal; and

"(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services.

"(C) Not later than December 31, 1970, the Secretary shall submit to the Congress a report on each legislative proposal which he has been directed to study under this paragraph, together with an analysis and evaluation of such proposal."

(c) Subsection (d) of section 304 of such Act is hereby redesignated as subsection (c) and is amended to read as follows:

"(c)(1) There are authorized to be appropriated for payment of grants or under contracts under subsection (a), and for purposes of carrying out the provisions of subsection (b), $84,000,000 for the fiscal year ending June 30, 1971 (of which not less than $4,000,000 shall be available only for purposes of carrying out the provisions of subsection (b)), $85,000,000 for the fiscal year ending June 30, 1972, $94,000,000 for the fiscal year ending June 30, 1973, $110,000,000 for the fiscal year ending June 30, 1974, and $130,000,000 for the fiscal year ending June 30, 1975.

"(2) In addition to the funds authorized to be appropriated under paragraph (1) to carry out the provisions of subsection (b) there are hereby authorized to be appropriated to carry out such provisions for each fiscal year such sums as may be necessary."

(d) The amendments made by subsection (c) of this section shall be effective only with respect to fiscal years ending after June 30, 1970.

SEC. 202. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (3) of subsection (a) is further amended—

(1) by inserting "(A)" immediately after "(3)"; and

(2) by adding after and below such provision the following new subparagraph:

"(B) The amounts otherwise payable to any person under a grant or contract made under this subsection shall be reduced by—

"(i) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and

"(ii) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services,

but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be."

SEC. 203. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (1) of subsection (a) is further amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof ", and"; and

(2) adding after and below the clause thereof redesignated by such section 201(a) as clause (iii) the following new clauses:

"(iv) projects for research, experiments, and demonstrations dealing with the effective combination or coordination of public, private, or combined public-private methods or systems for the delivery of health services at regional, State, or local levels, and

"(v) projects for research and demonstrations in the provision of home health services."

PART B—NATIONAL HEALTH SURVEYS AND STUDIES

SEC. 210. (a)(1) Clause (1) of section 305(a) of the Public Health Service Act is amended—

(A) by striking out "and" at the end of subclause (D); and

(B) by inserting after the semicolon at the end of subclause (E) the following: "(F) health care resources; (G) environmental and social health hazards; and (H) family formation, growth, and dissolution;".

(2) Such section 305(a) is further amended by adding at the end thereof the following new sentence: "Except to the extent otherwise provided by regulations of the Secretary, no information obtained as a result of surveys and studies conducted persuant to this subsection shall be disclosed or used for any purpose other than the statistical purposes for which it was supplied; and no such information relating to any particular establishment or person shall be published in a form which identifies such establishment or person unless such establishment or person consents to the publication of such information in such form."

(b) Section 305 of such Act is further amended—

(1) by redesignating subsections (b), (c), and (d) thereof as subsections (c), (d), and (e), respectively; and

(2) by inserting immediately after subsection (a) thereof a new subsection (b) as follows:

"(b) The Secretary is authorized, directly or by contract, to conduct research and demonstrations, and to make evaluations, relating to the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels."

PART C—GRANTS TO STATES FOR COMPREHENSIVE STATE HEALTH PLANNING

SEC. 220. (a)(1) The first sentence of section 314(a)(1) of the Public Health Service Act is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(2) The second sentence of such section 314(a)(1) is amended by striking out "and $15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "$15,000,000 for the fiscal year ending June 30, 1970, $15,000,000 for the fiscal year ending June 30, 1971, $17,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $35,000,000 for the fiscal year ending June 30, 1975".

(b) Section 314(a)(2)(B) of such Act is amended by striking out "State and local agencies" and inserting in lieu thereof "Federal, State, and local agencies (including as an ex officio member, if there is located in such State one or more hospitals or other health care facilities of the Veterans' Administration, the individual whom the Administrator of Veterans' Affairs shall have designated to serve on such council as the representative of the hospitals or other health care facilities of such Administration which are located in such State)".

(c) Section 314(a)(2)(B) of such Act (as amended by subsection (b) of this section) is further amended by, inserting "(including representation of the regional medical program or programs within the State)" immediately after "concerned with health".

(d) Section 314(a)(2)(C) of such Act is amended by inserting, "and including home health care" immediately after "private".

PART D—PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

SEC. 230. Section 314(b) of the Public Health Service Act is amended—

(a) by striking out, in the first sentence thereof, "June 30, 1970" and inserting in lieu thereof "June 30, 1975";

(b) by inserting after the word "services" the second place it appears therein, the phrase " and including the provision of such services through home health care";

(c) by striking out, in the second sentence thereof, "and $15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "$15,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975";

(d) by inserting "(1)(A)" immediately after "(b)"; and

(e) by adding after and below the existing language contained therein the following:

"(B) Project grants may be made by the Secretary under subparagraph (A) to the State agency administering or supervising the administration of the State plan approved under subsection (a) with respect to a particular region or area, but only if (i) no application for such a grant with respect to such region or area has been filed by any other agency or organization qualified to receive such a grant, and (ii) such State agency certifies, and the Secretary finds, that ample opportunity has been afforded to qualified agencies and organizations to file application for such a grant with respect to such region or area and that it is improbable that, in the foreseeable future, any agency or organization which is qualified for such a grant will file application therefor.

"(2) In order to be approved under this subsection, an application for a grant under this subsection must contain or be supported by reasonable assurances that there has been or will be established, in or for the area with respect to which such grant is sought, an areawide health planning council. The membership of such council shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health (including representatives of the interests of local government, of the regional medical program for such area, and of consumers of health services). A majority of the members of such council shall consist of representatives of consumers of health services."

PART E—PROJECT GRANTS FOR TRAINING, STUDIES AND DEMONSTRATIONS

SEC. 240. Section 314(c) of the Public Health Service Act is amended—

(a) by striking out, in the first sentence thereof, "June 30, 1970" and inserting in lieu thereof "June 30, 1975"; and

(b) by striking out, in the second sentence thereof, "and $7,500,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "$7,500,000 for the fiscal year ending June 30, 1970, $8,000,000 for the fiscal year ending June 30, 1971, $9,000,000 for the fiscal year ending June 30, 1972, $10,000,000 for the fiscal year ending June 30, 1973, $11,000,000 for the fiscal year ending June 30, 1974, and $12,000,000 for the fiscal year ending June 30, 1975".

PART F—GRANTS FOR COMPREHENSIVE PUBLIC SERVICES

SEC. 250. Section 314(d)(1) of the Public Health Service Act is amended by striking out "and $100,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$100,000,000 for the fiscal year ending June 30, 1970, $130,000,00 for the fiscal year ending June 30, 1971, $145,000,000 for the fiscal year ending June 30, 1972, $165,000,000 for the fiscal year ending June 30, 1973, $180,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975".

PART G—PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

SEC. 260. (a)(1) The first sentence of 314 (e) of the Public Health Service Act is amended by striking out "and $80,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$80,000,000 for the fiscal year ending June 30, 1970, $109,500,000 for the fiscal year ending June 30, 1971, $135,000,000 for the fiscal year ending June 30, 1972, $157,000,000 for the fiscal year ending June 30, 1973, $186,000,000 for the fiscal year ending June 30, 1974, and $213,000,000 for the fiscal year ending June 30, 1975".

(2) The first sentence of such section 314 (e) is further amended by inserting "(including equity requirements of and amortization of loans for facilities)" immediately after "cost".

(b)(1) The second sentence of such section 314(e) is amended to read as follows: "Grants under this subsection shall be made only upon applications therefor which are approved by the Secretary, and the Secretary may not approve any application for any grant under this subsection with respect to any area unless he is satisfied (on the basis of evidence contained in or submitted in connection with such application) that reasonable opportunity for review of and comment on such application has been provided (i) to the agency or organization referred to in subsection (b) which is responsible for the development, for such area, of a comprehensive regional, metropolitan, or other area plans for coordination of existing and planned health services, or (ii) if there is no such agency or organization, to such other public or nonprofit private agency (if any) which is determined (in accordance with regulations of the Secretary) to be performing for the area with respect to which such grant is requested, health planning functions similar to those performed by an agency or organization referred to in subsection (b) which is responsible for the development of comprehensive regional, metropolitan, or other area plans for coordination of existing and planned health services.

(2) The amendment made by paragraph (1) shall be effective with respect to grants under section 314(e) of the Public Health Service Act which are made after the date of enactment of this Act.

PART H—ADMINISTRATION OF GRANTS IN CERTAIN MULTIGRANT PROJECTS

SEC. 270. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310a. For the purpose of facilitating the administration of, and expediting the carrying out of the purposes of, the programs established by title IX, and sections 304, 314(a), 314(b), 314(c), 314(d), and 314 (e) of this Act in situations in which grants are sought or made under two or more of such programs with respect to a single project, the Secretary is authorized to promulgate regulations—

"(1) under which the administrative functions under such programs with respect to such project will be performed by a single administrative unit which is the administrative unit charged with the administration of any of such programs or is the administrative unit charged with the supervision of two or more of such programs;

"(2) designed to reduce the number of applications, reports, and other materials required under such programs to be submitted with respect to such project, and otherwise to simplify, consolidate, and make uniform (to the extent feasible), the data and information required to be contained in such applications, reports, and other materials; and

"(3) under which inconsistent or duplicative requirements imposed by such programs will be revised and made uniform with respect to such project;

except that nothing in this section shall be construed to authorize the Secretary to waive or suspend, with respect to any such project, any requirement with respect to any of such programs if such requirement is imposed by law or by any regulation required by law."

PART I—ANNUAL REPORT

SEC. 280. Part A of title III of the Public Health Service Act is further amended by adding after section 310a thereof (as added by section 270 of this Act) the following new section:

"310b. On or before January 1 of each year, the Secretary shall transmit to the Congress a report of the activities carried on under the provisions of title IX of this Act and sections 304, 305, 314(a), 314(b), 314(c), 314(d), and 314(e) of this title together with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness of the research, planning, and delivery of health services in carrying out the purposes for which such provisions were enacted, (2) a statement of the relationship between Federal financing and financing from other sources of the activities undertaken pursuant to such provisions (including the possibilities for more efficient support of such activities through use of alternate sources of financng after an initial period of support under such provisions), and (3) such recommendations with respect to such provisions as he deems appropriate.

TITLE III—NATIONAL COUNCIL ON HEALTH POLICY

SEC. 301. (a) There is hereby established, in the Executive Office of the President, a National Council on Health Policy (hereinafter referred to as the "Council"), which shall consist of three members who shall be of distinguished competence in the field of health or any field related thereto, and who are not otherwise in the employ of the United States. Members of the Council shall be appointed by the President, to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman.

(b) Each member of the Council shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was oppointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, one at the end of the first year, one at the end of the second year, and one at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

(c) Members of the Council shall serve full time, and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315).

SEC. 302. (a) It shall be the duty and function of the Council to conduct studies, research, and investigations for the purpose of setting goals for a national health policy for the United States and of making recommendations to the President and to the Congress of various means whereby such goals may be attained.

(b) In carrying out its duty and function, the Council shall—

(1) conduct a continuous evaluation of policies and programs related to the Nation's health (including policies and programs related to disaster planning) and make recommendations for the revision, expansion, and improvement of such policies and programs;

(2) initiate, study, and develop measures designed to assure the provision of adequate manpower, services, and facilities for the Nation's health, including the mobilization, allocation, and utilization of such manpower, services, and facilities;

(3) evaluate studies and surveys made by or concerned with departments and agencies of the Federal Government in relation to the Nation's health needs and resources;

(4) advise and consult with departments and agencies of the Federal Government on policies and programs concerned with health services, manpower, and facilities; and

(5) upon the request of the President with respect to any matter concerning the Nation's health, submit to the President a report containing such information, data, or recommendations on such matters as the President may indicate in such request.

(c) The Council shall submit annually to the President and the Congress a report of its activities together with a statement of the national health policy and goals established by it and its recommendations of measures designed for the attainment of such goals.

SEC. 303. The various departments and agencies of the Federal Government shall cooperate with the Council in carrying out its responsibilities.

SEC. 304. The Council shall have authority to employ such professional, technical, and clerical staff as may be required to carry out its duties and functions. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary to carry out its functions, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. For the purpose of carrying out the provisions of this title, there is authorized to be appropriated $300,000 for the fiscal year ending June 30, 1971, $700,000 for the fiscal year ending June 30, 1972, and $1,000,000 for each fiscal year after the fiscal year which ends June 30, 1972.

TITLE IV—AUTHORITY FOR GROUP PRACTICE

SEC. 401. (a) The Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, authorize any carrier, which is a party to a contract entered into under chapter 89 of title 5, United States Code (relating to health benefits for Federal employees), or under the Retired Federal Employees Health Benefits Act, or which participates in the carrying out of any such contract, to issue in any State contracts entitling any person as a beneficiary to

receive comprehensive medical services (as defined in subsection (b)) from a group practice unit or organization (as defined in subsection (c)) with which such carrier has contracted or otherwise arranged for the provision of such services.

(b) As used in this section, the term "comprehensive medical services" means comprehensive preventive, diagnostic, and therapeutic medical services (as defined in regulations of the Secretary), furnished on a prepaid basis; and may include, at the option of a carrier, such other health services including mental health services, and equipment and supplies, furnished on such terms and conditions with respect to copayment and other matters, as may be authorized in regulations of the Secretary.

(c) As used in this section—

(1) The term "group practice unit or organization" means a nonprofit agency, cooperative, or other organization undertaking to provide, through direct employment of, or other arrangements with the members of a medical group, comprehensive medical services (or such services and other health services) to members, subscribers, or other persons protected under contracts of carriers.

(2) The term "medical group" means a partnership or other association or group of persons who are licensed to practice medicine in a State (or of such persons and persons licensed to practice dentistry or optometry) who (A) as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession primarily in one or more group practice facilities, (B) pool their income from practice as members of the group and distribute it among themselves according to a prearranged plan, or enter into an employment arrangement with a group practice unit or organization for the provision of their services, (C) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and professional, technical, and administrative staff, and (D) include within the group at least such professional personnel, and make available at least such health services, as may be specified in regulations of the Secretary.

(d) Nothing in this section shall preclude any State or State agency from regulating the amounts charged for contracts issued pursuant to subsection (a) or the manner of soliciting and issue such contracts, or from regulating any carrier issuing such contracts in any manner not inconsistent with the provisions of this section.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the proposed act now before the Senate, Senate bill 3355, is the Health Services Improvement Act of 1970. It is a bill to amend titles III and IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes.

While we have had a number of health acts before the 91st Congress last year and this year, and will have others, this is one of the two most important health programs before the Congress this session.

This bill would make important additions to existing legislation relating to improved health statistical systems. This is in addition to extending the authorizations for regional medical programs and the comprehensive health planning and health services research and development.

This legislative extension is badly needed. As the distinguished Senator now presiding (Mr. SAXBE) knows, being a member of the full committee and having heard the discussion, the bill would establish a Council of Health Advisors and would encourage the group practice of medicine. It is a very far-reaching and comprehensive health bill.

TITLE I

The substantive authority for regional medical programs, comprehensive health planning and services and health services research and development expired last June 30. This 5-year extension is, therefore, essential, if we are to continue to make progress against this country's health care crisis.

Mr. President, I would like to briefly describe each of these programs as well as the other major amendments the committee is recommending.

Initially established in October 1965, as a result of the DeBakey Commission, the chairman of which was the famous heart surgeon, Dr. DeBakey, of Houston, Tex., the regional medical programs have developed regional cooperative arrangements among medical centers, hospitals, practicing physicians, voluntary and official health agencies, and other health interests and groups for the purpose of improving the quality of care for heart disease, cancer, and stroke.

Heart disease, cancer, and stroke are the major killers of the American people. In that order, they kill more Americans than any other disease.

During the extensive hearings on S. 3355, the Health Subcommittee of the Senate Labor and Public Welfare Committee was provided with evidence of substantial progress in implementing the concept and achieving the goals of regional medical programs.

Of the 55 regional medical programs established for planning programs during the first 2 years of the program, 54 are now operational. These 55 cover the entire country and all its people. The regions range in population from a few hundred thousand to as many as 20 million; they vary in area from several counties to several States; and the 55 reflect great differences, as well as similarities, in the nature and magnitude of their health resources and needs.

All, however, are characterized by a degree of local autonomy and decisionmaking that is unique among Federal health programs.

Let me repeat, it is unique among Federal health programs that each has a great deal of autonomy and decisionmaking power. Thus, each program has been encouraged to deal with the particular health needs of the region it serves. This has been possible because of the flexibility of the original law, the concept of regionalization it represented, its effective national administration, and, in the final analysis, the skill, motivation, and good judgment of those who are locally implementing the programs.

To achieve this, virtually all elements of the health care system—medical schools—which had a great influence—hospitals, academic and practicing physicians, dentists, members of all of the allied health professions, voluntary and public health organizations and agencies, and National, regional, State, and local government agencies—which historically were reticent to join together in such cooperative arrangements, were reached and convinced of both the uniqueness of regional medical programs and the need for this implementation. The extent to which this joining together under regional medical programs has been accomplished can be illustrated by the numbers of individuals and institutions involved. Over 10,000 hospital administrators and trustees, practicing physicians, medical center and medical school officials and faculty, and representatives of public and private agencies serve as members of regional planning committees and regional task forces and 330 local action groups.

In addition, over and above the working staffs of the 55 programs, 3,000 individuals are serving on RMP regional advisory groups in the various disciplines for these different areas. These individuals represent a total of some 6,300 health and health-related institutions, including all of the Nation's medical schools, hospitals, every State medical society, State and city health departments, voluntary health associations, other private and public agencies, and also consumer groups.

Coming to the bill itself, title I of the bill, in addition to extending regional medical programs for 5 years through June 30, 1975, and authorizing appropriations totaling $1.1 billion, includes the following legislative modifications:

The bill adds "kidney disease" and "other major diseases and conditions" to the original three—heart disease, cancer, and stroke—and provides that a maximum of $15 million of the amount appropriated in fiscal year 1971 be available for kidney disease activities. This broadened program authority will permit testing and evaluation methods for prevention and control at the community level, and support the organization and implementation of kidney disease programs on an interregional basis across the Nation. I would remind my colleagues that nearly 8 million persons in the United States are afflicted with kidney disease, of which about 60,000 progress to a terminal condition and death each year, if life-sustaining treatment is not available.

Mr. President, I would point out in that connection that with kidney disease, where a few years ago most cases progressing to that point would lead to a very terrible and painful death, now many people are saved, either through a kidney transplant operation or through the use of a dialysis machine. There are

not enough dialysis machines, and there is a terrible problem constantly facing the medical profession at the present time as to who shall receive the treatment and who shall not, and thus be condemned to certain death.

But the medical profession has progressed to the point where it has permitted some persons to go home and live a good number of years, perhaps even to their normal life expectancy. So this has been successful, Mr. President, not merely experimental, like the heart transplant operation. Both types of treatment have succeeded, the kidney transplant and the dialysis machine.

It would make explicit that prevention and rehabilitation—including home health care—as well as diagnosis and treatment, are clearly within the scope of the regional medical program.

In other words, it is not just a matter of treatment, but also of prevention and rehabilitation—prevention of the disease to begin with, and rehabilitation after recovery. We are broadening the coverage in this bill. It also emphasizes that regional medical programs must be concerned with strengthening and improving primary care and the relationship between specialized and primary care; and improving health services for persons residing in areas with limited health services.

It would promote increased cooperation and coordination with the comprehensive health planning program by providing for representation of official health and planning agencies on the regional advisory groups and, at the same time, RMP representation at the State and areawide comprehensive health planning councils.

Representation of the Veterans' Administration would similarly be required, though on an ex officio basis.

It also provides that before a regional advisory group may recommend approval of an operational grant, an opportunity must be provided for consideration of that application by the appropriate areawide comprehensive health planning agency. These changes are designed to encourage and accelerate the development of a practical working relationship between these programs along the lines that already have emerged in some regions and localities, but not in all.

The bill includes explicit contract authority for regional medical programs. This is especially important in relation to the expanded multiprogram services authority included in the bill. Not only would the authorization for interregional support activities of use to two or more regional medical programs be continued, but it would allow, for example, cooperative clinical field trials and demonstrations. Activities such as these are far more effectively accomplished by utilizing the contract mechanism.

Finally, S. 3355 adds authority for the new construction of facilities for demonstration, research, and training unique to regional medical programs. The need for limited construction of facilities specifically tailored to the purposes of the regional medical programs was clear as long ago as 1967, or within 2 years after the original law was passed. Those needs were documented in the 1967 "Report to the President and the Congress on RMP's." Those needs have not yet been met. They have in fact continued to increase, despite the action taken by Congress in 1967.

TITLE II

Title II of the bill extends and improves the legislative authorities for the comprehensive planning program, health services research and development programs, and health statistical activities. Title II would also permit in appropriate and limited circumstance, the joint administration of the grant programs covered in the bill, as well as require the Secretary of Health, Education, and Welfare to annually report to the Congress on the effectiveness of those programs.

We added to the bill the provision for the annual report to Congress so that Congress could, with its oversight authority, see that this money was being expeditiously and efficiently spent.

COMPREHENSIVE HEALTH PLANNING

S. 3355 extends and modifies the comprehensive health planning and services program.

When the Congress first enacted this legislation in 1966, it acknowledged the necessity for encouraging and assisting communities and States—working in concert—to take stock of their own health problems and resources and to determine the means best suited to their situations for solving problems.

The committee's bill would make several improvements in the comprehensive health planning program:

First. It would provide for representation on State and areawide planning groups by Veterans' Administration representatives—on an ex-officio basis—as well as including RMP representatives.

Second. It would make explicit the concern of comprehensive health planning agencies with home health care resources and services.

Third. In limited circumstances, it would permit project grants to State planning agencies for providing planning assistance to areas of that State which are not likely to have the resources to mount an areawide planning effort of their own. This was primarily to assist rural areas in a State with primarily small rural populations. This improvement will greatly assist rural areas, which otherwise would not have the resources to independently sustain an areawide planning effort.

Fourth. It would require the areawide planning agencies to comment upon applications for health services support under section 314(e) of the program, thereby fostering greater coordination.

Fifth. Lastly, with respect to the partnership program, it would authorize payments under section 314(e) for loan amortization and equity requirements on facilities. This provision will facilitate the planned transfer of certain neighborhood centers projects from OEO to HEW.

HEALTH STATISTICAL ACTIVITIES

The proposed amendments regarding health statistics in title II would change the National Health Survey provisions in section 305(a) of the Public Health Service Act to reflect the increasing demand for data regarding health care resources, environmental and social health hazards, and family information, growth, and dissolution, and would provide an assurance of confidentiality for information collected for survey purposes.

Most important, it would authorize the development and demonstration models of a cooperative Federal-State-local health statistics system. The Federal Government is now dependent upon State and local sources for many types of health statistics, principally in fields of births, deaths, health facilities, and manpower. On the other hand, local areas often rely on Federal statistical resources for information, which they should be obtaining for themselves in detail, that would permit adequate health planning and evaluation of program progress. The intent of this legislation is to permit research needed to develop a cooperative system in which each level of jurisdiction carries on those functions for which it has the greatest capability, with an interchange of statistical information of uniform quality and comparability, so that statistics will mean something and they will be understood in all areas of the country.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

Title II also extends section 304 of the Public Health Services Act, which enables HEW to assist communities in improving their health services through research and development. Section 304 authorizes grants and contracts for research, development, demonstrations, and related training in all aspects and problems of the organization, delivery, and financing of health services.

Experiments may be conducted on the construction, organization, and operation of hospitals and other facilities, experimental automated equipment, new careers in health services and new methods of training health personnel, and on entire new systems for organizing, delivering and financing health services in communities. Under this authority, HEW has begun projects with the leaders of the health professions and institutions involving contract-supported research and development on the practical problems involved in extending access to health services, while containing cost and maintaining quality of services.

The committee bill would broaden these activities by calling for the development, through systems analysis, of alternative national systems for the organization and delivery of health services, to be submitted to Congress by June 30, 1971, and a cost and coverage report on the legislative proposals for national health insurance pending before this Congress to be submitted by December 31, 1970.

JOINT ADMINISTRATION OF COMBINED PROJECTS

The bill also provides mechanisms for improved grant administration through joint administration projects involving more than one of the grant programs covered by the bill. The committee's amendment in this regard is innovative yet prudent. Its coverage is restricted to

the grant programs authorized by this bill. Its scope is limited only to administrative functions, as contrasted to requirements imposed by law or regulations required by law. Finally, the single administrative units which could be designated to administer such combined projects is limited to one of the units, which administers the programs included in the bill, or the units to which they directly report—the Health Services and Mental Health Administration.

ANNUAL REPORT

The bill also calls for a single annual report assessing the effectiveness of these grant programs and examining the effectiveness of these grant programs and examining their overall relationship to health financing mechanisms.

TITLE III

Title III of S. 3355 provides for a three-member National Council on Health Policy to be established in the Executive Office of the President, which would set goals for a national health policy for the country, and would make recommendations to the President and Congress on the means for attainment of those goals. The Council would annually report to the President and Congress on its activities. It would be the health counterpart to the Council of Economic Advisers.

The distinguished occupant of the Chair will recall that in the committee, when we were discussing this, it was said that this Nation is spending $63 billion a year on its health, when we count the personal expenditures and tax expenditures. So, to raise this to a level of this national problem, this bill would create this council of health advisers to the country, as we say, hoping that it will reach the status of the National Council of Economic Advisers.

TITLE IV

Title IV of the bill would facilitate the group practice of medicine. It provides that the Secretary of Health, Education, and Welfare may authorize insurance carriers participating in Federal health insurance programs for Federal employees to issue prepaid group practice health insurance policies for all persons, whether or not such persons are Federal employees.

The purpose of title IV is to promote the development and use of prepaid group practice, and thereby to make this innovative type of health care delivery system available to both consumers and physicians who desire to take advantage of it. The committee believes that prepaid group practice is one of the most promising developments in recent years for improving the delivery of high-quality medical care in the United States. Many health experts regard group practice as the health care of the future in America. They believe it is the best available method to achieve more effective and more economical use of our scarce professional personnel and expensive health facilities.

We know that there are some 17 countries in the world where the average male child is going to live longer than the average male child in the United States. We are 13th among the nations of the world with respect to children who die in the first year after birth. We are 7th among the nations of the world with respect to mothers who die in childbirth. There are many other respects in which our health, while not declining per se, has declined in comparison with other industrial nations of the world.

CONCLUSION

Finally, Mr. President, let me strongly underscore the importance of the programs contained in the committee's bill. We all are painfully aware of our country's health care crisis. At this time, the prognosis for the alleviation of these problems in America is not clear. The programs in this bill, particularly the regional medical programs, are essentially tools for productively influencing the organization and delivery of health services to the people of the country. We think it is the duty of this Government, particularly Congress, to make every effort to insure that they remain so. The committee's bill does just that.

The present regional medical health program is very successful. By these broadening provisions, we hope to make it more successful in the future.

The bill reported by the committee, now before the Senate, is open to amendment, and a number of amendments have been offered.

Mr. President, I offer, on behalf of myself and the distinguished Senator from New York (Mr. JAVITS), an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 32, after line 33, insert the following:

PART J—COMMUNITY MENTAL HEALTH CENTERS

SEC. 290. Section 201 of the Community Mental Health Centers Amendments of 1970 is amended by adding at the end thereof the following new subsection:

"(c) In the case of any community mental health center—

"(1) for which a staffing grant was made under part B of the Community Mental Health Centers Act for any period which began on or before June 30, 1970; and

"(2)(A) with respect to which the portion of the costs (as described in section 220(a) of such Act) which may be met from funds under a grant under such part B is increased (by reason of the enactment of the preceding subsections of this section) for any period after June 30, 1970; or

"(B) with respect to which the period during which a grant under such part B may be made is extended by reason of the enactment of subsection (a) of this section; the provisions of section 221(a)(4) of such Act shall be deemed to have been complied with for any period after June 30, 1970, if the Secretary determines that there is satisfactory assurance that the amount of total costs (as described in section 220(a) of such Act) which will be incurred by such center for staffing purposes for any period after June 30, 1970 will not be less than the amount of such total costs for the period which last commenced on or before June 30, 1970."

Mr. WILLIAMS of Delaware. Mr. President, has the Senator finished?

Mr. YARBOROUGH. I have a brief explanation of the amendment, and then I think the Senator from Illinois has a statement in connection with the amendment, in lieu of the Senator from New York (Mr. JAVITS).

Mr. President, the amendment that I and the distinguished ranking minority member of the Senate Labor and Public Welfare Committee offer today will remedy an unforeseen defect in Public Law 91–211, the Mental Health Center Amendments of 1970.

Congress recently markedly liberalized the terms and conditions under which grants may be awarded to staff community mental health centers. For example, the length of grant support has been increased for 4 to 8 years. The ratio of Federal participation has been significantly increased. And even higher ratios of Federal support have been authorized for centers serving poverty areas.

The basis for Congress action in this regard was principally the administration's testimony that the preexisting grant mechanism was inadequate. In fact, a substantial proportion of the Mental Health Centers which had been funded under the old authority were in serious financial difficulty. Accordingly, we in Congress, at the behest of the administration, significantly liberalized the law. We also intended that all previously funded centers would be converted, as of July 1, 1970, to the appropriate higher rate of Federal funding.

What was not foreseen at that time was that to convert those centers to the higher rate would conflict with a provision of the Community Mental Health Centers Act. That provision, commonly known as the "maintenance-of-effort" provision, requires that Federal funds not be used to supplant non-Federal funds.

Accordingly, we are faced with the bizarre situation of having accidentally excluded from the new legislation those centers, which by the nature of their financial distress, provided the justification for the improvements which the administration requested and with which the Congress concurred.

This amendment rectifies that obvious inequity. Its effect is to mandate the conversion of each of those centers without regard to the maintenance-of-effort provision, so long as the total program effort of the center is not diminished in absolute terms.

Mr. President, as I have said, this situation was not foreseen either by the administration or by the Congress at the time we enacted these amendments last March. If we had foreseen it, we would have included language like that contained in this amendment last March. This is a good amendment. It grants special privilege to no center, but it prevents unfair discrimination against some mental health centers. Senator JAVITS and I urge its adoption.

The Senator from Illinois (Mr. SMITH) has a word to say on behalf of the Senator from New York (Mr. JAVITS), who is not here at this time.

Mr. SMITH of Illinois. Mr. President, as a minority member on the committee, I have been advised that there is no objection, on behalf of the Senator from New York (Mr. JAVITS), who is the ranking minority member, to adoption of the pending amendment.

The PRESIDING OFFICER (Mr. Mc-

INTYRE). The question is on agreeing to the amendment of the Senator from Texas (Mr. YARBOROUGH).

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, the Senator from Illinois (Mr. SMITH) is waiting with an amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SMITH of Illinois. Mr. President, on behalf of myself, and Senators JAVITS, SCOTT, PERCY, GOLDWATER, BROOKE, MILLER, MURPHY, PACKWOOD, DOLE, HRUSKA, TOWER, THURMOND, and PROUTY, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: After line 23, page 32, insert the following:

SEC. 281. (a) The Congress finds that there is general agreement that air, water, and other common environmental pollution may be hazardous to the health of individuals resident in the United States, but that despite the existence of various research papers and other technical reports on the health hazards of such pollution, there is no authoritative source of information about (1) the nature and gravity of these hazards, (2) the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

(b) The Secretary of Health, Education, and Welfare shall immediately commence (a) a study of the nature and gravity of the hazards to human health and safety created by air, water, and other common environmental pollution, (b) a survey of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, and (c) a survey of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

(c) The Secretary shall, within nine months of the enactment of this Act, transmit to the Congress a report of the study and surveys required by subsection (b) of this section, including (a) his conclusions regarding the nature and gravity of the hazards to human health and safety created by environmental pollution, (b) his evaluation of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, (c) his assessment of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals, and (d) such legislative or other recommendations as he may deem appropriate.

(d) The Secretary shall, within one year of his transmittal to the Congress of the report required by subsection (c) of this section, and annually thereafter, supplement that report with such new data, evaluations, or recommendations as he may deem appropriate.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. SMITH of Illinois. Mr. President, in January, I introduced S. 3316, the Health Hazards of Pollution Act. The bill would have required the Secretary of Health, Education, and Welfare to begin immediately three parallel inquiries: First, a study of the nature and gravity of the health hazards created by air, water, and other common pollution; second, a survey of the medical and other assistance available to persons affected by pollution, especially pollution at what might be called "emergency levels," and third, a survey of the measures, outside of pollution abatement, that may be taken to avoid or reduce the health hazards that lurk in the polluted environment. At the completion of his inquiries and within 9 months of the bill's enactment, the Secretary would report his findings, evaluations, and recommendations to the Congress.

Sixteen Senators have joined in cosponsorship of S. 3316, including both the ranking majority and minority members of the Labor and Public Welfare Committee, and the distinguished minority leader of the Senate.

As yet there has been no opportunity for hearings on the bill. In my opinion, hearings would accomplish relatively little. The bill is simple. The need is urgent. The cost is small.

The amendment I offer to S. 3355 is identical to S. 3316.

It is, in some respects, promised upon the adage that men often cannot see the trees for the forest. It seems to me, Mr. President, that in the number and variety of our antipollution proposals, we have consistently overlooked the principal cause of our concern about the environment, the effects of pollution upon the health of our citizens. We have proposed the establishment of air and water quality standards and their enforcement, increased Federal aid for the construction of antipollution facilities—even the taxation of pollution by the pound.

Our proposals to date vary in scope and in merit, but they all have one thing in common. They all seek pollution abatement or control in the future. They cannot help people overcome the recognized health hazards of pollution now. During the time that we introduce these measures, conduct hearings on them, debate them, pass, and begin to implement them—and the time they take hold and succeed in substantially removing the noxious agents now present in our land, air, and water—thousands, maybe scores of thousands, of Americans with respiratory or cardiac ailments will die because they are uninformed about the special hazards pollution creates for them. They will die because no one warned them to stay indoors on a certain day, or to avoid strenuous activity in a heavily polluted atmosphere. They will die because of a lack of personnel to treat them or of equipment to assist them. In times of lengthy temperature inversions and highly toxic air content, they will die—as did 4,000 in London in 1952, 62 in the Meuse Valley of Belgium in 1930, 22 in Donora, Pa., in 1948, as did scores in New York City around Thanksgiving Day in 1966—because their public officers have failed to create air pollution emergency plans.

Many, of course, will not be so dramatically affected. They will suffer aggravation of preexisting health conditions, or slowly develop new, chronic ailments. The strongest—or the luckiest—will sustain only headaches, smarting eyes and burning skin, or nausea. Like the greatest percentage of the thousands in Riverside, Calif., who suffered attacks of gastroenteritis during May and June of 1965, while a Salmonella organism went undetected in the public water supply, they will recover, hopefully without permanent health damage.

But the terrible truth is, that from November 7 to 13, 1969, when sulphur dioxide pollution in the city of Chicago rose twice to levels exceeding 25 parts per million, deaths from trachial bronchitis in children of crib age rose 50 percent beyond projected levels. That same combination of noxious gas and inversion conditions has prompted pollution alerts in cities across our land during the past year. In September of 1969, the Eastern Seaboard from Maine to the Carolinas was covered in a pollution-laden blanket of stagnant air, that contributed to untold suffering, and many hundreds of deaths. During that same month, the city of Los Angeles declared its fourth pollution alert of 1969. The smog problems of that fine city are the brunt of many jokes, but few realize the grim consequences of air pollution in Los Angeles: One in eight persons there suffer from one or more types of chronic respiratory ailments, and the incidence of emphysema has risen fourfold there in the past 10 years. Emphysema is, in fact, the fastest growing cause of death in the United States, according to the Social Security Administration, which expends over $80 million in disability payments on account of emphysema each year.

All of this is not a very pleasant picture. I do not mean to paint it in a "sky is falling" fashion. But I do mean to start some people thinking about what we know about the health hazards of pollution, what we can do to help those affected, what we can do to cut down on death and disease caused by pollution—while we are fighting to eradicate it. Are our medical schools preparing our doctors to minister to rising populations concentrated in soot and gas-laden atmospheres in or near our urban and industrial centers? Do our family physicians and public health officers know enough about the health hazards of pollution? Are they equipped to alert us, to treat us, to take prompt, effective action especially in emergency situations? These are some of the questions we need answers to right now.

The situation in many ways parallels our concern in recent years over the health hazards of smoking and the health hazards of pesticides. For at least two decades researchers conducted independent studies of the effects of cigarette smoking on human health. The results of their work for a long time received only the limited attention of their scientific colleagues through publication in technical and professional journals. It took the initiative of the Surgeon General of the United States to produce the reports

that in 1967 and 1968 began bringing the message of smoking's health hazards home to the American people.

Likewise, appreciation of the hazards of DDT was for many years restricted to the exchange of sophisticated technical data among researchers and technicians in professional journals and symposia. Again, it took the initiative of a public officer, Secretary of Health, Education, and Welfare, Robert Finch, to create the report authoritatively linking DDT with malformations of fetuses and the increasing incidence of cancers in experimental animals. The publication of the smoking and pesticides reports, together with the recommendations of those responsible for them, has already begun to save or extend human life, to prevent the onset or advancement of disease in millions. We need a similar rallying point to roll back the toll of avoidable deaths and diseases caused by air and water and other environmental pollution, and we need it now.

Mr. President, the Health Hazards of Pollution Act and my amendment which I now offer would require the Secretary of Health, Education, and Welfare to begin immediately three parallel inquiries: First, a study of the nature and gravity of the health hazards created by air, water, and other common pollution; second, a survey of the medical and other assistance available to persons affected by pollution, especially pollution at what might be called emergency levels, and third, a survey of the measures, outside of pollution abatement, that may be taken to avoid or reduce the health hazards that lurk in the polluted environment. At the completion of his inquiries and within 9 months of the bill's enactment, the Secretary would report his findings, evaluations and recommendations to the Congress. I would hope that his report would result, as did both the Surgeon General's Report on Smoking and Health and the Secretary's Report on Pesticides and the Environment, in a forthright, dispassionate, and authoritative treatment of a vital health question. The Secretary has demonstrated commendable efficiency and industry in organizing and producing the pesticides report in only 8 months. I am sure he shares our sense of urgency about pollution and health.

Mr. President, this session will surely see environment-related activity, but while we debate alternative methods of pollution control, while we haggle about how much money the Government ought to be making available to abate the fouling of our air and water, while we shuffle to the hopper with bills and resolutions of every variety, hoping to gain a consensus on a course of action, Americans will be suffering and dying. Someone ought to be informing them, warning them, planning to prevent or diminish the threat to their lives and health, while the pollution—and our debate—continues.

Mr. SCOTT. Mr. President, would the distinguished Senator from Illinois yield?

Mr. SMITH of Illinois. I yield.

Mr. SCOTT. Mr. President, I am very happy to support the amendment and to express the hope that the manager of the bill would find it possible to accept it.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Illinois gave us notice about this amendment about a week ago. In fact, he gave us copies 2 days ago so that we would have time in which to study it.

The Department of Health, Education, and Welfare says that they can administer this measure and that it is satisfactory with them. With the assurance of the Health, Education, and Welfare Department, we are prepared to accept the amendment.

Mr. SMITH of Illinois. Mr. President, I thank the distinguished minority leader.

Mr. PERCY. Mr. President, today, my colleague from Illinois, Senator RALPH SMITH, introduced an amendment to S. 3355 which I am pleased to cosponsor. This amendment would require the Secretary of Health, Education, and Welfare to conduct three studies: First, a study of the nature and gravity of the health hazards created by pollution of all types; second, a survey of the medical and other assistance available to persons affected by pollution; and third, a survey of the measure, in addition to pollution abatement, that may be taken to avoid or reduce the health hazards that are caused by pollution.

Mr. President, should we have any doubt as to the magnitude of the health problems created by pollution we need only analyze an article reporting on the results of a study conducted by two Pittsburgh economists, Dr. Lester B. Lave and Eugene P. Seskin of the Carnegie-Mellon School of Industrial Administration. The study conducted by these two men indicated that if air pollution were reduced by 50 percent in our major cities:

First, a newborn baby would have an additional 3 to 5 years' life expectancy;

Second, deaths from lung cancer, and other lung diseases would be reduced by 25 percent;

Third, death and disease from heart and blood vessel disorders might be reduced by 10 to 15 percent; and

Fourth, all disease and death would be reduced by 4.5 percent yearly and the annual saving to the Nation would be at least $2 billion.

Clearly this study indicates that pollution is a health problem of great magnitude and that this amendment is indeed necessary. We have made a number of efforts this session to deal with the abatement of pollution. But these efforts will take time to become effective. We should take action now which will enable us to measure the exact magnitude of the present health hazard and which will enable us to take the necessary steps to reduce or avoid the problem.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. SMITH of Illinois. Mr. President, on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that a statement by him on the pending bill be printed in the RECORD.

There being no objection, the statement by Senator PROUTY was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PROUTY

Mr. President, two amendments were accepted in committee without opposition.

The first changed the definition of an RMP by adding a new subsection dealing with health care delivery systems. S. 3355 called for revision of Section 902(a) of the Public Health Service Act to allow for an expanded categorical approach including attention to Heart, Stroke, Cancer, Kidney, and other diseases as opted for by the applicant. Senator Prouty added a new definition of an RMP as one which voluntarily develops and demonstrates health care systems while continuing its other activities required by the categorical definition.

The language is permissive and not mandatory. It also precludes an untested RMP from entering the delivery field while insuring continued operation of ongoing categorical activities. The amendment will allow RMPs who are developing systems approaches in their categorical activities to offer more assistance to regions and localities in allocating their health care resources and services.

The second amendment expands the project authority for Section 304 of the Public Health Service Act providing Research and Demonstration relating to health facilities and services. By adding delivery of health services to existing project authority for construction, equipment and manpower activities, I opened a new source of funds to RMPs wanting to demonstrate new health care delivery systems.

I was also a co-sponsor of S. 3316, calling for a study of Health Hazards of Pollution and support it as an amendment to S. 3355.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, the pending bill calls for appropriations of $3,594,500,000. I certainly think that we will want a record vote on this matter. I therefore ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I quote from a letter from the Bureau of the Budget as to the need for the bill:

In the light of the serious fiscal situation now foreseen, we think the authorization levels contained in S. 3355 are not realistic.

They go on in the letter to point out that, confronted with a deficit of the size we now have, we cannot afford to expand these programs to the extent proposed in the Senate bill. They only recommended $377 million for fiscal 1971. The committee bill increased that to $516.8 million. The committee bill recommends $621,700,000 in 1972, and $737 million in 1973, $818 million in 1974, and $901 million in 1975, for a total of $3,594,500,000.

I think it is about time that Members of the Senate begin to think about the higher taxes that will be required to support some of these ever expanding programs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I call up amendment No. 2, an amendment by the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 32, after line 23, insert the following:

"PART K—REGULATION OF VACCINES, BLOOD, BLOOD COMPONENTS, AND ALLERGENIC PRODUCTS

"SEC. 290. Section 351 of the Public Health Service Act is amended by inserting, after 'antitoxin', each time such word appears the following 'vaccine, blood, blood component or derivative, allergenic product,'."

Mr. SMITH of Illinois. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that a statement by him on the pending amendment be printed in the RECORD.

There being no objection, the statement by Senator DOMINICK was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOMINICK

Mr. President, this amendment is identical to S. 3601, the Administration bill which I introduced March 17 for myself, Senator Javits and Senator Murphy.

The amendment would clarify the intent of Section 351 of the Public Health Service Act by including vaccines, blood, blood components, and allergenic products in the list of biological products which must meet the licensing requirements of that Section.

This amendment is in the nature of emergency legislation made necessary by a 1968 decision of the Fifth Circuit Court of Appeals (*Blank* v. *United States*, 400 F.2d 302) holding that certain blood products used in blood transfusions are not biological products within the meaning of Section 351 of the Public Health Service Act, and are therefore not subject to regulation thereunder. The Court's rationale was that since the products and processes involved in blood transfusions were not known in 1902 when the "Virus-Toxin law", which preceded Section 351, was enacted, Congress could not have intended that they be included. This reasoning would also cast doubt on the Secretary of HEW's authority to regulate allergenic products.

Since the Department of HEW was not aware of the effect of the Court's decision until after the time for seeking review in the Supreme Court had expired, it would take considerable time to have the Secretary's authority to regulate under Section 351 clarified by the courts. It would be unwise to leave the Secretary's authority on such an important public health matter unsettled for that period of time.

As an interim measure, the Department of HEW has amended regulations under the Food, Drug and Cosmetic Act to incorporate by reference the regulations issued under Section 351 of the Public Health Service Act setting standards for manufacturing, processing, packing and holding of biological products.

In addition to blood, blood components, and allergenic products, this amendment would include vaccines on the list of biological products subject to licensing requirements. Although the *Blank* decision does not affect vaccines directly, its inclusion is consistent with the intent of the original "Virus-Toxin Law" of 1902 to protect the public health through the control of biological products.

I think the public interest would be served by favorable action on this emergency legislation now.

Mr. YARBOROUGH. Mr. President, the proponents of this amendment are not present. However, the staff in studying the amendment—and we have had the amendment before us for some time; it was originally offered as a separate bill—feel that the amendment has merit and that it might be an improvement in the present law in amending and defining these terms. So I am prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, I call up a series of amendments on the National Health Advisory Council. The amendments have no name on them. They were to have been offered on behalf of the administration. Our staff has been studying them and they define the new National Health Advisory Council. We have come to the conclusion that they would not be detrimental to the bill but would probably be beneficial. The Department wanted the amendments.

The distinguished ranking minority Member planned to be here but has been unable to get here because of a delay occasioned by a plane. I feel certain that he would want these amendments to be offered. I therefore offer them on his behalf.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. YARBOROUGH), on behalf of the Senator from New York (Mr. JAVITS), offers a series of technical amendments reading as follows:

NATIONAL ADVISORY COUNCIL

SEC. —. (a)(1) Section 217(b), 432(a), 443(b), and 703(c) of such Act are amended by inserting "or committees" after "councils" wherever it appears therein.

(2) Sections 431, 432(b), 433, 443, and 452 of such Act are amended by inserting "or committee" after "council" wherever it appears therein.

(3) Subsections (b) and (c) of section 222 of such Act are amended by inserting "council or" before "committee" wherever it appears therein.

(4) Such section is further amended by inserting in the heading thereof "COUNCILS OR" before "COMMITTEES".

(b)(1) Subsection (c) of section 208 of the Public Health Service Act is amended to read:

"(c) Members of the National Advisory Health Council and members of other national advisory or review councils or committees established under this Act, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, but excluding liaison representatives, while attending conferences or meetings of their respective councils or committees or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703(b-d), 5707) for persons in the Government service employed intermittently."

(2) The second sentence of subsection (d) of section 306, the second sentence of subsection (d) of section 307, the first sentence of paragraph (2) of subsection (f) of section 358, subsection (d) of section 373, subsection (e) of section 641, subsection (d) of section 703, subsection (d) of section 725, subsection (d) of section 774, subsection (c) of section 841, and subsection (c) of section 905 of such Act are deleted.

(3) Paragraph (2) of subsection (f) of section 358 is further amended by striking out "under this subsection" in the second sentence thereof and by inserting in lieu thereof "to members of the Committee who are not officers or employees of the United States pursuant to subsection (c) of section 208 of this Act".

(4) Subsection (d) of section 905 of such Act is redesignated as subsection (c).

(c)(1) Subsection (a) of section 222 of such Act is amended to read:

"(a) The Secretary may, without regard to the civil service laws and the classification act, from time to time, appoint such advisory councils or committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable with such period commencing on a date specified by the Secretary for the purpose of advising him in connection with any of his functions.

(2) Subsection (c) of such section is amended by inserting "or programs" after "projects"

(d)(1) Subsection (g) of section 408 of the Food, Drug, and Cosmetic Act is amended by striking out "as compensation for their services a reasonable per diem, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence." after "shall receive" and by inserting in lieu thereof "compensation and travel expenses in accordance with subsection (b)(5)(D) of section 706."

(2) Subparagraph (D) of paragraph (5) of subsection (b) of section 706 of such Act is amended by striking out the third sentence thereof and by inserting in lieu thereof the following new sentence:

"Members of any advisory committee established under this Act, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not exceeding the maximum rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently."

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, first I wish to pay tribute to the chairman of the

Committee on Labor and Public Welfare, the able Senator from Texas (Mr. YARBOROUGH) for the very significant contribution he has made to the Nation's health programs during his chairmanship of this powerful committee.

Particularly, I want to commend the senior Senator from Texas for the outstanding job he has done in presenting to us S. 3355, a bill to extend and improve existing programs in the fields of heart disease, cancer, stroke and other major diseases and conditions.

The chairman knows of my interest and that of constituents in Michigan that the bill before us today would extend its coverage to arthritis in the category of other major diseases and conditions. I understand the reluctance to enumerate in the bill or in the report the various possible diseases and conditions which might be eligible for financial assistance under the bill. But I would like to ask the chairman whether he could clarify for the record whether I am correct in understanding that an arthritis program could be an eligible program under this legislation.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator for his kind remarks. I appreciate his remarks all the more since, with his great service and investigative work he has done much for the health care of American people. He is knowledgeable in this area. I wish he were a member of our health committee.

As he knows, this country faces a worsening health care crisis which demands that each of us does the utmost in seeing that our health resources are used in the most effective and efficient manner possible.

When Congress first authorized the regional medical programs in 1965, it was limited to heart disease, cancer, stroke, and related diseases. In other words, we adopted a prudent course at that time.

Based upon the progress which has been made during the last 5 years, we now believe it is time to broaden the scope of the program. Accordingly, the committee's bill adds "kidney disease and other major diseases and conditions" to the RMP authority.

It would, therefore, be possible for an arthritis program to be eligible for support under this broadened authority. Clearly arthritis is a disease of major significance, as well as one which could be included as an integral aspect of a regional medical program.

Mr. HART. Mr. President, I thank the chairman. As he knows, I have been endeavoring to assist the regional arthritis control program in Michigan, which is jointly sponsored by the University of Michigan's medical and public health schools and four teaching hospitals, including the Henry Ford Hospital in Detroit. I appreciate this assurance that they will have a place to turn for Federal assistance, and I hope our Senate conferees will be able to see to it that the language "and other major diseases and conditions" emerges from the conference with the other body.

Again, I thank the able Senator from Texas for this and so many other valuable services he has contributed to millions of Americans who have never heard of him by name but who are better today because of his many contributions.

Mr. YARBOROUGH. I thank the distinguished Senator. I commend him for what he has been doing in Michigan to get this research on arthritis underway. We have no cure yet for arthritis. We hardly have relief possible from pain in a limited way, but not from the disability.

We have recently concluded hearings on a bill concerning digestive diseases. At NIH they do investigative research into digestive diseases. We have gone into that matter in the last 2 weeks. I had had reports that they have virtually abandoned research into the cause of arthritis, particularly rheumatic arthritis, which is one of the most crippling types. NIH assured me that that was not so but that they had been expanding and enlarging the program.

I hope the great State the Senator represents, with its fine medical educational institutions, will press forward under the stimulus of his encouragement and lead the Nation in this area. We need more research. We have not made the progress in the cure of arthritis that we have made in certain other diseases. It is badly needed. I thank the Senator.

Mr. JAVITS. Mr. President, I would like to apologize to the chairman of the committee for not having been here when the bill was first brought up this afternoon. I was detained with the Secretary of State on the very urgent problem of the airplane hijackings.

I am grateful to my colleague for assisting me by offering the amendment which is now pending, which is an administration amendment. I would like to ask the Senator, as a courtesy, if he would mind withdrawing it so that I might offer the amendment inasmuch as the administration wishes to be identified with the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the amendment I had offered may be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following:

"TITLE V—MISCELLANEOUS PROVISIONS

"NATIONAL ADVISORY COUNCIL

"SEC. 501. (a)(1) Sections 217(b), 432(a), 443(b), and 703(c) of the Public Health Service Act are amended by inserting 'or committees' after 'councils' wherever it appears therein.

"(2) Sections 431, 432(b), 433, 443, and 452 of such Act are amended by inserting 'or committees' after 'council' wherever it appears therein.

"(3) Sections (b) and (c) of section 222 of such Act are amended by inserting 'council or' before 'committee' wherever it appears therein.

"(4) Such section is further amended by inserting in the heading thereof 'COUNCILS OR' before 'COMMITTEES'.

"(b)(1) Subsection (c) of section 208 of the Public Health Service Act is amended to read:

"'(c) Members of the National Advisory Health Council and members of other national advisory or review councils or committees established under this Act, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, but excluding liaison representatives, while attending conferences or meetings of their respective councils or committees or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703(b-d), 5707) for persons in the Government service employed intermittently.'

"(2) The second sentence of subsection (d) of section 306, the second sentence of subsection (d) of section 307, the first sentence of paragraph (2) of subsection (f) of section 358, subsection (d) of section 373, subsection (e) of section 641, subsection (d) of section 703, subsection (d) of section 725, subsection (d) of section 774, subsection (c) of section 841, and subsection (c) of section 905 of such Act are deleted.

"(3) Paragraph (2) of subsection (f) of section 358 is further amended by striking out 'under this subsection' in the second sentence thereof and by inserting in lieu thereof 'to members of the Committee who are not officers or employees of the United States pursuant to subsection (c) of section 208 of this Act.'

"(4) Subsection (d) of section 905 of such Act is redesignated as subsection (c)."

"(c)(1) Subsection (a) of section 222 of such Act is amended to read:

"'(a) The Secretary may, without regard to the civil service laws and the Classification Act, from time to time, appoint such advisory council or committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable with such period commencing on a date specified by the Secretary for the purpose of advising him in connection with any of his functions'.

"(2) Subsection (c) of such section is amended by inserting 'or programs' after 'projects'.

"(d)(1) Subsection (g) of section 408 of the Food, Drug, and Cosmetic Act is amended by striking out 'as compensation for their services a reasonable per diem, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence.' after 'shall receive' and by inserting in lieu thereof 'compensation and travel expenses in accordance with subsection (b)(5)(D) of section 706.'

"(2) Subparagraph (D) of paragraph (5) of subsection (b) of section 706 of such Act is amended by striking out the third sentence thereof and by inserting in lieu thereof the following new sentence:

"'Members of any advisory committee established under this Act while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not exceeding the maximum rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.'"

Mr. JAVITS. Mr. President, this is exactly the amendment offered by the Senator from Texas (Mr. YARBOROUGH). It relates to compensation of members of the Public Health Service Advisory Council and committees which are established under this bill.

Current provisions of the PHS Act relating to compensation of members of the Public Health Service advisory councils and committees establish varying and widely disparate rates of remuneration for the members of these various groups. At present, and for no discernible reason, some groups are entitled to less than half of the compensation available to the membership of others. These proposed amendments will permit the establishment of uniform rates of compensation for all members of these councils and committees and will thus insure consistent and equitable treatment. They authorize compensation at rates to be fixed by the Secretary, not to exceed the maximum rate specified at the time of service for grade GS–18. They provide for a uniform method of payment for expenses including per diem in lieu of subsistence as authorized for persons in the Government service employed intermittently. The advisory councils and committees play a major role in the NIH programs and those of other Public Health Service agencies. Equitable treatment of their membership in the manner of compensation is in keeping with the importance of their responsibilities.

Also, the amendment being submitted is similar to part C of the General Education Provisions Act and represents the administration's effort—which acts here through me, as I am the ranking minority member of the committee—to bring about this degree of uniformity.

Again I express my gratitude to the Senator from Texas (Mr. YARBOROUGH). I hope the Senate will take favorable action on this amendment.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished Senator from New York. As the ranking minority member of the committee he has had a hand in every health bill that has been passed. He is a leader in this field and his services are invaluable.

We have had a great body of health legislation due to the cooperation of the Senator from New York, as the ranking minority member of the committee, and our side. We would not have had this body of health legislation without the active cooperation of the distinguished Senator, and I thank him for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I have another amendment to offer, but I am glad to yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to congratulate the Senator from Texas on all his good work in the field of health, as well as in so many other fields, and to support S. 3355, this excellent bill, to extend the regional medical program, comprehensive health planning program, and the national health research and demonstration program.

This bill, designed to improve our country's delivery of health care services, is most needed and most important in view of the very serious health care problems with which we are all familiar.

I am particularly proud to support this bill since title II of S. 3355 represents my own bill S. 3634, the National Health Care Systems Study, Research, and Demonstrations Act of 1970.

This title does two things basically: First, it extends the authority for the National Center for Health Research and Demonstrations to develop model health care systems—as a matter of fact, I am hopeful that my own State of Rhode Island will serve as a model health care State—second, the bill instructs HEW to undertake a systems study of the alternative plans that could be developed to reform our inefficient $60 billion national nonsystem of health care.

There have been many plans suggested for the reform of our Nation's health care system. Senators KENNEDY and YARBOROUGH have introduced an excellent measure, which I have cosponsored, to establish a national health insurance plan through employer and employee contributions. Senator JAVITS has introduced a bill based on somewhat similar principles. Senator FANNIN has introduced a tax credit proposal. Other approaches have been suggested calling for a more decentralized approach for the provision of national health care, such as requiring employers to provide a minimum level of health care to their employees and families in much the same way as employers are required to pay a minimum wage.

All these suggestions have a similar purpose, that is to provide a basic floor of health care for all Americans. The question is, By what means we can best obtain that purpose? The systems study that I propose should provide some insights into the answer to that question.

The systems study I propose requires that alternatives to the present system of health care be compared to the present system in terms of their relative cost, extensive coverage, their benefits to various socioeconomic groups, and their relative efficiency and effectiveness.

Upon completion of this study the Secretary of the Department of Health, Education, and Welfare will report his findings to the Congress. Hopefully this study will provide the information that Congress needs to legislate, in a rational manner, a reform of our Nation's system of health care during the next session of Congress.

There have been no objections to this study that I know of. As a matter of fact, I have received some encouragement for this study. The Aetna Life and Casualty Co., which has a proposal of its own, supports my proposal. I ask unanimous consent that their letter of support be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AETNA LIFE AND CASUALTY CO.,
Hartford, Conn., June 23, 1970.

Re 3.3634—National Health Care Systems Study, Research, and Demonstration Act of 1970

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Ætna Life & Casualty is the Nation's largest private health insurer. As such, we have a compelling interest in each of the many proposals for a National Health Insurance Program which have been presented to the Congress.

Some of these proposals would bypass the health insurance industry, while others would afford us a rather full role in the delivery and financing of health care in the future.

We are proud of our role in the development of the health insurance industry and confident that we possess an organization of many skills. We are also realistic enough to perceive that the health care delivery system in the near future will be characterized by change; that we cannot survive by a "business as usual" philosophy in our health insurance operations.

In this context, it seems not only in the Nation's interest, but in our own, that the Congress have available to it a carefully conducted study of alternative National Health Care Plans. The Ætna Life & Casualty has made certain suggestions of its own to the Congress in this regard and we are now working with the Health Insurance Association of America to develop a program the entire health insurance business could support.

For these reasons, we are pleased to assure you of our support for S. 3634.

Sincerely,

JAMES H. HUNT,
Director, Government Relations Group Division.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Rhode Island for his kind remarks, and congratulate him on his leadership in this field. As was stated in explaining the bill originally, title II is now incorporated in the bill. It was thought that we could better handle these programs by incorporating them in one bill, his bill is now incorporated into the pending bill.

I want to congratulate the Senator on his help in legislation that we hope will result in the improvement of the health of the people of this Nation.

As the Senator from Delaware stated a few minutes ago, this is a very important bill. It is broad in scope. It costs money. But the health care of the people of this country is declining and something must be done. The Senator from Rhode Island has made a major contribution to what is now in the bill. We hope to hold it in conference with the House. I thank the Senator for his work.

Mr. PELL. I thank the Senator.

Mr. JAVITS. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows: On page 32, after part J, insert a new part K.

PART K—REGULATION OF VACANCIES, BLOOD, COMPONENTS, AND ALLERGENIC PRODUCTS

SEC. 290. Section 351 of the Public Health Service Act is amended by inserting, after "antitoxin", each time such word appears, the following: "vaccine, blood, blood component or derivative, allergenic product,".

Mr. JAVITS. Mr. President, the research contracting authority of the Public Health Service will expire on June 30, 1971. The amendment proposed will extend the authority for an indefinite period of time, deleting present time limitation under section 301(b) of the Public Health Service Act. The use of this authority is to complement basic research—conducted in universities and other nonprofit organizations—supported through the grant-in-aid. It is used when the Government is seeking highly specific and sharply circumscribed research results. This instrument—the research contract—is particularly appropriate for applied research or technological development efforts intended to exploit most expeditiously and efficiently discoveries arising out of grant-supported basic research programs. Industrial firms, which are not eligible for PHS grants-in-aid, have been able to make significant contributions to a number of PHS research programs through existing research contract authority.

This would make the provision for contract authority consistent with the provision for grant authority.

I hope the Senate will act favorably on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. YARBOROUGH. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

At the end of the bill add a new title V:

TITLE V—MISCELLANEOUS PROVISIONS

"TRAINING AUTHORITY OF INSTITUTE OF GENERAL MEDICAL SCIENCES

"SEC. 502. Section 442 of the Public Health Service Act is amended by striking out 'research' before 'training'."

Mr. JAVITS. Mr. President, this proposal amends section 442 of the Public Health Service Act to permit the National Institute of General Medical Sciences to support clinical, as well as research, training related to its mission and thus to make the scope of its training authorities identical to those of the other institutes. The National Institute of General Medical Sciences as well as its predecessor, the Division of General Medical Sciences, initially was assigned responsibility for the basic and preclinical medical sciences. The scope of this Institute's program has gradually evolved to include several clinical sciences; for example, anesthesiology and radiology, in which there are critical shortages of training specialists and seriously limited national institutional capacity for the training of those clinical specialists. Historically, the National Institutes of Health effectively solved such problems in many other fields. This minor alteration in the requested authority will enable the NIGMS similarly to meet urgently important national needs within its domain of responsibility.

I hope the Senate will act favorably on the amendment.

Mr. YARBOROUGH. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, these amendments represent three administration amendments, which complete the administration's contributions to the bill.

I support and urge the enactment of "The Health Services Improvement Act of 1970" (S. 3355). The legislation incorporates many of the provisions of the administration's "Health Services Improvement Act of 1970" (S. 3443) which I introduced—with the cosponsorship of all the Republican members of the Labor and Public Welfare Committee—as an essential initiative for improving our health programs to meet the urgent need for improved health care for the Nation.

S. 3355 is a comprehensive bill to extend and improve the regional medical programs, comprehensive health, planning and services, national center for health services research and development and the national center for health statistics authority and permits the joint administration of projects involving one or more of said authorities. In addition, the bill: requires an annual report on program effectiveness; establishes a national council on health policy; and authorizes Federal health benefit providers to issue contracts for prepaid group practice health services.

In order to launch a national comprehensive cooperative medical program for the treatment of kidney disease, to control and reduce kidney disease of prevention and detection programs, and to provide research support for kidney disease programs, as contemplated by the "National Kidney Disease Act of 1969" (S. 2482) which I introduced for myself, the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON), the Senator from Texas (Mr. YARBOROUGH) and 36 other Senators from both parties—Title I of the bill would broaden the categorical purview of the regional medical program to include kidney disease.

A broadened program authority would allow the mechanism of regional cooperative arrangements to be used to more comprehensive advantage and reflects growing concern over the national status of this major chronic disease. Nearly 8 million persons in the United States are afflicted with kidney disease, of which about 60,000 progress to a terminal disease condition and death each year if life-sustaining treatment is not available. Diseases of the urinary tract rank fourth among causes of death from chronic disease. Kidney disease also tends to strike in the middle, most productive years of life, compared to other chronic diseases.

In order to provide a specific focus to kidney disease, the proposed legislation specifies that a maximum of $15 million of the amount appropriated in fiscal year 1971 be available for kidney disease activities. It also specifies that the National Advisory Council on Regional Medical Programs shall include membership outstanding in the study or care of kidney disease.

Section 260(a)(2) of the bill remedies the barrier of the transfer of appropriate projects—for example, where the Department of Health, Education, and Welfare assumes support for selected, mature neighborhood health service centers previously funded by the Office of Economic Opportunity, consistent with the Department's commitment and plan to develop systems of primary health care for the poor and to work toward extending the strategy to the health care needs of the total population—by authorizing the payment of equity requirements and amortization of loans on facilities as part of the costs of project grants for comprehensive health services. Whereas the Office of Economic Opportunity is authorized to pay, as part of the costs of such projects, equity requirements and amortization of loans on facilities, the Department of Health, Education, and Welfare lacks any clear such authorization under section 314 of the Public Health Service Act.

In order to facilitate and expedite joint administration of projects in which there are costs eligible for assistance from more than one program for which funds are authorized by the bill, section 270 of the bill authorizes the Secretary to promulgate regulations pursuant to which a single administrative unit may perform the necessary administrative functions for all the programs, reducing and simplifying the numbers and types of separate forms, reports and data requests which have to be submitted, and revising and making uniform any inconsistent or duplicative program requirements. The Secretary would not be authorized, however, to waive or suspend any requirement imposed by law or by any regulation required by law. Additionally, the bill limits the single administrative unit to either the unit which administers one of the programs covered by S. 3355 or the administrative unit charged with the supervision of two or more of such programs. Under current HEW organization that would have the effect of limiting the designation of such a unit to the Regional Medical Program Service, the Community Health Service, the National Center for Health Services Research and Development, or the Health Services and Mental Health Administration.

Title III of the bill creates a National Council on Health Policy—originally in-

troduced by me as a separate bill—S. 770 to establish a Federal Council of Health which will have the responsibility of fixing a coherent set of national health goals for our Nation.

The National Council on Health Policy would be modeled along the lines of the Council of Economic Advisers and the recently created Council on Environmental Quality. It would be located in the Executive Office of the President, and would consist of three full-time members appointed by the President with the advice and consent of the Senate.

The principal function of the Council would be to establish a national health policy for the United States, and to make recommendations to the President and Congress on methods to achieve the goals of the policy. The Council would provide new executive leadership at the national level in health affairs. As a high-level coordinator and policymaker in the health field, the Council would study and evaluate health activities throughout the Federal, State, local, and private sectors, and would suggest new programs and new approaches in all areas of health policy, such as research, facilities, services, manpower, and the organization, delivery, and financing of health care.

This measure would bring into being the recommendations of the Task Force on Federal Medical Services of the Second Hoover Commission, which have been ignored for 14 years. While temporary, short-term groups such as Presidential commissions, ad hoc committees, and interagency committees have been created to deal with specific problems in the health field, none of these groups has had the scope or power of the recommended National Council on Health Policy. The creation of a National Council on Health Policy is overdue, especially in light of the tremendous growth of Federal health programs in recent years, and the lack of an adequate existing mechanism for setting national health policies and long-range goals.

The National Council on Health Policy would fulfill a function in the area of health affairs similar to the function now fulfilled by the Council of Economic Advisers in the area of economic affairs.

The Council would perform a corresponding function in health policy, and would establish itself as an entity distinct from the existing Federal departments and agencies with operating responsibilities in health affairs. Ideally, the annual report of the Health Council would become the same sort of major health event in the Nation that the annual report of the Council of Economic Advisers represents for the economy.

To promote the development and use of prepaid group practice, and thereby to make this innovative type of health care delivery system available to both consumers and physicians who desire to take advantage of it, title IV of the bill would facilitate the group practice of medicine. It provides that the Secretary of Health, Education, and Welfare may authorize carriers participating in Federal health benefit programs for Federal employees to issue contracts for prepaid group practice health services to any persons, whether or not such persons are Federal employees.

The authorization given to the Secretary in title IV is intended to encourage those group practice programs that have the greatest potential for improving the delivery of health care. It will encourage greater participation by the private, or "voluntary," health sector in developing innovative approaches to health care. Such encouragement is especially needed at this time, when we want to assure all Americans—whatever their economic status—accessible, quality health care at a time when health care is one of the fastest increasing items in the cost of living.

Also, Mr. President, to give form and direction, and to change the dangerously haphazard organization of our health care in America, we have given this additional authority to the Secretary, with the proposal of encouraging what is gradually emerging as one of the most likely forms of the delivery of health services, to deal effectively both with quality health care and with the cost of those services; to wit, the so-called group practice units.

I hope very much the Senate will vote favorably on the bill.

Mr. President, I conclude by saying that too often, we take for granted the unbelievable amount of labor which goes into the establishment of the program for the American people which, when it becomes law, will be contained in this bill. I think it is a great tribute to the patriotism and to the humanitarian spirit of the Senator from Texas (Mr. YARBOROUGH) and to his love for his fellow man, that, notwithstanding the kind of vicissitudes politically which could easily have frustrated other men, he has persisted not only indefatigably but with style and grace in seeing these measures through the Senate of the United States. I am proud to be associated with him and to be his friend, and I think it should be noted time and again that he continues in the most exemplary way to pursue a tradition which has marked his service here for many years, and which, in this as in so many other matters affecting the health of our people, will be enormously beneficial to all Americans.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from New York for his kind remarks. In our work on these health bills, education bills, and labor bills, I think that despite the fact that we are the senior members of our parties in our respective categories, he and I have agreed on at least 90 percent of the provisions of practically every bill that has come out of that committee. I feel honored to be complimented by a man who is himself exemplary when it comes to indefatigable labor.

I think at this time we ought to pay tribute to our staffs. I have just been handed a card from the cloakroom informing me that some of the staff members are in the cloakroom, and were not able to get into the Chamber. I ask unanimous consent that at least one staff member for each member of the Labor and Public Welfare Committee be permitted the privilege of the floor. We have worked long and hard on this, we have had long sessions and long hearings in the subcommittee and the committee, and it is difficult to obtain a quorum at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I thank the Senator from Texas for his reference to the staff, and I would like to name specifically Jack Forsythe and LeRoy Goldman, who is on the floor now, and, on the minority side, Jay Cutler, Roy Millenson, and Martin Klein who have worked so very hard on this bill.

Mr. YARBOROUGH. I thank the Senator for his consideration in specifically naming those staff members. Jack Forsythe has been counsel for the committee, first with the House of Representatives and then with the Senate, and has been a staff member for 16 years. He started his work in public health under the recent chairman of the committee, Senator Lister Hill. We have had many years of accumulated staff experience, which has gone into bringing what we think is a major health bill to fruition. The staff deserves a great deal of credit for working it out to where it is presented in its present form on the floor of the Senate. There has been much staff work on both sides.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, in view of the fact that this measure will cost a little over $3.5 billion I should like to extend appreciation to the taxpayers who will have to pay for this measure. Their contribution, which is substantially above the administration's request if it passes, should be recognized. It is so seldom that the taxpayers are given any consideration by the Senate that I thought some not of appreciation to these hard-pressed taxpayers should be mentioned.

I address this inquiry to the chairman of the committee: H.R. 18110 and H.R. 17570 both show cross references on the calendar to Calendar No. 1100, which is S. 3355, the bill now before us. Do I understand that S. 3355 embraces the provisions of both of those bills as passed by the House of Representatives to which I have referred except that it also contains the usual Senate increases in authorizations?

Mr. YARBOROUGH. Basically, they are included in the Senate bill, but there are some differences to be ironed out in conference.

Mr. WILLIAMS of Delaware. The difference is that the Senate has added several hundred million dollars to what the House provided; is that correct?

Mr. YARBOROUGH. That is correct.

Mr. WILLIAMS of Delaware. I wonder why we do not just pass the House bills, instead of the Senate bill, because the House bills are several hundred million dollars less for the two programs, and I am sure, as I have already stated, that in view of the financial situation the House could not support S. 3355, the bill now

before us, with all the extravagant ideas of the Senate added.

I again quote from the statement of the Director of the Budget:

> In the light of the serious fiscal situation now foreseen, we think the authorization levels currently contained in S. 3355 are not realistic.

Would it not be more realistic, in the light of the fiscal problems we face—a deficit of over $1 billion per month—to adopt the limits provided in the House bills?

Mr. YARBOROUGH. Mr. President, in response to the Senator's inquiry, first, we do not feel, after our subcommittee and committee have thrashed this out, that we should accept the House bills, because we have many provisions in our bill which are not in their bills. If we accepted theirs, we would be surrendering many beneficial items.

In the second place, I do not think, Mr. President, that this is extravagant. I join the Senator in his thanks to the taxpayers. We are trying to do something for the taxpayer, who is paying $63 billion a year for health care and not receiving adequate health care. The purpose of the bill is to bring adequate health care to the people.

This argument is like every argument I hear on education and on health bills: The opponents always add up the appropriations for 5 years, and say, "This bill is costing $3 billion." It does, over 5 years. But when we have a war bill, for the war in South Vietnam, they do not add up 5 years, they always come in with only 1 year. The defense bill is $73 billion; why do we not use the same rule for military expenditures that we do for the civilian expenditures? If we did that, and we had before us that defense bill we passed the other day—offense bill, I would call it—we would say five times $73 billion, and we would have $365 billion. I am not saying the Senator from Delaware is responsible for that; I do not charge him with that. But this is what happens on the floor of the Senate. I have been here for 13 years and 4 months, and every time we bring in a veterans bill, a cold war GI bill, a health bill, or an education bill, we hear every time how many billions it is costing.

Never, in all the years I have been here, have I ever one time heard anyone who brought up one of these big military bills of $73 billion for 1 year, roll it all together, and say, "That is $365 billion." But if we take the military authorization of $73 billion for this year, five times that is $365 billion. Here we have provided, for the people, less than 1 percent of that amount. Mr. President, I think the people of this country are entitled to that 1 percent. This is the people's money, being spent for the benefit of the people by Congress.

I think the people, if they knew the facts, would be proud that we are going to use some money for their benefit.

Mr. WILLIAMS of Delaware. Mr. President, as one who is connected with an administration which in the last 70 years has never had a war and one which has been having to provide the methods to finance the war started by the administration with which the Senator is associated, I enjoy the remarks of the Senator from Texas. I, too, have been discouraged by the cost of these wars, and I hope we can keep an administration in power which will recognize that the best way to prevent wars is not to start wars.

Mr. YARBOROUGH. And if they are started and somebody says he will stop them, they will be stopped.

Mr. WILLIAMS of Delaware. I sympathize with those who want to get the war over. Senators have been debating this point for the last 6 weeks, "Let's get the war over."

Some of these Senators remind me of the village ruffians who start a fire in the village schoolhouse and then heckle the firemen because they cannot extinguish the flames faster.

I want to stop these wars, but I am getting impatient at the continuous effort to justify every program on the basis that if we do not have to pay for the wars we can spend all the money. After all, taxes are paid by all Americans, whether we are Republicans or Democrats, whether the wars started in a Democratic administration, as they were, or paid for in a Republican administration, we still have to pay for them.

I hope that those Senators who are concerned about the cost of these wars will recognize the cost at the time the war is started. The way to save money is not to start the war. I hope that lesson will be remembered by all administrations in the years ahead.

To get back to the subject before us, we are going to have a tax bill before Congress in the next few months. I note that the cost of this bill is over $3.5 billion over a 5-year period, and I should like to ask this question, because I do not want to belabor this matter: How much is this increase over the amounts provided in the bills as passed by the House? I have the House bill before me, but I do not have a report tabulating the totals. Does the Senator have the exact figures?

Mr. YARBOROUGH. I do not have those figures, but the staff advises me that it would be several hundred million dollars, apparently the figure the Senator has given.

Mr. WILLIAMS of Delaware. That is what I thought.

Mr. YARBOROUGH. I point out this difference: The other is a 3-year bill, while ours is a 5-year bill.

Mr. WILLIAMS of Delaware. That is correct. But there are still the increases to which we have referred, which, even on an annual basis, is substantially above the House figure.

Mr. YARBOROUGH. The staff is of the opinion that they are not substantially different on an annual basis. Ours is a 5-year bill, as contrasted to theirs, which is a 3-year bill. Ours has in it all that they have in their two bills, and more, with the new titles that have been added. One, as the Senator from Rhode Island pointed out is that several items have been added to title II, to have a comprehensive study, to roll these things together and try to get some efficiency in the health care system of the country.

Mr. WILLIAMS of Delaware. I realize that the committee bill provides for 2 additional years, and we shall not mention those for the moment. But since the Senator says there is not too much difference in the objectives or what they would achieve in the two bills perhaps he would accept a couple of minor amendments which on that premise will not affect his bill but would save $125 million.

I note that the House bill to amend section 901(a) for the year 1972 provides $150 million. the Senate bill provides $200 million for the year ending June 30, 1972, or an increase of $50 million. I assume that there will be no objection to an amendment reducing that amount to the House figure, since, as the Senator has stated, they are somewhat comparable.

Mr. YARBOROUGH. There would be most strenuous objections, I say to the Senator from Delaware, because the amounts in the Senate bill were not just dropped in there casually. These amounts were debated in the subcommittee and the full committee, and the figures as finally reflected in the bill reported to the floor are not figures in the original bills. These are compromise figures and are reduced over other figures given to us in evidence and other figures that had been advocated.

The figures in the Senate bill are the reduced compromise figures reached in the committee.

Mr. WILLIAMS of Delaware. They may be lower than the figures in some of the original bills introduced, but they are substantially higher than those approved by the House and higher than the administration requests, and the Senator has already complimented the House on its action.

I have an amendment with respect to those figures, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, line 8, strike out "$150,000,000" and insert in lieu "$125,000,000"; on line 9, strike "$200,000,000" and insert "$150,000,000"; on line 10 strike out "$250 million" and insert "$200 million".

Mr. WILLIAMS of Delaware. Mr. President, it would be in order to ask for a separate vote on each but in order to expedite matters, I ask unanimous consent that these amendments be considered en bloc, if the Senator from Texas has no objection.

Mr. YARBOROUGH. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. WILLIAMS of Delaware. Mr. President, this amendment would restore the figures under section 103 of the bill as it would amend section 901 of the act to the exact figures provided in the House bill with this exception, that it would leave in the Senate bill the additional 2 years authorization, with which I do not quarrel. If we could get acceptance of the proposal here to maintain the House figure this would mean a reduction of $125 million on this particular section, and I hope that the Senator from Texas would feel he could accept the amendment.

Mr. YARBOROUGH. Mr. President, we cannot accept the amendment of the distinguished Senator from Delaware without crippling the bill. As was pointed out earlier in debate, in extending the bill on heart, cancer, and stroke we added kidney disease and certain other major diseases. In colloquy with the Senator from Michigan it has been developed that kidney disease is having a crippling effect on many Americans who suffer great pain as a result of it.

We have held hearings on heart, cancer, stroke, and kidney diseases and this bill does not contain enough money to do the job. We are not fooling ourselves. The budget stringencies were presented to the committee. This is a minimal program. The staff has added up the cost and the total amount for the first 3 years that the Senate exceeds the House bill is $165 million over those 3 years which we have in our bill over the House bill. So I think there is no magic in the House bill. Why have hearings if we settle for the House bill. We have done our work. The committee has an able staff and has been working on these matters for years. We are conscious of the fact that in conference with the House, we may have difficulties, but these cuts would cut us off in the hip pocket before we could make a start on these other diseases.

I would respectfully request that my colleagues in the Senate not accept the amendments. There is too much at stake in the health of the American people. They have spent, both privately and publicly, $63 billion, and the situation is getting worse in many parts of the country. Heart disease, cancer, and stroke are three of the biggest killers of the American people today. Cancer is killing one-third of a million people annually. It has reached epidemic proportions here. One-fourth of the American people will have cancer before they die, and one-sixth will die from it unless we can find some remedy. We are trying to increase our research into these diseases. Cancer has grown so fast proportionately in this country that it has now reached epidemic proportions. We must not cut back on research to improve the health of the American people, especially with cancer, which is the slowest and most painful of all diseases.

I urge the Senate not to cut research into these painful, killing diseases and respectfully ask the Senator from Delaware to join me in rejecting the amendments.

I know the Senator from Delaware, I have served with him for many years. He is sincere in all his efforts to protect the budget. But, this is not the bill to cut expenditures on, as we search for the answers that will cure heart disease, cancer, stroke, and kidney disease.

Mr. WILLIAMS of Delaware. Mr. President, even with the adoption of this amendment the bill would carry several million dollars more than has been spent heretofore. It would, even with the adoption of this amendment, still exceed what the budget had requested, but I would go along with that figure. I realize that cancer and other diseases which the Senator from Texas has mentioned are threatening the people of this country, and I certainly want to do something about eliminating them. But we also have the cancerous growth of inflation in this country, which is getting out of hand and which will continue to get out of hand unless Congress holds down its appropriations. I am one of those who think that we have to cut back on all appropriations, not on just Defense. I supported the amendment of the Senator from Wisconsin (Mr. PROXMIRE) the other day to cut $5 billion from Defense, but we are going to have to cut across the board on all programs in the Government if we are to approach a balanced budget.

I do not question the sincerity of the Senator from Texas or the sincerity of other Senators who feel that we could put more money into these programs, but as a member of the Finance Committee I am greatly concerned over the fact that we are going to have to continue to keep raising taxes to pay for all these increased expenditures. The taxpayers are already overburdened. We have already done serious damage to the elderly through inflation, which has eroded the purchasing power of their pensions, their life insurance, their savings accounts, and their bonds. They have all been eroded as a result of inflation—inflation caused to a large extent by the extravagance of Congress. That, too, must be considered.

This amendment proposes a reduction back to the House figure. The House bill passed overwhelmingly, and I do not believe that Members of the House were being unrealistic or hardhearted when they passed their bill. They, too, share the same concern as Members of the Senate on the problems of health. But there is a limit as to what we can afford. If the Senator from Texas will not accept the amendment I would ask for the yeas and nays on it.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am ready to vote.

Mr. JAVITS. Mr. President, the Senator from Delaware, as is always true of him, has challenged us. I honor him for it. He always makes us face ourselves, which we should do in this case.

It is a fact, as the chairman of the committee has said, in the other body, the figures for the various categories of authorizations of appropriations which appear on page 2 of the committee report were increased over those requested by the administration.

For example, with respect to the first item of regional medical programs, the administration requested some $100 million for 1971 and the House voted $125 million. The figure we have in the Senate bill for the authorization is $150 million.

As the Senator has fairly stated, that goes on all through the bill, resulting in an increased figure of authorizations for the 3 years, bearing in mind that we have an order of magnitude of something overall—according to the rather quick calculation I have just made—of between 10 and 15 percent; so that the Senate authorization, if this bill passes, will have been increased over the House authorization, by that order of magnitude.

I invite the views of Senators upon this proposition.

We are for allpractical purposes engaged in Congress in determining what we think ought to be the priorities with respect to expenditures on the part of United States. I, too, voted to cut materially defense spending, as did the Senator from Delaware. I voted for that cut because I felt that rating the priorities without depriving our country of security was the action by which we could make a change in priorities and make our legislative contribution to what the administration thinks ought to be done. After all, we have cut the administration's ideas on defense spending, too, not withstanding their recommendations.

Mr. President, it seems to me that the order of magnitude here is such that an investment over this period of 3 years is amply justified in the way of a shifting of priorities.

My distinguished chairman has already noted that kidney disease is included as part of the program covered by this bill which heretofore related to heart disease, cancer, and stroke.

This is a very significant inclusion in the bill. It has been the subject of enormous concern because 8 million Americans are estimated to be affected by kidney disease and a very substantial number of those Americans—in the hundreds of thousands—are adversely affected because of the inadequacy of treatment and treatment facilities.

This bill adds kidney disease to the expanded regional medical programs covered by the bill presented by the administration. I am the principal sponsor of the National Kidney Disease Act of 1969, S. 2482, introduced on June 25, 1969, with 39 other Senators joining me in sponsoring this particular addition.

This in itself can be a major cause for the increased authorization which we have given.

Page 18 and subsequent pages of the committee report make explicit the prevention and rehabilitation, including health care that are essential elements in what we are seeking to provide in this bill as well as diagnosis and treatment of the four diseases—kidney, heart, cancer, and stroke.

Also, another innovation in respect to the bill is experimentation on how to deliver health care most economically.

I spoke a while ago about the encouragement of group practice units. The bill authorizes research and reporting into the various alternative plans for

some form of national health care coverage.

I refer to page 22 of the committee report which indicate the financing mechanisms that could serve as the basis of alternative plans for national health coverage. Among them are my own plan, which is a payroll deduction as well as a general revenue plan. I notice that the Senator from New Mexico (Mr. ANDERSON) is in the Chamber. The Senator from New Mexico first educated me on this whole level years ago. He and I collaborated in what ultimately became the Medicare plan.

There is a tax credit plan, such as outlined in the bill by the Senator from Arizona (Mr. FANNIN), and a private health insurance premiums plan which is generally considered to be the AMA plan, but in this case was suggested by the Aetna Insurance Co.

Mr. President, as we have added critically important aspects to the bill, it is very natural that we included additional authorizations in order to cover them.

I respectfully submit that the order of magnitude of these additional authorizations for the 3 years which results in contemporaneous reach of both the House and the Senate bill are not so great—under 10 percent—as to justify the Senate in reversing the concepts of the committee which did such a thorough job under the leadership of the Senator from Texas (Mr. YARBOROUGH) in this matter.

I repeat in closing that I respect enormously the Senator from Delaware. However, I respectfully submit that the order of magnitude and the reasons for the action amply justify the action taken by the Senate committee.

I hope the Senate will sustain that action.

Mr. YARBOROUGH. Mr. President, I point out in this connection that under the expired law, authorizations for heart disease, cancer, stroke, and related diseases were $200 million for the year ending June 30, 1968. Due to the effects of the war in Vietnam, the next year the authorizations were reduced down from $200 to $65 million.

They then began to increase in 1970 and went to $120 million. Now we would have this amount up to $150 million for the year ending June 30, 1971. We would have it go to $200 million in 1972.

We had a $200 million authorization back in 1968. The gross expenditures in the war, reaching at one time as high as $3 billion a month, or $36 billion a year, reduced that amount.

Under the committee bill, it will take us until 1972 to get back to the authorization we had in 1968, in spite of the fact that we have added other diseases to the bill.

Mr. HATFIELD. Mr. President, as a cosponsor of S. 3355. I want to commend my distinguished colleague from Texas for his leadership in this area.

On July 8 of this year, I spoke on the floor about one facet of the objectives of this bill, that is, kidney disease. I am sure that my colleagues here today would find sentiments in their State as strong as I found in Oregon in support of this program.

I ask unanimous consent that my statement of July 8 and the accompanying material be reprinted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KIDNEY DISEASE—THE LIVES THAT COULD BE SAVED

Mr. HATFIELD. Mr. President, S. 3355, Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970, of which I am a cosponsor, has been reported to the Senate floor. The bill will act as a general vehicle to extend and improve our existing health programs. One important addition has been made: the great need for funding of kidney disease treatment is recognized.

Many times, the Senate has expressed its awareness of the need of additional medical treatment for the American people. As we all know, technology and medical research have now alleviated many of our past generation's most feared diseases. Yet when the discoveries are made, when theoretical remedies and treatments are actualized, we are often denied the benefits because the treatment programs are scarce and inadequately funded.

Kidney disease is a killer, yet it can be prevented and its effects deterred. On a national basis, it is estimated that close to 8,000 salvable lives are lost annually because of prohibitive costs and the inacessibility of treatment of kidney disease.

The situation in Oregon is a microcosm of our United States. The Good Samaritan Hospital, which has the only Oregon facilities for home dialysis training, is able to treat annually only 12 of the 58 to 78 Oregon citizens who will reach end stage renal failure each year. Mr. Don Fry, the director of development at Good Samaritan, has pointed out that there are, in additon, two young vascular surgeons who are anxious to be trained for kidney transplants, were the funds available.

The costs for home dialysis is high: $13,000 to $15,000 for the first year and an average of $4,000 each successive year. State organizations including the Oregon Medical Association and the Kidney Association of Oregon have diligently cooperated with local, county, and State boards, but funds remain inadequate.

The passage of this bill would save the lives of many now suffering from kidney diseases. The amount allotted is minimal, yet, this is action in the right direction. Remedies for kidney disease and many other major diseases are possible, research often on the brink of cure, the problem is basically one of financial support. I urge my colleagues to pass favorably on S. 3355.

Mr. President, I ask unanimous consent that the letter sent me by Mr. Chuck Foster, executive director of the Kidney Association of Oregon, Inc., describing case histories of Oregon patients, be printed in the RECORD. I call particular attention to the remarkable success of the program and the number of very young lives that were saved. Also, I ask unanimous consent that a letter I received from Mr. Don Fry, along with the supportive letters and a description of Good Samaritan's Home Hemodialysis Training for Oregon Renal Patients and application for a U.S. Public Health grant to assist the Oregon programs, be printed in the RECORD.

(There being no objection, the items were ordered to be printed in the RECORD, as follows:)

KIDNEY ASSOCIATION OF OREGON, INC.,
June 26, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Mr. Don Fry, Director of Development, Good Samaritan Hospital & Medical Center in Portland, outlined to you in his letter of June 10 the cooperative program of the hospital and the Kidney Association of Oregon to provide training and treatment for end-stage kidney failure patients through hemodialysis.

In order to make this information complete, Mr. Fry has asked me to provide you with material on an extremely important phase of our program, the rehabilitation of our patients.

We have been highly successful, not only in saving the lives of kidney failure patients, but we have also been successful in returning patients to their homes, their families and their jobs. Therefore, they are rehabilitated to lead relatively normal, productive lives.

Here are just a few examples, showing how people who were faced with death have become almost normal persons:

Kathleen Adams, 27, of Canby holds down a full-time job as a tab operator for Peerless Trailer and Truck Service in Tualatin.

Harold Belknap, 42, is a full-time custodial supervisor for the schools in Burns.

Frank Clancy, 23 was re-trained by the Oregon Department of Vocational Rehabilitation as a welder. He has been working as a full-time welder during the past year.

Vincent Dulcich, 44, is Athletic Director at the Astoria High School. Because of his illness, he signed a half-time contract with the school system in 1969. He is looking forward to working full time next year. He is married and the father of four children.

Don Gee, 35, formerly a teacher in the Gresham school system, was retrained as a computer operator for the Multnomah County I.E.D. and works full-time. He is the father of three children.

Mrs. Kathryn McDonald, 46, of Portland is the mother of four sons. She performs all of her own housework, except for heavy chores like floor scrubbing. She cooks meals for her family of five.

Susan Morrow, 44, works full-time in the records department at the University of Oregon Medical School. Single, her brother helps her perform her dialysis "runs".

Ted M. Peterson, 53, has just returned to his home in Eugene following his 10 week training period at Good Samaritan Hospital. He is now working full-time as Manager of Sales and Service at Ultra-Tone Drapery Cleaners of Eugene.

Mrs. Barbara J. Pinkerton, 56, is a full-time social worker for the State of Oregon Public Welfare Division.

Frank Tamney, 51, is the owner and operator of a 40 acre orchard in Ashland.

Betty Jo Brown, 21, of Portland has, until recently, been working full-time at Tektronix. She has applied for a kidney transplant and on the advice of her physician has stopped work temporarily.

Nine women Kidney Association patients have been rehabilitated to take care of their homes and their families. They are: Mrs. Twila Bradshaw, Medford; Mrs. Marie Day, Klamath Falls; Mrs. Eleanor Gipe, Canby; Mrs. Delina Schonneker, Milwaukee; Mrs. R. C. Shoemaker, Albany; Mrs. Helen Strouse Troutdale; Mrs. Ruth Waggoner, Lake Oswego, Mrs. Ann Van Winkle, West Linn and Mrs. Clara Stratton, The Dalles.

Mrs. Gladys J. Fisher, 58, has just completed her training period at Good Samaritan Hospital, and will be discharged today to return to her home in Lake Oswego with her artificial kidney machine. She is already searching for employment.

Only one of our 22 kidney failure patients, James Joy of Reedsport, is unable to be employed. He has had a series of medical problems, some of them unrelated to kidney failure.

The above case histories of patients of the Kidney Association of Oregon illustrate dramatically not only the success of the training center and emergency facilities of Good Samaritan Hospital, but of our ability

to rehabilitate our patients in their home environment.

We will appreciate your assistance in securing funds for Good Samaritan Hospital so that they may continue and expand their extremely worthwhile work.

Sincerely yours,

CHUCK FOSTER,
Executive Director.

GOOD SAMARITAN HOSPITAL &
MEDICAL CENTER,
June 10, 1970.

HON. MARK HATFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: Hemodialysis for end failure renal patients was first performed in Oregon at Good Samaritan Hospital and Medical Center in 1962, in a program supported entirely by this hospital.

Aside from the program at the U.S. Veterans Hospital, we are still the only dialysis training center in the State. The University of Oregon Medical School does have a limited dialysis program as back up for kidney transplant work done there on a rather limited scale.

The program is very expensive—so expensive that no hospital can carry the cost without some outside assistance.

We have attempted to operate as a training center only—a center where a patient could be trained and then returned to the care of his own physician and hospital for further care. However, when a patient's life is dependent on dialysis and he knows the training center has the facilities and the knowledge to care for his affliction, that patient is going to return to that center in desperation whenever he is in trouble. Hence, it seemingly is impossible for a center to ever be relased from the care of a patient it has trained—and the cost continues.

About three years ago we assisted in the organization of the Kidney Association of Oregon, a non profit organization, which has been very successful in securing private gifts and state funds to assist in carrying on the program. Presently, all of our hemodialysis patients enter training through the KAO program.

The 1967 Legislature appropriated $200,000 on an emergency basis for the care of Oregon kidney patients and KOA directed the expenditure of this fund, using a portion for the cost of the training. Last year The Oregon Department of Rehabilitation appropriated $218,000 for kidney patients.

We have attempted on numerous occasions to secure support for the program through HEW of the U.S. Public Health Service. Our latest effort toward this end was an application filed in April of 1968 which was approved and lay dormant until June of 1969 when it was rejected for want of available funds. This application was filed under the provisions of Section 314(e)(1) of P.L. 89–749.

The Oregon Rehabilitation funds come indirectly from federal sources, but aside from that not one penny of federal money has ever been spent in the care of Oregon kidney patients, other than those eligible for benefits of the Veterans Administration Hospital.

Applying the statistics of the Burton and Gottschalk reports (made two years ago to the Secretary of HEW) to Oregon's population, we find that between 58 and 78 Oregon people will reach end stage renal failure a year.

The Medical Screening Committee of KAO, which passes on all patients accepted for home dialysis training, handles an average of three applications per month. Some are eliminated for medical reasons, but available funds will allow the acceptance of but *one new patient a month.*

Statistics of all the patients trained for home dialysis at Good Samaritan are not readily available, but KAO has accurate records of the patients trained since the inception of their organization. Their records show: 23 patients on home dialysis, 2 now in dialysis training, 2 deceased, 3 have had kidney transplants (two of these surviving).

When a patient is accepted for the program, he enters the hospital for cannula surgery and then goes to the Kidney Laboratory on an outpatient basis for training for a period of from six to eight weeks.

The costs during the first year range from $13,000 to $15,000. This includes the cost of hospitalization, surgery, training, a home model artificial kidney machine, drugs, supplies and medical and surgical services.

During the second and all successive years the cost averages $4000 a year. This would cover additional cannula surgery as required, drugs, supplies and physician services.

Unless the patient can undergo a kidney transplant, this cost will continue as long as he lives.

Our Kidney Laboratory now has two nurses (subject to call 24 hours a day), an artificial kidney technician, a medical director, an associate medical director and a secretary.

The Kidney Association of Oregon reimburses us for the payroll costs and we absorb some $20,000 a year plus for rent, utilities, housekeeping, accounting, administration, etc.

Nearly all of the patients have come from Multnomah and contiguous counties.

Statistics would cause us to believe there are people from other parts of the State who suffer end renal failure. Probably if a kidney program were added to the Regional Medical Program as S. 3355 would provide, many of these people might be given the benefit of a hemodialysis program.

KAO during the last six months has been actively projecting a fund raising program, which has produced some $80,000 for use in the care of these unfortunate people.

Some of the patients have insurance and some have resources of their own, but it is seldom a patient has resources sufficient to sustain them on the program without assistance.

I trust this information will emphasize the needs for some federal assistance for a hemodialysis program.

So you will have at hand more detailed information on the training and treatment program, I am enclosing the narrative portion of our last application for assistance from HEW. I am also sending along copies of supporting letters from the medical associations and the State Health Officer.

I am asking Mr. Charles N. Foster, director of KAO to give you information on the rehabilitation of these patients, who faced certain death before they entered the hemodialysis program.

If I can be of further assistance, please let me know.

Cordially,

DON FRY,
Director of Development.

P.S.—We have two young vascular surgeons who are eager to train themselves for kidney transplant work, but we have not been able to find funding for such animal laboratory studies and training.

OREGON MEDICAL ASSOCIATION,
Portland, Oreg., March 28, 1968.

DAVID BRAND, M.D.,
Chronic Disease Consultant, U.S. Public Health Service, DHEW, San Francisco, Calif.

DEAR DR. BRAND: We are advised Good Samaritan Hospital and Medical Center of Portland is submitting an application, through your office, for federal support of their renal-disease dialysis program.

This Association has followed with considerable pride the work at Good Samaritan Hospital in pioneering the development of a renal dialysis program, the building of a home dialysis unit and generally assuming the obligations, including financial, during the early months and years of this project. Dr. Otto C. Page of its Medical Staff originally stimulated the interest and carried the responsibility.

Later this activity was carried on by Dr. Richard F. Drake and now since Dr. Drake has been called into military service, Dr. Charles Martinson is the physician in charge. The program at Good Samaritan continues to be under the direction of highly motivated and competent physicians.

It is strongly recommended that the application of Good Samaritan Hospital for federal support of this dialysis program be approved.

Very truly,

GLENN M. GORDON, M.D.,
President.

GOOD SAMARITAN HOSPITAL &
MEDICAL CENTER,
Portland, Oreg., February 23, 1968.

DAVID BRAND, M.D.,
Consultant Chronic Disease, U.S. Public Health, DHEW, San Francisco, Calif.

DEAR DOCTOR BRAND: The medical staff of Good Samaritan Hospital & Medical Center is fully cognizant of the work in hemodialysis being carried on in the dialysis training center at this hospital.

This program has the support and endorsement of the medical staff. We would further recommend this program for support of the federal government in accord with the application being filed by the hospital with Charles Martinson, M.D., as the project director.

Cordially,

JOHN O. BRANDFORD, M.D.,
Chief of the Medical Staff.

OREGON STATE BOARD OF HEALTH,
Portland, Oreg., November 10, 1967.

DAVID BRAND, M.D.,
Medical Consultant, National Center for Chronic Disease Control, U.S. Public Health Service, Department of Health, Education, and Welfare, Federal Office Building, San Francisco, Calif.

DEAR DR. BRAND: Mr. Fry has recently made available to me a copy of their application for a project grant for home hemodialysis training for Oregon renal patients requesting a letter of endorsement to you.

Their hospital has, I believe, pioneered in the area of home renal dialysis and in the revision, modification and simplification of the equipment involved. The project, as described, appears to have an excellent potential for some valuable training for both practicing physicians and the house staff at Good Samaritan Hospital. It should also significantly increase the number of patients for whom this life-prolonging procedure would be made available and, at the same time, reduce the cost and allow it to be performed in their own homes. I would hope that, in the future, training in this activity would also be made available to students and faculty at the Medical School in Portland, and I feel confident that the officials at Good Samaritan Hospital would be sympathetic toward this.

I see this proposed project as an excellent expansion of activities that they have promoted assiduously and would not hesitate to strongly endorse their application.

Sincerely,

EDWARD PRESS, M.D.,
State Health Officer.

P.S.—I thought you might be interested in the attached copy of a newspaper clipping on "Kidney Rent Inaugurated" (in Washington, D.C.).

OFFICE OF THE GOVERNOR,
Salem, Oreg., October 25, 1967.

Dr. DAVID BRAND,
Chief, Chronic Disease Section, U.S. Public Health Service, San Francisco, Calif.

DEAR DR. BRAND: The care of Oregon people suffering from chronic renal disease, requiring dialysis, is a matter of grave concern to me.

The recent session of our Legislature made an emergency appropriation to aid in the care of these people. We are well aware, however, that this fund is not sufficient.

The State money for treatment of chronic kidney disease is being administered by the Kidney Association of Oregon, which is cooperating in the training and treatment program being carried on at Good Samaritan Hospital & Medical Center in Portland.

The Good Samaritan Hospital program is the only training and treatment program in Oregon. The physicians and nurses at Good Samaritan have sustained the life of a number of our Oregon people confronted with end-renal failure.

We have confidence in this program; and I would commend it to you as you review the application, which I understand is being made, for U.S. Public Health funds for support of the renal dialysis work at Good Samaritan Hospital & Medical Center.

Sincerely,

JOHN MCCALL,
Governor.

KIDNEY ASSOCIATION OF OREGON, INC.,
Portland, Oreg., October 23, 1967.

U.S. PUBLIC HEALTH SERVICE, DHEW,
Region IX,
San Francisco, Calif.

GENTLEMEN: The Kidney Association of Oregon, the only civic group in this state organized to give financial assistance to people with end-failure kidney disease, is cooperating in the hemodialysis training program at Good Samaritan Hospital & Medical Center in Portland.

Our organization was selected by the recent session of the Oregon Legislature to administer state funds appropriated to assist the kidney dialysis program in Oregon. These funds and money supplied from volunteer community efforts are available for support of renal patients and are being used to assist patients in the Good Samaritan Hospital program.

Our organization is to sponsor public appeals for funds in various parts of the state for support of the dialysis program.

We are familiar with the application being made by Good Samaritan Hospital & Medical Center for funds under the provisions of P.L. 89–749 and are committed to provide the major portion of the "applicant's share" of the costs of this program.

We believe this dialysis training and treatment program is essential and it has our full endorsement. However, without federal support as requested by this grant, we can see no way at the present time of carrying out this program, so urgently needed in Oregon.

Sincerely,

CHARLES N. FOSTER,
Executive Director.

HOME HEMODIALYSIS TRAINING FOR OREGON RENAL PATIENTS

INTRODUCTION

This project, submitted under the provisions of Section 314(e)(1) of the Public Health Service Act, as amended by Public Law 89–749, requests a U.S. Public Health grant to assist Good Samaritan Hospital & Medical Center in Portland, Oregon and the Oregon Kidney Association to provide hemodialysis treatment and training for residents of this area with chronic renal disease.

Over a period of five years Good Samaritan Hospital & Medical Center has, without government funds, developed a well recognized hemodialysis program. A substantial portion of the cost has been carried by the Hospital, some community funds, a limited amount of State funds and the resources of patients have contributed.

Recently the Oregon Kidney Association was formed to secure financial assistance for persons suffering chronic kidney affliction.

Patients determined to be physically and psychologically suitable for hemodialysis would be trained at the Good Samaritan Center and then released for home dialysis and returned to the care of their own physician.

This proposal asks U.S. Public Health Service to share the cost of training and supplies for endstage renal patients, accepted in the program, during the first year of dialysis. The Kidney Association of Oregon will assume the responsibility for the patients after the first year, although every effort will be made to utilize the resources the patients and their families may be able to provide.

The Oregon Kidney Association is now administering $150,000 of State funds appropriated for patient care during the biennium. Community funds have been raised and the Association contemplates additional fund raising appeals.

The project anticipates the admission of one new patient a month, with a total of 12 to be trained each year.

Attached is a copy of Good Samaritan Hospital's indirect cost agreement with the U.S. Public Health Service. The agreement approves an indirect cost rate of 23.58%. This rate does include fringe benefits, which amount to 13 percent of the payroll and which are included in the budget for this project.

1. PROJECT OBJECTIVES

This project proposes to continue and perfect an existing home hemodialysis training program. Medically suitable patients selected by a medical screening committee will be admitted to the program at the rate of one per month. Each patient will be supplied with hemodialysis equipment and accessory supplies sufficient for 12 months of home treatment. The patient will be trained for an eight-week period and then returned to his home.

The project further proposes to facilitate the integration of the techniques of chronic hemodialysis and management of chronic uremia into the various health services within the state of Oregon. Each patient will be returned to his home town to be managed medically by his local physician; when hospitalization is necessary every effort will be made to have the patient admitted to the local hospital used by the local physician.

2. PROJECT EVALUATION

The results of this project will be easily evaluated by reviewing several routine records of patient progress. Composite records with a narrative summary will be submitted semi-annually to interested agencies.

Patients will maintain daily log books which will note general condition and equipment problems or failures. Medical data such as weight, diet, blood pressures, need for blood transfusions, and blood chemistries will be recorded. These records will be kept in duplicate and one copy will be sent to the training center at monthly intervals.

Patients will be required to visit their local physician once monthly, and take with them their copy of the daily log book. The medical director will communicate once monthly with the local physician regarding patient progress, data in the log book, and recent knowledge which may apply to the patient. Records of these communications will become part of the training center's records.

The patient will be required to revisit the training center once every three months. At this time a review of medical and equipment problems will be possible. Any necessary revision of techniques can be accomplished during this one-day period.

The project has a built-in continuation evaluation process, resulting from the use of consultants from leading kidney centers on the West Coast. One of these consultants comes from the University of Washington Kidney Center in Seattle, and the other from the San Francisco center, and each will make bi-monthly visits to the Good Samaritan Center to appraise the work being done. In their capacity as consultants, they will be in a position to not only evaluate the program, but to make suggestions for improvements for better patient care and to recommend the use of new drugs, chemicals and equipment, which may be developed.

These same factors will be observed by the project director in travel to other nearby centers and to the annual meeting of the American Society of Artificial Internal Organs.

Further evaluation of the program will come from its acceptance by physicians of the state and by participation of other hospitals in the care of rental patients trained in the program.

3. PROJECT NEED AND BACKGROUND

Statistics from the Burton and Gottschalk reports indicate that Oregon's population will produce fifty-eight to seventy-eight patients yearly coming to end-stage renal function. Recent experience of the Medical Screening Committee reveals that there are monthly two or three patients considered for home hemodialysis.

The state of Oregon has only three hospitals currently able to offer long-term treatment of the patient with terminal irreversible uremia. In the Veterans Administration Hospital in Portland there is a center dialysis unit and a recently initiated transplant program. The University of Oregon Medical School has completed ten kidney transplants as of March 1, 1968; this unit has its own dialysis backup program.

The dialysis training center at Good Samaritan Hospital & Medical Center is the only other hospital offering chronic dialysis, and is the only hospital offering training in home hemodialysis.

Hemodialysis in Portland, Oregon was first performed at Good Samaritan Hospital & Medical Center in 1962. This initial program was supported in total by the hospital. The formation of the Columbia Regional Artificial Kidney Center offered hope that funds from public donation could augment this initial program which was center-oriented.

The former medical director of the training center, Dr. Richard Drake, collaborated with Mr. Charles Willock to develop a proportioning dialysate delivery system which made possible in 1965 the first home hemodialysis in Oregon. The Drake-Willock system is currently used around the world for center and home hemodialysis.

In 1967 the Oregon State Legislature appropriated $150,000 to be used "exclusively for the benefit of Oregon residents requiring dialysis treatment." This money was allocated to the Kidney Association of Oregon, Inc., a newly formed organization which replaced the less effective Columbia Regional Artificial Kidney Center.

Since July, 1967 the Kidney Association has solicited public funds to augment the funds apportioned by the State Legislature, and has been successful in doing so. The goal of this organization has been to accept one patient monthly for home hemodialysis training and on-going treatment.

The goal of the Kidney Association is to provide training and treatment for all Oregon patients accepted for dialysis. Although

the community has responded generously, this program is not possible without substantial government assistance.

Selection of patients for this program is the purpose of a medical screening committee sponsored by the Multnomah County Medical Society and the Oregon Medical Association. Accepted patients are referred to the Good Samaritan Hospital & Medical Center for initial treatment and subsequent training.

As of March 1, 1968 nine patients trained at Good Samaritan Hospital are in their homes utilizing home hemodialysis. Two other patients are in training now. The Kidney Association of Oregon has sponsored eight of these patients, and the Seattle Artificial Kidney Center supports another. The remaining two patients are privately supported. All patients were approved by the medical screening committee. All patients are managed by their private physicians, with consultations available from training center personnel. The resident staff at the University of Oregon Medical School is functioning as the "local physician" for one patient.

Local hospitals have cooperated in the continuing care of these patients. The Good Samaritan Hospital training center has sent its personnel to several hospitals in this city and elsewhere to train local nurses, technicians, and physicians in the use of hemodialysis equipment used by the patients.

Training of local physicians in home hemodialysis and in the management of the patient with chronic uremia has been the function of the medical director. This has been effected by the aid of the training center for on-site familiarization with equipment, scheduled lectures, and by the distribution of the Physicians' Manual for Treatment of Chronic Uremia (University of Washington). Funds to purchase the latter have come from a small grant by the Collins Foundation of Portland, Oregon.

This existing program was initiated by Dr. Richard Drake while he was chief medical resident at Good Samaritan in 1962. Dr. Drake continued to improve the program after he entered private practice. He is the individual primarily responsible for the present training center. Dr. Drake was inducted into military service in January, 1968.

Dr. Otto Page, as Chief of Medicine, Good Samaritan Hospital, was instrumental in directing Dr. Drake to this project, and Dr. Page has acted as senior advisor to the program since its beginning.

4. METHOD OF PROCEDURE

All patients admitted to this program must have approval by the medical screening committee. Patient acceptance is determined by medical and psychological factors only.

Most patients are presented to the committee before the need for dialysis exists. Dialysis is initiated when the creatinine-clearance falls below 5 ml per minute, or when the patient develops complications such as uremic pericarditis, peripheral neuropathy, or metabolic bone disease.

When dialysis becomes necessary, the patient is admitted to Good Samaritan Hospital. An external arterio-venous shunt of polyvinyl and teflon tubing is inserted by a surgeon skilled in the use of this material. We prefer the lower arm site for the cannula because of the fewer days of hospitalization required during cannula healing.

Approximately one week is spent in the hospital by the patient. When his uremic state is stabilized after three dialyses over a seven-day period he is discharged to the training unit as an out-patient.

Out-patient training requires from six to eight weeks. The patient is dialyzed Monday, Wednesday, and Friday; he spends Tuesday and Thursday in the unit's kidney laboratory receiving practical and theoretical instruction regarding dialysis and the uremic state.

Family members are admitted to the unit for short visits only during the first four weeks of training. These individuals are required to be present during the last two to four weeks of training; the patient will by this time be able to instruct his relatives in proper dialysis techniques. Staff members will supervise the entire procedure but will gradually withdraw from active participation as the patient and his assistant become proficient in self-care.

By the time the patient is ready to return to his home for hemodialysis his equipment will be installed by the technician. Prior analysis of water pressure and water calcium content will have been accomplished, and appropriate measures taken if indicated.

A nurse will be available in the home for the first dialysis only. The family physician is encouraged to visit the home sometime during the first dialysis.

A. Patient selection

Patient selection is performed by the medical screening committee which meets monthly in the office of the Multnomah County Medical Society. Details on committee members are included as an addendum. Efforts are being made to include members from more distant cities in Oregon.

Patient presentation to the committee is required to be made by letter or in person to the patient's private physician; this physician must agree to assume the management of medical problems after patient training has been completed. Satisfactory evidence of current medical status must be accompanied by sufficient historical and laboratory data necessary to determine the patient's need for dialysis. Renal biopsy information is requested but not mandatory. Coexistent disease is carefully searched out and appropriate consultants requested if indicated.

A social and psychiatric evaluation of the patient and his family is performed if there appears to be no medical contraindication to dialysis. Social screening is performed at present by a professional social worker in private practice in Portland. Psychiatric evaluation is performed by or under the supervision of the Department of Psychiatry at the University of Oregon Medical School.

No patient is selected until his condition indicates an immediate need for dialysis. The screening committee has several cases tabled for monthly reviews. (Many patients screened have benefited from helpful suggestions to family physicians regarding current concepts of conservative medical management of chronic uremia.)

An acceptable patient must be one who is a stable, emotionally mature citizen of Oregon residing in the state for at least six months. The candidate's age must be 15 to 50 physiologically. He must not be afflicted by other chronic disease unrelated to renal disease. Specifically, the candidate must not suffer from diabetes mellitus, cerebral aneurysm, or permanent neurologic deficit which would preclude rehabilitation as a useful family member. He cannot live alone.

B. Patient training

While hospitalized for cannula insertion and initial dialysis the patient will be introduced to general principles of dialysis; particular attention will be given to cannula care and diet. After discharge the patient will enter six to eight weeks of training. The training manual is added as an addendum.

Training curriculum

Week 1: Correct hand washing and its importance; basic principles of aseptic techniques; the cannulas—their structure, function, care, problems; measurement of the blood pressure; the artificial kidney—structure and function; collection of blood samples from the cannulas; weights and measures used in dialysis; syringes and needles—size, how to use; basic information about the dialysate delivery system; diet instruction.

Week 2: The dialyzer—cleaning, building, sterilizing and rinsing it for a run; initiating and discontinuing dialysis; administration of blood, normal saline, and medications during dialysis; problems which may occur during dialysis—hypotension, chills and fever, ruptured membranes, clotting; measurement of hyparinization—Lee & White clotting times; dialysate delivery system—safety devices, alarm and warning lights—what to look for and what to do when they indicate trouble; diet instruction.

Week 3: Preparation of the dialyzer and dialysate delivery system for dialysis: initiating and discontinuing dialysis; testing the chloride content of the dialysate; dialysate delivery system—mechanical problems; drawing blood cultures; declotting the cannulas; diet instruction.

Week 4: Preparation of the dialyzer and dialysate delivery systems for dialysis; initiating and discontinuing dialysis; monitoring the run—clotting times, administering blood, saline, etc., chloride tests; sterilization of supplies at home; record keeping—important items to note—accuracy.

After the first four weeks of intensive training, the patient and his family member will be prepared to begin taking more responsibility for the runs, cleaning up the equipment, keeping their records, etc. The staff of the unit will permit them to be as much on their own as possible, so that they will become accustomed to performing all tasks required before discharge from training.

C. Laboratory use during dialysis

The addendum contains a schedule of laboratory tests desirable during training and after. During the training period all laboratory tests will be done in the central laboratory of Good Samaritan Hospital & Medical Center.

Frequent notation of blood chemistries is necessary during early dialysis; less frequent determination suffice after the individual patient's pattern is established.

The Multichemistry is a 12-channel autoanalyzer technique used for monthly surveys of slowly-changing chemical values. This battery of determinations includes: Blood Urea Nitrogen, Calcium, Inorganic Phosphorus, Alkaline phosphatase, total protein, albumin, uric acid, cholesterol, bilirubin, SGOT, SLDH, and Glucose. This monthly analysis will aid in the diagnosis of anicteric hepatitis and metabolic bone disease.

Transfusions of packed red cells will be given only when the hematocrit is below 18 to 20%. Post-dialysis BUN values of 40 or less are desirable. Pre-dialysis potassium levels should be 6 meq per liter or less. Pre-dialysis creatinine levels should be less than 12 to 14 milligrams per 100 cc blood.

Serum iron determinations will discover those individuals having excessive blood requirements secondary to ion deficiency.

Electrocardiograms and chest X-rays are done routinely. Hand X-rays are done to aid in the detection of bone disease. Urine culture and colony counts are performed routinely every two months because of the susceptibility these patients have to urinary tract infections.

D. Training of the patient's family physician

Each physician is given a copy of the Physicians Manual for Treatment of Chronic Uremni (University of Washington School of Medicine). Experience has shown that any physician who has a background of general medicine (internal medicine) and who is capable of caring for the patient with a chronic illness can successfully manage the patient on chronic hemodialysis.

The physician is not expected to have a thorough understanding of the dialysate delivery system. He must have an understanding of various physiologic changes which occur during dialysis. He will be required to make decisions regarding cannula function, blood requirements, fluid and salt restrictions, hypertension and hypotension, and febrile reactions. An awareness of signs and symptoms of defects in iron and calcium metabolism, peripheral neuropathy, and pericarditis is required.

Physicians of patients living more than 50 miles from the unit can obtain sufficient training in one or two visits to the training unit. Continued consultations with the medical director will reinforce information contained in the training manuals.

Because patients living in the greater Portland area have shown a tendency to consult the training unit rather than their family doctor a different approach is to be used. These physicians will make daily rounds on their patients during the last two to four weeks of training. The physician will thus make decisions regarding dialysis while the patients is still under the care of the medical director. It is hoped that this will give the patient more confidence in his family physician and will eliminate direct consultation between patient and training unit except for quarterly reviews.

E. Home preparation of dialysis

Prior to completion of patient training the technicians visits the patient's home for supervision of plumbing facilities in the "dialyzer room." The equipment is installed by the technician and is retested prior to use. If local water pressure is less than 40 pounds per square inch, a supplemental pump is installed. If the home water supply contains more than 0.6 milliequivalents per liter of calcium a sodium-exchange water softener must be installed.

F. Dialysis equipment used

Basis equipment used includes the Drake-Willock proportioning dialysate delivery system and the Kiil flat-board dialyzer. A copy of the Drake-Willock owner's manual is enclosed in the addendum.

G. Patient follow-up

The patient will keep a daily log of certain observations; a copy of the daily log sheet is contained in the addendum. These sheets will be kept in a hard-bound book which the patient will take to the doctor's office each visit. In addition, once monthly a copy will be sent to the training center.

The patient will make routine monthly visits to his physician. Once every three months he will visit the training center for review of medical status and dialysis techniques.

The technician will make home inspections at least once every three months, and monthly when possible or when necessary. In addition to inspection of dialysis equipment he will review with the patient any problems in procuring dialysis supplies and will make suggestions accordingly.

H. Hospital admissions following the training period

Cannula care and recannulation should be performed by a surgeon who has experience with problems peculiar to external shunts. Thus, until experience is obtained elsewhere in Oregon, it is anticipated that patients will return to Good Samaritan Hospital for cannula surgery. The Hemodialysis personnel will be able to offer dialysis during this period.

When interested surgeons so indicate, every effort will be made to encourage their participation in recannulation or in primary cannula insertion.

Hospitalization for other problems should be in the patient's home town, under the care of the family physician. Personnel from the training center will assume initial dialysis responsibility and will train people in local hospitals to supervise dialysis. Each patient will have at least one expert who should be utilized whenever possible; this is a relative, usually spouse, who assists in dialysis in the home.

5. PARTICIPATION OF OTHER AGENCIES

Support for this program has come from many sources within the state; both lay and professional groups have cooperated thus far and have indicated future continued efforts to improve treatment of persons with chronic irreversible renal failure.

The Multnomah County Medical Society and the Oregon Medical Association have both officially endorsed the project. (See letters attached) These professional groups have made possible the medical screening committee for the selection of patients for hemodialysis treatment, as described elsewhere in this narrative.

The Oregon State Board of Health has endorsed the program, as indicated by the attached letter from Dr. Edward Press, state health officer. Dr. William Wright, director of the chronic disease section of the State Board of Health has actively worked in support of both the project and the preparation of this application.

The approval of the official Oregon state government is indicated by the attached letter of endorsement from the Honorable Tom McCall, governor of the State of Oregon.

The Oregon State Legislature recognized an immediate need for dialysis treatment for Oregon residents with end-stage renal disease by appropriating $150,000 for this work during the biennium, July 1967–July 1969. This fund is being administered by the Kidney Association of Oregon through the Good Samaritan training program. The continuing interest of the State of Oregon in providing dialysis for Oregon kidney patients is indicated by the attached letter from State Senator Ted Hallock.

The University of Oregon Medical School has officially, by letter of endorsement, and unofficially, by cooperative patient care, been involved with this training program. Two members of the screening committee are on the full-time faculty of the Medical School.

The Kidney Association of Oregon, an organization of civic minded business and professional men, has as its purpose the raising of funds to provide dialysis equipment and hemodialysis treatment for suitable Oregon residents suffering from terminal renal disease. This organization is committed to the support of the Good Samaritan Hospital & Medical Center home hemodialysis training center as indicated in their letter attached as Addendum No. 13.

During April the Kidney Association of Oregon organized a subchapter in Eugene, for fund raising purposes; it is anticipated other chapters will be organized throughout the state.

All but one of the major Portland hospitals have cooperated in the continuing care of renal patients trained in this program. Several hospitals in other parts of the state have also accepted patients trained at the Center. There is no contractual arrangements with these hospitals; they have accepted patients in response to the patient's own physicians after the conclusion of the training period. However, personnel from the Good Samaritan Center have gone to some of these hospitals to teach the paramedical staff the techniques of dialysis.

Evidence of progress in technique and general acceptance of the dialysis patient on the wards of the hospitals is encouraging. There is no reason to believe the other hospitals in Portland and in other cities of the state will not become involved in the treatment of dialysis patients when the opportunity presents itself.

Private physicians from varied specialties and general practice have individually endorsed this program by offering continuing care for their patients after training.

6. PROJECT CONTINUATION

It is anticipated there will be a continuing need for a hemodialysis program, Progress in renal transplantation is encouraging, but does not offer the ideal treatment for all patients. Dialysis techniques and skills acquired in local hospitals during the duration of this project will, no doubt, be important to future transplant programs and to maintenance of patients prior to transplant or not suitable for transplant.

The Kidney Association of Oregon is organized on a permanent basis to supply funds to assist patients in hemodialysis training and on-going care. The board of trustees of the Kidney Association of Oregon has voiced recognition of future transplant activities as a natural evolution of the present singular function performed at this time.

An organ transplant program, to be conducted at Good Samaritan Hospital & Medical Center, has been authorized by the Board of Trustees of the Hospital. When the surgeons involved enter this phase of the program, the dialysis work of the Center will offer support.

The Kidney Association of Oregon is presently organizing chapters in various cities of the state for the purpose of enlarging its scope of financial support.

Several of the renal patients, accepted in the present program, have come from cities in other parts of the State. On each of these occasions, a local chapter has been organized in the community for the purpose of providing funds to be administered by the Kidney Association of Oregon.

The organizational program includes alerting newspapers, radio and television stations, and directing a full scale publicity program in a fund raising effort.

This type of program is to be continued in addition to the organization of local chapters in other communities.

The interest of the official State government in the welfare of end failure renal patients is continuing, as evidenced by the attached letter from State Senator Ted Hallock. Senator Hallock was a co-sponsor of the bill which appropriated state funds for renal patients during the last legislative session.

During the period of the grant, both the Oregon Kidney Association and Good Samaritan Hospital & Medical Center will continue to explore all possible sources of new revenue to support a continuation of this program.

Potential sources of support include: the Comprehensive Health Program, the Regional Medical Program, additional funds from the State of Oregon, funds from both state and federal rehabilitation programs, Title 19 of the Medicare program, insurance programs, support from the United Good Neighbors, grants from private foundations, local philanthropy and further development of the fund raising efforts now being conducted throughout the state by the Oregon Kidney Association.

7. PROJECT STAFFING

The Good Samaritan Dialysis training center is an operating function with adequate staff available to immediately carry out the program as outlined in this application.

Dr. Charles L. Martinson, the project director, is an internist, who has taken special post graduate training in hemodialysis for end-stage renal patients, under Dr. Belding Scribner at the University of Washington. Since January 1, 1968, he has been the medical director of the Good Samaritan Center. Prior to that time, he worked closely with Dr. Richard F. Drake, who previously directed the Center.

Dr. John F. Hayes, who would provide the cannula surgery, has been serving in this capacity since the inauguration of dialysis

training at Good Samaritan in 1962. Under this program he would devote 10% of his time to staff service, and would bill for each cannula surgery at a nominal fee.

Dr. Otto Page, an internist who has been identified with the Good Samaritan dialysis program since its inception, would continue to serve as a medical consultant.

Dr. Christopher Blagg of the University of Washington home hemodialysis program, and Dr. Bernice Barnett, who is now working in a kidney program in San Francisco, are also to serve as consultants to the Good Samaritan Center. Either one or the other will visit the Portland Center, at sixy day intervals.

Miss Jeannie Lawrence, R.N., the chief kidney nurse in the project has occupied this position in the Good Samaritan program for four years. Her experience includes the care of both chronic and acute renal problems requiring hemodialysis. During this period she has continually been engaged in the training of patients for home dialysis and has assisted other hospitals and centers in the establishment of dialysis programs, and has demontrated the use of artificial kidney equipment.

The other two registered nurses, affiliated with the project, have had special training in hemodialysis under Miss Lawrence, Dr. Drake and Dr. Martinson.

Robert L. Eash, the chief kidney technician, has served three and a half years in this capacity at Good Samaritan's center. His work in the training of patients in "building the artificial kidney", care and maintenance of the equipment and in applying the solution concentrates, has been very effective.

An assistant kidney technician is used and is needed particularly when the Center has several patients, for relief, and when the Center personnel is away on training missions.

8. FACILITIES AVAILABLE

The training center is located on the second floor of a building originally constructed as a dormitory for the Hospital's school of nursing. This building is directly across the street from the main hospital. The entire East wing of the second floor of this building is used exclusively as a hemodialysis training facility for patients with end-stage renal disease. There are eight rooms in the suite, as well as dressing, shower, and lavatory facilities for patients and family members. The unit occupies a total of 2200 square feet of floor space. (Floor plan attached)

Three of the rooms in the suite are specifically designated as patient rooms, used for the training of an individual patient and his relative. A fourth room, presently used as an examination room, could be easily converted into a patient treatment room. Individual dialysate supply systems are used for the patients, each patient receiving his training on the equipment which he subsequently takes home with him. Each patient room is equipped with a water supply and a drain to accommodate the single-pass dialysate delivery unit. The electrical power supply for each dialysate delivery system is separate from the main power supply for the rest of the building. The chemical content of Portland's water makes it adequate for use in dialysis without special treatment.

One room in the suite is used as a "kidney laboratory" for the building, maintenance, and storage of the Kill dialyzers. There are two sinks with attached drainboards to permit the "building" of two dialyzers at the same time. The facilities closely resemble those found in the home.

Another room of the unit is used for storage of consumable supplies, storage of extra equipment, and for the general use of the technician who is in charge of storage and inventory maintenance.

Inasmuch as the analytical determinations required by the project are made in the Hospital's central laboratory, no separate laboratory facilities are required.

The last two rooms of the suite are designated as offices. One of these accommodates the medical director, the other is utilized by the nursing and technician staff.

9. PROJECT BUDGET

This is primarily a home hemodialysis training program and the financial obligation of the project to a patient is confined to the periods of hospitalization for cannulation, eight weeks of training and ten months of dialysis in the patient's own home. Consequently the budget does not reflect a pyramiding cost of the type to be anticipated if the perpetual care of the patients is charged to the project.

Following the period specified in this application, the patients will be dependent upon their own resources, insurance and support supplied by the Kidney Association of Oregon. The Kidney Association of Oregon will have increasing costs each year in maintaining patients, but these costs are not applicable to this budget, and except as indicated, these costs will occur after the end of the project's responsibility to the patients.

Because the project does not involve continual on-going care for the patients the cost of training and maintaining the patients on home dialysis reaches its peak in the second year. Consequently the budgets for the second through fifth year of the project are much the same. Provision is made for salary increases during these years.

A degree of mortality among end-stage renal patients is recognized in the equipment demands of the budget for the third through fifth years. During the third and succeeding years it is anticipated that a portion of the artificial kidney units, dialysers and pumps can be recovered for reassignment to new patients. Probably much of this equipment will require factory reconstruction; however, a savings of 10 percent in the cost of equipment purchase is projected.

The budget makes provision for three consultants. Dr. Page practices in Good Samaritan Hospital and is available for consultation at all times. Dr. Blagg is affiliated with the University of Washington Kidney program and the budget provides an annual stipend of $1,500 for his service, plus travel costs from Seattle for bi-monthly visits to the Portland Center. Dr. Barnett is associated with a kndney center in San Francisco. The budget also provides an annual fee of $1,500 for her with additional provision for her travel to Portland six times yearly.

A list of the equipment included in the kits to be supplied each patient is detailed in Addendum No. 2.

The laboratory procedures required during the training period are listed in Addendum No. 3.

The laboratory procedures or tests to be made during the ten month period of home dialysis are detailed in Addendum No. 4. It is anticipated these tests will be made in the patient's home town under the direction of the patient's attending physician, whenever possible.

Details of the costs of both original and recannulation procedures are listed in Addendum No. 5.

The costs of supplies, chemicals, laboratory determinations, drugs, etc., for the first year are based on 23 patient months of training and 55 patient months on home dialysis. During the second and succeeding years the budget provides for 24 patient months of training and 120 patient months of home dialysis. Supplies used during training are listed in Addendum No. 7. The monthly supply needs during home dialysis are listed in Addendum No. 6.

Each patient and his physician will be supplied a copy of the Center's "Patient Manual" on dialysis procedure, at a cost of $5.00 per copy. The physician attending each patient will be supplied a copy of the University of Washington's "Physicians' Manual" at a cost of $2.50 a copy.

The budget provides $500 a year each for the project director and the chief kidney nurse to attend the annual meeting of the American Society of Artificial Internal Organs and an additional $500 for use of the project director to visit other kidney centers to observe any new treatment techniques or newly devised equipment being used.

Mr. WILLIAMS of Delaware. Mr. President, I hope the Senate approves this amendment. It does not destroy the bill or its objectives. The bill, as it now stands, would provide $516,800,000 for 1971, $621,700,000 for 1972, and $737 million for 1973. I will not mention 1974 or 1975 which were added in the Senate bill but not in the House. Altogether for the 3 years the amount would be $1.874 billion.

The adoption of this amendment, rolling the Senate figure back to the House figure for those 3 years, would reduce the amount by $125 million or to about $1.7 billion. Certainly rolling the figure back $125 million to the House figure is not being unrealistic nor is it trying to destroy the program.

Mr. President, I wish to refer to the statement of the Director of the Budget which was received by me under date of August 31 of this year, and I refer to their comments on this bill, S. 3355. I shall not read the entire letter, but it is summed up in this one sentence:

> However, in light of the serious fiscal situation now foreseen, we think the authorization levels currently contained in S. 3355 are not realistic.

They do not support it in the present form. This amendment merely rolls the amounts back to the House figure, with a cut in 1971 of $25 million, in 1972 of $50 million, and in 1973 of $50 million, for a total of $125 million over the 3-year period.

I think the very least the Senate can do, realizing the serious deficit with which we are confronted, is to agree to the amendment.

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware (Mr. WILLIAMS) on page 10, lines 8, 9, and 10. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Idaho, (Mr . CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the

Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Maine (Mr. MUSKIE) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa, (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

The Senator from Kentucky (Mr. COOPER) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Colorado would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Vermont (Mr. PROUTY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Vermont would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Texas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 8, nays 48, as follows:

[No. 284 Leg.]

YEAS—8

Bellmon	Griffin	Thurmond
Curtis	Hruska	Williams, Del.
Dole	Miller	

NAYS—48

Allen	Hart	Pastore
Allott	Hatfield	Pearson
Anderson	Holland	Pell
Baker	Hollings	Percy
Bayh	Inouye	Proxmire
Byrd, W. Va.	Javits	Randolph
Case	Jordan, N.C.	Saxbe
Cook	Jordan, Idaho	Scott
Cranston	Long	Smith, Maine
Eagleton	Mansfield	Smith, Ill.
Eastland	McClellan	Sparkman
Ellender	McIntyre	Spong
Ervin	Mondale	Stennis
Gore	Moss	Stevens
Gravel	Nelson	Talmadge
Harris	Packwood	Yarborough

NOT VOTING—44

Aiken	Fulbright	Montoya
Bennett	Goldwater	Mundt
Bible	Goodell	Murphy
Boggs	Gurney	Muskie
Brooke	Hansen	Prouty
Burdick	Hartke	Ribicoff
Byrd, Va.	Hughes	Russell
Cannon	Jackson	Schweiker
Church	Kennedy	Symington
Cooper	Magnuson	Tower
Cotton	Mathias	Tydings
Dodd	McCarthy	Williams, N.J.
Dominick	McGee	Young, N. Dak.
Fannin	McGovern	Young, Ohio
Fong	Metcalf	

So the amendments of Mr. WILLIAMS of Delaware were rejected.

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, I intended to offer another amendment, but in the light of the recent vote, which I am sure illustrates the sentiment of the Senate, I shall not offer it; I abide by the Senate's decision. I merely point out that we shall be voting here on a bill providing $3.594 billion over a 5-year period. The House bill had provided for a 3-year period a total of $1.874 billion. The Senate bill, on the same 3-year period, would increase the authorization in the House bill by around $350 million to $400 million. In addition, the Senate bill adds $1.7 billion for the 2 years beyond the House bill. Altogether the bill we are voting on will cost about $2 billion more than the two comparable bills sent over by the House of Representatives.

The Senate has made its decision, but I think it is unfortunate; and I quote again the statement of the Director of the Budget:

> In the light of the serious fiscal situation now foreseen, we think the authorization levels currently contained in S. 3355 are not realistic.

They go on to point out that the figures in the Senate bill are so far above the budget that they cannot support them.

Mr. YARBOROUGH. Mr. President, I point out that this 3½ billion is for the fight against cancer, heart disease, stroke, and other major diseases, and that averages out, for the 200 million American people, to an average expenditure of about $2.50 a year per citizen, to try to help fight these wasting diseases so seriously affecting the American people.

When we consider that it costs $146,000, by the Defense Department's figures, to kill one Vietcong, I think this is a very modest expenditure in behalf of the American people.

Mr. WILLIAMS of Delaware. Mr. President, I agree that we need to consider the health of our Nation, and I only hope none of the taxpayers when they realize the size of the tax bills created by this extravagant Congress will have heart failure.

Mr. CRANSTON. Mr. President, I rise in support of S. 3355.

First, I would like to congratulate the distinguished chairman of the Labor and Public Welfare Committee, Senator YARBOROUGH, who is also chairman of the Health Subcommittee, for his outstanding leadership in developing S. 3355. The bill as reported out by the committee will make substantial improvement in the operation of several basic health programs, and I believe Senator YARBOROUGH deserves great credit for this achievement.

I certainly do not need to bring to the attention of the Members of the Senate the acute shortages our Nation faces in all aspects of medical care—health manpower, health care facilities, health services, health training, and health research facilities. These shortages all cause critical deficiencies in the delivery of health care to the individual in the community. Congress, in the past 5 years has taken some dramatic legislative steps to forestall the collapse of our so-called "health system," and with very promising results, by providing for greater utilization of existing and projected facilities and resources through planning mechanisms and cooperative efforts built into the community health structure. Among these enactments were those creating comprehensive State health planning—CHP—and regional medical programs—RMP. Both of these programs are extended in S. 3355.

Mr. President, I would like to discuss several amendments to S. 3355 which I offered and which were accepted unanimously in committee. First were amendments—in sections 106(2), 108(3), and 220(6) of the bill—to provide for the representation on an ex officio basis of the Veterans' Administration on the advisory bodies to State health planning agencies and regional medical programs, as well as on the RMP National Advisory Council.

One common base of RMP and CHP programs is a firm foundation in existing community medical resources with the goal of expanding and coordinating these resources to improve the health care provided to the members of the community.

The hospital and other medical facilities of the Veterans' Administration also have a vital interest in the development of the community's health resources. And, on their part, the communities stand to gain substantially from a closer association with this most extensive of Federal health systems. The

beneficiaries of the Veterans' Administration have close ties with the community through their families, and, of course, are themselves members of the community; thus the state of their health is closely related to the health of other members of the community, and planning for health care delivery in the communities is incomplete if it does not take into account the services provided by the VA facilities.

These services and facilities are extensive, and the number of individuals served each year is sizable. The Veterans' Administration has 166 hospitals in the United States, whose total daily census is about 85,960. In fiscal year 1971 it is estimated total admissions to VA hospitals will be 875,883, while total outpatient visits will be 7,852,000.

These VA facilities cannot operate at top efficiency when isolated from the resources of the community. In turn, the contributions these facilities make to improving medical care and increasing medical manpower are highly beneficial to the community. Half of all medical students receive a portion of their training in a VA facility. One-fifth of our physicians have received residency training at these facilities, and in all, some 40,000 professionals and paraprofessionals receive training each year in VA facilities. VA medical research has resulted in improved treatment procedures in many disease categories. Strengthening the ties between this Federal system and the community system would create a potential for even greater achievement in both sectors.

In many instances, close involvement of VA and other Federal medical facilities with community facilities and programs is already a fact, and has proven highly beneficial to all concerned. But in some areas such relationships are minimal or nonexistent. I believe that the advisory council representation I have proposed offers a sound mechanism for greater communication between, and coordination of, health programs, but not for domination of one system over the other. Thus, representation on these advisory groups would be required only where there are appropriate facilities of the VA within the geographic area involved, and such representation would be on an ex officio basis.

Mr. President, I wish to make perfectly clear that my amendments are intended in no way to dilute the authority of community representatives in developing and administering health programs, but rather to expand the community's vision to encompass all facilities within their geographical area. Neither are they intended to impose any restrictions on the VA medical system, but rather to foster greater communication between that system and community health programs for their mutual benefit.

Representation of the Veterans' Administration on the State health planning advisory councils should result in, first, better coordination of planning for facilities construction; second, better planning for costly specialized medical units; third, greater ability to determine the State's competence to train medical personnel needed for its population; and fourth, improved planning for the optimum delivery of health care of the State's residents. Informal methods of participation already exist in VA/CHP relationships, particularly in arrangements with areawide, 314(b), sponsored programs. I believe this salutary trend can be expanded by the closer relationship at the State level which S. 3355 would require.

Representation of the VA on RMP advisory councils will insure that VA treatment procedures are up to date with the most modern developments and techniques. Likewise, new techniques developed in the VA system can be immediately brought to the attention of the community. The RMP-sponsored continuing education program in the treatment and prevention of diseases will have a highly beneficial impact on all VA hospitals, particularly those in remote areas. Many of the university-affiliated VA hospitals in turn can make outstanding contributions to development of these educational programs. In the critical disease areas of the regional medical programs, treatment facilities and procedures are highly specialized and extremely costly and normally are not operated 100 percent of the time. A great opportunity exists for sharing or joint planning in the establishment of such facilities.

Important advances have been made in the extent of participation of VA hospitals in regional medical programs. Currently 72 VA hospitals are participating in 39 of the 54 operating RMP's. In many areas, these cooperative efforts have been highly successful and have encouraged a trend toward more valuable interrelationships.

In 1965, when regional medical programs were first authorized by Public Law 89–239, the bill as reported and passed by the Senate included the Chief Medical Director of the VA as an exofficio member of the National Advisory Council. Later, the Senate adopted the House bill without change, and that bill did not include VA representation. I believe the Chief Medical Director should attend and participate as a nonvoting member in meetings of this council. Certainly the Nation's largest medical system should be in communication with those who are advising on regional medical programs, and such representation, now provided for in S. 3355, would assure this communication.

The benefits of such coordination to the veteran are clearly documented in a recent article published in the Journal of Public Health, written by Dr. John W. Walsh, one of the outstanding VA hospital directors. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

During committee consideration of S. 3355, I also introduced a number of amendments which give full recognition to the important role home health care can and should play in the Nation's medical care system. I was very pleased that all were accepted by the members of the committee.

These amendments, first, include home health care programs as an integral part of regional medical programs; second, place research and demonstration projects in home health care on an equal priority with those health care methods highlighted as eligible for grants awarded for research and development in health services delivery; and third, assure that in planning for the delivery of health services at both the State and area level, full consideration be given to the potential of home health care services to meet health needs.

Because of the importance which I attach to home health care as a means of solving a number of deficiencies in our health care system, I would like to speak extensively about the history of this medical technique and the unrealized opportunities it offers for many, many sick and disabled persons with no alternative to becoming institutionalized to receive health care.

Mr. President, among various systems of health care delivery developed and improved upon within the past few years, one of the most promising yet least perfected and recognized is the system of home health care. Although home health care is certainly not a novel program—in the United States, the first organized program was established in 1796—several more recent developments have created a demand that these programs provide highly sophisticated, efficient, medical services as a complementary system to the inpatient and outpatient services generally thought of as the basic health delivery system.

These recent developments include medical advances which have made it possible to save many lives that in previous decades would have been lost to disease and accidents. In addition, the average lifespan has vastly increased due to improved medical techniques and increased knowledge in the treatment and prevention of disease. The result has been a much larger population, with a higher proportion of elderly individuals who are particularly subject to chronic illness, and an increase in the number of individuals of all ages who are temporarily or permanently disabled. Many of these individuals are not ill to the extent that an acute care hospital bed or full-time institutional care is needed. But they are not ambulatory enough to utilize outpatient facilities, and physician-directed medical care is essential to their recovery.

A second major development in recent years has been the sharp increase in the cost of hospital care, due partly to the expense of acquiring and staffing the new equipment and services modern medicine has produced and partly to increased operating costs and increased construction and renovation costs. Unfortunately, the cost of delivering hospital care has increased at a higher rate than the overall cost of living. These higher hospital expenses are included in overhead costs and transferred to the patient in the daily charge for his hospital bed. Thus, the hospitalized convalescent or chronically ill patient shares the burden of the cost of expensive acute care even though he is not utilizing it.

A third factor encouraging the development of home health care service has

been the increase in the utilization of hospital beds. The growth of third party private insurance plans and the enactment of medicare has made hospitalization possible for many who in previous years were unable to afford it when they needed it. At the same time, most of these insurance plans provide reimbursement only for services performed during hospitalization, which restriction has served to increase hospital utilization substantially. As a result, many hospitals, particularly in urban areas, are operating at 95 percent capacity. Accordingly, communities and hospitals have been pressed to find methods of relieving the hospital of overcrowding and to insure the availability of the necessary number of beds for emergency situations. The result has been the establishment of a number of hospital-based home health care agencies, as well as agencies affiliated with one or more hospitals.

Currently, some of the major private third-party insurance plans include in their coverage the cost of posthospitalization home health care services, and in a few cases include prehospitalization services. Among prepaid group practice plans, Kaiser Permanente in Oregon pioneered in demonstrating the efficacy of including home care programs among the services provided its membership. Home health care services are now included in the benefits provided by about one-fourth of the prepaid group practices in the United States.

Congress at an early date recognized the potential of home health care services to meet these new demands on the health care delivery system. In adopting the Medicare Act, title 18 of the Social Security Act, Congress in 1965 included home health care service as a reimbursable service under both part A, "Hospital Insurance Benefits for the Aged," and part B, "Supplementary Medical Insurance Benefits for the Aged." These provisions made it economically feasible for individuals over 65 to utilize home health care services and at the same time provided some assurance to those wishing to develop such services in the community that there would be a demand from patients with financial ability to pay for the services so that investment in home health care systems would be economically viable. At the same time, Congress provided, through special appropriations in 1966 and 1967, seed money to foster the establishment of home health care agencies which could meet the certification requirements of medicare.

These relatively recent developments have changed the concept of home health care and have brought about the creation of new patterns of delivering that care. Whereas originally, home health care was limited to the provision of a single service—such as a visiting nurse, or a homemaker aide—today the emphasis is on providing multiple services.

Special impetus to the development of a more complex home health care agency was provided by medicare through requirements that only those agencies providing nursing plus one other service—either physical therapy, occupational therapy, speech therapy, medical social services, or home health aid services—could be certified for medicare participation. However, of the over 2,100 certified home health agencies only 78 provide the full range of services suggested but not required by the certification requirements. And over half of the agencies are at the minimum level, limiting their services to a nurse plus only one of the five other services.

I wish to note that as with any developing new field, there have been some problems and deficiencies in home health care systems. Many existing agencies were hurriedly established in 1966 and 1967 following the enactment of medicare. Consequently, they were not properly planned and failed to develop close relationships with other medical services in the community. Recent concerns have been expressed by the Social Security Administration about abuses in the home health programs, and an instructional release has been issued to their carriers and intermediaries emphasizing the legislative requirements governing reimbursement for home health care services. The intent of these provisions is to permit the reimbursement for home health services only where such services are determined by the physician to be essential to the patient's recovery and are a less expensive alternative to institutional care.

I strongly endorse the principle and requirement in the Social Security Act that any treatment program carried out by home health agencies must initially be prescribed by a physician after a visit to the homesite and should be actively monitored by a physician through continued personal, direct contact with the patient.

An important home care milestone is the development in a few communities of a comprehensive pattern of home health service—called the coordinated home care program. This type of program holds a tremendous potential for meeting many of the deficiencies of existing health delivery systems. These programs coordinate a wide range of home services around the needs of an individual patient as prescribed by his physician; they are centrally administered; and operate on a team concept in providing multidisciplinary services which can include medical, dental, nursing, social, educational, or other related services.

Ideally, such a coordinated home care program has relationships with other services in the community, such as hospitals—to assure immediate availability of hospital inpatient services when needed—laboratory and radiology services, occupational and physical therapy services, psychological services, educational services, and many, many others. Under these circumstances, the program becomes a full partner in the community system of health and social services and provides those types of services which can both be provided most efficiently in a home situation and at the same time be closely coordinated with more complex systems for the provision of necessary services beyond the scope of the home health care program. Unfortunately, the number of home care agencies which have developed this comprehensive, coordinated approach is still very small.

Despite the progress I have outlined, much still needs to be done in this increasingly important field:

First. The distribution of home care agencies throughout the country is very uneven. Fifty-four percent of the counties in the country have no home health care coverage. Many of these are rural or sparsely populated counties, but among them are 99 counties with populations over 50,000. In these 99 counties there are many hospitals, extended care facilities, mental health centers, a few rehabilitation centers, but not a single home health care agency. Moreover, only five States have home health care agencies available for 100 percent of the population and only another 13 States have these services available for 90 to 99 percent of their population. Seven have them available for 75 to 90 percent. Seventeen States have these services available for 50 to 75 percent of their population, and eight have these services available for less than 50 percent of their population. Thus, there is an obvious need to develop these home health care programs in many areas of the United States.

Second. At the same time, new methods of administration of home health services need to be developed. Each community has its own needs, and each pattern of home health care has its particular utility depending on the circumstances of the patient and the circumstances of the health delivery system and other related systems of the community. In some communities, the services may be hospital-based or multihospital-based; in others they may be organized independently of any existing medical agency; in still others they might come under the auspices of a single agency or a multiagency council. A rural community may have a very limited base of health services on which a home health care program can be built, while an urban community may have such a wealth of programs that its challenge may lie in utilizing them fully or in overcoming entrenched but outmoded attitudes of providing services. Many communities have found it difficult to break into long-standing medical care patterns traditionally built around institutional care. Many existing home health care agencies were established without adequate community planning and support and as a result are inadequate to the particular needs of that community. Thus, considerable study is still necessary to develop further the various methods and scope of delivery of home health care services and to determine means of matching particular models to a particular community's needs and resources.

Third. There is a need for adapting treatment procedures for additional diseases to the home health care delivery method. Significant opportunities exist for treatment at home in the area of the premature infant, the mentally ill, the chronically ill, especially in the area of

renal or respiratory diseases, and the spinal cord injured. The child of working parents who becomes ill may require a parent to stay home from work to supervise him. Home care services offer responsible care for such a child without jeopardizing the parent's job career or financial stability. Home health care can be provided the terminal patient, giving him the psychological boost of familiar surroundings and warm loving attention so essential to maintaining his spirits. Finally, a great potential exists in the provision of home health care services prior to hospitalization, particularly in the case of elective surgery, where the first days of hospitalization may be devoted to undergoing a battery of tests which could be provided at home at considerably less expense.

Fourth. Experiments and demonstrations in the innovative use of allied health personnel in home health care programs need to be developed. Opportunities also exist for the development of programs to train the nonprofessional health aide as an extension of the professional worker in the home setting. A special potential for expanding health manpower resources offered by home care programs is the opportunity they provide to utilize on a part-time basis the professional who is unable to meet the rigid schedule of a full-time job in an institutional setting.

Fifth. Studies need to be undertaken in the area of cost effectiveness to develop a formula which could determine with reasonable precision the moment where the transfer of a patient to or from a hospital or other medical facility would be most economical, as well as medically productive, both for the institution and the patient and his family. These studies need not be confined to the more complex home health care systems. Indeed, the recent report of the staff to the Senate Committee on Finance on "Medicare and Medicaid, Problems, Issues, and Alternatives," recommended consideration of extending medicare benefits to include homemaker costs in home health coverage as an alternative to more costly institutional care. The report stated:

> Many physicians and a number of health insurers have pointed out the pressure for continued hospitalization of a patient for several days more than medically necessary because of the lack of someone to assist the patient at home with food preparation, routine cleaning, etc., during the first week or two following discharge from the hospital. During that period, the patient gradually recovers capacity for independent living and ability to meet his routine living needs. In the absence of assistance at home during that recuperative period, physicians are understandably reluctant to discharge patients and patients are reluctant to go home. The present alternative to continued hospitalization is to discharge the patient to an extended care facility or skilled nursing home, which, while less costly than hospital care, is still quite expensive and often encompasses more care than those patients need. (S. Rept. No. 744, 90th Cong., 1st Sess. (Nov. 14, 1969).)

Sixth. To encourage greater utilization of home health care services, there is a need to find means of giving recognition and visibility to home care programs, both in the medical community and in the consumer's community. A study undertaken in 1964 under the direction of Dr. Roger Egeberg, now Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education, and Welfare, showed that 7 percent of hospital patients were medically suited for home health care. Yet currently only 2½ percent of hospital patients are being discharged to home health care programs. This discrepancy is due to the fact that many individuals in communities are unaware of the availability of home care services and many doctors also are equally unaware of the extent of the availability of such services, or are unaccustomed to utilizing the services effectively, if at all. Fuller exposure of the medical student to home care programs should be included in his medical school training so that he can learn early in his career the value of such services in the treatment of his patients.

Underutilization of home health care services is also caused to some extent by the limitations of private third-party insurance plans in including such services in their coverage. In those cases where it is covered, it usually is reimbursable only following hospitalization. And even where covered in private third-party insurance plans and in medicare there is considerable underutilization of the services. A study of medicare beneficiaries who were hospitalized during 1 year, indicated that the rate of utilization of home health care per State ranged from 3.2 individuals per 1,000 hospitalized to 37.8 per 1,000, with the individual State average being 13.2 individuals per 1,000 hospitalized.

When the expensive daily costs of hospital care are considered, this wide differential in the use of home health care services indicates that considerable savings might have been realized had home health care services been fully utilized. For example, a Blue Cross study of some 2,500 Blue Cross, medicare, and other patients in Philadelphia indicated that by utilizing home care services for these patients, some 33,000 hospital days were saved. For each patient the saving represented an average of 13 days of inpatient hospital care, and the cost of home health care on the average was roughly one-half that of the same care provided in a hospital.

Underutilization of home care services following hospital treatment can also be attributed to a lack of adequate hospital patient-discharge planning due partly to inertia in changing established patterns of care and partly to the lack of financial motive for the hospital, the physician, and the family. The hospital, if not operating at capacity, loses revenue; the physician's reimbursable services are not covered as fully as in the case of a hospitalized patient; and the family may find home care more expensive in terms both of utilization of their own time, and financially in that only limited coverage or none may be available—for example, after the initial benefits are used up in the case of medicare, reimbursement is limited to 80 percent of the costs.

In sum the potential for improvement and development of home health care programs is almost unlimited. Experience and recent research findings have shown that home health care programs can accelerate the rate of recovery from illness, can prevent or postpone disability, can reduce the time of hospitalization, can prevent rehospitalization, and can achieve these results at lower cost than the same services provided in an institutional setting. Benefits to the patient are considerable, economically in terms of reduced cost of care and psychologically in terms of a comfortable recovery in a noninstitutional, familiar, home environment. The amendments made to S. 3355 will encourage the development of new and the improvement of existing home health care agencies and services.

The amendments to title IX of the Public Health Service Act—sections 102 (b) and 104(a) of the bill—are intended to emphasize that home health care is an important method of care to be utilized in regional medical programs. The critical diseases which are the major concern of regional medical programs are particularly appropriate for home care treatment. Three instances applicable to RMP are described in an article "Home Health Service—Past, Present, Future," in the September 1969 issue of the American Journal of Public Health, as follows:

> 1. In one community, program evaluation had revealed that not a single patient with terminal cancer had been admitted to the home although many cancer patients had remained in hospitals until death. The following year, a concerted effort by hospital and home care staffs resulted in home care for selected patients with terminal cancer. Patient and family response was encouraging. The patients were more at ease and required fewer sedatives and drugs for pain; the families were better able to cope with grief. In general, these terminal patients were better off, both physically and mentally, in the home setting.
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> 2. Growing concern in the health field over the restricted number of patients who can receive intermittent renal dialysis in hospital centers suggests the need for dialysis at home. The development of a portable dialysis unit, and evidence that continuing intermittent renal dialysis can be carried on at home . . . makes utilization of home care programs particularly pertinent to treatment of kidney disease. (The Veterans' Administration is already carrying out home dialysis in ten areas.)
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> 3. St. Luke's Hospital in New York City has instituted a home health nursing program for outpatients with heart disease. The addition of public health nursing visits as follow-up to the outpatient cardiac program has reduced the rate of hospitalization for congestive heart failure. The staff feels that an anticipatory home care program based in a community hospital "has great potential both for improving the health status of patients with chronic illness and for bringing the hospital closer to its community."

These examples, I believe, are clear evidence of the need to include home health care programs as an integral part of procedures utilized in regional medical programs.

An amendment to section 304(a) of the Public Health Service Act—section 203(2) of the bill—would place research in home health care in its proper per-

spective as a full member of a comprehensive health care delivery system. There is a continuing need for research in this special means of health care delivery to, first, find better methods of delivering home health care; second, find additional medical fields in which home health care can be utilized; third, develop innovative uses of new types of allied health professionals; and fourth, undertake studies to enable the doctor to determine the most effective way of caring for the individual patient—home care or institutional care—and when the transition should occur. This amendment would give research in home health care the same priority as research in other modes of health services delivery.

The amendments to section 314(a) and (b) of the Public Health Service Act—sections 220(d) and 230(b) of the bill—would encourage the utilization of home health care services in the community and would encourage the development of additional agencies and programs by identifying home health care as a service that should be included in health services planning at both the State and areawide level. To meet community needs adequately, home health agencies must be planned and developed with the full cooperation and counsel of the areawide comprehensive health planning agency (314(b)). This participation would be assured by these amendments in S. 3355.

I also feel special efforts should be made by the 314(a) and 314(b) agencies to seek representation on their advisory councils of representatives of substantial home health care programs to insure that this kind of service is given full consideration in the planning of community and State health services.

Furthermore, in the development of State plans for the utilization of section 314(d) formula money, I believe that each State should be strongly encouraged to devote a portion of its funds to encourage the establishment of home health services and to the support of one or more individuals whose function would be to provide guidance and counsel to existing home health care agencies in methods of improving their utilization within the community and meeting the specific health needs of the community. Section 1902(a)(24) of the Social Security Act requires that each State provide consultative services to home health agencies, among other types of facilities, to assist them in qualifying for reimbursement under the provisions of medicaid. Thus a nucleus already exists for these additional counseling functions.

Greater emphasis must also be placed in the allocation of section 314(e) funds on the establishment of home health agencies or the provision of home health services. In particular, I recommend to the Secretary of Health, Education, and Welfare that in granting funds for the establishment of comprehensive health care programs, such programs in all cases include the delivery of home health care services. Currently, I understand, 33 primary health care projects are being funded by section 314(e) grants. Of these 33 projects funded for the purpose of providing comprehensive health care to a select group or to a community, 12 fail to mention the provision of home health care services; eight plan to refer cases which require home care to other existing agencies, in many instances, the Visiting Nurse Association; and only 13 include home health care services as a component of their program. My proposal would insure that in all these projects, due consideration would be given to the feasibility of including home health care services among those provided by the program.

Considerable opportunity exists in the Hill-Burton program—support of hospital and other health facilities construction—for encouraging such facilities to utilize both prehospitalization and posthospitalization home health care services. In the awarding of grants or other forms of support for these facilities, recipients should be encouraged to provide such services either directly or through arrangements with an existing home health care agency.

As a member of the Health Subcommittee of the Labor and Public Welfare Committee over the past 20 months since I entered the Senate, I have become greatly concerned about the impending crisis in our total health delivery system—if a system it is—and about the need to prod the medical community to move far faster in adjusting to today's needs, yesterday's means of caring for the sick, rehabilitating the disabled, and preventing injury and disease. I believe that S. 3355 can provide some of that necessary impetus by giving home health care the full recognition it requires as an important functioning part of a health care delivery system suited to today's needs and by encouraging full utilization of these services in plans for improving the delivery of comprehensive and specialized health services in our communities.

Mr. President, at the same time, as chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee and in line with my particular interest in the Veterans' Administration medical program, I plan to introduce amendments to section 612 (a) and (f) of title 38, United States Code, which will give impetus to the provision of home health care services as part of the outpatient medical services provided a veteran for a service-connected disability, before, after, and independent of hospitalization. These same home health care services would also be made available to a veteran eligible for hospitalization and treatment even though his injury or illness is not service connected.

These new authorities would enable the Veterans' Administration more efficiently to perform its vital function of providing first quality modern health care for our veterans.

Mr. President, I was also privileged to cosponsor two amendments to this bill. Senator PROUTY'S amendment to title IX of the Public Health Service Act—section 104(b) of the bill—would enable regional medical programs, after they have well-established activities in the prevention, diagnosis, treatment, and rehabilitation of the critical diseases which are the special responsibility of RMP, to develop and demonstrate systems for the organization and delivery of medical care. I believe this amendment will give those medical experts whose participation makes regional medical programs so successful, the much needed flexibility to expand their activities, if they wish, to include systems for the delivery of health services.

Similarly, I was pleased to cosponsor with Senator KENNEDY, a provision—section 401 of the bill—which would foster the development and use of prepaid group practice systems. Such systems, I believe, hold great promise in meeting the deficiencies of our health delivery system, by emphasizing preventive care, and by treating the "individual" rather than his disease. The most notable example of prepaid group practice is the Kaiser Permanent program, originally conceived by Henry Kaiser in the depression years of 1933–38 in southern California. Today the Kaiser plan has 2 million subscribers served by numerous outpatient centers, five clinics, and 22 hospitals in six States. The plan provides comprehensive care at an annual cost of $100 per capita, or only two-thirds the cost of comparable care in most other parts of the country.

Mr. President, I have spoken so extensively about S. 3355 because I feel it is a piece of legislation which offers substantial promise for affecting the way in which health care is provided in this country. Improving our methods of health care delivery is, I feel, the greatest challenge in the years ahead to those dedicated to helping our Nation overcome the health crisis now upon us.

The regional medical programs in many States—I know particularly about the excellent programs in my own State of California—are already contributing substantially to this end. Under this bill, I believe that these RMP's as well as the expanded programs of the comprehensive health planning agencies will be afforded the opportunity to make still more vital and impressive contributions to health care in our country.

Again, I congratulate the author of this bill, Senator YARBOROUGH, for his great initiative and leadership and thank him and my other colleagues on the Labor and Public Welfare Committee for their support of my amendments to the bill. I urge overwhelming support for this very greatly needed piece of health legislation.

I ask unanimous consent to have printed in the RECORD an article entitled "Planning Health Care for Veterans."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLANNING HEALTH CARE FOR VETERANS

(By John W. Walsh, M.D.)

Veterans Administration planning must be based, as a minimum, on these considerations: Size and characteristics of the veteran population; eligibility of the veteran to receive care from the Veterans Administration; ability of the veteran to receive care from a non-VA provider of health care; changes in

the health field which affect all Americans, including veterans; and the mission of the VA as a whole, and the mission of each VA field installation.

As of December 31, 1968, there were about 26.5 million veterans—veterans being defined as having been on active duty during periods of time determined by Congress as wartime service. It is estimated that, with 800,000 personnel discharged from service annually, there will be more than 28 million veterans by the early 1970s. Of these 26.5 million veterans, 1.7 million served in World War I, 14.7 million in World War II, and more than 10 million have been on active duty in more recent years.

Of particular importance for future planning is the discontinuity in the ages of the population served. In the 1960s, VA medical care—particularly hospital care—for the most part has been directed to older veterans of World War I and prior military service. This is not unexpected because of the tendency to use medical care systems with advancing age. The average age of World War I veterans is 74 years and that of World War II veterans is 49 years.

The usage of Veterans Administration hospital facilities rises rapidly as the veteran ages. A recent review of our hospitalization rate per 1,000 veterans revealed the following relationship:

Veteran age and hospital utilization rate per 1,000 veterans

Under 35	1.40
35–44	2.67
45–54	4.21
55–64	7.78
65–74	12.45
75 and up	19.20

Thus, discontinuity and the hospital utilization rate must be considered when one attempts to make long-range projections using current experience. The large proportion of our recent inpatient demand has been generated by the older World War I veteran who, of course, is eligible for non-VA service under Public Law 89–97. What needs to be considered, however, is what impact the 14 million veterans of World War II will have on the VA medical care system, as they enter the sixth decade of life. Their impact will require considerable study.

ELIGIBILITY OF VETERANS TO RECEIVE CARE FROM THE VETERANS ADMINISTRATION

Absolute right for both inpatient and outpatient care exists, of course, for the veteran who needs treatment for his service-incurred disability or disease. Lesser degrees of eligibility have been established by either congressional legislation or by regulation for other segments of the veteran population. For instance, the Spanish American veteran is entitled to outpatient care for any disability, whether or not incurred in service.

A veteran who has no service-connected disability or disease can receive hospital care provided (a) he needs it on medical grounds; (b) he signs a statement of inability to defray his own expenses. However, eligibility for inpatient care does not imply eligibility for outpatient care for a nonservice-connected condition. Medical eligibility is not automatic. In a recent 12-month period, the VA received 1,054,700 applications for hospital care but admitted only 647,241. Only 65 per cent of applicants were deemed medically eligible.

Financial eligibility is a complex problem. Congress, in approving the post-World War II expansion of the VA hospital system, affirmed the need for a veteran to state, in writing, his inability to defray hospital costs. At other times, VA has been enjoined against questioning the veteran's signature.

Because it is essential that only those nonservice-connected (NSC) veterans who are in financial difficulty be admitted to VA hospitals, the VA has been asking the NSC veteran to fill out a financial addendum when he submits his request for hospital care. His fiscal statement is reviewed in the light of prevailing medical care costs for treatment of his condition. If the VA review of the financial statement suggests the applicant can afford it, he is advised that he ought to consider treatment elsewhere. If he insists on VA treatment in spite of counseling, he is given the benefit of the doubt, but his financial statement is referred to VA attorneys for possible recovery of costs later.

Sometimes, a veteran claims that he cannot afford to pay for his hospital care, but he is covered by third-party insurance. Unfortunately, however, many hospital and medical insurance plans stipulate that the policy does not cover medical care by the federal government, so that VA recoveries from insurance carriers are not substantial. The experience of Philadelphia VA Hospital in effecting such recoveries is typical of many others. During the fiscal year ending June 30, 1969, 851 patients were discharged. Although a *theoretical* $146,000 might have been collected, our *actual* reimbursement was just under $22,000.

The veteran, aged 65 and over, has dual eligibility for medical care through the Social Security Trust Fund and the Veterans Administration. Public Law 89–97, however, has a specific interdiction against reimbursement of federal hospitals for care of Medicare beneficiaries. Whether Congress will change this stipulation is unknown.

ABILITY OF A VETERAN TO RECEIVE MEDICAL CARE FROM NON-VA PROVIDERS

Ability of a veteran to receive medical care from non-VA providers is a subject which varies widely from community to community Medical care costs, the availability of physicians, bed occupancy, the patient's condition, and local policy all have a bearing. It is the writer's impression that the larger, more affluent communities and service areas expect the VA to be responsible only for the medical care of the service-connected veteran. They expect the community to consider the veteran with a nonservice-connected condition as if he were not a veteran.

On the other hand, the less affluent and often smaller community, which is having money problems of its own, often assumes no responsibility for a veteran, whether his condition is service-connected or not. It is not uncommon for a man to request medical assistance only to be told that he is a veteran, and the "VA should take care of you." If "taking care of him" involves admission to the hospital, there is no problem. However, the problem still exists when he requires only outpatient care, for the VA may have no legal authority to give it to him.

INFLUENCE OF CHANGES IN THE HEALTH FIELD ON VA MEDICAL CARE SYSTEM

Let us examine, first, the various non-VA health programs which might have an impact on the Veterans Administration. As of May 31, 1969, the VA had 44,764 beds for the care of psychiatric patients. Some of the beds were in large psychiatric institutions, others in general hospitals in accordance with the 1961 recommendations of the Presidents' Commission on Mental Illness and Health.

Of the 2,011,323 veterans receiving compensation for service-connected disabilities, approximately 440,255 have a significant service-connected psychiatric or neurological disorder.[1] National experience recently indicated that the demand for hospital care for mental illness is falling. VA experience parallels non-VA findings, for the number of veterans waiting for admission to a psychiatric inpatient program is decreasing.[2] Length of stay is shorter and there is increased reliance on ambulatory treatment.

The goals of the community mental health centers program are to have 500 in 1970. Presumably the large psychiatric hospital is to be a thing of the past. The question facing VA planners, however, is whether the changing program will, in effect, provide for the psychiatric veteran, particularly the nonservice-connected psychotic. The VA, on at least two occasions, has attempted to reduce its inpatient load by transferring veterans to the care of a community center, but without success.

In the spring of 1967, VA hospital directors were asked to determine from local authorities how care for the psychiatric veteran was to be included in the over-all community or state plan. Although excellent responses were received from a few locations, the vast majority of the answers forwarded to headquarters suggested that no interrelationship between VA and the community was envisioned. The lack of community interrelationship is disturbing, particularly when one recalls the comment by the National Commission on Community Health Services:

"Separate systems of health care now exist for many groups in the population, such as veterans, labor organizations, merchant seamen, and the medically indigent. The welding of separate systems into a community-wide program would preclude new construction or expansion of hospitals for separate population groups." [3]

The Heart Disease, Cancer and Stroke Program developed from the famous DeBakey Report.[4] In enacting Public Law 89–239, Congress somewhat departed from the original ideas of the DeBakey Committee, although the concept of centers of research and information dissemination on a regional basis has been retained. The Report to the President of June 30, 1967, emphasizes the extent to which funds for *planning* grants have been effectively utilized. On the other hand, the number of *operational* grants—monies to actually implement the results of grants—is limited so far, with 40 operational grants in 55 regions.[5]

A preliminary review of the grants points out how intimately VA may be involved in Regional Medical Programs (RMP). Among our 166 VA hospitals, some 47 installations have at least some minimal operational responsibility through research and teaching affiliations with medical schools. In 18 instances, the RMP has resulted in a major VA commitment. However, one needs to hedge—to be cautious—with regard to projections in this program.

The original legislation authorized the expenditure of $340 million over a period of three years, but only part of this has actually been appropriated. One can visualize a problem developing in which limitation of funds for Public Law 89-239 would result in the educational institutions receiving adequate operational funds without their counterpart—the affiliated VA hospital—receiving anything. To have veteran medical care keep pace with other activity in the community may require the VA Central Office to add additional funds to the operating budget of the VA hospitals.

Medicare and Medicaid—actually the Social Security Amendments of 1965—have had a major impact in this country. From a broad viewpoint, they have relieved the financial and psychological burden from the older American's illness or disability. Concurrent with (but not necessarily because of) this legislation, medical care costs have risen, and the length of hospital stay increased more than one day.

As might be expected, VA hospital admissions of the veteran who is 65 years and over have decreased since July 1, 1966. Our planning problem, however, is to "blue sky" the question as to whether the Medicare effect

Footnotes at end of article.

will be a sustained one. A preliminary study of the Minneapolis area suggested that the impact of Title XVIII was considerable. However, as we followed this program more carefully, we found that the initial effect was not maintained. Some transitory changes are due to seasonal factors. Other changes in demand may be related to the fact that the extended care features of Medicare did not become operative until January 1, 1967.

The veteran, aged 65 and over, has dual entitlement. He can receive medical care under Public Law 89–97, or he can come to the VA for inpatient care. Some may even elect to use both systems. As part of the VA's admission procedure, we point out to a veteran, 65 years and over, that his community hospital has the facilities to treat his illness. Some veterans decline admission when so advised, while others still request VA treatment for a number of reasons—personal preference, reluctance to pay the deductible costs, or availability of a bed. Medicaid, or Title XIX of Public Law 89–97, has not, in the writer's opinion, had its final permanent effect on the Veterans Administration. The full impact may not be apparent for many years.

Comprehensive Health Planning legislation has been passed in two successive Congresses. Although it is difficult to summarize all the important changes, embodied in Public Laws 89–749 and 90–174, the following are particularly pertinent from the VA viewpoint: Authority for planning the delivery of health care is to be vested in a central office in a political jurisdiction, such as a state. This central planning agency will interrelate all the needs for health care in the area under its jurisdiction. Perhaps there will be adjudication of the needs of the mentally ill versus the physically ill; or the needs for new construction versus operation of existing facilities; or perhaps decisions will be needed to determine which portion of the population more urgently needs care.

To strengthen the planning authority of each state and political jurisdiction, Congress has departed from its previous position of appropriating funds for specific diseases, such as tuberculosis or venereal disease. Instead, funds will be disbursed to the states on a more or less lump-sum basis, with the states determining which categories of disease most urgently need correction.

The legislation assumes that all portions of the economy which deliver health care must, and will cooperate in providing such care to all the population in the most economic manner feasible. Machinery to initiate cooperation between the public and the private sectors of the economy will be established. In addition, the various public sectors—local, state, and federal (including, of course, the Veterans Administration)—will be called upon to work together more closely than before.

The type of cooperative planning envisioned in Public Laws 89–749 and 90–174 is not new. Community fund programs and Hill-Burton agencies have been doing this for decades. More recently, the Regional Medical Program, the Model Cities legislation, and the OEO programs have entered the field. It will take some time to blend the planning efforts fostered by different legislation. As these various disciplines crystallize their thinking, the mission of the VA installations will become clearer.

MISSION OF THE VETERANS ADMINISTRATION

For decades, the VA medical program has been considered to have three types of medical facilities: (a) hospitals for inpatient care of eligible veterans; (b) domiciliaries ("soldiers homes") for "bed and board" care for those veterans whose combined medical and economic condition precluded them from independent living; (c) outpatient clinics for some veterans to receive ambulatory medical care, and for others to be examined to determine the extent of their disabilities.

Hospitals were originally designed to provide medical, surgical, psychiatric, and nursing care for veterans who were in need of hospital bed care, and who were eligible for such care. But VA hospitals—as is the case with community hospitals—have undergone considerable change in their role. With the growth of medical school affiliations after World War II, many VA hospitals became more than simply a place to treat service-connected veterans. VA hospitals developed extensive residency training programs. They afforded medical students opportunities for clinical clerkships. In 1967, 46 per cent of all medical school graduates had received part of their education in VA institutions.

The VA-medical school affiliation, which now exists in 89 of the 166 hospitals, has been a two-way street. The medical school affiliation enhances medical treatment for veterans; it provides additional "teaching beds" for medical schools. In a number of communities, the VA hospital has become an integral part of the university medical center, virtually indistinguishable from the university and community hospitals associated with the center.

The mission of such an affiliated hospital, therefore, not only includes inpatient care, but also the education of health manpower. In addition, the hospital has an important role in follow-up medical care. When it became apparent, a number of years ago, that the length of stay in VA hospitals was being prolonged because of the ineligibility of nonservice-connected veterans to receive nonbed care, Congress authorized prebed care (PBC) and posthospital care (PHC) for those nonservice-connected veterans who require bed care. The legislation (Public Law 86–639) has accomplished its purpose, for the VA length of stay has decreased in recent years. Of all veterans treated in VA hospitals in fiscal year 1968, 7.1 per cent had prehospital "workups" and 46.4 per cent had at least one follow-up visit.

As a result of such legislation, VA clinics are providing more ambulatory medical care. Of course, they continue to treat veterans with service-connected disabilities, and continue to determine, for monetary purposes, the extent of existing disabilities. In addition, they also provide ambulatory medical care for some nonservice-connected veterans, mostly those who would otherwise occupy an expensive hospital bed.

It might be argued that pre- and posthospital care have opened the door to unlimited outpatient care for NSC veterans. So far, this has not occurred; in fact, it has not even occurred with respect to hospital bed care for all veterans. Although there were more than 26 million veterans potentially eligible for hospitalization in fiscal year 1967, less than half a million were actually admitted. Many VA hospitals had no significant waiting lists all year.

The VA domiciliaries, or soldiers homes, gradually have undergone change too. It almost went unnoticed that, in 1965, the VA closed two domiciliaries when it finally closed five hospitals. Those 16 which remain are gradually changing to meet changing demands.

To the long-standing tradition of having three types of medical facilities—hospitals, clinics, and domiciliaries—the 88th Congress also requested VA to initiate a program of extended care facilities. Currently, there are 4,000 nursing-home type beds operated by VA, and plans to expand this figure to 6,000 are being developed.[6]

SUMMARY

Planning health care for more than 27 million veterans is a difficult problem. All veterans do not have the same needs for health care. The resources of the community, and the community approach to its responsibility for veterans, in large measure will determine the medical care mission of Veterans Administration facilities. As the National Commission on Community Health Services emphasized, there must be greater VA-community interaction as this country develops its health care delivery systems.

FOOTNOTES

[1] Annual Report 1968 Administrator of Veterans Affairs, Washington, D.C.: Gov. Ptg. Office, p. 272.

[2] Veterans Administration Medical and Hospital Program. Hearings before the Subcommittee on Hospitals, House Committee on Veterans Affairs, 91st Congress, First Session (Apr. 15–May 13), 1969, p. 1075.

[3] Health Is a Community Affair, National Commission on Community Health Services. Harvard University Press, 1966, p. 20.

[4] Report to the President: A National Program to Conquer Heart Disease, Cancer and Stroke. Dr. Michael E. DeBakey, et. al. (Feb.), 1965.

[5] Progress Report. Division of Regional Medical Programs, Health Services and Mental Health Administration, PHS-DHEW. (Apr.), 1969.

[6] Proceedings, American Legion National Rehabilitation Conference. (Mar.), 1969, p. 208.

Mr. NELSON. Mr. President, I want to associate myself with the closing remarks by the junior Senator from California (Mr. CRANSTON) in support of this vitally important health legislation.

I would also like to take this opportunity to review another subject related to the comprehensive health planning program.

When the Senate Labor and Public Welfare Committee considered H.R. 11102, the medical facilities construction and modernization bill, earlier this year, the Senator from California (Mr. CRANSTON), the Senator from Rhode Island (Mr. PELL), and I were successful in amending the Senate bill to provide that once the Secretary of HEW determines that a State comprehensive health planning agency has developed effective plans that are in harmony with the purposes of the Hill-Burton program, the State Hill-Burton plan must be consistent with those plans developed by the State comprehensive health planning agency.

In 1966, when the 89th Congress included the concept of comprehensive health planning in the partnership for health amendments, it was felt that the previous lack of planning and control in health services had resulted in fragmentation, unnecessary and costly duplication and virtually no unified attack on poor health care.

However, until this year the present Hill-Burton statute did not require any coordination between the State agency administering Hill-Burton programs and the State agency responsible for comprehensive health planning.

The original administration Hill-Burton bill required approval of Hill-Burton projects by the State comprehensive planning agency while the House-passed bill gave the State or local area—planning agency an opportunity to consider project applications.

If the State comprehensive planning agency is expected to carry out the legislative mandate to coordinate health planning within a State, it was our belief that Hill-Burton projects should be "in accordance with" State comprehensive plans that are developed.

Presently, State plans providing public health services under section 314(d), including activities such as immunization

projects, mental health programs, and the training of State and local health personnel, must be "in accordance with" the comprehensive health plans of each State.

Our amendment would have had the effect of extending this coordination with State comprehensive health plans to Hill-Burton State plans.

Those States that have not yet developed an effective State planning organization and an effective State comprehensive plan would not have been affected by this provision.

However, our amendment would have enabled those States which have or soon will have an effective plan to gain the benefits of true comprehensive health planning in their States.

In addition, it would have established a firm objective for other States to work toward in the development of their comprehensive health planning programs.

Several States have already taken the initiative to establish formal or informal coordination between the Hill-Burton and comprehensive health planning agencies in their States.

Our amendment would have given formal recognition to these arrangements and offered an incentive for other States to also establish this coordination.

When the Senate and House conferees met to discuss the Senate and House versions of H.R. 11102 to extend the Hill-Burton program, there was thorough discussion of this provision in the Senate bill.

Agreement was reached, based on a proposal made by a House conferee, that the Senate would recede on its provision requiring the approval of Hill-Burton State plans by certain State comprehensive planning agencies on the condition that there be language in the conference report indicating that it should be expected at the expiration of the program's new authorization that Hill-Burton plans or projects would be made by statute subject to the approval of comprehensive health planning agencies. Also, the House provision on project review by planning agencies was adopted as an initial step toward better coordination.

However, due to an oversight in the drafting of the conference report, there was no reference to this understanding in the report.

On June 18 Senator CRANSTON and I wrote to the chairman of the House Interstate and Foreign Commerce Committee, Congressman HARLEY O. STAGGERS, regarding the absence of this agreed-upon report language.

On June 23, Congressman STAGGERS responded to our letter and I ask unanimous consent that his letter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 23, 1970.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Thank you for your joint letter of June 18 with Senator Alan Cranston concerning language which the Conferees on H.R. 11102 agreed would be included in the statement of the Managers on the part of the House with respect to approval of Hill-Burton plans.

This language did not appear in the statement of the Managers due to an oversight, but should have been included therein.

In the near future the House will consider H.R. 18110, providing an extension of the comprehensive health planning program, and in my remarks on the floor in connection with that legislation I will state that we expect to give serious consideration in connection with the next renewal of the Hill-Burton program to providing oversight authority to comprehensive health planning agencies at both state and local levels over the programs and projects for hospitals and other health facilities construction. I intend to make this statement, regardless of the outcome in connection with the consideration of the President's veto of H.R. 11102.

Sincerely yours,
HARLEY O. STAGGERS,
Member of Congress, Chairman.

Mr. NELSON. The remarks that Congressman STAGGERS mentioned in his letter did appear in the House report on H.R. 18110, which was published on July 20, 1970.

I hope that this review of the background of our amendment and the understanding that was reached during the House-Senate conference on the Hill-Burton program will make the record on this proposal absolutely clear so that our proposal will be considered in the proper light when the Hill-Burton program is again considered by Congress.

Mr. CRANSTON. Mr. President, I am pleased that the Senator from Wisconsin took the time to outline the legislative history of our proposed amendment to H.R. 11102 to improve the coordination between State comprehensive planning agencies and State Hill-Burton agencies.

While a Hill-Burton agency and its statutory advisory council have a responsibility to develop an annual health facilities construction plan based on local need, resources and priorities, that agency's area of responsibility is limited to only those health facilities for which Federal assistance is requested for construction. The comprehensive health planning agency is the only one which has an overall responsibility for determining need and priority regardless of the construction funding source.

Furthermore, in keeping with their legislative mandates to coordinate and plan comprehensively for all health needs, State and areawise planning agencies are endeavoring to establish informal and/or formal coordinating channels with Hill-Burton agencies. The current situations in California, Minnesota, West Virginia, Illinois, Florida, Oklahoma, and New York are good examples of the varying levels and forms of health planning and Hill-Burton relationships already formed.

Presently, these State comprehensive health planning agencies are in varying states of development, but in general they have moved rapidly through the organizational stages into substantive planning. Enabling legislation for comprehensive health planning was signed November 3, 1966 and the first grant was made to Illinois in July 1967.

Already, though, a number of the young comprehensive health planning agencies are demonstrating their effectiveness in unifying the attack on poor health care and eliminating duplication of resources including facilities, manpower, and services.

Furthermore, many State Governors, State legislatures, and others have repeatedly demonstrated their confidence in the capabilities of comprehensive health planning agencies by virtue of the specific responsibilities they have assigned to them, including in many instances the review of Hill-Burton applications.

California's Office of Comprehensive Health Planning is located in the State department of public health and is responsible directly to the director's office.

The functions and responsibilities of the State advisory hospital council—Hill-Burton review—have been transferred to the State health planning council—CHP.

In a series of legislative actions, California has recently tied State and areawide health planning to facility licensure, construction, loan insurance, and payment under Medi-Cal. Licenses for new construction, conversion, or facility additions are to be issued only upon a favorable recommendation to the licensing authority—the State health department—by an area health planning agency. Presently there are eight funded areawide CHP agencies in California and a ninth is being organized so that the State's total geographic area will be covered by nine areawide health planning agencies.

In Idaho, the State legislature enacted a recommendation by the Committee on Health Facilities of the Governor's Advisory Council on Comprehensive Health Planning for the licensing of nursing home administrators.

The Idaho State Board of Health has also accepted a council recommendation that the State board of health, as the health facilities licensing authority, review and amend licensure requirements to the end that licenses issued to various types of health facilities more accurately reflect the level of services provided by the facility.

Also, in Idaho, by direction of the State administrator of health, the State health planning agency reviews all Hill-Burton applications.

Hill-Burton applications in Wyoming are being referred to the State health planning agency voluntarily for review and comment.

The Colorado State Comprehensive Health Planning agency officially reviews all health aspects of construction and planning grants for the State.

In Minnesota, the State health planning agency's efforts were instrumental in getting the legislature to authorize the development of all State hospitals as multipurpose regional centers with programs for mentally ill, mentally retarded, and inebriate patients. Previously this

type of care was being delivered in a fragmented, categorical manner. When the new centers are developed the quality and efficiency of care should be vastly improved.

These activities are an important start in involving health planning agencies in facilities construction decisions. I agree with Senator NELSON that such involvement must become the rule in the years ahead.

Mr. SCOTT. Mr. President, the Senate is considering the Health Services Improvement Act of 1970, a part of which extends and improves existing regional medical programs. These programs function as coordinated systems to provide specialized services for the benefit of physicians and patients. Pennsylvania has fared well under this program and I urge my colleagues to give the regional medical plan this added boost.

Pennsylvania is divided into three medical regions: First, Greater Delaware Valley; second, Susquehanna Valley; and third, Western Pennsylvania. These regions, in concert, serve the entire Commonwealth.

The Greater Delaware Valley regional medical program covers eastern Pennsylvania, with a population of 8.2 million. During the current year, this program will receive $3.2 million. Since receiving its first planning grant in 1967, it has received $7.3 million.

Several outstanding programs are now in effect in the Greater Delaware Valley region. Wilkes-Barre, Reading, and Allentown are the focal points for an intensive and successful coronary care training program. A pediatric pulmonary disease program is now operating in Philadelphia.

Pennsylvania's second medical region is designated as the Susquehanna Valley program. This region covers 27 counties in central Pennsylvania with a population of 2.1 million. This year, it will be allocated nearly $832,000 to boost its total to $1.6 million. The first planning grant was received in 1967.

The Susquehanna medical region boasts two noteworthy projects. One, in Altoona, is the establishment of a stroke unit to serve as a consultation and training resource for practicing physicians and nurses. The other project, operating from the Geissinger Medical Center in Sunbury, is a coronary care unit serving in a nurses' training program. It is the only such program in a surrounding eight-county area. But because of its existence, several neighboring hospitals are planning to establish units to serve auxiliary functions.

The third medical region in the Commonwealth is the western Pennsylvania regional program. It is centered in Pittsburgh and serves 28 surrounding counties with a population of 4.2 million. Since receiving its first planning grant in 1967, the region has received over $2 million.

In Pittsburgh, there is a program for long-term training of nursing home personnel. It is one of the best comprehensive continuing education programs in existence. A second outstanding program in the western Pennsylvania region is the regional medical library system which links over 100 hospitals in the 28-county area.

Regional medical care is one answer to the continuing crisis in health care. The regional concept allows the sharing of trained personnel and medical resources to keep down the cost of health and to increase the effectiveness of health services. I support this concept and hope that the pending legislation will continue to assist Pennsylvania in the years to come.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1132, (H.R. 17570), the House-passed companion bill.

The PRESIDING OFFICER (Mr. Moss). The bill will be stated by title.

The assistant legislative clerk read as follows: Calendar No. 1132 (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to strike out all after the enacting clause of H.R. 17570 and to insert in lieu thereof the text of S. 3355, as now amended by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 17570) was read the third time.

The PRESIDING OFFICER (Mr. Moss). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Maine (Mr. MUSKIE) and the Senator from New Jersey (Mr. WILLIAMS) are officially absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from California (Mr. MURPHY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator of Delaware (Mr. BOGGS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 56, nays 1, as follows:

[No. 285 Leg.]

YEAS—56

Allen	Griffin	Packwood
Allott	Harris	Pastore
Anderson	Hart	Pearson
Baker	Hatfield	Pell
Bayh	Holland	Percy
Bellmon	Hollings	Proxmire
Byrd, W. Va.	Hruska	Randolph
Case	Inouye	Saxbe
Cook	Javits	Scott
Cooper	Jordan, N.C.	Smith, Maine
Cranston	Jordan, Idaho	Smith, Ill.
Curtis	Long	Sparkman
Dole	Mansfield	Spong
Eagleton	McClellan	Stennis
Eastland	McIntyre	Stevens
Ellender	Miller	Talmadge
Ervin	Mondale	Thurmond
Gore	Moss	Yarborough
Gravel	Nelson	

NAYS—1

Williams, Del.

NOT VOTING—43

Aiken	Goldwater	Mundt
Bennett	Goodell	Murphy
Bible	Gurney	Muskie
Boggs	Hansen	Prouty
Brooke	Hartke	Ribicoff
Burdick	Hughes	Russell
Byrd, Va.	Jackson	Schweiker
Cannon	Kennedy	Symington
Church	Magnuson	Tower
Cotton	Mathias	Tydings
Dodd	McCarthy	Williams, N.J.
Dominick	McGee	Young, N. Dak.
Fannin	McGovern	Young, Ohio
Fong	Metcalf	
Fulbright	Montoya	

So the bill (H.R. 17570) was passed.

The title was amended, so as to read:

A bill to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes.

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendment, to make certain technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Calendar No. 1100, S. 3355, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist on its amendment on H.R. 17570 and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

REFERRAL OF BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1131, H.R. 18110, be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRCRAFT HIJACKING

Mr. JAVITS. Mr. President, I have just come from a conference with the Secretary of State on this matter. Aircraft hijacking is piracy which the community of nations no longer can tolerate. For centuries civilized nations, individually and collectively, have acted to suppress piracy on the high seas. President Thomas Jefferson set the precedent for our Nation through his courageous actions against the Barbary pirates in 1801. Suppressive action against the modern pirates of the skies is long overdue.

Concerted international action against organized groups committing air piracy should be initiated immediately. Members of such groups should be denied access to all means of international travel. They should be denied entry into foreign countries and all international airports. They should be denied visas and passports. Nations harboring organizations engaged in hijacking must bear prime responsibility for the suppression and disbandment of these groups. Nations unable or unwilling to move effectively against such organizations within their borders should be ostracized through the denial of all means of international transport.

The current situation involving the holding of hostages is a particularly acute challenge to the community of nations and to the United Nations. The immediate task is to save the lives of the hostages and to rescue them from their mad captors. These hostages of all nations must have the deepest sympathy and concern of all civilized mankind, which can feel only outrage for the criminal conduct of those who hold them captive.

One thing is clear, Mr. President. Not one of the hostages is any different from another with regard to national origin or religion, and the civilized world is responsible for and can accept nothing less than the release of all, whether they be from Britain, Switzerland, Germany, or the United States.

Looked at beyond this crisis, the Palestine-Arab refugee situation which spawned these hijackings reflects the bankruptcy of international policy as manifested by UNRWA. This is the whirlwind reaped by those Arab States which have used the refugees as pawns in their efforts to try to discredit Israel; and the tragedy of the Palestinian-Arab refugees caught in a historic crisis is what they have suffered at the hands of their Arab brothers. Now this catastrophic policy has produced the commando madness. One of the first items on the agenda of the U.N. General Assembly at its coming session must be the Palestine-Arab refugee question. The nations maintaining UNRWA simply cannot continue to pour money into this self-perpetuating failure. A better and saner way must be found. Error has been compounded for so long on this question that disaster has overtaken us.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 20 United States Code 42 and 43, the Speaker had appointed Mr. ROONEY of New York as a member of the Board of Regents of the Smithsonian Institution, to fill the existing vacancy thereon.

The message also informed the Senate that, pursuant to the provision of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. WHITTEN of Mississippi as a member of the Committee to Investigate Nonessential Federal Expenditures, to fill an existing vacancy thereon.

HEALTH INSURANCE FOR FEDERAL EMPLOYEES AND ANNUITANTS

Mr. PELL. Mr. President, on September 1, the Senate passed two items on the call of the Legislative Calendar which dealt with identical subject matters—S. 1772 and H.R. 16968. Before the error was discovered, the House companion item was messaged back to the House. It has now been returned to the Senate and is at the desk.

Having already vacated the previous action on the Senate bill, and to dispose of the matter as originally intended, I ask unanimous consent that the vote by which H.R. 16968 was read the third time and passed be reconsidered, and that the Senate proceed to the consideration of S. 1772.

The PRESIDING OFFICER. The passage of H.R. 16968 will be reconsidered together with the third reading and the Senate bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1772) to provide that the Federal Government shall pay one-half of the cost of health insurance for Federal employees and annuitants.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island to proceed to the consideration of the Senate bill? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

S. 1772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided by subsection (b) of section 8906 of title 5, United States Code, effective from the first day of the first pay period which begins on or after July 1, 1970, and continuing until the first day of the first pay period which begins on or after January 1, 1971, the biweekly Government contribution for health benefits for an employee or annuitant enrolled under a health benefits plan under chapter 89 of title 5, United States Code, shall be equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

SEC. 2. Effective January 1, 1971, section 8906(a) of title 5, United States Code, is amended to read as follows:

"(a) The Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted on the first day of the first pay period of each year to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefits plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

SEC. 3. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;".

(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ", having completed 5 or more years of service,".

SEC. 4. (a) Section 8907(a)(B) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

SEC. 5. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: "and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act";

(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: "The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.", and

(3) Section 9 is amended by adding at the end thereof the following subsection:

"(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.".

(b) The amendments made by subsection (a) of this section shall become effective on October 1, 1970.

Mr. PELL. Mr. President, there is a technical committee amendment at the desk, and I call it up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 7, after the word "after" strike out "July" and insert "October".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 16968.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I move to strike out all after the enacting clause of H.R. 16968 and to insert in lieu thereof the text of S. 1772, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. GRIFFIN. I wish to indicate for the RECORD that this procedure has been cleared with Senators on this side of the aisle so far as the committee is concerned, and there is no objection of which I am aware.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER (Mr. Moss). The Chair would state that on H.R. 16968, just passed by the Senate, the title will be appropriately amended.

The PRESIDING OFFICER (Mr. Moss). The bill having been read the third time, the question is, Shall it pass?

The bill was passed.

Mr. PELL. Mr. President, I ask unanimous consent that S. 1772 be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION ON THE ORGANIZATION OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1134, H.R. 18725.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: H.R. 18725, to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, I oppose the bill providing for a delegate from the District of Columbia in the U.S. House of Representatives. The District of Columbia is the seat of government of the Government of the United States of America. As such seat of government it belongs to all of the people of the United States, and is represented by 100 Senators and 435 Representatives. Each House of Congress has an able and dedicated Committee for the District of Columbia. Furthermore, the city of Washington has a municipal government which provides municipal services to the residents of Washington.

When the framers of the Constitution included a reference to a Federal district for the seat of government, it was their intent that the Congress should be protected from local political pressures during its deliberations.

I regard this bill as an entering wedge toward providing two U.S. Senators and one or two U.S. Representatives for the District of Columbia.

The bill is unwise and will start a chain reaction that will be extremely undesirable.

My vote will be cast against H.R. 18725.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia and Mr. PELL moved that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

OFFICE OF DISASTER ASSISTANCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1175, S. 3619.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: S. 3619, to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Disaster Assistance Act of 1970".

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity; special measures, designed to expedite the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of alleviating the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to

warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Federal corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

PART A—GENERAL PROVISIONS

FEDERAL COORDINATING OFFICER

SEC. 201. (a) The President shall appoint, immediately upon his designation of a major disaster area, a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross and of other relief organizations which agree to operate under his advice or direction; and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage;

(B) making repairs to, or restoring to service, public facilities, belonging to State or local governments, which were damaged or destroyed by a major disaster except that the Federal contribution therefor shall not exceed the net cost of restoring such facilities to their capacity prior to such disaster;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a)(4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under section 203(a) from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

(e) Any Federal agency designated by the President to exercise authority under this Act may establish such special groups, interdepartmental or otherwise, as it deems appropriate to assist in carrying out the provisions of law relating to Federal disaster preparedness and assistance, and the funds of any such agency may be utilized for the necessary expenses of any group so established.

(f) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(g) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(h) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster proclamation, such conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disaster. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than $250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such

other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed $25,000 per annum to any State in an amount not to exceed 50 per centum of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plans.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Board of Missions and Charities, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the coordinating officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

SEC. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

ADVISORY PERSONNEL

SEC. 210. The Director is authorized to assign advisory personnel to the chief executive officer of any State or local government within a major disaster area, upon request by such officer, whenever the Director determines that such assignment is desirable in order to insure full utilization of relief and assistance resources and programs.

DISASTER WARNINGS

SEC. 211. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PART B—EMERGENCY RELIEF

PREDISASTER ASSISTANCE

SEC. 221. To avert or lessen the effects of a major disaster, the President is authorized, without declaring a major disaster, to utilize Federal resources in providing disaster assistance to any State to assist such State or any local government thereof in circumstances which clearly indicate the imminent occurrence of a major disaster.

EMERGENCY COMMUNICATIONS

SEC. 222. The Director is authorized to establish emergency communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 223. The Director is authorized to provide public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL GRANTS

SEC. 224. The President, whenever he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing debris on privately owned lands or waters as a result of a major disaster, and is authorized to make payments through such State or local government for the removal of debris from community areas which may include the private property of an individual. No benefits will be available under this section unless such State or local government arranges unconditional authorization for removal of debris from such property and agrees to indemnify the Federal Government against any claims arising from such debris removal.

FIRE SUPPRESSION GRANTS

SEC. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

SEC. 226. (a) The Director is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families who, as a result of a major disaster, are in need of assistance by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, or (3) acquiring existing dwellings or mobile homes or other readily fabricated dwellings, by purchase or lease. Notwithstanding any other provision of law, any existing dwellings, mobile homes, or readily fabricated dwellings acquired by purchase may be sold directly to individuals and families who are occupants of such temporary accommodations at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

(b) After the initial ninety days of occupancy without charge, rental shall be established for such accommodations, under such rules and regulations as the Director may prescribe taking into account the financial resources of the occupant. In case of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months from the date of occupancy, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is excess of 25 per centum of the monthly income of the occupant or occupants.

(c) The Director is further authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The Director shall, for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, provide reemployment assistance services to individuals who are unemployed as a result of a major disaster.

PART C—RECOVERY ASSISTANCE

SMALL BUSINESS DISASTER LOANS

SEC. 231. (a) In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term

of the loan without regard to the ability of the borrower to make such payments;

(2) may make any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

(3) in the case of the total destruction of, or substantial property damage to a home or business concern, may refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of clauses (1) and (2) of this subsection.

(b) Section 7 of the Small Business Act is amended—

(1) by revising paragraph (2) of subsection (b) to read as follows:

"(2) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster;";

(2) by striking from the second sentence of subsection (b) the following: "meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection,"; and

(3) by striking from subsection (f) the following: "in the case of property loss or damage as the result of a disaster which is a 'major disaster' as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)),".

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster, to property, including household furnishings, the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so cancelled shall not exceed $2,500, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments;

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

(3) in the case of the total destruction of, or substantial property damage to a home or business concern may refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

LOANS HELD BY THE VETERANS' ADMINISTRATION

SEC. 233. (1) Section 1820(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;"

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

"(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a)(2) of this section, extend on an individual case basis such forbearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner."

DISASTER LOAN INTEREST RATES

SEC. 234. (a) Any loan made under the authority of sections 231, 232, 236(b), 237, or 241 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum.

(b) The next to the last sentence of section 7(b) of the Small Business Act is amended by striking out all that follows "exceed" and inserting in lieu thereof the following: "a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum."

AGE OF APPLICANT FOR LOANS

SEC. 235. In the administration of any Federal disaster loan program under the authority of sections 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

SEC. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan.

FOOD COUPONS AND DISTRIBUTION

SEC. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

LEGAL SERVICES

SEC. 239. Whence the Director determines that income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, he shall assure the availability of such legal services as may be needed by these individuals because of conditions created by a major disaster. Whenever feasible, and consistent with the goals of the program authorized by this section, the Director shall assure that the programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

UNEMPLOYMENT ASSISTANCE

SEC. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of

unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER LOAN FUND

SEC. 241. (a) There is established within the Treasury a Community Disaster Loan Fund from which the President may authorize loans to local governments for the purposes of meeting payments of principal and interest on outstanding bonded indebtedness, for providing the local share of any Federal grant-in-aid program which is designed to assist in the restoration of an area damaged by a major disaster, or for providing and maintaining essential public services. Such loans shall be made only if the local government has suffered a loss of either more than 25 per centum of its tax base or such a substantial amount that it is otherwise unable to meet such payments, local share obligations, or the cost of essential public services.

(b) Loans from the Fund established by this section shall be without interest for the first two years, shall be made for such periods as may be necessary, not to exceed twenty years, and shall bear interest after the first two years at a rate prescribed in section 234. The President may defer initial payments on such a loan for a period not to exceed five years or half the term of the loan, whichever is less. Any loans under this section may be made for a local government's fiscal year in which the disaster occurred and for each of the following two fiscal years. Loans for any year shall not exceed the difference between the average annual property tax revenue received by the local government for the three-year period preceding the major disaster and the local government's accrued property tax revenue for each of the three years following the major disaster. For purposes of computations under this section, the tax rate and tax assessment valuation factors in effect at the time of the disaster shall not be reduced during the three-year period following the disaster.

(c) (1) The President may transfer to the Fund such sums as he may determine to be necessary from the appropriations available to him for disaster relief. All amounts received as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived from operations in connection with this section shall be deposited to the Fund.

(2) All loans, expenses, and payments pursuant to operations under this section shall be paid from the Fund. From time to time, and at least at the close of each fiscal year, there shall be paid from the Fund into the Treasury, as miscellaneous receipts, interest on the average amount of appropriations accumulated as capital to the Fund, less the average undisbursed cash balance in the Fund during the year. The rate of such interest shall not exceed any rate determined under section 234 for loans from the Fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the President determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess may be transferred to the general fund of the Treasury or to the appropriations available to the President for disaster relief.

(d) There are hereby authorized to be appropriated such sums, not to exceed $100,000,000, as may be necessary to carry out the provisions of this section.

TIMBER SALE CONTRACTS

SEC. 242. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

PUBLIC LAND ENTRYMEN

SEC. 243. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands affected by a major disaster as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 244. (a) No loan or grant made by any Federal agency, or by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with such minimum standards of safety, decency, and sanitation as the Secretary of Housing and Urban Development may prescribe by regulation for such purpose, and in conformity with applicable building codes and specifications.

(b) In order to carry out the provisions of this section, the Secretary of Housing and Urban Development is authorized—

(1) to consult with such other officials in the Federal, State, and local governments as he deems necessary, in order that regulations prescribed under this section shall—

(A) carry out the purpose of this section; and

(B) have the necessary flexibility to be consistent with requirements of other building regulations, codes, and program requirements applicable; and

(2) to promulgate such regulations as may be necessary.

PART D—RESTORATION OF PUBLIC FACILITIES

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 50 per centum of the net cost of restoring any such facility to its capacity prior to to such disaster and in conformity with applicable codes and specifications.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior to such disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street road, or highway, and any other essential public facility.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

SEC. 254. Notwithstanding any other provision of law or regulation promulgated thereunder, no person otherwise eligible for relocation assistance payments authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of a

major disaster as determined by the President.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

SEC. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Assistance Act of 1970".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes (Public Law 875, Eighty-first Congress, approved September 30, 1950)" and inserting in lieu thereof "section 102(1) of the Diaster Assistance Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 1715l(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241–1(a)(1)(A)), is amended by striking out "pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "pursuant to section 102(1) of the Disaster Assistance Act of 1970".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)) is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Assistance Act of 1970,".

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence "section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Assistance Act of 1970 or to the appropriate provision of the Disaster Assistance Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 302. The following Acts are hereby repealed:

(1) the Act of September 30, 1950 (64 Stat. 1109);

(2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) the Disaster Relief Act of 1969 (83 Stat. 125).

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. Except as provided otherwise in this Act, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(c), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask that it be stated—I will call it up later.

The assistant legislative clerk read as follows: On page 79, following line 2, insert the following new subsection:

(c) In the case of any loan made under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)) as a result of the Good Friday earthquake, which occurred on March 27, 1964, the Small Business Administration shall, at the borrower's option, on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800.

Mr. STEVENS. Mr. President, I will call this amendment up at a later time.

The PRESIDING OFFICER. The amendment is withdrawn temporarily.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana will state it.

Mr. BAYH. Is S. 3619 now the pending order of business before the Senate?

The PRESIDING OFFICER. That is correct. That is the pending business.

Mr. BAYH. I thank the Presiding Officer.

Mr. President, the hour is late and the Senator from Indiana does not want to spend a great deal of the time of my colleagues. Suffice it to say that this bill is a product of some 3 or 4 years' effort.

The Senator from Alabama (Mr. SPARKMAN) is now in the Chamber. I should like to say that we are deeply indebted to him for the efforts his committee, the Banking and Currency Committee, expended in helping with this bill.

It is only fair to say, and perhaps the Senator from Kansas (Mr. DOLE) will want to verify this, that the administration has been very helpful.

Mr. President, the Committee on Public Works has unanimously approved S. 3619, a bill to revise and expand Federal programs for relief from the effects of major disasters.

As chairman of the Special Subcommittee on Disaster Relief, I wish to express my deep appreciation to the chairman of the full committee, Senator JENNINGS RANDOLPH, for his wise decision to establish the special subcommittee last year, for his assistance in arranging for hearings in the field and in Washington, and for his many courtesies and kindnesses with respect to consideration of this important bill in committee.

The ranking minority member of the committee, Senator JOHN SHERMAN COOPER, who sponsored the administration's disaster assistance bill, S. 3745, was, as always, most helpful and cooperative. I am also grateful for the generous cooperation given me by the members of the subcommittee on both sides of the aisle: Senators SPONG, EAGLETON, and GRAVEL, and Senators DOLE, GURNEY, and PACKWOOD. They have made valuable contributions to the final version of the proposal.

Likewise, I wish to thank the members of the Senate Banking and Currency Committee, who reviewed the bill before it was reported to the Senate and who proposed amendments affecting matters under their jurisdiction, for contributing their expertise and their valuable suggestions, all of which are contained in the bill as reported.

As a result, Mr. President, of the collaboration of all the Members I have mentioned, the committee has brought to the Senate a bill containing not only the best features of S. 3619, which I introduced with the cosponsorship of 30 other Senators and of S. 3745, the administration bill, but also a number of valuable amendments proposed in executive session by members of the Public Works Committee and the best thinking of the Senate Banking Committee. In addition, the committee accommodated Senators YARBOROUGH and TOWER of Texas, who had special concerns arising from recent disasters in their State.

This is a good bill, a strong bill, a far-reaching bill, and, at the same time, a completely nonpartisan bill.

The purpose of S. 3619, is to provide a permanent, comprehensive program for Federal disaster assistance and to strengthen the organization and administrative machinery needed to implement the program in an orderly and effective manner. It will enable the Federal Government, without further specific congressional action, to extend needed emergency relief and recovery assistance to individuals, organizations, businesses, and States and local communities suffering from a major disaster.

The bill consolidates into one act and repeals the three major existing Federal disaster assistance laws: The basic 1950 act, Public Law 875, 81st Congress; the 1966 Disaster Relief Act, Public Law 89–769; and the Disaster Relief Act of 1969, Public Law 91–79. This consolidation and the proposed broadening and enlargement of existing statutory provisions are designed to take into account the experience gained by the Congress and the Federal and State Governments from the devastating catastrophe caused in August 1969 by Hurricane Camille, the largest known destructive force of wind and

water ever to strike the United States, as well as the lessons learned from the tornado which struck Lubbock, Tex., in May this year.

The bill seeks to coordinate disaster relief and recovery efforts of all appropriate Federal, State, and local authorities, and relief and disaster assistance organizations under a single, permanent law, so that when disaster strikes anywhere in the country—as inevitably it will—the full resources of both public and private sectors may be brought to bear to meet the immediate challenge and to undertake the long, difficult and costly task of repair, rehabilitation, reconstruction, and replacement.

There are three principal reasons for enactment of this legislation: First, a number of the main provisions of the 1969 act—Public Law 91–79—will expire on December 31, 1970. These include sections dealing with repair and reconstruction of non-Federal aid roads and highways; the foregiveness feature of SBA, Farmers Home and VA loans; expanded temporary housing assistance; food stamp allotments; and unemployment assistance. These must all be extended beyond the end of this year.

Second, the time has come to codify the many diverse disaster assistance statutes into a single law. As President Nixon observed in his special message on April 22, 1970, the present program has "grown in a peacemeal and often haphazard manner, involving over 50 separate congressional enactments and Executive actions. This slow development process has created a complex program, one which has a number of gaps and overlaps and need increased coordination."

Third, the committee's hearings following the Camille disaster on the gulf coast and in Virginia and West Virginia clearly demonstrated the need for a number of new programs and directives in order to establish by law the fullest possible authority for the President and agencies of the Federal Government to respond to a major disaster quickly, efficiently, and without unnecessary restrictions.

Among the new proposals in this bill several are of outstanding importance: First, a program of aid to major sources of employment, to provide jobs for people thrown out of work by a disaster; second, a community disaster loan fund to make loans to local communities which have lost a substantial part of their tax base, so that they can pay interest and principal on outstanding bonded indebtedness, provide their share of matching funds for Federal grants necessary for restoration of the area, and provide or maintain essential public services; and third, 50–50 matching grants to restore damaged or destroyed State or local public facilities. These three programs are made retroactive to August 1, 1969, in order to make them available to the people and communities that were victims of Hurricane Camille.

In line with the administration's proposals, the amount of forgiveness on disaster loans under SBA and HUD programs has been increased from $1,800 to $2,500 on any loan of more than $500.

Also, the bill incorporates the interest rate recommended by the administration, as amended by the Banking Committee. The new rate on all disaster loans would be determined by the Secretary of the Treasury taking into account the current market yield on 10–12 year U.S. obligations less not to exceed 2 percent. The Treasury reports that the current rate is 7⅜ percent so the rate for disaster loans would be 5⅜ percent.

There are many other significant proposals contained in the bill and described in the report which I will not take time to enumerate.

All in all, Mr. President, this is as complete a program for meeting the impact of hurricanes, tornadoes, tidal waves, earthquakes, and other disasters as your committee, with all the information, advice and counsel it could obtain, has been able to devise. I urge the Senate to give S. 3619 its early approval.

Mr. MILLER. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. MILLER. I want to commend the Senator from Indiana for his work on this bill. I note that there are some familiar provisions in the bill which take me back to over 3 years ago when the Senator from Indiana and I collaborated on an extensive revision of the disaster relief laws, modeled somewhat after the Alaskan disaster relief legislation which was calculated to provide relief particularly to those who met great hardship as a result of tornadoes, floods, hurricanes, and the like.

I note particularly that the bill covers community disaster relief and temporary housing assistance. These are the two areas of greatest need which have not been covered heretofore by Federal legislation. I think that this legislation will be of great help. My only regret is that we could not make it retroactive to take care of those people who were so severely affected 2, 3, and 4 years ago; but we are making a great start here in the right direction and I am most happy to see this legislation come before the Senate.

Mr. BAYH. I appreciate the fact that the Senator from Iowa has called attention in the RECORD to some of the efforts that have been made in preparing the bill which is now before the Senate.

Ohio, Indiana, Illinois, Michigan, and other States in 1965 were hit by a series of tornados. Colorado in particular was stricken by a very serious flood. As a result, 16 Senators joined together shortly after Indiana was hit by the Palm Sunday 1965 tornado which killed 195 people, in an effort to secure a program establishing a meaningful disaster program. It was passed by the Senate but languished in the House until 1966, when part of the bill was enacted.

Last year, the Senator from Iowa will recall, the Senate adopted a very good disaster bill. The House was reluctant. During the August recess, as the Senator from Mississippi will recall, the gulf coast was hit by Hurricane Camille. Unfortunately, it took the impetus of Camille to get House, Senate, and the administration to get behind this type of program and secure its final enactment. However, several important provisions of that 1969 act will expire at the end of this year and must be extended.

In my opinion, this basic legislation should have been on the books 10 years ago.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. STENNIS. Mr. President, I thank the chairman of the subcommittee and all of its members, including the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), for the very fine work they did here on an emergency basis to start with and for following through with reference to Camille. But more than that, I have followed this matter. I think they have done an extraordinary job not only in taking care of some immediate emergency matter, but they have also evolved a national law that will be a tremendous asset to the country. It will give assurance with reference to financial investments and bonds and the insurance problems and a great many other matters. When we talk about destroying the tax base of any county or city, we have destroyed all of it.

The committee has worked out a remarkable remedy. I commend the Senator.

Mr. BAYH. Mr. President, I appreciate the remarks of the Senator from Mississippi. We are all indebted to him, to Senator EASTLAND, and to the chairman of the Public Works Committee, the distinguished Senator from West Virginia (Mr. RANDOLPH).

As the Senator from Mississippi knows well, a special subcommittee was appointed in the wake of Camille to which I was appointed chairman. We held extensive hearings in Mississippi in Biloxi and toured that area. Virginia was also our host, where the subcommittee studied the upper effects of Camille.

I believe that the product of this subcommittee is long overdue. I hope that the Senate will support it. If the United States can rush to Iran and Chile and to other places around the world with the beneficence of our tax dollars, I think that the time has come when we should treat the citizens of this country more compassionately when they are hit by a disaster. That is what this bill proposes to do.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RANDOLPH. Mr. President, I am gratified to join in support to the Disaster Assistance Act of 1970, S. 3619, which was unanimously reported by the Committee on Public Works. This is vital legislation on which we have worked for an extended period of time.

The chairman of our Special Subcommittee on Disaster Relief, Senator BAYH, deserves high praise for his imagination and intelligence in conceiving this legislation. He has had diligence and perseverance over many years in pressing for adoption of the comprehensive nationwide and permanent program for disaster assistance embraced by this bill. He has been ably assisted by the other members of the subcommittee and the full committee.

I am sure that my distinguished friend from Kentucky, JOHN SHERMAN COOPER, is pleased to see much of his disaster relief bill, S. 3745, incorporated in the bill as reported. The ranking minority member of the subcommittee, Senator DOLE, has my commendation for his success in improving the bill with amendments urged by the administration.

This landmark legislation will be of benefit to the citizens of any State and locality in the United States that is so unfortunate as to be struck by a major disaster. It deserves, in my opinion, the affirmative vote of every Member of this body.

Mr. BAYH. Mr. President, I appreciate the kind remarks of the Senator from West Virginia. His assistance has been indispensable. I think that it is most appropriate that we also recognize the excellent efforts of the Senator from Kansas (Mr. DOLE). I earlier made reference to the contributions of the Senator from Kansas who was with us in Mississippi and Kansas and sat through the hearings.

I do not know of another example when we have had the joint efforts of Republicans and Democrats which would better meet the basic needs of the people of this country.

It seems to me unconscionable that we have gone so long without being prepared in advance. We do not know when we will have another disaster. However, history has proven to us that we will have more disasters.

This bill will provide one general act which will apply to any disaster. It should not be necessary to rush to Congress to seek special, piecemeal legislation after every disaster.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I yield to my friend, the distinguished Senator from Virginia, who was our host in Virginia and who helped immeasurably on the bill. Part of the bill shows his footprints.

Mr. SPONG. Mr. President, the Disaster Assistance Act of 1970 will establish permanent machinery to respond quickly to the needs of individuals, businesses, and communities which may be struck by natural disasters.

The bill represents a constructive response to testimony received at hearings before the Special Public Works Subcommittee on Disaster Relief, a unit created to examine the effectiveness of the Federal response to Hurricane Camille last year, and to determine the need for additional legislation.

Heretofore, disaster relief measures have been enacted after disasters have occurred. Consequently, the assistance necessary to restore disaster-stricken areas often has lagged behind the need.

In addition, disaster victims and local government officials have had to examine several different laws for relief programs. The measure developed by the special subcommittee would codify these programs into a single statute, thereby simplifying existing procedures.

The pending bill would establish on a permanent basis the major provisions of the Disaster Relief Act of 1969, which expires this year. For example, the measure would authorize Federal grants for the removal of debris from private property, assistance for the repair and reconstruction on non-Federal-aid highways, and forgiveness of a portion of disaster loans made by the Small Business Administration and the Farmers Home Administration. It also includes provision for temporary housing, food stamps, legal services, and unemployment assistance.

Several sections of the bill would be retroactive to Hurricane Camille, and accordingly may provide additional assistance to individuals, businesses, and communities affected by the disaster along the gulf coast, and in the James River Basin of Virginia.

The retroactive provisions of the bill are as follows:

First. The Small Business Administration and Farmers Home Administration would be authorized to make loans to major sources of employment in a disaster-stricken area without regard to the $500,000 ceiling imposed administratively by SBA and FHA. In order to be eligible, an enterprise must have been damaged to the extent that it is no longer in substantial operation as a result of a disaster.

Second. The Director of the Office of Emergency Preparedness would be authorized to assume temporarily the mortgage or rental payments of victims who, because of financial hardship caused by a disaster, have received notice of eviction or foreclosure.

Third. A community disaster loan fund would be established to assist localities in meeting bond payments, providing the local share of Federal grant-in-aid programs, or for maintaining essential public services. Loans could be made in cases where the local government has suffered a loss of more than 25 percent of its tax base, or in cases where such a substantial amount of the tax base has been lost that the locality is unable to meet its obligations.

Fourth. Grants would be authorized for the repair or reconstruction of public facilites owned by States or localities. Eligibility would be extended to sewage treatment and collection, water supply and distribution, airport, flood control, irrigation, and other facilities. Grants would be limited to 50 percent of costs.

The bill also includes provision for purchasing as well as leasing of mobile homes. There would be no charge for rentals during the first 90 days of occupancy. Thereafter, the financial ability of the occupant would be considered in fixing rent.

Under present law, for disaster loans in excess of $500, a maximum of $1,800 can be canceled. Under a new formula developed by the subcommittee, the forgiveness level would be increased to $2,500.

Mr. President, having seen the devastation caused by Hurricane Camille in Virginia, and heard the accounts of the resulting hardships suffered by many individuals, I am convinced of the need for this legislation. It has been a privilege to serve with the able chairman of the subcommittee, the distinguished Senator from Indiana (Mr. BAYH), during the development of the bill.

Mr. President, I join in the commendations of the efforts of the Senator from Indiana and others. It was fortuitous for the people of Virginia and Mississippi and the other areas affected that legislation sponsored by the Senator from Indiana was pending at the time this disaster struck and that we were able to use the bill upon an emergency basis and perfect it in the form of the legislation we are considering here this evening.

On behalf of the people of Virginia, I thank all Senators who have made contributions to the pending legislation.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. SPARKMAN. Mr. President, I join with the other Senators in expressing my commendation and appreciation to the chairman of the subcommittee, the Senator from Indiana (Mr. BAYH), and to the chairman of the full committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), both of whom have taken a great interest in this matter as have the other Senators who worked on it.

The Senator made reference a few minutes ago to the adoption of a suggestion our committee made. After the Public Works Committee finished its deliberations on the bill, in accordance with an understanding we had on the floor of the Senate when the bill was originally introduced, the bill was referred to the Banking and Currency Committee for such recommendations as it might want to make in those areas coming within the jurisdiction of the committee.

We did suggest a couple of amendments.

The Senator from Indiana referred to the one that relates to the interest rate. We tried to work that out to make it consisent with other similar programs.

Mr. BAYH. Mr. President, if the Senator will yield at that point, I ask unanimous consent to have printed at this point in the RECORD a letter contained in the report. The letter is from the distinguished chairman of the Committee on Banking and Currency to the chairman of the Public Works Committee. It incorporates the four suggestions made by the distinguished chairman and the members of the committee. It has been very helpful.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON BANKING
AND CURRENCY,
Washington, D.C.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On August 25, 1970, the Senate Banking and Currency Committee considered the housing and small business aspects of your committee's bill, the Disaster Assistance Act of 1970.

After reviewing these provisions, we recommend the following changes be made in the bill prior to its being reported to the Senate:

1. On page 17, section 231(a), after the words "major disaster" insert the words "as determined by the President or a disaster as determined by the Administrator." This will

make the provisions of section 231 of your bill apply to those disasters declared by the Administrator of the Small Business Administration as well as those major disasters declared by the President.

2. On page 21, section 234: (1) after the word "Act" insert ", or under the authority of section 7(b) of the Small Business Act." This provision would make the interest rate which the Small Business Administration charges on its economic disaster loans the same as those it charges under this bill on physical disasters;

(2) Insert "236(b)". This will make the provision of section 236(b) carry the interest rate formula contained in this section;

(3) Also increase the 1 percent figure in the interest rate formula to 2 percent thereby giving the disaster victims a greater break in their interest rate to be charged under this bill.

3. On page 20, delete section 233 and insert language which would treat veterans with direct VA loans who had property destroyed or damaged which secured these loans in the same manner as other victims of disaster. This new language would also give the Administrator of Veterans Affairs the right to forbear payments on the veterans loans at his discretion.

4. On page 22, section 236(b), delete the reference to interest rate. The interest rate under this section would be fixed at the formula set out in section 234 of the bill. This is recommended in order to make all the disaster provisions under this bill affecting HUD and SBA carry the same interest rate.

I am attaching copies of these amendments.

* * * * *

With best wishes, I am
Sincerely,
JOHN SPARKMAN, *Chairman.*

Mr. SPARKMAN. Mr. President, are those amendments incorporated in the final form of the bill as our committee recommended them?

Mr. BAYH. The Senator is correct. They are.

Mr. SPARKMAN. I simply wanted the record to show that.

Several Senators addressed the Chair.

Mr. BAYH. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I wish to join my colleagues on the Committee on Public Works and other Members of the Senate in commending the Senator from Indiana for his work in connection with this bill. In 1967 and 1968 he introduced a disaster relief bill as he had earlier in 1965 which resulted in the act of 1966. There was considerable discussion of that bill, different viewpoints, and thorough consideration which I believe was helpful in the development of the 1969 act and also of the bill which is now before us. Last year we had the California floods and the awful disaster of Hurricane Camille affecting especially Mississippi and Virginia. We were helped very much in the committee discussions on the 1969 act and on this bill by the distinguished Senators from Mississippi (Mr. STENNIS and Mr. EASTLAND), by the earnest and perceptive work of the Senator from Virginia who is a member of the committee (Mr. SPONG) and his colleague (Mr. BYRD). The Committee on Public Works established a Special Subcommittee on Disaster Relief, which held extensive hearings in the field and in Washington.

The President then sent to the Congress early this year a special disaster assistance message, containing the legislative recommendations of the administration, the most comprehensive disaster relief proposals made by any administration. I introduced the administration bill, S. 3745, on April 23, 1970, which was cosponsored also by Senator DOLE and Senators RANDOLPH and BAYH, chairmen of the full committee and the subcommittee. Most of those recommendations have been included in S. 3619.

I want to pay special tribute to the Senator from Kansas (Mr. DOLE) who is the ranking minority member of the subcommittee, and a new Member of the Senate. He entered into this work with all of his energy. He went to Mississippi, and he went to Virginia, when others found the trip too difficult or the weather too bad to go. He worked closely with the administration and diligently within our committee. I think the bill which is the result of these combined efforts is the most comprehensive of its kind ever to come before Congress.

The Disaster Assistance Act of 1970, S. 3619, represents efforts of the Subcommittee on Disaster Relief of the full Public Works Committee to bring orderly assistance to the chaos and suffering wrought by natural disasters. The committee's work on this legislation began on the gulf coast following Hurricane Camille, when hearings were held in Biloxi in January. Further field hearings were held in Roanoke, as well as several days of hearings here in Washington.

The committee's deliberations have focused on legislative proposals S. 3619 and S. 3745. The latter was an administration proposal which came to Congress with a Presidential message on disaster assistance. The committee, its staff, and officials of the administering agencies of the executive branch have worked together closely throughout the development of this legislation and I believe that the strong legislation before the Senate this evening reflects that careful and thorough deliberative process.

The bill recodifies much of existing law in the disaster assistance field and in doing so should greatly aid the task of State and local officials in determining what kinds of assistance are available to them in rebuilding their shattered communities. The confusion which has existed up to now, due to the different laws dealing with disaster relief, was repeatedly mentioned throughout the hearings.

On April 22, 1970, President Nixon sent a message to the Congress asking for the most comprehensive disaster relief in history. The administration can be proud of the provisions of S 3475, its bill which I introduced on April 23. They were good provisions and all but two of the major sections were included in the reported version of S. 3619 in whole or in some modified version.

I think the administration is to be further commended for the actions it has taken since Hurricane Camille to streamline and improve administering to people's needs in the period following a major disaster.

It is important, it seems to me, to note that throughout the committee's work on this legislation two threads of thought were constantly apparent. We wanted to design legislation to care for people. And secondly, we wanted to assure that the negative realities of destruction be turned, so far as possible, to constructive and productive rebuilding. S. 3619 seeks to fulfill those aims and its passage and enactment into law will do much to assure that we "build back better" what is destroyed by future natural disasters in the future.

Again, I commend the Senator from Indiana, Senator BAYH, our committee chairman, the junior Senator from Kansas, Senator DOLE, who worked hard in the hearings, in the field and on the development of the bill, Senator SPONG of Virginia, and all the members of our Public Works Committee and the staff.

Mr. President, I ask unanimous consent the message from the President to the Congress on April 22, 1970—the most comprehensive proposals on disaster assistance by any President, and which contributed so much to the development of this bill—be included in the RECORD following my remarks.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE FROM THE PRESIDENT

To the Congress of the United States:

The spirit of neighborliness, the readiness to extend a helping hand in time of trouble, is one of the great traditions of this country. In the early years of our history, good neighbors were essential in coping with the hardships of pioneer life. They are equally essential in meeting the challenges of life today.

The spirit of the good neighbor was particularly evident in 1969 when natural disasters struck this country in unprecedented numbers and with unprecedented force. Twenty-nine major disasters and an untold number of smaller disasters were responsible for over 300 deaths and an estimated $2 billion in property damage in the last calendar year. Events such as the California floods and Hurricane Camille with the Virginia floods were exceptionally destructive.

Private voluntary agencies have traditionally played a crucial role during times of disaster. State and local governments are key factors in any successful disaster relief effort. Thus the Federal role is only one part of the overall response of the nation. But it is a very important part of that response. Under the Federal Disaster Acts of 1950, 1966, and 1969 and their amendments and under provisions in many other statutes, the Federal government works to help individuals through relief and rehabilitation efforts and to assist State and local governments by restoring public facilities essential to community life. In 1969 the Federal government allocated $150 million for assistance from the President's Disaster Relief Fund—the largest sum for any one year in history. Significant additional funds were spent on disaster assistance under other Federal programs. A report on our 1969 experience is being provided to the Congress.

We are confident that the general framework of our present program provides an effective mechanism for channeling Federal disaster assistance to individuals and communities. Rather than depending on a specialized disaster assistance agency, the present system makes maximum use of existing agencies, centrally coordinated by the Office of Emergency Preparedness, to perform tasks in time of emergency which are similar to those which they perform in normal circumstances. Our present arrangements also encourage constructive and cooperative efforts among, individuals, local communities, the States and the Federal government.

At the same time, however, we have learned that a number of improvements are in order

within the existing framework. The last Presidential special message on the subject of disaster assistance was written 18 years ago. Since that time, this program has grown in a piecemeal and often haphazard manner, involving over 50 separate Congressional enactments and executive actions. This slow development process has created a complex program, one which has a number of gaps and overlaps and needs increased coordination. It is time for new legislation and executive action to make our Federal disaster assistance program more effective and efficient.

LEGISLATIVE PROPOSALS

To extend and to improve the assistance which the Federal Government can provide in time of major disasters, I am asking the Congress to enact the Disaster Assistance Act of 1970. This legislation contains a number of specific proposals, the most important of which are the following:

Revenue maintenance

When a community experiences a major disaster, the physical impact is obvious. What the television camera does not capture, however, is the loss of property tax revenue which occurs when a substantial portion of a community's property tax base is destroyed and its essential services are disrupted.

To ease this difficulty, *I recommend that the Congress enact a property tax revenue maintenance plan.* Under this plan, the Federal government would be authorized to lend money at favorable interest rates to local governments to make up their loss of property tax revenues following a major disaster.

Permanent repair

I am asking the Congress for expanded Federal authority to permanently repair or fully replace essential public facilities damaged by disasters. This authorization would provide a more effective and practical approach to the replacement of damaged public facilities which are vital to community life. This Administration would give preference to local employees and contractors in repair and rebuilding work.

Economic development assistance

I am also asking the Congress to amend the Public Works and Economic Development Act of 1965, so that the Economic Development Administration would provide staff support, technical advice and financial assistance to those communities affected by major disasters. Such assistance is vital in recovery efforts, particularly when the community is attempting to begin long-range rebuilding or redevelopment efforts.

Disaster loans

I am proposing legislation to improve the disaster loan programs of the Small Business Administration and of the Farmers Home Administration. These loans are among our principal sources of assistance to stricken individuals. The recommended changes would provide for improved refinancing, payment deferral, and forgiveness arrangements and would assure disaster loans to older citizens. My proposed amendment would allow the FHA and SBA to provide faster service and would therefore promote speedier recovery following disasters.

Unemployment compensation

I am also recommending that the Congress extend for two years the expanded unemployment compensation provisions of the Disaster Relief Act of 1969. These provisions make temporary income available as promptly as possible to help individuals who are unemployed as the result of a major disaster. Such assistance to individuals was a new feature in the 1969 Act. Before last year, only those unemployed persons who could qualify for compensation under the normal unemployment insurance programs could receive income protection following a disaster. The two-year extension which I recommend would provide time to fully evaluate the new provisions and to consider appropriate legislation.

Housing

Hurricane Camille provided the greatest test of the Federal government's ability to provide temporary housing to victims of a major disaster. We believe we met that test; at the direction of the Office of Emergency Preparedness, the Department of Housing and Urban Development was able to place more than 5,000 mobile homes in the disaster area. We also believe, however, that the language of the law which authorizes such activities is confusing.

Two separate provisions in two different laws are now directed to temporary emergency housing. In order to simplify the legislative provisions that apply to this problem, *I propose that the provisions for temporary housing in PL 81–875 be amended so that they incorporate many of the broad principles of PL 91–79, without sacrificing flexibility.* A clarified version of this law would allow the government to provide temporary housing or other emergency shelter—including leased mobile homes or other readily fabricated dwellings.

Debris removal

One of the serious problems encountered in Hurricane Camille related to the removal of debris from private property. Current legislation in this area is confusing and difficult to administer. *I am therefore proposing corrective legislation that would simplify and speed debris removal from private property when it is in the public interest.* Again, preference would be given to local employees and contractors.

Disaster prevention

In March and April 1969 this Administration conducted a massive flood prevention program in the upper Midwest and New England. This program—Operation Foresight—was immensely successful; it prevented widespread human suffering and an estimated $200 million in damages, at a cost of $20 million. The success of this disaster prevention effort suggests that we can do a great deal to avoid or limit the effects of expected disasters. *Accordingly, I am proposing legislation which would extend the Federal government's authority to assist State and local governments in disaster prevention and damage reduction activities.*

Planning assistance

The Disaster Relief Act of 1969 authorized one-time matching grants to help States formulate better plans for coping with disasters. Almost half of the States have already indicated that they will join us in this effort and we expect that others will soon follow their lead. *I now recommend that the Congress expand this provision of the 1969 law in order to help States review and update these plans on a continuing basis.*

In addition to the major initiatives outlined above, the legislation prepared by the Administration includes a number of other changes designed to extend the scope and improve the effectiveness of Federal assistance.

Administrative actions

Legislative changes are not the only improvements which are presently required. Our experience indicates that changes in administrative procedures can be equally important in providing a more effective assistance program.

Coordination

To improve coordination of Federal Disaster Assistance efforts, both among Federal agencies and among Federal, State, and local officials, I am establishing a National Council on Federal Disaster Assistance. The Council will be composed of senior officials from Federal agencies concerned with disaster assistance and will be chaired by the Director of the Office of Emergency Preparedness.

To further improve coordination of disaster assistance activities in the field, I have also directed that the Regional Directors of the Office of Emergency Preparedness be included as ad hoc members of the newly formed Federal Regional Councils. This improvement will be supplemented by other actions to improve coordination among all levels of government, including the Office of Emergency Preparedness regional planning conferences with State officials with the first such conference this month on the West Coast.

In addition to improving coordination and developing more comprehensive plans, we need better procedures for continuous communication with State and local governments on such matters as disaster legislation. The Council of State Governments and such organizations as the International City Management Association, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors are assisting us in this effort.

Improvements in disaster assistance also require an improved program of research and evaluation, the results of which are readily available to all who can benefit from them. I have therefore directed the Office of Emergency Preparedness to act as a central clearing house for all Federal research which is related to disasters.

Assistance to individuals

An important objective, particularly in large-scale disasters, is that of informing individuals of the assistance which is available and of the places where it can be obtained. To meet this problem, we are expanding our information efforts and keying those efforts to the needs of the individual citizens of the community, particularly those who are poor.

Whenever a disaster occurs, those who live in the area desperately want to be in touch with their friends and relatives who live elsewhere. Rescue workers also need better communication facilities within such areas. I have therefore asked the Office of Emergency Preparedness to provide better emergency communication services to stricken regions during times of disaster.

Just as we make it easier for individuals to get information, so we should make it easier for them to get assistance. It should not be necessary for individuals to travel from one place to another and then to still another location in order to obtain the help which various agencies of the Federal government are providing. *Accordingly, we are developing plans to provide "one-stop" service to individuals in disaster areas.* Representatives of the principal Federal agencies and of the Red Cross, as well as caseworkers and legal advisors, will all be available at a single assistance center.

Disaster assistance teams

Disaster stricken communities frequently lack trained personnel who can help them make the best possible use of the assistance which is available to them from many sources. To meet this need, I have directed the Office of Emergency Preparedness to form *Federal disaster assistance teams to help local communities coordinate the overall assistance effort.* These teams will be supervised by a Federal Disaster Assistance Coordinator who will act as an on-the-spot representative of the President in any particular disaster area.

Disaster Insurance

Our experience with disasters in 1969 clearly demonstrated the need for expanded insurance coverage for property owners. The national flood insurance sections of the Housing and Urban Development Act of 1968 presently permit Federal insurance assistance in flood-prone areas and we are now implementing that program on an accelerated

basis. *I am also directing that a comprehensive study of property insurance coverage for disaster situations be undertaken and that specific recommendations be provided me by the end of this year.* This study should take into account the views of the State insurance authorities, the insurance industry, lending institutions, and the general public.

Civil Defense

The disaster assistance activities of State and local governments often are closely related to their civil defense responsibilities. The relationship between the Federal government's disaster assistance and civil defense activities should now be carefully reviewed. Accordingly, I have asked that such a study be carried out and that its recommendations be given to me by December 31, 1970. It is important that any changes in this sensitive area be made only after a careful review, one which gives special attention to the impact of any suggested change upon national security.

* * * * *

As we move into a new decade, one of the nation's major goals is to restore a ravaged environment. But we must also be ready to respond effectively when nature gets out of control and victimizes our citizens.

With the improvements I have recommended to the Congress and those which I am instituting by Executive action, the disaster assistance program of the Federal government will continue to provide outstanding public service in times of crisis. This program manifests the extraordinary humanitarian spirit of our nation. The changes I have proposed would enable it to reflect that spirit even more effectively.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970.*

Mr. BAYH. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I concur with the statements made earlier by the Senator from Indiana, the Senator from West Virginia, and the Senator from Kentucky, the Senator from Virginia, and, of course, the Senator from Mississippi.

It was an eye-opening experience for me and every member of our subcommittee to visit the Biloxi area. We visited Pass Christian and found an entire community leveled, the tax base destroyed, and no apparent means of reviving that community.

This field investigation and the hearings that ensued are responsible for some of the improvements proposed in this legislation.

I share the views of the Senator from Indiana who has been the leader in proposing disaster legislation. I had misgivings in the beginning about some provisions, but after witnessing the hardships and tragedies that result from disasters I am convinced the subcommittee has done an excellent job.

The bill represents the efforts of the subcommittee, the efforts of the administration, and the efforts of the minority and majority staff of the subcommittee and full committee who worked tirelessly with staff members of OEP to write a bill that is responsive to the needs of the people in time of disaster.

It is my opinion that we have passed and approved in the subcommittee and the full committee, with the approval of the Committee on Banking and Currency, landmark legislation. There are significant efforts to improve and update our disaster assistance programs.

Mr. President, on April 22, 1970, President Nixon, in the first special message to Congress on the subject of disaster assistance in 18 years, pointed out:

The spirit of neighborliness, the readiness to extend a helping hand in time of trouble, is one of the great traditions of this country. In the early years of our history, good neighbors were essential in coping with the hardships of pioneer life. They are equally essential in meeting the challenges of life today.

In 1969, the challenges posed by natural disasters surpassed those of any single year since the first comprehensive Federal Disaster Act was passed in 1950. There were 29 major disasters, which included the California floods and Hurricane Camille, described by the U.S. Geological Survey as "the most intensive hurricane on record to enter the U.S. mainland." As a result, the Federal Government allocated a total of $148,970,000 from the President's disaster fund, the largest sum for any year in history. In addition, the disaster loan programs of the Small Business Administration and the Farmers Home Administration were of major assistance during 1969 to homeowners, businessmen, and farmers. Food supplies from the Department of Agriculture, community relations services from the Department of Justice, and legal assistance grants from OEO also helped many disaster victims.

Despite the tremendous response of the Federal agencies to the major disasters of 1969, President Nixon recognized the need to improve our performance. In his special message to the Congress, he proposed far-reaching legislative and administrative changes. The President found that our disaster assistance program has "grown in a piecemeal and often haphazard manner, involving over 50 separate congressional enactments and Executive actions." He noted that—

This slow development process has created a complex program, one which has a number of gaps and overlaps and needs increased coordination.

The bill we are considering today includes the best concepts and proposals of S. 3619 introduced by Senator BAYH, chairman of the Subcommittee on Disaster Relief, and S. 3745, introduced by Senator COOPER, ranking minority member of the full Committee on Public Works, on behalf of the administration. Specifically, the following provisions from S. 3745 are included in this bill:

First. Provision for removal of the "emergency repair of temporary replacement" criteria of work on essential public facilities, with the proviso that the Federal cost of permanent repair or replacement not exceed the net worth of the facility to its predisaster capacity.

Second. Provisions to allow the President to contract or make agreements with private relief organizations in order that the activities of these organizations can be coordinated by appropriate officials and conditioning of such agreements on compliance with title VI of the Civil Rights Act of 1964.

Third. Provisions to provide for forgiveness of up to $2,500 on losses or damage in excess of $500 on the principle of an SBA or FHA disaster loan.

Fourth. Provision that the State planning program would be an ongoing activity rather than expire on December 31, 1970. Additionally, provisions to limit the amount of assistance available to any one State to $25,000 per annum and in amounts which shall comprise more than 50 percent of the total cost of such planning.

Fifth. Provision that debris-clearance assistance to the States and local governments not be made unless the State or local jurisdiction agrees to unconditionally indemnify the Federal Government from any claims arising as a consequence of the debris removal.

Sixth. Provision to establish a community disaster loan fund in the Treasury for assistance to local communities suffering substantial loss because of a major disaster.

Seventh. Provision to authorize assistance in advance of an imminent disaster.

Eighth. Provisions dealing with antidiscrimination in the administration of assistance; with the establishment of advisory groups on disaster relief, and on the assignment of advisory personnel, to local communities.

In addition, the President's program improvements to be achieved administratively have been accomplished or are well underway:

A National Council on Federal Disaster Assistance has been established. The Council brings together senior level officials of Federal agencies to improve coordination of Federal assistance efforts.

One-stop centers: The concept has been tried and proven in the recent Lubbock and Corpus Christi, Tex., disasters, making it easier for disaster victims to get information and assistance.

Disaster assistance teams: Teams of knowledgeable Federal officials, supervised by OEP disaster assistance coordinators, are helping communities and individuals in disaster relief and recovery efforts.

Disaster research: Within OEP, a research effort is being initiated, wherein the agency serves as the clearinghouse on all disaster-related research.

During our hearings, both in the field and in Washington, we heard many complaints about insurance coverage for property owners. At that time, the National Flood Insurance Section of the Housing and Urban Development Act of 1969, permitting Federal insurance assistance in flood-prone areas, had not been fully implemented. That program has now been accelerated, and many more communities are participating. Hopefully, the frustrations arising out of the insurance practices of the past will cease to occur. Further, President Nixon has requested a comprehensive study of property insurance coverage for disaster and will be receiving specific recommendations before the end of the year.

The response of State and local governments to a major natural disaster is one of the most important aspects of effective disaster assistance. We found that there was a wide variance in the ability of the States and in turn the local governments to truly aid their citizens. Oftentimes, those who are designated for

such duties are disaster victims themselves. Where there has been an affirmative response, it is often related to the viability of the State and local civil defense units. The relationship between the Federal Government's disaster assistance and civil defense activities is under review by the President. I am hopeful he will forward recommended changes to the Congress shortly after the first of the year.

As the President said in his disaster message:

> The general framework of our present program provides an effective mechanism for channeling federal disaster assistance to individuals and communities.

But this legislation for the first time consolidates our major disaster assistance programs and provides additional assistance in areas in which we have been deficient in the past. It is the result of bipartisan efforts of members of the committee and the responsible officials in the executive branch. As ranking minority members of the Subcommittee on Disaster Relief, I join my colleagues in supporting the Disaster Assistance Act of 1970. It will allow us, in the President's words, "to respond effectively when nature gets out of control and victimizes our citizens."

Mr. BAYH. Mr. President, I yield to the Senator from Texas. I understand he has an amendment.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: On page 98, line 10, before the period insert the following: "and sections 231, 232, and 233 shall take effect as of April 1, 1970."

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Indiana for yielding to me. I compliment the Senator for his great work in connection with the important bill.

Mr. President, the amendment I have sent to the desk would apply retroactively the loan cancellation provisions, sections 231, 232, and 233, of S. 3619, to all victims of disasters occurring after April 1, 1970.

Mr. President, we have before us one of the most important pieces of legislation that Congress will consider this session. S. 3619, will provide a permanent and comprehensive disaster relief program which will be of immeasurable benefit to countless Americans. No one in this body realizes more fully the urgent need for this legislation than I. Having observed the damage done to my State this spring and summer by tornadoes, floods, and hurricanes, and having worked with disaster relief agencies and the unfortunate victims of these natural disasters, I know from personal experience the weaknesses in the present law and need for the changes proposed in S. 3619. This is why I am proud to be a cosponsor of this bill. Its excellent features are so many that I shall not take the time of the Senate to speak on them at this time; however, I do wish to commend the distinguished Senator from Indiana (Mr. BAYH) and the members of his subcommittee for their fine work on this bill.

The purpose for my amendment is to make available to the thousands of victims of major disasters that have occurred since April 1, 1970, the increased loan cancellation features of S. 3619. Under the present law, Public Law 91–79, which was enacted in October of 1969 in the wake of Hurricane Camille which ravished the gulf coast, the Small Business Administration and the Farmers Home Administration are authorized to cancel at the borrower's request up to $1,800 of any disaster loan in excess of $500. In other words, if a disaster victim obtained a $2,300 loan from the Small Business Administration to repair or restore his farm house or replace his livestock, he would be obligated to pay the first $500 but the balance would be canceled. When Public Law 91–79 was enacted in October of 1969, its provisions and benefits, including the loan cancellation feature, were made to apply retroactively to all major disasters that occurred after June 30, 1967. By making Public Law 91–79 retroactive to that date, the victims of Hurricane Beulah, which struck the gulf coast in September of 1967, were allowed to benefit by the law. My amendment does nothing more than was done when Public Law 91–79 was enacted.

The committee in reporting S. 3619 recognized that the cost of construction work has skyrocketed in the last year; therefore, the committee wisely increased the amount of a disaster loan that the Small Business Administration and Farmers Home Administration can cancel from $1,800 to $2,500. This increase of $700 may seem small and insignificant to those people of wealth; however, to the Mexican American and black citizens of Lubbock and Corpus Christi, to small businessmen and fishermen of the gulf coast, and to the farmers of Plainview, this amount could provide the means and assistance to stay in their communities and rebuild their homes, farms, and businesses rather than being forced to seek a new start in another area. This is why it is only fair and just that we make the increased benefits of S. 3619 available to as many disaster victims as possible.

In my State, there have been four major disasters since April of this year. The first of these disasters was the tornado that struck Plainview, Tex., and cut a 175-mile path of death and destruction in a 10-county area. Second, was the tornado that struck Lubbock, Tex., on May 11, affecting 2,500 square blocks of that prosperous city. Third, on May 15 of this year a flood devastated San Marcos, Tex. Last, but far from least, Hurricane Celia struck Corpus Christi, Tex., and many other towns and cities in a 12-county area in Texas in August. The damage figures are still being completed on all of these disasters; but from what information that is available, it is clear that the Lubbock tornado damaged or destroyed over 10,000 homes. The Plainview tornado caused over $10 million in property damage. The San Marcos flood caused over $2 million and Hurricane Celia has caused over $233 million in damages to real property and homes and automobiles alone as of this date.

In these areas in Texas, the Small Business Administration and the Farmers Home Administration have already made many disaster loans and there are still many loan applications to be acted on. In Lubbock, Tex., for example, the Small Business Administration has already made over $7 million in loans to homeowners and businessmen. Many more loan applications are still pending. In the counties affected by Hurricane Celia, the Small Business Administration has made 2,500 loans and the Farmers Home Administration has made 21 loans. Many more loan applications are pending for action by the Small Business Administration and Farmers Home Administration.

Under the present law, the Small Business Administration and Farmers Home Administration are authorized to defer the initial payments on these loans for a period of time in order to allow the borrower to get on his feet financially with his other creditors. For example, the initial payment on loans made by the Small Business Administration to a homeowner or business concern that cannot obtain funds from private sources may be deferred for a period of 5 months to 3 years, depending on the financial condition of the borrower. The Farmers Home Administration is authorized to allow the repayment of emergency loans for the purposes of replacing livestock and equipment for periods of up to 7 years and to allow loans for the purpose of repairing farm buildings and improvements to be repaid over periods of up to 20 years. Thus, in many situations, victims who have received disaster loans since April 1, 1970, have not even made the first payment on these loans and will not do so for some time. In many other cases, loan applications made by the victims of Hurricane Celia and the Lubbock tornado will not even be acted upon until after this legislation has passed. To people in these situations, it will appear that Congress has lost all interest in their problems if they are not offered the opportunity to take advantage of the cancellation provisions of S. 3619.

Mr. President, those who oppose my amendment usually offer two feeble reasons why it should not be passed.

First, it is argued that to make these provisions retroactive will impose great administrative difficulties for the Small Business Administration and Farmers Home Administration. When tested by experience, this argument will not stand up. As pointed out earlier, in many situations, the first payments have been deferred. In other situations the loan applications have not been acted upon. Thus, it would not seem to be an insurmountable task for these agencies to advise these borrowers of their rights under S. 3619 and offer them the opportunity to come under these provisions. It is true that it might cause these agencies some extra work and in some cases some inconvenience, however, when the public good is pitted against governmental inconvenience it is imperative that the public good prevails. The foundation of

government in a democracy is to be responsive to the needs of the people and to find ways of meeting these needs. When our Government stops acting in the best interest of the people and starts acting only for its own interest and convenience their own Government has failed in its basic function: to serve the people.

Second, it is argued that by applying this amendment retroactively, disaster victims will be hurt rather than helped because the interest rate will be increased from 3 to 5⅜ percent. This argument is also impersuasive because:

First, my amendment does not automatically increase the interest rate on any existing disaster loan. On the contrary, my amendment would offer disaster victims the choice of whether to retain their present loans at an interest rate of 3 percent with only $1,800 in cancellation authority or to take a new loan at 5⅜-percent interest with $2,500 in cancellation authority. Naturally, not all disaster victims will make the same choice; however, I do not believe that it would be too much of a burden on the agencies involved to make this choice available to these unfortunate people.

Second, in many cases, the benefits of the increased amount that can be canceled will far outweigh the effect that the interest rate might have. This is particularly true in the case of low-income people. For example, suppose a low-income family sustains $3,000 in damages to their home. Under the present law, this family would be entitled to have $1,800 of a $3,000 loan canceled, leaving them with the obligation of repaying $1,200 at 3-percent interest. If my amendment is enacted, this family would have the choice of receiving a loan under S. 3619 which would allow them to have $2,500 of this loan canceled, leaving them obligated to pay back $500 at 5⅜-percent interest. It seems obvious that a debt of $500 at 5⅜-percent interest is much easier for a low-income family to carry than a $1,200 debt at 3-percent interest. At the rate of 5⅜ percent the interest on $500 for 1 year is only $26.37. The interest on $1,200 at 3 percent for 1 year is $36. Therefore, it appears logical to me that low-income and middle-income people, when given the choice, would rather pay $526.87 than $1,236. The obvious benefits of the increased cancellation features of S. 3619 even with an increased interest rate, are pointed out by the committee on page 18 of the report on S. 3619 in which it is stated:

> Despite the higher interest rate which would be charged for disaster loans, substantial benefits will accrue under the new formula for many of those seeking assistance. A homeowner whose disaster loan exceeds $10,500 will be eligible for a forgiveness of the maximum amount, or $2500. His total encumbrance on $10,500 will be only $8000. A $6000 disaster loan will be credit with $2500, reducing the obligation to $3500. A borrower of $2000 will be entitled to a $1500 cancellation, leaving a balance of $500 to be repaid.

Mr. President, the amendment I have proposed is a fair and just measure. It is one that I am committed to because of what it means to the poor people who have suffered so much in these terrible disasters. I cannot turn my back on these people in their hour of need. Therefore, I ask all my colleagues who care about the welfare of the thousands of small farmers, businessmen, and working people throughout America who are trying desperately to rebuild their homes and their lives to join with me in approving this important amendment.

Mr. President, I commend the Senator from Indiana for his thorough research in connection with the bill and the hearings that have been held all over the country, as well as the provisions in the bill to help the people in my State, mainly those of Mexican-American extraction who were faced with the loss of their homes by mortgage foreclosures where they did not have the funds to make mortgage payments or rent payments. Many of these people worked in plants that were destroyed. The committee adopted my amendment which would provide the money for people to make their rent or mortgage payments. This is a great advancement in the efforts of government to meet the basic needs of disaster victims.

I have offered a limited amendment. I ask the distinguished chairman to accept the more limited amendment at this time.

Mr. BAYH. Mr. President, the Senator from Texas has discussed with me the unique problem he has in Texas now and also the terrible disaster that hit the area along the coast down there. I would have no objection to accepting that particular amendment.

Mr. YARBOROUGH. It is more restrictive than the earlier amendment I offered.

Mr. BAYH. As some of those Senators present know, I had hoped we could get this covered in other areas. I say to my friend I do not know what the attitude of the House will be, but we will certainly try to get it approved.

Mr. YARBOROUGH. I would like to point out that this is not only a Texas amendment. Since that date there have been disasters, declared by the President, in Alabama, North Dakota, Kansas, Florida, New York, and Minnesota. It is not a one-State amendment. It covers situations in those States, as well.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOLE. The amendment provides for the retroactive application of sections 231, 232, and 233, which apply to disaster loans by SBA and FHA and loans held by VA, respectively.

If section 231 is made retroactive to April 1, 1970, loans will require reworking to provide the additional $700 cancellation feature. Another, but perhaps more important, feature of the new act provides for a different interest rate on disaster loans. Thus, if a loan is reworked to include the $700 additional cancellation feature, it appears that the interest rate—estimated at 5⅜ percent—required by the new act would also have to be applied to that loan. This would require that SBA discuss the advantages and disadvantages with each applicant covered by the amendment. It appears that confusion among applicants would result. The act further provides that certain conditions of eligibility for disaster loans be removed. If made retroactive, it would appear SBA would be required to inform persons previously not eligible for loans that they may now qualify, including those who did not apply because they know they did not meet eligibility requirements. This would also require SBA to accept applications for all SBA declared disaster loan areas as well as Presidential declarations of major disasters.

As for section 232, FHA has approved loans that include the $1,800 forgiveness feature authorized by existing statute. The comments made with regard to section 231 also apply to this section.

Furthermore, no benefit to disaster victims would result from retroactive application of section 233, and VA presently has the authority which would be granted by that section. Thus, there is no reason for such action.

But Mr. President, I am not going to object to the amendment, I only raise these questions for the record. I am in sympathy with the objective of the Senator from Texas. If I understand the amendment clearly, it means that SBA will find it necessary to rework some 20,000 loans that have already been made and that it might result in an increase in interest paid by some applicants. Do I understand that sections 232 and 233 would also be added?

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. YARBOROUGH. I believe the Senator is referring to my former amendment. It went back to August of 1969. Under that amendment, there would have been 20,000 loans to review. This limited amendment, as the chairman will verify, would cover only about 3,000 to 4,000 such loans.

Mr. BAYH. Between 3,000 and 4,000.

Mr. YARBOROUGH. Yes; less than one-fifth as many loans as under my earlier amendment. We are hopeful there would be no objection to it.

Mr. DOLE. Does that same date apply to FHA and VA loans—to all three sections?

Mr. YARBOROUGH. All three sections.

Mr. BAYH. All three sections.

Mr. DOLE. I do not know how many FHA loans would be affected by the new date but apparently fewer than 1,000.

With that modification I am willing to accept the amendment of the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, I send to the desk another amendment, with which the Senator is familiar. I ask for its acceptance. It relates to damage to real estate in Cameron and Willacy Counties, Tex., where there was a rather unfortunate occurrence.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 65, line 5, after "Act." it is proposed to insert the following:

Funds allocated for the relief of areas devastated by major disasters occurring between July 1, 1967, and December 31, 1970, shall be expended on the basis of costs as certified by State and local governments and shall not be limited to costs estimated by damage surveys made after obligations have been incurred.

Mr. MILLER. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MILLER. Mr. President, I ask for the yeas and nays on the passage of the bill. I couple this with the observation that I think the Senate is acting on one of the most meaningful pieces of proposed legislation in my 10 years in the Senate. We have had trouble with the House mainly, I think, because the House has not understood some of the background which resulted in this bill. I would hope that we would have a unanimous vote on the bill. I think it would help us in our dealings with the House.

Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, I digress for a moment from discussing the amendment to concur in the observations of the Senator from Iowa on this great piece of legislation. I want to point out something else. The poor people who suffer in these disasters have no legal representation in the usual case. I have been on the scene. I have an office opened in Corpus Christi to assist disaster victims. I have had as many as four assistants there at a time working with these unfortunate people. There is no Federal money provided for these services. I have had to raise the money to keep this office open.

There is no legal assistance available for the poorer disaster victims. They are not able to hire lawyers to explain to them their rights under the various disaster programs.

The Senator from Alaska (Mr. GRAVEL) and I offered an amendment to S. 3617 which would provide legal assistance to disaster victims when they are not able to hire lawyers for themselves. I am pleased that it was accepted. This is another advancement.

This is a very fine bill. I commend the distinguished Senator from Indiana, the distinguished Senator from West Virginia, and other Senators from both sides of the aisle who have worked out the finest disaster relief bill in the history of the United States.

Now I return to my limited amendment.

The amendment pertains to the Hurricane Beulah disaster which struck the Texas east coast on the morning of September 20, 1967, which was declared a natural disaster by President Johnson on September 28, 1967. Local officials of Cameron and Willacy Counties, two of the most seriously devasted counties in the disaster area, immediately pursued rehabilitation efforts, making every effort to comply with the guidelines of the Office of Emergency Preparedness.

Despite the good faith efforts of these counties and the performance of work by contractors, there has been constant disputing over the reimbursement of expense relating to the rehabilitation efforts, even though the Governor of the State of Texas has certified these costs as well as the local governments. The Governor has also appealed the determinations of the Office of Emergency Preparedness, but unsuccessfully.

The circumstances of this problem are fairly simple. There was a hurricane, and relying on indications that the area would be declared a natural disaster, the counties began the emergency rehabilitation as they should. After the fact and after obligations were made by the counties, OEP made their own damage survey estimate and denied the claims after the obligations had already been incurred.

This is an unforgiveable situation in which the OEP has a contractual obligation to reimburse for reasonable sums expended in performance of eligible work under the Federal Disaster Act and the counties expended substantial sums in reliance on this commitment. There is no allegation that the counties did not make every effort to comply with all the guidelines of OEP, yet their claims have been denied.

If these costs are not reimbursed then it would be unreasonable to assume that any contractor would assist in rehabilitation efforts until he had the cash in hand, since the Government's contracts would be meaningless. It is my understanding that this amendment would cost no new money, since $10 million was allocated for the relief following Hurricane Beulah and there is more than enough remaining to pay these remaining claims.

Mr. President, I ask all Senators to give this amendment their full support.

Mr. DOLE. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. DOLE. Do I understand correctly that the Senator's amendment is No. 877?

Mr. YARBOROUGH. That is correct.

Mr. DOLE. Has there been any change in the language of amendment No. 877 as it is on our desks?

Mr. YARBOROUGH. No; it is just as it was. Ten million dollars was allocated for relief. It has not been paid. This amendment provides that Cameron and Willacy Counties shall be repaid for their expenses in cleaning up the damage. The taxpayers there are overburdened with the expense. This amendment calls for no new money. The $10 million originally appropriated is still available.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. COOPER. I feel an obligation to say something about this proposal, not only because I am the ranking Republican member of the committee, but also, as Kentucky has had many flood disasters, I have some knowledge of situations like this in my own State.

As I read the Senator's amendment, it provides that as to every kind of damage that occurred because of disaster between July 1, 1967, and December 31, 1970, anywhere in the land, when a county or a State sends in a bill and certifies that it is correct, that is all there is to it; the Federal Government will have to pay it. It would simply remove the Federal administrator from the program. The Federal Government would pay the bill for each county or each city which certified to the amount.

The Senator from Texas (Mr. YARBOROUGH) has always been loyal to his State and his people; but having had experience in my own State, in only one or two counties I am glad to say, I must say that I shall have to vote against the proposal of the Senator from Texas.

Mr. YARBOROUGH. The present Governor of my State has been to Washington time after time to seek reimbursement for the debt that the counties incurred. The previous Governor would not ask for a declaration of disaster. The previous Governor incurred the obligation that was paid at that time. There was a hiatus of 8 days until there was a declaration of disaster.

Mr. BAYH. Mr. President, will the Senator permit me to make one observation?

Mr. YARBOROUGH. Yes.

Mr. BAYH. As I understand what the Senator has said, there was a difference between the amount declared to be the cost of cleaning up debris at the time and the later estimate by OEP. The estimated amount has been paid. What the Senator from Texas is trying to do is to have the counties affected reimbursed for the actual cost.

Mr. YARBOROUGH. The actual cost, as the OEP made its estimate, which came in after the money was spent.

Mr. BAYH. The Senator from Texas is free to handle his amendment as he sees fit, but the Senator from Indiana might suggest that, inasmuch as the grievance that concerns the Senator from Texas, as to which he has evidence concerning the disparity between the estimate and the actual cost in two counties—I do not know how many hundreds of counties might be covered by his amendment now—perhaps he would have less opposition from some Senators who are concerned about opening a Pandora's box if he would limit the amendment to the counties affected by disasters which occurred only during the last 6 months of 1967. This would confine the amendment sufficiently to deal with the two grievances that the Senator brings to our attention, without opening a Pandora's box and applying the amendment to the whole country, about which we have no evidence on the actual expenditures which might be involved.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may amend my amendment on line 4 by striking out "1970" and inserting in lieu thereof "1967."

The PRESIDING OFFICER. The Senator from Texas has a right to modify his amendment, and the amendment will be so modified.

Mr. DOLE. Mr. President, I oppose the amendment. As I understand, the work was done on an emergency basis, and that sometimes is necessary. I also understand that the OEP no longer approves contingency contracts; but many efforts have been made, as the Senator from Texas has pointed out, by the Gov-

ernor and others to justify the increased payments.

They have appealed to the OEP; they have appealed to the director; and in each instance, they have not been able to justify the claim that is now presented to the Senate.

In all disasters since Public Law 875 was enacted in 1950, I am informed by OEP that, State and local governments have been advised to go ahead and perform emergency work that they felt was urgent and to file an application as soon as they could. The work would be inspected and surveyed as soon as possible by the State and Federal governments and eligible work would be approved for reimbursement from disaster funds allocated.

This has been the practical thing to do and has been well received by applicants generally. There have been exceptions—generally where contractors have contracted to do work by contingency contract with the understanding that they would accept as payment the amount the applicant collected from OEP; when contractors have charged greatly in excess of prevailing rates in effect in the area; or when work performed was greatly in excess of emergency repairs or temporary replacements or other ineligible work. Contingency contracts are now prohibited by OEP regulations, but were not prohibited when Hurricane Beulah occurred during September 1967.

There have been instances where damage is so extensive that it requires weeks or several months to make complete inspections, write reports and process an application completely. In such instances, the applicants are briefed concerning OEP policies and criteria and advised to go ahead with emergency work with full knowledge that only eligible work is reimbursable. State and Federal representatives are available to local government for consultation on any problems that arise during emergency work.

Procedures for approval of eligible work and for processing claims for payment are covered by OEP circular 4000.5B. As stated in section IV of that circular, the applicant must submit supporting documentation of costs and a certification of the cost of eligible work.

Prior to payment of such claims, Federal or State representatives inspect the completed work and the cost records are audited.

It appears that the intent of the senior Senator from Texas is that the proposed amendment authorizes expenditures based only on costs certified by State and local governments.

I am told that the facts involved in the Cameron and Willacy County claims were carefully considered by the OEP Director in making his decision. Governor Preston Smith appealed these cases to the Director and presented his justification for increased payments. County and State officials, accompanied by the contractor, presented additional information and records, for the Director's consideration, while the appeal was being processed. OEP engineers and auditors, assisted by Bovay, Inc., and by professional staff of other Federal agencies, evaluated the facts involved and justified reimbursement for all identifiable and eligible work.

If these two claims were reopened upon the basis of the amendment consistent with the intent expressed by the Senator from Texas, OEP would make payments without Federal inspection of the work nor audit of costs. This would result in additional payments to Cameron County of $541,482 and to Willacy County of $138,037 to fully satisfy their claims.

We really have a private relief bill for one construction company, the George Consolidated, Inc. Although the money is to go to Cameron County, in the amount of $541,482, and to Willacy County in the amount of $138,037, in fact, it would go to one construction company.

I believe the amendment as amended is even more unfair than it was originally because now we say to other projects, "You are excluded."

This practice would eliminate all control by the Federal Government in the administration of the Disaster Act since it would nullify all criteria, rules and regulations and authorize payment of all obligations incurred at the pleasure of the State and local governments.

The amendment would open the door to a situation that would allow other applicants who had their certified costs reduced by audit to claim full payment of the costs certified regardless of audit findings or eligibility. It would change the basis upon which the Federal disaster assistance program is founded.

In the history of the disaster assistance program, there have been few appeals of decisions by local applicants and few have ever been appealed to the OEP Director. Only two cases have involved litigation to recover additional sums from the United States. One case has been dismissed with prejudice and the other is still pending. I am informed that OEP anticipates no difficulty in making payments to local applicants through State governments nor in obtaining contractors to perform emergency work in accordance with OEP regulations.

Of course, we have no idea what the actual cost in dollars might be, but it would open the door even with the 6 months limitation to other applicants who had their certified costs reduced by audit, to claim full payment.

This is the issue. The costs have been certified, and I believe the amendment, if adopted, would change the basis upon which the Federal disaster assistance program was founded, and which exists today So I, as the ranking member on the Republican side, cannot accept the amendment.

Mr. YARBOROUGH. Mr. President, this is not a private relief bill. It is a disaster relief bill for Willacy and Cameron Counties. It was occasioned by the delay of the Governor of my State in requesting that those counties be declared a major disaster area. Your humble servant was requesting a declaration of a disaster, but the Governor's delay prevailed, and in that time while we were facing this disaster, with the roads ruined and with the debris all over the streets and things, these counties made this contract to clean up damages.

This is not a case of the enlargement of the contract after an additional claim. This was what it cost from the beginning. They certified it; the Governor of Texas had his own observers survey it, and found it was reasonable; but the OEP went in and made a survey later, and, based on their claim of what the damage should have been, they said, "The county has paid too much."

The taxpayers of that county are in the midst of the poverty belt. The poverty belt of America stretches from Brownsville, Tex., the area where these counties are located, through San Diego, Calif. That area along the Mexican border includes the lowest income people in the United States, because it is arid. You cannot raise anything without irrigation, and the only people there who have irrigation are the wealthy people.

There is less tax base there upon which to build the tax burden than anywhere else in the country. In those counties, you will find, as well as on through this belt of Texas, New Mexico, Arizona, and southern California, that this is a poverty belt, with the lowest income and the lowest educational attainments in the Nation. It is not the fault of the people there, Mr. President. Where I grew up, with 38 inches of annual rainfall, if a man just threw some sweet potato slips and a few black-eyed peas and corn in the ground, he could almost make a living. But these people have a tax base already taxed to the breaking point, and then OEP comes in and says, "You should not have paid this much; we are smarter than you are, and we know."

They are smarter after it has all been cleaned up and repaired. They should have been down there when I was. In one of these counties, the county seat of Willacy County, Raymondville, was isolated by the water, by highway, for 6 weeks. You had to take boats and go in there. For 6 weeks they were cut off; and then they had some OEP man come in later and say, "We are going to survey it now; your damage was not this much."

I think it is a just claim, and a matter for which the law provides. We are not trying to create new law; we are just trying to prevent the OEP from misusing these poor counties of America.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ELLENDER). The Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, we are here because we are all interested in disaster relief. There were some radical changes made in this law in 1967, I believe, or 1969, particularly, when we provided that the Government could go in on private land and clear away refuse and the deposits of floods and disasters.

I have only this to say, as to principle: I think it is bad to go backward and authorize these things that are in the past. If we are going to do that tonight, I think what we ought to do, to be fair, is that I be given time to prepare a proper amendment, because in the floods of 1965, in Colorado, there were millions of dollars of damage done to private

homes and farmers, ruining some of the best farmland we had in the State; and if we are going to be retroactive in this situation, I think we have to do it across the board with everyone in the country.

I would like an opportunity, then, to prepare tonight an amendment to take into consideration the damage to individuals in those floods. Some of the land, in fact a great deal of the land, has never been cleared of the flood refuse since 1965. That provision has been enacted into law since then, but if we are going to be retroactive—which is a principle I disagree with, and I hope the amendment will be defeated—then I think we ought to have time for the rest of us to come in and be retroactive for a long way.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. YARBOROUGH. Mr. President, will the Senator from Colorado yield to me? I believe it will save time.

Mr. ALLOTT. I yield.

Mr. YARBOROUGH. Mr. President, I have just conferred with the authors of the bill, and in view of the lateness of the hour and the opposition, which we did not expect to be as strong, and the other claims to come in also, I would not want to delay the bill beyond tonight, and I will withdraw the amendment and seek other modes of relief. We will offer it some other time, when there is more opportunity for careful consideration.

I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I call up my amendment, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment, for himself and Mr. GRAVEL, as follows:

On page 79, following line 2, insert the following new subsection.

"(c) In the case of any loan made under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)) as a result of the Good Friday earthquake, which occurred on March 27, 1964, the Small Business Administration shall, at the borrower's option, on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800."

Mr. STEVENS. Mr. President, this provision is quite similar to section 7 of the Disaster Relief Act of 1969, which provided for forgiveness of these SBA loans in an amount not to exceed $1,800.

On July 6, the Senator from Oklahoma (Mr. BELLMON) introduced for me a bill pertaining to this subject. I ask unanimous consent that I be permitted to have printed in the RECORD at this point the chart showing some 50 areas which were given forgiveness under the 1969 Disaster Relief Act.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

State, counties, and parishes	Cause	SBA Declaration Date
NORTHEASTERN AREA		
Maine: All areas		Dec. 31, 1969
NEW YORK AREA		
New York: Cattaraugus		Oct. 3, 1967
New Jersey: Bergen, Essex, Middlesex, Morris, Passaic, Somerset, Union.		June 3, 1968
New York: Sullivan		Aug. 1, 1969
MIDDLE ATLANTIC AREA		
Kentucky: Bracken, Greenup, Jessamine, Mason, Pendleton (with Ohio).		Apr. 25, 1968
Ohio:		
Brown, Scioto (with Kentucky).		Apr. 25, 1968
Athens, Butler, Clinton, Gallia, Hocking, Jackson, Ross, Warren.		May 29, 1968
Kentucky: Allen, Warren		June 25, 1969
Ohio: All areas		July 11, 1969
Pennsylvania: Carbon, Schuylkill		Aug. 8, 1969
Virginia: All areas	Rains [1]	Aug. 21, 1969
West Virginia: All areas	do	Aug. 22, 1969
Kentucky: Harlan County	Flood	Jan. 2, 1970
SOUTHEASTERN AREA		
Florida: All areas	([2])	Oct. 21, 1968
Tennessee: Macon		June 25, 1969
Mississippi: All areas	([3])	Aug. 18, 1969
Alabama:		
All areas	([3])	Do.
All areas affected	Tornado	Mar. 27, 1970
MIDWESTERN AREA		
Iowa: All areas		May 17, 1968
Illinois: All areas		Do.
Iowa: Black Hawk, Bremer, Buchanan, Butler.		July 19, 1968
Minnesota:		
Blue Earth		Aug. 12, 1968
All areas (with Iowa, North and South South Dakota, and Wisconsin).		Apr. 15, 1968
Iowa: All areas (with Wisconsin, North and South Dakota, Iowa, and Minnesota).		Do.
Wisconsin: All areas (with Iowa, North and South Dakota, and Minnesota).		Do.
Illinois: Rock Island		May 5, 1969
Minnesota: Nobles		July 2, 1969
Iowa: Marshall, Tama		July 15, 1969
Illinois: Jo Daviess, Stephenson		July 8, 1969
SOUTHWESTERN AREA		
Texas: All areas	([3])	Sep. 20, 1967
Arkansas: Sebastian		Apr. 22, 1968
Arkansas: Garland, Pulaski, Sebastian, Sevier.		May 15, 1968
Arkansas: All areas		May 17, 1968
Oklahoma: LeFlore		May 21, 1968
Texas: All areas	Storm Candy.	June 25, 1968
Louisiana: All areas	([1])	Aug. 18, 1969
Texas:		
Northwest areas	Tornado	Apr. 18, 1970
Lubbock County	do	May 12, 1970
Hayes County	Flood	May 15, 1970
ROCKY MOUNTAIN AREA		
Kansas:		
Ness		June 2, 1967
Garden City, Finney		June 26, 1967
Nebraska: All counties through which 183 passes, etc.		June 16, 1967
North Dakota: All areas (with Minnesota, South Dakota, etc.).		Apr. 15, 1969
South Dakota: All areas (with North Dakota, etc.).		Do.
Kansas: Saline		June 25, 1969
Colorado: Boulder and Jefferson Counties.	Flood	Dec. 26, 1969
North Dakota: Ransom County	do	June 2, 1970
PACIFIC COASTAL AREA		
Alaska: Fairbanks, etc		Aug. 16, 1967
California:		
San Luis Obispo		Jan. 21, 1969
Los Angeles		Jan. 23, 1969
Riverside		Jan. 27, 1969
Fresno, Tulare, Stanislaus		Jan. 29, 1969
Contra Costa		Mar. 3, 1969
Marin County	Flood	Dec. 30, 1969
All areas	do	Feb. 3, 1970

[1] Camille.
[2] Gladys.
[3] Beulah.

Mr. STEVENS. This act extended back to the 1967 disasters, the major disasters, the same provisions that have been made available for Hurricane Betsy, which was the disaster of 1965.

The 1969 act, Mr. President, extended to the Fairbanks flood area the provisions of the forgiveness section. However, the major disaster that we have had in Alaska—as a matter of fact, the major seismic disturbance that has occurred on the North American Continent—occurred on Good Friday in 1964.

This amendment would extend the same privileges to the SBA borrowers, some 1,325 individual homeowners in the Anchorage area, that was received by the victims of the Fairbanks flood in 1967, pursuant to the 1969 act. It is extending the same forgiveness that was made available to the people in 50 areas, including the Fairbanks area, pursuant to the act we passed last year. That provision was written in the House, after the measure had passed this body, and there was no opportunity to attempt to extend equality to the people who suffered as a result of the Good Friday earthquake in Alaska.

I might point out that the 1,325 loans include the loans that were extended to people as far south as California. There were some in Oregon, also. There were 1,325 individual loans issued by the SBA as a result of that Good Friday earthquake.

I seek to have the same forgiveness extended.

Mr. DOLE. Mr. President, I have not conferred with the Senator from Indiana at length with reference to this amendment. I can understand, again, the desire to go backward. In fact, it has been suggested that we go back to the Chicago fire and then include everything from that date. But I recognize the serious tragedy they had in Alaska.

I recognize that we made certain exceptions in the first amendment offered by the Senator from Texas. Does the Senator from Alaska have the estimated cost of this amendment? Does it cover SBA loans, FHA loans and VA loans?

Mr. STEVENS. This covers the SBA loans only, and there are 1,325. A considerable number of those have been repaid. The maximum obligation, if they all received the maximum forgiveness, which is discretionary with the SBA, would be $2.3 million. I am advised that it would be substantially less than that, because a number of them have been paid off, and the SBA has discretion as to how much they forgive.

Mr. DOLE. I want to make the point that by going back to 1964, we leapfrog disasters in the interim. I can recall one in Indiana on Palm Sunday of 1965. I can recall a tornado in Topeka, Kans., in 1966, and there have been many other disasters during that time.

I do not have the same reservation expressed earlier by the Senator from Colorado with reference to retroactivity, but it does appear that there must be some consistency with reference to the application of the provisions. Again, as I said earlier, to be consistent I could not accept the amendment. If the Senator from Indiana wants to accept the amendment, I will not insist on a record vote.

Mr. STEVENS. Mr. President, what I am seeking is consistency. We have a small population in our State, and the flood of 1967 did not touch as many Alaskans as did the earthquake of 1964. Yet, last year the provisions of the forgiveness section were extended to the flood victims. I am merely seeking consistency within our State, so that those people who had SBA loans from the 1964 disaster would receive the same treatment. As I pointed out, some 50 areas in other States—that was in the chart I inserted in the RECORD—have been given similar special relief by virtue of the 1969 amendment, and I feel that this is sheer equity for the people of the area who suffered from the Good Friday earthquake.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. MILLER. May I ask the Senator from Alaska a question? Do I correctly understand that in the 1969 act, a provision was inserted in the House which covered the 1967 disaster in Alaska?

Mr. STEVENS. No. May I interrupt my colleague? The provision covered all disasters in the area back to 1967. Some 50 major disasters were covered by that retroactive provision.

Mr. MILLER. But it did not go back to 1964?

Mr. STEVENS. That is right.

Mr. MILLER. The 1964 disaster, if anything, was a lot worse than the others.

But as I understand the Senator, at the time it was possible to consider this bill in conference, it was locked up so that we could not go back to 1964.

Mr. STEVENS. That is correct.

Mr. MILLER. What the Senator from Alaska is trying to do now is to do what should have been done in the House with the 1969 act. I think that to that extent he has a point.

We can take a completely negative attitude on retroactivity. I do not think most of us do. I think there are times when we can make exceptions, and we have all voted for them. If this were something new that had not been taken up before, I would feel differently about it. But I suggest that there was a defect in the 1969 act, and all the Senator from Alaska is trying to do is to fill the void that was left in the 1969 act, which was an exception—it was a retroactive proposition—and he is doing it on a very austere basis.

I hope that this amendment might at least be taken to conference; and if the House does not recognize that there was a defect, then it will not agree to it. But if the House does recognize that there was a defect, then the Senator from Alaska's objective will be achieved.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. Is the amendment subject to amendment?

The PRESIDING OFFICER. Yes.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that this amendment be adopted to the amendment offered by the Senator from Alaska.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 65, line 5, after "Act." insert the following:

"Funds allocated for the relief of areas devastated by major disaster occurring between July 1, 1967, and December 31, 1967, shall be expended on the basis of costs as certified by State and local governments and shall not be limited to costs estimated by damage surveys made after ob igations have been incurred."

Mr. YARBOROUGH. I request the Senator from Alaska to accept my amendment. It involves several hundred thousand dollars, far less than a million dollars. It does not involve nearly as much as does the amendment of the Senator from Alaska.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alaska yield to the Senator from Indiana?

Mr. STEVENS. I yield.

Mr. BAYH. The Senate will work its will on both amendments, but I think it is important for us to understand what we are in the process of doing.

I said earlier, in private conversations, to the Senator from Texas and to the Senator from Alaska that, so far as the Senator from Indiana was concerned, it seemed that on the merits of both amendments, the Senator from Indiana would not object. But I must admit, if we look back at the argument that was made rather cogently by the Senator from Florida relative to how his constituents are going to feel on this, I ask myself how the good people of Indiana are going to feel, because I do not make this retroactive and include the tornadoes in Indiana, and I begin to see a larger question.

I should like the Senate to be advised that when the original bill finally was considered by the House and we finally got pretty well two-thirds of a loaf last year, the Senator from Indiana tried to get retroactivity for the whole package at that time. The House was adamant. What the House does, of course, is their business. We in the Senate need to take that into consideration a little, I think. I have no objection to the amendment of the Senator from Alaska or the amendment of the Senator from Texas, but I must say that I have a list here of 292 disasters that have occurred in the time span we are talking about. I cannot think of a better way to invest our resources than to plow it back into the areas affected by these disasters.

Mr. STEVENS. May I state to the Senator from Indiana that he is correct, some disasters have been missed, but this provision applies only to the amount for the 1964 earthquake. Most are in the same category, in that they have not been repaid. I agree. We made a major mistake regarding the retroactivity, in not picking up the total areas and giving equality. The bill prospectively has equality in it. From now on, we will authorize SBA to forget a certain portion of the loans designed to help homeowners, which is a good idea, but what I am seeking is specific relief to remedy the situation existing in our State, whereby the people of one area got the relief but the people who had a major disaster did not get the relief. This is, to us, a significant thing, because our people are saying, "How is it that Congress extends relief to people suffering from floods but did not recognize our great disaster up here in 1964?"

I think that was the greatest natural disaster on the northern continent insofar as an earthquake is concerned. We have had several disasters since then which were natural disasters but we are not asking to be included. There have been hurricanes, floods, and other smaller disasters. I do not wish anyone to have a disaster, but ours was a major disaster, "the" major disaster on this continent so far as an earthquake is concerned. All we seek is equity, on that basis.

The Senator from Texas has offered his amendment. Now I know what I am getting into, and I would like to ask the Chair, Do I have the prerogative, Mr. President, of accepting the amendment of the Senator from Texas?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator has the prerogative of modifying his own amendment but he cannot deal with an amendment offered by another Senator to his own amendment.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. YARBOROUGH. Can the Senator modify his amendment by accepting my amendment?

The PRESIDING OFFICER. He can do that by accepting the Senator's amendment, by modifying his amendment to incorporate the amendment of the Senator from Texas.

Mr. STEVENS. Mr. President, I accept the Senator's amendment.

Mr. YARBOROUGH. I thank the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that I may modify my amendment accordingly.

The PRESIDING OFFICER. The amendment is so modified.

The question now is on agreeing to the amendment, as modified, of the Senator from Alaska.

Mr. STEVENS. Mr. President, I move adoption of my amendment.

Mr. DOLE. Mr. President, will the Senator from Alaska yield to me?

The PRESIDING OFFICER. The Senator from Alaska still has the floor. Does the Senator from Alaska yield to the Senator from Kansas?

Mr. STEVENS. I yield.

Mr. DOLE. I thank the Senator for yielding. I want to ask, in an effort to be consistent, as indicated earlier, and again I am sympathetic to the views of both Senators from Alaska and also the Senator from Texas, whether the Senator would accept another modification of his amendment to apply it to all disasters since Good Friday, March 27, 1964.

Mr. STEVENS. I will not accept such an amendment. I would be happy to accept an amendment which would apply to any earthquake that was of worse intensity than our 1964 earthquake.

Mr. DOLE. We did not have an earthquake in Kansas, nor did they have one in Indiana, but we had tornadoes and we had casualties in Kansas and Indiana. Millions of dollars worth of damage was done in Kansas. Many loans were made there. There were 292 other disaster areas. If we want to be objective in this matter, we should apply this amendment across the board and not exclude anyone.

Those who were hit by a disaster in Indiana, or Kansas, suffered no less than those living in Alaska, whether it was an earthquake, a tornado, a flood, or whatever.

Mr. STEVENS. I agree. There were two disasters in Kansas out of 50 other areas which we covered in the 1969 amendment. But the major disaster in Alaska was forgotten, unfortunately, although it could have been put back in. Had it occurred here, I would have been arguing here, but it occurred when the matter got to the House and was beyond my control. I feel firmly that equity is equity. The people in Fairbanks got relief from the 1969 amendment. The people who suffered from the major disaster did not receive the same treatment as those who suffered from that same disaster.

Mr. WILLIAMS of Delaware. Is it not true that, regardless of the size of a disaster, to the individual homeowner, to the individual, whether he is in Kansas, New Jersey, or wherever he is, if he has lost his home, that is a major disaster to him of equal proportions, even though his is the only home that was destroyed.

Unfortunately, adoption of the pending amendment, I believe, would create another inequity, on the basis that those who paid their own loans would not get any benefits, but those who were delinquent and did not pay their loans would get benefits from this relief. Would it not only further aggravate the situation by adoption of this amendment? I think it would be most unfair, unless we did it retroactively and included those who paid their loans, wherever they may be.

The next question is, to find the money to pay for it.

Mr. STEVENS. We were not being inequitable in the areas such as New York, New Jersey, or Kentucky in the year 1969. We went back to January—I forget the exact date—but it went back to—oh, July 1, 1967—we crossed that bridge and decided that we would wipe out a portion of the loans to assist the homeowners. The next problem is—the Senator is right—to an individual, a disaster is a disaster, but to a community that suffers total disaster such as at Anchorage, the amount being sent out there to repay the loans is just that much less to enable us to redevelop the area.

That is why section 321 is in the bill. It gives the homeowner a certain portion of the money with which he seeks to buy furniture, and do all the other things with the money he might receive to repay his home, because he has rebuilt it. The whole theory of the bill is what I am arguing. I say that this is equitable, and what the Senator from Texas seeks is equitable. I hope that the Senate will adopt the amendment.

Mr. ALLOTT. Mr. President, I was hoping that the Senator from Alaska would withdraw his amendment as amended. I am extremely sorry that the senior Senator from New Mexico is not in the Chamber at this time because he knows more than anyone else in great detail the actual amount of money that we, as the Government, contributed to Alaska at the time of its great disaster.

Of course, a disaster is only measured in terms of individuals and how it affects individuals. But I will have to say that I do not care how this amendment is handled. If it should by some unfortunate circumstance pass, I intend to ask for a quorum call and to go on and on until I have ample time to prepare an amendment. I do not know how far I am going with that.

I might go back to the 1965 flood in Colorado, or I might go back to the 1921 flood in Colorado, or I might even go back to the Galveston hurricane which I believe was—what?—1898?——

Mr. WILLIAMS of Delaware. Or the Chicago fire.

Mr. ALLOTT. Yes, or the Chicago fire in the 1800's. I use these dates only to illustrate how utterly foolhardy this situation is. I hope that the amendment will be rejected.

Mr. EASTLAND. Mr. President, I wish to state my firm belief that the pending legislation is the most comprehensive and inclusive disaster relief program ever considered by the Congress.

It is the product of years of dedicated effort led by the distinguished Senator from Indiana. It reflects the truly outstanding work done by the staff of Public Works. It is a distillation of the best portions of the Alaska, California, Indiana, Betsy, and other bills. And—it was refined by that unprecedented catastrophe called Camille.

Hurricane Camille, described by the National Hurricane Center in Miami as "the greatest storm of any kind that has ever affected the Nation," took the lives of 265 of our citizens—leaves 55 persons still unaccounted for—injured more than 9,000—inflicted losses on 78,000 families—and—cost us $1½ billion in damages.

Since that terrible storm we have suffered major disasters in 19 States, the most destructive of which were the Lubbock tornadoes and Hurricane Celia.

Sadly—Mr. President—we must anticipate additional catastrophes which will afflict Americans across our land. We cannot prevent the occurrence of these rampages of nature. We can—however—and we must do everything this Government is capable of to lessen the human suffering which always accompanies calamities.

We have the tools we need for this vital mission in the provisions of S. 3619. This legislative package—I am proud to say—supports the restoration of structures—and—of much more importance—it offers the hand of meaningful assistance to the average American man and woman. It provides for the rehabilitation of people as well as for the rebuilding of facilities.

Finally, Mr. President, it would write into law a broad and effective response to disaster—not after the fact—but in advance of these catastrophic events. No longer will we seek legislative cures after our people are hurt and our property destroyed. Now—at long last—we will have in our hands the weapons to fight the fury of natural disaster—and—we will have a program ready to go into immediate and effective action hours—not months—after the storm or the earthquake or the flood subsidies.

I am proud to be a cosponsor of this legislation. In the interest of America and every American I urge the passage of S. 3619.

Mr. HARRIS. Mr. President, I rise in support of S. 3619, the Omnibus Disaster Assistance Act, as reported by the Committee on Public Works. I am a cosponsor of the original version of S. 3619, and I feel the committee has made some important improvements in the legislation.

As the committee report states:

> This bill seeks to coordinate disaster relief and recovery efforts of all appropriate Federal, State and local authorities, and relief and disaster assistance organizations under a single, permanent law, so that when disaster strikes anywhere in the country—as inevitably it will—the full resources of both public and private sectors may be brought to bear to meet the immediate challenge and to undertake the long, and difficult costly task of repair, rehabilitation, reconstruction and replacement.

I know the adoption of this legislation will go a long way toward relieving the burden of those who suffer the destruction and loss caused by a flood, tornado, hurricane, or similar disaster.

I was especially happy to have joined with my distinguished colleagues, Mr. YARBOROUGH, as a cosponsor of his amendment to the omnibus disaster bill, S. 3619. Senator YARBOROUGH's amendment provided that special assistance would be available to victims of natural disasters who are threatened with the loss of their homes as a result of foreclosures, cancellation, or termination of their mortgages or leases because of the effect of major disasters. The amendment authorizes the SBA to provide assistance to such people on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who as a result of financial hardship caused by a major disaster have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease.

Mr. President, I wish to commend the distinguished Senator from Texas (Mr. YARBOROUGH) for his work in preparing this important amendment, and I wish to commend the Senate Public Works Committee for recognizing its merits and adopting its provisions as a part of S. 3619. The State of Oklahoma is often annually stricken by one or more destructive tornadoes. Many families have suffered the loss of their homes and all their belongings because of these natural disasters, and I feel the provisions of the

omnibus disaster bill, which will provide special assistance to these people in order to assist them in making their mortgage payments or rental payments, will keep them from suffering total financial ruin and will give them the help needed to put them back on the road to economic recovery and financial security.

Mr. STENNIS. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the bill.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Ohio (Mr. YOUNG), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I also announce that the Senator from Maine (Mr. MUSKIE) and the Senator from New Jersey (Mr. WILLIAMS) are officially absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), the Senator from Texas (Mr. TOWER) would vote "yea."

The result was announced—yeas 54, nays 0, as follows:

[No. 286 Leg.]

YEAS—54

Allen	Griffin	Packwood
Allott	Harris	Pastore
Baker	Hart	Pearson
Bayh	Hatfield	Pell
Bellmon	Holland	Proxmire
Byrd, W. Va.	Hollings	Randolph
Case	Hruska	Saxbe
Cook	Inouye	Scott
Cooper	Javits	Smith, Maine
Cranston	Jordan, N.C.	Smith, Ill.
Curtis	Jordan, Idaho	Sparkman
Dole	Long	Spong
Eagleton	Mansfield	Stennis
Eastland	McClellan	Stevens
Ellender	Miller	Talmadge
Ervin	Mondale	Thurmond
Gore	Moss	Williams, Del.
Gravel	Nelson	Yarborough

NAYS—0

NOT VOTING—46

Aiken	Goldwater	Mundt
Anderson	Goodell	Murphy
Bennett	Gurney	Muskie
Bible	Hansen	Percy
Boggs	Hartke	Prouty
Brooke	Hughes	Ribicoff
Burdick	Jackson	Russell
Byrd, Va.	Kennedy	Schweiker
Cannon	Magnuson	Symington
Church	Mathias	Tower
Cotton	McCarthy	Tydings
Dodd	McGee	Williams, N.J.
Dominick	McGovern	Young, N. Dak.
Fannin	McIntyre	Young, Ohio
Fong	Metcalf	
Fulbright	Montoya	

So the bill (S. 3619) was passed as follows:

S. 3619

An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Assistance Act of 1970".

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

Sec. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity; special measures, designed to expedite the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of alleviating the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Federal corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

PART A—GENERAL PROVISIONS

FEDERAL COORDINATING OFFICER

SEC. 201. (a) The President shall appoint, immediately upon his designation of a major disaster area, a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross and of other relief organizations which agree to operate under his advice or direction; and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage;

(B) making repairs to, or restoring to service, public facilities, belonging to State of local governments, which were damaged or destroyed by a major disaster except that the Federal contribution therefor shall not exceed the net cost of restoring such facilities to their capacity prior to such disaster;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a)(4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under section 203(a) from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

(e) Any Federal agency designated by the President to exercise authority under this Act may establish such special groups, interdepartmental or otherwise, as it deems appropriate to assist in carrying out the provisions of law relating to Federal disaster preparedness and assistance, and the funds of any such agency may be utilized for the necessary expenses of any such group so established.

(f) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(g) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(h) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster proclamation, such conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than $250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed $25,000 per annum to any State in an amount not to exceed 50 per centum of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plans.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Board of Missions and Charities, and other relief or disaster assistance organizations, in the distribution of medicine food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the coordinating officer upon compliance with regulations promulgated by the Director under

sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

SEC. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

ADVISORY PERSONNEL

SEC. 210. The Director is authorized to assign advisory personnel to the chief executive officer of any State or local government within a major disaster area, upon request by such officer, whenever the Director determines that such assignment is desirable in order to insure full utilization of relief and assistance resources and programs.

DISASTER WARNINGS

SEC. 211. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PART B—EMERGENCY RELIEF

PREDISASTER ASSISTANCE

SEC. 221. To avert or lessen the effects of a major disaster, the President is authorized, without declaring a major disaster, to utilize Federal resources in providing disaster assistance to any State to assist such State or any local government thereof in circumstances which clearly indicate the imminent occurrence of a major disaster.

EMERGENCY COMMUNICATIONS

SEC. 222. The Director is authorized to establish emergency communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 223. The Director is authorized to provide public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL GRANTS

SEC. 224. The President, whenever he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing debris on privately owned lands or waters as a result of a major disaster, and is authorized to make payments through such State or local government for the removal of debris from community areas which may include the private property of an individual. No benefits will be available under this section unless such State or local government arranges unconditional authorization for removal of debris from such property and agrees to indemnify the Federal Government against any claims arising from such debris removal.

FIRE SUPPRESSION GRANTS

SEC. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

SEC. 226. (a) The Director is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families who, as a result of a major disaster, are in need of assistance by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, or (3) acquiring existing dwellings or mobile homes or other readily fabricated dwellings, by purchase or lease. Notwithstanding any other provision of law, any existing dwellings, mobile homes, or readily fabricated dwellings acquired by purchase may be sold directly to individuals and families who are occupants of such temporary accommodations at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

(b) After the initial ninety days of occupancy without charge, rentals shall be established for such accommodations, under such rules and regulations as the Director may prescribe, taking into account the financial resources of the occupant. In case of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months from the date of occupancy, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the monthly income of the occupant or occupants.

(c) The Director is further authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The Director shall, for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, provide reemployment assistance services to individuals who are unemployed as a result of a major disaster.

PART C—RECOVERY ASSISTANCE

SMALL BUSINESS DISASTER LOANS

SEC. 231. (a) In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments;

(2) may make any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

(3) in the case of the total destruction of, or substantial property damage to, a home or business concern, may refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of clauses (1) and (2) of this subsection.

(b) Section 7 of the Small Business Act is amended—

(1) by revising paragraph (2) of subsection (b) to read as follows:

"(2) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster;";

(2) by striking from the second sentence

of subsection (b) the following: "meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection,"; and

(3) by striking from subsection (f) the following: "in the case of property loss or damage as the result of a disaster which is a 'major disaster' as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)),".

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster, to property, including household furnishings, the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so cancelled shall not exceed $2,500, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments;

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

(3) in the case of the total destruction of, or substantial property damage to a home or business concern may refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

LOANS HELD BY THE VETERANS' ADMINISTRATION

SEC. 233. (1) Section 1820(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;"

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

"(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a)(2) of this section, extend on an individual case basis such forbearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner."

DISASTER LOAN INTEREST RATES

SEC. 234 (a) Any loan made under the authority of sections 231, 232, 236(b), 237, or 241 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on oustanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum.

(b) The next to the last sentence of section 7(b) of the Small Business Act is amended by striking out all that follows "exceed" and inserting in lieu thereof the following: "a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity of ten to twelve years less not to exceed 2 per centum per annum."

AGE OF APPLICANT FOR LOANS

SEC. 235. In the administration of any Federal disaster loan program under the authority of sections 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

SEC. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan.

FOOD COUPONS AND DISTRIBUTION

SEC. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

LEGAL SERVICES

SEC. 239. Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, he shall assure the availability of such legal services as may be needed by these individuals because of conditions created by a major disaster. Whenever feasible, and consistent with the goals of the program authorized by this section, the Director shall assure that the programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

UNEMPLOYMENT ASSISTANCE

SEC. 240. The President is authorized to provide to any individual unemployed as a result of major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER LOAN FUND

SEC. 241. (a) There is established within the Treasury a Community Disaster Loan Fund from which the President may authorize loans to local governments for the purposes of meeting payments of principal and interest on outstanding bonded indebtedness, for providing the local share of any Federal grant-in-aid program which is designed to assist in the restoration of an area damaged by a major disaster, or for providing and maintaining essential public services. Such loans shall be made only if the local government has suffered a loss of either more than 25 per centum of its tax base or such a substantial amount that it is otherwise unable to meet such payments, local share obligations, or the cost of essential public services.

(b) Loans from the Fund established by this section shall be without interest for the first two years, shall be made for such periods as may be necessary, not to exceed twenty years, and shall bear interest after

the first two years at a rate prescribed in section 234. The President may defer initial payments on such a loan for a period not to exceed five years or half the term of the loan, whichever is less. Any loans under this section may be made for a local government's fiscal year in which the disaster occurred and for each of the following two fiscal years. Loans for any year shall not exceed the difference between the average annual property tax revenue received by the local government for the three-year period preceding the major disaster and the local government's accrued property tax revenue for each of the three years following the major disaster. For purposes of computations under this section, the tax rate and tax assessment valuation factors in effect at the time of the disaster shall not be reduced during the three-year period following the disaster.

(c)(1) The President may transfer to the Fund such sums as he may determine to be necessary from the appropriations available to him for disaster relief. All amounts received as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived from operations in connection with this section shall be deposited to the Fund.

(2) All loans, expenses, and payments pursuant to operations under this section shall be paid from the Fund. From time to time, and at least at the close of each fiscal year, there shall be paid from the Fund into the Treasury, as miscellaneous receipts, interest on the average amount of appropriations accumulated as capital to the Fund, less the average undisbursed cash balance in the Fund during the year. The rate of such interest shall not exceed any rate determined under section 234 for loans from the Fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the President determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess may be transferred to the general fund of the Treasury or to the appropriations available to the President for disaster relief.

(d) There are hereby authorized to be appropriated such sums, not to exceed $100,000,000, as may be necessary to carry out the provisions of this section.

TIMBER SALE CONTRACTS

SEC. 242. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

PUBLIC LAND ENTRYMEN

SEC. 243. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands affected by a major disaster as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 244. (a) No loan or grant made by any Federal agency, or by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with such minimum standards of safety, decency, and sanitation as the Secretary of Housing and Urban Development may prescribe by regulation for such purpose, and in conformity with applicable building codes and specifications.

(b) In order to carry out the provisions of this section, the Secretary of Housing and Urban Development is authorized—

(1) to consult with such other officials in the Federal, State, and local governments as he deems necessary, in order that regulations prescribed under this section shall—

(A) carry out the purpose of this section; and

(B) have the necessary flexibility to be consistent with requirements of other building regulations, codes, and program requirements applicable; and

(2) to promulgate such regulations as may be necessary.

PART D—RESTORATION OF PUBLIC FACILITIES

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 50 per centum of the net cost of restoring any such facility to its capacity prior to such disaster and in conformity with applicable codes and specifications.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior to such disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other essential public facility.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

SEC. 254. Notwithstanding any other provision of law or regulation promulgated thereunder, no person otherwise eligible for relocation assistance payments authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of a major disaster as determined by the President.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

SEC. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Assistance Act of 1970".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30,

1950)" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 17151(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241–1(a)(1)(A)), is amended by striking out "pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855(a))" and inserting in lieu thereof "pursuant to section 102(1) of the Disaster Assistance Act of 1970".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)) is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Assistance Act of 1970,".

(i) Section 506(a) of the Internal Revenue Code of 1954 (26 U.S.C. 506(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Assistance Act of 1970".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence "section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)" and inserting in lieu thereof "section 102(1) of the Disaster Assistance Act of 1970".

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Assistance Act of 1970 or to the appropriate provision of the Disaster Assistance Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 302. The following Acts are hereby repealed:

(1) the Act of September 30, 1950 (64 Stat. 1109);

(2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) the Disaster Relief Act of 1969 (83 Stat. 125).

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. Except as provided otherwise in this Act, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(c), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read:

A bill to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the reading of the Journal, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE JOINT RESOLUTION 1 TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the close of the period for the transaction of routine morning business the unfinished business, Senate Joint Resolution 1 be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF REDUCTION IN THE ANNUITIES OF EMPLOYEES OR MEMBERS WHO ELECTED REDUCED ANNUITIES

Mr. BYRD of West Virginia. Mr. President, at this time, merely for making it the pending business for tomorrow evening, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1103, S. 437, with the understanding there not be any action thereon this evening.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 437) to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that not later than 5 p.m. tomorrow the business which will be laid before the Senate at the close of the period for the transaction of routine morning business tomorrow morning be laid aside and at not later than 5 p.m. the Senate proceed to the consideration of Calendar No. 1103, S. 437.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 22 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 10, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3, 1970, under authority of the order of the Senate of September 1, 1970:

U.S. CIRCUIT COURT

Max Rosenn, of Pennsylvania, to be a U.S. circuit judge for the third circuit vice David Stahl, deceased.

U.S. DISTRICT COURTS

Cornelia G. Kennedy, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice Thaddeus M. Machrowicz, deceased.

Edwin L. Mechem, of New Mexico, to be a U.S. district judge for the district of New Mexico vice a new position created under Public Law 91–272 approved June 2, 1970.

DEPARTMENT OF JUSTICE

Irving W. Humphreys, of West Virginia, to be U.S. marshal for the southern district of West Virginia for the term of 4 years, vice Cornelius J. McQuade, retired.

BOARD OF PAROLE

Paula A. Tennant, of California, to be a member of the Board of Parole for the term expiring September 30, 1976, vice Charlotte P. Reese, term expiring.

Executive nominations received by the Senate September 9, 1970:

DEPARTMENT OF DEFENSE

Richard J. Borda, of California, to be an Assistant Secretary of the Air Force.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Wilmot R. Hastings, of Massachusetts, to be General Counsel of the Department of Health, Education, and Welfare, vice Robert C. Mardian.

EXTENSIONS OF REMARKS

U.S. DEFENSE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 9, 1970

Mr. THURMOND. Mr. President, in two recent issues of the State newspaper, of Columbia, S.C., contain editorials on defense issues which should be of interest to the Congress.

On Friday, August 28, an editorial entitled "North Atlantic Treaty Must Be Kept in Force" warned our leaders against allowing our defense in Europe to be weakened through preoccupation with problems in Southeast Asia.

On Sunday, August 30, an editorial entitled "Russian Missile Growth Threatens U.S. Defense" pointed out the accelerated pace of Soviet arms development.

Mr. President, I ask unanimous consent that these two editorials be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

NORTH ATLANTIC TREATY MUST BE KEPT IN FORCE

American preoccupation with the chaos in Southeast Asia is both understandable and essential, but the United States must never lose sight of its even more crucial involvement with the security of Western Europe.

That thought comes forcibly to mind as Vice President Agnew moves about on his important mission to the Far East. While he is properly assuring our allies in that part of the world that the United States intends to keep its commitments to them, let us hope that Washington maintains an even greater determination to stand firm against Communist aggression in Europe.

In specific terms, this means the continuation of America's strong role in the North Atlantic Treaty Organization. There is an alarming tendency, both in this country and abroad, to discount NATO's importance under what seem to be rather stabilized conditions in Europe.

After all, the argument runs, the Russians have not acquired any additional territory in Europe since 1949, and hence the need for NATO's existence may be diminishing. This line of reasoning overlooks the basic fact that Russia's containment with the European "iron curtain" is due primarily to NATO, not to any lessening of Soviet dreams of continental (and ultimately worldwide) domination.

Americans and Europeans alike need to be reminded of Russia's westward expansion at the close of World War II. When the United States and its western allies were demobilizing their vast armies, the Russians stood fast in the territory they had seized from Nazi Germany. Not only did the Soviets hold what they had taken, but they engineered a series of coups in bordering lands and succeeded—through force or the threat of force—in converting them into Russian satellites.

Not until the Soviets had brought Poland, East Germany, Hungary, Bulgaria, Romania, and finally Czechoslovakia into the Communist fold did the free nations of western Europe undertake positive action to halt the aggressive expansion. It was then that NATO was formed to provide a shield against further encroachments into the Atlantic world.

Building upon small mutual security pacts already in existence, NATO developed into a 15-member alliance which rimmed Russia from Norway on the north to Turkey on the south, with the United States and Canada as trans-Atlantic members of the pact. The member nations, in effect, decided to "choose up sides" before the outbreak of any further aggression.

By doing so, they effectively stopped the Russian territorial drive toward the west. But there is danger now that the very success of NATO may prove its undoing. On both sides of the Atlantic there now are persons, in and out of government, who feel that NATO has served its purpose and should be dismantled or at least substantially downgraded militarily.

We would be the last to suggest that NATO's non-military role should not be enlarged. Indeed, the Atlantic Treaty embraces the mechanism for considerably more economic, political, and social cooperation than has yet been achieved.

But NATO's value to world peace lies primarily in its military strength. While the United Nations has floundered, while other pacts such as the Southeast Asia Treaty Organization have languished an lapsed, and while individual nations throughout the world have been subverted from within or without, NATO has remainded an unyielding bulwark against armed Communist aggression in the crucial arena of Western Europe.

Now 21 years old, NATO must not be allowed to lapse into inertia or repose on grounds that it has achieved its mission. Its mission is the same today as it was in the beginning—keeping the Russian bear from swallowing any more European victims.

RUSSIAN MISSILE GROWTH THREATENS U.S. DEFENSES

Defense Secretary Laird's announcement of the latest Soviet missile test was scarcely unexpected. Experts have known for months that the Soviets were close to perfecting multiple re-entry vehicles (so-call MIRVs). Confirmation is bad news all the same.

Worse news still is the probability that this new weapon will be targeted at America's defensive missiles, all that stand in the way of a successful first-strike. Our own anti-ballistic missile system, in its infancy, will be no use until it is deployed. Even then, it will provide the most limited kind of protection, and limited protection is not good enough.

The test of whether a nation dares risk a first strike is the target nation's capacity to retaliate. If enough defensive missiles can be taken out early, damage to the aggressor falls within acceptable limits. It seems clear enough that the MIRVs the Soviet Union tested over the Pacific last week are designed to achieve this result.

Of course, there are imponderables, too. Nobody knows what the Russians consider acceptable damage, to begin with. Then, too, the United States has the Polaris fleet, soon to be equipped with the devastating Poseidon missile. Underwater launch-pads are difficult to eliminate, even with MIRVs.

What is clear enough, though, is the accelerated pace of Soviet arms development. Individual politicians may have their doubts as to the wisdom of a U.S. defense budget of $80 billion—New York Mayor John Lindsay last week called it "wrong for ourselves, wrong for our children, and wrong for the nation"—but Russia's undiminished drive toward preeminence leaves Washington little choice.

There remain, to be sure, the SALT talks, which hold out some small promise of a satisfactory arms limitation agreement. What critics of U.S. defense spending forget, however, is that the American spenders have Soviet counterparts. Until a satisfactory arms limitation agreement can be reached, it is nonsense—maybe even demagogic—to prattle about the wrongness of spending huge sums for national defense.

KLEPPE COMMENTS

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. KLEPPE. Mr. Speaker, at this time I include the text of my September 1970 newsletter to my constitutents of the west district of North Dakota.

KLEPPE COMMENTS

VIETNAM

When President Richard M. Nixon assumed office in 1969, he inherited a war which had been escalating for eight years with no apparent end in sight. He quickly reversed the past policy of increasing our troop levels by beginning a gradual withdrawal of American troops and Vietnamizing the war.

In the past year, with our withdrawal program under way, we have witnessed an unrelenting attack on the President's handling of the war by his congressional critics. What are the facts concerning Vietnam? Let's look at the President's record since taking office.

When President Nixon took office, our troop level was 535,500.

As of today, the President has reduced our troop level to 399,500, with a promise to further reduce troop levels by May, 1971, to 284,000.

Our combat fatalities are at their lowest level since 1966.

It is clear that President Nixon is pursuing a policy that will lead to American disengagement while allowing the people of South Vietnam to remain free from outside aggression. I have been a consistent backer of our President's search for peace, not only in Vietnam but in avoiding any future "Vietnams." I am against tying the President's hands in the defense of our troops as many in the Senate attempted to do.

Congressional critics of the President's Southeast Asia Policy—those who call for an immediate withdrawal of all American troops—seem unconcerned about the fate of nearly 1,600 American prisoners-of-war. The President has strongly stressed the fact that the welfare of our POWs will be a major topic at the peace table in Paris.

As the President continues to extricate us from Vietnam, some of the very Senators who helped lay the groundwork for our involvement there are now masquerading as "doves" and "peace" candidates. Let the records show that all Americans of good faith are for peace, not just any select group of Senators.

STUDENT UNREST

As we begin a new school year, I am hopeful we will have a peaceful one. I am concerned that Congress still has not passed any significant legislation dealing with disturbance on our college campuses.

The revolutionaries on our college campuses who desire to destroy our educational system are small in number. The vast majority of our students are not bent on revolution and have not lost faith in the system.

While realizing that the students who are working within the system to change it represent the best of our traditions, we must remember that violent protest by the radical minority can never be justified. A line must be drawn between the actions which seriously disrupt a college and those students who wish to pursue their educations. Violence in any form, in any measure, under any circumstances, is not a legitimate means of protest—it can no more be tolerated in the university community than in the community at large.

Far too many of our college administrators, news media, and elected officials have sought to excuse the violent actions of the radical few who seek to destroy the system, while attempting to place blame on the system itself.

We must realize that an attack on our educational system is an attack on the very foundations of truth and learning, two of the very foundations upon which our great nation is based.

Bills I introduced. H.R. 18262, extend present restriction of log exports from Federal forests beyond 1971. H.J. Res. 1313, amending Constitution to lower voting age to 18. H. Con. Res. 681, establish Joint Committee to conduct a study and investigation of Federal Meat Inspection Act, including foreign plants which are approved for shipping meat to the United States.

CRIME

One of the greatest threats to our personal freedoms today is crime. Every person who fears to venture out of his home at night, every woman who dares not walk the streets alone at night in our cities is, in a sense, experiencing a loss of freedom because of the fear of crime. The fear of crime is a very real thing throughout our nation, and justifiably so.

From 1960 to 1969 crime rose 122%. This meant an increase in murder (up 46%), robbery (up 144%), rape (up 84%), and aggravated assault (up 86%). It meant enormous increases in that portion of organized crime which delivers hard drugs to scores of thousands of addicts, many of whom rob and kill to finance their habit. The 162,177 narcotics users arrested in 1968 (compared to 9,836 in 1960), were both criminals and victims of crime.

As a Presidential candidate and as President, Richard Nixon asserted that respect for law is the cornerstone of a free and well-ordered society. Law enforcement in the Nixon Administration has been given top priority. Conditions that create crime, the fear of crime, and the crime itself, were passively accepted for too long in the 1960's. President Nixon has recreated a climate of concern for law enforcement and orderly progress.

To date, the President has proposed thirteen major crime bills. More than eighteen months have passed since this legislation was proposed and the Congress has passed but one bill, the D.C. Crime Bill. This was a much needed piece of legislation that includes court reform, bail reform, and gives our law enforcement agents the much needed tools to combat crime in our Nation's Capital. The twelve other crime bills have remained stalled in Congress for far too long. The time is long overdue to pass this much needed legislation to combat crime. These stronger laws are needed, let's pass them.

Every citizen of this country has the right to justice. Let's consider the rights of those who don't break the law as well as we protect the rights of those who do. Rioters, criminals, and organized groups who flaunt the law and destroy private property must be dealt with strongly.

How I voted. For retaining "freedom of choice" amendment regarding membership in postal unions, in Postal Reform bill. Passed. For S. 2601, District of Columbia Crime Bill. Passed. For H.R. 16916, appropriations for Office of Education. Passed. I later voted for overriding the President's veto. Passed. Against H.R. 16595, authorizing appropriations for National Science Foundation. Passed. For referring H.R. 17548, appropriations for Independent Offices and HUD back to committee for further reductions. Defeated. I later voted against overriding the President's veto. Defeated. For conference report on H.R. 15733, Railroad Retirement Act. Passed. For H.R. 18546 Agriculture Act of 1970. Passed. For H.R. 18434, to revise provisions of Communications Act of 1934, relating to political broadcasting. Passed. For H.R. 18253, to increase availability of guaranteed home loan financing for veterans. Passed. For conference report on H.R. 17619, appropriations for Department of Interior. Passed. For conference report on H.R. 14705, to extend and improve Federal-State unemployment compensation program. Passed. For H.R. 17880, Defense Production Act. Passed.

DISNEYLAND SHOWS THE WAY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SCHMITZ. Mr. Speaker, last month an invasion of hippies and yippies forced the closing of Disneyland when they became unruly and endangered the lives of other visitors. The park police, aided by the police from several of the nearby communities, moved in without delay and got the situation under control quickly and without injury to anyone. The Santa Ana Register of August 8, 1970, carried an editorial on this which I believe sums up the situation and the lesson to be learned from the intelligent handling of the problem. The article follows:

DISNEYLAND SHOWS THE WAY

The Disneyland flag yet waves o'er the land of free enterprise fun and the home of happiness. And hooray!

Orange County owes much of its progress to Disneyland and to the courage and enterprise of its late founder. But today it has another debt that may possibly be hidden in the wake of the emotional shock waves created by hoodlums at the park Thursday.

Disneyland gave the world a lesson Thursday. It protected its property, provided for the safety of its patrons, exhibited great patience and tolerance and came out not only with its dignity intact but standing even taller for its courageous, intelligent handling of an apparently impossible dilemma.

The fact that the disturbance at Disneyland was checked quickly is a tribute also to well-drilled police agencies who were ready and able to handle a situation far more serious than this one became.

There will be no opportunity for the unruly mob to cry "police brutality" and whip up any sympathy even from those misguided people who might still insist the youthful disruption is merely protest against war.

It will be recorded that those following the pattern of the Communist organizers of the revolution have made a grave strategic blunder in taking on Disneyland.

What ever schemes may have been spawned in these dissidents' minds, they were not calculated to gain any support from otherwise sympathetic people.

The pot-smoking, narcotic-using mob exhibited a complete disregard for innocent people who could easily have been injured, even killed in a wild stampede.

There were little children, elderly people and invalids out for a happy day at Disneyland Thursday, and the hippies would have subjected them to the horrors of a battlefield.

So now they have been stripped of all pretense. They were not challenging the Vietnam involvement; they were not defending an allegedly innocent in some prison cell; they were not challenging the giant Bank of America because "it finances war machines" or any of their other fantasies.

They were nothing more than destructive animals who have been coddled, pampered, excused and tolerated, and they were trampling on the rights of decent individuals to enjoy themselves in peaceful pursuit of happiness.

We wish we could state that the enemy has been repulsed and that peace will ever reign. But Orange County may as well face it—free enterprise and private property will be attacked again and again, and the time for appeasement is over.

The proper function of government is the defense of human life and property. Stern measures by delegated police authority may properly be demanded by those who pay for the service. And it also is proper to defend oneself and his property. And Disneyland has shown the way.

OPENING UP JAPAN

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. COHELAN. Mr. Speaker, as this Congress prepares to move in the direction of protecting some U.S. industries from foreign import, it is important to keep in mind that our exports are of importance in our economic position. A recent editorial in the Wall Street Journal described the new opportunities for trade with Japan.

I think that my colleagues should be aware of these developments and I submit this editorial for their consideration:

OPENING UP JAPAN

It may surprise some people to learn that, in the past half dozen years or so, wages and prices have been rising much faster in Japan than in the U.S. Japanese inflation—consumer prices have risen 45% since 1963, compared with 26% for the U.S.—helps to explain why Japan is progressively opening its huge market to more foreign goods, companies and investment.

The latest move in this direction will make 323 more business categories, including banking, securities, machine tools, department stores and supermarkets accessible to direct foreign capital investment, Japan's important auto industry will be opened to foreign investment in April of next year, instead of October 1971 as originally planned.

It's true that Japan is in part responding to pressures from other countries, and it also may be true that the Japanese are trying to dissuade the U.S. from moving toward protectionism. But Japan also appears to have recognized that more competition will be good for the nation's consumers, as well as for the health of its economy.

In the process Japan is providing fresh opportunities for businessmen of the U.S. and other countries. They are opportunities that could be withdrawn if the U.S. now reacts by heading in exactly the opposite direction.

FEDERAL CIVILIAN EMPLOYMENT, JULY 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the July 1970, civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JULY 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of July was 2,980,350, as compared with 2,981,866 in the preceding month of June. This was a net decrease of 1,516, due primarily to reduction in temporary census employment, offset by increases in regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

Executive branch

Civilian employment in the Executive Branch in July totaled 2,942,516. This was a net decrease of 1,596 as compared with employment reported the preceding month of June.

Total employment in civilian agencies of the Executive Branch for the month of July was 1,729,414, an increase of 4,509 as compared with the June total of 1,724,905. Total civilian employment in the MILITARY AGENCIES in July was 1,213,102, a decrease of 6,105 as compared with 1,219,207 in June.

The civilian agencies in the Executive Branch reporting the largest net increases were Agriculture with 4,989, Post Office with 4,232, Interior with 2,903, Department of HEW with 2,364, Transportation with 1,380 and Veterans Administration with 1,229. These increases were partially offset by a decrease in Commerce Department of 14,524 (including a decrease of 6,606 in temporary employees involved in taking the 19th Decennial Census).

In the Department of Defense the largest decreases were reported by Air Force with 5,080 and Navy with 2,703, partially offset by an increase in Army of 2,187.

Total Executive Branch employment inside the United States in July was 2,729,948, a decrease of 2,458 as compared with June. Total employment outside the United States in July was 212,568, an increase of 862 as compared with June.

The total of 2,942,516 civilian employees of the Executive Branch reported for July 1970 includes 2,545,286 full time employees in permanent positions—a decrease of 7,290 from the preceding month of June. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,942,516 includes some foreign nationals employed abroad, but in addition there were 102,991 foreign nationals working for U.S. agencies overseas during July who were not counted in the usual personnel reports. The number in June was 104,159.

Legislative and judicial branches

Employment in the Legislative Branch in the month of July totaled 30,917, an increase of 50 as compared with the preceding month of June. Employment in the Judicial Branch in the month of July totaled 6,917, an increase of 30 as compared with June.

Disadvantaged persons

The total of 2,980,350 reported by the Committee for July includes 67,104 disadvantaged persons employed under federal youth opportunity programs, an increase of 7,747 over the preceding month of June. (See Table 4 of the accompanying report.)

SUMMARY OF FEDERAL CIVILIAN EMPLOYMENT COSTS FOR FISCAL YEAR 1970—ENDED JUNE 30, 1970

For many years the Committee, in its statement accompanying the monthly civilian payroll cost for June (the last month in the fiscal year), has compared the annual cost with the totals for previous years. The following comparison continues this practice.

The cost of civilian employment in the Legislative, Judicial and Executive Branches of the Federal Government in fiscal year 1970, ended June 30, totaled $27,261,000,000. This was $2,761,000,000 higher than in the preceding fiscal year; and it was an all-time high. At the same time, average employment for all three Branches for the full 12 months of the fiscal year decreased 2,349 compared with average employment in fiscal year 1969.

Payroll for the Legislative Branch in fiscal 1970 totaled $338,000,000, an increase of $51,000,000 over the previous year. Payroll for the Judicial Branch in fiscal 1970 totaled $89,000,000, an increase of $14,000,000 over the previous year.

Executive branch

Within the Executive Branch payroll in fiscal year 1970 totaled $26,834,000,000, an increase of $2,696,000,000 over the previous year. The following tabulation shows Executive Branch payrolls, broken between civilian and military agencies, for fiscal years 1960 to 1970.

ANNUAL FEDERAL EXPENDITURES FOR CIVILIAN PAYROLL IN EXECUTIVE BRANCH—FISCAL YEARS 1960-70

[In rounded amounts]

Fiscal year	Civilian agencies	Defense Department [1] (civilian employment)	Total
1960	$6,804,000,000	$5,760,000,000	$12,564,000,000
1961	7,546,000,000	6,026,000,000	13,572,000,000
1962	7,898,000,000	6,318,000,000	14,216,000,000
1963	8,659,000,000	6,603,000,000	15,262,000,000
1964	9,297,000,000	6,818,000,000	16,115,000,000
1965	10,043,000,000	7,102,000,000	17,145,000,000
1966	10,875,000,000	7,732,000,000	18,607,000,000
1967	11,727,000,000	8,668,000,000	20,395,000,000
1968	12,919,000,000	9,395,000,000	22,314,000,000
1969	13,840,000,000	10,298,000,000	24,138,000,000
1970	15,621,000,000	11,213,000,000	26,834,000,000

[1] Excludes pay for foreign nationals not on regular rolls ($390,000,000 for fiscal year 1970).

Civilian employment in the Executive Branch during fiscal year 1970 averaged 2,958,364 as compared with 2,961,640 in fiscal year 1969. This decrease of 3,276 reflects inclusion in 1970 of an annual average of about 32,300 temporary 19th Decennial Census employees.

The average Executive Branch employment total of 2,958,364 for fiscal year 1970 includes an average of 2,592,549 full time employees in permanent positions; the total of 2,961,640 for fiscal year 1969 includes an average of 2,623,472 full time permanent employees. This was a decrease of 30,923 in average full time permanent employment.

The following tabulation shows average civilian employment for the Executive Branch, broken between civilian and military agencies, for fiscal years 1960 through 1970.

AVERAGE CIVILIAN EMPLOYMENT BY FEDERAL AGENCIES IN EXECUTIVE BRANCH—FISCAL YEARS 1960-70

Fiscal year	Civilian agencies	Defense Department [1] (civilian employment)	Total
1960	1,320,032	1,054,740	2,374,772
1961	1,323,567	1,037,356	2,360,923
1962	1,373,485	1,058,676	2,432,161
1963	1,417,937	1,063,720	2,481,657
1964	1,434,104	1,042,552	2,476,656
1965	1,443,376	1,024,482	2,467,858
1966	1,500,349	1,074,080	2,574,429
1967	1,605,919	1,234,474	2,840,393
1968	1,654,973	1,280,853	2,935,826
1969	1,655,976	1,305,664	2,961,640
1970	1,694,157	1,264,207	2,958,364

[1] Excludes foreign nationals not on regular rolls (averaging 109,237 for fiscal year 1970).

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during July 1970, showing comparisons with June 1969, and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	July 1970	Estimated June 30, 1971 [1]
Agriculture	83,425	83,114	85,300
Commerce	25,364	25,424	26,700
Defense:			
Civil functions	31,214	30,118	31,000
Military functions	1,225,877	1,120,343	1,110,100
Health, Education, and Welfare	102,941	102,958	105,100
Housing and Urban Development	14,307	14,640	16,000
Interior	58,156	59,243	61,100
Justice	35,106	38,648	39,100
Labor	9,723	10,220	10,800
Post Office	562,381	565,700	585,000
State	24,658	23,527	23,400
Agency for International Development	15,753	14,329	14,400
Transportation	60,386	64,597	70,300
Treasury	79,982	86,599	93,500
Atomic Energy Commission	7,047	6,981	6,900
Civil Service Commission	4,970	5,194	5,500
General Services Administration	36,176	36,268	36,800
National Aeronautics and Space Administration	31,733	30,454	30,600
Office of Economic Opportunity	2,856	2,349	2,500
Panama Canal	14,731	14,593	14,900
Selective Service System	6,584	6,656	6,500
Small Business Administration	4,099	3,984	4,100
Tennessee Valley Authority	11,987	12,718	13,300
U.S. Information Agency	10,500	9,959	10,100
Veterans' Administration	147,606	149,136	150,200
All other agencies	26,200	27,534	28,900
Contingencies			15,000
Total	2,633,762	2,545,286	2,597,200

[1] Source: As projected in 1971 Budget Document; figures rounded to nearest hundred.

"SALTING THE PEACE DOVE'S TAIL"

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. RHODES. Mr. Speaker, in a recent editorial, the Los Angeles Times discusses how the SALT negotiations ap-

pear to be moving toward a limited but highly significant arms agreement. This is indeed encouraging, but, as the Times points out, we must judge the intentions of the Soviets not only by any possible arms limitation agreement, but also by their behavior in the Middle East and their willingness to negotiate a mutual reduction of force in Europe.

As we are all interested in the progress of the SALT talks, I request consent that "SALTing the Peace Dove's Tail" be printed in the RECORD.

SALTING THE PEACE DOVE'S TAIL

(ISSUE: If U.S.-Soviet agreement on a missile freeze is indeed achieved, will it be a reliable guide to Russian intentions?)

Far more rapidly than anyone thought possible when negotiations got under way last fall, the United States and the Soviet Union appear to be moving toward a limited but highly significant strategic arms limitation agreement.

The so-called SALT negotiations, the second round of which ended in Vienna last week, have been shrouded in unsual secrecy. Conference sources report, however, that the American representatives presented an "outline" under which both countries would freeze strategic weaponry at roughly present levels.

The proposal is said to envision the placing of an overall numerical ceiling on each nation's arsenal of intercontinental ballistic missiles, missiles fired from submarines and long-range bombers. Each government would have some latitude in dividing its total among the various types of strategic delivery systems.

The Soviet response, it seems, is encouraging. As a result, there is considerable optimism that the two great powers may actually be able to agree on a draft treaty when the talks resume in Helsinki in November.

Considering the crying need in this country for a resetting of our national priorities, an arms control agreement of the sort indicated is to be devoutly desired from the American viewpoint. Students of Soviet affairs are prepared to believe that the Kremlin interest is genuine, too.

The Soviet investment in armaments is, after all, far more lopsided than our own. Military spending is running at about the same level as ours—but from a gross national product only half as large.

Unfortunately, however, the fact must also be faced that a successful outcome to the SALT negotiations will not necessarily produce a safer world.

The Soviet's intentions must be judged not only by their posture on a missile freeze but also by their behavior in the Middle East and their willingness to negotiate a mutual reduction of force in Europe.

Reports that the Russians moved SAM-3 missiles to the Suez Canal, after promising Washington that they would not do so, constitute a disturbing reminder of the Kremlin's capacity for duplicity.

TRIBUTE TO THE HONEST WORKMAN WHO TAKES PRIDE IN WHAT HE DOES

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GERALD R. FORD. Mr. Speaker, the usual product of a national columnist is a commentary on a major news development or a behind the scenes report of what goes on in private political circles. It was refreshing, therefore, to read Andrew Tully's "Capital Fare" column of August 20, 1970, and discover a tribute to labor—a tribute to the honest workman who takes pride in what he does and renders an honest day's work for his pay. America has much need of men like Will Dennison, as he is described in Andy Tully's column. It is men of this breed who built America and made it great. It is appropriate, therefore, that Andy Tully's tribute to Will Dennison, admirable workman, be given wider dissemination. The Andy Tully column follows:

KNOCK ON OUR DOOR ANYTIME

(By Andrew Tully)

WASHINGTON.—Perhaps the subject will be contemptuously marked trivial in this capital of the cosmic, but for that very reason a personal note seems mandatory as a salaam to Wilfred Dennison of Oxon Hill, Md., one of the last of a splendid breed. Dennison is testimony that a few of us have not capitulated to the mod theology that an honest job is an ignoble gesture to the system.

Will Dennison is a small building contractor. He toils in a business that does not enjoy universal affection among householders, especially in this unhappy-go-lucky age. The individual forced by circumstance to hire help for the driving of a nail or the laying of a brick habitually dons the air usually worn only for a stroll to the guillotine.

Thus, when the conversion of an unused porch into a room to accommodate the roughousing of two boys became imperative, I faced the ordeal with craven foreboding. Nothing good could come of the project, and the cost would strain the pocketbook of a Kennedy.

I greeted Will Dennison with icy reserve, not to say hostility. He was a contractor; that was enough. True, he arrived with credentials notarized by a favorite neighbor, but are even friends expert on such an arcane subject?

But there was nothing else for it. The job had to be done to reduce the rate of attrition on the rest of the house. Gloomily, the contract was awarded to Will Dennison of Oxon Hill. And, almost at once, something wonderful started to happen.

I had received cynically Will's pledge that the work would start on a certain date. To my astonishment, he and his helper, Bill Ashby, arrived on the appointed day—not to sit around over cups of coffee and think about the project, but to have at it.

Down came the porch screens, to be piled neatly in the driveway. Within a few days, the porch had been extended and the studding put in place. The Dennison-Ashby team not only seemed to know what they were doing, they eschewed drawing me into any discussion of the procedure, an unheard-of attitude in this time of the whimpering constructionist. They listened respectfully to my impractical suggestions, but never sought them out.

More, they proved themselves veritable Renaissance Men of the building trade. When the roofer failed to appear, they did the shingling and guttering. They painted. The carpeting man declared coldly he could not cover the floor until fall; Dennison and Ashby put it down. They brought in two of the best bricklayers in the Western Hemisphere, youthful Bob Sealock and Ernie Miller, also of Oxon Hill, whose contribution was a work of art.

But, tarry. Besides all these wondrous things, Dennison and Ashby performed every little "while-you're-here" odd jobs the mistress of the manse could conceive. They fixed a closet door in a bedroom, a battered screen door, the master's desk. They altered a bookcase and moved it into the addition. They even bolted into place a new basketball basket.

"I can't charge you for this stuff," said Dennison. "I'm not in that business."

Finally, incredibly, they finished the job on time—indeed, a few hours ahead of the deadline. And before they left—I hope for some earthly reward in a cool and quiet tavern—they cleaned up and raked up and swept up every last sawdust-grain trace of their stay.

Will Dennison and Bill Ashby and Bob Sealock and Ernie Miller will never make it in this world we've made. They're too square. But they can knock on this door, anytime.

WILL YOUNG AMERICA DESTROY ITS HERITAGE?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. HUNT. Mr. Speaker, amidst predictions of continued violence and disruptions as the Nation's colleges and universities open their doors for the fall semester, I believe the editorial reprinted below contains a message that all students who are in school to learn should heed. It is no mystery that a very small but organized and vociferous militant minority can raise havoc and, as experience has taught, has been able to cause enough commotion to appear to speak for all students in the academic community.

I commend the following editorial to your attention which appeared in the Indianapolis Sunday Star of July 19, 1970:

WILL YOUNG AMERICA DESTROY ITS HERITAGE?

Although less than 10 per cent of American youth has been participating in the violent, senseless protests about their own colleges and universities, there is a growing danger that the noisy, militant leaders of America's young revolutionaries will lure more and more students to their cause.

The vast majority of students are serious-minded young people striving to get an education. They have, so far, refused to enter into "the gory glee" of hell-raising on the campus. But no leadership among the silent majority of students has arisen to challenge the revolutionaries.

The president of the student body at a large state university was elected by a vote of 1,013 to 323. Only 1,300 of 23,000 students voted in that election. They simply weren't interested in the militant program of the radical leaders. However, the student who was elected president claims that he represents the entire student body and demands a voice in board of regents meetings despite the fact that 90 per cent of the students wanted no part of his program.

Unless the students who believe they go to college to get an education rather than to start a revolution begin very shortly to organize and challenge the revolutionaries on the campus, they may find they have waited in silence while their precious heritage of freedom and opportunity has gone down the drain in a blazing, destructive, senseless revolution led by leaders who don't know what they want or what they would do with it if all their demands were granted. They want a noisy voice in everything but beyond that they know not what they are shouting about.

A sober observation about America's youth recently came from England where the editor of the London Daily Telegraph declared that no generation of young people ever had as great a heritage of freedom and opportunity as today's American youth.

Under the caption "Revolt of the Pampered," the editor of the Telegraph wrote:

"America is a victim of its national myth. It entered history proclaiming the rights of man. Its Constitution is aimed at fostering freedom at all costs. Its young have been brought up largely on an educational theory which attaches supreme importance to self-expression. Is it odd that it should lead the world in rebellion or that its volunteer forces should sometimes lack the virtue of unrelenting discipline? Yet the marvel does defy explanation. Why should America's student youth, living in a country that enjoys freedom and prosperity in unprecedented degrees, turn all its righteous anger not against the despotisms that rule most of the rest of the world, but against America itself?"

A TRIBUTE TO HENRY A. BARNES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MURPHY of New York. Mr. Speaker, the late Henry A. Barnes was deeply concerned with traffic safety on our highways and streets. In fact, he devoted his life to the smooth and safe flow of vehicular and pedestrian traffic. No more fitting tribute could be paid to Henry Barnes than to proclaim September 16, the anniversary of Mr. Barnes' death, as National Traffic Safety Day.

"The meek may inherit the earth—but not in New York."

Henry Barnes, who served as New York's traffic commissioner, used this modified maxim to explain why he has gone out of his way to acquire a reputation as a Pier Six brawler. His tough tactics, combined with a judicious use of public relations, were a key element in his effort to end this city's traffic jam which, although one of the Nation's worst, is not untypical of the problem in other cities.

Before he could do anything about the traffic jam, Mr. Barnes was convinced he had to cut through the city's tangled bureaucracy. And in his quarter-century of battling both city traffic and bureaucrats, Mr. Barnes learned that neither problem will yield to a mild-mannered man.

So within weeks of his arrival in town in 1962, he was jousting not only with city officials but with UN diplomats, doctors, Fifth Avenue merchants and women drivers. He even took on vinegary Robert Moses, a city planner, park developer and bridge builder who long ago began using Mr. Barnes' formula for dealing with governmental redtape.

With city officials, Mr. Barnes fought for the money he says he must have if he was to unclog New York streets. "They won't give me the money because I'm a nice guy; if anything it'll be because I'm not," he said.

He was right. He succeeded in jacking up his department's operating budget some 10 percent.

Before New York hired him away from Baltimore, the Maryland city in an 8-year period had been persuaded to boost his operating funds by 400 percent. His traffic efforts in Baltimore were impressive enough that New York offered him $27,500 a year. But his reputation as a traffic man goes back as far as 1937 when he became traffic engineer in Flint, Mich.

Ten years late Mr. Barnes went west to Denver to head its traffic department. There he introduced Denver pedestrians to the "scramble" system, now common in many U.S. cities. It allows pedestrians to cross in any direction they choose while all traffic lights are red for a few seconds. The system, which Denver promptly labeled "the Barnes dance," also frees motorists making left-hand or right-hand turns from competing with pedestrians who no longer are allowed to cross on green lights.

IDEAS FOR NEW YORK

So when Mr. Barnes arrived in New York, at age 55, he had a reputation for getting things done. Besides scrappiness and a flair for publicity, he also soon demonstrated he had ideas for what ailed New York. Convinced the city is failing miserably to get the best possible performance out of its network of streets, Mr. Barnes came up with a plan which had helped in Baltimore: Electronic traffic signals hooked into computers.

In essence, the electronic system adjusts the timing of lights to accommodate the changing volume of traffic on a grid of streets. It does this by feeding into a computer data on the flow of traffic in the area and also the amount approaching the area. A Bureau of Public Roads official notes:

You sometimes get cars waiting at a red light while there's no traffic going through the green light.

An electronic system seeks to spare the motorist this frustrating experience as often as possible.

The results can be startling, Mr. Barnes maintained. In Baltimore it normally took motorist 45 minute in peak hours to negotiate 4 miles of one congested artery. After Mr. Barnes installed an electronic system, the trip took 17 minutes. Moreover, each lane of traffic handled three times as many cars per hour as formerly.

How much did Mr. Barnes accomplish in New York?

When Mr. Barnes arrived the city's traffic department was on a 5-day-week and a 9-a.m.-to-5-p.m. day. He immediately put the department on a 7-day week and a 24-hour-a-day operation. He also found there were only two radio-equipped vehicles in his entire department. Today there are over 100.

Mr. Barnes liked to man a radio himself—in the department car in which he is driven to work daily. Cruising along Queens Boulevard, he would spot a signal light which is out of synchronization. "This is Car One," he would intone into the radio microphone, as he reported the deficiency. He noted with satisfaction that 2 minutes later the dispatcher has rebroadcast the report of the faulty light to the maintenance superintendent for the district. "He's probably on his way there right now," said optimist Barnes.

For the first time, at a few busy intersections, New Yorkers were experiencing "the Barnes dance." Mr. Barnes has even tinkered with lower Broadway, the scene of ticker tape parades for public heroes from Charles Lindbergh to John Glenn to the Mets. He made it one-way, and unsnarled traffic on the thoroughfare to a considerable extent.

As any local motorist will testify, New York has never been able to keep up with the seemingly routine task of painting traffic lines on its streets. The Barnes remedy: New paint machines which did in 3 hours what used to take 3 days.

Almost anything a traffic man does will get him into trouble with someone. Consider a Barnes suggestion to let buses roll on city expressways. This riled Robert Moses, credited as the man chiefly responsible for New York's network of parkways. He suggested the newcomer from Baltimore was ignorant about parkways and should "stick to his dances." He said parkways were for leisurely traffic—not buses.

Mr. Barnes purred in the public prints:

I agreed heartily, some of the most leisurely driving in the world takes place on the parkways here—about 5 miles an hour in peak periods. Cars bumper-to-bumper and fender-to-fender, and they will be as long as Mr. Moses insists on the outmoded concept of trying to move cars, not people.

Once the feud began, both men tore into each other with zest. At one point Mr. Barnes sharply criticized traffic planning for the New York World's Fair, a project Mr. Moses headed:

I suspect the first man to start home from the fair in 1964 may well pass the last man on his way to the fair in 1965.

ATTACK ON DOCTORS

Doctors and diplomats also felt the Barnes lash—for allegedly abusing their parking privileges. Mr. Barnes said that in 8 years doctors had received 50,000 tickets but had drawn suspended sentences on 35,000 of them because county medical societies had backed the doctors' statements they were on emergency calls when ticketed. But Mr. Barnes suggested the truth was doctors' wives frequently had the cars when they were ticketed. This moved the president of the New York County Medical Society to observe there are more than 1,000 woman doctors in New York. "I am sure they all wear high heels and park near Macy's while on calls," retorted Mr. Barnes.

Mr. Barnes also launched an attack on women drivers in general:

When a woman driver puts out her hand you never know whether she's feeling to see if the window is open, drying her nail polish or making a turn.

All these blasts, of course, drew public attention to traffic, which was just what Mr. Barnes had in mind.

The Barnes technique of presenting himself as a volatile high explosive apt to go off at any time in anyone's face succeeded in improving things here in New York.

To illustrate the problems Mr. Barnes faced, consider the city's need for off-street parking, Mr. Barnes said:

We're besieged constantly by pressure groups wanting off-street parking facilities in their areas.

And he admitted that politically the boroughs of Brooklyn and the Bronx outvote Manhattan, "so we've put more off street parking facilities there than in Manhattan where the parking problem is the worst."

GRASS AGAINST GARAGES

He also was fully aware of the political dynamite in building an offstreet parking lot or garage anywhere "if you have to move a single family or a single business." So he looked for city property he might convert to parking areas and hit upon the idea of underground garages in city parks. New Yorkers miss this innovative pipe-puffer. They even miss the "Barnes Dance."

TRAVIS PORT SQUADRON—BEST IN AIR FORCE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. LEGGETT. Mr. Speaker, in a few days in San Francisco, the 60th Aerial Port Squadron of Travis Air Force Base in my congressional district will officially be presented the U.S. Air Force Award as "the outstanding aerial port squadron in the U.S. Air Force."

Col. Charles A. Neundorf and Chief M. Sgt. John Breen are certainly to be congratulated for their outstanding logistics management.

I would include in the RECORD at this point a story from the Vacaville, Calif., Reporter which points up the world record accomplishments of the "60th of Travis":

TRAVIS PORT SQUADRON—"BEST IN AIR FORCE"

TRAVIS AFB.—Selection of Travis Air Force Base's 60th Aerial Port Squadron as "the outstanding aerial port squadron in the Air Force" was announced this week by General Jack J. Catton, commander of the Military Airlift Command (MAC).

The command earlier picked the Travis port as best in MAC, enabling the squadron to be judged in Air Force world wide competition, where it was named winner in the outstanding aerial port category. Presentation of the USAF award will be a highlight of the National Defense Transportation Association convention to be held next month in San Francisco.

The 22nd Air Force commander, Major General William G. Moore, Jr., said, "May I join MAC by extending my personal congratulations and appreciation to the 60th Military Airlift Wing and the 60th Aerial Port Squadron for this outstanding accomplishment."

Brigadier General John H. Germeraad, the wing commander, congratulated members of the aerial port squadron and other personnel of the 60th Military Airlift Wing who contributed to the achievement. The squadron is commanded by Colonel Charles A. Neundorf, who recently succeeded Colonel Clayton J. Johnson.

A succession of achievements in both 1969 and 1970 led the base's aerial port unit to its latest award. Long accustomed to handling the bulk of passenger and cargo traffic routed through military airports in the continental United States, the squadron notched an all-time high in passenger volume for the month of July, 1969, when a total of 127,321 people were processed through the Travis port.

The distinguished visitors lounge alone served 18,836 travelers, including dependents of servicemen killed overseas, released prisoners of war, USO entertainers, and dignitaries including Vice President Spiro T. Agnew, Julie Nixon Eisenhower, and Secretary of State William P. Rogers.

In the area of cargo airlift, pallet utilization on Logair missions was nearly doubled, increasing from 60 to 99 per cent. The wing unit was chosen for tryout of a program known as "First In, First Out," or FIFO system of shipment priority. This led to the pilot data conversion for the new system and a recommendation for its adoption at other aerial ports.

The squadron earned a MAC PRIDE award for the expiditious handling of more than 6000 tons of hazardous cargo, and during the same period reduced delays on passenger flights to one for every 3000 aircraft handled.

A sub-unit of the squadron, its combat operations section gained recognition for enhancing the command tactical image and building interservice teamwork. The unit directed airdrops for 2,600,000 pounds of cargo, and completed 623 personnel jumps without a single parachute malfunction.

HUBERT H. HUMPHREY ANSWERS QUESTIONNAIRE ON FIREARMS LEGISLATION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SIKES. Mr. Speaker, those who favor repeal of the reporting requirements under Federal gun control laws for .22 caliber ammunition—and there are many of us—take comfort in a response by former Vice President Hubert Humphrey to a questionnaire to candidates on firearms legislation in his State. A 1970 questionnaire submitted by the Committee for Effective Crime Control in Minneapolis contains these questions on firearms legislation:

1. Do you favor firearms registration?
2. Do you favor the requirement of an owner's license to possess a firearm?
3. What restrictions, if any, would you place on the ownership of handguns by law-abiding sportsmen and citizens?
4. What restrictions, if any, would you place on ammunition for firearms?
5. Do you favor repeal or amendment of the Gun Control Act of 1968? Why?
6. What additional firearms legislation, if any, do you believe should be enacted on the federal level?
7. If you wish, please add comments on your record or comments of a general nature.

Mr. Humphrey, now a candidate for the Senate, answered in the following manner:

Hubert H. Humphrey (Democrat) (Waverly, Mn. 55390).

RESPONSES:

"1. No. 2. No. 3. None. 4. I am in favor of repeal of the registration of rifle and shotgun ammunition and I believe that that repeal should now be extended to ammunition for the .22 rifles. 5. I have indicated that I favor certain amendments to the Gun Control Act of 1968 in my answer to question 4. However, I believe that before we give serious consideration to either a major amendment or repeal of the Gun Control Act of 1968, that we need more experience in operating under the act to determine its advantages and deficiencies. 6. and 7. In the past, particularly during the emotional period following the tragic deaths of Martin Luther King and Senator Robert Kennedy, many restrictions and limitations were proposed on the use and ownership of guns and ammunition. I supported some of these at that time. Since then, based on reflection and careful consideration of present existing federal legislation and more recent data, I have come to certain other conclusions.

First, I must stress that I am now and always have been vigorously opposed to any sort of federal confiscation of firearms possessed or owned by law-abiding citizens and sportsmen.

I would not support any federal legislation that could lead to confiscation.

I would insist that safeguards against confiscation be written into any federal law dealing with arms in America. With that ironclad proviso understood, if elected to the Senate, I would carefully consider and examine with an open mind several options concerning hand-guns only.

If it could be demonstrated to me conclusively that some form of registration law for hand-guns only would reduce the coincidence of crime in America, I would consider voting for such legislation.

If the weight of evidence indicated that local option "permit-to-carry" hand-gun laws would more rationally serve to reduce crime in America, I would support that alternative.

If the weight of evidence showed that hand-gun registration law would not effectively reduce crime, I would be content to let present laws stand, with the exceptions that I have noted in answering the prior questions.

Finally, as my friends all know, I am an avid and an active sportsman. I was raised in the midst of bird country in South Dakota—Doland—and grew up with guns and hunting. Likewise, I enjoy trap and skeet shooting. My wife, three sons and son-in-law are all hunters. We, like so many others, do not want any law or legislation which would deny us the opportunity to own and use our guns for purposes of recreation, hunting, or sports club shooting.

This is a distinct about-face for the former Vice President. It will be recalled that he was a strong advocate of harsh antigun laws during his tenure as Vice President. It is refreshing to note that he has now joined forces with those who believe law-abiding Americans have a right to possess firearms.

SKILLFUL JOB BY NIXON

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, with the concern of the Nation and of the world on the situation in the Middle East, we are all grateful that steps, no matter how tenuous, have been taken toward peace. We are all hopeful that the Arabs and the Israelis will abide by the ceasefire and that meaningful talks will take place.

In a "Skillful Job by Nixon," the Des Moines Register recognizes the role

played by the President in bringing these nations to the conference table. I include this editorial in the RECORD:

SKILLFUL JOB BY NIXON

"Though it should not be forgotten that any common thinking between the United States and Russia on the Middle East is the artificial and fragile product of a local war that is getting out of hand, the evidence of Russia's present readiness for a settlement is too strong to miss the chance of trying to build on it," said the London Economist last week.

One reason for believing the Soviet Union is serious about Mideast peace is the fact that the orthodox Israeli Communist party, Rakach, as well as another Communist group in Israel, came out in favor of the cease-fire.

The continuing hostility between China and Russia, the pressing demands for internal economic reform in Russia and, most important, the danger of nuclear war with the U.S., apparently have led the Russians to an "understanding" with America on the Mideast.

No one should be euphoric about this arrangement, which is tenuous, and which may not lead to real peace. But it is a large improvement over the situation which existed before, and President Richard M. Nixon deserves credit for a skillful piece of diplomacy in bringing the countries to this stage.

Nixon kept his nerve and his poise during weeks of inordinate pressure on him from Israel and American Zionists to provide more warplanes to the embattled Israelis. He stood fast, while evidence accumulated that the Russians were stepping up their arms aid to Egypt and increasing the number of Russian military advisers. He did not lose his sense of balance when the evidence was clear that Russian soldiers were taking part in the defense against Israeli air attacks.

Nixon prides himself on his experience and understanding of foreign affairs. On the basis of the performance of his Administration in the Mideast crisis so far, we believe this pride is justified. Nixon, Secretary of State Rogers and White House Adviser Henry Kissinger together evidently made a good appraisal of Russian positions and actions. Their use of intelligence reports and diplomatic contacts showed a mastery of the art of foreign relations.

In accomplishing the cease-fire and bringing the warring parties to the verge of negotiations, Nixon has not abandoned Israel to the wolves. He holds in reserve the capacity and willingness to provide Israel with the weapons which will maintain the balance of power in the Mideast. This has been the Administration's stand all along.

But he has been able to check the bombing and the artillery fire across the Suez canal for a time at least to make another try for peace.

ABM SYSTEM TESTED

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. COHELAN. Mr. Speaker, last week with predictable fanfare, the Department of Defense announced the ABM system worked. When the entire statement was analyzed a clearer picture emerged—one ICBM aimed over the test island was intercepted, well no, passed close enough to be considered intercepted. Unfortunately, the announcement left some conspicuous voids.

First, the "one on one" situation of the test will not be replicated in the strategic situation that is anticipated for use of the ABM—numerous missiles and decoys. The forte of the ABM is supposed to be the ability to discriminate between real warheads and the decoys and chaff. As I have pointed out on numerous occasions, the entire system—the two sets of missiles—Sprites and Spartans—the two sets of radars and a yet to be completed computer and computer program that is to coordinate this weapons system—is not near operational status.

Second, should the system become operational—something that is extremely doubtful—the system could be overwhelmed by the existing Soviet arsenal, a fact admitted by none other than the Secretary of Defense Melvin Laird.

The continuation of the debate over the ABM even with the new variation of "bargaining chip"—still bespeaks a considerable amount of unnecessary expenditures. I have never opposed continued testing of the system, but I have been consistent in my opposition to premature deployment.

My position is based not only on my intensive personal studying of the issues but my early involvement in the early 1960's when as a member of the Research Subcommittee of the Armed Services Committee, I investigated the Nike-Zeus program, an early predecessor of the current ABM. At that time, there was extreme pressure to go ahead with deployment of the Nike system and only through pressure from the Congress, reinforcing elements within DOD that such a rash decision was avoided.

Central to all decisions about strategic weaponry, and the ABM in particular, as the underlying assumptions about the current strategic balance. Most strategic planners agree that the current stability is based on mutual deterrence—mutual fear if you will. The central assumption is that one nation would not launch a preemptive first strike—unless that strike would not allow the opponent to sustain it and deliver a second strike that would inflict unacceptable damages on the initiator of the conflict. Currently both the United States and the U.S.S.R. operate under the assumption that each has a second strike capability. The current balance of terror is still the underlying reason for the strategic balance.

To go ahead with complex defensive systems or with quantitative increases in offensive missiles leads to costly and increased expenditures with little increase in security. Indeed this could result in the perception assymmetry.

It is for this reason that I have followed the SALT talks with the hope that some rationality in strategic weaponry can be interjected. Still it is difficult, if not impossible, to see how the deployment of the ABM is a bargaining chip—when it is more logical to assume that the Soviets would be impressed with a system that works.

The New York Times had a recent editorial on the test of the Spartan missile. I commend it to the readers of the RECORD:

SALESMANSHIP FOR SAFEGUARD

The Pentagon announcement, replete with photographs, of the first interception of an intercontinental ballistic missile (ICBM) by the Spartan antimissile missile undoubtedly gave some newspaper readers this week the impression that an important forward step in nuclear defense had been taken. The feat appeared to constitute new evidence that the controversial Safeguard antiballistic missile (ABM) system would work. Unfortunately, there is no warrant for the impression that the development is either new or dependable proof of the Spartan's effectiveness.

An almost identical diagram, showing an ICBM fired from Vandenberg Air Force Base in California being intercepted over the Pacific appeared on page one of The New York Times on July 20, 1962, above a news story which said:

"WASHINGTON, July 19.—The Army's Nike Zeus defense missile intercepted the nose cone of an Atlas intercontinental ballistic missile today high over Kwajalein Island in the Pacific. It marked the first time that an intercontinental missile had been intercepted by a United States antimissile missile."

This was a real "first," eight years ago. Yet, even then, it was not especially remarkable. Earlier that year, Defense Secretary McNamara had told a Senate committee that the interception could be virtually guaranteed because "it is such a simple test." Ultimately, after the Nike Zeus had intercepted target re-entry vehicles in ten out of fourteen tests, it was abandoned as inadequate. It could not discriminate between warheads and decoys in a mass attack.

Safeguard, by contrast, is being deployed before adequate test. That is one of its more controversial aspects. The long-range Spartan antimissile, which has had eleven successes in fifteen shots, is better than Nike Zeus, but no more able to distinguish warheads from decoys. The more important, short-range Sprint antimissile—designed for high-speed close-in interception after the atmosphere has separated decoys from warheads—has had only 22 successes in 41 tests.

True, nobody has ever doubted that Spartan and Sprint antimissiles can eventually be made to work. The technical controversy about Safeguard centers on whether the system as a whole will achieve what has been claimed for it. Several former Presidential science advisers have warned of the danger of "catastrophic failure" of the whole system the first—and only—time it is used in anger. Neither the giant computers nor, more important, the "software" data to be fed into them have been constructed or tested in the immensely complex task of large-scale missile defense.

The radar, opponents assert, is above ground and vulnerable to direct attack as well as to blackout from nuclear explosions. Moreover, any ABM system can be overwhelmed if the missiles shot at it in salvo outnumber the antimissiles it can fire in response, a danger that will grow in the era of offensive missiles with MIRV multiple warheads.

In any case, the more important arguments against Safeguard are not technical at all. A more stable Soviet-American nuclear balance and a safer world can be achieved if, instead of building light ABM systems on both sides, the two superpowers agree to abandon ABMs entirely—a course mentioned by both sides in the preliminary rounds of the strategic arms limitations talks (SALT), but not pursued vigorously by either. Even if such an agreement cannot be reached, there are serious reasons to doubt that Safeguard deployment will be a wise or effective step. The Kwajalein test last week, despite its Pentagon build-up, answers none of these doubts.

COMMUNIST PARTY, NOT JUST ANOTHER POLITICAL PARTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SCHMITZ. Mr. Speaker, Angela Davis, an admitted member of the Communist Party of the United States of America—CPUSA—and darling of the liberal press, is now on the FBI's 10-most-wanted list. She is charged with first degree murder in the vicious killing of Judge Harold Haley. Miss Davis' action has once again brought to light the true nature of the Communist Party so aptly characterized by Whittaker Chamber's in his superb book "Witness."

The Communist Party despite occasional pious statements to the contrary, is a terrorist organization.

Many older Americans have forgotten what the party actually is and many young Americans were never taught about it in the first place. Most of us have not seen the numerous slaughters which have taken place at the hands of the various Communist parties. We have not witnessed, except ocasionally through some reference in the press, the massacres of Crimean Tartars, the Volga Germans, the Kulaks, the Polish officer corps in Katyn Forest, the Hungarian Freedom Fighters, the Chinese people, the Tibetan people, the North Vietnamese people in 1954–57, the South Vietnamese people currently underway, or any of the other appalling acts of Communist carnage. Dr. Stefan Possony, senior fellow at the Hoover Institute, estimates that there have been at least 100 million deaths, directly or indirectly attributable to the Communist drive for global conquest. Today the terror is with us at home.

To protect the citizens of the United States from the fate which has befallen so many others, we need two different but complementary systems. We need a strategic defense system opposing the military might of the material and directing base of the Communist parties, the Soviet Union. We also need an internal systerm opposing the military party of the Soviet Union, the CPUSA. Neither defense system is adequate without the other.

Since many Americans have forgotten what the Communist Party is, I am reproducing here several of the findings of the U.S. Congress adduced after 4 years of the most intensive study and consideration. These findings are written into law and form the base of the Subversive Activities Control Act of 1950.

SEC. 781. Congressional findings of necessity.

(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power . . . and results in the maintenance of control over the people through fear, terrorism and brutality.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(9) In the United States those individuals who knowingly and wilfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States, and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement.

(15) . . . The Communist organization in the United States . . . and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress . . . enact appropriate legislation . . . designed to prevent it from accomplishing its purpose in the United States.

Many of the most essential provisions of law which followed this congressional finding have been knocked down over the years by misguided Supreme Court decisions. Disintegration of our society has closely paralleled the undermining of all our internal security laws. It is essential that we erect these barriers again in our own defense. There is presently a bill in the Senate Judiciary Committe, S. 12, cosponsored by Senator MURPHY, which would go a long way toward filling the gaps which have been created in our internal defense system. Without strong public sentiment manifested for this bill, it will never be passed.

RHODESIA IS ALIVE AND WELL

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. LANGEN. Mr. Speaker, there are unfortunately many misconceptions about Rhodesia. In recent weeks I have attempted to dispel some of these myths. Rhodesia is not "a threat to world peace." She plans to conquer no one nor declare war on any State. She is not trying to subvert the governments of other Nations. She is neither backward nor isolated as some wrongly believe. To shed additional light on this subject, I am inserting at this time into the RECORD a newsletter by the Friends of Rhodesian Independence. Their observations make for some interesting reading:

ANTI-RHODESIA SANCTIONS TOTAL FAILURE—NEW NATION BOOMING AND FUTURE SECURE

For nearly five years Rhodesia has been the object of intense persecution intended to bring down her independent government. Several British frigates have patrolled the East African coast during that time to enforce the sanctions. Britain even refuses to honor Rhodesian postage stamps—a petty and clearly illegal position equal to her vindictive and bald piracy in regard to Rhodesian property.

A few examples of the total failure of sanctions are easily provided:

In 1969 total earnings from employment of Rhodesia's 235,000 Whites and 4,800,000 Blacks rose by 9% from 461 million to 502 million Rhodesian dollars. (An American dollar is worth 70 Rhodesian cents.)

Average annual earnings of Blacks increased by 3.5% last year and for Whites, Asiatics and mixed races increased by 5%. The disparity points to the low profitability of agriculture and mining—the two industries hurt most by sanctions; thus it is evident that sanctions have hurt most the race they were supposedly invoked to assist!

In 1969 the Gross National Product of Rhodesia jumped 14%—the best jump of any year since 1956.

For the first time since sanctions were imposed in 1965, Rhodesian exports increased in 1969—by a full 23% over 1968.

Insulation from the failing economy of the West has resulted in far slower inflation and lower interest rates than are to be found in the United States.

Almost anything can be purchased in Rhodesia, usually at prices under those in the U.S. Unlimited quantities of gasoline are available. Most goods for sale are manufactured in Rhodesia, including such unlikely items as potato chips, dog food and matches. The country is virtually self-sufficient.

WILD WEST IN MINI-SKIRTS

Rhodesia today resembles nothing so much as the American West of a hundred years ago. There are fantastic reaches of virgin land; incredible untapped natural resources; new cities springing up and wild beasts and friendly natives aplenty. Fitting in perfectly with this vast potential of wealth is a highly intelligent and determined race of pioneers ready to fight to the death for their land.

This is the greatest resource of all in Rhodesia: its people. Mostly of English stock, they have retained the best of their heritage and represent the best of their race. They are a handsome Nordic breed; a self-willed, good-living, friendly people who would not tolerate a low standard of living for themselves any more than their stylish women would wear a low hemline.

Their kids are healthy, disciplined, well-scrubbed and wear pert uniforms and short hair to school. The decadent influences which are destroying a generation in America, England and other Western nations are harder to find in Rhodesia. Drugs and pornography are suppressed.

The Rhodesians are both ready and able (one would say almost eager) to defend their way of life; make no mistake about it. The clear and present danger to their survival has honed in them a proper will to survive; this is their greatest asset and their enemies' greatest obstacle.

Should Rhodesia be invaded, the invader would be confronted by at least 60,000 trained, tough fighting men capable of forcing the highest price for their land. About half of this defense force would be Black. And of course thousands of South African and Portuguese volunteers and, for that matter, volunteers from all over the world, including America, would rally to the defense of this noble little country. Any invader had better have at least a quarter of a million well-trained and equipped troops. The dreams of such sinister outfits as the tax-exempt Carnegie Foundation for International Peace that the job can be done for less are a delusion of wishful thinking.

Hastings Banda, leader of Malawi, one of the Black African states friendly to Rhodesia, says, "There is not a single state in Africa which can raise an army to face the army of South Africa—even to face the army of Rhodesia alone." This is a fact dismal to the communists and liberals but which they may as well accept. Rhodesia is definitely on the map to stay, even if the bigoted establish-

ment press and the corrupt governments of the West refuse to acknowledge it.

In fact, it is generally agreed that, if it wished, Rhodesia could eliminate its neighboring communist state of Zambia in a two-week campaign. But Rhodesia already has more than its share of Blacks.

THERE ARE PROBLEMS

Rhodesia, of course, has problems but they are not the ones that the liberals eagerly hawk to the suckers who believe the mendacious "free press" in America. Perhaps Rhodesia's most minor problem is a shortage of capital—but a slower pace of development can only, over the long run, help a sound expansion. Her rulers had best be careful about who they accept capital from and should count their blessings in that Rhodesians, thanks to sanctions, have the opportunity to retain control of their natural resources and industries.

Externally a great problem has recently come to light with the large-scale incursion of Red China into central Africa. This important news has been totally suppressed in America. The Chinese Reds are not only training Black guerrillas in Tanzania, allegedly to be used to drive the White man from Africa, but they are building a 1,500-mile railroad from Dar-Es-Salaam (Tanzania) to Ndola (Zambia). The highly efficient Rhodesian intelligence service estimates that at least 10,000 Chinese have already been brought into Tanzania and Zambia to work on this project and more are arriving every day. Rumor has it that as one compensation for building the railroad the yellow Reds are to receive a land grant of one mile on both sides of the track.

This, as well as much additional evidence of Chinese interest in central Africa, poses a serious problem not only to White Rhodesians but also to all Black Africans, for the Chinese can have only one aim in view—settlement of their surplus population through colonization. And this—if they are successful—will certainly mean extermination of those who occupy land they covet. Chinese have no earthly use for Black labor.

GREATEST PROBLEM

By far the most pressing problem facing Rhodesia is, of course, race. This is a problem bound to get worse as times goes by. It is not that relations between the races are bad; they are, in fact, quite good—far better, for example, than in the United States. The problem is really for the future and can be appreciated by comprehending the relative disparity in population increase. Because of the very generous and humanitarian treatment of the Blacks by the Whites the African population is increasing by 3.4% per year whereas the White population is increasing by less than 1%. White immigration is unlikely to solve the problem for the short run and cannot for the long run and although taxes today are much easier on Rhodesians than they are on Americans (Rhodesian taxes were *lowered* last year) eventually a welfare problem can develop which will even make the gargantuan American dole seem puny by comparison.

THE ENEMY WITHIN

A problem in some respects even greater than the race problem is the possibility of Rhodesia's capture by the international bankers. The *Herald*, Salisbury's big daily, is owned by the Argus group, the London-based publisher whose Leftist-oriented papers (with one exception they own the English-language papers in South Africa) compare to the worst that America has to offer.

But the *Herald* is not as important in the Leftist scheme as are certain international financiers. Operating in flamboyant style in Rhodesia is the Anglo-American Corporation, one of H. F. Oppenheimer's innumerable fronts. The enigmatic Oppenheimer is playing for big stakes. A confirmed Leftist who financially backs Leftist and world government causes, Oppenheimer is one of the top international capitalists in the world. His vast wealth includes a monopoly on the S.A. diamond mines, 41% of all gold mining in S.A. and great holdings in all other minerals found in the rich deposits of southern Africa, as well as virtually every other industry of the area.

Cheap labor is what Oppenheimer craves and he finds a liberal, do-good pose convenient for this as well as to mask his sinister international connections. Oppenheimer and his breed are no friends of Rhodesia and if they gain the upper hand—or even a great amount of influence, such as they have attained in S.A. under Vorster, Rhodesia's survival will be made more difficult. Not all Rhodesians recognize this threat; indeed, they welcome the capital that Oppenheimer has to invest. He is presently buying up many of the mines that were closed by the sanctions, presumably at reasonable prices. No wonder that, as a loyal elder in the international council, he approves of sanctions. What better way can there be to lower the prices of mines and raise the price of their products? The practical Rhodesians realize that marketing "illegal" minerals is no problem for the man who controls the markets. And the fact is that Rhodesian chrome, lead, copper, etc. mines are operating at full blast. The only practical effect of sanctions in regard to chrome, for example, is that sanctions have increased its price by $10 per ton. Oppenheimer cannot be unhappy at that.

THE BIG PICTURE

The most vivid impression that many Americans will derive from the Rhodesian panorama is that if Americans in general were as aware of the threats to their survival as are the Rhodesians, America could certainly survive. In fact, it is not at all improbable that Rhodesia and South Africa—composed of men and women who *realize* that they are fighting a war for their survival—will outlast an America composed in good part of the unaware and apathetic. An event which could trigger the final fall of America, Britain, France and most other nations in the world—an international money crisis—would find Rhodesia and S.A. relatively secure in their splendid isolation, their currencies backed by gold and their economies unneeding of what the rest of the West has to offer. In such an extremity—which seems only a matter of time—Rhodesia and South Africa would emerge as a major power bloc.

TOURS ARE IMPORTANT

It is well for people of the United States to have an understanding of Rhodesia and South Africa free of the lying bias of the "free press" and the opposite is also true. The best way this can be accomplished is through the National Coordinating Committee, Friends of Rhodesian Independence, which has now announced that it is expanding its program of tours. One may read endlessly of the friendliness and generosity of the Rhodesian people; of the breathtaking and stupendous magnificence of Victoria Falls; of the thrill of seeing hundreds of wild game *au natural* in the 5,000-square mile Wankie Park; of the clear Rhodesian nights and wonderful climate; but only by a visit there can one really comprehend its reality. As for the Rhodesians, visits from sympathetic Americans are wonderfully invigorating, giving rout as such visits do to the lies spread by their own few hawkers of despair. They will tell you how much their American friends do for their morale. As a more practical matter, tours provide some American exchange, which is much sought after for purposes of trade.

WHAT MY COUNTRY'S FLAG MEANS TO ME

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. HALL. Mr. Speaker, recently, Mr. and Mrs. Bob Dee, publishers of the Greenfield, Mo., Vedette newspaper, conducted an essay contest on the subject, "What My Country's Flag Means to Me." The readers of the newspaper were invited to enter the contest. When the essays were received, they were printed in the Vedette and the winners selected by a vote of the paper's readership.

I commend Mr. and Mrs. Dee for their desire to encourage respect for our national emblem, and to use their newspaper as an outlet for the people of Dade County to express their own personal feelings.

The following six essays were judged to be the winners in the Greenfield Vedette essay contest:

[First Place Under 18—Miss Deann Hargis, Greenfield, Mo.]

The American Flag is an emblem of a living country for which I have great respect and reverence. It represents the highest ideals of individual liberty, justice and equal opportunity for all. Not only does it represent these, but also freedom, independence, security, protection, education, progress and prosperity.

It makes me proud to see that people respect and care as much about the flag as I do by displaying the flag at their homes and business places on holidays. That is just a few of the things the flag means to me.

Deann Hargis, Age 14, Greenfield, Mo.

[Second Place Under 18—Miss Melinda Blankenship, Dadeville, Mo.]

The flag stands for America the place where I live. The place where I can go to school and Sunday school. Where I can learn the colors of the flag are read white and blue and all of those colors are very pretty to me.

Melinda Blankenship, Age 6, Dadeville, Missouri.

[Third Place Under 18—Miss Dixie Hawks, Lockwood, Mo.]

When I think of what our country's flag means to me, I always think of Francis Scott Key, when he was composing the Star Spangled Banner, that "Long may it wave, O'er the Land of the Free, and the Home of the Brave."

We are living in times when we are having protest, strikes and riots, and our laws are weak, but I am proud that we have a law that is strict when our flag is disgraced.

To our Service men I say Thank you to fight for our country so our flag can keep flying, and when they lay down their lives for our country, they can feel proud that our National flag of red, white, and blue is presented to their family.

Dixie Hawks, Greenfield Freshman.

[First place over 18—Mrs. Maurine Davidson, So. Greenfield, Mo.]

To me our Flag means America from her humble beginning of brave men and women who gave her birth, to present America in her strength and glory. It is our heritage from those who fought, bled and died to keep us free. It is a lump in my throat and tears of pride and joy everytime I hear, "The Star Spangled Banner" or see the flag unfurled. It is anger and pity for any one who desecrates or fails to defend it. It is thankfulness to God for permitting me to

live under it's protective broad stripes and bright stars.

Maurine Davidson, over 18.

[Second place over 18—Mrs. Clyde Birch, Greenfield, Mo.]

The Stars and Stripes portray the hopes, dreams, toil and bloodshed that bought the freedom I enjoy today. In them I see the wisdom of Thomas Jefferson, the compassion of Abraham Lincoln, the valor of the Unknown Soldier. I see Faith seeking expression in a new world, Hope crossing the ocean in an emigrant ship. I see a land of plenty ready to share with a hungry world, a land of freedom willing to fight for a shackled mankind.

Our country's flag symbolizes the best that imperfect man has been able to accomplish in the history of this imperfect world.

Mrs. Clyde Birch (over 18).

[Third place Miss Connie Hawks Lockwood, Mo.]

Our country's flag is representative of the ideals which have made America the greatest nation in the world.

Our flag serves as a symbol to all men. For a foreign man it may be the symbol of a helping hand. To an enemy it may be the symbol of fear of the world's strongest armies. To the American the flag is a symbol of the privileges granted to all Americans.

With every privilege is a duty. The greatest privilege our flag offers is that of being a free citizen in a free society. Thus it becomes my personal duty to see that the flag is shown no form of disrespect. The flag grants each American the opportunity to be a good citizen. When we Americans forget the ideals represented by our flag we will no longer be free citizens in a free democracy.

Connie Hawks, Age 21.

COMMITTEE FINDS NO IMPROPRIETIES IN ORIGINAL AWARD OF CONTRACT TO GENERAL ELECTRIC

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. COUGHLIN. Mr. Speaker, a procurement competition conducted by the National Aeronautics and Space Administration for the design and construction of two applications technology satellites in April of this year resulted in the announcement of the award to the General Electric Co., Valley Forge, Pa. The other competitor, the Fairchild-Hiller Corp., Germantown, Md., protested this award.

Because of the unusual situation resulting from this protest, the Senate Permanent Subcommittee on Investigations inquired into the basic facts about the source selection, and the General Accounting Office also completed a study on the matter. The GAO concluded that established award selection procedures were not followed and that the procedures actually followed were defective.

In response to GAO's recommendation that the proposed award be reconsidered—even though no improprieties were found—Dr. Thomas O. Paine, NASA Administrator, appointed a top-level committee of NASA officials to reconsider the selection of GE for the ATS procurement.

This specially appointed committee, after considering the award, has reversed the selection and decided the contract should be awarded to the Fairchild-Hiller Corp., strictly on the subjective basis of what it feels are technical superiorities.

In taking this action, the committee clearly refuted false and erroneous charges raised by Fairchild-Hiller that price leaks and other irregularities took place. Specifically, NASA's ATS Procurement Review Committee states that the so-called technical transfusion issue had no effect and that neither firm appeared to have a significant edge as an innovator.

The committee further points out that 1 week's difference in submission time of proposals, while it may have permitted Fairchild-Hiller to reduce its bid by perhaps a few hundred thousand dollars, was not critical. It concluded, in fact, that neither company's proposed bid provided a valid discriminator in the selection of a contractor, because of the small difference in estimated costs proposed by each company.

At the same time, the review committee also states in its report of August 26, 1970, "that it is highly improbable that a cost leak of Fairchild information to GE actually occurred because of the normal security procedures employed by NASA, the very limited time in which a leak could have taken place, and the inherent difficulty of making last-minute revisions in matrixed cost proposals."

The NASA review committee, moreover, upheld the prior analysis that cost savings to NASA proposed by GE are real and are based on sound and acceptable accounting methods.

I think it appropriate that the record show clearly and irrevocably that these charges leveled against the General Electric Co., are unfounded and baseless. A respected and valued member of the industrial community, GE has participated successfully in more than 50 percent of the space programs of the United States. It has compiled an enviable and deserved reputation that should not be impugned in the heat of competition.

I feel that the accusations, while raised in good faith, were triggered in the disappointment of a lost contract bid. It is regrettable that this entire incident occurred.

The attack on GE was unwarranted. The review committee substantiates this. And the record should show this.

WHY CRIME SKYROCKETS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MICHEL. Mr. Speaker, while there have been some indications that the rate of increase in crime has been lessened, the harsh facts are that crime is still one of our major domestic problems. Now that the District of Columbia crime control bill has been approved, it is to be hoped that the Congress will soon take affirmative action on the balance of the administration's crime fighting proposals.

An editorial appearing in the August 30, 1970, edition of the Peoria Journal Star entitled "Why Crime Skyrockets" does an effective job in rebutting some of the excuses and rationalizations which are offered from some quarters when discussing reasons for the scandalous crime rate in this country. I ask that the editorial be placed in the RECORD at this point:

WHY CRIME SKYROCKETS

(By C. L. Dancey)

A good many people are no longer entranced by the lovely logic used to persuade them that the "crime problem is really a poverty problem," or that "the real problem is that our correctional institutions are lousy."

There are folks who want to look at everything they can find except the criminal, himself.

People generally know perfectly well that the problem of poverty is not a modern phenomenon. They know that "lousy correctional institutions" are not an invention of the Mid-Twentieth Century. They have been around—and much worse—for a long, long time.

And sky-rocketing CRIME is a modern phenomenon.

The increase in cancer has been traced to the increase in cigaret smoking. What similarly accounts for the increase in crime? What has changed comparably?

The change that has accompanied the zooming crime figures is well known to all of us and has made headlines hand-in-hand with rising violence for years.

It has been the series of legalistic ruling that have increasingly crippled police action, and increasingly crippled effective prosecution, and increasingly crippled meaningful sentences in the courts.

The "sociological" or whatever-it-is preoccupation of the courts has reverberated from the U.S. Supreme Court in Washington to the changed practices of the Police Magistrates in Peoria.

When a crime is committed, the police today have a much tougher time because they have had to be more concerned with such complications as whether a lawyer is present before they can ask a question and their own tippy-toe conduct than with finding out the facts.

When they do get evidence, they have a tough times getting the case prosecuted. State's attorneys are swamped. The "modern" rulings make it twice as difficult for them to make a case because these rulings force them to run through a maze of obstacles while opening broad highways and great freedom of action to the defense.

When they do prosecute, they have a tough time getting a conviction in court because so many trials have become a game of seeking technical gimmicks out of the vast selection provided in past court decisions whereby a fellow can escape justice without bothering about the facts as to guilt or innocence.

Then, when there is a conviction, it is hard to get a penalty that amounts to anything.

The Supreme Court flinches from its solemn duty when that duty is harsh—and finds any gimmicky excuse in sight to overturn the death penalty, for example.

The lower courts flinch, in turn, from those matters where duty is harsh and express and act with more sympathy to the present predicament of the criminal before

them in court than to the actual and innocent past victim of the crime—or future victims, either one. (After all, the crime itself takes place outside the judge's presence, and doesn't "touch" him as deeply as the caught criminal now "in trouble.")

This isn't a pleasant way to look at the situation, and we live in an era where many people insist that we have become so enlightened and so clever that we can always find a pleasant way to solve problems.

But, it seems to us, the "contrived explanations" about the "root causes" of crime simply are not theories or conclusions that are consistent with the physical evidence.

The increased handicaps and complications placed in the way of police, prosecution and punishment as related to the accompanying rise in crime IS consistent in terms of fitting the physical evidence.

It is basic in law, we thought, that relating the theory of the crime to the physical evidence is the best test of truth—not the ingenuity or oratorical skill of the lawyer in closing argument.

How about applying such principles to these theories of what causes the increase in crime—and applying them in a re-examination of many of the new "principles" and practices that have been instituted?

Most of them, it seems to us, were introduced to solve imaginary problems that didn't exist, while exacerbating the massive problems that DO exist and ARE growing!

Let's make our theories follow the physical evidence for a change.

VINCE LOMBARDI

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, we are all saddened at the loss of Vince Lombardi, especially the people of the Green Bay area who knew him so well.

As is well known, Vince Lombardi took over the Green Bay Packers at their lowest ebb and rebuilt them into the most successful professional football team in history.

However, as is pointed out in the following editorial from the September 3 issue of the Green Bay Press-Gazette, the people of Green Bay remember and appreciate Vince Lombardi for more than his football genius:

THE LIVING LOMBARDI LEGEND

The untimely death of Vince Lombardi in the prime of his career as a professional football coach and business administrator takes from the sports scene one of its most dynamic and colorful personalities.

Although his death was not unexpected because of the well-founded but unofficial reports of his deteriorating physical condition following two operations, it still came as a shock. Those who have followed Mr. Lombardi's career certainly felt that here was a man of indomitable will who just would not be felled by a physical ailment. And yet his final illness came with devastating and relentless suddenness and to a man who had so prized physical fitness in himself as well as others.

The details of Mr. Lombardi's success in his chosen vocation are well enough known to require no detailed repetition here. Above and beyond that record, however, was the motivating force, the man's philosophy, which must be equally remembered for its impact on those around him as well as those who did not directly come within that sphere. That philosophy centered on man's striving for perfection within himself. Mr. Lombardi saw failures along the road toward that goal as prods to success, but he recognized success as having its own built-in obstacles toward the effort and dedication necessary to prevent backsliding.

Mr. Lombardi was a hard taskmaster on the football field because he saw no other way to win. He could understand human failures while demanding perfection. He often was less critical when failures occurred than when success was achieved through less than the complete use of an individual's talents whose complete fulfillment he saw as an obligation. The one human failure he could not forgive was shirking from dedication to reach a goal, even one which seemed beyond human reach.

"Football teaches that work and sacrifice, perseverance and competitiveness, selflessness and respect for authority are the things one must possess if he is to achieve," he frequently said. He saw those qualities also as necessary in man's day-to-day life and as national goals. In evaluating today's national problems he said that "the struggle America faces today is a struggle for the hearts and souls and minds of men" in that "we must walk the tightrope between the consent we must receive and the control we must exert" in accepting the exercise of authority rather than its condemnation.

It was during his coaching tenure in Green Bay that Mr. Lombardi put to the test his belief that loyalty, teamwork, Spartanism with sacrifices and what he called "heart power, not hate power" were the touchstones to success. The result: in nine seasons as head coach, Mr. Lombardi led the Packers to five league championships and two Super Bowl championships. What is sometimes forgotten about him in those successes in football is that he also participated as a leader in many fund-raising efforts for charitable, health and educational organizations. He brought to such participation the same all-out effort which marked his coaching genius.

Green Bay has good reason to be thankful to Mr. Lombardi for taking the Packers from the bottom of the NFL to the heights which may never be matched again by any team in the continuity of their success. In turn, Green Bay provided him with a glittering opportunity to put into practice all of the tenets of his philosophy which he had shaped during his many years as a high school, college and professional coach, primarily as an assistant.

A legend in life, Mr Lombardi will go down in the history of professional football as one of its greatest coaches and administrators. Just as significant will be the influence he had beyond the football field in his constant emphasis on and the need for man to exercise to the fullest the virtues of loyalty, effort, dedication, appreciation for the dignity of the individual and respect for authority properly and validly exercised.

The man has died but the Lombardi legend will live.

CARLISLE SENIOR HIGH SCHOOL BAND A CREDIT TO THE UNITED STATES

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GOODLING. Mr. Speaker, on a previous occasion I took the floor of the House of Representatives to advise this body that the Carlisle Senior High School Band of Carlisle, Pa., had, in late July, won the high distinction of being declared the champions of the World Music Competition held at Kerkrade, Netherlands.

This superior performance of the Carlisle Senior High School Band has won the applause and commendation of hosts throughout the land, and I would like to insert into the CONGRESSIONAL RECORD an extract from the Evening Sentinel, Carlisle, which summarizes the accomplishments of this band during its performance at Kerkrade.

In addition, I would also like to insert into the CONGRESSIONAL RECORD copies of telegrams sent to the band by President Richard Nixon and Governor of the State of Pennsylvania Raymond P. Shafer.

The Carlisle Senior High School Band is a credit to the United States, the State of Pennsylvania, the city of Carlisle, and to the youth of America. Hats off to a superb musical organization.

The material follows:

CARLISLE HIGH BAND WINS FIRST PLACE

The award-winning Carlisle Senior High School Band has won many laurels over the past years, but an announcement received here over the weekend appears to be the climax to any award yet earned by the local group.

Directed by Clyde M. Barr, the CHS Band walked off with three first places, two with honors, in thier divisions at the World Music Festival in Kerkrade, The Netherlands, over the weekend.

This is the competition to which the band has directed its attentions during almost a year of planning, and for which they initiated a successful $70,000 fund campaign.

The band participated in the contest at Kerkrade both Saturday and Sunday and the news of the top awards brought far-reaching acclaim throughout the entire Carlisle district.

EARN HIGH POINTS

On Saturday, the CHS band earned 325 of 360 possible points for its initial first place with honors in the concert division. Before the band left last week, the concert division was felt by many to be the weakest portion of the band's repertoire.

In obtaining 214½ of 240 points, the band received first place in the parade division yesterday.

The second first place with honors was garnered by the high school band when it earned 175½ of 180 points in the show division. The show division is like a football half-time program.

A festival judge told Kurt Wilson, news correspondent with the band, that the show division total is the highest number of points ever recorded in the world music festival's history.

THE WHITE HOUSE,
Washington, August 5, 1970.

Mr. CLYDE M. BARR,
Band Director, Carlisle Senior High School, Carlisle, Pa.

DEAR MR. BARR: The Carlisle Senior High School Band's brilliant success at the World Musical Festival must surely be as gratifying to you and to all of the citizens of Carlisle as it is to me. The triumphs that matter are never easy ones, and you and your students deserve a warm round of applause from all of us for your achievements against the strongest competition. I would like to add my congratulations to the many others you and the Band will be receiving in the days ahead.

With every good wish to you and to each member of the Band.

Sincerely,

RICHARD NIXON.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, August 22, 1970.

The Carlisle High School Marching Band,
Carlisle, Pa.

GREETINGS:

Your outstanding success in international competition has been brought to my attention and I want to extend congratulations on winning three top prizes!

Your fine performances in the music festival and concert tour have brought much credit to Carlisle and to our Commonwealth. You have also brought much credit to your generation and have helped to show the world that, like you, the vast majority of young Americans are useful and productive citizens.

I know that the many months of preparing for the trip and then seeing it come to fruition, followed by the distinguished honors you have received, are things you will always remember with pride and satisfaction.

Welcome home.

RAYMOND P. SHAFER,
Governor.

THE RAPE OF THE GOOD EARTH

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. McMILLAN. Mr. Speaker, I take great pleasure and pride in having an opportunity to insert in the CONGRESSIONAL RECORD a copy of a sermon recently delivered by Dr. S. George Lovell, pastor of the First Baptist Church, Conway, S.C.

I know that all the Members of the House are interested in soil conservation and we continuously use our best efforts to protect our soil.

Of course, we are interested in environment and pollution which ties in with soil conservation.

I hope every Member of the House will take a few minutes of their valuable time to read the sermon delivered on May 14, 1970, by one of the most distinguished Baptist ministers in the United States.

Dr. Lovell has traveled widely throughout our country and is well prepared to speak on this subject.

The sermon follows:

THE RAPE OF THE GOOD EARTH

It is reported that one of our astronauts from outer space, looking at the bleak, waterless, lifeless wasteland of the moon and then looking back at the green-blue verdant beauty of the earth said to his companion, "It is sad to think that that lovely planet with all its life-giving beauty is being raped, ravished, and ruined by the insatiable greed of sinful man."

This is Soil Conservation Sunday throughout the land and the churches have been called upon by the Soil Conservation Service to call to the attention of our people that life on this planet can be destroyed not only by the quick flash of a nuclear blast but also by much slower and much more cruel methods: the slow starvation of a human race that didn't have gumption enough to conserve, build up and pass on to unborn generations the stuff on which all life depends: the "good earth."

In recent months the attention of the nation has been called to the necessity of saving our environment. College students, high school students and other interested citizens throughout the land a few weeks ago held rallies over the country in observance of "Earth Day." This renewed interest in the earth has been brought urgently to our attention by experts on the subject who tell us that unless we reverse the trend of pollution, erosion, and destruction of our environment, we have only about thirty more years to survive. We are grateful to those people of insight and dedication who are trying to arouse public interest in the salvation of the earth. After all, from what the astronauts tell us, this is about all we have to live on. There is nothing "out there" that even gives promise of sustaining human life. We are prisoners on this little planet called earth; it is getting more crowded every day and more polluted too, and we had better take serious action to save it—now. Or else, there won't be any need for a nuclar war. In a few years we will all be dead in our own garbage.

Now I know that sounds over-stated and you can accuse me of being an alarmist if you want to. I am but passing on to you what is being said by knowledgeable people who ought to know what's going on. The Soil Conservation Service has ben saying this for years but nobody paid much attention. Now, there seems to be at least a disposition to hear and I hope, to heed. It is a case of survival.

There are some who say "It could never happen here." Well, all we can say is, it has happened in the past. It has happened to people who were as highly civilized as we are. And they were warned and did not heed. And we don't seem to be able to learn from history.

Have you ever wondered why the great cities and vast populations of the Bible Lands no longer exist? Why the archeologists are not digging up these cities from beneath the dust and rubble of a thousand ages? In 1939 the United States government asked this question and sent one of our leading soil scientists to find out. Dr. Walter C. Lowdermilk and his party found Mesopotamia, the rich cradle of civilization, literally covered with ranges of silt and garbage piled beside the ancient irrigation ditches. Great cities were buried deep beneath the blown sand and eroded soil. An entire civilization, dead and buried by the greed and shortsightedness of its own citizenry. There were broken remnants of abandoned irrigation systems, dried and caked beds were all that were left of deep flowing streams, and where there had been verdant forests there was now only barren desert and rocky waste. In this great valley which had once supported thirty to fifty million people in affluence and plenty, now only four or five million people live in poverty. From his findings, Dr. Lowdermilk reported the conclusion that man's failure to be a good steward of God's gifts to mankind was the direct cause of the waste and desolation that he had witnessed.

From Mesopotamia we went to Israel. How wonderful the report of the spies Joshua and Caleb must have sounded to Moses and the Children of Israel when that country was first described to them as "a land flowing with milk and honey." The great cedars of Lebanon which were felled to construct Solomon's Temple are evidence of the soil's fertility. The grapes that grew so large that it took two men to carry one cluster is probably an exaggeration of the overly enthusiastic spies, but it does point out that this land was exceedingly fertile. This is not so now. The great forests are gone and in their place are barren, rocky hills. Only recently has Israel made an effort to re-forest the hills. Dr. Lowdermilk reported that this land of "milk and honey" was so devastated by man that over half the original topsoil had been washed into the sea and that it could, in fact, only support about one-third the population of Roman days.

Of course, the process did not take place overnight. It took centuries to do it, but it was finally done. The process was well under way in Jeremiah's day when he reported:

(Jeremiah 12:10–11)

"Many shepherds have ravaged my vineyard
and trampled down my fields,
They have made my pleasant field a desolate wilderness,
Made it a wasteland, waste and waterless,
to my sorrow.
The whole land is waste, and no one cares."

Before Dr. Lowdermilk left the Holy Land, he was asked to make a radio broadcast in Jerusalem in which his findings would be summarized. Pondering what he might say he wondered if Moses might not have added an eleventh commandment had he been forewarned of the calamity to befall the Promised Land. So he opened his broadcast with these words: "If Moses had anticipated what we have seen in this land, the wastage and pollution of the good earth, due to the greedy and suicidal agricultural practices of the people, he doubtless would have been inspired to deliver an eleventh commandment and it would have been like this: "Thou shalt inherit the holy earth as a faithful steward, preserving its resources and productivity from generation to generation; thou shalt protect thy fields from soil erosion and thy hills from over-grazing by thy herds, so that thy descendants may have abundance forever. If you shall fail in this stewardship of the land, your fertile fields shall become sterile stones and gullies and your descendants shall decrease and live in poverty and vanish from the face of the earth."

When we listen to Jeremiah and Dr. Lowdermilk we understand that this raping and ravishing of the good earth has been going on for many, many years in the past. Before our very eyes are dried bones and bleached skeletons of once great civilizations who could not learn the lesson of Stewardship and suffered the consequences. The question is: Are we any smarter, any wiser? I doubt it. The evidence indicates that we are not.

Let us take a look at the present. Nearly every major newspaper and magazine and broadcasting network in the nation has publicized in recent days the disturbing news that the good earth is over-populated, over-polluted, and heading for destruction. The air is full of soot, the rivers are full of suds, the land is full of garbage, the oceans are full of leaking oil and sewage, plants and animals are full of DDT and the human race is full of stupid, greedy people who couldn't care less.

We have used pesticides indiscriminately, and have succeeded mainly in creating a new breed of resistant pests, interfering with the reproductive process in animals on earth, and most dangerous of all, killing off our marine life from which 70% of our oxygen supply is obtained. We have killed Lake Erie, and are in the process of killing Lake Michigan. And I know any number of lakes and streams where I was brought up, where any barefoot boy with earthworm and a bent pin on the end of a string could catch prize fish and today those same lakes and streams would kill an earthworm if he stuck his foot in it. I know lakes where preachers used to baptize great numbers of converted people but today the only people baptized there are those who are ready immediately for heaven. And if you don't believe in the "Population Explosion" go to the Little Pee Dee on Saturday afternoon.

A little ago our young people gathered at Coastal Carolina on Earth Day and decided to clean up the highway from here to Myrtle Beach. It was at best a gesture, but a good one, to call attention to the garbage with which we threaten to cover ourselves. They picked up several truckloads of beer cans and other garbage. That was just a few weeks ago. Already the garbage is back, just as thick as ever. The ruin and rape of this earth still

goes on by stupid people who can't seem to get the message, who don't understand that we are destroying our only home.

Let us take a quick look at the damage already done in this country by soil erosion alone. Gone forever are fifty million acres that were once fertile fields; another 100 million acres have lost from fifty to seventy-five per cent of their topsoil. This is an area big enough to support sixty million people. It is hard to imagine what a hole that would make in our country; if that amount of acreage were removed completely from one locality it would consist of the combined areas of Michigan, Ohio, Indiana, Missouri, Kentucky and South Carolina. We are losing enough topsoil to cover 150 million acres a foot deep. We are losing annually the equivalent of 12,500 forty-acre farms. And I don't need to tell you how important that topsoil is—for it is the topsoil which is literally the "stuff of life." What we call "dirt" is one of the most intricate and delicately balanced mechanisms in existence. In it are all the chemicals necessary to animal and human health, and they are present in just the right amounts. Our civilization rests literally on nine inches of topsoil to which Nature, if left alone, would add one inch about every four hundred years. Yet how quickly and how greedily men sacrifice thousands of years of God's handiwork for a few years of profit. For a quick buck, we have stripped our forests, polluted our streams, poisoned our air, destroyed our topsoil. This is sin. This is the worst kind of sin. And the Bible warns us: The wages of sin is death. We will reap what we sow.

What then is the answer? I think the answer to this sin is the same as the answer to any sin: we had better repent—which means—change our minds and hearts and get right with God. We had better bring this thing into the arena of the spiritual. It is basically a theological problem, based on man's total disregard of his responsibility to God and his fellowman. The sin is the sin of Greed. I think people know well enough the methods to be used to save the soil: crop rotation, terracing, contour plowing, and strip-farming, re-forestation, permanent grass, water conservation, winter cover, etc. But knowing what to do and then doing it is another thing. I think we know now what has to be done to save the earth, but whether we are willing to pay the cost and take immediate loss for long-term gain, I don't know. I can't be sure man has enough religion to save himself. Knowing what to do is worthless unless people are motivated to do it. The necessity for positive action finds emphasis in the words of Jeremiah: "The whole land is laid waste and no one cares."

Jeremiah put his finger right on the sore spot: No one cares. Unfortunately, it is a grim prophecy which has become a frightening reality in the United States of America. The answer then is basic: Can our people be persuaded to love God and His earth and His kingdom more than they love selfish gain and greedy profit? Is man to live by the principle of grasp and greed or the principle of give and serve?

Jesus put his finger on it long ago when he said to his disciples something they have ignored and refused to hear: "Seek ye first the Kingdom of God and His righteousness and other things will be given you." What happens to this world will be determined in the long run by our attitude toward it. Will we use it and its resources for our selfish gain or for the glory of God? That is basic. That is the choice Jesus thrust bluntly on his disciples. Today the choice must be made and in a hurry. Will we exploit this earth for our pleasure and comfort and power which will last for a little while and let future generations look out for themselves, or will we conserve God's good gifts and pass them on to the next generation improved and enriched? That is the question—and it is a religious question.

The prophet Jeremiah described the spiritual poverty of Israel by painting this graphic picture of the land that had been made desolate and laid waste by people who did not care. The time has come for serious Christians to ask themselves some serious questions.

Do you really care? What comes first in your life? Is it self first—and God and His Kingdom on earth second? If that is the way it is, then no wonder the earth is being destroyed. Is it possible for us to reverse that order—like Jesus told us it must be done? Is it too late for us to be Christians now? Have we waited too long? Or can we at last put God and His Kingdom on earth first—and in so doing become the Saviors of the world?

Jeremiah said: "If, in spite of this warning, you do not heed, then for very anguish I can only weep and shed tears." You are destroying your only home and I cannot help it.

THE STATE OF THE CRISIS IN THE MIDDLE EAST

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. VANIK. Mr. Speaker, on August 14 and again on September 2, I called upon this administration to demand that the Soviet Union and the Egyptians dismantle the missiles which have been placed in unprecedented numbers along the cease-fire zone.

The administration at first refused to recognize Israel's evidence of the cease-fire violations by the Egyptians and Soviets. During those critical 2 weeks when the United States refused publicly to acknowledge those blatant violations, Egypt with the help of the Soviets continued to install batteries of missiles in place while America stood silent on this critical issue.

Now, having acknowledged these violations, the administration refuses to demand the dismantling of the missiles and instead, simply calls upon the Soviets and the Egyptians to halt further construction. Unfortunately, this indecisiveness on the part of the administration has caused the Egyptians and Soviets to move more boldly than they might otherwise have been able to move and have created the highest concentration of missiles on earth.

Israel has a gun at her head with the new balance of power created by these newly placed missiles. It seems to me that the only way that the vital peace talks can again be started is by the dismantling of these missiles. Israel has been placed at such a disadvantage that she would indeed be foolish to agree to continue the talks under these coersive circumstances. The decision by our Government to sell replacement phantom jets to Israel does not respond to the missile crisis precipitated after the cease fire.

I insert at this point in the RECORD an assessment of the strength of the missiles placed by the Soviets and the Egyptians during the cease-fire in violations of that agreement. The article is as follows:

[From the Washington Post, Sept. 6, 1970]

MASSIVE DEFENSE FOR EGYPT SHOWN IN U.S. PHOTOS

NEW YORK, September 5.—Secret U.S. reconnaissance pictures show that the Russians and Egyptians have taken advantage of the Middle East cease-fire to provide Egypt with the most massive antiaircraft system ever created, it was reported today.

Time magazine said although the United States conceded last week that the Egyptians had violated the cease-fire by bringing more missiles into the 32-mile-wide standstill zone, it did not disclose that these Soviet surface-to-air missiles (SAMs) constitute "only the first line" of defense.

"While Israeli Phantom fighter-bombers remain confined to the other side of the Suez Canal, the Soviets and Egyptians have installed a vast complex of radar-directed antiaircraft missiles and artillery behind the cease-fire zone," Time said.

The magazine said the actual count was not known, but American officers believe the number of missiles involved is "in the hundreds, but less than 1,000."

In addition to "36 SAM-2s sneaked into the cease-fire zone," Time said SAM-2s and the more sophisticated SAM-3s, some manned by Russian crews, "are deployed in scattered batteries in a 50-mile-thick belt that arches from the Alexander on the Mediterranean southward some 180 miles to the Gulf of Suez," Time said.

"Missile batteries have also been set up around major Egyptian airfields," the magazine said.

Time said Pentagon experts were frankly impressed by the arsenal of Soviet missiles and quoted one officer as admitting: "The U.S. couldn't match it. We don't have the equipment."

The magazine said there also was evidence that some of the missile batteries were being fortified with concrete revetments to protect them against bombing.

"Furthermore," the magazine said, "in order to confuse Israeli intelligence analysis, Soviets and Egyptians have bulldozed scores of dummy sites that can quickly be converted into active missile installations."

ANNIVERSARY OF THE INVASION OF POLAND ON SEPTEMBER 1, 1939

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ROONEY of New York. Mr. Speaker, on several occasions I have called the attention of this body to the significance of the observance of the anniversary of the Nazi invasion of Poland on September 1, 1939. Unfortunately, this House was not in session on this date which is of tremendous importance to all Americans because it commemorates the day upon which World War II was launched. To those of us who are grateful for a wide circle of Polish-American friends, it is even more important, for it marks the day when independence and freedom were snatched away from the Polish people. It marks, too, the day upon which Hitler's forces began a systematic program of murder and destruction so vicious and so ruthless it has never been surpassed in the history of mankind.

The people of Poland joined their military forces to battle against this invasion by the Nazi war machine but the

military power of Hitler was more than a match for them. Even though they were placed in virtual servitude, the Polish citizens continued to fight back against their oppressors. They fought clandestinely with what meager weapons they could obtain. They fought openly with thousands of their finest soldiers going into battle side by side with the military forces of those nations allied against the Nazis.

The glorious record in which Polish fighters distinguished themselves will stand forever as an example of courage and heroism. The free world will always be indebted to the Polish Army for the role played in the Battle of Britain, at Narvik, in Africa, in France, in Belgium, in the Netherlands, and in Italy.

But, Mr. Speaker, as we join with Polonia worldwide in honoring the memory of the gallant Poles who fought and died to preserve their freedom and the freedom of the world, we should give careful thought to the welfare and fate of the Polish people today.

Today our sympathies are again stirred as we think of the plight of the freedom-loving people of Poland. Tragic as was the period of enforced slavery under the Nazis, the similar bondage suffered under Soviet domination has been equally painful.

Mr. Speaker, we cannot escape being mindful of the deep debt of gratitude we Americans owe to the Polish people for their magnificent contribution made to our life and to our culture. From the glorious deeds of our Revolutionary War heroes of Polish birth to the day by day acts of public service and devotion of our country by the thousands of American citizens of Polish birth or heritage, we are indeed indebted to them.

Let us use the opportunity we have today to show our Polish friends the depth of our friendship and the extent of our concern for them. Let us take immediate and forceful action to restore every possible item of their lost independence. Whether it be in making final determination of Poland's western frontier or the expansion of our economic and cultural relationships, let us demonstrate with positive action our affection for the people of Poland.

The least we can do is to assist our friends in Poland to resolve her borders which I have long advocated. Twenty-five years after the Nazi surrender in 1945, Poland's western boundary on the Oder-Niesse line is truly an accomplished fact. I am completely convinced that the time has come to establish permanently the western boundaries of the Polish nation. I feel that to permit the uncertainty of these boundaries to continue, we force the Polish people to prolong the acceptance of unwanted dependency upon the whims of Moscow. I feel strongly that the United States can no longer delay but must force the acceptance of the Oder-Niesse line as soon as possible. This conviction is held by many Polish leaders with whom I have talked. The great Polish American Congress, which is constituted of the leadership of our patriotic Polish-American organizations, took positive action this August to seek the accomplishment of this important objective. Public opinion polls and statements of responsible West German leaders leave no doubt that the majority of West Germans are reconciled with the necessity to recognize the Oder-Niesse boundary as a precondition to political and economic stabilization of Europe.

Let us convince our Polish friends of the sincerity of our affection and our respect for them by employing the utmost of our diplomatic and political resources to achieve this goal. Let us prove to the people of Poland that the bonds of Polish-American friendship are far stronger and more enduring than are their ties with the Soviet Union.

As we seek the finalization of Polish borders, we should give also our utmost support to the current efforts being made by the governments of West Germany and Poland to normalize their political and economic relationships. A successful realization of these objectives would enhance the political stability of Europe and go far to improving the well-being of both Poland and West Germany.

Mr. Speaker, with the urgent need for the discharge of these obligations now before us, we in this body would do well to remind ourselves of the great contribution which the Polish people and the Polish fighters have made to our enjoyment of freedom and independence. We would do well to rededicate ourselves to the task of seeing to it that the people of Poland likewise can enjoy to the fullest these blessings of self-determination and freedom from fear or oppression. This is particularly essential for the new generation of Poles born since 1945 in the territories restored to Poland by the victorious allies.

FARMERS' STORY

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. KLEPPE. Mr. Speaker, Representative CATHERINE MAY of Washington, through her membership on the House Agriculture Committee, has been closely related to the agricultural problems of our Nation. She has spoken often and well for the producer of our country. I want to share with my colleagues the comprehensive approach that was taken by Representative MAY which has been editorialized in the Grand Forks Herald. I commend it to all of my colleagues for their study:

FARMER'S STORY

The farmer isn't getting his story across to the city people, according to Rep. Catherine May, R, Wash. But no one can say that she isn't trying to do her bit for the farmer.

A congresswoman may seem an unlikely spokesman for the farmer, but Mrs. May is an eloquent one. A former teacher and radio personality in Washington, she recently addressed a meeting of the American Agricultural Editors' Association in Washington. Here are some excerpts from her speech:

"The farmer is the real protector of consumers, but the farmer has not been able to get his story across to the public. Urban people are simply unaware that the farmer is just as concerned as they are about the widening spread between the basic price of food at the farm and what it is when the shopper fills her shopping cart.

". . . When you look at the record of our farm production and how the farmer has increased his productivity the average American should be thankful—and proud of our farmers. The result of this productivity is that the average American family is spending only 16.5 per cent of its income after taxes for food today. A year ago this was 17 per cent, and 20 years ago it was 22 per cent. . . .

"The ability of American agriculture to feed and clothe the 300 million people who will inhabit the United States by the year 2000 can be assured only if the farmer receives a return sufficient to use efficient modern equipment, meet his labor costs, and use the necessary fertilizers and other aids. In other words, we have to pay 1970 prices for what he needs in 1970 to go on farming.

"Few people realize that a minimum investment of $100,000 is necessary just to acquire the land and machinery, and other items to farm efficiently. A $200,000 investment is necessary if the farmer is to house, feed and clothe a family of four and provide an education for two children. . . .

"Consumers are going to have to face up more to their responsibilities to the farmer—the responsibility of looking beyond the price tag to understand a little better where their food actually came from before it got into the can, and the how and why of its costs and availability."

Mrs. May feels that if people in the city and suburbs come to understand the farmer's economic and productivity picture, they will agree that the farmer is the real consumer's protector. And she is doing her best to get that story across.

TRIBUTE TO TOM L. EVANS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BOLLING. Mr. Speaker, 8 days ago my close friend and campaign manager for more than 20 years, Tom L. Evans, died in Kansas City, Mo. Tom Evans was a truly extraordinary man whose contributions to his fellow men and to his city, State, and Nation will never adequately be reported. Tom preferred to do good quietly. He not only did not seek credit for his work but he actually avoided that credit. To others went the accolades. To him doing the job was the only thing that mattered.

I include herewith the obituary which appeared in the Kansas City Star of September 2 and the editorial which appeared in the Star on the next day:

CLOSE TRUMAN FRIEND DIES

Tom Lynn Evans, longtime friend of Harry S. Truman and former owner of the Crown Drug company and KCMO broadcasting company died of cancer last night at Baptist Memorial hospital. He was 74 years old yesterday.

The founder of Crown drug stores began his career dishing up sodas and running errands in the old Frank Barnes drugstore at Twenty-sixth street and Prospect avenue. The popular establishment was near the 10th ward Democratic headquarters, Mike Pendergast's club.

It was in that neighborhood in those days of Democratic Goats and Rabbits here—not Democrats and Republicans—that Evans and young Harry Truman became friends. In later years Evans was to work tirelessly raising money for Mr. Truman's county presiding judge, Senate, and vice-presidential campaigns.

It is said that when Mr. Truman became a U.S. senator he asked his friend to take over his job as Jackson County presiding judge and tend to some important unfinished business.

Evans refused, and Mr. Truman remarked many times later, "It's the only thing I ever asked of Tom Evans that he wouldn't do for me."

Several years later Mr. Truman called Evans to Chicago to help him not get nominated for the vice-presidency. Senator Truman, Evans, and several others were in a strategy session when the Senator received a very important telephone call.

Mr. Evans thought the voice on the other end of the line might be F. D. R.'s, because when the Senator returned he announced he would seek the vice-presidency.

"Now you fellows go out there and see to it that I don't get beat," Truman ordered.

Mr. Evans, who served as Truman's campaign manager that time, later recalled raising $33,390 for the campaign, of which $11,961 was sent to the Democratic national committee and $16,228 was spent on the vice-presidential race.

In the years when Truman was President, Mr. Evans freely roamed throughout the President's private quarters and was referred to as the "mystery man" with whom the President often swam in the afternoons.

Although he was never a political appointee, Mr. Evans remained an intimate friend of Mr. Truman's and visited with the former President in his Independence home almost weekly the last few years.

Mr. Evans was active in raising funds for the Truman Library and in planning the building. He was treasurer of the Harry S. Truman Library Institute, a board that raises money to aid students who wish to come to study Mr. Truman's private papers.

A native of Larned, Kans., young Evans fulfilled his boyhood goal of becoming a pharmacist, then continued to hold his certification, explaining recently, "You never know when I'll have to go back to soda jerking."

Mr. Evans, Clive C. Payne, John S. Watkins, and C. Morris Watkins joined together in 1923 to found the Crown Drug Company. The Watkins brothers pulled out for smaller operations after a few years, but Mr. Evans remained with the operation until his retirement as chairman of the board in 1950.

He was married to Mamie Lou Webster, a childhood sweetheart who worked across the street from the old Barnes drugstore in a hemstitching company. Their home is at 6820 Ward parkway.

Well known for his superb fund-raising talent, Mr. Evans served in various Democratic campaigns, civic promotions, and bond elections.

He was chairman of campaigns for U.S. Rep. Richard Bolling in 1949 and 1963 and chairman of the finance committee of the Democratic party here in 1948.

Mr. Evans was a former board member of the Gas Service company, the Hotel President, the Red Cross, the Kansas City Crime commission, St. Joseph hospital, and the Gallup Map and Stationery company.

He was chairman of the executive committee of KCMO.

He was a member of the Kansas City club, the Saddle and Sirloin club, the Advertising Sales and Executives club, the Chamber of Commerce, and the Mission Hills country club.

He recently received a 50-year membership pin from the Ivanhoe Masonic lodge.

He leaves, besides his wife, a son, Richard W. Evans, 317 West 115th terrace; a daughter, Mrs. Ella Mae Buchanan, 208 West 116th; a sister, Mrs. Ethel Bair, Long Beach, Calif., and six grandchildren.

Services will be at 10:30 o'clock Friday at the Stine & McClure chapel; cremation. Friends may call from 7 until 8:30 o'clock Thursday night at the chapel. The family requests no flowers and suggests contributions to the American Cancer society or the M. D. Anderson Hospital and Tumor Institute, Houston.

THE MANY SIDES OF TOM EVANS

As a teen-ager on Kansas City's East Side, Tom L. Evans thought he would be content with the quiet, comfortable life of a drugstore pharmacist. But that would never have been enough for one of his varied, forceful talents—even if he hadn't met a young political aspirant named Harry Truman at Mike Pendergast's Tenth Ward Democratic club. It was the beginning of a lifelong friendship that led Tom Evans to high places, but always in a behind-the-scenes capacity.

Business success he won long before the Truman political career soared. A driving pharmaceutical salesman, he became a founding partner in the Crown Drug chain which at one time included 500 stores. Later came the venture into radio and television, building KCMO into a major radio-TV operation here.

His vigorous skill at fund-raising kept him in constant demand for civic and political causes. His most notable efforts were for Mr. Truman as county presiding judge, U.S. senator and vice-president, plus a key organizational role in the launching of the Truman library in post-White House days.

But through the years his efforts turned in many directions, working for the 1947 citizens bond drive, for the Red Cross, Chamber of Commerce, the crime commission and charities. He once described himself as "a man who has to plunge all the way into anything I do" and he was several times hospitalized as much by overwork as any specific ailment.

Many times he was offered, or mentioned for, public posts, from a high Washington assignment to mayor, city manager and councilman. He accepted only one—ward chairman. During the Truman presidency when he moved in and out of the White House almost as a family member, observers labeled him a "mystery man," unable to accept that he was simply an old and trusted friend with whom Mr. Truman liked to talk things over—a valued asset to presidents or anyone.

IN THOREAU'S FOOTSTEPS—MOUNT KATAHDIN

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. HATHAWAY. Mr. Speaker, I would like to call attention to an article entitled "Call of the Wild—In Upstate Maine," which appeared in the Sunday, August 16 edition of the New York Times.

Modern technology, coupled with a sophisticated urban orientation has created an atmosphere of fast-paced production and achievement for modern man. This is all well and good, for by this achievement, our country has been able to meet the needs of its citizenry.

But the pressure of such production and achievement has brought about a desensitization in the life of man and he now searches for a place, a haven somehow "natural," untouched by his civilization.

I am proud to say that Nathaniel Nitkin has found just such a haven in the State of Maine. There is something awesome and at the same time peaceful in Mr. Nitkin's description of the primitive wilderness he found there.

In this complicated, complex, and often times contrived existence, there is something very relieving about realizing that man has something left that is unspoiled and beautifully natural. I commend Mr. Nitkin's article to my colleagues:

CALL OF THE WILD—IN UPSTATE MAINE

(By Nathaniel Nitkin)

NESOWADNEHUNK, MAINE.—Only moose could have made those fresh tracks on Russell Pond Trail in Baxter State Park. While we peered through the tall spruces, we heard the loon's haunting cry, voicing the lonely wilderness.

Our base at Katahdin Stream Campground had an alarm clock: Every day, a whitetail deer patrolled the camp at sunrise. A black bear swaggered through York's Twin Pine Camps with a militant chip on his shoulder, but we declined the challenge. A beaver scouted Nesowadnehunk Stream in daylight. We saw predators flying at such a furious pace that we can report only tail ends of bobcat, red and gray fox, pine marten and coyote. A few of the Newfoundland caribou transplanted on Mount Katahdin's tableland are seen now and then by campers.

"Most of them walked back to Canada," a local Mainer asserts.

Here in the wilderness of northern Maine, where we had come to climb the 5,268-foot Mt. Katahdin—the highest mountain east of the Mississippi—footpaths connect streams and ponds teeming with wild brook trout of distinguished lineage. Some of the trails probe dark, cool woods; others ascend Katahdin and its satellites.

Everywhere noise is at a low key; brooks babble faintly over stones and swaying evergreens sweeten the air.

The southern edge of this 201,018-acre park, which is about 75 miles north of Bangor, is approached by taking the highway that pierces Maine's heartland, Interstate 95. Leave the pike at the Medway interchange and drive State Route 157, to Millinocket. Beyond this lumber town, the high-speed road becomes a country lane and, after 20 miles, a hard-surfaced tote road branches off to enter the park.

Manitou Katahdin dominates Baxter. This mountain, raised from the earth's womb millions of years ago, is time-worn to its granite roots. The Ice Age sculptured the couloirs, cirques, ravines, crags and ridges that give the mountain its character.

MONARCH AND ITS RETINUE

This monarch rates a retinue of satellite mountains, the prominent peaks being Double Top, The Brothers and Traveler Mountain. North beyond Katahdin's northwest basin lies Wassatoquoik Valley, an amphitheater beneath spruces, and streams and ponds.

But south and north of Katahdin are worlds apart. To the south, the mountain slopes gently at first, then soars in a dizzy arc, leveling at a plateau, The Tableland, from which arise Baxter Peak and its consort Pamola. Baxter's north face is craggy. It forms a ladder of sheer precipices rearing toward Pamola

Years ago, I climbed Mt. Katahdin with a cocker spaniel for company, but a few ill-bred dogs committed every crime an undisciplined mutt can and the park is now off-limits to dogs.

The original tote road branching off State Route 157 was a trail enlarged to car width; it began at Tongue Pond and wove its way through the woods. You had to guide your car over bumps, around roots and rocks, and feel rear wheels dig into soft ground. Today the road is shorter, hard packed and less wearing on automobiles. Nevertheless, it is still little more than a glorified path, with clearings on sides here and there so that when cars meet, the one nearest a clearing has to pull off to let the other pass.

This road passes Abol Campground—Henry David Thoreau's Aboljacknagesic—and then the larger and older Katahdin Stream Campground. Beyond these public campsites, dirt tote roads branch off toward private sporting camps such as York's Twin Pines at Daicey Pond and Bradeen's at Kidney Pond, and two more public campgrounds on the park's western border, Nesowadnehunk and Sourdnahunk. It is advisable to telephone a reservation from Millinocket.

The angler will find sporting camps whose backyards are trout-rich ponds; you may fish anywhere—if you have a Maine license and use a flyrod.

The isolated ponds are most promising. They are at trail's end, deep in the woods where a pair of legs is the only serviceable transportation. One such is Lost Pond, whose path begins at Daicey Pond. Other good waters are Deer, Draper, Grassy, Lily Pad, and Rocky Ponds. The private camps are on Daicey and Kidney Ponds. The best times for pond fishing are sunrise and evening. Morning and afternoon, try your luck in white-water streams.

GOOD SPOT FOR LUNKERS

Anglers will be interested to know that the bottom of Big Niagara Falls is a good spot for lunkers, the average trout measuring 12 inches. It is no place for novices. You cast streamers or wet flies from a high boulder and work the lure into pools where wild and wily squaretails hide. The Falls are on the Appalachian Trail, about a mile south of York's Twin Pines at Daicey Pond.

In the south end of Baxter Park, two trails scaling Katahdin are the Hunt-Appalachian Trail, and the Abol Trail that parallels Thoreau's ascent. These footpaths are rough, rugged, and strenuous.

The secret is to toughen up on the spot. Whether you pitch tent or are a sporting-camp guest, lock your car and forget you have one. Go on paths and explore the wilderness. When you feel your legs grow supple, follow the Appalachian Trail south past Daicey Pond, past Big and Little Niagara Falls to West Branch Penobscot. And return afoot.

WORKING YOUR WAY UP

Next tackle some of Katahdin's retinue of lesser mountains. The trail up Sentinel Mountain begins near York's Twin Pines. Another good hike goes up Double Top, 3,600 feet high; the path starts at Bradeen's Camps at Kidney Pond.

Now you are ready for Katahdin.

The Hunt Trail begins at Katahdin Stream Campgrounds. It is five miles long as the crow flies, if the crow soars to an altitude of one mile. Start as early as 7 A.M. if you can, but not later than 8 A.M. to be back at camp before nightfall. Add dry woolens and windbreaker in your rucksack to survive biting Arctic nor'westers above timberline.

It never matters how many times we scale Katahdin. Each climb is always a fresh adventure. I have been up there 10 times and still look forward to more. I know men and women who have been up and down Katahdin so many times that they have lost count.

The Hunt Trail is recommended for first time up. It is the northern terminus of the Appalachian Trail. The first mile is deceptive. The trail is broad and rises gently through a cathedral of tall hemlocks and spruces. Here you'll see whitetail deer gliding through woods. A red squirrel may follow you, scolding loudly.

Katahdin Falls is the first break. It crashes and booms over an Ice-Age-created hanging valley. On windy days, spray veils the lookout ledge, making it slippery.

FRANTIC STRUGGLE FOR EXISTENCE

The trail narrows and steepens sharply. Standing hemlocks give away to a shorter variety that carpets the rocky soil with deep green. The soil thins, and roots tumble over one another in the frantic struggle for existence.

Whenever you pause, you see land stretching for miles until lost in the blue haze of horizon. Lakes and ponds listen through a woodland bed without end. It seems to be a vast primeval forest.

Up you climb, up and up, until suddenly trees surrender to the wind and become twisted dwarfs as you near the timberline.

Above is a tremendous desolution of boulders, stark and naked, like a harsh planetscape from a Chesley Bonestell painting. These giant boulders make or break the climber; he has to scale over flat-faced rocks, squeeze through cracks, squirm up chimneys and zigzag around the most impossible stones. The rockscape ends in a couloir with a sharp-edged ravine rearing up, almost vertically, to the Tableland.

The Tableland is a dry tundra of stones and moss and arctic plants such as grow only in Ungava (Labrador) and Greenland. Following the trail, you'll pass Thoreau Spring, which is dry in summer. The mountain blueberries carpeting the plateau are delicious. A hike across Tableland and up a hill leads to Baxter Peak.

Although it is a temptation, the hiker should not linger too long at the peak for he must be back at camp before nightfall. The area is like an Arctic wilderness.

The other trail, the Abol, begins near Abol Campground. It was Thoreau's trail, as he wrote:

"This course would lead parallel to a dark seam in the forest, which marked the bed of a torrent and over a slight spur . . . at last we reached an elevation sufficiently bare to afford a view of the summit, still distant and blue, almost as if it were retreating from us . . . the mountain seemed a vast aggregation of loose rock as if some time it rained rocks and they lay where they fell. . . ."

Whenever I camp at Baxter for a spell, I prefer Wassataquoik Valley. It is where the Maine woods are greener, where the streams sparkle brighter, where a fresher breeze blows, where wildlife is wilder.

Maine fishermen are always ready to drive to Baxter and plunge into Wassataquoik when trout season officially opens.

To reach Wassataquoik, they take Togue Pond road from State Route 157 beyond Togue Pond to Roaring Brook Campground. There they lock their cars and backpack seven woodland miles to Russell Pond Campground. This strenuous hike is the reason there's a lot of elbow room in Wassataquoik.

CAMPGROUND AT ROAD'S END

There is another more accessible site, an auto campground. Follow the Katahdin tote road all the way north and east to South Branch Pond's side road. The campground is at road's end.

Wassataquoik Stream and its tributaries rate high as trout waters. South Branch Ponds should also be good. However, check with the district ranger about restricted Nesowadnehunk waters. Every one of these pools is fly-fishing-only waters.

Moose and deer forged the network of Wassatoquoik trails and because of that, hiking on them is much easier than at the south end of the park. These paths lead to unsurpassed lake and mountain scenery.

There is a well-marked connection path between Russell Pond and South Branch Ponds and other footpaths lead to Wassataquoik Lake, Six Ponds, Katahdin's great Northwest Basin . . . and to the Lookout.

The Lookout is less than two miles from Russell Pond. From there you see, in a full circle, mountains, ravines, gullies, couloirs, wooded valleys, ponds, streams, and lakes forging an unspoiled wilderness.

THROUGH POGY NOTCH

To the north, you look through Pogy Notch flanked west by Pogy and South Branch Mountains and on the east by the long, rolling peaks of Traveler Mountain. Northwest, you'll catch a glimpse of Chamberlain Lake at the south end of Allagash National Wilderness Waterway. West is Wassataquoik Lake and southward, the peaks of Katahdin. Eastward lie the twin mounds of Sable Mountain.

On all trails you will see glacial droppings ranging from tiny pebbles to giant boulders that the Ice Age Labrador Glacier brought from the Far North. Between them grow lichens and tiny alpine plants.

South of Wassataquoik, Chimney Pond Campground is special for those mountaineers who like to scale precipices. For, from Chimney Pond, Pamola's mighty crags rear almost perpendicularly to its peak, and then the climber goes along Knife-Edge to Baxter Peak.

As a final fling, when you leave the park, drive a short distance westward of State Route 157 to the lookout parking lot atop Nesowadnehunk Deadwater. There you'll see the full majesty of Manitou Katahdin with all its peaks, ravines and ridges.

REBIRTH OF AMERICAN SHIPPING AND SHIPBUILDING

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GARMATZ. Mr. Speaker, as we all know, there is pending in the other body a bill which is designed to give a new birth of vitality to the American merchant marine. The program which President Nixon submitted to the Congress and which was the subject of extensive hearings before my committee passed the House on May 21, 1970, by the overwhelming vote of 307 to 1. There is no doubt but that something had to be done to reverse the decline in American shipping. This new legislation should go a long way in that direction.

However, what has occurred in recent years that has gone almost completely without public recognition is the emergence of new personalities in the American shipping field. These newcomers are men of courage, ingenuity, and resourcefulness. They have committed their companies to vast sums of private capital at times when others felt that the industry involved too many risks and uncertainties. One such man is Ran Hettena, president of Intercontinental Bulktank Corp. and director of Overseas Shipholding Group, Inc. In paying tribute to the contribution which Mr. Hettena and his company are making to the rebirth of American shipping and ship-

building, it gives me great pleasure to insert in the RECORD today a speech made by Mr. Hettena following the recent launching of the SS *Overseas Alaska* at Sparrows Point Yard of Bethlehem Steel Corp. in Baltimore, Md.:

SPEECH BY RAN HETTENA

In some ways a ship launching is like a wedding party. At this point in the proceedings the bride has stayed behind to change, and the rest of us have come here to exchange congratulations and reminiscences.

One reminiscence that occurs to me—and possibly to some of you who joined us here at our earlier tanker launchings—is that the atmosphere a few years ago was more suggestive of a hasty elopement than of a dignified formal wedding.

What was most notably missing on those earlier occasions were the bridesmaids—those many sisters and cousins of the *Overseas Alaska* that we saw today in various stages of construction at Bethlehem Steel Corporation's Sparrows Point yard.

This occasion, then, gives me some pleasure, not only because we of Overseas Shipholding Group are launching one of our own ships—our 35th—which brings OSG's total deadweight tonnage to 1,100,000—but because U.S. shipbuilding is showing many other signs of vitality.

Since we were among the first to see the need for—and the economic viability of—new tanker tonnage, this spreading activity is particularly gratifying.

One of the things that is most worthy of note is that some sectors of the American Merchant Marine have recently displayed health and vigor within the framework of existing laws. New initiatives by the President and by Congress should further promote U.S. flag shipbuilding and operation. We welcome these initiatives, for it is clear that American flag shipping could not survive—let alone prosper—in competition with lower world costs without some form of protection or subsidy.

We hope, however, that existing and proposed incentives will not obscure an equally important fact: There already exists a vital and profitable role in U.S. commerce for private, unsubsidized shipping, notably, in our view, in the tanker trades. Today's launching is part of our testimony to that belief—a testimony backed by many millions of dollars of venture capital.

Our investment plans encompass more than the *Overseas Alaska*. This is, in fact, our fourth launching at this yard since 1968. Our fifth Bethlehem-built tanker, the *Overseas Arctic*, scheduled for delivery a few months from now, will bring our U.S. tanker fleet to 9 vessels aggregating about 414,000 DWT and representing an investment of $110,000,000. Our nine tankers constitute about one-fifth of all new U.S. tanker tonnage (including oil company ships) delivered in the last ten years. The effect of our tanker expansion program has been to reduce the average age of our tonnage to about 5 years, compared with 17 years for all U.S. tankers.

Now, how did we get there?

On January 1, 1966 there were approximately 18 million deadweight tons of new tanker construction under contract with the shipyards of the world. Of this 18 million, only 36,000 tons—represented by a single vessel—was under contract in the United States. These figures surely carried a clear message: Our industry did not believe that modern, efficient tankers could pay their own way in the U.S. trade.

Nevertheless, early in 1966, we entered into negotiations with Bethlehem Steel for the first of three 37,000 DWT tank ships. And even before we took delivery, we had completed contract arrangements for two additional 62,000 DWT vessels.

Following our course—and possibly influenced by it—many other owners began placing orders for new tankers. Since January, 1968, twelve tankers aggregating 567,000 deadweight tons have been delivered by American yards, and as of May 1 of this year there were another 21 tank ships of 1,541,000 DWT on order. Thus, the last two-and-one-half years have seen a remarkable upsurge in what many people regard as a declining industry. All together, some 33 tankers, aggregating about 2 million deadweight tons and an investment of well over a half a billion dollars, have been delivered or ordered.

Let me note in passing that our friends at Bethlehem Steel have contributed mightily to this upswing. Last year they delivered 6 tankers totalling 227,000 DWT or about 60% of the year's new tanker tonnage.

What accounts for this reversal in a long-term downward trend? In our case it came through a reexamination of the conventional wisdom. Being in the shipping business, we naturally wondered about the economic foundation of the view that new tankers could not operate profitably. We undertook some quantitative analyses and projections.

The results were quite surprising, not only to us but also to some government people. I recall the surprise—almost the disbelief—of a well informed Congressman when we disclosed our plan to build unsubsidized vessels. Happily, however, Maritime Administration officials became convinced that our outlook was sound and deserving of their support.

For our study showed with some certainty that a U.S. tanker shortage was in the making. Assuming a conservative growth curve, we found that by 1968 the minimum non-peak demand for tanker tonnage would be barely met by maximum utilization of existing vessels. And by 1968, more than two-fifths of the U.S. tanker tonnage would be over 22 years old with the overall average age exceeding 17 years.

Offsetting this inexorable aging process, as I have said, was the prospective addition of only one, lone 36,000 ton vessel.

What conclusions reasonably flow from such data? Since transportation costs make up only a small fraction of delivered petroleum prices, the need for tankers was not likely to abate. Therefore, newer, larger, and more economical vessels would obviously find themselves in a favorable competitive position. For in a competitive environment, the key to a successful shipping operation lies in frequent and sustained increases in vessel productivity through new construction and utilization of new technology. Such productivity jumps are precisely what is needed to counteract the effects of rising wages and other costs.

As I have already indicated, other shipping companies have come to similar conclusions and taken similar actions. We welcome them aboard.

Another influence, which undoubtedly carried great weight, was the rapid development in the last few years of Alaskan oil exploration. The new tanker requirements deriving from this development supplement our earlier projections. For in 1966, at the time of the calculations to which I have referred, commercially significant oil deposits had not yet been discovered on the North Slope.

There was, to be sure, an important trade from Cook Inlet. We are proud of the fact that our *Overseas Rebecca* initiated the transportation of Alaska crude from Cook Inlet to the U.S. West Coast, and is still the largest vessel in this service. During the first half of 1970, we had three tankers in the Alaskan trade, transporting some 70,000 barrels a day of crude oil, or about one-third of total Alaskan petroleum movements.

These figures will rise substantially when North Slope oil begins to flow to market. And so, we expect, will our participation. The *Overseas Alaska* and *Overseas Arctic* are intended for this service and will help us maintain our leadership in it.

It will be some years, of course, before Alaska's oil transport requirements reach their peak, and our vessels have therefore been designed for flexible adaptation to other routes. The 62,000 ton tankers are capable of navigating the Panama Canal fully loaded and can be accommodated at all important oil ports on both coasts.

As many of you are aware, some environmental problems will have to be overcome before the resources of Alaska's oil-rich North Slope can be fully utilized. Without doubt these problems will be solved because America needs this oil. For if we assume only a 3 per cent growth rate in our petroleum consumption—a very modest figure indeed—the United States will require by 1980 over 14.2 million barrels of crude oil per day. If we further assume that existing import controls will be continued, foreign and domestic crude sources will be able to deliver only about 12 million B/D. This will leave a shortage of at least 2.2 million B/D. Many estimates of this shortage run much higher.

Unless our society is resigned to economic stagnation from our inability to increase energy supplies, we will seek, and we will find, sound and economical means for bringing Alaskan oil to market without upsetting the ecological balance. And however this is done, more modern and efficient tankers will be needed.

Granting these premises, and knowing as we do that both domestic and international shipping must expand in an increasingly industrialized world, we look forward with confidence to a bright future for the business in which we are engaged.

Today's launching of the *Overseas Alaska* is a token of that confidence.

We thank you for joining us today.

THE ROLE OF OUR UNIVERSITIES

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SPRINGER. Mr. Speaker, I know that all of us have been concerned about the universities of this country in the coming school year, and whether or not universities themselves should be taking public positions on military, economic, and social problems. Many of us have wondered whether or not teaching, scholarships and learning are the real missions of the universities.

I know in my own polls that I make in the university areas, I get a wide divergence of opinions on all military, social, and economic problems. It is extremely difficult for me to believe that the president of the university speaks for the university. There simply is not that kind of unanimity in a society as sophisticated as is found on most university campuses.

I attach herewith a letter written by Lawrence Fertig, a trustee of New York University, to Dr. James M. Hester, president of the university, and the reasons therefore. I feel sure many of my col-

leagues would like to read this thoughtful letter, which appeared in the August 16 issue of the Chicago Tribune:

AN N.Y.U. TRUSTEE TELLS WHY HE QUIT

(NOTE.—Following are excerpts from a letter which appeared in the National Review magazine.)

Dr. JAMES M. HESTER,
President, New York University.

DEAR JIM: This is a very difficult letter for me to write, because I have long admired your dedication to New York University. But I now find myself in profound disagreement with so many of the recent policies and statements of your administration that I feel obligated to state my position to you and the other members of the board of trustees.

I realize that my objections to N.Y.U. policies would apply to many universities in the United States. The situation at N.Y.U. is not unique. In the face of actions and attitudes on the part of faculty and students which seem at times hysterical, and often anti-intellectual, members of the governing boards of trustees have, in my opinion, remained too silent. Theirs is the ultimate responsibility for conducting the affairs of the university. In too many cases they have not met that responsibility.

To illustrate one basic disagreement, I direct your attention to the ruling by the university senate that the Reserve Officers Training Corps be banished from the campus of New York University. Many students and faculty wish to continue the R.O.T.C. as a voluntary organization, and are willing to give up academic credits for such a course. In refusing to permit even a no-credit, voluntary arrangement, N.Y.U. let it be known that it does not wish to be closely associated with the defense of the United States. This is to me a serious matter.

RECALLS OXFORD OATH

There is a frightening parallel between such action by American colleges and the now famous [or rather infamous] Oxford Oath prior to World War II, when the students of Oxford University asserted that they would refuse to fight for king and country. Adolf Hitler knew how to interpret such weakness. He set his war machine in motion because he believed that Britain would never fight. We can only devoutly hope that the totalitarian dictators in Europe and Asia today will not follow a similar course of action.

Another matter which I find extremely disturbing is your recent statement on Viet Nam and Cambodia. You acted for New York University and invited some 37 college presidents to sign a document in behalf of their own institutions. This letter to President Nixon criticized United States policies in Viet Nam and Cambodia and strongly urged speedy withdrawal.

By no stretch of the imagination could the signatories of this letter be considered as individuals apart from their institutions. The weight of the document could be ascribed only to the fact that everyone signing it represented the university which he heads. In fact, the New York Times, in its report, said "the signers represented many of the nation's largest academic institutions . . ." Thus New York University, among others, is on record as taking an official position on a military and political matter of national importance.

Now, I do not believe that a university—any university—has a right to become embroiled in public issues of political, military or economic importance. The university is not a monolithic institution with a single point of view. It is a community of scholars dedicated to research and teaching. It encompasses many, many points of view.

I assure you that many members of your board and thousands of your faculty and students do not agree with your point of view. When you speak for the university you speak for everyone in it. I submit that you cannot speak for those who disagree with your point of view.

As individuals, of course, members of the administration, faculty and student body have the right to express themselves on any matter. But not the university—for no one can commit the institution itself to a public policy that does not relate clearly and directly to the curriculum or to educational facilities at the university.

WARNS OF DANGER

Consider for a moment the grave danger involved when New York University takes a public position on a highly controversial matter. It arouses resentment among large segments of the public, of officials in Washington and in state offices. You may, of course, believe that on a particular matter public opinion will support you, but such a judgment is irrelevant.

Once the university begins to take a public position on military, economic or social problems it can no longer claim immunity from violent reactions on the part of those who disagree with its policies. Thus the very foundations of the university are undermined.

As an activist political organization the university may not be entitled to tax exemption. Above all, by taking an activist role in public affairs the university leads the American people to believe that its role is not scholarship, the transmission of learning and the search for truth, but rather activism for special causes.

In view of my fundamental disagreement with policies now being pursued, I am compelled to herewith submit my resignation as a member of the board of trustees, a position I have held for 18 years. I assure you I do so with deep regret, and in the hope that New York University may yet continue to build on its reputation of the past as a leading institution of higher learning devoted to free discussion and the pursuit of truth.

Sincerely,

LAWRENCE FERTIG.

NEW YORK.

INVESTIGATE JUDGE TEHAN

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GROSS. Mr. Speaker, the involvement of Federal Judge Robert E. Tehan of Milwaukee, in the affairs of an Indiana real estate firm have interested me in the past and, I believe, deserve close scrutiny by the Justice Department.

Recently, Mr. Owen W. Crumpacker, an Indiana lawyer familiar with the case, wrote to Attorney General Mitchell requesting such an investigation of Judge Tehan's activities, and I now join him in that request.

I include for insertion in the RECORD at this point Mr. Crumpacker's letter to the Attorney General and a memorandum outlining the history of this case:

CRUMPACKER, ABRAHAMSON & REED,
September 8, 1970.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Justice Department, Washington, D.C.

DEAR MR. MITCHELL: By this letter, I am requesting an investigation by the Department of Justice into the conduct of Federal Judge Robert E. Tehan of Milwaukee, Wisconsin, in connection with the illegal distribution of substantial funds belonging to the Woodmar Realty Company of Hammond, Indiana, and other acts of malfeasance.

In excess of $500,000 was disbursed through checks drawn on the Gary National Bank at his instance. All of the checks were countersigned by Robert E. Tehan as Special Judge of the United States District Court for the Northern District of Indiana, Hammond Division. Judge Tehan presided in the Hammond Federal Court for 11 years by virtue of an assignment given him by the Chief Judge of the 7th Circuit Court of Appeals.

The proceedings, a reorganization, had already pended 17 years when he was assigned to this case. Specifically, between March 15, 1968 and May 16, 1969, Judge Tehan countersigned approximately 275 checks on a trustee's account in the Gary National Bank. All of the Woodmar Realty Company's cash assets were disbursed by virtue of these checks. Distribution was made pursuant to a fraudulent scheme originated by the original trustee's attorney, Carl A. Huebner. Huebner was disbarred by the Indiana Supreme Court on April 29, 1954, having been found guilty on 82 specifications of misconduct, all relating to frauds perpetrated upon courts.

The one-half million dollars in cash was what was left of $2,341,970 in real estate which the Woodmar Realty Company owned when the proceedings were instituted on January 13, 1941. Not a single creditor or stockholder received a dime.

Judge Tehan has been identified as the federal judge who received attention on the floor of the United States Senate on April 16 of this year for neither paying federal income taxes nor filing returns for eight years prior to his appointment to the federal bench. Senator John Williams called for either his retirement or his impeachment. In culminating the Huebner scheme, which carried political overtones in scandal-ridden Lake County, Indiana, Judge Tehan deliberately flaunted and refused to obey two mandates of the Court of Appeals. His flagrant misconduct in this regard confirms the fact that his disregard for law prior to his appointment continues in the discharge of his judicial duties.

The fears that the Woodmar Realty Company held in 1959 and 1960, when mandate suits were filed to compel him to act, were called to the attention of the Senate Judiciary Committee in 1961 in a request for an investigation into Judge Tehan's conduct in this case, but no action was taken. The failure to investigate encouraged Judge Tehan to become more bold.

Trust assets have been distributed, knowingly in many instances, in payment of forged and non-existent claims—without hearings or proof. For example, two of Huebner's colleagues received $65,000 through 62 checks made payable to various and sundry persons appearing on a mailing list. They were endorsed by the two colleagues who are attorneys and deposited in an "escrow account". The real recipients of the funds are not disclosed by the court records.

Unless these matters are investigated and appropriate action taken, the corrupt conduct of Judge Tehan, as demonstrated by the records, will continue to grow into even more gross abuses—if that is conceivable.

As a member of the Bar of the United States Supreme Court, who has represented the Woodmar Realty Company during the 28 years that its assets were in Federal Court custody, I will be very glad to assist in whatever way you deem it appropriate.

Very truly yours,

OWEN W. CRUMPACKER.

MEMORANDUM

(In the Matter Of The Woodmar Realty Company, A Corporation Debtor, United States District Court, For The Northern District of Indiana, Hammond Division, Reorganization #3151 (Honorable Robert E. Tehan, Of Milwaukee, Presiding))

A distinguished jurist once commented that the history of the Chandler Act (corporate reorganization) contains many sordid chapters.[1] The Woodmar Realty Company reorganization by a Hammond, Indiana, Federal Court reveals "so dreadful a story of judicial dereliction"[2] that it is impossible to find a sequel. *On January 13, 1941,* when reorganization proceedings were instituted, the Woodmar Realty Company owned in excess of a square mile of subdivided, fully improved, business and residential lots valued at $2,341,970[3] in the southeast section of Hammond, Indiana, a city of 120,000. After twenty-eight years of "reorganization"[4] and on May 19, 1969, *Milwaukee Federal Judge Robert E. Tehan,* undertook to enter an order almost sounding the death knell of the Woodmar Realty Company by ordering the residual assets *after fees and expenses,* consisting of $48,903.81 in cash, deposited in the Federal Registry at South Bend. Judge Tehan was assigned to the Woodmar case by *Chief Judge F. Ryan Duffy of the Court of Appeals for the Seventh Circuit* in December of 1957 after the case had been pending almost seventeen years. Under Judge Tehan's order the forty-four patient stockholders, consisting of elderly widows or children of the incorporators, received nothing.

The founder of the Company and its first President, Roscoe E. Woods, died on the witness stand in the Federal Court in Hammond on May 29, 1951 during hearings on fee petitions filed by the Court-appointed fiduciaries. He was succeeded as President by his widow, Helen M. Woods, who is now eighty years of age and still attempting to earn a living as a real estate broker in Hammond.

The complete loss of $2,341,970 in assets through the twenty-eight year administration of a Federal Court trust is difficult for Mrs. Woods and the surviving stockholders to understand. This is particularly true in view of the fact that after prolonged hearings in 1951 and 1952, they successfully forced removal of ten out of eleven court appointed fiduciaries and forced the denial of their fee claims totalling approximately $287,000 and, later, won their first two appeals. In reversing the then District Judge Luther M. Swygert, the Court of Appeals for the Seventh Circuit in Chicago held, in February of 1957, that the Woodmar Realty Company was a party in interest in the proceedings and, notwithstanding the existence of a court appointed trustee, had the right to defend the trust assets against hostile, adverse, special improvement bond lien claims.[5] Again, in November of 1960, the Court of Appeals, by a two-to-one decision, the then Chief Judge F. Ryan Duffy, also of Milwaukee, dissenting, reversed Judge Tehan's refusal to approve 105 settlement stipulations between Woodmar and the holders of defaulted City of Hammond special assessment bonds. The Appeals Court's opinion stated that there were in fact but two adversaries, the lien claimants and the Woodmar Realty Company, and that, after the disposition of the lien claims, the balance of the depleted fund would become the property of Woodmar.[6] Woodmar could settle or litigate.

Had Judge Tehan complied with the opinion and mandate of the Court of Appeals, the Woodmar stockholders would have received a minimum of approximately $80,000 through the 105 settlements alone. The trustee had $460,677.70 on hand at that time. The four creditors claimed only $7,600.60 and three were willing to compromise. According to the trustee's "auditing study", the total sums potentially allocable to all of the 300 lien claimants was $400,659.11. The 105 settlement stipulations got rid of one-third of the lien claims and three of the four creditors at a total cost to the trust of, roughly, $38,000.[7]

Before their removal in 1952, the court appointed trustee, Charles L. Surprise, and the trustee's attorney, Carl A. Huebner, had sold all of Woodmar's lands consisting of 1585½ improved lots and 12 unsubdivided blocks. A substantial portion of the lots were bought in at bargain prices by a building corporation formed by the trustee's sales agent, S. C. Ennis & Company, and two other fiduciaries, attorney Donald C. Gardner and his client, Richard F. Zilky, in violation of criminal provisions of the Bankruptcy Act.[8]

Woodmar's early success in defeating the $287,000 in fiduciary fee claims (or 3/5 of the then cash assets of $491,988.56) and a distribution scheme with reference to the residue, which rewarded the improvement bondholders[9] and ignored stockholders, was largely attributable to featured news coverage of the hearings in the local press. While selling Woodmar's real estate in the Federal Court, the trustee, Charles L. Surprise, and the trustee's attorney, Carl A Huebner, along with several members of the court appointed bondholders' committee, and its counsel, became involved in a million dollar fraud perpetrated against the City of Hammond.

The Porter Circuit Court at Valparaiso, Indiana, in 1948, voided $958,000 in judgments taken against the City of Hammond on defaulted outlawed, special improvement bonds issued in the 1920's. Surprise, Huebner, Gardner, Zilky, and other managers of the Woodmar Reorganization were simultaneously picking up the City of Hammond special improvement bonds at a few cents on the dollar and filing so-called "class" suits against the City. They, likewise, filed claims in the Woodmar reorganization on the same defaulted outlawed improvement bonds. The trustee, Surprise, and his attorney, Huebner, did not contest the validity of the lien claims including those they filed or those filed by the bondholders' committee.[10] The findings of the Porter Circuit Court were introduced in evidence in the Federal Court at the fee hearings.

As a result of frauds perpetrated on the City of Hammond and the state courts, the trustee's attorney in the Woodmar case, Carl A. Huebner, was disbarred by the Indiana Supreme Court.[11] C. Ballard Harrison and Donald C. Gardner, also Federal Court appointed fiduciaries, suffered the same fate. Trustee Surprise, Carl A. Huebner, Gardner and Harrison (Assistant U.S. Attorney in Hammond), were indicted by a Lake County, Indiana, Grand Jury in 1948. They retained their fiduciary status in the Woodmar reorganization until December of 1952 when the fee hearings were given notoriety in the local press.

Notwithstanding the decimation of the fiduciaries by the state courts, the Woodmar stockholders' successes in the Federal reorganization were momentary. On the "temporary" resignation of Carl Huebner, as trustee's attorney, the court appointed a Gary attorney, Herschel B. Davis, to act with Carl Huebner's brother and law partner, Arnold. When the trustee, Surprise, was removed, the court appointed a new trustee, Walter McLean, who re-employed Davis. The original distribution scheme, conceived by the first trustee's attorney, Carl A. Huebner, was revived, with minor alterations, by Davis, with the assistance of a former fiduciary, attorney Floyd R. Murray.

Following Woodmar's first successful appeal, the reorganization was assigned to District Judge W. Lynn Parkinson at Lafayette, Indiana, who promptly proceeded to permit Woodmar to defend the trust against the special improvement bond claims—the first adversary hearing on a claim in 16 years. He also entered orders authorizing Woodmar to settle lien claims. Trustee McLean, and his attorney, Davis, were ordered to step out of the way. Judge Parkinson was elevated to the Court of Appeals in August of 1957 before he could enter findings.

When Milwaukee Judge Robert E. Tehan conducted his first pretrial conference in the case in Hammond on January 23, 1958, he was confronted with a simple problem.[12] The parties agreed that he could decide the claim already submitted on the record made before Judge Parkinson in July of 1957. The proceedings remained in abeyance, however, while Carl A. Huebner unsuccessfully sought readmission to the Indiana Bar[13] and Woodmar filed three mandate suits in the Court of Appeals to get action from Judge Tehan. Judge Parkinson mysteriously disappeared in September of 1959. His body was found in Lake Michigan in early January of 1960. Judge Tehan's first rulings followed. On January 19, 1960, he entered an order disapproving the 105 settlement stipulations (although none of the parties objected to them) and on February 11, 1960, he vacated the orders previously entered by Judge Parkinson authorizing settlement negotiations. All Woodmar's request for hearings on lien claims were denied. Judge Tehan's orders rejecting the settlements were reversed on appeal but he wouldn't comply with the mandate of the Court of Appeals. Not another city of Hammond improvement bond lien claim was permitted to be either settled or tried. The distribution scheme, discarded by Judge Parkinson pursuant to the mandate of the Court of Appeals in the first appeal, was resurrected by Judge Tehan. Trustee McLean and Herschel Davis resumed full activity.[14] After a series of "pre-trial conference" and "summary judgment" orders and opinions, entered intermittently over another six years, the plan was "in all things approved" by an order entered on February 10, 1966.

The execution of the distribution plan pursuant to Judge Tehan's order has created further problems. From the time that Chief Judge Duffy assigned Judge Tehan to the Woodmar case in 1957, through May 19, 1969 when $48,903.81 was deposited in the Federal Registry at South Bend, not a single alleged special improvement bondholder lien claimant appeared (or was required to appear) in court to prove up a lien. Over two-thirds of the lien claimants, who either filed proofs of claim on improvement bonds, or upon whose behalf or in whose name proofs of claim were filed, were either dead or nonexistent (corporate claimants) at the time trustee McLean and Judge Tehan signed distribution checks payable to persons or corporations appearing on a mailing list furnished by the trustee's attorney, Davis, and put them in the mail.

A significant example is shown by *the check drawn by the trustees and Judge Tehan payable to Darwin S. Luscher, Claim No. 62, in the amount of $1,746.83 dated March 15, 1968.* The check was deposited subsequently, to the account of Darwin F. Luscher in a Seattle bank over the signature of one Janet Fields. *The Woodmar Realty Company had furnished Judge Tehan and Attorney Herschel B. Davis with convincing evidence that Claim No's. 62 and 325 in the name of Darwin S. Luscher were forgeries* and that the trustee's then attorney, Carl A. Huebner, did the forging. The Indiana Board of Law Examiners following an eight-day hearing in the Supreme Court Cham-

Footnotes at end of article.

bers in Carl A. Huebner's re-admission case, found that he was continuing to practice in willful violation of the disbarment order entered on April 29, 1954, by the Supreme Court. Among other reasons for denying re-admission, the Board found *"The evidence in this hearing* now shows further that the Applicant signed or *forged the name of Darwin F. Luscher, in the style of Darwin S. Luscher,* on two separate claims in the Woodmar bankruptcy, photostatic copies of such claims being State's Exhibits Nos. 22 and 23." (Woodmar Claims No's. 62 and 326) Woodmar's counsel, in August of 1959, forwarded copies of the records and documents of the Board of Law Examiners with reference to the forgery of the Luscher claims to Judge Tehan and Herschel B. Davis with the request that the violations be reported to the United States Attorney in accordance with Sections 3057 of the Bankruptcy Act.[15] Neither Judge Tehan nor the trustee's attorney acted upon or acknowledged receipt of the letters and documents.[16]

Who actually received the distribution checks cannot be ascertained from the court records. For instance, trustee McLean drew a check, *countersigned by Judge Tehan,* payable to Northwestern Investment Company in the amount of $1,092.65. As Judge Tehan was repeatedly advised, this company had been formed in 1939 by C. Ballard Harrison, who acted as its president, as a device for speculating in defaulted improvement bonds with the then deputy county treasurer, Robert Wilhelm.[17] The corporation had been dissolved for many years. Edmond J. Leeney and Floyd R. Murray, who also represented Donald C. Gardner in the criminal proceedings in the state courts, got the check from the trustee's attorney, Davis, and endorsed and deposited it in a new opened "Leeney-Murray escrow account" in the Mercantile Bank of Hammond. *Leeney and Murray received, endorsed and deposited an additional sixty-one checks totaling $65,000 in the same escrow account.*

In approving the distribution plan and *awarding Herschel B. Davis $120,000 in fees,* Judge Tehan overruled both Woodmar's and the City of Hammond's objections, and refused to permit the introduction of any evidence or cross-examination of Davis. He called on attorney Edmond J. Leeney who made the following oral recommendation from the jury box:

"Well, Your Honor, I haven't read Mr. Davis' petition, except to know that the number of days, I think, that were put in all together were about 800. I am pretty much familiar with what work he did from time to time, and I know that at one time Mr. Murray and I were carrying the burden here when a previous judge would not permit him to do anything in the case, and that from then on Mr. —— when Mr. Davis —— as Your Honor took over, Mr. Davis was permitted to go ahead and the Trustee, and I know that all during the time it has been Mr. Crumpacker's aim to defeat all these claims." (Transcript, October 22, 1965).

Earlier in the proceedings, Mr. Leeney's co-counsel, Floyd R. Murray, advised the court:

"If the Court makes an order distributing this money by the bond, this Court is not going to know who the holders of half of these bonds are at the time the order is made, I don't believe, because in the rolls I foreclosed I don't know the holders of half of them, and I made considerable effort to locate them." (Transcript Vol. 12, pages 2400-2401).

Now that the Woodmar stockholders are finally released from the Federal Court trusteeship, *after 29 years,* they intend to find out who actually got the net cash from the sale of their valuable lands.

The $2,341,970 valuation of January 18, 1941 was actually ultraconservative. The rapid increase in the market value of the lots in the 1940's and 1950's was ten-fold. This circumstance was an important factor in the prolongation of the Federal Court control of the Woodmar Realty Company. The fiduciaries, though publicly criticized in *the local press* and hampered by state courts in the late 1940's and early 1950's, enjoyed a bonanza in land transactions while *Woodmar's hands were tied.*

APPENDIX

In September of 1956, the then Chief Judge of the Court of Appeals for the Seventh Circuit in Chicago, F. Ryan Duffy, of Milwaukee, consulted with District Judge Luther M. Swygert with regard to Judge Swygert's disqualifying himself in the Woodmar case. In the Fall of 1957, Judge Duffy refused Woodmar's request that Judge W. Lynn Parkinson be reassigned to the case. Judge Duffy assigned Judge Robert E. Tehan of Milwaukee instead. Both Judge Duffy and Judge Tehan maintained offices in the Federal Court building in Milwaukee, Judge Duffy commuting to Chicago, Chief Judge Duffy headed the panel in the Court of Appeals in each of the first four original actions in Mandamus filed against Robert E. Tehan in the Court of Appeals by the Woodmar Realty Company, original causes 12883, 13118, 13121 and 13123. Judge Tehan represented himself (successfully). Judge Duffy wrote an impassioned dissenting opinion when the Court of Appeals reversed Judge Tehan's orders respecting the settlement stipulations. In his dissenting opinion, Judge Duffy mis-uses the "Judicial Notice Doctrine", "Judicial Notice", by an Appeals Court, has always been looked upon with suspicion by lawyers who, properly, are confined in their presentation to matters contained in the record—"not judicially noticed" dehors the record. In June of 1961 in affirming Judge Tehan's dismissal of the removal petition, the Court of Appeals acted upon "judicial notice" instead of what was plainly and distinctly alleged in the removal petition itself.

FOOTNOTES

[1] Dickinson Industrial Site v. Cowan (1940) 309 U.S. 698, 60 S. Ct. 806.

[2] Franklin Riter, ABA Delegate from Utah, August 1, 1961

[3] Report of Trustee Concerning Financial Condition Of Debtor as of Jan. 18, 1941.

[4] A Chapter 10 Proceeding is designed to rehabilitate a corporate debtor. It can have no other purpose. S.R. 11783, p. 44.

[5] In re: Woodmar Realty Co. (C.C.A. 7, 1957) 241 F. 2d 768.

[6] In re: Woodmar Realty Co. (C.C.A. 7, 1960) 284 F. 2d 815 (The 300 lien claims were similar in nature in that they were based on various City of Hammond improvement bonds issued in the 1920's to contractors for installation of pavement, sewers, etc. *They were not Woodmar's contractual obligations.* They were payable through assessments against Woodmar lots *and lots of other owners also benefited.*)

[7] A sample settlement, Nondus Thrapp, is as follows: "That upon approval of this stipulation and the assignment, the Court shall enter an order directing the Trustee Walter A. McLean to issue a draft on the Trustee's account in the Gary National Bank in the amount of $75.00 payable to Nondus Thrapp, Granite Falls, Washington."

[8] After Hon. Luther Swygert, Donald C. Gardner's associate in eleven state court foreclosures on City of Hammond improvement bonds was appointed to the District Court bench in October of 1943, the plan of reorganization consented to by Woodmar's stockholders in May of 1941 was abandoned. The fiduciaries found it more lucrative to sell the land themselves. S.R. 11783

[9] In Major part, *the court-appointed fiduciaries* who had secretly purchased the default bonds to benefit by the reorganization. Non-disclosure of ownership was necessitated by *the fee forfeiture provision* of the Bankruptcy Act. (par. 249)

[10] They ignored the 90 day bar date for filing claims entered by Judge Slick on Jan. 24, 1941 (R. 11783, p. 20) and failed to file objections to lien claims pursuant to the order of Nov. 22, 1941.

[11] One of the 82 specifications of charges for which Carl Huebner was disbarred was perjury in the Woodmar case on May 10, 1951 before Judge Swygert in connection with his purchase of $3,000 in 1441 improvement bonds for $200 from Folber-Patterson agency in Fort Wayne.

[12] At a pre-trial conference in Lafayette, Indiana, attorneys Floyd R. Murray and Edmond J. Leeney volunteered to try, as a "test" lien claim, the intervening petition of Ruth Julius, et al. Judge Tehan agreed to follow the law of the case as established by Judge Parkinson.

[13] *Indiana Senator Vance Hartke* recommended former Woodmar Judge Luther M. Swygert to the Court of Appeals. At a confirmation hearing before a Senate sub-committee, Judge Swygert stated he signed a written recommendation for Huebner as "an act of compassion". (Transcript of Senate Hearing of September 22, 1961).

[14] *Participation* by Trustee McLean and, particularly, Trustee's attorney, Herschel B. Davis, was a necessity, from Judge Tehan's standpoint, to consummate the plan to distribute Woodmar's assets to holders of City of Hammond Improvement bonds. He dismissed Woodmar's *petition* to remove McLean and Davis, *again without permitting a hearing on the merits.*

[15] The Criminal Code provides: "Section 3057. *Bankruptcy Investigations.* (a) Any referee receiver, or trustee having reasonable grounds for believing that any violations of the bankruptcy laws or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States Attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so. (b) The United States attorney thereupon shall inquire into the facts and report thereon to the referee, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction." Title 18, U.S.C., Chap. 203, Section 3057.

[16] Judge Robert E. Tehan's disregard for Criminal Laws adopted by Congress is reflected by articles appearing in the Chicago Tribune under date of April 18 and 19, 1970 wherein it is reported that he didn't file Federal Income Tax Returns or pay Federal income taxes during 8 years while a member of the Wisconsin Legislature before being appointed Federal Judge (1949)

[17] Robert Wilhelm was in charge of collections and payments of defaulted City of Hammond improvement bonds.

Letters from Floyd R. Murray to client Russell Julius disclosing *The Common Practice of Bribery* in the Hammond Office (Woodmar's Exhibit No. 60) were introduced in evidence before Judge W. Lynn Parkinson and the record was submitted to Judge Tehan. Wilhelm was removed as Postmaster in Hammond following 1947 and 1948 disclosures of his activities in the bond fraud case.

THE SIXTH DISTRICT SPEAKS OUT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BRAY. Mr. Speaker, for some years a public opinion poll has been an annual feature with me and I find it extremely helpful and useful. Tabulation has now been completed on the thousands of cards returned to me. Up until the first of September cards continued to come in at the rate of 50 to 100 per day and even now they still continue at a slower rate. At final count, upward of 25,000 Sixth District residents had responded to the poll and today, the first day of the session following the recess, I wish to submit the returns. The following table gives the results, in percentages, of those who answered "Yes" or "No" to each question:

	Yes	No
1. Do you think President Nixon has charted a good course to end the Vietnam war?	81	19
2. Should the voting age be lowered to 18?	38	62
3. Do you favor continuation of draft deferments for college students?	42	58
4. The administration estimates 5 years and $110,000,000,000 needed to deal with pollution. How should this be financed? (percentages do not add to 100; many checked 2 or more):		
(a) Tax credits to private industry?	33	
(b) Special tax on business and individuals?	12	
(c) Cut other Federal programs where possible?	42	
(d) Some equitable combination of all the above?	55	
5. Do you favor the expulsion of students in tax-supported schools who, by intimidation or violence, upset norma academic routine, disrupt university life and cause destruction of property?	94	6
6. In the fight against crime, would you favor:		
(a) Making bail bond more difficult for repeated offenders?	97	3
(b) The "no knock" principle in serving search warrants?	50	50
(c) Legislation insuring speedier trials?	97	3
7. What should we do in the future if a nation friendly to us is threatened?		
(a) Whatever aid is needed, including troops	27	73
(b) Arms and equipment only, except if United States is attacked	52	48
(c) Arms and equipment only	13	87
(d) Stay completely neutral	8	92
8. This is admittedly a troubled and unsettled time for the world and for our country. Nevertheless, does your basic belief in the American Republic, its institutions and our way of life remain firm and steadfast?	98	2

A FEW BRIEF OBSERVATIONS ON WHAT THE RETURNS DISCLOSE

Several thousand of the returned cards included comments written on the cards, or letters written to go with the card itself. These comments were very revealing and together with the tabulation, provide an interesting view of the present thinking of the Sixth Congressional District.

First. On Vietnam, a heavy majority believes that President Nixon is taking a proper course in Vietnam. Only 9 percent failed to answer "Yes" or "No." A few of the letters said all troops should be withdrawn immediately. Many were critical that the President was not pursuing a more vigorous course, including bombing North Vietnam and the harbor at Haiphong, but these generally approved the overall present stategy.

The Washington—District of Columbia—Post for September 5, 1970, summarized the present situation in Vietnam which possibly reflects the reason for this approval. I quote directly from the story, headed "Battle Deaths Off Since Cambodia":

Since the June 30 U.S. pullout from Cambodia, 34 per cent fewer GIs have been killed in South Vietnam than in the two months immediately preceding the April 28 incursion. Furthermore, compared with July and August of 1969, American combat deaths during the same two month period this year reflected a 61 per cent decrease.

Since Cambodia, the number of enemy ambushes is also reportedly down by about 85 per cent.

At the moment, authorized U.S. troop strength in South Vietnam is about 402,300. This is 141,000 below the peak in May 1969.

By October 15, at least another 18,300 are to be withdrawn . . . the actual reduction may exceed the target by 1 or 2 per cent as it has in the past.

Second. Lowering the voting age was decidedly opposed. The 18-year-old vote was passed by the Congress and signed by the President but is still to be tested for its constitutionality in the courts. I asked the question primarily because if the courts do hold that such a law is unconstitutional, then the matter will probably come up again on a consitutional amendment. This will need a three-fourths majority of the individual States. Then Indiana may be faced, sooner or later, with this question. If the poll results represent Indiana's general feeling, then our State will probably vote about the same as Oregon, where voters recently defeated a referendum to lower the voting age.

Third. Continued draft deferments for college students were firmly defeated. The mood of the comments on this question seemed to be "who serves, if not all serve?"

Fourth. Comments accompanying the pollution question clearly demonstrate there is a strong and growing interest in this matter. Special interest was shown and has been shown even before the poll by youth. Also, during the last few months, I have met with youth groups and received a large number of letters and petitions from school classes.

There is no doubt about it, pollution is everyone's business. But it is a serious business. Prof. Norman F. Ramsey, of Harvard University, recently wrote:

College students, while throwing empty beer cans along the side of the road from their maladjusted and fume-producing automobiles, indignantly blame the military-industrial complex for its indifference to the human environment because the establishment pollutes the atmosphere with its factories and power plants and permits the manufacture of automobiles with internal combustion engines.

Returns indicated that the same difficult question plaguing Congress as to who shall pay for pollution remedies is also bothering the public. The answers were not wholly conclusive, but apparently the public would not object to an additional tax for the purpose if equitable distribution of the financial burden was made.

Fifth. Sixth District voters are heartily sick of campus disruption. The comments on campus violence were bitter in the extreme. Only 10 percent failed to answer this question with a "Yes" or "No" and this indicates the depth of concern.

Apparently college officials are becoming aware of this feeling, and there are a number of school administrators adopting a very hard line against future demonstrations. With colleges back for the fall term, one college president after another is taking a strong stand against more trouble. More often than not, reading some of these men's statements, I cannot help but think of Captain Bligh reciting His Majesty's Naval Regulations on Mutiny to the crew of HMS *Bounty*. There is no doubt such actions on the part of college presidents will meet with strong public approval.

Sixth. Crime is and will continue to be a major issue until our land is safe, at all times, in all places, for everyone. There was no doubt at all about tightening bail bond procedures; many commented there were too many examples of persons on bail committing even more serious crimes.

Speedier trials received much mention; "Justice delayed is justice denied" is certainly true. The present court backlog is a blot on our legal system, and I noted frequent reference regretting that although two new Federal judges were recommended for Indiana, Congress blocked this increase.

Opinion on the "no-knock" principle was evenly divided, but by far the largest percentage of "No Opinion" was on this question. Thirty percent failed to check "Yes" or "No." Admittedly, this provision, recently incorporated into a new District of Columbia crime bill, did not have exposure to be a truly national question at the time.

In essence, it permits police, after obtaining a court order, to enter a residence without knocking. This was bitterly attacked; one minister in the District of Columbia told his congregation they should shoot if this happened to them. However, when the bill was before the Senate, Senator TYDINGS of Maryland, a man known as a liberal Democrat, pointed out that arguments against no-knock, on the grounds it was unprecedented, were false:

This fiction cannot stand up to facts, to the record, plain for all to see; not only do a vast majority of the states clearly permit no-knocking in the limited circumstances set forth in the conference report (on the bill); not only has this practice been approved by the Supreme Court of the United States—but also this very body, the U.S. Senate, approved what was basically the same no-knock provision without a single dissenting vote in S. 2869 in December 1969, and in the Senate-amended S. 2601, in March 1970.

To the charge that no-knock meant increased danger of shoot-outs, Senator TYDINGS replied:

Shoot-outs, violence, death, occur more frequently when the police signal their presence and purpose, and give a dangerous suspect time to get a weapon—not when the police can take the dangerous suspect by surprise before he can arm himself to shoot. We need only reflect on the recent, publicized case of the local bank robber, Billy Austin Bryant. Bryant killed two FBI agents at the door of his wife's apartment after the agents identified themselves as police.

Seventh. In spite of Vietnam, we are not an isolationist country; returns on the future-foreign-policy question make this clear. A surprisingly large 27 percent approved of aid, including troops, to a friendly country under attack; an overwhelming 92 percent decisively rejected any absolute neutrality. Between these fell the majority seeing the need for arms and material but no troops unless and until the United States itself is attacked. Many, I must note, checked both a "No" against neutrality, and a "Yes" on "no troops unless the United States is attacked" question. This should be heeded by any aggressor. We are not withdrawing from the world.

Eighth. In many respects, the final question was the most important of all. Only 2 percent failed to answer. This question was phrased and aimed to get at the very core of public sentiment.

There are, indeed, few times in our past history when internal strife was coupled with external threats to such a degree. And, I venture, probably at no time before have we ever had such vicious rending and tearing at our social fabric by so many of our own fellow citizens.

I had been apprehensive that these constant, swinish attacks against our country had possibly begun to erode our faith in the freedom and dignity of man, to which our country is committed by origin and heritage and deed, and of which our country is also the last great citadel of strength.

In the words of Lincoln, I had wondered "whether that Nation, or any Nation so conceived and so dedicated, can long endure."

It has seemed that everyone with an ax to grind first whetted it, then took great delight in crashing it full into the very trunk and roots of the tree of the Republic. For some time now it has been actual open warfare, with no holds barred, and the ultimate aim has been crucifixion, collectively, of our 200 million citizens on a cross of guilt and shame.

But, by the highest affirmative of any question on the poll—98 to 2—these false premises and accusations have been rejected. Indeed, like a flash of lightning and crack of thunder following utterance of a hideous and unspeakable blasphemy—a good parallel, I think—the doubters and would-be destroyers have been put on notice that their carping is in vain.

We must remember that the greater we become, the higher our standard of living, the stronger we are in preserving this freedom and dignity, the greater the efforts of our enemies at home and abroad to destroy us.

So for the balance of my remarks, I am taking this last question, using points and issues raised in the letters that commented upon it, and shaping it around what our answer, today, could be to one of our greatest statesmen and patriots.

Who? To a man who become when our Republic was young, and who has remained, ever since, an example of our most eloquent and outstanding spokesmen for faith in, and preservation of, the Federal Union: Daniel Webster.

"NEIGHBOR, HOW STANDS THE UNION?"

It is legend, it is folklore, but it is one of the most moving and stirring of all those tales which live in the misty fringes of American annals. Go, it is said, to Daniel Webster's grave; stand by it; call him by name: "Daniel Webster—Daniel Webster."

And if you listen, the wind will blow and the trees will toss their branches about, and the voice that once thundered thundered through the halls of Government will speak:

Neighbor, how stands the Union?

When you answer, you will respond to the man whose speech in defense of the Union in the Senate on January 26, 1830, has been called by the historian Samuel Eliot Morison:

The greatest recorded American oration, thrilling to read even today in cold print, when the issues with which it deals are long since settled by men who followed in 1861 the standard that Webster raised in 1830.

Curious footnote to history, here; Morison goes on to add, about the speech's concluding sentences, in his monumental "Oxford History of the American People," that:

That peroration, declaimed from thousands of school platforms by the lads of the coming generation, established in the hearts of the Northern and Western people an emotional, almost religious conception of the Union. It became something that men were willing to fight for. One of its earliest readers was a dreamy youth on the Indiana frontier named Abraham Lincoln.

And no doubt Lincoln remembered the closing words of Webster when he heard of the attack on Fort Sumter:

Liberty and Union, now and forever, one and inseparable!

So answer him carefully, says the legend, for if he does not like or is disturbed by your reply, he will rise out of his grave. But if you can answer him in this fashion:

Daniel Webster, the Union stands as she should, rock-bottomed, iron-bound and copper-sheathed!

Then he will reply "Thank you, neighbor, all is well" and the wind will cease and the trees no longer toss their branches, and Daniel Webster will be at peace.

Abraham Lincoln solemnly warned us that we cannot escape history. We can can we escape our responsibilities and our duties to those who have gone before, no more than we can escape these same responsibilities and duties to those who will come after us. We can betray neither betray neither the past, nor the future, by what we do in the present. So what would we say, today, to Daniel Webster's spirit? Just how does the Union stand?

"BEWARE OF FALSE PROPHETS—INWARDLY THEY ARE RAVENING WOLVES"

We have plenty such; let us look at two prime examples; remember, they are our fellow Americans. The first, by the chairman of the department of history at the University of Rochester:

Today, for the first time, the country faces a massive breakdown, manifested in every section, class and stratum, in faith in its ideals, institutions and prospects.

And this, by the chairman of the Urban Coalition Action Council:

I believe that virtually all of us have failed in our duty as Americans. . . . And while each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates.

Now, to me, this sort of noxious swill is political and social carrion-eating of the most repulsive degree. Having pronounced their own form of last rites over what they see as the prostrate corpse of the American Republic, they then turn on this same inert body and proceed to rend it with ghoulish enthusiasm. This is a repulsive enough sight to their fellow citizens, and, as is becoming rapidly evident, it is having the same effect abroad. For instance:

From Die Welt, printed in Hamburg, Germany; an article entitled "Hating America—the World's Favorite Pastime":

Ironic that anti-Americanism should be nurtured by American self-criticism! . . . Self-criticism in the U.S.A. has begun to look like self-laceration. America as the model, as the hope of the world? That idea, alive fifteen years ago, now makes people laugh in most American universities and throughout much of the upper class. . . . The self-hate of many Americans is giving West Europe's cultural intelligentsia grounds for new arrogance.

From the London Spectator; an article entitled "The Last Best Hope":

The famous plug for the American experiment made by Abraham Lincoln is today in the minds of a great many Americans an example of a false prophecy. . . . But I am too old to change my belief that the United States *is* the last best hope of earth (underscoring in original). . . . I don't quite see American society collapsing or the United States fragmented really if not formally by 1976 when it will celebrate its two-hundreth birthday.

From Commentary magazine, September 1970; a review by a British college professor of Cornell Professor Andrew Hacker's book "The End of the American Era":

For (Hacker) the United States is in the grip of a disease which is fatal and which has reached a terminal stage. . . . Hacker believes there has been a collapse of the national psyche. . . . Critiques of America like Hacker's strike me as dubious—as narrowly self-regarding. . . . I still believe that Andrew Hacker and other American pundits see their difficulties too narrowly and too masochistically. . . . Future prospects for the United States and for the West generally are somewhat forbidding, but no darker than often in the past, and a great deal brighter than for the hundreds of millions of the wretched of the earth in other continents. What we need is to be alarmed enough to face our collective responsibilities, but not to be scared out of our wits.

So, having lost their faith in their homeland, they have become fearful, these men, which is the logical next step in the deadly and disastrous process that has torn down nation after nation, culture after culture, civilization after civilization. Without faith, there is nothing to sustain them against the ominous terrors of the dark and the unknown that seem to close in upon them. And their enemies watch and wait, happily contemplating the day when this loss of faith, and growth of fear, has shattered

the core and will of those they would destroy and the gates will open to the barbarian without a struggle.

It was not in the open fight we threw away
the sword,
But in the lonely watching in the darkness
by the ford.
The waters lapped, the night-wind blew,
Full-armed the Fear was born and grew,
And we were flying, ere we knew,
From panic in the night.
Thank God I—I also—am an American!

Herodotus, Father of History, was born 500 years before Christ. In his writings we find this observation, made 25 centuries ago yet as new and as timely today as it was to him then:

This, however, I know: that if every nation were to bring all its evil deeds to a given place, in order to make an exchange with some other nation, when they had all looked carefully at their neighbors' faults, they would be truly glad to carry their own back again.

So, then, what does this figure mean, when 98 percent steadfastly vow, in the face of all that has gone before, of that which is hurled at them now, and in full knowledge of what is yet to come, that their faith in our Republic, its institutions, and its way of life is firm and steadfast?

It means we can proudly and nobly answer Daniel Webster. If I were called upon to speak for my fellow citizens, I would phrase my words something like this:

"Judge us for yourself, Daniel Webster, but before you do, hear us out, view our record.

"The fiery furnace of our Civil War melted the factional metals of North and South in the same crucible. When it had cooled, when the dross was skimmed away, from this crucible came an alloy of national duty and responsibility and will of a strength and brightness and temper never seen before, and never to be seen again, among the nations of the globe.

"The continent was tamed and cleared; the new Nation arose. Amidst all this, from somewhere, there came a new heart and soul for our Republic. To its shores came the homeless, the persecuted, the outcast, the despairing, of the Old World. They fled misery and despair; they sought—and found—hope.

"Open of heart, generous at times to a fault, but tough in mind and resolute in spirit—we needed these qualities, and more, when the grinding burden of world power was suddenly thrust upon us in 1917. But we did not shrink from it.

"Your Union was sorely tried in the thirties, when depression stalked the world and ground men into the dust. We vowed it would never come again, for us or for our posterity. It hasn't, and it won't.

"Then, when our hopes of 1917–1918 were destroyed, when aggression and terror wheeled again across the world, we met the challenge like men and wasted no tears over what might have been. And when it was over, and the flags of battle were furled, we freely poured out billions of our treasure to our war-torn allies and, yes, to our former enemies, to build once more their ravaged lands and lives.

"We have turned our backs on the false gods of the Left—Communism; and the false gods of the Right—Fascism. Ours is a government of laws, not men. But since men, and not angels, nor prophets, make these laws, and administer them, they are by their very nature imperfect, as all things made by mortals must be.

"Yet we strive, always, upward. You knew, and knew well, the same type of turmoil we now face within our borders. In your time, as in ours, the most violent attacks on our Republic, on our Union, came from our own fellow citizens. We respond to our tormentors and detractors as you did to yours, in your very words: 'Liberty *and* Union, now and forever, one and inseparable!'

"And we still have our faith, Daniel Webster! We believe, and we always will, in the heritage that you and others gave us. We strive to so bear ourselves that generations to follow will believe in us, as well. Let the mighty stream that is the real force for good in our Republic never be choked with the debris of doubt and despair; let it never dry at its source, let it never cease to flow!

"And, again, like you, we will repeat your words when you spoke at the dedication of the Bunker Hill Monument; we will repeat them like a catechism, like a vow, not out of pride, not out of chauvinism, but out of trust, confidence and hope: 'Thank God! I—I also—am an American!'

"So, Daniel Webster, what is your judgment upon the Union?"

And I know what his answer would be:

"The Union stands as she should, rock-bottomed, iron-bound and copper-sheathed. Thank you, neighbor. All is well!"

EDGAR HIESTAND

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GOLDWATER. Mr. Speaker, on August 19, the world as I know it was diminished by the passing of my friend and former Congressman, Edgar "Eck" Hiestand of California. He served the people of California and the United States and served them well; he continued to work for them after he retired.

During his tenure in Congress, Eck was known as an individual of integrity, responsibility, and unlimited energy. He was a moving force in the formation of "The Response Committee" in 1958, along with 14 other House Republicans. They were low in seniority, but high in party enthusiasm and theirs was an effective voice in the House. In an organized fashion, they countered Democratic charges against the GOP from the House floor.

Eck served on the Banking and Currency Committee and worked hard to prevent the deterioration of our economy; we could have used his knowledge and wisdom during the past decade.

During his later years, Eck cofounded the San Fernando Valley Business and Professional Association, of which I am proud to be a member. He also traveled extensively around the State, speaking to literally hundreds of various civic groups, seemingly without ever tiring.

Eck was a friend to all who knew him and first and foremost, he was a friend to America. He will be sorely missed.

ECONOMIC OPTIMISM MAY BE PREMATURE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ULLMAN. Mr. Speaker, as election time draws near, the administration's economic predictions grow increasingly cheerful. Spokesmen cite a recent cooling in the rate of inflation as the basis for such optimism. Recently, the Vice President even went so far as to say that all the talk about a recession was merely a myth.

While everybody these days is eager for good economic news, there is still much room for public skepticism. Inflation cannot be simply talked away. The facts indicate that the administration's optimism is, to say the least, premature. In a recent speech in Madison, Wis., the Chairman of the Council of Economic Advisers, Paul W. McCracken, indicated that he recognized the realities of the economy when he said we may be faced with "an unduly protracted period of excessive slack and unemployment."

The long-term inadequacy of the administration's restrictive fiscal and monetary policies to deal with the current inflationary trend is pointed out in a recent article by the business and finance editor of the Washington Post, Hobart Rowen. The article shows how the predicted reordering of national priorities has not been accomplished and why this failure has served to contribute to a stale economic outlook. Needed cuts in defense spending have not resulted in subsequent shifts into peacetime expenditures.

All the administration's forecasts have not yet put the economy back together again.

The article follows:

LOOKING AT THE ECONOMY WITHOUT ROSE-COLORED GLASSES

(By Hobart Rowen)

Leafing through the accumulation of Nixon administration speeches and statements last month on the condition of the economy, the returning vacationist finds one dominant theme: self-congratulation. The economic downturn, the Nixon men say with satisfaction, is at an end; inflation has been cooled (or, at least, the rate of inflation is subsiding); labor efficiency is increasing; and there is probably a broad upturn in the offing.

The Vice President, in a guest column in this newspaper, went so far as to say that recession talk was a myth, and that things were now happily breaking the administration's way. One newspaper, reprinting Mr. Agnew's economic commentary, headlined it: "Spiro Says Everything's Coming Up Roses." But it is clear from the government's own statistics—and even from a close reading of some of the speeches—that there is not yet very much to crow about. It seems a reasonable assumption, with an election in the offing,

that the White House has been pressing hard to put a rosy hue on skimpy evidence.

For example, White House aide George Shultz (who knows better) got a great deal of mileage out of one month's statistics showing slightly reduced wholesale price pressure, and Assistant Commerce Secretary Harold Passer then read too much into the July set of so-called "leading" indicators.

Everybody—not just the administration's politicos—is eager for good economic news. But the stubborn fact is that after adding in every favorable crumb of statistics for the past month, the economy is still running 4 per cent below its capacity, unemployment is still 5 per cent (and threatening to go higher), and the rate in inflation at the consumer level is still an unacceptable 5 per cent.

Paul W. McCracken, Chairman of the Council of Economic Advisers, has done his best—in a reasoned, academic way—to make the administration's case that the adjustment has been mild and that there is "some evidence" that a mild expansion "may be resuming." But he has been candid enough to say, as well, that the task ahead is very great because economic performance continues to be far below potential—and the nation's basic capacity to produce continues to grow.

If the nation fails to boost demand sharply, McCracken said recently in a speech at Madison, Wis., we may be faced with "an unduly protracted period of excessive slack and unemployment." What McCracken was trying to convey (and this was not highlighted in any of the daily press reports of his speech) was that a below-par economy is in prospect for all of 1971, with unemployment still ranging around 5 per cent or higher, not dipping toward 4 per cent until 1972.

That's a new "game plan"—if you remember the administration's first "game plan," a gentler hand was going to contract inflation with unemployment never even hitting the 5 per cent mark in 1970; the average, in fact, would be held to 4.3 per cent.

But inflation proved to be tougher to handle than Mr. Nixon and his advisers thought, and the policy screws were turned tighter than had been planned. So the "progress" that is hailed in the canned statements by the Vice President, Treasury Secretary David Kennedy and Commerce Secretary Maurice Stans is mostly wishful thinking. The patient's temperature may have been reduced from, say, 103 degrees to 102 degrees (and he hasn't passed away). But the evidence of infection persists. The economic doctors are aware that the patient is not back to normal weight. They hope there will eventually be full recovery. But it will take time—and in the process, a further physical toll.

Curiously, the administration has ascribed to the two-year decline in defense activity a share of the blame for the economic decline—especially a "displacement" of 1,000,000 jobs. This has been a recurrent theme of administration propaganda ever since the President's June economic speech.

There's no denying that war-connected spending has been cut sharply, and the Nixon administration deserves more credit for this than its political opponents want to give it. Military prime contracts, for example, are at their lowest level in nearly five years, or since just after the Johnsonian escalation of the Vietnam war.

This typifies, the administration is fond of saying, a "re-ordering of national priorities." Okay, that's fine: but if the priorities have been re-ordered, why haven't the men and the unoccupied facilities been shifted into nonwar activities? In other words, what the administration is using as an excuse for the downturn is really a critique of its own lack of planning. There could have been offsets to lowered defense outlays. "When they blame reduced Pentagon contracting for unemployment," says a Democratic critic, "it's like a guy giving up candy and then complaining that he's skinny."

What is really needed at this point is less attention to the latest statistical wiggle, and action to promote a faster rate of real growth for the economy. There appears to be little prospective impetus from stronger capital goods expansion (in fact, the latest official government survey now points the other way), or from a consumer spending binge (individuals seem disposed for the time being to save more). And the Federal Reserve is still fearful enough of inflation to resist McCracken's behind-the-scences pressure for more stimulus from monetary policy. The main expansionary thrust is coming from a growing federal deficit.

If things continue this way, the economy for a long time will be essentially flat—it will do no more than creep upward sluggishly, with a growing multibillion gap between actual and potential production. The most one can hope for is that the election will come and go quickly; then, perhaps, the occasional irreverent public comment or criticism that formerly punctuated the administration's outpourings may return. At the moment, the internal skeptics—who are still present—raise their doubts in private.

ORDEAL IN THE DESERT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BINGHAM. Mr. Speaker, the lead editorial in today's New York Times, which follows, precisely summarizes my own views toward the barbarous hijacking of commercial aircraft by Arab terrorists, and I commend it to my congressional colleagues and other readers of the RECORD:

ORDEAL IN THE DESERT

United Nations Secretary General Thant spoke for the conscience of civilized man yesterday in denouncing the Arab hijackers for their "savage and inhuman" actions. U Thant, certainly no enemy of the Arab world, voiced a universal demand when he called for "prompt and effective measures to put a stop to this return to the law of the jungle."

With every passing hour, the world's consciousness of the enormity of the commandos' crimes rises. Regardless of political convictions, no sane person can view with anything but revulsion the fact that some 200 innocent people are being held hostage in a burning desert, facing the possibility of being cold-bloodedly murdered if various governments refuse to bow to blackmail.

If these helpless people were to die tonight, the wave of indignation throughout the world against the Arab cause in general and the Palestinians in particular would be unprecedented. The Egyptian newspaper Al Ahram was vastly understating matters when it said that the "attack on international civil aviation does not encourage world feelings of solidarity with the Palestine cause." A similar view was expressed yesterday by a spokesman for the ten Arab countries whose representatives met with Secretary Rogers. Only savages unworthy of membership in the community of civilized nations could carry out the threat the Arab guerrillas have used as their blackmail weapon. Any such execution of innocent people would constitute a massive political blow to the entire Arab position, quite apart from its unspeakable barbarity.

Al Ahram's disapproving comment makes plain that the more reasonable elements in the Arab world understand the situation, and perhaps even regret the encouragement and aid they have given in the past to these extremists and their hijacking efforts. But precisely because the commando groups have received such wide Arab financial and military support, the world community looks first to the Arab states as those responsible for the lives and liberty of all the plane passengers now undergoing their desert ordeal.

LEGAL REMEDIES FOR CAMPUS DISORDERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ASHBROOK. Mr. Speaker, in the July 19 issue of the Chicago Tribune, Reporter Ron Koziol detailed the activities and progress being made by the Americans for Effective Law Enforcement, Inc.—AELE—a citizens' group founded in 1967 to aid in combating the rash of violence and crime which has been on the increase in recent years. Headed by Prof. Fred E. Inbau of the Northwestern University Law School, AELE, which considers itself a "spokesman for the law abiding in American society," lists an impressive number of educators, public officials, and other concerned citizens who have attacked the breakdown in law enforcement with specific information, recommendations, and programs of value to both the individual citizen and law enforcement officials.

As noted by Reporter Koziol, AELE distributed thousands of its position paper, "Violence on the Campus: Legal Remedies" which outlines legal remedies available to nonviolent students, their parents, faculty, taxpayers, alumni "and to others who recognize the need to do something themselves in order to protect their respective lawful interests." Other projects of AELE include the drafting of model law enforcement legislation, information of various aspects of the crime problem, information to public officials and judges on scientific crime prevention methods, to name but a few.

With speculation rife as to whether there will be a "hot time" on campuses this fall, the above-mentioned position paper, "Violence on the Campus: Legal Remedies" published by Americans for Effective Law Enforcement, Inc., is especially timely for those concerned with the peaceful pursuit of educational goals. With the Koziol article of, I insert at this point in the RECORD AELE's position paper No. 3 on legal remedies for campus disorders:

CHICAGO BASED GROUP SPEAKS FOR THE "LAW-ABIDING SOCIETY"

(By Ronald Koziol)

Americans for Effective Law Enforcement, Inc., a Chicago-based citizens' group is dedicated to speaking "for the law-abiding society."

The group, whose president is Fred E. Inbau, a Northwestern University Law School professor, began operating in 1967. Its impact

as a voice for millions of citizens concerned with crime problems has been felt throughout the country.

SUPPORTED BY OGILVIE

It was Inbau who, with former Chicago Police Supt. O. S. Wilson, conceived the idea of the organization in 1966. Gov. Ogilvie was among the early supporters and served on A.E.L.E.'s board of directors.

Among its more notable achievements has been the preparation of a model state statute for electronic surveillance by law enforcement agencies. The model code was distributed to state attorneys general throughout the nation and to many legislators.

According to Inbau, 27 states are considering adopting the model statute.

Early last year, a position paper entitled "Violence on the Campus: Legal Remedies" was prepared and distributed to thousands of college and university administrators.

The paper outlines legal remedies available to nonviolent students, their parents, faculty, taxpayers, alumni "and to others who recognize the need to do something themselves in order to protect their respective lawful interests."

The remedies suggested by A.E.L.E. were based upon the assumption that the legal rights of nonviolent students and other individuals are abridged when violence and disorders occur on college campuses.

The paper has become so popular that recently a more detailed memorandum was drawn up by A.E.L.E. for use by school administrators in preparing court cases against campus disrupters.

LIST PURPOSES

Purposes of A.E.L.E., as listed by Inbau, are as follows:

1. Representation of the law-abiding public in criminal cases before state and federal courts in cases involving issues of national importance in criminal law enforcement.

2. Drafting of model legislation to aid in effective law enforcement and public protection.

3. Preparation of booklets and newsletters to inform the public of the crime problem and its ramifications, the difficulties and needs of police, shortcomings in criminal laws and deficiencies in the courts.

4. Dissemination of information to public officials, judges and the public regarding potentials and limitations in scientific crime prevention methods.

5. Defense of persons, in criminal or civil cases, who have been charged or sued because of their justifiable efforts to maintain law and order.

As with many citizens groups, much of the work is done on a voluntary basis. Inbau and other lawyers have prepared many of the legal papers in their spare time and with no compensation.

Now the group is soliciting funds to further its efforts. The W. Clement and Jessie V. Stone Foundation of Chicago has offered a $70,000 grant to A.E.L.E., contingent upon the group's raising another $130,000 itself from other sources this year and next.

New chapters have been organized in recent months in Colorado, Oregon, Oklahoma, Washington, D.C., and Ohio. The response to A.E.L.E. in Colorado has been so satisfactory that the group's first annual workshop and dinner will be held July 27 in Denver, Inbau reports.

Study groups are scheduled in law enforcement, criminal justice in the courts, violence on street and campus and speaking out for the police. Speaker at the dinner will be Sen. John McClellan [D., Ark.].

VIOLENCE ON THE CAMPUS: LEGAL REMEDIES

Over the years a great deal has been said and written about the legal rights of dissenters in our society. Trends of violence in acts of dissent now call for appropriate consideration of the legal rights of those who are victimized by dissenters who resort to illegal means to express their dissent. Particularly urgent today is the matter of the legal rights of the majority of students in our various colleges and universities—the students who are adversely affected in many ways by the violent tactics of the small minorities within the educational community.

Americans for Effective Law Enforcement, Inc. outlines in this position paper the possible legal remedies available to non-violent students, their parents, faculty, taxpayers, alumni, donors and to others who recognize the need to do something themselves in order to protect their respective lawful interests. A legal memorandum, with citations to court decisions, is available upon request to A.E.L.E.

The remedies A.E.L.E. suggests are based upon the assumption that the legal rights of non-violent students and other individuals are abridged when violence and disorder are perpetrated on college campuses. The suggested legal remedies deal primarily with 1) perpetrators of violence and disorder and 2) persons whose positions of authority require them to maintain order, but who fail to take proper and adequate action to maintain or restore order.

The classes of individuals and groups against whom legal action may be taken in order to protect the legal rights of non-violent students are as follows:

POTENTIAL DEFENDANTS

1. The private or public corporation that constitutes the legal entity of the college or university.

2. The board of directors or overseers of the college or university corporation.

3. The administration of the educational institution.

4. The faculty members who permit the violence or who participate in it.

5. The students who engage in violence.

6. The non-students who participate in violence on the campus.

7. Certain governmental bodies and officials: (a) The public body that supports the institution by taxes or that administers the affairs of the college, and (b) the public body or officials having the responsibility to enforce the criminal law in the geographical area in which the institution is located.

Following is a list of persons or groups who might have the right to institute legal proceedings to safeguard the interests of non-violent students:

POTENTIAL PLAINTIFFS

1. The non-violent students themselves who are adversely affected by violence on the part of others; and the parents of non-violent students.

2. The taxpayers whose taxes support the educational institution.

3. The contributors of funds to the institutions, whether private or public.

The forms of the available legal action by any of the above three parties against any of the first seven on the list are as follows:

I. LEGAL ACTION AGAINST THE EDUCATIONAL INSTITUTIONS

A. Private educational institutions

1. Almost all private educational institutions are corporations. If such a corporation fails to fulfill its corporate purposes, a suit might be instituted to revoke its corporate charter.

2. More directly, students and possibly parents of the students whose education has been adversely affected because of improper management of the institution might sue for breach of contract or for breach of a fiduciary obligation.

3. Donors of funds or heirs of donors of funds given to the institution might file suit for a return of the funds. The basis for the suit would be a failure to use the funds for the use designated at the time of the gift or because of a failure to manage the institution properly, this being an inherent condition of the gift. By the same line of reasoning, outstanding pledges of funds could be revoked. Also, wills naming the institution as a beneficiary are subject to revocation.

4. Where special discriminatory treatment is accorded select students, suit might be filed under various federal civil rights acts.

5. Any person who has suffered bodily injury or property damage because of campus disorders might sue for compensatory damages, and in some instances the parents of injured students may also have a claim based upon such injuries.

B. Public educational institutions

1. The possible courses of action available against public institutions include those set forth above, as well as a taxpayer's suit based upon a theory of a misuse or waste of public funds.

2. The failure to revoke state scholarships of disorderly students could also be a basis for a taxpayer's suit because such failure to act is a waste of public funds.

II. LEGAL ACTION AGAINST THE BOARD OF DIRECTORS

A. Private educational institutions

1. Individual members of a Board of Directors, or the overseers of a college corporation, are liable personally for mismanagement of the corporation's affairs. Assuming that a Board of Directors does not take proper steps to assure an orderly functioning institution, the individual Board members could be personally liable to injured persons for failure to provide adequate safeguards for personal security. Surely, by now, Directors must realize that today's disorder problems cannot be handled with yesterday's techniques. Possibly a mandatory injunction could be entered against a Board of Directors requiring them to take action to insure the personal safety of non-violent students and faculty.

2. The loss of federal funds due to disorders or to the violation of federal laws could be the basis for a suit to remove the Board or members thereof for mismanagement.

3. The failure to (1) curtail the salary of a professor who is not fulfilling his teaching obligation because of personal beliefs in support of dissident students, or who is encouraging riots, and (2) the failure to sue persons responsible for damages to the institution's property could also be the basis of derivative suits against a Board, the corporation, and the offending persons by individuals with the requisite legal standing.

B. Public educational institutions

In addition to the foregoing suggested remedies, officials of public institutions are public officers subject to applicable state statutes governing their conduct. If a sheriff, chief of police, county treasurer and other public officials can be charged with and tried for misfeasance, malfeasance or nonfeasance of duty, there is no reason why a member of the Board of Directors of a state institution cannot be so charged and tried.

A taxpayer's suit asking for removal of a Board member or the Board could be filed based upon the foregoing theories.

III. LEGAL ACTION AGAINST THE INTERNAL ADMINISTRATORS OF EDUCATIONAL INSTITUTIONS

The legal remedies available against the internal administrators of an educational institution are very similar to those available against a Board of Directors. They too could be sued individually for failure to provide a safe place to obtain an education, for failure to secure adequate working conditions for a willing faculty, for failure to protect college property, for waste of the institution's assets, and for mismanagement in general.

Both private and public administrators are subject to such legal actions.

IV. LEGAL ACTION AGAINST FACULTY MEMBERS

A faculty member who engages in or encourages illegal acts is in breach of his employment contract, and he can be fired or disciplined. Moreover, he would be criminally and civilly liable for his illegal conduct.

V. LEGAL ACTION AGAINST VIOLENT-ACTING STUDENTS

Disciplinary actions and expulsions may be imposed upon violent-acting students. Criminal sanctions as well as civil remedies are available against students performing such illegal acts as occupying buildings, bodily removing the institution's personnel from buildings, unlawful restraint, extortion, arson, bombing, assault, disorderly conduct, and criminal trespass. Students who resort to violence can be disciplined or expelled. Non-dissenting students can sue the violent students for tortious breach of contract—their contract with the college to provide an education—or for the curtailment of an advantageous relationship, in that they are deprived of their instruction and learning.

Suits for personal injury, battery, assault, false imprisonment and slander might also be maintained against the dissenters.

Suits for injunction might be filed against the dissenters on the theory that their illegal activities such as blockage of ingress and egress to buildings, noise which disturbs classes and residential areas, and trespass, constitute public nuisances.

The active interference with the rights of others could be actionable under the Federal Civil Rights Act.

Finally, federal and state scholarships, as well as those funded with private donations could be revoked.

VI. LEGAL ACTIONS AGAINST NON-STUDENTS

The criminal and civil remedies available against non-students who engage in illegal activities are basically the same as those available against students. In addition, federal criminal statutes prohibiting travel in interstate commerce to promote disorders might be the basis for criminal prosecutions.

VII. LEGAL ACTIONS AGAINST LAW ENFORCEMENT OFFICERS AND GOVERNMENTAL BODIES

Responsibility for campus freedom from lawlessness also rests upon the law enforcement officers and agencies in the community in which the educational institution is located.

A college or university campus is not a sanctuary for lawlessness! Regardless therefore, of whether the institution calls for law enforcement assistance or not, if a criminal offense is committed in the presence of a law enforcement officer or within his plain view, he is not only permitted to make an arrest and file a criminal charge, but he is also under a duty to do so.

Among the various powers that a prosecuting attorney may exercise in campus violence situations is the presentation of the matter to a grand jury for investigation and the return of indictments against the offenders, and particularly the instigators of the violence. The subpoena power of the grand jury is a very effective procedure for ferretting out the underlying facts.

Law enforcement officers, including prosecuting attorneys, who do not fulfill their lawful obligations with regard to campus disorders are subject to the same kind of civil and criminal liability that exists with respect to other derelictions of duty.

A governmental body, such as the city or county, may be liable civilly for injuries resulting from a failure to enforce the law.

CONCLUSION

Because of variances in the laws of the fifty states, some of A.E.L.E.'s suggested legal remedies might not be available in all states. For example, to the extent that the doctrine of sovereign immunity (a state cannot be sued without its consent) exists, suits against public colleges and public officials might not be permitted. Also, the doctrine of charitable immunity (a charitable organization cannot be sued) might prevent suit in some jurisdictions against private educational institutions. In each particular case where legal action is contemplated, a careful research must be made of the law of the jurisdiction before the filing of any lawsuit.

GOVERNMENT-CONTROLLED RADIO IN AMERICA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SCHMITZ. Mr. Speaker, when the Federal Communications Commission first announced its extraordinary, so-called "fairness doctrine" several years ago, experienced and knowledgeable American conservatives immediately predicted that this would be the means used to remove forthright expression of their point of view from the Nation's airwaves, by direct Government repression.

What they warned of has become reality with the Federal Communications Commission's decision of July 7, effective September 1, denying renewal of the broadcasting license of Radio Stations WXUR and WXUR-FM in Media, Pa., owned by Faith Theological Seminary.

The FCC has ruled that every radio station "must seek affirmatively to encourage and implement the presentation of contrasting viewpoints. Indeed, where discussion of controversial public issues involves personal attacks, licensees are required to furnish a copy of the pertinent continuity—or a summary, if the continuity is not available—to the person or group attacked, with a specific offer of the station's facilities for a response."

This must be done at the station's own expense, and totally without regard to even the most fundamental convictions and the dictates of personal conscience of the owners and operators of the station. As stated, the doctrine may sound fair. But in practice, it means that every time America is praised over the air, equal time must be given to condemn it; every time crime is condemned over the air, equal time must be given to praise it; every time Christ is mentioned over the air, equal time must be given to deny Him. And that is exactly how the Federal Communications Commission interpreted the "fairness doctrine" in the WXUR case.

They found this station to be in violation of the "fairness doctrine" first of all because—and this is a direct quote from appendix A of the text of the decision which I obtained from the Commission:

Broadcasters on WXUR took the consistent position that the Vietnam War is a war solely against Communist aggression; that the United States should do everything in its power to achieve a triumphant military victory; that the war and especially the bombing of North Vietnam should be escalated; and that individuals who suggest a policy other than total military victory are appeasers playing into the hands of the Communists.

The particular broadcasts in which these pro-American, anti-Communist viewpoints were given are carefully listed, and due note is taken of the fact that the anti-American, pro-Communist contrary viewpoint was not given equal time to reply.

When reading incredible nonsense like this, one has the urge to make up a sign for the honorable Commissioners in large black letters and hang it over their desks, reading: Gentlemen, we are at war—and to ask if they would have given Hitler equal time on American radio in World War II.

The first cited example of station WXUR's failure to adhere to the "personal attack" principle is given as follows:

Attacks were made upon Rutgers University Professor Eugene Genovese's loyalty to the United States. Professor Genovese was accused of being a communist in the following language: "Everybody knows that he is a self-confessed Marxist, and he tries to make a distinction between being a Marxist and being a communist, but of course the communists don't make that distinction in *Political Affairs* and the *Communist Worker* of New York."

How it can be termed a personal attack on a man to call him what he calls himself—namely, a Marxist—surpasses all understanding.

These excerpts will give the flavor of the rank absurdity of this decision. But it is worse than absurd, for these men have the power to shut down a radio station for broadcasting the views described, and they have just used that power for the first time so openly. It is most unlikely to be the last time they use it.

Vice President AGNEW clearly has spoken for a majority of the American people in condemning persistent left-wing bias in our news media. Its existence is a fact obvious to all, though those with a direct personal interest in the major media dare not admit it. Under these circumstances, the "fairness doctrine" can only work against those few stations and programs which seek to counterbalance this bias with a voice of reason, commonsense, and loyalty to the basic values of our country. Before the word "fair" loses all its rightful meaning, we ought to make a greater effort to be fair to America.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide or over 1,500 American prisoners of war and their families.

How long?

FREEDOM—OBLIGATION OR PRIVILEGE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GOODLING. Mr. Speaker, freedom is a term that is difficult to define accurately, for it has a multitude of dimensions.

A very fine editorial on the subject of freedom appeared in a recent issue of the Mechanicsburg News, a popular newspaper in my congressional district. This article was written by Col. John E. Bex, USAFR, editor of the Minuteman, Department of Pennsylvania, Reserve Officer Association. Colonel Bex had the distinction of being one of six Air Force Reserve colonels selected and called to active duty in August of last year as members of the class of 1970 Air War College.

I have been advised that the Air Force News Services thought so highly of Colonel Bex's article that they selected it for the July 4, 1970, editorial, and it was reproduced in base papers throughout the world. Because this piece presents a penetrating examination of the nature and meaning of freedom, I insert it into the RECORD and commend it to the attention of my colleagues:

FREEDOM—OBLIGATION OR PRIVILEGE

(By Col. John E. Bex)

Since everyone loves freedom, it is something of a mystery why, throughout the long span of human history, all peoples have not been free, instead of so few. It must be at least in part because they have sometimes valued other things more. Burke said, "Depend upon it, that the lovers of freedom will be free." All too often in the demanding choice between freedom versus comfort, ease and seductive temptations, it is the latter that won out. It is part of the deepest essence of freedom that it can never really be presented as a gift to anyone. It must be won and earned—and continually rewon. Each generation must wage its own struggle for freedom against all the current enemies of freedom, large and small, new and old, open and disguised. This struggle is neither easy nor simple, but there is no other way.

James Madison warned us: "Since the general civilization of mankind, I believe that there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments than by violent and sudden usurpation." The enemies of freedom do not wear labels describing them as such, but generally profess to love freedom more than anyone else.

Freedom which amounts to anything means obligations, duties, eternal vigilance—and a wide-awake, critical examination of all the gaudy alternatives. It means responsibility and self-control, and this alone is enough to make some men abandon it with shameful eagerness. We will keep our freedom only as long as we are deeply convinced in our heart of hearts that it is more precious than any of the things for which we may be asked to surrender it, perhaps piece by piece.

The glory and outstanding contribution of America to whatever there is of civilization on this planet, Earth, certainly lies as much in its ideals of freedom as in its uniquely high standard of living. But the combination of the two is far from being a mere historical coincidence. Economic freedom has proved itself to be one of the most creative forms in existence.

In one respect, freedom is a privilege as well as an obligation. In America, we are still in a relatively good position to make the everlasting fight to maintain our freedom against all encroachments. Elsewhere, many people are born into a world where the conditions of struggle for freedom are more difficult, sometimes almost unimaginably so. Thus, we still enjoy an unusual privilege and good fortune, a privilege such that perhaps only those who have lost it can appreciate its true value.

One thing is certain—that only those who understand and accept the obligations of freedom will long enjoy its privileges. No one understood the obligation and privileges of freedom better than Benjamin Franklin, who said, "They that can give up essential liberty to obtain temporary safety, deserve neither liberty nor safety." Old Ben said this in 1773. Today, his words are more significant than ever before.

EXIT COMMISSIONER LEARY—A "GOOD COP"

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MURPHY of New York. Mr. Speaker, New Yorkers were saddened and disappointed this week by the resignation of a distinguished law-enforcement officer, Police Commissioner Howard Leary. The resignation is shrouded in mystery, and Commissioner Leary's leaving has raised profound questions about the cause of law, order, and justice in New York City.

It appears that Commissioner Leary resigned because he had become frustrated by city hall interference in the daily operation of the police department. During his tenure he was prevented from firmly handling protesters, and was bypassed in investigating wild-eyed charges of police corruption. At practically every turn he was second-guessed by city hall amateurs, and police morale and confidence suffered. Despite striking evidence to the contrary, city hall poohpoohed a police report of a plot to assassinate police officers—even after the bombing of police headquarters and the ambush of several patrolmen.

The commissioner finally realized that politics, rather than public safety, ruled city hall's approach to police matters, and he resigned. He could not operate without the full support of the mayor and his staff.

There are serious implications in the New York story for the forces of law and civil order throughout the country. Police are professionals whose job it is to insure the safety of all citizens. They must protect our right to live free of fear, and they must apply the law with an even but firm hand. When the police are repeatedly frustrated in meeting their responsibility, the society-at-large suffers. Indeed, it is endangered.

New York is in the grips of a severe wave of crime and violence—a wave that includes the violent extermination of police officers. Only the unswerving support of the police by the city government can hope to reverse the tide and restore security to the streets.

Sadly, for New York, this support has not been forthcoming, and a dedicated and extraordinarily competent professional policeman has resigned.

The following editorial and story by Edward Kirkman and Paul Meskill of the New York Daily News gives an excellent summary of the events leading to the resignation. I commend it to my colleagues as a negative lesson—a lesson in how to hamstring a police department until only uncertainty, confusion, and resignation result while the public right to safety continues unfulfilled:

EXIT COMMISSIONER LEARY

Police Commissioner Howard Leary has resigned under circumstances that are, to say the least, somewhat mysterious.

The top cop copped out in a phone call Friday to Mayor John V. Lindsay. He apparently intends no public explanation of his action.

It is fair to speculate, however, that Leary had had a belly full of ham-handed interference by Lindsay and his cohorts in the operations of the Police Department.

Through the four-plus years of his regime, Leary has suffered through innumerable instances in which bright young lads from City Hall—more interested in preserving Lindsay's image as a shining liberal knight than in law enforcement—have shackled police attempting to deal professionally with public disorders.

More recently, Lindsay handled allegations of police corruption in a manner that constituted a slap in the face for Leary and an insult to the entire department.

Leary's departure cannot help but further sap the morale of New York's Finest at a time when a cabal of troublemakers is doing its evil best to drive a wedge between the cop on the beat and the citizens he protects.

Mayor Lindsay still can retrieve the situation by choosing as Leary's successor a real pro, and then giving him a free hand to combat crime of whatever variety wherever it may occur.

The next move is up to His Honor and, for the sake of all New Yorkers, it had better be a good one.

BID TO MUFFLE COP PLOT LED LEARY TO QUIT

(By Edward Kirkman and Paul Meskil)

The "last straw" that brought about Police Commissioner Howard Leary's resignation was a City Hall attempt to play down reports of a plot to murder policemen, sources close to Leary said yesterday.

The murder plot was charged by a high police official last week after the unprovoked shootings of two Queens patrolmen and a Bronx patrolman. Lindsay made a hasty visit to Police Headquarters the morning after the story appeared and conferred with Leary and other top police brass, including borough patrol and detective commanders.

According to headquarters sources, Lindsay sought to put a damper on the conspiracy reports. Leary was said to have resented this, the sources said. Leary, who had visited wounded policemen in hospitals, had known about the asserted plot for several months, it was said.

"He felt the mayor was playing politics with a very dangerous situation," one source added.

POSSIBLE PLOT DISCUSSED

The day before Lindsay called at headquarters, Leary and his chief aides discussed the alleged plot with FBI agents and a detective commander from Philadelphia, where seven cops had been shot in three days.

The Lindsay visit came on the heels of an-

other City Hall move that Leary bitterly resented—the mayor's order to turn all investigations of city employees, including police, over to City Investigation Commissioner Robert Ruskin. This terminated the Police Department's traditional policy of probing charges of corruption within its own ranks.

STUNG BY ACCUSATION

Stung by Ruskin's accusation that the Police Department was lagging behind other city agencies in complying with Lindsay's original edict, issued last May and repeated two weeks ago, Leary confided to friends that City Hall was trying to make him look bad.

In an interview that was not to be released while he remained in office, Leary flatly charged that Ruskin was leaking information on alleged police corruption to the press in order to "cover up major scandals in other departments."

Although Leary was brought here from Philadelphia by Lindsay to run the world's biggest municipal police force, friction between the two men began a few weeks after Leary took office in 1966 and increased through the years.

"No commissioner can work for a man who's running for the presidency," Leary told a reporter outside City Hall a few months ago. The reporter asked if he was preparing to resign.

"Hell, no," Leary replied.

The reporter said there were rumors that Lindsey would dismiss Leary if he didn't resign soon.

"You go in there and ask him if he'll fire me," Leary said, pointing to City Hall. "He can't have my neck, because I've got his—right here."

REFUSED DEMAND BY MAYOR

The smouldering feud flared in May when Lindsay denounced "a breakdown of the police as the barrier between the public and wanton violence," following an attack by construction workers on antiwar demonstrators in Wall Street and at City Hall.

Lindsay demanded a Police Department investigation "to fix responsibility at the command level for the failure of police" to hold back the hard hats. He also demanded "prompt disciplinary action" against all cops "who failed to perform their duty." But Leary refused to act against policemen who were at the demonstration.

Leary was still in seclusion as the chore of picking his successor got under way at City Hall yesterday.

RESPONSE TO COUGHLIN POLL ON KEY ISSUES IS HEAVY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. COUGHLIN. Mr. Speaker, the results are now available for a poll I conducted of citizens of Pennsylvania's 13th Congressional District on many of the important issues that confront us as a Nation. I inaugurated the districtwide poll last year and I am as pleased with this year's response as I was with the 1969 returns.

Since my poll was not a limited one, I think the results are significant and feel it is appropriate to insert them in the CONGRESSIONAL RECORD.

To try to reach as many of my district's citizens as possible, I had questionnaires printed—not at Government expense—and mailed to some 190,000 households and boxholders.

In answering the questionnaires, many constituents took the time to jot notes on them while others wrote letters to detail their views. The heavy and articulate responses indicated their depth of concern and their desire that Congress act responsibly and responsively in meeting problems both domestic and foreign.

I thought it revealing that there is widespread distress over the problems of crime and drug abuse. This was evidenced on questions on ranking domestic spending priorities and on specific new weapons to fight crime.

In ranking domestic spending priorities, those responding cited crime-drug abuse as first, a move up from last year's poll. This was followed, in this order, by poverty-hunger, environment, education, cost of living-elderly and housing-urban problems.

On questions of new weapons to combat crime, nine out of ten who responded favored pretrial detention of dangerous repeat offenders and mandatory jail sentences for repeat major or violent offenders. Sixty-three percent approved of court orders for "no-knock" entry if danger of injury to officer or destruction of evidence. Because of the emotional nature of these specifics, I used language embodied in the bills in phrasing the questions.

On the vital issue of Vietnam, 53 percent favored the present policy of Vietnamization and U.S. troop withdrawal. Many of these commented that they wanted troop withdrawal accelerated or opposed our move into Cambodia.

The questionnaire results showed strong sentiment for reduced Government expenditures-balanced budget in the fight against inflation, for cutting agriculture subsidies and space expenditures, and for direct negotiation between Israel and the Arab states.

The majority also favored reforming penalties for use of marihuana, favored postal reform that would permit union representation, favored trying the President's new "workfare" program for welfare reform, and favored mandatory retirement for all Federal Government employees including judges, U.S. Senators and Congressmen.

Somewhat less than half want the United States to continue testing and development of MIRV and other weapons systems. Almost three out of 10 said our course of action should be based on Soviet moves.

A total of 28,934 individual responses were recorded before the June 30, 1970, deadline. These were tabulated carefully under statistical procedures to guarantee that errors were kept to a minimum.

The results are:

1. Please rank the following 1, 2, 3, 4, 5 and 6 in terms of domestic spending priorities:

Cost of living—elderly	5
Housing-urban problems	6
Education	4
Environment	3
Crime-drug abuse	1
Poverty-hunger	2
Other (specify)	7

2. In Vietnam, do you favor? (one only)

	Percent
Present policy of Vietnamization and U.S. troop withdrawal	53
Immediate pullout regardless of consequences	24
Increased military pressure on North Vietnam	17
None of above (specify)	6

3. What should our involvement be in Southeast Asia? (one only)

	Percent
None whatsoever	42
At present levels or as treaty obligations require	36
Any commitment to deter Communist expansion	22

4. Which of the following are necessary to fight inflation? (more than one, if any) (Totals more than 100 percent, because more than one answer possible)

	Percent
Voluntary guideline wage-price restraints	28
Government imposed wage-price controls	34
Reduced government expenditures—balanced budget	65
Tight money—credit	14
Other (specify)	9

5. In which of the following should we spend less money? (more than one, if any) (Totals more than 100 percent, because more than one answer possible)

	Percent
Antipoverty programs	21
Agriculture subsidies	65
Defense programs	39
Space exploration	50
Foreign aid primarily for humane purposes	23

6. What course of action should the United States pursue in the Middle East? (one only)

	Percent
Big Power-imposed solution	4
Noninvolvement	24
Work for direct negotiation between Israel and Arab States	72

7. What course should the United States follow with regard to MIRV and other new weapons systems?

	Percent
Continue testing and development	46
Cease all work at once	16
Base course of action on Soviet moves	29
None of above (specify)	9

8. In fighting crime, should we permit?

(a) Pre-trial detention of dangerous repeat offenders

	Percent
Yes	90
No	6
Undecided	4

(b) Court order for "no-knock" entry if danger of injury to officer or destruction of evidence

	Percent
Yes	63
No	27
Undecided	10

(c) Mandatory jail sentences for repeat major or violent offenders

	Percent
Yes	92
No	5
Undecided	3

9. (a) Are you satisfied with our welfare system?

	Percent
Yes	4
No	90
Undecided	6

(b) If "no," do you favor trying the President's new "workfare" program?

	Percent
Yes	68
No	19
Undecided	19

10. Do you favor post office reform providing for a government corporation or authority and permitting union representation?

	Percent
Yes	66
No	19
Undecided	15

11. Do you feel that penalties for use of marijuana should be reformed?

Yes	64
No	27
Undecided	9

12. Do you favor a mandatory retirement age for all Federal Government employees including judges, U.S. Senators and Congressmen?

	Percent
Yes	64
No	28
Undecided	8

PARTY REFERENCE

	Percent
Republican	64
Democrat	17
Non-partisan	18
Other (specify)	1

AGES OF THOSE RESPONDING

	Percent
18 to 21	2
21 to 35	30
35 to 50	36
50 to 65	23
65 and over	9

HOW TO GET FROM THERE TO HERE IN 71 YEARS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the CONGRESSIONAL RECORD the text of a four-act play from Outdoors Unlimited, the official publication of the Outdoor Writers Association of America, Inc., volume 31, No. 6, dated August 1970. This play, a four-act farce, sets out in considerable detail the failure of the Corps of Engineers for some 70 years, and now our law-and-order Attorney General Mitchell's failure, to enforce the 1899 law which clearly requires all U.S. attorneys to "vigorously prosecute" any person or firm found to be in violation of the act.

The move to clean up the pollution in this Nation will not begin until Mr. Mitchell is willing to enforce the laws fairly, fully, and equally against all pollution violators, regardless of their name, status, position, power, economic size, et cetera.

The text of the play follows:

HOW TO GET FROM THERE TO HERE IN 71 YEARS: OR, THE TALE OF OUR TIMES, A FOUR-ACT PLAY

"How to Get from There to Here in 71 Years' is a summary of events, pieced together from contents of press releases, correspondence and policy statements received at OWAA headquarters between July 10 (when the Bass Society's action was filed), and Aug. 1. Obviously, there's a moral here, perhaps several—we'll leave it (or them) up to the reader's own reactions.—Don G. C., Editor.

ACT I, SCENE 1. TIME: 1899

Setting: Congress

Following legislative adoption, the Federal Refuse Act of 1899 becomes the law of the land. The Act prohibits the dumping of "refuse" into the nation's navigable waters except under permit of the U.S. Army Corps of Engineers.

"Refuse" is interpreted under the Act to include "all foreign substances and pollutants" other than liquid municipal sewage from streets and sewers in a liquid form. The Act provides for fines of from $500 to $2,500 for each incident or day of violation.

The Act also specifically requires U.S. Attorneys to "vigorously prosecute" any person or firm, etc., found to be in violation of the Act.

ACT I. SCENE 2. 1899–1970

Setting: Nowhere

The Refuse act remains the law of the land, but a strange and inexplicable fog of non-enforcement obliterates it from use or public knowledge.

ACT II, SCENE 1, 1899–1966

Setting: In a Cesspool, at Night

With increasing industrialization, and an expanding population, pollution steadily increases—in the rivers, in the lakes, in soils and in the air. Voices of warning and protest are scattered, weak, unheard or ignored. An official of the National Waterworks Manager's Association, in public hearing, characterizes the rivers as "the natural carriers of the nation's wastes".

ACT II, SCENE 2. TIME: 1967–1969

Setting: Same Cesspool, Dawn

Suddenly there is general public realization that pollution is for real and for earnest; that it endangers health, life and the very productiveness of the earth's environment. Lake Erie's death from pollution is reported; tests find many waters highly contaminated and unfit for use.

Protest voices swell until their thunder shakes the seats of government; national, state and local. Studies are made, new legislation introduced, new boards and commissions and administrations set up to cope with strangling and multitentacled monster of pollution.

In 1968, Representative Richard L. Ottinger of New York files suit against the U.S. Army Corps of Engineers to require the agency to enforce an 1888 anti-pollution law against the Penn Central railroad. As a result, the Penn Central is indicted, pleads guilty and is fined $4,000 for four counts of pollution the Hudson River with oil.

ACT III, SCENE 1, MAY 3, 1970

Setting: Springboard

Representative Henry S. Reuss, Chairman of the House Conservation and Natural Resources Subcommittee, writes a letter to U.S. Attorney General John Mitchell, expressing the subcommittee's concern about an apparent "executive branch policy to limit enforcement" of the 1899 Refuse Act.

ACT III, SCENE 2, JULY 10, 1970

Setting: Shotgun Range

Fishing is barred on four Alabama streams due to pollution, and the Bass Anglers Sportsman Society of America, Inc., files action under the Federal Refuse Act of 1899. Affidavits are filed in three federal districts charging 214 manufacturers, municipalities and businesses with violating the 1899 Act.

The Society's press release contains the following statement: "According to Col. Harry A. Griffith, of the Corps of Engineers office at Mobile, no permits have been issued to persons, firms or corporations in the state of Alabama to permit dumping of 'refuse' into navigable streams."

It emphasized that "under the . . . 1899 Act, individuals who find industrial refuse being discharged into a navigable waterway without a Corps permit may inform the appropriate U.S. attorney, whose duty it is to 'vigorously prosecute' all offenders".

ACT III, SCENE 3, JULY 11, 1970

Setting: Merry-go-round

Chairman Reuss of the House subcommittee releases the text of the reply from the Attorney General's office in response to his inquiry on enforcement of the 1899 Federal Refuse Act. The reply reads, in part:

"* * * it would not be in the genuine interest of the Government to bring an action under the Refuse Act to secure a criminal sanction against a company which admittedly is discharging refuse into the navigable waters of the United States, but which, pursuant to a program being conducted by the Federal Water Quality Administration, is spending significant amounts of money to secure the abatement of that pollution."

In releasing the letter, Reuss states: "The law doesn't exempt polluters who spend money to clean up their mess. These polluters should have been doing so long ago and not have waited until the pressure of public concern for our environment forces them to abate their pollution . . . The Justice Department should obey the law. Further, if the polluter intends to continue such discharges, the law requires that he obtain a Corps permit to avoid further prosecution."

ACT III, SCENE 4. TIME: JULY 15, 1970

Setting: Sledgehammer Shop

Representative Ottinger issues statement sharply critical of Attorney General Mitchell's stand on not enforcing 1899 law (which he reports was patterned after the 1888 law applied in his successful 1968 action against Penn Central). In his statement Ottinger referred to this as applying "a double standard of law enforcement . . . On the one hand Mr. Mitchell calls for maximum enforcement of laws against individuals. On the other, he says he will not enforce the law against corporate polluters. It is this kind of uneven enforcement that breeds disrespect for the law."

ACT IV, SCENE 1. TIME: JULY 30, 1970

Setting: Fence-walking Scene

The office of the Army Chief of Engineers issues the following statement under the heading: "Corps of Engineers Announces New Permit Requirements" . . .

"The Corps of Engineers today announced new permit requirements under the Refuse Act (33 USC 407) concerning all discharges into navigable waters. Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

"Applicants for new permits are now required to identify the character of the effluent and to furnish pertinent data such as chemical content, water temperature differentials, toxins, sewage, quantity of solids involved and the amount and frequency of discharge . . .

"While permits will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers will initially concentrate on major sources of industrial pollution not covered by existing permits . . ."

The Curtain quivers violently, uncertain as to whether to fall; and, if so, on whom or what.

REMARKS OF ALBERTIS S. HARRISON

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ABBITT. Mr. Speaker, the problem of crime in America is now one of the greatest issues facing our people. All over our land law-abiding citizens are greatly concerned and puzzled over the alarming increase in crime and the general lack of respect for law and order.

There has always been a criminal element in our society and there always will be. Our people recognize this but what concerns them most is the fact that most of the rampant disorder in America does not spring from the basic criminal element. In recent years there has arisen in our country a tendency toward glorification of dissent. Those who do not agree with things as they are have been given from some quarters encouragement to take to the streets and to vocally express their opposition. Others have sought through unruly public demonstrations to give a militant air to their dissent—all of which has created an increasing problem for police.

I have spoken out many times on this problem and earnestly feel that something should be done to tone down the volatile air of dissent and militancy which I am afraid will wreck this Nation if it is allowed to continue unchecked.

This is a problem which is attracting much concern by all levels of law enforcement. Those who are charged with enforcing our laws and protecting the general public are growing increasingly concerned over the difficulty they face in discharging their responsibilities.

It is becoming obvious that far too much of the time of law enforcement authorities and our national leadership is being spent in trying to see that the rights of the offenders against society are preserved with considerably less time devoted to protecting the interests of the vast majority of our citizens who are law abiding. Somewhere this improper ratio has got to be stopped or else the whole problem of maintaining law and order is going to become much worse.

On August 8, 1970, at the annual banquet of the Commonwealth's Attorneys Association of Virginia Beach, Va., Associate Justice Albertis S. Harrison, Jr., of the supreme court of appeals of Virginia delivered a splendid address dealing with this overall problem. Judge Harrison, a former Governor of Virginia, is a devoted student of the law and, as a former Commonwealth's attorney, has had firsthand knowledge of some of the problems which are now being encountered by law enforcement officers. His remarks are so timely and so meaningful that I would like to commend them to the reading of the Members of the House.

Judge Harrison is an outstanding jurist in addition to having served as Commonwealth's attorney of Brunswick County, Va.; he served for many years in the Virginia State Senate and later as Virginia's attorney general before becoming Governor in 1962. His administration as Governor was marked by a great deal of progress in the Old Dominion and his general approach to problems in our State was one that left a lasting impression upon our citizens.

Judge Harrison knows his subject well and he has delivered some very cogent reminders of the basic foundations of our society and lays stress upon the dangers which we have encountered by departing therefrom.

I commend him for his outstanding address and feel that it will be of benefit to all those who read it.

The address follows:

EXTRACTS FROM REMARKS BY MR. JUSTICE ALBERTIS S. HARRISON, JR., TO THE COMMONWEALTH'S ATTORNEYS ASSOCIATION, VIRGINIA BEACH, VA., AUGUST 8, 1970

Your President was good enough to ask me to speak and he did not assign a subject. His only admonition was to keep it short and preferably light. By light I assume he meant funny.

I doubt if I can inject the desirable humor. Over such a long period of years I have made so many speeches. All of the good stories that I know have been told, stolen and retold, and I don't want to tax you again with the dull ones.

I have no intention tonight of discussing Miranda, Escobedo, Aguilar, Spinelli or Wiles. And I shall not attempt to tell you how to prepare a proper affidavit for a search warrant, for the simple reason that I don't know.

It would be most unusual if any man, addressing the members of an organization whose prime responsibility was law enforcement, did not comment on the shocking increase in the growth of crime in the United States. This growth has now exceeded 148% in ten years, and grows at the rate of about 157% a year. If this trend is not arrested it will soon be beyond the control of courts and law enforcement agencies.

I have no hesitancy in saying that our gravest domestic problem is the rapid spread of crime. Both the victims and the practitioners are people of all ages, income brackets and backgrounds.

A few minutes ago I mentioned several cases that may be a contributing factor. Unquestionably the decisions of courts, both federal and state, have made the job of the prosecutor infinitely harder. But courts alone are not altogether to blame.

I would say that the greatest single contributing factor to the increase of crime is the general disregard of law. People no longer have a high respect for constituted authority or the law.

In my varied career, I have held many positions, elective and appointive. I would say that to be the Governor of Virginia is the highest honor that can come to a Virginian, and to serve on the Supreme Court of Appeals of Virginia is certainly a position to be coveted by any Virginia attorney.

I served as Attorney General of Virginia and that position is one of great responsibility and is a desirable post for a lawyer. Membership in the State Senate carries a nice title, entree to everything official that occurs in Virginia, and affords one an opportunity to serve his state and community.

However, of all the positions that I have held I can honestly say that at the time I served as Commonwealth's Attorney this position was then looked upon by the people of my county as one of high honor and tremendous responsibility. The Commonwealth's Attorney in rural sections was referred to as "The Commonwealth". He was regarded as a man of stature and his position and title were respected. He represented law and order. He stood between the lawbreaker and the law-abiding citizen.

To be called a hard prosecutor was a compliment. It meant that the Commonwealth's Attorney was diligent and persistent in his efforts to protect society from the criminal. You did not lose votes by being a hard prosecutor. You lost support and respect when you began to lose cases whether through lack of preparation, ability or poor judgment.

When I was Commonwealth's Attorney of Brunswick County the Sheriff was a man named Charles Turnbull. His reputation was that he never carried a gun and never had to use a gun or force to make an arrest. The reason was that people respected the law and the man who represented the law. Children then stood in awe of a policeman, the uniform he wore and the badge that he carried. They were taught this by their parents.

At that time the surest way for a criminal to get himself convicted and to receive a stiff sentence was to resist arrest. The juries understood that no one would serve as a policeman or a sheriff if he had to fight every man that he arrested, and be constantly subjected to abuse and vilification.

Today the reverse is true. Even on college campuses and elsewhere, policemen are called "pigs", referred to in the vilest manner possible and subjected to obscenities and abuse.

In many cities policemen have to travel in pairs for protection. Any arrest is followed by a charge of police brutality. It is a pattern.

All of this has caused an erosion of the law. Some as a consequence of civil disobedience, and this has occurred on both sides of the civil rights issue. It has spread to matters other than the civil rights program. It has spread to the campuses of our colleges and universities where we have witnessed riots, arson, occupancy of buildings, destruction of property, forceful detention of college presidents and administrative officials and other lawless acts.

We have witnessed teachers striking in disobedience of court orders and injunctions. We have seen postal workers—under a legal obligation not to strike—boldly and contemptuously disobeying the law. We have seen ministers, college professors and public school teachers constituting themselves a part of a mob, carrying placards and otherwise creating disorder, turmoil and strife. Normally these would be the people that would instruct the youth of this country on the necessity of the rule of law if our constitutional government is not to be destroyed.

Those that run the colleges and schools of this country should well know that if every group that has grievance is going to start violating court decrees and laws, then there will be a complete breakdown of law and order. When this occurs anarchy, or a totalitarian state, are the alternatives. As precious as is our republican form of government, the Constitution and the Bill of Rights which assure it, no people will long tolerate a condition in which their lives and property are in constant jeopardy. Rather than submit and live in constant fear, the people will turn to any alternative that would hopefully restore order and protect lives. When this happens, we lose those guarantees of liberty—freedom of speech, of the press, of assembly—and other freedoms which now afford protection to the small minority that are creating this discord and chaos in our nation.

The law profession has a duty and a responsibility, and also the competence, to point out the seriousness of the consequences of the erosion of respect for law. No one can deny that much of the crime of this coun-

try can be attributed to social conditions. illiteracy, unemployment, poor housing, and in some cases discrimination. No one can quarrel with the efforts that are being made, and the billions that are being spent, to alleviate these conditions.

But no one should believe for a minute that these conditions, that are by no means peculiar to this country, can be cured overnight.

And no one should believe that these conditions will ever be alleviated except in a lawful and orderly manner, and by a society that is free from fear and violence, and is productive.

I would that I were capable of giving you a blueprint of remedies and cures for lawlessness. I can only suggest some.

A tremendous effort should be made to relieve the congestion of our courts, to bring about speedy trials. And this means a speedy disposition at the appellate level also. This year I wrote an opinion in a case which involved a man arrested January, 1968, tried and convicted six months later, July, 1968. We finally affirmed in April, 1970. It is outrageous that 2½ years should elapse between arrest and final conviction. I question the value of such a trial to society or to the offender. Any deterring effect that the conviction may have had on others was lost, because by the time we got around to affirmation the public had forgotten about the incident, and had probably lost interest in the disposition of the case.

Somewhere along the line we are going to have to cut down the time between arrest, prosecution and appellate disposition. If we do not have enough prosecutors, or their offices are understaffed, they should get help. The field of criminal law is expanding rapidly and your job is becoming not only more important but tougher. It is no longer a job for a young man who simply wants to get a few years of court experience. We need able prosecutors, men who are willing to make a career out of it. And we need better training for prosecutors. The Attorney who represents the Commonwealth of Virginia in any case, criminal or civil, should be the equal of his opposition. And he should be compensated accordingly.

Furthermore, and of equal importance, the public must realize that the job of the prosecutor is a prestigious job and he should be accorded that status. The Commonwealth's Attorney of a county or city in Virginia should have the same stature as the Queen's Counsel of a criminal court in England. He represents a sovereign state and as such he should earn, demand and receive the respect and status that is his due.

I would like to see the Commonwealth's Attorneys of this state become a bit more vocal and articulate. I am not certain that you do as good a public relations job as you should. I would urge that you speak up and expose the flaws and failures in our criminal-justice system. You are the ones who are on the firing line, and you are the ones who are in the best position to know what is wrong and what is right, what should be preserved and what should be changed. What I am suggesting that you do may not make you popular, but it is more important that you be respected and effective than popular.

But before the trend of lawlessness and disrespect of law and order can be ended, we must have greater citizen awareness and involvement. The modern day citizen, though professing shock and concern over the growth of crime, too often turns his back and walks away from situations for fear of becoming involved.

Courts, prosecutors and law enforcement officers cannot do the job alone. There must be responsible action by the citizenry. They must render aid to law enforcement officers. And they must support them. In this matter they will need leadership—leadership that should be provided by the Bench, the Bar, Bar Associations and like organizations. Parents must recapture some of the authority that they have surrendered to schools. Many parents have abdicated to public and private schools the discipline of their children and their training to become citizens.

The very young need home instruction in the importance of respecting law. True, our young children today are more sophisticated and smarter. They have greater opportunities and more exposure. But some are raised in broken homes, some in homes where for economic reasons both parents work and are absent for the greater part of the day, and some are raised with a complete lack of discipline and no regard for constituted authority. They hold no awe of a policeman—not even a Commonwealth's Attorney.

If that respect for law and authority is not instilled in the home and in the churches and in the schools, it will be reflected in the action of that child when he goes on to college and in after life.

We agree that the penal institutions should make every reasonable effort to rehabilitate those prisoners who are confined in our institutions, and to the end that they be released better educated, better qualified, and, hopefully, better disciplined. However, as law enforcement officers, you know that every criminal is not susceptible of rehabilitation, and despite all the modern facilities, psychologists, psychiatrists, social workers and educational opportunities afforded, there will unfortunately remain a large percentage of prisoners who cannot be rehabilitated. For this group there is no alternative to stiff sentences and confinement. The threat they pose can only be met by their removal from society and confinement in penal institutions.

Recent decisions of our courts have been too prone to protect the rights of these individuals at the expense of law-abiding citizens. We can hope that the pendulum will swing back. We strive for even-handed justice to be administered to all, and to the end that the people of this country can walk the streets of our cities, travel the roads of our countryside and enjoy the privacy of their homes, undisturbed and unmolested.

Lastly, and by no means an afterthought, no court should tolerate tactics of trial disruption. In recent months we have witnessed those tactics by lawyers, those being tried, witnesses and spectators. They have used contemptuous and obscene language and other techniques deliberately designed to break the judge and frustrate the judicial process. We have seen lawyers who gave the appearance of being active participants in this deliberate disruption. And some prosecutors have also been guilty of courtroom misconduct. A few times judges have overreacted. A courtroom should be a temple of justice. A trial should be conducted to the end that truth be sought and found. Anything that occurs which interferes with this purpose and object should not be tolerated. Trial disruption, to a greater extent than anything else, will bring courts, lawyers and the judicial process in ill-repute with the public. When a people lose confidence in their courts and the administration of justice, they have lost confidence in their government and in their country.

These things about which I have been talking will not be easy to accomplish. This transition back to respect for law will not occur overnight, but occur it must if we are to survive in an orderly society, and due process is to continue to mean what it was intended to mean in our foundation documents.

You and I, because of the positions we occupy, have a greater responsibility to do something about it. We also have a better opportunity to make a contribution and we should possess the qualifications to provide the leadership.

INTERNATIONAL AIR PIRACY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISH. Mr. Speaker, over the past weekend a new dimension in international terror has hit the airlines of the world, with the organized aerial piracy of air carriers owned by Israel, Switzerland, and two from the United States. Then today a British flight joined the group of captured planes.

Over the weekend we saw a Boeing 747 destroyed on the Cairo airport, with hundreds of Americans narrowly escaping with their lives. Even as I speak, more Americans are being held hostage in Jordan, their very lives being threatened by Arab commandos.

Thus, aerial hijacking and holding hundreds of innocent victims as hostages for political reasons, has developed. These are not sporadic hijackings of airliners to Cuba by misguided individuals, but a unified and organized effort at international terror. The ends are political. The means are blackmail and terror.

Aerial hijacking is not new. It started, with a few disaffected individuals taking aircraft to Cuba—that haven of rebellion just 90 miles off our Florida coast. These hijackings, because of the safe return of plane and passengers, have become a topic of television comedians. Firm action was not taken.

In recent months we have also witnessed rebels in South America taking hostages as a base to demand the release of political prisoners. Only the totally unaware would not have feared that the combination of the two ideas, aerial hijacking and the taking of political hostages, would not have been combined. Over the weekend they were.

Over the months while our FAA have carefully counted over 240 hijackings while taking little or no affirmative action. Rather our attitude appears to have been—if we placate the bandit, the criminal, the hijacker, we are protecting the lives of our citizens. This weekend has proved the fallacy of this thinking.

For events have proved that only the passengers of the Israeli El Al flight were being properly protected by their government, which has armed guards on their planes. These armed guards have foiled the hijack attempts.

On a recent El Al flight to Israel I noted one of these guards aboard the plane on which I traveled. He was a quiet young man, who never slept and stayed close to the door to the pilot's cabin. He was not visibly armed. But he did not sleep, and never moved far from the entrance to the cockpit.

Mr. Speaker, I hope we now realize two things. First that it is a fallacy ever to believe that the best protection is a supine acceptance of any demand of a criminal. Second, that our attitude over the years toward aerial hijacking has encouraged the Palestine guerrillas in achieving the success against American lives and American property they enjoyed this weekend.

I believe, too, we can learn something from the experience of Israel. Armed guards work. The Israeli Government did more to protect their planes and their passengers than we have done.

Therefore, Mr. Speaker, I believe it is time the United States places armed guards on every one of our international flights. This is but one important security precaution to be undertaken in aircraft and airports.

As a second step, I believe it is time this Nation takes steps to prevent American carriers from landing in any country which harbors Arab terrorists, aerial hijackers, or treats aerial hijacking as a minor offense.

I recommend these steps, for if the United States does not take these or similar steps, it is clear the danger to American life and American property will grow. This wave of organized air piracy, with its avowed end of political blackmail will grow. Negotiations with bands of armed bandits will become the rule rather than the exception.

As the extension of the Palestine guerrilla movement into the international airways is an act of international aggression. Therefore, I am also urging the administration to take this matter to the United Nations Security Council for their immediate action. International condemnation of these most recent attacks, I feel, is essential by the community of civilized nations.

For too long have we treated the crime of aerial piracy as a joke. Late as it is, now is the time to act and act firmly.

FINANCIAL STATEMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. JACOBS. Mr. Speaker, I insert a statement of my financial assets and liabilities:

Equity in conditional sales contract of real estate, 208 E. 29th St., Indianapolis	$2,665.39
Store building, 227–235 E. Ohio St., Indianapolis (market value by tax assessment)	40,440.00
GI endowment insurance (cash value)	5,132.60
U.S. Government retirement fund (amount paid in with interest)	24,000.00
1966 Oldsmobile, F–85 (82,000 miles)	625.00
Coin collection	550.00
Checking account at U.S. House of Representatives Sergeant at Arms (September 1970, balance)	666.90
Savings account (Indiana National Bank)	760.57
Household and office furnishings	1,500.00
Entitlement to Korean war 10-percent disability compensation, waived while in public office	(1)
1 Great Dane dog (C–5)	(2)
Indebtedness	(3)

[1] Exact future value unknown.
[2] Priceless.
[3] None.

NEIGHBORHOOD SCHOOL CONCEPT IS UNDER ATTACK IN TEXAS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, if Federal functionaries have their way about it, the neighborhood school concept as it has been known and practiced since the Republic was established, is on its way out. It is under Federal attack today.

I am speaking of those schools where there is no semblance of segregation or racial discrimination.

The tragedy is that the schoolchildren of all races are the ones who suffer. Their education becomes of secondary consideration, as Health, Education, and Welfare bureaucrats bulldoze their way into local schools with court-backed demands that more racial balance be achieved. This brazen policy ignores the effect on education, the inconvenience, the cost, and the disruption that is caused.

It happened in Texas recently when HEW lowered the boom on 26 school districts, claiming the racial mixtures did not conform with the whims of the Washington braintrusters. San Antonio, San Angelo, and Odessa schools came under attack, along with others, though no segregation or racial discrimination was involved. Not long ago the Justice Department joined in a lawsuit to force the closing of an elementary school in Sonora, Tex. because only Mexican Americans lived in the community served by the school and were, therefore, the only students in attendance. The affected students suffer the consequences.

A Federal lawsuit forced the Carver elementary school in San Angelo to close its doors, very much against the desires of Negro families who reside in that particular community. The net result is a massive disruption in the schools. I defend the right of those parents to send their children to their local school. The victim: the students, the parents, and the taxpayers.

Moreover, where busing is required in order to comply with an HEW mandate and a court order, it may often happen that the local district is not financially able to purchase or rent buses, hire drivers, and assume other expenses. And public busing may or may not be readily available.

A typical problem occurred incident to the closing of the San Angelo Carver school. It was described to me in a letter from Hon. Curt Steib, attorney for the local school board, three paragraphs of which follow:

Commencing with August 25, 1970, we ran into massive opposition from the parents of the school children involved, particularly the black patrons of the school system residing within the former Carver Elementary School attendance zone. Of course these parents were not voicing anything new; we had made the same arguments to the Justice Department and to the HEW. By action to the Federal Government we were forced to close a perfectly good neighborhood school which had been within walking distance of the students, forcing them to attend schools as far as one and one-half miles away. The most dangerous hazard was the Bryant Boulevard, a multilaned through-way. Further aggravating the situation with the fact that the Concho River had to be crossed and as you know there are not crossings of the river at every block.

Actually public transportation for these school children could probably have been arranged. I personally checked with the City Manager's Office, and it would have been possible to reroute a city bus which now picks up the junior high school students to deliver these elementary school students to the Stephen F. Austin School. The problem encountered there was one of finances. The City of San Angelo charges school children a reduced bus fare, but nevertheless it is 20 cents per student one way. This means that in order to get one child to school the parent would be out 40 cents per day in transportation. Moreover, where these students previously could run home for lunch, the geographical distance involved in the new school assignments made this impossible. Thus, the parents were required to add an additional 35 cents per student to purchase their lunch at the school cafeteria. The economic position of the parents involved is such that 75 cents per child per day for transportation and meals constitutes a distinct hardship.

For a time it appeared as through we were headed toward a school boycott. Fortunately this was avoided. The citizens of San Angelo provided a temporary car pool to get the children to school. School officials appeared before the city commission and made arrangements for city buses to carry the children to school. Until funds could be provided these were financed by private donations.

WHERE DOES HEW GET SUCH AUTHORITY?

Mr. Speaker, people are asking: Where does this appointive agency of the Government get such dictatorial authority? Well, in the first place the Secretary of Health, Education, and Welfare, who makes guidelines and policies on the subject, is appointed by the President. The compulsory busing of students in order to obtain a better racial mixture was the brainchild of the preceding administration. The present administration is pursuing the same course.

It will be recalled that the 1964 Civil Rights Act did what many of us then opposed and then warned was unwise—it delegated to HEW the unprecedented authority to withhold money provided by Congress for aid to education, if HEW should decide a school is not desegregating in a manner that suits the notions of that agency.

But in the same law the Congress provided:

Desegregation: shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The Congress has reiterated this policy several times, but HEW persists. The Supreme Court in 1954 held invalid all school segregation laws. But that decision did not touch on the subject of integration and the matter of racial mixtures in the schools. In fact, last June the Supreme Court postponed any decision on the use of busing to integrate classrooms. The court may act on that issue in October, according to the press.

In the meantime, last July the Congress approved a provision in the annual HEW appropriation bill, as follows:

SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

HEW MAKES ITS OWN LAWS

Mr. Speaker, the public is understandably confused. There is no consistency in the application of HEW's plans for forcing racial mixtures in the schools. Indeed only the South is being victimized; no lawsuits are being filed elsewhere to force compulsory busing. No school in the areas picked by HEW for the crackdown can know what to expect, and what specific mixing formula may be imposed.

It will be recalled that President Nixon, as a candidate in October of 1968 during the presidential campaign was quoted as saying:

No child, black or white, should be deprived of an education . . . I oppose any action by the Office of Education that goes beyond a mandate of Congress. A case in point is the busing of students to achieve racial balance in the schools. The law clearly states that "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This makes sense, but to be meaningful the President's position on the subject must be implemented by his appointees in HEW. Up to this time that has not been done.

LOCAL SELF-GOVERNMENT IS UNDER ATTACK

Mr. Speaker, the importance of this issue, and its adverse effect on the education of schoolchildren cannot be overemphasized. All school systems should, of course, be improved, as conditions permit. But the destruction of the neighborhood school concept, as is now being attempted, is to move in the wrong direction. Why should children, of all races, be bused away from their own local schools, transported for long distances, for the sole purpose of mixing races? The President has said he opposes it; the public opposes it, and yet it is systematically and ruthlessly being imposed. Children go to school for the purpose of learning, and busing does not teach.

I have said the public is against this busing policy. The most recent Gallup poll shows that nine out of 10 parents oppose compulsory busing, and want to retain their own neighborhood schools. In an opinion poll which I conducted in my own district recently 93.5 percent of the registered voters who reported said they wanted no part of compulsory busing.

Has it come to pass that the powers that be in the Central Government no longer trust the people to govern themselves, make their own decisions concerning the operation of their own local schools—which are supported by local tax money? Are people becoming mere puppets in a gigantic Federal power structure? It seems that way, but we must continue the fight.

DEMOCRATS IN DISARRAY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GOLDWATER. Mr. Speaker, in the September 7 issue of "Monday," a weekly put out by the Republican National Committee, Chairman ROGERS C. B. MORTON has some very interesting comments about the majority party. It makes one wonder about the credibility of the Democratic Party as a viable organization and I feel that this article should be inserted in the RECORD. It reads as follows:

DEMOCRATS IN DISARRAY

AFL-CIO President George Meany's charges last week that the Democrat Party has "disintegrated" and is being taken over by "extremists" of the Left is but the most recent in a series of pronouncements by prominent Democrats which illustrate what deep trouble the Democrat Party is in.

For example:—Last year in an article in Look magazine, former JFK aide, Theodore Sorensen, labeled the Democrat Party "soft and stale," "a tired second-rate defender of the status quo" and warned against putting up an ideological wall "so high that only the inflexible purists of the so-called New Left would be eligible for entry."

Iowa Sen. Harold Hughes, a key figure in the Democrat Party reform movement, has been quoted as saying: "The people of America as well as the Democrat Party need to know that the Democrat Party is in damn bad shape."

In a speech to the Democrat National Committee last year, South Carolina Gov. Robert McNair noted that there was "grave apprehension" at the direction the Democrat Party was taking and warned: "I do not think our people are ready for a political party of extremism."

Most recently, Minnesota Senator Walter Mondale confessed his Party is "in a mess" and maybe "we need to lose some elections until we see new directions."

What does all this mean? It means that some Democrats are beginning to sense their Party's irrelevance and are in the process of trying to put Humpty Dumpty back together again. But the people will not be fooled. Rank and file Democrats have not left their Party, their Party has left them. And all the law and order speeches by Hubert Humphrey and anti-radical talk by Senator George McGovern aren't going to do any good.

The average Democrat has had it with his Party's permissiveness toward everything from big government spending to crime in the streets. He is fed up with those in his Party who have temporized with campus violence and naked Communist aggression in Southeast Asia. He is sick of those who have nothing but bad things to say about America.

Fortunately for the disaffected Democrat there is an alternative: the Republican Party. Our Party is the Party of hope. The Party that has not given up on America; the Party that still has a deep and abiding faith in this great nation and her institutions. To all those Democrats who simply cannot stomach their Party anymore we extend a hand and say come on over to our side.

KNIGHTS OF LITHUANIA AWARD

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MONAGAN. Mr. Speaker, I should like to bring to the attention of the House the August 23 presentation of the Knights of Lithuania award medal to our distinguished colleague, the gentleman from Illinois (Mr. PUCINSKI). This presentation was made at the closing banquet of the 57th national convention of the Knights in Chicago.

As the 1966 recipient of this award, I am pleased to congratulate Mr. PUCINSKI and to welcome him to the group of previous Knights of Lithuania award winners, who are also Members of Congress, DANIEL J. FLOOD, RAY J. MADDEN, and PETER W. RODINO, JR.

I should like also to congratulate the Knights of Lithuania for their great public service. The plight of the Lithuanian people must not be forgotten. The Knights of Lithuania will not allow it to be forgotten.

In 1966 when I received this award, I stated that it would be a tragedy if the noble literary, artistic, and cultural traditions of the Lithuanian people were to be destroyed. I commend the Lithuanian people for their spirit, for their ability to preserve their love of their past and their people in the face of overwhelming Soviet propaganda efforts. That spirit still exists today. Organizations like the Knights of Lithuania have kept it alive, and they must be commended for this.

For this reason I include here the excellent remarks made by my friend, the Reverend John C. Jutt of Worcester, Mass., a dynamic protector of human freedom, in introducing the recipient of the Knights of Lithuania award medal, Congressman ROMAN PUCINSKI.

The text of these remarks follows:

CONGRESSMAN ROMAN C. PUCINSKI—THIRTEENTH RECIPIENT OF THE KNIGHTS OF LITHUANIA AWARD MEDAL

In the last few years, Soviet Russian propaganda has succeeded in making the Western World think that its attitude toward religion has changed and that its prime efforts are dedicated to the task of procuring world peace. It is indeed unfortunate that some of our leaders, even in Congress, have been hoodwinked by this propaganda and have been lulled into a false sense of security as regards the intentions of the Soviet Union.

As a result, countries like Lithuania continue to be subjected by the Soviet to atrocities and to injustices which cry to heaven for vengeance. This is evident from a memorandum letter signed in 1969 by 40 priests of the Archdiocese of Vilnius in Lithuania and sent at the risk of grave punishment to the

Soviet authorities. This letter clearly demonstrated the contradictions of the Soviets who affirm constantly that religious freedom is guaranteed by the Soviet Constitution and yet do everything in their power to hinder religious practice and punish priests for the faithful fulfillment of their priestly duties.

While it is discouraging for us to see leaders in our own Government fall for Soviet propaganda, yet it is indeed heartening to know that certain others refuse to be taken in and continue relentlessly to fight against Soviet communism because they recognize it for what it really is: a diabolical system strongly bent on achieving its goal of world domination by the proletariat through a minutely detailed program of effective action, be it violent or non-violent. One of these latter men is our honored guest for this evening, the Honorable Roman C. Pucinski.

Our honorable guest was born on May 13, 1919 on the northwest side of Chicago. Educated in the public schools of Chicago, he attended Northwestern University and studied law at the John Marshall Law School in Chicago. For 20 years before being elected to Congress, he was a staff reporter and writer for the Chicago Sun-Times.

When World War II broke out, he enlisted into the service as a private but soon was flying daring bombing missions, 48 in all, over Japan. This brave service earned for him the Distinguished Flying Cross and Air Medal with Clusters.

First elected to the 86th Congress, he, representing the very district in which he was born and brought up, has since been a highly respected Member of the House of Representatives. As a Congressman, he has served on a number of important House Committees and continues to do so with honor and distinction.

During World War II when the Communists committed a mass murder of over 15000 Allied army officers, Congress appointed a Select Committee to investigate it. Our honored guest was appointed Chief Investigator. He learned of the crimes committed by the Soviets and as a result, he wrote the first indictment against the Soviet Union for these crimes.

His attendance at Lithuanian affairs and functions, be it Lithuanian Independence Day on February 16 or the Tragic Days of June or Captive Nations Week the third week in July, in and around the Chicago area, and the addresses delivered at each one convinced those present that he was well aware of and deeply concerned about the atrocities being committed by the Soviets upon the Lithuanian nation. He did not hesitate to condemn in vehement terms the Soviets for the perpetration of crimes which have enslaved the Lithuanian people to a tyranny which deprive them of their human dignity. This inhumane treatment of the peaceful and liberty-loving Lithuanians convinced him that his stand in foreign affairs, mainly that the Soviets cannot be trusted under any circumstances, is a solid stand and moved him to plead with the Western World in defense of Lithuania's God-given right to freedom and independence. Concrete steps must be taken by the free peoples of the world to free Lithuania from Soviet domination and occupation. This has been and continues to be his stand in behalf of suffering Lithuania.

House Concurrent Resolution 416, passed three years ago by Congress, is of tremendous importance to Lithuania because execution of its terms would bring about the defence of her right to freedom by the President of the United States before the United Nations and the holding of free elections under the direction of the United Nations. The people of Lithuania would decide for themselves the type of government under which they would wish to be ruled. Congressman Pucinski voted for its passage and is one of those who insists that the terms of it be fulfilled. His strong support gives us hope for its eventual fulfillment.

No matter how small or inconspicuous a nation may be in the world of nations, every nation enriches the culture of the world with its own specific culture. The study of that culture permits a better understanding of the problems, hopes and goals of that country. On March 4, 1970, our honored guest testified before a Congressional Committee of the necessity of safeguarding the culture of all ethnic groups here in America. Fully realizing that the culture of Lithuania and other countries behind the Iron Curtain has added to the cultural betterment of America, he introduced a bill (H. Con. Res. 14190) which calls for the establishment of Centers for Ethnic Studies and Culture in all elementary schools, high schools and colleges. This wholehearted interest and understanding of the ethnic problems in this country merit for him our sincerest gratitude and deepest appreciation.

Because of his firm conviction that the leaders of Soviet Communism cannot be trusted, because of his fearlessness in condemning Soviet Russia as a persecutor and enslaver of freedom-loving nations, because of his constant defence of Lithuania's right to freedom, a concern which is most gratifying to all Lithuanian people, because he fears not to take advantage of his high position to give aid to Lithuanians in their efforts to restore Lithuania's independence, because on frequent occasions he has demonstrated himself to be a FAITHFUL FRIEND of LITHUANIA in her struggle for freedom, it is indeed now a high honor and a distinct privilege for me to present at this time, with the approval and in behalf of the officers and members of the Knights of Lithuania Youth organization, the KNIGHTS OF LITHUANIA AWARD MEDAL, to that sincere and resolute defender of Lithuania's God-given right to be and live as a free nation among the free and independent nations of the world, the highly esteemed and illustrious Congressman from the 11th Congressional District of Illinois, the Honorable Roman C. Pucinski.

NUMISMATIC VIEWS FROM THE HILL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mrs. SULLIVAN. Mr. Speaker, during the recess of the House of Representatives, it was the pleasant assignment of the city of St. Louis to serve as host city for the 79th anniversary convention of the American Numismatic Association, a fine organization with a proud tradition of service to the millions of Americans who enjoy the hobby of coin collecting. It was my privilege, as chairman of the subcommittee which has jurisdiction over coinage legislation in the House Committee on Banking and Currency, to address the convention delegates at their opening business session on Wednesday, August 19.

The subject of my talk was "Numismatic Views From the Hill"—an effort to explain the general policy of our subcommittee on legislation dealing with coinage matters or national medals, and some of the reasons for the seeming impasse on Senate Joint Resolution 158, the Coinage Act amendments bill, in which numismatists are so deeply interested because of its provision for a new $1 coin which would bear the likeness of the late President Dwight D. Eisenhower.

In view of the steady stream of telephone calls and inquiries to my subcommittee from the offices of Members of the House interested in the status of this legislation, I know that all of the Members have been receiving numerous letters rrom constituents about the bill and would, therefore, be interested in the information about its progress which I gave to the members of the American Numismatic Association. Since the text of this talk has appeared in some of the numismatic publications and may therefore, lead to further correspondence to the Members of the House on Senate Joint Resolution 158, I believe it would be useful to the Members to have my remarks at the convention available to them in the CONGRESSIONAL RECORD. Under unanimous consent, I submit it for inclusion in the RECORD, as follows:

NUMISMATIC VIEWS FROM THE HILL

(Opening address by Congresswoman Leonor K. Sullivan, Democrat, of St. Louis, Mo., chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency, at 79th anniversary convention of American Numismatic Association, Chase-Park Plaza Hotel, St. Louis, Mo., Wednesday, August 19, 1970, at 10:30 a.m.)

It is indeed a pleasure for me, as the chairman of the subcommittee in the United States House of Representatives which has jurisdiction over coinage legislation, to have this opportunity to meet for the first time with the men and women who form the most prestigious organization of coin hobbyists in the world. I have been serving on the House Committee on Banking and Currency since 1955—from the start of my second Term in the Congress—and thus have participated directly in the writing of coinage and currency legislation for nearly 16 years. However, it was not until the formation of the Subcommittee on Consumer Affairs in 1963, that I was given primary responsibility in the House Committee for such legislation.

Many coin collectors have been puzzled as to why legislation affecting the operations of the Mints should be under the jurisdiction of a Subcommittee on Consumer Affairs. Perhaps it makes semantic sense from the standpoint that without coins, consumers would be at a great disadvantage in doing their purchasing of "consumerables". But that isn't the reason. The reason is even more remote than that. Prior to 1963, the Committee on Banking and Currency had no specialized subcommittees except on housing legislation—which is one of our most important committee responsibilities, and also one of the most technical.

While the late Congressman Brent Spence of Kentucky was chairman of the parent committee, he tried, insofar as possible, to have all hearings on legislation conducted by the full committee so that all of us as Members of the Committee would have an equal opportunity to acquire full information on every one of the far-reaching bills our committee was responsible for shaping for House action.

WHY COINAGE AND MEDALS BILLS GO TO THE CONSUMER SUBCOMMITTEE

This includes such a great variety of issues of a highly complex nature—the housing legislation I referred to earlier, bills dealing with the status of national economic preparedness for defense purposes, all banking legislation, all of the international financial institutions such as the World Bank and related agencies, also export controls, the Export-Import bank, the regulation of credit,

and so on—that as the scope of our legislative responsibilities expanded, and the technical nature of the bills grew in proportion, it became more and more difficult for all of the Members of the Committee to devote the vast amount of time necessary in order to understand all of the details in sufficient depth to be able to explain clearly to the rest of the House the facts and disputes and alternatives on every major piece of legislation. And this was our system when Congressman Wright Patman of Texas became chairman in 1963.

He immediately set up interest-area subcommittees which would have continuous jurisdiction over clearly defined types of bills, so that each subcommittee would become expert in a field of specialization. One deals exclusively with international trade; another with international finance; another with domestic finance; one with small business legislation; one with housing; one with bank insurance and my subcommittee, which has jurisdiction over consumer bills referred to our Committee, chiefly in the area of consumer credit.

A question then arose about jurisdiction over the Mint. The problem was solved by Mr. Patman on a rather informal basis by asking me if I would accept this responsibility as an additional part of our subcommittee jurisdiction, and my saying—yes. So if any of you have wondered why coinage legislation, and other bills dealing with the Mint, come to a subcommittee on *consumer* affairs, that's the simple explanation—a casual decision at the time all of the divergent areas of responsibility of the Banking Committee were being compressed into seven narrowly defined and specialized subcommittees. The jurisdiction could just as easily have gone to any of the other six subcommittees as an extra chore.

POLICY ON COMMEMORATIVE COIN BILLS

Once having been given the responsibility for coinage matters, we have tried to exercise that responsibility—responsibly. I hope members of this organization will agree that we have succeeded in that respect, although I am sure that many—if not most—of you have not been pleased with at least one of our basic policies. That policy, adopted early in our existence as a subcommittee, was to put aside—pigeonhole—all bills proposing the minting of commemorative coins. We have adhered to it ever since.

In 1963, when we first adopted the no-commemorative-coins policy, we were heading into a crisis of monumental proportions in the circulation of coins for commerce. The mints just could not keep up with the demand for coins. A new Mint in Philadelphia had been authorized by the Committee on Public Works but years would elapse before that facility could be in operation. The existing mints went on a three-shift, around-the-clock schedule, and still the coinage demand could not be met.

The Kennedy half-dollar appearing in 1964 was often thought to be a commemorative—which it was never intended to be—and all half-dollars disappeared from circulation. In 1965, we went to the clad coins, but still no half-dollars showed up in circulation. I am sure most of you know that history. During most of this period, however, commemorative coins were just out of the question.

From a standpoint of coin production, there is no question *now* that the mints *could* handle the striking of some commemorative coins, if such coins were to be authorized by Congress. So for the first time, really, since becoming subcommittee chairman in 1963, I feel that it would be appropriate for us to consider once again the question of future commemorative coins. I do not have a closed mind on this subject, even though my actions as a legislator and as a subcommittee chairman up to now may have given that impression.

COMMEMORATIVE COIN ISSUE SHOULD BE REVIEWED AGAIN

During the hearings of our Committee on the coinage bill, I asked if the Treasury has come to the conclusion that the time has arrived to consider the minting of new commemoratives. At that time, the answer was still no. Nevertheless, I will be happy to schedule hearings on this issue once the present crushing legislative burdens on the Banking Committee have eased up—perhaps early in the next Congress. I know how widespread is the interest among members of this association in seeing imaginative new coinage issues. With the approaching bicentennial of our independence in 1976, the former Director of the Mint, that dynamic lady from Nevada, Miss Eva Adams—who was instrumental in persuading me to speak at your convention today—urged upon us some time ago, prior to leaving office, that the bicentennial celebration of our founding be observed numismatically by the issuance of appropriate new coins. I believe her successor, Mrs. Mary Brooks, would also like to see this done.

But that is far different from the kind of commemorative coins which plagued the Congress in the '30's. Then commemorative half-dollars were authorized for almost any state or locality or organization which requested one in celebration of what they considered an important anniversary. It was under this policy of such generosity that the commemoratives turned into what a predecessor of mine in the Congress from St. Louis, the late Congressman John Cochran, in one of the most scorching committee reports I ever read, flatly described as a racket.

NEW GUIDELINES BEING DEVELOPED ON NATIONAL MEDAL BILLS

When we adopted as our subcommittee policy in 1963 a firm opposition to privately-sponsored commemorative coins, we adopted, at the same time, an open and very generous policy on the approval of bills proposing national commemorative medals. The American Numismatic Association, I am happy to say, was among the organizations which received our approval for sponsorship of a national medal, under Public Law 401 of the 89th Congress, commemorating the 75th anniversary of your formation, and I am sure it is a medal which each of you who owns one treasures for its significance to you and to your fine organization. But now our policy on commemorative medals is under critical review because of the fears of commercial manufacturers of medals of unfair competition by the Federal Government.

Hence, we are in the process now of trying to set up guidelines to Members of Congress on the types of commemorative medals bills we are likely to approve in the future and those we will pass over. With the great expansion of activity by private firms manufacturing such medals, we do not want to have the Treasury, in effect, competing with private business in an area which private business can adequately service.

What precipitated this critical review of our policy on bills for national commemorative medals was the approval several years ago of a Senate bill authorizing a national medal marking the 200th anniversary of Dartmouth College, followed by the introduction last year of a bill for a similar medal honoring the 100th anniversary of Ohio Northern University. We delayed action for many months on the Ohio Northern medal because it was the first bill in the commemorative medals field which ran into any opposition whatsoever—usually these bills are passed by Congress by unanimous consent, under procedures which permit a single Member of the House to block action. Eventually, the Ohio Northern University bill did pass, and become law, but it may be the last Public Law for a medal for a college or university—unless there is shown to us such direct and intimate national significance in a particular college's centennial or other anniversary that the legislation would comply with our projected guidelines. Apparently there are a great many colleges at or near the century mark.

A national commemorative medal should be restricted to some event or anniversary of *truly* national significance and importance. This new policy—once spelled out in sufficient detail and clarity—would rule out, probably medals similar to some of those we have previously approved. I am not sure that the bill I successfully introduced for the bicentennial of St. Louis in 1964 would qualify now. But in making up our guidelines, I certainly would want, and will welcome, any suggestions emanating from this Association. How do you feel about national commemorative medals?

THE EISENHOWER DOLLAR

In the meantime, uppermost in the minds of many of you, I am sure, is the prospect for passage of pending legislation providing for the minting of a new $1 coin honoring the late President Dwight D. Eisenhower. My mail is full of inquiries on this matter, and I know Chairman Patman of the parent Committee is also inundated with mail on this subject. As you probably know, Mr. Patman is deeply opposed to the use of silver in the new coin—and so am I. If we could resolve the controversy over the use of silver in the new coin, the Coinage Act Amendments bill would sail through to passage in a legislative instant. Both Houses of Congress have agreed there should be a $1 coin; both Houses have authorized the minting of such a coin of cupro-nickel content—as a circulating coin. The *House* overwhelmingly rejected the use of silver in *any* of our coins hereafter, except in a limited number of proof sets, in the votes we held on this issue last October; the Senate, in October and again last March insisted that a specified number of $1 coins be made of 40% silver—it specified 300 million such silver coins when it voted on this matter last October, but dropped down to 150 million when it again considered the matter in March. In the interim period, the Senate conceded that just turning out 40% silver $1 coins for general circulation would be an exercise in futility as far as achieving their circulation was concerned—they just wouldn't circulate. So in March, it proposed that the 150 million be sold by the Treasury as premium-priced commemoratives, with 20 million of them to be hand-made proof coins to be sold at $10 each, and the rest to be sold as uncirculated coins at $3 or $5 each.

COULD WE USE THE SILVER NOW BEING SOLD TO SPECULATORS?

Many of you feel that the controversy between the two Houses over the use of some silver in this coin is rather picayune—after all, aren't we selling silver out of the Treasury right now at so-called "bargain" prices to anyone who wants to buy it, hoard it, speculate in it, sell it abroad, and so on?

Why not, we are asked, take some of that same silver and put it instead in a coin to be sold by the Treasury at a premium and thus use the moneymaking powers of the Treasury to make some money for the taxpayer? If that were the mechanism used, if might not have been such a bad idea. But that is *not* what the Senate proposal entails. We would not, under the Senate bill, be using in coins the silver now being sold to the public each week by GSA.

The weekly sales of silver to the speculators and hoarders and exporters would not be restricted *in any way* by the the Senate coinage bill. On the contrary, the so-called compromise between silver producers and silver users on the use of silver in the $1 coin which led to the language in the Senate bill envisions *extending* the sale of 1½ million ounces of silver each week to the silver traders for an *additional three weeks* beyond the

present scheduled deadline of October 15—thus increasing by 4½ million ounces the amount of Treasury silver scheduled to go into hiding by these silver traders, pending an anticipated future price increase in the precious metal. That's the sweetener in this compromise to the silver *users*. It was the prospect of being able to acquire this additional 4½ million ounces of government-owned silver which prompted the silver users to withdraw their opposition to the further use of silver in coinage.

SILVER FOR DOLLAR COIN WOULD COME LARGELY FROM DEFENSE STOCKPILE

Well, then, where would the silver come from to make 150 million silver dollars under the Senate bill? Most of it would come from an interesting source—from the *defense stockpile* of silver created by the House Banking Committee in 1967 as part of the legislation terminating the required redemption of silver certificates with silver bullion.

I am not at all convinced that we should deplete our stockpile—a stockpile created against future defense requirements—for the purpose of minting silver coins which will never be used as circulating coins. The only defense which the Administration has given us for agreeing now to a reduction of 25½ million ounces in the 165 million ounce stockpile we created in 1967 is that secondary recovery of silver from used photographic chemicals has been more successful than anticipated. But we have held no hearings on the possible consequences of reducing the defense stockpile of silver by 15½ percent, and the only information on record on this has been a vague letter to us in response to a question I raised at our hearings on the bill to extend the Defense Production Act.

OPEN BIDDING ON TREASURY SILVER A MISTAKE

As for the Treasury's policy since May, 1969, of permitting the sale of its remaining silver to all comers with no questions asked as to the ultimate use by buyers of this precious national resource at these weekly auctions, I think it has been a grievous blunder, as was the companion decision by the Treasury the same day to permit those who caused, or contributed to, the coin shortages of 1964–65, to cash in on the subsequent rise in silver prices by melting their hoarded coins.

These were not coin *collectors* who profited by melting coins; they were coin hoarders, and silver speculators. Everything about the misuse of our coinage policies in order to broaden the base of speculation in silver has been distasteful to me. I have felt for a long time that, if silver is no longer available in sufficient volume to use it generally in coinage, and if its industrial and national defense uses are so vital, then we should carefully husband our limited supplies of government silver as a national resource for the benefit of all of the pepole of this country, rather than continue to dump it on the market for gambling purposes.

This, I believe, is the main use to which government silver has been put during the past 14 months in a highly volatile speculative commodity market.

40,000 CONTRACT OPEN INTEREST IN SILVER FUTURES

I noticed the other day that there are nearly three-quarters of a billion dollars worth of silver futures contracts outstanding in New York—an open interest of 40,000 contracts of 10,000 ounces each. This would involve an amount of silver equal to more than 10 years production of our silver mines in this country. Obviously, most of this open interest is not hedging by silver producers and by silver users on their future prices; this is clearly a speculator's market based on guesses as to what will or might happen to silver prices this fall once the government stops dumping 1½ million ounces a week into the supply.

Therefore, much as numismatists might want shiny new $1 coins for their collections, I can tell you that your interest in this legislation is miniscule compared to the interest in the same legislation of the buyers and sellers of silver futures contracts.

HOUSE AMENDMENT WOULD PERMIT SILVER IN PROOF SETS

An amendment of mine to the Coinage bill would have given the Treasury the full power to use some silver—or any metal or combination of metals—different from the circulating coins—in the production of multiple coin *proof sets*, provided, however, that access to these sets is assured to every coin collector who wants to buy a set. This amendment was subsequently deleted in the Senate, in favor of the silver industry's proposal requiring the use of stockpile to produce many millions of silver coins.

To the extent that any of you as coin collectors are anxious to help the silver mines achieve a higher price for their product, my position on this matter, and that of Mr. Patman, too, would not be a very satisfactory one. But if our national needs for silver for electronics components, submarine batteries, photographic film, missiles, and similar requirements are to be met only by having the government eventually buy back at a much higher price the same silver it is now pouring out to speculators here and overseas, and particularly after our stockpile had been depleted by 15½ percent, as the Senate proposes, in order to give you some shiny silver coins, and give coin dealers some new specimens to use as stock in trade—then I think the coin collector as a citizen and taxpayer would be badly served indeed.

NO PARTISAN POLITICS IN EISENHOWER COIN ISSUE

On the other hand, as long as Members of Congress continues to receive letters from constituents pleading with them to authorize a silver "Ike" coin—and implying that there is some Democratic politics against having Republican President Eisenhower honored on a coin—the silver producers and the plants manufacturing silver cladding for coins may well win this fight, as they have already in the Senate.

The latest legislative move on this in the Senate Banking Committee has been to hook on the silver coinage proposal as a rider on the One Bank Holding Company bill, which is a measure close to the heart of Congressman Patman, hoping in that way to get him to agree in conference to the use of silver in coinage in return for other things he wants in the bank regulation bill. There is also a resolution pending before the House Rules Committee to bring S.J. Res. 158 before the House and agree to the Senate Amendments. So anything could happen on this legislation when we return to Washington after Labor Day.

The latest legislative move on this in the Senate Banking Committee on the silver coinage proposal as a rider has been to hook on the One Bank Holding Company bill which is a measure close to the heart of Congressman Patman, hoping in that way to get him to agree in conference to the use of silver in coinage in return for other things he wants in the bank regulation bill. There is also a resolution pending before the House Rules Committee to bring S.J. Res. 158 before the House and agree to the Senate Amendments. So anything could happen on this legislation when we return to Washington after Labor Day.

But I want to lay at rest any fears that there is a Democratic strategy against having President Eisenhower's likeness on the proposed $1 coin. It was at my instigation in Committee that we nailed down in the House bill the requirement that the proposed $1 coin feature President Eisenhower in the design. There was absolutely no politics in that. Republicans and Democrats alike in the Congress admired and respected the late General of the Armies, and President. We all know that he could have been a Democratic nominee for President years ago, if he had been agreeable to that. The actual amendment to place Ike's likeness on the $1 coin was offered in Committee by Congresswoman Florence Dwyer of New Jersey, ranking Republican on my subcommittee, after I obtained from the spokesman for the Treasury an acknowledgement in our hearings that although the Secretary had the power to decide the design of the new coin himself, he felt Congress should designate the person to be honored, and he said he felt that it should be Mr. Eisenhower. We all did. That is the background. So there will be an "Ike" dollar regardless of its mineral content.

LEGITIMATE NUMISMATIC INTEREST

I am anxious to help the legitimate coin hobbyist to find new avenues, through our national coinage, to enjoy a fine hobby, and I have no objection to the sharp-eyed collector spotting a valuable coin and profiting from it, if he'd rather have the cash than the coin, or wants the cash to buy other coins he might prefer. But I don't think our coinage policies should be determined on the basis primarily of providing unique merchandise for enterprising dealers, or windfalls to futures spectulators in silver. Am I wrong?

The views of individual members of this association, and of the association itself, are valuable to me to have, and I invite your comments. I do like to know, however, whether the individual writing to me is in the *business* of coins or a person who is essentially a hobbyist who may occasionally make a lucky strike, but whose main interest in coins is pleasure rather than profit. The profit motive is a thoroughly respectable one—a valid one. But no hobby endures for the pleasure of its practitioners if its policies are determined only by those whose interest is chiefly pecuniary.

Since this organization has endured for 79 years, and has grown greatly in stature as well as in membership, I am sure your deliberations and recommendations are based on what you feel is good for the *hobby* of coin collecting, rather than on the short-run gain of those who serve it as a business. In that spirit, I look forward to receiving your counsel on all legislative matters relating to numismatics, and I hope that we can cooperate effectively in enacting legislation to make the hobby ever more enjoyable and educational for all who share in its pleasures. Thank you.

CAMPUS BILL OF RIGHTS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FINDLEY. Mr. Speaker, Lindenwood Colleges for men and women in St. Charles, Mo., last year began a promising experiment in academic freedom, individual rights, and safety of persons on campus. It was based on a statement worked out jointly by the students, faculty, administration, trustees, and directors of the colleges, a statement which provided a framework for campus relations aimed at free exchange of ideas, re-

spect for the dignity and safety of the individual.

With universities and colleges across the country opening for the fall term under a cloud of uncertainty and anxiety, the success of the Lindenwood experiment commends the statement for the consideration of other campuses.

Worked out under the leadership of President John Anthony Brown, the statement amounts to a bill of rights of American higher education. Dr. Brown was formerly assistant to the president of Temple University and later academic vice president and dean of the faculties of George Washington University, Washington, D.C. In addition to heading Lindenwood Colleges, he is president of the Independent Colleges and Universities of Missouri.

Here is the text of the Lindenwood statement:

JOINT STATEMENT OF POLICY ON ACADEMIC FREEDOM, INDIVIDUAL RIGHTS, AND THE SAFETY OF PERSONS AND PROPERTY AT THE LINDENWOOD COLLEGES

I. PREAMBLE

We the students, faculty, administration, trustees, and directors of The Lindenwood Colleges, declare that this is our institution and set forth this statement of governance of our colleges as it relates to academic freedom, individual rights and the safety of persons and property.

Academic freedom may be delineated as the freedom to teach and the freedom to learn. To make certain that these freedoms do indeed exist, that the transmission of knowledge and pursuit of truth take place in an environment where critical judgment and intellectual independence may be exercised without fear, Lindenwood College [1] and Lindenwood College II [1] have undertaken to provide, to the best of their ability, appropriate opportunities and conditions in the classroom, on the campus, and in their relations to the larger community. In support of these objectives, the following policies are established as guides and regulations for the exercise of the rights of citizenship by members of the Lindenwood Colleges Community.

II. FREEDOM OF EXPRESSION AND INQUIRY

All members of The Lindenwood Colleges are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means which do not disrupt the regular and essential operation of the colleges. At the same time, it must be made clear to the academic and larger community that in their public expressions or demonstrations, all members of the academic community speak only for themselves; such expressions do not necessarily imply approval or endorsement by The Lindenwood Colleges.

III. PROTECTION OF FREEDOM OF EXPRESSION

A. *General Statement.* To make possible the advocacy of causes by orderly means, The Lindenwood Colleges must assure their members that they will be free from actions which endanger individual safety and which, by physical force or disruptive noise, would prevent the exercise of their freedom to speak. All members of The Lindenwood Community are under a strong obligation to protect its processes from these tactics. The administration of The Lindenwood Colleges has the particular responsibility, with appropriate consultation and regard for due academic process, to institute disciplinary proceedings against those who adopt such tactics. Any member of The Lindenwood Colleges who deliberately uses such tactics shall be subject to various levels of disciplinary action including in serious cases suspension or dismissal. The ranking officer of the colleges taking such action shall immediately file a detailed report with the Council of The Colleges for its review.

B. *The Classroom.* The professor in the classroom and in conference shall encourage free discussion, inquiry, and expression. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

1. Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

2. Any member of The Lindenwood Colleges who disrupts activities in the classroom by such methods as physical obstruction to the entrance, destruction of property, physical attack on the professor or other students, or tactics of harassment that prevent the normal functioning of the class shall be subject to various levels of disciplinary action including in serious cases suspension or dismissal. The ranking officer of the colleges taking such action shall immediately file a detailed report with the Council of The Colleges for its review.

C. *Guest Speaker Policy.* The Lindenwood Colleges are dedicated to freedom of inquiry in the search for truth. Each college is thereby committed to encourage the presentation of all those responsible points of view and claims of truth which presume to be knowledge and which compete for the assent of man. The Lindenwood campus shall therefore be open to all public speakers, and all shall be welcome, subject only to the full responsibilities of sponsorship by recognized student (III. E.), faculty and administrative organizations within the campus community and to the availability of facilities. In order to ensure an orderly scheduling of facilities, to provide adequate preparations for the public guest speaker, to ensure public safety, and to meet the obligations of group sponsorship, the event must be registered with the Office of the Dean of Students. It is further understood that The Lindenwood Community functions as an arena of freedom where ideas must stand on their merit alone and that The Lindenwood Colleges do not necessarily endorse the ideas therein presented.

1. Public guest speakers who are duly registered by the Office of the Dean of Students shall be accorded the same freedom of expression and inquiry (II) and the protection therefore, (III. A.) accorded to any member of The Lindenwood Community.

2. Any member of The Lindenwood Colleges who does not properly register a public speaker will be in violation of college guest speaker policy and will be subject to disciplinary action by the judicial board of the appropriate college.

3. Administrative officers of The Lindenwood Colleges reserve the right to direct any public speaker who is not duly sponsored or registered to leave the campus property, or when public safety is threatened, to terminate a meeting and to request participants to disperse.

4. Orderly presentation of contrary views is a right only as long as it does not interfere with the right of others to hear the duly registered speaker.

D. *Student Communications Media.* Official student communications are basic to an atmosphere for free and responsible discussion and for intellectual exploration on campus. They bring student concerns to the attention of the faculty and the institutional authorities and help formulate student opinion on various issues. Because of their financial and legal dependence, they are under the jurisdiction of the officers of The Lindenwood Colleges. The role of publisher is delegated by the officers of the college to the Publications Board, a body composed of students, faculty and administrators. The board appoints editors, may recall them, and may serve as a review board. Editors are free from any advance approval of copy and are guaranteed sufficient editorial freedom and financial autonomy to maintain their medium's integrity of purpose as a vehicle for free inquiry and free expression in the academic community. Student editors have the same responsibility toward their publisher and public as do all journalists, e.g., the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and harassment or slanderous innuendo.

Editors of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative or public disapproval of editorial policy or content. The failure of the Publications Board and its appointed editors, however, to maintain the level of responsibility described above may lead to suspension of publication. Editors deliberately misusing their freedom in the judgment of the Publications Board may be dismissed. When, in the judgment of the Publications Board, further disciplinary action is warranted, the matter will be referred to the appropriate disciplinary jurisdiction.

All student publications must explicitly state that the opinions therein expressed are not necessarily those of either of the Lindenwood Colleges.

E. *Recognition of Campus Association and Organizations.* Recognizing that members of the campus community arrive with a variety of established interests and that they develop new interests as members of the community, The Lindenwood Colleges guarantee the freedom to organize and to join associations for the pursuit of common concerns.

1. A committee composed of all student members of the Council of The Colleges officially recognizes student organizations on behalf of the colleges. The committee establishes its own criteria for the granting and revocation of official recognition consistent with the general policies of the colleges. However, organizations which draw their membership solely from one college shall obtain official recognition from the student government of that particular college.

2. No organization shall be required to submit a list of members as a condition of campus recognition.

3. While student organizations are encouraged to seek faculty participation in their activities, they shall not be required to do so as a condition of institutional recognition.

4. Affiliation with an extramural organization will not of itself disqualify a campus organization from institutional recognition.

5. Only such persons as hold *bona fide* membership in the community of The Lindo so as a condition of institutional recognized college organizations.

6. Each association and organization bears responsibility for the conduct and financial support of its program(s).

F. *College Records.* The Lindenwood Colleges, by virtue of their obligation to provide evidence of student's performance in and completion of courses and other official college programs, must maintain records of integrity and completeness. In the process of serving the student's personal and the college's general needs, additional files relating to disciplinary action and extracurricular participation necessarily accumulate. The colleges, through the officer specifically charged with maintaining these records, act

[1] Each or both hereafter referred to as The Lindenwood Colleges or The Lindenwood Community.

as custodian and will allow their use only by authorized employees of the colleges and then with care for their confidentiality. The following safeguards are provided:

1. The Lindenwood Colleges will not maintain records of a student's membership in organizations.

2. The student's transcript will contain only information about academic accomplishment and status. This shall be interpreted to include the recording of institutional action, such as dismissal or suspension for reasons of academic standards, health, or disciplinary action, which may affect a student's eligibility to re-register at The Lindenwood Colleges.

3. Specific records of disciplinary action and other information as may be accumulated in a student's folder, not in support of the transcript, will not be retained beyond graduation from The Lindenwood Colleges. For students who have terminated prior to graduation or transferred from The Lindenwood Colleges, the information will not be retained longer than five years.

4. Other information that may be accumulated as part of a student-placement file such as interview statements and letters of reference, shall not be released to any individual or agency, public or private, without the expressed written request and consent of the student.

Except for authorized action (as in 3 above), any member of The Lindenwood Colleges who removes, destroys, improperly reveals the contents of, or alters the records, files, or personal property of a student, faculty member, or administrative officer shall be subject to dismissal from The Lindenwood Community and/or civil action.

G. *College Property and Student Privacy.* The colleges reserve the right to enter student rooms for maintenance purposes. The colleges respect the student's individual rights and will make every effort to notify the student of the maintenance problem in advance and give the student an opportunity to be present. Inspection of student rooms for any other purposes shall be made only after a warrant has been issued by an officer of the colleges with responsibility for student affairs in consultation with a student officer from the residence hall. The warrant will state the reason for the inspection, approximate time for the inspection, who is to conduct the inspection, and who requested the inspection. Validation of the warrant shall be indicated by the signature of the issuing officer, and the inspection, whenever possible, shall be conducted in the presence of the student officer who has participated in the warrant procedures.

H. *Recruitment by Service and Employment Agencies.*

1. Any *bona fide* Equal Opportunity Employer—governmental or private—will be permitted to use The Lindenwood Colleges Placement Office facilities.

2. No member of The Lindenwood Colleges has the right to disrupt the activities of the Placement Office, which provides a service to those who wish it, and no member of the college community will be allowed to interfere with the freedom of those who voluntarily seek its service.

I. *Presence on Campus of Persons Not Affiliated with The Lindenwood Colleges.* Visitors are welcomed on the campus during the time when the buildings are normally open. Guests or acquaintances who plan to be on campus beyond the hour of closing, or beyond the time when their host or hostess retires for the night, must be registered and be in quarters properly assigned to them.

Visitors shall be subject to policies and procedures stated within (I–VI). Visitors not under direct jurisdiction of The Lindenwood Colleges are expected to accept campus policies and will be asked to leave the campus if they refuse to do so. Violators of civil law will be prosecuted.

IV. MEMBERS OF THE LINDENWOOD COLLEGES AND OFF-CAMPUS FREEDOM

A. *The Rights of Citizenship.* Members of The Lindenwood Colleges who are citizens of the United States, as well as members of an academic community, enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy. All members of the academic community are subject to the obligations which accrue to them by virtue of this membership.

B. *Institutional Authority and Civil Penalties.* Members of The Lindenwood Colleges who are in violation of civil law may request institutional officials for advice, but The Lindenwood Colleges are in no way obligated to provide sanctuary or additional assistance. Members of The Lindenwood Colleges who violate the law are subject to the penalties prescribed by civil authorities, but the authority of The Lindenwood Colleges will not be used merely to duplicate the function of general laws. Only when the interests of Lindenwood as an academic community are distinct and clearly involved will the special authority of the colleges be asserted.

The member of The Lindenwood Community who violates institutional regulations in the course of off-campus activity, such as those relating to class attendance, shall be subject to no greater and no lesser penalty than would normally be imposed under different circumstances.

V. CAMPUS SECURITY: ADDITIONAL UNDERSTANDINGS

A. *Possession of Firearms and/or Explosives.* Possession of firearms and/or explosives on the premises of The Lindenwood Colleges is absolutely prohibited. Violation of this regulation by a member of the college community shall lead to immediate dismissal.

B. *Request for Identification.* Members of the Lindenwood Community are authorized to request persons to identify themselves when, in their opinion, identification is necessary for the protection of academic freedom or individual rights, the security of personal safety or campus property. Request for proper identification shall be conducted according to two guidelines:

1. Members of the Lindenwood Community are authorized to request identification after first revealing their own identification.

2. Authorized members of the community may thereafter request that the individual or person presumed to be a student of The Lindenwood Colleges present his personal I.D. card. Students of The Lindenwood Colleges shall comply with this request. Should the student believe the request is unreasonable, a complaint may be filed with an appropriate administrative or student officer, but he shall comply with the initial request.

Failure on the part of an individual to comply with request for identification shall result in the following:

1. The authorized member of the community will automatically assume that the individual is not a student of The Lindenwood Colleges. At his personal discretion, the authorized agent may make appropriate charges against the individual with college or civil authorities.

2. If the individual is later found to be a student of The Lindenwood Colleges, he will be subject to disciplinary action, under appropriate regard for academic due process (VI).

C. *Guidelines for Controlling Disruptive Tactics.* (Those tactics described in III. A.)

1. At all times, members of The Lindenwood Colleges Community will attempt to maintain a sense of proportion as to the magnitude of any threat that is facing The Lindenwood Colleges.

2. In dealing with disruption, institutional officials will first make a deliberate attempt to respect and honor reason and persuasion before choosing any other mode of action which is normally antithetical to the nature of an institution of higher learning. However, failure to receive a prompt and "in kind" reply will necessarily obligate institutional officers to choose a different mode of action.

3. Institutional officials will not negotiate under conditions of duress as determined by the ranking official of the colleges. If disruptive tactics are not promptly halted after a short period in which reason and persuasion are sincerely attempted, an institutional official will inform the student that he is officially suspended from The Lindenwood Colleges. Appeal of this decision will be recognized by institutional authorities only after the disruptive tactics in question have been terminated. Scheduling of an appeal hearing will be at a time designated by institutional officials, but there must not be unreasonable delay. The appeal hearing will be conducted in executive session by The Council of the Colleges. Any member of The Council of the Colleges who was or is alleged to be involved in the disruption under question will be automatically disqualified from hearing the case.

4. Should disruption not be terminated after the student is informed of his suspension from The Lindenwood Colleges, civil authorities will be called for assistance. The specific procedure for transferring jurisdiction to civil authorities will be at the discretion of institutional officials.

VI. DISCIPLINARY STANDARDS, JUDICIAL JURISDICTION, AND SANCTIONS

A. *Procedural Standards in Disciplinary Matters.* In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, The Lindenwood Colleges have a duty and the corollary disciplinary powers to protect their educational mission through the setting of standards of scholarship and conduct for the students. In exceptional circumstances when the preferred means fail to resolve problems of student conduct, certain procedures will be taken to protect both the academic community and the student as detailed in the judicial code of the college.

B. *Judicial Jurisdiction in Cases involving infractions of Academic Standards.* Review of violation of academic standards shall come under the jurisdiction of the Appeals Board of The Lindenwood Colleges (See Student Handbook—Academic Responsibility Code).

C. *Judicial Jurisdiction in Cases of Social Misconduct.* The jurisdiction is defined according to procedures established by the judicial code of Lindenwood College and the judicial code of Lindenwood College II.

D. *Disciplinary Sanctions.* Ultimate sanctions which may be imposed by The Lindenwood Colleges are two:

1. Academic Sanctions: Clearly, the ultimate academic authority The Lindenwood Colleges have over their members is the sanction of *dismissal* from the community.

2. Civil Sanctions: Officers of The Lindenwood Colleges will seek civil sanctions against members of The Lindenwood Community as a last resort. Civil sanctions will be sought against individuals who are not members of The Lindenwood Colleges who violate The Lindenwood Community through disruptive tactics.

VII. RATIFICATIONS AND AMENDMENT

A. This document shall become effective upon ratification by the Board of Directors of Lindenwood College and the Board of Trustees of Lindenwood College II.[2]

B. Revisions of this document may be instituted by the Council of The Colleges subject to ratification by the Board of Directors of Lindenwood College and the Board of Trustees of Lindenwood College II.

[2] Ratified by the Board of Directors of Lindenwood College on May 29, 1970, and by the Board of Trustees of Lindenwood College II on June 15, 1970.

KNX NEWS RADIO

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ROYBAL. Mr. Speaker, on September 10 KNX/News Radio will celebrate its 50th year of broadcasting to the people of Los Angeles.

Starting in the back bedroom of a private home KNX has grown into a giant complex valued at $2 million with its new headquarters located only a stone's throw from its first home in Hollywood.

In 1936 the Columbia Broadcasting System purchased the station and began to beam some of America's most memorable radio programs to our community. Some of the best remembered are the "Carnation Hour," "Lucky Strike Hit Parade," the "Paul Whiteman Show," "Beuhla," and the "Lux Radio Theatre."

At this time I would like to congratulate KNX Radio on its golden anniversary. Over the past 50 years KNX has displayed a real commitment to public service broadcasting.

Its recent transformation into a 24-hour news radio station has enhanced its function as a disseminator of relevant news and commentary.

I salute KNX in its effort to keep the populace of southern California fully informed about the rapidly changing events affecting our daily lives and wish them the best of luck during their next 50 years of broadcasting.

QUAD-CITIES ACT TO DEAL WITH AIR POLLUTION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 8, 1970

Mr. SCHWENGEL. Mr. Speaker, the Quad City Area Regional Air Pollution Control Board has done an excellent job of implementing an air pollution control plan. The board is certainly to be commended for their efforts. A brief history of the board and its activities follows:

HISTORICAL DEVELOPMENT OF THE QUAD CITY AREA REGIONAL AIR POLLUTION CONTROL BOARD

Examining the physical proximity of Scott County, Iowa, and Rock Island County, Illinois, one could only come to the conclusion that the boundary that separates them, the Mississippi River, would not provide an adequate buffer zone to deter the transmission of air pollutants originating on either shore. The Quad City Area, as these two counties are often collectively referred to, has a population of over 350,000 and over 400 significant manufacturing establishments.

Several years ago a committee composed of representatives of the various Chambers of Commerce in the Quad City Area began work on a bi-state program for the control of air pollution. This effort arose out of the realization that air pollution in Scott County, Iowa, and Rock Island County, Illinois, could not be dealt with on a piecemeal basis by the 32 municipal governmental units having jurisdiction in those counties. The committee felt that the only successful program for air pollution control would come from one local control agency which would have identical enforcement powers in both Rock Island County, Illinois, and Scott County, Iowa.

The result of this committee's efforts was an air pollution control charter drawn up and signed by the local governments of Scott County, Davenport, Bettendorf, and Riverdale on the Iowa side; and Rock Island County, Moline, Rock Island, Milan, East Moline, and Silvis on the Illinois side. By signing this charter, these political subdivisions delegated their authority to control air pollution to a central air pollution control board, now known as the Quad City Area Regional Air Pollution Control Board.

The Charter is an agreement which seeks "to maintain purity of the air resources consistent with the protection of the normal health, general welfare, and physical property of the people. . . ." To accomplish these objectives, the Charter provides for a Policy Board, a Technical Advisory Committee, an Air Pollution Control Agency, and an administrative Director. The Charter further authorizes the Board to adopt identical rules and regulations for the control of air pollution among the political subdivisions and authorizes the establishment of a central air pollution control agency to administer these rules and regulations. The result is direct air pollution control, not only among different political subdivisions, but different political subdivisions in two states.

After the Charter was signed in September of 1969 each political subdivision appointed a member and an alternate to serve on the Board. Thus, the Board directly represents the political subdivisions. The ten-man Board then appointed a Technical Advisory Committee, made up of mainly professional people having fields of specialty in medicine, law, agriculture, conservation, and meteorology, to mention a few. The Board then sought to have the states of Iowa and Illinois legally recognize the authority of the Charter. The states did so by the passage of the appropriate enabling legislation.

Once the Technical Advisory Committee was appointed and state recognition was confirmed, the Board recruited an Air Pollution Control Director. The Director assumed his duties in May of 1970. In July, 1970, the Board with the advice and assistance of the Technical Advisory Committee and Director adopted an administrative program to control air pollution and a time schedule for implementation of local air pollution control rules and regulations.

The administrative program includes an installation permit system, an industrial survey system, and an abatement enforcement and control program system. The installation permit system is a preventative air pollution control measure requiring the evaluation of process and equipment plans before physical installation can take place. The industrial survey system will provide statistical information regarding the amount and types of pollutants being emitted from the various pollution sources in the Quad City Area. The abatement, enforcement, and control program system will provide for servicing complaints and seeking out pollution violators and will also promote development of structured cooperative air pollution control programs with industry.

The local rules and regulations adopted by the Board must, as required by the Charter, be at least as strict as the strictest of the state rules and regulations promulgated by Iowa and Illinois. However, the local rules and regulations may be more strict in order to meet local needs. Therefore, at the least, the local laws will incorporate the best laws of the states of jurisdiction.

The Charter, a political first for this area and probably for the nation, is in essence a contract among political subdivisions of two states. In this way, it differs from other interstate air pollution control contracts which are basically contracts between the political governments of the states themselves and do not provide a delegation of authority to a central agency for direct enforcement of air pollution control.

Thus, the local governments of the Quad City Area have solved the problem which plagues similar areas througout the country. They are providing for a centralized air pollution control agency to serve areas of residence and industrial activity which are physically bound but separated politically. They have realized that their approach is the only approach which will assure the achievement of air quality goals established for the region.

One may expand this point further, and realize that the entire regional border between Iowa and Illinois will have a similar problem of air pollution control. The problem is more significant if one considers that developers find the shores of major water arteries such as the Mississippi very attractive sites for industrial activity.

BILL COWGER REPORTS

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. ZION. Mr. Speaker, the August 1970, newsletter of my colleague, BILL COWGER, has come to my attention. I should like to commend this informative effort to my House colleagues:

REPORT FROM CONGRESS

(By BILL COWGER)

THE ECOMONY

It now appears that the economic picture is improving. According to Dr. Arthur Burns, Chairman of the Federal Reserve Bank Board, available money is increasing for capital improvements and for personal loans. There has recently been a slowdown in retail prices which indicates that inflation is coming under control. Even though unemployment has risen, it is not alarming when you consider that we are changing from a war time to a peace time economy. President Nixon has been reducing our commitments abroad and the Congress has been cutting defense spending. This will, very naturally, result in a transition period of some unemployment. Please notice in the following table of unemployment rates from 1960 to 1970 that during peace time the rate goes up. 1960 was the last year of the Eisenhower Administration. During the three years under President John F. Kennedy, unemployment increased. The rate went down starting with the escalation of the Vietnam war. It is now creeping upward as we de-escalate American involvement in Vietnam.

UNEMPLOYMENT RATES

	Percent
1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5
1970	4.7

The Federal Budget for fiscal 1970 has gone $2.9 billion in the red. This was the ninth time in ten years that the federal government has spent more money than it has collected. Only in 1969 was there a budget surplus. During the last year of the Johnson Administration, the budget was overspent by $25 billion.

WHITE HOUSE VISIT

I recently had an opportunity to visit with President Richard M. Nixon in his oval office at the White House. We discussed the warm welcome that he had received in Louisville and the enthusiastic crowds that met him at the airport and in the downtown business district. I also was able to make an appointment to meet with him at a later date to discuss my around-the-world factfinding tour of Southeast Asia and the Middle East.

NEW EISENHOWER STAMP

Thursday, August 6, a regular 6-cent stamp honoring President Dwight D. Eisenhower was put into circulation by the Post Office Department. This stamp, which will be printed by the billions, will augment the Eisenhower commemorative stamp issued in October, 1969.

In addition to the satisfaction of seeing one of the truly great Americans of all time appropriately honored, I had the pleasure of receiving an album of the new Eisenhower stamps from Postmaster General Winton M. Blount.

AWARD CEREMONY

Recently I represented the Secretary of the Department of Commerce, Maurice Stans, in presenting an "E Star Award" to the Catalysts and Chemicals, Inc., of Louisville, Kentucky. This company has twice been honored for increasing their sales of United States products abroad. Shown from left to right are Dr. Ronald E. Rietmeier, President of Catalysts and Chemicals, Tom Ferguson, U.S. Department of Commerce, Paul Grubbs, Kentucky Commissioner of Commerce, and John T. Acree, Jr., President of the Kentucky Chamber of Commerce. (Picture not reproduced in RECORD).

MIDDLE EAST BRIEFING

At a recent briefing with Assistant Secretary of State, Joseph J. Sisco, the U.S. peace proposal for the Middle East was discussed. I exchanged with Secretary Sisco my own experiences in Israel, Lebanon and Egypt. The United States proposal for a ninety-day cease fire has received support from around the world. Secretary Sisco is our ranking negotiator in the Middle East.

POLICE ASSISTANCE ACT

At the recent annual meeting of the U.S. Conference of Mayors in Denver, Mayor John V. Lindsay of New York City introduced the resolution endorsing my anti-crime bill. Earlier this year, I introduced and sponsored the Police Assistance Act of 1970 (H.R. 15706) which has now gained the endorsement of mayors and police officials across the country. Mayor Lindsay is pictured above when he appeared last year before our Task Force on Urban Affairs. The Mayor has been a strong supporter of direct federal funding to the cities. (Picture not printed in RECORD.)

VIETNAM

Most of the recent fighting in Vietnam has been in the I Corps area near DaNang, Hue and the DMZ. The 101st Airborne Division has the responsibility for the protection of the area from the Au Shaw Valley, East to Hue and the coast. Pictured on the right is Major General John J. Hennessey, Commander of the famous Screaming Eagle Division. During my recent visit to this battle area, we inspected advanced fire bases that were in almost daily contact with the enemy. (Picture not printed in RECORD.)

TELEPHONE SERVICES

By calling 585-5444, you can receive my regular recorded message from Congress. As often as necessary I report on the legislative schedule of Congress, making mention of the important bills that are up for debate. We receive many repeat calls from Louisvillians who regularly use this number to find out what is going on in Washington. 585-5444 may be called day and night.

CAMBODIANS VISIT

My last newsletter showed a photograph taken in Phnom Penh, Cambodia with a group of college students and professors. Recently three of the Cambodian professors visited me in Washington. They are on a tour of the United States seeking assistance for their country in its fight against communism. They are not asking for U.S. troop intervention, but need material help to turn back the North Vietnamese invaders. (Picture not printed in RECORD).

DISTRICT OFFICE

My Louisville Congressional office is managed by Mr. Claude H. Harris. Located at 140 South Fifth Street, the office is available for calls on a 24-hour basis, seven days a week. We record phone requests at night and on the weekends after regular office hours.

In Louisville we have seven staff assistants who handle a tremendous case load of requests involving business with the Federal government. Not always do we work miracles, but we always try.

THE NEWSLETTER

The paper and printing of this report is not paid for at the expense of the government. Personal funds and contributions from those who wish to be kept informed of Congressional activities make this newsletter possible.

Each year thousands ask: Congressman, help me!

Constituent service is one of the main tasks of a Congressman. Requests come in all "shapes and sizes". Some are complex, others are simple.

To show you the silent side of Congressional service we have prepared a sample of some of our recent cases:

DEAR CONGRESSMAN: Following the death of my husband I was advised by the Social Security office in Louisville that I would receive monthly benefits. I have waited all these months and still have not received a check.

The Congressman called the Social Security office and it was determined she not only was entitled to begin receiving monthly benefits but she also received a sizable sum covering the amount due for the past months.

DEAR MR. COWGER: My husband died suddenly and my son is in Vietnam. I cannot work as I have small children at home. Please have my son discharged from the Army.

Congressman Cowger advised the soldier the proper procedure to follow in applying for a discharge. The request for discharge was approved by the Department of the Army.

DEAR CONGRESSMAN: The VA is going to take my small pension away from me. Please help. I have been injured and am also getting benefits from Social Security.

The Congressman asked the Manager of the Regional Office of the VA to assist the gentleman in completing the income forms necessary to determine the monthly amount payable. Based on that information payments were resumed.

DEAR CONGRESSMAN COWGER: For the past couple of years I have been attempting to get payment for material supplied to a foreign government. We have not received any money.

Congressman Cowger began correspondence with the American advisory group and after getting all the necessary documents, payment was made to the supplier.

DEAR CONGRESSMAN: In January, I filed for my income tax refund. All these months have gone by and I have never received my check.

Congressman Cowger asked the District Director of Internal Revenue to make an investigation. It was determined an error had been made in processing and the check was mailed to an incorrect address. The check was immediately remailed.

DEAR CONGRESSMAN COWGER: My husband is presently serving in Vietnam and now my son has received orders to report there. Please help me; one is enough to worry about in that place.

The Congressman advised the young man to apply for a reassignment under the Department of Defense policy of only one member of a family serving in Vietnam at a given time. He submitted his request to his commanding officer and his request was approved.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, SEPTEMBER 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events of the National Gallery of Art for the month of September 1970.

Once again, the National Gallery has planned an outstanding series of events and exhibits, and I urge my colleagues and the American people to visit the Gallery and take advantage of their excellent program of events.

The material follows:

CALENDAR OF EVENTS

MARY CASSATT 1844-1926

The National Gallery's fall exhibition schedule opens September 27 with an exhibition of one hundred works by Mary Cassatt, including oils, pastels, and graphics. It will be the largest exhibition ever held of the work of this important American impressionist and will include a number of paintings never before shown in the United States as well as seldom-seen pictures from the Cassatt family and several European collections.

This exhibition, to be shown only in Washington, is the sixth in a series of retrospectives which the National Gallery has organized honoring important American artists, the first of the series to honor a woman. The exhibition will be on view in the Central Galleries, on the ground floor, through November 8. A fully-illustrated catalog ($4.75), with an introduction and notes by Adelyn Breeskin, preeminent authority on Mary Cassatt, will be available.

The National Gallery also has commissioned a full color 2 x 3 foot poster in a limited edition, featuring *The Boating Party*, a painting in the collection of the National Gallery. The poster is available for $5.00 during the exhibition, $10.00 afterward.

"ART AND MAN"

The first installment of "Art and Man," a multi-media program under the direction of the National Gallery of Art and published by Scholastic Magazines, will be mailed nationally to subscribers in junior and senior high schools the week of September 20.

"Art and Man" explores, through eight monthly packages, the humanities and their relationship to contemporary problems. Each package contains copies of the color-illustrated magazine *Art and Man*, as well as a record, a filmstrip, a poster, or a portfolio of reproductions.

Subjects for the first year are: *The American Wilderness, Rembrant and His Age, Afri-*

can Art, Art and the Machine, Florence and the Renaissance, Art and War, Cities to Live In, and The First Americans (The American Indian).

"CIVILISATION"

Evening showings of "Civilisation," which have had to be doubled to meet the demand, will end September 7. The entire series will be shown again beginning September 13. Each week, through December 12, one film of the thirteen-part series by art historian Kenneth Clark will be shown daily at 12:30 and 1:30 p.m. No tickets; admission on a first-come basis.

SUNDAY EVENING CONCERTS

The Gallery's 29th season of Sunday evening concerts in the East Gardens Court will begin on September 27 with the first of six programs entitled "Beethoven and his Contemporaries" in commemoration of the Beethoven Bicentennial. *The concert hour has been changed to 7 o'clock.*

LABOR DAY WEEKEND FILM

Sir Laurence Olivier's film version of Shakespeare's *Henry V* will be shown in the auditorium at 2:30 p.m. on Sunday and Monday of Labor Day weekend; running time is 2 hours 17 minutes.

CHANGE OF GALLERY AND CAFETERIA HOURS AFTER SEPTEMBER 7

Regular hours begin September 8: weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 10:00 p.m. Cafeteria hours after September 7: weekdays, 10:00 a.m. to 4:00 p.m.; luncheon service 11:00 a.m. to 2:30 p.m.; Sundays, dinner service 1:00 to 7:00 p.m.

Summer hours (weekdays and Saturdays, 10:00 a.m. to 9:00 p.m.; Sundays, 12 noon to 10:00 p.m.) will be in effect through Labor Day, September 7.

MONDAY, AUGUST 31 THROUGH SUNDAY, SEPTEMBER 6

Painting of the week[1]

Henri Rousseau. *The Equatorial Jungle.* (Chester Dale Collection) Gallery 84. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

Selections from the Nathan Cummings Collection. Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday film

Henry V. Auditorium 2:30.

MONDAY, SEPTEMBER 7, THROUGH SUNDAY, SEPTEMBER 13

Labor day film

Henry V. Auditorium, Monday 2:30.

Painting of the week[1]

Rembrandt. *A Polish Nobleman.* (Andrew Mellon Collection) Gallery 48. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

Medieval Italian Art. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00. Mon. (Labor Day) 1:00; Sun. 5:00.

Sunday lecture

Sèvres: Porcelain of Kings. Guest Speaker: Carl C. Dauterman, curator, Western European Arts, The Metropolitan Museum of Art, New York. Auditorium 4:00.

Sunday film—"Civilisation," I

The Skin of Our Teeth, 12:30 & 1:30.

MONDAY, SEPTEMBER 14, THROUGH SUNDAY, SEPTEMBER 20

Painting of the Week[1]

Fra Filippo Lippi. *Saint Benedict Orders Saint Maurus to the Rescue of Saint Placidus.* (Samuel H. Kress Collection) Gallery 4. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week

Renaissance Italian Art. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture

The Craft of Early Italian Painting. Guest Speaker: Marvin Eisenberg, Professor of the History of Art, University of Michigan, Ann Arbor. Auditorium 4:00.

Weekday Film—"Civilisation," I

The Skin of Our Teeth, 12:30 & 1:30.

Sunday Film—"Civilisation," II

The Great Thaw, 12:30 & 1:30.

MONDAY, SEPTEMBER 21, THROUGH SUNDAY, SEPTEMBER 27

Sculpture of the week[2]

Maillol. *Bather with Raised Arms.* (Ailsa Mellon Bruce Fund) Rotunda. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

Baroque Italian Art. Rotunda. Tues, through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Mary Cassatt: Artist, Connoisseur, and Dynamic Personality. Guest Speaker: Frederick A. Sweet, Former Curator of American Painting, The Art Institute of Chicago, Chicago, Auditorium 4:00.

Weekday film—"Civilisation," II

The Great Thaw, 12:30 & 1:30.

Sunday film—"Civilisation," III

Romance and Reality, 12:30 & 1:30.

Sunday concert

Beethoven and His Contemporaries. National Gallery Orchestra. Richard Bales, *Conductor.* East Garden Court 7:00.

(Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215, ext. 272.)

[1] 11"x14" reproductions with texts for sale this week—15c each. If mailed, 25c each.

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BILL DECKER, SHERIFF OF DALLAS, TEX.

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. COLLINS. Mr. Speaker, we have just buried one of the finest lawmen that ever lived. All of us in Dallas loved and respected Bill Decker.

Sheriff Decker was a friendly man. He was humble yet had a fine sense of humor. He had the courage of a Texas Ranger.

He was a fair man and gave everyone an even break. Decker was sheriff for all of the people in Dallas, night and day.

The Dallas Times Herald on September 1 had an editorial tribute on Decker. You will be proud to read the following on a great Texas lawman:

Bill Decker died as he had lived 24 hours a day for 21 years—as sheriff of Dallas County.

Illness—chronic emphysema—had finally defeated him as no human adversary had ever succeeded in doing, and he had submitted his resignation as sheriff. But the resignation was not to take effect until Sept. 1. So Bill Decker died as sheriff of Dallas County and that was fitting.

For as we said in an editorial only last week, when Decker's resignation was announced: "The office of sheriff of Dallas County and Bill Decker have become so closely related in the minds of most of us that it is almost impossible to think of one without thinking of the other."

As long-time sheriff and before that as a deputy constable and then deputy sheriff, Decker performed a signal service for the people of this county in the enforcement of the law. But his service to the people of this county far transcended the mere discharge of the formal responsibilities of his office.

As we also said in the editorial last week: "Indeed, Bill Decker was a highly unusual and highly successful officer, but more important, Bill Decker was a highly unique human being. It was the great humanness of the man that will live on as one of the dominant qualities of the Decker legend."

Decker was, above all, a man of deep compassion for his fellowmen. As the story on his death in this newspaper so correctly noted, Decker's primary image was that of a friend of the people, a man never too tired or too busy to lend a helping hand to anyone who needed it.

He was known particularly as a friend of the "little people," many of whom came to him when they were in trouble and whom he helped unstintingly to his utmost capability. But in the same sense of the word, he was a friend of the "big people" as well. Their station in life, be it big or little, whether he had known them for a long time or not at all, carried no weight with Bill Decker when they sought his help as a friend.

The resolution, read in Commissioners Court by his good friend, County Judge Lew Sterrett, and passed by the court, says it well:

"We are deeply saddened by the passing of this truly great public official. This is indeed a sad day in Dallas."

PAY SCALES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, I recently received from a constituent, Mr. B. R. Stephens of New Braunfels, Tex., an editorial which appeared in the August 1970 edition of Roads and Streets magazine. It points to the exorbitant increase in pay scales, particularly as related to the construction industry. Because of these astounding revelations it becomes more important than ever that the Congress update the Taft-Hartley Act and take such other steps that would be designed to apply some brakes to this inflation-producing trend.

The editorial follows:

ONE-SIDED UNION SETTLEMENTS HEAD FOR $40,000 TO $50,000-A-YEAR WAGES IN 1970'S

(By Harold McKeever)

Memo to the President and Congress: Will some of you please shut your office doors, take

pencil in hand, and figure where we're heading if union wage settlements continue in the prevailing pattern.

We say shut the door first, for a reason. Particularly if you do this while figuring for the construction industry—the Operating Engineers, Teamsters, Cement Masons, Electrical Workers, Ironworkers, and Laborers—we wouldn't want any of your constituents to see the look of consternation you'll have, or should have, if you own life insurance and have friends and constituents who must pay for their children's college education a few years hence.

Just take any of a dozen typical recent settlements, and project the three-year raise three times. That will bring you to 1979. It comes up *$24 an hour* for the Operating Engineers—$42,000 a year *without overtime* in an 1800-hour year. Other construction workers in various regions will be making $40,000 to $50,000 by end of decade.

As this is written, Operating Engineers Local 150 in the Chicago area has just scored again on this pattern. They won from a $4.75-an-hour increase for Class I to $5.05 an hour for Class II over 38 months, bringing their pay with fringes to $11.05 an hour for Class I. The union had demanded $5.20, and it took a costly strike and lockout to force even this small concession.

This same go-around occurred three years ago in the Chicago area. A billion-dollar, seven-week strike of highway and heavy jobs in that year brought only minor reduction of the Operating Engineers' completely outrageous demands for more feather-bedding work rule and the 50 percent increase wanted.

Mr. Nixon and Mr. Congressmen, now just tack on two more raises like this, in 1973 and 1976, with compounding, and you can see what the inflation picture is for the decade of the 1970's. Or use any of scores of other skyrocketing construction union settlements as your model—then ask Mr. Burns, yes, and the Hill, to think what this will do to any anti-inflation program, and what it is doing to every citizen.

The Chicago Tribune of July 4 put the problem in perspective in an editorial on the area settlement just reached with the Teamsters. This was for $1.65 an hour wage boost plus added $8 weekly health-welfare-pension plus cost-of-living increase—41 percent over three years. In the Tribune's words:

"This is vastly more than any conceivable increase in the cost of living or the productivity of the drivers. This means the shippers will have to pay more for freight; the customer will have to pay more in prices; the country has lost another important round in the battle against inflation.

"We can't criticize the truckers for being able to get what they wanted. But their success was not wholly the result of their own persistence. They were helped by a series of laws and precedents giving them the advantage over the trucking industry with which they were bargaining—if that was the word for what led to a total capitulation on the part of the industry.

Many of the drivers took other jobs to help make up for their loss of income. There was little if anything the trucking companies could do to make up for their loss of income. Had they tried to hire other drivers for their trucks, they would have been subjected to merciless persecution for strike-breaking and probably found guilty of refusing to bargain in good faith.

"The drivers who were unable to earn enough on their own were given food stamps (worth up to perhaps $160 a month). The money for this was put up by the taxpayers, including the companies being struck. Had this been another state, the striking workers might have qualified also for unemployment compensation, even though the unemployment was of their own making.

"These are examples," the Tribune editorial concluded, "of the many ways in which present labor laws are loaded in favor of unions . . . If we are ever to have a successful anti-inflation policy, it will have to include statutory changes to insure that collective bargaining means more bargaining, less one-sided collecting, and a more impartial attitude on the part of public agencies."

Mr. President, even though this is an election year you might at least pass this page along to your fiscal policy advisors. Then tell us the solution on your next TV program.

HE BROUGHT A STREAM BACK TO LIFE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the question is often asked, What can a private citizen do about the pollution of the air, water, and land?

In this age of big government, big business, big universities and big everything, it is easy to lose sight of the value of individual effort toward the big problem of pollution abatement.

One of the outstanding examples of individual commitment and action for a better environment has taken place in Cedarburg, Wis. There, Mr. Del Cook decided 6 years ago that the creek running through his backyard did not have to be polluted.

Mr. Cook's struggle and eventual success is indeed inspiring. I have called it to the attention of my colleagues before. Del has now been honored by the Reader's Digest and in an editorial of the August 19 News-Graphic of Cedarburg, Wis. I would like to include as part of my remarks the editorial and the following article by Roul Tunley which appeared in the July 1970 Reader's Digest:

HE BROUGHT A STREAM BACK TO LIFE

(By Roul Tunley)

Late in 1962, Delbert J. Cook, an advertising executive born and raised in Chicago, then employed in Indianapolis, New York, Washington, D.C., and Milwaukee, got fed up with cities. Deciding to seek the solace of life in the country as a free-lance marketing consultant, he bought an old barn on Cedar Creek, 20 miles outside Milwaukee, and started remodeling it with his own hands. He worked all winter in his spare time. He'd always wanted to live on a stream, and now he dreamed of fish jumping, small boys swimming, dragon-flies buzzing, picnickers wading.

Then came the spring thaw. Walking down to the creek one morning, he was shocked to see what the winter snow and ice had concealed: swirls of oil, floating garbage, a rusty stove at anchor, and an odor of decay that killed the fragrance of early spring. Del Cook's dream stream was an open sewer!

His shock turned to outrage in the summer of 1964, when thousands of dead fish, belly up, appeared in the creek. Boiling angry, Cook drove into Cedarburg, largest town on the river (pop. 8000). There an official told him, "It's happening all over. There's nothing you can do about it." The man added with a smile, "It's part of progress, I guess."

Del Cook didn't smile. And today, thanks largely to him, Cedar Creek, running 32 miles through some of America's loveliest country, flows clear again. Volunteers did the work, and it didn't cost the government a penny. But it wasn't easy.

Cook started his campaign the night of his meeting with the Cedarburg official. At a gathering of the local 4-H Club, which he headed, he discussed the situation with the youngsters. They voted to make cleaning up the creek their project. A group of Explorer Scouts joined them, and one of them suggested a name: the Cedar Creek Restoration Council. It was decided to charge dollar-a-year dues.

Knowing their technical limitations, Council members persuaded Floyd Stautz, a state health engineer, to be their adviser. On his advice, they divided the waterway into sectors, then formed survey teams. In canoes and on foot, they laboriously pinpointed each pollution source: sewage pipes, faulty drains, overloaded septic tanks, cattle runoffs, industrial wastes. Then they set aside a Saturday for a massive cleanup of the 2½-mile stretch through the area.

On the appointed day, more than 400 Scouts, 4-H members, highschool students and adults (teenagers outnumbered grown-ups six to one) showed up. Wading into the stream, they hauled out tires, bedsprings, bottles, barbecue grills, mattresses, old refrigerators—even the remains of a 1936 Chevy. City dump trucks hauled away 26 loads.

At this point, with no-dumping signs posted along the banks and with violations documented, Cook naively thought that the worst was over. After all, the law was explicit: no sewage or waste matter could be dumped in surface water. All he had to do now was to get officials to notify the violators, and the stream would quickly come back to life.

It didn't work out that way. As the weeks passed, Cook learned a hard truth: everybody gives lip service to clean water, but when it comes to doing something about it, there's an overwhelming lethargy, especially when it involves the pocketbook. Typical was a butter factory which was still contaminating Cedar Creek with whey—although as far back as 1953 it had been ordered to stop the practice. Other polluters included an animal-food manufacturer who dumped what Cook described as "blood and guts" into the stream and an outboard-motor factory spewing oil waste. Overloaded facilities at Cedarburg and Jackson emitted sewage not fully treated, and many faulty septic tanks added to the problem. Test samples of water showed bacterial counts, involving fecal matter, as high as 1,750,000 per 100 mg. of stream sample (any count over 200 can make water unsafe for human contact).

Cook doggedly pursued all the offenders with orders, summonses and writs via health officers, town constables, and officials in the state capital, Madison. He wrote countless letters, made countless calls.

Friendship became part of the price of the cleanup when Cook was forced to file suits against neighbors who failed to act. He learned early that fighting pollution is no way to win a popularity contest. He was referred to contemptuously as "Mr. Clean" and called a blatant publicity-seeker.

Occasionally people told him to his face, "You have no business coming in here as an outsider and *doing* things." More often they spoke behind his back. A whispering campaign suggested that he was doing it all to get a fat state job. The malicious gossip was groundless.

Only once—in 1969—did Cook falter. Fed up with innuendo, lethargy and constant roadblocks, he decided he'd enough of his nonpaying job as head of the Restoration Council and would go back to being a full-time marketing consultant. When he resigned, the local paper dug into its print box for its biggest type. "Cook Quits!" it bannered. Even a Milwaukee paper ran a front-page editorial. When shocked citizens raised

a storm of protest, Cook changed his mind.

From then on, the going seemed easier. Gradually, the plodding, checking and nagging paid off. Today, six years since the start of the campaign, virtually all sources of pollution have been eliminated from Cedar Creek. This, plus continued annual cleanups by students, Boy Scouts and others, has resulted in the stream's coming back to life.

Shortly after they got into action, the Restoration Council decided to make the waterway beautiful as well as clean. Trees and shrubs were planted, barbed wire was removed, and areas beneath bridges were cleaned up. A 15-mile canoe trail was opened, and the state stocked the stream with game fish. And, finally, Cook received word from the state health department certifying that the stream was now safe for swimming. "I felt like jumping up and down when that arrived," he told me.

Other dividends flowed in. The 2000 high-school students and other young people who helped in the campaign have become an army staunch wardens of the waterway. Says local lawyer and one-time state legislator, J. Curtis McKay: "If you toss an empty six-pack into the stream, chances are a brawny student will tap you on the shoulder and invite you to follow the cans into the water."

Land values along Cedar Creek have doubled since the campaign started. Other parts of the state have taken heart. The Rubicon River Restoration Council was formed, followed quickly by other groups seeking to restore the Root, Wisconsin, Oconto and Milwaukee rivers. Several times a month, Cook is asked to address such groups.

Last November, the state's leading newspaper, the Milwaukee *Journal*, took note of Cook's "sparkling achievement" in an editorial, and expressed satisfaction that there is "still a place in this land for the totally committed and considerably angry individual." Last March, President Nixon wrote commending Cook on the job: "The Council's work provides a splendid example of the dedication and effectiveness that volunteer groups can bring to the fight against pollution."

But the real rewards of doing a job like that at Cedar Creek are not always measured in a President's letter, in newspaper headlines, or even in the applause of fellow citizens. Cook's greatest satisfaction came one morning last spring when he got up early and walked down to the creek. Dragonflies buzzed lazily as a bass flashed above the sparkling surface. The fragrance of spring filled his nostrils. Leaning down, he cupped his hands and drew up the first drink of clean, clear water anybody had had from the stream in 25 years. Delbert Cook felt a surge of elation. Not only was the creek alive; so was a city boy's dream.

(From the Cedarburg (Wis.) News-Graphic, Aug. 19, 1970)

A TRIBUTE TO A FELLOW TOWNSMAN

The Reader's Digest in its July issue gave national recognition to one of our fellow townsmen, Delbert J. Cook in an article captioned "He Brought a Stream Back to Life."

The article was the third of a series the Digest is published about "small, splendid efforts" of citizen-volunteers who are trying to make our country a better place to live in, dealing with Involved Americans.

The article is reproduced in this issue. It was written by Roul Tunley, a staff writer who spent a week here interviewing people, and going up and down Cedar Creek.

Cedar Creek is not a large river as rivers go, having its source in Cedar Lake and emptying into the Milwaukee river, but it is a stream that flows thru beautiful countryside, and it was filling up with pollution.

Del Cook singlehanded went to work to clean up the stream. He organized the Cedar Creek Restoration Committee, and they engaged in clean-up campaigns that resulted in certification by the State of its clean water.

Mr. Cook achieved results because of his deep and abiding interest. He went out, donned on hip boots and worked just as hard and probably harder than anyone in the manual efforts to clean up the river debris.

He has stepped on people's toes. He has dared to fight "city hall," appearing before town, village and city governments, pointing out that they were guilty of polluting the stream because of inefficient sewer and disposal systems.

He has had one disappointment in his endeavor to stop the Stadium Freeway from coming into this area, but he has not given up yet. If he should fail, no one can accuse him of not having put up a gallant fight.

CUBA CANECUTTERS AND OTHER SUBVERSION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, I recently received from a constituent, Mrs. Gabe R. Anderwald, of Bandera, Tex., an article which had appeared in the VFW Magazine, written by Donald L. Miller. The story contains some revealing and thought-provoking information, which I include as a part of my remarks.

The article follows:

ALONG THE RED FRONT

(By Donald L. Miller)

Antiwar demonstrations are scheduled to pick up in momentum and possibly in violence in the weeks just ahead.

One of several moves, certain to capture media attention, will be a series of "long marches," suggested by Arthur Waskow, of the Institute for Policy Studies.

The "long march" was institutionalized by Mao Tse-tung. In a desperate effort to save his Communist forces from defeat by Chiang Kai-shek 'way back in 1934–35, Mao led his forces from Kiangsi and Fukien provinces through Kweichow and Szechwan into northern Shensi. Mao's forces survived and during the confusion at the end of World War II succeeded in seizing control of the entire China mainland.

Arthur Waskow's proposal for "long marches" in the U.S. is not for retreat, but for advance. Under his plan, a series of "long marches" would originate at symbolic locations and converge in Washington, D.C., either Aug. 6–9, the anniversary of the atomic bombings of Hiroshima and Nagasaki or on Labor Day, Sept. 7.

For symbolic originating points, Waskow suggested Kent, Ohio, where four student demonstrators were killed; Augusta, Ga., where six black demonstrators were killed; New Haven, Conn., where Black Panther leader Bobby Seale is being tried for murder, and Lexington and Concord, sites of the first shots in the American Revolution.

The suggestions were made to a wide variety of leaders attending a June conference in Milwaukee sponsored by New Mobe, the New Mobilization Committee to End the War in Vietnam. Included in the meeting were representatives of the Southern Christian Leadership Conference, the National Welfare Rights Organization, the Black Panthers and the Venceremos Brigade, Americans who have been cutting sugar cane in Communist Cuba.

Even as it met, New Mobe reportedly was on the verge of a split, not over opposition to American involvement in Vietnam, but over how violent New Mobe demonstrators should become. A strong contingent is said to be favoring more violence.

What this new "violence" will involve is not yet known. After one group of American young people came back from a sugar cane-cutting expedition in Cuba there was a rash of firebombings. For years Havana has been promoting distribution of explicit directions on how to make Molotov firebombs, and simple dynamite time bombs. So far as the assaults have been against buildings. To justify bombing and burning of property, the left has been advancing the idea that violence takes place only when a person is hurt. So the new concept of non-violence permits property destruction.

A possible, even probable, turn toward firebombing and dynamiting of buildings by some so-called antiwar groups requires a new, and tighter, set of limits on where the expression of political dissent ends and where open war on society begins. The ultimate in dissent, of course, is revolution.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SCHWENGEL. Mr. Speaker, I call on you, and my other colleagues here in the House, to assist me in forcing the editor of a prominent newspaper in Iowa "eat a little crow." The editor, who happens to be a very good friend of mine, has suggested editorially that he seriously doubts if we will have the fortitude to pass a meaningful congressional reform bill in this Congress. Frankly, I share his concern and would be most happy to join him in "eating a little crow" in the event we do pass a meaningful reform bill. The editorial to which I refer, from the August 18 issue of the Cedar Rapids Gazette, follows:

REORGANIZATION, EH?

More than two weeks have elapsed since the U.S. house decided to postpone until another day final consideration of the reorganization bill which it had debated for nearly a month.

When the postponement was announced, we expressed doubt in this space that the bill would be taken up again this session; we thought it rather obvious then that the leaders had agreed to let the bill die a quiet death—probably because it had been amended to the point where some genuine reorganization would have been in prospect had it been passed and sent to the Senate. We also said we'd be glad to eat a little crow if our guess proved to be inaccurate. We stand by that offer but as of the moment it doesn't appear we'll have to make good on it.

Here is another example of the hypocrisy that not only is riling up young America but is raising hackles on older citizens who've just about had it with trying to work within the system to do nothing more than modernize it. In this instance a vote on the bill was sidetracked by a few Democratic leaders who, we'll venture, wouldn't have the support of even a majority of house Democrats, not to mention house Republicans, if they'd put this bill to a vote.

By way of review, the original bill was mislabeled a "reorganization" bill. But after the house adopted several amendments, includ-

ing one to require record votes in committee of the whole if requested by at least 20 members, the leaders grew skittish and backed off. What they wanted was something in the name of "reorganization" that was anything but that and what they were about to get was a semblance of reorganization by way of amendment.

There's still time in this congress to take up the bill, as amended, and to pass it. We don't think the house will do it. We hope we're proved wrong.

FISH RESOURCES ACT OF 1970

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. HANNA. Mr. Speaker, last April I received information which suggested that a significant share of the fish being caught off the coast of Orange County, Calif., had cancer or other serious abnormalities. After confirming the accuracy of these reports, and under the auspices of the Merchant Marine and Fisheries Committee, I conducted emergency hearings in Santa Ana, Calif., on the relationship between water pollution, fish diseases, and human health.

There are those who say that since no clear, consistent and convincing causal link between fish diseases and human illness has been illustrated, it is folly to pursue the issue. I disagree, and I am today introducing legislation, the Fish Resources Act of 1970, which expresses that disagreement, requiring that an in-depth study be undertaken of this matter. Where human health is at stake, we must, in my judgment, endeavor to establish to a certainty whether the connection does or does not exist. If we are to err, let it—for once—be on the side of being overly concerned about the relationship between man and his environment. We need not recount today the consequences of past failures to adequately consider the vulnerability of man to variations in his environment.

There are two dimensions to the relationship between pollution, fish disease, and human health. The first involves the capacity of fish to serve as biological magnifiers of substances harmful to humans but harmless to the fish. The second raises the possibility of transmission of diseases by afflicted fish to man.

In the first instance, fish have been found to have the ability to concentrate quantities and types of substances which can be lethal to man but which seemingly have no deleterious effect on the fish. In this role, the fish serve as but one step in a process known as biological magnification. Fish can ingest other fish or plant life which have likewise consumed other edibles, each of which may contain toxic substances. I think it is easy to see how this chain reaction can build to the point where any one fish purchased in the local supermarket can contain dosages of a particular toxic substance to a degree dangerous to human health. Notable examples of this process and its effect on humans are the Minamata tragedy in Japan in 1953 and the not infrequent outbreaks of fish poisoning resulting from "natural occurring" biological poisons in fish in tropical waters. In the Minamata incident, fish had ingested marine organisms which served as transmitters, or vectors, of toxic substances derived from mercurial compounds in industrial waste. When then consumed by humans, severe neurological disorders ensued. In this outbreak, the fatality rate in humans was 34 percent.

The problem of fish poisoning continues to increase in the tropical Pacific islands. The possible role played by pollution in these outbreaks is revealed in the fact that such incidents only seem to occur in the one-tenth of 1 percent of the ocean area that is the most susceptible to destruction by pollution. Although the mortality rate in these incidents has remained below 1 percent, the victims do suffer varying degrees of incapacitation. This presents a significant health problem and, as the population in these areas increases, so does the severity of the problem.

The enormity of this problem becomes apparent when we consider that one of the more recent approaches to the growing food resource demands created by the ever-expanding world population will add another step to the magnification process. The long-heralded fish protein concentrate may not be the panacea it was acclaimed as being if these toxic substances cannot be removed prior to the concentration process.

Fortunately, in this area at least, research has been going on for some time. The mechanism by which these toxic substances are assimilated by the fish has been uncovered and steps are now being taken to break the enzymatic and protein lock which retains these substances in the fish's system to permit its removal before consumption by man. I do not mean to imply that this problem is licked—far from it. The hardest part still lies ahead—the development of the method whereby this lock can be broken. This effort must be supported.

Although I am encouraged by this continuing research effort, I am nevertheless appalled at the acknowledged dearth of information available, and, for that matter, research being done on the second dimension of this problem, the effect fish diseases contracted in polluted water may have on human health. This is to me as crucial a problem as that of biological magnification. For, although many experts assert that there is no known evidence of any particular disease being transmitted to the human consumer, virtually nothing is known regarding the susceptibility of man to the viral or bacterial causes of disease in fish. In other words, it is possible that fish can function as vectors for the causative factors of particular diseases, even though the developed disease in the fish is incompatible with the human system.

For example, it is not known how the cancers and abnormalities in the the fish caught in the Santa Ana River outfall may affect the health of a consumer. It is known that the cancer itself is not transmittable; it is not known whether the viral cause of the cancer may be accepted by and thereby develop in the human consumer. In addition, the causal relationship between water pollution and fish diseases is not completely known, although it is known that the incidence of disease increases in polluted waters.

Until these questions can be answered and steps taken appropriate to those answers, we will continue to deal with an extremely dangerous unknown. Answers must therefore be found as soon as possible to remove this potential threat.

We are dealing then, with two distinct although connected problems. In one, we know what the problem is and what is needed to solve it. In the other, we have not even begun to understand the problem, let alone be on the way to solving it. In this latter case, that of possible linkages between polluted water, diseased fish, and human health, our basic obstacle to be overcome before we may move forward toward constructive actions is the total lack of definitive facts on the subject. We just do not know what the connections are. It is to the discovery of these unknowns that my bill is directed, and likewise these hearings.

THE PEACE OFFICER—A SYMBOL OF THE SYSTEM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. CUNNINGHAM. Mr. Speaker, in recent weeks tragic and senseless occurrences in many of our cities have resulted in death and serious injury to dedicated police officers. One such tragic episode occurred in my congressional district, in Omaha, Nebr. A young police officer, Larry Minard, 30 years old and the father of five children, lost his life in a plotted bombing incident, paying the supreme sacrifice while serving his fellow citizens.

Mr. Speaker, the eulogy delivered at the funeral of this young policeman expresses the mission, the value, and the worth of our peace officers. It would behoove all of us to reflect upon the message of Dr. Marvin E. Hall, pastor of the First Baptist Church, Omaha, Nebr., in the hope that we might be better able, through our own words and actions, to help reestablish deserved respect and rightful status for our police officers:

THE PEACE OFFICER—A SYMBOL OF THE SYSTEM

(Delivered at the funeral of Larry Dean Minard on August 20, 1970 at the John A. Gentleman Mortuary by Dr. Marvin E. Hall, Pastor of the First Baptist Church in Omaha, Nebr.)

We assemble here today to honor and pay our last respects to a peace officer who died in the line of duty. In honoring patrolman Larry Minard, we are honoring the peace keeping profession, which he represented. We would do well on this occasion to exalt the role of the peace officer in our democratic

society. The enemies of our way of life have paid the law officer an unwitting compliment by telling him he is a part of the establishment, and by calling him a symbol of the system. This is an unwitting compliment because this is the best system of government this planet has ever known. The peace officer is a symbol of the system, indeed!

First of all, the policeman is a symbol of the universal authority of law and order. This authority is of God and is basic to civilization itself. It was revealed to Moses on Mount Sinai. It was reinforced by the Prophets of the Old Testament. It was reaffirmed by the Lord, Jesus, who came to amplify and fulfill the law. It was reiterated by the Apostolic Church in the words of the Apostle Paul, in Romans the 13th chapter, the first seven verses. I would like to read this passage of scripture:

"Everyone must obey the state authorities; for no authority exists without God's permission, and the existing authorities have been put there by God. Whoever opposes the existing authority opposes what God has ordered; and anyone who does so will bring judgment on himself. For rulers are not to be feared by those who do good, but by those who do evil. Would you like to be unafraid of the man in authority? Then do what is good, and he will praise you. For he is God's servant working for your own good. But if you do evil, be afraid of him, for his power to punish is real. He is God's servant and carries out God's wrath on those who do evil. For this reason you must obey the authorities—not just because of God's wrath, but also as a matter of conscience.

"This is also the reason that you pay taxes; for the authorities are working for God when they fulfill their duties. Pay, then, what you owe them; pay them your personal and property taxes, and show respect and honor for them all."

GOOD NEWS FOR MODERN MAN

This passage of scripture is especially significant, when you remember that it was written against the background of one of the most corrupt and oppressive governments in the history of the world. That of Nero, the Caesar of Rome! It isn't the person who occupies the seat of authority that is the important thing, but the authority itself. Paul isn't saying that we should respect Nero as a man, but we should respect the authority of government. We respect the President of the United States. We may disagree with him, but we respect the presidency in the same manner. We respect and salute our flag, not because we agree with everybody in government, but because we respect the office they fill. The people delegate authority to City Councils, State Legislatures and National Congresses to make the laws in a democracy. To the policeman in the precinct, the people delegate the authority to enforce those laws. When someone resists a police officer, he is resisting all power to restrain evil. When one resists arrest, he is actually resisting God himself, so the police officer is a symbol of the universal authority of law and order.

In the second place, the policeman is a symbol of security. We can sleep tonight, because policemen like Larry will be awake and alert for danger everywhere. The very presence of a police officer is a deterrent to crime. We need to stress, not only that crime does not pay, but that crime actually costs and the cost ought to be so great that the very threat of punishment will be a deterrent to evil.

In the third place, the policeman is a symbol of safety and caution. Why do we intuitively glance at the speedometer when we see a cruiser car? Because that cruiser car is a symbol of safety. The police officer is a sort of public conscience which reminds us to be careful. This is for you own good.

In the fourth place, the policeman is a symbol of service. One of the first things my parents taught me was that a cop is your friend, and he's there to help you in time of trouble. Jesus said, "Blessed are the peacemakers for they shall be called the children of God." (Matthew 5:9) No one can calculate the number of disturbances dissipated because of the kindly tact of an understanding police officer, mediating a family fight or breaking up a brawl at a tavern. The directions given to people who are lost; lost children returned to their homes; the police escort to the emergency room of a hospital. This is service, and the policeman is the very symbol of public service. Larry was an example of a responsible young person. He's an example of the "under 30" youth of today, who supposedly can be trusted! Larry chose to do something about his world. Here was a young man who wanted to be a part of the solution to Omaha's problems and not a part of the continuing problem. Larry didn't drop out and run away from the challenges of our time, he elected to accept some goals for himself and to set out to make his life count for the public good. The policeman is a symbol of service.

And in the fifth place, the policeman is a symbol of sacrifice. Jesus said, "Greater love hath no man than this, that a man lay down his life for his friends." (John 15:16) A police officer is a lamb marked for the slaughter, everyday he goes to work. He never knows when he will meet a sniper or an ambush, or when some sick mind will set a bomb for him. His family is in jeopardy, always fearful. The fear of death is something they learn to live with all the day long. The police officer's personal integrity is impuned at the bar of justice by a court system which still gives the benefit of doubt to a criminal, and often gives the criminal the benefit and advantage, even when there is no doubt in the mind of the arresting officer. His honorable profession is caricatured and ridiculed by anarchists and communists and the underworld, and even by some naive and gullible clergyman, and some who are not so naive but have a sinister and subversive objective in mind.

If Larry were here, he might say to us something like this. He probably wouldn't say it in the hearing of other officers, but he would feel it deeply.

I vow to thee, my city, all earthly things above
Entire and whole and perfect, the service of my love.
The love that asks no questions: the love that stands the test,
That lays upon the altar the dearest and the best:
The love that never falters, the love that pays the price,
The love that makes undaunted the final sacrifice.
And there's another city, I've heard of long ago
Most dear to them that love her, most great to them that know,
We may not count her armies; we may not see her King;
Her fortress is a faithful heart, her pride is suffering.
And soul by soul and silently her shining bounds increase,
And her ways are ways of gentleness and all her paths are peace. Amen.

—*Sir Cecil Spring-Rice.*

Whether a peace maker dies in battle in South Vietnam or is killed by a sniper, or is torn apart by a bomb, or is impaled on a cross, the motive for service is rooted in the love and loyalty we have as Christians to the Son of God, our Lord, Jesus Christ.

VINCE LOMBARDI

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BOLAND. Mr. Speaker, Vince Lombardi's death ends an era in the sports world. More than any other man, he made professional football what it is today: The undisputed king of America's sports and the darling of its sports fans. Everyone knew of Lombardi—the 12-year-old sandlot players who pored over his celebrated book "Run to Daylight," the Sunday afternoon TV fans who marvelled at his team's brutal efficiency, the corporation presidents who recruited him to give inspiring talks to groups of lagging employees.

Lombardi's Green Bay Packers reigned over professional football for nearly a decade, demonstrating week after week the kind of tough, disciplined skill Americans like to think characteristic of their country itself. The Packers were synonymous with excellence. And Lombardi, their coach, was virtually synonymous with pro football. His photographs were published everywhere: The big toothy grin when an opposing team crumbled before a Green Bay end sweep, the brooding preoccupation when plotting strategy, the withering glare when confronting a player caught slacking during drills.

He demanded nothing short of a player's total effort. A taskmaster almost unrivaled in sports, Lombardi drove his athletes to the very limits of their potential. He brought out their best—by bullying, by exhorting, by cajoling, by praising. Many discovered in themselves undreamed of abilities. They gave Lombardi grudging respect even when his mankilling practice sessions brought them close to mutiny. Jerry Kramer, writing in Life magazine, says:

No coach ever stamped himself so clearly upon a team. Even in the hottest days of summer, when he whipped us and prodded us and punished us, when he rode us so hard we all came together in our transient hatred for him, I knew I was his creation, and we were his creation, and the difference between being a good football team and a great football team was only him.

And, when their passions had subsided, they gave him something akin to adulation. Kramer says:

Willie Davis heard how sick he (Lombardi) was the night the Giants played an exhibition on the West Coast. Willie got on a plane in Los Angeles the same night, flew all night, had a cup of coffee, went up and saw Vince for two minutes and then turned around and flew home to Los Angeles. "I had to go," Willie said. "I had to. That man made me feel like I was important."

Lombardi's ability to bring a team together was as uncanny as his ability to lead one. His Packers, as disparate and dispirited a crew as existed in professional sports when he took over in 1959, soon gave up their sullen feuds. The team, in fact, showed the kind of affectionate comradeship you would expect to find only in a combat platoon or a

close family. This is what Lombardi missed most during his one year hiatus in coaching:

What I missed most was—well, it wasn't the tension or the crowds or the game on Sunday. There's a great closeness on a football team—a rapport between the men and the coach. It's a binding together, a knitting together. For me, it's like fathers and sons. That's what I missed.

Lombardi snorted contemptuously at the bewilderingly sophisticated plays and patterns now fashionable in pro football. His strategy was simple and direct.

His personal credo was equally simple: pride, courage, hard work.

He once said:

Football is not just a game but a way of life. It's a game of courage, stamina and coordinated efficiency, of sacrifice, dedication, self-denial and love.

No one lived up to these virtues better than Vince Lombardi.

Mr. Speaker, I place in the RECORD several newspaper columns on Mr. Lombardi's career:

[From the Washington Post, Sept. 4, 1970]

VINCENT LOMBARDI

The Packers were young and they were deep in talent. It was all there. You could see it, you could feel it. The Redskins? They're not that young, not that talented. But we'll be there, we'll be giving in what we've got. Hell, there's no other way.—Vince Lombardi, quoted by Tom Dowling in the September Washingtonian.

The Redskins will be there this fall, giving what they've got. But now they'll be there without Vince Lombardi so we will have to see how much they will have to give. For all of his giant legacy to them—the know-how and the credo, the examples set and the lessons taught—there was so much pure magic and magnetism in his presence that you cannot be sure how much the legacies can weigh against the loss. What we can be sure about is the magic that was there—the drive and the faith and the ability to inspire with the big toothy grin and the terrible angry snarl.

He was a very decent man, who believed that a football team could have a soul if the players believed in themselves and in the team and in him, and that then they would win. One measure of the man is that it didn't sound corny when he said it. And the other, of course, is that it worked.

Vincent Lombardi was the best football coach of his time—and the year he spent among us was the best thing that has happened to this town in a long time. For a while there, we were traveling first class which doesn't happen all that often, let's face it, in this city of second-class citizens, built around the industry of politics which is itself essentially a game of compromise.

With Lombardi there was no such word as compromise. He was fond of saying that winning wasn't everything, it was the *only* thing, which is easy enough to say except that he also lived by it. *There was no other way.* You know the record—a Fordham Block of Granite, West Point, the New York Giants and then the glory years at Green Bay; five National Football League championships, finishing with three in a row, 1965, 1966, 1967.

This is the kind of record a man can honorably cash in and retire on, and be comfortably ahead, safely enshrined. So perhaps the greatest thing about Vince Lombardi is that he couldn't take it, sitting it out in a Green Bay front office in 1968, with a fancy title and that unassailable legend and no football team. He had put the whole stack back in the game with the *Washington Redskins*, short on talent, long in the tooth, going nowhere. We have Edward Bennett Williams to thank, in large part, for getting him here, and while it only lasted one season, it was a winning season, 7–5–2, and that wasn't all we had to be thankful for. We had the evidence in Lombardi—and we still have it—that this town *can* travel first-class. Somehow, you couldn't doubt that the Redskins would go on getting better, and that it was only a matter of time before they would finally take it all, because the Coach wouldn't have it any other way. So it was a shot of adrenalin for a whole community and that is Vince Lombardi's particular legacy to all of us.

[From the New York Times, Sept. 9, 1970]

SOME SECOND THOUGHTS

(By Arthur Daley)

The chances are that not even those closest to Vince Lombardi had a true appreciation of the greatness of the man nor a proper realization of what a towering public figure he had become. But his tragic death from cancer last week brought a new appraisal and Vince began to assume even larger and more heroic dimensions.

Such was his national importance that the news of his death rated a three-column spread on the front page of The New York Times. Without doing any exhaustive checking, I would venture the guess that the last football coach whose death also rated the front page of The Times was Knute Rockne of Notre Dame almost 40 years ago.

Like Rockne, Vince also drew a eulogy from the President of the United States. But the impressive part of the Lombardi funeral rites was the depth of the hold he had on the football public at large and on his players in particular. There is something especially touching about seeing these roughest and toughest athletes impelled to tears at the death of a man who sometimes had been portrayed as an unfeeling slave-driver. None felt his lash more than the Green Bay Packers. Yet they knew better.

TRUE VALUES

"Vince taught us the values of life," said Willie Davis, the once ferocious defensive end from Grambling who unshamedly shed tears of grief at the death of his former coach.

Lombardi taught them in everything he did. At practice one day Lee Roy Caffey was dogging it and not giving with the allout effort that his coach always demanded. Vince came at him, snorting fire and brimstone.

"Lee Roy," bellowed Lombardi, "if you cheat on the practice field, you'll cheat in the game. And if you cheat in the game, you'll cheat the rest of your life. I'll not have it."

Thus was hammered home a high moral principal that Vince extended from the football field to the outside world. It was a sad Red Blaik, the great West Point coach, who stood outside St. Patrick's Cathedral the other day and spoke tenderly of his prize pupil on his Army staff.

"Vinnie's values were the old values," he said. "He had an old-fashioned respect for God and country and authority. By modern standards I suppose he'd be classified as a square. Yet he completely commanded the admiration and respect of his players."

There probably was not a more straitlaced coach in the business than Vince, a daily churchgoer. Yet he established a singular rapport with the playboys on his squad, especially Paul Hornung, who went full-tile in his playing—on the field and off it. They formed a mutual admiration society. Hornung thought Lombardi was the greatest coach and Lombardi thought Hornung the greatest clutch performer. Both were right.

After the Packers had won their first championship playoff of the Lombardi regime in 1961, Vince had all his players and their wives out to his house for what also became a New Year's Eve party. He was wandering round in his role as a good host, checking to make sure everyone was happy. He approached Hornung sprawled in an overstuffed chair. When Vince told me of their conversation, he broke into his deep-throated roar of laughter.

"I asked Paul if there was anything I could do for him," said Vinnie. "He extended an empty glass and said, 'Yes, a scotch and soda, please.' I reached for it and yanked back my hand as if Paul had handed me a viper. I suddenly asked myself how I could ever bawl out Hornung for breaking the rules when I was serving him a drink even though the season was over and rules had been lifted. 'Mix your own drink,' I said, compromising hospitality and coaching in one sentence."

A MATTER OF PRIDE

The one thing that Vince harped on most was pride. He demanded pride in individuals and pride in team. It was to spell success because he instilled an esprit de corps that few football clubs have ever matched. One of the strange items in all the interviews with so many of the Packers was the recurrence of the expressions of "father" and "father image." I can't conceive of such a relationship on the part of any other coach.

"No one likes to be humiliated," once said Fuzzy Thurston, a running guard of all-Pro stature. "But this is a totally dedicated man and somehow you don't mind it from him. He demands 125 per cent and that way he gets 95 per cent."

Vince was totally intolerant of gifted athletes who refused to make full use of their abilities. And none delighted him more than the one who was eager to learn. It was Vince who made Bart Starr the extraordinary quarterback he was to be, although the coach originally wondered if Bart was not too polite and too self-effacing for the job. But Starr reached a point where he even thought exactly the same as Lombardi.

Now Vince is a football legend. His election into the Pro Football Hall of Fame at Canton is a certainty and the legend will keep growing because he has to be one of the most remarkable men that pro football has produced.

[From the Washington Post, Sept. 4, 1970]

AMERICAN PEOPLE TOLD TO VALUE LOMBARDI'S LESSON IN TEAMWORK: PRESIDENT LEADS A NATION OF MOURNERS

President Nixon led a sports-oriented nation yesterday in mourning the death of Vince Lombardi of the Redskins.

"The power of Vince Lombardi's personality swept the world of sports," Mr. Nixon said in San Diego, where he was attending a state dinner for President Gustavo Diaz Ordaz of Mexico.

"When I think of Vince Lombardi, I think of him standing at the side of a football field, his attention focused sharply on his team. He was an imposing figure—and an inspiring one. On the field and off, his very presence was commanding. As I think of him that way, I know that he will always hold a commanding place in the memory of this nation.

"Vince Lombardi believed in fundamentals. On the football field this meant blocking and tackling and running to daylight. Off the field it meant his church, his home, his friends and his family. He built his life—as he built his teams—around basic values and that is why his greatness as a coach was more than matched by his greatness as a human being.

"Many who knew very little about football nevertheless knew a great deal about Lombardi. They knew that he was a man of discipline and determination, of courage and commitment, of pride and purpose, of loyalty—and of love. They knew that he had reached the top of his field because he was able to help others discover the best that was in themselves.

"Like the power sweep which became his trademark, the power of Vince Lombardi's personality swept the world of sports and made a lasting impact on the life of all it touched. He asked a great deal of his players and his associates. But he never asked more of any man than he asked of himself. The lesson all Americans can learn from coach Lombardi's life is that a man can become a star when, above all else, he becomes an apostle of teamwork.

"Several weeks ago I had the privilege of talking on the telephone with coach Lombardi in the hospital. * * *"

He was granted full control of the Redskins with the title of executive vice president and purchased 50 shares of stock in the club valued at $500,000. His salary was estimated at $110,000 annually.

Although he announced after leaving the hospital for the first time that he would be in training camp on July 19, when the veteran players were originally scheduled to report, he named Austin "interim head coach" three days after the rookies reported.

Austin is a former head coach of the Pittsburgh Steelers and was an assistant on Mr. Lombardi's staff at Green Bay for six years.

Only 11 days after Mr. Lombardi began resting at home from his first operation, he went to New York City for a meeting of NFL club owners to discuss a dispute with the players' association.

The next day he watched the veteran players work out on their own at the Georgetown University football field.

Four days later, he went to Baltimore to see the Redskins' rookies play the Colts' first year men in Memorial Stadium.

The next day he visited the veterans again at Georgetown before being readmitted to the hospital.

Mr. Lombardi was born June 11, 1913, in Brooklyn, N.Y.

He attended St. Francis Prep in Brooklyn and Fordham University, where as a 5-foot-8, 185 pound guard he was one of the renowned Seven Blocks of Granite.

He never had a losing season in a career that began in 1939 at St. Cecelia High School in Englewood, N.J.

In 1947 Mr. Lombardi became freshman coach at Fordham and two years later joined the staff of Col. Earl (Red) Blaik at West Point.

His first coaching in pro ball came in 1954 under Jim Lee Howell with the New York Giants. Five years later Mr. Lombardi was appointed head coach and general manager of the Packers.

He took a team that had a 1–10–1 record the previous season and finished third in the Western Conference of the NFL with a 7–5 record. He never finished lower than second with the Packers after that.

The Packers lost the championship game in 1960, his second season, to the Philadelphia Eagles, 17–13.

Green Bay won the NFL title in 1961 and 1962 and, after a lapse of two seasons, won three straight, plus the first two Super Bowl games.

His overall coaching record in Green Bay, including exhibitions, was 141–39–4 for a .783 percentage.

[From the Boston Herald Traveler, Sept. 4, 1970]

THE LOMBARDI RECORD

"I hope to be a winner the first year."

This was the statement made February 6, 1969, by Vince Lombardi as he accepted the Head Coaching job of the Washington Redskins.

The 1969 Redskin record: 7 wins—5 losses—2 ties.

The winning record hoped for by Lombardi was realized.

It was the first winning season for the Redskins since 1955, ending a 14-year famine.

It also kept intact Lombardi's great record of never having had a losing season, nine at Green Bay and last year at Washington. His 10-year record now stands at 96 victories, 34 losses and 6 ties. It was remarkable that the 7 wins and 5 losses was the identical record Lombardi had in his first year at Green Bay in 1959.

This gives him the second best winning percentage in pro football, .738 Pct. The Rams' George Allen has the best mark, .755 Pct. with 40 wins, 13 losses, and 2 ties.

Vince Lombardi played his collegiate football at Fordham University where he was one of the famed "Seven Blocks of Granite." After attending Law School at Fordham, he coached and taught Chemistry, Latin and Physics at St. Cecelia High School in Englewood, New Jersey.

Then in 1946 he became the fine coach at Fordham University where he served until 1948 when he was named assistant to Earl "Red" Blaik at West Point.

Lombardi left the U.S. Military Academy in 1954 to join the New York Giants under Jim Lee Howell as offensive line coach. In four years with the Giants, they won two Eastern Division Titles and one World Title.

In 1959, Lombardi went to Green Bay as Head Coach and General Manager and dramatically altered the football fortunes of the Packers. He took the Packers from a 1-10-1 record to contention his first season and from 1960 on, the Packers never finished below second as they captured 6 Western Division and 5 World Championships, including an unprecedented three in a row from 1965–1967 and the first two AFL–NFL World Championships in 1966 and 1967. Overall his record was 141-34-4 for a .783 winning percentage.

In addition to serving as General Manager of the Packers, Lombardi also serves, holds, or held the following awards and positions: Chairman of the Board, Public Facilities Corp., of Madison, Wis., Fordham University's highest award—the Insignits Medal: The Senator Brien McMahan Award; Trustees of Fordham University; Citizens Committee of St. Norbert's College; President of the State of Wisconsin Mental Health Association; Chairman of the State Cancer Fund; Director of Pop Warner Football; Special Events Coordinator of The City of Hope. Also a member of Board of Trustees, American Cancer Society, District of Columbia.

Lombardi received the high honor of selection as member of the Order of Malta.

In 1969 he received many honors: The John V. Mara Memorial Award as Sportsman of the Year, by the New York CYO; the "Silver Buffalo" award as Man of the Year by the National Boy Scout Federation; "Salesman" of the Year honor as voted in a poll of one million salesmen in the country; received an honorary doctor's degree in humane letters from St. Peters College, Trenton, N.J. He previously received an honorary doctor of laws degree from St. Norbert College. He also was a Golden Fleece award recipient. Lombardi was on the Advisory Board of National Capitol Area Council of Boy Scouts of America. He was a member of the Board of Trustees of District of Columbia Division American Cancer Society; on Committee for Children's Hospital of the District of Columbia. He was Honorary Chairman of Washington, D.C. Kidney Foundation Drive for 1970. He also is on Board of Directions of National Football Foundation and Hall of Fame. Is a member of Citizens Committee for Peace and Security.

He recently received the high honor, "The Lighthouse Award" from the New York Association for the Blind—honored as "Builder of Men."

Lombardi authoried a best seller, "Run to Daylight," produced a film, "Second Effort" which is in a great demand by sales groups. He also produced a 12-series football instruction film.

Lombardi married the former Marie Planizt. There are two Lombardi children, Vincent and Susan.

THE NEW MILITARY INTELLIGENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. RARICK. Mr. Speaker, last May I had called to the attention of this body the unbelievable spectacle of a programed tour of military installations in our country by high-ranking Communist military officers—page 15772, May 15, 1970, and page 18795 of June 8.

At that time I commented that apparently the rationalization for such immaturity was the hope that we would so impress the Communists with our military potential that they would be deterred by fright.

Recently, the Assistant Chief of Staff for Intelligence of the Department of the Army, confirmed the inspection tour of our military bases, stating:

It was believed that their participation might perhaps lead to improved mutual understanding, the avoidance of dangerous misjudgments of our strengths.

This is military intelligence? For whom?

Mr. Speaker, I include a copy of the correspondence from the Department of the Army to follow my remarks for the RECORD:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE
Washington, D.C., July 14, 1970.

Hon. ———,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ———: This is in reply to your inquiry concerning the tour of selected United States Army installations by communist military officials.

The visit to which Mr. Gibson refers, in his letter which accompanies your inclosed inquiry, was part of the Department of the Army Annual Foreign Military Attache Tour of several United States military installations. Invitations to participate in the tour were extended to all foreign Military Attaches, or their assistants, who are fully accredited to Department of the Army. The Military Attaches of some communist countries were therefore permitted to participate in the tour.

As you know, Military Attaches are their countries' diplomatically accredited military observers in the United States, and in this capacity they report their observations of our Armed Forces to their governments. Their participation in the Attache Tour not only gave them the opportunity to observe firsthand the leadership, training and discipline of our Army, but also helped them to gain a better understanding of the people and the strengths which are the essence of our country's greatness. They were able to make their observations in the open and hospitable environment of a free and democratic society. Some of the governments represented are police states and we do not expect, nor do we always receive, reciprocal treatment for our own Military Attaches in their countries. However, the marked differences between our society and a police state were quite evident, on the recent tour, to the representatives of some 48 nations.

In some previous instances, the military representatives of certain communist countries were excluded from the Attache Tour. This year, it was believed that their participation might perhaps lead to improved mutual understanding, the avoidance of dangerous misjudgements of our strengths, and possibly some increase in freedom of movement and observation for our Military Attaches in their countries, which incidentally is on an upward trend. I wish to emphasize that all of the activity and information to which the attaches were exposed was of an unclassified nature. The protection of our classified information was an inherent factor in the planning and conduct of the Attache Tour.

Sincerely,

J. A. McCHRISTIAN,
Major General, GS, ACofS for Intelligence.

WARREN TO LOSE A GIANT IN COMMISSIONER O'BEE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. O'HARA. Mr. Speaker, a relentless foe of the lawless and defender of the public safety is retiring.

He is Walter W. O'Bee, police commissioner for the city of Warren, Mich.

Recently, the Macomb Daily published an editorial which describes the dedication, compassion, and extraordinary knowledge and ability which he brought to his job.

I include the editorial "Warren To Lose a Giant in Commissioner O'Bee" in the RECORD at this point:

WARREN TO LOSE A GIANT IN COMMISSIONER O'BEE

The only persons who will applaud the retirement of Walter W. O'Bee, Warren Police Commissioner, will be the chronic lawbreakers.

Commissioner O'Bee, the first policeman to work his way through the Warren Police Department ranks and still only 49, will be missed by the city he has served so well for 29 years.

Too, he will be missed by the police serving under him, whose champion he has been as often as he has been a fair and understanding critic.

Then there is the host of fellow police chiefs and officers throughout the county and area with whom he has worked. To a man they were in their praise of the youngest police commissioner in Warren's booming history.

To say that O'Bee has been a relentless foe of lawbreakers, particularly organized crime, is almost a gross understatement: grand juries in Wayne and Oakland County have called him in frequently because of his intimate knowledge of how the syndicate operates.

But relentless as he was in bringing to justice those who broke the law in Warren, the commissioner was also a compassionate man.

At a time in history when U.S. Supreme Court rulings have leaned toward the lawbreaker's rights O'Bee was found to be well ahead of the court in recognizing those rights.

Even those whom Commissioner O'Bee found it necessary to bring into court for law violations found the commissioner's fair handling of their cases a mitigating influence.

Just so did the officers serving under him find they had a genuine friend when they came up for discipline and criticism for some infraction of rules.

Commissioner O'Bee has not only been a "policeman's policeman," he has been honest and conscientious to an unfailing degree. Although given freedom on such matters as taking a day off, O'Bee never failed to check it first with Mayor Ted Bates.

There is no record of the thousands of overtime hours O'Bee spent on his job as commissioner during his tenure of almost three years.

In his long, busy day, Commissioner O'Bee also found time to escort and show visiting youngsters through the police station. Impossible to assess will be the law-respecting influences which Commissioner O'Bee exerted over others to prevent crime or to deter someone inclined toward crime to law-abiding pursuits.

So, Commissioner O'Bee also must be described as a "people's policeman" too.

Now, after 29 years in police work, Commissioner O'Bee has decided to leave his job to a younger man. He's right when he says that he wants to quit now that he has the Warren crime situation in hand.

Mayor Bates will have no easy task in replacing so capable a public servant and one who has been one of the mayor's closest friends. That's because O'Bee served so well in the years of Warren's meteoric rise to one of Michigan's largest cities.

In a rustic frame of reference, Walter O'Bee is "going out to pasture" voluntarily. He's going into the cattle business full-time in Sanilac County, on a farm near Marlette.

Up north, Walter already owns a nucleus of 53 Hereford and Black Angus beef cattle, and he recently has bought farm implements to till the soil he owns, far from the maddening din of traffic and crime problems

But wherever Walter O'Bee goes, there goes a man.

CONSPIRACY AGAINST CIVILIZATION

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. DADDARIO. Mr. Speaker, the hijackings of the past weekend are a tragic indication of the extent to which misguided individuals will engage in international piracy and blackmail. The severe menace posed by such criminal activity, threatening not only property but life as well, cannot be tolerated in a free world. In its largest sense, these concerted hijackings constitute, as an editorial in the September 8 edition of the Hartford Courant suggests, a "conspiracy against civilization." How civilization will ultimately react to such pressure will be crucial, for this is the acid test. Strong and decisive actions must be taken by all free nations if international air travel is to continue as a viable concept.

I commend this editorial to the attention of my colleagues:

CONSPIRACY AGAINST CIVILIZATION

The barbaric, almost simultaneous, hijacking of four jet airliners, three of them successful, presents the civilized world with a challenge that somehow it will have to meet effectively. It is probably significant that the only unsuccessful seizure attempt was against the El Al Israel airliner, where one of the hijackers was killed and the other wounded, apparently by armed guards aboard the plane. El Al is the only major line to "ride shotgun". Because it is particularly vulnerable as an airline flying its jets on international routes in and out of a country at war, it has taken the most extensive precautions of any line, including searching passengers before they board its planes. How the two terrorists slipped their weapons through the search which they were supposed to have undergone before boarding is not clear, but the ultimate protective device, the armed guards, foiled the hijackers without harming the passengers or crew.

Searching passengers and arming guards may be effective against individuals, psychopathic or merely inadequate, who have seized planes in the past. But what can society do to defend itself against the evil conspiracy that the Popular Front for the Liberation of Palestine has mounted against it? The governments of the lands in which it operates disclaims responsibility for the Front or for the conspiracy it is engaged in. The situation is not as simple as was that in 1904 when President Roosevelt's cable to the Sultan of Morocco, "Pardicaris alive or Raisuli dead" produced Pardicaris alive two days later. The idea of seizing and holding Arabs as counter-hostages to those that are held by the conspirators may be tempting, but is hardly likely to be used. And the proposal voted down by an international conference on hijacking last year that sanctions be applied to countries granting asylum to hijackers is no more likely of getting general support now than it was then.

But the four seizures, only one of which was aborted, leave a sense of general outrage that cannot be denied. So far there have been no fewer than 250 hijackings, of which 187 were successful and only 63 that were thwarted. Many of these were by individuals and it is quite possible that more effective preventive measures could have prevented them. But there is not likely to be an end of those like Sunday's seizures, which are the product of a political conspiracy until the civilized nations who are the victims find some way of punishing those who are ultimately responsible.

COURAGEOUS COUPLE PROVIDE MEDICAL AID AND A MEASURE OF HOPE TO NATIVES OF DIFFA REGION IN NIGER, AFRICA

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MATSUNAGA. Mr. Speaker, the day may not be too far distant when all Americans will consider it fashionable to be charitable toward one's fellow human beings. For perhaps too long we Americans have come to expect that a beneficent government will care for all those who are unable to fend for themselves. This is particularly true with respect to our attitudes toward unfortunate peoples in other countries.

Recently, however, an article appeared in the Honolulu Star-Bulletin, telling the story of Dr. and Mrs. Bill Kirker. The story was so touching that it may convince large numbers of Americans that charity is not only fashionable but rewarding.

Five years ago, the Kirkers forsook a lucrative medical practice in Hawaii, said goodbye to friends and family, and

traveled to the Diffa Region of Niger, a newly independent African country north of Nigeria.

As the only doctor in the region, Bill Kirker worked in appalling conditions, dispensing as much medicine as he could lay his hands on, building a 60-bed hospital, performing 60 operations monthly. His beautiful wife, Barbara, served for a time as his anesthetist during operations, and more recently she has been running the hospital's diet kitchen.

Their efforts led the American Ambassador to Niger, Samuel Adams, and the director of the President's Cabinet in Niger, Maitourare Gadjo, to nominate them for the Lane Bryant International Volunteer Award. They were named as winners of a citation in 1969.

Mr. Speaker, the Kirkers are improving the health of people in Diffa, but there is certainly room for additional improvement. As the article points out, average life expectancy in Diffa is 39 years, as compared with the U.S. average of about 70 years. About 30 to 50 percent of the children die of infections before the age of 5.

Dr. and Mrs. Kirker are seeking support of their program, both in terms of medical personnel volunteers and financial aid. Very few causes, Mr. Speaker, are as worthy as the medical program the Kirkers have undertaken in Niger.

I know that any donations sent to the Kirkers, in care of 2523 East Manoa Road, Honolulu, Hawaii 96822, would be put to most worthy use.

So that my colleagues and other readers of the RECORD might be inspired from reading the dramatic story of the Kirkers' activities, I ask unanimous consent to include the entire article at this point in the RECORD:

GIVING UP "THE GOOD LIFE" TO AID OTHERS

(By Tomi Knaefler)

Five years ago, Dr. Bill Kirker was "all set."

He had a beautiful wife. He had completed his internship at Queen's Medical Center, was through with his military obligation and was a partner in a thriving practice here.

Then he went to practice medicine in the heart of Africa. There was no running water, no electricity and no other doctor for some 150,000 people in an area larger than the state of Indiana.

His explanation is simple as it is humble: "I decided, and my wife agreed, that I could make a more signifiant contribution by going to an area where no medical care was available unless a doctor went there."

And while they have no larger bank balance to show for their efforts, an interview with the Kirkers revealed healthy psychic and emotional income from their personal investment.

Kirker even has this bonus: Well over a thousand children have been named after him by mothers who went to him—instead of delivering at home—because of severe obstetrical complications.

In gratitude, the babies—boys and girls—bear his name, rather than their fathers as is the common practice.

Mrs. Kirker, a former professional Hawaiian and Tahitian dancer here and on the Mainland, laughed: "The people can't quite say Kirker. It comes off more like 'Kreekay.'"

The Kirkers are so sold on what they're doing they expect to go back to the "boondocks" for another 10 years or so.

But, first, several months of vacation visiting with her parents, Mr. and Mrs. Loren Nelson of 2523 East Manoa Road.

The Kirkers hope that by the time they go back, they can convince other physicians and medical personnel to do likewise.

Kirker "just can't understand why" more physicians don't take the opportunity to serve in remote areas.

"Even strictly from a selfish standpoint, there's so much to be gained—learning about new cultures, new countries and new languages," he said.

Kirker estimates that half of the doctors in the U.S. could well be spared and spared around the world.

Kirker and his wife, Barbara, first went to Africa, more specifically Niger, as Peace Corps volunteers. He served as head of a Peace Corps medical team. Their pay was $115 a month each, plus a savings plan of $75 a month per person that was banked for them by the U.S. Government.

At the end of a two-year hitch, the rest of the team left and the U.S. dropped Niger from its assistance list. Kirker accepted the Niger government's offer to remain as a $7,700-a-year departmental director of health of Diffa County.

"Don't let that title fool you," Kirker said. "It's nothing but a fancy title that doesn't mean anything. I'm the only doctor for the entire section of Diffa."

Diffa is one of seven sections in Niger, which was granted independence from the French in 1960. It is north of Nigeria, next to Lake Tchad and encompasses a large southern portion of the Sahara Desert.

Niger is said to be one of the most stable countries in Africa. Kirker describes its president, Diori Hamani, as "a very good man" and notes that there has been no revolution and no change in government since its independence.

But the country is very poor. And the cost of living is exceedingly high—as high as the sweltering 150-degree temperature in the direct sun during the summer months. In the winter, the temperature runs around 110 to 120 degrees during the day and drops to near-freezing at night.

In Diffa, gasoline costs $1.50 a gallon. Land Rovers are about the only vehicle that can make it in the countryside. There are no roads, just sand dunes. And lots of water holes during the bug-infested rainy season.

Because it rains only 10 to 12 times during the two-month rainy season, water is crucial.

The sanitation level is "non-existent" in the bush, where people live in grass huts. The more affluent have mud houses, considered the best way to beat the constant heat. Educated families live in cement block residences.

The people are either nomads who roam the desert and are lighter skinned, or black Africans of several tribal extractions.

As a result, there are seven major languages—each as different as Japanese is from English. This doesn't include the assortment of dialects and French, which is the national language.

Kirker said he often has to have several interpreters to assist him. And lacking medical consultants, he has a library of 100 well-used text-books.

Despite the bugs, snakes, lack of running water, electricity, intense heat, low pay and high costs Kirker is still eager to have other medical personnel join him.

The Niger government pays for roundtrip transportation and the problem of education of children is "not insurmountable," according to Kirker.

In addition to personnel, he is hoping to set up a nonprofit charitable corporation to enable Americans to contribute funds, drugs and equipment to help finance his hospital.

Kirker said:

"It's not that the government isn't cooperative. They're giving us all they can. It's simply that they just don't have the kind of money needed. They're just so poor. The budget now runs 10 cents per person per year and I work a lot of the time without drugs."

He and his wife are anxious to meet individuals or groups interested in assisting the program. They also plan to put on fashion benefits featuring African garments to raise funds.

When they first got to Diffa, the main medical facility consisted of "two buildings with two patients sitting inside."

Since then, he has built up his hospital, consisting of 10 buildings with six specialty sections. The hospital has 60 beds and a daily average of 110 in-patients. Those lacking beds sleep on the floor in grass huts.

More beds are needed. But they cost $50 each and it costs an equal amount to transport them, according to Kirker.

Other urgent needs he cited: A functioning laboratory, an X-ray facility, a surgical unit that would enable operating under asceptic conditions, sanitary washing conditions. And many people are still working as volunteers because the government can't put them on the payroll.

He said, "We hope to have our own well and our electricity working by the time we return."

He attends between 100 and 300 out-patients daily and does about 60 operations monthly. Only patients who are very sick are evacuated to the hospital from seven out-patient dispensaries dotted through the county and manned by crews of African nurses and orderlies.

Because of the personnel shortage, Mrs. Kirker is an active participant—pitching in where needed. For over a year, the former dancer gave the anesthetic during surgery. More recently, she set up the hospital's diet kitchen, which feeds two meals daily.

She has worked out a clever cook book originally for Peace Corps personnel, showing how to prepare native foods and ways to substitute for American and Oriental dishes.

Kirker says of his wife's talent: "She's an excellent cook and can make anything taste like anything. She prepares her own ham, pork chops, bacon and even sausages."

Because she's such a good cook, he said, "food isn't a problem." But, said he, "I did crave fresh apples."

She yearned for "Oriental faces and Oriental food."

The couple met on the Mainland when he was a senior in medical school and she a dancer on tour.

He said, "I was visiting my family and my dad, a former physician in Michigan, said I ought to go down and see the Hawaiian show at a nearby nightclub. I did."

The Kirkers managed to get a vacation from Niger only because a Norwegian physician wrote to ask whether he could get a temporary job while his wife did anthropological work in the area.

Unlike the U.S., where illnesses of aging, such as heart disease and cancer, are the key medical problems, in primitive Niger, the average person doesn't live long enough to get such chronic ailments.

The life expectancy there is 39, compared to the U.S. average of about 70.

An estimated 30 to 50 per cent of children die of infections before they're 5, up to 15 per cent from malaria.

Other major killers are smallpox, dysentery, encephalitis, hepatitis, pneumonia, tuberculosis, measles and yellow fever.

Hence, preventive medicine through immunizations is one of Kirker's important programs. A mobile immunization unit rambles around, catching people where they are—along sand dunes, in the market place, in the village—to give them vaccines.

Kirker enjoys a good relationship with the people now. At first, he said, they really ran

away from him because he was the first white man they'd ever seen.

Now, the color barrier is gone for the most part. It isn't unusual for a patient to walk 500 miles to see him.

THE GAPS OF MEN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. QUILLEN. Mr. Speaker, a distinguished professor of East Asian studies at Milligan College, Tenn., Dr. Wen Yen Tsao, delivered what I feel was a very important address at the 49th Street Christian Church in Indianapolis, Ind., on March 8, 1970, and at Johnson Bible College on April 19, 1970.

His address, which also was reprinted in the July 12 issue of the Christian Standard, deals with what he terms the horrifying moral decay within this country.

Dr. Tsao discusses the "gaps of men" in his article and I am making his words available for readers of the RECORD:

CONSIDERING GAPS—WHEN MAN BREAKS COMMUNICATION WITH GOD, HE INVITES A MULTITUDE OF EVILS

(By Wen Yen Tsao)

Man is a social being, gregarious by nature. And yet, man in dealing with his fellowman is peculiarly intolerant and at times cruel. Throughout history the worst enemy of mankind has been man himself. In modern times we unhappily have found that instead of harmony and goodwill, there are conflicts and gaps among men.

GAPS EVERYWHERE

Internationally the conclusion of World War II saw the emergence of the cold war in which a gap was clearly discernible between the Communist world and the free world. The early 1960's, however, ushered in a different global situation. Almost overnight the Communist world was no longer monolithic; its inherent contradictions have led to its inevitable erosion resulting in many unpatchable gaps. The schism between the two Communist giants has made it especially clear that the deep-rooted national interests of the two have shattered the Marxist dream of international Communist unity. On the other hand, neither is the free world any more monolithic. Similarly many gaps on this side of the iron curtain have made it anything but a united house

Internally the gaps in any human society are ubiquitous. Even in the same family gaps seem to be inevitable. There is a gap between husband and wife. As a Chinese saying goes, "Though sleeping in the same bed, the bedmates dream different dreams."

There is a gap between brothers. The supposed brotherly affection has often been besmirched by jealousy and enmity. Fratricide is as old as the history of man. Modern Cains are often reported in the press.

There is a gap between father and son. The prodigal son is certainly not a monopolized by-product of modern civilization. Adam, being made in the image of God, was as good as the son of God. And yet Adam defied God by eating the forbidden fruit. Ever since then, in spite of ethical and religious precepts with special emphasis on filial pity, the son more often than not is rebellious against the father.

Perhaps the so-called "generation gap" is actually a hangover from the son's age-long rebellion against his father. The term "generation gap" of course is semantically fallacious and logically unsound. What is meant by the word "generation"? Chronological or biological? Physiological or spiritual? Nevertheless, the term has been used to posit an imaginary gulf between a segment of people comparatively younger and another comparatively older. The confrontation between the two has been dramatized by the utter contempt of the younger people for the established conventions, whatever they might be.

The ubiquity of gaps in a modern American society has assumed alarming proportions. The oft-cited pledge, "One nation under God, indivisible, with liberty and justice for all," has become almost like a mockery.

EZEKIEL'S WORLD

In my opinion, the situation today in the United States may be somewhat comparable to the situation in Israel before the fall and destruction of Jerusalem in 586 B.C. For a glimpse of the situation of the Jewish people during this period, read Ezekiel 13:1–5; 22:25–31.

Before the fall of Jerusalem, Ezekiel repeatedly denounced his people for their wickedness of all kinds, and he constantly warned them of the impending disaster. A catalog of the iniquities and sins committed by the people of Israel in the prophet's time may be made as follows: (1) oppression of strangers, widows, and fatherless; (2) violence and murder; (3) lewdness and vile indulgence of lust; (4) bribery and extortion; (5) disregard of parents; (6) profanation of the Sabbath; and (7) idolatry. The worst of the iniquities was that the sons of Israel had forsaken their own God, who said through Ezekiel: "Thou hast forgotten me."

Let us have a look at the Jewish people who flagrantly violated the moral laws. They included all classes. It is appropriate to identify them by groups: (1) The prophets, who should have spoken God's truth, deceived and misled the people. (2) The priests, who should have kept and revered the devine law, violated and profaned it. (3) The princes, who should have protected their subjects and promoted their welfare, did just the opposite. (4) The people generally, who should have exercised justice, sympathy, and concord, oppressed and robbed their neighbors.

It seems that all classes of the Jewish people were striving together for the nation's ruin. The prophet was alarmed at what he saw, and he was fervently trying to stem the tide to save his people from destruction.

The prevailing situation in this country and the situation in Israel before the fall of Jerusalem are comparable. Iniquities are rife and perpetrators are running rampant.

RACISM

One of the worst iniquities among Americans today is racism. The oppression of strangers, which Ezekiel denounced, can be found in racial discrimination, which has led to extremism in all forms. A large number of the American people cannot rid themselves of racial prejudice. The whites generally have little respect for the blacks. The blacks, having been discriminated against since the ominous year of 1619 when a shipload of Negro slaves was brought to Virginia, are antagonistic toward the whites.

In recent years racial prejudice has taken on the ugliest form of racism, which is a coin of two sides—white racism and black racism. Animosity is often inflamed, and violent means are frequently employed. Especially in disputes involving Negroes, the substance of the arguments will be thrown overboard and emotion will instantly ignite, making people take sides according to the color line—the pigmentation of the skin.

With such a deep-rooted prejudice the racial problem will become increasingly serious. Most of the so-called white liberals, though seemingly sympathetic with the blacks, are hypocrites. If they are politicians their interest is in votes from the other side of the track. Liberal politicians, if they can afford it, usually live in newly developed suburban areas and send their children to private schools; yet they claim to be crusaders for civil rights and they cry out demanding desegregation! Dr. S. I. Hayakawa, the samurai who became famous overnight in San Francisco last year, rightly pointed out: "You and I can live in the suburbs and demand integration in the schools downtown. We can make the moral demands and someone else has to live with them."

In my opinion, in order to solve the racial problem we should eradicate the erroneous conception of racial superiority and give way to new concepts of the equality of man. Let us hold this truth to be self-evident that the character and integrity of a person does not depend on the pigmentation of the skin. Let us all take the apostle Paul's words to heart: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus" (Galatians 3: 28).

VIOLENCE

In close connection with racism, violence is another iniquity tormenting American society. Violence and murder are listed in the catalog of Ezekiel's denunciations. Some intellectuals, notably Erwin N. Griswold, formerly Dean of Harvard Law School, have pointed out that since America was founded in revolution, it has in it a certain amount of congenital disregard for law. This explanation, it seems to me, can hardly furnish a justifiable excuse for resorting to sheer physical force. A nation which might have been born in violence should by no means continue to live in violence. As a child one acts like a child; as an adult one acts like an adult. As America has reached its maturity, it should have been weaned from violence.

Unfortunately, this is not the case. As the present situation stands, it seems that as long as the silent majority remains silent America is ignominiously becoming a nation dominated by the "ronins," the Japanese term for riffraffs, misfits, swashbucklers, and brutes. These asocial elements in the United States are better organized and far more sophisticated than their Japanese counterparts. Under the aegis of the Constitution and with the blessing of the so-called leftist and liberal segments of the country they have become increasingly vociferous and violent, intimidating the great majority of the people into silence. Billy Graham was recently reported to have blamed the "white news media for imposing a leadership on the American public which they do not want and for making heroes of radicals, both black and whites" (Associated Press, February 27, 1970). Even a justice of the United States Supreme Court, William O. Douglas, is openly preaching the gospel of revolution in his newly published book, "Points of Rebellion," saying that where grievances are strong, "violence may be the only answer to oppression!

With such moral and material support to egg them on, the American "ronins" have made a mockery of the American judicial system by performing bestiality in the courts; they have made a mockery of American democracy by taking to the street their causes or grievances. Streets have taken the place of the Capitol; streets have become the counterpart of people's courts of Red China; streets have been transformed into the Kremlin of the Soviets!

Americans generally have been so spoiled by such a large measure of liberty under the Constitution that they seem to have taken much for granted and scarcely appreciate it. Liberty has become license to practice licen-

tiousness of all kinds. "O liberty! what crimes are committed in thy name!"

Today people in this land of freedom and democracy are gripped by the fear of violence in all forms. In the wake of Martin Luther King's assassination, Washington was sacked for the second time in one and a half centuries, not by an enemy from without but by its own citizens from within, not for a plausible cause but for the sake of violence. Indeed, violence has become a way of life of the American people. Especially in big cities discontentments, grievances, and prejudices are being transformed into violent crimes—looting, ravaging, burning, raping, and killing. Even institutions of higher learning, which are supposed to be beacons for enlightenment, have been besmeared with infamy, for on the campus violence is often the instrument of the younger generation. But violence is contagious; the American society is becoming one in which no assurance can be given against vicious attacks. No sensible person would risk his life by walking on some of the streets in the cities after dusk. This deplorable situation has deprived the average American of his life, limb, liberty, or property without due process of law. Nominally he is safeguarded by the provisions of the Constitution, but social environment fraught with violence has made such provisions no better than scraps of paper.

BRING JUSTICE UP TO DATE

What makes the situation worse is the way criminal justice is administered in this country. As a lawyer who has been educated and trained both in China and the United States, I know something of both the strengths and weaknesses of the American judicial system. The theory and practice of criminal justice in this country are antiquated, being reminiscent of the eighteenth and nineteenth centuries. The elaborate protection of the rights of the defendant, for example, which was justifiable a century ago, is now becoming anachronistic. The society of modern times is increasingly urbanistic, complex, and complicated with increasing rate of violent crimes. For the preservation of law and order and for society's own survival the whole administration of criminal justice has to be reoriented and readjusted. Yet the Supreme Court of the United States has been fettered by its own rules. The case of Miranda versus Arizona, 1966, is a notable example. The Court usurped the legislative power of Congress by stipulating restrictions on law enforcing agencies, making prosecution and conviction of criminal suspects extremely difficult if not impossible.

To cope with crime, a new philosophy of criminology and penology must be introduced: In the whole administration of criminal justice the prime concern should be given to the offenses that have been actually committed and to the criminality of the offender rather than to the technicalities that have evolved, especially during the last few decades, for his protection. The right of society to perpetuate its own existence should outweigh the right of the individual criminal. Whoever has eaten the forbidden fruit, to him retribution must follow.

Another necessity to cope with the rising rate of crime is speedy trial. No unnecessary technicality should stand in the way of justice. Justice delayed is justice denied. In my opinion, certainty and celerity of punishment is more efficacious than its severity.

As to the victims of violent crimes, society should provide appropriate remedies to redress the wrongs, damages, injuries, and losses sustained by them. To neglect the rights and privileges of the victims but to afford the criminals overwhelming constitutional safeguards is injustice and absurdity to the last degree.

THE CULT OF SEX

The iniquitous situation next to the rising rate of violent crimes is the worship of sex among the American people generally—an iniquity also vehemently condemned by Ezekiel. The American people are singled out partly because they, more than others, have commercialized and glorified sex. Pornography is rampant partly because the Supreme Court of the United States has afforded it a kind of legal protection. This is made plain in the late Senator Dirksen's article, "A New Plan to Fight Pornography," in the "Reader's Digest" for November, 1969. Today pornographical materials, including motion pictures, have inundated the American public and it seems that a complete surrender to lewdness is the order of the day.

Professor J. D. Unwin, of Cambridge University, having made a study of eighty civilizations ranging over four thousand years, comes to the conclusion: "Any human society is free to choose either to display great energy, or to enjoy sexual freedom; the evidence is that they cannot do both for more than one generation."

GODLESSNESS

The worst iniquity perpetrated by man from time immemorial is his disobedience to the Creator and his shameful godlessness, which, as we have noted, tops Ezekiel's catalog of denunciations. Instead of worshiping God, man prostitutes himself before idols, such as money, machine, material well-being, and Mars. Instead of hearkening to God's words as revealed by the true prophets and Christ Jesus, he lends his ear to the false prophets who preach agnosticism, materialism, naturalism, atheism, and communism. By so doing man has chosen to be separated from God thus creating a gap between Creator and creature. This is the most horrifying gap as I see it, because man's separation from God is the worst sin and the wages of sin is death!

As man has separated from God he will be extremely vulnerable to all kinds of iniquities, leading to moral degeneration and social disintegration. The danger of godlessness is therefore real and grave. I am mindful of William Penn's admonition: "Men must choose to be governed by God, or they will condemn themselves to be ruled by tyrants."

The Chinese as a race have long believed that the universe is governed by heaven. In the "Book of Odes," an ancient classic presumably edited by Confucius, it is recorded: "Heaven so produced the teeming multitudes that in everything there is principle." In the cosmos there are principles governing the movements of all the planets in an orderly, harmonious manner. Similarly, in a human society man should also be governed by heaven-ordained principles so that an orderly, harmonious existence may be realized. Therefore, the traditional Chinese maxim has it. "He that obeys the will of heaven prospers, he that rebels against heaven perishes."

The world is in a turmoil and human society has fallen into decay simply because of man's disobedience and godlessness. Would it not be far better for the people all over the world to make their spiritual needs override all other needs and to submit themselves entirely to God who was, is, and shall ever be.

Now is the time for the prodigal son to return to his father's arms.

THERE'S SOMETHING ABOUT A HOMETOWN BAND

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. BRAY. Mr. Speaker, there is, indeed "something about a hometown band" as the words to the song make clear, and this is especially true in the case of the Ben Davis High School Band of Indianapolis, Ind.

Late this past summer the band capped one of the most outstanding records ever compiled for its performance in competition with a European tour that included 10 concerts, four marching performances, and two first prizes in the World Music Festival, Kerkrade, the Netherlands.

Not only the community served by the high school, but the city of Indianapolis and the entire State of Indiana are tremendously proud of the band's accomplishments. And, I venture to say, the spirits of two of America's greatest bandmasters—John Philip Sousa and Patrick Gilmore—are smiling in approval.

The following material, which I am proud to enclose in the CONGRESSIONAL RECORD in tribute to this fine group and all who made their trip possible, is a record of a tour that will never be forgotten:

HISTORY OF THE METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP

The name of the community which grew up along the Vandalia Railroad six miles west of Indianapolis, Indiana in the 1870's has always been a little in doubt. Some say it came about from a group of men who met and determined to petition the Vandalia railroad for a stop there. The superintendent of the Vandalia railroad was Benjamin Davis, who suggested that the community build a loading platform adjoining the tracks and in the center of the community. When the work was completed a name was needed for the Vandalia time table and somebody suggested it be named after the generous superintendent.

Perhaps no Indiana community has undergone greater changes than Ben Davis. And perhaps the most outstanding feature of the Ben Davis development has been in the school system. Ben Davis has majored in the upbuilding of a school system not surpassed even by lofty Indianapolis. In 1892 the first high school was built with two rooms upstairs for the High School and two below for grade pupils. Time took its toll. Teachers and pupils came and went. In 1914 Ben Davis had to send its high school pupils to Plainfield, a neighboring town, because of the inadequacy of the old building. A year later a new high school was built.

The Ben Davis school setup is one of which communities ten times larger might well be proud. The township now has 14 elementary schools, two Junior High Schools and a most modern and well equipped Senior High School to accommodate 2,500 students. A third Junior High School will be opened in the fall of 1971.

HISTORY OF THE BEN DAVIS HIGH SCHOOL BAND

The 1969–70 Ben Davis High School Band has 257 members of which 150 are members of the European Band Tour.

During the school year the students are divided into one of four bands: namely, the Symphonic (87), Concert (80), Varsity (67) and Cadet (23). The Symphonic band is directed by Hal A. Meurer, Department Chairman and Director of Bands, Paul W. Silke, assistant band director is director of the Concert and Varsity Bands and Steve Argelyan, Orchestra conductor, directs the Cadet group. Members of all four bands join together to make the "Marching Giants" one of the nations largest and best marching bands.

Band and instrumental music became a part of the school program at Ben Davis in 1937 when Mrs. Elva Strouse was employed to teach instrumental music. Directors who have succeeded her include, Omar Rybolt,

Mrs. Rybolt, Ralph Chandler, Hal A. Meurer.

Under the present band program, set-up by Meurer in 1954, instrumental music begins in Grade 7, at either of the two Junior High Schools. Approximately 175 students begin each year with each Junior High School having two instrumental directors. The Fulton School program is directed by Gene Smith and Mrs. Pat Meurer and the Ben Davis Junior High Band is directed by Ron Doak and Fred Niemeyer.

The Ben Davis Band has compiled an enviable record of accomplishments. Five times State Marching Champions during the past nine years it is respected by every band director as one of the States finest. A composite record of achievements during the past ten years is as follows:

1960—1st Place at the Riverview Tournament of Bands, Chicago, Illinois; Indiana State Fair Champions; Honor Band at Tulip Festival, Holland, Michigan; 500 Festival Parade and Race Activities.

1961—1st Place at the Riverview Tournament of Bands, Chicago, Illinois; Indiana's Representative at Inaugural Parade in Washington, D.C.; Indiana State Fair Champions; 500 Festival Parade and Race Activities.

1962—1st Place at the Riverview Tournament of Bands, Chicago, Illinois; 4th Place Indiana State Fair; Orange Bowl Parade, Miami, Florida; 500 Festival Parade and Activities.

1963—1st Place at the Riverview Tournament of Bands, Chicago, Illinois; Kentucky Derby Parade, Louisville, Kentucky; Tournament of Roses, Pasadena, California; 2nd Place Indiana State Fair, 500 Festival Parade and Race Activities.

1964—Indiana State Fair Champions; 1st Place, Festival of States, St. Petersburg, Florida, Participated in the 500 Festival Parade and Race Activities.

1965—4th Place Indiana State Fair; Honor Band at the 500 Festival Parade and Race Activities; Tour to Willoughby, Ohio, Burlington, Ontario; Feature Band at Waterloo, Ontario Parade and Music Festival.

1966—Indiana State Fair Champions; 1st Place, 1st Division Class "A" concert band Indiana School Music Contest. Tell City—Cincinnati Trip; 500 Festival Parade and Race Activities.

1967—Indiana State Fair Champions; 1st Place, 3rd Place National Disneyland Holiday Contest competing with 275 bands; Represented United States at Expo 67, Montreal, Canada; 500 Festival Parade and Race Activities.

1968—Indiana State Fair 3rd Place; 500 Festival Parade and Race Activities. Howell, Michigan Melon Festival; 3rd Place National Disneyland Contest; Indiana State Fair 2nd Place; 1st Division State Concert Band Contest Class "A."

1969—2nd Place Indiana State Fair; Honor Band at Butler University, Indiana University and Indiana State University football games; 1970 Orange Bowl Parade, Miami, Florida; Eastern Tour with Symphonic and Concert Bands to Niagara Falls, Canada, Boston, Long Island and New York City; Honor band at Rushville, Indiana Auto Parade; Stage Band Contest 1st Division State Contest, highest rating by any band. 500 Race Activities.

CITY OF INDIANAPOLIS.

From the City of Indianapolis, Indiana
To the World Music Festival of Kerkrade, Holland

GREETINGS: Indianapolis is extremely proud to be represented at the World Music Festival by the Ben Davis High School Band. This band has won 1st prize five times over the last decade at the Indiana State Fair Marching Band Contest, and as holders of this distinction, it is indeed fitting that they should represent the city of Indianapolis.

Indianapolis is the 12th largest city in the United States and geographically serves the Nation as its "crossroads" between North and South, East and West. We are the largest city in the United States with a consolidated government and in 1971 will celebrate our 150th Anniversary.

Along with our greetings, we extend our congratulations to all of the festival participants and our admiration for your accomplishments.

With best wishes for the success of the festival,

I am,

Sincerely,

RICHARD G. LUGAR,
Mayor of Indianapolis.

1970 BEN DAVIS BAND EUROPEAN TOUR RECORD

(By Joe Vandoski, assistant to the band director)

Over the past decade, the Ben Davis High School Band of Indianapolis, Indiana has brought much honor to the State of Indiana and has contributed a great deal to the major parades in the United States and Canada. It all started in 1959, when Ben Davis appeared as the feature band in the Holland Tulip Festival, Holland Michigan. In 1960 the band received an invitation to appear as Indiana's Representative in the Inaugural Parade of President John F. Kennedy. In December of 1961, the band journeyed to Miami, Florida to participate in the King Orange Jamboree Parade, and the following year the band appeared before an estimated live audience of fifty thousand people and a television audience of over one hundred million in the famous Tournament of Roses Parade in Pasadena, California. This certainly appeared to be the pinnacle of the band's career.

However, bigger and better things lay ahead. In 1964, the band participated in the Festival of States parade and band contest held in St. Petersburg, Florida. There, Ben Davis competed with bands from several states and was awarded 1st place receiving 298 out of a possible 300 points. This parade seemed to signify the end of an era for the Ben Davis Band for it marked the last major parade for Ralph W. Chandler the man who had molded the band into one of the best and most active in the Nation.

However, Ben Davis was fortunate to receive a man as director who would lead the band on to new horizons. Hal A. Meurer assumed the directorship in 1964 and immediately proved to be a very competent band director. In 1965, the band performed in the Waterloo Band Festival in Ontario, Canada, and in 1967 they appeared in Expo 1967 in Montreal, Canada. Also, during the period from 1960 to 1967 the band won five Indiana State Championships. In late December of 1969, the band made its second appearance in the King Orange Jamboree Parade in eight years. However, this parade seemed almost anti-climatic because of the anticipation of the greatest undertaking of the Ben Davis Band—an appearance at the World Music Festival and a good-will concert tour of Europe.

The planning began more than a year before proposed departure date. The students had to earn more than $700 in that year's period in order to make the tour. Since this was such a difficult task, the band furnished candy, fruit cakes and other miscellaneous items for the band members to sell, the profit of which was used for their own expenses. Then in early May of 1970 the band started practicing after school most evenings of each week. They were required by the World Music Festival to perform a twelve minute marching show and three concert selections. This proved to be a task considering the time limitations, graduation and working schedules. However, things went reasonably well and the band displayed the fruits of their endeavors in a dress rehearsal July 7.

The rehearsal was well publicized and attended by over 2,000 people. Mrs. Esther Bray, wife of Indiana's 6th District Congressman, William G. Bray, expressed regret that Representative Bray was unable to attend because of pressing matters in Congress and delivered a message from Mr. Bray along with her own personal wishes for the band's success. Then Joseph E. Vandoski, Assistant to the Band Director, read a letter from Mr. James Keogh, Special Assistant to President Richard M. Nixon, who gave the following message to the Band:

"The President is confident that through the efforts of your young people as ambassadors of good will, all those with whom they come in contact will be aware of the warm sentiments of the people of our country."

Finally, a proclamation from Edgar G. Whitcomb, Governor of the State of Indiana, was read by Mrs. Harriett Burns of his office. The proclamation reviewed the band's past accomplishments and their forthcoming appearance at the World Music Festival and was concluded by declaring Tuesday, July 7, 1970, Ben Davis Band Day for the State of Indiana. This was the last time the band would be together until late evening of July 10 when a chartered intercontinental jet would take the 150 musical ambassadors of good will along with 100 adults on a musical adventure that would not end until 28 days later.

The evening of the departure an estimated crowd of 2500 was on hand to see the band off. And, after a two hour delay, the band boarded the jet and was off to London, England. The evening of July 11, the band played a concert in Bathersea Pleasure Gardens, London. During a break in the concert, the Band Director, Hal Meurer, introduced Paul Silke, Assistant Band Director, Fred Niemeyer, Gene Smith, Mrs. Patricia Meurer, members of the musical staff in Wayne Township and Joe Vandoski and Rick Pate, assistants to the Band Director, and thanked them for their help in making the tour a reality. Mr. Meurer then thanked his brother, Robert Meurer, for his help in organizing the show and tour. He also expressed thanks to Ronald Doak who stayed home in order to make preparation for the State Fair Band Contest. The band was very well received. The next day the band marched by Whitehall, Big Ben, Westminster Abbey, the Houses of Parliament and commenced at Trafalgar Square. Again the band was very well received drawing a large crowd which grew even larger as the band marched through the streets of London. The policeman who was in charge of showing the band the parade route remarked that the band was well liked because most American bands play stock marches whereas Ben Davis played rock music—"Aquarius" and "The Horse."

On Tuesday July 14, Bastille Day, the band played a marching concert under the Eiffel Tower. This was quite an honor for an American band to be scheduled to play a concert on the National Independence Day of France. Despite the light mist which continued during the concert, the band attracted a large crowd. The French people enjoyed the rock music and the variety of steps the band used while marching. Next the band was off to Kerkrade and the World Music Festival.

The band arrived in Kerkrade, Netherlands, Friday night July 17. A few hours after arrival the band director received a telephone call from a member of the World Music Festival Committee who informed him that our marching time had been moved from Sunday to Saturday and that we were to open the Music Festival by request of Prince Claus of the Netherlands. This was quite an honor. The next morning the band opened the Festival with a big bang winning a 1st prize. The theme of the show was "A Musical

History of the United States" which concluded with the unfurling of a giant replica of the Flag of the United States while playing "God Bless America" and then they marched off the field playing "Stars and Stripes Forever". The next day, Sunday July 19, the band played three concert selections including one which was composed by one of the judges. For their efforts the band received a 1st Prize with Distinction. There was a large article along with pictures of the band the next day in the "Limburgs Dagblad," a Holland newspaper. In addition, the television news in the Netherlands showed films of the band's marching performance and told of their accomplishments at the Music Festival. The next day, victorious, the band set out for Germany and a concert at Heidelberg.

The band played a concert in the Palace Courtyard of the Heidelberg Castle the afternoon of Tuesday, July 21st. The setting of the centuries old Castle and the modern music of the band made for a very exciting concert. The evening concert schedule for the Band Shell had to be cancelled because of rain.

Thursday, July 23rd the band played a concert in the Casino Kursaal in Lucerne, Switzerland. The sight of huge majestic mountains in the background made this concert absolutely breathtaking. The band had a large audience which included two representatives of Eli Lilly International. The band director introduced them and thanked Eli Lilly International for their assistance in making the concert tour possible.

The band's next performance was in Innsbruck, Austria, Saturday, July 25th. The band marched through the center of the city in the afternoon drawing a very large and enthusiastic crowd. That evening they played a concert at the Music Pavilion in the Hof Gardens. The band was very well liked receiving six encores. They played "The Horse" several times since it seemed to be the selection that the crowd enjoyed most. As the band played it the people would dance, jump up and down or just tap their feet. After the final encore, the band director stepped completely away from the podium until the audience stopped clapping and cheering. Then he stepped back onto the podium to give the band instructions and the audience started clapping and cheering very loudly again. It was quite an experience and tends to prove the adage that "Music is the International Language."

The next concert was Tuesday, July 27, in Venice, Italy in St. Mark's Square. The setting for this performance was haunting. On a three tiered band stand was Ben Davis composed of very modern, young people from many thousands of miles away, and in the background was the famous St. Mark's Cathedral which enshrines the remains of one of the disciples of Christ. The band drew a large crowd and was well received. Three people from Brazil who were visiting Venice remarked that the band was as fine as any college group they had seen. As a matter-of-fact they thought Ben Davis was a college and were surprised to learn that the band was a high school group.

The concert in Rome, Friday, July 31st was very successful. Fuigi Sapio, the Assistant Mayor of Rome was there to introduce the band and present them with a certificate. The band performed both their award winning marching and concert shows. After the concert Assistant Mayor Sapio insisted that the band march again! In compliance, the band performed their marching show prepared for the London and Innsbruck street marching.

On Sunday, August 2nd, the band left for Assisi, Italy, in order to participate in the Festival of the Angels which was filmed to be shown at a later date in Los Angeles, California. Participation in this festival is by invitation only and the band was very proud to be included.

The band's final concert was in Florence, Italy, Tuesday, August, 4th in the Senorina Plaza in the heart of Florence. They received a great ovation for their efforts—a fitting climax for a very successful concert tour.

On Thursday, August 6th, ten concerts, four marching performances, two 1st prizes and twenty-eight days later the Ben Davis Band returned home. They were greeted by the band members who did not make the trip to the tune of "Back Home Again in Indiana". Also an estimated 3,000 fans along with television and press men were on hand. The following Saturday the band held a triumphal parade in downtown Indianapolis headed by Richard Lugar, Mayor of Indianapolis and Lee Eads, Marion County Sheriff. After returning to Ben Davis High School, Howard Wood, High School Principal; Hal Meuer, Band Director; Dr. Sidney Spencer, Superintendent of Schools for Wayne Township; and Mayor Lugar gave speeches praising the band for their role as Musical Ambassadors of Good Will from the United States to the countries of Europe.

[From the Indianapolis Star, July 21, 1970]

SALUTE BEN DAVIS BAND!

The Ben Davis High School Band, which is touring Europe, has won first place in an invitational show band contest of the International World Music Festival in Holland. Quality counts.

[From the Indianapolis News, July 22, 1970]

ANOTHER DAVIS WIN

The band played on and won first place in the International World Music Festival.

The band was from Marion County's Ben Davis High School which has a long record of Hoosier and national titles for musical performance. Competing in showband competition at Kerkrade, Holland, Ben Davis took on and defeated some of the world's finest bands. The squad is on a tour of Europe where it has played to appreciative and enthusiastic audiences in London and Paris. Concerts are also scheduled for Germany, Austria and Italy before returning to Indiana.

Ben Davis has carried Hoosier and American talents to the Old World and in the process has played its way into the hearts of many Europeans. The band is a splendid good-will ambassador for the state and country.

[From the Indianapolis News, Aug. 14, 1970]

CHEERS STILL ECHO IN BEN DAVIS BAND EARS

(By Kathleen Van Nuys)

"Nothing can compare with the thrill of people cheering us at Kerkrade," said Nancy Denny, recalling Ben Davis High School Band's World Music Festival appearance in the Netherlands.

"Even before we began to play, people stood and cheered and they kept it up until we finished. I've never been so proud of our band."

The musician was also impressed with the friendship Dutch families extended bandsmen during their only stay in private homes on the month-long European tour.

"Our stay in people's homes was the best part," stated Harry Powers. His comment was backed up by Lou Carlisle, Terri Hughbanks and Laura Sauter, who pointed out the "fun in trying to communicate with people who don't speak English."

Marilyn O'Brien enjoyed using her "school-learned French" to vertify directions with a Paris policeman, just so she could thank him in his native tongue. "It also was fun to stumble through two days of a mixture of Dutch, English, French and sign language in Kerkrade where the husband in our home spoke French," she added.

Mary Hennigan and Terry Lawrence were interested in various customs, while Kathe Turner and Judy Engle told of overnight stays in two monasteries.

EVERYTHING WAS FUN

"I liked the feather beds in Germany," confessed Linda Elliott, while Patty Dierdorf raved about the scenic Rhine River boat trip. "Everything was fun, even bread, expensive Cokes, hard rolls and long bus rides. I do wish I'd been a little more proficient in sign language," admitted Marti Daily.

"Just walking about towns, buying different things was exciting," observed Doug Cottingham. Judy Krueger's shopping was made more pleasant by a shop owner who replaced, without charge, a small stein she accidentally broke.

The enthusiasm of these and other musicians comprising the 160-member touring group is carrying over into daily rehearsals for the entire 270-member band's Indiana State Fair appearance in two weeks. "I've never had as spirited or enthusiastic a group," said director Hal A. Meurer. The band, gunning for a sixth state championship, is riding on the wave of two honors won at the Kerkrade contests which ended Sunday.

"Our band received first prize in the marching show band contest and was awarded first prize, with distinction, in the concert band division," said Meurer. "Ours was the first band to receive the latter award and 50 had appeared ahead of us."

Bands from 19 countries, mostly in Europe, competed in the event and the majority were adult organizations. Tour highlight for Meurer, who lost 20 pounds was two unscheduled concerts played at the request of Rome and Assissi officials.

CROWDS WERE BIG

"The crowds were so big and vocally enthusiastic," said the director. "They clamored for encores, and came up onto the stage after we'd quit from the heat and exhaustion. We were playing today's music with a big band," he added, trying to explain the music-loving Italians' wild reception.

Meurer recalled the fun bandsmen had playing on open air street cars to publicize their Heidelberg concert. "They also enjoyed our four fun-making French bus drivers," he added.

Dr. Forrest Denny, father of Nancy, accompanied the band to take care of illnesses, but there were few. Mrs. Denny and another daughter, Anne, also made the trip.

"Mona Halstead, who dropped a suitcase on her foot and broke a toe, was our only casualty," said Meurer who had two able assistants, William Minnick and Bennie Decker.

Minnick, Ben Davis Junior High School principal, handled details for 90 adults on the tour, while bookkeeping teacher Decker arranged for student chaperones. Both served a year on the tour's planning committee.

THE WHITE HOUSE,
Washington, D.C., August 15, 1970.

Hon. WILLIAM G. BRAY,
House of Representatives,
Washington, D.C.

DEAR BILL: It is easy to understand your pride in the Ben Davis High School Band whose members just recently performed at the International Band Festival held in Kerkrade. Your feelings are shared not only by me but by countless fellow citizens who appreciate the goodwill they created, and the outstanding example they displayed of the American way of life.

I hope that you will convey my warm congratulations to them for being such effective unofficial ambassadors, and for bringing so much credit to their country.

Sincerely,

RICHARD NIXON.

SOME NEEDED CHANGES IN THE PHILADELPHIA PLAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a copy of a letter written to Mr. James Hodgson, Secretary of Labor, from Mr. Malcolm A. Watson, president of Fisk Electric Co. of San Antonio. The letter contains some very timely and constructive suggestions, which I would hope the Secretary will seriously consider.

The letter follows:

FISK ELECTRIC CO. OF SAN ANTONIO,
San Antonio, Tex., August 20, 1970.

Mr. JAMES D. HODGSON,
Secretary of Labor, Capitol Building, Washington, D.C.

DEAR MR. HODGSON: I recently read an article in the August, 1970 Edition of "Electrical Contractor" quoting remarks of yours regarding skilled labor shortage and employment of Minority groups; and I have to agree with you on both. I am sure there are many other businessmen who would agree with you.

However, if what I've been told about the "Philadelphia Plan" is true, I cannot agree with you; that is, if it is forced hiring of a predetermined ratio. This type of plan can give jobs to a minority group, but will be at the cost of others, without any return, and will only add to our inflationary problem.

I would offer the following alternative plan that would do several things.

Add a new classification to the skilled crafts other than apprentice and would suggest "Helper" or "Laborer", preferably "Helper".

This new classification could be used to accomplish several things:

Provide more manpower on construction projects at a lesser cost. As it is now, we Electrical Contractors have to pay Journeyman Scale for nothing more than hard work—moving heavy equipment and materials and clean up and more than half of the manhours of installation are utilized on work that does not require a skilled man but could be done by people with less knowledge and experience under the supervision of a skilled person.

This additional classification would accomplish the following:

(A) Decrease our shortage of skilled craftsmen.

(B) Reduce the cost of construction.

(C) Would provide a period of time for evaluation of minority groups as possible skilled candidates.

(D) Then the people in this classification would have a goal to achieve, better their living standards, and could retain their dignity as an equal.

The only opposition to this plan would be the people who do not care about their fellow man because of their concern for either money or power; and we could again be the leading industrial country in the world. I believe if we studied the industrial gain and success of Japan and West Germany, we would find their secret.

I would appreciate hearing from you regarding this matter.

Very truly yours,

MALCOLM A. WATSON,
President.

MASSACHUSETTS STATE SENATE RESOLUTIONS URGING PRESIDENTIAL AND CONGRESSIONAL ACTION TO AVERT SERIOUS HEATING FUEL OIL SHORTAGES IN NEW ENGLAND

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. DONOHUE. Mr. Speaker, all the citizens and consumers, as well as the congressional delegations here from and in Massachusetts and New England, are very deeply and rightfully concerned about the increasing threat of great physical and financial hardships that will inevitably be visited upon them if the present heating fuel oil shortage should be permitted to intensify.

I, and all the other members of our delegations here, have repeatedly called upon the President, other appropriate Federal officials, and the members of the House Ways and Means Committee to take pertinent action to avert this growing and discriminatory burden that has already, for too long and too heavily, been visited upon the taxpayers of Massachusetts and our regional area.

All of us will persevere in our cooperative efforts and we must earnestly hope that the White House and all Federal agencies and officials will very soon recognize our just appeal for relief and respond promptly and effectively to adjust this inequitable situation.

At this point I am pleased to include a copy of the resolutions adopted last August 17, 1970, expressing the sense of the Massachusetts State Senate on this vitally important subject and they follow:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVERSE THE ACTION OF THE HOUSE WAYS AND MEANS COMMITTEE PROHIBITING THE PRESIDENT OF THE UNITED STATES FROM INCREASING OIL IMPORTS AND TO ADOPT THE RECOMMENDATIONS OF THE PRESIDENTIAL CABINET TASK FORCE ON OIL IMPORTS

Whereas, New England has in recent years been the victim of great discrimination in the price of home heating oil because of the existing national oil import quotas; and

Whereas, As a result of such quotas there has been a serious shortage of No. 2 home heating oil in the New England area; and

Whereas, Massachusetts consumers alone use 2.2 billion gallons of home heating oil annually; and

Whereas, Recent action of the United States House of Representatives Ways and Means Committee prohibits the President from increasing oil imports and adopting the recommendations of the Presidential Cabinet Task Force on oil imports; and

Whereas, Such action by the Ways and Means Committee prevents a reduction in the price of oil in New England and interferes with the availability of an adequate supply of such oil; now, therefore, be it

Resolved, That the Massachusetts Senate memorializes the Congress of the United States to reverse the action of the United States House Ways and Means Committee prohibiting the President from increasing oil imports and adopting the recommendations of the Presidential Cabinet Task Force on Oil Imports; and be it further

Resolved, That copies of these resolutions be forwarded by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

Senate, adopted, August 17, 1970.

NORMAN L. PIDGEON,
Clerk.

A true copy.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

BIOLOGICAL CONTROLS OF INSECT PESTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD two excellent commentaries appearing in the Conservation News, an educational service of the National Wildlife Federation, Volume 35, No. 16, dated August 15, 1970. The first, entitled "The Statement" sets out some clear circumstances and facts with regard to the use of DDT and the foolish position taken by the Department of Agriculture thereon. The second, entitled "Anti-Mosquito Mosquito" points out how it is possible to achieve biological controls of insect pests through wide use of radiation breeding and similar methods.

I insert the two articles in the CONGRESSIONAL RECORD with the hope that somebody in the Department of Agriculture will read and benefit from them.

Perhaps with the passage of time the Department of Agriculture will achieve a more enlightened position than it has demonstrated in the past on the manner and use of pesticides and their hazards to man, animals, and the environment.

The text of the two articles follow:

THE STATEMENT

There should have been some appropriate sign or omen to mark the day as James Moorman, environmental attorney, double-timed back down the steps of the U.S. Court of Appeals for the District of Columbia. But there wasn't.

It was just August 10, 1970. The day conservationists fired the shot that wasn't heard across the street.

Representing the Environmental Defense Fund, Sierra Club, West Michigan Environmental Action Council, National Audubon Society and Izaak Walton League of America, the young attorney had filed a brief that just might write the concluding chapter in the vintage DDT controversy. And definitely destroyed any remnants of the U.S. Department of Agriculture's pesticide credibility.

The brief was conservationists' reply to Agriculture's "Statement of the Reasons Underlying the Decisions on Behalf of the Secretary with Respect to the Registration of Products Containing DDT," filed in response to the Court's demand for an explanation of

Agriculture's refusal to suspend registrations of poisons containing DDT.

Agriculture's "Statement" and the conservationists' subsequent analysis are not recommended reading for those wishing to retain the illusion of a world as they would have it rather than the way it is.

For years, conservationists steadily increased pressure to eliminate the use of DDT in favor of safer chemical pesticides and integrated controls. Their demands were consistently met with premeditated governmental malfeasance and increasingly vitriolic attacks from DDT apologists up to and including charges of anti-capitalism and genocide.

The frantic, often paranoiac drive to save DDT at any cost peaked with "The Statement." It contends DDT is "essential" to fight disease vectors viz. "DDT has been widely used to protect man against a number of important arthropod-borne diseases, e.g., malaria, onchocerciasis, typhus, encephalitis, yellow fever, tick fever, bubonic plague, cholera and dengue fever." Citing the prestigious Mrak Commission Report, and two more references that don't support its contention. The Statement argues that disease control benefits outweigh the danger of carcinogenesis (which it contends has yet to be proven in man).

Strangely, the Mrak Report actually concluded, "It is reported by well informed scientists that as far as insect vectors of disease are concerned there is none known which are normally susceptible to DDT that cannot be controlled with a substitute."

When the conservation attorneys get down to Agriculture's specific disease threats, the mind boggles. Witness the following as paraphrased from their reply to the Court.

DDT did help eliminate malaria in the U.S. Now the only malaria in this country has been contracted in other parts of the world and there are substitutes for DDT including methoxychlor, dichlorvous, abate, Malathion, etc. Typhus was eliminated from the U.S. many years ago. Encephalitis is rare in the U.S. and controllable by Malathion. Yellow fever hasn't been reported in the U.S. since 1904. The carrier mosquito can be controlled with abate, and one vaccination provides complete protection for at least ten years.

Tick fever is a rare disease in the United States. *It cannot be controlled by DDT.* (italics added). Bubonic Plague is very rare in the U.S. (three or four cases per year) and is controlled far more efficiently by means other than DDT. Cholera does not occur in the United States and is rarely insect borne. Dengue fever is not endemic to the United States and is carried by the yellow-fever mosquito. Onchocerciasis does not occur in the United States. In Africa, the black fly carrier is controllable with methoxychlor.

The conservationists were no less devastating in their rebuttal of The Statement's contention that "DDT is as important to the farmer as penicillin is to the physician."

The Mrak Report stated, "Although DDT is still involved in some of the international food production programs sponsored by U.S. agencies, there is a feeling that a withdrawal or systematic reduction of DDT would have a minimum effect."

The Statement itself says, "Records of the (Agriculture) Department indicate that there are about 65 other registered pesticides that will control one or more of the insects controlled by DDT."

Citing Agriculture's own *Agriculture Economic Report No. 158;* April 1969, "DDT Used in Farm Production," the conservationists point out that farmers are the major domestic users of DDT. However, only 2% of U.S. crop land is treated with DDT which is being replaced for many uses because insects are developing resistance and there are less costly insecticides for some purposes.

Cotton growers use most (¾) of the DDT that farmers buy, but only about 38% of the country's cotton acreage is actually treated with DDT. "While Respondents (Department of Agriculture) say there are no alternatives to DDT for the cotton bollworm (Heliothis) their own registrations list chemical alternatives including parathion, methyl parathion, axodrin, carbaryl, gardona and several others."

"The cotton bollworm is an insect that is not nomally a pest because it is under heavy pressure from naturally occurring predacious insects. The use of a broad spectrum poison such as DDT destroys these predators, releasing the bollworm from predation and elevating it to pest status. The cotton bollworm problem, therefore, not only is not solved by DDT, but is often *caused* by DDT (emphasis in original). Some studies actually show that the use of DDT and other insecticides gives a lower yield of cotton than occurs in untreated fields."

In response to conservationists' charges that DDT is responsible for mounting wildlife disasters, The Statement allows that" . . . the present available scientific evidence indicates that there are some adverse effects upon certain species of fish and wildlife as a result of the use of DDT, but that such effects do not constitute an imminent hazard to fish and wildlife or the environment."

Some adverse effects on fish and wildlife? There is extensive documentation of local bird mortalities directly attributable to DDT applications. Entire species of carnivorous birds, including the peregrine falcon, bald eagle, osprey, brown pelican, Cooper's and sharp-skinned hawks, etc, are seriously threatened by DDT's effect on their reproductive processes.

The Statement maintains, however, that ". . . in these instances of bird mortalities that have been attributed to the use of DDT in a treated area, the depopulations in the area have been temporary." Incredibly, the article cited to support this proposition says robins returned to the DDT treated area only *after DDT treatment ceased and was replaced by methoxychlor.*

DDT's effect on aquatic organisms may be more disastrous, albeit more insidious, than on birds. The Statement admits DDT causes "fish mortality and reproductive failures," but that Agriculture knows of no species of fish that is endangered as a result of DDT use.

Absolutely no one has yet intimated entire species of fish are endangered by DDT. But it is a little easier to understand how Agriculture managed to rationalize away the massive documentation on mortalities and reduced reproductive success of aquatic organisms when The Statement notes a ". . . review of animal populations shows no overall decline but, to the contrary, the harvest of fish and wildlife populations are continually increasing."

After analyzing the references Agriculture submitted to support that statement the conservationists replied, "Three of the references concern water fowl populations and show population declines, not increases. One concerns falcons, but is dated 1942, preceding the use of DDT. Two concern big game, which are completely irrelevant to this case. One involved an inconclusive and unscientific report of bird watchers. One has absolutely nothing to do with population trends, but concerns the adverse effects of DDT on brook trout behavior. One indicates an increase in Great Lakes fish harvests over the years, but does not take into account the problems plaguing that fishery as a result of DDT in recent years."

The Statement's rationale of DDT's carcinogenic properties is perhaps even more frightening due to the nature of the issue and the fact that the "average" American contains 12 parts per million DDT.

The Statement acknowledges, "There are reports of carcinogenicity resulting from the administration of large doses of DDT in test animals." But that, "the relevance of such findings to cancer in man has not been established."

In evaluating the 1969 "Innes Report" of the National Cancer Institute, the Mrak Commission stated, "The evidence for the carcinogenicity of DDT in experimental animals is impressive and the Panel takes no exception to the conclusions as to DDT recorded in the JNCI report of the National Cancer Institute Study. *This study has demonstrated that DDT increased the incidence of cancer in mice under the experimental conditions employed. . . .*" (Emphasis in original.)

And as Agriculture says, that doesn't *prove* DDT is carcinogenic in humans. But, the Mrak Report states, ". . . a remarkable degree of concurrence has been found to exist between chemical carcinogenesis in animals and that in man where it has been studied closely."

Dr. Samuel S. Epstein, Chief, Laboratories of Environmental Toxicology and Carcinogenesis, Children's Cancer Research Foundation, said, "These data on the carcinogenicity of DDT in a wide range of animal strains and species unequivocally demonstrate a highly significant potential carcinogenic hazard to man."

Complete polarization on the DDT issue and the Agriculture Department's sorry pesticide record preclude any serious attempts at kindness when pondering the abortion of logic that spawned The Statement.

In 1969, the House Government Operations Committee charged the Pesticides Regulation Division refused for five years to exercise its cancellation authority when it had reason to believe a pesticide was ineffective or even hazardous. In fact, the hearing record stated, "Until a few weeks ago, the Pesticides Regulation Division did not even have procedures for conducting hearings or studies which registrants may request as a matter of right before cancellation action can become effective. When registrants receiving cancellation notices requested hearings or studies, prosecution of the cancellation action was halted and the product left on the market."

The Committee revealed that during the five-year period ending June 30, 1969, the Agriculture Department approved more than 1,600 pesticides over the objections of the Department of Health, Education and Welfare. "The exact number is not known because the Pesticides Regulation Division does not keep records of products registered over HEW objections and has failed or even refused to inform HEW of action taken with respect to its objections."

Wisconsin Senator William Proxmire recently pointed out that "although an interdepartmental agreement between HEW and Agriculture requires that unresolved HEW objections be referred to the Secretary of Agriculture before a registration is approved, not one of the more than 1,600 HEW objections was so referred."

Painfully aware of this background, conservationists were encouraged, but nonetheless suspicious, when on the heels of the Mrak Commission's devastating report the Agriculture Department proclaimed it would phase out all non-essential uses of DDT by 1971. As usual, their suspicions were well founded.

On May 6, 1970, Agriculture issued notices of cancellation for 30 uses of DDT. The New York Times subsequently reported, however, that the Department's Science and Education Director Dr. Ned Bayley admitted "DDT had not been used extensively on these crops" and the cancellation notices were issued largely to "get our house in order."

In the July 29, 1970 Congressional Record, Senator Proxmire revealed Agriculture predictably had so far decided 54 out of an esti-

mated 100 total DDT uses were "essential to the public health or welfare."

It is difficult to get a house in order when the furniture is missing and the plumbing won't work. The Court is clearly the sole recourse for the public interest. Bitter experience in the long DDT battle dictates caution in outguessing the vagaries of the law. But it's difficult to stifle hope that The Statement will be the last in a long line of indefensible defenses and DDT will finally end up on the museum shelf where it belongs.

ED CHANEY.

ANTI-MOSQUITO MOSQUITO

Apparently deaf to siren songs from American chemical manufacturers, two University of Notre Dame scientists have developed an absolutely safe way to reduce the world's yellow-fever mosquito population. Safe for everyone but mosquitoes, that is.

As reported in the July 1, 1970 issue of "BioScience," the anti-mosquito mosquito resulted from a cross-breeding process that began with the irradiating of some yellow fever mosquitoes. The irradiation produced mosquitoes with broken chromosomes. Professor of Biology Karamjit S. Rai and graduate student Paul T. McDonald then cross bred the mosquitoes until an insect with an entirely new chromosome was produced.

The male mosquito with the new chromosome appears normal and strong, but produces sperm which are 75% incapable of fertilizing eggs or producing a new generation of mosquitoes. Of those offspring which are produced, approximately 80% of the males inherit the sterility factor, continuously passing the lethal characteristic to succeeding generations.

The advantage of the new-chromosome mosquito, according to Dr. Rai, is that it is competitive with other mosquitoes when released in the general population. Mosquitoes subjected to radiation and then released do not transmit sterility to subsequent generations and are often too weak to fly or mate with normal females. The new breed, however, appears to be able to compete with normal males, to mate and to transmit its sterility to future generations. This makes it possible, in theory, to wipe out the entire species in time.

Best of all, Dr. Rai says the creatures cannot develop an immunity to the sterility chromosome as they can, and have, to DDT and other pesticides.

The World Health Organization is planning to test the new mosquito's practicality in India.

UNICEF'S QUESTIONABLE CONNECTIONS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, under leave previously given I include in my remarks a copy of a letter written by a San Antonio constituent to Postmaster General Winton M. Blount.

It will be noted that the writer points out that recently a decision has been made by the Post Office Department to allow UNICEF to sell greeting cards in lobbies of post offices. This appears to reverse a prior policy.

The revelations contained in the letter are significant. Let us hope the Postmaster General will review and reverse the action recently taken.

A copy of the letter follows:

AUGUST 18, 1970.

WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. BLOUNT: It has come to my attention that the Post Office has changed its earlier decision to not allow UNICEF to sell greeting cards in lobbies of the United States Post Offices. With the overwhelming amount of evidence available showing that UNICEF's whole staff has always been loaded with actual Communists and known Communist sympathizers and that over one hundred millions of dollars has been given by UNICEF to outright Communist governments, I cannot understand this reversal. According to its own literature, UNICEF never gives anything, anywhere, at any time to a single child. It gives only to governments.

If you have some doubts about Communist control of UNICEF you might just check the list of artists chosen to do the art work. Pablo Picasso, who has belonged to the French Communist Party since 1944, and who has been praised by a Marxist Magazine as a "lifelong Communist", is one of the best known but the list of others would include Hans Erni, Ben Shahn, Antonio Frasxoni, Doris Lee, Arnold Blanch, Karel Svolinsky, Lojos Vincze, and Jean Lurcat. Their records as communists and communist symathizers are available through investigative branches of our government. So far as I have been able to determine, The U.S. Post Office and the Communist Party bookshops are the two principal places that these UNICEF greeting cards are sold. Allowing them to be sold in the lobbies of our Post offices throughout the country is the same as an endorsement by the United States Government and is in bad taste, if not something more.

I further feel, as a matter of principle, that if you allow an atheistic communist group to raise funds in this manner, that you should not be discriminatory and also allow various churches, the minutemen, the Ku-Klux Klan and the John Birch Society to do likewise.

— —.

A PRAYER FOR PRISONERS OF WAR

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MONTGOMERY. Mr. Speaker. I would like to share with my colleagues the following supplication to God Almighty entitled "A Prayer for Prisoners of War." It was written by Rear Adm. James W. Kelly, U.S. Navy, Chief of Chaplains:

A PRAYER FOR PRISONERS OF WAR

Almighty Father, who suffers in the affliction of your children, we call upon you now from the depths of our anxiety and great concern for our countrymen and loved ones who have fallen into the hands of the nation's foes. In the face of the evils that these brave men endure and before the grim burdens they are forced to bear, give them courage and hope, and never failing confidence in you.

But most of all, O God, we ask that the day will soon come when we can all celebrate their release and safe return to their homes and kindred.

Give to all of us who wait and hope in the face of every disappointment the will to persevere in the cause of peace and the wisdom to conquer hate with love and every doubt with a renewed faith in you. Amen.

INTRODUCING CHILDREN TO THE ARTS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 8, 1970

Mr. SCHWENGEL. Mr. Speaker, the Davenport-Times Democrat recently carried an excellent article by Julie Jensen on the need for acquainting our children with the arts at an early age. I applaud her suggestion, and offer my wholehearted support to help implement it. She quotes John D. Rockefeller III as saying:

We need the arts if we are to be whole human beings—fully alive and vital and in control of ourselves and of our environment.

His statement is certainly true, and can only be fully realized if we start this phase of our children's education at an early age. The article follows:

[From the Davenport-Bettendorf (Iowa) Times-Democrat, Aug. 22, 1970]

MAP FOR YOUNG TRAVELERS

(By Julie Jensen)

(EDITOR'S NOTE.—The following statement on the role of the arts in our society, particularly among the young, is by Mrs. Elliott R. McDonald Jr. of Davenport, who contributes feature articles to the Times-Democrat under the name of Julie Jensen. She is chairman of the Iowa Arts Council ..ia appointment by Gov. Robert D. Ray. She is the wife of an attorney, mother of a boy and a girl, and author of several novels, short stories and a children's play. Her first hardback novel, "Amalie's Story," is scheduled for publication by Simon & Schuster Sept. 18.)

When the Russian Sputnik circled the globe in the late 1950s, the U.S. rushed headlong into a crash program of science emphasis, only to learn that scientific sophistication does not do away with social problems. What does? The arts might.

In a time when we need minds schooled in the ways of creating more than ever before in our history, the arts hold out some hope of wholeness, and to realize that hope, we must begin with the young.

At a time when educators are desperately searching for new ways to reach the minds and spirits of disadvantaged children, the arts are offering a whole range of potential teaching approaches.

Former Secretary of Health, Education and Welfare, Robert Finch, has written, "There is ample evidence that involving children in creative work and appealing directly to the creative impulses can aid children in opening up and breaking out of what often is a closed world, to the point where they are ready to benefit from instruction in the 3 R's."

A place where this is happening is the Henry Street Settlement in New York City, where the staff has found a way through the arts, through music, acting and the dance, to reach delinquent, emotionally ill and neglected children and help them to raise their sights and take steps toward socially useful lives.

The arts are exploration in perception. They seem to work, stimulating children to learn and grow instead of marking time through class periods and grades.

The privileged middle and upper class child has just as much need for the arts as the disadvantaged. Not many parents are qualified to teach their children very much about the arts. The best one hopes for is a favorable

atmosphere in adult conversations and surroundings and reading habits.

John D. Rockefeller III has said, "We need the arts if we are to be whole human beings—fully alive and vital and in control of ourselves and of our environment."

Rockefeller also quotes William Saroyan's definition of the purpose of the arts: "To give the traveling human race an improved map that shows the way to itself."

We look to the schools to acquaint children with the arts as we looked to them to assimilate the immigrant and to meet the challenge of Sputnik.

But the schools are dedicated to job-oriented studies. Arts education is considered a separate matter, not woven into the fabric of general education. Children graduate without understanding that the creative scientist and the creative artist have a great deal in common.

Where is the bridge between disciplines that are essential partners in human progress?

In the home, in the school, and in youth centers for the arts where the atmosphere is accepting and free. Young people need a place where they are welcome to grow, explore, experiment and fail, if necessary. A place where they can apprehend the relation between music, the dance, drama, painting, and sculpture.

Young people need a place where they can learn that the arts are the key to the higher order of things our cultural heritage, our gift of expression, our creative faculty, our sense of beauty.

The arts are more important as old values become less meaningful—as too many Americans are caught in the grip of anonymity or fear.

We are too accustomed to thinking of the arts as a fancy dessert or even a parsley garnish, when they are actually meat and potatoes for the mind and the spirit.

Isaac Stern, the world-famous violinist, suggests that all children be educated in the arts from the time they are five. "We have at hand the rarest of all possibilities, the time and the money. There has never been a nation on earth as rich as this one. Let it be known, also, for richness in the way men live, and why and how they live."

It has to begin with the young, this investment in a high civilization.

A MAJOR DEFEAT FOR THE AMERICAN TAXPAYER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. SCHMITZ. Mr. Speaker, at the Capitol in Washington on August 13, 1970, the American taxpayer suffered a major defeat at the hands of his elected representatives.

In this particular showdown, the taxpayer had the President of the United States on his side, but even that was not enough. By 289 votes to 114—21 more than the necessary two-thirds—the House of Representatives overrode President Nixon's veto of an additional half billion dollars for our increasingly chaotic, violence-prone and drug-ridden educational system. This amount was over and above an increase of almost a billion dollars for the schools which the President himself had already requested.

In vote after vote all across the country, the people have let it be known that they no longer accept the great American myth that all problems can be solved by education, and that all educational problems can be solved by more money. They have seen in their own local schools in the experiences of their own children, the proof that we are actually getting less of a return for more of an outlay in education today.

Citing the New York City School Fact Book, compiled by the City University of New York in 1969, then Special Assistant to the President Roger Freeman reported on June 19 that:

> Reading and arithmetic achievement, in the highest expenditure schools ($1100 per pupil and up, median $1330), average between 5 and 7 months *behind* those in the schools with the lowest expenditures (below $600 per pupil, median $551).

Hard as it may be for the school spenders to accept them, these are the facts.

In his veto message to Congress on this bill, President Nixon stated that:

> It raises the spending on old approaches that experience has proved inadequate.

He declared:

> I flatly refuse to go along with the kind of of big spending that is wrong for all the American people.

The President could not be more right. I voted against this bill when it came to the House floor, before his veto—and was deeply disturbed to learn that an attempt had then been made to avoid a rollcall vote on it. Although a majority of House Republicans voted as I did to sustain the President's veto August 13, no less than 77 of them voted to override it and to help saddle the American taxpayer with the additional cost—to be paid either in direct taxes or, more likely, in the hidden tax of inflation—for school programs largely unable to handle the vast sums of money they receive now.

Recently the National Education Association launched a new policy of big-time lobbying at all levels of government, with special concentration on Congress which is now giving $12 billion a year in Federal aid to education. It comes as a real surprise to most people to recall that just 5 years ago we had no direct Federal aid to education, and that the most liberal Congress we have had in 30 years authorized it in 1965, only as part of the political backlash from Senator GOLDWATER's defeat in the Presidential campaign of the preceding year.

The overriding of the veto on this school spending bill shows that the influence of the National Education Association's lobbying campaign is being felt—and that the people back home, suffering from taxes and inflation, and increasingly dissatisfied with the present cost and performance of the schools, are being forgotten. But these school lobbyists can be beaten. They were beaten, on several key issues in which I was very much involved, in the California State Legislature last year.

Conservative and moderate Congressmen ought to keep in mind that most of the big school spenders are fundamentally opposed to their political principles and will never support them no matter how many concessions are made—and that they cannot take the vote of the overburdened taxpayer and inflation hit housewife for granted. A change of 11 votes would have sustained the President's veto and saved the taxpayer half a billion dollars which will now be poured into the bottomless pit of a foundering school system.

STUDENTS WORK TO CLEAN THE AIR

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. HANNA. Mr. Speaker, on August 24, 58 vehicles set out from the Massachusetts Institute of Technology on the first leg of a race that ended 3,600 miles later at the California Institute of Technology in Pasadena.

This was, however, no ordinary race and the car which covered the distance in the lowest elapsed time was not necessarily declared the winner. The most significant component in the rather complicated scoring system which ultimately determined the winner was the capability of the engine to meet and exceed the exhaust emission standards set by the Federal Government for 1975 automobiles. All the vehicles were tested at the outset of the race, at a Detroit stopover and at Caltech in Pasadena. Comparisons of these figures and each vehicle's elapsed time determined which had been victorious.

I am singularly impressed with the effort and energies which have been expended by the students at MIT and Caltech who organized and conducted this race, known as the Clean Air Car Race. It is estimated that from 1,000 to 1,500 students spent this summer building, testing, and perfecting automobiles they think can help reduce vehicular air pollution. They have been assisted in this effort by the National Air Pollution Control Administration of the Department of Health, Education, and Welfare, electric and propane gas industry associations and by two of the major automobile manufacturers, General Motors and Ford.

I have long contended that the Federal Government alone cannot effectively fight air pollution. Only through a coordinated, concentrated effort—as epitomized by this Clean Air Car Race—by industry, private citizens, and governmental bodies can we succeed. The Federal Government's role must be, as it was in this effort, one of guidance and, as necessary, funding.

I commend the following articles to my colleagues' attention as an example of what can and must be done if we are to survive our environmental crisis:

MIT TO DOCUMENT CLEAN AIR CAR RACE FOR NAPCA; 58 ENTRIES FROM 44 UNIVERSITIES

The 1970 intercollegiate transcontinental Clean Air Car Race, scheduled to start Aug. 24, will be documented with papers and films compiled by Massachusetts Institute of Technology, under contract with National Air Pollution Control Administration. Thirty- and 50-minute films for general audiences,

and a 30-minute technical film, will cover pre-race building and testing of vehicles as well as race performance and pollution emission testing. Technical papers will analyze race data to discover reliability and safety of the five types of cars used, which include electrics, gasoline-electric hybrids, steamers, turbines, and cars with conventional internal combustion engines burning low-polluting fuels such as propane, natural gas, or special blends of gasoline. Studies will also present economic evaluation of the power plants and their fuels using both current and future cost estimates.

Major objective of race, stated M.I.T. graduate student Bob McGregor, chairman of CACR Organization Committee, is to gather information on pollution emission and performance of unconventional propulsion systems, thereby permitting better judgment of feasibility of such systems. "After the race," McGregor said, "we can present previously unavailable facts describing these characteristics to both the general public and the scientific community." NAPCA will use the documented information in judging candidates for the Federal Clean Car Incentive Program, intended to stimulate private research and development of commercially acceptable low pollution passenger vehicles by providing graduated financial incentives to those risking capital resources for this development.

FIFTY-EIGHT ENTRIES FROM FORTY-FOUR UNIVERSITIES

The race, organized primarily by students at M.I.T. and the California Institute of Technology at Pasadena, Calif., will feature 58 experimental low-pollution vehicles from 44 U.S. and Canadian universities. The vehicles, which must meet or better exhaust level pollution standards set by Federal Government for 1975, represent to varying degrees the cooperative efforts of industry and university, in that some student groups have designed and built cars with little or no industrial aid, while others are driving experimental vehicles built by industrial firms. Race rules stipulate, however, that students make all roadside repairs.

The cars, each with a two-man driving team, will start from M.I.T. in Cambridge and follow a 3,600-mile superhighway route to Caltech in Pasadena. Race will be divided into seven legs, with overnight stops at Toronto; Detroit; Champaign, Ill.; Oklahoma City; Odessa, Tex.; and Tucson, Ariz. A normalized time based on route speed limits and traffic and road conditions, will represent optimum driving time for each leg. Each vehicle's elapsed race time will be recorded and its emission of carbon monoxide, hydrocarbons and nitrogen oxides tested in Detroit and Pasadena, to be compared with pre-race emission tests. Points in the race will be based on fuel consumption, elapsed time for each leg, performance and handling, and most particularly, on pollution emission.

FEDERAL, INDUSTRIAL, STUDENT COOPERATION

An estimated 1,000 to 1,500 students have spent this summer building, testing and perfecting automobiles they think can help reduce vehicular air pollution. NAPCA, in addition to the grant for race documentation, has provided the CACR Organization Committee with monetary assistance in planning and staging of the race. Electric and propane gas industry associations are setting up refueling or recharging facilities along the race route, and 20 Chevelles plus $40,000 has been provided by General Motors to collegiate groups otherwise unable to muster adequate support. The Ford mobile laboratory is conducting pre-race emission tests.

The 1970 competition is an outgrowth of a two-car race in 1968, when a student at Caltech raced a battery-powered electric car which he built, against a similar type car built by a group of M.I.T. students. Contestants drove in opposite directions between Pasadena and Cambridge, and while the M.I.T. car finished first, it had to be towed so much that penalties gave victory to the Caltech car.

[From the Washington Post, Aug. 25, 1970]

STUDENTS RACE CLEAN-AIR CARS TO WEST COAST

(By David Hoffman)

CAMBRIDGE, MASS., August 24.—The weirdest cars in America hissed, gurgled and hummed toward California today at the start of the 3,600-mile "Clean Air Car Race."

With students at the wheels, 425 low-pollution power plants began leaving the Massachusetts Institute of Technology campus at precisely 3 this morning—at imprecise intervals. Spectators laughed but participants didn't.

By 8:30 a.m. the caravan of cars and support vehicles stretched several hundred miles along the Massachusetts Turnpike en route to an overnight pit stop in Toronto. At least most were headed for Toronto.

A reddish 1970 Javelin with a huge hole in its hood was pushed to the starting line by four solemn-faced students from the University of California at San Diego. It featured a steam engine stoked by liquid propane gas.

The car's boiler let loose a great puff of steam. There were whirring sounds. A liquid looking much like milk began to spill from underneath and run toward the gutter. "That's normal," said the driver. As the car began an all-over shiver, its starting time was called and the students gave a massive shove. It made the Charles River, three blocks away, and quit completely.

The Clean Air Car Race is being jointly sponsored by MIT and the California Institute of Technology to dramatize the threat of exhaust pollution and to test concepts for alleviating it.

Entering cars are divided into five categories. Internal combustion, electric power, electric-hybrid power, steam and turbine. The engines are powered by unleaded gasoline, leaded gasoline, diesel, kerosene, natural gas, liquid natural gas, alcohol and batteries. A prize of $5,000 goes to the winner in each category, the money coming from the Department of Health, Education and Welfare.

As for how the winners are chosen only the students understand that. A computer in Chicago will be asked to relate each entry's pollution emission, performance, racetime and thermal efficiency. A great deal of arguing reportedly went into the selection system.

A car that resembled a crushed Jungle Jim moved briskly to the starting line. Behind the driver was a gas turbine powered by propane gas and designed to drive an electric motor, which, in theory, moved the car.

"That's the quietest car I've ever heard," said a visitor.

"That's because it isn't running," said the driver, Anne T. Packer, a student at the University of New Hampshire.

"What's funny about this," she continued, "is that we didn't really decide to go until 9 last night. But we always wanted to visit California. We can't do much. We've only got $10."

Miss Packer's car was hoisted aboard a long flat-bed trailer a few blocks from the starting line. Its battery will be used again six days later to cross the finish line in Pasadena, she said.

While attracting much interest, the electric and steam-powered cars seemed to fare the worst today. The steamers never escaped MIT's campus. Three of the five electrics experienced power problems within 50 miles of Boston. At a turnpike filling station near Worcester, Mass., the Boston University-Avis entry was being swarmed over by students in Avis "We Try Harder" shirts. They were feeling the car's lights and wire for a hidden short.

"This is terrible," said driver Thomas E. Jeleniewski of Boston. "We may have lost a third of our range."

It is perhaps wrong to emphasize all that went wrong this morning. An hour after all entries had started, I patrolled the turnpike west of Boston and outward for 50 miles.

The only clear air cars in evidence were the three electrics. Each contained a powerplant designed not for cross-country auto races but for going to supermarkets. The others were long gone.

It is perhaps right to emphasize how much interest the electricity, natural gas and oil industries have expressed in this race. Their representatives mingled freely with the drivers this morning, and nearly every car had a joint university-industry sponsor. A company that manufacturers lead for gasoline helped Wayne State University prepare its entry, which used leaded gas. The name of prominent natural and propane gas manufacturers were emblazoned on the hoods of cars using those fuels, including "The Gasser" the only entry sponsored by a high school.

Behind the wheel was Kenneth Pigg, 16, of Putnam City West High School in Oklahoma City. He was asked why his car used both propane and natural gas. I was handed a pamphlet prepared in part by the Corken Pump Company which pointed out that 37 million Americans have natural gas in their homes and thus could serve as filling stations for natural gas-burning cars.

[From the Washington Post, Sept. 3, 1970]

LEAD-FREE AUTO WINS "CLEAN" RACE

PASADENA, CALIF., September 2.—The overall winner in the 1970 Clean Air Car Race was the lead-free gas-powered Mercury Capri entered by students from Wayne State University in Michigan, race judges announced tonight.

The car, captained by Richard A. Jeryan, was served by crew members Brian Geraghty, Dan Harmon and Mile Riley.

Co-winners in Class 1, for internal combustion engines, were the 1970 Chevrolet Nova from the Worcester Polytechnic Institute, Mass., and the alcohol-powered 1970 American Motors Gremlin from Stanford University.

The winner in the electric classification was the homemade sedan from Cornell University driven by students Mark Hofman, Jane Hersey, Foster Hinshaw and Peter Lord.

SENATOR GORDON ALLOTT SPEAKS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. GOLDWATER. Mr. Speaker, recently, Senator GORDON ALLOTT, Republican of Colorado, gave an address in Chicago. His address concerned the President's Commission on Campus Unrest. I urge my colleagues to read his remarks in their entirety, as what he said is disturbing, to say the least. Indications also seem to point to the fact that Senator ALLOTT could very well be right in his doubts—grave as they are—and reservations about the Commission. Senator ALLOTT has expressed the very same views as I wrote about recently. I submit them now for your very serious consideration:

STATEMENT BY SENATOR GORDON ALLOTT

Greetings: Summer is ending and the school year is beginning. It is a good time to remember a wise remark by Mr. Dooley, the fictional philosopher who entertained Americans around the turn of the century. Mr. Dooley was once asked: "If you had a boy would you send him to college?" To which Mr. Dooley replied: "At the age when a boy is fit to be in college, I wouldn't have him around the house."

That joke has an odd ring to it nowadays. Because of the actions of a small but determined minority of violent students, many of our great universities are becoming unfit places for the decent majority of students.

In fact, a lot of our traditional jokes about universities now sound odd. Not so long ago it was fun to describe a professor as a man whose job is to tell students how to solve the problems of life which he himself tried to avoid by becoming a professor. Perhaps there once was a time when one could avoid problems by becoming a professor. But that time has passed.

Not so long ago someone defined a "university" as an institution for the postponement of experience. Perhaps the same person defined an "education" as something that enables one to get into more intelligent trouble. Both these definitions seem a little dated today. Today our universities are institutions where people are exposed to dangerous kinds of experiences. And sometimes it seems that an "education" is something that enables one to get into the most mindless kinds of trouble.

Ladies and gentlemen, the old jokes about universities are not funny any more. The situation on our campuses is no laughing matter—as they can tell you in Madison, Wisconsin, where a bomb recently killed a father of three, and did millions of dollars in damages.

This morning I want to share with you my thoughts on the dangerous situation we face as the new school year begins. I am happy to be able to speak with you on this subject.

You represent American agriculture, and American agriculture represents the sort of achievements that come from healthy cooperation between free men and free universities. Too few Americans understand that agriculture is one of the most technologically sophisticated businesses in this technologically sophisticated Nation. And too few people understand that the phenomenal productivity of American agriculture owes much to the creative partnership that has long existed between American farmers and our great State universities. I am sure everyone here understands this, and that is why I know you are interested in helping save our universities.

A good way to begin helping our universities is to discuss intelligently an important project now underway in Washington. This project disturbs me and I think it should disturb you.

Right now the President's Commission on Campus Unrest (the Scranton Commission) is writing a report on its findings. It will issue that report soon. In fact, the issuance of that report may closely coincide with the opening of the new school year.

What disturbs me is that this report may do even more damage than has already been done by what I think were flamboyant, inflamatory, prejudiced and irresponsible actions by the Commission during its months of public hearings. There is reason to fear that the forthcoming report may be a flaccid whitewash of the violent new-left political movement that is openly seeking to capture or destroy our great universities. My concern is based on two facts. First, this Commission has not behaved well so far. Second, this kind of Commission is foredoomed to failure because it is perfectly designed to aggravate the problems it is supposed to solve.

Let me deal with the general and the particular. I will explain why such Commissions are generally a bad idea, and then why I think this particular Commission has been no exception to that rule.

The central problem with such Commissions is that they are literally irresponsible. They do not have to answer to any voters for the statements they make. They are not responsible for implementing their own recommendations. They can cruise into a troubled community, generate a lot of publicity, raise tempers and a lot of dust, and then be gone. Others are left responsible for cooling the tempers and settling the dust after these instant experts have dashed off to the scene of their next instant analysis.

Another and related problem with such Commissions is that, while the individual members have no continuing responsibility for implementing the policies they advocate, they do have responsibilities in their regular employment. And these responsibilities can influence their behavior when serving on Commissions. Let me give an example.

One of the members of the Commission is President of a university that has its own full complement of tensions and political activists. This man is not *responsible* for any campus but his own. Yet he is under the constant pressure of temptation—the temptation to use his spot on the Commission to make the sort of statements that will please the radicals he will have to cope with on his own campus this fall.

Now I do *not* think all Commissions are equally bad. It is important to distinguish between two kinds of Commissions—those which investigate questions of fact, and those which delve into matters of moral judgment and policy formation. Compare the Warren Commission with the Commission on Campus Unrest.

The Warren Commission was created to investigate the facts about the assassination of President Kennedy. It was composed of eminent men who had no axes to grind. Its purpose was to lay to rest the ugly and neurotic rumors that inevitably circulate after such a tragedy. I think the Warren Commission performed that task reasonably well.

But the Commission on Campus Unrest is not investigating a narrow question of fact. It is deeply enmeshed in the most emotion-charged issues of the day. Indeed, some Commissioners have shown great zest for declaiming on drugs, war, peace and anything else which some radical witness claims is making him restless. This Commission is not composed of men who are uniformly eminent or disinterested. Rather they are a mixed batch, and some have highly developed (and fashionably leftist) political views which they are not bashful about advertising.

I am not saying that there have not been proper times for the Commissioners to express strong opinions. On the contrary, I think the Commissioners have been derelict in not voicing strong indignation when witnesses have viciously attacked this Nation, and arrogantly justified coercive behavior. On such occasion the Commissioners have been distressingly passive. They have given the impression of seeking what Lincoln called "sophistical contrivances"—such as "some middle ground between the right and the wrong."

This brings me to the matter of this Commission's particular failings.

First, some of the Commissioners are hardly objective investigators. It will be recalled that one young Commissioner—who has become the darling of the media—almost immediately after being appointed announced that he thought the President was to blame for the problems at Kent State. For months now one has not been able to turn on the television news without seeing this man laying down the law about other people's sins.

Second, the Commission has given a disproportionate amount of time to hearing political speeches by radicals. Perhaps the effect of such hearings would not be quite so bad if the press could be relied upon to give balanced coverage. Unfortunately, the press only makes matters worse. When the Commission descended on Kent State, the President of that University gave a very interesting and balanced assessment of the situation. But the prominent press coverage went to some student who said—and I do not jest—that campus riots would not stop until we "clean up our lakes and rivers."

The third failing of the Commission is that some members have been rude, arrogant and high-handed in dealing with persons who are not radicals. For example, physicist Edward Teller and philosopher Sidney Hook—two of America's most distinguished and public spirited scholars—were treated with disdain and contempt when they testified.

Members of the Commission staff also have been guilty of high-handed arrogance. At one o'clock in the morning of August 17 a phone rang at Lockbourne Air Force Base near Columbus, Ohio. The caller was a 28-year-old law student employed by the Commission. This young man demanded that the Air Force instantly send a helicopter 130 miles to the Holiday Inn in Kent, Ohio from which he was calling. He wanted the helicopter to fly him to Camp Grayling in central Michigan so he could serve subpoenas on some Ohio National Guardsmen who were undergoing summer training there. He also demanded a contingent of Air Force policemen to accompany him. The people at Lockbourne patiently explained that they did not have any helicopters or policemen to lend. This did not satisfy the staff member, who proceeded to place a number of other demanding calls. Before long he was demanding things of the tactical air command post at Langley Air Force Base in Virginia. There he harassed the executive officer for the Air Force Vice Chief of Staff. At about 2:30 a.m. he awakened a Deputy Assistant Secretary of Defense at home. In what must be one of the year's great understatements, the Secretary allowed as he was "not too thrilled" by the chance to talk to this aggressive staff man in the middle of the night. I am happy to report that when this staff man finally quit calling—at 5:55 a.m.—he still had not managed to brow-beat the military into giving him helicopters and a battery of policemen.

The fourth failing of this Commission is that its members have not demonstrated proper sensitivity to the civil rights of witnesses. Commission "hearings" frequently have resembled trials. Witnesses have been subjected to accusatory inquisitions. Commissioners have assailed reputations and rendered judgments on the basis of flimsy information and hasty investigation.

Ladies and gentlemen, when I think about these failings, I worry about the possible contents of the report the Commission will issue soon. I hope the report does not reflect these failings I have mentioned. I especially hope it avoids the five most familiar—and frankly, the dumbest—cliches about campus disorders. These cliches are familiar to us all.

The first cliche is that all the trouble can be described by the antiseptic word "dissent"—implying that riots and bombings are a form of "dissent."

The second cliche is that all the unrest is a result of "excesses" of idealism—implying that the bombers have hearts of gold.

The third cliche is that the Federal Government should "listen to" and "be more responsive to" the radicals—but this cliche does not tell us what is to be gained from "listening to" an arsonist, or how one is supposed to be "responsive to" a rioter.

The fourth cliche is that we should cure the disorders by changing our foreign policy,

or cleaning up Lake Erie, or performing some other list of good deeds demanded by a violent minority. This cliche ignores the fact that to do so would amount to giving up majority rule and turning our democracy into a mobocracy dominated by adolescent minorities.

The fifth cliche about campus disorders is the tiresome statement that usually passes for fairness. This is the statement that campus violence is equally bad when done by political leftists or political rightists. The trouble with this is that it implies that violence is coming from both sides. In fact, last spring leftist elements shut down 500 universities *in one week*, and rightist elements shut down *none*.

As I have said, I hope the Commission report avoids these damaging cliches. If the report accepts these cliches, it will give a Government stamp of approval to all the muddled thinking that has influenced the most misguided university administrators in recent years.

There are raging conflagrations on our campuses. We need to douse them—and the incendiaries who are lighting them—with cold water. But the Commission report may be about to pour kerosene on the flames.

This will especially hurt the moderates on campus who are fighting today on embattled and eroding ground. They occupy the position of simple decency. They are fighting for traditional academic freedom—for the freedom of scholars to teach without political interference. They are fighting to prevent our universities from coming to resemble some Latin American universities where militant students impose their politics on every aspect of university life. In short, these moderate men and women are fighting—sometimes at risk to their own safety—for you and for me. And you and I will suffer along with them if the Commission report cuts the ground from under them.

Recently there have been some optimistic predictions that this would be a relatively quiet year on campuses. I do not know whether this hope is justified. But this much I do know. The dedicated, patient moderate men and women on campuses have been strained to the breaking point in recent years in their efforts to hold up the standards of common decency on campus. They have been attacked—sometimes physically attacked—by extremist students. They have been betrayed by weak administrators bent on appeasement. They have been distracted from their scholarly tasks. The last thing these brave and dedicated people need is a stab in the back from this Commission. And that is exactly what they will get if the Commission report justifies the violent minority which has done millions of dollars damage on campus, has forced the closing of hundreds of universities, and has violated the rights of millions of American students and scholars.

This Commission has already done damage simply by failing to be manfully indignant when radical witnesses have suggested that riots are justifiable until the Government does what radicals demand. A report that fails to express vigorous indignation about coercion from the left will amount to a stab in the back to the moderates and the majority.

If the Commission does administer this stab in the back, then we will be face to face with a grim irony. The Commission established to investigate disorder will have become a cause of disorder. This Commission was appointed by this Administration. I am a Republican; a member of the Senate leadership; and I am one of the President's most consistent supporters. Hence, I take no pleasure from noting the misadventures of this Commission. However, common sense tells me that the President himself is not solely responsible for this. He is quite properly preoccupied with the tasks of establishing peace and economic stability. He cannot personally attend to all the details of domestic policy.

So, in such matters he must rely heavily on his staff. I am convinced that responsibility for this Commission and its make-up rests heavily on the shoulders of a few of the President's senior domestic policy advisors. If so, in this matter, the President's advisors have not served him well.

In fact, if the Nation's domestic affairs are unsettled this fall by campus disorders, part of the blame will attach to the Commission on Campus Unrest, and to the President's advisors who assembled it.

One lesson to be learned from this is that people in Washington are not well placed to solve the problems on the campuses. The most important work on behalf of common sense and decency on campus can be done by people like you back in your respective states.

The way for you to begin is by facing three hard facts.

First, neither the Federal Government nor any policy or official of the Federal Government is to blame for campus problems. Nothing could be more inane than the testimony of those persons who told the Commission that the President or the Vice President is to blame. There have been major campus disorders since 1964—and at that time Mr. Nixon was practicing law in New York and Mr. Agnew was serving as Baltimore county executive. Blaming the President's or Vice President's "rhetoric" for campus riots is about as sensible as blaming Leo Durocher's "rhetoric" for the Chicago fire of 1871.

The second hard fact we must face is that the Federal Government cannot solve the problems of the campuses. With regard to private institutions such as Harvard, if the alumni do not exert their influence—and especially their financial power—on behalf of common decency, then nothing can save them. With regard to the State universities, unless the State legislatures exercise their power, the State universities are doomed.

The third hard fact we must face is that if our universities are going to be saved, they will be saved by persons such as you. The next time a school administration or faculty appeases radicals by shutting down the school, let the State legislatures cut the funding for the school accordingly. If one week of classes are suspended, let a prorated amount of funding be withdrawn. This will work wonders for putting backbone in university administrators. Further, when it dawns on the faculty that the State legislatures vote the funds that pay faculty salaries, the faculty will become anxious to keep classes going.

It is clear where persons such as you fit into this process. In an important sense each of you is a trustee of your State university. If each of you, and each of your friends, takes it upon yourself to talk sense to your State governments, then the State governments will talk sense to the persons who are running our precious—and expensive—universities.

If you and your legislators talk sense, then our universities will survive the kind of nonsense that has been talked by so many witnesses before the Commission, and the kind of nonsense which threatens to appear in the Commission report.

Ladies and gentlemen, I know it is very early in the day to be pondering such grave and ominous matters. But it is rather late in the life of our great universities for us—all of us—to join in defending them from their violent enemies, and from those who obscure the facts about these enemies.

All of us have a stake in the survival of these universities. And there can be no doubt that the very survival of these institutions as educational institutions is at stake. If these institutions are not to be debased; if they are not to become staging grounds for radical political agitation; then all responsible citizens must take a stand.

If you do take a stand, you can undo all the damage that has been done by the Commission on Campus Unrest, and you can make sure that no one will ever think we need another such Commission.

WHEN CBS AND WALTER CRONKITE FAILED TO TELL IT LIKE IT WAS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a copy of a letter from a constituent, Mr. William J. Cooper, Jr., of San Antonio, Tex., addressed to the president of CBS in New York. The letter contains some interesting and pertinent information regarding an August 21 broadcast, which I am pleased to bring to the attention of the membership of the House.

The letter follows:

SEPTEMBER 4, 1970.

The PRESIDENT,
Columbia Broadcasting System,
New York, N.Y.

DEAR SIR: When Vice President Agnew called the TV networks to task for their reporting tactics there were loud screams of anguish about freedom of the press and speech. As I recall, yours was one of the loudest and most vociferous voices heard.

This is all well and good. I firmly believe in freedom of speech and all the other guarantees set forth in the constitution and amendments thereto. But I also believe that to yell "fire" in a crowded theater where in fact there is no fire, trangresses the concept of freedom of speech.

The purpose of this letter is to exercise my own freedom of speech to tell you that in my opinion you, or rather your network, seems to have transgressed this concept.

Between 5:30 and 6:00 p.m. on the 21st of August 1970, I was listening to the newscast aired in San Antonio, Texas by KENS–TV, a CBS affiliate. A portion of this program features Walter Cronkite with the CBS news. On this date, he was commenting about the National Guard being equipped with the army M–16 rifle. He said, among other things, that if called out on riot duty, this is the only weapon with which they will be equipped. Then a sketch of the M–16 rifle was shown and Mr. Cronkite intoned ominously, "This rifle will fire 600 rounds per minute." The inference seemed clear to me that with this awful weapon, specially issued to the National Guard, they could "mow 'em down," with each guardsman spewing forth 600 rounds per minute.

I categorically challenge: First, that the M–16 will fire 600 rounds per minute for even one minute.

1. The *rate*, and I emphasize the *rate*, of fire of the M–16 rifle is probably in excess of 600 rounds per minute.

2. The M–16 rifle is loaded with a clip of ammunition which normally holds twenty rounds. To fire 600 rounds per minute would require that the shooter—fire, eject, and reinsert 30 clips of ammunition in the space of 60 seconds. This, if not physically impossible, is highly improbable.

3. I doubt that the normal infantry rifle-

man will stagger into combat carrying 600 rounds of ammunition on top of his already burdensome load, to say nothing of a National Guardsman called out on riot duty and probably handed one, or at the most, two clips of ammunition.

4. Without laying any claim to being an ordnance expert, I seriously doubt that the M–16, or any other rifle, would sustain a rate of 600 rounds per minute without overheating and becoming warped or jammed.

Secondly, the inference that there is something nefarious about the National Guard being issued M–16 rifles.

1. The National Guard has a dual role to fulfill. To begin with, they function as state militia under the command of the governors of the various states. Then they are an on-call reserve subject to the call of the President in war, national emergency, or other appropriate times. Because of this, it has long been customary to equip National Guard troops with modern weapons as they become available in sufficient quantity.

2. The M–16 is the weapon being issued to the Regular Army as the standard item of equipment. To impute, even by inference, that National Guardsmen are being equipped with the M–16 rifle for riot duty because it is a more deadly weapon does a dis-service to our government and to our country as a whole. Of course, the M–16 is more deadly to enemy troops than previously used rifles. There would otherwise be no justification for equipping the army with this weapon. Surely you do not think the Guard, as a Federal reserve, should be expected to engage in combat with a weapon inferior to one readily available. And most assuredly, you do not expect the Guard to be equipped with one rifle for general warfare, and another for riot duty. The supply, accounting, and maintenance problems generated by possession of two distinctly different rifles, to say nothing about the difference in caliber of ammunition, would be tremendous.

Again, sir, you screamed loud and long about freedom of speech when Mr. Agnew stood up and exercised his freedom of speech to express his thoughts about network reporting tactics. Again, I favor freedom of speech just as much as you do. But if you are going to tell it, then I say to you, tell it like it is!

Very truly yours,

WILLIAM J. COOPER, Jr.

SENATE—*Thursday, September 10, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, in reverent mood we open our hearts to Thy presence and our minds reach up to Thee for direction. Let that mind be in us that was in the Man of Nazareth. Rule over the deliberations of this body for the welfare of this Nation and the advancement of Thy kingdom.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 10, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG) be recognized tomorrow for 20 minutes after disposal of the unobjected-to items on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRISONERS ALL

Mr. BELLMON. Mr. President, the tragic hijacking of four airliners has focused the world's attention on a group of captives on a Mideast airfield. Everyone prays for their safe return; all men are appalled by the barbarity of the captors.

But there is another group of prisoners, halfway around the world from that desert landing strip, who also deserve our prayers and support. These are the American soldiers, sailors, and airmen held by the North Vietnamese.

The passengers of the three jets now in Jordan have been held 4 days. Some of our men in Vietnam have been prisoners over 4 years.

We must not allow time to dull our concern for any American illegally detained. The issue of prisoners is again in the spotlight. Let us be certain all Americans held anywhere are remembered.

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the unfinished business, Senate Joint Resolution 1, is temporarily laid aside this afternoon, circa 5 p.m., it remain in that status until the close of morning business on tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF AGREEMENTS SIGNED FOR FOREIGN CURRENCIES UNDER PUBLIC LAW 480

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of agreements signed for foreign currencies under Public Law 480 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1971, has been apportioned on a basis which indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management and protection," National Park Service, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON INTENTION OF THE NAVY TO DONATE CERTAIN SURPLUS PROPERTY

A letter from the Under Secretary of the Navy, reporting, pursuant to law, the inten-

tion of the Department of the Navy to donate two railway flat cars to the Pacific Southwest Railway Museum Association, Inc., San Diego, Calif.; to the Committee on Armed Services.

PROPOSED LEGISLATION RELATING TO BENEFITS FOR EMPLOYEES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation relating to benefits for employees of the Government of the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED LEGISLATION TO AMEND THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to clarify the authority of the Atomic Energy Commission to authorize the establishment of a material access approval program for individuals having access to certain quantities of special nuclear material, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PEARSON:

S. 4332. A bill for the relief of Farouk Brahimi; to the Committee on the Judiciary.

By Mr. SPONG:

S. 4333. A bill for the relief of Eddie Troy Jaynes and Rosa Elena Jaynes; to the Committee on the Judiciary.

By Mr. GORE:

S. 4334. A bill for the relief of Leticia Ramos; to the Committee on the Judiciary.

By Mr. GOODELL (for himself and Mr. JAVITS):

S. 4335. A bill to deter aircraft piracy by invoking a commercial air traffic quarantine against countries abetting aircraft piracy; to the Committee on Commerce.

(The remarks of Mr. GOODELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 5

At the request of the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 5, to promote the public welfare.

S. 4089

At the request of the Senator from Utah (Mr. MOSS), the Senator from Oklahoma (Mr. BELLMON) was added as a consponsor of S. 4089, to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such Code (relating to tax on the use of certain vehicles).

S. 4092

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

S. 4096

At the request of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. SMITH) was added as a cosponsor of S. 4096, to amend the Federal Food, Drug, and Cosmetic Act.

S. 4265

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. GRAVEL), the Senator from Vermont (Mr. PROUTY), the Senator from New York (Mr. GOODELL), the Senator from Colorado (Mr. ALLOTT), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 4265, to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities.

S. 4266

At the request of the Senator from Utah (Mr. MOSS), the Senator from Massachusetts (Mr. KENNEDY), was added as a cosponsor of S. 4266, to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older.

S. 4297

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 4297, to create a health security program.

S. 4331

Mr. HART. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 4331, to amend the National Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

Mr. President, it was an oversight on my part that the name of the Senator from New Jersey was not listed with the several original cosponsors when I introduced the bill yesterday.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

AMENDMENT OF THE CONSTITUTION TO PROVIDE FOR THE DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 885

Mr. EASTLAND submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

(The remarks of Mr. EASTLAND when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT OF PUBLIC HEALTH SERVICES ACT—AMENDMENTS

AMENDMENT NO. 886

Mr. DOMINICK. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3418) to amend the Public Health Services Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine. The purpose of this amendment, which is based on language suggested by the American Medical Association, is to cure what I consider to be an inflexible approach to the problem with which this bill is concerned. That problem is a shortage of general practitioners caused by increasing specialization in the medical profession. I agree with the overall objective of the bill, which is to produce more doctors and other medical personnel who are trained in the field of family practice medicine. But, I think the method proposed to carry out that objective is too rigid.

As presently written, this bill would require medical schools to establish separate departments of family medicine of equal standing with their other departments in order to qualify for grants. My amendment would give medical schools more flexibility by requiring only that they make sufficient administrative arrangements to satisfy the Secretary that grant funds would, in fact, be used for programs designed to train doctors and other medical personnel in family practice medicine.

I ask unanimous consent that the amendment be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 886) is as follows:

AMENDMENT NO. 886

On page 2 strike out lines 11 through 16, and in lieu thereof, insert the following:

"(1) to establish or operate, as an integral part of their medical education curriculums, programs to provide teaching and instruction (including continuing education) in all phases of family practice";

Beginning on page 8, line 21, strike out all through page 9, line 17, and insert in lieu thereof, the following:

"(1) a school of medicine to establish or operate a program for the teaching of family practice medicine unless the Secretary is satisfied that such school has made adequate administrative provision for such program, through separate departments, administrative units, or other administrative arrangements that emphasize family practice in the education of medical students, interns and residents."

Mr. DOMINICK. Mr. President, although family practice is itself a specialty recognized by the American Medical Association, it requires training in several of the traditional specialities—internal

medicine, pediatrics, surgery, psychiatry, obstetrics, and gynecology. For that reason, an educational program in family practice medicine is adaptable to a diversity of administrative arrangements.

Many medical schools have programs which emphasize the teaching of family practice medicine. But at present, only nine of these schools administer such programs through separate departments of family medicine. The others administer their programs in a variety of ways, depending on what each school determines to be the most effective utilization of its particular resources. Some schools have established divisions of family medicine within one of their departments. Others have administrative arrangements which draw on the resources of several departments.

My staff has contacted representatives of several of the medical schools which do not have full departments of family medicine, and asked them their opinion regarding the requirement in this bill that each school set up a separate department of family medicine which is of equal standing with its other departments. Each school was strongly opposed to the requirement, and several stated flatly that they would not apply for Federal funds which were subject to that requirement. These are some of the reasons given:

First. Congress should not be legislating the curriculums of medical schools.

Second. Each medical school should be permitted to determine how best to administer its family medicine program, based on its particular resources.

Third. It would be difficult to get top-flight people to staff separate departments of family medicine. It would be better to utilize top people in existing departments.

Fourth. It would be very expensive to establish and operate separate coequal departments of family medicine. The cost estimates ranged from $250,000 to $600,000 per year.

The testimony of Dr. William R. Willard, recent chairman of the Council on Medical Education of the American Medical Association, before the committee which considered the bill, indicates he had the same problem with it that I have. He said:

We are somewhat concerned, however, over the specification in section 761(a)(1) that there must be "separate and distinct departments" established for those purposes. While new administrative units would be desirable, the requirement of "separate and distinct departments" would render ineligible for Federal assistance many otherwise worthy programs of family practice.

He referred to the report of the Ad Hoc Committee on Education for Family Practice of the American Medical Association, which emphasized that separate departments were only one of several ways of satisfying the need for administrative units responsible for carrying out family medicine programs, and went on to say:

In the light of this, surely it would be inadvisable to legislate the organizational structure for teaching family medicine, especially since some medical schools are successfully developing programs without separate departments.

Referring to the requirement that family medicine departments be of "equal standing" with other departments, he pointed out that such requirement is unclear because:

The various clinical departments of medical schools are not equal now in terms of budget, numbers of faculty, patient load, curriculum, or other measurable criteria.

After testifying before the committee, Dr. Willard wrote to Senator YARBOROUGH, the chairman, reiterating his opposition to the separate department requirement. He said:

It would be administratively inappropriate and unworkable.

He suggested an amendment which would eliminate that requirement, and leave it to the discretion of the Secretary of the Department of Health, Education, and Welfare to decide whether a medical school which applies for funds has made adequate administrative arrangements to assure that the funds will be used for a family medicine program. My amendment is based on his suggestion. I ask unanimous consent that a copy of his letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., July 23, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: You will recall that I had the privilege of testifying for the American Medical Association on behalf of Senate Bill 3418, in support of this Bill, which would assist in developing programs of family practice. You will also recall that I took some exception to Section 765(b), which reads:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; . . ."

Possible language, which would meet my objection, to cover the content might read somewhat as follows:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate programs of the teaching of family medicine unless the Secretary is satisfied that there is adequate administrative provision for such programs, either separate departments or other administrative arrangements or units that emphasize family medicine in the education of medical students, interns, and residents."

Section 765(b)(1)(A) and 765(b)(1)(B) and Section 765 (b)(2) should be dropped. Section 765(b)(1)(A) which specifies that the family practice department must be equal to other departments is not realistic, as my testimony pointed out, and would be administratively inappropriate and unworkable. Section 765(b)(1)(B) is inappropriate because medical students cannot be prepared to meet the standards for specialists in family practice. Their training is more generic and is a basis for practice in any specialty. Hopefully, there will be family practice orientation in the undergraduate program, however. Section 765(b)(2), which relates to the type and quality of program for the internship and residency, is redundant because an accredited program in family practice will, by definition, prepare residents for the specialty of family practice.

I appreciate the courtesy of the hearing which you gave me and the American Medical Association. If we can be helpful in any way, please call upon me or Dr. Rube.

Sincerely yours,

WILLIAM R. WILLARD, M.D.,
Immediate Past Chairman, Council on Medical Education.

Mr. DOMINICK. Mr. President, these views are shared by the Association of American Medical Colleges. Dr. Robert M. Heyssel, associate dean for health care programs, Johns Hopkins University School of Medicine, representing the association, testified:

The Association would view with great concern approaches which would have the effect of determining departmental organization and the nature of the curriculum in medical schools by statutory action. We join with the American Medical Association in their reservation concerning the specific language of S. 3418. Medical schools are actively changing their educational programs to meet new challenges. Support for specific programs rather than general support will limit the speed, flexibility, and effectiveness of this process of innovation. The objectives sought through S. 3418 could be well achieved if the bill were modified to provide broad support for all programs that will increase the number of physicians qualified to participate in the delivery of primary health care.

So, in summary, I repeat that I am in favor of the overall objective of this bill—to increase the number of doctors and other medical personnel who are trained in family medicine. But, I am opposed to the method this bill would adopt to achieve that objective. I think the requirement that medical schools establish separate departments of equal standing with other departments is ill advised for two basic reasons. The first is that such an approach is too inflexible. It would discourage the innovation and experimentation by medical schools which is necessary in order to find effective solutions to current and future health manpower needs. The second is that Congress should not be in the business of dictating the organization of, as well as the contents of, medical school curriculums. I think it makes better sense for Congress to establish the overall objective and to leave it to the medical schools, as my amendment would, to decide how best to carry out that objective, restricted only by the discretionary power of the Secretary to determine whether the method chosen would be effective.

ADDITIONAL STATEMENTS OF SENATORS

PLANE HIJACKINGS IN THE MIDDLE EAST

Mr. PEARSON. Mr. President, for the past few days headlines, television, and radio coverage have been dominated by

the crisis caused by recent hijackings in the Middle East. At stake at this moment are the lives of many people and the fate of nations.

Need I remind this body that this desperate situation affecting people and governments around the globe has been caused by a mere handful of determined, demented men. Need I recall that what we dreaded for so long we have now witnessed—the hijacking of a 747, with all its living cargo? Indeed, need I describe what this Nation, in living color, has witnessed—the explosion by sabotage of one of these great ships.

Mr. President, I do not directly address myself today to the underlying causes of war and peace among the belligerent nations of the Middle East. I do not address myself directly to the grave matters of international diplomacy involved. Rather, my emphasis shall be on the prevention and deterrence of the phenomenon of air piracy, the new and most dangerous crime of the 20th century.

It has been my concern that up to the present the American public has treated the problem of hijacking with apathy. In many minds, there has been a pervasive atmosphere of levity about this recurring phenomenon. Perhaps this attitude was understandable in the context of a free ride to Cuba. But where the drama is played against the backdrop of a volatile war torn Middle East where terror and death have become a daily occurrence, hijacking must be recognized for the gravely serious matter that it really is.

Reflective of this apathy, Congress and the Federal agencies have not approached this problem with determination and conviction. Many things could be tried. Many things could be done. The establishment of a joint FAA-industry "strike force" to be available on a moment's notice; development of a prosecution task force from FAA and Justice to assist local U.S. attorneys in the prosecution of apprehended criminals; continued pressure through the Department of State, ICAO, the United Nations, and other international organizations to bring uniformity of post-hijacking handling of criminals and to eliminate sanctuaries—these are but a few of the things which responsible agencies should be doing.

Moreover, figures at my disposal indicate that only one-quarter of 1 percent of the Federal Aviation Administration fiscal 1971 budget was allocated for research and development related to the problem of hijacking and concealed weapons.

But I must be frank to say that I have been struck by the lack of determination to solve the problem on the part of airline management. It is my considered opinion that the airlines have not applied full force of their resources, technology, and resolve toward the prevention of hijacking. With few exceptions, our major air carriers have taken a "maybe it will go away" attitude with regard to this enormously complex problem.

Admittedly, airlines are subject to economic and competitive pressures of not insignificant magnitude. However, at a meeting called at my request following the hijacking of a TWA jet at Dulles during which a pilot—a resident of my State—was wounded, and at which meeting representatives of the airlines, airline pilots, FAA, CAB, Department of Justice and State met to discuss possible solutions to this problem, the general attitude taken by airline management representatives at that meeting was that they have done, are doing, or will do all that is presently feasible to avoid hijackings. But let me remind Senators that there have been 249 U.S. and international hijackings. Think for a moment, if you will, how many lives have been or will be jeopardized if this problem is not soon brought under reasonable control.

As one with some experience in the field of aviation and as one who has studied this problem and offered legislation, it is apparent that a single remedy is not sufficient or possible. We need electronic devices, security guards, more effective screening of passengers, perhaps international boycotts, in addition to strong legislation, effective enforcement and international agreements.

Mr. President, I wish to emphasize that we must attack this problem with our best effort. We must prevent it from happening again. It defies belief that we can build and fly these great planes, but that we are unable to assure the safety of their flight.

THE ACADEMIC COMMUNITY AND WAR

Mr. McGEE. Mr. President, I invite the attention of Senators to an open letter to the President of the United States, written in May of this year by Miller Upton, president of Beloit College, in Wisconsin.

President Upton's letter strikes me close to home. Like him, I have a background as a scholar-teacher. I have been intimately connected with the academic community all of my adult life. Like him, I have been distressed of late by the academic community's collective response to the trials and turmoil facing our country.

Mr. Upton is a man whose own beliefs led him in the past to claim the status of a conscientious objector. Yet, he writes:

> My moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree.

The academic community, he fears, has tolerated excess in the name of dissent, thus violating the transcendent value to which it should be dedicated.

Mr. President, I ask unanimous consent that President Upton's letter to the President of the United States be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BELOIT COLLEGE,
OFFICE OF THE PRESIDENT,
Beloit, Wis., May 11, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that it offers the greatest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquiry is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To elevate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given in to violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to give a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word *war* in this context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandal-

ism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandhi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communicative role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere, dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Disgusting because it prostitutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage between age groups.

Of course, young people on the whole are wonderful, but what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. The idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, etc. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we shculd never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam War but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in cheek to placate others, to curry favor, to advance partisan interest, or to defend your war policies. Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

MILLER UPTON.

CONTINUED RISE IN TEXTILE IMPORTS

Mr. THURMOND. Mr. President, the continued rise in textile imports was dramatically illustrated early this month when the U.S. Department of Commerce issued figures showing a 12-percent jump for these imports within the last month.

An article entitled "Textile Imports Set Record," listing this information and other facts on textile imports, was published in the September 5, 1970, issue of the State newspaper.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, Sept. 5, 1970]

TEXTILE IMPORTS SET RECORD

WASHINGTON.—Textile imports set a record 436 million square yards in July, up 12 per cent from June and 28 per cent higher than July, 1969, the Commerce Department reported Friday.

For the first seven months of this year, imports of cotton, wool and synthetic textiles totaled 2.5 billion square yards, 19 per cent higher than the same period last year.

The value of imports in the first seven months was $1.07 billion, up from $916 million last year. U.S. textile exports totaled $389 million compared to $363 million a year ago. The textile trade deficit was $681 million in the January-July period compared to $553 million a year ago.

Imports from Japan, Taiwan, Hong Kong and South Korea accounted for 52 per cent of the trade during the first seven months of the year.

THE HUMAN SIDE OF THE IMPORT QUOTA QUESTION

Mr. McINTYRE. Mr. President, we are all aware that in the not too distant future the House will act on the import quota bill recently reported by the Committee on Ways and Means. Hopefully it will not be too long before we in the Senate are given an opportunity to vote on this most necessary measure.

There can be no doubt that the issue of protection for the Nation's shoe and textile industries is a delicate one and most deserving of the debate it has engendered. However, the debate has too often become bogged down in theoretic economic puzzles and has ignored the one factor which gave rise to the legislation in the first instance—the thousands of jobs which have already been lost and the thousands more which may be lost in the not too distant future.

It is too easy for the plight of the shoe and textile workers to be lost in the maze of charts and statistics which are used in the continuing debate. It is not easy for me to forget, however, because my State has been one of the most seriously affected by this flood of cheaply made foreign shoes and textiles. Literally thousands of men and women have lost their jobs in New Hampshire, often with little help of gaining retraining or reemployment. I am constantly reminded of this sad situation by the letters I receive every day from men and women who have either lost their jobs or fear that they will soon lose them.

Last week I received an especially moving request for help from Mrs. Evelyn Erickson, of Farmington, N.H. She knows firsthand the misery faced by fellow workers—the sudden closing of factories, the necessity of going on unemployment, the long search for a new job.

I hope that all Senators will read her letter and ponder what will happen if the import quota bill is not acted upon soon.

Mr. President, I ask unanimous consent that the letter from Mrs. Erickson be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FARMINGTON, N.H.

DEAR SENATOR MCINTYRE: If our President doesn't realize by now that shoe workers need help with letters and a march on Washington and all that has been done to persuade him then we may soon be out of business for good. I'm afraid much more delay will close our shop. We had business for years even when other shops slacked or closed, but then some other shops making the fancier shoe had so much competition from foreign countries they began to change over and make shoes like ours. Last spring our Mr. Katz filed for bankruptcy. He said this change-over by other shops had cut down orders. We have been terribly hurt this summer by the imports. We used to have all we could handle all summer long. Not so this year.

I'm worried over the flood of imports of *all kinds* into our country. The stores are full and it's difficult to find American-made goods. By the lack of our homemade things and in spite of your determination not to buy them, you find people who didn't want to but couldn't find American goods. To my way of thinking we are going to be hit hard later on. All we hear is talk of unemployment. When asked if shoe imports were responsible they hedged and admitted the imports do have something to do with it. *Why do they* hedge about it? You and I *know* my job has been seriously affected by these imports. The stores are *full* of them.

I have a handful of polite letters in answer to my appeal for help for us. One flow stitch room closed here in Farmington this summer after the 4th of July vacation. They worked one day and closed the next. The main shop said lack of orders was responsible and most officials in the shops said it's the imports.

I asked President Nixon to please listen to you and others who know the situation here in New England and other areas making shoes. Our shops are so small business I guess we aren't considered very important.

I'm *sure* of one thing: one more *"study"* or *delay* will close more shops.

We used to have three, sometimes four on our job. There isn't enough work for one girl now and I need to work. We got little spurts of work for a week or so then the cutters are out again.

I feel very upset about it all. In watching President Nixon, he impresses me as being wrongly informed about imports. I'd like to see him come up here and let our people take him on a tour of towns with many shops closed and people out of work. I'd like him to see the volume of imports in the shopping centers.

I appreciate the efforts of Senators and all who have tried to put through a bill to control the imports. I *know* we need trade but I hate to give up *my job* for them to prosper and we know Japan is prospering at our expense. It would seem the President is more anxious to protect them than to help us Americans. If I don't have more work soon, I'll have to give up my home. It's no longer a pleasure to own it, but a burden to a woman alone and 63 years old. I have tried to have faith that we would get help but I am very discouraged. Many girls didn't send in the clipping to the President, I scolded some and they promised to send them. They want help and their jobs but they feel President Nixon wouldn't help us if they did send it in. The apathy that besets shoe workers over this isn't good. They need their jobs; they don't know what else to do except draw unemployment checks. I don't like doing this if I can work. I would much rather. I'm from a pretty ambitious family and I enjoy working. I'm unhappy when I don't have work.

Keep up the good fight for us. We sure need it.

Sincerely,

MRS. EVELYN ERICKSON.

NIXON ADMINISTRATION FOREIGN POLICY

Mr. BELLMON. Mr. President, one of the great strengths of the Nixon administration is its handling of foreign policy. Because of his wide background and knowledge of international affairs and the deep interest he has demonstrated over the years by his visits to many foreign countries, President Nixon has brought to the White House a new sense of confidence and firm leadership.

While the successes of the administration in reducing American involvement in Vietnam and in launching a new initiative for peace in the Middle East are well known, much progress also is being made in Latin America. This progress is adequately reviewed in a Chicago Daily News syndicated article by Pete Laine.

Mr. President, I ask unanimous consent that an article from the Oklahoma City Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON'S LATIN POLICY BEGINS TO WORK

(By Pete Laine)

WASHINGTON.—Eighteen months ago U.S. relations with Latin America were roaring downhill toward the edge of a cliff.

The Alliance for Progress had soured. A new wave of coups by Latin militarists had signaled new seizures of U.S. properties. Suspicious of Richard Nixon, many Latins looked for reprisals and were spoiling for a fight.

Today, the Nixon administration, fingers crossed, is well pleased with the way its Latin policy is working. Critics call it a nonpolicy or benign neglect but something is going right for a change.

The picture is still far from hearts and flowers, yet it shows the inter-American family in its happiest—or least combative—condition since the euphoria of the launching of the Alliance in 1961.

Everyone has grown up, said an administration spokesman who has lived and worked with Latins on and off for 25 years. He meant the United States too.

Success may be an impossible dream in terms of U.S.-Latin relations, measurable only by the infrequency of disasters. Even so, the glow through the administration's spectacles as it views the hemispheres is not entirely divorced from reality. Here is what it sees:

A cooling of Latin hostility since Mr. Nixon took the low-key road instead of the retaliation route at the climax of last year's expropriation crisis with Peru.

The channeling of Latin energies into the grindingly slow and highly complex series of negotiations aimed at improving the Latin trade position.

The results may be peanuts, but it is the first time that the United States and the Latins have ever held protracted, business-like discussions on a footing of equality.

Generally tolerable behavior, at least in public, by the Latin dictators. Liberal opinion in the United States and elsewhere has been outraged only by the repeated charges of political torture in Brazil. It is, of course, an important exception.

For the first time in living memory, the absence of U.S. interference in Latin elections. The United States maintains it is not even meddling, let alone picking candidates as it used to.

As a result, the Latins are really beginning to believe Mr. Nixon's promise of a mature partnership.

The Latins are looking to Europe also for trade help, taking some of the heat off the United States by granting the Latin's request for control of their affairs, the United States has also made them responsible for the results.

Cuban Premier Fidel Castro is taking his lumps. Castro's public admissions of failure over the sugar harvest are a poor advertisement for the Communist system.

There are plenty of loud and angry words coming out of Havana, but real subversion is virtually nonexistent.

Pentagon concern over Soviet naval moves in the Caribbean is not shared in U.S. diplomatic circles, where there is doubt that Castro has much to gain from them.

On the other hand, the debit side still has some formidable entries.

The thundercloud of the population explosion darkens the sky more every day, threatening eventually to engulf all cities, to erase all progress. Yet there is little the United States can do about it.

There is the increasing evil of terrorist brutalities; but these are criminal acts directed at diplomats, political only by coincidence. Kidnappings also happen outside of Latin America. The victims are not only from the United States.

Somewhere, sometime, a second Fidel will rise to the surface and there is not much the United States can do about this either. Hopefully, such an emergence will not be followed by an international missile crisis.

In the immediate future, despite a rising wave of protectionism in Congress, the United States must yield some concessions in the Latin trade talks.

But administration officials are optimistic about the talks. Congress has made such a noise about protectionism, they say, that the Latins now appreciate the rough path faced by the free traders in the White House.

Fortune has lent a hand, too. Latin world trade came out of its slump last year, easing the domestic pressure on the Latin negotiators to squeeze the last drop out of Uncle Sam.

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship Contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what

to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Connie Sandberg, of Albin, Wyo., and Don Tolin, of Casper, Wyo., which received honorable mention in the McGee Senate Internship Contest, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

CONSERVATION: ITS RELEVANCE IN WYOMING

(By Connie Sandberg, Albin, Wyo.)

Conservation in its simplest form means "wise use" and conservation is intensely relevant to the future of Wyoming. When we think of conservation, we think first of natural resources or those things every citizen inherited from nature. These are the soils, clean air and water, forests and grasslands, fish and wildlife, and fuels and minerals in Wyoming.

Fortunately for the purposes of conservation, Wyoming is not a heavily populated state. According to the 1960 census, Wyoming is an empire equal to the combined area of New Hampshire, Massachusetts, Rhode Island, Maine and Pennsylvania—states whose 1960 population was fifty-seven times greater than Wyoming's. This makes the conservation of soil, clean air, waters, forests and grasslands much simpler.

The soil must be conserved to make it possible for the farmers and ranchers to be prosperous. This is made possible through federal agencies such as the Agricultural Stabilization and Conservation Service. Farmers are encouraged to strip farm to prevent the land from blowing in dry years or washing away in wet years. Ranchers are encouraged to build dams and terraces to hold water instead of letting it wash away through gullies and canyons. The farmers and ranchers must put stubbles and fertilizers back into the soil to preserve the lands for future generations if Wyoming is to stay a healthy state economically.

A generation ago very few people would have thought clean air was very relevant to our state because everyone took it so much for granted. However, much is being said and written about air pollution and this makes us ever conscious of the blessing that clean air is in our state of Wyoming. Water pollution is also a great worry in those states relying heavily on industry for their prosperity. As new industry is lured to our state our leaders must forever be on the watch to be sure that our clean air and water are protected for future generations.

Forests and grasslands are two of the greatest resources of Wyoming and their conservation is most important for our economy. Nearly one-half of the land in Wyoming is owned by the federal government so rules and regulations are outside the hands of the people of the state. According to 1960 figures 47.1 per cent of the land is federally owned, 7.1 per cent owned by state and local governments; 3 per cent belongs to Indian tribes, and the rest or 42.5 is privately owned. Most of the federally owned land is confined to mountainous areas of the state and set aside as national parks or national forest, a policy which has preserved most of the primitive beauty of Wyoming's wilderness areas and primed its tourist industry. These beautiful areas may be our greatest asset in years to come. As people in labor and industry work fewer and fewer hours or fewer and fewer days per week, they are going to look around for a place to spend those free hours and days. More of our population is being hemmed into huge cities so when the people get a chance for a few days off, they are going to head for the wide, open spaces where the air and water are clean and the mountains beautiful. Certainly there is no better place for this than Wyoming.

Though we think of our national forests as being things of beauty and drawing cards for tourists, we have to remember that half of the forests in Wyoming are classified as commercial forests and therefore are money makers. Wyoming live sawtimber reserves total more than 26 million M board feet. Total lumber production in recent years has averaged about 100,000 M board feet so it is estimated that Wyoming forests could support an industry of twice the current size. Certainly conservation of these forests is most relevant to the future of our state.

Our grasslands are very important to the future of our state. Someone once said, "All meat is grass." This is partly true because most of the animals which furnish meat for our tables feed on grass. Since we are dependent upon these grasslands for the products which the livestock furnish, we must be interested in their care and use. The number of livestock we put on the rangelands is important because if there are too many and they eat the plants down too near the soil, the surface of the soil is exposed making it easy for the wind and water to carry it away. 70 to 80 per cent of agriculture income usually comes from livestock and livestock products in our state. Agriculture is our second largest industry so our grasslands are very important.

Fish and wildlife should be conserved because of the income to be derived from the tourist trade and out-of-state hunters and fishermen. Wildlife find it hard to live in an area in which good conservation methods are not practiced. Fish cannot live in a stream choked with topsoil. Where the soil is eroding away, the deer, rabbits, raccoon and pheasants do not have the necessary food and cover; good land-use practices are very important to preserve soils for the farmer and rancher and also to preserve our wildlife. Our State Game and Fish Department does much to increase fish habitats. They remove the undesirable fish, improve ponds and streams, enforce limits and other laws and do scientific research and study to make these improvements even better. It is up to each individual to see that our streams and lakes are not littered with trash and garbage.

Wyoming should be very careful of its minerals because these are non-renewable resources. If we are to consume some now and still leave some for future generations, it is imperative that they be dealt with intelligently. Minerals, including oil and gas, were responsible for 30.6 per cent of total Wyoming economic activity, while agriculture was responsible for only 30.6 per cent in 1960. In 1963 the minerals industry employed 8,753 hired workers and distributed a payroll of $60,033.00. About two-thirds of this employment was associated with oil and gas. Under the best conditions today it is estimated that we can take only 70 to 85 per cent of the petroleum in a pool. It might be that science should explore ways in which a greater amount of the petroleum could be extracted from each pool. Our coal supplies, too, are being wasted. About 20 to 25 per cent of the good coal is left in "mined-out" areas. Many thousands of tons of metallic ores have been left in mines. The reason for the waste is that it would not pay the miners to remove the low-grade ore or coal and so it is cheaper to leave it in the ground. As our scientific knowledge increases, we are extracting more and more of these low-grade ores. Industry and the manufacturer may aid in the conservation of the non-renewable resources by using lower-grade ore and by extracting all the minerals from the ore, rather than taking only one and discarding the rest. Another method of conservation is the re-use of as many of these minerals and metals as possible. A trip to any city dump will prove that many metals that might be reused are thrown away. The conservation of non-renewable resources may not be laid at someone else's door. With this group of resources, it becomes every person's job to aid in wise use. Everyone can help.

Conservation is the key word to the future of Wyoming. Rather than rely on our non-renewable resources which can never be replaced, it is well that our leaders are beginning to look to the travel industry. It could be promoted to the leading industry of our state as more and more people look for more recreation. More and more people could be encouraged to stop to spend more time in hunting, fishing, skiing and relaxing. Travel industry pollutes the clean waters to a certain extent but not to the extent that huge manufacturing facilities pollute the air and water. The travel industry is now our third largest industry but shows annual gains of about 4.5 per cent or perhaps more under this year's report.

In addition to conserving the natural resources including soil, clean air and water, forests and grasslands, fish and wildlife, and fuels and minerals, I think there is one other great resource that our state must try to conserve and that is the youth of our state. All over our nation the use of drugs has destroyed some bright young lives. Hopefully, education on the results of drug abuse will help conserve the young people of the state of Wyoming.

In conclusion, conservation is most relevant in Wyoming if we are to have a strong, clean state in the years to come.

CONSERVATION: ITS RELEVANCE IN WYOMING

(By Don Tolin, Casper, Wyo.)

"Be fruitful and multiply, and fill the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the heaven, and over every living thing that moveth upon the earth."

This passage from the first chapter of the Bible (Genesis 1:28) illustrates the idea that the Earth was made for man's use. Today man is fulfilling this concept and utilizing the Earth as well. Yet with modern technological advancements, man seems to be living on the principle of "over-kill" or in a denotative sense in regard to this passage and the environment, the principle of overfulfillment. Wyoming is not alien to this principle of "over-kill" or overfulfillment; therefore the relevancy of conservation in the state of Wyoming is of extreme importance and should be of great concern to the interested individual.

When determining what conservation actually means, one finds that the term is quite ambiguous. Connotations that are attached to conservation include the wise use of our natural resources, the protection of our natural resources, and even further the preservation of our natural resources. The term conservation becomes more complicated when analysing what consists of natural resources. In addition to minerals and ores, some people include timber and grasslands to the list of natural resources. This expanding tally can be further amended to include air, water, wildlife, and even people. Confused? Well, interestingly, all of the aforementioned items do share something in common with each other. All possess their own niche in a very vast and complex system, an ecosystem. One can now offer a broad work-

able definition of conservation, that is the protection of an ecosystem, our environment.

In the past, conservationists were stereotyped as little old ladies with nothing better to do but parade around and shout out such catchy slogans as "Save our trees." Perhaps this group of individuals were truly interested in conservation, yet their cries were ignored, ridiculed, and dismissed. Legitimate as their cries might have been, man was in the Industrial Age, and natural resources were being rapidly exploited and developed without any regard to the limited and unreplenishable supplies that existed. Man was interested in progress, and unconscious that he might be disrupting the delicate balance that existed in Nature.

When the Pilgrims came to America, they found it in a rather untouched state. True, there were Indians living throughout the continent of North America, yet the Indians seemed to be able to work with Nature rather than against her. They were able to live with Nature in a peaceful co-existence. Anyway, America was rich in land and resources. The early forefathers saw America as a land whose natural resources would never be exhausted in any length of time. That is, they were under the false impression that there was no chance of running out of the natural resourcse or destroying the earth that provided them. As America aged, she found herself with diminishing wilderness areas and supplies of natural resources, and a growing population. Today, one has only to look around at America—there exists few wilderness areas, very limited supplies of natural resources, problems with air and water pollution, and over-population.

Wyoming can be compared to the pristine state this nation was in two hundred years ago. This state has been relatively unaffected by air and water pollution, which now plagues almost every area of this country, to say nothing of the world. Wyoming has often been referred to as the land of wide open spaces. With the large size of the state and the population of less than 400,000 people.

Wyoming has not been burdened with overpopulation. Except for the oil industry, Wyoming had not been troubled with the concepts that the natural resources would be exhausted. However, within the last decade, industries which utilize the natural resources have been slowly moving into the state. Taking into account these facts, the populace of this state should consider themselves rather fortunate for having only a few problems in the area of the environment. Unfortunately, this great state is not immune from any of the environmental evils and headaches that plague our fellow countrymen. If Wyomingites fail to remember history, and hold the same views that the forefathers of America did in regard to the environment, and ruin and waste resources, pollute the air and water, and over populate, this state will find herself troubled, as the overall nation now is in terms of the environment. Hence, if we desire to avoid all of the evils and problems that would come to Wyoming on a large scale, by failing to learn our lesson and not looking ahead into the future, conservation should be very relevant in Wyoming.

In the last few years there have been several vital issues that have been of concern to the conservationists in Wyoming and should demonstrate that indeed, some wise conservation attitudes do exist in the state. Some of these issues include the proposed Washakie and Laramie Peak Wilderness Areas, the harvesting of many stands of trees indiscriminately throughout the state, the proposed flood control programs in various areas of the state, the over killing of wildlife, and the issues concerning the pollution of the air and water. Also, businessmen and officials have stated that good-will is very important to the state. The one industry that probably affects the entire populace in the state and spreads good-will is the tourist industry. It is surprising the numbers of travelers who come to Wyoming simply to enjoy its natural beauty. Clean air and water, blue skies, and plenty of elbow room are some things of which to be very proud.

Since man is supposedly a thinking creature, it is unfortunate that conservation is ignored by some. For example, at a recent Wyoming Air Resources Council hearing in Casper, one man suggested that there be no air standards until there is a problem. "We shall react to proven hazards." In other words, after our air is dirty, we would then spend money and time to clean it up. Unquestionably, this type of thinking is the antithesis of a wise conservation attitude, and can not be tolerated in this state.

As progress and industry seem to be so vital for our survival, it would be unreasonable to seek discontinuing either. It might be noted here, that conservation IS good business. On an economics basis it can be proven that a conservation attitude is practical and feasible. In fact, industries and businesses can actualy profit in the long run from following a wise conservation policy.

As the interested individual looks around the state, he will note the number of organizations and clubs being formed and the number of voices that are being heard in the name of conservation. Another encouraging note is that conservationists and conservation-oriented groups will be holding the statewide Wyoming Environmental Congress in Casper during the middle of May. These groups that have been organized and this convention that is to be held, further demonstrates that conservation is pertinent in Wyoming.

Man has fulfilled his obligation as set forth in the first chapter of the Bible. However, man can not continue on his uncontrollable path by living on the principle of overfulfillment. He will find himself not as the conqueror, but as the conquered. Elbow room, clean water, blue skies, and high quality recreation would not exist in Wyoming if conservation had no relevance. Wyoming is truly a great state to live in, and if the people of Wyoming desire to maintain such enjoyable qualities that are now present, conservation MUST continue to be relevant in Wyoming!

THE 83D BIRTHDAY ANNIVERSARY OF ALF M. LANDON

Mr. PEARSON. Mr. President, yesterday Alf M. Landon, Mr. Republican of Kansas, celebrated his 83d birthday. This remarkable man continues to make solid, positive contributions to the ongoing dialog about the great issues facing this country today. In particular, he has in recent years made a most significant contribution to the debate about what should be the dimensions of our foreign policy in the decade ahead.

As all of you know, Alf was Governor of the State of Kansas and in 1936 received the Republican nomination for President. Since that time he has continued in the role of citizen-statesman serving the State of Kansas and the Nation as a whole.

On this special occasion I salute a most distinguished American and a close friend. And because so many Senators know Alf personally or know of his great record, I take this opportunity to call this anniversary to their attention.

STATEMENT OF PROF. PAUL J. FREUND OF THE HARVARD LAW SCHOOL BEFORE THE SENATE JUDICIARY COMMITTEE IN OPPOSITION TO SENATE JOINT RESOLUTION 61, THE EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, there is no doubt that the equal rights for women amendment has been subjected to very little analysis. In fact, the House of Representatives did not hold any hearings on this proposal, and the Senate hearings made no attempt to investigate the effects of such a constitutional amendment on the myriad State and Federal laws which make distinctions between men and women. It is a very real testament to the lack of consideration given to this matter that the definitive critical legal statement was written in 1945—25 years ago—by Prof. Paul Freund of the Harvard Law School. Not only was Professor Freund not asked to bring his statement up to date by the House or the Senate subcommittee considering this problem, but very few, if any, legal scholars were asked to comment on the matter by anyone.

In the hearings called this month by the Senate Judiciary Committee to look into the problems posed by this amendment, Professor Freund has been finally asked to bring his views on this matter up to date. I recommend Professor Freund's statement to all Senators. He is an outstanding constitutional scholar, and he has explored in detail for the committee the chaotic legal conditions which will exist if this amendment passes. He realizes the dangers of dealing with the complex legal relationships between men and women by the simplistic approach taken by the House-passed amendment. On this point Professor Freund said:

> The truth is that a motto of four words, however noble in purpose, is hopelessly inept to resolve all the diverse issues of classification by sex in the law. It is as if the Constitution declared "all power to the people," and left it at that.

The equal rights for women amendment is receiving in the Senate Judiciary Committee the first thorough analysis it has received in 25 years. It is no compliment to the concept of equal rights for women that the advocates of this amendment are demanding that it should pass without adequate consideration. If any Senator doubts the seriousness of the changes which the equal rights for women amendment would bring about and the need for adequate consideration, I suggest he read Professor Freund's statement to the Senate Judiciary Committee on September 9, 1970.

Mr. President, I ask unanimous consent that Professor Freund's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PAUL J. FREUND

I appreciate your invitation to appear and present my views on the Equal Rights Amendment. I am a professor at the Harvard Law School, specializing in Constitu-

tional Law, and I am here in a purely personal capacity, having prepared a statement some twenty years ago in opposition to the Amendment when it was previously before the Senate.

I am anxious that my position not be misunderstood. I am in wholehearted sympathy with the efforts to remove from the statute books those vistigial laws that work an injustice to women, that are exploitative or oppressive discriminations on account of sex. Too many of such laws continue to disfigure our legal codes. I submit, however, that not every legal differentiation between boys and girls, men and women, husbands and wives, is of this obnoxious character, and that to compress all these relationships into one tight little formula is to invite confusion, anomaly, and dismay.

Let me illustrate. Consider two types of laws that differentiate on the basis of sex. One prescribes heavier criminal penalties for men than for women who commit identical offenses. This can only be explained on some moralistic basis that has no rational relation to the purposes of the criminal law. The other type prescribes, or officially approves, different premium rates for life insurance for men and women; based on actuarial statistics of life expectancy, the rates for women are lower. Here is a legal recognition of the facts of life, which happen indeed to favor the position of women. Is there any reason to visit the same condemnation on these two kinds of laws, as if they were equally repugnant to our sense of justice, and to do so by a change in our fundamental law that would leave no freedom of action to any state? Anyone who sees an important difference in these two cases cannot in good conscience, I submit, support the proposed amendment.

It will not do to answer that the courts will make sensible distinctions and will not give a literal meaning to "equal rights under law." If only that were the purport of the Amendment it would be redundant of the equal protection guarantee of the Fourteenth Amendment. The Supreme Court has not held, as is sometimes loosely stated, that women are not "persons" within the meaning of that Amendment. Rather the Court has found in the past that certain laws do not discriminate unfairly against women. Very probably the Court would be less tolerant today in applying the guarantee of equal protection to differences based on sex, as it is less tolerant of unequal treatment in other fields. But it is precisely to avoid the necessity of submitting such questions to the courts, to strip the courts of any latitude of application, that the proponents of the Equal Rights Amendment urge the necessity of its adoption. Their model is not the generally flexible concept of equal protection, but the concept as it has now come to be applied to provisions of law based on race. The law, it is argued, must be sex-blind no less than color-blind.

Let us see whether the analogy to race is a satisfying one. It is now a constitutional principle that public schools and universities may not maintain a dual system for white and black students, respectively. Does it follow that men and women must be admitted without differentiation to West Point and Annapolis—not in separate but equal academies but in the same classes and in the same schol activities? If this is indeed the will of Congress. it can be carried out by simple majority vote, on an experimental basis, without waiting for a binding mandate from three fourths of the states. If it is not the will of Congress, I assume the proposed Amendment will not be approved by this body. The strict model of racial equality, moreover, would require that there be no segregation of the sexes in prisons, reform schools, public rest rooms, and other public facilities. Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation. Whether the proponents of the Amendment shrink from these implications is not celar. It has been stated that equal treatment would not be required if it ran counter to prevailing standards in the present state of our culture. This is an escape valve not found in the Amendment itself and one of very uncertain dimensions. Some may believe that to permit women to work as coal miners offends prevailing mores; but evidently such an exemption from the Amendment's coverage would be strongly repudiated by the proponents.

Subjection of women to compulsory military service, along with men, raises a similar question. Again, the proponents appear to insist that the drafting of women as well as men for suitable military service would in fact be required under the Amendment. They assume, probably correctly, that equal "rights" would include obligations of service; and under the Amendment men could claim that the "right" of exemption from the draft must be applicable without regard to sex. If this major innovation in the draft is truly the will of Congress, it can be achieved, like the opening up of West Point and Annapolis, by simple legislation, and at once, without waiting to be bound by the action of three fourths of the states. Draft policy is, after all, the responsibility of the national government. A change of policy of this magnitude in framing a draft law is customarily the subject of full and informed hearings before appropriate committees and is voted on after well-focused debate. It may or may not be a desirable change to make, but in other circumstances it would surely be thought irresponsible to impose such a reform almost without attention, as a half hidden implication of a motto which, in addition. would be frozen unalterably in the Constitution.

Consider next the field of domestic relations, with its complex relationships of marital duties and parental responsibilities. Every State makes a husband liable for the support of his wife, without regard to the ability of the wife to support herself. The obligation of the wife to support her husband is obviously not identical to this; if it were, each would be duty bound to support the other. Instead, the wife's duty varies from State to State. In some jurisdictions there is no obligation on the wife, even if the husband is unable to support himself. In others, the wife does have a duty of support in such a case. In 1968 a recommendation on the subject was made by a Task Force on Family Law and Policy of the Citizen's Advisory Council on the Status of Women, a group that supports the Amendment. The recommendation was a progressive and equitable one: "A wife should be responsible for the support for her husband if he is unable to support himself and she is able to furnish such support." (Report, p. 9). So far, so good. But under the mandate of the Equal Rights Amendment, what would be the effect on the rule fixing the husband's duty? Some members of the Task Force, but only some, took a position consistent with the principle of the Amendment:

"Some of the task force members believed that a husband should only be liable for the support of a wife who is unable to support herself due to physical handicap, acute stage of family responsibility or unemployability on other grounds."(*Ibid.*) This solution would be dictated by the Equal Rights Amendment but would be contrary to the law of every State. Can it be said that the favorable treatment everywhere accorded to wives in respect of support is a manifestation of male oppression or chauvinism or domination? Can it be expected that all that States will make an about-face on the law of support within a year of the adoption of the Amendment; and if they do not, what will be the reaction of housewives to the Equal Rights Amendment when husbands procure judicial decisions in its name relieving them of the duty of support?

The truth is that a motto of four words, however noble in purpose, is hopelessly inapt to resolve all the diverse issues of classification by sex in the law. It is as if the Constitution declared "All power to the people," and left it at that. A hundred years ago the framers of the Fourteenth Amendment resorted to a high-sounding but unexamined motto when they provided that no State might abridge the "privileges and immunities of citizens of the United States." What those privileges are still is a subject of litigation and debate. We wonder how a phrase so unthought-through could have found its way into the Constitution as a mandate for legislatures and courts. We can at least profit from that experience. We can at least try to think things, not merely words, when amending our fundamental law. Of course no legal provision can anticipate unforeseeable or out-of-the-way problems that may arise. But when a proposal leaves the mind so unsatisfied regarding its effect on ordinary, obvious, recurring relationships, a more specific and concrete approach is clearly called for.

I would not want to leave the subject on a purely negative note. My concern, as I have said, is with the method proposed, which is too simplistic for the living issues at stake. It remains, then, to suggest alternative approaches. A great deal can be done through the regular legislative process in Congress.

Concrete guidelines are set forth in an April 1970 Report of the President's Task Force on Women's Rights and Responsibilities (not the same task force cited earlier). After recommending support of the proposed Amendment, the Report urges that Title VII of the Civil Rights Act of 1964 should be amended to empower the EEOC to enforce the law, and to extend coverage to State and local governments and to teachers; that Titles IV and IX of the Civil Rights Act be amended to authorize the Attorney General to assist in cases involving discrimination against girls and women in access to public education, and to require the Office of Education to make a survey on that subject; that Title II of the Civil Rights Act should be amended to prohibit discrimination because of sex in public accommodations; that the jurisdiction of the Civil Rights Commission be extended to include denial of civil rights because of sex; that the Fair Labor Standards Act be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees; that various amendments be made to the Social Security Act; and that liberalized provision be made for child care facilities. It is an extensive, important, and thoughtful set of proposals. If a two-thirds majority can be found for the abstraction of the Equal Rights Amendment, it would be puzzling to know why a simple majority could not even more readily be found to approve this concrete program.

In addition, Congress would give a vigorous and valuable lead by enacting model laws for the District of Columbia in the fields of labor legislation and domestic relations.

Moreover, a few significant decisions of the Supreme Court in well-chosen cases under the Fourteenth Amendment would have a highly salutary effect. And decisions under Title VII of the Civil Rights Act will clarify the role of state laws regulating employment with respect to the concept of bona fide occupational qualifications.

Finally—and this may seem to some to be a radical suggestion—Congress can exercise its enforcement power under the Fourteenth Amendment to identify and displace state

laws that in its judgment work an unreasonable discrimination based on sex. This would be done on the analogy of the 18-year old voting legislation.

In this connection let me point out a serious deficiency in the proposed Amendment. Its enforcement clause gives legislative authority to Congress and the States "within their respective jurisdictions." This is a more restrictive authorization to Congress than is to be found in any other Amendment, including the Fourteenth. If the new Amendment is deemed to supersede the Fourteenth concerning equal rights with respect to sex, Congress will be left with less power than it now possesses to make the guarantee effective. This is the final anomaly.

A NOTE ON RULES OF CONSTRUCTION

What would be the effect of the amendment on various laws that are now applicable only to women, or that differentiate between men and women in their provisions? What would be the effect, for example, on state laws setting minimum wages for women only, or the law of dower where it is not equally applicable to men?

The question divides itself into two parts: what is the mandate addressed to legislatures, and what is the mandate addressed to courts?

So far as legislatures are concerned, I assume (perhaps mistakenly) that equality could be achieved by moving in either of two directions; that is, a special minimum wage law or industrial seating law for women could be repealed, leaving no minimum wage or seating law in effect, or it could be extended to men either in its present form or with new standards applicable across the board. If the legislature repeals such laws because of the increased burden on employers to extend them to men as well, equality of rights will have been achieved, but one can only ask, "What price equality?".

Suppose, however, that within the one-year period between adoption of the Amendment and its effective date a legislature does not act to equalize certain differentials based on sex, or acts in a way thought to be still incompatible with the Amendment. The problem then becomes the subject of litigation. Are the courts given the same latitude of direction as I have assumed the legislatures possess to accommodate the law to the Amendment?

The legislative history, such as it is, suggests that certain guidelines should control the action of the courts. Reference has frequently been made, in this connection, to the following passage in the memorandum of the Citizens Advisory Council on the Status of Women, March 1970:

"Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. . .

"Where the law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional."

This guideline is far from clear. As was pointed out by Congresswoman Mink in the brief discussion in the House (Aug. 10, 1970, CONGRESSIONAL RECORD, pp. 28027–28028), "Under this reasoning, however, both results could occur. For example, the minimum wage law for women only is a special benefit and under the first rationale would be extended to both sexes. But it is also a law which is discriminatory against men [and restrictive, one could add, of women's liberty of contract] and thus could be held unconstitutional."

Mrs. Mink would have liked to insert into the Amendment a clarifying proviso, as follows:

Provided, that any State or Federal law which confers rights, benefits and privileges on one sex only shall be construed to apply to both sexes equally."

However, on the assurance of Congresswoman Griffiths that the proviso was implicit in the Amendment and that Mrs. Mink's concerns were unfounded, she did not press her point and voted for the Amendment as it stands. (*Ibid.*)

But even the proviso as offered by Mrs. Mink would hardly have been adequate as a guide. Consider the case of different ages of capacity to contract or marry: 18 for females, 20 for males, let us assume. From one point of view, only young women are given the benefit or privilege of contracting between 18 and 20, therefore the age should be lowered uniformly to 18. From another point of view, only young men are given the privilege or benefit of disaffirming an obligation between 18 and 20, therefore the age should be raised uniformly to 20. Or consider the problem of rights and duties *inter se,* as in the case of dower, in a state which grants that interest only to wives, or which grants it in larger measure than curtesy can be claimed by husbands. From one point of view, dower is a benefit granted to the woman and so should extend in corresponding measure to the man. From another point of view, the benefit is freedom during marriage of the wife's property from curtesy, so that it is the absence of such a marital property right in one another's property that should be the objective of the decision. How property held by a spouse is to be valued in this uncertainty, and how titles are to be secure when such property is conveyed, are questions that continue to give one pause, even after trying to apply the extrinsic guidelines. Surely the result cannot turn on whether a wife is seeking to convey property free of curtesy, or a widower is claiming the equivalent of dower on his wife's death.

Normally a legislature would focus on such problems of equalization as it revised its law of property or custody or marriage. But when 50 states are put under a new mandate of "equality" with respect to all aspects of law that have been regard to sex differentiation, and where that mandate is self-executing through the courts, wholesale confusion is likely to occur. It should be remembered once more that the intervening hand of Congress, where states are laggard or confused, is precluded, except where Congress would independently have power, under the "respective jurisdictions" clause of the Amendment's enforcing provision.

RISING PROPERTY TAXES THREATEN ELDERLY

Mr. MUSKIE. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. WILLIAMS), who is absent on official business, I ask unanimous consent to have printed in the RECORD a statement by him entitled "Rising Property Taxes Threaten Elderly" and an article relating to this subject.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

RISING PROPERTY TAXES THREATEN ELDERLY

Mr. WILLIAMS of New Jersey. Mr. President, today hundreds of thousands of elderly homeowners are finding themselves financially paralyzed by rising property taxes.

In many communities taxes have doubled—and in some instances tripled—within the past ten years.

For aged persons already living on limited fixed incomes, this makes the economic squeeze even more burdensome. Yet, for most overburdened property owners, there is no relief in sight. In every region in our Nation, older Americans whether they live in cities, towns, rural areas or the countryside—are feeling the pinch.

Their problems have now reached crisis proportions and demand immediate and far-reaching attention on all fronts.

My own state of New Jersey has attempted to meet this urgent problem. On November 2 the voters will decide whether the property tax exemption will be raised from $80 to $160 for homeowners 65 and over with earnings not in excess of $5,000. This measure would certainly provide welcome relief for the aged.

But, it should be emphasized that many states are already financially hard-pressed and can only go so far before their revenue sources are exhausted.

Other measures must also be explored. One such proposal is my Housing for the Elderly Act, S. 4154. It would establish an intergovernmental task force to report on several possible measures—such as a Federal income tax credit—to provide property tax relief for the overwhelmed aged homeowner. Moreover, the task force would report on practical means of providing Federal assistance to States or local governments granting tax relief to elderly property owners.

Mr. President, an excellent article in the Newark Evening News describes the severity of this program for the aged. In one example cited, an elderly widow found that her $796 property tax bill had more than doubled during the past six years. Since her total annual income amounted to $1,176, she had only about $7 per week for food, clothing, transportation, health care, maintenance of her home, and other expenses.

Mr. President, this article provides compelling reasons for the enactment of my Housing for the Elderly Act.

PLIGHT OF CALIFON'S "GRANNY" WOLETZ STRESSES TAX BURDEN ON ELDERLY

(By John L. Cavnar)

CALIFON.—Mrs. Bertha Woletz is known affectionately in her Mount Grove farmstead neighborhood as "Granny" because of her quick wit and ready smile.

"I don't feel like smiling, but it's expected of me," said the 68-year-old widow. "I'm just plain scared I won't be able to keep my home, and these taxes are killing me."

Mrs. Woletz received her tax bill Monday. "I didn't sleep at all Monday night," she said, "I was awake all night with worry."

Her tax bill on her old one-time chicken farm where she has lived the last 38 years is $795.80, more than double what it was when her husband died six years ago. And her total income, including interest on a small savings account and Social Security, is but $1,176—a net "profit" of about seven dollars a week.

Mrs. Woletz' problem is similar to that of a lot of people over 65, particularly farmers who worked for years without being included in the Social Security program. And in Hunterdon County, a rural area, some 15 per cent of the residents are over 65.

The Woletzes started their chicken farm in 1932, and continued it until Woletz became ill in 1961. "I guess it's just no use," Mrs. Woletz said in a German accent she has retained the 46 years she has been in this country. "We were always honest and decent and worked hard. We didn't stand around and say 'I want, I want.' I just don't understand this tax business."

Mrs. Woletz stooped slowly to pick up her grandson from a stroller and carry him in her home for a mid-day nap. She struggled because her slight 90 pounds is racked with arthritis from her waist down.

"I'd like to get a job," she said, "but I can't because I have no way to get to work." She is home-bound by lack of transportation and her illness, but her daughter, who lives a few miles away, does her shopping in ex-

change for baby-sitting with her four young children.

Mrs. Woletz rented rooms one year to two students, receiving a total of $25 a week from them.

She apologized for her toes peeking through holes in her shoes, and changed into slippers with the aid of a long handled shoe horn so she wouldn't have to stoop. "Sometimes when I get down," she said, "I have trouble getting up again."

She said "people on welfare have a lot more than I do, but I can't ask for that kind of help. Should I hang myself today or tomorrow?"

It was cases like this that led 72-year-old Harold Van Doren, a retired Bell Labs electrical engineer, to press state legislators for tax relief for the elderly.

Van Doren is comfortable through his pension and real estate holdings, and has a spacious well-kept home in Teetertown Road in Lebanon Township. "I got involved," he said, "because this is such a wonderful place to live, but the taxes are making it unbearable for the people on social security.

"These people are proud," he said. "They don't want to end up, after owning their homes for years, in a bread line or using food ration tickets."

Van Doren submitted a four-step plan to Sen. Wayne Dumont, R-Warren, calling for additional relief as property owners increase in age. He doesn't know how instrumental his proposal was, but shortly after he mailed it Dumont pledged his support to an Assembly bill which would raise senior citizen property tax exemptions from $80 to $160.

In an 11th hour move before the Legislature recessed for the summer, the proposal to grant the exemptions to residents 65 and over, and earning $5000 or less a year, was approved for a statewide referendum in November.

Van Doren's other proposals are, starting at age 69 through 71, property owners earning less than $4,000 annually would be permitted a 25 per cent deduction from their school tax; from 72 through 79, residents earning less than $3,000 would be granted a 50 per cent school tax deduction, and those 80 and over and with incomes of $1,000 or less would have total school tax deduction from their tax bills.

"The problem is," he said, "how to maintain a home in the face of high taxes, particularly school taxes when you're too old to have children in school. It's taxation without representation."

He said the people are holding on to their homes as long as they can, and then they have to go to nursing homes if they can afford to.

Van Doren pointed out that in his home community of Lebanon Township, schools account for 84 per cent of the tax dollar, with $2.80 of the $3.46 tax rate going to the local and regional schools.

NONRATIFICATION OF THE GENOCIDE CONVENTION HAS IMPACT ON WORLD OPINION

Mr. PROXMIRE. Mr. President, I feel I must remind the Senate of the embarrassing fact that our nonratification of the Genocide Convention of 1948 has had a detrimental impact on the opinion of many people of other nations. This tragic delay in ratification of a convention which outlaws the worst human crime has seemingly provided our detractors with propaganda. With our many domestic ills, such as racial strife, student unrest, and a rising crime rate, as well as certain segments of our foreign policy, I can see why some foreign peoples might be questioning our commitment to fundamental principles.

In this regard, Mr. President, I ask unanimous consent that a portion of the remarks in support of the Genocide Convention of Ambassador Charles W. Yost, U.S. Representative to the United Nations, before the special subcommittee of the Foreign Relations Committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IMPACT ON WORLD OPINION

As regards world opinion, this convention has attained over the years since it was first drafted a position of unique symbolic importance as an act of worldwide condemnation of what is perhaps the most dreadful crime men can commit.

In the context of modern history it also stands for another principle of fundamental importance; namely, that whatever evils may befall any group or nation or people are a matter of concern not just for that group but for the entire human family.

It is almost needless to remind this subcommittee that these principles and human feelings lie very deep in the American tradition, and indeed express our Nation at its best. How exceedingly frustrating it is, therefore, that our country should for so long have stood aloof in the community of nations from this treaty which gives such powerful historic expression to our own feelings and principles!

I can assure the subcommittee that in my diplomatic life, at the United Nations and elsewhere, no question has ever been asked me about the policy of my country which has been more difficult to answer than questions about American inaction on this convention.

To answer once and for all such questions, to remove such a needless source of ambiguity and confusion from our foreign relations, would not, I believe, fail to serve the interests of the United States.

HIJACKINGS BY ARAB GUERRILLAS

Mr. HARRIS. Mr. President, I join with other Senators in expressing shock and dismay over the series of plane hijackings by Arab guerrillas during the past several days. The men and women who did this are guilty of inhuman crimes against innocent men, women, and children.

Whatever we do hereafter to prevent hijackings—and we must act to prevent them—the United States must now do everything in its power to insure that the hostages held by guerrillas are released as soon as possible, and that no harm comes to them in the meantime. I fully support the efforts of the President and of Secretary Rogers to try to accomplish both aims.

Beyond this, I hope that our Government and the international airlines involved will explore many ways of preventing these barbaric acts in the future.

Our Government ought to explore with other nations the creation of an international compact requiring armed guards on international airlines, and, if necessary, providing subsidies to pay for them.

I would also support an international boycott of air travel to and from those nations where the guerrillas are based and operated, until those nations themselves act effectively to bring those of their citizens who are responsible to justice. Possibly an agreement might be reached immediately between our Government and American-owned airlines under which flights would be indefinitely suspended to and from nations which harbor air pirates. As others have suggested, the United States might also refuse landing rights to airlines of nations which have permitted guerrillas to operate within their borders.

I would hope also that our Government would seriously consider other sanctions against such nations, including the suspension of any economic and military aid they might be receiving.

Clearly, few of these preventive measures can be effective unless they are adopted internationally. For this reason I believe President Nixon should seek to convene an emergency international conference, sponsored if possible by the United Nations, to consider these and other ways to stop international air piracy.

The agenda of such a conference should certainly include the possible use of armed guards on international flights; sophisticated electronic means of searching passengers in order to detect weapons; restriction or prohibition of international air travel to and from nations which continue to permit guerrilla terrorists to operate freely; and international economic sanctions.

I am bringing these suggestions to the attention of President Nixon.

MOTOR VEHICLE INFORMATION ACT

Mr. HART. Mr. President, yesterday I introduced the Motor Vehicle Information Act, which is aimed at reducing the damage to vehicles in low-speed crashes and reducing the costs for motor vehicle insurance premiums. The bill was inadvertently omitted from the CONGRESSIONAL RECORD following my floor remarks, so I ask unanimous consent the full text of the bill be printed at the conclusion of these remarks.

As the senior Senator from Michigan, I am pleased to note that the automotive industry is responding to the public need for less fragile cars and more substantial bumpers which will protect these vehicles in the low-speed accidents where most of the insurance losses occur.

Mr. Ed Cole, president of General Motors, has indicated that his company "is making quite an effort to improve our front and rear end bumper problems by pulling the bumpers further away from the sheet metal and providing a uniform height and surface for contact." He also has indicated that GM is evaluating energy absorbing devices which can withstand car-to-car collisions with perfect matching bumpers up to 10 miles per hour. However, these devices, according to Mr. Cole, are expensive and many problems remain to be solved before they can be economically adapted to mass production of motor vehicles.

Additionally, the Chrysler Corp., commenting on the Motor Vehicle Information Act, said:

We believe there is merit in permitting the consumer to make an economic choice as between specific makes and models of automobiles based on data with respect to their crash worthiness.

I have been advised informally that both Chrysler and Ford are engaged in extensive research programs in an effort to develop property protection features for their vehicles.

Secretary Volpe has advised me that the Department of Transportation's experimental vehicle contracts provide "for designs that will prevent vehicle damage—either front or rear—in collisions up to 10 miles per hour. He goes on to say:

At low speeds, therefore, we do expect to eliminate damage, bringing significant economy to the motorist-consumer of the near future.

If the Department of Transportation moves swiftly to develop standards for vehicles in use and Congress provides the necessary financial assistance to the States to implement the authorized safety programs, we can expect to see significant reductions in economic losses now being experienced as a result of the millions of motor vehicle accidents occurring on our streets and highways annually.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4331

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Information Act."

PURPOSE

SEC. 2. (a) It is the purpose of this Act, (1) to amend the National Traffic and Motor Vehicle Safety Act of 1966 (hereinafter referred to as "the Act") to promote competition among motor vehicle manufacturers in the design, production, and sale of motor vehicles which are less susceptible to damage in traffic accidents occurring at normal operating speeds and which lessen the risk of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents, and (2) to provide for the augmentation and implementation of certain Federal Motor Vehicle Safety Standards.

(b) The first section of the Act (15 U.S.C. 1381) is amended to read as follows:

"That the Congress finds and declares that—

"(1) it is necessary to establish motor vehicle safety standards for motor vehicles and equipment moving in interstate commerce, to establish testing procedures for passenger motor vehicles, to undertake and support necessary safety research and development, and to expand the national driver register; and

"(2) it is the purpose of this Act to reduce the number and severity of traffic accidents, the number of deaths and injuries resulting from such accidents, and extent of property damage resulting from such accidents."

DEFINITIONS

SEC. 3. Section 102 of the Act (15 U.S.C. 1391) is amended by—

(1) inserting in paragraph (1) after "injury to persons" the following: "and unnecessary damage to motor vehicles";

(2) adding at the end thereof the following new paragraphs:

"(14) 'Make', when used in describing a motor vehicle, means the manufacturer's trade name or other designation for a particular line of motor vehicles.

"(15) 'Model' means a particular size and style of body of any make of motor vehicle, including distinctive sizes of sedans, convertibles, station wagons, and trucks, and such other classifications as the Secretary may prescribe.

"(16) 'Passenger motor vehicle' means any motor vehicle manufactured primarily for the transportation of its operator and passengers upon the public streets, roads, and highways."

PUBLIC DISCLOSURE OF COMPARATIVE SAFETY OF PARTICULAR MOTOR VEHICLES ADDITIONAL STANDARDS

SEC. 4. Title I of the Act (15 U.S.C. 1391 et. seq.) is amended by adding at the end thereof the following new sections:

"SEC. 124. (a) The Secretary shall develop and prescribe by regulations issued not later than July 1, 1972, a system of tests and testing procedures designed to allow a determination and comparison of the susceptibility to damage of passenger motor vehicles involved in traffic accidents which reasonably may be anticipated to occur at normal speeds and under normal operating conditions, including, but not limited to, collisions at speeds of 5, 10, and 15 miles per hour.

"(b)(1) The Secretary shall undertake a study of the feasibility of developing tests and testing procedures designed to allow a determination and comparison of the risk of personal injury or death to occupants of passenger motor vehicles resulting from traffic accidents which reasonably may be anticipated to occur at normal speeds and under normal operating conditions. The Secretary shall report the results of such study, and his findings and recommendations, including any recommendations for additional legislation he deems necessary, to the President and the Congress by July 1, 1972.

"(2) If the Secretary finds that such tests are feasible he shall develop and prescribe by regulations issued as soon as may be practicable such a system of tests and testing procedures.

"SEC. 125. (a) Each manufacturer of motor vehicles shall test production models of every make and model of passenger motor vehicle manufactured or imported by him in accordance with the regulations promulgated by the Secretary under the provisions of section 124 of this title, and shall furnish the results of such testing, including such data as the Secretary deems necessary, to the Secretary.

"(b) No manufacturer shall sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States—

"(1) any passenger motor vehicle manufactured on or after November 1, 1972, unless production models of the make and model of such motor vehicle have been tested in accordance with the regulations promulgated by the Secretary under section 124(a) of this Act; or

"(2) any passenger motor vehicle manufactured on or after a date 180 days to one year after the date on which regulations governing tests and testing procedures are promulgated by the Secretary under the provisions of section 124(b) of this Act unless a production model of the make and model of such motor vehicle has been tested in accordance with such regulations.

"SEC. 126. (a) The Secretary shall compile information submitted to him under testing programs carried out under the provisions of section 124 of this Act, and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the factors analyzed by such testing programs. The information shall include, but not be limited to a comparative analysis of the cost of repairing motor vehicles under section 124(a). The Secretary shall require that the results of such testing be made available to prospective purchasers of passenger motor vehicles by the manufacturer of such motor vehicles prior to their sale."

"(b) The Secretary shall—

"(1) make such information available to insurance companies and business organizations engaged in the business of selling or underwriting motor vehicle insurance in interstate commerce, for use in determining premium rates for insurance covering property damages and personal injury related to the factors tested under the provisions of section 125 of this Act. Information furnished shall include, but not be limited to, identification of parts, components, systems, and subsystems damaged or displaced in the motor vehicles tested; and

"(2) report to the President and the Congress on February 1, 1973, on the extent to which the motor vehicle insurance industry is utilizing such information in the determination of insurance premium rates, together with such additional findings and recommendations, including recommendations for additional legislation, as he deems appropriate. The Secretary is authorized to conduct such studies and surveys as may be necessary to carry out the purposes of this Act.

"SEC. 127. The Secretary shall, as soon as practicable, promulgate a Federal motor vehicle safety standard which requires that all motor vehicles manufactured after January 1, 1975, and offered for sale in the United States, are so designed and constructed as to facilitate periodic motor vehicle inspection, and to facilitate the repairs necessary to meet the requirements of such inspection."

JUDICIAL REVIEW

SEC. 5. Section 105(a)(1) of the Act (15 U.S.C. 1394(a)(1)) is amended by inserting after the words "any order under section 103" the following: "or 127, or any regulation issued under section 124."

SAFETY RESEARCH

SEC. 6. Section 106(a) of the Act (15 U.S.C. 1395(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting immediately after paragraph (1), the following new paragraph:

"(2) collecting data from any source for the purpose of determining the relationship between passenger motor vehicle performance and design characteristics and (A) property damage resulting from motor vehicle collisions, and (B) the occurrence of personal injury or death resulting from such accidents;"

COOPERATION WITH OTHER AGENCIES

SEC. 7. Section 107 of the Act (15 U.S.C. 1396) is amended by striking out the period at the end thereof, and inserting in lieu thereof a semicolon and the following:

"(3) tests and testing procedures established under section 124, and methods for inspecting and testing to determine compliance with such tests and testing procedures.".

PROHIBITION AND EXCEPTIONS

SEC. 8. Section 108(b) of the Act (15 U.S.C. 1397(b)) is amended by—

(1) inserting in paragraphs (1), (3), and (5) of such section, immediately after the words "subsection (a)" wherever they appear in such paragraphs, a comma and the words "and section 125(b),"; and

(2) amending paragraphs (2) and (3) of such section 108 to read as follows:

"(2) Paragraph (1) of subsection (a), and section 125(b) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such vehicle or item of motor vehicle equipment is not in conformity with applicable Federal motor vehicle safety standards or, in the case of a passenger motor vehicle, is not of

a make and model which has been tested in accordance with the requirements of section 125(b), or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such motor vehicle or motor vehicle equipment, to the effect that such vehicle or equipment conforms to all applicable Federal motor vehicle safety standards, and (in the case of a passenger motor vehicle) is of a make and model which has been tested in accordance with the requirements of section 125 (b), unless such person knows that such motor vehicle or motor vehicle equipment does not so conform or (in the case of a passenger motor vehicle) is not of a make or model which has been so tested.

"(3) A motor vehicle or item of motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a), or section 125(b), shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, authorize the importation of such vehicle or item of motor vehicle equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or item of motor vehicle equipment will be brought into conformity with any applicable Federal motor vehicle safety standard prescribed under this title, brought into conformity with the requirements of section 125(b), or will be exported or abandoned to the United States.".

PENALTIES

SEC. 9. Section 109(a) of the Act (15 U.S.C. 1398(a)) is amended to read as follows:

"SEC. 109. (a) Whoever—

"(1) violates any provision of—

"(A) section 108 (relating to motor vehicle safety standards);

"(B) subsection (c) or (d) of section 112 (relating to keeping records and reporting data);

"(C) section 114 (relating to certification); or

"(D) section 125 (relating to passenger motor vehicle testing); or

"(2) refuses to permit an inspection authorized under section 112 (a) and (b) shall be subject to a civil penalty of not to exceed $5,000 for each such violation or refusal. A violation of a provision of such sections or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle sold, offered for sale, introduced or delivered for introduction in interstate commerce, or imported into the United States in violation of such provisions or regulations, and with respect to each failure or refusal to allow or perform an act required thereby. A refusal to allow an inspection authorized under section 112 (a) and (b), or a refusal or failure to allow or perform an act required thereby, shall constitute a separate violation with respect to each day such refusal or failure continues."

INJUNCTIVE RELIEF

SEC. 10. Section 110(a) of the Act (15 U.S.C. 1399(a)) is amended by inserting in the first sentence thereof, immediately after the words "standards prescribed pursuant to this title", a comma and the following: "or to the requirements of section 125(b)".

REPURCHASE OR REPLACEMENT

SEC. 11. Section 111(a) of the Act (15 U.S.C. 1400(a)) is amended by inserting immediately after the words "applicable Federal motor vehicle safety standards" the following: "or the requirements of section 125(b)."

INSPECTION OF MANUFACTURING FACILITIES

SEC. 12. Section 112(b) of the Act (15 U.S.C. 1401(b)) is amended by inserting, immediately after the words "or are held for sale after such introduction", a comma and the following: "or are held after being tested in accordance with the requirements of section 125(b)".

CERTIFICATION OF CONFORMITY

SEC. 13. Section 114 of the Act (15 U.S.C. 1403) is amended by inserting before the period at the end of the first sentence a comma and the following: "and that the particular make and model of such motor vehicle has been tested in accordance with the requirements of section 125(a)".

AMENDMENT OF INSPECTION AND REGISTRATION STANDARDS

SEC. 14. (a) The Secretary shall, not later than January 1, 1937, amend Highway Safety Program Standard number 1, relating to periodic motor vehicle inspection, issued June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include the following additional provisions:

(1) The standard shall require inspection of a motor vehicle whenever the title to the motor vehicle is transferred for purposes other than resale, and whenever the motor vehicle sustains damage if any safety-related mechanism, subsystem, or functional non-operational part, as defined by the Secretary, is damaged.

(2) The standard shall require that a certificate of safe operating condition shall be prepared and signed by an inspector trained to perform this duty. The inspector shall be certified by the State in accordance with provisions established by the Secretary. No motor vehicle inspector may be certified by any State if he owns or receives any benefit in or from a business or enterprise engaged in the repair or sale of motor vehicles, automotive repair parts or accessories. *Provided*, a State may approve a motor vehicle inspector receiving such benefit where the vehicle population to be served is insufficient to make independent motor vehicle inspectors feasible and such State makes provision for protecting the public from any conflict of interest resulting from such certification.

(3) The standard shall be expressed in terms of motor vehicle safety performance applicable to all used motor vehicles.

(b) The Secretary shall, not later than January 1, 1973, amend Highway Safety Program Standard number 2, relating to motor vehicle registration, issued on June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include requirements for a State motor vehicle registration and uniform certificate title program similar to the registration and title program contemplated by the Uniform Motor Vehicle Certificate of Title and Antitheft Act promulgated by the National Conference of Commissioners on Uniform State Laws.

REPORTS ON IMPLEMENTATION

SEC. 15. (a) The Secretary shall report to the President and Congress by January 1, 1972, the extent to which the States have implemented programs in accordance with the provisions of Highway Safety Program Standards numbered 1 and 2, relating to periodic motor vehicle inspection and motor vehicle registration, respectively, as issued on June 27, 1967, and make legislative recommendations for Federal financial and other assistance, as he deems necessary in order to facilitate compliance by the States by January 1, 1973.

(b) The Secretary shall report to the President and Congress by January 1, 1974, the extent to which the States have implemented programs in accordance with the provisions of section 14 of this Act, and make legislative recommendations, for Federal financial and other assistance, as he deems necessary to facilitate compliance by the States by January 1, 1975.

(c) Not later than January 1, 1975, the Secretary shall—

(1) certify each State program of periodic motor vehicle inspection and motor vehicle registration which meets the requirements of the applicable standard;

(2) the Secretary shall not approve any State Highway Safety Program under this section which does not establish a program of periodic motor vehicle inspection or motor vehicle registration meeting the requirements of the appropriate Federal Highway Safety Program Standard; and

(3) funds authorized to be appropriated to carry out the provisions of section 14 and this section shall be used to aid the States to conduct the Highway Safety Program approved in accordance with subsection (a) hereof. Federal aid highway funds apportioned on or after January 1, 1975, to any State which is not implementing a Highway Safety Program approved by the Secretary in accordance with this section shall be reduced for the first year of noncompliance by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of title 23, United States Code, with the reduction of an additional 10 per centum for each succeeding year of noncompliance, but not in excess of a total of 30 per centum, until such time as the State is implementing an approved Highway Safety Program certified by the Secretary in accordance with this subparagraph (c). Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States.

(d) In order to carry out the provisions of this section, the Secretary may—

(A) assist, by contract, grant, or any other arrangement, any State in establishing or improving programs of periodic motor vehicle inspection and motor vehicle registration;

(B) use the personnel, facilities, and information of Federal agencies, and of State and local public agencies, with the consent of such agencies, with or without reimbursement for such use;

(C) enter into contracts or other arrangements and modifications thereof, and make advance, progress, and other necessary payments;

(D) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(E) issue, amend, and repeal such rules and regulations as may be necessary; and

(F) take such other appropriate action as may be necessary.

SEC. 16. There are authorized to be appropriated to the Department of Transportation such sums as may be necessary to carry out the provisions of this Act.

HIJACKING OF INTERNATIONAL CIVILIAN AIRPLANES

Mr. PELL. Mr. President, the hijacking of international, civilian airplanes is a heinous and dastardly deed and a crime for which drastic remedies are necessary. More than the appointment of another study commission is needed.

I would suggest that the United States take the lead in immediately canceling the service of its airlines to any country not willing to extradite hijackers who are within its boundaries.

I realize such an action would cause some economic hardship to our airlines, and I believe that we should do all possible to ease their load in any other ways that we can. But I do believe that

such a boycotting procedure would achieve the result we wish by discouraging future hijackings.

If this policy were adopted, hijackers soon would discover that they would not be welcomed at the country to which they divert an airplane. Indeed, hijackers would quickly learn that their actions would be a source of embarrassment and concern to that country for which the hijacker feels some bond of sympathy. Under these circumstances, I believe we would see a rapid decrease in the incidence of airline hijacking.

I must add, too, that I admire the technique the Israeli airlines have used. It has proved very effective and has prevented any hijacking of any of their airplanes. However, I think their complete technique might prove too draconian for us. The Israeli airline procedure is not only to have armed guards on each flight, but also to separate completely the cockpit from the cabin with bullet-proof material. Then, even if hijackers were successful in overpowering people in the passenger cabin, they still could not get into the cockpit. This would leave to the pilot the choice as to whether to follow the hijackers' instructions or risk his airplane being destroyed. Presumably, the Israeli pilots might prefer this latter alternative to landing in an Arab country.

THE PROPOSED EQUAL RIGHTS AMENDMENT

Mr. GORE. Mr. President, I wish to announce my endorsement and active support of the proposed equal rights amendment to the Constitution. There has been a great deal of discussion of proposed changes in the language approved overwhelmingly by the House of Representatives on August 10, 1970. I understand that when this matter comes before the Seante, efforts may be made to alter the House-approved language:

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Political, social, and economic equality for all citizens must be a continuing goal of any democratic government. Today, we have not completed the task of securing equal rights for women. Though passage of a constitutional amendment may not automatically bring about equality, as has been the case with other guarantees, but it should certainly be of material assistance, and this step should be taken.

In 1848, a group of women began the battle which, in a sense, will be culminated by the adoption of this amendment. These early Suffragettes believed women should participate in our governmental process as full-fledged citizens and voters. Today, I think no one would want to deny to women the right to vote.

But full citizenship involves much more than the right to vote. American women contribute toward their national economy, making up 38 percent of our labor force, but few would argue that women are treated with full equality in securing jobs and in being compensated for their work.

Women today do not have the opportunity to share fully the rights, privileges and duties of men. There are current State laws which restrict the contractual and property rights of married women. Women and men are treated differently when juries are impaneled and some States may arbitrarily provide greater penalties for female than male violators of the law.

Of course, some State laws and some Federal laws are specifically designed for the true protection of women. I think women can be properly protected without being restricted and discriminated against.

The language of the proposed amendment as approved by the House appears adequate. I support that language.

THE CABLE VERSUS SATELLITE ISSUE

Mr. GRAVEL. Mr. President, I wish to bring to the attention of the Senate a growing apprehension that the benefits of a hard-won space technology shouldered by a patient American taxpayer will continue to be denied the general public.

The Nation's largest commercial utility, the American Telephone & Telegraph Co., recently announced its intention to lay another high-capacity, underwater transatlantic cable. Ironically, the announcement comes at a time when large groups of transatlantic satellite circuits are unused. It also comes at a time when several high-capacity communications satellites soon will be launched.

These latest international communications satellites, manufactured under the stewardship of the Communications Satellite Corporation, face an uncertain financial future should this cable be approved.

Are the dice loaded against the public? I think they are.

Congressional action in 1962 created the Communications Satellite Corporation—Comsat. Common carriers were given the option to exercise as much direct influence in its management as the public. Yet, in the case of Comsat's financial life and death, its primary competitor—A.T. & T.—has several seats on Comsat's board of directors. There is no question that A.T. & T. has access to important cost information and marketing strategy that otherwise would be denied a competitor. Were it denied, as normally expected in an unregimented economic society, the public would benefit from free competition. As things now stand, however, the cable versus satellite issue is not one of free competition. Instead, it is like playing with a set of loaded dice. The public has no chance but to come up snake eyes on the first throw.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which will be stated by title.

The title was read as follows: A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

Mr. EASTLAND. Mr. President, we again take up the very serious and complex question of whether and how to change our method of electing the President and Vice President of the United States. No more important issue will confront us during this Congress than this one.

The resolution reported by the Judiciary Committee, over the objections of six other members of the committee and myself, would substitute the system given us by the framers of the Constitution of electing our highest officials with a national plebiscite.

In my judgment, it would be extremely detrimental to the Nation and the political processes which have served us so well to make such a drastic revision in our method of electing the President and Vice President. This proposed constitutional amendment has been mislabeled as "reform." I believe that its passage by the Congress and ratification by the States would accomplish radical change, not reform. I completely agree with the statement made by Prof. Charles Black of Yale Law School during his testimony before the Judiciary Committee:

> I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

There is great wisdom and truth in Professor Black's statement. It should be self-evident that when we alter the formula for victory in presidential campaigns, there will naturally result great changes in the type and style of campaign waged by the candidates. The primary objective of a presidential election campaign is to win the election. Within the bounds of propriety and legality candidates and their managers will say and do whatever is necessary to achieve that end. We should never lose sight of these basic facts.

Under the present system the formula

for victory is to carry a sufficient number of States to produce a majority in the electoral college. This compels candidates to make broad national appeals to the voters. While it is highly desirable to carry populous States with large electoral votes, the successful candidate does not alienate the less populous States with a small number of electoral votes, because those votes might be needed to produce a winning majority in the electoral college. In fact, this has been the political history of our two-party campaigns for the Presidency under our present system.

The winning formula under the proposed direct system of election would be to attain a 40-percent plurality of the votes in a national plebiscite. There would be no compulsion or necessity to assemble a coalition of States; it would only be necessary to receive a 40-percent plurality of the popular vote.

It is not possible to say with certainty just how this drastic change would affect our presidential campaigns. It can be said with certainty, however, that its effect would be great.

Mr. President, while this resolution provides for the election of the President, in reality it provides for minority rule.

In my judgment, the tendency of candidates and their managers would be to maximize their margins in the heavily populated States even at the expense of losing some votes in the rural, less populated States. Under the present system it makes no difference whether a candidate carries the State of New York by a margin of 100 thousand votes or 1 million votes. He receives all of New York's 45 electoral votes regardless of the margin. Part of the winning formula under the present system is to make a national appeal designed to carry such States as New York by a moderate margin, but at the same time to make an appeal to the farm States of the South and West with the hopes of carrying some of them.

Under the system of direct popular election, I believe that there would be no such incentive to take a balanced approach. Rather, there might be an irresistible temptation to adopt a platform and develop issues designed to carry New York by 1,500,000 votes, Massachusetts by 750 thousand votes, California by 1 million votes, and Illinois and Michigan and Pennsylvania by 500,000 votes each.

With an aggregate popular vote lead of 4,750,000 in those six States, a candidate could afford to settle for a minority ideological vote in the small States.

The 1970 census figures confirm what we already knew about the accelerating tendency of rural and small town areas to lose population to the great urban and suburban portions of the Nation.

The political effects of this process would certainly bring about the radicalization mentioned by Professor Black. There are many troubling questions raised by the prospect of this radical revision of our system of electing the President. Among these questions are:

Will the political power of the smaller States be diminished by the adoption of this proposed amendment? Specifically, will the political power of the States and the people who produce and mine the food, fabrics, and minerals of the Nation be diminished?

Will the adoption of the proposed amendment create an irresistible temptation to electoral fraud?

Will the adoption of the proposed amendment lead to interminable electoral recounts and challenges?

Will the adoption of the proposed amendment necessitate national direction and control of every aspect of the electoral process?

I believe that the answer to each of the questions is "Yes."

However, before we examine these important aspects of the proposed drastic change in the method of electing the President and Vice President, there is one feature of this matter which I think it is of crucial importance to discuss. I do not think it wise nor proper to abandon our present system of electing the President and Vice President in favor of a national plebiscite system. However, if we are to elect our highest officials in a a national plebiscite, it is extremely important that the candidates elected obtain a clear popular mandate of the voters of this Nation.

This proposed constitutional amendment as now drafted provides that a President and Vice President can be elected with a 40-percent plurality of the popular vote. If we are to have a plebiscite, it is imperative that we make certain that the will of the majority will be done, not the will of the minority.

Mr. President, at this time I send to the desk an amendment to change the requirement for election from a 40-percent plurality to 50 percent of the total popular vote cast. Under my amendment, in the event no pair of candidates attain 50 percent of the vote, then a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

I ask unanimous consent that this amendment be printed in the RECORD at this time.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 885

On page 5, line 3, strike "40 per centum" and insert in lieu thereof "50 per centum".

Mr. EASTLAND. Mr. President, I offered this amendment in the Judiciary Committee when this matter was being considered by it. This amendment failed by a vote of 9 to 7.

There are many theoretical and practical reasons for the adoption of my amendment.

In theory, the requirement that candidates receive at least 50 percent of the vote in order to be elected is preferable to the 40-percent plurality requirement. The stated purpose of this constitutional amendment is to place directly in the hands of the voters all power in the election of the President and Vice President. Another stated purpose of the amendment is to give effect to the "one person—one vote" rule and make it apply to presidential elections. The goal of these purposes is to assure that the national popular will is expressed in the selection of the President and Vice President.

Surely, these purposes would be better served by making certain that the President and Vice President represent the will and votes of a national majority, not merely a national 40-percent plurality.

The 40-percent-plurality rule could easily result, not in the expression of the national popular will, but its perversion. Under that system candidates for President and Vice President could be elected whom a clear majority of the American voters expressly wished to be defeated. In order to illustrate this point, and without dealing in personalities, one can examine the results of the last presidential election and make reasonable speculation about the 1972 presidential election.

Suppose that the 40-percent plurality is in effect when the 1972 elections are held and that the candidates are President Nixon, the Democratic nominee, and a candidate of the Urban Coalition Party or a Peace Party. Let us further suppose that the thrust of the Democratic campaign and the third party campaign is that the President has failed to deal adequately with important foreign and/or domestic problems. The basic thrust of the Nixon campaign would be that the President has done a good job in dealing with these problems.

These are not unreasonable assumptions.

If the results of that election give President Nixon 43 percent of the vote, the Democratic nominee 42 percent of the vote, and the third party candidate 15 percent of the vote, President Nixon would be reelected. Would this be an adequate expression of the national will? In my judgment, it would not.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. EASTLAND. Yes, I yield for a question.

Mr. BAYH. I would like to pose one very simple question to the distinguished chairman of the full Committee on the Judiciary. The percentages that he quotes as a speculation for the 1972 election have a familiar ring. Are not those the same percentages of the nationwide popular vote that occurred in the 1968 election?

Mr. EASTLAND. I think approximately, yes.

Mr. BAYH. I only raise this question because if we are trying to point out the weaknesses and the strengths it would seem to the junior Senator from Indiana that if we have a President sitting in the White House now who received 43 percent, while his opponents received 42 percent and 15 percent, and we do not question his credibility or his credentials of office when he is chosen by the electoral college, that we would have similar reason not to be inclined to question his credibility if elected by the popular vote.

Mr. EASTLAND. The people in 1968

voted for a change and got their change. If these percentages are correct, the people in 1972 would vote for a change and would not get the change.

Mr. BAYH. I appreciate the response of the distinguished chairman, my friend and colleague from Mississippi. There can be some questions as to the type of change that has transpired since 1968.

I share the concern of the distinguished Senator from Mississippi that we maximize the popular will, and for that reason I have insisted that we have a runoff provision in Senate Joint Resolution 1. In fact, I suppose I am responsible for having it in there because of my concern that we not proliferate the party structure and because of my belief that a runoff would minimize such proliferation.

I differ with my friend and colleague where the runoff should be struck, whether at 40 or 50 percent. But we concur in the basic premise that we should have a runoff when the candidate who gets the most votes gets less than a certain amount of votes.

Mr. EASTLAND. Do not get the idea that if this measure provided for 50 percent I would be for it.

Mr. BAYH. The Senator from Indiana was going to ask that question of my friend from Mississippi, but he beat me to the punch.

Mr. EASTLAND. No; I would still be against it, because it would destroy the federal system.

Mr. BAYH. I was hoping that we would have the prestige and advice and counsel of the Senator from Mississippi.

Mr. EASTLAND. I thank my good friend, but under no conditions could I support this constitutional amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. CURTIS. I am sorry I did not hear the Senator's full statement. Due to the hour the Senate is meeting, we cannot be everywhere at once, but I shall peruse it in the RECORD.

How long does the Senator think it would take to hold a runoff election if this amendment were to become a part of the Constitution? The elections are held, the votes are counted, presumably in the States, or somewhere. Anyhow, they are certified nationally. Various contests or objections are filed, which is not unusual. A final determination is made. Then an announcement is made that there must be a runoff. There must be some opportunity for the parties and candidates to prepare for the runoffs and campaigns.

My question is, How soon after the November election would that be?

Mr. EASTLAND. I think some part of June of the next year. In the meantime nobody would know who the President was. This country would be floundering in a hopeless sea of uncertainty.

Mr. CURTIS. Even if it would not take that long, it would mean disaster in many situations in our foreign policy, as well as domestic problems.

Mr. EASTLAND. Why, it would be disastrous if it took only until January.

Mr. CURTIS. Exactly.

I wanted to make another inquiry of the distinguished Senator. Because of the high position he holds as chairman of the Judiciary Committee, I value his opinion.

I direct the Senator's attention to section 2 of the joint resolution, relating to qualifications of electors. This section carries some of the language contained in the Constitution at the present time. It reads:

> The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That fits into the present system of counting the electoral vote, but then the language continues:

> Except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

Should the Supreme Court rule against the recent voting act allowing 18-year-olds to vote, if the pending amendment were to become a part of the Constitution any State could choose as they might wish. Is that not correct?

Mr. EASTLAND. Certainly.

Mr. CURTIS. Could the political forces in charge of State government in a given State secure an unfair advantage for their national ticket by changing the voting age?

Mr. EASTLAND. This proposal has several hearts, but let me tell my distinguished friend from Nebraska that he has gone to the very heart of the thing. Yes, it would be an unfair advantage.

Mr. CURTIS. When I raised this point the other day I received the reply, well, they would not lower the age down to 13 or 14. They would not have to do that. They could do otherwise to change it. If the idea becomes generally accepted that 18-year-olds should vote, someone is going to suggest, well, if they are closer to 18 than they are to 17, then they are 18.

Mr. EASTLAND. That is right.

Mr. CURTIS. And the legislature of a State could not be criticized for taking that view.

Mr. EASTLAND. And I think we would have just that in some States in the country.

Mr. CURTIS. Is there anything in the Federal Constitution at the present time prohibiting a State from extending the right to vote to citizens?

Mr. EASTLAND. No.

Mr. CURTIS. Does the distinguished chairman happen to know whether or not aliens do vote in some of the States?

Mr. EASTLAND. That I do not know.

Mr. CURTIS. Would it not be possible for a State to grant the right to vote to all aliens, or perhaps to aliens who had filed their first papers to become citizens? From the standpoint of the Federal Government, they could do it; could they not?

Mr. EASTLAND. Yes, that would be true, except I think it would throw the election, and could throw the election, into court.

Mr. CURTIS. Probably so, but what I am trying to illustrate is this: This amendment is based on the premise of casting individual votes and totaling them from a national standpoint and at the same time preserving that part of the Constitution which gives the States authority, within some limitations, of determining the qualificaitons of voters. Is that not correct?

Mr. EASTLAND. That is correct.

Mr. CURTIS. Are those two ideas compatible?

Mr. EASTLAND. I do not think so.

Mr. CURTIS. Could it be likened to a situation where a State, in reference to statewide elections, permitted counties or other subdivisions to determine the qualifications of voters?

Mr. EASTLAND. Well, of course, a State could delegate to a county——

Mr. CURTIS. I mean the area we are getting into could be as ridiculous as that?

Mr. EASTLAND. As that; that is correct.

Mr. CURTIS. I have changed my mind about one matter. Some months ago I was of the opinion that it was not important to require the President-elect to have a majority. I have changed my mind on that. I believe that the President, in order to furnish leadership in domestic matters when crises come along, or in world affairs, should represent a majority.

Mr. EASTLAND. That is what this amendment provides——

Mr. CURTIS. The amendment of the Senator from Mississippi.

Mr. EASTLAND. Correct.

Mr. CURTIS. Without the amendment of the Senator from Mississippi, that would not be the case; would it?

Mr. EASTLAND. No. We would have a minority President, one that received as low as 40 percent of the vote.

Mr. CURTIS. Under our present system, is it not to the advantage of both major parties to discourage third, fourth, and fifth party candidates from getting into the race for President, because it lessens their opportunity to get a majority of the electorial vote?

Mr. EASTLAND. Mr. President, I am going to be frank with my friend from Nebraska. I do not see anything holy in the two-party system. Now, three parties, yes. I would say that what we have to keep away from is a multitude of small parties. That would weaken and destroy this country—destroy the effectiveness of our Government. It would be just like the French Government and the German Government——

Mr. CURTIS. I could agree with the Senator on that, because——

Mr. EASTLAND. Between wars. But I cannot say that three, now, would do that.

Mr. CURTIS. Well, that may be true, because if we get too harsh on the third, it might reach a situation in this country where the formation of a new party could

never be brought about. Let me state my question in another way.

If this amendment is agreed to as written, without any change, then is it not true that there would be little or no restraint from preventing politicians from stirring up a lot of candidates and putting them into the race, and getting them onto the ballot, because they have nothing to lose; they do not need more than 40 percent, if they have the most votes? Is that not correct?

Mr. EASTLAND. Why, certainly. And if you have a very strong candidate in one of the parties, I think it would be done.

Mr. CURTIS. It very likely would be done. I thank the distinguished Senator. I feel that the proposal before us is the most significant proposal to come before Congress in a long time.

Mr. EASTLAND. In this century.

Mr. CURTIS. And I thank the distinguished chairman of the Committee on the Judiciary for his contribution to the discussion.

Mr. EASTLAND. I thank my friend from Nebraska.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. EASTLAND. For a question.

Mr. BAYH. I would like to clarify one point made by the Senator from Nebraska.

Mr. EASTLAND. Mr. President, I ask unanimous consent to yield to the Senator from Indiana without losing my right to the floor, and without my subsequent remarks being counted as a second speech on this legislative day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. I appreciate the courtesy of our distinguished chairman of the Committee on the Judiciary. Did I understand my friend from Nebraska to say that he thought we should have a President who had the support of the majority of the people in troubled times, particularly in times of foreign intrigue such as we are going through now.

Mr. CURTIS. I think that would be much better.

Mr. BAYH. I think the record should show that the present President was elected by 43 percent of the voters and that he was elected under the electoral college system, which has been enthusiastically supported by our friend from Nebraska.

Mr. CURTIS. No, I did not say that.

Mr. BAYH. There is no guarantee, under the present system, that we will have a majority President. In fact, we have had a number of Presidents who had less than a majority; in fact, some of them were outstanding Presidents.

Mr. CURTIS. No, no. President Nixon did get a majority of the electoral vote. That is the only vote recognized under our Constitution, and the present Constitution requires him to get a majority of that vote.

Mr. BAYH. I thought I heard the distinguished Senator from Nebraska say he should have the support of a majority of the people.

Mr. CURTIS. No. I do not think I said any such thing. In fact, I think the only vote for the President we have, in reality, is the electoral vote.

Mr. BAYH. Does it concern the Senator from Nebraska at all that it is possible for a President today to get a majority of the electoral votes and still have less than a majority, and in fact, have even fewer votes than his principal opponent? Does that concern the Senator from Nebraska at all?

Mr. CURTIS. No, it does not, because—and I have history on my side—the country has gotten along under such a system, and no one has been sworn in as President without having a majority of the electoral vote.

The Senator is urging the country to depart on a course of action where they would not need any majority of any kind, where the electoral vote is out, and no majority of the popular vote is required. This is an invitation to minority candidates, and it is an invitation for campaigning and campaign strategy to splinter the vote and end up with a minority President.

Mr. BAYH. I suggest to my friend from Nebraska that he looks at one part of this animal and I look at another, and we reach a different conclusion as to what the overall appearance is. It is not unusual for men of good faith to look at similar facts and come up with different conclusions.

The facts of the matter are that the present system allows the electoral college to put into high office a man who receives many fewer votes than the man he is running against. We do not have to speculate to a very great degree; we have only to look back to, let us say, 1948, when President Truman was running in a situation very similar to that in 1968. As we will recall, we had the Henry Wallace candidacy, the Strom Thurmond candidacy, and Dewey and Truman. In 1948, President Truman had a 2 million popular vote plurality. Yet, if there had been a change of less than 28,000 votes in the right three States, the electoral college would have put Governor Dewey into the Presidency, despite the fact that 2 million more Americans throughout the country thought Harry Truman should be the President.

I concur in the judgment of the Senator from Nebraska that we need to maximize support for the President in the serious times in which we find ourselves. But, is the Senator from Nebraska telling us, in this day and age, that he does not have some concern over the President's ability to govern if he had 2 million fewer popular votes than the man he has just defeated for the Presidency?

Mr. CURTIS. As the distinguished Senator said the other day, in opening debate, there is not any perfect plan. The plan I am defending has worked for a long time. It provides that no one would become President unless he has a majority of the electoral college vote. I do not think we should depart from that.

Mr. BAYH. The Senator did not answer the question posed by the Senator from Indiana.

Mr. CURTIS. All right. State it again.

Mr. BAYH. Pardon me.

Mr. CURTIS. State it again.

Mr. BAYH. I do not wish to prolong this discussion. We have been imposing on the time of the Senator from Mississippi. But I think it is important to ask ourselves how the President can have the maximum amount of credibility today. It seems that only God can give a President the necessary power, strength, courage, and foresight to be President. I do not think any mortal man really has such qualifications. Given the troubled times in which we live, does the Senator from Nebraska feel it would be possible for a President to have maximum credibility, maximum faith of the country, if he is elected President of the United States by the mathematics of the electoral college, even though 2 million more people throughout the country supported the man he ran against? That is exactly the situation that we almost had in 1948.

Mr. CURTIS. The Senator is citing hypothetical cases that almost happened.

Mr. BAYH. I am talking about the specifics of the 1948 election.

Mr. CURTIS. Well, they did not happen that way. Under the present circumstances, no one can be sworn in as President unless he has a majority of the electoral vote, and that is the right way to count the vote. Granted that in a close election, the one with the greatest electoral vote might be a little behind in the popular vote, still, not only in the outcome tied to a majority concept, but the campaign and the campaign strategy will be tied to the concept of a needed majority, and all of that is being abandoned in Senate Joint Resolution 1.

Mr. BAYH. May I just say to the Senator——

Mr. CURTIS. I do not want to impose upon the distinguished Senator from Mississippi.

Mr. BAYH. I will not impose further, except that I would still like to have an answer to the question.

The Senator suggests that there is something wrong about asking hypothetical questions. Yet, I have heard him ask every speaker in the last 2 or 3 days a series of hypothetical questions about runoffs and about qualifications of voters. I have been more than willing to try to answer these and to listen to others answer them. If the Senator from Nebraska feels that it is not a proper question to ask, that is fine; or, if he does not want to answer it, it is fine. But I should like to ask him once again, respectfully, whether he feels that you can maximize the credibility of the President of the United States if he is asked to govern this country when elected only by the mathematics of the electoral college system, if the man he ran against and defeated had the support of 2 million more Americans than the President himself had.

Mr. CURTIS. I will try to answer it. The term "maximize" is a relative term. I would say that that system would establish more confidence in the presidential election than the one the Senator from Indiana proposes. We are going

to elect no President who has the confidence of every citizen or the confidence of all the people around the world.

One difference in reference to these hypothetical questions is this: The Senator from Indiana is proposing a new, untried proposal. The evidence of how the system that he would replace would work is a matter of history, and that is quite a difference.

Mr. BAYH. I suggest to the Senator from Nebraska that to say that direct popular vote is untried completely ignores the fact, if I may say so, with all respect, that direct popular vote is used in every other election, on every election day, in every State, in every municipality, in every State legislature district, in every congressional district. We have ample knowledge of how this works. And I hope we can pursue the runoff question a little further.

Mr. CURTIS. All except in a Federal system. This is the United States of America. Our country is made up of 50 sovereign States. There has been no pattern for a popular election in that respect. The matter is just filled with complications and problems. If the distinguished Senator really believed in this popular election business, I cannot understand why he is not suggesting Federal qualifications for voters. I am against Federal qualifications for voters, but I believe that section 2 is in contradiction with the theme of the Senator's proposal for direct election and for runoff.

Mr. BAYH. I appreciate the fact that the Senator has brought up that point for the third time in 3 days. I will be glad to repeat the answer that I have given on the 2 previous days, but for the sake of the time of the Senator from Mississippi as well as the expense of reprinting the same answer, I will not do so. Perhaps those who want the answer will dig through the RECORD of yesterday and the day before and find the opinion of the Senator from Indiana.

To get back to the same question: the Senator is saying to the Senate and to the country that he is not concerned about a credibility gap and a confidence gap that would result in the White House——

Mr. CURTIS. I never said that.

Mr. BAYH. If the man occupying the White House had 2 million votes less than the man he ran against.

Mr. CURTIS. I never said that. I said it would be a lesser evil than what the Senator from Indiana proposes, and I cited the words of the distinguished Senator from Indiana which he used when he opened the debate, that there was no perfect system.

Mr. BAYH. But the Senator is not concerned about a President trying to govern if he has 2 million popular votes fewer than the man he ran against?

Mr. CURTIS. No one ever said that at all. I said that it would have a lesser impact on credibility than to embark upon what the Senator from Indiana proposes.

Mr. EASTLAND. If the Senator will yield for a question, when has that happened?

Mr. CURTIS. A difference of 2 million votes? I do not have all the figures at my fingertips. I do not think it ever has happened.

Mr. EASTLAND. I do not think it has, either.

Mr. BAYH. If the Senator will permit me to add one addendum, there have been three times when we have elected a President who had fewer popular votes than the man he was running against; 1948 is a typical example of the gap that can exist between a popular vote and an electoral vote.

No system, of course, is perfect. But it is a serious and grievous shortcoming of the present system that it has permitted the election to the top office of this land a man who had fewer votes than the man he was running against. This is a serious fault. Only one system guarantees that the man who sits down at 1600 Pennsylvania Avenue will be the man who has the most votes. That is the system supported by the distinguished Senator from Oklahoma, who gave a very eloquent defense of Senate Joint Resolution 1 yesterday. I recommend his remarks to anyone who is concerned about certain arguments that have been raised by the opponents. I wish they would read the remarks of the distinguished Senator from Oklahoma, because he has been studying this matter longer than almost any other Member of the Senate. He outlined his tortuous process of study in his speech yesterday, and I think he lays to rest very well the questions that have been raised.

The Senator from Mississippi has been very indulgent. I apologize. I will not ask him to further stretch his patience.

Mr. EASTLAND. Fifty-seven percent of the American votes would have mandated that a change be made, but the advocates of repudiated policies would have been reelected to another 4-year term.

Similarly, let us assume that the 40-percent plurality direct election system had been in effect for the 1968 presidential elections and that there had been a shift of 250,000 votes from President Nixon to Vice President Humphrey.

Incidentally, it is not unreasonable to assume that this shift might have occurred out of a total of more than 73 million votes cast in that election. In my opinion, it is more reasonable to assume such a shift than it is to make certain assumptions about past presidential elections under the present electoral system. Thus, when the statement is made that in the 1960 election a shift from Kennedy to Nixon of 15,600 votes would have given Nixon a majority in the electoral college even though President Kennedy would have received a plurality of the popular vote, the true postulate and assumption should be broken down to state that there would have had to be a shift from Kennedy to Nixon of 4,500 votes in Illinois, 5,000 votes in Missouri, and 6,100 votes in Minnesota. As can be seen, this is not one assumption, but three, which would have had to occur in conjunction with each other in order to reach the result of Nixon being elected over Kennedy.

In the event of such a shift of 250,000 votes from Mr. Nixon, Vice President Humphrey would have been elected President.

One of the fundamental issues in the 1968 election was the record of the Johnson-Humphrey administration. Vice President Humphrey carried the banner of that administration during his campaign.

He ran on what he regarded as the achievements and accomplishments of the administration. On the other hand, both Mr. Nixon and Governor Wallace attacked the record of the administration and strongly urged that it should be turned out of office. They specifically stressed certain foreign and domestic issues which were of concern to the American people and with which they contended the Johnson-Humphrey administration had dealt in an unsatisfactory manner. Both called for a repudiation of certain of these policies and of those who had executed them.

Would it have been an expression of the national will, under these circumstances, for Vice President Humphrey to have been elected President, even though almost 57 percent of the American people had voted "no"?

Those who feel that President Nixon has an uncertain and difficult mandate from the American people as a result of the last election should consider these two reasonable hypotheticals. Each would result in a much more difficult and uncertain mandate than President Nixon now has.

As a practical matter, we must consider the possible political impact of the 40-percent plurality rule. Whose political interests would be benefited by such a system? It is not easy to answer these questions with certainty but some clues may be had by examining the results of the elections for mayor in 1969 of our two largest cities.

In Los Angeles, if the 40-percent plurality rule had been in force, Thomas Bradley, not Sam Yorty, would be the mayor of that city today. In the first election, Bradley received approximately 41.7 percent and Yorty 26 percent of the vote. Los Angeles has a majority requirement for election, and in the runoff election Yorty defeated Bradley by more than 55,000 votes. Clearly the 40-percent plurality system would have resulted in frustration of the majority will in the Los Angeles election.

Mr. BAYH. Mr. President, will the Senator from Mississippi yield for a moment there?

Mr. EASTLAND. I yield for a question.

Mr. BAYH. I should like to make one observation, if the Senator would care to comment on it. I am struck again by the 41-percent figure. Mr. Bradley in Los Angeles obtained about the same percentage of the vote as did Woodrow Wilson when he was first elected President. If we are going to be consistent, I suppose that if Mr. Bradley could not have been a good mayor of Los Angeles with his 41 percent, then Woodrow Wilson could not have been a good President of the United States, either, with his 41 percent.

Mr. EASTLAND. I am not talking about qualifications. I am talking about

the frustration of the national will—of the will of the people, of a majority of the people. That is what I said.

In New York City, which has a simple plurality requirement, Mayor Lindsay was reelected with less than 42 percent of the vote. He would have been reelected under the 40-percent plurality system. His two principal opponents vigorously attacked his administration, and made it the chief issue of the campaign. Those who are familiar with the New York City political scene have stated that the only reason Mayor Lindsay was reelected was that the opposing vote was split. It is widely believed that if he had been forced into a runoff election he would have been defeated.

Mr. President, right there I think we have seen a very good instance of the frustration of the national will in the past few days in the Republic of Chile, which had two anti-Communist and anti-Socialist candidates which split the vote and, as a result, the candidate of the Communist Party was elected President of Chile, against the popular will of its people, so that it is now on the road to becoming a Marxist state.

Mr. BAYH. If the Senator from Mississippi will yield just there for a moment, what percentage of the vote did the Communist candidate receive in Chile?

Mr. EASTLAND. I cannot tell the Senator what the percentages were. It was a close election. As I recall, he beat one of his opponents by 39,000 votes.

Mr. BAYH. If my memory is accurate, I believe that the winner received in Chile about 34 percent. If the winner had received 34 percent under the provisions of Senate Joint Resolution 1, there would have to be a runoff. With a runoff the majority of the people in Chile might have chosen someone else.

Mr. EASTLAND. Well, it is just a matter of figures. That identical thing could happen in the future in this country under the Senator's 40 percent——

Mr. BAYH. I hate to keep imposing on the Senator, but what I was trying to say——

Mr. EASTLAND. Let me finish my sentence—40 percent of the vote in his resolution.

Mr. BAYH. The Senator has been patient. I think it is important for us to put in proper perspective what may happen and what may not happen. I did not look with great favor on the election of a Communist in Chile. I was hoping that that would not happen.

Mr. EASTLAND. As a result, we will have a nationalization of the copper industry and the other basic industries in that country. That could happen here, too, under what my friend from Indiana is proposing.

Mr. BAYH. I suppose it could also happen under the 50-percent system that the Senator from Mississippi is proposing or under the electoral college system.

Mr. EASTLAND. I do not think so. But the Senator is on much stronger ground when one has a majority of the vote.

Mr. BAYH. I am suggesting that it seems to be just a bit inconsistent to suggest that a candidate in Chile who is elected with a 34-percent vote, would have been elected under Senate Joint Resolution 1, or could not possibly have been elected under Senate Joint Resolution 1, because Senate Joint Resolution 1 provides that there has to be another election if a candidate gets only 34 percent of the vote. The runoff gives the people a chance to prevent that result. It was that very possibility that prompted us to establish the 40 percent requirement in Senate Joint Resolution 1.

Mr. EASTLAND. But the same thing could happen under the 40-percent requirement.

Mr. BAYH. But such a candidate would have to get more than 40 percent of the vote, which did not happen in Chile. Is that accurate?

Mr. EASTLAND. As I recall now, he got 36 percent.

Mr. BAYH. Thirty-six percent. It did not happen in Chile, then. Is that accurate?

Mr. EASTLAND. That is correct, but it could happen here under the Senator's provision.

Mr. BAYH. It could happen here only if the candidate got more than 40 percent of the vote, if he got 43 percent, like Nixon, or 41 percent like Woodrow Wilson, or if he got——

Mr. EASTLAND. If it is split up and we get a number of candidates and we get a strong Marxist candidate, as we had in Chile, it is just the same thing. It could happen in this country. We could have a Communist state, as they will have in Chile——

Mr. BAYH. I respectfully suggest——

Mr. EASTLAND. I mean, it is possible. I am not predicting that.

Mr. BAYH. Perhaps it is not the best of decorum in the Senate, but I would like to suggest that the Senator's persuasive argument can be used to argue the other possible outcome. The Senator has been stressing that in the 1968 election, 50 some percent of the voters voted for a change and voted against the candidacy of Mr. Humphrey. I would like to suggest that some 66 percent or 64 percent of the people of Chile, those who voted for opposition candidates, would be inclined to vote against the Communist candidate.

So, if we had a runoff candidate under Senate Joint Resolution 1, the chances would be very great that the runoff provision would have insured that the Communist was not elected.

Mr. EASTLAND. Mr. President, I hope my friend, the Senator from Indiana, is correct.

Mr. BAYH. There is no way that we can know.

Mr. EASTLAND. I do think that we have a system that could lead us down the road in the direction the Republic of Chile has gone.

Mr. Richard Scammon, who is acknowledged to be one of the foremost experts on the American political system, characterized the New York City mayor's election in the following language:

> In fact you might say there was a referendum on John Lindsay in New York and John Lindsay lost.

I am certain that we would not want to have the same thing said about an election for President and Vice President of the United States—that there was a referendum on a President and a Vice President and that they were still in office although they lost.

The conservative political elements in the United States are not going to accept a change in the electoral system which gives every indication of working to their disadvantage. The direct election system appears to be biased against the conservative political forces in the Nation, and this bias is reinforced by the requirement that the successful candidates have to poll only a 40-percent plurality of the vote.

There is no way to know with certainty which minor parties might run candidates for President and Vice President in the future. However, at the present time the most likely minor party in the field for the 1972 presidential election is the American Independent Party of former Gov. George Wallace. A Gallup poll of March 21, 1970, reveals that Governor Wallace has apparently held on to almost all the political strength he exhibited in 1968. He is now rated at 12 percent of the national popular vote in a three-way race between himself, President Nixon, and Hubert Humphrey.

It is highly significant that the persons who chose Wallace were asked:

> Suppose Wallace were not included, which candidate would you prefer—Nixon or Humphrey?

Of those who gave an answer, 76 percent of the Wallace voters in the Nation expressed a preference for Nixon and 24 percent preferred Humphrey. Outside the South, Nixon got the support of 67 percent of the Wallace voters as a second choice, and Humphrey received 33 percent. In the South, 83 percent of the Wallace vote went to Nixon and 17 percent to Humphrey.

The Washington Post of March 22, in reporting this poll, aptly headlined it: "Wallace Still Thorn to the GOP."

Although the Gallup poll showed President Nixon leading Mr. Humphrey by 54 percent to 34 percent, the New York Times of March 22, in reporting on this poll, stated:

> Although Mr. Humphrey loses now in this test race, experience shows that candidates often have greater recuperative powers, especially candidates who have the backing of a major party.
>
> A look back to early 1962, after President Kennedy's first year in office, shows that Mr. Nixon, who then was in the position that Mr. Humphrey is in now, trailed the incumbent by 35 to 52 percent, which is similar to the present Nixon-Humphrey results.

We must take every precaution to assure that any revision of our electoral system not result in a perversion of the national popular will accomplished in the name of democracy.

Apparently, the chief objection of the proponents of the 40-percent plurality system to the proposition that candidates must obtain a majority of the popular vote in order to be elected is that the 50-percent requirement would increase the likelihood of runoff elections. The prospect of runoff elections is deemed undesirable for a number of reasons:

First. Splinter parties would be encouraged to enter candidates in the first

election in the hope of denying both of the major party candidates 50 percent of the total vote cast, so as to force a runoff election. In such a runoff election, the leaders of the splinter party or parties could bargain with the remaining major party candidates for the votes they received in the first election. These votes would be crucial to the outcome of the runoff election, and the leaders of the splinter party or parties could extract promises from one of the remaining major party candidates for the delivery of their votes;

Second. An appeal must be made in the runoff election to the voters who supported the splinter party or parties in the first election. Persons who supported the candidate of a splinter party in the first election are likely to be political extremists. It would be undesirable for the candidates of the major parties in a runoff election to tailor their campaigns to the goal of obtaining this extremist vote. If this should happen, an extremist minority could exercise disproportionate leverage on American presidential politics;

Third. In the event of a runoff election, the American people would be in doubt and uncertainty between the first election and the runoff election as to whom the next President and Vice President would be. This doubt and uncertainty would have a bad effect upon the country. The voters would be tired of politics and would likely be less attentive to the issues in the runoff election.

In my judgment, these objections have no great substance or merit.

As to the first two objections, I believe that they overlook some realities of American politics. These objections are based on misguided notions of the American electorate.

It is a matter of historical fact that splinter parties in America are issue-oriented. There are times when both major parties have failed to present issues to the satisfaction of a significant segment of American voters. When this happens splinter parties are formed, which embrace one great issue or set of issues. These parties frequently nominate candidates for President and Vice President. Thus, the Greenback Party, the Progressive Party of 1912, the Progressive Party of 1924, the Progressive Party of 1948, the States Rights Party of 1948, and the American Independent Party of 1968.

Traditionally, these parties have disappeared because one or both of the major parties would embrace in whole or in part the issue advocated by the supporters of the splinter party, or because social or economic conditions which caused the emergence of this issue changed.

We can expect this to hold true in the future.

It is unrealistic and unreasonable to think that the candidate of such a splinter party, or its leaders, could instruct their followers how to vote in a runoff election. These people voted on the issues in the first election, and they would vote on the issues in the runoff election. They would vote for the major party candidate in the runoff election who more nearly embraced their ideas and expressed their feelings. For instance, in the 1968 election, if there had been a runoff between President Nixon and Vice President Humphrey, does anyone think that Governor Wallace could have told more than a handful of his supporters who to support in the runoff? If Senator McCarthy had been a splinter party candidate, does anyone think he could have instructed more than a few of his supporters who to vote for in the runoff?

Our whole political history suggests that even in personality-oriented elections it is very hazardous for an eliminated candidate to advise his supporters which of two remaining candidates to support. The normal human reaction is to resent such instruction. How much more true in issue-oriented elections, especially where the advice given is contrary to the natural feelings and instincts of the persons who supported the splinter party candidates in the first election.

It was reported in the press during the last election that a number of electors pledged to Governor Wallace stated that under no circumstances would they vote in the electoral college for one of the major party candidates, regardless of the suggestions or advice offered by Governor Wallace.

If the candidates or leaders of the eliminated splinter parties can deliver only a few votes in the runoff election, rather than millions of votes, there would be no reason or incentive on the part of the major party candidates in the runoff to make concessions or promises to such persons.

But, it is said, even if this is true it would be most unfortunate to have the major candidates in the runoff election competing for fringe or extremist votes. I am in agreement with this proposition, but, again, our political history tells us that the likelihood of such a thing happening is very remote. Such thinking is fallacious because it is based either on the premise that only the persons who supported the eliminated splinter party candidate would vote in the runoff election, or on the premise that every voter who supported one of the major party candidates in the first election would be frozen into support of the same candidate in the runoff election.

Both suppositions are palpably without any foundation.

Let us assume that those who supported the eliminated splinter party candidate or candidates are members of fringe or extremist groups. While it is perfectly true that each of the major party candidates in the runoff election would be happy to get as many of these votes as possible, neither could afford to leave the middle of the road and embrace any extreme or fringe ideas espoused by the followers of the eliminated splinter party, because to do so would create a great danger of a massive defection of his supporters in the first election.

Thus, the fear of a runoff election degenerating into a bid for extremist support is more fanciful than real.

As a matter of fact, I am convinced that the possibility of secret wheeling and dealing is much greater under the 40-percent plurality system than it would be under a majority system of direct election. Suppose, for instance, we convert to a 40-percent plurality system of direct election and that a public opinion poll taken in the spring of a presidential election year showed that in a two-party race, the prospective Republican nominee would receive 52 percent of the vote and the prospective Democratic nominee would receive 48 percent. Suppose that the same poll showed that in a three-party race with a splinter party candidate, the prospective Democratic nominee received 44 percent, the prospective Republican nominee 43 percent, and the splinter party candidate 13 percent of the national party vote.

It should go without saying that the supporters and managers of the Republican Party would do everything legally and honorably possible to persuade the splinter party candidate not to enter the field; likewise, the Democratic Party's supporters and managers would offer every encouragement for the splinter party candidate to run.

The splinter party candidate would then be in the position of having a choice of making a deal with one of the major parties or proceeding on his own course.

In this hypothetical example, the splinter party candidate could decide not to run for President, thus making it easier for the Republican nominee to be elected. In order to persuade the splinter party candidate to reach this decision, the Republican leaders and managers might well be required to make secret promises or commitments to the splinter party candidate. These promises or commitments might pertain to future policies of a Republican administration or appointments to be made by the Republican nominee after he was elected.

By the same token, in this hypothetical case, if the splinter party candidate decided to run for President, and thereby measurably help the chances of the Democratic Party of capturing the Presidency, the Democratic leaders and managers might have to pay for this benefit not only by making promises and commitments about future policies and appointments, but they might also be compelled to arrange for considerable campaign financing of the splinter party candidate.

I think that this hypothetical example of what could happen under a 40-percent plurality popular vote system is very reasonable.

In my judgment the American people do not want this kind of political game played with the Presidency.

It is quite true that under the 50 percent direct popular vote system deals and promises can be made in the runoff election to obtain the support of eliminated candidates. However, the great difference between the two situations is that in the runoff under the 50-percent system, any deals would be open deals openly arrived at. By the nature of things the entire voting public would know about any effort of one of the two candidates in the runoff to obtain the support of certain groups. Any promises made to these groups to obtain their

support would be public promises designed to attract their support.

Mr. BELLMON. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. BELLMON. As one who served on the American Bar Association Commission that worked up the study that finally resulted in the drafting of Senate Joint Resolution 1, I was impressed with the arguments made during those discussions that setting a 40-percent plurality as the vote necessary for the President to be elected rather than 50 percent would tend to discourage splinter parties.

The feeling expressed by those who testified before the commission was that, if we would require a 50-percent plurality, many splinter party groups would be encourged to develop and participate in elections, because they would feel they could draw off the small percentage of votes necessary to throw the election into a runoff. But if the percentage were 40 percent, it would mean that splinter parties would need to siphon off 20 percent in order to keep one of the candidates from being declared winner and named President.

Does the Senator disagree with that feeling?

Mr. EASTLAND. Yes.

Mr. BELLMON. The Senator from Mississippi feels 50 percent would discourage splinter parties?

Mr. EASTLAND. I believe it is necessary that a man be elected President of the United States by a majority of the people. I think that is the overriding consideration. I have never been worried about splinter parties.

Mr. BELLMON. My experience in government certainly is not as lengthy as that of the distinguished Senator from Mississippi, but if I remember correctly, in 1948, our President received less than 50 percent of the votes. Also, in 1960 President Kennedy received less than 50 percent of the votes. In 1968 President Nixon received only about 43 percent. So it is nothing new in this country to have a President who received less than 50 percent of the vote.

Mr. EASTLAND. I think when we go to a 40-percent provision we are inviting splinter parties to come in in order to try to hold the vote under 40 percent.

Mr. BELLMON. In order for a splinter party to have any effect at all, it would be necessary for the total of the splinter parties to syphon off at least 20 percent of the vote under the 40-percent provision, whereas if we required a 50-percent majority for the President to be declared the winner, the splinter parties would have a much less arduous task. They would have to syphon off only 1 or 2 percent in order to throw the election into a runoff.

Mr. EASTLAND. Yes. I know it has happened in our history a few times, but I think the man who is elected President ought to be the choice of the majority of the people of this country.

Mr. BELLMON. I certainly agree with the Senator that it would be far more desirable if the President could be the choice of the majority of the people of the country.

Mr. EASTLAND. Well, it usually happens.

Mr. BELLMON. In my lifetime that has not been the case, since I have been an adult. President Eisenhower has been the only one who has served as President who received the majority vote of the people during the time I have been an adult, except for President Roosevelt, who became President before I was old enough to vote.

Mr. EASTLAND. Well, he certainly received 50 percent of the vote.

Mr. BELLMON. He did, but neither President Truman, President Kennedy, nor President Nixon succeeded in getting 50 percent or more of the vote.

Does the Senator say he is not concerned about the development of splinter parties

Mr. EASTLAND. I say that. We have the Prohibition Party and the Women's Rights Party. We have the Labor Party in New York State. I have never been concerned about them. I do not think they have made any impact in a presidential election in this country. With the case of Governor Wallace, Senator THURMOND, and former Secretary of Agriculture and Vice President Henry Wallace, I think they made an impact.

Mr. BELLMON. I believe the Senator from Nebraska (Mr. CURTIS) expressed concern that we not allow our political system to develop into a large number of splinter parties, as has happened in Germany, France, and other European countries, where government is able to operate only as a result of coalitions which may collapse at any time. Is the Senator concerned that that may happen here?

Mr. EASTLAND. No. As I said, I would be opposed to a great number of splinter parties that would make an impact and would weaken our Government, but I see nothing holy about the two-party system. There would be just as many under a 40-percent provision as under a 50-percent provision.

Mr. BELLMON. That is the point on which the Senator from Mississippi and I differ. I agree with the Senator that it would be disastrous if we adopted some change in our law that allowed a large number of splinter parties to grow up; but, as I have already stated, it was the consensus of many witnesses that testified before the American Bar Association Commission that the 40-percent rule would be less conducive to splinter parties than a 50-percent rule.

Mr. EASTLAND. I am sure they are sincere. Were those gentlemen college professors?

Mr. BELLMON. There were 18 members on the Commission, including two Members from the House of Representatives, two Senators or former Senators, two Governors, and a wide variety of other representatives from both the academic community and other communities. Walter Reuther was a member of it. They were not all college professors.

Mr. EASTLAND. I am pretty sure they were conscientious, but what they knew about American politics is something else.

Mr. BELLMON. There was a large and varied representation.

Mr. EASTLAND. I am sure they were conscientious.

Mr. BAYH. Mr. President, would the Senator from Mississippi permit me to interrupt the Senator from Oklahoma briefly?

Mr. EASTLAND. Mr. President, I ask unanimous consent to yield to the distinguished Senator from Indiana without losing my right to the floor or without my remarks counting as more than one speech on the joint resolution.

Mr. BAYH. Mr. President——

Mr. EASTLAND. Mr. President, is that request granted?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I appreciate the usual courtesy of the Senator from Mississippi, my distinguished committee chairman.

I thought perhaps it was incumbent upon the Senator from Indiana to make one brief statement out of deference to the modesty of our colleague from Oklahoma. I think the point raised by the Senator from Mississippi is a legitimate one. Just because a panel is established does not mean its members have any political sophistication. However, I think that this particular panel had a rare combination of intellectual capacity, political sophistication, and diversity of philosophy, region of the country, and profession.

I say this because I am sure the Senator from Oklahoma would not brag about his own credentials, but I think it significant that at the time the Commission was meeting the Senator from Oklahoma was the Governor of his State. Also on that panel was another Governor, or a former Governor, of Illinois, Mr. Kerner.

I do not think there is a great deal to be gained by putting labels or tags on the various members of the panel. I would, however, suppose that, as Governor of the State of Oklahoma, the present Senator from Oklahoma (Mr. BELLMON) probably represented a more conservative view, than did Governor Kerner.

We did have a diversity of representation on that panel. Indeed, the Governor of Oklahoma represented the Republican Party and the Governor of Illinois represented the Democratic Party. Walter Reuther represented labor and Bill Gossett, of the Ford Motor Co., represented management.

That was the type of constituency represented across the board by that Commission.

As the lead-off witness before the Commission, and as one who was making a hard pitch for direct election, I must say that when I left the witness chair I said, "Boy, oh boy, if such a diverse panel can reach agreement on anything, the Senator from Indiana will be greatly surprised." This panel studied the question diligently for 10 months, and did reach a conclusion. I think that speaks very well for the results—the measure which is now before the Senate, Senate Joint Resolution 1.

I appreciate the tolerance of the Senator from Mississippi.

Mr. EASTLAND. Well, Mr. President, as I have said, I am sure they were fine gentlemen. They are entitled to their opinions, but they did not influence the Senator from Mississippi.

By way of contrast, the deals made with a "spoiler" or splinter party candidate under the 40-percent plurality system to induce him to run or not to run would be secret and not known to the public. The public would learn about those deals too late, after the election was over, and after the successful candidate was in office and delivering on his promises and commitments.

One reason that this kind of political game is much more likely to be played under a 40-percent plurality system of direct election than under the present system is the nature of public opinion polls in the United States. Public opinion polls are highly accurate at judging national public opinion. They are much less accurate at dealing with the impact of a third-party candidacy upon the two major parties in each of the 50 States. For example, many students of the 1968 Presidential election are of the opinion that, on the whole, Governor Wallace's candidacy hurt President Nixon more than it did then Vice President Humphrey. However, there is keen speculation that in certain individual States which went one way or the other by a relatively close margin, Governor Wallace's candidacy might have been decisive in throwing the States' electoral votes to Mr. Humphrey. Since the name of the game under the present system is to carry States, it is very hazardous for a major party candidate to have any dealings with a third-party candidate.

It is imperative to understand that if we switch to a 40-percent plurality system of direct election, all this will change. Since third-party candidacies are almost always issue oriented, the public opinion polls can give the managers of the two major parties a clear reading of the political impact of a third-party candidacy under a system of direct election.

Mr. Richard Goodwin, who was an adviser to Presidents Kennedy and Johnson, told the Judiciary Committee of his experiences with New York State politics and the manner in which minor parties operate in that State. Part of Mr. Goodwin's testimony is as follows:

To see that this is more than a theoretical possibility let us look at the experience of New York. That State is as close to a miniature nation, in terms of diversity of population and interests, as any in the Union. It is as large as some countries. New York now has four parties. The two smaller parties—liberals and conservatives—cannot carry a single city or borough, but within a State that does not matter. Popular vote is everything in statewide contests. The result is that both minor parties are important, and can make a decisive difference in a close race. They behave, on the State scale, exactly as we speculated that minor parties might act on the national scale: offering endorsements, making deals, and running their own candidates. For their members a separate party has proved the surest route to real power. If we move to direct election, there is no reason whatsoever why the same will not be true at the national level. In fact, operating just in New York both the liberal and conservative parties receive more votes than the total margin of national victory in two of our last three presidential elections.

Mr. Goodwin used his knowledge of New York politics to make the point that splinter parties and spoiler candidates would have every incentive to run or threaten to run for the Presidency under a system of direct popular election, even though he knew he had no chance to win. This was brought out in a colloquy with Senator BAYH, as follows:

Senator BAYH. Of course, you are not very powerful if you cannot win in this political process, and I think that is the thing that would be in a person's mind, in the leaders' minds when setting up this plan. Are we ultimately going to win and affect the outcome? And the chances are that the more you proliferate the less chance you are going to have of winning.

Mr. GOODWIN. You can be very powerful if you have the capacity to make others win or lose, witness Alex Rose in New York, even though you can never win yourself.

Without making any political or any other kinds of judgments of Mr. Alex Rose, it is well known that he is one of the political kingpins of New York City and New York State. He does not run for public office himself and probably could not be elected, but as Mr. Goodwin says, he has the "capacity to make others win or lose."

I am convinced that a system of requiring only a 40-percent plurality to win a direct popular election would result in the emergence of one or more "kingmakers." I do not think that this would be good for the Nation.

As to the third objection, that doubt and uncertainty would exist in the minds of Americans between the first and second elections as to who the next President and Vice President would be, this, too, is based on a misunderstanding of American politics and the American people. It is based on the unspoken premise that the American people are so emotionally and intellectually immature, that the doubts in the minds of the people during the interim between the first and second elections would be so great as to cause stresses, strains, and ruptures in our social and political fabric. In my opinion, the American people are mature and stable enough to participate in a runoff election without causing undue stresses or strains. The American people have shown their spirit and fortitude under recent crises of much greater magnitude, such as the assassination of the late President John F. Kennedy.

The people of other nations, such as France, have recently undergone the experience of choosing their national leader in a runoff election. This was accomplished without any great strain or upheaval. I believe that the American people are more stable than the French, and would be even better equipped for this situation.

Finally, it should be noted that the 40-percent plurality system would not assure that the American people would be free from doubt and uncertainty as to who the next President and Vice President would be.

If the popular vote totals were close and charges were made of fraud or irregularity in the voting or vote-counting process, a recount of all of the votes in the challenged precincts would be necessary in order to determine the winner. This could well entail the recounting of hundreds of thousands or even millions of votes. All of the more than seventy million votes cast in the Nation might have to be recounted in order to get a true and fair result.

During this time, which would doubtless be weeks, the American people would be in doubt and uncertainty as to the identity of the winners.

The doubt and uncertainty caused by a recount of the votes might result not only in the usual two-party presidential race, but could also result in a multi-party race. The recount in the event of the multi-party race could involve the question of which candidate received the most votes, but it could also involve the question of whether any candidate received the necessary 40 percent of the votes.

As to the argument that the American voters might grow weary of politics in a runoff election and might be less attentive to the issue, our recent political history suggests that this contention has little support. A runoff election campaign often sharpens the issues and, consequently, there is a greater turnout of voters in the runoff election than in the first election. For example, in the 1969 mayor's election in Los Angeles, the number of votes cast in the runoff election exceeded the number of votes in the first election by more than 130,000 votes.

This has happened in a number of other elections in the States or cities where runoffs in the absence of a majority are required in primary or general elections.

In conclusion, whatever arguments might be made in favor of the 40-percent plurality system and against the 50-percent requirement, they are, in my judgment, far outweighed by the compelling necessity to have our President and Vice President elected by a true popular mandate of a majority of the electorate.

Mr. President, another compelling reason why this proposed amendment to the Constitution should be rejected by the Senate is that it would have the effect, if adopted, of further diminishing the political power of the people of the less populous States. The political power of the great urban States would be increased even more than it is under the present system.

According to a 1969 study, 34 States and the District of Columbia would lose Presidential influence in a switch from the electoral college to the direct popular vote. Only 15 would gain, and one State, Oregon, would neither gain nor lose influence.

Every State that would gain power from the direct popular vote is an industrial State of the North or West, with the sole exception of Florida.

Ten of the 11 Southern States would lose significantly—from 10 percent, Texas, to 39 percent, South Carolina—under a popular-vote system. Four of the five border States would also lose.

There are 17 States with five electoral

votes or fewer, all outside the South and border. All 17 would lose substantially—from 21.5 percent—Nebraska—to 80 percent—Alaska.

The Southern and Border States would lose power because their voters, white and black, tend to vote far less frequently than Northern and Western voters. A popular-vote election would tend to reward voter turnout, rather than actual population.

The smaller States would lose because under the electoral college they have a bonus of two votes each, based on the number of Senators. While the larger States also get this bonus, in their case it represents a much smaller increment in percentage terms. Thus, Wyoming's presidential influence is marked up 200 percent—from one to three electoral votes—by its two-vote bonus, while Pennsylvania gains only 7 percent—from 27 to 29. In a switch to the popular vote, taking all variables into consideration, Pennsylvania's presidential influence would rise by 20 percent, while Wyoming's would decline by 70 percent.

A shift to the popular vote would profoundly alter the tone of future campaigns. Party platforms will move away from concessions to the South and the non-Southern small States, and candidates will concentrate their campaign efforts and appeals in the Northern industrial States which have the major concentrations of voters. Deemphasized by presidential candidates and platforms of the future will be: the South, the border, the Mountain, and Plains States, the farm belt, plus small States like Alaska, Hawaii, Vermont, Maine, New Hampshire, Rhode Island, and Delaware that fall into none of these categories.

In addition, national convention delegation assignments will tend to reflect this profound political shift. In all conventions through 1968, delegates have been assigned to the States on the basis of their electoral votes. If the electoral-vote system is repealed, delegates will undoubtedly come to be assigned on the basis of popular vote turnout. In the case of the Democrats, the McGovern Commission has already recommended changes along these lines. Once again, the big losers will be the South and border States—where vote turnout is comparatively low—and the smaller States of the North and West, whose percentage of the national popular vote is so much smaller than their percentage of the electoral vote.

Thus, the South, the border, and the smaller States will have considerably less influence in writing platforms and choosing presidential and vice presidential candidates of the future. And once the convention is over, these candidates will pay considerably less attention than presently to the South and border and Western States, and will tend to bypass the smaller States altogether.

The central presidential battleground in conventions as well as elections, will encompass a high-population belt of States ranging from lower New England and the middle Atlantic out to the industrial States of the Great Lakes. The only significant counterweight to this battleground will be the larger Sun Belt States of California, Texas, and Florida, which will have a decidedly subsidiary influence owing to their lesser numbers and to voter turnout in Texas and Florida, which is considerably below the national average.

In the 1968 election, California, Texas, and Florida cast 17.1 percent of the national popular vote. The largest 11 States of the Northeast and Great Lakes cast 48.4 percent. The remaining 36 States combined cast only 34.5 percent—little more than a third of the national vote.

In the 1968 electoral college, by contrast, the other 36 States cast a plurality of the total vote—44.6 percent. The 11 largest Northeastern and Great Lakes States cast 40.7, while the Sun Belt trio cast 14.7.

The Sun Belt's apparent gain under the popular vote is misleading; most of this represents its larger-than-average population increase since the 1960 census on which the present electoral college is based. These heavy gains will be reflected in electoral college apportionment following the 1970 census.

Based on estimated 1970 census figures, the three Sun Belt States would gain only marginally by a switch to popular voting. The nine remaining Southern States would lose an average of 22 percent of their present strength, while the 11 Northeast and Great Lakes States would gain 20 percent. The 17 smallest States—not counting the District of Columbia—would decline from an estimated 1972 electoral vote share of 11.88 percent to 6.69 percent of the popular vote—a drop of nearly 45 percent.

Under a direct popular vote, presidential and vice presidential candidates of the future would be ill advised to expend much of their time or attention outside the 11 large urban States of the Northeastern quadrant of the country.

And it goes without saying that any President elected by popular vote would be compelled to devote a far bigger share of his programs and concerns to the politically crucial population centers of this same Northeastern quadrant.

This is why repeal of the electoral college, and its replacement by a direct popular vote, would affect revolutionary changes not only in the national political process, but in the entire thrust and emphasis of the Nation itself.

Mr. President, I ask unanimous consent at this time that a table showing the effect on the political power of the States in Presidential elections, in the event the direct election system is adopted, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IF PRESIDENTS ARE ELECTED BY POPULAR VOTE—EFFECT ON STATES

15 STATES WOULD GAIN POLITICAL POWER

State	Percent of electoral votes	Percent of popular votes cast in 1968	Difference	Percent of change
New York	7.99	9.49	1.50	+18.77
California	7.43	9.89	2.46	+33.10
Pennsylvania	5.39	6.47	1.08	+20.03
Illinois	4.83	6.30	1.47	+30.43
Ohio	4.83	5.40	.57	+11.80
Michigan	3.90	4.51	.61	+15.64
New Jersey	3.16	3.92	.76	+24.05
Florida	2.60	2.98	.38	+14.61
Massachusetts	2.60	3.18	.58	+22.30
Indiana	2.42	2.90	.48	+19.83
Missouri	2.23	2.47	.24	+10.76
Wisconsin	2.23	2.31	.08	+3.58
Minnesota	1.86	2.17	.31	+16.66
Washington	1.67	1.78	.11	+6.58
Connecticut	1.49	1.71	.22	+14.76

34 STATES AND THE DISTRICT OF COLUMBIA WOULD LOSE POLITICAL POWER

Texas	4.65	4.20	0.45	−9.67
North Carolina	2.42	2.16	.26	−10.74
Virginia	2.23	1.85	.38	−17.04
Georgia	2.23	1.70	.53	−23.76
Tennessee	2.04	1.70	.34	−16.66
Maryland	1.86	1.68	.18	−9.67
Louisiana	1.86	1.50	.36	−19.35
Alabama	1.86	1.42	.44	−23.65
Iowa	1.67	1.59	.08	−4.79
Kentucky	1.67	1.44	.23	−13.77
Oklahoma	1.49	1.29	.20	−13.42
South Carolina	1.49	.91	.58	−38.92
Kansas	1.30	1.19	.11	−8.46
West Virginia	1.30	1.03	.27	−20.76
Mississippi	1.30	.89	.41	−31.53
Colorado	1.12	1.10	.02	−1.78
Arkansas	1.12	.83	.29	−25.89
Nebraska	.93	.73	.20	−21.50
Arizona	.93	.66	.27	−29.03
Utah	.74	.58	.16	−21.62
Maine	.74	.54	.20	−27.02
Rhode Island	.74	.52	.22	−29.72
New Mexico	.74	.45	.29	−39.18
New Hampshire	.74	.40	.34	−45.94
Idaho	.74	.40	.34	−45.94
South Dakota	.74	.38	.36	−48.64
Montana	.74	.37	.37	−50.00
North Dakota	.74	.34	.40	−54.05
Hawaii	.74	.32	.42	−56.75
Delaware	.56	.29	.27	−48.21
District of Columbia	.56	.23	.33	−58.92
Vermont	.56	.22	.34	−60.71
Nevada	.56	.21	.35	−62.50
Wyoming	.56	.17	.39	−69.64
Alaska	.56	.11	.45	−80.35

1 STATE WOULD HAVE NO CHANGE

Oregon	1.12	1.12	0	0

Mr. EASTLAND. Mr. President, these figures are startling with relation to the political power of the small States as against the large States. The States whose political influence in the election of the President and Vice President would be increased more than 15 percent in the event we change to a direct popular system are: New York, California, Pennsylvania, Illinois, Michigan, New Jersey, Massachusetts, Indiana, and Minnesota. The States whose political power would be diminished by 15 percent or more are: Virginia, Georgia, Tennessee, Louisiana, Alabama, South Carolina, West Virginia, Mississippi, Arkansas, Nebraska, Arizona, Utah, Maine, Rhode Island, New Mexico, New Hampshire, Idaho, South Dakota, Montana, North Dakota, Hawaii, Delaware, Vermont, Nevada, Wyoming, and Alaska.

The last eight named of these States would sustain a loss of 50 percent or more in the influence they had in the election of the President and Vice President.

Mr. President, even if the Congress should unwisely adopt this proposed amendment to the Constitution, I am of the firm belief that it would have little or no chance of being ratified by the States. When the people and the legislatures of the small, less populous

States realize that one of the political effects of this change would be to minimize their political power still further, then there will be very little chance of securing ratification by the necessary 38 States.

The proponents of the direct election system have tried to appease the concern of those of us who are worried about the loss of small-State influence by relying on the testimony of one Dr. John F. Banzhalf and his computers. Dr. Banzhaf testified before the Subcommittee on Constitutional Amendments that he had programed a great many figures into his computer and that the results conclusively proved that the people in the smaller, less populous States would gain a political advantage as a result of change to the direct popular election system.

With all respect to Mr. Banzhaf and his computers, I believe that flesh and blood human beings are better able to perceive what is in their own political interests, or what is to their own political detriment, better than any computer.

The New York Times published a very interesting survey of sentiment in the 50 State legislatures on the issue of substituting popular election of the President for the electoral system. I ask unanimous consent that this survey from the New York Times of October 8, 1969, be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

STATES' SENTIMENT ON ELECTION PROPOSAL

State	Sentiment	Next session
Alabama	Strongly opposed	May 1971.
Alaska	Somewhat favorable	January 1970.
Arizona	Somewhat opposed	Do.
Arkansas	Somewhat favorable	January 1971.
California	do	January 1970.
Colorado	Strongly opposed	Do.
Connecticut	Strongly favorable	January 1971.
Delaware	Undecided	January 1970.
Florida	Somewhat favorable	April 1971.
Georgia	Undecided	January 1970.
Hawaii	Somewhat favorable	February 1970.
Idaho	Somewhat opposed	January 1970.
Illinois	Somewhat favorable	April 1970.
Indiana	do	January 1971.
Iowa	do	January 1970.
Kansas	Strongly opposed	Do.
Kentucky	Somewhat favorable	Do.
Louisiana	Undecided	May 1970.
Maine	Somewhat favorable	January 1971.
Maryland	Strongly favorable	January 1970.
Massachusetts	do	Do.
Michigan	Undecided	Do.
Minnesota	Strongly favorable	January 1971.
Mississippi	Somewhat opposed	January 1970.
Missouri	Somewhat favorable	January 1971.
Montana	Somewhat opposed	Do.
Nebraska	Strongly opposed	Do.
Nevada	Somewhat opposed	Do.
New Hampshire	Somewhat favorable	February 1970.
New Jersey	Strongly favorable	January 1970.
New Mexico	Somewhat favorable	Do.
New York	Strongly favorable	Do.
North Carolina	Somewhat favorable	January 1971.
North Dakota	Strongly opposed	Do.
Ohio	Undecided	February 1970.
Oklahoma	Somewhat favorable	January 1970.
Oregon	Strongly favorable	January 1971.
Pennsylvania	Somewhat favorable	January 1970.
Rhode Island	Strongly favorable	Do.
South Carolina	Strongly opposed	Do.
South Dakota	do	Do.
Tennessee	Somewhat favorable	Do.
Texas	do	January 1971.
Utah	Strongly opposed	Do.
Vermont	Somewhat favorable	January 1970.
Virginia	Somewhat opposed	Do.
Washington	Undecided	January 1971.
West Virginia	Somewhat favorable	January 1970.
Wisconsin	Strongly favorable	January 1971.
Wyoming	Somewhat favorable	Do.

Note: Total—Strongly favorable, 9; somewhat favorable, 21; undecided, 6; somewhat opposed, 6; strongly opposed, 8.

Mr. EASTLAND. Mr. President, it is very significant that the eight State legislatures which were listed as strongly opposed to the direct election plan as of October 1969, were Alabama, Colorado, Kansas, Nebraska, North Dakota, South Carolina, South Dakota, and Utah. On the other hand, the nine State legislatures that were listed as "strongly favorable" to the direct election plan are: Connecticut, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, and Wisconsin.

It is striking to me that all of the legislatures listed as "strongly opposed" are Mountain States, Southern States, or Plains States, and that each of these States is basically small in population with relation to the other States, whereas of the nine States listed as "strongly favorable" all but one, Oregon, is located in the Northeast quadrant of the Nation and tend to be highly populated.

Mr. President, I am thoroughly convinced that when the members of many of the State legislatures listed as "somewhat favorable" in the New York Times survey are fully appraised of the political setback that would be suffered by their respective States if we convert to a direct election system, many of these legislatures would decide to oppose this amendment if it were submitted to them for ratification. We must remember that this New York Times survey was made in the summer and fall of 1969, in the full flush of enthusiasm for the direct election plan. I have no doubt that many members of these State legislatures have had a chance to reflect upon this proposition and now oppose it.

I hope and trust that if, by some mischance, this proposal is submitted to the States, that a greater effort will be made to inform the members of the State legislatures as to the detrimental effects upon their States.

Mr. President, I am from a particular region whose political influence will be diminished by the adoption of this proposed amendment to the Constitution. These are the Southern States.

The 1968 presidential elections demonstrated one clear fact, and that is, under the electoral college system it is politically dangerous in the long run to attack or kick around a group of States. Prior to the 1968 presidential elections a certain type of politician in the country perceived that political profit could be made by attacking the Southern States. The 1968 election showed that this is not correct. Two very interesting developments occurred during that campaign and election. First, the people of the Southern States were actively courted by two of the candidates for the Presidency. In the past, one major party candidate would be willing to actively seek southern votes, but the other condidate would carry such Southern States as he could based on party organization or tradition. In the 1968 election, however, there was active competition for these southern electoral votes.

The other interesting development of the 1968 election is that southern electoral votes were crucial to President Nixon's electoral vote majority.

If we retain our present electoral system, the political message from the Southern States to the leaders of both political parties will be read loud and clear:

Do not tread on us; do not abuse us. If you do, you will be defeated.

However, if we adopt the direct elective system and the Southern States lose a great deal of their weight in the election of the President and Vice President, then some of these politicians above mentioned might again perceive political profit in attacking the Southern States and southern people.

We do not intend to let this happen. I hope that other Senators from the South will join with us in helping to defeat this unwise proposal.

Mr. President, another strong reason for opposing this proposed constitutional amendment is that a system of direct election of the President and Vice President would necessitate strict Federal control of those elections. There is no question that rigid uniformity must be an integral part of the direct election proposal if the one-man, one-vote rule is to be truly implemented. If the President is to be elected by popular vote in a nationwide election, State boundaries and jurisdictions will become inconveniences. All States would, of necessity, have to conform their election laws to a single Federal standard.

Serious questions must be raised concerning the new election machinery and standards which must be created in order to have a smoothy run national plebiscite.

Federal laws or guidelines would have to be enacted to regulate, among other things, the eligibility of parties and candidates; the counting of ballots and the declaration of the winner; the validating and counting of absentee ballots; the penalties and prohibitions applicable to elections; the rules concerning recounts; the forum for the consideration of contested elections; the registration deadlines and a host of related matters now covered by State laws. Indeed, it is possible to envision a Federal election board charged with total responsibility for running the election down to and including the staffing of 180,000 polling places. The proponents of the direct election system seek to answer our concern of the probability of complete Federal control and supervision of Presidential elections by assuring us that Senate Joint Resolution 1 only grants Congress a "reserve power" to enact legislation, and that the States are allowed to retain their primary authority in the conduct of presidential elections. Let us examine this so-called reserve power that Senate Joint Resolution 1 would vest in Congress and see how innocent that power is. Section 2 of Senate Joint Resolution 1 provides that: The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice Presi-

dent the Congress may establish uniform residence qualifications. Section 4 provides that:

> The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law, the time, place, and manner in which the results of such elections shall be ascertained and declared.

It can be seen that although the provisions of sections 2 and 4 pay lipservice to the principle of State control of elections, that vast plenary power is vested in Congress at its pleasure to completely overturn State laws pertaining to residency qualifications for electors and the times, places, and manner of holding presidential elections and entitlement to inclusion on the ballot. Congress is granted the authority at any time after the adoption and ratification of this amendment to enact a complete body of general law dealing with these vital matters which had been thought or properly left with the States. For example, the "times, places, and manner of holding such elections" would certainly encompass and include such Federal functions as determining the mode of voting, deciding who will count the votes, providing supervision to prevent fraud, and promulgating a system whereby the results of the balloting could be determined and publicly proclaimed.

This is the nature of the so-called reserve power which this proposed amendment would vest in the Congress.

I venture to predict that if we adopt the system of direct election of the President and Vice President, no more than one presidential election would be held under State standards prescribing the times, places, and manner of holding the elections and entitlement to inclusion on the ballot and residency qualifications. After that, the pressure would be irresistable for uniform Federal standards. In fact, probably not even one election would be held under State standards.

The whole thrust of Senate Joint Resolution 1 is that the States should have no role in the election of the President and Vice President. Uniformity is the keystone of the direct election system. If all else is to yield to the slogan. "one-person, one-vote" in the election of the President and Vice President, then how can one justify the various States having different residency qualifications? How can one justify one State being permitted to impose a literacy test as a requirement for voting, while other States do not have such requirements? How can one justify a situation in which a voter of one State might be denied the privilege of voting for the candidates of his choice because they were not eligible for inclusion on the ballot under the laws of the State, while citizens of other States who wish to vote for these candidates are able to do so under more lenient State standards?

Obviously, none of these variations in State laws can be justified under the logic of "one-person, one-vote," the same logic which would underlie the adoption and ratification of the direct election system. Under all of these situations, the right of a citizen to vote, or to vote for the candidates of his choice, will be denied by operation of the differences of the various State laws. This difference in treatment can only be cured by the adoption of uniform Federal laws.

My friend, the esteemed junior Senator from Michigan, has taken a great interest in this matter in the Judiciary Committee, and has added a great deal to our enlightenment. He wrote some individual views on Senate Joint Resolution 1 which are found on pages 22 and 23 or the committee report. I cannot agree with the conclusions drawn by Senator GRIFFIN in the individual views, but the thoughts he expresses have a compelling logic. During committee consideration of this measure Senator GRIFFIN offered amendments to make sections 2 and 4 of Senate Joint Resolution 1 read as follows:

> The Congress shall prescribe the qualifications for electors of President and Vice-President in each State and the District of Columbia, which qualifications shall be uniform throughout the United States.
>
> The Congress shall prescribe, by provisions of law uniform throughout the United States, the days for such elections, the requirements for entitlement to inclusion on the ballot therein; the times, places, and manner of holding such elections within each of the several States and the District of Columbia; the times, places, and manner in which the results of such elections shall be ascertained, certified and declared; and the manner in which and the period for which ballots cast in such elections shall be preserved.

I would like to quote from certain provisions of the individual views of Senator GRIFFIN:

> In addition to my reservations outlined in "Separate Views" concerning the runoff election, I am concerned because Senate Joint Resolution 1 does not require that uniform election procedures and voter qualifications be established as part of the plan to elect the President by direct popular vote.
>
> To make each vote cast for President anywhere in the United States equal to every other vote is a commendable goal. But it would make no sense under such a system to count the votes of 18-year-olds in some States, 19-year-olds in others, and 21-year-olds in yet others. Of course, the current attempt to lower the voting age to 18 by statute may provide a partial answer—if the statute is held to be constitutional by the Supreme Court.
>
> Furthermore, it would be inconsistent and self-defeating to leave each State with jurisdiction, as Senate Joint Resolution 1 does, to determine which candidates for President will appear on the ballot and the circumstances under which ballots for President will be counted.
>
> In light of the premise on which the direct popular vote is founded—that is, making every vote count—it is essential to guard against any device which would tend to dilute the vote of any individual or class of individuals. To leave each State with jurisdiction to determine voter qualifications and inclusion on the ballot would invite discredit on the claim that every citizen has an equal opportunity to participate in the election of the President.
>
> Consequently, I believe Sections 2 and 4 of Senate Joint Resolution 1 should be amended in accordance with the amendments which I proposed in committee. The result of adopting such amendments will be to confirm the public expectation of equal participation in the selection of a President.

Mr. President, I cannot agree with the Senator from Michigan that the Federal Government should take over these State functions of holding elections, but I must agree with his logic in carrying the thrust of Senate Joint Resolution 1 to its logical consequences.

My esteemed colleague, Senator CURTIS, honored the hearings held by the Judiciary Committee on Senate Joint Resolution 1 by giving some extremely interesting and pertinent testimony. During the course of his testimony, Senator CURTIS read from a statement submitted by an eminent attorney of his State, Hon. Clarence A. Davis. This statement is one of the best I have read concerning the inevitable Federal control of the election machinery in the unhappy event Senate Joint Resolution 1 is added to the Constitution. Mr. Davis also dealt with other unsatisfactory results of direct popular election of the President and Vice President.

The portions of Mr. Davis' statement as quoted by Senator CURTIS are as follows:

> It is impossible to go to the system of direct voting without that being followed by other Federal controls of our elections, and what other things I know not. But if we are to have direct election of presidents, we obviously will have to have Federal election laws covering the times and places of voting, qualifications of voters, and the enforcement of election laws.
>
> We clearly would have to set up a Federal bureau of elections to hold and supervise all presidential elections. We would have to have Federal clerks, Federal counting boards, Federal snoopers, and I suspect we would end up with not less than 25,000 additional Federal employees to run our elections. We will have Federal inspectors and Federal clerks of election, Federal counting boards in every county and sizable municipality within the United States.
>
> It is a small wonder that we have now some 5 to 6 million Federal employees and they have all grown out of just such innocent sounding phrases and direct election of presidents.
>
> Furthermore, we would have obliterated the voice of the States in the selection of the presidents. State lines would mean nothing and the candidates would obviously confine their campaigns to the vast metropolitan areas which, under this system of pooling of votes, would control the elections completely. The remaining States, for practical purposes, are disenfranchised and of no real consequence.
>
> The operation of such a plan, obviously, would require a Federal compilation of voter lists. In other words, a list of all citizens entitled to vote. And once we have started down this road, how long will it be before there is a movement for a nationwide Federal referendum on the Acts of Congress utilizing these same Federal voting lists; and how long before we will have initiative proposals from these same voting lists; and how long will it be before there will be a campaign to the effect that these little states are not entitled to two senators but senators should be proportioned to the number of voters in the state?
>
> In other words, do we change the basic government of the United States of a re-

public of sovereign states into a nationwide democracy knowing that attempted pure democracy throughout history has sown the seeds of its own destruction?

But it is said the electoral college has a couple of weaknesses, so we burn down the barn to get a couple of rats. On the contrary, we could prevent those weaknesses by electing the members of the electoral college by congressional districts compelled by the law to vote as their district voted, without losing the identity of the states or the areas within the states or permitting them to be engulfed by the votes of metropolitan areas which in turn would perish in 30 days if Nebraska and small states didn't feed them.

And what about election contests? Do we tie up the whole question of who is elected president because somebody starts an election contest in Texas or Chicago? Under the present system at least, that contest only affects the result of that particular state and the rest of the nation can proceed normally. But a contest in New York or Chicago with their millions of votes under the direct election plan can tie up the whole election of a President of the United States.

Suppose a total recount was called for. The term of the President could expire before that could ever be completed. Admittedly there is localized fraud or at least irregular voting in many of our large cities regardless of political party, but the localized fraud can only affect the vote of that particular city or that particular state. Under a national totalizing system, it can infect the whole country.

Another witness who testified before the Judiciary Committee, Mr. Alexander M. Bickel, professor of law, Yale School of Law, made the same point. Mr. Bickel testified as follows:

Well, I was thinking as Mr. White was testifying that it seems to me inevitable if you go to the popular election system to set up, not only on an ad hoc basis, but on a permanent basis, national vote counting, and I for one, although I have not really thought about this aspect of the thing as much as some have, as much as some of your future witnesses have, am not all that happy about central vote counting. "Honest men," when centrally in charge of a computer in Washington may be under even stronger temptation than "honest men" in this or that county.

But, I quite agree with you that it will follow as night follows day, that you will have a permanent central vote-counting operation in Washingon, D.C., if you go to the popular election, undoubtedly.

Mr. President, I am not through with my speech on the resolution. I shall yield the floor at this time and speak again at a later time.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, the distinguished chairman of the Committee on the Judiciary made reference to individual views of the junior Senator from Michigan, as set forth in the committee report. Although the distinguished chairman and I do not reach the same conclusions concerning the merits of the pending resolution, I must say that I share his view that it will be necessary and logical if we are to elect the President by direct popular vote, for Congress to establish uniform voter qualifications and procedures for conducting such elections. Indeed, I believe Congress would be derelict in its duty if it did not establish such uniform standards in connection with, or directly following, adoption of a constitutional amendment to elect the President by popular vote.

We may, and we do, differ in our conclusions as to whether such a development would be good for the country—but the logic is unassailable. Furthermore, I can agree that the people of the several States should realize, as we consider this popular vote amendment, that uniform voter qualifications and election procedures will be a necessary and logical result. No one should be fooled on that point.

Mr. EASTLAND. Of course that is the logical result. It is what will happen. I think it is bad for the country. My friend disagrees with me.

Mr. GRIFFIN. I am glad to reaffirm the position and the reasoning set forth in my individual views contained in the committee report.

And, I might say that I believe the amendment referred to in those views, and rejected by the committee, should be presented for the Senate's consideration. I do not know what the Senate will do. But I believe it would be consistent with adoption of the direct election amendment to the Constitution to include a provision requiring such uniform standards.

I thank the Senator for yielding.

Mr. EASTLAND. I think the Senator's logic is unassailable.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, the distinguished Senator from Mississippi raised some very legitimate questions about the direct election proposal that I, as the chief sponsor and one of the authors of this amendment, would like to have the opportunity to address myself to.

These are legitimate questions. I think most questions are relevant and legitimate when a body such as the U.S. Senate contemplates a major constitutional reform. I do not think that a measure should be rammed down the throat of the U.S. Senate. It is not going to be.

The House carefully considered this measure and passed the measure by a vote of 339 to 70. This process has involved several years of study. Thus, I appreciate the fact that the Senator from Mississippi has raised these questions. I am glad to have the opportunity to address myself to them.

In a colloquy, the distinguished Senator from Nebraska asked the Senator from Mississippi, as he has been asked by several of us, how long he anticipated a runoff might take. I think this is a reasonable question.

I must say that the response of the Senator from Mississippi is a different response than I would have made and did make. Each of us can give his own judgment. The Senator from Mississippi judged that it would possibly take until June.

I would like at this time to reiterate that the historical record of runoffs in the United States would lead one, I think, reasonably to reach a different conclusion.

The State of Alabama has a runoff today. This runoff must be held within 4 weeks.

The State of Arkansas has a runoff provisions in both the primary and general elections. That runoff must occur within 2 weeks.

The State of Florida has a runoff provision. That runoff must be held within 3 weeks.

The State of Georgia has a runoff provision in both the primary and the general elections. That runoff must occur within 2 weeks.

The State of Louisiana has a runoff provision. That runoff must occur within 6 weeks.

The State of Mississippi—the State of our distinguished Judiciary Committee chairman—has a runoff provision, and the runoff there must occur within 3 weeks.

North Carolina has a runoff provision, and that runoff must occur within 4 weeks.

The State of Oklahoma has a runoff provision, and that runoff must occur within 4 weeks.

The State of Rhode Island has a runoff provision in both the primary and general elections. That runoff must occur within 4 weeks.

The State of South Carolina has a runoff provision, and that runoff must occur within 2 weeks.

The State of Texas has a runoff provision, and that must occur within 4 weeks. Texas has a runoff provision in both the primary and general elections.

Virginia has a runoff provision, and that must occur within 5 weeks.

I bring this to the attention of the Senate again only because I think that questions about a runoff are legitimate questions. The suggestion this body and the other body could not establish a runoff timetable that would prohibit unnecessary delay in choosing a chief executive, it seems to me, falls upon fallow ground.

If our States have been able reasonably to cope with the runoff timetable, I am confident that the U.S. Senate can do likewise. To suggest that these are just State runoff provisions and that we are talking about a national runoff is not a good argument. If France can provide for a runoff in selecting their chief executive in a 2-week period, as happened last year, I am confident that the Senate of the United States and the people of the United States can do as well.

I would like to deal very quickly, if I might, with another point that has been raised, by our distinguished committee chairman. Again we have an example of how men in good faith can look at the facts and reach different conclusions.

I think the concern of the Senator from Mississippi about the proliferation of parties necessitated by a popular vote is very legitimate.

In colloquy with the Senator from Nebraska, he expressed concern that a popular vote plan for electing a chief executive would lead to the proliferation of party structure that exists in France.

I would like to point out that there is a significant distinction between the runoff provision contained in Senate Joint Resolution 1 and the runoff provisions contained in the French national election code. The French require a runoff if no candidate receives 50 percent of the vote.

This is the proposal that is made in all sincerity and good faith by the Senator from Mississippi. The proposal of the Senator from Indiana and some 41 other sponsors requires a runoff if no candidate receives 40 percent of the popular vote.

One of the major reasons, if not the major reason, for lowering the runoff provision in Senate Joint Resolution 1 to 40 percent was to prevent the very proliferation that has existed under the French system.

If a splinter party can deny major party candidates a majority of 50.01 percent of the popular vote, the chance of participating in national politics and establishing splinter parties is going to be significantly greater. Indeed, this has been the French experience.

If we require a majority vote of 50.01 percent, then even an insignificant splinter party can prevent one of the major parties from winning and can put them in a position of having a runoff and they can then wheel and deal before the runoff.

If, on the other hand, the splinter party or parties must accumulate a minimum of 20 percent—and I should point out that this is a minimum and that under most circumstances the necessary splinter party vote would have to be more than 20 percent—if they have to carry this burden to trigger a runoff, the likelihood of involving themselves in the splintering tactics and of establishing new parties, in the judgment of the Senator from Indiana and the American Bar Association and the other organizations that have studied this matter, is going to be significantly less.

I should point out that in the last French election, where a runoff was required, if the 40-percent provision of Senate Joint Resolution 1 had been in effect instead of the 50-percent provision, no runoff would have been required. The same man would have won after the first election who won in the runoff election in France.

Perhaps I should add another word about the 40-percent runoff provision.

The Senator from Indiana has admitted before and he will admit again his concern lest we have a proliferation of parties. I do not believe the two-party system is necessarily sacrosanct, or at least that the present two parties are sacrosanct. If we had said a number of years ago that we had to have the same two parties existing ad infinitum, we would not have had the Republican Party candidate who is now sitting in the White House. That party started as a splinter party and then became a dominant party in American politics. We must not foreclose the possibility that a major force may develop in this country. I do not want to impose on my grandchildren the system we use today, although I think it is a pretty good system. Rather, I hope we maximize the Government stability that has been brought to our system by two major parties.

After expressing this concern, I feel the 40-percent provision will minimize possible deterioration of the two-party system. That is why the 40-percent provision is in the measure.

In the judgment of the Senator from Indiana, and many others who have studied this matter, the 40-percent provision strikes a delicate balance between two factors important to an acceptable electoral process in this country.

On the one hand it seems to me that it does minimize the proliferating effect as described a moment ago. On the other hand it requires a minimum level of support before one could be elected President. Presidents with such a mandate have been generally accepted prior to this time by our country. We have accepted a number of Presidents who had received votes in the 40- to 50-percent bracket and have not disputed their credibility. The present incumbent had 43 percent, Woodrow Wilson had 41 percent, and John Kennedy was less than a majority winner. So we have accepted the credentials of those candidates who received less than a pure majority.

On the other hand, if a President receives less than 40 percent of the popular vote I think we have to ask ourselves rather serious questions about his ability to govern. Does a candidate who has 35 percent, 30 percent, or conceivably 25 percent of the popular vote effectively represent a large enough constituency to govern effectively? In my judgment, the answer is no. Mr. President, if you get below the 40-percent mark, then, in the judgment of the Senator from Indiana and in the judgment of most of us who have studied this proposal, the best way of rectifying that decreasing support would be to go again to the public and let them make a determination as to who their national leader should be.

I think the Senator from Mississippi made a very compelling argument sustaining the importance of a runoff. The Senator from Mississippi and the Senator from Indiana do not agree on the relative merits of the overall provisions of Senate Joint Resolution 1, but I certainly agree with several aspects of the Senator's very compelling argument about the importance and validity of the runoff.

As we have studied this matter I have tried my best to study carefully the well-intentioned alteratives suggested by some of our other colleagues. Not the least significant and perhaps the most significant of those was made by the Senator from Michigan (Mr. GRIFFIN) and the Senator from Maryland (Mr. TYDINGS). This is a matter the Senate will have an opportunity to discuss, debate, and vote upon. I am not unalterably opposed to this contingency, but I would like to suggest that if one will look at the shortcomings of the runoff provisions and look at the shortcomings of the Griffin-Tydings proposal, there are less shortcomings in the runoff provision than under the other proposal.

If a candidate receives less than 40 percent of the public vote I would much prefer to have the final decision on who becomes President rest with the voters of this country and not on the decision made in a joint session of Congress or by some other formula proposed by some other Senators.

As the Senator from Mississippi pointed out, and I concur in his judgment, in a runoff I suggest there would be very little possibility for any third or fourth party candidate to deliver, carte blanche, large blocs of their voters. Indeed, this decision should be made, and under Senate Joint Resolution 1 would be made by the public. It should not be made in a smoke-filled room and it should not be made in the Halls of Congress, where some might make the decision on the basis of who carried congressional districts or States, where others would make it on the basis of how their party would be affected, and some might succumb to the temptation of other pressures.

I would much prefer that this decision be made by the people at large.

I would like to point out in this context that I hope there would be no runoff. I hope we would have a final decision on the first vote. History will speak rather kindly to this hope, I think, when we look at the past 200 years of our history. Under the 40-percent provision of Senate Joint Resolution 1, there has been only one President of the United States who received less than 40 percent of the public vote. That was Abraham Lincoln in 1860. In 1860 Abraham Lincoln received 39.76 percent of the popular vote and he was not on the ballot in 10 States. If he had been on the ballot of those 10 States it would be fair to say that in the entire history of our country no President would have been elected with less than 40 percent of the popular vote. Therefore, no runoff election would have been required if Senate Joint Resolution 1 had been operative. It is fair to suggest the future record will follow the same course of history.

But in the event forces might develop that we cannot anticipate, I strongly support the idea that if a candidate for President of any party should receive less than 40 percent of the popular vote there should be another election. Then the people of the country could go to the polls and elect the man who had a pure majority of support, and he would truly be a National President.

There was some reference in the colloquy with my distinguished colleague from Mississippi about the Chilean election. A quick check of the record will show that the Marxist candidate who won in Chile had 35 percent, that the second candidate had 34 percent, and that the other candidates collectively had approximately 31 percent. I certainly do not hail this as a great victory for democracy.

I am concerned about this picture, but if the provisions of Senate Joint Resolution 1 had been in effect, it is the judgment of the Senator from Indiana that those who voted other than Communist would have gone into the voting booths in the second runoff election and would not have elected a Communist.

If we are really concerned about eliminating the possibility that a candidate

with 34 or 35 percent, or even less, of the popular votes may be elected, from our election system, the Senator from Indiana would like to suggest that the present system contains a higher degree of possibility that a candidate with a very small percentage of the popular vote can be elected.

Let me explain that in a little more detail. It is now possible for a candidate to be elected President of the United States by carrying the 11 largest States of the Union, according to the 1970 census figures. Before the 1970 census figures, he would have had to carry the 11 most populous States and the smallest. But under the 1970 census figures, a candidate can win the election, carrying only the 11 largest States by the slightest popular vote margin.

Now let us look one step further. The census will show that it is possible for a candidate to carry those 11 States by a small popular vote margin and amass no more than 25 percent of the total national vote. In other words, let us suggest a hypothetical situation in which a candidate has enough popularity to carry the 11 large industrial States, but only enough popularity to carry them by a slight margin. He may be defeated by a landslide vote in the other, smaller States. So we have the definite possibility of electing a President who has a minimum amount of support in a very few areas of the country.

If we are really concerned about broadening the base of support for the President, creating a system which guarantees or maximizes the possibility of a national candidate and a national campaign with relatively uniform support throughout the country, then we have to get rid of the electoral college and go to the direct popular vote. Then a vote in a small State would amount to just as much as a vote in a large State and a candidate could not be elected President of the United States by carrying just 11 States of the Union.

Another point that was raised, I think very appropriately, by our distinguished colleague from Mississippi was the present political structure of our great State of New York. Having been in New York on more than one occasion, I am still amazed at the political structure in New York, which is unique among the States. But the Senator from Mississippi suggested that the direct popular vote system in New York was responsible for the proliferation of the party structure in New York.

All of us can guess the reason for the proliferation of the party structure in New York. The Senator from Indiana would suggest that the Liberal Party has been able to maintain viability in the State of New York not because of the direct popular vote system, but because in New York the Liberal Party can endorse either the Democrat or Republican candidate and thus, under the unit rule, throw all of those votes into New York State's electoral votes. If it plays a balancing role, a small splinter party like the Liberal Party of New York can determine how all New York's 43 votes shall be cast. Therefore, the unit system permits small groups of voters to have more influence than they are entitled to at the ballot box and more influence than they would have under a direct, popular vote system.

So if we are concerned about giving every voter one vote, and not giving to some voters more weight than they are entitled to, I suggest to my colleagues in the Senate that direct popular vote for President is the only system which guarantees equality of votes and which minimizes the proliferation of splinter parties.

In my judgment, and the judgment of several others, the unit rule under the electoral college system has given those splinter parties more than their proportionate weight in determining the outcome of the New York elections and that has permitted them to exist so long.

The Senator from Mississippi expressed concern that the direct election plan would not be supported at the State legislative level. As a former member of the Indiana General Assembly for some 8 years, I must say that nobody can predict what is going to happen in our State legislatures. If there is anything more unpredictable than what is going to happen in the U.S. Senate, it is what is going to happen in 99 State legislative bodies.

The polls conducted by the Senator from North Dakota (Mr. BURDICK) and the Senator from Michigan (Mr. GRIFFIN) do, however, show strong support for direct popular election. In both of those States a majority of the legislators who responded were in favor of direct popular elections.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. LONG. I do not want my remarks to be construed as meaning that I have closed my mind on this question. I have not decided how I am going to vote on passage, but I must say I was impressed by an editorial in this morning's Washington Post which, in effect, made the point that if our present system works, it is just by accident; that it was not intended to work that way. It would seem that the intention of the present system is one whereby the various States would select electors; that they would have available to them a number of outstanding men; that the electors—many of whom would not even know the man who might be President—would then meet, go over the qualifications of the the men who received the most electoral votes to start with, and were available, and try to pick the best man for the job.

The system was not at all designed to foresee what the present situation would be. Today people actually know and decide for themselves directly which man might be the best man for the office. They can do this in these days of television when voters can see the person, look him over, hear what he stands for, hear him asked a lot of questions, mail their own questions in, determine his position, and decide for themselves what they think of the man and of his platform, his program, and the record upon which he is running.

It is certainly a far cry from what we have in the Constitution, which was designed for a day when there was very little communication at all, when one could hardly expect to know for sure what the candidate looked like when he voted for someone to be an elector, who in turn would vote for someone to be President.

So it does seem to me that what we are using today as a system for electing a President is something that occurred entirely by accident, without the Founding Fathers at all anticipating how it would work today, and no one at that time could possibly have anticipated how the system would evolve.

Mr. BAYH. I appreciate that the Senator from Louisiana, who has, of course, been a great student of our governmental process, has pointed this out.

In fact, as I am sure the Senator knows, the great architect of the electoral college, Alexander Hamilton, said that he wanted the electors to be an elite group of independent citizens. I am sure Mr. Hamilton would be surprised by the present system.

Mr. LONG. Can the Senator tell me, under the system we have today, from a mathematical viewpoint, what is the smallest percentage of the popular vote that a candidate could have and be elected President, if the electors did as they should do, and voted for the person under whose name their names appeared on the ballot?

Mr. BAYH. I am glad the Senator raised that point, because when the distinguished chairman of the Judiciary Committee and I were involved in a colloquy earlier, he expressed concern about the election of a President in Chile who received only 35 percent of the popular vote. I was about to suggest—and I appreciate the Senator bringing the matter up again—that under the present-electoral college system, we operate under the unit rule, which was not anticipated by our Founding Fathers, as the Senator knows. Under the unit rule, a man can be elected President of the United States by carrying only the 11 largest States of the country by slight popular vote margins. So, if a candidate zeroes his campaign in on those 11 States, and manages barely to squeak by in them, he can be elected with about 25 percent of the popular votes.

Mr. LONG. Does he receive the electoral votes of a State if he has a mere plurality in that State?

Mr. BAYH. A mere plurality. I am sure the Senator from Louisiana is familiar with this, perhaps more familiar than I. About a year ago last spring the Senator from Indiana had the good fortune of addressing a joint session of the Arkansas legislature, in that beautiful, ornate hall in Little Rock. Suddenly, in the middle of my remarks on this subject, I realized that all those men and women in that chamber were either Democrats or Republicans. Yet, under the electoral system that we have, it was possible for every Democratic voter in Arkansas and every Republican voter in Arkansas, for every man and woman who voted for either Mr. Nixon or Mr. Humphrey in Arkansas, to have lost their votes. Governor Wallace received all of the electoral votes of Arkansas, although he received only about 38 percent of the

popular vote. He got all of Arkansas' electoral votes by getting only about 38 percent of the popular vote; and, with the totals for the major parties more equally divided, the percentage required to carry the State's entire electoral vote would have been even smaller.

Mr. LONG. If the Senator will yield, it seems to me it would be possible, under our present system, for a man to be elected President even though his opponent might have received 10 or 15 million votes more than the successful candidate.

Mr. BAYH. The Senator is absolutely right.

Mr. LONG. If we permitted that to happen, I should think the people of the country would ask what was the matter with the people up here in Congress, that they would insist on retaining a system that would make that possible. Would that not be a very severe threat to this Republic during a period of turmoil, when a man might be elected who might have been soundly defeated at the polls?

Mr. BAYH. Yes. The Senator has hit upon the point that has been the keystone of the concern of the Senator from Indiana. Today we are going through trying times, and they could well be worse when our grandchildren are here; we do not know. I do not know of anything that could do more to shake the confidence of the people than to have to be governed by a President who was soundly defeated under the criteria by which every other officer in the land is normally elected.

Mr. LONG. When you talk to the average citizen, unless this has been explained to him, and a lot of people do not know about it, it comes as a shock to him to find that a man could be elected President even though the other candidate receives a lot more votes.

Mr. BAYH. That is my key point, and I think that is another reason why about 80 percent of the people, when polled, respond by saying, "Why should I not have a chance to vote for my choice for President? I vote for my Senator, my Governor, my school board member, and for the lowest elective office." We have township trustees in Indiana; what is the lowest elective office in Louisiana?

Mr. LONG. Police jury commissioner.

Mr. BAYH. Police jury commissioner. The people say, "We vote for all these other officials, why not the President?"

Mr. LONG. I recognize that while people might vote for a third party candidate for President, knowing he had no chance to be elected, how does the Senator think the people of the country would feel about it if a third party candidate received about 20 electoral votes, and, after the election was over, those 20 votes could determine the outcome, and the candidate who received those 20 votes opened negotiations with the other candidates, requiring that they come to his terms in order to become President of the United States? Can the Senator conjure up the consternation that that would cause in the minds of a lot of people as to whether they would be sold out during the course of those negotiations?

Mr. BAYH. Mr. President, the Senator from Louisiana, in his inimitable fashion, has hit upon another key point that concerns the Senator from Indiana. This almost happened, of course, in 1968. If there had been a change of less than 42,000 votes, we would have had that very thing happen. I, too, think this would seriously shake the confidence of the people. Not only the man on top, but the system would be questioned.

Would the Senator permit the Senator from Indiana to explore one further point with him, inasmuch as he has been a Member of this body and has been a public servant for so many years?

Mr. LONG. Twenty-two.

Mr. BAYH. Twenty-two years, and I say this with admiration. Let the Senator think on this point, if he will. It was a matter to which I was addressing myself when the Senator addressed his question to me.

There has been some speculation raised about what will happen to the direct popular vote plan when it gets to the State legislatures. The Senator from Indiana had just said that it is pretty difficult to predict what State legislatures will do. I would like for the Senator from Louisiana to give the Senate his opinion. If we feel there are some basic shortcomings in the present system, and if we feel they need to be changed, would the Senator feel that a plan that was endorsed, in poll after poll, by about 80 percent of the people, that had been endorsed by the League of Women Voters, the U.S. Chamber of Commerce, the AFL–CIO, the UAW, the American Bar Association—does not the Senator think that a plan that had that broad a base of support would have as good chance, if not a better chance, of passing a State legislature than some other well-intentioned plan that did not have this broad-based support?

Mr. LONG. It would seem so. Of course, I have no idea whether the State legislatures can all be persuaded to agree to a plan, but I did vote, when I first came to the Senate, for the so-called Lodge-Gossett plan, and that plan failed to become law; and one reason that it failed to become law was that, while it did correct some of the shortcomings of the existing system, it created certain additional problems, and it failed to assure the operation of the democratic process in assuring that the man who had the most votes would win.

So those who opposed that Lodge-Gossett amendment, after it passed the Senate, were in a position to argue, "Well, even if we did that, we would still have no assurance that the man who has the most votes wins."

Commonsense would dictate that in a democracy, the man who gets the most votes ought to be elected President. That is why this Senator thinks that the average American would think that if the electoral system is going to be reformed, the logical way to do it would be simply to say that the man who gets the most votes wins. That is the idea in his city, in his State, and in his county. I think it comes as a shock and as a surprise to someone to be told that it does not work out that way at all. It could be that one man could be defeated 2 to 1 in the popular vote and be elected President, and that does not make sense to many people. Frankly, if it had not been explained to me how it came about, I would have difficulty understanding it that way.

Mr. BAYH. As the Senator from Louisiana has pointed out, the present system can depend on accidents. It could not be worse. I appreciate the contribution that the Senator from Louisiana has made.

The Senator from Indiana has been deeply concerned about three basic shortcomings of our present system. One is the point stressed so cogently by the Senator from Louisiana, that the present system permits the election of a President—and three times we have had this situation—who has fewer votes than the man who ran against him.

Second, the present system does not count all votes the same; half are not counted at all, because in each State the votes for the losing candidate are thrown away.

Third, the present system does not permit us to vote for our public officials, for the President and the Vice President. We vote for the electors. As the Senator from Louisiana pointed out, they are not part of the original intention of our Founding Fathers.

If we are concerned about these three shortcomings, as the Senator from Indiana is, there is only one system, only one plan, that will guarantee their correction, and that is the plan we are now debating.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Florida.

Mr. HOLLAND. As the Senator knows, the Senator from Florida does not favor the present system, and he does favor the so-called fractional system, because he has appeared three times before the Senate's subcommittee to be heard on that subject in past years. I am not in my question at this time, though, discussing the fractional system.

I have had more complaints, from my own thinking and from others, about one feature in Senate Joint Resolution 1, which I want to explore, and that is the feature that would have the District of Columbia, because of its population, given more weight in a presidential election than each of 11 sovereign States; whereas, the District of Columbia has no sovereignty of its own—it does not control the many aspects of daily life which are controlled by State law in the various States; and whereas this very Congress, only yesterday, took what was regarded as a sizable step—by some, at least—by giving to the District of Columbia a nonvoting delegate in the House of Representatives.

The Senator from Florida would simply bring up this question: How can the Senate, in good conscience, regard the District of Columbia as so far from being a State or anything like a State that it would give it only one nonvoting delegate in the House to represent it in Congress, and at the same time, under Senate Joint Resolution 1, put it into a position in which, because of its population, it will outvote 11 sovereign States, each of them, and in several different

combinations will outvote two of those States together? How does the Senator support this very large inconsistency in attitude of the Senate, shown not only by the vote yesterday but also by the consideration of this feature in the Senator's resolution today?

Mr. BAYH. I respect the distinguished Senator from Florida's difference of opinion with the Senator from Indiana over the relative merits of direct election. No one expressed the proposition more eloquently and supported the proportional plan more eloquently before the Senator from Indiana's Subcommittee on Constitutional Amendments than did the Senator from Florida.

I really do not see any inconsistency in this. We are talking about two different things. The nonvoting delegate proposition we took up yesterday and the proposals that some of us have to provide actual voting representation deal with the prime manifestation of statehood—namely, representation in Congress, and particularly in the U.S. Senate.

I can see how a person can make a good argument that representation in the Senate gives the attributes of statehood. But what we are talking about here, if I may say, with all due respect to the Senator from Florida, is not the attributes of statehood, of citizenship for a State, but the attributes of citizenship in a nation.

When we give to the citizens of the District of Columbia the right to vote for President, we are only perfecting what we have already given those citizens when we gave them the right to vote for President under the electoral college system. They now have the chance, as the Senator from Florida knows, to elect three electors under the electoral college system. We are really giving to each voter in the District the same weight, the same opportunity, to determine who his President shall be, as we give each voter in every other of the 50 voting units, or the 50 States.

The Senator from Indiana would respectfully suggest that there is not the inconsistency that the Senator from Florida seems to feel exists.

Mr. HOLLAND. If the Senator will yield further, the Senator from Florida voted for the constitutional amendment under which the District of Columbia is given the same electoral weight in presidential elections as the smallest State is given. But the Senator from Florida is not willing to even think about voting for a plan which gives the District of Columbia greater voting weight than each of 11 of the sovereign States. The Senator from Florida thinks there is no better illustration to be found than in the matter I am talking about of the fact that Senate Joint Resolution 1 is a radical departure from anything we have ever had heretofore, in that it proposes to change our form of government, insofar as presidential elections are concerned, from a republic with representation for the people into a direct democracy in which every person votes. There could hardly be a more revolutionary change than that.

The Senator from Florida would simply like the Senator from Indiana to discuss that feature, because it seems such a clear illustration here made that it is proposed actually to give the District of Columbia not just equal voting strength with the smallest of our States but, because of its population, to give it greater voting strength than 11 of our States and greater voting strength than several pairs of our States taken together. The Senator from Florida cannot conceive of States in that position ever approving this resolution. Neither can he conceive of anybody failing to see, when they look at this situation, that this proposal is a radical one, because it proposes to change so completely our federal form of government from a republic to a direct democracy in the field of the election of President and Vice President.

I thank the Senator for yielding.

Mr. BAYH. I appreciate the contribution of the Senator from Florida. Unless he insists, I will not go into a complete analysis of the points he has made, because the Senator from Indiana has already made them before.

Some have said that the popular vote system destroys the federal system. The Senator from Indiana disagrees with this. Although he feels that the federal system should be protected as it is an indispensable part of our form of government, he is of the opinion that this body, the U.S. Senate, was the body that Madison and Monroe and Jefferson and other of our Founding Fathers intended to support the federal system. The electoral college system, which is not really protecting the small States, was not the major compromise of the federal system.

Mr. HOLLAND. If the Senator from Indiana will yield for one more comment, the Senator remembers, of course, that under the Constitution the power of passing upon articles of impeachment is lodged in the Senate on a two-thirds basis. That is a very great power. It is a power which if applied to President and Vice President is the exact antithesis of the power of election. The Senator from Florida cannot see any justification for the refusal to regard the Senate, and the Senate and House together, as an appropriate body to pass upon the final election of President, if less than 40 percent of the vote is received in the first race.

As a matter of fact, in connection with impeachment, the House votes impeachment by a majority vote and then the trial is held before the Senate and the Senate can find guilty the defendant under that impeachment only by a two-thirds vote. That is exactly the antithesis of election. It is the matter of termination, as that term is applied to President and Vice President. The Senator sees no great difficulty at all in supporting both the theory and the traditional soundness of the principle of allowing Members of the House and Senate, acting together, each having a vote, to elect from the three high candidates, the President and Vice President, in the event no candidate receives 40 percent of the vote.

The Senator from Florida just calls that to the attention of his friend from Indiana because he thinks he has detected that the Senator from Indiana is unduly disturbed about the thought of vesting such power in the Members of Congress. We have already vested exactly the antithesis of the power of election in the Members of Congress. No one has complained of it at all. As a matter of fact, when a President was sought to be convicted in an impeachment trial here, the Senate reacted with very great patriotism and sound judgment when several Members refused to do what they had indicated previously they had intended to do, after all the facts were in and after all the implications had been made clear.

Thus, the Senator from Florida finds no justification for the objection to the election of President and Vice President from among the three top candidates, in the event no candidate gets 40 percent in the first election.

The Senator from Florida was a little surprised to hear his friend from Indiana indicate he did not feel that would be a sound program, to vest such power in the Members of Congress when, under the Constitution, the very powers we have been talking about in connection with voting impeachment and voting a verdict of guilty upon the trial are given to Members of Congress by the Constitution.

Mr. BAYH. I am glad that the Senator from Florida brought up that aspect of the contingency provision of the direct popular plan now before the Senate. I do not recall my exact remarks, but I believe I said I had no absolute objection to the alternative plan of going to a joint session of Congress. In fact, as the Senator from Florida may remember, the original direct election plan introduced by the Senator from Indiana contained that as a contingency. So I am not irreconcilably opposed to that. But what I am trying to point out is that if we are going to have a popular vote plan, I would much prefer to have the people make the final choice, in the event that no candidate gets more than 40 percent of the vote. This would effectively deal with the problem of proliferation discussed by my colleague from Louisiana and intimated by our colleague from Mississippi, the chairman of the Judiciary Committee.

If there is such a proliferation, the Senator from Indiana would feel much more comfortable if the people of the country had the opportunity to make the final choice, rather than to have the final choice rest upon the shoulders of the House and Senate. It is a better alternative, but the alternative suggested by the Senator from Florida is not beyond consideration.

Mr. HOLLAND. I have one more comment. I want to call attention to the fact that the program electing Presidents and Vice Presidents in the event no candidate gets 40 percent in the first election, is contained in the fractional program so strongly supported by the Senator from Florida, the Senator from North Carolina, and others. There is nothing new in it. It has been offered many times. The Senator from Florida is a little surprised to hear the Senator from Indiana indicate he feared some dire wrong results in the event Congress was to get the power to act finally, in the event no candidate received 40 percent of the vote. The Senator from Flor-

ida does not feel that way about it. He thinks that Senators and House Members come nearer representing a majority rule in our Nation than any other group that can be found.

House Members have all been elected by the votes of the voters in their district. Senators have all been elected by the votes of the voters in their States. To have them representing the people of this Nation carries on the tradition of this country as being a Republic and not a straight out democracy. The Senator from Florida wanted to call attention to that.

Mr. BAYH. I appreciate the Senator's bringing that up again. If I gave the inference I was unalterably opposed or felt that some diabolical results might follow the contingency plan discussed by the Senator from Florida, let the record show that I do not have that strong a concern. I would find that an acceptable alternative. But if we are going to have a horse, let us have a horse; let us not have the first half a horse and the back half a camel.

In like manner, if we are going to have the direct popular vote scheme, I would prefer to have the original choice as well as the contingency choice made by the people. I completely agree with the Senator from Florida, and this is why I supported that contingency plan earlier, that I feel this body, together with the House, is the best representative of the majority of the people, save one. No one can dispute that the majority of the people themselves most accurately represent the majority of the people.

For that reason, and only that reason, I prefer the contingency plan in Senate Joint Resolution 1 to the earlier contingency in my earlier direct popular vote plan and that plan supported by the Senator from Florida.

Thus I appreciate the fact that the Senator has brought this to our attention.

Now, Mr. President, I shall not proceed further on the District plan discussion. I thought perhaps I might say that the size of the vote in any election, whether in Wyoming, New York, or the District, is rather speculative because it all depends on the number of voters who come to the polls on any election day. It would seem to me, and I certainly respect the difference of opinion of our colleagues and the Senator from Florida, that if we believe the citizens of the District of Columbia are sufficiently citizens of the United States to permit them to vote for free electors regardless of the turnout on election day, we should also feel that they are sufficiently citizens of the United States to permit whatever numbers wanted to come to the polls on election day to vote for a President on a direct popular vote.

Rather than share the concern of the Senator from Florida over the relative size of the unit, I am concerned that the weight of each voter in the District be the same as that of each voter in New York or Alaska. Of course, that attribute is contained only in the direct popular vote plan.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. HOLLAND. Mr. President, as the Senator from Florida understands the position of the Senator from Indiana, he is not disturbed by the fact that the District of Columbia would be given greater weight in a presidential election than 11 separate sovereign States in the Nation under the plan which he is espousing.

Mr. BAYH. No. The Senator from Indiana is not concerned about that. As I said earlier in our discussion with the Senator from Louisiana and the Senator from Michigan, I am concerned about having a system that would guarantee to every voter the same voice in the outcome, not every county or every State. The direct popular vote plan is the only one that would do that.

Mr. President, I have one other passing reference to the splendid speech made by our friend, the Senator from Mississippi. The Senator from Mississippi expressed concern that although there were shortcomings in the presidential system, we were in effect, by going to the direct popular vote plan—to use his words—burning down the barn to get two or three rats. We can argue about the relative concern being given to the various shortcomings of the present system.

I am concerned about three basic shortcomings:

First, under the present system, we do not guarantee that the man who wins is the man who gets the most votes.

Second, we do not guarantee under the present system that everyone's vote will count the same in the final tally. About half of the votes are discarded in each election under the unit rule system and really cast for the candidate whom the voter actually opposes.

Third, we, as citizens of this country, do not vote for a President or a Vice President. We vote for these electors that are completely free to do their own will, not the will of the constituency that chose them.

If we are concerned about these three shortcomings, these three rats in the barn, the only way to eliminate those three shortcomings is to pass the direct popular vote plan and eradicate those particular rodents.

I say with all respect to those who have well-intentioned ideas about what should be done, that only the direct popular vote plan guarantees that the winner is the man with the most votes, that each citizen's vote has the same weight in the outcome of the election, and only the direct popular vote plan permits us to go into the voting booth and vote for the President and Vice President the same way we vote for Senators, Representatives, and every other officeholder in the land.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. McINTYRE) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 16542. An act to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes; and

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 18725) to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia, and it was signed by the Acting President pro tempore (Mr. ALLEN).

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. HART. Mr. President, I rise to support Senate Joint Resolution 1, now pending.

The proposed amendment to the Constitution of the United States would abolish the electoral college and provide in its place direct popular election of the President. In the direct election the candidate winning the plurality of at least 40 percent of the votes would become President. If no candidate received 40 percent, there would be a runoff between the two top candidates.

I realize that, in the several days during which we have begun development of the proposition, much of this analysis has been stated for the record. I should like the opportunity, however, for myself, to reassert some of the points already made, inasmuch as I think most of us in the Senate will be anxious to have in a concise form, available for distribution to those constituents of ours who express concern, our point of view.

Although some opponents of direct election seek to portray it as a hastily considered amendment to our Constitution, they are wrong.

Senate Joint Resolution 1 was reported out of the Senate Judiciary Committee by a vote of 11 to 6. This followed several years of extensive hearings in the Subcommittee on Constitutional Amendments under the able leadership of the Senator from Indiana (Mr. BAYH).

The Special Commission of the American Bar Association on Electoral College Reform, composed of eminent political scientists, lawyers, and public officials, studied the issue for almost a year, and concluded that the present system was archaic, undemocratic, and dangerous. Indeed Senate Joint Resolution 1—and this has been commented upon in the press rather frequently—has the almost unprecedented coalition support of the American Bar Association, the Chamber of Commerce, the AFL-CIO, the United Auto Workers, the League of Women Voters, and the National Association of Small Business. Public opinion polls and the canvass of State legislators by some of our Senate colleagues, including my distinguished colleague from Michigan (Mr. GRIFFIN) also reveal broad national preference for direct election. Last fall, the House of Representatives approved Senate Joint Resolution 1 by a landslide 339-to-70 vote.

In short, Mr. President, direct election is an idea whose time has finally come. Those of us who were privileged to sit with the late delightful Senator from Illinois, Everett Dirksen, will recognize the point I have just voiced. Senator Dirksen often reminded us of his willingness to support an idea whose time had finally come, and I think he might agree that this is such an idea and this happens to be the time.

The history of the electoral college reveals its dangers. There have been 46 presidential elections. In these elections, two Presidents were chosen by the House of Representatives; one Vice President was chosen by the Senate, and one President gained office only upon the vote of a special commission appointed by Congress. Most important, on three separate occasions, the popular vote winner was denied the presidency.

Recent elections have spotlighted the time bombs ticking away in our present system: The possibility of a minority President, or an electoral college deadlock followed by bargaining in the House of Representatives.

This danger of a "second choice" President is, I suggest, central to the debate. Opponents of direct election may suggest that precisely because the Nation has survived this situation three times in the last century, it is a risk we can live with.

I am less sanguine. Today, our social fabric is beset with tensions. We are sensitized by opinion polls to the popular will. The President possesses awesome powers of rapid, momentous decision. Particularly in times of crisis, a minority Presidency now could put an intolerable strain on our democratic system.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HART. I shall be glad to yield.

Mr. BAYH. Mr. President, I compliment our distinguished colleague from Michigan and fellow member of the Committee on the Judiciary for the part he has played prior to this moment in helping us move forward with this major constitutional reform. I know how busy he has been and is, and I think it speaks well, though in typical fashion, of our colleague from Michigan that he would be here at this hour, voicing his concern over the real flirtation with tragedy we have had because of the present electoral system.

I must say that the Senator from Indiana feels that the priority placed by the Senator from Michigan on the weaknesses of the system is the same priority that the Senator from Indiana places upon them. One of the deepest concerns that the Senator from Indiana has is that it would be impossible for the President to govern effectively if he were not the choice of most of the people. As the Senator points out, on three occasions we have had a minority President. Further there have been seven times in this century alone where a change of less than 1 percent of the popular vote, would have resulted in cases similar to those the Senator has pointed out.

I should like to address one quick question to the Senator. Earlier today, in colloquy with our distinguished colleague the Senator from Nebraska, the Senator from Indiana repeatedly addressed himself to the following question, and was not fully satisfied with the answer that our distinguished friend and colleague gave. I would like to get the opinion of the Senator from Michigan on the situation that existed in 1948. If there had been a change of less than 28,000 votes in three States in that year, we would have seen the election victory go from President Truman to Governor Dewey, despite the fact that President Truman, who then would have been the loser, would have had a 2-million-vote plurality. That is different from the malfunctioning that really occurred in 1968, where, with the change of a few votes, neither candidate would have had a majority of the electoral college.

The question I pose somewhat circuitously to my friend from Michigan is this: Would he give the Senate his judgment as to the effectiveness of a President who was forced to accept the mantle of national leadership although the man whom he opposed had 2 million more votes than he had received in the election?

Mr. HART. Mr. President, I shall attempt to respond. But first let me thank the Senator from Indiana for his kind reference to me. If there is one thing history will not be obscure about, it is that we are at this moment deliberating the adoption of this resolution only because in the Senate at this time was one BIRCH BAYH. The several years of careful development of the record, the insistence within the Judiciary Committee that this record be carried to the Senate, the solid majority action of the Judiciary Committee in support of the resolution, each and all of those steps was led by the Senator from Indiana. Without him, I have very serious doubts that this really basic question, which has enormous implications for our future, would now be raised. I say that, and welcome the opportunity to say it.

Mr. BAYH. Mr. President, if the Senator will permit me to interrupt these very kind and highly appreciated accolades, I want to reemphasize that had it not been for the Senator from Michigan and several of our colleagues, this point could not have been reached. This has been a team effort, and I appreciate the cooperation of my colleagues.

Mr. HART. Mr. President, any team has to have a boss, and I was grateful to be able to turn to the Senator from Indiana and say, "There is the boss."

I think we can cite two very distinguished Presidents in replying to the question the Senator from Indiana has raised. As he notes, if in 1948 there had been that minimum switch, Governor Dewey would have assumed the Presidency, although President Truman would have been preferred by 2 million more Americans for that office. John Kennedy, whose qualities those of us who were permitted to serve with him recognized long before the country had an opportunity to make its judgment, also came into office in 1960 on a rather narrow plurality. His first years in office, so we are told by those who are writing history books, popular and academic, and who were a part of that administration, President Kennedy sometimes refrained from seeking to move the country in directions he felt deeply it should be persuaded to move because, indeed, he said he had assumed this office on so narrow a margin. Imagine the restraint and the inhibition on the President, himself, had John Kennedy assumed office as second man on the popular vote.

This, in a sense, personalizes the answer, and it limits it only to the personal inhibitions that would attach to the President. It does not address itself to the broader concern of national support raised by the Senator from Indiana.

Even if a minority President sought to give leadership, what kind of response could he get from the country? I think for that answer we should turn to the present incumbent, President Nixon. Very early in this debate, the Senator from Indiana pointed to the statement of President Nixon in 1968, when he was the Republican candidate for the office. Then candidate Nixon said:

> If the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing.

As I have on some other issues, on this one I agree with President Nixon.

It is, indeed, a sobering, alarming prospect which the Senator from Indiana points up by his question and which he and I believe to be the key reason, the basic reason, for the adoption of the change which is reflected in the pending resolution. President Nixon very effectively, in a short sweep of words underscored the danger that we seek to avoid.

Mr. BAYH. I appreciate very much the Senator's response, and I appreciate his permitting me to interrupt his very fine speech. I know of the Senator's deep concern for the currents that are sweeping across this country today. Therefore, I am not surprised that he shares the

concern of the Senator from Indiana that the tremendous responsibilities that are placed on any human being who is called upon to be President would become even more difficult to carry were he not the choice of the people he is called upon to govern. I do appreciate the Senator's permitting me to interrupt.

Mr. HART. I wonder whether we could discuss this in terms a little closer to home right here in the Senate. Perhaps we can persuade some of our colleagues here that this is indeed a very compelling argument in support of the resolution by asking them how this establishment would operate if we selected as leader a man who had run second. Yet, this is a relatively—I was going to say this is a relatively manageable institution. More precisely, I should say that this is an institution made up of a very small number of men and women. Its management is a severe test of any leader. Can one conceive of the performance of this Senate, now subject to criticism on all sides, if the leadership was assumed by someone who was the choice of fewer of us than a man who would be in the background?

Mr. BAYH. I think the comparison of the Senator from Michigan is well taken. It speaks for itself, and it is excellent.

EQUAL VOTE

Mr. HART. Mr. President, in addition to what the Senator from Indiana and I suggest as the really most persuasive point in this debate—the danger of the second choice being President—in addition to the risk of a minority President, the system now presents an Orwellian world in which some voters are more equal than others. Its allocation of electoral votes among the States does not fairly reflect either the population in each State or the actual number of ballots cast there for the candidates.

Moreover, the unit rule "wastes" all of the votes cast within a State for anyone but the winner of that State. In States dominated by one party, it—I am convinced—also maintains weak second parties and discourages voter turnout of both parties.

Some argue that the present allocation gives voters in small States disproportionate influence; others claim that citizens in large States have greater real leverage under the unit rule, under the present system. At most, these alleged advantages present what Prof. Paul Freund has termed an "uneasy tension between opposing distortions of the popular will."

In fact, the benefits of both are problematical. Small States do have at least three electoral votes regardless of population. But the candidates still focus on the larger States where thin pluralities can earn large blocs of electoral votes.

At the same time, the future effects of the unit rule are hard to foresee. With burgeoning suburban interests in large States, it is not clear which group will provide the decisive swing vote—or on what issue. Projections of the past may prove mischievous. But our concern should be that no unit—large or small—has an advantage. We should insure that each American has his vote count equally with every other.

THE RUNOFF

Mr. President, I know of the concern that has been voiced about the runoff provisions of Senate Joint Resolution 1. I believe it makes good sense. The 40-percent plurality requirement will assure a reasonable national mandate to govern the country, and still render remote the likelihood of a runoff. In every Presidential election, save one, some candidate has received 40 percent of the vote—including the multiparty races of 1912 and the one that the Senator from Indiana just discussed, in 1948. In 1860 we had an exception. In that year, President Lincoln received only 39.79 percent, but his name was not on the ballot in 10 States. Fifteen Presidents, on the other hand, have been elected with less than a majority of the total vote.

Some suggest that a 40-percent plurality might be an insufficient mandate if the front runner wins the vote in only one or two States, losing the other States by razor margins.

This argument is based on the assumption—wrong, I suggest—that a voter would prefer his State's first choice for President to his own first choice. On the contrary, even in such hypothetical situations, the winner would have garnered millions of votes from citizens of the other 48 or 49 States. Certainly, those voters would be happy with the outcome, whether or not the winner had carried their respective States. Thus, he would still have broad national support.

The other main objections which have been raised against Senate Joint Resolution 1 are that it would weaken federalism, undermine the two-party system, or increase the incentive for vote fraud.

As our able majority leader has emphasized, and I repeat, our federal system is preserved in Congress, particularly in this body, and in the powers provided the States under the Constitution. It is neither preserved nor enhanced by perpetuating inequities in voting power, pitting groups of States against each other, and failing to guarantee that the people's choice is elected President.

Nor will direct election unleash a proliferation of splinter parties and undermine our two-party system. Critics admit that few third parties would hope to win the required 40-percent plurality. Instead, they argue such parties would hope to require a runoff and then bargain with the major candidates.

First, it is important to reemphasize the conclusion of the American Bar Association Electoral Reform Commission that the two-party system is rooted in the election of Congress, State, and local officials, not in the electoral college.

As for the threat of bargaining, the major parties would have the incentive, as now, to accommodate diverse interests. But a runoff candidate who openly bargained with a splinter candidate for support would face the possibility of thereby losing an equal or greater number of moderate voters in the runoff. Moreover, it is doubtful that a third party candidate could deliver enough of his supporters to influence a nationwide popular election as easily as he might influence a few critical votes in the House following an electoral college deadlock.

The bargaining position of several divergent—possibly antagonistic—parties would certainly be less than that of a strong third party candidate holding the balance of power in the electoral college or the House.

Above all, it is particularly important in a close election that the popular choice, the choice of the people, becomes President. This requires a direct vote in both the main election and any contingency procedure.

The specter of fraud is the most easily dispatched of these objections. Presently, the shift of a few votes in each insulated State can shift large blocs of electoral votes. That provides, I would suggest, far greater incentive to commit fraud than direct popular election in which several thousand votes would be a mere drop in the bucket in a nationwide pool of millions of ballots.

Nor are the mechanical problems of large vote certification and recounts particularly awesome. They have been effectively handled by the bigger States in elections for Senator and Governor for years.

Mr. President, critics of Senate Joint Resolution 1 challenge its supporters to demonstrate a clear need for such an important change in our electoral system. Those who study the Senate committee hearings and the report of the Judiciary Committee will find, I admit, that burden has been met.

The committee report summarizes the three requisites of a stable and fair system:

> First, it must guarantee that the candidate with the most votes is elected President. Second, it must count every vote equally. Third, it must provide the people themselves with the right directly to make the choice. Only direct popular election meets all three tests. (p. 9)

I urge my colleagues to support Senate Joint Resolution 1. Direct popular election will eliminate all inequities in the weight given votes from different parts of the country. It will promote the most democratic electoral results and truly implement the ultimate principle: "Let the people decide."

Mr. BAYH. Mr. President, I reiterate my gratitude to the Senator from Michigan for taking the time to make the contribution he has in his cogent arguments. This type of battle is never easily won. It is not the type of battle that has the emotional appeal of some of the more visceral issues. But in his own inimitable fashion, the Senator has pointed out the critical nature of this issue as few others have. He has captured the importance of it.

As one of his colleagues in the Senate, the Senator from Indiana wants to say to him, in capital letters, thank you very, very much.

Mr. HART. I thank the Senator from Indiana again. I repeat, we are at this point in history because of the leadership of the Senator from Indiana over a period of several and, I suspect, rather dry years.

Mr. President, as I conclude, let me read in part from a letter addressed to

me, dated August 13, 1970, from Harry R. Hall, president of the Michigan State Chamber of Commerce.

He writes:

It is my understanding that discussion and action will occur at an early date on Electoral College Reform (S.J. Resolution 1). The Michigan State Chamber strongly supports the Electoral College Reform that will permit election of the President and Vice President by nation-wide popular vote. We think the present system is completely anachronistic. It has inherent dangers that could thwart the democratic process and encourage the extreme dissidents to destroy our present political system. The obviously close division between political parties today makes it necessary to have a system whereby voters are guaranteed that the candidate with the most votes nationwide will be elected and that we have an election method that provides an equal vote to all citizens.

Mr. President, I express my appreciation to Mr. Hall and to the distinguished membership of the Michigan State Chamber of Commerce for its awareness of the problem and its willingness actively to participate in this effort to resolve the problem.

Mr. President, I ask unanimous consent to have the full letter from Mr. Hall printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MICHIGAN STATE CHAMBER OF COMMERCE,
Lansing, Mich., August 13, 1970.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.:

It is my understanding . . . that discussion and action will occur at an early date on Electoral College Reform (S. J. Resolution 1). The Michigan State Chamber strongly supports the Electoral College Reform that will permit election of the President and Vice President by nation-wide popular vote. We think the present system is completely anachronistic. It has inherent dangers that could thwart the democratic process and encourage the extreme dissidents to destroy our present political system. The obviously close division between political parties today makes it necessary to have a system whereby voters are guaranteed that the candidate with the most votes nationwide will be elected and that we have an election method that provides an equal vote to all citizens.

Although I know that you support the bill, I do want you to know that you have the hearty support of the Michigan State Chamber in supporting the issues urged for Electoral College Reform that are long overdue.

Sincerely,
HARRY R. HALL, CCE,
President.

Mr. MILLER. Mr. President, a year and a half ago, I testified before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee on the subject of electoral college reform.

I noted the weakness of our present system of electing a President and recalled that one of the framers of the Constitution had remarked that adoption of a plan for doing so was "in truth the most difficult of all on which we had to decide." And I suggested that the difficulty was no less today than it was in 1787. The controversy within the full committee and now within the full Senate bears witness to my statement.

I deeply regret that, by a split vote, the Senate Judiciary Committee has placed before the Senate a proposal which, in its impact on our Nation's system of divided powers of government, I liken to the Supreme Court packing proposal of the late President Roosevelt. Only a filibuster prevented that proposal from undercutting the independence of the judicial branch of our Government, and there are few historians or political scientists today who do not agree that the proposal was unwise.

The diffusion of political power—among the three branches of the Federal Government, between the Federal Government and the 50 States, among the three branches of each State, and between the individual States and their local levels of government—is a complex and highly sophisticated system which, along with our Constitution, is well calculated to prevent dictatorial control over the people. At the same time, changing times and circumstances bring about a constant series of pressures from all points within the system for the purpose of meeting the needs of the people. Striking a balance is the art of good government.

The electoral college system of electing a President was intended to strike a balance between the Federal and State Governments. This it has done, but its imperfections have led to abuses which have caused great anxiety among the people. The specter of a member of the electoral college voting contrary to the expressed will of the electorate of his State and the "winner take all" electoral votes from each State are abuses which should be removed. I have cosponsored legislative proposals to do so. But while the direct election of the President proposal would do away with these abuses, it would, at the same time, jeopardize the balance between the Federal Government and the States. Indeed, it does not require great imagination to say that adoption of this proposal by the Congress and its ratification by three-fourths of the States would mark the beginning of the end of the viability of the States as political institutions.

For this reason, I fully agree with the President's prediction that the necessary three-fourths of the States would not agree to ratify the proposal if the Congress submits the question to them. And so it seems to me that we are now engaged in another of the typical exercises in futility which seem to be the trademark of this session of the Senate.

The pending proposal, Senate Joint Resolution 1, would allow 7 years for ratification by three-fourths of the States, and this would mean that meaningful change to remove the present abuses would be delayed 7 more years at least.

The proponents make much of a Gallup poll some time ago which purported to show a very large majority of the people in favor of direct election of the President. I can understand such a reaction, because I, myself, joined as a cosponsor of this proposal 3 years ago after it had been endorsed by the American Bar Association—albeit by a closely divided vote in the association's house of delegates. Since that time, however, I have had an opportunity to study the matter in greater depth and to understand the implications of the proposal. It would be more indicative of public attitudes, I believe, if the Gallup poll would ask questions such as these:

1. Do you favor changing the system of electing a President to a system under which one candidate for President could carry 49 of the 50 states by 1,000 votes each and still lose the election because the other candidate for President carried a single state by 50,000 votes?

2. Do you favor changing the system of electing a President to a system which would encourage an end to the two-party system and a proliferation of political parties, thus laying a foundation for a run-off election because no candidate received the required 40% of the vote and laying the further foundation for all kinds of promises and trade-offs by either or both of the candidates involved in the run-off in order to pick up support from the other parties?

3. Do you favor a system which would enable widespread fraud in one or two large states to result in election of a candidate who lost most of the other states, but by margins too small to prevent his winning margins in the fraudulent states from putting him on top?

These and other questions would reveal the implications of the pending proposal, and my best judgment is that, thus informed, public opinion would be opposed. And this is why I suggest that should the proposal be referred to the States, the required three-fourths ratification will not be forthcoming. Let these implications be publicly aired within the States, when the legislatures are in session, and the public would be far better informed on the subject than it now is.

If it be suggested that my question relating to one candidate carrying 49 States by 1,000 votes each and the other candidate carrying a single State by 50,000 votes is far fetched, let me point out that 16 of the smaller States cast a total of 7,600,000 votes in 1968 and gave a combined majority to President Nixon of 691,000. In the State of Massachusetts, 2,236,000 votes were cast with a majority of 702,000 for Vice President Humphrey—sufficient to more than wipe out the Nixon margin in those 16 States if this pending proposal had been the law.

Another serious defect in the pending proposal, as I see it, is the provision that empowers the Federal Government to establish uniform residence and election procedures for election for President and Vice President. This could well result in differences within each State between such residence and election procedures in the case of elections for President and Vice President and elections for all other candidates—Governor, U.S. Senator, Congressmen, and other officials. The people are confused enough over some of these requirements now without adding another set of requirements for them to follow.

The 18-year-old vote question is very much up in the air, and not until the Supreme Court issues a ruling will we know whether or not the simple statute passed by the Congress is constitutional. I do not believe it is, and that is why I voted against it. If it is declared unconstitutional, the long process of a constitutional amendment must be followed, and the outcome of ratification of that would be in doubt—especially because so many State referendums on this point

have resulted in its defeat. Meanwhile, however, States which have granted the franchise to those under the age of 21 would have more say in electing a President under the pending proposal than would those States which retain the 21-year age requirement. This is not fair and underscores the desirability of retaining the electoral vote system while abolishing the obsolete electoral college itself.

The electoral system has seen the people of our country elect a President on 46 occasions during our history, and the transition between Presidents has been orderly. Granted that the orderliness could become fraught with controversy if the matter had gone to the House of Representatives in the elections of 1968, even that would not be fraught with the peril of a national runoff where, under the pending proposal, no candidate received 40 percent of the total vote. Moreover, even under the unfair winner-take-all system, it has been rare indeed when the President who has been duly elected by receiving a majority of the electoral vote has received a minority of the total vote cast.

On that point, Mr. President, I ask unanimous consent to have inserted in the RECORD appendix A of the minority views, set forth on pages 52, 53, and 54 of the committee report on the pending proposal.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX A

HAS A POPULAR VOTE WINNER EVER LOST THE PRESIDENCY?

It is frequently said that the electoral college makes it possible for a candidate to be elected who receives fewer popular votes than his chief opponent. It is alleged that this has happened three times: in 1824, in 1876, and in 1888. We propose to examine this charge to see whether it is worthy of the attention it has received.

While it is theoretically possible for an electoral vote winner to be a popular vote loser, it is highly unlikely that such an event will occur. It is theoretically possible for the simple reason that there is not a perfect mathematical proportion between the size of the popular vote and the size of the electoral vote. That disproportion is due to the fact that each State has at least three electoral votes regardless of size—a concession that the Framers saw as necessary to shore up the federal system. So long as we believe it wise or useful for the States as States to have a say in the selection of Presidents, and so long as we believe that the smaller States ought properly to have a minimum representation, it will remain theoretically possible for an electoral winner to be a popular loser. Whether we have "winner-take-all" or some other system of awarding electoral votes, so long as the concept of electoral votes is retained with a minimum representation for small states, that theoretical possibility remains.

The decisive policy question is whether the risk of this theoretical possibility is worth running. And the most important factor in determining the worthiness of the risk is the likelihood of its occurrence. On the basis of past election results, the risk would appear to be minimal. Indeed, it is our belief that the much-feared result has never occurred.

Let us now turn to consider the three elections, which it is alleged, did produce the unwanted result.

(A) THE ELECTION OF 1824

In the election of 1824, Gen. Andrew Jackson obtained a plurality of both the popular and the electoral vote but, failing a majority in the electoral count, lost to John Quincy Adams in the House of Representatives.

The experience of 1824, however, is hardly relevant to present-day elections. None of the machinery we now possess to prevent such an outcome existed at the time; indeed, the growth of the party system and the birth of national conventions can both be directly attributed to the experience of 1824. The absence of nominating and other party machinery in 1824 accounts for the two facts which vitiate the election of 1824 as a relevant example: (1) unaffiliated a multiplicity of candidates, made it impossible for anyone to garner a majority of the electoral vote—a fact which, incidentally, was conceded by all prior to the election; (2) voters were not organized in any major sort of way on behalf of any of the candidates, with the result that voter turnout was minimal.

While accurate figures are especially difficult to obtain for early 19th century elections, most authorities are agreed that something like 350,000 votes were cast in the election of 1824, out of a total population of roughly 11 million, of whom roughly 3 to 4 million were white adult males. Of the small number of votes which were cast, Jackson obtained a total of roughly 150,000—more than any other candidate, but it was not even a majority of those voting. Jackson's plurality can in no sense be termed a "victory," nor can it be said to have constituted a "mandate."

Further, there were four candidates in that election. Of the 24 States in the Union at the time, the four candidates appeared together on the ballots of only five States; in six States, only three were on the ballot; and in seven only two. Moreover, six States (including New York, at that time by far the most populous State) had no popular election at all, the electors being appointed by the State legislatures.

The Presidency, in short, had yet to be conceived of as an elective office in the sense that we now understand it. Anyone who ventures to claim that Jackson's popular plurality represented the "will of the people" or that his defeat in the House was a "frustration of the popular will" understands neither the election of 1824 nor why its inconclusiveness cannot be repeated today. In the words of Prof. Eugene Roseboom, "The popular will had been so dimly revealed in 1824 that the House could not have subverted it." (*A History of Presidential Elections*, 1957, p. 88).

(B) THE ELECTION OF 1876

It is claimed that in the election of 1876, Samuel Tilden carried the popular vote by 250,000 but had the election "stolen" from him by a "packed" special electoral commission which had been assembled to investigate vote-fraud allegations in a number of States. The only difficulty with this argument is that, in order to have any significance at all one must adjudge every decisive vote-fraud allegation in Tilden's favor—an act of naive generosity that even Tilden's most vociferous supporters at the time dared not make. The very thing which brought the matter to the special commission in the first place—and the matter which occupied its members for days on end—was the clear and present incidence of fraud. The accuracy of the popular vote or the credentials of electors were challenged in at least 10 States. No one but no one has any idea of what the actual popular vote count was in 1876.

(C) THE ELECTION OF 1888

In the election of 1888, it is alleged, Grover Cleveland received a plurality of the popular vote but lost the electoral vote and therefore the Presidency to Benjamin Harrison. Of the three examples used by critics of the electoral college, this is the strongest; but it remains a very weak reed indeed. Even if the tabulated popular vote were taken as wholly accurate, less than 1 percentage point (actually, 0.7) separated the two candidates in the popular vote. But the popular vote totals ought not be taken as accurate. There is considerable evidence of fraud on both sides, involving both the size of the popular vote and the distribution of the electoral vote. The late Prof. Edward S. Corwin, perhaps the most distinguished constitutional authority of his generation, acknowledged that Cleveland's popular plurality (roughly 100,000) could be attributed entirely to the shenanigans of Tammany Hall alone. Neither man received a majority of the popular vote. As between two men, one receiving 48.6 percent of the vote, the other 47.9 percent, is it really possible to say that one is the clear choice of the people and the other not? Would the country have been ungovernable by either man? What is decisively important in presidential elections, as we have said before, is not so much the size of a majority as its distribution and character.

In any event, even if the election of 1888 is the strongest of the three examples used by electoral college critics, it provides no basis for condemning the electoral system as a whole. The record otherwise is clear and unmistakable: the popular winner has always been the electoral winner.

Mr. MILLER. Mr. President, apportioning the electoral votes according to the vote received in each State would not only be more fair, but it would further diminish the possibility of having a President who received a minority of the total vote. Far better, it seems to me, to run the rare risk of having a President who has received a few thousand fewer votes than the loser than to run the more likely risk of having a President who is elected because of large majorities in a few large States and is, therefore, a regional type rather than a national type official.

Even with its defects, the present system encourages national campaigning by the candidates, because electoral votes in smaller States are important—even if the winning margin of votes cast is not great. But in a direct election system, those smaller States and small margins would tend to be ignored so that campaigning could be centered in the large population areas where large margins could more than wipe out many of the totals in smaller States—as in the case of Massachusetts to which I have previously referred.

Mr. President, I hope that the pending proposal will be either defeated or amended so that the abuses in the present system will be removed. I believe that is the prudent way of meeting the problems that face us under the present system.

It can be argued that since we have gotten along for so many years under the present system, there is no need for reform. I believe that reform is indicated. Reform does not mean destruction of the present system.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. MILLER. I yield for a question.

Mr. BELLMON. I would like to inquire of the Senator from Iowa if he feels a direct vote would be more conducive to fraud than the present winner-take-all system in the electoral college.

Mr. MILLER. I think it would for this reason. While the winner-take-all system has an abuse to which I have already alluded, the electoral vote in large States is somewhat diluted, as the Senator knows, by the fact that every State, no matter how small, does have two electoral votes because every State has two Senators. To this extent I suggest that the electoral vote in large States is somewhat diluted. That does not mean the electoral vote in a winner-take-all State is not an extremely desirable plum, and it does not mean the basis for fraud in getting a large chunk of electoral votes is not there. The point is that it would be worse under a direct election situation.

Mr. BELLMON. Mr. President, if the Senator will yield further, I would like to pursue this point.

The PRESIDING OFFICER. Does the Senator yield?

Mr. MILLER. I am pleased to yield to the Senator.

Mr. BELLMON. I am sure the Senator is well aware of the situation in States such as Illinois and New York. In Illinois the vote divides fairly evenly between the downstate voters, the generally Republican area, and the Cook County voters, who tend to be Democratic. I am sure he realizes that in some past elections there were situations in which the Democratic machine in Cook County went to great ends to bring out a maximum vote by whatever means in Cook County to overcome the disadvantage the organization faced from downstate voters. They would do this because it was the means used by the Democratic organization to secure the total electoral vote of that State.

It occurs to me that this is a greater pressure for fraud than if those votes were counted singly. If it meant one vote there would be a lot less pressure to produce that vote than when the organization secures the total bloc of electors of the entire State.

Mr. MILLER. I think the Senator has a good point in a State where there is a very close election and, let us say, a large State where an extra few votes would mean, with the winner taking all, all the votes of that large State. I would agree that in that particular instance the situation would be ripe for fraudulent action.

However, I believe if the Senator will look at the results of previous elections he will find that the number of those large States where there is that narrow a margin is relatively small compared to the number of large States in which there were sweeping majorities, and it is the sweeping majorities that I think result in the direct election of the President, laying a foundation for even more encouragement. But I think it is a mixed situation; I agree. The best answer I can give is where there are smaller States with two electoral votes for each State, the aggravation is not as great from an overall standpoint.

But this is not an unmixed situation. The Senator knows that in the example he cited this is one of the abuses of the winner-take-all system which the Senator from Iowa long advocated be done away with either by the district plan, which has been offered for many years by the distinguished Senator from South Dakota (Mr. MUNDT), or by what in my judgment is the preferable proportional plan which currently is offered by the Senator from North Carolina (Mr. ERVIN).

Mr. BELLMON. If the Senator will yield further, I would like to say that apparently the feeling of the Senator from Oklahoma and the feeling of the Senator from Iowa are not too different. I think both of us desire improvements in the present system. Apparently the difference is that as the Senator from Oklahoma studied the present system and the alternatives, he came to the conclusion that really the only viable way to improve the electoral system is to abolish it, because when one goes to the proportional system, he simply multiplies the winner-take-all arrangement into about 535 entities rather than the 50 we have now, and when we go to the proportional system, we get bogged down in mathematics that would make it possible for a President to be elected with fewer votes than the candidate who opposed him.

With the tensions we have in this country and with the tremendous responsibilities that reside in the office of the President, it seems to me that the man who holds that position should be the choice of the majority, or at least of the larger percentage of the votes of the people who voted for the two top candidates. I do not think we will get that if we go to the proportional system.

Mr. MILLER. Let me comment, when the Senator from Oklahoma says that we are both reasonable men, that the Senator from Iowa concedes that. It illustrates that reasonable and honest people can arrive at different conclusions. The Senator from Oklahoma in effect says he is an abolitionist and the Senator from Iowa is a reformer. That points up the difference.

The Senator from Iowa thinks that by reforming what we have now and doing away with the two abuses I have referred to, namely the winner-take-all abuse and the electoral college, which lays the foundation for an elector to go contrary to the wishes of the people of his State, we will arrive at a better system than we have now; whereas the Senator from Oklahoma believes a direct election—which, of course, will cure the abuses—is the better approach.

To me, curing those abuses by such a revolutionary system as this is not indicated. The Senator from Oklahoma argues, as all the proponents for direct election argue, that we could have a minority President. I think we have had three minority Presidents in the history of this country, and there is some question as to that point.

In that connection, Mr. President, I shall later ask that appendix A to the minority views in the committee report, starting at page 52 and ending at page 54, be printed in the RECORD. That analysis shows that the three elections referred to—the election of 1824, the election of 1876, and the election of 1888—while sometimes popularly referred to as elections of minority Presidents, are subject to grave questions on that point. But, for the sake of argument, under the winner-take-all system, in the history of our elections, there are three, and the margins there are minute. Under the proportional plan, the opportunity for that to happen would be greatly reduced.

So I suggest that what the proponents are arguing for here is something that is almost impossible to happen. If it happened, it would be by such a slim margin that I do not think anybody would be too disturbed about it. To me, the risks of that happening are far overshadowed by the risks of electing a President as a result of carrying a handful of States.

I have already pointed out, as an extreme example, what this proposal lays the foundation for—namely, one candidate for President carrying 49 States by 1,000 votes and the other candidate carrying only one State by 50,000 votes and becoming President of the United States.

The Senator from Oklahoma, and others, will say that is an extreme example; that it can never happen. I would be perfectly willing to admit that, but it could happen if two or three or four States were carried by such margins. I shall refer shortly to the situation in Massachusetts in the last election, which substantiates the point I am making.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BELLMON. I agree that both the situations the Senator from Iowa has described are remote and very unlikely to happen, but we have situations now where Presidents have been elected by fewer votes than the losing candidate received. For instance, in 1960 President Nixon actually received more popular votes than did President Kennedy if we consider the votes case in Alabama. Always, when there is a mechanism like the electoral college, there is going to be the possibility for these kinds of situations to arise.

I am of the opinion that if President Nixon had not been very generous and a big man, he could have thrown the country into turmoil by asking for a recount and taking the election into court, and perhaps created a great damage to this country. This could happen again, and the next candidate may not be so magnanimous as President Nixon was and he could create a crisis.

That was one reason why I became interested in electoral college reform.

The Senator from Iowa has referred to the direct vote as a revolutionary system. I frankly cannot agree with him on that, because the Senator holds his position in the Senate as a result of a direct vote. All the Governors are elected by direct vote. This simply means extending a system which works very well for other offices in this country to the highest office in the country.

Mr. MILLER. But the Senator makes that point and attempts, in doing so, to ignore the difference between the election of a President and the election, within a State, of its own Representatives in Congress, its own U.S. Senators, and its own Governor. That is the crux of the whole thing.

The Senator suggests, just forget about the State entities, just let the tabulation be run by a computer or an adding machine in voting for President. When he does that he lays the foundation for one candidate carrying 49 States by 1,000 votes and the other candidate carrying only one State by 50,000 being elected President.

To me, a foundation for that extreme situation, even to a lesser degree, is unthinkable, and that is why I think the proposal would be revolutionary in our system of government.

Our system of government was founded not on having one monolithic, centralized system of government, but on carefully separated and diffused powers of government as between the Federal Government and its three branches and the State governments and their three branches.

When we come along with this proposal and deprive the States of any of their rights as entities with respect to electing a President, and provide further, as this proposal does, federalizing residents requirements and other procedures in electing a President, I suggest to my friend from Oklahoma he is laying a foundation for the beginning of the end of the federal system of our country.

I know that my friend from Oklahoma would not want to do that. If he thought that this would actually happen, he would not be a proponent. But granted that good faith exists, the foundation is being laid. We have already seen this happen earlier in this session of Congress, when those in control of this body decided to take unto themselves the decision that 18-year-olds would have the right to vote. As I said at the time, I could support a constitutional amendment which would go out to my State for the consideration of my people, but for a group of people here in the U.S. Senate or in Congress, all of us Federal officials, to undertake, in effect, to say, "The State legislatures do not know what they are doing, and the people of the respective States do not know what they are doing, we are the all-knowing people here, and we are going to make that decision" is to me revolutionary.

I am for reform, not revolution. I am not suggesting that my friend from Oklahoma is a revolutionist, although he had admitted that he is an abolitionist. But I think this is a revolutionary type of proposal in its essence, and that, to me, is not the way to do away with the abuses.

Mr. BELLMON. Mr. President—if the Senator will yield—I am flattered by his description of the Senator from Oklahoma, but I want to remind the Senator from Iowa that Senate Joint Resolution 1 does require the approval of the legislatures of three-fourths of the States, and thus is not similar to the vote on the 18-year-old question in that respect.

Mr. MILLER. Yes, indeed; the Senator from Iowa is very much aware of that. That is why I have suggested that I agree with the President of the United States that we are not going to get three-fourths of the State legislatures to ratify this proposal.

I find it inconceivable that there would not be far more than 13 State legislatures that, after considering all of the implications of this proposal, would turn thumbs down on it. In fact, once the people understood the implications, and if we put it to a referendum suggested that we turn to a system whereby, as I shall point out later in my statement, the votes in 16 Middle Western States would be wiped out by the votes in the single State of Massachusetts, if the Senator from Oklahoma does not think that the State legislatures in the States are going to turn thumbs down on that, I do not think he knows State legislatures; and I think, after having been the Governor of his State, and a very successful one, he does know State legislatures.

I think we are going through an exercise in futility here, which will delay by seven years the opportunity to cure some of the abuses on which we are all in agreement as needing to be cured.

Mr. BAYH. Mr. President, will the Senator permit me to interrupt briefly?

Mr. MILLER. I am pleased to permit the interruption by my friend from Indiana.

Mr. BAYH. I have listened with a great deal of interest to the colloquy between my friend from Iowa and my friend from Oklahoma. As a former State legislator, I must say I look at these legislatures a little bit differently than my friend from Iowa.

I do not think any of us can guarantee what a State legislature is going to do. But as I recall my experience in the Indiana Legislature—and I have heard the Senator from Oklahoma discuss the Oklahoma Legislature—if we have a plan that would pass Congress and a plan that has been endorsed repeatedly by about 80 percent of the people in poll after poll, a plan that is supported by the American Bar Association, the Chamber of Commerce, the AFL–CIO, the UAW, the League of Women Voters, and on and on, I would think a plan with that kind of support would have a better chance than other plans, well-intentioned as they might be, that do not have that kind of support.

But of course that is speculation; we do not know.

Mr. MILLER. Mr. President, may I respond briefly to that? I think the Senator from Indiana did not hear my comment about this Gallup poll.

The Senator probably knows that 3 years ago, when this proposal was first advanced, after the American Bar Association first endorsed it, the Senator from Iowa became a cosponsor. I thought about it briefly, and it sounded pretty good to me—direct election of the Presdent, one-man, one-vote, and all of that—and I became a cosponsor.

At that time, I did not realize that it had been endorsed by the American Bar Association by a very closely divided vote in its house of delegates. So to say that the American Bar Association endorses it is overstating the matter a little bit, I think. We can say that the American Bar Association house of delegates, by a very closely divided vote endorsed it.

The point I want to make, if I may continue, is that if you go around as a pollster and ask the average person, "Do you favor direct election of the President," they will probably react about like the Senator from Iowa did when it was first brought to his attention and suggested that he might like to be a cosponsor of this proposal: "Yes; it sounds pretty good to me; put me down."

But believe me—and the Senator from Indiana has gone through the same procedures that the Senator from Iowa has during his State legislative service—let the proposal be aired, and let the implications be brought out in the local newspapers and on the floors of those legislative halls, and let the question be asked of the man on the street this way: "Do you favor changing the system of electing the President to a system under which one candidate for President could carry 49 of the 50 States by 1,000 votes each, and still lose the election because the other candidate, who carried only one State, happened to carry it by 50,000 votes," and my guess is that the Gallup poll results would be a lot different.

Mr. BAYH. Mr. President, if I may indulge upon the courtesy and patience of the Senator from Iowa just a bit further, I would be the first to agree that polls are not conclusive. What concerns the Senator from Indiana is not that everything is not going to go well as long as the outcome of the popular vote and the electoral college results are the same. What concerns me is that, while any system is going to work if you have a big majority, the true test of the value of the system and its ability to function properly is what happens in a close election.

I think the legislatures will respond somewhat differently than the Senator from Iowa thinks, but I have no way of proving it. I think the Senator from Iowa would have to agree he does not, either.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MILLER. The Senator from Iowa knows that the senior Senator from Nebraska (Mr. HRUSKA) has done a good bit of research on this point, and has noted that in the election of the President under the present system, some 20 States—in fact, I think it is more than that—would, under the pending proposal, find their influence in electing a President to be considerably diminished.

When you put that up to a group of State legislators—and I would include the Indiana State Legislature as an example, because I do not think it is a great deal unlike the Iowa State legislature, either as to the size of the State or as to many of its problems—I think you will find those State legislators are going to begin to wonder about the advisability of giving four or five of the giant States of this country the power to elect a President, along with a handful of others, and have, as a result, a regional type President instead of a national type President.

Mr. BAYH. If I might make just one further point.

First of all, the ABA endorsement on this issue was 3 to 1. Second, although I have the greatest respect for my distinguished colleague and fellow member

of the Judiciary Committee (Mr. HRUSKA) relative to his judgment on what happens under the present system and what would happen under the electoral college system under given circumstances, I must say that my distinguished colleague from Oklahoma comes from one of those States that the Senator from Nebraska says are going to lose a lot of votes. The Senator can ask the Senator from Oklahoma himself how he feels about that. Interestingly enough, we have a number of small State sponsors on this proposal.

Alaska, our least populous State, according to the Hruska doctrine, is going to lose the most. Both Senators from Alaska are supporting this proposal. This would make one believe that perhaps there might be some fallacy.

Mr. MILLER. Yes. And the Senator from Iowa was a cosponsor 3 years ago. So one might conclude at that time just as the Senator from Indiana has concluded. But the Senator from Iowa has had an opportunity since that time to study this matter in considerable detail and to see the implications and to look at some of the writings by scholars in this area.

The Senator from Iowa has been a strong proponent of one man, one vote in certain cases, such as the House of Representatives, which I thought for years was being handled contrary to the best intentions and the meaning of the Constitution of the United States. It was not until the Supreme Court rendered a decision that we finally had a foundation, which is now being realized, whereby we can look over at the House of Representatives and we will know that just about every one of its Members represents approximately the same number of people; whereas, it was not very long ago when we had some Representatives representing 200,000 people and others representing a half-million people, and still it was called the House of Representatives.

But that background does not lead me to tear away the diffusion of power between the Federal Government and the States. I must say that I think this emphasis on Presidents being elected with fewer popular votes than their opponents is greatly overdone. It has been rare in the past. It would be even rarer under a proportional system of allocating the electoral votes.

I suggest, further, that under the pending proposal if we got into a runoff situation—and I think that is more likely by far than the possibility of having a President elected under the present system by fewer popular votes than his opponent—then we will have the finalists, each of whom will represent under 40 percent of the vote. The eventual winner will, of course, receive a majority of the vote, but he will not be the first choice of even 40 percent of the people. There are imperfections in this proposal so far as majority will is concerned.

Mr. BAYH. Will the Senator permit me to interrupt one further time? I promise not to interrupt again.

Mr. MILLER. The Senator from Iowa will not hold the Senator from Indiana to that promise. I will yield to him any time he wishes me to yield.

Mr. BAYH. I should like to ask the Senator to continue to study this problem. The Senator from Indiana would be the first to suggest that his judgment is not always infallible. But I have found that as I continue to study the various aspects and intrigues and intricacies of the electoral college system and how it actually has worked, not how some people say it has worked, I have changed my mind on this.

I ask unanimous consent to have printed in the RECORD an article which lists the percentage of votes, the vote tabulation of our large and small States, in the last election. We can at a later date introduce a composite of the last several elections.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL RACE RETURNS

WASHINGTON, December 11.—Following, state by state, are the official returns in last month's Presidential race between Richard M. Nixon, Republican; Hubert H. Humphrey, Democrat, and George C. Wallace, of the American Independent party:

State	Electoral vote	Nixon	Percent	Humphrey	Percent	Wallace	Percent	Others	Percent
Alabama	10	146,923	14.1	[1] 194,388	18.6	689,009	66.0	13,857	1.3
Alaska	3	37,540	45.2	35,411	42.7	10,024	12.1		
Arizona	5	266,721	54.8	170,514	35.0	46,573	9.6	3,128	.6
Arkansas	6	189,062	31.0	184,901	30.3	235,627	38.7		
California	40	3,467,644	47.8	3,244,318	44.7	487,270	6.8	52,335	.7
Colorado	6	409,345	50.8	331,063	41.0	60,813	7.5	5,762	.7
Connecticut	8	556,721	44.4	621,561	49.5	76,650	6.1		
Delaware	3	96,714	45.1	89,194	41.6	28,459	13.3		
District of Columbia	3	31,012	18.2	139,556	81.8				
Florida	14	886,804	40.5	676,794	30.9	624,207	28.6		
Georgia	12	366,611	29.7	334,439	27.0	535,550	43.3		
Hawaii	4	91,425	38.7	141,324	59.8	3,469	1.5		
Idaho	4	165,369	56.8	89,273	30.7	36,541	12.5		
Illinois	26	2,174,774	47.1	2,039,814	44.2	390,958	8.5	13,878	.2
Indiana	13	1,067,885	50.3	806,659	38.0	243,108	11.4	5,909	.3
Iowa	9	619,106	53.0	476,699	40.8	66,422	5.7	5,704	.5
Kansas	7	478,674	54.8	302,996	34.7	88,921	10.2	2,192	.3
Kentucky	9	462,411	43.8	397,541	37.6	193,098	18.3	2,843	.3
Louisiana	10	257,535	23.5	309,615	28.2	530,300	48.3		
Maine	4	169,254	43.1	217,312	55.3	6,370	1.6		
Maryland	10	517,995	41.9	538,310	43.6	178,734	14.5		
Massachusetts	14	766,844	32.9	1,469,218	63.0	87,088	3.7	8,602	.4
Michigan	21	1,370,665	41.5	1,593,082	48.2	331,968	10.0	10,535	.3
Minnesota	10	658,643	41.5	857,738	54.0	68,931	4.3	3,198	.2
Mississippi	7	88,516	13.5	150,644	23.0	415,349	63.5		
Missouri	12	811,932	44.9	791,444	43.7	206,126	11.4		
Montana	4	138,853	50.6	114,117	41.6	20,015	7.3	1,437	.5
Nebraska	5	321,163	59.8	170,784	31.8	44,904	8.4		
Nevada	3	73,188	47.5	60,598	39.3	20,432	13.2		
New Hampshire	4	154,903	52.1	130,589	43.9	11,173	3.8	535	.2
New Jersey	17	1,325,467	46.1	1,264,206	44.0	262,187	9.1	23,536	.8
New Mexico	4	169,692	51.8	130,081	39.7	25,737	7.9	1,771	.6
New York	43	3,007,938	44.3	3,378,470	49.8	358,864	5.3	44,800	.6
North Carolina	13	627,192	39.5	464,113	29.2	496,188	31.3		
North Dakota	4	138,669	55.9	94,769	38.2	14,244	5.7	200	.2
Ohio	26	1,971,014	45.2	1,700,586	42.9	467,495	11.8	603	.1
Oklahoma	8	449,697	47.4	306,658	32.3	191,731	20.3		
Oregon	6	408,433	49.8	358,865	43.8	49,683	6.1	2,640	.3
Pennsylvania [2]	29	2,090,017	43.9	2,259,403	47.5	387,582	8.1	19,922	.5
Rhode Island	4	122,359	31.8	246,518	64.0	15,678	4.1	383	.1
South Carolina	8	254,062	38.1	197,486	29.6	215,430	32.3		
South Dakota	4	149,841	53.3	118,023	42.0	13,400	4.7		
Tennessee	11	472,592	37.8	351,233	28.1	424,792	34.1		
Texas	25	1,227,844	39.9	1,266,804	41.1	584,269	19.0	489	
Utah	4	238,728	56.5	156,665	37.1	26,906	6.4	180	
Vermont	3	85,142	52.8	70,255	43.5	5,104	3.2	873	.5
Virginia	12	590,315	43.4	442,387	32.5	320,272	23.6	6,950	.5
Washington	9	588,510	45.1	616,037	47.2	72,560	9.6		
West Virginia	7	307,555	40.8	374,091	49.6	72,560	9.6		
Wisconsin	12	809,997	47.9	748,804	44.3	127,835	7.6	4,902	.2
Wyoming	3	70,927	55.8	45,173	35.5	11,105	8.7		
Total		31,770,237	43.4	31,270,533	42.7	9,906,141	13.5	239,908	.4

[1] Includes 141,124 under listing of Alabama Independent Democratic Party and 53,264 under listing of National Democratic Party of Alabama.

[2] Pennsylvania total based on figures submitted to State election board and scheduled to be certified later this week.

MINOR PARTY CANDIDATES

E. Harold Munn Sr., Prohibition party—Alabama 3,420, California 59, Colorado 275, Indiana 4,616, Iowa 362, Kansas 2,192, Massachusetts 2,369, Michigan 60, Montana 510, North Dakota 38, Ohio 19, Virginia 599. Total: 14,519.

Eldridge Cleaver, Peace and Freedom party—Arizona 217, California 27,707, Iowa 1,332, Michigan 4,585, Minnesota 935, Washington 1,609. Total: 36,385.

Hennings Blomen, Socialist-Labor party—Arizona 75, California 341, Colorado 3,016, Illinois 13,878, Iowa 241, Massachusetts 6,180, Michigan 1,762, Minnesota 285, New Jersey 6,784, New York 8,432, Ohio 120, Pennsylvania 4,977, Virginia 4,671, Washington 488, Wisconsin 1,338. Total: 52,588.

Fred Halstead, Socialist Worker party—Arizona 85, Colorado 235, Indiana 1,293, Iowa 3,377, Kentucky 2,843, Michigan 4,099, Minnesota 808, Montana 457, New Hampshire 104, New Jersey 8,668, New Mexico 252, New York 11,851, North Dakota 128, Ohio 69, Pennsylvania 4,862, Rhode Island 383, Vermont 294, Washington 270, Wisconsin 1,222. Total: 41,300.

Eugene J. McCarthy, New party—Arizona 2,751, California 20,721, Colorado 305, Minnesota 585, Oregon 1,496. Total 25,859.

New party without candidate—Montana 470, New Hampshire 431, Vermont 579. Total: 1,480.

Dick Gregory, New party—California 3,230, Colorado 1,393, New Jersey 8,084, New York 24,517, Ohio 372, Pennsylvania 7,821, Virginia 1,680. Total: 47,097.

Charlene Mitchell, Communist party and Free Ballot party—California 260, Minnesota 415, Ohio 23, Washington 377. Total: 1,075.

Others: 19,606.

Mr. BAYH. One thing that has come to the attention of the Senator from Indiana is that historically the vote in the large States has been much closer than the vote in the small States, although the Senator from Iowa can take the Massachusetts vote and compare it with 16 small States.

I ask the Senator to take this into consideration, because these figures will show that even in the 1968 election—leaving aside the one example of Massachusetts—in the other States there were closer contests. It is in the big cities, the big States, with the blocs of electoral votes, that we have the highest degree of development of the two-party system, where the contests are the closest and political activity is the most heated.

Mr. MILLER. Mr. President, will the Senator yield on that point?

Mr. BAYH. I will stop interrupting the Senator from Iowa.

Mr. MILLER. Would the Senator mind if I interrupt him at that point?

Mr. BAYH. I am the one who is interrupting.

Mr. MILLER. The Senator is in effect arguing for retention of the present system, because what he is saying is that this fight over these electoral votes in a close contest makes more viable the two-party system, and this is one of the arguments for what we now have. If we have a close election in the direct election of a President and we have only perhaps a thousand or 2,000 votes difference in the giant State—and the Senator from Oklahoma indicated Illinois as an example in the last election—then we dilute the desirability of the two-party system in comparison to what we have now.

So I think the Senator inadvertently has made an argument for retaining what we have.

Mr. BAYH. The Senator from Iowa has attributed a certain meaning to my remarks that I did not intend.

The Senator from Iowa expressed one of his concerns, and I think it would be a legitimate concern, that there would be a wide margin, a wide disparity, between winners and losers in the popular vote. I think he made this statement earlier.

Mr. MILLER. Will the Senator permit an interruption?

Mr. BAYH. Yes.

Mr. MILLER. When the Senator talks about these close elections as revealed by the table he has placed in the RECORD, is he talking in terms of percentages or is he talking in terms of numbers?

Mr. BAYH. I am talking in terms of percentages.

Mr. MILLER. That is just the point I was afraid of, because 1 or 2 percent in a giant State such as New York or California may sound like a very, very razor-thin edge or margin by the time we take into account the total number of votes that are there and compare those to the total number of votes in another 14 or 15 small States. They can well overshadow the total number of votes in the smaller States.

So I think that we are going to get sidetracked if we talk in terms of close elections in terms of percentages. What counts under the pending proposal is numbers. I am much more interested in whether or not a candidate, out of 12 million votes in New York State, wins or loses by a million votes than whether it is a difference of a few percentage points.

Mr. BAYH. If the Senator is really interested in numbers of voters, I think that direct popular vote will enhance the two-party system all over the country. It is the only system in which all the numbers count. Only in direct popular vote is there an incentive for both the dominant party and the lesser party in a one-party State to get active. Take the State of Indiana. In 1968, the Democrats wrote it off and the Republicans took it for granted. There was no incentive to get in there and participate at each precinct level.

I invite the Senator from Iowa to share the opinion of the Senator from Indiana that only in direct popular vote does one know in each precinct, for each Democratic and Republican precinct committeeman, that if we get those extra 50 votes out, that we get them counted, and they are going to count in the final return. If you are going to lose a State by a thousand votes, you might as well lose it by 100,000. If you are going to carry it by 100,000 votes, there is no incentive to carry it by 200,000.

I appreciate the patience of the Senator from Iowa.

Mr. MILLER. The Senator from Iowa always welcomes a discussion with the Senator from Indiana.

I just want to add to what the Senator from Indiana has said. Being a seasoned politician, he well knows that the votes in the precincts are got out not by the presidential candidates but by the local officials or certainly the State officials who are running for office. That is the answer to that.

With respect to tables, I should like to counterbalance the table introduced by the Senator from Indiana by asking unanimous consent that the tables appearing on pages 19 and 20 of the hearing record on the pending proposal be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

IMPACT OF DIRECT ELECTION ON VOTING STRENGTH OF MIDLAND, SOUTHWESTERN, AND SOUTHERN STATES

State	1968 estimated population	1968 electoral vote: Number of electors	1968 electoral vote: Percent of all electors	1968 direct vote: Number of votes cast	1968 direct vote: Percent of all popular votes	Voting strength lost in percent
Midlands:						
North Dakota	627,000	4	0.74	248,000	0.34	
South Dakota	656,000	4	.74	281,000	.38	
Nebraska	1,439,000	5	.93	537,000	.73	
Kansas	2,293,000	7	1.30	873,000	1.19	
Montana	693,000	4	.74	274,000	.37	
Wyoming	315,000	3	.56	127,000	.17	
Colorado	2,043,000	6	1.12	807,000	1.10	
Total	8,066,000	33	6.13	3,147,000	4.31	29.7
Southwest:						
New Mexico	1,006,000	4	.74	327,000	.45	
Arizona	1,663,000	5	.93	487,000	.67	
Utah	1,034,000	4	.74	423,000	.58	
Nevada	449,000	3	.56	154,000	.21	
Total	4,152,000	16	2.97	1,391,000	1.90	37.0
South:						
Virginia	4,595,000	12	2.23	1,360,000	1.86	
North Carolina	5,122,000	13	2.42	1,587,000	2.17	
South Carolina	2,664,000	8	1.49	667,000	.91	
Georgia	4,568,000	12	2.23	1,250,000	1.71	
Florida	6,151,000	14	2.60	2,188,000	2.99	
Tennessee	3,975,000	11	2.04	1,249,000	1.71	
Alabama	3,558,000	10	1.86	1,044,000	1.43	
Mississippi	2,344,000	7	1.30	655,000	.90	
Arkansas	1,986,000	6	1.12	610,000	.83	
Louisiana	3,726,000	10	1.86	1,097,000	1.50	
Texas	10,977,000	25	4.65	3,079,000	4.21	
Total	49,666,000	128	23.79	14,786,000	20.23	15.0

IF PRESIDENTS ARE ELECTED BY POPULAR VOTE—EFFECT ON STATES

State	Percent of electoral votes	Percent of popular votes cast in 1968	Difference (percent)	Percent of change
15 STATES WOULD GAIN POLITICAL POWER				
New York	7.99	9.49	1.50	+18.77
California	7.43	9.89	2.46	+33.10
Pennsylvania	5.39	6.47	1.08	+20.03
Illinois	4.83	6.30	1.47	+30.43
Ohio	4.83	5.40	.57	+11.80
Michigan	3.90	4.51	.61	+15.64
New Jersey	3.16	3.92	.76	+24.05
Florida	2.60	2.98	.38	+14.61
Massachusetts	2.60	3.18	.58	+22.30
Indiana	2.42	2.90	.48	+19.83
Montana	2.23	2.47	.24	+10.76
Wisconsin	2.23	2.31	.08	+3.58
Minnesota	1.86	2.17	.31	+16.66
Washington	1.67	1.78	.11	+6.58
Connecticut	1.49	1.71	.22	+14.76
34 STATES AND THE DISTRICT OF COLUMBIA WOULD LOSE POLITICAL POWER				
Texas	4.65	4.20	.45	−9.67
North Carolina	2.42	2.16	.26	−10.74
Virginia	2.23	1.85	.38	−17.04
Georgia	2.23	1.70	.53	−23.76
Tennessee	2.04	1.70	.34	−16.66
Maryland	1.86	1.68	.18	−9.67
Louisiana	1.86	1.50	.36	−19.35
Alabama	1.86	1.42	.44	−23.65
Iowa	1.67	1.59	0.08	−4.79
Kentucky	1.67	1.44	.23	−13.77
Oklahoma	1.49	1.29	.20	−13.42
South Carolina	1.49	.91	.58	−38.92
Kansas	1.30	1.19	.11	−8.46
West Virginia	1.30	1.03	.27	−20.76
Mississippi	1.30	.89	.41	−31.53
Colorado	1.12	1.10	.02	−1.78
Arkansas	1.12	.83	.29	−25.89
Nebraska	.93	.73	.20	−21.50
Arizona	.93	.66	.27	−29.03
Utah	.74	.58	.16	−21.62
Maine	.74	.54	.20	−27.02
Rhode Island	.74	.52	.22	−29.72
New Mexico	.74	.45	.29	−39.18
New Hampshire	.74	.40	.34	−45.94
Idaho	.74	.40	.34	−45.94
South Dakota	.74	.38	.36	−48.64
Montana	.74	.37	.37	−50.00
North Dakota	.74	.34	.40	−54.05
Hawaii	.74	.32	.42	−56.75
Delaware	.56	.29	.27	−48.21
District of Columbia	.56	.23	.33	−58.92
Vermont	.56	.22	.34	−60.71
Nevada	.56	.21	.35	−62.50
Wyoming	.56	.17	.49	−69.64
Alaska	.56	.11	.45	−80.35
1 STATE WOULD HAVE NO CHANGE				
Oregon	1.12	1.12		

Source: Testimony before the House Judiciary Committee, May 16, 1969.

Mr. MILLER. Mr. President, I yield the floor.

CLOSED SESSION

Mr. MANSFIELD. Mr. President, pursuant to rule XXXV, I move that the doors of the Chamber be closed and that the Presiding Officer direct that the galleries be cleared.

Mr. ALLOTT. I second the motion.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, and close the doors of the Chamber.

Thereupon, at 3 p.m., the doors of the Chamber were closed.

LEGISLATIVE SESSION

At 4:29 p.m. the doors of the Chamber were opened, and the open session of the Senate was resumed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that it remain in that status until the close of morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF REDUCTION IN ANNUITIES OF EMPLOYEES OR MEMBERS WHO ELECTED REDUCED ANNUITIES

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to the consideration of Calendar 1103, S. 437.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 437) to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That (a) section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" after paragraph (2);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph "(4)" as paragraph "(3)".

(b) Section 8341(d) of title 5, United States Code, is amended—

(1) by striking out "dependent widower" wherever it appears and inserting "widower" in place thereof;

(2) by striking out paragraph (2); and

(3) by renumbering paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)", respectively.

(c) Section 8341(e)(2) of title 5, United States Code, is amended by striking out subsection "(a)(4)" and inserting subsection "(a)(3)" in place thereof.

SEC. 2. (a) Section 8344(a) of title 5, United States Code, is amended by inserting after the fourth sentence the following new flush sentence: "If the annuitant on termination of employment is married to a spouse potentially entitled to annuity as surviving spouse under section 8341 of this title, the supplemental annuity payable under the fourth sentence of this subsection is reduced by 10 percent and the spouse is entitled to an annuity equal to 55 percent of the supplemental annuity commencing and terminating at the same times as the survivor annuity payable under section 8341 of this title, unless at the time of claiming the supplemental annuity the annuitant notifies the Civil Service Commission in writing that he does not desire his spouse to receive this annuity."

(b) Section 8344(a) is further amended by striking out the following: "The employment of an annuitant under this subsection does not create an annuity for or affect the annuity of a survivor."

SEC. 3. (a) Section 8339(i) is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him."

(b) Section 8341(b) is amended—

(1) by inserting after "to whom he was married at the time of retirement," "or who qualifies as a widow or widower under section 8341(a)," and

(2) by striking out "does not desire his spouse" and inserting in lieu thereof "does not desire any spouse surviving him," and

(3) by adding at the end thereof the following new sentence: "A spouse acquired after retirement is entitled to a survivor annuity under this paragraph only if he elects to receive it instead of any other survivor annuity to which he may be entitled under this subchapter or another retirement system for Government employees."

(c) Section 8339(j) of title 5, United States Code, is amended by renumbering section "8339(j)" as "8339(j)(1)" and adding the following paragraph (j)(2):

"(j)(2) An employee or Member who is unmarried at the time of retiring or an annuitant who is unmarried at the time of sepa-

ration and who later marries may, within one year after he marries, elect a reduced annuity with benefit to surviving spouse as provided in section 8341(b). His annuity is recomputed and paid under the provisions of section 8339(j) effective the first day of the month after his written election is received in the Civil Service Commission. An election under this paragraph voids prospectively any election previously made under paragraph (1) of this subsection."

SEC. 4. (a) The amendments made by sections 1 and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died prior to the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(b) The amendments made by section 2 of this Act shall apply only with respect to reemployed annuitants whose employment terminates on or after the date of enactment of this Act.

Mr. MOSS. Mr. President, the bill now before the Senate is a bill to change the law regarding annuities for the spouse of a retiree who has passed on. There is a technical amendment to the bill. I send the amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: The Senator from Utah (Mr. Moss) for the Senator from Wyoming (Mr. McGEE), proposes an amendment as follows:

On page 5, strike out lines 6 through 8 and insert in lieu thereof the following:

"(1) by inserting '(1)' after the subsection designation '(j)'; and

"(2) by inserting at the end thereof the following new paragraph:

"'(2) An employee or Member who is unmarried at the time of retiring or an annuitant who is unmarried at the time of separation and who later marries may, within one year after he marries, elect a reduced annuity with benefit to surviving spouse as provided in section 8341(b). His annuity is recomputed and paid under the provisions of section 8339(i) effective the first day of the month after his written election is received in the Civil Service Commission. An election under this paragraph voids prospectively any election previously made under paragraph (1) of this subsection.'"

Mr. MOSS. Mr. President, this amendment, as I say, is simply a technical and perfecting amendment discovered by the legislative counsel on the last review of the legislation. It has no substantive effect, but simply makes the language conform with the existing statute and the purpose of this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOSS. Mr. President, under present law when an employee retires he may elect to receive a reduced annuity so as to provide a lifetime survivor benefit equal to 55 percent of this reduced annuity for his spouse if he dies before his spouse dies. The election to take a reduced annuity or a single-life annuity at the time of retirement is irrevocable. If a retiree's spouse dies first, his reduced annuity continues and he may not designate a subsequent spouse as beneficiary.

Experience in the retirement program shows that more than one-third of the time the male retiree outlives his wife, continuing to receive a reduced annuity for which there can never be a beneficiary.

S. 437 provides that if an annuitant elects a reduced annuity that designation shall remain irrevocable. But it amends existing law to give to the retiree the absolute right to leave a survivor annuity to any spouse to whom he is married at the time of his death. The marriage must have been of 2 years' duration or the spouse must be the parent of issue from the marriage.

This bill is a major step toward providing adequate income for older citizens. In its inquiry the committee has found no evidence to indicate that the spouse to whom a retiree was married at the time of his retirement should be his sole beneficiary under law.

The bill is partly retroactive. The opportunity to designate a subsequent spouse or the opportunity to designate a first spouse is offered to any employee or any retired employee on the active or retirement roles on the date of enactment but the surviving subsequent spouse of a retired Federal employee who dies before the date of enactment will not be entitled to any of the benefits of the measure.

That means that a person who is on retirement now may make the determination, but no surviving spouse can come in now and say, "I should have been designated."

I think this is simple equity, Mr. President. A retiree who elects to take a reduced annuity is therefore paying something, for the option of naming his spouse, to retire. Under the present law, however, if that spouse dies, he still continues to pay and pay, because his reduced annuity goes on as long as he lives. This bill simply provides that if his spouse dies and he remarries, he or she—it applies either way—may then designate the second spouse to take the annuity should he then predecease that person to whom he is married.

It still has the limitation of being married 2 years, to get around some deathbed cases, perhaps, or if there is issue of that marriage; either of those circumstances establishes the qualification. I think it is eminently fair, and takes care of something that has been a gap in the retirement system for Federal employees for a considerable period of time.

The committee was unanimous in reporting this bill, I know it has been carefully studied by the Senators who are concerned, and I believe that we are ready to vote. I am not aware that there is anyone in opposition to the bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 437

An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" after paragraph (2);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph "(4)" as paragraph "(3)".

(b) Section 8341(d) of title 5, United States Code, is amended—

(1) by striking out "dependent widower" wherever it appears and inserting "widower" in place thereof;

(2) by striking out paragraph (2); and

(3) by renumbering paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)", respectively.

(c) Section 8341(e)(2) of title 5, United States Code, is amended by striking out subsection "(a)(4)" and inserting subsection "(a)(3)" in place thereof.

SEC. 2. (a) Section 8344(a) of title 5, United States Code, is amended by inserting after the fourth sentence the following new flush sentence: "If the annuitant on termination of employment is married to a spouse potentially entitled to annuity as surviving spouse under section 8341 of this title, the supplemental annuity payable under the fourth sentence of this subsection is reduced by 10 percent and the spouse is entitled to an annuity equal to 55 percent of the supplemental annuity commencing and terminating at the same times as the survivor annuity payable under section 8341 of this title, unless at the time of claiming the supplemental annuity the annuitant notifies the Civil Service Commission in writing that he does not desire his spouse to receive this annuity."

(b) Section 8344(a) is further amended by striking out the following: "The employment of an annuitant under this subsection does not create an annuity for or affect the annuity of a survivor."

SEC. 3. (a) Section 8339(i) is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him."

(b) Section 8341(b) is amended—

(1) by inserting after "to whom he was married at the time of retirement,", "or who qualifies as a widow or widower under section 8341(a)," and

(2) by striking out "does not desire his spouse" and inserting in lieu thereof "does not desire any spouse surviving him," and

(3) by adding at the end thereof the following new sentence: "A spouse acquired after retirement is entitled to a survivor annuity under this paragraph only if he elects to receive it instead of any other survivor annuity to which he may be entitled under this subchapter or another retirement system for Government employees."

(c) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" after the subsection designation "(j)"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) An employee or Member who is unmarried at the time of retiring or an annuitant who is unmarried at the time of separation and who later marries may, within one year after he marries, elect a reduced annuity with benefit to surviving spouse as provided in section 8341(b). His annuity is recomputed and paid under the provisions of section 8339(i) effective the first day of the month after his written election is received in the Civil Service Commission. An election under this paragraph voids prospectively any election previously made under paragraph (1) of this subsection."

SEC. 4. (a) The amendments made by sections 1 and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died prior to the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(b) The amendments made by section 2

of this Act shall apply only with respect to reemployed annuitants whose employment terminates on or after the date of enactment of this Act.

The title was amended, so as to read:

An Act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

Mr. MOSS. Mr. President, I have a statement that I ask unanimous consent to have printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT OF SENATOR MOSS

Mr. President, it is with great pride today that I welcome Senate passage of my bill S. 437 which will amend the Civil Service Retirement Act to provide survivor benefits for second spouses of Federal annuitants.

Under the existing law a Civil Service retiree may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies first.

Statistics indicate that in most cases the male retiree dies first and the annuity automatically goes to the wife. However, in the cases in which the wife designated as beneficiary dies before the male retiree there has been a substantial problem in that the male retiree would continue to receive a reduction in his annuity to provide a survivor benefit for which there is, by law no beneficiary.

My bill which has just passed the Senate will give the retiree the right to designate a second spouse as beneficiary. This result is only fair and just and one wonders why this legislation was not enacted long ago.

I would like to express my thanks to the Chairman of the Senate Post Office and Civil Service Committee, Senator Gale McGee, for his support and assistance in getting this bill passed. I'm sure our Nation's 997,000 Civil Service retirees share my gratitude.

While I am joyful about the passage of this bill, Mr. President, I would just like to take a moment and indicate that there is much left to do to restore our 20 million elderly their proper place in American abundance.

Starting again with our 997,000 retired Federal employees we should make note that some 276,000 receive less than $100 per month; 515,000 receive less than $200 a month; and 619,000 (more than 60 percent) receive less than $250 per month which puts them below the so-called poverty level of $3,000 per annum. In my own State of Utah there are 7,318 annuitants and survivors and the average monthly annuity is $175.

These facts point up the clear need for support of such bills as S. 421 which grants a general increase in all Civil Service annuities on a graduated basis with the greatest increases going to those with the present lowest annuities.

But this need of senior citizens for greater incomes has a broader scope than Civil Service pensions. The U.S. Senate Special Committee on Aging of which I am a member, through a comprehensive study has noted inadequate income as the number one problem of our seniors. Most of our seniors have only their Social Security checks to rely on and thousands try to exist on less than $100 a month. Low incomes mean inevitably that they must make choices between food or medicine, clothes or recreation or transportation. This turns many into recluses with little social contact or contribution to society.

Last year the 15 percent increase in Social Security payments, and the 15 percent increase in Railroad Retirement pensions signed into law on August 12 were encouraging but we must do much more.

I believe that old age should be a time of reward and satisfaction; those who have devoted their lives to building our society deserve recognition. We should not rob our seniors of their pride—we should spare them the indignity of falling into poverty simply because of their advanced age.

It is for these reasons that I have called for a national program of rewards and incentives for our elderly to offset their low incomes. This program anticipates discounts to the elderly including reduced fares on buses and subways, discounts on prescription drugs and senior citizen discounts for entertainment such as baseball games and movies.

At the time when I first made this proposal there were only four major cities that offered reduced fares on mass transit for seniors. Today there are over 35 major cities who give seniors a substantial discount—most fares are about a dime.

I hope that the idea of senior citizen discounts will snowball and that similar programs will be instituted all across America. I would like to see beauty and barber shops give discounts to seniors during slack hours and more restaurants offering meals to seniors at reduced rates during the time that business is slow.

Last October, I wrote to the Presidents of all the major airlines asking that they provide reduced fares for senior citizens on the airlines. I received the information that three airlines had tried to institute such fares but had been blocked in their efforts by the Civil Aeronautics Board. The CAB argued the lack of legislative authority for senior citizen reduced fares.

As a result I have introduced a bill, S. 4266, with 18 cosponsors, which would give the airlines the requisite legislative authority to institute a program of reduced fares for seniors. I anticipate a direct discount of perhaps 50 percent and a guaranteed seat. I do not believe that the stand-by principle has an application to senior citizens.

Senior citizens are precisely the group who can make use of those empty middle of the week seats. I am sure that some people were surprised to learn that even our best and most profitable airlines averaged only 50 percent of capacity last year. With our airlines only half full, I see no reason why we couldn't make room for some of our senior citizens who would make greater use of their airlines if they had the income. At the present time, I am told that those over 65 constitute only 5 percent of all airline passengers.

It is also important that we give consideration to the health and medical needs of our elderly. Unfortunately some members of the Congress feel that we have fulfilled our obligation fully with the passage of Medicare. Medicare was perhaps the single most important piece of legislation affecting our elderly to pass the Congress; however, Medicare still only pays for 45 percent of the health needs of our seniors. We must broaden the scope of Medicare to include eye glasses, dental care and out-of-hospital prescription drugs.

As Chairman of the Subcommittee on Housing for the Elderly of the U.S. Senate Special Committee on Aging, I know only too well that the present lack of reasonable housing for the elderly is another serious problem. With advancing age many seniors find that they are living in a large residence, much in need of repair and often in the oldest part of the City. Many would gladly move to smaller and newer quarters. Many would choose apartment living to escape escalating real estate taxes which represent the efforts of states to provide needed revenues for services.

The solution seems to be more and better housing specifically designed for seniors and some provision for programs of community volunteers to aid in the repairing of older homes.

It is my hope that S. 4154 which I introduced with Senator Williams of New Jersey will become law since it will provide for congregate living facilities—a type of housing for the elderly we need desperately. Seniors could move into an apartment setting with central dining facilities. At the present time far too many move into nursing homes simply because they can no longer prepare their own meals. I also favor programs of community volunteers such as "Meals on Wheels" that bring food into these seniors who cannot readily prepare their own meals.

This same bill, S. 4154 would authorize a study to explore alternatives to the current increasing real estate taxes which are such a great problem to seniors. There is a trend toward exempting seniors from these taxes if their incomes fall within certain limits. Seniors tell me that it is unfair that they should have to continue to pay taxes for roads they don't use or for the cost of providing education for other people's children. On the other hand the States are reluctant to give up any present source of revenue. Hopefully the Federal study authorized by the bill would give us some answers.

Another major area of concern for our seniors are our nursing homes. As Chairman of the Subcommittee on Long-Term Care of the Senate Aging Committee I have worked hard to bring about an improvement in the kind of care our seniors receive and to protect the Federal dollar which pays for these services. My 1967 amendment to the Social Security Act had this express purpose.

In recent months my Subcommittee on Long-Term Care has been conducting hearings on nursing home problems across the country. We have seen substantial improvements since our last hearings but there is much still to be done. When these hearings are complete, I will issue a report to the Congress with my recommendations. This report will reflect what we learned from our hearings on the Marietta, Ohio, nursing home fire in which 32 patients died and from our recent inquiry into the Baltimore Salmonella epidemic which claimed 25 lives.

In closing, Mr. President, I want to express the hope that the current Administration will adjust its present priorities to reflect some greater concern with problems of the elderly. I would hope that we could adjust our national attitude toward our senior citizens. There is no question that at present we have a youth-oriented society. Perhaps this is as it should be and we should continue to look toward the future rather than toward the past. But I do not think that we should ignore either. We welcome the future, but we learn from the past.

No where in the United States is age more venerated and respected than in my State of Utah. The current and consistently capable leadership of the L.D.S. Church certainly disproves the popular notion that old age is synonomous with senility.

In summation, Mr. President, today is happy day for me since S. 437 has passed the Senate; it also gives pause for looking ahead realizing how much more there is to be done. The task ahead is formidable and I ask the support of good men everywhere in bringing to our seniors a share of the "good life" which most of us enjoy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control and for other purposes, disagreed to by the

Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the text of the bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; and that the House had agreed to the amendment of the Senate to the title of the bill.

LT. COL. ROBERT L. POEHLEIN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1123, H.R. 13810.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (H.R. 13810) for the relief of Lt. Col. Robert L. Poehlein.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATES OF PAY FOR RATE EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1173, S. 4227.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 4227) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. What is going to happen to Calendar No. 1123, the Poehlein bill?

Mr. BYRD of West Virginia. By virtue of the request I have made, Calendar No. 1123 will go back on the calendar.

Mr. WILLIAMS of Delaware. And not be disposed of today?

Mr. BYRD of West Virginia. That is correct. It will not be disposed of today, and not until such time as it is brought back before the Senate by unanimous consent.

The PRESIDING OFFICER. Is there objection to the present consideration of S. 4227?

There being no objection, the Senate proceeded to consider the bill.

Mr. FONG. Mr. President, I send to the desk an amendment on behalf of the Senator from Wyoming (Mr. MCGEE) and myself, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

(a) (1) On page 6, line 11, strike out the figure "5" and insert in lieu thereof the figure "4";

(2) on page 6, at the end of line 13, insert the word "and";

(3) on page 6, line 14, strike out all after the word "prevailing" down through the word "prevailing" in line 15;

(4) on page 7, line 2, strike out "steps 3 and 4" and insert in lieu thereof "step 3".

(b) (1) on page 7, line 12, strike out "(A)";

(2) on page 7, line 16, strike out all down through line 22.

Mr. FONG. Mr. President, this is an amendment presented by the distinguished Senator from Wyoming and myself and other members of the committee. We have discussed this matter subsequent to the presentation of this bill to the Senate.

We have eliminated the 7½ percent differential for regularly scheduled nonovertime work, the majority of hours which occur between 3 p.m. and 12 midnight. We have also eliminated a 10 percent differential for regularly scheduled nonovertime work, the majority of hours which occur between 11 p.m. and 8 a.m. At the present time, they are based on prevailing wages.

We have also decreased the fourth step in the increase, which gives an increase up to 112 percent, so that now it is up to 108 percent, a reduction of 4 percent.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOSS. Mr. President, as one of the initial sponsors of a bill to get the wage board system under law, I want to say how delighted I am that a bill is now before the Senate. I know the many hours of hard work in both the Senate and the House which have gone into hearings and report on the bill, and I commend all of those who are responsible for bringing it before this body for a vote.

I have long been concerned about wage board and nonappropriated fund employees, and the bill I introduced last year—similar in many respects to the bill actually reported out—was one evidence of that concern. Wage board employees have been exceedingly patient in waiting for the establishment of an equitable system for fixing and adjusting their rates of compensation, and I trust we will not keep them waiting much longer.

These Federal employees, numbering some 800,000 have been discriminated against in countless ways over the years. On the average, for example, they earn 16 percent less than the classified or postal workers. Moreover, under the present wage board system, there were only three ingrade steps as opposed to 10 for white-collar employees and 12 for the Postal Field Service. The severe limitations of such a system is well illustrated by the fact that the pay differential between the first and last instep for wage board employees was 8 percent, as compared to 30 percent for classified employees. Yet, another discrimination arose from the fact that supervisors were treated more equitably than those they oversaw. In the light of such discrimination, I think it is high time that we meet the legitimate demands of these "forgotten men."

The bill now before us remedies the abuses of the prevailing wage system without destroying the concept and procedures of that system. It contains a number of important provisions, one of which is to include nonappropriated fund employees under the wage board system. In addition five steps ingrade are provided, which insures that an employee can still reap continuing financial rewards over his years of service. A further significant provision is for 7.5 and 10 percent shift differentials and for "saved pay" for workers who have been downgraded during a reduction in force.

Early enactment of this bill will be in keeping with the postal reform legislation which we passed in June. With its passage, like pay will be given for like work for all employees who work under similar conditions of employment in all departments and agencies of the Federal Government. I cannot stress too strongly how vital I think it is that we support a just and equitable system for these employees, who represent one-fourth of the total Federal labor force.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MCGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17809.

The PRESIDING OFFICER laid before the Senate H.R. 17809, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, which was read twice by its title.

Mr. MCGEE. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 4227 as amended.

The PRESIDING OFFICER. The question is agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, H.R. 17809, was read the third time, and passed.

Mr. McGEE. Mr. President, I move that S. 4227 be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

THE WELFARE PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, today, five Governors representing the National Governors Conference testified before the Finance Committee in connection with the welfare bill.

The United Press, UPI–73, carries some interesting comments on that, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the United Press dispatch was ordered to be printed in the RECORD, as follows:

WASHINGTON.—Missouri Gov. Warren Hearnes, chairman of the National Governors Conference, today said that Nixon's administration should delay its attempt to add 14 million "working poor" to the Nation's welfare rolls.

Hearnes led four other Governors in slashing criticisms of the administration's house-passed 1970 welfare bill during a mass hearing before the Senate Finance Committee.

"It occurs to me that the administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure," Hearnes said.

"I would suggest that the committee delay the adoption of legislation at this time which would draw into the welfare system some 14 million citizens now in the ranks of the working poor or under-employed," he said.

Hearnes said this was his personal criticism, not that of the national governors conference. He summed up a conference policy statement that urges the Federal Government to take over the entire welfare costs, making it a uniform, national program.

Other chief executives testifying were Govs. Robert D. Ray of Iowa, Frank Licht of Rhode Island and Tom McCall of Oregon. The committee also called in two House Members and other witnesses.

The witnesses generally agreed the Nation's present welfare program is a failure. It has failed to break the poverty cycles that keep families dependent on assistance, generation after generation.

McCall said the administration bill proposes "wrong solutions for agreed-upon needs," especially in its "inadequate" work incentives. He said any program is "doomed" if it allows employables any choice other than working.

Iowa's Gov. Ray predicted the program would cost states far more than projected figures. He said little valid information about cases of welfarism is available.

"It seems incredible that in a program in which the spending exceeds $10 billion a year less than one-tenth of 1 per cent has been spent on research . . . " Ray said.

Rhode Island's Gov. Licht said the present welfare program in 35 years "has not succeeded in breaking the cycle of poverty in any part of our Nation."

Clarence Mitchell, director of the NAACP Washington Bureau and chairman of the Leadership Conference on Civil Rights, supports the administration bill but wanted safeguards added to insure that no hostile state or other jurisdiction can block the program.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SAXBE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1002, S. 5.

The PRESIDING OFFICER (Mr. PROXMIRE). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 5) to promote the public welfare.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Full Opportunity and National Goals and Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section

101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4) (A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

TITLE II—NATIONAL GOALS AND PRIORITIES

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Goals and Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by apointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director, or in the event of a vacancy in that office, the Acting Director.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, the pending bill, S. 5, was reported from the Committee on Labor and Public Welfare on July 1, 1970. This measure had 24 cosponsors from both sides of the aisle. Since that time, the Senator from Illinois (Mr. PERCY) has asked to have his name added as a cosponsor.

Mr. President, I ask unanimous consent that the name of the Senator from Illinois (Mr. PERCY) be added as a cosponsor of the pending bill (S. 5).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, a predecessor bill was extensively considered by the Subcommittee on Government Research of the Government Operations Committee under the distinguished leadership of the Senator from Oklahoma (Mr. HARRIS) during the 90th Congress. In this Congress, a number of hearings were held on the bill during 1969 and 1970.

The bill has been strongly supported by a broad spectrum of leading public figures in the Nation. Among them have been two former Secretaries of Health, Education, and Welfare—John Gardner and Wilbur Cohen—Whitney Young, Dr. Ernest Hilgard who headed a special study for the National Academy of Science's National Research Council on Social Indicators, a number of other former officials of the executive branch such as former Budget Director Zwick, former Secretary of the Treasury Barr, and former Special Assistant to the President Califano. I am delighted to have had the strong backing of the distinguished Senator from New York (Mr. JAVITS) who has contributed a most important amendment to the bill which is included as title II.

Title I of the bill establishes full social opportunity as a national goal. The goal is more fully described in the bill as embracing such areas as educational and vocational opportunities, access to housing and health care, and provision of special assistance to the handicapped and other less fortunate members of society. It establishes institution and procedures for advancing this broad social goal, including a new Council of Social Advisers in the Executive Office of the President, and a requirement for an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual economic report of the President, and established a Joint Economic Committee in the Congress.

It is our belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue that objective, we should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born. The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, in our technological and scientific base, and in our educational systems. As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

One consequence of our information gaps is that national problems go nearly unnoticed until they suddenly are forced upon us by some significant development and we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens. We desperately need ways to monitor our social health and to identify such problems before they destroy our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance. The Congress is now groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution and health delivery systems.

Finally, after years of experimenting with such techniques as program planning and evaluation systems, we still are quite ill equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs. A Council of Social Advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a Council, taking full advantage of new developments in planning programing and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the Executive in developing and administering public policy.

A Council of Social Advisers would not, itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the new Domestic Council with much of the information which that body will need to make its policy and program recommendations to the President. The Domestic Council will have available to it the broad range of economic information now furnished by the Council of Economic Advisers. The Council of Social Advisers would fill a significant gap in the information system which is needed to butress the policymaking apparatus recently established under the President's reorganization authority.

While title I of the bill, with its new Council of Social Advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress. I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. JAVITS) to create a new congressional staff office of Goals and Priorities Analysis.

Mr. President, I have now served in the Senate for nearly 6 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence concerning how little we seem to know at the Federal level about what is really going on.

As one person observed, we have a natural strategy of suboptimization at the Federal level where we do better and better at little things and worse and worse at big things.

Thus, something as elementary as decent nutrition, something as essential to a sound body and a sound mind, adequate and decent nutrition was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soy beans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger and, if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, what the cost of the program was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same was true with respect to decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions and millions of dollars in property damage,

and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go from this example to other examples. To demonstrate, in the federal system we lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future, but trying to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr. Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's hot seat trying to develop a program to advise the highest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars one would have thought that information would be immediately available. The Secretary thought the information would be available to him as soon as he returned to his office. He said that he had the information and that he would send it right back. As a matter of fact, it took HEW more than a year to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which the very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

Unless something of which I am unaware has been done since January 20, 1969, I believe we still do not know where hunger in America is with the kind of precision that is essential for an effective program to feed all the hungry among us.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield with the understanding he does not lose his right to the floor for the purpose of asking for the yeas and nays on the bill?

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes that have been made in the Defense Department despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. I have been very concerned about this bill for some time. I understand it has been revised from the original bill which the Senator introduced. Originally he contemplated having a congressional joint committee on social goals. We were concerned because those of us on the Joint Economic Committee thought there would be duplication.

We have been trying to explore this matter. We felt this committee would have to be in direct conflict with our committee.

As I understand it, and I have had only a brief opportunity to look at this new legislation, this would not create a new committee but it would create a new office and a council in the executive branch and an office in the legislative branch.

Mr. MONDALE. That is correct.

Mr. PROXMIRE. It seems that the office is modeled after the Comptroller General's Office, but it is a little confusing to me in trying to determine under what committee or committees this office would operate.

Mr. MONDALE. I thank the Senator from Wisconsin. I was aware of the concerns of the Senator. In reporting this legislation the committee finally decided it would be preferable not to call for the establishment of a Joint Social Committee as my bill originally proposed. Instead of that, on page 11 of the bill, subparagraph (c) provides that the social report, which is an annual report of the President,

> shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

In other words, we tried very hard to avoid a situation in which we were trying to designate jurisdiction over any subject matters that might come forward out of this Council of Social Advisers.

Mr. PROXMIRE. I notice later on in the bill, on page 21, lines 6 through 9, there is reference to the Joint Economic Committee.

Mr. MONDALE. That is correct. I was talking about title I up to this point. Title II, which is the proposal of the Senator from New York (Mr. JAVITS), does refer to the Joint Economic Committee responsibility for holding hearings on national goals and priorities.

I might refer the Senator's question in that regard to the Senator from New York.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I am the ranking minority member of the Joint Economic Committee and, of course, my intention was that we should have that jurisdiction. I have discussed this matter with the Senator from Wisconsin.

Mr. PROXMIRE. Yes.

Mr. JAVITS. I thought that the best way would be to spell it out specifically, which we have done.

Another matter is important. I was rather anxious that we should not be faced with diverse consideration of the economic report and the social report. It will be noticed that under the bill the social reports are made available contemporaneously with the economic report.

My disposition was to have the entire matter go to the Joint Economic Committee. The Senator from Minnesota (Mr. MONDALE), whose proposal is in title I, felt it should go in this case to the legislative committee which will actually act, in view of the fact it is a separate piece of legislation and deals with a separate subject from that which is dealt with in the Employment Act of 1946 where the Joint Economic Committee has primary jurisdiction.

We agreed that although the report should be referred to the standing legislative committees with jurisdiction to report implementing legislation—to the general caveat that the report could also go to any other committee which would enable the Joint Economic Committee to complement its work on the economic report with whatever it chose to take from the social report which would be available at the same time.

Accordingly the two aspects of that are: First, the element of time which makes it possible for the Joint Economic Committee to use that material in its own report, which is statutorily required under the Employment Act of 1946; and, second, the general privilege accorded by the law to make a reference as well to that committee.

Mr. PROXMIRE. I think certainly it is appropriate that when the Joint Economic Committee holds its hearings on the economic report it will have the witnesses testify on both reports. That would be helpful.

Mr. JAVITS. I think they should.

Mr. PROXMIRE. This legislation is of the most historic importance. For the first time that legislation has been considered by the Senate, the way of get-

ting at the difficult job of priorities is spelled out. It is done in a sensible way. It is tied into the economic report. The principal determination of priorities has been through the budget and the consideration of the budget and the impact the budget has on the economy, and so forth. So I think this bill constitutes a most useful contribution.

I think it may be a workable combination of the diverse and contradictory responsibilities which a joint economic committee might have and a joint social goals committee might have. We have these tremendous social needs. Nowhere are they put together. We should have hearings. We should have some organized ways to get at the social conscience of the Congress and of the country, and to translate social goals into a coherent program.

I did not read the revised bill until a few minutes ago, but it seems a very good way of achieving that objective.

I congratulate both authors, the Senator from New York and the Senator from Minnesota, for what appears to be a constructive piece of work.

Mr. JAVITS. One of my concerns was the proliferation of units. The administration is not very happy with the Council of Social Advisers for that reason. Of course, it did not really have anything especially to say about the Office of Goals and Priorities Research since it is an office for Congress itself, but the administration was not happy with the idea of another Council of Social Advisers.

We have tried to deal with that subject by not setting it up in the same way as we did the economic report, requiring a special report of a congressional committee on it, and by making the time element such that the President could, if he chose, include it with the economic report so they would not be different.

I went along with the Senator from Minnesota (Mr. MONDALE), finally, after consulting with people in the executive department, who disagree even now, because I believe when one reads, as I have for so many years, having served with the Senator from Wisconsin on the Joint Economic Committee, the efforts of the Council of Economic Advisers to assess social needs—they try but it is always so limited and so obviously a fifth wheel to the things they are really interested in—it only highlights the essentiality, especially in this day and age, of a specialized appraisal of those priorities.

Second, I was motivated by the fact that I had thought the initiative during the Eisenhower administration, which was very close to the heart of President Eisenhower himself—in having a special commission to deal with national priorities—was a very gifted initiative. Of course, those were heavily in the social field. I actually tried for a long time to bring about a national commission which would deal with priorities both in the social and economic fields.

Failing that, I think this is, for practical purposes, the same approach, and therefore I supported the Senator from Minnesota (Mr. MONDALE) in it, though, naturally, being the ranking minority member, it is my duty to do everything I could to go with the President of my own party. I was reluctant to, but finally came to the conclusion that it was the only way to handle the matter.

I think the office which has been established, which gives the Congress a counterpart of the new Presidential office, headed by former Secretary of Labor Shultz, achieves a very desirable balance in the bill.

I might say to my colleagues, especially on this side of the aisle, that again I sought to avoid a proliferation of agencies and inquiry was made to the Comptroller General as to whether it would be advisable for the Comptroller General to extend his office to deal with the same problem.

I have a letter from the Comptroller General, which is dated February 17, 1970, and is incorporated in the hearing record at page 259. Although it might be unnecessary to place it in the RECORD since it appears in the record of hearings, I think perhaps it had better be placed in the CONGRESSIONAL RECORD to complete the record, I ask unanimous consent to make the Comptroller General's letter a part of these proceedings.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., February 17, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request received February 9, 1970, for our comments on Amendment No. 428 to S. 5. This amendment would establish within the Congress an Office of Goals and Priorities whose functions would be to provide more detailed budget data and economic analysis to enable the Congress to make informed priority decisions among alternative programs and courses of action. These functions are more specifically spelled out in section 203 of the amendment.

While we believe that there is a need for the Congress to have the kind of information and assistance which is contemplated in Amendment No. 428, the question of whether the establishment of the proposed Office is the best organizational vehicle for obtaining such information and assistance is a matter of policy for determination by the Congress.

While the main thrust of the proposals in Amendment No. 428 relate to the assessment of national goals and priorities and the development of recommendations concerning spending priorities, a function for which the General Accounting Office does not have primary responsibility and one which it should not seek, the Office does have the capability for rendering assistance and making analyses of ongoing programs. We have created within the Office staff capability to make systems analyses and have, from time to time, during the past several years made such analyses at the request of congressional committees and in consequence of legislation.

We have also used these staff resources in connection with work undertaken on our own initiative related to the costs and effectiveness of ongoing programs. While the resources of this staff are now rather meager, we plan to enlarge its capability as the demands warrant.

In view of the fact that the problem of information needs of the Congress have been under study for some time by other committees of both Houses in the Congress, we suggest that this matter be given consideration in the light of all of the studies and proposals that have been made and are pending. For example, S. 844, "The Legislative Reorganization Act of 1969" includes provisions relating to the gathering of information and the making of analyses to assist the Congress in its deliberations. A similar bill is being developed in the House of Representatives.

Other proposals relating to specific features, such as development of automatic data processing accumulation of information are being developed or are under study. It would seem highly desirable that all of these activities be given consideration in the light of the overall requirements of the Congress for information, analyses, and assistance.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. JAVITS. I would just like to say to the Senator that it is very clear to me that the Comptroller General—while he could contribute to and help this new office—was not equipped to do the job that needs to be done, nor did he indicate any great interest in taking it over. For those reasons we proposed the separate office.

Mr. PROXMIRE. Mr. President, I am concerned with one section of the bill, the declaration of purpose which appears on page 15, and then later the functions, which appear on pages 18 and 19.

On page 15 of the bill, under "National goals and priorities, declaration of purpose," it is stated:

> The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action.

Of course, this is exactly what our committee, and my particular subcommittee, have been concerned with in holding hearings on priorities over the last 2 years. This is a matter of expertise and economic competence in being able to evaluate the programs in the economic field. It is true there is a social element which is missing and which does not get enough emphasis in the economic report.

Then, under the "Functions" on page 18, line 1 and on to page 19, line 10, there is a staff operation here that could simply parallel and duplicate the staff activities of the Joint Economic Committee unless it is carefully coordinated. We tried to get the funds for the Joint Economic Committee so we could make economic analyses of various programs which would be helpful. We started this year. We received $30,000, which is a small beginning. We are going to have to have $250,000 a year for the staff that can do systems analysis, economic analysis, but I think the job must be done by the Congress of the United States. We should have a clear understanding of the social goals and a staff set up to do it in the same sense that an economic staff would have the responsibility to do its work. But the social goals analysis would not be a substitute for the professional economic evaluation and analysis we seek.

Mr. JAVITS. We are doing precisely in this bill what the Senator from Wisconsin wants done. We are giving him his $250,000 staff. That is just what the Senator wants, and that is what the result will be.

The Senator, in referring to these functions and in referring to the purpose, is dealing now not with the Council of Social Advisers.

That office is a congressional office, and it is a service staff agency for the Joint Economic Committee and the Congress. It is precisely what the Senator from Wisconsin has requested. It does not make the decision; it furnishes the expertise for the committee, and the committee is tied directly into its work, because its report goes to the Joint Economic Committee.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I thought the report went directly to HEW from the Committee on Labor and Public Welfare.

Mr. JAVITS. No; the report of the Council of Social Advisers goes to the Committee on Labor and Public Welfare; the report of the Office of National Goals and Priorities goes to the National Economic Committee, precisely what the Senator from Wisconsin has referred to. We therefore will be giving ourselves expertise which is both staff and line. The staff is the Office of National Goals and Priorities, and the line is the Joint Economic Committee; accordingly, exactly what the Senator has sought, if this becomes law, will go into effect.

Mr. PROXMIRE. I thank the Senator, and again I congratulate both the Senator from Minnesota (Mr. MONDALE) and the Senator from New York (Mr. JAVITS) on what may become a useful accomplishment.

(Mr. PROXMIRE assumed the Chair as Presiding Officer at this point.)

Mr. DOMINICK. Mr. President, since we have ordered the yeas and nays on this bill, I think some of the points on the other side ought to be pointed out. I think the Senator from Wisconsin ought to listen to this, so I am glad to see that the Senator is present and has taken the chair as Presiding Officer.

What we are doing here is setting up in the Office of the President, by law, a council which the administration says it does not want; and furthermore, we are authorizing $900,000 a year for a council of three. This means, obviously, that this council of three is going to have a big staff, because even under our current spending programs, assuming the Appropriations Committee should ever appropriate that much—and I hope they would not—that is not going to be spent just by the three advisers. They are going to have an enormous staff, and they are going to be doing exactly what every committee in Congress is supposed to be doing, only they are going to oversee it for the White House, as far as I can see. They are going to oversee the activities of every State and local government—and are directed to do so in title I of the bill—to review State, local, and private efforts designed to create the very conditions specified in section 101.

Section 101, on pages 9 and 10, covers almost every single thing that the Government is involved with. So it is just a kind of general overseer group designed to establish for the White House and for Congress, presumably, the "social order," as they see it as a group of three, at $900,000 a year.

The next thing that I think is interesting is that, in conjunction with the Council at that price per year, we are also creating an office in Congress, at an unspecified cost. This has to be taken out of legislative funds if appropriations are asked, because this, I gather, is a legislative agency. Is that correct, may I ask the Senator from New York?

Mr. JAVITS. Yes, I intentionally did it that way, because I did not wish to see any bureaucracy established which was not exactly responsive to the cost-benefit ratio that the Appropriations Committee and Congress would see in it. So all we are committed to by this bill is set up an office, and what we will spend for it will depend on the kind of presentation which can be made.

Mr. DOMINICK. I thank the Senator from New York.

Mr. President, the Council, proceeding on that first, will in fact be asked to do what every major department of Government has been asked to do for a long period of time, in preparing the state of the Union message or in preparing a budget message. They are to assist and advise on the following matters: "to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity."

That obviously means a whole group of social welfare programs, all of which are intertwined, and many of which are now under the jurisdiction of various departments of the Government. Then: "to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs."

We would therefore be setting up an overview council to take in the jurisdiction of the Department of Health, Education, and Welfare, the Department of Transportation, the Department of Labor, and even the Justice Department, since it would also include criminal problems and the like.

So almost every department I can think of—and I would presume even the Defense Department, because it gets into the educational field—would be under the supervision, or at least under the review control, of this special council which we would be setting up, not only without the request of the White House, but against their will.

This is not a limited bill. It sets the council up on a permanent basis, at $900,000 a year; and if we have to go to this extent, to set up a group of overseers of every part of the Government, we are going to have to go much higher than that in order to make it really effective.

The next thing is the coordination. The President is required, under title I, to provide a report to the committees of Congress—specifically, the Labor and Public Welfare Committee on our side, and the corresponding committees on the House side—by February 15, on all these problems. The Council's report does not specifically go to the joint committee, but it can. It primarily goes to us first, and we do not try to take jurisdiction from any other committee, as I gather, but we get it first.

At the same time, we shall have created this Office in Congress, and the Office in Congress also delves into the same subjects, and is to give us a report on whether it thinks that the executive department has been doing a good job, and whether in fact the legislators have been doing a good job, and to give us that by March 1.

The question is, How is that coordination going to work? Is the Office, within the jurisdiction of Congress going to work together with the Council, within the jurisdiction of the White House? Obviously, they would have some commingling of authority and cooperation between them. But the beauty of the thing is that the purpose of the Office, as set up under congressional authority, is to have them responsible to Congress and not to the White House; but here we are asking for two separate reports, from two groups, that I would think obviously are going to be corresponding. To the extent that they will be disagreeing, they have 2 weeks to analyze the Presidential report and get together a report and submit it to Congress.

I simply say I do not see how that is going to work. That is what I would call a problem in the interrelationship between the White House and Congress, which I think will be further complicated by this particular bill.

Frankly, we do not know how much we are dealing with here. And we do not know what jurisdiction we are taking away. Our committee, the Committee on Labor and Public Welfare, has a very expanded jurisdiction. The committee of which the Senator from Wisconsin is now the chairman has a very extensive jurisdiction.

I would say to the Senate that almost without exception, the problems that are outlined here have been or should be looked into by one of those committees, or by our Select Committee on Nutrition and Human Needs, on which the Senator from Minnesota (Mr. MONDALE) and I both serve, and which has done quite a job in bringing these problems of nutritional needs and hunger to the attention of the American people, and should be dealt with through legislation.

So my question here—maybe it is not particularly appropriate at this time of night, and I am not going to go much farther—is why we do need this bill now? Why can we not work it out through our own committees? Why should we impose on the White House another council which they do not want, and additional expenses for which are not budgeted? Why should we continue going these routes time after time, when what we are trying to do is achieve a coordinated and hopefully better expertise in carrying out existing programs? That is the thing it seems to me that we need.

I have said to the Senator from Minnesota, if I may just finish this one thought, over and over again, that one of the problems with all of the legislation we have been putting in is that the taxpayers' money goes to the staffing of programs rather than to the people who need it. Here is another $900,000 that is going to go into the White House for staffing of personnel there rather than to the people in this country, who are needy, poor, sick and so on. This is another objection I have to the bill.

Mr. MONDALE. If the Senator will yield, I will comment only briefly. First, a number of improtant units in the Executive Office have been established by the Congress over the objections of the President. I think the record will show that this applies not only to the National Security Council, but also, to the Council of Economic Advisers. The President also opposed the establishment of a Council on Environmental Quality but, Congress had passed the bill, he signed it with pleasure, announcing that it was the first step in a new war on environmental problems.

The Senator is correct in stating that the sphere of interest of the Council of Social Advisers is very broad. But it will not duplicate the work of the CEA or of the new Office of Management and Budget, or of the new Domestic Council. Just as does the CEA, the new Council will provide analyses which will be helpful to the President and the Domestic Council in making decisions. The LSA will not be a decisionmaking body but one which will collect and review social data to put it into meaningful form. Further, it will identify gaps in our social data system and assure that these gaps will be filled.

Finally, and most significantly, the Council of Social Advisers will initiate a new public process of analysis and discussion of social problems. The Domestic Council and OMB are "in-house" staff offices producing analyses for the President which he badly needs. But they are not principally concerned with educating the public or informing the Congress. Such a new council, composed of distinguished social scientists, will insist on a public report which is candid and enlightening to the Congress. It will, as did the CEA before it, stimulate new and imaginative thinking about current problems and their measurement. Academicians and Congressmen, alike, will be drawn into the debate and we will all be the better and wiser as a result. Surely, no one would now contend that the CEA and the Employment Act of 1946 have not contributed greatly to the sophistication and value of economic analysis in America.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOMINICK, I yield.

Mr. GRIFFIN. I commend the Senator from Colorado for a very excellent statement and analysis of this bill. He has asked a number of questions about it. Another question might be, How in the world could a bill like this be entitled "the Full Opportunity Act" and also described as "A bill to promote the general welfare"?

I would not wish to use the word "ridiculous" because I know the motives and intentions of those who sponsor this legislation are the highest. But certainly such a title does not give one much of an idea of the real import of this legislation. I agree with the Senator from Colorado that this bill duplicates functions already performed by the Council of Economic Advisers and the newly established Domestic Council in the executive branch of Government.

This bill could create a new bureaucracy in the executive branch which the President does not want, and which would cost the taxpayers another $900,000 per year at a minimum, and probably much more.

I hope the arguments presented by the distinguished Senator from Colorado will be considered carefully by this body and that this bill will be voted down.

Mr. DOMINICK. I sincerely thank the Senator from Michigan.

Mr. GRIFFIN. I have a copy of a letter which the distinguished Senator from Delaware received, and I should like to read into the RECORD several paragraphs which relate to this bill:

> The Administration has opposed this bill because it would create another separate unit in the Executive Office that would largely duplicate on-going activities, and would confuse further the identification of responsibilities within the Executive Office. For example, in spite of the provisions of the bill, it would be difficult to make a meaningful distinction in many areas between the social health concerns of the proposed Council of Social Advisers and the economic health concerns of the Council of Economic Advisers.
>
> The proposed Council would overlap many of the intended functions of the Domestic Council in the areas of priority development and resource allocation. Also, it would be concerned with areas intended to be the responsibility of the Office of Management and Budget—gathering of information and statistical data, the development of "social indicators," and the evaluation of programs.

I have read into the RECORD part of a letter from Mr. Weinberger of the new Office of Management and Budget, dated August 30, 1970, addressed to the Senator from Delaware (Mr. WILLIAMS).

Mr. DOMINICK. I thank the Senator from Michigan.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS of Delaware. I congratulate the Senator from Colorado for his analysis of this bill, and I agree with the remarks of the Senator from Michigan.

It is difficult to reconcile the bill itself with the title, which is "to promote the public welfare," but the report has "The Full Opportunity Act." The thought occurred to me that perhaps they got the titles from the fact that it would give an opportunity to the commissioners to promote their own welfare by giving them a job. Apparently, they are out of work now, because this is another unnecessary job, and theirs would be about the only welfare promoted by the passage of this bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Wyoming

(Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

If present and voting, the Senator from New Jersey (Mr. CASE) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

(On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 31, nays 24, as follows:

[No. 288 Leg.]

YEAS—31

Anderson	Inouye	Pell
Byrd, W. Va.	Javits	Proxmire
Church	Mansfield	Randolph
Cooper	McGee	Schweiker
Eagleton	McGovern	Scott
Fong	McIntyre	Spong
Goodell	Mondale	Stevens
Gore	Moss	Symington
Gravel	Nelson	Young, Ohio
Harris	Packwood	
Hatfield	Pearson	

NAYS—24

Allen	Ervin	Saxbe
Allott	Griffin	Smith, Maine
Boggs	Gurney	Sparkman
Brooke	Holland	Talmadge
Cook	Jordan, N.C.	Thurmond
Dole	Jordan, Idaho	Tower
Dominick	Long	Williams, Del.
Ellender	Miller	Young, N. Dak.

NOT VOTING—45

Aiken	Fannin	Metcalf
Baker	Fulbright	Montoya
Bayh	Goldwater	Mundt
Bellmon	Hansen	Murphy
Bennett	Hart	Muskie
Bible	Hartke	Pastore
Burdick	Hollings	Percy
Byrd, Va.	Hruska	Prouty
Cannon	Hughes	Ribicoff
Case	Jackson	Russell
Cotton	Kennedy	Smith, Ill.
Cranston	Magnuson	Stennis
Curtis	Mathias	Tydings
Dodd	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough

So the bill (S. 5) was passed.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF TITLE 39, U.S. CODE, TO REGULATE THE MAILING OF UNSOLICITED CREDIT CARDS—HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 16542, to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes, be held at the desk. This request has been cleared on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, for the purpose of laying before the Senate the business which will be considered in the late afternoon tomorrow, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1079, S. 3418.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with amendments.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no more rollcalls today.

Mr. DOMINICK. Mr. President, will the Senator yield to me?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, on the pending bill, which will be considered tomorrow, there will be a rollcall vote on an amendment which will be printed and on every Senator's desk.

Mr. BYRD of West Virginia. The Senator is correct.

STATUS OF UNFINISHED BUSINESS, SENATE JOINT RESOLUTION 1, WHEN TEMPORARILY LAID ASIDE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, no later than 5 p.m., the unfinished business, which is Senate Joint Resolution 1, be laid aside temporarily and that it remain in that status until the close of the morning business on Monday morning next and that at the time it is laid aside temporarily on tomorrow afternoon, the Senate then proceed to the consideration of the business which I have just had laid before the Senate with that purpose in mind.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, and I will not object, I ask the acting majority leader if it would not make better sense to conduct the business of the Senate and do our voting in the daytime and then, if we have a filibuster, do the filibustering in the nighttime?

This matter of having filibusters from 10 a.m. to 5 p.m., with a gentlemen's agreement that there will be no business but a lot of talk and that we will all go fishing tomorrow and then come back tomorrow night, seems to me to be a funny way to run a railroad. I wonder if we could not get back to the business of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate tomorrow afternoon in order that I may participate in personal and political business.

If I were present tomorrow afternoon, I would vote "yea" on the first bill to be considered, the Public Health Service Act Amendments (S. 3418), and "nay" on the second one, an act for relief of Lt. Col. Robert L. Poehlein (H.R. 13810). I hope that the Senate will give me permission to leave.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. So, I am officially excused.

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR CONSIDERATION OF H.R. 13810 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow afternoon, following the disposition of the bill, S. 3418, the Public Health Service Act Amendments, the Senate then proceed to the consideration of Calendar No. 1123, H.R. 13810, an act for the relief of Lt. Col. Robert L. Poehlein.

I make this request so that Senators will be on notice with respect to the business that will be considered tomorrow afternoon after we have finished our session anent the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REQUEST THAT IT BE IN ORDER TO ORDER THE YEAS AND NAYS ON S. 3418 AND H.R. 13810

Mr. BYRD of West Virginia. Mr. President, one of these bills is not yet before the Senate, but I ask unanimous consent that it be in order to order the yeas and nays on both S. 3418 and H.R. 13810 at this time.

I do this so that Senators will be on notice that there will be rollcalls on both of these bills tomorrow afternoon.

Mr. DOMINICK. Mr. President reserving the right to object, there will be a rollcall vote on my amendment tomorrow. Would this bar that under any procedure?

Mr. BYRD of West Virginia. No, it would not.

Mr. ALLOTT. Mr. President, I must say that I feel that this is not good procedure. I must be compelled to object to the present consideration of rollcalls on those bills. I think it is bad procedure. So I will object, although I join in the request for the rollcall.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I want to make sure I have not been misunderstood. I am not asking unanimous consent for a rollcall. I am merely asking unanimous consent that it may be in order now to ask for the yeas and nays.

Mr. ALLOTT. It amounts to the same thing.

Mr. BYRD of West Virginia. Except the first would be unconstitutional.

Mr. ALLOTT. It amounts to the same thing.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR YEAS AND NAYS ON S. 3418

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield to me, I ask for the yeas and nays on the pending bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, Senators are on notice that when S. 3418 is disposed of tomorrow we have unanimous consent to proceed to the consideration of the relief bill; and it is the intention of the Senate to have a rollcall vote on that bill tomorrow afternoon.

Mr. WILLIAMS of Delaware. Mr. President, why not proceed with this bill tonight, or is it the order of business that we quit now?

Mr. BYRD of West Virginia. The reason for not proceeding with this bill at this point is that the able Senator from Texas (Mr. YARBOROUGH), chairman of the Committee on Labor and Public Welfare, could not be present to handle the bill.

Mr. WILLIAMS of Delaware. As one who opposes the bill I would be glad to present his argument. [Laughter.]

HOSTAGES OF HIJACKED AIRPLANES

Mr. JAVITS. Mr. President, in this deplorable and really ghastly situation of hijackings, there is a matter that I wish to bring to the attention of the Senate.

Many Americans have been deeply concerned over reports that the administration refuses to rule out a possible agreement with the Arab hijackers which would agree to the release of Americans of other faiths while Americans of the Jewish faith continued to be held hostage. In this connection, Mr. Zeigler, the White House press spokesman, has personally confirmed to me that U.S. policy does not and will not countenance a distinction between American citizens on the basis of religion in this or any other matter. In view of the apparent misunderstanding which has arisen on this question, I urge the White House to make it clear officially so that this insidious notion may be laid to rest once and for all.

ORDER FOR THE RECOGNITION OF SENATOR NELSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks to be made by the able Senator from Ohio (Mr. YOUNG), the able Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO 10 A.M. MONDAY, SEPTEMBER 14, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the disposition of unobjected-to items on the calendar, if there be any, the able Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the special orders for the recognition of Senators, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, and that at the conclusion of that period the unfinished business, Senate Joint Resolution 1, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4335—INTRODUCTION OF THE AIR PIRACY QUARANTINE ACT

Mr. GOODELL. Mr. President, I am today introducing a bill, entitled the "Air Piracy Quarantine Act." The bill is designed to deal with the very excruciating problem we face in air hijackings that have occurred during the last 3 years, and, particularly, in the last few days.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred.

The bill (S. 4335) to deter aircraft piracy by invoking a commercial air traffic quarantine against countries abetting aircraft piracy, introduced by Mr. GOODELL (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. GOODELL. Mr. President, the tragic epidemic of air piracies must cease.

Despite repeated past hijackings, the international community has stood idly by and done almost nothing. The multiple piracies of this weekend must, at last, galvanize us to action.

I believe we must turn to the ultimate sanction of the boycott or quarantine. Nations which intentionally harbor hijackers should be banned from international air commerce. Only that drastic step will induce them to take action to apprehend the criminals and return the aircraft, passengers and crew.

Until now, the only discussion of boycotts has been in the context of an international conference or agreement. However, there still is very little incentive for the parties to agree to this approach. The airlines are unwilling to lose their routes; the nations involved are unwilling to risk their alliances. Thus, despite the many hijackings of the past years, there are still no effective international sanctions.

This logjam would swiftly break were it to become evident that the greatest and wealthiest nation in the world, the United States, were about to impose a unilateral boycott. The drastic impact of such a boycott on international commerce—the disruption of routes, the risks of retaliation, in fact, all the negative effects—would create precisely that incentive for effective international sanctions which now is so sadly lacking. Faced with the chilling implications of unilateral action, the airlines and nations involved should swiftly agree upon an effective international method of discouraging and preventing hijacking.

To accomplish this end, I announced yesterday that I would introduce a bill in the Senate that invokes the unilateral boycott.

Today, I am introducing this bill. I am pleased that my distinguished senior colleague from New York (Mr. JAVITS) has joined me as a cosponsor of my bill.

My bill would require the President to declare a commercial air traffic quarantine against a country, if he finds that a country has aided or abetted an air piracy; has provided sanctuary to its perpetrators; has refused to take steps to apprehend the perpetrators; or has refused to take steps to secure the safe return of the plane, the passengers and the crew.

Once the quarantine takes effect, the quarantined country can virtually be banned from international air traffic. All direct air routes from the United States to that country will automatically be revoked. Any other country may, in the President's discretion, also be banned from commercial air traffic with the United States, unless it imposes its own quarantine on the offending country.

The quarantine would remain in effect until ended by joint action of the President and Congress. Alternatively,

the quarantine could be ended by the President alone, subject to veto by either House of Congress.

The quarantine would not affect any emergency landings made to protect an airplane, passengers, and crew.

Mr. President, the mere pendency of this proposal—provided it gains the support that I anticipate it will attract—will be a powerful incentive for the nations of the world to start negotiating effective international hijacking controls. And if such international agreement fails to materialize, we ourselves can help halt the hijacking epidemic by enacting this legislation.

I am introducing my proposal today in bill form. After providing an appropriate period of time to enable a committee, if it desires, to hold hearings on it, I intend to offer the same legislation in the form of an amendment on the Senate floor. This will insure that the Senate can vote up or down on it.

The New York Times, in an editorial this morning, has endorsed the proposal I have made for a unilaterally imposed quarantine.

Mr. President, I ask unanimous consent that the text of my bill and the New York Times editorial be printed in the RECORD.

There being no objection, the bill and editorial were ordered printed in the RECORD, as follows:

S. 4335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Piracy Quarantine Act".

SEC. 2. (1) If the President shall find—

(a) that an act of aircraft piracy (as defined in subsection (6) of this section) has been committed against any commercial aircraft; and

(b) that a country has aided or abetted the act of aircraft piracy, has provided sanctuary to or has refused to apprehend (or take reasonable measures to apprehend) the individual or individuals who committed the act of aircraft piracy, or has refused to secure and return (or to take reasonable measures to secure and return) the aircraft and its passengers and crew—

he shall forthwith declare a commercial air traffic quarantine against that country. He shall notify the Congress of the quarantine; and he shall direct the Secretary of State to notify the government of the country against which the quarantine has been declared, as well as the government of any other country that maintains commercial air traffic with that country.

(2) Notwithstanding the provisions of any other law or Executive agreement, if the President declares a commercial air traffic quarantine against any country (the "quarantined country"), then, within ten days after the declaration of quarantine and with due notice to the air carriers affected:

(a) the President shall revoke the rights of any air carrier of the quarantined country to land in the United States; and

(b) the President shall revoke the rights of any air carrier of the United States to land in the quarantined country.

(3) Notwithstanding the provisions of any other law or executive agreement, if the President declares a commercial air traffic quarantine against any country (the "quarantined country") and any other country maintains commercial air traffic with that country, and unless the other country within thirty days after the declaration of quarantine shall effect a similar quarantine (by revoking the rights of its air carriers to land in the quarantined country and revoking the rights of air carriers of the quarantined country to land within its borders), then, following the expiration of such thirty-day period and with due notice to the air carriers affected:

(a) the President may revoke the rights of any air carrier of such other country to land in the United States; and

(b) the President may revoke the rights of any air carrier of the United States to land in such other country.

(4) A commercial air traffic quarantine declared pursuant to this section shall remain in effect until such time as:

(a) the President recommends to the Congress that the quarantine be terminated, and the Congress approves such recommendation by joint resolution; or

(b) the President gives notice to the Congress of his intention to terminate the quarantine in the absence of objection by either House of the Congress, and fifteen calendar days of continuous session of the Congress elapses during which there has not been passed in either the Senate or the House of Representatives a resolution stating in substance that it does not approve the proposed termination of the quarantine.

(5) A commercial aircraft quarantine declared pursuant to this section shall in no event preclude any emergency landing made in order to ensure the safety of an aircraft or any of its passengers or crew.

(6) The term "aircraft piracy" means any seizure, detainment, or exercise of control (or attempted seizure, detainment, or exercise of control), without lawful authority, of any commercial aircraft, its passengers or crew, regardless whether or not such action constitutes a criminal offense under the laws of the United States or any other country.

(7) For purposes of paragraph (b) of subsection (4) of this section, there shall be excluded, in the computation of such fifteen-day period, the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under such paragraph, except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this section to refer to a resolution of disapproval under such paragraph.

[From the New York Times, Sept. 10, 1970]

BOYCOTT NEEDED

The continuing ordeal of an augmented company of international air travelers held captive on the Jordanian desert by Palestinian desperadoes is the savage consequence of the failure of the community of nations to have acted decisively long ago on the crime of aerial hijacking.

This latest and most barbaric wave of hijackings should never have been possible if interested nations, airlines and crews had moved urgently and forcefully to strengthen security arrangements—which remain pathetically primitive—and to forge binding international agreements for dealing with hijackers and with those who abet air piracy.

We save long advocated action, now so tragically overdue, to impose boycotts on the air terminals of nations which in any way offer aid or encouragement to air piracy, and to deny landing privileges to planes of such countries. This should be done on an international basis for maximum effect and because all civilized countries have a stake in curbing this threat to their citizens' safety. Belated efforts to tighten security at airports and on planes must also be accelerated on a worldwide basis, regardless of any temporary inconvenience.

The United States should be prepared to take the lead and impose boycotts unilaterally, if necessary, as Senator Goodell and others have suggested. Failing such national or international action, the hesitant airline pilots have the right and duty to impose their own boycott in the interest of the passengers for whom they are responsible.

The immediate concern of everyone must be for the safety of the desert hostages. The appeal issued by the U.N. Security Council yesterday is a limited first step toward bringing the force of world opinion to bear against the pirates and anyone who might be tempted to condone their actions. The temptation to move at once to more forceful action is great, but where so many innocent lives are at stake diplomacy must be given every chance.

It must not be forgotten that the desperate aim of the Palestinian extremists is to wreck the revived Middle East peace talks which they have hysterically opposed. Unless this objective is frustrated, there will be diminishing security for everyone in the Middle East, and for many outside the area, for years to come.

With this larger issue in mind, it is essential that the current situation be met with restraint and the closest cooperation of all parties, including the Arab states whose vital interests are as directly threatened by the guerrilla action as are those of Israel and the rest of the civilized world.

Mr. GOODELL. Mr. President, we cannot deal with this problem from weakness or timidity. This country must make it clear and the civilized world must make it clear to hijackers, whoever they are and for whatever reason they hijack, that we are not going to bend our knees, that we are not going to abide by a situation where hijackers are made heroes with impunity.

I do not mean in any way by the introduction of this bill to intervene in the very delicate and sensitive negotiations that are going on with respect to the innocent passengers now being held hostages in Jordan by the Arab terrorists.

But the bill will create a powerful deterrent against future hijackings.

We have had negotiations underway for several years now attempting to get the nations of the Western World to agree on a procedure and actions to deal with hijackers. They have never gotten off dead center for a variety of reasons.

Our allies too often are hesitant to take strong antihijacking measures because of various economic interests, or because of certain diplomatic ties with the Arab world or other nations which harbor hijackers.

In addition, the airlines are reluctant to enter into any agreements for boycotting which might interfere with their business and their air traffic to given countries.

So the international negotiations have gone nowhere. I think it is time that the Congress of the United States and the President indicated that we mean business on this subject.

We have vast powers short of any military application of force. Our powers should be used. The President should clearly have the support of Congress in utilizing what power is available to him, and Congress should go on record giving him clearly the authority to take action

against those countries which continue air commerce with nations which harbor hijackers.

My bill would utilize this power.

Where a foreign country has given sanctuary to hijackers, the President would be required to impose a "commercial air traffic quarantine" against the country.

Thereafter, that country would no longer have air service to or from the United States. Its direct air routes to our country would automatically be canceled.

An additional provision of my bill gives the President the additional authority, in his discretion, to apply a quarantine against any nation that continues to service, through air commerce, a nation that harbors hijackers. In brief, if any nation of Europe, for instance the French, were to continue to provide air service to an Arab country that we had quarantined, the President could deny our airports to French planes.

I do this advisedly. I recognize that it is a very extreme action to take. I recognize that the President would have great hesitancy to take such action, what might be called secondary boycott in the international arena. I think he should have that power. I think with that power in his hands, it is quite likely that international negotiations would be moved off from dead center. We would be more likely to get an agreement of all the major nations in the Western world on how they are going to deal in a unified fashion and coordinated fashion with hijacking situations.

I introduce this bill because I think it supports the President of the United States in the present situation. I do this because I believe very deeply that it can strengthen our hand in the present situation with reference to hostages. I think a reasonable warning to the Arab terrorists of other actions that can be taken in retaliation by this Nation is reasonable and desirable at this point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield to the senior Senator from New York.

Mr. JAVITS. I would first like to commend my colleague from New York on the initiative which he took immediately upon the happening of the hijacking in suggesting a course which can be pursued by our country in so delicate and dangerous a situation, and which he has put into bill form, in view of the discretionary power given to the President in respect of the so-called third countries, which I thought was essential in order to have a balanced measure.

This is not only a matter of tremendous humanitarian importance. Brigandage and piracy have been known to mankind almost from the beginning of history, but it seems to all of us so extraordinary that it should happen in a modern day. Yet when there is an area which is completely incapabale of controlling lawlessness, such as this particular area in Jordan, a matter like this is bound to follow. Therefore, I think the United States has to consider remedial measures.

We are speaking here in terms of a relatively mild measure compared to the history of our country in regard to matters of this nature. Back at the foundation of this country President Jefferson employed the Armed Forces of the United States against the Barbary pirates, and in very recent times President Eisenhower, notwithstanding his enormous reluctance to use the Armed Forces of the United States abroad, sent the marines into Lebanon when grave disorder threatened there, on the invitation of that government. The same thing took place in Santo Domingo, with the understanding that it was necessary in order to preserve American lives and deal with the presence of the Americans who were in Santo Domingo at the time.

There is a very dangerous and inflammatory situation, and no one here wants to increase it in any way by use of military action or military force. I agree with Senator GOODELL in that respect.

Also, I wish to commend, as I did yesterday, and do so again today, the President and the Secretary of State for their actions in respect to Americans lives and their egalitarian outlook as to the fate of all the Americans involved, and indeed, the people of all the nations. The President has handled this matter with great tact and great skill.

I would also like to take a moment to commend the representative of the International Red Cross, Mr. Andre Rochat, who has handled the matter with high patriotism and tremendous ability as a true international servant of all the people.

Finally, with the Senator's permission, if I may—I am detaining him too long—I want to say I have lived with the problem of the Arab refugees in all the years I have been in the Congress, beginning in 1947, so I have a very long history in that. I was one of the first to urge the United States to join in support of the various United Nations agencies which supported the refugees. On many occasions I have made recommendations for resettlement, repatriation, compensation. Indeed, I have made some recommendations which have very deeply disturbed the government of Israel itself because of my ideas as to what should be the repatriation scheme and the numbers to be involved. I fought battles for equal opportunity for Arabs in Israel, and I am very proud of that. I think it is very sound statesmanship.

It is, therefore, with a very heavy heart that I see these commandos, largely Palestinean Arabs, driven literally to madness, as I can see only harm to those who are legitimately refugees and to the effort to work for relief of a problem which is a fact and not a theory and which will have to be an element of any peace settlement in the Middle East, and a very important one.

I would like to pledge myself, Mr. President, notwithstanding this terrible discouragement, to indefatigably continue in the hope that enlightenment and reason will assert themelves, and that the great mass of even these Palestinian Arab refugees do not share in this madness, which is apparently the property of an alleged Maoist group, a small but very wild and extremist group, that the world may successfully surmount this crisis, that the humanity of the perpetrators themselves may be maintained in so dangerous and terrible a situation, and that we may get on with the work of bringing about some order and some effort to ameliorate the whole condition which has brought about this madness.

I repeat that I think my colleague has taken a fine initiative, with deep understanding of the situation, and again I commend the President and the Secretary of State for their handling of one of the most trying, in the human sense, crises which have faced our country in a considerable period of time.

Mr. GOODELL. I thank my colleague for his comments and his cosponsorship of this bill. I would like to express my agreement with the viewpoints expressed by my senior colleague with reference to the tragedy in the Middle East and the tragedy of the Arab situation, particularly that of the Palestinian refugees. I might say that the hostilities, bitterness, and hatred in the Middle East have escalated almost to the point of no return, and this is a potential disaster for mankind. There is great danger of a confrontation in the Middle East between the great powers, and not just a confrontation of wills, but a military confrontation—one which we all want to avoid.

We must deal with this problem in human terms, and I might say to my senior colleague—I am sure that he has heard many expressions of this nature himself—but when I was in Israel a year ago, the very top leadership of Israel, Mrs. Golda Meir and others, expressed their grief, their unhappiness, and their sadness over the plight of the Palestinian refugees. They expressed their concern over the legitimate grievances of the Arab people.

Of course, we live in a real world. Israel has lived with paper promises that have been violated and paper commitments that have been violated. Israel has to fall back on its own capabilities of defending itself through the entire life of the nation of Israel.

Now we have sensitive negotiations which have been started, commendably, on the initiative of the President and the Secretary of State. We have seen a violation of the cease-fire, a flagrant, blatant violation of the cease-fire, which forced Israel to withdraw from the negotiations. It is a very serious matter. I view very seriously the violation by the Russians, and I would emphasize that the Russians are responsible for their agreement for a cease-fire. It is not an Egyptian violation alone, because the Egyptians did not have the capability of moving those SAM missile sites close to the Suez. The Russians were active perpetrators of the violation of that cease-fire, and we should make representations at the highest level with the Soviet Union that we view this matter with grave concern, and that they must take action to withdraw these SAM missile sites that have been installed in violation of the cease-fire.

We must also deal with the problem of the hijackings and the hostages who have now been held, to whom our hearts

go out with deep concern for their welfare.

We cannot deal with this situation alone through weakness.

The President must be given full authority to deal in a peaceful way, by the utilization of our economic power and our commercial power, with those nations which harbor hijackers. I honestly hope that many of my colleagues will join me in cosponsorship of this Air Piracy Quarantine Act, and that we will be able to bring it to a vote as an amendment to an appropriate bill within a very short time, because I think it will have a salutary effect on the whole situation in the Middle East, particularly with reference to controlling the terrorists. It will help see to it that whatever their objectives may be and whatever their demands may be, they will not remain heroes in their own country, and they will not have further inducement for more hijackings, because the penalty will be there for the crime when it is perpetrated, and the penalties will far outweigh whatever benefits may come to the terrorists by their criminal acts in violation of international law and of civilized world standards of decency.

Mr. JAVITS. Mr. President, will the Senator yield one moment further?

Mr. GOODELL. I yield to my colleague from New York.

Mr. JAVITS. Mr. President, what has been said about the other Arab States is critically important. The fact is that this hijacking could not have occurred and the present situation could not have occurred without either the expressed or tacit consent of the states in which these operations have taken place. It is a fact that the BOAC aircraft hijacked yesterday stopped for refueling in Lebanon, and that we have seen photographs in the press of policemen, and so forth, escorting commandoes to these very planes.

This is not a pretty picture. The Arab States, those which were involved—and Egypt is certainly showing the reaction now—are apparently having second thoughts, and we have reports that they have expressed grave concern about what is happening and how it may compromise them.

Mr. President, I would hope and I feel that a special plea should be addressed to the Arab States that they would recover their sanity, and that this matter should not be permitted to go beyond the point of no return, because they cannot avoid being the governments in control, unless they are not governments at all. The responsibility for what is happening within their borders, which has been greeted by not only the toleration but the applause and approval which the completely lawless commandos have received, is theirs.

Mr. President, I hope very much that responsibility will come into play, because this is the only hope for peace in that area, and the terrible toll which will otherwise be taken is just too disastrous for all mankind, and too risky, in view of the presence of both great powers there in force.

Finally, Mr. President, the religion of the Muslims and the religion practiced by the Arab peoples has the same principles and the same ethics contained in the Christian and the Hebrew religions. This certainly does not dictate conduct of man toward man of the kind which we are now seeing. These are countries which take great pride in the religious faith of their people, just as we do.

I hope very much that this will be taken account of in restoring a sense of sanity and bringing about the release of the hostages and enabling the peacemaking work which the United Nations has undertaken, after the brilliant initiative of our Secretary of State and President, and the cooperation of the Soviet Union, as Senator GOODELL has said, to go forward, giving the world some hope, instead of compelling the world to look into the bloody abyss which this segment of the commandos has opened up for it.

I thank the Senator for yielding.

Mr. GOODELL. I thank my colleague for his very eloquent expression of feeling, which I am sure is deeply shared by the Members of the Senate.

I think it is important that we recognize that responsibility must be placed where it belongs, on the government of each of the nations where these terrorists are performing their criminal acts. I think it is a sham to exempt the government from any responsibility for what has been going on, with the observation that the commandos, the Arab terrorists, are beyond the control of that government. It is very clear in many of these acts of piracy that the governments themselves have collaborated, willingly or unwillingly, and they may claim that they have had to cooperate for other reasons.

Mr. President, I think it is time that we applied our unilateral power in this situation. We gave the President the power to deal forthrightly and directly and effectively with any situations which may arise in the future.

MIDEAST CRISIS AND AMERICAN CREDIBILITY

Mr. GOODELL. Mr. President, I delivered yesterday a major address on the subject of the Middle East, before a luncheon of the American Zionist Federation in New York City.

In my speech, I addressed my concern that American credibility had seriously been eroded by our failure to respond forcefully and effectively to the Soviet-Egyptian violations of the Suez Canal ceasefire. I outlined some proposals on how we might restore our credibility.

I also addressed myself to the horrifying epidemic of hijackings. I announced that I would introduce a bill in the Senate that would bar from international air traffic and nation which harbors hijackers.

Today, I have introduced my bill—the Air Piracy Quarantine Act. I am pleased that my colleague, Senator JAVITS, has joined me as cosponsor of my amendment.

My bill would require the President to declare a commercial air traffic quarantine against a country, if he finds that a country has aided or abetted an air piracy; has provided sanctuary to its perpetrators; has refused to take steps to apprehend the perpetrators; or has refused to take steps to secure the safe return of the plane, the passengers and the crew.

Once the quarantine takes effect, the quarantined country can be virtually banned from international air traffic. All direct air routes from the United States to that country will automatically be revoked. Any other country may also be banned from commercial air traffic with the United States, unless it imposes its own quarantine on the offending country.

The mere pendency of this proposal—provided it gains the support that I anticipate it will attract—will be a powerful incentive for the nations of the world to start negotiating effective international hijacking controls. And if such international agreement fails to materialize, we ourselves can help halt the hijacking epidemic by enacting this legislation.

Mr. President, my proposal was endorsed today in an editorial in the New York Times.

I am introducing my proposal today in bill form. After providing an appropriate period of time to enable a committee, if it desires, to hold hearings on it, I intend to offer the same legislation in the form of an amendment on the Senate floor. This will insure that the Senate can vote up or down on it.

Mr. President, I ask unanimous consent for the text of my address, my bill and the editorial to be printed in the RECORD.

There being no objection, the speech, bill, and editorial were ordered to be printed in the RECORD, as follows:

THE MIDEAST CRISIS AND AMERICAN CREDIBILITY

(By U.S. Senator CHARLES E. GOODELL)

We are all in such a state of profound shock over the weekend's Arab terrorist kidnappings of innocent passengers that it is difficult, indeed, to think or speak of much else.

Yet before discussing this incredible and potentially tragic occurrence, let me turn for a moment to the threat to Israel's security that is building so fast along the Suez Canal—the Soviet-Egyptian missile escalation. If we fail to respond to this threat now—even while we are bending our every effort to obtaining the return of the hostages—it may soon be too late to avoid permanent damage to the safety of Israel and the cause of peace.

I

A curious lethargy has overtaken the Administration in supervising the ceasefire that it initiated. As a consequence, Israel has suffered, the United States has suffered and, above all, the prospects of settlement in the Mideast have suffered.

Egypt and the Soviet Union have continually—and blatantly—been violating the standstill agreement ever since the first day the ceasefire went into effect. Our own official response can most charitably be described as lackadaisical.

It took fully 12 days for our government to muster the judgment that there was "inconclusive" evidence of a Soviet-Egyptian missile build-up in the Canal Zone. And it soon became apparent that the Administration could not give a swifter and firmer answer to Israel"s initial charges because of its own negligence—its failure to have the U.S. intelligence-gathering operation ready and functioning when the ceasefire began.

Thereafter, it took another two full weeks of further Soviet-Egyptian missile advances for our government to concede—reluctantly, belatedly and grudgingly—that there had, indeed, been "violations" of the ceasefire. Even then, the Administration's misplaced sense of delicacy prevented its spokesmen from stating publicly that the Soviet Union and Egypt were the parties responsible for the violations.

During this entire sorry period, the Administration was so anxious to avoid hard words that might shake the negotiations, that it closed its eyes to the much harder facts of Soviet-Egyptian escalation within the Suez Canal Zone.

Like the monarchs of old who punished the bearers of bad tidings, our State Department succeeded in conveying the unmistakable impression that it was more irritated with Israel for complaining of the violations than with Egypt and the Soviet Union for committing them.

Nor is there cause for much satisfaction with our government's action since it so lately discovered that the ceasefire was being openly flouted.

The Administration's first response was a truly unimpressive request that the Russians and Egyptians stop any further missile build-up in the Canal Zone. Then, after further Israeli prodding, Administration spokesmen have had some vague words to say about "rectification"—whatever that phrase may mean. It is still far from clear that the Administration is making a maximum effort at the highest levels—as contrasted to routine diplomatic representations—to obtain the withdrawal of the illegally emplaced missiles. And the impression still has not been dispelled that the State Department is merely going through the motions of protesting in order to placate Israel.

The consequences of this policy of lethargy have been nothing short of disastrous.

Israel feels herself betrayed—and with good reason. She has made major concessions—concessions that split her own cabinet—to give the American peace plan a chance of working. She accepted the principle that she would negotiate on all issues, without preconditions—including the politically unpalatable one of "withdrawal" from occupied territories. She agreed to indirect Rhodes-style talks, rather than the direct negotiations she has always demanded. Above all, she stopped her defensive bombing of the western side of the Canal, in return for American assurances that there would be no change in the balance of forces in the Suez area.

Now, Israel's worst fears have been confirmed. The ceasefire has, indeed, been used merely as a cover for massive Soviet-Egyptian military escalation. American assurances to Israel have proven hollow.

The military balance of power has now significantly shifted in Egypt's favor along the Canal. Almost 200 Soviet missile launches have been brought into the ceasefire zone, half of them within range of the Canal. SAM missiles now are capable of covering an Egyptian attack across the Suez.

Our dilatory and casual response has encouraged Egyptian and Soviet violations. The early infractions of the ceasefire may well have been designed to test our government's intentions. Had we reacted swiftly and firmly, Egypt and Russia might have decided that further escalation was not worth risking. But we made no response, other than pointedly to ignore Israel's warnings. Moscow and Cairo evidently interpreted our silence as implicit consent to proceed.

In closing its eyes to the Soviet-Egyptian build-up, the State Department has done precisely that which it wished to avoid: upset the negotiations. Israel has now withdrawn its representatives from the talks.

May I add parenthetically, that I believe that Israel's decision to withdraw her representatives from the talks at this time is wholly justified. As long as these flagrant violations of the ceasefire are occurring, there is simply no rational basis for negotiation on the broader issues. Israel has even now shown herself prepared to take substantial risks for peace, notwithstanding the Soviet-Egyptian missile build-up. She should be commended on her restraint in deferring military action at this time, and concentrating upon diplomatic and political efforts to secure removal of the missiles.

For their part in the events of the past four weeks, the Soviets deserve the prize for ultimate cynicism. For our part, however, we deserve the prize for myopia. The tragic upshot is that the two Great Powers—for the most shortsighted of reasons—each have casually thrown away their strongest bargaining tool for peace in the Middle East: the credibility of their undertakings. It may be a long time before Israel or any other belligerent will find it tempting to take further risks for peace, in return for the insubstantial word of the Great Powers.

II

After the debacle of the past month, the highest priority of U.S. policy must be to restore the credibility of our assurances to Israel concerning the ceasefire.

This requires a major American initiative—an *all-out* effort of diplomatic persuasion and political pressure—to secure the withdrawal of the Soviet-Egyptian missiles illegally installed in the Canal Zone after the ceasefire.

This initiative must be personally directed by the President. By his own words and actions, he must make it unmistakably clear that there has been a change of emphasis in U.S. policy—and that we now mean business in getting the missiles out. This change must be plain enough, palpable enough, that it can surely be read by the policymakers in the Kremlin.

The watchword of this initiative must be clarity and consistency. The time is past when we can afford to confuse our friends and our adversaries by having a "soft" line emanate from the State Department and a "hard" line from the White House. This, particularly requires the personal involvement of the President.

Diplomatic efforts to secure a rollback of the missiles must come from the highest level of government. They, too, must bear the personal stamp of the President. Representations made through routine State Department channels simply lack the necessary impact—and, because of the past month's history, can too easily be misconstrued in Moscow as merely another attempt to placate Israel.

The public stance of the United States must be geared to this diplomatic effort. Our government must be publicly on record as demanding the complete withdrawal of the illegally emplaced missiles. And the Administration's public position must likewise emanate from the highest level and preferably be announced by the President himself. For credibility's sake, it simply does not do to rely on routine State Department briefings to make our position known to the world.

The initiative must be squarely aimed at Russia, not at its Egyptian client. The United States must make it known to the Soviet leadership that we regard the Soviet Union as responsible for the violation of the ceasefire.

We must also make it clear to the Soviet Union that what is at stake is not merely the temporary military balance along the Canal, nor even the entire issue of peace in the Middle East, but something very different and much more important: the trustworthiness of Soviet representations. The Soviet leadership must be reminded that by violating their pledges on the ceasefire, they diminish our ability to rely on the Soviet Union's word in other vital areas of mutual interest. This, they should be informed, includes the SALT talks and the future of Strategic Arms Control.

The Soviets should be warned, moreover, that any response short of a complete withdrawal of *all* the missiles that were illegally emplaced in the Canal Zone will be regarded by us as plainly unsatisfactory. We should *not* settle merely for a Soviet commitment to discontinue the build-up now. A freeze at current levels would consolidate the military advantage the Soviets and Egyptians have gained by violating the ceasefire. And if the Soviets and Egyptians are unwilling to abide by their original pledge, there is no rational basis for relying on new Soviet-Egyptian assurances to discontinue further escalation.

In this connection, a historical parallel is instructive. In the 1962 Cuban Missile Crisis, when President Kennedy demanded a removal of the missiles, Premier Khrushchev's first reply was to offer to freeze the missiles in Cuba at existing levels. President Kennedy ruled this out as unsatisfactory, and warned the blockade would continue until the missiles already there were actually removed. He insisted on removal, and, ultimately, obtained it. That was the right decision then. It is the right decision now.

III

While undertaking this major initiative to secure a rollback of the missiles, we must be ready to respond in the event we receive a negative Soviet reply.

Our response, in that event, must carefully be coordinated with Israel. It must be designed—to the maximum extent feasible—to offset the military advantage the Soviets and Egyptians have gained as a result of their violations.

This will require a substantial new commitment of advanced weaponry to Israel.

As early as September of last year, I urged that the United States agree to deliver to Israel the additional Phantom jets she requested. This agreement should have been made long ago.

The President has spoken in general terms about "doing what is necessary to maintain Israel's strength vis-a-vis its neighbors", and the Administration has indicated it would replace lost Phantoms, even after the currently contracted-for deliveries have been completed.

However, the Administration has hesitated to give a firm commitment for the 25 Phantoms already requested by Israel, in the hope of encouraging the Soviet Union to exercise similar restraint.

If the Soviets refuse to withdraw their missiles, it will have become clear that this hope was illusory. A commitment should then promptly be made for the delivery of the 25 Phantoms.

In addition, the United States should make available to Israel the most advanced antimissile equipment and technology, including air-to-ground missiles.

The Jackson Amendment to the Military Procurement Authorization bill, just passed by the Senate, contains broad authority to provide these arms for Israel. I wholeheartedly support the Jackson Amendment. I also voted against another amendment sponsored by Senator Fulbright, that would have had the effect of nullifying the Jackson Amendment in the event that the Military Sales Act became law.

The commitment of additional arms to Israel should be made in the form of grants or long-term credits. The economic burdens upon Israel of paying for this expensive military hardware in cash has simply become excessive. Again, this is a step I have been urging since last September.

In providing these arms, we should not delude ourselves into believing that the military balance of power has really been restored. If the Soviet missiles are not removed, Israel's adversaries will have gained a net military advantage along the Canal. All that additional arms to Israel can achieve is to limit the extent of that advantage.

Finally, we should be clear on one point. If the Soviets give a totally unsatisfactory response—if, for example, they permit the continuation of the missile build-up along the Canal—the Administration should be prepared to admit that its current peace initiative has collapsed and the ceasefire has become void. In that event, if all else fails, Israel should have the option to take appropriate military action against the Soviet-Egyptian missile sites. The Soviets should be informed in advance that this is our view.

IV

If—as I certainly hope—the Soviets give a positive response to our request for a missile pullback, the negotiations can once more be revived.

In that event, the top priority for negotiation should be the restructuring of the ceasefire into an effective truce along the Suez Canal, having enforcible guarantees.

The present ceasefire—as events so painfully have shown—requires Israel to take excessive risks for peace. It contains built-in encouragement for a Soviet-Egyptian *fait accompli*—to move missiles into the Canal Zone, and see what, if anything, the U.S. can do to secure their removal. This is because the only deterrent to such actions is Washington's word that the U.S. will not permit the built-up to occur. But Washington's word has been shown to be fragile, indeed. And even if the Administration showed more backbone, its success in preventing violations would depend upon its political leverage in Moscow.

It is therefore unrealistic to insist that Israel accept a substantial extension of the 90-day ceasefire in its present form. It will, on the other hand, take a great deal more than the current 90 days to achieve any discernible progress in the substantive negotiations, even assuming they were to resume.

Thus the initial focus of any future negotiations must be upon exploring all avenues for an *effective and enforcible truce* along the Suez. The new arrangement for the cessation of military activity along the Canal must be one which cannot unilaterally be abrogated by Egypt, and one upon which Israel can rely. Only if such a workable truce is achieved, can there be any hope for progress in the negotiations concerning the far more complex issues of territories. refugees and so forth.

Any new truce arrangement, however, must be freely negotiated by the parties. The United States could make no graver mistake than to seek to pressure Israel into accepting a new arrangement which she does not trust.

The chief requirement of any enforcible truce, is that it must effectively deter violations *before they occur*. It must create some sort of mechanism or presence that makes it difficult or dangerous for Russia or Egypt to move missiles or troops further toward the canal. It should not depend upon a pledge by the United States to act *after* the violations already occur.

If progress is made on the immediate issue of the removal of the missiles—and the prospects of negotiations are thereby improved—the parties should begin to do some hard thinking on how such a new truce might be organized.

One such proposal, which I recently discussed, is that a joint U.S.-Soviet Observer Force be formed to patrol the truce along the Canal. Provided it is *not* under U.N. supervision, is *not* imposed upon the parties, is *not* permanent, and is *not* subject to withdrawal upon the unilateral demand of Egypt, such a Force might help deter future violations before they occur. The idea admittedly has one significant drawback—notably in the sanction or recognition it may appear to give to a Soviet presence in the Mideast. It might be possible to devise some other mechanism that lacks this drawback. But the idea still deserves serious consideration.

At the moment though—while the Soviet missile build-up continues—it is premature to go into the details of new peace proposals. As I said earlier, absolute primacy must now be given to getting the missiles out of the Suez. If this succeeds, there might be some hope of peace. If not, the outlook is bleak, indeed.

V

Let me return to the horror in the Jordanian desert—the hijacked planes and their terrorized human cargo.

Some one hundred seventy innocent souls, nearly three-quarters of them citizens of our own country, sit in two mined and fused airplanes in the Jordanian wasteland—at the mercy of fanatics. In the hundred-degree heat of the desert sun, their prisons become like ovens. They have been there for four days. Today could be their last.

Their incarceration is an affront to our nation; an affront to the other nations whose hapless citizens face extinction through no fault of their own; and an affront to civilization itself.

Who has been particularly selected for this fate? Jews have—not because they are soldiers, not even because they are citizens of Israel—but simply because they are Jews.

Women and children have been released from the planes—except those who happen to have Jewish names. For them, the captors have decreed a new Nuremberg law: all who are Jews—from the youngest child to the oldest woman, from the little boy returning from a visit to his relatives in Israel to the elderly rabbi returning from a pilgrimage to his hallowed land—are subject to ransom and possible death. Their nationality has been deemed irrelevant; their innocence, irrelevant; their age or infirmities, irrelevant.

Once again, as three decades ago, we pray for the safe deliverance of those placed in mortal danger for no offense, save the names they bear and the faith they share. Psalms are now being read in synagogues around the country for Rabbi Yitzhak Hutner, Rabbi Yoneson Daviz, Rabbi Yehiel Drellman, and Rabbi Rafoel Harari and his seven small children. Prayers are being recited by many Americans who lost most of their families in the Nazi terror, and who now may lose the remaining few in the Arab terror. Though of a different faith, I join in those prayers.

I very much hope the relative absence of comment by the Administration conceals the most massive effort in quiet diplomacy to free our trapped fellow Americans. And I hope this includes exploration of every conceivable avenue of inducing their captors to see reason, including avenues which for various diplomatic reasons we normally would be reluctant to take. If, for example, there is evidence that Red China or Albania might have influence over the extremist organization which organized the hijackings, we should not hesitate to pursue any method of negotiating with these nations, however unusual or unconventional, regardless of our normal diplomatic inhibitions.

If we succeed in freeing these hostages, what steps can we then take to prevent future hijackings and international blackmail?

I think we must turn to the ultimate sanction of the boycott. Nations which intentionally harbor hijackers should be banned from international air commerce. Only that drastic step will induce them to apprehend the criminals and return the aircraft and passengers.

Until now, the only discussion of boycotts has been in the context of an international conference or agreement. The trouble with this approach is that there still is very little incentive for the parties to agree. The airlines are unwilling to lose their routes; the nations involved are unwilling to risk their alliances. Thus, despite the many hijackings of the past years, there are still no effective international sanctions.

This logjam would swiftly break were it to become evident that the greatest and wealthiest nation in the world, the United States, were about to impose a unilateral boycott. The drastic impact of such a boycott on international commerce—the disruption of routes, the risks of retaliation, in fact all the negative effects—would create precisely that incentive to effective international sanction which now is so sadly lacking. Faced with the chilling implications of unilateral action, the airlines and nations involved should swiftly agree upon an effective international method of discouraging and preventing hijacking.

To accomplish this end, I will soon introduce a bill in the Senate that invokes the unilateral boycott. The bill would prohibit any U.S. airline from servicing any nation which harbors hijackers. It also would bar landing in the United States of any foreign airline which services nations harboring hijackers.

I cannot speculate on how soon such legislation would be enacted. However, the mere existence of such a proposal in the Congress—assuming that it attracts any degree of support—will be a powerful incentive for the nations of the world to start negotiating effective international hijacking controls. And if such international agreement fails to materialize, the legislation can always be enacted.

The epidemic of air piracy must end. I believe a legislative proposal of this nature can help end it.

S. 4335

A bill to deter aircraft piracy by invoking a commercial air traffic quarantine against countries abetting aircraft piracy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Air Piracy Quarantine Act"

SEC. 2. (1) If the President shall find—

(a) that an act of aircraft piracy [as defined in subsection (6) of this section] has been committed against any commercial aircraft; and

(b) that a country has aided or abetted the act of aircraft piracy, has provided sanctuary to or has refused to apprehend (or take reasonable measures to apprehend) the individual or individuals who committed the act of aircraft piracy, or has refused to secure and return (or to take reasonable measures to secure and return) the aircraft and its passengers and crew—

he shall forthwith declare a commercial air traffic quarantine against that country. He shall notify the Congress of the quarantine; and he shall direct the Secretary of State to notify the government of the country against which the quarantine has been declared, as well as the government of any other country that maintains commercial air traffic with that country.

(2) Notwithstanding the provisions of any other law or executive agreement, if the President declares a commercial air traffic quarantine against any country (the "quarantined country"), then, within ten days after the declaration of quarantine and with due notice to the air carriers affected:

(a) the President shall revoke the rights of any air carrier of the quarantined country to land in the United States; and

(b) the President shall revoke the rights of any air carrier of the United States to land in the quarantined country.

(3) Notwithstanding the provisions of any other law or executive agreement, if the President declares a commercial air traffic quarantine against any country (the "quarantined country") and any other country maintains commercial air traffic with that country, and unless the other country within thirty days after the declaration of quarantine shall effect a similar quarantine (by revoking the rights of its air carriers to land in the quarantined country and revoking the rights of air carriers of the quarantined country to land within its borders), then, following the expiration of such thirty-day period and with due notice to the air carriers affected:

(a) the President may revoke the rights of any air carrier of such other country to land in the United States; and

(b) the President may revoke the rights of any air carrier of the United States to land in such other country.

(4) A commercial air traffic quarantine declared pursuant to this section shall remain in effect until such time as:

(a) the President recommends to the Congress that the quarantine be terminated, and the Congress approves such recommendation by joint resolution; or

(b) the President gives notice to the Congress of his intention to terminate the quarantine in the absence of objection by either House of the Congress, and fifteen calendar days of continuous session of the Congress elapses during which there has not been passed in either the Senate or the House of Representatives a resolution stating in substance that it does not approve the proposed termination of the quarantine.

(5) A commercial aircraft quarantine declared pursuant to this section shall in no event preclude any emergency landing made in order to ensure the safety of an aircraft or any of its passengers or crew.

(6) The term "aircraft piracy" means any seizure, detainment or exercise of control (or attempted seizure, detainment or exercise of control), without lawful authority, or any commercial aircraft, its passengers or crew, regardless whether or not such action constitutes a criminal offense under the laws of the United States or any other country.

(7) For purposes of paragraph (b) of subsection (4) of this section, there shall be excluded, in the computation of such fifteen-day period, the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provisions of section 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under such paragraph, except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this section to refer to a resolution of disapproval under such paragraph.

[From the New York Times, Sept. 10, 1970]

BOYCOTT NEEDED

The continuing ordeal of an augmented company of international air travelers held captive on the Jordanian desert by Palestinian desperadoes is the savage consequence of the failure of the community of nations to have acted decisively long ago on the crime of aerial hijacking.

This latest and most barbaric wave of hijackings should never have been possible if interested nations, airlines and crews had moved urgently and forcefully to strengthen security arrangements—which remain pathetically primitive—and to forge binding international agreements for dealing with hijackers and with those who abet air piracy.

We have long advocated action, now so tragically overdue, to impose boycotts on the air terminals of nations which in any way offer aid or encouragement to air piracy, and to deny landing privileges to planes of such countries. This should be done on an international basis for maximum effect and because all civilized countries have a stake in curbing this threat to their citizens' safety. Belated efforts to tighten security at airports and on planes must also be accelerated on a worldwide basis, regardless of any temporary inconvenience.

The United States should be prepared to take the lead and impose boycotts unilaterally, if necessary, as Senator Goodell and others have suggested. Failing such national or international action, the hesitant airline pilots have the right and duty to impose their own boycott in the interest of the passengers for whom they are responsible.

The immediate concern of everyone must be for the safety of the desert hostages. The appeal issued by the U.N. Security Council yesterday is a limited first step toward bringing the force of world opinion to bear against the pirates and anyone who might be tempted to condone their actions. The temptation to move at once to more forceful action is great, but where so many innocent lives are at stake diplomacy must be given every chance.

It must not be forgotten that the desperate aim of the Palestinian extremists is to wreck the revived Middle East peace talks which they have hysterically opposed. Unless this objective is frustrated, there will be diminishing security for everyone in the Middle East, and for many outside the area, for years to come.

With this larger issue in mind, it is essential that the current situation be met with restraint and the closest cooperation of all parties, including the Arab states whose vital interests are as directly threatened by the guerrilla action as are those of Israel and the rest of the civilized world.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 11, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 10, 1970:

U.S. DISTRICT COURTS

Robert H. Schnacke, of California, to be a U.S. district judge for the northern district of California vice George B. Harris, retired.

Donald W. VanArtsdalen, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania vice a new position created under public law 91–272 approved June 2, 1970.

OFFICE OF TELECOMMUNICATIONS POLICY

George Frank Mansur, Jr., of Texas, to be Deputy Director of the Office of Telecommunications Policy; new position.

HOUSE OF REPRESENTATIVES—*Thursday, September 10, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I therefore beg you to live a life worthy of the calling to which you have been called.—Ephesians 4: 1.

Eternal Father of our spirits, who in Thy word hast revealed to us the way, the truth, and the life, lead us, we pray Thee, to walk in Thy way, help us to believe Thy truth, and give us courage to live Thy life. Strengthen our hearts that in the midst of doubts within and disturbances without we may hold fast to those things we believe to be right and good for all.

Grant Thy blessing to all who work under the dome of this Capitol and to all who serve our Nation around the world. May all of us be made strong to do what ought to be done and what must be done if law and order is to prevail, if justice is to be done, and if people are to live together in peace.

In the spirit of the Master Workman we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 16968. An act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes.

PRIVILEGES OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, D.C.,
August 3, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On July 29, 1970, I was served with a subpoena by the Assistant U.S. Attorney in Baltimore, Maryland, that was issued by the U.S. District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

This subpoena commands me to appear in said U.S. District Court for the District of Maryland on the 14th day of September 1970, and requested certain House records that are outlined in the subpoena itself.

The rules and practices of the House of Representatives dictate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is presented for such action as the House in its wisdom may wish to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[U.S. District Court for the District of Maryland, No. 70-0123]

UNITED STATES OF AMERICA *v.* JOHN DOWDY, ET AL.

To: Clerk, U.S. House of Representatives, Washington, D.C.

You are hereby commanded to appear in the U.S. District Court for the District of Maryland at 421 Post Office Building, Calvert and Fayette Streets, in the city of Baltimore on the 14th day of September 1970 at 9:30 o'clock a.m. to testify in the case of *United States* v. *John Dowdy, et al.*, and bring with you all original roll call records of the U.S. House of Representatives for September 22, 1965.

This subpoena is issued upon application of the United States.

JULY 20, 1970.

BARNET D. SKOLNIK,
Assistant U.S. Attorney.
STEPHEN N. SACHS,
Special Assistant U.S. Attorney.
PAUL R. SCHLITZ,
Clerk.

The Speaker laid before the House the following communication from the Clerk of the House:

WASHINGTON, D.C.,
August 11, 1970.

The Honorable SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, the Sergeant at Arms and I were separately served with individual subpoenas by the Assistant U.S. Attorney in Baltimore, Maryland, that were issued by the U.S. District Court for the District of Maryland. These subpoenas are in connection with the case of the *United States of America* v. *John Dowdy, et al.*

These subpoenas command us to appear in said U.S. District Court for the District of Maryland on the 14th day of September 1970 and request certain House records that are outlined within the subpoenas, which are attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that such official may not supply copies of certain of the documents and papers requested without such consent.

The subpoenas in question are presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[U.S. District Court for the District of Maryland, No. 70-0123]

UNITED STATES OF AMERICA *v.* JOHN DOWDY, et al.

To Sergeant at Arms, U.S. Congress, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at 421 Post Office Building, Calvert and Fayette Streets, in the city of Baltimore on the 14th day of September 1970 at 9:30 o'clock a.m. to testify in the case of *United States* v. *John Dowdy, et al.* and bring with you copies of monthly bank statements and canceled checks pertaining to the checking account maintained by Representative John Dowdy (Sergeant at Arms checking account) during the period December 31, 1964, through August 30, 1965.

This subpoena is issued upon application of the United States.

August 6, 1970.

BARNET D. SKOLNIK,
Assistant U.S. Attorney.
STEPHEN N. SACHS,
Special Assistant U.S. Attorney.
PAUL R. SCHLITZ, *Clerk.*

[U.S. District Court for the District of Maryland, No. 70-0123]

UNITED STATES OF AMERICA *v.* JOHN DOWDY, et al.

To Clerk, U.S. House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at 421 Post Office Build-Building, Calvert and Fayette Streets, in the city of Baltimore on the 14th day of September 1970 at 9:30 o'clock a.m. to testify in the case of *United States* v. *John Dowdy, et al.* and bring with you all campaign financial reports filed by or on behalf of John Dowdy for campaign years 1966 and 1968; and any reports, of any description whatsoever, filed by or on behalf of John Dowdy, at any time, pursuant to any resolution, rule, requirement, or practice of the House of Representatives, revealing items and sources of incomes and/or net worth.

This subpoena is issued upon application of the United States.

August 6, 1970.

BARNET D. SKOLNIK,
Assistant U.S. Attorney.
STEPHEN N. SACHS,
Special Assistant U.S. Attorney.
PAUL R. SCHLITZ, *Clerk.*

The Speaker laid before the House the following communication from the Sergeant at Arms:

WASHINGTON, D.C.,
September 9, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Under a letter of August 11, 1970 the Clerk advised you of a subpoena that I received from the U.S. District Court for the District of Maryland, No. 70-0123.

I have received another subpoena covering additional dates for records in this office that I am attaching hereto.

Since the change was made by the U.S. District Court, I am advising you in this matter.

Respectfully,

ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[U.S. District Court for the District of Maryland, No. 70-0123]

UNITED STATES OF AMERICA *v.* JOHN DOWDY, et al.

To Sergeant at Arms, U.S. Congress, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at Room 421, Post Office Building, Calvert and Fayette Streets, in the city of Baltimore on the 14th day of September 1970 at 9:30 o'clock a.m. to testify in the case of *United States* v. *John Dowdy, et al.* and bring with you copies of monthly bank statements, canceled checks, and deposit tickets pertaining to the checking account maintained by Representative John Dowdy (Sergeant at Arms checking account) during the period of December 31, 1964, through the present date.

This subpoena is issued upon application of the United States.

SEPTEMBER 4, 1970.

BARNET D. SKOLNIK,
Assistant U.S. Attorney.
STEPHEN N. SACHS,
Special Assistant U.S. Attorney.
PAUL R. SCHLITZ,
Clerk.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1204

Whereas in the case of the United States of America against John Dowdy, et al. (Criminal Action No. 70-0123), pending in the United States District Court for the District of Maryland, subpenas duces tecum were issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 14th day of September 1970, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpenas duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the rele-

vancy of the papers and documents called for in the subpenas duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceedings and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1205

Whereas in the case of the United States of America against John Dowdy, et al (Criminal Action No. 70-0123), pending in the United States District Court for the District of Maryland, subpenas duces tecum were issued by the said court and addressed to Zeake W. Johnson, Jr., Sergeant at Arms of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 14th day of September, 1970, and to bring with him certain documents and papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Zeake W. Johnson, Jr., Sergeant at Arms of the House, or any other officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpenas duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpenas duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of said papers and documents; and the Sergeant at Arms is authorized to supply certified copies of such documents or papers in possession or control of said Sergeant at Arms that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Sergeant at Arms shall not be disturbed, or the same shall not be removed from their place or file or custody under the said Sergeant at Arms; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARKUP SCHEDULED ON ORGANIZED CRIME AND EXPLOSIVES BILLS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute.)

Mr. KASTENMEIER. Mr. Speaker, the continued wave of terrorist activities accentuated by recent malicious bombing in my congressional district makes it imperative that the House give antibombing legislation the highest possible priority for action.

I am delighted to advise the House that in response to my urging the chairman of the Committee on the Judiciary during the recess informed me that markup sessions are already scheduled for next Monday, Tuesday, Wednesday, and Thursday, September 14 through 17, on the Organized Crime Control Act—S. 30—and that he will propose to include in the markup the provisions of pending explosives control legislation—H.R. 16699, H.R. 17154, and H.R. 18573.

Hopefully, a meaningful and effective antiexplosives bill will be ready for a House vote before the end of the month.

A FIVE-POINT PROGRAM TO DETER INTERNATIONAL AIR PIRACY

(Mr. WOLFF asked and was given permission to address the House for 1 minute.)

Mr. WOLFF. Mr. Speaker, the circumstances surrounding the multiple hijackings by Arab terrorists makes it clear that once innocent air travelers become hostages it is most difficult to guarantee their safe return. Therefore, I believe the emphasis of our efforts must be on deterrent action to prevent hijackings.

In that connection I recommend:

First, creation of a special force of U.S. marshals who would travel as guards on all international flights of U.S. planes;

Second, installation of armor plates between cabin and cockpit of all U.S. aircraft; and the arming of all air crews on international flights;

Third, a thorough search of all passengers and baggage in international flights involving U.S. planes;

Fourth, a comprehensive inspection of all aircraft scheduled for international flights prior to the time any crew or passengers board the plane; and

Fifth, an embargo on air traffic to any country which refuses to free hijacking hostages and/or return the hijackers to the country of origin.

We must be wary of letting air piracy become a way of life and a regular tool in international relations. We must not become blase about something which so directly affects the very lives of so many people. A strong campaign of deterrence is essential and the five steps outlined above would make a major step in that direction.

PERMISSION FOR SELECT SUBCOMMITTEE ON EDUCATION TO SIT THIS AFTERNOON DURING GENERAL DEBATE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Education be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

INTERNATIONAL ACTION TO CURB SKYJACKING

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the fanatical and uncivilized acts of the Palestinian guerrillas has shocked the entire world and brought about a more universal understanding of the nature of the threat to Israel's existence as a free nation. The immediate concern is the safety of the passengers being held hostage and we must rely on behind the scene diplomatic efforts to secure their safe release.

The increasing number of skyjackings is another problem however and a long-range solution can only be found through bold and outspoken leadership at the international level. I had sponsored last year legislation, House Concurrent Resolution 340, expressing the sense of the Congress that the President should take all appropriate steps to reach an international agreement to assure extradition of any person accused of skyjacking without the safety of fleeing to a nation such as Syria which does not extradite skyjackers. There will be less temptation for those inclined to risk the lives of aircraft passengers and crew.

There has been little evidence of determined efforts by our Government in pressing for adoption of such an international agreement. For that reason I have renewed my request to the chairman of the House Committee on Foreign Affairs to schedule public hearings on the legislation which I have cosponsored. I am taking this step in the hope that congressional action will induce the President to take a stronger position and exercise leadership in calling for international action to curb skyjacking.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 289]

Alexander	Edwards, Ala.	Morton
Anderson, Calif.	Edwards, La.	Murphy, N.Y.
Anderson, Ill.	Esch	Ottinger
Anderson, Tenn.	Fallon	Pelly
Ashley	Feighan	Pepper
Aspinall	Findley	Powell
Baring	Flynt	Price, Tex.
Beall, Md.	Fountain	Pryor, Ark.
Berry	Fraser	Purcell
Blackburn	Frey	Quie
Blatnik	Friedel	Rees
Brock	Fulton, Tenn.	Reid, N.Y.
Broomfield	Gallagher	Riegle
Buchanan	Giaimo	Rivers
Burke, Fla.	Gilbert	Rogers, Colo.
Burleson, Tex.	Goldwater	Roudebush
Burton, Utah	Gubser	Rousselot
Bush	Hagan	St Germain
Button	Hall	Scherle
Cabell	Hanna	Scheuer
Carey	Hansen, Wash.	Schneebeli
Casey	Hays	Sebelius
Chappell	Hébert	Sisk
Chisholm	Hicks	Skubitz
Clancy	Hogan	Snyder
Clark	Jones, Ala.	Stephens
Clay	Jones, Tenn.	Stokes
Conyers	Keith	Stubblefield
Corman	Kuykendall	Talcott
Coughlin	Landgrebe	Thompson, Ga.
Cowger	Landrum	Tunney
Cramer	Long, La.	Van Deerlin
Culver	Lowenstein	Watson
Daddario	Lujan	Weicker
Davis, Ga.	McCarthy	Whalen
Dawson	McCulloch	White
Delaney	Macdonald, Mass.	Wiggins
Dent	Melcher	Wilson, Bob
Diggs	Meskill	Wilson, Charles H.
Dowdy	Miller, Calif.	Wold
Eckhardt	Minshall	Wyatt
	Monagan	Yatron

The SPEAKER. On this rollcall 304 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONGRATULATIONS TO PRESIDENT NIXON

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, it has been a long time since I have been able to stand here and congratulate President Nixon on any actions he may have taken concerning education.

But I stand here today to strongly congratulate him for finally releasing all of the funds which the Congress appropriated for loans to college students. This will allow thousands of additional students to attend college this fall and it will allow countless others to breathe easier in the knowledge that they will receive continued assistance. Here is a program that enables students to get aid that they must later repay so that future students may also benefit. It is not a giveaway or a handout. Rather, it is in the great American tradition. We are loaning money to students to allow them to help themselves.

While the President has taken an encouraging step, more must be done. It concerns me tremendously that we in the Congress are having to pull Mr. Nixon along when it comes to the field of education. Mr. Nixon vetoed this same appropriation bill back on August 11, reasoning, I would imagine, that it is more important to build the SST than it is to educate our young people. The Congress wisely overrode this veto.

The President then stated that he would withhold $66.1 million from the $243 appropriation. Many of us here in the Congress pleaded with him to release these funds. Finally, yesterday he agreed to go along with our request.

Mr. Speaker, I urge the President to show the people of this country that he really does believe education is high on his list of priorities and to show that he does realize that we are trying to educate the leaders of tomorrow.

EMERGENCY COMMUNITY FACILITIES ACT OF 1970

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1178 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1178

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17795) to amend title VII of the Housing and Urban Development Act of 1965. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1178 provides for consideration of H.R. 17795, which, as reported by the Committee on Banking and Currency, would increase and extend the authorization for grants to municipalities and other entities of local government throughout the Nation for the consideration of certain vital and urgently needed public facilities.

The resolution provides an open rule with 1 hour of general debate. It also provides that after the Committee of the Whole has risen and reported the bill to the House with such amendments as may have been adopted under the 5-minute rule, the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 17795 is designed to bring relief to many municipalities which today are unable to finance construction of urgently needed water and sewer facilities due to the shortage of funds for long-term borrowing. The proposed legislation would help to meet the immediate needs for such facilities to provide the basic safeguards for the health and well-being of our citizens and to check widespread pollution of our irreplaceable water resources.

The critical nature of the existing situation is statistically shown by the reported number of grant applications for water and sewer facilities which have been rejected by the Department of Housing and Urban Development since 1966 due to the lack of funds. Every State of the Union has had some of its local government grant applications for water and sewer assistance go unfunded—from a modest three for the State of Idaho to a high of 426 for New York State. Even my own State of Hawaii has had a total of 19 rejected applications for water and sewer grants. These rejected applications from throughout the country amount to a total of $2.5 billion.

H.R. 17795 would reenact the authorization for basic water and sewer facilities assistance provided for in title VII of the Housing and Urban Development Act of 1965, and would provide an additional $1 billion authorization. The time within which a community may qualify for a grant would be extended for 1 year—to October 1, 1971—and a total authorization of $1.35 billion would be available through fiscal year 1972, pending final congressional action on the fiscal year 1971 appropriations.

Mr. Speaker, an incidental but important benefit that would flow from the enactment of H.R. 17795 is the immediate boost it would give to the depressed construction industry. The essential facilities which would be provided under this legislation would lead to expanded housing construction and stem the Nation's rising rate of unemployment.

Mr. Speaker, I urge the adoption of House Resolution 1178 in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii has explained House Resolution 1178 provides for an open rule with 1 hour of debate on H.R. 17795, the Community Facilities Act of 1970.

This piece of legislation, Mr. Speaker, authorizes $1 billion to be spent, as an amendment to the Housing Act, for sewer and water grants to communities throughout the United States.

Consideration of this legislation today is not realistic, Mr. Speaker. I want to call the attention of the Members to the fact that in the housing appropriation bill recently considered by the House an amendment was offered on the floor by the gentleman from Georgia (Mr. STEPHENS) to increase the appropriation in that bill from the budget figure of $150 million to $500 million. That amendment was carried on the floor of the House by a vote of 73 to 63 on a teller vote. Subsequently President Nixon vetoed the appropriation bill for housing, and one of the main reasons as given by the President was the fact that his budget figures had been exceeded, par-

ticularly in the area of grants to communities for sewer and water projects. The House sustained the President's veto.

The Committee on Appropriations is currently working on a new appropriation bill.

At the present time there are total authorizations of $500 million for these programs. This piece of legislation, Mr. Speaker, would add $1 billion to the $500 million that we already have authorized. The President vetoed the housing bill because it was over his budget, and this House sustained the President's veto. So here we have the Committee on Banking and Currency coming in with a piece of legislation that in my judgment has very, very little chance of ever seeing the light of day as far as appropriations of additional funds are concerned. This is fiscal irresponsibility to even be considering this $1 billion authorization in view of the present circumstances.

We had a deficit this past fiscal year of $2.9 billion, and a further deficit is anticipated at the present time for the current fiscal year.

It has been charged, and stated by the administration, that the Congress is the one that is going wild on the appropriation of funds and authorizing of funds over and above the President's budget. If the House considers this bill favorably today it adds credence to the arguments of the President, and of the administration, that the Congress is irresponsible in the matter of spending money. These funds have to come from the taxpayers. The taxpayers are mighty well fed up with the spending that is going on here in Washington, and in the Congress of the United States.

This debate this afternoon on this legislation, in view of what happened on the housing appropriation bill, is an idle gesture and an exercise in futility.

I hope, Mr. Speaker, that this legislation is resoundingly rejected by the House this afternoon.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I will be happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman if it is a fact that he is not opposed to the granting of the rule itself?

Mr. MARTIN. No; I do not oppose the granting of the rule. I am opposed to the legislation, and I expect to vote against it on final passage.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for yielding.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, the gentleman I am sure is not against this bill that would provide good, clear water, and good environment, and that will prevent people from taking contaminated water out of wells.

What we have appropriated in the last bill will not do the job that lies before us. We have presently 4,300 applications waiting for consideration. We need $4 billion, not $1 billion.

I hope that the gentleman will give consideration to the health and welfare of these people in small towns and communities, which is where this money will go.

Mr. MARTIN. In answer to the gentleman's remarks, I would simply state that you have to spend money in accordance with your revenue. Sometimes you have to go without. You and I have to do it and every family in the United States sometimes has to go without things that we would like to have simply because we do not have enough money to purchase them. I think that is the case in this instance—we do not have the money to add $1 billion to this program at the present time.

Mr. Speaker, I yield back the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17795) to amend title VII of the Housing and Urban Development Act of 1965.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17795, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, millions of words have been written and recited during this Congress about the Nation's critical housing shortage and the Nation's staggering problem of pollution control. Congress has unanimously agreed that these problems can and must be eliminated. But Congress and the Nation cannot begin to approach solutions to these crises without enactment of the legislation that is before your committee.

H.R. 17795, the Emergency Community Facilities Act of 1970, would authorize an additional appropriation of $1 billion for water and sewer facility grants to communities under title VII of the Housing Act of 1965. Enactment of the bill and appropriation of funds already authorized, in addition to appropriation of the new authorization, would make a total of $1.3 billion available in sewer and water facility grant money through fiscal year 1972.

The need for passage of the Emergency Community Facilities Act of 1970 was repeatedly exemplified by testimony from expert witnesses during hearings which disclosed that there are—

Hundreds of thousands of families living in communities across the Nation where water is obtained from wells which are either in danger of being polluted or are actually being poisoned because there are no sewer facilities whatsoever;

Communities where some wells which have gone dry are now being used as septic tanks, with the result that sewage seeps into the area water table and pollutes the wells which remain in use;

Inadequate, antiquated sewer facilities in towns where sewage breaks out and runs into culverts carrying community water system pipes;

Cities where the streets are turned into rivers every time there is a heavy rain because storm sewer system facilities are completely inadequate. Resulting property losses have mounted into the hundreds of millions of dollars; and

Communities where disease has broken out because of such conditions and people have not only been made ill but, in some instances, have died.

Mr. Chairman, the local government officials who testified before the Banking and Currency Committee on this bill emphasized over and over that one of the most pressing problems facing the Nation's communities is the need for adequate water and sewer facilities. Moreover, in addition to the examples just given, they traced this unmet need to the civil unrest which has exploded in riots in some of our cities during the past 3 years. I will cite just one example:

The communities of Nellyville and Turpin Hill, which border the Augusta, Ga., city line, have no sewer facilities and water is supplied from contaminated wells. Both the city of Augusta and Richmond County have been endeavoring for some time to extend sewer and water service to these towns but could not justify the expense without Federal assistance of the kind that would be provided by this act.

After long delay, because such funds were not available, money was finally authorized to begin construction of facilities. Augusta's share of the authorization was not approved until last May and came at a time when disturbances there had reached a peak. Many of the people arrested during the riot in Augusta are residents of Nellyville and Turpin Hill who blamed the city for failing to provide the facilities they so desperately need.

That need was frequently expressed for more than a year and a half by groups of angry citizens meeting with Augusta's mayor and city council. The fact that the mayor had been trying to obtain necessary funding during much of this time and had made several trips to Washington to plead for money, held little meaning for these people. They were not concerned with the Federal Government. They held the city directly and solely responsible for intolerable living conditions.

In summing up the cause of the riot, Mayor Millard Beckum said:

> This was no athletic contest. That riot was a damned expensive price to pay for the lack of service.

This is no isolated case. Its elements comprise appalling implications for our society. Delay in meeting such fundamental needs is interpreted as lack of concern by local government and the result is deep erosion of the faith and trust

which are essential to the existence of democracy. The failure of government to answer the needs of the people can be measured by the number and intensity of riots, burning, looting, of injury and loss of life.

Mr. Chairman, I have cited these examples in an effort to illustrate the great need to provide an additional $1 billion for water and sewer facility grants which this bill would authorize through title VII of the Housing and Urban Development Act of 1965.

A study conducted by the Joint Economic Committee in 1966, the year after title VII was enacted, concluded that expenditures by local government totaling $3.5 billion a year would be required during the following 10 years to meet sewer and water facility needs throughout the Nation. This forecast turned out to be totally unrealistic in light of the national housing goals established 2 years later and because inflationary conditions since 1968 have raised construction costs at least 25 percent. New estimates place the annual investment required to meet water and sewer facility needs at $5.2 billion.

A large part of that investment must come from the Federal Government through title VII. Local governments simply do not have the tax resources to shoulder the entire burden of this and many of the other services they must provide for their residents.

Insisting that our cities and towns can get along on their own or insisting that the trickle of Federal aid presently available to them for water and sewer facilities is adequate is to abandon our housing goals, make home ownership impossible for all but the wealthy and completely reject the idea of cleaning up our polluted streams, rivers, and lakes.

Lake Orion, a community in Michigan, is a good case in point. It has been ordered by the State health department to end pollution of a nearby stream. Compliance with the order means the construction of facilities that will, on the average, cost each household in the town $5,250 in additional taxes over the life of the bonds that must be issued to raise the necessary capital. Local officials look on this demand as being virtually confiscatory but there is no other way to meet the State's order.

Multiply this situation by several hundred thousand and it is possible to begin to appreciate the overwhelming task that now confronts communities throughout the Nation.

Mr. Chairman, a moment ago I mentioned that a minimum $5.2 billion a year is needed to finance needed water and sewage facilities throughout the country. Let me compare that with the amount of money that has been made available for sewer and water grants under title VII since the program went into operation in 1966.

Grants totaling $514.6 million have been made for 1,151 projects. That is an average of $128 million a year, or less than 3 percent of the total required annual expenditure. The comparison takes on pathetic irony when it is recognized that title VII is designed to provide grants amounting to 50 percent and more of the total cost of the individual project. An authorization of $1 billion for the program is a more realistic approach to the need, but it must be admitted that even this amount of aid will be inadequate.

Another indication of the absolute necessity to increase the number and dollar amount of water and sewer facility grants is the fact that since the program began the Department of Housing and Urban Development has rejected grant applications for a total of $2.5 billion. As a result, urgently needed projects costing a total of at least $5.5 billion were never undertaken.

The volume of applications has so outweighed the amount of available funds that HUD regional offices are even discouraging communities from making applications at all. In essence this amounts to telling the people of the Nation that Congress recognized the need for water and sewer facility grants and established a program to provide them but failed to make enough money available to lift the program above the level of tokenism.

Mr. Chairman, the crushing weight of inflation and the prevailing tight-money, high-interest-rate policy being applied to the Nation's economy add still more urgency to need for the Emergency Community Facilities Act of 1970. Water and sewer facility investments cannot be delayed until more favorable conditions exist in the bond market. These expenditures simply have to be made when they are needed regardless of whether interest rates are high or low. The fact that interest rates have been at historically high levels increases the need of local governments for the kind of financial help provided under title VII and multiplies the reasons for approval of this legislation.

While we are on the subject of the economy, it should be stressed that an appropriation of $1 billion for sewer and water facility grants will have a substantial employment impact. We are all aware that unemployment is hovering around 5 percent, the highest level in 10 years, but what is not generally recognized is that unemployment in the construction industry has climbed to a depression era level of nearly 12 percent—more than twice the national average.

The Bureau of Labor Statistics has estimated that 100 jobs a year are created for each $1 million invested in public facilities—40 onsite jobs and 60 jobs in industries providing materials and services. The $1 billion authorized by H.R. 17795 translates into 100,000 onsite construction, manufacturing, and service jobs. But the entire impact of the legislation goes beyond this when the multiplier effect on the economy is considered. Studies conducted by the Joint Economic Committee and others have developed data showing that the impact of this kind of investment doubles its beneficial effect on the economy as the income it provides changes hands and is spent. As a result, the total employment impact of this authorization is not confined to construction, materials, and required services. It is double that amount and will provide 200,000 new job opportunities.

Mr. Chairman, in closing I would like to quote from a statement made by Howard Atherton, president of the Georgia Municipal Association who represented the National League of Cities at the hearings held on the Emergency Community Facilities Act of 1970:

> If the Government as a whole cannot provide for the people of this nation the most elementary service of proper waste disposal, then what claim can it make to the confidence of the citizenry? The effect is to cast serious doubt concerning the creditability of Government and its programs. It undoubtedly puzzles the citizens of Nellyville, Georgia how a nation that can land a man on the moon exposes its children to the hazards of standing sewage.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Am I correct in my understanding that practically all, if not all, the mayors and the Governors throughout the whole country are deeply interested in this legislation, and they are both Republican and Democratic mayors and Governors who have an intense interest in this legislation?

Mr. PATMAN. Yes; the gentleman is certainly correct in his statement. In this country we have 81,299 mayors who are interested in the program, and I doubt that you would find even 1 percent of them against this bill.

Mr. McCORMACK. That was my understanding, and I wanted to have the gentleman's answer to my inquiry made a part of the record.

Mr. PATMAN. That is correct.

Mr. McCORMACK. This is a very important bill.

Mr. PATMAN. It is a step in solving our pollution problem.

Mr. McCORMACK. Of course it is.

Mr. PATMAN. It is an element in the fight against pollution and is for the health of the people.

Mr. McCORMACK. And those having direct responsibility politically on the State and the city level and on other local levels are overwhelmingly, without regard to political party, in favor of the bill.

Mr. PATMAN. And it is very necessary, I will say to the distinguished Speaker of the House, that we have a strong vote in favor of the bill. It would be wonderful if the vote for the bill were unanimous, because it would let the people know that we consider this high-priority legislation, and that we feel it is very necessary. It should be on the urgent list, the "must" list. We must do something about our water and sewer situation. It is too important for us to ignore it. I do not see how any Member could really vote against it.

In this bill we are fighting not only for the health of the people but also pollution and we are fighting for environmental quality.

We are fighting for environmental quality. How can we be for environmental quality and be against a bill of

this type, in which we are attempting to appropriate only about one-quarter or one-fifth of the amount of money actually needed to solve this problem?

Mr. GROSS. Mr. Chairman will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Is it my understanding that Report No. 91–1263 is the report accompanying this bill?

Mr. PATMAN. Yes, the gentleman is correct.

Mr. GROSS. If so, where are the departmental reports?

Mr. PATMAN. I can assure the gentleman he would not find any departmental agency against it in the report.

Mr. GROSS. I would like to see it in print. Usually a report contains some evidence of what the Bureau of the Budget and other departments and agencies think of the proposal. This report is bereft of a single word.

Mr. PATMAN. That is often done but not required.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, is it not a fact, I ask the gentleman from Texas, the chairman of the committee, that on page 25 of the hearings, which are in the possession of the Members today, is the statement made by the Honorable Samuel C. Jackson, Assistant Secretary for Metropolitan Planning and Development, Department of Housing and Urban Development? Is that not a fact?

Mr. PATMAN. Yes; that is correct.

Mr. GROSS. If the gentleman will yield further, of course, hearings are not required either.

Mr. PATMAN. I do not think one could get a bill on the floor without hearings.

Mr. GROSS. The gentleman has a bill, accompanied by a report that is totally inadequate.

Mr. PATMAN. We think it is adequate for the bill, and certainly there is enough in here to indicate that the bill is in the public interest and should be adopted.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas consumed 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, this bill is on a subject that I think should have the No. 1 priority in this country. We have just marched up and down with respect to sewer and water funds when considering the Independent Offices bill. There were $350 million in appropriations contained in the bill which the President vetoed and the veto was sustained in the House of Representatives. I opposed the action of the administration at the time when I voted to override the veto. I did so because basically I feel as I have stated this has the No. 1 priority of all of the programs we have in the United States.

We talk today, and day after day, and day after day, about pollution. We say we are going to try to do all the things to cure air pollution, and water pollution, and all kinds of pollution in the United States, to assure the environmental health and the safety of our people. We cannot do anything anywhere in this country unless we have healthy American people. And they depend first and basically on water. They depend secondly on sanitary and adequate waste disposal. It is just foolish to talk about other programs as really having priority without this.

What has more priority than a drink of uncontaminated clean water? What good does it do to insure any retirement programs or to give more money for education or for cleaning up the ghettos, and so forth if we do not have clean water? What good does it do if we cannot provide the vital, necessary things that go with living?

I have differed for a number of years both with the Johnson administration and now with the Nixon administration as to the lack of priority afforded this program. I was a cosponsor of the original program. Further I have supported the enlargement and amplification of the program ever since it has been in being. To me it is of No. 1 importance, and it has been downgraded constantly in favor of other programs not immediately concerned with the health of the American people.

We have had no testimony from any community anywhere in the United States against this. It has wide acceptance. The communities of the United States want the program.

It is a program which requires participation of municipalities, because the funds are matching funds, 50 percent by the Federal Government and 50 percent by the local municipality.

I found, on investigation a couple of years ago, that there was a more than $4 billion backlog of applications for funds under this program. Efforts were made at that time to overlook the need to discourage the applications, to send them to other departments and back and forth.

HUD has, through both administrations, the Johnson and Nixon administrations, discouraged further applications, saying there is no money for them. There was money at the time, however, for nonworking programs.

It was of extreme importance that the $350 million in additional appropriations be enacted into law this year. But that is water over the dam. Why should we have another billion dollars of authorization, when we cannot get the $350 million through the Appropriations Committee and the House to cover the existing authorizations?

I believe there is no real understanding of the problem, of the nature of the problem and the urgency of the problem. The fact is that one cannot overnight go in to clean up our water. But you can and should start the Boy Scouts and Girl Scouts, God bless them, and members of the committees, to go out and clean up a brook personally, and do other similar things. They can have all kinds of publicity. They can make us think we are making great progress on pollution while we continue to actively pollute our water and to encourage active pollution by our failure to meet the growing needs and the urgent needs which presently exist.

I certainly believe we should pass this bill, and that we should support use of the unused authorization. We should give additional time for the appropriations committee to use up that authorization. Also, we should make available the additional billion dollars to cover applications that are there and can be substantiated as needed and which will really be approved.

To me this is a bill which is very valid, very critical, and should have the support of al Members of the House regardless of party.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in enthusiastic support of H.R. 17795, the Emergency Community Facilities Act of 1970. This bill provides for an additional authorization of $1 billion and reenacts the balance of the authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965. The bill would also extend for 1 year until October 1, 1971, the time within which a community may qualify for a basic water and sewer facilities grant, even though its program for an areawide system though under preparation has not been completed.

We all know that many of our communities are unable to finance the construction of urgently needed public facilities and that there is an immediate need for such facilities to provide the basic safeguards for the health and well-being of our citizens. I believe that this bill is another step toward making our environment more livable by checking the widespread water pollution problem and providing better means for waste disposal systems. The harmful inflation which this country is suffering from and the tight-money, high-interest-rate policy being applied to the economy by President Nixon add to the urgent need for the Emergency Community Facilities Act of 1970. Water and sewer facilities cannot be delayed by local communities until more favorable conditions exist in the bond market. These expenditures have to be made regardless of whether interest rates are high or low. Another important aspect that must be stressed regarding this bill is that an appropriation of the full $1 billion being authorized for this program will have a substantial employment impact. The unemployment rate is presently at 5.1 percent and will probably go higher in the next few months. What is not generally known is that unemployment in the construction industry has climbed to nearly 12 percent, twice the national average. The Bureau of Labor Statistics has estimated that 100 jobs a year are created for each $1 million invested in public facilities, 40 onsite jobs and 60 jobs in industries providing materials and services. The $1 billion authorized in this bill translates into 100,000 onsite construction, manufactur-

ing, and service jobs. The impact of this kind of investment doubles its beneficial effect on the economy as the income it provides changes hands and is spent.

At the present time, there are on application with the Department of Housing and Urban Development 4,300 applications for water and sewer grants, representing $2.5 billion in grant requests. Since grants under this program are 50 percent Federal grants and 50 percent local contribution, total project costs pending in applications add up to approximately $5½ billion. This program has turned out to be probably the most popular program administered by the Department of Housing and Urban Development. It is a program which essentially benefits our smaller communities.

I have enthusiastically endorsed the water and sewer grant program since it was enacted in 1965. Although the program does not directly benefit my city of Philadelphia, it does provide much needed Federal assistance to our medium-size and smaller cities. Local government officials have stated that one of their most pressing problems is the need for adequate water and sewer facilities. A number of witnesses before our committee stated that the unmet need for water and sewer facilities caused civil unrest in some cities during the past 3 years. How can we expect people to be satisfied with life when no sewer facilities or water is supplied to them or the water that is being supplied comes from contaminated wells. Recent estimates that were made regarding expenditures by local governments to meet sewer and water facility needs throughout the country for the next 10 years totaled almost $5.2 billion. A large part of that figure must come from the Federal Government through title VII of the 1965 Housing Act.

We all know that local governments do not have tax resources to bear this entire burden. Up until now, Federal assistance for water and sewer facilities has only amounted to $514.6 million for 1,151 projects through the country. These figures represent all the funds that have been made available over the past 5 years. This is an average of $128 million a year or less than 3 percent of the total required annual expenditure. The authorization in this bill is a realistic approach to the need but it must be admitted that even this amount will be inadequate.

As I mentioned earlier regarding the figures of pending applications, the volume of these applications has so outweighed the amount of available funds that HUD regional offices are discouraging communities from making any applications at all. What this means to the people of our country is that Congress recognizes the need for water and sewer facilities grants, but has failed to make the money available.

Mr. Chairman, I urge the adoption of this bill.

Mr. WIDNALL. I thank the gentleman. I now yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to associate myself also with the remarks of the gentleman from New Jersey (Mr. WIDNALL).

I think his statement is one of the most objective and articulate, on the question of water and sewage community facility requirements, presented during the course of this debate.

I have long supported this type of program that helps smaller communities, with a very limited financial capability, to develop badly needed water and sewage systems in order to avoid health problems to resolve pollution problems and to permit these areas to move toward enhancing their environment and their economic opportunities.

Further, it tends to tie in with the "reverse migration—rural revitalization and diversification" concept that I have been attempting to advance for a number of years.

Mr. WIDNALL. Mr. Chairman, I now yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with and greatly commend the gentleman from New Jersey (Mr. WIDNALL), the ranking minority member of the Committee on Banking and Currency, for his leadership in support of this bill and his very forthright statement. Even if we are unable to use all of the funds that would be authorized in this act, at the very least, we should give its passage strong support as a measure of the urgency to clean up the municipal waste problem of the Nation. We must press forward with all diligence with both research and implementation of the plans for the treatment plants needed to clean up the water of our Nation.

Mr. WIDNALL. I thank the gentleman for his remarks.

I now yield to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. I thank the gentleman for yielding.

I want to compliment the gentleman on his remarks and be associated with him. Your county, Bergen, had one of the greatest growths in America after World War II. You saw a lot of building there, with the population doubling. My county has tripled in population since World War II. We will increase another 200,000 people in 10 years. We have raised the standards for sewer and water. Our people cannot build as they did in 1947 and 1948 with cesspools. We cannot build any more with wells in the backyard as half of the people did after World War II. We need this bill more than anything, just as you have stated. We cannot proceed with building homes any more until our municipalities provide the public water, sewers, and sewage disposal plants that are necessary. I hope that your words will be heard by the Members of this House and that this bill will pass by a large vote. This is what our section needs more than anything else in my judgment. Our greatest need is housing, and the builders cannot get approval because the water supply and sewers are not built.

Mr. WIDNALL. I thank the gentleman.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. DENNIS. I am sure that the objectives of this bill are everything that the gentleman says. I just want to ask one question. In view of the veto which was sustained of the $350 million appropriation, does the gentleman think there is really any realistic chance that an additional $1 billion will actually be appropriated at this time?

Mr. WIDNALL. Very honestly I do not think that the extra $1 billion will be appropriate at this time but I think it is very well to get it on the record as something available. It is also something that is urgent. We should have the additional authorization there so that we can bring the pressures necessary to get that appropriation. We all know that you cannot develop a program and get moneys allocated to it until we bring realistically into the hands of our Government and those administering the programs the urgent need. This bill is an expression of urgent need because of the fact that there are so many hundreds of millions of dollars in pending applications and applications that will be there almost overnight in order to take care of this situation.

Mr. DENNIS. Mr. Chairman, will the gentleman yield for one further question?

Mr. WIDNALL. I yield to the gentleman.

Mr. DENNIS. Mr. Chairman, it would follow then that if there is no actual appropriation at this time then the construction, and so on, which the gentlemen have referred to here can hardly proceed without actual appropriation of money; is that not true?

Mr. WIDNALL. That is true. It is also true that while the $350 million that was vetoed is necessary, I think this bill is needed in order to provide the further assurance of obtaining the funds to take care of the $350 million in pending authorization. I do not think there is any question about the fact that Congress has to show what it actually feels about this. I am a little bit sick and tired of placing everything on a Bureau of the Budget basis. We have some very, very urgent requirements for our country. I know that inflation presses. I voted for some of the bills trying to cut the budget in order to restore more fiscal responsibility to the Congress and to the Government. I am willing to do it again, to increase my efforts in this area. However, I just fervently believe in this program, and have great faith in it. I think it can do more than any other program to attack at the grass roots the problem of the health of the people of America.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is supporting a bill that would provide for an expenditure of $1 billion. I do not know where it is proposed to get the money. Is the gentleman from New Jersey suggesting a tax increase?

Mr. WIDNALL. May I suggest this to the gentleman from Iowa: that we are going to be faced, I believe, with a tax

increase if we are going to do the things that are being called for now, and if we are to meet some of the problems caused by the big deficit in Government. It is an increasing deficit and needs to be eliminated.

Mr. GROSS. Does not the gentleman think that a tax increase ought to come before the authorization of a billion dollars, for this or any other purpose, under the fiscal situation that exists? I am opposed to the bill and therefore I would not support a tax increase to provide the funds, but the spenders ought to provide the revenue.

Mr. WIDNALL. I think the recommendation for it should come from the administration.

Mr. WIDNALL. Mr. Chairman, I have one request for time.

I would like to know what the situation on the other side of the aisle is.

Mr. PATMAN. Mr. Chairman, I suggest that the gentleman from New Jersey use the time, because I do not know of but one other who seeks time.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, Congress is back in session, and the stock market is down. This bill represents one of the reasons why, in my opinion. I think it is ludicrous; it makes a mockery of the whole budget authorization-appropriation process. I do not think Congress is getting the message.

The people in my district think that inflation is the No. 1 problem facing the Nation today, and I feel the same way.

It is my belief that the continuing erosion of the national economy because of inflation has become the most critical of our Nation's problems, and that in fact until the inflationary trend is halted the solution of other pressing problems could not adequately be solved.

There are many domestic problems that are demanding solution today, such as in the field of sewerage, in the fields of education, welfare, health, housing, transportation, manpower development and training, urban rehabilitation, and other matters in the transition from a wartime to a peacetime economy.

But the solution of these problems takes mountainous sums of money, even in an unheated economy, and, in times of inflation, these sums spiral upward to staggering levels. The factor of inflation causes the solution of these problems to cost more money and requires increases in the appropriations and increases inflation further, thus creating an unending vicious cycle.

I wrote some dissenting views in the report accompanying this bill which I call to your attention.

The House has already appropriated $500 million for sewage treatment facilities under section 702 of the Housing and Urban Development Act of 1965. This is $350 million above the budget request. Now we are here today ready to authorize an additional $1 billion on top of that.

We are told that the $1 billion cannot be feasibly used. Of course, we should build additional sewers, and I am in favor of that. I suppose if we had $5 billion or even $10 billion, we could put it into sewer facilities. But I wonder whatever happened to the method of financing sewers by general obligation bonds at the local level. That is the way we finance sewer construction in the city of Columbus, Ohio.

Is the Federal Government to build all the sewers across the country? Is that what this is intended to say? It seems the Appropriations Committee has already said there is no additional $1 billion.

So I think on the basis of these reasons that this bill should be defeated today as being inflationary and as not being realistic.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, failure to authorize this appropriation will be a clear demonstration to the entire country that this Congress is unwilling to meet an urgent, fudamental national need.

The money which this bill will provide is absolutely essential to safeguard the health of millions of people in thousands of communities across this Nation. Moreover, the national housing goals established 2 years ago by most of the people who are Members of this Congress cannot be met unless this measure is approved. Any concern that Congress may voice about pollution of our environment is nothing less than hollow statement without adoption of the Emergency Community Facilities Act of 1970.

Hearings held by the Banking and Currency Committee disclosed numerous instances where completely inadequate or nonexistent community sewer and water facilities pose an enormous threat to the health of residents. Representatives of the National Association of Counties presented the committee with the names and addresses of people who were made severely ill by disease contracted in locations where water systems had become polluted, where raw sewage was running on the ground where children walked and played, where water mains are located in ditches used to drain off sewage.

The examples cited by these officials did not begin to describe the completely inadequate conditions that prevail in community after community across the Nation.

As a matter of fact, we do not have to go far from this Chamber to find some first-hand examples. I am sure most of the Members present are familiar with news reports during recent months about delays in housing construction in the Washington area because of inadequate sewer facilities. Court and local government officials have had to tell homebuilders and homebuyers that houses cannot be constructed or, if constructed, cannot be occupied, because lack of sewer facilities creates a public menace. And this, I am afraid, is only the beginning of what is likely to become a problem of epidemic proportions.

How can the Nation possibly achieve a housing goal of 26 million new and rehabilitated dwelling units in 10 years when housing construction is held up before we even begin work to obtain a decent home and suitable living environment for all the people of the Nation?

These conditions are made even more appalling in a Nation which is unhesitatingly willing to spend billions for space explorations and millions to develop a supersonic transport plane for the benefit of the commercial airline industry. How can we possibly agree to do this when there are more than 30,000 communities without water systems and more than 40,000 without sewer systems in the country?

The failure to meet the essential need for adequate water and sewer facilities has been a national horror story for years. A 1966 joint economic committee study concluded that $20 billion would be needed for community water facilities alone during the 10-year period ending in 1975 and an additional $17.5 billion would be needed for sanitary sewer facilities during the same time. It should be noted that these projections, at the time they were made a few years ago, were described as conservative. They are even more so now.

To that projection should be added the fact that, since 1966, the Department of Housing and Urban Development has turned away applications for sewer and water facility grants totaling $2.5 billion. During this period the Department has approved grants averaging $150 million a year—a less than token effort to meet the problem.

There has been some criticism leveled at HUD in this regard. Questions have been raised about the Department's practice of actually discouraging communities from making application for grants and of holding up the release of funds for communities that have been approved. Be that as it may, the overriding problem centers on the fact that Congress and the administration have failed to provide anything approaching an adequate level of funds regardless of HUD's attitude and conduct. It is ironic to criticize HUD for failure to act when we have not provided it with the financial tools to begin doing the job. Moreover, the $1 billion authorized by this measure is going to satisfy the need. Viewed realistically, it is a slow start, but a start nevertheless.

During recent months—primarily, I think, because this is an election year—many voices have been raised to call for a cutback in all Federal spending. I would ask these people to talk with the local officials of their constituencies and ask them whether these communities can provide themselves with critically needed public facilities solely out of their own tax resources. The answer in every case would be an unequivocal "No."

Representatives of the Nation's counties and cities appearing before the Banking and Currency Committee were quick to point out that the cost of financing new sewer and water system facilities in rapidly expanding urban areas is reaching the point of pricing people out of home ownership. Examples were given

to show that the additional burden imposed on local residents to pay for the bonds required to provide funds for such facilities adds up to thousands of dollars more in taxes for each household in these communities. The result is that existing facilities are inadequate and in a rapid state of decline, and that needed new facilities are not being provided.

It is true that the inability of communities to finance public facilities has stemmed in part during the last year from the high interest-tight money conditions which are strangling the Nation's economy. City after city found itself unable to market public facility bond issues because the maximum interest rate permitted for these obligations was not competitive with the yields of other types of securities. A return to rational monetary policies that provide the climate for reasonable interest rates will help to ease the problem for State and local governments. But it will by no means solve it. The tax resources of local communities are simply inadequate to meet all of the required public services that must be provided for our urban society. The funds must come from the Federal level, and to deny this is simply to ignore the need.

Let us take the opposite course. Let us recognize that the Emergency Community Facilities Act of 1970 represents an opportunity for this Congress to begin the work of establishing national priorities for the Nation's domestic needs. In this context nothing is more basic or urgently needed than adequate water and sewer facilities. We must not—we cannot—fail to make this admission and live up to our responsibility to the people of this Nation—to the people who have elected us as their representatives.

Mr. Chairman, let us, as we wind up, ask ourselves a few questions about the measure before us.

Is there a problem with our environment, with pollution, with water, and with sewers? Everybody knows the answer to that in this, the first year of the environmental decade. Pollution is a national disgrace.

What shall it profit a community to have the best waste water treatment plant in the world if it does not have the sewer system capable of transporting the waste down to that plant without spilling those wastes all over the landscape? That is what is happening now.

What good does it do for a community to attempt to build new homes for moderate income people, if it does not have the means of bringing them a pure and healthful water supply?

The next question is: Is this $1 billion authorization needed?

Well, right on page 4 of the committee report is a statement furnished by the administration which shows that there are $5.5 billion worth of current local applications pending. Here we are asking for only a $1 billion authorization. More, that $5.5 billion does not scratch the surface because so many communities have been discouraged by the fumbling of two administrations from ever even presenting their applications.

Then it is asked—where is the money to come from? I say that the money must come from reordering our priorities.

If this administration thinks it is worth $900 million to bail out the banks in the Penn Central Railroad fiasco; if this administration thinks it is worth $1.3 billion of the taxpayers' money to build a supersonic transport plane; if this administration feels that we must spend $70 billion plus on the military in this fiscal year; then, I say that surely we can find, by reordering priorities, the wherewithal to authorize $1 billion for essential water and sewers.

It is said, finally, we are not assumed that there will be an appropriation.

Well, we heard that same sad story when we were about to appropriate an entirely inadequate $214 million last year for sewage disposal plants, and now this year I am delighted that the appropriation is almost 5 times that—close to $1 billion.

So I say that the stock market may have gone down today. I have not looked at the tape. But if this House will say this afternoon, in a resounding voice, that it wants to reorder priorities, that it wants to get away from the foolishness, and instead spend our money for the good of all the people, by authorizing $1 billion for water and sewers, then I confidently expect the stock market to go up tomorrow.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New Jersey.

Mr. PATTEN. I thank the gentleman. Our friend from Ohio seemed to think that it was novel for the Federal Government to help construct sewers. I became mayor of my municipality in 1934. The first contract I signed was a PWA grant of 45 percent for a million-dollar sewer facility in our community.

Ten years ago the Economic Council of the Federal Government recommended that we proceed in this way. We are telling the municipalities to stop building cesspools, stop using well water, for sanitary reasons. We cannot now proceed the way we did in the past, when men would go out and, with their own muscles, build their own homes. Today we have to have architects. Today we have to meet all kinds of regulations. We have higher standards.

In my district there are people who want to build homes but who are not allowed to do so under existing laws because the municipalities do not have sewers and public water connections. This is the number 1 problem.

Inflation was mentioned. In my district there are many young couples getting married who cannot find a place to live under $190 a month, and there are old people who are having their houses sold out from them and they have no place to go. The greatest inflation is in the housing field, and the only way to cure it is to build another 2 or 3 million homes.

Mr. REUSS. I agree with the gentleman that it is essentially a question of homeownership, the homeowners of this country are going to demand clean water and a decent sanitary system. As it is now, if you have to pay for it out of local real estate taxes on the homeowner in order to save your home you are going to ruin your home by endlessly extending the local property tax. There must be help from higher levels of government, and this bill will do it.

Mr. WIDNALL. Mr. Chairman, I find there is a Member on our side who would like an allocation of time. I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I am one of the members of the Banking and Currency Committee who voted this bill out of committee. We voted this bill out of committee in June, and I can tell you that circumstances have certainly changed since then. When we voted this bill out of committee, we thought we had a balanced budget. We did not know what we know today, that our deficit for the fiscal year 1971 could easily run to $15 billion.

In addition to that, we passed the Independent Offices and HUD bill at a figure of over a half billion over the budget. For this reason I voted against that appropriation bill and I voted to sustain the President's veto. That appropriation bill contained $500 million to eliminate water pollution.

Today, we are considering adding another half billion dollars to the deficit which this Nation faces. I know from some of the comments that I have heard made here on the floor this afternoon that some people do not understand what it means to construct adequate sewage treatment plants or adequate water facilities.

I can tell you that over this country municipalities have banded together and have floated the general obligation bond issues that the gentleman from Ohio (Mr. WYLIE) mentioned. They built the interceptor lines so the pollutants are not scattered all over the countryside. They have built adequate sanitary sewage treatment plants, and they are paying for them by user charges, not by increasing the real estate tax. The user charge is a sewer rent paid on a yearly basis by families, businesses, and other users. This sewer rent is not so high that it is difficult for anyone to pay.

In addition to that, municipalities all over this country have banded together and built water treatment plants, and they are supplying the people in their municipalities with clean water. They are doing this by charging a monthly charge or a yearly charge for water. This is the way this really should be handled.

The State and local and municipal governments have just as much responsibility in the field of pollution control as the Federal Government has. This year we have the highest budget in our history, $200.8 billion, and we are facing a $15 billion deficit by overspending. I believe we should leave this matter with the Appropriations Committee, which is right now rewriting the Independent Offices and HUD bill and see what they come back with. Then let us support the appropriation bill as long as it contains a reasonable sum of money to help municipalities accomplish the job of eliminating pollution as far as sanitary sewerage and water are concerned.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, the gentleman from New Jersey said I implied the idea of financing sewers by Federal money was novel. I did not mean to imply that, and I know the Federal Government has financed many sewer projects. The novelty of it is that, by this bill, we are suggesting the Federal Government finance all sewer projects all over the country.

The gentleman from Pennsylvania (Mr. WILLIAMS) has touched on that. In connection with the statement of the gentleman from Wisconsin, who suggests we should reorder priorities, I could not agree more with that and that we should build more sewer projects. Congress fixes priorities. However, I have decided from listening to witnesses before the Banking and Currency Committee that to reorder priorities means, "let us get more for our crowd." I say we should begin to live within our income.

Mr. WILLIAMS. I agree with the comments of the gentleman from Ohio. As far as the $1.3 billion for the SST is concerned, as soon as these planes start to sell, the Federal Government will get their money back.

As far as reordering priorities, we can have the same argument every time anything comes up. As far as the gentleman from New Jersey, my esteemed colleague, (Mr. PATTEN), is concerned, I would like to say some of the municipalities in my district, which are above moderate income, have not faced up to this problem soon enough, but now they are facing up to it and they are facing up to this responsibility which is theirs.

Also, the Federal Government now owes so much money that the annual interest payment on the money we owe will reach $30 billion by 1973. Think of the amount of good that could be accomplished by this $30 billion that will be taken from our taxpayers to pay for the fiscal irresponsibility that is Federal deficit spending.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I want to tell the gentleman from Pennsylvania his district and mine are contiguous, and Pennsylvania alone has 317 applications in for water and sewer grants, amounting to $185 million. The gentleman certainly wants to help these people, I am sure. We have upstate many little towns where there is contaminated water, and it is coming down and children in Delaware and Philadelphia are poisoned.

Mr. WILLIAMS. The gentleman and I both know that Pennsylvania many years ago, in the 1940's, passed the Pennsylvania Clean Streams Act. The gentleman knows that the water quality in Pennsylvania, in general, has been improved tremendously since then. I say to the gentleman that many of these municipalities which have applications in for Federal grants today should have moved much sooner, and they can perform and construct these projects if they get a 25-percent grant from the Federal Government instead of a 50-percent grant.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MICHEL) such time as he may consume.

Mr. MICHEL. Mr. Chairman, I have got to take this time to say that the popular thing to do here again this afternoon is talk about the need for spending another billion dollars to help clean up the environment. The gentleman from Pennsylvania (Mr. BARRETT) a few moments ago made mention of the number of water and sewer grant applications that were submitted by the State of Pennsylvania and of course that could be said over and over again for every State in the Union.

If we at the Federal level hold out the prospect that the well will never run dry and that all one needs to do to fill a local need is file an application for Federal funding, you are going to get completely submerged with applications. This is nothing unique. We see it in every kind of federally funded program from A to Z.

It is difficult for one to take the floor of the House in opposition to a measure that has such a laudable purpose as cleaning up our rivers and streams, but someone has got to raise the question about the amount of tax dollars involved.

We have already tripled funds this year for water and sewer grants and now we are being asked to authorize another billion dollars even though it was obvious that when the House sustained the President's veto on the independent offices appropriation bill, one major concern was the $350 million which was added to the $150 million to help small towns and communities build water and sewer systems.

In reading the hearings on this measure, I find that one State alone, Georgia, is asking for $147 million more than is now available to it for water and sewer construction. If we multiply this figure times the 50 States, we come up with something over $7 billion, half of which would be expected to come from the Federal Government. These are astronomical figures we are talking about and the end is not in sight.

As members of the committee indicated in their dissenting views on this legislation, our Appropriations Committee is not about to come up with an additional $1 billion this year. And I am personally getting a little sick and tired of our blindly going along in support of these authorizing pieces of legislation at exorbitantly high figures and then being pressured by the lobbying groups for full funding of those authorized levels.

I am going to vote against this piece of legislation not because I am opposed to Federal assistance to local communities for building sewers and waste treatment plants, but simply because we are talking about too much money at this time for this particular piece of legislation, and some of us have to be giving more than simple lipservice in support of the President's all-out effort to stem the tide of inflation. This is another one of those occasions when we should say no to an additional $1 billion of spending although I have no illusions that what I say here is going to be heeded by too many Members.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I want to commend the Banking and Currency Committee for reporting out what I consider to be a major piece of legislation. The Emergency Community Facilities Act recognizes that there is an immediate need for public facilities in order to provide basic safeguards for the health and well-being of the residents of our smaller communities is a manifestation, Mr. Chairman, of the awareness of this Congress of the tremendous problems facing our rural areas.

I testified before both the House Subcommittee on Agricultural Appropriations and the Senate Subcommittee on Agricultural Appropriations about the terrible financial bind facing rural towns and areas. These local areas must have financing to assist them in their efforts to improve the environment.

This is not a specious argument. I want to call to your attention a survey made by the Farmers Home Administration in December 1969 to determine the need of the communities of 5,500 and less population for water and sewer systems in the rural areas. The survey reveals that a total of $11 trillion will be required to improve and/or provide adequate water and sewer systems in our rural areas. These costs are estimated on the basis of the 1969 dollar, however, and experience has shown that costs for such construction rise at a rate of about 10 percent a year.

Now the bill before us today, H.R. 17795, brings to the forefront the need to check widespread water pollution as well as provide an effective and practical method of combating rising unemployment. It further provides an additional $1 billion authorization for basic water and sewer facilities. And it extends for a year the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an areawide system, though under preparation, has not been completed. This measure specifically deals with the title VII of the Housing and Urban Development Act of 1965 under which communities of more than 5,500 persons would be affected.

As an idea of the problem which exists in my State of Illinois, Clarence W. Klassen, chief sanitary engineer for the State of Illinois, has projected that for the next 10 years, Illinois will need $1,241,782,000 to provide and adequate water supply to its population by 1980. The 10-year needs for waste treatment amount to $2,300,000,000. And the 10-year needs for sewers is $1,800,000,000. This is a total of $5.3 billion over 10 years.

I insert data prepared from Mr. Klassen's figures, as follows:

STATE OF ILLINOIS

Total dollar projected needs for period 1970 to 1980

A. WATER SUPPLY

Source	$186,301,000
Treatment	474,326,000
Distribution	355,007,000
Miscellaneous	226,148,000
Total	1,241,782,000

Notes: Miscellaneous included mechanical pumps and other equipment. Water supply needs projected are for public systems serving 10 or more housing or building units and are based uopn a 10-percent per-year increase in construction costs (equipment, labor, et cetera).

B. WASTE TREATMENT

To enlarge and construct new treatment facilities to serve increased population and to serve property not now served or connected: Total, $2,300,000,000.

C. SEWERS

Not including the proposed shore plan for the Chicago Sanitary District, needs for sewers to collect waste are: Total, $1,800,000,000.

Total dollar projected needs to meet 1972 water quality standards

For 675 municipalities in Illinois: $350,000,000 to upgrade plants.

Localities total dollar projected needs 1970 to 1980

Water supply needs for Rock Island County:	
Source	$2,432,000
Treatment	6,188,000
Distribution	4,636,000
Miscellaneous	2,945,000
Total	16,201,000
Water supply needs for city of Peoria:	
Source	4,802,000
Treatment	12,153,000
Distribution	9,107,000
Miscellaneous	5,799,000
Total	31,861,000

Mr. PHILBIN. Mr. Chairman, this bill is truly an emergency bill. It is designed to provide funds for construction of urgently needed public facilities to safeguard the health and well-being of our citizens, to check widespread pollution, and to find an effective method to combat rising unemployment in the Nation which is increasing in many places at an alarming rate, and to provide more funds for urgently needed water and sewer facilities.

All these things are fine and in keeping with vital national goals and priorities.

But this bill is all too little to meet current needs of a most compelling nature. There are over $5 billion worth of applications pending for these major, urgent needs. But this bill provides only for $1 billion for these urgent purposes, or only about one-fifth of the number of pending applications, indeed even less, because there are other applications coming in every day.

While the bill will be helpful, it does not go nearly as far as required to meet a great many accumulated needs that must be met if we are to relieve intolerable conditions in our community life, and absorb some of the rapidly mounting unemployment that is ominously appearing in many places throughout the country.

While I commend the committee for bringing this bill to the floor, the need for a larger program is very great, and I urge that immediate consideration be given to increase the funds necessary to make an effective broadside attack upon a set of alarming national problems that must be tackled in a much broader and larger way, if we are to avoid many dangers and growing problems relating to the health, well-being and general welfare and safety of the American people.

We cannot, we must not stand by while unemployment gets higher and higher. We must act now before it is too late to bring timely relief in these crucial areas, whether they relate to urgent social problems, or the flood of cheap, foreign imports that are closing our factories.

It is the duty of this Congress to stay with these grave problems until they are solved. If we delay overall relief and action now, we will merely insure the certain development of much worse conditions and dangers than those which confront us today.

Mr. HALPERN. Mr. Chairman, I wish to voice my wholehearted support for H.R. 17795, the Emergency Community Facilities Act of 1970. The purpose of this vital legislation is to meet a pressing problem facing many of our communities, both urban and rural; namely, the inability to finance urgently needed water, and sewer facilities. Such facilities are needed to provide basic safeguards for the health of these communities. They are needed to purify water and to decontaminate sewage. They are needed to guarantee the public health standards which our citizens require and demand. These facilities are a major factor in the fight against pollution. Pollution has killed the fish in many of our lakes and streams and has made many unfit for swimming and other recreation. It is essential to clean up America's lakes and waterways. The sewage facilities which would be built under the Emergency Community Facilities Act of 1970 would be one step along the road to cleaner streams and lakes.

The basic water and sewer facilities provided under the Emergency Community Facilities Act of 1970 will not just fight pollution. They can also help in the current economic downturn by providing needed jobs in construction and the other skills necessary to build water and sewer facilities. The completed projects may help attract industry to those communities which presently lack the water and sewer facilities necessary for large scale manufacturing. Such facilities cannot guarantee that factories will be built, but their presence will enable these towns to vie in the keen competition for new industry.

The Emergency Community Facilities Act of 1970 would provide these additional sewer and water facilities by authorizing $1 billion for grants under the public water and sewer facilities program operated by the Department of Housing and Urban Development.

This program is authorized under section 702 of the Housing and Urban Development Act of 1965. Its purpose is to help communities construct water and sewer facilities in order to promote orderly and efficient areawide community growth and development. The program provides grants of up to 50 percent for land and construction costs for new water and sewer facilities. In some cases, a grant may be up to 90 percent of land and construction costs if the community has less than 10,000 people.

Grants under the program can be made to any town, city, county, Indian tribe or public instrumentality. These broad eligibility standards make it possible for any community which needs to construct new sewer or water facilities to share in the $1 billion authorization contained in H.R. 17795, the Emergency Community Facilities Act of 1970.

This proposed legislation is of vital importance, and I strongly urge that you support it. The effects of this legislation will be felt in many areas that are of vital importance to Americans. It will help provide pure drinking water. It will help to make our streams as pure and clean as they were when our forefathers first settled this country. The Emergency Community Facilities Act of 1970 will provide jobs for the unemployed. It will provide the facilities needed to attract industry to those rural small town communities which currently are losing population and vigor because they cannot provide the jobs necessary to retain their youth.

These are all vital needs. I urge your full support for H.R. 17795, the Emergency Community Facilities Act of 1970.

Mr. MINISH. Mr. Chairman, I rise in support of the Emergency Community Facilities Act of 1970. This legislation authorizes an additional $1 billion in fiscal 1971 for water and sewer facility grants to check widespread water pollution and to alleviate high unemployment.

The administration requested only $150 million for this vital program. The Congress raised the amount to $500 million in the HUD-Independent Offices appropriations bill. Even the latter sum, however, greatly understates the needs of local communities for funds to combat pollution. Since 1966, the Department of Housing and Urban Development has rejected approximately $2.5 billion in applications for water and sewer facilities grants. In New Jersey alone, 163 applications for $92.5 million have been returned to localities because of a lack of Federal funds.

This measure, if enacted, will have a substantial and beneficial impact on the Nation's deteriorating economy by providing needed employment opportunities in the depressed construction industry. During the past 8 months, the unemployed rate in the country has risen from 3.5 to 5.1 percent. Unemployment in the construction industry, however, has reached a level of approximately 12 percent, more than twice the national average.

Mr. Chairman, as an important step to help thousands of Americans without work and to halt water pollution, I strongly urge passage of H.R. 17795, the Community Facilities Act of 1970.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill, H.R. 17795, the Emergency Community Facilities Act of 1970, will be promptly and overwhelmingly approved.

In my conviction, there are three very self-evident and imperative basic reasons that eminently justify the approval of this measure. First, there is an immediate and essential need of the water and sewer facilities that this bill would provide in order to safeguard the health and well-being of our citizens and contain the ever-spreading danger of water pollution; second, the evidence of record is strikingly clear that the already overburdened taxpayers in the great majority of our Nation's communities are totally unable to further finance the construction of these urgently required public facilities; and, third, the enactment of this bill, with the public facility construction projected, would provide an effective and practical method of combatting the alarming increase in unemployment.

Mr. Chairman, the Congress has, indeed, passed, over these last few years, a good many worthy measures designed to stop the present and prevent the future senseless pollution of our surroundings, including the Water Pollution Control Act of 1961, the Water Resources Planning Act of 1965, the Solid Waste Act of 1965, the Clean Water Restoration Act of 1966, the Water Quality Improvement Act of 1970, and several others. However, without sufficient money to implement the provisions of these and other measures, their well-meant designs and objectives cannot possibly be realized. That is why, Mr. Chairman, that throughout our legislative action on these measures, I have consistently appealed for reasonable increases in Federal appropriation assistance to carry out the purposes of the legislation, without which they are only empty and meaningless legislative gestures.

In my own State of Massachusetts, and I am sure in most every other State in the Union, local taxpayers are laboring under extreme financial hardships, especially in these inflationary times, and most municipal governments are sorely pressed to obtain adequate funds to even cover presently existing community programs and services.

Smaller communities throughout the country, like the towns bordering on the Blackstone River and other tributaries in my own congressional district, are in urgent and genuine need of greater Federal financial assistance if essential health and safety water and sewer lines are to be constructed.

Although many communities are making very strong efforts in trying to raise additional funds, their problems are compounded by the imposition of additional tax burdens which, of course, tend to discourage any new industry from moving into a particular area; at the same time, the striving communities cannot expect or hope to attract new industry without being able to furnish adequate water and sewer facilities. Let us clearly realize that the existing tight money, high-interest rate policies make it practically impossible for most communities to obtain long-term financing for public facilities at reasonable interest rates and, with unemployment at 5 percent nationally and nearly 12 percent in the construction trades, local officials are understandably most hesitant and reluctant to place additional tax burdens upon their people.

Therefore, the only sensible and prudent answer to this financial frustration on the part of local communities throughout the Nation is the greater Federal assistance this bill would provide and, with rapidly increasing construction costs, it is obviously more economically feasible and protective of the taxpayers' money to initiate the building of these public facilities as quickly as possible.

Mr. Chairman, several months ago, the President of the United States made the salvation of our environment the central theme of his state of the Union message, and I am earnestly hopeful that he will exert his tremenduous influence for the approval and use of these proposed increased appropriations to assist the harassed taxpayers in the towns and cities of Massachusetts and throughout the country to achieve and preserve a health and unpolluted environment.

As I have so often emphasized in the past, Mr. Chairman, the control and improvement of our environment has become as urgent as life itself and as nonpartisan as eventual death, so I hope that my colleagues from both sides will overwhelmingly join together in the adoption of this legislation that is so clearly in the national interest.

Mr. HOGAN. Mr. Chairman, I support the passage of the Emergency Community Facilities Act of 1970, as I have in the past supported other legislation to increase the Federal Government's assistance for the construction and expansion of sewage treatment facilities.

Nowhere will one find a better example of the need for this legislation than in my own district, the Fifth District of Maryland, which includes Charles County and Prince Georges County, one of the fastest growing counties in the Nation today. The tremendous growth Prince Georges County has experienced in recent years has naturally placed an exceptionally heavy burden on the Blue Plains sewage treatment facility which Prince Georges County has utilized in conjunction with the District of Columbia and Montgomery County.

This problem was brought to a head earlier this year when the Congress deleted funds from the District of Columbia appropriation bill for a $40 million expansion of the Blue Plains facility and the Department of the Interior stated that Prince Georges and Montgomery Counties could no longer use that facility and must immediately seek other means to take care of their needs. Suburban and State officials, along with the Interior Department, has agreed that Maryland must provide additional plants to take care of new growth in the county and to cover present sewage treatment requirements.

Thereafter, in May, 1970, the Maryland Departments of Health, because of the serious deficiencies in the sewage treatment system, felt it necessary to order a moratorium on building construction in five areas in the Maryland suburbs including much of Prince Georges County. This moratorium will continue to be in effect until the Washington Suburban Sanitary Commission can provide assurances that the present overload situation has been alleviated.

One particular area in my district known as the Westphalia Estates is facing a crisis due to the failure of septic tanks. In this area, the residents are literally living with sewage flowing in the streets, creating a serious hazard to their health which could have epidemic proportions. Their problem would have been resolved if the necessary sewage connections could have been made. Because of the existing problem, they can look forward to no relief unless some reversals are made.

In addition, there are numerous homeowners who have invested their savings in new homes but will not be able to move in because of the ban. The result will inevitably be not only hardships, but in increased cost to them.

This situation represents the type of "emergency" which can benefit most from the funds contained in this bill before us.

As I have said before, we can and must solve the water pollution problems of this country. It should be just as important to Members of Congress to desire to solve the pollution problems of the Nation's Capital and our national river, the Potomac. It is a question of whether we are willing to dedicate ourselves to committing the necessary resources and technology to solve these problems. The cost will be high today, but even higher tomorrow.

Mr. MOLLOHAN. Mr. Chairman, the bill we are considering today, H.R. 17795, is of vital concern to my State of West Virginia. At this time there are nearly 1,500 rural communities that either need new community water and waste disposal facilities or require substantial improvements in their present systems. To provide these improvements and new systems would cost approximately $460 million and would effect close to a million West Virginians.

In my First Congressional District alone, there are 324 rural communities that need either a new system or improvements in their present systems. And at present construction costs it would require $94 million to build these facilities.

Yet, at the present rate of funding, it would take 80 years to construct these systems for over the past 5 years, only $6 million has been provided for financing water and waste disposal projects in the First Congressional District.

H.R. 17795 is particularly important to West Virginia Mr. Chairman, because it would allow sector 702 funds available to local public bodies without regard to the size of the community being served. Presently HUD policy is to refer applications of communities with less than 5,500 people to the Farmers Home Ad-

ministration, yet just this year 36 applications in West Virginia have been rejected because of the lack of funds under the FHA program.

The Emergency Community Facilities Act would allow funds to be channeled into smaller cities and rural communities by removing this roadblock.

Mr. Chairman, it is urgent that our rural communities be able to expand and build water and sewer facilities not only for the benefit of the citizens now living in these small communities, but so that they can accommodate expansion and have a chance to thrive. For too many years, we have seen our cities and metropolitan areas being choked with population vastly beyond their abilities to allow humane and livable conditions. And at the same time, we are letting our smaller rural communities fall into disrepair so that they are in a poor situation to compete for the location of industry.

It is time that we start planning for the revitalization of rural America so that millions of citizens will have a place to move for a saner way of life. And the key to this effort is the expansion of our investment in community water and sewage facilities.

Mr. DENNIS. Mr. Chairman, it is politically tempting to vote for this bill.

No one can oppose water and sewer projects and water treatment facilities for the cities and towns of America.

Certainly I do not oppose such worthwhile projects. But the truth is that this measure, purporting at this time to authorize the expenditure of $1 billion for these purposes, is a delusion and a fraud.

The House recently passed the Housing and Urban Development appropriation bill, which was vetoed by the President in part because it appropriated $500 million—$350 million above the budget request—for these same purposes. This veto was sustained by the House—and I voted to sustain the veto, because the bill was $500 million, overall, above the budget requests, and was clearly inflationary in the face of a probable deficit of $10 to $15 billion.

In the face of this recent record it would not only be obviously inconsistent for me to now vote to authorize the expenditure of $1 billion for this same purpose, but it is also obviously completely unrealistic to expect the Committee on Appropriations to actually appropriate and provide such a sum of money. This committee is currently wrestling with the problem of bringing in a new HUD appropriation bill at a reduced figure, and this bill will of course contain moneys for water and sewer projects, but presumably in an amount less than the $500 million previously appropriated, and almost certainly nowhere in the neighborhood of a billion dollars.

The billion dollars authorized by this bill will never be appropriated; and the billion dollars worth of sewers and water projects which gentlemen talk about so eloquently will never be built.

Every Member of the House knows this. We are simply going through a political exercise, for the sake of a political record. We are kidding no one—except the people who would like to have sewers, and the taxpayers who would have to find the money if we were really going to appropriate it.

This is not building sewers; it is an election year gambit, in which I decline to participate.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of H.R. 17795, the Emergency Community Facilities Act of 1970. This bill reflects the urgent need to construct water and sewer facilities and I strongly urge its approval.

The city of Fall River, Mass., in my congressional district, recently was forced to order its residents to boil their water before drinking it. Dangerous bacteria were found in the system and a very serious health hazard existed until the water mains could be flushed and the source of contamination discovered.

Many parts of the Fall River system are old and do not meet modern standards. The age of the system increases the chances of a breakdown with a consequent critical emergency such as that which just occurred. Fall River must move rapidly to modernize its system and will need assistance from State and Federal agencies in doing so.

Fall River is not alone in the situation which has arisen. The Emergency Community Facilities Act was developed by the House Banking and Currency Committee of which I am a member. Our committee is well aware of the national water and sewer needs we face. The overwhelming approval of the measure in committee reflects the great need.

In addition, this bill provides important fiscal flexibility to the water and sewer program by increasing the authorized limit on expenditures. Recent economic indicators point to an upswing in the economy and we must be prepared to take advantage of this improvement through Federal budgetary policies.

The development of adequate water and sewer facilities is basic to life and essential if improvements in our standard of living are to be achieved. Unless water and sewer installations are adequate to meet increasing demand, the health and well-being of our citizens will be seriously jeopardized.

In addition, these facilities are the most important factor in the fight against water pollution. The dumping of poorly treated wastes into our waterways creates a health hazard, is seriously harmful to fish and wildlife and is an esthetic blight.

Beyond the direct benefits which will accrue from the strengthening of our water and sewer programs are the indirect benefits we shall receive. Most important, the number of annual housing starts is now beginning to build from the slump it has been in and the facilities authorized by this bill will be needed for new housing construction.

And, it is clear that many of the Nation's communities are unable to finance completely the construction of urgently needed public facilities. This bill will assist them substantially.

I am confident, Mr. Chairman, that this body will recognize this need with a strong vote of approval for this legislation.

Mr. PRICE of Illinois. Mr. Chairman, the need for this authorization is, I think, immediately apparent. The most conservative of estimates from the Federal Water Quality Administration for sewage and water treatment facilities calls for $10 billion over the 5 years from 1970–74. Other estimates, based on specific cost data gathered in a special survey by the National League of Cities and the U.S. Conference of Mayors, yield figures of $25 billion over the 5 years from 1972–76 and $33 to $36 billion over the next 6 years. The $1 billion we are asked to enact today, when added to the prior appropriation—also of about $1 billion—will barely cover what is necessary for fiscal year 1971. These costs are substantial. However, I truly believe that they are also necessary.

Today, we hear a great deal about the need for a "reordering of our national priorities." Again and again we are admonished that the improvement of the quality of our environment, and hence of our life style, is the consummate challenge facing our wisdom and technical skill in the years to come. In H.R. 17795 we have a chance to take a step in the direction of both of these goals.

First of all, this bill provides basic safeguards for the health and well-being of the people of the United States. In so doing it allows us the opportunity to stress our commitment to human needs and priorities. Second, the facilities authorized by this bill will greatly help check widespread pollution of irreplaceable water sources. Thus, it will show that this body does believe in the imperative necessity of maintaining ecological balance and of improving environmental quality. This legislation seems, in fact, of a piece with that which we have already passed this session; for example, the Environmental Education Act and the act establishing the Council on Environmental Quality. Now we are called upon for deeds as well as words, or rather succinctly, to put our money where our mouth is.

Finally, it should provide an effective and practical method of combating rising unemployment. As the committee report indicates, while national unemployment is 5 percent, the level in the construction trades is a crushing 12 percent. This aspect again pertains to what we consider important. It is a chance to see if we can achieve a healthy, full employment economy without undue dependence on defense construction items.

We are faced with a need and a challenge. We are also faced with the opportunity to meet them both. Thus, I strongly urge the passage of H.R. 17795.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, in view of the fact that neither side desires to use further time, I ask that the bill be read.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 17795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Community Facilities Act of 1970".

SEC. 2. (a) The Congress finds that a large number of municipalities and other entities of local government throughout the Nation are unable to finance construction of vital and urgently needed public facilities because of the shortage of funds for long-term borrowing.

(b) The Congress further finds that there is an immediate need for such facilities in order to provide basic safeguards for the health and well-being of the people of the United States, to check widespread pollution of irreplaceable water sources, and to provide an effective and practical method of combating rising unemployment.

SEC. 3. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, upon the enactment of the Emergency Community Facilities Act of 1970, there is authorized to be appropriated for grants under section 702 not to exceed $1,000,000,000 for the fiscal year commencing July 1, 1970."

(b) Section 708(b) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

(c) Section 702(c) of such Act is amended by striking out "1970" in clause (2) and inserting in lieu thereof "1971".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17795) to amend title VII of the Housing and Urban Development Act of 1965, pursuant to House Resolution 1178, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WYLIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WYLIE moves to recommit the bill, H.R. 17795, to the Committee on Banking and Currency.

Mr. PATMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 281, nays 32, not voting 116, as follows:

[Roll No. 290]

YEAS—281

Abbitt	Flowers	Mayne
Abernethy	Foley	Meeds
Adair	Ford, Gerald R.	Mikva
Adams	Ford, William D.	Miller, Ohio
Addabbo	Frelinghuysen	Mills
Albert	Fulton, Pa.	Minish
Alexander	Fuqua	Mink
Andrews, Ala.	Galifianakis	Minshall
Andrews, N. Dak.	Gallagher	Mizell
Annunzio	Garmatz	Mollohan
Arends	Gaydos	Moorhead
Ashley	Gettys	Morgan
Ayres	Gilbert	Morse
Baring	Gonzalez	Mosher
Barrett	Gray	Moss
Belcher	Green, Oreg.	Murphy, Ill.
Bell, Calif.	Green, Pa.	Myers
Bennett	Griffin	Natcher
Bevill	Griffiths	Nedzi
Biaggi	Grover	Nelsen
Biester	Gubser	Nichols
Bingham	Gude	Nix
Blanton	Haley	Obey
Boggs	Hamilton	O'Hara
Boland	Hammer-schmidt	O'Konski
Bolling	Hanley	Olsen
Bow	Hansen, Idaho	O'Neal, Ga.
Brademas	Harrington	O'Neill, Mass.
Brasco	Harsha	Patman
Bray	Harvey	Patten
Brinkley	Hastings	Perkins
Brooks	Hathaway	Pettis
Broomfield	Hawkins	Philbin
Brotzman	Hechler, W. Va.	Pirnie
Brown, Calif.	Heckler, Mass.	Poage
Brown, Mich.	Helstoski	Podell
Brown, Ohio	Henderson	Poff
Broyhill, N.C.	Hogan	Pollock
Broyhill, Va.	Holifield	Price, Ill.
Burke, Mass.	Horton	Pucinski
Burlison, Mo.	Hosmer	Quillen
Burton, Calif.	Howard	Railsback
Byrne, Pa.	Hull	Randall
Caffery	Hungate	Reid, Ill.
Carter	Hutchinson	Reid, N.Y.
Cederberg	Ichord	Reifel
Celler	Jacobs	Reuss
Chappell	Jarman	Roberts
Clark	Johnson, Calif.	Robison
Clausen, Don H.	Johnson, Pa.	Rodino
Clay	Jonas	Roe
Cleveland	Jones, N.C.	Rogers, Fla.
Cohelan	Karth	Rooney, N.Y.
Collier	Kastenmeier	Rooney, Pa.
Colmer	Kazen	Rosenthal
Conte	Kee	Rostenkowski
Conyers	King	Roth
Corbett	Kleppe	Roybal
Coughlin	Kluczynski	Ruppe
Culver	Koch	Ruth
Cunningham	Kyl	Ryan
Daniels, N.J.	Kyros	Satterfield
Dellenback	Langen	Saylor
Denney	Latta	Schadeberg
Derwinski	Leggett	Scheuer
Dickinson	Lennon	Schwengel
Diggs	Lloyd	Scott
Dingell	Long, Md.	Shipley
Donohue	Lukens	Shriver
Dorn	McClory	Slack
Downing	McCloskey	Smith, Iowa
Dulski	McClure	Smith, N.Y.
Dwyer	McDade	Springer
Eckhardt	McDonald, Mich.	Stafford
Edmondson	McEwen	Staggers
Edwards, Calif.	McFall	Stanton
Eilberg	McKneally	Steed
Eshleman	McMillan	Steiger, Ariz.
Evans, Colo.	Mahon	Steiger, Wis.
Evins, Tenn.	Mailliard	Stratton
Farbstein	Mann	Stuckey
Fascell	Mathias	Sullivan
Fish	Matsunaga	Symington
Fisher	May	Talcott
Flood	Teague, Calif.	Taylor
Teague, Tex.	Waggonner	Wyatt
Thompson, N.J.	Waldie	Wydler
Thomson, Wis.	Wampler	Wyman
Tiernan	Watts	Yates
Udall	Whitten	Zablocki
Ullman	Widnall	Zion
Vander Jagt	Wilson, Bob	Zwach
Vanik	Winn	
Vigorito	Wolff	

NAYS—32

Ashbrook	Devine	Montgomery
Betts	Duncan	Passman
Byrnes, Wis.	Erlenborn	Rarick
Camp	Foreman	Rhodes
Chamberlain	Goodling	Sandman
Clawson, Del	Gross	Schmitz
Collins	Hunt	Smith, Calif.
Conable	Marsh	Whalley
Crane	Martin	Williams
Davis, Wis.	Michel	Wylie
Dennis	Mize	

NOT VOTING—116

Anderson, Calif.	Fountain	Pickle
Anderson, Ill.	Fraser	Powell
Anderson, Tenn.	Frey	Preyer, N.C.
Aspinall	Friedel	Price, Tex.
Beall, Md.	Fulton, Tenn.	Pryor, Ark.
Berry	Giaimo	Purcell
Blackburn	Gibbons	Quie
Blatnik	Goldwater	Rees
Brock	Hagan	Riegle
Buchanan	Hall	Rivers
Burke, Fla.	Halpern	Rogers, Colo.
Burleson, Tex.	Hanna	Roudebush
Burton, Utah	Hansen, Wash.	Rousselot
Bush	Hays	St Germain
Button	Hébert	Scherle
Cabell	Hicks	Schneebeli
Carey	Jones, Ala.	Sebelius
Casey	Jones, Tenn.	Sikes
Chisholm	Keith	Sisk
Clancy	Kuykendall	Skubitz
Corman	Landgrebe	Snyder
Cowger	Landrum	Stephens
Cramer	Long, La.	Stokes
Daddario	Lowenstein	Stubblefield
Daniel, Va.	Lujan	Taft
Davis, Ga.	McCarthy	Thompson, Ga.
Dawson	McCulloch	Tunney
de la Garza	Macdonald, Mass.	Van Deerlin
Delaney	MacGregor	Watson
Dent	Madden	Weicker
Dowdy	Melcher	Whalen
Edwards, Ala.	Meskill	White
Edwards, La.	Miller, Calif.	Whitehurst
Esch	Monagan	Wiggins
Fallon	Morton	Wilson, Charles H.
Feighan	Murphy, N.Y.	Wold
Findley	Ottinger	Wright
Flynt	Pelly	Yatron
	Pepper	Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Hays with Mr. Morton.
Mr. Burleson of Texas with Mr. Cramer.
Mr. Daddario with Mr. Meskill.
Mr. Cabell with Mr. Price of Texas.
Mr. Anderson of California with Mr. Kuykendall.
Mr. Dent with Mr. Beall of Maryland.
Mr. Blatnik with Mr. Riegle.
Mr. Ottinger with Mr. Roudebush.
Mr. Friedel with Mr. Scherle.
Mr. Fallon with Mr. Skubitz.
Mr. Giaimo with Mr. Pelley.
Mr. Pryor of Arkansas with Mr. Wold.
Mr. Rivers with Mr. Wiggins.
Mr. Sisk with Mr. Goldwater.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Monagan with Mr. Clancy.
Mr. Miller of California with Mr. Cowger.
Mr. Tunney with Mr. Powell.
Mr. Macdonald of Massachusetts with Mr. Taft.
Mr. Jones of Tennessee with Mr. Bush.
Mr. Corman with Mr. Halpern.
Mr. Daniel of Virginia with Mr. Burton of Utah.
Mr. Davis of Georgia with Mr. Buchanan.
Mr. Dowdy with Mr. Berry.
Mr. Fountain with Mr. Burke of Florida.
Mr. Rogers of Colorado with Mr. Edwards of Alabama.
Mr. St Germain with Mr. Lujan.

Mr. Melcher with Mr. Esch.
Mr. Charles H. Wilson with Mr. Rousselot.
Mr. White with Mr. McCulloch.
Mr. Van Deerlin with Mr. Whalen.
Mr. Anderson of Tennessee with Mr. Findley.
Mr. Aspinall with Mr. Hall.
Mr. Landrum with Mr. Blackman.
Mr. Yatron with Mr. MacGregor.
Mr. Delaney with Mr. Button.
Mr. Carey with Mr. Quie.
Mr. de la Garza with Mr. Snyder.
Mr. Edwards of Louisiana with Mr. Frey.
Mr. Hanna with Mr. Schneebeli.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Purcell with Mr. Sebelius.
Mr. Stephens with Mr. Thompson of Georgia.
Mr. Sikes with Mr. Watson of South Carolina.
Mr. Flynt with Mr. Whitehurst.
Mr. Madden with Mr. Landgrebe.
Mr. Murphy with Mr. Casey.
Mr. Pickle with Mr. Pepper.
Mr. Feighan with Mr. Stokes.
Mr. Stubblefield with Mr. Pryor of North Carolina.
Mr. Wright with Mr. Jones of Alabama.
Mr. Hicks with Mr. Fraser.
Mr. Gibbons with Mrs. Hansen of Washington.
Mr. Young with Mr. Hagan.
Mr. Long of Louisiana with Mr. Rees.
Mr. Kee with Mr. McCarthy.

Mr. NELSEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HEALTH INSURANCE FOR FEDERAL EMPLOYEES AND ANNUITANTS

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That, except as provided by subsection (b) of section 8906 of title 5, United States Code, effective from the first day of the first pay period which begins on or after October 1, 1970, and continuing until the first day of the first pay period which begins on or after January 1, 1971, the biweekly Government contribution for health benefits for an employee or annuitant enrolled under a health benefits plan under chapter 89 of title 5, United States Code, shall be equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"'(1) the service benefit plan;

"'(2) the indemnity benefit plan;

"'(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"'(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.'.

"SEC. 2. Effective January 1, 1971, section 8906(a) of title 5, United States Code, is amended to read as follows:

"'(a) The Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted on the first day of the first pay period of each year to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"'(1) the service benefit plan;

"'(2) the indemnity benefit plan;

"'(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"'(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.'.

"SEC. 3. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"'(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;'.

"(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ", having completed 5 or more years of service.'.

"SEC. 4. (a) Section 8907(a)(B) of title 5, United States Code, is amended by inserting 'and the Panama Canal Zone' immediately before the semicolon at the end thereof.

"(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting 'and the Panama Canal Zone' immediately before the semicolon at the end thereof.

"SEC. 5. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

"(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: 'and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act';

"(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: 'The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.'; and

"(3) Section 9 is amended by adding at the end thereof the following subsection:

"'(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.'.

"(b) The amendments made by subsection (a) of this section shall become effective on October 1, 1970."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I merely reserve the right to ask the gentleman to give us a brief explanation of what is in the amendment, and what action is proposed.

Mr. DANIELS of New Jersey. I will be happy to do so.

Mr. Speaker, on July 9 the House passed the bill, H.R. 16968, requiring the Government to increase its sharing ratio of premium charges under the Federal employees' health benefits program from an existing level of approximately 24 to 50 percent of the total charges, effective next January.

Yesterday, the Senate amended the House-passed measure to provide in lieu of that 50-percent figure, a Government contribution equal to 40 percent, effective October 1, 1970.

The cost of H.R. 16968 for calendar year 1971, as originally passed by the House, was estimated at $314 million. In reducing the percentage of contemplated Government contribution from 50 to 40 percent, the Senate amendment reduces the estimated cost by $89 million, to $225 million for the calendar year 1971. This estimated cost is predicted upon an assumption that total premium rates will be further increased by approximately 12 percent in the next contract year beginning January 1971.

In addition to reducing the rate of Government contribution, the Senate also amended the effective date of the bill's provisions from January 1971 to October 1970. By so doing, the costs of the program for the remainder of the current contract or calendar year would be increased by $35 million, and would present insurmountable administrative difficulties to the Civil Service Commission and all employing agencies in affecting the changes in employee-employer cost sharing within such a short time period.

A change in cost sharing, as proposed in the House version of the bill, was designed to take effect at the most practical and administratively workable date, the beginning of the new contract year, January 1971.

Therefore, Mr. Speaker, the amendment offered to the Senate amendment to H.R. 16968 will, in substance, agree to a 40-percent Government contribution, but effective in January 1971, and perfect the language of the Senate amendment. I am confident that the Senate will readily concur in the amendment offered, paving the way for the bill's early enactment into law.

Mr. Speaker, I urge the unanimous adoption of the motion and the amendment offered.

Mr. GROSS. Mr. Speaker, I would ask the gentleman to state to the House what is proposed to be sent back to the other body.

Mr. DANIELS of New Jersey. As I already indicated, the Senate adopted the House-passed version, but it added two amendments thereto, one reducing the Government's contribution from 50 to 40 percent, and the other making it effective as of October 1, this year. We would accept one of the amendments passed by the Senate, that is the one reducing the Government's contribution from 50 to 40

percent, but we would change the effective date to January 1, 1971, because the Civil Service Commission contracts with all of the insurance companies on a calendar year basis.

Mr. GROSS. That is the amendment the gentleman proposes to offer here?

Mr. DANIELS of New Jersey. That is correct.

Mr. GROSS. To change the effective date of the bill?

Mr. DANIELS of New Jersey. That is absolutely correct.

Mr. GROSS. As the measure was messaged to the House?

Mr. DANIELS of New Jersey. That is absolutely correct.

Mr. GROSS. And the gentleman states that the bill as it now stands, and if approved by the other body as to the effective date, will increase the Government expenditure for health benefits for Federal employees, including Members of Congress, by approximately $225 million?

Mr. DANIELS of New Jersey. That is correct. And that is based upon the assumption according to the testimony given by the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission, that there will be an increase in rates next year of approximately 12 percent.

Mr. GROSS. I see.

Mr. DANIELS of New Jersey. And that is taken into consideration in the estimated cost.

Mr. GROSS. Mr. Speaker, let the record show that I opposed the increase to 50 percent, and I oppose the increase to 40 percent. I have no desire to ask for a rollcall vote on this bill because I voted against it when it was originally before the House, but I do not want the record to show that I am opposed to the 40 percent, which is a 16-percent increase over the present 24-percent contribution by the taxpayers. Even a 16-percent increase is too rich for my blood.

Mr. Speaker, I want to say to the Members that only yesterday the House passed a bill presumably to regulate the issuance of credit cards. I am sure, after noting the bill that was just approved by the House providing for an additional $1 billion for the so-called environment and pollution, that what ought to have been done yesterday was to approve a measure regulating the issuance of gift certificates, drawn on the U.S. Treasury by the same Members of Congress.

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes; I yield further to the gentleman.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to point out to the gentleman that the administration representatives who testified before the committee recommended in substance the bill that we are now considering.

The Civil Service Commission not only recommended the new formula by which these premiums would be determined in the future, as set forth in this bill, but also went as far as recommending an increase of Government contributions from the present 24 percent to 38 percent.

The only difference is an additional 2 percent. I think the U.S. Government as an employer ought to be a model employer and set the highest standards and criteria for private industry to follow throughout the United States. This small gift of 2 percent should not destroy the United States standing as such a model employer.

Mr. GROSS. I appreciate the gentleman's views on this subject. But let me say again that so far as I am concerned personally, a 16-percent increase to 40 percent in the taxpayer's contribution to our health benefits, is too rich for my blood and, therefore, I oppose the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. DANIELS).

There was no objection.

MOTION OFFERED BY MR. DANIELS OF NEW JERSEY

Mr. DANIELS of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DANIELS of New Jersey moves to concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That (a) section 8906(a) of title 5, United States Code, is amended to read as follows:

"'(a) Except as provided by subsection (b) of this section, the biweekly Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"'(1) the service benefit plan;

"'(2) the indemnity benefit plan;

"'(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"'(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.'.

"(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period which commences after December 31, 1970.

"SEC. 2. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"'(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;'.

"(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ', having completed 5 or more years of service,'.

"SEC. 3. (a) Section 8701(a)(B) of title 5, United States Code, is amended by inserting 'and the Panama Canal Zone' immediately before the semicolon at the end thereof.

"(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting 'and the Panama Canal Zone' immediately before the semicolon at the end thereof.

"SEC. 4. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

"(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: 'and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act.';

"(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: 'The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.'; and

"(3) Section 9 is amended by adding at the end thereof the following subsection:

"'(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.'.

"(b) The amendments made by subsection (a) of this section shall become effective on January 1, 1971."

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I am very pleased to yield to the distinguished chairman of the House Committee on Post Office and Civil Service, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, I rise in support of the motion by the gentleman from New Jersey, the chairman of the Subcommittee on Retirement, Insurance, and Health Benefits.

The amendment proposed is identical, with a single change, to the health benefits bill passed by this House July 9, 1970, on a record vote of 284 to 57.

The change to which I refer is the adoption of the Senate provision fixing the Government's contribution to the health benefits premium cost at 40 percent, whereas the House-passed bill provided for a 50-percent Government contribution.

Presently, the Government's contribution is equal to approximately 24 percent of the total premium cost, leaving the employees to bear the excessive burden of paying the other 76 percent.

Mr. Speaker, I strongly believe that the original House version is fully justified and that an equal sharing of premium costs between the Government and its employees would be both fair and consistent with what is being done in modern private enterprise.

However, from a practical standpoint, I feel that a Government contribution rate in excess of 40 percent cannot be finally approved and become law this year.

Accordingly, I strongly recommend adoption by the House of the motion by the gentleman from New Jersey.

Our health benefits bill, H.R. 16968, in this form represents a long step in the right direction—a step that is overdue and will at least partly correct an inequity under which our postal and other Federal employees and retirees have labored for the past decade.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. DANIELS).

The motion was agreed to.

The Senate amendment, as amended, was agreed to.

The SPEAKER. The Clerk will report

the amendment of the Senate to the title of the bill.

The Clerk read as follows:

Amend the title so as to read: "An Act to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes."

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

FEDERAL RAILROAD SAFETY AND HAZARDOUS MATERIALS CONTROL

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia (Mr. STAGGERS)? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

SOLID WASTE DISPOSAL

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia (Mr. STAGGERS)? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

PROVIDING FOR CONSIDERATION OF H.R. 17982, CORPORATION FOR PUBLIC BROADCASTING

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1194 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1194

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17982) to amend the Communications Act of 1934 to provide for a one-year extension of financing for the Corporation for Public Broadcasting. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 17982, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3558, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 17982 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee, pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no controversy on this bill. It is an open rule, providing for 1 hour of general debate. It is a bill that has been before the Congress before. I therefore reserve the balance of my time.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1194 makes in order for consideration of H.R. 17982 under an open rule with 1 hour of general debate.

The purpose of the bill is to extend for 1 year—through fiscal 1971—the financing provisions of current law with respect to the Corporation of Public Broadcasting.

A permanent system of financing was not proposed when the corporation was created in 1968. Since that time funds for the operations of the corporation have come from two sources: Appropriated funds and private gifts or grants.

The bill authorizes $30 million for 1971 and also authorizes an additional appropriation of up to $5 million which could only by used to match gifts, grants, and other private contributions. Thus the corporation's budget for the year could reach $40 million.

The corporation is particularly active in two fields, program development and interconnection of the independent public television stations. The corporation has assisted in the funding for the development and production of "Sesame Street," the excellent children's program. It is now involved in negotiations with A.T. & T. on a rate structure with respect to use of the company's lines to interconnect participating public television stations into a nationwide hookup for programs of major interest. This network is expected to connect 166 public television stations.

The committee report makes clear that some permanent form of financing for the corporation must be developed soon.

There are no minority views.

I have no further request for time, but I reserve the balance of my time, and urge the adoption of the resolution.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 11913, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1129 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1129

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11913) to amend the Public Health Service Act to provide authorization for grants for communicable disease control. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11913, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2264, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11913 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio, pending which I yield myself such time as I may consume.

Mr. Speaaker, I know of no opposition to this rule and reserve the balance of my time.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. LATTA. Mr. Speaker, like the gentleman from Missouri, I know of no opposition to this rule, but I would just like to point out that this bill authorizes a 3-year program to continue the fight against communicable disease in the the United States.

Authorizations contained in the bill are as follows:

Fiscal year:	*Million*
1970	$20
1971	75
1972	90

Funds appropriated will be used by the Secretary of Health, Education, and Welfare to make grants to the States, and to local authorities with State approval, to assist in financing disease control pro-

grams. The diseases to be combated include TB, veneral disease, rubella, measles, polio, diphtheria, tetanus, whooping cough, and RH disease. These are capable of prevention by vaccination. Grant funds are generally used to purchase vaccines and pay personnel used to staff vaccination programs where they are needed.

The bill tends to reestablish to some degree the old category grants which, in the health field, were generally eliminated by the passage in 1966 of the Public Health Service Act which combined into one program a large number of category grant programs in the field. The theory was that the States themselves were the best judges of what areas needed first priority treatment. It is true that the Secretary of Health, Education, and Welfare in his budget presentation has earmarked specific amounts in a number of areas—but would Congress give him a blank check? Category grants, which can be used for no other purpose, are much more restrictive than an earmarking for budget presentation purposes.

The administration opposes the bill for this reason as evidenced by the letter from the Bureau of the Budget.

Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF FINANCING FOR CORPORATION FOR PUBLIC BROADCASTING

Mr. STAGGERS. Mr. Speaker, I call up the bill (H.R. 17982) to amend the Communications Act of 1934 to provide for a 1-year extension of financing for the Corporation for Public Broadcasting, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Financing Act of 1970".

SEC. 2. Subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396 (k)) is amended to read as follows:

"(k) (1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1969, the sum of $9,000,000, and for the fiscal year ending June 30, 1970, the sum of $20,000,000, and for the fiscal year ending June 30, 1971, the sum of $30,000,000.

"(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for the fiscal year ending June 30, 1971, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under section 396(g)(2)(A) of this Act, during such fiscal year; except that the amount appropriated pursuant to this paragraph may not exceed $5,000,000."

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 17982 would provide for a 1-year authorization of appropriations for the Corporation for Public Broadcasting. Under the bill, not more than $30 million could be appropriated to the Corporation for fiscal year 1971. An additional amount of not more than $5 million would be authorized to match gifts, grants, and other contributions to the Corporation.

The Corporation for Public Broadcasting is a bipartisan, independent, nonprofit corporation which was established under the Public Broadcasting Act of 1967. Its Board of Directors consists of 15 members appointed by the President by and with the advice and consent of the Senate. No more than eight members of the Board may be members of the same political party. The President of the Corporation is John W. Macy, Jr., who many of the Members of the House know personally.

Under its charter, the Corporation has three principal functions—

First, to assist in the development of programs of high quality for presentation over public radio and television stations;

Second, to assist in the establishment and development of a system of interconnection for such stations, and

Third, to assist in the establishment and development of such stations.

To state its purpose in a slightly different way, Mr. Speaker, the Corporation must help in developing high quality program matter to be presented over the 190 or more public TV stations and over 400 public radio stations which cover most of the United States. In addition, the Corporation is charged with assisting in the promotion and development of public broadcasting stations.

Mr. Speaker, to clarify a matter that has been the source of some confusion, let me say that the term "public broadcasting station," refers to radio and television stations which many persons still refer to as educational broadcasting stations. The term "public" is considered to be much more descriptive of their operation than "educational" since almost all such stations present more than instructional programing. In fact, most such stations present a wide variety of high quality programing directed at all age groups.

The Corporation has been fully operational for about a year and a half now and in that time its accomplishments have, I think, been impressive.

It has been instrumental in beginning the development of national television production centers in Boston, Chicago, Los Angeles, Pittsburgh, and San Francisco. Through grants and contracts it has assisted in the development and presentation of particular programs and series of programs. Perhaps the best example of these activities is "Sesame Street," a program developed and produced by the Children's Television Workshop. This series was designed for preschool children of low-income families. It consists of 142 programs which in many areas are shown several times a day. The series had its first run during the 1969–1970 school year and the results have been most encouraging. It is estimated that between six and seven million children saw the program each day over the 200-odd television stations showing it. Children who watched the program have been tested and have shown measureable educational advancement as a result of watching the "Sesame Street" series.

In carrying out its mandate to assist in developing a system of interconnection the CPB has established the Public Broadcasting Service, a nonprofit corporation, which will provide interconnection for public television stations. National Public Radio, another nonprofit corporation, has been established to provide for interconnection of public radio stations and to develop programs for presentation over those stations.

The Corporation has established a system of general support grants which are made directly to public broadcasting stations to assist them in better serving their public. These grants are expected to range between $12,500 and $32,500 for television stations, depending on such factors as the size of the station and the population served. In the case of public radio stations, these grants will amount to $7,500. These funds can be used as the stations see fit for equipment, personnel, programing, or to meet other needs of the station.

The Corporation also has established a fellowship program under which promising individuals are given stipends to work and study in areas that will better prepare them to work in the field of public broadcasting.

Mr. Speaker, the committee feels that the results of the Corporation's activities are already living up to earlier promises, and that considerable progress lies ahead, subject only to the availability of sufficient financing to permit the Corporation to meet its potential for public benefit.

Already, because of the Corporation's action, local stations are stronger, and, more importantly, are now offering their viewers and listeners superior programs, able to compete in attractiveness with the offerings of commercial broadcasters. The key, of course, to successful programing that will attract audiences is money. Guided by a bipartisan Board of Directors, the Corporation is showing that more than full value is received for funds that have already been made available.

However, in the future the Corporation must have a workable permanent financing plan. We intend to see that it shall get one. I am told that efforts are now underway in the Corporation, at the Federal Communications Commission and in the administration to develop such a plan promptly. The bill submitted by the administration, which I and the gentleman from Illinois (Mr. SPRINGER) introduced (H.R. 16338), would have provided an open end, 3-

year authorization for the Corporation. The committee has trimmed this back to 1 year in order to maintain more direct oversight with respect to the development of a permanent plan for financing the Corporation.

Mr. Speaker, I hope the Members of the House will give the legislation their consideration and support.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not quite understand why, on page 1 of the bill, there is authorized to be appropriated $9 million for the year ending June 30, 1969, and $20 million for the fiscal year ending June 30, 1970. Why is this language contained in the bill since both fiscal years have expired?

Mr. STAGGERS. I will say to my colleague from Iowa (Mr. GROSS) this is merely repeating the law as it is now. Perhaps my colleague from North Carolina (Mr. BROYHILL) can explain why it was kept in the bill in this form. The gentleman is the ranking minority member of the subcommittee.

I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

The only thing we did was to add the language: "and for the fiscal year ending June 30, 1971, the sum of $30,000,000."

That is all we added to the act, in effect, in that particular section. We did not strike any language in that section. All we did was add that language.

It could have been done differently, I agree, but this was the way it was done. The total effect is to add the authorization for 1 fiscal year for this program.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, do I correctly understand that this bill authorizes $30 million, and that we may ignore the $9 million and the $20 million figures contained in the proposal?

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. The date for the other has passed. We added the $30 million in order to keep it in continuity.

It is $30 million plus $5 million, the gentleman should understand. The $5 million is from matching grants which might come in from private sources.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. We can strike that language, but by leaving it in there it shows the history of what has been done in the past.

Mr. GROSS. If the gentleman tells me the bill authorizes $30 million, plus the $5 million in the next paragraph, for a total of $35 million, I certainly accept his statement. I was nonplused by the additional language in the bill.

Let me ask a question of the gentleman of West Virginia (Mr. STAGGERS). Is it proposed to go on in perpetuity appropriating to these so-called educational television projects? Is this television and radio, or just television?

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. This is television and radio.

As I said, when the administration sent its bill up, which I introduced, it was for 3 years with an open end authorization. The committee in its wisdom thought the time had come for permanent financing. Public broadcasting has proposed a means of financing this program, but the administration has not yet OK'd it. We have to wait on the administration.

I am hopeful, and pretty certain, that by next year we will have a plan to finance public broadcasting. That is why the bill is for only 1 year.

Mr. GROSS. You will have a plan to finance it?

Mr. STAGGERS. Yes.

Mr. GROSS. I was in hopes the gentleman would say we were going to get out of the business of subsidizing educational television. From what I have seen it is carrying advertising and propaganda, at least in this area. What happens to the revenue derived now from educational TV, or is there advertising on educational TV?

Mr. STAGGERS. There is no advertising whatsoever. It is prohibited.

Mr. GROSS. What am I looking at on Channel 20? Is WETA not an educational station?

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Channel 20 is a commercial station. The educational channel in this area is Channel 26.

Mr. GROSS. And it carries no advertising at all?

Mr. BROYHILL of North Carolina. No.

Mr. GROSS. So we are going on indefinitely subsidizing educational TV and radio, is that correct?

Mr. BROYHILL of North Carolina. I would say to the gentleman that, whether it be local, State or Federal, tax moneys have been going into educational television so long as I can remember.

Mr. GROSS. Let me ask the gentleman about this man—Woestendiek or something of that kind, who was fired from one of the educational TV stations in Washington, D.C. What was his salary?

Mr. BROYHILL of North Carolina. Will the gentleman yield?

Mr. GROSS. Yes, of course.

Mr. BROYHILL of North Carolina. The pronunciation of his name I believe is Woestendiek. I would like to call the attention of the gentleman to the hearings that we held in our subcommittee. In fact we held this bill up until we went into this gentleman's release from the local educational broadcasting station in great depth. I would like to call attention to that section of the hearings. The gentleman's salary as I recall it is listed in here. I do not recall the exact amount but it is in the neighborhood of about $35,000 to $40,000.

Mr. GROSS. They do pay pretty good salaries in this educational television that is heavily subsidized by the Government, do they not?

Mr. BROYHILL of North Carolina. I would say there is also a very excellent study in this hearing record concerning the overall contributions made to educational and instructional television by the Federal Government. You will find it is a very small percentage and that State and local governments contribute far more to educational and instructional television and public broadcasting than does the Federal Government.

Mr. GROSS. Well, I do not know whether that helps or hurts.

Mr. BROYHILL of North Carolina. I am just saying that the Federal Government is a follower in contributions to this program nationwide over the years.

Mr. GROSS. Yes, it is something on the order of the bill that the House just approved, requiring the States to put up more and more matching funds. I can tell you that the requirement by the Federal Government for matching funds is killing the souls of the taxpayers all over this country. I am opposed to this bill.

Mr. BROYHILL of North Carolina. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the gentleman from West Virginia stated this is a 1-year extension of the authorization of this program. The committee hoped that by the time we got through another year we could have some type of long-range financing program that we could present. We cannot promise that. I am sure the gentleman from West Virginia was not making an ironclad promise but certainly we on the committee are going to work toward that end and hopefully we can come up with a program.

The Corporation for Public Broadcasting is a federally chartered, private, nonprofit Corporation created to promote the growth and development of the Nation's noncommercial television and radio systems.

PURPOSES

First, to strengthen local public broadcasting stations so that they may better serve their community;

Second, to aid in the development of an effective national interconnection system for both public television and radio—the Public Broadcasting Service and National Public Radio;

Third, to augment the national inventory of programs by improving the production capacity of local stations; and

Fourth, to support the total public broadcasting system through activities such as talent development, audience research, and public information.

BASIC FACTS ABOUT PUBLIC BROADCASTING

TELEVISION

Number of stations, 199.

Location: Every State in the Union except Alaska, Wyoming, and Montana.

Coverage: PTV signals reach 74 percent of the population.

Audience: Based on research October 1969, an estimated 24 million persons watch PTV each week.

Types of stations: 86 VHF; 112 UHF.

RADIO

Number of stations, 460. Number qualified for CPB grant assistance, 92.

Location: Every State except Mississippi, in which four stations are presently being constructed.

Coverage: Radio signals cover an estimated 75 percent of our population.

Audience: No accurate figure is available, but conservatively estimating, approximately 120 million people are reached by public radio.

Types of stations: 25 AM, 431 FM.

Station ownership: Public television and radio stations are owned and operated by nonprofit community organizations, universities, State authorities, local municipalities, and school systems.

Programing: Programing includes instructional courses, as well as programs that are educational in a broader sense. Public broadcasting schedules carry a mixture of public affairs, music, the arts, drama, and self-improvement programs for the community as well as instructional messages to classrooms. About 49 percent of the average broadcast day is devoted to instructional work.

FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

The Corporation is funded by the Federal Government and by private sources. In fiscal 1970, its total budget was $17.4 million of which $15 million came from the Government.

APPROXIMATE BUDGET BREAKDOWN

Local public radio and TV general support grants, $3,500,000.

Local public radio and TV program production competitions, $807,000.

Television programing, $5,500,000.

Radio programing, $441,000.

Interconnection charges, $4,200,000.

Improving quality and training of local station personnel, $600,000.

Administrative costs, $1,600,000.

CORPORATION FOR PUBLIC BROADCASTING MAJOR ACTIVITIES: 1970

Creation of the Public Broadcasting Service, the first nationwide regular interconnection facility for public television stations. PBS is an independent organization. The Corporation lead in its formation and is its chief source of financial support.

Creation of National Public Radio, which will serve as the primary national program service of public radio stations. NPR will produce, acquire, and distribute radio programs and related materials over a planned interconnected radio network. CPB also finances NPR.

With the aid of a 6-month planning grant from the U.S. Office of Education, created the Public Broadcasting Environmental crisis facing our Nation.

Provided general support for national program producers such as NET and the Children's Television Workshop—the producers of Sesame Street.

Establishment of TV production centers throughout the country for national programing.

CORPORATION FOR PUBLIC BROADCASTING BOARD MEMBERS

Frank Pace, Jr., Chairman of the Board of CPB; president, International Executive Service Corps, New York, N.Y.

Joseph Beirne, president, Communication Workers of America, Washington, D.C.

Robert Benjamin, chairman, United Artists Corp., New York, N.Y.

Albert L. Cole, chairman, the Reader's Digest, Pleasantville, N.Y.

Michael Gammino, Jr., president, Columbus National Bank, Providence, R.I.

Saul Haas, chairman of the board, KIRO, Inc., Broadcast House, Seattle, Wash.

Mrs. Oveta Culp Hobby, editor and chairman of the board, the Houston Post, Houston, Tex.

Joseph Hughes, vice president, T. Mellon & Sons, Pittsburgh, Pa.

Dr. James R. Killian, Jr., chairman, MIT, Cambridge, Mass.

Thomas Moore, chairman of the board, Ticketron, Inc., New York, N.Y.

Frank E. Schooley, director of broadcasting, University of Illinois, Urbana, Ill.

Jack Valenti, president, Motion Picture Association of America, Inc., New York, N.Y.

John Hay Whitney, New York, N.Y.

Jack Wrather, Wrather Corp., Beverly Hills, Calif.

One vacancy.

DRUG EDUCATION PROJECT

Public TV station WQED in Pittsburgh, with CPB support, is undertaking a series of drug education programs. These programs will first be presented locally, tested as to effectiveness, revised, and then presented nationally over the Public Broadcasting Service beginning in early 1971. The project has three aspects. Programs will be prepared for:

First. General audiences. Parents and children, viewing at home, in prime time.

Second. Academic inservice training. Programs for teachers, school administrators, and school board members, to be presented in mid-afternoon time, or whenever these special but important audiences can see them most conveniently.

Third. Children in school. These programs, most difficult of all to do, will be geared for youngsters between 9 and about 13, for viewing in school. They will emphasize information and prevention, not rehabilitation.

The Corporation has budgeted $500,000 for drug education.

PUBLIC BROADCASTING ENVIRONMENT CENTER

The Public Broadcasting Environment Center was established by the Corporation for Public Broadcasting in May 1970 with the aid of a $600,000 planning grant from the U.S. Office of Education. The major purpose of the Center is to develop programing to foster a national understanding of the relationship of man to his environment as a means to keeping the balance between the two intact. To this end, the Center will:

First. Produce radio and television programs for target audiences in the general public;

Second. Produce material for classroom use and associated teacher training material; and

Third. Develop manpower training programs to provide labor for inspection, detection, and remedy of environmental problems.

The U.S. Office of Education grant has helped support an initial 6-month planning effort for the Center, which will develop a pilot for a radio and television series called "The Quality of Life." In this early stage, the Center has begun work on the tasks it has set for itself, which include setting up a reference library, identifying its target audiences, identifying possible production sources, and, most important, exploring avenues for the public's participation. The key to the Center's efforts is the quality of life—it is not as concerned with the environment per se as it is with living in that environment. The Center hopes to inform the public so that it will take action to improve its environment. The Corporation has budgeted $1 million for the Public Broadcasting Environment Center in fiscal year 1972.

(Mr. SPRINGER (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SPRINGER. Mr. Speaker, the Public Broadcasting Corporation was created to encourage and assist in the creation of more and better programing for the growing number of television and radio stations owned by community organizations, universities, States, cities, and school systems. These stations, which are specially licensed by the FCC to provide educational and cultural material to the viewing and listening public, free of commercial connection, have come into existence in nearly every State. Most States have combined them into networks for the dissemination of this particular type of programing. At the present time there are 199 television stations in this category; 86 of them are VHF and 112 UHF. Radio stations number 460.

When the Corporation was authorized by Congress there were many of us who had some misgivings about the course it might take. Safeguards were built into the legislation to make certain that it would not get out of hand. No doubt these precautions were justified and may be partly responsible for the commendable record which is being made by the Corporation thus far. I think it is well to say that the people who have been selected to organize and run this Corporation have been dedicated and capable people. The results in the short time it has been in existence in the light of the inevitable problems of initial organization have been remarkable. Program production and origination has been encouraged in all parts of the country. Promising talent has been helped to improve and grow.

Funds to support the work of the Corporation have come from several sources. As might be expected at this stage of its development the bulk of the money has come from appropriated funds. In fiscal year 1970, $15 million was appropriated and an additional $2.4 million was supplied by public subscription and foundations. The amounts included here as public subscriptions does not take into account the many other millions contributed by the general public to build and sustain the stations themselves. As programing improves more of

this volunteer money will appear. It is for this reason that the bill which has been reported by our committee includes an authorization for $5 million which is subject to matching. The Corporation can acquire as much of this money as it can obtain from outside sources. This is a great incentive for effort in this direction and great encouragement to those who are willing to lend financial support.

In addition to the seed money, the bill provides authorization for $30 million for fiscal year 1971. Although the administration and the Corporation would have preferred a somewhat longer authorization, the committee felt obligated to restrict it in a continuing effort to work out a permanent financing plan for this whole operation. We have been telling the House each time the matter appears here that a permanent plan is being demanded. It has not yet appeared and we feel that the long-range good of the whole effort depends upon our continued insistence that this problem be solved. Although I would not try to claim that by doing what we recommend here today that beyond any doubt a satisfactory plan for permanent financing will be ready 1 year from today. I do claim that it will be done earlier because of our continuing pressure.

Purely educational programing is gaining rapidly because of the work of the Corporation. Most of the daytime hours on these stations is spent in direct classroom-type education or preliminary education efforts for preschoolers such as Sesame Street. Much more can be done in this area and much more can also be accomplished in the fields of art, drama, and self-improvement programs. The Corporation, I am glad to say, seems to be using the resources it has in sensible, progressive ways.

Another effort being carried forward by the Corporation is the creation of communication links between stations and the State networks of public broadcasting stations. Programs or events which have the greatest impact and value if shown simultaneously can be arranged if the means exist to bring the material to all stations interested in displaying it. Special arrangements with the Bell systems are almost complete to determine the cost of the system. Stations are under no obligation to accept any particular programs or to show them at any given time but some material will be useful if available while it is current. The Corporation is making this possible.

The Corporation for Public Broadcasting has thus far been a sound investment and a modest one at that. I recommend that the bill be approved by the House.

Mr. TIERNAN. Mr. Speaker, in 1967, the Congress amended the Communications Act of 1934 by establishing a nonprofit corporation to assist in establishing educational programs, to facilitate educational program availability, and to aid the operation of educationl broadcasting facilities. Thus, the Corporation for Public Broadcasting came into being.

The Public Broadcasting Act of 1967 established the CPB because it was in the public interest to encourage the growth and development of noncommercial educational radio and television, including the use of such media for instructional purposes. It is clear that the CPB has done its job well in these crucial formative years. There are 199 educational television stations and 460 educational radio stations. The TV stations are serving every State in the Union except Alaska, Wyoming, and Montana. The radio outlets are in every State except Mississippi.

The CPB has been able to do its job because Congress has seen fit to authorize the financing needed to date on a year-to-year basis. It is on that point that the problem arises. The Public Broadcasting Act of 1967 sought to afford maximum protection to educational broadcasting from extraneous interference and control. It it clear from the hearings on the bill, that the best way to achieve this freedom from interference would be through a plan of long-term permanent financing for the CPB. This was the goal which the Congress was seeking when it first authorized the CPB to get underway. It is 1970, and such a plan has still not been enacted.

The bill before us today, H.R. 17982, merely authorizes a 1-year extension of the financing for the Corporation for Public Broadcasting. The bill authorizes an appropriation of $30 million, plus up to $5 million for matching private contributions and grants for fiscal 1971. I am a cosponsor of this bill for two reasons: First, I support the efforts and commend the accomplishments of the CPB and thus believe we should continue to fund it. Second, I have cosponsored this bill because it is only a 1-year extension of the funding.

The original bill that was sent to the Communications Subcommittee in 1970—H.R. 16338—called for a 3-year extension of funding. I opposed this lengthy extension on the grounds that Congress initially set up CPB with the idea that long-term financing would be provided. But, a workable plan for such financing has not come forth. If we in Congress authorize a 3-year authorization, we will be guaranteeing that the necessity of a long-term, permanent finance plan will pass for 3 more years. This would be a travesty.

We in Congress should not let 3 more years pass without an adequate long-term financing plan which will permit the Corporation to be free of governmental procedure and administrative regulations that are incompatible with its purposes. We should avoid the overseeing of the CPB's day-to-day operations that would be a natural consequence of the annual budgeting and appropriations procedures.

The bill before us today was reported unanimously by the Interstate and Foreign Commerce Committee and I hope it will be passed by the House, not to show a lack of commitment to the corporation—but as an effective means of encouraging the administration to propose a plan of permanent financing. H.R. 17982 is an interim method of financing for the CPB.

I am today introducing a bill to provide permanent financing for the Corporation for Public Broadcasting. The original draft of the bill is the result of a study which the CPB conducted, at my request, for the Subcommittee on Communications. It is my hope that our committee will hold hearings early in 1971 on this bill, so that 1 year from now Congress will have an opportunity to vote on a viable long-term financing plan. I regret that this report was not completed earlier, so as to allow the Subcommittee on Communications to hold hearings in 1970 on such a proposal. Similar requests for reports have been made by me to the Federal Communications Commission and to the Department of Health, Education, and Welfare. I regret to say that neither group has offered any intensive or innovative study or plans to meet the need for permanent financing for the CPB.

This piece of legislation would amend the Communications Act of 1934 and the Internal Revenue Code of 1954 to provide for permanent financing for the CPB.

A public broadcasting fund would be established on the books of the Treasury.

The fund would be created and maintained on a continuing basis by deposits of: First, revenue from an excise tax on the value of radio and television receiving sets at the manufacturer or importer level, and

Second, funds in the general fund of the Treasury to match non-Federal contributions or payments to all elements—the Corporation, stations, and so forth—in the public broadcasting system, with the matching amount based on a formula calculated to stimulate and increase such non-Federal contributions or payments.

All moneys in the fund would be payable at the beginning of each fiscal year to the Corporation.

The Corporation believes—

This plan is best able to provide necessary financing under the particular conditions required for public broadcasting and most likely to be found acceptable by the Congress, the public, and the parties affected by it. However, each plan so far identified—including this one—has its shortcomings. Should new suggestions emerge, the Corporation would be glad to consider them in place of or as modifications to the plan outlined here.

Mr. SCHMITZ. Mr. Speaker, I am taking this opportunity to register my strong opposition to this legislation.

Funding for the Corporation for Public Broadcasting should be abolished, not continued. Its stated purposes and activities read like a blueprint for a Government propaganda network. Coupled with the growing restrictions by the Federal Communications Commission on the program content of private broadcasters—of which the recent decision against Station WXUR in Media, Pa., is the latest and worst example—this brings us closer to outright control of the communications media by those able to influence the Federal Government in their favor.

Government broadcasting is fundamentally inimical to freedom. Every advanced totalitarian state provides for full government control of the communications media. As everyone should know by now, Federal funding means Federal

control. There should be no Federally funded broadcasting network.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1194 the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 3558 and insert in lieu thereof the provisions of H.R. 17982, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17982) was laid on the table.

COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the bill (H.R. 11913) to amend the Public Health Service Act to provide authorization for grants for communicable disease control, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Communicable Disease Control Amendments of 1969".

GRANTS FOR COMMUNICABLE DISEASE CONTROL

SEC. 2. Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by inserting at the end thereof the following new subsection:

"(c)(1) There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1970, and $75,000,000 for the fiscal year ending June 30, 1971, and $90,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary, in accordance with appropriate regulations, shall give consideration to the relative extent of the communicable disease problems and to the levels of performance in preventing and controlling such diseases. Such grants may be used to pay that portion of the cost of communicable disease control programs which is reasonably attributable to (A) purchase of vaccines or other agents needed to protect those portions of the population determined to be epidemiologically important to the control or prevention of communicable diseases and (B) salaries and related expenses of additional State and local health personnel needed for planning, organizational, promotional, and other epidemiologic activities in connection with such programs, including studies to determine the communicable disease control needs of communities and the means of best meeting such needs and personnel and related expenses needed to maintain additional epidemiologic and laboratory surveillance occasioned by such programs.

"(2) for the purposes of this subsection—

"(A) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to a nationwide effort against tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough and other communicable diseases which are transmitted from State to State, are amendable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(B) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(3) Payments under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this subsection.

"(4) The Secretary, at the request of a recipient of a grant under this subsection, may reduce the money grant to such recipient by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this subsection is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of paragraph (3) of the subsection, be deemed to have been paid to such agency.

"(5) Nothing in this subsection shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this subsection.

"(6) Under this subsection, the Secretary shall be required to submit an annual report on performance in preventing and controlling communicable diseases."

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Communicable Disease Control Amendments of 1969".

GRANTS FOR COMMUNICABLE DISEASE CONTROL

SEC. 2. Section 317 of the Public Health Service Act (42 U.S.C. 264) is amended to read as follows:

"COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

"SEC. 317. (a) There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1970, and $75,000,000 for the fiscal year ending June 30, 1971, and $90,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b)(1) and to the levels of performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs, including the cost of studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

"(b) For the purposes of this subsection—

"(1) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(2) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(c) Payments under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(d) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of subsection (c), be deemed to have been paid to such agency.

"(e) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(f) The Secretary shall submit an annual report to the President for submission to the Congress on the effectiveness of activities

assisted under this section in preventing and controlling communicable diseases.

"(g) Nothing in this section shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated."

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENTS TO THE COMMITTEE AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer three amendments to the committee amendment.

The Clerk read as follows:

Amendments to the committee amendment offered by Mr. STAGGERS: On page 4, line 25, strike out "1969" and insert in lieu thereof "1970".

On page 5, line 3, strike out "264" and insert in lieu thereof "247b".

On page 5, beginning in line 7, strike out "$20,000,000 for the fiscal year ending June 30, 1970, and".

The SPEAKER. The question is on the amendments to the committee amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendments to the committee amendment were agreed to.

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the amendments just passed were technical amendments, and I would like to explain them just a little bit, because the first amendment just changed the title of the bill to read "Communicable Disease Control Amendments of 1970." The second was to correct an incorrect reference to the United States Code, and the third strikes out the authorization for the fiscal year 1970, since that fiscal year has already expired, and the bill carries authorizations for 2 years. It is a very important bill, in my opinion, to the Nation.

Mr. Speaker, the bill before the House today comes with the unanimous recommendation of the Committee on Interstate and Foreign Commerce.

Mr. Speaker, this bill would authorize a program of grants to the States for communicable disease control programs, with $75 million authorized for that purpose for fiscal year 1971, and $90 million for fiscal 1972.

This is not a new program. In 1955, Congress established the Poliomyelitis Vaccine Assistance Act, which was extended through 1962, at which time the program was expanded to provide funds to combat other diseases in addition to polio. The program was continued through June 30, 1968, but was permitted to expire at that time on the theory that the program of grants to the States under section 314 of the Public Health Service Act would suffice to meet the needs of the Nation in preventing and controlling communicable diseases.

Experience since 1968 has shown that this hope was a false one, since our hearings demonstrated clearly that communicable disease programs have been funded at far less than adequate levels, and we face the possibility of epidemics in some of our cities today, particularly among the poor.

The program set out in this bill will supplement the programs provided for in section 314 of the Public Health Service Act, through providing specifically designated appropriations dealing with communicable disease prevention and control programs. The programs which can be funded under this bill include programs against tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough or Rh disease, as well as any other disease that the Secretary of Health, Education, and Welfare finds to be a major public health problem that is susceptible of practical elimination through vaccination or other preventive agents.

The cheapest possible form of medical care is prevention. Every dollar spent in prevention of disease provides multiple savings in the costs to our society of illness, not to mention permanent disability of the ill person and frequently unborn children as well.

Our committee was unanimous in reporting the bill to the House, and we urge its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to our distinguished colleague, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. By the time this bill is approved by both Houses of Congress it appears that the first quarter of the fiscal year 1971 will be gone. So why is the $75 million not reduced to that extent?

Mr. STAGGERS. I will say to the gentleman from Iowa that this has already passed the other body and we hope to get it passed and to conference next week and have it become law.

Of course, I am sure when it goes before the Committee on Appropriations they will take into consideration that part of the year has passed by.

Mr. GROSS. I notice the chairman of the Committee on Appropriations on the House floor I do not know whether I want to rely on the Committee on Appropriations for everything or not as much as I respect that committee. I think we ought to place some reliance and financial responsibility on the authorizing committees. I have no intention of voting for authorizing bills calling for $75 million on the assumption that members of the Committee on Appropriations, out of the bigness and goodness of their hearts in behalf of the taxpayers of this country, will reduce that amount. They do not always do that.

I repeat—a quarter or nearly a quarter of this fiscal year is gone—and I do not know of any reason why we should authorize $75 million for the full fiscal year 1971 which began on July 1, 1970.

Mr. STAGGERS. The bill was reported out of the committee in the month of May. It has taken all this time in trying to get it to the floor of the House, for many different reasons. But we have it here now.

The other body passed it a long time ago. I am sure the authorization will not be used if it is not needed. It depends on the seriousness of what is involved here. This will be brought out before the Committee on Appropriations, because it is a serious problem and it affects your family and my family and all the women and children in America. It affects all individuals in this land—or it could affect them.

Mr. GROSS. Let me ask the gentleman another question.

This bill authorizes a total of $165 million. Is this all the money that is being spent by the Federal Government on communicable diseases?

Mr. STAGGERS. No, sir.

Mr. GROSS. Could we get some kind of handle on how many more millions of dollars are being spent and by what agencies or departments of Government?

Mr. STAGGERS. The other programs are handled by the same department—HEW. There will have to be a correlation by the Department on this. They will spotlight these problems as they see them. There may be communicable disease problems right now that they have cleared up in different parts of the country, but in other sections they are expecting epidemics and some have already developed. That is the reason for this amount.

Mr. GROSS. They are expecting epidemics of venereal diseases?

Mr. STAGGERS. They already have them.

Mr. GROSS. Epidemics?

Mr. STAGGERS. Well almost and many of these diseases have certainly spread.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. ROGERS of Florida. I think the gentleman will agree that in 1968 there were 431,000 new cases of gonorrhea already. For 1969, the figures are in, there were 494,000 cases. This is continuing with an increase at the rate of about 15 percent a year. From 1965 when there were about 300,000 cases, we are now at the 600,000 level.

Mr. GROSS. There is no question but that those figures portray a serious situation, but after all there are 200 million people in this country.

Mr. ROGERS of Florida. The gentleman, too, might be interested to know that the increase in measles this year over last year is 100 percent.

The SPEAKER. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. ROGERS of Florida. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Florida is recognized.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 11913, the Communicable Disease Control Amendments of 1970, and this Nation's main program of preventive medicine.

Man has for centuries dreamed of eliminating killer diseases, and then, as our sciences developed, we put an end to such diseases as the plague. In just this

century we have developed cures for, or vaccines against, such one-time killers as polio, measles, smallpox, German measles, TB, and venereal diseases.

We look with great satisfaction and not too little smugness at what American medicine has brought us. But, I think, we are looking at our medical problems in the area of communicable diseases with a little too much apathy and smugness.

We know that we can prevent measles and polio. But both are on the rise because we have not carried out a proper vaccination program. In fact, we heard during hearings that some would have us eliminate funding for this program and just lump it in with the partnership for health program, thus allowing each State to take money from other ongoing programs for vaccines.

I wish I had the confidence to do this now, but I do not. I feel that partnership is not ready to absorb the Communicable Disease Act and that this attempt would be a disaster.

We see that States now do not require total immunization for preschoolers entering the first grade. In fact, 23 States have no requirements for immunization upon entering school. Thirty-four have no requirements for measles vaccination, 31 for polio, and 27 do not require smallpox.

Yet, there are more than 11 million children susceptible in the United States to common measles.

And common measles are not to be taken as lightly as many would have us believe. In the coming 12 months, there will be 700,000 cases of which 5,600 will need hospitalization, resulting in a loss of 1.1 million schooldays. More importantly, 250 will become permanently retarded and 75 will die. Seventy-five deaths from common measles.

Of those retarded, the families or agencies responsible will spend approximately $25 million in the care of these children for the rest of their lives. With inflation being what it is, the cost per person may indeed double and we might actually see a figure between $25 and $50 million. And this, I would remind you, is just for 1 year.

In all, more than $40 million will be spent by American citizens as a result of measles next year. And this does not include the more serious German measles, or rubella, as it is often called.

As you know, the German measles, if contracted by an expectant mother, can result in a birth defect. In fact, during the epidemic of 1964, 20,000 children were born with birth defects, many resulting in permanent mental retardation. The cost then to the American citizens and our Government was estimated at $2 billion. The loss of life or a child's mind cannot really ever be estimated in dollars and cents.

According to our best medical forecast and with the help of history, we know that beginning next year, the rubella epidemic is again scheduled to hit the United States. And we know that there are about 36 million Americans susceptible. Men of medicine tell us that the dollars we are asking for still will not solve the problem—but it is a real attempt to do something.

Yet, some want to pass the buck. Some here will say "Let the States do it through the block grant approach." Unfortunately, the problem is growing too rapidly and we need to zero in on communicable diseases. This is a national problem. This is an area where the magic of our medicine has given us a weapon to prevent disease. If we do not use that weapon, it will be an act of gross neglect on the part of the Congress. We have the power to prevent measles and Rubella. The legislation we are considering can do this.

There are, of course, other diseases which will be paid attention to under the provisions of this bill.

Diphtheria is a problem of the past, or so we would believe, because we have about eliminated it. Diphtheria had been cut way down until an epidemic in Texas put it back on the front page of every paper in Texas and in most papers throughout the Nation.

In Texas as of today, 135 cases have been recorded for 1970. The previous epidemic of diphtheria in Texas was 1945 when 82 cases were reported. In all, there have been 245 cases reported across the Nation as of today for 1970.

Diphtheria is up about 150 percent in this Nation.

Polio is up about 125 percent today.

Measles are up more than 100 percent today.

And each one of these diseases can and does kill.

We have, in addition to the humane responsibility, another angle to consider when discussing this legislation.

The cost of inflation is outrageous in this Nation today. Health has been given the short end of the budget stick and in fact the administration is lumping programs together in an attempt to save money at the expense of the American citizen.

As a result, it has become frighteningly evident over the past 2 years that health is being relegated to one of the lowest priorities in the budget.

This means Americans are not getting the health care that is needed and possible, and at the same time they are paying inflationary prices.

We are contributing to inflation when we have the power to keep people healthy through immunization and yet do not. It is inflation of the first magnitude if we can keep people out of the hospital and do not.

Unfortunately, there are many communicable diseases which are not preventable through immunization. Because of this and the fact that we have not solved the problem to really combat venereal diseases, we have seen epidemics in most of our major cities.

Gonorrhea has been increasing by about 15 percent a year for the past 5 years and in 1968, there were 431,000 new cases reported; 494,000 were reported in 1969. Needless to say, this represents only a part of the real problem.

Syphilis is also on the rise at alarming rates. If a person is infected with syphilis and is not treated, one in 200 will go blind; one in 44 will become insane; one in 25 will be crippled or incapacitated; and one in 13 will develop heart disease.

We often think of tuberculosis as an extinct disease. But when two persons died of TB in the Nation's Capital, TB became a concern again—but, unfortunately, only for a couple of months.

Yet more than 6,000 people died of TB last year. And the city of New York alone spent more than $40 million in 1968 to control TB.

Gentlemen, we have spent millions—even billions—of dollars seeking answers that would allow us to control and eliminate diseases as TB, measles, polio, and the like.

If we do not now vote to continue this program and to see to it that our young people are given protection from these diseases when we have preventative cures, then all the research which has preceded us will have been for nothing.

We have an opportunity to prevent sickness and death. I can hardly see any alternative to using this power for the betterment of our citizens.

Mr. MICHEL. Mr. Speaker, I would like to add a word of caution on H.R. 11913. I realize this legislation has strong support and that we should do everything in our power to control communicable disease.

However, there is a fear in some quarters that this bill calls for a duplication of the efforts of the partnership-for-health program of the Public Health Service Act.

The Bureau of the Budget states this position rather strongly. They said:

> New legislative authority in this field is neither necessary nor desirable.

They added:

> Formula grants under section 314(d) may be used for the whole range of public health services, including the prevention and control of communicable diseases. Similarly, project grants under section 314(e) are available and have been utilized for communicable disease control.

The members of the Labor-HEW Subcommittee on Appropriations were very concerned about the increase in communicable diseases when we funded nearly $42 million this year, which was $400,000 over the request and $854,000 above the 1970 appropriation. Other funds, such as those for rubella vaccination, are also available.

The reestablishment of these categorical grant programs in the public health field may be unwarranted and possibly would complicate and confuse the grant authorizations we now have. In addition, the grant programs envisioned in H.R. 11913 run counter to the President's efforts to consolidate and simplify grant programs with the goal of achieving greater effectiveness and increased flexibility when distributing Federal funds.

Finally, even though the authorizations are high—$20 million this year and increasing to $90 million in 1972—I am not completely convinced that they offer a realistic prospect for fiscal security of the grant programs during periods of

budget belt tightening such as the one we are now experiencing.

I would prefer to go ahead with the clearly defined formula grant programs under section 314(d) of the Public Health Service Act which we now have. States are able to use their own judgment when allocating these funds for the control of communicable diseases. Under this concept, Federal aid in these areas tend to strengthen rather than inhibit the authority of State and local health agencies in the planning and control of their various health programs and activities.

Again, the prevention and control of communicable disease must receive our closest attention and concern, but let us make sure that when we fund these moneys we do under a grant consolidation program that will assure an effective Federal-State partnership in financing public health services.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 11913, the Communicable Disease Control Amendments of 1970. This measure would assist the States to prevent or control the transmission or spread of diseases that can be controlled. Such diseases would include tuberculosis. venereal disease, rubella, measles, poliomyelitis, diphtheria, whooping cough, and Rh disease.

The elimination of the categorical grant approach to combat communicable disease has not worked out, and has resulted in the underfunding or nonexistence of many programs. H.R. 11913 would restore some measure of control to the Congress to permit needed communicable disease authorizations.

One persuasive argument for the need for this legislation is the increase in communicable diseases which have vaccines or other preventive agents. Figures show a drastic increase in measles, although this is a disease which can be wiped out by use of a vaccine. Moreover, no Federal funds are going toward the purchase of measles vaccine, in spite of its increased incidence, although measles is a disease that sometimes bring serious complications such as encephalitis, otitis, and pneumonia.

German measles is another communicable disease that can be prevented with a vaccine. Although it brings only mild discomfort to children, if caught by a pregnant woman it can cause death, physical disability, and mental disorders to the unborn child. About 25 percent of women contracting German measles give birth to severely defective children. During the 1964 German measles epidemic, 20,000 children with congenital abnormalities were born. And it is predicted that there will be another Rubella outbreak shortly.

More than 24 million Americans are estimated to be infected with tuberculosis, yet only 1 million are receiving treatment in spite of therapy that has been proven highly effective for more than 95 percent of newly diagnosed cases. Newark has the highest active tuberculosis rate of any city with more than 250,000 population, although the disease can be controlled through adequate treatment for those infected and preventive treatment for those exposed.

Venereal disease is another communicable disease problem. It is on the incline, and accounts for some 2,400 deaths each year, not to mention those who are maimed or disabled. New Jersey had the highest percentage increase in infectious syphilis in the last fiscal year.

Although there is a poliomyelitis vaccine, many youngsters are not receiving it. Census estimates show that in 1969, over 5 million persons under the age of 20 had not received polio immunization.

Rh disease, another preventable disease, can lead to death, severe anemia, and jaundice of infants. The March of Dimes estimated that one out of every four women who need the vaccine are not receiving it.

The foregoing statistics provide reason enough for the continuation of Federal communicable disease assistance. Unfortunately, we have not yet eradicated many diseases even though we have had the tools to do so. H.R. 11913 provides one means of attaining the eradication of diseases that can be wiped out, and I heartily support it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 313, nays 1, not voting 115, as follows:

[Roll No. 291]

YEAS—313

Abbitt	Brown, Mich.	Dennis
Abernethy	Brown, Ohio	Derwinski
Adair	Broyhill, N.C.	Devine
Adams	Broyhill, Va.	Dickinson
Addabbo	Burke, Mass.	Diggs
Albert	Burlison, Mo.	Dingell
Alexander	Burton, Calif.	Donohue
Andrews, Ala.	Byrne, Pa.	Dorn
Andrews, N. Dak.	Byrnes, Wis.	Downing
Annunzio	Caffery	Dulski
Arends	Camp	Duncan
Ashbrook	Carter	Dwyer
Ashley	Cederberg	Eckhardt
Aspinall	Chamberlain	Edmondson
Baring	Chappell	Edwards, Calif.
Barrett	Clark	Eilberg
Beall, Md.	Clausen, Don H.	Erlenborn
Belcher	Clawson, Del	Eshleman
Bell, Calif.	Clay	Evans, Colo.
Bennett	Cleveland	Evins, Tenn.
Betts	Cohelan	Farbstein
Bevill	Collier	Fascell
Biaggi	Collins	Fish
Biester	Colmer	Fisher
Bingham	Conable	Flood
Blanton	Conte	Flowers
Boggs	Conyers	Foley
Boland	Corbett	Ford, Gerald R.
Bolling	Coughlin	Ford, William D.
Bow	Crane	Foreman
Brademas	Culver	Frelinghuysen
Brasco	Cunningham	Fulton, Pa.
Bray	Daniel, Va.	Fuqua
Brinkley	Daniels, N.J.	Galifianakis
Brooks	Davis, Wis.	Gallagher
Brotzman	Dellenback	Garmatz
Brown, Calif.	Denney	Gaydos
Gettys	McFall	Rodino
Gilbert	McKneally	Roe
Gonzalez	McMillan	Rogers, Fla.
Goodling	Madden	Rooney, N.Y.
Gray	Mahon	Rooney, Pa.
Green, Oreg.	Mailliard	Rosenthal
Green, Pa.	Mann	Rostenkowski
Griffin	Marsh	Roth
Griffiths	Martin	Roybal
Gross	Mathias	Ruppe
Grover	Matsunaga	Ruth
Gubser	May	Ryan
Gude	Mayne	Sandman
Haley	Meeds	Satterfield
Halpern	Michel	Saylor
Hamilton	Mikva	Schadeberg
Hammer-schmidt	Miller, Ohio	Scheuer
Hanley	Mills	Schmitz
Hansen, Idaho	Minish	Scott
Harrington	Mink	Shipley
Harsha	Minshall	Shriver
Harvey	Mize	Sikes
Hastings	Mizell	Slack
Hathaway	Mollohan	Smith, Calif.
Hawkins	Montgomery	Smith, Iowa
Hechler, W. Va.	Moorhead	Smith, N.Y.
Heckler, Mass.	Morgan	Springer
Helstoski	Morse	Stafford
Henderson	Mosher	Staggers
Hogan	Moss	Stanton
Holifield	Murphy, Ill.	Steed
Horton	Myers	Steiger, Ariz.
Hosmer	Natcher	Steiger, Wis.
Howard	Nedzi	Stratton
Hull	Nelsen	Sullivan
Hungate	Nichols	Symington
Hunt	Nix	Talcott
Hutchinson	Obey	Taylor
Ichord	O'Hara	Teague, Calif.
Jacobs	O'Konski	Thompson, N.J.
Jarman	Olsen	Thomson, Wis.
Johnson, Calif.	O'Neal, Ga.	Tiernan
Johnson, Pa.	O'Neill, Mass.	Udall
Jones, N.C.	Passman	Ullman
Karth	Patman	Vander Jagt
Kastenmeier	Patten	Vanik
Kazen	Perkins	Vigorito
Kee	Pettis	Waggonner
Kleppe	Pike	Waldie
Kluczynski	Pirnie	Wampler
Koch	Poage	Watts
Kyl	Podell	Whalley
Kyros	Poff	Whitehurst
Langen	Pollock	Whitten
Latta	Preyer, N.C.	Widnall
Leggett	Price, Ill.	Williams
Lennon	Pucinski	Wilson, Bob
Lloyd	Quillen	Winn
Long, Md.	Railsback	Wolff
Lukens	Randall	Wright
McClory	Rarick	Wyatt
McCloskey	Reid, Ill.	Wydler
McClure	Reid, N.Y.	Wylie
McDade	Reifel	Wyman
McDonald, Mich.	Reuss	Yates
McEwen	Rhodes	Zablocki
	Roberts	Zion
	Robison	Zwach

NAYS—1

Teague, Tex.

NOT VOTING—115

Anderson, Calif.	Dowdy	Lowenstein
Anderson, Ill.	Edwards, Ala.	Lujan
Anderson, Tenn.	Edwards, La.	McCarthy
Ayres	Esch	McCulloch
Berry	Fallon	Macdonald, Mass.
Blackburn	Feighan	MacGregor
Blatnik	Findley	Melcher
Brock	Flynt	Meskill
Broomfield	Fountain	Miller, Calif.
Buchanan	Fraser	Monagan
Burke, Fla.	Frey	Morton
Burleson, Tex.	Friedel	Murphy, N.Y.
Burton, Utah	Fulton, Tenn.	Ottinger
Bush	Giaimo	Pelly
Button	Gibbons	Pepper
Cabell	Goldwater	Philbin
Carey	Hagan	Pickle
Casey	Hall	Powell
Celler	Hanna	Price, Tex.
Chisholm	Hansen, Wash.	Pryor, Ark.
Clancy	Hays	Purcell
Corman	Hébert	Quie
Cowger	Hicks	Rees
Cramer	Jonas	Riegle
Daddario	Jones, Ala.	Rivers
Davis, Ga.	Jones, Tenn.	Rogers, Colo.
Dawson	Keith	Roudebush
de la Garza	King	Rousselot
Delaney	Kuykendall	St Germain
Dent	Landgrebe	Scherle
	Landrum	Schneebeli
	Long, La.	

Schwengel	Stuckey	White
Sebelius	Taft	Wiggins
Sisk	Thompson, Ga.	Wilson,
Skubitz	Tunney	Charles H.
Snyder	Van Deerlin	Wold
Stephens	Watson	Yatron
Stokes	Weicker	Young
Stubblefield	Whalen	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Hays with Mr. Morton.
Mr. Burleson of Texas with Mr. Cramer.
Mr. Daddario with Mr. Meskill.
Mr. Cabell with Mr. Price of Texas.
Mr. Anderson of California with Mr. Kuykendall.
Mr. Dent with Mr. Powell.
Mr. Blatnik with Mr. Riegle.
Mr. Ottinger with Mr. Roudebush.
Mr. Friedel with Mr. Scherle.
Mr. Fallon with Mr. Skubitz.
Mr. Giaimo with Mr. Pelly.
Mr. Pryor of Arkansas with Mr. Wold.
Mr. Rivers with Mr. Wiggins.
Mr. Sisk with Mr. Goldwater.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Monagan with Mr. Clancy.
Mr. Miller of California with Mr. Cowger.
Mr. Tunney with Mr. Bush.
Mr. Macdonald of Massachusetts with Mr. Taft.
Mr. Jones of Tennessee with Mr. McCarthy.
Mr. Corman with Mr. Weicker.
Mr. Carey with Mr. Burton of Utah.
Mr. Davis of Georgia with Mr. Buchanan.
Mr. Dowdy with Mr. Berry.
Mr. Fountain with Mr. Burke of Florida.
Mr. Rogers of Colorado with Mr. Edwards of Alabama.
Mr. St Germain with Mr. Lujan.
Mr. Melcher with Mr. Esch.
Mr. Charles H. Wilson with Mr. Rousselot.
Mr. White with Mr. McCulloch.
Mr. Van Deerlin with Mr. Whalen.
Mr. Anderson of Tennessee with Mr. Findley.
Mr. Young with Mr. Hall.
Mr. Landrum with Mr. Blackburn.
Mr. Yatron with Mr. MacGregor.
Mr. Delaney with Mr. Button.
Mr. Edwards of Louisiana with Mr. Quie.
Mr. Hanna with Mr. Snyder.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Purcell with Mr. Frey.
Mr. Stephens with Mr. Schneebeli.
Mr. Flynt with Mr. Sebelius.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Feighan with Mr. Landgrebe.
Mr. Stubblefield with Mr. Watson.
Mr. Hicks with Mr. Casey.
Mr. Long of Louisiana with Mr. Pepper.
Mr. Murphy of New York with Mr. Ayres.
Mr. Philbin with Mr. Jonas.
Mr. Hogan with Mr. Schwengel.
Mr. Celler with Mr. King.
Mr. Jones of Alabama with Mr. Keith.
Mrs. Hansen of Washington with Mr. Stokes.
Mr. Gibbons with Mr. Stuckey.
Mr. Fraser with Mr. Rees.
Mr. de la Garza with Mr. Dawson.

Mr. CRANE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1129, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 2264.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 2264 and insert in lieu thereof the provisions of H.R. 11913, as passed, as follows:

That this Act may be cited as the "Communicable Disease Control Amendments of 1970."

GRANTS FOR COMMUNICABLE DISEASE CONTROL

SEC. 2. Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended to read as follows:

"COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

"SEC. 317. (a) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1971, and $90,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b)(1) and to the levels of performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs, including the cost of studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

"(b) For the purposes of this subsection—

"(1) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(2) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(c) Payments under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(d) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of subsection (c), be deemed to have been paid to such agency.

"(e) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(f) The Secretary shall submit an annual report to the President for submission to the Congress on the effectiveness of activities assisted under this section in preventing and controlling communicable diseases.

"(g) Nothing in this section shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11913) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9804, YUMA MESA IRRIGATION DISTRICT, ARIZONA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1187 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1187

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9804) to amend Public Law 394, Eighty-fourth Congress, to authorize the construction of supplemental irrigation facilities for Yuma Mesa Irrigation District, Arizona. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 9804, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 2882, and it shall then be in order to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no opposition to this rule and I reserve the remainder of my time.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to provide authority for the Secretary of the Interior to construct supplemental irrigation facilities for the Yuma Mesa Irrigation and Drainage District in Arizona.

This project was originally authorized in 1937 and reauthorized in 1947. Before it was constructed part of the lands involved were converted to military uses. In 1956 the construction of additional drainage facilities were authorized.

The Yuma Mesa project, and several other similar projects use the Gila Gravity Main Canal. During periods of peak use the Yuma Mesa systems do not receive adequate water. This can be eased by the construction of a regulatory storage system which can hold water for the Yuma Mesa system and deliver it at times of lower flow levels.

Construction of this storage system is estimated to cost $510,000. This will require the installation of an impervious lining on the sides and bottom of an existing excavation and will create a reservoir with a capacity of approximately 1.115 acre-feet. From repayments for water use, the Secretary currently has available $384,000, which sum is available for accommodating future drainage requirements under the terms of the original act.

The bill will permit the use of this sum for the construction of the storage system by authorizing the use of the funds for "irrigation works and facilities," thus broadening the purposes for which they may be used. The Federal cost of the project will be $384,000. The remaining cost, some $129,000 will be borne by the Yuma Mesa Irrigation and Drainage District and its water works.

The bill is supported by the Department of Interior. There are no minority views.

Mr. Speaker, I know of no opposition to the rule and reserve the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 16987, MINOT EXTENSION, MISSOURI RIVER BASIN PROJECT, NORTH DAKOTA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1189 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1189

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16987) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16987, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 2808, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16987 as passed by the House.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no opposition to this rule and I reserve the remainder of my time.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize the Secretary of the Interior to construct, operate and maintain the facilities to divert and deliver water from the Garrison diversion unit to the city of Minot, S. Dak.

When the Garrison diversion unit was authorized in 1965, the city of Minot was included as one of the major participants in the municipal water function, with an ultimate demand for over 20,000 acre-feet of water annually. At that time the authorizing legislation did not include the facilities to divert and deliver the water to the city's storage facilities.

The city's water source is the Souris River and neighboring wells. Today, in peak use periods, the city and the nearby Air Force base must ration their water consumption. This is a totally inadequate situation, particularly with respect to future area development. The city cannot raise the money necessary for the construction itself because of the poor market conditions with respect to municipal bonds.

The bill authorizes appropriations totaling $12,910,000, based on January 1969 cost estimates.

Two pumping stations will be built to lift water from the Velva Canal and carry it some 10.5 miles to the Livingston Reservoir, from where the water will be conveyed to the city's treatment plant. This phase of the work will cost $10,830,000.

The remaining authorization. $2,080,000 will be used to build a pipeline from a recently discovered well field to the city's treatment plant.

All Federal costs of construction will be repaid by the city of Minot within 50 years.

The Department of Interior supports the bill. There are no minority views.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7521, RIVERTON EXTENSION, MISSOURI RIVER BASIN PROJECT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1185 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1185

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7521) to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 7521, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 434, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7521 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. Speaker, I know of no opposition to this rule and reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I know of no opposition to this rule.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to consolidate several related but separate projects into a single entity—the Riverton extension unit. This will place the unit, a part of the Missouri River Basin project, on a sound economic base.

New construction authorized by the bill totals $11,103,000 based on July 1, 1969, cost estimates. Also authorized are fish and wildlife enhancement measures, totaling $1,013,000. Funds will be used for land and habitat improvement for upland game and migratory waterfowl. Thus the total Federal cost is $12,116,000 at July 1969 price levels.

The project has a good cost-benefit ratio, determined to be 1.41 to 1 in direct benefits.

The Department of the Interior supports the bill. The Bureau of the Budget questions whether this bill is the best way to assist a financially troubled rec-

lamation project and raises questions of public policy based upon the issue.

There are no minority views.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 10874, GULF ISLANDS NATIONAL SEASHORE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1197 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1197

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio.

Mr. Speaker, I know of no opposition to this rule and reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I would be delighted to yield to the gentleman.

Mr. GROSS. This will mean the adoption of four rules on four bills. I do not know how many more rules we will adopt, or whether it is planned to run until midnight or 2 o'clock tomorrow morning in order to dispose of the legislation made in order by these rules. Are we going to run into the night or does the gentleman happen to know?

Mr. BOLLING. I am not in a position to advise the gentleman how late the House will run but I do understand that we will attempt to adopt two more rules after the four that I hope we will have adopted when we finish this one.

Mr. GROSS. That will be six or seven rules.

Mr. BOLLING. That will be six. Then I understand that the chairman of the Committee on Interior and Insular Affairs will take up the matters made in order by these rules. I also understand with the possible exception of one there is little or no controversy on any of these matters. When the chairman and the other members of the Committee on Interior and Insular Affairs appeared before the Committee on Rules there was little or no controversy. I think there was no controversy on five of these bills and there was no controversy on the rule on the sixth but there was a little controversy on the sixth bill. My understanding is that it is hoped by the leadership on both sides and by the members of the committee handling the bill that they will be able to handle not only these rules but also these bills in an expeditious fashion this afternoon thus completing the schedule on the whip notice and not making it necessary to meet tomorrow.

Mr. GROSS. If the gentleman will yield. I want to commend him for his explicit speech in behalf of adopting a long series of rules. Does the Committee on Rules plan to take a vacation the rest of the day after having disposed of these rules in lump-sum fashion?

Mr. BOLLING. With the good will of the gentleman, after we have adopted these rules I would hope we would not have to call up any further rules.

Mr. LATTA. Mr. Speaker, the purpose of H.R. 10874 is to establish a new national seashore on the Gulf of Mexico, to be known as the Gulf Islands National Seashore. It will be a prime recreation area for a seven-State region—Mississippi, Florida, Louisiana, Alabama, Georgia, Arkansas, and Tennessee—where some 23 million people reside.

The Department of Interior favors the bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 13001, NAVAJO INDIAN IRRIGATION PROJECT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13001) to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13001, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 203, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 13001 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING), is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Again, Mr. Speaker, I may say that there is no opposition to this rule that I know of, and I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to permit revision of the previously authorized Navajo Indian irrigation project on the tribe's reservation in New Mexico.

The project was originally approved in 1962. It authorized an irrigation project covering 110,030 acres at a cost of $135 million. The plan also called for the irrigation of lands in eight adjacent, federally owned townships not a part of the reservation. Provision was made for purchase of these lands by the tribe at their appraised value.

Subsequently, these federally owned lands have been found to be unsuitable for an irrigation project. Alternative lands have been identified which are also adjacent to that part of the Navajo reservation which will be irrigated.

The bill provides for a revision in the original irrigation project. The federally owned lands which are adjacent to the reservation and suitable for an irrigation project are made available to the Navajos to be held in trust by the Secretary of the Interior for the Navajos upon payment of the appraised value.

The bill also provides that current grazing permitholders on the federally owned lands involved, if they are taken for use by the irrigation project, will be compensated by the Navajos for any permanent improvements made by such permitholders.

Finally, the bill increases the existing authorization from $135 million to a new level of $206 million. The earlier figure was based upon 1961 prices, whereas the new authorization is based upon costs as of April 1970. This new cost figure is $178 million. The additional $28 million is made available to cover the change in plans necessitated by the expected transfer of Federal lands to the Navajos, which will be irrigated as part of the project.

The Department of the Interior supports the bill as reported.

There are no minority views.

Mr. BOLLING. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 9306, APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1186, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1186

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9306) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9306, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 621, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9306 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING), is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, again I know of no opposition to this rule, and reserve the balance of my time.

Mr. LATTA. Mr. Speaker, like the gentleman from Missouri, I do not know of any opposition to this rule. There is some opposition to the bill.

Mr. Speaker, the purpose of the bill is to authorize the purchase of land and the development of the Apostle Islands National Lakeshore along Lake Superior in Wisconsin.

The area is an excellent one for a national lakeshore, containing beautiful beaches, 20 islands in the lake on which many animal species live, and much geological evidence of the glacial period, including caves, caverns, and arches carved out thousands of years ago.

The area of the park will include 20 islands totaling 39,500 acres and 2,470 acres of land in a strip some 10 miles long along the shoreline. The Indian lands in the area, owned by the Red Cliff Chippewas as a part of their reservation lands are not included as the Indians strongly object. Some lands once owned by the Indians and within the boundaries of the reservation are included in the proposed park. These lands are now owned privately by non-Indians and total over 1,500 acres of the almost 2,500 along the lakeshore.

The bill authorizes appropriations of $4,250,000 for land acquisition and $5 million for park development.

The Department of the Interior and the administration do not support the legislation.

Dissenting views are signed by a bipartisan group of five members opposing the legislation. They believe the bill violates the Indian treaty signed with the Red Cliff Chippewa Tribe in 1854 and also the implementing Executive order of 1856 which established the Red Cliff Reservation. Further, they point out that the park, as contemplated by the bill, does not comply with the primary criteria for the establishment of the lakeshore as a national recreation area.

They point out that the park will include 1,541 acres of land included in the original treaty and Executive order. The Indians strongly oppose the park because they want to repurchase this land and return it to reservation use. The park will also greatly alter the way of life of the Indians as it brings area development and many visitors to it. These members believe that nothing should be done until the Indians' rights are protected as guaranteed by the treaty of 1854.

They also note that the proposed park does not comply with the criteria for recreational area establishment and development in that it is not within 250 miles of at least 30 million people; it is within 250 miles of only 5 million.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, at this point I will be brief, and I will be explicit. There is opposition to this bill.

I would not want the pressures of the moment to prevent a thorough consideration of this bill today, even though it is the last one on the schedule.

I am opposing this bill because I think it includes an injustice to the people of the Indian nations of the United States. This opposition by the Indians is expressed in these telegrams which I hold in my hand. They are from:

Lorette V. Ellis, Minneapolis regional vice president of the National Congress of American Indians and Jean Taylor, president, Great Lakes Inter-Tribal Council, Inc.

Walter L. Moffett, second vice president, Affiliated Tribes of the Northwest Kamiah Idaho.

The National Indian Youth Council, Gerald Wilkinson, executive director.

Buffalo Tiger, chairman, Miccosukee Tribe of Indians of Florida.

Jacob Thompson, president, Oneida Indian Nation of New York State.

Purcell Powless, chairman, Oneida Tribe of Indians of Wisconsin, Inc.

Donald Wright, Alaska area vice president, National Congress of American Indians.

Great Lakes Inter-Tribal Council, governing body of 10 tribes—the Oneidas, the Winnebagos, the Stockbrider Munsees, the Forest County Potowatamies, the Mole Lake Lac Du Flambeau, La Courte Orille, St. Croix, Bad River, and Red Cliff Bands of Lake Superior Chippewa Indians.

Mr. Speaker, also to inform the Members of this body, I will say that when this bill does come to us for consideration later today, I will offer an opportunity for a quicker consideration of the bill through an amendment which would take from the bill all of the mainland areas which are included. The inclusion is objected to by the Indians.

This amendment would leave a lakeshore area, an area consisting of islands, totaling about 39,000 acres. If that amendment is adopted, and if we can have an agreement on that amendment, we need not take a great deal of time.

I say again, Mr. Speaker, I believe in view of the interest of the Indians in this legislation, it should have thorough consideration and all Members who are present here should hear the argument concerning the bill.

WHY SHOULD CASSIUS CLAY BE PERMITTED TO FIGHT FOR PROFIT WHEN HE REFUSES TO FIGHT FOR HIS COUNTRY?

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MICHEL).

(By unanimous consent, Mr. MICHEL was allowed to speak out of order and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I read with disgust today the article in the Washington Post concerning the upcoming heavyweight fight of this country's infamous draft dodger, Cassius Clay.

The article said that Mr. Clay was out of shape, overweight, and winded. No doubt this comes about from his desperate and concerted efforts to stay out of the military service while thousands of patriotic young men are fighting and dying in Vietnam.

I wonder how the Justice Department would deal with these fine young Americans should they suddenly develop reservations about serving in the Armed Forces? Not having Mr. Clay's money or surrounded as he is by a battery of self-serving lawyers, I am sure the Department would have no trouble in seeing that a speedy trial and sentence was reached.

As it is, to quote an old proverb, every ass thinks himself worthy to stand with the king's horses. In other words, Cassius Clay cannot hold a candle to the average American boy who is willing to defend his country in perilous times.

Apparently Mr. Clay feels himself entitled to the full protection of the law yet does not feel he has to sacrifice anything to preserve the institutions that protect him. What a mess this country would be in if everyone felt this way. Heavyweight champion or not, Cassius Clay does not deserve the special treatment he seems to be getting at the hands of the Justice Department. Nor should the State of Georgia allow him to feather his own nest by fighting in Atlanta. Anyone who shows a complete disregard for our institutions should not be treated to the hospitality of a city which has always shown a great pride and concern for our American way of life.

Finally, I urge the Justice Department to proceed with deliberate haste to bring Mr. Clay's case to an end. At the end of this fiscal year there were 3,899 pending draft evasion cases involving 3,923 defendents in the Justice Department. This is indeed a heavy caseload, but to allow cases like Cassius Clay's to drag out for years is inexcusable and only tends to

destroy the confidence our citizens have in our system of justice.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL IRRIGATION FACILITIES FOR THE YUMA MESA IRRIGATION DISTRICT, ARIZONA

Mr. JOHNSON of California. Mr. Speaker, I call up the bill (H.R. 9804) to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Ariz., and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill as follows:

H.R. 9804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word "buildings" the words "and irrigation works and facilities".

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding "but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2."

Mr. ASPINALL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H.R. 9804 is to enable the Secretary of the Interior to use funds heretofore authorized for the construction of drainage works for the construction of a small regulatory reservoir. Such facility is badly needed for effective operation of the Yuma Mesa Division of the Gila project.

The Yuma Mesa Division is completely operational. It receives its water supply from the Colorado River through a shared canal system with other projects in the area of Yuma. There are times when the common canal and the Yuma Mesa's pumping plant can not deliver enough water to satisfy peak demands of the crops, which are mostly citrus. A reservoir of 1,100 acre-feet which can be filled during slack periods will contain enough water to supplement adequately the delivery capability of the existing works; thereby providing an adequate water supply and realization of the full potential of the program.

The act of January 28, 1956, which authorized the existing repayment contract, authorized $1,350,000 to be appropriated for construction of certain specifically identified project facilities and drains. The regulatory reservoir that is now needed to offset the capacity bottleneck was not included among the items enumerated in the act.

All of the funds authorized by the act of January 28, 1956, have been appropriated and expended except some $384,000 being reserved for future drainage construction. Under the terms of H.R. 9804, the Secretary will be authorized to use these funds toward building the reservoir. Thereafter, if drainage problems arise, the Yuma Mesa Irrigation and Drainage District will cope with them at its own expense.

The reservoir that is now contemplated will be built by placing an impervious earth lining on the side slopes and bottom of a large excavation from which the Arizona Highway Department removed earth materials for highway construction. The right-of-way is in Federal ownership and no lands will need be acquired.

The construction cost is now estimated at $510,000 and the Irrigation and Drainage District will contribute funds to cover costs in excess of $384,000. Actually, this bill does not involve any new Federal expenditures since the Federal share would otherwise be spent for drainage construction over a period of time. The bill will have the effect of expediting in time the expenditure of this amount, however.

There is no local opposition to the measure, and no opposition in our committee to its passage. The program involves no new or unusual problems from the standpoint of water rights, compacts, court decrees, or from its impact on environmental values. I wholeheartedly commend the measure to the House and recommend its immediate adoption.

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Colorado has expired.

(On request of Mr. UDALL, and by unanimous consent, Mr. ASPINALL was allowed to proceed for 1 additional minute.)

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Arizona.

Mr. UDALL. As the author of this bill and the gentleman in whose district the project lies, I wish to thank the chairman of our committee for his very clear-cut explanation of the bill, and I want to state my strong support for it.

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this legislation to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District in Arizona.

The Yuma Mesa Irrigation and Drainage District is served water through the Gila Gravity Main Canal from the Imperial Dam on the Colorado River. Nearly all of the 19,970 irrigable lands in the district are planted in high value citrus, and the district is experiencing difficulty in delivering sufficient water to this acreage, particularly during the hot summer season. The irrigation district has expressed the need for a regulating reservoir which would enable the district to meet its critical demands for water.

The Yuma Mesa Irrigation District has located its proposed regulating reservoir in the form of a large excavated barrow pit. This pit was utilized by the Arizona Highway Department in the construction of an interstate highway. The barrow pit is located adjacent to the district's main irrigation artery and with appropriate modification could be converted to a balancing reservoir with an estimated capacity of 1,115 acre-feet of water.

The act of January 28, 1956, which authorized the Secretary of the Interior to execute a repayment contract with the district and to construct drainage facilities and works, does not contain the authority needed to construct the reservoir. H.R. 9804 will provide the authority necessary to construct the reservoir by amending section 2 of the 1956 act to include "irrigation works and facilities."

The preliminary cost estimate for modifying the barrow pit into a reservoir by lining the pit with soil cement to prevent seepage, and to equip the reservoir with appropriate pumping and conveyance facilities, is approximately $510,000. These costs will be met by permitting the use of $384,000 which was reserved but unexpended for construction of drainage facilities under the 1956 act. Any remaining costs or additional funds will be the responsibility of the Yuma Mesa Irrigation and Drainage District.

Mr. Speaker, I urge the passage of H.R. 9804.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 1, line 6, change the period to a comma and insert the following: "and at the end of said section 2 delete the period and insert the following proviso ': *Provided,* That all identifiable flows of water from works and facilities authorized in this Act shall be periodically inspected and treated for the purpose of abating pollution and improving water quality in such manner as determined by the Secretary of the Interior.' "

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. SAYLOR. Mr. Speaker, this is the amendment I would like to see in this bill, but I am a realist. I realize that I cannot get this amendment in this bill, but I am going to put into the RECORD at this point an explanation of what I think this amendment would do.

Mr. Speaker, the purpose of this amendment is to carry out the congressional intent to abate water pollution and improve our environment. This Nation is on the threshold of a major attack on water pollution. The Council on Environmental Quality in its recent report recommended that a strong and consistent Federal policy should be developed to control water pollution and insure effective enforcement of water quality standards.

The place to begin is here in our consideration of legislation authorizing Federal water resource developments—be they large or small. And, the time to begin is now. This is essentially what the amendment I have offered does, by writing into basic law the requirement that all identifiable flows of water from works

and facilities authorized in this Federal project shall be inspected and treated for the purpose of abating water pollution and improving water quality.

This is not a complex amendment. The amendment merely requires: First, that the flows of water be identified from the works and facilities authorized in the act, if they cannot be identified then there is nothing to be done; and, second, if the flows of water can be identified, the amendment requires that the water flow be inspected for water pollution. If water pollution is found then the amendment requires that the water flows be treated to abate the pollution and improve the water quality. All this is to be done in such manner as is determined by the Secretary of the Interior. If the Secretary of the Interior does not have the money or manpower within his Department or the Federal Water Pollution Control Administration, then the Secretary, I am certain, will be more than willing to request more money and manpower from the Congress.

I am aware that there are those who will rise in opposition to this amendment and propose arguments against its adoption on the basis that this amendment has no place in this little project. I would point out to my colleagues that this Congress passed Public Law 91–190, commonly known as the National Environmental Policy Act of 1969. The amendment which I have offered is merely a step, a small step, in carrying out the congressional declaration of a national environmental policy. I would also say to my colleagues to beware of those who clamor for the improvement of our environment, so long as it is not required in their own backyard.

Improvement of our environment, abating water pollution, and improving water quality are all part of the same problem. If we in the Congress are to carry out our commitment to improve the environment then we must begin by requiring that Federal water resource developments, of large, small or medium size, be continually monitored for the purpose of abating water pollution and improving water quality.

If we are to have a national policy on the environment, then the Federal Government should set the example. I urge the adoption of the amendment.

Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 2, at end of line 2, insert "The Yuma-Mesa division shall be operated in such manner that identifiable return flows of water will not cause the Colorado River stream system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903)."

Mr. SAYLOR. Mr. Speaker, at the time we had another project in Colorado, this was the formula that was agreed upon in the conference. This is a positive action, requiring that the Secretary of the Interior and the people in the Bureau of Reclamation shall operate this project so as not to lower the quality of the water in violation of the Water Quality Act of 1965. It is a positive action which the Secretary must take, and I urge adoption of the amendment.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, after looking over the amendment just offered by the gentleman from Pennsylvania, certainly we have no objection to it on this side of the aisle.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, twice I have heard it stated that this bill is not going to cost anything, but the report says:

The direct Federal cost of H.R. 9804—

Which is this bill—

is $384,000.

What I am supposed to believe?

Mr. JOHNSON of California. Mr. Speaker, when the original authorization was made available, it was for $1,350,000, and the works have been put in as stated heretofore, but they are not adequate to take care of the high peak flows of delivery of water for irrigation purposes. The bill here would authorize the construction of a re-regulating reservoir to store water in the off peak and deliver it in the peak flows to take care of the irrigation needs. This would take, $384,000 in Federal funds to construct this particular reservoir. The amount of money of $1,350,000 was made available for the irrigation system and the drainage system. In the event there is any deferred drainage, the district would have to make up that cost itself. At the present time the reservoir would be built in a pit used for highway purposes at a very low cost, $510,000. The $384,000 would be paid back by the district to the Federal Government.

Mr. GROSS. Let me ask the gentleman, how is this project paying out? Is it doing well?

Mr. JOHNSON of California. Yes, as far as I know the project is meeting its commitments, and at the present time there is no problem from the standpoint of repayment.

Mr. GROSS. What is the showing as to the original cost-to-benefit ratio?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I will yield to anyone who can help; yes.

Mr. UDALL. Mr. Speaker, this has turned out to be one of the best projects we have ever had. This was raw desert, and it is now extremely valuable citrus land. The fact is there is a $384,000 surplus which has been paid in by the irrigators into this account, and all we ask is the technical permission to take and use that money to build this reservoir, which will make this project more valuable.

It is not exactly fair to say there will be no initial cost to the Government. Initially the Federal Government will build this, but it will ask repayment of the cost from the district, and of that the Government already has $384,000 which has already been paid in, and the district will cough up the other $100,000, so in the final result there will be no cost to the Federal Government.

Mr. GROSS. We hope.

Mr. UDALL. We do not just hope. We know that.

Mr. Speaker, H.R. 9804 proposes a very minor amendment to Public Law 84–394, which authorized under a Federal repayment contract construction of drainage facilities by the Yuma Mesa Irrigation and Drainage District in Arizona. Yuma Mesa is one of five irrigation districts that share the Gila Main Gravity Canal, conveying water to the Yuma area from the takeout point at Imperial Dam.

When these drainage facilities were originally authorized in 1957, the water requirements of the area were substantially less than they now are. Thirteen years ago the district was principally a cotton producer; today it is planted to citrus, a crop which requires more water than cotton. To date, Yuma Mesa has only been able to meet this increased demand for water by borrowing unused capacity from neighboring districts. However, there is little reason to believe that these neighbors will continue to enjoy a water surplus indefinitely.

To meet its long-range needs, Yuma Mesa wants to build an additional reservoir where water could be stored for use during the peak summer months when the demand outstrips supply. By coincidence the Arizona State Highway Department, in the construction of U.S. Interstate 8, dug a 96-acre barrow pit immediately adjacent to the district's main "A" canal. Yuma Mesa proposes to buy this pit and employ it as a balancing reservoir, thereby solving its capacity problems.

In a search for the funds needed to make the purchase and to make necessary improvements, Yuma Mesa discovered that it still had $384,000 in drainage moneys which were authorized under Public Law 84–394. Since this money is not needed to meet its repayment obligation to the Federal Government, the district is seeking a simple amendment to the 1957 law allowing them to apply this surplus to the cost of purchasing and improving irrigation facilities. Let me emphasize that this bill will cost the U.S. taxpayers nothing. The cost of the proposed reservoir will be paid entirely by the irrigation district.

As the Secretary of Interior points out in his report on the bill, the proposed balancing reservoir has the sole disadvantage of being located on a mesa above other irrigated land. The Secretary concludes, and I am told that all parties concur, that strict precautions against seepage must and will be taken.

The cost of this undertaking to the Yuma Mesa District will not be insubstantial even if we approve this bill today. The Bureau of Reclamation estimates costs at $510,000, necessitating an

expenditure of more than $100,000 of the district's private funds. If we deny Yuma Mesa the relief that it needs, the project will simply have to be abandoned.

Mr. Speaker, I ask my distinguished colleagues to approve this amendment. The Yuma Mesa District comprises nearly 20,000 acres of high value citrus whose lifeline is threatened. This need not be the case. Through a small investment of public funds, together with a substantial private contribution, we can assure an ample flow of water to these crops for years to come.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield to me, the repayment contract was signed in the original days of the operation. It has already been signed, and it is a question whether or not the amount will be used for drainage or for a more important use, such as the building of the regulatory reservoir.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. The gentleman asked a question which is pertinent: What is the benefit-cost ratio for this project? If my memory serves me correctly, this is one of the best benefit-cost reclamation projects ever presented, and it is slightly in excess of 1 to 3. It is current, and the contracts that have been entered into for the repayment are up to date.

This is one of the best irrigation projects we have in the United States.

Mr. JOHNSON of California. Mr. Speaker, H.R. 9804, to amend the act of January 28, 1956, will make it possible for the Secretary of the Interior to utilize the funds authorized to be appropriated for the Yuma Mesa Division of the Gila project in a more useful and timely manner than can now be accomplished. The Yuma Mesa Division is a fully operational reclamation project near the City of Yuma, Ariz. It receives its water supply from the Colorado River through a system of major canals which it shares with other entities. While the canal system is adequate to deliver the water to which the Yuma Mesa Division is entitled, there are critical times in which it is impossible to receive enough water to meet peak consumptive-use requirements. The solution to this problem lies in the construction of regulatory storage that may be filled with water in off-peak periods for subsequent use in periods of high demand.

Such storage can be provided by creating a reservoir from an existing excavation by the placement of impervious lining on the bottom and side slopes. This excavation was created by the removal of construction materials for use in nearby highway construction. The site is on lands controlled by the project and there is no land acquisition problem. Estimates of the cost of this activity at current-day prices is about $510,000. It is anticipated that the construction work will be performed by the Bureau of Reclamation utilizing reimbursable funds in the amount of $384,000 with the remainder being contributed by the Yuma Mesa Irrigation and Drainage District.

The Federal share of this program is already covered by a repayment contract between the United States and the Irrigation and Drainage District under which the district agreed to repay $1,350,000 to be expended by the United States for the construction of certain designated facilities. The act of January 28, 1956, authorizing the repayment contract set forth the facilities which might be constructed under its terms. A reregulating reservoir of the character needed was not included in the list of designated facilities and this legislation is needed to include the reservoir among the authorized facilities.

The Federal funds that will be used for this program are the unapplied balance of the $1,350,000 included in the original contract. This amount is now reserved for future drainage construction, if required. When the money is expended for the reservoir, this irrigation district will assume responsibility for future drainage. In this sense, H.R. 9804 actually does not involve any increase in Federal expenditures in excess of the obligations already committed by the repayment contract now in force.

In the hearings before our Subcommittee on Irrigation and Reclamation, we found the legislation fully supported by the executive branch and the local interests from the State of Arizona. The measure was approved unanimously by the Committee on Interior and Insular Affairs after full discussion. The program poses no problems of water supply and has no adverse environmental effects.

For these reasons, I urge the full support of all Members for H.R. 9804.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1187, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 2882, to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2882

An act to amend Public Law 394, Eighty-fourth Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word "buildings" the words "and irrigation works and facilities".

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding "but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2."

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JOHNSON of California moves to strike out all after the enacting clause of S. 2882 and to insert in lieu thereof the provisions of H.R. 9804, as passed, as follows:

That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word "buildings" the words "and irrigation work and facilities".

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding "but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2." The Yuma-Mesa division shall be operated in such manner that identifiable return flows of water will not cause the Colorado River stream system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9804) was laid on the table.

MINOT EXTENSION, GARRISON DIVERSION UNIT, MISSOURI RIVER BASIN PROJECT, NORTH DAKOTA

Mr. JOHNSON of California. Mr. Speaker, I call up the bill (H.R. 16987) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill as follows:

H.R. 16987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the Minot extension of the Garrison diversion unit in North Dakota under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) for the principal purposes of conveying, regulating, and furnishing water made available through facilities of the Garrison diversion unit for use by the city of Minot and other communities for municipal and industrial purposes; conserving and developing fish and wildlife resources; and enhancing outdoor recreation opportunities.

SEC. 2. The Secretary is authorized to construct appropriate portions of the Minot extension to assist in the interim delivery of water from ground water sources prior to the availability of water through the facilities of the Garrison diversion unit.

SEC. 3. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in subsection 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be precedent to the commencement of construction of the project. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) Expenditures for the Minot extension may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriations Act of 1954 (67 Stat. 266).

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Minot extension shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 4. The conservation and development of fish and wildlife resources and the enhancement of recreation opportunities in connection with the Minot extension shall be in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

SEC. 5. There is authorized to be appropriated for the construction of the Minot extension the sum of $12,150,000 (January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.

Mr. ASPINALL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 16987 is a bill to authorize new project construction and is the last of the new reclamation project authorizations that we will be bringing out in this Congress. The Members will remember, I am sure, that I outlined a program of authorizations for this Congress aggregating about $150 to $175 million. We believed then, as we do now, that we should keep the machinery of project authorizations operating, but that the dollar volume should be carefully managed so that the Bureau of Reclamation can make some in-road into its backlog of authorized projects.

This program is badly needed and can be accommodated without appreciable impact on the backlog. It is a two-stage development having a total construction cost estimated at $12,910,000. The first stage of $2,080,000 is the only part that imposes an early budgetary demand, since the second stage can be deferred for several years, as I will explain later.

The first stage consists of a pipeline and pumping plant to deliver water from a well field about 7 miles to the central treatment plant of the city of Minot, N. Dak. The city will drill and equip the wells and install a collection system to deliver the water to a central point. The groundwater to be developed has only recently been discovered and tested out. It is sufficient to overcome the shortages the city now has and to provide for a few years of increased demand.

Within 6 to 10 years, depending on the rate of load growth, the city will need stage two of this project. At a cost of $10,830,000 a pipeline will be built from the Velva Canal of the authorized Garrison development to a reservoir at a site on Livingston Creek about two miles from the city. Here a holding reservoir will be built for storing water for peak demands and for winter needs. A pipeline spur will be built from the reservoir to intercept the pipeline constructed for the first stage. After the second stage goes into operation, the first stage will be retired to emergency standby.

Livingston Reservoir will be multiple purpose in the sense that it will be valuable for fish and wildlife and recreation. Being situated near the population center, being located out on the prairies, and being filled to capacity largely throughout the summer, it will have heavy utilization. The plan, therefore, includes some recreation development.

Except for nonreimbursable fish and wildlife and recreation costs, of $2,046,000 as determined by the current statutory formula, all of the costs will be repaid with interest. The city of Minot will repay the water supply costs and the Garrison Diversion Conservancy District will take care of the fish and wildlife and recreation obligations.

Since the Minot extension does not benefit irrigation, there is no cost allocated to that purpose. Thus we are not confronted here with any question of financial assistance, acreage limitations, surplus crops or any of the other issues that sometimes bother Members about reclamation projects.

The project has a good benefit-cost ratio of 1.93 to 1.0 at 4⅞-percent interest; there is no local opposition of which we are aware and the bill is strongly supported by our committee. Water rights are in order under the laws and procedures of the State of North Dakota and the project has no adverse environmental effects. In fact, the introduction of high quality Missouri River water into the Souris River Basin is calculated to have a very beneficial effect on the salinity of the water resources of this basin and will go a long way in resolving the conflicts which have existed between wildlife interests and commercial interest over water supply and water quality issues.

Mr. Speaker, this is a fairly small, albeit a very important project. It has been most carefully planned and analyzed. It meets all of the tests of law and policy and, in terms of public investments, must rank high among the developmental opportunities that have come to the House in recent years. I confidently request all Members to join with me in effecting speedy passage of this most desirable measure.

Mr. Speaker, here again the reason why this legislation comes up as it does under a rule but also being considered in the House as if it were in the Committee of the Whole House on the State of the Union is because of an amendment to be offered by the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this legislation authorizing the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in the State of North Dakota.

The city of Minot, N. Dak., has experienced difficulty in meeting its immediate demands for municipal and industrial water. The present sources are not adequate to meet peak demands and during drought periods, serious consideration is given to water rationing. The city's existing source of supply from the Minot aquifer and the Souris River cannot be relied upon to meet the continual and growing water requirements.

The principal purpose of H.R. 16987 is to provide an interim supplemental water supply to the city of Minot and surrounding area to meet its critical short-term needs from the nearby Sundre aquifer and to develop a more dependable water supply by diverting water from the Velva Canal of the Garrison diversion unit to meet the city's long-range municipal and industrial water requirements in the future.

Construction of the Minot extension will involve two phases of development. The first phase will be the conveyance of the ground water supply from the nearby Sundre aquifer to the city's treatment plant. The principal features of this phase of development are a pumping plant near the aquifer, a pipeline leading from the pumping plant to the city's treatment plant. The second phase of development which will be required in 6 to 10 years involves the diversion of water from the Velva Canal of the Garrison diversion unit to the city's water treatment plant. The principal features of this phase will include the pipeline from the Velva Canal to the Livingston Reservoir, the Livingston Dam and Reservoir, two pumping stations and a pipeline to convey water from the reservoir to the city's water treatment plant. This second phase of development will also provide for fish and wildlife enhancement and recreational opportunities.

The total project cost of the Minot extension is estimated at $17,413,000. Construction costs on the first phase of development are estimated at $2,080,000 and the second phase of development is estimated to cost $10,830,000 plus a cash assignment of $4,503,000 from the Garrison diversion unit representing a pro rata share of the municipal and industrial water supply allocation in that

project. These project costs are allocated among the project purposes; $14,779,000 for municipal and industrial water, and $2,634,000 for recreation and fish and wildlife enhancement. Of the estimated total project costs of $17,413,000, approximately $15,370,000 or 88 percent is reimbursable with interest.

Mr. Speaker, I urge the passage of H.R. 16987.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to my colleague, the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, in 1965 Congress authorized the Garrison diversion unit of the Missouri River Basin project in North Dakota primarily to provide municipal and industrial water to various communities in north central North Dakota.

One of the major cities included in the municipal water aspect was Minot; however, the authorization to extend the Garrison diversion unit did not cover the facilities required to divert and deliver water from the major canals of the unit to Minot.

The purpose of H.R. 16987, legislation I sponsored along with my colleague from North Dakota, will authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit.

Minot, N. Dak., has been faced with a critical water supply problem and the city government has been considering the necessity of instituting the rationing of water. As one of the larger urban centers in North Dakota, Minot is the trade and service center for the west and central portions of the State. Minot's economy is rooted in agriculture and it is also the site of Minot Air Force Base, a permanent defense installation dependent on the city for its water supply. The present water service is from the Souris River and local aquifers reliant on the Souris River. The city's peak needs are not sufficiently met by these sources and they would be totally incapable of meeting the city's needs in the immediate future.

Because time has been of the essence, I wish at this point to express my sincere appreciation to a number of individuals in this body who have been instrumental in the progress of this legislation.

As chairman of the House Subcommittee on Irrigation and Reclamation, the gentleman from California (Mr. JOHNSON) concluded hearings on H.R. 16987 in record time and favorably reported the legislation to the full committee.

The able chairman of the House Interior and Insular Affairs Committee, the gentleman from Colorado (Mr. ASPINALL) realized the urgency of the situation in Minot and guided the progress of this legislation.

The ranking minority member of the committee, the gentleman from Pennsylvania (Mr. SAYLOR) was instrumental in establishing the relationship of the Minot extension to the overall quality of the human environment, particularly with a view toward its effect upon conservation. His diligence and perseverance in determining that a project of this nature enhances rather than destroys the environment sets an example that all of us should follow.

The city of Minot is now extremely close to what has in the past only been an idea—the availability of a dependable supply of municipal and industrial water. Passage of H.R. 16987 by this body will hopefully signal the start of construction in the very near future.

Mr. ANDREWS of North Dakota. Mr. Speaker, would the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I would like to commend the committee for the expeditious way in which they have handled this most important project.

H.R. 16987, a bill to authorize the Minot extension of the Garrison diversion project, is most important to the city of Minot and to the Garrison diversion unit.

The Minot extension will provide for the development of an interim water supply from a groundwater aquifer to serve the city until a water supply can be made available from the Velva Canal. Present plans contemplate that the Minot extension will be integrated with the Garrison diversion unit insofar as its operations are concerned. The total cost of the project which includes 14 miles of pipeline, two pumping plants, a dam, and 10,350 acre-foot storage reservoir, would approximate $12 million.

The total project and assigned cost, including interest during construction, allocated to municipal and industrial water supply will be reimbursed by the city of Minot with interest.

The Garrison diversion unit, authorized back in 1965 and now under construction, will provide a plentiful supply of good water to a number of cities in the project area for municipal and industrial use. The city of Minot is the largest city of those listed in the project report as potential municipal water customers of the project and is, without question, the city in the area with the most critical water supply problem.

Very simply, this bill will provide an opportunity for early utilization of the water being diverted by the Garrison project. Its approval will result in considerable savings in local and Federal tax dollars and it will hasten vitally needed industrial and municipal water to the city of Minot.

This city of 32,000 has suffered from a water shortage, and indeed employed water rationing, nearly every year in the last decade. The recent census revealed that Minot had experienced the slowest growth rate of any of North Dakota's four major cities and this fact can certainly be blamed on the lack of water for industrial growth.

Meanwhile, Minot citizens have witnessed the growth of the Minot Air Force Base near their city, a key military installation essential to our Nation's defense. The population at the base is presently about 18,000—and the mission of this base and its personnel is dependent on a reliable water supply from the city of Minot.

The project is greatly needed. It will result in a savings to the Federal Government over waiting until total project development and I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 2, line 4, Strike out "opportunities." and insert: "opportunities: *Provided*, That all identifiable water flows conveyed, regulated, or furnished by or through works and facilities authorized in this Act, shall be treated for the purpose of abating pollution and improving water quality in such manner as determined by the Secretary of the Interior."

Mr. SAYLOR. Mr. Speaker, this is the same amendment which I offered to the bill which we just considered.

Mr. Speaker, the purpose of this amendment is to carry out the congressional intent to abate water pollution and improve our environment. This Nation is on the threshold of a major attack on water pollution. The Council on Environmental Quality in its recent report recommended that a strong and consistent Federal policy should be developed to control water pollution and insure effective enforcement of water quality standards.

The place to begin is here in our consideration of legislation authorizing Federal water resource developments—be they large or small. And, the time to begin is now. This is essentially what the amendment I have offered does, by writing into basic law the requirement that all identifiable flows of water from works and facilities authorized in this Federal project shall be inspected and treated for the purpose of abating water pollution and improving water quality.

This is not a complex amendment. The amendment merely requires: First, that the flows of water be identified from the works and facilities authorized in the act, if they cannot be identified then there is nothing to be done, and second, if the flows of water can be identified, the amendment requires that the water flow be inspected for water pollution. If water pollution is found then the amendment requires that the water flows be treated to abate the pollution and improve the water quality. All this is to be done in such manner as is determined by the Secretary of the Interior. If the Secretary of the Interior does not have the money or manpower within his Department or the Federal Water Pollution Control Administration, then the Secretary, I am certain, will be more than willing to request more money and manpower from the Congress.

I am aware that there are those who will rise in opposition to this amendment and propose arguments against its adoption on the basis that this amendment has no place in this little project. I would point out to my colleagues that this Congress passed Public Law 91-190, commonly known as the National Environmental Policy Act of 1969. The amendment which I have offered is merely a step, a small step, in carrying

out the congressional declaration of a national environmental policy. I would also say to my colleagues to beware of those who clamor for the improvement of our environment, so long as it is not required in their own backyard.

Improvement of our environment, abating water pollution, and improving water quality are all part of the same problem. If we in the Congress are to carry out our commitment to improve the environment then we must begin by requiring that Federal water resource developments, of large, small or medium size, be continually monitored for the purpose of abating water pollution and improving water quality.

If we are to have a national policy on the environment, then the Federal Government should set the example. I urge the adoption of the amendment.

Mr. Speaker, I now ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: on page 2 at the end of line 4, "The Minot extension to the Garrison diversion unit shall be operated in such manner that identifiable return flows of water will not cause the Souris River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903)."

Mr. SAYLOR. Mr. Speaker, this is the amendment which was agreed to when we discussed the amendment we had on the Narrows Unit in conference, and I am using the same language that was adopted there, and adding it to this bill.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Speaker, having read the language of the amendment just offered, we have no objection to the amendment on this side.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was agreed to.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 17, strike out "precedent to" and insert "executed before".

Page 4, line 6, strike out "$12,150,000" and insert "$12,900,000".

Page 4, line 10, add the following sentence: "There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the extension."

The committee amendments were agreed to.

Mr. JOHNSON of California. Mr. Speaker, H.R. 16987 will authorize the Secretary of the Interior to construct the Minot extension to the authorized Garrison diversion unit of the Missouri River Basin project in North Dakota. The works contemplated by this bill are necessary to enable the city of Minot to convey, regulate and utilize water for municipal and industrial purposes.

When the Garrison diversion unit was authorized by the Congress in 1965, the works did not include a means for municipalities to deliver the water from the major canals of the unit to the city systems. It was then recognized that supplementary construction would be required at a later date, even though the city of Minot has always been considered to be one of the major municipal beneficiaries of the Garrison development.

Minot is among the most important cities in the State of North Dakota. It is the trade and service center for a large portion of the State and is the site of a major Strategic Air Command base. The base relies on the city water system for all its water supplies. The town is experiencing a steady and constant growth rate and water supplies available locally from the Souris River and its tributary aquifers are no longer adequate for current needs and cannot possibly supply future growth increments. The city has been forced to curtail usage through rationing in which the air base has cooperated, has deepened its wells, and investigated all reasonable alternative means of augmenting its sources of water.

The Velva Canal of the Garrison unit will furnish such a source when it is completed and placed in service. The availability of construction funds for the works of the Garrison diversion unit has been such that a number of years will probably elapse before the Velva Canal is completed. In addition, the city's present indebtedness level and the general state of the bond market suggest serious questions of the municipality's capability to finance the interconnections to the Velva Canal when water is available from that source. All of these circumstances point to the plan of development that will be authorized by H.R. 16987 as the only viable solution to Minot's present and future water supply dilemma.

The plan envisioned by this legislation consists of two stages. The first stage has a Federal cost of only $2,080,000 and would include pumping plants and pipelines to convey water from a newly located aquifer about seven miles to the city's central treatment plant. The city plans to drill and equip the required wells and to install, at its own expense, the facilities to accumulate the water and convey it to the project pumping plant. This development will take care of the city's needs for the next 6 to 10 years, after which the second stage of the Minot extensions will be needed.

This part of the project will have an initial cost of $10,830,000. It will include a pipeline from the Velva Canal to the Livingston Reservoir, Livingston dam and reservoir, and a short spur outfall line from the reservoir to interconnect with the first-stage pipeline. When this stage enters service, the first stage will be placed on standby status for supplemental and emergency use.

Livingston Reservoir will be a multiple purpose facility having a very valuable fish and wildlife and recreation function. It will be within about two miles of the population concentration in Minot.

This fortunate location coupled with the fact that it can be kept filled throughout the summer season implies a heavy use by citizens of the community. Minot, being located in the heart of the North Dakota prairie country is badly in need of the fishing and other recreational opportunities afforded by a sizable body of water.

The Committee on Interior and Insular Affairs, in its hearings on this measure has been assured that water rights are in accordance with the requirements of the State of South Dakota and that there is no opposition to the legislation within the community or on the part of the agencies of State, local, or Federal Government.

The program will have a beneficial effect on environmental factors and will enhance natural values. The water to be imported into the Souris River Basin will be superior in quality to that which exists there naturally, and the increase in usable water will abate conflicts that have long existed between commercial and wildlife interests.

The project has a very fine benefit to cost ratio of 1.93 to 1.0 even at the high discount rates now being used by the executive branch for economic evaluation of water resource projects.

The development will be completely reimbursable with interest except for the write-offs to fish and wildlife and recreation authorized pursuant to the provisions of the Federal Water Projects Recreation Act. Under these authorities, the Garrison Diversion Conservancy District will pay $588,000 plus $19,000 interest during construction, with $2,046,000 being nonreimbursable.

Mr. Speaker, this is critical legislation which, I am sure, all Members can support freely. The project we are considering here meets all of the tests of economic and financial analysis; it will improve and enhance the quality of life of the immediate and nearby communities; it will strengthen the utility of a major defense installation; and it will be returned substantially to the Treasury with interest. Surely, I cannot conceive of an investment in rural America that could be expected to offer more widespread return to the well-being of the general public than will be the case with this legislation. I sincerely hope that every Member will join with me in enacting it into law without delay.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1189, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 2808.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JOHNSON of California moves to strike out all after the enacting clause of S. 2808, and insert the provisions of the bill H.R. 16987, as passed, as follows:

That the Secretary of the Interior is authorized to construct, operate, and maintain the Minot extension of the Garrison diversion unit in North Dakota under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) for the principal purposes of conveying, regulating, and furnishing water made available through facilities of the Garrison diversion unit for use by the city of Minot and other communities for municipal and industrial purposes; conserving and developing fish and wildlife resources; and enhancing outdoor recreation opportunities.

SEC. 2. The Secretary is authorized to construct appropriate portions of the Minot extension to assist in the interim delivery of water from ground water sources prior to the availability of water through the facilities of the Garrison diversion unit.

SEC. 3. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in subsection 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be executed before the commencement of construction of the project. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) Expenditures for the Minot extension may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Minot extension shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 4. The conservation and development of fish and wildlife resources and the enhancement of recreation opportunities in connection with the Minot extension shall be in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

SEC. 5. There is authorized to be appropriated for the construction of the Minot extension the sum of $12,900,000 (January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the extension.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16987) was laid on the table.

REAUTHORIZING THE RIVERTON EXTENSION UNIT, MISSOURI RIVER BASIN PROJECT

Mr. JOHNSON of California. Mr. Speaker, I call up the bill (H.R. 7521) to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill as follows:

H.R. 7521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project".

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is confirmed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

(d) The district's repayment obligation under the amendatory contract shall reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts, and the repayment period of individual tracts within the district shall be reduced to reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts which are attributable to such tracts.

(e) During the first ten years of the repayment period under the amendatory contract, the annual payment obligation of the district shall be reduced by the amounts which the district has credited in the previous year to water users who have provided title for the project drainage program: *Provided,* That the total of such reductions shall not exceed $50,000.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to land classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided,* That whenever new lands or lands now or hereafter classified as nonproductive, are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The Secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit, resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

Mr. ASPINALL. Mr. Speaker, I move to strike out the last word.

(By unanimous consent, Mr. ASPINALL was allowed to proceed for an additional 4 minutes.)

Mr. ASPINALL. Mr. Speaker, I take this time to speak on behalf of H.R. 7521, to explain its relationship to current water resources policy and to aid Members in understanding its importance and its merits. H.R. 7521 is a many-faceted measure. It is a fairly minor bill in terms of the new work authorized to be undertaken, yet it is far reaching in terms of

its potential impact on the future of the community and region which the Riverton reclamation development seeks to serve.

The purpose of this legislation, broadly speaking, is to put the various components of the Riverton project and the Riverton extension unit on a sound operating and fiscal basis. This is accomplished by authorizing the application of many present-day provisions of water resource law to a program where they have not heretofore been available. The bill which we bring to the floor today has been studiously considered in committee, and the Members will note later a number of very significant amendments that are believed vital to the attainment of the basic objectives of the bill.

In presenting this measure to the House, we do not represent it as a typical reclamation authorization, although when the bill passes, the program will be indistinguishable from the typical project. The departures from the typical in this bill are brought about by the necessity to face up to errors in judgment made at least 25 years ago by the Department and by the Congress and which have been left too long unattended. I will now explain to the House what we seek to accomplish in H.R. 7521.

NEW WORK AUTHORIZED

The bill authorizes new Federal expenditures in the amount of $12,116,000. This authority will enable appropriations for rehabilitation of the canals and laterals of the first and second divisions, and the installation of drainage works that were never completed in the initial construction phases. About $1 million will be authorized for fish and wildlife habitat development in the project lands and in connection with the water bodies on the project. Everyone should take particular note that we are not authorizing service to any lands to be newly irrigated and we are not sanctioning the expenditure of any funds whatsoever in behalf of third division lands. The work covered by this provision of the bill is typical of that frequently required on projects after they have been in service for 40 or 50 years, and some of the older structures begin to require more maintenance expense than can prudently be made.

AMENDATORY REPAYMENT CONTRACT AUTHORIZED

Under the terms of H.R. 7521, the Secretary of the Interior will be authorized to enter into an amendatory repayment contract with the Midvale Irrigation District. This contract will extend for a term of 50 years, consistently with the present policies of the Congress in such matters. The district will be obliged to pay in accordance with an up-to-date determination of its payment capacity for all of the lands including any lands of the third division which are still arable and which are acquired by Midvale operators and admitted to the district.

This contract will supersede the existing contract under which the Midvale district is obliged to continue payments for more than 100 years. The obligations currently in force under the existing contract will be assumed in part by the new contract and in part by revenues from the net proceeds of the Missouri River Basin power system. Financial assistance in the amount of some $19,000,000 is needed and is available for this purpose according to studies and testimony presented to the Committee on Interior and Insular Affairs.

Mr. Speaker, this aspect of H.R. 7521 can be likened to the refinancing of a loan not greatly dissimilar from the practices found in private business. Here, we are giving the Riverton people a new contract under the same terms and conditions that we would give a new project. In so doing, we are also asking these borrowers to assume the same obligations that a new borrower would assume. We want them to pay what they are able to pay, and to take care of operation and maintenance. We do not expect them to get any credit for what they paid under their old notes to the Government and have proposed amendments to delete certain proposed credits that would be granted as a consequence of such earlier payments and expenditures. The author of the bill and its primary supporter, the gentleman from Wyoming, our colleague, Mr. WOLD), understand and accept the logic and commonsense of this proposal as do the water users of Midvale.

ACREAGE LIMITATION ADJUSTMENTS

H.R. 7521 will allow the acreage limitation provisions of reclamation law to be administered on the class 1 equivalency concept. What this means is that a landowner may receive water for 160 acres of class 1 irrigable land or its income-producing equivalent in lands of lesser classes. The Congress has long recognized this as an equitable modification of the 160-acre law for projects where limitations of soils, climate, or crop adaptability make it impossible to operate successfully under the strict provisions of the original acreage limitation statute.

FISH AND WILDLIFE PROGRAMS

The bill provides that justifiable fish and wildlife enhancement works may be undertaken subject to the standard requirement of cost sharing by a non-Federal public body. The State of Wyoming through its duly authorized officials has agreed to operate and maintain the facilities, and to repay with interest one-half the separable costs in accordance with the standard formula set up by Congress in the Federal Water Project Recreation Act, Public Law 89–72.

THIRD DIVISION LANDS

In earlier legislation, the Congress authorized the Secretary of the Interior to acquire the holdings of the unsuccessful settlers on the third division and to make appropriate disposition of these lands. About $3 million was expended in extinguishing the rights of the settlers. Title to the lands of the third division is now in Federal hands and those lands which are arable are being operated under 1-year lease arrangements by the farmers of the Midvale district. H.R. 7521 would give these farmers a priority to acquire the arable lands of third division and thus restore them to productivity and local tax rolls. The bill also authorizes the Secretary to declare nonreimbursable costs of development associated with third division land found to be permanently nonproductive or nonirrigable.

Mr. Speaker, these are the major features of H.R. 7521. They have the combined effect of restoring the Riverton development to a position of being a credit to the community, the State, and the Nation. We should pass this bill and get the project back on track and forever erase it from our agenda of problems. I urge all Members to assist in passing this measure today.

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the Riverton project and in particular, the third division of the Riverton project, has been the subject of consideration by the Committee on Interior and Insular Affairs. Previous attempts to resolve the problesm in the third division of this Riverton project serve as an example of bureaucratic ineptitude and lack of innovation.

The Riverton project was originally placed under the jurisdiction of the Bureau of Reclamation in 1920. The Midvale Irrigation District, the operating entity of the original project, has been successful in operating the first and second divisions, but not without serious hardship and difficulty. In 1944, the third division of the Riverton project was authorized and the project ran into immediate difficulty because of the inability of the lands to accept irrigation water and support crops. In March 1964, the Congress authorized the Secretary of the Interior to repurchase the third division lands and approximately 19,000 acres have been rebought at a price of about $3 million.

H.R. 7521 proposes to consolidate and integrate the entire Riverton Federal reclamation project, the first, second, and third divisions, into a single entity, by reauthorizing it as the Riverton unit of the Missouri River Basin. H.R. 7521 does this by modifying the plan of the now authorized third division to include the entire Riverton project in the Missouri River Basin project. This permits the entire project to be administered as a unit under the Midvale Irrigation District, which will assume operation and maintenance responsibility for the project works.

The bill authorizes the Secretary to replace all existing repayment contracts with a single amendatory 50-year repayment contract with the Midvale Irrigation District. At the same time, the bill authorizes the construction, rehabilitation, and betterment on canal linings, structures, laterals, drains, and other modifications in the first and second divisions of the project at an estimated cost of $11,103,000.

In addition, the bill provides that the project will be financially integrated into the Missouri River Basin project, thus providing financial assistance from the net power revenues of the Missouri Basin. H.R. 7521 authorizes a priority of purchase to the present landowners within the project to purchase lands within the third division as supplemental to their existing farms. The bill also exempts the 160-acre limitation of Federal reclamation law to the whole project

with regard to class one land or their equivalent in other land classes as determined by the Secretary of the Interior.

As a result of this consolidation, the total estimated project cost of the Riverton unit as reauthorized is $43,063,728. Only $12,116,000 of this amount is new development authorized in this bill; $11,103,000 of this amount as previously mentioned is for rehabilitation and betterment works and is allocated to irrigation as a project purpose. The remaining $1,565,900 of the $12,116,000 authorized for new development involves the costs associated with fish and wildlife enhancement. Of this amount, the State of Wyoming has already expended approximately $533,000, leaving a $1,013,000 Federal expenditure and the State will assume the responsibility for operation and maintenance of the fish and wildlife enhancement works.

While I favor the overall approach taken in H.R. 7521, to make the Riverton unit a sound, financially feasible Federal reclamation project, I am dismayed at the committee's inability to permit credits to be given the farmers of the Midvale Irrigation District as was proposed in the legislation when introduced and supported by the Department of the Interior. In essence, the bill as introduced permitted credits in two instances in the sum of $1,419,119.03 and $50,000 for payments already made and betterment works already completed to be reflected in the new repayment obligation under the amendatory contract. I regret the committee did not see fit to go one step further in this respect in making this project more financially feasible.

Mr. Speaker, I urge the passage of this legislation.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. SAYLOR was allowed to proceed for 5 additional minutes.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

The chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), has said this was a project that went sour, or words to that effect, and apparently it went very sour. Now it is proposed to try to salvage something out of it, but is this in the nature of sending good money after bad? Can this project be salvaged?

Mr. SAYLOR. I am happy to tell my colleague, the gentleman from Iowa, that the first two units of the Riverton project, while they had difficulty in operating, were able to make their payments. The third unit of the Riverton project, which was authorized during World War II, was a fiasco from the day it was authorized. There was no proper survey of the land, and many young men returning from the service were led to believe that if they would go out to that area, they would get a 160-acre farm.

It was so bad that after hearings before our committee both in the field and here in Washington, D.C., we authorized the Bureau of Reclamation to go out and buy out all of the farmers who wanted to sell in the third unit of the Riverton project.

What we are doing in this bill by changing the 160-acre limitation law is allowing the farmers who are presently on units one and two the right to buy additional land in what was described as unit number three, and add it to their present farms or ranches, so that they can have a better project.

When the Bureau of Reclamation sent its report in, it asked that the sum of a little more than $1 million which had been paid by the irrigators in the third district be given as a credit against the new contract. The Committee on Interior and Insular Affairs decided that this was not correct, that they should not give the local farmers this benefit.

I understand from the people in the area, even though they would have liked to have credit for that $1 million plus, they are willing to accept this project now.

Mr. GROSS. Then this project does not add new lands for irrigation purposes, but rather is an attempt to rehabilitate, in part at least, that which has failed?

Mr. SAYLOR. That is correct.

Mr. GROSS. There is a figure on page 6 of the bill of $12,116,000, and following that, in parenthesis, it says "based on July 1969 prices."

Are we here today adopting an authorization figure of $12,116,000 knowing that there has been an increase in cost over the past year and that this figure will be increased?

Mr. SAYLOR. I might say to my colleague from Iowa that at the time we held these hearings early this year the latest figures we had available were the July prices. We cannot get a completely up-to-date figure. At the time the hearings were held and the witnesses appeared to testify this was the latest figure available to the committee.

Mr. GROSS. That was July a year ago?

Mr. SAYLOR. That is right.

Mr. GROSS. Not last July, but July a year ago.

I have one further question with respect to the language on page 5, which states in part: "on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for 15 years from date of issue."

Is this normal language in a bill of this nature, and if so, is the interest rate on 15-year obligations more favorable to the borrower? What is the story?

Mr. SAYLOR. I might say to my colleague from Iowa, this is the formula which has been updated, to be used now. While it does not reflect the actual cost of present-day borrowing, it is the figure that has been used in all reclamation projects and all Public Works projects to determine the feasibility.

I want to say it is only because the Public Works Committees of the House and Senate have come into agreement that we have this updated and now have this figure. Up until about 18 months ago we had a figure considerably less than that.

Mr. GROSS. Considering the billions upon billions of dollars this Government is in debt, there are few, comparatively speaking, long-term or 15-year obligations. Most of it is very short term—5 years or less.

Mr. SAYLOR. A lot of the money at the present time which the Government is borrowing is on short-term notes. But we still do have outstanding some long-term loans.

Mr. GROSS. I thank the gentleman for his explanation.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. SAYLOR: Page 2, line 2, strike out "project." and insert "project: *Provided*, That all identifiable return flows of water from the general plan as modified and reauthorized shall be treated for the purpose of abating pollution and improving water quality, in such manner as determined by the Secretary of the Interior."

Mr. SAYLOR. Mr. Speaker, as I said before, this is the amendment that I would like to see adopted in this legislation. However, I am a realist and I realize it is impossible to get this amendment adopted at this time.

The purpose of this amendment is to carry out the congressional intent to abate water pollution and improve our environment. This Nation is on the threshold of a major attack on water pollution. The Council on Environmental Quality in its recent report recommended that a strong and consistent Federal policy should be developed to control water pollution and insure effective enforcement of water quality standards.

The place to begin is here in our consideration of legislation authorizing Federal water resource developments—be they large or small. And, the time to begin is now. This is essentially what the amendment I have offered does, by writing into basic law the requirement that all identifiable flows of water from works and facilities authorized in this Federal project shall be inspected and treated for the purpose of abating water pollution and improving water quality.

This is not a complex amendment. The amendment merely requires: First, that the flows of water be identified from the works and facilities authorized in the act, if they cannot be identified then there is nothing to be done; and, second, if the flows of water can be identified, the amendment requires that the water flow be inspected for water pollution. If water pollution is found then the amendment requires that the water flows be treated to abate the pollution and improve the water quality. All this is to be done in such manner as is determined by the Secretary of the Interior. If the Secretary of the Interior does not have the money or manpower within his De-

partment or the Federal Water Pollution Control Administration, then the Secretary, I am certain, will be more than willing to request more money and manpower from the Congress.

I am aware that there are those who will rise in opposition to this amendment and propose arguments against its adoption on the basis that this amendment has no place in this little project. I would point out to my colleagues that this Congress passed Public Law 91–190, commonly known as the National Environmental Policy Act of 1969. The amendment which I have offered is merely a step, a small step, in carrying out the congressional declaration of a national environmental policy. I would also say to my colleagues to beware of those who clamor for the improvement of our environment, so long as it is not required in their own backyard.

Improvement of our environment, abating water pollution, and improving water quality are all part of the same problem. If we in the Congress are to carry out our commitment to improve the environment then we must begin by requiring that Federal water resources developments, of large, small, or medium size, be continually monitored for the purpose of abating water pollution and improving water quality.

If we are to have a national policy on the environment, then the Federal Government should set the example. I urge the adoption of the amendment.

Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 2 at the end of line 2, "The Riverton extension unit shall be operated in such manner that identifiable return flows of water will not cause the Wind River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903)."

Mr. SAYLOR. Mr. Speaker, at the time we had the Narrows project in Colorado before the House and went to conference this language was adopted as being a step forward in requiring the Secretary of the Interior to operate the reclamation projects in accordance with water quality standards. Therefore, this is the same amendment that has been agreed to in conference.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the gentleman.

Mr. JOHNSON of California. Mr. Speaker, the amendment just read by the gentleman from Pennsylvania meets with the approval of the people on this side. We have no objection to it.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was agreed to.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 7, after "conservation," insert "fish and wildlife conservation and development,"

Page 2, line 13, strike out "confirmed," and insert "executed."

Page 2, line 23 through page 3, line 12, strike out all of subsections (d) and (e).

Page 3, line 15, strike out "land" and insert "lands".

Page 4, line 4, strike out "project." and insert "project within fifty years from and including the year in which the amendatory contract authorized by this Act is executed."

Page 4, line 9, after "other" insert "land".

Page 4, following line 23, insert a new Section 6 as follows:

"Sec. 6. (a) The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

"(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue."

Page 4, line 24, renumber "Sec. 6." to read "Sec. 7."

Page 5, following line 4, insert a new Section 8 reading as follows:

"SEC. 8. There is hereby authorized to be appropriated for rehabilitation and betterment of the facilities of the first and second divisions of the Riverton unit, for completion of drainage works for said first and second divisions, and for fish and wildlife measures as authorized by this Act, the sum of $12,116,000 (based on July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the Riverton unit."

The committee amendments were agreed to.

(Mr. WOLD (at the request of Mr. MCCLURE) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WOLD. Mr. Speaker, I, first of all, would like to express my great appreciation for the outstanding leadership of Chairman ASPINALL and to my colleagues on the Interior and Insular Affairs Committee for reporting out my bill, H.R. 7521, to reauthorize the entire Riverton project as a single unit of the Missouri River Basin project. The Riverton reclamation project is located in central Wyoming in Fremont County.

The legislation before us today is in essence a reauthorization for the future of agriculture in much of central Wyoming. We hear a lot these days about urban decay and urban renewal. The urban problems are real and few would argue that the billions of dollars being spent to remedy these problems are unjustified. But we must not allow all this attention on urban problems to blind us to the fact that we also have rural renewal needs. Many of these symptoms are present in the situation which my legislation remedies.

Favorable consideration of H.R. 7521 is a matter of vital importance to the economic welfare of Wyoming. It has been the subject of exhaustive congressional study and deliberation for the past several years.

The bill under consideration would authorize the consolidation of 45,000 acres of the first and second divisions, designated the Midvale Irrigation District, and the 25,000 acre third division, designated the Riverton Extension Unit Missouri River Basin. By consolidating these projects into a single organization, the existing Midvale Irrigation District would assume responsibility for planning, operation, contracting, and maintaining the combined units.

The bill further provides that the combined units would be financially integrated into the overall Missouri River Basin project, with a 50-year repayment contract. The bill provides for the resale of Government-owned, arable third division lands to Midvale farmers. Authorization is also included for necessary drainage construction, needed rehabilitation of distribution systems and equipment, and financial assistance from the net power revenues of the Missouri River Basin project. The bill also authorizes a small fish and wildlife enhancement program consisting of lands and habitat improvement for game and migratory waterfowl.

By way of background, money for the original Riverton project was made available from the Indian Appropriations Act of 1918. The Bureau of Reclamation assumed control of the project in 1920 and 5 years later the first water was delivered for irrigation. Construction of the irrigation facilities serving the first two divisions was essentially completed prior to World War II. The third division, designated the Riverton Extension Unit, was authorized in 1944 and construction was initiated on a crash basis in 1946 to provide settlement opportunities for World War II veterans. Settlement commenced in 1949.

The project was plagued with financial difficulties from the outset.

Conditions caused a breakdown in the long-term repayment contract and in 1962 the contract was terminated. In 1964, Congress authorized the Secretary of Interior to purchase third division land. Virtually all of the third division was purchased by the United States.

The farmers of the first and second divisions now lease virtually all irrigable and productive third division land and have shown that in the hands of competent and experienced farmers it is as productive for crops and pasture as their own land in the first and second divisions of the Midvale Irrigation District.

The Midvale Irrigation District is directed by farmers who have shown over many hard and often lean years how to make a living in an environment of complex soil and erratic weather conditions.

The strength of these men is further reflected in their efficient and responsible irrigation organization, which among other things has never missed a repayment to the Government.

The Midvale Irrigation District has already demonstrated the capacity to assume central administration of the three districts. For several years, Midvale has been providing water to third division leaseholders. It is a matter of record that the cost of delivering water to the three divisions can be handled as economically as the unit cost presently in existence.

The legislation before us today is a reauthorization for the future of our rural communities.

Failure to reauthorize the Riverton project as I have proposed would seriously impair the economic and social growth of the region. Without rehabilitation of the first and second divisions, the Bureau of Reclamation estimates that about 24 percent of the land would be lost to cultivation because of continuing seepage, salinity, and structure failures. Loss of that much productive land in an agricultural based economy would be catastrophic.

Failure to act now would mean the continued degradation of third division lands, representing a Federal investment of more than $18 million.

Further delay will only feed the doubts of the enterprising agricultural people and the young farmpeople who want to stay on the farm but are discouraged by the unsettled economic conditions and limited opportunities for growth.

The problems facing Midvale are no less fundamental than the crisis confronting many of our cities. If one accepts this view, then the question is: Do we step up to the rural problems with the same imagination and support now working to iron out the urban problems? I would certainly hope so. Favorable action on my bill will be a step in that direction.

Mr. JOHNSON of California. Mr. Speaker, H.R. 7521, to reauthorize the Riverton extension unit, Missouri River Basin project, to include the entire Riverton Federal reclamation project, and for other purposes, is the result of a decade of cooperative study and consideration by the Department of the Interior and the Committee on Interior and Insular Affairs. As recommended to be amended by the committee, this measure will provide the basis for settlement of the outstanding problems which have confronted the Riverton community since shortly after World War II.

When H.R. 7521 is enacted and implemented, the Riverton extension unit as it will then be constituted will be a soundly based, operating water resource development that is a credit to those who have worked on it through the years.

In order for Members to understand the bill, it is important to review, very briefly, the history of Riverton; the evolution of its difficulties; and the interim steps that have heretofore been taken.

The original Riverton project, sometimes known as the first and second divisions, was started almost 50 years ago as an Indian irrigation project. Almost immediately, jurisdiction was transferred to the Bureau of Reclamation which delivered the first irrigation water in 1925. Construction of the first two divisions was substantially finished by 1940.

The third division was authorized as the Riverton extension unit in the omnibus bill of 1944 and was started under construction as soon as World War II was ended. Settlement of veterans on the farms of the third division was undertaken in 1949.

Difficulties soon arose on the third division. The lands were not well suited to irrigation, and particularly under the quality of management that was received from the inexperienced settlers. As a result, much of the land of the third division was ruined, the settlers were in financial distress, and the whole situation was almost beyond control. In the meantime, the first and second divisions were functioning reasonably well under a repayment contract between the United States and the Midvale Irrigation District.

Things finally got so bad that Congress, in 1964, passed an act under which the Secretary of the Interior was authorized to buy out the third division landowners and to make appropriate disposition of the lands. About $3,200,000 was expended in implementing this legislation. At the time the 1964 measure was under consideration, it was understood that the problems of the Midvale Irrigation District would be the subject of future legislation. H.R. 7521 is responsive to that understanding.

Simply stated, H.R. 7521 will modernize the Riverton project; it will authorize necessary rehabilitation of distribution works and provide drainage facilities long neglected; it will make realistic adjustments in reimbursable costs by writing off costs associated with permanently nonproductive lands and providing financial assistance for those costs which are beyond the water users' payment ability; it will adopt modern concepts of cost sharing for fish and wildlife; and it will adjust acreage limitations to a realistic basis. All of these provisions are consistent and compatible with current principles of reclamation financing. They are nothing more nor less than would be afforded to new projects now being considered for authorization and development.

As I pointed out earlier, our committee has looked at the Riverton from every standpoint. We have no record of anything but the most limited opposition. The Wind River Indians who have signed away their rights to the lands of the division have registered a mild protest, not with the bill but with certain land management and leasing practices, and one private citizen who desires to continue interim use of some public lands constitute the only opposition to this measure in the community, the State, or the Congress. The Interior Department also endorses the bill and the Bureau of the Budget endorses it in part.

Now, let us look and see what kind of project we will have when this bill becomes law.

Economic justification of the Riverton extension unit is demonstrated by a benefit-cost ratio of 1.78 to 1—total benefits—and a ratio of 1.26 to 1—direct benefits only. These computations take into acount all costs of the program whensoever incurred and the benefits that will occur with the development proposed by H.R. 7521. The incremental benefit-cost ratios associated with the developmental work and rehabilitation specifically authorized by H.R. 7521 are 2.07 to 1 and 1.41 to 1 for total and direct benefits, respectively.

The total estimated project cost of the Riverton extension unit, as reauthorized by H.R. 7521, including previous expenses and future development, is $43,063,728. This amount is tentatively allocable to water resource development purposes as follows:

Irrigation	$40,984,659
Power	513,169
Fish and wildlife	1,565,900
Total	43,063,728

The costs allocated to power are repayable with interest from revenues creditable to the power produced at the existing Pilot Butte powerplant. Surplus revenues from the sale of project power in the amount of $453,169 will be available to assist in the repayment of irrigation costs beyond the ability of the water users to repay.

Fish and wildlife costs will be returned in accordance with the policy requirements of the Federal Water Project Recreation Act, under which the State of Wyoming will assume total responsibility for operation, maintenance, and replacement of fish and wildlife enhancement works, and repay within a term of 50 years, with interest, one-half the project cost allocated to fish and wildlife purpose—$783,000. The costs allocated to fish and wildlife over and above those borne by the State of Wyoming will be nonreimbursable.

Costs allocated to irrigation will be repaid by water user revenues, by financial assistance from net power revenues of the Riverton extension unit and the Missouri River Basin project, by minor miscellaneous receipts, or will be nonreimbursable in accordance with previous legislation and the terms of H.R. 7521.

The studies available to our committee establish the availability of the required power revenues. On this basis, we have brought out this bill and believe that it merits approval by the House.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1185 the Committee on Interior and Insular Affairs is discharged from further consideration of the bill (S. 434) to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JOHNSON of California moves to strike out all after the enacting clause of S. 434 and insert in lieu thereof the provisions of H.R. 7521 as passed, as follows:

That the general plan for the Riverton extension unit, Missouri River Basin project heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project". The Riverton extension unit shall be operated in such manner that identifiable return flows of water will not cause the Wind River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided*, That whenever new lands or lands now or hereafter classified as nonproductive, are reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The Secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit, resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. (a) The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 8. There is hereby authorized to be appropriated for rehabilitation and betterment of the facilities of the first and second divisions of the Riverton unit, for completion of drainage works for said first and second divisions, and for fish and wildlife measures as authorized by this Act, the sum of $12,116,000 (based on July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the Riverton unit.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7521) was laid on the table.

PROVIDING FOR THE ESTABLISHMENT OF THE GULF ISLANDS NATIONAL SEASHORE

Mr. TAYLOR. Mr. Speaker, I call up the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore"). The seashore shall comprise the following gulf coast islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Islands National Seashore," numbered NS GI 7100F, and dated May 1969:

(1) the Chandeleur Islands in Louisiana;

(2) Cat, Ship, Petit Bois, and Horn Islands in Mississippi;

(3) One Island in Alabama;

(4) Perdido Key in Alabama and Florida;

(5) Santa Rosa Island in Florida, exclusive of the Fort Walton, Navarre, and Pensacola beaches;

(6) the Naval Live Oaks Reservation in Florida;

(7) Fort Pickens and the Fort Pickens State Park in Florida; and

(8) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt, and Fort McRee on Perdido Key, and sufficient surrounding land for proper administration and protection of the historic resources.

SEC. 2. (a) Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. The Secretary may acquire by any of the above methods not more than one hundred acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilites for access to the seashore; and not more than ten acres of land on or near Seville Square in Pensacola, for administrative or historical purposes. With the concurrence of the agency having custody thereof, any Federal property within the seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(b) When acquiring lands, waters, and interests therein within the boundaries of the seashore, the Secretary shall permit a reservation by the grantor of all or any part of the oil, gas, and other minerals in such lands or waters and of other minerals therein which can be removed without undue interference with the administration, development, or public use of the seashore, with the right of occupation and use of so much of the surface of the lands or waters as may be required for all purposes reasonably incident to the mining or removal of oil, gas, and other minerals which can be removed by similar means from beneath the surface of such lands and waters and the lands and waters adjacent thereto, under such regulations as the Secretary deems appropriate.

(c) With respect to improved residential property acquired for the purposes of this Act which is beneficially owned by a natural person and which the Secretary of the Interior determines can be continued in that use for a limited period of time without undue interference with the administration,

development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less their fair market value on such date of the right retained by the owner.

(d) As used in this Act, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1967, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any marsh, beach, or waters and adjoining land that the Secretary deems is necessary for public access to such marsh, beach, or waters.

(e) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and State laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

SEC. 4. With the exception of areas within Horn and Petit Bois Islands, the Secretary may, in accordance with such regulations as he deems appropriate, permit the removal of leaseable minerals from lands or interests in lands under his jurisdiction within the seashore in accordance with the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such removal would not have significant adverse effects on the administration, development, or public use of the seashore.

SEC. 5. Except as otherwise provided in this Act, the Secretary shall administer the seashore in accordance with the Act of August 25, 1916 (30 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with such adjacent lands as the Secretary may designate, the Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), and he may designate them as national historic sites. The Act of July 2, 1948 (62 Stat. 1220), which provided for the establishment of the Pensacola National Monument, is hereby repealed.

SEC. 6. The Secretary of the Interior and the Secretary of the Army may cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of this Act.

SEC. 7. There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of this Act.

SEC. 8. No provision of this Act, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 6 of this Act.

SEC. 9. There is hereby established a Gulf Islands National Seashore Advisory Commission. The Commission shall terminate ten years after the date the lakeshore is established pursuant to this Act. The Commission shall be composed of three members from each county in which the seashore is located, each appointed for a term of two years by the Secretary as follows:

(1) one member to be appointed from recommendations made by the county commissioners in the respective counties;

(2) one member to be appointed from recommendations made by the Governor of the State from each county; and

(3) one member to be designated by the Secretary from each county.

Provided, That two members shall be appointed to the Advisory Commission in each instance in counties whose population exceeds one hundred thousand.

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

The Secretary or his designee shall, from time to time, consult with the Commission with respect to the matters relating to the development of the Gulf Islands National Seashore.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. ASPINALL. Mr. Speaker, I move to strike the last word.

(By unanimous consent, Mr. ASPINALL was allowed to proceed for 3 additional minutes.)

Mr. ASPINALL. Mr. Speaker, H.R. 10874, as recommended by the Committee on Interior and Insular Affairs, carries out the basic thrust of the bill as it was originally introduced by our friends from the gulf coast States—Messrs. COLMER, SIKES, HÉBERT, and DICKINSON. If enacted, it will authorize the establishment of the Gulf Islands National Seashore.

FACTS ABOUT THE SEASHORE PROPOSAL

After considering the legislation in considerable detail, the committee concluded that most of the revisions recommended by the Department of the Interior should be approved. Consequently, the bill provides for a national seashore comprised of lands located only in the States of Mississippi and Florida. The Chandeleur Islands of Louisiana were removed from the seashore boundaries because they are already protected as a part of the national wildlife refuge system and because they are relatively isolated and unsuitable for mass recreation use. Ono Island and part of Perdido Key in Alabama were also removed from the seashore because they are already intensively developed and would require an undesirable increased outlay.

If approved, House Resolution 10874 will add to the Nation's inventory of outdoor areas a valuable recreation asset. Like Cape Cod, Assateague Island, and Point Reyes, the proposed Gulf Island National Seashore is located within easy driving distance of millions of Americans. It is anticipated that it will serve the recreation needs of people living within a seven-State region and that it will draw vacationers from the other parts of the country. Of the 23 million residents located in the vicinity, 10 million live within 250 miles of the proposed seashore and will be able to enjoy it relatively frequently. Because of the population concentration in the area, annual visitations are expected to reach 3.5 million within 5 years and may total 10 million within the foreseeable future.

Persons familiar with the areas involved in the Gulf Islands National Seashore might reasonably ask: Why do we expect such a heavy influx of visitors at this seashore? The answer to this question involves more than a simple reflection of the large populous residing nearby, it involves the nature of the area. The Gulf Islands Seashore proposal offers an outstanding combination of features to the visiting public—a combination that would be difficult to match in any other part of the country.

For the sportsmen, there are numerous opportunities. The beautiful sandy beaches of the area and the gulf waters offer a variety of water-oriented activities. Swimming, water skiing, fishing, boating, and beachcombing will all be popular activities. In addition, the location of the seashore at the bottom of the Mississippi flyway makes it an excellent area for migratory waterfowl hunters.

Recreation at the seashore, however, will not be limited to the usual outdoor pursuits, because the seashore has other significant values that will appeal to many visitors. People interested in the history and culture of our country will find the old forts located within the seashore interesting places to visit. Others interested in nature study, photography, and primitive camping will find other parts of the seashore a nice place for their retreat.

NEED

About a decade ago, the Outdoor Recreation Resources Review Commission reported that the Nation's principal out-

door resources were remotely located and relatively inaccessible to the Nation's major population centers and it recommended that all levels of government—Federal, State, and local—make a concentrated effort to expand the opportunities for outdoor recreation near them.

During the 1960's, the Congress moved to meet that need. Long before "environment" and "ecology" were common terms in our vocabulary, efforts were underway to provide a better place for people to live. Cape Cod National Seashore, Point Reyes, and Padre Island were the start of something new—they were the beginning of the national effort to provide large natural areas for the outdoor recreation needs of the people living in the densely populated regions of the east coast, gulf coast, and west coast. They were followed by many other areas like Assateague Island National Seashore, Indiana Dunes National Lakeshore, and the Whiskeytown-Shasta-Trinity Recreation area complex. Like all of those areas, Gulf Islands National Seashore aims at helping to meet a part of the national need for more readily accessible outdoor recreation areas.

Altogether, the seashore will comprise 18,100 acres of land—about 7,750 acres in Mississippi and approximately 10,350 acres in Florida. If approved as recommended by the committee, it will include three islands in Mississippi and a significant portion of Santa Rosa Island and Perdido Key in Florida as well as some very interesting old forts, an old lighthouse, and the old Naval Live Oaks Reserve on the mainland.

Much of this land is already in Federal or State ownership so that land acquisition costs should be relatively nominal. It is estimated that the privately owned lands or interests in lands needed for the seashore can be acquired for $3,120,000. State-owned lands and other publicly owned lands would be acquired by donation or transfer without cost. All land acquisition moneys, of course, would be appropriated from funds available in the Land and Water Conservation Fund for this purpose.

Mr. Speaker, H.R. 10874, as amended by the committee, is a sound bill. It will authorize an outstanding new addition to the National Park System and it will help to serve a national goal. I am pleased to recommend it to my colleagues and I urge its approval.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am very glad to yield to my friend, the gentleman from Iowa.

Mr. GROSS. I notice in the report that there has apparently been some difficulty over Federal lands known as the Naval Live Oaks Reservation. This land was turned over to the State of Florida and has not been used properly, according to the terms of the Government stipulation as to use. What about this? Can someone explain it, at least briefly?

Mr. ASPINALL. I gladly yield to my friend, the gentleman from Florida (Mr. SIKES) in whose district this area is situated.

Mr. SIKES. This land was made available to the State of Florida years ago at low cost for public park purposes. A suit was brought within the State by private claimants who insisted that they held title to the property by having acquired tax deeds many years before, although the Federal Government had not at that time relinquished its ownership. The State supreme court ruled that the property should, in fact, belong to the private claimants, since it had been acquired by the State. However, the restriction on the use of the property continued. It could only be used for public park purposes. The Federal Government says it has not been used for those purposes.

Simply stated the Federal Government retained a reverter clause under which the land could be reclaimed if it was not used for public park purposes. The Federal Government is now in the process of recapturing the property by the exercise of its reverter clause.

Mr. GROSS. So the land will be recovered by the Federal Government and made a part of this seashore project?

Mr. SIKES. Yes, and it will be made a part of the seashore project.

Mr. Speaker, this is a very interesting area consisting of some 1,300 plus acres. It was one of the original sites established shortly after 1800 by the Federal Government as a source of live oak timber for naval vessels. As a matter of historical interest, some of the old trees are there now and the area has archeological values that are quite important.

It also borders on the Santa Rosa Sound and it is a very attractive area.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Colorado (Mr. ASPINALL) has expired.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado may have 1 additional minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. I would like to ask a question concerning what happens in this hurricane prone area in which the seashore project is being established. What happens in the case of a hurricane where there may be serious destruction of property? Does the Government rebuild it?

Mr. ASPINALL. If my colleague will permit me, let me say this: In the area on the continent itself we do not have any difficulty there, but these islands are constantly moving, as my colleague very well knows. They move to a limited extent, more than likely, toward the west. On the other hand, there will not be any development work in this particular area of any consequence, of any value, and any hurricane that would come in would simply move the sand area without disturbance to any valuable improvements.

Mr. GROSS. The gentleman speaks of boat dockings, marinas.

Mr. ASPINALL. Yes, there will be some boat dockings, some trails, and some camp ground development.

Mr. GROSS. It is not planned to put up any structures of any size?

Mr. ASPINALL. Important structures will not be based there, and the administration headquarters will be on the mainland.

Mr. GROSS. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER pro tempore (Mr. MILLS). The gentleman from Pennsylvania is recognized.

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, H.R. 10874, to provide for the establishment of the Gulf Islands National Seashore in the States of Florida and Mississippi.

Establishment of the Gulf Islands National Seashore will represent a significant addition to our growing national seashore system. The Gulf Islands National Seashore will comprise approximately 18,080 acres of land, exclusive of submerged lands in the States of Florida and Mississippi. More than half of this total acreage is presently in public ownership.

The physical resources and wildlife of these gulf barrier islands provide an excellent variety of outdoor recreation. Perhaps the most outstanding resource of these islands are the wide, gently sloping white sandy beaches matched against the clear blue waters of the Gulf of Mexico. The land and waters of these islands will provide unlimited opportunities for camping, picnicking, fishing, swimming, skindiving, water skiing, boating, and hiking.

The seashore will present a prime recreational opportunity to some 23 million people in the seven State region of Florida, Louisiana, Arkansas, Tennessee, Mississippi, Alabama, and Georgia. Approximately 10 million people live within 250 miles or a reasonable driving distance of the proposed seashore. It is estimated that visitation to the seashore is expected to exceed 3½ million within 5 years after establishment of the seashore, and increasing to 10 million annual visits.

This bill also provides for the recognition of certain military fortifications and other values which are part of the historical panorama of this great Nation. The seashore then will not only provide much needed public recreational opportunities, but also, preserve certain of the historical values of importance in the early development of this Nation.

Establishment of the Gulf Islands National Seashore is estimated to cost $3,120,000 for the acquisition of lands and interests in lands. The costs for development of the seashore are estimated to be $14,799,000.

The passage and enactment of this legislation will be an important step in preserving for the benefit and enjoyment of future generations the recreational, natural, scenic, and historical values in this area. At the same time, the bill provides for the review of the unique flora and fauna in the proposed seashore for inclusion as wilderness under the Wilderness Act. The seashore will be a significant contribution in our effort to preserve for public use and enjoyment the diminishing seashore and adjacent islands of our Nation which are increasingly subject to private development.

Mr. Speaker, I support the passage of this legislation establishing the Gulf Islands National Seashore.

Mr. SIKES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I am most appreciative to the distinguished chairman and the members of this outstanding committee for bringing this bill to the floor.

H.R. 10874, of which I am privileged to be a cosponsor, is a bill which I endorse wholeheartedly. My district, and in fact the entire gulf coast, is significantly affected by the bill and I consider it one of the most important measures that I have introduced in all of my time in Congress. I want to speak primarily to the Florida portion of the bill. My distinguished colleague, Mr. COLMER will discuss the Mississippi portion. In my opinion, the passage of this bill is essential for the preservation of historic sites of great national interest, essential for the protection of wooded and beach areas in their natural state, and essential for the the development of recreational sites of a type not available anywhere else in the Nation. Each of these values combine to provide an unusually attractive area and each will have constantly increasing value to posterity. Without this bill, we stand to lose magnificent beach and woodland areas to commercial development, and to lose important historic forts through decay and neglect. It is important to consider that neither the State nor the Federal Government over the years has provided the funds to keep the historic forts in a satisfactory state of preservation. They simply are not in the old fort business. As a consequence, these forts are deteriorating year by year and substantial parts of them now are closed to the public. This is a very sad commentary on what is happening to important historic sites.

Let me also call attention to the fact that nearly all of the land to be made available in the Florida portion of the seashore, although very valuable, is through donation. The historic forts, some of which date back to Spanish colonial days, and the old lighthouse, which has been in service more than 100 years, are now a part of the Pensacola Naval Air Station. The Fort Pickens State Park, which comprises Fort Pickens plus 7½ miles of island, fronted on the one side by the gulf and on the other by Santa Rosa Sound, is State property and it is to be transferred without cost to the Department of the Interior for inclusion in the seashore. An additional 7½ miles of Santa Rosa Island, also fronted on one side by the gulf and the other by the sound, will be made available by donation from Escambia County, Fla., which is the present owner of the property. The value of this property is hard to estimate, but it will run into many millions of dollars—$25 million would be a reasonable estimate—and it comes to the U.S. Government free of charge.

There are other areas which also are to be included in the Florida portion of the project. One is the Naval Live Oaks Reservation, more than 1,300 acres of land which borders on Santa Rosa Sound and on Pensacola Bay. This property is one of the first areas set aside by the Federal Government as a natural preserve. This was done in the early 1800's in order to have a source of strong timbers for naval vessels. The property still has many exciting old live oak trees, and in addition it has important archeological assets. The remaining portion which is to be made immediately available to the project is the eastern half of Perdido Key. Most of this property already belongs to the Federal Government, but some is privately owned and must be acquired by purchase.

It is of more than casual interest that this national historic and recreation area which will have great value to the people and great importance to the Nation can be established immediately with no cost for acquisition of most of the Florida land, which is to be included, and only minimal costs for initiating the program. The public can begin to reap the benefits from this exciting area without the time-consuming delays ordinarily accompanying the establishment of such public parks. The property is readily accessible by highways and bridges and usable on a year-round basis, not just in summer. The seashore will be interesting to all segments of the public—historians, swimmers, boaters, fishermen, hikers, tourists, and just plain beachgoers. It is strongly supported by local residents and by the State government and the county governments which are affected.

The committee well knows the tremendous demands which are now being made by a travel-conscious and recreation-minded public for facilities of this nature. There are no similar facilities operated by the Federal Government anywhere within hundreds of miles and none to my knowledge with such a wide range of interest to so many people. Here is an area in which 20 million people live within a day's drive. Many already are seeking out the pleasures of Florida's gulf coast. People come here from throughout the Nation, and more will come as word of the year-round desirability of this beautiful countryside becomes known.

I believe this will be an excellent development for the American taxpayer and one which will increase significantly in value to all of the people with each passing year. Fortunately it comes at bargain prices and this also will be of significance to the taxpayer.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, is the Federal Government going to be called upon to liquidate the long-term leases on the land?

Mr. SIKES. Oh, no. The property that is under lease is not being acquired as part of the seashore. Leased and developed property are entirely separate and will continue under present jurisdiction. The Federal Government is not planning to acquire the leases. That would run into much more money than we are discussing now.

Mr. TAYLOR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, H.R. 10874 is the culmination of the efforts of many individuals who spent many hours working out its details. During the 90th Congress, several members of the Subcommittee on National Parks and Recreation visited the area involved and conducted field hearings in both Mississippi and Florida. During the course of that trip, we became acquainted with the potential of the seashore which the chairman of the full committee has outlined and we had an opportunity to learn the desires and aspirations of local citizens.

With this basic background, together with a preliminary Washington hearing, several members of the subcommittee were quite familiar with this proposal when we began to consider it in this Congress. Hearings were held on H.R. 10874 this year and most of the testimony was favorable to its enactment; however, some amendments were suggested.

LEGISLATIVE PROVISIONS

As a result of this combined experience, the members of the committee were able to agree on the basic terms of the bill without difficulty. The bill contains many of the usual provisions customarily included in national seashore authorizations. It establishes the boundaries for the seashore and extends to owners of residential properties located within the boundaries the usual right to retain a limited estate in their property if it is not needed for public use, development or administrative purposes. The bill also contains the normal provision for the regulation of fishing and hunting within the seashore to assure compliance with Federal and State laws and it provides for the administration of the area in accordance with general authority granted to the Secretary of the Interior to administer such areas.

As has been the case in comparable areas in other parts of the country, the bill provides for the appointment of an Advisory Commission for the seashore. Members of this Commission will serve without compensation—except for expenses—and will help to provide a liaison between the park service and the local communities involved.

COMMITTEE AMENDMENTS

It should be noted that the committee adopted several amendments to perfect the bill. I would like to briefly enumerate them. First, with respect to the area included, the committee removed from the boundaries the areas which the Department indicated would not be needed to accomplish the objective of the seashore. In addition, the most controversial area within the original boundaries was a privately-owned island in Mississippi known as Cat Island. Because the committee concluded that its acquisition would be too costly and its contributions to the seashore too few, it was removed, also. This, of course, will result in a substantial reduction in the cost of the seashore.

Second, the provisions in the bill which provided for the possible future removal of minerals from the seashore were deleted from the bill because they were deemed incompatible with the purposes for which the seashore was to be established, but the committee recognized the importance of existing submerged pipelines which transport oil and gas resources from the Gulf of Mexico to refineries on the coast and it added a provision to assure the continued utilization of such pipelines subject to reasonable regulations established by the Secretary of the Interior.

Third, the committee approved a new

section 8 which provides that the appropriate portions of the seashore shall be reviewed for possible future designation as wilderness.

Finally, the committee adopted the usual provision limiting the amount authorized to be appropriated for land acquisition and development.

Mr. Speaker, as the chairman of the full committee indicated, authorization of this area will help meet a national need. It contains many natural, historic, and recreational values of national significance and is worthy of national recognition. Here, we have an opportunity to add a meaningful unit to our national heritage at a relatively low cost. Land acquisition should not exceed $3,120,000 and the development program, which will be spread over the next 5 years, should not exceed $14.8 million.

In conclusion, Mr. Speaker, I want to say that H.R. 10874 is the product of the work of many individuals, but the two principal sponsors of the bill deserve a great deal of the credit for their constructive contributions. Without the patience and helpful guidance of the gentleman from Mississippi (Mr. COLMER), it would have been very difficult to work out some of the problems which have now been resolved. Likewise, our friend from Florida (Mr. SIKES) was instrumental in helping to resolve one of the most controversial issues involving the cooperation of the State of Florida and its local governmental instrumentalities.

It is a special pleasure to join with these gentlemen in support of the enactment of H.R. 10874, as amended. I am sure the Members of the House will recognize the merits of this legislation and I recommend its approval.

Mr. KYL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I assure my colleagues of the extreme value of this particular piece of legislation. These islands actually form white sand ribbons between the green gulf waters and the blue bay waters. There is, as has been suggested, a tremendous part of American history in this area, because the military establishments go through the Spanish and French and British and American occupation of the area.

There is also an extremely interesting ecology which is present on all the islands, but especially on a couple of them. Through some freak of nature, although these bodies are located in salt water, artesian water flows under the bay and through the center of these islands, and therefore we have the interesting aspect in which we have a dune wall area, with the interior having a fresh water ecology, and from the top of the dunes outward to the bay and to the gulf, we have a saltwater ecology.

This bill does authorize a project which is of value to all Americans and I think it should be adopted overwhelmingly.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, it has come to my attention that an organization has been circulating a rumor in his district that the gentleman from Iowa has never taken any interest in matters of our national parks or recreation areas or matters of conservation. I, for one, would like at this time to pay tribute to the gentleman from Iowa (Mr. KYL), as a member of the House Interior and Insular Affairs Committee as being one of the most dedicated persons we have serving on that committee. The gentleman contributes tremendously to the discussion on all the bills and, in my opinion, he is an outstanding expert in the field of conservation.

Mr. KYL. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I concur with the gentleman from Pennsylvania in his remarks about the gentleman from Iowa.

Mr. Speaker, I am pleased that the gentleman from Pennsylvania (Mr. SAYLOR) has taken the time to give recognition to the dedication and ability of our colleague, Mr. KYL of Iowa.

I want to compliment him and associate myself with these remarks and also to commend Mr. KYL for the contribution he just rendered in support of the Gulf Island National Seashore project.

This rendering is a typical example of the indepth explanations we have come to appreciate from Mr. KYL. In my judgment, he is the most articulate Member we have in the Congress on ecological matters.

Mr. Speaker, I would further like to record a few remarks regarding the performance in our committee and on the floor of the House of our very able and distinguished colleague.

It appears, as we enter the political season, that certain individuals and/or organizations have taken it upon themselves to attack Members of Congress for purely political reasons and without regard for truth or fact.

One of those Members selected as a "target" in this campaign year is JOHN KYL from the Fourth District of the great State of Iowa. It has been my privilege to serve with Congressman KYL for 6 of the 8 years I have been in the House of Representatives. During this 91st Congress, I have sat on the Parks and Recreation, and Public Lands Subcommittee, and the full Committee on Interior and Insular Affairs with JOHN KYL.

I have observed his day-to-day performance and I believe that if an impartial appraisal or description of his work on the committee could be obtained from other members of these committees, Democrats and Republicans alike, would agree that JOHN KYL is one of the most knowledgeable members of our committee. His exceptional intellectual capacity coupled with an objective, creative and constructive approach to all legislative proposals has contributed tremendously to improving the many park, recreation and conservation proposals that our committee considers on behalf of people, Congressman and conservation organizations throughout the country.

On many occasions, I have consulted JOHN KYL—seeking his advice as we deliberate and evaluate legislation during hearings and markup sessions of our committee. Mr. KYL can always be counted on to give you a positive, forthright and honest pro and con response because he is known for his brilliance and more importantly, as a man who "does his homework" on every bill pending before the committee.

The respect and appreciation we have for JOHN KYL can not be adequately described or expressed in words. His depth of knowledge and broad perspective has served the cause of conservation in every section of this Nation.

In my congressional district in northern California, the Redwood National Park and Point Reyes National Seashore have been established. They were among the most unique, costly and controversial conservation proposals ever to be enacted by the Congress. His assistance, constructive criticisms and alternative suggestions proved invaluable as we advanced these bills to successful completion.

Our State of California and the Nation are deep in their debt to Congressman JOHN KYL, and the people of Iowa who send him to Congress for his extraordinary efforts in all conservation matters. I stand ready to reciprocate in matters affecting the people of the Fourth Congressional District.

It is this type of cooperation that prompts all of us in the Congress to want to help him advance his district's interests and projects.

Respect from and cooperation with our congressional colleagues is an absolute essential to effective service in the Congress. His people are being served very well.

Mr. COLMER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I take this time merely to express my deep appreciation for the dedicated work that the Committee on Interior and Insular Affairs has done, and particularly, of course, the able and distinguished chairman of that committee, the Honorable WAYNE ASPINALL, whom I am very happy always to commend publicly for his dedicated work and his statesmanship and his patriotism.

I should like to congratulate the gentleman at this time for just having been renominated for reelection. Regardless of the aisle which divides us here, I believe that Members from both sides of the aisle join me in that expression. We should like to have the gentleman here for many years to come.

I should also like to pay my respects to my colleague from Florida (Mr. SIKES) who has worked diligently on this matter, and to the chairman of the subcommittee, the very able and dedicated gentleman from North Carolina, the Honorable ROY TAYLOR, who likewise has been very active, as well as to the gentleman from Iowa (Mr. KYL). The gentleman from Iowa, along with other members of the subcommittee, visited and inspected these islands. He was very much impressed and has been a strong advocate of the project.

Mr. Speaker, I should certainly be amiss if I did not also express my personal appreciation to the gentleman from

Pennsylvania, the ranking Republican on the committee, Mr. SAYLOR, for his valiant efforts and cooperation. Although Mr. SAYLOR was unable to make the inspection trip with Chairman ASPINALL and the chairman of the subcommittee, Mr. TAYLOR, he has used his valuable influence to bring this bill to the floor.

Mr. Speaker, if time permitted I should like to talk a little bit about this project, but I practiced law long enough to know that when one has the jury with him it is a good time to quit.

I want to express my appreciation again to all the members of that committee for their work in preserving this great natural asset for all of the people rather than for a privileged few.

Mr. Speaker, I believe that the membership of this House is conscious of the fact that I am rather conservative when it comes to authorizing the expenditure of public funds. But, I hope that the membership likewise is conscious of my interest in the conservation of our natural resources. As one who has spent practically his whole life on the beautiful gulf coast of Mississippi, I have long been interested in preserving for the use of the general public in this ever-increasing population of this country these barrier islands. Therefore, I take some satisfaction in the fact that I may have contributed, as the cosponsor of this legislation, to this objective.

Again, I should like to pay my respects to the Director of our national parks, the Honorable George Hartzog, whom I succeeded in getting to visit these islands more than 2 years ago and who more than anybody else is responsible for this legislation. Mr. Hartzog came to the coast and envisioned the possibilities of the Gulf Islands National Seashore. If it had not been for his foresight and his cooperation, this bill would not have been here today.

Mr. TAYLOR. Mr. Speaker, I, too, commend the gentleman from Iowa on his statements. He is one of the most faithful and diligent members of the Subcommittee on National Parks and Recreation. He visited the Gulf Islands area and participated in the field hearings there. He was present when hearings were held in Washington and the bill was considered and marked up by the subcommittee.

On all legislation dealing with national parks, national seashore areas, and similar areas, the gentleman from Iowa thinks for himself and has been one of the best informed, most constructive, and valuable members of the subcommittee.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore (Mr. MILLS). The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendments: Page 2, lines 5 and 6, strike out "NS–GI–7100F, and dated May 1969:" and insert "NS–GI–7100H, and dated July 1970:".

Page 2, strike out all of line 7.

Page 2, line 8, strike out "(2) Cat," and insert "(1)".

Page 2, strike out all of lines 10 and 11 and insert "(2) the eastern portion of Perdido Key in Florida;"

Page 2, strike out all of lines 12 and 13 and insert "(3) Santa Rosa Island in Florida;" and renumber the remaining subsections accordingly.

Page 2, line 20, strike out "Redoubt, and Fort McRee on Perdido Key," and insert "Redoubt".

Page 3, line 4, strike out "one hundred" and insert "one hundred and thirty-five".

Page 3, lines 8, 9 and 10, strike out "seashore; and not more than ten acres of land on or near Seville Square in Pensacola, for administrative or historical purposes." and insert "seashore.".

Page 3, line 15 through page 5, line 2, strike out all of subsection (b) and reletter the following subsections accordingly.

Page 5, line 23 through page 6, line 9, strike out all of section 4 and insert a new Section 4 as follows:

"SEC. 4. Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper."

Page 7, following line 17, insert a new section 8 reading as follows and renumber the following sections accordingly:

"SEC. B. Within four years from the date of the enactment of this Act, the Secretary of the Interior shall review the area within the Gulf Island National Seashore and shall report to the President, in accordance with subsection 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), and recommend as to the suitability or non-suitability of any area within the seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act."

Page 8, line 1, strike out "lakeshore" and insert in lieu thereof "seashore".

Page 9, strike out all of lines 4 through 6 and insert a new section 11 as follows:

"SEC. 11. There are authorized to be appropriated not more than $3,120,000 for the acquisition of lands and interests in lands and not more than $14,779,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered en bloc, that they be considered as having been read in full, and that they be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickins in Florida and Fort Massachusetts in Mississippi, and for other purposes."

A motion to reconsider was laid on the table.

NAVAJO INDIAN IRRIGATION PROJECT

Mr. JOHNSON of California. Mr. Speaker, I call up the bill (H.R. 13001) to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill as follows:

H.R. 13001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu therefor "$175,000,000 (January 1966 prices)"; and

(c) By adding the following subsection to section 3:

"(d) The Secretary of the Interior shall compensate the persons whose grazing permits, licenses, or leases covering lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act are canceled after the date this subsection becomes effective. Such compensation shall be determined in accordance with the standards prescribed in the Act of July 9, 1942, as amended (43 U.S.C. 315q), and shall be paid from the moneys received by the United States from the Navajo Tribe for the full appraised value of such lands under the provisions of section 3(a)."

Mr. ASPINALL. Mr. Speaker, I move to strike the last word.

Mr. Speaker ,the purpose of H.R. 13001 is to permit certain changes in the plan of development, increase the appropriations authority, and otherwise modify the act authorizing the Navajo Indian irrigation project. To put this bill in proper perspective, it should be kept in mind that is not a Federal reclamation project; it is an Indian project even though actual design and construction work is being performed by the Bureau of Reclamation.

When the Navajo Indian irrigation project was authorized, it was included in the same bill with the San Juan-Chama project, a reclamation undertaking as a participating project of the Colorado River storage project. These programs were considered simultaneously because they both make use of the limited water supplies of the San Juan River system.

The plan, at that time, was to irri-

gate 110,680 acres of land with a gross water diversion of 508,000 acre-feet from the existing Navajo Reservoir, at an estimated cost of $135,000,000 at 1961 price levels. Since that time, a number of things have happened, as follows:

First. Appropriations for the Indian project have lagged relative to those for the San Juan-Chama project. While this can be placed at the door of the Bureau of the Budget and not the Congress, it has raised suspicions on the part of the Navajos that the Government is not keeping faith with its agreements.

Second. There has been the same degree of inflation on cost estimated that we have experienced on other construction programs.

Third. Post authorization studies showed that much of the land intended to be irrigated was not suitable for irrigation and has had to be replaced with lands in other areas. This has involved designating for development additional lands which are not now within the reservation. The original plan contemplated service to some lands outside the reservation and established procedures for adding them to the reservation. The change in physical plan requires the addition of considerably more land to the reservation than was originally contemplated.

Against this background, H.R. 13001 will increase the appropriations authorization to $206,000,000 at April 1970 price levels. This is an increase of $71,000,000. About $43,000,000 of this can be attributed to inflation or increases in price levels. The remainder can be attributed to plan changes brought about by the need to replace unsuitable lands to keep the scope of the project to agreed upon levels.

The bill will also authorize the Secretary to declare parts of eight additional townships now in the public domain to be transferred to the status of being held in trust for the Navaho Tribe. This increases to 16 the number of townships eligible for such treatment, there having been eight included in the original authorizing act.

The bill will also authorize certain payments to grazing permittees on the lands designated for transfer to trust status. These payments will not be for the value of the permit as such but merely for the reasonable value of permanent improvements placed on the lands by the permittee. It will be the obligation of the Navahos to reimburse the permittees for such values, but the amounts paid to the permittees will be deducted from the amounts the Tribe is obliged to pay the United States for the appraised value of the transferred lands.

The revisions of the plan of development that will be sanctioned by the passage of H.R. 13001 will not upset the pattern of water allocations that have been worked out in the various compacts and statutes governing water use in the Colorado River Basin. In fact, the consolidation of the arable lands of the Navajo Indian irrigation project into a more compact configuration suggests the possibility of the use of enclosed conduits which would result in less loss and operational waste. This would be a water savings as compared to the requirements for the originally authorized plan of development.

By the same token, the revised plan will have a beneficial effect on the quality of return flows from the project. The lands that will now be irrigated, if H.R. 13001 is enacted, are relatively less saline than the shale-based soils west of Rio Chaco and would thus be less inclined to contribute mineralization to the San Juan system.

Mr. Speaker, I would like to emphasize to the Members that this is an authorized project that could proceed to some level of completion whether this act is passed or not. What I am saying is that the money could be spent, and the water diverted by the Navajos, for implementing a relatively inferior plan. The Congress must not allow this to happen. Passage of this bill will make a good project for the benefit of the Indians and to the credit of the United States.

The bill has no opposition in the State or local area. The project still has a favorable benefit-cost ratio and is badly needed. In addition, the passage of the bill will represent tangible evidence of good faith on the part of the U.S. Government to proceed to completion with an irrigation project of the same scope as was envisioned by the previous authorization.

The SPEAKER pro tempore (Mr. MILLS). The time of the gentleman has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. ASPINALL was allowed to proceed for 2 additional minutes).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand or am I correct in assuming that this brings more land into production through irrigation?

Mr. ASPINALL. This will bring more land into production and cultivation for the Indian Navaho Tribe; the gentleman is correct.

Mr. GROSS. Would it be safe to assume that this land will produce crops which will be consumed there, or will they come into competition with surplus farm products elsewhere?

Mr. ASPINALL. Knowing the land, and knowing the eight additional townships that are authorized by this legislation, the other eight having already been authorized, and knowing also the land that is withdrawn from the original legislation, west of the Chaco River, I am of the opinion that these lands will not come into competition as far as their products are concerned with other than the present agricultural development of that area.

These lands will be used primarily for Indian resource operations.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I would say to the gentleman from Iowa that when this project first came to the floor for original authorization I opposed the bill because at that time I felt, and said, that this was a project to bring water to a city, and it came to the floor under a Navajo blanket, and I think that my prognostication was true.

But at this point everyone has benefited except the Navajos and, therefore, I must support this bill to bring full benefit to the people who were promised assistance in the first place.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a further question?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would say to the gentleman from Colorado that page 3 of the report refers to—and the gentleman mentioned it in his remarks—the authorization of payments to the holders of grazing permits on federally owned lands.

How are those permits handled? Do the permit holders have some sort of a vested interest? What will the Government be paying for?

Mr. ASPINALL. These are permits issued by the Bureau of Land Management at the present time, which lands will be transferred to the Indians upon certain payments.

Now, what we are asking for here, if I remember correctly, is that the people who are on these permit lands at present have some value for permit land improvements. These permittees will be reimbursed for such improvements. As far as the improvements are concerned the Indians themselves will pay for the improvements. I believe my statement is correct.

Mr. JOHNSON of California. If the gentleman will yield, the answer is yes to his unasked question; the fair market value of the improvements are all that would be considered.

Mr. GROSS. But are we paying for something which the Government could and should recover without payment?

Mr. JOHNSON of California. The Indian tribe will pay all of the improvement costs.

Mr. GROSS. I am talking about the payment——

Mr. ASPINALL. If the gentleman will permit me, the gentleman wants to know if we are placing any value on the permit itself by this legislation. It is my understanding that we are not.

The SPEAKER pro tempore. The time of the gentleman from Colorado has again expired.

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in general support of this legislation.

The Navajo Indian irrigation project was originally authorized by the act of June 13, 1962. The project was authorized at that time as a participating project of the Colorado River storage project, for the purpose of furnishing irrigation water to approximately 110,630 acres of land in the State of New Mexico. A portion of these lands are federally owned and located outside the Indian

reservation. The act authorizing the project authorized acquisition of these Federal lands for inclusion in the Navajo Indian irrigation project.

Subsequently, a restudy of the Navajo Indian irrigation project indicated that the federally owned lands in the western end of the project were not suitable for sustained irrigation and that the total estimated costs of the project are no longer sufficient to complete the project.

As a result of this restudy of the project, the nonirrigable lands to the west of the project were excluded from the original project area and an equivalent alternate area capable of sustained irrigation was located to the east of the project. Consolidation of the project area by the inclusion of this alternate land required corresponding changes in the project development plan and the need for this amendatory legislation.

H.R. 13001, as amended, provides for the acquisition of certain additional federally owned lands to be included in the Navajo Indian irrigation project in lieu of the lands excluded from the project. The bill increases the appropriation authorization from $135 million to $206 million on the basis of current price levels, and authorizes the payment of compensation to grazing permittees for the reasonable value of range improvements of a permanent nature.

It is this last provision of H.R. 13001, as amended, relating to the compensation of grazing permittees which causes me some concern and reservation. H.R. 13001 authorizes the payment of compensation by the Navajo Tribe to grazing permittees for the reasonable value of permanent range improvements when the grazing lands are needed for irrigation purposes, and permits the Navajo Tribe to deduct the amount so paid when paying the United States for the appraised value of the land. The Taylor Grazing Act specifically provides that issuance of a grazing permit shall not create any right, title, interest, or estate in or to the lands. On the other hand, there is an established practice recognized by Federal regulations, I am told, which does recognize payment for improvements when lands are disposed of by the United States. I am not informed if this practice is followed with regard to grazing permits. The question is, how far can we go in compromising the legal principle established by the Taylor Grazing Act?

If a grazing permit is only a privilege that can be withdrawn or terminated at any time for any use by the sovereign without the payment of compensation, it follows as night follows day, that any range improvements, permanent or otherwise, by the permittees, are placed thereon at his own peril and risk of loss. I see no reason why the United States should indirectly compensate the grazing permittee in this instance.

With this reservation, Mr. Speaker, I support the passage of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from Iowa.

Mr. GROSS. I appreciate the gentleman's very clear explanation. I thoroughly agree with the gentleman. I know of no reason why anyone should pay these grazing permit holders for improvements or anything else that are put on the land.

If the Government wants that land, it ought to recover it promptly for whatever purposes it needs it.

Mr. SAYLOR. I agree thoroughly with my colleague from Iowa. The Government should not have to pay. The Indians should not be entitled to charge the United States for whatever they have to pay for any permittee because indirectly, therefore, we are paying for this project.

Mr. GROSS. That is exactly right.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 2, line 14, following line 14, add a new Section 2 to read as follows:

"SEC. 2. All identifiable return flows of irrigation water furnished to the lands authorized for acquisition and inclusion in the Navajo Indian Irrigation Project pursuant to Section 1 of this Act and in accordance with the Act of April 11, 1965 (70 Stat. 105), as amended by the Act of June 13, 1962 (76 Stat. 96; 43 U.S.C. 620-620o), shall be treated for the purpose of abating pollution and improving water quality in such manner as determined by the Secretary of the Interior."

Mr. SAYLOR. Mr. Speaker, the purpose of this amendment is to carry out the congressional intent to abate water pollution and improve our environment. This Nation is on the threshold of a major attack on water pollution. The Council on Environmental Quality in its recent report recommended that a strong and consistent Federal policy should be developed to control water pollution and insure effective enforcement of water quality standards.

The place to begin is here in our consideration of legislation authorizing Federal water resource developments—be they large or small. And, the time to begin is now. This is essentially what the amendment I have offered does, by writing into basic law the requirement that all identifiable flows of water from works and facilities authorized in this Federal project shall be inspected and treated for the purpose of abating water pollution and improving water quality.

This is not a complex amendment. The amendment merely requires: First, that the flows of water be identified from the works and facilities authorized in the act, if they cannot be identified then there is nothing to be done; and, second, if the flows of water can be identified, the amendment requires that the water flow be inspected for water pollution. If water pollution is found then the amendment requires that the water flows be treated to abate the pollution and improve the water quality. All this is to be done in such a manner as is determined by the Secretary of the Interior. If the Secretary of the Interior does not have the money or manpower within his Department or the Federal Water Pollution Control Administration, then the Secretary, I am certain, will be more than willing to request more money and manpower from the Congress.

I am aware that there are those who will rise in opposition to this amendment and propose arguments against its adoption on the basis that this amendment has no place in this little project. I would point out to my colleagues that this Congress passed Public Law 91-190, commonly known as the National Environmental Policy Act of 1969. The amendment which I have offered is merely a step, a small step, in carrying out the congressional declaration of a national environmental policy. I would also say to my colleagues to beware of those who clamor for the improvement of our environment, so long as it is not required in their own backyard.

Improvement of our environment, abating water pollution, and improving water quality are all part of the same problem. If we in the Congress are to carry out our commitment to improve the environment then we must begin by requiring that Federal water resource developments, of large, small, or medium size, be continually monitored for the purpose of abating water pollution and improving water quality.

If we are to have a national policy on the environment, then the Federal Government should set the example.

Mr. Speaker, as explained before, this is the amendment that I would like to see in all of these bills. However, as developed in the conference on the Narrows project, I was not able to convince the Members of the House and Senate conferees that that amendment should be included, and we have changed and adopted some other language. I therefore ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 3, after line 13, insert a section 2 to read as follows:

"SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903)."

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. SAYLOR. Mr. Speaker and members of the committee, this amendment is probably surplusage, because the language of the amendment does not require anything more legally than is already required in the Water Quality Act of 1965. What this amendment does do, is that it imposes a positive Federal requirement on the operation of this project to carry out the national policy to abate water pollution. As a matter of principle I offer the amendment, which is the same amendment that I offered to the other three projects.

Mr. JOHNSON of California. Mr. Speaker, the amendment offered by the gentleman from Pennsylvania meets with the approval of the Members on this side of the aisle. We have no objection to it.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was agreed to.

Mr. FOREMAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as the sponsor of this legislation, I am pleased to speak in support of H.R. 13001, to amend the act of June 13, 1962, with respect to the Navajo Indian irrigation project.

Enactment of this legislation will be another important and vital step in progressing toward the completion of the Navajo Indian irrigation project which was begun in 1962, with a target date for completion of 1979. The project has suffered setbacks because of lack of proper funding in the past, however, this year, $7.5 million has been approved for the project and we are optimistic that funding will be even greater next year.

As a result of the delays in adequate funding to maintain construction at the level anticipated when the project was initiated, there is the resultant increase in construction costs which is the reason for this request for an increase in authorization for continued funding of this project—one of the most necessary, if not the most vital project to bring self-supporting economy to the Navajo Indians residing on the vast Navajo Reservation—and to alleviate the present conditions of unbelievable poverty.

The Navajo Indians are not looking for a welfare handout. They are expecting from the Government of the United States fulfillment of the promises made by this Government which date from the 1868 treaty. The Navajo Indian irrigation project is also an obligation of this Government to the Navajo people.

The bill now before the committee will do three things. Under the first provision, it will authorize the incorporation of lands from eight townships not included in the original authorization for the Navajo Indian irrigation project by the act of June 13, 1962, as a participating part of the project of the Colorado River storage project. Restudy of the 110,630-acre project indicated that certain reservation lands west of the Chaco Wash, and included in the original feasibility study were not suitable for sustained irrigation, and these lands were removed from the project. To replace this acreage with an equivalent area, land will be included in the project in an area east of the Chaco Wash which contains soils of an equal or better classification than the lands excluded from the project, and will provide a more compact area. However, some of these new lands are outside of the reservation, and this amendatory legislation is necessary before these lands may be acquired.

The second provision in this legislation relates to grazing permits, licenses, or leases on lands which are taken for the project, and the authority for the Secretary of the Interior to proceed in this area.

The third and most important provision is the amendment of the authorizing act to increase the previous authorized appropriations from $135 million to $206 million.

The Navajo Indian irrigation project, upon completion, will have a capability for the irrigation of over 110,000 acres of land both within and adjacent to the Navajo Indian Reservation. It is estimated it will support some 1,120 new farms for Navajo families. In increased employment opportunities, it has been projected it will provide employment for 8,841 Navajos with an additional benefit and/or part-time employment for 33,000 Navajos or approximately 28 percent of the Navajo population.

As I have said before, this project is of vital importance to the Navajo Tribe and to the economy of northwest New Mexico and the Four Corners area. The economic hopes for the future of the Navajo Tribe center on this project to develop vast wastelands on the reservation into productive irrigated land.

The Navajo people looked forward eagerly to an improvement in their economic status on the reservation when the initial approval of the project was given by the authorization of 1962. But hope has waned with the delays in funding. The Congress is aware of the deplorable conditions under which these people now exist, and knows the disappointment which the Navajo Indians feel as the years have passed and the completion date for this project is extended.

We have a definite obligation as Members of Congress to fund the Navajo Indian irrigation project as required to completion. We have this obligation as a nation. Passage of this legislation is one more step, and a necessary step, in this direction.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. FOREMAN. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Speaker, I would like to congratulate, as neighbor to the west, our colleague for sharing responsibility for the Navajo Tribe. I, too, wish to express my enthusiasm for the propriety of this legislation and the recognition of this Congress that the original legislation, while excellent in intent, simply did not fill the bill.

This legislation will provide not only useful water, but also useful land upon which to use the water.

Mr. Speaker, I congratulate the gentleman, and I thank the gentleman for yielding.

Mr. JOHNSON of California. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, H.R. 13001 is a bill to amend the act which authorized the Navajo Indian irrigation project in 1962. It is needed to clarify the status of the project, to conform the plan of development in accordance with postauthorization studies, and to symbolize the public commitment to the Navajo Nation to complete the Navajo Indian irrigation project.

The Navajo Indian irrigation project was authorized in 1962. It was included in the same bill that authorized the San Juan-Chama reclamation project. These projects both make use of the waters of the San Juan River system, a tributary of the Colorado River in the State of New Mexico. Simultaneous authorization of the two projects accomplished a division of the water resources between the Navajo people on one hand and the non-Indian community on the other.

In practical effect, Mr. Speaker, the Navajo people in accepting the Navajo Indian irrigation project have agreed not to assert any further claim against the waters of the San Juan River system. What remains to be done is for the Federal Government to prove that it intends to go forward with its share of the bargain. This is particularly so now that the San Juan-Chama project is essentially completed and ready for service. Passage of H.R. 13001 will furnish the required proof.

Let us examine briefly just what the Navajos were promised. It is really quite simple—an irrigation project of not less than 110,630 acres, for which the Navajos would be entitled to divert 508,000 acre-feet of water annually from Navajo reservoir of the Colorado River storage project system.

At the time of authorization, there was presented to the Congress by the Bureau of Indian Affairs a plan of development estimated to cost $135,000,000. The Congress determined that postauthorization studies and construction administration should be performed by the Bureau of Reclamation, and that agency has been in charge of the technical work since the first funding became available.

These studies have resulted in the finding that much of the land originally intended to be served, particularly in the western reaches of the project area, is simply not up to standards of arability and that which remains in an arable status west of Rio Chaco would be inordinately expensive to serve and operate. Accordingly, the Bureau of Reclamation has concentrated on locating replacement land resources in the eastern sector of the project area. While these lands have been located, their service will involve more cost for pumping and will also mean that more extensive revisions to the Navajo Reservation boundary must be made to bring all of the lands into the reservation in trust.

These changes in plan together with the effects of inflation have now increased the estimated cost of the project from $135,000,000—June 1961 prices—to $206,000,000—April 1970 prices. This is a total increase of $71,000,000 of which $43,000,000 is attributable to inflation and $28,000,000 is attributable to changes and refinements in the plan of development. Enactment of H.R. 13001 will have the effect of conveying congressional sanction to the revised plan as well as authorizing the necessary increased appropriations. Despite these in-

creases, current study shows that the project is still fully justified with a benefit-cost ratio of 1.39 to 1.

The provisions of H.R. 13001 will also authorize the Secretary of the Interior to transfer portions of eight additional townships of public domain lands to the Navajo Reservation to be held in trust for the Navajo Tribe. This brings to 16 the number of townships from which arable lands may be selected for inclusion in the project. This change in land base is, of course, made necessary by the determination on nonarability concerning much of the lands west of Rio Chaco.

The original authorizing language of the Navajo Indian project provided for the tribe to pay the United States for the appraised value of any lands transferred to the reservation in trust pursuant to its terms. No provision was made for extinguishing rights of permittees then enjoying the use of such public domain lands. The enactment of H.R. 13001 will require that the fair market value of permanent improvements made by permittees of lands designated for transfer be paid to the permittee with a corresponding reduction in the payment made to the United States. This provision recognizes the investments which have been made by grazing permittees and which have enhanced the value of the public lands without involving any more obligation on the part of the Navajo people than they would incur under the term of the legislation as it now stands.

Mr. Speaker, this is a fair bill, one with no hidden aspects and one which all Members can support as being consistent with our commitments to the Navajos. I urge each and every Member of the House to give their complete support to its enactment.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out all of line 2 and insert in lieu thereof "thereof '$206,000,000 (April 1970 prices)'; and".

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out all of lines 4 through 14 and insert in lieu thereof the following:

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall continue in effect for the term thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of the Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be cancelled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1188, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 203.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 203 and insert in lieu thereof the provisions of H.R. 13001, as passed, as follows:

That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu thereof "$206,000,000 (April 1970 prices)"; and

(c) By adding the following subsection to section 3:

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall continue in effect for the term thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of the Interior; such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13001) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17570. An act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17570) entitled "An act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

PROVIDING FOR ESTABLISHMENT OF APOSTLE ISLANDS NATIONAL LAKESHORE, WISCONSIN

Mr. TAYLOR. Mr. Speaker, I call up the bill (H.R. 9306) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. KYL. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 292]

Addabbo	Farbstein	Nix
Alexander	Feighan	O'Neal, Ga.
Anderson, Calif.	Findley	Ottinger
Anderson, Ill.	Fish	Patman
Anderson, Tenn.	Flynt	Pelly
Ashbrook	Fountain	Pepper
Ayres	Fraser	Philbin
Baring	Frey	Pickle
Barrett	Friedel	Podell
Beall, Md.	Fulton, Tenn.	Powell
Bell, Calif.	Fuqua	Price, Tex.
Berry	Giaimo	Pryor, Ark.
Bingham	Gilbert	Purcell
Blackburn	Goldwater	Quie
Blatnik	Gubser	Quillen
Boggs	Hagan	Rees
Boland	Hall	Reid, N.Y.
Brasco	Halpern	Reifel
Bray	Hanna	Rhodes
Brock	Hansen, Wash.	Riegle
Broomfield	Harsha	Rivers
Brown, Ohio	Harvey	Roberts
Buchanan	Hawkins	Rogers, Colo.
Burke, Fla.	Hays	Rooney, Pa.
Burleson, Tex.	Hébert	Roudebush
Burton, Utah	Hicks	Rousselot
Bush	Holifield	Ruppe
Button	Howard	St Germain
Byrnes, Wis.	Hutchinson	Sandman
Cabell	Jonas	Satterfield
Camp	Jones, Ala.	Scherle
Carey	Jones, Tenn.	Scheuer
Casey	Karth	Schneebeli
Celler	Keith	Schwengel
Chisholm	King	Sisk
Clancy	Kluczynski	Skubitz
Clark	Kuykendall	Smith, Iowa
Clay	Landgrebe	Snyder
Corman	Landrum	Stephens
Coughlin	Langen	Stokes
Cowger	Long, La.	Stratton
Cramer	Lowenstein	Stubblefield
Crane	Lujan	Stuckey
Culver	Lukens	Taft
Cunningham	McCarthy	Teague, Calif.
Daddario	McCulloch	Teague, Tex.
Davis, Ga.	McMillan	Thompson, Ga.
Dawson	Macdonald, Mass.	Tunney
de la Garza	MacGregor	Van Deerlin
Delaney	Melcher	Watson
Dent	Meskill	Weicker
Diggs	Miller, Calif.	Whalen
Dingell	Mink	White
Dowdy	Mize	Wiggins
Edwards, Ala.	Mollohan	Wilson, Bob
Edwards, La.	Monagan	Wilson, Charles H.
Esch	Morse	Wold
Evans, Colo.	Morton	Wyatt
Evins, Tenn.	Murphy, N.Y.	Yatron
Fallon	Nedzi	Young
	Nelsen	

The SPEAKER pro tempore (Mr. MILLS). On this rollcall 248 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR ESTABLISHMENT OF APOSTLE ISLANDS NATIONAL LAKESHORE, WIS.

Mr. TAYLOR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9306) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9306, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 1 hour and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 1 hour.

The Chairman recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, H.R. 9306 authorizes the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin. While this proposal has been somewhat controversial, most members of the committee agree that the lakeshore which the bill establishes will be a significant addition to the national park system.

FEATURES OF THE LAKESHORE

Basically, the lakeshore will consist of two units. The mainland unit, which will be located in Bayfield County, comprises approximately 2,500 acres and 10 miles of rugged Lake Superior shoreline. This area contains many outstanding natural features associated with the natural and geological history of the country's northland.

It is expected that this area will be the center attraction for the bulk of the visiting public. Camping, hiking, picnicking, sightseeing, and fishing will all be popular activities and the area should be useful as well for winter sports and outings. With snowmobiles increasing in popularity, it is expected that trails will be developed for their use.

In addition to the mainland unit, the lakeshore will include 20 of the 22 islands located along the coastline. Of the two excluded, one is highly developed and would require an unreasonably large expenditure for land acquisition; the other is a small, undeveloped island which is isolated from the lakeshore as it is now being recommended.

Altogether, the islands unit totals about 39,500 acres of land. Most of these areas have some seasonal residents, but few people live there on a year-round basis.

If H.R. 9306 is enacted, the members of the committee expect the islands to be developed in a manner compatible with their natural values. This will involve the construction of boat docks, campgrounds, hiking trails, and other suitable public facilities. Access to these areas will be limited to the water and, in all likelihood, privately operated excursion boats will be available to transport the people around the islands.

INDIAN LANDS QUESTION

Most of the controversy concerning this legislation has involved the question of the inclusion of Indian lands. Originally, the proposal included parts of the Indian reservations, but the bill recommended by the committee specifically excludes all lands held in trust for the Indian people residing in the area. Some lands are included in the lakeshore which have been sold by the Indians and which are technically non-Indian lands located within their reservations. But it should be emphasized that the boundaries of the lakeshore are drawn to exclude all Indian trust lands and section 2 expressly provides that no trust lands are to be acquired. There is, however, an exception to this policy provided in the bill which would permit the acquisition of two small shoreline tracts if the Indian owners desire to sell.

May I advise my colleagues that as the bill came before the Committee on Interior and Insular Affairs the National Park Service suggested that a large area along the lakeshore belonging to the Indians be covered into the proposed national park so that a road might be built along the lakeshore and that the Indians could be given certain benefits or opportunities because they would be living adjacent to the proposed lakeshore. They would have exceptional opportunities to serve the public. This proposal of the Department of the Interior was frowned upon by the committee after the extensive hearings which we held. We excluded this possibility and included only the lands that I have heretofore referred to in my statement.

Now, of course, these members of the Indian tribe are just like all of the rest of us. If they can see any benefits coming to them they would like to have those benefits. As I understand it this great opposition that has been generated concerning which our friend from Iowa has advised us—and, I think there is no question about the authenticity of the telegrams that he has in his possession—it is promoted by a national Indian organization. The Indians involved in the area in my opinion desire to have their cake and eat it at the same time. They do not desire any development to take place that would serve anybody else except themselves. If we are going to serve the public in this particular area with the facilities which are suggested in this legislation, and if the National Government is to spend money for the development of the lakeshore facility, then it is my opinion that it is about time the Indian population is fitting itself into the general complex of the general population. We have seen that in the past that the tribe involved has seen fit to sell their lands to non-Indians. Presently the lands which we have involved in this bill are not Indian owned as far as trust lands are concerned. The great opposition that we currently have simply comes from the fact that the Indians would like to have back the lands that they have heretofore sold to non-Indians. How they are going to get it is not apparent to me after hearing the testimony. The only way they can possibly get it is to have some kind of a development where they can take advantage of such development or an outright grant from the Federal Government itself. I do not think that this outright grant is forthcoming. To me it just makes sense that a facility such as is contemplated in this legislation will bring benefits to the Indians who heretofore have been for this legislation and recently have become opposed to it for some reason or other. It just makes sense that we go ahead and develop it as a

national park facility and then permit the Indians to receive the benefits which naturally come to the people of an area such as this.

COST

Originally the anticipated costs of this project involved some $13,310,000 for land acquisition and development. Because of the changes made by the committee, these anticipated outlays have been reduced. Appropriations are limited by the bill to no more than $4,250,000 for land acquisition and not more than $5 million for development.

Mr. Chairman, H.R. 9306 has been carefully considered by the Committee on Interior and Insular Affairs. We feel that it constitutes the best possible national lakeshore and that future generations will appreciate the fact that this modest amount of Lake Superior shoreline has been set aside for the recreational enjoyment of the American people.

I fully support H.R. 9306, as amended, and urge its approval by the House.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of this legislation as it is now presented. I believe that the House Committee on Interior and Insular Affairs has done all the compromising on this bill that is possible if you want to have a truly viable unit of the national park system.

Mr. Chairman, I wish that I had a map larger than this, but I would like to call the attention of the Members to this map of the area. It is the northern tip of Bayfield County in Wisconsin, and the Apostle Islands in Lake Superior. The bill as we presented it would include 20 of the islands that are offshore. We excluded Madeline Island and Long Island, two of the Apostle Islands, because of their development.

When the bill was originally presented to our committee it included all of the Bad River Indian Reservation, the area that is marked in yellow at the bottom of this map. It also included all of the Red Cliff Indian Reservation, which is marked in yellow along the lakeshore.

Now, because of the opposition of these two tribes of Indians our committee has excluded all of the land area in the Bad River Indian Reservation. We have excluded all of the Red Cliff Indian Reservation that is still in Indian ownership. But the remarkable thing about those who oppose the bill now, say that because we have included some land that is still presently within the original boundaries of the Red Cliff Indian Reservation we should exclude that land also.

Now, what is this land that we have included? The Indian tribes, the Red Cliff Band of Indians in Wisconsin, by their own tribal action in bygone years and with the full approval of the Indian Bureau allocated to individual Indian members of that tribe tracts of land within their reservation. They gave them deeds for it similar to the deeds you have in the property you own. And these Indians have either moved away or sold the land to other people, so that it is no longer in Indian ownership.

All of the land that is within the area that we now have in this proposed lakeshore is owned either by the State of Wisconsin, the Federal Government, or by private individuals.

Very frankly, some of the folks who support the minority views that have been filed say that sometime in the future, if the United States will establish the Apostle Islands Lakeshore, the Indians may get enough money some day to go to those people who own the land that was formerly in the reservation and buy it back and put it in Indian ownership.

I think it was aptly described by the chairman of our full committee—this is an example of a group of people who want to have their cake and to eat it too.

Now I was impressed, as were a number of other members on the committee, when we began to get telegrams from all over the United States from all of the Indian tribes and Indian councils to the effect that they were opposed to this bill. Those telegrams were sent to the members of the committee.

I would like to tell you that somebody slipped along the line. After all, you sometimes think that these Indians in the West and in the South and in the central part of our country have a common interest and, therefore, it was because they belonged to the National Association of Indians that they got the word.

But lo and behold, the Western Union one day made a mistake. I found out about one of the telegrams that was delivered to me, that the telegram was to be charged not to the Indian tribe out in California that sent me the telegram, but it was to be charged to a man who is a white man and lives in the area and who, in my opinion, is trying to use the Indians. In other words, this is not a spontaneous group of telegrams that have come from the Indian tribes who are looking out for their Indian brethren. These are telegrams that have been inspired by a white man who is in the real estate business up in that area and who is trying to use the Red Cliff Band of Indians for his own use and benefit.

I can say to the members of this committee, I would urge you to vote against any amendments that are offered to this bill and to support the bill as it was reported by the committee. We will then have a viable unit of our national park system.

I urge that all amendments that are proposed other than those adopted in the committee be rejected and that the bill as presented be passed.

Mr. TAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. OBEY. Mr. Chairman, I rise in support of this bill which would establish an Apostle Islands National Lakeshore in the State of Wisconsin.

This legislation was introduced early in the 91st Congress by Congressman ROBERT KASTENMEIER, who was joined by several other Members of the House. Similar legislation was introduced in the Senate by Senator GAYLORD NELSON.

This proposal has had a long history, and over time it has acquired a long list of supporters, including newspapers, civic and business groups, agriculture and labor organizations, and conservation groups on the local, State, and national levels.

Congress first authorized a study for an Apostle Islands National Lakeshore in 1930. In his February 1966 conservation report to the Congress, President Lyndon Johnson asked that planning for the project be completed as soon as possible. In January 1967, President Johnson listed the Apostle Islands proposal as one of the top four priorities for national park authorization. The Senate has passed this legislation in 1967 and 1969.

Hopefully, the 91st Congress will recognize the beauty and uniqueness of this region and will bring to fruition the work which began 40 years ago to establish a national lakeshore in northern Wisconsin.

The lakeshore would include 41,966 acres of land along the shores of Lake Superior. It would provide an unspoiled and scenic area for thousands of persons in the Midwest who are searching for more and more outdoor recreation areas. Most importantly, this proposal preserves the natural beauty which surrounds the Apostle Islands.

A national lakeshore in this area would also be economically beneficial for an area which can badly use such economic assistance. An indepth study of the proposal by Prof. I. V. Fine, of the University of Wisconsin, has indicated that the Apostle Islands National Lakeshore would generate more than $7 million a year in spending for this area. It would bring 1 million visitors there, and each would be treated to a unique and beautiful area for hunting, fishing, boating, or hiking.

Consideration has and will continue to be given to protecting the historic rights of the Indians of this area. The lakeshore contains no Indian lands held in a trust status, or as far as can be reasonably ascertained, lands individually owned by any Indian.

If for no other reason, the Apostle Islands and the surrounding lakeshore should be conserved for conversation's sake. Recreational areas such as this are getting more and more scarce, and more and more expensive. The preservation of the Apostle Islands now will insure to future generations a recreation of enormous beauty. I am hopeful the House will see fit to enact this legislation which will make it possible.

Mr. KASTENMEIER. Mr. Chairman, the Apostle Islands National Lakeshore proposal has been 40 years in the making. Back in 1930, the 71st Congress authorized the Secretary of the Interior to investigate the advisability of establishing an Apostle Islands National Park in Wisconsin. House passage of H.R. 9306 will fulfill a long-held dream that many conservationists, in Wisconsin and throughout the Nation, have held for all these years.

I wish to compliment my chairman of our full committee (Mr. ASPINALL), my National Parks Subcommittee chairman (Mr. TAYLOR), the gentleman from Penn-

sylvania (Mr. SAYLOR) and all my colleagues on the Interior Committee. Their patience, understanding, and willingness to assist in the final drafting of H.R. 9306, have made it possible for the Apostle Islands legislation to reach the House floor. I also want to commend my colleague from Wisconsin (Mr. O'KONSKI) for his steadfast support for the Apostle Islands proposal.

Mr. Chairman, situated in northern Wisconsin along the shores of Lake Superior, the proposed 41,966-acre Apostle Islands National Lakeshore contains a unique collection of 20 islands unrivaled by any other island chain located within the continental boundaries of the United States. The lakeshore proposal also includes another rare and rapidly vanishing resource, undeveloped shoreline, approximately 10¾ miles, bordering on Lake Superior.

The Apostle Islands are an archipelago. The corrosive glacial streams of the last ice age cut them off from the massive sandstone blocks of Wisconsin shore, and they are clustered about the blunt-tipped, lofty-ridged Bayfield Peninsula. The islands are covered with a luxurious growth of mixed hardwoods and conifers. Their shores are characterized by steep slopes with many cliffs where the waves of Lake Superior have frequently carved arches, bastions, caverns, and towering walls. Along the protected bays and inlets are many magnificent white sand beaches. The islands remain almost in their primitive state, abounding in birds and mammals. The lakeshore unit has spectacular arches, caves, cliffs, and bays, eroded from solid rock by wave and stream action over thousands of years. These geological formations alternate with secluded sand and pebble beaches. Behind the shoreline stands a dense forest of spruce, fir, pine, and northern hardwoods.

The hand of man is not apparent here. He has made his few scratches, but he has not defiled this place and this place is the better for it. This unspoiled backyard of our upper Midwest is only hours away and within easy driving distance from the heavily populated areas of Milwaukee, Chicago, Detroit, Duluth, and the Twin Cities of Minneapolis-St. Paul. The lakeshore also is accessible from all parts of the country.

The increasing mobility of the American citizenry, coupled with its increase in population, demands farsighted planning and implementation of public recreation areas. A resource of the majesty, scope, and historic and geologic value, as the Apostle Islands, calls for nothing less than protection and management by the Federal Government.

The islands and the adjacent shoreline invite almost every outdoor recreation activity possible in the northern Great Lakes region: camping, boating, hiking, hunting, skimobiling, fishing, nature study, photography, beachcombing, picnicking, and sightseeing. With many miles of island and mainland shoreline, broken by vast areas of open water, relatively large numbers of visitors can be accommodated without crowding.

The Apostle Islands region is rich in history. It was Indian country before Columbus set sail from the Old World. The Chippewas settled on the shore of Lake Superior. Then, the fabled French voyageurs, looking for the Northwest Passage to the Orient, appeared in the 17th century. Eventually the French and British would fight each other for these lands. The French would lose, and then the British would lose to a new breed, the Americans. The Apostle Islands area became a thriving community settled by lumberjacks, miners and homesteaders. Today, however, the region is sparsely populated by our present standards.

The enactment of this legislation would also provide significant benefits to the Upper Great Lakes States through the immense economic potential of tourism and outdoor recreation. The Apostle Islands National Lakeshore will help the depressed condition of northern Wisconsin by revitalizing its sagging economy, which, in the past, had been dependent upon lumbering and mining. The bulk of the tourists will come in the summer months. However, skimobilizing and skiing activity is developing very rapidly so there will be lots of winter use in the area. Important as these economic considerations are, however, they should be secondary to preserving this remarkable area.

The Apostle Islands National Lakeshore proposal has received impressive endorsements from more than 180 various Wisconsin and national groups, including numerous civil business, professional, labor, farm and conservation organizations. The Advisory Board of National Parks, Historic Sites, Buildings, and Monuments has recommended its establishment. It is supported by this administration as it was by the previous administration.

Mr. Chairman, only a few areas of the quality of the Apostle Islands still remain. Any delay in protecting them will serve only to diminish their uniqueness. Unfortunately, we have watched too many of the resources of our environment weaken and die over the years. In preserving the Apostle Islands region, we are saving a priceless legacy for future generations. It would be nice to leave them this area, unspoiled.

The dissenting views on H.R. 9306 use two contradictory arguments to oppose the measure. On the one hand, they object to the bill because it involves land on the Red Cliff Reservation, while, on the other hand, they object because it reduces the size of the project to avoid infringing on Indian rights.

The legislation in no way violates the 1854 Treaty with the Chippewas of Lake Superior. The Indians, voluntarily, sold the 1,541.4 acres of alienated land within the boundaries of the Red Cliff Reservation that will be included in the lakeshore—1,541.4 acres—57.4 acres are the property of Bayfield and Russell townships, about 350 acres are Bayfield county land, and about 1,124 acres are private lands, not owned by any Indian, as an individual. The Red Cliff hope to reacquire the alienated lands, possibly, with funds awarded in claims now pending before the Indian Claims Commission. According to the Indian Claims Commission, however, the Red Cliff Band is one of several bands of Chippewa Indians included in competing claims.

"Assuming judgments in favor of the plaintiffs are eventually reported to the Congress in some of the above mentioned dockets, so many Chippewa bands are named in the claims and so involved is their interrelationship, it can reasonably be predicted that it will not be known with certainty who the beneficiaries will be until after the Congress has enacted legislation providing for the disposition of the judgment money." (Indian Claims Commission statement—March 12, 1970.)

It should be pointed out that if the Indians are so anxious to repurchase alienated lands, why are they engaged in leasing tribal lands for 50-year periods for vacation homesites. The wish of the Indians to reacquire alienated lands, however admirable, is based on vague hopes and dreams.

The dissenting views state that the lakeshore does not meet the criteria for a national recreation area. They submit that the lakeshore is essentially comprised of 20 islands standing alone. The administration and the Park Service have stated the need for inclusion of the Indian lands as part of the mainland units. The Indians are adamant in their opposition to the lakeshore and expanding the boundaries can be accomplished only at the expense of the Indians. The Lakeshore unit, while only 10¾ miles long, is undeveloped shoreline, a rare resource and should be protected. Also, the lakeshore unit has spectacular geologic formations with beaches that can be enjoyed by the public. Also hiking, camping, and so forth.

The dissenting views state that the lakeshore does not meet the criteria of circular No. 1, establishing the Federal executive branch policy governing the selection, establishment, and administration of national recreation areas by the Recreation Advisory Council. National recreation areas should be strategically located within easy driving distance, not more than 250 miles from urban population centers—should have total population in excess of 30 million people—the criteria was adopted in March 1963. Improvements in highways and motor vehicles and the increase in urban affluence, interest in outdoor recreation and leisure time make a mockery of such outdated criteria. Northern Wisconsin has become an important summer recreation area for Illinois citizens, for example. About 50 million people live within a day's drive. Assistant Secretary of the Interior Glasgow, in a March 19, 1970, letter to ASPINALL, said:

The proposed Apostle Islands National Lakeshore has been found to satisfy the criteria for national recreation areas set forth in Policy Circular No. 1.

The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has endorsed the proposal.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to my friend from Wisconsin.

Mr. DAVIS of Wisconsin. I wanted to say to my colleague from Wisconsin that I had had some reservations relating to

this project, and I felt that probably the form of the bill as it passed the Senate was such as to be biting off more than we fairly should attempt to chew in light of some of the complaints that some of the Indians there had made. But it is my opinion that the House committee has very carefully considered this matter and has offered this bill to us in a form that ought to be supported. I certainly want to reiterate what the gentleman from Pennsylvania has said. I hope there will be no amendments accepted in the House, and that our House conferees will stand fast, if it is necessary for this bill to go to conference, to keep the bill in exactly the form in which the House committee has recommended it.

Mr. KASTENMEIER. I thank my colleague, and I join him in the wish that this bill not be amended, and, further, that this bill unamended be insisted upon by the House Members should it go to conference.

I will say further to the membership that this is a third generation of the bill relating to this proposal, the first two having been compromised to meet certain objections, particularly from Indians. The first bill included all the lands to which Mr. SAYLOR alluded as part of the park proposal. This was objected to last year, even though our Indian friends in Wisconsin have at various times in the recent past supported the Apostle Islands National Park, and as recently as last year the Commissioner of Indian Affairs, supported the bill.

Actually Indians in the area have had floats in local parades supporting the Apostle Islands National Park a few years ago. So the opposition alluded to is a recent point of view.

But to meet this objection a second generation of the bill was offered, a bill which made it optional for the Red Cliff Tribal Reservation areas that are held in trust to be optionally included upon application of the Red Cliff and Bad River bands and upon showing that the tribe supported inclusion of their lands.

Even this was objected to, the alternative of coming into the park, and so what your committee has done as a last resort to meet that objection is to eliminate inclusion of all of these lands completely. I refer to the lands in trust and in allotments which are actually owned by Indians today.

Mr. Chairman, I hope that after 40 years, Wisconsin, the upper Midwest, and the Nation will be rewarded by passage of the bill, in the form, I hope, recommended by our committee, that the House will adopt it, and the other body will agree to it.

Mr. SAYLOR. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, a short time ago the administration sent to the hill some recommended legislation dealing with Indians of the United States. The bills were subsequently introduced following the recommendations, and other bills which were somewhat different were introduced, all having the same noble objective: To give the American Indian a greater share of the governing of his own affairs. When the bills in some form come to the floor, I suppose they will pass almost unanimously, if not unanimously.

But on so many occasions when we have specific matters before us, where the Indians would like to have a little voice in what goes on, we say we will wait until next time. Maybe, as someone has suggested, part of what the Indians object to in this bill is because of a dream. Maybe that is true. They have had thoughts of reacquiring some of this land which is revered by the Indians. They hope they might do it with funds from pending dockets before the Indian Claims Commission. We have had loans for projects of this kind even from the Farmers' Home Administration. We have had special legislative actions to achieve just the purpose about which these Indians dream. So maybe part of it is a dream.

They also argue from logic, and they also argue from suspicion, and whether those suspicions can be founded or not, they certainly have reason to hold some suspicions.

Before I proceed in that, let me note that there is no question about where the Red Cliff Band of the Lake Superior Chippewa Indians stand on this legislation. The chairman of the Red Cliff Tribal Council, Albert Bressette, says this in a letter:

> We, the people of the Red Cliff Band of Lake Superior Chippewa Indians wish to register our unalterable opposition.

Take this letter of September 9, 1970, from Loretta V. Ellis, Minneapolis Regional Vice President of the National Congress of American Indians, who says:

> The National Congress of American Indians which I represent vehemently opposes this bill . . .

Let us get back to those suspicions for a minute. At one time the Indians owned all this land and all this area, but this is a history of what happened:

HISTORY OF BAD RIVER AND RED CLIFF RESERVATIONS

(By Benjamin Armstrong, adopted son of Chief Buffalo)

The following is taken from, *Early Life Among the Indians.*

In 1837, the government entered into a treaty with the Chippewas of the Mississippi and St. Croix rivers at St. Peter, Minnesota, with Colonel Snelling of the army, and Major Walker of Missouri, being the commissioners on the part of the government, and it appears that at the commencement of this council the anxiety on the part of the commissioners to perfect a treaty was so great that statements were made by them favorable to the Indians, and were understood perfectly by them, that were not afterwards incorporated in the treaty. The Indians were told by those commissioners that the Great Father had sent them to buy their pine timber and their minerals that were hidden in the earth, and that the Great Father was very anxious to dig their mineral, for of such material he made guns and knives for the Indians, and copper kettles in which to boil their sugar sap.

The timber you make but little use of is the pine your Great Father wants to build many steamboats, to bring your goods to you and to bring you to Washington bye and bye to see your Great Father and meet him face to face. He does not want your lands, it is too cold up here for farming. He just wants enough of it to build towns where soldiers stop, mining camps for miners, saw mill sites and logging camps. The timber that is best for you the Great Father does not care about. The maple tree that you make your sugar from the birch tree that you get bark from for your canoes and from which you make pails for your sugar sap, the cedar from which you get material for making canoes, oars and paddles, your Great Father cares nothing for. It is the pine and minerals that he wants and he has sent us here to make a bargain with you for it, the commissioners said. And further, the Indians were told and distinctly understood that they were not to be disturbed in the possession of their lands so long as their men behaved themselves. They were told also that the Chippewas had always been good Indians and the Great Father thought very much of them on that account, and with these promises fairly and distinctly understood they signed the treaty that ceded to the government all their territory lying east of the Mississippi embracing the St. Croix district and east to the Chippewa river, but to my certain knowledge, the Indians never knew that they had ceded their lands until 1849, when they were asked to remove therefrom.

In 1842, Robert Stewart, on the part of the U.S. government, perfected a treaty at La Pointe, on Lake Superior, in which the Chippewas of the St. Croix and Superior country ceded all that portion of their territory, from the boundary of the former treaty of 1837, with the Chippewas of the Mississippi and St. Croix Indians, east and along the south shore of the Lake to the Chocolate river, Michigan territory. No conversation that was at this time gave the Indians an inkling or caused them to mistrust that they were ceding away their lands, but supposed that they were simply selling the pine and minerals, as they had in the treaty of 1837. When they were told, in 1849, to move on and thereby abandon their burying grounds—the dearest thing to an Indian—they began to hold councils and ask each other how they had understood the treaties and all understood them the same. That was: That they were never to be disturbed if they behaved themselves.

Messengers were sent to all the different bands in every part of their country to get the understanding of all the people and to inquire if any depredations had been committed by any of their young men, or what could be the reason for this sudden order to move. This was kept up for a year and no reason could be assigned by the Indians for the removal order.

In order to prevent trouble of a more serious nature, Chief Buffalo and Chief O-Shago, together with four other braves and Benjamin Armstrong decided to go to Washington to talk with President Fillmore. They left LaPointe on April 5, 1852, in a new birch bark canoe, called a four-fathom boat, 24 feet long with six paddles. The delegation was stopped at the "Soo" but after relating the seriousness of the situation they were allowed to proceed. The Indian agent again stopped them at Detroit and after several other difficulties they arrived in Washington on June 22, 1852.

Benjamin Armstrong set out to request an interview with the Commissioner of Indian Affairs which he decided to grant, and said, "I want you to take your Indians away on the next train west, as they have come here without permission, and I do not want to see you or hear of your Indians again."

Thus Armstrong was ordered out of the commissioner's office. Through the kindness of a Senator Briggs of New York and a member of President Fillmore's cabinet, they arranged an interview with the president.

A pipe brought by Buffalo especially for

this purpose was lit by him and then President Fillmore took a few draughts from it and smiling said, "Who is next?" at which Buffalo pointed out Senator Briggs and desired he should be next. The pipe was then passed to the Commissioner of Indian Affairs, the Secretary of the Interior and several others, including the delegation of Indians.

In a brief speech after learning of the Indian situation in the northwest, the president said that he would countermand the removal order and that annuity payments would be made on LaPointe and he hoped in the future there would be no cause for complaint.

This eventually led to the treaty of 1854. Each chief selected sites for their various homes and all lands embraced within these boundaries should belong to the Indians; they were as follows: L'Anse Bay, Ontonagon, Lac du Flambeau, Court O'Milles, Bad River, Red Cliff, Fond du Lac, Minnesota, and one at Grand Portage, Minnesota.

Now I say there might be some suspicion. If you had been told for 2 or 3 or 4 years that we were going to authorize a park in your area, but it would never be implemented until we got all the Indian lands we wanted to put into the park, would you be suspicious? That is what we told the Indians. That is what we told the committee.

That was not simply this administration. The same statement was made by the last administration. Mr. Udall's department said this was not a viable area unless we would have the Indian lands. This was preached over and over again in the early days of this administration.

If you were an Indian sitting in Wisconsin, and you heard this over and over again, and you heard someone saying now we are going to set up this park here, but we need the Indian lands, would you be suspicious?

I do not enjoy this role of delaying this session today. We are not doing something unexpected. There were dissenting views on this bill. A rule was granted on the bill providing for 2 hours of general debate.

I do not believe the committee staff knew that the last three bills in this group were going to come up today themselves until the whip notice came out.

But that is beside the point. I can help to speed this proposition. When the time comes, I shall offer an amendment which will remove those lands which are in disagreement with the Indians.

Incidentally, I do have messages from Indians, from New York to Wisconsin to New Mexico, and to Alaska. I have talked with some of these people, and they certainly were not being led around by the nose by some white developer.

But, if that amendment is adopted we will have an Apostle Islands area of 20 islands, 39,000 acres, and will have given some respect to the Indians, whom all of us bleed for and speak for all of the time.

We can have an Apostle Islands area, and I hope we can get it, but I certainly believe it is time to say a word for the American Indian and to follow that word with some deed for the American Indian.

I yield back the remainder of my time.

Mr. TAYLOR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in my opinion this legislation treats the Indians fairly. In fact, I believe it should work to their economic advantage, as I hope to point out in statements I desire to make after the amendment is offered.

I am pleased to join with the chairman of the full committee and the ranking minority member and our colleague from Wisconsin in endorsing the legislation. It is needed, and in the years ahead this should be greatly appreciated by those who have an opportunity to enjoy it.

Mr. Chairman, House Resolution 9306 is one of the most difficult national park bills which we have considered in recent years. It was not difficult for us because of the nature of the area involved—for its national significance is unquestionable. But it was difficult because of the complicated land situation which confronted us.

The proposed Apostle Islands National Lakeshore is located in the State of Wisconsin. As recommended by the committee, it would include 20 islands scattered along the coastline of Lake Superior and a mainland unit with slightly more than 10 miles of frontage on the lake. Altogether, the lakeshore would comprise about 42,000 acres of land.

The recreation and natural values in this area are different, in some respects, than are those in the Gulf Islands area, but they are equally important. Here, instead of swimming and sunbathing—except for a few weeks each year—the recreation activities will include cold winter sports in the snow and on the ice. But boating, fishing, camping and hiking will be popular in the other seasons.

In making its recommendation, the committee substantially altered the original lakeshore boundaries because there are two Indian reservations in this region. Originally, the lakeshore included Indian lands from both of these reservations subject to their desires to be a part of it. Those who testified before our committee on behalf of the Indians indicated that they did not want to participate; therefore, the committee decided that they should be excluded.

There are no Indian trust lands included in this lakeshore to our knowledge, and section 2 of the bill expressly provides that no Indian trust lands are to be acquired for the lakeshore. The only exceptions to this blanket prohibition are two small lakefront tracts—totaling 27.33 acres and 57.27 acres—which the Secretary is authorized to purchase if a majority of the owners agree to sell. Other than those two small tracts, there are no Indian-owned lands which House Resolution 9306 authorizes to be acquired.

Most of the Members feel that they have gone as far as they reasonably could to protect the Indian interests. While the Indians are not satisfied, we are convinced that they have been treated fairly as far as their legitimate interests are concerned.

As recommended by the committee, the bill reduces the size of the lakeshore, Mr. Chairman, but we do not feel that we have destroyed its value as a national asset. In deleting the Indian lands, there was no feasible alternative but to reduce the size of the lakeshore—from 57,511 acres to the 41,966 acres. Naturally, the Park Service wants it all—just as any bureau would—but it has acknowledged that the smaller unit will be manageable. One result, of course, will be a reduced cost for acquisition and development. As is the usual practice, our bill limits land acquisition costs—$4,250,000—and the development costs, $5,000,000.

In conclusion, Mr. Chairman, I want to say that some members of the Subcommittee on National Parks and Recreation visited the area last year and conducted field hearings on the legislation. While the witnesses did not unanimously endorse this proposal, everyone had an opportunity to have his views heard and considered.

I am pleased to join the chairman of the full committee and my colleagues from Wisconsin in endorsing this legislation. It is sound and it is equitable. In the years ahead, this area will be greatly appreciated by those who have an opportunity to enjoy it. I recommend the enactment of H.R. 9306, as amended.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. O'KONSKI).

Mr. O'KONSKI. Mr. Chairman, I rise in support of this measure.

First I want to thank the chairman of the committee, the chairman of the subcommittee, my colleague from Wisconsin (Mr. KASTENMEIER), my colleague from Pennsylvania (Mr. SAYLOR), and all the other members of the committee for being so fair and so considerate and so compromising in arriving at a viable, working bill, after 40 years of dreams about this project.

This project first evolved under similar circumstances, when we had a Republican President, a Republican Cabinet member as Secretary of the Interior, and a Democratic House and a Democratic Senate. It was similar to the situation we have now. We have gone the full circle 40 years later.

After compromising, I believe that this committee has done the fairest and most admirable job of arriving at a workable and viable bill so that finally we can achieve the dream which was dreamed 40 years ago.

Let me give just a little bit as to the assets of this area.

From the standpoint of natural beauty, this area has no equal in our land.

From the standpoint of geology and geological interests, there is no area in our Nation comparable to that which exists in the Apostle Islands area.

From the standpoint of history, it has a value similar to the value of the East. The fact of the matter is that this area was settled by French missionaries and furriers at the time when the Pilgrims were landing on Plymouth Rock.

That is how historically valuable this area is. It is more than 1,000 miles inland from the New England coast. It is as old in history as the east coast. Something was said about not being fair to the Indians. No one is more concerned about Indian welfare than I am. I might say in passing that I happen to be an

hononary chief of the Chippewa Tribe of the Bad River Reservation, the telegrams some of which have been read over here. I have been an honorary chief of their tribe for the past 20 years. I should think if there were any real grassroots opposition to this lakeshore park that these Indians would have some communication with me. I have had none in opposition to this bill. The fact of the matter is that I have held office hours on August 17 at Ashland, Wis., just 6 miles from the Bad River Reservation, and not more than 15 miles from the Red Cliff Reservation, and among the things I announced in holding these office hours was that I would like to get the impression of the people of the area toward the formation of this lakeshore national park called the Apostle Islands and that I would like to meet with any interested groups in opposition to or in favor of this proposal. Not one single individual met with me opposed to this project. Twelve Indians, 10 from the Bad River Reservation and two from the Red Cliff Reservation queried me about where all of this opposition by the Indians comes from. They said:

> We hear of none on our reservation. We have had no public meetings discussing this bill or in opposition to it.

So, they could not understand why they were being quoted as saying that the Indians of the reservation were opposed to this bill.

Now, I venture to say that this sheaf of telegrams that my good and conscientious colleague from the State of Iowa has is from people who never read the bill, that is, the people who wrote those telegrams and who sent them never even read the compromise version of the bill. I doubt whether those people who sent those telegrams are aware of the fact that this bill has been compromised to the point where there is not one single solitary acre of Indian land involved in this bill. I am positive, if I might use Indian parlance, being an honorary Indian chief, that behind these telegrams there is more smoke than fire. I am positive that that is the situation. If it were not for the opposition by people who have a selfish interest, by people who are private owners of the property, I am positive that many of these telegrams would never have arrived in the Nation's Capital. In other words, I am again concerned about the welfare of the Indians but I am afraid that the Indians are being used and I resent the Indians being used just as much as my good colleague from Iowa does.

Mr. KYL. Mr. Speaker, will the gentleman yield to me?

Mr. O'KONSKI. I mentioned the gentleman's name and I yield to him.

Mr. KYL. Is the gentleman in the well familiar with the referendum which was held on the reservation?

Mr. O'KONSKI. On the reservation. Yes, I am very well acquainted with it. I might mention that I do not think the chief who sent you the telegram is any longer the chief. They recently changed chiefs. You have to have communication with him.

Mr. KYL. I cannot speak to that point because the most recent communication I have from him is not within the last week or two, but the referendum which was held by the Indians did indeed show that they were opposed, did it not?

Mr. O'KONSKI. Well, I think that if there was grassroots opposition to this, when I was holding these meetings within the immediate accessible area, and I spent 6 hours waiting for them, I think if there was any real organized grassroots opposition to the bill, that these Indians on the reservation, particularly when I told them my announcement that among the first order of business when we got back to Washington was going to be the consideration by the House of the Apostle Islands National Lakeshore Park bill—I am sure that they would have made it known to me.

I am positive that if there were grassroots opposition to the bill that the chiefs and the members of the tribes would have been over there to see me, particularly from the Odanah Reservation, since I am one of their honorary chiefs.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I think we must be fair about this proposition now, when we dismiss some of these telegrams because the Indians who sent them may not have read the bill. I think that is a little bit unfair because, as a matter of fact, I think the gentleman from Wisconsin will have to agree with me that when we vote on this bill a very small percentage of the Members of this House will have read this bill; is that correct?

Mr. O'KONSKI. Well, in some form or other, yes.

Mr. KYL. I thank the gentleman.

Mr. O'KONSKI. Mr. Chairman, I just want to say this in closing: that for 40 years this area in northern Wisconsin has been in a state of limbo. Forty years ago it was suggested that this area be set aside for a national park, a national lakeshore park. So for 40 years we have had no economic development, and no private development in that area, because any time anyone wanted to come over there to develop the area privately or economically, the prospective developer always was told that the people of Chicago—and incidentally we no longer can think of land in the United States of America in terms of provincialism. No matter where the land is, it has to be thought of in terms of the national interest. The people of Chicago, the people of Detroit, the people of Milwaukee, the people of Minneapolis-St. Paul, the people of St. Louis, the people of Indianapolis who come over there are all unanimously of the opinion that this area should be set aside as a national park. And because that has been in the making for the past 40 years no private developer would ever come in there and develop the area, and hence we are at an economic standstill. And, as I say, for the past 40 years we have been in that state of limbo, of economic standstill because the idea of a national park is so entrenched among the people within a radius of 500 miles of that area that they can think of that area in no other terms.

If you really want to help the Indians of that area I urge you to vote for this bill, because I see in this bill the making and the creation of jobs—jobs for Indians. And incidentally these 12 Indians who came over to see me, their main concern was getting jobs in the area and getting an economic development in the area.

This project will make jobs in the area, it will make jobs for the Indians. If you are really concerned about the welfare of the Indians of that area I plead with you and I beg you to vote for the passage of this bill as it is.

Mr. Chairman, in connection with the legislation before the House to establish the Apostle Islands National Lakeshore, I wish to point out to my colleagues and to future visitors that this area is one of the most significant in our Nation's history, both geologically and historically.

As an adopted member of the Bad River Band of Chippewa Indians at Odanah, given the name of Gigidoweinnay—Chief Man of the Council—I am interested in having this bill represent the intent of Congress and to honor my Chippewa brothers. Although the two reservations in the area are not included unless they later request it, I personally hope and feel that a monument should be erected and dedicated to the Chippewa Indians, to be erected at their one-time capital city at La Pointe on Madeline Island. Madeline Island, the largest of the Apostle Islands, is also not included in the legislation, but I am sure that future visitors will want to see Madeline and learn more of its past history.

It is thought that the Lake Superior region is the oldest of the known world and was the first to emerge from a global ocean. Because of its age and the violent eruptions to which the area has been subjected, it provides a rich source of geological study. It is in this area that the Apostle Islands are located.

Nelson Ross, in his informative book—"La Pointe—Village Outpost"—writes as follows:

> There is a village in Northernmost Wisconsin, little known today, which has experienced periods of prosperity, years of fame and decades of somnolence. La Pointe was the home of the Ojibway. It was the haven of safety for that tribe and for subsequent posts of the French and English fur trader, from the hostile attacks of the Sioux and other Indians. Here were planted the seeds of both the Roman Catholic and Protestant religions when the Northwest was unknown country.
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> It is possible that the La Pointe area was being explored when the Pilgrims landed at Plymouth Rock. Its development, one thousand miles inland, under the French regime, came at the same time as that of the English thirteen colonies on the Atlantic seaboard. In the La Pointe region a church was founded the year after the English took Manhattan from the Dutch, and the village was a thriving settlement when George Washington was born.
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> To the French, who were the first white arrivals, the terms La Pointe and Chequamegon (She-wam-egun) were practically synonymous, although the latter was the first known and older name.

The Apostle Islands, sometimes called the Enchanted Isles of Keche-Gamme, are clustered about the Bayfield Peninsula, which is the northernmost mainland of Wisconsin. They occupy an area of about 600 square miles in Lake Superior and comprise about 77 square miles of land area. Although named the Twelve Apostles by the early missionaries, there are actually 23 islands ranging in size from a fraction of an acre to the largest, Madeline, with an area of about 14,000 acres.

The Chequamegon Bay and Apostle Island area is rich in Indian lore and history. It is believed that the Chippewa or Ojibway Indians left their former home on the Gulf of St. Lawrence and arrived in the Chequamegon region about 1490, 2 years before the Columbus discovery of America. According to tribal legends, they were following the great white shell, Megis, which gave warmth and light to the tribe. The first Chippewa settlement in Wisconsin is said to have been at La Pointe, on Chequamegon Bay, where they found plentiful food, fish, and wild rice. Sister M. Carolissa Levy in her book, "Chippewa Indians of Yesterday and Today," says:

This village of La Pointe greatly antedated other early Wisconsin settlements, such as Ashland and Superior and La Pointe was old before these cities were even dreamed of by white men . . . La Pointe on the Chequamegon passed into oblivion when the Sioux declared war upon the Chippewa tribes living in that area, but a greater La Pointe arose some years later on the Apostle Islands.

The Chippewas made their settlement on Madeline Island, first named St. Michel's Island by the French priests. The Chippewas named this island "Moningwunakauning"—"The Home of the Golden Breasted Woodpecker" from the thousands of birds which used it in their yearly migrations. Here they lived and made it their principal home until about the time the Pilgrims were landing on Plymouth Rock in 1620.

It is a commonly accepted fact that the first white man to see the islands, was the French explorer Etienne Brule. The trips of Brule and a number of subsequent explorers were motivated by the French desire to open the mythical "Northwest Passage to China and the East Indies." A trip of real historical significance was made by French explorers and fur traders, Radisson and Grosseilliers in 1659. They left Montreal and spent the winter at the foot of the Chequamegon Bay, near the present city of Ashland, where they built a cabin, probably the first white man's house on the entire lake.

The next visit was under the leadership of Father Rene Menard, a Jesuit priest, who established a trading post with a band of fur traders. Father Menard died soon, but another Jesuit, Father Claude Alluex, came in 1665 to establish a mission, located between Ashland and Washburn, for the conversion of the Indians. He was followed by Father Jacques Marquette, both of whom had little success with the Indians' religious beliefs.

France, in 1671, formally took possession of the Great Lakes country and sent their envoys to negotiate with the Indian tribes engaged in fur trading. The envoys asked for permission to trade and promised the Indians the protection of the great French nation against all enemies. The Indians readily accepted the proposals of peace, protection and mutual support and from that day, the Chippewas called the French king "Father" and their lands were opened to French enterprise.

In 1678, the French Governor, Frontenac, encouraged Daniel Greysolon and Sieur Dulhut, in fitting out an expedition for Lake Superior to investigate the rich copper deposits which were associated with the Lake Superior country.

In 1693, Pierre Le Sueur, an adventurous forest trader, was sent by the French to keep open the trade route. Accompanied by a small band of soldiers and fur traders, he built the first stockaded fort on what was then called St. Michel's Island at La Pointe. About this time, the Chippewa Indians returned to the island and settled at La Pointe. Here, the new village became the seat of the Chippewa empire and the official headquarters for 12,000 Indians whose domain extended from Michigan westward to Lake Itasca and from Canada, southward to Shell Lake, Wis.

French fur traders continued to occupy Madeline Island until 1763, the close of the French and Indian War. However, because the earlier French traders on the lake shipped such a large volume of furs, the market prices declined to ruinous levels and the King of France, Louis XIV, prohibited further trading for 20 years. A succession of French commanders reestablished the fur trade and continued to occupy the island until New France fell to England.

The British now took over the fur-trading industry under the leadership of Alexander Henry, a resident of the colony of New Jersey. He took as his partner, Jean Baptiste Cadotte, the son of a French officer. Jean married an Indian woman and they had two sons, John Baptiste and Michel, both of whom were educated in Montreal. Michel took up the fur trading business and in 1785 returned to Madeline Island, where he married an Indian princess, who was renamed Madeline when she was baptized. Her father was so pleased with the marriage that he renamed the island Madeline, in honor of his daughter.

Madeline Island and the Village of La Pointe now became a thriving settlement when John Jacob Astor's American Fur Co. took over the fur industry. The fortunes of the area now fluctuated with the successes or failures of the fur industry, the copper, fishing, and lumbering industry and with periods of boom and panic experienced in the general economy of the American Government.

Today, although the area is no longer the capital of the Chippewa Indian Nation and the fur trading industry, its geological foundations, its startling beauty, and its historical importance make it an area of outstanding significance.

Madeline Island is truly billed the "Island of Antiquity"—Under four flags: Spain, 1512–1627; France, 1627 to 1762; England, 1763 to 1783, and the United States of America from 1783 to the present.

We find pages from the past today in the names of residents and villages and cities of the area; residents such as the Souliers, Bresettes, Lemieux, Royces, Gordons, Dupuis and others; villages, cities, and rivers such as Cadott, Radisson, Solon Springs, from the French explorer, Greysolon; Duluth, from Sieur Dulhut; and Brule and the Brule River.

A brochure from the Madeline Island Historical Museum at La Pointe, lists the highlights of the past of this historical area. I am now putting this commentary in the CONGRESSIONAL RECORD. The listing follows:

HIGHLIGHTS OF THE PAST

It is possible that Etienne Brule came to the region as early as 1618—two years before the Pilgrims landed at Plymouth Rock. The French trading post, located on the nearby bay was a thriving settlement when George Washington was born, and the American Fur Company's factory, under John Jacob Astor, was exploiting the region when Abraham Lincoln was a young man.

Some of the highlights of past history are as follows:

1659—Pierre Esprit Radisson and Medart Chouart, Sieur des Groseilliers came to Chequamegon Bay and traded with the Indians.

1661—Father Rene Menard, a Jesuit priest, came but lost his life on an errand of mercy.

1665—Father Claude Jean Allouez, another Jesuit, came and spent three years endeavoring to convert the natives to Christianity.

1669—Father Jacques Marquette followed Allouez but was forced to leave in 1670 due to the hostility of the Sioux Indians.

1679—Daniel Greysolon, Sieur Dulhut (later known as Duluth) spent the winter on Chequamegon Bay, and in the spring of 1680 discovered and traveled over the Brule-St. Croix route to the Mississippi.

1693—Pierre Le Sueur founded a trading post on the south end (modern Grant's Point) of Madeline Island.

1718—Paul le Gardeur, Sieur de St. Pierre, built a French post near the present Old Mission, and this survived until 1763 when the French were conquered by the English.

1793—Michel Cadotte founded a trading post for the (British) North West Company on the south end of the island, not far from Le Sueur's site of one hundred years before.

1816—This post was taken over by the American Fur Company which, after moving to present La Pointe in 1835, finally failed in 1845. From this time, the village gradually faded in importance until about 1895 when the locality gained prominence as a summer retreat.

As an interesting background, here is a brief description of the 23 islands comprising the Apostle Islands:

LONG ISLAND

Originally this was part of Chequamegon Point and did not become an island until about 1821. Therefore the early French and Indian names were applied to the entire peninsula. Indian name: Shagewomekong—"Soft Beaver Dam." Width: from 100 feet to ¼ mile. Acreage: about 325.

There is a lighthouse situated on the north side of the island about 1¼ miles from its west end. It is equipped with a fog horn, radio direction apparatus and radio tele-

phone. A smaller range light is located on the extreme west end, and this has a fog bell in conjunction. The island is a long and narrow sand spit with a growth of stunted pine. In years past it supported a profusion of blueberries, but these have died out to a considerable extent.

MADELINE ISLAND

Indian name: Moningwunakauning Miniss—"The Island of the Golden Breasted Woodpecker." (Miniss is the Ojibway for Island.) French names: Isle Detour, La Ronde, Montreal, St. Michael's, La Pointe, St. Esprit, Michel.

English names: Cadotte, Woodpecker, Yellow Hammer, Middle, La Pointe, Magdaline, Madeleine, Madelaine, Michael.

Length: 12½ miles. Width: varying from 1½ miles at the middle waist to 3½ miles. Acreage: about 13,168.

This is the only island with a permanent settlement and a system of roads. The fixed population is about 175, but this is increased during the summer months to about 500. There is one inn open in the summer only, the Chateau Madeleine. The village has a grade school and two churches, a Roman Catholic, and an Evangelical and Reformed Protestant. There are also three stores and a post office.

The island supports a number of farms, one or two of which have been fairly prosperous. The others, for the most part, might be classified as subsistence farms only. The short growing season and the glacial boulder drift are not conducive to large crops save where there has been a deep accumulation of forest humus. Aside from the summer tourist and resident trade, the economy of the island largely depends upon fishing. The fishermen inhabit the east side of the island where they are near the fishing grounds and reefs of the lake.

The island has been logged thoroughly, and all that remains of virgin timber is found at the northeast point where the treaty of 1854 reserved about 100 acres as a base from which the Indians might fish. A few isolated trees which the loggers missed appear here and there. The rest of the island is covered with second growth evergreen, and a preponderance of birch, oak, maple and poplar. On the southeast side and northeast end are a number of caves and arches which the waves have worn in the sandstone.

MICHIGAN ISLAND

Indian name: Bugadabi Miniss—"Hook and Line Island." Length: 3½ miles. Width: 1¼ miles at the south end, tapering to a point at the northeast. Acreage: about 1,296.

At the southeastern end are old and new lighthouses; the old one is a picturesque brick and masonry structure with the light keepers' quarters attached, the new one is of steel tubular construction, about forty feet higher than the old, and its light is about 170 feet above the lake. The light is now operated automatically, and keepers no longer live on the island.

CAT ISLAND

Indian name: Kagagiwanjikag Miniss—"Island of Hemlock Trees." Local name: Hemlock. Other name: Shoe. Length: 3 miles. Width: 1¼ miles at its south end. Acreage: about 1,920.

The outline of the island is not unlike that of a cat, and one early observer likened it to a shoe. These similes account for two of the names. The official and local names are often garbled into a single "Catterhemlock." There is a sand point at the south end with fairly long beaches. A few wave-washed rock formations appear at the north end.

OTTER ISLAND

Indian name: Nigig Miniss—"Otter Island." Former name: Alabama: Local name Hardwood. Length: 2 miles. Width 1¼ miles. Acreage: about 963.

While there may have been otter in enough numbers to warrant the Indian name, it is extremely doubtful if there are any on this island today. There is a small sand beach on the southeast side, the site of an old logging camp. The island averages about forty feet in height, and there are interesting rock formations at the north end.

ROCKY ISLAND

Indian name: Sinsibakwado Miniss—"Maple Sugar Island." Local name: Rice's. Length: main part, 2 miles. A narrow neck extends from the main portion in a northeasterly direction for 1½ miles. Width: main part, 1 mile. Acreage: about 751.

The east side is principally sand beach, with a sand point at the south. Along the east side is an excellent harbor for small boats. This feature has been capitalized by owners of a small resort which caters to the summer troller. The resort lies close to the most popular trolling waters. Two small settlements of fishermen have been located on this side for fifty years or more. The local name stems from one of the founders of the City of Bayfield, Henry M. Rice, who at one time owned all of the stumpage on the island.

SOUTH TWIN ISLAND

Indian name: Wabaso Miniss—"Rabbit Island." Local name: Willey's. Former name: Shoal. Length: 1 mile. Width: ¾ mile. Roughly an oval in shape. Acreage: about 350.

Aside from Long Island this is the only one in the group which shows no rock outcroppings. On the west side a short sand spit reaches toward Rocky Island. An abandoned fish camp also lies on the west side.

NORTH TWIN ISLAND

Indian name: Miskwassikag Miniss—"Red Stone Island." Local name: Brownstone. Former name: Cat. Length: 1 mile. Width: about ¼ mile at the center and tapering to points at each end. Acreage: about 158.

The island is practically all rock except for a small clay bank at the northeast corner. A small summer cottage is located at its northwest corner. Exceptionally good trolling waters lie off the north end at a distance of about two miles.

RASPBERRY ISLAND

Indian name: Miskominikan Miniss—"Island of Raspberries." Former name: Cranberry. Length: about 1 mile over its irregular shape. Width: about ½ mile. Acreage: about 293.

There is an excellent sand beach at the southeast point. There is a lighthouse on the south side equipped with a fog bell, both of which are operated entirely automatically, with no keepers in attendance.

BEAR ISLAND

Indian name: Mako Miniss—"Bear Island." Length: 2 miles. Width: 1¾ miles. Acreage: about 1,590.

While called Bear, the charts show an island shaped like a turtle, with head and forefeet to the north, and tail toward the south. Viewed from the water it has the silhouette of a whale. At the southeast point there is a long sand spit with excellent beaches. A fish camp has been located here for many years. There are picturesque rock formations on the east and north sides.

DEVIL'S ISLAND

Indian name: Matchimanitou Miniss—"Evil Spirit Island." Former names: Brownstone, Rabbit, Barney & Lamborn's. Length: 1¼ miles. Width: ½ mile. Acreage: about 318.

This is the northernmost body of land in Wisconsin, and is one of the most unusual islands in the group. Some of the deepest and most extensive cave formations on Lake Superior are found at its northern end. The entire island is owned by the Federal Government. An important lighthouse with a fog horn, radio direction apparatus and radio telephone is located at the north end. The keeper's small gasoline boat is kept at the south end, in the protection of a massive dock. The island supports a low ground growth, rather stunted trees and an abundance of very large blueberries.

SAND ISLAND

Indian name: Wababiko Miniss—"White Rock Island." Length and Width: about 2 miles, with a narrow neck about 1 mile long extending northward from the northeast corner. Acreage: about 2,900.

One of the phenomena of this island is the shoal connecting it with the mainland two miles away. This is entirely of sand, and geologists believe that it will eventually make a peninsula of the island. Soundings average about six feet in depth the entire distance. Those taken in 1823 showed depths of from 46 to 50 feet. The latter were made by Lieutenant Henry Bayfield, after whom the City and County of Bayfield were named.

At the north end of the projecting neck there is an automatic lighthouse. There are two fish camps on the east side, and at one time there was a small summer resort located at the southeast corner. Around the northwest corner are rather extensive cave formations.

EAGLE ISLAND

Indian name: Nabikwana Miniss—"Boat Island." Local name: Steamboat. Length and Width: barely ½ mile. Acreage: about 25.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, after the profound and moving address of the gentleman from Wisconsin (Mr. O'KONSKI), there is little that anyone can add.

Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the approval of this legislation—after so many years—reflects great credit on the many who have worked long and hard for this legislation.

Particular credit must be accorded to our distingiushed colleague, the gentleman from Wisconsin (Mr. KASTENMEIER).

This legislation ran the grave danger of being shunted aside this Congress—as it had been in the past. Due to the tireless persistence of BOB KASTENMEIER, who patiently met objection after objection posed by our colleagues, this noble project is now on the threshold of reality.

Future generations will owe a debt to many—but most of all to our effective colleague, Congressman KASTENMEIER.

Mr. TAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted

on the map entitled "Apostle Islands National Lakeshore", numbered NL–AI–91,000, sheets 1 and 2, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 2. No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this Act, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the "Secretary"), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

SEC. 3. The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

SEC. 4. (a) With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

SEC. 6. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 7. In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable.

SEC. 8. There are authorized to be appropriated not more than $4,250,000 for the acquisition of lands and interests in lands and not more than $5,000,000 for the development of the Apostle Islands National Lakeshore.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the committee amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: Page 12, line 10, strike out all of Section 1 and insert in lieu thereof:

"That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the 'lakeshore') in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled 'Apostle Islands National Lakeshore', numbered NL–AI–91,000, sheet 1, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior."

Mr. KYL. Mr. Chairman, this amendment does one thing along with a couple of perfecting devices, to accomplish that single purpose. It would create a national seashore as would the original legislation, but that seashore would comprise 20 islands, all of the islands included in the bill which has been brought to the floor today. It would not include—and this is the difference—it would not include those mainland areas described in the bill that we are debating.

This amendment, in short, then would provide a significant park area—a significant lakeshore area—because this is not a national park but a lakeshore area. But it would also do so without violating the desires of the Indian groups who have lived in this area since long before the white man came.

Mr. TAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Originally, the lakeshore area proposal provided for the inclusion of a considerable amount of Indian-owned lands provided the Indians elected to participate.

While the Indians at one time seemed to favor the proposal, they later became hostile to it. For this reason, the bill was amended while it was being considered in committee to take out more than 15,000 acres of Indian-owned land.

As a matter of fact, we took out all of the Indian-owned land except two parcels which I will mention in a minute.

The boundaries of the lakeshore were redrawn by the committee to exclude all Indian-owned lands except the bill does provide that two specified parcels of Indian-allotted lands which are located on the lakefront may be purchased by the Secretary if—and only if—a majority of the owners agree to the sale. These two parcels contain about 84 acres, and belong to numerous owners scattered in various parts of the Nation. These tracts are barren, unimproved, uncultivated, unproductive, and are not supporting one single Indian.

The area does include 1,541 acres of land lying within the original boundary of the Red Cliff Indian Reservation, but this is land that has been alienated by the Indians—that is, it has been sold to white purchasers with the approval of the Commissioner of Indian Affairs. The Indians have not taken any action to indicate that they have any plans to reacquire this land.

These Indians now say, "Do not create a part on this land because we may some day want to buy the land back." In my opinion, that is going too far.

I believe that Indian hostility has been encouraged to a great extent by white property owners for whom the Indians work.

During the field hearings in Wisconsin, I asked one Indian who was opposing the bill as a witness if he would oppose the lakeshore area if all the Indian-owned land were removed from the area. And he said, "Yes." I say, "Why?" He said, "We must protect our white brothers."

I agree with the gentleman from Pennsylvania and the gentleman from Wisconsin that these Indians are being used for selfish purposes. I am a member of the Indian Affairs Subcommittee and am as anxious as any Member of the House to see that the Indians are properly protected. But I believe in dealing with this bill we have gone as far as we

can and as far as reasonable in protecting their rights. As a matter of fact, I believe that in creating this park we will work a great economic advantage to the Indians. In my district of North Carolina we have the Cherokee Indian Reservation. It is located adjacent to the Great Smoky Mountains National Park. I am proud to be an honorary chief in that reservation. This park has caused the construction of more than a dozen fine motels on the Indian reservation. It has established restaurants, filling stations, craft shops, and other Indian-owned businesses.

It has established a market for crafts which many Indians work on during the entire year. It has accomplished wonders in raising the standard of living and providing employment for the Cherokee Indians.

I believe the Apostle Islands Lakeshore should provide some of the same results for the Red Cliff Indians and the Bad River Indians, whose reservation is next door.

Just one more statement: If and when this bill goes to conference we will insist and demand that the House language protecting the Indians be retained.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment, and ask that it and all other amendments being offered, which will eliminate the Lakeshore Drive, be defeated.

Very frankly, I personally would have liked to have brought to the floor the Apostle Islands National Lakeshore as recommended by the Department of the Interior. That lakeshore would have had the Apostle Islands unit, the Red Cliff unit, and the Kakagon-Bad River slough unit. It would have comprised 55,787 acres of land, 33,050 acres of water and a 30 mile scenic shoreline drive. This would have provided a really viable unit to our national park system, and I think would have been a benefit to all the country, as well as all the Indians. I predict that when the House today passes this bill, within a matter of years the present Wisconsin Indian leadership that is opposing the establishment of this national lakeshore will come to their Representatives in both the House and the Senate and ask that this Apostle Islands National Lakeshore be expanded to include the project as it was originally proposed by the Department of the Interior.

I therefore ask that the amendment be defeated and that the bill as reported pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9306) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, pursuant to House Resolution 1186, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KYL

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KYL. I am, Mr. Speaker.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KYL moves to recommit the bill H.R. 9306 to the Committee on Interior and Insular Affairs with instructions to report the same back to the House forthwith, with the following amendment: Page 12, line 10, strike out all of section 1 and insert in lieu thereof:

"That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public, certain significant islands of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the 'lakeshore') in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled 'Apostle Islands National Lakeshore', numbered NL–AI–91,000, sheet 1, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior."

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 29, nays 199, answered "present" 1, not voting 200, as follows:

[Roll No. 293]

YEAS—29

Bennett	Hunt	Rarick
Biester	Kyl	Reid, Ill.
Clausen, Don H.	Latta	Robison
	Lloyd	Schmitz
Devine	McClure	Scott
Dickinson	McEwen	Stanton
Goodling	McKneally	Steiger, Ariz.
Gross	Minshall	Wylie
Grover	Montgomery	Wyman
Hogan	Randall	Zwach

NAYS—199

Abbitt	Frelinghuysen	Myers
Abernethy	Fulton, Pa.	Natcher
Adair	Galifianakis	Nichols
Adams	Gallagher	Obey
Albert	Gaydos	O'Hara
Anderson, Ill.	Gettys	O'Konski
Andrews, Ala.	Gibbons	Olsen
Andrews, N. Dak.	Gonzalez	Passman
	Gray	Patten
Arends	Green, Oreg.	Perkins
Ashley	Green, Pa.	Pettis
Aspinall	Griffin	Pike
Belcher	Griffiths	Poage
Betts	Gubser	Poff
Bevill	Gude	Pollock
Biaggi	Halpern	Preyer, N.C.
Blanton	Hamilton	Price, Ill.
Bolling	Hammer-schmidt	Pucinski
Bow		Railsback
Brinkley	Hansen, Idaho	Reid, N.Y.
Brooks	Harrington	Reuss
Brotzman	Hastings	Rhodes
Brown, Mich.	Hathaway	Rodino
Broyhill, N.C.	Hechler, W. Va.	Roe
Broyhill, Va.	Heckler, Mass.	Rogers, Fla.
Burke, Mass.	Helstoski	Rosenthal
Burlison, Mo.	Henderson	Rostenkowski
Burton, Calif.	Horton	Roth
Byrne, Pa.	Hosmer	Roybal
Caffery	Hull	Ruth
Carey	Hungate	Ryan
Carter	Ichord	Satterfield
Cederberg	Jarman	Saylor
Chamberlain	Johnson, Calif.	Schadeberg
Chappell	Johnson, Pa.	Scheuer
Clawson, Del	Jones, N.C.	Shipley
Cleveland	Kastenmeier	Shriver
Cohelan	Kazen	Sikes
Collier	Kee	Slack
Collins	Kleppe	Smith, Calif.
Colmer	Kyros	Smith, N.Y.
Conable	Landgrebe	Springer
Conyers	Long, Md.	Stafford
Culver	McClory	Staggers
Daniel, Va.	McCloskey	Steed
Daniels, N.J.	McDade	Steiger, Wis.
Davis, Wis.	McDonald, Mich.	Stratton
Dellenback		Sullivan
Dennis	McFall	Taylor
Derwinski	Madden	Thomson, Wis.
Donohue	Mahon	Tiernan
Downing	Mailliard	Udall
Dulski	Mann	Ullman
Duncan	Marsh	Van Deerlin
Dwyer	Martin	Vanik
Eckhardt	Mathias	Vigorito
Edmondson	Matsunaga	Waggonner
Edwards, Calif.	May	Waldie
Erlenborn	Meeds	Wampler
Eshleman	Michel	Watts
Fascell	Mikva	Whalley
Fisher	Miller, Ohio	Whitehurst
Flood	Mills	Williams
Flowers	Minish	Winn
Foley	Mizell	Wolff
Ford, Gerald R.	Moorhead	Wright
Ford, William D.	Moss	Zablocki
	Murphy, Ill.	

ANSWERED "PRESENT"—1

Haley

NOT VOTING—200

Addabbo	Bush	Edwards, Ala.
Alexander	Button	Edwards, La.
Anderson, Calif.	Byrnes, Wis.	Eilberg
	Cabell	Esch
Anderson, Tenn.	Camp	Evans, Colo.
	Casey	Evins, Tenn.
Annunzio	Celler	Fallon
Ashbrook	Chisholm	Farbstein
Ayres	Clancy	Feighan
Baring	Clark	Findley
Barrett	Clay	Fish
Beall, Md.	Conte	Flynt
Bell, Calif.	Corbett	Foreman
Berry	Corman	Fountain
Bingham	Coughlin	Fraser
Blackburn	Cowger	Frey
Blatnik	Cramer	Friedel
Boggs	Crane	Fulton, Tenn.
Boland	Cunningham	Fuqua
Brademas	Daddario	Garmatz
Brasco	Davis, Ga.	Giaimo
Bray	Dawson	Gilbert
Brock	de la Garza	Goldwater
Broomfield	Delaney	Hagan
Brown, Calif.	Denney	Hall
Brown, Ohio	Dent	Hanley
Buchanan	Diggs	Hanna
Burke, Fla.	Dingell	Hansen, Wash.
Burleson, Tex.	Dorn	Harsha
Burton, Utah	Dowdy	Harvey

Hawkins	Monagan	Scherle
Hays	Morgan	Schneebeli
Hébert	Morse	Schwengel
Hicks	Morton	Sebelius
Holifield	Mosher	Sisk
Howard	Murphy, N.Y.	Skubitz
Hutchinson	Nedzi	Smith, Iowa
Jacobs	Nelsen	Snyder
Jonas	Nix	Stephens
Jones, Ala.	O'Neal, Ga.	Stokes
Jones, Tenn.	O'Neill, Mass.	Stubblefield
Karth	Ottinger	Stuckey
Keith	Patman	Symington
King	Pelly	Taft
Kluczynski	Pepper	Talcott
Koch	Philbin	Teague, Calif.
Kuykendall	Pickle	Teague, Tex.
Landrum	Pirnie	Thompson, Ga.
Langen	Podell	Thompson, N.J.
Leggett	Powell	Tunney
Lennon	Price, Tex.	Vander Jagt
Long, La.	Pryor, Ark.	Watson
Lowenstein	Purcell	Weicker
Lujan	Quie	Whalen
Lukens	Quillen	White
McCarthy	Rees	Whitten
McCulloch	Reifel	Widnall
McMillan	Riegle	Wiggins
Macdonald, Mass.	Rivers	Wilson, Bob
	Roberts	Wilson, Charles H.
MacGregor	Rogers, Colo.	Wold
Mayne	Rooney, N.Y.	Wyatt
Melcher	Rooney, Pa.	Wydler
Meskill	Roudebush	Yates
Miller, Calif.	Rousselot	Yatron
Mink	Ruppe	Young
Mize	St Germain	Zion
Mollohan	Sandman	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ashbrook.
Mr. Hays with Mr. Morton.
Mr. Burleson of Texas with Mr. Cramer.
Mr. Daddario with Mr. Meskill.
Mr. Cabell with Mr. Price of Texas.
Mr. Anderson of California with Mr. Kuykendall.
Mr. Dent with Mr. Beall of Maryland.
Mr. Blatnik with Mr. Riegle.
Mr. Ottinger with Mr. Roudebush.
Mr. Friedel with Mr. Scherle.
Mr. Fallon with Mr. Skubitz.
Mr. Giaimo with Mr. Pelly.
Mr. Pryor of Arkansas with Mr. Wold.
Mr. Rivers with Mr. Wiggins.
Mr. Sisk with Mr. Goldwater.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Monagan with Mr. Clancy.
Mr. Miller of California with Mr. Cowger.
Mr. Tunney with Mr. Bush.
Mr. Macdonald of Massachusetts with Mr. Taft.
Mr. Jones of Tennessee with Mr. McCarthy.
Mr. Corman with Mr. Harsha.
Mr. Annunzio with Mr. Burton of Utah.
Mr. Davis of Georgia with Mr. Buchanan.
Mr. Dowdy with Mr. Berry.
Mr. Fountain with Mr. Burke of Florida.
Mr. Rogers of Colorado with Mr. Edwards of Alabama.
Mr. St Germain with Mr. Lujan.
Mr. Melcher with Mr. Esch.
Mr. Charles Wilson with Mr. Rousselot.
Mr. White of Texas with Mr. McCulloch.
Mr. Van Deerlin with Mr. Whalen.
Mr. Anderson of Tennessee with Mr. Findley.
Mr. Rooney of New York with Mr. Hall.
Mr. Landrum with Mr. Blackburn.
Mr. Yatron with Mr. MacGregor.
Mr. Delaney with Mr. Button.
Mr. Edwards of Louisiana with Mr. Quie.
Mr. Hanna with Mr. Snyder.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Purcell with Mr. Frey.
Mr. Stephens with Mr. Schneebeli.
Mr. Flynt with Mr. Sebelius.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Feighan with Mr. Langen.
Mr. Stubblefield with Mr. Watson.
Mr. Hicks with Mr. Casey.
Mr. Long of Louisiana with Mr. Pepper.
Mr. Addabbo with Mr. Ayres.
Mr. Dorn with Mr. Lukens.
Mr. Evins of Tennessee with Mr. Harvey.
Mr. Garmatz with Mr. Pirnie.
Mr. Barrett with Mr. Sandman.
Mr. Roberts with Mr. Teague of California.
Mr. Boland with Mr. Bob Wilson.
Mr. Gilbert with Mr. Wydler.
Mr. Smith of Iowa with Mr. Foreman.
Mr. Brasco with Mr. Conte.
Mr. O'Neal of Georgia with Mr. Bray.
Mr. Kluczynski with Mr. Mayne.
Mr. Podell with Mr. King.
Mr. Alexander with Mr. Nelsen.
Mr. Jones of Alabama with Mr. Hutchinson.
Mr. Teague of Texas with Mr. Jonas.
Mr. Murphy of New York with Mr. Bell of California.
Mr. Howard with Mr. Broomfield.
Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Thompson of New Jersey with Mr. Reifel.
Mr. Leggett with Mr. Ruppe.
Mr. Holifield with Mr. Talcott.
Mr. Lennon with Mr. Vander Jagt.
Mr. Dingell with Mr. Brown of Michigan.
Mr. Young with Mr. Byrnes of Wisconsin.
Mr. Karth with Mr. Mosher.
Mr. de la Garza with Mr. Weicker.
Mr. Fuqua with Mr. Fish.
Mrs. Hansen of Washington with Mr. Corbett.
Mr. McMillan wth Mr. Quillen.
Mr. Baring with Mr. Keith.
Mr. Celler with Mr. Widnall.
Mr. Evans of Colorado with Mr. Zion.
Mr. Stuckey with Mr. Denney.
Mr. Philbin with Mr. Wyatt.
Mr. Hagan with Mr. Crane.
Mr. Fraser with Mr. Cunningham.
Mr. Patman with Mr. Camp.
Mr. Rooney of Pennsylvania with Mr. Coughlin.
Mr. Koch with Mr. Dawson.
Mr. Eilberg with Mr. Hawkins.
Mr. Rees with Mr. Stokes.
Mr. Nedzi with Mr. Nix.
Mr. Boggs with Mr. Brademas.
Mr. Brown of California with Mr. Clay.
Mr. Bingham with Mrs. Mink.
Mr. Morgan with Mr. Farbstein.
Mr. Jacobs with Mr. Diggs.
Mr. Hanley with Mr. Symington.
Mr. Whitten with Mr. Yates.

Messrs. McFALL, WILLIAM D. FORD, DULSKI, CAREY, GUDE, and HOSMER changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore (Mr. MILLS). The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1186, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 621.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TAYLOR moves to strike out all after the enacting clause of S. 621 and insert in lieu thereof the provisions of H.R. 9306, as passed, as follows:

That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled "Apostle Islands National Lakeshore", numbered NL–AI–91,000, sheets 1 and 2, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 2. No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this Act, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the "Secretary"), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

SEC. 3. The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

SEC. 4. (a) With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the

dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

SEC. 6. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 7. In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable.

SEC. 8. There are authorized to be appropriated not more than $4,250,000 for the acquisition of lands and interests in lands and not more than $5,000,000 for the development of the Apostle Islands National Lakeshore.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9306) was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have completed quite an extensive program for the week, including every bill listed on the program, and will ask to go over upon the announcement of the program for next week.

Monday is Consent Calendar day.

Also on Monday there are 12 suspensions, as follows:

H.R. 16607, National Council on Marine Resources and Engineering Development Extension;

H.R. 15549, Seamen's Service Act;

H.R. 14678, penalties for illegal fishing in fishery zone;

S. 3153, conservation of protective coral reefs;

H.R. 10634, State income tax withholding for interstate transportation employees;

H.R. 13543, to establish a program of research and promotion for wheat;

H.R. 18686, to authorize the transfer of Burley tobacco acreage allotments;

H.R. 15978, continuance of civil government for the Trust Territory of the Pacific Islands;

H.R. 18410, to establish the Fort Point National Historic Site, Calif.;

H.R. 1160, to establish the Wilson's Creek Battlefield National Park;

H.R. 140, to establish the Andersonville National Historic Site, Ga.; and

H.R. 13934, to revise the boundaries of Minute Man National Historical Park.

In addition to the suspensions there is scheduled for consideration on Monday H.R. 18306, to authorize U.S. participation in certain international financial institutions, under an open rule with 2 hours of debate.

For Tuesday and the balance of the week the program is as follows:

Tuesday is Private Calendar day.

There is scheduled for consideration H.R. 17654, the Legislative Reorganization Act of 1970, and we expect to conclude consideration.

Also scheduled are H.R. 18776, to establish the Sleeping Bear Dunes National Lakeshore, Mich., under an open rule with 2 hours of debate; and

H.R. 18583, Comprehensive Drug Abuse Prevention and Control Act of 1970, subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

May I add, Mr. Speaker, after consultation with the distinguished gentleman from California (Mr. SISK), we are determined to, and plan definitely, to finish the legislative reorganization bill not later than Thursday of next week.

We ask the cooperation of Members in that regard. We also hope to get other business done next week but completion of the reorganization bill is one thing we said we would do before we left for the recess and it was one of the considerations involved in taking the recess. We would like to reiterate to Members that we are determined that that bill, which I think has been considered for 8 or 9 days already, shall be considered for 3 days next week; that is, Tuesday, Wednesday, and Thursday, the heart of the week, and that we will finish it at that time.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 14

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. MATSUNAGA). Without objection it is so ordered.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS FOR THE WEEK OF SEPTEMBER 14

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I make the further announcement that we will probably have the political broadcasting conference report next week.

STATUS OF ADMINISTRATION LEGISLATIVE PROPOSALS REFERRED TO COMMITTEE ON WAYS AND MEANS

(Mr. MILLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include a table.)

Mr. MILLS. Mr. Speaker, from time to time, and recently with increasing frequency, there is comment and discussion about how well Congress and its committees are carrying out their responsibilities, in terms of consideration by the committees and the Congress of the various proposals that are sent to us by the President.

I think it is fair to state that the Committee on Ways and Means has had as heavy a workload in this 91st Congress as it has ever had in its entire history since its creation as a standing committee in 1802, and certainly the responsibilities which the committee has carried this Congress have been as heavy as those carried by any committee of the House. In view of this, and in order to permit facts to speak for themselves, I thought it might be helpful to all Members to present in chart form the status of legislative recommendations submitted by President Nixon which fall within the jurisdiction of the Committee on Ways and Means so as to show what action has been taken by the committee and the House on these recommendations.

Please note when you review this summary chart which I shall place in the RECORD that some of these subject headings encompass a vast amount of both committee and staff work in terms of volume and complexity. Also it will be noted that in terms of "major" proposals, there are, literally, only two, among the many which have been received, on which the Committee on Ways and Means has not yet taken action, and a part of one of these was considered in connection with the Tax Reform Act.

The chart to which I refer follows:

STATUS OF LEGISLATIVE RECOMMENDATIONS OF THE NIXON ADMINISTRATION UNDER THE JURISDICTION OF THE COMMITTEE ON WAYS AND MEANS AS OF SEPT. 10, 1970

I. Messages of the President—Subject matter	Date of message	Date draft bill received	Status of proposal
Tax revision	Apr. 21, 1969	None	Action completed (7 weeks of public hearings, beginning on Feb. 18, 1969, followed by 38 days in executive session; Public Law 91-172, H.R. 13270, the Tax Reform Act of 1969).
Debt limit	(1) February 24, 1969	March 5, 1969	Action completed (Public Law 91-8, H.R. 8508—Tax reform hearings interrupted for public hearing and executive consideration of debt limit).
	(2) May 14, 1970	None	Action completed (Public Law 91-301, H.R. 17802—Trade hearings interrupted for public hearing and executive consideration of debt limit.
Income tax surcharge and excise taxes	March 26, 1969	do	Action completed (public hearing followed by 7 days in executive session; Public Law 91-53, H.R. 9951; Public Law 91-172, H.R. 13270).
Airway user charges	June 16, 1969	June 17, 1969	Action completed (1 week of public hearings followed by 6 days in executive session; Public Law 91-258, title II, H.R. 14465, the Airport and Airway Revenue Act of 1970).
Unemployment insurance	July 8, 1969	July 8, 1969	Action completed (1 week of public hearings, followed by 6 days in executive session; Public Law 91-373, H.R. 14705, the Employment Security Amendments of 1970).
Drug control, etc	July 14, 1969	July 15, 1969	Committee action completed (following public hearing and executive consideration, language transmitted to Committee on Interstate and Foreign Commerce for inclusion as title II in omnibus bill reported to House.)
Welfare revision	Aug. 11, 1969	Oct. 2, 1969	Committee action completed (4 weeks of public hearings (including social security proposals) followed by 6 weeks in executive session; H.R. 16311, the Family Assistance Act of 1970, passed House Apr. 16, 1970).
Revenue sharing	Aug. 13, 1969	Sept. 23, 1969	No action as yet.
Social security	Sept. 25, 1969	Sept. 30, 1969	Committee action completed (H.R. 15095, providing a 15-percent increase in social security benefits effective Jan. 1, 1970, enacted Dec. 30, 1969 (title X, Public Law 91-172) (President had requested 10-percent increase effective Mar. 1, 1970); 4 weeks of public hearings (including welfare revision proposals) followed by 6 weeks in executive session; H.R. 17550, the Social Security Amendments of 1970, passed House May 21, 1970).
Trade and tariffs	Nov. 18, 1969	Nov. 18, 1969	Committee action completed (5 weeks of public hearings followed by 5 weeks in executive session; H.R. 18970, the Trade Act of 1970, reported to House Aug. 21, 1970).
Tax burdens of small business	Mar. 20, 1970	Apr. 21, 1970	No action as yet on proposal per se; however, some parts of subject considered in connection with Tax Reform Act.
Tax recommendations:			
(1) Accelerated collection of estate and gift taxes	Apr. 3, 1970	July 30, 1970	Public hearings commenced on Sept. 9, 1970.
(2) Tax on lead additives in gasoline	May 19, 1970	do	Do.
(3) Extension of certain excise taxes		do	Do.

I. OTHER DRAFT BILLS TRANSMITTED BY EXECUTIVE COMMUNICATION FROM EXECUTIVE BRANCH OF PRESENT ADMINISTRATION AND REFERRED TO COMMITTEE ON WAYS AND MEANS

Date referred	Subject	Action taken
Mar. 25, 1969	Treasury—income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1969.	No action as yet (H.R. 9451, Mr. Mills; legislation from another committee necessitating this action not yet enacted (H.R. 6678, reported in Senate Aug. 10, 1970)).
Apr. 2, 1969	Labor—collection of Federal unemployment tax in quarterly installments, etc.	Action completed (Public Law 91-53, H.R. 9951).
Apr. 30, 1969	Treasury—to establish a working capital fund for the Treasury.	Committee action completed (H.R. 16199, passed House May 19, 1970).
May 5, 1969	Bureau of the Budget—to eliminate limitation on number of civilian officers and employees in the executive branch.	Enactment as amendment to second Supplemental Appropriation Act (Public Law 91-47).
June 9, 1969	Treasury—extension of interest equalization tax.	Action completed (Public Law 91-128, H.R. 12829).
July 8, 1969	HEW—to limit Federal financial participation under public assistance and medicaid laws with respect to individuals in mental institutions.	Committee action completed (H.R. 17550, passed House May 21, 1970).
July 16, 1969	Treasury—to facilitate the management of the public debt by removing the interest rate ceilings on Government bonds, etc.	Action completed (Public Law 91-130, H.R. 14020).
Do	Treasury—to amend the Internal Revenue Code to permit charges for certain services.	No action as yet. (H.R. 16198, Mr. Mills).
July 30, 1969	Transportation—(1) to provide additional revenues for the highway trust fund; and (2) to provide for the imposition of waterway user charges.	No action as yet; however, see item below re extending highway trust fund.
Oct. 15, 1969	HEW—to amend the Social Security Act to improve the cost effectiveness of the medicare, medicaid, and maternal and child health programs.	Committee action completed (H.R. 17550, passed House May 21, 1970).
Dec. 2, 1969	Defense—to extend temporary provision for duty-free entry of gifts not exceeding $50 retail value from members of the Armed Forces in combat zones.	Action completed (Public Law 91-180 H.R. 15071).
Apr. 7, 1970	State—to continue until the close of Sept. 30, 1973, the International Coffee Agreement of 1968.	Hearings completed; no further action as yet.
Apr. 16, 1970	Commerce—to eliminate the duty now applicable to natural rubber containing fillers, extenders, pigments, etc.	No action as yet.
May 27, 1970	Renegotiation Board—to amend the Renegotiation Act of 1951.	No action as yet (Renegotiation Act does not expire until June 30, 1971; this is a minor proposal relating only to rate of interest imposed after finding has been made and case is under appeal)
June 10, 1970	Transportation—to extend the duration of the highway trust fund.	Committee has completed action to extend for 3 additional years except for formal approval of draft language.
July 29, 1970	Treasury—to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions.	No action as yet.

CURB IMPORTS—STOP EXPORTING PENNSYLVANIA JOBS

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker, in the coming fight on international trade it will be helpful to get as many viewpoints as possible.

Milton Shapp, formerly with the U.S. Commerce Department, and now a candidate for Governor of my home State of Pennsylvania, is a recognized expert in this field.

Mr. Shapp's position is clearly stated in the following address he presented to the district 6 meeting of the United Electrical Workers in Erie, Pa., on June 27, 1970.

I strongly recommend that all my colleagues study Mr. Shapp's message very carefully before considering action on any future trade legislation.

The statement follows:

UNITED ELECTRICAL WORKERS, DISTRICT 6 MEETING—ERIE, PA.

CURB IMPORTS—STOP EXPORTING PENNSYLVANIA JOBS

In 1961, as a consultant to the U.S. Department of Commerce, I participated in the discussions which resulted in the drafting of the present tariff laws.

I was an advocate of freer world trade. Even so, I was fearful at the time that because many foreign countries enjoyed a wide margin over American manufacturers in the use of more modern (post war design) machine tools and paid much lower wages than American workers earned, our nation would fall behind other nations in the production of consumer and commercial goods.

And I still would be a champion of open world trade today if not for four major factors:

1. The flood of imports in such major industries as electronics, steel, textiles, shoes, apparel, glass, chemicals, and others has reached such flood proportions that millions of American jobs are threatened.

2. Other nations through tariffs, taxes, quotas and other restrictions are keeping out U. S. goods.

3. Nixon's economic policies have created an economic recession which is leading to a depression with high unemployment nationwide.

4. Unfortunately, national recessions have always hit hardest and fastest in Pennsylvania and thus the Commonwealth faces a bleak future unless industries in this state receive protection. When the rest of the nation catches an economic cold, we get pneumonia.

NIXON MUST REVERSE POLICIES

And so, until such time as the Nixon Administration reverses its policies and seeks to expand the national economy and create more jobs (just as John Kennedy was doing at the time the present tariff law was written) I must and will fight to protect existing jobs in our nation and particularly in Pennsylvania.

It is important to analyze another major factor that has brought our nation into this serious position. Stated briefly—we have lost World War 2½.

By treaties at the end of World War II, we prevented our defeated enemies, Germany and Japan, from producing war goods. Thus, their industrial leaders were forced to concentrate on the production and marketing of consumer, commercial and industrial products. Under the Marshall Plan, we poured almost 100 billion dollars into war torn Europe and Asia to help rebuild their economies and launch their post-war manufacturers into operation.

However, it was not these acts in themselves which put us into our current crisis. We were duty-bound to help those war torn countries. But on the other hand, we were *not* duty-bound to make the next step, which was to achieve for ourselves a world stranglehold on the war material market.

Today, belatedly, we wake up to the realization that our foreign competitors have virtually stolen not only *worldwide* markets for consumer and commercial products, but are likewise sweeping our domestic markets. True, lower wages are a factor. But we delude ourselves if we do not recognize another extremely important factor. Foreign businesses devoted themselves diligently to producing non-military products and concentrated on marketing these products. Meanwhile, American manufacturers of electronics, aircraft, hardward, pharmaceuticals and chemical products devoted a major portion of their effort to gaining a worldwide monopoly for their products as part of our military armaments. Even many apparel manufacturers found it profitable and much simpler to produce their products for the military, than to establish consumer markets.

Now, our nation feels the pinch. We are the world's leading producer of war products. But, even our own citizens protest. We produce equipment for which this nation must generate its own markets—and this is a frightening prospect. It might be of greater value to the future of this nation if the Nixon Administration were to take the money now being spent for ABM's and MIRV's and the-obsolete-before-built battleships and subsidize commercial industries to develop markets for products for peace.

ESTABLISH OFFICE FOR CONVERSION

As Governor of Pennsylvania, I shall establish an Office of Conversion to help our manufacturers convert military production to consumer goods, but this would be of much greater value if accomplished on a national basis.

Coupled with its present emphasis on war goods, the Nixon Administration has managed to achieve an additional fantastic situation—rapidly increasing inflation along with rising unemployment in the middle of a war boom economy.

Even the captains of big business will not allow this situation to continue much longer. The alert was sounded recently by the President of the Bank of America. The war must end, he said. "It's bad for business." The Undersecretary of the Treasury joined in and said, "The war is bad for the stock market." The head of IBM also deplores our military position, as "bad for everyone."

Against this background, I should like to discuss some of the gravest elements of the import threat. Imports affect many industries, but the strongest challenges today as far as Pennsylvanians are concerned are coming in electronics, footwear, steel and apparel fields. I wonder how many Pennsylvanians realize the importance of these industries to their state.

For example, our largest employer is steel with over 280,000 workers. In the textile-footwear-apparel industries, Pennsylvania ransk eleventh among the states in the percentage of its work force employees. Some 270,000 persons work in this field. The electronics industry employs more than 150,000 in Pennsylvania.

The flood of imports hitting the electronics industry is severely cutting employment in Pennsylvania and nationwide. I know of no major American radio set manufacturer that wires its chassis in the United States. The components (largely foreign) are assembled in Japan, Taiwan, the Philippines, Hong Kong, South Korea and then the chassis are shipped to the states for insertion in cabinets. Likewise, over 4,000,000 TV sets per year are assembled overseas for American manufacturers and merely inserted into their cabinets here and sold as if they were indeed American-made products.

Tape recorders, Hi Fi equipment, switch gears, transformers, tape cassettes, transistor radios, electronic control circuits, computer cards, fire detection equipment and hundreds of other electronic items are assembled overseas and sold in the United States mostly by American firms under American trade names. It is impossible to calculate the tens of thousands of American jobs lost because of this practice.

In the apparel field there seems to be an endless flow of imports. Cloth, shirts, suits, blouses, under garments, brassieres, jockstraps, socks, curtains, (you name it) pouring in from Japan, Taiwan, Hong Kong, the Philippines and yes, Portugal, Turkey and other low wage areas of the world, are inundating our market. Already this year, thousands of workers in Pennsylvania's apparel industry have lost their jobs, and many manufacturers have closed their doors.

The shoe industry is also hit very hard. Pennsylvania is one of the major shoe producing states in the Union. There are approximately 150 shoe factories here, employing close to 29,000 people. In 1968, these factories produced 85 million pairs of shoes. In 1969—due in large part to imports—this dropped to 78 million pairs. 1970 will see a further drop both in production and in jobs.

Some 200 million pairs of footwear are expected to be imported in the United States this year. If these shoes were to be manufactured in the States, it would mean 40,000 additional workers, working 40-hour weeks.

Of major concern is this fact. A large percentage of Pennsylvania's shoe and apparel manufacturers are located in small towns scattered throughout the state. Often these companies are the major employers in the communities in which they operate. Thus, a major cut in the work force or worse, closing of these plants, might cause a major economic collapse bordering on catastrophe in these areas.

WESTERN PENNSYLVANIA MAY LOSE STEEL PRODUCTION

Our steel areas particularly in the western part of the state, are likewise in a critical position. As our production slackens due to the combined effects of the Nixon recession and the quantity of imports, many of our mills—particularly in western Pennsylvania—are in danger of being shut down and may never open again. The steel industry in the past six years has built tremendous overcapacity in Ohio, Illinois, Indiana, Michigan and Wisconsin along the shore of the Great Lakes. These plants are more modern than our open-hearth rolling mill plants and are located in the Great Lakes area where combined raw and finished material shipping costs are lower. Thus, any long term decline in steel demand may create ghost towns in the steel producing areas of western Pennsylvania.

The Journal of Commerce reported recently that the steel industry has estimated the impact of increased steel imports equal the "exporting of 70,000 jobs." Under existing circumstances, many of these jobs might be lost permanently in Pennsylvania unless we stop the flood of steel imports.

We can add to the list. Other products flood our markets. For example, few, if any, sewing machines—even those bearing American brand names—are made in the U.S.A. American typewriter production is dried up. Many items of sporting goods such as baseball gloves, basketballs, ping pong paddles and balls are made almost totally overseas. Watches, clocks, and quality glass production in the United States is virtually ended . . . and the list goes on. . . .

Many of these suppliers of foreign goods are foreign companies, owned by local people. However, an increasing number of foreign manufacturers are joint ventures with local and American capital involved.

But there is a new trend developing that forebodes even heavier penetration of our markets by foreign made goods.

An example of this involves Burlington Industries, one of America's largest textile and carpet manufacturers. Burlington Industries, according to the Japan Economic Journal last March 10, has signed an agreement with Mitsubishi Rayon Co., Ltd., to manufacture carpets, primarily for the U.S. market. We have a good number of carpet mills here in Pennsylvania, in Philadelphia and Carlisle. How many jobs will be lost in our state due to this combine?

This is a whole new trend which the Nixon Administration has failed to even note in international trade—the multi-international conglomerate. In their most common form, these conglomerates use American capital to underwrite production of goods for the American market in foreign countries where labor costs are lower. They are then marketed here under American trade names.

Let's run down a brief list of such operations from news items culled from the business press. Ford Motor Company is Britain's biggest exporter. Weyenburg Shoe Manufacturing Co. of Milwaukee is building a $4.8 million plant in Dundalk, Ireland, and plans to export the plant's entire output of 750,000 pairs annually to the United States.

The Cummins Engine Co., of Fort Wayne, Indiana, says it has captured 25 per cent of the United States diesel engine market for medium-duty commercial vehicles with engines made in Darlington, England.

The U.S. Department of Commerce reports that between 1950 and 1968, U.S. multi-nationals increased their direct U.S. investment abroad from $10 million to more than $60 million.

Fortune Magazine reports that the buying of cheap labor and parts abroad and selling the finished product in the United States at American prices merely tells part of the story. Fortune says these firms "can also adjust prices on these intra-company sales according to a deliberate plan . . . a useful device for keeping down the overall corporate tax liability."

These kinds of activity threaten the economic health of this nation. It is an attempt by some greedy people to kill the American golden goose, to destroy the economic system which has been built up over the years and through the combined work of labor unions and consciencious management has brought our people the world's highest standard of living.

STOP EXPORTING JOBS

I say that the time has come for Pennsylvania to stop exporting jobs by permitting the virtual unlimited import of goods.

We must put pressure on the Nixon Administration because we cannot expect to continue to dry up the job market for Americans and still expect them to consume goods.

In the long run, our world trade problem is not one of free trade or protectionism. It is one of fair standards and fair competition.

As a nation, as a political entity, as a trade market, as a pool of workers long guaranteed rights and benefits through unionism, we must now look to extend these protections to workers in other nations.

NEED IS FOR WORLDWIDE LABOR STANDARDS

We cannot permit cut-throat world competition based upon coolie labor standards any more than we can permit such competition here at home. We erected minimum wage laws at home to eliminate the sweatshop and outright wage slavery. Trade policy in the United States must be a legitimate weapon to establish fair labor standards and fair competition among our trading partners.

The theoretical goal of free trade will never be possible unless we work to have the labor forces of other nations put on an equal footing with our own. This cut-throat competition between nations based on exploiting lower-priced labor can only be destructive to our own economy.

And while I am talking about labor costs, let me knock a hole in another myth that is repeated so often it is accepted as fact: that the American consumer gets the benefit of these lower foreign labor costs. The labor cost, for instance, of producing a Japanese Toyota automobile is about $1.40 per hour compared to $5.31 an hour for a U.S. auto. But the Toyota costs nearly as much as a low-priced American compact when sold here in the United States. Who is getting the bulk of that wage differential? Not the American consumer.

The multi-national firms I talked about now import manual typewriters and sewing machines to displace the American-made products. But the prices of these products continue to zoom. Who is getting the benefit of these inflationary prices? Again, not the American consumer.

This brings us to some of the strange practices of some foreign countries who are hungry to exploit the rich U.S. market at the expense of their own consumers at home. It is becoming increasingly difficult in the United States for instance, to buy a cassette tape recorder that is not made in Japan or West Germany. Other Japanese electronic goods are becoming equally prevalent.

But did you know that you can buy a Japanese color television set here at half the price it costs a consumer in Japan?

This is the same Japan which is now fighting to prevent establishment of plants in Taiwan and Korea by U.S. firms because it knows the coolie wages in those countries will undercut Japan's own domestic products.

This is, by the way, no defense of these firms. Their real purpose is to build trade on human misery for export purposes, not develop underdeveloped countries and build living standards, just as General Electric uses cheap Mexican labor just across the borders of Texas and California to make components at low prices for resale in the States.

What I am saying is that this is the kind of hard reality we must fight as a nation before we can talk about the ideal of free world trade.

SUMMARY

In summary, we must establish trade policies today which are consistent with the realities of the present world because that is the only world we have. I am for extended trade but we can permit trade expansion only if we develop world monetary policies that permit it, wage policies that make for fair competition and two-way orderly trade among trading partners.

U.S. trade policy must be shaped to achieve these objectives. We must insist upon fair wage competition. When we do, we will help workers in other nations raise their standards above present sweatshop conditions. Perhaps we cannot obtain the world equivalent of a Fair Labor Standards Act. We can, however, use trade policy as a means of helping workers in other nations get better wages and better working conditions and also equalize import prices.

Our objective must not and cannot be to choke world trade. But we can insist on fair treatment and fair competition.

This is the policy I personally advocate. It is what I would favor as Governor of Pennsylvania.

It is a policy that must be adopted soon. We in the United States must reverse direction and limit the flood of imports until such time as our own economy moves into high gear again and creates new jobs to provide opportunities for those being replaced by foreign workers.

We must move the Nixon Administration which has become a reluctant dragon to establish quotas on more than just textiles as now contemplated in Congress, but on electronic goods, machine tools, steel and other items that threaten to put American men and women out of work. The Nixon Administration's reluctant support for textile quotas is too little—and obviously—too late.

The Nixon Administration is derelict in not moving in quick, concerted fashion to save jobs at home at a time when inflation and recession is destroying the American economy.

We must re-establish as our goal the fulfillment of the Full Employment Act of 1946 and not sacrifice employment opportunities of our own people by making them pawns in the fight to stop inflation.

President Nixon must be forced to realize that we are engaged in a war of survival here at home. He must reduce our dependence upon military expenditures, take steps to increase not cool down the national economy, and adopt import-export policies that will permit American consumer goods and commercial manufacturers to expand their production and increase employment.

As Governor of the nation's third largest state, my voice will be raised loud, clear and often to gather support for such policies.

CONGRESS TAKES THE LEAD IN PROVIDING INSURANCE COVERAGE FOR HOMEOWNERS AND SMALL BUSINESSMEN IN LARGE CITIES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last month the Subcommittee on Housing in the House Committee on Banking and Currency, chaired by the distinguished gentleman from Pennsylvania (Mr. BARRETT) included a milestone provision in the 1970 housing bill which, if enacted, will provide adequate insurance coverage for the residents of our large central cities. Every Member of the House knows that individual homeowners and small businessmen simply cannot get adequate insurance coverage today. The insurance industry, frightened by civil disturbances in the past few years, has reneged on their responsibility to provide insurance coverage in our cities.

In 1968 the Congress attempted to provide some kind of basic insurance coverage for those people whose policies were cancelled. As the Congress has found out through investigations, the 1968 insurance provision establishing the so-called fair plans has not done the job which we intended. In 1969 at the direction of the distinguished chairman of the Housing Subcommittee (Mr. BARRETT) hearings were held in my home city of Chicago to look into the collapse of the fair plan operation in Chicago. The subcommittee found out that not only were citizens not informed of the availability of fire insurance coverage under the fair plan, but that those lucky few who were insured under the fair plan had their premiums increased, in some cases, 1,000 percent. The result of the subcommittee investigation was the introduction of my bill, H.R. 13666, which has been cosponsored by over 100 Members of the House, which for the first time, will provide direct Federal writing of adequate insurance in our cities. This direct Federal writing would only be implemented when and if insurance rates exceeded the manual rate by 175 percent. The intent of my bill is to establish a Federal yardstick to keep insurance companies from writing premiums too high and to provide total insurance coverage including crime insurance, burglary and theft insurance, and malicious mischief insurance for our citizens. It is this bill that has been included in the 1970 housing bill, H.R. 19100.

I take this opportunity to praise Chairman BARRETT for his longstanding attempts to have the Congress provide adequate insurance coverage. His long-term interest in this problem and his outstanding and stalwart support of my bill deserves recognition and praise. Congressman BARRETT knows the insurance problem firsthand since he has been told that his homeowner's insurance policy and his office insurance policy will probably be canceled very soon. The only reason given is that he lives in the wrong type of neighborhood. He has not had a claim with his company in over 50 years. He has almost singlehandedly brought the whole insurance problem to the attention of the Congress. His cooperation with me in the subcommittee investigations and subsequent hearings on my bill represents outstanding work.

I would like to take this opportunity also to praise the chairman of the full committee, the distinguished gentleman from Texas (Mr. PATMAN), who has also cooperated with me in every way and has encouraged me in my efforts to obtain adequate insurance for our citizens. Congressman BILL MOORHEAD, of Pittsburgh, has been one of the most effective supporters of my bill in the subcommittee consideration. Mr. MOORHEAD chaired the special hearings of the subcommittee held in Chicago and has demonstrated since then a great knowledge of the insurance industry and the problems people have in obtaining adequate insurance coverage. The members of the Housing Subcommittee have also been most cooperative and willing to listen to my pro-

posals and have acted in a very intelligent and forthright manner. Congressman WIDNALL of New Jersey, has also evidenced concern over this whole problem and has given me bipartisan support for my efforts. Although he does not agree with me on the provisions of my bill, he has certainly recognized the need that exists here.

At this point, Mr. Speaker, I would like to include in the RECORD following my remarks an article appearing in today's Wall Street Journal on the whole problem of insurance in our cities:

FEDERAL PRESSURE IS MOUNTING ON INSURERS TO MAKE CRIME POLICIES AVAILABLE IN CITIES

(By Carol H. Falk)

WASHINGTON.—Like many city folk these days, Rep. Barrett (D., Pa.) got some bad news from his insurance company a few weeks back.

The company said it was considering canceling the insurance policies on his Philadelphia home and office, though he has never filed a claim in 50 years. The only apparent reason is that both are located in a poor, working-class neighborhood not far from a public-housing project that was the scene of recent racial confrontations.

But unlike his neighbors, Rep. Barrett is in a position to tackle the problem. As the second-ranking Democrat on the House Banking Committee, the Philadelphia Congressman heads a subcommittee that, at the time the word came from his insurance company, just happened to be considering a bill that would put the Federal Government in the property-insurance business.

"I was very much for the bill all along," says Rep. Barrett. "Many places where I live have gone out of business." However, he says his personal experience was a good way to bring the extent of the problem home to his colleagues. The bill won subcommittee approval for inclusion in a broad package of housing legislation.

While the measure is still a long way from law, its growing popularity reflects mounting pressure on the insurance industry to do something about the availability of crime insurance in urban areas.

TALKING ABOUT SOLUTIONS

Amid dire predictions that the urban businessman can't survive much longer without burglary and theft insurance at prices he can afford, not only Congress but the Nixon Administration and some segments of the insurance industry itself have begun to talk about possible solutions. The hitch is that no one likes anyone else's idea. As things stand now:

The industry is violently opposed to the bill under consideration by Congress, and the Nixon Administration regards it as an extreme solution.

Federal Insurance Administrator George Bernstein has come up with a proposal, but many Congressmen and industry representatives don't think it will work.

The insurance companies that sell most of the crime insurance prefer still another solution, but other insurance companies, the Federal Insurance Administrator and state insurance regulators don't like it.

In the meantime, urban residents and small businessmen have almost despaired of a way out of the problem, which assumed serious proportions following the urban riots of the late 1960s. In January 1968 a Presidential panel studying riot-affected areas of Boston, Cleveland, Detroit, Newark, Oakland and St. Louis reported that 40% of the business establishments and institutions responding were having significant burglary and theft-insurance problems.

And the situation continues to deteriorate. An official of the New York Insurance Brokers Council told Mr. Bernstein last May that "in most areas in New York City it is impossible to get" burglary and theft insurance.

In a July report on crime insurance availability released by the Department of Housing and Urban Development, Mr. Bernstein added that while the storekeeper who can't remain in business without crime coverage may present the overriding social problem, the urban resident faces similar difficulties. "Few knowledgeable persons would claim," he said, "that a single working girl residing in an apartment in New York City can obtain burglary coverage, or that a middle-class family in Chicago can readily insure their personal property against theft."

In urging Congressional action on the problem, Sen. Tydings (D., Md.), who, along with Rep. Annunzio (D., Ill.) sponsored the bill Rep. Barrett's subcommittee approved, observes that it doesn't take an outright cancellation to make insurance unavailable to many people. He notes that some premiums have been raised 300% or more, "well out of the reach of the average city dweller."

The Insurance Administrator's study points up the rate increases. A survey found that in Los Angeles County a $3,000 burglary insurance policy that cost $113 in 1962 cost $236 by 1969. Over the same period, annual premiums soared to $1,028 from $395 for $15,000 burglary coverage on a furniture store in the District of Columbia.

In 1968 a Federally sponsored plan offered relief in the area of fire insurance. Legislation passed that year set up a Federal reinsurance program to be available to companies if they agreed to participate in state pooling arrangements (called Fair Access to Insurance Requirements or FAIR plans). The plans were set up to absorb the inner-city fire insurance business rejected by individual companies, but burglary and theft insurance weren't included and vandalism and malicious mischief are just being added.

One insurance man concedes that the industry, for practical purposes, isn't writing urban burglary and theft insurance at all. He describes the risks that insurers are willing to accept as about on a par with the traditional definition of a good fire insurance risk: "Pig iron under water."

And the insurance industry, which agrees on very little else, pleads helplessness, maintaining that it can't be expected to bear the entire cost of high crime losses in the inner city.

Rep. Annunzio and Sen. Tydings believe that the industry might be persuaded to bear a bit more of the burden, however, if the Federal Government entered the field not only as a regulator but as a potential competitor. The real goal of their measure, according to Congressional sources, is largely to pressure private industry into providing more crime insurance at reasonable prices.

The complex bill essentially would require the inclusion of crime insurance, as well as fire, in the companies' state insurance pools and would provide for direct Federal writing of all property insurance if excessive private or pool rates (defined as those equal to 175% of the minimum for the category) couldn't be justified by state regulators to the satisfaction of Federal authorities.

"The idea," explains a Capitol Hill source, "is to give the Federal Insurance Administrator some clout in dealing with the industry and with state regulatory bodies. He'll be able to say, 'If you don't straighten out, the Federal Government will write the insurance directly.' It would put the burden on the states to prove that the rates weren't unreasonable. If there's anything this industry doesn't want, it's a Federal yardstick."

A NOTICEABLE PANIC

Indeed, there was noticeable panic among industry lobbyists when the Annunzio-Tydings proposal was approved by Rep. Barrett's subcommittee. Although the bill has to surmount some opposition in the full committee, get through the House Rules Committee and a floor vote, as well as the House-Senate conference on the housing legislation, "The industry is still running around like ants after the initial shock," says one Congressional observer.

The industry is becoming aware of the proposal's considerable political appeal, especially for Congressmen facing tough reelection campaigns in urban areas.

"We're just a little more scared than we were before," a spokesman for the National Association of Independent Insurers concedes. Whether the industry is scared enough to offer a viable alternative is yet to be seen; "The Annunzio thing is strictly a lead pipe being bounced off our skulls to get us to agree on something," complains an American Insurance Association spokesman.

The American Mutual Insurance Alliance calls the bill "simplistic." A spokesman says, "This doesn't solve the problem of crime, though it does bring some indemnification back to the victim." Arguing that assurance of indemnification might actually encourage businessmen to neglect protective measures and localities to be lax about law enforcement, he asserts that "in a way, crime insurance is subsidizing crime."

Andre Maisonpierre, vice president of the alliance, argues that another beneficiary of what he calls "an artificial barrier on premium charges" would be the slum landlord.

The alliance has had a committee studying the crime insurance problem for two years, but hasn't come up with any action proposals other than to "eliminate crime." The group maintains that the matter "is a social problem with some insurance aspects—not an insurance problem."

The AIA says direct Federal writing of insurance is unrealistic and unnecessary. It contends that for the Government to become an insurance company, "thousands of people" would be needed to staff the operation.

Federal Insurance Administrator Bernstein, while showing some relish for the additional clout the proposed bill would give him, warns: "Once the Federal Government is in the insurance business, it will expand." Before he resorts to any Federal solution, he says, he wants to give the states and private enterprise a chance to solve the problem. And to persuade them to take this responsibility he's using the power that the Annunzio-Tydings proposal gives him by its very existence.

Mr. Bernstein is offering the industry a buffer against the dreaded Federal solution awaiting it on Capitol Hill. His alternative is a state plan proposed in the report that HUD released in July. This plan would require all property insurers in states with crime insurance problems to participate in pools through which applicants refused insurance by individual companies could obtain burglary and theft coverage. Mr. Bernstein calculates that, unlike the FAIR plans for fire insurance, crime insurance pools are certain to have losses so high that people couldn't afford the premiums. Therefore he suggests that states consider a subsidy paid for by a tax on premiums on all other property insurance sold in the state—a tax he estimates could range from 0.2% in a state like California to 2.2% in the District of Columbia.

A HARD PLAN TO SELL

The main criticism of this plan is that it's going to be hard to sell in state legislatures. Congressional critics and insurance people alike note that state legislators aren't going to be eager to tax their rural and suburban constituents to subsidize crime insurance for the central city.

A little legislative arm-twisting to make the Bernstein proposal work, however, is being considered by a subcommittee of the Senate Banking Committee, which isn't as warm to the Annunzio-Tydings bill as is its

House counterpart. The Senate group has reached a "tentative policy decision" favoring a program for direct Federal writing of crime insurance to be implemented in those states that fail to deal with the problem by the end of the next legislative session. Committee sources say details of the plan and just what conditions would trigger Federal insurance in a given area will probably differ from those in the Annunzio-Tydings bill. The panel resumes its deliberations tomorrow.

At present, the only leverage Mr. Bernstein has to get states to accept his plan is a threat to withdraw the so-called Federal riot reinsurance covering fire insurance, if states with critical problems fail to take action by the end of the next full legislative session. "We have no direct power over the states," admits Mr. Bernstein. "They can thumb their noses at us."

The fact is that after several summers without major riot losses, many insurance companies are losing some of their enthusiasm for the Federal riot reinsurance fund, which has collected $64 million in premiums from the companies and paid out only $2.8 million in claims since 1968. "There's no incentive for the insurance companies to push for this plan," says one industry representative. "Their premiums are high enough anyway."

Because Mr. Bernstein's plan gives the states till the end of their next legislative session to comply—and a few state legislatures don't even meet until 1972—critics fear all it will do is delay a real solution another two years. But Mr. Bernstein insists that the key states will have made their decision by mid-1971.

Mr. Bernstein is talking tough at this point to line up support. "We're asking the states to put their money where their mouth is," he says. "Our philosophy is to leave insurance regulation with the states, but we're not about to let them botch it in the burglary field."

The only firm promise of support he has received thus far is from the National Association of Independent Insurers, which had proposed a plan identical to his except that the industry group, whose members sell a good deal of homeowner-type property insurance but very little specialized burglary and theft coverage, would apply the tax only to burglary and theft policies. Despite this difference, the NAII, whose chief goal is "to keep the Government out of this area as much as possible," says it is willing to lobby for Mr. Bernstein's plan in the state legislatures.

The American Insurance Association, the trade group whose members write over 80% of the crime insurance in the U.S., is less dedicated to a state solution and more skeptical about its prospects. The AIA says that though it's against the Government writing insurance directly, it would be willing to accept some Federal supervision in return for a Federal subsidy.

A spokesman explains that the association's preference is for early activation of a program under which the private insurers would act as fiscal intermediaries, receiving full reimbursement from the Government for all losses and expenses not covered by premiums collected.

The rest of the industry—larger than the AIA in terms of number of companies—as well as state regulators, tends to regard as heresy any such plan that would detract from the traditional state supervision of insurance companies.

And Mr. Bernstein makes clear that if there's to be a Federal solution he much prefers something like the Annunzio-Tydings plan to the AIA's suggestion of a Federal subsidy. He says that if the Federal Government is going to foot the bill he isn't about to let the industry run the program.

And if the industry doesn't line up fairly soon behind a solution that he considers more responsible than the AIA one (namely, his own proposal), Mr. Bernstein says he believes the Annunzio-Tydings bill might well pass Congress this session.

While he originally testified before the House subcommittee that the bill was "premature," now that his own plan is on the table he warns that "unless the state regulators and the industry take a firm position pretty quick . . . we will have to do a little rethinking." He stops short of promising outright Administration support for the pending bill but does say flatly that if the key states haven't produced workable crime insurance plans by mid-1971 "I'll be very quick to advise Congress we guessed wrong." He adds: "This Administration is committed to a solution. If that requires a Federal approach, we'll support it."

THE ENERGY CRISIS

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, for some time this country has been aware of the fact that we are approaching an "energy crisis."

Recently the Honorable Frank Ikard, president of the American Petroleum Institute and formerly a distinguished member of the House Committee on Ways and Means, addressed a Capitol Hill group on this crisis.

My colleagues, Hon. BOB POAGE, Hon. JOHN YOUNG, and Hon. J. J. PICKLE join me in presenting Mr. Ikard's statement.

STATEMENT OF THE HONORABLE FRANK IKARD, PRESIDENT AMERICAN PETROLEUM INSTITUTE

The "energy crisis" is much in the news these days, and its existence must be both a surprise and a puzzle to many Americans. They have been told that their nation has almost inconceivably large deposits of coal in the ground. They have read reports of huge potential reserves of oil and natural gas remaining to be discovered. They have heard many glowing predictions about the future of nuclear energy in power generation. To the public the energy crisis must seem a strange and paradoxical instance of scarcity in the midst of abundance.

However, the energy crisis certainly does exist. It has been brought about by a complex combination of factors and forces which I will attempt to explain in a simple and direct way.

First, of all, it is important to understand the magnitude of our energy use.

The U.S., with less than six per cent of the world's population consumes 32 per cent of the energy. Three-fourths of U.S. energy is supplied by oil and gas. A publication of the U.S. Interior Department expressed the role of energy in American life in these words:

"Energy, in all its forms and applications, infuses, pervades, and upholds the daily activities of Americans in particular to an extent never remotely approached by the people of any previous age. The American householder who uses a thousand kilowatt hours of electricity during a month for which he may pay as much as $20 has had the energy equivalent of 60 men working for him on a normal 40-hour weekly schedule during that period. Driving his car down the road at seventy miles an hour he commands the energy equivalent of 1500 more. A locomotive engineer has at his disposal an energy equivalent of 100,000 men, and the effort of over half a million would be required to get a large jet transport into the air to its normal cruising altitude and speed. Even to provide the light of an ordinary reading lamp for a single evening would absorb the physical output of one man working a full eight-hour day."

Let's consider the elements that have brought this energy-dependent nation face to face with a tightness of supply without peacetime precedent. Not necessarily in any order of impact or importance, these are the ingredients of the energy crisis:

1. The much-heralded nuclear age has not kept up with its timetable. Completion of nuclear power plants is running years behind schedule, putting extra strain on other energy sources. Furthermore, construction of nuclear power plants has encountered stiff resistance from environmentalists and from neighbors who are just plain scared.

2. The coal industry is plagued with problems. Much of the coal from operating mines cannot meet the sulfur content standards required under today's air pollution control regulations. This has resulted in a severe coal shortage despite enormously abundant quantities of coal in place.

The Mine Safety Act, which went into effect on March 31, despite its meritorious features, further hampers coal producers—particularly the smaller companies.

The coal storage problem can be solved eventually. New mines can be opened in the West, where the sulfur content of coal is lower. Sulfur oxide emissions from coal can also be curbed by the development of flue gas desulfurization technology. But these changes will take huge amounts of money and lots of time. Raising money is difficult for any industry these days and as for time—we just don't have it. The energy crisis is on us now.

3. Natural gas could play a major role in averting today's energy crisis. But production of this clean burning fuel has been crippled by federal wellhead regulation dating back to a 1954 Supreme Court decision. Natural gas has been made a non-competitive product in a reverse way. Instead of being over-priced out of the market it has been so under-priced by unrealistic federal controls that the search for new reserves is discouraged. Today, natural gas is part of the energy problem when—with better judgment—it could be providing much of the solution to the current crisis.

4. This leaves oil to take up the slack where the other energy sources cannot meet today's energy crisis demands. There is a particularly heavy drain on available supplies of low-sulfur residual fuel oil to serve markets that would otherwise use coal, natural gas, or nuclear energy, if any of these were available.

The pressure on the petroleum industry to meet this rapid surge in demand for oil is only one of the pressures on the industry today. The other pressures make it much harder for oilmen to come through for the nation in this time of energy crisis.

You recall the old-timer who said: "I have had many troubles in my day, but most of them never happened." The oil industry has many troubles right now, and they are happening. They are not imaginary. Let me give you some examples.

The Chase Manhattan Bank estimates that to meet the growth in demand expected for the 1970's the petroleum industry will have to invest more than $300 billion in the Free World during this decade. This is over twice the level of expenditures for the 1960's. Even in the Sixties the industry's financing problems became more complicated. Traditionally, the petroleum industry had generated all but a small portion of its capital requirements from net earnings and provisions for capital recovery—notably depreciation and depletion. In recent years the industry has had to turn increasingly to the capital market—and especially to long-term borrowing.

A study of 37 leading U.S. companies, conducted by the First National City Bank of New York, found a capital gap—the funds that had to be sought from external sources—equal to 29 per cent of the total capital outlays of these companies in 1969.

This was the financial situation of the petroleum industry even before it felt the bite of the 1969 Tax Reform Act.

TAXES

It is estimated that this piece of legislation increased the petroleum industry's tax burden by about $700 million annually. This breaks down as follows:

[In millions of dollars]

The cut in percentage depletion and the changed treatment of production payments	370
The minimum income tax, which includes percentage depletion among its so-called tax preference items	160
Repeal of the investment tax credit	170

The jolt of these tax increases was made even harder by the trend of recent years. A study of the 27 leading oil companies, just released by the Chase Manhattan Bank, revealed that the direct tax burden of these representative petroleum corporations increased by 245 per cent—or almost $5 billion—between 1959 and 1969. The new tax increases will be added to the top of that rising pile.

It has been estimated that the effect of last year's tax measure is approximately equal to the 30 cents per barrel crude oil price reduction advocated by the Cabinet Task Force on Oil Import Control.

IMPORTS

The API proposed to the President that there be a Cabinet level review of the oil import control program. We did this because the existing program, though sound in concept, was having its effectiveness impaired by the introduction of special exceptions.

The report that resulted from this review has become a subject of controversy. Much has been said about the differences between members of the petroleum industry and the Task Force majority. It is worth noting and emphasizing, however, that there are some vital points of agreement:

There is no difference of opinion, for instance, on the role of petroleum in national security.

There is no difference of opinion on the need to maintain a domestic producing industry able to carry the country through a worldwide supply crisis.

It is true that there are statistical differences about the availability of supplies from U.S. and Western Hemisphere sources in an emergency. But the central dispute is over mechanism. The Task Force majority believes that a tariff is a better method of regulating oil import controls. The petroleum industry feels it is a clumsy and unworkable mechanism.

We also feel that the sad experience with natural gas regulation points up the folly of trying to use a tariff to manipulate domestic crude oil prices.

The apparent area of disagreement seems to be narrowing because members of the Task Force staff are now saying that the majority report was misinterpreted. They are now claiming—publicly and privately—that more weight should be given to the report's comments in support of import controls in the interests of national security. They maintain they did not assign as much importance to the price question as a reading of the report would suggest.

It would seem that the advocates of increased imports of foreign oil suffered a severe setback for their position with these developments in the Middle East:

1. The continued closing of the Suez Canal.

2. The refusal of Syria to permit repair of a break in the Trans-Arabian Pipe Line—which took place under mysterious circumstances.

3. The sudden government-forced cutback in Libyan oil production.

This combination has put a tremendous strain on tanker capacity with the result that spot tanker charges have quadrupled over the space of a year. Consequently, Middle East and North African crude oil delivered to the U.S. East Coast now costs about 75 cents more per barrel than domestic production on the spot market.

This is probably only a temporary situation caused by an accumulation of adverse circumstances. But it could be repeated in more severe form at any time in the future.

The situation shows how very vulnerable and uncertain is this "low cost" foreign oil.

Protests against the present oil import quota system have come mainly from the East Coast and especially from the New England States. But think what a financial bind these states would be in today if they were completely dependent on what is currently that "high cost" foreign oil. It seems to me that this situation should encourage some second thoughts among those who want to do away with, or radically curtail, the present oil import control system. For now we have proof that the low cost of foreign oil is no more dependable than the supply itself.

Despite these developments, the President continues to be under tremendous pressure to break down the present oil import controls. The fact that he has not acted yet to implement the tariff proposal should not lull us into believing this plan—or some version of it—has been permanently shelved.

Whatever effect the continuing and widely publicized attack on oil import controls may have, one thing is certain: This attack is bound to have a psychological impact on investors. It is not helping one bit in the industry's efforts to finance the capital investment required to meet the nation's energy needs in this time of crisis.

Opponents of oil import controls have carried the battle right into the oil country with severe criticisms of the Interstate Oil Compact Commission, and the commissions that regulate oil production in Louisiana and Texas.

These critics believe that the conservation agencies of Texas and Louisiana are, in effect, controlling oil prices. They feel that any control over the price of oil should be wielded by the federal government in Washington—and not by officials of producing states.

There's an old saying: "History teaches us that history teaches us nothing." The experience with federal regulation of natural gas—which has led directly to an acute and critical shortage of supply—should be sufficiently instructive to cure anyone of wanting to broaden federal control over petroleum production.

As for the charge that state conservation policies are actually a means of propping up crude oil prices, let's look at the record. The price of crude oil last year averaged less than four per cent above the level for the standard price index period 1957–1959.

By comparison, the wholesale price index for all commodities was up 13 per cent, and the retail price index was up 28 per cent.

The conservation commissions of Texas and Louisiana have done a magnificant job of stretching the nation's supply of oil and gas. But if they were really trying to prop up crude oil prices (as we know they were not), then they would have to be condemned as utter failures.

It goes without saying that blasts at policies adopted to prevent the physical and economic waste of oil and gas do nothing whatever to bring out the investment money needed for the required expansion of domestic petroleum exploration and development. Every misinformed and irresponsible attack on oil and gas conservation policies helps to aggravate today's energy crisis.

Another problem that is adding to the difficulties and costs of the petroleum industry these days revolves around the current campaign for air and water conservation.

The record speaks for itself. The petroleum industry is 100 per cent committed to doing all in its power to clean up the environment. In fact, oil companies were active in this field many decades before environmentalism became a popular fad.

The U.S. Department of Commerce has reported that petroleum leads all American industries in its expenditures for air and water pollution control. The industry's outlays for these purposes now exceed $1 million a day, with a substantial portion of this sum going for research and development.

Although much remains to be done, encouraging progress has already been made. For example, today's new automobiles give off less than a third of the unburned gasoline and carbon monoxide produced by cars of the early 1960's. Next year's new models will have devices to control evaporation losses from the carburetor and fuel tank, meaning a further important reduction in emissions.

There are rumors and reports that the gasoline engine can never be made sufficiently pollution free to meet acceptable air conservation standards. One story I picked up is that an old-time classic car—the Cord—is about to be revived as an electric automobile. Only this time it would be known as the Extension Cord.

Regardless of what you read or hear, the internal combustion engine can be made essentially pollution-free well before the end of this decade and long before any alternative means of propulsion can be perfected and put on the market.

We are also faced with an oil spills problem of major proportions and we know it. Some of you may know that St. Barbara is the patron saint of arsenals and powder magazines. It is an unhappy coincidence that the channel named after her should have been the site of an oil spill with explosive consequences for the petroleum industry.

The oil has been completely cleaned off the beaches there, but it is still smearing the industry's reputation.

We could defend ourselves by pointing to a drilling safety record that is even more spectacular than any oil spill that has occurred. Of some 9,000 wells drilled on the continental shelf through the end of 1969, only seven involved any spillage of oil. Other incidents have occurred this year, but even though they change the statistics they cannot impair what is an amazingly good record of safe operations under incredibly difficult conditions.

The petroleum industry is not taking refuge in statistics or excuses. It has developed, through the API, an action program for oil spills cleanup. More than a million dollars have been appropriated for this program through the end of 1970, with the expectation of even larger expenditures in the future.

The emphasis is on research for and development of more efficient ways of cleaning up oil spills, which are bound to occur occasionally even with the most extreme precautions.

With all the troubles and trials that the industry is now going through, there is some sunshine on the landscape. The nation's demand for oil and gas will considerably more than double between now and the start of the Twenty-first Century. This means the petroleum industry in Texas and elsewhere can have a bright and busy future if it is given a fair chance to do its job. This

is all we ask, and all we have a right to ask: A fair chance.

To get that fair chance we will have to get the facts about our industry, about the issues I have discussed and others before the public of the consuming states. This sounds much easier than it is. Today's vast expansion in the means of communication has been accompanied by tremendous competition for the public's attention.

We are trying to get the facts spread out in such a way that no one can ignore them or evade them.

I would place the communications problem high on the list of the most difficult and challenging tasks facing the petroleum industry today. But unless this one problem is solved, we cannot be very optimistic about the effective solution of the others. The entire petroleum industry realizes this, and is mapping its plans and directing its energies in accordance with this realization.

MERCURY POLLUTION

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, few "nonissues" have become "issues" faster than mercury pollution. It is a pollution problem which has been known in narrow circles for quite some time, but which has truly become a household phrase in the past few months.

Since findings last April of significant amounts of mercury pollution in the Great Lakes, the Federal Water Quality Administration has conducted an extensive survey of mercury contamination in waterways throughout the country. States have conducted similar surveys of their internal waters. Charges were filed against 10 industrial plants for discharging hazardous amounts of mercury into our Nation's waters.

The U.S. Department of Agriculture suspended the registration of some mercury compounds used for seed treatment, and canceled the registration of others used for slimicidal and laundering purposes. The National Governor's Conference adopted a resolution expressing their concern and asking for the establishment of "a minimum amount of mercury outflow which would not constitute a hazard to public health."

With an amazing amount of speed the Olin Corp. developed a device to measure and record almost instantaneously concentrations of mercury in air or water ranging from zero to 10 parts per billion—after, I might add, suits had been filed against two of its plants for mercury pollution.

Senator PHILIP HART has held hearings on the problem, as have the Wisconsin Department of Natural Resources and agencies in a number of other States. An International Conference on Environmental Mercury Contamination will be held at the University of Michigan beginning on September 30.

With all this action regarding mercury pollution—and it is action which I regard as most welcome—there is one source of mercury pollution which has not been dealt with to any great extent, if at all. The fact appears to be that hospitals and laboratories may be a serious but so far overlooked—source of mercury pollution.

Mercury has long been used by hospitals and laboratories in the preparation and fixing of material for the making of slides is histopathological, histological and other laboratory work.

The problem is that we have no idea how much mercury is used by the 7,200 hospitals in this country, and we don't know what happens to that mercury after it is washed down their laboratory drains.

Mr. Speaker, I was first alerted to this source of possible mercury pollution by Dr. Clarence Tarzwell, director of the National Marine Water Quality Laboratory in West Kingston, R.I.

In the past 6 months since I began looking into the problem of mercury pollution, I have come across few people in any Federal agency who are as concerned or as knowledgeable about mercury pollution as Dr. Tarzwell. In fact, few people seemed concerned at all until a few months ago when a crisis occurred.

In my investigation, Dr. Tarzwell's name came before me repeatedly as a man who was obviously well respected in this area, and one who has long been concerned about the effects mercury can have upon our environment. Although Dr. Tarzwell has made no specific estimate of just how much mercury is used by hospitals, he apparently believes that "mercury pollution from laboratories remains an important and undoubtedly an ever-increasing problem." Certainly other types of data would seem to bear this out.

According to the American Hospital Association, for example, the number of admissions into community hospitals—those institutions with which we are most familiar which provide general and selected special services—has increased 23 percent in the past decade. The average daily number of persons in these hospitals has increased 36 percent over that time. Of greatest significance is the fact that outpatient visits to hospitals, two-thirds of which are for clinic visits or laboratory services, have increased from 70.7 million to 120.8 million, or 71 percent, from 1960 to 1969.

The American Hospital Association also reports that "the volume and types of laboratory work performed—in these hospitals—have increased substantially."

We can only assume that as patient loads have increased and as laboratory work has gone up, so has the consumption—and dumping—of mercury by hospitals and laboratories.

Many of my colleagues are undoubtedly aware of the hearings which Senator HART's Subcommittee on Energy, Natural Resources, and Environment has held on the subject of mercury pollution. Although these hearings have brought out many important facts about the danger to our environment from mercury and other heavy metals, they have not to date dealt with the possibility of mercury pollution from hospitals and laboratories.

Consequently, I have written a letter to Senator HART urging not only that his subcommittee study this aspect of the problem, but asking that Dr. Tarzwell be invited to testify.

I have urged Senator HART to have Dr. Tarzwell testify for two reasons. First, we have a responsibility to obtain the knowledge which this gentleman seems to have about mercury pollution into the open so that pollution of this type can be quickly controlled and stopped; and, second, it appears Dr. Tarzwell has found an alternative method for the fixing of slides which does not require the use of mercury, and this alternative method is now being used in his laboratory.

While Dr. Tarzwell has indicated that such alternatives may be available to avoid the use of mercury altogether, at least two methods have been outlined for recovering mercury when it is used by laboratories. One method, which has been used at the National Marine Water Quality Laboratory, uses a sodium sulfite solution and another solution containing a mercuric chloride. The other method, now being used by a laboratory in Massachusetts, involves the placing of a few scraps of aluminum into a mercury-bearing solution and allowing it to stand overnight. The mercury precipitates out, and can be recovered.

Mr Speaker, in testimony before Senator HART's subcommittee, it was estimated that 163 million pounds of mercury have been consumed in the United States since the beginning of this century. However, only about one-sixth of our annual consumption is recycled each year. What happens to the rest?

That, Mr. Speaker, is a good question, and one which requires a rapid answer. It is a tragedy that with all the information available on the toxicity of mercury we waited so long to recognize the problems it can cause. Part of the solution, if even only a small part, is to determine how much of this material is used by hospitals, how it is disposed of, and whether alternative methods can be found to avoid its use in the future.

I am enclosing below a copy of my letter to Senator HART asking that he look into the problem, a copy of a letter from Dr. Tarzwell to me, and a short article from the Washington Star indicating one method now being used in a Massachusetts laboratory to recycle mercury.

U.S. DEPARTMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
West Kingston, R.I., July 2, 1970.

HON. DAVID R. OBEY,
House of Representatives,
Washington, D.C.

DEAR MR. OBEY: Reference is made to your letter in regard to the toxicity of mercury and the effects of the ever-increasing use of mercury and its discharge into our environment. I have read with great interest statements in the *Congressional Record* which you forwarded to me. I feel that you have made a very good summary of the problem. I can contribute a few additional items of information based on our work here.

The study of the toxicity of heavy metals is one of the targets in our program of research on marine life. Among the heavy metals, mercury ranks second only to silver in toxicity to aquatic life. However, mercury is a more insidious poison. It acts in a greater variety of ways. It seems to be more readily absorbed. It is stored and passes on through the food chain. Further, it is apparent that with our modern industrial development, more mercury is being discharged as

a waste to our environment. It is acutely toxic to aquatic life at only a few parts per billion, varying somewhat with local conditions. However, short-term acute bioassays, which report results as exposure to the total concentration of mercury *added* to the test solution, may be misleading. Mercury is usually discharged in some form of a salt and the mercury salts are rapidly precipitated in the marine environment. Since mercury is rapidly precipitated, the actual amount to which the test organisms are exposed is considerably less than the amount added. Therefore, results showing levels toxic to aquatic life can be deceptively high.

We need long-term constantly renewed flow-through bioassays where the actual content of mercury available to the organisms is constantly monitored in order to determine the toxic levels of this material and maximum concentrations which should not be exceeded. These studies should be carried on over a considerable period with reference not only to the toxicity to individual organisms in their lifetime, but to the long-term effects in the second or third generation and the effects of biological storage and passage through the food chain.

Because mercury is so readily precipitated out, it creates a problem in bottom deposits. Concentrations in bottom deposits can reach much higher levels than occur in the water above them. Organisms living in these deposits, therefore, are in an excellent position to take up and concentrate this material. Therefore, studies should be made of the effects of mercury in bottom materials and its eventual circulation through the food chain and concentration in organisms consumed by aquatic life and man.

Since we do not have a flowing seawater system, our bioassays must be restricted at present largely to short-term acute studies. We have carried on studies of this nature and have tested the toxicity of 32 metals to the killifish, *Fundulus heteroclitus*. In our studies with *Fundulus heteroclits*, we found that the 96 hr. TL50 was 230 ppb. We express the exposure concentrations as tolerance limits, TL. The 96 hr. TL50 means that concentration of mercury or the toxicant under test at which 50% of the test organisms survive for 96 hrs. However, because mercury is very rapidly precipitated out in seawater, these test organisms were exposed to only a small fraction of this amount. It would be expected, therefore, that the mercury deposits in the bottom materials would be more important in the marine environment than in the freshwater environment. Mercuric chloride can be toxic to fish in soft freshwater at a concentration near 10 ppb. with longer exposure. I am enclosing herewith a paper which we published in 1953 which might be of interest to you. It is entitled "Critical Review on the Toxicity of Industrial Wastes and Their Components to Fish" and deals especially with the metals as salts. You will note that in the presence of sodium chloride in amounts approaching only a fraction of that occurring in seawater, that the toxicity of mercury declines rapidly.

There is a use of mercury and possible sources of pollution which I note you have not covered. It is the use of mercury salts and compounds by hospitals or laboratories in their pathological, histopathological, cytological and other studies. When it became apparent that our laboratory would be using mercury, I suggested that we must develop a method for recovering mercury for reuse. Within a short time, a method for the recovery of this mercury was developed. A copy of this method is enclosed. It is only preliminary, and I am sure much better recovery methods could be developed. However, it does indicate that such recovery can be accomplished. The recovery process was involved and time-consuming, and our limited staff felt that we could not engage in it. However, the problem was resolved by the use of another fixing method which did not require the use of mercury. Therefore, we have eliminated the problem at this laboratory, but mercury pollution from other laboratories remains an important and undoubtedly an ever-increasing problem.

At that time, I desired very much to determine what was the amount of mercury being discharged to our waterways from all the hospitals and laboratories which are engaged in the preparation and fixing of material for the making of slides in the histopathological, histological and other related work. Of course, as you know, I cannot devise a questionnaire and send it out for this information. I did learn, however, through a technician that one of the hospitals in Providence used at least 150 lbs. of mercury a year. I think it would be very interesting to determine how much mercury is used by the hospitals on an annual basis throughout the year. I am sure the National Institutes of Health must use a great deal of fixing materials in the period of a year. The mercury so used could be recovered or they could change to other fixing materials such as we have at this laboratory. I should also like to add that my comments only apply to histopathologically derived mercury. There are quite conceivably, other laboratories releasing mercury contaminated effluents in this country.

In my opinion, mercury is an insidious poison and those using mercury should make every effort to recover it; they should initiate good housekeeping methods so that mercury is not discharged to the environment; and above all, they should try to find substitutes for mercury which are not toxic, at least not as toxic or more easily controlled than is mercury. Toxicity in the aquatic environment has been a very serious problem to me in my endeavor to determine the adverse effects of wastes and to determine levels which should not be exceeded under long-term exposure. I am very pleased with the interest which you are taking in this problem, and I am sure that our environment will be the better for it.

Sincerely yours,

CLARENCE M. TARZWELL,
Director.

PROCEDURE FOR REMOVING MERCURY FROM MERCURIC SOLUTIONS AND RECLAIMING MERCURIC CHLORIDE IF DESIRED

Zenker's solution is used in histological laboratories as a fixative for tissue specimens. Because it contains 7% mercuric chloride, its disposal might present a pollution problem. In order to circumvent this problem and cut laboratory costs, a mercury removal and reclaiming procedure was developed.

Among several possible procedures, the following proved to be suitable for routine use in a small to medium size laboratory. The method is based on the insolubility of mercuric sulfide which is formed by the addition of sodium sulfide.[1] Mercuric sulfide can then be converted to mercuric chloride by treatment with aqua regia.[2]

MATERIALS

1. $NaS{:}9H_2O$ technical grade.
2. Concentrated hydrochloric acid.
3. Concentrated nitric acid.
4. Büchner funnel.
5. Whatman No. 42 filter paper.
6. 75% methanol.

PROCEDURE

100 ml. of a 40% sodium sulfide solution are added to 1 liter of used Zenker's solution or any other solution containing about 7% mercuric chloride in a large beaker. A slight excess can be added until precipitation is complete. The procedure should be conducted under a hood or in a well ventilated room.

A heavy black precipitate of mercuric sulfide quickly settles to the bottom and the supernatent is discarded. The mercury is now out of solution and can be handled as a solid.

If one wishes to reclaim the mercury as mercuric chloride, the sediment is washed with water and filtered on a Büchner funnel using Whatman No. 42 filter paper until the filtrate is clear. The precipitate is then transferred to a 1 liter beaker and dissolved in 160 ml. of aqua regia made up of 5 parts concentrated HCl and one part nitric acid. Small amounts of free sulfur are removed from solution.

The clear solution is gently boiled down to dryness under a fume hood being careful not to overheat the residue. The dried material is suspended in a minimum amount of 75% alcohol and slowly brought to a boil. After the material is in solution it is cooled at 4° C. until mercuric chloride crystalizes out of solution. The white crystals are filtered on filter paper and dried for use. The filtrate is pooled with the next batch of Zenkers to be reprocessed.

DISCUSSION

Removal of mercury salts from solution is relatively easy and inexpensive with sodium sulfide. The second step of reconverting the sulfide to a chloride is time consuming and expensive. Thus, it is not recommended unless necessary. Mercuric sulfide can be sold to a mercury refining company or disposed of in other ways. It can also be reduced to metalic mercury by heating, remembering that the fumes might be toxic.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 10, 1970.

Senator PHILIP HART,
Chairman, Subcommittee on Energy, Natural Resources, and Environment, Senate Commerce Committee, Washington, D.C.

DEAR SENATOR HART: I am aware of the hearings which your subcommittee has conducted on the subject of pollution from mercury and other heavy metals. I am hopeful that the information brought out in these hearings will be used to halt this type of pollution as quickly as possible.

It has come to my attention, however, that one source of mercury pollution which has not been dealt with is the possible pollution from hospitals and laboratories which use mercury in the making of slides in histopathological, histological and other laboratory work.

Possible mercury pollution from these sources was first brought to my attention by Dr. Clarence Tarzwell, Director of the National Marine Water Quality Laboratory. In a letter to me, Dr. Tarzwell has said that "mercury pollution from laboratories remains an important and undoubtedly an ever-increasing problem."

I would like to urge that your subcommittee study the possible pollution of our environment from mercury which is used by hospitals and laboratories. And, I would like to urge you also to invite Dr. Tarzwell to testify on this matter before your subcommittee.

I believe Dr. Tarzwell can provide useful information to your subcommittee for two reasons. First, I believe the information which he has on the whole matter of mercury pollution should be made public so that everyone working in this area can benefit from it. Second, Dr. Tarzwell has found an alternative method for the fixing of slides in laboratories which does not require the use of mercury, and this alternative method is now being used in his laboratory.

As one who shares your great concern over the problems of mercury pollution, I am willing to assist you in any way in an effort to come to grips with this problem.

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[1] F. Field. J. Chem. Soc. 12:158, 1859.
[2] J. B. Hannay. J. Chem. Soc. 26:567, 1873.

I am enclosing for your information a detailed letter on mercury pollution from Dr. Tarzwell to me. I am sure it will provide you with some useful information in this area. I also intend to make remarks on this subject on the House floor today which you may find helpful.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

[From the Evening Star, July 28, 1970]

PROCESS TO SAVE MERCURY FROM WASTE IS DEVELOPED

LAWRENCE, MASS.—A state chemist says he has developed a simple process to screen out 99 percent of the mercury from chemical wastes—and make money too.

Chemist Ray J. Donlan, chief of the water laboratory at the Public Health Department experiment station here, said yesterday the process has been used successfully at the station for more than four months.

Donlan's comments came three days after the U.S. Justice Department announced it will file suits to require 10 companies to end discharges of mercury into navigable lakes and rivers.

Donlan said the process he developed involves placing a few scraps of aluminum into a mercury bearing solution and leaving them there overnight.

The mercury precipitates out and can be recovered and sold, in impure form, for about $4.50 a pound, he said. Purified, it is worth around $30 a pound.

Donlan said he thinks "every chemist is aware of the process," but he believes his laboratory is the first to make use of it.

"We discharge our wastes into the Lawrence sewage system, which flows into the Merrimac River, so we thought we should do a little housekeeping ourselves."

Donlan said the Lawrence laboratory began trying the process months ago, long before the discovery of potentially dangerous mercury concentrations in some fish.

PROPOSAL TO ESTABLISH STANDING COMMITTEE ON THE ENVIRONMENT

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, today I am reintroducing a resolution which would provide for the establishment of a standing Committee on the Environment in the House of Representatives. Since the time I first offered this proposal, in April of 1969, 162 of my colleagues have joined in offering identical resolutions, including the 14 Members whose names appear on the one I am introducing today.

Earlier in this session the House approved of the establishment of a Joint Committee on Environment and Technology. At that time, I stated that the joint committee was a desirable addition to the machinery of Congress. However, I also pointed out that the joint committee should be viewed as merely an interim device. Although this measure has now been placed on the Senate calendar, the other body has yet to take floor action.

Mr. Speaker, I believe that we in the House must move ahead now. We must, before the end of the 91st Congress, establish a standing Committee on the Environment so that the House will be ready to move full speed ahead on the important environmental bills at the outset of the 92d Congress.

Even if the joint committee is established in the near future, it will only have an advisory role. It will not have legislative power; no bills will be referred to it; and it will not report bills to the floor of the House. Yet more and more environmental bills are being introduced every day the House is in session. These bills are referred to various committees of the House. As a result, our approach tends to be fragmented. U.S. News & World Report recently estimated that it would cost $4.2 billion to solve our solid waste disposal problems, $13.1 billion to clean up the air, and $54 billion to clean up the water.

If Congress is going to be responsive to these and the other interrelated problems of environmental quality, I believe it is imperative that one committee, working with the expert assistance of one professional staff, consider all of the necessary legislation in the areas of air pollution, water pollution, solid waste disposal, acoustic problems, weather modification, and the use of pesticides and herbicides. A single standing committee with full legislative powers to deal with these problems would make Congress far more responsible and responsive to the environmental concerns of the American people.

Mr. Speaker, the sponsors of the various House resolutions to create a standing Committee on the Environment come from 44 of our States and from each of the standing committees which now serve the House. Members from both sides of the aisle and of widely differing philosophies have joined in this effort. I am confident that I speak for all 163 of us in asking that the Rules Committee hold hearings and report appropriate legislation yet in the 91st Congress.

I am pleased to announce that the gentleman from California (Mr. HOSMER), the gentleman from Massachusetts (Mr. BOLAND), the gentleman from South Dakota (Mr. REIFEL), the gentleman from Florida (Mr. SIKES), the gentleman from California (Mr. EDWARDS), the gentleman from Indiana (Mr. BRAY), the gentleman from California (Mr. TUNNEY), the gentleman from Massachusetts (Mr. DONOHUE), the gentleman from Minnesota (Mr. LANGEN), the gentleman from Pennsylvania (Mr. FULTON), the gentleman from Illinois (Mr. MICHEL), the gentleman from Rhode Island (Mr. ST GERMAIN), the gentleman from Iowa (Mr. SCHWENGEL), and the gentleman from New Jersey (Mr. RODINO) have joined myself and 149 other Members of this body in proposing a standing Committee on the Environment.

CURRENT PALESTINIAN GUERRILLA HIJACKINGS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the hijackings of the Pan American, TWA, BOAC, Swissair, and El Al flights, and the holdings of some 300 hostages, by the so-called Palestinian guerrillas are not only deplorable, but also despicable. All of us are being asked what we are doing about it and what we plan to do about it. As an individual Member of Congress and particularly as chairman of the Committee on Interstate and Foreign Commerce, this matter is of grave concern to me.

I have long been concerned with the problem of airline hijackings. The committee which I chair has held extensive hearings on this subject. We issued a report—House Report 91-33, 91st Congress, first session, March 11, 1969. About the time of that report—which I would urge you to read—I stated that "we cannot legislate sanity." Most of the hijackings which had then come to our attention were perpetrated by desperate individuals, criminals, lunatics, people of deranged mentalities. The series of hijackings to Cuba in my opinion were not political in nature and the force flights to Havana and the passengers on those flights were safely returned. A number of hijackers have been apprehended, tried, convicted, and sentenced. Some voluntarily returned from Cuba, even though the penalty after conviction of an attempted hijacking under the Federal Aviation Act is a minimum of 20 years and a maximum of death.

Although the current actions of the guerrillas can be properly described as inhuman and even animal-like, unlike most earlier ones involving the United States, they are not the actions of single, desperate, and irrational minds. They have been planned and carried out through concerted actions of many persons.

The executive department, including the White House, the Department of State, the CIA, and the FBI, I am satisfied, have put their very best talents to this challenge. I am sure they are also joined by the Department of Defense, the FAA, and any other offices having a responsibility. I will keep in close touch with their progress and assist in any way that I can.

The actions of the Palestinian guerrillas are violently extreme. We may be required to take extreme or unusual steps in response. We, of course, will have to work to a large part through diplomatic resources and in cooperation with other nations whose citizens have been victimized and whose aircraft have been confiscated.

I do most emphatically want the hostages, their families, everyone in this country, and particularly the forces and the people who have perpetrated this inhumane and totally unacceptable action to know that it cannot persist and must not be duplicated.

VINCENT LOMBARDI

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, I

want to take a moment to reflect on the recent loss, Wisconsin, our country, and everyone who abides by the love of his fellow man, suffered with the passing of Vincent Lombardi.

This legendary man left a legacy that will last for eternity.

A great football coach, yes. More important, a truly wonderful man filled with insight, dedication, and leadership without peer.

He was admired by all and inspired those who came to learn under his tutelage.

Vince Lombardi made his mark upon our world and achieved successes that will remain as tremendous recollections for all of us.

I wish to join the many friends across the country in expressing sympathy to Mrs. Lombardi and her grieving family.

My prayers go for his everlasting happiness in Heaven.

AIRPLANE HIJACKINGS

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the word community cannot continue to allow itself to be blackmailed and intimidated by international airplane hijackings.

There are a number of nations which share a certain amount of responsibility in this situation. Nations which are doing little if any thing to control those within their borders from these acts of piracy.

It may well be necessary for the International Federation of Airline Pilots Association to declare a boycott of the Arab states and demand that landing rights be refused to those airlines serving Arab countries.

I fully realize the inconvenience that such action may cause to the many who have need to travel to Arab countries. But there is little choice under the present circumstances.

One American-flag aircraft already has been destroyed at the Cairo Airport. Three aircraft, a British, Swiss, and American, are parked on the desert in Jordan and threats have been made to destroy them. But of far greater importance, Mr. Speaker, are the lives and welfare of about 300 airline passengers of many different nationalities who are being held as hostages and who have been threatened with death by the Palestine guerrillas if their demands are not met.

The issue is not racial, religious, or national. The issue is one of decency and humaneness.

The Philadelphia Inquirer this morning contains an article depicting the concern of a number of Philadelphia's citizens and their turning to prayer at this time of crisis.

I include the article at this point in the RECORD:

PHILADELPHIA JEWS RALLY IN PRAYER, DEMAND WORLD HALT PIRACY

(By Andrew Wallace)

Sounding alarms on a ram's horn and chanting in supplication, Jews of Philadelphia began an around-the-clock vigil Wednesday noon, praying for the safe return of 180 hostages held captive by Palestinian guerrillas.

Even as they began the solemn wait near the Monument to the Six Million Jewish Victims of Nazi Oppression at 17th and the Parkway, they learned that yet another airliner, with its crew and passengers, had fallen prey to the air pirates.

For them the threat was deeply felt and personal. Jerome Kaplan, president of the Greater Philadelphia Council of the American Jewish Congress—who was with his wife and son on the El Al airliner the guerrillas tried to hijack over London on Sunday—was there to tell of the ordeal.

LITTLE IS HEARD

Nearby, Mrs. Sylvia Silovitz and Mrs. Sarah Weisberg, sisters of Rabbi Menachem Raab, whose wife and five children are among the captives, received the sympathy of the 45 Jews who took part in the ceremony.

They have heard little, they admitted, except that the hostages were being fed and are allowed to sometimes leave the plane, stranded in the Jordanian desert, for short periods of time.

Those attending were not critical of the U.S. role in working to free the captives. "They are doing all that is possible," Mrs. Silovitz said.

Officials of Jewish agencies, along with City Councilman George Schwartz, freely expressed their anger at the terrorists and announced plans to try to move the United States to take direct action to halt the wave of hijackings.

PARTNERS IN CRIME?

Schwartz read what he termed the "guts" of a resolution he plans to introduce Thursday in City Council, memorializing Congress and the President and demanding governments and airlines to "declare a boycott of the Arab states and to refuse landing rights to Arab planes and those airlines serving Arab countries."

Failure to do so, he warned, "makes these governments and airlines partners in these criminal acts."

Kaplan said he sent a telegram to President Nixon urging "the immediate cessation of all American commercial flights to any Arab countries which allow plane hijackers to operate from their territory."

"COWARDLY TACTICS"

Theodore R. Mann, president of the Jewish Community Relations Council, sponsor of the vigil, contended the "cowardly barbaric tactics employed by the terrorists must not be tolerated."

Nearby, one man argued that the nation's Jews should immediately march on the White House to demonstrate for more concrete action.

At the fringe of the group was Rabbi Harold Novoseller and a small contingent from the Jewish Defense League, whose leader, Rabbi Meir Kahane, threatened earlier to retaliate in kind to Arab terrorist attacks.

Rabbi Novoseller warned that the terrorists "will suffer the consequences" if harm is done Jews or non-Jews.

"Was it an eye for an eye?" he was asked.

"It's two eyes for an eye," he replied.

THE WAVE OF TERRORISM NOW SWEEPING THE WORLD WAS FIRST DESIGNED BY THE SOVIET UNION AT THE TRICONTINENTAL CONGRESS IN HAVANA, CUBA

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI), is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, the wave of terrorism now sweeping the entire world was first conceived, designed, and developed at the Tricontinental Congress held in Havana, Cuba, on January 2–14, 1966, with more than 600 top Communist leaders from 82 countries on three continents—Asia, Africa, and the Americas, in attendance.

This prophetic meeting, which received practically no attention from the world press at the time, was organized by the Soviet Union. Its main purpose was to draw up a blueprint for a new technique of coordinated Communist aggression by exporting the same kind of subversion and terrorism first developed by the Vietcong in South Vietnam to all of the 82 nations represented in the Congress on the three continents.

Let there be no mistake. The hijacking of aircraft, for kidnapings of diplomatic officials, for assaults on embassies, buildings, and other installations, the burnings and lootings, the subversion against established institutions of government, and the use of terror is not just something that is a coincidental happening throughout the world.

It should be perfectly clear that the trap into which the United States was pulled by the Soviet Union in the Middle East, when we naively agreed to sponsor a cease-fire, is part of the running conspiracy first developed in Havana, Cuba, 4½ years ago, and now being methodically carried out throughout the world.

There must be no doubt that the Soviet Union has engaged in the most violent diplomatic deceit when it misled the United States into believing that somehow, peace can be found in the Middle East through a cease-fire.

The Soviet Union never intended to support the cease-fire and in order to completely wreck it, the Communist-inspired, trained, and armed Palestinian terrorists hijacked four aircraft to create an international crisis.

I believe the time is long past due when the Soviet Ambassador to the United States, Anatoly Dobrynin, should be asked to leave this country, for, indeed, he has been an architect of the most brutal kind of deceit ever practiced in diplomatic circles.

Dobrynin should be declared persona non grata because on two major occasions, he has flagrantly deceived both Secretary of State William Rogers and former Secretary Dean Rusk. Both President Nixon and President Kennedy have been victims of Soviet treachery reflected by Dobrynin.

It was Dobrynin who, in pursuit of the blueprint worked on in Cuba 4½ years ago for world rebellion, subversion, and terrorism—first assured the American State Department that the Soviet Union would support a cease-fire in the Middle East. He helped write the cease-fire order in which the Soviets agreed not to change their military status.

It was not but a few hours after the cease-fire announcement that Soviet technicians were moving SAM 2 and 3 missiles into an offensive position within 15 to 18 miles along the Suez, categorically in violation of the cease-fire

agreement itself. While all this was going on, with U–2 flights dutifully recording this Soviet deceit, Dobyrnin was sweet-talking the State Department about the Soviet Union's peaceful intentions.

This was the same Ambassador Dobrynin who engaged in the same kind of violent deceit against President Kennedy in 1962 when he tried to persuade the late President not to believe there were Soviet missiles aimed at the United States, even though our own U–2 reconnaissance flights over Cuba produced indisputable proof of their presence as offensive missiles.

Mr. Speaker, the administration can no longer refuse to face up to the grim realities of Soviet infamy.

We have a right to ask, "Are we again being hoodwinked and bamboozled by Soviet treachery and surrender in the Middle East?"

It will serve no purpose to recall here the infamy of the Soviets in their massacre of 15,000 allied soldiers in the Katyn Forest; or when they triggered off World War II with the infamous Ribbentrop-Molotov agreement; or when they plunged 180 million people from Lithuania, Estonia, Latvia, Poland, Rumania, Hungary, Czechoslovakia, and Bulgaria behind the iron curtain after World War II through their false promises at Yalta and Potsdam.

No one in their right mind can afford to ignore the treachery of the Soviets during any of these episodes. They are, above all, a tragic reminder of the scope of Communist hypocrisy and should serve as warnings that we are again witnessing another Munich; this time in the Middle East, with Israel as today's victim of Soviet infamy.

One perhaps could try to understand the imprudent wishfulness of this administration that somehow problems of the world will go away and everything will return to normalcy. But, Mr. Speaker, it is becoming most difficult to understand our President, when it was Mr. Nixon who rose to fame and ultimately the Presidency of the United States, because of his hard line against Soviet deception and intrigue.

What has happened to the Richard Nixon who became the great disciple of warnings against Soviet infamy and why is the President today giving into the obviously bankrupt advice of career people in the State Department, whose record of failures literally paralyzes the sensitivities of man's values.

This Nation has a right to ask what has changed to make Mr. Nixon to believe that some how or other, the Soviet threat is any less today than it was 20 years ago when he sounded the first clarion.

The Soviets have kept the world in a state of constant turmoil since the end of World War II.

First, in their barbaric occupation of the captive nations of Europe; and second, their unbroken record of deceit and intrigue against institutions of freedom, starting with the civil war in Greece, which Communists fomented with the full blessings of the Soviet Union, because the Soviets wanted access to the Mediterranean, through Korea, through Vietnam, and now the Middle East.

At what point is the administration and the American Nation going to realize the scope of Soviet treachery?

At what point will we realize the Soviet Embassy right here in Washington is the nerve center for terror and subversion in this entire hemisphere.

The United States today stands as a partner in guilt for what is happening in the Middle East because our own government was foolish enough to rely on the deceit of Dobrynin and his government.

The Israelis, most reluctantly, agreed to the cease-fire knowing full well that the Soviets never intended to make good on their pledge.

Mr. Speaker, today it is only the Israelis who truly understand the magnitude of Soviet conspiracy. It is a tragedy of our times that a mighty nation like the United States can be forced to concede to the infamy of Soviet-Arab terrorists, while tiny little Israel, with slightly more than 2 million people, is the only nation courageous enough to stand up to Russia's brutal aggression.

The terrorism that we see in the Middle East today is part of Moscow's grand design to create enough turmoil in the Arab world so that Russia's own Soviet Muslims can move in and take over those countries as similarly Soviet-trained agents took over the captive nations of Europe.

Communism breeds on disunity and this is the Soviet's main weapon in the Middle East.

I said on the floor of this House that Soviet pilots were being used in the Middle East, and that statement was denied.

A few days later, it had to be confirmed in the face of overwhelming evidence.

I said the Soviet Union was recruiting Soviet Muslim from the provinces of Azerbaijan, Tadjistan, Turkman, and other Soviet Republics that contain large elements of Muslim populations in Russia and training them for duty in the Middle East.

This, too, was first denied but is now a proven fact.

The scope of Soviet treachery is best demonstrated by the fact that Moscow is too smart to try to destroy the deep roots of Muslim religion in Arab States by attempting to turn those states Communist. No, the Soviets are too smart for that and know that the long years of history are against such a plot. And so, instead, the Soviets are infiltrating Soviet oriented Muslims, trained in Moscow, and sending them into the Arab states for ultimate take over of those countries.

What an enormous tragedy that Arab leaders cannot understand that achievement of Soviet goals in the Middle East would mean the hammer and sickle would fly above the Kaaba stone in Mecca and the wailing wall in Jerusalem, and that Lenin's portrait would appear above the Holy Sepulchre in Jerusalem.

The United States has not lifted a finger to expose this brutal aggression or against the way the Soviet Union has methodically rearmed the Arab States to wage war against Israel.

The terrorist organizations now roaming the Middle East—holding hundreds of innocent victims hostages, engaging in most violent sabotage and terrorism—are armed with Soviet weapons.

Where is the voice of outrage by the Soviet Union against these hijackings and terrorism now sweeping the world? Moscow's only comment is that it gives their Arab allies a bad image throughout the world.

It is folly to ask the Soviet Union to join in a denunciation of these tactics when the record now clearly indicates that the Soviet Union itself is masterminding and conducting this orchestration of violence sweeping the world.

Let there be no mistake by the American people and the free world—Russia will not stop this terrorism until the ultimate goal of overthrowing the U.S. Government has been achieved by the architects of the Havana Manifesto which was issued at the conclusion of the Tricontinental Congress.

Even though 600 important Communist leaders from 82 nations of Asia, Africa, and the Americas attended the Tricontinental Congress, it was the Soviet Union who was the chief architect over this grand design for the destruction of freedom.

I warned here on the floor of this Chamber in 1966 of the brutal tactics against freedom that were being developed in Havana. I warned against this wave of terrorism now sweeping the world.

But the sophisticated press chose to ignore these warnings and even the New York Times, which prides itself on being the chronicler of world affairs, gave nothing more than sparse coverage to the Tricontinental Congress.

The rest of the world media literally ignored it.

The Tricontinental Congress met the first 2 weeks of January 1966, in the Havana Hilton Hotel, now called the Havana Libre, which was declared off limits for the public and press.

Leaders of the Congress said their time table called for full-scale terrorism and subversion in the United States and throughout the world by 1970. They said it would take them 4 years to properly train enough guerrilla leaders who would mastermind subversion and terrorism on the three continents represented at the Congress including the United States.

Our Central Intelligency Agency monitored the entire proceedings, and Mr. Speaker, it is absolutely uncanny how closely the time table for terrorism and subversion worked out in Havana is now being carried out throughout the world.

The belligerent tone of the Tricontinental Congress was set by Cuban President Dorticos in his inaugural speech on January 4 when he demanded the "overthrow of the United States."

He proclaimed that "the right as well as the duty of the people was to answer armed violence of imperialism with armed revolutionary violence."

The tone of the entire conference was against the United States and its involvement in defense of South Vietnam.

A number of speeches were made describing in detail terror tactics being tested by the Vietcong in South Vietnam with assurances that if these tactics succeeded against South Vietnam, they should be used in the 82 nations marked for rebellion by the Tricontinental Congress.

A permanent organization was formed at the conclusion of the Congress with headquarters in Havana, Cuba "to unite, coordinate, and impel the revolutionary struggle against North America."

Pedro Medina Silva, chief of the pro-Communist Venezuelan guerillas, was named as chairman of the permanent organization. The Tricontinental Congress urged increased efforts in preparing cadres for guerillas and subversive activities.

Our intelligence shows that Fidel Castro has converted many of the obsolete Soviet missile sites, abandoned by the Russians for more modern installations, into guerilla training camps, and a number of new camps have been constructed.

There are now 43 camps in Cuba equipped to train 10,000 activists a year to be guerillas and terrorists; experts in sabotage and espionage. The basic training period lasts 4 months with longer periods for special categories.

The main tactics being taught in the 43 camps include sabotage against all Yankee interests throughout the world.

In order to get crowds sufficiently aroused for mob action, heavy emphasis is placed on demonstrations, sit-ins, protest marches, meetings, and broad scale denunciations of American personnel as well as embassies throughout the world.

Kidnaping of American diplomats is considered one of the most effective means of deteriorating American influence abroad.

In the United States, mass murder of policemen is being encouraged as the most effective weapon for a complete breakdown of law enforcement machinery.

When a guerrilla candidate arrives in Havana through secret means, he is carefully questioned on all possible targets in his community for sabotage or subversion.

Castro's fishing fleet, financed by the Soviet Union, is especially useful for bringing guerrillas to Cuba and reinfiltrating them back to their home country after their training.

One of the most frequent routes to Cuba is Mexico.

Throughout the Tricontinental Congress and now in the training centers, it has been clearly apparent that the Soviet Union is not so much interested in inspiring established Communist leaders of the nations participating as it is in providing direct support to new guerrilla leaders.

Soviet support of facilities for training guerrillas in Cuba should open American eyes to the fact that the present wave of terrorism and subversion in America is Soviet-inspired and Soviet-financed.

The Paris publication, Le Monde, one of the few newspapers to provide any coverage of the Tricontinental Congress, gave us our best hint why Moscow had chosen at Havana to throw its weight behind guerrillas, rather than behind hardened Communist Party leaders, when its correspondent stated that the Tricontinental Congress "was clearly aimed at getting results in direct action, and more precisely, in armed action."

In other words, Moscow does not want to risk losing its hard corps Communist leaders in subversion and terrorism, so instead it finances guerrilla activities who obviously are expendable to the Communists after their usefulness has run its course.

There is no question in my own mind that much of the terrorism we are witnessing in America today is being exported from Cuba.

There is ample proof that the Black Panthers are being used by Cuban-trained guerrillas in their terror campaigns very much as other organizations are being used in carrying out terror campaigns.

Recently, Huey P. Newton, defense minister of the Black Panthers, told a Cuban publication that his group planned to study terror tactics being taught in Cuba.

He showed particular interest in the revolutionary methods developed by "Che" Guevera, but said his group was also interested in techniques for sabotage developed by Castro, Ho Chi Minh, Mao Tse-tung, and the Angola terrorists in Palestine.

Newton was in Cuba while out on bond awaiting trial in Oakland, Calif.

Newton is only one of thousands of young Americans being indoctrinated in Cuba after the Tricontinental Congress The stream of activists going to Cuba to harvest sugarcane is yet further proof.

The daily El Globo of Rio de Janeiro said editorially:

What took place in Havana was not a conference but a conspiracy reunion, the danger of which is so clear that only a blind person fails to see it. Once more the sinister shadow of subversion begins to cover the continent.

The Brazilian Ambassador to the Organization of American States declared that "except for the Soviet missiles in Cuba, no event threatens more dangerously the territorial and political integrity of our continent."

But, Mr. Speaker, even to this day, a wall of silence continues, and the Communists advance in their bizarre plan for world subversion.

In a page 5 story about the Tricontinental Congress, the New York Times stated that "Cuba is to become a center of anti-United States activities in the Western Hemisphere."

On March 26, 1966, the very distinguished Barrons magazine observed that a wall of silence has kept most Americans from learning the truth about Havana even though the Tricontinental Congress was momentous news.

Barrons reported:

With monolithic unity worthy of Stalin himself, the leaders of the global communist conspiracy in effect declared war on the Western Hemisphere.

Mr. Speaker, nobody wanted to listen in 1966, just as nobody wanted to listen when the first reports of the Katyn massacre were announced in 1944; just as nobody wanted to listen when the Soviet Union methodically pushed 180 million people behind the iron curtain in 1945 and 1946; just as nobody wanted to listen when the Soviet Union proclaimed its first Brezhnev doctrine last year after storming into Czechoslovakia; just as nobody wanted to listen when the Soviet Union moved her fleet into the Mediterranean and started to force the U.S. Sixth Fleet out of those waters; just as nobody wanted to listen when the Soviet Union, with great skill, rearmed all of the Arab states and declared her determination to destroy Israel and drive America out of the Middle East; just as nobody listened when we announced the appearance of Soviet pilots in Egypt; just as nobody has listened as we made clear that the Soviet Union has violated the latest attempt toward a ceasefire in the Middle East by installing offensive missiles along the Suez.

Mr. Speaker, we are at the crossroads of this Nation's very existence. Never has this Nation been more seriously threatened with complete and total isolation from without, and with barbaric terrorism and subversion from within.

Can we marshal the forces of the world to deal effectively with this monstrous assault and conspiracy against freedom?

Will this administration stand up and let the American people know the full, ugly facts of Soviet treachery, and indeed, will we have the courage to document the case against Russia in the forum of world opinion?

All of man's conflicts have been the result of a miscalculation. We Americans must state our case fully so there will be no miscalculation that we will not idly sit by and watch our freedom destroyed by Soviet deceit, treachery, terror, and subversion.

LIBERAL OIL IMPORT QUOTA POLICY WILL ALLEVIATE NEW ENGLAND FUEL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND), is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, as winter approaches, we are being advised daily by stories in the news media of an impending fuel oil crisis that threatens the Northeastern States, and we are receiving complaints from constituents on the spiraling costs of currently available fuel oil.

The impending shortages and increased costs of fuel oil are attributable to varied and complex factors which seem to have coalesced into the prospective Northeast fuel oil crisis for the 1970–71 winter season.

Among these factors are the current Mideast crisis, the Suez Canal blockage, rupture of a crude oil pipeline in Syria, Libyan demand for crude oil price in-

creases, shortages of jumbo tankers for the long journey from the Persian Gulf around Africa's Cape of Good Hope to Atlantic ports, an almost insatiable demand for oil in Europe and North America, and the necessity for low-sulphur content oil to meet the new and stringent American antiair pollution standards.

The result is that New Englanders are paying a higher price for oil now, and they face the prospect of paying exorbitant and unreasonable prices this winter if, indeed, they can obtain the quantity of oil needed during the coming frigid seasons for the heating of homes, schools, hospitals, institutions, industries, and for the production of electricity.

Mr. Speaker, if we are to avoid an oil crisis this winter, I feel the Government must take action now to relax the stringent oil import quotas and the Defense Department should release some of its reserve and unused quotas for oil imports. Such action would guarantee New Englanders of an adequate supply of heating oil and help to force down prices. I have urged the President to consider these actions, and include a copy of my telegram to the White House with my remarks:

President RICHARD M. NIXON,
The White House,
Washington, D.C.:

Respectfully urge you order Interior Secretary Hickel and Defense Secretary Laird take immediate steps that would assure homeowners and industries in Massachusetts and New England of adequate fuel supplies at reasonable prices during the coming frigid winter season. I suggest this can be accomplished by further liberalizing the mandatory import quotas on No. 2 fuel oil and the emergency release of Defense Department oil quota reserves. Shortages of residual oil and coal supplies has forced industries, institutions, and utilities to seek No. 2 home heating fuel, also in short supply because of Mid-East crisis and shortage of jumbo tankers to make long voyage around Cape of Good Hope to East Coast ports due to Suez Canal closure. The Federal Government has the power to relieve the people of Massachusetts and New England of this unjust burden on their comfort and their pocketbooks. The mandatory import controls on home heating oil are artificial and arbitrary. Existing lack of flexibility in their administration serves no legitimate national purpose, but merely constitutes an unjust and inequitable discrimination against millions of Americans in the Northeast. If these proposals are not implemented to alleviate the fuel oil crisis, the alternative will be oil rationing and price controls for New England this winter.

EDWARD P. BOLAND,
Member of Congress.

Mr. Speaker, I also include with my remarks an editorial published in the September 6, Springfield Sunday Republican entitled "Fuel-Short Region":

FUEL-SHORT REGION

What may have been regarded in the past as a political agitation for lower fuel oil prices in the Northeast has emerged as something quite different. It is, obviously, not political and not a matter of cheaper fuel. The objective is fair treatment for consumers in the New England region, who face a shortage of heating oil at any price.

In the first of three regional hearings by the Governor's Emergency Commission at Springfield's city hall Thursday, public officials from the western counties colored the fuel picture black. Prices are rising sharply as supplies become scarce, it was reported. Industrial heating oil, on which much of the area's electric power supply depends, is in particularly short supply. Natural gas shortages are a problem for some industries.

But the pressure is also on home heating oil, the price of which has gone up—and which reportedly is being used by some suppliers to thin the heavier industrial oil. The prospect of fuel rationing in the coming winter, to say nothing of power brownouts, is disturbingly real.

Basically, the problem is a conflict between the interests of the domestic oil producers, who have been supported generally by both the Johnson and Nixon administrations, and the New England states, which have no oil refineries or gas supplies of their own and are remote from the production areas. The cost, and sometimes the inadequacy, of transportation has long been reflected in the high prices New Englanders have had to pay for fuel—and, indirectly, for steam-generated electric power.

Hopes of remedying the price inequity rose a couple of years ago when Occidental Petroleum Corp. announced plans to build a refinery at Machiasport, Me., which would process imported crude oil. But it was necessary for the state of Maine to apply for federal authority to establish a free trade zone in that state to free the imports of customs limitations. Also, the company needed permission, under the federal oil import quota program, to receive shipment of foreign crude oil. Neither application has succeeded.

The entire proposal was fought strenuously by the domestic oil industry, which cited "national security" as one reason to protect the home market against competition from abroad. Another reason was that the development of yet-untapped oil reserves in this country should be encouraged.

While the administration has given lip service to abandonment of the 11-year-old oil import quota system—and indeed seemed ready to replace it with a stepped-up tariff program—the picture changed abruptly in mid-August. The key was the position of the President's oil policy committee, which first recommended replacement of the quota system, then reversed itself—apparently on the strength of "national security" in the light of the Middle East situation.

(The Department of Interior, reporting on a study done for it a year ago, said that with removal of the quotas the United States could store ample oil for emergency purposes at much less cost to the nation than accrues from enforcement of the quotas. The cost to Americans because of the quotas was estimated at $7 billion to $8 billion annually.)

For now, the only apparent hope of a fair deal for New England oil users is the pressure that can be brought on Congress and the administration by public groups, such as Gov. Sargent's Emergency Energy Commission and the Massachusetts Consumers' Council, by the region's own U.S. senators and representatives—and by private individuals and organizations throughout the region.

ANNIVERSARY OF THE KINGDOM OF SWAZILAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS), is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the Kingdom of Swaziland attained its independence on September 6, 1968, after 70 years of British administration. It is a small landlocked country surrounded by the Republic of South Africa and Portuguese controlled Mozambique, 50 to 60 miles inland from the Indian Ocean. Swaziland is a nonracial constitutional monarchy with a prosperous and growing economy. Its people pride themselves on their colorful cultural traditions and the development of their country as a modern nation. King Sobhuza II has been on the throne for almost 50 years and is much beloved by the people. Swazi-United States relations are excellent, and it is our policy to assist the country wherever possible in its orderly and progressive economic and social development. Having visited Swaziland in August of 1969, I have first-hand knowledge of its problems and promise. As Chairman of the Subcommittee on Africa, House Foreign Affairs, I am pleased to congratulate King Sobhuza II and the Swazi people on the second anniversary of their independence and offer them my good wishes for continued progress and prosperity.

THANK YOU, CAPT. JOHN PRIDDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 10 minutes.

Mr. PREYER of North Carolina. Mr. Speaker, the recent hijackings show us how easily the web of our interrelated technology can be broken by the guerrilla tactics of a few evil men. The hijackings even raise the question of man's capacity to survive his own technology.

In the spreading disorder, in the complicated technology of our world, it is reassuring to find man surviving, not through any great feats of technology, but through acts of simple human character and courage.

An example of this is the conduct of Capt. John Priddy, the pilot of the Pan American 747 jumbo jet which was recently hijacked to Cairo and there destroyed.

I have a special interest in Captain Priddy not just because he is from North Carolina—all of us in North Carolina are proud of that—but because my son was a passenger on the hijacked plane. His life and those of the other 187 passengers literally depended on the skill and steady courage and character of Captain Priddy.

The skill was considerable. He landed the plane, at night, at both Beirut and Cairo without having a flight book for either airport. He negotiated the takeoff of the plane from Beirut from a runway never designed for the huge jumbo jets. All of this, plus 8 to 10 hours of steady flying, was done with a cocked pistol at his head. Yet his voice in his announcements to the passengers never betrayed the least tension or fear but was always confident and reassuring and under perfect control. At Beirut he left the cockpit and strolled the aisles, steadying the passengers.

This perfect control was maintained under the nightmare conditions of the final emergency abandonment of the plane. Almost 200 people scrambled off

the plane in 1½ minutes, in the nighttime, sliding down steep chutes from a height equivalent to a two-story house, to be greeted by automatic weapons fire and tracer bullets streaking the night. When the party led by Captain Priddy reached a bus, the Egyptian driver, whether through terror or design, refused to drive the bus away from the plane to the airport. Captain Priddy took the driver's seat with most passengers lying on the floor of the bus to avoid the gunfire and drove it to safety.

That there has been no major mid-air disaster as a result of hijacking can be credited partly to good luck but mainly to the high level of training given the pilots and crews of our airlines for such emergencies. The stewardesses in this instance once again performed magnificently, as they have in other recent emergencies. Our comedians have created an unfair image of stewardesses in this country as just pretty "coffee, tea, or milk" dolls. But in the crunch they have proved to be made not of plastic but of iron.

Captain Priddy's attractive wife was a passenger. She was taking her first flight on a jumbo jet, observing her husband's office and working conditions like other wives. Her bravery was another steadying force, and at Cairo she took charge of sending messages to the passengers' families.

Captain Priddy summed it all up in his moving farewell talk to the passengers as they were flying back from Rome to America. As well as my son recalls it, he said:

> We live in a crazy, violent world and perhaps we have gained a deeper understanding of it because we have come so close up to it. We have learned the importance of working together and the importance of unity. I hope you will mull over the experiences of the past 24 hours in your minds and will always remember what saw us through it. I have been flying for 30 years with Pan Am and can truly say that this is the best group of passengers I have ever had. Thank you for all you did. God bless and God speed.

To you, Captain Priddy, on behalf of your passengers, their parents and relatives and friends, I say as sincerely as I know how: Thank you.

All of us are thinking of those passengers now in the desert of Amman, and their relatives and loved ones, and hoping their Captain Priddys will see them through.

NAVAL AFFIRMATIVE ACTION PROGRAM—INTEGRATION BY THE NUMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, with rare exception, the military bases in our country are under attack from within and without. The weapon of assault is exploitation of racial differences in the man.

Well-intentioned solutions and efforts by the military bureaucrats and top brass are traditional military. Those in command do not seek the cause—are not allowed to evaluate the real problem, and consequently pursue as an only solution what they have been trained to do; that is, command and discipline.

Typical of the naive lack of understanding in explosive racial relations in our military forces was the Executive order by President Nixon, ordering the Navy goal of a fully integrated work force. It makes little difference to the top echelon receiving such an order whether its force floats or sinks, fights, or is effective—it must be racially integrated, even if it destroys the morale and esprit de corps of the entire force.

To illustrate the absurdity to which one commander has proliferated his command in order to maintain a good efficiency report—of which racial integration of his command is a priority—I refer to a proposed area directive of the Naval Training Center at Bainbridge, Md.

In the proposal, responsibility for action includes maintaining contact with community-action organizations such as NAACP.

Additionally, under "Needed implementation action" is mentioned training courses "One. Sensitivity training to increase understanding of and empathy for the equal opportunity program."

A brief review of this naval "upward mobility" proposal would suggest that one of the reasons for breakdown in military discipline is that those with the responsibility to command are not given the authority to exercise their leadership positions.

Perhaps those who seek do-gooder solutions to unnatural problems would do well to study the military tragedies of the Russian Army first without officers, then with ideological political leaders and finally with the dual command of a combat leader and a commissar. Or then too, we might remember the problems created in the German Army when Hitler assigned to each Werhmact commander an SS or Nazi officer to assure that officers and men were properly indoctrinated in the basic goals of the German Reich.

If our military leaders are not soon given the responsibility of maintaining a first-rate fighting force, regardless of do-gooder wailings and racial differences, who can say how long before someone suggests a member of the NAACP—a whiteman's showcase for control—serve as a staff officer to every command and that the commander not be permitted to speak, write or command until after his orders and operation plans have been reviewed and approved by his staff race indoctrination officer and found free from "racial implications."

At some future date perhaps one of our great national leaders will dare suggest that by separating our troops into units according to race they would not only remove the constant agitation of racial differences but could instill competition and pride where suspicion and unrest now prevail.

There are those of us who served in the military who still feel that the goal of every branch of our military should be first and foremost an effective fighting force. To be otherwise constitutes a deviation from the constitutional mandate to provide and maintain a Navy.

Mr. Speaker, a copy of the Bainbridge consolidated affirmative action program follows my remarks:

NAVAL TRAINING CENTER,
Bainbridge, Md.

COMNTCBAIN/AREACORD instruction 12713.
From: Commander, Naval Training Center, Bainbridge, Md.
To: Distribution List.
Subj: Bainbridge Consolidated Affirmative Action Program.
Ref: (a) SecNav Notice 12713 of 9 Mar 1970; (b) COMNTCBAIN/AREACORD INST 12713.3 of 27 Mar 1970.
Encl: (1) Bainbridge Consolidated Affirmative Action Program.

1. *Purpose.* To distribute a new Bainbridge Consolidated Affirmative Action Program.

2. *Background.* Executive Order 11478, issued by President Nixon on 8 August 1969, called for a revitalization of Affirmative Action Plans designed to assure full realization of equal employment opportunities in the Federal Government. Responding to this and other high level implementing directives, the Department of the Navy promulgated reference (a) which contains the Navy-wide plan of action. This later directive requires the revision of local Affirmative Action Plans consistent with Navy requirements to achieve rapid progress toward the Navy goal of a fully integrated work force.

3. *Action.* Enclosure (1) outlines the new local plan and indicates action items to achieve progress toward goals discussed in reference (b). Addressees should make every effort to take action on designated items within available funds, ceilings and other resources.

REQUIREMENTS FOR AFFIRMATIVE ACTION UNDER E.O. 11478

I. Organization and resources

A. General Requirement. Sufficient manpower resources to carry out the program must be provided and all commands and other organizational units and all levels within those organizations need to be assigned specific responsibility and authority for EEO. The rolls and interrelationships of the EEO and Personnel Director and staff, line and staff managers and supervisors, unions, and rank-and-file employees must be spelled out.

B. Conditions

1. An organization that is consistent with current EEO program requirements already exists. This includes the Area Coordinator to provide the one Navy approach, and Consolidated EEO Committee with representation from all organizations to assure organizational input to action plans, a Domestic Action Officer who serves as the EEO Coordinator, staff technical advisors on the Civilian Personnel Office staff and counselors for the informal discrimination complaint procedure. These assignments are all on a "collateral duty" basis with no additional manpower resources allocated. Consequently the extra supporting workload (staff studies, statistical data, directives writing, investigations, enforcement, etc.) essentially falls to the staff of the Civilian Personnel Office which is already hard pressed to accomplish its basic job.

2. While the organization is current the directives establishing it and assigning responsibility are not. Several are in existence that should be combined to implement the entire EEO program including organization, responsibilities, goals and action required to accomplish goals.

C. Needed Implementing Action

Formulate an area directive with joint concurrence of all commands through mem-

bership on the CCEEO. Directive canceling all others on subject would establish Bainbridge position as unqualified support to Navy policy of a "Fully Integrated Work Force". The directive would assign specific responsibility and authority and define the rolls and interrelationships of the Center Commander as Area Coordinator, Commanding Officers, CCEEO, Domestic Action Officer, Director of Civilian Personnel and Counselors (if appropriate). The directive should note that all phases of personnel activity are subject to EEO considerations; that an affirmative action plan will be developed and published as a separate document providing specific goals to be used by all in achieving Navy policy objective, i.e., full integration, in making personnel decisions, such as whom to select for a vacancy, whether to redesign a position for employment at a lower level to permit competition by deprived minorities, where to concentrate leadership resources to motivate and achieve greater participation in training activities that will help develop minorities, etc. Additionally the need for allocation of full time manpower resources to EEO functions should be determined.

D. *Responsibility for Action.*

Action: Area Directives. Responsibility: CPO—Accomplished. Target Date: March 1970.

Action: Numerical Goals. Responsibility: CPO—Accomplished. Target Date. March 1970.

Action: Full Time Social Objectives Action Officer. Responsibility: Center Commander. Target Date: Fiscal Year 1971.

II. Recruitment

A. *General Requirement.* Continuing "recruiting relationships" with colleges having mostly minority or women students, and with minority groups and women on other campuses, ought to be established. Similar links might be forged with professional societies and other sources of candidates for technical, professional, and management level positions.

B. *Condition.* The Bainbridge work force is predominantly clerical with the majority of new hires at GS–2 level. Under the circumstances, recruiting relationships with local high school campuses which are all fully integrated are of primary concern. Continuing links with colleges, professional and technical societies would therefcre be redundant. Schools, churches and local minority organizations are kept fully informed of Bainbridge's employment needs on a current and continuous basis. This includes an active local high school contact program to assure that our predominately clerical hiring needs are met. Through this program, every local high school has taken advantage of "on campus" testing for Federal jobs. As a consequence, very adequate clerical registers of eligibles are maintained by the Civil Service Commission, Interagency Board for Maryland.

C. *Needed Implementing Action.* Recruitment practices are in many ways the foundation of an effective affirmative action program. All recruitment practices should be reviewed to insure that minorities in the recruitment and retention area are on notice regarding job opportunities. As a minimum, review and improve "recruiting relationships" with local high schools, minority organizations including NAACP and churches; develop further the use of minority employees (already on the rolls) in referring minority applicants; and assure that these sources are continuously advised of job openings and filing procedures.

D. *Responsibility for Action.*

Action: Review and adjust recruiting practices. Responsibility: CCEEO/CPO. Target date: Continuing.

Action: Enlist recruitment aid of current minority employees. Responsibility: CPO. Target date: Continuing.

Action: Encourage more Black high school students to follow Business study programs. Responsibility: CPO. Target date: Continuing.

Action: Provide leadership for and participate in community activities that are directly linked to the recruitment of minority workers, i.e., career day, job clinics, work experience programs and guidance seminars. Responsibility: CPO. Target date: Continuing.

Action: Maintain contact with community action organizations such as NAACP, secondary schools, State Employment Service. Such agencies are helpful in locating job applicants, providing general employment information and assistance in completing applications for Federal Employment (SF 171). Responsibility: CPO. Target date: Continuing.

III. Full utilization of the present skills of employees

A. *General Requirement.* Agencies should survey the existing work force to find underused or unused skills, and put the data in a "skills bank" to match underutilized employees with job openings. They should also insure that job qualifications requirements are realistic in terms of the jobs to be done.

B. *Condition.* There is no underutilization at Bainbridge. The nature of Bainbridge jobs is generally clerical in the lower pay levels. Because of this, target positions are available to all through the *normal* operation of the merit promotion program from one rung of the occupational ladder to another. There are some with unused skills but these are not considered underutilized because the skill is not needed at Bainbridge and the employee is unwilling to transfer to another Navy or Government agency where the skill is needed.

C. *Needed Implementing Action.* None. However, the nature of the work force should be watched for changes in this condition.

D. *Responsibility for Action.*

Action: Realistic Qualification Requirements. Responsibility: Line Officials/Supervisors/CPO. Target date: Continuing.

IV. Enhancing "upward mobility"

A. *General Requirements.* Career ladders should be constructed so that underutilized or talented employees can move up. Career counseling and guidance and training for lower graded employees who can benefit, should be provided. So should "active programs to communicate meaningful information."

B. *Condition.* Again reference is made to the characteristics of the work force and the fact that growth opportunity is limited by its very nature. Regardless, positions have been redesigned to permit entrance at lower "lead-in" levels by minorities and others who would not otherwise be qualified. Subsequent to qualification and performance demonstration such employees receive "career promotions" to the "full performance" level of their position. Thereafter such employees are on their own to compete for other available promotion opportunities. This same approach is used in "blue collar" positions using "shop learner" as the lead-in level. Employees having difficulty qualifying for these reduced "lead-in" levels are given assistance through special on-the-clock coaching and such other assistance as they individually desire thru the on-base Center. This study Center is operated in conjunction with the Cecil County Board of Education, Harford Junior College, Cecil Community College and the University of Maryland. Among the development courses available are Adult Basic Education for those with less than 8 years education, GED preparatory studies and a variety of undergraduate and graduate courses established to meet work force demands.

C. *Needed Implementing Action.* The "lead-in level"—Shop Learner Program should be expanded to provide even more opportunity for the undereducated, unskilled and/or inexperienced to be employed in positions that will help provide the foundation for further growth. Several expansion possibilities come to mind, namely (1) further redesign positions already in the "lead-in level" program to provide a greater grade spread such as GS–1 & GS–2 lead-ins for a GS–3 full performance position rather than the current GS–2 only lead-in, (2) use the "Shop Learner" approach thru helper and mechanic limited in the apprenticeable trades rather than limit to a few utility plant operating positions, (3) expand study-center operation to include Cecil VoTech Center or the Harford College VoTech Center to improve training capability for those in craft or vocational training.

In expanding this program, care should be exercised in its administration to assure a balanced intake of trainees and employees already fully qualified for full performance. This will assure continuity of on-the-job training capability and preserve the work force skill level necessary to assure capacity to do assigned work. Some formula for this balance intake might be used such as 1 out of 4 vacancies in any one occupation could be filled by a trainee.

D. *Responsibility for Action.*

Action: Continue emphasis on position management. Train supervisors in position management to further maximum utilization and development of employee capabilities. Responsibility: Command/PMO. Target date: Continuing.

Action: Encourage and publicize job restructuring actions enabling upward mobility in occupations with concentration of minority employment. Responsibility: Line Officials/Supervisors. Target date: Continuing.

Action: Expand use of the "lead-in level" program. Responsibility: Line Officials/Supervisors. Target date: Continuing.

Action: Expand use of Shop Learner and increase participation of minority employees through motivation. Responsibility: PWO. Target date: Continuing.

Action: Conduct study of possibility of providing vocational training through Cecil Vocational Technical Center to Shop Learners. Responsibility: CPO. Target date: Sept. 1970.

Action: Increase motivation of under-educated to use on-base study center and other growth and development opportunities. Responsibility: Line Officials/Supervisors. Target date: Continuing.

V. Supervisors

A. *General Requirement.* Management training courses should have EEO coverage. Realistic and fair criteria for evaluating supervision and management performance in the EEO area are to be constructed, and those who perform well by these standards should be rewarded.

B. *Condition.* Management training courses do include EEO coverage including the "Working Effectively with People" course which is conducted quarterly and "Civilian Personnel Policies and Procedures" which is conducted at least annually.

Criteria for evaluating supervisory effectiveness exists in the form of "Supervisors' Personal Obligations in the EEO Program", Article 713.1A of the Manual of Civilian Personnel Policies and Procedures. However, there is not now a requirement and consequently they have generally not been used to evaluate effectiveness of performance of Bainbridge officials and supervisors. Moreover, there is no record of any Bainbridge supervisor or official having been recognized or rewarded for exceptional performance in the EEO area. On the contrary, it would seem that policy statements, supervisors obligations and extensive management training efforts have had little positive effect. Attitudes toward EEO among most officials and

supervisors at Bainbridge seem passive rather than affirmative. Generally, there seems to be no firm commitment for progress towards the goals or objectives of this National social policy.

C. *Needed Implementation Action.* EEO coverage included in management training courses discussed in B. above should be dropped and three (3) full courses instituted as follows:

1. Sensitivity training to increase understanding of and empathy for the Equal Opportunity Program.

2. Civil Service Commission EEO Training Course for Supervisors to stress the roll and responsibility of supervisors in EEO under Executive Order 11478.

3. Local EEO Training for Supervisors to outline the Bainbridge plan for Affirmative Action and supervisory performance requirements thereunder.

The "Supervisors Personal Obligation" needs to be revised and reissued as EEO program performance standards to be used with other performance standards in determining the performance effectiveness of officials and supervisors. A specific plan of action needs to be developed and implemented to assure that supervisor effectiveness in the EEO program is determined and used in formal fitness reports or performance ratings. When each official and supervisor is required to answer to the consequences of his EEO performance effectiveness, they will consciously work toward the "full integration" goal of policy. Each must be completely committed and EEO goals and objectives must be a part of every decision having personnel management implications. Nothing less should be acceptable for a satisfactory or better fitness report or performance rating. Of course, those who perform well would be identified for special recognition under such an evaluation system.

D. *Responsibility for Action.*

Action: Revitalize "Working Effectively with People" Course. Responsibility: Domestic Action Officer. Target date: Sep 1970.

Action: Formulate Sensitivity Training Plans for Supervisors and Management. Responsibility: CPO. Target date: Oct 1970.

Action: Procure services of CSC to train supervisors in their role and responsibility under Executive Order 11478. Responsibility: CPO. Target date: Jan 1971.

Action: Formulate EEO Program performance standards and evaluation plans to assure supervisory EEO effectiveness. Responsibility: CPO. Target date: Feb 1971.

Action: Formulate supervisory course on local Affirmative Action Plan and Supervisory EEO performance requirements. Responsibility: CPO. Target date: Jun 1971.

Action: Formulate plans to recognize special EEO accomplishments. Responsibility: CPO. Target date: Apr 1971.

VI. Liaison with community efforts

A. General Requirement. This includes active support of local open housing efforts, assistance to employees for whom lack of adequate housing is a barrier to getting jobs, cooperation with local officials to improve transportation between work sites and residential areas, cooperation with groups seeking to set up day care centers for children of employees or applicants, and assistance to colleges and high schools to improve the quality of education and to develop criteria "which relate to the requirements of Federal positions."

B. Condition.

1. *Open housing.* Bainbridge is providing more than "support to local efforts." As a DoD activity Bainbridge has played and continues to play a major leadership role through the continuing DoD-wide action program designed to preclude discrimination against DoD personnel in housing as well as public accommodations. Housing is generally not a barrier to getting jobs at Bainbridge. The kind and level of jobs available usually only attract local candidates. However, the occasional transfer from other geographic locations requires vigilance. The fact that the DoD program operates at Bainbridge primarily for military personnel assures its availability for civilians when needed.

2. *Transportation.* No public transportation system exists between Bainbridge as a work site and the multitude of residential areas. While a bus franchise exists, its owners have been unable to operate it profitably. As a consequence car pools and "share-the-ride" schemes are essential. Since these schemes are quite adequate and generally preferred by the work force transportation does not seem to be impediment to EEO goals.

3. *Day Care Centers.* Bainbridge operates its own day care center for children of working mothers. While it is not used extensively by civilian mothers, it is available and used.

4. *Assistance to Colleges and High Schools.* The Bainbridge work force is predominately clerical and consequently has virtually no need for a college program related to the requirements of Bainbridge positions.

High School or less meets adequately the requirements of most positions. An active local high school contact program is maintained and through this program every local high school has taken advantage of "on campus" testing for Federal jobs. As a consequence very adequate clerical registers of eligibles are maintained by the Civil Service Commission IAB for Maryland. Thus far educational inadequacies related to position requirements have not been apparent.

C. *Needed Implementing Action.* None as long as present level of activity continues. CPO is responsible for recommending new activity at such time current efforts no longer meet needs.

VII. Program evaluation and progress reports

A. *General Requirement.* A census of minority employees in all grade levels, occupations and organizations should be taken. Results must be assessed and the program evaluated at regular intervals.

B. *Condition.* Census of minority employees are taken at least annually to determine progress towards EEO program goals. Results are used by management to adjust programs as necessary to assure progress. Census reports are usually accomplished as a result of directives from higher authority which will be discontinued since this date has been computerized. However, these details will generally not be available for individual command use requiring manual means to be continued locally.

C. *Needed Implementing Action.* Present action seems adequate CCEEO may wish to evaluate progress more frequently than annually.

D. *Responsibility for Action.*

Action: Develop statistics annually at the close of the fiscal year for use by the CCEEO as a means to measure progress toward EEO goals and deficiencies in Affirmative Action. Responsibility: CPO. Target date: July 1971.

VIII. Processing discrimination complaints

A. *General Requirement.* Sufficient numbers of EEO counselors and complaint investigators should be appointed and trained, and organizations should make provisions for disciplinary action where investigation of complaints of discrimination reveals discriminatory action by supervisors.

B. *Condition.* EEO counselors have been appointed and trained and are operating as part of the complaint processing procedure. Procedures for processing complaints have recently been promulgated and current information is posted on all official bulletin boards.

C. *Needed Implementing Action.* None. This requirement has been implemented in full. Counselors need the continued support and cooperation by all especially management.

THE C–5 GALAXY NOW OPERATIONAL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the Air Force's C–5 Galaxy is now flying strategic cargo missions into both Europe and the Pacific, including Vietnam.

The aircraft is the newest one in the Air Force inventory and the largest in the world. It is proving to be every bit of the aircraft it was designed to be—a reliable jet transport with a tremendous capability for the movement of heavy and outsized cargo.

The initial Pacific flight was on schedule throughout its 10-day, 21,550-mile mission. It originated at Charleston Air Force Base, S.C., on July 3, and stopped for brief periods at Dover Air Force Base, Del., and Travis Air Force Base, Calif.—where future C–5 squadrons are to be located—before heading into the Pacific.

The C–5 stopped at Hickam Air Force Base, Hawaii; Andersen Air Base, Guam; Clark Air Base, Philippine Islands; Cam Ranh Bay, Vietnam; Kadena Air Base, Okinawa; and Yokota Air Base, Japan.

By July 13, when the aircraft returned to Charleston via Elmendorf Air Force Base, Alaska, it had airlifted varying amounts of military cargo between destinations—including 83,000 pounds which was off-loaded in Vietnam. Computed on a cube basis, the 118,000-pound load hauled between Alaska and Charleston would have required the service of about four C–141 Starlifters.

While one of the primary purposes of this first flight was the airlift of opportune cargo, it also provided orientation and training for the ground crews who will fuel, service, and maintain the aircraft during its regular Military Airlift Command operations.

Huge crowds gathered at each of the points where the C–5 touched down in its maiden Pacific flight. More than 100,000 persons inspected the gigantic airplane during that trip despite the fact that in each location the craft was on the ground for minimum time.

It is natural that the aircraft would stimulate interest and pride among servicemen and other Americans at these foreign ports and it is also natural that the C–5 would generate prestige for the United States among the foreign nationals who see it. After all, it requires the area of a football field to park with its 247.8-foot length and its wing span of 223 feet. The cargo compartment alone is 121 feet long, 19 feet wide and 13½ feet high—big enough to park six transcontinental buses. The C–5's tail reaches 65 feet in the air—the equivalent of a six-story building.

The first C–5 flight to Europe, similar in mission to the Pacific trip, departed Charleston on July 24, the same day that

the second operational flight to the Pacific returned. In Europe, the airplane stopped at Rhein Main Air Base, Germany; Lakenheath RAF Station, England; and Torrejon Air Base, Spain. It flew back to the United States on July 28. Once again, the C–5 delivered substantial amounts of cargo as well as giving ground crews in Europe their first chance at what will soon be routine servicing of the huge aircraft.

Military Airlift Command crews on these first historic missions enthusiastically endorsed the aircraft's performance throughout the flights. Each day now, as C–5's log more hours of operation in both the United States and overseas missions, the aircraft is proving it can perform the primary military mission for which it was intended—the safe deployment of outsized and heavy military equipment to any place in the world at jet speeds.

Operational flights will increase in frequency and number of bases served as more C–5's are delivered to the Military Airlift Command. And, in the meantime, rigorous tests of the C–5 continue by Lockheed Aircraft Corp., and by the Air Force—tests to prove and improve the systems and procedures—tests to give the United States the best end product. I believe these tests and the operational missions being flown by Gen. Jack J. Catton's fine MAC crews will also serve to dispel much of the criticism which has been directed toward this new aircraft.

In its deployment role, the C–5 will be teamed with the highly efficient C–141 Starlifters. Together, the pair will give the United States an unprecedented strategic airlift capability with the C–141's carrying combat ready troops and small vehicles while the C–5's transport the massive, outsized equipment of an Army division.

The C–5 is designed to airlift 220,000 pounds payload under emergency conditions and can load and off-load in a matter of minutes through its visor-nose front and rear ramp. In fact, it can load and off-load simultaneously. Seventeen C–5's could have done the 10-mile work of the 318 aircraft used daily during the Berlin Airlift.

When the 81 C–5's are in the Air Force inventory, the U.S. strategic airlift posture will be 10 times its 1961 capability. However, even with this impressive increase, a deficit still will exist in our ability to meet certain emergency contingency plans for this decade.

The C–5 touched down at Scott Air Force Base, Belleville, Ill., on August 18 on an operational mission to pick up a C–5 simulator for the training of pilots. The simulator is a duplicate of the cockpit of the C–5. It is outsized cargo of the type only a C–5 can carry. Previously such cargo could be handled only by ground transportation.

ST. LOUIS BANK REDUCES PRIME RATE; PRESIDENT NIXON SHOULD JOIN PLEA TO OTHER BANKS FOR LOWER INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday I urged the banking community to face up to its responsibilities to the American public and reduce the prime lending rate to at least 6 percent.

Late last night, I received a telegram from the president of the Southwest Bank of St. Louis announcing an immediate reduction in its prime lending from 8 to 7½ percent.

While this reduction falls far short of what is needed, I commend the Southwest Bank of St. Louis for responding so quickly to the call for lower interest rates. I hope that the example of this bank will set off a chain reaction throughout the banking community and that the big banks in New York, Chicago, and San Francisco will be announcing similar reductions in the next few days.

Many of the big banks are embarrassed to concede the bad mistake that they made in late 1968 and early 1969 when the prime rate was raised six times. I hope that this embarrassment will not prevent the big banks from doing what is right. With unemployment rising well above 5 percent, the economy is desperately in need of a sharp and lasting reduction in interest rates.

The stock market, which has suffered massive losses during this high interest period, also desperately needs a prolonged period of lower interest rates. In hopes that Chase Manhattan and other banks would respond to the pleas for lower interest rates, the stock market conducted a brief rally yesterday. That rally was a firm indication of the need and the strong desire for lower interest rates. It was a strong indication that only lower interest rates will restore confidence in the stock market.

Yesterday, I wrote David Rockefeller, chairman of the board of Chase Manhattan National Bank, urging him to use his leadership among the money center bankers to restore sanity to the economy. I have not yet heard from Mr. Rockefeller but in the interest of the American consumer and the entire economy, I hope that this New York banker is giving serious consideration to the request.

Once again, I commend Southwest Bank of St. Louis for moving quickly to reduce its interest rates. Undoubtedly, this bank, along with others across the Nation, will be able to further reduce rates if Chase Manhattan, Bank of America, First National City, Continental Illinois, and similar giants of the banking industry reduce their rates.

Mr. Speaker, let me emphasize that economic conditions call for a reduction of the prime rate to at least the 6-percent level existing the day that President Nixon was elected. This is a fair benchmark and it is one that I hope both the banks and the Nixon administration will support. Later, I am sure that we can move toward even lower interest rates.

Today, Mr. Speaker, I am also calling on President Nixon and Secretary of the Treasury David Kennedy to step forward and join my call for a reduction in the prime interest rate. The decision is hanging in the balance in the boardrooms of the large banks all over the Nation. A slight nudge from the President and his immediate economic advisers can bring the American people lower interest rates.

In making this plea to the President and the Secretary of the Treasury, I want to submit the President's Council of Economic Advisers' own inflation alert report as supporting evidence. Time after time, this report, issued on August 7, cites high-interest rates as a contributing cause to various price increases.

Speaking of rising costs in manufacturing, the report says:

> The largest rises were recorded in net interest. Increases in interest costs and capital consumption allocation occurred in virtually every industry.

Mr. Speaker, it is obvious that economic conditions will allow for at least a two-point reduction in the prime interest rate. And there is no justification for a delay in this downward push to interest rates. The President has the full authority and certainly, the highest responsibility, to bring to bear the influence of his office to urge the banks to take this very necesssary step.

In urging the big banks to come around on the interest rate question, the President is in a position to point out to the bankers that the Congress has given him, in Public Law 91–151, standby credit controls. The President can point out that he is in a position to trigger this authority if the big banks persist in their current profit binge. The proper use of this standby authority could bring about whatever rollback the President would desire.

Mr. Speaker, I hope that no bank or bank apologist will come forward with the idea that interest rates must be kept up to maintain a high level of profits. The banks have enjoyed fantastic profits during the interest rate binges of 1969 and 1970 and there is every evidence of further sharp increases in bank earnings. The Journal of Commerce, which follows bank earnings closely, published a detailed analysis of the bank profit figures on Tuesday, September 8. I place a copy of this article "Sharp Gains in Big Bank Profits Loom" in the RECORD:

SHARP GAINS IN BIG BANK PROFITS LOOM

(By Ed Tyng)

When statements of the country's major banks roll out for the quarter ending this month they will show for the quarter and the nine months ending Sept. 30 a huge expansion in deposits—out of which banks make loans and investments—and a big improvement in bank earnings as a result of more investments but, more particularly, interest savings through repayment of expensive Eurodollar borrowings.

All this will reflect the beneficent influence upon banks of the expansionary Federal Reserve policy which last Feb. 10 replaced a tight and restrictive policy.

By removing interest ceiling limits on bank issues of certificates of deposit maturing in 89 days or less last June the Federal Reserve Board gave the banks an immediate opportunity to bid for vast sums of time deposits at interest rates which ranged down recently to below 7 per cent. Also, since June, through open market operations, the Federal Reserve created large additions to bank demand deposits by buying $2.5 billion of government securities.

BIG DEPOSIT GAINS

Since the banks were allowed unrestricted sale of certificates of deposit in June volume of certificates issues by all the country's large commercial banks has risen more than $7

billion to a total of $20.1 billion, which is double the $11 billion they had outstanding Dec. 31.

The increase in certificates was mainly responsible for a gain in total time deposits since June of $10 billion and a gain in that item since the end of 1969 of over $13 billion. Demand deposits of all large banks have changed little since June and are down about $20 billion from the end of last year. Total deposits are up $10 billion since June but are still $7 billion below the total of last year end, a period in which deposits normally are at seasonal peaks.

EARNING ASSETS RISE

When banks sell certificates of deposit, buyers of them usually draw down demand deposits to pay for them, which tends to deflate demand deposits. These, however, are replenished both by Federal Reserve open market operations and by new loans and investments banks make.

At a recent date total earning assets—loans and investments—of all the country's large commercial banks showed an increase of over $6 billion from June 24 levels and an increase of about $2.5 billion since the end of last year. The principal increase was in investments, since bank lending has been on a plateau since June and is actually below the level of last December on an unadjusted basis. Most of the increase in investments has been in government securities, thereby restoring bank liquidity, but so far this year banks have also made substantial additions to their holdings of tax exempt securities.

PAYING OFF EURODOLLARS

At a recent date (Aug. 19) all large commercial banks had reduced their borrowings of Eurodollars from foreign branches by $1.4 billion since June and by $1.8 billion since last December. In this period the cost of the Eurodollars has declined to 8 percent from a range of 10 to 11 per cent. The 7 per cent cost of certificates of deposit, out of which most of the Eurodollar payments have been made, has resulted in substantial savings of interest paid by the banks for the money they lend or invest.

Despite the large payoffs of Eurodollars all large banks still owe $11.2 billion to their foreign branches. Meanwhile the foreign branches have continued to build up their own deposits to new records and while they have less demand for them by their head offices, they are able to employ the funds profitably in making Eurodollar (or other currency) loans to European borrowers, notable in recent weeks to German bank customers.

EFFECT ON PROFITS

It is the combination of employment of more funds in earning assets, and the saving of interest costs on money previously borrowed at high cost, that is going to result in a considerable turn for the better in bank profits during the current quarter, as contrasted with the more dismal earnings previously reported for the second 1970 quarter and the six months then ended.

It is too early to estimate how much profits for the third quarter will exceed those of earlier this year but the experts are guessing that for the nine months ended Sept. 30 profits after security losses will run somewhere around 8 per cent greater than in the like 1969 period. For the first half of this year many large banks reported profit gains over the year before of as little as 5 per cent and a few banks actually showed a decrease as compared with last year.

The profit trend could be adversely affected by a cut in the banks' prime lending rate to 7½ from 8 per cent, but if it should come it will be too late to affect materially current quarter earnings.

In a related development the bank stock firm of Keefe, Bruyette & Woods, Inc. last week distributed a monumental "Bank Stock Manual" which analyzed the banking industry in depth, while, providing a historical record of virtually all facets of the banking industry. Included in the manual was an analysis which showed that bank stocks over the 10 years 1959 outperformed most other stocks as investments.

For example in the 10 years the Keefe bank index showed a 99.5 per cent earnings gain as against 66.2 per cent for Dow Jones industrials and 79.7 per cent for Dow Jones utility stocks; the gain in dividends was 95 per cent for banks against 63.5 for industrials and 69.7 per cent for utilities. Average price earnings ratios were lower for banks than for the other two groups of stocks.

As to market record the per cent of appreciation (mean prices) was 93 per cent for the Keefe bank stock index against 41 per cent for Dow Jones industrials and 37 per cent for Dow Jones utilities. The Keefe, Bruyette & Woods compendium also contains numerous charts and tables covering the banking business.

Mr. Speaker, I also place in the RECORD the text of the telegram from the Southwest Bank of St. Louis and my letter to David Rockefeller, chairman of the board, Chase Manhattan National Bank:

SEPTEMBER 9, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.:

Southwest Bank of St. Louis has reduced its prime rate from 8 to 7½ per cent effective immediately. This is Southwest Banks second reduction in prime rate this year. In March the bank was the first in the middle west to reduce its rate from 8½ to 8 per cent. We believe this reduction is in line with the recent trend in interest rates. Southwest Bank has assets of approximately 67 million and is 9th largest in the city of St. Louis.

I. A. LONG,
President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1970.

Mr. DAVID ROCKEFELLER,
Chairman of the Board, The Chase Manhattan Bank, New York, N.Y.

DEAR MR. ROCKEFELLER: As you know, several small banks have announced a minor decrease in the prime interest rate in recent days. For these banks, the prime rate now stands at 7½%, one-half of a per cent below the prime lending rate of the nation's largest commercial banks.

These reductions are encouraging, but they are far too small to have any real impact on economic conditions. More importantly, none of the large banks have followed the lead of the smaller institutions and this fact alone prevents any improvement in economic conditions nationwide.

Mr. Rockefeller, you are regarded as a leader in the banking community and your statements carry great weight with your colleagues among the money center banks. Therefore, I am calling on you and your bank to lead the way to a sizeable and meaningful reduction of the prime lending rate. Just as many of the banks have followed Chase Manhattan's lead in raising interest rates, I am sure they would follow your action in establishing a reasonable prime rate.

For some reason, the large banks went on what I consider an unnecessary and highly unfortunate interest rate binge after the election of President Nixon in 1968.

I am sure that the banking community, in its private meetings, now realizes that it went too far with these interest rate increases in late 1968 and the early months of 1969. The results of this unfortunate profit-taking are seen in many places in the economy today, most notably, in a sharply depressed housing market and in the unemployment figures which have now soared above 5%.

Economic conditions cry out for a sharp rollback of interest rates and I think it is only fair that the initial point of this rollback be at 6%—the rate in existence at the time of the election of President Nixon in 1968. This would mean that each of the six prime rate increases recorded from November, 1968, to June 1969, would be rolled back. From this point, we could begin to return to economic sanity and to bring about conditions which would allow an even further reduction of interest rates.

There is no reason for a delay in reducing interest rates and I think it is important that this be taken care of well in advance of the upcoming general election in November. Many banks around the country and their top officials are participating in various fundraising efforts for political candidates, and it would be unfortunate if the bankers' political action somehow became involved in basic decisions concerning the level of interest rates. The decision to sharply reduce the prime lending rate should be made for the good of the economy and not for any political reasons on the eve of national elections.

Mr. Rockefeller, you can do the nation a great service by an immediate move to reduce your bank's prime lending rate to 6%.

Sincerely,

WRIGHT PATMAN.

OVERSEAS CREDIT UNION MILESTONE—A TRIBUTE TO CONGRESSMAN MINISH

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, at the end of July, the military credit unions operating overseas passed two 100,000 milestones. In less than 2 years, the credit unions had signed up more than 100,000 members and had made loans of more than $100 million.

Both of these are indeed impressive figures and are a tribute to the hard work of Congressman JOSEPH MINISH, of New Jersey.

Congressman MINISH was the head of a special subcommittee of the Banking and Currency Committee which visited major military installations in the European and Pacific commands on several occasions to press for the establishment of the credit unions. Prior to Congressman MINISH's efforts, servicemen stationed abroad were at the mercy of the money lenders who were able to extort interest rates as high as 60 and 70 percent. In addition, our gold flow problem was hindered because servicemen, for the most part, had to borrow from foreign-controlled loan and finance companies.

The first overseas credit unions were opened in Germany in late 1967, and, from there, credit unions were opened in England, Italy, Korea, and the Philippines. Overnight these credit unions were a success. Servicemen who had been paying interest rates as high as 70 percent for loans were now able to obtain loans as low as 9 percent and loans were made from the lowest ranking enlisted man to officers of the highest rank. The credit

unions forced the loan shark and the fast-buck operators to close their doors. And, for the first time, our servicemen overseas were not treated as second-class citizens in their financial dealings.

Mr. Speaker, a great deal of credit for the success of the overseas credit unions must go to the gentleman from New Jersey, Mr. MINISH, who worked long and hard to expose the fraudulent operators who were bilking servicemen and then to fight for the establishment of credit unions as the answer to the problem. There were many obstacles placed in his path and much redtape to be cut through. In many countries, it required detailed diplomatic negotiations before the credit unions could be established. In other situations, it required long hours of convincing skeptical officials that the credit unions could survive. But, throughout the fight, Congressman MINISH held fast in his belief that the credit unions would not only hold their own, but would become an important part of the serviceman's life. The success of the credit unions has borne out Congressman MINISH's foresightedness and has rewarded his efforts.

The work of Congressman MINISH in this important area has received far too little attention for, I think, he has performed one of the greatest services imaginable to our men and women in uniform, and as the overseas credit unions reach for their second 100,000 members and second $100 million in loans, I salute Congressman JOE MINISH for his efforts.

HIGHWAY SAFETY NOS. 9 AND 10—LAST OF A SERIES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the two concluding articles in the Christian Science Monitor series on highway safety were published while the House of Representatives was in recess. As I did with the first eight articles in the series, I today will insert them into the CONGRESSIONAL RECORD.

The ninth article was a penetrating discussion of the role of the liquor industry in the causation and solution of this national problem. The central point is one which ought to be remembered by legislators as they debate changes necessary to lower the automobile death toll, that the liquor industry bears partial responsibility for the current carnage on our highways and is not a disinterested party. Some of the necessary changes in our laws may, of course, concern the industry, but this is something which must be accepted so that America's highways can become safe for our wives and children, for our neighbors and friends, and for us, too. The liquor industry is not entirely an innocent party which may be harmed by these changes in our laws. Rather it is and must continue to be a regulated industry, so that the damage done by alcohol and by alcoholics can be limited.

The 10th article in this series has a shocking opening sentence:

Since this series began 10 weeks ago, drunken drivers have killed 5,000 Americans. And the toll continues, perhaps at 75 persons a day.

How many of us have had a friend or family member killed by these drunk drivers, who because of lax laws seem to be almost licensed to kill?

Mr. Speaker, my purpose in inserting this series of articles into the RECORD was to focus needed attention on the terrible carnage on our highways, including at least 28,000 who have been killed by drunk drivers. Every year such drivers cause over 800,000 accidents which result in economic loss of over $8 billion. Yet this intolerable situation is the subject of disturbing apathy, so that steps which would cut this slaughter drastically are just not being taken.

My mail suggests that some people have been listening, which is a hopeful sign. People are awakening, if slowly. Let us demand action.

The last two articles of the series follow:

[From the Christian Science Monitor, Aug. 20, 1970]

LIQUOR INDUSTRY PLAYS DR. JEKYLL AND MR. HYDE

(By Guy Halverson)

CHICAGO.—Imagine, if you will, the following hypothetical situation: A well-dressed man enters a tavern and consumes a number of drinks. The hours tick away. Though the bartender knows the man has had far too many drinks to drive safely, he can also see that the person is one who "holds his liquor" without any overly evident sign of intoxication.

Soon the man leaves. The bartender hears him roar off in an automobile.

Within minutes, the man has smashed head-on into another automobile.

Unfortunately, this incident is not really so imaginary. According to former alcoholics, many of them now key leaders in Alcoholics Anonymous, as well as the leaders of state police forces, it is a common occurrence. The files of state liquor-control boards, in fact, are jammed with records of tavern keepers who have oversold customers later involved in serious road tragedies.

More important, the illustration raises a number of nagging questions about the role of the liquor industry in society, and also about public policy and responsibility in general.

NECESSARY STEPS NOT TAKEN

The fact is that the liquor industry—and here that includes the bottling and brewing corporations, the distributors, the advertising and sales agencies, the retail outlets—is not yet taking the steps necessary to help stop the drunken driver. These could include unequivocal support on the state level of stiff presumptive blood-alcohol levels.

In fact, despite heavy expenditures in alcoholism research through university grants during the past decades, as well as a recent spate of magazine advertisements by the industry declaring its intention to help rid the highways of drunken drivers, the industry's role, some feel, has been lukewarm at best and perhaps even somewhat dangerously misleading.

Liquor lobbyists are active behind the scenes in every state legislature in the nation, utilizing high-powered law offices and public-relations firms. They are coolly efficient, skilled political tacticians and lavishly financed.

Many experts hold that there is a need for dispassionate, analytical studies of the correlation between liquor sales and per capita consumption and highway accident rates. Such information is needed to guide state legislators in setting realistic tavern and cocktail bar hours and liquor-license policies. Emotionalism, either against or for liquor sales on a totally unrestricted basis, cannot be tolerated when the highways are being turned into battlegrounds, they say.

ECONOMIC—AND POLITICAL—WEIGHT

This article clearly is not concerned with the long-standing dispute between "drys" and "wets" in the United States. Nor is it a plea for abstinence as such. Rather, it is concerned solely with those policies of the liquor industry that directly touch on highway safety—and which, in all fairness, have to be questioned if the problem is to be meaningfully resolved.

The liquor industry in the United States is an economic giant. Many a longtime newsman, particularly at the state level, would also say a sort of political giant as well. The industry, with an employment of about 1.8 million workers, grossed more than $21 billion in 1969 and paid out more than $8.2 billion in taxes. More than half of this went to the federal government.

The industry is also one of this nation's most important advertisers, spending more than $200 million annually—some $88 million of that going to magazines last year.

SUPPORT FOR U.S. DRIVE AVOWED

And now that cigarette advertising is being forced from the television screen, it is known that some broadcasting officials are casting hungry eyes at liquor advertising as possible new revenue sources. In addition, the liquor industry's many ties with the entertainment industry further its ability to reach the public in almost countless ways with a favorable public image.

On the national level, the industry avows its support for the Department of Transportation's new campaign to curb the drinking driver.

"What is our stand on the issue of drinking and driving?" asked a recent full-page Time and Newsweek ad purchased by the Licensed Beverage Industries, Inc. "It's the same as the National Safety Council and the American Medical Association." Industry spokesmen have stressed that the industry's position—like that of the NSC, the AMA, and the Department of Transportation—is twofold: getting the chronic alcoholic, who constitutes perhaps the largest part of the accident problem, off the highways, while also supporting educational campaigns to acquaint social drinkers with "safe" drinking limits.

Get down to the state level, however, where antidrunken-driver legislation—such as implied-consent statutes and presumptive levels—is enacted, and the picture clouds considerably. In fact, one invariably finds that the industry is quiescent (not supporting such measures at all) or actively in opposition.

"LET'S ENFORCE EXISTING LAWS"

Take Michigan, for example. Safety advocates there have been trying to lower the state's presumptive blood-alcohol level from .15 percent to .10 percent. The Michigan Licensed Beverage Association (LBA) is against the bill. "We say the state has enough laws now," argue Eddie Shepherd, coordinator of activities for the Michigan LBA. "Let's enforce the existing laws."

He adds: "Most accidents occur on roads within 25 miles of a person's home anyway. The answer is obviously diverting some of those Interstate-highway funds to secondary roads and arterials."

And the Michigan LBA's coolness to the .10 percent presumptive level, it must be said, is hardly unique.

The lack of *clear-cut* specific industry support for the federal .10 percent standard and implied-consent laws, say some critics of the industry, is only one part of its dubi-

ous role in stopping the problem of the drinking driver. Perhaps more important, they say, are certain industry practices and objectives that taken together almost ensure accidents.

Such practices, say these critics, include an industry drive to:

1. Increase across-the-board and per capita sales (per capita consumption on the national average has increased little over the past few years).

2. Expand Sunday sales (16 states do not allow such sales).

3. Lower the legal drinking age wherever possible. (Five states currently authorize sales of distilled spirits to persons under age 21, while 16 states allow sales of beer to persons under 21.)

Since the early 1960's, the State of Iowa has kept close records on liquor sales and highway accidents. The results are not pleasant. They strongly suggest, in fact, that increased sales and per capital consumption are followed by increased accident rates.

Most liquor-industry officials insist, however, that enactment of by-the-drink statutes does not lead to increased alcohol-related highway fatalities.

During the decade of the 1960's, drunken drivers killed more than 3,800 motorists on Iowa highways. But that is only part of the story.

"LIQUOR BY THE DRINK" IN 1963

On July 4, 1963, Iowa went to "liquor by the drink," whereby drinks could be sold across a bar, in a cocktail lounge, or club. Prior to that, liquor had been sold only in state liquor stores. During the 1960–63 period, before liquor by the drink, annual consumption averaged .73 gallons per person. By 1964, after liquor by the drink, the figure had risen to .86 gallons per person. And by 1969, it was 1.09 gallons—nearly a 60 percent increase over the 1960–63 average.

And of course, even though Iowa's consumption must be considered moderate on a national level—compared with the 1969 national per capita consumption of 1.81 gallons, the significant fact is that Iowa has shown a steady increase in consumption.

But so, too, have accident rates in that state.

According to studies undertaken by Preferred Risk Mutual Insurance Company, headquartered in Des Moines, fatalities increased 35 percent during the three years after legalization of liquor by the drink, compared with the three years before liquor by the drink. Population increase and vehicle registration stayed fairly constant. During this same period there had been a 32 percent increase in liquor sales.

Another way to measure what happened after liquor by the drink—with its attendant increased sales and consumption in Iowa—is to look at what didn't happen in neighboring Kansas. Kansas is one of a small number of states still without liquor by the drink (though voters will be asked to vote on the issue at the polls in November in both Kansas and Texas).

RATES OF INCREASE CONTRASTED

According to William N. Plymat, board chairman of Preferred Risk, the mileage death rate in Iowa increased 33 percent in the six years after liquor by the drink compared to the three years before. In Kansas without liquor by the drink, the mileage death-rate increase was only about 2 percent.

Studies by Preferred Risk also suggest that fatality rates are higher in areas with Sunday sales than in areas without Sunday sales. Take a comparison of Oregon and Washington states in the years 1965–68. Oregon had Sunday sales. Washington did not.

During the period, almost as many drivers were killed on Oregon highways on Sundays as on Saturdays: 314 persons were killed on Saturdays; 311 on Sundays.

In Washington, on the other hand, the difference was quite distinct. During those years, 437 people were killed on Saturdays when liquor sales were allowed. But on Sundays, when liquor sales were not allowed, 327 persons were killed.

The difference: 110 persons.

Researchers say that much still remains to be discovered about the effects of drinking on driver behavior patterns. A research program at the University of Vermont, funded in part by the Department of Transportation, is in fact testing such effects with a sophisticated new electronic device.

Some safety experts admit unease at the recent advertisements by the licensed-beverage industries, which they feel might encourage drinking and driving.

The recent advertisements, for example, carry a small "legal limits" chart prepared by the Rutgers University Center of Alcohol Studies in the lower right-hand corner. The chart shows how long a person must wait after certain numbers of drinks to be safely within legal presumptive levels in most states.

The chart, geared to .10 percent levels and above, indicates that a 160-pound man could consume three 1½-ounce drinks and then immediately drive.

WHAT CHART DOESN'T SAY

What the chart doesn't say, critics argue, is that the man may not be fit to drive safely, even though he is within legal presumptive limits; that different drinkers react differently to liquor; and that a novice drinker, for example, may be a deadly highway menace after three drinks. Or a tired drinker. Or an angry drinker. Or a hungry drinker.

A new guide recently issued by the National Safety Council is more realistic, it is felt. The guide says: "If you are going to drive, it would be better if you didn't drink anything at all. Or . . . drinking in such a manner that you will not be under the influence when you drive a car . . . if you choose the second, wait at least one hour per average drink before driving."

The AMA is known to be quite unhappy with the current advertising campaign of the Licensed Beverage Industries, Inc.—particularly its use of the Rutgers chart—which is not a "safety drinking level chart" but rather a legal-limits chart.

Says one of this nation's foremost highway specialists: "This type of [liquor industry] campaign could be disastrous. Would you want a tired motorist hurtling along the highway at 80 miles an hour toward your family after three stiff martinis?"

[From the Christian Science Monitor, Aug. 27, 1970]

DRUNKEN DRIVERS ASSAULT PUBLIC'S RIGHT-OF-WAY

(By Guy Halverson)

NEW YORK.—Since this series began 10 weeks ago, drunken drivers have killed 5,000 Americans. And the toll continues, perhaps at 75 persons a day.

Even a passing familiarity with the scope of the continuing tragedy makes one wonder how this nation—this informed, modern society—can possibly tolerate the conditions that cause it. For these deaths are not just statistics. These people are our families, our children, our friends, the neighbors who live on our streets, our classmates from high school and college, our associates at work.

It is an assault on our individual freedom, our right to move freely on the highways and through our cities and suburbs with a sense of confidence and dominion.

MORE THAN SKIRMISHES

"Twice as many people are being killed—you might say murdered—on a yearly basis by drivers who have had too much to drink as by all of the street criminals, impassioned spouses, and angry neighbors in the country," says Rep. James C. Cleveland (R) of New Hampshire. This member of the House Public Works Committee, which in part oversees highway safety, asks: "Where is our concern, where are our aroused citizens? Where is the indignation which the news media have for so many other causes? We are in the midst of a bloodbath and yet so few seem to care."

We can in fact stop the drunken driver, given our existing knowledge and technology, safety experts insist. We can begin now, but we must *want to*. The apathy must end.

Those already involved—the police, safety councils, government, concerned citizens' groups, and others—are fighting nothing less than a full-scale battle on our highways. But battles are not won through skirmishes. What's needed is a centralized, interagency attack, wherein all the specialists on alcoholism and highway safety join a systematic, direct attack.

Law enforcement, while basic, is not going to be enough. Drinking drivers fall into different groups which require different rehabilitative approaches. Distinctions must be made between chronic alcoholics, problem drinkers, novice drinkers, social drinkers, and occasional drinkers. And specific countermeasures must then be applied to these different groups.

U.S. PROGRAM A BEGINNING

The United States Department of Transportation's new alcohol countermeasures program—geared in great measure to an identification and control of the "problem drinker"—is an important first step. In many ways the program can even be called a heroic effort. Acting on a limited budget with small staff (fewer than 10), the program is seeking to roll back years of inattention and neglect. At present the $18 million program encompasses demonstration grants in some nine places around the United States. It is hoped that Congress will fund an additional 20 grants next year.

Yet even this small beginning is not enough. The economic cost of the problem alone amounts to $8 billion to $10 billion a year in the U.S. Without total commitment from the highest levels of the federal government, the countermeasures program may well turn out to be only a stopgap.

ONE ASPECT LACKS DATA

Nor should the problem of the driving social drinker be overlooked, though this seems to be happening. It is known that the problem drinker is responsible for perhaps the largest chunk of all fatal accidents. Researchers do not yet precisely know how many liquor-related fatalities on the highways are caused, on the other hand, by social drinkers.

Researchers do tell us that their role in fatal accidents is relatively small. But it would be foolish to ignore the problem. It takes only one accident.

Enforcement, however, is the crux. It was high atop a Colorado mountain peak, recently, with the magnificent Sangre de Cristo range directly opposite me, that I saw that clearly. My host was Prof. Robert F. Borkenstein, a gentle, articulate scholar-inventor, now in his fourth decade of police-science work. We must make the "drinking-driver public" more aware of the "reasonable likelihood" of arrest, argued Professor Borkenstein. "It isn't just a fear of punishment that is important. It's a reasonable assumption of apprehension. It's the inconvenience of being arrested and going through the legal system. It's the attendant humiliation. And jail or enforced therapy can be equally distasteful."

A meaningful attack on the drunken driver

would have to include the following steps as a minimum:

1. Each state should adopt an implied-consent statute and a minimum .10 percent presumptive blood-level statute. Once that level is reached, however, safety advocates should push for the more realistic Canadian and British .08 percent levels.

There is much to be said for the comprehensive Canadian and Ontario programs spelled out in the seventh article in this series. Utah has adopted an .08 percent alcohol blood-level statute. Eventually, the 49 other states will have to follow.

2. Police must step up enforcement and apprehension. Traffic units should be enlarged. Selective enforcement of problem areas along the lines of the San Diego force is essential. At the same time, political units should support the forces by realistic budgets.

SENTENCING FLEXIBILITY

3. Legislatures should adopt prearrest breath-test screening along the lines of the British and Baton Rouge, La., programs.

4. Courts must be given greater sentencing flexibility to combine fines, jail sentences, and enforced rehabilitation. But the laws themselves must be enforced.

5. States must tighten driver licensing standards, requiring road and written renewal tests at least every three years. State records systems must be computerized and interlaced—and then tied together into a national grid.

6. States should study the correlation of drinking hours and accident rates. This is perhaps the one area of the problem about which the least research exists. Weekend sales in particular should be given close scrutiny, as well as Saturday evening closing hours. It is no secret that the weekend driving hours are the most dangerous driving hours—and mainly because of alcohol.

HEALTH PROBLEM, TOO

7. Local communities and states must recognize that alcoholism involves health problems and must be treated as such—not as just a criminal offense.

8. Parents, educators, political and religious leaders must challenge the dangerously permissive attitudes about liquor that pervade society. Liquor is a drug, and it must be recognized as such.

9. Corporations and businesses must develop high-priority alcoholism and safe-driving programs.

Millions of miles of highways crisscross the U.S. They were built with tax money. Americans have a right to safety on the highways—control over them. Let's let our public officials know that. And let's demand action. Now.

PEOPLE TELL HOW TO STOP THE DRUNKEN DRIVER

Before this series began, the Monitor invited the public to share ideas on how to stop the drunken driver.

The response to a questionnaire was overwhelming—there were 15,670 returns. They came from specialists, such as traffic safety experts, law-enforcement officials, alcoholism rehabilitation workers, and from concerned private citizens, many of whom had lost relatives or friends because of drunk drivers. They came from all over the world.

Some returns covered large groups of people, such as the safety education class at Texas Wesleyan College, Fort Worth, Texas, which sent back comprehensive classroom papers discussing solutions to the problem.

The largest block of responses, more than 4,800 in all, came from employees of several plants of the Western Electric Company. Company officials had distributed the questionnaire among employees. The results indicated a desire for tougher enforcement through:

Stiffer jail sentences and fines for drinking drivers.

Some type of prearrest road breath test along the lines of the British system.

At the same time, many respondents urged a greater stress on rehabilitation of the problem alcoholic driver.

Here are the tabulated questionnaire results:

More public education	7,853
Compulsory testing to detect drunken drivers (on suspicion alone)	9,320
Immediate suspension of driving privileges at first offense	7,082
Stiffer fines	9,041
Stiffer jail sentences	9,888
Compulsory attendance at drivers' school for those convicted	6,956
More uniform laws	8,085
More federal and state studies of why people drink	3,879
Other	7,291

EXCERPTS FROM LETTERS

The victims

"My husband was killed by a drunk driver in 1957 leaving two very young children without a father. . . . Perhaps the thing which has troubled me most over the years was the quick return of the driver's license. I have often wondered if other innocent people have suffered as we did. . . ."

Mrs. Y.

KENMORE, N.Y.

Second offense—get tough

"My first husband was an alcoholic. Many times I was helpless to keep him from driving when he was intoxicated. A few times I tried hiding the car keys, but the frenzied rage he went into was not worth it. Sometimes even I and our two babies had no choice but to ride with him and our lives were endangered. . . . I strongly recommend that a second offender for drunk driving should have his license revoked. . . ."

Mrs. J.

MIAMI.

A national law

"There should be one national law set at .05 percent alcohol in the blood for the legal arrest of the drinking driver. . . . We cannot become too strict with the drinking driver. He threatens the highway safety of us all."

H.

WILMINGTON, DEL.

"The United States Government should withhold from those states that do not adopt a uniform drunk driver standard of .10 percent all funds for federal highway construction."

Unsigned.

A question of morals

"The real answer lies in the change of moral standards which precludes an acceptance of the drunken driver in society."

Ohio municipal court judge.

Weekend duty

"Weekend duty at emergency wards of hospitals. Let the intoxicated driver see . . . the agony, the tears, the heartbreaks involved in auto accidents when he or she is sober."

A Huntsville, Tex., Department of Corrections official.

Liquor-industry responsibility

"It is my opinion that the liquor industry should be held responsible for the great damage and loss of life due to their profitable product. . . ."

Unsigned.

"Maybe it is time the liquor people picked up the tab for rehabilitation instead of Mr. Taxpayer. . . . Somehow add a 1 percent or 2 percent tax to each bottle sold and let it take care of the troubles it causes."

M.

LONG BEACH, CALIF.

"Enforcement of the law is important, but it is attacking only the 'results' of the problem and not the 'cause.' The cause is the drinking, and the reason that that phase is not stressed is simply because too many people like to drink. It is like extinguishing fires without arresting the arsonists. The first step: Prohibit liquor advertising by law."

A Washington State municipal police court judge.

Rehabilitation

"The problem isn't driving: The problem is behavior. . . . Massive public education is needed, so that shame and guilt brought on by alcoholism isn't swept under the rug as it has been for generations, but is brought out into the open so that people learn that there is hope and help (and health) for the alcoholic."

F., an insurance company vice-president.

Fines and jail senences

"Fines and jail sentences are not likely to achieve anything constructive. I do feel that there should be an immediate suspension of driving privileges and if these are broken they should be punished by a mandatory jail sentence. But it is necessary to bring home to each culprit the enormity of the offense and his punishment should be made in some way to fit the crime, such as being a compulsory attendant to assist ambulance crews at traffic accidents and/or compulsory work to assist traffic accident victims in their hospitalization, treatment, and rehabilitation."

H.

Berlin.

"Suspend the license for life of anyone found driving under the influence of alcohol or of any other drug. . . ."

S., a senior at Sacramento State College.

"I believe that a stiff, uniform drunk-driving code throughout the United States, as in England, would be a deterrent. I do not believe the stiffer fine is the answer. The well-to-do think nothing of it and the more unfortunate lay it out in jail with a needy family being made to suffer. . . ."

An Idaho municipal police chief.

Local control

"I cannot avoid a feeling of impatience at the fatuity demonstrated by your multiple choices. . . . Allow me to dissect them seriatim: More public education: Unlikely to do much good. Everyone officially opposes drunk driving, just as everyone opposes Dutch elm disease and favors the whooping crane. Compulsory testing: You are stepping on my libertarian toes. . . . This is still a democracy, Jack. . . . The issue is inevitably, unavoidably, one of LOCAL CONTROL. Washington can't do a blamed thing. Raleigh can't do much more. Ultimately, the city and county . . . must do it for itself or it won't be done at all."

X.

DURHAM, N.C.

Identification

"Perhaps an indelible marking on the license plate to indicate publicly an offense, or [on] some permanent spot, but where it would not permanently damage the car."

Unsigned.

Insurance

"Insurance companies, with every justification, are raising their auto premiums. But with this increase, careful drivers are being penalized along with the drunken driver. This is not fair.

"Instead, the Department of Revenue should should keep the individual insurance company informed of the number of traffic and other violations the client has, so that only the client's rates will be raised and not the rates of other drivers."

J.

BETHEL PARK, PA.

ON DEALING WITH THE TERRORISTS

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, today I am introducing a resolution urging the President to use his influence and exert moral leadership to establish a convention of all nations for the purpose of formulating an international agreement on the treatment of airline terrorists and the nations that give them support and asylum.

The events of the past few days have made it abundantly clear that terrorism will spread across the globe like a plague if it is not stopped quickly and firmly. No person using the national or international airways is safe from the terrorist organizations bent on achieving their political objectives by any means necessary. Such practices cannot be condoned by any civilized nation. Such practices are the height of barbarism and threaten the very foundations of orderly society everywhere. The use of terrorism cannot be nicely circumscribed and neatly contained. If the peoples of the world condone its use in one instance it will soon appear in another instance, and another, until no person is safe from it and we are reduced to the law of the jungle.

Not only must the terrorists be caught and punished, but the nations which harbor them must be put on notice that they will feel the weight of world disapproval and worldwide sanctions. They must be made to know that such practices are not acceptable in the community of nations any more than they are acceptable in the community of man. They must be brought to face the possibility of ejection from the community of nations, possibly through diplomatic and economic boycott.

As a starting point, I suggest the airlines of the world and all nations declare an airline boycott against the Arab States that harbor the terrorists and refuse to accept the airlines of those states or to fly to them until the hijackers are declared outlaws in their lands. If international agreement cannot be reached on this point, the United States should initiate its own airline boycott of those states.

The United States, through the Office of the President, in establishing worldwide accord on the treatment of international terrorists and the nations that harbor them and give them asylum, refuge, and support. I have refrained from suggesting the vehicle through which such accord should be reached, in order to give the President as much flexibility as possible in reaching the desired goals. If the convention is to be arranged through the United Nations, participation should not be limited to U.N. member nations. All nations should be invited to participate.

There being no objection, I would like to append to my remarks several newspaper editorials on this subject. Particularly I would like to bring to my colleagues' attention the fourth paragraph of the New York Times editorial, "Aerial Blackmail."

[From the New York Times]

AERIAL BLACKMAIL

Only the most uninformed can have been surprised by the latest aerial hijacking and by the ordeals of the unfortunates on the three planes seized by Arab terrorists. The fanatical commando group involved was earlier responsible for many similar outrages. Seven weeks ago these criminals demonstrated the political profitability of hijacking by extorting a promise from the Greek Government to release their jailed confederates. Buoyed by past successes, the Arab gunmen had every reason to suppose aerial blackmail would work against other states. Their judgment appears to have been sound. This outcome can only encourage more acts of piracy by political zealots in every part of the world.

The latest developments raise questions about the assumption that supine surrender to a hijacker is the best way to assure plane passengers' safety. As matters worked out, it was the passengers on the El Al plane, whose crew was prepared to fight back and did so, that fared best. Nonresistance made sense when it could be assumed that a hijacked plane would be brought to some airport governed by international law, and then quickly allowed to depart with its crew and its passengers. But that was not the scenario followed by the blackmailers who captured the Pan American, TWA and Swissair aircraft.

The complete failure of the major airlines to deal with the threat of hijacking is matched only by the impotence of the United States Government in protecting its planes and its citizens. Coming so soon after the Egyptian display of contempt for this country implicit in Cairo's wholesale violation of the standstill provisions of the Middle East cease-fire, the latest incidents must further convince Arab militants that the United States is a paper tiger. And the Israelis will naturally further question the worth of the promises of a country that is unable even to protect its own citizens and planes.

The crux of the problem posed by the Arab hijackings is that the terrorists involved are financed, armed and supported—openly or covertly—by the Arab states. Last July the hijackers of a Greek plane were received as heroes in Cairo. Last Sunday the hijacked Pan American 747 stopped in Beirut to take a commando explosives expert on board so that he could prepare the plane's destruction at Cairo. Yet no action has been taken to apply sanctions.

It is long past time for the airlines and governments of the world to declare a boycott of the Arab states, to refuse to let Arab planes land elsewhere in the world and to refuse to fly non-Arab planes to those countries until the hijackers have been made outlaws in the Arab lands. The failure to take such sanctions in the past has spurred the Arab terrorist campaign against peaceful air travel. Failure to impose sanctions now will mean that the major governments and airlines of the world are de facto accomplices of the fanatics who have endangered so many thousands of people in recent days and who intend to continue their potentially murderous crimes.

[From the Washington Post, Sept. 9, 1970]

THE SHOWDOWN IN THE DESERT

The grim drama being played out on the sands of the Jordanian desert is international blackmail in its basest form. The lives of scores of innocent people have been put on the auction block by a gang of vicious, desperate outlaws. What these gangsters expect to gain from this deadly exercise in ransom and threat is a renewal of the Arab-Israeli war; there is no place for rabid fanatics in a peaceful settlement. By raising their demands to include the release of 3,000 guerrillas held captive in Israel, the Palestine "liberators" made clear their purpose of increasing the pressure on the Israeli government to break the cease-fire, either before or after the ransom deadline runs out tonight.

The negotiations to release the hostages are so delicate now that no useful purpose would be served by public comment on them. Only those in close contact with them can judge the temper of the kidnapers. Those who are making that judgment for the Western nations now being blackmailed are entitled to proceed as best they can without a background of noisy advice. We only hope that in this, as in any other kidnaping, they chose wisely among the few courses of action open.

It is possible, however, to begin to plan ahead in hopes that the nations of the world can take some immediate steps to prevent any repetition of this tragic affair. The world cannot tolerate a threat of this kind to international air travel—a threat in which innocent people are pawns in a deadly international power play. There have been long negotiations and much talk in many national capitals since the wave of airplane hijackings broke out many months ago but very little concerted action. The massive dose of criminal activity that took place in one day—four planes under attack and three seized—ought to convince every nation that this outrage has gone on long enough.

The United States, in our view, should seize the initiative in this situation by ordering this country's airlines to suspend all service to and from any nation that welcomes hijackers, that treats hijacking as a minor offense, or that is unable to prevent its citizens from engaging in hijacking. At the same time, the government should deny landing rights in this country to any airline that serves such nations. This action should be taken, not so much as an economic sanction against offending nations—although there would be significant economic effects—but as a simple safety measure designed to protect American citizens.

There may be legal red tape in such a unilateral approach; international treaties governing landing rights and so on are complex affairs. But this should not be allowed to stand in the way. For one thing, surely most other civilized nations would join in such a ban since it would place the responsibility for hijacking squarely where it belongs—on those governments which have treated it as a game and which have encouraged it by throwing welcoming parties for the pirates. Even if other nations did not join immediately, the United States should take the first step since its prime responsibility in this situation is the safety of its citizens and of those citizens of other countries who travel on American air carriers.

The airlines themselves can help by strengthening their security measures, although the fact that would-be pirates got aboard an El Al plane last Sunday indicates that even Israel's relatively strict precautionary measures are far from fool-proof. It may be that for a while international travelers will have to undergo that kind of scrutiny now given to visitors of prison inmates. If so the price will not be too great if it helps to prevent another showdown on the desert sand.

THE INTERGOVERNMENTAL PERSONNEL ACT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am today introducing the Intergovernmental Personnel Act of 1970. Already passed by the other body as S. 11, this bill will make possible for State and local government employees a scale and manner of training which have been taken for granted for decades in private business.

I believe, moreover, that this measure will be seen as a vital piece of legislation by all those concerned with the future of the American federal system.

STRENGTHENING THE FEDERAL SYSTEM

For the Intergovernmental Personnel Act is in essence an effort to strengthen the fabric of American federalism by improving the quality of the men and women who serve at all levels of government, State and local as well as Federal.

In this decade, according to the Bureau of Labor Statistics, the work force of State and local governments is expected to increase by 4,400,000 skilled men and women in technical, professional, and administrative positions.

These are the teachers of, and the policemen who will protect, the coming generations; they are the pollution engineers and waste managers; they are the program planners and operations researchers who will administer the quarter of a trillion dollars that the Federal Government will allocate to State and local governments in various forms of assistance over the next decade.

Mr. Speaker, this last astonishing figure is a measure of the complexity of modern life and of the variety of forms of intergovernmental cooperation that we have already invented to meet the challenges of our times. In 1948 Federal aid to States and localities was a mere $1.8 billion. This year the figure may top $25 billion, and there is no doubt it will grow. We are just beginning to confront seriously the problems of our contaminated environment. We have not begun seriously to assure the poor and the fatherless of genuine economic security. We have a long way to go to make our school systems what they ought to be.

IMPROVING LOCAL ADMINISTRATION

As we face these problems—and as we face them within a context of creative federalism in which we try to keep government responsive by keeping it close to the people it concerns—we are sure to turn more and more Federal dollars back to localities and States. But this money will be wasted if it is not competently administered.

We know that outside the large cities many heads of government departments are often ill-trained; familiar perhaps with their own regions, they are then uninformed about progress in their fields, about developments in other cities or about alternative ways in which their jobs might be done. In the rural counties and small towns, police and health officers are often desperately overworked and underpaid: to expect them to be well trained is to expect the impossible.

Mr. Speaker, I should also observe that pay scales at the State and local level are often too low to attract competent or qualified people. Operations research positions which bring comfortable salaries in the Federal Government or industry may offer considerably less in other branches of government.

Mr. Speaker, clearly we cannot expect money to be well spent if it is to be administered by or spent on technical, professional, and administrative workers who have been left behind by the modern demands on their jobs.

WHAT THE BILL DOES

Mr. Speaker, the Intergovernmental Personnel Act has 10 important functions, each of which will materially affect the quality of State and local government administration.

First. Through an advisory council appointed by the President, the bill would make possible the continued monitoring of State and local government training programs. Standards of training for such programs and proposals for the improvement of such training would be developed.

Second. The Civil Service Commission would be authorized to make grants to State and local governments to improve their systems of personnel administration.

Third. The bill will transfer to the Civil Service Commission the responsibility for overseeing the merit personnel administration provisions of certain federally assisted programs.

Fourth. Federal agencies will be authorized to admit State and local government officials to Federal training programs, with such training to be paid for by the Civil Service Commission or by the Federal agency concerned.

Fifth. The bill will authorize Federal agencies to include in their budgets provisions for the training of State and local officials who will be involved in administration of each agency's programs.

Sixth. The Civil Service Commission will be authorized to make grants to the State and local governments themselves to enable them to set up approved programs of employee training, and to finance Government service fellowships for some of their employees in graduate-level training.

Seventh. The Civil Service Commission will be enabled to enter into cooperative recruiting and screening arrangements—at the request of the State and local governments—through which the expertise of the Civil Service Commission will be at the disposal of those bodies.

Eighth. The bill will enable Congress to give its assent to interstate compacts designed to improve the personnel administration and training of State and local governments.

Ninth. Federal, State, and local governments will be authorized to exchange personnel temporarily with one another. Since education is largely a matter of exposure to alternatives, and since the best learning takes place in real life settings, I believe this is an innovation with tremendous possibilities for improving government administration at all levels.

Tenth. The Civil Service Commission will be directed to coordinate the training activities of various Federal agencies so as to cut out duplications and bring about the most effective use of resources for such training.

ACTION NEEDED NOW

Mr. Speaker, the Intergovernmental Personnel Act of 1970 is a natural complement to the education for public service program, of which I was privileged to be sponsor in 1968. The two together promise an improvement in local government administration to parallel that which took place in the Federal Government administration when the Civil Service Commission was created in 1883.

The problems of our time—and the challenges of the future—have been recently diagnosed by the author Alvin Toffler as "Future Shock." He tells us that in the private sector business approaches the challenge of these problems with training: often a man must be trained for new careers as conditions change, perhaps two or three times in his life. Clearly any corporation which never retrained its staff would soon be out of business. Yet the Intergovernmental Personnel Act has twice before come before this House and died here.

Mr. Speaker, the death of this bill again would be a contribution to the continuing crisis in our cities, towns, and State and county governments.

The passing of this bill would be a major contribution to enabling those governments to take up their responsibilities within the Federal Union.

Mr. Speaker, the crises of the future are the missed opportunities of the present. I urge the House not to miss the opportunity presented by the Intergovernmental Personnel Act—an opportunity to make State and local governments work, an opportunity to make the American federal system genuinely effective.

CREATION OF THE YOUTH CONSERVATION CORPS—ARTICLE BY CHARLES A. QUATTLEBAUM

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, probably one of the more important but least publicized pieces of legislation to emerge from this Congress was that creating the Youth Conservation Corps. It was my pleasure to be the chief House sponsor of the measure which became public law on August 5.

Dr. Charles A. Quattlebaum of the Legislative Reference Service recently prepared an article describing the legislative history and concept of the Youth Conservation Corps. For convenient reference by Members and the public, I insert the article in the RECORD at this point:

CREATION OF THE YOUTH CONSERVATION CORPS

(An article prepared by Charles A. Quattlebaum, specialist in education, Senior Specialists Division, August 26, 1970)

This year, 1970, may become a memorable one for thousands of American youth. On August 5 of this year President Nixon approved an Act of Congress establishing a program to be known as the Youth Con-

servation Corps. Some persons are already calling it the YCC. It will initially provide summer employment and conservation education for young men and women not less than 15 nor more than 18 years of age. According to plans for the Corps, enrollees will live and work on Federal lands, helping to restore forests, prevent or extinguish fires, improve recreational facilities, and perform other conservation activities. Meanwhile the enrollees will be receiving informal vocational training and experience.

Senator Henry M. Jackson and Representative Lloyd Meeds were the prime sponsors of the legislation in the Senate and in the House of Representatives respectively. The proposal to establish the Corps received bipartisan support in both Houses of Congress.

In the lengthy debate on the floor of the House, the argument for the bill was generally led by Representative Carl D. Perkins, Chairman of the Committee on Education and Labor. The Senate passed the bill without debate.

A PILOT PROGRAM

Reminiscent of the much-praised Civilian Conservation Corps of the nineteen-thirties, the YCC somewhat resembles that organization in basic concept and purpose. However, mindful of some other Federal ventures in education and employment of youth which were adversely criticized in the House debate on the YCC, the Congress provided for initiation of the Corps as a pilot program, costing the Government only $3.5 million annually for 3 years. Some sponsors of the legislation already have expressed intention to press for expansion of the program if it proves successful, as they believe it will.

In the House debate on the proposed legislation Representative Edward R. Roybal, of California, expressed the wish to see 3 million young people enrolled in the Corps. He predicted that the establishing act of 1970 "will go down in history as perhaps the best piece of domestic legislation passed by this Congress."

LEGISLATIVE HISTORY

At intervals during a number of years prior to 1969 various bills to establish youth conservation programs were introduced in Congress. Either in scope or in objectives, however, these earlier bills differed from the proposals to establish a Youth Conservation Corps which were introduced during the first session of the 91st Congress (in 1969).

On February 18, 1969, Senator Henry M. Jackson (for himself and Senator Ted Stevens) introduced S. 1076, a bill to establish a Youth Conservation Corps within the Departments of Interior and Agriculture. Senator Jackson was later joined by 24 of his colleagues for the support of this measure. Hearings on the bill, which had been referred to the Committee on Interior and Insular Affairs, were held before that committee on April 21, 1969. The bill passed the Senate on June 26, 1969, with the title amended so as to read: "An Act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes. (Congressional Record, vol. 115, pt. 13, p. 17482.)

In the meantime, on May 12, 1969, Representative Lloyd Meeds (for himself and Representative Wendell Wyatt) had introduced a bill proposing to establish a Youth Conservation Corps within the Department of Labor. This bill was referred to the Committee on Education and Labor. On May 5, 1969, and October 8, 1969, respectively, Representatives Thomas S. Foley and Richard T. Hanna introduced bills proposing to establish a Youth Conservation Corps within the Departments of Agriculture and Interior. These bills were also referred to the Committee on Education and Labor. Hearings on all of these bills were held before the Select Committee on Labor of the Committee on Education and Labor on October 22 and 23, 1969.

On December 19, 1969, H.R. 15361, a new bill to establish a pilot program designated as the Youth Conservation Corps, was introduced by Mr. Lloyd Meeds (for himself, Mr. Daniels of New Jersey, Mr. Perkins, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Brademas, Mr. Carey, Mr. Hawkins, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Burton of California, Mr. Gaydos, Mr. Stokes, Mr. Clay, Mr. Powell, and Mr. Esch). Also on December 19, 1969, an identical bill was introduced by Mr. Lloyd Meeds (for himself, Mr. Blatnik, Mr. Kastenmeier, Mrs. Hansen of Washington, Mr. Adams, Mr. Foley, Mr. Dingell, Mr. Hicks, Mr. Howard, Mr. Saylor, Mr. Pelly, Mrs. May, Mr. Wyatt, and Mr. Sandman).

These bills were referred to the Committee on Education and Labor. On March 17, 1970, H.R. 15361 was reported from that committee by Representative Lloyd Meeds. After considerable debate involving several amendments, this bill passed the House by a vote of 256 to 54 on June 15, 1970. The Committee on Education and Labor was then discharged from further consideration of the similar bill which had passed the Senate (S. 1076); and the House agreed to a motion by committee chairman Carl D. Perkins to strike out all after the enacting clause of S. 1076 and insert in lieu thereof the provisions contained in H.R. 15361, as passed. The Senate bill, as thus amended, was then passed and H.R. 15361 was laid on the table (Congressional Record, page 19759, June 15, 1970).

DIGEST OF THE DEBATED PROPOSAL

The Senate passed S. 1076 without floor debate on the basis of pro and con material having been presented in the committee hearings and report on the bill. In order to perceive the applicability of some of the arguments set forth in the extensive debate on the floor of the House of Representatives, it is necessary to understand the proposal then under consideration by the House. Following is a digest of H.R. 15361 as it was presented to the House, before amendments, on June 15, 1970:

The bill proposed to further the development and maintenance of the natural resources of the United States by establishing a 3-year pilot program to be designated as the Youth Conservation Corps program. As proposed: (1) The Corps would have consisted of youth of both sexes, ages 14 through 18, employed by the Youth Conservation Corps Interagency Committee, which would have been created by the act. (2) The Corps would have been open to youth of all social, economic, and racial classifications. (3) Service as a member of the Corps would have been limited to not more than 90 days during any single year. (4) The Youth Conservation Corps Interagency Committee would have been composed of six persons, representing the Departments of the Interior, Agriculture, and Labor, who would have administered the Corps. (5) The committee would have (a) designated the public lands upon which members of the Corps could be effectively utilized in conservation work; (b) determined the rates of pay, hours, and other conditions of employment in the Corps; and (c) performed other duties specified in the act. (6) To carry out this program the act would have authorized an appropriation of not to exceed $3,500,000 annually for 3 years.

ARGUMENTS ADVANCED PRO AND CON

In brief and in substance, the following arguments favorable and unfavorable to this proposal, as expressed in H.R. 15361 and as reported in the House, were brought forth in the relevant Senate and House committee hearings and reports and in the House floor debate. While some of these arguments were not originally advanced in specific reference to H.R. 15361 the applicability of these arguments to that bill, as reported in the House, is demonstrable.

Altogether, in the hearings and on the floor, the favorable arguments were set forth at greater length than the opposing arguments. Hence in the following summary the pros run proportionately longer than the cons. All of the arguments are not stated in either case.

DIGEST OF THE FAVORABLE ARGUMENTS OFFERED

Following is a summary of the favorable arguments that were offered.

Young people employed in the Youth Conservation Corps would help reduce the tremendous backlog of work needing to be done in our national parks and forests and other public lands. The work accomplished by the Youth Conservation Corps would be of inestimable value to the public.

The Corps would provide the enrollees experience of great educational importance. Their participation in public service conservation undertakings would have maturing and stabilizing effects in the development of their personalities. They would acquire appreciation of our Nation's natural resources, and understanding of the needs and methods for maintaining their great national heritage.

The proposed Youth Conservation Corps would enroll young people within the age group most in need of summer employment. The Nation has an obligation to provide its youth opportunities for constructive use of their time during the out-of-school summer months.

The proposed program would not represent a duplication or overlapping of any existing program for youth. Generally persons claiming that the purposes of the proposed program could be achieved through existing programs have disregarded differences in goals as well as other important differences.

The Youth Conservation Corps would provide constructive and "relevant" experience for restless youth who complain that they cannot find such experience in traditional school curricula.

At this time of great national concern over the quality of the environment, the Youth Conservation Corps would offer opportunity to contribute to environmental improvement for present and future generations. The corps would lead toward a public effort to build the ecological basis needed for a modern society.

By providing summer earnings and stimulating interest in learning the proposed program would prevent many youngsters from dropping out of school. By providing meaningful work for youth the program would prevent much juvenile delinquency and crime.

Competent and suitable supervisors and instructors for the Youth Conservation Corps could be chosen from the reservoir of high school and college faculty available for employment during the summer months.

Boys and girls are together in the streets and alleys without any supervision at all. They would have some supervision in the YCC and both sexes should be included in the program.

Boys and girls only 14 and 15 years of age are not too young to be included. Experience has shown that both sexes can do useful conservation work without using potentially dangerous tools. The Youth Conservation Corps would not continue the discrimination against girls practiced by the Job Corps.

The highly successful experience with the Civilian Conservation Corps years ago showed the merits of the proposal expressed in H.R. 15361. Nevertheless, there would be distinct advantages in initiating the Youth Conservation Corps as a pilot program.

Because of the great differences in basic purposes and in other respects, the cost of

the proposed program per enrollee is not fairly comparable to the cost per enrollee in any other program. The Youth Conservation Corps would represent a wise investment in improvement of our public lands and in the growth potential of youthful citizens.

The proposed 90-day employment period would be adequate for the purposes of the Corps. The proposed legislation wisely provides that enrollees in the Corps would be employed on conservation projects as near to their homes as is practicable.

One of the most desirable and distinctive features of the proposed program is that it would be open to all American youth. In the Nation's attempt to solve its youth problems, and combat poverty, one of the great fallacies has been the assumption that young people in families of low income are the disadvantaged youth of the Nation. Young people can be disadvantaged or deprived in many different ways. Most of the Nation's youth are deprived of experience in conservation activities. In the Youth Conservation Corps enrollees of various backgrounds would learn from each other.

Some persons have referred to the proposed Youth Conservation Corps as if it would be a categorical manpower training program. It would not be such. Therefore, initiation of the Youth Conservation Corps would not conflict with the aims of the administration's proposed Manpower Training Act.

H.R. 15361 represents a bipartisan proposal.

DIGEST OF THE UNFAVORABLE ARGUMENTS ADVANCED

Following is a summary of the unfavorable arguments that were expressed.

The proposed restriction of employment in the Youth Conservation Corps to 90 days in a calendar year would limit the usefulness of the program. It cannot promise to achieve its goals of conservation and personal development in such a short time.

The cost of the proposed program per enrollee would be high in comparison with the cost of some comparable programs, such as the Neighborhood Youth Corps summer program. The 4–H program, if extended, could give urban youngsters outdoor experience without the Government's employing them.

The Government is already involving disadvantaged young people in conservation activities through the Job Corps conservation centers, the community action agencies, and the Neighborhood Youth Corps. Much of the conservation work which can be safely performed by youth is near their homes and does not involve transportation to remote locations in national parks and forests. It would be better to expand the existing programs than to initiate a new one.

The proposed program is not directed to disadvantaged youth, as it should be. These youth are most in need of work experience and income.

The proposed legislation does not adequately provide for the supervision and safety of enrollees in the Youth Conservation Corps. Their use of power tools in remote locations would be hazardous. Sufficient recruitment of competent supervisory personnel would be problematical.

The base of the legislation should be broadened so as to provide learning opportunities in many areas besides conservation.

It is not practical to try to draw together in a single program the interests of boys and girls ranging from 14 to 18 years of age. Those only 14 or 15 years old are too young to be included, as is proposed in the bills.

To bring together boys and girls of both races, 14 to 18 years of age, in forest camps would be very unwise.

Letters from the Departments of Agriculture, Labor and Interior show that none of these departments wants to administer the YCC program.

The State and local governments should take responsibility for programs such as the proposed YCC. It would be a good program for the States or localities but not for the Federal Government.

The proposed program would create a new bureaucracy when we need more consolidation and saving of administrative costs.

Creation of the Youth Conservation Corps would further fragment the Nation's manpower training effort and conflict with the integrating efforts of the administration's proposed Manpower Training Act.

AMENDMENTS TO THE HOUSE BILL

Early in the House debate on the YCC bill, Representative B. F. Sisk stated: "It is my understanding that the authors have agreed to accept some amendments and I expect to support them." Several amendments were adopted. One of these changed the age limitation for enrollees from 14 to 18 inclusive to 16 to 18 inclusive. Another gave authority to the Federal administrators of the Corps to arrange "directly or by contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for five years" for services and equipment for the needs of members of the Corps. Another amendment transferred the responsibility for administration of the YCC from the proposed Youth Conservation Corps Interagency Committee to the Secretary of the Interior and the Secretary of Agriculture.

PRINCIPAL PROVISIONS OF PUBLIC LAW 91–378

Except for these amendments the Act as passed by both Houses of Congress and approved by the President (Public Law 91–378) is not markedly different from the bill (H.R. 15361) which was debated in the House. In layman's language, here are the principal features of the law.

The Act provides for gainful employment during the summer months of American youth, representing all segments of society.

It provides that this employment shall take place in the healthful atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas administered by the Secretary of the Interior and the Secretary of Agriculture.

The declared purpose of the Act is to further the development and maintenance of the natural resources of the United States by the youth upon whom will fall the ultimate responsibility for maintaining and managing these resources.

The Act establishes in the Department of the Interior and the Department of Agriculture a 3-year pilot program designated as the Youth Conservation Corps.

It specifies that the Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age 15 but not age 19. It provides for employment of these young people during the summer months without regard to civil service classification laws, rules or regulations. It opens the Corps to youth of both sexes and of all social, economic and racial classifications. It limits employment of an individual in the Corps to 90 days during any single year.

The Act specifies certain duties of the Secretary of the Interior and of the Secretary of Agriculture relating to the Corps, including the following: (1) To determine the areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps. (2) To determine the rates of pay, hours, and other conditions of employment in the Corps. (3) To provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps. (4) To promulgate regulations to insure the safety, health and welfare of the Corps members. (5) To prepare a report indicating the most feasible and efficient method for initiating a cost sharing youth conservation program with State natural resource, conservation, or outdoor recreation agencies; and to submit this report to the President not later than one year following enactment of this Act for transmittal to the Congress.

The Act authorizes the Secretary of the Interior and the Secretary of Agriculture to contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least 5 years for the operation of any Youth Conservation Corps project. The Act requires that, wherever economically feasible, existing but unoccupied Federal facilities shall be utilized for purposes of the Corps. The Act also requires that Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

The Act specifies that upon completion of each year's pilot program the Secretary of the Interior and the Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act. It also requires that this report be submitted to the President and that he transmit it to Congress.

For carrying out its purposes the Act authorizes an annual appropriation to the Secretary of the Interior and the Secretary of Agriculture of not to exceed $3,500,000 annually for 3 years.

CONGRATULATIONS TO MAYOR CHARLES PUKSTA, OF CLAREMONT, N.H.

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, recently a leading New Hampshire civic leader was appointed by President Nixon to the National Advisory Council on Adult Education. Charles Puksta, currently the mayor of Claremont, N.H., is an outstanding community leader. He has given selflessly of his time over the years in making Claremont a better city and will surely make a significant contribution as a member of the Advisory Council.

The need for better adult education programs has been long recognized by Mayor Puksta, who happens to be a personal friend as well as a constituent of mine. He is well aware of the fact that we need good adult education programs to complement the traditional youth-oriented educational system.

As an outstanding local community leader, he will be in a position to add much to the Advisory Council on Adult Education by making available his experience at the grassroots. Members of Congress are all too aware of the tendency of Washington-based experts to assume that they have all of the answers, to the extent that they often have lost touch with the very real problems of local communities. One answer to this problem lies in advisory councils like this one, so that outstanding community leaders like Charles Puksta can contribute their viewpoint and considerable local experience.

The Claremont Daily Eagle recently congratulated Mayor Puksta on his appointment with an excellent editorial

written and signed by the publisher, Ed Bennett. An outstanding civic leader himself, Ed Bennett has worked with Charlie Puksta on many endeavors and is in a good position to comment on the appointment. It is my privilege to have known and had the chance to work with both of these noted community and State leaders of New Hampshire.

I join the Claremont Daily Eagle in saying, "Well done, Charlie Puksta."

The editorial follows:

CONGRATULATIONS, MAYOR PUKSTA

Announcement was made this week of the appointment by President Nixon of Mayor Charles Puksta to the National Advisory Council on Adult Education.

Congratulations to the mayor for this singular honor and our thanks to him for his public service and dedication to Claremont so that a citizen of our community should be so recognized.

Mayor Puksta has unselfishly devoted most of his spare time to his community and to the political party of his choice, which happens to be Republican.

Over the years, since we have been in Claremont, Charlie Puksta has doggedly and faithfully served the city in a number of capacities.

No. "yes man," he has sometimes taken unpopular decisions, stated his case and stuck with his convictions.

A member of Claremont's active Polish community, Charlie and his wife, Lorraine, live humbly and work hard, their family of fine children helping Mrs. Puksta with their neighborhood store.

Mr. Puksta's service to Claremont cannot be measured in dollars and cents; the yardstick is the mayor's continued willingness to serve on the city council at no pay and the city's obvious satisfaction with his service.

The mayor is now serving his seventh consecutive term, two terms of which were assistant mayor, and two terms as mayor.

Claremonters will share Charlie's pleasure and satisfaction with the President's appointment.

They will join with The Eagle in wishing him well in this new, additional public service.

AMERICAN SECURITY COUNCIL POLL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, a misleading poll of public and congressional views on issues of national security is about to be released and disseminated nationwide by the American Security Council, headquartered in Washington, D.C. There is no doubt that the results of the poll when released will purport to show overwhelming support for the Council's rightwing views of the "national security issues" covered by the poll. The procedures followed and the questions themselves are designed to encourage those who agree with the council to fill out and return the questionnaire and to discourage those who disagree from doing so. This represents built-in distortion and adds up to a fraud upon the public. Members of the executive branch and of the Congress and representatives of the media should weigh the poll accordingly.

The American Security Council has, over the past several months, sent out thousands of letters to what it calls "opinion leaders" across the country requesting them to "serve on the national voter advisory board" of the council, to fill out a 10-point questionnaire on various "national security" questions, and to contribute $10 or more to help prepare and distribute the poll results to the news media, campaign workers, President Nixon, and the Congress. A mailing was sent to newspaper editors requesting them to publish the questionnaire and report the results. The council has also announced it is preparing a special analysis of the "actual national security voting record of each Member of Congress" for use in the coming fall elections.

The Council's so-called poll is a fraud in several respects. First, the letter accompanying the questionnaire implies that respondents must make at least a $10 contribution in order to become a member of the National Advisory Board and have their questionnaire replies counted. Obviously, those who do not support the ultraconservative positions of the Council will not fill out and return the poll because they will not want to contribute the $10.

Furthermore, while the Council indicates that its poll is intended to be sound and accurate, the wording and presentation of its questionnaire are anything but unbiased. Consider, for example, the following quotations from the ASC cover-letter accompanying the questionnaire:

We believe that most Americans support a strong national defense against Communist aggression, but we can't prove it without your cooperation in this poll.

Our staffers are not only expert on strategic military affairs but are also very knowledgeable on the various forces at work internally to destroy our country—the Communist Party, the Black Panthers, SDS, the Yippies, etc.

Many voters are not aware of how some Senators such as Kennedy, Gore, Muskie, Fulbright, Goodell, McGovern, Cranston, and others have taken positions on national security matters which weaken America's defense against Communism. For example, they all oppose President Nixon on both missile defense and Vietnam.

Thoughtful men may disagree about the significance and usefulness of polls in general. But no one would disagree that in order to be at all accurate, objective, and meaningful, polls should be conducted with extreme impartiality by organizations disinterested in the issues under inquiry. The American Security Council surely does not fit that description. It is generally regarded as a rightwing organization. If was founded and is still heavily supported by defense contractors and defense-related industries. It is clear from its publications and letters that it has very definite prejudices and views on matters of national security, and that it has equally definite intentions with regard to what its poll results ought to indicate.

In view of these facts, I want to urge my colleagues in the Congress and the representatives of the media to exercise due caution in the significance they might attach to the findings of the American Security Council when those "findings" are released. They should be recognized for what they are—rigged rightwing propaganda. No more significance should be attached to them than would be attached to findings similarly arrived at by any organization committed to a firm position on national security issues, whatever its location on the political spectrum.

SATELLITE AIRWAVES FOR EDUCATIONAL BROADCASTING

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the position that the United States will take at the World Administrative Radio Conference for Space Telecommunications, which will be held in Geneva, Switzerland, in June 1971, does not give adequate recognition and support to the needs of noncommercial and educational interests.

The U.S. position is being tailored to serve the Defense Department and commercial, profitmaking organizations at great expense to potential users of noncommercial, public satellite services, such as those provided by public broadcasting and other educational outlets. These potential users would include universities, school districts, hospitals, et cetera. The United States tentative position, which is now in its Seventh Draft at the Federal Communications Commission, makes available a disproportionate share of the frequency spectrum to the Department of Defense without requiring DOD to justify their present and future potential needs for frequency allocations with the same rigor that is being required of other applicants for use of the radio frequency spectrum. Private, commercial users of satellite communications are being given most of the remaining available frequency spectrum.

It is urgent that this situation be corrected before the final U.S. position is formulated and presented to the World Conference at Geneva next year. Accordingly I have sent letters to FCC Chairman Dean Burch, to Secretary of State William P. Rogers, to Secretary of Health, Education, and Welfare Elliot Richardson, to Presidential adviser Robert Finch, and to NASA Administrator Thomas O. Paine. These letters make specific recommendations for changes in the U.S. position in order to assure that the interests of noncommercial, public users of satellite services will be protected. The following is the text of my letter to FCC Chairman Dean Burch:

LETTER TO FCC CHAIRMAN DEAN BURCH

SEPTEMBER 5, 1970.

In the matter of an inquiry relating to preparation for a World Administrative Radio Conference of the International Telecommunication Union on matters pertaining to the radio astronomy and space services.—Docket No. 18294

DEAR MR. CHAIRMAN: I would like to urge that greater consideration be given to the exclusive allocation of a bandwidth of approximately 200 MHz for satellite services for non-commercial, public users, such as public broadcasting and educational services. I would urge that the preliminary

"Draft Proposals of the United States of America for the World Administrative Radio Conference for Space Telecommunications—Geneva, 1971," be modified to include such an exclusive allocation.

Paragraph 16 of the Seventh Notice of Inquiry states that "neither the Commission nor the OTM denies that a future requirement might develop for interconnection between and among the various educational outlets to the public." However the Commission and the OTM appear convinced that, based on present needs, there is no justification for an exclusive allocation of frequency spectrum for educational purposes at this time. I would dispute that conclusion. If public and educational users are to to be able to plan and construct facilities at the lowest possible cost, they must be assured that the necessary frequency spectrum will be available. An exclusive allocation in the 2500–2690 MHz band would make it possible for potential non-commercial, public users of satellite services to plan for the installation of inexpensive, receive-only ground terminals. While the Commission urges educators to look to the 11.7–12.2 GHz range for future accommodation of any interconnection requirements, the higher cost of the equipment required by the receiving stations would make such an allocation less desirable than in the 2500–2690 MHz band. The organizations which will be setting up these receive-only facilities will likely be the public and educational users, such as universities, local school districts, hospitals, etc. to whom the cost differential will be most critical.

I would also urge that if an additional portion of the frequency spectrum must be found to accommodate those users to which the 2500–2690 MHz space frequency spectrum is now proposed to be allocated, that the frequencies assigned to the Department of Defense be re-examined. I realize that the FCC has no statutory authority over the allocation and assignment of frequencies to the Executive Branch, including the Department of Defense. However, because of the growing demand by non-governmental users of the airwaves which needs to be met, I would appreciate whatever influence you can bring to bear to require reevaluation by the Executive Branch of its spectrum requirements. Particularly, the Department of Defense should be required to justify its present and its potential future needs for frequency allocations with the same rigor that is required of other applicants for use of the radio frequency spectrum. For example, by allocating earth resources satellites to some of the frequencies which DOD may now be using for similar reconnaissance satellites, the 2500–2690 MHz band could be allocated for satellite services for non-commercial, public users.

It is high time that non-commercial and educational interests be accorded new recognition and sufficient frequency allocations to fully develop their services. To seek their support for this position, I am sending copies of this letter to Congressman Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee; Congressman Torbert H. Macdonald, Chairman of the Subcommittee on Communications and Power; Senator Warren G. Magnuson, Chairman of the Senate Committee on Commerce; and Senator John O. Pastore, Chairman of the Subcommittee on Communications.

Sincerely,

JONATHAN B. BINGHAM.

PALESTINIAN TERRORISTS' HIJACKINGS DEMAND U.S. ACTION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the world remains watching while three hijacked airplanes stand in the Jordan desert, their passengers' lives standing blackmail for the release of Palestinian terrorists. A fourth jet was destroyed in Cairo, after having been flown there at the command of its hijackers. Fortunately, no lives were lost. And a fifth jet's hijacking was only barely averted.

In all these instances, Palestinian terrorists were the criminals who perpetrated these hijackings. Acting with complete disregard for the law, they challenge the right of every nation, and of every nation's citizens, to travel in safety and security. And, what is more, they are challenging the right of Israel to exist.

This state of affairs simply cannot be allowed to exist.

The Palestinian terrorists have established themselves as an apparently independent fifth column within Jordan. In fact, their complete disdain for and resistance to the authority of the Jordanian Government—now carried to the extreme of overt hostilities—is object lesson which should be well contemplated by those who call upon Israel to open her doors and accept within her borders all the Palestinians now settled in her neighbors' lands. The actions of the Palestinian guerrillas rebut the suggestion of such action upon Israel's part.

The difficulties of the current situation do not justify diplomatic torpor, however. Again, if object lessons have any value—and they do—the past inaction of this administration in responding to the plight of Israel should demonstrate very clearly that it cannot stand mute now.

The matter of plane hijackings should be laid before the United Nations by the President in person. Both the Palestinian terrorists and the Arab States, which have—both covertly and overtly—offered support and assistance to the terrorists, look to that body for sympathy and as a forum for propaganda. While that body may be weak in terms of available courses of action it can undertake, its political value can be, and is, significant. The presence of the President of the United States cannot help but engender condemnation of the terrorists' tactics in that forum.

But not only must the President appear before the United Nations to condemn the acts of terrorism which have been, and continue to be, perpetrated. He must also call for an agreement between all nations of the world community to extradite hijackers to the country in which they committed their crime. Those nations which refuse to sign such an agreement must be declared off limits to passenger planes flying in international commerce.

Acting unilaterally, the President should direct the Civil Aeronautics Board to bar the use of U.S. airports by the planes of any nation which offers succor to hijackers.

In addition, Federal marshals in sufficient numbers should be assigned to international airports within this country, and the development and placement of weapons detection mechanisms at these airports must be expedited.

The dire peril which faces those hostages in the Jordanian desert demands the strongest condemnation by this country. The constant and growing peril which endangers Israel demands the same. To choose a phrase from the editorial which appeared in the September 9 edition of the Washington Post, the United States "should seize the initiative."

At this point, I should like to append this editorial, which I commend to my colleagues as a well-reasoned presentation which I support:

THE SHOWDOWN IN THE DESERT

The grim drama being played out on the sands of the Jordanian desert is international blackmail in its basest form. The lives of scores of innocent people have been put on the auction block by a gang of vicious, desperate outlaws. What these gangsters expect to gain from this deadly exercise in ransom and threat is a renewal of the Arab-Israeli war; there is no place for rabid fanatics in a peaceful settlement. By raising their demands to include the release of 3,000 guerrillas held captive in Israel, the Palestine "liberators" made clear their purpose of increasing the pressure on the Israeli government to break the cease-fire, either before or after the ransom deadline runs out tonight.

The negotiations to release the hostages are so delicate now that no useful purpose would be served by public comment on them. Only those in close contact with them can judge the temper of the kidnapers. Those who are making that judgment for the Western nations now being blackmailed are entitled to proceed as best they can without a background of noisy advice. We only hope that in this, as in any other kidnaping, they choose wisely among the few courses of action open.

It is possible, however, to begin to plan ahead in hopes that the nations of the world can take some immediate steps to prevent any repetition of this tragic affair. The world cannot tolerate a threat of this kind to international air travel—a threat in which innocent people are pawns in a deadly international power play. There have been long negotiations and much talk in many national capitals since the wave of airplane hijackings broke out many months ago but very little concerted action. The massive dose of criminal activity that took place in one day—four planes under attack and three seized—ought to convince every nation that this outrage has gone on long enough.

The United States, in our view, should seize the initiative in this situation by ordering this country's airlines to suspend all service to and from any nation that welcomes hijackers, that treats hijacking as a minor offense, or that is unable to prevent its citizens from engaging in hijacking. At the same time, the government should deny landing rights in this country to any airline that serves such nations. This action should be taken, not so much as an economic sanction against offending nations—although there would be significant economic effects—but as a simple safety measure designed to protect American citizens.

There may be legal red tape in such a unilateral approach; international treaties governing landing rights and so on are complex affairs. But this should not be allowed to stand in the way. For one thing, surely most other civilized nations would join in such a ban since it would place the responsibility for hijacking squarely where it belongs—on those governments which

have treated it as a game and which have encouraged it by throwing welcoming parties for the pirates. Even if other nations did not join immediately, the United States should take the first step since its prime responsibility in this situation is the safety of its citizens and of those citizens of other countries who travel on American air carriers.

The airlines themselves can help by strengthening their security measures, although the fact that would-be pirates got abroad an El Al plane last Sunday indicates that even Israel's relatively strict precautionary measures are far from fool-proof. It may be that for a while international travelers will have to undergo the kind of scrutiny now given to visitors of prison inmates. If so the price will not be too great if it helps to prevent another showdown on the desert sand.

AIRCRAFT HIJACKING

(Mr. SYMINGTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, in my first address to the House 2 years ago, I warned of the dangers of aircraft hijacking. At that time, I urged the State Department to take action to prevent a recurrence of such incidents.

A few months ago, I introduced a resolution urging an international convention to prevent the kidnaping and harassment of diplomatic personnel. I was joined in that resolution by 33 of my colleagues. Today, troubled by the consequences of inaction, I am introducing a revised version of that resolution which would extend its provisions to peaceful international travelers.

The inviolable right of individuals to unmolested international passage and the worldwide observance of diplomatic immunity are essential to maintain world peace. I am hopeful that my resolution will initiate action to deter groups seeking political advantage from such international crimes, and to provide for the swift administration of justice to those not deterred.

I shall urge my colleagues to join me in sponsoring this resolution.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, upon coming to the United States, Svetlana Allilvyeva, Joseph Stalin's daughter, stated:

> Nobody here can realize the difference between the free world and the world of totalitarian ideology.

As one who witnessed and experienced the tyranny of the Soviet Union, she suggested that those who condemn America "should go and try it."

QUINCENTENNIAL CELEBRATION OF AMERICA'S DISCOVERY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing in the Congress a concurrent resolution designating the State of Illinois as the host for the official celebration of the 500th anniversary of the discovery of America.

In 1892, the State of Illinois had the honor to host the official celebration for the 400th anniversary of America's discovery and did an admirable job in presenting the highly successful World's Columbian Exposition which more than 27 million people attended. It is entirely appropriate, therefore, that Illinois, in 1992, be given the honor of leading the 500th anniversary celebration of this important event.

The members of the Sixth Illinois Constitutional Convention, when they met recently in Springfield, Ill., unanimously adopted Constitutional Convention Resolution No. 68 encouraging the general assembly of the State of Illinois to make appropriate plans for the 500th anniversary celebration of America's discovery, and further, encouraging the Congress of the United States to recognize the State of Illinois as host to the official celebration of this anniversary.

I want to commend and congratulate each of the signers of this resolution for their foresight in endorsing a resolution that will make it possible to celebrate approximately the 500th anniversary of Christopher Columbus' momentous discovery.

Indeed, when the great Italian navigator discovered American in 1492, he not only achieved the most spectacular and important geographical discovery in the history of our planet, but he opened the door to development of the Western Hemisphere. His discovery, therefore, marked the actual beginning of our culture and country, as well as the other countries in both North and South America. Today the greatest democracy known to man is flourishing in America, and the indomitable spirit of Columbus has become part of us and our way of life.

As one of the early cosponsors of legislation to establish Columbus Day as a national legal holiday, I was certainly gratified when the United States Congress, in 1968, finally passed the Monday Holiday bill which accomplished this objective. The bill goes into effect in 1971, when for the first time in our Nation's history, Columbus Day will be celebrated as a national legal holiday on the second Monday in October.

The proper quincentennial observance of Columbus' epic voyage and discovery is the right and privilege of all Americans, and Illinois, having hosted the celebration once before, is seeking recognition for that honor once again.

Mr. Speaker, the great State of Illinois, and Chicago, the "hub of America," would be the ideal choice for hosting this celebration. First of all, Chicago is centrally located in relation to all portions of the country, and additionally, is the approximate center of our Nation's population. Twenty-eight railroads operate into Chicago, while 25 airlines, including 11 international flights, service Chicago, flying into Midway Airport and the world famous O'Hare International Airport. These facilities provide easy access not only to Chicago but to the entire State as well, and thus, a greater potential exists for drawing together visitors from all parts of the Nation, as well as from abroad.

Furthermore, Illinois during recent years has developed an interstate and intrastate highway system that is unexcelled and provides modern, rapid access to the city of Chicago and to Illinois via automobiles and buses. During 1967 alone, a total of $268,500,000 was spent on primary highways in Illinois, and in subsequent years, approximately equal amounts have been spent to improve the roads in Illinois.

Additionally, I want to point out that hotel, motel, and restaurant facilities in Chicago are among the most outstanding in our country. Chicago has long been recognized as the convention city and as such has established a fine record of meeting the needs of countless visitors to the heartland of America. Furthermore, Illinois recreational facilities, including land set aside for camping, fishing, hunting, boating, swimming, and water sports, totals more than 187,000 acres, and these facilities are maintained especially for the use of the people by the Illinois Department of Conservation.

By selecting Illinois as the official host for this celebration, Americans residing on the east and west coasts would be given the opportunity to become better acquainted with the marvelous development of America's great Midwest area. The tremendous growth of commercial, industrial, and cultural activities in the hub of America I feel best typifies the progress of civilization that has been made in the New World, the discovery of which the proposed quincentennial celebration is to commemorate.

For these reasons, Mr. Speaker, and for countless others too numerous to list, Illinois, and the city of Chicago, would be the ideal choice to act as official host for the quincentennial celebration. Therefore, in order that ample time may be set aside to make appropriate arrangements for this 500th anniversary observance of America's discovery, I urge that my colleagues join together to insure the early enactment of my resolution recognizing Illinois as the host for this official celebration.

The text of the resolution adopted by the Sixth Illinois Constitutional Convention, which I mentioned earlier, follows:

RESOLUTION CONCERNING THE 500TH ANNIVERSARY OF THE DISCOVERY OF AMERICA

(Proposed by the Legislative Committee, Sixth Illinois Constitutional Convention)

Whereas the Constitution of Illinois, as amended, proposed appropriate assistance for the World's Columbian Exposition held in Chicago pursuant to an Act of the United States Congress; and

Whereas the official celebration for the 400th anniversary of the discovery of America was held in the State of Illinois and the City of Chicago; and

Whereas plans should soon be made for the 500th anniversary of the discovery of America; and

Whereas the delegates to this Convention are proud of the Columbian heritage of our State and Nation;

Now, therefore, be it resolved by the Sixth Illinois Constitutional Convention in Convention assembled that:

Article 1. The General Assembly of the State of Illinois be encouraged to make appropriate plans for the celebration of the discovery of America; and

Article 2. The members of the Illinois Congressional delegation in the United States Congress be encouraged to have the State of Illinois designated to host the official celebration of the 500th anniversary of the discovery of America.

LIST OF SIGNERS

George J. Lewis, Chairman; Lucy Reum, Vice Chairman; Samuel L. Martin; Clifford P. Kelley; Anthony M. Peccarelli; Louis J. Perona; John L. Knuppel; William A. Sommerschield; Mary A. Pappas; William J. Laurino; Frank D. Stemberk.

PETITION SUPPORTING CONVENTION RESOLUTION ON THE DISCOVERY OF AMERICA

DISTRICT 1

Samuel W. Witwer, and Frank Cicero, Jr.

DISTRICT 2

Mrs. Lucy Reum and T. J. McCracken.

DISTRICT 3

John G. Woods and Mrs. V. B. Macdonald.

DISTRICT 4

Clyde Parker and Mrs. Anne H. Evans.

DISTRICT 5

John E. Dvorak and Mrs. Anne Willer.

DISTRICT 6

Martin Ozinga, Jr. and James E. Gierach.

DISTRICT 7

Joseph A. Tecson and Roy C. Pechous.

DISTRICT 8

Ray H. Garrison and Thomas H. Miller.

DISTRICT 9

Mrs. J. G. Anderson and Joseph T. Meek.

DISTRICT 10

Peter A. Tomei and Paul F. Elward.

DISTRICT 11

Martin Tuchow and Bernard Weisberg.

DISTRICT 12

Mrs. Dawn C. Netsch and Malcolm S. Kamin.

DISTRICT 13

Ronald C. Smith and Elmer Gertz.

DISTRICT 14

John F. Leon and William J. Laurino.

DISTRICT 15

Thomas G. Lyons and David E. Stahl.

DISTRICT 16

William F. Lennon and James E. Strunck.

DISTRICT 17

Harold M. Nudelman and Frank Orlando.

DISTRICT 18

Edward J. Rosewell and Leonard N. Foster.

DISTRICT 19

Joseph C. Sharpe, Sr. and William A. Jaskula.

DISTRICT 20

Victor A. Arrigo and Madison L. Brown.

DISTRICT 21

Frank D. Stemberk and Mrs. G. S. Pughsley.

DISTRICT 22

Samuel A. Patch and James H. Kemp.

DISTRICT 23

Richard M. Daley and Leonard F. Miska.

DISTRICT 24

Miss Odas Nicholson and Albert A. Raby.

DISTRICT 25

Fr. F. X. Lawlor and Louis Marolda.

DISTRICT 26

Thomas E. Hunter and Clifford P. Kelley.

DISTRICT 27

Michael J. Madigan and Joseph V. Rachunas.

DISTRICT 28

Philip J. Carey and Ted A. Borek.

DISTRICT 29

Charles A. Coleman and Richard K. Cooper.

DISTRICT 30

David Linn and Mrs. Mary. Lee Leahy.

DISTRICT 31

John D. Wenum and Mrs. Mary A. Pappas.

DISTRICT 32

Mrs. J. Mullen and Jeffrey R. Ladd.

DISTRICT 33

Stanley C. Johnson and Mrs. Maxine Wymore.

DISTRICT 34

Robert R. Canfield and Mrs. Betty A. Keegan.

DISTRICT 35

Harlan H. Rigney and Wayne W. Whalen.

DISTRICT 36

Louis J. Perona and Edwin F. Peterson.

DISTRICT 37

Paul E. Mathias and David Davis.

DISTRICT 38

Mrs. Betty Howard and James S. Brannen.

DISTRICT 39

Thomas C. Kelleghan and W. A. Sommerschield.

DISTRICT 40

Mrs. Helen C. Kinney and Anthony M. Peccarelli.

DISTRICT 41

Louis F. Bottino and Arthur T. Lennon.

DISTRICT 42

John L. Knuppel and James S. Thompson.

DISTRICT 43

Lewis D. Wilson and William R. Armstrong.

DISTRICT 44

Charles R. Young and Edward H. Jenison.

DISTRICT 45

David E. Connor and John C. Parkhurst.

DISTRICT 46

Samuel L. Martin and Donald D. Zeglis.

DISTRICT 47

Charles W. Shuman and Henry I. Green.

DISTRICT 48

Clarence E. Yordy and William D. Fogal.

DISTRICT 49

Maurice W. Scott and William L. Fay.

DISTRICT 50

Elbert S. Smith and Franklin E. Dove.

DISTRICT 51

Dwight P. Friedrich and James S. Parker.

DISTRICT 52

Stanley L. Klaus and John Alexander.

DISTRICT 53

Wendell Durr and Ray V. Johnsen.

DISTRICT 54

William F. Fennoy, Jr. and John M. Karns, Jr.

DISTRICT 55

J. L. Buford and Henry C. Hendren, Jr.

DISTRICT 56

Ralph A. Dunn and David Kenney.

DISTRICT 57

Clifford L. Downen and Robert L. Butler.

DISTRICT 58

George J. Lewis and M. A. Hutmacher.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HAGAN (at the request of Mr. GRAY), for today, September 10, on account of official business.

Mr. CORMAN, for September 10, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANIEL of Virginia), to revise and extend their remarks, and to include extraneous matter:)

Mr. BOLAND, today, for 10 minutes.

Mr. DIGGS, today, for 10 minutes.

Mr. PREYER of North Carolina, today, for 10 minutes.

Mr. RARICK, today, for 10 minutes.

Mr. GIAIMO, on September 15, for 60 minutes.

Mr. GIAIMO, on September 16, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. ZABLOCKI in two instances and to include extraneous matter.

Mr. WIDNALL, to revise and extend his remarks during debate on H.R. 17795 today.

Mr. GROSS to revise and extend his remarks made today on H.R. 17795.

Mr. SCHMITZ during debate on H.R. 17982.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. WEICKER.

Mr. LANGEN.

Mr. MORSE in two instances.

Mr. ADAIR.

Mr. MCCLORY.

Mr. KLEPPE in two instances.

Mr. WYMAN in two instances.

Mr. TAFT in two instances.

Mr. TALCOTT in two instances.

Mr. GOODLING.

Mr. SCHMITZ in two instances.

Mr. DERWINSKI in four instances.

Mr. ASHBROOK.

Mr. BROWN of Ohio.

Mr. MILLER of Ohio in six instances.

Mr. DUNCAN.

Mr. ZION.

Mr. SCHNEEBELI.

Mr. COLLINS in four instances.

Mr. MICHEL.

Mrs. DWYER in five instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. HATHAWAY.
Mr. DINGELL.
Mr. MATSUNAGA.
Mr. HÉBERT.
Mr. KASTENMEIER.
Mr. ROSENTHAL in eight instances.
Mr. MINISH.
Mr. BRADEMAS in eight instances.
Mr. PICKLE in three instances.
Mr. STEED in two instances.
Mr. DIGGS.
Mr. HAWKINS in two instances.
Mr. BIAGGI in five instances.
Mr. WALDIE in five instances.
Mr. HOWARD in two instances.
Mr. ROE in two instances.
Mr. COHELAN in two instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. BENNETT in three instances.
Mr. KLUCZYNSKI in two instances.
Mr. GIAIMO in 10 instances.
Mr. GIBBONS.
Mr. LONG of Maryland in two instances.
Mr. DANIELS of New Jersey in two instances.
Mr. RYAN in five instances.
Mr. MURPHY of Illinois in two instances.
Mr. JOHNSON of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes; to the Committee on Public Works.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 18725. A bill to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2363. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report of the Agency for fiscal year 1969, pursuant to section 15 of Public Law 592, 79th Congress; to the Committee on the District of Columbia.

2364. A letter from the Secretary of the Interior, transmitting various records relating to the sale of public lands to the Colorado River Commission of Nevada, pursuant to section 4(e) of Public Law 85–339; to the Committee on Interior and Insular Affairs.

2365. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for fiscal year 1969, pursuant to section 16 of the Foreign-Trade Zones Act of 1934, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 18583. A bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse (Rept. No. 91–1444 (Parts 1 & 2)). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 16443. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural engineering, and related services for the Federal Government; with an amendment (Rept. No. 91–1445). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama:

H.R. 19115. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder, and for other purposes; to the Committee on Agriculture.

H.R. 19116. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; to the Committee on Agriculture.

By Mr. CASEY:

H.R. 19117. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 19118. A bill to amend the act of March 3, 1931, relating to the furnishing of books and other materials to the blind and to other handicapped persons to authorize the furnishing of musical recordings and tapes to such persons; to the Committee on House Administration.

By Mr. CLARK:

H.R. 19119. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

H.R. 19120. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 19121. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 19122. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 19123. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOLLOHAN:

H.R. 19124. A bill to create a special bridge replacement program in title 23, United States Code; to the Committee on Public Works.

By Mr. RYAN:

H.R. 19125. A bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19126. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 19127. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions; to the Committee on Interstate and Foreign Commerce.

H.R. 19128. A bill to extend certain Veterans' Preference Act benefits to civilian employees of the former War Department interned as prisoners of war during World War II; to the Committee on Post Office and Civil Service.

By Mr. TAFT:

H.R. 19129. A bill to protect the personal security and academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to govern the treatment of disruptive campus violence by students, staff, and other employees, as a precondition to Federal assistance, and to assist such institutions in their efforts to prevent and control campus disorders; to the Committee on Education and Labor.

H.R. 19130. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BRADEMAS:

H.R. 19131. A bill to establish orderly procedures for the public announcement of contracts awarded by the Department of Defense; to the Committee on Armed Services.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. DANIELS of New Jersey, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. STOKES, Mr. CLAY, Mr. MILLS, Mr. FRASER, Mr. LEGGETT, and Mr. MEEDS):

H.R. 19132. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself and Mr. HATHAWAY):

H.R. 19133. A bill to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 19134. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. LUKENS:

H.R. 19135. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 19136. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 19137. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 19138. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 19139. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 19140. A bill to amend the Consumer Credit Protection Act to retain the effectiveness of materialmen's and mechanic's liens; to the Committee on Banking and Currency.

H.R. 19141. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 19142. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

H.R. 19143. A bill to amend the Communications Act of 1934 and the Internal Revenue Code of 1954 to provide permanent financing for the Corporation for Public Broadcasting; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 19144. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 19145. A bill to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway; to the Committee on Armed Services.

By Mr. FRASER:

H.R. 19146. A bill to promote the public welfare; to the Committee on Government Operations.

By Mr. ADAIR:

H.J. Res. 1363. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.J. Res. 1364. Joint resolution recognizing the State of Illinois as host in 1992 of the official quincentennial celebration of the discovery of America; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 1365. Joint resolution authorizing the President to declare one week each September as "National SS *Hope* Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself and Mr. MEEDS):

H. Con. Res. 723. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H. Con. Res. 724. Concurrent resolution calling for an international convention on the treatment of airline terrorists and the nations that give them support and asylum; to the Committe on Foreign Affairs.

By Mr. TAFT:

H. Con. Res. 725. Concurrent resolution for new initiatives at the Paris peace talks including a cease-fire and other matters; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 726. Concurrent resolution expressing the sense of the Congress with respect to international aircraft hijacking; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio:

H. Con. Res. 727. Concurrent resolution to create a joint congressional committee to provide Congress with a plan for legislation to deal with the problems of rural America; to the Committee on Rules.

By Mr. PHILBIN:

H. Con. Res. 728. Concurrent resolution appealing to Soviets to cease persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Con. Res. 729. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. HOSMER, Mr. BOLAND, Mr. REIFEL, Mr. SIKES, Mr. EDWARDS of California, Mr. BRAY, Mr. TUNNEY, Mr. DONOHUE, Mr. LANGEN, Mr. FULTON of Pennsylvania, Mr. MICHEL, Mr. ST GERMAIN, Mr. SCHWENGEL, and Mr. RODINO):

H. Res. 1206. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Environment; to the Committee on Rules.

By Mr. SYMINGTON:

H. Res. 1207. Resolution expressing the sense of the House of Representatives with respect to the spreading practice of international hijacking and the kidnapping of diplomatic personnel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19147. A bill for the relief of Frank Morgan; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 19148. A bill for the relief of Lilia C. Sanjur; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 19149. A bill for the relief of Nabil George H. Yaldo; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 19150. A bill for the relief of Robert W. Patterson; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 19151. A bill for the relief of Fred Devine, doing business as Fred Devine Diving Co.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CODORUS STATE PARK

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. GOODLING. Mr. Speaker, Codorus State Park in my congressional district came into being as the result of the cooperative efforts of the State of Pennsylvania and the P. H. Glatfelter Co. The State of Pennsylvania has obtained a valuable piece of scenic real estate, the Glatfelter Co. has gained a dependable water reserve, and the people have won an impressive recreational area located in the area I serve.

Because Codorus State Park vividly illustrates what can be done through the cooperative efforts of State government and private industry, I include in the RECORD an article prepared by the Pennsylvania Department of Forests and Waters on this interesting project, the first of its type in the entire country:

CODORUS STATE PARK

Pennsylvania's Codorus State Park is one of the Commonwealth's most recently acquired acres for the development of outdoor

recreational facilties and represents an outstanding example of cooperation between private industry and State government.

Located in York County, the Codorus State Park is being developed by the Pennsylvania Department of Forests and Waters' Bureau of State Parks in cooperation with the P. H. Glatfelter Co., of Spring Grove, one of the nation's leading manufacturers of paper products, for the benefit of the general public.

The Codorus State Park is a multiple purpose project:

1. It provides much needed outdoor recreational facilities, and

2. It satisfies the need for a more substantial water supply for the P. H. Glatfelter Co.

Consequently, because of this successful joint venture, Pennsylvania has a new and important recreational area in an urbanized region and the Spring Grove industry has an ample reserve supply of water upon which it can depend in the future.

This water resources development program was inaugurated following two years of intensive study of the water needs of the Codorus Creek Basin by the Department of Forests and Waters. Taken into consideration at the same time was the need, or demand, of the surrounding area for water oriented recreational activities.

Some 3,326 acres of land were acquired with funds from Project 70, Pennsylvania's Land Acquisition and Borrowing Act, and it was the P. H. Glatfelter Co., in cooperation with the Commonwealth, which constructed a 1,690 foot long, 109 foot high impoundment dam to create a 1,275 acre lake now known as Lake Marburg.

The paper manufacturing firm is permitted, by agreement, to draw water from the lake to a maximum of a 23 foot drop in the lake level. This would reduce the lake's size to 800 acres which is considered still ample enough to provide opportunities for recreation, such as, boating and fishing.

When the impoundment structure was dedicated on Aug. 5, 1965, William W. Scranton, then governor of Pennsylvania, described the project as "not only a major milestone within the entire 'Project 70' concept but it also marks, for the first time, a conservation wedding of private industry with State government for the mutual benefit of the people themselves."

Maurice K. Goddard, Secretary of Forests and Waters, has since emphasized that this "joint construction and development of the Codorus State Park by the State and the P. H. Glatfelter Co. is without parallel in the United States."

Following the impoundment of Lake Marburg, the department provided day-use facilities and a temporary boat mooring and access area, and just last May 9 another dedication took place there to mark the completion of permanent boat launching facilities.

This program not only marked the dedication of new facilities but also indicated the completion of the first Project 500 construction contract at a State park in Pennsylvania.

"Project 500," the Commonwealth's Land and Water Conservation and Reclamation Act, was approved by the voters at the 1967 Primary Election and was implemented by Gov. Raymond P. Shafer on Jan. 19, 1968. It provides the Department of Forests and Waters with funds for the development of State park lands acquired under "Project 70."

The original study of the area, involving outdoor recreational needs, revealed that water oriented facilities would attract over 600,000 visitors from Pennsylvania each year. This is based on the prospectus that the population of York County will just about double over the next 50 years.

That estimate (over 600,000 visitors annually) was readily acceptable when it is realized that 329,800 persons reside within a 25 mile radius of the park and there are over 1,140,000 persons within a 50 mile radius.

More recently a new contract was awarded for second phase park development which includes construction of an access road, overlook point and parking areas for picnicking and concession marina use.

Under design as part of the future development of the park are two major day-use areas and a maintenance area. Marina facilities are included in one day-use area project which will include a general marina building, with a repair shop and restroom facilities; an additional 400 car parking lot, picnic areas, and a restaurant with adjacent parking area.

The second day-use area will include a swimming complex with a one-half acre swimming area, a bathhouse, concession building, boat rental building, life guard and first aid station, sunbathing area, parking facilities for over 1,000 cars, picnic areas and playground facilities. Also planned is a mooring area for about 50 small rental craft and two group picnicking areas.

Campground facilities are also planned for those persons who prefer to "rough it" with sites to be developed at out-of-the-way areas which will be reached only by boat and thus provide a primitive atmosphere for the outdoorsman. A tent and trailer campground with approximately 400 sites is also proposed.

One of the most popular forms of outdoor recreation currently in force at Codorus is fishing and one other state agency, the Pennsylvania Fish Commission, has done much to stimulate interest by carrying out a stocking program to provide a variety of game fish for the angler.

This program began in 1967 and each year since then, with the exception of 1969, the commission stocked 80,000 northern pike fry in the lake. Some 80,000 muskellunge fry were stocked during 1967 and the following year saw another 80,000 fry, of this same species of game fish, placed in the lake.

Some 2,000,000 walleye fry were stocked during 1967, another 2,000,000 in 1968 and during the early part of 1970 the Fish Commission placed 300 adult walleye, ranging from 16 to 18 inches long, in the recreational impoundment.

The stocking program also included large numbers of largemouth bass. In 1967 there were 200,000 fry placed in the lake and later that same year some 4,000 fingerling were stocked. Another 200,000 fry went in during 1968 and that same year saw another stocking of 6,000 fingerling.

Black crappie and even channel catfish were included in the program. During 1967 and 1968 the commission stocked 42,000 fingerling black crappie in the lake, and during 1968 stocked the area with 80,000 channel catfish fry and 16,000 fingerling.

Therefore when total development is achieved, the Codorus State Park will offer a variety of outdoor recreational opportunities and will emerge as one of Pennsylvania's finest State parks as planned, designed and developed to serve the public not only for the present but for many years to come.

NEW LEGISLATION TO AID IN FIGHT AGAINST KIDNEY DISEASE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1970

Mr. SCHWEIKER. Mr. President, the Senate has passed a measure vital to the basic health needs of our country, S. 3355, the Health Service Improvement Act of 1970. S. 3355 extends the regional medical program for a 5-year period beginning in fiscal year 1971 and provides $120 million for the program for this year, increasing to $250 million for fiscal year 1975.

In addition to extending the regional medical program, S. 3355 will extend and improve the comprehensive health planning and services program. It will also extend and improve the authority for the National Center for Health Service Research and Development, and, finally, it will create a National Council on Health Policy in the Executive Office of the President to set goals for a national health policy for the United States.

However, I particularly wish to call attention to another significant aspect of this bill—the $15 million authorization specifically for kidney disease. I have taken a strong personal interest in the serious problem of kidney disease, which afflicts about 8 million Americans and kills about 60,000 each year. In addition to cosponsoring S. 2482, the National Kidney Disease Act of 1970, I testified on February 17, 1970, before the Senate Health Subcommittee on S. 3355, the bill which has just been passed, and its importance in the fight against chronic kidney disease.

As I noted in my testimony before the Health Subcommittee last February, I am pleased that S. 3355 explicitly adds kidney disease to heart disease, cancer, and stroke as one of the diseases to which the program is specifically addressed.

In Pennsylvania, for example, this will allow the three regional medical programs, the Greater Delaware Valley regional medical program, the Susquehanna Valley regional medical program, and the Western Pennsylvania regional medical program, to become outlets for artificial kidney machines and related medical services. This bill will assist in prevention and rehabilitation, as well as diagnosis and treatment.

Increased research in this field is making possible much more preventive activity and Federal programs must keep pace. Until the passage of this legislation, there was no Federal program to provide kidney hemodialysis equipment for widespread treatment among the general public. The costs of maintaining a kidney machine are high. The kidney hemodialysis machines help keep a kidney patient alive by recirculating the patient's blood through the machine, thus removing poisonous wastes from the blood. However, kidney machines cost $3,000 to $6,000 to buy and install in the home, plus $50 a week maintenance cost. An estimated 8,000 kidney patients die each year for lack of this treatment. Mr. President, we can no longer accept statistics such as these in 1970 in the United States.

I am proud to say, Mr. President, that in many Pennsylvania communities there are private citizens, working through their civic and service organizations and labor unions, who are determined to help victims of kidney disease by raising funds for machines. Practically every week, in my mail, I learn of some local

fund-raising venture in Pennsylvania to secure a kidney machine for a deserving patient.

The United Steelworkers of America has been making a special effort to obtain better care for kidney patients. Many locals of the USW in Pennsylvania have established funds to purchase kidney machines. The USW nationally has backed such legislation as S. 3355, and the executive committee of the National Kidney Foundation has recognized the president of the USW, Mr. I. W. Abel, for his union's contribution to the fight against kidney disease. I, too, want to commend this labor union for devoting itself not just to the specific needs of steelworkers but also to the general needs of the community for better health care. It is a leadership role that this union has often taken.

In recent years, Mr. President, public awareness of kidney disease has greatly increased and it has become a matter of utmost concern for Federal and private research efforts. We have seen a major development of kidney dialysis techniques, but thus far these techniques remain beyond the financial resources of the average family. I hope that passage of S. 3355 by the Senate will go a long way toward providing the staff, facilities, research, and equipment that are needed.

ESSEX COUNTY, MASS., WEEKLY SEES NEED FOR MAINE POWER FACILITY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. HATHAWAY. Mr. Speaker, an article published recently in the Pennysaver, the largest weekly newspaper in Essex County, Mass., evinces strong concern for the power crisis which the northeastern area of the United States has experienced for the past several years. But the article also expresses confidence that the crisis can be substantially eased by the introduction of Federal hydroelectric power in New England.

In this regard, the Pennysaver piece answers a number of questions concerning construction of the proposed Dickey-Lincoln school hydroelectric power project in northern Maine—answers which provide a cogent argument for the project's completion.

In the very near future, a House-Senate Conference Committee will convene to resolve differences between respective versions of the fiscal year 1971 public works appropriations bill. A budget request totaling $807,000 in preconstruction planning funds for the Dickey project will be one of the points of discussion. I sincerely hope that the conferees will agree to inclusion of the funding, and that the Members of this House will subsequently endorse their agreement. In the meantime, I respectfully urge all my colleagues to review the contentions of the Massachusetts weekly's article:

QUESTIONS AND ANSWERS ON THE DICKEY-LINCOLN SCHOOL

1. What is the Dickey-Lincoln school project? The Dickey-Lincoln school project will consist of two dams located on the St. John River in Maine. It is the first Federal multipurpose water resource project to be authorized by Congress for construction in New England, and will provide 100,000 kilowatts of firm power to preference customers in Maine, and 650,000 kilowatts of peaking power to preference customers and private utilities throughout New England.

Electric power constitutes the major benefit from the project. Additional benefits in flood control and area redevelopment will be realized by Dickey-Lincoln, and the project will contribute significantly to the advancement and future development of the economy of Maine and New England, as well as bringing, for the first time, Federal resource development to an area where consumers pay the Nation's highest electric bills.

2. What action has Congress taken on the project? Dickey-Lincoln was authorized by Congress in 1965; funds appropriated for initial planning totaled $1.9 million through fiscal year 1967. The President's budget request for fiscal year 1968 included $1,676,000 for final engineering and design of the project. This amount was approved by the House Appropriations Committee on July 20, 1967, but rejected by the full House (233–169) in an amendment offered by Rep. Robert Giaimo (D., Conn.) on July 25, 1967.

3. Has Dickey-Lincoln been fully studied and justified? No other multipurpose hydroelectric project authorized by Congress has received such close scrutiny as Dickey-Lincoln School. As well as being approved by the Interior Department, Corps of Engineers, Federal Power Commission, Atomic Energy Commission, and the Bureau of Appropriations Committee. The Committee found the project to be completely justified, with a benefit-cost ratio of 1.9 to 1.

Since fiscal year 1963, Congress has authorized 17 other Federal hydroelectric projects, with benefit-cost ratios ranging from 1.11 to 1.97. Dickey-Lincoln School ranks with the best.

4. Is Dickey-Lincoln School a good investment for American taxpayers? The project meets all criteria for economically feasible multipurpose water resources development as required by Senate Document 97. It will pay for itself in full, with interest, in 50 years, with power revenues. After that, all revenues will go to the Federal Treasury.

5. Does Dickey-Lincoln school offer the lowest cost alternative for electric power production? The staff study showed that, under the criteria required in Senate Document 97, Dickey-Lincoln meets the test of the lowest possible alternative, including conventional steam, nuclear, or pumped storage facilities.

6. Is there a market for Dickey-Lincoln power? The Department of the Interior has received letters of intent to purchase power from preference customers indicating a desire to purchase 100,000 kw of firm power in Maine and over 650,000 kw of peaking power elsewhere in New England.

7. Is hydroelectric power outdated? As stated in the staff study: "Hydroelectric capacity, both conventional and pumped storage, is best adapted for providing swift peaking capacity and spinning reserve for load protection." Hydro power also offers the advantage of instant start-up in the event of a power shortage.

8. How will Dickey-Lincoln affect electric consumers in New England? According to the Federal Power Commission, electric consumers in New England pay the highest electric bills in the nation. The FPC also reports that 98 percent of the power generated in New England comes from private utilities. New England is the only area in the United States that does not have a multipurpose Federal hydroelectric development.

Construction of Dickey-Lincoln will introduce in New England the "yardstick" of Federal competition which has not only lowered electric rates throughout the nation but has spurred the private utilities into modernizing and streamlining their operations. In addition, Dickey-Lincoln will bring an annual savings to preference customers of more than $9 million, even though it will generate only 3% of New England's power requirements.

9. What will Dickey-Lincoln cost? Based on current figures, the total construction cost of the Dickey-Lincoln School project is presently estimated to be $229,313,000, according to the Corps of Engineers. The staff study showed that an increase of about 4% per year could be anticipated during the six year construction period based on experience with other Federal projects; however, this would not alter the fact that Dickey-Lincoln offers the lowest cost alternative for power production when compared to any other method, including nuclear generation.

10. Are the private utilities in New England planning for the future so as to prevent blackouts? The Northeast blackout of November, 1965, and recent outages on Cape Cod have shown that the private company opponents of Dickey are not meeting their public responsibilities. The so-called "Big Eleven" loop was formed in response to public outcries; however, no evidence of regional planning, including generation and transmission, has been produced by the private companies. An official of the private companies admitted under oath that the "Big Eleven" loop consisted solely of a newspaper ad.

11. Will Dickey-Lincoln create jobs? It is estimated that 11,200 man-years of work will be required to complete the project. The project will consume nearly 600,000 tons of concrete, 25,000 tons of reinforced steel in the dam and 45,000 tons of steel in transmission facilities. Construction of transmission lines would involve about 800 man-years of work. The power plant alone will cost $60,000,000, which will create more jobs in the electrical equipment industry.

PEOPLE FED UP WITH CAMPUS ANTICS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1970

Mr. THURMOND. Mr. President, an editorial column entitled "Public up to Here With Campus Antics" written by columnist James J. Kilpatrick, was published in the State newspaper in Columbia, S.C., on August 30, 1970.

Mr. Kilpatrick reports that the American people who support our institutions of higher learning are fed up with the disorders and destruction which shut down many colleges and universities last spring.

He reports further that college administrators and faculty members are facing demands from trustees, Governors, legislators and others that necessary control be exercised to restore order on campuses around the country.

Administrators cannot come crying to the President of the United States to

change conditions overnight and thus restore order to their campuses. These administrators need to show a little backbone and offer a little leadership. Many of them would do well to start with the firing of some faculty members who inspired and encouraged these disorders.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUBLIC "UP TO HERE" WITH CAMPUS ANTICS—ORDER TO BE RESTORED

(By James J. Kilpatrick)

Forecasting coming events is a risky business as ever pundit knows, but I venture this prediction anyhow: Things will be better on American college campuses this fall. The flood tide of violent protest is about to be checked.

Two reasons prompt this view. One is the force of public reaction, which is slow to rise but irrestible in the end. The other is a sense of responsibility that belatedly is creeping over the college faculties. Together, these pressures will compel a restoration of order.

The level of public fedupness, which began as a small cloud over Columbia and Berkeley, is rolling up like a thunderhead in the Rockies. The people have invested great affection and great wealth in their institutions. They are now demanding of their governors, state legislators and college administrations that the violence be stopped and the disrupters be punished.

They mean business. Even before the tragic bombing at Madison a few days ago, Wisconsin residents were boiling over. "We have had it," writes a correspondent in Green Bay, "right up to here." The same anger is evident in California and Kansas. The next revolutionary who strikes a match in Seattle may start a political firestorm. Candidates who fail to sense this mood, and to respond actively to it, are asking for defeat in November.

If a counter-wave of repression is to be restrained, it will be up to the members of the faculties to build effective levees this fall. In the whole wretched chronicle of campus violence, no chapter tells a story more disgraceful than is told in their record of connivance, cowardice, and betrayal.

This is not my view alone. Dr. Sidney Hook, an eminent professor of philosophy and a certified liberal, laid it on the line last month in testifying before the Scranton Commission on Campus Unrest. He spoke scathingly of "fanatical student extremists" who have imposed their own brand of facism on their institutions. "And most shameful of all," said Dr. Hook, "these students have faculty allies who encourage and extenuate attacks on the academic freedom of their colleagues."

Dr. Hook laid his lash on "opportunistic administrators with flexible backbones," but in the last analysis, he said, "it has been the faculty who have been chiefly responsible for the decline in academic freedom. For they have lacked the moral courage to uphold the professional standards of their calling as teachers and seekers of the truth."

This "failure of nerve and intelligence," in Dr. Hook's view, has presented American colleges and universities with "the gravest crisis in their history." For the past several months, as president of University Centers for Rational Alternatives, he has been throwing his own formidable energies into a revitalization of faculty morale. His grassroots organization of scholars proposes something more effective than hand-wringing at faculty teas. They propose to restore true academic freedom, and they have an orderly plan for gaining that end.

The tactical proposals advanced by Dr. Hook call for the promulgation at every institution, at the start of the academic year, of a clear statement of principles and rules governing the expression of dissent. Faculty, students, and administrators, acting together, would define the kinds of impermissible conduct and behavior. Punishments would be spelled out with equal clarity.

Violations would be dealt with first by faculty-student marshals, then by obtaining court injunctions. If disorder escalates into arson, assault and vandalism, the university marshals should accompany police "so that their mission can be accomplished without force where resistance is not offered, and with minimum force where it is." Academic sanctions against guilty students and teachers must be strictly enforced. There can be no amnesty and no appeasement.

These proposals do indeed offer "rational alternatives" to the intolerable disorder of recent years. And this bears repeating: If responsible students, teachers, and administrators fail to embrace such plans this fall, by next winter an outraged body of parents, alumni, and legislators will impose much harsher plans of their own.

DICTATORSHIP OF THE MINORITY?

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. HÉBERT. Mr. Speaker, Maj. Gen. James F. Cantwell, president of the National Guard Association of the United States, has written in the National Guardsman magazine words worthy of our attention.

General Cantwell is experienced, knowledgeable, and respected in National Guard affairs. I can say this because I know him and know of his accomplishments personally.

Therefore, I believe what he says about criticism leveled at the guard for its handling of civil and campus disorders and his views on current unrest are of interest to all of us. I am inserting his article, which speaks for itself, at this point in the RECORD:

[From the National Guardsman, Sept. 1970]

DICTATORSHIP OF THE MINORITY

(By James F. Cantwell)

Some curious, and I think fallacious, propositions have been voiced with great frequency in the widespread debate that has preoccupied this Nation since the Cambodia decision and the Kent State incident. They embrace such ideas as these:

That the only way to bring student violence to an end is to terminate our involvement in the war in Southeast Asia.

The police and National Guardsmen have been more to blame than the New Left agitators and campus rowdies in the recent upsurge of campus-related violence.

That law enforcement officers and Guardsmen should not carry weapons while dealing with student mobs.

That defiance of the law, violence and rebellion are not only acceptable, but are to be desired, if that's what it takes to overturn our traditional structure of values and to remake our society.

That the student and faculty militants, and their mixed bag of political-intellectual-New Left supporters are right in their aspirations for America and their strivings for power, and that the vast majority of Americans—Middle America, they have been called—are wrong.

It is not the fact that such propositions are being uttered that is frightening, for a free society by its very definition must encourage open and free discussion of the manner in which that society should function.

What is shocking is the absolute insistence by a small and noisy group of radicals that they, and only they, know what is best for America, and their willingness to use any means—violence, intimidation, lies, and other reprehensible means—to attain their ends. Equally shocking is the equanimity with which many Americans are submitting to these radical ideas and to the techniques by which they are being spread.

There is much to be said for the apprehensions recently voiced by retired General Harold K. Johnson, that America is closer than many think to "a dictatorship of the minority."

It seems long past time for concerned Americans at every level to start expounding some counter-propositions, in clear and forceful terms:

That students and others with an idealistic fervor must expose their ideas to the same democratic processes as anyone else.

That young people may not always be right in what they envision as proper goals for our Nation, and that their Utopian yearnings may not always be acceptable as National policy.

That all of us must obey the laws that govern our society, else the Nation itself may perish.

That the burning of buildings, and physical violence, and other excesses not only will not be accepted as modes of expression but will be forcibly halted when persuasion fails.

That no one, whether police or National Guard, should be expected to cope with screaming, rock-hurling mobs of campus hoodlums without the means of protecting themselves and the lives and property of their fellow-citizens.

That peace, while it is eminently to be desired in all parts of the World, is not as simple as merely walking out on a conflict and leaving your friends to suffer the consequences.

When hearings are held by such agencies as the Presidential Commission on Campus Unrest, or various Congressional committees, such ideas as these are expressed, but they never seem to receive the same prominent coverage by the news media as the viewpoint of ultra-liberal or radical spokesmen.

Middle America can, and should, insist on being heard, else many of the Country's most cherished values may be lost, along with our greatness as a free Nation and a free people.

TOY SAFETY BILL

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1970

Mr. MOSS. Mr. President, one of the important advances in consumer protection is the Toy Safety bill, which has been enacted at this session.

Miss Betty Furness, who is a member of the Consumer Subcommittee's Advisory Council, was enthusiastic about the bill at the time I introduced it, and she has now written an excellent summary of it for her "Cost of Living" column in the August issue of McCall's.

Miss Furness deals not only with the money loss to the parents and the disappointment to the child when a toy is

defective and immediately breaks, but with the far more serious problem of toys which are so poorly and carelessly constructed that they are dangerous to the child—as dangerous as a lethal weapon.

Miss Furness points out that the new law has not been put into operation because no funds have been appropriated. As lamentable as this fact is, it, of course, follows normal legislative procedures. Authorization bills do not carry appropriations, and new programs are usually funded in the budget requests sent to Congress the year following their authorization. If the Toy Safety Act is not adequately funded, I shall certainly do what I can to see that it is.

Mr. President, I ask unanimous consent that the Betty Furness comprehensive and informative discussion of the toy safety bill be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COST OF LIVING

(By Betty Furness)

By the time a child is old enough to ask questions about Santa Claus, he may also have a few questions about other manufacturers of his toys. Frustrated consumers are getting younger every day. Any parent who has coped with tears by noon on Christmas because a toy fell apart or failed to live up to its promises has faced a tragedy bigger than toy-size. As one mother wrote:

"Have you every tried to explain to a little girl on Christmas Day why her dancing ballerina won't dance any more or her baby doll won't eat, even though Santa brought it especially for her? This has happened to us two years in a row!"

Grown-ups have long suspected built-in obsolescence as one important element in the adult version of the consumer game. And many children are growing up suspecting that built-in sloppiness is one element in their version of the same game.

Two boys write with similar complaints. One says:

"I live in Chester, Pennsylvania. My name is Robert Bowden. I'm in the 7th grade.

"I want you to investigate a product called Triky Tommy Turtle.

"They claim it is supposed to move when you blow a whistle and stop when you blow it again. But it does not."

The other complains:

"My brother got a tricky tomy turtle and when we blew the whistle it just sat their and we tried different batteries and then we tried it again and it just sat their. And when we went visiting my cousin got one to and his didn't work.

"Your Friend,

BOB MYERS."

Although this young man has not learned how to get from their to there, he has discovered products that don't live up to his expectations of *their* own promise.

These letters raise questions a lot more complicated than the failure of a particular toy or the reality of Santa Claus. How can we teach children to respect their toys if their toys haven't been made to respect the children?

What happens to kids who grow up anticipating that nothing works and everything breaks? Will these developing consumers learn to scream their heads off (as indeed they should) when they buy a badly made automobile, or will these early-childhood experiences simply lead them to believe "that's how it is—and that's how it will be."

The first two definitions of "toy" in the Random House dictionary are:

"1. an object, often a small representation of something familiar, as an animal, object, person, etc., for children or others to play with; plaything.

"2. a thing or matter of little or no value or importance; a trifle."

According to the complaints I hear, too many manufacturers are following the second definition. For instance, there are $8 microscopes with glass of such poor quality you can't see through it, $17.50 guitars that can't be tuned, and $8 pedometers that can't be adjusted without breaking. All these so-called educational toys can possibly teach is an early disrespect and cynicism.

So much for the toys that don't work. They may be frustrating, but they don't do any physical harm. Some toys do. Take toy stoves. Some of them really cook. They cook cookies and hamburgers, and some of them even cook little girls.

There's a miniature corn popper that reaches a temperature of 500 degrees inside, 350 degrees on the side, and 190 degrees on the upper part of the handle.

The Magic Cool Oven says right on the package: "Outside safe for little fingers to touch." Yet little fingers don't always stay where they belong, and eager little girls don't always read instructions. Even when they can read. Punched into the metal of the Magic Cool Oven is this warning: "Caution: contact with hands inside of oven or inside of cooling chamber may cause burns." Also, "Remove plug before cleaning. Do not immerse in water. Clean with a damp cloth only."

Do they really think little girls are going to follow these instructions?

Along similar lines is a metal-casting set, sold as a toy, that reaches 800 degrees on the heating surface and 600 degrees on the sides. Some toy.

On the other hand, a toy electric iron that has been so carefully designed not to heat enough to hurt a child also doesn't heat enough to take the wrinkles out of anything. And that is just plain frustrating.

It seems to me very young children do fine with a fake toy iron or stove. Their imaginations will happily supply heat, electricity, and anything else. When a child is old enough to really cook, she can learn on a real live stove, under real supervision, and if you're feeling extravagant, a few small utensils of her own may heighten the fun.

In this sophisticated world, toy safety seems like such an obvious problem people always feel that somewhere out there someone is riding herd on it all. Well, unfortunately it isn't true.

The National Commission on Product Safety investigating toys found rattles of easily breakable plastic covering steel spikes that could be lethal in the hands of a baby. It found dolls and toy animals with legs attached with steel spikes (and not attached too well), and blowguns that were supposed to blow darts but, clumsily used, turned into suction tubes through which children inhaled metal pins. The commission felt that was enough of *that* and requested that the Federal Hazardous Substances Act be amended to cover dangerous toys. Congress and President Nixon agreed, and now we have the Child Protection and Toy Safety Act. Unfortunately, all we have is the act, not the protection. The law was to take effect January 6, 1970, but Congress hasn't appropriated any money for its enforcement, so we still have to be our own policemen in selecting toys. We and the child psychologists, who must predetermine how a child might use a toy. Not how it is intended to be used, but how it might be used by a child.

A survey on toy safety reported that "with respect to commercial toys, injuries usually result from misuse." But misuse is the order of the day with toys. You can't give an infant a toy with a list of do's and don'ts. A small child can't be expected to know what is hot or cold, sharp or dull, up or down, or even chewable.

Morris Kaplan, technical director of Consumers Union, says, "In designing a toy, a manufacturer has a responsibility to choose materials and methods of construction that require a minimum of education of the user to make it safe. Ideally," he goes on, "it should be childproof—that is, no imaginable use or abuse by a child should make it unsafe."

The National Safety Council doesn't agree with Mr. Kaplan. Its child consultant, Richard Manuell, told the Product Safety Commission, "A child has to experience some minor injuries, minor experiences of trauma, in order to learn." You betcha, Mr. Manuell; but as parents and grandparents, we don't have to pay high prices for toys that will provide these educationally traumatic experiences.

There are many considerations besides safety and shoddiness in choosing toys. Very like our grown-up marketplace, the variety of choice gets more staggering each year. In 1962 we bought a billion dollars' worth of toys and games. In 1969 sales amounted to two billion dollars. That's a lot of money to pay for anything—and too much to put out for unsatisfactory experiences.

How do you recognize a good toy?

Well, you start by recognizing the bad. Refuse to get swept up in fads. Refuse the ugly. The shoddy. Things that are obviously poorly made.

If you hate the way a doll looks or is dressed, don't buy it.

If your instinct tells you a toy will fall apart in a few hours, forget it.

If you can't follow the "simple" instructions on the box, the chances are your child won't be able to, either.

You know that if you buy yourself a washing machine with three new mechanical features, that's three things that potentially can go wrong.

The same is true of toys. A doll that can walk and talk and wet and suck its thumb and throw a kiss can also stop all this mechanical behavior and just sit there like any nice doll costing a lot less.

As obvious as it is that there are poor toys, it's equally obvious that there are splendid ones, responsibly made and sold, and a remarkable number of these toys are not unlike those that were right for you and me and our parents. Balls, good dolls, and hardwood blocks are still the stuff childhood should be made of.

If your budget is limited, build a toy collection the way you buy clothes. Spend good money on basics, and then improvise. A solid wooden dollhouse—empty—is a far better toy that an inexpensive, junky dollhouse full of poorly made furniture that can't possibly last. Furthermore, furnishing and decorating it can be a family project far more valuable than the money saved at the outset.

Try not to let your children grow up victims of every day and high-pressure television campaign. In the old days, when the time came for a child to get an important present, like a bike, the child and his family generally had a pretty good idea just what kind of bike it ought to be. The care and feeding of a bike was often a youngster's first important lesson in responsibility. Today's children are tempted by the potential delights of hi-risers, twenty-inch wheels, ten-speed speedsters, superduper handlebars, and fancy seats, often designed (according to a fourteen-year-old friend) "to look

good, but not necessarly work." But good bikes are still around, if you look for them.

Finally, make sure the toy you buy is self-contained; that if it needs batteries, it has batteries. A stamp book without stamps is not much fun.

In fact, nothing is more frustrating to a child than to come face to face with missing pieces. Here are a couple of letters I have received on that subject:

"I have bought many, many models and things with many pieces to them. I have found out that many of the pieces are missing. Especially in big models and models with lots of pieces.

"I am 12 years old and models is my favorite hobby. It makes me mad when I'm half way through the model and one of the most needed pieces to complete the model is missing. It would make me very happy if you would investigate this.

"Sincerely yours,

"BRAD KING."

"My name is Donald Pierce and I'm a 7th Grader. I was told to right a letter to you. I was cheated on a model that I bought. Half of the pieces were missing from it. We couldn't take it back because we already started putting it together."

Well, fellas, I phoned the Hobby Industry Association and was told that model pieces are all made from one piece of plastic, or wood, or whatever, and put immediately into a package, and sealed, so there couldn't be any pieces missing. Maybe the package became unglued, or got opened in the store, and pieces fell out, the man said. I think he sensed that his answer wasn't good enough for Brad or Donald or me, so he suggested that if a game player or model maker finds pieces missing, he write to the company that made the kit and complain. Loudly. You'll find the name and address on the box.

There's one element in model making that makes everything we've talked about so far seem truly child's play. That's the glue. Too many children have found that sniffing the glue used to put models together makes them feel high and giddy and takes them on more of a trip than any model plane will. Glue sniffing can easily lead to drug taking, and has. And glue sniffing can cause permanent liver and brain damage, and has.

Recognizing a need to put an end to this horror, the Hobby Industry Association assembled a list of 94 possible additives that might turn a glue sniffer off instead of on. The Testor Company, makers of glue, started testing the additives with number one, and when they hit number 34, they had it. Its name is allyl isothiocynate, or oil of mustard, known to its friends as horseradish. A child assembling a model won't notice that it's been added to the glue; but if put in a paper bag and sniffed, it affects your eyes the way a spoonful of hot mustard affects your mouth. It causes a lot of harmless tears and is something you wouldn't want to try twice.

The Testor Company immediately put the additive in its own glue and offered the formula free of charge, no royalty attached, to the glue industry. Testor reports that about 85 percent of the industry is now using it.

There's now a law in New York State that no glue can be sold within the state without the additive, and for once a whole industry hopes more such laws will be passed.

One could wish that the Toy Manufacturers of America, Inc., shared the enlightened self-interest of the Hobby Industry Association, A lawyer, speaking on their behalf at the Product Safety Commission hearings, said, "I am almost tempted to remark that if we wanted to be completely safe, maybe we should stay in bed."

I have a better idea. Instead of staying in bed, why don't the toy manufacturers get up earlier and develop better, more durable, safer toys?

THE BOOKKEEPING APPROACH TO WELFARE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WALDIE. Mr. Speaker, recently, thousands of handicapped persons in California were subjected to a shocking demonstration of insensitivity that may well leave a lasting imprint upon their trust and faith in the institution of government.

These handicapped individuals, dependent upon assistance from the State's aid to the totally disabled program, were informed that Gov. Ronald Reagan had instituted a deep cut in assistance to the program for home attendant care for the aged, blind, and disabled.

Understandably, this cruel announcement evoked fear and despair among the recipients and anger and criticism from the public.

Reacting to the latter rather than the former, the Governor hastily withdrew this ill-advised "economy" and announced that he was restoring the funds. However, Mr. Speaker, untold damage had already occurred to recipients of the program in the form of fear and distrust. These damages, I fear, may never be mitigated and the State administration must and should shoulder the blame for this sad and tragic misjudgment. No amount of scapegoating will absolve the true responsibiles in this matter.

An article by Bernice Scharlach in the August 23, 1970, issue of the San Francisco Sunday Examiner and Chronicle demonstrates the sad facts of this matter and I insert this article in the RECORD:

"THE BOOKKEEPING APPROACH TO WELFARE"

(By Bernice Scharlach)

Judy Taylor, a political science major at UC Berkeley, eagerly awaits the opening of classes for the fall semester. A month ago she didn't care. At that time there was little chance of her going anywhere except a convalescent hospital for the rest of her life.

Judy is a quadriplegic with only partial sensation and mobility in her arms and none in her legs. She became paralyzed six years ago as a result of a car accident. Enrolled in the educational program at the university for severely disabled students and planning a career as a teacher, she makes her home at the university's Cowell Hospital.

Under the Aid to the Totally Disabled program, she has a grant that enables her to employ a personal assistant for $300 a month for help in bathing, dressing, getting in and out of bed, bowel and bladder care, etc.

REAGAN CUTBACK

Last month, when Governor Ronald Reagan ordered a $10 million reduction—from $24 million to $14 million—in funds for the home attendant care program for the state's aged, blind and disabled, it meant for Judy not only the loss of her helper, but the loss of her hopes. It couldn't have happened at a worse time. She was using her summer vacation to undergo another round of surgery.

Now, with the rescission of that order that came two weeks later, Judy looks forward to the day when, with her teaching credential, she will be employable and self-supporting.

Leah P. was a licensed vocational nurse up until five years ago when she was stricken with rheumatoid arthritis. Now instead of working with the handicapped, she is one of them herself.

Although her doctor declared her to be 90 per cent disabled, she voluntarily cut down the size of her grant six months ago, requesting only a 10 per cent disability allowance. There are so many others so much worse off than I," she told her social worker.

TURN TO PANIC

Her allowance of $25 a month enables her to have an attendant once a week for a few hours to take her in and out of the tub, do the housework she is unable to do on crutches, and help her with her marketing.

When she was notified last month that her grant was to be discontinued, her resolve to retain what little self-sufficiency she still had turned to panic. "Suddenly I felt not 90 per cent disabled, but 100 per cent," she said. "Immediately, I notified my attendant that I would have to let her go, and then I sat down and wrote letters—six of them—to the governor and on down the State Department of Social Welfare. I hoped to make them understand what it feels like to have to beg for help."

Since the July 24 rescission for Judy and Leah and the other 32,000 people in San Francisco's home attendant care program, the distress they suffered as a result of the Governor's attempts to "cut down on the skyrocketting welfare costs" has been confined to mental anguish.

"Fortunately," said Ken Bryan, assistant general manager, San Francisco Department of Social Services, "our checks go out from this office on the first of the month. They had already been sent the usual amounts for July before the Governor issued his cutbacks the tenth of the month.

"When he reversed himself two weeks later, we were able to halt the altered August amounts in two of the three eligible groups: Old Age Assistance and Blind Aid. There wasn't time left to catch checks going to people on Aid to the Totally Dependent, but the changes were made on paper. This month we are picking up the differences in the ATD checks."

California taxpayers suffered something in addition to mental anguish. The cost to them for implementing and un-implementing the Governor's orders is near one half a million dollars, according to San Francisco Superviso Robert Gonzales.

How did he arrive at that figure?

THE $475,000 TAB

"First I made a careful estimate with Ron Born, general manager of the city's Department of Social Services, to determine what it cost San Francisco. It took one week of staff time on the part of 25 people to get out new procedural memos, to get computer readouts on those affected by the new orders to write revised checks, and then to reverse the whole procedure. In dollars and cents, that came to $25,000.

"San Francisco has five per cent of the welfare-recipient population of the state. By projecting this city's costs over the other 95 per cent of the recipient population, you get a pretty good idea of what it cost statewide—$475,000, or nearly a half a million taxpayer dollars."

WELFARE AIDES

If the Governor was not misled by welfare workers, could he have been done in by his own top welfare aides who wrote the Emergency regulations?

Although Paul Dowdall, director of social

services of San Francisco, refused to comment, he did point out a significant differences between the former state welfare director, John Montgomery, and the present chief, Robert Martin.

"Under Montgomery, before a new regulation was enacted, there were meetings of the SDSW staff and county welfare directors. Objections of county welfare directors were heard and considered. It is my opinion that under Montgomery, new regulations that were impossible to implement were never placed in effect."

Although Dowdall carries out SDSW orders in the second largest county in the state, he has never met Martin.

"HATCHET MAN"

James Karls, president of the Golden Gate chapter of the National Association of Social Workers, said:

"Martin is a lawyer by profession, and we feel he's in there as a hatchet man essentially. The same is true of Lucian Van der Griff, the Human Resources director, whose claim to fame is that he is a former prosecutor of welfare recipients in Butte County.

"There is a reason for some of Mr. Reagan's welfare policies. The kind of thinking that goes on with his staff is either bookkeeper mentality or legal mentality. A prosecuting attorney is not looking at people's needs, rather on whether or not the law is being violated. Bookkeepers are intent on keeping costs down. And that combination is deadly as far as human needs are concerned."

NEW COUNCIL

One group of concerned citizens organizing in the hope of changing the bookkeeping approach to welfare is the newly-formed California Legislative Council for Older Americans. Temporary cochairman is Isabel Van Frank, president of the East Bay Council of Senior Citizens Groups, a 14-year-old organization covering all organized recreational and church groups in the East Bay.

Mrs. Van Frank, a woman of fantastic energy, has all the crusading zeal of a latter-day bloomer girl.

Most tangible result of Mrs. Van Frank's leadership is the 10-cent fare senior citizens enjoy on AC transit. It took her 10 years to achieve it. Less tangible, but an achievement of which she is even more proud, is the fact that she removed what she called "the invisible sign that used to hang over senior citizens' recreation centers: "Think Not As Ye Enter Here."

"Senior Citizens were supposed to make holiday decorations or play whist but they couldn't listen to speakers on controversial things because it might be too upsetting," she said.

Co-chairman with Mrs. Van Frank in the effort to expand the senior citizens into a statewide legislative council is Rev. Edward Peet, semi-retired minister on the staff of Glide Memorial Church. Rev. Peet, who got his inspiration for the California group after a very successful one in Massachusetts, charges a lack of support from the Governor's office in the field of aging.

"NOT PARTISAN"

"This isn't a partisan attitude," he explains, "because Gov. Knight and Gov. Warren, both Republicans, were very outright in support of programs for the aging, and so, of course, was Gov. Brown. We are not partisan, but we are political."

Politics is very much on Rev. Peet's mind now. He is currently planning a giant two-day Congress of senior citizens and workers with seniors to be held on October 17 and 18 in Marina Junior High School. He expects more than 2000 people, representatives from hundreds of senior citizens' groups, to attend. They will work on the preparation of a platform of senior citizens' demands for legislative change and reform.

"Our positions will be circulated to all candidates for office from Governor on down. Then, depending on how they respond, we will decide on what candidates our group will endorse."

"We're adding a new color to the protest picture," beamed Mrs. Van Frank, "gray power!"

PITTSBURGH HOUSING

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1970

Mr. SCHWEIKER. Mr. President, I bring to the attention of the Senate an article dealing with the rehabilitation of slum areas in Pittsburgh, written by Mr. James P. Gannon, staff reporter of the Wall Street Journal, published on September 3, 1970.

The article points to the success of the rehabilitation effort in Pittsburgh through the Allegheny Housing Rehabilitation Corp. in contrast to the many other attempts which have failed. Mr. Gannon states:

The key to the success of this Pittsburgh venture is a blend of business efficiency and toughness, social conscience, help from the Federal Government—and constant effort to build rapport with the black community.

It is noteworthy that Mr. Gannon points to the business participation in this program as not being dependent on a self-interest to enlarge a market for its products. Clearly, this is a case of business skill being brought to bear on a social problem with excellent results.

I urge Senators to read Mr. Gannon's report and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REHABILITATION OF SLUMS GAINING IN PITTSBURGH AFTER FAILING ELSEWHERE

(By James P. Gannon)

PITTSBURGH.—The Molloy family's days of slum housing are over. Until July the family of blacks on welfare lived in a crowded two-bedroom row house. All nine children shared one bedroom. Today the Molloys are proud of their newly renovated five-bedroom brick house only a few blocks from their old place. Delighted with the change, the heavyset Mrs. Molloy recalls with a sigh, "We were so cramped and tight before."

The Molloys benefited from a business-backed attack on slum housing that is succeeding where many similar efforts have flopped. The key to the success of this Pittsburgh venture is a blend of business efficiency and toughness, social conscience, help from the Federal Government—and constant effort to build rapport with the black community. In the white-dominated construction industry, the project has a 90% black work force and blacks help set policy.

The slum renovator, Allegheny Housing Rehabilitation Corp., is out to prove that slum rehabilitation can work. Known as Ahrco and supported by 40 Pittsburgh corporations, the three-year-old company expects to post its first profit this fiscal year—two years ahead of schedule. In the year ending next March 31, the company will build 100 new units and rehabilitate 700 houses, up from only 22 two years earlier.

VISITING PITTSBURGH

"When people come to me and say they want to know all about rehabilitation, I send them to Pittsburgh," says M. Carter McFarland, assistant commissioner for rehabilitation in the Department of Housing and Urban Development.

Such rehabilitation is urgent. Housing authorities estimate there are more than five million deteriorating but salvagable homes in aging city cores. A workable rehabilitation system could greatly alleviate urban decay.

Ahrco may recome a model for projects in other cities. "We want to generate more operations like Ahrco," says HUD's Mr. McFarland. Civic and business delegations from San Francisco, Washington, D.C., Wilmington, Del., and other cities have visited Ahrco recently. Charles Percy of Illinois has said: "Nowhere do I know of such a comprehensive, well-conceived attack on slum housing and community problems."

The Pittsburgh project avoids the usual pitfalls. Unlike many business-sponsored programs, it doesn't seek to develop markets for assorted construction products. Yet it has the business methods and financial backing that sometimes elude nonprofit projects.

AN APPROACH THAT FLOPPED

Thus Ahrco is getting better results than a Federal rehabilitation project in New York three years ago, which finally cost $45 a square foot—nearly three times the estimated cost and twice the price of brand new construction. Ballyhooed with nationwide publicity, the ill-fated project involved ripping the roofs off Lower East Side slum apartment buildings and dropping prefabricated room units into place. With far less fanfare at its death than at its birth, the project was killed.

Similarly, Armstrong Cork, the American Plywood Association and several other enterprises motivated partly by the desire to develop markets for their own products have dropped rehabilitation projects as uneconomic. Armstrong Cork found its investment was $5,000 more per house than the resale value. In many cases, of course, building products concerns favoring their own products tended to reduce their flexibility in cutting rehabilitation costs.

Though Ahrco doesn't promote products, it takes a tough-minded approach. "We're not social workers, and this is no giveaway program," says Frederick H. Springer, the company's 42-year-old president.

When word spread that Ahrco wanted a particular slum property, the owner demanded $99,000 for the parcel of 18 units. This far exceeded the fair price and would have made rehabilitation uneconomic. Ahrco hired a broker as a straw buyer and acquired the property for $55,000.

HARD BARGAINS

Ahrco says it rarely uses a straw buyer, but it never throws away money. "We drive a very hard bargain in purchasing," says Ralph Falbo, Ahrco's 33-year-old financial vice president. Before joining Ahrco, he was an accountant with Arthur Andersen & Co.

Ahrco's financial angels, which include U.S. Steel, Alcoa, Gulf Oil, Westinghouse Electric and Koppers Co., have bought $2.5 million of the company's debentures and common stock to provide working capital. Ahrco directors are executives of the sponsoring companies, but a racially integrated 25-man professional management staff runs the operation. Mr. Springer, the president, is a former Federal Housing Administration official.

Ahrco buyers scour the city's squalid inner city ghetto daily to find suitable properties for rehabilitation. The typical property is a vacant, vandalized but structurally sound row house or multiple-family dwelling. Concentrating on vacant properties reduces ten-

ant dislocation problems. Vandalized properties are often bargains.

Ahrco tries to concentrate its impact by rehabilitating many properties in a limited area. "This is what gives you total upgrading of a neighborhood," says Mr. Springer. "It doesn't do much good to go in and rehabilitate some properties, leave others untouched and leave vacant lots full of junk." Lately, Ahrco has decided the upgrading concept requires some new construction as well as rehabilitation. The company currently plans to erect 70 factory-built, steel-frame apartments on vacant land within one of its renewal projects.

Ahrco's rebuilding uses mainly old-fashioned hammer-and-nail techniques rather than new methods. But Mr. Springer did introduce a new spray-on acrylic plaster system. This cuts total rehabilitation costs by 15% and halves rehabilitation time, the official adds.

Sponsoring corporations agreed at the outset that Ahrco wouldn't favor their products. In fact, though Westinghouse Electric and Alcoa are sponsors, Ahrco uses General Electric's Hotpoint appliances and Reynolds Metals' aluminum window frames.

Rehabilitation costs average $8,500 per unit. Property acquisition, interest and other items bring the total cost to an average of $15,000 a unit. Ahrco relies on Federal housing subsidies. It arranges for mortgage funds at 1% to 3% annual interest rates; the Government makes up the difference between those low rates and the going mortgage rates.

The interest subsidies, coupled with Federal rent supplements, hold down costs to tenants. The 11-member Molloy family pays $139 a month (welfare funds pay $105 of this and the Federal rent supplement program pays the rest). Rent at the old Molloy row house was $70 a month, all paid from welfare funds. About a fifth of Ahrco's tenants have incomes low enough to qualify for Government rent supplements; the tenant pays 25% of his income for rent and the Federal Government picks up the balance.

Ahrco usually sells its properties to nonprofit sponsors like churches or community groups. With rental income, the new sponsor makes payments on the mortgage. Ahrco tries to set the sale price so that it makes a small profit on its rehabilitation. With constant turnover, the company doesn't expect to need more money from its sponsors than the $2.5 million already subscribed.

Besides upgrading housing, Ahrco aims to create high-paying construction jobs for black workers, as well as opportunities for black subcontractors. The largely black work force doubled to 268 in the last fiscal year from 135 the previous year. Another 100 workers will be added this year.

Typically, Roger Ward a year ago was earning only $1.50 an hour as a nonunion electrician's helper. Today the 26-year-old Negro draws $7.36 an hour as an electrician for an Ahrco subcontractor. "I like the money," says this slender man of few words as he wires a circuit breaker box in a dark, damp-walled basement.

Similarly, Alfonso Jones eked out a living as a nonunion plumber for 25 years. As an Ahrco plumbing contractor today, he keeps a crew of six busy and has begun to diversify. With profits from rehabilitation work, he recently opened a self-service laundry in his neighborhood.

Providing such opportunities, of course, benefits Ahrco's relations with ghetto residents. Keeping a good relationship is essential to Ahrco's success, and the company works hard at it. When the militant Black Construction Coalition last year shut down nearly all Pittsburgh construction sites with pickets and mass marches, it let Ahrco's work continue uninterrupted. The coalition seeks to remove the barriers that have long kept many Negroes out of lucrative construction jobs.

Six black community representatives sit on Ahrco's 18-man policy-setting executive committee. "Time and time again, the black members have reminded us that their lives have been a string of broken promises," says H. Edgar Lore, chairman of the Ahrco board and executive vice president of Dravo Corp., a big engineering and manufacturing company here. The black members have strongly influenced executive committee decisions, he adds. Mr. Lore contends that black representation is "absolutely essential" to the success of any slum rehabilitation project. Adds Milton A. Washington, Ahrco's black vice president for administration: "You must show you've got black guys not only as Indians but as chiefs, too."

Though Ahrco expects its revenue will soar to $9 million this year from only $550,000 in fiscal 1969, its relationships with blacks retain the flexibility of a small organization. Mr. Springer, the Ahrco president, recalls a black youth brought to court for stealing pipe from a house the company was rehabilitating. "He said he'd like to pay us back. So we told him we'd give him a chance to do that," says the executive. "Then we hired him. Now he's working out just fine."

PRESIDENT NIXON'S SOLID PROGRESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WYMAN. Mr. Speaker, the effective administration of the Nation's affairs by President Nixon is building a record of solid progress that will stand all citizens in good stead amid the stresses of the 1970's. From North to South, East to West, our new President has steadily restructured both our foreign and domestic affairs, directing the national effort along constructive lines of redetermined national priorities that reflect both public concern and national need.

When President Nixon took office the country was on the downturn abroad and at home. His steps to combat inflation, his sound and courageous recommendation of measures to combat crime out of hand, his toning down of the American involvement in Vietnam, and his most recent leadership toward a ceasefire in the volatile Middle East, combine with his increased attention to environmental problems of waste, pollution, and noise abatement at home. His is an impressive record of solid progress.

In this connection Fortune magazine's editorial in this month's issue, September 1970, is an interesting and corroborative documentary. As Fortune says, the record of President Nixon is "A Heartening Progress Report."

The editorial follows:

NIXON: A HEARTENING PROGRESS REPORT

If an observer steps back from the daily headlines and looks at the record of what has been actually going on in Washington during the past twenty months, he may get quite a surprise. The Nixon Administration has emerged as extraordinarily activist and effective in both foreign and domestic policy. A lot of things that needed doing have been done, and more have been put on the rails. A lot of dangers have been foreseen and avoided.

When Richard Nixon took office the U.S. position on the world scene had fallen into appalling disarray. He wrought no overnight miracles. The international picture is still one of conflicts, confusion, and danger—and will be for many years ahead. But gradually coherence, balance, and initiative have begun to appear in U.S. foreign policy.

Nixon's basic instinct on the Vietnam war has been sound, whether viewed in terms of international politics or in terms of U.S. public opinion. On both grounds, further escalation of the American commitment in Vietnam or indefinite continuation of the war at the 1968 level would have been stupid and rash. Equally dangerous would have been an abrupt American withdrawal that might have destroyed among friends and foes the future credibility of any diplomatic position taken by the U.S. in East Asia, in the Middle East, in Europe, or in Latin America.

Between these two perils a less decisive Administration might have oscillated indefinitely. Nixon laid out a third course, and he has pursued it consistently. He is winding down the war in a resolute and orderly manner that really does furnish South Vietnam a fighting chance to retain its independence. The Cambodian excursion, given the divided and jittery state of U.S. sentiment—a condition aggravated by the manner of Nixon's announcement—probably was a risk not worth the military gains. But U.S. troops did come out of Cambodia as planned—and Nixon thereupon stepped up his timetable of withdrawal from Vietnam. American casualties have been lower in the wake of the Cambodian venture, just as he said they would be: in the six weeks after Cambodia, the number of combat deaths in Vietnam was at the lowest level in four and a half years.

His policy is difficult and delicate, especially in the teeth of an unfriendly press and an inflamed segment of antiwar youth. But so far his policy has worked.

It may be beyond the practical power of the U.S. to achieve peace in Vietnam—or anywhere else on earth. In judging U.S. foreign policy it has to be remembered that international order depends upon others as well as upon us. "Success" in this field is a highly relative and contingent matter.

This is obviously and emphatically true of the Middle East crisis. The initiative taken by Secretary of State Rogers has carried further than most observers thought it would. An uneasy cease-fire, achieved by Soviet pressure on Arab states and U.S. pressure on Israel, is admittedly a long way from an enduring Middle East settlement. The cease-fire even creates new dangers. But it would be difficult to claim that it is as dangerous as the uninterrupted drift toward war that preceded it.

Such "collusion" between the U.S. and the U.S.S.R. is viewed with alarm in some quarters. But nuclear powers, whatever their ideological antagonisms, do have a common interest in avoiding war with one another—an interest shared by most other nations. Joint action with the Russians on the Middle East somewhat enhances hope for the SALT negotiations on the limitation of arms that the Nixon Administration has pursued with appropriate energy. Both at home and in other countries Nixon's long anti-Communist record has helped to reduce the suspicion that any U.S. deal with Moscow will necessarily be a bad deal.

It is unlikely that the Nixon foreign policy is working toward some dramatic triumph,

some point at which everyone will recognize that the prospect for peace and safety has improved. The most that could have been expected was that Nixon would check and perhaps begin to reverse the deterioration of the international situation. It appears—for the moment, at least—that he has done so.

PRIORITIES REORDERED

The Administration's most urgent domestic concern has been how to contain inflation without sliding into a serious recession. Again with fingers crossed against the unpredictables, it can be said that the Nixon Administration so far has handled this one carefully and effectively. Inflation could have been attacked with more drastic measures, but only by increasing the risk of high unemployment and a sharp downward economic spiral—which, in turn, would have called forth another round of inflationary remedies. Nixon still runs the risk of a serious budget deficit but he has maintained a steady and courageous pressure on government spending, especially for arms.

A thousand editorials have called for "a reordering of national priorities," a shift of emphasis from military expenditures to such urgent needs as education, housing, and the environment. Most editorialists do not yet appreciate that Nixon has already presided over a massive reordering of national priorities.

The article beginning on page 110 of this issue reports on some aspects of "the turn to a peacetime economy." Military spending as a proportion of the federal budget is about to reach its lowest level since 1950. Most of the saving will go into the hands of taxpayers, but the shift of emphasis within federal spending will be huge. In the 1969 federal budget, the article points out, 44 percent of the money was allocated for defense and 34 percent for what Washington calls "human resources"—including health, education, and welfare programs. In the 1971 budget these proportions will be almost reversed: 37 percent will go to defense and 41 percent to "human resources."

Given the inertia and rigidity built into all governmental programs this shift represents a tremendous policy-making initiative on the part of the Administration. Headlines proclaim that Nixon, as part of his anti-inflation balancing act, has vetoed health, housing, and education bills that provided appropriations deemed beyond the limits of fiscal prudence. Almost unnoticed is the fact that the specific gestures of restraint affect details within a vigorous trend of increasing federal emphasis on these very categories of public service.

BOLDLY TACKLED DEFECTS

Coming down from broad policy patterns to concrete government programs and acts, the Nixon Administration has made important advances on scores of fronts. Old defects and inadequacies, seemingly irremediable, have been boldly tackled. Items:

A system of public welfare that induced regional distortions and was increasingly costly to the taxpayers and corrosive to the recipients appeared to be hung forever around the nation's neck. Nixon's family-assistance plan is the first major effort by any Administration to make some long range sense of welfare. Still bogged down in Congress (partly because the Administration's rhetoric on the subject has been less than compelling), the new plan has mobilized the support of those concerned people who know what it is about.

The Post Office is one of the oldest areas of weakness in government. Decade after decade its performance confirmed Thomas Jefferson's fears that the quality of its service would be undermined by its susceptibility to political manipulation. Last month the Post Office was finally removed by act of Congress from political control and put on a semi-autonomous basis.

The scandalous cost of subsidies to rich farmers has been reduced, the first serious limitation on per-farm payments in three decades of subsidies.

On school desegregation there has been more progress than the public thinks—perhaps more than some members of the Nixon Administration want southern whites to think. Presidential aide George P. Shultz was quite correct in stating recently that many southern whites have come to accept as inevitable a unitary biracial school system. To emphasize presidential support of an orderly, cooperative desegregation program, Nixon flew to New Orleans for a conference with members of biracial advisory committees set up by Shultz.

The Nixon programs on the protection of the physical environment show both a sense of urgency and a careful attention to some of the formidable legal difficulties that will be encountered in this area. His anti-pollution proposals call for more stringent laws and more active government efforts than many environmentalists had expected. His support for mass transit may help to correct a long imbalance in public policy that unduly favored highways.

The current federal-state-local cooperative drive against organized crime in one of its political strongholds, New Jersey, is a belated example of what government should have done years ago.

The independent regulatory agencies, after years of unsatisfactory performance, seem to be taking on new life.

In the broad political arrangements of the nation Nixon has supported such constructive changes as the sharing of federal revenues with the states, the reduction of the voting age to eighteen, and the reform of the method of electing Presidents.

This huge and varied program of change encounters resistance. In addition to the inertia of institutions, every proposal for change opens the doors for competing proposals. It is not the Nixon style to dramatize the conflicts his program engenders. He is loath to appeal to the public against Congress or against interest groups in unions or business. For example, as FORTUNE has argued, his present campaign against inflation might be more effective if he were to use guideposts to mobilize public opinion against cases where increases of wages and prices are extreme.

In the long run Nixon's way may be achieving a faster rate of change in government than a more tumultuous and exciting Administration could achieve. The drawback of Nixon's style is that the public is not aware of what is happening; thanks to style, John Kennedy, for example, probably got credit for more good works than he deserved while Nixon comes across as though nothing were being done. An impression of governmental stagnation and drift could so undermine U.S. morale as to outweigh all of Nixon's constructive efforts. A year ago Attorney General John Mitchell told a group of Negro leaders, angry over Administration statements on desegregation, to "watch what we do instead of listening to what we say." No question, the Administration's achievements are more impressive than its rhetoric. The danger is that the rhetoric, often misleading, will conceal a vigorous political leadership of which the President and the public have a right to be proud.

WATER RESOURCES, ECONOMICS, AND THE ENVIRONMENT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1970

Mr. MOSS. Mr. President, the development of our water resources continues to be a concern for all of us. In the West we have long had a great respect for water. A former member of the President's Water Pollution Control Advisory Board, Dr. William Warne, addressed himself to this vital concern for water at the 45th Annual Conference of the Western Economics Association. I ask unanimous consent that his address be printed in the Extension of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WATER RESOURCES, ECONOMICS AND THE ENVIRONMENT

(By William E. Warne)

Beginning about 8,000 years ago, man initiated the process of managing water to improve his environment. The earliest known agriculturists began irrigating fields around the golden crescent of the Middle East. Simultaneously, the process was started of building the body of law and regulation that has guided water developments throughout history.

Generally, men may own the land, but they may only establish rights to use the waters, which remain public property. In arid lands, where possession of water rights govern the ability to make the land productive, the body of water law has become most intricate. In humid and well-watered zones, control has been less-exacting, and at times it has been deemed enough to prevent a diversion by an upstream riparian owner from drying up the watercourse, leaving downstream mill wheels high and dry.

With few exceptions, the instances of historic controversy over water have involved quantities and not the quality of the waters in question. In recent times, even since it has been seen that lowering the quality reduces the value of water, some experts have contended that water rights can be satisfied with any water so long as it is wet.

In one instance, prominent in the early history of California, the test was made and befouled water was declared not acceptable. Great water projects were built in the mountains to serve the gold miners as the techniques of hydraulic mining advanced so that massive tertiary sand deposits could be attacked through the nozzles of the iron monitors. The hydraulic mines were capitalized by international investors and at their height, they constituted the new state's most important business. Mining after the gold rush had a glamor that gave the industry a sentimental advantage over others. Sediments were sluiced into mountain streams as mountainsides were washed away. Channels to carry the mining debris were tunneled from one tributary to another. Finally, the spectacular disregard of the downstream consequences of hydraulic mining for gold spread a threat against the safety and well-being of farm and city folk alike. Farmers of the valleys, through court actions and by marshalling their political strength, stopped the hydraulicking for gold in the Sierra. Even mining, the rich, glamorous industry, supported by tradition and sentiment, fell before the wrath of the people aroused by flagrant misuse of the water resource, but not before far-reaching changes had been wrought downstream through the aggradation of stream beds and the deposit of thick mantles of slickens over many thousands of acres of valley lands. The cessation of hydraulic mining was a victory, however, for clean water and for the principle that one interest should not use the water and its land in such ways as to damage the neighbors.

Agricultural pesticides in the water of the Golden State today are threatening the aquatic environment in somewhat the same fashion that the slickens from the mines threatened the streams and valleys a century ago. The farmers who won the old fight

are being arrayed in the position then occupied by the miners as the conservationists man their guns against DDT. Agriculture, now the glamour industry of the California valleys, has been slow in recalling the precedent. The State Department of Agriculture now is phasing out the use of persistent pesticides.

The logic of the development of water law in the United States has been confronted with a new fact as a result of rapid urbanization, facts that have disclosed the threadbare inadequacy of the old tools prepared to deal with the situations that have brought them to light. It is a fact that many streams of public water have become unhealthy, stinking and loathsome because of pollution and heavy loads of wastes. The 200,000,000 people of the United States put their wastes and the wastes of their industries into the streams, often with little regard of the consequences. Anachronistic political subdivisions, established for an earlier and simpler era, contest with each other in metropolitan areas and thwart efforts to resolve common water problems that will not yield to any but regional solutions.

Economists advocate the weighing of alternatives in the development of water plans, but they have failed to provide the engineers with a means of evaluating the public values, the amenities and the esthetics which they contend are frequently ignored. Environmentalists sometimes want planning stopped altogether as a means of preventing later actions that they believe may degrade the environment.

The acceleration of the growth in enormity of water and other environmental problems has been a function of the rapid increase in population. The point of criticality has been reached in the rivers of many regions, but the growth has not stopped. The reecntly forecasted 100,000,000 additional growth in the next generation will intensify problems in the field of water resources management on a far steeper line of incline than that of the increasing population, because limits of tolerance have been reached or nearly approached in many regions.

Water's influence on the quality of the environment may be both qualitative and absolute. Water fructifies the fields. Water refreshes man and beast. Water forms the still pools, lying beside which restoreth the soul. Water, however, loses its ability to satisfy the needs of irrigation farmers as its quality is deteriorated. Polluted water must not be used for drinking or bathing. Pollution and the lowering of the quality of the waters in their natural settings are adverse to the use of lakes and streams for recreation. Extreme abuse absolutely destroys the aesthetic values of both the waters and their settings, rendering them liabilities rather than assets to their neighborhoods, as everyone who has witnesses a stinking mudflat will confirm.

Today, more clearly than ever before, excellence of environment may be seen to develop good lives among the people, and repulsive, squalid environment to produce poor lives. National goals are based on these realizations. On his inauguration as the 37th President, Richard M. Nixon stated two of our national goals to be "protecting our environment and enhancing the quality of life."

Despite the new consciousness of water pollution as a menace to well-being in urban America, the programs undertaken to resolve water resources problems seem underdeveloped and hesitant. The new Federal Water Pollution Control Administration, like most of its state counterparts, where they exist, has been inadequately supported with appropriations. The Congress has not funded it vigorously to pursue its objectives. Older Federal water agencies have not been given marching orders to keep them abreast of the changing times. The WPCA is now, apparently, about to be placed in a new Environmental agency.

Under the Water Quality Act of 1965, 53 of the 55 affected jurisdictions adopted water quality standards that were in 1969 acceptable in whole or in part to the Federal Water Pollution Control Administration.

The lack of Federal financial assistance, after it has been authorized in Clean Water Restoration Act of 1966, held back progress in clean-up programs, which nevertheless have seen $15 billion invested in municipal and industrial waste-handling facilities since 1952.

THE OFFICIAL SENSE OF URGENCY

There is no lack of an official sense of urgency. One WPCA official said recently:

"The American people today are making *their* water *their* business. The American people are speaking to us through the news media. They are speaking to us through the polls. They are speaking to us through the mails. And in ever-increasing numbers they are making it clear that they want action—now. Local and State Governments are feeling the pressures. Industry is feeling the pressure. And the Federal Government is feeling the pressure."

As a result of the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966, Morris B. Tobin, Congressional Counsel to the Committee on Public Works, has warned industry:

"It will no longer be possible to move into an area which allows environmental degradation in order to promote rapid industrial and economic growth. . . . Water quality standards will not be allowed to be used as a device by which a State may attract industry by allowing it to pollute, and to base its economic growth on environmental degradation."

The planning and implementation programs do not always reflect the urgency that is felt, even at the Federal level, as Dr. Raymond L. Nace, of the U.S. Geological Survey, has observed:

"The interactions of science and technology, public policy, and human activity with the environment during the last 30 years, and the increasing intensity of interaction which we can foresee in the next 30, create an entirely new and irreversible frame of reference within which planning must be done. The Reclamation Act of 1902 and the Flood Control Act of 1936 were appropriate in their time, but they are not coupled with the realities of the later 20th Century."

The slow starts of other programs that after centuries reached satisfactory levels of development will be intolerable in the era of accelerated growth ahead. Little comfort is found in the history of water utilities as capsuled by Dr. Nace:

"The first American public water utility, built in colonial Boston in 1652, did not, as one might expect, trigger a revolution in water supply. Most people had always gotten their domestic water from wells and springs, and they preferred to continue that way. About 150 years later the U.S. had only 16 public water systems and in 1850 only 83. Thereafter, change was rapid, and by 1966 about 160 million people received system's service. This service brought with it a change in the public attitude toward water."

The problems to be resolved in water resources in the preserving of a good environment in an urbanized society are not all in technical fields that can be assigned to the engineers or chemists or even the economists. The more intransigent problems are found in the fields of public policy formulation and political organization and administration.

In the technical fields desalination and weather modifications are interesting prospects and certainly some amelioration of the water supply problems and perhaps even the water quality problems of some areas will come through further research into these subjects. No technical breakthroughs, however, are required to treat sewage and industrial wastes, or even to purify drinking water from them. The construction of dams and canals to store and transport water from regions of surpluses to zones of deficiencies is a mastered art.

Progress is being recorded in altering the materials we use and put into water to reduce their damage to the environment. Biodegradable detergents have been introduced and have largely replaced the types that once persisted into the groundwaters and caused pumps to froth. Pesticides that will be effective but will lose their lethal powers are being developed to replace DDT and other persistent economic poisons. The pesticide that lurks and kills long after it is needed and in places far removed from the field where it was applied is being outlawed in several states, fortunately, it is believed, before DDT has irreversibly corrupted the food chains that support fish and many waterfowl.

The progress is not similarly reassuring to those interested in enhancement of the environment, when a review is made of the fields of public policy formulation and organization of political jurisdictions. No satisfactory means have been developed of including priceless benefits in the cost-benefit ratios of project valuation.

THE POTOMAC RIVER

That the abuse of natural waters in the United States is an open scandal has been the basis of wry jokes. Someone has said that on the Potomac River a boatman, who had a fire aboard, would have to weigh the alternatives before leaping into waters so polluted. Studies and plans have been made, and some actions have been taken to ameliorate the situation, but the Potomac has not been cleaned up. The delay is caused by jurisdictional disunities, both among local governments and Federal agencies. The President's Water Pollution Control Advisory Board, after studying the stream standards set for the Potomac River, told Secretary of the Interior Walter J. Hickel that the standards should be "achieved promptly as a pattern of performance for the rest of the country." Because Washington is on the Potomac River, the Board said that "the Federal Government must take a leading role in financing the rehabilitation of this river and promoting such legislation as is necessary to that achievement." The Board advocated that "a model regional waste treatment program" be implemented by the Congress. The proposal seems to be that a solution be sought through Federal action. This may be necessary with respect to the Potomac River because the national capital fronts a beautiful stretch of its shore. Washington and its environs contribute to the deterioration of the quality of the river. As with any megalopolis, satellite communities and suburbs have been spawned by Washington in Maryland and Virginia. Although they are outside the jurisdiction of the District of Columbia, and therefore, for this reason, not a direct responsibility of the Federal Government as is Washington, the suburbs frequently have provided major aggravation of the pollution of the Potomac. Streams of silt running from subdivision scars into the river may frequently be seen, for example, by any passenger on a plane circling for a landing at the National Airport. The need for a unifying authority for Washington over the whole of the metropolitan area may be filled by the National Government with more justification than elsewhere, because the District of Columbia is a Federal enclave. The requirement has not yet been met, however, even in this exceptional instance.

THE COLORADO RIVER

Development of the use of the waters of the Colorado River has proceeded, frequently in the midst of controversy. No other river in the United States equals the Colo-

rado in the degree of its economic importance to its own basin. Draining parts of seven states, it is the greatest river wholly within the arid zone of the United States.

When settlement of the Colorado River Basin began in the 19th Century, the newcomers were dependent on irrigation. The basin is vast but the river's annual flow is more limited in proportion to the land area than any other of our great streams. There are more projects that divert water from the Colorado River watershed into other adjacent basins than there are from any other United States watershed. This rather ironic development increases the aridity of the Colorado River Basin. Such diversions are defended by Colorado water users no matter in which state they reside as being compatible with the "law of the river."

Many of the diversions of Colorado River water into other basins are made near the headwaters at elevations where they involve high quality water, of which the Colorado River Basin downstream has then a diminished amount. The remaining waters of the Colorado River are used and reused. They are stored in a succession of reservoirs and their mineral content is concentrated as the result of evaporation from the surfaces. The waters wash the shores and banks and they receive the wastes of towns and the irrigation return from the agriculture in much of the basin. The waters gradually deteriorate in quality as they move downstream.

At the point of diversion for the Colorado River Aqueduct of the Metropolitan Water District of Southern California on the west bank of Lake Havasu above Parker Dam, the water is hard and the mineral content exceeds the United States Public Health Service recommended drinking water standards. At the Imperial Dam near the Mexican border, where water is diverted for the Yuma, the Wellton-Mohawk, and the Gila Projects in Arizona and the Imperial and the Coachella Valleys in California, the mineral content frequently approaches 800 parts per million, even less acceptable as drinking water, though many residents of the project areas use the water for that purpose. At Morelos Dam, below the Wellton-Mohawk and Yuma drains, the water diverted into the Mexicali Valley became so poor that Mexican farmers once refused to accept it, creating international contention.

The Colorado River Compact of 1922, upon which rests the division of waters between the upper and the lower basins of the Colorado River, deals only in quantities of water. Other succeeding agreements, stipulations, water filings, and court decrees that go into the make-up of "the law of the river" omit considerations of water quality. The Mexican Water Treaty which became effective November 27, 1945, limited the annual entitlement of the Mexicali Valley farmers and water users to 1.5 million acre-feet of water from the Colorado River. In the debates in the United States Senate, the deliveries were described as being "wet water." In the Mexican Senate, however, it was explained that the deliveries were to be of waters of usable quality.

The reason that the water at Morelos Dam fell to such low quality on the occasion referred to was that the groundwater basin beneath the Wellton-Mohawk Project in the lower Gila River Valley was being partially evacuated of highly saline waters through the operation of a series of drainage pumps. This pumped, drainage water was returned to the Colorado River below Imperial Dam. The Bureau of Reclamation contended that the quality of water reaching Morelos Dam, the only diversion below the discharge, was monitored and never fell below tolerable levels for irrigation. The drainage water, it was contended, made up a part of the Mexican entitlement. The Mexicans said the water that they got stunted their winter wheat and salted their lands at an alarming rate. Investigators pointed out that the Mexican farmers were not following safe irrigation practices in the use of Colorado River water within their area, but were spreading their supply of water too widely and not providing drainage to maintain proper salt balance in the soils of the lands that they irrigated. The Mexicans rioted and their government threatened to appeal for relief to the World Court at The Hague. The United States Department of State interceded. The Wellton-Mohawk drainage pumping schedule was revised. A canal to carry Wellton-Mohawk waste waters to a discharge point below Morelos Dam was hastily constructed by the Bureau with funds appropriated by the Congress for the purpose. During periods of low releases from Lake Mead, the salty drainage water is discharged through the new ditch below the point of the Mexican diversion. Since 1961, this saline discharge has been the only water from the Colorado River reaching the Gulf of California, so completely is the river controlled by its great dams and reservoirs and so fully is the flow utilized by the many projects that the river supports. The filling of Lake Powell created by Glen Canyon Dam, of course, has placed an unusual requirement on the river during this period.

The Imperial and Coachella Valley water users, unlike their Mexican neighbors, have worked out very exacting irrigation formulae to maintain a tolerable salt balance in the root zones of their crops. The districts that operate the irrigation systems have provided trunk drains to the Salton Sea. The landowners have tile-drained hundreds of thousands of acres of the farmlands in these valleys. The irrigation practice is to apply more water as the mineral content in the irrigation supply increases so as to flush the salts through the soils. Cultural practices, quite intricate, have been devised for various crops in order to avoid accumulation of alkali at the points where the plants are growing. The salt is caused to concentrate at higher points on the ridges as capillary action brings the water to a surface where it can evaporate. After harvest, the ridges are broken down and the excess salts are again flushed by heavy application of water.

The method may seem precariously complex, but the irrigators get record crops at harvest. A satisfactory balance of salt input and salt discharges has been maintained and some areas formerly unproductive because of alkali have been restored to use. These cultural practices, however, increase the water demand necessary to produce a crop. An interesting collateral effect of the drainage program, likewise, is not beneficial to the environment. The salts and residues of fertilizers and pesticides that are carried through the farm drains complicate the problem of projecting into the future the recreational uses of Salton Sea, which ultimately receives them all. The sea has experienced a remarkable popularity among fishermen and water recreationists, who flock in great numbers to its desert shores. It is destined, however, to become a dead sea in a few decades, unless it is rescued. A monumental civil engineering project has been proposed to fence off a portion of the area of the sea in which the saline concentrations can be held above the limits necessary to support life.

The Salton Sea lies at the bottom of a sink 280 feet below sea level. It was recreated by the flood waters of the Colorado River, which the promoters of irrigation in 1904 turned into the Imperial Valley. It has been maintained by the wasting of water from the irrigation systems. Whether or not the drains from the valleys continue to empty into it, the Salton Sea will suffer the same fate in the course of time, unless a rescue project is built. So long as the drainage waters do not introduce poisons in quantities actually lethal to the fine corbina that abound in the waters, and thereby take over the responsibility for destroying the resource, their effects may be ignored as peripheral and not central to the problem of saving the Salton Sea.

Under the "law of the river," exact quantitative limitations are placed on allowable diversions from the Colorado River, although in practice they may not be strictly enforced except when shortages occur. The limitations in the Imperial Valley, for example, are based on criteria reflecting the quantity of water beneficially used in the year 1929. Since in 1929 the quality of the water from the Colorado River was better, the same quantity as was used in that year will not irrigate so many acres with the cultural requirements of today. The work the water does in growing crops is not so efficient because of deterioration of its quality. Clearly, then, the lower the quality the less the water is worth. There is an economic gain to be realized through preserving or restoring water quality. Parenthetically, I note that the economists have not yet measured this gain to my knowledge, although to do so would help in justification of alternatives that might better protect the environment.

Water users in California so far have contended they are satisfied so long as they get their allotted number of acre-feet of water from the river. This has been true with respect to both the irrigators in the low deserts and the Metropolitan Water District of Southern California, the complex public agency financed in part by taxes from its constituent municipalities and districts. The MWD wholesales Colorado River water on the Coastal Plain south of the Tehachapi Mountains.

The time may come, however, when the irrigators and the domestic users in California will join the Mexican irrigators in protesting poor quality water. The costs of softening the hard water from the Colorado River in the MWD's enormous treatment plants are high. Softening does not reduce the parts per million of dissolved solids, but rather replaces some of the minerals with others. The water which is being introduced from the Colorado River into Southern California groundwater basins, whether treated or not, is of relatively poor quality at the time of first entry. Through use and reuse after joining the groundwaters, from which it is pumped for irrigation and municipal purposes, this water is further deteriorated.

What is the solution to the problem as revealed in the review of the Colorado River record? Augmentation of the flow of the Colorado River with water of satisfactory quality is the solution that has been pointed out by the water users of the seven basin states. The Colorado could be augmented by diversion from other watersheds that have ample supplies, though suggestions along this line have drawn political fire from the Pacific Northwest. Desalination may eventually provide a supplemental source of very high quality water for mixing with and dilution of the degenerated natural waters.

The problem of protecting the quality of the waters of the Colorado River within tolerable limits for irrigating crops and within absolute limits for human consumption seems certain in the future to shape the water projects that will be constructed to serve the vast and important seven state basin.

Arizona has won authorization by the Congress of a project she sorely needed to divert her share of the Colorado's remaining water into the central part of the state. California was fearful that construction of the project would threaten curtailment of diversions from the river that are already provided for, and objected until certain

guarantees of minima were included in the authorization. Another protection was to clarify the responsibility to fulfill the demands of the Mexican Water Treaty. The Arizona project may hasten the day when augmentation of the flow of the Colorado River will become essential. Title Two (Sec. 202) of the Colorado River Basin Project Act provides:

"The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to Section 201 of this Act authorized by the Congress."

While the Colorado River Basin Act authorized and directed the Secretary of the Interior to "conduct full and complete reconnaisance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States," it added a proviso which took cognizance of the political sensitivity of the Columbia Basin as follows:

"Provided, That for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaisance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River."

Since the deadline set in the Act for the Secretary to make his final report is June 30, 1977, the provision would seem to limit the planning for augmentation of the Colorado River's flow to desalting the sea, to other unproved potential sources and, practically, to diversion of water from the streams of the North Coastal Counties of California. These streams have the only appreciable surpluses remaining within the states named in the law as qualified for study during the first decade.

With reference to this discontinuity in the flow of policy within the Act, Senator Frank E. Moss, of Utah, spoke of misgivings gained from his studies of national water needs:

"I remind the Senate—and particularly Senators from the States west of Missouri—of the projection of the Senate Select Committee on National Water Resources that eight of the 22 water resources regions of this country would have their water in full use by the year 2000. These eight regions encompass an area stretching from Kansas City on the east to Los Angeles on the west, and from the Canadian border to Brownsville, the southern tip of Texas. It excludes, of course, the Columbia Basin and northern California."

Quality considered, there is already a shortage of water in the Colorado River, and also in many other streams, eastern as well as western, in the United States. The environment of large populations dependent on the Colorado River is being degraded at this time.

Difficult alternatives are presented. A crisis is upon the Colorado River Basin. The battle has been spread to include the Columbia River Basin as well. A fight may rage for decades unless facts are faced and cool heads gain control.

NEW JERSEY

The State of New Jersey built two reservoirs to provide needed water supplies for the multitude of local public agencies and water companies that distribute domestic supplies in the northeastern part of the state. The state was not authorized by the Legislature to construct the canals and aqueducts required to deliver the conserved waters to the local systems because of pressures exerted by local authorities. The local interests, however, have not built the aqueducts. Several local agencies meanwhile have been rationing water to their users, despite plentiful rains since 1966, because their sources are inadequate. Sensitivity to outgrown precepts of local option among jurisdictions with limited responsibilities has caused the Legislature to refrain from correcting the mistake it made.

In an increasing number of streams—specifically in the Sacramento-San Joaquin Delta and the Colorado River, but in others as well—water quality deterioration cannot be held above tolerable health, esthetic and agricultural limits except through augmentation of low-flow. In New Jersey and in other urbanized areas as well, supplemental water projects of regional scope are required. Under these circumstances, it is the more to be regretted that local and regional chauvinism may delay forthright action, for time is not on the side of preservation of good environments.

There may be a temptation to think the water quality people cry "wolf" when no real threat is in sight. After all, people are drinking water that does not meet the recommended Public Health Service standards in hundreds of communities in the United States. The waters will continue to degrade with intensified use brought about by increasing population. Although the standards may with impunity be blinked at for a time, there is a limit of tolerance.

Read what Dr. M. G. Candau, Director-General of the World Health Organization, said about water quality at the Water For Peace Conference in Washington, D.C. He had reviewed the situation with regard to water-borne diseases.)

"In addition to all these is the growing threat to health due to the degradation of our water sources by man's own action. Expanding populations, industrialization and urbanization make it continuously more difficult to separate our wastes from our drinking water . . . Wastes from increasingly sophisticated chemical processes are discharged from factories, and find their way into rivers, lakes, underground reservoirs and marine coastal waters, causing grave concern as to the public health, economic and aesthetic consequences of these pollutants.

"Major efforts are required to prevent man's environment from becoming hostile to his well-being and, indeed, to his survival. Conversely, well conceived planning for the optimum development of that environment will redound to man's physical, economic and social well-being. Of all the environmental factors, I believe that his water supply has the greatest and most immediate effect on his health, comfort and general well-being."

SANTA ANA RIVER

"Peace has finally come to the Santa Ana," James J. Doody, Southern District Engineer of California Department of Water Resources, informed the California Water Commission meeting in Los Angeles, June 6, 1969. He referred to a stipulated judgment entered in the Orange County Superior Court in settlement of litigation that involved more than 2,500 defendants and the water supply of the rapidly growing megalopolis in Orange, Riverside and San Bernardino Counties. The suit, among water agencies and users, had been begun in 1963. It was only the most recent in the series of legal actions among various groupings of litigants that began in the 1870's when the Irvine Ranch, situated near the sea in Orange County, sued upper basin interests regarding the flow of the Santa Ana River. The Irvine Ranch decree and many others were lifted in the new master settlement. There is some reason to hope that the decree has ended water rights litigation in the Santa Ana Basin and introduced an era of cooperation to take its place.

Some quite remarkable steps were taken in reaching the settlement and in the decree, itself. The physical solution, as the participants choose to call it, includes provisions for increasing or decreasing the amounts of water that are required to pass two fixed points in the basin by reason of the quality of the water reaching those points. Specifically, also, upstream water users in meeting their obligations to downstream interests are given credit for and are required to deliver to the river the effluent from their sewage treatment plants. The decree contemplates the management of all waters of the basin, surface and subsurface, whether pristine or often-used, and whether of local origin or imported from distant streams through the Colorado River Aqueduct and the California State Water Project. The quality controls are placed at two natural subdivisions in the basin. At the upper one, any increase in dissolved solids above 700 parts per million will require the delivery of 11 acre-feet of water in addition to the normal entitlements for each excessive part per million. Any decrease below 600 parts per million will earn a credit to the upper water users of 11 acre-feet per part per million, a bonus which they may withhold for themselves. Since the upper users will be buying imported water at more than $40 an acre-foot to supplement their diversions and uses from the Santa Ana Basin, their ability to manage the quality of the water will be of economic importance to them. At the second measuring point the penalty will begin at 800 parts per million of dissolved solids. The quality bonus will be for delivering water better than 700 parts per million. The penalty and the bonus at the lower division point both will be at the rate of 35 acre-feet per part per million. The objective, at each control point, will be to maintain the quality of water delivered within a range of 100 parts per million of dissolved solids.

Another significant development in the settlement was the use of a California statute allowing local agencies with similar authorities jointly to exercise those powers. The four major water districts that, among them, cover the whole basin except for a mountainous fringe, created the Santa Ana Watershed Planning Agency and initiated water quality management of the watershed. They thus provided the metropolitan region of which they are parts with a comprehensive government for the management of one of the major natural resources that will contribute to the excellence or the degradation of the environment.

OTHER AREAS

A metropolitan sewer district was created a few years ago to serve the urbanized area around St. Louis. San Diego has a county water authority for water supply, and a metropolitan sewage collection agency to eliminate discharges into its bay. The San Francisco Bay and the Hudson River are still polluted, though in each instance the state is moving to help local jurisdictions to meet their responsibilities to improve the quality of their waters.

WATER IS ONLY A PART

Frequently, the water resources problem is cited as the exclusive contributor to environmental decline in situations where the causes are complex. Ronald B. Robie's comment on Lake Tahoe is to the point. He said:

"There is no reason why local government cannot effectively encourage economic development consistent with enhancement of the environment. We have heard so much in recent years over the 'pollution' of Lake Tahoe. Utilizing federal and state funds and a significant amount of local funds, the South Tahoe Public Utility District developed an export plan and is now exporting reclaimed water to Alpine County. It has both protected the Lake and has provided irrigation and recreation opportunities in Alpine County. Similarly, export facilities are being developed at the north and west

sides of the Lake and in Nevada. Recently, I had the opportunity of talking with several people from the eastern Unitd States who had visited Lake Tahoe last summer for the first time in a decade. They were disappointed with what they saw. But it was not pollution, but rather land use which troubled them and which is the greatest problem at Lake Tahoe. The water is still beautiful and blue, but the Alpine setting around the lake has become a hodgepodge of neon signs, and construction which has scarred, not enhanced, the area."

FEAR OF MISTAKES

Some of those who are responsible for public programs designed to enhance the environment hold back because of a fear of false starts.

Intensive education of the people along lines later discovered to be erroneous has marked national campaigns of conservation. These have led later to emotional resistance to introduction of sound conservation programs such as permitting the hunting of does in order to thin deer herds that increase beyond the carrying capacities of their ranges. The United States Forest Service is now trying to turn around the popular attitude toward clearcutting of forests, a practice that it has found to have conservation advantages over selective cutting among many types of trees. Generations of former school children, who think of Smokey the Bear as a friend, retain an implanted horror of clearcutting that the word itself recalls.

In his paper on the state of water planning, Dr. Nace observed that water projects of great magnitude made it possible for great mistakes to be made through constructing them. In a race for survival, if that is what is involved in man's treatment of his environment, doubts must be resolved in favor of action. One observer has said, "Pollution of air, waters and land must be arrested, even eliminated, if our genus is to 'make it' in this environment."

PIE-IN-THE SKY SOLUTIONS

Frequently, when faced with realities in an environmental situation, popular response is given to pie-in-the-sky proposals. The success to date of California in meeting her water resources requirements, under natural conditions that are more difficult to overcome than those faced in any other rapidly urbanizing area, has stemmed from the support of a strong water planning agency since early days of statehood. The California Department of Water Resources pioneered in studies of desalting the sea, and from the first has cooperated with the Federal Government's desalination programs, participating in the cost of constructing Point Loma Plant No. 1. William R. Gianelli, Director of the Department, said recently:

"Many factors that will influence the cost of desalted water in the future cannot be determined with certainty. Expectations, however, appear to be sufficiently attractive to warrant continued consideration of desalting as an alternative for further augmentation or supplementation of water supply.

"Our long-range planning will maintain its broad inquiry into the conventional reservoir and canal method of water conservation and transportation and into the possibilities of desalination, waste water reclamation, watershed management, weather modification and every other new technology that may offer promise."

Economists, political scientists, or environmentalists who offer "study the alternatives" as a solution provide small comfort to the planners unless they help to develop alternatives for study. Those who would set "zero growth" as an objective and pit it against forward planning by water agencies and others charged with meeting estimated future needs, may read, as I do, that the Bureau of the Census still estimates an increase of 66,000,000 people in the United States in the next generation, even if it uses the 1969 rate of increase, which was the lowest in our national history and may be a poor base for that reason for its projections. The population continues to shift to urban centers and, apparently, more particularly to those in California and the West. These facts cannot safely be ignored. I am, however, growing increasingly wary of specific plans that are built to meet estimates of needs in the distant future. There are too many instances in my experience of unpredicted alterations in trends that have been brought on by unforeseeable developments, technological and otherwise, to warrant confidence in any blueprint of the 50-year future. This note of caution, however, is as significant to the environmentalist, and the economist as it is to the engineer. The environment can be damaged by lack of planning, as has been seen in the deteriorating central cities as well as through construction of projects that did not have in advance the benefit of full, comprehensive planning. The development of goals and continuous planning; the evaluation and reevaluation at intervals of objectives and appraisal and reappraisal from time to time of means of reaching them, will be required. The professional disciplines each will have a part to play in the process. The critics will have to drop their shield of criticism and become participating actors in this drama. The denouement will limit the range of choices of our grandchildren half a century hence, and perhaps disastrously so.

Within the welter of problems that are being recognized with respect to maintenance of a suitable environment, there is present a crisis in water. This crisis is engendering conflicts that, unless they are resolved through timely action, will break out into increasingly bitter contests as the population swells. We have placed men on the moon through establishing a goal and organizing an adequate program to achieve it, one that required technological advances and cooperation among agencies and disciplines. Astronauts may not cavort freely in the waters of the Potomac, as they did in the brown lunar dust for all to see, until some of the spirit and energy of the Lunar Project are applied to comprehensive water resources programs, and unless resources comparable to the task are put into the work of restoring clean water in the earth's environment.

RECOMPUTATION—A SOLDIER'S VIEW

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WALDIE. Mr. Speaker, I recently received a very impressive letter from a retired Army colonel regarding the issue of recomputation of retirement pay for military personnel.

The points he raises are highly important and are eloquently told. I include them in the RECORD for the benefit of the Members of the Congress:

EUGENE, OREG.,
August 8, 1970.

Hon. JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR MR. WALDIE: Thank you sincerely for your thoughtful kindness in sending to me your letter of August 4 enclosing a comment by Honorable L. Mendel Rivers, Chairman of the House Armed Services Committee concerning the Administration's failure to support Recomputation.

I understand and appreciate the effort you made toward restoration of the recomputation principle, and for this I am most grateful.

As I am sure you know, those of us who were most affected, while young, chose to serve the nation through the military profession. We knew it would not lead to wealth, yet it was a good life, and had its recompenses, for most of us were motivated by ideals of service and efficiency. Happily, that motivation paid off in our performance and success in World War II, of which my contemporaries are justifiably quite proud, as I am.

To me the great pity is that our lack of success, militarily, in Korea and Vietnam, coupled with the body blows the armed services have received in the failure of recomputation, the unpopularity of the draft, and the futility of operations in Vietnam; not to mention the peace marches and the anti-ROTC riots; have so weakened our national military spirit and morale that I seriously wonder how we shall be able to restore it.

Looked at in that light recomputation seems to be a delightful dream we once had—gone now—but remembered as a dream.

I have so very greatly appreciated my brief contacts with you, sir, even though you have just about changed me to a democrat, I am very sorry to have to inform you that Mrs. Bixy and I have left Rossmoor and Walnut Creek and returned to Eugene, Oregon, where I first retired from the army and where our daughter and grandchildren clamor for our return.

Best wishes for your continued success in your career go along with this letter.

Sincerely yours,

LAWRENCE B. BIXBY.

"NATION'S GOVERNORS UNITE ON POW PROBLEM"

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ADAIR. Mr. Speaker, the 45th national convention of the American National Red Cross was held in Chicago, Ill., in May this year. Attending this conference were 3,800 delegates. A resolution was adopted on May 20 to urge fair and just treatment of our prisoners of war in North Vietnam in accordance with accepted international standards. Messages of support and endorsement for this resolution were received from the President of the United States, the Governors of each of the 50 States, the Governors of the territories, as well as messages from several other organizations. Further, Governor Ogilvie of Illinois officially proclaimed a day of dedication for the relief of American prisoners of war and their families. Therefore, I commend to the attention of my colleagues the text of this resolution, copies of telegrams and messages of support as well as an editorial of support from the Chicago Sun-Times relative to Governor Ogilvie's "day of dedication." Texts of the aforementioned documents follow:

RESOLUTION II

PRISONERS OF WAR

Whereas, civilized decency and international law embodied in the Geneva Conven-

tion for the Protection of Prisoners of War demand that captives in armed conflicts be identified and accounted for, humanely treated, permitted to communicate and, if seriously sick or wounded, repatriated or placed in neutral hands, and

Whereas, the fate of hundreds of American servicemen captured in the Southeast Asian war is unknown except to their captors, and

Whereas, some of these helpless men have been held captive more than five years, some may be seriously sick, wounded or deceased, without the knowledge of their loved ones, and

Whereas, this cruel, intolerable and prohibited secrecy serves no purpose but to increase the revulsion felt for it by millions of people the world over who understand the grief of parents, wives and children of those imprisoned or whose fate is unknown, and

Whereas, the XXIst International Conference of the Red Cross at Istanbul in September 1969 after noting the historic role of the Red Cross as a protector of victims of war, adopted, without dissent, a resolution calling upon all countries involved in armed conflict to ensure that all prisoners of war be afforded the treatment and full measure of protection prescribed by the Geneva Convention Relative to the Treatment of Prisoners of War, and

Whereas, in the realization that the Red Cross has the potential to arouse the conscience of humanity on behalf of these prisoners, the Board of Governors on February 16, 1970 reaffirmed the resolve of The American National Red Cross to pursue every effort to assure their humane treatment and has urged similar action by every other member of the International Red Cross.

Now, therefore, be it resolved that the chapters of The American National Red Cross, united in the resolve to do all in their power to promote respect for the rights of prisoners of war, do hereby endorse the February 16, 1970 resolution of the Board of Governors. and

Be it further resolved: That each chapter should accept the continuing commitment within its own community to mobilize ever-increasing support in the demand for the identification and humane treatment of the prisoners, the fulfillment of their right to communicate, the repatriation of the sick and wounded, the accounting for any who may be deceased and ultimately the freedom of all of the prisoners.

MESSAGES RECEIVED FROM THE FOLLOWING INDIVIDUALS, CHAPTERS, TERRITORIES, AND ORGANIZATIONS

President Richard M. Nixon—Along with all other Americans I have noted with pride and with confidence the dedication of your Convention to unremitting efforts to obtain for American prisoners of war in Southeast Asia the humane treatment of which they are entitled under the dictates of decency and which their captors are obligated to provide under the Geneva Conventions. You have the support and the prayerful hopes for success from all men of goodwill.

Eastern area Governor of *Connecticut*—John Dempsey—Continued efforts by American Red Cross to secure improved treatment our prisoners of war in North Vietnam heartening and commendable. People of this State one of whose citizens interned many years in Red China, keenly aware protection given him and his family by adherence to articles of Geneva Conventions. Speaking their behalf and my own, I urge delegates to annual meeting of American National Red Cross now in session, take every appropriate step to demand the adherence signified by Government of Democratic Republic of Vietnam when signing these Conventions. All future actions initiated by your organization to bring about humane treatment of prisoners of war have my full support.

Governor of *Delaware*—Russell W. Peterson—I am writing to commend the American Red Cross and its efforts in encouraging Americans to write to the President of North Vietnam on behalf of American prisoners of war. These efforts are proving effective, and I urge the American Red Cross to continue supporting this program. On behalf of all Delawareans, especially those who have kin and friends in POW camps, I thank the American Red Cross for its work to promote humane treatment of those prisoners.

Governor of *Maine*—Kenneth M. Curtis—I strongly endorse the "Write Hanoi" Campaign of the American Red Cross. We must do everything possible to insure the humane treatment of United States prisoners of war in North Vietnam. I share your hope that letters from thousands of concerned citizens in this country will touch the conscience of Hanoi and move them to honor the provisions of the Geneva Convention.

Governor of *Maryland*—Marvin Mandel—As Governor of the free State of Maryland, may I commend the American National Red Cross for its continuing efforts to obtain more humane treatment for U.S. prisoners held by North Vietnam, it is my hope that every citizen of Maryland will participate in the Red Cross "White Hanoi" Campaign by letters calling upon the President of North Vietnam to adhere to the Geneva POW Treaty. Best wishes to you and Convention delegates for success in this humanitarian endeavor.

Governor of *Massachusetts*—Francis W. Sargent—As Governor of the Commonwealth of Massachusetts, I am pleased to endorse the American National Red Cross "Write Hanoi Campaign" and urge the people of Massachusetts and all Americans to cooperate in this effort to write the North Vietnamese Government regarding the treatment of prisoners of war in accordance with the Geneva Conventions. My hopes for the success of this project.

Governor of *New Hampshire*—Walter R. Peterson—Strongly endorse continuing efforts of American National Red Cross to obtain humane treatment of the United States prisoners of war held by Government of North Vietnam; am encouraging citizens of New Hampshire to support the Red Cross "Write North Vietnam" Program to prevail on the President, Democratic Republic of Vietnam to honor his nation's signature to the 1949 Geneva Convention.

Governor of *New Jersey*—William T. Cahill—On behalf of the citizens of the State of New Jersey, I want to express deep concern and wholehearted support for the humanitarian efforts of the American Red Cross in its campaign to impress upon the Government of North Vietnam its responsibility for the welfare and treatment of American servicemen held prisoner by Hanoi. In your role as a non-partisan organization, committed to the service of all in need, we sincerely hope that Red Cross will succeed in arousing the world's conscience and stirring it into action so that sensitive, justice seeking people of every race will influence the North Vietnamese to abide by the Geneva Conventions.

Governor of *New York*—Nelson A. Rockefeller—The American National Red Cross drive to urge Americans to write to Hanoi to secure humane treatment of prisoners of war as guaranteed by the 1949 Geneva Convention has my wholehearted support. I am pleased to join in endorsing this all-out effort to assure that war prisoners in North Vietnam receive all rights and privileges to which they are entitled. The commendable work you and your associates are doing in behalf of prisoners of war and their families merits the widest appreciation.

Governor of *Ohio*—James A. Rhodes—As Governor of Ohio, I endorse the "Write Hanoi" Campaign being sponsored by the American Red Cross.

Governor of *Pennsylvania*—Raymond P. Shafer—Strongly endorse efforts of American Red Cross in attempting to encourage expressions to Hanoi urging their compliance with Geneva Conventions with respect to persons held as prisoners of war. I am urging local citizens and groups in the Commonwealth of Pennsylvania to join in this effort being promoted by the 94 local Red Cross Chapters in Pennsylvania and implore your continued efforts.

Governor of *Rhode Island*—Frank Licht—I heartily support the efforts of the ARC in its activities in behalf of American prisoners of war. As a result of ARC initiative, coordinated attempts to increase communication to and from prisoners, and to encourage adherence by the Hanoi Government to the terms of the Geneva Convention have been effective. It is my hope that during these difficult days, the ARC will continue its actions, will receive the support of all the people, and will be successful in achieving positive results.

Governor of *Vermont*—Deane C. Davis—I wish to voice my strong endorsement of the continuing efforts of the American Red Cross in opening the channels of communications regarding the treatment of the POW's held by North Vietnam. I share with you the humane concern for the welfare of the men and urge intensified efforts to prevail upon North Vietnam to honor its signature to the Geneva Conventions.

Governor of *Virginia*—Linwood Holton—As Governor of the Commonwealth of Virginia, I wish to express my support of the efforts being made by the American National Red Cross to effect compliance of the Geneva Conventions, in the treatment of prisoners of war in North Vietnam. Regardless of political views, all Virginians are united in concern for humane treatment of American captives in Southeast Asia. Our wholehearted support goes to the efforts of all concerned citizens and to the endeavors of the American Red Cross in your "Write Hanoi" Campaign.

Governor of *West Virginia*—Arch A. Moore, Jr.—I have issued an official proclamation requesting West Virginians to write North Vietnam urging Hanoi to comply with the Geneva Convention pertaining to the treatment of prisoners of war. I commend the Red Cross for its stand in this matter and assure you I am solidly behind your efforts to gain humane treatment for Americans being held as prisoners of war by North Vietnam and to gain entry for ICRC representatives to inspect prisoner of war facilities and prompt repatriation of sick and wounded prisoners.

Southeastern area. Governor of *Alabama*—Albert P. Brewer—Please be assured of my deepest appreciation of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Alabama to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and their families here at home will be able to hear from them.

Governor of *Arkansas*—Winthrop Rockefeller—Please be assured of my deepest appreciation of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Arkansas to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of *Florida*—Claude R. Kirk, Jr.—Floridians appreciate your efforts to secure humane treatment for American pris-

oners of war in North Vietnam. I am urging the people of Florida to join in the Red Cross "Write Hanoi" Campaign to demonstrate to the North Vietnam that we are united in our efforts to insure that our fighting men in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of *Georgia*—Lester Maddox—This is to assure you that I sincerely endorse the actions taken by the American Red Cross in support of Humane treatment of American prisoners of war in North Vietnam. As Governor of the State of Georgia, I am personally urging all citizens of this State, irrespective of individual feelings regarding the conflict in Southeast Asia, to join together unanimously in the "Write Hanoi" Campaign. This effort is to let North Vietnam know that Americans are united in their plea to treat their sons and husbands in North Vietnam like human beings and to live up to the Geneva Conventions signed by that Government.

Governor of *North Carolina*—Bob Scott—I express my appreciation to American Red Cross for its actions to secure humane treatment for American prisoners of war in North Vietnam. I urged citizens of North Carolina to join the Red Cross "Write Hanoi" Campaign to show North Vietnam Americans are united in their efforts seeking treatment for their sons and husbands that is consistent with the Geneva Conventions and seeking contact with them.

Governor of *Kentucky*—Louis B. Nunn—Please be assured of my deepest sympathy of your actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Kentucky to join in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to hear from them.

Governor of *Louisiana*—John J. McKeithen—As a Veteran of World War II, I can sincerely appreciate the actions of the American Red Cross in their efforts to secure humane treatment for American prisoners of war in North Vietnam. The results to date on this campaign are worth the effort put forth thus far, and to attempt to obtain further results, I am urging the citizens of Louisiana to join the Red Cross "Write Hanoi" Campaign to show North Vietnam that our people from Louisiana and America are united in our efforts to insure that our fellow Americans being held prisoners in North Vietnam are treated like human being and that their families here at home will be able to hear from them. Two young ladies here in Baton Rouge just received letters from their husbands who are prisoners of war. This campaign is picking up momentum and seems to be reaping the desired results. Keep up the good work.

Governor of *Mississippi*—John Bell Williams—I wish to express my appreciation for and support of your efforts in attempting to secure humane treatment for American prisoners of war being held captive in North Vietnam. I have personally appealed to the people of Mississippi to participate in a letter writing campaign to convince North Vietnam that the American people stand united in their determination that their husbands and sons be treated as human beings while held as prisoners in North Vietnam and that these Americans be accorded the privilege to communicate with their loved ones.

Governor of *South Carolina*—Robert E. McNair—I am pleased to indicate by this correspondence that I am personally urging all South Carolina residents to join in the project of the American Red Cross, "Write Hanoi". We feel it is necessary for the Government of North Vietnam to know that all Americans are of war and that we stand firm in our insistence that they be allowed to communicate with their families at home.

Governor of *Tennessee*—Buford Ellington—Please be assured that we in Tennessee are deeply appreciative of the Red Cross actions to secure humane treatment for American prisoners of war in North Vietnam. I am personally urging the citizens of Tennessee to continue their support in the Red Cross "Write Hanoi" Campaign to show North Vietnam that Americans are united in their efforts to insure that their sons and husbands in North Vietnam prisons will be treated like human beings and that their families here at home will be able to communicate with them.

Midwestern area. Proclamation by Governor Richard Ogilvie of *Illinois*—More than 1,700 United States servicemen are missing in action or detained as prisoners of war as a result of the armed conflict in Southeast Asia.

Each of the governments with armed forces involved in the conflict are signatories to the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

Nevertheless, the government of the Democratic Republic of Vietnam has refused to observed the terms of the Convention and abrogated its obligation under the agreement

The American Red Cross, which has been striving to ensure that the government of North Vietnam affords prisoners of war the protection and benefits to which they are entitled under international law and the dictates of human decency, is meeting in Chicago May 18–20.

Therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim May 20, 1970, as a Day of Dedication for the relief of American prisoners of war and their families, and urge all Illinoisans to join in the humanitarian efforts to guarantee our imprisoned servicemen and their families the protection and the benefits to which they are entitled under international law and the dictates of human decency.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol in the City of Springfield this Thirteenth day of May, in the Year of Our Lord one thousand nine hundred and seventy and of the State of Illinois the one hundred and fifty-second.

Governor of *Indiana*—Edgar D. Whitcomb—I wholeheartedly endorse the actions of the American Red Cross in behalf of the American prisoners of war being held captive by the North Vietnamese. I commend your organization for its efforts in this regard and urge that you continue despite whatever roadblocks may be encountered. In accordance with the Red Cross "Write Hanoi" Program, I call upon Hoosiers to send a letter to the President of the Democratic Republic of North Vietnam and urge to: (1) Identify the prisoners being held, (2) allow regular mail between prisoners and their families and (3) admit International Committee Red Cross representatives to inspect prisoner of war facilities and allow prompt repatriation of sick and wounded prisoners. I believe as do all Americans that prisoners should be afforded the treatment and protection that North Vietnam is obligated to extend under the prisoners of war Convention. I realize the urgency of this effort and its importance not only to the captured American soldier, but also to his family.

Governor of *Iowa*—Robert D. Ray—As Governor of the State of Iowa, I am especially concerned about Iowans presently being held captive by the forces of the Democratic Republic of North Vietnam and would encourage the efforts of the American National Red Cross in its letter writing campaign to encourage the other side to observe the Geneva Conventions concerning the treatment of prisoners of war.

Governor of *Kansas*—Robert Knocking—In behalf of all Kansans and personally, I join those governors of all States and all Americans in urging the Government of North Vietnam to adhere to the Geneva Conference in their treatment of American men who have become prisoners of the war in Southeast Asia, we pray they will be treated fairly and humanely.

Governor of *Michigan*—William G. Milliken—As Governor of the State of Michigan I endorse the efforts of the American National Red Cross to influence the Hanoi Government to identify the American prisoners. To accept an exchange of mail between the prisoners and their families and to accept representatives of the International Red Cross into their prison camps.

Governor of *Minnesota*—Harold Levander—I respectfully request you to continue expending maximum effort on behalf of the American prisoners of war being held in North Vietnam and commend you for your past efforts in this regard.

Governor of *Missouri*—Warren E. Hearnes—I am pleased to urge public support for the Red Cross program of having individual Americans write letters to the officials of North Vietnam requesting humane treatment of prisoners. The release of names of prisoners and the granting of permission for them to receive mail and parcels from their families. Such a campaign at least offers hope of obtaining more information about American prisoners and better treatment for them as was promised by North Vietnam in signing the Geneva Accords.

Governor of *Nebraska*—Norbert T. Tiemann—I hereby endorse the actions taken by the American Red Cross in their effort to encourage expressions to Hanoi, urging their compliance with the Geneva Convention with respect to persons held as prisoners of war. We in Nebraska are taking up this campaign and I will personally be encouraging Nebraska citizens and groups within our state to white the President of the Democratic Republic of North Vietnam, urging compliance.

Governor of *North Dakota*—William L. Guy—I heartily endorse the "Write Hanoi" Campaign of the American National Red Cross and your organization efforts to secure more humane treatment for the U.S. prisoners of war in Vietnam. North Dakota citizens will make a concerted effort through letter writing to assist you in this current drive to persuade the Democratic Republic of North Vietnam to adhere to the Geneva Prisoner of War Convention which they signed in 1949.

Governor of *Oklahoma*—Dewey F. Bartlett—Dear Mr. Harriman: As Governor of Oklahoma, I endorse actions taken by the American Red Cross in calling on all Americans and all nations to write Hanoi and demand that prisoners of war be afforded the treatment and protection as agreed to at the Geneva Conventions. Regardless of a persons feelings about the war, the treatment of prisoners of war should be uniform as provided for under the Prisoners of War Convention.

Governor of *South Dakota*—Frank L. Farrar—Mr. Harriman: I endorse your "Write Hanoi" Campaign for the benefit to not only our men who are prisoners of war, but for all their loved ones in the free world. It is time that North Vietnam Government identify all prisoners of war; allow mail between families and prisoners, allow the International Red Cross to inspect the prisoners of war facilities; and allow the sick and injured prisoners to return to their families. Let us all pray for humane treatment of American prisoners of war and for peace.

Governor of *Texas*—Preston Smith—As

Governor of Texas I congratulate the American Red Cross for undertaking another "Write Hanoi" in continuation of your outright efforts to gain more humane treatment for the United States prisoners of war and the missing in action in Southeast Asia. All Americans are concerned about the failure of the North Vietnamese to honor the provisions of the Geneva POW Conventions. I know citizens of Texas will join in support of your campaign.

Governor of *Wisconsin*—Warren P. Knowles—Urge strongly continuing all-out effort to gain more humane treatment for United States prisoners of war in Vietnam and "Write Hanoi" Campaign.

Western area—Governor of *Alaska*—I would like to take this means of expressing my wholehearted support of American Red Cross efforts to obtain humane treatment of American personnel imprisoned by the North Vietnamese. Americans are unified in their belief that prisoners held in North Vietnam should be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Convention provisions and the American Red Cross to continue its splendid efforts.

Governor of *Arizona*—Jack Williams—A number of Arizonians are being held prisoner by North Vietnam. Please accept my thanks and congratulations for your efforts to get North Vietnam to observe the Geneva Conventions. We endorse your actions and urge you to continue your efforts which seem to be having some impact.

Governor of *California*—Ronald Reagan—Early this month I urged all Californians to join in the observance of a national day of prayer on Sunday, May 3, for the humane treatment and safe return of American prisoners of war and servicemen missing in action in the Southeast Asia. I heartily commend the American Red Cross for its actions to encourage all Americans to write Hanoi to express indignation at their failure to adhere to the Geneva Conventions. I am hopeful your efforts on behalf of our men being held prisoner will provide the impetus that is needed to focus worldwide attention on this matter.

Governor of *Colorado*—John Love—Governor John Love, State of Colorado, wholeheartedly endorses the American Red Cross resolution and urges the leaders of Hanoi abide by the Geneva Convention.

Governor of *Idaho*—Don Samuelson—I am vigorously in support of the American Red Cross effort to encourage Hanoi to comply with the Geneva Convention with respect to persons held as prisoners of war. We are deeply concerned about the treatment of these persons who include Idahoans in the military service. My office extends strongest hopes for your early success in this endeavor. Best wishes for a productive Convention.

Governor of *Montana*—Forrest H. Anderson—I fully support the humanitarian objectives of the "Write Hanoi" Campaign being sponsored presently by the American Red Cross. Humane treatment of American prisoners in Vietnam under the provisions of the Geneva Convention is something that all Americans must work to achieve. Moral pressure must be brought to bear upon the leaders of North Vietnam to convince them of their responsibilities under the Convention. Americans must not forget these men. I only hope that this campaign is successful in easing some of the hardships these men and their families are enduring.

Governor of *Nevada*—Paul Laxalt—I would like to commend the American National Red Cross for their program in calling upon all nations to treat prisoners of war in accordance with the Geneva Convention. We must continue to encourage everyone to subscribe to your efforts by participating in the "Write Hanoi" Campaign. The success of this endeavor rests with the American people.

Governor of *New Mexico*—David F. Cargo—Please add my endorsement to the American National Red Cross effort toward freeing American prisoners of war in Vietnam.

Governor of *Oregon*—Tom McCall—Greetings to you from the State of Oregon. On the occasion of your National Convention, I commend the American National Red Cross on their efforts they have made toward asking Americans to protest to Hanoi on the treatment of U.S. prisoners held by North Vietnam. As you map your reactions for the ensuing year, may I encourage continuation of such efforts. Irrespective of individual feelings about the Vietnamese conflict, I believe there is an absolutely unanimous opinion in Oregon, as there must be throughout the nation, that prisoners should be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Prisoner of War Convention. Evidence of such unanimity of opinion, as can be accomplished by a massive compliance with your "Write Hanoi" Campaign, may influence North Vietnam. Last month, Captain James Sehorn of Forest Grove, Oregon, who was shot down in Northern North Vietnam 16 months ago, was finally identified as a prisoner of war. Mrs. Sehorn attributes this notification to the efforts made by fellow Oregonians and others who "Write Hanoi."

Governor of the State of *Washington*—Daniel J. Evans—I support the efforts of the American National Red Cross to gain more humane treatment for the release of the U.S. prisoners in Vietnam. These prisoners of war are entitled to humane treatment under the statutes of international law and the dictates of moral decency. I hope that the following provision of prisoner of war Convention will be honored by North Vietnam: Prompt identification of prisoners; adequate food and clothing and medical care, communication with other prisoners and their families at home. Prompt repatriation of seriously sick or wounded prisoners; protection from abuse or reprisals and free access to prisoners and their place of detention, by such a neutral intermediary as the All-Swiss International Committee of Red Cross.

Governor of *Utah*—Calvin L. Rampton—Please accept my endorsement of ARC efforts to obtain humane treatment of American prisoners of war in North Vietnam. I add my voice to those urging Hanoi to follow strictly the standards set by the Geneva Convention.

State of *Wyoming*—Governor Stanley K. Hathaway — Proclamation — Whereas, Red Cross has become the traditional neutral intermediary in time of conflict; and

Whereas, the American Red Cross has asked the world Red Cross Societies and the American people to form a solid front in demanding that the North Vietnamese meet humanitarian standards in the treatment of American prisoners; and

Whereas, the United States Senate and House of Representatives have passed a resolution demanding compliance with the Geneva Conventions on treatment of prisoners of war and calling for the United Nations and the International Red Cross to obtain humane treatment and release of American prisoners; and

Whereas, the American Red Cross is asking the American people to exert more pressure on the North Vietnamese by increasing participation in its "Write Hanoi" campaign;

Now, therefore, I, Stanley K. Hathaway, Governor of the State of Wyoming, do hereby proclaim the month beginning May 17, 1970, as Support Our Prisoners in Vietnam Month, and urge the citizens of the state to participate in the "Write Hanoi" campaign to demand that the North Vietnamese honor the Prisoner of War provisions of the Geneva Conventions.

State of *Hawaii*—From the Governor—As Governor of the State of Hawaii, whose spirit of aloha is often the last contact that our servicemen have with their country before giving honorable military service in Southeast Asia, and which, through its vast military resources gives support to those operations, I offer my full endorsement of the efforts of the American Red Cross in seeking humane treatment for American prisoners of war held by North Vietnam, the Viet Cong and Laotian forces. Irrespective of any personal feeling about the Vietnam conflict, it is God's will and the heartfelt desire of all Americans that prisoners of war be afforded the treatment and protection that North Vietnam is obligated to extend under the Geneva Prisoner of War Convention. In Hawaii, Sunday, May 24 will be recognized in churches throughout the State as Prisoner of War Prayer Day with the attendant request that our citizens participate in the National Write Hanoi Campaign initiated by the American Red Cross. With our previous similar effort having its effect with some easing by North Vietnam of its stand, I support your continued dedication of this worthy task. May God be with you in your earnest endeavors in behalf of all American prisoners of War. John A. Burns, Governor.

Territories—Mr. Leber, Governor of the *Canal Zone*—I sincerely endorse the resolution adopted at the 21st International Conference of the Red Cross calling on all nations to ensure humane treatment of prisoners of war and fully support the American Red Cross in its continuing world-wide efforts to encourage compliance with the Geneva Conventions extending protection to such prisoners.

Governor of *Puerto Rico*—Luis A. Ferre—The people of Puerto Rico join me to express our support of the action taken by the American Red Cross on behalf of prisoners of war in North Vietnam and willfully cooperate with the Write Hanoi Campaign the continuation of these efforts is the responsibility of all nations.

Governor of *American Samoa*, John M. Haydon—Please be advised that I as Governor and the people of American Samoa wholeheartedly support and appreciate Red Cross efforts to encourage humane treatment of Prisoners of War. A good number of our young men are involved in the Vietnam conflict, and several have lost their lives in support of our countries' principles. We recognize diversification of nationalities, cultures, and customs in the world, but we believe that kindness and decency unite or should unite all men and it is incumbent on the United States and Allied countries and likewise the Government of North Vietman to treat their prisoners of war with humane decency. Your efforts toward the accomplishment of this objective will continue to encourage better treatment of prisoners regardless of race, color, or creed and will in the long run help to bring all men together in a spirit of harmony and love. Again our sincere appreciation.

Governor of *Virgin Islands*, Melvin H. Evans—People in government of Virgin Islands highly endorse the role and activities of the American Red Cross on behalf of prisoners of war. Your write Hanoi campaign carried out by via Red Cross Chapters. Sincere wish for success this and similar projects.

ORGANIZATIONS

Mrs. James B. Stockdale, *National Coordinator for the National League of Families of American Prisoners in Southeast Asia*—Please extend to every delegate at your Convention the heartfelt gratitude of the wives and families of captured and missing American servicemen for the help you have given our men in the past. We deeply appreciate your continuing interest and efforts toward insuring humane treatment for our loved ones and wholeheartedly support and encourage renewed appeals for your "Write

Hanoi" campaign. Our burden seems lighter knowing you are continually increasing your efforts to get help to our men. We thank you most sincerely.

Mrs. Erwin Frees Seimes, President General, *National Society Daughters of the American Revolution*—Dear Mr. Collins: Your letter of May 13 has been read with interest and appreciation. We are enclosing a copy of the resolution adopted at the 79th Continental Congress entitled "Prisoners of War," which we feel is in line with your "Concurrent Resolution."

Also, for your information, the following paragraph appeared in the last Circular Letter sent by me to my National Board: "We have been asked by the Committee of United We Stand, Inc. (H. Ross Perot's Mission to bring relief to POW's in Vietnam) to write as individuals to express their concern to 'H. Ross Perot, Post Office Box 100,000, Dallas, Texas 75222.' Please transmit this word to your Chapters in order that they may express their feelings on this subject."

Best wishes for a most successful Convention.

Prisoners of war resolution, 79th Continental Congress, April 1970.

Whereas unknown numbers of servicemen have suffered long terms of imprisonment or the ambiguous status of "missing in action" in North Viet Nam; and

Whereas apparently nothing stronger than the usual words and platitudes from responsible United States officials and United Nations headquarters have led Hanoi to the belief that they have nothing to fear from the United States of America in their treatment of American prisoners; and

Whereas it is known that numbers of the Armed Forces of the United States of America have been murdered or allowed to die from malnutrition, disease or wounds; and

Whereas the North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by the "People's Court"; and

Resolved, that the National Society Daughters of the American Revolution express grave concern for the treatment and fate of United States prisoners of war and other Americans wrongfully held;

Resolved, that the National Society Daughters of the American Revolution believe that we must take all necessary steps to obtain the release of these American prisoners of war and in no circumstances abandon these brave men.

The American Legion, National Headquarters.

The American Legion shares your concern for the well being of American prisoners of war held by North Vietnam. Our Resolution No. 8, adopted May 6–7, 1970, joins with you in assuring the compliance with the Geneva Convention regarding the treatment of prisoners of war and cooperates with you in your "Write Hanoi" campaign.

J. MILTON PATRICK,
National Commander, The American Legion.

Ex Prisoners of War—Stalag Luft III.

Strongly applaud your Red Cross National Convention's commitment unrelentingly to pursue every possible course to ensure that American prisoners of war in Southeast Asia be afforded all the protection and benefits to which they are entitled and their captors are obligated to extend under the Geneva convention. Our organization which consists exclusively of former American prisoners of war, many of whose lives were saved by Red Cross efforts on their behalf, has unanimously endorsed your efforts and assures you of our unqualified support.

EX PRISONERS OF WAR,
Stalag Luft III.

[From the Chicago (Ill.) Sun-Times, May 20, 1970]

"DAY OF DEDICATION"

The lot of a prisoner of war is always grim, even in a war where the adversaries recognize the rules of the Geneva Conventions for the treatment of prisoners. In the Vietnam conflict, an undeclared war with an enemy that considers those it takes prisoner to be "war criminals," the fate of the prisoners themselves is uncertain, the suffering of their families great.

Gov. Ogilvie has proclaimed today to be a "day of dedication" for those Americans who are prisoners of war of North Vietnam and to recognize the special agonies their families endure.

North Vietnam is holding 450 American prisoners of war. There may be more. Another 955 Americans are listed as missing in action. Some of these may be prisoners.

Gov. Ogilvie is supporting the nationwide effort of the American Red Cross to bring pressure to bear on North Vietnam's leaders to treat their prisoners fairly and humanely.

The power of moral suasion is difficult to measure. But in dealing with an enemy that has closed the normal international channels of access to prisoners of war it could be a considerable factor in gaining better treatment for the prisoners. We urge all Illinois members of Congress to join Gov. Ogilvie and the Red Cross in this effort.

ATTACKS ON VICE PRESIDENT HYPOCRITICAL

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BROWN of Ohio. Mr. Speaker, I was disturbed to read in yesterday's papers that a Member of the other body has accused Vice President AGNEW of trying to silence dissenters and repeal the rules of democracy. This is a most ridiculous and absurd charge and yet one which is being used with increasing frequency in some quarters. It never ceases to amaze me when I hear the administration's most caustic critics cry "foul" when someone dares to challenge their reckless rhetoric and atrocious attacks. For some reason, these critics think that only they should have the right to dissent and any counterdissent is immediately labeled by them as repressive and undemocratic.

Mr. Speaker, this is blatant political hypocrisy at its worst. There are those who would like to muzzle the Vice President so they can continue their one-sided debates unchallenged. They should know that there is no such thing as a one-sided debate in a democracy and that administration spokesmen have every right to defend their record and respond to their critics.

The Vice President has never asked for either conforming consensus or submissive silence from anyone; rather, he has urged a free and open debate on all issues and has forcefully presented his views on these issues. Apparently the administration's Democratic critics are not up to this challenge or they wouldn't be trying so desperately to silence their most worthy debating opponent.

JUDICIAL ETHICS NEED REFORM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BENNETT. Mr. Speaker, for the first time in history, Federal judges, including some members of the U.S. Supreme Court, have made a public disclosure of their outside earned income, investments, and gifts.

I applaud this action, which follows a March 1970 order by the Judicial Conference of the United States. But what has been required of Federal judges in the field of financial disclosure falls far short of what is needed to uphold the high traditions of the judiciary and the bar in the United States.

While the Judicial Conference requirements are a step in the right direction, I believe a stronger measure is necessary.

I have a bill, H.R. 12237, pending in the House Judiciary Committee, which would establish a code of ethics for Federal judges, including Supreme Court Justices. The legislation would ban outside fees and require disclosure by all judges, including Justices. Earlier this year I testified in support of my bill before the Senate Judiciary Committee hearing proposals in this field.

The people of America have been shocked with the disclosure of outside interests by Supreme Court Justices and judges. One Justice resigned under attack; and great concern has been expressed by the public over the outside affairs of Justices of the U.S. Supreme Court.

The Supreme Court, as an institution, has suffered in recent years in public opinion polls. In a recent Gallup Poll, almost one-fourth of those responding rated the Court as "poor." The personal and nonjudicial involvement of Justices has had a negative effect on public ratings of the Court.

It is my opinion that all Federal officials, including Members of Congress and judges, should have no earned income, especially when the salaries are as high as they are now.

I am pleased that the American Bar Association through its special Committee on Standards of Judicial Conduct has taken action in the area of judicial ethics. The recommendation as outlined in the interim report of the committee which was released in June of this year clearly reflects the concern of the American Bar Association. The committee sought the views of all major bar associations, all Federal judges, and many others. Replies were received from a large number of the groups and individuals consulted and the committee carefully considered the replies. The committee's proposals are in the form of brief statements of conclusions which hopefully after extensive hearings will be adopted as new judicial canons.

The committee's recommendations in regard to the financial activities of judges are as follows:

Financial Activities. A judge should refrain from financial and business dealings that tend to reflect adversely upon his impartiality or integrity, or which interfere with fulfillment of his judicial duties.

(a) He should not engage in business or serve as an officer, director, or advisor of any business organization.

(b) He should not hold any investment or other financial interest in an enterprise that is likely to be involved in proceedings in his court.

(c) He should not accept gifts or loans from lawyers or litigants, or any gift of a value in excess of $100 unless it is from a member of his family or is reported by him in the same manner as receipt of outside compensation.

(d) He should not use information obtained by him in his judicial capacity for the purpose of financial dealings or any other purpose not related to his judicial duties.

(e) Except in connection with his being disqualified in a particular proceedings, a judge is not required to disclose the identity or extent of his investments or his income therefrom.

The committee further considered the problem of outside compensation and reimbursement of expenses for Federal judges. The views of the committee in this area are as follows:

Compensation and Expenses. A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by these standards, subject to the following limitations:

(a) Compensation should be no more than reasonable in amount, no more than a nonjudge would be paid for the same activity, and from a proper source.

(b) Expense reimbursement is limited to travel, food, and lodging expenses reasonably incurred by the judge and his spouse.

(c) A judge should report the compensation received from a person or organization other than the governmental agency paying his salary, indicating the name of each such person or organization making the payment, the amount or value, the date and place of the activity, and the purpose or event for which it was made.

(d) He should report the name of each such person or organization paying or reimbursing his expenses, and those of his wife if she accompanies him, the date and place of the activity, the purpose or event for which it was made, and, if the payment exceeds actual expenses, the amount of the excess.

(e) The reports should be made regularly, within not more than six months after payments are received, and should be filed as public documents with the clerk of his court or in such other place as is designated by rule of court.

I believe that the action taken by the Judicial Conduct Committee of the American Bar Association on judicial ethics is an important step in the right direction. I continue to feel that legislation such as my bill, H.R. 12237, would better protect the public by enforcing judicial ethics. My bill would also provide criminal penalties for violations whereas judicial cannons can bring about only administrative action. I have asked for departmental reports and hearings in House Judiciary Committee on H.R. 12237 and I hope for speedy action.

A SUGGESTION FOR AIDING AMERICAN RAILROADS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. McCLORY. Mr. Speaker, my constituent, Mrs. W. C. Block, of Barrington, Ill., has brought to my attention a novel suggestion for aiding America's railroads. She has suggested the possibility of permitting the Federal Government to purchase railroad rights-of-way by the issuance of Government bonds having a 40-year maturity.

While the proposal may seem novel and startling, it should be pointed out that trucking lines do not own the highways, and airlines do not own the airfields. By payment of use taxes to the Government, the railroads would seem to be placed on a similar footing with these competing transportation agencies.

It is my hope and expectation that the Nation's railroads will continue in business and will, indeed, expand. An article which appeared in the August 19, 1970, issue of the Christian Science Monitor has been called to my attention by Mrs. Block and reads as follows:

SHOULD RAILROADS OWN RIGHT-OF-WAY?

Suggestions of how to revitalize the nation's railroads have been stacking up in Washington since the shocking bankruptcy of the Penn Central.

There is general agreement that the status quo cannot be maintained and that, if it is, more railroads may go broke.

Suggestions range from total nationalization of all railroads to merely authorizing U.S. backing or guarantees of additional private bank loans to the ailing lines.

Nationalization—absolute government ownership and control of the railroads—is not considered a likely solution. It goes against the American grain. And simply loaning the railroads more money is not apt to do more than postpone disaster.

The railroads suggest part of the answer themselves—the elimination of government regulation of rates plus doing away with the ban on railroad ownership of other forms of transportation, such as trucking companies and airlines.

Unregulated rates, the railroads claim, would allow them to compete more effectively with truckers and airlines. Ownership of that sort would give them profitable subsidiaries and allow them to offer a shipper a full range of transportation services.

But the railroads also would accompany such changes with infusions of government money to finance modernization programs. The money would be in the form of direct subsidies. . . .

We agree that dropping rate regulations and eliminating the ban on the ownership of other forms of transportation are vital. But we shy away from government subsidies or loan guarantees.

Subsidies have a way of continuing after their justification has ended—witness the farm program—and loan guarantees would simply be risking public money for the benefit of railroad stockholders with no assurance that railroad users would gain by it.

We suggest another alternative to the subsidies and loan guarantees. Why not have the government purchase all railroad right-of-way and track? Payment could be made to the railroads by selling government bonds which would, in turn, be paid off over, say 40 years, with track use fees levied on the railroads.

This would give every railroad the immediate and massive infusion of money which they sorely need for modernization and operating capital. The government itself would risk no money; purchasers of the bonds would. And the government would not be involved in operating the railroads.

Airlines don't own airports and trucking companies don't own highways. They pay use fees. Why not put railroads on the same footing?—Enquirer and News (Battle Creek, Mich.)

OPEN LETTER TO THE SILENT MAJORITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHMITZ. Mr. Speaker, the column "Straight Talk" by Tom Anderson is always worth reading. However, I believe that his recent "Open Letter to the 'Silent Majority' " is especially moving and should receive wide attention. I include it in the RECORD:

OPEN LETTER TO THE "SILENT MAJORITY"

DEAR S.M., wherever you are. (And I can't imagine there being many among regular Straight Talk readers! So pass this along to your S.M. friends.)

As you of the great Silent Majority may have heard, there are prophets of doom amongst us who are predicting civil war, dictatorship and disaster. Don't worry about a thing! The same thing happened to Rome and Rome recovered. A thousand years later.

If some of these fanatical alarmists had been in Rome the night Nero was doing his famous violin solo, they would have run amuck shouting fire! fire! instead of listening to the beautiful music.

Why be a patriot when you can more easily be a non-person? As Alexander Pope said long ago: "A patriot is a fool in every age. Patriots are like sheep penned and milling, annoying the slumbering countryside with their bleatings." Why be smeared, reviled, bled and destroyed as a patriot when you can be neutral?

Whatever you do, don't join patriotic organizations! You "can do more good on the outside." Like the woman's club where one member is designated to stay away from each meeting so she can give those attending something to talk about.

Look on the Bright Side!

Sixty-four percent of American wives and 50% of American husbands do *not* have sex outside marriage. Only three of the current non-fiction "Best-Sellers" are sex books and two or three of the best-read fiction books in the past five years have *not* been pornographic.

Thirty-eight percent of girls graduating from college *are* virgins. Two-thirds of our 18–25 age group do *not* have any venereal disease. At the present rate of takeover, we will *not* become a communist dictatorship until about 1976. Seventy-eight percent of our colleges did *not* have riots last year. And 85% of the students and faculty members at riot-ridden colleges did *not* participate. Forty-one percent of our college students *still* believe in capitalism!

There are probably fewer Marxists in our country than there are in Russia, and Rus-

sia is not even close to civil war. They don't even have riots. (They have firing squads.)

We kooks have upset the Communists so much that they might hasten the take-over, worried lest the American people wake up. They might even bomb us, since some experts say they will soon possess greater missile and anti-missile capabilities than we do. In other words, we saviors may be the death of you yet. Candidate Nixon campaigned on a "unity" program, which was as genuine as Teddy Kennedy's Chappaquiddick testimony.

Lenin, too, talked about "The silent majority." He said: "The cultured classes of the capitalist countries of Western Europe and America, i.e., the ruling classes, the financial aristocracy, the bourgeoisie and the idealistic democrats should be regarded as deaf-mutes and treated accordingly . . . they close their eyes to the above mentioned truth and so become blind, deaf and dumb. They will grant us credits, which will fill the coffers of the communist organizations in their countries while they enlarge and improve our armaments industry by supplying all kinds of wares, which we shall need for future and successful attacks against our suppliers."

What will the dedicated "deaf-mutes" do? Get on their knees and pray? The Communists have slaughtered millions of people, shooting them in the back of their necks while they were on their knees praying. I am not knocking prayer. I believe in it. But I wonder how Jesus rates prayer which comes only at the end of a gun barrel? I wonder how Jesus rates *silence?* Jesus told us to *testify,* to *witness,* to stand up and be counted.

Britain's Lord McCaulay forecast in 1857: "Your Republic will be as fearfully plundered and laid waste by barbarians in the 20th Century as the Roman Empire was in the 5th, with the difference that the Huns and Vandals that ravaged the Roman Empire will have come from without and that your Huns and Vandals will have been engendered within your own country by your own institutions."

And the National Council of Churches wasn't even born yet!

But don't worry about a thing: As president Johnson told you, "We never had it so good!" And as President Nixon says, "Let me just say this."

"Silent Majority!" If you (pardon the expression) *segregate* those words and analyze them separately, you learn that "*silence* is the wisdom of the stupid," and that the *majority* is usually wrong. And has been throughout history. Could the great silent majority be merely a great glob of slob? They had a "silent majority" in Germany in 1938. They have a "silent majority" in Russia now. Recently a German woman said: "We Christians in Germany often ask ourselves at what point we made our mistake (i.e., permitting the Nazis to enslave our country and most of Europe)." We now say it was at the *beginning.* Never let any violation of human rights go unchallenged—not even one. After you have kept silent two or three times it is too late to speak out.

An old Hungarian poem puts it like this: "If you are among the brigands and you are silent, you are a brigand yourself."

As I have remarked before, brigands, when freedom is at stake, silence is not golden, it's yellow. When wrong is rampant in the land, silence is unChristian. When God is mocked on all sides, silence is sinful.

History, good and bad, has been made not by silent majorities, but by vociferous, dedicated minorities. Whether we win or lose this titanic struggle for freedom depends on whether the dedicated minority working for what is right and good is more powerful and more effective than the dedicated minority working for what is wrong and evil.

How did we get to the brink of disaster, revolution and dictatorship? The so-called "liberals," aided and abetted by the silent, stupid, yellow, short-sighted, ignorant majority *brought* us here.

The Silent Majority is not really silent of course. It prattles constantly, about the weather, food, sex, which channel to watch and Jackie and Onassis.

What can *you* do? Break silence! Get noisy. Get informed. Get involved. Get ready. Do the best you *can,* where you *are,* with what you've got. Work—in your church, PTA, political party. Join an effective pro-American, anti-Communist organization. And, instead of golf, take up another beneficial, invigorating and more relevant sport—target practice.

The term "silent majority" is far from new. It was used more than a century ago. It meant those who were dead. And, after a fashion, it still does. The Silent Majority won't save us from war, dictatorship and slavery! The Silent Majority has never saved any nation.

The Silent Majority sat by and saw Him crucified. The Silent Majority permitted the reign of terror in the French Revolution. The Silent Majority watched as the Christians were burned at the stake. The Silent Majority sneered when Patrick Henry pled: "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?" The Silent Majority watched as the street demonstrations in Germany were taken over by a little unknown paper-hanger and corporal named Adolf Hitler.

The Silent Majority is yellow, and always has been. History is determined by dedicated minorities. And even by inspired individuals. Only a *few* proclaimed: "He is the risen Lord!" Only a *few* defended the bridge at Concord. Only a *few* signed the Declaration of Independence.

Enough dedicated ants can destroy an elephant.

"There's a clever young fellow named Somebody Else,
There's nothing that fellow can't do.
He's busy from morning till late at night
Just substituting for you.
You're asked to do this, or asked to do that
And what is your reply?
Oh, why pick on me, Get Somebody Else
He'll do it much better than I.
You've a worn-out excuse on the tip of your tongue
Too busy, too something-or-other.
When the truth of the matter is
You simply don't want to bother.
So much to do in this weary old world,
So much, and the workers so few;
And Somebody Else is all tired and worn
Just substituting for you.
'Tis time that this faithful old Somebody Else
Gets a much-needed vacation—
Suppose you start substituting for him and
Building up your own reputation."

You of the famed Silent Majority, when will *you* come down out of the grandstand and get into the game? When will *you* rebel? When it's too late? Thousands of American youths have trained in Cuba to become efficient revolutionaries who, when the time comes, can take over *our* country and *your* children.

What are you going to do, if in 1972 you hear a radio alert saying that a mob of 700,000 people are milling around the White House and will soon sack it? That the President and the Congress are virtual prisoners and have signed a bill "nationalizing" all essential means of production? That Congress later passed an "Equal Property Act" making all citizens equal owners of all property? That United Nations forces have taken over to "restore order?"

What will you tell your children—if they're still alive?

Some head-burlers are still saying: "But protest is necessary and healthy! We are just going through a phase. It won't last."

They refuse to believe it. Like the drunk on the Titanic who said, as he heard the crunch: "I ordered ice—but this is ridiculous!"

Sincerely,

TOM ANDERSON.

AN UNDERRATED GENERATION

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. KLUCZYNSKI. Mr. Speaker, recently I received a copy of an address which was delivered by Eric A. Walker, president, Pennsylvania State University, to a graduating class. It is without a doubt one of the best speeches that I have read or heard. I recommend it to all my colleagues, and his remarks follow:

AN UNDERRATED GENERATION

Ladies and gentlemen of the graduating class and those who got advanced degrees. Let me extend to each of you my personal congratulations and those of the entire University on the degree you have earned today.

This ceremony marks the completion of an important phase of your life. It is an occasion in which all who know you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and you—the younger ones—are the hope of mankind. I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right, I will introduce you to representatives of some of the most remarkable people ever to walk the earth. People you might want to thank on this graduation day. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed. Let me tell you about them.

Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of these facts with you.

These—your parents and grandparents—are the people who within just the last five decades—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flue, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

And because they were materialist, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They also hold the dubious record for paying taxes—although you will probably exceed them in this.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generations can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope, and faith in mankind. Try it.

Good-by and good luck to all of you.

NIXON AND SCHOOL INTEGRATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. MORSE. Mr. Speaker, a constant complaint of some so-called liberal columnists is that the Nixon administration has been less than avid in furthering school integration, particularly in the South. However, the Boston Herald Traveler points out in its editorial "Good News from the South" that more southern schools will be integrated this fall than ever before. That almost all of the 500 southern school districts, will have been integrated by now is particularly important in view of the fact that only 5 percent of Negro children in the South were attending integrated schools in 1968.

In his column "Nixon Doing Prime Job of Desegregation," on which the Herald Traveler editorial was based, George Minot questions what happened to the Emergency School Aid Act of 1970, proposed by President Nixon. This act would make funds available to aid in the dismantling of dual school systems where they exist and would assist in reversing the course of de facto segregation elsewhere.

I believe both the editorial and Mr. Minot's column will be beneficial to my colleagues, and I therefore insert them in the RECORD:

GOOD NEWS FROM THE SOUTH

This week more schools were integrated below the Mason-Dixon line than ever before in history. And the fact that, though they may not have liked it, Southerners generally accepted this latest round of desegregation peacefully is most encouraging. For it proves that, given time and patience, changes once resisted as impossible can be accepted as inevitable, and that after their appeals and challenges have been exhausted, those who oppose a law will generally obey it without further resistance.

Although nearly all of the dual school systems in the South outlawed by the Supreme Court 16 years ago have now been dismantled, the problem of integration has by no means been completely solved. Within their new unitary school districts, there still remains a good deal of de facto segregation in the South—although, ironically, the separation of black and white students as a result of residential housing patterns and neighborhood schools is more glaring now North of the Mason-Dixon line.

But if some of the problems and difficult issues pertinent to integration continue to confront Americans, Northern and Southern, it is also encourageing to note that the Supreme Court hopes to resolve them as soon as possible. Chief Justice Warren E. Burger announced on Monday that the court will begin hearings on the opening day of its new term to listen to appeals in six cases involving busing, racial balance laws and other issues which have yet to be settled.

Many people, of course, believe that these issues should have been resolved years ago. And while it is true that the process of desegretation seems to have been painfully slow since the Warren Court handed down its landmark Brown vs. Board of Education decision in 1954, it is also astonishing how much progress has been made in the last two years.

This seems especially noteworthy, in view of the frequent charges that have been made that the Nixon administration is dragging in feet on integration and employing a "Southern strategy" in a blatant appeal for the votes of segregationists.

As George Minot points out in his column in the Herald Traveler today, only five percent of the South's black children were attending desegregated school systems in September 1968. Now, two years later and thanks in large measure to the efforts of Mr. Nixon—and Attorney General John Mitchell almost all of the 500 school districts in the 11 Southern states have been desegregated and more than a quarter of a million Negro children are going to school with white classmates for the first time this year.

More progress undoubtedly can and will come. But when such solid accomplishments have been made, when we have come so far that the Governor of Virginia has enrolled his own children in predominantly black, integrated schools in a city which once served as the capital of the Confederacy, perhaps the time has come for more applause and optimism than we've been getting lately.

NIXON DOING PRIME JOB OF DESEGREGATION

(By George Minot)

The Nixon administration has had a "bad press" in many of its efforts during the last 20 months or so, and in its attempts to bring about an almost 100 percent desegregation of Southern schools this September, it either has been belittled or ignored by a great majority of the editorialists and professional commentators.

Next to solving the poverty problems in the United States, these attempts to bring about a peaceful desegregation of schools in the south is a tremendous undertaking that has eluded federal, state and local school officials ever since it was ordered by the Supreme Court more than 16 years ago.

This year the Nixon administration expects that almost all of 500-odd school districts in 11 Southern states will desegregate for the first time.

A dozen or two districts were desegregated when schools opened this last week, but the major test of the administration's pledge to end the dual school system in 1970 will come this week and next, when the bulk of Southern schools start classes.

Although everything has moved smoothly thus far, the big tests are still ahead. If there is to be trouble it is certain to come in metropolitan districts that will operate under recent court orders to desegregate by using extensive busing of children to integrate schools in city slum areas.

Whites opposed to such busing—an issue that has not yet been settled by the Supreme Court which is on a three-month vacation—have threatened to boycott schools in Richmond and Norfolk, Va., and in Miami and Fort Lauderdale, Fla., all of which are getting underway this week. A similar threat to stage a massive boycott of schools in Atlanta never got started despite a threat by its leaders to take 50,000 children out of the schools.

When the protesters held their widely advertised rally last Thursday only 50 housewives and as many children, most of them too young to go to school, showed up. The demonstrators wound up by singing "God Bless America" and "Onward Christian Soldiers."

Although the South has faced the greatest challenge to the reshaping of its school system—even its way of life—you never would know what was happening if you relied on most of the fast talkers on TV or read the reports—or noted the lack of them—in big liberal newspapers of the East.

Think of it! In September, 1968, 14 years after the Supreme Court had declared the dual school system to be unconstitutional, only 5 per cent of the black children in the South attended unitary systems. Where were the great liberals of the nation during this persistent failure to observe or to enforce the law of the land?

Then along came Mr. Nixon. He had no mandate as a social reformer, so they said. He wasn't elected to bring about drastic changes. Nonetheless, and with aid and cooperation of that drastic conservative, Atty. Gen. Mitchell, Nixon has done more to bring about school desegregation in the South than anybody who has occupied the White House in this generation.

And he has been belittled, discouraged or ignored all along the way. How much publicity have you noticed that the Emergency School Aid Act of 1970 has received? Nixon proposed this message to Congress and it has lain dormant there ever since.

If any of the dedicated liberals in the House or Senate have taken it up and fought for its passage their names do not readily come to mind. Yet this act would make

available $1.5 billion in the next two years to facilitate the dismantling of dual school systems where they exist, and would go far toward reversing the course of de facto separation elsewhere.

Southerners who met with the President on his trip to the South last month expressed great interest in how this money was to be distributed and spent, but among representatives in the North and West there wasn't the slightest interest. Even the big spenders who lick their chops every time they see a chance of spending a million or so of the taxpayer's money didn't move to get the legislation off the floor.

Finally, Daniel P. Moynihan, from the inner White House circle, sent a letter to newspaper editors across the country urging them to help the President get support for his school bill, but you haven't noticed any action yet, nor are you likely to. Liberals running for Congress apparently don't see any votes there.

Indeed, the most remarkable thing about the apparent breakdown of resistance to the reshaping of Southern schools has been the fact that this September, unlike past years, there has been no consistent strategy of opposition. State leaders, perhaps with the exception of noisy Gov. Maddox of Georgia, have been silent. Candidates for the House and Senate in Virginia, Georgia and Florida have hardly opened their mouths.

One reason, of course, is that many are confused. Hardly a day passes that some Southern district court judge doesn't reverse himself or another judge.

White Southerners seem resigned in 1970 to do as little as possible to satisfy the law. Many of them undoubtedly are sick and tired of the struggle that has been going on for so many years. Others are willing to sit back and watch to see if President Nixon can obey the Supreme Court without alienating Strom Thurmond. It will at least be interesting to see if he can.

A TRIBUTE TO RONALD REAGAN: THEY SAID IT COULD NOT BE DONE

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. LANGEN. Mr. Speaker, just a few years ago the experts ridiculed the thought that an actor turned politician could ever govern the Nation's most populous State, especially a man who believed in such archaic concepts as a balanced budget, respect for the law, and responsibility of the individual. But in the 4 years of his first term as Governor of California, Ronald Reagan has astounded both critics and friends alike for the extreme ability with which he has conducted his office. Bringing to the governorship a no-nonsense approach which has attempted to grapple directly with the pressing problems of this microcosm of American society, Mr. Reagan has accomplished something rarely found in the political world—he has lived up to his promises.

I for one believe Ronald Reagan is deserving of commendation for a job well done. In this I am joined by the San Francisco Examiner, a one time critic turned supporter of the Governor. In a recent editorial the newspaper reflected thoughtfully:

THE EXAMINER ENDORSES REAGAN

Four years ago this newspaper opposed Ronald Reagan's candidacy for Governor of California. We did not believe a man lacking prior experience in public office could govern this most populous of states.

We were wrong.

Today, as Gov. Reagon prepares to open his autumn campaign for a second four-year term, The Examiner endorses him without reservation. We intend to support him vigorously. We intend to support the team of Gov. Reagan and Lieut. Gov. Ed Reinecke.

The chief issues of the campaign currently are the costs of state government including that biggest of all costs, education, and the problem of campus disorder including the radical drive to politicize California's institutions of higher learning.

Gov. Reagan in his approach to these overriding issues has done exactly what he said four years ago that he would do. He has been the responsible conservative, giving to state government the tone of firmness and integrity that the times demanded. Everyone in California knows exactly where he stands.

In fiscal affairs Mr. Reagan has been the constant and unyielding practitioner of economy. No governor for a generation has faced spending and taxing problems as difficult as his. No governor has worked as hard to contain them. We exaggerate very little when we say he has saved the state from bankruptcy.

He faced a critical deficit upon entering office. In his first year he dealt with it by a combination of higher taxes and cost-cutting. In every year since, he has maintained a balance without higher taxes.

It is important to understand the nature of the fiscal dilemma that confronted him. In the years just before he took office, Congress and the state legislature had passed laws greatly expanding health and welfare programs. These became built-in expenditures, beyond the Governor's control, that increased the state budget very rapidly. State health and welfare costs climbed an incredible 80 percent in four years. This year they total $1.3 billion.

Faced with this threat of bankruptcy, Mr. Reagan took three decisive steps. He compelled the utmost economy in the only health-welfare area where he did have control: administration. He turned down all new social programs (environmental controls excepted) that would increase the state budget. And he instituted strict economy in every state office under his budget control.

Those offices had 102,465 employes the day he became Governor. Today, despite population growth and a bigger volume of day-to-day state business, those offices have 102,441 employes. That, we submit, is a remarkable record.

Critics accuse the Governor of balancing the budget at the expense of higher education. They are wrong. In the last year of the Brown Administration the state spent $3028 per University of California student and $1265 per state college student. The figures were $3114 and $1500 under Reagan in the fiscal year just ended. Enrollment had gone up 35 percent; budgets had gone up 43.5 percent.

Mr. Reagan hasn't starved higher education. He just hasn't allowed it all the goodies it asked for. The educational complex, no less than the military-industrial complex, must be required to live within the public's means.

The era of campus disorder began at Berkeley in September, 1964. When Mr. Reagan took office more than two years later in January, 1967, it had grown to a national phenomenon. It still is. But it has begun to diminish in California's state-owned institutions of higher learning.

We consider it significant that, after Mr. Reagan's three years of uncompromising opposition to campus violence, the most serious disorder on a California campus last year occurred not at a state institution but at privately owned Stanford University.

Mr. Reagan has respected university autonomy. He has never sent police or the military to an institution in turmoil until the administrator of that institution asked for help. At the same time, in his roles as Governor, regent and trustee he has never ceased to insist that administrators act more firmly and faculties more responsibly.

That is exactly what the great majority of the public wanted him to do.

We view with regret the loss of authority by administrators and faculty over their academic communities, and their consequent loss of public respect. It is a tragedy of our times. But this loss of authority created a campus vacuum into which anarchy flowed. This required the intervention of the civil power of a strong governor.

Ronald Reagan supplied it, and stands ready to do so again.

That is but one of the many sound reasons the people should reelect him as Governor.

LESSONS FROM THE VIETNAM WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHMITZ. Mr. Speaker, the recent victory of a Communist organized and dominated popular front candidate in Chile reminds me of a statement made by English historian and scholar P. J. Honey during a seminar at the Royal United Service Institution in February of 1969. Although his remarks are directed toward the Communist program for the subjugation of the Republic of Vietnam, many facets of enemy popular or united front strategy are so clearly drawn it would seem to be worthwhile to include this summary in relation to the recent election in Chile. One wonders if the South American being counseled by Hoang Quoc Viet might not have been the General Secretary of the Chilean Communist Party Luis Corvalan.

Mr. Honey begins by talking about some of the major difficulties which the United States has encountered in Vietnam:

LESSONS FROM THE VIETNAM WAR

(Report of a Seminar Held at the Royal United Service Institution on Wednesday, February 12, 1969)

The first and to my mind the most important is the strategy which the Communists employed in Vietnam, firstly against the French and secondly against the United States and South Vietnam. This is the strategy of the 'United National Front', though my description of it will necessarily be oversimplified.

A South American Communist revolutionary paid a visit last year to North Vietnam and had a long series of interviews with Hoang Quoc Viet, one of the senior North Vietnamese leaders. Among the questions he was asked was this: You have run a successful revolution in Vietnam: We have tried many

times in South America, but we failed on every occasion. Why? What is the basis of your success?

Viet's answers are summarized in copious notes which I have in my possession and which are extremely illuminating. He said: In the first place, in order to conduct a successful revolution, you have got to involve the entire people. It is no use trying to run a revolution with the Communist Party alone. In order to involve the entire people you must devise a revolutionary programme embodying objectives which will appeal to the entire people. This necessitates the division of the populace into classes, the study of the interests of each class, and the building of a programme from those which are common to all classes.

The resulting programme contains little if any Marxism/Leninism and you may not like this as a revolutionary Communist, but you have to do it if you are to have any hope of success. This will be known as the "Minimum Programme".

During the French domination of Vietnam the construction of a programme was not difficult. Our "Minimum Programme" called for the ending of French rule and the establishment of national independence, which appealed to everybody.

The "Minimum Programme" wins mass support and the revolution may then begin, under the clandestine direction and control of the Communist Party but ostensibly a spontaneous national uprising. When the revolution has progressed to a certain stage, according to Hoang Quoc Viet, then it is essential for the Communist Party to assume overt control of the movement. It does so by moving from this "Minimum Programme" to the "Maximum Programme" which simply means adding the unmistakably Communist goals to the original "Minimum Programme."

By this time a large proportion of the people have become irrevocably committed to the revolution, but others may be unwilling to fight for Communist goals. To maintain their support, the original objectives of the revolution have to be retained. Some who are opposed to Communism will inevitably abandon the movement, but the damage can be minimised by pointing out that the revolution still tries to accomplish its original objectives and by appealing to them not to help the enemy.

When the military victory is achieved, as against the French at Dien Bien Phu, the united national front is still in existence. Its constituent parts have already been assessed in terms of social class, and the aspirations of each class are already known to the controlling Community Party. The united national front is then purged of potentially hostile elements by stages. Firstly, the whole front is turned against the most dangerous class, which in North Vietnam was the exploiting landlords. Though they have fought loyally throughout the whole revolution, they are now denigrated and cast in the role of the enemy. The rest of the united front is deployed against them. In North Vietnam this first stage was accomplished through an agrarian reform campaign, and the whole landlord class was eliminated.

The next class to go are the exploiting capitalists, the owners of big shops and factories. These successive purges are carried out by the national united front until all the classes which might oppose Communist rule have been removed from the population. When that point is reached the purges end and the Communist regime remains in control of a docile people.

I do not think this technique is even today appreciated in the United States, or indeed, elsewhere in the West. Even those who have written at length about the two Vietnam wars remain ignorant of it. Yet this technique is fundamental, and without a knowledge of it this type of war cannot be understood. Had it been studied and then explained earlier, a lot of criticism that has gone on and has been such an obstacle to the United States might have been avoided.

Moving on to point two, I would criticize the Americans for never actually declaring war in South Vietnam. Consequently the United States has never been able to impose the sort of information security censorship in Vietnam which existed during World War II and the Korean War, and any other war one can think of.

Secondly, since the Korean war, television has come of age. Television in this country, in the United States, and most other countries is concerned with profits, if it is commercial, or with TAM ratings if it is non-commercial. It is not primarily concerned with presenting a truthful picture, but with presenting a picture which will get a maximum audience. This leads the television reporters into sensation seeking above all else. Television teams have never been able to get into North Vietnam unless they are in the charge of someone who the Communists feel assured will present their case sympathetically, therefore most of the television has been restricted, not only to South Vietnam, but to the South Vietnamese Government and American controlled areas. Television which depicts its own side's successes may be truthful but it is not sensational. What is sensational is when the enemy is successful. The result has been that the viewing world is subjected to partial, misleading and dishonest reporting of the war.

To a large extent, the same is true of the Press. The inevitable result has been the protest movement and criticism which has limited the freedom of the tactics and strategy they have employed.

BRAZILIAN GOVERNMENT HONORS CAREY JOHNSON, OF LAWTON, OKLA.

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. STEED. Mr. Speaker, an unusual and outstanding honor was conferred last month on a citizen of my district, Mr. W. Carey Johnson, of Lawton, Okla., by the Government of Brazil.

Brazil recognized his work over a period of many years in behalf of Brazilian students in Oklahoma by conferring on him the degree of Officer of the Order of Rio Branco.

The Ambassador of the Republic of Brazil, Mr. Mozart Gurgel Valente, made the formal presentation August 12 at a ceremonial luncheon at the Embassy in Washington.

Carey Johnson is a native of Brazil, where he was born at Recife, while his parents, the Reverend and Mrs. L. L. Johnson, were serving as missionaries. After graduating from Shawnee, Okla., High School and the University of Oklahoma, Carey Johnson returned to Brazil and lived at Rio de Janeiro from 1954 to 1963. He served as a member of the American school board there.

For a long time he has acted as sponsor of many Portuguese-speaking students in this country. He is fluent in their language, and acts as translator and interpreter.

The Order of Rio Branco, established in 1963, is named in honor of a renowned foreign minister of Brazil, Jose Maria da Silva Paranhos, Baron of Rio Branco. During his 10 years in office early in this century Rio Branco negotiated boundary settlements that ended disputes between his country and several of its neighbors, He concluded arbitration agreements and conventions with all the other American republics.

The Order rewards those whose outstanding service or exceptional merit have made them deserving of the gratitude of the Brazilian Government. Emblem of the Order is a four-armed cross with eight white-enameled points, at the center of which is a gold sphere.

Carey Johnson is president-elect of the Oklahoma Oil Marketers Association and represents the State on the National Oil Jobbers Council in Washington, serving as a member of the gasoline marketing committee. He recently became Democratic chairman of Comanche County, Okla.

On his visit to Washington to receive the citation he was accompanied by his wife, Mary Lou, and son, Chris.

His civic work typifies the kind of spirit that motivates constructive international relations, and I am proud to join in paying tribute to him.

HARDSHIP FOR MILITARY WIDOWS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BENNETT. Mr. Speaker, a subcommittee of the House Committee on Armed Services is investigating the inadequacy of survivor benefits for all military personnel, active duty and retired. On July 23, 1970, I was privileged to appear before that subcommittee to state my full support for legislation which I introduced in the form of H.R. 19013 to establish an equitable survivor benefits program for our men and women in uniform and those who have served in a career status. This subject is receiving the attention of many news publications throughout our Nation. The Fleet Reserve Association has been the leading proponent of corrective legislation and has brought to my attention an excellent editorial from the July 21, 1970, Jacksonville, Fla. Times Union which I insert in the RECORD at this point:

HARDSHIP FOR MILITARY WIDOWS

It is assumed by the public that, after a lifetime of service in the armed forces of this nation, adequate provision is made for the retirement years of the military.

And, while even ranking officers do not normally receive the kind of compensation vast portfolio of stocks and become independently wealthy, they are given retirement pay and accompanying benefits which afford an adequate standard of living.

A retired admiral, in other words, doesn't have to do yard work to eke out a living. But—the catch is—no such provision is made for the admiral's widow.

This was dramatically brought out at hearings of a House subcommittee headed by Rep. Otis Pike, D-N.Y. Among those testifying was an admiral's widow; indeed the wife of a rear admiral who served as chief of staff to Adm. "Bull' Halsey in World War II.

As long as the admiral was alive, all was fine. But widows have no rights to their spouse's retirement pay after his death.

Accordingly, the admiral's widow found herself with a $50 a month pension, a house she couldn't pay for, a seriously ill mother to look after, a lack of training for any kind of employment—and then she fell ill with cancer.

Eventually, this wife of an admiral who had once commanded the aircraft carrier Hornet wound up doing housework in return for her room and board.

This particular case offered an especially sharp contrast in the material well being and social standing of a military wife and a military widow. But it was by no means the most extreme case of hardship among military widows brought out at the hearing.

The military retirement provisions, for the ex-officer or enlisted man, do constitute a carefully prepared package—for the man himself. As such they doubtlessly contribute to the decisions of many individuals to become career men. If this "widow gap" were closed, the package would appeal to many more.

The overriding consideration, however, is to correct a simple injustice. The widows of the nation's military, whose ranks include the widows of heroes, deserve much better.

IS PORNOGRAPHY FIGHT LOST CAUSE?

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. KLEPPE. Mr. Speaker, I would like to share with my colleagues the following editorial which recently appeared in the Jamestown Sun, entitled "Is Pornography Fight Lost Cause?"

In view of the fact that so much has already been said about the report of the Commission on Obscenity and Pornography—a report which is not to be issued until late this month—I think the editorial puts the entire report and the Commission itself in the proper perspective.

IS PORNOGRAPHY FIGHT LOST CAUSE?

The Federal Commission on Obscenity and Pornography, authorized by Congress in 1967 and appointed by President Johnson in 1968, will shortly make its official report.

But there have been so many leaks, intentional or otherwise, about what the committee has been doing over the past two years with its $2 million appropriation, what it has discovered and what it will recommend about the problem of pornography that the report may be anticlimactic.

Then again it may spark the biggest controversy since the Supreme Court gave its imprimatur to Lady Chatterly's Lover a few years ago, a book which by today's fast-changing standards seems only slightly racier than the Bobbsey Twins on the Farm.

As far back as last March, the only Nixon appointee to the commission, lawyer Charles H. Keating Jr., founder of the Los Angeles-based Citizens for Decent Literature, warned the President that unless he fired 12 of the 18 members of the commission, "your administration will be tarred with the failure of a presidential commission which you did not appoint and over which you have absolutely no control."

The President's press secretary has since taken pains to make it clear that the commission was established by Nixon's predecessor.

By failure, Keating means the failure of the commission to come up with the conclusion which he, and perhaps a majority of Americans, intended it should—that pornography is an unmitigated social evil and a menace that should be stamped out.

The commission has, in fact, reached exactly the opposite conclusion, as testified to by a tentative draft statement that has been circulating around Washington like a straw in the wind:

"The exising empirical scientific evidence indicates that exposure to explicit sexual material is not a cause of antisocial behavior in either youth or adults."

The draft actually goes on to recommend the repealing of all laws against pornography for consenting adults—laws which court decisions have weakened to the vanishing point but which many people feel must remain on the books.

The commission's finding, if this is what it is, will have been based on the most thorough investigation of pornography ever made in this country or any other.

It involved interviews with thousands of individuals around the nation, studies of sex offenders in prisons and hospitals, examination of the characteristics of habitual buyers of erotica, studies of the relationship between availability of pornography and sex crimes, studies of the effects of viewing or reading pornography on individuals, polling the opinions of all state attorneys general and local prosecution and police officials, and much more.

The conclusion, whether one likes it or not, will be as solidly grounded on fact as it is possible to get in this subject.

And that conclusion, and accompanying recommendation, after causing a brief uproar, will likely be entirely ignored: If letters to congressmen are any guide, Americans are not prepared to follow the example of Denmark, which abolished all restrictions on pornography for those over 16.

"There is no single subject on which we have consistently received more mail," says Rep. Durward Hall, R-Mo., to the seconding of his colleagues. The mail is overwhelmingly anti.

So the laws will remain—may even be beefed up—and the problem will continue. So, too, will the still-unanswered question: Just what is it that the law should ban?

A significant revolution in attitudes toward sex has taken place in this country, and is taking place. Literature which even the most dedicated smut-hunter considers fairly mild today would have outraged his parents. Today's miniskirts would have led to wholesale arrests not too many years ago.

King Canute, ordering the tide to go back, had it easy compared to what faces the pornography fighters.

TRIBUTE TO MRS. JAYNE SPAIN

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TAFT. Mr. Speaker, a constituent of mine, Mrs. Jayne Spain, has been named to the board of directors of Litton Industries on August 26, 1970. Mrs. Spain is the second woman to be named to a board of directors of American industrial firms.

For the past several years, Mrs. Spain has been president of Litton Industries' Alvey-Ferguson unit and has served as executive vice chairman of the President's Committee on Employment of the Handicapped. In 1961, the U.S. Government recognized her work with the handicapped and, with its urging, she began to appear at international trade exhibitions. In 1963, Mrs. Spain was appointed to the President's Committee on Employment of the Handicapped. For the past 7 years, she has been a world emissary in the cause of training physically impaired people and developing them as an employment resource. In her own company, Alvey-Ferguson, she had maintained a ratio of one physically handicapped employee in every 10 on her payroll.

Mrs. Spain's record of honors and awards includes:

1963: Citation for meritorious service, from the President's Committee on Employment of the Handicapped Merit Award, National Employ the Handicapped Week, State of Ohio.

1964: Outstanding Employer of the Year Award, Ohio Rehabilitation Association, for vision, leadership accomplishment.

1965: Selected as the only woman member, Department of Commerce Trade and Investment Mission to India. Citation for leadership and meritorious service, Purdue University.

1966: People to People Award, President's Committee on Employment of the Handicapped and selection to be its Vice Chairman.

Citation for service and leadership in the field of the blind by Savez Slijepih Hrvatske Republicki Obdor Yugoslavia, League of the Blind.

Citation for service and leadership in the field of the blind by Polskiego Zwiasku Niewidomch, Poland, Polish Association of the Blind.

Migell Medal, top award, American Foundation for the Blind.

1967: Golden Plate Award from the American Academy of Achievement, Dallas, Tex.

Top Hat Award, Business and Professional Women's Clubs, Inc., as one of the seven women that year making outstanding contributions in business and industry.

Elected to membership, Advisory Committee to the Secretary of Labor on sheltered workshops and vocational training of the mentally retarded.

Invited as a mission of one to Yugoslavia, to outline a training and employment program for the retarded in Yugoslavian industry.

1968: Invited by Great Britain's Lady Hamilton and Lady Hoare to assist in their national planning for aid of thalidimide children.

1969: Selected as the only woman

member, Department of Commerce business seminar to Iran and Turkey.

Awarded degree of doctor of laws, Edgecliff College, Cincinnati, Ohio, for her humanitarian work with all peoples.

1970: Awarded degree of doctor of public service by George Washington University, Washington, D.C.

Made a member of the board of trustees, Edgecliff College, Cincinnati, Ohio.

Made executive vice chairman, President's Committee on Employment of the Handicapped.

Mrs. Spain is an alumnus of the University of California, Berkeley, and the University of Cincinnati. She is married to Cincinnati Lawyer John A. Spain, of Lindhorst and Dreidame. They have two sons, Jeff, 17, and Kim, 14.

BLACK PANTHERS AND BLIND KITTENS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SIKES. Mr. Speaker, the American Rifleman is a courageous publication which speaks out for law-abiding sportsmen.

On more than one occasion, it has set the record straight when this was badly needed. In the September issue of the Rifleman, the record is set straight on the efforts of some to identify the Black Panthers and the National Rifle Association as having common interests. They do not. They should not even be mentioned in the same breath. The Black Panther organization is shot through with treason.

I submit for publication in the RECORD an editorial on the subject:

A NATION OF ARMED CITIZENS

(By Jac Weller)

Imagine a school picnic with teachers carrying submachine guns and the boys clutching Mauser rifles as they munch their lunches.

I saw just such a picnic on a recent tour of Israel, where terrorism by Arab guerrillas has made the Israelis truly a nation of armed citizens.

A Jewish bus driver who works in Gaza told me that as he stopped his bus one day to let off a passenger, a dozen Arabs drew guns from under their robes and blazed away at the bus. He fired back, killing one terrorist. The rest fled.

In the Golan Heights, territory taken from Syria in the 1967 Six-Day War, an Israeli couple and their five children were sightseeing by car. Suddenly a score of Arab terrorists opened fire from 25 yds. The father grabbed his Uzi submachine gun, firing as he scrambled from the car. His wife was killed and one child wounded, but his quick action routed the guerrillas and prevented probable annihilation of his entire family.

To survive in the face of constant Arab attacks, the Israelis use more firearms daily in proportion to population than any other nation ever has. I travelled about Israel from the Suez Canal to the Golan Heights, from the Mediterranean to below the Dead Sea, both with and without escort from the Israeli Defense Forces (IDF). I found that the most powerful single deterrent to low-level Arab violence is the fact that most Israelis are armed and know how to use the guns they carry. Wherever there is real danger, they go about their daily lives ready to fight.

All young Israelis of both sexes who can qualify serve for three years in the IDF and are then in reserve units. The latter are normally called on for 40 days active duty each year, and some reserve officers and sergeants serve an additional month. Israelis who fail to meet the relatively low IDF physical and mental qualifications often leave Israel or even commit suicide. But most males between 18 and 55 are in the IDF in some capacity. Those who have not served in the IDF—middle-aged immigrants, for example—are issued arms and taught to shoot if they live in exposed places.

This doesn't mean that Tel Aviv and Jerusalem businessmen and shopkeepers go about their daily tasks with Uzis slung from their shoulders.

Though they are heavily outnumbered by hostile Arabs, the Israelis are likely to survive because a nation in arms is hard to destroy.

BLACK PANTHERS AND BLIND KITTENS

On several recent nationwide broadcasts, persons identified as spokesmen for the Black Panthers have cited the Second Amendment in support of the right to bear arms.

Because of this, certain shallow-minded antigun politicians have seized the seeming opportunity to bracket the Black Panthers and the National Rifle Association as if they were similar organizations.

There are some definite differences between the NRA and the Black Panthers that deserve to be pointed out.

On the basis of performance, the Black Panthers are an activist political organization with a strong partisan slant.

The NRA is non-political and non-partisan.

The Black Panthers are, as their name connotes, primarily racist.

The NRA makes no race distinction and its membership is open to all reputable Americans who pay allegiance to our country.

The Black Panthers, or persons identified with the organization, have published pamphlets on how to make bombs, how to assault police, how to wreak terrorism.

The NRA has refrained, in this magazine and generally, from disseminating any information which could be used in making bombs or other illegal devices for violence.

The Black Panther organization consists primarily of militants.

The NRA consists principally of sportsmen.

At least some of the Black Panthers appear willing to use violence to revolutionize America for their own ends.

The NRA seeks to preserve America by peaceful means for the sake of all good Americans.

There is yet another way to tell the NRA apart from the Black Panthers. As long ago as Aug. 15, 1964, the NRA went on record publicly as saying that it "does not approve or support any group which advocates or condones activities of violence" nor "any group that by force, violence or subversion seeks to overthrow the Government and take the law into its own hands." (THE AMERICAN RIFLEMAN, Oct., 1964, pp. 72–73.) We know of no such declaration from the Black Panthers.

And so we say:

Anyone whose judgment is so feeble that he cannot distinguish between the NRA and the Black Panthers does not deserve to hold public office.

To place confidence in any such person is contrary to the public welfare, for he has no more vision than a blind kitten.

CONGRESSIONAL QUESTIONNAIRE RESULTS OF REPRESENTATIVE JAMES J. HOWARD

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. HOWARD. Mr. Speaker, the residents of the Third Congressional District of New Jersey have responded overwhelmingly to my most recent Congressional Questionnaire and I strongly support their message. The people I have the privilege of representing in the House want to cut down on unnecessary Federal spending and, at the same time, they correctly want to spend that money on cleaning up our environment, improving our commuter mess through a realistic program of mass transportation, and improving our quality of life.

After reviewing the results of the Congressional Questionnaire in great depth, I am confident that the residents of the Third Congressional District support the actions by the Congress which in fiscal 1970 cut the President's budget requests by $6.4 billion.

A great concern of the residents of the Third Congressional District of New Jersey is evidenced by the fact that almost 19,000 questionnaires were returned, which is an extremely high rate. Each question listed separate "His" and "Hers" spaces resulting in more than 29,000 individual responses.

The first question listed asked my constituents where they would cut the budget if they had the responsibility. I listed 12 separate areas, and despite the wide choice given, a total of 15,929 of the some 29,000 persons responding listed the Department of Defense budget as the place to cut unnecessary spending. This was followed by 13,366 persons who also wanted the space budget cut.

Mr. Speaker, the results of the Congressional Questionnaire follow:

	Number	Percent
THE FEDERAL BUDGET		
Percent inflationary pressures require restraint in Federal spending. If you were required to make the choice as to where the budget should be cut, which areas would you select? (Figures in parentheses indicate percentage of 1969 budget allocated to each area.)		
Defense (44 percent)	15,929	54.6
International affairs, including economic assistance, Peace Corps, Food for Freedom, USIA (2 percent)	10,930	37.4
Space (2.3 percent)	13,366	45.8
Agriculture (3 percent)	6,852	23.8
Natural resources, including pollution, recreation, flood control, conservation (1 percent)	462	1.5
Commerce and transportation, including highways, airports, postal services, business assistance (4.4 percent)	2,854	9.8
Community development and housing (1.3 percent)	3,461	11.9
Education and manpower (3.9 percent)	2,225	7.6
Social security (21.8 percent)	2,087	7.1
Health and welfare, including medicare, health research and manpower, food stamps, child nutrition, vocational rehabilitation (4.8 percent)	3,965	13.6
Veterans benefits (4.2 percent)	2,240	7.7
General government, including law enforcement, crime reduction, civil rights, Congress, and the courts (1.6 percent)	2,369	8.1

	Number	Percent
VIETNAM		
Which of the following do you consider to be the most preferable course in Vietnam at the present time?		
Immediate withdrawal of all combat forces, while continuing economic and social assistance and maintaining military advisers	6,324	21.7
Continued phased withdrawal of American combat forces as South Vietnamese Army assumes more responsibility for conducting the war	13,922	47.9
Complete immediate removal of any American presence in Vietnam	5,344	18.4
Resumption of full scale attacks on the North with any necessary increase in American men and material	3,504	12.0
FOREIGN COMMITMENTS		
Would you favor a congressional resolution requiring the President to obtain approval of Congress before U.S. troops are committed to fight in foreign countries?		
Yes	21,028	74.6
No	5,486	19.5
Undecided	1,655	5.9
NATIONAL SECURITY		
Which one of the following do you feel poses the most immediate and serious threat to the security of the United States?		
Foreign Communist aggression	4,773	15.5
Instability in the developing nations of Asia, Africa, and Latin America	1,648	5.3
Radicals in this country	12,675	41.2
Unmet domestic human needs which give rise to internal tensions	11,705	38.0
SOCIAL SECURITY		
Do you favor legislation which would provide an automatic cost-of-living increase for social security recipients?		
Favor	22,386	76.0
Oppose	4,355	14.8
Undecided	2,695	9.2
CONSUMERS		
Would you favor legislation establishing a separate federal agency, either as a full Cabinet-level department or a statutory office, to consolidate and direct current consumer programs and serve as a spokesman for consumer interests?		
Favor	17,752	61.3
Oppose	6,752	23.3
Undecided	4,472	15.4
ABM SYSTEM		
Are you in favor of the multibillion-dollar anti-ballistic missile system as proposed by President Nixon?		
Favor	10,230	35.5
Oppose	13,180	45.7
Undecided	5,432	18.8
SPACE PROGRAM		
It has been suggested that we begin to cut down on our expenditures for our space program and direct that money for use on various domestic programs. What is your reaction to this?		
Favor	18,284	62.4
Oppose	8,273	28.2
Undecided	2,759	9.4

CONGRESSMAN DUNCAN SUMMARIZES LEGISLATIVE QUESTIONNAIRE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DUNCAN. Mr. Speaker, the results of my 1970 legislative questionnaire proved to be quite interesting. Basically, I believe they showed that young people in my district are in general agreement with the adults. For example, 80.9 percent of the students who responded to my questionnaire agreed with the President's position on Cambodia while 89.6 percent of the adults expressed agreement.

In regard to air and water pollution control programs 92.7 percent of the students and 93.6 percent of the adults approved of the President's proposals to clean up the environment.

I was very pleased with my constituents' cooperation in responding to the questionnaire. I believe this is a very effective way to gather the views of the people I represent in the Congress, and knowing their views helps me to do a better job.

Following are the results in percentages of both student and adult responses to the 12-question poll:

	Non-students		Students	
	Yes	No	Yes	No
1. Do you believe the television networks and newspapers give you an accurate picture of national events?	16.0	84.0	18.6	81.4
2. Do you favor abolishing the present military draft system for an all volunteer Army?	38.5	61.5	56.0	44.0
3. Should Federal funds be withheld from colleges and universities who fail to dispel students who participate in campus disorders?	85.5	14.5	67.7	32.3
4. Do you believe enemy supply and manpower sanctuaries should be allowed to function in Cambodia while we have American boys in nearby Vietnam?	6.0	94.0	10.6	89.4
5. Do you agree with the President's position on Cambodia?	89.6	10.4	80.9	19.1
6. Do you approve of President Nixon's proposals to clean up our environment by national air and water pollution control programs?	93.6	6.4	92.7	07.3
7. Do you think more tax dollars should be spent for the above programs, and if so would you be willing to pay additional taxes for this purpose?	55.3	44.7	63.1	36.9
8. Do you favor elimination of tax exempt status for nonprofit foundations?	61.4	38.6	56.8	43.2
9. Do you favor the busing of school children to achieve racial balance?	5.2	94.8	10.6	89.4
10. Generally, do you approve of President Nixon's performance in his 1st year in office?	83.0	17.0	79.8	20.2
11. Do you believe we could cut down on crime by giving our police more authority?	85.8	14.2	72.5	27.5
12. Should Congress limit farm subsidy payments to no more than $20,000 per family farm?	93.4	6.6	86.1	13.9

SOUTH VIETNAMESE MOTHERS SEEK ANSWERS FROM VICE PRESIDENT AGNEW

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. HAWKINS. Mr. Speaker, it is apparent that on his recent visit to Southeast Asia, Vice President AGNEW talked only to certain friends of U.S. policy and not always to the people of the countries he visited.

Among those unable to speak to their distinguished visitor were the mothers of young political prisoners who were the victims of an oppressive government identified with the United States.

In order that their voices may be heard, I have been requested to release their letter so that world opinion may better judge what is happening. Perhaps this is expecting too much from our feeble efforts.

Personally, I can at least express the hope we here in America who have dear ones held in oppression by the North Vietnamese can appreciate the feelings that these mothers must have for their loved ones. Perhaps in this common understanding most of us can act to end the tragedy now occurring in Southeast Asia.

A letter from Don Luce accompanying the letter from South Vietnam mothers to Vice President AGNEW follows:

SAN FRANCISCO, CALIF.,
August 30, 1970.

DEAR FRIENDS: Attached is a letter written by Vietnamese women whose children are in jail. I have met and talked with these women. They are mostly very poor, supplementing their family's meager income by selling things at the marketplace or working as laborers. They want to know what has happened to their children since they were arrested.

"Please help me to find out if my child is alive or dead," one old woman asked me, tears running down her cheeks. "I must know what happened to him before I die."

Eighty women, all who have children in jail as political prisoners, met from 6 p.m. to 9 p.m. on August 27 to try to find a way to get decent treatment for their children. With them was Mrs. Ngo Ba Thanh, an internationally known lawyer with a PhD from Columbia who has herself spent over two years in jail for speaking out for peace. The women decided to take advantage of Vice President Spiro Agnew's visit to write him a letter asking for basic prison reforms. "The United States must share the responsibility for the torture and injustice within the Vietnamese prison system," the women said. After all, their children had been arrested by policemen paid by the U.S. (the U.S. spends more than twice as much on "Public Safety" as on Education in its economic aid program to Vietnam), the tear gas and other tools of repression are "made in USA." the U.S.-financed Phoenix Operation and U.S. military operations are responsible for the arrest of many of those imprisoned. When the women have talked with the few who have been released from the prisons, they are told of the American advisors in the prisons. They wrote Vice President Agnew: "The role of the American advisors should be to improve the prisoners' conditions, not merely to watch the tortures done to our children who suffer from hunger, thirst, disease and survive in agony in jail."

But they could not meet Vice President Agnew—or even get their letter to him before he left Vietnam. When they went to the U.S. Embassy at 8:00 a.m. on Friday morning, the American MPs would not let them into the embassy. No one could enter the embassy because of Agnew's trip. The MPs would not telephone anyone inside the embassy to come out and meet the women. Nor would they accept the letter and take it inside for the women. "No is No," one of the MPs told Mrs. Thanh.

"Whenever the U.S. officials come to Vietnam, they talk only to the government officials and not to the people," said Mrs. Thanh. "If the U.S. wants to understand the aspirations of the Vietnamese it must talk to the people."

At three p.m. an officer at the U.S. Embassy received the attached letter from the women whose children are in jail. But the Vice President had left four hours earlier. When I met the women at 7 p.m. that night after they had learned that their letter did not reach Vice President Agnew before he left, they were sad and angered. They do not believe Agnew will ever read the letter.

They had tried to tell the story of what was happening to their children, but failed. I promised them that I would let my friends in the U.S. and Europe know about their letter. Now I ask you to let as many people as you can know about the day the mothers whose children are imprisoned could not meet the Vice President.

Sincerely,

DON LUCE.

COMMITTEE OF WOMEN ACTION FOR THE RIGHT TO LIVE.

Mr. SPIRO AGNEW,

Vice President of the United States of America, c/o the U.S. Embassy, Saigon.

DEAR MR. VICE PRESIDENT: We know that your visit to Vietnam is connected with the making of important decisions. We also know that you are a father, the head of a family. As a father, you have deep love towards your children and you have experienced moments of anxiety when your children are in danger. As a leader of your country, you have many concerns on the South Vietnamese Government action. It is with this knowledge that we are taking the liberty to write to you this letter.

We are the Mothers of the political prisoners detained in the various prisons of South Vietnam. None of our children is convicted of crime or robbery. All of them are being imprisoned because they have dared spoken of Peace and Independence, a most profound desire of all the Vietnamese People after years and years of war. Our children were arrested and barbarously tortured. They have been denied food and drink, even medicine when they are sick. The limited amount of medicine provided to the prisoners by the American aid have been continously smuggled or stolen by the prisons' authorities. We only learn about the terrible living conditions of our children through statements by recently released prisoners and report made by the U.S. Representatives Anderson and Hawkins after their investigation of Con Son Tiger Cages and the living conditions of the prisoners.

However, up to the present time, we still have not been allowed to visit or keep in touch with our children despite renewed requests. We have no means to send food to them at all. Only one exception has been given to those mothers who were allowed to visit their children once on August 25th, 1970 at the Chi Hoa prison. We have witnessed our children's health situation. After continous beatings, their bodies were swollen; when they were allowed to see us, they could not even walk and had to be helped by two guards. Such is the actual result of our govvernment system of repression.

Most of our children were tried by the Military Field Court, a Court which was held unconstitutional by the Supreme Court. Yet. our children have not been released. Some of them have never been tried at all.

As a father, as a leader, you are coming to Vietnam to understand our people's aspirations for Peace and Justice. We, the Vietnamese Mothers, want to speak out the terrible sufferings of thousands of mothers who have their children being tortured and ill-treated in jail. We wish to directly inform you about the crimes committed under the prison system of South Vietnam. *We hope to have privilege of meeting you while you are here.*

You would have to agree that the U.S. Government somehow has to be held jointly responsible for the prison system in South Vietnam, since:

The police forces which arrest and repress our children are being paid by the Americans.

The equipment used by the Police to repress, torture and jail our children are part of the U.S. aid. The tear gas, the rockets used to repress them are "made in U.S.A." We actually witnessed the terrible repression being carried out right in front of the U.S. Embassy when we and our foreign friends demonstrated against the prison system on July 11th, 1970.

The Phoenix operation, the result of which a great number of "suspected" Vietnamese people have been arbitrarily arrested and imprisoned directly by American authorities in Saigon.

In the military operations, U.S. and Allied Forces have arrested and tortured many innocent Vietnamese farmers at the Intelligence Agencies or turned them to the South Vietnamese government for further detention without any "due process of law".

Our children witness the presence of American Advisors at the prisons. They know that more aid is being given to build more and bigger prisons.

Before such evidence it would be hard to deny and just say that the U.S. is not responsible for the prison system of South Vietnam. The roll of the American advisors should be to improve the prisoners conditions, not merely watch the tortures done to our children who suffer from hunger, thirst, disease, and survive in agony in jail.

We wish to meet you and let you know more specifically about our concern. May we ask you to convey to President Nixon, the American Government and the U.S. Congress our requests that urgent improvement on the prison system can be done. Our requests are primarily the following:

1. No citizen shall be arrested without lawful ground.

2. All prisoners should be provided with proper food and drink, and should be given appropriate care when they are sick.

3. The prisoners relatives should be allowed to correspond, visit and send extra supply to the prisoners.

4. The prisoners should be allowed to write to their families.

5. Relatives of prisoners should be immediately reported when the prisoners are arrested.

6. Corruption practice in prison should be immediately abolished so that our children's food rations are not taken away.

7. The present policy of using non-political prisoners (criminals, thieves . . .) to watch political prisoners should be immediately abolished.

8. Our children should be allowed to do some reading in jail for their own culture.

9. The prisoners whose jail terms have expired must be immediately released.

10. Those prisoners who have not been tried should be released or put on further trial by a constitutional, civil court.

11. Those prisoners who were tried by the Military Field Courts should be released or retried by a civil court if they are supposed to be guilty.

12. The old, sick and under-age prisoners should be released.

13. There should be a change in the jail staff system.

14. Tiger cages, Cattle cages, mysterious caves, separate cells, discipline cells and rooms used for inhumane tortures should be abolished, not only at Con Son but also in all the prisons throughout South Vietnam.

15. The "Coolies of the Battle-fields" system used for military prisoners and "released" political prisoners should be abolished.

16. When a prisoner dies, his body should be returned to his family for proper burial.

We also ask you to urge the American authorities to immediately end their acts of cruelty toward political prisoners and instruct them about our above mentioned requests.

In short, we want our children to have enough food, drink and medicine; their physical as well as moral life to be decently dealt with. They are not criminals but young courageous people who dared to stand up and voice for Peace. Peace is the deepest aspiration of all the Vietnamese people. Therefore, our children who are struggling for the cause of Peace and have been arrested and barbarously tortured should be considered as "Peace Heroes."

Hoping that thanks to your responsible and efficient intervention, our children will soon be removed from the present inhuman prison system of South Vietnam, may we convey to your family our best wishes of luck and happiness.

Respectfully yours,

Representatives of the Mothers whose children are being detained in the various prisons throughout South Vietnam, in the Tiger Cages, in the Disciplinary Cells . . . without trial or tried by unconstitutional Courts, or have served their jail-term or have been arrested during military operations (US, V.N. Allied).

Mothers	Son or daughter	Cities
Dang thi Muoi	Vo van Sau	Long An.
Nguyen thi Thanh	Le thi Chi	Nha Be.
Nguyen thi Nang	Tran thi Son	Binh Duong.
Bui thi Diep	Le thi Kim Nang	Binh Dinh.
Nguyen thi Van	Lua Ngoc Chan	Saigon.
Vo thi Sam	Luu van An	Bien Hoa.
Dang Thi Nguot	Nguyen van Coi	Ban Me Thuot.
Nguyen thi Trinh	Nguyen Dinh Tau	Phu Xuan.
Nguyen thi Anh	Le Tan Viet Nam	Gia Dinh.
Nguyen thi Yen	Dang Thien (sister)	Da Nang.
Nguyen thi Nhu	Nguyen Truong Con (sister).	Hue.
Nguyen thi Ban	Nguyen van Tam	Tay Ninh.
Vo thi Khai	Vo thi Gioi	Chi Hoa.
Phan thi Cam	Tran van Thien	Dien Ban.
Khong thi Kim	Tu Thu	Vinh Long.
Vo thi Tu	Le Anh Ton	Cho Lon.
Nguyen thi Binh	Thieu thi Tao	Saigon.
	Thieu thi Tam	Do.
Dang thi Banh	Hoang thi Kim Ngan	Do.
	Dang cong Tam (son in law).	Do.
Vo thi Ti	Cao thi Hot	Do.
	Phan Dinh Hoat (son in law).	Do.
Dang thi Hoang	Nguyen thi Danh	Cho Lon.
Le thi Ve	Pham Lang (husband)	Saigon.

Note: All in Con Son Prison.

MRS. NGO BA THANH,
Chairman of the Presidential Committee.

THE PROBLEM OF ADEQUATE NUTRITION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. COHELAN. Mr. Speaker, the problem of adequate nutrition continues to be one of the most pressing problems for many of the nations of the world.

As a member of the Appropriations Foreign Operations Subcommittee, I have been intimately involved with United States and multilateral programs that assist other nations in food production and distribution. In my service on this subcommittee, I have been interested in new methods and approaches to lessen the food gap.

At the recent Second World Food Congress at The Hague, Mr. Russell Baum, vice president of Foremost Food Co., presented a provocative paper on this problem. This paper outlined a multifaceted approach to solving the food problem.

I commend this paper to my colleagues:

TALK GIVEN BY RUSSELL H. BAUM

I am Mr. Baum, U.S.A. Private Industry. Mr. Chairman, Ladies and Gentlemen:

We have heard time and time again the developing countries' justifiable statements that their agriculture and industry must be built without undue exhaustion of their capital or an exploitation of their resources. We also realize that the necessities of food and shelter must be supplied at a minimum cost. These conditions are not suited to private commercial investment but, Mr. Chairman, there is another way in which private business can, with the cooperation of a host government, develop and harness the resources of a country to improve its standards and maintain its sovereignty over these resources.

Private business can participate with its management know-how and technical skills; these can be offered without need of venture capital investment.

I suggest this Commission consider the following as a program to harness all available resources:

1. The host country government accept the desirability and necessity of an agribusiness project and the investment responsibility for such a project, their sources for funds to be determined by them with assistance as necessary by one or more public sector agencies, foundations, or multilateral organizations.

2. The assignment of the responsibility for the economic and efficient determination and design of the project facilities as well as the manufacture, distribution, management, and marketing of the finished product would be through contract with an agribusiness company in cooperation with private local enterprise.

This could result in the following:

1. The host country government, in accepting the responsibility for the project and the requisite funds, would furnish land improvements thereto and access to the manufacturing site as well as buildings to house processing and storage facilities plus all available utilities. The country would further accept the responsibility for the organization of the agricultural community, product subsidy support, and regulations as necessary to promote development of basic indigenous raw materials.

2. As previously determined, the public sector agencies or multilateral organizations—

a. Would provide funds for surveys and project feasibility studies.

b. Would provide surplus raw materials and/or funds for such during the early project years to supplement local supplies until production from local sources is adequate.

c. Would loan or assist in finding funds for processing equipment and agricultural implements necessary.

d. Would provide or assist in obtaining loans for distribution equipment and for working capital requirements on a long-term, low-interest basis.

e. Would assist local agriculture in developing an adequate supply of raw materials needed through the loan of funds and through providing technical expertise.

3. Private industry—

a. Would conduct the surveys to determine the appropriate food products to be processed and distributed.

b. Would develop finished product formulae and processing technology in accordance with survey specifications.

c. Would design, engineer, plan and procure, ship and install processing and other equipment to accommodate finished product technology.

d. Would plan, organize, and supervise construction of site and buildings.

e. Would provide engineering, technical, and plant operating personnel to start up and *to train local staff* and manage and operate the plant on a fee basis.

f. Would plan and organize a system of distribution with local distributors and *to train local staff* and manage and operate finished product distribution.

Mr. Chairman, this concept is intended to cover instances in the developing countries in which private enterprise cannot justify investment on the basis of a return on its investment, either for the short or medium term.

This concept is compatible with free enterprise since private companies will provide the know-how in technical, management, and distribution services so that the projects are successfully conceived, installed, and operated, and will be compensated for such services on a fee basis.

Finally, provision can readily be made for the eventual equity participation by private enterprise and the local public by offering the equity to private investors at any point in time when the project is in effective operation and when its economics warrant such investment by private capital.

DEFENSE DESERVES HIGH PRIORITY RATING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial which appeared in the Fort Worth Star Telegram for September 7, 1970 entitled "Defense Deserves High Priority Rating." I commend its reading to all who want and desire peace:

DEFENSE DESERVES HIGH PRIORITY RATING

To a large extent the arguments over spending by the federal government are disputes over priorities. Some members of the House and Senate who have sought more costly programs for domestic assistance programs such as urban development, education and welfare have defended their positions by saying they sought no increase in budgeted spending totals but hoped to reduce the spending for defense and space programs.

There would be much more agreement on the overall aim of economic soundness if there could be more on the questions of where to spend money and where to try to save money. Some unrealistic arguments are heard when the question of defense spending vs. financing of domestic programs comes up.

The idea that war is bad and peace and prosperity are good, an idea that is so obviously correct that there is no argument against it, is used with some strange twists to make points in cases where it has no proper application.

There is no valid application, for example, in using this to make dangerous restrictions in the nation's defense capability. The defenses of America are maintained not to make war but to preserve peace. When we are unable to make aggression too costly for a conquest-minded opponent to undertake, we will become victims of conquest.

The maintenance of peace at home and the making of better lives for our people will not be aided by neglect of our defenses. The maintenance of an adequate defense is a necessity if any domestic programs are to have any value. Without a country they would be worthless.

There can, of course, be arguments about the country's foreign policies. There can be genuine disagreement about whether they do or do not contribute to the most peaceful prospects for the future. There can be arguments about the efficiency of defense programs. There is no good argument to be made that it is safe to neglect the nation's defense.

A report by the British Institute for Strategic Studies notes that the Soviet Union now is approaching parity with the United States in nuclear arms. For a long time our superiority has caused Moscow to be cautious enough to avoid a real confrontation. Our superiority has meant safety for ourselves and for Western Europe.

We have seen in places like Czechoslovakia and Hungary what little respect Moscow has for countries unable to protect themselves.

The report also shows that the Soviets have built up the Arab defenses so that they have great superiority in quantity, if not in quality, over the Israelis. Cuba, it finds, has more combat aircraft than any other Latin American country and more men under arms than all except Brazil and Argentina.

The Soviet Union has recently become a world naval power, now equipped with new and modern vessels. Our naval power is not being maintained in comparison.

The idea that war is bad is not a valid argument against being prepared for it. Proper preparation is the best way to avoid the necessity of defending ourselves. It is not a valid argument to put defense in a low position on the nation's priority list.

RENT SUBSIDIES DISCOURAGES WORKING NEIGHBORS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. COLLINS. Mr. Speaker, let me read you a letter I received from a fine young mother down in Grand Prairie, Tex. There is no way to explain why people who work pay $1,200 down on their mortgage while the welfare family pays only $200 down on their house. The welfare neighbor with the bigger home has an $88 monthly payment whereas the young couple who both work have to pay $166 monthly payment. Can you understand the logic of this system. Are we discouraging the hard-working, ambitious, middle-class folks who are the base of our country:

The people in this neighborhood and myself would like you to explain something to us.

We are all young couples with children who own a home in a new housing development. My husband and I have worked for four years to save the money for the down payment on this house, $1200. Our payments are $166 a month at 8½% interest. We like the other couples in this neighborhood are almost starving just to make our house payment. We were informed a couple of weeks ago that the rest of the homes in our neighborhood are going to be on the new government loan 235. $200 and you move in with $88 house payments. Their home is larger and more expensive than ours! Like the other couples in this area we saved for years to buy this home and stay out of slums and

low class areas because of our children. The government then gives the [Welfare] a free ride, at half the price and moves the low class and slums to us. This has also dropped our property value a considerable amount.

I met the couple next door that has this new type of loan. They drive two cars and one is new. They both work, so they have a larger income than we do. They asked us if we would pay half on a new fence they are going to install, but of course we don't have $88 house payments, so we can't afford to even pay part.

Now, they are the welfare case and we're supposedly the middle class. I'll ask you, who lives better the welfare or the middle class?

If the government keeps treating the middle class the way they are now, they're not going to have just a few riots they're going to have the whole country in a riot. Wouldn't it be a change for the middle class to riot? Or we might all decide to go on welfare since they live better than we do."

ROSENTHAL INTRODUCES BILL TO BAN ALL SALES PROMOTIONAL GAMES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ROSENTHAL. Mr. Speaker, the sales promotional games which we see so often in supermarkets, grocery stores, and magazines, are deceptive "come-ons" designed to build consumer patronage through the use of spurious advertising which bears no relation to the quality or price of the product advertised. These games attempt to entice the consumer into thinking he stands an excellent chance of winning some fabulous prize. But the facts show that there are very few winners. An average contest has anywhere from 100,000 to 100 million entrants or potential entrants. Only a small percentage of the prizes promised are ever given out, and even if these sales promotional games were honestly run, the odds against winning would still be remote.

Sales promotional games are an abuse of the consumer's confidence. Everywhere he turns he is confronted by pleas to enter a contest and win a prize. Often the consumer buys the advertised product merely to enter the contest, or to improve his chances of winning the contest.

This is a questionable advertising practice which obscures the considerations of price and quality in competition.

The element of chance is already far too prevalent in the marketplace, due to the uneven quality of the products sold. In addition, the cost of these games is passed on to the consumer whether he wins the contest or not.

For these reasons, I have introduced a bill yesterday that would prohibit sales promotional games by designating them as a deceptive trade practice. Similar action has already been taken by Nebraska, Wisconsin, and Virginia. By amending the Federal Trade Communication Act to make these games unlawful, we shall eliminate some of the exploitive practices of advertisers which distract the consumer from the primary considerations of quality and price, and add to the cost of every consumer item.

JAMES C. STAHLMAN, PUBLISHER, PRESENTED LEGION'S FOURTH ESTATE AWARD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. QUILLEN. Mr. Speaker, down through the years while serving in publice office, I have become acquainted with thousands of persons from every walk of life, and I feel fortunate that I have made friends with many of them.

One of these persons I consider as a personal acquaintance is Mr. James C. Stahlman, owner and publisher of the Nashville Banner, one of the outstanding newspapers in Tennessee and the South.

In addition to his friendship, Mr. Stahlman has gained my utmost respect down through the years for his untiring and unceasing efforts to promote the cause of freedom and democracy in America.

Mr. Stahlman also has been an inspiration to others, who, like himself, have stood up and fought for the principles of good government and Americanism.

Recently, Mr. Stahlman was presented the American Legion's coveted Fourth Estate Award in recognition of his "distinguished public service and for furthering the principles of Americanism."

An article concerning the presentation appeared in the Banner, along with Mr. Stahlman's remarks in accepting the award and the remarks of American Legion National Commander J. Milton Patrick as he presented the award to Mr. Stahlman.

For readers of the RECORD, I am submitting the newspaper article and the remarks of Mr. Stahlman and Mr. Patrick:

[From the Nashville Banner, Sept. 3, 1970]

AMERICAN LEGION HONORS STAHLMAN—BANNER PUBLISHER RECEIVES HIGHEST AWARD AT NATIONAL CONVENTION IN PORTLAND

(By Ken Morrell)

PORTLAND, OREG.—James G. Stahlman, owner and publisher of the Nashville Banner, today was presented the American Legion's coveted Fourth Estate Award, one of the highest national honors it can bestow, in recognition of "distinguished public service and for furthering the principles of Americanism."

Stahlman received the award from American Legion National Commander J. Milton Patrick in colorful ceremonies before 25,000 Legionnaires and guests attending the Legion's 52nd annual convention in Portland's Memorial Coliseum.

The 60-pound bronze-on-wood plague bore the signatures of the national commander and C. D. (Deke) DeLoach, chairman of the National Public Relations Commission and retired operating chief of the Federal Bureau of Investigation.

TENNESSEE LEADERS

Joining Patrick for the presentation were Commander Percy C. Miller of Nashville, Adjutant Barney Greene of Nashville and Roscoe D. Curtiss of Columbia, a member of the Legion's national public relations commission which selected Stahlman as one of the two newspaper publishers to receive the high tribute.

fin of Nashville, a member of the Legion's

Others participating were Walton D. Griffnational finance committee; Jay Harville, Rogersville, the Tennessee Department's alternate national executive committeeman; Sam L. Latimer Jr., editor emeritus of the Columbia State of Columbia, S.C., vice chairman of the national public relations commission of the Legion; James C. Watkins, national public relations director of the Legion; William B. Cain of Columbia, immediate past department commander; Joe F. Hudgens, Nashville, Tennessee director of veterans affairs; and Ollie T. Frith, Nashville, a past department commander. Curtiss, Griffin, Harville and Hulgens are also past department commanders.

Also receiving the Fourth Estate Award was Jenkin Lloyd Jones, editor and publisher of the Tulsa, Okla., Tribune.

His syndicated column appears in about 150 newspapers including the Banner.

Patrick, whose home is in Skiatook, Okla., described Stahlman and Jones as "two of the nation's most distinguished publishers" and commended their untiring efforts to advance the principles of Americanism.

The national commander noted that Stahlman is in his 40th year as publisher of the Banner, which he praised as "one of the South's most distinguished newspapers." Stahlman has been associated with the Banner for 58 years, beginning his newspaper career as a cub reporter, and has served in every reportorial, editorial and managerial capacity. He became publisher in 1930, and sole owner in 1955.

In remarks preceding the presentation ceremonies, Patrick told the Legionnaires and guests that the Legion established the Fourth Estate Award because of the "importance of the role of the press in our society" to recognize those who have made outstanding contributions in the mass communication field.

"All that America has achieved throughout her nearly two centuries of nationhood," Patrick declared, "has depended on the emphasis that we as a people have placed on freedom. And for that matter, all that we can hope to achieve in the future as a society will depend on how we handle freedom . . . our integrity of purpose . . . and in how we maintain the basic condition to all freedom—freedom of the press."

Both Stahlman and Jones, he said, have played leading roles in preserving that freedom which the commander asserted is needed "as we seek light in these troubled times."

Both of the recipients of the Fourth Estate Award, he said, have several parallel accomplishments in their careers. "Both have been honored by their profession by being elected head of important professional groups, both have been honored for their professional competence and both served as Navy officers during World War II," he added.

Stahlman, a Legionnaire for 52 years, said in his response that the American Legion and its 2.7 million members represents "the greatest, most influential group of American patriots on the face of this badly muddled earth."

"Your Legion button, your Legion membership are evidences of your devotion to the United States of America whose uniform you have worn with honor and distinction in time of war and whose Flag you respect and saluate with pride in time of peace," he said.

Expressing his own gratitude "from an overflowing heart," Stahlman commended Jones for his "dynamic, courageous forthright" service to his country. The immediate

past president of the United States Chamber of Commerce, Jones has been associated with the Tulsa Tribune since 1933 and is a former president of the American Society of Newspaper Editors.

The Banner publisher, closed his response by reading the inspiring tribute to The Flag, entitled "Old Glory Speaks," written by the late Amos Hurley of Montclair, Calif.

Stahlman noted that it was "a gallant old seaman," the late Capt. William Driver, a native of Nashville, who gave The Flag its name of "Old Glory," more than 100 years ago.

He also paid tribute to the memory of the late Mr. Hurley, past commander Sunshine Post of the American Legion in Montclair, Calif., who died on Aug. 17. The late Mr. Hurley's classic essay, "Old Glory Speaks," appeared on the front page of the Banner on June 13 in observance of Flag Day in Nashville.

The Banner publisher, accompanied by Mrs. Stahlman, also was a headtable guest Tuesday night during the National Commander's Banquet for distinguished guests. Red Skelton, the famed television comedian and the recipient of the 1970 American Legion National Commander's Award, delivered his impressive version of the Pledge of Allegiance at the dinner.

Elsewhere in the city, thousands of so-called antiwar demonstrators have been gathered all week, in sharp contrast to the atmosphere of patriotism which has filled Memorial Coliseum. But Gov. Tom McCall alerted 6,000 National Guardsmen in event they were needed to maintain law and order.

A delegation of nearly 80 Legionnaires from Tennessee was in the audience in the huge coliseum for the presentation of the awards to Stahlman and Jones.

The presentation highlighted the closing session of the Legion's weeklong convention along with an address by Sen. Henry M. Jackson, D–Wash., a member of the Senate Armed Forces Committee. Holding its convention in Portland, the "City of Roses," for the third time, the Legion Wednesday honored Rep. Olin E. Teague, D–Tex., a member of Congress since 1946 and chairman of the House Committee on Veterans Affairs, by conferring upon him its national Distinguished Service Award for 1970.

Because of his long service to the Legion and programs it fosters, Stahlman previously has been honored by the organization at the state and national levels.

In 1949, he received the Legion's national editorial trophy and the Tennessee Department presented him its Andrew Jackson Award "for outstanding patriotic service" in 1966. He was selected as the keynote speaker for the Tennessee Department's convention in Memphis in 1968.

The publisher also has received two George Washington honor medals from the Freedoms Foundation.

The Legion convention including about 13,000 delegates plus auxiliary members and guests for a total of about 25,000 in attendance, brought Legionnaires from the 50 states, the District of Columbia, Mexico, Canada, France, Italy, Puerto Rico, Panama Canal Zone and the Philippines.

Dozens of other prominent speakers included Gov. Luis Ferre of Puerto Rico, Portland Mayor Terry Schrunk, Gov. McCall, Maj. Gen. James F. Cantwell, president of the National Guard Association of the United States; Irving Feist, president, Boy Scouts of America, A. Boyd Hines, national director, Boys Club of America and numerous military and veterans affairs leaders.

Also on the program were Thomas A. Miller, president of the Society of American Legion Founders; Robert H. Hazen, president of the 1970 American Legion National Convention Corps.; Loren Kuske, immediate past commander of the American Legion of Oregon; Donald E. Johnson, administrator of veterans affairs and H. Ross Perot, the Texas businessman who has used part of his personal fortune in efforts to establish contact with American prisoners of war held by the North Vietnamese.

INCREASING TAX BURDENS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WALDIE. Mr. Speaker, increasing tax burdens have been an increasing concern to Americans in all economic brackets. It is even a greater concern to them that, seemingly, large money interests are able to insulate themselves from their proportionate share of the tax burden.

Mr. Max Schlegel of San Pablo, Calif., a constituent of mine, calls attention to this fact and assesses the problem very articulately.

His remarks follow:

Mr. JEROME R. WALDIE,
Congress of the United States, House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. WALDIE: I read your newsletters with interest. With these letters you reach individuals of all classes. In your work you are exposed to lobby forces. These forces, by the large, represent money interests.

As you know money interests have a tendency to grow and human interests to decline.

During the past five years, I have worked (semi-retired) as a tax accountant. Prior to retirement I worked for the Internal Revenue Service—as field auditor and as Appellate Conferee.

Within the range of this experience I have worked with wealth and with poverty from a tax point of view.

The more I work with tax law, the more it is brought to my attention the lobby force of money interests in its enactment and modifications.

I set up depreciation schedules for money investments. And, I set up depletion schedules for natural resources such as oil and timber. But, I do not set up either depreciation or depletion schedules for the individual wage-earner. He has quite a bit invested in natural resource and living costs. Apparently, however, he had little to say about the tax law.

I watch with interest the way inflation is to be controlled. The rate of interest is increased. This puts more wealth in the hands of the wealthy. Unemployment is increased. This makes the poor more poor. We are told that the mass are buying too many groceries and too many luxuries. We are not told how many groceries or how much luxury indulgence the wealthy few have. It apparently is not the expenditure that is important. Rather, it is who does it.

I have no reason to complain personally. And, I am sure you have no reason to complain personally.

Solely for the purpose of considering a point of view and solely for the purpose of stimulating your thoughts within the framework of that point of view; suppose, the President of the U.S., Congressmen and others in our National leadership lived within and were economically tied into a poverty environment. This, of course, would be substandard in all respects—food stamps, and not enough to eat and the rest of it. And, with no prospects of anything else.

Under these conditions and within this framework of experience and prospects for the future; would the judgments made by our leaders be the same as they have been? Would you decide to check inflation by increasing the interest rate and increasing the unemployment rate? Would you decide to do the many things in the way you have—or, would there be another point of view? I speak of "you" as consensus of leadership that influences the lives of U.S. population, generally.

It is sometimes difficult to reconcile judgments made by our national leaders with the proposition that our government is by the people and for the people. It would be easier to support a position that these judgments are on the proposition that our nation is founded on money and for money for the benefit of a limited few who are permitted to control it.

I take no position; and I have no answers. Questions do come to mind—and I pass them on to you.

Respectively,

MAX J. SCHLEGEL,
Tax Accountant.

WGN EDITORIAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DERWINSKI. Mr. Speaker, politics is in the air and it is necessary for us to appreciate the lighter moments that arise in political commentary. One of the genuinely human political editorials that has come to my attention was the WGN Radio TV editorial Tuesday, August 11, commenting on a personal adjunct to the Michigan senatorial campaign:

WGN EDITORIAL

Michigan Republicans have voted for another Romney. Mrs. George Romney, wife of the former Governor and present Secretary of Housing and Urban Development, has been nominated for a race against Democrat Philip Hart in his bid for re-election to the United States Senate. We don't know how it will come out in November, but, it's interesting to speculate on a Romney victory.

Let's say a man in Flint or Lansing is unhappy about a federally-financed housing project in his community. He writes to his Senator, Mrs. Romney. Being new to her job, she may not know all about the project, so she checks with the appropriate agency, the Department of Housing and Urban Development.

And she gets an answer that she doesn't like, one that won't satisfy her constituent. At dinner that evening, *Senator* Romney says to *Secretary* Romney:

"George, dear, what about this development in Flint? My staff got some evasive answers from your staff today."

And the Secretary says:

"Well, Lenore, you know how it is with bureaucracy. I'll see what I can do when I get to the office in the morning."

"All right, George, but if I don't get the right sort of answer, I may have to suggest that my committee look into the entire operation of your department."

"Darling, is that a threat?"

As we said before, we don't know whether Mrs. Romney will be elected, but it's certainly interesting to conjecture on what might happen if she were.

CAMPUS UNREST COMMISSION CREATING UNREST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ASHBROOK. Mr. Speaker, as time draws near for issuance of its report, the President's Commission on Campus Unrest is receiving a generous amount of criticism from various sources. Although a product of the Nixon administration, the Commission was attacked last Saturday by the chairman of the Senate Republican Policy Committee, Senator GORDON ALLOTT, as being "flamboyant, inflammatory, prejudged, and irresponsible," whose efforts might well turn out to be a "flaccid whitewash" of campus radicals' disruptions and possibly "pour kerosene on the flames" of new campus violence this fall.

An Evans-Novak column on the Commission appearing in the Washington Post of September 2 reports on the possibility that the Commission's pro-student bias might prevent a hard, objective appraisal of this serious problem of campus violence.

It will be recalled that a number of recent witnesses before the Commission was more preoccupied with attacking the Nixon administration than with appraising objectively the campus situation and the role of extremists in the violent disruptions, with one student body president calling for the impeachment of President Nixon. From the tone and content of some of the statements, one might well have wondered if he was listening to the usual oratory at a National Democratic Convention.

The August 22 issue of Human Events offered a possible explanation as to why a Republican-appointed Commission investigating such a serious national issue could at times be used as a political football. In reviewing the backgrounds of some of the staff members of the Commission, Human Events has found that a goodly number of liberal Democrats are ensconsed in Commission positions, explaining possibly why President Nixon and not student radicals is labeled as the culprit.

At this point in the RECORD I include the above-cited Evans-Novak column and the August 22 item from Human Events.

CAMPUS PANEL'S PREDICAMENT

The predicament now facing the President's Commission on campus unrest was pointed up last week when a worried young public official paid a quiet visit to the commission's offices in Washington.

The visitor was Mayor William D. Dyke of Madison, Wis., a 40-year-old Republican who has confronted carefully escalated violence pouring out of the University of Wisconsin in his city of 260,000 ever since his election in 1969. Without fanfare, Dyke conferred with the commission, former Gov. William W. Scranton of Pennsylvania, and top commission staffers.

Dyke's story, backed up by stacks of documentary evidence simply could not have been believed a few years ago. The bombing of the Army Mathematics Research Center on the Wisconsin campus Aug. 24 was no isolated incident but the culmination of a full year of guerrilla warfare on the university by a radical army—armed and trained—of students, non-student "street people," teaching assistants, and some full-fledged faculty members. Futhermore, there is hard intelligence of rising violence ahead when the university resumes classes this month.

What made the mayor's visit so significant was the commission's de-emphasis of this well-planned student revolution in its public hearings. Whether or not those hearings displayed a pro-student bias (vigorously denied by Scranton), it is undeniable that they did not probe deeply into campus revolutionary activities.

Actually, preliminary drafts of the commission's report take a hard line against nihilistic violence. But that raises the commission's real predicament: can it credibly oppose such violence while being sympathetic generally to student dissent and protest.

It was just such apprehension of a permissive line by the commission that led Mayor Dyke, in Washington ostensibly to confer with Justice Department officials about the crisis of law-and-order in Madison, to slip over to the commission for a visit with Scranton.

According to commission sources, Scranton and Dyke discussed only the Wisconsin situation and not the question of commission recommendations. If they had been discussed, however, it is doubtful that Scranton would have been congenial to Dyke's proposed recommendations: new legal authority for police to deal with campus mobs; the restoration of the now politicized university as an educational center; return of university-imposed discipline on students, even to the point of reestablishing curfews and dormitory regulations.

Such a hard line could scarcely be further removed from the commission's tone until now. The portion of the Washington hearings reproduced on television had such a strong pro-student tone that the commission received a pleasant feedback from the campus. That, say some commission staffers privately, was the commission's undoing.

Since then, the commission has seemed to play for cheers from the campus. The hard-boiled investigation of quick-triggered law enforcement officials at Kent State and Jackson State was not balanced by similar investigation of the organized student terror growing on the nation's great universities.

Commission hearings in Los Angeles particularly galled some state officials there. The commission heard at length from representatives of the University of California, whose many campuses have been hives of student agitation. But neither the state college system, relatively free from violence, nor the junior college network, almost entirely trouble-free, were heard from. The shock of blood and debris at Madison hit commission members hard. A two-man investigating team left Washington for Madison the same day that Dyke arrived here. Nevertheless, all signs point to the commission's attempting to separate violence of the Wisconsin variety from supposedly legitimate dissent.

Contradicting the commission's point of view is a poignant letter to a public official written last May by a 19-year-old Wisconsin coed. Contending that "this university is in real danger of falling apart because of lax discipline," she added: "I really feel that the lawmakers and the university officials have let down the students who are here to learn. My rights are infringed upon often".

Such thoughts constitute virgin territory for the Scranton commission, as it hurries to conclude its report. Yet, to critics of the commission, responsibility of permissive university administrators for the mounting wave of campus violence is at the heart of the great crisis of liberal education in America and must be examined.

SCRANTON PANEL STACKED WITH LIBERAL DEMOS

Republican lawmakers are worried that the free-wheeling President's Commission on Campus Unrest, set up to probe the causes of college disturbances in the wake of the bloody riots at Kent State, is now being carefully crafted into an exploding booby trap, designed to blow up in the face of the Nixon Administration just a few weeks before the November elections. The commission, or at least some of its key staffers, is also said to be engaged in a possible plot to undermine the re-election bid in California of Gov. Ronald Reagan as well as those of other conservative Republican candidates.

This strong suspicion, alarmist though it may seem, has been reached not only by a number of GOP congressmen but also by important administration officials. So worried have several White House staffers become about the situation that they are working to delay publication of the panel's report—due to be issued October 1 at the latest—until after the elections.

Concern that the panel report might wind up an a major indictment of the Nixon Administration has existed ever since the commission opened public hearings in the Nation's Capital in mid-July.

Headed by former Gov. William Scranton, the nine-man panel paraded before it a steady stream of strident anti-Administration witnesses, many of whom harshly condemned both the President and vice president. Typical of the testimony was that delivered by Northwestern University student body President Eva Jefferson, whose suggestion that the President be impeached met with cheers from the standing-room-only crowd.

Yet even more disturbing, so far as the Administration is concerned, is the discovery that the panel, under the clever guidance of William (Matt) Byrne, its executive director, is turning into a haven for ambitious Democratic politicos, none of whom would be particularly opposed to having the commission come up with a major anti-Administration document.

Indeed, so cluttered is the commission with Democrats and their liberal camp followers that one newsman has labeled the panel "the most audacious fifth column" operating in Washington. Reasons for this pungent description are not difficult to see. For instance:

William Byrne, the commission's executive director, is described by one of his admirers as a "moderately liberal Democrat." Named to a U.S. attorney's post by President Lyndon Johnson in 1967, Byrne is known to have been working behind the scenes on behalf of Charles O'Brien, a liberal Democrat who is running for attorney general this year in California.

John Van de Kamp, a special assistant in charge of administration, was Rep. Barry Goldwater Jr.'s Democratic opponent in 1969. Once slated for a top post with Sen. Alan Cranston (D.-Calif.), Van de Kamp has been prominent in his support of Jesse Unruh's bid this year to unhorse Gov. Ronald Reagan.

Special investigator Douglas Dalton is a long-time liberal Democrat, active in California politics. Dalton, moreover, is a partner in the law firm of former Democratic Gov. Edmund (Pat) Brown, whom Reagan defeated in 1966.

Rep. Goldwater, who has been digging

deeply into the commission's operations, broke the news last week that of seven special investigators appointed on August 3, five of the attorneys served with the extremely liberal Civil Rights Division of the Justice Department under JFK and/or LBJ. A sixth was Dalton. The seventh, Peter Nickles, is associated with the prestigious Washington law firm of Covington and Burling, long associated with the Democratic party.

Nor is this all. Owen Fiss, an official with the Justice Department's Civil Rights Division under both Kennedy and Johnson, has been selected as a top research consultant. John Kirby, the deputy director, who actually served in Nixon's law firm, is described by a former classmate as philosophically "a liberal Democrat." Also interesting is that Jim Arthur is in the crucial position of administration officer. Arthur, a political independent, helped staff the Kerner commission, whose report in 1968 on racial disorders resembled the platform of any liberal Democrat.

Not only is the staff packed with liberal Democrats and their ideological allies, but the panel has clearly slanted its hearings against the Administration in favor of student radicals. Out of dozens of student witnesses appearing before the panel thus far, only one, Young Americans for Freedom Chairman David Keene, has expressed a right-of-center viewpoint. Keene, moreover, apparently would not have been permitted to testify except as a result of pressure from the office of Vice President Agnew. A number of student conservatives, furthermore, have asked to testify but have so far been ignored or deliberately frozen out.

Commission members, who include militant firebrand Joseph Rhodes, have been bombarded with the radical point of view.

The panel, for instance, recently invited testimony from Dr. Richard Flacks, an associate professor of sociology at the University of California at Santa Barbara. Flacks assailed the police and suggested that the Nixon Administration had given rise to the campus disorders by providing no "promising alternatives" to "war, racial inequality, squalor and environmental destruction."

While most of the commission members may have believed Flacks to be an objective scholar, the staffers had actually palmed off on the panel a full-blown radical (see *Human Events*, August 15, page 3). An SDS founder and Viet Cong sympathizer, Flacks has been a long-time promoter of the New Left. The panel's tolerance for such characters may be partially traced to the fact that Charles Hamilton, who with Stokely Carmichael coauthored *Black Power: The Politics of Liberation in America*, is a panel consultant.

Despite this appalling situation, however, there is a slim sliver of hope that the final report may actually be something more than just a deadly time bomb aimed at the Administration.

The hope does not lie with the panel members, who, save for Gen. Ben Davis and Martha Derthick, are considered liberal or rather naive about the student situation, but with Paul Weaver, a Harvard professor who heads up the writing team that will draft the commission report. Weaver, by all accounts, is a level-headed intellectual with a conservative bent. But many observers feel that Weaver will find it almost impossible to draft a reasonable report in the face of some of the key liberal Democratic staffers who run the commission.

Thus the belief still holds that the public report issued by the Campus Unrest commission will be the liberal Democratic campaign platform—not only for 1970 but also 1972.

RAVAGED SUMMER

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. KLEPPE. Mr. Speaker, the highly emotional character of the pesticide issue has alarmed many citizens into believing that nothing has been done to regulate and encourage the safe use of pesticides. Quite to the contrary, pesticides have a long history of strict Federal and State control.

Pesticide policy for the past 23 years has been governed by the Federal Insecticide, Fungicide, an Rodenticide Act of 1947. The FIFRA, as it is often abbreviated, requires that all pesticides shipped in interstate commerce be registered with the USDA Pesticides Regulation Division. Registry is not a simple matter. Each new pesticide that comes on the market must first go through rigorous tests and a public hearing to insure its safety.

National organizations concerned with pesticide regulation which have been in existence for years include the Federal Commission on Pest Control, the President's Science Advisory Committee, the National Technical Advisory Committee on Water Quality, the Federal Air Quality Advisory Board, the Federal Interagency Committee on the Use of Herbicides.

In addition to the basic pesticide control agencies and laws, new groups have been born since the recent pesticide controversies. The White House announced in November 1969 that a new committee on pesticides of the Environmental Quality Council was to be established and chaired by the Secretary of Agriculture. Members include the Secretaries of Health, Education, and Welfare and the Interior, the executive secretary of the Environmental Quality Council, representatives from the Departments of Defense, Transportation, and State, the Agency for International Development, and the Atomic Energy Commission. The new committee replaced the Federal Commission on Pest Control.

In July 1970 President Nixon asked Congress to approve the creation of an Environmental Protection Agency which would take over and coordinate the Department of Agriculture's authority on pesticides, the Food and Drug Administration's Pesticides Research and Standard-setting Program, and the Department of the Interior's Federal Water Quality Administration, among other agencies.

Pesticides are presenting challenges, not a disaster. However, the overreaction of the American people to a pesticide scare could cause a food shortage disaster. Most people have little knowledge about chemical and pharmacological action and, through misunderstanding, have become afraid. Let us take a look at the facts.

During the first half of 1970, Secretary of Agriculture Clifford Hardin put a ban on all uses of DDT, finalizing action which was begun in 1969 to phase out the use of the insecticide because of its total accumulative effect upon the environment. On the positive side, let's not forget that DDT helped keep the following insect-borne diseases to a minimum in the United States and the world: malaria, typhus, encephalitis, yellow fever, tick fever, bubonic plague, cholera, and dengue fever. The yield per acre of farm crops increased, crop quality improved, and production costs steadily decreased as results of the use of DDT.

At the time of its ban, DDT usage had decreased due to development of resistence to DDT in many insect pest species, development of more effective alternate pesticides, and substitution of non-persistent pesticides.

Another recent outcry has centered around the herbicide 2,4,5-T which has now been banned on more than 500 million acres of Federal lands; eliminated from use in household, aquatic and recreational areas; and canceled from use on food crops and limited on range and pastureland.

Pesticide pollution in our Nation's waterways and the poisoning of our wildlife is also of concern today. Nationwide pesticide monitoring programs carried on by the Federal Government and the States have found that environmental pesticide residues have reached a static balance between continued degradation of the pesticide and the annual input.

Wildlife populations are increasing every year. Pesticides have been used as important tools in maintaining Federal wildlife refuges and to improve the aquatic habitat of fish by removing trash fish and controlling disease.

The safest way to kill pests would, of course, be without chemicals, and researchers are moving in this direction. During the fiscal year 1969, the USDA spent about $40 million for research to develop pest control weapons which would minimize the use of chemicals. Such research has been going on for years discovering, for example, the insect sterilization technique which has curtailed the screwworm parasite in the South. Unique approaches still in the laboratory include virus insecticides, ultraviolet light and ultra-sonic sound, hormones that interfere with normal insect growth, and manipulation of insect genes. Some of these methods are years away from practical use, so judicious use of manageable pesticides must continue to be our main weapon against pests at the present. A future goal may be to aim for 90 percent insect control by other means and 10 percent by chemicals.

Agriculture simply does not have the labor and machinery available to immediately replace all herbicides. Additional cultivation, rotation changes, and farming of more land would add about $1 billion to direct production costs. If all herbicides and insecticides were banned, consumers might have to spend 40 percent of the budget for food, as is the case in some countries. Only 1 hour of farm labor last year produced 7½ times as

much food and fiber as it did 50 years ago, 4 times as much as it did 25 years ago, and 2½ times as much as it did 15 years ago.

Quality and quantity of food would decrease if all herbicides and insecticides were banned. Would the Nation be willing to put up with sub-quality foods in decreasing amounts and at higher prices to satisfy people who would ban all pesticides?

Flourishing insects are enjoying the effects of Eastern insecticide bans. An invasion of red and blue polka-dotted gypsy moth caterpillars into Long Island has been described by agriculturalists as the worst of a century. Connecticut is concerned because of a double invasion of gypsy moths and canker-worms which has stripped trees and driven away picnickers and campers. Many Eastern trees are in their second leafless summer, and by the third summer, they will probably be permanently damaged. The disaster thus described is man-made. Despite bitter opposition by conservationists, New York and Connecticut have sprayed 14,000 low population density acres from a total of 25,000 acres which are severely infested and in danger of defoliation. Sevin, a less effective and shorter-lived insecticide than DDT, was used.

As the issue stands today, prudent use of pesticides is still a necessary ingredient for the survival of agriculture. Researchers are hopeful that the future may hold discoveries of biological control measures as alternatives to chemicals. Meanwhile, today's crops must be protected through use of proper pesticides. Pesticides are on trial. Public and producer awareness of their danger has been one valuable contribution of the pesticide controversy.

As proof of what can happen should we allow emotionalism to gain the upper hand over reasoning, I submit and commend to my colleagues an article which appeared in Barron's Weekly of July 6 titled "Ravaged Summer; It's the Natural Sequel to 'Silent Spring' ":

RAVAGED SUMMER—IT'S THE NATURAL SEQUEL TO "SILENT SPRING"

The New York Times, which devotes countless columns of space to chronicling air and water pollution, noisy jets and fish kills recently and with some reluctance—the story appeared on page 59—saw fit to print a different kind of tale. Headlined "Suffolk Legislature to Fight an Infestation of Gypsy Moths," the dispatch provided a graphic account of "Long Island's invasion by red and blue polka-dotted gypsy moth caterpillars," which agricultural experts describe as the worst in a century. "We are in a state of emergency," cried one resident of Shirley. "Our children cannot go out. Our pools are finished for the summer. It's a question of survival—the caterpillars or us." Last week came word—on page 37 this time, in greater detail and with pictures—of "a double invasion by gypsy moths and canker-worms (which) has stripped trees, driven away picnickers and campers, and caused widespread concern in upper Westchester County and Western Connecticut." Many of the trees, the story continued, "are in their second leafless summer;" by the third year, "most will probably begin to show signs of permanent damage."

* * *

While the active agents are creatures of Mother Nature, the disaster that has befallen widespread areas of New York and Connecticut is strictly man-made. Thus, from The Times' story on Suffolk County, we learn—if we read far enough—that of the 25,000 acres "severely infested and in danger of defoliation," the state, against the bitter opposition of conservationists, has sprayed only "14,000 acres in areas of low population density," not with DDT, which it shuns, but with Sevin, a less effective, short-lived insecticide. In the northern part of New Jersey, which stopped the aerial spraying of DDT over half-a-decade ago, the gypsy moth for the second straight year has damaged thousands of acres of woodland, and, to the consternation of local inhabitants, caused a mass migration of copperheads and rattlesnakes to lower, shadier ground. In one state after another to ban the pesticide—at least a dozen now have made the move—strange things, ranging from the slaughter of honeybees to the accidental loss of human life from highly toxic substitutes, have been happening. Indeed, throughout the U.S., which once could boast of stamping out the anopheles mosquito and its cargo of disease and death, lately have come reports of frightening outbreaks of malaria.

Though fragmentary and scattered, the evidence should give reasonable men pause. On far less convincing claims of damage to the environment and threats to heredity—for the most part, on little more than sweeping, unproved assertions—conservationists and ecologists have made great headway in persuading or coercing Federal and State agencies, legislatures and courts to limit or prohibit the use of DDT and similar pesticides. Now, despite the alarming proliferation of signs that all is not well—that perhaps in their own way, they have upset the so-called balance of nature—such pressure groups are fanatically redoubling their efforts. Not content with what they have wrought, the Environmental Defense Fund, National Audubon Society, Sierra Club and other soulmates of the late Rachel Carson have filed suit to compel the U.S. Department of Agriculture to suspend immediately the shipment of DDT in interstate commerce. If they succeed, their triumph will be shared not only by the gypsy moth, but also by the red-necked cane borer, climbing cutworm, carrot weevil, cabbage looper, onion maggot, dakling beattle, white grub and the rest of the estimated 210 insect pests for which, in most cases, DDT is the sole known means of control. The Nation's farm and wood lands and food supply, not to mention health and welfare, contrariwise, might not recover. Win or lose on the issue, the nature-lovers already have left their mark on the landscape. In less than a decade, "Silent Spring" has spawned ravaged summer.

The mouse, to change the metaphor, has labored and brought forth a mountain. Since 1962, when the book appeared, its influence has spread far and wide. In 1966 a lawyer in Patchogue, L.I. (a stone's throw away from afflicted Shirley) sued to prevent the Suffolk County Mosquito Control Commission from employing DDT. The agency was enjoined from using the pesticide for two years, and, to the pleasure and profit of the gypsy moth, it has not done so since. A number of States, including California, Connecticut, New Jersey, New York, and Wisconsin, have forbidden the use of DDT in whole or in part; the Labour Government in Britain and Socialist Sweden have done the same. Last fall, pursuant to recommendations of the Commission on Pesticides and Their Relation to Environmental Health, that DDT and DDD be eliminated within two years except "where essential to the preservation of human health and welfare . . .," the Department of Agriculture moved to end its use on tobacco, shade trees, in aquatic environments and in and around the home. Too little and too late, cried the Environmentalists; led by the successful litigant cited above, they have gone to court to seek an immediate nationwide ban.

The enormity of this demand—echoed editorially by The New York Times in disregard of its own news columns—must be viewed against the proper background. Since "Silent Spring," Barron's time and again has sought to debunk the extravagant charges and wild alarmism over DDT, which have gained spurious circulation in a "largely rigged market for ideas, where anti-capitalism is the rage and anything that smacks of it, no matter how outrageous or absurd, can count on an incredible longevity." Once a voice crying in the wilderness, we now have lots of company. Thus, the U.S. Department of Agriculture, in defending its moderate stand on DDT, cites such authorities as The President's Science Advisory Committee, the National Research Council-National Academy of Sciences, the aforementioned Commission on Pesticides and the Council on Environmental and Public Health of the American Medical Association.

Despite loud claims to the contrary, USDA flatly makes the following points. There have been instances in which DDT in lakes and streams has contributed to fish mortality; however, "we know of no report of any endangerment of any species of fish as a result of the use of DDT." The same holds true of birds whose numbers (according to the Audubon Society's own count, and including the supposedly endangered robin) are constantly increasing. As to the alleged threat to mankind, USDA quotes a recent AMA finding that "the claim that DDT has a carcinogenic effect upon humans constitutes an unproved speculation." Moreover, there has been "no increase in the levels of DDT in human beings during the past decade," while "comprehensive studies of workers in DDT factories show no impairment of health attributable to occupational exposure to DDT."

Similar views have been expressed by the World Health Organization, which last summer stated: "DDT has been the main agent in eradicating malaria in countries whose populations total 550 million people, of having saved about five million lives and prevented 100 million illnesses in the first eight years of its use, of having recently reduced the annual malaria death-rate in India from 750,000 down to 1,500, and of having served at least two billion people in the world without causing the loss of a single life by poisoning from DDT alone." . . . "It is so safe that no symptoms have been observed among the spraymen or among the inhabitants of the spray areas, which numbered respectively 130,000 and 535 million at the peak of the campaign."

The perils of the substance are thus largely illustory; however, the dangers of a ban, even limited in scope, are frighteningly real. In California and Arizona, bee-keepers complain that toxic substitutes for DDT are wiping out their hives. Maine gave up DDT years ago; in 1967, when the spruce bud worm threatened to destroy its forests, the state hastily changed its mind. (At the urging of the Swedish Board of Private Forestry, the National Poisons and Pesticides Board has granted forestry a one-year exemption from the general ban. Without DDT, officials feared, the large pine weevil would cause $20 million worth of damage to trees and seedlings.) The alarming spread of the gypsy moth—which Harold Porter, president of the National Plant Board (an organization of state plant pest-control officials) blames squarely on the lack of DDT—lately has made headlines, not only in New York State but also in New Jersey, where the number of defoliated acres is mounting geometrically from 5,000 in 1968 to well over 100,000 this year, Pennsylvania and Virginia. All told, according to the Department of Agriculture, the gypsy moth in 1969 defoliated 260,000 acres of wood-

land, triple the number destroyed in 1968. This year's toll will be far worse.

Here, in official but graphic terms, is what's involved: "In their caterpillar form, gypsy moths strip the leaves from forest, shade and fruit trees, as well as ornamental shrubs. By defoliating forests, they increase fire and erosion hazards, adversely affect stream flow, reduce land and recreational values, and destroy wildlife habitats. Plant protection officials point out that a single defoliation has been known to kill white pines, spruce and hemlock. Two defoliations can kill most hardwoods."

What the Environmentalists are seeking would be a major disaster, both at home and abroad. To deny the product to such nations as India would constitute, in the words of one scientist, "an act of genocide." To ban DDT in this country as too dangerous, while permitting its export, would be a flagrant piece of hypocrisy, which could only trigger global ill-will. The physical dangers, finally, are frightening to behold. Thus, the World Health Organization points out that in Ceylon, which discontinued the spraying of DDT several years ago, "more than a million cases of malaria have reappeared." In this country, which thought it had wiped out the disease long ago, 1,559 cases were reported in the first 24 weeks of 1970, up 25% from 1969. As to food and fiber, a Special Review Group, comprising four noted entomologists, after a thoroughgoing scrutiny of current practices, concluded last month that DDT remains essential for most domestic crops; perhaps as a wry postscript, it added that there is no satisfactory substitute for DDT in the control of rattlesnakes in the Southwest U.S. "If we had to depend on nature," an eloquent lawmaker once said, "we would probably die of disease at a fairly early age, if we did not starve first."

By their fruits ye shall know them. Through their unbridled recklessness with facts and sheer irrationality—a triumph of superstition over science, one scholarly critic has averred—so-called conservationists and ecologists have poisoned the climate of opinion. Now willy-nilly they are threatening to unleash famine and pestilence upon their fellow citizens. ("It's a question of survival," cried the resident of Shirley, "the caterpillars or us.") They profess to preserve wildlife, defend the environment, befriend the earth. Their natural prey is civilized man.

WITH THE VOLUNTEER ARMY DEFEAT, DRAFT REFORM MORE ESSENTIAL THAN EVER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BINGHAM. Mr. Speaker, the New York Times carried an editorial on August 28 concerning the Senate defeat of the Goldwater-Hatfield amendment, which would have provided for an all-volunteer army. The editorial quite rightly stresses the urgent need for draft reform.

The National Service Act of 1970 which I have introduced with a large number of cosponsors—H.R. 18025 and H.R. 18578—would implement just the sort of reforms the New York Times is suggesting. The editorial follows:

NO AMERICAN MERCENARIES

Defeat of the Senate proposal to increase substantially the financial rewards for military service has removed the threat of a "reform" that would have made a bad situation worse. The obvious intent of the legislation, co-sponsored by Senators Barry Goldwater and Mark Hatfield, was to let an all-volunteer army in through the back door.

The nature of the incentives left little doubt that the bill's aim was to attract men to long-term military service. What was being described as a volunteer army would in reality soon have become indistinguishable from a professional army.

The Nixon Administration and its spokesman in the debate, Senator John Stennis of Mississippi, opposed the proposal only on such technical grounds as its high cost and the uncertainties in the military manpower supply. Such objections ignore far more serious risks, particularly that of a dangerous, militaristic shift in the relationship between the uniformed and civilian sectors of American society.

The immediate effect of the pay incentive offered to create an all-volunteer army would almost certainly be to induce the poor and racial minorities to liberate more privileged youths of an unpleasant obligation—a condition already much too prevalent under the inequities of present draft rules. In the long run, such an arrangement would supply the professional military establishment with a large, permanent force of men, easily manipulated to serve special military interests. This is a fundamental departure from the concept of the militia and from the traditional safeguards aimed at preventing the military from developing a life of its own, apart from the civilian society.

But defeat of the Goldwater-Hatfield proposal is no substitute for reform of the present Selective Service system's built-in imbalances. The most promising answers ought to be sought in a broader concept of national service. Young Americans deserve a variety of options—to volunteer either for the military or for demanding civilian service in hardship areas of critical need, with the draft lottery still facing those who fail to volunteer for either option.

JUSTICE DEPARTMENT IGNORES POLLUTION LAW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD, an excellent article appearing in the August 21, 1970, issue of the Outdoor News Bulletin, the official biweekly newsletter of the Wildlife National Institute. The article tells how our Attorney General, Mr. Mitchell, refuses to proceed under the Refuse Act of 1899 against industrial polluters.

One wonders how an attorney general can be for law and order where the target is crime in the streets and not for law and order where major industrial polluters are involved.

This situation rather reminds one of the old story of how the English law punished the man who stole the goose from the common, but not the man who stole the common from the goose.

The text of the article follows:

JUSTICE DEPARTMENT IGNORES POLLUTION LAW

Congressman Richard L. Ottinger (N.Y.) has taken sharp issue with U.S. Attorney General John Mitchell's recent decision not to enforce a 71-year-old law prohibiting pollution of the nation's waterways, the Wildlife Management Institute reports. At a press conference in Washington, Ottinger promised to go to court, if necessary, to compel the U.S. Attorney General to enforce the Refuse Act of 1899 against industrial polluters.

The action came in response to testimony by Shiro Kashiwa, Assistant Attorney General for Lands and National Resources, that the Department would not seek indictments under the law which forbids the discharge of refuse in navigable waters unless the discharge is "accidental or infrequent." Kashiwa told a Senate committee that U.S. Attorneys throughout the nation have been ordered not to bring action to "prevent or punish industrial discharges of a continuing nature."

Ottinger accused U.S. Attorney General Mitchell of applying a double standard of law enforcement. "On the one hand, Mr. Mitchell calls for maximum enforcement of laws against individuals," the Congressman charged, "while on the other, he says he will not enforce the law against corporate polluters."

Apparently in response to widespread criticism, both from the general public and Members of the Congress, the Army Corps of Engineers has announced new permit requirements under the 1899 Refuse Act which is supposed to help curtail discharges of pollutants into navigable waters. According to a Corps of Engineers release, permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing OK's were granted without adequate consideration of the quality of the effluent. Permits also will be required for current discharges into navigable waters where none have been granted. In essence, industry will be given a license to pollute, but only to the extent that state water quality standards allow.

While permission will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers says it will concentrate initially on major sources of industrial pollution not covered by existing permits.

POPULARITY OF SPACE PROGRAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, in these days of criticism and doubt on everything from the Bible, the U.S. Constitution, the President, the Congress, and even the rules the average U.S. citizen lives by, it is heartening to find the popularity of the science, research, and development space program.

As the ranking minority member of the House Science and Astronautics Committee, during the past several weeks I have checked through the large Pittsburgh metropolitan and industrial area and find our citizens uniformly favor keeping the United States foremost in science, research, development, space and technology. In fact, most of our citizens feel that the progress in science, research, development, and technology have been major contributory elements to the high standard of living which we Americans now enjoy.

In order to keep ahead for the future, the average western Pennsylvania citizen feels that we must continue to emphasize education, and keep the Federal Government, as well as the Pennsylvania government cooperating with our corporations in business and the develop-

ment of new practices, new products, and new horizons.

Our Allegheny County—Pittsburgh—Fair, which runs 5 days through Labor Day each year, exhibits everything from farm products to advanced technology and engineering and draws crowds by the hundreds of thousands. The total attendance this year from western Pennsylvania, northern West Virginia, and eastern Ohio exceeded 750,000 people who viewed exhibits and took part in projects. This is America at its best.

Our Allegheny County commissioners, Commissioner Staisey, Commissioner Foerster, and Commissioner William Hunt are to be complimented on this fine success of the fair this year for the benefit of our citizens.

At my request, in cooperation with the Allegheny County commissioners, the National Aeronautics and Space Administration lent a moon rock specimen brought back by the Apollo 12 crew. This moon rock exhibit of NASA was placed in a small room in the basement of the Park Administration Building. As a member of the House Science and Astronautics Committee, my office and I arranged for the display and we had five people and myself, as well as an Allegheny County Police Officer as guard assist in handling the surprising number of people who crowded in every day to view the Apollo 12 moon rock exhibit.

We gave to those people specially interested in further information on the moon rock a statement on this particular moon rock, which I am enclosing for the CONGRESSIONAL RECORD.

Therefore, I recommend to the Members of the U.S. House of Representatives and the Members of the U.S. Senate that strong support be given to science, research, development, technology, and education to insure the future success of the United States, to maintain U.S. industry as first in research and technology, and to fund adequately our educational institutions, which is the greatest and goodly heritage this generation can give to our young people and the coming generations of American citizens.

The statement on the moon rock follows:

ALL ABOUT THE MOON ROCK!

DEAR FRIENDS: This excellent moon rock was brought back to Earth by the Apollo 12 Astronauts from their trip to the Moon in November 1969, a journey which carried them 953,000 miles and lasted over ten days.

Soon after the completion of the Apollo 12 flight, one scientist described the mission as "maybe a million times more important to science than Apollo 11," the first flight to put men on the Moon. The Apollo 12 mission yielded much more in the way of scientific samples for study.

This particular sample on display here was collected by Astronauts Conrad and Bean during their first moon walk outside their landing craft. Scientists have speculated that it is a chunk of bed rock that was ejected from a crater close to where it was found.

It weighs 151 grams—about one-third of a pound. Actually, it is only part of a larger rock of over four pounds which was discovered embedded beneath the lunar surface.

Because this rock has been sawed through, it is one of the best lunar samples available for public viewing. From its cross-section it is possible to distinguish its "shatter crust" on the surface, which is slightly lighter in color than the dark grey interior. This crust was formed by the crushing of crystals by micro-meteorite bombardment.

According to its scientific designation, this rock is an "olivine dolerite." It could be from 3.5 to 4.5 billion years old, older than the oldest known rocks on Earth.

Over 150 scientific groups in the United States and abroad are cooperating in the detailed analysis of samples such as this. Through their research we will gain a greater knowledge of not only the Moon, but the Earth, the Sun, and indeed our entire universe as well.

Best wishes,

JIM FULTON.

CAPT. C. GERY BOWEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on Thursday, August 6, the body of Marine Corps Capt. C. Gery Bowen was laid to rest with full military honors in Dallas. Captain Bowen was a career officer and one of Texas' many heroes of the Vietnam war. He flew some 311 combat missions and came through all of them unscathed, only to fall ill while serving as a flight instructor at the Naval Air Station in Beeville, Tex. He was a much decorated individual and under leave to extend my remarks, I include the text of the two most important decorations which were accorded to Captain Bowen:

U.S. MARINE CORPS,
San Francisco, Calif.

The President of the United States takes pleasure in presenting the Distinguished Flying Cross to Captain Charles Gery Bowen, United States Marine Corps, for service as set forth in the following citation:

"For heroism and extraordinary achievement in aerial flight while serving as a Pilot with Marine Attack Squadron 211, Marine Aircraft Group Twelve, First Marine Aircraft Wing in connnection with operations against the enemy in the Republic of Vietnam. On the morning of 1 February 1968, Captain BOWEN launched as Wingman in a flight of two A-4 Skyhawk aircraft assigned a landing zone preparation mission in support of a Marine reconnaissance team inserting nine miles southwest of DaNang. Enroute to the designated area, he contacted the Tactical Air Controller (Airborne) and was instructed to make bombing runs against suspected enemy position on the high ground overlooking the helicopter landing zone. After making several attack runs, Captain BOWEN was informed that the CH-46 helicopter transporting the reconnaissance team had been hit by enemy fire and had crashed over 500 meters away from the intended landing zone. While orbiting the area, he received a briefing from the Tactical Air Controller (Airborne), who reported that 200 to 300 North Vietnamese soldiers were observed in the area and were firing on the downed aircraft. With complete disregard for his own safety, Captain BOWEN unhesitatingly commenced a low level simulated strafing run toward a tree line adjacent to the Marines' position in an effort to draw the attention and the fire of the enemy away from the burning CH-46. In coordination with the approach of the extraction helicopter, he commenced his second run. Although his aircraft was struck by enemy ground fire, damaging an aileron and the tail section, Captain BOWEN made two bombing runs against the hostile force, which enabled the extraction aircraft to land and successfully lift out the crew and passengers of the CH-46. His exceptional aeronautical ability and determined efforts were an inspiration to all who served with him and contributed significantly to the safe extraction of thirteen Marines. Captain BOWEN's courage, superb airmanship and steadfast devotion to duty in the face of great personal danger were in keeping with the highest traditions of the Marine Corps and of the United States Naval Service."

For the President,

V. H. KRULAK,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

U.S. MARINE CORPS,
San Francisco, Calif.

The President of the United States takes pleasure in presenting a gold star in lieu of the second Distinguished Flying Cross to Captain Charles Gery Bowen, United States Marine Corps, for service as set forth in the following citation:

"For heroism and extraordinary achievement in aerial flight while serving with Marine Attack Squadron 211, Marine Aircraft Group Twelve, First Marine Aircraft Wing in connection with operations against the enemy in the Republic of Vietnam. On 21 February 1968, Captain Bowen launched as Flight Leader of a section of two A-4 Skyhawk aircraft assigned a close air support mission for Marine units heavily engaged with a numerically superior North Vietnamese Army force in the city of Hue. Despite rapidly deteriorating weather conditions, extremely limited visibility and intense enemy ground fire, he skillfully maneuvered his aircraft over the target area and quickly located the enemy positions. With complete disregard for his own safety, Captain Bowen commenced his attack and executed four bombing runs through the heavy enemy fire, delivering all ordnance with pinpoint accuracy to within 100 meters of friendly positions. As a result of his exceptional ordnance delivery, the flight was credited with the destruction or damage of numerous structures, two secondary fires and one secondary explosion and inflicted heavy casualties on the enemy. Captain Bowen's courage, outstanding aeronautical skill and unwavering devotion to duty at great personal risk contributed significantly to the success of Operation Hue City and were in keeping with the highest traditions of the Marine Corps and of the United States Naval Service."

For the President,

V. H. KRULAK,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

A GOLD RECORD AWARD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WALDIE. Mr. Speaker, the Antioch Environmental Council recently initiated a worthwhile program of "honoring" the top water polluters of the month by presenting them with a Gold Record Award.

Occasionally, this dubious distinction is presented a national agency whose activities are deserving of such recognition.

Such a "distinction" was merited in the council's view—and in my own—by the U.S. Army for its remarkable decision to dispose of its undisposable accumulation of deadly nerve gas by dumping it into the Atlantic Ocean. Surely, such innovative action is worthy of attention—if not acclaim—and the Antioch Environmental Council has properly given the U.S. Army that attention.

I include their letter on this matter for your attention:

ANTIOCH ENVIRONMENTAL COUNCIL,
Antioch, Calif., August 14, 1970.

J. S. GRYGIEL,
Colonel, G. S., Deputy Director of Installation, Department of the Army, Pentagon, Washington, D.C.

Colonel GRYGIEL: Congratulations! The Antioch Environmental Council has selected the Department of the Army as the recipient of our special Gold Record Award for contributions in the field of water pollution. Each month the AEC awards gold records to the top ten air and water polluters in our country, which is Contra Costa. However, gold records also are awarded to a state and a federal agency that has made a major contribution to the pollution problems of our country.

We feel that the Department of the Army has earned the Gold Record Pollution Award for its plan to dump potentially-deadly nerve gas rockets in the Atlantic Ocean. The Army has met our qualifications for this award in that it creates excessive amounts of waste material that must eventually be disposed of in the environment.

Your department is the first to receive the National Award, and it is now a member of a not-so-exclusive group called "Polluter of the Month Club." Keep up the work and your efforts will not go unrecognized.

Regards,

MRS. THAYER JOHNSON, *Chairman,*
Antioch Environmental Council.

NEW PROTECTIONISM

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. GIBBONS. Mr. Speaker, Mr. Hobart Rowen, business editor of the Washington Post, has ably analyzed some of the fallacies in the now pending foreign trade bill in his column of Sunday, September 6.

His cogent appraisal of this legislation as it relates to jobs of American workingmen, and its open invitation to quotas for many American industries, not just two, and a consequent international trade war should be read by every Member of this House.

I, therefore, submit for inclusion in the RECORD the article, as follows:

LABOR LEADERS RESENT "PROTECTIONISM" LABEL

Labor leaders appear to resent the charge that their new policy in support of import quotas amounts to "protectionism."

When they argue that the expansion of trade must be "regulated" to protect jobs, "that's not 'protectionism,' that's realism," AFL–CIO Research Director Nat Goldfinger said in a letter to The Washington Post.

The essence of Goldfinger's argument is that the U.S. export surplus has vanished (after discounting government-financed shipments), eliminating job opportunities here. Moreover, the fast-growing multinational corporation can "juggle" jobs and production from one country to another (typically to low-cost economies outside of the United States). To cap it all, expanding imports don't necessarily result in price benefits to the consumer.

"Confronted by reality," Goldfinger says, "the AFL–CIO insists that the needed expansion of trade must be regulated. The AFL–CIO has proposed restrictions on the foreign investment outflows of U.S. companies, the end of U.S. government subsidies to companies setting up foreign subsidiaries, government regulation of U.S.-based multi-national corporations and the development of international fair labor standards in world trade.

"In addition, the AFL–CIO has recommended, as a stopgap, an orderly marketing approach to imports—with a trigger mechanism for the establishment of quotas to stem the tide of imports of a product, when such expanding imports threaten to disrupt the U.S. market."

That's the policy Mr. Goldfinger says is not protectionist. Interestingly enough, a Latin-American trade delegation which visited Washington Aug. 5 to 7, hoping to pave the way for exemptions from the threatened restrictions of the Mills bill, reported to the Council of Americas organization:

"The only strongly protectionist note which the delegation heard came from representatives of the AFL–CIO. The AFL–CIO representatives expressed firm opposition to what they called 'the export of jobs' from the U.S."

The AFL–CIO's main concern is jobs; but it is simply not true to suggest that American labor is threatened by a flood of imports. Both exports and imports have grown over the years, which means that some domestic industries (and their workers) have been faced with greater competition. By the same token, the export industries (and their workers) have gained from increasing sales.

ECONOMIC IMPACT

What the labor leaders seem to be saying is that everything should be frozen, with everybody keeping the same job in the same industry he started out in. As Council of Economic Advisers chairman Hendrik Houthakker said in a courageous speech last month, "This line of argument recalls the guild system of the Middle Ages and is hardly appropriate in a modern dynamic society."

As Houthakker suggested, if the textile and shoe industries that the AFL–CIO is so worried about can't meet the competition, it shows only that American workers can be more productively employed elsewhere. But in countries like Korea, the textile industry provides the most productive employment available.

"It is therefore to the advantage of both countries," Houthakker argued, "if more American workers get out of textiles and more Korean workers get into them. This shift also benefits American consumers, who can buy textiles more cheaply."

The multi-national corporation argument also doesn't really wash. There is nothing much new there. Big corporations have always tried to locate where their costs of production are the cheapest; this was true also while the AFL–CIO, years ago, backed a liberal free trade policy.

Paul Jennings, president of the International Union of Electrical, Radio and Machine Workers, makes the point that an electronics worker in Taiwan makes only 1/20th of the U.S. worker's wage. But as Houthakker notes, even though wages in the U.S. aircraft industry are much higher than similar wages elsewhere, the U.S. industry dominates world markets. Why? Because of the high level of productivity for aircraft workers.

What is dangerous today is that the House Ways and Means Committee quota bill is likely to pass, which could result in a reduction of both imports and exports because of the undoubted retaliation in kind that will result.

The U.S. economy is powerful enough to share in growing world trade, dealing with the initial problems of industry and labor impacted by any really serious import competition.

But the approach of the House bill, notably the "general relief" provision sponsored by Rep. John W. Byrnes (R-Wis.) opens the quota door to a host of industries.

The Byrnes' formula makes eligible those industries which demonstrate that imports exceed 15 per cent of the U.S. market, have increased 3 per cent in the previous year and 5 per cent in the prior two years.

A Tariff Commission study shows that literally scores of industries would be eligible for quotas under the Byrnes formula, including many electronic products; passenger cars; bicycles; many metal ores; pottery; sporting goods; leather goods; many fish and seafood products; many agricultural products; clocks; antibiotics; umbrellas; radioactive isotopes and wigs.

Moreover, the "national interest" clause which allows the President to exempt designated countries from quotas is a reversion from the principle of multilateral trade to a narrower and discriminatory bilateral basis. (The Latin American delegation, by the way, got promises of special treatment.)

But other countries are not planning to remain idle. If they merely ape the Byrnes "basket" technique, U.S. exports will run smack into increasing protectionism abroad.

Despite assurance to the contrary by Commerce Secretary Maurice Stans, the threat of reprisals is strong. There are many clues. German Economic Minister Karl Schiller, for example, says that if U.S. quotas are slapped on, "there would be a great peril that a wave of protectionism would circle the globe in a chain reaction." German industrialist Fritz Berg more bluntly says a "trade war" is imminent.

The Italian Minister of Foreign Trade, Mario Zagari, echoing the same sentiment, adds that the return to protectionism "will mean the beginning of the end of American leadership in the world . . ."

Thus, it doesn't really matter what the AFL–CIO calls its policy; the essential point is that the industries and unions that are backing quota legislation are taking a serious backward step that threatens the total economic well-being of this country.

CONCERN OVER TERRORIST HIJACKINGS—A NEW WEAPON OF INTERNATIONAL WARFARE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. MICHEL. Mr. Speaker, all of us in Congress share concern over the wave of terrorist hijackings which has emerged as a new weapon of international warfare. Our hearts go out to the victims and their anxious relatives. I feel that the Government of this Nation has a clear and definite responsibility to act to meet this new threat to safety and peace of mind. Various solutions have been suggested. Some innovations have been tried—all have been found want-

ing. Inspection of passengers, various screening devices and even "frisking" of suspected hijackers has failed to protect the traveling public. The apparent only recourse is to place military armed guards on international and coastal flights originating in the United States. This is a serious step and an encroachment on traditional separation of military and civil functions. However, these are unusual and trying times. The problem we are dealing with is extremely serious—as right now 300 lives hang in the balance, depending on the decisions of fanatical Palestinian guerrillas. I would hope that other nations would follow suit, since international cooperation on return of hijackers seems beyond the realm of cooperative agreement at the present time. I urge the President to take this step with all due care to preservation of public rights, but with full-scale protection for the flying public in mind. Eventually we will undoubtedly find other ways, but today's answer must be applied to today's emergency.

EDUCATION IS THE KEY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DERWINSKI. Mr. Speaker, as we return after the House recess, schools across the country are beginning the fall term. A very pertinent editorial emphasizing the value of a well-rounded education was carried in the Thursday, August 20 Worth-Palos, Ill., Reporter. I feel that it is an exceptionally pertinent commentary on the subject and ask to insert the editorial at this point:

EDUCATION IS THE KEY

(By Pat Bouchard)

The beginning of the new school year is fast approaching and one fact becomes increasingly clear. The future of American society depends to a large degree on how effective our educational system is.

Education is in an era of unrest. Schools and children are faced with social problems the community has not been able to solve. School administrators are tied up with issues of integration, sex education, drug abuse, aid to private schools, and these issues, along with the everyday striving to keeping up with knowledge that is increasing at a fantastic rate, is going to require patience, diligence, and cooperation. The patience, diligence and cooperation will be required of students and parents as well as school officials.

This cooperation is an absolute must if our educational system is to grow and succeed. Educational growth and success is an absolute must if the future of America is to be assured.

A combination of student knowledge and compassion can be the insurance policy that will guarantee the survival of our society, maybe not as it is, but even better, as it should be.

The premiums on that insurance policy must be paid by all of us. The education of our children cannot be relegated merely to those hours they spend in school. Book learning alone is not enough.

If the citizens of tomorrow are to cope with the world they must develop sound and creative habits of mind. This can be done within the classroom. Further, the institutions of learning can fulfill society's need for professionals and technicians. The teachers can do this job with the cooperation of the students in developing their intellectual resources.

However, knowledge alone will not give our young people all the necessary tools to deal with increasing social and political ills. Knowing and understanding other humans is necessary, and this is an around-the-clock project. The student's success in this area depends greatly upon the most influential teacher—the parent.

Thus we see it will take the combined efforts of educators and parents to forge the key that will unlock the force capable of solving all the problems of war, hunger, damaged environment, and the general atmosphere of violence in which we live.

That key, of course, is a well rounded education.

ABRIDGED HISTORY OF BIERSTADT PAINTINGS IN SPEAKER'S LOBBY

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TALCOTT. Mr. Speaker, it is a pity that more visitors to our Capitol do not have an opportunity to see and appreciate the works of art located here.

Only two of the paintings which hang in the Speaker's lobby of the House of Representatives are not portraits. These are the pair of landscapes by Albert Bierstadt, prominent artist of Western America during the 19th century.

The House, in 1867, adopted by unanimous consent the resolution of Mr. Banks:

Resolved: That the Committee on the Library be authorized to contract with Albert Bierstadt for two paintings thoroughly American in character, representing some prominent feature of scenery or important event in the discovery or history of America to fill 2 unoccupied panels in the chamber of the House of Representatives.

Bierstadt, when contacted by the committee, asked for $40,000 for each painting. The discussions ended there, but not permanently, for, on March 3, 1875, the chairman—of the Joint Committee on the Library—was authorized to purchase of Mr. A. Bierstadt his painting of the landing of Hendrik Hudson now on exhibition in the hall of the House of Representatives at a price not exceeding $10,000.

This purchase was made, and, in 1878, a companion painting, "Entrance Into Monterey," was purchased from the artist, also, for $10,000. They were 10 feet 6 inches by 6 feet each, and hung on either side of the Speaker's desk in the Chamber. Early in the 20th century—before 1910—the paintings were removed to a retiring room connected with the Speaker's lobby. They were moved again during the 1920's, and the paintings have since hung above the Members' staircases at either end of the Speaker's lobby.

The painter, Albert Bierstadt, was born in Dusseldorf, Germany, January 7, 1830. He was brought to America at an early age, but returned to Dusseldorf in 1853 and entered the academy, afterward studying in Italy and Germany. He was elected national academician in 1860, chevalier of the Legion of Honor of France in 1867, and received medals and various orders from Austria, Germany, Bavaria, and Belgium. He was at one time a pupil of Emmanuel Leutze. He died in New York, February 18, 1902. Charles E. Fairman, Art and Artists of the Capitol of the United States of America, USGPO, Washington, 1927, p. 177.

Bierstadt was acclaimed in America and Europe for his landscapes, particularly those of the Sierras and the Rockies. He achieved national recognition following his first trip West with Gen. Frederick Lander's 1858 mapping expedition. He made a second trip in 1863, reaching California and Oregon for the first time. Following an extended European trip to make studies for the painting of Hendrik Hudson's landing, Bierstadt returned again to San Francisco in 1872, from where he visited Yosemite and Hetch Hetchie Canyon—two of his most famous subjects.

Because one of the Bierstadt paintings portrays an historic and scenic place in the congressional district which I have the honor to represent, I have researched and discovered some pertinent information which I believe will interest Members and visitors who enjoy the variety of art which adorns our Capitol.

ENTRANCE INTO MONTEREY

Hanging above the Members' staircase at the west end of the Speaker's Lobby in the House of Representatives is Albert Bierstadt's painting of Monterey Bay. Finished in 1878 and sold directly to the Government for $10,000, it originally hung to the left of the Speaker's desk in the House Chamber, next to the portrait of George Washington. It was moved in the early 1900's, and again in the 1920's, when it was placed over the staircase. It has been known both as "Entrance into Monterey"—this title has been used by the Architect of the Capitol ever since the painting was acquired—and as "Viscaino Landing at Monterey, 1601." The latter title appears on the titleplate attached to the painting's frame.

There is even some doubt as to the intended subject matter of the painting. In 1897, George Hazelton wrote in his guide to the Capitol, the National Capitol, Its Architecture, Art and History, that "(m)any think it represents what might be styled the natal day of the Upper California mission"—the December, 1601 landing at Monterey by the explorer Viscaino—while "(o)thers, however, ably contend that Bierstadt intended here to celebrate with his brush the spot where Spanish tradition says Junipero Serra, the 'Father of California,' surrounded by his disciples, first said mass at Monterey in 1769, under an oak by the shores of the beautiful bay."

Sebastian Viscaino, exploring the coast of California for the King of Spain, came upon Monterey Bay in December 1602. He reported it as a wonderful harbor of refuge—thereby confusing later explorers when they happened upon this open roadstead—and named it for the then Viceroy of New Spain, the Conde de

Monterrey. Viscaino, with his fleet of four small ships, was the first to accurately map the California coast; the names he gave landmarks endure to the present day.

Father Serra landed at Monterey on June 1, 1770, after sailing up from San Diego on the San Antonio. Meeting Portola—who had come by land—they celebrated mass under a live oak close to the beach. At this time, formal possession, first claimed by Cabrillo in 1542, was reconfirmed in the name of the King of Spain.

The painting has been cleaned and restored once, in 1953 by Francis Sullivan of the National Gallery.

I BELIEVE IN AMERICA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. JOHNSON of California. Mr. Speaker, an example of what I consider to be the responsibility and dedication of the majority of our young people was recently called to my attention. Miss Wendy Morony of Chico, Calif., recently wrote an essay entitled "I Believe in America," winning first place in the American Legion's essay contest held annually. Because this expression of patriotism and concern so thoroughly examines both the ills plaguing our country as well as the constructive and orderly processes for rectifying these ills, as well as demonstrating the high degree of maturity and responsibility of so many of our young people, I proudly and respectfully submit Miss Morony's essay for the CONGRESSIONAL RECORD:

I BELIEVE IN AMERICA

Today our country seems to be at a turning point. America is facing dark days which threaten her very existence. All around us are problems, many of a natural variety and others wholly manmade. Among us are those who live daily with poverty and hunger. The air we breathe, the water we drink, the cities we live in, are all fouled by dirt and pollution. Overpopulation threatens to outstrip our food supply in a few short decades. Our involvement in Vietnam has divided our country into two separate camps. A desire by minority groups to be afforded the same opportunities and privileges as all Americans has resulted in serious racial strife, particularly in our larger cities. Our educational system is at a crossroads where the authority of our universities and colleges is being challenged by campus rebels who sit-in, demonstrate, riot, burn, bomb, and destroy; and these unfortunate conditions are now, in some cases, even spreading to our high schools and grammar schools. Many believe that family life in the United States is deteriorating and that marriage and the family, as we know it today, will soon be outmoded and obsolete. The influence and prestige of the church is declining and the structure of religious belief is undergoing great change. We are in the midst of a sexual revolution, heightened by the advent of "the pill," which is reshaping codes and morals which have been in existence for centuries. The degree of alcoholism in the United States is alarmingly high. Drug abuse, especially among young people, is increasing every day, and threatens to run beyond the limits of control. Patriotism is "square;" avoiding the draft by any possible means is the prime objective of many young male Americans. Law, order, and our system of justice in the courts are being undermined by thugs and revolutionaries who seek to destroy these three basic cornerstones of a free society. They denounce the police and call them pigs, storm troopers, and racists. The police are stoned, clubbed, jeered, and spat upon. They are charged with brutality if they raise their clubs against those who riot and create disorder. They are charged with condoning violence if they fail to raise their clubs against the disrupters. Contempt for the courts and personal verbal attacks upon judges in obscene gutter language are the deliberate patterns of behavior of those who believe that the law must not prevail. Recently Vice President Agnew declared his belief that the overriding and compelling issue of the day is not inflation or the Vietnam War, but is the question of whether the government of this country will remain in the hands of its elected officials or will descend to the streets.

Although the problems and social ills of today are among the most serious ever to face our nation, I am confident that the strength and will of a majority of the American people will see us through these perilous times. I say this because I believe in America.

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands . . ." These words ring with meaning in the hearts of all true Americans. They do not ask us to follow blindly laws that are unjust, nor do they deny the right to dissent. To good Americans, these words mean that through the orderly rule of the majority we seek to promote the good of all people, finding unity and progress in the differences that exist among us.

A minority of Americans is trying to destroy our country by violence and discord. Much has been said in recent years about individual rights. Some have used this appeal to justify rioting, looting, and killing. Those who thus openly defy the law invade the rights of others, the same rights that the violators claim to seek for themselves.

Liberty can exist only in an orderly society. The so-called "silent majority" simply will not permit its liberty to be lost to those who openly attack our country. They will use every lawful means at their disposal to assure that America will survive.

America *is* her people. Most of her people are good Americans. I believe in them. Therefore, I believe in America.

WAGE-PRICE CONTROLS NOT THE ONLY ANSWER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DERWINSKI. Mr. Speaker, my mail has reflected the views of many constituents concerning the situation of the economy, specifically the battle against inflation. An editorial in the Thursday, August 20 Tribune of Harvey, Ill., effectively discusses the subject and is, I believe, an objective commentary on the economic situation:

WAGE-PRICE CONTROLS NOT THE ONLY ANSWER

The Nixon Administration's fight on inflation continues, but the outcome appears still very much in the balance and leaning towards the critical side of the scale.

Not encouraging are the latest monthly figures which show inflation continuing, at a slightly faster pace, in the past month. Also, the Ford Motor company has just announced automobile price hikes of about five per cent for 1971 models and other car dealers are sure to follow. This means that most new cars are likely to be from $100 to $200 higher—some even more.

In this connection, the failure of the government to check inflation recently led George Meany to hint that price and wage controls may be necessary to halt the upward spiral. Meany, president of the AFL–CIO, says he isn't yet in favor of such controls but that they might be the only remedy to a "dangerous situation."

Others—some members of Congress—have also recently expressed the view that wage and price controls are the answer. It's probably accurate to say that at no other time in the nation's post-war history have more prominent economists, labor leaders and politicians leaned toward such controls.

Personally, we do not believe that wage and price controls are the answer to inflation, although they may be needed temporarily to halt both pay and price hikes. We would lean toward a complete and immediate withdrawal from Southeast Asia as a more expedient method of halting inflation.

Other government actions could include the raising of interest rates for savings; an expanded government bond program; fewer costly and wasteful projects such as the SST aircraft plan; a lessening of trade restrictions, both import and export, to lower prices; ceiling levels on farm subsidies. We would rather hear Mr. Meany and the Congressmen discuss the pros and cons of these alternatives before turning to wage and price controls as the only answer to the continuing spiral.

Basically, we believe that a whole new set of economic priorities should be established based on domestic needs. Curing our problems at home could be the biggest step in cutting an inflationary spiral that has been created, for the most part, by the one-way spending for the Viet Nam war, during the past 10 years.

PROCESS TO SAVE MERCURY FROM WASTE IS DEVELOPED

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. MORSE. Mr. Speaker, earlier this summer, the Evening Star published an article describing the process being used by Ray J. Donlan, a chemist and chief of the water laboratory at the Public Health Department experimental station in Lawrence, Mass., to remove mercury from liquid chemical wastes.

The recent reports of dangerous levels of mercury content in many of our Nation's rivers and lakes make close attention to Mr. Donlan's efforts of critical importance. The process now being used in Lawrence appears to be a highly effective but relatively simple procedure, commonly known to chemists, and it offers the possibility of recovering costs through the reclamation and sale of the precipitated mercury.

I am indeed hopeful that this method has the potential for widespread application, and am deeply grateful to Mr. Don-

lan for his contribution to the battle against mercury pollution.

It is, therefore, with a particular sense of urgency, as one who is deeply concerned about the dangers to human health from mercury pollution, and it is with an especial sense of pride, as one who has the privilege of representing Lawrence, Mass., that I recall, for the careful reading of my colleagues, the text of the article:

[From the Washington Star, July 28, 1970]

PROCESS TO SAVE MERCURY FROM WASTE IS DEVELOPED

LAWRENCE, MASS.—A state chemist says he has developed a simple process to screen out 99 percent of the mercury from chemical wastes—and make money too.

Chemist Ray J. Donlan, chief of the water laboratory at the Public Health Department experiment station here, said yesterday the process has been used successfully at the station for more than four months.

Donlan's comments came three days after the U.S. Justice Department announced it will file suits to require 10 companies to end discharge of mercury into navigable lakes and rivers.

Donlan said the process he developed involves placing a few scraps of aluminum into a mercury bearing solution and leaving them there overnight.

The mercury precipitates out and can be recovered and sold, in impure form, for about $4.50 a pound, he said. Purified, it is worth around $30 a pound.

Donlan said he thinks "every chemist is aware of the process," but he believes his laboratory is the first to make use of it.

"We discharge our wastes into the Lawrence sewage system, which flows into the Merrimac River, so we thought we should do a little housekeeping ourselves."

Donlan said the Lawrence laboratory began trying the process months ago, long before the discovery of potentially dangerous mercury concentrations in some fish.

PRODUCT SAFETY COMMISSION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ROSENTHAL. Mr. Speaker, I introduced yesterday legislation which incorporates the legislative recommendations of the National Commission on Product Safety which recently completed its work.

The striking conclusion from the excellent and detailed studies made by the commission is that its work must not cease. The commission proved, in less than 2 years, that product safety is the proper concern of a permanent Government agency, not a temporary commission no matter how well organized nor how energetic. The commission's principal recommendation, therefore, is that Congress establish a permanent product safety commission. The legislation I introduce today would achieve that purpose.

This legislation would also authorize the new commission to establish standards for safety in consumer products; to create a consumer safety advocate who would represent the consumer before the commission and, in appealing the commission's decisions, before Federal courts as well; to collect information on injuries and to serve as a national clearinghouse of such information; to conduct research and to make inspections of facilities manufacturing consumer products to insure that safety responsibilities are carried out.

Passage of this legislation, Mr. Speaker, would be generous evidence of the seriousness with which Congress regards the outstanding work of the National Commission on Product Safety and of the understanding which that commission engendered for programs to give consumers the permanent product safety they need and deserve.

MADISON, WIS., COMMON COUNCIL OPPOSES SST

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. KASTENMEIER. Mr. Speaker, many citizens, including a large portion of the scientific community, have issued warnings about the excessive noise pollution the SST will cause. Now, the scientific community is concerned that the exhaust pollution the SST will create will never dissipate. The SST will fly at a high level where the atmosphere is basically stable. The effect, many believe, will be that its exhaust emissions will generate great expanses of clouds which will remain there indefinitely, reducing markedly the sunlight reaching the surface of the earth. Dr. Reid Bryson, who heads the University of Wisconsin Institute for Environmental Studies, has speculated that we may see a striking result as soon as there are several hundred supersonic jet transports in the air at the same time. They may well produce 100 percent cirrus cover over those regions where most of them will operate, and Dr. Bryson believes that such cloud cover would definitely cause climatic changes.

Another objection to the SST centers on the fact that the continued Federal subsidy for its development is a prime example of misallocation of priorities, and the American people should not be asked to contribute more of their tax money to such a nonessential frill program.

On August 5, 1970, the common council of the city of Madison, Wis., the State capital and the largest municipality in my congressional district, adopted a resolution opposing the development of the SST and prohibiting its flying within or the air space above the city limits, or using the municipal airport facilities.

I applaud this action taken by the Madison common council, and I call its resolution to the attention of my colleagues:

RESOLUTION

Whereas the SST is an environmental monster causing noise pollution equivalent to the sound of 50 subsonic jets taking off simultaneously and causing upper atmospheric pollution, and

Whereas, the development of the SST is a classic case of misplaced national priorities in that United States Senate approval of H.R. 17755 appropriating $290 million for the project would bring the total allocated to this project so far to $1 billion—this at a time when we face the worst housing shortage in 20 years, when federal funds are being cut from mass transportation, education, anti-poverty programs, dental research, arthritis, child health, mental health Council go on record as urging the United States Senate to adopt Amendment No. 665 to the Department of Transportation appropriations bill, H.R. 17755 which would strike all funds for SST development for the coming fiscal year.

Be it further resolved that it be the policy of the City of Madison that the SST should be prohibited from flying within or the air space above the city limits or using municipal airport facilities.

Be it still further resolved that the City Clerk of the City of Madison officially communicate this decision and resolution to appropriate Federal authorities including the United States Senate so they are aware of our position.

Be it still further resolved that the Madison Common Council go on record as urging that the Wis. State Legislature adopt similar legislation on a state-wide basis to protect and define the environmental and social rights of all Wisconsin residents.

HAIL THE WORLD CHAMPS—WAYNE, N.J., LITTLE LEAGUE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ROE. Mr. Speaker, I am indeed privileged to bring to the attention of my colleagues the great pride we all share in the outstanding achievement of the Wayne American Little League Team of Wayne, N.J., in winning the 1970 Little League World Championship. They are truly exceptional young men of outstanding character and ability and serve as a shining example and inspiration to the youth of our Nation in portraying, by their diligence and perseverance, the opportunities and achievements that are possible and available to all of our young people under the principles of sportsmanship and fair play in our American system and way of life—or, for that matter, epitomize the American Dream.

National recognition and the heartiest congratulations are in order for the members of the team who are as follows:

Thomas (Tom) Olsen, William (Bill) Lees, Mark Epstein, Leonard (Len) Fruci, Craig Kornfeld, Michael Fantau, James (Jim) Kinney, Ronald (Ron) Webb, Anthony (Bud) Perrelli, Steven (Steve) O'Neil, Robert (Bob) Houghton, David (Dave) Shaver, Brian Hurtt, and Glen Otte.

Special commendation and plaudits are extended to Mr. Gene Cancellieri, manager of the team and 21 years old, together with Coach Tom De Angelis, 19 years old, who, as the two youngest officials ever to lead a Little League team to World Championship victory, manifest

all of those qualities of the highest standards of leadership, dedication and youthful vigor personifying the excellence of the youth of America.

I join with my colleagues here in the House, the members of the team and all other citizens of Wayne in extending our grateful appreciation to the president of the Wayne Little League, Mr. John Choka, to Commissioner James McNicholas and to all of the other participants, sponsors and supporters of the "Wayne Americans" for their great service and contribution in establishing a true communion among the youth and parents of our community.

I know you would agree with me that it is refreshing to see the national news media and television extolling the virtues of the young people of our Nation which is so poignantly characterized in the Monday, August 31, 1970, lead editorial of one of New Jersey's prestigious newspapers, The Paterson News, as follows:

HAIL THE CHAMPS

What does one say about the thrilling victory of Wayne's Little Leaguers in winning the World's Championship of all Little Leaguers?

For the jubilant townsfolk of Wayne, the Champs' achievement was better than a cut in the tax rate, sweeter than the sweetest nectar ever served up in Passaic County's top suburban town, a gift from the gods carved out by as fine a bunch of youngsters any community has ever boasted.

It's not only the victory that sets the Wayne kids apart as Champs. It was their coolness under fire throughout the title series. While young Steve O'Neil was getting great fielding and a winning two-base hit by Davey Shaver, the rest of the team played together like a little Mets combo as they turned back their California opposition for the third victory of the World Series.

The champs will be honored at a White House lunch today.

This is America and American boys at their finest, and in a day when one of the major problems of the nation is the devastating problem of a narcotics-gripped teenaged youth, Wayne Township—yes, and all of us as its neighbors—can hold high its collective head.

This is the America of old, and may the lengthened shadow of these wonderful boys cast its glow across the country as an example of fine, promising leaders of tomorrow.

So, hats off, all of us, to the Wayne Little Leaguers, their manager, Gene Cancellieri, and his aides, the parents of the championship kids, and to all the delirious residents and officials of Wayne who deservedly turned the town inside out in delirious celebration.

Dinners, parades, celebrations! Give 'em anything, Wayne. These kids deserve it.

And while we're at it, we'd like to point out a lesson the Wayne champions have posed for the governing officials of Wayne.

A little over a week ago, we urged Mayor Miller and the town councilmen to bury their political axes, forget their rivalries and get together for the good of the town.

We suggest now that they have an inspiring example of team play from their shining youngsters. It wasn't Steve O'Neil's pitching alone that did it. It wasn't Shaver's timely hit, nor the sparkling series play of Craig Kornfeld, Len Fruci, Mark Epstein, Mike Fantau and the other boys. It was their one-for-all, all-for-one, keep punching team play that made them champs.

Can the grown men who run the town do less? And will they learn the lesson?

NO ONE IS PROPOSING OUTLAWING DETECTIVE AGENCIES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mrs. SULLIVAN. Mr. Speaker, the tremendous number of letters I am getting from detective agencies throughout the country, and the volume of telephone calls my Subcommitee on Consumer Affairs is receiving from the offices of other Members of Congress inquiring about similar letters, lead me to take this means of reassuring the Congress—and the detective business—that we are not about to outlaw private investigators by any language in the proposed fair credit reporting bill.

Somehow—I do not know how—a staff draft of alternate language for sections of H.R. 16340 was passed along to a trade association in the private investigating field. It was described as "Working Draft of August 5." Two sections of it were singled out for a vast letter barrage to the Congress denouncing the "viciousness" of the whole idea of putting detective agencies out of business.

The so-called Working Draft of August 5 was never even considered in the subcommittee. It was one of a series of different staff drafts of language intended to solve some of the technical drafting problems we had encountered in our discussions on the bill—but the "Working Draft of August 5" was obsolete before it even appeared as a confidential subcommittee print because we had decided on August 5 to use a "Working Draft of August 4" for discussion and proposed changes, and that, too, has been superseded several times. So how the August 5 print ever got out I cannot imagine.

Apparently, after seeing or hearing about proposed language dealing with detective bureaus, the detective agencies became alarmed over the thought that we were trying to regulate them in work which has nothing to do with investigations into individuals' eligibility for credit, insurance, or employment. Obviously, if we are going to require credit bureaus to follow certain procedures in giving consumers an opportunity to find out the nature of adverse information in their credit files which might be erroneous but which could nevertheless lead to rejection of an application for credit, or for insurance, or for a job, then it would not be fair to the credit bureaus for us to permit detective agencies to do exactly the same work without similar regulation.

NOT A NEW EXTENSION OF THE BILL'S COVERAGE, BUT AN ATTEMPT AT CLARIFICATION

I think the alarm which has been spread among the detective agencies over the far-reaching consequences of these proposals has been rather mischievous. So far as I know, the trade association which circulated this material, and summoned all of the detective agencies to write to Congress in great distress over the proposed language, never contacted us directly to find out what the bill-drafting problem was.

It is simply this: To make clear that the customary investigative work done by detective agencies for lawyers in court cases, or into insurance claims, or into thefts by employees, and so on, would not be covered by the fair credit reporting bill as long as this work was not intended to develop information for a credit grantor, or insurer, or prospective employer on the eligibility of an individual for credit, insurance, or employment, which is work normally done by credit reporting firms.

It was not the "Working Draft of August 5" that first posed this problem. Rather, that draft contained language—which also appears in previous and later drafts—designed to try to solve the jurisdictional problem as it relates to traditional detective agency work. We are interested in detective agency activities only insofar as they duplicate the work of a credit bureau in certain restricted fields of investigation. The problem has been present from the very start of our consideration of legislation dealing with the regulation of credit bureaus.

SUBCOMMITTEE SEEKING TO LEGISLATE RESPONSIBILITY

My Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, which has been working diligently for many months on H.R. 16340, the fair credit reporting bill which I call the Good Name Protection Act, certainly recognizes the essential nature of credit bureaus in checking into the worthiness of individuals for credit, insurance or employment, and also recognizes the essential nature of detective agencies in making a wide variety of investigations into the backgrounds of individuals or into the circumstances which provide evidence for innumerable types of court cases and other matters.

So I would say to the Members of Congress who are receiving these anguished letters from detective agencies in their districts: credit our subcommittee, please, with the degree of responsibility with which we are trying to write a very important and very technical piece of legislation. We are not out to destroy or harm any legitimate business in the investigative field. We do want, however, to give the public the protections our citizens deserve as individuals in preventing—or correcting or challenging—erroneous information being circulated about them by businesses which charge a fee for obtaining personal data to be used in determining one's eligibility for a mortgage or consumer credit, a job, an insurance policy, or similar necessities.

As of the moment, the subcommittee has not reached firm conclusions or decisions on any provision of H.R. 16340, or of any of the drafts containing alternate language. Our executive sessions have been devoted to discussing concepts rather than specific language—the language is constantly being restudied.

Perhaps we need an investigative agency to find out how "Working Draft of August 5" happened to receive such

wide distribution among detective agencies when this particular staff paper was never even presented to the members of the subcommittee for consideration.

NO CAPITULATION TO AIR SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ROSENTHAL. Mr. Speaker, the world community can no longer delay decisive action against aerial hijacking. To do so not only would invite fanatics of every bent to emulate the Arab terrorists but also could lead to a breakdown of international air travel. Airplane traffic is extremely important to the Arab nations which so far have harbored and refused to prosecute the skyjackers. The United Arab Republic has already shown signs it would be susceptible to any international pressure against air piracy. I am convinced, Mr. Speaker, that a boycott of the air terminals of those countries abetting the hijackers would result in the necessary international cooperation to curb skyjacking, if respect for law and order and revulsion at barbarism should not be sufficient motivation. The September 10 New York Times editorial concerning the hijackings provides thoughtful recommendations on the problem:

BOYCOTT NEEDED

The continuing ordeal of an augmented company of international air travelers held captive on the Jordanian desert by Palestinian desperadoes is the savage consequence of the failure of the community of nations to have acted decisively long ago on the crime of aerial hijacking.

This latest and most barbaric wave of hijackings should never have been possible if interested nations, airlines and crews had moved urgently and forcefully to strengthen security arrangements—which remain pathetically primitive—and to forge binding international agreements for dealing with hijackers and with those who abet air piracy.

We have long advocated action, now so tragically overdue, to impose boycotts on the air terminals of nations which in any way offer aid or encouragement to air piracy, and to deny landing privileges to planes of such countries. This should be done on an international basis for maximum effect and because all civilized countries have a stake in curbing this threat to their citizens' safety. Belated efforts to tighten security at airports and on planes must also be accelerated on a worldwide basis, regardless of any temporary inconvenience.

The United States should be prepared to take the lead and impose boycotts unilaterally, if necessary, as Senator Goodell and others have suggested. Failing such national or international action, the hesitant airline pilots have the right and duty to impose their own boycott in the interest of the passengers for whom they are responsible.

The immediate concern of everyone must be for the safety of the desert hostages. The appeal issued by the U.N. Security Council yesterday is a limited first step toward bringing the force of world opinion to bear against the pirates and anyone who might be tempted to condone their actions. The temptation to move at once to more forceful action is great, but where so many innocent lives are at stake diplomacy must be given every chance.

It must not be forgotten that the desperate aim of the Palestinian extremists is to wreck the revived Middle East peace talks which they have hysterically opposed. Unless this objective is frustrated, there will be diminishing security for everyone in the Middle East, and for many outside the area, for years to come.

With this larger issue in mind, it is essential that the current situation be met with restraint and the closest cooperation of all parties, including the Arab states whose vital interests are as directly threatened by the guerrilla action as are those of Israel and the rest of the civilized world.

JEFFERSONIAN DEMOCRAT TELLS WHAT HE BELIEVES IN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DERWINSKI. Mr. Speaker, an interesting article in the Friday, August 21, New World, the official publication of the Catholic Archdiocese of Chicago, in which columnist Rev. Andrew M. Greeley frankly discusses his political views with the self-designated description of "Jeffersonian Democrat," I believe merits thoughtful reading by serious students of government. The article follows:

"JEFFERSONIAN DEMOCRAT" TELLS WHAT HE BELIEVES IN

(By Father Andrew M. Greeley)

The author of a column like this ought to make explicit periodically the context of convictions and commitments within which he is writing. While the reader may, if he is patient enough, be able to deduce over the long run where a columnist stands, he ought not to be required to engage in such an exercise of "form criticism."

Further, when a columnist manages to be viewed with dismay both by his own religious superiors and by the paragons of official Catholic liberalism, the reader has some right to know what philosophical principles have led the columnist to his marginal position.

At a recent meeting of a number of social scientists who were discussing ways in which the Peace Movement might communicate with the various segments of middle America I was arguing with considerable vigor that the Peace Movement, to begin with, must shed its contempt for middle America. Finally, one of my colleagues pointed a finger at me and observed, "I know what you are. You're a Populist!" He meant it is a compliment, and I took it as such, for Populism is perhaps the most powerful and elemental political movement in the whole of the American tradition.

It has at times produced rather bizarre leaders, and it can be a violent, bigoted, and destructive force, though it has also produced some of America's most creative political leadership: the Roosevelts, the LaFollettes, Hubert Humphrey (a quarter of a century ago and perhaps even today), Eugene McCarthy and, in his last years, Robert Kennedy.

I think I might have preferred even more the title of Jeffersonian Democrat because this would have cleared me of the anti-intellectual and chauvinist strain which is latent in the Populist spirit, but I'll settle for title Populist, so long as it is understood that my Populism is more of the variety of Thomas Jefferson than it is of Andrew Jackson (or Hubert Humphrey in 1948 rather than George Wallace in 1968).

But what do I mean when I claim to be a Jeffersonian Democrat? There are three convictions which are at the root of this philosophy (at least for me), and which affect not only my political but also my religious attitudes:

1. I believe in the fundamental dignity and decency of the people; not merely intellectuals, not merely those who have Ph. D.'s, not merely those who live in certain sections of the country, but of the people; not all of the people all the time, but enough of the people enough of the time so that with the proper leadership the people will in the long run be more likely to make the correct decision rather than the incorrect one.

Indeed, they will be more likely to make the correct decision or at least support the correct decision than will be a self-anointed elite which has decided to make the people's decision for them. (I am not altogether out of sympathy with William Buckley's claim that he would rather be governed by the first 2,000 names in the Boston phone book than by the faculty of Harvard University.)

I would therefore agree with Winston Churchill that while democracy may very well be a terribly inefficient way of running a society (or a church), it looks very good indeed when compared to all other available methods.

2. I believe in the ability of men of good will to work out their differences with other men of good will so that situations can be created in which men of different backgrounds and different cultures can live with each other, if not exactly in amity, at least in some kind of peace. I do not think social conflict can ever be eliminated from society; I am convinced that there are in all social groups substantial majorities which are favorably disposed to settling conflict by dialogue, discussion, growth of mutual understanding, and compromise rather than by violence which tears a society apart.

3. I believe, finally, in the dignity, integrity, and uniqueness of people and, hence, reject any attempts to manipulate them, violate their dignity, and integrity, reduce their freedom, turn them into objects or categories, or make judgments on whole classes of people. Therefore, I view as mortal enemies of the people those demagogues of whatever color or of whatever social class who appeal to the hatred, the fear, and the resentment that smolders in the people. I further deplore those moralistic zealots who denounce the people.

I do not approve of those enthusiasts who would attempt to make feelings of guilt the beginning of social action or social reforms programs. I denounce those bigots who generalize about categories of people whatever their race, or nationality background, or religion, or economic class. I further denounce those bigots—even, and, indeed especially, when they are ministers of religion—who wish to hold whole certain classes of people today guilty for things that were done in the past.

I abhor those self-satisfied "missionaries" who are so convinced of their own rightness and righteousness that they manipulate people, thus violating their integrity and dignity so that they may do that which is "right." Hence, my profound suspicions of the forms of manipulation that go on in the abuses of group dynamics. Finally, I despise those snobs who despise the people, particularly the strutting mosquitoes of the official liberal journals, whether they be the clearly first-rate mosquitoes of the New York Review of Books or the clearly third-rate mosquitoes of such Catholic journals as Commonweal.

FACTS ABOUT AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

HON. OLIN E. TEAGUE
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the wives and families of prisoners of war in Southeast Asia have been working for the past several years very diligently in their quest to bring their sons and husbands home. Many of the veteran organizations of this country are assisting in every way they know how, particularly the Veterans of Foreign Wars. A nationwide effort has been launched by these wives and families, and I wish to include a sample of a fact sheet which they are distributing to clubs and organizations all over the country:

THE FACTS ABOUT AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

We want the world to know the truth about the treatment of American Prisoners-of-War in Southeast Asia.

STATISTICS

Almost 1,600 U.S. Servicemen are now listed as "Missing-in-Action" or "Prisoner-of-War."

Over 1,100 are listed just as "Missing-in-Action."

Slightly over 400 U.S. Servicemen are known to be "Prisoners-of-War."

More than 200 Americans have now been held by the North Vietnamese for more than 5 years.

Less than 300 imprisoned Americans have ever been allowed to send mail to, or receive mail from their families.

THE TRUTH ABOUT NORTH VIETNAMESE TREATMENT OF AMERICAN PRISONERS-OF-WAR

The North Vietnamese have refused to abide by a single one of the articles of the Geneva Convention Agreement regarding treatment of prisoners-of-war—an agreement which they signed in 1957. That document requires that there be the immediate release of names of those being detained, that there be neutral inspections of the prison camps, that there be allowed the free flow of mail between the prisoners and their families, that there be given adequate food and health care, and that the seriously sick and wounded be returned to their homeland promptly. The Geneva Convention Agreement calls for nothing more than what any civilized people would consider minimum with regard to prisoner treatment. And although they gave their solemn pledge to abide by those standards, the North Vietnamese have blatantly violated every one of the stipulations to which they pledged themselves.

The treatment of prisoners by the North Vietnamese is the most unconscionable in history. More than 200 Americans have been detained by the North Vietnamese for more than 5 years—the longest any American has ever been detained during an American conflict. The tortures inflicted upon the defenseless Americans by the Asian Communists include, being kept in solitary confinement, the pulling of fingernails, starvation, and being subjected to public harassment, to name only a few. Propaganda photographs disclose that prisoners, after months of captivity, still suffer from wounds incurred at the time of capture. Some are pictured with badly set bones, shrunken arms or legs from inadequate medical aid, while many are known to suffer from dysentery and stomach ailments. Pumpkin soup with pig fat in it and some bread twice a day is the typical food that is provided. Reports include the rebreaking of broken bones, being dragged along the ground with a broken leg, being hung from a ceiling, forced statements, living in cages for literally years, and the suffering from heat rashes and fungus over 90 percent of their bodies. Men are beaten brutally for no reason. Some are known for their savage killing of captives rather than being bothered to transport them to a camp. Less than 300 of the American prisoners-of-war have ever been allowed to write to their families or to receive a letter from their families.

These men have fought for freedom and, in the process, have lost their own. It is our firm belief that it is now our turn to fight for them and their freedom. We urge you to take action now and join the thousands of deeply concerned, patriotic Americans and allies in this effort. Imagine yourself and your family in this situation and let your conscience be your guide!

NO SUCCESS WITH POLITICAL AND MILITARY EFFORTS

There have been countless behind-the-scenes overtures made in hopes that the North Vietnamese could be reasoned with and that a rational solution to the prisoner dilemma could be achieved. All attempts to reason have fallen upon deaf ears where the North Vietnamese are concerned. We know that the Asian Communists have no concept of the value of human life. They have said that the lives of the American prisoners-of-war are not important—that it is the issues that count. The North Vietnamese say that a country of 200 million people (the US) cannot be concerned about "just 1600 men." They are not concerned about their own 8,000 men who are now being detained in South Vietnam. Innumerable attempts to effect a prisoner exchange have been made. The North Vietnamese are simply not interested in a prisoner exchange. Quiet diplomacy simply has not brought results with the North Vietnamese.

IT IS NOT LIKELY THAT AMERICAN PRISONERS OF WAR WILL BE RELEASED THROUGH MILITARY PRESSURE

For the first time in American history the United States is disengaging from a war without first obtaining a settlement for the prisoners-of-war. The bombing of North Vietnam has been stopped, and is likely never to be resumed again. This was a unilateral action on the part of the United States, and the release of the prisoners-of-war was not a consideration when the decision to halt the bombing was made.

American troops are now being withdrawn from Vietnam, and this too is a unilateral gesture, with no provisions made for the of return of the prisoners-of-war. Of course, it is hoped that the prisoners will be returned before all of the American combat troops are withdrawn, but as the number of troops withdrawn increases, the possibility diminishes of an American demand that the prisoners-of-war be released on the basis of troop withdrawals.

HOW TO BRING HOME THE AMERICAN PRISONERS-OF-WAR

Public opinion! It must be admitted that North Vietnam has done a superlative job during this war in promoting world opinion in her favor. The indisputable fact is that North Vietnam has fought just as hard in the area of obtaining public sympathy for her cause, as on the battlefield. The reason for this "dual war" on the part of the North Vietnamese should be quite evident. North Vietnam must rely upon world sympathy in order to survive. North Vietnam is a non-industrial country. North Vietnam is also a non-agricultural country. The North Vietnamese would find it impossible to survive or even to exist without the help of other people throughout the world. Whether in war or out of war, North Vietnam must rely upon supplies from other countries in order to endure. Daily, ships from countries from literally all over the world carry their life sustaining cargoes of goods, and supplies into Haiphong Harbor in North Vietnam. The goods going into North Vietnam come from Hong Kong, England, France, Japan, Italy, India, Sweden, Canada, and Scandanavia not to mention the more obvious sources for aid to the North Vietnamese such as the Soviet Union, Poland, Czechoslovakia, Romania and the other Communist bloc countries. Last year, Sweden alone gave the North Vietnamese 43-million dollars! If Americans stop purchasing goods from the neutral and allied countries that are trading with North Vietnam, the economic pinch would soon be felt, resulting in much greater pressure upon North Vietnam to release prisoners-of-war. The North Vietnamese must be made to understand that they stand to lose everything through world opinion by keeping their hold on the American prisoners-of-war. During this past year since the issue became public, almost miraculous results have been brought about by the display of public concern. Over 200 families have been allowed to know for the first time that their loved ones are alive. The increase of mail coming from POW's to their families is now 10 times what it was a year ago. America holds the purse strings of the world. The day that all Americans let it be known that they will not tolerate the detention and torturing of American servicemen, will be the day that the American Prisoners-of-War will be released.

Yes, America holds the pursestrings of the world. And yes, the world responds to the outcry of American opinion. Every voice is needed. For every example of silence on this issue only proves to tell Hanoi that Americans don't care about those who have served them. If there is anything that has helped American servicemen to survive their years of anguish, it is their faith in America. These are the men who would do anything, suffer anything, and sacrifice all for America, because these are the men who know that the American people will never let them down. America through her concern for the 87 men of the Pueblo crew brought them home after 11 months of captivity in North Korea. America has brought her men home from the moon. If America in all her greatness can achieve these things, America too can bring home her languishing prisoners from Southeast Asia.

Although the terms North Vietnam and North Vietnamese have been used throughout these papers, let it be understood that we are just as concerned about the men being held by the Viet Cong and Pathet Lao. However North Vietnam has jurisdiction over all American prisoners in Southeast Asia.

BELOW ARE WAYS YOU CAN HELP THE PRISONERS OF WAR IN SOUTHEAST ASIA

1. Organize local boycotts, urging your community not to buy goods from countries that trade with both North Vietnam and the United States, until our prisoners are released.

2. Set a goal for yourself and send a letter of concern as often as possible. Write to:

Ton Duc Thang, Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam; and

Pham Van Dong, Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam; Airmail Postage 25 cents or Air-O-Gram form letter 13 cents.

3. Clip every POW story you see in print and mail it to North Vietnam. Include a hand-written note showing circulation and audience size of publication.

4. Urge all local and national news media to take editorial positions on the POW issue.

5. Contact churches in your community and ask them to include the prisoners and their families in prayer each Sunday until the men have safely returned.

6. Ask the Company you work for to print this information in their Company Newspaper.

7. Send a public opinion message telegram (15 words for $1.00) to your two Senators and Representatives in Congress urging them to make the release of the POW's the highest priority item during their campaigns and during the next session of Congress.

8. Pass this information on to as many people as possible.

9. Write U.S. Senators and Representatives who favor unilateral withdrawal from Vietnam urging them to be even more aggressive in using their position to gain the release for POW's.

All the wives and families of the prisoners thank you most sincerely.

CAMPUS RIGHTS AND RESPONSIBILITIES: A ROLE FOR LAWYERS?

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. COHELAN. Mr. Speaker, as this Nation prepares for a new academic year, we are faced with the possibility of continued strife on our campuses. This situation is caused by many factors—the war in Southeast Asia, the glaring inequities of our society, traditional student discontent with the status quo, and so forth.

There are many suggestions concerning the means that may be taken to remedy campus unrest. Recently, I read a provocative article in the American Scholar by Prof. Nathan Glazer, a former professor at Berkeley and now at Harvard.

Professor Glazer correctly points out that the principal role of the university has been and continues to be a place for critical inquiry—a place of intellectual freedom. Given this mission of the university, all activity on our Nation's campuses should be directed to preserving this most valuable condition. Authoritarian demands from the left or the right should be rejected as being incompatible with the goals of the university.

Professor Glazer illuminates some of the contradictions in the pursuit of intellectual freedom and student rights which can be used to deny intellectual freedom in this article entitled, "Campus Rights and Responsibilities: A Role for Lawyers?" This article should be read by all who are concerned with the independence of the university and its proper role and function in a free society. At this point, Mr. Speaker, I would like to have this article inserted in the RECORD:

CAMPUS RIGHTS AND RESPONSIBILITIES: A ROLE FOR LAWYERS?

(By Nathan Glazer)

(NOTE.—Nathan Glazer, professor of education and social structure at the Harvard Graduate School of Education, was formerly professor of sociology at the University of California at Berkeley. His books include *American Judaism, The Social Basis of American Communism,* and *Beyond the Melting Pot* (with Daniel P. Moynihan). This essay is from a forthcoming collection of his writings on the student crisis, *Remembering the Answers,* to be published by Basic Books late this summer.)

On every major campus today, law school professors play an increasingly important role in university affairs. This is true at Berkeley, Chicago, Columbia, and Harvard. In the present circumstances—with powerful demands for reform in the governance of institutions, for new mechanisms for the discipline of students and faculty engaged in acts not previously envisaged in university rules and statutes, and with growing concern for individual and group rights—it is inevitable and desirable that lawyers should play an expanded role. And yet I look upon this new role with some caution, with some wariness, indeed with a certain skepticism.

My experiences with lawyers on this question go back to Berkeley in 1964. Until the beginning in that year of the disturbances that have become epidemic, professors from Boalt Hall, the Law School at Berkeley, did not play a particularly active role in most of the meetings of the Academic Senate. Once the Free Speech issue exploded, however, lawyers became central figures in its affairs.

First of all, they knew a great deal about the history of free speech and the interpretation of the First Amendment, so they were the first experts to be consulted on the issue of Free Speech itself.

Second, they knew a great deal about the responsibilities and privileges of such organizations as public universities. A great deal depended on whether these were considered organs of the state, voluntary organizations, or something else in between, and we had to count on our faculty colleagues, the lawyers, for clarification of such issues.

Third, the lawyers began to serve as counselors to students who were called up before disciplinary bodies. In the past, these disciplinary bodies had generally acted, if not actually in secret, away from the eye of campus public opinion. But since political issues were now involved, those charged very often insisted on legal counsel, and Boalt Hall lawyers and students found themselves in the difficult position of representing students and chairing the bodies that exercised, or rather attempted to exercise, discipline. They also helped develop procedures for these hearings.

Finally, as the feeling spread that a new system of government (or, as it came to be called when the matter became more serious, governance) was needed on the campus, lawyers again played a leading role, and a student-faculty commission headed by Caleb Foote of the Law School helped propose for Berkeley the most elaborate system of panels, courts, appeals and the like to ensure due process for students that I have ever seen proposed anywhere. Fortunately—and here I display my bias—it was never taken too seriously, and the report of the Commission on Goverance at Berkeley has been, I believe, quite forgotten.

Nor is it only at Berkeley that lawyers have taken a leading role in campus disturbances. Michael Sovern played an important part in the events at Columbia. At Harvard, where the Law School is quite separate from the Faculty of Arts and Sciences and never meets with it, a distinguished professor of law, Milton Katz, was called in by the Faculty to chair the important special disciplinary body set up after the disturbances in the spring of 1969. A professor of law is president of the University of Chicago, and other lawyers there have also played leading roles in the response to student disturbances.

I appreciate, as does every faculty member, the guidance of lawyers on such matters as free speech, trespass, double jeopardy, due process. But on the whole I take the position that the introduction into the university of legal principles and practices drawn from the operations of the body politic and civil society would hurt rather than help the universities and colleges.

I rest this position on two main grounds. The first is that universities and colleges have distinct objectives, objectives that would be hampered by deploying, in the university and college setting, the full range of procedures and rights that we have developed to protect people against the state and its agencies. This is not an easy position to defend. The rights of consultation, participation, due process and formal voting are now being extended into more and more areas that most of us never thought of as suitable for democratic rules and procedures. Thus, in some of the community health clinics set up by the Office of Economic Opportunity, patients as well as doctors play an important role. In welfare, there is a demand that clients be consulted, and there are such consultative bodies in New York City and elsewhere. Certainly, if patients and welfare clients have expanded their power—even if not to a point of equality with doctors and welfare officials—there seems to be argument enough for more power for graduate and undergraduate students and junior faculty.

Yet there is no escaping the reality that the chief purpose of universities and colleges is the advancement of knowledge through research and teaching. This is no justification for arbitrary and irrational authority, but the advancement of knowledge seems to demand its own settings and its own rules, and these are not the same as those that the democratic process requires. When a lawyer whose principal concern is the defense of individual rights against local police departments, vigilante groups, local and state governments, the F.B.I. and a misguided Congress, comes into such a situation, both his model and his reflexes are wrong. His model is that of a conservative or reactionary or puritanical public body that imposes its will on defenseless individuals, using all the power of the state, and his reflex is to move heaven and earth to defend the individual. When one deals with state action, this is on the whole, I think, quite right, because against the power of the state, which can wreak such injustice on single individuals and groups, we must be eternally vigilant.

When we come to institutions with subtle and complex purposes, which require certain environments for attainment, I think the lawyers' orientation is inappropriate. The full array of individual rights, which should be paramount in the state, must be limited so that institutions with specific functions can carry them out. I think this is true in any distinctive institution with distinctive ends—a church, a business, a university. The university does *not* have state sanction, and even the argument that it can do terrible harm to an individual is exaggerated. I know of many students expelled from one university who gained entrance to another. I know of none who have been drafted because of expulsion, although some may have been. I have sat on various admissions committees in two universities, and any fragment of merit, in the present circumstances when there are so many universities and colleges and so many kinds of fellowships, is generally rewarded, even if an applicant has been expelled. Actually, only a few score of students in the entire country have been expelled for politically inspired disruption, and most of these by a single university, the University of Chicago.

This is not to say that, because universities have distinct and complex ends, they

should be allowed to act with absolute and arbitrary power, with no intervention by the courts, or by individual lawyers defending an individual's rights. But I have seen very few examples of the exercise of such power; and what the case actually is must affect our judgment of the scale of action necessary to defend individual rights in the university. Very few students have been expelled, even though there have certainly been many actions by students that once justified such a response. After all, classes have been disrupted, many buildings on campuses have been burned and bombed, libraries have been intentionally damaged, and research notes destroyed. Academic punishments have been few and far between. The problem of arbitrary action by university authorities does not seem to me a serious one.

On the other hand, the effort to protect individuals, in the ways with which lawyers are familiar, from university authority can be harmful. It can mean, for example, that in many cases courts and open hearings, with all the paraphernalia that due process requires, would be substituted for the complex relationship between teacher and student.

Consider one area, the employment of graduate students as teaching and research assistants. At Berkeley I have engaged in negotiations with graduate students over the procedures by which they should be hired as teaching assistants. The choice of a teaching assistant, just as of a law clerk, is a subtle matter and not to be determined by negotiations that would lead to the establishment of superficially objective but really inadequate and arbitrary qualifications. It depends not only on grades and performance in class, but on a professor's judgment of how a student will handle certain material, how he will relate to undergraduates, whether he has problems with authority, how his political biases might affect his work in the course and the like. One can well see that if one let loose lawyers—that is, some lawyers—on such a problem they would come up with an ingenious Rube Goldberg solution involving panels, selections, appeals, arbitrations, *et cetera;* but I submit it would not be a better approach, and indeed I believe it would be much worse than the simple procedures we now use.

We can extend the example to other areas: examining graduate students, forming committees for theses, approving theses, recruiting faculty and granting of tenure and full professorships. In all these areas, a good deal of informality and even secrecy prevails. There are rules and determinations, but they are made by faculty, sometimes by tenured faculty alone or even by department chairmen (but in the leading universities this would only be done because the tenured faculty had decided not to exercise its rights in the area in question). One can think of many alternatives to these arrangements. For example, in various European universities, openings are publicly advertised; in some, appointments are preceded by formal public examination rather than, as is common in this country, by an informal meeting with the department faculty, and perhaps a presentation to the faculty and graduate students. Students are now being introduced, both in various West European countries and in this country, into various stages in these procedures. But I believe it is a great exaggeration to think that universities will be much improved by these changes—that is, that they will turn out better students, do better research, get better faculty, become more alert to current problems, less conservative and more flexible.

Do then professors in their wisdom always make the right choice? Of course not. But I don't know a better way to conduct the work of an educational and research institution than through the free choices of men qualified by their professional peers as members of a scholarly and academic fraternity. In Orthodox Judaism, rabbis are qualified when three rabbis say, You are a rabbi. In scholarship, Ph.D.'s are made when a certain number of Ph.D.'s, having set certain tests and qualifications that have been satisfied—and having the power, just as the three rabbis do, to waive whatever they feel is unnecessary—say, You are a scholar. I would not want lawyers and legal principles to interfere in that process. I think they would worsen it. My position is similar to Winston Churchill's on democracy: it's a terrible system of government, but it happens to be better than the others.

The weaknesses of the present system of university government are well understood—conservatism, slowness or inability to recognize the new and important, self-satisfaction and smugness, patronage and personal bias. And yet, despite this bias toward the known and against the new, there are academic changes and even revolutions that occur without the pressure of student disruption. Men measure themselves against their colleagues, in the present and the past, and institutions measure themselves, too. Everything of any merit, and a good deal without merit, in the social sciences gets recognized, and fairly fast—if not at Berkeley or Harvard, then at Santa Cruz or Buffalo, or some other aspiring institution.

Thus I do not see that the introduction of elaborate processes of selection, appeal, final determination and so forth would improve the selection of faculty. Nor am I convinced that one major change in universities that a number of critics favor, the elimination of tenure, would do much to change them. Would eliminating tenure actually change the reality that it is very hard to remove a man who has been in a position, with or without formal protection, for a number of years? This is, of course, as true in business or government as in universities and colleges.

There is one possibily important point that those who argue for the elimination of tenure often don't recognize. It is one thing for a new administrator to have the power to hire his own staff, and fire those who would stand in his way. Civil service restrictions on whom a new mayor or superintendent of education can hire or fire are generally too restrictive. But it is quite another matter when hiring or firing are in the hands of a colleagual group, as is the case with faculty appointments. Then inevitably the responsibility for action is a group responsibility, and the power to remove an individual would certainly introduce an additional element of distrust and suspicion into groups that even today are often torn by faction. On the other hand, who would be for introducing hierarchical principle, in which the superior alone selects his staff? For a group of faculty members is not a staff, but ideally—and often actually—a body of men of independent reputation and power.

Thus it is not easy to think of decisively better ways of faculty selection and promotion. Nor is it at all clear that the relationship between faculty and undergraduates, specifically in undergraduate education, needs new legal machinery, and a new distribution of rights and responsibilities. This is not to say that change should not take place, but a good deal of change has taken place, and I do not see at this point that an expansion of student power in this area would lead to a better process of change. Just as I have seen, during the twelve years or so in which I have been in colleges and universities, a good deal of change in graduate study, and in the bases of faculty selection, I have seen also a good deal of change in undergraduate education.

One of the explanations given for student disturbances at American universities is that there is a failure in undergraduate education and in the relationship between faculty and students. And it is often argued that what change we have seen in undergraduate education has occurred as a result of these disturbances. I would agree that a good deal of the change in recent years has been inspired by student disturbances, in actuality or in prospect. But I do not think that the failure of education or student-faculty relations plays much role in the student disturbances. If we look at the actual events, we find that political causes and issues lead to the disturbances. Indeed, there is not a single major disturbance, so far as I know, that can be ascribed to any *educational* issue. (I would consider the battle over Eldridge Cleaver's course at Berkeley primarily a political matter.) Robert Somers' recurrent surveys of student opinion at Berkeley show a still substantial, although declining, majority of students who think they get a good education at Berkeley (presumably even more would think so at Columbia or Harvard). The decline in the proportions of those who think they can get a good education has paralleled the introduction of various experiments and changes that were intended to improve education, such as a new experimental undergraduate two-year program, student-initiated courses, student-conducted courses, and the like. This decline in the number of students satisfied with education at Berkeley is clearly owing not to any "objective" decline in education, but rather to the steady heightening of political sensitivity, in the course of which students are taught to see administrators and faculty more and more as political enemies. Thus it is not the poor education that leads to the political revolt; *it is the political revolt that leads more and more students to see the education as poor.*

I have left aside the question of whether undergraduate education is good or adequate or responsive to change. Of course, it is not good enough or responsive enough. But it is surprising how often this is seen as the failure of a faculty that is too conservative or too involved in research, rather than as the result of enormously difficult and conflicting demands. For instance, it is not clear whether undergraduate education should be a "liberal" education for an "educated" man (in which case it is not at all clear what this should be), or training and education for a profession, or the induction of values that support a democratic society, or preparation for a more advanced level of education, et cetera, et cetera. Faculty must shoulder a good part of the responsibility for the failure of undergraduate education. (While I find the failure impossible to define, I am willing to accept that it has failed.) But so too must everyone else—students with conflicting expectations and demands, parents with the same, institutions that are unclear about what part of undergraduate education, if any, they should support or reward, and a society in which these confusions and uncertainties are projected on a larger scale.

American universities and colleges probably fail least in undergraduate education. When universities around the world have their uprisings and disturbances, one of the first things that most parties agree on is instituting something like the American university and college system—organization by departments, distribution requirements, major requirements, and undergraduate core, a relatively free choice of courses, smaller classes, more discussion. A bad system—just like democracy—but it's difficult to think of decisive improvements, and we do keep on making changes and experiments even without the pressure of student disorder.

One of the myths we have to fight against is that *no* changes occur without student disorder. This is simply not so. The innovative new campuses of the University of California were planned before the onset of university disorder. The plan for Hampshire

College, the experimental Monteith College at Wayne State University, and other new colleges preceded student disorders, as did the program of freshman seminars at Harvard, credit in many places for advanced work done as an undergraduate, and numerous other changes. Admittedly, considerably more change has occurred since the onset of student disorder, less because students demanded it than because this was the one area in which response was possible. The university could not end the war in Vietnam, but it could introduce educational changes and give a greater voice to students in making these changes. Many of these changes are available. Some of them conceivably would have been instituted without student disorders. There was already considerable discontent with undergraduate education, even though there was no major constituency, student or faculty, that could force change. But many other changes were made simply to facilitate political activity of students on the campus. Whether this is a necessary or desirable change in undergraduate education depends in part on one's judgment about the desirability of the political viewpoint that radical students propagate as a result of these changes. Other changes, to my mind, involve an adaptation to the reality that many students are not interested in intellectual discipline, in any field, and want in their college years experiences of a different sort—they may be more interested in political organization and social action, in sensitivity training and intense personal relations. To make such experiences possible may be a valuable and necessary change, if we are to accommodate many thousands of students who are now in colleges and universities, although I think we could more efficiently provide for these experiences in other kinds of institutions. But it is hardly likely that these changes would have taken place as rapidly and on the same scale without the student disturbances.

Thus my first major ground for viewing with skepticism the entry of lawyers into the university on a large scale to define and protect rights and responsibilities is that I do not think universities will be improved thereby.

But there is a second major reason why I am unenthusiastic about proposals to change the distribution of rights and responsibilities on the campus, and this is the heart of the matter as far as I am concerned. What we have in the universities is not, as so many public figures are fond of saying, archaic and sclerotic institutions that are incapable of understanding what the youth are saying and of changing in response to their demands. What we have rather is a political struggle—one that on the whole pits students against faculty and administration, but that also pits faculty against faculty and student against student, even if the latter struggles are somewhat more muted and less sensational.

Lawyers understand that in a political struggle the issues are not only legal ones—issues of rights and responsibilities—but also issues on the distribution of power among certain interests and, even more, of the substitution of one ideological outlook for another. Many lawyers now seek to expand the rights of the poor, of welfare clients and of Negroes. In doing so, some operate within a traditional legal framework, and some more imaginatively and daringly outside it, trying, instead of only implementing and asserting established rights, to lay a foundation for new rights. Many such lawyers think of students as part of this complex of the underprivileged whose rights must be established, expanded and fixed in law. I think this is fundamentally in error.

The issue of student rights has come up not primarily because of defects in the institutions (although they do have defects) but because of a political revolution among young people in the way that they see the world, the role of capitalism and the military, the effectiveness of democracy and the character of America's place in the world. Views on these have undergone incredibly rapid and astounding changes in the last six or seven years. Two years ago, to wave the "Little Red Book" was a put-on, a year ago a dare, and today it is waved in dead seriousness. Five years ago, all the talk of participatory democracy, and participation was really open to all. At the last convention of the S.D.S., it was pretty much back to "democratic centralism" again, and those of us with long memories know that has nothing to do with democracy. Five years ago, to use words like "imperialism" and "capitalism" marked you as a square, even if a left square. Today it is all the rage. I have referred, I know, to some rather far-out developments. As we know, more young people worked for Senator Eugene McCarthy and Representative Lowenstein than are concerned with the rehabilitation of Joseph Stalin, and yet . . . don't underestimate the number of importance of the latter.

In such a situation demands are often purely tactical. Issues are sought for and created because of an initial conviction that society is rotten; the university is implicated by being associated with society; the faculty is corrupt because it works in the university; and the whole thing must be brought down. Even the Free Speech Movement, pure, innocent and fresh as it was, compared with many things that followed, thought very much this way. By the time the Movement got to Harvard, the issues hardly mattered, and the revolutionizing of potential cadres was everything. So, for example, when at Harvard students urged that the issue of R.O.T.C. be determined by a majority vote of the students, this was denounced by the radicals as "counterrevolutionary"—in just those terms. Following the antiparliamentary position in Marxism (which all the major leaders of the Movement fully avow), they naturally consider elections purely tactical maneuvers. If they advance the revolution, one is for them; and if they do not, one is against them.

It is an unfortunate thing when the truth sounds extravagant and hysterical; one is almost embarrassed to refer to it. But I believe we must overcome that embarrassment.

Now the civil rights and liberties lawyer, finding himself in this rather extreme situation and proposing elaborate approaches to due process and rights as a means of dealing with it, is not very helpful. In responding to a political movement, one must decide what the aims of the movement are, whether one wants to advance those aims, and what the effects of those aims will be. If one is convinced that those aims are to destroy the freedom of scholarship and teaching, this should certainly affect one's conclusions. Of course, in fighting those who wish to destroy freedon, one of the major constraints must be that one does not destroy freedom oneself. Here lawyers are helpful in explaining how the principles of due process are necessary to defend freedom. But when student radicals are quite explicit about their intention to make it impossible for those who disagree with them to teach, or to turn the campus into a recruiting ground for revolutionaries, then I think a primary emphasis on defining and protecting a new legal status for students is somewhat beside the point. The issues are, does one agree with the political revolution, has the university really served capitalism and imperialism, should it now serve revolutionary socialism, do objective knowledge and scholarship exist in the university, can they exist, should they be protected, do they matter, and so on.

I believe the issue is political, and of the kind I have described; but, unfortunately, most students do not. One reason is that, along with the political revolution, another revolution is taking place, a cultural one that cuts off young people from older people makes them sympathetic with other young people who participate in this cultural revolution, and makes them open to the leadership and influence of radical students. This cultural revolution involves sex, drugs, music, hair and dress. Many students confuse their demands for freedom in these new cultural styles with the political demands of radical students. On the whole, the better-known universities and colleges are quite tolerant of these new cultural styles, even if parents, the police, and the outside communities are not, and they do their best to ignore the sex, drug and dress habits of their students. But very often they are not allowed to do this, and, as quasi-public bodies, they are forced to cooperate with the public authorities. These are complicated questions, but if one looks at the actual practices of universities in this respect, one cannot say that they have not changed to move along fast enough with student practice and demands. There are now almost no parietal rules in the best-known colleges and universities, and the case of Linda Le Clair—the girl at Barnard who was censured for living with a male student—reads as if it were in another century.

There is another reason why the appeal of radical students to liberal students is so powerful, and that is that there are terrible things wrong with the world, and American government and society, and a good part of American enlightened opinion is responsible for just about the worst of these things, the Vietnam war. I understand the feelings aroused by these horrors. But I don't think the universities are responsible for the war—although they share in the blame, as citizens all do in a democracy; nor do I think the destruction of objective research, scholarship and teaching, and of the conditions that have developed to protect them, will do anything to end the war or atone for our crimes; it will only destroy something that is generally found to be of value in all kinds of societies. Nor do I think that our complex social problems, about which undoubtedly we could have done more, are sufficient justification for the attacks of radical students on the universities. It is a serious failure of logic to argue that because we are in Vietnam or Negroes are poor or policemen are brutal, classrooms should be disrupted, buildings occupied, and libraries destroyed. President Plimpton of Amherst, in a letter to President Nixon on student disorder, seemed to say that as long as we did not solve the problems of war and poverty, there would be disorder in the universities. Yet when those problems are solved, there will be other problems. To say that until social problems are solved there will be student disorder is to say there will be student disorder forever.

There is one other argument raised to explain student disorder and to justify it. This is that the universities are filled with conservatives, that there are no radical professors, and that it is necessary that the radical perspective be present in the classrooms and the research activity of the university.

First of all, it is a substantial exaggeration to say that there are no radicals in the universities. The agitation against the Vietnam war, the revision of the established view of the origin of the Cold War, the claim that America is dominated by a small elite committed to imperial expansion and to military adventure—all these owe a good deal to the universities. In fact, it is there

that these positions have been formulated and argued in books, lectures and discussions.

Second, if radical positions do not achieve their proper share of attention in the university (and what is a "proper" share?), it is less because there is discrimination against radicals—there is rather more discrimination I would guess in the better-known universities and colleges against conservatives and reactionaries—than because the processes of selection, which place scholarship at the top of the necessary qualifications, do not turn up as many radical faculty as radical students would wish.

Third, it would be a disaster to replace the present criteria for selection, already sufficiently flexible in response to public demand (many faculties today are looking for radicals, just as many are looking for Negroes), with even more sharply political criteria. In the 1950s, William Buckley and others argued that there were too many liberals in universities, and not enough conservatives, and professors were horror-struck to think that anyone could propose political representativeness as a criterion. Governor Ronald Reagan has also recently pointed to the dearth of conservatives, and the professors again resisted the idea that they should appoint conservatives to balance the scales. I am not so rigid. I think in the social sciences Buckley and Governor Reagan have a point. But only a small point. In the social sciences—particularly in such fields as sociology and political science, where the scientific component stretches only so far, and where social and political philosophy must play a large role—it seems reasonable to me that the representation of major different outlooks, philosophical as well as scientific, should be one basis, although not the most important, for making faculty appointments. While to select faculty on the basis of truly partisan positions (Democratic, Republican, S.D.S.) would be a disaster, I think most reasonable men would agree that it would strengthen departments of political science and sociology if they had strong advocates of the general outlook underlying conservative, liberal and radical positions. The fact that some faculties do not reflect the strong place of radical thinking among intellectuals and students stems from a time lag. How long, after all, have radical positions had intelligent and articulate defenders? The scarcity of radicals among older faculty members would not have been changed by strong student representation in the appointment of faculty in the fifties or early sixties. In the end, the position that faculty should be appointed by faculty, their qualifications judged by the qualified, still seems to me better than any alternative.

If, as I have argued, the issue is primarily a political one, in which various discontents are mobilized and exacerbated by a committed core of radical students in order to transform the university and society, what should our response in the universities be? I do not believe that student rights are ignored in the present situation, and I do believe that there is a role for an institution in which some people come to do research and teach and others to be taught and to learn how to do research. I do believe, moreover, that these institutions now have some flexibility and capacity for change, and I doubt that they could be much more flexible and responsive without harm to other objectives. My major response, therefore, to the political attack on the structure and character of present-day American universities is also political—that is, I think of what is necessary to protect these institutions and their distinctive functions.

I do not believe for an instant that universities need any special assistance or legislation from government to deal with student disorders. It would only be damaging by encouraging the false opinion of student radicals that universities are not autonomous but simply arms of American imperialism and the military-industrial complex. The chief task in the defense of the universities must fall on the faculties and on the administrations, which so largely reflect faculty views. Thus, when students engage in attacks on other students and prevent them from attending class, or professors from teaching them; when they destroy books and notes and research materials, the *universities* should deal with them quite independently from the state. It is an unpardonable withdrawal from responsibility for universities to leave all questions of discipline and punishment to the civilian authorities. Universities may have to call on the police to defend students, faculty and property from militant students. Beyond that, however, they themselves must determine proper standards of conduct that make it possible for a university to continue. They must find ways to assert and maintain these standards without turning the university into a police state or into a parody of the court system. If they cannot, if they fail to reach and educate enough students and faculty so that a university can be maintained without these conditions, then I think the proper response is to close the university and to set up a new one with faculty and students who do accept the common code of conduct required in an academic research and teaching institution.

It may well come to that, and I do not think that it would be a disaster if it did. We may well come to a situation in which some universities will be molded to the present desires of radical students, with students playing a key role in the choice of faculty, the determination of curriculum, the selection of students and the granting of degrees, while other universities will maintain a more traditional style of government.

What should be the role of new organs of university government—the university-wide elected bodies with representatives of students and nonteaching staff, the student committees elected to play a role in faculty recruitment and departmental policy, and the other changes we see coming, not only in American but also in French, German and other universities? The demand for some change is strong, as is the demand for representation and participation. I think both demands can be met to some extent, and these new procedures are means of meeting them. I do not in all honesty expect that they will improve the universities—quite the contrary. My own expectation is that the universities will become somewhat worse. But I would expect and hope that these new participatory institutions would serve an educational role. By teaching students (and also faculty) something of the realities of university government and the complexities of the problems they deal with, participatory institutions might have a somewhat conservatizing effect on students. On the other hand, we also know from experience that the radical students will be interested in these institutions in order to use them as forums for further radicalization, or, if they decide that this is impossible, they will simply boycott and try to destroy the new institutions, as they are doing in France. In either case, my own feeling is that the universities would be well advised to set up systems of participation, although I realize all the dangers.

The variable and informal processes by which students have influenced universities will have to be made somewhat more formal in the future, and will involve elections, representation, formal notification of proposed faculty appointments and curriculum changes, some fixed voice in these decisions and the like. Inevitably, this will mean an additional degree of politicization in the university; there will be caucuses of professors and students, electoral campaigns, arguments over credentials and voting rights and efforts to expand the powers of student and other groups. In the varied patterns of representation now emerging, we see that the nonteaching staff is beginning to play a role. Recently a German professor told me that he was rather happy to see the nonacademic staff in his department have a vote, under their new statutes, because the janitors would vote with the professors. Similar calculations will prevail in this country—in fact, they already do. How this could improve the universities is unclear to me. But it is necessary because only through greater responsibility can we expect students to consider more seriously just what they want from universities and what they can hope to get from them, and in so doing we hope they will moderate behavior that at present is all too often irresponsible. While, then, I am not convinced by anything I see in universities that there is a need because of academic failure to expand student rights, I support the expansion because I believe it is the only way, at this point, with the loss of authority by so many institutions, including universities, that we can induce in students a greater measure of responsibility.

I am skeptical then of the effects of the new forms for re-structuring that universities are now establishing. If we think of them as expanding and transmitting learning, I do not see how a larger role for students or for community representatives will particularly advance these aims. But these larger roles may make it possible for universities to survive. Whatever the procedures that emerge from the present turmoil, the most valuable contribution of law school professors and lawyers, to my mind, will be to help make those procedures workable and to defend them from the attacks that we can be sure will be made upon them. I have emphasized attacks from the left, but there have been in the past equally serious attacks from the right, and these may become more serious in the near future than they have been in recent years. Lawyers have powerful tools with which to protect procedures. I would hope that their valuable energies could now be enlisted not only in the defense of individuals, but in the defense of a distinctive institution that needs to be in some measure set away from and protected from the pressures of society.

TWO VALUABLE BIBLIOGRAPHIES ON DRUG ABUSE AND THE ENVIRONMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WALDIE. Mr. Speaker, knowing of the interest of my colleagues in the extremely important issues of drug abuse and the environment, I would like to take this opportunity to recommend two bibliographies available from paperbound books in print, published by the R. R. Bowker Co., 1180 Avenue of the Americas, New York, N.Y.

The publications are the Drug Dilemma and the Environmental Crisis. Both, Mr. Speaker, would be worthy additions to the reference library, for every interested party.

PITTSBURGH JUDGE HOMER S. BROWN OUTSTANDING CIVIC LEADER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a privilege for me, as a good longtime friend of Judge Homer Brown, to bring to the attention of the U.S. Congress and the American people the fine work and dedication of Judge Homer Brown through his years of service to the people of Pittsburgh, Allegheny County and our good Commonwealth of Pennsylvania.

I am offering for the CONGRESSIONAL RECORD the well written and excellent biography by Frank M. Matthews, which has appeared in the Pittsburgh Post Gazette daily magazine section for Tuesday, September 8, 1970:

JUDGE BROWN, 74, HAS WORN MANY HATS—JURIST, STATE REPRESENTATIVE, LAWYER, HUMANITARIAN

(By Frank M. Matthews)

Common Pleas Judge Homer S. Brown, will observe his 74th birthday on the 23rd of this month and the occasion creates problems for his friends.

Which Homer Brown should they congratulate? The distinguished jurist of 20 years? Former Rep. Brown, who served in the state House with unique honor from 1935 to 1950? The Constitutional lawyer? The humanitarian?

All are suitable. They add up to the Homer Brown who has been the participant in, and in part the beneficiary of, the civic and social progress of Pittsburgh over much of this century.

Turn back to 1923 when Judge Brown was graduated from the University of Pittsburgh Law School, and he and a classmate, Richard F. Jones, set up shop together.

"It was in a little place on Wylie Avenue, where the Civic Arena is now," Judge Brown recalled. "It wasn't much of a building, and in the winter we would heat the office with a little gas stove.

"At the time we finished school, it was a terrific job for a Negro to get office space. We couldn't get into the buildings Downtown. They would turn us down for one reason or another."

All wasn't bad in that period. It was during his struggle as a young lawyer that Brown met Wilhelmina Byrd, of Norfolk, Va., and married her in 1927. Like the Browns in Pittsburgh, the Byrds in Norfolk were prominent in Negro affairs and the new Mrs. Brown transferred her energies here. For years she has handled the annual Human Rights Dinner to raise funds for the National Association for the Advancement of Colored People.

Their son, Byrd, an attorney who was graduated from Yale, until recently served as president of the local branch of the NAACP and is a civil rights activist. He sought unsuccessfully last Spring to win the Democratic nomination to Congress in the 14th District.

After 15 years with the gas stove, Homer Brown and Jones made it from the site that no longer exists to the Bakewell building, Downtown, at Grant and Diamond. Now that building also is gone, and Diamond Street has become Forbes Avenue.

The young Homer Brown's father moved to Pittsburgh in 1911 in search of educational opportunity for his children. Homer had been born in Huntington, W. Va., and subsequently had lived in Knoxville, Tenn., and Roanoke, Va., as his father, a Baptist minister, moved from church to church.

"He moved here and took a smaller church," Judge Brown said. "We had a family of five children, and there was no high school for the Colored in Roanoke, so he was anxious to come North because it solved the problem of continued education.

"Two of us already were on the way to a private school at Richmond, which was very expensive for my father. He didn't have the funds to put us all through, so the family moved.

The church was the Metropolitan Baptist, on Samsonia Street, Northside, "not very far from the new stadium," as Judge Brown locates it.

Brown and one brother, Joseph, continued at Whalen Academy, at Richmond, Va., and went on through Virginia Union University, a Negro institution also at Richmond.

In that time another brother, W. Roderick Brown Jr., applied for admission to Pitt medical school and was refused. Subsequently he returned to Pittsburgh, as a physician specializing in tuberculosis, and became a lecturer at Pitt Med.

Homer Brown went on to Pitt Law and Joseph, who also became a lawyer, moved to Detroit to practice with an uncle. He later became a member of the State Senate in Michigan.

"Then, we had two sisters," Judge Brown related. "One died while she was attending the University of Pittsburgh, and another graduated. So, at one time, five of us were trying to get through college at the same time. And we did, all of us except our sister who died of pneumonia when she was a sophomore.

"We worked. All of us. One sister worked in the salad-making department down there at Camp Horne. That was a camp, I think it is discontinued now, where Joseph Horne Co. employes could go for a small amount of money and have a vacation.

"My brothers worked on the steamboats up on the Great Lakes. I worked on them as a waiter, on a run from Detroit to Buffalo.

"At that time it was fashionable to take your car to Buffalo, or Sault Ste. Marie or Duluth, or someplace like that. The roads weren't like they are now, and the passenger traffic on the Great Lakes was terrific.

"We worked at anything we could get to do. I was 19 years old when I went to work as a waiter on the B & O during the summertime, running from Pittsburgh to Detroit.

"At that time, a waiter going from here to Chicago would serve dinner out of Pittsburgh, and then he would just sit up all night in the dining car to serve breakfast in Chicago.

"One of the first bills I introduced in the state legislature was that railroads coming through Pennsylvania would have to make provisions for the waiters who were going to be on a car all night," Brown said.

Brown first ran for the Legislature in 1932 and was clobbered. He made the run again in 1934 and was successful, and began a career of remarkable service. For example:

He was the only Democrat to vote against and speak against a package of bills intended to block a grand jury investigation of the scandals of the Earle administration in the late 1930s.

He also fought against legislation that was intended to rip out the office of mayor of Pittsburgh during its occupancy by the late William J. McNair.

Young legislators, and young reporters, soon learned that he was recognized by both political parties as a Constitutional authority.

In 1947, as chairman of the Allegheny county Democratic delegation in the House, he worked with the Republican chairman, now Sen. Robert D. Fleming, to push through a package of 12 bills necessary to the Pittsburgh Renaissance and smoke control. This took some dancing through the Constitution, for which he was the choreographer.

He was twice voted the most valuable member of the House by the Pennsylvania Legislative Correspondents Association.

When Democrats were in the majority, which was not too often, he chaired the House Committee on Judiciary General. When Republicans were in the majority, and controlled the chairmanship, they made sure Brown was on the committee.

Throughout his legislative years he was the leader in the fight for passage of a Fair Employment Practices Act. It did not succeed during his tenure, but did later.

In this period Brown was national legal advisor to the National Association for Advancement of Colored People and head of the local NAACP, and became the first Negro member of the Pittsburgh Board of Education and an original member of the Pittsburgh Housing Authority.

He moved into the judiciary with election to the old Allegheny County Court in 1950, and was appointed to Common Pleas in 1956 by former Gov. George M. Leader. Since then he has been elected twice to full terms.

Since coming to the bench Judge Brown has made some rulings which have dismayed local government (against the "sick tax," for example) and churches (upholding condemnation, for another example) but for the most part they have been upheld if appealed.

Rarely, if ever, has Judge Brown been reversed solely upon the basis of Constitutional provisions.

So you ask him a question, in his 20th year on the bench and his 74th year of experience: Do you think there has been an improvement in race relations, or is it just superficial?

"I hesitate, because I don't know whether I should answer, not because I don't know how to answer," Judge Brown said.

"Let me try it this way.

"I have served on public and quasi-public bodies over the last 25 years when it was almost unthought of for a Negro to serve.

"When I went on the Board of Education, there was not a single Negro teacher in the City of Pittsburgh. I believe, when I was practicing law, there was not a Negro above the rank of patrolman on the police force.

"I was one of the first members appointed to the Housing Authority and there weren't any Negro employes that I can recall, not even a painter.

"When I went to the legislature in 1935, the only Negro who had anything to do with the House was the bootblack in the cloakroom. Now a Negro is majority leader.

"I was on the board of UNESCO (United Nations Educational, Scientific and Cultural Organization) and as such was on an ad hoc committee on human rights endeavoring to establish international recognition of equality.

"So I would answer your question yes. The question is, have we made enough progress? When progress is made in one field it shows up deficiencies in other fields."

AMERICAN-JEWISH HOSTAGES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. LONG of Maryland. Mr. Speaker, yesterday the State Department expressed hesitation about guaranteeing negotiations to free American-Jewish hostages of the Palestinian hijackers.

An American is an American. Every American citizen is precious, and we fight equally hard for any American regardless of religion. I am concerned that the State Department would even consider any distinction between Americans of different religions.

POSTHUMOUS AWARD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. LONG of Maryland. Mr. Speaker, in January of this year S. Sgt. Oliver Clifton Stamps, U.S. Marine Corps, was killed in Vietnam. On August 9 he was posthumously awarded the Silver Star Medal. That citation reads as follows:

The President of the United States takes pride in presenting the Silver Star Medal posthumously to Staff Sergeant Oliver C. Stamps, United States Marine Corps for service as set forth in the following Citation:

"For conspicuous gallantry and intrepidity in action while serving as a Platoon Sergeant with Company G, Second Battalion, Seventh Marines, First Marine Division in connection with combat operations against the enemy in the Republic of Vietnam. On the night of 7 January 1970, Staff Sergeant Stamps was leading his platoon during a combat patrol when one of the Marines alertly detected an unexploded enemy booby trap. After fearlessly examining the lethal device, Staff Sergeant Stamps determined that, because of its construction, it could not safely be disarmed. Unwilling to leave it in place and thus risk possible harm to other persons, he elected to detonate it in place. After carefully positioning his men in covered positions well away from the dangerous area, he valiantly approached the explosive device, but was mortally wounded when it prematurely exploded. His heroic and determined actions inspired all who observed him and saved several Marines from serious wounds or possible death. By his courage, selfless concern for his fellowmen, and steadfast devotion to duty, Staff Sergeant Stamps upheld the highest traditions of the Marine Corps and of the United States Naval Service. He gallantly gave his life in the service of his country."

For the President:

H. W. BUSE, JR.,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

In a recent letter to me, Mrs. Oliver Stamps quoted Cesar Chavez:

To be a man is to suffer for others. God help us to be men.

She continues:

He said those words in reference to his non-violent struggle for justice, and I use his now famous words in reference to the 40,000 plus men, including my husband, who have given their lives in the Vietnam struggle. May we all in this great country learn to ask God to help us to be men and women and not merely male and female.

My husband died protecting his fellow man. Most important, he died doing what he liked best, fulfilling his obligations as a leader to see his men safely out of a dangerous situation. His final act in life told the world of his overwhelming confidence in his own abilities, his love for his fellow man, and his tremendous faith in God. My husband loved life and he loved people and, in the final analysis, he gave his life for the people he loved.

TRIBUTE TO ART SHAMSKY OF THE NEW YORK METS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, I was privileged recently to take part in ceremonies honoring one of baseball's great players, Art Shamsky, of the New York Mets.

Art is one of those great ballplayers who recognizes the tremendous joy baseball brings to all of us, especially baseball-loving children. Youngsters all over America have always looked with awe upon ballplayers and Art has given freely of his time to visit, not only with Hudson County children, but with many residents of Hudson County who, because they are blind or crippled, can only experience America's oldest and greatest sport by way of radio or television.

Mr. Speaker, Art Shamsky has given generously of his own time to visit with children of the Jersey City Elks program and the Washington Park Little League as well as with residents of St. Joseph's Home for the Blind and other community service organizations.

At the recent ceremonies honoring Art Shamsky, freeholder William J. Wolfe and I were pleased to present him with a plaque expressing the community's gratitude for his outstanding service while over 1,000 inspired Jersey City youngsters looked on.

Mr. Speaker, the Board of Chosen Freeholders of Hudson County, in an outstanding resolution of appreciation and tribute, declared August 27, 1970, "Art Shamsky Day in Hudson County."

Because I know that my colleagues in the House are interested in the good works of all Americans, I am inserting into the CONGRESSIONAL RECORD a copy of the resolution of the Hudson County Board of Freeholders, as well as newspaper articles which reported this great day in honor of a great ballplayer:

RESOLUTION, BOARD OF CHOSEN FREEHOLDERS, COUNTY OF HUDSON

(Presented by William J. Wolfe)

Whereas, the fame, the personality and the humanitarian deeds of Art Shamsky, Mets baseball star, have become part of Hudson County's athletic history, and his legend part of the daily lives of so many individuals in our area; and

Whereas, Art Shamsky participated in the last hours of one of our young neighbors, Joseph Barbalinardo, as an inspiration to him and a source of comfort; visited the St. Joseph's Home for the Blind on many occasions to give the patients hope and solace; and aided the Elks in their crippled children's program; and has been part of the Washington Park Little League and Minor League scene by several appearances there; and

Whereas, one of our colleagues, Freeholder William J. Wolfe is emphasizing these contributions to our Hudson County life by sponsoring an ART SHAMSKY DAY at Shea Stadium on Thursday, August 27th, when Art Shamsky will be awarded a giant size trophy presented on behalf of Freeholder William J. Wolfe and his associates in Hudson City's section of our county by Congressman Dominick V. Daniels to express the giant size gratitude of our citizens for Art Shamsky's deeds here;

Resolved, by the Board of Chosen Freeholders of the County of Hudson:

1. That this Board add our own tribute to this award by declaring Thursday, August 27, 1970, as Art Shamsky Day in Hudson County.

COUNTY WILL HONOR SHAMSKY AT SHEA

Art Shamsky, outfielder-first baseman for the world champion New York Mets, will be honored by Hudson County residents Thursday prior to the New York Mets-Atlanta Braves afternoon Date at Shea Stadium.

Hudson County Freeholder William J. Wolfe will present the left hand hitting outfielder with a handsome trophy in a special pre-game ceremony conducted at home plate.

Both in the off season and while playing Shamsky has been a regular visitor to Hudson County. He has made several stops at St. Joseph's Home for the Blind and to the crippled children of the Jersey City Elks program.

In addition, he has spoken at the commencement exercises for the Washington Park Little Leaguers and has been active in various programs in Jersey City.

Congressman Dominick V. Daniels, Councilman Frank Quilty and scores of youngsters will accompany Wolfe to the stadium. The senior citizens will also be on hand for Hudson County's salute to Shamsky.

Everyone attending the game from Hudson County will be treated to a box lunch and soda.

A resolution has been passed by the Board of Freeholders officially declaring Thursday as Art Shamsky Day throughout Hudson County.

WOLFE, DANIELS, 1,000 KIDS GREET ART SHAMSKY AT SHEA

(By Nat Berg)

Some 1,000 Jersey City youngsters today are back at their normal summer play activities.

Little are they aware that their trip to Shea Stadium yesterday as guests of Freeholder William J. Wolfe for Hudson County Day for Mets' slugger Art Shamsky will be inscribed for posterity in the Congressional Record.

Rep. Dominick V. Daniels, when he returns to Washington, D.C., early next month, will have reported in the record an account of the presentation of the Freeholders' resolution, adopted two weeks ago, recognizing Shamsky for his "kindnesses, especially to the young, in Hudson County."

Daniels, who lives in Jersey City and represents most of Hudson in Congress, gave the laminated plaque to Shamsky in an on-field ceremony.

Shamsky, who contributed two of the Mets' runs in a 5–1 victory over the Atlanta Braves, is a personal friend of Wolfe.

After accepting the resolution together with a huge, gold-plated trophy, Shamsky confided to Wolfe that after the National League season is finished he "gladly will come over the Hudson and help you (in the campaign) any time you want me." Wolfe, a Democrat, is seeking to retain his seat.

Among the youngsters, transported in 14 buses and 25 private cars, was the Elks' Poster Boy. He is David Mazurowski, 7, who saw first live Mets' game.

He sat close enough in a right field box to make himself heard at times by Shamsky, covering his position nearby. David met Shamsky previously at the Elks Club in Jersey City Heights. The crippled lad and the others gobbled up 1,200 sandwiches and consumed as many containers of fruit juices.

ARAB VIOLATIONS OF THE MIDDLE EAST CEASE-FIRE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1970

Mr. MINISH. Mr. Speaker, I was heartened to read a statement recently made by Dr. William A. Wexler, chairman of the Conference of Presidents of Major American Jewish Organizations.

I have felt, as Dr. Wexler does, about one of the major problems of the present Middle East cease-fire agreement. I am doubtful that a permanent and peaceful agreement can be reached when, as Dr. Wexler phrases it, "one side to the conflict deliberately and flagrantly violates the terms under which the negotiations are to begin."

Mr. Chairman, I do not believe that a lasting peaceful settlement can ever be reached if the Arabs intend to use the cease-fire to improve their battlements, rather than to arrive at any permanent Arab-Israeli agreement. Moreover, it would be foolhardy, to say the least, for Israel to stand by while her hard-earned military advantages are debilitated.

America, as Israel's major ally, cannot permit her to lose her position of strength, both militarily and economically, to pursue a fruitless quest for peace. The Arabs must be shown that their word will remain their bond; otherwise any agreement that may be reached will not be worth the paper on which it is recorded.

I wrote to President Nixon on August 17, concerning the movement of Egyptian missiles during the time the cease-fire was supposed to be effective. I believe that to permit this flagrant violation of the cease-fire terms is to invite future Arab transgressions. If there is no assurance that any Arab agreements will have future validity, why bother with them at all?

The letter that I have sent to the President follows Dr. Wexler's statement.

STATEMENT BY DR. WILLIAM A. WEXLER

(Chairman of the Conference of Presidents of Major American Jewish Organizations)

The hopes for peace that had been raised by the achievement of a standstill cease-fire along the Suez Canal have been severely impaired by the action of the Soviet and Egyptian forces in installing missile sites and batteries within prohibited zones along the west bank of the canal.

This defiance of the basic condition of the cease-fire agreement demonstrates the cynicism with which the Soviet and Egyptian governments have responded to the American peace initiative. By violating the fundamental principle of the cease-fire—that there shall be no change in the military position of the opposing forces—the Soviet-Egyptian axis has critically undermined the very basis for the negotiations under the auspices of Ambassador Gunnar Jarring called for by the American plan. There can hardly be productive negotiations toward a Middle East settlement if one side to the conflict deliberately and flagrantly violates the terms under which the negotiations are to begin.

In his statements to the American people and his assurances to the government of Israel, President Nixon has made clear that he will not permit the Soviet government to strengthen its bridgehead into the Middle East. The cause of world peace, the defense of American vital interests and the security of Israel's people all demand that prompt and vigorous steps be taken to remove the missile sites and other equipment brought into the Suez Canal area since the beginning of the cease-fire; that the United States expand economic and other aid to Israel essential to the maintenance of a balance of power in the Middle East; and that our government make clear to all concerned that there can be no progress toward a just and lasting peace in the Middle East unless all parties to the conflict scrupulously respect the terms of the American initiative.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 17, 1970.

RICHARD M. NIXON,
President of the United States, The White House, 1600 Pennsylvania Avenue, Washington, D.C.

DEAR MR. PRESIDENT: Israel has been reported to possess convincing evidence of a serious cease-fire violation on the part of the United Arab Republic. According to Israel, Egypt has violated the terms of the cease-fire agreement by moving missiles into the Suez Canal truce zone after the start of the cease-fire.

If Israel's contentions are true, the movement of Soviet SAM–2 and SAM–3 missile batteries toward the Canal presents some worrisome ramifications both as to the success of the peace negotiations and the eventual safety of the Israelis.

It is certainly not the intent of the United States to permit the cease-fire to become the vehicle whereby Israel can be destroyed, and I hope that you will therefore utilize the influence of your important office to gain the removal of the Soviet missiles from the Canal zone.

I realize the delicacy of the task, and your desire not to weaken the posture of the United States during the initial stages of the Middle East peace efforts. Nonetheless, it is absolutely necessary to insure that the peace negotiations are not used merely as a ruse to permit the Arabs to strengthen their military positions.

With kindest personal regards, I remain
Sincerely yours,

JOSEPH G. MINISH,
Member of Congress.

CONGRESSMAN ROONEY OF NEW YORK APPOINTED A REGENT OF THE SMITHSONIAN INSTITUTION

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. MURPHY of Illinois. Mr. Speaker, on yesterday the distinguished gentleman from New York (Mr. ROONEY) was named a Regent of the Smithsonian Institution by the distinguished Speaker of the House of Representatives, the Honorable JOHN W. MCCORMACK.

The Board of Regents is the governing body of the Smithsonian Institution, the world's largest complex of museums. The Smithsonian is an independent establishment devoted to public education, basic research, and national service in the arts, sciences, and history. Congressman ROONEY is the first New York State Congressman appointed to the Board of Regents in at least 82 years.

Members of the Board of Regents are Vice President AGNEW, Senator CLINTON P. ANDERSON, Senator J. W. FULBRIGHT, Senator HUGH SCOTT, Representative FRANK T. BOW, Representative GEORGE H. MAHON, and John Nicholas Brown of Rhode Island, William A. M. Burden of New York, Crawford H. Greenwalt of Delaware, Caryl P. Haskins of Washington, D.C., and Thomas J. Watson, Jr., of Connecticut.

Since its founding in 1846 by Congress the Board of Regents has traditionally been composed of American political, cultural, and business leaders.

Centered on the Mall in Washington, D.C., the Smithsonian Institution also is concerned with facilities and activities elsewhere in Washington, across the country and overseas. These facilities and activities include: The National Museum of Natural History, the Smithsonian Astrophysical Observatory in Cambridge, Mass.; the National Zoological Park; the Smithsonian Tropical Research Institute in the Canal Zone; the Center for the Study of Man in Chicago; the Radiation Biology Laboratory; the National Museum of History and Technology; the National Collection of Fine Arts; the National Portrait Gallery; the Joseph H. Hirshhorn Museum and Sculpture Garden in New York; the Freer Gallery of Art; the Woodrow Wilson International Center for Scholars; the Cooper-Hewitt Museum of Decorative Arts and Design in New York; the National Air and Space Museum; the planned National Armed Forces Museum; the Anacostia Neighborhood Museum; the International Exchange Service; the Science Information Exchange; the National Gallery of Art, and the John F. Kennedy Center for the Performing Arts.

Congressman ROONEY represents New York's 14th Congressional District in Brooklyn and is a senior member of the House Committee on Appropriations.

THE 50TH ANNIVERSARY OF THE WARSAW BATTLE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. WEICKER. Mr. Speaker, the following commemorates an anniversary very dear to the hearts of my constituents of Polish descent, and I am sure, those of Polish descent throughout the world:

CONNECTICUT COMMITTEE COMMEMORATING THE 50TH ANNIVERSARY OF THE WARSAW BATTLE

The 15th of August is traditionally the Polish Army Day. Banned in Communist ruled Poland it is observed in the Free World by Polish veterans of both World Wars.

In pre-1939 Poland this day was chosen to commemorate the Polish victory of 1920 over the invading Russian Communist armies.

The year 1920 was a fateful year for Poland. The Russian Bolshevik revolution having achieved victory at home, begun the

march toward the next goal, a Soviet conquest of Europe.

Nations standing in the way of the Red armies were crushed mercilessly. In the Spring of 1920 the newly independent Ukraine was trampled. Then Poland was invaded. Under the powerful onslaught of the Communist hordes Polish armies had to retreat to avoid annihilation. On the banks of the Vistula, the first natural barrier offered by the Polish flat countryside, the Poles decided to make their last stand. Mustering all her resources and entrusting the leadership to a great soldier and patriot Joseph Pilsudski, Poland fought back. A powerful Polish counteroffensive checked the advance of the invaders and turned into a rout their retreat. The battle of the Vistula became the Victory of the Vistula which saved Poland from defeat and Central Europe from Soviet invasion. We had to wait twenty-five years to 1945 and the outcome of the 2nd World War to see the return of the Russians and their expansion into the Mainland of Europe.

In this struggle against the Bolshviks Poland was alone. The Western European powers offered lip service and free advice. Everywhere in Europe public opinion mislead by Communist propaganda was hostile to Poland. In Britain the dockers struck refusing to load the ships for Poland. In France railway workers followed their example. In Central Europe, counting on Russian victory, the Communists were reaching for power. In Germany they were preparing a take-over. In Hungary a Communist revolution led by Bela Kuhn was raging. Polish neighbours resigned to a Russian victory and begun to help themselves to Polish border lands.

The Victory of the Vistula was termed by Lord E. V. d'Abernon, a British statesman and diplomat, the eighteenth decisive battle of World's history.

This year on the 15th of August we will observe the 50th anniversary of the Battle of the Vistula. Bowing to the past we will honor those who died in the struggle, looking forward to the future we will cheer the coming Polish generations. To them we will bequest the words of the Polish national anthem:

"Poland is not lost as long as we live";

and our sincere belief that Poland will be free and independent someday.

THE U.N.O. DEMANDS AGAIN—TRICK OR TREAT?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. RARICK. Mr. Speaker, the United Nations Organization has now decided that it needs more room for its nefarious activities in New York City.

As usual, the United States, with one vote and recipient of no help from this oligarthic monster, has pledged $20 million of the $80 million cost, or 20 percent.

The New York City leaders who constantly cries of a shortage of taxpayers dollars for aid to the poor, garbage workers, and for city improvements are to fund $20 million in addition to the land estimated at $12 million on which the addition to the monstrosity is to be located. The regular United Nations Organization budget is to supply $25 million and the UNICEF children's fund, obtained from Halloween donations purportedly to help needy and destitute children, is to supply $5 million.

The Soviet Union and other debate leaders of the world are contributing nothing for their sanctuary away from home.

And as the fathers of New York City fund the U.N.O. and the U.N.O. budget can support bureaucratic building programs, the poorer members of the international community complain that they do not receive their fair share from affluent industrial nations.

The working people of America are aware of the frivolous misuse of their tax money to underwrite un-American projects like the U.N.O. The American people are becoming disenchanted at the loss of jobs and U.S. products from foreign imports and encouragement of American capital abroad under the guise of world peace efforts. They are becoming more incensed at the realization that our so-called poor tribal nations not only bloc vote against the United States in the U.N.O. but expect the American taxpayers to subsidize the welfare of their subjects.

The socialist theory of taking from those who work and giving to those who do not work is now undertaken on an international scale by the same socialist intellectuals who led the American people to believe that they were talking about Americans.

I include two related newsclippings:

[From the Washington Post, Sept. 10, 1969]

U.N. BUILDING PLAN FUNDED

UNITED NATIONS.—A $10 million investment by the United Nations Development Program has cleared the way for construction of a major addition to the U.N. headquarters building in New York.

Approval came in a 24–4 vote at a special meeting of the program's governing council on Tuesday. It had been strongly urged by the United States, which has pledged to provide $20 million of the estimated $80 million cost of the new building.

New York City will furnish $20 million for the project in addition to the $12 million value of the land on which the seven-story addition is to be located. The regular U.N. budget will supply $25 million of the cost and the U.N. Children's Fund $5 million.

In recent years the U.N. Secretariat has been increasingly cramped for space, and both the Development Program and UNICEF have had to rent quarters in private buildings. The new seven-story addition will cost more than the 38-story secretariat building, completed in 1951 for a little over $65 million.

[From the Evening Star, Sept. 10, 1970]

POOR NATIONS GAIN SLOWLY AS AID LAGS

(By Lee M. Cohn)

Poor countries are making slow progress on economic growth, and aid from the industrial nations is lagging, according to the World Bank.

Total output of the underdeveloped countries increased by 6.7 percent last year, compared with gains of 5.9 percent in 1968 and an average 5.1 percent annually in the 1961–65 period, the Bank estimated in its annual report yesterday.

Population growth held steady at 2.5 percent, the bank said, and output per capita advanced 4.1 percent, compared with 3.3 percent in 1968 and 2.5 percent a year in 1961–65.

However, much of the apparent gain reflected inflation rather than real increases in production. Discounting price rises, the bank estimated, real output last year rose 3.5 or 4 percent, and a little over 1 percent per capita.

A 113-NATION ORGANIZATION

The 113-nation, $23 billion bank, which makes loans for economic development, issued the report in advance of its annual joint meeting with the International Monetary Fund in Copenhagen later this month.

The net flow of money from industrial to underdeveloped countries increased to $13.3 billion in 1969 from $13.2 billion in 1968 and $9.1 billion in 1964, the report estimated.

Of the $13.3 billion total net flow of money last year, it said, $7.25 billion was from governments and $6.05 billion consisted of private investment and credit.

The governmental flow has declined as a share of the donor countries' gross national products—a measure of their capacity to provide aid—from 0.49 percent in 1964 to 0.43 percent in 1968 and 0.39 percent last year, the bank said.

If the 0.49 percent rate had been maintained, the bank said, the underdeveloped countries would have received $3.9 billion $1.8 billion in 1969.

RECORD LOANS REPORTED

The bank reported it made a record $1.68 billion of loans in the fiscal year ended June 30, up from $1.4 billion the year before.

In addition, the International Development Association—a bank affiliate which lends on "soft" terms to the poorest countries—provided $606 million of credits, an increase from $385 million.

The International Finance Corp., an affiliate working through private enterprise in underdeveloped countries, invested $112 million, up from $93 million.

Officials said the records show the Bank and the IDA are on course toward achieving a doubling of loans in the 1963–73 period over the preceding five years. That was the goal set by Robert S. McNamara, former U.S. secretary of defense, after he became president of the bank group.

But officials acknowledged by the bank have failed to rise parallel with the • • • loans. Money made available by loans is drawn upon only as needed by borrowing nations for approved projects.

Disbursements by the bank have remained between $762 million and $790 million during the last four years, while loans have risen from $877 million to $1.68 billion.

Analysis indicates that disbursements have lagged because loans increasingly have been made for new types of projects, which require more time to get off the drawing board, and in countries lacking experience with development programs officials said.

Recent trends indicate that disbursements will increase more rapidly this year and next, they said.

Borrowing by the bank to finance its lending declined to $735 million in the fiscal year ended June 30 from $1.22 billion the year before the report said. This drop apparently reflected tight conditions in world credit markets, which also raised the Bank's average borrowing cost from 6.46 to 7.69 percent.

Higher borrowing costs led the bank to raise the rate it charges on loans from 6.5 to 7.25 percent.

External debt of underdeveloped countries has approximately doubled to almost $60 billion since 1964, the report said, and their debt service obligations—payments on principal and interest—had risen rapidly to $4.7 billion by the end of 1968.

Debt and debt service payments have increased about twice as fast as the export earnings of underdeveloped countries during the past 10 years, the report said, noting that this has caused difficulties in some cases.

Major categories of bank loans and IDA credits last fiscal year included $661 million for transportation projects, $537 million for electric power and $413 million for agriculture. Asia led with $869 million, followed by Latin America and the Caribbean with $714 million and Africa with $443 million.

WHAT IS PATRIOTISM?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, my good friend, Maj. Gen. A. R. Luedecke, U.S. Air Force, retired, presently serving as acting president of Texas A. & M. University, College Station, Tex., addressed the Rotary Club of Bryan, Bryan, Tex., on July 1, 1970. His theme was Patriotism. Under leave to extend my remarks in the RECORD, I include the text of his speech:

WHAT IS PATRIOTISM?

The dictionary defines patriotism as "love of country devotion to the welfare of one's country". What are the things that are implicit in love of country? It seems to me they are the same things that are implicit in love for another person. In love for another person or love for country, we would include, at least, the following emotions:

The desire and need to cherish.

An unswerving commitment to protect.

A need for pride and the ability to nurture it.

A strengthening of one's associations.

A commitment to be knowledgeable of strengths and weaknesses.

A compulsion to enjoy this love when things go right as well as to nurse it tenderly when the going is rough.

If all these things are inherent in patriotism—love of country—What are the characteristics of individual citizens who reflect patriotism in their relations with others?

The individual would have knowledge of his country, of its history, of its goals, and of how his country compares with other countries.

He would believe that his country was the best and was the greatest country it could be in his today's world or he would have faith that he could change it to make it the greatest.

He would be dedicated to his country's well-being and be willing to give his energies to sustaining and improving it.

He would have courage—the courage of his conviction. The courage to stand up, the courage to fight and the courage to die if necessary.

He would have strength—the strength that comes from conviction, dedication and understanding.

He would have faith—A faith born of knowledge and understanding of his fellowman.

He would have faith in himself as a participant in providing for the welfare of his country.

If the individual is to be effective in exemplifying his love of country in our Nation, his manifestation of this patriotism must be governed by many other characteristics. They are the characteristics which give him the stature to contribute effectively to love of country. They may be listed in the simple words of honesty, integrity, humility, truth and love of fellowman. I mention these important characteristics to indicate that, to me, patriotism is not some abstract word but that it is a real and living thing. Too many of us tend to think of patriotism as a display of flags, the marching of soldiers, the sound of guns. They are necessary elements, but patriotism is in fact a consistently present dynamic force in our lives. Our love for our country must have direction, spirit and stature. One might even say that patriotism is a way of life. True patriotism would, in any event, demand from us the very best of our way of life.

A citizen might well say "I am patriotic, I love my country, but what can I do to show my patriotism?" Let's take a look at a few examples which occur in our daily lives and ask ourselves whether the manner in which we deal with them really reflects our love of country. They are small things perhaps if compared to such heroic deeds as would normally merit the Congressional Medal of Honor. On the other hand, they may be just as important in the long run to the welfare of our country.

Right now our colleges and universities are torn by violence and plagued by militant actions of a number of minority groups. Some of the causes they espouse are just, no doubt, but many of them are not. Yet they go down this road of interruption, violence and destruction without regard to the rights of others and without even an indication that they wish to replace what they destroy with something better. There seems to be an overwhelming desire on the part of the students and other young people that their theories be accepted, in total, without compromise and without question. Those students and their leaders are the sons and daughters of Americans who, in many cases, consider themselves to be highly patriotic. Yet the parents would not think seriously of withholding the student's monthly allowance. Even though their conviction is that their offspring is wrong and that his actions are not in the best interests of the Nation, they appear to hope that someone else will convince the student that this is the case and will get them on the right path without the necessity for any action on their part. Are the parents patriotic in taking this stand? I seriously doubt it.

There has been so much said about the now generation being the most intelligent, the most highly educated, the most concerned of all previous generations. I believe this is true, but it still does not mean that they have the wisdom of Solomon. It seems entirely possible that their parents could be right about some things. It also seems to me that these parents would have the courage to say so, and to act accordingly.

Some of our long-haired boys or mini-mini-skirted girls are accompanied to college for their first day by one or both of their parents. At some point in the registration process, one of the parents will say, "I sure do hope you can get him to cut his hair." Or "I have tried to get her to lower her skirts—I hope you can make her see that she should." One could ask what this has to do with patriotism. Per se perhaps nothing; however, it certainly indicates that the parents in that case have lost control and have no influence, at least not a good influence, on their children. They are anxious to pass the buck to someone else when in fact the responsibility was one they incurred when they brought the offspring into the world. If the parents are so weak in this area, is it reasonable to expect that they have engendered into their children all those other necessary characteristics which would enable him or her to have real patriotism? Are they really able to understand love of country?

Parental love of one's children carries with it, as it should, the desire to protect those children. How far should this protection go in limiting their services to their country? Are they warranted in encouraging them to be draft dodgers? Are parents warranted in attempting to justify their children's actions when they burn their draft cards or burn down selective service headquarters? One could say, yes—this is a manifestation of courage. Perhaps it is a manifestation of courage. He had the courage to say publicly that he did not wish to fight for his country. Perhaps it is a kind of courage, but it certainly is not the kind of courage characteristic of patriots. Are such actions by parents manifestations of love *for* their children or are they pleading for love *from* their children?

We are reminded periodically that it is our patriotic duty to make ourselves available for jury duty in our courts. Yet one of the first reactions of many when called is to determine what best excuse can be given to be excused. We all know that under our system of government we have a patriotic duty to vote, yet our exercising of the privilege is many times dependent upon our personal interest in the issue at stake. It is sometimes easier to "forget" to go to the polls and then be free to be unhappy with the results. A well-known headline in many newspapers is, "bad weather, light turnout at the polls". A true love of country would motivate us all to discharge our obligations in these everyday matters.

There is a tendency on behalf of some for love of country for its privileges; but when the chips are down and it is appropriate to discharge some of the obligations, it is felt that this might well be done by others. This attitude can hold true for little things as well as big ones. He enjoys the benefits without the acceptance of the obligations which go with them. A citizen such as this may be a quiet middle of the roader, minding his own business, but one could hardly characterize him as a patriot.

It has become popular in certain circumstances to desecrate our flag. Some have been able to get by with public demonstrations of their disrespect for this symbol. Since it stands for our country and represents the liberty for which we stand, I cannot feel it patriotic to permit others to abuse it as a means of expressing their disbelief and disrespect for the country of which they are a part. Are we being patriotic to shrug and walk away? Are we being patriotic not to cause a commotion? Would such action reflect indifference, or would we be equally guilty in such abuse?

These are but a few examples of what I believe is involved in patriotism. Our love of country is not by any means as much expressed by marching bands, public demonstrations and waving of flags as it is by all the little things we do with each passing day to provide ourselves with that strength of character which we can manifest on behalf of our country. By manifesting our love for our country, we make it strong; we make it a way of life; we encourage others to join us. We are able to praise others for the things they do to demonstrate their love of country. If the time can come when all citizens take care of all of the little day-to-day obligations and can develop their own true patriotism—true love of country, the bigger issues facing our nation can be adequately taken care of by those charged with this responsibility.

BABCOCK & WILCOX PRODUCTS FIGHT POLLUTION

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ZION. Mr. Speaker, at a time when our Nation is deeply involved in the fight to save our environment, I am deeply gratified by the efforts of an industrial

concern with roots in my own congressional district.

Babcock & Wilcox, a major industrial employer at Mount Vernon, Ind., is a leading producer of boiler components. The company nationally is heavily committed to the fight against pollution of our environment. The July–August issue of the company's magazine, the Generator, outlines B. & W. progress in this battle. I commend the article to my colleagues:

BABCOCK AND WILCOX PRODUCTS FIGHT POLLUTION

Near Fernandina Beach, Fla., and around Halsey, Ore., a fresh approach to a sensitive area of community relations is being made—thanks to the installation at nearby paper mills of a Babcock & Wilcox system designed to minimize the odor that is a by-product of the kraft paper-making process.

The company has sold 11 of these systems in the United States and 4 in Canada in the past three years. The Halsey and Fernandina Beach installations were the first to go into operation. Among recent contracts for this latest-type of B&W kraft recovery odor reduction system is one from the Hoenner Waldorf Corporation for its Missoula, Mont., mill.

The Missoula mill was publicized in *Life* and *Sports Illustrated* as a major air contaminator in that community. Local housewives had picketed the mill and worked to get an air pollution control bill through the Montana legislature.

The contract there entails converting a four-year-old B&W 466-ton recovery boiler to the new kraft recovery odor reduction system. B&W also will build and install a 1,000-ton odor reduction system as part of the final $11-million Phase II of Hoenner Waldorf's program for odor emission control at its plant.

SYSTEM MEETS EXPECTATIONS

The first B&W kraft recovery odor reduction system went into operation at American Can Company's Halsey mill last fall. Performance testing by engineers representing American Can, B&W and the state of Oregon proved that the recovery unit does achieve the pollution control claimed for it in advance. And, this is substantiated by the sensitive monitor the housewives and children of Missoula will use—the human nose.

Although the sale of products specifically designed to curb or eliminate air and water pollution account for only a small fraction of B&W business, the company is pursuing this area of operation aggressively and hopes to expand it.

The company's interest in such products had its origin in the 1930s, when George Tomlinson Sr., of Howard Smith Paper Mills of Canada, together with B&W, developed the Tomlinson-Babcock & Wilcox kraft recovery boiler. This boiler made it possible for the pulp and paper industry to recover—and burn for process heat—chemicals that were previously dumped into nearby streams.

Later, Tomlinson, B&W and the Weyerhaeuser Company developed the magnesia base (MgO) pulping and recovery process. Weyerhaeuser installed the first commercial unit in 1946 at its Longview, Wash., paper mill.

Today, the MgO recovery process is covered by a B&W patent.

Recently, Great Northern Paper Co. dedicated the sixteenth MgO recovery system to be put in operation in this country and abroad. The magazine Paper Trade Journal described the B&W recovery boiler as "the largest of its kind in the world and only the second to use water-cooled walls."

The system allows chemical wastes previously discharged into the nearby Penobscot River to be reused for further plant operations. Up to 90 per cent of the spent pulping chemicals are recovered.

Describing the system, Great Northern stated that "more than ten million dollars were invested in the creation of a system that will guarantee clean water and allow the continuing profitable operation of manufacturing facilities that provide employment for over three thousand citizens of Maine.

". . . we offer Great Northern's experience as an example of how an individual industry can make important contributions to improving the environment."

IN THE STEEL INDUSTRY

B&W has also helped the steel industry in efforts to solve the problem of environmental pollution.

For example, the company designed and manufactures tubular membrane hoods used for heat recovery and gas cleanup for basic oxygen furnaces (BOFs). BOFs are considered the newest, fastest, most efficient steelmaking equipment. They produce high-quality steel ten times faster than conventional open hearth furnaces, but also generate tremendous quantities of dust-laden gas.

The B&W membrane hoods cope effectively with this problem. Two of the hoods recently were installed at Bethlehem Steel Corporation's new basic oxygen furnace facility at Burns Harbor, Ind. Gases are captured by the hoods, cooled to accommodate a dust collection process, and the heat energy is converted into usable steam energy for many plant needs. The hoods are part of a $3 million steam supply system fabricated by B&W.

At the first U.S. mill to produce stainless steel by the BOF process, a B&W gas cleanup system provides air pollution control. The mill is Crucible Steel Company's new Midland, Pa., facility. The wet gas cleanup system is designed to cut particulate stack emission to well below code requirements. The heart of the system—quenchers, wet venturi scrubber, cyclone separator, fans, ducts and stack—was designed and manufactured by B&W.

TOTAL AIR CONTROL SYSTEM INSTALLED

The Youngstown Sheet & Tube Co. recently installed its first BOF shop at its Indiana Harbor works, East Chicago, Ind. As part of a total air pollution control system, B&W built two evaporator chambers, which are tanks 30 feet in diameter by 130 feet high, lined with five inches of refractory, or heat-resistant material. Gases from the oxygen furnaces flow through these chambers after leaving the furnace hoods.

Two divisions of Babcock & Wilcox, Refractories and Power Generation, worked in close cooperation with the customer to develop proper heat resistants and to provide support design for the chambers themselves.

The Refractories division also is involved in other areas of pollution abatement. Its Kaowool, for example, has been used by Tenneco Corporation in its refinery cracker to reduce noise pollution. And, two companies which manufacture pollution-control products—Clean Air and Aqua Chem—use Kaowool in their products.

ELECTRIC POWER PLANTS ARE HELPED, TOO

Some B&W products and processes are also being used for pollution-control by electric power plants. The company is providing, for example, a unique combination of two-stage combustion, water cooling and gas recirculation that will enable some utility boilers to operate with sharply reduced nitrous oxide emissions.

B&W also is providing a unique combination of multiple burners, water cooling and gas recirculation at three different points in certain utility boilers, enabling them to operate with sharply reduced stack emissions.

Diamond Power Specialty Corporation, a B&W subsidiary, is also involved in pollution abatement in this area. It has already installed about 1,000 automatic duct blowers—a device which blows deposits of fly-ash out of the ducts into the hot air stream for collection in another part of the system. The system markedly improves dust-collection efficiency and also helps to reduce the amount of particulate matter discharged from stacks.

Diamond's sales department is confident that increasingly stringent air pollution codes will result in the installation of a substantial number of gas-cleanup systems requiring duct blowers—adaptable for both existing as well as new plants. This, Diamond people feel, represents a substantial market potential.

MEASURING AIR POLLUTION

In still another area of pollution control—measuring performance—Diamond Power sells many of its closed-circuit television cameras to utilities and industrial plants who use them to watch stack emissions.

Another method of measuring pollutants is manufactured by Bailey Meter Company, also a B&W subsidiary. Bailey Meter's Smoke/Dust Density Recorder "lets you know exactly how much is leaving your stack before someone else does," a Bailey ad reads. The system, in other words, lets a customer know precisely just how effective a pollution-control job he is doing.

Tampa Electric Company, for example, placed a series of Bailey's recorders in ducts and stacks throughout its three-station system.

Several years after the first installation, an official of the company wrote in the magazine *Electric Light and Power* that the use of the Bailey equipment resulted in more stringent control than the law required. Additionally, the stations' efficiencies increased with the tightened controls.

Once installed, the smoke-dust density recorders verified the obvious. The greatest cause of smoke and dust, the instruments showed, is incomplete combustion, improper filtering or a combination of the two.

The sensing elements of the recorder consist of a light source and a bolometer energy-sensing element. These are mounted on either side of a duct so that smoke in the duct must rise through the light beam.

The bolometer detects energy radiated from the light source and produces an electrical signal that is proportional to the energy detected. Signals from the bolometer are transmitted to a receiver-recorder located in the control room.

More than 8,000 Bailey Smoke/Dust Recorders have been installed.

A VAST EFFORT UNDERWAY

In all, a vast effort is underway throughout industry to improve the air and water that its production processes have helped to contaminate.

A survey by the National Industrial Conference Board disclosed that 248 of the 1,000 largest manufacturing companies in the country spent $238 million in 1968 for air and water pollution abatement.

Such spending is expected to rise substantially and rapidly. Within the next few years, some say, it could reach $10 billion a year.

It's a big job, to be sure. But Babcock & Wilcox Power Generation division, Diamond Power, Bailey Meter and B&W Canada expect to continue and strengthen their efforts to help get the job done.

A TRIBUTE TO FOUR GENTLEMEN FOR 200 YEARS OF OUTSTANDING SERVICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BIAGGI. Mr. Speaker, history has traditionally recognized and recorded the contributions of great men who, through their individual and collective efforts, helped make our world a move livable, more progressive, and more enlightened community of men and nations. However, the making of a better total society involves, along with the achievements of the immortals of history, the accomplishments of those who devote their lives to the advancement of humanity in the microcosms of the world—the cities, towns, and counties of our Nation.

While the names of renowed explorers, scientists, theologians, and artisans are emblazoned in the annals of world history, the deeds of men who make significant contributions to the betterment of life in their communities should also be duly recognized, acknowledged, and honored.

Mr. Speaker, it is for this reason that I bring to the attention of my colleagues in the Congress of the United States the plans being made by grateful citizens in Yonkers, N.Y., who are paying tribute to four distinguished gentlemen of the Westchester County area on the night of September 26, 1970. I am proud to join the citizens of Yonkers in honoring these men.

This occasion will hail the dedication and accomplishments of Mr. Arthur Natella, Bishop Joseph M. Pernicone, Dr. Virginio Minervini, and Judge Albert L. Fiorillo and will indicate that their lifelong efforts in promoting the development of an enlightened, God-fearing, healthy, and just society have not gone unnoticed.

Their long years of unselfish devotion to their public have caused their names and accomplishments to be indelibly imprinted in the hearts and minds of neighbors as well as in the chronicles of their professions. The professions they represent—medicine, religion, education, and the judiciary—are as much honored by their service as are the men themselves by their community. And, it is in keeping with the occasion that the proceeds derived from this ceremony will be donated to the Enrico Fermi Scholarship Fund, a growing foundation dedicated to the education and development of the young in the area.

Mr. Speaker, may I summarize briefly the backgrounds of these four gentlemen?

DR. VIRGINIO MINERVINI, PHYSICIAN AND SURGEON

Dr. Virginio Minervini will be feted for his 57 years in the field of medicine. A 1913 graduate of the College of Physicians and Surgeons of Columbia University, he served as a U.S. Army orthopedic surgeon in France for 2 years during World War I, receiving the Silver Star for gallantry in action. In 1920, he entered medical practice in Yonkers and was affiliated with the Yonkers General Hospital in all positions of the department of surgery as well as Director of Surgery. He is president of the hospital's medical staff and is a fellow of the American College of Surgeons and a member of the International College of Surgeons. He also served as president of the Yonkers Academy of Medicine. Dr. Minervini was awarded a decoration as Cavalier of the Crown of Italy by the late King Victor Emanuel. He also received awards from the American Committee on Italian Migration and the Yonkers Academy of Medicine for humanitarian and community service. Dr. Minervini served in various public education and health offices as well as in several municipal and civic organizations.

THE MOST REVEREND JOSEPH M. PERNICONE, D.D., AUXILIARY BISHOP OF NEW YORK

Bishop Joseph M. Pernicone, Auxiliary Bishop of New York and titular bishop of Hadrianopolis, will be honored for 55 years of religious service. Bishop Pernicone studied at St. Joseph's Seminary in Dunwoodie, and was ordained to the priesthood on December 18, 1926, in the Church of the Annunciation, Manhattan, N.Y. He received a doctorate in canon law from Catholic University in Washington, D.C., and was elevated to Papal Chamberlain in May 1945. In May 1952 he was designated domestic prelate. He received the title of Titular Bishop of Hadrianopolis in honorarias and Auxiliary Bishop of New York in May 1954. Bishop Pernicone served in the Yonkers church from 1928 to 1932, the Church of Our Lady of Mount Carmel in Poughkeepsie from 1932 to 1944, and from 1944 to 1966, was pastor of the Church of Our Lady of Mount Carmel in the Bronx.

MR. ARTHUR NATELLA, EDUCATOR, ADMINISTRATOR AND AUTHOR

Mr. Arthur Natella, principal of Lincoln High School in the city of Yonkers is being honored for his contributions to education over a 36-year career as a teacher, administrator, and author. Mr. Natella is a graduate of the City College of New York with a masters degree from Columbia University where he also studied toward the doctorate. He joined the Yonkers Public School System in 1935. In addition to his public school affiliation, Mr. Natella has also been an examiner for the State department of education, and has served as educational staff editor of the Selecciones del Reader's Digest. Mr. Natella has written numerous articles on education as well as fine Spanish language texts for high school and college level instruction.

THE HONORABLE ALBERT L. FIORILLO, LAWYER AND JURIST

Former Westchester family court judge Albert L. Fiorillo will be honored for his 52 years of service in the field of law and judiciary. Judge Fiorillo was born in Caserta, Italy, in 1898 and came to the United States in 1904. He attended Fordham University School of Law and was admitted to the bar in 1922. He also served as justice of the peace, president of the board of aldermen, and city judge. In 1962 he was elected judge of the family court of Westchester County from which he retired as senior judge after reaching the compulsory retirement age of 70. A veteran of World War I, he has served in many veterans and civic organizations. Judge Fiorillo has been honored several times by fraternal, business, religious, and cultural groups during his long career in the judiciary.

Mr. Speaker, in recognition of the cumulative two centuries of outstanding public service rendered by these representatives of the Italo-American community, it is especially fitting that the sponsors have designated the ceremony "200 Years di Buon Servizio." That they are all of Italian extraction is no accident. Dr. Minervini, Bishop Pernicone, Judge Fiorillo and school principal Natella are collectively the product of a prolific fountainhead of Italian culture that has poured forth a steady stream of contributors to the arts, the sciences, and the general commonweal. Men of dedication, men of intellect, men of good will, the Minervinis, the Natellas, the Pernicones, and the Fiorillos of our country form a significant part of the substance that is America. Along with the greats of the world, they too shall be exempt from oblivion.

BAPTISTS, MORMONS, AND PROGRESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. COLLINS. Mr. Speaker, one of the most progressive editors in the South is Dick West. His stimulating editorials point up the reasons for the South's rapid development.

A few weeks ago West wrote an editorial in the Dallas Morning News that clearly defined our greatest strength in Texas. It is said my congressional district is in the Bible belt. When you drive through Oak Cliff, Duncanville, Irving, Grand Prairie, Farmers Branch, and Walnut Hill on Sunday morning, you can see the strength of dynamic Dallas.

When West speaks of fundamentalist preaching, he is talking about the message received every Sunday by our neighbors.

When West speaks of Dr. W. A. Criswell at the First Baptist, my wish is that every Congressman could have the opportunity to hear a Criswell evangelistic sermon for its inspiration.

The churches moving forward are the progressive churches. They believe stronger than ever in hard work, tithing, opportunity for each individual, and freedom of choice. You can see why my friends at my Park Cities Baptist Church were so impressed with the following statement by Dick West in the Dallas Morning News:

> If you are a doctor and a devoted member of your church, do you feel like kicking the pew on a Sunday morning when your preacher preaches socialized medicine from the pulpit?

Does the preacher have a right to do that and take your money in the collection plate—which means you are subsidizing your own destruction?

Does a man of God—or one who says he is—have a right to get up in the pulpit and advocate that America recognize atheistic Communist China whose only god is the communist state?

C. A. Tatum, one of Dallas' all-time greats who has spent a lifetime in the electrical power industry—how do you suppose he would feel if a preacher stood in the pulpit and praised the Tennessee Valley Authority, which is nothing but socialization of the power industry?

Does a minister have a right to take your money on a Sunday morning and pass part of it along to the Black Panthers who, in his opinion, are seeking "social justice"?

Does a preacher have a right to advocate that a known Russian spy, convicted in this country after a fair trial, be allowed to avoid the penitentiary and roam at will on the streets to destroy a country which permits said preacher to preach such garbage?

These are fair and pertinent questions for a newspaper column appearing every Sunday morning, because they lead to further comment on the nation's religious life in 1970.

Regular church attendance is way down, according to one of the nation's polls. Note that we said "regular."

More than 60 per cent of the American people belong, so they say, to some denomination—but less than 40 percent go regularly, and the latter figure is dropping alarmingly.

A recent survey disclosed that the only two denominations which are gaining consistently in both membership and attendance are the Southern Baptists and the Mormons.

Think that over, then ask yourself—why?

Because more than any other denominations in America, the Mormons and Southern Baptists stick to pure doses of religion without dilutions of politics.

The vast "silent majority" you hear so much about is tired of "social gospel." It wants to hear the real gospel.

The silent majority is fed up with un-American deviations, demonstrations, destruction and disputatious doctrines.

Some Sunday at noon drive up Ervay Street, and you will see hundreds of happy faces coming out of Dr. W. A. Criswell's First Baptist Church—the largest of its kind in the world.

They will have heard the old-time religion from a master. They will have sung "What a Friend We Have in Jesus."

You're not likely to hear Dr. Criswell tell the C. A. Tatums of this world that private power companies are no-good crooks robbing pockets of the poor. Dr. Criswell is not likely to say Christ died on the cross so we could have the Tennessee Valley Authority.

You will not hear him advocate destruction of private medicine—and take money at the same time from doctors in the sanctuary.

You will hear him preach the practical message of Christianity: That virtue triumphs over evil, that the Bible means what it says.

If you think he is square and his followers are cornballs, how else do you explain the dramatic rise in Southern Baptistdom—and the gradual decline in those churches which advocate socialism under the guise of the gospel?

Not long ago the Executive Council of the Episcopal Church, in a controversial resolution, advocated the following:

There should be a special collection on Sept. 20 to support student strike activities.

All American troops should withdraw from Vietnam—which means total surrender to godless communism in that part of the world.

Support of the national student strike against "oppressive actions by the government such as harassment of the Black Panthers and the killing of students on campuses by the National Guard."

The Rev. Dr. Beverely Madison Currin, noted Episcopalian rector in Pensacola, takes a dim view of such resolutions—adopted on high by a tiny minority who often lend the impression that they speak for every Episcopalian in America.

Dr. Currin challenged, as he should, the right of his church "to take a stand on issues where there is no clear-cut moral distinction."

Those who would have the church become an extension of the political arena, he added, "are simply avoiding the real issues of life and death, of sin and salvation."

It would be interesting if this same Episcopal council ever adopted a resolution in behalf of American boys defending the free world; or a resolution against mass murder and genocide by the Soviet Union and Communist China; or a resolution deploring black snipers in Chicago killing police trying to bring peace and order to the black ghetto.

Strange, isn't it, that so many resolutions by so many religious bodies (1) condemn America, (2) praise communism, (3) criticize free enterprise and (4) exalt Marxian socialism.

To conclude, no wonder the annual budgets of so many liberal, social-gospel denominations are almost in the red.

No wonder the National Council of Churches—worst offender of all—had an operating budget last year of $19,000,000 but expects only $14,000,000 this year.

In the meantime, evangelist Billy Graham has no trouble filling Madison Square Garden night after night with sermons on fundamentalism and Christian charity.

But the place would be bare if he tossed the Bible on the floor and preached on the glories of the United Nations.

HIJACKING

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, the recent multiple hijacking by Palestinian terrorists is a vicious international crime that threatens every innocent traveler. The four planes that have recently been hijacked during international transit and the attempted hijacking of the El Al aircraft are probably the most serious dangers to peaceful world travel that we have seen.

Hijacking is an extremely heinous crime. The perpetrators of these actions cloak themselves in very righteous words and boldly state their lack of concern for world opinion. But they have demonstrated an utter disregard for human life and the innocence of their victims. I am very disturbed to see the glamor that has been attached to the actions of these terrorists. Their crime is no better than kidnaping and is really not different even though the kidnapers are known. Innocent people have been abducted and held against their will and a price has been demanded for their release. The kidnapers have threatened to murder these innocent people unless their demands are met. There is no glamor in this. It is a despicable crime and is abhorrent to all civilized people.

The victims, passengers on international flights, bear no relationship to the Palestinians' purpose of destroying Israel. They are civilians, citizens of many countries, young and old, and are traveling for business and for pleasure. They are being held until various nations agree to release Palestinian terrorists presently being held for the commission of certain similar and vicious crimes. The ransom is not the release of innocent parties but of people who have committed serious crimes against innocent victims and have been duly convicted in courts of law.

The countries of the Middle East that are harboring these criminals bear a large degree of responsibility for their actions. They cannot wring their hands and protest their innocence and lack of involvement in these crimes. The hijackers are harbored in these countries and I am sure are encouraged because they have not been in the past punished for these crimes. Egypt and Jordan are sovereign states. They must bear responsibility for that which occurs within their borders. They cannot continue to refuse responsibility for acts of terrorism and international crimes.

I am sure that if the recommendation of the International Federation of Airline Pilots Associations to boycott international flights to those countries which harbor hijackers was adopted, the nations involved would soon find it possible to end such crimes.

On September 16, 1969, I sponsored, along with 42 other Members of the House, a resolution urging the United States to seek bilateral agreements with as many nations as possible for mandatory extradiction of airplane hijackers to the flag country of the hijacked aircraft for prosecution. I still support such a move. But more serious steps must be taken. The Arab nations involved can control the terrorists and can no longer make solemn announcements of indignation while allowing criminals to retreat behind safe borders.

I am also disturbed by the terrorists' separation of Jewish and non-Jewish passengers. It is all too reminiscent of distinctions made another time in this century. All the terrorists' denial of anti-Jewishness is disproved by this callous separation according to religion. This is clearly true since women and children are being treated less severely, but not Jewish women and children. It is frightening that once again distinctions like these could occur after the tragic lessons of the Second World War.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadisti-

cally practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TRIBUTE TO HOWARD HEIMBACH

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHNEEBELI. Mr. Speaker, on July 27, our distinguished colleague, the Honorable JAMES G. FULTON, called the attention of the House of Representatives to the death of Howard Heimbach, of Pittsburgh. His thoughtful remarks are most meaningful to me, for Howard Heimbach was a close friend.

I first became associated with him as a fellow Pennsylvanian and classmate at Dartmouth College. My respect for him stemmed both from college and our later business association.

Ever since I have been a Member of Congress, he was most helpful in his advice regarding business reaction to proposed legislation, showing unusual awareness and insight. Indeed, he was a forceful and effective influence on both the State and National scenes, as exhibited through the chamber of commerce.

All of us who have had the privilege of knowing him shall miss his engaging and relaxed approach to his important assignments and many worthwhile voluntary activities.

It was with a great deal of sadness that I learned of his recent death. I join with our distinguished colleague and Howard Heimbach's many other friends in expressing my sincerest sympathy to his family.

IMPORTANT LEGISLATION PASSED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. PICKLE. Mr. Speaker, because of a longstanding commitment in my home State, I was unable to be in the House Chamber today for several votes. I want, therefore, to register here my strong support for these measures and note that I saw that my vote was paired as in favor of all the bills that were considered today.

The first is H.R. 17795, the Emergency Community Facilities Act of 1970. This bill authorizes an additional $1 billion for grants for water and sewage facilities. In a time of growing population and pollution problems, I feel that this measure is one of high priority, and not an issue which can be shuttled aside or funded on a haphazard or token basis. This is particularly crucial in rural areas and small cities, many of which are currently in desperate need of help in dealing with a mounting shortage of water and sewage facilities.

From my committee have come H.R. 17982, extension of financing for Corporation for Public Broadcasting; and H.R. 11913, Communicable Disease Control Amendment of 1970. Though in widely different fields, these two measures are both vital. The first hopefully will encourage the administration to propose a plan of permanent financing for the Corporation for Public Broadcasting. The second will fill a gap in our public health services by strengthening communicable disease programs. Committee testimony showed that there was a dangerous absence of programs operating in this field and that this lack presented a serious public health hazard.

In addition, I was proud to be able to support the several conservation bills from the Interior Committee. With the deep concern for our environment now pervading our thoughts, it was good to see this action taken.

SENATE—*Friday, September 11, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Jimmy O. Phifer, pastor, Wesley United Methodist Church, Sikeston, Mo., offered the following prayer:

O God, our Father, help us, we pray, to love our country and to give to it our very best that America might become a blessing to the world.

We thank You, O Lord, for these Senators who provide leadership for America at such an important time in its history. We pray Your blessings on them. Give them strength and courage, we pray, to discharge their responsibilities.

Today we pray for our President, and also for him who will preside over the Senate.

We pray today, our Father, for the blessing of peace. It is our prayer that peace will come soon to all the world.

O God, our Father, bless Your church. Make her strong. Remove her weaknesses. Give to us duty and honor when You forgive us. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 10, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 1178 and 1180.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

The bill (H.R. 16539) to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council, was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1161), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

EXPLANATION OF THE BILL

Public Law 85-568, which was enacted on July 29, 1958, established the National Aeronautics and Space Administration and, in addition, established the National Aeronautics and Space Council. Public Law 87-26, passed April 25, 1961, amended section 201 of the Space Act of 1958 to provide that the National Aeronautics and Space Council (hereinafter called the Council) should be composed of:

(1) The Vice President, who shall be Chairman of the Council;

(2) The Secretary of State;

(3) The Secretary of Defense;

(4) The Administrator of the National Aeronautics and Space Administration; and

(5) The Chairman of the Atomic Energy Commission.

The Department of Transportation was created by Public Law 89-670 on October 15, 1966, and almost immediately the question arose as to whether or not the Secretary of Transportation should be a member of the Council. The desirability of such a move was explored in hearings on "Aeronautical Research and Development Policy" held by the

committee on January 25, 26, and February 27, 1967. Since the DOT did not officially begin business until April 1, 1967, it is understandable that witnesses to these hearings were divided and somewhat uncertain on this point. The general feeling seemed to be that this might be a desirable but not necessary move, in view of the fact that DOT could be invited to participate in Council deliberations whenever its interests were involved (as, in fact, it was on subsequent occasions). This issue was discussed, but no specific recommendations in this regard were made in the report filed by the committee (S. Rept. 957, "Aeronautical Research and Development Policy," Jan. 31, 1968).

The committee did make the following recommendations in that report:

2. An in-depth study should be made to analyze the relationship between benefits that accrue to the Nation from aviation and the level of aeronautical R. & D. effort. The study should try to determine—or at least develop criteria for such a determination—what level of R. & D. should be maintained in order to achieve the desired results. This study should be an in-house effort of NASA and the Department of Transportation or accomplished under contract by the private sector. The study might also include a detailed analysis of the divergence of military and civilian aeronautical requirements in order to assess better the diminishing benefits to civilian needs from military R. & D. The committee recommends that NASA and the Department of Transportation jointly sponsor such a study.

3. As soon as the results of the study are available, the National Aeronautics and Space Council, with the Department of Transportation and the Bureau of the Budget as participants, should determine the level of Federal Government involvement, and the relative effort of participating agencies.

It is clear, therefore, that the committee was anxious for the DOT to become involved in the highest levels of interaction with other interested agencies in the area of aeronautical R. & D.

While the study suggested in recommendation No. 2 above is now well underway and the Council has taken a sharp interest in the problems of aeronautics, the time for the execution of recommendation No. 3 has not yet arrived. It is now anticipated that results of the joint study may be available for such consideration by the Council in time for its recommendations to have an impact on the fiscal year 1973 budget. In view of the importance of these decisions on the future of aeronautical R. & D. and inasmuch as the Department of Transportation has principal responsibility for civil aviation, the committee believes that it would be appropriate to make the Secretary of Transportation a statutory member of the Council.

COMMITTEE RECOMMENDATIONS

The committee favorably reported the bill with no amendments and recommends its enactment.

COST AND BUDGET DATA

There is no cost associated with the bill.

VOLUNTARY ADMISSION OF PATIENTS TO DISTRICT INSTITUTION—FOREST HAVEN

The Senate proceeded to consider the bill (H.R. 4182) to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons, which had been reported from the Committee on the District of Columbia with amendments, on page 2, at the beginning of line 2, strike out "mentally" and insert "substantially"; in line 9, after the word "term", strike out "mentally" and insert "substantially"; on page 3, at the beginning of line 6, strike out "mentally" and insert "substantially"; in line 16, after the word "sections", strike out "mentally" and insert "substantially"; on page 4, line 1, after the word "admit", insert "a person"; in line 2, after the word "Haven", strike out "as a patient any adult who has been a resident of the District of Columbia for one year next preceding the date of application or any child under the age of twenty-one whose parents or legal guardian has been a resident of the District of Columbia for one year next preceding the date of application. A person may be admitted to Forest Haven"; in line 10, after the word "be", strike out "mentally" and insert "substantially"; on page 5, line 4, after the word "the", where it appears the first time, strike out "mentally retarded"; at the top of page 6, strike out:

"(e) The Director, with the approval of the Commissioners of the District of Columbia, shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this section."

And, in lieu thereof, insert:

"(e) The District of Columbia Council is authorized to issue regulations to carry out the purposes of this section.

"(f) The authority contained in this section shall extend to January 1, 1975, unless repealed prior to that date."

At the beginning of line 19, strike out "mentally" and insert "substantially"; on page 7, line 24, after the word "inserting", strike out "mental" and insert "substantial"; on page 8, line 7, after the word "inserting", strike out "mentally" and insert "substantially"; in line 16, after the word "inserting", strike out "mentally" and insert "substantially"; on page 9, at the beginning of line 2, strike out "Mentally" and insert "Substantially"; in line 3, after the word "title", strike out "21e" and insert "21"; and at the beginning of line 6, strike out "Mentally" and insert "Substantially".

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1163), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to accomplish the following:

1. To authorize voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven.

2. To require that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved.

3. Delete certain archaic terminology in the present law and substitute modern terminology in its place.

BACKGROUND

The District Training School (Forest Haven) is an institution at Laurel, Maryland, operated by the District of Columbia Department of Public Welfare for certain mentally retarded citizens of the District, where such persons are cared for and given suitable education and training.

Under present law, admission to the District Training School (Forest Haven) can be accomplished only by court order, the issuance of which must be preceded by a petition to the court and a hearing. It is the opinion of this committee that families should be spared the emotional ordeal involved in bringing their mentally retarded relatives before the court, and that the time of the court could more profitably be used for other purposes. In this connection, we are informed that these petitions are nearly always uncontested.

H.R. 4182 would provide, in addition to this present system of admission to the District Training School (Forest Haven) by court order, for voluntary admission in cases where the District of Columbia Director of Public Health determines that the applicant is eligible for admission, and where the patient expresses no objection to being admitted.

A patient voluntarily admitted would have the privilege of petitioning for his own release, and would be discharged 5 days after filing his petition with the Superintendent of the Training School, unless during this period the Director of Public Welfare petitions the court to detain the patient for court hearing. In this event, the patient would be retained until the court has disposed of the case.

The bill provides further that where the term "District Training School" occurs in the present law, the more commonly used title "Forest Haven" shall be substituted. Similarly, the more humane term, "substantially retarded," would replace "feebleminded," and the word "patient" would be inserted in lieu of "inmate." This committee feels that these changes in terminology would serve to a degree to spare the feelings of the families of these retarded persons and thus lighten the burden upon them.

The various amendments to H.R. 4182 change the word "mentally" to "substantially" and reflect the similar change made in the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358 (Sec. 150). The use of the term "substantially retarded" instead of simply "mentally retarded" was chosen in order not to reflect harshly upon the many independent and productive citizens in society who are to a lesser degree or at least educably mentally retarded.

Following passage of the bill by the House on April 24, 1969, this committee held a public hearing on July 31, 1969. The District of Columbia Government reported at that time that it no longer favored passage of H.R. 4182 but planned to submit more comprehensive legislation which was drafted by the Committee on Laws pertaining to Mental Disorders of the Judicial Conference of the District of Columbia Circuit.

Since that time, however, the District Government has advised the Committee that additional study will be needed before new legislation can be recommended to the Congress. In view of that development, it has recommended enactment of H.R. 4182 as an

interim measure to meet the need for improved admission procedures at Forest Haven.

Mr. BYRD of West Virginia. Mr. President, that concludes the call of the unobjected-to items on the legislative calendar at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the Chair now recognizes the distinguished Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

IS IT FOR THIS THAT AMERICANS ARE DYING?

Mr. YOUNG of Ohio. Mr. President, recently in a Saigon cabaret three South Vietnamese officers, Lt. Col. Nbuyen Viet Can, Capt. Do Ngoc Nuoi, and Capt. Pham Van Bach assaulted Sgt. Calvin T. Yates of Paintsville, Ky. Sergeant Yates defended himself vigorously, but the odds were too great. He called for help. Two U.S. military policemen responded. Immediately the three South Vietnamese army officers shot them down. Our MP's were killed before they had time to draw their revolvers. Sergeant Yates was badly bruised, but fortunately, though the Vietnamese officers fired at close range or point blank, he was not wounded.

Later he and others testified against the three defendants before a Saigon military tribunal. The tribunal composed of South Vietnamese army officers found the two captains guilty of murder and their lieutenant colonel guilty of manslaughter. The South Vietnamese military judges then gave all three suspended sentences. Their fellow officers and relatives jamming the courtroom applauded wildly when the suspended sentences were announced.

Is it for this that Americans are fighting and dying?

MURDER ON KENT STATE UNIVERSITY CAMPUS

Mr. YOUNG of Ohio. Mr. President, the Congress of the United States should make an appropriation of a very substantial sum of money to compensate those students—boys and girls—who on the campus of their university were victims of rifle fire shortly after high noon on Monday, May 4, and also the families of the two boys and two girls who were shot and killed by Ohio National Guardsmen on that day. There has been some talk of soliciting contributions and then giving that money to some of the victims and to the families of the boys and girls who were killed to compensate them to some extent for the medical expenses incurred.

I propose, Mr. President, that we in the Congress appropriate $5 million and that a board of five members including not less than two physicians and surgeons be authorized to determine the compensation that should be paid by the Federal Government to those boys and girls who were shot by National Guardsmen and injured, many of them permanently injured, and to determine adequate compensation for the families of the two girls and two boys who were killed by guardsmen's bullets. Then I will make the same proposal next January that the general assembly of Ohio consider the facts and determine what compensation the State of Ohio should pay.

It is astonishing to me that no public official in Ohio nor any member of the President's Commission on Campus Unrest has spoken out that the Congress of the United States has a moral and, no doubt, a legal obligation to compensate these young men and young women, nearly all of whom are minors, for the injuries they received and the pain they suffered due to being shot by National Guardsmen's rifle fire. Many of them suffered a disability that will continue as long as they live. Their fathers have been compelled to incur financial obligations for medical and hospital attention and treatment. As for the two boys and two girls who were killed by the National Guard, their fathers and mothers who sustained such great loss and sorrow and, in addition, paid out financially for funeral expenses, must be compensated as far as it is possible to accomplish this. In Ohio we lawyers have been taught that for every wrong there is a remedy.

Very definitely, due to the relationship of the National Guard in every State of the Union to the Federal Government and the fact that article I, section 8 of the Constitution of the United States provides:

> The Congress shall have the power to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.
>
> The Congress shall have the power . . . to provide for the organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, the Authority of training the Militia according to the discipline prescribed by Congress.

An appropriation should be made and I am suggesting an appropriation of $5 million to provide compensation from the Federal Government. Also, I assert that the General Assembly of Ohio, which will convene next January, has an obligation to appropriate an additional and a very substantial sum of money for this same purpose.

It is crystal clear now that there was no riot whatever on the campus of Kent State University at any time on the morning of May 4 or around the noon hour up to the time of the shooting. Some 100 FBI agents following a most intensive investigation over a period of 2 weeks have reported their conclusions. In addition, seven investigative reporters of the Knight newspaper chain, including the Detroit Free Press, the Akron Beacon-Journal, and the Miami Herald, completed an intensive 2-week investigation at Kent State. Their report also proves that the students who were killed or wounded were innocent of any attacks or assaults on any National Guardsmen or of any rioting on the campus of their own university on this day when the university was functioning. Classes were being held and as a matter of fact, President Robert I. White of the university had not asked for National Guardsmen and did not want them on the campus.

Not one National Guardsman required first-aid treatment at any time on May 4 due to any act of any student. One fainted. One had an apparent heart attack and fell down, and a third in a frantic frenzy shouted:

> I shot two teenagers! I shot two teenagers!

Of the four students who were killed, Jeff Miller's body lay a distance of between 85 to 90 yards from the first line of guardsmen. Allison Krause fell some 110 yards distant. Sandy Scheuer, who was shot and killed, was 130 yards away from the frontline of guardsmen. She was on the university commons walking to her speech therapy class. Her schoolbooks lay on the ground beside her.

Joseph Lewis who was wounded made an obscene gesture toward the Ohio National Guardsmen. He was the closest of all the students to the frontline of the guardsmen. He had thrown no rocks. He had resorted to no violence whatever. He made an obscene gesture and a guardsman named Shaffer shot him.

John R. Cleary was more than 100 feet away standing by a metal sculpture near Taylor Hall. He was not facing the guardsmen. He was apparently standing laterally to the Guard as a guardsman's bullet entered his left upper chest and the main fragments exited from the right upper chest. The bullet that struck him was apparently a dumdum bullet or one cut by the guardsman to be more lethal.

Donald MacKenzie was seriously wounded at a distance of approximately 250 yards away from the Guard. He was running in the opposite direction from the Guard. The projectile entered the left rear of his neck.

James Dennis Russell was wounded while standing in an area 90 degrees removed from the locations of the other students who were shot. He was at a distance of 125 yards from the Guard.

Alan Canfora, according to the FBI, was in the parking lot when he was shot, a distance of 100 yards or more from the Guard.

Thomas Grace was shot in the back of his left ankle and the bullet penetrated downward and fragments from the projectile exited from the top of his foot. According to investigative reports and the FBI, Grace was at a distance of more than 20 yards from the National Guardsmen, perhaps as far as 100 yards. That is immaterial as it is evident he was not facing the Guard. In fact, of all those killed and wounded only Joseph Lewis and Jeff Miller were shot from the front.

Regarding seven of the boys and girls, the shots entered from the side and four had their backs turned to the guardsmen. The bullets entered their bodies from the rear.

William Schroeder, who was killed, was shot while apparently in a prone position facing away from the Guard.

Douglas Wrentmore was at least 110 yards from the Guard when he was shot. The bullet entered the left side of his right knee, caused a compound fracture

of the right tibia and exited on the right side of the knee.

Of all the Kent State University students killed and wounded not one was involved or even associated remotely with any disorder at any time in Kent on the preceding Friday night or with the burning of the ROTC building on the preceding Saturday night.

The conclusion of FBI and other investigators was that they were merely spectators on the campus of their own university in the middle of the day, Monday, May 4, at the time the university was functioning even though rough National Guardsmen had arrogantly taken over.

Robert Stamps was very seriously wounded and is no doubt permanently injured. He was hit by a National Guardsman's rifle bullet at a distance of 609 feet from the frontline of the National Guardsmen. Furthermore, the bullet struck him in the buttock about 3 inches below his belt, penetrated his body, missing his spinal column by about an inch and exited from the front part of the body.

Dean Kahler was shot down at a considerable distance from the National Guardsmen. He is hospitalized and is paralyzed from his waist down.

Mr. President, National Guard officers and men responsible for the killing and wounding of these students violated the law of the State of Ohio. They should be charged with second degree murder and also with a second count of shooting with intent to kill. This, in violation of the law of our State. I have no confidence whatever that the State authorities will prosecute such charges, this due to the political influence of Governor Rhodes and his attorney general. Next January there will be another Governor and attorney general of my State, I am glad to report.

Very definitely, later this year a Federal grand jury of the northern district of Ohio—and the shootings and killings occurred within this district—should be convened to investigate these killings and shootings. It is evident there is probable cause that the constitutional rights of Sandra Scheuer and others who were shot were violated. This in accord with U.S. Criminal Code 18, section 242, and is a violation of that code.

Maj. Gen. Winston P. Wilson, stationed in the Pentagon as commanding officer of the National Guard of the United States, has been proven guilty of making utterly false allegations. This fellow seeks to be beneficiary of a bill passed in the House of Representatives sponsored by the chairman of the Armed Services Committee of the other body. This bill, which I am glad to report is being held in the Senate Armed Services Committee, proposes to make the National Guard general, who is the commanding officer of the National Guard, a lieutenant general. General Wilson has been bucking to be promoted to lieutenant general. I report to him that officials of the Department of Defense have expressed opposition to the enactment of this bill.

In fact, it is stated on pages 4 and 5 of the committee report of the other body that "the Department of Defense recommends against enactment of H.R. 15143." In other words, top officials at the Pentagon have expressed their opposition to this bill.

Mr. President, I am not at all concerned that General Wilson be granted an additional star. What I am gravely concerned about is that he is permitted to continue in his present position at the Pentagon.

On May 7, 3 days after the tragedy on the campus of Kent State University, General Wilson had the unmitigated gall and astonishing effrontery to make outlandishly false allegations on this subject. He pontificated that the students who were fired upon, 14 of whom were killed or wounded, were lawbreakers in violation of the "Governor's ban, in violation of the Riot Act and the lawful order to disperse." He made the lying statement that a sniper fired at the guardsmen. He falsely asserted the Guard fired in self-defense.

This fellow expressed no sympathy whatever toward the families of two girl and two boy students who were killed nor for the 10 who were wounded. Then this arrogant general told the Senators of the Armed Services Committee that he had an unconfirmed report that a nonmilitary spent shell casing was picked up on the campus. Then he made the outstanding lying statement:

> I have an unconfirmed report that four shots were fired by a person in the dissident group.

The FBI agents who investigated and officers and members of the Ohio State Highway Patrol who were present on the campus all reported that no such incident occurred. Furthermore, he alleged that snipers were shooting at the guardsmen from the roof of a university building. He stated again that there was an unconfirmed report a "witness had seen a girl dashing out of the dormitory who fired a weapon at the guardsmen as they turned away." He was indulging in the big lie technique of Adolf Hitler that by making false statements repeatedly, in the end some credence is bound to be given them.

Following the time General Wilson made these outlandish and fantastic speculative, unconfirmed, and false statements, a newspaper in a small city in Ohio quoted the general. The next thing I knew I received a telephone call from a radio station in Toledo that what I had been saying in the Senate regarding the Kent State tragedy had been altogether different than the facts given out by General Wilson following his investigation.

This general, and no other person, told of an unconfirmed rumor that a witness had seen a girl dashing out of a dormitory and firing a weapon at the guardsmen as they turned away and they turned back and returned the fire. Statements given me by college students and a graduate Kent State College counselor and others are positive that no such incident occurred. One hundred FBI agents following their intensive investigation in their report refuted every allegation Wilson made. They were equally positive that the guardsmen were the only ones who fired guns early that fatal Monday afternoon.

I have said enough about this General Wilson and his testimony. Mr. President, I do say now that officials of our Government should dismiss him from the high position he holds in the Defense Department.

He has my contempt. I deem his testimony before the Armed Services Committee, of which I am a member, as being lying and arrogant testimony. He has been proved to be unfit to be commander of the National Guard of the United States.

I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. NELSON) is to be recognized at this time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, without prejudice to the Senator from Wisconsin under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, at this time the Chair recognizes the Senator from Wisconsin for not to exceed 20 minutes.

WAYNE STATE UNIVERSITY STUDENTS BEAT 1980 FEDERAL STANDARDS IN 1971 FORD WITH POLLUTION CONTROL DEVICES

Mr. NELSON. Mr. President, while the mighty auto industry has been loudly protesting its inability to meet proposed engine pollution standards, four Wayne State University students equipped a 1971 Ford with pollution control devices and beat the 1980 Federal standards.

It is nothing short of hilarious that the largest concentration of engineers and experts in the world cannot match the wits and creativity of a group of college students.

For 20 years the auto industry has been running a gigantic con game telling the public their autos were safe and the engines were clean. Finally Congress passed auto safety legislation over the strenuous objections of the industry. Now is the time to set engine pollution standards. Obviously, the industry is going to continue to filibuster, dissemble and delay the installation of pollution control devices. Industry engineers and corporate executives are swarming all over Washington telling the Congress they cannot meet Federal standards.

The fact is they can meet these standards and Congress should not let them get away with further delay.

Mr. President, I will read the letter I have sent this morning to members of the Committee on Public Works:

WASHINGTON, D.C.,
September 11, 1970.

U.S. Senate,
Washington, D.C.

DEAR SENATOR: You are no doubt aware of the 1970 Clean Air Car Race from Cambridge, Massachusetts to Pasadena, California during the last days of August. This is the second such event in which several hundred students from universities throughout the U.S. and Canada have made a great contribution of time and money to assist in resolving the major air pollution problem of today—contaminant emissions which result from the large population of autos powered by internal combustion engines and fueled by gasoline.

The 1970 Collegiate Clean Air Car Race was just concluded. The dramatic test results of that race have not yet been made public, but the auto industry knows the results and are deeply embarrassed by them.

Based upon a formula which took into account both performance characteristics as well as emissions control, the overall winner of the 1970 Clean Air Car Race was the entry from Wayne State University in Detroit, Michigan. What the giants of the automobile industry are claiming cannot be done, was demonstrated to the American public by a team of night students at Wayne State who are employed as technicians by Ford Motor Co. during the day. Without the financial or technical resources available to the auto industry, these students equipped a 1971 Ford Capri powered by a 302 cubic inch V8 engine with four platinum catalytic mufflers, an exhaust gas recirculation system, electric fuel pump, insulated fuel lines, and a temperature sensing carburetor and raced across the United States.

When the Wayne State University entry reached California it was tested for pollution control. The results after this 3,600 mile race showed that the student-modified internal combustion engine using non-leaded gasoline surpassed not only the proposed 1975 Federal Standards, but were far below the proposed 1980 Federal Standards which your subcommittee has recommended be advanced for 1975.

Emission from the student-modified Ford Capri at the end of the race were .19 grams per mile of hydrocarbons, 1.48 grams per mile of carbon monoxide, and .29 grams per mile of oxide of nitrogen. The proposed 1980 Federal Standards, advanced to 1975 in the legislation before the committee, would set a limit of .25 grams per mile of hydrocarbons, 4.7 grams per mile of carbon monoxide, and .45 grams per mile of oxides of nitrogen. The significance of these dramatic results perhaps can best be understood when compared with the emissions of the uncontrolled internal combustion engine of a few years ago which spewed 73.0 grams per mile of carbon monoxide, 11.2 grams per mile of hydrocarbons, and 4.0 grams per mile of oxides of nitrogen into the air.

The results of this student-initiated clean car race appear to me to be particularly significant to members of the Senate Public Works Committee and others who have an immediate interest in eliminating automobile emissions as the major source of air pollution and the largest single contributor to damages arising from contaminated air. This subject is currently the subject of heated debate and I am sure that you are well aware of the statements of the automobile industry which questions the possibility of controlling automobile air pollution in the next five years.

The 1970 Clean Air Car Race was a student-organized 3,600-mile transcontinental test of cars developed to meet both safety and performance requirements while reducing air pollution emissions to a minimum. Vehicles were to be entered and driven only by students, who were to do their own roadside repairs. Vehicles applying for entry included those powered by steam, electric batteries, liquefied natural gas, compressed natural gas, liquid petroleum gas, electric-hybrid combinations, diesel, propane, alcohol, liquid hydrogen-oxygen mixtures, and special gasolines.

To qualify to enter the race, the vehicles were required to have the potential for meeting the Federal air pollution emission standards which are proposed by the National Air Pollution Control Administration for 1975 cars. In actual competition, the cars were to be judged on such points as student participation in developing the vehicle with its control equipment, degree of innovation, car performance, thermal efficiency, maintenance of speed, practicality, cost, safety, mass production capability, and degree of contribution to resolving the air pollution problem.

Check points were established from Boston to Los Angeles which represented the mileage to be covered safely and reasonably for each day of a six-day driving period. Emissions tests were performed by qualified government or contract laboratories at Cambridge, Massachusetts, Ypsilanti, Michigan, and Los Angeles so that possible deterioration in performance could be evaluated.

Thirty-five cars finished the race. Nine of these vehicles did in fact meet the proposed 1975 U.S. emission standards. What is perhaps more significant is that two of these nine cars met the proposed U.S. emission standards for 1980, a goal which the auto manufacturers have contended to this committee that they cannot meet in 1975!

Of the nine which met or bettered the proposed 1975 emission standards six were powered by standard internal combustion engines using compressed (CNG), or liquefied natural gas (LNG), or liquefied petroleum gas (LPG).

The remaining three also utilized the standard internal combustion engine, but were fueled by alcohol. LNG combined with hydrogen, and, in the case of the one adjudged the overall winner, unleaded gasoline.

The latter car, the winner of the race, met the proposed U.S 1980 emission standards for all contaminants and deserves particular consideration for it utilized an internal combustion engine and unleaded gasoline.

It is a 1971 Ford Capri powered by a 302 cubic inch V8 engine supplied by Ford. It was entered and driven by four night students of Wayne State University at Detroit—Alden Raquepau, John S. Karol, Bryan Geraghty, and Mike Riley. The last two young men are employed as technicians in branches of the Ford Motor Co. They equipped the car with two platinum catalytic mufflers for control of hydrocarbons and carbon monoxide and two additional for control of oxides of nitrogen. They also equipped the vehicle with an exhaust gas recirculation system, electric fuel pump, insulated fuel lines, and a temperature sensing carburetor. As previously noted, the vehicle was operated exclusively on non-leaded gasoline.

The test results obtained at Cambridge and Los Angeles on the declared winner as compared to the proposed Federal emission standards for 1975 and 1980 are as follows:

Pollutant	Cambridge test (hot start)	Ypsilanti test (cold start)	Los Angeles test (Hot start)	Los Angeles test (Cold start)	Proposed Federal standards [1] 1975	Proposed Federal standards [1] 1980
Carbon monoxide	1 percent	[2]	1 percent	1.48 gr./mi	11.0 gr./mi	4.7 gr./mi.
Hydrocarbons	10 p.p.m	[2]	16 p.p.m	0.19 gr./mi	.5 gr./mi	.25 gr./mi.
Oxides of nitrogen	100 p.p.m	[2]	118 p.p.m	.29 gr./mi	.9 gr./mi	.45 gr./mi.

[1] Proposed Federal standards based on cold start.
[2] The Ypsilanti tests were ignored because of excusable fault.

The above results demonstrate the fact that a 1971 Ford internal combustion engine can meet the proposed 1980 standards today. They also show that deterioration in vehicle emissions performance between Cambridge and Los Angeles was negligible. This evidence supports those provisions of the legislation proposed by your Subcommittee on Air and Water Pollution which would require compliance with the proposed 1980 Federal emissions standards by 1975.

One can also conclude that the accomplishment of the Wayne State University students with a minimum of experience with a major manufacturer should be well within the expertise of all segments of the entire automobile industry.

However, I do not wish to arrive at this conclusion on the basis of one vehicle with one type of control operated by one team of students.

As I mentioned earlier, another entrant met the proposed 1980 standards. It was one of the six entrants in the race powered by internal combustion engines fueled by compressed or liquefied natural gas or liquefied petroleum gas.

The 1970 American Motors Hornet entered by students of the California Institute of Technology was operated entirely on compressed natural gas and was equipped with one catalytic muffler as against the four installed on the Capri. Its test data is as follows:

Pollutant	Cambridge test (hot start)	Ypsilanti test (cold start) (gr./mi.)	Los Angeles test (hot start)	Proposed Federal Standards (gr./mil.) 1975	Proposed Federal Standards (gr./mil.) 1980
Carbon monoxide	[1] 1	1.0	[1] 1	11.0	4.7
Hydrocarbons	[2] 11	[3] .21	[2] 26	.5	.25
Oxides of nitrogen	[2] 128	.47	[2] 100	.9	.45

[1] In percent.
[2] Parts per million.
[3] With 0.50 correction for nonreactive hydrocarbons which is allowed by State of California procedures and pending in Federal procedures. Hydrocarbon emission from vehicles using natural gas are largely methane which does not react in the atmosphere.

This vehicle, along with the other five operating on CNG, LNG, or LPG was placed in the same category as those with an internal combustion engine using gasoline because they shared the same basic power plant. Therefore, these vehicles did not place well in the final judging because of the official ruling on the accessibility of fuel. While natural gas is available in one form or another to the majority of stationary fuel users throughout the country, it is not yet possible for a motorist to drive into service stations and have his fuel cylinders filled with this fuel and the individual vehicle owner does not have low-cost compression equipment for home use.

However, present day vehicles powered by

internal combustion engines fueled with natural gas or LPG have a great potential for fleet operations in major urban areas. Fleet operators capable of providing their own gas refueling facilities can take advantage of this low-cost clean fuel and its attendant low-cost operation and maintenance factors. Both the General Services Administration and the Post Office Department are presently evaluating the desirability of utilizing this fuel in their large fleets.

Before concluding my discussion of individual entrants in the race, I would like to inject a note of local pride. Students of the University of Wisconsin qualified to enter two of the 43 vehicles which started the race. They were both powered by standard internal combustion engines, one fueled with LNG and the other with unleaded gasoline. They both performed very well. The vehicle powered by LNG met the 1980 standards for all contaminants except oxides of nitrogen.

In summation, it is apparent that the fuels used are as important to air pollution control as the power plants used in motor vehicles at the present time. The Clean Air Car Race demonstrates that an internal combustion engine can meet the proposed 1980 emission standards—with unleaded gasoline and maximum catalytic control, or with natural gas.

While steam powered vehicles did not finish the race and electric powered vehicles had difficulty meeting the speed requirements between check points, they cannot be ignored as having real potential over the long term. Both electricity and steam have been ignored for too long a period of time as a method for motor vehicle propulsion for the gap to be closed in a few short years.

The Clean Air Car Race of 1970 must be considered as an important contribution to the continuing effort to provide environmental quality for this nation. The initiative and efforts of several hundred students from campuses throughout the country have made a dramatic demonstration that automobile air pollution can be controlled and is a practical goal for 1975. This is certainly a constructive and responsible contribution of our youth that has been made for all our citizens.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD the announcement of the Clean Air Car Race winners, a comparison of emission standards, and a description of the entrant vehicles for the Clean Air Car Race.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAN AIR CAR RACE WINNERS

SELECTION BY RACE COMMITTEE

Class and entry numbers

I: ICE, Gaseous; Worcester Polytechnic Institute, 18. ICE, Liquid; Standford, 41.

II: Brayton (Turbine) M.I.T., 90.

III: Electrics, Cornell, 65.

IV: Hybrids, Worcester Polytechnic Institute, 71 and University of Toronto, 75 (Tie).

Overall winner selected by the Judge: Entry No. 36, Wayne State University, Ford Capri, 302 cubic inches, V8 with 4 platinum catalyst mufflers, fuel injection, exhaust recirculator and unleaded gasoline.

JUDGES FOR CLEAN AIR CAR RACE

John Brogan, Director, Motor Vehicle R&D, National Air Pollution Control Administration.

Harry Barr, President, Society of Automotive Engineers and Vice President, Engineering, General Motors.

Dave Ragone, Dean, School of Engineering, Dartmouth.

William Gouse, Office of Science and Technology.

John Maga, Executive Officer, State of California Air Resources Board.

COMPARISON OF EMISSION STANDARDS

[In grams per mile]

	Hydrocarbons	Carbon monoxide	Oxides of nitrogen
Uncontrolled internal combustion engine	11.2	73.0	4.0
1970 Federal Standards	2.2	23.0	(1)
Actual achieved control	(4.6)	(47.0)	(2)
Projected Federal Standards for 1975 under Senate Clean Air Act (proposed for 1980 by NAPCA)	.25	4.7	.4
Alternate powerplants and fuels:			
Steam car [3]	.2	1.0	.4
Gas turbine [4]	.32	3.5	1.9
Natural gas fueled ICE [5]	.21	1.0	.47
Organic Rankine-cycle reciprocating [6]	.05	.35	.38
Modified ICE with non-leaded gas [7]	.19	1.48	.29

[1] None.

[2] The control of hydrocarbons and carbon monoxide for 1970 Federal standards has increased the emissions of oxides of nitrogen over the level of the uncontrolled internal combusion engine (4 grams per mile).

[3] Based upon the Williams Bros. steamcar tested by Mobil Oil Corp. in December 1966.

[4] Based upon Chrysler Corp. experimental gas turbine car.

[5] Based upon Cal Tech compressed natural gas ICE in 1970 Clean Air Race.

[6] Based upon projections from smaller scale burner tests of Thermo Electron Corp. engine.

[7] Based upon 1971 modified Ford Capri overall winner in 1970 Clean Air Car Race entered by Wayne State University.

ENTRANT VEHICLE DESCRIPTIONS

The following descriptive data were taken from the preliminary technical descriptions of CACR entrants. In some cases, items such as 'Transmission' are omitted, indicating that they were not mentioned in the report. In general, this means that the stock item was retained in the modified vehicle. Some vehicles are not list debecause technical data was not finalized by press time.

Entrant No. 1

From: California Institute of Technology.
Vehicle: 1970 American Motors Hornet.
Fuel: CNG.
Fuel system: dual fuel capability.
Emission controls: catalytic muffler.

Entrant No. 2

From: California Institute of Technology.
Vehicle: 1970 Ford Ranchero.
Engine: 351 cu. in.
Transmission: 4-speed manual.
Fuel: CNG.
Fuel system: dual fuel capability.
Emission controls: catalytic reactor.

Entrant No. 4

From: Worcester Polytechnic Institute.
Vehicle: 1970 Chevelle 4-door hardtop sedan.
Engine: 350 cu. in. V8, 300 hp., 10.25:1 compression ratio.
Transmission: 3-speed automatic, 2.56 rear end ratio.
Fuel: LNG.
Fuel system: Impco model 425 carburetor.
Emission controls: (1) Englehard model PTX–4D235 exhaust purifiers; (2) reduced spark plug gap; (3) timing 0° BTDC with no vacuum advance; (4) capacitive discharge ignition system.

Entrant No. 5

From: Northeastern University.
Vehicle: 1970 Ford Fairlane 4-door sedan.
Engine: 250 cu. in. 6 cylinder, 9.1:1 compression, 155 hp. at 4400 rpm.; Impco CA 125 air valve type carburetor.
Transmission: 3-speed automatic.
Fuel: LNG.
Emission controls: intrinsic.

Entrant No. 10

From: San Jose State College.
Vehicle: 1970 Toyoto Corona.
Engine: 1200 cc.
Fuel: LPG.
Fuel system: standard conversion and heat exchanger on input air.
Emission controls: (1) thermal reactor with air injection; (2) catalytic reactor; (3) cooling of input air.

Entrant No. 11

From: Stanford University.
Vehicle: 1971 Capri.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: (1) water injection; (2) exhaust gas recirculation; (3) thermal reactor; (4) catalytic reactor.

Entrant No. 12

From: University of California at Berkeley.
Vehicle: 1970 Plymouth Belvedere, 4-door sedan.
Engine: 318 cu. in.
Transmission: standard.
Fuel: LPG.
Fuel system: Impco propane carburetor model 225.
Emission control: (1) exhaust recirculation; (2) catalytic exhaust reactors for unburned HC and CO control; (3) heat risers to intake manifold have been blocked; (4) heat control valve in passenger-side exhaust has been removed; (5) capacitive discharge ignition system; (6) reground valves lapped into place in the cylinder head; (7) air for carburetion is collected by a scoop below the front bumper.

Entrant No. 15

From: University of South Florida.
Vehicle: 1970 Chevrolet El Camino.
Engine: 454 cu. in.
Transmission: 4-speed manual.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: intrinsic.

Entrant No. 16

From: University of Evansville.
Vehicle: 1969 Oldsmobile Cutlass 4-door.
Engine: 350 cu. in.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: intrinsic.

Entrant No. 17

From: Tufts University.
Vehicle: 4-door Chevelle Malibu.
Engine: 250 cu. in. 6 cylinder.
Transmission: standard.
Fuel: LPG.
Fuel system: standard conversion and static mixing tube between carburetor and intake manifold.
Emission controls: (1) air injection and catalytic reactor; (2) CuO plated exhaust static; (3) exhaust recirculation.

Entrant No. 18

From: Worcester Polytechnic Institute—"Propane Gasser" team.
Vehicle: 1970 Chevy II Nova 4-door sedan.
Engine: 350 cu. in.
Transmission: automatic 3-speed.
Fuel: LPG.
Fuel system: standard conversion.
Emission control: (1) 2 catalytic reactors; (2) lowered compression ratio.

Entrant No. 19

From: Buffalo State College.
Vehicle: 1961 Austin Healy Sprite.
Engine: rebuilt standard 948 cc. 4 cylinder engine; 8.3:1 compression; maximum output 50 hp.
Transmission: 4-speed manual; modified 3.70:1 gear train ratio.
Fuel: LPG.
Fuel system: Beam propane conversion unit with dual carburetor.

Emission control: (1) new cylinder with longer stellite valves; (2) lengthened pistons.

Entrant No. 21

From: South Methodist University.
Vehicle: 1970 Ford Mustang.
Engine: 302 cu. in. V8.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: (1) 2 catalytic reactors air injection; (2) exhaust recirculation.

Entrant No. 22

From: University of Wisconsin.
Vehicle: 1970 Opel GT.
Engine: 1900 cc.
Fuel: LPG.
Fuel system: Standard conversion.
Emission controls: (1) exhaust gas recirculation; (2) catalytic reactor and air injection.

Entrant No. 23

From: St. Clair College.
Vehicle: 1970 Dodge Coronet.
Engine: 315 cu. in.
Transmission: 3-speed automatic.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: 2 catalytic mufflers.

Entrant No. 30

From: University of California at Berkeley.
Vehicle: 1970 Plymouth Belvedere 4-door sedan.
Engine: 318 cu. in. V8.
Transmission: 3-speed automatic.
Fuel: unleaded gasoline.
Fuel system: standard.
Emission controls: (1) 2 thermal reactors with synchronous air injection; (2) 1 catalytic reactor; (3) exhaust recirculation.

Entrant No. 31

From: Louisiana State University.
Vehicle: 1970 Pontiac LeMans.
Fuel: leaded gas.
Emission controls: (1) lean fuel mixture; (2) retarded spark; (3) exhaust recirculation; (4) thermal reactor.

Entrant No. 32

From: Worcester Polytechnic Institute (Saab).
Vehicle: Saab 99E 2-door sedan.
Engine: 1.7 liter (modified to 1.851).
Transmission: mannual 4 speed.
Fuel: unleaded gasoline.
Fuel system: Bosch fuel injection.
Emission controls: (1) lowered compression ratio; (2) increased valve overlap; (3) spark retardation; (4) richer mixture; (5) thermal reactor with air injection.

Entrant No. 33

From: Worcester Polytechnic Institute—'Dark Horse' team.
Vehicle: 1970 Ford Mustang.
Engine: 302 cu. in. V8.
Transmission: 3-speed automatic.
Fuel: leaded gasoline.
Fuel system: fuel injection.
Emission controls: (1) decreased compression ratio; (2) retarded spark; (3) catalytic reactor; (4) particulate trap; (5) evaporative emission control.

Entrant No. 34

From: University of Michigan.
Engine: standard.
Transmission: standard.
Fuel: unleaded gasoline.
Fuel system: fuel injection.
Emission controls: (1) water injection; (2) 2 catalytic reactors and air injection.

Entrant No. 35

From: University of Michigan.
Engine: 350 cu. in. V8.
Transmission: Automatic.
Fuel: unleaded gasoline.
Fuel system: standard.
Emission controls: (1) 2 catalytic reactors for NO_x; (2) 2 catalytic reactors for CO and HC downstream of NO_x; (3) air injection in exhaust stream between NO_x reactors and HC/CO reactors.

Entrant No. 36

From: Wayne State University.
Vehicle: 1971 Ford Capri.
Engine: 302 cu. in. V8.
Transmission: automatic.
Fuel: unleaded gas.
Fuel system: electric fuel pump; insulated lines; temperature-sensing carburetor.
Emission controls: (1) exhaust gas recirculation; (2) catalytic reactors for NO_x; (3) air injection and 2 catalytic reactors for HC and CO.

Entrant No. 37

From: University of Wisconsin.
Vehicle: 1970 Lotus Europa.
Engine: Renault R–16.
Transmission:
Fuel: unleaded gas.
Fuel system: standard.
Emission controls: (1) spark retard; (2) exhaust gas recirculation; (3) catalytic reactor and air injection; (4) W.U. thermal reactor; (5) evaporative loss control.

Entrant No. 41

From: Stanford University.
Vehicle: American Motors Gremlin.
Fuel: methyl alcohol.
Emission controls: (1) exhaust gas recirculation; (2) water injection; (3) catalytic reactor.

Entrant No. 42

From: University of California at Los Angeles.
Vehicle: 1965 Mustang.
Engine: 4 cylinder 138 cu. in. diesel.
Transmission: 4-speed manual.
Fuel system: standard and model TO–4 Airesearch turbocharger.
Emission controls: intrinsic.

Entrant No. 51

From: University of Arizona.
Vehicle description: 1970 Plymouth Valiant Duster, 3500 lbs.
Engine: 318 cu. in. V8.
Transmission: 3-speed manual.
Fuel: liquid methane (90%) anw compressed H_2 (10%).
Fuel system: fuels mixed before being introduced into carburetor.
Emission controls: fuel cutoff on deceleration.

Entrant No. 52

From: Putnam City West High School.
Vehicle: 1970 Opel.
Engine: 1,875 cc. (115 cu. in.)
Transmission: 4-speed manual.
Fuel: LPG/CNG (dual).
Fuel system: standard conversion.
Emission controls: (1) catalytic reactor and air injection; (2) exhaust recirculation.

Entrant No. 61

From: Georgia Institute of Technology.
Vehicle: 1970 VW fastback sedan.
Engine: 25 hp. DC series field electric motor.
Transmission: fixed 2:1 drive ratio; control circuitry—variable pulse width constant voltage (144V) output from dual SCR switching network.
Power storage: 24 6V Prestolite batteries.
Charging: 25 kW 220V 3-phase 60 Hz input is rectified to 80 amps DC; trimming rheostats to compensate for battery impedance changes during charging; a reverse voltage pulse of 300 V for 25 ms. is applied every 5 sec. to repress gas accumulation and excess heating during recharging.

Entrant No. 65

From: Cornell University.
Vehicle: five-passenger four-door sedan with metal and fiberglass body.
Engine: 34 kW-hr. battery pack consisting of 24 6V lead-cobalt batteries with a 240 amp-hr. capacity at 4 hrs.
Transmission: dual chopper SCR circuit which controls the across-motor voltage by pulse width and repetition rate modulation of the battery voltage; a four pole DC series motor, rated at 20 hp. with an additional shunt winding for regenerative braking.

Entrant No. 70

From: Massachusetts Institute of Technology.
Vehicle: 2-door Corvair.
Engine: hybrid electric—dual piston ICE.
Transmission: 14 lead-acid batteries with total rating of 90 amp-hrs. at 163 V; power controller between batteries and motor; shunt wound DC electric traction motor; 4-speed manual transmission and axle assembly.
Fuel: gasoline.
Fuel system: standard.
Emission control: (1) lean fuel-air mixture; (2) catalytic reactor for HC and CO; (3) reduced compression ratio; (4) water injection.

Entrant No. 71

From: Worcester Polytechnic Institute.
Vehicle: 1970 Gremlin.
Engine: Jeep Corp. Dauntless V6 ICE.
Transmission: 20 Exide type 3EC–19 6V lead-acid batteries rated at 200 amp-hours (20 hrs.); G.E. type BY401 25 hp., 5150 rpm series wound traction motor, controlled by G.E. model 300 modifitd SCR controller; G.E. triclad brushless AC generator model SJ–286, which provides 25 kVA 3-phase power, rectified by 3 G.E. type A–90DB Schron Rectifiers.
Fuel: unleaded gas.
Fuel system: standard.
Emission control (1) air pumps supplying oxygen to the exhaust manifold; (2) 2 Englehart exhaust gas purifiers for unburned HC and CO reduction; (3) exhaust gas recirculation (5–10%); (4) constant air-fuel ratio by running engine at constant load.

Entrant No. 74

From: University of New Hampshire.
Engine: Hybrid.
Propane ICE: 4 cylinder, 4 cycle Bearcat–55 outboard motor engine, equipped with catalytic reactor.
Generator: 20 kW 120 VDC G.E. air force generator.
Battery buffer: 10 12V lead acid units.
Control circuitry: switches to form various series-parallel motor combinations, plus standard SCR chopper circuitry.
Motors: 2 20 kW motors, one for front wheels, one for rear wheels.
Vehicle: Saab sedan.

Entrant No. 75

From: University of Toronto.
Vehicle: 1970 Chevelle.
Engine: 302 cu. in. converted to LPG with catalytic mufflers. Engine can run generator and/or wheels. Electric motor connected to drive shaft.
Can run in 4 modes:
(1) pure electric; (2) ICE; (3) hybrid-electric; (4) ICE directly linked to drive shaft and electric motor directly linked to drive shaft. ICE runs at constant load; motor and generator act to keep that load constant.

Entrant No. 80

From: University of California at San Diego.
Vehicle: 1970 Javelin.
Engine: water storage tanks (formerly gas tanks); priming pump in series with an engine-driven feed water pump (a Vickers hydraulic oil pump) which leads to the boiler via 3/8 in. copper tubing; recirculating type boiler; steam generator controller is a pressure-actuated switch in header pipe which turns flame on and off; water level controller has also been incorporated; expander is converted Harley-Davidson 74 cu. in. motor cycle engine.

Transmission: 1962 Chevrolet 3-speed, 2.87:1 rear end ratio.

Electrical system: 24 V system consisting of 2–12 V lead-acid batteries and 3–24 V 35 amp alternators; wiring system controls the automatic control circuit, manual override circuit, the solenoids, the ignition, and the blowers.

Fuel: LPG.

Fuel system: 35 gallon tank containing a pressure regulating valve in series with a vaporizing coil through which the flame passes; vaporized propane enters a small combustion can where air mixing is effected; a propane nozzle shoots the mixture into a high voltage spark which runs at all times when the fuel system is activated.

Emission control: intrinsic.

Entrant No. 83

From: Worcester Polytechnic Institute.

Vehicle: 1970 Chevelle 4-door hardtop.

Engine: monotube steam generator; rotary steam distribution valve; 6 cyclinder uniflow expander.

Fuel: kerosene.

Fuel system: standard external combustion.

Transmission: fixed ratio.

Emission controls: intrinsic.

Entrant No. 90

From: Massachusetts Institute of Technology—Bennet team.

Vehicle: 1970 Chevrolet C/10 half-ton pickup truck.

Engine: Airsearch GTP–70–52 gas turbine, M–12004A electric motor.

Transmission: electric.

Fuel: kerosene or JP–4.

Emission controls: intrinsic.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senate will proceed to the transaction of routine morning business, with a 3-minute limitation on speeches.

Is there morning business to be transacted?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

The report of the American Revolution Bicentennial Commission, which I am transmitting to the Congress today, presents cogent suggestions for commemoration of the 200th anniversary of the birth of our nation.

I strongly endorse the Commission's primary recommendations that:

—The commemoration be national in scope, seeking to involve every State, city and community;

—The Bicentennial be a focal point for a review and reaffirmation of the principles on which the nation was founded and for a new understanding of our heritage;

—This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

I concur with the Commission's concept of a Bicentennial Era with its focal point in 1976.

The Commission is now moving from the planning to the development stage of the Bicentennial Era. To assist it in its task, I have these comments on some specific areas:

ON MAKING THE CELEBRATION NATIONAL IN SCOPE

1. I invite the Bicentennial Commissions now formed or forming in each of the fifty States, along with Puerto Rico, the District of Columbia, and the Territories, to share in a special effort to ensure active and nationwide participation in the celebration of America's 200th birthday. In the year preceding July 4, 1976, I invite each of those areas to accept the responsibility for a single week in which national focus would be on that area's local traditions and commemorative activities, in a way that would permit the nation and the world to observe both our historic development and our local activities to meet the challenges of the third American century.

2. The Commission urges a "multi-city exposition" and quite properly concludes "there should be no commercially-oriented world's fair in the traditional sense anywhere in the nation during the Bicentennial Era." I agree. There can be no single Bicentennial city. Nor is any traditional type of world's fair in one city adequate to the challenge of a national celebration.

However, since American civilization has drawn on the genius and traditions of nations throughout the world, and has contributed as well to their development, we should actively encourage international participation in our celebration. To do this in an orderly and well-planned way, we should select a principal site on which that international participation can focus. Philadelphia, site of the signing of the Declaration of Independence, and the creation of our Constitution, would be the natural place for this activity.

Accordingly, I am now instructing the Secretary of State to proceed officially with appropriate registration procedures with the Bureau of International Expositions for an international exposition in Philadelphia in 1976. Such an exposition, however, is to be primarily cultural, inspirational and non-commercial in character, with the emphasis on quality rather than size.

Pursuant to the provisions of Public Law 91–269, I am directing the Secretary of Commerce to review the financial and other support to be secured for the Philadelphia exposition from both government and private sources and, together with David J. Mahoney, Chairman of the Commission, and George P. Shultz, Director of the Office of Management and Budget, to report to me the result of this review.

If suitable financing arrangements can be worked out, Philadelphia can be an exciting focal point for international participation in a way that will carry forward the regard of our Founding Fathers for "the opinion of mankind" without in any way restricting the scope of the celebration to a single city. In fact I hope that foreign visitors and visiting groups, including artists and performers, will travel to every corner of the nation and participate in as many Bicentennial events as possible.

3. It would be appropriate for the nation's capital to play an important role in helping to set the tone for the national celebration. I have already made known my support for such long-range projects as a new rapid transit system, the Federal City Bicentennial Development Corporation, and an acceleration of urban renewal plans. I am directing Chairman Mahoney to begin a series of meetings with Mayor Washington, the National Capital Planning Commission, Chairman Mark Evans of the National Capital Historic Region Bicentennial Committee, Counsellor to the President Daniel P. Moynihan and Director Shultz to define specific plans and costs for my review and to recommend ways to achieve community participation in the planning and development process.

4. The Commission report asks the City of Boston "to develop a program to explore and examine the revolutionary roots of America through its great historical resources" and endorses the completion of Miami's permanent Trade and Cultural Center (Interama) "as a part of the Bicentennial observance." These plans, as well as others from cities in other sections of the country, are to be strongly encouraged.

5. The Commission pointed out that improved travel facilities would "contribute greatly to a successful Bicentennial celebration," and expressed particular interest in special urban corridor projects in the Northeast which would not only expedite the flow of visitors from one historical site to another, but would also provide permanent benefits for a significant percentage of the American population. I am instructing Secretary Volpe and Director Shultz to analyze these projects, including costs and timing, and to submit their recommendations to me.

ON FINANCE AND ORGANIZATION

1. I will refrain from making commitments to any particular project recommended by the Commission until timing and cost data are submitted and studied. As policy choices and costs become evident, Chairman Mahoney will resubmit some of these recommendations to the Commission and will inform me of the Commission's preferences.

2. The Commission will have important operational responsibilities: the Bicentennial Calendar, publications, films, the setting of standards and the coordination and monitoring of many projects closely tied to the national celebration. It may be advisable to enlarge the Commission and constitute it as the "Board of Directors" of a corporate structure equipped to deal with operating functions. I am asking Chairman Mahoney to meet with Director Shultz and to recommend to me a plan for future Commission organization and funding.

ON THE OVERALL THEME

A "Festival of Fredom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful, and affirmative; yet it must also be thoughtful, profound, and searching.

There is a phrase in the Declaration of Independence that is based on English political philosopher John Locke's concept of "life, liberty and property" being the inalienable rights of man. Thomas Jefferson's dream for the new nation transcended the material; he saw property rights not as an end in itself, but as one means to human happiness.

For that reason, he substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for "the quality of life."

That thread is woven through the fabric of American life over two centuries. It keeps us from getting smug about our success; it reminds us of the need for the spiritual as we attain more of our material needs; it keeps us moving, growing, changing for the better.

Improving the quality of life is, in a sense, a more compelling concept in this era of advanced technology than it was in the time of Jefferson. I believe that this is the area in which we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

A CALL FOR COOPERATION—MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, there is at the desk a message from the President of the United States on "A Call for Cooperation." I ask unanimous consent that the message be ordered to lie on the table and be printed.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

A CALL FOR COOPERATION

In the course of the past year and one-half I have sent more than 50 messages to the Congress proposing legislation to deal with certain problems, or to achieve certain national objectives. On two occasions I have sought to provide a comprehensive summation of these messages, thereby presenting an administration philosophy.

In the first of these, my message of October 13, 1969, I asserted that if ours is not to be an age of revolution it must be an age of reform, and declared that this would be the watchword of the Administration: REFORM. I listed then a series of such measures already proposed:

Reform of the Draft
Reform of the Welfare System
Reform of the Tax Code
Revenue-Sharing Reform
Postal Reform
Manpower Reform
Social Security Reform
Reform of the Grant-In-Aid System
Electoral Reform
D.C. Government Reform
OEO Reform

I spoke then of further issues for which the Administration proposed new initiatives: with respect to hunger and malnutrition; population; crime; narcotics and pornography; manpower facilities and unemployment insurance; public transportation and air facilities.

In my State of the Union Message of January 22, 1970, I returned to this theme, proposing that as we enter the seventies, we should enter also a great age of reform of the institutions of American government.

The first principle of reform is that Government programs and institutions should be effective. They should deliver what they promise. Too many promises of the 1960s have not been kept. The nation is now paying a price for this.

This principle is a cornerstone of the New Federalism. We seek to develop a new sense of partnership between the Federal government and State and local governments, to assign responsibility and authority for public functions to the level best qualified to carry them out. In the name of the "urban crisis," for example, the 1960s saw the Federal government increasingly caught in issues of municipal housekeeping that are most appropriately the business of a city council. But simultaneously the great fiscal power of the Federal government was never brought to play—through revenue sharing—to provide local governments with sufficient resources to enable them to solve their own problems in their own ways.

The second principle of reform is that America must find a way to direct its own growth. We have entered a decade in which our gross national product will increase by $500 billion, an amount greater than the entire growth of the American economy from 1790 to 1950. Out of this vast increase in wealth we can create a life of unprecedented achievement for ourselves, and for the Nation. Or we can choke on it. "Toward Balanced Growth: Quantity with Quality," the theme of the report of the National Goals Research Staff, could well be the theme of the 1970s.

In foreign affairs I have held out the hope that if our new policies succeed America may have the best chance since World War II to enjoy a generation of uninterrupted peace. More then is the reason to consider forthwith how we are to use the abundance of peace.

The great question of the seventies, as I pointed out in my State of the Union Message, is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water? I promised a national growth policy, to bring balance and order to the great changes in population, industry, and patterns of education and training that would affect the quality of life in the three decades ahead.

In February I sent to the Congress the most comprehensive proposals in the area of environmental protection and enhancement ever set forth by any administration. Since then I have proposed the creation of the Environmental Protection Agency to establish a focal point for setting general environment pollutions standards affecting all media and forms of pollution.

I have now virtually completed the domestic legislative proposals I will make to the present Congress. I would like then to take one further opportunity to sum up. I would like to acknowledge the important achievements already behind us, and also to stress the very considerable amount of work which is still before the Congress and which must be done if we are to meet our responsibility to this new decade, much less to begin to fulfill its promise.

In my message of last October I stated that if a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required.

Candor requires first that we acknowledge the exceptional circumstances which were thrust upon us by a relatively rare event in American history. For the first time in 120 years an incoming President of one party has faced a Congress dominated by another.

Given the system of "checks and balances" built into our government, it would be reasonable to predict that in such a situation the institutions of the Presidency and the Congress would thwart one another, and that stalemate would ensue. The American Constitution was devised in large measure to limit the exercise of power. We should not be surprised if on occasion it makes such exercise difficult.

Yet this need not be. It is not less a quality of our Constitution that by providing a voice to wide ranging and diverse interests it makes it possible from time to time to face up to issues of national importance, and to make genuinely national decisions about them. Some decisions can be reached only if both parties are willing to share responsibility; some programs can be enacted only if both parties share the credit.

This, then, is a time to face such issues. As President, I have sought to do so. I have proposed to Congress legislation dealing with issues about which there has been an unmistakable national judgment that something needs to be done. Revenue sharing, for example, was pledged by both parties in their 1968 platforms. We need it; the public supports it. Yet, until now, no President has felt it possible to propose revenue sharing, no Congress has made any move toward enacting it. Draft reform, welfare reform, crime control, environmental protection, are other issues that need urgent actions. I have felt it possible to approach these matters as national issues about which we could make national decisions in which both parties would participate, for which both would honorably accept responsibility and justly claim recognition.

Whatever will be the judgment of history, the record of this moment is that Congress has not responded. There are exceptions, of which all involved can and should be proud. But the larger fact is that Congress, in a mood of nostalgia and partisanship, has too much devoted its energies to tinkering with programs of the past while ignoring the realities of the present and the opportunities of the future.

Time now slips away. The Congress is coming to a close. Its work is not done. The issues I have asked to be considered have not been considered. And yet matters press. We cannot wait for politics. We must seek a record of achievement all can share.

As we build this record, we must not lose sight of the overriding need for fiscal responsibility. Year after year during the 1960s the Federal government incurred a deficit. In the early years of the decade there was a justification for this. The economy was operating at less than full employment capacity. In the later years there was no justification whatever: persistent deficits could lead only to a disorderly and punishing inflation. This was predictable; it was predicted; it came to pass.

It need not happen again, and it must not. This is why I have been forced to veto appropriation bills sent me by the Congress in amounts well above those requested. I understand full well the feeling for worthy purposes that inspires such action. But there is a higher national interest. Economics has taught us to think in terms of the entire economic system. To affect one part is to affect all parts. The Federal government must act in accordance with that knowledge and reality. Just as the President sends a unified Budget to the Congress, the Congress surely should devise some manner of unified response. I have suggested that Congress establish an overall spending ceiling, and adjust the various appropriation bills to accord with that ceiling. There may be other and better ways of attaining this goal. But we can no longer avoid the necessity of finding some means whereby the present fragmented and competitive legislative process that mandates and promotes Federal spending can be brought under control so that the impact of the total Federal budget is to sustain and encourage economic growth, rather than to disrupt it. This is the course of fiscal responsibility.

If restraint is one condition of fiscal responsibility, timeliness is surely another. In recent years Congress has more and more tended to put off the enactment of appropriations bills until months after the beginning of the fiscal year. It is now September. The fiscal year began July 1st. Yet only four out of fourteen appropriations bills have been enacted. This practice begins to threaten the very basis of orderly and effective government.

Fiscal restraint in no sense precludes a reordering of national priorities. To the contrary, it is only when such restraint is exercised that a purposeful direction of events can occur. In fiscal 1971, for example, for the first time in two decades, the expenditures of the Federal government on Human Resources are greater than the expenditure on Defense and Defense-related activities. We have reversed the trend of the 1960's. Our priorities *have* changed. But this change can be effective only in the context of disciplined and responsible fiscal policy. The matter may be put more strongly. Anyone who seriously wishes to see a reordering of priorities for the nation either must insist on doing so in a responsible and disciplined manner, or must be judged not to be serious.

REFORMING THE INSTITUTIONS OF THE PAST

Of the major items of reform which I have proposed to the Congress, and which I described in my message of October 13, 1969, some have been acted upon.

The Tax Reform Act of 1969, which had some troublesome features nevertheless did incorporate most of the measures reforming the Tax Code which I had proposed.

The Administration asked for and obtained the extension of the *Economic Opportunity Act* to permit the OEO to carry out its new role.

One of the most important measures of reform passed by this Congress so far is the *Postal Reorganization Act* establishing the United States Postal Service. It is a landmark bill demonstrating not only ability to respond to a complex and persisting problem with bold and creative measures, but demonstrating as well the power of bipartisan effort when it is exercised with determination and will. This Act will need to be improved upon as the new system is established, but we have a sound structure.

Last year the Congress passed legislation I recommended to permit a change from the oldest-first to a youngest-first order of call in Selective Service, to reduce the period of prime vulnerability to one year, and to select individuals through a lottery system.

Thus we have made a beginning. But our work is nowhere near ended. The other major reforms I listed last October still have not been enacted. Since that time I have proposed a wide range of measures of equal importance. In far the greater proportion there, too, await action by Congress.

REFORM OF THE DRAFT

As long as the draft is necessary to meet our military manpower needs, it must be made to operate as equitably and consistently as possible.

This year, by Executive Order, future occupational, agricultural, and paternity deferments were eliminated. At the same time, I requested the Congress to restore the discretionary authority of the President on undergraduate student deferments so that these deferments could also be eliminated in the future. I also proposed that legislation be enacted to improve the random selection system by permitting the establishment of a direct national call of inductees. The Congress has not acted on these proposals. But the only long range solution is to end our need to draft by attaining an all-volunteer armed force. On April 23, 1970, I proposed military pay legislation to the Congress as an important step toward achieving an objective of reducing draft calls to zero. Unfortunately, this legislation has not been enacted.

In the meantime—and for all time—America owes an obligation to the men who have fought in Vietnam, and not less to those who backed them in the Armed Forces elsewhere. The *Vietnam Veterans Assistance Act* which I have proposed to the Congress would provide important new GI Bill benefits relating to post-secondary school training, the provision of Small Business Administration loans to veterans from minority groups, and the provision of guaranteed loans for the purchase of mobile homes. This legislation has not been enacted; it should be.

REFORM OF THE WELFARE SYSTEM

The *Family Assistance Act* has been properly described as the most important piece of domestic legislation to go before the Congress in thirty-five years. It is one of the dozen or half-dozen most important pieces of domestic legislation in American history. The Act provides a basic national income supplement for all needy families with children. It abolishes the bankrupt welfare system of the past, which has so greatly contributed to our present crisis, and creates an altogether new system based upon work incentives (including support for child care services), job training and provision, and directed primarily to creating self-sufficient independent families. Where persons are genuinely dependent, as are the aged and disabled, or female headed families with young children, the bill provides national standards of benefits which will enormously improve the condition of the poor in many parts of the Nation.

In April of this year the *Family Assistance Act* passed the House of Representatives by a resounding and gratifying vote. Hearings are now taking place in the Senate. It would be tragic beyond words if this historic opportunity were to be allowed to slip away from us. I am confident that this will not happen, but to prevent it the Senate will, of course, have to move with some dispatch.

The Family Assistance Plan is the keystone of an income strategy for the elimination of poverty in the United

States. In 1969 the first move in this strategy was accomplished when Congress adopted the Administration's proposal to abolish income taxes for the poor. Reform of the Manpower Program and Unemployment Insurance are equally essential, and the latter has now also been enacted. But the strategy will be incomplete until the Family Assistance Plan is enacted as well.

On May 6, 1969, before the Family Assistance Plan was proposed, I sent to Congress a message on hunger and malnutrition, in which I declared that the moment is at hand to put an end to hunger in America itself for all time. Since then, major reforms have been carried through toward this goal. But legislation is required. The *Food Stamp Act Amendments*, which I recommended to the Congress, established the path-breaking principles that very poor families would receive free stamps, that for other families cash requirements would be limited to 30 percent of family income, that uniform minimum national eligibility standards would be established, and a range of similarly important reforms. This legislation still has not been enacted.

Family welfare is necessarily related to family size and the availability of health services. On July 18, 1969, I sent the first Message to Congress ever on the subject of population. At the time I proposed that we should establish as a national goal the provision of adequate family planning services within the next five years to all those who want but cannot afford them, adding that in no circumstances will the activities associated with our pursuit of this goal be allowed to infringe upon the religious convictions or personal wishes and freedom of any individual, nor will they be allowed to impair the absolute right of all individuals to have such matters of conscience respected by public authorities. Part of this program has gone forward, but in order to reach our goal of being able to serve the estimated five million women who are in need of subsidized, publicly assisted family planning services, family planning legislation should be enacted by the Congress this year.

On the broader question of the future course of population growth and its implications for our society, I am pleased to observe that the *Commission on Population Growth and the American Future* which I proposed in my Message has been approved by the Congress and is now in operation.

In February of this year this Administration sent to the Congress the *Health Services Improvement Act* dedicated to the creation of integrated, effective, consumer-oriented health care systems by the consolidation of four existing and overlapping programs in this field. The Act would "decategorize" certain aspects of these programs, provide "joint funding", authorize the transfer of funds among these programs and encourage experimentation in the delivery of health services. The Congress has not yet taken final action on this legislation.

REVENUE-SHARING REFORM

As I stated in October, for the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units of the country. My proposal, the *Revenue Sharing Act of 1969*, would begin with $1 billion in its first full fiscal year, and rise to approximately $5 billion by FY 1976: It would be difficult to identify another proposal that has received such widespread endorsement. It is elemental economics, elemental good sense, elemental good government. Both parties endorsed Revenue Sharing in their 1968 platforms, and it has widespread public support. Yet neither the House nor the Senate has held hearings on this Administration's bill.

MANPOWER REFORM

Earlier in this message I stated that the first principle of reform is that government programs should be effective. With this object in view I have proposed a *Manpower Training Act* which would consolidate the major manpower training programs carried on by the Department of Labor into one funding authority, abolish categorical programs, provide that the administration of the programs be progressively decentralized to the States and metropolitan areas, and further provide an automatic increase of 10 percent in manpower funds when the national unemployment rate equals or exceeds 4.5 percent for three consecutive months.

Here is the New Federalism in action. Consolidate in the interests of flexibility. Decentralize where operations are best managed locally. Assert national standards of performance, and provide automatic adjustments to changes in the national economy. In the history of American Federalism there has been no comparable transfer of functions: a process that for more than a third of a century has taken responsibilities away from State and local governments and lodged them in Washington would now for the first time be reversed, not to re-establish an old arrangement, but to create a new one. Hearings have been held in both the House and Senate, but as yet neither body has responded to the essentials of this historic legislation.

One of the most important measures to pass either session of the Congress thus far is the recently enacted *Employment Security Amendments of 1970*, which I recommended July 8, 1969. This precedent-shattering legislation will not only cover 4.75 million additional jobs—in small businesses, nonprofit organizations, State hospitals, and State institutions of higher education among others—it will also provide an extension of the benefit period up to 13 weeks which is automatically triggered when the insured unemployment rate for the nation reaches 4.5 percent for three consecutive months, and would remain in operation until that rate drops below 4.5 percent for a corresponding three months. These provisions become effective January 1, 1972.

This is the most extensive reform of the unemployment insurance program ever enacted. Something of moment has occurred. This important income maintenance program has been made flexible, responsive, equilibrating. This is what modern government should be doing in a dozen such areas.

SOCIAL SECURITY REFORM

In the *Social Security Amendments* currently before the Congress, I requested an automatic cost-of-living adjustment in Social Security benefits to compensate elderly Americans, as I stated in October, for the losses they are suffering because of an inflation they could do nothing either to prevent or to avoid. This is an act of fairness which I proposed in my 1968 campaign for the Presidency and which the Congress should no longer deny to our senior citizens. In addition, I proposed several benefit liberalizations and reforms which would make social security a more equitable and effective instrument of income security for the aged. This measure has passed the House and awaits action in the Senate.

REFORM OF THE GRANT-IN-AID SYSTEM

The Congress consented to my reorganization plan which provided for the establisment of the new *Office of Management and Budget* and the *Domestic Council*. I am confident that these new entities will be major factors in improving the management of domestic affairs in the years ahead. However, there are other aspects of management reform which require legislation which has not been acted upon.

In the fourth month of the Administration I proposed to reform the increasingly chaotic and unmanageable grant-in-aid system of the national government by providing the President with power, subject to Congressional veto, to consolidate related assistance programs.

This is no small matter. It is one of the reforms that is absolutely necessary if our present governmental system is to be made to work. Again we face a familiar situation. We have made some improvements through action by the Executive Branch, but legislation is necessary. Hearings have been held on the *Grant Consolidation Act* in both the House and the Senate, but neither body has acted.

We have recently proposed dramatic changes in the manner in which Social Services are delivered to their intended beneficiaries. As an amendment to the Family Assistance Act, we proposed greater flexibility in the use of services money and related HEW programs—including permissive authority for State and local governments to transfer up to 20 percent from one appropriation to another under certain conditions. Moreover, we would launch a new Government Assistance Program to help Mayors and Governors strengthen their policy direction and management of important HEW services. The Senate Finance Committee was gratifyingly prompt in holding hearings on this important amendment, and I hope the Congress will enact it this year.

The *Federal Economy Act* is a related measure. Programs need to be consolidated; from time to time they need to be eliminated. This is an elemental principle of the decent management of public affairs. In February, 1970, I proposed program changes that would save $2.1 billion in Fiscal Year 1971—money urgently needed for other programs. More than half of those changes that require Congressional approval have not been put into effect. Further, the Congress is blocking over $170 million of the savings I proposed to achieve by executive action. In all, Congress is not acting on over $700 million in savings, or one-third of my proposals. In those areas where I have been left free to act I am accomplishing 100 percent of the savings planned.

ELECTORAL REFORM

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the President. For almost two centuries the system of the Electoral College has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the Constitution anticipated, will somehow confer the Presidency on that candidate who obtains the largest number of votes. The Electoral College need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the Presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

D.C. GOVERNMENT REFORM

Last October I called to the attention of Congress one of the truly unacceptable facts of American life, and asked for the enactment of legislation I had proposed which would bring about the orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional amendment giving the District at least one representative in the House and such additional representatives as Congress may approve, and providing for the possibility of two U.S. Senators. (We need to keep continually in mind that the population of the District is greater than that of at least 10 States.) I asked for an interim arrangement providing the District with a non-voting Congressional representative, and the creation of a Commission on Government for the District of Columbia to propose a permanent governmental arrangement. I have been heartened by progress toward the non-voting representative, but I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the nation's capital. I would remind the Congress that the founding fathers did nothing of the sort. Home rule was taken from the District only after more than seventy years of self-government, and this was done on grounds that were either factually shaky or morally doubtful. Surely we cannot allow this inadmissible situation to persist as the American Bicentennial dawns.

FOREIGN TRADE

In a message to the Congress of November 18, 1969, I proposed the *Trade Act of 1969* which would significantly strengthen the trade agreements program of the United States, recognizing that ultimately it is rising world trade and production that must form the base for the prosperity of developing nations. At the same time, the bill would establish a viable program of tariff adjustments for industries and adjustment assistance for firms and workers affected by imports. It would also promote the reduction or elimination of non-tariff barriers to trade, by eliminating the American Selling Price System. While this legislation awaits enactment, I again express my concern about the growing tone of protectionism in the arguments being made in the Congress.

The *Merchant Marine Act Amendments* provide for a long-range merchant marine building program of 300 ships in the next ten years, with a lessening of dependence on operating-differential subsidy for liner carriers, and the buildup of the bulk commercial carrier fleet for the foreign commerce of the United States. This is a trade expansion measure of fundamental importance. The bill has passed the House of Representatives, but has not as yet passed the Senate.

CRIME

In my October, 1969 Message I declared that there is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. These words were carefully chosen. The issue of crime is easily misunderstood, and on occasion deliberately so. The issue of crime is freedom. When individual citizens are the direct victims of violence, or the indirect victims when they are forced to restrict their own movements out of fear of violence, fundamental liberties are abridged. A government that fails to protect those liberties is not worthy of the name. At the time of my statement the issue had been the source of more legislative requests from the Administration than any other single subject. Today, not far from a year later, only two bills have passed. One was the *District of Columbia Court Reform and Criminal Procedure Act*—a measure of major importance. It provides for the expansion and strengthening of the entire system of law enforcement and criminal justice in the nation's capital. As I said in October, the Act provides more judges, new enforcement tools, reorganization of the archaic court system, a new public defender's office, and reform in the procedures for dealing with juvenile offenders.

The second was an amendment to the *Federal Youth Corrections Act* to provide more effective and improved methods for dealing with young people in the Federal criminal justice system.

Among the most important crime proposals that have been before the Congress for more than a year, and which have not been enacted, are these:

—*The Controlled Dangerous Substances Act.* This Act would substantially revise existing drug laws by providing new means for controlling dangerous drugs by establishing a new, comprehensive and realistic penalty structure designed to provide courts with guidance and flexibility in handling offenders, and by providing more effective enforcement tools for diminishing the availability of dangerous drugs.

—*Organized Crime Control Act.* This is an omnibus bill embodying recommendations of the President's Crime Commission, the National Commission on Reform of Federal Criminal Laws, and other groups. The ten titles codify and strengthen existing Federal laws relating to the prosecution of organized crime. Again, this is an issue easily misunderstood. The most important issues involved in organized crime are not those which are most commonly discussed. It has been estimated that as much as $50 billion a year passed through the hands of organized crime in illegal gambling alone. What is involved here is not the act of gambling by the individual citizen, but the corruption of government that invariably accompanies it. Similarly, the social consequences of the drug traffic controlled by organized crime spread far beyond the personal tragedy of the addict. They weaken the fabric of society itself.

This proposal would make large-scale gambling a federal offense and would make it a felony for large-scale gamblers and law enforcement officers or public officials to obstruct enforcement of State and local laws against gambling through bribery of government officials. And it would replace numerous disparate witness-immunity laws scattered throughout the United States Code with a single uniform provision. It is a long overdue reform. This bill provides, among other things, for increased sentences, up to 30 years, for dangerous adult special offenders—the recidivist, the professional offender, and the organized crime leader.

—*Wagering Tax Amendments.* This proposal would prohibit the use against the taxpayer of information obtained through his compliance with the wagering tax, while at the same time increasing the coverage and amount of the taxes, and authorizing a grant of immunity to essential witnesses.

—*The Bail Reform Act Amendments.* This proposal would authorize a judge to detain, after a hearing, a person charged with certain categories of Federal crimes who was found to pose a danger to another person or the community if released.

—*Protection of Minors from Obscenity Act and the Prohibition of Transportation of Salacious Advertising Act.* These two bills would prohibit the use of the mails for the distribution of matter harmful to minors or advertisements explicitly designed and intended to appeal to a prurient interest in sex.

—*Criminal Justice Act Amendments.* This proposal would institute fundamental and urgently needed reforms in the provision of legal defenders for poor persons. Crime involves the issue of freedom, and that includes freedom from unjust arrest and conviction. Vigorous and competent legal defense is fundamental to this freedom, and it results in justice for not only the accused but also the accuser.

These crime control measures have been before the Congress for more than a year. There are further measures of equal and as great urgency also before the Congress.

—*The Omnibus Crime Control and Safe Streets Amendments.* The Law Enforcement Assistance Administration was established in 1968 in the Department of Justice to assist, through a grant program, State and local governments in strengthening and improving law enforcement. These amendments now pending in Congress would authorize appropriations for this important program for fiscal year 1971 and beyond and would amend the basic authority to permit better utilization of the available funds.

—*Explosives Regulation Proposals and Amendments.* We have proposed legislation to regulate the business of importing, manufacturing or dealing in explosives through a system of licenses and permits as well as prohibiting the purchase of explosives by mail-order. In addition, we have proposed amendments to the U.S. Criminal Code which would provide urgently needed powers to control the epidemic of terrorist bombings and nihilist destruction which has suddenly become a feature of American life. Here again the object of crime control is not simply to deter people from breaking the law and to punish persons who have broken the law, but more importantly to maintain and protect the freedom of citizens to live their lives without fear and without injury. The stability of democratic society is what really is at stake.

EDUCATION REFORM

If the impulse to reform may be muted with respect to some areas of American life, there would seem to be near universal agreement that reform is overdue and urgent at every level in the field of education. There is a difference, however, between reform and retribution. If education has failed—*where* it has failed—the remedy is not to destroy it, but to restructure it. Moreover, failure as perceived by one group may be success in the eyes of another. Opinions about education must be informed by knowledge about the subject. From this it follows that the first thing to understand about education is that our understanding of the process is weak indeed. At most, it can be described as just beginning. This is a lesson we learned in the 1960s at no little cost.

During that decade, Congress was extraordinarily generous in its support of education, particularly in its enthusiasm for trying to compensate through education for the environmental disadvantages of our least fortunate children. Support for education comprised the fastest-growing segment of the Federal budget by the mid-point of that ten-year period. This support—regarded as long overdue by most Americans, and begrudged by almost no one—generated an extraordinary flurry of activity in American education at all levels.

Much of this activity was based on the familiar premise that if only the resources available for education were increased, the amount that youngsters learn would increase, too. Somehow, it seemed reasonable to assume that the amount of dollars invested in education was all that really mattered. For we thought we knew what education was all about.

It is, therefore, perfectly understandable that we, as a nation, have been reluctant to accept the findings of massive research and bold scholarly analysis which suggest that perhaps our cherished assumptions may simply not be true. Or, if true, they are far more complex and difficult to understand than we thought. It is entirely understandable that we have all been reluctant to acknowledge how little return our investment has brought, how disappointing the educational results of our ambitious programs have been. But the simple and alarming fact has gradually become apparent, that we did not really understand the educational process well enough to have a purposeful effect on its outcome, which is, of course, what children learn.

There is no shame associated with this conclusion, and no blame to be assigned. But it is time to realize that every time we invest a billion dollars in a compensatory program, we raise the hopes of millions of our most disadvantaged citizens; which hopes are more than likely destined to be dashed, for the programs and strategies on which they rest are themselves based on faulty assumptions and inadequate knowledge. This is bad government. It is bad politics. It is bad education.

This Administration did not take the easy way out of this sad paradox. The easy response would have been to ignore the research findings or to stop spending money across the board on education. In fact, the total sums budgeted by this Administration for education have risen steadily—to nearly $12 billion this year—and will continue to do so. For many of these programs have auxiliary benefits that should not be denied our young people. Far from cutting back—or pretending that programs "work" when in fact they do not—this Administration has chosen the tougher route of *reform and research.* For we are confident that the day will come when in fact every young American can learn as much and go as far as his abilities will permit. But that day will be slow in coming if we fail now to abandon outmoded precepts and to move beyond simplicities. (While at the same time giving full honor and credit to those who re-awakened the nation to its educational shortcomings.)

Accordingly, this Administration has taken a number of executive actions aimed at the reform and renewal of American education, consistent with the principle of the New Federalism that elementary and secondary education are properly the province of States and localities. The *Office of Child Development* has been created within HEW as the focal agency for our Early Learning Program and other activities aimed at enhancing The First Five Years of Life. The *President's Commission on School Finance* is now at work examining the pressing and complex problems associated with the financial support of public and non-public schools. The *Right to Read* has been established as a prime educational goal and a *National Reading Council* has been appointed to monitor the nation's progress toward it. We initiated a rigorous—and continuing—review of the Title I program.

But the reforms in Federal education programs that are most needed must represent the combined efforts of the Congress and the Administration. In two major Messages to Congress last March, I made a series of proposals for reform and renewal, first in elementary and secondary education, then in higher education. These were augmented by our proposed *Emergency School Aid Act,* and by the thorough-going reform of the Impacted Aid Program transmitted as part of the *Federal Economy Act.*

In these proposals I asked that the Congress establish a *National Institute of Education,* within the Department of Health, Education, and Welfare, in order to bring to education the intensity and quality of research and experimentation that we have grown accustomed to in biomedical research under the National Institutes of Health. Staffed by scholars and experts from many fields, and free of many of the constraints on established agencies, the National Institute would offer reasonable hope that in time we might convert our present ignorance about the processes of education into hard knowledge about learning and how to effect it. Its purpose is to assist schools in solving the pressing problems which beset them. Congress has not held hearings on this important and far-reaching proposal.

I asked that the Congress reform the mammoth—and, in its present form, inexcusable—program popularly known as Aid to Federally-impacted Areas. As I observed in March, this program neither assists States to determine their own education expenditures nor re-directs funds to the individual districts in greatest need. Four Presidents, representing both parties, have asked Congress to take up the long overdue but politically unpopular task of eliminating its most egre-

gious flaws. Although hearings have been held on this long-needed reform, no Committee action has been taken in either house.

I asked the Congress to enact a special two-year *Emergency School Aid Program* to expedite and encourage the process of desegregation in the United States, and to enhance the possibility that our youngsters can benefit from interracial educational experiences. Surely there has been no domestic public issue in twenty years to engage the attention and concern of more citizens than the relationship of the races within our nation's schools. To the extent that this relationship can be eased and assisted through the use of Federal funds, I have asked Congress to join with the Administration in doing so. I hope that Congress will complete action on this legislation at an early date.

My request that Congress speedily appropriate $150 million under existing authority so that we might begin this challenging task before schools open this September was regrettably cut in half to $75 million.

In higher education, the Administration submitted one of the most comprehensive pieces of education legislation in history, the *Higher Education Opportunity Act.* Its key elements bear repeating.

By substantially revising the present structure of student financial aid, it would be possible, for the first time, to assure every lower-income student entering college a combination of Federal grants and subsidized loans sufficient to give him the same ability to pay as a student from a family earning $10,000.

At the same time, I proposed to make Federally-guaranteed loans available to *every* college and graduate student in the United States, regardless of income. *The National Student Loan Association*—a "secondary market" for student loan paper—would make this possible, and the loans that we propose to guarantee would be sufficient in amount, and flexible enough in length of repayment, that any student prepared to invest in his own future could finance his own education. By making loans available to all, and by concentrating subsidies on those who need them most, the United States would finally be able to tell its young people that no qualified student who wants to go to college need be barred by lack of money.

In looking at the complex ties between institutions of higher education and the Federal government, this Administration concluded that for three decades now the Federal government has been hiring universities to do work it wanted done. The time has come for the Federal government to help academic communities to pursue excellence and reform in fields of their own choosing as well, and by means of their own choosing. Accordingly, I asked Congress to create a *National Foundation for Higher Education,* to be funded initially at $200 million a year, and to be guided in its policies by a Board representative of the general public as well as the higher education community itself. In creating this Foundation, it would also be possible to consolidate a series of narrow categorical programs that have long distorted the needs and wishes of our colleges and universities.

It would be naive to ignore the all-too-apparent fact that higher education may not be as popular in the United States as formerly. There has been a serious loss of faith in our universities, not least within the institutions themselves. The specter of "student unrest"—and the alleged political consequences of appearing to reward disruptive students and faculty—has tended to paralyze efforts in this field. But it is too easy to do nothing to let our dismay over the behavior of individual persons and institutions prevent us from sustaining and reforming our long-range investment in education. This is the time to move beyond politics, to move even beyond our individual sentiments, and to take the bold steps that alone can assure the continuation of excellence and the opening of opportunity in American higher education. I therefore urge the Congress to look again at the *Higher Education Opportunity Act* that I submitted, to understand the Administration's complete openness to responsible amendments, and to join with me in moving together on behalf of our young people.

URBAN AFFAIRS

In my October 1969 message I also asked the Congress to enact an *Urban Mass Transportation Assistance Act.* This measure will provide the nation's deteriorating public transportation system an unprecedented measure of public support. In the six year period that ended in June of this year, the Federal government provided only $800 million to aid the public transit industry. The Urban Mass Transportation Assistance Act would provide for a program that is four times greater over the next five years, and altogether totals $10 billion over the next twelve years. Both the Senate and the House have been actively concerned with this legislation, and a reasonably similar bill has passed the Senate. But I am still waiting for a sound bill for signature.

Beyond this, the Administration has sent to the Congress a wide range of legislation dealing with transportation—including highway authorization and user charges, railroad safety, and emergency transportation assistance.

The *Housing and Urban Development Act of 1970* is a measure of comparable importance. The object of the bill is to reform the primary Federal housing programs in such a way as to markedly increase their effectiveness in stimulating the production of housing for families of low, moderate, and middle income. The improvements take the form of simplifying, consolidating, and making consistent the numerous programs now on the books. There are now more than 50 narrowly conceived programs in the Federal Housing Administration which would be reduced to eight basic programs with sufficient flexibility to meet widely varying needs. The various subsidized housing programs would be combined into three basic programs, each providing the same level of subsidy to families in similar circumstances. This measure is urgently needed if Federal housing programs are to be made effective and equitable. Unfortunately, although hearings have been held in both the House and the Senate, neither body has acted.

The Congress did enact the vitally-needed *Emergency Home Finance Act,* and the Department of HUD launched its creative "Operation Breakthrough" applying new technology to housing. But basic reform is necessary to help move these forward steps toward the goal.

CONSUMER PROTECTION

In a Message to the Congress at the end of October last year I proposed a comprehensive program of consumer protection, involving eighteen recommendations for the advancement of consumer interests. Five bills were subsequently introduced, embodying eleven of these recommendations requiring legislative action. The *Consumer Representation Act* provides for the establishment of an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Division in the Department of Justice. The *Consumer Protection Act* would broaden the powers of the Federal Trade Commission in the field of consumer protection, and would create for the first time on a national basis a cause of action in Federal courts in cases of unfair and deceptive practices without regard to the amount in controversy. The *Consumer Product Testing Act* would promote the development of adequate and reliable methods of testing characteristics of consumer products. The *Drug Identification Act* and the *Consumer Warranty Act* would provide important new standards in their respective areas.

Almost a year has passed. Not one of these bills, except for a modified warranty bill passed by the Senate, has been acted on by either body of the Congress.

EMPLOYEE WELFARE AND PUBLIC INTEREST PROTECTION

In a Message to Congress on August 6, 1969, on the subject of *Occupational Safety and Health* I proposed the establishment of a comprehensive Federal occupational safety and health program. It does not exaggerate to declare that such a program ought to have become Federal law three generations ago. This was not done, and three generations of American workers have paid for it. I proposed legislation to create a Presidentially-appointed independent *Occupational Safety and Health Board* to promulgate standards on a national basis, and to provide broad powers of enforcement by the Secretary of Labor. Unaccountably, this urgent legislation has not been enacted.

On March 13, 1970 I proposed the *Employee Benefits Protection Act* which would broaden and strengthen the provisions of the Welfare and Pension Plan Disclosure Act. This proposal has received wide endorsement from labor and management groups which would be affected by it, but Congress to date has not acted.

In August, 1969, the Administration's proposed *Equal Employment Opportunity Enforcement Act* was introduced in the Senate and the House. Unfortunately, in the thirteen months that have passed,

neither House has acted to provide these powers necessary to improve the effectiveness of the Equal Employment Opportunity Commission.

On February 27 of this year I proposed to Congress the *Emergency Public Interest Protection Act* which would add important new procedures to the emergency disputes provisions of the Taft-Hartley Act. In addition, I proposed the establishment of a *National Special Industries Commission* to conduct a wide ranging study of labor relations in industries which are particularly vulnerable to national emergency disputes. Again, Congress has not acted.

CREATING THE CONDITIONS OF THE FUTURE

The first task of government in the post-industrial age, as I have stated, is that of reforming the institutions of the past. The second task is that of creating the conditions of the future. The fundamental fact is that of choice. We can choose to debase the physical environment in which we live, and with it the human society that depends on that environment, or we can choose to come to terms with nature, to make amends for the past, and build the basis for a balanced and responsible future.

The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live. In my State of the Union Message last January, I promised to arrest that decline and begin to revive our habitat. In the eight months that have followed, the Administration has proposed a program that fulfills that promise, the most comprehensive and costly program in this field in America's history. During the same period, the Administration has taken a series of executive actions aimed at the same goals. But the Congress has not yet seen fit to take final action on any of our legislative proposals. If it was not evident before, it must surely now be apparent to anyone who lived through the grim smog and pollution that gripped the Eastern Seaboard in late July, that prompt and vigorous action is necessary if our lives and those of our children are not to be blighted by *preventable and curable* environmental deterioration.

As my first official act of the decade, on January first I signed into law the *National Environmental Policy Act* establishing the *Council on Environmental Quality*. The Council is charged with analyzing important environmental conditions and trends, making a thorough review of all Federal programs which affect the environment, and recommending policies for protecting and improving the quality of the environment.

On July 9 I sent to the Congress a reorganization plan which would establish an *Environmental Protection Agency*, consolidating the major environmental pollution standard setting responsibilities of the Federal government together with certain related research, enforcement and abatement programs. At the same time I proposed formation of the *National Oceanic and Atmospheric Administration* within the Department of Commerce to consolidate Federal programs for monitoring and understanding the environment. Among other things, this would provide better coordination and direction of our oceanic programs.

Responsibility for anti-pollution programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide expanded municipal waste treatment facilities.

—Establishment of an *Environmental Financing Authority* to help finance the local share of treatment plant costs.

—Reform of the rigid formula by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for court-imposed fines of up to $10,000 a day for violations.

The Senate has held hearings on the water pollution proposals, but has taken no floor action. The House has not even held hearings.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for pollutants from stationary sources.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provisions for fines of up to $10,000 a day for violators.

While the House passed these proposals in June, the legislation has not yet been reported to the Senate for floor action.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the establishment of a *Property Review Board* to recommend specific Federal properties which should be converted to other high priority uses including conversion to parklands, or sold.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

On February 4, I issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal facilities. The task is well underway. As I said then, the Federal Government should set an example for the rest of the country. We are doing so.

On April 15, I sent a message to the Congress requesting legislation that would, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. Neither the House nor the Senate has even held hearings on this bill.

On May 20, I submitted to the Congress two treaties and amendments to another treaty dealing with the prevention of oil spills. At that time, I also submitted a comprehensive *Ports and Waterways Safety Act* to aid further in attacking the causes of oil pollution. Although Senate hearings have been initiated on one of the treaties, Congressional action on these important measures remains uncompleted.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep seabed beyond the 200 meter depth under international regulation.

On June 1st, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel, and creating a Marine but taken no floor action. The House has Sanctuary. The Senate has held hearings not even held hearings, this despite the fact that oil spillages near our beaches and shores may be the single most offensive and reprehensible assault on the environment that we have yet witnessed.

To repeat, the most comprehensive and costly program of environmental control in the history of the nation is now before the Congress. The clock is running. We dare not be too late.

THE CHALLENGES OF CHANGE

In a review such as this, extended as it is, not all of the important measures proposed by my Administration and still pending before the Congress could be discussed. Some others must be mentioned—the legislation to reform the Federal government's relationship to the American Indians, to enhance the role of public broadcasting, to limit the operations of one-bank holding companies. Of crucial importance also are the revenue-producing measures proposed but not acted upon—including the extension of certain excise taxes, the acceleration of collection of gift and estate taxes, the stockpile disposal bills, the proposed *Postal Revenue Act*, and a special tax on the

lead used in gasoline—which are so necessary to the maintenance of a sound fiscal position. Legislation is also needed to establish a realistic and effective farm program.

I have sought here to describe the issues of substance and of process which confront us at this time, setting them in the framework of a general approach to government as we come to the end of one era of social policy and begin the grand adventure of another.

For I believe the nation to have moved into a new era. I believe further that this view is shared by commentators and analysts of widely varying political positions. It is a view increasingly voiced by political leaders. It has become a matter of increasing public perception, and in measure, common acceptance.

The era upon which we are entered is not so easily defined as it is perceived. But it is not on those grounds any less real. To the contrary, the emergence of a post-industrial society is the dominant social reality of the present moment. Our task is to understand, and to respond to these changed circumstances.

The problems of this new era surround the question of choice: what kind of life would we live; what kind of society would we have? Growth becomes less of a goal and more of an issue. What kind of growth? For what purposes? With what consequences?

Our present problems in large degree arise from the failure to anticipate the consequences of our past successes. It is the fundamental thrust of technological change to change society as well. The fundamental task of government in the era now past was to somehow keep abreast of such change, and respond to it. The task of government in the future will be to anticipate change: to prevent it where clearly nothing is to be gained; to prepare for it when on balance the effects are to be desired; and above all to build into the technology an increasing degree of understanding of its impact on human society. With this in mind, the *National Commission on Productivity*, which I recently appointed, will be evaluating the impact of technology and other factors related to achieving higher levels of productivity vital to the healthy growth of our economy.

What is true of technology is equally true of government. It must become more self-aware, self-examining, self-correcting. There are amends to make promises to keep that will engage our energies for years to come. But most of all there is a great adventure to be lived. For a period in the not distant past it might have seemed that American society was faltering. It may have been. But we have steadied now. We are regaining a sense of balance, of direction, and of forward thrust. This has been the achievement of the people. The measure of government—the challenge to government—is to sustain that movement.

This challenge is now before the Congress. It is a challenge not merely to the men who now hold office there but to the institution itself. Congress has not been spared the attacks on the institutions of American democracy which have increasingly characterized this period of our history.

There is but one answer to such charges, and that is to respond with energy and good faith to the legislative issues before it.

It is the responsibility of the President to take the initiative in such matters, and I have done so. A legislative program that will mark this era in history has been presented, and is ready for enactment. More is at stake than the issues with which that legislation deals, transcendent as some of these may be. More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT OF THE DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, the annual report of the Agency for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the District of Columbia.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

SENATE RESOLUTION 459—SUBMISSION OF A RESOLUTION EXPRESSING THE CONCERN OF THE SENATE FOR THE WELL-BEING OF HIJACKED PASSENGERS AND AIRCREWS

Mr. PERCY submitted the following resolution (S. Res. 459); which was referred to the Committee on Commerce:

S. RES. 459

Whereas the lives of innocent travelers and aircrews are threatened by the hijacking of aircraft; and

Whereas hijackings of aircraft constitute criminal actions against the safety, security and welfare of travelers and aircrews, be it

Resolved, it is the sense of the Senate that (1) the full influence of all governments and all international air line associations should be brought to bear for the release of all passengers and aircrews, regardless of race or creed, of hijacked aircraft now detained involuntarily in Jordan, and (2) such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 887

Mr. EAGLETON submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

PROVISION FOR THE DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES—AMENDMENTS

AMENDMENT NO. 888

Mr. McCLELLAN submitted amendments, intended to be proposed by him, to the bill (S. 4112) to improve judicial machinery by amending title 28 of the United States Code, to provide for the defense of suits against Federal employees, and for other purposes, which were referred to the Committee on the Judiciary and ordered to be printed.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENTS

AMENDMENT NO. 889

Mr. MONDALE (for himself and Mr. NELSON) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 890 THROUGH 894

Mr PERCY (for himself and Mr. SMITH of Illinois) submitted five amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

Mr. PERCY subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD three statements, prepared by me, relating to certain amendments.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The statements, presented by Mr. PERCY, are as follows:

AMENDMENT NO. 890—COTTON ACREAGE REDUCTION ACREAGE AMENDMENT

Now the bill allows 14.5 million acres for cotton allotment. Originally 11.5 million acres were proposed by the House. In 1970 the crop was 11.1 million.

Cost increase: $150 million per year.

Senate version encourages inefficient high cost producers to increase cotton production and require efficient producers to reduce nonsubsidized production from 6 million in 1970 to 1.8 million acres in 1971.

Further Objections: No flexibility for cotton to move toward market but keeps tied to government.

Secretary Hardin: "The Government cannot spend this much money to save an industry and at the same time preclude freedom of action by those who will try to save it without being subsidized."

AMENDMENT NO. 891—EXPLANATION OF POOR FARM AMENDMENT

As is, the Bill gives 30% more subsidy payments to *cotton* farmers with on-farm income of less than $5,000 and off-farm income less than $2,000. Neither wheat nor corn farmers in similar necessitous circumstances are afforded this increase.

This amendment gives poor wheat and feed grain farmers the same 30% payment increase.

Note: While, of the 2½ million recipients nationally, about 10,000 receive more than $20,000 annually, the average payment is $1,450 and *one-third* of all recipients receive less than $500.

Cost: The Agriculture Department estimates the amendment will bring a maximum of $250 additional per farmer. Administration opposes; believes poverty in agriculture should be dealt with through President's Family Assistance Plan.

Feed grain	$630,000
Wheat	375,000
Total cost	1,005,000

AMENDMENT NO. 892—PERCY EXPLANATION OF ALTERNATIVE CROPS ON SET ASIDE ACREAGE AMENDMENT

As is, cotton producers can, with the Secretary's permission, plant cotton on land set aside from cotton production, as well as other commodities.

Both wheat and corn farmers are permitted to graze such land, and may plant on set aside acres relatively little-used, commercially insignificant crops including guar sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, *if and only if* "such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income."

This amendment adds the above-quoted restriction to cotton, making additional set-aside production subject to the same limits as corn and wheat.

In actuality, this would permit *no* cotton set aside land to be planted to cotton, since there is already an immense over supply of cotton.

AMENDMENTS NOS. 890 THROUGH 894

Mr. PERCY (for himself and Mr. SMITH of Illinois) submitted five amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 895 AND 896

Mr. SMITH of Illinois (for himself and Mr. PERCY) submitted two amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

Mr. PERCY subsequently said: Mr. President, on behalf of the Senator from Illinois (Mr. SMITH) I ask unanimous consent to have printed in the RECORD three statements prepared by him on certain amendments.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

COTTON PROMOTION BONZANA AMENDMENT

Mr. SMITH of Illinois. Cotton interests on the Senate Agriculture Committee added a new section providing $10 million "for the conduct . . . of market development, research or sales promotion. . . ."

Source of Money: The funds are to come *directly* from funds authorized to be made available to cooperators under the cotton program but *not paid* "because of a statutory limitation on the amounts of such funds payable to any producer."

CORN BLIGHT AMENDMENT

Mr. SMITH of Illinois. At the present cotton payments are based on previous three years' yields, but in case of "drought, flood or other natural disaster" actual yields may be adjusted by the Secretary because of abnormal yields.

For corn only "such adjustments as the Secretary determines (are) necessary to provide a fair and equitable yield" is permitted.

With the corn blight threatening from 25% to 50% of Illinois corn crop, this amendment enumerates the same considerations given cotton to provide an equitable yield, and adds specifically "corn blight."

Thus if the blight proves as pernicious as it may, the next years' payments to farmers will not be commensurately reduced.

SKIP ROW PROSCRIPTION AMENDMENT

Mr. SMITH of Illinois. Simply this amendment forbids the Secretary to count land between the rows as "Set aside land." It is the custom and practice for cotton producers to leave largish spaces between rows of cotton for more light and higher production.

Corn and wheat farmers do not, of course use this practice, Hence on land that already would be left idle for purposes of a better crop, the cotton producer gets paid by the government as set aside acreage.

This amendment forbids that practice to be counted.

ADDITIONAL STATEMENTS OF SENATORS

LEGISLATIVE CALENDAR FOR THE REMAINDER OF THE YEAR

Mr. MANSFIELD. Mr. President, on yesterday, during its closed door session, the Senate dismissed the matter of the legislation scheduled for the remainder of the year.

That proposed schedule has been reduced to calendar form and I ask unanimous consent that it be printed in this form in the CONGRESSIONAL RECORD.

There being no objection, the calendar was ordered to be printed in the RECORD, as follows:

PROPOSED LEGISLATIVE SCHEDULE

Monday	Tuesday	Wednesday	Thursday	Friday
SEPT. 7	SEPT. 8	SEPT. 9	SEPT. 10	SEPT. 11
Labor day.	10 a.m. Direct elections.	10 a.m. Direct elections. About 5 p.m. Commence consideration of amendments to Public Health Service Act; H.R. 18110, H.R. 17570, S. 3355, S. 3418 and S. 437 a bill to amend annuity provisions of Civil service retirement.	10 a.m. Direct elections. About 5 p.m. Complete consideration of Public Health Service Act amendments; H.R. 18110, H.R. 17570, S. 3355, S. 3418 and S. 437. Commence consideration of S. 3619 Disaster Relief Act.	10 a.m. Direct elections. About 5 p.m. Complete Disaster Relief Act if not completed Thursday.
SEPT. 14	SEPT. 15	SEPT. 16	SEPT. 17	SEPT. 18
10 a.m. Direct elections. About 5 p.m. Commence consideration of H.R. 18546, Farm bill.	10 a.m. Direct elections. About 5 p.m. Complete consideration of H.R. 18546, Farm bill Start H.R. 6778, 1 bank holding.	10 a.m. Direct elections. About 5 p.m. Complete 1 bank holding. Start S. 3867, Employment opportunity and training.	10 a.m. Direct elections. About 5 p.m. Finish S. 3867, employment opportunity and training. Start S. 3678, Federal Deposit Insurance Act amendments.	10 a.m. Complete direct elections. About 5 p.m. Finish S. 3678, Federal Deposit Insurance Act amendments.
SEPT. 21	SEPT. 22	SEPT. 23	SEPT. 24	SEPT. 25
10 a.m. Military construction authorization. Upon completion of military construction turn to consideration of air pollution.	10 a.m. Complete air pollution control. About 5 p.m. Commence Labor-HEW appropriations.	10 a.m. Complete Labor-HEW appropriations. Commence transportation appropriations.	10 a.m. Complete transportation appropriations. Upon completion of transportation appropriation H.R. 15424, Merchant Marine authorization.	10 a.m. Military construction appropriations. About 5 p.m. H.R. 17825 Law Enforcement Assistance Act authoriztion.
SEPT. 28	SEPT. 29	SEPT. 30	OCT. 1	OCT. 2–Oct. 9
10 a.m. Foreign aid appropriations. Upon completion of Foreign aid appropriation S.3201 class action suits.	10 a.m. Equal rights for women. About 5 p.m. S. 2453, Equal employment opportunity amendments.	10 a.m. Equal rights for women. About 5 p.m. S. 2453. Complete EEOC amendments.	10 a.m. Complete equal rights for women. Upon completion S. 4260 Highway Legislation Act Extension of 1970.	10 a.m. Commence family assistance plan—social security benefit increase. About 5 p.m. Evenings do remaining DOD, HUD supplemental appropriations.

THE TESTIMONY OF PROF. PHILIP KURLAND, OF THE UNIVERSITY OF CHICAGO LAW SCHOOL, IN OPPOSITION TO SENATE JOINT RESOLUTION 61, THE EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, one of the most amazing facts in the present debate on the House-passed equal rights for women amendment is that no law professors were called to testify by either the House or the Senate subcommittees considering the matter. It is unbelievable to me that the Congress would seriously consider a proposed amendment to the Constitution which was not discussed at all by those who have spent their lives studying and teaching constitutional law.

In the Senate Judiciary Committee hearings this week, we have attempted to hear several law professors discuss the ramifications of the equal rights for women amendment, if it passes. Yesterday, I placed in the CONGRESSIONAL RECORD the statement of Paul J. Freund, of the Harvard Law School, in opposition to this amendment. Today, I ask you to consider the testimony of another outstanding constitutional law expert—Prof. Philip Kurland of the University of Chicago Law School. Professor Kurland is editor of the Supreme Court Review and is truly one of the most knowledgeable men in the United States in his field.

In his statement, Professor Kurland writes that the equal rights amendment is an "instant and simplistic" solution to a complex problem. He foresees many problems resulting from the amendment, including the possible use of quota figures in Federal agencies as a guide to discriminations against women.

While Professor Kurland feels that "the proper answer to the very real problem of inequality now bedeviling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment," he does state that the amendment which I introduced, Senate Joint Resolution 231, would be preferable to the House-passed version.

The passage of a constitutional amendment is serious business, and I hope that every Senator will be able to thoughtfully consider Professor Kurland's statement.

Mr. President, I ask unanimous consent that Professor Kurland's testimony be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PHILIP B. KURLAND

I am honored by the Committee's invitation to appear before it today. I am, however, dubious that I can materially contribute to a solution of the problems confronting you. I come with questions not answers.

My bias should be made clear. I am satisfied, though I cannot provide the Committee with documentary evidence, that women in this country suffer from unreasoned discrimination against them in many phases of their lives, not least in the sphere of employment. I am anxious to help diminish such unjustified discrimination. But I am not sure that the proposed constitutional amendment offers a realistic means for bringing about such a result.

My doubts may be based in part on my personal notions about constitutional amendments. I think that they are clearly the best means of bringing about changes in governmental structure. I think they offer an appropriate means for reversal of constitutional construction by the Supreme Court. I think they may be the necessary means for protecting minorities from imposition by majorities and the unenfranchised from imposition by the enfranchised. Women, however, are neither a minority nor unenfranchised. This would suggest to me that the most appropriate means for securing the desired results on their behalf would be by way of appropriate legislation rather than constitutional amendment.

The answer which this Committee is considering, however, is an amendment to the Constitution. H.J. Res. 264 has already passed the House by an appropriate majority. Its provisions also seem to have been endorsed, if not finally, by the necessary majority of the Senate. Such an answer is in keeping with much of the temper of our times that demands instant and simplistic solutions to complex problems, that assumes that the cure for such problems is the utterance of the magic word "equality," and that the proper governmental agency for effecting the cure is the judiciary. All three of these contemporary attitudes are represented in H.J. Res. 264.

I don't think the answer is that easy, much as I wish it were.

The arguments against the amendment, putting aside that of the unenlightened who would endorse the notion that the only proper place for women is as helpmates for men, are four.

First. It is contended that in light of the newly expanded meaning of the Equal Protection Clause of the Fourteenth Amendment, there is no need for further constitutional provision to protect women against invidious discrimination. It is clear that, to the extent the proposed amendment authorizes legislation by Congress and the States, no addition is needed. Section 5 of the Fourteenth Amendment plus the Commerce Clause gives the Congress an almost unlimited reach in commanding equality between the sexes. There are no inhibitions on State legislatures that would prevent them from doing the same, except for the concept of preemption by either federal legislation or the Commerce Clause. The question remains, however, whether the equality talked about by the Court in construing the Fourteenth Amendment is the same equality as is the subject of the proposed amendment. Only if the answer to that question is in the affirmative does the proposed amendment become redundant. The ambiguity of meaning of the proposed amendment does not make clear its equation with current Equal Protection Clause doctrines.

Second. It is argued that the proposed amendment will raise a myriad of legal problems involving such matters as family law and decedent's estates to the status of constitutional issues that will have to be decided by a Supreme Court already unduly burdened with an unbearable load of constitutional business. The answer offered to this argument is that any fundamental change in the social structure of our society to be brought about by constitutional amendment will place such a burden on the federal judiciary. The Court itself has shown no reluctance to add similar social issues to its docket. Insofar as more important matters make claims on the Court's jurisdiction, it remains within the discretion of the Court to decide which cases it will decide. Again, the extent of the burden may well depend upon the clarity of purpose and meaning of the proposed amendment. The more ambiguous it is, the greater the problem of constitutional adjudication will be.

Third. It is said that the proposed amendment will invalidate a host of state laws enacted not for the purpose of discriminating against women but with the objective of favoring them. One can readily see the difficulty of determining whether a law favors or discriminates against women. For example, my classical economist friends would say that laws protecting women against overtime work and night work do not in fact favor them because these laws place women at a competitive disadvantage in the employment market. In any event, the question of the extent to which laws classifying on the basis of sex would be invalidated would again depend on the meaning and purpose of the proposed amendment.

Fourth. It is suggested that the proposed amendment seeks not equality of the two sexes before the law but identity of them. Surely the elimination of differences between men and women cannot be obliterated by constitutional fiat. And the current state of knowledge of the biological sciences is not yet adequate to bring this about as a fact. But once more we are thrown back to the question of the meaning and purpose of the proposed amendment.

It is evident that the language of the proposed amendment is itself too barren to provide sure answers to these objections. It simply provides that: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex." With all due respect to Senator Ervin, I cannot agree with his statement on the floor of the Senate that the difficulty inheres in the construction of the word "sex." For me, at least, it derives rather from the use of the word "equality."

It was almost a century ago that Sir James Fitzjames Stephen, in his book, *Liberty, Equality, and Fraternity*, asserted that "equality is a word so wide and vague as to be by itself almost unmeaning." Nothing that has happened in the intervening years has done anything to make it more specific.

It seems to me, therefore, that it is incumbent on Congress, unless it wishes to leave the matter wholly in the hands of the federal judiciary, to attempt to define, to the extent that it can, what it means by the word "equality" as it is used in the proposed amendment. It can do this in two ways. The first and better way would be to write its meaning into the language of the amendment itself. Certainly this is a difficult undertaking. And perhaps the political situation being what it is, Senators and Congressmen may well believe that it is the greater part of wisdom not to risk the costs of delay in the preparation of the amendment. I would remind them, however, that constitutions are not written for the moment. Henry Clay once said on the floor of the Senate, admittedly with some hyperbole, that constitutional provisions are "not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity." Perhaps, then, it is worth the cost of delay to present an amendment the meaning of which is as clear as it is in the power of Congress to make it.

The alternative to careful drafting of the amendment itself is the careful preparation of the legislative history, primarily by way of the report of this Committee to the Senate. This is no certain cure for the defects of ambiguity. The resort by Justices of the Supreme Court to the legislative history behind the Reconstruction Amendments makes clear the dangers of this game. Legis-

lative history will as frequently compound the confusion as resolve it. Nevertheless, if this is the only open road, it must be taken.

The essential question to be answered by this Committee's report then, if nowhere else, is what it understands to be the meaning of "equality" as used in the proposed amendment. Again, this is no easy task. Hints may be found in some data of Mr. Justice Frankfurter in his construction of the Equal Protection Clause of the Fourteenth Amendment. In *Whitney* v. *Tax Commission* (309 U.S. 530, 542 (1940)) he said: "The Equal Protection Clause was not designed to compel uniformity in the face of difference." And during the same Term, he announced in *Tigner* v. *Texas* (310 U.S. 141, 147 (1940)): "The Constitution does not require things which are different in fact or opinion to be treated by the law as though they were the same." It was his belief, as stated in *Dennis* v. *United States* (339 U.S. 162, 184 (1950)) that "there is no greater inequality than the equal treatment of unequals." And it was Mr. Justice Holmes who told us that: "The Constitution is not to be satisfied with a fiction." (*Hyde* v. *United States*, 225 U.S. 347, 390 (1912).) I should think that these statements would provide a clue for the meaning of the word "equality" in the context that it is to be used. Governmental distinction between males and females must be justified in fact before it can pass muster under the proposed amendment. If the distinction is based on reason, then the legislation should be presumptively valid. The mere fact that there are two sexes is not reason in itself for distinguishing between them in legislation. On the other hand, that a distinction is drawn between them in legislation should not be sufficient to invalidate the law.

It may be said that this is already the command of the Equal Protection Clause. And it may well be. But there are cases that suggest this is not true. Nor has such a clear doctrine emerged from the Supreme Court's Equal Protection cases as to make this construction certain.

There are other questions to which the Committee should address itself, questions revealed by recent Supreme Court cases and others on their way to adjudication in that tribunal.

One question is whether the proposed amendment would tolerate in certain circumstances a doctrine of separate but equal facilities. Certainly there are still some, albeit old-fashioned, notions of privacy that might properly evoke the use of such a rule.

A second area of concern should be to what extent does the amendment by its terms condemn only governmental action and when does private action become government action for purposes of the amendment. Still further, to what extent is it contemplated that the authorization for legislation contained in the proposed amendment is to be restricted by a limitation to "state action?"

Finally, the Committee might like to speak to the issue whether the proposed amendment contemplates legislation authorizing "compensatory discrimination" or "benign quotas." This necessarily involves the problem of what constitutes proof of discrimination and the problem of remedies. Should it be enough, for example, to show that the ratio of male employees to female employees at the executive level in the Department of Labor or the Department of Health, Education, and Welfare is not in the same proportion as men to women in the population at large? If proof of discrimination is made, what are appropriate remedies for its elimination?

When the time comes for the Supreme Court to look to the legislative history of the proposed amendment to aid it in providing answers to these questions, the answers should be there for them to find.

Let me turn to the proposed alternative in S.J. Res. 231. It must be apparent that the Senate proposal answers more of the questions that I have raised than does the House amendment. It certainly does not answer all of them. And it creates a problem of its own, to define more precisely the area covered by the general proposition in light of the exceptions thereto.

There is clearly one fact that speaks up loudly for the choice of the Senate proposal. Times have changed in such a way that it may well be possible for the generation of women now coming to maturity, who had all the opportunities for education afforded to their male peers and who had an expectation of opportunities to put that education to the same use as their male peers, to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains a very large part of the female population on whom the imposition of such a constitutional standard would be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. In the eyes of some, this may be unfortunate, but it is true. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for change. Certainly the desire to open opportunities to some need not be bought at the price of removal of legal protections from others. The Senate proposal would allow for such differences, the House proposal would not.

In summary then, I think that the proper answer to the very real problem of inequality now bedeviling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment. If the route of constitutional amendment is taken, the amendment ought clearly to spell out what it means. If this cannot be accomplished by new drafting, then it should be attempted by explanation in this Committee's report to the Senate. As between the House version and the Senate version of proposed constitutional amendments, there are good reasons for choosing the latter.

AMBASSADOR HUGO MARGAIN—IN APPRECIATION

Mr. MANSFIELD. Mr. President, it is generally agreed that relations between this country and our sister Republic of Mexico have never been better. Communications have improved immeasurably. Longstanding border disputes have disappeared. Trading continues in record volume. The number of tourists from each country keeps growing. The heads of state of our countries are meeting with increasing frequency. Members of the respective Congresses find greater grounds for cooperation with each interparliamentary meeting.

This happy circumstance is no accident, Mr. President. Rather, it has come about as a result of a great deal of hard work and accommodation by officials who are committed to this goal. And one of the men most deeply involved in the negotiations for the past 6 years has been my good friend, Hugo Margain, until last month the Mexican Ambassador to the United States.

Mr. Margain leaves his post to become the new Secretary of the Treasury and Public Credit, a position he will hold under the incoming administration of President-elect Luis Echeverria. He leaves behind scores of well-wishers and friends who remember the brilliance of his performance as ambassador. And he leaves as a monument to his service the absence of any outstanding points of conflict between our countries.

I, for one, am most sorry to see him go. But I know of the importance of his new post, and am confident that he will discharge his new duties with the same competence and enthusiasm which he showed here in Washington. Certainly there is no one more qualified to be the top financial official of the Mexican Government. Mr. Margain formerly headed the Sales Tax and Income Tax Bureaus of the Government and served as both Assistant Secretary and Under Secretary for administration in the Ministry of Industry and Commerce. He has also authored several books on such subjects as tax law and finances. Add to this record his performance as ambassador to Mexico's major trading partner and you have a truly splendid background for his new position.

Mr. President, Mrs. Mansfield and I wish all the best to Hugo and his wife, Margarita, and to their children. We do not say "farewell," but rather "hasta luego," for we are looking forward to renewing our friendship in the near future.

THE PENTAGON

Mr. YOUNG of Ohio. Mr. President, recently, a Presidential blue-ribbon panel having completed a study of the Defense Department recommended that more than 10,000 military and civilian staff members in the Pentagon be dismissed. Most of these staff members receive high salaries and perform no work whatever. The panel termed the Pentagon "an amorphous lump." Its size makes it almost impossible to run. Admiral Rickover told a House subcommittee if the United States does not abolish make-work jobs in the Pentagon, our defense may collapse of its own weight. Admiral Rickover, one of our Nation's most knowledgeable and distinguished citizens, expressed amazement that in light of the mess in the Pentagon our defense posture has not already been surpassed by the Russians. He offered a simple solution for curing the problem. His prescription:

> On a given Monday morning close off the 4th floor of the Pentagon and allow in only enough people to fill the first three. Then, on the following week rope off the 3rd floor and permit only those who fill the first two floors to hold their jobs.

RETIREMENT OF JOHN S. FORSYTHE

Mr. JAVITS. Mr. President, I rise as ranking minority member of the Com-

mittee on Labor and Public Welfare to join my colleagues in voicing tribute to Jack Forsythe, the distinguished general counsel of our committee, who marks his retirement from Federal service today. I am sure I speak for all minority members of the committee in expressing high regard for him as an exemplary public servant and as an individual. We have all benefited from his counsel.

Jack Forsythe retires after 29 years in the service of his Government, including the armed services during World War II, the executive branch, the House of Representatives and since January 1955, as general counsel of the Senate Committee on Labor and Public Welfare.

A graduate of the Duke University Law School, he was a classmate and friend of a fellow student from Whittier, Calif., Richard M. Nixon. He was later to see this classmate again when Jack was general counsel of the House Committee on Education and Labor and Richard Nixon was a Congressman from California—and a member of that committee. At the same time, Jack worked closely with another of the post-World War II generation of young Congressmen, a newly elected Member from Massachusetts named John F. Kennedy with whom he would again work closely in the Senate.

He left the House committee in 1953, was employed as general counsel of the Federal Coal Mine Safety Board of Review until January of 1955 when he became general counsel of the Senate Labor Committee. As general counsel, he participated in the drafting and enactment of all major labor, education, and health legislation enacted by the 83d Congress through the present 91st Congress.

To Jack Forsythe—and to his charming wife, Patricia—go our well wishes for the future. May the years to come be as full as the years of service to the Congress and the Nation.

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Sherri Lucille Smith, of Sheridan, Wyo., and David Lee Sqonitzer, of Cheyenne, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

"CONSERVATION: ITS RELEVANCE IN WYOMING"

(By Sherri Lucille Smith, Sheridan, Wyo.)

The old man struggled over the stumps of a once great forest. He noticed the already grayish air was darker than the week before. He really did not know why he came to this particular river every week to fish. He just knew that he had been there every week for as long as he could remember. He could remember the day he caught the largest trout that anyone in town had ever seen. But, that had been a long time ago. He now sat on the bank wondering what he would catch, but somehow the river did not look the way he remembered it 10, or even 5 years ago. Now it was very dirty, moved slower than in years past, and seemed to have some type of sudsy foam on top. In fact, now that he thought about it, he could not even recall the last time he caught a fish. Is this a description of Wyoming? Surely it isn't—at least not yet. All of us know the beauty of our forests, the fresh clear streams, and smog-free blue skies. This problem does face many states in this nation and will also face Wyoming if we fail to plan and carry out conservation of our natural resources. Our state is still beautiful and rich in natural resources. We have only to look around at our sister states to realize what Wyoming's future could hold. We must make stronger rules and regulations to protect our natural resources. Our state has been relatively unspoiled by man's selfishness. However, we must act now to prevent Wyoming from becoming, as her sister states have in years past—a wasteland left in the wake of so called progress.

Right now, while our population figure is low and industry does not have a strong foothold we must make our conservation plans for the future. We dare not wait until the problems are on our very doorstep. Once the erosion of natural resources by man has begun it is impossible to halt it or repair its damage.

Conservation means protecting and using lightly our natural resources, such as: soil, water, air, forests, minerals, and wildlife. Our natural resources are not only limited, but many of them can also be easily damaged or destroyed.

Most of the food that we eat comes from the soil, either directly or indirectly. As President Theodore Roosevelt once said, "When the soil is gone, man must go. And the process does not take long." Another necessity for man and most animals is a constant supply of water. In the past few years we have found that polluted air can actually kill people. Forest conservation is very important to man for lumber and its by-products. It is also important in water and soil conservation. Trees slow down water runoff and check erosion. Forests also provide homes for wildlife and other recreation opportunities. Without minerals we would have very few of the conveniences of modern life. Minerals provide our metals for machines, as well as often providing the power to run them. Wildlife plays an important part in the balance of nature. Wild animals provide fur, food, and recreation.

We must replace the resources we use, whenever possible. A good forester cuts trees only where other trees will grow to replace them. The wise farmer adds to his soil the plant foods that crops take from it. Conservation is concerned with resources for the future, not only with the resources we need today. Because our population is growing rapidly, every person's share of the world becomes smaller. Every morning finds 94,000 more persons on earth than there were the morning before. So that the people who come after us will be able to use our resources we have a duty to practice conservation.

In 1954, Congress passed the Watershed Protection and Flood Prevention Act. This law provided for greater cooperation between federal, state, and local governments in reducing flood damage. In 1955, the Department of the Interior began a 20-year program to restore most of the federal grazing lands in the West. In 1957, the Forest Service undertook its five-year "Operation Outdoors" to improve and expand national forest facilities for outdoor recreation. People have to work together in order to care for our natural resources properly. Citizens can take part in projects carried on within the state, or they can work with their neighbors in community conservation projects. Organizations can work for conservation and help educate citizens in preventing waste and destruction of natural resources. Schools also play an important part in conservation by teaching young people its importance.

Each of our states has the right, by law, to regulate the management of its natural resources. As an example—Wyoming can pass laws to reduce wastes of natural gas and to control the amount of oil taken from the ground. Our state owns forests which are managed according to planned conservation practices.

Our state government has departments to protect and manage wildlife resources and regulate hunting and fishing. Other departments determine forests and water conservation. Not only do these departments conduct active programs of conservation, but they are also active in conservation education.

Wyoming must make further restrictions on the depletion of her natural resources. At the present time thousands of cubic feet of natural gas are being burned off as waste material. This gas cannot be replaced and the fumes from burning it are polluting our air and sky.

We in the United States, enjoy many freedoms, but the one which I have noticed that many people do not take advantage of is, that of being able to express their opinions to their Congressmen. If people would only take the 15 minutes and 6 cents it would take to write and send a note to their Congressmen they, the people around them, and the Congressmen would be better off for it.

Every state has what are called natural resources. These natural resources are the wealth of the state itself. Coal, iron, copper, and other minerals are natural resources of Wyoming. So are the mighty forests that

cover parts of the land; the rich soil on which crops can be grown and the rivers that wind through the countryside. If all the minerals had been dug up or wasted, the forests cut down, the rich soil blown or washed away, and the rivers dried up, Wyoming would be a very poor state and could not support its thousands of people. All this can easily happen if the citizens of Wyoming do not take care of their natural resources.

CONSERVATION: ITS RELEVANCE IN WYOMING

(By David Lee Zwonitzer, Cheyenne, Wyo.)

If this country continues depleting the soil, destroying the forest, and wasting animal and plant life, it will in time, become a land of decreasing people with no hope for the future. Such a fate has taken over other lands with the exhaustion of their resources. It can happen in Wyoming. Then what?

The most important part of Conservation in Wyoming is that of its land and natural resources, including wildlife. Conservation in Wyoming plays a major role in the affairs and way of life of its people.

Primitive man had no need for conservation. He relied on "Mother Nature" to conserve all his values of life as food, shelter, and clothing. Likewise, the Indian provided for himself but also realized the importance to conserve so he might live. But modern man has developed numerous variations of cultivated plants and so has a great range of food from which to choose. Not satisfied with this, he has developed a complex transportation system that enables him to enjoy not only the seasonal products of one community, but of many communities, sometimes thousands of miles apart.

When the first white man came to Wyoming, he saw a watered marsh, fertile land of virgin forest and grasslands teeming with animal life of many kinds. Today much of the land has been stripped of its fine timbers, the grasslands plowed and overgrazed, and streams and lakes polluted. The need to conserve and increase our wild population has become apparent.

Man has disastrously affected plant life, sometimes directly and consciously, and at other times indirectly and unconsciously. If modern man has accomplished other goals set years ago, why can't we practice conservation and make it work?

The reason is simple. Drainage, ditches and large canals destroy marshes and pollute streams; either industry or communities destroy public fishing and fresh water supplies; forest destruction occurs by individuals or corporations through public camping areas and fishing resorts. . . .

When progress is made, there is also destruction of other things. So it is with Wyoming's conservation. Oil refinery and other industrial establishments contaminate our fish streams. Ranchers and farmers overgraze land thus blowing away our valuable top soil and making it hard for new grass to grow, and our wildlife is over hunted thus threatening extinction of animal life. In regard to conservation there is a person to blame for its abuse and a remedy to the problem. Most people would be reluctant to blame themselves for our problems; as with most state and national problems great publicity is required. Only too often do we see our communities suffer, by loss of vitally needed pure water and other produce that we receive from streams and lakes. Then after all this waste individuals spend large sums of money to provide artificial recreational areas to replace those that were naturally available. Waste is a severe problem. Satisfactory methods of handling waste are known, but allowing a pure stream to become a sewer system is no excuse to a financial problem. Is this what the citizens blame the filth on? Some do, and others blame it on whatever comes to mind, except themselves.

Probably the most basic requirement for a conservation-minded society is the education of all its citizens in resources matter.

The goal of such education would be the preservation and general awareness of conservation that would eventually lead to a natural way of life. This education must make people look ahead and foresee the effects of the abuses to which wildlife resources will be subject to. People generally forget what conservation will mean to their children and to their children's children. Those who are not directly affected with the out-of-doors usually give little thought to the basic value of conservation in providing them with food, clothing, shelter, and other necessities of life.

While individuals are doing little, many organizations are promoting this program. The National Park Service constitutes a striking example of successful conservation. Wilderness areas and those including natural wonders have been set aside, thus assuring the existence of such a group of wildlifes possessions as possible to no other people.

These possessions are preserved in animal refuges. Refuges have a definite place in the conservation field. Their principal function is to preserve wildlife.

Refuges for grazing animals must be carefully managed. If not, their very success in supporting increased amounts of wildlife may flourish because the food will be destroyed that was formerly available for the favored animal. Refuges for waterfowl are indespensible to any management program established. If numerous enough, properly placed, and correctly managed, they provide a safe place to breed. Many more small refuges are needed to conserve animals and also test new ideas in conservation.

Research is essential to wise management of refuge lands if their character is to be preserved so that they may function to serve not only the present but also future generations of wildlife.

Refuges alone cannot solve the problem of restoring wildlife populations. They can, however, often assure a safe place to restore stock that is in danger of extinction.

The time may conceivably come when the last bit of iron will have been dug from the ground, the last pound of coal burned, and the last drop of oil refined. It is on these things that present civilization and industrial activity are based upon. Such resources were built in the earth through billions of years of time, and nothing that the human race has yet conceived can add to the total quantity now available.

To hope that the conservation picture will not be so bad, it must be assumed that the human race will be intelligent enough not only to stop the destructive processes that have been going on since the white man came to this country, but also to reverse these processes before it is too late. We must start conserving our wildlife, natural resources, soil, and other necessary aspects of conservation.

Without conservation in Wyoming, there will be no Wyoming to conserve.

SENSE FINALLY EMERGES

Mr. YOUNG of Ohio. Mr. President, Gen. William C. Westmoreland, October 1965, said, "The Communists are beaten. We are winning the war. I see the light at the end of the tunnel." Two years earlier Maj. Gen. Charles J. Timmes, commander of the U.S. Military Assistance Advisory Group in Vietnam (MAAG) said, "The Vietnamese Armed Forces are as professional as you can get . . . I feel we could wrap this thing up by the end of the next dry season. We will have driven the Vietcong sufficiently underground by the end of next year that they will no longer be a national threat." General Westmoreland—July 1967—"The war is not a stalemate. We are winning it slowly but steadily. North Vietnam is paying a tremendous price with nothing to show for it in return." He said—February 1968—"I do not believe Hanoi can hold up under a long war." And then again—June 1968—"The enemy has been defeated at every turn." More than 2 years later it finally dawned on General Westmoreland that he had been so wrong for so long. He said—July 1970—"None of us ever felt a military victory in the classical or traditional sense was attainable in South Vietnam."

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

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The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Connie Wilbert, of Riverton, Wyo., and Joseph E. Shickich, Jr., of Casper, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

LAND IS LIFE—OUR LIFE

(By Connie Wilbert, Riverton, Wyo.)

Land is life. Land produces and nourishes life. With rich land comes abundant wild-

life and good crops. They are of the soil. They are not found where the earth lies barren and wasted.

Our land is rich; our wildlife is abundant, and our crops are good. But if one listens carefully, he can hear whisperings from the past—ominous warnings from lost civilizations and nations. If one looks closely enough he can see the signs of our times—the same signs which were ignored by many past civilizations. These nations were once great nations, their lands were once fertile and rich, and yet now they lie wasted, ruined, and wrecked. The histories of these past civilizations are permanently written upon their lands—there are the records of their peoples' struggles and failures to find an adjustment to the land in which they lived.

Mesopotamia's fertile lands tell the facts of its history plainly. They tell of a glorious past, of a land with dense population, good agriculture, and great cities. However, these same great cities now lie in ruins and desolation. Their ruination came not from the supposed results of raids or invasions of other peoples, but in fact, from muddy water. A great system of canals was necessary for the agriculture, but through poor management, these canals were allowed to fill with mud and silt. The resulting breakdown of the supply of life-giving water brought disaster upon disaster to Mesopotamia. No army could have destroyed this once powerful nation as did the endless, choking sands that finally covered the land.

In Greece, another strange story is recorded on the land. Ancient Greek civilization was at its height. Religion, philosophy, and the arts flourished. Beautiful cities were built, and Greece became a powerful nation. Great forests, an ample water supply and productive soils were the basis of Greek wealth. Unfortunately, the importance of these resources was forgotten as the land was abused and overworked. The bountiful forests disappeared, and the once clear water soon ran unconfined across the countryside. Once a very productive and powerful nation, Greece now lies barren and eroded, another impressive reminder of man's lack of foresight in his abuse of his land.

What do the histories of these and other past civilizations have to do with Wyoming? Wyoming is a rich state in so many ways—abundant forests, pure, clear water, plentiful wildlife, and rich farmland in the valleys. But within this richness are the signs of our times—the same signs that the ancient Mesopotamians and Greeks could not see for they, too, were blinded by pride and ignorance. Wyoming justly takes pride in her great forests, forests which have been guarded carefully down through the years by a policy of wise use. She takes pride in her clear lakes and streams, her abundance of wildlife, and the richness of her land. Yet there are those who cannot see the signs of our times, who refuse to look into the future to determine what must be done to retain our forests and grasslands, our game and fish, and our pure water. Many times these are people who want the utmost taken from the land, either by industry, harsh farming methods, or unjust wildlife hunting laws. They cannot understand the importance of conserving these natural resources so they can be passed on to future generations.

The basic meaning of conservation is: "The wise use of all natural resources on a sustained yield basis; managed to bring the greatest good to the greatest number of people over an indefinite period of time." If such a conservation program is to overcome the harmful effects of the few who don't care and to succeed with its goal of the greatest good for the greatest number, it must have the support of an informed and enlightened public. We, as the public, must know the exact problems Wyoming's conservation programs are encountering, what they are doing to overcome these problems and how we can help.

Of great importance is the recognition of the interrelationships between the various aspects of our natural resources. Water management today is a tremendous problem. The volume of flow in many of Wyoming's streams has dropped from 25% to 70% in less than 100 years, which has caused the rivers to reduce in flow. This results in the remaining water becoming warmer, which in turn affects the fish and other water life.

Our water supply is almost completely dependent upon the soil conditions, which further bears out the interrelationship. A condition which allows the water to soak back into the soil is necessary, instead of a condition in which the water runs over the surface of the earth, carrying with it the fertile top soil so vital to all living things. The Soil and Water Conservation Service estimates this loss of top soil at more than four billion tons each year. This is six times as much soil as is being used by all the farm crops in the United States annually. In other words, the soil that each year is poured into the Pacific and Atlantic Oceans is enough to grow all the crops in the United States for six years. With the present growth of population, there will come a time when we will wish that this soil was back on the ground from which it came.

That fish are also dependent upon soil quality may come as a surprise, but fish are just as much of the land as any crop. The ability of a body of water to support fish life depends upon the available plant and animal food. These in turn depend upon the nutrients in the water, and the nutrients are directly related to the fertility of the soil over which the water flows.

The future of our wildlife resources is also dependent upon making wise use of the two basic life-giving substances—soil and water. Wildlife is a crop that must be grown just as any other crop. Its production must be integrated with intelligent management of land and water.

Wise use, applying all the principles of good conservation, is our hope and our promise of a rich, productive land. We can make the choice: either to become aware of the signs of our times and conserve our resources, or to ignore them and leave our lands barren and unproductive as did Mesopotamis and Greece and many other past civilizations.

"CONSERVATION—IT'S RELEVANCE IN WYOMING"

(By Joseph E. Shickich, Jr., Casper, Wyo.)

Most certainly, if the democracy of the United States of America ends, the cause will come from the inside. But this plot will not be a Communist conspiracy—rather the cause will be America's strangulation of her environment. The "land of the free" is quickly turning into the "land not free from debris". The "spacious skies" have the birds coughing in Los Angeles. Our "purple mountains" are turning grey. Lake Erie is almost completely destroyed. All sea life, as predicted by ecologist Paul Ehrlich, may completely disappear in ten years. The land is becoming useless, and many species of wildlife are disappearing. To top this all off, every man, woman, and child has three pounds of pesticides allotted him via the air each year. America is very adequately committing suicide.

Wyoming's concern for this environmental form of Russian roulette is not much more than would be expressed if the weapon were a dime store squirt gun. Our state has tended to consider itself isolated from the outside world but recently this theory has begun to backfire. For example, a year ago it was taboo to speak of racial disenchantment in the "Equality State". After all, Wyoming was unique and free from the problems of her sister states. Yet somehow, angry Black students emerged at the University last fall. Wyoming is trying to apply the same analysis to the problem of our ecology.

It is impossible to expect Wyoming to stop its evolution toward industrialization before its environment becomes endangered. Too many natives have the conception we will successfully cross that bridge when we come to it. Wyoming is already on the bridge, but the bridge's foundation has been laid in quagmire. The consensus seems to be that, although we don't like the idea, the state is large enough and the population is small enough to safely absorb the polluted refuse. Few citizens remember that California fed itself the same line a few years ago. California's situation speaks for itself.

The Equality State has arrogantly concluded that since its wildlife reserves are still relatively abundant, it has provided excellent protection for these animals. Granted we have some superior hunting laws for the conservation of game, but little has been done to avoid their contamination by the gases, pollutants, and poisons we release into the air, land and water.

Economically, the pollution of our wildlife could spell financial disaster for Wyoming. At last tally in 1965, sportsmen spent $60,043,324.00 on the hunting and fishing industry. To protect this source of revenue, we have a law that sets the fine for "passing" a substance into a natural stream or lake which will "kill or destroy any fish therein" at not less than fifty ($50.00) dollars or not more than one hundred ($100.00) dollars for each offense. If a company broke this law everyday of the year, Wyoming at best could make up only $3,650.00 of the loss.

Wyoming's water may be the least protected of her resources. Most of the water laws date back to at least 1923 with some going back to the 1890's. Unfortunately, the content of these laws is essentially the same as it was fifty plus years ago. One such law is Statute 35–188:

"No city or town shall be prohibited or enjoined from discharging its sewage into a river or body of water unless such sewage so pollutes the water thereof as to be dangerous."

Wyoming is on the losing end when it allows a law to exist that states specifically "a city Cannot Be Prohibited from polluting unless". This law prevents pollution only when it is considered dangerous. In effect it is saying—"Go ahead, pollutte. When the crisis develops, *then* we will think about a remedy." If Wyoming's water dies, the state will soon follow.

Ralph Waldo Emerson concluded that "a nation never falls but by suicide". The United States and the State of Wyoming together are pushing the environmental destruct button. Today, the greatest threat to the United States' security is internal apathy. "Where apathy is master, all men are slaves." (Anonymous)

THOSE FRIENDLY FORCES—TOO FRIENDLY TO FIGHT

Mr. YOUNG of Ohio. Mr. President, the friendly forces of the Saigon militarist regime of General Thieu and Air Marshal Ky outnumber the VC, or forces of the National Liberation Front, by a ratio of more than 6 to 1. Also, they are armed and maintained by American taxpayers and supported by our bombers hurling tons of explosives around the clock. Yet their fellow countrymen fight-

ing for a cause—national liberation—have been defeating them soundly throughout the past 9 years. In 1968, nearly 124,000 South Vietnam soldiers ran away instead of fighting. This was the highest desertion rate ever suffered by any country in time of war. Then, last year this shameful record was broken and even more South Vietnam soldiers deserted. That total in 1969 exceeded 127,000. It is for this that young Americans are drafted to offer their lives in Vietnam, Thailand, Cambodia, and Laos.

COMMISSION ON CAMPUS UNREST—AN ANALYSIS AND COMMENTARY

Mr. HRUSKA. Mr. President, last Saturday the distinguished senior Senator from Colorado gave an extremely significant speech before the annual meeting of the Associated Milk Producers, in which he warned against the damage that may be done by the upcoming report by the Commission on Campus Unrest.

There is much evidence that currently the concerns expressed by the Senator about campus conditions and prospects are widely held by citizens nationwide.

It is clear that there is solid basis for such apprehensions.

Of particular interest is the commentary of the Senator from Colorado on the composition of commissioners, and their functioning generally. He followed up with particulars on some of the occurrences in the instant commission in its proceedings.

I believe what Senator ALLOTT had to say is of vital concern to all of us and to the entire Nation, as well. For that reason, I ask unanimous consent to insert his speech in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GORDON ALLOTT

Summer is ending and the school year is beginning. It is a good time to remember a wise remark by Mr. Dooley, the fictional philosopher who entertained Americans around the turn of the century. Mr. Dooley was once asked: "If you had a boy would you send him to college?" To which Mr. Dooley replied: "At the age when a boy is fit to be in college, I wouldn't have him around the house."

That joke has an odd ring to it nowadays. Because of the actions of a small but determined minority of violent students, many of our great universities are becoming unfit places for the decent majority of students.

In fact, a lot of our traditional jokes about universities now sound odd. Not so long ago it was fun to describe a professor as a man whose job is to tell students how to solve the problems of life which he himself tried to avoid by becoming a professor. Perhaps there once was a time when one could avoid problems by becoming a professor. But that time has passed.

Not so long ago someone defined a "university" as an institution for the postponement of experience. Perhaps the same person defined an "education" as something that enables one to get into more intelligent trouble. Both these definitions seem a little dated today. Today our universities are institutions where people are exposed to dangerous kinds of experiences. And sometimes it seems that an "education" is something that enables one to get into the most mindless kinds of trouble.

Ladies and gentlemen, the old jokes about universities are not funny any more. The situation on our campuses is no laughing matter—as they can tell you in Madison, Wisconsin, where a bomb recently killed a father of three, and did millions of dollars in damages.

This morning I want to share with you my thoughts on the dangerous situation we face as the new school year begins. I am very happy to be able to speak with you on this subject.

You represent American agriculture, and American agriculture represents the sort of achievements that come from healthy cooperation between free men and free universities. Too few Americans understand that agriculture is one of the most technologically sophisticated businesses in this technologically sophisticated Nation. And too few people understand that the phenomenal productivity of American agriculture owes much to the creative partnership that has long existed between American farmers and our great State universities. I am sure everyone here understands this, and that is why I know you are interested in helping save our universities.

A good way to begin helping our universities is to discuss intelligently an important project now underway in Washington. This project disturbs me and I think it should disturb you.

Right now the President's Commission on Campus Unrest (the Scranton Commission) is writing a report on its findings. It will issue that report soon. In fact, the issuance of that report may closely coincide with the opening of the new school year.

What disturbs me is that this report may do even more damage than has already been done by what I think were flamboyant, inflammatory, prejudiced and irresponsible actions by the Commission during its months of public hearings. There is reason to fear that the forthcoming report may be a flaccid whitewash of the violent new-left political movement that is openly seeking to capture or destroy our great universities. My concern is based on two facts. First, this Commission has not behaved well so far. Second, this kind of Commission is foredoomed to failure because it is perfectly designed to aggravate the problems it is supposed to solve.

Let me deal with the general and the particular. I will explain why such Commissions are generally a bad idea, and then why I think this particular Commission has been no exception to that rule.

The central problem with such Commissions is that they are literally irresponsible. They do not have to answer to any voters for the statements they make. They are not responsible for implementing their own recommendations. They can cruise into a troubled community, generate a lot of publicity, raise tempers and a lot of dust, and then be gone. Others are left responsible for cooling the tempers and settling the dust after these instant experts have dashed off to the scene of their next instant analysis.

Another and related problem with such Commissions is that, while the individual members have no continuing responsibility for implementing the policies they advocate, they do have responsibilities in their regular employment. And these responsibilities can influence their behavior when serving on Commissions. Let me give an example.

One of the members of the Commission is President of a university that has its own full complement of tensions and political activists. This man is not *responsible* for any campus but his own. Yet he is under the constant pressure of temptation—the temptation to use his spot on the Commission to make the sort of statements that will please the radicals he will have to cope with on his own campus this fall.

Now I do *not* think all Commissions are equally bad. It is important to distinguish between two kinds of Commissions—those which investigate questions of fact, and those which delve into matters of moral judgment and policy formation. Compare the Warren Commission with the Commission on Campus Unrest.

The Warren Commission was created to investigate the facts about the assassination of President Kennedy. It was composed of eminent men who had no axes to grind. Its purpose was to lay to rest the ugly and neurotic rumors that inevitably circulate after such a tragedy. I think the Warren Commission performed that task reasonably well.

But the Commission on Campus Unrest is not investigating a narrow question of fact. It is deeply enmeshed in the most emotion-charged issues of the day. Indeed, some Commissioners have shown great zest for declaiming on drugs, war, peace and anything else which some radical witness claims is making him restless. This Commission is not composed of men who are uniformly eminent or disinterested. Rather they are a mixed batch, and some have highly developed (and fashionably leftist) political views which they are not bashful about advertising.

I am not saying that there have not been proper times for the Commissioners to express strong opinions. On the contrary, I think the Commissioners have been derelict in not voicing strong indignation when witnesses have viciously attacked this Nation, and arrogantly justified coercive behavior. On such occasions the Commissioners have been distressingly passive. They have given the impression of seeking what Lincoln called "sophistical contrivances"—such as "some middle ground between the right and the wrong."

This brings me to the matter of this Commission's particular failings.

First, some of the Commissioners are hardly objective investigators. It will be recalled that one young Commissioner—who has become the darling of the media—almost immediately after being appointed announced that he thought the President was to blame for the problems at Kent State. For months now one has not been able to turn on the television news without seeing this man laying down the law about other people's sins.

Second, the Commission has given a disproportionate amount of time to hearing political speeches by radicals. Perhaps the effect of such hearings would not be quite so bad if the press could be relied upon to give balanced coverage. Unfortunately, the press only makes matters worse. When the Commission descended on Kent State, the President of that University gave a very interesting and balanced assessment of the situation. But the prominent press coverage went to some student who said—and I do not jest—that campus riots would not stop until we "clean up our lakes and rivers."

The third failing of the Commission is that some members have been rude, arrogant and high-handed in dealing with persons who are not radicals. For example, physicist Edward Teller and philosopher Sidney Hook—two of America's most distinguished and public spirited scholars—were treated with disdain and contempt when they testified.

Members of the Commission staff also have been guilty of high-handed arrogance. At one o'clock in the morning of August 17 a

phone rang at Lockbourne Air Force Base near Columbus, Ohio. The caller was a 28-year old law student employed by the Commission. This young man demanded that the Air Force instantly send a helicopter 130 miles to the Holiday Inn in Kent, Ohio from which he was calling. He wanted the helicopter to fly him to Camp Grayling in central Michigan so he could serve subpoenas on some Ohio National Guardsmen who were undergoing summer training there. He also demanded a contingent of Air Force policemen to accompany him. The people at Lockbourne patiently explained that they did not have any helicopters or policemen to lend. This did not satisfy the staff member, who proceeded to place a number of other demanding calls. Before long he was demanding things of the tactical air command post at Langley Air Force Base in Virginia. There he harassed the executive officer for the Air Force Vice Chief of Staff. At about 2:30 a.m. he awakened a Deputy Assistant Secretary of Defense at home. In what must be one of the year's great understatements, the Secretary allowed as how he was "not too thrilled" by the chance to talk to this aggressive staff man in the middle of the night. I am happy to report that when this staff man finally quit calling—at 5:55 a.m.—he still had not managed to brow-beat the military into giving him helicopters and a battery of policemen.

The fourth failing of this Commission is that its members have not demonstrated proper sensitivity to the civil rights of witnesses. Commission "hearings" frequently have resembled trials. Witnesses have been subjected to accusatory inquisitions. Commissioners have assailed reputations and rendered judgments on the basis of flimsy information and hasty investigation.

Ladies and gentlemen, when I think about these failings, I worry about the possible contents of the report the Commission will issue soon. I hope the report does not reflect these failings I have mentioned. I especially hope it avoids the five most familiar—and frankly, the dumbest—cliches about campus disorders. These cliches are familiar to us all.

The first cliche is that all the trouble can be described by the antiseptic word "dissent"—implying that riots and bombings are a form of "dissent."

The second cliche is that all the unrest is a result of "excesses" of idealism—implying that the bombers have hearts of gold.

The third cliche is that the Federal Government should "listen to" and "be more responsive to" the radicals—but this cliche does not tell us what is to be gained from "listening to" an arsonist, or how one is supposed to be "responsive to" a rioter.

The fourth cliche is that we should cure the disorders by changing our foreign policy, or cleaning up Lake Erie, or performing some other list of good deeds demanded by a violent minority. This cliche ignores the fact that to do so would amount to giving up majority rule and turning our democracy into a mobocracy dominated by adolescent minorities.

The fifth cliche about campus disorders is the tiresome statement that usually passes for fairness. This is the statement that campus violence is equally bad when done by political leftists or political rightists. The trouble with this is that it implies that violence is coming from both sides. In fact, last spring leftist elements shut down 500 universities *in one week*, and rightist elements shut down *none*.

As I have said, I hope the Commission report avoids these damaging cliches. If the report accepts the cliches, it will give a Government stamp of approval to all the muddled thinking that has influenced the most misguided university administrators in recent years.

There are raging conflagrations on our campuses. We need to douse them—and the incendiaries who are lighting them—with cold water. But the Commission report may be about to pour kerosene on the flames.

This will especially hurt the moderates on campus who are fighting today on embattled and eroding ground. They occupy the position of simply decency. They are fighting for traditional academic freedom—for the freedom of scholars to teach without political interference. They are fighting to prevent our universities from coming to resemble some Latin American universities where militant students impose their politics on every aspect of university life. In short, these moderate men and women are fighting—sometimes at risk to their own safety—for you and for me. And you and I will suffer along with them if the Commission report cuts the ground from under them.

Recently there have been some optimistic predictions that this would be a relatively quiet year on campuses. I do not know whether this hope is justified. But this much I do know. The dedicated, patient moderate men and women on campuses have been strained to the breaking point in recent years in their efforts to hold up the standards of common decency on campus. They have been attacked—sometimes physically attacked—by extremist students. They have been betrayed by weak administrators bent on appeasement. They have been distracted from their scholarly tasks. The last thing these brave and dedicated people need is a stab in the back from this Commission. And that is exactly what they will get if the Commission report justifies the violent minority which has done millions of dollars damage on campus, has forced the closing of hundreds of universities, and has violated the rights of millions of American students and scholars.

This Commission has already done damage simply by failing to be manfully indignant when radical witnesses have suggested that riots are justifiable until the Government does what radicals demand. A report that fails to express vigorous indignation about coercion from the left will amount to a stab in the back to the moderates and the majority.

If the Commission does administer this stab in the back, then we will be face to face with a grim irony. The Commission established to investigate disorder will have become a cause of disorder. This Commission was appointed by this Administration. I am a Republican; a member of the Senate leadership; and I am one of the President's most consistent supporters. Hence, I take no pleasure from noting the misadventures of this Commission. However, common sense tells me that the President himself is not solely responsible for this. He is quite properly preoccupied with the tasks of establishing peace and economic stability. He cannot personally attend to all the details of domestic policy.

So, in such matters he must rely heavily on his staff. I am convinced that responsibility for this Commission and its make-up rests heavily on the shoulders of a few of the President's senior domestic policy advisors. If so, in this matter, the President's advisors have not served him well.

In fact, if the Nation's domestic affairs are unsettled this fall by campus disorders, part of the blame will attach to the Commission on Campus Unrest, and to the President's advisors who assembled it.

One lesson to be learned from this is that people in Washington are not well placed to solve the problems on the campuses. The most important work on behalf of common sense and decency on campus can be done by people like you back in your respective states.

The way for you to begin is by facing three hard facts.

First, neither the Federal Government nor any policy or official of the Federal Government is to blame for campus problems. Nothing could be more inane than the testimony of those persons who told the Commission that the President or the Vice President is to blame. There have been major campus disorders since 1964—and at that time Mr. Nixon was practicing law in New York and Mr. Agnew was serving as Baltimore county executive. Blaming the President's or Vice President's "rhetoric" for campus riots is about as sensible as blaming Leo Durocher's "rhetoric" for the Chicago fire of 1871.

The second hard fact we must face is that the Federal Government cannot solve the problems of the campuses. With regard to private institutions such as Harvard, if the alumni do not exert their influence—and especially their financial power—on behalf of common decency, then nothing can save them. With regard to the State universities, unless the State legislatures exercise their power, the State universities are doomed.

The third hard fact we must face is that if our universities are going to be saved, they will be saved by persons such as you. The next time a school administration or faculty appeases radicals by shutting down the school, let the State legislatures cut the funding for the school accordingly. If one week of classes are suspended, let a *prorated* amount of funding be withdrawn. This will work wonders for putting backbone in university administrators. Further, when it dawns on the faculty that the State legislatures vote the funds that pay faculty salaries, the faculty will become anxious to keep classes going.

It is clear where persons such as you fit into this process. In an important sense each of you is a trustee of your State university. If each of you, and each of your friends, takes it upon yourself to talk sense to your State governments, then the State governments will talk sense to the persons who are running our precious—and expensive—universities.

If you and your legislators talk sense, then our universities will survive the kind of nonsense that has been talked by so many witnesses before the Commission, and the kind of nonsense which threatens to appear in the Commission report.

Ladies and gentlemen, I know it is very early in the day to be pondering such grave and ominous matters. But it is rather late in the life of our great universities for us—all of us—to join in defending them from their violent enemies, and from those who obscure the facts about these enemies.

All of us have a stake in the survival of these universities. And there can be no doubt that the very survival of these institutions as educational institutions is at stake. If these institutions are not to be debased; if they are not to become staging grounds for radical political agitation; then all responsible citizens must take a stand.

If you do take a stand, you can undo all the damage that has been done by the Commission on Campus Unrest, and you can make sure that no one will ever think we need another such Commission.

DIPLOMATS IN RESIDENCE

Mr. PELL. Mr. President, one of the little known, but valuable programs of the Department of State is its program of diplomats in residence at American institutions of higher education. Under this program, now in its seventh year, senior Foreign Service Officers are assigned to spend a year in residence, by invitation, at colleges and universities.

The diplomats-in-residence program, although small in scale, is, I believe, a significant and commendable effort to

improve communications and develop understanding between the Government and the academic community, including the young people attending colleges and universities.

During the 1969–70 academic year, the University of Rhode Island had the privilege of having on its campus as a diplomat in residence a very distinguished and able senior member of the Foreign Service, Mr. Harvey R. Wellman.

I know from my discussions with Mr. Wellman, and with students and faculty members, that his residency provided a significant new perspective to the university program.

Mr. Wellman has written an interesting and perceptive article on the diplomats-in-residence program based on his experiences at the University of Rhode Island, and I ask unanimous consent that the article, from the August issue of the Department of State Newsletter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIPLOMATS-IN-RESIDENCE: BRIDGES TO THE UNIVERSITIES

(By Harvey R. Wellman)

The Foreign Service has a new challenge. It is at home rather than abroad, in the American universities. Increasingly faculties and students are becoming alienated from the national government. Dissension and frustration over United States foreign policy in Southeast Asia have led to loss of rapport with and confidence in the federal government and even to questioning the validity and viability of political institutions and processes. There is need to restore lines of communication between the government and the universities especially in the foreign policy field. There is need to restore confidence in government if representative government is to work.

The intellectual community probably does not reflect the majority view in the United States. But it is an important minority. It is the nation's chief resource for research, intellectual criticism and new ideas and new approaches to old problems. Among the seven millions of young people in the nation's colleges and universities are the future leaders of America.

The program for assigning senior Foreign Service Officers as diplomats-in-residence to American colleges and universities is only six years old. It has run parallel with the increasing unrest, protest and politization on American campuses in recent years.

It began as a modest program and has remained small. In six years 51 senior officers have gone to a total of 65 colleges and universities. In the academic year 1969–70 there were ten; in 1970–71, the seventh year, there are to be six.

Under this program, there have been diplomats-in-residence at about 3 percent of the over 2000 colleges and universities in this country. The demand for them is much greater. About 110 applications from universities are pending and unfulfilled. Most institutions which have had a resident diplomat would like to see his one year tour extended. Others which have been host to a visiting diplomat are now asking for another. In view of the need and the demand, the question arises whether the Foreign Service despite its small size and limited resources is doing enough.

The small number of total assignments does not however disclose the full influence and impact of the senior Foreign Service Officers who have been assigned under this program. A diplomat in residence at one university will have invitations to visit, speak and meet with students and faculty at other colleges and universities in the same and neighboring states. The 51 diplomats who have been resident at institutions in 35 states will probably have visited once or more times at as many as 400 colleges and universities throughout the nation. Thus the program has touched a substantial portion of the American academic community.

The diplomat-in-residence program is not the only program the Department of State is using to try to bridge the gap in communication, confidence and credibility between the government and the universities in the field of foreign policy. The scholar-diplomat seminars are a new approach which should be effective. The recent Senior college live-in was an imaginative idea. Both the government and the universities should be exploring all feasible ways to increase understanding and rapport between them. The diplomat-in-residence is only one way. But it may be one of the most effective ways.

Just because the diplomat is in residence at a university he has the time and is in a position to reestablish communication and to lay the ground for credibility on a personal basis with university students, faculty and administration. In the present atmosphere of suspicion, distrust and sometimes hostility towards a government representative, this takes time. As a temporary member of a university faculty, he has the credentials to enter faculty meetings and classrooms. Eventually he can look forward to being accepted and heard as a member of a university community as well as an official of government. Free from bureaucratic requirements on the part of either the government or the university, he has the flexibility to shape his activities to his opportunities and the needs of the situation as he views them. His availability and accessibility will be assets. And he will have many and varied opportunities.

It is difficult to generalize about the experiences of a diplomat-in-residence for each is different. It will depend upon the university of assignment. In six years these have included public and private schools, large state universities and small liberal arts colleges, religious-affiliated and secular-oriented institutions. Size, college organization, faculty orientation, curriculum, planning for future development will all affect the possibilities of the diplomat and the requests made of him.

His own interests and proclivities will also be important factors. He will have opportunities and receive requests to work with faculty committees, help develop new study programs, participate in lecture courses and seminars, meet with students individually and in groups, speak to civic, community and professional organizations, give interviews to newspapers, appear on radio and television, advise administrators and faculty on problems with government and students on careers in public service. He will have to accommodate some requests because it is expected of him whether or not he is especially interested or peculiarly qualified. But he can welcome and develop activity in areas which he prefers in which he feels he can make the maximum contribution.

The diplomat has his principal loyalty and obligation to his university of residence. From it he derives his academic status such as an adjunct professor of political science. It provides faculty privileges, office space, secretarial assistance. More important his chief opportunities will come from this primary university association.

The diplomat-in-residence at my university was sponsored by a planning committee on international studies. Intercollegiate and inter-disciplinary, the committee made the diplomat an active member and at once provided him with acqaintances and entry into various colleges and departments. It publicized his presence on campus and his foreign service experience. It arranged for an interview with pictures in the widely-read regional newspaper. From faculty on the committee came the first invitations to appear in college classes with opportunities to meet students and have discussions with them.

In my view a diplomat in residence on a university campus should remain a diplomat; he should not try to be a professor. His only special and possibly unique contribution is his Foreign Service experience. If he sticks to talking about what he has done or seen in Foreign Service, he is on safe ground. On this basis he speaks with the authority of experience or first hand observation. His participation on this basis in the university curriculum and other activities will be welcome. And on this basis he is likely to be most effective.

Classroom opportunities will most likely be in political science, history, international relations. But other possibilities are not excluded. All classes of sophomores in military science were combined for two lectures by me on foreign policy formulation and diplomacy as an instrument of national policy. I spoke on Foreign Service and on international educational exchange to a class of graduate students in education. At an upperclass course in international marketing in business administration, I described the services provided to American business and businessmen by the diplomatic and consular service.

One invitation to course participation leads to others. The request may be general, to discuss the formulation of foreign policy, the organization and functioning of the foreign affairs agencies, the operations of a diplomatic mission. The request may be more specific, to discuss areas of foreign relations or aspects of foreign policy in which the diplomat has been involved. Since my more recent Foreign Service experience has been in the NATO area including Portugal and Portuguese Africa, I often dealt with those subjects. My experience in Latin America especially with the Alliance for Progress and in Castro Cuba also evoked interest. My brief association with Adlai Stevenson at the UN also received notice. I drew on my experience in all these areas when discussing how the government operates in foreign relations and how foreign policy develops and is executed.

These classroom presentations and discussions with students gave me a chance to fill out and sometimes correct factual impressions. They also provided opportunities to come to grips with sometimes naive and often mistaken assumptions about U.S. foreign policy objectives as well as U.S. capacity to influence developments in international relations.

Invitations to course participation on one campus led to invitations from other campuses usually as the result of a faculty member recommending the diplomat to a friend or former associate or student on another campus. Upon invitation I made a dozen visits to other colleges and universities in and near Rhode Island. Two of the most productive from my viewpoint were in May 1970 when most campuses including my own were on strike over Cambodia and Kent State.

Though a diplomat-in-residence should hold himself out as a diplomat, he is for an academic year a member of a university faculty. If he has not been before in the academic world except in his youth as a student, it will be an educational experience to attend faculty meetings, to observe how a university governs itself and to study the interplay between students, faculty and administration. Faculty meeting is a good place to observe university attitudes. Fall 1969 and spring

1970 were good times to watch changing university attitudes towards the government and its handling of important foreign and domestic policy issues.

The university and especially the faculty expect that respect will be shown for academic processes and principles, and in particular academic freedom. If in addition to respect, the visiting diplomat shows genuine interest, he is repaid with cordiality and opportunities to join in and participate. After I had attended Faculty Senate meetings regularly as a most interested observer, the Senate invited me to serve on its Honors Program Committee. This brought opportunities to meet outstanding professors and honor students as well as to follow closely the honors colloquium of distinguished lectures. The diplomat-in-residence was in a position to join in selecting the subject for the 1970–71 honors colloquium—youth, politics and change—and the designation of a faculty member to coordinate the program.

The main job of the diplomat-in-residence is academic relations. He has also important and stimulating opportunities in public relations. He will have many invitations from groups of citizens with or without university associations to be a guest speaker. Invitations will come from Rotary Clubs, men's clubs, women's clubs, business and professional organizations, church groups. They will leave the topic to him and will not usually insist or expect him to deal with controversial foreign policy issues, atlhough a public forum may meet on a foreign policy issue of passionate concern and request his participation.

Generally these groups are interested in seeing what an American diplomat looks like and hearing what he has to say about his profession. He may be the first American diplomat they have met and they may have little awareness of what the Foreign Service is or does.

It is heart-warming to have a cordial welcome and earnest attention from fellow citizens who show their sincere interest by holding you for questions long after your formal remarks. These are chances to make friends for the public service. The diplomat can also strike a blow for better appreciation of the complexities of foreign relations and of the need for responsible as well as responsive foreign policies.

The principal challenge to a diplomat-in-residence is to establish communication and a measure of rapport with those faculty and students most critical of U.S. foreign policy. The number at the university seriously concerned about questions of foreign policy increased greatly after the Cambodian intervention and for the first time on many campuses including my own, included most of the hitherto silent, uninvolved moderates. But from the first the critical, activist, articulate minority included the most stimulating campus elements, the most influential instructors, the student leaders on campus who were probably most likely to become national leaders.

The diplomat-in-residence might well evaluate his effectiveness based on his success in getting across to these critical faculty members and students. Any success will not come early or easily but there is no reason why he should not achieve some success during an academic year. He need not retreat from fact or principle or accept their assumptions and conclusions to achieve it, although he will be impressed favorably by the idealism, high moral standards and probing questions he will often encounter. But he must be willing to listen, to reason objectively, to be honest and try to answer hard questions. In doing so he can change the image of what a diplomat is. He can begin to restore credibility in a representative of government on a personal basis.

Academic year 1969–70 was a tough year for diplomats-in-residence. It began with a moratorium and peace marches; it ended with campus strikes, teach-ins and a student dialogue with Congress and the voters. Yet it was a year of increased opportunities for diplomats-in-residence—opportunities to understand, opportunities to influence university attitudes.

Despite the increase of campus concern and frustration, my university regrets it will not have a diplomat-in-residence in 1970–71. Friendships with activist professors stood the strains of Cambodia and Kent State and the ensuing campus strike and kept open communications. During the strike students, including some most upset and concerned about foreign policy direction, still continued to drop by to discuss with the diplomat-in-residence careers in public including foreign service.

Despite some opposition from the extreme including strong critics of U.S. foreign policy, welcomed the presence on campus of an articulate spokesman for government and a resource for information about government as it actually operates in foreign affairs. Hopefully the continuing presence of diplomats-in-residence on American college and university campuses will help students and faculty to come to regard our government as their government rather than as "that government."

SHOCKING STATISTICS ON SHOE IMPORTS

Mr. McINTYRE. Mr. President, the shocking statistics of the shoe industry have been released for the first 7 months of this year. I regret to say that in the month of July alone 18,128,300 pairs of nonrubber footwear were imported into this country. This brings the total for the first 7 months of 151,288,200—an increase of 20.8 percent over the same period in 1969. In addition, the value of imports for the same period totaled $322,793,100—a 30-percent increase over the same period last year.

While these statistics are sadly impressive, they do not tell the whole tragic story of the shoe imports crisis. What we all must remember is that as these imports increase, hundreds of American workers every month lose their jobs, often with little hope of finding a new one.

The imports will increase and the unemployment rolls will grow until Congress takes appropriate steps to stem the flow of these cheaply made foreign goods. Hopefully, the House will act soon on the Mills bill so that we in the Senate can do our part to protect the thousands of jobs which are ultimately at stake.

Mr. President, I ask unanimous consent to have printed in the RECORD a more detailed breakdown of the import data which is provided by the New England Footwear Association.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPORTS—JANUARY–JULY 1970, LEATHER AND VINYL FOOTWEAR IMPORTS

[Millions of pairs]

	1968	1969[1]	1970	Percent change 1969/1968	Percent change 1970/1969[1]
anuary	17.9	8.8	22.3	−51.0	+153.0
February	17.0	15.9	21.2	−6.0	+33.0
March	17.2	19.8	25.2	+15.0	+27.0
April	17.0	27.1	23.1	+59.0	−15.0
May	16.2	20.7	20.6	+28.0	(2)
June	11.7	16.0	20.8	+37.0	+30.0
6 months average	(16.1)	(18.1)	(22.2)	(+12.0)	(+23.0)
July	13.2	16.8	18.1	+27.0	+8.0
7 months total	110.2	125.1	151.3	+13.5	+20.9

[1] First 4 months 1969 totals affected by dock strike.

[2] No change.

ALL MAJOR TYPES OF FOOTWEAR IMPORTS SHOW INCREASES—LEATHER AND VINYL FOOTWEAR—1ST 7 MONTHS

	Percent change, 7 months 1970/1969	Average value per pair	Estimated retail value
Men's and boys' leather	+13.4	$4.24	$13.74
Men's and boys' vinyl	+65.3	1.08	3.50
Women's and misses' leather	+26.6	3.09	10.01
Women's and misses' vinyl	+11.0	.82	2.66
Children's and infants' leather	+17.8	1.39	4.50
Children's and infants' vinyl	+10.2	.73	2.37

SOVIET MILITARY ADVANCES

Mr. THURMOND. Mr. President, year after year we have deliberated in this body about how much to cut defense spending. Strong attacks have been made on the military procurement bills of the past 2 years. We have been reducing our weapon inventories and troop strengths.

At the same time the Soviet Union has been steadily building up its own military establishment to the point where it is now stronger than the United States in many respects and in the very near future will be superior to this country in virtually every quantifiable area of military strength.

The gains made by the Soviet Union have gone largely unnoticed. A small change in the balance of power each year does not seem to alarm this country. But over a period of 20 years the small and supposedly insignificant changes have added up to a very substantial change in the balance of world military power.

Mr. President, a most illuminating article published in the August 17, 1970, issue of Armed Forces Journal spells out

in full detail how the balance of power has changed, dangerously and significantly, over the past 20 years. The article, entitled "The Soviet Union Moves Ahead: On Land, On the Sea, and In the Air," written by James D. Hessman, the magazine's senior editor, points out, for example, that—

First, on a proportionate basis the Soviet Union is spending more than three times the percentage of its gross national product on defense than is the United States;

Second, our once-formidable edge in strategic nuclear missiles has withered to nothing, and in 5 years, if present trends continue, the U.S.S.R. will have a 2-to-1 margin in this important category;

Third, the U.S. Navy is now at its lowest strength level in 20 years, while the strength of the Soviet Navy continues to grow in numbers and in quality. Moreover, only 1 percent of the U.S.S.R.'s Navy is over 20 years old, compared to 41 percent of the U.S. fleet in the 20-years-or-older category.

Fourth, the U.S. merchant marine has similarly declined from over 3,500 ships in 1949 to fewer than 1,200 now available, while the Soviet merchant fleet has grown steadily from only 432 in 1949 to 1,717 at present. The Soviets hope to have 4,300 major vessels—a tenfold increase—by 1980.

Fifth, reduction in U.S. military strength in Europe have left the number of U.S. Air Force aircraft there at less than half the number we had in Europe in 1955. U.S. Army troop strength in Europe is at its lowest level since 1951.

Mr. President, this is a most important article, not sensationalized, but conservatively written and extremely well documented. It states the cold hard facts of the changed military balance of power soberly and responsibly. I recommend it as must reading for all Senators, particularly those who want to cut defense spending even more. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOVIET UNION MOVES AHEAD: ON LAND, ON THE SEA, AND IN THE AIR

(By James D. Hessman)

(NOTE.—Journal Senior Editor James Hessman recently returned from Europe where he received command and "threat" briefings at the U.S. European Command in Stuttgart, at Headquarters U.S. Army Europe in Heidelberg, at Headquarters U.S. Naval Forces Europe in London, and at the U.S. Berlin Brigade Headquarters in Berlin.

(On his trip he interviewed, among others, General James H. Polk, USA, Commander-in-Chief U.S. Army Europe; General David A. Burchinal, USAF, Deputy Commander U.S. European Command; Admiral Waldemar F. A. Wendt, USN, Commander U.S. Naval Forces Europe; BGen Harold I. Hayward, USA, Commander U.S. Berlin Brigade; and a number of European defense industry officials.

(In earlier articles in this series Mr. Hessman analyzed the quantitative and qualitative changes in the Soviet/Warsaw Pact threat over the past decade ("European Scenario: The Balance Shifts Eastward," Journal 4 July); the strengths and weaknesses of U.S. forces in Europe positioned to counter that threat ("U.S. Forces in Europe: Great Men and Great Machines . . . But Not Enough of Either"—Journal 11 July); and the growth of a now highly efficient and increasingly competitive European weapons industry ("A Booming European Defense Industry Tools Up for the Next Decade"—Journal 25 July). In the 18 July issue were complementary related articles by Journal Congressional Editor Bruce Cossaboom and Pentagon Editor Joseph Volz on, respectively, U.S. airlift and sealift capabilities and limitations.

(In this, the final article in the series, Mr. Hessman tells how the U.S. is losing the numbers game, spells out in unprecedented detail how the U.S. weapons inventory has declined precipitously in almost every quantifiable area, reports how the Soviet Union has maintained and in many areas improved its own relative military position, and analyzes the long-range strategic and political implications for the U.S.

(Except where the source is cited the tables and figures accompanying this article have been compiled by Journal staff writers and researchers from a number of unclassified sources. Except for attributed quotes, the views expressed by Mr. Hessman are his and do not necessarily in every case represent the views of the U.S. Department of Defense or the personal or official views of the U.S. military commanders interviewed by Mr. Hessman on his trip.)

Twenty-five years ago this month the United States dropped on Hiroshima the world's first atomic bomb.

At that time the U.S. had a monopoly on nuclear weapons. It also had the world's largest and most powerful Navy, Air Force (then the Army Air Corps), and merchant marine, with only the huge and combat-hardened Russian Army considered a possible match for the U.S. Army.

In the intervening quarter century the U.S. nuclear arsenal has been greatly expanded and refined, but what was then a monopoly has been reduced in gradual stages to overwhelming superiority, to marginal superiority, to "parity," and finally to the current "sufficiency." By 1975, moreover, according to present estimates used by U.S. planners, the USSR will have reversed a once-formidable U.S. advantage and will enjoy an almost two-to-one margin in strategic nuclear missiles. Whether U.S. "sufficiency" at that time will be sufficient to deter Soviet nuclear blackmail—or to convince U.S. allies to resist such blackmail—is a speculative question at best.

But it is not only in the nuclear field that the United States has lost its predominance. Over the past 25 years, and particularly in the past decade, the Soviet Union has caught up with and often surpassed the U.S. in one weapons category after another. Such changes as have occurred in the overall military equation have been gradual, almost imperceptible on a year-to-year basis, but over a quarter of a century the cumulative effect has been to alter the balance of power significantly, and most dangerously.

Item: The U.S. Navy's operational inventory of major combatant ships is now at its lowest level since 1950. In two categories (battleships and command ships) of the 13 listed (see table) the U.S. no longer has any ships in commission. In each and every one of the other 11 categories the number of ships in commission has been reduced, and in most categories significantly so. The Soviet Union, on the other hand, has built up its Navy both quantitatively and qualitatively. Directly comparable statistics on USSR naval forces are classified, but according to the NATO Information Service (in *NATO Facts and Figures, 1969*), "Russia entered WWII at the bottom of the list of major world naval powers, and now ranks second only to the United States."

Item: The Soviet merchant marine has experienced similar growth, while the U.S. merchant marine—the vital "fourth arm" of national defense—has declined drastically. According to U.S. Maritime Administration statistics, the U.S. merchant fleet has dwindled from a post-WWII (1949) total of 3,513 ships—26.0-million gross tons, over one-third the world gross tonnage—to a 31 December 1969 total of 1,937 ships—18.0-million gross tons, less than one-tenth the world gross tonnage. During the same period, the Soviet merchant fleet grew from 432 ships (1.3-million gross tons) to 1,717 ships (10.0-million gross tons). Just as significantly, the Soviet building curve is on the way up, while the U.S. new construction curve is still plummeting ever downward.

Item: U.S. Army strength in Europe, after surging to a peak of 278,000 men in June 1962, has dropped to the current 185,000 level, lower than at any time since 1952, and 42,000 lower than the previous 1952–65 low of 227,000 men in 1960. Soviet/Warsaw Pact ground forces also have been considerably reduced and streamlined, but "The mobilization of first line reserves and the movement of other reinforcements" during the early stages of mobilization, according to the authoritative London Institute for Strategic Studies (ISS—in *The Military Balance, 1969–1970*) would give the Warsaw Pact countries "a superior reinforcement capacity." The USSR, of course, long has enjoyed a huge numerical advantage in tanks—NATO tanks are generally considered more modern, however, and NATO has an estimated (by ISS) 50% advantage over the Warsaw Pact in anti-tank weapons.

Item: The inventory of U.S. aircraft in Europe has declined from a high of 1,300 in 1955 (200 bombers, 950 fighters, 150 transport aircraft) to fewer than 550 (500 fighters, fewer than 50 transports) in 1970. The worldwide U.S. intercontinental bomber force, moreover, according to various SecDef (McNamara and Laird) posture statements, has drifted steadily downward: from 697 on 1 Oct 67 to 646 on 1 Oct 68 to 581 on 1 Oct 69. The Soviet Union, meanwhile, according to Laird, has a fleet of "about 150 Bear and Bison heavy bombers and about 50 Bison tankers currently in inventory" as well as "more than 700 medium bombers and tankers."

Item: According to Defense R&E Director John S. Foster, Jr., in testimony recently released by the House Defense Appropriations Subcommittee chaired by Representative George H. Mahon (D-Tex), the Soviet Union two or three years ago passed the United States in funding of military-related research and development and is now spending "about 25%" more than the U.S.—"It may be as little as 15% or as much as 30 or 35%"—on military R&D. "If the Soviets continue to increase their effort devoted to military-related research and development and we continue our present trend," Dr. Foster told the subcommittee, "within the next two years the Soviet Union will assume technological superiority."

Grim as the present picture is, the appalling fact is that matters undoubtedly will get much worse before they can become better. Maritime Administrator Andrew Gibson, for example, has stated that from a maritime viewpoint the United States is "three or four years away from disaster" (Journal 23 August 1969). The U.S. Navy may not lose any more ships for a while, but even were a crash building program started immediately it would take years before the active duty inventory could be built up in any appreciable sense. The same is true of the Army's tank and helicopter forces and of Air Force and Navy aircraft. The U.S. helicopter industry has been particularly hard hit by cutbacks in the defense budget and unless remedial action is taken soon will have to

close down virtually all production lines (see "Helicopter Industry Faces Potentially Fatal Squeeze"—Journal 13 June).

NOT ALL GLOOM

Not all is unmitigated gloom. As is pointed out later in this article, the U.S. and its NATO allies still possess formidable military strength and are also favored by a number of intangible advantages. Most importantly, the U.S. "assured second strike" capability still is, or should be, a thoroughly credible nuclear deterrent against a massive large-scale Soviet preemptive first strike. But on 14 December 1967 the NATO Defense Ministers formally adopted the new "flexible response" strategy, and NATO defense planning apparently is now based on the belief, (articulated in *NATO Facts and Figures, 1969*), that "a massive surprise attack . . . is not the most likely way for a war to start.

"In the limited type of operation which would be a more probable form for the outbreak of hostilities," the NATO book continues, "such weapons [ICBMs] would be inflexible."

But if it is accepted that a limited or conventional war is "a more probable form for the outbreak of hostilities," it must then be asked whether the U.S. or the USSR is better prepared for such a war.

Probably no definitive answer is possible, but from the evidence available it seems clear that over the past two decades the relative military capabilities of the Soviet Union have increased at a much more rapid rate than have those of the United States. Here, fleshing out and expanding upon the information earlier presented, are additional data in various areas which must be considered in assessing the short- and long-term changes in the military balance between the two superpowers.[1]

Defense Spending: *Fortune* magazine last year published a series of articles on U.S. defense spending (Journal 16 and 23 Aug. 1969), the thrust of which was that U.S. defense spending should be reduced. *Fortune* estimated that in FY 70 the U.S. would spend $84-billion on defense, the USSR $60-billion. Excluding some $27-billion in Vietnam costs, however, the U.S. defense budget was pegged at only $57-billion, or $3-billion less than the Soviet defense budget, even by *Fortune* figures, which were definitely not weighted in favor of the U.S., *Fortune* noted, but made little of the fact, that U.S. personnel costs take over one-third of the U.S. defense budget, but less than one-sixth of the Soviet budget. Minus personnel costs, therefore, the non-SEA FY 70 U.S. defense budget (later cut back several billion dollars) amounted to less than $38-billion, the FY 70 Soviet defense budget slightly over $50-billion. This means that last year, using conservative estimates, *the Soviet Union already was spending over $12-billion more per year than the U.S. on military equipment and facilities.* Because of additional Administration and congressional cutbacks in the U.S. defense budget the FY 71 margin will be even greater.

[1] The information on which this article is based has been drawn from a variety of official and unofficial sources, as have the tables which accompany the article. For this reason, because other data is classified and/or unavailable, and because of certain inconsistencies in classification from one Service to another, there are certain inconsistencies between the article and the accompanying tables, and in one or two cases internal inconsistencies in the same table. These are pointed out where clarification is necessary and do not, it is believed, detract from the key point of the article, which is that the accumulated incremental year-to-year military gains the USSR has achieved over the past 20 years have altered the world balance of power substantially in favor of the Soviet Union.

The relative defense spending levels can be looked at another way: According to the State Department's 1970 *Fact Book of the Countries of the World* the 1968 Soviet gross national product is estimated "at the equivalent of approximately U.S. $400-billion." Accepting *Fortune* magazine's $60-billion estimate of Soviet defense spending, this means that the USSR, which can afford it much less, is nevertheless spending 15% of its gross national product on defense. The original FY 71 "rock bottom" U.S. defense budget, which has been already cut in Committee, was at the time submitted only 7.0% of the U.S. gross national product. If Vietnam war costs (classified) are excluded the FY 71 U.S. defense budget would be in the neighborhood of only about 5% of the U.S. GNP, or *about one-third the funding, on a proportionate basis, allocated by the Soviet Union to defense spending.*

Naval Forces: According to *Soviet Sea Power*, a landmark 1969 study by Georgetown University's Center for Strategic and International Studies, the Soviet surface fleet "now includes two helicopter carriers, 20 to 24 cruisers, 110 to 120 destroyers and frigates, 92 oceangoing escorts, about 150 missile-armed patrol boats, plus approximately 400 other fast patrol boats, 270 coastal escorts, 250 or more landing ships and craft, and a large assortment of mine sweepers, support and auxiliary vessels." The Soviet submarine force, for years the world's largest, is estimated (by *Jane's Fighting Ships, 1969–70*) at about 385 ships. Sixty-five are nuclear-powered, including a growing number of the Polaris-type "Y"-class boats now being built at the rate of one per month. Only 1% of the USSR's Navy ships are over 20 years old; an estimated 41% of the U.S. fleet is over 20 years of age—average age is over 16 years.

The U.S. Navy is considered superior in ASW and in its worldwide logistics and support capabilities. The U.S. Navy's attack carrier fleet also gives it a unique capability which could not be duplicated by the Soviet Union for another 15 to 20 years, if then. Then carrier force is aging, however, and funding for construction of new *Nimitz*-class nuclear carriers has been repeatedly delayed or cut back both within the Administration and on Capitol Hill.

Maritime Forces: The dwindling U.S. merchant marine is even smaller than it looks. Maritime Administrator Andrew Gibson told The Journal that, of the 1,050 ships in the National Defense Reserve Fleet, "some 700 have been identified already as scrap candidates and have not been considered available for years" (Journal 23 Aug. 1969). The burgeoning Soviet fleet, on the other hand, is still in the throes of expansion and is projected (in *Soviet Sea Power*) to more than double by 1980, at which time "the Soviets intend to have 4,300 major vessels, aggregating 27-million deadweight tons."

There is another factor: age. As of 31 December 1958, according to MarAd statistics, average age of U.S. merchant ships was 14.2 years, a shade less than the world average of 14.5 years. The average age of Soviet merchant ships was then 25.0 years, considerably above the world average. Exactly one decade later, as of 31 December 1968, average age of U.S. merchant ships was 22 years, average age of Soviet merchant ships was 10, and the world average was 13.

Of very small solace is the fact that many U.S. shipyards have been modernized in the late 1960s and U.S. shipbuilders, even during the traumatic decline of the last decade, have been foremost in imagination and innovation, leading the way in introduction and utilization of the containership, LASH (Lighter Aboard Ship), and Ro-Ro (roll-on, roll-off) shipping concepts. Such imaginativeness has not sparked much fire on Capitol Hill, however. For its own good and sufficient reasons Congress repeatedly scuttled MSTS's 30-ship Fleet Deployment Logistics (FDL) proposal, and now the Navy's substitute MPS (Multi-Purpose Ship) concept also is foundering on the legislative rocks (Journal 18 July).

SHIPBUILDERS TOOLING UP

Meanwhile, U.S. shipbuilders—who for business reasons opposed the FDL and MPS programs—have been tooling up in expectation of the shipbuilding surge promised by President Nixon in the 1968 campaign. But there's a five-year lead time from promise to performance, apparently—Edward M. Hood, President of the Shipbuilders Council of America, recently told Congress (Journal 4 July) that, even if Congress passes enabling legislation this year, shipbuilding contracts still probably could not be let until spring 1971 at the earliest, with production picking up in early 1972 and first ship deliveries in the "long-sought, long-needed, and long-awaited rejuvenation of the American merchant marine" not possible until at least 12 months beyond that.

Ground Forces: Here there is reason for cautious optimism. Tempered by the combat experience of Vietnam, the U.S. Army and U.S. Marine Corps are, man for man—an important qualification—equal to and probably better than the ground forces of any other country in the world. U.S. troops in Vietnam are better trained, better equipped and supplied, possess more accurate and more lethal firepower, and have better logistics, communications, and mobility capabilities than any other troops anywhere else in the world—including U.S. ground troops in Europe.

And it is in Europe where the crunch will come, if and when. The buildup, modernization, and upgrading of U.S. ground forces and equipment in the late 1960s for a guerrilla war in Southeast Asia resulted in some, but not overmuch, upgrading of U.S. ground forces equipment in Europe—but it was accompanied by a manpower cut. "Having the world's finest football equipment in the world is nice," one Army R&D official told The Journal, "but it won't help you too much at a baseball game."

The fact is that according to statistics provided by the Office of Army Information, the 185,000-man U.S. Army in Europe is at its lowest strength level since 1951. Official tank figures are classified, but unofficial estimates, and interpolation from Army TOE (Tables of Organization and Equipment) documents put the number of USAREUR tanks at 300 or less. Soviet/Warsaw Pact tank strength (see "Order of Battle" table) is estimated at over 40,000. The order of battle figures include large numbers of tanks assigned to units in the USSR's Far Eastern provinces, and many other still "in operational storage." Even so, it is evident that at the outbreak of any European conflict the Communists would have overwhelming superiority in both troops and armor—and there comes a time, as one U.S. commander in Europe recently told The Journal, when "numbers alone do count."

NATO is considered to have a big edge in anti-tank weapons—ISS rates the NATO margin as "50% superiority."

The Soviet Union, like the United States, has reduced its military manpower in recent years and has concentrated on fielding a more mobile and better equipped Red Army. Particular emphasis has been placed on mobility acording to *NATO Facts and Figures 1969*, "so that today armoured forces represent a high proportion of the total strength. The cross-country and river-crossing capabilities of their units have been improved, as has their night-fighting capability, and they have been equipped with heavier mobile weapons."

Air Forces: Here, again, the news is both good and bad. The extensive use of helicopters in Vietnam has vastly increased the U.S. Army's mobility and has given it a

powerful new dimension of in-theater combat capability. Despite Lockheed's financial and management problems the company has developed a truly remarkable aircraft in the C–5, which when it enters the inventory in large numbers will give the USAF an airlift capability previously unattainable. U.S. Army, Navy, Air Force, and Marine Corps aircraft and associated weapons and avionics all have been improved and upgraded because of Vietnam necessities.

But there are dangerous gaps and shortages, and there likely will be delays in development of the next generation of U.S. aircraft. The Administration and Congress, which seem creditably willing to cooperate at long last in salvaging the U.S. maritime industry, are ignoring the perilous economic plight of the U.S. helicopter industry. The F–111 and C–5 programs have been cut back, the HLH (Heavy Lift Helicopter) and LIT (Light Intra-threater Transport) programs still are in a legislative limbo, and the International Fighter program could be sabotaged by political and economic obstacles. A limited green light has been given on the USAF's B–1 (formerly) AMSA-Advanced Manned Strategic Aircraft) bomber, AWACS (Airborne Warning and Control System), and F–15 fighter programs, as well as the Navy's F–14 and USMC's V/STOL Harrier programs, but expected procurement stretchouts could mean years of delay before production aircraft enter the operational inventory in large numbers.

The Soviets have also cut their overall aircraft inventories, but have been not nearly as lackadaisical as the U.S. in accelerating the introduction of new aircraft. "Of significance," emphasizes one unclassified U.S. "threat" document, "is that, in the recent Moscow Air Show, the Soviets flew in one day more new tactical aircraft designs than the U.S. had flown in 10 years."

Also of particular significance is the fact that, while U.S. air forces have been heavily committed to SEA, the Soviet Union has appreciably improved its relative airpower position in Europe. U.S. officials told the Journal that in 1960 U.S./NATO forces had available "about 5,000" and Soviet/Warsaw Pact forces "about 4,300" aircraft of all types for immediate use in event of a conflict in Europe. The present figures are "about 2,100" U.S./NATO aircraft, and "about 4,400" Soviet/Warsaw Pact aircraft. The U.S./NATO figures, moreover, include six U.S. dual-based squadrons—in CONUS but "committed to NATO." (An important factor in the precipitous drop in the U.S./NATO aircraft inventory was the 7 March 1966 decision by French President Charles de Gaulle "to cease participation in NATO integrated military commands"—a fact which explains but in no way ameliorates the situation.)

Other Factors: The U.S. has renounced first use of chemical and biological warfare, is halting CBW research, and is destroying much of its CBW inventory. Similar humanitarian restraint has not been evidenced by the Soviets, who, according to testimony given earlier this year by former JCS Chairman General Earle G. Wheeler, USA, before the House Defense Appropriations Subcommittee, "are probably the ones who are leading the field."

The Soviets have an HLH; the U.S. does not. The Soviets have a FOBS (Fractional Orbit Bombardment System; the U.S. does not. The Soviets have an operational ABM system ("some 64 ABM–1/Galosh antiballistic missile launchers around Moscow," according to U.S. "threat" documents); the U.S. does not. And, very importantly, the Soviets now are devoting considerably more of their scarce resources to defense-related R&D than is the United States.

Finally, an extremely relevant political factor: the Soviet Union has improved its relative military strength capabilities across-the-board worldwide, but it has improved its relative military strength in Europe even more. U.S./NATO forces in Europe likely could still withstand even a massive conventional war surprise attack from the East, but perhaps only by resorting to early use of tactical nuclear weapons. No one could predict what would happen after that. This, more than one U.S. official told the Journal in recent interviews, is the most dangerous element in the changed military balance in Europe.

It may be, as many believe, that the ominous presence of the U.S. nuclear deterrent is sufficient to prevent conventional as well as nuclear war. It may also be, as some assert, that the USSR's intentions are eminently peaceful and that, still scarred by the memories of WWII, it realizes it would have far more to lose than to gain from another European conflict. Hopefully, such assertions are correct, but they fail to explain fully and adequately why the Soviet Union has devoted such a frighteningly large percentage of its GNP to defense purposes, why it has over the past decade embarked on such a large-scale across-the-board upgrading of its military forces, and why it maintains in Eastern Europe manpower and equipment far, far in excess of what it needs for purely defense purposes.

CAVEATS AND CODICILS

It would be easy, using selected bits and pieces of information currently available, to paint an even blacker picture of the current and projected U.S. military posture. But the picture would be distorted beyond all credibility, for the fact is that, in most respects, the U.S. is still the world's number one military power. What is important, and what is pointed out here, however, is that in relative terms U.S. military strength vis-a-vis the Soviet Union has been steadily declining for the past two decades while the strength of the Soviet Union—again in relative terms—has been rapidly expanding.

Ideally, any comparison of U.S. and USSR military strengths would be projected, item by item, year by year, weapons category by weapons category, on a multi-year "trend" chart replete with qualifications, caveats, and codicils.

Such information, unfortunately, is not available on an unclassified basis. Even if it were, it would be misleading. Comparisons can, will, and have to be made, of course, but still there can be no 100% valid comparison, for example, between the F–4 and the MiG–21, between the Soviet helicopter ship *Moskva* and the U.S. attack carrier *Saratoga*, between the U.S. Marine Corps and the embryonic Soviet "Naval Infantry."

There are, in addition, numerous qualitative factors which also must be taken into consideration in any assessment of the relative U.S./USSR military capabilities. In a European battle scenario, for example, the Soviet Union, operating from a contiguous land mass, would have considerable geographic advantages over the United States, which would have the added burden of maintaining, with limited means, over-extended transoceanic logistics lines in the face of a Soviet submarine fleet far more formidable than the best the Nazis had at the height of WWII. It is more likely than not, moreover, that the USSR would have the advantage of tactical surprise at the outbreak of any conflict.

Offsetting these factors are a number of others which favor the U.S., whose NATO allies, for one thing, presumably would be much more reliable comrades in arms than would be the USSR's Eastern European satellites.

Among other things, the Western powers also have:

A much stronger and more diversified industrial and economic base from which to operate.

Greater reinforcement capability based on worldwide numerical superiority in ships, aircraft, and ground strength—worldwide ground strength of the NATO countries is estimated by ISS at 3.5-million men (not including France), and Warsaw Pact strength at 2.8-million men. (Most U.S. troops are in SEA or in the CONUS base, however.)

Unity of effort—For several years the U.S. has been distracted by the Vietnam War, but withdrawal from SEA has begun, is proceeding on schedule, and likely will not be stopped, after which this country can once again concentrate much more seriously on the European scene. The Soviet Union, on the other hand, in the opinion of many experts, will be preoccupied for years to come with the continuing problem of Communist China and for that reason will have to keep large numbers of *its* troops in the Far Eastern provinces.

Technological superiority—NATO forces are considered, again by ISS, to have more capable and more versatile aircraft, more accurate weapons, more lethal ammunition, and "the logistic capability to sustain higher rates of fire." In a non-nuclear war situation, according to 1968 posture testimony by former SecDef Robert S. McNamara, NATO ("especially U.S.") aircraft are considered superior to Soviet/Warsaw Pact aircraft "by almost every measure—range, payload, ordnance effectiveness, loiter time, crew training" (see "Selected Characteristics" table).

Add to these factors a few additional intangibles, such as the combat seasoning of U.S. forces, the necessity for the Soviet Union to defend the world's longest geographic perimeter, the fact that the Soviet Navy, particularly its Baltic and Black Seas fleets, does not have full open access to the sea, and a much more balanced picture begins to take shape.

This said, however, the following pertinent facts and implications still remain crystal clear for U.S. decisionmakers—and would-be budgetcutters—to ponder:

(1) In absolute numbers the Soviet Union has improved its relative position in virtually every quantifiable area. Numerical progress has been accompanied by considerable force modernization and by the introduction of new weapons systems on a large scale.

(2) U.S. general purpose forces would be even more heavily outnumbered were it not for the temporary buildup necessitated by the war in Vietnam. As long as the SEA conflict continues, however, the war add-on will not be available for use in other theaters. But new U.S. force reductions already have started under the Vietnamization program, and when the U.S. redeployment from SEA is at or near completion a scaleback to an even lower level of 2.5-million men—or fewer—is generally expected.

(3) Congressionally-mandated cutbacks in U.S. weapons procurement over the past several years, however well-motivated, already have had an adverse effect on the U.S. defense posture. More such budget cuts are expected, although much of the more strident anti-military emotionalism so evident a year ago on Capitol Hill now seems to have dissipated.

(4) *If current trends continue, the USSR in the next several years will almost certainly achieve technological superiority over the U.S. in every militarily meaningful field.*

IS SUFFICIENCY ENOUGH?

If and when this most unwelcome event occurs the Soviet Union can be expected to take full political and psychological advantage of it. U.S. "sufficiency" might then still be sufficient to deter all-out nuclear war. But would it be sufficient to prevent further Communist adventurism in the Middle East, in Africa, in South America? Would it be sufficient to convince the nations of Western

Europe to stand fast no matter what form of politico/military blackmail is used against them?

There are now two equal, or almost equal, world superpowers. If the Soviet Union became "first among equals" would the changed equation have any effect on the thinking—and on the actions—of the men in the Kremlin or in the White House?

Such rhetorical questions are unanswerable, of course—which is not the same as saying they should not be asked. For the truth is that, in the opinion of several responsible U.S. defense leaders interviewed by The Journal, there comes a time when "numbers alone" *do* count, when there is no more fat which can be cut from the Defense budget, when U.S. Administration and congressional leaders must stand up to be counted for or against national security.

Whether that time is now—or is already past—no one knows. But there are many knowledgeable insiders who would agree with the Navy's VAdm Hyman G. Rickover, who said in recently released testimony before the Joint Atomic Energy Committee, that "the Soviets are capable of starting tomorrow the biggest war there has ever been and I am frankly not confident the outcome of such a war would be in our favor."

HISTORICAL DATA—ACTIVE FLEET FORCE LEVELS

	50	52	54	56	58	60	62	64	66	68	70
Attack carriers (including former CV/CVB and CVL)	11	19	16	15	15	14	16	15	15	15	15
ASW support carriers (including former CVE)	4	10	11	9	9	9	10	9	8	8	4
Cruisers	13	19	18	16	15	13	13	14	14	13	10
Frigates			3	5	5	7	15	25	27	31	25
Destroyers	137	243	244	245	240	219	225	200	205	209	151
Ocean escorts	10	56	57	70	71	41	68	40	42	50	47
Amphibious ships	79	189	223	139	121	113	130	133	159	157	97
Submarines	72	106	110	110	111	113	118	125	141	146	144
Battleships	1	4	4	3						1	0
Command ships				1	1	1	1	2	2	2	0
Patrol ships	33	29	22	11	12	4	2			6	15
Mine warfare	56	114	117	113	77	81	84	84	84	84	84
Auxiliaries	218	309	228	236	213	197	218	212	212	210	171
Total	634	1,098	1,113	973	890	812	900	859	909	932	743

Source: U.S. Navy Office of Information.

WORLD, UNITED STATES, AND U.S.S.R. MERCHANT FLEETS—AVERAGE AGE, SPEED, AND DRAFT

	1958			1960			1962			1964			1966			1968		
	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.
Total:																		
Number of ships	16,966	3,061	774	17,317	2,926	873	17,861	2,733	1,002	18,115	2,529	1,227	18,423	2,278	1,343	19,361	2,071	1,634
Percent of total world fleet	100.0	18.0	4.6	100.0	16.9	5.0	100.0	15.3	5.6	100.0	14.0	6.8	100.0	12.4	7.3	100.0	10.7	8.4
Average age	14.5	14.2	25.0	13.6	15.9	18.0	13.6	17.4	15.5	13.9	19.0	14.5	17.0	21.0	12.0	13.0	22.0	10.0
Average speed	12.4	12.5	10.8	12.8	12.8	11.4	13.1	13.2	11.9	13.3	13.5	12.5	14.0	14.0	13.0	14.0	14.0	13.0
Average draft	24.9	27.9	20.7	25.1	27.9	21.1	15.2	27.9	21.4	25.5	28.1	21.9	28.0	29.0	23.0	26.0	28.0	22.0
Combination passenger-cargo:																		
Number of ships	1,275	279	72	1,254	309	73	1,213	295	71	1,124	257	79	1,054	227	67	989	195	75
Percent of total combination	100.0	21.9	5.6	100.0	24.6	5.8	100.0	24.3	5.9	100.0	22.9	7.0	100.0	21.5	6.4	100.0	19.7	7.6
Average age	18.8	14.3	31.7	18.8	16.3	27.9	18.9	18.1	24.3	19.4	19.5	23.7	21.0	22.0	22.0	20.0	23.0	18.0
Average speed	15.1	16.0	13.0	15.3	16.1	13.6	15.5	16.3	14.2	15.7	16.5	14.6	16.0	17.0	16.0	16.0	17.0	15.0
Average draft	23.1	26.1	20.2	23.1	26.0	19.7	22.7	25.8	19.5	22.4	25.6	19.2	22.0	25.0	19.0	22.0	25.0	18.0
Freighters:																		
Number of ships	11,594	2,338	575	11,512	2,138	568	11,648	1,971	587	11,686	1,846	780	11,611	1,673	895	11,868	1,511	1,103
Percent of total freighters	100.0	20.2	5.0	100.0	18.6	4.9	100.0	16.9	5.0	100.0	15.8	6.7	100.0	14.4	7.7	100.0	12.7	9.3
Average age	15.2	14.5	26.5	14.5	16.3	20.7	14.7	17.9	19.5	15.1	19.4	16.5	16.0	22.0	12.0	15.0	22.0	10.0
Average speed	12.0	11.8	10.4	12.3	12.0	10.8	12.6	12.4	11.3	12.9	12.8	12.1	13.0	13.0	13.0	14.0	14.0	13.0
Average draft	24.2	27.8	20.5	24.2	27.8	20.5	24.2	27.7	20.6	24.2	27.8	21.0	24.0	28.0	22.0	24.0	28.0	22.0
Bulk carriers:																		
Number of ships	868	41	35	1,185	57	98	15,592	71	183	1,822	65	163	2,104	59	119	2,609	53	134
Percent of bulk carrier	100.0	4.7	4.0	100.0	4.8	8.3	100.0	4.5	11.5	100.0	3.6	8.9	100.0	2.8	5.7	100.0	2.0	5.1
Average age	14.2	13.4	19.0	10.9	15.7	7.9	9.7	17.5	6.0	10.0	20.0	8.5	11.0	22.0	11.0	7.0	23.0	11.0
Average speed	11.2	12.2	10.8	11.9	12.2	11.9	12.5	12.7	12.6	12.8	13.2	12.7	13.0	14.0	12.0	14.0	14.0	12.0
Average draft	23.1	29.6	20.1	24.7	29.2	2.1	25.7	30.1	21.8	26.6	30.6	22.5	28.0	31.0	22.0	30.0	32.0	22.0
Tankers:																		
Number of ships	3,229	403	92	3,366	422	134	3,408	396	161	3,483	361	205	3,654	319	262	3,895	312	322
Percent of total tankers	100.0	12.5	2.8	100.0	12.5	4.0	100.0	11.6	4.7	100.0	10.4	5.9	100.0	8.7	7.2	100.0	8.0	8.3
Average age	10.3	12.7	12.5	9.7	13.7	8.4	9.8	14.9	8.2	10.1	16.0	8.1	11.0	18.0	8.0	11.0	19.0	8.00
Average speed	13.4	14.4	11.3	13.8	14.6	12.1	14.0	14.7	12.5	14.2	14.9	13.1	14.0	15.0	14.0	14.0	15.0	13.00
Average draft	28.5	29.5	22.6	29.1	29.5	24.4	29.4	29.8	24.7	30.1	30.5	25.6	31.0	31.0	26.0	31.0	31.0	25.00

Source: Statistics Division, Subsidy Administration Office, U.S. Maritime Administration.

UNITED STATES AND U.S.S.R. MERCHANT FLEETS, 1939-1969

Type of Vessel	1939		1949		1958[1]		1969	
	United States	U.S.S.R.	United States	U.S.S.R.	United States	U.S.S.R.	United States	U.S.S.R.
Total ships	1,379	354	3,513	432	3,061	774	1,937	1,717
Combination passenger and cargo	150	39	75	59	279	72	182	73
Combination P/C refrigerated	13		7				4	1
Freighters	736	267	2,822	322	2,296	566	1,359	999
Freighters refrigerated	29	11	47	11	42	9	39	158
Bulk carriers	67	10	73	10	41	35	48	133
Tankers (incl. whaling tankers)	384	27	489	30	403	92	305	353

[1] Data not available for 1959.

Source: Statistics Division, Subsidy Administration Office, U.S. Maritime Administration.

THE ORDER OF BATTLE—WARSAW PACT GROUND AND AIR FORCES

	1950	1955	1960	1965	1970
U.S.S.R.[1]					
Number of divisions	200	175–200	175	140	148
Inf	170				
Tk	35			50	50(40–50)
Mech				90	90(80–85)
Airb				7	7
Ground Forces strength (in thousands)	3,000	4,500	2,250	2,000	2,000 (1,800)
Number of tanks	40,000		35,000	37,650	32,150
Number of aircraft	17,300	18,500	12,600	9,700	9,700
Fighters	12,400	12,000	7,700	6,200	6,100
Bombers	3,900	4,600	3,000	1,900	1,800
Transports	1,000	1,800	1,900	1,600	1,800
Bulgaria:					
Number of divisions		11–16		11	12
Inf					
Tk				3	4
Mech				8	(3) 8
Airb					
Ground Forces strength (in thousands)	90	165–195		125	125 (130)
Number of tanks				2,000	2,000 (2,700) (3,200)
Number of aircraft	NA	420	320	320	270
Fighters	NA	300	300	300	250
Bombers	NA	100			
Transports	NA	20	20	20	20
Czechoslovakia:					
Number of divisions		12–15		14	13
Inf					
Tk				4	4
Mech				10	9 (10)
Airb					[2] 2
Ground Forces strength (in thousands)		200–250		200	175 (200,000)
Number of tanks				3,000	2,700 (3,100)
Number of aircraft	NA	770	700	650	550
Fighters	NA	700	600	550	500
Bombers	NA	20	50	50	
Transports	NA	50	50	50	50
East Germany:					
Number of divisions		6–9		6	6
Inf				(2)	
Tk				2(2)	2
Mech				4(2)	4
Airb					
Ground Forces strength (in thousands)		150		80	90(85)
Number of tanks					1,800
Number of aircraft	NA	100	220	400	350
Fighters	NA	100	200	350	300
Bombers	NA				
Transports	NA		20	50	50
Hungary:					
Number of divisions		12		6(5)	6
Inf					
Tk				1	
Mech				5(4)	2
Airb					4
Ground Forces strength (in thousands)		165–180	100	90	
Hungary—Continued					
Number of tanks				1,000	750(700)
Number of aircraft	NA	370	120	170	170
Fighters	NA	300	100	150	150
Bombers	NA	50			
Transports	NA	20	20	20	20
Poland:					
Number of divisions		20–25		14	[3] 15
Inf					
Tk				4	5
Mech				9	8
Airb				1	1
Ground Forces strength (in thousands)		450–600		215	185 (215)
Number of tanks				3,000	2,800 (3,000)
Number of aircraft	NA	820	900	800	900
Fighters	NA	700	800	700	800
Bombers	NA	100	50	50	50
Transports	NA	20	50	50	50
Rumania:					
Number of divisions		15–20		11(12)	9
Inf					
Tk				1	2
Mech				10(11)	7
Airb					
Ground Forces strength (in thousands)	200	250–300		175	170 (150)
Number of tanks					1,200 (2,000)
Number of aircraft	NA	340	390	280	320
Fighters	NA	300	350	250	300
Bombers	NA	20	20	20	
Transports	NA	20	20	10	20
Albania:[4]					
Number of divisions		2–3		[5] 6	[5] 6
Inf					5
Tk					1
Mech					
Airb					
Ground forces strength (in thousands)	50	50–60		30	30
Number of tanks					100
Number of aircraft	NA	15	75	80	80
Fighters	NA	15	75	75	75
Bombers	NA				
Transports	NA			5	5
Total—Warsaw Pact countries:					
Number of divisions	200	253–300	175	208	215
Inf	170				5
Tk	35			65	68
Mech				136	121
Airb				8	14
Ground Forces strength (in thousands)	3,340	5,930–6,235	2,250	2,925	2,865
Number of tanks	40,000		35,000	46,650	13,350
Number of aircraft	17,300	21,235	15,325	12,400	12,340
Fighters	12,400	14,415	10,125	8,575	8,475
Bombers	3,900	4,890	3,120	2,020	1,850
Transports	1,000	1,930	2,080	1,805	2,015

[1] Soviet terminology for infantry-type divisions is Motorized Rifle. All motorized rifle divisions are shown under the mechanized division title.
[2] Airborne units are brigades and not divisions.
[3] Includes one amphibious assault division.
[4] No longer a member of the Warsaw Pact.
[5] Largest military ground unit is the brigade.

Source: Various unclassified source documents on Warsaw Pact Forces. Weapons count includes tanks and aircraft in operational storage as well as those assigned to operational units. Specific breakdown in each category is classified. NA indicates figures not available. Numbers in parentheses show second estimates often cited.

SELECTED CHARACTERISTICS OF AIR FORCES

[In percent]

Primary mission capability	NATO	Warsaw Pact
Interceptors (high speed/low payload)	9	34
Multipurpose (high speed/high payload)	31	8
Attack (low speed/high payload)	24	20
Reconnaissance	7	2
Low performance (low speed/low payload)	29	36
Total	100	100
Payload index	100	35
Index of typical loiter time	100	20–40
Index of crew training	100	55

Source: Testimony of former Secretary of Defense Robert S. McNamara, Feb 16, 1968, before the House Defense Appropriations Subcommittee.

U.S. AIRCRAFT IN EUROPE

Year	Bombers	Fighters	Transports	Total
1948	150	150	300	600
1949	100	150	300	550
1950	150	200	100	450
1951	100	200	100	400
1952	100	400	100	600
1953	100	450	100	650
1954	200	700	150	1,050
1955	200	950	150	1,300
1956	200	850	200	1,250
1957	150	850	200	1,200
1958	100	900	200	1,200
1959	150	900	150	1,200
1960	150	750	150	1,050
1961	200	700	100	1,000
1962	200	800	100	1,100
1963	100	700	100	900
1964	100	650	50	800
1965		650	50	700
1966		650	50	700
1967		600	50	650
1968		500	50	550
1969		500	50	550

Note.—Figures are rounded off to the nearest 50 and include U.S. aircraft stationed in North Africa as well as in Europe. Totals were computed by multiplying the number of squadrons in each category by average squadron strengths—15 for bombers, 20 for fighters, 16 for cargo—and later cross-checked with USAF sources.

ARBITRARY ASSIGNMENTS TO SCHOOLS

Mr. ALLEN. Mr. President, I received a letter from a 12-year-old young lady in the sixth grade. She lives in Birmingham, Ala., and has been assigned to a public school under arbitrary and what I believe to be unlawful school plans imposed on the city of Birmingham and Jefferson County, Ala., school systems and other systems throughout the State of Alabama.

Mr. President, let me quote a single statement from the second paragraph of this letter:

I go to school and I don't have a teacher.

Mr. President, I defy any human being who retains a spark of human compassion to read this letter and not take offense at the cruel and arbitrary impositions of school plans which subordinate the welfare of schoolchildren and their parents to arbitrary racial ratios.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BIRMINGHAM, ALA.,
September 1, 1970.

DEAR MR. ALLEN: I am 12 years old but I am still interested in the school situation.

I go to Going school and I don't have a teacher. I don't have 3 teachers in fact. That is mighty poor organizing. I'm not the only one though. The 6th grade are missing 3 or 4 and it is so crowded in the (sorry) first & second grades they have to have split sessions.

Now down the road about a mile is another school, not even full! Poor zoning. It's just not fair. I realize we're not only state in this condition.

It is denitely taking away the freedom that was once fought for. Next they'll be telling us where to live.

It's hard on the teachers too. (And isn't fair). For example you take an experienced lady (teacher) who has been teaching a long time at a certain place and has moved to that community to teach there. Well courts come along and say I don't care if you've taught over here for 15 years we want you over here.

And say a Negro teacher has taught over in her neighborhood and now she has to go across town to teach. By the time she reaches her school a little resentment is built up.

Think about the principals too. For the last few years he or she has tried to build up a good faculty and now integration has taken their good, experienced teachers and put colored, fresh out of college, in their place.

I use to think it might be fun to be a teacher but now the job is too insecure.

I can't learn and teachers can't teach with such confusion.

Our freedom is being taken away.

You just ask a Negro student where he'd rather be. I'll more than likely say he'd rather be back at his or her school.

Where's our freedom? It's sounds like communism Leaders telling people where they'll teach and where we go to school.

I repeat, Where is our freedom?

Sincerely,

NANCY WRIGHT.

P.S.—I may seem unimportant but I don't like to be taken away from my school.

MORTGAGE FUNDS

Mr. SPARKMAN. Mr. President, the recent enactment of the Emergency Home Finance Act should provide a tremendous boost to this country's housing market, but I fear that its true potential is not yet sufficiently known or understood. It cannot meet all of its expectations unless the public knows just what it is intended to do—how it will help those persons, predominantly middle income, who have wanted to buy homes but have been unable to get financing in today's tight money market—and how it will help those lenders who normally finance conventional mortgages.

Mortgage funds have been so scarce that lenders have been hard put to meet their obligations and so expensive that middle-income families, to all intents and purposes, have been priced out of the market. There are Federal programs to assist low-income families; the high-income groups have been able to finance their homes themselves. It is construction of housing for the vast middle sector of the population which has declined seriously—18 percent last year—while low-income housing construction increased 25 percent and homebuilding for the affluent rose by 23 percent.

The new act, designed to generate $3 to $4 billion a year in new funds for the housing market, should result in a dramatic increase in construction starts for middle-income housing. I think this act, when fully implemented, could potentially stimulate new mortgage credit amounting to $20 billion.

Before going into further details of the act, and its affect on the depressed housing industry, I want to acknowledge the assistance given to the establishment of this program by those within and outside of the Government. I make special reference to the staffs of the Banking and Currency Committees of the Senate and the House, to officials of the Federal National Mortgage Association and the Federal Home Loan Bank Board, and to John E. Horne, immediate past chairman of the Federal Home Loan Bank Board and now chairman of the board of Investors Mortgage Insurance Co., Boston. John strongly urged this program, and he gave evidence of his Government training when he appropriately advocated that the Government agencies responsible for administering this act be given the authority to set rules and regulations within broad guidelines established by Congress.

Since copies of the law, with explanatory information, are available to interested persons, I will not go into the details of the legislation. I shall discuss what I believe can be a most significant breakthrough for a huge increase in funds for housing. And I shall make brief mention of several provisions which can substantially aid the distressed housing economy.

A brandnew tool, one which in the long run could exceed in importance any other provision of the Emergency Home Finance Act of 1970, is the authority to provide a secondary market for conventional mortgages. This authority is granted to both the newly created Federal Home Loan Mortgage Corporation, under the aegis of the Federal Home Loan Bank Board, and the Federal National Mortgage Association.

Conventional loans now constitute more than 80 percent of all home mortgages, and the secondary market will assist immensely in creating new and large sources of funds to help finance long overdue and urgently needed housing construction.

In the past, Government secondary market efforts have been concentrated on mortgage loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration. Now, for the first time, there is a vehicle which can provide a stable and viable secondary market for conventional mortgages.

While there is a 10-percent limit on the amount of conventional mortgages more than 1 year old which may be purchased by FHLMC or FNMA, the potential for increased housing funds is tremendous. One- to four-family home structures under conventional mortgages make up the great bulk of mortgage debt outstanding. With this in mind, it requires no great imagination to recognize that if lenders can sell new mortgages each year and finance new homes, a great and constant source of home financing funds will have been established and the peaks and valleys that formerly plagued home financers will be avoided or considerably alleviated.

In addition to providing more money for housing, the secondary market for conventional loans should make possible more profitable operations for the loan originator, the homebuilder, the mortgage banker, the product manufacturer and, indeed, evey other segment of the homebuilding industry. It also should go far toward alleviating the recurring shortage of housing funds which we witnessed in 1966 and 1969.

The contribution made in both of those years by FNMA's secondary market operations in only FHA- and VA-backed mortgages indicates the significance of this. There is a far greater opportunity in the conventional market area because, as I have pointed out, conventional loans far exceed in dollar amounts the combined totals of FHA- and VA-backed mortgages—in fact, they now constitute 80 percent of all home loans.

We know from experience that more and more families are unable to buy housing because they cannot afford a large down payment for the home of their choice. In the past, Congress has recognized this, in part measure at least, by liberalizing the FHA and VA programs and giving the FNMA authority to conduct a secondary market for Government-backed, high-ratio loans.

The 1970 act extends this program by permitting the lenders to originate and sell in the secondary market conventional loans up to 90 percent of appraised value if one of three provisions is met, the simplest being private mortgage insurance on the amount exceeding 75 percent. This is somewhat similar to FHA insurance. Private mortgage insurance gives the original lender, as well as the eventual purchaser in the secondary market, protection for the top 15 percent of the loan in the event that the home buyer defaults.

Mortgage lenders, of course, have been permitted to issue 90 percent conventional loans in the past but, with the shortage of funds, they frequently have been reluctant to do so. The fact that

they now can sell them in the secondary market should make the high-ratio loans more attractive to them.

This 10 percent down payment provision comes at a time when the young adults of America are clamoring for housing—the demand for satisfactory shelter is at its highest level since the end of World War II and the home mortgage interest rate at its highest since the Civil War. But housing starts last year were only 1.4 million—500,000 below the estimated need—and they have fallen even lower in 1970, putting housing production in this country below that of the leaders in the advanced nations.

The new act has other features which should improve the situation, including two subsidy programs which can be of immense assistance. One authorizes Federal grants up to $250 million to the Federal Home Loan Bank Board to enable it to reduce the interest it charges its members, a move that in turn will benefit the home buyer. The other authorizes the Secretary of Housing and Urban Development to make available to FNMA and the new FHLMC up to $105 million a year for subsidy payments on certain mortgages whose interest rates exceed 7 percent. However, both of these programs have to be funded.

Another provision makes available for immediate use, at the discretion of the President, an additional $2.7 billion for the GNMA.

The act provides several forms of help to savings and loan associations, thus moving them closer to becoming full family-service institutions. The major aid is authorization to serve as trustees of Keogh funds. This should result in deposits of additional millions of dollars to be used for home financing.

The act also grants commercial banks authority to make 90 percent, 30-year housing loans. This should enhance the interest that many banks are beginning to manifest in home mortgages.

So you see, Mr. President, that we have taken a potentially valuable forward stride in this legislation, particularly by creating a secondary market for conventional loans. It may be necessary later to modify or strengthen what we have done but, at least, we have taken the first and most important step.

In brief, and as I have already indicated, the Emergency Home Finance Act of 1970 promises increased opportunities for all—home buyers, mortgage lenders, builders, and indeed the entire home-building industry.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The title of the bill was read, as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, will the Senator withhold his request until I am recognized? I shall be glad to yield for the purpose he suggests.

Mr. BYRD of West Virginia, Mr. President, the Senator will have no problem.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the committee amendment. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly oppose the passage of Senate Joint Resolution 1. The purpose of my appearance this morning is to state the reason for my opposition.

I feel very strongly that reform of the present system is greatly needed and I endorse the sentiments expressed by President Johnson in his special message to Congress on January 20, 1966, that there is a great need to reform the electoral college system, although, in my humble judgment, President Johnson's recommendations did not go nearly far enough. To a degree, I also endorse the proposal of President Nixon as presented in his message to Congress on February 20, 1969, in that he made it clear that he believes that both the proportional and district election systems are preferable to the popular election plan.

A change in the constitutional method of selecting a President and a Vice President is long overdue. In an era of tension and the possibility of nuclear warfare we cannot for a moment again consider the possibility of a deadlock among the candidates for President and Vice President such as could have resulted in the past election, leaving a vacuum in national leadership and the possibility of not having a President or a Vice President for an indefinite period. We cannot for a moment permit such a situation to occur in the election to the most important leadership posts in the world.

I strongly feel the electoral vote of a State should not be arbitrarily counted as a whole in favor of the candidate for President or Vice President who receives, in that State, the highest number of individual votes. This method of selection, the winner-take-all system, successfully disenfranchises millions of U.S. citizens and denies them the right to have their votes weighed and counted in the choice of President and Vice President.

The present system of electing the President and Vice President is governed by article II, section I, and the 12th amendment to the Constitution and is still unchanged by the addition of the 23d amendment adding the District of Columbia electors. These sections provide that the President and Vice President shall be chosen by electors appointed by each State in a manner directed by its legislature, each State having the same number of electors as the total number of its Members of Congress in both Houses.

In the case of the District of Columbia, its electors would be equal to the number of those who represent the smallest State in the Union.

As to the States, this system was agreed upon by the writers of our Constitution for two basic reasons: first, the electors should actually choose the President and Vice President because of their greater knowledge of public affairs than the populace as a whole had at that time; and second, in order to protect the smaller States, each State should have two electors representing its Senators, based on its status as a State, in addition to the number of electors, representing its Members in the House of Representatives, based on its population.

In this day of much better communications and much greater understanding of public affairs by the average citizen there is no further reason or justification for continuing the presidential electors as such or the electoral college as such. Under present conditions it is much sounder to let the voters themselves express their preference for President and Vice President in a binding way rather than to delegate their power of election to other individuals.

However, it is interesting to note that the same reasons that existed at the time of the adoption of the Constitution in 1788 and at the time of the adoption of the 12th amendment in 1804 for the fixing of the number of electors of each State on the basis which included all of their representation in the U.S. Congress, that is, both Senators and Representatives, still exist in even greater degree and operate as strong arguments against the abandonment of the constitutional method of fixing the weight of each State in presidential elections. These reasons were and are:

First, the vast difference in population of the several States; and

Second, the zealous retention in the States of many elements of sovereignty.

The census of 1790 which occurred shortly after the adoption of the Constitution and the beginning of our Federal Government in 1789, showed the population of Delaware at 59,096 and of Rhode Island at 68,825. These were the two smallest of the original States. The same census of 1790 showed the population of the two largest States as follows: Virginia, 880,200; and Pennsylvania, 602,-365. Assuming that these statistics reflect accurately the relative population of the States at the time of the adoption of the Constitution, it thus appears that Virginia then had more than 14 times the population of Delaware and approximately 13 times the population of Rhode Island. Pennsylvania had more than 10 times the population of Delaware. Practically the same disparity of population

is reflected by the census of 1800, taken shortly prior to the adoption of the 12th amendment in 1804, which did not disturb the setup of the electoral college.

By the 1960 U.S. census, the population of the then largest State, New York, was 16,782,304, and the population of the second largest State, California, was 15,717,204. These largest States compared with the smallest States in 1960 are as follows: Alaska had 226,167; Nevada had 285,278. Thus, New York had more than 70 times the population of Alaska. It is clear that the disparity in population between the largest and the smallest State in 1960 was much greater than was the disparity between the largest and smallest State at the time of the adoption of the Constitution and also at the time of the adoption of the 12th amendment in 1804. As to the 1970 census on which we have only preliminary figures the disparity in population between the largest State, California, and the smallest State, Alaska, is even greater than it was in 1960.

Furthermore, I cannot believe that the Congress or the American people are any less conscious at this time than were the Founding Fathers of the necessity for preserving the full weight of the States as separate, sovereign units of government which have retained and preserved for themselves many elements of their sovereignty and which are entitled now, as they were in the early days of the Republic, to the retention of their two votes in the U.S. Senate and the counting of their two Senators with their Representatives to make up the total number of their electors to whom they are entitled in the selection of the President and Vice President. To put the presidential election solely on the basis of population or of votes cast in all 50 States and the District of Columbia would be to downgrade very greatly all of the smaller States in the Union, including each of the 35 States whose population is less than the average population of all 50 States, or about 3.9 million persons in 1970.

As just one instance of the terrific impact of popular election of the President and Vice President, and assuming that in all States the votes cast would be approximately in proportion to total population, based on preliminary 1970 census figures, I call attention to the fact that the District of Columbia—764,000—would by this method be given more weight in a presidential election than Alaska — 294,607 — and Delaware—542,979—combined, or greater weight than Wyoming — 328,591 — and Vermont—437,744—combined. The District of Columbia—764,000—would be given greater weight than any of the following 11 States: Alaska, 294,607; Delaware, 542,979; Hawaii, 748,578; Idaho, 698,215; Montana, 682,133; Nevada, 481,893; New Hampshire, 722,753; North Dakota, 610,648; South Dakota, 661,406; Vermont, 437,744; and Wyoming, 328,591.

I was glad to support the 23d amendment by which the District of Columbia was given the same weight as our smallest State in the electoral college for the election of the President and Vice President, but I am not prepared to approve this additional adventure by which the District of Columbia—which does not have any of the duties or responsibilities of sovereign statehood—would be given greater weight than any of the 11 States which I have listed and much greater power in the election of Presidents than is conferred on it now by the 23d amendment.

It is a bit amusing to contrast the proposal which we are considering today as it affects the District of Columbia with the action taken by the Senate Wednesday of this very week, 2 days ago, by which the Congress completed action on a bill giving a nonvoting delegate in the House of Representatives to the District of Columbia, thus clearly showing by such action that the Congress recognized what is a fact—that the District of Columbia is not a State and does not have State sovereignty under which it is responsible for so many laws affecting the daily lives of its citizens and the millions of transients who come here each year. And yet, today, by this constitutional amendment it is proposed that we consider the District of Columbia on exactly the same basis as each of the 50 States, greatly enlarging its power in the election of presidents and vice presidents at the same time we are downgrading the power of more than half of the States.

Sometimes in this day of constant pushing for increased centralized, Federal power, we are prone to forget that the States are still sovereign in so many fields and that by their laws they handle so many of the matters which are completely vital to all of their citizens. While the States have lost some of their jurisdiction due to Federal encroachment, the States still retain and administer most of the matters which vitally affect the lives of their average citizens such as the following:

Taxing real and personal property; operating the public schools; keeping vital statistics, such as registration of births and deaths; appointment of guardians for minors and incompetents and handling their estates; ownership and conveyancing of property; providing for the distribution of the estates of deceased persons; providing for the licensing of teachers, doctors, dentists, engineers, lawyers, and other vital professional and business persons and institutions; creating and regulating corporations and trusts; providing for the marriage and divorce of their citizens; handling most civil actions and most criminal prosecutions; enforcing law and order; taking life as a penalty for certain heinous crimes; providing, through police, firemen, inspectors and sanitary workers, for their security and that of homes and business; providing for the poor house and for hospitals for the insane, the feebleminded and the ill; controlling the highways; regulating the rates of water, power, gas and local transportation and controlling fresh water supplies.

In short, and this is not a full list of the State powers still retained, the States handle most of the important aspects of life for both their citizens and transients. None of these activities are controlled for itself by the District of Columbia—all by the National Congress. Yet, it is proposed both to give the same weight to the District of Columbia which is given to States according to population and it is also proposed to take away from the small States the equal weight which they were given by the Founding Fathers, and have always had, to represent their State and local interests, not just in the Senate of the United States, but also in the election of the President and Vice President.

I do not believe that many of the advocates of the direct election of the President and Vice President have carefully thought the matter through. I do not believe they want to downgrade the States as would be done by the adoption of the proposed direct election amendment. Particularly in the Senate, I cannot believe that the advocates of the direct election of the President and Vice President realize that the proposed action is a direct encouragement to later action toward depriving the States of their equal representation in the Senate. And I realize that that would be very, very difficult under the Constitution. We have already seen, however, that the Supreme Court is willing to override ancient, constitutional safeguards when they conflict with its philosophy as to what they feel should be the law in this 20th-century Republic. I am not willing to take this far-reaching step which so completely changes the underlying philosophy of our Republic of dual sovereignty as stated by the Founding Fathers and as practiced with relative success and public approval through 180 years of practical government of our ever-growing and ever more powerful Nation. I am unwilling to take this step which, in the selection of our highest executive officials, would radically change our Government from a representative republic to an all-out democracy.

Mr. President, it is interesting to note, as shown on the attached table, the great shift in weight of the several States if the election of the President and Vice President were by popular vote. The large States would be given increased weight and power at the expense of the smaller States as follows:

Under the popular election plan, based on 1970 preliminary census figures, and assuming that votes cast would be in proportion to population, 29 States and the District of Columbia would have a smaller voice in the election of the President and Vice President than they have under the electoral college system, six States would retain equal voice, and 15 States would gain a stronger voice.

Under the proposed popular election system, nine States, having 52.1 percent of the population, could control the election.

Under the present electoral system, 11 States, having 50.6 percent of the total electoral vote, could control the election.

As may be readily seen from the table, the loss in State weight, under the popu-

lar election system as opposed to the electoral system, is 83 percent in the case of Alaska; seven other States would lose 50 percent or more of their weight; eight other States would lose over 25 percent of their weight; and 13 other States would lose from 5.3 percent of their weight to 25 percent of their weight. I submit, Mr. President, that those Senators from those 29 States who support the popular election plan must have given little thought to the loss of weight of their respective States under the pending proposal. At this point, I ask unanimous consent that the tabulation referred to be printed in the RECORD.

The PRESIDING OFFICER (Mr. LONG). Is there objection?

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

State	Population 1970	Percent of population	Electoral vote	Percent of electoral vote	Percent of popular vote versus electoral vote: Gain	Percent of popular vote versus electoral vote: Loss	Percent of State weight: Gain	Percent of State weight: Loss
California	19,696,840	9.8	45	8.4	1.4		16.7	
New York	17,979,712	9.0	41	7.6	1.4		18.4	
Pennsylvania	11,663,301	5.8	27	5.0	.8		16.0	
Texas	10,989,123	5.5	26	4.8	.7		14.6	
Illinois	10,973,986	5.5	26	4.8	.7		14.6	
Ohio	10,542,030	5.3	25	4.7	0.6		12.8	
Michigan	8,776,873	4.4	21	3.9	.5		12.8	
New Jersey	7,091,995	3.5	17	3.2	.3		9.4	
Florida	6,671,162	3.3	17	3.2	.1		3.1	
Massachusetts	5,630,224	2.8	14	2.6	.2		7.7	
Indiana	5,143,422	2.6	13	2.4	0.2		8.3	
North Carolina	4,961,832	2.5	13	2.4	.1		4.2	
Missouri	4,636,247	2.3	12	2.2	.1		4.6	
Virginia	4,543,249	2.3	12	2.2	.1		4.6	
Georgia	4,492,038	2.2	12	2.2				
Wisconsin	4,366,766	2.2	11	2.0	.2		10.0	
Maryland	3,874,642	1.9	10	1.9				
Tennessee	3,838,777	1.9	10	1.9				
Minnesota	3,767,975	1.9	10	1.9				
Louisiana	3,564,310	1.8	10	1.9		0.1		5.3
Alabama	3,373,006	1.7	9	1.7				
Washington	3,352,892	1.7	9	1.7				
Kentucky	3,160,555	1.6	9	1.7		.1		5.9
Connecticut	2,987,950	1.5	9	1.7		.2		11.8
Iowa	2,789,893	1.4	8	1.5		.1		6.6
South Carolina	2,522,881	1.3	8	1.5		.2		13.3
Oklahoma	2,498,378	1.2	7	1.3		.1		7.7
Kansas	2,222,173	1.1	7	1.3		.2		15.4
Colorado	2,195,887	1.1	7	1.3		.2		15.4
Mississippi	2,158,872	1.1	7	1.3		.2		15.4
Oregon	2,056,171	1.0	6	1.1		.1		9.1
Arkansas	1,886,210	.9	6	1.1		.2		18.2
Arizona	1,752,122	0.9	6	1.1		0.2		18.2
West Virginia	1,701,913	.8	6	1.1		.3		27.3
Nebraska	1,468,101	.7	5	.9		.2		22.2
Utah	1,060,631	.5	4	.7		.2		28.6
New Mexico	998,257	.5	4	.7		.2		28.6
Maine	977,260	.5	4	.7		.2		28.6
Rhode Island	922,461	.5	4	.7		.2		28.6
District of Columbia	764,000	.4	3	.6		.2		33.3
Hawaii	748,578	.4	4	.7		.3		42.9
New Hampshire	722,753	.4	4	.7		.3		42.9
Idaho	698,215	.4	4	.7		.3		42.9
Montana	682,133	.3	4	.7		.4		57.1
South Dakota	661,406	.3	4	.7		.4		57.1
North Dakota	610,648	.3	3	.6		.3		50.0
Delaware	542,979	.3	3	.6		.3		50.0
Nevada	481,893	.2	3	.6		.4		66.6
Vermont	437,744	.2	3	.6		.4		66.6
Wyoming	328,591	.2	3	.6		.4		66.6
Alaska	294,607	.1	3	.6		.5		83.3
Total	200,263,721	100.0	538	100.0	7.4	7.4		

Mr. HOLLAND. Mr. President, I call attention briefly in passing to the fact that the following States are the ones which are most adversely affected by the change in the system that is proposed under Senate Joint Resolution 1.

Alaska would lose 83.3 percent of its weight.

Wyoming would lose 66.6 percent of its weight.

Vermont would lose 66.6 percent of its weight.

Nevada would lose 66.6 percent of its weight.

Delaware would lose 50 percent of its weight.

North Dakota would lose 50 percent of its weight.

South Dakota would lose 57.1 percent of its weight.

Montana would lose 57.1 percent of its weight.

Idaho would lose 42.9 percent of its weight.

New Hampshire would lose 42.9 percent of its weight.

Hawaii would lose 42.9 percent of its weight.

Rhode Island would lose 28.6 percent of its weight.

Maine would lose 28.6 percent of its weight.

New Mexico would lose 28.6 percent of its weight.

Utah would lose 28.6 percent of its weight.

Nebraska would lose 22.2 percent of its weight.

West Virginia would lose 27.3 percent of its weight.

Arizona would lose 18.2 percent of its weight.

Arkansas would lose 18.2 percent of its weight.

Oregon would lose 9.1 percent of its weight.

Mississippi would lose 15.4 percent of its weight.

Colorado would lose 15.4 percent of its weight.

Kansas would lose 15.4 percent of its weight.

Oklahoma would lose 7.7 percent of its weight.

South Carolina would lose 13.3 percent of its weight.

Iowa would lose 6.6 percent of its weight.

Connecticut would lose 11.8 percent of its weight.

Mr. President, the list shows for itself what is the situation with reference to each State in the Union. I hope that Senators will study the matter thoroughly.

I should add with respect to those States that are adversely affected that Kentucky would lose 5.9 percent of its weight and Louisiana would lose 5.3 percent of its weight.

I say again the figures in this table are based on the 1970 census, which I know is not complete, but we will never have population figures up to date but for a very short time, under our present system of decennial census. They will become out of date within a year to some extent, and much more out of date before the next decennial census.

Mr. President, if one would study the unusual weather phenomenon occurring during the period of the month of November when presidential elections occur it would be readily seen how adverse weather conditions could play a part on the fairness of direct elections, and incidentally if the proposals of the pending amendment were adopted, we should have a second election coming, let us say, in December, in which the chance of disturbance of the weight of many of the States would be even more adversely affected, because the weather conditions in December are even worse in the colder States than they are in November.

A study of the weather conditions would make it completely clear that in the event of nationwide direct election of President and Vice President, the people in one or more States might not be given their full weight in comparison to other States of the Nation due to no fault of their own. Of course, adverse weather affects voting in each State singly, and always has, but the State will still have its full electoral strength and the votes actually cast should be fairly representative of the attitude of the people of that State as a whole.

The district plan, that has been discussed and is generally referred to as the Mundt plan, where two State electoral votes are awarded for each Senator on a statewide basis and one for each separate congressional district in the State, recognizes the federal system, but it is subject to a marked degree of human and political control and manipulation by those who control the machinery of State government.

Those who favor the district plan have shown little recognition of the danger of gerrymandering congressional district lines by State legislatures in such a way as to directly affect the district vote in presidential elections. I am particularly aware of this danger because the preliminary census figures for 1970 show that in my own State—Florida—we may have to redistrict to allow for three additional Representatives, or a total of 15 Members of Congress from Florida; whereas in the State of California—now

our largest State—the legislature will probably have to redistrict to allow for five new Congressmen, or a total of 43. These two figures clearly show how heavy population shifts may be from one decennial census to another and how great the opportunity and temptation for gerrymandering in the State legislatures would become under the proposed District or Mundt plan.

Besides, under the District plan, the winner-take-all principle would still apply statewide to the two statewide electoral votes and would also apply, in each district, to the district electoral votes. Then, too, there are substantial population shifts and changes that take place between the decennial censuses for which compensation cannot be made. Many who have supported this plan in the past may now have second thoughts in the light of the decisions in the legislative apportionment cases decided by the Supreme Court which will be discussed later. This plan is still eminently preferable to the present system or that of popular election, in my opinion.

In other words, if it came to a choice—and I hope it does not come to such a choice—between the three systems—that is the presently existing system, the popular election system as proposed in Senate Joint Resolution 1, and the District or Mundt plan which I understand may be proposed as a substitute—I would certainly favor the District plan.

The proportional method of selecting the President and Vice President, as presented in the substitute to be offered by the Senator from North Carolina (Mr. ERVIN) and which I advocate, is in complete harmony with our constitutional forms. It is precise and not subject to political manipulation or human frailties. It is fair to the States, both small and large, and it gives to each and every qualified elector in every State the right to have his vote counted for his candidate for President and Vice President. I firmly believe that a State should be entitled to electoral votes and electoral weight proportionate to its total representation in Congress.

I further feel that the electoral vote of each State should be divided between candidates in the exact proportion in which the total vote of that State is cast. This is substantially the same plan that was contained in the proposed Lodge-Gossett amendment for which I was proud to cast my vote in 1950 when it was adopted in the Senate by a vote of 64 to 27. I have introduced in this Congress Senate Joint Resolution 4 which contains this substantial language:

> Each person for whom votes were cast for President in each State shall be credited with such portion of the electoral vote thereof as he received of the total vote of the electors therein for President and each person for whom votes were cast for Vice President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for Vice President. In making the computation, fractional numbers less than one-thousandth of an electoral vote shall be disregarded. The person having the greatest number of electoral votes for President shall be the President if such number be at least 40 per centum of the whole number of such electoral votes. If no person has at least 40 per centum of the whole number of electoral votes, then from the persons having the three highest number of electoral votes for President, the Senate and House of Representatives, sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.
>
> The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the Office of President shall be eligible to that of Vice President of the United States.

The adoption of this language will effect a basic, far-reaching, and necessary reform in our constitutional method for selecting a President and Vice President and provide for the retention of our federal system as a republic and will preserve the political dual identity of the States in the administration of vital matters, such as age, residence, registration, and absentee voting requirements.

I should add that I am not in favor of the Federal Government taking over the control of those vital election machinery provisions always provided by State law, and I think properly so provided, because the experience of the States differs in this very vital field.

Mr. President, the historical arguments as to why the electoral college system should be reformed have been stated and restated in the past with such power, force, and eloquence that I am reluctant to advert to them now and do not believe that it is necessary to inform and enlighten the Members of the Senate and the people on the issues. Committee hearings of both the House and Senate and the CONGRESSIONAL RECORD are replete with these arguments, which have already been stated several times during the course of this debate.

The urgent need today is to examine and weigh on the scales of judgment new evidence and new developments that have effect and influence on the issue involved.

We are familiar with the decision of the Supreme Court on March 26, 1962, in the case of Baker against Carr, commonly known as the Tennessee Legislative Reapportionment Case requiring the one-man, one-vote as applied in setting up State legislative districts. We know of the Court's decision in *Wesberry* v. *Sanders*, 376 U.S. 1, which extended the doctrine of the one-man, one-vote to the setting up of districts for the election of Members of the House of Representatives.

Since the 17th article of amendment was enacted subsequent to the 14th, it is pleasant to suppose that we Senators are safely beyond the reach of the Court. But, when one considers how far the actual election of a President and Vice President has, in fact, departed from the electoral college concept written into the Constitution by the Founding Fathers, a serious question is presented.

Mr. Arthur M. Schlesinger, in his book "Paths to the Present," describes what happened in this language:

> What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the electors' functions, though peaceably achieved, amounted to a coup de-etat. It was an amendment of the written Constitution by the unwritten Constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

In the opinion of many, of whom I am one, the Supreme Court of today has, in fact, acted in an extralegal and supra-constitutional manner. Acting as it has, would it not be entirely within the realm of possibility for the Supreme Court to assert its judicial power if it felt that great masses of citizens in these United States were being denied equal protection of the laws in having their vote for President and Vice President discarded because they failed to vote for the candidate or candidates that received the highest number of votes in their respective States.

In any event, it would be most appropriate for Congress and the States to implement the principle of fair and proportionate districting of areas from which public officers are to be elected by providing for the division of the electoral vote of a State in accordance with the proportionate vote for the candidates, and that is what my amendment would do, down to the thousandth point, but not beyond that point.

The trials and tribulations of the electoral college system have differed from election to election. The election of 1948 dramatically illustrated how third-party movements and splinter parties could so dilute the vote between candidates that the States' electoral vote would be cast to candidates receiving less than a majority of the popular vote. In the States of California, Florida, Indiana, Louisiana, Maryland, Michigan, New York, Ohio, Oregon, Tennessee, and Virginia where the total population vote amounted to 19,985,102, the candidate carrying the entire State electoral vote for a total of 184, received less than a majority of the popular vote. There is no way to predict what will happen in regard to the future of third and splinter parties. But historically, one thing that is certain regarding national politics is the uncertainty of what will develop.

In the 1948 election in Florida, which I have the honor to represent in part, 577,643 votes were cast. We are now casting 2 million or better. The Truman-Barkley ticket received 281,988 votes, or 49 percent of the total vote against 194,280 votes, or 33 percent of the total vote for the Dewey-Warren ticket; 89,755, or 16 percent, the total vote for the Thurmond-Wright ticket, and 11,620, or 2 percent of the total vote for the Wallace-Taylor ticket.

The Truman-Barkley ticket received all eight electoral votes, but under my resolution the total electoral vote would

have been distributed—the Truman-Barkley ticket receiving 3.9 electoral votes, the Dewey-Warren ticket receiving 2.6 of the electoral vote, the Thurmond-Wright ticket receiving 1.3 of the electoral vote and the Wallace-Taylor ticket receiving 0.2 of the electoral vote. Thus, no voting citizen would have been disenfranchised.

In 1960 the presidential election was so close that the winning candidate received 49.7 percent of the popular vote nationwide and the losing candidate 49.5. Although there was only two-tenths of 1 percent difference in the popular vote, the electoral vote was 303 to 219 in favor of the leading candidate.

In the last election of 1968, President Nixon received 43.4 percent and former Vice President Humphrey received 42.7 percent of the popular vote. Although there was only seven-tenths of 1 percent difference in the popular vote, the electoral vote was 301 to 191 in favor of President Nixon and the third party candidate received 46 electoral votes. There is obviously something wrong with a system that spells out an end result such as this when the popular vote of the two leading candidates was almost identical.

As a matter of interest, I have prepared a table showing the total electoral vote by State, the electoral vote received by each candidate in the last election, and the electoral vote each candidate would have received under the proportional system, which I advocate. And I ask that that collation be printed in the RECORD.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL ELECTION RESULTS—1968

State	Total electoral vote	Electoral vote received			Percent electoral vote based on Senate Joint Resolution 4		
		Nixon	Humphrey	Wallace	Nixon	Humphrey	Wallace
Alabama	10			10	1.42	1.97	6.61
Alaska	3	3			1.34	1.30	.36
Arizona	5	5			2.76	1.78	.46
Arkansas	6			6	1.85	1.82	2.33
California	40	40			19.28	18.05	2.62
Colorado	6	6			3.05	2.50	.45
Connecticut	8		8		3.54	3.97	.49
Delaware	3	3			1.36	1.25	.49
District of Columbia	3		3		.53	2.47	
Florida	14	14			5.74	4.41	4.05
Georgia	12			12	3.62	3.23	5.15
Hawaii	4		4		1.55	2.40	.05
Idaho	4	4			2.27	1.23	.50
Illinois	26	26			12.37	11.52	2.21
Indiana	13	13			6.55	4.75	1.50
Iowa	9	9			4.80	3.69	.51
Kansas	7	7			3.83	2.46	.71
Kentucky	9	9			3.91	3.04	1.65
Louisiana	10			10	2.33	2.85	4.82
Maine	4		4		1.71	2.22	.07
Maryland	10		10		4.20	4.34	1.46
Massachusetts	14		14		4.59	8.90	.51
Michigan	21		21		8.67	10.25	2.08
Minnesota	10		10		4.15	5.40	.45
Mississippi	7			7	.97	1.60	4.43
Missouri	12	12			5.36	5.27	1.37
Montana	4	4			2.01	1.70	.29
Nebraska	5	5			2.98	1.61	0.41
Nevada	3	3			1.45	1.15	.40
New Hampshire	4	4			2.08	1.77	.15
New Jersey	17	17			7.89	7.56	1.55
New Mexico	4	4			2.08	1.60	.32
New York	43		43		19.18	21.59	2.23
North Carolina	13	12		1	5.13	3.80	4.07
North Dakota	4	4			2.24	1.54	.23
Ohio	26	26			11.75	11.16	3.09
Oklahoma	8	8			3.02	2.56	1.62
Oregon	6	6			2.99	2.65	.36
Pennsylvania	29		29		12.64	14.01	2.35
Rhode Island	4		4		1.25	2.59	.16
South Carolina	8	8			3.11	2.35	2.54
South Dakota	4	4			2.06	1.62	.32
Tennessee	11	11			4.15	3.11	3.74
Texas	25		25		9.50	9.83	5.67
Utah	4	4			2.26	1.49	.25
Vermont	3	3			1.59	1.32	.09
Virginia	12	12			5.20	3.93	2.87
Washington	9		9		4.00	4.34	.66
West Virginia	7		7		2.86	3.48	.66
Wisconsin	12	12			5.76	5.33	.91
Wyoming	3	3			1.67	1.07	.26
Total	538	301	191	46	231	226	81

Mr. HOLLAND. Another of the traditional and oft-repeated arguments against any character of electoral reform is that the South is a single party area and that the topheavy and overwhelming majorities it gives to Democratic candidates is unfair to the splits that exist elsewhere in the country. It is quite untimely to mention that point right now, Mr. President, but it has been mentioned repeatedly in the past as one of the arguments against the adoption of the proportional election system.

Further, the point was made that the one-party system created such apathy in general national elections that only a fraction of the population turned out to vote. There have been fundamental changes in the voting patterns of Southern States that eliminate completely any validity that these arguments might contain against electoral reform.

First, let us examine what has happened to the "one-party South" in the elections since electoral reform was last considered in the Senate. In the Presidential election of 1956, Alabama cast 56.5 percent of its vote for the Democratic candidate, 39.4 percent for the Republican; Arkansas, 52.5 percent Democratic, 45.8 percent Republican; Florida 42.7 percent Democratic, 57.3 percent Republican; Georgia, 66.8 percent Democratic, 32.8 percent Republican; Louisiana 39.5 percent Democratic, 53.3 percent Republican, 7.2 percent unpledged; Missssippi 49.3 percent Democratic, 24.5 percent Republican, 17.3 percent unpledged; North Carolina 50.7 percent Democratic, 49.7 percent Republican; South Carolina 45.4 percent Democratic, 25.2 Republican, 29.4 percent unpledged; Tennessee 48.6 percent Republican, 49.2 percent Democratic; Texas 44.0 percent Democratic, 55.3 percent Republican, and Virginia 38.4 percent Democratic, 55.4 percent Republican.

In the 1960 presidential election, Alabama cast 56.9 percent Democratic votes, 41.8 percent Republican; Arkansas 50.2 percent Democratic, 43.1 Republican; Florida 48.5 percent Democratic, 51.5 percent Republican; Georgia 62.6 percent Democratic, 37.4 percent Republican; Louisiana 50.4 percent Democratic, 28.6 percent Republican, 21 percent Independent; Mississippi 36.32 percent Democratic, 24.7 percent Republican, 39 percent unpledged; North Carolina, 52.1 percent Democratic, 47.9 percent Republican; South Carolina 51.2 percent Democratic, 48.8 percent Republican; Tennessee 45.8 percent Democratic, 52.9 percent Republican; Texas 50.5 percent Democratic, 48.5 percent Republican; and Virginia 47 percent Democratic and 52.4 percent Republican.

In 1964 no votes were registered in Alabama for the Democratic candidate, the Republican received 69.54 percent of the total, and the balance went to unpledged electors. In Arkansas the vote was 56.5 percent Democratic, 43.41 percent Republican; Florida 51.15 percent Democratic, 48.85 percent Republican; Georgia 45.88 percent Democratic, 54.12 percent Republican; Louisiana 43.19 percent Democratic, 56.81 percent Republican; Mississippi 12.86 percent Democratic, 87.14 percent Republican; North Carolina 56.15 percent Democratic, 43.85 percent Republican; South Carolina 41.1 percent Democratic, 58.9 percent Republican; Tennessee 55.6 percent Democratic, 44.4 percent Republican; Texas 63.46 percent Democratic, 36.54 percent Republican; and Virginia 53.82 percent Democratic, 46.18 percent Republican.

In the 1968 presidential election Alabama cast 18.6 percent Democratic votes, 14.1 percent Republican, 66 percent for the third party; Arkansas 30.3 percent Democratic, 31 percent Republican, 38.7 percent third party; Florida 39.9 percent Democratic, 40.5 percent Republican, 28.6 percent third party; Georgia 27 percent Democratic, 29.7 percent Republican, 43.3 percent third party; Louisiana 28.2 percent Democratic, 23.5 percent Republican, 48.3 percent third party; Mississippi 23 percent Democratic, 13.5 percent Republican, 63.5 percent third party; North Carolina 29.2 percent Democratic, 39.5 percent Republican, 31.3 percent third party; South Carolina 29.6 percent Democratic, 38.1 percent Republican, 32.3 percent third party; Tennessee 28.1 percent Democratic, 37.8 percent Republican, 34.1 percent third party; Texas 41.1 percent Democratic, 39.9 percent Republican, 19

percent third party; Virginia 32.5 percent Democratic, 43.4 percent Republican, 23.6 percent third party.

These percentages reflect a very healthy balance between the two major parties in Southern States existing in the last four presidential elections. In the foreseeable future there is no reason to assume that the pattern will change. In fact, there are indications that the Republican Party will continue to grow and thrive in the South. On the other side of the coin, there has been a marked change of voting habits in those States that were formerly famous for their rock-ribbed Republicanism, such as Maine, New Hampshire, and Vermont. In the 1964 election the Democratic candidate carried Maine 262,224 to 118,701. Johnson carried New Hampshire 182,065 to 104,029. He carried Vermont 107,674 to 54,868. In 1968, Humphrey carried Maine 217,312 to 169,254, while New Hampshire and Vermont were carried by President Nixon by 154,903 to 130,589 and 85,142 to 70,255, respectively. The two-party system is now very clearly a reality throughout the entire United States in presidential elections.

Competition between the parties for votes, coupled with the elimination of the poll tax as a prerequisite in voting in the election of national officers and the application of the voting rights provisions of the various civil rights acts, resulted in a marked increase in the total number of votes cast in the general elections for President and Vice President. In a few more elections, there will be no substantial difference between the percentage of the total vote cast in other areas of the United States.

As I previously stated, I can endorse, to a degree, the proposal contained in President Nixon's message of February 20, 1969. However, I cannot give carte blanche approval to his recommendations as they contain a provision for a runoff election by popular vote for the President and Vice President, between the top two candidates, in the event no presidential slate receives 40 percent or more of the electoral vote in the regular election. A similar provision is contained in the pending proposal, Senate Joint Resolution 1.

This method of electing the President and Vice President would delay materially the election of the President and Vice President and would add greatly to the cost of elections. And this provision adopts the plan for election by national popular vote, with which I am in total disagreement, in the second or run-off election. I cannot think of anything that would be more encouraging to the formation of splinter parties or third parties than this feature in the President's proposal and in Senate Joint Resolution 1. I am in total disagreement with this part of the President's program; the encouragement which this part of the program would give to third parties and splinter parties is self-evident. That third party effort might be based on genuine interest in the new program, in the new platform of a candidate, or might be fomented by one of the principal parties through an effort to get some splinter party in to cut down the vote of the other party. Regardless of how it came, the addition of splinter parties, of third parties, is deliberately encouraged in my opinion by such a program as the President's suggestion in the event there is no candidate in the first election which gets 40 percent of the total electoral weight.

I should add again, when I said earlier in my statement that such an election would add very greatly to the expense of elections, which are already too great in the opinion of most citizens, and are largely responsible, in my opinion, for the disfavor in which politics now exists in the minds of too many people, and would also bring about a great delay.

If that delay came up into December, it would bring about a throwing of the election in confused weather conditions, which would be sure to downgrade the weight of certain of the States. This would not happen in my part of the Nation, but nevertheless certain States would find themselves downgraded, if there were a popular election of Presidents in that second election as suggested by President Nixon and as provided also in the pending measure, Senate Joint Resolution 1, with the second election coming in December.

I agree, therefore, with all of the earlier portion of his suggestions. I greatly approve the fractional division of the electoral weight of each State as the preferable course to follow.

Second, I would prefer the so-called District plan, which is certainly much better than either the present program or than the popular election of Presidents. But I cannot approve the President's going to the popular election plan in the event a second election is called, and I much prefer what is provided in my own amendment and in Senator ERVIN's substitute, which would throw the matter then into the entire Congress, the House plus the Senate, with every Congressman and every Senator having a full vote in the election of the President between the three candidates who had the highest vote in the electoral weight count in the first election.

That would come as near to preserving the republican system which we have, the Federal system under which we have lived since the Constitution was adopted, as anything else, because it would still give two votes to each State, based on their statehood, based now on two Senators, and would give the vote to each district in the State based on the population of that State.

Under my proposal, Senate Joint Resolution 4, in the event no candidate for the office of President and Vice President receives 40 percent of the electoral vote, Members of the House of Representatives and Senate, sitting in joint session would choose, immediately by ballot, the President and Vice President—the majority of the votes of the combined membership of the House of Representatives and Senate being necessary for a choice. As Senators can see, should my resolution be adopted, each State will retain its full weight by population and its weight as a sovereign State unit of government as it now has under the present system, and as envisioned by our Founding Fathers in order to protect remote and underdeveloped smaller States from perpetual stepchild status.

My proposal would not be an open invitation for the formation of splinter or third-party efforts.

Former President Johnson voted in 1956 in favor of the Daniel compromise amendment which permitted States the choice between the proportional and district plan of reform. Former Presidents of the United States Truman and Eisenhower have communicated with the Senate Judiciary Committee and expressed agreement that change should be made in the method of selecting our President and Vice President.

Mr. President, there will never be a better time than the present to completely overhaul the ancient and outworn machinery now provided for the election of the President and Vice President. This is and should be an absolutely bipartisan effort. And in my judgment, no plan has yet been advanced which preserves and safeguards our Federal system, that better achieves the result of fair and democratic reform of the electoral system than does the proportional plan which I support, and which is supported also by the Senator from North Carolina (Mr. ERVIN), and will be included in the substitute amendment which he will offer.

I ask unanimous consent that the complete text of my resolution be printed in the RECORD at this point.

There being no objection, the resolution (S.J. Res. 4) was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President of the United States.

"Each State shall be entitled to cast for President and Vice President a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such electoral votes shall be cast, in the manner provided by section 3 of this article, upon the basis of an election in which the people of such State shall cast their votes for President and for Vice President. The voters in each State in any such election shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature.

"The Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin.

"SEC. 2. In such election within any State, each voter by one ballot shall cast his vote for President and his vote for Vice President. The name of any person may be placed upon any ballot for President or for Vice President only with the consent of such person.

"Within forty-five days after the election or at such time as the Congress shall direct, the official custodian of the election returns of each State shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, and the total number of votes cast in such State for all persons whose names appear thereon.

"SEC. 3. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President, and each person for whom votes were cast for Vice President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for Vice President. In making the computations, fractional numbers less than one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has at least 40 per centum of the whole number of electoral votes, then from the persons having the three highest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"SEC. 4. If, at the time fixed for the counting of the electoral votes as provided in section 3, the presidential candidate who would have been entitled to receive a majority of the electoral votes for President has died, the vice-presidential candidate who is entitled to receive the majority of the electoral votes for Vice President shall become President-elect.

"SEC. 5. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them, and for the case of death of both the presidential and vice-presidential candidates who, except for their death, would have been entitled to become President and Vice President.

"SEC. 6. The first, second, third, and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution, and section 4 of the twentieth article of amendment to the Constitution, are hereby repealed.

"SEC. 7. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. HOLLAND. I thank the Chair, and in closing may I just say—and I am not saying this in disrespect to anyone, because I think that there is plenty of room for good conscientious differences in this matter, but as one who has been engaged in practical politics for a long time, during which I have also tried to remain in the constitutional field—it seems to me that it would be completely futile to suggest to the States the election of President and Vice President by popular vote.

I cannot see the 29 States, which are deprived of a part and some of them of a great part of their weight in the election of the President and Vice President supporting that particular amendment.

Certainly I think there would be well more than 12 of them, because more than 12 are hurt very seriously, are hurt in a major way, are cut down by a major percentage in their importance in the selection of President and Vice President by the popular election system, and I do not believe that practical thinking can bring the conclusion that there is a chance for the adoption of the constitutional amendment requiring election of President and Vice President by popular vote. The legislatures of the various States, to the number of 38, would have to approve that amendment to make it effective, and I cannot see any reason whatever to expect that 38 legislatures would do so.

Mr. President, it occurs to me that the record of this debate should reflect the views of some leading columnists and editorial writers of our country because they are thinking all the time about important national issues and they are thinking all the time at this particular moment about the business which is pending on the floor of the Senate.

Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Direct Vote May Come But It Won't Be Perfect" which was published in the Miami Herald of October 7, 1969. The editorial was written by John S. Knight.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DIRECT VOTE MAY COME, BUT IT WON'T BE PERFECT

In the anxious early hours of Wednesday, Nov. 6, 1968, no one really knew whether the next President of the United States would be Richard M. Nixon or Hubert H. Humphrey.

For a time it appeared that the choice might have to be made by the House of Representatives, a prospect completely unacceptable to the American people.

Then came the dawn, most of the count was in and Mr. Nixon had received a majority in the Electoral College and a close lead in the popular vote.

So the nagging question was resolved, at least in the 1968 Presidential election.

But fears of what might have happened were not allayed. Demands for outright abolition of the Electoral College or adoption of badly needed election reforms were heard throughout the land.

The moderates of both parties urged studies by either a Presidential or congressional commission to determine what reforms would be possible and politically feasible.

NEXT, THE SENATE

Public opinion polls and grass root sentiment strongly favored direct election of the President by popular vote. Within recent days, the House of Representatives approved this method by a lopsided 339 to 70 vote. The question now goes to the Senate where a two-thirds approval of the proposed amendment is needed.

Should the Senate concur with the House, the amendment must then be ratified by three-fourths of the state legislatures, as required by the Constitution.

As stipulated by the House, the ratification process must be completed by Jan. 21, 1971, to make the popular vote effective for the 1972 election. It seems unlikely that the states will act in time.

But then, President Nixon, who entertained strong reservations about direct election of the Chief Executive, has now endorsed the popular vote concept and this should enhance the amendment's prospects.

NO GUARANTEES

At first blush, electing a President by popular vote appears to be fair and democratic. But the American people can be sorely disappointed if they believe that abolition of the Electoral College will automatically prevent such uncomfortable events as the night of November 6, 1968.

Had the direct popular vote system been in effect in the extremely close Nixon-Humphrey election, demands for recounts, court suits and absentee ballots might have delayed the official result for days or even weeks.

The same situation could also have occurred in 1960 when John F. Kennedy defeated Nixon by a popular vote margin even smaller than Nixon's victory over Hubert Humphrey.

Suppose, for instance, that Nixon had cried foul in Chicago and Cook County where the counting of non-existent votes from graveyards, unoccupied buildings and phony addresses is not an uncommon practice.

As it turned out, Jack Kennedy carried Illinois over Dick Nixon by a mere 8,858 votes. An honest count in Cook County might well have reversed the outcome.

Or, looking at it another way, the popular vote in 1968 could have elected Hubert Humphrey while Nixon was carrying 32 states to only 13 for Humphrey and five for George Wallace.

RECOUNTS LIKELY

It was this fear of vote domination by the larger states, notably Massachusetts and Virginia, which impelled the founding fathers to establish the Electoral College.

The small states today likewise fear that direct election of the President would see the outcome determined by our huge urban centers of population.

They would much prefer the alternative of dividing each state's popular vote in proportion to the votes received by the candidates. In Ohio, for instance, Nixon would have received 12 electoral votes, Humphrey 11 and Wallace three rather than winner take all.

Another plan calls for selection of electors in each congressional district with another two going to the winning candidate in each state.

The Wall Street Journal says that under direct election, a nationwide recount becomes a distinct possibility considering that in two of the three most recent Presidential elections, the winning margin has been less than one per cent. And, as liberal author Theodore H. White points out, if direct election had been in effect in 1960 or 1968, "vote-stealers in a dozen states would have matched crafts on the level of history; and, so slim was the margin, we might yet be

waiting for the final results of both elections."

Mr. HOLLAND. Mr. President, I have not only a long personal acquaintance with Mr. Knight but the greatest respect for his views.

The editorial reads in part as follows:

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The next column which I wish to appear in the RECORD is one written by Mr. James J. Kilpatrick on the subject of electoral reform, appearing in the Miami Herald of October 13, 1969. I ask unanimous consent that it appear in the RECORD in full as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REPUBLIC IF WE CAN KEEP IT

(By James J. Kilpatrick)

WASHINGTON.—The Convention of 1787 had been at work since May. Now it was mid-September, the secret sessions ended, the task complete. Benjamin Franklin was leaving the hall when a Mrs. Powel of Philadelphia approached him.

"Well, Doctor," she asked, "what have we got, a republic or a monarchy?"

"A republic," replied the doctor. "If you can keep it."

The anecdote from McHenry's notes is known to every high school boy, but never in our history has Franklin's cryptic prophecy held greater meaning. We have indeed had a republic for 181 years. We may yet lose it to the high-riding apostles of electoral "reform."

The proposed constitutional amendment approved last month in the House is not "reform." When you reform an institution, you set out to correct its faults, but you do not abandon the institution. The House resolution is just such an abandonment. In a single stroke, this proposition would convert our republic from a federation of more or less sovereign states to a new kind of centralized democracy. The resolution ought to be rejected.

To be sure, almost everyone agrees that the present system of electing a President has faults in need of reform. There is the problem of the maverick elector, who may refuse to vote for the candidate to whom he is morally pledged. There is the problem of an election thrown into the House, where each state casts a single vote. There is the problem of winner-take-all, which sees a state's entire electoral vote cast for a candidate who may win by a mere handful of votes.

Admittedly, these are faults. Yet it is remarkable, all the same, that they have produced so few ill effects. How many individual electors have violated their implied obligation? Half a dozen, perhaps, in the whole history of our country. How often has an election been thrown to the House? Twice—the last time in 1825. Not since 1888, when Harrison claimed an electoral but not a popular victory over Cleveland, has the system operated to deny the office to a popular winner. It is not so bad a record.

Nevertheless, the perils remain. A better system can be devised by the Congress; and such a plan ought to be submitted to the states. But the House resolution is not the answer. It has new perils and pitfalls all its own.

Consider, if you please, the prospect of a national recount. No such contingency now exists. We vote by states. The most that might have to be recounted would be the popular votes of one or two closely divided states whose electoral votes might be decisive. Nothing of the sort has occurred.

If this amendment should be ratified, the pattern of past elections suggests that recounts—national recounts—would have to be provided. A clearer picture emerges if we knock off the last three zeroes. Thus Garfield beat Hancock by only ten votes, 4,454 to 4,444. Cleveland defeated Blaine 4,875 to 4,852. In 1960, depending upon how you treat the Alabama vote, Kennedy and Nixon were barely a hundred votes apart in 68,000 cast. This past November, leaving off the zeroes, it was Nixon 31,304, and Humphrey 30,994. If the newly proposed amendment had been in effect, of course the Humphrey forces would have asked for a recount.

This contingency alone moves us inescapably into the machinery of national regulation and control of elections—first of the Presidential election, then federal elections, and finally all but the most insignificant local elections. It is a small work of imagination to foresee uniform requirements as to age and residence, the forms of qualification, the printing of ballots, the appointment of judges, the procedures for challenge and recount. In very few years, none of the safeguards of state regulations would remain.

The Constitution belongs to the people. They have the right and the power, acting through their states, to convert the republic to a democracy if they want to. But it is like getting married. We ought not to embark lightly upon such a new way of life, but soberly, reverently, and with our eyes wide open.

Mr. HOLLAND. Mr. President, I shall read this part only of that column:

The Convention of 1787 had been at work since May. Now it was mid-September, the secret sessions ended, the task complete. Benjamin Franklin was leaving the hall when a Mrs. Powel of Philadelphia approached him.

"Well, Doctor," she asked, "what have we got, a republic or a monarchy?"

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The proposed constitutional amendment approved last month in the House is not "reform." When you reform an institution, you set out to correct its faults, but you do not abandon the institution. The House resolution is just such an abandonment. In a single stroke, this proposition would convert our republic from a federation of more or less sovereign states to a new kind of centralized democracy. The resolution ought to be rejected.

Mr. President, the next item I would like to have introduced into the RECORD is an editorial from the Orlando Sentinel of Orlando, Fla., of February 28, 1970. It is entitled "Abolishing Electoral College Would Be Bad for the Nation." I ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ABOLISHING ELECTORAL COLLEGE WOULD BE BAD FOR THE NATION

The Senate Judiciary Committee promises to act before April 24 on the constitutional amendment abolishing the Electoral College in favor of direct elections for president and vice president.

It has been sitting on the amendment for more than a year, which shows the wisdom of the committee, for picking presidents by popular vote is a bad move.

Direct popular elections would encourage the major political parties to concentrate their campaigns in large cities. This could work against the interests of the rural communities and smaller states.

Such a system would encourage the selection of nominees for the presidency from larger states or from larger ideological groupings. It would determine the relative weight of each state's vote on the basis of the number of votes cast and counted, rather than on its population.

It would jeopardize the control of the states over voting for state and local offices and constitute a blow to state power.

It would lead, almost inevitably, to irresistible pressure for national laws governing qualifications for voting, including the determination of minimum voting age and educational qualifications which currently vary from state to state.

The House approved the amendment last September by a margin of 236 votes, more than the two-thirds necessary.

The Senate is likely to follow suit unless the people notify their senators that they don't want such a radical change.

It is doubtful, however, if the legislatures of the necessary 38 states would then ratify the amendment, since the majority of the

states are small and realize they would lose influence through direct popular elections.

Few will deny the Electoral College needs improving, but a better way to do it would be to select electors in a manner similar to that for representatives and senators—one from each congressional district and two from each state at large.

Called the district method, it would provide that presidential elector candidates with a plurality in each electoral district would win, and the presidential elector candidates winning a plurality in the state would be elected. The presidential candidate receiving the vote of a majority of the electors nationwide would win.

This would improve the method of electing presidents rather than weaken it as the direct election method would do.

Mr. HOLLAND. Mr. President, I read this small portion of the editorial:

It—

Meaning this amendment—

would jeopardize the control of the states over voting for state and local offices and constitute a blow to state power.

It would lead, almost inevitably, to irresistible pressure for national laws governing qualifications for voting, including the determination of minimum voting age and educational qualifications which currently vary from state to state.

The next item which I would like to include in the RECORD is a very fine editorial entitled "A Dangerous Electoral Reform," which appeared in the Florida Times-Union of April 26 of this year. I ask unanimous consent that it appear in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DANGEROUS ELECTORAL REFORM

The wisdom of the Founding Fathers in making it extremely difficult to amend the Constitution of the United States is again vindicated by the action of the Senate Judiciary committee in voting, 11 to 6, for an amendment providing for direct, popular election of the President.

The proposal, sponsored by Sen. Birch Bayh of Indiana and supported by the liberals of both major parties, has a superficial appeal. There are some who support it because they share a widespread conviction that the present electoral system is out of date and needs reform. They accept the popular election idea as an appealing alternative.

But it is also backed by those who purposefully want to undermine the entire federal system which has survived, and worked, for nearly 200 years.

Although a similar resolution has passed the House of Representatives, it still has a long and rough road ahead. It must clear the Senate by two thirds majority. Differences between the Senate and House versions must be reconciled, and the revisions accepted by both houses.

Then begins the long haul of required ratification within seven years by three fourths of the states, or 38.

The amendment provides that in order to be elected, a candidate would have to receive at least 40 percent of the total vote. Otherwise, there would be a runoff between the two top candidates.

The proposal's next obstacle is approval by the entire Senate, far less likely than the committee vote might indicate. But the greatest obstacle of all will be the required ratification by 38 states which would seem to be an unthinkable development once the states' legislatures and voters grasp the full implications of the proposal.

It would not only wipe out the present Electoral College, which all agree is an anachronism, but it would literally wipe out any effective voice for the smaller states in significantly affecting the outcome of the election, which they now have as voting units within a federal system which preserves the basic concept of a free confederation of sovereign states.

Clearly, it would encourage, if not require, candidates for the presidency to concentrate their time, effort and money almost exclusively on winning the strongest possible popular support in the nine states which can effectively control the outcome and which in most cases have the strongest and most efficient political machines.

Contrary to the claim of the amendment's sponsors, it would undermine the two-party system and encourage the proliferation of splinter party candidates solely in the hope of denying a 40 percent plurality to any candidate.

In the case of a contest between major candidates as close as those of 1960 and 1968 in terms of popular votes, the country, and the government, could be kept on tenterhooks for weeks waiting a recheck of popular ballots to determine if a runoff would be necessary.

The crying need is to correct the faults of the present electoral system; not to destroy completely a system that in most respects has stood the test of time.

There is a plan already before Congress that would do just that, sponsored by Florida Senator Spessard Holland.

It would divide each state's electoral vote proportionately according to that state's popular vote. It is in complete harmony with the federal system; it is precise and not subject to political manipulation! it is fair to all states, large and small, and it assures that every individual vote will be counted in determining the winner.

It is the plan which every state should demand, while rejecting completely the unwise plan gaining headway in Congress.

Mr. HOLLAND. Mr. President, I read this portion of the editorial for emphasis:

It—

Meaning the pending amendment—

would not only wipe out the present Electoral College, which all agree is an anachronism, but it would literally wipe out any effective voice for the smaller states in significantly affecting the outcome of the election, which they now have as voting units within a federal system which preserves the basic concept of a free confederation of sovereign states.

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It is the plan which every state should demand, while rejecting completely the unwise plan gaining headway in Congress.

The next item is another column by James J. Kilpatrick, appearing in the Florida Times Union under date of September 8 of this year, which I ask unanimous consent be included in full in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIRECT PRESIDENTIAL ELECTION: A DEEPLY RADICAL AMENDMENT

(By James J. Kilpatrick)

WASHINGTON.—The United States Senate launches itself this week into one of the most fateful debates in American constitutional history. By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Professor Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the states for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Consider, for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.

It is at this point that the machinery of federalism begins its delicate braking action. Major parties ordinarily have no trouble in getting their candidates on the ballot in every state. The petition process makes it more difficult for third parties. George Wallace, it will be recalled, had a terrible time in 1968 before he could get his American Independent Party qualified. When Strom Thurmond ran in 1948, he made it to the ballot in 15 states only.

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples Party, a Peace Party, a Revolutionary

Party, a Young Americans Party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

Mr. HOLLAND. I quote from that particular column this portion:

The United States Senate launches itself this week into one of the most fateful debates in American constitutional history By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Professor Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the states for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Then another portion of that column which I shall quote for emphasis reads as follows:

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples Party, a Peace Party, a Revolutionary Party, a Young Americans Party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

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Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

The next item that I wish to place in the RECORD is written by a distinguished scholar of the South, Dr. Thurman Sensing, executive vice president, Southern States Industrial Council. In his bulletin No. 747, "Sensing the News," released October 23, 1969, Mr. Sensing discusses direct election of Presidents and Vice Presidents under a column which he entitles "Direct Election Isn't Reform." I quote from Mr. Sensing's very able treatment of this subject three short quotations.

First:

In voting to junk the Electoral College and to choose presidents by direct popular balloting, the U.S. House of Representatives struck a blow at the republican system of government created by the Founding Fathers—a system that has brought the blessing of liberty to generations of Americans.

The second quotation is as follows:

The Founding Fathers knew that tyranny may be imposed by an autocrat or dictator. They also recognized that unlimited democracy could become totalitarian democracy. John Randolph of Roanoke, the early Virginia statesman and one-time Speaker of the House, referred to totalitarian democracy as "King Numbers."

The third quotation from the statement by Dr. Sensing:

The chief damage done by direct election would be to downgrade, if not almost eliminate, the role of the states. One of the purposes of the states is to function in the choice of a President. In so doing, our constitutional system provides for a separation of powers and a barrier to the political power of the presidency over other branches of government and the people themselves. The states, after all, represent a protective line between the mammoth power of the federal government and the individual citizens. The states constitute a hedge against tyranny.

Mr. President, the next very worthwhile item which I wish to have appear in the RECORD is an article published in the Miami Herald of recent date, written by Mr. Richard Goodwin, who certainly is no ultraconservative, by any manner or means.

The title of Mr. Goodwin's rather lengthy article is "Direct Election Has Its Faults." I ask unanimous consent that the entire article be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered. Did the Senator ask that the entire Sensing letter be printed in the RECORD?

Mr. HOLLAND. I made that request in the beginning.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DIRECT ELECTION ISN'T REFORM

(By Thurman Sensing)

In voting to junk the Electoral College and to choose presidents by direct popular balloting, the U.S. House of Representatives struck a blow at the republican system of government created by the Founding Fathers—a system that has brought the blessing of liberty to generations of Americans.

The action of the House was not a reform but a step backward. The Founding Fathers, who wrote the U.S. Constitution, were wise men mindful of the dangers of tyranny in earlier societies. They built elaborate safeguards into the U.S. constitutional system, and the Electoral College was one of them. The Founding Fathers knew that tyranny may be imposed by an autocrat or dictator. They also recognized that unlimited democracy could become totalitarian democracy. John Randolph of Roanoke, the early Virginia statesman and one-time Speaker of the House, referred to totalitarian democracy as "King Numbers."

The American political system is a federal union, or federative republic. It is a representative system of government. Its design is not one of participatory politics, to use the favorite phrase of the New Left. The qualified voters in a state choose men to manage the affairs of government. The system works well, as the endurance of the Republic for almost 200 years makes very clear.

The House of Representatives would discard a key part of the plan devised for the operation of the Republic. It would break with the wisdom of the Founding Fathers, and grave peril will result if the direct election plan is not rejected.

Fortunately, the Constitution continues to provide safeguards against intellectual confusion. For the direct election bill to become the law of the land, two-thirds of the Senate and three-fourths of the states will have to give their assent.

No doubt the idea of direct elections has a superficial appeal to persons who have not examined the machinery of presidential elections and considered the theory behind it. Direct election would have severely hurtful consequences, as close examination of the proposal reveals.

The chief damage done by direct election would be to downgrade, if not almost eliminate, the role of the states. One of the purposes of the states is to function in the choice of a President. In so doing, our constitutional system provides for a separation of powers and a barrier to the political power of the presidency over other branches of government and the people themselves. The states, after all, represent a protective line between the mammoth power of the federal government and the individual citizens. The states constitute a hedge against tyranny.

The Electoral College system means that an incumbent President has to consult with Congress and its individual members, for he has to carry states—not win mere numbers—if he wants to be reelected. If the Electoral College is placed on the ash heap, the President will not have to be so considerate of Congress or consult with its members. He can attempt to reach over the heads of Congress to get the number total that he needs in a presidential election.

The modern history of our country shows that the Executive already is the strongest branch of government and the least restrained. Therefore, it is the branch that must be watched most closely if the American people are to retain their liberties. But the House of Representatives has acted to

add immensely to the power of the Executive Branch, thereby upsetting a careful constitutional balance.

This is not to say that some reform of the Electoral College is not in order. Strict constitutionalists in Congress have favored moderate change such as embodied in the so-called District Plan. Under the District Plan, a candidate would get one electoral vote for each congressional district he carries and two for carrying the state. The effect of this plan would be to break up the large blocs of electoral votes that now go to candidates carrying the big states. Unfortunately, the House turned down the District Plan before opting for direct election.

Tampering with the electoral system so as to upset the constitutional balance is an exercise in irresponsibility. Thoughtful citizens cannot ignore the danger of a power-hungry demagogue riding into office on the votes of unqualified voters who in big cities are herded to the polls like sheep to cast ballots on the orders of the managers of conflict organizations.

Now, more than ever, the United States needs an electoral system that preserves the vital, protective role of the states in choo - ing a President.

ELECTORAL COLLEGE: BEST WAY? DIRECT ELECTION HAS ITS FAULTS

(By Richard Goodwin)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media are rushing to embrace a constitutional amendment which might unhinge the entire political structure.

For there is good reason to believe that direct popular election of the president may end that two party system which has helped make the United States one of the most stable and long lasting democracies in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment one must first separate the different issues whose casual blending has seriously obscured discussion. First, is the issue of the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes.

Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice.

Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a different problem from the legitimacy of the electoral system itself; it is whether a small group of men, acting on their individual opinions and motives, should ever be allowed to select the President.

Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as president a man who did not receive a plurality of popular vote. Andrew Jackson and—in a rather sordid way—Samuel Tilden were deprived of the presidency by Congress despite popular pluralities, both also received electoral pluralities.

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still these abuses can be forestalled without touching the electoral system itself, simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins.

There also could be a provision for a runoff if the leading candidate falls below a certain specified percentage.

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended, but has assumed other important and rarely articulated functions.

This is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries this has happened only once—in 1888 when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood, rather than of differences based on state lines.

Thus the direct election proposal violates the single most important rule of constitutional amendment: if something is working, don't change it. We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance.

Surely this is one of the reasons that the American Constitution has endured while more volatile republics rose and fell.

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct election. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states.

The most noteworthy modern example has been the Southern Party from the Dixiecrats through George Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the Progressive passed away).

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. They might also run candidates in the hope of forcing a runoff election in which their votes will be eagerly and profitably sought. Based on our historical experience this could prove an extremely fruitful course.

Fifteen of our presidents have been elected with less than a majority of the popular votes. Therefore in almost half of our elections, a third party, at least theoretically, could have held the balance of power. Two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both Liberal and Conservative Parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election may well bring us a Farmer's Party, a Senior Citizens Party, a Black Party and other groups coalescing around common interest and belief.

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason. Which is probably why it is so little discussed. For relatively few of those involved have had direct experience in presidential campaigns.

Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements. If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. In any event this, to me, is the central issue of reform and deserves the most serious and extended consideration.

It will always, of course, be possible for a new major party to emerge, which may well happen in 1972 for the first time since the 1850s.

Other objections to direct election have been rather fully discussed. Nor is there any great principle involved in the speculation that this might increase the importance of small states. However, purely as a matter of interest, I believe those who anticipate such a consequence will be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10–20 per cent of the electorate. Any candidate in search of those votes will have to focus his money and efforts on the large states. For that is where the people are, and where the most volatile vote is to be found.

In 1968 about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in these states would have canceled out Nixon's entire southern margin over Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states. (Although it is too complicated to discuss here the changing economics of media buying will intensify this tendency) thus, if direct election passes, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

The Electoral College has not only faithfully reflected the popular will, it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical argument that the electoral system offends the theoretical democratic principle of "one man, one vote." This is certainly so, at least in abstract possibility.

We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule president and Congress, is responsible to no electorate. And its insulation from popular will has helped strengthen it to protect popular liberties.

A senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principle body than the House of Representatives.

Men like the secretary of defense, whose power over our lives far exceeds that of most of our earlier presidents, are appointed and removed by one man. Our national government is not a pure democracy. Nor does anyone suggest it should be; moreover, none of our institutions of government acts exactly as the founding fathers expected. Yet

they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College the only relevant questions are practical ones. How is it working? What are its functions? What will be the consequences of change?

To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and is a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with different ways of living. The electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together.

Before embarking on the irrevocable course of abolition we should be sure that we understand and are willing to risk the possible results.

Mr. HOLLAND. The item by Mr. Richard Goodwin contains many nuggets which I should like to quote, but I shall read only two of them, for the point of emphasis. The first quotation is as follows:

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media are rushing to embrace a constitutional amendment which might unhinge the entire political structure.

For there is good reason to believe that direct popular election of the president may end that two party system which has helped make the United States one of the most stable and long lasting democracies in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

Mr. President, I inject this comment of my own: I think there is nothing more truly serious in this debate at this time than the thought advanced in the quoted part of Mr. Goodwin's article that the very continued existence of the two-party system in this Nation is seriously jeopardized by this amendment, and that the existence of many parties is almost guaranteed. When we look at what has happened in some of the other free nations of the world which have many parties, and realize how unstable their governments have been, I think we would all want to be very careful, in considering this amendment, to consider that feature of the results which might and which I believe would flow from it.

My second quotation from Mr. Goodwin's thoughtful article reads as follows:

Thus the direct election proposal violates the single most important rule of constitutional amendment: if something is working, don't change it. We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance.

Mr. President, I believe the Senate would do well to heed that stop, look, and listen statement by Mr. Goodwin.

The next item which I should like to have included in the RECORD appeared in the Washington Post this morning, being a column by Mr. Kevin P. Phillips, who but a short while ago was one of the assistants in the White House. The title of his article is "Electoral College Politics," and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTORAL COLLEGE POLITICS

(By Kevin P. Phillips)

The Senate has begun debate on an amendment to the U.S. Constitution that would abolish the Electoral College method of choosing a President in favor of direct, nationwide popular election.

Two-thirds support will be necessary to push this change through the Senate, and a close fight is expected. The balance of power is generally thought to rest with an undecided bloc of Farm Belt Republicans (Dole, Pearson, Young, and Miller), small-state Northeastern Republicans (Prouty, Cotton, Boggs, and Williams), Southern Democrats (Spong, Byrd, Fulbright, Hollings and Long) and Rocky Mountain Democrats (Cannon, McGee, Moss, and Anderson).

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals, would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in Presidential elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

To illustrate the Southern and Western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahome 943,000, and South Carolina only 667,000.

Secondly, the change to direct election would greatly affect the regional distribution of power within the two parties, especially at presidential conventions.

Delegates are now apportioned to states on the basis of Electoral College strength, with bonuses for partisan performance. Abolition of the Electoral College would presumably shift delegate apportionment to a system based either on total vote cast in the prior election or total vote cast for the party's nominee.

In the Democratic Party, such a change, which may come regardless as "reform," would greatly weaken moderate-to-conservative influence. The South, Plains, and Rocky Mountains had 30 per cent of the 1968 delegates, but cast only 20 per cent of Humphrey's vote, whereas the liberal big-city states of Massachusetts, New York, Pennsylvania, Michigan, California and Ohio had only 28 per cent of the delegates but cast 43 per cent of Humphrey's November ballots.

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

If electoral reform shifts the Democrats to the left, pushing conservatives and Wallaceites into the GOP, the Republicans would probably remain conservative-oriented. However, if Electoral College abandonment were to cause GOP delegates to be apportioned by votes cast for the last party Presidential candidate, this would sharply reduce the convention power of the low turnout and now bonus-weighted South, Plains, and Rocky Mountains.

Under present idealogical circumstances, now that American politics is no longer divided by the Civil War, the Electoral College favors a Republican coalition based in the South Midwest, West, and small states. GOP Senators from these areas would be foolish to abandon a system that has a built-in bias toward such a coalition in favor of one which, at best, sacrifices these regional advantages.

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. HOLLAND. Mr. President, without attempting to quote more than a small portion of Mr. Phillips' article, I do want to call attention to two parts.

After mentioning that he hears that there is indecision on the part of some of the farm belt Senators and some of the Senators from small States on the question of support of or opposition to this amendment, he proceeds with this paragraph:

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in Presidential elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

A second quotation from Phillips' fine article is as follows:

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

And a third quotation from Mr. Phillips' thoughtful article:

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. President, I appreciate the patience of the Presiding Officer and of the Senate, and I shall simply say that in my judgment, the electoral college as it exists should be changed by amendment; that in my judgment, the fractional system to be proposed during this debate in a substitute to be offered by the distinguished Senator from North Carolina (Mr. ERVIN), which has long had my support, much better meets the situation and does not jeopardize the position of the States, and particularly the position of the small States; and that I hope that will be the path adopted when the Senate finally acts in his matter.

Mr. President, I yield the floor.

Mr. HOLLAND subsequently said: Mr. President, earlier in the day I spoke in opposition to Senate Joint Resolution 1, suggesting a radical change in the constitutional method for the selection of President and Vice President.

Since that time, I have noted in the Washington Star of today a very fine column by David Lawrence entitled "Election Plan Would Hit 'Statehood.'"

I ask unanimous consent that this article be printed in the RECORD as a part of my previous remarks, and added to the group of columns and editorials which I placed in the RECORD at the time of my original appearance on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION PLAN WOULD HIT "STATEHOOD"

(By David Lawrence)

The Senate is struggling with a proposed amendment to the Constitution to abolish the Electoral College and conduct all presidential elections hereafter by direct vote of the people. The plan is to let the candidate who receives the largest number of votes be declared elected if this is at least 40 percent of the total votes cast. If no candidate gets that percentage, a run-off election would be held between the top two.

But the states would not hereafter cast their ballots in the Electoral College and would thus lose a power they have held since the republic was founded. It would be incredible if the three-fourths of the states of the union necessary should ratify any such amendment because it certainly could mean a diminution of the influence of the smaller states in the election of the national administration.

Under the proposed amendment, a plurality of the votes could be obtained almost entirely from one section of the country, and the new president could cater to the demands or desires of that region. But, with the Electoral College, even the most populous states have a relatively small number of electors, and these can be offset by a combination of electors from smaller states. Some presidents, for example, have been elected by a substantial number of electoral votes by getting majorities in states of large and small population in different sections of the country. Yet their total popular vote was close to that cast for an opponent.

President Wilson was reelected in 1916 with the support of the South, which was usually Democratic, and the West, which was usually Republican. But the two areas in combination produced enough Democratic electoral votes to offset the heavy electoral vote for the Republican candidate in the Eastern states.

There have been other elections, too, in which sectional problems have influenced the outcome of elections. The Electoral College has performed a service in such instances, because it has protected the interests of smaller as well as larger states concerned with certain questions.

In some elections, such as that in 1920, when there was a Republican landslide for Warren G. Harding, virtually all the states outside the South went Republican. Results in elections were decided by popular vote. The Electoral College comes in as the decisive factor when elections are close and when sectional issues in different parts of the country produce wide differences of opinion and sometimes split parties.

The proponents of the suggested amendment keep emphasizing that election of a president would be by "direct popular vote," and imply that the Electoral College doesn't satisfy such a requirement. A group of senators, both Republican and Democrat, in opposing the amendment, make this comment:

"Direct election of the president, we believe, would—

"Destroy the two-party system and encourage the formation of a host of splinter parties;

"Undermine the federal system by removing the states as states from the electoral process;

"Remove an indispensable institutional support for the separation of powers;

"Radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise;

"Create an irresistible temptation to electoral fraud;

"Lead to interminable electoral recounts and challenges;

"Necessitate national direction and control of every aspect of the electoral process."

But how, it will be asked, does such an amendment as is being proposed get widespread support? The answer is that the phrase "popular election" implies that the people will have a much more positive voice in choosing the president and will exercise a direct responsibility. The truth is a direct-election plan could lead to the destruction of the two-party system and could weaken both political parties in their state and local operations as well.

Members of the two major parties are divided in their support of the new amendment. Even if it does pass the Senate and is submitted to the states—since it has already passed the House—the big question is whether three-fourths of the states will ever ratify an amendment which will, in effect, impair "statehood."

AMENDMENT NO. 711

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. SAXBE), I send to the desk an amendment to Senate Joint Resolution 1 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in full in the RECORD.

The amendment reads as follows:

Beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both House of the Congress, such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs.".

Mr. GRIFFIN. Mr. President, it is my hope that there might be a vote on this amendment sometime early next week, perhaps Tuesday. Whether such an agreement to vote can be reached, I do not know. But I want to indicate, on behalf of myself and the Senator from Maryland (Mr. TYDINGS), that that would be satisfactory from our point of view.

Nearly 150 years ago, Senator Thomas Hart Benton of Missouri stood on the floor of the Senate and proposed what we are considering here today—the direct, popular election of the President and Vice President of the United States.

Speaking in the florid rhetoric of his day, Senator Benton said:

The evil of a want of uniformity in the choice of presidential electors is not limited

to its disfiguring effect upon the face of our government, but goes to endanger the people, by permitting sudden alterations on the eve of an election, and to annihilate the rights of small states, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate.

In the political hurly-burly of his times, Senator Benton perceived ample reason even then for changing the electoral college system provided for in the Constitution. Then the Constitution was less than 50 years old, and had not become embossed by the traditions which we now face in considering changes in an antiquated, in creaky election machinery.

While he was unsuccessful, Benton never changed his mind about the urgent need for changing the electoral college system in favor of a direct vote by the people. Writing much later in his voluminous memoirs, "Thirty Years' View," the Missouri Senator said:

From the beginning these electors have been useless, and an inconvenient intervention between the people and the object of their choice, and in time may become dangerous . . .

Benton went on to point out that the idea he proposed was not new, that it had been advanced in the Constitutional Convention of 1787, and had been supported by Benjamin Franklin and others. He noted that it was not adopted because it was thought that "the mass of the people would not be sufficiently informed, discreet, and temperate to exercise with advantage so great a privilege as that of choosing the chief magistrate of a great Republic." He expressed the hope of "obtaining for it a better success at some future day."

Surely we have now reached that point in time. Various proposals for electoral reform have been before Congress periodically for many years. Out of a long period of consideration and debate concerning the various proposals I believe a clear consensus has emerged—a consensus that the election of the President ought to be by direct, popular vote of the people.

Mr. President, I share the view expressed earlier in this debate by the distinguished Senator from Tennessee (Mr. BAKER), who made the point that it is not districts and not States that elect a President—it is people.

If there were dangers which beset our electoral system in Senator Benton's day, they are certainly magnified now in this age of instant communication and increasing concern over the processes of Government.

I am convinced that the ideal system for electing a President is one that permits the most direct participation by the people that is feasible. It should be a system that does not encourage candidates to write off segments of the population or geographical areas of the country.

Such a system should permit individual voters, wherever they live, to vote directly for candidates for President and Vice President rather than for faceless electors responsible to no one. This is the kind of an election system the people want—and the kind they are entitled to have.

Mr. President, at a time when there seems to be so much distrust of Government and when so many people, for whatever reasons, feel removed too far from their elected leaders, it is particularly appropriate, I believe, to move toward more direct participation in the processes of government.

It would also be wise to remove an anachronism in our system which recognizes the "faithless elector" and which enables the popular will to be overridden by an electoral college count.

As a number of witnesses before the Judiciary Committee pointed out, several elections have occurred where, despite a relatively comfortable popular vote majority, the electoral vote margin was extremely narrow. For example, in the 1884 election, a shift of 575 votes in New York would have elected James Blaine over Grover Cleveland; and in both the 1900 and 1908 elections, William Jennings Bryan would have been elected if there had been a shift of a total of 5,000 votes in several States, despite the fact that the Republican candidates in both years had a popular vote majority of nearly 1 million. Of course, it is well known that a small shift in the popular vote in the 1948, 1960, and 1968 elections would have elected candidates who were not the popular vote winners.

Another reason for favoring the direct election plan is that it would remove the disproportionate advantage in the electoral system now enjoyed by one-party States with low voter turnouts. This plan would give all groups a greater incentive to participate politically, for they could be sure their votes would be counted.

A few statistics will illustrate the point I wish to make with regard to encouraging greater participation in the election of a President.

In 1968, for example, in my home State of Michigan which has 21 electoral votes, 3.2 million people voted. In Texas, with 25 electoral votes, only 2.5 million people voted.

Connecticut has eight electoral votes, and 1.25 million people voted in that State in the 1968 election. By contrast, South Carolina has eight electoral votes but only 651,000 total votes cast in the same election.

I realize, of course, there may be other factors which affect the total vote in any particular election, but I am also sure that the existence, or lack of existence, of a strong two-party system is an important factor.

I suggest that, to the framers of the Constitution, the equal representation of every State in the Senate was of more importance than the electoral college system in preserving the interests of the States. In their eyes this equal voice in the Senate was "at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residual sovereignty." The permanence of these State interests rests in article V of the Constitution, which provides that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." This is a virtually unamendable section which requires unanimous consent by all the States for any change.

Of equal importance today along with the Senate is the need for a viable two-party system in each of the 50 States. As pointed out earlier, this is where direct election, if properly structured, can provide a greater inducement for total political participation. Nothing can enhance federalism more than a vigorously competitive two-party structure—a structure whose foundation is in State and local government.

Mr. President, as a long-time advocate of electoral reform, I believe the time has come for action. Understandably, there is little patience with still further delay.

I am concerned that a constitutional amendment may not be ratified and become operable for the 1972 presidential election. The longer we delay, the more hazards we run into relying on a system fraught with many inadequacies and inequities.

For these and other reasons, I support Senate Joint Resolution 1 which is now before the Senate and I intend to vote for the resolution.

At the same time, I would be less than frank if I did not acknowledge that I am disturbed by some features of the pending resolution. As I have indicated in the past, and as the distinguished Senator from Maryland (Mr. TYDINGS) and I expressed in our separate views which accompanies the report on Senate Joint Resolution 1, I am concerned particularly about the runoff provisions in the proposal before us at this time.

As we pointed out in the separate views:

The limitations of even solid regional support of third party's efforts are strikingly demonstrated by going back to the 1860 election. Although the Southern Democratic candidate, John Breckinridge, polled 72 electoral votes and John Bell of the Constitutional Union Party polled 39, Abraham Lincoln won a majority of the electoral votes with only 39.9 per cent of the popular vote.

On the other hand, under the 40 percent plurality required for direct election (under S.J. Res. 1), a minor party or combination of minor parties need only approach 20 per cent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 per cent of the vote is quite realistic in the near future of American politics.

Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runnerup in the initial contest wins the runoff by wooing third-party support. In such a case, the question of the legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

Mr. President, I believe the amendment now at the desk will strengthen Senate Joint Resolution 1. It will make the resolution more acceptable and will enhance its chances of being ratified by three-fourths of the States.

Moreover, it would avoid the awkward, time-consuming runoff election contemplated by the pending resolution now provides, and would remove some uncertainty which now surrounds the present proposal. In this respect, I share con-

cern that was voiced earlier on the Senate floor by the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. President, the amendment offered retains the feature of Senate Joint Resolution 1 with regard to a candidate receiving 40 percent of the popular vote. However, our amendment would provide that if no candidate polled the required 40 percent, the popular vote winner would still be elected provided he obtains a majority of the electoral vote—but without the intervention of electors. Unlike the present system the popular vote runnerup could not be elected even if he had a majority of the electoral vote. Selection of the President by a joint session of the Senate and House would occur, as I have indicated, only if prior requirements were not met.

Of course, it may also be asked what are the chances of a popular vote winner who gets less than 40 percent of the vote obtaining a majority of the electoral vote. If we examine the 26 Presidential elections between 1868 and 1968, we find that the winning candidate received on the average of 52 percent of the popular vote and 71 percent of the electoral vote.

During this same period, eight Presidents were minority Presidents—that is, they were elected with less than 50 percent of the popular vote. In three of these elections where some type of major third-party challenge occurred, the average percent of the electoral vote received by the winner was 67 percent, while in the other five contests where no third-party candidate received any electoral vote the average percent of the electoral vote obtained by the winner was 55 percent.

According to these statistics, the results of past elections would indicate two things: The popular vote winner is usually blessed with a fairly comfortable electoral vote cushion and third party challenges have frequently widened the margin of electoral victory by drawing votes away from one of the major candidates. The clearest example of this is the 1912 election where Theodore Roosevelt's Bull Moose Party split the Republicans and enabled Woodrow Wilson to be elected with 82 percent of the electoral vote but only 42 percent of the popular vote. Furthermore, in the 1860 election, the only election where the winner got less than 40 percent of the popular vote, Abraham Lincoln was elected with 39.9 percent of the popular vote but garnered 59 percent of the electoral vote. This 20 percent margin is consistent with the average margin between the popular vote—52 percent—and the electoral vote—71 percent—during the 100 years between 1868 and 1969.

Mr. President, I believe our amendment would appropriately discourage the entrance of minor splinter parties on the political scene and would, under direct election, thereby increase the likelihood that a direct popular election by the people would be decisive in the first instance.

Mr. President, in conclusion, I wish to call attention to the message of the President of the United States, entitled "A Call for Cooperation," addressed to Congress today, and in particular I wish to focus on a part of that message to Congress which deals with the subject of electoral reform now before the Senate. I refer to the following words of President Nixon in his message:

ELECTORAL REFORM

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the President. For almost two centuries the system of the Electoral College has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the Constitution anticipated, will somehow confer the Presidency on that candidate who obtains the largest number of votes. The Electoral College need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the Presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

I read those words of the President with some degree of pleasure and also to emphasize again the support of the President for electoral reform in general and the direct election plan in particular.

I hope that the Senate will heed the President's words.

Mr. President, I repeat that I hope it may be possible that the amendment now pending as the order of business before the Senate will be voted on early next week. I look forward to that vote with the anticipation and the hope that the Senate will adopt this amendment, thus increasing the chances in my opinion of the Senate adoption of the direct election proposal and also substantially increasing, in my opinion, the hopes that such a constitutional amendment could be ratified by three-fourths of the States.

Mr. INOUYE. Mr. President, it was nearly 2 years ago during the 1968 presidential election that our Nation faced, at various points in the election process, the distinct possibility of electing a minority President, the prospect of wheeling and dealing among the electors, and the possibility of a contingent election in the House of Representatives. Fortunately, we were spared in that election the chaos which would surely have ensued had none of our candidates received a majority of the electoral votes. We may not be as lucky in 1972.

I am convinced that our present electoral system is archaic, unfair, inaccurate, ambiguous, discriminatory, and undemocratic. Archaic, because it was developed almost 200 years ago in a day of limited and extremely slow communication—in a day when it was believed that the ordinary voter would be subject to deception and inclined to vote only for someone from his own State. This would, of course, have permitted the most populous State to always elect its own candidate. Unfair, because a presidential candidate which loses a State by only one vote forfeits all of that State's electoral votes. Inaccurate, because in most elections the electoral votes are so seldom accurately proportional to the popular vote. Ambiguous, because under the present system some presidential electors are not bound to vote for the candidate who received the majority of the popular votes in their States. Discriminatory, because voters in large States hold an excessive amount of voting power. They have the potential for influencing a far larger block of electoral votes than voters in small States like Hawaii. Consequently, voters in small States are generally ignored by a presidential candidate who knows he can win by carrying only the 11 most populous States in the Union and the District of Columbia. And the electoral system is undemocratic, because should no one receive a majority of the electoral votes, the election is thrown to the House of Representatives where each State delegation, regardless of its size, casts only one vote for the top three candidates.

History has, in fact, recorded elections in which the elected President actually received fewer popular votes than his nearest opponent. In 1824, John Quincy Adams received fewer popular votes than Andrew Jackson. However, because neither received a majority of the electoral votes, the election fell to the House of Representatives which elected Adams. In 1876, Samuel J. Tilden received 250,000 more popular votes than Rutherford B. Hayes. However, returns from four States were contested and an Electoral Commission created by Congress decided in favor of Hayes. In 1888, Benjamin Harrison polled fewer popular votes than Grover Cleveland, but received more electoral votes and was elected to the Presidency. I do not need to remind you that history repeats itself. If we are to insure that the events of 1824, 1876, and 1888 not happen in 1972 we must act immediately to initiate long overdue reforms in our present electoral system.

After studying the problem, I have come to the conclusion that only the direct popular election of our President will resolve the problems I have discussed. Only the direct popular election of our President will eliminate the wheeling and dealing inherent in our current system. Only a direct popular election will allow every citizen's vote to count equally. And only a direct popular election will prevent the election of a minority President who fails to receive the largest popular vote.

I, therefore, intend to vote for legislation which would amend the Constitution and provide for the direct popular election of the President and the Vice President.

THE DIRECT ELECTION BOONDOGGLE

Mr. GOLDWATER. Mr. President, the Senate has before it one of the most far-reaching schemes that has ever been

considered by the Congress. It is being put forward by its sponsors as a simple idea that will correct all the hidden dangers in the present electoral system. But, Mr. President, speaking as one who has engaged in a presidential campaign as the candidate of one of the two major parties, I must declare my view that this simple idea is fraught with so many terrible problems that it will, in all likelihood, shake the very foundation of our society.

To my mind, if this proposal is put into the Constitution, it is bound to have such widespread repercussions that it will change the very nature of our presidential campaigns and the nature of the kind of man who will serve as President. Furthermore, I believe it will lead to the most frightful division of our Nation that we have seen since the period of the Civil War. On top of everything else, I predict that the direct election plan, if adopted, will destroy the two-party system in this land and go a long way down the road to the obliteration of our State governments. Finally, I am convinced that the direct election proposal will lead to chaos and confusion after almost every presidential election.

Mr. President, these words do not paint a pretty picture. But witness after witness has testified before the Senate Judiciary Committee to the effect that these dangers are very real possibilities. In a few minutes I shall touch upon them. First, however, I would like to look at exactly what it is the proponents of this election change put forth as the reason and the nature of their proposal.

In essence, the sponsors of direct election tell us it will guarantee a popular choice in every presidential election. The majority report of the Senate's Judiciary Committee concluded:

> Direct popular election is the only system that guarantees the election of the people's choice.

Mr. President, this is a flagrant exaggeration. This claim, which explains much of the plan's appeal to the general public, is a fraudulent promise. The plan that is before the Senate provides that the candidates "having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 percent of the whole number of votes cast for such offices."

Now, here is a scheme that holds itself out as guaranteeing the election of the people's choice and yet it provides that a candidate who is chosen by merely 40 percent of the voters shall be elected. How in the world can the plan's sponsors contend that a person with only 40 percent of the popular vote is the people's choice? By what quality of clairvoyance can they decide that the candidate with 40 percent would have been chosen by the 60 percent of the voters who wanted someone else as their first choice for the Presidency?

What the supporters of the pending direct election plan are doing is substituting for the electoral college a system in which a person who is turned down by 60 percent of the voters can become President. This is said to be fairer than the present method of selecting the President.

Mr. President, the electoral college system may have its faults, but why should we cast it aside for another system that on its face will have an even greater weakness than what we have now?

One of the basic arguments I have heard raised against the electoral college is that it might result in the election of a candidate who will receive a majority of the electoral votes without being the winner of the most popular votes. I admit that this has a certain appeal about it if it means that the person chosen by a majority of the people might lose the election, but this is not what the argument means to the sponsors of the direct election amendment. They have drafted a scheme under which a person with no majority can be elected as President.

At least under the electoral college process the winner must receive a majority of the electoral vote. And, the saving quality of this majority is that it is always widely distributed througnout the country. This is an historical fact, not theory. It seems incredible to me that the proponents of direct election would drop a system which has worked well to elect Presidents who are generally representative of the Nation as a whole for a system by which one region or one polarized faction in the country might be able to elect the President by putting together only 40 percent of the popular vote.

From a philosophical standpoint, if we are going to change the system for choosing a President in order to assure that the final choice will rest with the people and that the selection will reflect the will of the people, then why do it half way? If I may take the liberty of quoting from the Senator whose name appears as the author of the pending constitutional amendment I would like to express the opinion that he was much closer to the truth in March of 1966 when he stated:

> I think that most of us would prefer to have a majority President. Americans would not look on the plurality President as an ideal.

A year later, my distinguished colleague from Indiana repeated the same thought. He said:

> The question I have asked myself and have found answered in my own mind is should we, in trying to amend the Constitution, be satisfied with a step that in my judgment goes only part way as far as some of the shortcomings that exist. I refer to circumstances that permit a minority of the people to elect a President.

Well, if the Senator cannot conceive of a plan that will reach that goal then why make any change at all? This provision for electing a minority President also contradicts the asserted policy of the plan's sponsors that they are correcting a defect of the present electoral system under which all the popular votes cast for the losing candidate in a State are canceled out and counted for the winner. The committee majority was referring to the unit rule practice of awarding all of a State's electoral votes to each State's popular winner.

But, is this not the very same thing that the proponents are doing when they permit a candidate with less than a majority vote to be elected as President? Are they not assuming in effect that in the event of a runoff between the two highest vote candidates the one who had a plurality in the first election would have won in the runoff? This decision is taken away from the voters entirely. Under the direct election plan it is not the people who will decide who is to be chosen as President from among the top competing candidates. The decision is arbitrarily made for them. The direct election proponents have decided that anyone who receives 40 percent of the vote is the choice of the people.

This assumption is as shocking to me as it was to Professor Bickel of the Yale School of Law, who testified on April 15 of this year that:

> It is sheer illusion, a willful suspension of disbelief, to pretend that there is no deadlock when a popular election produces a winner with under 50 percent of the total vote, and with a plurality of, perhaps, 25,000 or 50,000 or 100,000 out of upward of 70 million. That is deadlock, as much deadlock as when there is no absolute majority in the electoral college.
>
> To resolve this deadlock by letting the candidate who has a 50,000 vote plurality win is no less arbitrary, no less unsatisfactory—in my judgment more unsatisfactory—than to have a joint session of Congress make the choice.

Mr. President, while this defect of the direct election plan could be corrected by amending the 40-percent provision, it would not remedy some very basic drawbacks in the proposal.

One of the primary difficulties I have with the direct election idea is its likely destruction of the importance of small States. I am not speaking merely of States as political entities, but rather I am also including in my concept of a State the frame of mind of citizens who consider themselves to be part of one large family or community of local residents.

This feeling was clearly described by Theodore H. White who has written some well-known books about presidential campaigns. Speaking from the position of one who comprehends the practical side and inner workings of our political system, Mr. White said:

> This new proposal would take away an equally vital part of the political system in abolishing the sense of community in our various States. The States vote as communities. They are proud of how they vote. People like to be New Yorkers or Kentuckians or Missourians or Hoosiers. To deprive them of this sense of belonging to a voting unit and being sunk in the electronic dots that go over a tote board, that could be perhaps the gravest political danger that this new resolution invites.

We have often heard the matter discussed of how the abolishment of the electoral vote will deny to the smaller States the slightly extra weight which they have been given in the process of selecting the President. But we have seldom considered the essence of States as communities of people whose importance will be diminished. Let me follow up Mr. White's views with the frank judgments expressed by Richard Goodwin, a former writer for Presidents Kennedy and Johnson, who was closely involved in the conduct of many presidential campaigns. During his testimony on April 16, Mr. Goodwin specifically commented on the

effect which direct elections might have on the relative importance of large and small States.

In doing so, he noted:

> The psychology of presidential campaigns is one in which today's candidates think in terms of States rather than numbers. Most presidential campaigns are concentrated on no more than 20 percent of the vote, the swing vote, on the assumption the rest are pretty well committed. Today, nearly every State has a swing vote which, even though very small, might win that State's electoral vote. Thus, nearly every State is worth some attention. If the focus shifts to numbers alone, then the candidate will have to concentrate almost exclusively on the larger States. This is where the people and where the most volatile vote is to be found.

Mr. Goodwin recognized also that one of the reasons major candidates visit so many States "is the arithmetic of the electoral college, which demonstrates it may be possible to lose a few major States and at the same time win the election."

Mr. Goodwin summarized his position by stating:

> The Electoral College, along with the Senate, is one of the few mechanisms we have to influence those at the center of affairs to visit outlying citizens, so as to learn about them and pay some attention.

Mr. President, I find myself in agreement with much of this analysis. There is no denying that even now a great deal of a candidate's efforts, including television time, is focused on the major metropolitan areas. But the difference is that this is not his exclusive effort. However, if we blot out State lines and eliminate electoral votes, then I believe there is a grave danger that candidates will devote their exclusive time and resources to the heavily populated areas of our country.

As Richard Goodwin described it:

> The fact is that the total number of votes that might swing the State of Idaho, or Montana, may be worth attention if you are going to get the electoral votes in the entire State, but if all it means is you are going to get another 50,000 votes where there is 60 million at stake, it is not worth any effort. When you see that 50 percent of the entire popular vote comes from seven States, that indicates the kind of intensity then that would have to be concentrated not just by the visits of the candidates but in terms of media, talent and in terms of policies.

Mr. President, the belief that direct election will diminish or injure the precarious structure of our federal system was also shared by another witness before the Senate Judiciary Committee. Representative WILLIAM L. CLAY, a black Congressman from Missouri, told the committee that direct election will diminish or eliminate the voice of minorities within our system. While he was addressing himself to the dissipation of power for ethnic groups, he expressly added that "it affects other cohesive groups and it affects small States to the same proportion."

In other words, Mr. President, the same inherent quality of the electoral system that encourages national candidates to listen to ethnic minorities requires that they listen as well to other minorities, including interests in the sparsely populated smaller States.

Mr. President, this leads to two other faults which are wrapped up in direct election. One of these is the serious possibility that the two-party system will be shattered in the United States. Representative CLAY announced his belief that if the proposed change is adopted, "we are going to have many splinter parties in this country." In his view, this will, in turn, "promote and reward the factionalism and sectional movements which now divide this Nation."

Mr. President, these conclusions are valid whether or not the direct election plan includes a runoff provision. Many people believe the chances of winding up with numerous splinter parties would be increased as a result of the runoff feature, but several witnesses took the position that the direct election system itself would bring about a proliferation of minor parties. Representative CLAY testified from his personal experience that the electoral college has helped to maintain the two-party system. In 1967, he was a member of a national steering committee planning to run a third-party candidate. But, as he told it, the main consideration that kept his group from fielding its team was the fact that they felt they could not win any States and thereby become an important factor in denying the votes to candidates of the two major parties. On the other hand, Mr. CLAY stated that if you eliminate the necessity of winning the electoral votes in a State "you are asking and encouraging people to run with sectional appeals."

In this manner, the present system acts to discourage the creation of splinter parties. But, if the popular vote is substituted for the electoral vote, then special interest groups who are highly convinced of the rightness of their own cause might seek to run solely as a matter of vengeance or vindictiveness. Quoting from Mr. CLAY again:

> People who perhaps didn't have their way or didn't get their particular points at the national convention, would strike out on their own and start campaigning in an effort not to win, but just to defeat those within that two-party structure.

And, I would add that this type of bitter attitude might well be the downfall of one of the major party candidates. Remember that the election will not be compartmentalized within State boundaries where far-out voters can influence only a relatively few number of electoral votes, but will be one in which extremist votes from all over the country will be lumped together in one big pool. This might easily deprive a major party candidate of the percentage of votes which he needs in order to come out the winner, or avoid a runoff.

The Senate Judiciary Committee heard similar expressions of concern from other witnesses. For example, Mr. Goodwin stated:

> I do know in 1968 when the people who wanted to organize a party came to those of us who were working with Senator McCarthy and were anixous to start a new party and had actually done studies of ballot and election laws, the principal argument that stripped that movement of its force was that the effect would be simply to throw States into the Nixon column. They could not carry States.

Another example of how direct election would encourage the formation of additional political parties according to Mr. Goodwin is the liberal party and conservative party movements in New York State: He said:

> At a minimum, you would arrive nationally where you now are in New York State, for example, where you have four parties, because a party that can command a million or two million votes only organized in three or four States, has the balance of power in the presidential election or could have the balance of power, just as the liberal party can achieve the balance of power in a governorship or Senatorial fight in New York. And I think that it would be a great incentive for people to form these groups in order, if not to win the election, to maximize their own influence.

As Mr. Goodwin put it:

> You can be very powerful if you have the capacity to make others win or lose . . . even though you can never win yourself.

The result of this possible proliferation of splinter parties could wreck our Democracy. Professor Bickel stated bluntly that in his opinion our democracy would become weaker because compromises would no longer be formed in the two-party conventions, which are relatively open and accessible, but would be relegated to a handful of candidates and their managers.

Prof. Ernest Brown of Harvard Law School testified that as he saw it the splinter party system would feed the atmosphere of prejudices and dogmas that has already grown too strong in this country. Professor Brown said, and I quote:

> The idea that we could do anything that would encourage the spirit of dogmatism and doctrinaire groups in this country rather than the spirit of accommodation is just inconceivable to me.

Mr. President, it is a combination of these several changes in our political campaigns that makes me believe that the nature of the person who is President himself will change under the direct election system. If a candidate knows that he can be elected with merely 40 percent of the vote, and if the numerically smaller groups and States throughout the Nation are considered insignificant, insofar as their impact on the election is concerned, and if doctrinaire and one-issue splinter parties develop, what will happen to the traditional American experience in which the best chance a man has to win the Presidency is to work on bringing together voters of varying interests? I am speaking of the democratic principle of compromise and accomodation in which as many people's views as possible are blended together in a positive and helpful fashion. It is the practical process that has worked well to advance the welfare and strength of all the people of this great land.

Mr. President, to my mind, the various illnesses of the direct election plan that I have outlined today are all too real. I have not even mentioned the horrible thought of vote contests and utter confusion that is likely to follow in the aftermath of every presidential election. Nor have I discussed the incredible network of Federal requirements that would have to be erected in order to put any sem-

blance of reason into the direct election system.

These are among other criticisms I have of the so-called simple direct election plan, and I intend to pursue them at a future time in this debate. For now, I will ask that Senators give deep thought to the crucial decision that each of us will have to reach when the direct election amendment is called up for a vote.

Look at the hard, practical questions that so many experienced working political leaders have raised about the proposal. Look away from the blinding glow of the theoretical principle of achieving a perfect mechanical equality of each man's vote. The symbol is bright and its appeal is quite inviting, but stripped of theory and laid bare along the hard road of political reality the direct election scheme is nothing but a will-o'-the-wisp.

Mr. McGEE. Mr. President, spurred on by the frightening vision of electoral chaos which was so widely predicted 2 years ago, though it failed to materialize, the Congress is moving toward final action on a measure intended to provide for the direct election of the President and Vice President of the United States. Already, the House of Representatives has opted for this plan. Now the Senate is being asked to go along with the proposal that we scrap one of the cornerstones of the federal system of government in the name of reform.

This is not reform, however. It is a complete reversal of the procedures which have, over the years, resulted in the orderly transition of our Government from the hands of one leader or one party to another, without revolution, without bullets being substituted for ballots, without bloodshed. For the most part, the men elected to our highest office through this process have stood far above the rulers of other lands in ability and competence.

The Senate will not be so quick, I trust, to fall in line on this constitutional amendment—an amendment which could have unknown impact on the two-party system of politics which has turned out to be America's most effective rudder through times of turmoil and distress.

Many of my colleagues will agree with me, Mr. President, that it would be folly to vote for a plan that could imperil our Nation's traditional stability.

For a Senator from one of the Nation's least populous States, this proposed amendment to the Constitution raises very practical questions. I will not deny that. My own State ranks 49th in population, so it would be one of the most adversely affected States, winding up with about .17 percent of the popular vote and, thus, with the same proportion of influence in the election of future Chief Executives. Our influence today in national elections is not great—about .55 percent. But it does, at least, reflect the statehood of Wyoming and other of our less densely populated States which bring to the American processes a different outlook.

The electoral college as such is obsolete, Mr. President. I will not argue otherwise. But we do not need to throw out the engine which has run our political machinery, only overhaul and modify it. The pending amendment not only wipes out the electoral college, but abolishes the sovereign States as voting units. In the name of reform it would put all the 70 million or more American votes into a single winner-take-all pool which would overemphasize, I believe, the role of great urban concentrations of population in our system, instead of giving proper weight to the rural and underpopulated regions of the Nation. These areas, too, must have attention if we are to solve the problems facing this country, including the problems associated with over concentration of people in relatively small land areas. Our Constitution was devised to guarantee the States a measure of influence regardless of their population, Mr. President. I cannot be convinced that the guarantee should be abolished in the name of democracy.

To be sure, let us discard the electoral college as such. As a body of individuals, it is not needed, and it offers the so-called faithless elector the opportunity to disregard the wishes of the people of his State and cast their vote as he wishes. But we can reform the system and take away the opportunities for such abuse without casting out a system which has served us well. Direct election of the President is not reform. For some years, I have supported the electoral principle—the formula for assigning electoral votes. But that formula can work without the electoral college itself. Indeed, it is a college that never meets and whose purpose has been outlived I will gladly vote for its abolition.

Mr. President, we must consider this question carefully. There are a number of substitute proposals before us which would do away with the anachronism which is the electoral college and still retain the essence of our federal system. Let us take the time to study and debate these proposals so that it cannot be said we abandoned a basically sound system for an untried, unpredictable arrangement. Let us retain what is good and abolish what is bad. But let us not abandon a system which has helped make democracy work for nearly two centuries of American experience.

SKYJACKING

Mr. LONG. Mr. President, it is my hope that I will have the opportunity at some time soon to fully communicate my views about the skyjacking of aircraft.

I think that for the record it might be well to state my reaction. I think my views are concurred in by a number of other Senators with regard to this matter. My reaction is very firm.

It seems to me that we should proceed together with other enlightened nations of the world to boycott any country which refuses to extradite skyjackers. That being the case, Jordan or any government on whose territory a hijacked or skyjacked plane might land should be under the obligation to return the hijackers or skyjackers, as the case may be, to the nation in which the crime was originally committed.

Furthermore, we should pass a law or engage in reciprocal treaties whereby every nation would agree that any agreement made to grant immunity or to confer any kind of protection whatever to murderers, skyjackers, or kidnapers would be unlawful. It might be well even to agree to a constitutional amendment so that it could not be suspended by an act of Congress.

Accordingly, when a kidnaper or skyjacker threatens the lives of innocent people or demands that the world bow down to terrorist or unlawful demands, any agreement made to offer protection to such criminals would be unlawful so that whenever a person is apprehended he would be punished for his crime.

One would ask, "How would you make that work with regard to a country such as Castro's Cuba which has in large measure brought about the skyjacking precedent to begin with?"

In that case, enlightened powers such as the United States, Britain, and all countries in the Western Hemisphere should agree among themselves that they would not trade with any third party which does business with a nation which gives any aid, comfort, or support to kidnapers, murderers, or skyjackers.

Accordingly, Mr. President, if Mexico wanted to become a port of entry by which Communists go back and forth to Cuba and have their planes fly back and forth between Cuba and Mexico, we should decline to do business with Mexico. We should let Cuba support Mexico with respect to tourist trade that we now afford Mexico and the hotels in Acapulco. We would then see how well they like it.

It seems to me that if this Nation simply takes a strong and firm position that we are for law and order and will not bargain or do business with or bow down to murderers, kidnapers, extortioners, and hijackers, that would put an end to it.

We have the power to make such a policy effective. It is within the power of this great country, which is the greatest trading nation in the world, to use our power to see that no payment is made to the World Bank or to the International Monetary Fund and that no trade is conducted with any such country, that all deals are off and all contracts and treaties stand in abeyance until any country that is encouraging terrorist tactics join with the world community for law and order.

If Jordan does not have a government, then it seems to me that nations which can agree to organize the United Nations have and should have the power to move in and establish a government and, if need be, exterminate that bunch of assassins in Jordan who are holding those planes and establish a government for those people until they are able to establish a government for themselves.

The idea of a trusteeship for people not able to govern themselves is not new. Such a precedent could be followed in this case. But above all, we should not yield to those kinds of demands. As much as I would hate to see any innocent people killed by murderers, assassins, kidnapers, or extortionists, to yield to the

threat of kidnapers, hijackers, extortionists, skyjackers, or other lawless elements of this world would merely set the stage for more lawlessness. There will be no end to this until the world decides to take a stand against this kind of action.

It was this Nation, when a small power, which was known for saying, "Millions for defense, but not one cent for tribute." It was this Nation which put down the Barbary pirates who were in a sense blood kinsmen of the skyjackers of today.

Mr. President, it would seem to me that we could do no less today as one of the greatest powers in the world, certainly the leader of all free countries, than say, "We are not going to let this world be governed by lawlessness or terrorism and will do no business with any such country."

If we do anything, it should be to punish the people responsible for these crimes.

The first thing to do would be to call upon Jordan to capture and to punish those lawless people there and to serve notice on them that if these terrorists should kill any people, every one of that bunch of assassins will be killed and strung up by their heels until the flies eat their flesh.

Being soft or yielding to that kind of lawless element never gets anyone anywhere. It is unworthy of any enlightened government to yield to those kinds of demands. As soon as we do it, we will find more and more of the same kind of terrorism being undertaken throughout this world.

Mr. President, I personally, as one Member of the Senate, will do what I can to see that we outlaw any traffic with the criminal elements. It would seem to me that we should also make it unlawful for any person to knowingly permit a plane under the control of a kidnaper or skyjacker or murderer or assassin to leave the continental United States.

When those people know that the plane cannot take off once it lands, and when they know there is not enough fuel to get the plane to Cuba or Jordan, they will not skyjack it to begin with.

What happened at Dulles International Airport the other day is an example of what should be done. The pilots should be locked in the cabin and the fuel jettisoned the minute the plane is under the control of a man with guns or explosives. At that point the plane must be kept on the ground. It is that simple.

It should be against the law for anybody to make a deal with an assassin or a kidnaper. The deal would be illegal so he would have to stand trial. I think it would be that simple. Amnesty would not be permitted because the law would forbid it. Then, we would see how long those people from Mexico continue to be allies with Cuba. If they want to be Cuba's partner, fine; but they will not be our partner, too.

It was my pleasure to attend the dinner at which the President of Mexico made a fine speech. He spoke of his great alarm about a trend toward protectionism in this country and how disastrous it could be if this Nation decided to protect itself against the further flight of industry into Mexico where wages are lower and labor is cheaper.

I have great sympathy for Mexico if they want to be part of the international law-abiding community; but, if they want to support Castro's Cuba, let them choose whether they want to be a partner of the United States or of Castro's Cuba.

If we do business on that basis, I do not think they will find it too difficult, especially if we approach it in a diplomatic and pleasant way and if it were pointed out that they would be unhappy if someone hijacked one of their planes. My guess is they would see the logic of our position and that they would be glad to join us in supporting law and order around the world.

Sometimes we work awfully hard to think up complicated answers to simple problems. The answer to this problem is very simple. This Nation was confronted with the same problem in 1812, and this Nation met that problem effectively with regard to both large and small powers. We would not permit international bandits to treat our citizens or our Nation with indignity, and we should not permit it now. We should not be in a position of protecting the entire world, but we should make clear we are not going to do business with international criminals or those who do business with them or cooperate with them.

Mr. JAVITS. Mr. President, I want to say to the Senator from Louisiana that his remarks are characteristic of the true American spirit; and so were those of the President yesterday that we are not going to select among American citizens.

We should fashion unilateral legislation. The junior Senator from New York (Mr. GOODELL) and I introduced a bill yesterday which was referred to the Committee on Commerce. He is a member of that committee, and he will do his best to stimulate the bill being reported.

If the Senator from Louisiana has a proposal in the way of legislation, perhaps the Committee on Finance could act promptly. I would like to join in the expression of the Senator from Louisiana that basic American principles must be preserved, and if Congress is going to preserve them we must fashion legislation for the United States, even if we cannot get international agreement at this time.

Mr. LONG. I thank the Senator.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. JAVITS. Mr. President, I am a cosponsor of the joint resolution relating to the direct popular election of the President and the Vice President. I have not heretofore spoken on this issue, so I wish to express my views with respect to it from the point of view of equity and justice, and also—and this is important—because there is a controversy about this matter from the point of view of a populous State like New York. It seems to me, as a Senator from New York, that direct election is considerably preferable to the electoral college system. Basically, it is time that the United States practiced what it has preached in terms of democracy in voting—that as a Nation we should elect the two truly national officers whom we do elect.

Lately, however, certain constitutional law authorities, whose views I respect—among them Prof. Alexander Bickel and Charles Black, of Yale—have offered contrary views. Far from seeing the justice of one-man, one-vote in the presidential election, these scholars hold that the electoral system as it is presently constituted offers certain advantages to minority groups which should be preserved in a democratic society. In short, they advocate a system of proportional representation in voting for President.

They also hold that the electoral college system insures that the large urban "swing States" like New York will continue to exert a disproportionate influence—even considering their size—on the choice and programs of the major party candidates. The opinions of these two professors, which I respect, as I have said, have caused me to review my own reasoning for supporting Senate Joint Resolution 1, and I have not found their objections persuasive, so I remain fixed in my support of the joint resolution.

It seems to me to be contrary in the extreme to support the one-man, one-vote principle set forth in Reynolds against Sims while at the same time opposing the direct election of the President. In effect, this is an admission that one believes the advantage enjoyed by these groups with whom one feels sympathy should be preserved, while the same kind of advantage—disproportionate political strength—should be disallowed if enjoyed by others.

If rural counties enjoy, for example, equal representation in a State legislature having vastly more populated urban counties, most liberals—who generally sympathize with the underrepresented urban interests—would agree that the system is wrong. How, then, can they claim with any consistency that urban interests benefit under the electoral college system—and I do not agree with this premise—and that, therefore, the disproportionate influence of their votes should be preserved? That, in essence, is their argument.

My own view is that while under the electoral college system candidates pay a great deal of attention to important States like New York and California, this attention is not necessarily centered on minority groups in the cities, but may just as effectively be directed at a strong showing in other areas of the States, other areas of a given State, canceling out the voters of the Nation's largest cities. Indeed, that is exactly what happened in the presidential election of 1968, in respect of the more suburban and rural areas countering the large vote total cast in the big cities of many States. Quite the reverse happened in the election of 1960, when the big-city vote swept away the votes coming from rural and suburban areas in the major States.

of which Pennsylvania was an extraordinary example, as President Nixon very well remembers.

Even this strategy is not consistent, for it can ignore the substantial urban vote in relatively safe States, while wooing it in marginal States, the classic example cited in the hearings being the cities of Omaha, Nebr., and Oakland, Calif., of equal size. Omaha was virtually ignored by the candidates since Nebraska is considered safely Republican, while Oakland was courted out of all proportion to its own population because it is considered a swing area whose voters might swing the largest single block of electoral votes in the Nation.

I cannot believe that under any electoral system we choose to adopt—particularly one in which each vote is counted equally—the candidate can ignore the urban and suburban voters. They are simply too numerous, too important to any victory, and their views are becoming more issue-oriented all the time; they do not need weighted voting to show their strength.

Another argument which I feel militates against the approach taken by Professor Bickel is the simple numbers game of the electoral college.

Even a cursory reference to the figures reveals that votes in the larger States are significantly diluted by the minimum three-elector rule. Smaller States have a great advantage in the electoral college because no matter what their population, they exercise at least three votes. This means, for example, that only 75,380 Alaskans are needed to cast an electoral vote, and that 95,093 Nevadans and 110,022 Wyomingites are needed to cast an electoral vote in each State. But in New York, it takes 390,286, and in California 392,930, or, roughly speaking, at a very minimum, three to five times as many votes to exert the same measure of power in respect to our national election. The more populous States cannot help being benefited by a system under which each individual vote is counted equally. If that is to be counted an advantage, the vote must be according to the one-man, one-vote concept.

There are many reasons why the electoral college should be abolished and the direct election system adopted. They have been covered extensively in the hearings, the reports of the hearings, the studies of bar associations, and the proposals of many civic groups. Indeed, it is very interesting to me that the attitude of the American Bar Association is so greatly in support of direct election.

It seems to me that among the most persuasive of these arguments are the following:

First, direct election would discourage corruption by eliminating the possibility that a few "stolen" votes in a large State could swing an election—and charges have been made that elections went exactly that way.

Next, it would insure without doubt the election of the ticket winning the greatest number of popular votes and, therefore, popular support. As I said when I began, the Offices of President and Vice President are the two truly national offices in our country; therefore, those two offices should be elected nationally.

Third, direct election would encourage voter participation by making each vote count, instead of automatically allocating a fixed number of electoral votes to each State regardless of voter turnout.

Fourth, direct election would promote the two-party system in States which traditionally have only one party of great strength.

Finally, it would do away with the injustice of weighted voting in the electoral college, which favors the small States, as I have described.

While each of these reasons is important and has affected my decision on this proposal, I have weighed the effect of the amendment on my own State, on the Nation, and on the future of the Presidency, and I reaffirm my support of it, as reflected by the report of the Committee on the Judiciary.

Mr. STENNIS. Mr. President, I was temporarily called away from the floor when the Senator from Florida finished his very fine speech on this subject today. Had I been in the Chamber, I would have had a chance to ask him some questions and also to compliment him highly for his fine presentation. I have been present during a good number of debates, and I have heard the Senator from Florida speak often. As always, he has a fine contribution to make. He speaks from great experience as the Governor of his State, as a member of his State legislature, as I recall, and long years in the Senate of the United States. As one who is vitally concerned about the subject, I also thank him for the very fine presentation he has made. I was privileged to hear most of it.

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senator from Mississippi (Mr. STENNIS) who is to be recognized now, completes his statement and yields the floor, the pending business—Senate Joint Resolution 1—be temporarily laid aside and that it remain in that status until the close of morning business on Monday next.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senator from Mississippi relinquishes the floor, and Senate Joint Resolution 1 is temporarily laid aside today, the Senate proceed to the consideration of Calendar No. 1079, S. 3418. This was announced on yesterday for the late afternoon session today.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection it is so ordered.

VACATING OF PREVIOUS ORDER FOR CONSIDERATION OF H.R. 13810

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the conclusion of the vote on Calendar No. 1079, that the previous order, calling for the consideration of Calendar No. 1123, H.R. 13810, be vacated.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

ORDER FOR LAYING THE FARM BILL BEFORE THE SENATE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the conclusion of the vote on Calendar No. 1079, S. 3418, that the so-called farm bill, Calendar No. 1172, H.R. 18546, be laid before the Senate and made the pending business for consideration during the late afternoon or evening session on Monday next.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, September 14, 1970, not later than 5 o'clock in the afternoon, the unfinished business, Senate Joint Resolution 1, be temporarily laid aside and that it remain in that status until the close of morning business on Tuesday next.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF FARM BILL ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as Senate Joint Resolution 1 is temporarily laid aside on Monday next, September 14, 1970, the so-called farm bill be made the pending business and laid before the Senate at that time.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, while I have the floor through the courtesy of the Senator from Mississippi, I should like to put the Senate on notice that it is the intention of the leadership on both sides of the aisle to bring up Calendar No. 1123, H.R. 13810, at some time on Monday evening next. The matter has been cleared with the Senator from Mississippi (Mr. EASTLAND) for action on the bill on Monday evening next. Also, it is the intention of the leadership to try for action on S. 4316, the SBA bill, by Mr. MCINTYRE, on Monday evening next if possible during a late session.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. STENNIS. Mr. President, I have long supported changes in the method of electing the President and Vice President. I believe that electoral reform in this area is long overdue and that no political issue is of greater importance to the Nation. At the same time, I do not believe that we have anything like a crisis that would push us into a system that I believe would bring far more harm than anything that is possible under the present system, and would bring about a fundamental change in the basic structure of our Government and its philosophy—as I will explain later on.

Mr. President, I speak today in opposition to the Bayh proposal which calls for direct election by the people in the Nation as a whole of the President and Vice President.

I believe that adoption of the resolution would be unwise and would bring results which would be mischievous and also unexpected and unweighed for the time being.

I do support what I have supported in the past, what is known as the district plan. On a number of occasions I have joined in introducing proposed constitutional amendments to put this plan into effect. Briefly stated, the district plan would preserve the office of the elector but would provide electors be chosen in the same manner as Representatives and Senators. The presidential candidate with a plurality in each electoral district, the lines of which would be set by the State legislatures, would receive the vote of its electors. The candidate with a statewide plurality would receive the two electoral votes representative of the State's two Senators.

The candidate receiving the majority of the total electoral votes would become President; but if no one received the majority, Senators and Representatives, sitting jointly and voting individually, would choose the President from the three candidates having the highest number of electoral votes.

Mr. President, I referred to this matter in preceding years. I remember it came up for the first time, since I came to the Senate in 1948, in what was then known as the Lodge-Gossett amendment proposal, and that proposal provided not for the district plan but for the retention of the electoral system, that each candidate would receive such a fractional part of the electoral vote allotted to each State as he received percentagewise of the popular votes in that State. That had its merits and it has its supporters and that passed here by more than a two-thirds majority. It went over to the House and failed to pass there. It was said that the influence of the large city States killed the plan.

I refer to it now with emphasis on the other positions I have taken to show that I am not against everything, that I am willing to join in any reasonable proposal that sets forth a bringing up to date and the better workability of the electoral college system.

But I am certainly not in favor of abolishing it.

The present system of electing the President and Vice President is governed by article II, section 1, and the 12th amendment to the Constitution. These sections provide that the President and Vice President shall be chosen by electors appointed by each State in the manner directed by its legislature, each State having the same number of electors as it is entitled to Senators and Representatives in Congress.

This system was agreed upon by the writers of our Constitution for two basic reasons: first, in order to protect the smaller States, each State, regardless of size, was given two electors in addition to the electors based on its population; second, the electors should actually choose the President and Vice President because it was thought that they would have a greater knowledge and public understanding than the mass of citizens. The growth of political parties soon after the adoption of the Constitution and subsequent popular trends have had a profound effect on the manner in which this system actually operates.

One of the longstanding evils of our present electoral college system is that it makes possible the election of a President who did not receive a majority—or even a plurality—of the popular vote. I emphasize that it makes that possible. I do not think there has been any real or injurious effects. Thus, it is that on 15 occasions we have elected the President by a minority vote, and on three occasions candidates were elected who did not even receive a plurality.

As a matter of historical interest, until about 1800 approximately half of the State legislatures chose electors themselves. However, a gradual change came about in the method of choosing the electors, and, by 1804, the majority of the State legislators had provided for direct popular election of electors.

I think it is historically significant that, at first, most of the States provided that electors should be elected from districts similar to congressional districts, under which one elector was chosen by the voters of each congressional district, and two were elected by those of the State at large. Thus, the electoral votes from a State were split if the various districts differed in their political sentiments. This is basically the plan which I support today.

The district plan eventually was abandoned due largely to the desire on the part of State political leaders to deliver the State's entire electoral vote to one presidential candidate. The unit vote system evolved under which all of the State's presidential electors went to the party with a plurality of the popular votes statewide. By 1832 the district plan had virtually vanished from the scene with only isolated instances of its use since then in certain States. Since 1892 the present unit vote system has been used by every State in the Union.

As I have said, under the existing system there have been 15 occasions when we have elected as President by a minority vote and three occasions in which the candidate elected did not even receive a plurality of the popular vote. Even when the winning candidate did receive a majority of the popular and the electoral vote as well, disparity between the two has been very great.

For example, in 1960 the late President Kennedy's popular vote exceeded that of Vice President Nixon by only .2 of 1 percent of the total vote, but he received 300 electoral votes to 223 for Mr. Nixon.

However, it does not follow that direct popular election is the way to solve the problem and eliminate the evils of the existing system. Indeed direct elections might produce even more evils than exist at present. I will mention only a few of the dangers which might result.

Mr. President, with our tremendous increase in population, which is now beyond 200 million people and soon after the turn of the century will exceed 300 million people and, of course, will increase more rapidly after that time to the point that we will have 400 million people, the very concept of this plan, without having them broken into some units by means of some kind of a plan, makes a topheavy electorate so large, so big, and so vast that I shudder to think about what would happen if all those people are to be considered as one group and undertake by direct vote to choose a President of the United States.

I believe that the increase in the population will increase the soundness of some kind of a system that will preserve some entity and some voice in the Government by the lesser populated areas, the rural areas, the villages, the small towns, and the so-called rural States.

I am thinking in terms now of just a few decades away, not something way out in the far-distant future.

In the first place, direct election would end any role for the States in the election of the President and Vice President and completely upset the balance of political forces upon which our system has come to be based.

I think that it would not only upset the balance of political forces, but I also believe that it would tend to destroy the great school of political training. That has been one of the great sources of strength in our Nation—the participation by the people in smaller units of government, from the rural areas to the villages, the small towns, the small cities, and the county concept included, the participation by countless thousands of people of all ages in these elections, these political conventions, and everything that goes to make up the activities of our electorate in every election, not just presidential elections. I look upon that as one of the great sources of strength of our country.

We are now going to come up with a proposal for election to the two most important offices in all the Nation and sweep aside this participation, which this amendment would do, and create at the unit level one massive body politic and say, "Everything goes to the high

man in this popular election." I think we would take a great deal of the spirit and substance as well as the great arsenal of training in citizenship away from our Government.

The sweeping changes in the legislative representation which have been made under court direction make the electoral vote system even more important as a bulwark of the federal system. It could, I believe, strike a fatal blow to the concept of federalism.

Direct election would deprive the small States of the advantage they now enjoy through the two electoral votes accorded each State regardless of size corresponding to the equal representation accorded the States in the U.S. Senate.

It would jeopardize the control of the States over voting for State and local offices and constitute a blow to State power. In addition the relative weight of each State's vote would depend, not on its population, but on the number of votes cast and counted.

It would encourage the major political parties to concentrate their campaigns in large cities containing large numbers of voters in small geographical areas. This would work against the interests of the rural communities and the smaller States. As a result nominees for the Presidency would most likely come from the larger States or from larger ideological groupings.

Mr. President, I say this with all deference to our cities and the people who live in our cities. However, we already know that one of the great growing pains and problems in connection with our Government now is the problem of the large cities. Many of them are becoming larger and more troublesome to govern. I speak with all deference to them. Someone said to me, "Why, Mayor Lindsay is not doing any good as mayor of New York City." I am not criticizing Mayor Lindsay. My point is that no one in these large cities has a chance to be successful or a chance to carry out his program or the program his advisers might suggest. I am not downgrading the citizenship at all. It is the problems that mount and become impossible.

With respect to the popular election of the President, to concentrate more power in the larger cities, where the problem has already become more and more difficult to solve, would be another step. The people out in the other areas, away from the larger cities—in Government at least—have tremendous blessings that are denied to other people.

Finally, I believe direct election is the least likely of all proposed changes to be accepted—and I mean accepted by the States. Because of the opposition of the small States, the direct popular election amendment in my opinion could never be ratified. It is a statistical fact that about two-thirds of the States would lose the built-in advantage that they now enjoy in the electoral college through the two electoral votes accorded to the States regardless of size equivalent to their U.S. Senators. I believe it would be better for us to pursue a more realistic goal.

On the other hand, Mr. President, I believe that the "district plan" presents a fair, just and workable alternative to the system under which we now select our President and Vice President. As I have said, under this proposal each State would continue to be entitled to a number of electors equal to its Representatives and Senators in Congress. The people of each State would be guaranteed the right of choosing these electors, two of whom would be elected from the State at large, and the number equal to its Representatives in the House would be elected within single electoral districts.

To me it seems that no plan could be fairer, taken from the point of view of the Nation as a whole, and fairer to every area. The cities would have their representation, large and small, and the rural areas would have their representation, as they have in the House and Senate. In turn, the district plan would tie this matter up so that would insure the choice of these districts and these States; and, if that should fail, then there would be a choice by all Members of Congress, which is the body which makes the choices as a whole on the major policies and questions that confront the people of our Nation.

I believe that a more accurate reflection of the popular vote would be forthcoming if electoral votes are divided within each State so that the electoral vote in each district designated for that purpose is determined by the popular vote result in that district alone. At the same time the electoral-vote concept itself would be preserved.

I think it is significant that the district's election process would be retained and be in harmony with the present system of district election of representatives, so it would not create a precedent for proportional representation as would the automatic division of electoral votes in exact proportion to the popular vote in each State.

We have accumulated a lot of experience in almost 200 years, the life of our country, and the problems have become greater. This involves a plan that is still as sound as it was when it was originally used, in my opinion, in the very threshold years of the operation of our Government.

As I stated in my earlier remarks, this district selection system was the one actually used and it proved to be right by the people and Congress in the early decades of our existence. It was the political system, the politics, the political parties that changed the use of that district system and in that way we got away from it. They were within the law.

Now, however, this district plan would go back to that plan which worked so well and put it into the hard language of the Constitution and permit it to be worked out under circumstances where it could not be altered.

The district electoral plan would promote establishment and maintenance of an effective two-party system in every part of the Nation inasmuch as party success in any district would be worthwhile. Thus, it would strengthen the minority party in strongly one-party States.

I know, as do all Senators, our situation at the present time. We must go and campaign and we must go where the people are in the search for votes and what time there is to be used is used largely at the place where it is thought contact can be made with the most people. That is somewhat a rule of necessity. But if we freeze this into just a couple of votes by the entire Nation, that would mean we are leaving out of attention the great areas of this country that we call the rural areas, the villages, the small towns, and the small cities.

When there is not a feeling of obligation to areas, not a political sensitivity to those areas, they are forgotten after the election; not only during the campaign are they neglected but they will be neglected and largely forgotten after the election. That is attributable to human nature.

We should be trying to put together a plan that would put them into a position of responsibility for themselves and accountability.

The district plan would reduce the present disproportional influence of the large population doubtful States in presidential elections by ending the bonanza that comes with the winner take all approach. In addition, the district elector plan would encourage greater voter participation, especially in one-party States by making the individual's vote seem more important in the selection process because one vote in a district would have much greater impact than the same vote in a statewide count.

The district system would give every voter an equal voice in the selection of a President by giving his vote the same weight everywhere. Every voter in the country would be voting for three electors rather than some voting for three while others were able to vote for eight or 25 or 43, depending on the State in which they may live. This is in harmony with the Supreme Court's one-man, one-vote decision.

The district system would minimize problems which trouble the unit rule system, such as voting frauds and efforts at political boss control, by reducing the likelihood that total victory for one party could be achieved in any State under any set of circumstances.

Awarding electoral votes by districts would maintain a fair balance between rural and urban forces and allow minorities to make their weight felt where they have strength, without giving excessive influence to one group.

The single elector districts which the district plan contemplates, would be established by the State legislatures and would be required to be composed of compact and contiguous territory containing as nearly as practical the number of persons which entitle the State to one Representative in Congress. The electors should be pledged in advance to specific candidates for President and Vice President.

I am aware of the argument that small States have a disproportionate number of electoral votes because of the fact that each State has two electoral votes regardless of the size and population of the State. However, this objection applies to any system which retains the electoral vote principle, and I strongly believe that the writers of the Constitution were wise in adopting this principle and that it should be retained. In any event, as I

have already said, I am confident that neither the Congress nor the respective States would ever agree to eliminating this principle which is basic and essential to the preservation of our federal system of government. We should be realistic and recognize that it is very doubtful that the States would ever adopt the direct vote amendment.

In addition to the basic purpose of establishing a district plan for casting electoral votes, there would be a very important change in the method of choosing the President and Vice President in the event no candidate for these offices received an absolute majority of the total number of electoral votes. The 12th amendment now provides that, in such event, the House of Representatives shall choose the President from the three candidates having the highest number of votes. In this election each State has only one vote. A similar procedure is followed in the Senate if no candidate for Vice President receives a majority of the electoral vote.

The district plan would change this procedure to provide that the House and Senate, meeting jointly, with each member having one vote, would select the President and Vice President in the event that no candidate for either office received a majority of the electoral vote. It is certainly more democratic to allow each State one vote for each of its members of Congress rather than giving each State only one vote regardless of its population.

I want to state that these remarks are addressed, with such emphasis as I may have, to the district plan, but I really spoke in the Senate today not only to explain that plan, but to say that everything I have said here in favor of the district plan is an argument, as I see it, against the massive election, as I call it—direct election—for President and Vice President of the United States that would bring in far more problems and evils than it could possibly solve.

Mr. President, I believe that most of us agree that there is a need to reform the electoral college system. This need has been recognized for many years. The Library of Congress reports that hardly a session of Congress has passed since 1797 without the introduction of one or more amendments of this character. These proposals have taken several different approaches. It is recognized that each of them has certain advantages and disadvantages. No one plan presents a perfect and complete solution to the problem. I believe, however, that it is admitted that the adoption of the district plan would bring about great improvements in the methods by which the President and Vice President are selected.

As I have said, Mr. President, I believe that this question of electoral reform is one of the most urgent problems facing the Congress. I believe that it is our responsibility to present to the States for ratification a constitutional amendment to correct the defects in the electoral college system which now exists. However, I cannot support and will not vote for the direct election plan as proposed by the distinguished Senator from Indiana.

I would favor, as I have already said, a situation in which we could really give consideration to the district plan and debate it on its merits.

In summary, Mr. President, I agree with Theodore H. White, the political journalist and author, who in his testimony before the Senate Judiciary Committee called the direct election system "a direct invitation to chaos" and said that while he believed "the country needs to reform its election laws and reform them immediately," he did not think that this should be done by direct popular election.

My remarks are not in distrust of the electorate. They are not in distrust of the people. I have been in public life a good long while and have a basic faith in the people, but I know there are times when emotional matters sweep our Nation, or sweep great, major parts of it. I know there are times when people can be aroused when there is insufficient cause, or no cause, for an emotional state, when for the time being they do not exercise their best judgment, not present their best thinking, nor use their minds in an analytical manner.

I believe one safety of our present system is in the fact that those events seldom happen nationwide at the same time, and the more mature judgment of one area will help to offset another, under our present system, where there may be an emotional or even irrational wave of sentiment in that area. But if we put all of the votes into the same hopper, we are going to find, as the years come and go, and there will be a greater and greater percentage of them in the congested areas, that the sentiment that prevails there will more likely prevail in the result.

For that reason, even though I think this problem is grave, I do not think we have to be in an extra hurry. I do not think we have tried hard enough to work something around the district plan. Therefore, for the time being, in this crowded time, when we are trying to finish before the elections, I think we ought to direct our attention either for or against the proposal by the Senator from Indiana, because that is the one that has the real danger.

Mr. President, I yield the floor.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The PRESIDING OFFICER. In accordance with the previous order of the Senate, the Chair lays before the Senate S. 3418, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicines.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments at the top of page 2, insert "TITLE I—FAMILY MEDICINE"; at the beginning of line 2, strike out "That part D of title VII of the Public Health Service Act is amended to read as follows:" and, in lieu thereof, insert:

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

In line 15, after the word "instruction", insert "(including continuing education)"; on page 3, line 9, after the word "programs", insert "(including continuing education)"; in line 11, after the word "interns," strike out "or residents;" and insert "residents, or practicing physicians;"; on page 7, line 7, after "(a)", strike out "A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—" and, in lieu thereof, insert "The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—"; on page 10, line 1, after the word "Planning", insert "And Developmental"; at the beginning of line 4, insert "or develop programs or"; in line 7, after the word "planning", insert "and developmental"; in line 14, after the word "of", strike out "$5,000,000" and insert "$10,000,000"; in line 15, after the word "planning" insert "and developmental grants"; on page 12, line 8, after the word "for", insert "and of the amounts of"; and on page 13, after line 12, insert a new title, as follows:

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c. (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, it causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

So as to make the bill read:

S. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 781. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(2) construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grants enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the ten-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $10,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be

physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, and four of whom shall be representatives of the general public. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for and of the amounts of grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that members of the staff of the committee and the staff of the Health Subcommittee be permitted to be present in the Chamber to assist us during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, this bill, S. 3418, the family medical practice bill, is cosponsored jointly by myself and Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. ALLEN, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. EASTLAND, Mr. ERVIN, Mr. FULBRIGHT, Mr. GOODELL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONTOYA, Mr. MURPHY, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. SCOTT, and Mr. SPONG.

That was as of the date reported, Mr. President, on the 5th of August. Since then the Senator from Mississippi has joined in cosponsoring the bill.

The bill has widespread support on both sides of the aisle. Mr. President, in 1931, three-fourths of all physicians in private practice were general practitioners. In more recent years, the demand for specialists and the preference of many doctors to specialize, has reduced the percentage of general practitioners to one-fifth of all doctors.

In the years between 1963 and 1967 alone, general practitioners decreased 7.3 percent while the specialists increased as follows: Surgical specialists by 15.9 percent, medical specialists by 13.6 percent, and others 19.4 percent. The growth of the specialists was dictated by the dramatic advances in medical science that make it impossible for one man to master all the fields of medical knowledge. Surgery, pathology, internal medicine, psychiatry, pediatrics—all deserve the exclusive attention of great numbers of doctors. Today, 80 percent of the graduates from medical school prepare themselves for a specialty practice.

The result has been a growing gap between the family needing generalized health information and care for its men and women, babies, teenagers, and grandparents, who may suffer from time to time from a great variety of maladies and injuries.

Fortunately, medical practice has begun to recognize the need for new training programs for the general practitioner. In some medical schools, courses are now being offered which lead to a new "specialty"—the practice of family medicine, because there are so few general practitioners.

The family practice doctor is trained to consider and to treat persons in the context of their family and surroundings. Preventive health is one of his major objectives.

A second function is to refer patients needing specialty care or treatment to the right person and place. In that respect he is the single contact where an entire family may go for comprehensive medical care. There are 30 million Americans who today have no access to a family physician whereby they can enter into the medical care system.

The importance of the family practice physician is evident when we remember that the Americans most lacking medical care are those of low and modest incomes who lack the means and the family tradition of looking for the kind of medical care they need. The rural poor, the ghetto dweller, the elderly, the migrant—these are the people who have suffered most from the decline of the general practitioner.

They have become so completely up-

rooted from where they were reared. The families have moved to areas where they do not know where to get a doctor. It is the rural families and the migrant workers who have suffered the most from the decline of the general practitioner.

In February 1969, the American Medical Association approved an American Board of Family Practice with powers to conduct examinations and grant certification to family physicians. A few medical schools are offering or developing courses leading to certification in this field.

I am glad to say that, although there are not many of them, one is the University of Texas Medical School at Galveston. It is one of the four medical schools in my State. The avowed purpose of the University of Texas medical branch at Galveston is, as it has always been, to train good practitioners of medicine for the State of Texas. Almost 45 percent of the practicing physicians in the State of Texas are products of the medical branch, and in the 80 years since its founding our school of medicine has graduated approximately 6,000 physicians.

Under the leadership of Dr. J. M. White, vice president for academic affairs and dean of medicine, and Dr. M. L. Ross, director of family medicine, a program for specializing in family medicine has been developed in the school of medicine.

Texas is known for its wide-open spaces. About one-third of the population lives in small, isolated areas which are a considerable distance from the large medical centers located in the metropolitan areas. Texas will always require family practice physicians in spite of the great specialization in the medical centers. To give special emphasis on this type of training to young physicians will require extra support for the programs being developed in medical schools. And Senate bill 3418 will be of great value in insuring the success of the program from its beginning.

Briefly, Mr. President, title I of the bill would authorize a 5-year program of grants to medical schools:

First—and this is the key part of the bill—to operate separate departments devoted to teaching and instruction in all phases of family practice;

Second, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility;

It was shown at the hearings that nearly all the teachers in medical schools are specialists, such as in surgery or some other branch of medicine. So without this provision in the bill, the bill would be meaningless.

Third, to operate or participate in special training programs for paramedical personnel in the field of family medicine; and

Fourth, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

It would also authorize grants to public or private nonprofit hospitals which train medical students, interns, or residents:

First, to operate special professional training programs in family medicine for medical students, interns, or residents;

Second, to construct facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility;

Third, to provide scholarships, fellowships, or stipends to interns, residents, or other medical personnel who are in need of such assistance to participate in accredited training programs in the field of family medicine and who plan to specialize or work in the practice of family medicine; and

Fourth, to operate or participate in special programs for training paramedical personnel in the field of family medicine.

For the purpose of making the grants to medical schools and to hospitals, the bill would authorize appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975.

Finally, Mr. President, I would like to draw my colleagues' attention to the other major aspect of S. 3418. Title II of the bill authorizes a new program to begin to effectively deal with the vexing problems of malnutrition. The programs authorized in title II will greatly assist in continuing the battle against malnutrition. It is a tribute to the diligent efforts of the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare, that the programs encompassed in title II are now before the Senate for its consideration.

I shall not go further in discussing the programs; I am sure that the Senator from New York will want to elaborate further on the bill's provisions. He did very effective work in presenting them as a separate bill, and finally as an amendment to this bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of considering further amendments.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. In the event the committee amendments are adopted en bloc, will that have any effect in my offering amendment No. 886 later?

The PRESIDING OFFICER. None whatever; it will not have any effect.

Is there objection to the unanimous consent request of the Senator from Texas? The Chair hears none, and the committee amendments are agreed to en bloc.

Mr. JAVITS. Mr. President, this is the second of two bills that have come before the Senate in the last 2 days dealing with health problems of the country, both of them reported by the Committee on Labor and Public Welfare. The Senator from Texas (Mr. YARBOROUGH) is the principal author of the first title of this bill, which relates to a subject very dear to his heart, and on which he has worked indefatigably for a very long time.

Whatever may be the fate of the amendment of the Senator from Colorado (Mr. DOMINICK), in my judgment it does not go to the very heart of the bill. Therefore, I think it is fair and safe to say that it is the peculiar capstone of the service of Senator YARBOROUGH in the Senate that this bill should have been brought to fruition in this Congress. I know of no measure which would be more uniquely adapted to his philosophy of life and his representation of the people of Texas than one which relates so directly to the practice of family medicine. Indeed, this is one of the great, pioneer traditions of our country, and we are bringing it up to date and demonstrating that modern practice does not eliminate basically the fundamental concepts of life.

I remember, as a child—as I think many of us remember—a picture, in color, in the windows of drugstores. The picture depicted a child ill, upon a bed of pillows mounted on chairs alongside a lamp. Obviously, it was a rural setting. The mother was in the background; the doctor was the central figure of the piece. Obviously, he was a country doctor, making his rounds, and saving the life of the very sick child. He was working under primitive circumstances and with limited medical facilities.

To me, this has always epitomized the Hippocratic oath and the romance and beauty, as well as the healing power, of the American doctor. So I think that in this particular measure the Senator from Texas has given us an opportunity to support, with modern techniques, one of the most basic and appealing aspects of all American medicine.

In addition, Mr. President, as he has pointed out, we may have somewhat outrun ourselves. We do have grave deficiencies in the number of doctors in this country. We generally estimate the immediate shortage to be at least 50,000 and we have a shortage in sight of 150,000 more. I must say that must be compared with the figure at the most of 500,000 doctors available for any kind of active medical practice—more nearly 350,000. This poses grave problems for our country. We are trying to meet it with certain types of clinical practice, group practice units, which concentrate heavily upon specialization. In this measure we will be attacking the other end of the scale which is the broadest kind of a generalist; namely, the doctor who practices family medicine. I believe that both forms of approach are equally essential. Certainly the testimony taken before our committee clearly indicated that.

Another aspect of the bill which is very important to me is its effort to improve the supply of para-medical personnel, personnel who are not doctors. The Russians have an interesting system in that regard, from which we can probably learn something, called the Felcher system. Under that system, they have all kinds of assistant doctors, highly specialized personnel, who do not have the full training of a doctor or a physician but are well able to handle many specialties, as for example, the setting of broken bones or some other specific matter of that kind.

Our experience with medical corps-

men in the armed forces, who are not doctors, indicates a wide range of assistance to the medical profession which can be rendered in this way.

I am hopeful that in the new Congress we may be able to move into this area in a far more effective way than we have so far, in attracting medical corpsmen to the health services and giving professional recognition to some of these paramedical personnel not trained to be fully a doctor yet able to carry a good deal of the load.

All of this, Mr. President, including the romantic vision of the country doctor called out of bed at 3 or 4 o'clock in the morning and, in his horse-drawn buggy, driving through the rain or snow to attend a sick patient, which was as characteristic of the American scene as delivery of the mail, is invoked by this particular measure. I hope very much that the Senate will approve it.

As I say, discussion with the Senator from Colorado (Mr. DOMINICK) on his amendment is a matter of methodology rather than the substantive trust of this measure. I am sure that the Senator, very much like the rest of us, feels the same way about the basic element involved here, which is the encouragement of the practice of family medicine.

I congratulate the distinguished Senator from Texas (Mr. YARBOROUGH) for once more bringing a very fine, high-minded and desirable health measure to the floor of the Senate.

I take but another few minutes to discuss at this time a title of the bill which is my own, but if the distinguished Senator from Texas would like me to yield to him now, I shall be happy to do so.

Mr. YARBOROUGH. Mr. President, I am grateful to the distinguished Senator from New York for his kind words. I have had the privilege of working with him on this committee now for a great many years. We have worked in harmony on the Health and Education Subcommittees during which a great body of health and education legislation has been passed. Without his assistance and leadership, and his amendments on many of these bills, we would never have enacted so much education and health legislation.

It has been a great privilege to have worked with a Senator of his astuteness and mental acuity, his great knowledge of the law, and his knowledge of these problems.

I want to thank the Senator from New York for his cooperation. He has never been an obstructionist. He has always cooperated to improve our work, to add improvements to it, if he could. We have a good bill here.

Mr. JAVITS. I thank my colleague from Texas very much.

Now, Mr. President, I shall deal briefly with title II of the bill, which sets the seal of urgency in establishing a national commitment to put an end to malnutrition in America by authorizing grants-in-aid to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition; by advancing medical knowledge in the causes and effects of malnutrition, providing for the early detection and effective treatment of malnutrition, and enhancing student assistance programs in the field of malnutrition.

The malnutrition title of this bill was originally introduced by me as a separate bill, S. 1865, and cosponsored by Senators MCGOVERN, BAKER, BROOKE, COOK, DOLE, GOODELL, HATFIELD, PERCY, and SCOTT.

Testimony before the Select Committee on Nutrition and Human Needs, of which I am ranking minority member, has indicated that our medical schools have not been adequately preparing their students for detecting and treating malnutrition and its related illnesses. Even though many of our medical schools do have courses in which some attention is given to malnutrition, few make the study of malnutrition an identifiable part of their curriculum. We have learned that too few doctors have a background which equips them to recognize and treat malnutrition as it exists in our poverty areas. For too long the study of malnutrition has been given secondary attention in our medical, graduate, and nursing schools, to the shame and dismay of us all.

Provisions of this title are designed to rectify the situation and respond to the criticism of the final report of the White House Conference on Food, Nutrition, and Health, which stated:

> The teaching of nutrition in schools of medicine, dentistry, and nursing is most inadequate at the present time; in some schools it is almost nonexistent.

This title of the bill also authorizes assistance for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom, and meets a White House Conference on Food, Nutrition, and Health task force recommendation that funding be provided for: "continued research, both basic and applied, on specific nutritional needs of the population and the fundamental causes of malnutrition."

To achieve the objective cited in the White House Conference on Food, Nutrition, and Health report—

> More emphasis should be given to applied nutrition, not only in the classroom but through field experience in hospitals, clinics, and community.

Funds are provided for special projects designed to provide students in courses in malnutrition with practical training and work experience and with fellowships to encourage such students to work in poverty areas to help combat conditions of malnutrition and its related illnesses.

There is substantial evidence to document the effects of poverty and the enhanced risks to mental and physical development from severe malnutrition during the first few years of life. This enhanced risk extends into the period of pregnancy when the expectant mother is unable to provide the infant with sufficent nutrients.

To meet this need a section of the title authorizes the provision of fellowships and other financial assistance to students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

I believe this title of the bill will be a major step forward in the war against hunger and malnutrition and is responsive to President Nixon's 1969 congressional message which said:

> I am asking the Secretary of HEW to:
> —initiate detailed research into the relationship between malnutrition and mental retardation;
> —encourage emphasis by medical schools on training for diagnosis and treatment of malnutrition and malnutrition-related diseases.
>
> The teaching of nutrition and one problem of malnutrition in schools of medicine, dentistry and nursing is most inadequate at the present time and in some schools it is almost nonexistent because specialists in nutrition among physicians, dentists and nurses is limited. A few hundred persons would be an optimistic estimate.

They end up, Mr. President, with a finding which is contained in appendix C, panel 4, or the final report of the White House Conference on Food, Nutrition and Health. I ask unanimous consent that the whole of the appendix be printed in the RECORD.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX C—PANEL IV–2: NUTRITION TEACHING IN MEDICAL SCHOOLS

ADEQUACY OF NUTRITION TEACHING IN MEDICAL SCHOOLS

Only a few formal studies have been made of the adequacy of nutrition teaching in schools of medicine. Such studies have disclosed that:

1. A need for improvement in nutrition teaching is readily acknowledged by many medical schools.

2. Only a few schools have a separate division or department of nutrition.

3. Special courses in nutrition are rare and nutritional material is commonly incorporated in courses in biochemistry and physiology and in the teaching of clinical specialties such as medicine, surgery, pediatrics, and obstetrics.

(*a*) At the preclinical level, nutritional subject matter is often displaced by more "basic" topics such as enzyme kinetics, and membrane theory. In addition, instructors in biochemistry and physiology not infrequently emphasize their own research interests out of proportion to their relevance to the overall subject and to clinical problems. Often, little attempt is made to provide the student with the basic information about nutrition upon which "clinical nutrition" is necessarily based.

(*b*) In the clinical department and subspecialties of medicine there has been little or no correlation of nutrition teaching; thus, the student has been offered only a fragmentary selection of aspects of nutrition having particular relevance to various clinical subjects. Such fragmentation inevitably has led to appreciable gaps in nutrition education.

4. A few medical schools offer elective courses on therapeutic diets (medical dietetics), experience in a "nutrition clinic," and in nutritional investigation.

5. Many medical students only learn about florid malnutrition in man when they take electives involving participation in overseas programs based in countries where protein-calorie malnutrition and vitamin deficiencies are common.

6. In medical schools with a good program in nutrition there is usually either a strong

division or department interested in nutrition, or professors with a special interest in clinical nutrition or nutritional research.

7. A thorough and definitive survey of nutrition teaching in American medical schools remains to be done.

(a) No objective assessment of the nutritional knowledge acquired by medical students has been made.

(b) Sufficient nutritional questions do not appear on National or State Board examinations to provide a fair test of nutritional knowledge.

(c) Current knowledge of the extent and effectiveness of nutritional teaching necessarily is based in large part on the results of questionnaires distributed to various medical schools and on the impression, observations, and opinions of a relatively few faculty members. These sources give a useful preliminary indication of the state of nutritional teaching in American medical schools; however, the information they contain does not provide a sufficiently strong foundation upon which a national policy with respect to nutritional teaching at the medical school level can be based.

(d) (See addendum No. 1.)

I. OPPORTUNITIES FOR NUTRITION TEACHING TO MEDICAL STUDENTS

No plan designed to improve nutrition teaching to medical students can overlook the striking changes introduced into the curriculums of most medical schools during the past 5 years. These include:

1. Reduction of time spent in laboratory exercises in anatomy, biochemistry, physiology, pharmacology, and other preclinical sciences.

2. Strong efforts made to coordinate teaching of basic science material so that biochemical, physiologic, pharmacologic, and clinical information about the various organ systems of the body is presented to the student in an integrated fashion.

3. Increased emphasis on interdisciplinary teaching with some beginning dissolution of departmental boundaries.

4. Introduction of the student to clinical problems earlier than previously; often in the first year, or early in the second year.

5. More emphasis on elective opportunities for students after they have completed a "core curriculum," usually during the last 18 months of medical school. These elective opportunities include:

(a) Assignments to medical facilities in technically underdeveloped countries and to poverty areas in the United States.

(b) "Clerkships" in community medicine where problems in the delivery of medical care by the hospital center are given special attention.

II. NUTRITION TEACHING DURING THE PRECLINICAL YEARS

In considering how nutrition teaching can be fitted into and articulated with the medical school curriculum, it must be kept in mind that the time available for basic science courses is being increasingly compressed. Thus, it would seem difficult to add a required course on basic aspects of nutrition during the so-called preclinical years, even though establishment of such a course has been recommended on a number of occasions. However, since there is an increasing emphasis on integration of basic science material, it is possible that the presentation of what is ordinarily considered to be nutritional subject matter can be used to organize biochemical or physiological information. For example, a discussion of the factors affecting nitrogen balance could be used to pull together a great deal of material on protein biochemistry that otherwise might not be related readily to human health problems. A discussion of calorie requirements in man might serve to give relevance to the subject of energy transformations at the cellular level.

It has been pointed out that some medical schools offer courses in clinical correlation or pathophysiology, in which an attempt is made to bridge the gap between basic science and clinical training. In such a course nutritional information can help the student understand the relationship between the clinical picture and the underlying physiologic or biochemical disorder. For example, the symptoms that accompany growth-onset diabetes mellitus can be best understood in terms of the conditioned malnutrition that results from inability to utilize carbohydrate properly.

III. NUTRITION TEACHING IN THE CLINICAL SPECIALTIES

The importance of nutritional considerations in medicine, surgery, pediatrics and obstetrics is acknowledged. Unfortunately (as mentioned previously), the nutrition teaching provided by the various medical specialties is necessarily fragmented, and sometimes superficial. For example, the student may be taught a rule-of-thumb approach to nutritional therapy without being given an understanding of the principles upon which such treatment is based.

It has been suggested that a properly qualified member of the faculty with a strong interest in nutrition could help to coordinate and strengthen the teaching of nutrition in the clinical specialties and, by means of lectures, conferences, clinics, or teaching rounds, fill in any important gaps that remain.

IV. NUTRITION TEACHING IN ELECTIVES

1. Electives that involve participation in programs designed to deliver medical care in poverty areas in the United States or abroad often bring the medical student into direct contact with patients who exhibit florid deficiency states, including protein-calorie malnutrition. Such experiences are far more effective than slides or textbook pictures in convincing the student that malnutrition remains a major world health problem and that clinical nutrition is a subject providing many challenges for the young physician.

2. Clerkships in community medicine are increasingly offered by the various divisions and departments of community medicine that are developing in medical schools and teaching hospitals throughout the country. In such programs, the medical student can work in a nutrition clinic, participate to nutrition surveys, study the role of nutrition in disease prevention or retardation and learn to work effectively with other members of the "health care team," including the public health nutritionist. This type of training can lead logically into a career in public health nutrition or to a program of graduate training in comprehensive medicine designed to train a new type of specialist for whom the designation "primary physician" has been suggested.

3. An elective in a division where nutritional and metabolic research are conducted can serve as an introduction to a career in academic clinical nutrition. Medical students who participate in such electives may be motivated to obtain 2 to 4 years of postdoctoral training in nutrition and metabolism after completing 1 or 2 years of residency work in a medical specialty.

V. RECRUITMENT

Recruitment of young physicians into clinical nutrition has been extremely difficult and there is a critical shortage of trainees and of teachers and investigators in this field.

Some of the reasons for this situation have been identified. These include the following:

1. A lack of identity for clinical nutrition.

2. Lack of a subspecialty status for clinical nutrition.

3. Dearth of superior training programs in nutrition designed to meet the needs and interests of young physicians.

4. Lack of recognition by medical schools and teaching hospitals of a need for clinical nutrition programs.

5. Debilitating effect on the image of nutrition as a respectable scientific discipline of food faddists, commercially motivated pressure groups, and widespread pedestrian nutritional research.

The problems of an identity for nutrition seems to be inherent in the scope and diffuseness of the word "nutrition." For example, there are no satisfactory terms in the vocabulary of nutrition to distinguish the clinical investigator of nutritional problems from the home economist who is concerned with applied nutrition. A professor of nutrition can be either a dietitian or a medical scientist. Such semantic difficulties have not helped to dispel the cloud of confusion that hovers over the subject as it relates to clinical medicine and medical research. Indeed, many otherwise sophisticated medical school faculty members and administrators tend to identify nutrition inherent in the standards for certification in this field promulgated by the American Board of Nutrition.

Lack of a subspecialty status for clinical nutrition has been an important factor in discouraging many young physicians from entering the field. While hematology, cardiology, gastroenterology, etc., are recognized subspecialties, clinical nutrition is not. This distinction has important financial implications for the house officer who is considering entrance into a subspecialty.

As Mueller has pointed out (Fed. Pros. 167, 1967): "At the present time there is no clear career future for the young physician in nutrition." He goes on to say that "* * * it is a well-established truism that the quality of undergraduate training is proportional to that of graduate training. In other words, if the science of nutrition lent itself to a residency training program it would automatically improve the facility for undergraduate teaching."

It must be recognized that there has emerged in medicine a growing number of medical students and young physicians who are placing the concept of service well above considerations of financial remunerations and "success" as it is conventionally viewed. Such individuals are very likely to be attracted to careers in clinical nutrition if they can be shown the enormous benefits to mankind inherent in the prevention and treatment of all forms of malnutrition. However, the exposure that medical students usually receive to serious nutritional problems in their present medical school setting is ordinarily so minimal that the chances of stimulating their interest in the subject seem small.

ADDENDUM No. 1

It is recommended that funds be made available to permit appropriate voluntary agencies (AAMC, AMA, etc.), to conduct a thorough and definitive survey of nutrition teaching in medical schools. The results of such a survey should be evaluated by an expert panel selected by NAS–NRC in consultation with other national groups concerned with medical education, to determine the adequacy of nutrition teaching in American schools of medicine.

Mr. JAVITS. Mr. President, the need for improvement in nutritional teaching is readily acknowledged by many medical schools. Also we have the testimony of Harvard University School of Public Health which in a letter to me dated July 15, 1970, states as follows:

DEAR SENATOR JAVITS: We who are interested in the nutritional problems of this country appreciate your efforts and I thank you for your letter of June 23, 1970. With specific reference to Section 411 on Fortified

and Enriched Foods, I would like to raise two questions.

It should be clear that the objective is to supply "nutritious food" and this may be achieved with natural products without specific additions of nutrients which would ordinarily be considered under "fortified or enriched foods." I am uncertain as to the legal interpretation of the current wording.

Secondly, I have been told that OEO has, in fact, funded a few projects of this kind although I have no specific information. The usual response of industrial people to this kind of suggestion has been that while they could prepare cheaper and sometimes better products than those they now market, they see no way to sell such products without cutting into their present markets. So, I have some skepticism about how realistic the industry would be in attempting to develop this entire concept although the need for some kind of activity to develop cheaper nutritious products that are acceptable would seem quite clear.

The Food and Nutrition Board expects to begin activities very shortly under contract with the Food and Drug Administration to develop some nutritional guidelines for various classes of foods. As you are probably aware, the fortification of some foods is limited by certain standards for specific foods. At the same time, some limitations are necessary since excessive additions of vitamin D to foods have produced severe toxic effects in children and caution has to be exercised. I assume that this whole area will be redefined in the next year or two.

Graduate training in nutrition, as in most fields, will probably decrease this year because of limitations in research and training grant funds. Most schools are in trouble and some in very serious trouble. I see little that can be done without increased funds for research and training. We should recognize, of course, that the limitation in funds available across the board does provide an opportunity to direct larger numbers of individuals into nutrition, or other fields, provided funds can be made available.

At the same time it has to be recognized that research support in nutrition and practically all fields of medicine during the past 20 years or more has emphasized the biochemical and physiological aspects with little attention to the social aspects. As is stated in Section 202, "the Nation lacks sufficient knowledge" to solve the nutrition problems we have. The remainder of Title II, however, appears to me to be based largely upon the supposition that the knowledge is more or less adequate and the primary need is to produce new curricula and educate and inform the population. It seems to me that programs of these kinds will not succeed unless a professional core is developed to lead the program. If nutrition is to be introduced into medical schools, it will presumably be through Professors of Nutrition in the medical schools and these will not develop unless specific funding is available. Similarly, means must be found to develop strong and more comprehensive nutrition programs than now exist in universities. The basic core of nutritionists now available are, in general, not prepared to develop the comprehensive programs needed, particularly the need to involve the social scientists. The specific areas identified in S. 2789 as requiring more research effort are sound, I think, but it is not clear to me that these will necessarily lead to the kinds of broad training and research programs which are clearly needed.

I should like to point out also that nutrition in medicine is a far greater problem than dealing with those diseases related to poverty and undernutrition. The nutritional aspects of renal disease, heart disease, malabsorption syndromes, anemias, allergies, etc., are also a neglected field and I feel that these kinds of problems also have to be attacked, particularly if we are to obtain the real interest of the medical profession in nutritional problems of this country.

I certainly agree that priorities must be established from the many recommendations of the White House Conference. One of the major difficulties at the moment is the inability of most of us to find out exactly what is happening in Washington and especially in HEW that relates to nutrition. There is need for coordination and evaluation. I am uncertain how this can be best accomplished.

If I can be useful at any time, I hope you will call on me.

Sincerely yours,

D. M. HEGSTED, Ph. D.,
Professor of Nutrition.

Mr. President, finally, at my request, the medical schools of the State of New York organized for the purpose of surveying the situation in the State. This was also followed in other States on the issues of hunger and malnutrition. They have made a report, which we will be issuing in due course, but I should like to state now that they, too, flay the inadequacies of medical training and the facilities for medical training in the field of nutrition as one of the most urgent needs before them. This relates both to research and actual treatment and other problems of a medical character which arise in connection with malnutrition.

I see the Senator from Virginia (Mr. SPONG) in the Chamber. I should like to pay my tribute to him and to the Senator from South Carolina (Mr. HOLLINGS) who both helped to explode the notion that Southern Senators are necessarily reactionary. These Senators were frank and direct enough to go into their own States and acquaint the country with conditions there of which, had they been smaller men, they would have been ashamed and covered up. However, because they are men of size, they revealed them in order to bring about a national concern and a national correction.

I congratulate them. They are truly of the character that Senators ought to be.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPONG. Mr. President, I thank the Senator from New York. I had intended to rise to commend him for his leadership insofar as title II of the pending bill is concerned.

I introduced a bill seeking the same objectives. I am very much aware of the leadership that the Senator from New York, working with the Senator from Texas (Mr. YARBOROUGH), has shown in this important field.

I urge passage of this legislation, and predict that, through our medical schools, we will go a long way toward knowing more about malnutrition and in our efforts to alleviate hunger and malnutrition.

I commend the Senator from New York (Mr. JAVITS) and the Senator from Texas (Mr. YARBOROUGH).

Mr. JAVITS. Mr. President, I thank the Senator from Virginia very much. No analysis of title II of the bill could be concluded without a reference to the work which is being done by the select committee dealing with the subjects of hunger and malnutrition. That committee is headed by the Senator from South Dakota (Mr. MCGOVERN). I happen to have the honor to be a ranking minority member of that committee.

There the evidence, it seems to me, is conclusive with reference to the need for a medical answer to the problems of malnutrition and hunger. These problems are most awful in respect of mothers who are bearing children because we are learning that the effects of malnutrition in the mother may cause a retarded child even before the child is born.

I could think of nothing worse. We are all accustomed to a bloody world—and it is. Yet, there are some things which touch the human heart peculiarly, even though we are accustomed to the tragic suffering and dying in the world. One of those things that touch our hearts deeply is the danger that a child may be completely useless to itself and to the world for all its life because we had failed to deal with the nutritional problems of the mother bearing that child.

With some 20 million Americans at the poverty level, this is a problem of vast magnitude. The medical schools are unable to cope with this problem. A number of the medical schools are in danger of closing their doors. Practically every medical school in the country is in very deep financial trouble.

We passed a bill the other day seeking to bail them out with $100 million of emergency funds. The provision in the bill for authorization for family medical practice and for nutritional education are absolutely essential if we wish to legislate concerning this problem and have that legislation implemented.

I hope very much that the Senate will pass the bill.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I have had the pleasure of serving on the committee dealing with nutrition and human needs along with the distinguished Senator from New York.

Mr. President, the bill which we are considering today establishes two very worthwhile programs.

Title I establishes a program to help medical schools and hospitals educate larger numbers of doctors in the field of family medicine.

This program is designed to answer the very great need to supplement this country's highly specialized medical manpower with physicians who possess a more broadly based medical education. Hopefully, these doctors will provide their patients with generalized and comprehensive health care which takes into account the patient's total social and economic environment.

Title II establishes a program to improve nutrition, education, and research.

As a member of the Select Committee on Nutrition and Human Needs, I am acutely aware of the problem of malnutrition as it affects the poor and nonpoor alike. One of the more disturbing discoveries of our committee relates to nutrition education. Testimony before the

committee has indicated that although some general attention is given to nutrition in some of our medical schools, the study of nutrition is not an identifiable part of the curriculum. This fact, confirmed by the White House Conference on Food, Nutrition, and Health, has resulted in too many doctors, dentists, and nurses who are unable to adequately recognize and treat malnutrition.

This bill will remedy this defect by authorizing grants-in-aid and contracts to medical schools to assist them in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective methods of treatment.

In addition, the bill provides funds for research and for financial assistance to students of malnutrition to provide them with practical training and experience and to encourage them to pursue studies and engage in activities in poverty areas relating to malnutrition.

Mr. President, both of the programs contained in this bill are desirable and both are necessary if we are to continue to meet the health needs of the country. I am proud to support this bill.

We do have many rural communities in Illinois which have no doctors. If those communities could get doctors interested in going there, they would have to be general practitioners. That would require a medical education.

If we look at a city like Chicago, we find that Chicago has fewer doctors today than it had in 1930, but it has a much larger population today.

Many of the doctors do not have a general practitioner's background and would be required to have that kind of background if they are to render the kind of service we require for our people.

I think this bill would help us to make a giant step forward toward meeting a great human need.

I again commend the Senator from New York and the Senator from Texas.

Mr. JAVITS. Mr. President, I am grateful to my friend, the Senator from Illinois, who has been such a fine influence and leader in this field. He has been a fine influence on our select committee.

Mr. President, I ask unanimous consent that a statement on this matter prepared by my colleague, Senator GOODELL, may be printed in the RECORD.

There being no objection, Senator GOODELL's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GOODELL

Mr. President, it is appalling to note the decline in the number of physicians who engage in general practice. Since 1940, the number of family doctors in the United States has decreased by nearly 40 per cent. In 1940 there were approximately 110,000 family physicians—today there are less than 70,000. The number of doctors who treat patients as people rather than as collections of organs is rapidly diminishing. We must act now to offset the depersonalization of medical services.

The reversal of this trend depends upon a number of factors—particularly the social conscience of the individual physician and the commitment of the Federal Government to encourage the training of family practitioners.

For the first time, there is an increasing interest among a large number of medical students for medical training relevant to community needs. Today's students work in low-income communities during vacation periods; they are seeking courses in medical sociology and, in increased numbers, they are demanding to be taught methods to treat persons in the context of their family and surroundings.

If we take advantage of growing student interest in family medicine by making Federal grants available to medical schools and hospitals, we can reverse the trend of decreasing numbers of badly needed general practitioners.

The bill before us today, S. 3418, assists medical schools and hospitals in establishing special departments and programs in the field of family medicine. Such Federal assistance will encourage more students to specialize in general or family practice.

This legislation offers us the opportunity to provide delivery of personal health care to millions of people. I am proud to be one of the original co-sponsors of this bill and urge my colleagues to join in supporting the authorization of professional and technical training in the field of family medicine.

Mr. YARBOROUGH. Mr. President, the Senator from New York has commented on malnutrition and mentioned the effect on the fetus of a pregnant woman who is suffering from malnutrition.

In our hearings in the Select Committee on Hunger and Malnutrition—on which I have served since its creation—it has been developed by knowledgeable people in this field that 90 percent of the potential intellectual capacity of a person is formed by the time the child is 5 years of age. If a child suffers malnutrition prior to its birth, that child will always be a slow learner in school and may be mentally retarded. His chances for a full life are gone.

I commend the Senator from New York for adding this language. I commend the distinguished Senator from Virginia (Mr. SPONG), who is one of the coauthors of the bill.

With reference to the first title of the bill, there are 134 counties in the United States which do not have a single doctor. There are many other communities and many counties with only one doctor in the entire county. The need is very great for this measure. If we send a doctor into the rural areas of the country, he has to be a general practitioner.

There is a great need for general practitioners. We do not have them and we will not have them unless we put some money in the medical schools to train them.

The medical schools do not have the money. A number of them are so close to the verge of bankruptcy that about three of them are faced with the prospect of collapsing within a year.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the pending business, prepared by the Senator from California (Mr. CRANSTON).

There being no objection, the statement by Senator CRANSTON was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CRANSTON

Mr. President, I rise in support of S. 3418, the so-called Family Practice bill.

The number of health professionals and paraprofessionals in the field of family medicine will be considerably expanded as a result of this bill, which the Senate Labor and Public Welfare Committee has reported out under the able leadership of the Senator from Texas (Mr. Yarborough). The practice of medicine has shifted dramatically in recent years to specialization with a comparable decrease in the number of physicians providing general family care. Medical students have been attracted to the specialties during their education through exposure to faculty members who are themselves specialists, and by the genuine excitement surrounding research and scientific discovery. This environment tends to draw them away from generalized practice, and the result has been a visible drop in the number of general practitioners, at the very time the need for them is increasing.

The Academy of General Practice has compiled statistics showing that between the years 1931 and 1967, the number of physicians in private practice increased by 73%, while at the same time the number of physicians in family medicine declined by 44%. The number of specialists increased 469%. In 1964 the AMA, concerned with this rapidly developing shortage and the growing imbalance in the medical profession, established an Ad Hoc Committee made up of leaders in the medical community, which after studying the causes and projecting the future effects of this trend on the profession recommended two major approaches to resolving the problem.

The first AMA recommendation was that medical school programs in family medicine be given more emphasis and visibility. In keeping with this recommendation, the Department of Health, Education and Welfare as early as 1968 provided medical schools with funds for family medicine programs. The second AMA recommendation—to enhance the status and prestige of the practice of family medicine by establishing an approved specialty board and recognizing family medicine as a speciality—was accepted in 1969 when the specialty of family practice was established.

S. 3418 expands upon the AMA's first recommendation by providing grants for the establishment of separate and coequal Departments of Family Medicine at medical schools, for the training of medical personnel to become faculty for these Departments and for training programs in the field of family medicine at hospitals. I am persuaded that such Departments are necessary to reverse the damaging trend I referred to earlier and to permit the field of family practice to compete effectively for medical students.

Among the innovative provisions of this bill is the full recognition given to the vital role that paramedical personnel must play in the field of family medicine and the great potential for expanding this role. S. 3418 will support the inclusion, along with training programs for the physician, of programs for the training of such paramedical personnel in medical school curricula as well as in the hospital training programs. Integration of these two levels of training in the academic and clinical setting should have a dramatic influence on the delivery of health care in the future. And it should bring greater efficiency and lower costs to the practice of medicine.

In these integrated medical paramedical programs, the physician specialist and the paramedical support person, by learning together in interrelated courses, will each learn to appreciate fully the scope and the value of the other's function in the treatment of a patient. The greater potential for care which can be derived from a team approach to the treatment of a patient will be apparent to both. They will become accustomed to dealing with medical problems as a team, and

in all probability will seek to establish the same method of delivering health care when they move, perhaps together, into the practice of their professions in the community.

Some exciting new concepts in medical care delivery have developed recently with the creation of programs for the training of the physician's assistant at medical schools and in hospitals. I strongly hope that development of this new type of paraprofessional to his fullest potential as a member of the family medical team will be fostered under the provisions of S. 3418. Thus, I would urge the Secretary of Health, Education and Welfare in administering this grant program to encourage, to the maximum feasible extent, schools and hospitals receiving funds under the proposed Act to undertake at the same time integrated medical/paramedical training and education programs.

I would also like to draw attention to the importance this bill places on training programs provided by hospitals, through the inclusion of authorizations for grants to hospitals for the development of training programs for medical students, interns, residents and paramedical personnel. The special contributions made to the training of health and allied health professionals by hospital training programs are substantial, and I am delighted that due recognition is provided this fact by S. 3418. The Committee has made clear in its report on the bill that the potential of the hospitals of the Veterans Administration, the Public Health Service, and other federal agencies to establish training programs in the field of family medicine has been recognized. Under the bill, these federal hospitals would be able to compete for grants established by S. 3418 on an equal basis with non-federal hospitals.

Another aspect of the bill deserves attention. This is the emphasis given to the need for medical schools and hospitals to include in their curricula and training programs continuing education for practicing physicians. I am grateful to the Committee for adopting an amendment, which I proposed, to cover continuing education. In this era of rapidly expanding scientific knowledge and technological development, means must be provided for physicians to keep abreast of the newest advances in their field. Thus, the American Board of Family Practice requires recertification of specialists after six years of practice. The provisions in S. 3418 for continuing education programs at medical schools and in hospitals will insure that practicing family physicians have the opportunity and the means to meet this recertification requirement.

Other provisions in title I of the bill provide for the construction of such facilities to carry out a program of training in family medicine—either as part of a medical school, hospital or separate outpatient or similar facility—and for financial assistance—such as scholarships, fellowships or stipends—to interns, residents or other medical personnel following a program in the field of family medicine.

In order to carry out these and the other purposes I have discussed, $50 million is authorized for fiscal year 1971 and an additional $375 million is authorized over the next four fiscal years.

Also included in S. 3418, in title II, are provisions designed to assist in meeting the challenge presented by the existence of malnutrition in our "affluent" society. The bill authorizes the appropriation of $32 million for each of the next five fiscal years, beginning in fiscal year 1971, to encourage the establishment by medical schools, graduate schools and nursing schools of courses dealing with malnutrition, to encourage research into malnutrition, and to provide financial assistance, practical training and field experience for students who are or who wish to become engaged in courses in the field of malnutrition.

The Senate Select Committee on Nutrition and Human Needs, under the able leadership of the distinguished Senator from South Dakota (Mr. McGOVERN), has thoroughly documented the appalling depth of this problem. One of the barriers to its solution has been a dearth of personnel, both professional and paraprofessional, specially trained in nutrition. In addition, doctors in general have not had even the elementary background in nutrition which would enable them to recognize and treat those cases which come to their attention in the course of their daily work. I very much hope that the research and training which would be assisted under title II of this bill will be approved by the Congress, as important in the elimination of malnutrition in America.

Mr. President, S. 3418 should be a strong step to assure the expansion of the practice of family medicine in response to the great challenge facing that medical discipline. I urge my colleagues to vote for this bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project;

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes;

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance;

S. 2882. An act to amend Public Law 304, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona; and

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; and

H.R. 17795. An act to amend title VII of the Housing and Urban Development Act of 1965.

HOUSE BILL REFERRED

The bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The Senate resumed the consideration of the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

AMENDMENT NO. 886

Mr. DOMINICK. Mr. President, I call up my amendment No. 886.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

On page 2, strike out lines 12 through 16, and in lieu thereof, insert the following:

"(1) to establish or operate, as an integral part of their medical education curriculums, programs to provide teaching and instruction (including continuing education) in all phases of family practice;".

Beginning on page 8, line 21, strike out all through page 9, line 17, and insert in lieu thereof, the following:

"(1) a school of medicine to establish or operate a program for the teaching of family practice medicine unless the Secretary is satisfied that such school has made adequate administrative provision for such program, through separate departments, administrative units, or other administrative arrangements that emphasize family practice in the education of medical students, interns and residents;".

Mr. DOMINICK. Mr. President, I call the attention of my colleagues to the specific amendment which is printed and on the desk of each Senator.

There is one change made, which the clerk read. It changes the struck portion from line 11 to line 12—that is all it does—in the beginning of the amendment in order to correspond with the amendment I have had printed.

Mr. President, I would like to say several things about this bill after having listened with great interest to the Senator from Texas, the Senator from New York, the Senator from Virginia, and the Senator from Illinois, all of whom commented on the purpose of the bill.

I want to assure everyone that I subscribe to the purpose of this bill, having been delivered into this world by a general practitioner as I am sure many of my colleagues were. I have great sympathy for their work and their assistance with all kinds of family problems that are created by the various illnesses that occur to everyone as we go through life.

I subscribe to the idea that specialties are great but that we can overspecialize in certain areas. Many health situations still require the need of a generalist. I think it is important to say that the so-called practice of general medicine is a specialty in and of itself, accredited and recognized by medical schools and by the medical profession. It is, therefore,

encompassed in the general description of specialties.

The purpose of my amendment, which is based on language suggested by the American Medical Association, is to cure what I consider to be an inflexible approach to the very problem with which the bill is concerned.

That problem, as pointed out in the previous colloquy, is a shortage of general practitioners caused by the increasing degree of specialization within the profession. I think, and I have stated it many times including yesterday on the floor of the Senate, that the method proposed to carry out this worthy objective is too rigid.

As presently written, this bill would require medical schools to establish separate departments of family medicine of equal standing with their other departments in order to qualify for grants. My amendment would give medical schools more flexibility by requiring only that they make sufficient administrative arrangements to satisfy the Secretary that grant funds would, in fact, be used for programs designed to train doctors and other medical personnel in family practice medicine.

Although family practice is itself a specialty recognized by the American Medical Association, it requires training in several of the traditional specialities—internal medicine, pediatrics, surgery, psychiatry, obstetrics, and gynecology. For that reason, an educational program in family practice medicine is adaptable to a diversity of administrative arrangements.

Many medical schools have programs which emphasize the teaching of family practice medicine. But at present, only nine of these schools administer such programs through separate departments of family medicine. The others administer their programs in a variety of ways, depending on what each school determines to be the most effective utilization of its particular resources. Some schools have established divisions of family medicine within one of their departments. Others have administrative arrangements which draw on the resources of several departments.

My staff has contacted representatives of several of the medical schools which do not have full departments of family medicine, and asked them their opinion regarding the requirement in this bill that each school set up a separate department of family medicine which is of equal standing with its other departments. Each school was strongly opposed to the requirement, and several stated flatly that they would not apply for Federal funds which were subject to that requirement.

At this point I wish to inform my colleagues of the colleges and medical schools which were contacted. The list includes my own school, the University of Colorado Medical Center. Others contacted were the University of Oklahoma, Harvard, the University of Vermont, Stanford, Johns Hopkins, Southwestern Medical College in Dallas, Tex., and the University of California Medical School in San Diego. All of these are prominent medical schools. Every one of them strongly oppose that portion of the bill which requires a separate department.

Among the reasons given in opposition were some which I believe to be very illuminating and extremely important in the process of this debate:

First. Congress should not be legislating the curriculums of medical schools.

It seems to me that this principle is basic to the whole argument. Should we or should we not in providing money for very badly needed family practitioners, find ourselves also engaged in determining curriculums of medical schools. I do not think we should. I do not think we should involve ourselves in their administrative business nor in their curriculums.

Second. Each medical school should be permitted to determine how best to administer its family medicine program, based on its particular resources.

Third. It would be difficult to get top flight people to staff separate departments of family medicine. It would be better to utilize top people in existing departments.

Fourth. It would be very expensive to establish and operate separate coequal departments of family medicine. The cost estimates ranged from $250,000 to $600,000 per year.

The family practice specialty requires training in several of the traditional specialties—internal medicine, pediatrics, surgery, psychiatry, obstetrics, and gynecology. Are we going to require the medical schools to set all of those up in a separate department entitled "Family Practice," as well as having people who are engaged in specialties in those fields go through those departments?

The testimony of Dr. William R. Willard, recent chairman of the Council on Medical Education of the American Medical Association, before the committee which considered the bill, of which I am the ranking Republican, indicates he had the same problem with it that I have. He said:

> We are somewhat concerned, however, over the specification in section 761 (a) (1) that there must be "separate and distinct departments" established for those purposes. While new administrative units would be desirable, the requirement of "separate and distinct departments" would render ineligible for Federal assistance many otherwise worthy programs of family practice.

He referred to the report of the ad hoc committee on education for family practice of the American Medical Association, which emphasized that separate departments were only one of several ways of satisfying the need for administrative units responsible for carrying out family medicine programs, and went on to say:

> In the light of this, surely it would be inadvisable to legislate the organizational structure for teaching family medicine, especially since some medical schools are successfully developing programs without separate departments.

The only opposition from the medical profession, I think, to the position I have taken in my amendment—and I ask the Senator from Texas to correct me if I am wrong is the American Academy of General Practitioners. They have been strongly in favor of having a separate and distinct department. They so stated before our committee. We have had contact with them since. They are still of that opinion. But the Association of American Medical Colleges and the American Medical Association are in favor of my amendment on the ground it provides more flexibility in establishing family medicine programs, and makes it far easier to instruct people, at a cost level in keeping with their budgets, and it would not require the unnecessary overhead of a separate department.

After testifying before the committee in the way I have stated, Dr. Willard, in the process of that testimony, referring to the requirement that family medicine departments be of equal standing with other departments, pointed out that such requirement is unclear because, he stated:

> The various clinical departments of medical schools are not equal now in terms of budget, numbers of faculty, patient load, curriculum, or other measurable criteria.

In other words, the other departments are not of equal standing as between themselves in these fields, so with what department are we going to compare this one that has to do with family practice?

After so testifying before the committee, Dr. Willard wrote to Senator YARBOROUGH, the chairman, reiterating his opposition to the separate department requirement. He said:

> It would be administratively inappropriate and unworkable.

He suggested an amendment which would eliminate that requirement, and leave it to the discretion of the Secretary of the Department of Health, Education, and Welfare to decide whether a medical school which applies for funds has made adequate administrative arrangements to assure that the funds will be used for a family medicine program. My amendment is based on his suggestion. I ask unanimous consent that a copy of his letter be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., July 23, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: You will recall that I had the privilege of testifying for the American Medical Association on behalf of Senate Bill 3418, in support of this Bill, which would assist in developing programs of family practice. You will also recall that I took some exception to Section 765(b), which reads:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of

family practice by a recognized body approved by the Commissoner of Education; . . ."

Possible language, which would meet my objection, to cover the content might read somewhat as follows:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate programs of the teaching of family medicine unless the Secretary is satisfied that there is adequate administrative provision for such programs, either separate departments or other administrative arrangements or units that emphasize family medicine in the education of medical students, interns, and residents."

Section 765(b)(1)(A) and 765(b)(1)(B) and Section 765(b)(2) should be dropped. Section 765(b)(1)(A) which specifies that the family practice department must be equal to other departments is not realistic, as my testimony pointed out, and would be administratively inappropriate and unworkable. Section 765(b)(1)(B) is inappropriate because medical students cannot be prepared to meet the standards for specialists in family practice. Their training is more generic and is a basis for practice in any specialty. Hopefully, there will be family practice orientation in the undergraduate program, however. Section 765(b)(2), which relates to the type and quality of program for the internship and residency, is redundant because an accredited program in family practice will, by definition, prepare residents for the specialty of family practice.

I appreciate the courtesy of the hearing which you gave me and the American Medical Association. If we can be helpful in any way, pleace call upon me or Dr. Rube.

Sincerely yours,

WILLIAM R. WILLARD, M.D.,
Immediate Past Chairman, Council on Medical Education.

Mr. DOMINICK. The witness who appeared before our committee on behalf of the Association of American Medical Colleges testified to the same effect. Dr. Robert M. Heysset, associate dean for health care programs, Johns Hopkins University School of Medicine, testified:

The Association would view with great concern approaches which would have the effect of determining departmental organization and the nature of the curriculum in medical schools by statutory action. We join with the American Medical Association in their reservation concerning the specific language of S. 3418. Medical schools are actively changing their educational programs to meet new challenges. Support for specific programs rather than general support will limit the speed, flexibility, and effectiveness of this process of innovation. The objectives sought through S. 3418 could be well achieved if the bill were modified to provide broad support for all programs that will increase the number of physicians qualified to participate in the delivery of primary health care.

Mr. President, in addition to the evidence that I have already cited, the administration, through Dr. John Zapp, who is Assistant Secretary for Health, Education, and Welfare, and who was accompanied by Dr. Endicott, who is Director of the Bureau of Health Professions Education and Manpower Training, National Institutes of Health, and also by Dr. Bucher, Deputy Director, Bureau of Health Professions Education and Manpower Training, National Institutes of Health, objected to this requirement of the bill.

On page 32 of the hearing record, Dr. Zapp is quoted as saying:

I should particularly like to address myself for a moment to the provision of the bill (sect. 761(a)(1) which would authorize grants to medical schools to operate separate and distinct departments devoted to the teaching and instruction in all phases of family practice. There is an implication in this provision that the only way for a medical school to emphasize family practice is to establish and operate a separate department of family practice. We question that implication. . . .

Our experience has shown that some schools are concentrating their educational program on the production of family physicians; other schools are developing family practice or continuity care programs on an interdepartmental basis, so that the concepts of family practice become an integral part of the teaching program of many departments. We feel that such efforts also have great potential and are making major contributions to both concepts and practice of family medicine. These contributions should also be recognized.

So, in summary, I repeat that I am the Association of American Medical Colleges all oppose the separate department requirement which my amendment would delete.

So the administration, the AMA, and in favor of the overall objective of this bill—to increase the number of doctors and other medical personnel who are trained in family medicine. But, I am opposed to the method this bill would adopt to achieve that objective. I think the requirement that medical schools establish separate departments of equal standing with other departments is ill-advised for two basic reasons. The first is that such an approach is too inflexible. It would discourage the innovation and experimentation by medical schools which is necessary in order to find effective solutions to current and future health manpower needs. The second is the Congress should not be in the business of dictating the organization of, as well as the contents of, medical school curriculums. I want to repeat that—in my opinion Congress should not be in the business of determining the organization and the contents of medical school curriculums.

I think that is extremely important.

I think it makes better sense for Congress to establish the overall objective and to leave it to the medical schools, as my amendment would, to decide how best to carry out that objective, restricted only by the discretionary power of the Secretary to determine whether the method chosen would be effective.

It seems to me that makes far more sense than for us to try to set up a whole new administrative unit.

I want to say, in passing, that, although I support the bill, I raised a question in committee on whether or not we needed another separate council. I have discussed this matter with the distinguished Senator from Texas. It seems to me every time we have a bill coming out of that committee another council is established, whether we are dealing with education, medicine, or anything else, except labor, as far as I can ascertain. As a matter of fact, it got so redundant to me, as far as the number is concerned, that I asked my staff to learn—and I hope at some point I will be able to make a brief statement on this—how many advisory committees we have that are in legislative status of some kind. As soon as I ascertain it, I will give that information to my colleagues.

I am not going to oppose this particular council, but I bring up the fact that it is the same old routine: every time we have a bill we have another advisory council. It is all right for people to serve on them, but they can find themselves occupied in a tremendous to-do without accomplishing very much in most cases.

Having said that, let me say——

Mr. HOLLAND. Mr. President, will the Senator yield to me while he is trying to get enough Senators present to have the yeas and nays ordered?

Mr. DOMINICK. I shall be happy to yield, but I want to say one more thing before I yield, if I may. I want to read the list again—if we have that list here—of the schools that were contacted, just for the sake of the record.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, the following universities already have separate departments of family medicine, as shown on page 38 of the hearing record: the University of Minnesota, the University of Nebraska, the University of Oregon, Pennsylvania State University, the University of North Carolina, Upstate University of New York at Syracuse, the Medical College of South Carolina, the University of Texas Medical Branch at Galveston, and the Medical College of Virginia.

Those are the only ones in the entire United States that have separate and distinct departments for family practice. There are divisions, and those are also listed at page 38 of the hearings, at a number of other medical schools.

Yet the language in the bill would require separate and distinct departments. As I have stated, we contacted a number of medical schools and asked them their opinion on the wording of the bill, as opposed to my amendment. The following, all supported my amendment: Colorado, Oklahoma, Harvard, Vermont, Stanford, Johns Hopkins, Southwestern Medical College in Dallas, Tex., and the University of California at San Diego—a pretty prestigious group, all trying to do something, and all saying the wording in the bill was too inflexible, and we were invading the right to determine their curricula and their organization, and that we should not do that.

Mr. YARBOROUGH. Mr. President, this amendment, if adopted, would weaken the committee's bill. I adamantly oppose it and hope it will be defeated. We all know of the increasing specialization which has characterized medical education over the past several decades. That is not necessarily bad. In fact, for the most part, it has been most beneficial. However, an unfortunate by-product of that specialization has been a drastic decline in the number of family practitioners. As reported, the com-

mittee's bill will reverse that unfortunate trend. The proposed amendment would have the effect of neutralizing and rendering meaningless this major purpose of the bill.

The amendment would not have such a catastrophic effect if our institutions of medical education were in reasonable financial shape. However, as we know, the exact opposite case obtains. Many medical schools and their affiliated teaching hospitals are on the brink of financial collapse. In other words, if the requirement for the creation of these needed family physicians is removed, the medical institution will simply utilize the funds under this bill to shore up their existing, highly specialized departments. That, of course, needs to be done. But not under this bill. In point of fact, our committee reported and the Senate recently adopted a special $100 million disaster relief program for medical schools as a part of S. 3586.

I urge the defeat of this amendment in the strongest possible terms.

Mr. President, the bill before us does not propose to dictate anything to any medical school whatsoever. It says, "If you want to, you can establish a department of family practice, and we will grant you some money," but it does not try to force anyone.

There is desperate need for family doctors. The Academy of General Practice has tried for years, and finally got nine schools to establish such departments.

As the President of the Academy of General Practice said:

> We in the general practice area have gone down the blind alley of trying to produce family doctors in a nonspecialty department. We have had much experience showing that it does not work, because the department is set out in a corner in the medical school. It does not work.

If we adopt the amendment of the Senator from Colorado, medical schools would be under no requirement to set up a department of family medicine. They have been trying for years, and cannot get general practice departments. The Senator's amendment might be all right, if all medical schools had enough money, but many of them are faced with disasters. I have had letters from the deans of 73 of the medical schools of America in the past week on their financial situations, and many are in desperate straits.

As far as the testimony of Dr. Willard is concerned, as representing the AMA, I challenge his representation of the AMA in support of the Senator's amendment. I have a telegram dated July 29, 1970, from Dr. Francis L. Land, of the University of Nebraska School of Medicine, which reads as follows:

> DEAR SENATOR YARBOROUGH: I have attempted to contact Dr. Bland Cannon, chairman of the Legislative Committee of Council of Medical Education Activities and Dr. William Bodeman, chairman of the Council of Medical Education and they are unavailable due to being on vacation.
>
> As the senior member of the Council of Medical Education I wish to advise you that I and several other members of the council do not agree with ex-member and ex-chairman Dr. William Willard concerning the need for a separate dept. on entity for family practice in a medical school. We feel very strongly and I do particularly since I direct the program that it can only be accomplished by family practice being a separate entity in a medical school. I should advise you that the Council on Medical Education of the American Medical Association authorized Dr. Willard to testify in support of your entire bill including co-equal departments of family practice. However the Council was not supportive of that portion related to the development of allied health program.
>
> Sincerely,
>
> FRANCIS L. LAND, M.D.,
> *Professor of Family Practice, University of Nebraska School of Medicine.*

I submit that Dr. Willard, under that mandate of the AMA, should have been testifying for that provision of the bill instead of fighting it.

I submit that even with the amendment of the Senator from Colorado, to provide the money without requiring the setting up of the Department, the bill would be good. The schools need the money. Many medical schools are about to go broke in the country. But we would still end up without practitioners, and I respectfully submit that the amendment should be defeated.

Mr. DOMINICK. Mr. President, I shall not take much longer, but I simply wish to point out that Dr. Willard's letter to Senator YARBOROUGH was at least a week later than the one he refers to; and secondly, I think I should point out and ask unanimous consent that subparagraphs (5) and (6) of the report of the ad hoc Committee on Family Practice, which points out that there are a number of different ways to go forward with family practice, and which is printed in the Journal of Medical Education of June 1968 over which, as I understand it, Dr. Willard presided, be printed in the RECORD at this point.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

> 5. Obviously, one of the major academic challenges will be the configuration of the curriculum necessary to educate students, house staff, and practicing physicians in the generalist function as defined above. The reports emphasize the importance of internal medicine, pediatrics, psychiatry, community medicine, behavioral sciences, sociology, and psychology. Each medical school has the responsibility of examining its postulate critically and of bringing its academic resources to bear on the development of an optimum curriculum which can equip the student to perform the generalist function within a new health care matrix. Each medical school should devise a program which will express its own view of the way in which the generalist physician is to be best educated. With increasing experience and the evaluation of various models, the optimum curriculum should emerge.
>
> 6. Inevitably, this vexing question will arise: Which department should teach the generalist function or operate the model of care? A certain amount of psychological entropy will undoubtedly accrue from this discussion. In some instances, a department of general practice might be contemplated; in others, the department of medicine, pediatrics, or community medicine might take the lead. An interdisciplinary program calling upon all departments, but totally dependent on no single one of them, might be the optimal solution. Whatever the pattern, some person must be given responsibility and authority to explore the issues raised in this and the other reports if anything concrete is to be done.

Mr. YARBOROUGH. Mr. President, the ranking minority member of the Health Subcommittee has based his case on four points. Each of those points, while seemingly persuasive, does not lead me to the conclusion that we should emasculate this bill.

First, this bill as reported by the committee in no way legislates medical school curricula. No medical school would be forced to apply for a grant.

Second, within the context of a separate department there is wide latitude for each medical school to determine how best to utilize its resources. Any fair analysis of the structure and function of the existing medical school departments leads me to marvel at their differences more than their similarities. Concern over the rigidity of a separate department is a smokescreen intended to undercut a program which will in fact achieve the purpose of producing more highly trained family practitioners.

Third, of course there will be difficulties in finding top staff for these departments. But that is only a further manifestation of the paucity of family practitioners. The creation and support of separate departments will create the necessary climate in which this deficit can also be remedied. If we continue to place reliance upon medical educators who are forced to give family medicine short shrift because of their more pressing responsibilities to their own department, we make it inevitable that family medicine will remain a second-class profession.

Fourth, yes, there will be administrative costs associated with the programs contained within the committee's bill. They will not vanish even if the Senator's amendment is adopted. In a highly technological society such as ours, administrative overhead is a fact of life. One needs only to look to the military establishment to verify that fact. The important issue is whether these costs are justifiable in terms of the purposes of the program. In this instance, there is little doubt that they are.

Let us not becloud the issue of how we go about fostering the growth of the family practice of medicine with the red herring of "administrative costs."

Mr. President, to further document the necessity of separate and co-equal Departments of Family Medicine, I ask unanimous consent to include in the RECORD appropriate passages from expert witnesses who testified before our committee in support of the bill in general and this important requirement in particular. These portions of the hearing record include testimony from the American Academy of General Practice, the Student American Medical Association, and eminent physicians at medical centers.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. EDWARD KOWALEWSKI, PRESIDENT, ACADEMY OF GENERAL PRACTICE, AKRON, PA.; ACCOMPANIED BY DR. JAMES PRICE, SPEAKER, HOUSE OF DELEGATES, ACADEMY OF GENERAL PRACTICE, BRUSH, COLO.; AND MIKE MILLER, HEADQUARTERS, ACADEMY OF GENERAL PRACTICE

* * * * *

I should state at this point, there are several reasons why there has been a deemphasis on training family physicians. Advances in medical science have opened new medical horizons and made feasible the practice of medicine in many specialized areas. At the same time, medical schools have focused much of their attention on research aimed at discovering new horizons.

The medical school curriculum has been geared to accommodate research, with the result that few, if any, of the medical school faculty have been general practitioners with a primary interest in training family doctors.

It is only natural that faculty surgeons would tend to support programs which would improve the training of surgeons, just as faculty internists would tend to support programs to improve the training of internists. Once the emphasis switched to research, the trend toward limited specialization became self-perpetuating.

* * * * *

It is imperative that funds be made available on a categorical basis for training family physicians.

I have already spoken of the medical school trend toward research, with a resulting emphasis on limited specialization, which has become self-perpetuating. By simply increasing the amount of Federal funds available to medical schools, one has no reason to expect that medical schools will establish departments of family practice. Rather, the supposition would be that medical schools would tend to strengthen those departments and programs already in existence.

* * * * *

We in the general practice area have gone down the blind alley of trying to produce family doctors in a nonspecialty department. We have had much experience showing that it does not work, because the department is set out in a corner in the medical school. It does not work.

But we do have experience in the last 15 months with schools setting up primary areas of family practice. The student interest is tremendous. The interest on behalf of new teachers of family medicine is tremendous.

STATEMENT OF PETER ANDRUS, CHAIRMAN, STANDING COMMITTEE ON HEALTH AFFAIRS, STUDENT AMERICAN MEDICAL ASSOCIATION, HUNTERDON MEDICAL CENTER, FLEMINGTON, N.J.

* * * * *

It is for the reasons I have stated that the Student American Medical Association strongly supports S. 3418. We believe this bill focuses at each of the important levels required to develop a strong program of training in family medicine. By its provision for funding departments of family medicine within the medical schools, a significant positive exposure and influence by family medicine can be provided for medical students at a crucial time in their career decisionmaking process. By providing funds for the development of family medicine residency training programs there will be a strong impetus placed on capitalizing upon the increased interest in and need for the practice of family medicine. Finally, by providing funds for the training of allied health personnel in this area the bill takes the very progressive step of encouraging innovation in developing new patterns of delivering health care in a more effective and economic manner.

THE UNIVERSITY OF NEBRASKA MEDICAL CENTER, DIVISION OF FAMILY PRACTICE,
Omaha, Nebr., July 17, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: I have recently read the testimony concerning your bill S. 3418 and feel called upon to make some comments concerning the testimony that was given before your committee.

First, let me identify myself as the Director of the Division of Family Practice, University of Nebraska College of Medicine, and a senior member of the Council on Medical Education of the American Medical Association, having been a member for seven years. I also serve as a member of the Family Practice Committee of the AMA Council on Medical Education. I was a practicing family physician in Fort Wayne, Indiana, for 15 years.

Dr. Willard, the past chairman of the Council on Medical Education, recommended the deletion of the requirement for a separate department of equal standing in Family Practice. I am certain this is not the opinion of the entire Council. In particular, as a working Director of a Division, I feel that in order for the family practice program to be viable in a medical school, it is absolutely essential that there be a separate *entity* of equal standing in family practice with the Chairman or Director reporting directly to the Dean. I state this because only in this fashion can the director of the program become a member of the Executive Faculty and engage in decisionmaking concerning the entire medical school curriculum, including both undergraduate and graduate. This to me is a very essential element in the development of this movement to provide more clinicians, primary physicians, for this nation. I reiterate that I am fully qualified to express my opinion since I am engaged in this endeavor and, as a matter of fact, would not accept a position as director of a program unless this type of administrative arrangement were present.

A quote from page 30, the penultimate paragraph, of the Report of the Ad Hoc Committee on Education for Family Practice, chaired by Dr. Willard, I think gives further credulence to the concept of the separate entity. "Furthermore the faculty should have the same recognition in terms of rank and prerogatives as afforded the faculty in other major clinical areas. To insure the quality of patient care, the family practice service, both in and out of the major teaching hospital, should be subject to the same kind of surveillance and audit by the faculty of the institution to which other disciplines and services are subject."

With regard to the testimony by HEW's team of Dr. John Zapp, Dr. Kenneth Endicott and Dr. Robert Butcher, I hope that you were able to pose a question to them as to what programs are already in existence that are sufficient to accomplish the aims of the legislation. I know of absolutely none. Our program is financed entirely by State of Nebraska funds because there are no federal funds available at the present time such as you have requested in your bill. I do not know what the Administration people had in mind, but I can assure you that a thorough search of the records of NIH Bureau of Health Professions Education Manpower Training will show that no grants have been given for this primary purpose.

I also do not understand, as a member of the Liaison Committee on Medical Education of the AMA and the Association of American Medical Colleges, that the AAMC would object to some portions of this bill. I would like to quote some parts of the Ad Hoc Committee report, which I think would be helpful for your committee members. This committee, as you are probably well aware, consisted of four members of the Council on Medical Education, two representatives of the American Academy of General Practice, one representative of the AMA Section on General Practice and three representatives of the Association of American Medical Colleges. I particularly call your attention to the statement agreed to by representatives from the AAMC that "The need for family physicians in the United States is viewed by the Ad Hoc Committee to be a major national need which should claim a high priority—comparable to that for research and research training. The realization of more family physicians will require an infusion of substantial and growing sums of money for medical schools and training programs for family practice." (page 46)

The present generation of medical students have a high degree of interest in participating in this program and are most hopeful your bill will be enacted.

Sincerely yours,

FRANCIS L. LAND, M.D.,
Professor of Family Practice.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
DEPARTMENT OF INTERNAL MEDICINE,
New Haven, Conn., February 17, 1970.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am writing to extend my enthusiastic support of your proposed amendment to Part D of Title 7 of the Public Health Service Act. Its passage should have an exceptionally favorable impact on the health problems facing the medical profession and the nation. In my opinion, formal assistance of family health care programs is long overdue, and the lack of such assistance has led to misdirection and resultant misuse of our most important medical manpower commodity—the physician. Your bill strikes at the heart of a dire situation, and outlines a pertinent and far-reaching strategy for alleviating the storage and increasing maldistribution of medical manpower.

My personal interest in this bill is particularly great because of the absence of a family health care department at my alma mater (University of Cincinnati College of Medicine), as well as at the Yale School of Medicine where I now serve on the faculty. Indeed, most medical schools and teaching hospitals have been derelict in meeting what should be their preeminent responsibility—the provision of adequate training and service facilities for family health care. A singularly appealing feature of your proposal, in this respect, lies in the provision which would promote the establishment of family health care as a major specialty department, although perhaps this is impossible within our present system of outpatient care in university medical centers.

The overwhelming emphasis in our medical schools has been on basic, disease-oriented research and training, while applied clinical research and training oriented toward comprehensive and continuing personal health care has been almost totally neglected. Most "clinic" care is so fragmented that it has often led to serious omissions or to expensive duplications of clinical procedures. Ambulatory services are on the bottom rung of the academic ladder and are usually so inefficient that unnecessary financial burdens are perpetrated on the patients, as well as on the taxpayers who often have to pay the bill. With priorities so deranged, it is no wonder that physicians-intraining visualize family health care as a particularly unattractive career.

The tired arguments that physicians will instinctively seek careers in family health care and will learn how to practice family medicine through intuition and experience

have lost their credibility in the face of our present manpower problems. May I suggest that a department such as you propose should take advantage of the predilection of many trainees in internal medicine and pediatrics to become primary physician specialists if training opportunities were available. This inclination toward primary care could be supplemented by experience in delivering personalized family health care in an organized setting—with emphasis on continuity, coordination and comprehensiveness of care—within a department dedicated to these principles.

Multispecialty group practice with a strong core of primary physician specialists has demonstrated repeatedly an ability to overcome most of the existing deficiencies in the area of service and manpower, while providing significant cost benefits. I believe that the principles of family care can best be learned in the setting of a medical-school-sponsored multispecialty group practice—which may turn out to be the only feasible framework for training next-generation physicians in the practice and delivery of comprehensive medical care.

I should be most happy to support, in any way I can, your efforts to obtain passage of this bill. Please feel free to call upon me for personal or further written testimony on behalf of your proposed legislation to establish special departments in the field of family medicine.

With high regard for your concern with the health of the nation, I am

Sincerely yours,

GORDON K. MACLEOD, M.D.,
Associate Clinical Professor of Medicine and Public Health.

Mr. DOMINICK. Mr. President, I am ready to vote.

The PRESIDING OFFICER (Mr. SCHWEIKER). The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay".

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 19, nays 28, as follows:

[No. 289 Leg.]

YEAS—19

Aiken	Fong	Saxbe
Allott	Gurney	Smith, Maine
Case	Hruska	Talmadge
Cook	Jordan, Idaho	Williams, Del.
Cooper	McIntyre	Young, N. Dak.
Dole	Packwood	
Dominick	Pearson	

NAYS—28

Allen	Javits	Proxmire
Anderson	Jordan, N.C.	Schweiker
Byrd, W. Va.	Long	Scott
Eagleton	McClellan	Sparkman
Ellender	McGee	Spong
Ervin	Mondale	Stennis
Harris	Muskie	Yarborough
Hatfield	Nelson	Young, Ohio
Holland	Pell	
Inouye	Percy	

NOT VOTING—53

Baker	Dodd	Jackson
Bayh	Eastland	Kennedy
Bellmon	Fannin	Magnuson
Bennett	Fulbright	Mansfield
Bible	Goldwater	Mathias
Boggs	Goodell	McCarthy
Brooke	Gore	McGovern
Burdick	Gravel	Metcalf
Byrd, Va.	Griffin	Miller
Cannon	Hansen	Montoya
Church	Hart	Moss
Cotton	Hartke	Mundt
Cranston	Hollings	Murphy
Curtis	Hughes	Pastore
Prouty	Smith, Ill.	Tower
Randolph	Stevens	Tydings
Ribicoff	Symington	Williams, N.J.
Russell	Thurmond	

Mr. BYRD of West Virginia. Mr. President, reluctantly, nevertheless I must do it, I ask for the regular order.

The PRESIDING OFFICER (Mr. COOK). The regular order has been called for. On this vote there are 19 yeas and 28 nays. A quorum not having voted, the vote is invalid, the Chair under the precedents, of the Senate, directs the roll to be called to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 290 Leg.]

Aiken	Ervin	Pell
Allen	Fong	Percy
Allott	Holland	Saxbe
Byrd, W. Va.	Hruska	Schweiker
Case	Inouye	Smith, Maine
Cook	Javits	Spong
Dole	Long	Stennis
Dominick	McGee	Williams, Del.
Eagleton	Nelson	Yarborough
Ellender	Pearson	

ADJOURNMENT UNTIL 10 A.M. MONDAY, SEPTEMBER 14, 1970

Mr. BYRD of West Virginia. Mr. President, a quorum not being present, I move in accordance with the previous order that the Senate stand in adjournment until 10 o'clock Monday morning next.

The motion was agreed to; and (at 3 o'clock and 19 minutes p.m.), the Senate adjourned until Monday, September 14, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1970:

UNITED NATIONS REPRESENTATIVES

The following named persons to be Representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Charles W. Yost, of New York.

Christopher H. Phillips, of New York.

JACOB K. JAVITS, U.S. Senator from the State of New York.

CLAIBORNE PELL, U.S. Senator from the State of Rhode Island.

Glenn A. Olds, of New York.

The following-named persons to be Alternate Representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Seymour M. Finger, of New York.

Helen G. Edmonds, of North Carolina.

Richard H. Gimer, of Virginia.

Aloysius A. Mazewski, of Illinois.

Gordon H. Scherer, of Ohio.

IAEA CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency:

T. Keith Glennan, of Virginia.

Clarence E. Larson, of Tennessee.

Verne B. Lewis, of Maryland.

Dwight J. Porter, of Nebraska.

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of career minister, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency.

EXTENSIONS OF REMARKS

DR. LEDERBERG SPEAKS OUT ON BIOLOGICAL WARFARE HAZARDS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. ZABLOCKI. Mr. Speaker, Dr. Joshua Lederberg, professor of genetics at Stanford University and a Nobel Prize winner for his work in biology, recently addressed the Conference of the Committee on Disarmament in Geneva.

In his talk he emphasized the hazards which biological warfare poses to the world and urged that the Conference promptly reach agreement on a ban on the development, production, proliferation or use of biological weapons.

His position parallels that of the U.S. delegation, which has urged that an agreement on biological weapons be reached now, with subsequent work on a total ban on chemical weapons. This approach has been opposed by the Soviet Union, its allies, and some neutrals at the Conference.

It is my hope that Dr. Lederberg's message of urgency will help break down the resistance of Communist and other nations and allow a ban on biological weapons to be concluded at the next session of the Conference.

In the thought that Dr. Lederberg's statement would be of interest to the Members of the House, I am placing it in the RECORD at this point:

REMARKS BY JOSHUA LEDERBERG, PROFESSOR OF GENETICS, STANFORD UNIVERSITY, FOR INFORMAL DISCUSSIONS AT THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT, GENEVA, AUGUST 5, 1970

This is the first occasion at which I have been invited to attend a meeting of this kind. It is also a 24th anniversary of another occasion when I was a young medical student attending my first scientific conference. This was an international meeting at Cold Spring Harbor, near New York, and it could be truly labeled as the birthdate of a new scientific field, the genetics of bacteria and of viruses. My first published work was presented at that meeting and it concerned the discovery, contrary to decades of previous supposition to the contrary, that bacteria were indeed possessed of a mechanism like sexual reproduction which made it possible to crossbreed different bacterial strains. These observations, together with related ones by many other colleagues have gone into the emergence of the most powerful of new methods and insights in experimental biology, going generally under the name of molecular biology.

From the very beginning it was inescapable to me that these new approaches for the understanding and manipulation of living organisms had potential implications for human progress of very great significance. On the one hand molecular biology could increase man's knowledge about himself and lead to revolutionary changes in medicine in such fields as cancer, aging, congenital disease, and virus infections. It might also play a vital role in industry and in agriculture. On the other side it might be exploited for military purposes and eventuate in a biological weapons race whose aim could well become the most efficient means for removing man from the planet. As a student of evolution, and having studied it in the microcosmos with bacterial cultures, I knew that man had no guaranteed place on our earth. He has faced and continues to face natural disasters like the infestations that have wiped out the American chestnut and the European grapevine. To these long-standing threats would now be added new ones, potentially of our own invention.

These past 25 years, in the course of which the world community has reached a certain degree of familiarity with the problems of nuclear power, and has undertaken some of the steps needed to contain it as a servant for rather than against human aims, have seen a sustained, remarkable development of molecular biology. For example, Professor Gobind Khorana recently reported the synthetic assembly of a small gene through chemical operations on DNA components. It will be a step of another order of magnitude to extend this technical capability to the synthesis of small viruses, but this surely will be accomplished within the next decade. This procedure will allow an unlimited range of experimental variations of the gentic structure of different viruses, a process which has many important potential applications for human health. It also offers us the prospect of engineering the design of viruses to exquisite detail. Accomplishments like Khorana's have been possible in a small laboratory on an annual research budget which is miniscule compared to weapons hardware. A serious military investment in this area could be expected to outstrip this already breathtaking pace of advance by many fold.

I could mention many other intriguing scientific advances from my own work and that of others, and fear only that my enthusiasm in discussing these details might outrun your patience in hearing about them. I will be glad to engage later in informal discussions on any aspect of molecular biology that may be of interest to you. I will just mention the discoveries of three methods of modifying the genetic structure of microbes: 1) cross-breeding them through what is, essentially, sexual reproduction; 2) inserting new genes carried by a virus, a process called "transduction," and 3) direct manipulation of DNA as a chemical substance, and reintroducing this into microbial cells.

I deeply appreciate the gravity and importance of the work of this Committee. Its principal significance is, of course, for the security of all the people of the world; and to that it is only a small addition to mention my own moral pre-occupation with whether my own career will have been labeled a blessing or a curse to the humanity from which I spring. This comment may have more force if I offer it as not only a personal testimony but as typical of the dilemma that faces my entire generation of biological research scientists and our younger students at this very moment. I am therefore many times indebted to you not only for your present labors but also for having offered me the privilege of a more personal participation in a process that may yet result in civilizing this branch of science.

For many years BW has been given only incidental attention as a subject of diplomatic discussion; for it seemed to have little bearing on the adjustments of power that were the main work of specialists in foreign affairs. However, BW does have something to do with efforts to reduce the barbarity of warfare. BW stands apart from all other devices in the actual threat that it poses to the health and life-expectancy of every human being whether or not he is politically involved in belligerent actions. In a word, the intentional release of an infectious particle, be it a virus or bacterium, from the confines of the laboratory or of medical practice must be condemned as an irresponsible threat against the whole human community.

The Black Death, the great bubonic plague that ravaged Europe in the mid-14th century is in fact a well documented historic example of just this process. The plague first entered Europe in 1346 via the sailors, rats, and fleas on the ships that returned to Genoa after having been expelled from Theodosia in the Crimea where the attacking Tartars had catapulted some of their corpses into the Genoese fortifications. This plague which reduced the population of Europe by at least one-third, would of course, almost surely have made its way West sooner or later, the nature of the disease being quite beyond the comprehension of the medical science of that era.

The Black Death in Europe was only one of many visitations of the plague suffered by Europe during the last 2000 years. We do not know why this one should have been so much more disastrous than many others. The progress of a disease in any given individual is subject to many factors of which only a few are well understood. A large epidemic, involving millions of people spread over time and space, is an immensely more complicated phenomenon about which it is very difficult to make accurate scientific predictions. This combination of very grave potential hazard with a high degree of unpredictability is a peculiar attribute of biological weaponry at its present stage of development. This has a great deal to do with the rational doctrine that so far has placed a relatively low value on its military utility.

The present situation thus might provide the most favorable opportunity for international action to regulate the further development and proliferation of BW. I am convinced we know enough about it to have legitimate concern about its future prospects. Until now no nation appears to have staked its security to any significant degree on BW armaments. I would therefore hope this provides a basis for accord. If we wait until BW has been developed into a reliable armament for use under a range of military doctrine, we must all fear that it could then be too late to disengage important powers from their commitment to it.

If I may return to the Black Death, the main barriers that may today keep bubonic plague from being a great threat in advanced countries are: 1) understanding of and the use of quarantine, 2) the suppression of rats and fleas by general urban hygiene, and 3) the use of modern therapy, especially antibiotics, to control the disease. Each one of these barriers could be breached by further technical developments if a substantial effort were to be applied during the next decade to making the plague bacillus into a weapon.

Other infectious agents might be even more adaptable. Some of man's deadliest enemies are viruses which, like yellow fever, are transmitted by mosquitos or other arthropods. These have the advantage, from a military standpoint, that they may not start a potentially retroactive epidemic in areas where the vector insect does not normally abound. It is already evident that such insect-borne viruses could be applied in the first instance by direct aerial dissemination, with little or no further spread from the first wave of infected targets. Recent reports of airborne or pneumonic rabies, a terrible disease, which as you know is normally spread by the bite of an infected dog or other animal, illustrate this possibility.

There is then the danger that, if a large nucleus of people is attacked in this way, further evolution of the virus will occur to give rise to a new form of the disease that does spread from person to person, contrary to the calculations of the attacker. The Black Death itself underwent a similar evolution from the original bubonic flea-borne plague to outbreaks of the far more contagious pneumonic variety.

We have learned in recent years that viruses undergo constant evolution in their own natural history, not only by mutations within a given strain, but also by the natural cross-hybridization of viruses that superficially appear to be only remotely related to one another. Furthermore, many of us already carry viruses in our body cells of which we are unaware for years, and which may be harmless—though they may eventually cause the formation of a tumor, or of brain degeneration, or of other diseases. At least in the laboratory, however, we can show that such latent viruses can still crossbreed with other viruses to give rise to many new forms.

My gravest concern is that similar scientific breakthroughs of a rather predictable kind will be made and their potential military significance exploited, so as to result in a transformation of current doctrine about "unreliable" biological weapons. We are all familiar with the process of mutual escalation in which the defensive efforts of one side inevitably contribute to further technical developments on the other and vice versa. The mere existence of such a contest produces a mutual stimulation of effort; moreover, there is no practical system of counterintelligence that will protect secret work for an indefinite period of time from becoming known to others. And the potential undoubtedly exists for the design and development of infective agents against which no credible defense is possible, through the genetic and chemical manipulation of these agents. It is thus clear to me that if we do not do something about this possibility, work will go forward and my fears will become realities.

Permit me now, to ask a rhetorical question: Can we establish a world order that will, in effect, protect "you," as representatives of the global community, from the subversion of the scientific advances to which my own peers and myself have dedicated their careers.

I wish I could be sure that such a remark would always be received with an understanding of the ironic spirit with which it is uttered. I do not have to tell you of the worldwide attack on science, the flight from reason that has tempted so many young people and makes so many dilemmas for those of us in university life.

This generational revolt has probably had its worst impact in countries which have already achieved a degree of affluence, but it is eroding the morale of the young even in those countries whose economic future most depends on their development of a high level of technical and scientific skill. What the youth see as the perversion of knowledge is, I believe, an important aspect of their repudiation of us. Among the undergraduates at my own university, there is no prospect more disheartening than the idea that even health research is subject to exploitation in the most inhumane direction imaginable.

For many years I have advocated that the control of biological warfare be given a special place in international and national initiatives for reasons I have mentioned. I am deeply gratified that President Nixon's announcement (last November 25) which disavowed offensive biological warfare development has made it possible for me to address these issues in terms fully consistent with the policy of the government of my own country.

As you know, soon after President Nixon's announcement it became apparent that the problem of toxins had been left ambiguous. "Toxins," as the term is understood by biologists, are chemical substances, usually (but not always) proteins of modest molecular size which are by-products of bacterial growth and which may play a lesser or greater role in the disease manifestations of a bacterial infection.

For present purposes we might think of a toxin as a chemical substance which would be unknown to science except for its association with microbial growth and one which has an extraordinarily high lethality per unit weight. Many toxins are nerve poisons, resembling the nerve gases in their effect on the body, but far more potent. For example, the lethal dose of botulinus toxin is about one millionth of a gram. This means that one could easily carry in a dispatch case a quantity of toxin sufficient to wipe out the human population, although the image would imply that the human herd would line up for the slaughter. The very high potency of such toxins is certainly a factor in their military potential but may even be outweighed by other considerations, like the possibility of specific immunization of an aggressor force or population.

Even after agreement to eliminate biological weapons, we will still remain very vulnerable to a form of biological warfare which is beyond the reach of any covenant that we can make. This is the warfare practiced upon us by nature, the unremitting barrage of infection by old and by new agents that still constitute a very large part of the perils to normal and healthy life.

We have all had vexing, perhaps even tragic, personal experiences with virus infections. You will all recall the global epidemic of influenza that was first identified in Hong Kong about three years ago. This was not a particularly severe form of the virus and its eventual mortality was probably only in the tens of thousands. It is wrong, however, to believe that there is any assurance that the next epidemic of this kind will be as mild; and we have still developed only the most feeble and precarious protection against this threat whose impact is shared by all the nations, but against which very little common defense has been erected.

You will also recall having read from time to time about small outbreaks of mysterious new diseases like "Lassa fever" and the "Marburg virus." These were both extremely dangerous threats; and while much credit must be given to the diligence of the medical people who dealt with the outbreaks, a large element of pure luck was involved in localizing these incidents. We must expect that there are many additional viruses already indigenous to primate and human populations in primitive areas and to which the inhabitants of advanced countries are extremely vulnerable.

Yellow fever is a historically important disease which now belongs in the same category. It is now maintained on earth mainly through an animal reservoir of infection, in the monkeys in tropical jungles. Urban populations are now protected from yellow fever by campaigns to abolish the fever-carrying species of mosquitos in South America and by the availability of excellent vaccines in advanced countries. Mosquito species very well capable of transmitting yellow fever are, however, abundant in South Asia and the accidental introduction of yellow fever, for example, into India would be a human tragedy of catastrophic dimensions. Specialists in epidemiology are quite puzzled that this accident has not already eventuated and we have no good explanation for this good fortune. I would not mention facts like these which might stimulate psychotic imaginations if they were not already well known. My purpose is not to suggest the vulnerability of the Asian continent to biological military attack but rather to point out immense gaps in the pattern of international cooperative defenses that should be mounted but which have a relatively feeble standing in the present-day world. This is in no way a derogation of the splendid efforts of the World Health Organization which is centered here in Geneva but an indication of the limitations of its budget and a suggestion that much more needs to be done and could be done with resources that might be given over to biological work in the future.

Countries which are undergoing a transition in the development of their agriculture are vulnerable to analogous threats in biological warfare directed against crops as distinguished from human targets. The introduction of new crop varieties, that has had all of the human benefits attached to the expression "the green revolution," also means that the food supplies of vast territories are now committed to specialized strains of wheat, rice, and so forth. These are now newly vulnerable to destruction by plant pests of either natural or artificial origin. A potentially tragic outbreak of "coffee rust" is at this moment a serious threat to the agriculture and economy of Brazil.

The promulgation of an international agreement to control biological warfare in a negative sense should, therefore, be accompanied by steps urgently needed to build positive efforts at international cooperation, a kind of defensive biological research against natural enemies of the human species.

One of the best assurances that any country might have that the microbiological research of its neighbors was directed towards human purposes would be constantly expanding participation in international health programs. Any country that publicly and avowedly subscribed to the total renunciation of secret BW research might conceivably be able to continue clandestine effects without revealing their substantial *content*. It would, however, have great difficulty in maintaining such an effort, at any substantial level or quality of operation, while still keeping its very *existence* secret. This applies especially to those among its own citizens who are specialists in health-oriented research and who are deeply involved in furthering health research activities within the framework of the international community. Therefore, besides the obvious direct health benefits of expanded international cooperation we would also be rewarded by a higher level of mutual assurance that every party was indeed living up to the spirit of its obligations under a BW convention.

In conclusion, let me say that some of the speculations I have mentioned are ones which all of us must fervently hope will never materialize. But it would seem to me both foolish and arrogant to assume that our good will alone, without concrete arrangements, will serve to forestall the further development, proliferation and possible eventual recourse to what surely is one of the most ghastly methods of warfare imaginable.

As a scientist whose research career has centered on the genetics of bacteria, I have a profound personal interest in efforts being made in this forum to minimize the risk that infectious disease will become a routine weapon in future conflicts, civil or international. You have heard reasons, that I believe are compelling, for promptly reaching a ban on the development, production, proliferation or use of biological weapons. I will be indebted to you for this opportunity if I can return to my laboratory with the hope of having made the most modest contribution to the fulfillment of the urgent task before you.

Good luck.

THE RED BLOC PUPPET NATIONS SUMMIT CONFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. RARICK. Mr. Speaker, the so-called nonalined nations summit conference just concluded at Zambia—Africa's base for Communist guerrillas—seems to parrot the party line being resounded by other Communist and socialist movements around the world.

The nonalinement claim must mean their influence as nations—UNO vote—is up for sale to the highest bidder.

Now that their anti-USA saber-rattling, subsidized with foreign aid, has passed over, they can be expected to approach our diplomats for more foreign aid handouts and to receive the usual support for give-a-ways in the name of aid for friendly backward emerging nations.

Mr. Speaker, I insert several news-clippings and a report by George S. Schyler:

[From the Evening Star, Sept. 11, 1970]

ZAMBIA TALKS END, RESULTS ARE UNCERTAIN

LUSAKA, ZAMBIA.—The third summit conference of nonaligned nations ended yesterday with host President Kenneth Kaunda singing a revolutionary freedom song—but there was no official word on what was accomplished at the meeting.

Kaunda kept more than 100 newsmen waiting an hour and a half for a scheduled news conference, then canceled it without explanation. A government statement said resolutions which were approved at the three-day gathering would be distributed Monday.

There were conflicting reports on whether the conference passed a resolution dealing with the Middle East, and if so, whether it demanded U.N. sanctions against Israel or merely asked the United Nations to act if Israel does not withdraw from occupied Arab territory.

Sources within the conference said draft resolutions that were likely to be passed included a request for the withdrawal of all foreign troops from South Vietnam, a call for the United States and other nations to stop aiding Portugal and South Africa and a request for all nations of the world to help people "fighting against colonialism, racial discrimination and apartheid in Africa through the Liberation Committee of the Organization of African Unity."

[From the Washington Post, Sept. 11, 1970]

THIRD-WORLD TALKS END WITH RASH OF MILD ATTACKS

(By Jim Hoagland)

LUSAKA, ZAMBIA, Sept. 10.—The third nonaligned nations' summit conference closed today in a blaze of moderately worded resolutions praising peace, justice and economic development.

Obviously striving for a show of unity that would dispute critics who contend that the self-styled nonaligned nations have few common interests, the conference toned down a resolution on the Middle East, accepted a relatively moderately worded resolution of Indochina and even eased slightly its condemnation of countries selling arms to South Africa.

Zambia's President Kenneth Kaunda, who was chairman for the summit, closed the meeting with a paraphrase of a Christian hymn. Kaunda, the son of a minister, declaimed:

"Onward soldiers of nonalignment! Raise ye the banner of the movement . . . fight relentlessly for freedom, justice and peace . . ."

LIBYANS COMPLAIN

The only outward breach in the day's mood of agreement for agreement's sake came when the Libyan delegation complained that the conference was not being as rough on Israel as it was on South Africa.

Most of the 57 official delegations were from Africa, the Middle East or Asia. Europe was represented by Yugoslavia, which fought for watering down any resolutions that would have produced a walkout.

The dozen or so important conference resolutions were not made public as the three-day summit closed, but most of them had been made available to the press by conference sources.

The Middle East draft resolution, which calls for the withdrawal of Israeli troops from occupied Arab territory, also asks the United Nations to impose unspecified sanctions against Israel for "obstructing" the Middle East peace talks.

WORDING CHANGED

But during the last-minute deliberations the words "all adequate measures" were substituted for "sanctions." Conference sources said Liberia had pushed for the change.

This led the Libyans to complain that while the nonaligned countries were willing to make demands on and condemn South Africa, they only made requests on Israel. The Libyan delegate later criticized the conference's "dictatorial process."

The conference's final draft resolution on decolonization adopted the tough anti-apartheid program Ethiopian Emperor Haile Selassie once had urged, conference sources said.

The resolution calls on all countries to break diplomatic relations with South Africa, Portugal and Rhodesia, to enforce trade embargoes against the three countries and to refuse landing rights to airlines and shippers that use the ports of the three countries.

It also proposes to set up special funds to aid African nationalist movements attempting to overthrow the white-minority governments in southern Africa.

But in the final resolution concerning arms sales to South Africa the conference dropped a specific condemnation of France for continuing to sell arms to South Africa despite a six-year-old U.N. embargo.

The French were condemned by the Organization of African Unity in its summit meeting last week and had lobbied hard here to avoid being singled out again. With help from their former African colonies they succeeded in changing the statement to a general condemnation of countries that continue supplying weapons to Pretoria.

Britain, however, is specifically condemned in the resolution for its announced intention to resume limited arms sales to South Africa.

Another section assails the United States, Britain, France, West Germany, Italy and Japan for "economic, military and political" ties with South Africa.

On Vietnam, the conference balanced off a paragraph blaming "the presence of United States armed forces" for "the untold suffering and loss of life" in Indochina with an uncontroversial call for the removal of "all foreign forces" from the area.

OTHER RESOLUTIONS

Two other resolutions ask that the Indian Ocean be made a military-free zone and set out the establishment of a bureau to examine economic development in the Third World.

Speakers at today's open session included representatives from the Vietcong's Provisional Revolutionary Government of South Vietnam, the Palestinian Liberation Organization and African nationalist movements. The three had observer status at the conference.

[The Zambian government, seeking to explain its arrests of reporters, covering the conference, said "the monopoly press of the West" was trying to defame the meeting, AP reported.]

[From the Atlanta Journal, Sept. 8, 1970]

NEUTRAL SUMMIT OPENS IN ZAMBIA

LUSAKA, ZAMBIA.—President Kenneth Kaunda opened the third nonaligned summit conference Tuesday by telling representatives of more than half the world's peoples, "We seek a place of honor and respect."

"We must move nonalignment out of what critics consider mere political and idle rhetoric," he said.

As the president spoke in the crowded main assembly hall at Mulungushi Village, two of the world's best known women leaders listened intently.

Mrs. Indira Gandhi, premier of India, and Mrs. S. Bandaranaike, premier of Ceylon, sat alongside world leaders including Emperor Haile Selassie of Ethiopia, President Tito of Yugoslavia, Archbishop Makarios of Cyprus and Presidents Obote of Uganda and Nyerere of Tanzania.

Cambodia's seat was vacant because foreign ministers failed to agree in day-long debate Monday which government should be admitted—Premier Lon Nol's government or Prince Norodom Sihanouk's government in exile in Peking.

Cannons boomed outside in salute as the heads of state and government arrived. A flourish of bugles announced their arrival inside the hall for the start of the three-day meeting.

Two other nonaligned summits have been held—in Belgrade in 1961 and in Cairo in 1964.

Kaunda, who is also chairman of the 41-nation organization of African Unity this year, told the assembly:

The continued exclusion of Communist China from the United Nations "is a blunder and there can be no legitimate reason for refusing her admission to the world body."

Regarding Western military and economic aid to the white minority governments of southern Africa, "Those who delay the discharge of justice, those who stand in the way of peaceful change toward majority rule, make violence inevitable."

SIX JOURNALISTS BELIEVED HELD BY ZAMBIANS

LUSAKA, ZAMBIA.—Six foreign journalists were missing and presumed held by security police today as the third nonaligned summit conference opened here.

Three of the newsmen—Kenneth L. Whiting of the Associated Press, Hans Reinhardt of the German Press Agency, and Ron McDonnel of Viesnews, a British agency—were taken by plainclothes policemen Monday night from the conference hall and the university residences where the press is housed.

This morning, plainclothes police escorted Chris Munnion of the London Daily Telegraph, based in Salisbury, from the conference hall.

The other two journalists, Tony White of Reuters and Dan Van der Vat of the Times of London, were missing as the conference began.

No reason was given for the arrests, but all of the newsmen are based either in South Africa or Rhodesia, and Zambian President Kenneth Kaunda is a staunch opponent of the area's white-minority governments.

The American Embassy was trying to make contact with Whiting this morning. It was understood that the British and German embassies were making similar moves.

[From the Evening Star, Sept. 11, 1970]

ROGERS ASKS FULL FOREIGN AID FUNDING

(By Dana Bullen)

Secretary of State William P. Rogers, urging approval of the administration's foreign aid fund requests, said today the United States must show Asian nations it continues to back them.

"We must convince our Asian friends that a reduced military presence does not mean we are abandoning them," he said in testimony prepared for a Senate Appropriations subcommittee.

"Our economic assistance program is one of the most effective ways to maintain our credibility as an Asian power," Rogers said.

Rogers called for Senate restoration of $532 million pared by the House from President Nixon's $1.8 billion foreign aid request, the lowest administration request for aid funds in 15 years.

Rogers said the House reduction "cripples our entire aid program."

Aid funds provide support technical, agricultural, development and related programs in underdeveloped countries around the globe.

For Vietnam, the administration asked $366 million for supporting assistance, but the House cut $40 million of this.

As U.S. military expenditures decline in Vietnam, Saigon needs substantial economic aid to meet increased costs of the war without imperiling economic stability. Rogers said.

"If the House cut . . . is not restored, the goals of Vietnamization will be significantly more difficult to achieve," Rogers said.

Elsewhere in Asia, he said, economic assistance must continue at adequate levels while President Nixon withdraws U.S. troops from Thailand, South Korea and the Philippines.

Rogers said $8.9 million was diverted from last year's aid program to provide military assistance to Cambodia, and he said the administration expects to divert $40 million more to Cambodia out of the funds being sought for the present fiscal year.

The secretary of state said this aid does not mean the United States is assuming responsibility for Cambodia's defense. But, he said, it is considered "appropriate" to provide Cambodia material assistance to defend itself "against a foreign invader."

In regard to Latin America, Rogers said, the House decision to cut off a third of the funds sought for Alliance for Progress development loans would require reductions in existing high priority programs in agriculture and education.

Similarly, the secretary of state asserted, a continued decline in assistance for African state could "place in question our genuine interest in the people of Africa."

Rogers' views were contained in testimony prepared for a hearing today that later was canceled. It was not clear whether he would appear personally at a later date or have his testimony placed in the hearing record.

AFRICA—THE COMRADES BEAT THE BUSHES

(George S. Schuyler is an internationally famous author, lecturer, and syndicated journalist. Mr. Schuyler has written two novels, Black No More, and Slaves Today! and has contributed to such national magazines as American Mercury, The Nation, The Freeman, Plain Talk, and Negro Digest. George Schuyler's excellent autobiography, Black And Conservative, is currently available from Arlington House.)

Since the last *Scoreboard*, the nets of Communist subversion have drawn tighter around Africa. There were foulups and setbacks but the Reds are learning fast.

Where surplus small arms and automatic weapons have seemed inappropriate or premature, there have been generous offers of aid and trade, scholarships at Patrice Lumumba University and similar schools, all-expense conferences with delegates picked for their loyalty and eager to vote yes, and freebies of shoddy goods and toys for the bush yokelry. There have also been weapons carriers, tanks, bazookas, and occasionally old warplanes for the big boys, either free or on jawbone. Blacks who had never been ten miles across the veldt were flown to China or Cuba to learn how to blow up a presidential palace or assassinate a dusky Cabinet Minister reluctant to toe the Party line.

Varied success has attended these approaches between the Mediterranean and the Zambesi. The Maghreb seems to be more Middle East than African, but this is deceptive. Each of these Mediterranean States impinges upon a Black African country easily accessible in these days of air travel. Morocco has been wooed into accepting Red goodies, while cadging aid from increasingly apprehensive France. Algeria, broke despite its oil riches, is a pliant Soviet preserve. Oil-rich Libya has all the zeal of a recent convert to Communism, and Egypt is completely down the Tiger's throat. Western bases, once outposts of empire, are now available to the Russian fleet patrolling Mare Nostrum. Pro-West Tunis shivers.

Soviet prestige has grown immensely since the end of the Nigerian civil war, and its merchant, fishing, and war vessels make it *persona grata* to the black politicians hungry for help. Only Southern Africa stands strongly in the way of an ultimate continental sweep by the Comrades. With the Red Fleet visiting the Red Sea, the Persian Gulf, and the Indian Ocean, even Southern Africa's remoteness is no guarantee that it will escape the Communist drive.

SPANISH WEST AFRICA

Largely desert (102,703 square miles and 48,000 population), this miserable little country so lacks resources that not even Morocco wants it. Curiously, however, it offers an attraction to the Reds, who currently are directly wooing its authoritarian master in Madrid with some prospects of success.

MAURITANIA

An even bigger desert than the Rio de Oro to its northwest, its 418,000 square miles and one million wandering herdsmen surrounded by the Atlantic, Algeria, Mali, and Senegal, Mauritania is a politico-economic appanage of Paris. The French control its rich iron ore and copper deposits, its growing fishing industry, and market its cattle, camels, and gum salt. No hidin' place for Reds. President Moktar Ould Daddah has made that clear. But, he broke diplomatic relations with the United States on June 7, 1967, to show his solidarity with the Arab world, citing U.S. support of Israel.

SENEGAL

The likelihood of the U.S.S.R. making inroads in this erstwhile French colony of 76,000 square miles and 3,500,000 population is slight. Its black intellectual President Leopold-Sedar Senghor is more French than Pompidou, and there are more Frenchmen in Dakar than before independence—including several thousand white troops. While Dakar is the greatest port south of Casablanca, it remains a nest of intrigue, and the ubiquitous Russian fishing fleets operate nearby. Senghor, the apostle and author of *Negritude*, wields a strong hand. When domestic unrest involving students and workers grew troublesome last June, he promptly declared a state of emergency. In December he cancelled a radio program about the glories of the Soviet Union, suspended a Soviet cultural review, and threatened to expel Russian newsmen after an alleged Soviet press and radio campaign against Senegal. The Reds piped down.

Last December Senegal rushed troops when the embattled Portuguese shelled some Senegalese villages used as staging areas for the Russian-subsidized Party for the Independence of (Portuguese) Guinea and Cape Verde Islands, headed by the Communist agitator Amilcar Cabral. The arrival of the troops from Dakar sealed off the Senegal-Portuguese Guinea border. With 25,000 Portuguese troops and thousands of local native levies withstanding the invaders from Casamance district, the P.A.I.G.C. militants had to retire to Guinea under the sheltering arm of Comrade President Sekou Toure.

GAMBIA

In April, 1970, this most improbable African mini-State voted 84,968 to 35,638 to become a republic within the British Commonwealth. The new Gambian republic, with a population of 360,000 in a territory of 4,000 square miles along the Gambia River, is formed in the shape of a finger pointing into Senegal. Sir Dawda Kairaba Jawara, Prime Minister since 1962, became the first President. What Communists there are remain mum.

Ever since the British bought the colony from Portugal in 1588, Gambia has been subsidized by London, since its one crop (peanuts) will not support it. Outside Bathurst, Russian fishing boats reap a harvest with no competition from the easygoing natives.

PORTUGUESE GUINEA

With an area of 13,948 square miles and 529,000 people, this enclave has been Portuguese since 1446. Its Governor, responsible to Lisbon, is a native Negro. Since the Communist-subsidized P.A.I.G.C. attacks from the Guinea springboard provided by Sekou Toure, the Portuguese have with traditional determination stood fast, killing all invaders. Red chances there are non-existent.

GUINEA

Following the recent coup in Mali, suspicious President Sekou Toure, the Communist ruler of this 95,000 square mile "republic" and its 3,500,000 people, rounded up suspected subversives and executed seven high-ranking Army officers for plotting against him.

Both Soviet and Chinese Communist instructors operate training camps here. Conakry is headquarters for Amilcar Cabral's P.A.I.G.C., and here extremists of Sierra Leone's All-People's Congress were armed and trained before their Party won power. The new Soviet Embassy is a fortress-like compound where 250 personnel have schools, offices, housing, entertainment—and protection. The rivalry between the Russian and Chinese is intense, but neither group associates with the natives socially. What price integration! Nkrumah, the former President of Ghana, heads Moscow's Gulf of Guinea Project for West African conquest and publishes a Red journal here.

SIERRA LEONE

Last September after a long period of Governmental changes culminating in the All People's Congress taking over after its leaders were trained in neighboring Guinea, the East German-African Society (a Government organization) chose Freetown (with the approval of the Sierra Leone Government) as the venue for an "international" conference on how to increase East Germany's "participation" in liberating Africa. It was attended by a hundred delegates from twenty-five African countries. In addition to delegations from the Sudan, Nigeria, Tanzania, Congo (Kinshasa), Ghana, Guinea, Ivory Coast, Somalia, Upper Volta, and Zambia, there were delegates from three Soviet Front organizations: the World Council of Peace, the World Federation of Democratic Youth, and the International Union of Students.

Even though Sierra Leone (27,925 square miles and 2,180,355 population) is rich in alluvial diamonds, accounting for eighty percent of its income, it is assumed that the East German regime paid for the big bash. Sierra Leone's Minister of Lands, Mines and Labor, C. A. Kamara-Taylor, gave the open-

ing address, and the Prime Minister, Dr. Siaka Stevens, gave the closing speech.

All African Heads of State were urged to "normalize" their relations with East Germany and afford it diplomatic recognition. Youth and students throughout the world were urged to intensify the "struggle against imperialism." But, so far, only Tanzania maintains diplomatic relations with East Germany, and that is the Red "republic" which shares with Communist China the rule of the island of Zanzibar.

The campaign to spread love for East Germany in Africa is directed by Professor Albert Norden, a member of Walter Ulbricht's Politburo, who has been successful in setting up cultural relations in many African countries—notably Guinea, where President Sékou Touré lauded East Germany's "positive anti-imperialist policy."

LIBERIA

A lot can be said about President William V. S. Tubman, whose one-Party dictatorship has kept him in office since 1943, but the best thing is that he is anti-Communist and has no truck with the Soviet Union or any other Red State. Liberia, about the size of Ohio, was founded by American freedmen in 1821, and has since grown to a population of about a million.

IVORY COAST

Covering 127,520 square miles, and with 4.7 million people, this former prize French colony was prosperous before independence (1960) and is prosperous now. Originally President Félix Houphouet-Boigny was a Socialist, a physician (he was Health Minister in the French Cabinet), and a successful agronomist. His current attitude may be gathered from the fact that there are more whites in the Ivory Coast now than ever. Foreign-owned businesses predominate. He is as much at home in Paris as in Abidjan, and is so suspicious of Communists that last May thirtieth Ivory Coast severed diplomatic relations with the Soviet Union and asked Russian Chargé d'Affaires J. Semenov to leave at once—all without explanation.

There have been internal troubles, sternly repressed. Near the capital is stationed a combat battalion of French troops—just in case.

GHANA

Left holding an $800 million debt incurred by Communist Kwame Nkrumah's totalitarian excesses, Ghana is in no mood for further radical adventures. Dr. Kofi A. Busia, the new freely-elected Prime Minister, is strongly anti-Communist and makes no bones about it. Nkrumah's old Convention People's Party is outlawed; the Chinese, North Vietnamese, and North Koreans have been chased home. Unhappily, the new regime has also just banished sixty thousand unregistered black aliens, confiscating their businesses and property (an old African custom). The Russian Embassy remains in Accra, but its bomb-tossers are lying low. Nonetheless, this 92,100 square mile territory, with 8 million people and great wealth in cocoa (one-third of the world's production), gold, manganese, and bauxite, remains a great temptation to Comradely intervention.

TOGO

This improbable republic of 1,603,000 people in a 20,400 mile elongated area has since independence assassinated one President (Sylvanus Olympio) and chased out another (Nicolas Grunitzky). Once a colony of imperial Germany, its best friend and customer today is West Germany. Reds are scarce. Its military regime, under Lt. Colonel Etienne Eyadema, seems determined to keep it that way.

DAHOMEY

This former slave-selling State has had four putsches and as many Presidents since its 1960 independence. Its 2,500,000 people in 45,000 square miles eke out a precarious existence on tropical products and annual subventions cadged from France. There is nothing to do but vote. There are innumerable factions but no Reds, and the current President is Emile-Derlin Zinsou.

MALI

This immense State (584,942 square miles of largely desert country with an estimated 4,900,000 people) borders Red Algeria and shares its political tastes. After a military coup ousted Communist President Modibo Keita, the young Army officers were stuck with the collectivist set-up Keita had imposed. An estimated one thousand Red Chinese technicians operate the sugar, match, cigarette, and textile factories. The Chinese Reds issue weekly progress bulletins. Mao's propaganda and his little red book are everywhere. There are scores of Russian-trained civil servants. Children are taught Marxism and Maoism.

Some $320 million in aid has been given Mali by the Soviet Union and its East European satellites since 1960. Soviet and East German goods abound. Even the sports stadium is Russian-built. Although "positively nonaligned," this country supports the Vietcong with fervor.

Following the collectivist bent, Mali is bankrupt yet hires a thousand new civil servants yearly. It's crazy, Man!—but that's true of collectivism everywhere. A 500-mile border with oil-rich Red Algeria assures steady communication with the Communist world. Ironically, the trade deficit is astronomical and, believe it or not the military junta is financially dependent upon France. Lieutenant Moussa Traore, the junta boss, has a right to sing the blues.

UPPER VOLTA

This landlocked, primitive, impoverished 105,841 square mile "republic" (1960) of 5 million people was carved from the old Mossi kingdoms, long a barrier to onrushing Islam. Four years ago President Maurice Yaméogo was deposed by Lt. Colonel Sangoulé Lamizana, who wisely never moved to his predecessor's palace but remains in his villa inside the Army encampment near Ouagadougou, the capital.

Imposing strict austerity, the military regime has balanced the budget, restored credit, and quadrupled cotton production. More than a half million people, however, aid the economy by working in adjacent and more prosperous Ivory Coast, Ghana, and Togo. Colonel Lamizana fought with the French Army against the Communists in Indo-China, his military staff is his Cabinet, and he stands no nonsense, what with Red Mali on his northern flank.

NIGER REPUBLIC

This vast land (484,000 square miles) has some 4 million poor nomadic people in its barrens and only three percent of its population lives in the scattered towns; but it has 14 million cattle, consumer and producer cooperatives, and State-owned corporations. There are rich mineral deposits and much subterranean water, but no money with which to exploit them.

Niger came into being in 1960 after a fierce struggle between pro-Western President Hamani Diori and pro-Communist Djibo Bakary. Diori won and Bakary wisely went into exile. Subsequently, there have been abortive and brief flareups, one Army mutiny, and an attempted assassination of President Diori in a Niamy mosque. This anti-Communist leader has established close relations with Nationalist China, and in October visited Chiang Kai-shek in Taiwan, before going on to Seoul. With three Communist States to its north, and quasi-Red Nigeria to its south, Niger needs friends.

NIGERIA

This country has been deceptively united by the conquest of Biafra, thanks to Soviet and British arms and the escape to Ivory Coast of Biafra's Colonel Odumegwu Ojukwu. This huge coup-wracked federation (a 350,000 square mile area and 56 million people), with its great mineral and agricultural wealth, is Russia's latest prize. When at the outbreak of the civil war a three-man delegation flew from Lagos to Moscow for aid, it was promptly given, with planes (flown by Russian-trained Egyptian pilots), tanks, and other heavy arms landing at Kano airport within days. This assured ultimate Biafran defeat. Under the guise of Commonwealth solidarity, Britain supplied smaller arms, ever sure of the need to protect the rich oil fields which supply so much of her needs.

Almost daily, Moscow's *Radio Peace And Progress* praises pro-Left Nigerians like Chief Awolowo, the Federal Commissioner of Finance who just authored *A People's Republic* advocating a Communist economy; Bola Ige, Nigeria's Western State Commissioner for Agriculture and Natural Resources, who praised the "reasoned Socialist guideline" of Awolowo's book and urged the promotion of "democratic" Socialism; and, Dr. Tunji Otegbeye, leader of the pro-Russian Marxist-Leninst Workers' and Farmers' Party (S.W.A.F.P.) which publishes the *Advance*, a Communist sheet bankrolled with rubles; Wahab Goodluck and S. U. Bassey, respectively President and Secretary-General of the ultra-Leftist Nigerian Trade Union Congress (N.T.U.C.); Eskor Toyo, National Secretary of the "neutralist" Nigerian Afro-Asian People's Solidarity Organization; and, the chief members of the Committee of Ten, a powerful Leftist pressure group. The extensive Russian radio campaign is masterminded by V. Korovikov on behalf of the Soviet Foreign Ministry. Comrade Korovikov made an on-the-spot investigation last June.

The Red Chinese are active here too. In Benin last May (1969) the pro-Peking Nigerian-Chinese Friendship Society held a two-day meeting in which funds were asked for propagation of Maoism and Communism in Nigeria. The Society has been operating since 1960.

Significantly, Nigeria has effectively destroyed the Christian hierarchy in what was Biafra by ousting or jailing the priests and nuns for aiding the enemy by supervising food distribution during the war. The food had been received through anti-Communist Portugal and Spain. This is a further extension of the Islamic-Christian conflict continuing since the Seventh Century. Biafra was a Christian stronghold surrounded by Moslems.

At war's end, Nigeria's Moscow Ambassador, G. T. Kurubo, strongly praised Moscow's extensive military aid which made victory possible. He said Soviet assistance—"more than any other single thing—more than all other things together," had sealed Biafra's doom. Kurubo moved that the Soviet Union "came out openly and honestly on the side of right," the side of the Federal Government.

The Soviets have flown in sixty Russian doctors—not to tend war victims but to "reorganize and improve" medical services. Which means they are creating cells all over the country. This, however, is minor compared to the commericial and financial agreements between the two countries. Russia has "found a new baby."

CAMEROUN

This State was born in 1960 after a five-year Communist-led revolt led by Rueben Um Nyobe in the forests and Dr. Felix Moumie abroad. Nyobe was killed and Dr. Moumie mysteriously poisoned in Geneva. President Ahmadou Ahidjo, preoccupied by internal subversion and revolt, took dictatorial powers in 1962, making Cameroun a one-Party State and arresting other political leaders. With great potential wealth in export agriculture and the processing of its bauxite, this "republic" of 6 million people in 182,381 square miles may well look with apprehension at neighboring victory-flushed Nigeria's new, battlehardened, 200,000-man Army.

EQUATORIAL GUINEA

Save for the excellent Spanish-built airfield and the fine harbor at Santa Isabel, the capital, this tiny (260,000 people on 10,820 square miles) and newest (October 12, 1968) African mini-State has nothing to recommend it—except to Russia, which in January sent a fourteen-man diplomatic delegation seeking air rights. President Francisco Macias Nguema, a Leftist, will grant the concession asked if paid to do so.

CHAD

François Tombalbaye, President of this 495,450 square mile semi-desert, wth its scattered 3,300,000 Berbers and Bantus, has learned the hard way that if you lie down with dogs, you get up with fleas. Strictly from hunger, he flirted with Russian and succumbed to Soviet blandishments, inviting "experts" to show him the way to the fleshpots. As usual the Russians double-crossed him and supported the northern nomads' *Front de Liberation Nationale du Tchad,* which is out to eliminate the Bantu politicians in Fort Lamy, the capital.

The leader of the Red effort, Dr. Abba Siddick, is a former associate of the President and lives in Algiers, Khartoum, or Tripoli. Wherever he is, he gets active support (including arms) from Algeria, the Sudan, and now Tripoli. The rebel movement is backed by the Afro-Asian-Latin American People's Solidarity Organization based in Havana.

So during the past year war has raged in the barrens, with 3,500 French troops aiding the Chadian Army in this African Vietnam. Since the northern rebel area borders on Libya, that newly-Red Government is aiding them. One of France's reasons for offering the Red Libyan junta 110 French Mirage jet fighters was to lure them to stop supporting the Chadian rebels, but Tombalbaye has learned that if this happens adjacent Red Sudan will give them the necessary materiel and financial support.

Chad is so strategically important that the French cannot afford to lose it. Moscow feels the same way. So, despite rising criticism in the French Chamber of Deputies, the Foreign Legion is continuing its Beau Geste war here.

CENTRAL AFRICAN REPUBLIC

General Jean Bedel Bokassa, a bull-necked veteran of the French Army, runs his 240,000 square mile "republic" with an iron hand and has no trouble with Reds. When he suspected that his Minister of Finance and closest associate was plotting his assassination, he tried and executed him at dawn. Jailing whites and blacks with a grand sense of equality, Bokassa is a bemedaled tyrant with whom the Communist Conspiracy has not sought to tangle. The only thing he cannot control is the "republic's" location. It is landlocked.

GABON

This country of 450,000 people in 103,317 square miles is well-off with diamonds, iron, uranium, natural gas, gold, cocoa, and coffee. There are more whites here than ever and resources are being developed by big French corporations. No wonder the Russians are so interested in a foothold in neighboring Equatorial Guinea. President Bernard-Albert Bongo is as anti-Communist as Leon M'Ba, his predecessor, who died in office on November 28, 1967. President Bongo maintains close ties with Nationalist China, but France is his second country.

CONGO REPUBLIC (BRAZZAVILLE)

A coup-ridden country of 900,000 people in an area of 139,000 square miles, this former French colony is as Red as a place can be. *The Internationale* is the national anthem and red flags fly from all public buildings since former President Alphonse Massemba-Debat was deposed in August of 1968. Soviet aid has been eagerly grabbed; a big irrigation project and a swank hotel and hospital have been built by Moscow; sixty Soviet teachers have been employed; and, three hundred youths have been sent to the U.S.S.R. for study. The "rival" Chinese subsidize plantations and set up socialist industries. Their nationals are numerous but aloof socially from the natives.

Red Romania is now trying to establish itself here alongside Red Russia and Red China. Two old revolutionaries, Antoine Gizenga and Christian Gbenye, who ran the abortive Communist State around the other Congo's Stanleyville, now live in Brazzaville biding their time. Wang Yu-tien, Peking's most experienced Africanist, is the Chinese Ambassador here. There now seem to be no Cuban troops present.

CONGO (KINSHASA)

Under the rugged rule of President Joseph D. Mobutu (who took years to learn what Moise Tshombe knew all along), the Communist menace has with Belgian cooperation been greatly reduced. This 905,582 square mile empire, with 15 million diverse peoples, is prospering just as Tshombe foresaw. Chief danger comes from nearby Red Brazzaville. The border has been closed for months.

ANGOLA

Except for a little bushwhacking in its northwest corner, where occasional rebel bands from the Congo try to break through the string of fortified Portuguese villages, this vast and prospering province and its 6 million multi-racial population is flourishing as never before. A few guerrilla gangs have attempted to penetrate from western Zambia but without success. The Portuguese are too alert and too tough.

SOUTH AFRICA

During the year this vast (471,440 square miles) land, with its 19,600,000 people of diverse origins, religions, and colors has flouted its traducers and enemies, and flaunted its growing industrial, commercial, financial, and military power. It has perfected its much-denounced system of *apartheid* with Bantustans, border industries, and growing mass housing for the poor. Its expanding fleet and air force is prepared to challenge the Soviet naval expansion in the Indian Ocean designed to cut commerce (especially oil) around the Cape.

The establishment of diplomatic relations with the black countries of Southern Africa has strengthened the buffer against Communist invasion. The recent reelection of the Nationalist Party indicates white approval of the regime. The last remaining (overt) Communists have been detained or forced into exile.

LESOTHO

This little (11,716 square miles) country of 888,258 people is entirely dependent economically upon South Africa, to which 200,000 men go yearly to work in the mines. Long a hideout for black and white South African Communists, it was once the headquarters of the subversive Pan-Africanist Congress, an extremist Bantu rebel group. Under big beaming Chief Leabua Jonathan, the Prime Minister, Lesotho has been rough on Reds although the Basuto Communist Party still remains—taking orders from the South African Communist Party now domiciled in London. Jonathan apparently lost the February election but retained power through a coup, detaining the opposition leaders and even the "Liberal" King Moshoeshoe II. There are full diplomatic relations with South Africa.

SWAZILAND

A Massachusetts-size, hilly country within South Africa, and bordering on Mozambique, Swaziland is virtually immune from Communist subversion and infiltration, and old King Sobhuza II and Prime Minister Makhosini Dlamini plan to keep it that way. It has diplomatic relations with South Africa. With 8,000 whites and 4,000 Euro-Africans, it has become something of a vacation spot for those favoring interracial association. Its bars, hotels, and casinos draw no color line.

BOTSWANA

Completely surrounded by strongly anti-Communist Rhodesia, South Africa, South West Africa, and Angola (and with only a 300-yard border with Zambia), this 225,000 square mile country (550,000 population) is cut off from Communist infiltration. There have been invasion attempts by small guerrilla bands from Zambia but none got through. In the Caprivi Strip on most of its northern border, South Africa has recently established one of its self-governing Bantustans. President Seretse Khama, a London-trained barrister, will have no truck with Communists. There is a treaty with South Africa and a diplomatic representative there. Botswana also has an Ambassador in Russia!

MOZAMBIQUE

This 302,328 square mile Portuguese province, with its 7,300,000 people, has been part of Portugal since early in the Sixteenth Century, and Lisbon is determined to keep it that way. It is a thorn in the side of the Communists, not only because of Portugal's anti-Red policy but because she has thoroughly thwarted the rebellion and invasion in the north fomented by the Mozambique Liberation Front (F.R.E.L.I.M.O.) and by a new one, *Partazona de Mozambique.* To counter ten thousand Communist-armed troops, the Portuguese have thrown in forty, thousand crack troopers. Rebel forces are under the general direction of the Liberation Committee of the Organization of African States, headquartered in Dar es Salaam, with training camps spread over Tanzania and Zambia.

Long-range Red strategy is to delay or prevent the construction of the giant Cabora Bassa Dam on the Zambesi, which will be bigger than Aswan, and will supply power and light to all Southern Africa. Mozambique is rich now and, thanks to the safety in its anti-Communism, will be richer still.

MALAWI

All Black African politicians have denounced (and envied) this landlocked, Pennsylvanian-sized agricultural country which has had the wisdom to oust all Communists, ally itself with Portugal, South Africa, and Rhodesia, and is thereby easing life for its 4 million people. President Hastings Banda maintains diplomatic relations with them all. Though his nation borders on Tanzania and Zambia, Banda has stopped the Red guerrillas and infiltrators with tough military measures. Understandably, Malawi has been a constant target of *Radio Moscow's* slanderers and rumormongers.

RHODESIA

Next to South Africa, the main African target of the Communist attack is this rich, industrial, landlocked republic of 150,332 square miles and 5 million people, which a supposedly friendly West has sought to make (along with South Africa) an international pariah. By rigorous action it has banned the subversive black conspiratorial Parties, detained their leaders, and freed the people from terror attacks. Its Army has exterminated all guerrilla invasions. Fifteen blacks sit in its Parliament and its Salisbury University is interracial. Rhodesia's destruction is plotted by Communists and non-Communists. Its determination to survive under Prime Minister Ian Smith is admired by all free men.

ZAMBIA

This lung-shaped, 290,587 square mile country of 4 million people is landlocked and surrounded by Malawi, Mozambique, Rhodesia, Angola, and the Congo. It is rich with Copper Belt mines and smelters.

Zambia is now a base for Communist

guerrilla forces. From scattered training camps staffed by Maoist, Russian, and East German military experts, six hundred members of the Angolan Popular Liberation Front have been readied for invasion of Zambia's anti-Communist neighbors. President Kenneth Kaunda, a so-called Christian Socialist (what a contradiction!) and Vice President Simon Mwansa Kapwepwe, a Communist often praised by the Kremlin, are rivals. Both are anti-white. Kaunda has now taken direct charge of the ruling United National Independence Party.

Red China has agreed to build the 1,100-mile Tanzam Railroad to Dar es Salaam, and the two black countries concerned will pay sixty percent of the $340 million cost by purchase of Chinese consumer goods ($21 million annually). But, Red China has a limited range of goods they can buy, so they are stuck. A 700-man Chinese surveying team is roaming the country, and unspecified thousands of Chinese workers have been imported—probably enough to man an army division. Everything is set for a Red takeover of this, the world's fourth largest producer of copper. Already the mines and banks have been nationalized.

TANZANIA

Julius Nyerere, President-dictator of this 363,708 square mile former U.N. Trust Territory of 10 million people, is the perfect Communist stooge. Here the Chinese, Russians, East Germans, and South African and Mozambique guerrillas rule the roost. Mao's propaganda signs are everywhere in military off-limit areas. Zanzibar is a major depot for Communist arms shipment.

Already Americans, building a trans-Tanzanian road, and Chinese railroad workers have physically clashed. More seriously, the Africans are clashing with the socially aloof Asians who run the small businesses.

UGANDA

When President Apollo Milton Obote took control in 1967 after deposing King Edward Mutesa of Buganda in an armed conflict claiming 15,000 killed, he declared: "Uganda will move left to acquire her new identity." Last December he announced a Common Man's Charter with the basic theme that the rich must be made poorer, and the poor must become rich. In an interview with the late Philippa Schuyler he said, grinning: "You know, I'm a Communist." He is.

There is a one-Party system in Uganda, and the Press, once free, has been muzzled. The Asian tradesmen are being forced out. Anti-Communists took heart when on December nineteenth Comrade Obote was shot in the head by an assassin as he left the annual convention of the Uganda People's Party garbed in a red shirt. Their hopes were dashed when he recovered.

RWANDA

Since the Tutsi ruling class was slaughtered in the thousands and 140,000 chased out in 1966, the proletarian Hutus have run this incredibly backward mountain enclave of 10,365 square miles and 4 million inhabitants, which even the United Nations hesitated to make free. Despite Chinese Communist activities in Burundi, its neighboring Gold Dust Twin, Rwanda under President Grégoire Kayibanda has steered clear of Reds.

BURUNDI

Almost identical in area and population with Rwanda, things have been livelier, and bloodier, here. The Tutsi minority brutally put down a bloody rebellion of the eighty-five percent majority Hutu serfs in 1965. The Red Chinese Embassy was active in the intrigue from the start, and one of its attachés almost upon arrival escaped to the U.S. Embassy and told all, whereupon the Chinese were invited out. Last September another Hutu plot was uncovered and heads rolled under President Michel Micombero's Draconian decree. Two of the three Prime Ministers have been executed, and a Health Minister died "under questioning."

The Red Chinese Embassy is now back in business, but the Maoists are lying low. As one of the four thousand Europeans living in the country remarked, "This isn't a happy time in Burundi. It isn't a happy place." He could have said that again! In December, twenty-three persons, including two former Government officials and nineteen military men, were executed as plotters; two other former Ministers were jailed for life; and the Belgian Ambassador, whose wife is a black, became *persona non grata:* The Communists are understandably mum.

THE SUDAN

Not since the Ninth Century, when Islam converted this early Christian country with the scimitar, have there been more coups here than during the past year. It is the only big crop that has been harvested, and today this arid 967,500 square mile land and its 14 million people are locked in the Communist Russian camp. Of course civil war in the Christian-pagan South has been going on since independence in 1957, with a half million casualties, but since last April bewildering changes have taken place.

On May 25, 1969, a group of lower-rank military officers staged the year's first coup by overthrowing the shaky Coalition Government, and designating the Leftist former Chief Justice Babiker Awadallah as Premier and Foreign Minister. The revolutionary junta was headed by Colonel Jaafar al-Nimairi, and the new Premier announced "a socialist democratic course." Interestingly enough, the following day the Deputy Chief of Staff, Mohammed Idris Abdullah, arrived hat-in-hand in Moscow. The next step was to recognize East Germany. Then all salaries were cut and bureaucrats had to go to their "work" in buses instead of Cadillacs. The regime was said to be solidly behind the Arab cause in Palestine and against imperialism in Africa. Four of the twenty-four Cabinet officers were Communists, albeit the Party had been outlawed for three years. President Ismail al-Azhari was ousted, of course, and the prestigious former Premier Muhammad Ahmad Mahgoub could not be found.

To prove himself a Tough Oscar, General al-Nimairi said the three Southern provinces would never be allowed to secede, noting: "We do not believe in secession." Then six U.S. diplomats were expelled for aiding local "plotters," albeit the Sudan had broken relations with the United States at the time of the 1967 Arab-Israeli war, and our boys worked out of the Dutch Embassy. A month later Premier Awadallah charged that the U.S.A. was trying to "sabotage" his regime, while al-Nimairi magnanimously gave the Southern (Christian-pagan) provinces the right of autonomy (which they had been fighting for since 1957), and the "right" to establish relations with the Communist bloc. On August 26, 1969, former President Ismail al-Azhari "died after a heart attack," and on October twenty-eighth the new Leftist Premier was deposed and General al-Nimairi replaced him. The 50,000-strong Communist Party was riding high, so it was easy to suppress a fifth coup.

When the Communist revolt in Libya occurred, al-Nimairi stepped forward as pal of the new regime, and of Comrade Nasser. There are 150 Russian military instructors in the Sudan with 250 "technicians" working on "hospital projects," while artillery and tanks have arrived from Yugoslavia, and arms were supplied to the Communist Eritrean rebels against Ethiopia. Last October al-Nimairi visited Moscow, to discuss "expansion of trade."

SOMALI

This Texas-size semi-desert country of 3 million cattle grazers has also had its share of coups during the past year. Oddly enough for Africa, Premier Mohammed Hagi Ibrahim Egal won reelection last March twenty-sixth in competition with sixty-three Parties, none stable. He then presumably worked out a détente with Kenya and Ethiopia to end the bloody border strife with them over grazing grounds (the main trouble being lack of water). Then, touring the drought-stricken areas on October fifteenth, President Abdirashid Ali Scermarke was assassinated. He had visited the Soviet Union, China, Britain, and the U.S.A. He established close ties with the Kremlin, which supplied the usual weapons. Premier Egal was at the time conveniently away on a visit to America.

On October 21, 1969, the Somali Army and police seized power, announcing a policy of nonalignment and neutrality, and jugged all Government Ministers, including Premier Egal, whom the radio denounced as a "blood-sucker of the people" shortly after he flew home from California. The revolutionary council ruled by decree, a twelve-hour curfew was imposed, planes forbidden to land, all political Parties banned, the Supreme Court abolished, and the sixty-man U.S. Peace Corps contingent told to leave by year's end. Another Moscow victory!

KENYA

That Old Black Magic probably won't work much longer for Jomo Kenyatta, high priest of the Mau Mau. The assassination in July of Tom Mboya by a Kikuyu, the tribal rioting at his funeral rites where Kenyatta's Mercedes was stoned and Mboya's widow gassed, and the cries of "bull" from the oppositionist Kenya People's Union adherents of Communist Oginga Odinga, were the handwriting on the wall which materialized boldly just three days after the Luo Fabian Minister of Economic Affairs and heir-apparent was killed. Mboya was unpopular, and only two years before had barely escaped another gunman. It will be recalled that prior to that the Army mutinied. Kenyatta responded by sending back a shipment of Soviet arms ordered by Odinga, expelled Russian and Czech journalists, asked for the recall of the Red Chinese Ambassador, and ousted all leaders with Marxist leanings, including then Vice President Oginga Odinga.

Daniel Moi, the current Vice President, hinted that a Communist plot was behind the shooting of Mboya: "an international conspiracy in the world." He absolved the West. Interestingly, it was disclosed that Mboya's killer, a member of Oginga Odinga's Party, had been to "school" in Communist Bulgaria.

As tribalism became more tense, Jomo took to the stump, the old Mau Mau oaths were taken again and the Luos rushed almost en masse to the oppositionist Kenya People's Union. As tension grew, Kenyatta was heckled by Odinga's followers, who were arrested and detained along with their leader after gunfire killed eleven and wounded seventy-three at the dedication of a Soviet-built hospital in Kisumu. The Government charged the K.P.U. was working with "foreign and unfriendly elements to destroy the peaceful running of the country."

At the Parliamentary elections on December 8, 1969, five Ministers lost their seats. A month later 23,000 school-teachers struck because they had not been paid. To appease the mob, the regime ordered nearly a thousand Asians to close their businesses by January 11, 1970, even though six hundred of them were Kenya citizens.

When the K.P.U. was banned on December twelfth, it was charged that Odinga and his henchmen had visited the Russian and Chinese Embassies in Kenya and nearby countries. Indications are that when 79-year-old Kenyatta goes, the takeover will come.

ETHIOPIA

This oldest Christian nation, with its mountainous 395,000 square miles and its

estimated 22 million diverse tribesmen, is on the verge of disintegration. Surrounded as it is by Communist Sudan and Somali, and hostile northern provinces of Kenya which the Somali shiftas control, it is not surprising that arms from Czech arsenals find their way to the Eritreans through hostile Sudan and Somalia.

In 1960 the American-trained Army mutinied, but Haile Selassie flew in from Rio de Janeiro and crushed it. Since then there have been student strikes and hijacked commercial planes. The Emperor, who was born in 1892 and has been in charge since 1930, has seen the Red Sea turn politically Red, with the Communists in power across the narrow Strait of Bab el Mandeb.

Ethiopia is a one-man State, and that man will soon be gone. The Emperor is fully aware of the Red threat and has asked repeatedly for American military assistance. Guerrillas of the Eritrean Liberation Force are getting bolder than they were before Sudan went Communist.

MALAGASY

A California-size island of 6,300,000 people flanking Mozambique across the 300-mile Mozambique Channel, Malagasy is of the greatest strategic importance to the Communist Conspiracy. The island was rent by a Red revolt in 1947–1948, which the French crushed with great difficulty. President Philibert Tsiranana, a good-humored, effective Francophone leader who founded the Social Democratic Party in 1956, and won the first election after 1960 independence, is an outspoken anti-Communist.

A moderating influence in African politics, Tsiranana has linked up a bloc of French-speaking African States in the *Organisation Commune Africaine et Malgache* (O.C.A.M.), which greatly irritates Moscow and Peking. Significantly, he last June arranged closer relations with South Africa and Portugal. This came none too soon.

Moscow's mouthpiece politically on the island is the pro-Communist opposition Party called A.K.E.M., which has, its leader says, "total devotion to scientific socialism." A.K.E.M. has proposed the old trap of coalition, and the granting of facilities to Soviet ships "engaged in oceanic survey work." These are really disguised units of the Soviet Far East Fleet serving as liaison vessels with the Red squadrons gradually penetrating the Indian Ocean and the Mozambique Channel, through which all the area's oil ships pass.

The top A.K.E.M. Communist here is the "Reverend" Richard Andriamaniato. He and his Secretary General, Cisele' Rabesahala, have become frequent visitors to the Moscow fleshpots and other Soviet bloc countries. At the A.K.E.M. Party Congress late last year, there were fraternal delegates from the Russian, French, and Italian Communist Parties. Strong pressure was put on President Tsiranana to hasten the coalition. He wouldn't budge.

The Soviet Union pants for use of the former French naval base at Diego Saurez at the northernmost tip of Madagascar, which the Japanese were desirous of capturing during the dark days of World War II. With a foothold there, along with the Malagasy airports, the Communists could dominate the Mozambique Channel and cut off most of the oil bound for industrial Western Europe.

Alive to this, trade ties were strengthened in October between South Africa and Malagasy as a result of a mission from the Transvaal Chamber of Industries, and efforts are being made to increase tourism from South Africa. So the embattled Southern African bloc has another nonwhite ally, and Mozambique has a protected flank.

BUREAUCRATIC LAWLESSNESS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. LOWENSTEIN. Mr. Speaker, there is a pervasive feeling abroad in the land that things are happening over which people have no control.

Their sons are sent off across the globe and they are taxed to support a war about which neither they nor their elected representatives ever had anything to say; big corporations over which they have no control spew their industrial wastes into the air and water that we all must use; the airlines violate with impunity the peace and quiet of those of us living near airports; manufacturers turn out products that are defective and then do not stand behind them; the rich escape their fair share of taxes through a variety of loopholes, while the middle class is taxed at every turn; more money is spent to finance inadequate and overpriced medical services than in any other country in the world, yet our public health statistics place us below most Western industrial countries; our cities are crumbling eyesores during the day and off-limits at night, and the surrounding suburbs are monuments to greedy development schemes that have left a soulless shambles instead of interesting, well-planned communities—all of these things are happening and the general sense of crisis that they inspire is compounded by the feeling that the people's political representatives are powerless to do anything about it. People from all walks of life simply do not believe their elected representatives can sufficiently get a grip on things to put the times back into joint.

One aspect of this deepening sense of doubt about the effectiveness and responsiveness of our institutions is brilliantly analyzed in the August issue of the Washington Monthly by John Rothchild. I am inserting it in the RECORD for those who may have missed it:

THE CULTURE OF BUREAUCRACY: WASHINGTON'S OTHER CRIME PROBLEM

(By John H. Rothchild)

The D.C. Crime Bill doesn't mention it, but one of the worst breeding places of lawlessness in the nation's capital is inside the federal bureaucracy.

A pattern of consistent, willful, and open violation of statutes, Congressional mandates, court decisions, and the Constitution has emerged from some of the agencies entrusted with selling poor people on the idea of law and order, the agencies that are supposed to improve the social and economic conditions that harbor crime and produce riots.

Far from eliminating the conditions that create crime in the ghetto, those agencies (the Department of Health, Education and Welfare and the Department of Housing and Urban Development, among others) have themselves become extensions of the ghetto—pockets where ritual rules over regulation, where power alters and then becomes the law, and where illegal acts are often matters of survival, of procedure, and of business-as-usual. (Similar patterns of lawlessness can be found elsewhere in the federal government, notably at the Pentagon, but here we are concerned only with agencies that purport to help the poor.)

Out of the illusions of the New Frontier, where the boundaries of justice, law, and a decent life were supposed to extend to include all citizens, we have fashioned an Old Frontier, where the ideals expressed in Congressional legislation are so far removed from the realities of the political and economic power structure as to be essentially unenforceable. What we accepted in principle, and told the government to do, goes far beyond what we are able to enforce in practice; and following the law, in some agencies, has become a courageous act, and therefore an infrequent one. For example, in the wave of firings at HEW and Justice and the Pentagon in the past year, the common factor is that those ousted were held guilty of attempting to obey the law.

It is by no means certain that any of the benevolent federal programs, where rhetoric is often more lavish than appropriation, could succeed even if they carefully followed all of their mandates. Bureaucracy has proven to be an impotent and often counterproductive means of solving human problems. But when a government—whose stated goal is a just society—chooses not to follow its own laws, the damage goes beyond that of mere inefficiency or insufficiency.

The most glaring examples of this condition (and convincing ones, since the agency admits them) are contained in a report recently compiled by HEW. In an unusually self-revelatory gesture, HEW said that 39 states and the District of Columbia are violating federal regulations, acts of Congress, Supreme Court decisions, or all three, in the operation of federally-funded welfare and social rehabilitation programs. HEW continues to fund these programs.

What HEW doesn't say in its report is that this kind of thing has been going on for years and has become accepted practice. Until about four months ago, HEW not only failed to enforce the regulations, it didn't even bother to systematically record the violations.

The violations that HEW now admits, in a state-by-state breakdown, are not mere fine points of law over which reasonable men may quibble. They are not individual abuses; they are illegal state policies. In most cases, they are blatant refusals to submit plans, as required by the government, explaining how regulations will be implemented. This means that most of the states named have not only failed to follow the law, they have refused to register even an intent to follow it—that chronic, scoffing kind of disrespect that judges find in hoodlums.

The violations are stated by HEW in bland federalese:

Arizona: Deprivation of parental support: Compulsory inclusion of unrelated man in AFDC assistance grant; income of unrelated male is assumed. (Arizona had eight other categories of violations.)

California: Adjustment of maximum payment—AFDC: maximums not proportionately adjusted. (California had seven other categories of violations.)

District of Columbia: Adjustment of assistance standards: standards have not been fully updated. (The District had eight other categories of violations.)

Hawaii: Need and amount of assistance: differential treatment of applicants and recipients of AFDC in amount of assistance grant. (Hawaii had seven other categories of violations.)

Indiana: Prior notice of payment termination: recipients are not being provided prior notice of payment termination and decreases. Fair hearings: not carrying out fair hearings

requirements in practice. (Indiana had five other categories of violations.)

Not surprisingly, HEW's report provides no figures on the importance of the state violations. Its pose is calculated to put any but the most devoted observer to sleep, when, in fact, the law breaking permitted by HEW adds up to a massive deprivation of human rights. Welfare critics like Jonathan Kaufman, research director of the National Welfare Rights Organization, and Richard A. Cloward of Columbia University estimate that if the law were fully enforced, twice as many Americans would be on the welfare rolls, and many now on welfare would draw higher benefits. That prospect—12 million more Americans drawing federal and state welfare payments—is sufficient to explain the nation-wide pattern of government lawlessness.

The very size of the federal operation encourages malpractice from those who believe that laws should be followed not when they are just, but only when they are enforceable. But an even greater asset to federal lawlessness, as illustrated in the HEW report, is its statistical style. When bureaucrats blink at the law, it is not the bizarre, daredevil, and personal kind of scandal that becomes newsworthy and feeds the public fantasy, like the Senator accepting a bribe or free rides in some lobbyist's airplane. For like so much else in the bureaucracy, its illegality is strikingly devoid of flair, of passion, and of individuality. If it is hidden from the public, it hides not behind a well-constructed shield of secrecy, but behind a camouflage of boredom. Federal lawlessness is the result of a systematic series of decisions that become impersonal and eventually uninteresting, except to the victims. It is no thrill; it is a sure thing, accomplished from nine to five, with regular coffee breaks.

The exasperating technicality and organization of this bureaucratic lawbreaking gives it a permanent immunity. The immunity is preserved through channels of correction that are as winding and endless as the channels of violation. Although John D. Twiname, HEW social and rehabilitation administrator, emphasizes that "obviously, we cannot permit non-compliance with federal requirements," his organization continues to do just that.

"We are making every attempt," Twiname says, "through our regional offices, to *negotiate* with the states to resolve the issues. But when these efforts do not bear fruit, after a six-month negotiating period, we will bring our Washington offices into the picture and examine every apparent violation carefully to determine whether federal hearings should be held."

HEW's enforcement formula in itself seems like undue process. It shouldn't take six months of negotiating (what is there to negotiate about?), while states are still using federal money illegally, to decide to examine what you already knew in the first place—that the law is being broken. But the actual delays in enforcement have far exceeded even the ones that are built into the system.

It has taken HEW more than three years to threaten to hold hearings for states that have not complied with a 1967 law requiring them to adjust maximum welfare levels to correspond with higher costs of living. Recently, HEW announced that it has finally scheduled hearings for three such states, and for Arizona, the latter for failing to comply with residence requirements. But HEW has not announced hearings to deal with the massive list of other violations that it admits continue to occur in 39 states.

Even if HEW hasn't pursued the lawbreakers, it at least admits that the laws are being broken. It is, in this sense, far more civilized than other federal agencies, where it is difficult to figure out exactly what the law is or which conflicting law applies. In some cases, federal lawlessness is not only a condition where specific laws are not upheld, but also one in which there are so many rules and regulations as to make any law essentially meaningless.

Although bureaucracy, on the face of it, is the opposite of anarchy, being over-organized rather than under-organized, it may be a better means of achieving the ends that anarchy desires. The longer an organization exists, the more chance it has of reaching the point of diminishing returns, the condition of overlaw, where any action can be justified by some rule or another and where no action is any more or less legal than any other. When bureaucracy becomes a memocracy, it also erodes into an on-going federal riot, where any additional regulation only further obscures the meaning of whatever the organization is supposed to be doing, or of what the original statute says. This has happened in the Bureau of Indian Affairs, where the bureaucrats have virtually unchecked power over Indians' lives and can justify any decision through the Indian Affairs Manual, which fills 33 volumes that stack some 6 feet high and contains more than 2,000 regulations, 389 treaties, 5,000 statutes, 2,000 federal court decisions, and 500 opinions of the Attorney General. The manual is the product of years of bureaucratic sedimentation—procedure piled on procedure, law on law—until even legal scholars can no longer make any sense out of it.

When little internal laws help men break larger laws that were the basis for setting up an organization in the first place, we are far along the road to the system that Hannah Arendt describes in her recent book *On Violence*. She defines bureaucracy as:

"The rule of an intricate system of bureaus in which no men, neither one or the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody. (If, in accord with traditional political thought, we identify tyranny as government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done. It is this state of affairs, making it impossible to localize responsibility and to identify the enemy, that is among the most potent causes of the current worldwide rebellious unrest, its chaotic nature, and its dangerous tendency to get out of control and to run amuck.)"

But while bureaucracy gets more uncontrollable as it grows, it retains the ability to respond quickly to certain outside pressures. Although it may be government by Nobody, it does please certain people and serves those people very effectively. A few groups have learned to manipulate the bureaucracy to get from it what they want. Unfortunately, they are not the groups that the agencies were set up to help, but the ones they were set up to counterbalance.

Food commodity programs, for example, can be molded to become another asset for producers instead of for the hungry—guided not by what the poor need to eat, but by what the big farmers want to unload. Thus, Nobody operates as a disguise for the designs of those groups that use lawless programs for their own ends. The best example of how interests can accomplish this is found in the relocation programs of the Department of Housing and Urban Development.

In urban relocation, the legislative intent is clear. As early as 1949, Congress required that no contracts for local renewal programs be signed until "there are or are being provided . . . decent, safe, and sanitary dwellings equal in number to the number of and available to" displaced families. When it was found that the requirement was not being complied with, it was reiterated several times by Congress. By 1969, nothing had changed. Things had even gotten worse, since many slum areas were being replaced by affluent housing while the poor were forced into more compact and squalid ghettos by the same federal money that was supposed to help improve their living conditions.

Requiring that urban relocators provide poor people with housing did not facilitate the quick flattening of areas that was necessary to get the money flowing into the cities, nor did such a requirement please the economic interests who could get much more for their money by building middle-class dwellings and office buildings. Therefore, the deliberate lying to overstate the amount of housing available to displaced people was merely a convenient means of sacrificing the law to benefit expediency and profit.

The Government Accounting Office (GAO) has documented HUD's failure to do anything about such practices: "Although HUD was aware that the City of Cleveland had serious deficiencies relating to existing housing codes and their enforcement and was also aware that the calling of these deficiencies to the attention of responsible city officials was not bringing results, it continued to recertify the city's workable program."

The same thing was occurring across the nation, as substitute housing for renewal victims was compiled from classified ad sections of newspapers, from drive-by inspections, from substandard dwellings, from areas soon to be demolished, and sometimes was even counted three or four times in an effort to provide the illusion that those being moved out of the slums had places to go. All these evasions avoided nasty delays in the "progress" of cities.

There is a long history in urban renewal of discrepancies between local office records and the ones sent to HUD regional offices, where grant applications are processed. In one city, 23 of 24 randomly-selected families from one project and 25 of 35 in another were found to be living in substandard housing, although local reports said that all had been relocated into acceptable dwellings.

The way the housing figures were compiled in Newark, New Jersey, illustrates how many people can be left out in the cold after such relocation shell games. In November, 1967, Newark claimed it had 3,668 vacancies available for people removed by relocation. Of these, however, 1,187 vacancies were located in areas designed for clearance or removal in the near future, which meant a family would be forced out of one demolition area and into another. Out of the remaining 2,481 vacancies, 24 per cent were in substandard condition. So there were about 1,800 vacant dwellings fit for occupation—and of those it is not known how many fell outside the accepted residential zones or could have been disqualified for other reasons.

As a result of this chicanery, at least half of the displaced families in Newark that year were removed from their homes with nowhere to go. In Camden, New Jersey, similar statistical maneuvering meant that housing vacancies were overstated by 1600 per cent. What happened in the Northgate section of Camden dramatizes how people are victimized by such numbers. Demolition was in process there, and many residents, without substitute housing, remained in their old homes, facing daily fires, widespread vandalism, collapsing walls, rubble-littered streets, and rampant rat invasion—conditions that rival any produced by the ghetto riots that occurred across the country at about the same time.

But while rioters are shot or arrested, the bureaucrats in HUD have been protected, individually and collectively, from the consequences of their own illegal acts. HUD, like HEW, according to Edgar Cahn, director of the Citizens Advocate Center in Washington, D.C., refuses to consider sanctions against lawbreakers that would be reasonable and enforceable. It insists that the only remedy

at its disposal is the total abolition of any relocation program in which wrongdoing is discovered. An illegal program, it argues, is better than no program at all.

Aside from the fact that this is not true from the point of view of the person removed from his home (if there were no program, he would not be removed), HUD's all-or-nothing defense protects it from the law as surely as an overtime parker would be protected if capital punishment were the only means of enforcing parking violations. By refusing to ask Congress for lesser sanctions, the agency effectively shields itself against having to act. What HUD means to say is that an illegal program is better than a legal one in that it pleases the right people. And Congress only asks polite questions about why its mandates have been violated. It has never threatened to cut off HUD funds. In fact by 1969, in the 20th year of HUD lawlessness, Congress merely required the Secretary of HUD to "review" local relocation plans and implementations at least every two years.

Thus, the bureaucracy can be molded, even made to break its laws, to fit certain trends or interests. It is when it confronts the powerless, the people it was supposed to help, that the bureaucracy becomes a brutal and invisible enemy. It is noteworthy that one part of HEW, the Social Security Administration, has an excellent record of obeying the law, of handling grievances, and of informing people of their rights. But people on social security have clout; they are not outcasts like welfare recipients.

The benevolent and do-good agencies like HEW were supposed to be the allies of poor people, to fill the vacuum of power that exists with disenfranchised groups, to plug the holes of poverty and despair, to remedy the pockmarks and sores left by the unchecked flows of business and politics in America. But it was illusory to expect that those agencies would not soon have to answer to the same power and interest groups that produced the need for federal intervention in the first place. It was more than optimistic to hope that the agencies set up to work where the free enterprise system had done the most damage would not be thwarted by the same factors that made that system naturally unreformable.

Bureaucratic lawlessness ends up serving bureaucratic self-interest. It is easier to weather a complaint from a black welfare mother who doesn't get her check this month than it is to outrage a white Senator who wonders why federal or state agencies should waste their time listening to black people. It is easier to "inconvenience" a ghetto resident by removing him from his home during urban renewal without providing him substitute housing than it is to inconvenience some eager developer and his friends in public office who don't want to wait until such housing is found before they start profitably razing the neighborhood. It is more politic to serve the oil man who wants the Indian land than to help the Indian defend that land.

The powerful will accept a theoretical statement about the rights of the poor, as contained in the legislation that sets up federal agencies, but may resist if any real change in the relationship between them and the poor becomes possible. Many times we find that the best way for a bureaucracy to succeed (continue to exist) is not to do what it was established to do. OEO's legal services operation, as described in the June *Washington Monthly*, is one of those programs that is too successful to be continued. Cahn says that the Child Development Group in Mississippi, another OEO program, was arbitrarily discontinued in 1965, without proper hearing because it had achieved all too well the goals of maximum feasible participation of the poor. The reality of the black poor running their own program was too much for OEO—or the white Mississippi politicians—to accept. So the program was scrapped in favor of more "legitimate" ones.

Lawlessness in the government also results when statutes (what the government says it wants to do) don't correspond to realities (what the government really wants to do). Much of the benevolent legislation is passed during liberal high-water marks, when the composition of Congress is most advantageous and when all available political capital is expended on getting the bill passed, leaving little for ensuring enforcement. Badgering bureaucrats for enforcement is at best unrewarding for the Congressman. He can gain headlines and favor with liberal constituencies by helping to pass the enabling legislation. But those constituencies, not being directly victimized by the agency's lawlessness, will not subsequently press him to fight for enforcement. In his role as ombudsman, the Congressman is much more likely to hear from, and respond to, an urban developer who complains that his profits are being held up by some silly federal technicality, than he is likely to respond to the developer's victims.

The compromise between those who want a good program and those who don't care if there is any program at all turns out to be an unenforced program. Breaking the law bridges the gap between diverse interests, and becomes a political entente, a savvy arrangement in which all interests (those that serve justice and those that serve power) are taken into account, the laws satisfying the former, and the programs the latter.

Federal programs can also serve those who are essentially opposed to their success because the very enactment of a program deprives any disadvantaged group of the legitimacy of protest. When the regulatory agencies took the fervor from the muckrakers and turned it over to bureaucratic muckpassers inside the government, the policing of industry became automatically the province of the government, not of the people, and any further non-governmental action could be countered with the argument that the problem was now the job of government. Likewise, the poverty and welfare programs, good or bad, deprive the poor of any further public leverage. "You've got welfare, you've got tax money and free food, now why are you bitching?" To the many voters who believe that the enactment of a program equals solution of the problem, the idea of people on welfare protesting about anything (even if they aren't getting the welfare) is abhorrent. One good way to keep people in their place is to establish a bad program that gives lip service to the concept of social progress.

Since poor people have little say in relocation and welfare policy and since the bureaucracy is shielded from the political push and pull of the electorate, a person denied his rights by a government agency has little means of regaining them. The courts are a possibility, but, as Cahn points out, nobody has the "right" to do business with the government, and courts have been wary of using their judicial prerogative to perform what should be government's watchdog function. If a person is illegally cut off welfare, it is hard for him to prove it, especially if he has no access to the basic regulations that are used to justify such decisions. It is usually impossible for him to spend the money and time it takes to sue the government. In some cases where suits are brought, court decisions have not forced bureaucracy to desist from unlawful practices. And often people who bring such suits are induced to settle out of court, so that no judicial precedent can be established.

A more real possibility would be to organize the poor to demand fair and legal treatment, much as the workers banded together in unions to meet the power of the companies. But welfare and other federal program recipients, unlike union workers, have nothing to give to the government, no services with which to bargain. It is possible to imagine welfare boycotts, where large numbers of people refuse the bureaucratic services until some wrong is redressed, but it is not probable that needy people could refuse welfare checks in an attempt to reform the system. And even if they could, the bureaucracy might find ways to keep on functioning as if those people did not exist, sending the money down and diverting it into other pockets. The government is too large to be treated as the unions treated companies during the early stages of bargaining. And as long as the non-welfare public believes that people on welfare don't deserve it anyway, then any protest against the welfare system, however justified, will not get needed outside support.

The other possibility is that the groups now receiving government services or money will gain political power and become an "interest" to be taken into account. Politicians might have to worry about getting the welfare vote, the handicapped vote, the substandard occupant vote, much as they now worry about the Jewish vote or the Wall Street vote. Depending on their size, such new political subgroups might form a natural check on federal lawlessness and provide the impetus for Congress to police the Executive Branch.

This dream is interrupted, however, by the bureaucracy itself, which, as it grows to take in more areas of social concern, becomes the greatest obstacle to the poor man's chances of acquiring power. America sets up massive legions of experts whose stated goal is to program people into self-sufficiency. The contradiction in this is most apparent where the government has become most all-encompassing, on the Indian reservations.

For non-Indians, the Indian story has in it more than a mere compassionate rendering of the condition of one more oppressed group. It may warn us about the state of our own future under a pervasive and institutionalized banditry that governs in the name of "our own good." For as the Indian was a pioneer on our land, so he is the pioneer in the total trusteeship society, the Great American Welfare State, where in the name of efficiency, expertise, and most qualified leadership, every aspect of his life is controlled—from health, schools, politics, economics, and trade to his private pocketbook. As government grows, more people are becoming Indians.

The Bill of Rights was not extended to Indians until 1968, and they still have almost no judicial access, little political power, and hardly any economic control. But they do have the Bureau of Indian Affairs, and its thousands of experts, to protect them from themselves. BIA, with all those treaties and statutes behind it, carries on a loud and almost obscene monologue with Indians, denying them lawyers, forcing their children to go to schools thousands of miles away, making them pay exorbitant rates on the trading-post monopolies supervised by the BIA, and cheating them out of their land. Although examples of BIA noncompliance could go on ad absurdum, conditions on the reservations speak more convincingly as to the effect of BIA rule.

While white men continue to delve into Indian psyche to find cultural keys to his lack of "development," the real reasons have more to do with the BIA. Since that agency makes all major decisions on reservations and is solely responsible for the Indians *in loco parentis*, who else could be held accountable for the fact that Indians have lost much of the land the government guaranteed them (from 138 million acres in 1887 to 55 million in 1966), that the mineral assets of reservations have been exploited by outsiders, that they have no economic opportunity, and that health conditions are generally among the worst in the nation?

The BIA has made Indians so dependent on it that most Indians, though recognizing the agency as an enemy, do not support the idea of abolishing it. To further this condition, the BIA attempts not to get Indians off welfare but to get them on it. It encourages them to sell their land (a pre-condition for welfare) and then doles out the money in small parcels often below subsistence levels. The more Indians on welfare, the more control the BIA has over their lives, and the more the assets of the reservation can be manipulated to fall into the hands of developers and economic interests. And the more the Indian's life erodes, the more BIA bureaucrats are needed to do something about it.

If this seems like a cynical assessment of the role of a federal agency, consider the Pine Ridge Reservation in South Dakota, second largest in the nation, where, according to Cahn's study, about $8,000 a year is spent per family to help the Oglala Sioux, and yet the median income of those same families is only $1,910. The rest of the money supports the BIA officers—one for each family on the reservation—who are there to raise the Indians' living standard. Although it would seem obvious that the way to do this would be to eliminate the bureaucrats and give the money to the Indians directly, thus immediately raising their incomes from $1,910 a year to $8,000 a year, such a move would not inspire Indian "self-sufficiency" or the growth rate of the BIA.

Indian poverty is an important industry, feeding thousands of white men and creating for them the illusion of work. The last thing the industry, as a whole, would accept is the very idea on which it was launched—Indian self-sufficiency and economic equality. Thus lawlessness, in its broadest sense, serves the bureaucracy by continually aggravating the bad conditions upon which it depends. Benevolent bureaucracies grow only if problems grow. Problems grow if lawlessness grows.

Federal lawlessness may be the ultimate solution to the middle-class employment problem, as the bureaucracy becomes a kind of middle-class welfare program where thousands are paid to administer non-programs. If bureaucracy is the tapeworm of despair, its lawlessness may move us toward a nation in which most citizens either work for, or are worked on, by the federal government. If half a nation can administer programs to the other half, we may eliminate unemployment by handing money back and forth between us, while machines do all the real work. The federal government and television may be the two great means of filling in leisure time.

But as the government grows through its own lawlessness and inefficiency, we may find that the highest price will be paid not in the areas the bureaucrats' work affects, but in the offices where the bureaucrats work. Even the actors in an illegal system cannot long believe in what they are doing. Lawlessness inside the government encourages the same sense of degradation, hopelessness, and immorality that the urban ghetto is said to produce. It remains to be seen whether the result of this will be hardcore bureaucratic crime, with administrative muggings, dossier thefts, inter-desk gang wars, stabbings, and smuggling of unwanted memos, or, in the fresh and unlawful vision of George Wallace, all those briefcases floating down the Potomac.

As President Johnson's Commission on Law Enforcement and Administration of Justice said: "Finally, no system, however well-staffed or organized, no level of material well-being for all, will rid a society of crime if there is not a widespread ethical motivation, and a widespread belief that by and large the government and the social order deserve credence, respect, and loyalty."

THE FREE PRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. RARICK. Mr. Speaker, the American people are becoming increasingly aware that something is wrong with what they are being fed as news. Many read the daily paper only to pick an argument, while others look to see what the liberal extremists are doing.

But, few take the time to analyze in detail why the establishment media has stooped to such distorted reporting that the credibility of news is being destroyed.

Such an analytical report, explaining controlled news, has been prepared by Mr. Gary Allen, which appeared in the September 1970 American Opinion.

I feel that many of our colleagues would enjoy the following exhaustive report:

THE MEDIA—A LOOK AT ESTABLISHMENT NEWSPAPERS

(Note.—Gary Allen, a graduate of Stanford University and one of the nation's top authorities on civil turmoil and the New Left, is author of Communist Revolution In The Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author and journalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer.)

For years Americans have grumbled about the radicalism of their newspapers, all too painfully aware that the "Liberal" Establishment dominates the nation's mass media, slanting the news to the Left with an ease bordering on license. Until recently, however, this general frustration was ignored by mainstream politicians. It seemed not even the bravest paladin dared challenge the terrible power of the media. Then along came Spiro T. Agnew, charging madly on a white steed to do public battle with the dark powers of the Establishment's alley journalists. Here was a man saying, even shouting, in public what Americans had been saying to each other in private for two decades. The people loved it!

Vice President Agnew became an instant hero. Here at last was a public official who dared to protest the nasty little games regularly played in the Establishment Press. Most conservatives nearly exploded in glee. Even the hard-core Right, though dubious of Greeks bearing gifts, was cautiously pleased.

For decades conservatives have known that what Spiro Agnew claims concerning the media is true. Having suffered through the efforts of the mass media to politically assassinate Senators Robert Taft, Joseph McCarthy, and Barry Goldwater, conservatives were all too aware of the commitment of the media to radical interests. But now the polls showed that nearly half of America's citizens believed that television and newspaper reporting regularly served Leftist prejudices. The ruse of objectivity was finished, and the politicians didn't miss the point.

Against this background Spiro Agnew journeyed to Birmingham, Alabama, where the Establishment media are as popular as a tarantula at a nudist camp. There the noble Spiro did vigorously flay the *New York Times* and *Washington Post*—a calculated act of courage not unlike denouncing maxi-skirts at a convention of Peeping Toms.

Suddenly this former labor lawyer and favorite of the United Auto Workers, this man who had run for Governor of Maryland as a champion of forced integration in private housing, this "Republican" who had refused to support Goldwater in 1964, this protégé and supporter of Nelson Rockefeller, turned up in Wallace country, speaking Wallace's lines, and became a household word among conservatives. That's the Southern Strategy—lots of boula-boula rhetoric from Mr. Agnew while the President skirts Left end on the old "Statue of Liberty" play.

But even as conservatives delighted in the writhings of the media boys after the Agnew attack, few doubted that if the silent majority falls to drive home its demand for an end to managed news the Vice President's words will be as sound and fury signifying nothing.[1] Conservatives know that the Communist Conspiracy has thrived only because its real nature and accomplishments have been hidden from the American people by those who dominate the mass media. The Establishment Press provides a paper curtain behind which Communists and Fabians have operated in America for many years. It, alone, now stands between the people and the greatest anti-Communist renaissance in history.

Communist penetration of America's news media has over the years been the subject of a number of investigations by both the House Committee on Un-American Activities and the Senate Internal Security Subcommittee. Not surprisingly, the results of such investigations were given almost no coverage by the Press and their findings did not become a matter of popular knowledge. While a few Communists were broiled as scapegoats, the reaction by the news industry made further investigation seem to the investigators very unhealthy indeed, with all-out attacks on those members of Congress who dared expose Communist cells operating within the mass media.

Communist efforts to subvert, manipulate, and control our Press are, of course, to be expected. As the conference of the All-Union Communist Party at Moscow declared as early as 1938: ". . . the chief decisive weapon must be the press." In America the key to infiltrating the bourgeois Press was the Newspaper Guild, which for many years was dominated by the Communists. As former top Communist Joseph Kornfedder commented:

Years later (1937) came the organization of the "Newspaper Guild" and through it the communists moved into the news field in a big way . . . . Through the "Newspaper Guild" the communists moved into the big "daily" press itself. Those were the days of the "red honeymoon" with the "New Deal." Infiltration was conducted on a large scale all around, but the "Guild" device was a big operation even for those days.

The "Guild" is an organization which takes in news personnel from the news services (U.P. and A.P., etc.) down to the individual newspapers. Included is the official Communist press. The Guild, from the ground up, was designed and carried forward by the communists, using the late Heywood Broun (a fellow traveler) as a front man (president). As usual, most of the men who joined it did not know what they were being used for and some do not even know it today.

As late as 1960, in its Report called *The Technique Of Soviet Propaganda*, the Senate Internal Security Subcommittee observed:

There are in the world few organs of the press, even when "bourgeois," in which the Soviet apparatus has no intelligence. The main task of auxiliaries in the press is to manipulate the editor, or if that is not

Footnotes at end of article.

feasible, the reporters, without the editor's knowledge. General notions like "this paper is conservative" or "Catholic" are not at all sufficient any longer to recognize the policy it follows toward Moscow. Sometimes the managers themselves are unaware that their newspaper is "permeated."

The Communists know that one story slanted to their purpose in a non-Communist periodical is worth hundreds of articles in official Communist publications which are read only by dutiful members of the Party. And the Communists do not care whether an article is written by a Party member or a mere sympathizer. They still operate under what is called the "Stalin Standard":

Some are members of the Party, and some are not; but that is a formal *difference. The important thing is that* both serve *the same common purpose.* (Speech by Joseph Stalin, February 9, 1946, *House Document 169*, 80th Congress, 2nd Session.)

Yet, most of the Leftward slant of our mass media is created neither by members of the Communist Party nor of their conscious sympathizers. Rather it is a product of that "Liberalism" grafted into budding journalists while studying under Fabian Socialist professors in America's colleges. And the first law of the politicalized campus is that if there is only one Leftist professor on an entire faculty, he will gravitate toward journalism and the school newspaper.

In days of yore, editors lashed their galley slaves with the whip of objectivity. Reporters received on-the-job training where they were taught to present the facts and leave the opinions to the boys who wrote the editorial page. Then, comparatively recently, college social science departments added schools of journalism which began promptly to promote a modern, up-to-date, progressive version of reporting. The traditional five Ws—the who, what, when, where, and why—were abandoned for a new approach called "interpretive reporting," in which every cub reporter was to be converted into a philosopher king to stencil the reaction of his own glands onto the developments of the day.

The interpretive reporter, rather than faithfully recording a speaker's words in an orderly way, would explain instead what he "felt" to be the "meaning" and "overall importance" of what had been said. This view is usually justified with the contention that otherwise the average reader, who hasn't had his mind improved in the brain laundry at Old Siwash, might not understand the report. And, it is pointed out, the broadened attitude given the reporter permits him to bring in explanatory background material (which he selects), and to employ a writing style which is more lively and interesting. Where such training in "journalism" has been combined with that presented by the other laundry masters within the social sciences, the result has proved devastating to the quality and honesty of American journalism.

Pulitzer Prize-winner Morrie Ryskind was one of Hollywood's best and most highly paid screenwriters until he "lost" his talent as a writer on a train returning from Hearings in Washington at which he gave testimony against Communists in the film industry. Now a nationally syndicated columnist, Mr. Ryskind says of contemporary reporting:

If I return to the subject of "interpretive reporting," it is because it remains the biggest psychological weapon in the armament of the Liberal Establishment. In the bright lexicon of revolution—and that's what we're going through, whether we realize it or not—the news is not nearly as important as the manner in which it it filtered down to the public. And no item is too small to be passed without going through the screening process. After all, war is war.

The Establishment Left has for a number of years supported such key journalism schools as those at Harvard and Columbia with multi-million-dollar grants from the Ford Foundation. The boys who know that the Ford (Foundation) Has A Redder Idea are not unaware of how best to invest a revolutionary buck. Graduates of the Columbia School of Journalism, for instance, now include 45 newspaper publishers, 152 newspaper editors, and 71 magazine editors. There is not a conservative in the carload.

While it is usually admitted that the workaday editor or reporter tends to be a "Liberal," it is generally believed that the *owners* of the media are very conservative. And, though many owners are still nominal Republicans for purposes of social or business camouflage, they are, on the whole, men of the Left. If the owners of the media were conservatives they would not permit the flagrant Leftist bias that pervades the news industry. The Brinkleys, Cronkites, Krafts, *ad nauseam*, are obviously retained on the payroll to promote the line that the Establishment owners want propagated.

We are talking, of course, about the Establishment Press. More specifically, about who owns and runs it. But that term "Establishment" has been used far too loosely in recent years and needs to be defined before we can proceed further.

WHAT IS THE ESTABLISHMENT?

In general, as the term "Establishment" is used here, it refers to the men who belong to that mysterious group known as the Council on Foreign Relations (C.F.R.) and/or its satellite organizations. The C.F.R., housed at Park Avenue and 68th Street in New York City, counts in its exclusive membership some 1,450 of the most powerful men in American politics, industry, finance, communications, and the academy. Yet, so far as the American public is concerned, it operates almost anonymously.[2]

The C.F.R. is a subsidiary of the Royal Institute for International Affairs in London, which was founded to promote the concepts of One World Government as envisioned by Cecil Rhodes and his financial angel, Lord Rothschild. In his extremely revealing book, *Tragedy And Hope*, Professor Carroll Quigley (Harvard, Princeton, Georgetown, Brookings Institution, *etc.*) writes:

. . . the relationship between the financial circles of London and those of the eastern United States . . . reflects one of the most powerful influences in twentieth-century American and world history. The two ends of this English-speaking axis have sometimes been called, perhaps facetiously, the English and American Establishments. There is, however, a considerable degree of truth to the joke, a truth which reflects a very real power structure. . . .

From its inception, the C.F.R. Establishment was the tool of international financiers who sought to establish a socialist World Government under their control, through which they could eliminate competition and exercise hegemony over world trade, communications, transportation, finance, and natural resources. This can only be accomplished within a socialist World Government, and it is the above objectives and not any do-gooder urge to uplift downtrodden masses which have motivated the international banking interests and their colleagues in the C.F.R. to work for international socialism. Certain obvious strategies were employed immediately. For example, in order to maintain control over government you must control the mass media; therefore, the C.F.R. Establishment has been deeply involved in financing and manipulating the American communications industry.

The Council on Foreign Relations has been financed and controlled from the beginning by the Rockefellers, those in control of the Andrew Carnegie fortune, the J. P. Morgan organization, and the five American satellites of the European Rothschild banking interests. Because of the role they play in controlling the Establishment Press, the satellite firms merit a quick synopsis.

Most important in the group is Kuhn, Loeb and Company, whose head (Jacob Schiff) invested $20 million in financing the Russian Revolution of 1917.[3] According to a report from Paris forwarded by U.S. representatives to the State Department on March 3, 1932, Kuhn, Loeb and Company also laid out and financed the Soviet's first Five Year plan. (This Paris report is, incidentally, still in the State Department archives.)

Congressman Louis McFadden revealed that Schiff was sent to the United States by the European Rothschilds to gain control of the American railroads. Whatever the original objective, his efforts proved highly successful. Kuhn, Loeb and Company, today headed by John Schiff, Frederick Warburg, and Thomas E. Dewey Jr., is still a leader in investment banking. As the *New York Times* noted on January 29, 1967: "It has handled more international syndicated issues of securities in the last four years than any other financial institution in the world except the Deutsch Bank."

Another Establishment banking house famous for its support of Leftist activities is Lehman Brothers. The late Herbert Lehman (C.F.R.), in addition to serving as U.S. Senator from New York, was a founder of the Fabian Socialists' Americans For Democratic Action, served on the board of directors of the N.A.A.C.P., was a sponsor of the National Council of American-Soviet Friendship and of the American Association for the U.N., and was a favorite of the Fabian Socialists' League for Industrial Democracy. Lehman served as Director General of the United Nations Relief and Rehabilitation Administration (U.N.R.R.A.) which, according to U.S. Ambassador to Poland Arthur Bliss Lane, was used to ensure Soviet subjugation of Poland.

So important was Lehman in the Establishment that on May 29, 1950, the *Chicago Tribune* published photographs of Henry Morgenthau Jr., Felix Frankfurter, and Herbert Lehman accompanied by a commentary declaring that "a person with highest state department connections identified these three figures as the secret government of the United States." A bit hyperbolic, perhaps, but close enough to the truth as to be discomforting.

Lehman's niece, Helen Lehman Buttenwieser, kept Alger Hiss and his family at her Westchester home while the Communist spy was being tried. She later posted $60,000 bail for convicted Communist spy Robert A. Soblen, who fled the country. Her husband Benjamin Buttenwieser (C.F.R.) is a Kuhn, Loeb partner and a trustee of the Socialist New School for Social Research.[4]

Because Lehman Brothers is a partnership and not a corporation, we do not know its total wealth, but the *Los Angeles Times* of March 29, 1964, observed:

Certainly in capital assets, or money available, Lehman Brothers is one of the richest firms in the world. The fortune of the Lehman family, high into the hundreds of millions, is a factor, as well as the wealth of many of its partners.

Another key Establishment firm is Lazard Freres & Company of New York, a subsidiary of the Rothschilds' Paris operation of the same name. A power within Lazard Freres is Eugene Black (C.F.R.), a member of the secretive Pilgrim Society, a director of the Rockefeller's Chase Manhattan Bank and of the *New York Times*, a trustee of the Ford Foundation, former President of the World Bank, and former trustee of the Brookings

Footnotes at end of article.

Institution and the Atlantic Council. Retired head of the firm is Frank Altschul (C.F.R.), a Lehman brother-in-law.

Until his death last year the big man at the Establishment banking firm of Goldman, Sachs & Company was Sidney Weinberg, who once sat on the board of directors of thirty of the nation's largest firms. Though a key *Insider* in getting business support for F.D.R.'s New Deal, Weinberg raised $6 million before the 1952 Republican Convention to stop conservative Robert Taft and deliver the nomination for Eisenhower. Among the new partners at Goldman, Sachs & Company is Henry Fowler—perhaps, next to Henry Morgenthau Jr., the worst Secretary of the Treasury in the history of the Republic. Fowler is apparently receiving his reward from the international banking fraternity for denuding the nation of its gold and silver reserve, much of which has wound up in the coffers of the banking *Insiders*.

The last of the Rothschilds' "big five" is Dillon, Read & Company, headed by C. Douglas Dillon (C.F.R.), Secretary of the Treasury under John Kennedy. Dillon is, or has been, chairman of the board of the ultra-Leftist Brookings Institution, a director of the Chase Manhattan Bank, and a trustee of the Rockefeller Foundation. It was Douglas Dillon who arranged the demise of America's silver certificates, our last redeemable money. Another officer of Dillon, Read & Company is August Belmont, grandson of the original August Belmont sent here in the 1840s by the Rothschilds as their first American representative. The Rothschild representative on President Nixon's staff is Peter Flanigan, Assistant to the President. He is on loan from Dillon, Read & Company, where he is a vice president.[5]

The above firms represent the Establishment interests about which we are speaking when we talk to the Establishment Press. We will get to the details of ownership and control shortly.

THE ESTABLISHMENT'S TIMES

Few will doubt that the *New York Times* represents the kingdom and the power of the Establishment communications system. As John C. Merrill observed in his *The Elite Press:* "With the exception of the *Wall Street Journal* or the *Christian Science Monitor*, the *New York Times* is the nearest thing in the United States to a national newspaper."

The *Times* is found in practically every academic library (there are 2,500 subscribers to its microfilm service) and is read by more than half of the presidents of our nation's colleges. Ultimately, it is The Important Paper For Important People Everywhere. Fifty copies of the *Times* go to the White House every day. Most Congressmen and Senators read it as a daily bible. Seventy-one embassies in Washington subscribe, including that of the Soviets. It is even read by the Comrades in Peking, and thirty-nine copies are sent to Moscow. (See *Saturday Evening Post*, October 9, 1965.) "A significance of the *Times*," Timesman James Reston has written, "is its multiplier effect. What appears in the *Times* automatically appears later in other places."

Concerning this multiplier effect, Alice Widener, columnist for *Barron's*, notes:

It is a fact that most editors and newsmen on the staffs of Life, Look, Time, Newsweek, etc., *and most editors, reporters and commentators at NBC, CBS, and ABC take their news and editorial cues from the* New York Times. *Technically, it is a great newspaper; but it reports much of the news in conformity with its editorial policies.*

The smug, self-important arrogance of the *Times* is reflected in this statement by James Reston (C.F.R.), its vice president, syndicated columnist, and former chief Washington correspondent:

Our primary responsibility is not, perhaps unfortunately, an obligation to the commuter reading the paper on the train down from Westchester. Our primary responsibility is to the historian of 50 years from now. Unique among newspapers, the Times *is prime source material—and we must never poison the stream of history.*

Future generations fishing in the *New York Times* for details of the activities of the International Communist Conspiracy will do well to run the most vigorous tests of that stream before drinking the water or devouring the fish. Doubtless the best expert on how the stream is poisoned is Mr. Herman H. Dinsmore. After serving thirty-four years on the news staff of the *Times*, including many years as associate foreign editor and nine years as editor of its international edition, Mr. Dinsmore could no longer take the increasingly Leftist slant of the paper and retired to write a book exposing it. In his book, *All The News That Fits* (a parody of the *Times'* slogan, "All The News That's Fit To Print"), Dinsmore observes:

. . . *The* New York Times *took no really effective steps to counter these Communist thrusts and all too frequently appeared to back them, as if to play the Soviet regime off against the United States and other democratic nations of the West. The* New York Times *in more recent years has stated that it wants a balance of power in the world—as if it were possible to maintain such a thing. Editorially, it has freely criticized the United States while but sparingly finding fault with Communist actions. . . .*

The attitude of the New York Times *toward the Soviet Union has resulted in remarkable distortions in its news columns and in its editorial judgments. . . .*[6]

The *Times* is, incidentally, the sole U.S. recipient of news from Russia's *TASS* news agency. And, it has employed a number of reporters whose pro-Communist diatribes are notorious. Such men as Herbert L. Matthews (C.F.R.), Harrison Salisbury (C.F.R.), Lester E. Markel (C.F.R.), Ralph Parker, and Walter Duranty spent the greater portion of their careers with the *Times* as side-show barkers for every Communist regime able to rattle a cage.

When the noted philologist, Dr. Medford Evans, set out in 1956 to do a two-year study that he thought might prove the *Times* followed the editorial lead of the Communist *Worker*, he discovered that just the opposite was true. As Professor Evans noted in American Opinion for September 1969:

When John B. Chapple, of Ashland, Wisconsin, publisher of the Ashland Press, *was a young man he went to Yale, became a Marxist, joined the Communist Party, and took a trip to Russia—this was about 1927—in the company of Robert Minor, subsequently editor of the* Daily Worker, *one of the top Communists of this country at that time. Chapple, who long ago renounced Communism and is now a devout Christian, still remembers vividly that Minor once said to him, "Son, read the* New York Times *every day so that you will always know what the line is."*

Not surprisingly, when the Senate Internal Security Subcommittee began to investigate a Communist cell within the *Times*, publisher Arthur Hays Sulzberger (C.F.R., Pilgrim Society, Rockefeller Foundation, and Norman Thomas Foundation) nearly blew a tube. Sulzberger, it seemed, wouldn't recognize a Communist if one attacked him with a hammer and sickle. He wrote in the *New York Times Magazine* that he would not "institute a witch hunt" to eliminate Communists from his staff. You see, he noted, "even if we found a Communist or two . . . we would run the risk of destroying the atmosphere needed for the production of the kind of newspaper we are publishing." Which is, of course, the point. Sulzberger's feeling of comradeship extended to the point of loaning newsprint to the Communist *Daily Worker* when it ran short. (*Harpers*, January 1969, Page 72.)

Despite the extreme discomfort of Arthur Hays Sulzberger, the government questioned a number of *Times* employees about their Communist connections and activities. These included: John T. McManus and Allan James Aronson (both of whom later went to work for openly Communist publications), Jack Shafer, Samuel Weissman, Seymour Pect, Nathan Alexkovsky, Robert Shelton, Matilda Landsman, Jerry Zalph, James S. Glaser, and Alden Whitman. What was absurd about an investigation at such a level is that it is not the card-carrying streetbunder Communists who make this voice of the C.F.R. Establishment so dangerous. The danger comes from the *Insiders* of the so-called legitimate world" who control the *Times*. Let us look at that part of the story.

The modern history of the *New York Times* dates from 1896, when Adolph Ochs took over the paper. Gerald Johnson notes in *An Honorable Titan* that Ochs' mother, Bertha Levy Ochs, had been so involved in the Communist Revolution of 1848, that her family was "advised" to leave Bavaria. Doubtless Comrade Bertha regaled young Adolph with tales of workers throwing off their chains and of world revolution financed by the humanitarian *Insiders* of international banking. The debt-ridden Ochs jumped from the *Chattanooga Times* into the big apple by taking over the foundering *New York Times* for the borrowed sum of $75,000. Johnson tells how Ochs arranged it:

He had arrived in New York almost unknown; but by August 17, 1896, he was well and favorably known to a group of men whose power in the financial, business and political worlds was out of all proportion to their numbers.

Mr. Ochs' backers in taking control of the *Times* were international bankers J. P. Morgan; August Belmont; and Kuhn, Loeb's Jacob Schiff. The latter two were Rothschild agents. (Johnson, Pp. 130, 132, 137–138.) Later, the Lehman Brothers began working with the *Times* on other ventures. Ferdinand Lundberg reports in *America's 60 Families:* "Although not conspicuously connected with publishing, this banking family stands close to the *New York Times* . . . it has the outstanding interest in the Kimberly Clark Corporation, a paper-making enterprise which, with the *New York Times*, jointly controls the Spruce Falls Power and Paper Company . . ."

The Rothschilds' voice of the American Establishment passed from the publishing hands of Adolph Ochs (C.F.R.) to his son-in-law Arthur Hays Sulzberger (C.F.R.) to his son-in-law Orvil E. Dryfoos (C.F.R.) to the current publisher, Arthur Ochs "Punch" Sulzberger (C.F.R.). "Punch" Sulzberger's cousin, John Oakes (C.F.R.) is editor of the editorial page and is described by Herman Dinsmore as a "foaming-at-the-mouth Leftist who has done much to destroy the paper's objectivity." So far to the Left is John Oakes that he chose to attend the national convention of the Socialist League for Industrial Democracy in other than a reportorial capacity. He boasts that his militantly Leftist editorial policy is carefully contrived:

We try to take a point of view that we think is beneficial to the country—broadly called Liberal and generally internationalist—and then we go ahead and argue it as vigorously as possible. I rule the expression "on the other hand" off the page.

Another high official in the *Times* empire is Amory Bradford (C.F.R.), who had the good fortune to marry Carol Warburg Rothschild. Harding Bancroft (C.F.R.), of the Interstate Broadcasting Company and Carne-

Footnotes at end of article.

gie Endowment for International Peace, serves as the *Times'* executive vice president. Bancroft, who is closely associated with C.I.A. Director Richard Helms, was responsible for the *Times'* hatchet job on former State Department security evaluator Otto Otepka.[7] Mr. Otepka had in his files information about Bancroft's pro-Soviet activities which established that he had been under the influence of Alger Hiss.

Alger Hiss had many friends at the *New York Times*. Richard Nixon notes on Page 20 of *Six Crises* that it was *Times* Vice President James Reston (C.F.R.) who recommended Alger Hiss (C.F.R.) to John Foster Dulles (C.F.R.) to head the Carnegie Endowment for International Peace. Reston is regarded as the Establishment successor to Walter Lippmann as journalistic spokesman for the *Insiders*. Follow his columns closely and you will soon suspect that you are plugged into an *Insider* intercom.

Yet, as large as the influence of the *New York Times* is now, it is about to be multiplied many times. Its news service, which provides editorials and "interpretive" news stories to 212 daily papers, is planning to offer a computer service in 1971. According to *Editor And Publisher* for April 5, 1969, *Times* Vice President Ivan Veit has announced that the Times Information Bank is programming a third generation I.B.M. 360/50 computer to provide background information on people and events for newspapers, broadcast networks, university researchers, and government planners. Of course, the decision as to what information goes into the computer and what goes into the "Memory Hole" is up to the unbiased judgment of the Establishmentarians who run the *New York Times*. Almost certainly this service will be used by the networks and wire services so that "All The News That's Fit To Tint" will go into virtually every home in the country.

THE ESTABLISHMENT AXIS

New York, of course, is one end of the Establishment axis, and New York's afternoon Leftist daily is the Establishment's *New York Post*, headed by Dorothy Schiff, granddaughter of Jacob Schiff, the Daddy Warbucks of the Russian Revolution. The *Post*, which had once been the property of the notoriously radical family of Thomas Lamont (C.F.R.), and which was later run by Jacob Schiff's son-in-law, George Backer, an executive in the Red American Labor Party, makes the *Times* look conservative by comparison. It is now edited by James Wechsler, a former official of the Young Communist League who discovered he could be more effective on the outside. Dorothy Schiff, who is related to both the Warburgs and the Rothschilds, has had five husbands. Like many people who are incapable of manning their own lives, she is sure she knows how to run those of everybody else.

The Washington end of the Establishment's New York-Washington newspaper axis is the redoubtable *Washington Post*, often referred to in the Intelligence community as the Washington edition of *Pravda*. What the *Post* prints is important as it is the capital's only morning newspaper and is read by most members of Congress. What the *Post* does not print is also important and notorious. A long-time staffer at the Library of Congress told us that fully half of the articles cited in Congressional debate (not including appendages in the *Congressional Record Appendix*) come from either the *Washington Post* or the *New York Times*.

The *Post* is the creature of the late Eugene Meyer (C.F.R.), whose family immigrated to America in the backwash of the failure of the Communist Paris Commune of 1848. Meyer's father, Gunther, was named U.S. representative of the Rothschilds' firm of Lazard Freres. Eugene studied international banking in **Hamburg, Berlin, Paris,** and London and also became associated with Lazard Freres. Later he became a partner of Bernard Baruch in Alaskan mining adventures and Baruch brought Meyer to Washington in 1917 to head a division of the War Industries Board. Messers Baruch and Meyer held almost complete dictatorial control over America's wartime industry and placed billions of dollars in war production contracts with friends and associates.

President Wilson soon put Meyer in charge of the War Finance Corporation which had charge of selling War Bonds. Eugene Meyer's dealings there were shady to say the least. According to Congressman Louis McFadden, then Chairman of the House Banking Committee:

I call your attention to House Report No. 1635, 68th Congress, 2nd Session, which reveals that at least twenty-four million dollars in bonds were duplicated. Ten billion dollars worth of bonds were surreptitiously destroyed. Our committee on Banking and Currency found the records of the War Finance Corporation under Eugene Meyer Jr. extremely faulty. While the books were being brought before our committee by the people who were custodians of them and taken back to the Treasury at night, the committee discovered that alterations were being made in the permanent records.

Meyer, who held important positions in every Administration between Wilson and Truman, was author of the Reconstruction Finance Corporation Act, and was made Chairman of the R.F.C. when the Act was passed. He was also a governor of the Federal Reserve Board and the first head of the World Bank.

Using money made from his World War I manipulations, Eugene Meyer bought the *Washington Post* in 1933, ostensibly to support F.D.R.'s New Deal, but also reportedly to squelch investigations into how Meyer and his partners in New York and Europe had helped to maneuver the United States into the war and then helped themselves to enormous profits. Eugene Meyer's first move was to fire the *Post's* editor for refusal to editorially support U.S. recognition of the Soviet Union.

Over the years the Establishment *Washington Post* has done everything possible to promote Leftist interests in all matters foreign and domestic. It has sought to smear every investigation of Communist subversion, and its talented cartoodlum, Herblock, has performed the most vicious sort of hatchet job on every conservative personality to impress the Washington scene over the past three decades.

The *Post* is now in the control of the Eugene and Agnes Meyer Foundation so that the Meyer family will not have to pay the taxes which the *Washington Post* advocates for those of us who are unilluminated. After the death of Meyer control over the operation was vested in Philip Graham (C.F.R.), Meyer's son-in-law and a former law clerk of *Insider* Felix Frankfurter. Graham ran the show until he could take it no longer and put a bullet in his brain in 1963. Control is now in the hands of his widow, Katherine Graham, Eugene's daughter. Chairman of the board of the Washington Post Company is Frederick S. Beebe (C.F.R.).

The Establishmentarian *Post* has recently become so overtly revolutionary as to resemble a high-class undergrounder. New Leftist staffers like firebrand Nicholas Von Hoffman are so radical that Mrs. Graham has let it be known that even she is worried about the revolutionary rhetoric which appears in her paper. Sophisticated Washingtonians say this is social camouflage, noting that Mrs. Graham would certainly terminate the employ of any staffer whose rhetoric so much as suggested anti-Communism.

The Washington Post Company now publishes the powerful Paris *Herald Tribune* in partnership with the *New York Times*. The *Post* also owns a wire and feature service specializing in editorials and "interpretive" news stories which it operates in cooperation with the formerly conservative *Los Angeles Times*. Sixty-eight daily papers, with a combined circulation of over 12 million, use the *Post* news service. The Post Company also owns the C.B.S. outlets in Washington, WTOP-TV and WTOP-AM and FM (an all news station). The firm's newspaper, radio, and TV outlets—plus its magazine, *Newsweek*—all reel out the same editorial line. They combine to give the *Insiders* a powerful ideological pull in the nation's capital.

ON THE OTHER COAST

The West Coast end of the Establishment's newspaper complex is the *Los Angeles Times*—gross sales, $396 million, the nation's third-largest news medium. Before 1960, it would have been difficult to find a more conservative newspaper in the United States, but in less than a decade the paper did a virtual about-face. While it remains nominally Republican, its Republicanism is strictly of the Rockefeller (C.F.R.) stripe and conservatives regularly take a bludgeoning in its feature articles and on the editorial page—which more and more resembles that of its partner the *Washington Post*.

The *Times* is not the least bit shy about taking strong political stands, almost always on the "Liberal" side. Gone from its pages are such stalwarts as Morrie Ryskind, Henry J. Taylor, Robert Allen, Paul Scott, Holmes Alexander, and (the crowning blow!) Al Capp, whose savage satires of the hick ideologies of contemporary "Liberals" just aren't funny to the *Times*.

A key figure in helping to ruin the *Los Angeles Times* is reported to be E. O. Guthman, its national news editor. Guthman rose from obscurity while a reporter for a Seattle newspaper when he did a series exonerating a University of Washington professor charged with being a Communist. For his effort he won a Pulitzer Prize, a Nieman Fellowship, and a place on the staff of Senator Robert Kennedy. From there he came to roost high on the staff of the *Times*. The ex-wife of the man who provided us with this information, himself a former Communist, was a member of the same Communist Party cell as the professor whom Guthman is said to have cleared.

The *Times* began to move Left after Dorothy "Buff" Chandler successfully pushed her husband Norman out as publisher, using a series of flagrant indiscretions by Norman as the lever. Replacing Norman Chandler was their son Otis, a man of imposing physical (but limited mental) qualities. Whether Otis is a foil for his Machiavellian mother or is manipulated by the entourage of "intellectuals" for whom he flaunts admiration is an oft debated subject.[8]

For whatever reason, Otis Chandler indicated in a speech at the 1969 stockholders' meeting of the Times-Mirror Corporation that he sees the role of the *Times* as the "education" of its subscribers to adjust to the revolution which he says has already begun. Here is Otis Chandler's amazing statement:

Our role as a major class circulation newspaper is a difficult one to fulfill. For this nation is in the midst of a revolution. Our job on The Times is to patiently and gently, but honestly, reveal this fact to our nearly million reading families, most of whom do not want to believe what is happening in our society....

It seems to me that the core of our problem as a nation—and more specifically the core of our problem on The Times—is to be able to accept the fact that a revolution does exist, that it will not simply wither away, that we must determine how to adjust our institutions and modify our living styles to meet the conditions of the latter half of the 20th century.

And just that—recognizing the existence

Footnotes at end of article.

of the revolution—will be a traumatic experience for most of us. Traumatic for what is called the "power structure" or the "establishment," traumatic for the very solid middle class which is the real power structure in this community, traumatic for our romanticists and our idealists, even traumatic for those of us on The Times.

A mass newspaper—like the Los Angeles Times—must remember that the preponderance of its subscribers have a basic interest in preserving the status quo—or they think they have.

A mass newspaper, then, once it has begun slowly to grasp the dimensions of the problems of its society, can begin slowly to document them—to fulfill one of its primary purposes, which is to educate.

This is what we are now doing each day with our many staff by-line exclusive articles . . . .

I think this is the most difficult of all our roles—to educate—because more often than not we will be attempting it against the will of our subscribers. . . . The preponderance of them will not want to believe anything about "the system" has become obsolete. The preponderance will insist that most of the blacks and most of the young are really quite happy with the way things are, and that only the kooks and the racists are objecting, and that even these kooks and racists are doing it solely because they are only troublemakers.

They will not want to believe that the hearts of our cities—in which most of them do not live after 6 p.m.—have become unlivable and ungovernable.

They will want us to stop talking about it—stop breeding discontent—stop inciting riots—stop publicizing troublemakers. I hear it every day.

They will accuse us of destroying respect for the Flag, respect for our elected officials, respect for private enterprise, respect for self-respect itself.

They will find it very hard indeed to believe that we are not determined to destroy a society and a nation that they live. . . .

They will, indeed, Mr. Chandler!

Since the *Times*, Los Angeles' sole morning newspaper, has joined the Establishment's created revolution, it has won the plaudits of the "Liberal" elite and is now declared to be one of the Top Ten newspapers in America. As John Merrill writes in *The Elite Press:*

. . . If there is a paper on the West Coast which comes closest to being like the New York Times, *it is the* Times *of Los Angeles. It is the West Coast's biggest and wealthiest daily; . . . It consumes more newsprint than any other American daily, and accounts for at least 20 per cent of all newsprint used in the eleven Western states. . . .*

The *Times* is extremely aggressive in acquiring other media properties. It now controls New American Library, a large Leftist paperback publishing company which produces Penguin, Mentor, and Signet books. The *Times* also recently purchased the *Dallas Times Herald* for a staggering $91.4 million. It then turned around and bought fifty-one percent of the Long Island *Newsday*, which has the largest circulation of any suburban newspaper in America, for $33 million. And, oh yes, the Times-Mirror Corporation's chief executive officer is now former U.C.L.A. Chancellor Franklin Murphy (C.F.R.).

Another very important newspaper group in California is the strategic McClatchy chain, which owns the *Sacramento Bee* in the state's capital, as well as other newspapers and eight radio and TV stations. In his will founder Charles K. McClatchy required his heirs and assigns to fight for socialism. The will states:

One fundamental issue will never change and that is the vital issue of government ownership. I want the McClatchy newspapers to battle for that principle at any and all times no matter against what odds.

The McClatchy clan has lived up to the will both in letter and spirit.

IN MIDDLE AMERICA

Voice of the Establishment-financed revolution in middle America is the extremely wealthy Field family, owner of the *Chicago Sun-Times* and *Daily News*, WFLD–TV, The Publishers-Hall Syndicate, and *World Book Encyclopedia*. Revolutionary activity in the Field Family began with Marshal Field III, who inherited a fabulous fortune which made him one of the world's richest men. When young Field, a Catholic educated in England, became severely disturbed after two unsuccessful marriages, he put himself in the care of psychiatrist Gregory Zilboorg. The *Saturday Evening Post* of December 6, 1941, noted:

What the New Deal failed to accomplish in altering Field's outlook psychoanalysis did. In 1935, after being divorced by his second wife, Field spent a year in baring his psyche to an eminent psychoanalyst. It was after emerging from the medical confessional that this instinct for public service . . . began to lope, then to charge. The main course of the charge . . . happened to agree with the political orientation of Field's psychoanalyst, who mixes pure science with an intellectual sponsorship of liberal causes. . . .

The *Saturday Evening Post* continues:

Dr. Zilboorg, whose clientele includes many rich Manhattanites, once identified himself as an "intellectual revolutionist." Before becoming a soul doctor he was a busy politico in Russia, where he was born. . . .

In 1941, encouraged by F.D.R. and his "intellectual revolutionist," Field bought the *Chicago Daily News*, already in the control of the Kuhn, Loeb Company, in order to develop a more powerful Leftist voice to offset the booming conservatism of Colonel Robert H. McCormick and his *Chicago Tribune*. Later he created the *Chicago Sun-Times*, a grisly Leftist tabloid. Field became active in such subversive causes as the Titoist American Committee for Yugoslav Relief, the American Society for Russian Relief, the Chicago Civil Liberties Committee, and the Chicago Council of American-Soviet Friendship.

During World War II, after inheriting another 97 million tax-free dollars, Field started the pro-Soviet New York newspaper *PM*. As the House Committee on Un-American Activities reported: "Our investigation has shown that a steady barrage against Congress comes from Marshall Field's *PM*. (Sometimes described as the uptown edition of the *Daily Worker*. . . .)" (*House Report No. 2277*, Page 3, June 25, 1942.) Field lost more than $4 million on the effort. He could afford it.

The Field Foundation, endowed by Marshall Field, was found by the Cox Committee, a House Committee to Investigate Foundations, to have been heavily infiltrated by the Communists. The Field Foundation, at one time headed by Adlai Stevenson, has funded such officially cited Communist Fronts as The Open Road; the People's Institute of Applied Religion, Inc.; the Southern Conference for Human Welfare; the Institute of Pacific Relations; the Highlander Folk School; and, the American Committee in Aid of Chinese Industrial Cooperatives. And, of course, the Field Foundation was a major financial backer of the late Martin Luther King's Southern Christian Leadership Conference and poured $250,000 into backing the Communist project known as "Resurrection City."

The latest Left Field is Marshall Field V, at twenty-nine the youngest major newspaper publisher in the United States. The *Daily News* publisher was educated at Harvard and worked for the embarrassingly Leftist *Boston Globe*, the defunct *New York Herald Tribune*, and Random House. Young Field makes no bones about his commitment to the revolution. As he puts it, ". . . the Field Newspapers will continue to support the dissent and protest that historically have produced social change." Master Field indicated to *Newsweek* that he has no regard for those historic forces which have produced Western Civilization:

I guess I'm part of the new generation. I don't feel I owe anything to the past. The toughest thing at my age is to see a problem and want to change it and then run into people, politics, heartache and agony. The faster I can go, the better I will like it . . . .

The mod-dressed, sideburned Field is especially proud that his newspapers are aimed at countering the conservative *Tribune*. He says: "The audience in Chicago gets quite a choice of representation in the news if they want two sides to a story. All they have to do is buy a *Tribune* and a *Sun-Times* the same day on the same story."[9]

The *Daily News* is the fifth-largest evening paper in the country and the *Sun-Times* is the fifth-largest morning paper, but the Field group, represented in the C.F.R. by William Osgood Field Jr. and Leland Stone, has a voice which carries far beyond the Chicago area through its news service, which is subscribed to by seventy-two newspapers having a combined circulation of 12.5 million.

Two years ago young Field bought out the Hall Syndicate and turned it into the Publishers-Hall Syndicate, which pushes a battery of Establishment columnists including Joseph Kraft (C.F.R.), Carl Rowan, David Lawrence (C.F.R.), Roscoe Drummond (C.F.R.), and Evans and Novak. Included for syndication are Leftist political cartoonists Herblock, Mauldin, Feiffer, and Fischetti.

And, with the purchase of the Hall Syndicate, Field inherited Paul Scott, possibly the foremost conservative columnist in the nation. Scott was quickly told by Publishers Hall that he would not be allowed to criticize Communist activity in the nation for six months, and that he must no longer make any references to Martin Luther King's connections with the Communists. When Mr. Scott discovered that important facts were being edited out of his columns before they were sent by Publishers-Hall to the newspapers who had contracted for them, he told the Field crew to find themselves a hack Leftist to fill the spot and began to distribute his own column.

The owner of the largest group of major newspapers in the country is the mysterious Samuel Newhouse, who runs twenty-two important daily papers, three radio stations, and six television stations—having an estimated worth of $300 million.[10] Not surprisingly, our Wall Street sources tell us that Kuhn, Loeb and Stern-Rosenwald (the Sears, Roebuck fortune) arranged many of the loans with which Newhouse obtained control of the papers which form his chain. He is a "Liberal" Democrat and outspoken admirer of Nelson Rockefeller, but the claim is made that he runs his newspapers strictly for money and avoids ideological commitment. Yet when Newhouse—who counts among his properties newspapers in Portland, St. Louis, Denver, Cleveland, and Birmingham—purchased the *New Orleans Times-Picayune* and the *New Orleans States-Item*, he crowed, "I just bought New Orleans." (*Time*, July 27, 1962.) He paid more for them than did President Jefferson for the entire Louisiana Purchase.

There can be little doubt that Samuel Newhouse, an immigrant from Russia, knows that as an outsider in those areas where he owns newspapers he is mistrusted and must move slowly. In some conservative areas, and in special situations like St. Louis where his *Globe Democrat* couldn't possibly take a stance to the Left of the Pulitzer family's *Post Dispatch*, Newhouse keeps his finger out of the editorial pie. Yet, by coinci-

Footnotes at end of article.

dence, anti-Communist columnist Paul Scott was recently dropped by *ten* Newhouse papers. Hardly a coincidence.

While Newhouse is the largest owner of major dailies, the equally mysterious Lord Thomson of Fleet (Roy Thomson of Toronto) has added to his international publishing empire some fifty-six American papers in small and medium-sized towns. Thomson is also owner of the *London Times*, traditional voice of the British Establishment—where the Royal Institute for International Affairs is controlled by the same people who control our C.F.R. Thomson is a member of the elitist Pilgrim Society, which seeks to merge the United States into the British Commonwealth as a base for World Government. The major international banking firms on both sides of the Atlantic are well represented in the Pilgrim Society, and recently made it easy for Thomson to lay out $72 million for a dozen Busch-Moore newspapers in America. This was accomplished with the recent purchase of the *Philadelphia Inquirer* and *Daily News*, from U.S. Ambassador to the Court of St. James, Walter Annenberg (owner of *TV Guide*) The Knight chain is now one of the top three chains in the country in circulation. Cost of the latest acquisitions: $55 million. John Knight (Detroit C.F.R.) controls such increasingly Left-leaning dailies as the *Detroit Free Press*, the *Miami Herald*, the *Akron Beacon Journal*, and a dozen others. The Establishment *Insiders* lean Left, Lefter, Leftist.

DEVICES FOR CONTROL

Though newspapers are increasingly supplementing A.P. and U.P.I. with the wire and feature services of the more blatantly Leftist *New York Times*, *Washington Post*, *Los Angeles Times*, and *Chicago Daily News*, the Associated Press and United Press International are used by practically all newspaper, radio, and TV stations as basic sources of news. The wire services are in the main Establishment vehicles. One notes that Arthur Hays Sulzberger was one of the organizers of the Associated Press in the South and was a director of A.P. from 1901 until 1952. Former Timesman Dinsmore maintains, "The Associated Press and the United Press follow the *New York Times* closely, and I mean that these news gathering agencies follow it deliberately."

Associated Press is a co-operative, and the reliability and slant of the news it puts on the wires is largely dependent on the local bureau chief. The United Press International is owned by the Scripps-Howard organization, a chain of eighteen newspapers. Scripps-Howard decides on editorial policy based on a vote of all of its editors and pursues what is today a moderately "Liberal" approach.

Next to outright ownership the most effective Establishment control over what appears in our newspapers lies in the power to make or break a paper through control of advertising. The average newspaper depends on advertising for from two-thirds to three-fourths of its revenues. Ike McAnally, for four decades a reporter with the *New York Daily News*, comments in *Counterattack:*

The most persistent influence upon the editorial policies of metropolitan newspapers today is the large advertiser. In many instances these advertisers are department stores. Some of these make open and contemptuous demands upon the front offices of newspapers to support the left wing. Others relay "suggestions" . . .

. . . Newspapers have surrendered unconditionally to left wing front office pressures, real and imaginary . . .

. . . They realize that if they write a story which might draw unfavorable reaction from, for instance, a department store, the city editor is apt to throw their copy back at them . . . It is inevitable that with front offices swinging over, individual newsmen have more elastic principles.

Here's how it works. Every one of the major department store chains—R. H. Macy & Company, Federated Department Stores, Gimbel Brothers, Sears, Roebuck & Company, J. C. Penney Company, The May Department Stores Company, Interstate Department Stores, and Allied Stores Corporation—has on its board of directors at least one officer who is a member of the Council on Foreign Relations and/or a partner in Kuhn, Loeb; Lazard Freres; Lehman Brothers; Dillon, Read & Company; or Goldman Sachs. These chains own most of the major department stores in America's great cities, although you might not recognize them by name as the names of store founders are usually retained when they are sold out to a chain.

Establishment adventures will, of course, permit a paper to take a moderately conservative stand, but it is taboo to discuss the Establishment and its links with the International Communist Conspiracy. This is largely the reason why the information you read in American Opinion, which is readily available to all reporters, is not found in your local daily.

The fact of the matter is, in short, that the Establishment *Insiders* have virtually sewn up control of America's newspapers. They have control of our major television networks and newsmagazines too, but that is an area of The Media which we shall save for discussion in next month's issue of American Opinion. The details are as bizarre as they are fascinating.

FOOTNOTES

[1] The Vice President has now become not only the President's best life-insurance policy against the ultimate excess of the unsophisticated Maniac Left, but also his ticket to re-election. The conservative wing of the G.O.P. will likely be kept from bolting the Party in 1972 by the prospect of Agnew for President in 1976.

[2] See "The C.F.R.—Conspiracy To Rule The World," *American Opinion*, April 1969.

[3] For details of the role played by Schiff and his Warburg brothers-in-law in the Communist Revolution, see "The Bankers," *American Opinion*, March 1970.

[4] For his service while in the Kennedy-Johnson Administrations, George Ball (C.F.R.) was made a Lehman Brothers partner.

[5] The direct representative of the English Rothschilds in the United States is Peter Fleck (C.F.R.), a partner in the bank of N.M. Rothschild & Sons of London. He has an office at 70 Pine Street, New York.

[6] Herman Dinsmore's well-documented exposé (Arlington House, New York, 1969) got the silent treatment from the Establishment media at the same time Gay Talese's *The Kingdom And The Power*, a gossipy book written with the help of the *Times* to offset the influence of Dinsmore's book, received the full hullabaloo treatment from the Establishment Press.

[7] The *Times* has voiced opposition to every federal official who ever opposed domestic Communism—from A. Mitchell Palmer in 1918 to Otto Otepka in 1969.

[8] Certainly other members of the Chandler family are extremely patriotic and conservative, but they have been frozen out of all authority in the running of the newspaper.

[9] The *Chicago Tribune* has moved a long way into the middle of the road since the passing of Colonel McCormick. The *Trib's* Sunday Book Review section now comes from the *Washington Post*, a fact which must cause the Colonel to spend Sundays spinning in his grave.

[10] Naturally enough, Establishmentarian Newhouse keeps much of his wealth carefully protected within a tax-exempt foundation. He has 18 million readers, many of them in cities without competition. As Newhouse brags: "I've got more circulation around New York—765,000—than the *New York Times*."

HOPE FOR WORLD PEACE IN CURRENT SALT NEGOTIATIONS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. BIAGGI. Mr. Speaker, the strategic arms limitation talks—SALT—between this country and the Soviet Union have developed to a point where it now appears that a meaningful treaty is likely to emerge. I have continuously urged that such negotiations be conducted, and hailed the President's action at starting the talks last year.

The possibilities of halting the ever-escalating number of offensive and defensive missiles, such as the MIRV and the ABM, and the further possibility of reduced troop requirements in Europe fills the mind with a hope for real world peace.

However, though the potential may be there, success in the area of national security can only be measured in terms of hard facts and proved safety. Therefore, before the final treaty is signed, we must be sure that it contains the safeguards necessary to insure against violation of its covenants and that it does not leave the United States at a disadvantage from the start.

A treaty with the dimensions this one could have, and the fact that it is between the two superpowers of the world, is often difficult to relate to the domestic front and particularly to each individual and each family. Nevertheless, if we can meet with success in this area during the next year, the beneficial consequences for every American are innumerable.

OFFENSIVE MISSILE LIMIT

The broad aspects of agreements, as briefly outlined in the communique issued by the negotiators last month, indicate that present offensive missiles will be limited quantitatively. This would mean that our present arsenal of ICBM's and Polaris/Poseidon missiles would be frozen at present levels as would that of the Soviet Union.

This in itself would mean a substantial savings in offensive weapons production. We have a parity position—or perhaps a slight edge—with the U.S.S.R., at the moment which assures us of substantial firepower in case of nuclear attack. At present levels, our offensive weapons can inflict a degree of damage that would be unacceptable to the Soviets.

ABM LIMITATION

But there is a further and more significant provision being discussed in the current talks. This is the limitation of the U.S. defensive antiballistic missile systems—ABM—and the giant SS–9's. Freezing the development of these multi-billion-dollar systems would reduce the need for increased defense spending in the country over the next 20 years.

The ABM system became necessary when the Soviet Union began deployment of its massive SS–9's, an offensive missile which threatens to upset the balance between the two superpowers. At the same time, the U.S.S.R. began de-

velopment of its own ABM system around Moscow. The combination of fully deployed Soviet SS–9 and ABM systems would make the U.S. nuclear deterrent meaningless.

Top officials of the President's staff made public the offer of abandonment of the ABM system at a press briefing recently. It was also revealed that the Soviets have a 64-site antimissile system now installed around Moscow compared with the two U.S. sites under construction and two planned for locations out West.

BLUE CHIP ABM

The administration argues that the present ABM development planned by this country will serve as a blue chip in the table stakes during the Vienna conference. It is said that the system, once completed, would nullify the effects of the SS–9's; thus serving as an effective bargaining point. Be this as it may, if these talks are successful, the need for development of the ABM would be eliminated.

However, if the U.S.S.R. continues its production of the SS–9's and its ABM system, and pressures in the United States for reduced defense spending continue to prevail, the Soviets could be placed in the dominant position of being able to launch an all-out nuclear attack without fear of significant retaliation.

However, the SALT agreement could put a halt to this dangerous escalation and serve as a vehicle for further talks that might lead to mutlilateral reduction of international tensions between the two giants.

TROOP REDUCTION IN EUROPE

It is this latter possibility that offers the greatest hope for the future. The United States presently maintains over 300,000 troops in Europe as part of its commitment to NATO and as a first line of defense for this country. These troops cost the U.S. taxpayer $14 billion annually.

The Soviets and their allies in Eastern Europe have indicated a willingness to reduce U.S.-Soviet troop levels on the continent on a bilateral basis. This would result in significant savings for the U.S. Government without compromising our national security position.

The billions of dollars that are presently slated to go for the ABM system, the MIRV system, and other necessary nuclear deterrents, could be channeled into needed domestic programs and lowered taxes. A successful treaty negotiation will definitely help ease the economic pressure that the increased defense spending needs have placed on the average taxpayer.

More importantly than the savings of billions of dollars, however, is the new national sense of security that eased international tensions and a real world peace would bring—a sense of security that is not based on a reign of terror and compounded by the fear of a possibly misguided and completely ruinous nuclear war.

HISTORICAL BACKING

This Nation shed the blood of many of its citizens in two world wars during this century. Their efforts were supposed to bring peace to the world and an end to war for all time. That dream and that goal have yet to be realized.

At last this Nation is in a position to negotiate a treaty that will make the lives of those men lost so many years ago worth the terrible cost this country and their families have paid.

Peace! Peace through mutual realization of the life that the world can give, not the death that nuclear destruction could bring.

It is difficult not to express some words of joy at the hope that the dreams of our predecessors in this century may finally be realized at our hands. Every effort must be made—every channel pursued—to assure a U.S.-U.S.S.R. treaty on strategic arms limitation that will bring this goal to fruition. I am confident that the time for a lasting world peace is at hand and the writing on the wall spells SALT.

ROBERT ALEX BARON—FIGHTER FOR QUIETER CITIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. RYAN. Mr. Speaker, there is increasing awareness of the dangerous environmental hazard of noise pollution.

Scientists have proven that noise is not only damaging to the hearing, but also to the physical and mental health of human beings.

I have introduced legislation with 22 cosponsors—the Noise Control Act of 1970 (H.R. 16520 and H.R. 16708)—which would set up an Office of Noise Control within the Office of the Surgeon General of the United States.

The problem of noise has also aroused citizen group concern.

One such group is in New York City. The Citizens for A Quieter City, Inc., led by its director Robert Alex Baron, is working hard to document the danger of noise, to bring it to the attention of New Yorkers, and to see that something is done—before it is too late.

Recently, this organization received a $300,000 grant from the Ford Foundation to make an initial study on noise and its effects.

I am including in the RECORD a profile from the August 25 New York Post, "Daily Closeup—The Storm Before the Quiet," by Lindsy Van Gelder. This article tells of Mr. Baron's work to make New York City a less noisy one.

I urge my colleagues to read this article, and to join the fight against noise pollution.

The article follows:

THE STORM BEFORE THE QUIET

"Unlike air pollution, noise doesn't kill you outright," says Robert Alex Baron. "It just makes every day a living nightmare."

Baron, executive director of Citizens for a Quieter City Inc., adds that excessive noise has been shown to cause fatigue, stress, accidents, irascibility, pain, occasional deafness and possible harm to unborn children. He's trying to do something about it.

The danger zone for human ears starts when noise, especially if prolonged, registers 85 decibels. Rumbling trucks and buses often register 95, jackhammers 100, lawnmowers 98, building-top air conditioners 100, motorcycles 115, overhead jets 115, and amplified rock bands 120. One recent experiment showed that laboratory rats suffered death after prolonged exposure at 150 decibels.

"Big city noise is getting worse all the time, as new noisemakers are invented and put into use and congestion gets worse," said Baron, sitting in his Park Ave. office not far from a clattering Xerox machine.

"The problem now," he added, "is to get people moving before noise reaches the crisis level. We don't want to wait until the blood is running out of our ears."

Baron's organization recently received a $300,000 grant from the Ford Foundation to study noise. The group plans to go into a New York neighborhood—as yet undisclosed—and begin sometime this fall.

The next step will be to "develop concern for the issue within the community and get people to demand quieter equipment and the implementation of the present anti-noise laws." Baron calls it "a sort of urban noise abatement demonstration project."

Baron got into the noise abatement business six years ago, purely by accident. Born in 1920 on Chicago's West Side, he was the oldest of four children of Morris Baron, a dairy technician, and the former Emma Bagus. Following in his father's footsteps, he graduated magna cum laude in dairy technology from the University of Illinois.

"That means I could make cottage cheese," he explains wryly. "Cheddar cheese was a graduate course." Baron worked briefly as a milk sanitarian outside Chicago and then joined the Army, serving in France and Germany in World War II.

While in the service, he helped produce soldier shows. After the war, he earned an M.A. in theater at Smith College and came to New York. He spent the next 20 years in the entertainment business with "a checkered career" of stage managing, running a theater tour service and doing research for the theater industry.

Six years ago, Baron and his wife, theater manager Joan DeKeyser Baron, were living on Sixth Av. and 55th St. with their daughter Stacey, then 2. Across the street, the Transit Authority was building a new subway station.

"The construction noise began at 7 a.m. and went to 5 p.m.," Baron recalled. "Plus a few evenings by permit." Tranquilizers didn't work.

The Barons and other frazzled tenants organized the Upper Sixth Av. Noise Abatement Assn. and appealed to their local legislators. "To our shock, we found that most of the noise was legal. Even today, only a fraction of city noise is against the law—like undue horn-honking. The noise ordinances are incredibly out of date."

Baron began spending increasing amounts of time buttonholing people at City Hall, the Transit Authority and the Health Dept. Then he went to Cincinnati for a six-month stint as a theater manager and stayed at a hotel located in the midst of a sand-blasting urban renewal project.

"I began to realize that this was a national problem, but there wasn't any national organization to combat it," he said. Baron joined a British noise abatement society—"I was so desperate to find some rapport."

Since his organization was officially incorporated in 1966, Baron has traveled to Holland, Germany and England for noise abatement conferences and he points out that Europeans have placed a high priority on the use of quieter sanitation, subway and construction equipment.

Baron now works full time as a noise fighter, with lecture work, writing (a book, "The Tyranny of Noise," will be published in the fall) and consulting.

He is a member of the Mayor's Council

on the Environment and the Commerce Technical Advisory Board Noise Abatement Panel of the U.S. Dept. of Commerce.

His hobby? "Reading everything I can get my hands on about noise."

EARL WARREN OF THE UNITED NATIONS ORGANIZATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. RARICK. Mr. Speaker, the United Nations Association Chairman, Earl Warren, and his guests were quite outspoken recently on the recent hijacking of the U.S. aircraft.

Many find it strange that Chairman Warren did not explain his complicity in the international situation which he worked so many years to create and nurture, and which continues to destroy constitutional government and reduce the strength of the American people.

Perhaps the reason Mr. Warren and his group are more concerned about the hijacking of an airliner in the Middle East than about the hijacking of the USS *Pueblo*, the EC–121, and the USS *Liberty* or the many hijackings to Cuba, is that the Boeing 747 was not owned by Pan American but rather by a New York City bank.

Mr. Speaker, I include two related newsclippings at this point:

[From The Evening Star, Sept. 10, 1970]

"ALMOST UNBELIEVABLE"

(By Ymelda Dixon)

Secretary of State and Mrs. William P. Rogers stopped by briefly at the John Quincy Adams Rooms of the State Department last night.

He was outspoken on the hijackings: "It is almost an unbelievable situation. How could any people do these things?"

Rogers was deeply concerned about the welfare of the women and children on the planes. "It is so hot in those planes. I checked with Charles Tillinghast, president of TWA today. The airlines people are very helpful, and the other governments are as concerned as we are."

The Rogers, taking time to stop by at the reception which honored Henry Cabot Lodge, U.S. envoy to the Vatican and chairman of the President's Commission for the Observance of the 25th Anniversary of the United Nations, showed their esteem for Lodge and the United Nations.

Lodge, in town for meetings of the commission, will return to Rome in November.

He looks 10 years younger than when he was handling the peace talks with the North Vietnamese in Paris. He laughingly admitted it is much easier to deal with Rome than with the North Vietnamese.

Hosts at the magnificent 6 to 8 o'clock reception was the chairman of the United Nations Association of the U.S.A., former Chief Justice Earl Warren and Mrs. Warren.

Guests of honor with Lodge, were Frederick L. Ehrman and Spyros P. Skouras.

Skouras is general chairman of the annual United Nations Concert and Dinner in Washington, set for Oct. 17. A former movie mogul, he now is chairman of the Board of Prudential-Grace Lines.

In the manner of the Golden Greeks, he is building a great shipping line and hopes to help restore the prestige of the American merchant marine.

Mrs. Skouras is a rarity among the wives of film families—the first and only wife.

Last night, Mrs. Skouras and the Skouras' daughter, Mrs. George Fowler, wife of a Connecticut surgeon, both wore Dior gowns with diamond and turquoise jewelry.

Ambassador of Israel and Mrs. Rabin came to the reception, Rabin plainly showing the strain of the past weeks.

Leah Rabin was smart in an Israeli midi dress.

"Israeli women, with all their troubles, take time to think of fashion and are wearing the midi," said Mrs. Rabin, who recently returned from her homeland.

Secretary of Agriculture and Mrs. Clifford Hardin and many chiefs of diplomatic missions and their wives also attended.

[From the Washington Post, Sept. 11, 1970]

TERRORISM: FALLOUT ON PAN AMERICAN

(By Robert J. Samuelson)

The Arab terrorists who destroyed a Boeing 747 in Cairo earlier this week may have channeled $24 million into the coffers of Pan American World Airways.

Although the plane carried Pan Am's insignia, the jet actually belonged to the First National City Bank, which leased the aircraft to Pan Am.

Pan Am, however, shouldered the responsibility for insuring the plane, and now the company is considering keeping the $24 million in insurance payments, airline officials said yesterday. Another Boeing 747—owned outright by the company—would be substituted in the lease agreement.

With large, unused lines of bank credit, Pan Am faces no immediate cash shortage, company officials said yesterday. Nevertheless, the extra $24 million would provide an additional cushion of funds during a period marked by increasing anxiety over "liquidity."

Last year, Pan Am lost $25 million, and, so far in 1970, the company has recorded a $12 million deficit, although these losses don't accurately reflect the airline's cash flow. Depreciation on equipment, for example, officially counts as an expense but doesn't represent an immediate cash outlay.

According to one high Pan Am official, the airline could also decide to repay First National City Bank for the jet and simply eliminate the lease. In that case, he said, the airline actually might record a small profit, because the lease price is $23 million and the insurance coverage is nearly $24 million.

Precisely what happens, this official said, depends on a multitude of highly-technical factors—including which of two insurance policies covers the Cairo explosion. One policy protects the company from ordinary losses against airplane destruction (this is called "hull" insurance), and the other (called "war-risk" insurance) comes into force only as a result of a wartime loss.

"The war risk (insurers) claim that the loss is commercial, and the commercial (insurers) claim that it's war risk," the official said.

Reports that international airlines are receiving cancellation notices of insurance, industry experts said yesterday, probably center on war-risk policies. According to these experts, it's likely that hijacking losses will be classified universally as "war risks" for international carriers, and the policy rates may be raised.

These experts, however, minimized the possibility of a permanent loss of insurance.

For Pan Am, the loss of the 747 may constitute something less than a grave hardship, one airline analyst said yesterday Like many other airlines, he said, Pan Am may have too many planes—too much "capacity"—for the available traffic.

If Pan Am decided to substitute another Boeing 747 for the destroyed plane in the First National City Bank lease the $24 million in cash would not be recorded in as profit but simply as a transfer of assets from capital equipment to cash.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

HOUSE OF REPRESENTATIVES—*Monday, September 14, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The just shall live by faith. Romans 1: 17.

Almighty and most merciful Father, we begin the week conscious of our own need and yet aware of Thy great power to sustain us in our endeavors on behalf of our beloved land. Keep us faithful in the performance of our duties, loyal to every high and holy principle, responsive to the needs of our citizens, and above all receptive to the leading of Thy living spirit.

We pray for our country—that as a people we may be delivered from malice, bitterness, and ill will. Strengthen within us all a true sense of justice, a due regard for the rights of others, and a genuine spirit of good will. Together may we get in step with Thee and with one another as we go forward to one Nation with liberty and justice for all.

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 10, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons; and

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the bill H.R. 16968 entitled: "An act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5. An act to promote the public welfare; and

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.
September 11, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:50 a.m. on Friday, September 11, 1970, said to contain a Message from the President wherein he transmits the report of the American Revolution Bicentennial Commission.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

REPORT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

The report of the American Revolution Bicentennial Commission, which I am transmitting to the Congress today, presents cogent suggestions for commemoration of the 200th anniversary of the birth of our nation.

I strongly endorse the Commission's primary recommendations that:

—The commemoration be national in scope, seeking to involve every State, city and community;

—The Bicentennial be a focal point for a review and reaffirmation of the principles on which the nation was founded and for a new understanding of our heritage;

—This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

I concur with the Commission's concept of a Bicentennial Era with its focal point in 1976.

The Commission is now moving from the planning to the development stage of the Bicentennial Era. To assist it in its task, I have these comments on some specific areas:

ON MAKING THE CELEBRATION NATIONAL IN SCOPE

1. I invite the Bicentennial Commissions now formed or forming in each of the 50 States, along with Puerto Rico, the District of Columbia, and the Territories, to share in a special effort to ensure active and nationwide participation in the celebration of America's 200th birthday. In the year preceding July 4, 1976, I invite each of those areas to accept the responsibility for a single week in which national focus would be on that area's local traditions and commemorative activities, in a way that would permit the Nation and the world to observe both our historic development and our local activities to meet the challenges of the third American century.

2. The Commission urges a "multi-city exposition" and quite properly concludes "there should be no commercially-oriented world's fair in the traditional sense anywhere in the Nation during the Bicentennial Era." I agree. There can be no single Bicentennial city. Nor is any traditional type of world's fair in one city adequate to the challenge of a national celebration.

However, since American civilization has drawn on the genius and traditions of nations throughout the world, and has contributed as well to their development, we should actively encourage international participation in our celebration. To do this in an orderly and well-planned way, we should select a principal site on which that international participation can focus. Philadelphia, site of the signing of the Declaration of Independence, and the creation of our Constitution, would be the natural place for this activity.

Accordingly, I am now instructing the Secretary of State to proceed officially with appropriate registration procedures with the Bureau of International Expositions for an international exposition in Philadelphia in 1976. Such an exposition, however, is to be primarily cultural, inspirational and non-commercial in character, with the emphasis on quality rather than size.

Pursuant to the provisions of Public Law 91-269, I am directing the Secretary of Commerce to review the financial and other support to be secured for the Philadelphia exposition from both government and private sources and, together with David J. Mahoney, Chairman of the Commission, and George P. Shultz, Director of the Office of Management and Budget, to report to me the result of this review.

If suitable financing arrangements can be worked out, Philadelphia can be an exciting focal point for international participation in a way that will carry forward the regard of our Founding Fathers for "the opinion of mankind" without in any way restricting the scope of the celebration to a single city. In fact I hope that foreign visitors and visiting groups, including artists and performers, will travel to every corner of the Nation and participate in as many Bicentennial events as possible.

3. It would be appropriate for the Nation's capital to play an important role in helping to set the tone for the national celebration. I have already made known my support for such long-range projects as a new rapid transit system, the Federal City Bicentennial Development Corporation, and an acceleration of urban renewal plans. I am directing Chairman Mahoney to begin a series of meetings with Mayor Washington, the National Capital Planning Commission, Chairman Mark Evans of the National Capital Historic Region Bicentennial Committeee, Counselor to the President Daniel P. Moynihan and Director Shultz to define specific plans and costs for my review and to recommend ways to achieve community participation in the planning and development process.

4. The Commission report asks the City of Boston "to develop a program to explore and examine the revolutionary roots of America through its great historical resources" and endorses the completion of Miami's permanent Trade and Cultural Center (Interama) "as a part of the Bicentennial observance." These plans, as well as others from cities in other sections of the country, are to be strongly encouraged.

5. The Commission pointed out that improved travel facilities would "contribute greatly to a successful Bicentennial celebration," and expressed particular interest in special urban corridor projects in the Northeast which would not only expedite the flow of visitors from one historical site to another, but would also provide permanent benefits for a significant percentage of the American population. I am instructing Secretary Volpe and Director Shultz to analyze these projects, including costs and timing, and to submit their recommendations to me.

ON FINANCE AND ORGANIZATION

1. I will refrain from making commitments to any particular project rec-

ommended by the Commission until timing and cost data are submitted and studied. As policy choices and costs become evident, Chairman Mahoney will resubmit some of these recommendations to the Commission and will inform me of the Commission's preferences.

2. The Commission will have important operational responsibilities: the Bicentennial Calendar, publications, films, the setting of standards and the coordination and monitoring of many projects closely tied to the national celebration. It may be advisable to enlarge the Commission and constitute it as the "Board of Directors" of a corporate structure equipped to deal with operating functions. I am asking Chairman Mahoney to meet with Director Shultz and to recommend to me a plan for future Commission organization and funding.

ON THE OVERALL THEME

A "Festival of Freedom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful and affirmative; yet it must also be thoughtful, profound and searching.

There is a phrase in the Declaration of Independence that is based on English political philosopher John Locke's concept of "Life, liberty and property" being the inalienable rights of man. Thomas Jefferson's dream for the new nation transcended the material; he saw property rights not as an end in itself, but as one means to human happiness.

For that reason, he substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for "the quality of life."

That thread is woven through the fabric of American life over two centuries. It keeps us from getting smug about our success; it reminds us of the need for the spiritual as we attain more of our material needs; it keeps us moving, growing, changing for the better.

Improving the quality of life is, in a sense, a more compelling concept in this era of advanced technology than it was in the time of Jefferson. I believe that this is the area in which we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *September 11, 1970.*

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelop from the White House, received in the Clerk's Office at 11:50 a.m. on Friday, September 11, 1970, said to contain a message from the President entitled "A Call for Cooperation" concerning pending legislation.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

A CALL FOR COOPERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-381

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

A CALL FOR COOPERATION

In the course of the past year and one-half I have sent more than 50 messages to the Congress proposing legislation to deal with certain problems, or to achieve certain national objectives. On two occasions I have sought to provide a comprehensive summation of these messages, thereby presenting an administration philosophy.

In the first of these, my message of October 13, 1969, I asserted that if ours is not to be an age of revolution it must be an age of reform, and declared that this would be the watchword of the Administration: REFORM. I listed then a series of such measures already proposed:

Reform of the Draft
Reform of the Welfare System
Reform of the Tax Code
Revenue-Sharing Reform
Postal Reform
Manpower Reform
Social Security Reform
Reform of the Grant-In-Aid System
Electoral Reform
D.C. Government Reform
OEO Reform

I spoke then of further issues for which the Administration proposed new initiatives: with respect to hunger and malnutrition; population; crime; narcotics and pornography; manpower facilities and unemployment insurance; public transportation and air facilities.

In my State of the Union Message of January 22, 1970, I returned to this theme, proposing that as we enter the seventies, we should enter also a great age of reform of the institutions of American government.

The first principle of reform is that government programs and institutions should be effective. They should deliver what they promise. Too many promises of the 1960s have not been kept. The nation is now paying a price for this.

This principle is a cornerstone of the New Federalism. We seek to develop a new sense of partnership between the Federal government and State and local governments, to assign responsibility and authority for public functions to the level best qualified to carry them out. In the name of the "urban crisis," for example, the 1960s saw the Federal government increasingly caught in issues of municipal housekeeping that are most appropriately the business of a city council. But simultaneously the great fiscal power of the Federal government was never brought to play—through revenue sharing—to provide local governments with sufficient resources to enable them to solve their own problems in their own ways.

The second principle of reform is that America must find a way to direct its own growth. We have entered a decade in which our gross national product will increase by $500 billion, an amount greater than the entire growth of the American economy from 1790 to 1950. Out of this vast increase in wealth we can create a life of unprecedented achievement for ourselves, and for the nation. Or we can choke on it. "Toward Balanced Growth: Quantity with Quality," the theme of the report of the National Goals Research Staff, could well be the theme of the 1970s.

In foreign affairs I have held out the hope that if our new policies succeed America may have the best chance since World War II to enjoy a generation of uninterrupted peace. More then is the reason to consider forthwith how we are to use the abundance of peace.

The great question of the seventies, as I pointed out in my State of the Union Message, is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water? I promised a national growth policy, to bring balance and order to the great changes in population, industry, and patterns of education and training that would affect the quality of life in the three decades ahead.

In February I sent to the Congress the most comprehensive proposals in the area of environmental protection and enhancement ever set forth by any adminstration. Since then I have proposed the creation of the Environmental Protection Agency to establish a focal point for setting general environment pollution standards affecting all media and forms of pollution.

I have now virtually completed the domestic legislative proposals I will make to the present Congress. I would like then to take one further opportunity to sum up. I would like to acknowledge the important achievements already behind us, and also to stress the very considerable amount of work which is still before the Congress and which must be done if we are to meet our responsibility to this new decade, much less to begin to fulfill its promise.

In my message of last October I stated that if a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required.

Candor requires first that we acknowledge the exceptional circumstances which were thrust upon us by a relatively rare event in American history. For the first time in 120 years an incoming President of one party has faced a Congress dominated by another.

Given the system of "checks and balances" built into our government, it would be reasonable to predict that in such a situation the institutions of the Presidency and the Congress would thwart one another, and that stalemate would ensue. The American Constitution was devised in large measure to limit the exercise of power. We should not be surprised if on occasion it makes such exercise difficult.

Yet this need not be. It is not less a quality of our Constitution that by providing a voice to wide ranging and diverse interests it makes it possible from time to time to face up to issues of national importance, and to make genuinely national decisions about them. Some decisions can be reached only if both parties are willing to share responsibility; some programs can be enacted only if both parties share the credit.

This, then, is a time to face such issues. As President, I have sought to do so. I have proposed to Congress legislation dealing with issues about which there has been an unmistakable national judgment that something needs to be done. Revenue sharing, for example, was pledged by both parties in their 1968 platforms. We need it; the public supports it. Yet, until now, no President has felt it possible to propose revenue sharing, no Congress has made any move toward enacting it. Draft reform, welfare reform, crime control, environmental protection, are other issues that need urgent actions. I have felt it possible to approach these matters as national issues about which we could make national decisions in which both parties would participate, for which both would honorably accept responsibility and justly claim recognition.

Whatever will be the judgment of history, the record of this moment is that Congress has not responded. There are exceptions, of which all involved can and should be proud. But the larger fact is that Congress, in a mood of nostalgia and partisanship, has too much devoted its energies to tinkering with programs of the past while ignoring the realities of the present and the opportunities of the future.

Time now slips away. The Congress is coming to a close. Its work is not done. The issues I have asked to be considered have not been considered. And yet matters press. We cannot wait for politics. We must seek a record of achievement all can share.

As we build this record, we must not lose sight of the overriding need for fiscal responsibility. Year after year during the 1960s the Federal government incurred a deficit. In the early years of the decade there was a justification for this. The economy was operating at less than full employment capacity. In the later years there was no justification whatever: persistent deficits could lead only to a disorderly and punishing inflation. This was predictable; it was predicted; it came to pass.

It need not happen again, and it must not. This is why I have been forced to veto appropriation bills sent me by the Congress in amounts well above those requested. I understand full well the feeling for worthy purposes that inspires such action. But there is a higher national interest. Economics has taught us to think in terms of the entire economic system. To affect one part is to affect all parts. The Federal government must act in accordance with that knowledge and reality. Just as the President sends a unified Budget to the Congress, the Congress surely should devise some manner of unified response. I have suggested that Congress establish an overall spending ceiling, and adjust the various appropriation bills to accord with that ceiling. There may be other and better ways of attaining this goal. But we can no longer avoid the necessity of finding some means whereby the present fragmented and competitive legislative process that mandates and promotes Federal spending can be brought under control so that the impact of the total Federal budget is to sustain and encourage economic growth, rather than to disrupt it. This is the course of fiscal responsibility.

If restraint is one condition of fiscal responsibility, timeliness is surely another. In recent years Congress has more and more tended to put off the enactment of appropriations bills until months after the beginning of the fiscal year. It is now September. The fiscal year began July 1st. Yet only four out of fourteen appropriations bills have been enacted. This practice begins to threaten the very basis of orderly and effective government.

Fiscal restraint in no sense precludes a reordering of national priorities. To the contrary, it is only when such restraint is exercised that a purposeful direction of events can occur. In fiscal 1971, for example, for the first time in two decades, the expenditures of the Federal government on Human Resources are greater than the expenditure on Defense and Defense-related activities. We have reversed the trend of the 1960s. Our priorities *have* changed. But this change can be effective only in the context of disciplined and responsible fiscal policy. The matter may be put more strongly. Anyone who seriously wishes to see a reordering of priorities for the nation either must insist on doing so in a responsible and disciplined manner, or must be judged not to be serious.

REFORMING THE INSTITUTIONS OF THE PAST

Of the major items of reform which I have proposed to the Congress, and which I described in my message of October 13, 1969, some have been acted upon.

The Tax Reform Act of 1969, which had some troublesome features, nevertheless did incorporate most of the measures reforming the Tax Code which I had proposed.

The Administration asked for and obtained the extension of the *Economic Opportunity Act* to permit the OEO to carry out its new role.

One of the most important measures of reform passed by this Congress so far is the *Postal Reorganization Act* establishing the United States Postal Service. It is a landmark bill demonstrating not only ability to respond to a complex and persisting problem with bold and creative measures, but demonstrating as well the power of bipartisan effort when it is exercised with determination and will. This Act will need to be improved upon as the new system is established, but we have a sound structure.

Last year the Congress passed legislation I recommended to permit a change from the oldest-first to a youngest-first order of call in Selective Service, to reduce the period of prime vulnerability to one year, and to select individuals through a lottery system.

Thus we have made a beginning. But our work is nowhere near ended. The other major reforms I listed last October still have not been enacted. Since that time I have proposed a wide range of measures of equal importance. In far the greater proportion these, too, await action by Congress.

REFORM OF THE DRAFT

As long as the draft is necessary to meet our military manpower needs, it must be made to operate as equitably and consistently as possible.

This year, by Executive Order, future occupational, agricultural, and paternity deferments were eliminated. At the same time, I requested the Congress to restore the discretionary authority of the President on undergraduate student deferments so that these deferments could also be eliminated in the future. I also proposed that legislation be enacted to improve the random selection system by permitting the establishment of a direct national call of inductees. The Congress has not acted on these proposals. But the only long range solution is to end our need to draft by attaining an all-volunteer armed force. On April 23, 1970, I proposed military pay legislation to the Congress as an important step toward achieving an objective of reducing draft calls to zero. Unfortunately, this legislation has not been enacted.

In the meantime—and for all time—America owes an obligation to the men who have fought in Vietnam, and not less to those who backed them in the Armed Forces elsewhere. The *Vietnam Veterans Assistance Act* which I have proposed to the Congress would provide important new GI Bill benefits relating to post-secondary school training, the provision of Small Business Administrations loans to veterans from minority groups, and the provision of guaranteed loans for the purchase of mobile homes. This legislation has not been enacted; it should be.

REFORM OF THE WELFARE SYSTEM

The *Family Assistance Act* has been properly described as the most important piece of domestic legislation to go before the Congress in thirty-five years. It is one of the dozen or half-dozen most important pieces of domestic legislation in American history. The Act provides a basic national income supplement for all needy families with children. It abolishes the bankrupt welfare system of the past, which has so greatly contributed to our present crisis, and creates an altogether new system based upon work incentives (including support for child care services), job training and provision, and directed primarily to creating self-sufficient independent families. Where persons are genuinely dependent, as are the aged and disabled, or female headed families with young children, the bill provides national standards of benefits which will enormously improve the condition of the poor in many parts of the nation.

In April of this year the *Family Assistance Act* passed the House of Representatives by a resounding and gratifying vote. Hearings are now taking place in the Senate. It would be tragic beyond words if this historic opportunity were to be allowed to slip away from us. I am confident that this will not happen, but to prevent it the Senate will, of course, have to move with some dispatch.

The Family Assistance Plan is the keystone of an income strategy for the elimination of poverty in the United States. In 1969 the first move in this strategy was accomplished when Congress adopted the Administration's proposal to abolish income taxes for the poor. Reform of the Manpower Program and Unemployment Insurance are equally essential, and the latter has now also been enacted. But the strategy will be incomplete until the Family Assistance Plan is enacted as well.

On May 6, 1969, before the Family Assistance Plan was proposed, I sent to Congress a message on hunger and malnutrition, in which I declared that the moment is at hand to put an end to hunger in America itself for all time. Since then, major reforms have been carried through toward this goal. But legislation is required. The *Food Stamp Act Amendments*, which I recommended to the Congress, established the path-breaking principles that very poor families would receive free stamps, that for other families cash requirements would be limited to 30 percent of family income, that uniform minimum national eligibility standards would be established, and a range of similiarly important reforms. This legislation still has not been enacted.

Family welfare is necessarily related to family size and the availability of health services. On July 18, 1969, I sent the first Message to Congress ever on the subject of population. At the time I proposed that we should establish as a national goal the provision of adequate family planning services within the next 5 years to all those who want but cannot afford them, adding that in no circumstances will the activities associated with our pursuit of this goal be allowed to infringe upon the religious convictions or personal wishes and freedom of any individual, nor will they be allowed to impair the absolute right of all individuals to have such matters of conscience respected by public authorities. Part of this program has gone forward, but in order to reach our goal of being able to serve the estimated five million women who are in need of subsidized, publicly assisted family planning services, family planning legislation should be enacted by the Congress this year.

On the broader question of the future course of population growth and its implications for our society, I am pleased to observe that the *Commission on Population Growth and the American Future* which I proposed in my Message has been approved by the Congress and is now in operation.

In February of this year this Administration sent to the Congress the *Health Services Improvement Act* dedicated to the creation of integrated, effective, consumer-oriented health care systems by the consolidation of four existing and overlapping programs in this field. The Act would "decategorize" certain aspects of these programs, provide "joint funding", authorize the transfer of funds among these programs and encourage experimentation in the delivery of health services. The Congress has not yet taken final action on this legislation.

REVENUE-SHARING REFORM

As I stated in October, for the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units of the country. My proposal, the *Revenue Sharing Act of 1969*, would begin with $1 billion in its first full fiscal year, and rise to approximately $5 billion by FY 1976: It would be difficult to identify another proposal that has received such widespread endorsement. It is elemental economics, elemental good sense, elemental good government. Both parties endorsed Revenue Sharing in their 1968 platforms, and it has widespread public support. Yet neither the House nor the Senate has held hearings on this Administration's bill.

MANPOWER REFORM

Earlier in this message I stated that the first principle of reform is that government programs should be effective. With this object in view I have proposed a *Manpower Training Act* which would consolidate the major manpower training programs carried on by the Department of Labor into one funding authority, abolish categorical programs, provide that the administration of the programs be progressively decentralized to the States and metropolitan areas, and further provide an automatic increase of 10 percent in manpower funds when the national unemployment rate equals or exceeds 4.5 percent for three consecutive months.

Here is the New Federalism in action. Consolidate in the interests of flexibility. Decentralize where operations are best managed locally. Assert national standards of performance, and provide automatic adjustments to changes in the national economy. In the history of American Federalism there has been no comparable transfer of functions: a process that for more than a third of a century has taken responsibilities away from State and local governments and lodged them in Washington would now for the first time be reversed, not to reestablish an old arrangement, but to create a new one. Hearings have been held in both the House and Senate, but as yet neither body has responded to the essentials of this historic legislation.

One of the most important measures to pass either session of the Congress thus far is the recently enacted *Employment Security Amendments of 1970*, which I recommended July 8, 1969. This precedent-shattering legislation will not only cover 4.75 million additional jobs—in small businesses, nonprofit organizations, State hospitals, and State institutions of higher education among others—it will also provide an extension of the benefit period up to 13 weeks which is automatically triggered when the insured unemployment rate for the nation reaches 4.5 percent for three consecutive months, and would remain in operation until that rate drops below 4.5 percent for a corresponding three months. These provisions become effective January 1, 1972.

This is the most extensive reform of the unemployment insurance program ever enacted. Something of moment has occurred. This important income maintenance program has been made flexible, responsive, equilibrating. This is what modern government should be doing in a dozen such areas.

SOCIAL SECURITY REFORM

In the *Social Security Amendments* currently before the Congress, I requested an automatic cost-of-living adjustment in Social Security benefits to compensate elderly Americans, as I stated in October, for the losses they are suffering because of an inflation they could do nothing either to prevent or to avoid. This is an act of fairness which I proposed in my 1968 campaign for the Presidency and which the Congress should no longer deny to our senior citizens. In addition, I proposed several benefit liberalizations and reforms which would make social security a more equitable and effective instrument of income security for the aged. This measure has passed the House and awaits action in the Senate.

REFORM OF THE GRANT-IN-AID SYSTEM

The Congress consented to my reorganization plan which provided for the establishment of the new *Office of Management and Budget* and the *Domestic Council*. I am confident that these new entities will be major factors in improving the management of domestic affairs in the years ahead. However, there are other aspects of management reform which require legislation which has not been acted upon.

In the fourth month of the Administration I proposed to reform the increasingly chaotic and unmanageable grant-in-aid system of the national government by providing the President with power, subject to Congressional veto, to consolidate related assistance programs.

This is no small matter. It is one of the reforms that is absolutely necessary if our present governmental system is to be made to work. Again we face a familiar situation. We have made some improvements through action by the Executive Branch, but legislation is necessary. Hearings have been held on the *Grant Consolidation Act* in both the House and the Senate, but neither body has acted.

We have recently proposed dramatic changes in the manner in which Social Services are delivered to their intended beneficiaries. As an amendment to the Family Assistance Act, we proposed greater flexibility in the use of services money and related HEW programs—including permissive authority for State and local governments to transfer up to 20 percent from one appropriation to another under certain conditions. More-

over, we would launch a new Government Assistance Program to help Mayors and Governors strengthen their policy direction and management of important HEW services. The Senate Finance Committee was gratifyingly prompt in holding hearings on this important amendment, and I hope the Congress will enact it this year.

The *Federal Economy Act* is a related measure. Programs need to be consolidated; from time to time they need to be eliminated. This is an elemental principle of the decent management of public affairs. In February, 1970, I proposed program changes that would save $2.1 billion in Fiscal Year 1971—money urgently needed for other programs. More than half of those changes that require Congressional approval have not been put into effect. Further, the Congress is blocking over $170 million of the savings I proposed to achieve by executive action. In all, Congress is not acting on over $700 million in savings, or one-third of my proposals. In those areas where I have been left free to act I am accomplishing 100 percent of the savings planned.

ELECTORAL REFORM

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the President. For almost two centuries the system of the Electoral College has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the Constitution anticipated, will somehow confer the Presidency on that candidate who obtains the largest number of votes. The Electoral College need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the Presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

D.C. GOVERNMENT REFORM

Last October I called to the attention of Congress one of the truly unacceptable facts of American life, and asked for the enactment of legislation I had proposed which would bring about the orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional amendment giving the District at least one representative in the House and such additional representatives as Congress may approve, and providing for the possibility of two United States Senators. (We need to keep continually in mind the population of the District is greater than that of at least ten States.) I asked for an interim arrangement providing the District with a non-voting Congressional representative, and the creation of a Commission on Government for the District of Columbia to propose a permanent governmental arrangement. I have been heartened by progress toward the non-voting representative, but I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the nation's capital. I would remind the Congress that the founding fathers did nothing of the sort. Home rule was taken from the District only after more than seventy years of self-government, and this was done on grounds that were either factually shaky or morally doubtful. Surely we cannot allow this inadmissible situation to persist as the American Bicentennial dawns.

FOREIGN TRADE

In a message to the Congress of November 18, 1969, I proposed the *Trade Act of 1969* which would significantly strengthen the trade agreements program of the United States, recognizing that ultimately it is rising world trade and production that must form the base for the prosperity of developing nations. At the same time, the bill would establish a viable program of tariff adjustments for industries and adjustment assistance for firms and workers affected by imports. It would also promote the reduction or elimination of non-tariff barriers to trade, by eliminating the American Selling Price System. While this legislation awaits enactment, I again express my concern about the growing tone of protectionism in the arguments being made in the Congress.

The *Merchant Marine Act Amendments* provide for a long-range merchant marine building program of 300 ships in the next ten years, with a lessening of dependence on operating-differential subsidy for liner carriers, and the buildup of the bulk commercial carrier fleet for the foreign commerce of the United States. This is a trade expansion measure of fundamental importance. The bill has passed the House of Representatives, but has not as yet passed the Senate.

CRIME

In my October, 1969 Message I declared that there is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. These words were carefully chosen. The issue of crime is easily misunderstood, and on occasion deliberately so. The issue of crime is freedom. When individual citizens are the direct victims of violence, or the indirect victims when they are forced to restrict their own movements out of fear of violence, fundamental liberties are abridged. A government that fails to protect those liberties is not worthy of the name. At the time of my statement the issue had been the source of more legislative requests from the Administration than any other single subject. Today, not far from a year later, only two bills have passed. One was the *District of Columbia Court Reform and Criminal Procedure Act*—a measure of major importance. It provides for the expansion and strengthening of the entire system of law enforcement and criminal justice in the nation's capital. As I said in October, the Act provides more judges, new enforcement tools, reorganization of the archaic court system, a new public defender's office, and reform in the procedures for dealing with juvenile offenders.

The second was an amendment to the *Federal Youth Corrections Act* to provide more effective and improved methods for dealing with young people in the Federal criminal justice system.

Among the most important crime proposals that have been before the Congress for more than a year, and which have not been enacted, are these:

—*The Controlled Dangerous Substances Act.* This Act would substantially revise existing drug laws by providing new means for controlling dangerous drugs by establishing a new, comprehensive and realistic penalty structure designed to provide courts with guidance and flexibility in handling offenders, and by providing more effective enforcement tools for diminishing the availability of dangerous drugs.

—*Organized Crime Control Act.* This is an omnibus bill embodying recommendations of the President's Crime Commission, the National Commission on Reform of Federal Criminal Laws, and other groups. The ten titles codify and strengthen existing Federal laws relating to the prosecution of organized crime. Again, this is an issue easily misunderstood. The most important issues involved in organized crime are not those which are most commonly discussed. It has been estimated that as much as $50 billion a year passed through the hands of organized crime in illegal gambling alone. What is involved here is not the act of gambling by the individual citizen, but the corruption of government that invariably accompanies it. Similarly, the social consequences of the drug traffic controlled by organized crime spread far beyond the personal tragedy of the addict. They weaken the fabric of society itself.

This proposal would make large-scale gambling a federal offense and would make it a felony for large-scale gamblers and law enforcement officers or public officials to obstruct enforcement of State and local laws against gambling through bribery of government officials. And it would replace numerous disparate witness-immunity laws scattered throughout the United States Code with a single uniform provision. It is a long overdue reform. This bill provides, among other things, for increased sentences, up to 30 years, for dangerous adult special offenders—the recidivist, the professional offender, and the organized crime leader.

—*Wagering Tax Amendments.* This proposal would prohibit the use against the taxpayer of information obtained through his compliance with the wager-

ing tax, while at the same time increasing the coverage and amount of the taxes, and authorizing a grant of immunity to essential witnesses.

—*The Bail Reform Act Amendments.* This proposal would authorize a judge to detain, after a hearing, a person charged with certain categories of Federal crimes who was found to pose a danger to another person or the community if released.

—*Protection of Minors from Obscenity Act and the Prohibition of Transportation of Salacious Advertising Act.* These two bills would prohibit the use of the mails for the distribution of matter harmful to minors or advertisements explicitly designed and intended to appeal to a prurient interest in sex.

—*Criminal Justice Act Amendments.* This proposal would institute fundamental and urgently needed reforms in the provision of legal defenders for poor persons. Crime involves the issue of freedom, and that includes freedom from unjust arrest and conviction. Vigorous and competent legal defense is fundamental to this freedom, and it results in justice for not only the accused but also the accuser.

These crime control measures have been before the Congress for more than a year. There are further measures of equal and as great urgency also before the Congress.

—*The Omnibus Crime Control and Safe Streets Amendments.* The Law Enforcement Assistance Administration was established in 1968 in the Department of Justice to assist, through a grant program, State and local governments in strengthening and improving law enforcement. These amendments now pending in Congress would authorize appropriations for this important program for fiscal year 1971 and beyond and would amend the basic authority to permit better utilization of the available funds.

—*Explosives Regulation Proposals and Amendments.* We have proposed legislation to regulate the business of importing, manufacturing or dealing in explosives through a system of licenses and permits as well as prohibiting the purchase of explosives by mail-order. In addition, we have proposed amendments to the U.S. Criminal Code which would provide urgently needed powers to control the epidemic of terrorist bombings and nihilist destruction which has suddenly become a feature of American life. Here again the object of crime control is not simply to deter people from breaking the law and to punish persons who have broken the law, but more importantly to maintain and protec the freedom of citizens to live their lives without fear and without injury. The stability of democratic society is what really is at stake.

EDUCATION REFORM

If the impulse to reform may be muted with respect to some areas of American life, there would seem to be near universal agreement that reform is overdue and urgent at every level in the field of education. There is a difference, however, between reform and retribution. If education has failed—*where* it has failed—the remedy is not to destroy it, but to restructure it. Moreover, failure as perceived by one group may be success in the eyes of another. Opinions about education must be informed by knowledge about the subject. From this it follows that the first thing to understand about education is that our understanding of the process is weak indeed. At most, it can be described as just beginning. This is a lesson we learned in the 1960s at no little cost.

During that decade, Congress was extraordinarily generous in its support of education, particularly in its enthusiasm for trying to compensate through education for the environmental disadvantages of our least fortunate children. Support for education comprised the fastest-growing segment of the Federal budget by the mid-point of that ten-year period. This support—regarded as long overdue by most Americans, and begrudged by almost no one—generated an extraordinary flurry of activity in American education at all levels.

Much of this activity was based on the familiar premise that if only the resources available for education were increased, the amount that youngsters learn would increase, too. Somehow, it seemed reasonable to assume that the amount of dollars invested in education was all that really mattered. For we thought we knew what education was all about.

It is, therefore, perfectly understandable that we, as a nation, have been reluctant to accept the findings of massive research and bold scholarly analysis which suggest that perhaps our cherished assumptions may simply not be true. Or, if true, they are far more complex and difficult to understand than we thought. It is entirely understandable that we have all been reluctant to acknowledge how little return our investment has brought, how disappointing the educational results of our ambitious programs have been. But the simple and alarming fact has gradually become apparent, that we did not really understand the educational process well enough to have a purposeful effect on its outcome, which is, of course, what children learn.

There is no shame associated with this conclusion, and no blame to be assigned. But it is time to realize that every time we invest a billion dollars in a compensatory program, we raise the hopes of millions of our most disadvantaged citizens; which hopes are more than likely destined to be dashed, for the programs and strategies on which they rest are themselves based on faulty asssumptions and inadequate knowledge. This is bad government. It is bad politics. It is bad education.

This Administration did not take the easy way out of this sad paradox. The easy response would have been to ignore the research findings or to stop spending money across the board on education. In fact, the total sums budgeted by this Administration for education have risen steadily—to nearly $12 billion this year—and will continue to do so. For many of these programs have auxiliary benefits that should not be denied our young people. Far from cutting back—or pretending that programs "work" when in fact they do not—this Administration has chosen the tougher route of *reform and research.* For we are confident that the day will come when in fact every young American can learn as much and go as far as his abilities will permit. But that day will be slow in coming if we fail now to abandon outmoded precepts and to move beyond simplicities. (While at the same time giving full honor and credit to those who re-awakened the nation to its educational shortcomings.)

Accordingly, this Administration has taken a number of executive actions aimed at the reform and renewal of American education, consistent with the principle of the New Federalism that elementary and secondary education are properly the province of States and localities. The *Office of Child Development* has been created within HEW as the focal agency for our Early Learning Program and other activities aimed at enhancing The First Five Years of Life. The *President's Commission on School Finance* is now at work examining the pressing and complex problems associated with the financial support of public and non-public schools. The *Right to Read* has been established as a prime educational goal and a *National Reading Council* has been appointed to monitor the nation's progress toward it. We initiated a rigorous—and continuing—review of the Title I program.

But the reforms in Federal education programs that are most needed must represent the combined efforts of the Congress and the Administration. In two major Messages to Congress last March, I made a series of proposals for reform and renewal, first in elementary and secondary education, then in higher education. These were augmented by our proposed *Emergency School Aid Act*, and by the thorough-going reform of the Impacted Aid Program transmitted as part of the *Federal Economy Act.*

In these proposals I asked that the Congress establish a *National Institute of Education*, within the Department of Health, Education, and Welfare, in order to bring to education the intensity and quality of research and experimentation that we have grown accustomed to in biomedical research under the National Institutes of Health. Staffed by scholars and experts from many fields, and free of many of the constraints on established agencies, the National Institute would offer reasonable hope that in time we might convert our present ignorance about the processes of education into hard knowledge about learning and how to effect it. Its purpose is to assist schools in solving the pressing problems which beset them. Congress has not held hearings on this important and far-reaching proposal.

I asked that the Congress reform the mammoth—and in its present form, inexcusable—program popularly known as Aid to Federally-impacted Areas. As I observed in March, this program neither assists States to determine their own education expenditures nor re-directs funds to the individual districts in greatest need. Four Presidents, representing both parties, have asked Congress to take up the long overdue but politically un-

popular task of eliminating its most egregious flaws. Although hearings have been held on this long-needed reform, no Committee action has been taken in either house.

I asked the Congress to enact a special two-year *Emergency School Aid Program* to expedite and encourage the process of desegregation in the United States, and to enhance the possibility that our youngsters can benefit from interracial educational experiences. Surely there has been no domestic public issue in twenty years to engage the attention and concern of more citizens than the relationship of the races within our nation's schools. To the extent that this relationship can be eased and assisted through the use of Federal funds, I have asked Congress to join with the Administration in doing so. I hope that Congress will complete action on this legislation at an early date.

My request that Congress speedily appropriate $150 million under existing authority so that we might begin this challenging task before schools open this September was regrettably cut in half to $75 million.

In higher education, the Administration submitted one of the most comprehensive pieces of education legislation in history, the *Higher Education Opportunity Act*. Its key elements bear repeating.

By substantially revising the present structure of student financial aid, it would be possible, for the first time, to assure every lower-income student entering college a combination of Federal grants and subsidized loans sufficient to give him the same ability to pay as a student from a family earning $10,000.

At the same time, I proposed to make Federally-guaranteed loans available to *every* college and graduate student in the United States, regardless of income. *The National Student Loan Association*—a "secondary market" for student loan paper—would make this possible, and the loans that we propose to guarantee would be sufficient in amount, and flexible enough in length of repayment, that any student prepared to invest in his own future could finance his own education. By making loans available to all, and by concentrating subsidies on those who need them most, the United States would finally be able to tell its young people that no qualified student who wants to go to college need be barred by lack of money.

In looking at the complex ties between institutions of higher education and the Federal government, this Administration concluded that for three decades now the Federal government has been hiring universities to do work it wanted done. The time has come for the Federal government to help academic communities to pursue excellence and reform in fields of their own choosing as well, and by means of their own choosing. Accordingly, I asked Congress to create a *National Foundation for Higher Education*, to be funded initially at $200 million a year, and to be guided in its policies by a Board representative of the general public as well as the higher education community itself. In creating this Foundation, it would also be possible to consolidate a series of narrow categorical programs that have long distorted the needs and wishes of our colleges and universities.

It would be naive to ignore the all-too-apparent fact that higher education may not be as popular in the United States as formerly. There has been a serious loss of faith in our universities, not least within the institutions themselves. The specter of "student unrest"—and the alleged political consequences of appearing to reward disruptive students and faculty—has tended to paralyze efforts in this field. But it is too easy to do nothing, to let our dismay over the behavior of individual persons and institutions prevent us from sustaining and reforming our long-range investment in education. This is the time to move beyond politics, to move even beyond our individual sentiments, and to take the bold steps that alone can assure the continuation of excellence and the opening of opportunity in American higher education. I therefore urge the Congress to look again at the *Higher Education Opportunity Act* that I submitted, to understand the Administration's complete openness to responsible amendments, and to join with me in moving together on behalf of our young people.

URBAN AFFAIRS

In my October 1969 message I also asked the Congress to enact an *Urban Mass Transportation Assistance Act*. This measure will provide the nation's deteriorating public transportation system an unprecedented measure of public support. In the six year period that ended in June of this year, the Federal government provided only $800 million to aid the public transit industry. The Urban Mass Transportation Assistance Act would provide for a program that is four times greater over the next five years, and altogether totals $10 billion over the next twelve years. Both the Senate and the House have been actively concerned with this legislation, and a reasonably similar bill has passed the Senate. But I am still waiting for a sound bill for signature.

Beyond this, the Administration has sent to the Congress a wide range of legislation dealing with transportation—including highway authorization and user charges, railroad safety, and emergency transportation assistance.

The *Housing and Urban Development Act of 1970* is a measure of comparable importance. The object of the bill is to reform the primary Federal housing programs in such a way as to markedly increase their effectiveness in stimulating the production of housing for families of low, moderate, and middle income. The improvements take the form of simplifying, consolidating, and making consistent the numerous programs now on the books. There are now more than 50 narrowly conceived programs in the Federal Housing Administration which would be reduced to eight basic programs with sufficient flexibility to meet widely varying needs. The various subsidized housing programs would be combined into three basic programs, each providing the same level of subsidy to families in similar circumstances. This measure is urgently needed if Federal housing programs are to be made effective and equitable. Unfortunately, although hearings have been held in both the House and the Senate, neither body has acted.

The Congress did enact the vitally-needed *Emergency Home Finance Act*, and the Department of HUD launched its creative "Operation Breakthrough" applying new technology to housing. But basic reform is necessary to help move these forward steps toward the goal.

CONSUMER PROTECTION

In a Message to the Congress at the end of October last year I proposed a comprehensive program of consumer protection, involving eighteen recommendations for the advancement of consumer interests. Five bills were subsequently introduced, embodying eleven of these recommendations requiring legislative action, The *Consumer Representation Act* provides for the establishment of an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Division in the Department of Justice. The *Consumer Protection Act* would broaden the powers of the Federal Trade Commission in the field of consumer protection, and would create for the first time on a national basis a cause of action in Federal courts in cases of unfair and deceptive practices without regard to the amount in controversy. The *Consumer Product Testing Act* would promote the development of adequate and reliable methods of testing characteristics of consumer products. The *Drug Identification Act* and the *Consumer Warranty Act* would provide important new standards in their respective areas.

Almost a year has passed. Not one of these bills, except for a modified warranty bill passed by the Senate, has been acted on by either body of the Congress.

EMPLOYEE WELFARE AND PUBLIC INTEREST PROTECTION

In a Message to Congress on August 6, 1969, on the subject of *Occupational Safety and Health* I proposed the establishment of a comprehensive Federal occupational safety and health program. It does not exaggerate to declare that such a program ought to have become Federal law three generations ago. This was not done, and three generations of American workers have paid for it. I proposed legislation to create a Presidentially-appointed independent *Occupational Safety and Health Board* to promulgate standards on a national basis, and to provide broad powers of enforcement by the Secretary of Labor. Unaccountably, this urgent legislation has not been enacted.

On March 13, 1970 I proposed the *Employee Benefits Protection Act* which would broaden and strengthen the provisions of the Welfare and Pension Plan Disclosure Act. This proposal has received wide endorsement from labor and management groups which would be affected by it, but Congress to date has not acted.

In August, 1969, the Administration's proposed *Equal Employment Opportunity Enforcement Act* was introduced in the Senate and the House. Unfortunately, in the thirteen months that have passed, neither House has acted to provide these powers necessary to improve the effectiveness of the Equal Employment Opportunity Commission.

On February 27 of this year I proposed to Congress the *Emergency Public Interest Protection Act* which would add important new procedures to the emergency disputes provisions of the Taft-Hartley Act. In addition, I proposed the establishment of a *National Special Industries Commission* to conduct a wide ranging study of labor relations in industries which are particularly vulnerable to national emergency disputes. Again, Congress has not acted.

CREATING THE CONDITIONS OF THE FUTURE

The first task of government in the post-industrial age, as I have stated, is that of reforming the institutions of the past. The second task is that of creating the conditions of the future. The fundamental fact is that of choice. We can choose to debase the physical environment in which we live, and with it the human society that depends on that environment, or we can choose to come to terms with nature, to make amends for the past, and build the basis for a balanced and responsible future.

The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live. In my State of the Union Message last January, I promised to arrest that decline and begin to revive our habitat. In the eight months that have followed, the Administration has proposed a program that fulfills that promise, the most comprehensive and costly program in this field in America's history. During the same period, the Administration has taken a series of executive actions aimed at the same goals. But the Congress has not yet seen fit to take final action on any of our legislative proposals. If it was not evident before, it must surely now be apparent to anyone who lived through the grim smog and pollution that gripped the Eastern Seaboard in late July, that prompt and vigorous action is necessary if our lives and those of our children are not to be blighted by *preventable and curable* environmental deterioration.

As my first official act of the decade, on January first I signed into law the *National Environmental Policy Act* establishing the *Council on Environmental Quality*. The Council is charged with analyzing important environmental conditions and trends, making a thorough review of all Federal programs which affect the environment, and recommending policies for protecting and improving the quality of the environment.

On July 9 I sent to the Congress a reorganization plan which would establish an *Environmental Protection Agency*, consolidating the major environmental pollution standard setting responsibilities of the Federal government together with certain related research, enforcement and abatement programs. At the same time I proposed formation of the *National Oceanic and Atmospheric Administration* within the Department of Commerce to consolidate Federal programs for monitoring and understanding the environment. Among other things, this would provide better coordination and direction of our oceanic programs.

Responsibility for anti-pollution programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide expanded municipal waste treatment facilities.

—Establishment of an *Environmental Financing Authority* to help finance the local share of treatment plant costs.

—Reform of the rigid formula by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for court-imposed fines of up to $10,000 a day for violations.

The Senate has held hearings on the water pollution proposals, but has taken no floor action. The House has not even held hearings.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for pollutants from stationary sources.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provision for fines of up to $10,000 a day for violators.

While the House passed these proposals in June, the legislation has not yet been reported to the Senate for floor action.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the esablishment of a *Property Review Board* to recommend specific Federal properties which should be converted to other high priority uses including conversion to parklands, or sold.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

On February 4, I issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal facilities. This task is well underway. As I said then, the Federal government should set an example for the rest of the country. We are doing so.

On April 15, I sent a message to the Congress requesting legislation that would, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. Neither the House nor the Senate has even held hearings on this bill.

On May 20, I submitted to the Congress two treaties and amendments to another treaty dealing with the prevention of oil spills. At that time, I also submitted a comprehensive *Ports and Waterways Safety Act* to aid further in attacking the causes of oil pollution. Although Senate hearings have been initiated on one of the treaties, Congressional action on these important measures remains uncompleted.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep seabed beyond the 200 meter depth under international regulation.

On June 1st, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel, and creating a Marine Sanctuary. The Senate has held hearings but taken no floor action. The House has not even held hearings, this despite the fact that oil spillages near our beaches and shores may be the single most offensive and reprehensible assault on the environment that we have yet witnessed.

To repeat, the most comprehensive and costly program of environmental control in the history of the Nation is now before the Congress. The clock is running. We dare not be too late.

THE CHALLENGES OF CHANGE

In a review such as this, extended as it is, not all of the important measures proposed by my Administration and still pending before the Congress could be discussed. Some others must be mentioned—the legislation to reform the Federal government's relationship to the American Indians, to enhance the role of public broadcasting, to limit the operations of one-bank holding companies. Of crucial importance also are the revenue-producing measures proposed but not acted upon—including the extension of

certain excise taxes, the acceleration of collection of gift and estate taxes, the stockpile disposal bills, the proposed *Postal Revenue Act*, and a special tax on the lead used in gasoline—which are so necessary to the maintenance of a sound fiscal position. Legislation is also needed to establish a realistic and effective farm program.

I have sought here to describe the issues of substance and of process which confront us at this time, setting them in the framework of a general approach to government as we come to the end of one era of social policy and begin the grand adventure of another.

For I believe the nation to have moved into a new era. I believe further that this view is shared by commentators and analysts of widely varying political positions. It is a view increasingly voiced by political leaders. It has become a matter of increasing public perception, and in measure, common acceptance.

The era upon which we are entered is not so easily defined as it is perceived. But it is not on those grounds any less real. To the contrary, the emergence of a post-industrial society is the dominant social reality of the present moment. Our task is to understand, and to respond to these changed circumstances.

The problems of this new era surround the question of choice: what kind of life would we live; what kind of society would we have? Growth becomes less of a goal and more of an issue. What kind of growth? For what purposes? With what consequences?

Our present problems in large degree arise from the failure to anticipate the consequences of our past successes. It is the fundamental thrust of technological change to change society as well. The fundamental task of government in the era now past was to somehow keep abreast of such change, and respond to it. The task of government in the future will be to anticipate change: to prevent it where clearly nothing is to be gained; to prepare for it when on balance the effects are to be desired; and above all to build into the technology an increasing degree of understanding of its impact on human society. With this in mind, the *National Commission on Productivity*, which I recently appointed, will be evaluating the impact of technology and other factors related to achieving higher levels of productivity vital to the healthy growth of our economy.

What is true of technology is equally true of government. It must become more self-aware, self-examining, self-correcting. There are amends to make and promises to keep that will engage our energies for years to come. But most of all there is a great adventure to be lived. For a period in the not distant past it might have seemed that American society was faltering. It may have been. But we have steadied now. We are regaining a sense of balance, of direction, and of forward thrust. This has been the achievement of the people. The measure of government—the challenge to government—is to sustain that movement.

This challenge is now before the Congress. It is a challenge not merely to the men who now hold office there but to the institution itself. Congress has not been spared the attacks on the institutions of American democracy which have increasingly characterized this period of our history.

There is but one answer to such charges, and that is to respond with energy and good faith to the legislative issues before it.

It is the responsibility of the President to take the initiative in such matters, and I have done so. A legislative program that will mark this era in history has been presented, and is ready for enactment. More is at stake than the issues with which that legislation deals, transcendent as some of these may be. More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

THE STRANGE POLLUTION ARITHMETIC OF PRESIDENT NIXON

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon cannot make up his mind—one month, he is all for fighting pollution; the next month, he decides it is all too costly, and says we must give up the fight in the name of fiscal integrity.

In the midst of reprinting the text of presidential campaign documents, I hope the press will find space somewhere to point out the inconsistencies and incongruities of the President's shifting position on pollution. Last Friday, as part of "Campaign 70," the President sent up a message citing the Congress for failing to act on various measures. During the course of his lengthy dissertation, the President patted himself on the back for legislation authorizing $4 billion of Federal funds to help pay for expanded municipal waste treatment facilities.

To many, and this apparently includes most of the Nation's press, President Nixon's statement makes it appear that this administration is willing to spend whatever is necessary to end pollution and to prevent the dumping of raw sewage in our streams and lakes.

However, this is the same President who exactly 1 month earlier—August 11, 1970—blasted the Congress for voting $500 million to help local communities build water and sewer facilities. This is the same President who went on national television to veto these funds for water and sewer facilities.

On August 11, President Nixon attacks the Congress for voting funds for water and sewer facilities. On September 11, the President attacks Congress for failing to vote more funds for water and sewer facilities.

On August 11, the President sent a message up telling the Congress:

> I flatly refuse to go along with the kind of big spending that is wrong for all of the American people.

On September 11, the President faced the other direction and pronounced:

> To repeat, the most comprehensive and costly program of environmental control in the history of the nation is now before the Congress. The clock is running. We dare not be too late.

What will he do for October 11?

Mr. Speaker, the President's inconsistencies on our environmental problems only serve to illustrate the pure political nature of his attack on the Congress last Friday. I am sure that many of President Nixon's advisers are totally disinterested in the problems of pollution and it was easy for them to forget that this same President had already delivered a crushing blow to the very programs he now claims to be promoting.

Actually, the President's message is more significant for the omissions than it is for substantive legislative issues mentioned. Many of the major issues that have come before the Banking and Currency Committee were strangely omitted from the President's list of priorities. These include measures in the area of banking reform, control of organized crime, consumer protection, and housing.

After seeing the President's message, I wrote him calling his attention to the omissions and asking that he clarify his position on these essential legislative matters. I place in the RECORD a copy of my letter to President Nixon:

WASHINGTON, D.C.,
September 12, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT:

In a spirit of legislative cooperation, I urge you in the strongest terms to correct the serious omissions in your message to Congress on Friday. Mr. President, these omissions, which have not gone unnoticed among Washington's army of lobbyists, will deal a serious blow to essential legislation to bring about banking reform, control of organized crime and consumer protection.

In a sweeping message covering dozens of pieces of legislation and thousands of words, it is startling that there is no mention of the legislation to bring one-bank holding companies under regulation. As you know, this legislation is the most important banking legislation to come before the Congress since the early 1930's and its outcome will determine the economic structure of this nation for years to come. This measure has passed the House and the issue is before the Senate this very next week. It is amazing that on the eve of this important legislative decision, your all-encompassing message completely omits mention of bank holding companies.

This omission, Mr. President, must have heartened the big bank lobbyists who have descended on Washington in record numbers and who are now holed up in hotel suites awaiting the opening gun in the Senate battle over this legislation.

The failure to mention this legislation appears to be such a massive switch in position by an Administration that has constantly reassured the public and the Congress that it was seriously interested in meaningful regu-

lation of these giant conglomerates and against the tremendous economic concentration they represent. Mr. President, many of us in the Congress have depended on your words of March 24, 1969, when you told the House and Senate:

"Legislation in this area is important because there has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

"To protect competition and the separation of economic powers, I strongly endorse the extension of Federal regulation to one-bank holding companies and urge the Congress to take prompt and appropriate action."

What has happened that now causes you to downgrade this essential measure? I hope you will clarify your position before the Senate takes up this legislation next week.

Likewise, I was amazed that your message contained no mention of the Congress' efforts to control the use of secret foreign bank accounts for illegal purposes. As you know these secret numbered accounts are the very lifeblood of nearly all the organized crime that is carried on in this nation. Law enforcement experts everywhere agree that the control of the use of these accounts by U.S. citizens will be one of the most serious blows that can be dealt against organized crime.

Some of the crime that would be controlled under this legislation is what popularly known as "white collar and Wall Street" style crime, and I hope that this fact did not cause any of your advisors to leave out mention of this bill in your message.

Mr. President, after a long struggle and many difficulties created by shifting positions of your people in the Treasury Department, we passed the secret foreign bank account bill in the House and it now awaits action in the Senate. I hope you will see fit to support this as a major fight against crime.

Your message contains a section entitled, "Consumer Protection," but for some reason leaves out mention of the "Fair Credit Reporting" legislation. This legislation, of course, would give the American consumer protection against the improper use of credit information, and gives him recourse against malicious and careless defamation of his character. This is a serious problem and in many cases credit-worthy consumers have been denied needed credit and even lost employment because of the improper and careless use of information collected by credit reporting agencies. Your support is greatly needed to get enactment of this measure.

I am happy to see your recognition of the need for housing and urban development legislation and I hope this now means that your Administration will be supporting the New Towns measure which has been reported out of the Housing Subcommittee of the House Banking and Currency Committee over solid Republican opposition. As you know, the Administration this year sent up a limited bill, primarily designed to recodify existing law and extend existing housing programs. The Democrats in Congress felt this would be totally inadequate in face of the mounting housing and urban problems. As a result, the Democrats in both Houses have introduced new measures in these areas and I hope that they will have your support and that you will do whatever possible to diminish opposition from within your party in the Congress.

Enactment of good housing and urban development legislation of course has been made much more difficult by your veto of funds of the Department of Housing and Urban Development last month. Without question, your veto has created great confusion about housing legislation and has resulted in a serious delay in these programs. Your veto eliminated funds for urban development and for critically needed water and sewer facilities. This veto has strengthened the hands of those who have always opposed such legislation, but I hope that your vetoes will not have resulted in a loss of good housing legislation in the 91st Congress.

Your message mentions environmental problems in several instances, but the greatest blow at programs to deal with pollution came when your veto eliminated the money needed to help local communities build water and sewer facilities. What assurance does the Congress have that additional legislation voted in this area will not be vetoed? In all candor, Mr. President, you have created the great delay in dealing with these problems.

Once again, I am gravely disappointed by the failure of your message to give recognition to the American people's deep concern about high interest rates and their destructive effect on the economy. The Congress, in Public Law 91–151, gave you wide powers to control interest rates—to roll them back—and to see that credit was allocated to areas where it was needed the most and away from inflationary sectors. You have not used the power although I am convinced that a tremendous majority of the American people want lower interest rates.

To many, it may seem strange that a President would send forward a message chiding the Congress about legislative action when the President has not used laws which this same Congress has already put on the books to correct serious economic problems.

Mr. President, I respectfully urge you to review your message and send forward a new communique indicating your support of essential legislation.

Sincerely,

WRIGHT PATMAN.

U.S. INCREASED PARTICIPATION IN FOUR MULTILATERAL INSTITUTIONS—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. N. 91–383)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Committee on Banking and Currency and ordered to be printed:

THE WHITE HOUSE,
Washington, September 11, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is now pending before the House a bill of vital importance to the international economic and financial interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: The International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

We and many other nations have given these institutions strong support in the past. They have earned this support by using their resources well in the service of a growing and prosperous world economy, a more stable international monetary system, and a more rapid growth of the developing countries. Their hallmark is shared contributions, impartial expertise, and the assurance of high standards of economic performance.

In asking the Congress to adopt this legislation, I have taken particular care to see that the financial obligations it entails are compatible with this Administration's fiscal programing. H.R. 18306 is a prudent and financially responsible combination of contingent liabilities, monetary transactions and expenditures carefully spaced over a long period of time.

A large part—almost $900 million—of the total authorization represents contingent liabilities and will enable the World Bank and the Inter-American Development Bank to borrow further in private markets to carry out important parts of their lending programs. This guarantee or callable capital subscription should not involve budgetary costs.

Another substantial portion of the authorization—$1.5 billion—is a monetary transaction involving an increase in our IMF quota. This Fund quota increase will not result in budegtary costs.

As to the remaining authorizations in H.R. 18306, less than $1.3 billion will require an actual expenditure of dollars; of which $35 million will be spent in fiscal year 1971, $70 million in fiscal year 1972 and $155 million in fiscal year 1973, with the rest spread out over a number of additional years.

Passage of the legislation is essential

—to maintain United States leadership in international monetary affairs and to avoid a substantial and continuing loss in our share of allocations of Special Drawing Rights beginning on January 1, 1971;

—to enable other countries to subscribe to almost $2 billion of World Bank capital stock and to carry out a policy of maintaining equity in Bank and Fund subscription which we have strongly advocated in the past;

—to allow us to participate with other developed countries in the peaceful development in Asia;

—to join with our Latin American neighbors in an effort to speed economic and social progress.

This legislation has my full support. I believe that the national interest will be served by passage of H.R. 18306, and I strongly urge prompt and favorable action by the House of Representatives.

Sincerely,

RICHARD NIXON.

THE LATE JOHN A. McELVENEY

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute.)

Mr. ROONEY of New York. Mr. Speaker, my beloved mother many times used an expression, "Here today and away tomorrow; be prepared."

On Thursday last when this House adjourned shortly after 8 o'clock in the evening, there sat in his usual seat in the third row on the right Jack McElveney. You will remember that Jack McElveney was the immaculately neat, always cheerful and pleasant gentleman who has been with us for many, many years. He first became an employee of

the House of Representatives 49 years ago, on March 4, 1921.

On Saturday afternoon Jack suddenly was away from us, and it now becomes my sad duty today to announce his sudden passing.

His remains are at Gawler's Funeral Home on Wisconsin Avenue and may be viewed from 9 o'clock tomorrow morning until 10 o'clock tomorrow night. The family, including his two brothers, will be present from 2 to 4 tomorrow afternoon and from 7 to 9 in the evening.

A Solemn Requiem Mass for the repose of Jack's soul will be said on Wednesday, September 16, at St. Joseph's Church, Second and C Streets NE., at 11 a.m.

I might remind those of us who came here in recent years that Jack McElveney in years gone by was an aide to such men as James M. Mead before he was elected a Member of the other body, while he was a Member of the House of Representatives from Buffalo, N.Y.; by the late Representative Peter Gansevoort Ten Eyck of Albany, N.Y., and by the late Representative Parker Corning of Albany, N.Y. He also served as the bill clerk of the House.

I know that he will be missed by his many friends among the membership and personnel of the House. May God have mercy on his soul.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I am deeply grieved to learn of the death of our amiable assistant bills clerk, Jack McElveney. As many of us know, Jack used to occupy almost habitually the aisle seat nearest the Democratic entrance in the third row. There was hardly a legislative day that went by in the last 8 years that I did not sit next to him, as we talked about "kings and cabbages," but mostly about politics and Hawaii. He meticulously clipped out news articles about Hawaii that he had come across in his reading of the New York Times, the Washington Post, or the Washington Evening Star. We talked about the Congress and Members of Congress of earlier days. I sat there beside him and listened to his fabulous anecdotes. I was fascinated by his expertise on horses. I am truly going to miss Jack. As I try now to analyze why it was that I felt so close to Jack McElveney, I find my reasoning leading me to the conclusion that we had something very strong in common—a great love for this House of Representatives.

Perhaps many do not know, Mr. Speaker, that Jack McElveney had retired several years ago and that since then he was in attendance every day in this Chamber out of love for this body, and performed his usual tasks without compensation, other than his retirement pay. He would have reached his 78th birthday next month.

Mr. Speaker, I join the distinguished gentleman from New York (Mr. ROONEY) in grieving over the loss of a dear and beloved friend.

I extend my heartfelt condolences to his brothers, Dan and Leo, and other members of his family.

Mr. ZABLOCKI. Mr. Speaker, upon entering the House Chamber this noon, I was shocked and saddened to learn of the sudden passing of John A. B. "Jack" McElveney.

His usual cheerful and sincere greeting as well as the interesting anecdotes and stories about his past experiences will be sorely missed. He served the Congress in both the Senate and House for 42 years and it was obvious that he enjoyed his work and his association with the House of Representatives.

He would offer his services and assistance without hesitation. On innumerable occasions when he was asked the status of bills on the calendar, the action taken on certain legislation, the record vote outcome on bills, the information was always available and accurately reported to the Members.

At the close of business last Thursday, as was his usual custom, he said to me:

> Congressman, are you going to Wisconsin this weekend?

He followed his query with the admonition:

> Take it easy—don't work too hard. Have a good weekend here or in your wonderful Wisconsin.

Little did we realize that those were to be his last words to me. To his family and to his many friends I extend my sincere condolences.

GENERAL LEAVE TO EXTEND

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks with regard to the passing of the late beloved Jack McElveney.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FILING OF DISCHARGE PETITION ON H.R. 18279, THE ORGANIZED CRIME CONTROL ACT OF 1970

Mr. RANDALL. Mr. Speaker, I have today filed a petition to discharge House Resolution 1169 which will provide for 4 hours general debate on H.R. 18279, which is essentially and substantially the same as S. 30, that passed the other body in January of this year.

During the recess in conversation with my constituents I found one of the subjects most on the minds of people in my district was crime and student unrest. I found there was as much concern about these matters as about inflation, unemployment, and the condition of the economy.

If there should be any reluctance on the part of Members to sign a discharge petition because it might circumvent ordinary parliamentary procedures, I think we should remember that for a long while now certain criminal elements in this country have been regularly and continuously circumventing the property rights and personal rights of our law-abiding citizens.

Let me emphasize that those Members who do see fit to sign this petition are in effect saying to their constituents they are trying to do something about crime. By signing the discharge petition they are putting themselves squarely on record that they are determined to pass a comprehensive crime bill before we go home this fall. We can accomplish this objective if sufficient signatures are obtained on the discharge petition.

I invite Members on both sides of the aisle to sign this petition. This is not a partisan matter. I plan to renew this invitation frequently during the remainder of this session.

REMARKS BY DOROTHY ELSTON, TREASURER OF THE UNITED STATES

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, for the record, the venom in high places in this administration has filtered down to the Treasurer of the United States, Dorothy Elston, who in Indianapolis on this past weekend found it possible to describe our late President, John F. Kennedy, as a "horrible misfit in the Presidency."

You expect that kind of talk from some people in our society, but have we not had enough hate in high places? President Lincoln said:

> I have no malice in my heart for any man. What I deal in is too vast for malice.

AIR PIRACY MUST BE STOPPED

(Mr. ALBERT asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I heartily applaud the announcement by President Nixon last Friday of the steps this Nation is taking to deal with the terrible menace of air piracy to which this Nation and the world have been subjected in the last few days. The United States, in order to protect its citizens and other passengers on U.S. airlines, must act forthrightly and decisively. I have long contended that armed guards should be placed on certain flights. We must do everything in our power to prevent air piracy and hijackings. Undoubtedly, armed security personnel on our planes will help.

In my view, however, it will be easier to deter such crimes than to prevent them. It is imperative that all nations agree to extradite or punish air pirates. These modern-day freebooters must have no hope of finding a safe haven after their attacks on international commerce. Where ever they land, air pirates should know that they face swift and sure justice.

Until those nations of the world which harbor air pirates and refuse to punish them or extradite them are ready to meet their international responsibilities, U.S.-flag air carriers should be prevented from landing in those countries. In fact, I would urge we go a step further. A total quarantine by all international airlines should be imposed upon any nation which refuses to deal speedily and effectively with air pirates. Taking scores of innocent people hostage for political

purposes is an act of the most heinous nature and should be dealt with as such.

Civilized people the world over are becoming sick and tired of violence—violence in the streets—violence on the campuses—violence in the skies. Of all these crimes, none is more repulsive than air piracy. It must be stopped.

PRESIDENT NIXON'S MESSAGE OF SEPTEMBER 11 TO THE CONGRESS

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, the political experts and the campaign managers of both parties are pointing to a very disturbing factor in this off-year election; that is, voter apathy. Even though the country is wracked with dissension, and the issues are many, the voters do not seem to care if they go to the polls in November or not. A principal reason for that apathy, Mr. Speaker, may well be that the electorate has lost faith in the powers of Congress to accomplish anything definitive. President Nixon stresses this mistrust and loss of confidence in his message to the Congress last Friday. The President said:

> More is at stake than the reputation of one political party or another for legislative wisdom or political courage . . . what is at stake is the good repute of the American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

The White House message listed 16 broad categories and more than two score specific measures Congress has failed to act on, and they include social security reform, draft reform, electoral reform, the crime bills, consumer protection, and the family assistance program.

I can state, here and now, that the bulk of that legislation has been held up by Democrats, whose only purpose appears to be obstructionism. The Democrats have stalled all of those vital measures of the Nixon administration for the unannounced but obvious reason of pure partisanship. Stripped of leadership, trying to edge away from their past concessions to the ultraliberals, this party tries to compensate for its weakness by manipulating Congress. The President's message is without rancor, but it clearly indicates his concern with a so-called loyal opposition that seems to put the best interests of the party ahead of their country.

THERE IS STILL TIME TO SALVAGE A PROGRESSIVE RECORD FOR THE 91ST CONGRESS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, President Nixon has sent to Congress a damning dossier on Democratic dalliance, an exposé of the formula of failure that has characterized too much of the tenure of the 91st Congress.

I cannot discern what political gains the majority Members of the House envision from their policies of becoming roadblocks in the path of progress. I believe the American people asked for answers when they changed the party leadership at the White House in 1968, and they will be embarking on the same quest when they change party leadership in the House in November. The President has shown a willingness to tackle problems. The leadership of this Congress has shown an unwillingness to shoulder responsibility, a perverse partisanship, but a willingness to sacrifice the Nation's good on the altar of political gimmickery.

It is notable that Democrat National Chairman Lawrence O'Brien last Thursday charged that President Nixon is a "do-nothing" President. It stretches everyone's credulity to hear such a charge when a wagonload of bills awaits action—sent to Congress by the President, but sat on by the Demo-leadership in the House.

There is still time to salvage a remnant of progressive record for the 91st Congress, and I would hope that, if only in self-defense, some of the thinking Members on the other side of the aisle would don their work shoes and help us get some of this legislation on the books.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. BOGGS). This is Consent Calendar day. The Clerk will call the first measure on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PREVENTING UNAUTHORIZED MANUFACTURE AND USE OF CHARACTER "JOHNNY HORIZON"

The Clerk called the bill (S. 3838) to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes.

There being no objection, the Clerk read the bill as follows:

S. 3838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of the character "Johnny Horizon," originated by the Bureau of Land Management and announced in the July 3, 1968, issue of the Federal Register (33 Federal Register 9677) as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

SEC. 2. The Secretary of the Interior shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering nationwide antilitter campaigns.

SEC. 3. Chapter 33 of title 18 of the United States Code is amended by adding a new section to be known as section 714, as follows:

"§ 714. 'Johnny Horizon' character or name

"As used in this Act, the name or character 'Johnny Horizon,' means the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack, which was originated by the Bureau of Land Management, United States Department of the Interior, as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or use the character 'Johnny Horizon', or any facsimile thereof, or the name 'Johnny Horizon' as a trade name or mark, or in such a manner as suggests the character 'Johnny Horizon', so that such use is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"This section shall not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act.

"A violation of this section may be enjoined at the suit of the United States attorney, upon complaint by the Secretary of the Interior."

SEC. 4. The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereof:

"714. 'Johnny Horizon' character or name."

SEC. 5. The rights in the name and character "Johnny Horizon" shall terminate if the use by the Secretary of the Interior of the name and character "Johnny Horizon" is abandoned. Nonuse for a period of two years shall constitute abandonment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO PERMIT ROTATION OF CERTAIN PROPERTY

The Clerk called the bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone conversant with this bill what happens to stocks that may be sold in foreign countries? Are those stocks sold to foreigners? What happens to them?

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RELEASING THE CONDITIONS IN DEED TO LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORPORATION

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. BROOKS. Mr. Speaker, reserving the right to object, will the gentleman yield to me on that or, rather, let me ask him if there is anything I can tell him about the Salt Lake City bill which will clarify the matter for him. It is a very noncontroversial Senate bill.

Mr. HALL. If the gentleman will yield to me?

Mr. BROOKS. I am glad to yield to the gentleman.

Mr. HALL. I will say, first of all, there is a statement by the Department of the Interior that the action has already been taken and hence this legislation is unneeded. Second, the request for putting over without prejudice is by request insofar as the gentleman from Missouri is concerned. Inasmuch as the action has been taken, the gentleman now has the time, and I will give him any more information I have, if he will continue to yield, but that is the legislative situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALLOWING PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE STATUTORY PRICE LIMITATION

The Clerk called the bill (S. 2763) to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING GENERAL SERVICES ADMINISTRATOR TO ENTER INTO CONTRACTS FOR JANITORIAL SERVICES, TRASH REMOVAL, AND SO FORTH

The Clerk called the bill (H.R. 17455) to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 17455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 210(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(a)), is further amended (1) by striking the semicolon after the word "owned" in paragraph (14) and inserting a comma in lieu thereof, and (2) by adding the following new provision after the word "and" at the end of paragraph (14): "for janitorial services, trash removal, and similar services in federally owned and leased properties; and".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR ADDITION OF FREEMAN SCHOOL TO HOMESTEAD NATIONAL MONUMENT OF AMERICA, NEBR.

The Clerk called the bill (H.R. 3259) providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 3259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to further the interpertation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situted the old school building known as Freeman School:

Begining at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of begining.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section, 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, the north 300 feet of the northwest quarter northwest quarter thereof;

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section 300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendment:

Page 3, beginning on line 18, delete all of section 3 and insert in lieu thereof:

"SEC. 3. For the purposes of this Act, there are authorized to be appropriated not more than $50,000, of which not more than $45,000 (April 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein shall be appropriated for the rehabilitation and development of the Freeman School."

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 3259 by our colleague from Nebraska (Mr. DENNEY) provides for the addition of the Freeman School to the Homestead National Monument in Nebraska.

Homestead National Monument was authorized by the Congress in 1936 as a memorial to the pioneers who settled and civilized the West. At this site—the place believed to be the first homestead in the country—visitors can visually relive the pioneer life at the homestead cabin of Daniel Freeman.

H.R. 3259 will add a new dimension to the historic character of the area by adding to it the Freeman Schoolhouse. The school is not within the existing monument grounds, but it is located nearby so that no large land acquisition program is necessary. The bill contemplates the purchase of protective easements for the corridor connecting the monument and the school grounds—not more than $5,000 is expected to be needed for this purpose—and the school building and the 1.2-acre tract upon which it is located is to be donated to the United States by the Homestead Historical Association.

Basically, the old school house is a sound structure, Mr. Speaker, but some repairs and restoration work will be needed. In addition, a parking lot, fence and interpretive devices are to be installed. Altogether, these improvements will involve an investment of about $45,000.

The committee recommends one amendment to the bill which merely places a ceiling on the amounts authorized to be appropriated for the acquisition and development program contemplated. As reported by the committee, expenditures will be limited to no more than $50,000.

Mr. Speaker, that briefly describes the nature and purpose of H.R. 3259, as recommended by the committee. The mem-

bers of the committee feel that the Freeman School will be a suitable addition to the existing Homestead National Monument and we urge the enactment of the bill.

Mr. DENNEY. Mr. Speaker, this bill provides for the addition of the Freeman School to the Homestead National Monument in the State of Nebraska.

This legislation should have special meaning for all those Americans who are interested in passing on to future generations important symbols of the early development of our country.

The bill would preserve a red brick schoolhouse that was built by Mr. Daniel Freeman, America's first homesteader under Lincoln's famous Homestead Act, for his own large family.

Constructed from handmade brick and measuring 36 feet by 20 feet, with walls 12 feet high, "the little red schoolhouse" was used as a place of education from 1872 through 1967—96 years. It is Nebraska's oldest, continually operated school.

The land on which it is situated is adjacent to the Homestead National Monument in Gage County, Nebr., established several years ago by Congress on the original Freeman property. Fortunately, the school is only one-fourth of a mile from the visitors' center, so it can easily be administered by the National Park Service in conjunction with existing facilities.

In fact, the National Park Service recommended in 1968 that the one-room schoolhouse be added to the monument grounds. In making its recommendations after a thorough study, the Park Service made these observations:

As a schoolhouse, it symbolizes the pioneers' determination to civilize the frontier and provide opportunities for the common man as soon as possible.

The one-room country school will soon be a thing of the past, and it seems appropriate that an example be preserved by the National Park Service.

The office of the Secretary of the Interior has also joined in support of this measure. Let me read briefly from a letter sent from his office late last year concerning the particulate of this legislation and their possible cost:

The parcels described . . . are: (1) The property now held by the Homestead Historical Association and an adjacent strip of road right-of-way owned by the State Highway Department, which together comprise 1.2 acres; and (2) a 600-foot-wide strip of land lying between the school and the present monument boundary, 300 feet on either side of the ¼ mile section of State Route 4 which separates the two, together with the protective strips adjacent to the monument boundary and the school property, altogether comprising about 31 acres. We expect that the former lands will be donated to the United States: as to the latter, we expect to acquire scenic easements, by donation or for nominal cost, which would protect the setting of the school and preserve an adequate visual relationship with the monument. Access to the school would be provided by the existing State Route 4. The estimated cost of acquiring scenic easements, which embrace parts of five ownerships, is not more than $5,000. The estimated cost of developing the school property, including rehabilitation of the school and constructing a parking facility, is approximately $45,000.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's Program.

A measure identical to this one was introduced in the U.S. Senate by Senators HRUSKA and CURTIS, and it passed that body last April 27.

The American educational system is today the best in the world. It is only fitting that we remind our fellow citizens, through the preservation of the Freeman School, how far we have come in so short a time period.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 58) providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the interpretation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situated the old school building known as Freeman School:

Beginning at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of beginning.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, the north 300 feet of the northwest quarter northwest quarter thereof; and

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section 300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 58 and insert in lieu thereof the provisions of H.R. 3259, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3259) was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO STUDY FEASIBILITY AND DESIRABILITY OF NATIONAL LAKESHORE ON LAKE TAHOE

The Clerk called the bill (S. 2208) to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes.

There being no objection, the Clerk read the bill as follows:

S. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving appropriate segments of the lakeshore of Lake Tahoe and adjoining lands and waters in their natural condition for public outdoor recreation, the Secretary of the Interior (hereafter referred to as the "Secretary") shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing such areas as a national lakeshore. The Secretary shall consult with the Secretary of Agriculture; the Chief of Engineers, Department of the Army; and any other interested Federal agencies, as well as the Tahoe Regional Planning Agency and other State and local bodies and officials involved; and shall coordinate the study with applicable outdoor recreation plans, pollution control plans, highway plans, and other planning activities relating to the Lake Tahoe Basin. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study.

SEC. 2. The Secretary shall submit to the Congress, within one year after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and natural values of the water, lakeshore, and related upland resources involved, including their use for driving for

pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water, lakeshore, and related upland resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services;

(c) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified;

(d) the relationship of any recommended national lakeshore to existing or proposed Federal, State, and local programs to manage in the public interest the natural resources of the entire Lake Tahoe Basin.

SEC. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendments:

Page 2, line 12, strike out "Congress," and insert "President and the Congress of the United States,"

Page 3, line 7, strike out "and".

Page 3, line 11, strike out "Basin." and insert "Basin; and".

Page 3, following line 11, insert a new subsection (e) as follows:

"(e) alternative means of restoring and preserving the values inherent in the area under present ownership patterns."

Page 4, lines 1 and 2, strike out "such sums as may be necessary" and insert in lieu thereof "not more than $50,000".

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, like H.R. 16977, which was cosponsored by Representatives WALTER BARING and HAROLD JOHNSON, S. 2208 is drafted to prompt a study of Lake Tahoe to determine the feasibility and desirability of establishing a national lakeshore on its shoreline.

As every Member of this House knows, the Secretary of the Interior has general authority to make studies of this type and the Congress seldom plays any role in determining what areas are to be studied or when. Naturally, these studies play a part in our policymaking decisions because no legislative action is appropriate until basic background information is available.

S. 2208 authorizes and directs the Secretary to conduct a specific study on the Lake Tahoe shoreline within 1 year. The spokesman for the Department of the Interior indicated that this is a reasonable period of time to collect and prepare the information needed by the Congress to determine the best possible course of action.

Mr. Speaker, there is no other method available to the Congress to establish priorities and prerequisites for these studies. Whether we authorize them specifically or not, they require some investment of public funds. The only question is whether these moneys will be used to compile information on areas which the Congress wants studied or whether they will be used to study areas which the Department wishes to have considered.

EXPLANATION OF COMMITTEE AMENDMENTS

Three substantive amendments are recommended by the committee:

The first is drafted to require the Secretary to transmit a report of his findings and recommendations to the President and the Congress simultaneously, within 1 year.

The second requires the study to include in its considerations the alternative of accomplishing the environmental objective without disrupting present ownership patterns.

The third limits the amount authorized to be appropriated to conduct the study to $50,000. It should be emphasized that this reflects the amount of money estimated to be needed by the Department.

The members of the committee feel that it is appropriate for Congress, in its wisdom, to give some guidance to the Secretary on matters such as these, from time to time. The Congress has approved study bills like S. 2208 for other areas when it felt such action warranted. In this instance, the committee feels that this study should be expedited. It is conceded that this area needs some attention. If the information suggests that a lakeshore would be desirable, then further legislative action may be taken, but until we have the basic information to make such a determination, no legislative action would be appropriate. For these reasons, I urge the enactment of S. 2208, as recommended by the Committee on Interior and Insular Affairs.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POTOMAC VALLEY CONSERVANCY DISTRICT

The Clerk called the joint resolution (H.J. Res. 1179) granting the consent of Congress to amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone what the cost of this legislation would be to the Federal Government?

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman.

Mr. JOHNSON of California. The 1940 compact imposed a $30,000 per year ceiling upon the total contribution of the four States and the District of Columbia to the support of the commission. The 1940 compact, authorized the United States, which is not a signatory party to contribute to the support of the commission, but without the monetary limitation imposed upon the signatories. Nevertheless, the amount of the U.S. contribution has been related to the amounts of the other contributions. Thus, in fiscal years 1969, 1970, and 1971 only $5,000 was appropriated each year by the Congress.

Because the $30,000 limit is no longer realistic as a total contribution for the four States and the District of Columbia the amendments simply remove the monetary ceiling on the signatory contributions. The amendments in no way affect the amounts the United States may contribute.

However, we have been assured that the amount of contribution required by Federal appropriations will not exceed $10,000.

Mr. GROSS. In other words, the gentleman is saying there is going to be a 100-percent increase in the Federal Government's contribution to this compact between Virginia, Maryland, and how many other States?

Mr. JOHNSON of California. The District of Columbia, Pennsylvania, and West Virginia.

Mr. GROSS. Why should the Federal Government be involved in this expenditure at all? Why should not the District of Columbia and the States of Virginia, Maryland, Pennsylvania, and West Virginia take care of the costs of this commission or compact?

Mr. JOHNSON of California. At the present time it relates only to pollution. Now it will apply to all water resources development of this particular river and area between the States of Virginia, Maryland, Pennsylvania, and the District of Columbia, and West Virginia. Now, I do believe that the Federal Government has a vital interest in the pollution and water resources problems, and I think that if there is no more than $10,000 spent for this participation, that that is a very small sum for the Federal Government to participate in.

Mr. GROSS. As a matter of principle why is there an increase of $5,000? Can the gentleman tell me?

Mr. JOHNSON of California. That is because they are broadening the scope of the compact here to consider all of the water resources problems, not just pollution.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, as the bill now stands there is no restriction or limitation or reason in the law for the Federal Government to contribute anything. Now, as far as upping the contribution of the Federal Government to $10,000 in furtherance of pollution abatement control, and because of other increasing activities in these areas, there is a prospect that the Federal Government may increase its contribution, but it has no requirement to make the contribution.

Mr. GROSS. It does not have to make a contribution of any kind?

Mr. HARSHA. That is correct, under the existing law.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. My colleague, of course, understands that the Federal Government has to get involved because the very nature of the interstate compact involves the Federal Government. There are some things the States among themselves cannot do without advice and direction from the Federal Government.

It is my opinion that in compacts of this nature the Federal Government has in fact saved a great deal of money and a great deal of time, because in interstate water compacts the Federal Government could—and in most cases has—assumed the total burden of all the research and development, and so on. Here the States themselves are trying to operate together.

Mr. GROSS. That is what the gentleman from Iowa hopes, and both the gentlemen from Iowa hope, that the States will assume their share of the burden, but I do not know whether they will. The gentleman from Iowa is well aware, I am sure, that there are other compacts between States in which the Federal Government is not involved, and I know of no good reason why these four States and the District of Columbia cannot take care of financing this compact themselves.

And I might say, in addition, that we get the doubtful pleasure of paying a part of the contribution of the District of Columbia to this compact. I am fearful, as the gentleman from Iowa and other Members of the House should be, that the Federal Government's partial involvement in this compact will eventually wind up with the Federal Government carrying the big end of the load for whatever is done with respect to the Potomac River, to which these States and the District of Columbia contribute heavily to its pollution.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, as this proposal is written at the present time it does not carry any obligation beyond this participation of the Federal Government. I share the concern of the gentleman about these matters, but if indeed the Federal Government is to contribute more, or if it is to become more deeply involved, it will require more and additional legislation later on. And I am sure the gentleman from Iowa will be here to protect the interests of the Federal Government.

Mr. GROSS. Of course, the gentleman from Iowa presently addressing the House has no sinecure on life I might be here today and gone tomorrow. This is the time when attention ought to be given to the commitment on down the road and into the future. I am not going to make a further issue of this, but I am fearful of what I see here.

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of California. Mr. Speaker, House Joint Resolution 1179, which we bring to the floor today is of vital importance to the conservation of the water resources of the Potomac River Basin. The committee is unaware of any objection to this bill. House Joint Resolution 1179 would:

First, broaden the authority of the Interstate Commission on the Potomac River Basin to include water resources and associated land resources. Its present authority is restricted to water pollution abatement.

Second, allow the Interstate Commission on the Potomac River Basin to cooperate, assist, and provide liaison for and among public and nonpublic agencies in the formulation and coordination of plans and programs for the protection and development of the water and associated land resources of the Potomac River Basin.

Third, provide for the establishment of sections of the commission for the purpose of dealing with problems of pollution and of water and associated land resources in specific areas which affect two or more, but not all signatory bodies.

Fourth, eliminates a provision in the original compact which limits the total contributions of the signatories to not over $30,000 annually. Although no limitation is stated in the amendments to the compact, there is a provision which contains a formula for pro rating contributions among the States of Maryland, West Virginia, Pennsylvania, and Virginia, District of Columbia, and United States. One thing I would stress is that the amendments to the 1940 Potomac River Sanitation Compact which we have before us today should not be confused with the proposed Federal interstate compact which was developed in 1967 by the Potomac River Basin Committee. The proposed Federal interstate compact which is modeled after the existing Delaware River Basin compact is presently under review by the interested States and Federal agencies. Should the Advisory Committee's proposal be accepted by the States and the Congress at sometime in the future it would absorb the functions of the Interstate Commission on the Potomac River Basin with which House Joint Resolution 1179 is concerned.

The Interstate Commission on the Potomac River Basin was established in 1941 by a compact among the States and District of Columbia following the grant of congressional consent thereto. As it was created the concern of the Commission was limited to the abatement and prevention of water pollution, and, in fact, its authority was limited strictly to making recommendations. In order to have its recommendations accepted it had to create a climate of mutual concern and cooperation among State agencies. Through the development of public interest the Commission was of service to the respective governing bodies in furthering the necessary activities required for pollution control.

The Commission's activities have produced commendable results in the control of water pollution, particularly in the light of the constraints which were placed upon it; however, with the increasing demand of the public for the proper development in conservation of our water resources and the enhancement of our total environment, the enactment of the proposed amendments would permit the Commission to provide the necessary coordination and leadership required for the best utilization of all the resources of the Potomac River Basin.

The current trend in providing adequate control measures for water, water pollution control, and related land resources is to attack the problems of a river basin as an entity through the development of comprehensive planning. This objective would be effectively carried out on the Potomac River Basin by this legislation. Congressional consent to the proposed amendments will permit the Commission to update its activities and to cope with the problems of today and to plan for the future.

During the committee's consideration of this legislation the Department of the Interior suggested certain changes in the compact. We have been able to accommodate their recommendations by withholding approval to article II(f)(2). The interested States and the District of Columbia have advised us through the Interstate Commission on the Potomac River Basin that there is no objection to withholding of Federal consent to the provision and that the compact amendments would be effective without the need for any additional State legislation.

I wish to express my appreciation to the Chairman of the Public Works Committee, the gentleman from Maryland (Mr. FALLON) who introduced House Joint Resolution 1179, and who has been primarily responsible for bringing this legislation to the floor today; the gentleman from Minnesota (Mr. BLATNIK), the chairman of the Subcommittee on Rivers and Harbors, the Subcommittee which considered this legislation; the gentleman from Ohio (Mr. HARSHA), and the remainder of my colleagues on the Public Works Committee on both sides of the aisle who have been so helpful at all times.

(Mr. FALLON (at the request of Mr. JOHNSON of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. FALLON. Mr. Speaker, the law which created the Potomac River Conservancy District and the Interstate Commission on the Potomac River Basin was adopted by the State of Maryland and West Virginia and the Commonwealths of Pennsylvania and Virginia in 1940. During discussions preceding the development of this compact proposal, it was agreed that because of the severity of water pollution throughout the Potomac River Basin the authority of the Interstate Commission should be directed solely to alleviating this problem.

During the subsequent years this proved to be a wise decision. First efforts were directed toward determining the facts regarding pollution and toward securing the enactment of adequate States laws requiring pollution control. Recent reports indicate that 97 percent of the sewered population of the basin are now served by secondary type water pollution control plants. A similar condition exists within the industrial com-

munity. It would be difficult to find a comparable river basin with this kind of a record.

Even so we have a long way to go to secure a satisfactory water quality in the Potomac. Ever increasing populations will require treatment plants with more capacity and greater capability to remove pollutants. Sediment must be controlled as well as other pollutants such as bacteria and nutrients contained in land runoff. We are also faced with the critical need for additional water supplies in the Washington region and in other areas throughout the basin.

We have discovered that the utilization and development of water and associated land cannot be separated from pollution in today's society.

House Joint Resolution 1179, which I had the privilege of introducing, would provide congressional approval to amendments to the Potomac sanitation compact which have been adopted by the States of Maryland and West Virginia and the Commonwealths of Pennsylvania and Virginia, and would authorize the District of Columbia to enter into the amended compact.

The amendments would:

First. Broaden the authority of the Interstate Commission on the Potomac River Basin to include water resources and associated land resources. Its present authority is restricted to water pollution abatement.

Second. Allow the Interstate Commission to cooperate, assist, and provide liaison for and among public and nonpublic agencies in the formulation and coordination of plans and programs for the protection and development of the water and associated land resources of the Potomac River Basin.

Third. Allow the Commission to establish "sections" for the purpose of dealing with problems of pollution and of water and associated land resources, in specific areas which directly affect two or more signatories. No signatory may be excluded from any section. The exercise of any powers vested solely in a section must be financed through funds provided by the signatories, including the United States, participating in the section.

Fourth. The amendments drop a provision in the original compact law which limited the total contributions of the signatories to not over $30,000 annually.

These amendments to the Potomac River sanitation compact should not be confused with the proposed Federal-interstate compact which was developed in 1967 by the Potomac River Basin Advisory Committee. Should the Advisory Committee's proposal be accepted by the States and the Congress at some time in the future it would absorb and take over the functions of the present Commission. In the meantime these amendments will allow the Interstate Commission to proceed with its programs on a more adequate and satisfactory basis.

I wish to express our appreciation for the excellent work on this bill by the gentleman from Minnesota (Mr. BLATNIK), the chairman of the River and Harbor Subcommittee, the gentleman from California (Mr. JOHNSON) who is so ably managing the legislation today, the gentleman from Ohio (Mr. HARSHA), and all the members of the Committee on Public Works on both sides of the aisles who have cooperated so splendidly in bringing this legislation to the floor today.

Mr. HARSHA. Mr. Speaker, the purpose of the resolution we are considering today is to broaden the authority of the Interstate Commission on the Potomac River Basin to include water resources and associated land resources. This will be in addition to the present authority of water pollution abatement. In addition, it would allow the Interstate Commission to provide for liaison among public and nonpublic agencies, and aid the formulation and coordination of plans and programs necessary for the protection and development of water and associated land resources of the Potomac River Basin. It would do away with the limit, now in the law, on the total contributions of the signatories so that in the future it may exceed over $30,000 annually. It provides for the establishment of sections of the Commission so that problems of pollution and of water-associated land resources which affect two or more signatory bodies can be dealt with effectively.

The resolution before us would grant the consent of Congress to these changes and would result, I believe, in the strengthening of the compact's pollution abatement responsibilities as well as authorizing the Commission to contribute to and coordinate the activities of the Federal, State, local, and private agencies concerned with the Potomac River Basin.

I wish to emphasize that this does not affect the proposed Federal-State compact that has been recommended by the Potomac River Advisory Commission and is being considered by the legislatures of the States of Maryland and Virginia. Indeed, the purpose of the existing compact and the amendments is to provide an interim working organization until such time as the proposed Potomac River Basin Authority Committee makes its proposals, which in turn must be accepted by the States and the Congress. At that time, a new operating agency would be developed. This interim action will provide for time for the States to consider the proposals for the new compact and generally will serve as that steppingstone to the development of an effective Potomac River Basin control.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1179

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given, subject to the conditions set forth in section 2 of this joint resolution, to the amended compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin which has been entered into by the States of Maryland and West Virginia, and the Commonwealths of Virginia and Pennsylvania, and the District of Columbia, which compact as amended reads as follows:

"COMPACT

"Whereas, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

"Whereas, the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac river and the main and tributary streams therein, for 'the purpose or regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes'; and

"Whereas, the regulation, control, and prevention of pollution is directly affected by the quantities of water in said streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of Federal, State, local and private agencies, groups, and interests concerned with the development, utilization and conservation of the water and associated land resources of the said conservancy district;

"Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac river and its tributaries; and also, do hereby create, as an agency of each signatory body, the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

"ARTICLE I

"The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

"(A). The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable bylaws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

"(B). The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the signatory bodies.

"(C). The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it

pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

"(D). A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least six members of the Commission who shall represent at least a majority of the signatory bodies; *Provided, however,* That no action of the Commission relating to policy or stream classification or standards shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

"ARTICLE II

"The Commission shall have the power:

"(A). To collect, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to, and to conduct studies, sponsor research and prepare reports on, pollution and other water problems of the Conservancy District.

"(B). To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other commissions and Federal, local governmental and non-governmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams and the utilization, conservation, and development of the water and associated land resources in the said Conservancy District.

"(C). To disseminate to the public information in relation to stream pollution problems and the utilization, conservation and development of the water and associated land resources of the Conservancy District and on the aims, views, purposes, and recommendations of the Commission in relation thereto.

"(D). To cooperate with, assist, and provide liaison for and among public and non-public agencies and organizations concerned and pollution and other water problems in the formulation and coordination of plans, programs, and other activities relating to stream pollution or to the utilization, conservation, or development of water or associated land resources, and to sponsor cooperative action in connection with the foregoing.

"(E). In its discretion and at any time during or after the formulation thereof, to review and to comment upon any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation, or development of water or associated land resources.

"(F) (1). To make and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also for cleanliness of the various streams in the Conservancy District.

"(2). To establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory bodies through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate water affecting two or more states. Each signatory body agrees to submit its classification of its interstate waters to the Commission with its recommendations thereon.

"The Commission shall review such classification and recommendations and accept or return the same with its comments. In the event of return, the signatory body will consider the comments of the Commission and resubmit the classification proposal, with or without amendment, with any additional comments for further action by the Commission.

"It is agreed that after acceptance of such classification, the signatory body through its appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet or exceed standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

"It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, bathing and other recreational purposes, maintenance and propagation of fish life, industrial and agricultural uses, navigation and disposal of wastes.

"ARTICLE III

"For the purpose of dealing with the problems of pollution and of water and associated land resources in specific areas which directly affect two or more, but not all, signatory bodies, the Commission may establish Sections of the Commission consisting of the Commissioners from such affected signatory bodies, *Provided, however,* That no signatory body may be excluded from any Section in which it wishes to participate. The Commissioners appointed by the President of the United States may participate in any Section. The Commission shall designate, and from time to time may change, the geographical area with respect to which each Section shall function. Each Section shall, to such extent as the Commission may from time to time authorize, have authority to exercise and perform with respect to its designated geographical area any power or function vested in the Commission, and in addition may exercise such other powers and perform such functions as may be vested in such Section by the laws of any signatory body or by the laws of the United States. The exercise or performance by a Section of any power or function vested in the Commission may be financed by the Commission, but the exercise or performance of powers or functions vested solely in a Section shall be financed through funds provided in advance by the bodies, including the United States, participating in such Section.

"ARTICLE IV

"The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

"The pro rata contribution shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined from time to time by the Commission, subject, however, to the approval, ratification, and appropriation of such contribution by the several signatory bodies.

"ARTICLE V

"Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

"1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District and in planning for the utilization, conservation, and development of the water and associated land resources thereof.

"2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of pollution and control and use of such streams.

"3. The appropriation of biennial sums on the proportionate basis as set forth in Article IV.

"ARTICLE VI

"This compact shall become effective immediately after it shall have been ratified by the majority of the legislature of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioner of the District of Columbia, and approval by the Congress of the United States; *Provided, however,* That this compact shall not be effective as to any signatory body until ratified thereby.

"ARTICLE VII

"Any signatory body may, by legislative act, after one year's notice to the Commission, withdraw from this compact."

SEC. 2. (a) The consent granted by this joint resolution does not extend to any of the four paragraphs making up article II (F) (2) of the amended compact.

(b) Nothing contained in the amended compact set forth in this joint resolution shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact.

SEC. 3. The Commissioner of the District of Columbia is authorized, on behalf of the District of Columbia, to enter into the amended compact set forth in this joint resolution.

SEC. 4. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution (S.J. Res. 67) granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the same bill in its provisions which the gentleman seeks to substitute?

Mr. JOHNSON of California. Yes, this

is substantially the same bill with a minor change.

Mr. GROSS. With a minor change in the bill, did the gentleman say?

Mr. JOHNSON of California. There is no substantive change. The differences in the two versions are solely limited to the drafting foremat.

Mr. GROSS. It does not increase the obligation on the part of the Federal Government for this compact; does it?

Mr. JOHNSON of California. No, it does not. I might say to the gentleman from Iowa, I do not think there is any interstate compact involving interstate rivers where the Federal Government is not involved and has a responsibility. But in this bill, it does not increase that responsibility with respect to the Federal appropriations that we spoke about.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. JOHNSON)?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 67

Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin

Whereas, by Public Resolution Numbered 93, Seventy-sixth Congress, third session, approved July 11, 1940 (54 Stat. 748), Congress granted consent to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, hereinafter designated signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin; and

Whereas, all said signatory bodies have entered into said compact; and

Whereas, all the said signatory bodies have adopted identical proposed amendments to said compact, for which they seek the consent of Congress, by virtue of which amendments said compact will read as follows:

"COMPACT

"Whereas, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

"Whereas the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealth of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac river and the main and tributary streams therein, for 'the purpose of regulating, controlling, providing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes'; and

"Whereas, the regulation, control and prevention of pollution is directly affected by the quantities of water in said streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of Federal, State, local and private agencies, groups, and interests concerned with the development, utilization and conservation of the water and associated land resources of the said conservancy district;

"Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinfater designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create, as an agency of each signatory body, the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

"ARTICLE I

"The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

"(A). The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable bylaws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

"(B). The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the signatory bodies.

"(C). The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

"(D). A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least six members of the Commission who shall represent at least a majority of the signatory bodies: *Provided, however*, That no action of the Commission relating to policy or stream classification or standards shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

"ARTICLE II

"The Commission shall have the power:

"(A). To collect, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to, and to conduct studies, sponsor research and prepare reports on, pollution and other water problems of the Conservancy District.

"(B). To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other commissions and Federal, local governmental and non-governmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams and the utilization, conservation and development of the water and associated land resources in the said Conservancy District.

"(C). To disseminate to the public information in relation to stream pollution problems and the utilization, conservation and development of the water and associated land resources of the Conservancy District and on the aims, views, purposes and recommendations of the Commission in relation thereto.

"(D). To cooperate with, assist, and provide liaison for and among, public and nonpublic agencies and organizations concerned with pollution and other water problems in the formulation and coordination of plans, programs and other activities relating to stream pollution or to the utilization, conservation or development of water or associated land resources, and to sponsor cooperative action in connection with the foregoing.

"(E). In its discretion and at any time during or after the formulation thereof, to review and to comment upon any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation or development of water or associated land resources.

"(F)(1). To make, and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also for cleanliness of the various streams in the Conservancy District.

"(2). To establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory bodies through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory body agrees to submit its classification of its interstate waters to the Commission with its recommendations thereon.

"The Commission shall review such classification and recommendations and accept or return the same with its comments. In the event of return, the signatory body will consider the comments of the Commission and resubmit the classification proposal, with or without amendment, with any additional comments for further action by the Commission.

"It is agreed that after acceptance of such classification, the signatory body through its appropriate State water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet or exceed standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

"It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, bathing and other recreational purposes, maintenance and propagation of fish life, industrial and agricultural uses, navigation and disposal of wastes.

"ARTICLE III

"For the purpose of dealing with the problems of pollution and of water and associated land resources in specific areas which directly affect two or more, but not all, signatory bodies, the Commission may establish Sections of the Commission consisting of the Commissioners from such affecting signatory bodies: *Provided, however,* That no signatory body may be excluded from any section in which it wishes to participate. The Commissioners appointed by the President of the United States may participate in any section. The Commission shall designate, and from time to time may change, the geographical area with respect to which each section shall function. Each section shall, to such extent as the Commission may from time to time authorize have authority to exercise and perform with respect to its designated geographical area any power or function vested in the Commission, and in addition may exercise such other powers and perform such functions as may be vested in such section by the laws of any signatory body or by the laws of the United States. The exercise or performance by a section of any power or function vested in the Commission may be financed by the Commission, but the exercise or performance of powers or functions vested solely in a section shall be financed through funds provided in advance by the bodies, including the United States, participating in such section.

"ARTICLE IV

"The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

"The pro rata contributions shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies.

"ARTICLE V

"Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

"1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District and in planning for the utilization, conservation and development of the water and associated land resources thereof.

"2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of pollution and control and use of such streams.

"3. The appropriation of biennial sums on the proportionate basis as set forth in Article IV.

"ARTICLE VI

"This compact shall become effective immediately after it shall have been ratified by the majority of the legislature of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioner of the District of Columbia, and approval by the Congress of the United States: *Provided, however,* That this compact shall not be effective as to any signatory body until ratified thereby.

"ARTICLE VII

"Any signatory body may, by legislative act, after one year's notice to the Commission, withdraw from this compact."

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to adopt the aforementioned amendments and enter into the amended compact hereinbefore recited and every part and article thereof: *Provided,* That nothing contained in such amended compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact: *And provided further,* That the consent herein given does not extend to section (F) (2) of article II of the amended compact.

SEC. 2. The Commissioner of the District of Columbia is authorized to enter into, on behalf of the District of Columbia, the amended compact hereinbefore recited.

SEC. 3. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar joint resolution H.J. Res. 1179, was laid on the table.

PROVIDING FOR CONGRESSIONAL RECOGNITION OF THE GODDARD ROCKET AND SPACE MUSEUM

The Clerk called the Senate concurrent resolution (S. Con. Res. 49) providing for congressional recognition of the Goddard Rocket and Space Museum.

There being no objection, the Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Doctor Robert H. Goddard, who pioneered in rocket experimentation and contributed to America's success in landing men on the moon, and who is known as the "Father of the Rocket", and as an appropriate and outstanding institution for the collection, preservation, and display of the works and memorabilia of Doctor Goddard.

Mr. FULTON of Pennsylvania. Mr. Speaker, as ranking minority member of the House Science and Astronautics Committee, and member of the Manned Space Flight Subcommittee, I strongly urge the Members of the House of Representatives support Senate Concurrent Resolution 49. This resolution provides for congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, of Roswell, N. Mex.

Dr. Robert H. Goddard was an outstanding, world famed U.S. scientist. His dedication and determination in the field of rocketry have been largely responsible for mankind's ability to reach outer space. Dr. Goddard's vision and efforts in rocketry and space flight often were ridiculed. His ability to foresee the future of science, technology, and space flight urged him on to the development of the basic launching systems which the United States uses even today.

Much of Dr. Goddard's work on liquid rocket development was done on the high plateau near Roswell, N. Mex. In 1945, shortly after Dr. Goddard's death, his launching tower was moved to the grounds of the Art Center and Museum in Roswell. Other contributions have been made over the years, such as rocket parts and photographic murals. Most recently, a reconstruction of the Goddard workshop and a new Goddard planetarium have been constructed. Funds from the Daniel and Florence Guggenheim Foundation have assisted in building a special wing in which to house the Goddard collection at Roswell.

On April 25, 1959, the Robert H. Goddard Rocket and Space Museum was dedicated by Dr. Wernher von Braun. This outstanding collection at Roswell represents our country's early efforts in rocketry and especially the efforts and dedicated work of Dr. Robert H. Goddard. This history of determination, research and development in rocketry, space, and propulsion are a part of our great American heritage. We in Congress should recognize the high ability and dedication of Dr. Robert H. Goddard in placing U.S. technology first in rocketry, foremost in space, and first in the successful landing of not one but two fine teams of astronauts, the Apollo 11 crew and the Apollo 12 crew, on the lunar surface and returning them safely.

Dr. Goddard, had he lived, would have been thrilled as any U.S. citizen with this accomplishment, as well as the space rescue of the Apollo 13 crew, which was achieved through the high competence and cooperation of ground mission control and the Apollo 13 astronauts themselves.

My compliments to the people of Roswell and the State of New Mexico as well as to the Guggenheim Foundation on their good work in preserving our space program and this goodly heritage for the present American generation and for all future generations.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE SAC AND FOX INDIANS

The Clerk called the bill (H.R. 11771) to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes.

Mr. STEED. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. HALEY. Mr. Speaker, reserving the right to object, may I ask the gentleman from Oklahoma if the only thing involved in this bill is the difference be-

tween the two tribes as to the percentage of the amount that each tribe should receive under a judgment awarded by the Indian Claims Commission; is that correct?

Mr. STEED. That is correct. My purpose in asking that it be passed over without prejudice is to give the Oklahoma tribe a little more time to consider the matter before the House acts on it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma (Mr. STEED)?

There was no objection.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE CHEMEHUEVI TRIBE OF INDIANS

The Clerk called the bill (H.R. 14396) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians.

There being no objection, the Clerk read the bill as follows:

H.R. 14396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81)) to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351–A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

SEC. 2. (a) (1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 33, 37, 80, 80–D, 176, 215, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

SEC. 3. (a) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

(b) Any individual aggrieved by a determination of the Secretary under this Act shall be given an opportunity to be heard upon reasonable notice in accordance with the provisions of chapter 5 of title 5, United States Code. Unless such individual otherwise agrees, the hearing shall be held in the State of California within sixty days of the date of notice. An individual aggrieved by the decision rendered after such hearing shall be entitled to judicial review of such decision in accordance with sections 701–706 of title 5, United States Code.

SEC. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes or any lien, debt, or attorney fees.

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

With the following committee amendments:

Page 2, line 16, add a new sentence reading as follows: "The determination of the Secretary regarding the utilization of available rolls and records and eligibility for enrollment of an applicant shall be final."

Page 2, line 21, after "31," strike out "33," and after "215," insert "333,".

Page 2, line 24, strike out "(a)".

Page 3, lines 9 through 18, strike out all of subsection (b).

Page 3, lines 20 and 21, strike out "taxes or any lien, debt, or attorney fees." and insert "taxes."

Page 3, following line 24, insert a new section 6 as follows:

"SEC. 6. The Secretary may make appropriate withdrawals from the judgment fund and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill S. 4033, an identical bill to the House bill, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

S. 4033

An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81)), to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351–A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

SEC. 2. (a) (1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose. The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 37, 80, 80–D, 176, 215, 333, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

SEC. 3. The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

SEC. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes.

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

SEC. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14396) was laid on the table.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 4033 is to authorize the use of a judgment against the United States recovered by the Chemehuevi Tribe of Indians in Indian Claims Commission Dockets Nos. 351 and 351–A. The net amount available is $1,064,844.41.

The money has been appropriated and invested temporarily in interest-bearing securities. The Indians may not use the money, however, until Congress has approved their plans.

The tribe has not existed as an organized entity for many years. The lineal descendants of the original tribe are scattered. Many of them are enrolled at the Colorado River Indian Reservation, but none of them live on the Chemehuevi Reservation. The latter was established in 1907 by Executive action. It now consists of 28,223 acres of land that are uninhabited but have potential recreation value.

The Department of the Interior estimates that the living lineal descendants eligible for enrollment will number 1,300 to 1,400. The bill provides for a per capita distribution of the entire judgment to the enrollees. Under the circumstances involved here no other use of the money is feasible. Although some of the Chemehuevis are attempting to organize the

tribe and establish a tribal government, it is clear that not all of the Chemehuevis will join the new organization and that the new organization will not be the successor of the aboriginal tribe.

(Mr. PETTIS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PETTIS. Mr. Speaker, I am delighted that the chairman of the Interior Committee, the gentleman from Colorado (Mr. ASPINALL) has supported my bill H.R. 14396 from the time I first introduced it until this day. And on behalf of the Chemehuevi Indians I thank my colleagues in both the House and the Senate for bringing equity and justice to this very deserving tribe at this time.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE YAKIMA TRIBES

The Clerk called the bill (H.R. 15469) to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3337, be considered in lieu of the House bill, H.R. 15469. In explanation thereof, I will state they are identical bills.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

S. 3337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reservation in Indian Claims Commission dockets numbered 47–A and 162, and by the Act of July 22, 1969 (83 Stat. 49), in consolidated dockets 47 and 164, together with interests thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 3337 is to authorize the use of a judgment recovered against the United States by the Yakima Tribes in Indian Claims Commission dockets No. 47–A, 162, and consolidated dockets 47 and 164. The net amount available, including accumulated interest, is $2,119,370.

The money has been appropriated and most of it has been invested temporarily in certificates of deposit. The Indians may not use the money, however, until Congress has approved their plans.

The tribes have an enrolled membership of 5,748 persons. About 3,850 of them live on the reservation. The others live away from the reservation.

The tribes propose to invest $250,000 and use the revenues for an additional educational fund. The remainder will be used to make a $300 per capita payment to each member of the tribes.

The tribal income from reservation resources has been increasing steadily each year, and in fiscal year 1970 it amounted to $5,435,000. From this income the tribes make an annual per capita distribution of $250 to each member, which takes about $1,467,000. This leaves a substantial sum each year which goes into a variety of reservation programs and into a cash reserve. In view of these plans for development of reservation resources with current income, the tribes want to use most of the present judgments to supplement the annual per capita payments.

The Southern Ute Tribe proposes to invest its funds until a specific program for their use has been developed.

The Department of the Interior has agreed that secretarial approval for the use of the funds will not be given until more detailed plans are submitted for approval by this committee.

These three tribes have made good use of other judgment money received in the past.

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MAY. Mr. Speaker, as sponsor of H.R. 15469, the House bill providing for disposition of the appropriated funds to pay judgments in favor of the Yakima Tribes of Indians, I am pleased this bill is before the House today, and I urge passage.

This bill is noncontroversial, providing for the procedures to be followed in the award of Indian Claims Commission judgments to the Yakimas. The claims involved settlements in connection with erroneous interpretations of the land descriptions under the 1855 treaty.

I might say that the funds, $2,210,991.40, were previously appropriated and this bill, therefore, does not provide for the expenditure of additonal funds.

It is commendable of both the Yakima Tribal Council and the Yakima General Council that they plan to retain from the judgment funds $250,000 to be invested as an educational fund. These funds are to be invested and the interest will be utilized annually in support of the Tribe's education programs.

The remainder of $2,100,000 in consolidated dockets covered by the legislation will be paid prorata to the tribal membership, at $300 per capita. I have been advised that many of the Yakimas who have school-age children, have been counting on this distribution of the funds to help them get their youngsters ready for school this fall. House passage of the bill at this time, is welcome news to these parents, especially.

It was my pleasure to introduce this measure at the request of the Yakimas and it is my pleasure today to urge its adoption.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15469) was laid on the table.

CONVEYING CERTAIN FEDERALLY OWNED LAND TO THE CHEROKEE TRIBE OF OKLAHOMA

The Clerk called the bill (H.R. 15624) to convey certain federally owned land to the Cherokee Tribe of Oklahoma.

There being no objection, the Clerk read the bill as follows:

H.R. 15624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon payment by the Cherokee Tribe of Oklahoma, as provided in section 2 of this Act, all the right, title, and interest of the United States in that part of the northwest quarter lying south of United States Highway Numbered 62, section 20, township 16 north, range 22 east, Indian meridian, Oklahoma, comprising 38.5 acres more or less, heretofore acquired for school purposes, shall vest in the Cherokee Indian Tribe of Oklahoma, and such land shall not be subject to any exemption from taxation, or restrictions on use, management, or disposition because of Indian ownership.

SEC. 2. In full consideration for the transfer of title, the Cherokee Tribe of Oklahoma shall pay the United States $2,258.80, payment to be made to the Secretary of the Interior within ninety days after this Act is approved and deposited in the general fund of the United States Treasury.

With the following committee amendment:

Page 2, following line 7, insert a new section 3 reading as follows:

"SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act as of August 20, 1964, less the payment of $2,258.80 as provided in section 2, should or should not be set off against any claim against the United States determined by the Commission."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker.

The purpose of H.R. 15624 is to sell to the Cherokee Tribe of Oklahoma 38.5 acres of land for $2,258.80, which is the amount paid by the United States when it bought the property. The property is a part of a 93-acre tract that was purchased by the Government in 1935 for an Indian school farm. The school farm has been discontinued, and the property is excess to the needs of the Bureau of Indian Affairs.

Forty acres of the original 93 acres were conveyed to the tribe by the Act of August 20, 1964 (78 Stat. 559), without consideration, and the land has been developed by the tribe for industrial uses.

The 38.5 acres covered by this bill are needed by the tribe to continue this development. Developments already completed include a restaurant, arts and crafts shop, service station, warehouse, office building, and indstrial building. Further developments contemplated include a motel, expansion of the industrial building, retail shopping area, and various tourist oriented projects. This industrial program should contribute significantly to Indian employment and an improved standard of living.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE CONFEDERATED BANDS OF UTE INDIANS AND OTHERS

The Clerk called the bill (H.R. 16833) to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 16833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury to the credit of the Confederated Bands of Ute Indians appropriated by the Act of May 13, 1966 (80 Stat. 141), pursuant to the final judgment entered in Court of Claims case numbered 47567; and the funds on deposit to the credit of the Ute Tribe of the Unitah and Ouray Reservation, for and on behalf of the Uncompahgre Band of Ute Indians, that were appropriated by the Act of April 30, 1965 (79 Stat. 81), to pay a judgment by the Indian Claims Commission in docket numbered 349; and the interest thereon, less attorney fees and litigation expenses, shall be available for use by the respective tribes in accordance with the Act of August 21, 1951 (65 Stat. 193; 25 U.S.C. 672), the Act of August 12, 1953, (67 Stat. 540; 25 U.S.C. 674), the Act of June 28, 1954 (68 Stat. 300; 25 U.S.C. 676), and the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677), as amended.

SEC. 2. Any portion of the funds distributed per capita to the members of the respective tribes shall not be subject to Federal or State income tax.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 3997.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3997

An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury to the credit of the Confederated Bands of Ute Indians appropriated by the Act of May 13, 1966 (80 Stat. 141), pursuant to the final judgment entered in Court of Claims case numbered 47567; and the funds on deposit to the credit of the Ute Tribe of the Uintah and Ouray Reservation, for and on behalf of the Uncompahgre Band of Ute Indians, that were appropriated by the Act of April 30, 1965 (79 Stat. 81), to pay a judgment by the Indian Claims Commission in docket numbered 349; and the interest thereon, less attorney fees and litigation expenses, shall be available for use by the respective tribes in accordance with the Act of August 21, 1951 (65 Stat. 193; 25 U.S.C. 672), the Act of August 12, 1953 (67 Stat. 540; 25 U.S.C. 674), the Act of June 28, 1954 (68 Stat. 300; 25 U.S.C. 676), and the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677), as amended.

SEC. 2. Any portion of the funds distributed per capita to the members of the respective tribes shall not be subject to Federal or State income tax.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 3997 is to authorize the use of a judgment against the United States recovered by the Confederated Bands of Ute Indians in Court of Claims docket No. 47567, and the use of a judgment against the United States recovered by the Ute Tribe of the Uintah and Ouray Reservation in Indian Claims Commission docket No. 349. The net amounts available, after division between the three Ute Tribes entitled to share, are as follows:

Ute Indian Tribe of the Uintah and Ouray Reservation	$2,371,546
Southern Ute Tribe	830,000
Ute Mountain Tribe	963,017

The money has been appropriated, but the Indians may not use the money until Congress has approved their plans.

The bill provides that the money may be used for any purpose requested by the tribe and approved by the Secretary of the Interior. The Ute Indian Tribe of the Uintah and Ouray Reservation proposes to pool this judgment money with several other tribal funds, and to establish three investment funds the earnings from which will be used for educational grants, tribal government operations, and per capita payments to members.

The Ute Mountain Tribe proposes to invest approximately $622,706 in an economic development fund for the reservation, and to use the balance to make a $300 per capita payment to its members.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16833) was laid on the table.

AMENDING CENTRAL VALLEY RECLAMATION PROJECT TO INCLUDE BLACK BUTTE PROJECT

The Clerk called the bill (H.R. 18298) to amend the Central Valley reclamation project to include Black Butte project.

There being no objection, the Clerk read the bill, as follows:

H.R. 18298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central Valley project, California, authorized by section 2 of the Act of Congress of August 26, 1937 (50 Stat. 850), is hereby amended to include the Black Butte project on Stony Creek, which was authorized for construction by the Corps of Engineers by the Flood Control Act approved December 22, 1944 (58 Stat. 887). Subject to the provisions of this Act, the Black Butte project shall be financially integrated with the Central Valley project and coordinated operationally with the other storage units of the Central Valley project by the Bureau of Reclamation under the Secretary of the Interior: *Provided,* That the Black Butte Dam and Reservoir will be physically operated and maintained by the Corps of Engineers and in a manner compatible with recreational use of the reservoir: *Provided further,* In the event that prior to January 1, 1971, one or more agencies enter long-term contracts with the Secretary of the Interior under reclamation law to repay the cost of the Black Butte project allocated to conservation, and the Secretary of the Interior has received resolutions of the Boards of Directors of said agency or agencies expressing the desire not to be so included, then said project will not be included in the Central Valley project.

With the following committee amendments:

Page 1, line 4, strike "60" and insert in lieu thereof "50"; and

Page 2, beginning on line 5, strike out "reservoir:" and all of the proviso ending on line 13 and insert "reservoir."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, H.R. 18298 is a fairly simple bill albeit an urgent one that should be passed as soon as possible. Its purpose is to authorize the Black Butte Reservoir project constructed and operated by the Corps of Engineers, Department of the Army, to be integrated operationally and financially with the Central Valley Federal reclamation project. There is no direct cost to the Federal Government involved in this legislation and there is no change in operation jurisdiction contemplated.

Black Butte Dam and Reservoir were authorized in 1944 for the multiple purposes of flood control and water conservation with the stipulation that the Secretary of the Interior would be responsible for marketing of the water yield and the return of the reimbursable costs associated therewith. To overcome delays in the marketing of the water and to achieve the benefits of flood control at an early date, the State of California pursuant to an act of its legislature entered into an agreement with the Bureau of Reclamation to underwrite the reimbursable costs of the project if long-term water sales contracts were not con-

summated by January 1, 1971; or alternatively legislation was not enacted to integrate the project into the Central Valley development.

The long-term contracts have not been forthcoming and the agreement is approaching its terminal date. If H.R. 18298 is not enacted, the control of the water supply will pass from the Federal Government into the hands of the State which can then dispose of the resource in any manner it sees fit.

There is a growing need for the water yield from Black Butte Reservoir in the Federal service area of the Central Valley project, and I believe that this federally developed water supply should be retained in Federal hands so that it can be used to meet this growing need. In our hearings before the Committee on Interior and Insular Affairs there was no objection to this philosophy, albeit there is little doubt that the State would be pleased to assume jurisdiction over this resource.

If H.R. 18298 is passed, it will be possible to develop plans for conjunctive operation of this reservoir with reservoirs under the control over the Bureau of Reclamation which will increase the effectiveness of the total storage system.

In conclusion, Mr. Speaker, it is important to note that the Congress in authorizing Black Butte Dam and Reservoir obviously intended that the water yield from it would be marketed and utilized in the general area of the project. As matters now stand, the only way that we can be certain that this will, indeed, take place is to enact this measure and retain Federal jurisdiction over the issue.

For this reason, I support H.R. 18298 and urge that all Members join with me in extending their support.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in explanation of H.R. 18298 immediately prior to passage of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

REPORT ON INSTITUTIONAL INVESTORS STUDY

The Clerk called the joint resolution (H.J. Res. 1247) to amend section 19(e) of the Securities Exchange Act of 1934.

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 1247

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e) is amended by striking out in paragraph (1) "September 1, 1970" and inserting in lieu thereof "December 31, 1970".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF COMMERCE STUDIES

The Clerk called the bill (H.R. 8668) to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 8668

A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, upon the request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department of Commerce; to prepare from its records special compilations, lists, bulletins, or reports; to perform the functions authorized by section 2 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1152); and to furnish transcripts or copies of its studies, compilations, and other records; upon the payment of the actual or estimated cost of such special work.

In the case of nonprofit organizations, research organizations, or public organizations or agencies, the Secretary may engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary, who may, however, waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Bureau of the Budget.

SEC. 2. All payments for work or services performed or to be performed under this Act shall be deposited in a separate account or accounts which may be used to pay directly the costs of such work or services, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary: *Provided,* That said receipts may be credited to a working capital fund otherwise established by law, and used under the law governing said funds, if the fund is available for use by the agency of the Department of Commerce which is responsible for performing the work or services for which payment is received. Acts appropriating funds to the Department of Commerce may include provisions limiting annual expenditure from said account or accounts.

SEC. 3. The following laws, or parts of laws, are hereby repealed:

(a) That proviso in the Act of March 1, 1919 (ch. 86, sec. 1, at 40 Stat. 1256), which reads as follows: *"Provided further,* That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt."

(b) The Act of May 27, 1935 (ch. 148, 49 Stat. 292; 15 U.S.C. 189a, 192, 192a).

(c) The proviso in the Act of May 15, 1936 (ch. 405, sec. 1, at 49 Stat. 1335; 15 U.S.C. 189), which reads as follows: *"Provided,* That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as miscellaneous receipts."

(d) The Act of December 19, 1942 (ch. 780, 56 Stat. 1067; 15 U.S.C. 1520).

(e) The proviso in section 3 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1153), which reads as follows: *"Provided,* That all moneys hereafter received by the Secretary in payment for publications under this Act shall be deposited in a special account in the Treasury, such account to be available, subject to authorization in any appropriation Act, for reimbursing any appropriation then current and chargeable for the cost of furnishing copies of reproductions as herein authorized, and for making refunds to organizations and individuals when entitled thereto: *And provided further,* That an appropriation reimbursed by this special account shall, notwithstanding any other provision of law, be available for the purposes of the original appropriation."

(f) The proviso in title III of the Act of October 22, 1951 (ch. 533, title III, section 301 at 65 Stat. 586; 15 U.S.C. 1153a), which reads as follows *"Provided,* That moneys hereafter received by the Secretary pursuant to section 3 of said Act of September 9, 1950, for publications provided thereunder, shall be available for reimbursing any appropriation as provided by said section."

SEC. 4. Except as to those laws expressly repealed herein, nothing in this Act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publication furnished by the Department of Commerce, or any of its several bureaus or offices.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1170) to authorize the Department of Commerce to make special studies to provide services, and to engage in joint projects, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, upon the request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department of Commerce; to prepare from its records special compilations, lists, bulletins, or reports; to perform the functions authorized by section 2 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1152); and to furnish transcripts or copies of its studies, compilations, and other records; upon the payment of the actual or estimated cost of such special work.

In the case of nonprofit organizations, research organizations, or public organizations or agencies, the Secretary may engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary, who may, however, waive payment of any portion of such costs by others, when authorized to do so under

regulations approved by the Bureau of the Budget.

SEC. 2. All payments for work or services performed or to be performed under this Act shall be deposited in a separate account or accounts which may be used to pay directly the costs of such work or services, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary: *Provided*, That said receipts may be credited to a working capital fund otherwise established by law, and used under the law governing said funds, if the fund is available for use by the agency of the Department of Commerce which is responsible for performing the work or services for which payment is received. Acts appropriating funds to the Department of Commerce may include provisions limiting annual expenditure from said account or accounts.

SEC. 3. The following laws, or parts of laws, are hereby repealed:

(a) That proviso in the Act of March 1, 1919 (ch. 86, sec. 1, at 40 Stat. 1256), which reads as follows: *"Provided further*, That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt."

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(d) The Act of December 19, 1942 (ch. 780, 56 Stat. 1067; 15 U.S.C. 1520).

(e) The proviso in section 3 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1153), which reads as follows: *"Provided*, That all moneys hereafter received by the Secretary in payment for publications under this Act shall be deposited in a special account in the Treasury, such account to be available, subject to authorization in any appropriation Act, for reimbursing any appropriation then current and chargeable for the cost of furnishing copies or reproductions as herein authorized, and for making refunds to organizations and individuals when entitled thereto: *And provided further*, That an appropriation reimbursed by this special account shall, notwithstanding any other provision of law, be available for the purposes of the original appropriation."

(f) The proviso in title III of the Act of October 22, 1951 (ch. 533, title III, section 301 at 65 Stat. 586; 15 U.S.C. 1153a), which reads as follows: *"Provided*, That moneys hereafter received by the Secretary pursuant to section 3 of said Act of September 9, 1950, for publications provided thereunder, shall be available for reimbursing any appropriation as provided by said section."

SEC. 4. Except as to those laws expressly repealed herein, nothing in this Act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publication furnished by the Department of Commerce, or any of its several bureaus or offices.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8668) was laid on the table.

ESTABLISHMENT OF A PROGRAM FOR THE RESEARCH AND PROMOTION OF WHEAT

The Clerk called the bill (H.R. 13543) to establish a program of research and promotion for U.S. wheat.

Mr. HALL. Mr. Speaker, inasmuch as this bill is also listed under the suspensions for today, and it does need debate, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEASE AND TRANSFER OF BURLEY TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 18686) to authorize the lease and transfer of burley tobacco acreage allotments.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

HALTING INTERNATIONAL AIR PIRACY; FIRST ORDER OF BUSINESS FOR 25TH U.N. GENERAL ASSEMBLY

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, I join today with concerned citizens throughout our Nation and the world in welcoming the opening tomorrow of the United Nation's 25th General Assembly. My sincere hope and prayer is that the event will signal the strengthening of this international peacekeeping organization. And what better way for it to do so than to take the firm and resolute action necessary to once and for all effectively cope with the problem of airplane hijacking.

Such violence and terrorism as we have seen in the past several days can only be met with the determined cooperation of all nations under the direction of the United Nations. First and foremost, it should be the responsibility of the U.N. to establish agreements among all nations whereby landing privileges would be denied to all hijacked planes and sanctuary would not be given to air pirates. In addition, an international tribunal should be established to try all hijackers, with a guilty verdict bringing the death penalty.

It should also be within the United Nations' power to insure safety against hijacking by placing transportation blockades on any country which would not agree to such antihijacking measures.

Because the world today is so dependent upon the air transportation industry for business and pleasure, its security must be insured to the greatest extent. In that connection, the use of armed security guards on international and domestic flights would present an active and effective deterrent.

Mr. Speaker, the world has reached the end of its patience on this question. Air piracy and the destruction of private property cannot be tolerated any longer. This question deserves and demands top-priority consideration at the coming sessions of the 25th General Assembly.

ARMED FORCES PROCUREMENT AUTHORIZATION AND PERSONNEL STRENGTH OF RESERVES

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, with a Senate amendment thereto, and disagree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, is a bill being called up under unanimous consent? What is the legislative situation?

The SPEAKER. The gentleman has asked unanimous consent to take from the Speaker's table the House bill (H.R. 17123), with a Senate amendment thereto, and disagree to the Senate amendment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17570, AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

MARINE SCIENCES COUNCIL EXTENSION

Mr. LENNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

16607) to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development.

The Clerk read as follows:

H.R. 16607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 3 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

The SPEAKER. Is a second demanded?

Mr. MOSHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. LENNON. Mr. Speaker, H.R. 16607 would amend the Marine Resources and Engineering Development Act of 1966 to continue for 1 year the National Council on Marine Resources and Engineering Development. In amending the 1966 act, the bill would change the expiration date of the National Council from June 30, 1970, to June 30, 1971, a 1-year extension beyond the expiration date provided for by Public Law 89-454, as amended by Public Law 90-242, and Public Law 91-15. The Senate has already provided for this 1-year extension, having passed S. 3617.

The Marine Sciences Council is a Cabinet-level, policy planning, and coordinating body chaired by the Vice President. It was organized to advise and assist the President in developing policy and coordinating national marine science activities. The Council was established on an interim basis but it has been continued yearly since it was organized in 1966 to coordinate Federal programs affecting our marine resources until some permanent agency could be created. One of the principal functions of the Marine Sciences Council therefore has been to make recommendations concerning a National Oceanic and Atmospheric Administration—NOAA. In this respect, on July 9, 1970, the Congress received from the President Reorganization Plan No. 4, to create such an agency. This plan is now pending before the Congress.

My Subcommittee on Oceanography and the full Committee on Merchant Marine and Fisheries were unanimous in their view that the National Marine Sciences Council should be continued for an additional year. Should Reorganization Plan No. 4 go into effect as expected, the Council would assist in the administrative coordination that will be required during the transition period.

Mr. Speaker, there was no opposition to this bill during our hearings. Departmental reports were all favorable. Accordingly, I recommend that H.R. 16607 be passed.

Mr. Speaker, I would be delighted to answer any inquiries which might be put regarding this matter. It merely extends for a period of 1 year the life of the existing National Council on Marine Resources and Engineering Development. It came from the subcommittee and the full committee by unanimous vote. It has received the approval of all departments, agencies, and bureaus of the Federal Government, including the Bureau of the Budget.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LENNON. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. The life of this commission or council, whatever it is, has been twice extended; has it not?

Mr. LENNON. The life of the Council has been extended twice before for a period of 6 months each time. It would be extended by this bill.

I know the gentleman is familiar with the fact that on July 9 of this year the President sent to the Congress two reorganization plans, Reorganization Plans Nos. 3 and 4. In the judgment of the committee, it is essential that the life of the Council be continued for at least 1 year, in order to determine the final implementation of the presidential recommendations with respect to those two reorganization plans.

Mr. GROSS. Where does this Council gets its funds?

Mr. LENNON. Is the gentleman familiar with the composition of the Council? Is the gentleman familiar with the membership on the Council?

Mr. GROSS. No; I am not.

Mr. LENNON. Let me say to the gentleman that the Vice President of the United States is the Chairman of the Council. The Secretary of State, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Commerce, the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, the Secretary of Health, Education, and Welfare and the Secretary of the Treasury constitute the members of this National Council.

The President was authorized by the original legislation to establish a staff sufficient in his judgment to make this a viable organization.

I want to say we would have, in my judgment, few oceanography or marine science programs today if it were not for the work, to a great degree, this Council has done since it came into being. It is not our intention to continue it indeterminately, but we wish to have it continued until such time as it has to a substantial degree related its efforts to the President's request for Reorganization Plans Nos. 3 and 4. We wish to continue the life of this Council as a coordinating body at that policy level.

Mr. GROSS. This Council was established in 1966; was it not?

Mr. LENNON. That is true.

Mr. GROSS. And its life has been twice extended and there is the protestation in the report that it is not contemplated that it be extended indefinitely. However, it seems to have a rather long life for a council that was supposed to be of short duration.

Mr. LENNON. If the gentleman will help us to expedite the President's recommendation for the reorganization plan, which has been delayed for a period of 3 weeks by reason of the House's recess, then I am sure we could bring this Council's life to some ultimate end.

I do say in all sincerity that I personally know the work this Council has been able to accomplish both in the prior and this present administration, and I believe if the gentleman were as familiar with it as I am, he would undoubtedly be in favor of this bill.

Mr. GROSS. I thank the gentleman for yielding and for his explanation.

Mr. MOSHER. Mr. Speaker, I join my distinguished colleague from North Carolinia, the chairman of our Subcommittee on Oceanography (Mr. LENNON), in urging this House to consider favorably H.R. 16607, to extend the Marine Science Council for 1 additional year.

I believe I should emphasize that the gentleman from California (Mr. MAILLIARD) and I introduced this legislation, H.R. 16607, at the request of the White House. It is an administration measure. However, we also introduced it because we personally believe it is important. It is especially important that during the present interim period when we are considering the President's reorganization Plan No. 4, which would create a National Oceanic and Atmospheric Administration—NOAA—within the Department of Commerce, and also undoubtedly important in the early months of NOAA's life—I repeat, it is especially important that during that period that the Marine Science Council be maintained to provide vigorous staff support to the President, and as a coordinating mechanism, to help maintain our present momentum in oceanic activities.

The National Council on Marine Resources and Engineering Development, as this body is formally designated, was established by the Marine Resources and Engineering Development Act of 1966, Public Law 89-454. The Marine Resources Act represented the culmination of some 7 years of intensive congressional effort to develop an effective statutory base for a comprehensive long-range and coordinated national program in marine science.

The act also established a Commission on Marine Science to make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that would meet the present and future needs of this Nation. The Commission under the leadership of Dr. Julius Stratton issued its report entitled "Our Nation and the Sea" in January 1969.

The Commission's life expired following submission of its report. As a corollary to the Commission on Marine Science, the Marine Science Council was established to assist the Commission and the President in carrying out their respective responsibilities under the act.

The Council under the chairmanship of the Vice President and composed of six Cabinet Secretaries, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation has performed a vital role in coordinating the diverse efforts of the

United States in the field of marine science.

The work of the Council originally was intended to terminate 120 days following submission of the report of the Commission on Marine Science to the Congress. Public Law 90-242, however, extended the life of the Council to June 30, 1969. At that time, while your Subcommittee on Oceanography was holding extensive hearings on the report of the Commission, it was felt that the Council should continue to fill its essential coordinating role for at least an additional year. Accordingly, Public Law 91-15 extended the Council to June 30, 1970.

President Nixon now has submitted Reorganization Plan No. 4 to the Congress to establish a National Oceanic and Atmospheric Administration within the Department of Commerce. It is expected that plan will become effective the first week of October, and it has received the overwhelming support of your Subcommittee on Oceanography. The chairman of our subcommittee and I have had the honor of testifying in support of this reorganization plan before the Committee on Government Operations and at that time represented 23 of our colleagues of the Merchant Marine and Fisheries Committee.

Undoubtedly, there will be a period of months before the National Oceanic and Atmospheric Administration—NOAA—becomes fully operational and is able to assume its leadership role.

While the Marine Resources and Engineering Development Act established both the Commission on Marine Science and the Marine Science Council as temporary bodies, the act does place upon the President continuing responsibilities in the field of marine science, including the assignment of lead agency responsibility for the conduct of on-going marine science activities and the annual review of our marine science activities conducted by the various departments and agencies of the United States. The act also requires the President to transmit to Congress in January of each year a comprehensive report of the activities and accomplishments of all agencies and departments in the field of marine science during the preceding fiscal year, together with an evaluation of such activities in terms of the objectives of the act.

The President undoubtedly will be assisted in carrying out these continuing responsibilities by the National Oceanic and Atmospheric Administration. However, in view of the time required for this new agency to become fully operational, it is essential that the President have at his disposal an executive-level coordinating body. The Council is the best mechanism to assist the President during this final phase of our national effort to create a focal point for civil oceanic and atmospheric programs.

Mr. Speaker, H.R. 16607 will extend the Council for 1 additional year to June 30, 1971. The other body has passed an identical bill which I understand will be called up following passage of H.R. 16607. This bill was unanimously reported by your Committee on Merchant Marine and Fisheries, and I urge the House to give it their favorable consideration.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 16607.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. LENNON. Mr. Speaker, S. 3617, an identical bill to H.R. 16607, is now pending before the Committee on Merchant Marine and Fisheries. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the Senate bill—S. 3617—to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, which is identical to the House bill, and I ask for the immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 3 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill—H.R. 16607—was laid on the table.

SEAMEN'S SERVICE ACT

Mr. GARMATZ. Mr. Speaker, I move that the House suspend the rules and pass the bill—H.R. 15549—to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Seamen's Service Act".

SEC. 2. It is the purpose of this Act, by authorizing appropriate departments and agencies of the United States Government to cooperate with the United Seamen's Service (a nonprofit, charitable organization incorporated under the laws of the State of New York) in the establishment and operation of facilities for United States merchant seamen in foreign areas, to promote the welfare of such seamen, essential to the overall interests of shipment of United States goods and supplies to such areas.

SEC. 3. Chapter 155 of title 10, United States Code, is amended—

(1) by adding the following new section at the end thereof:

"§ 2604. United Seamen's Service: cooperation and assistance

"(a) Whenever the President finds it necessary in the interest of United States commitments abroad to provide facilities and services for United States merchant seamen in foreign areas, he may authorize the Secretary of Defense, under such regulations as the Secretary may prescribe, to cooperate with and assist the United Seamen's Service in establishing and providing those facilities and services.

"(b) Personnel of the United Seamen's Service who are performing duties in connection with the cooperation and assistance under subsection (a) may be furnished—

"(1) transportation, at the expense of the United States, while traveling to and from, and while performing, those duties, in the same manner as civilian employees of the armed forces;

"(2) meals and quarters, at their expense or at the expense of the United Seamen's Service, except that where civilian employees of the armed forces are quartered without charge, employees of the United Seamen's Service may also be quartered without charge; and

"(3) available office space (including space for recreational activities for seamen), warehousing, wharfage, and means of communication, without charge.

"(c) No fee may be charged for a passport issued to an employee of the United Seamen's Service for travel outside the United States to assume or perform duties under this section.

"(d) Supplies of the United Seamen's Service (including gifts for the use of merchant seamen, may be transported at the expense of the United States, if it is determined under regulations prescribed under subsection (a) that they are necessary to the cooperation and assistance provided under this section.

"(e) Where practicable, the President shall also make arrangements to provide for convertibility of local currencies for the United Seamen's Service, in connection with its activities under this subsection (a).

"(f) For the purposes of this section, employees of the United Seamen's Service may not be considered as employees of the United States."; and

(2) by adding the following new item at the end of the analysis:

"2604. United Seamen's Service: cooperation and assistance."

The SPEAKER. Is a second demanded?

Mr. MOSHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, H.R. 15549 would authorize certain departments and agencies of the Government particularly the Department of Defense, to cooperate with the United Seamen's Service. The United Seamen's Service is a nonprofit, charitable organization incorporated under the laws of the State of New York. Its purpose is to help U.S. merchant seamen, particularly in foreign ports.

The U.S. Government has historically supported merchant seamen in foreign ports. Normally, this support is provided under the supervision of the U.S. consulates. Since World War II, however, the United Seamen's Service has been pro-

viding welfare services to U.S. seamen in foreign ports. During World War II, services such as commissary privileges, PX, warehousing, transportation and communication facilities were provided by the Defense Establishment under emergency powers of the President. This legislation is required since the Executive order provided for this support has expired.

The proposed legislation is virtually identical to present law supporting the American Red Cross overseas.

Under the bill, personnel of the United Seamen's Service may be furnished transportation at Government expense in their performance of duties. Also, meals and quarters, available office and recreational space, warehousing, wharfage, and means of communication may be authorized.

The Secretary of Defense would have discretion to provide these services after a finding by the President that it is necessary in the interest of the United States.

There is no additional direct cost to the United States under this legislation. The cost of the United Seamen's Service is substantially borne by the personnel of the merchant marine and by contributions of interested private organizations and individuals.

The legislation is supported by the Defense and State Departments and by the Maritime Administration of the Department of Commerce. There was no opposition to the bill.

Your committee unanimously concluded, therefore, that this bill is desirable legislation to help U.S. merchant seamen in foreign ports and recommends that H.R. 15549 be enacted into law.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I notice in the report of the distinguished gentleman's committee that it says repeatedly that there is no direct cost to the U.S. Treasury, and indeed on page 4 it says there is no cost to this legislation, yet it says also, under an item on page 2 of the report, that the personnel of the United Seamen's Service will be transported at Government expense.

Also meals and quarters, office and recreational space, warehousing, wharfage, and communications that may be authorized. It just seems to one not familiar with this legislation that you cannot have it both ways. These things are very costly items of expense to the Government. If we are going to furnish them regardless of the merit of the bill, why do we on the one hand say there is no cost to the Government, and then on the other hand say that we will furnish all these services?

Mr. GARMATZ. Wherever there is space available for transportation, communications, warehousing, things of that sort, but only where there is space available.

Mr. HALL. If the gentleman will yield further, would these seamen then come under the same priorities of space-available transportation as regular Government employees within the intent of this bill?

Mr. GARMATZ. No. Not necessarily.

Mr. HALL. We would not again have a situation where State Department people, or summer students of Defense universities, were enabled to preempt transportation from GI's and their dependents on a space-available basis; is that correct?

Mr. GARMATZ. That is not correct.

Mr. HALL. One final question, if the gentleman will yield further: Is this the same fund that has been active politically and rather generous in support of some of its champions politically?

Mr. GARMATZ. No.

Mr. HALL. This is not the same fund?

Mr. GARMATZ. No.

Mr. HALL. I thank the gentleman.

Mr. GARMATZ. I might tell the gentleman that there could probably be some considerable savings in providing these seamen with recreational facilities on shore, and not having to be paid overtime by staying on ship in these foreign ports.

Mr. HALL. I understand, but when it says meals, quarters, transportation, and office and recreational space, it does not say on a space-available basis, plus communications, it makes one wonder.

Now, does this mean, Mr. Speaker, that these people if they were carrying on duties in some foreign port would be able to utilize, for example, U.S. Navy or Department of Defense communications agencies means for messages, or transportation, and if so at what priority would they be?

Mr. GARMATZ. I still say it would be on a space-available basis.

Mr. HALL. In other words, it would go on the line only after priority traffic had been exercised by Department of Defense, Department of State, or other departments?

Mr. GARMATZ. That is correct.

Mr. HALL. Mr. Speaker, I think it is important that we establish this legislative intent, and I wonder if the gentleman's committee has a real estimation of the expense of this bill, even on a space-available or priority-available traffic basis?

Mr. GARMATZ. No, not at this time; and I cannot answer the gentleman in that particular.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Iowa.

Mr. GROSS. Is there any other organization aside from the International Red Cross that the gentleman knows of that will get this kind of treatment in the matter of transportation, the elimination of passport fees, and so on, and so forth?

Mr. GARMATZ. Probably the USO or some organization of that sort.

Mr. GROSS. Of course, the gentleman does not compare the services of those other organizations with those of the Red Cross. The Red Cross is a broad gage organization. It is not limited to seamen and aid to seamen in foreign ports or anywhere else.

Mr. GARMATZ. No, I would not.

Mr. GROSS. Would the gentleman think that we are setting here some kind of precedent in the matter of treatment of an organization which provides the services only to one group of citizens of this country?

Mr. GARMATZ. No; this particular service was in existence during World War II and it is nothing new.

Mr. GROSS. Well, there are a lot of services that were provided during World War II that are not provided in so-called peacetime, I will say to the gentleman. I doubt if that is a very valid argument.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Speaker, I salute the gentleman from Missouri and the gentleman from Iowa for asking questions I think needed to be asked to clarify this situation.

This organization, the United Seamen's Service, is essentially like the USO, and these services with which we are dealing here are rendered only to seamen when they are in foreign ports. Seamen in such a situation have always been considered to be in a rather unique category of American citizens.

Mr. Speaker, I join the chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ) in support of H.R. 15549, the United Seamen's Service Act.

Hearings before the Merchant Marine and Fisheries Committee clearly established that the United Seamen's Service, a nonprofit, charitable organization, has filled an essential role providing services to U.S. merchant seamen in foreign ports in much the same way as the well-known USO provides services for military personnel.

During the Vietnam war, particularly in the build-up period, hundreds of American merchant ships spent weeks in port awaiting pier space to discharge. Had it not been for the efforts of the United Seamen's Service, the men serving aboard these merchant ships would have been compelled to remain on board ship during their entire stay in port, at great cost to the ship operators and to the U.S. Government.

The United Seamen's Service provides clubs, facilities, communication and transportation facilities, for merchant seamen while in foreign ports. These men are not eligible to enjoy USO facilities which are only available to military personnel.

H.R. 15549 will authorize the President to support the United Seamen's Service in the same manner that the U.S. Government now assists the USO. This legislation has the full support of the executive department and is an extremely worthwhile measure. The gentleman from Maryland (Mr. GARMATZ) has explained the provisions of the bill, and I see no need to repeat them at this time.

Mr. Speaker, I urge unanimous support for this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 15549, as amended.

The question was taken; and—two-

thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes."

A motion to reconsider was laid on the table.

STATE INCOME TAX WITHHOLDING FOR INTERSTATE TRANSPORTATION EMPLOYEES

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, as amended.

The Clerk read as follows:

H.R. 10634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 26. (a) No part of the wages or salary paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or who is engaged principally in more than one State, in maintaining roadways, signals, communications, and structures or in operating motor trucks out of railroad terminals, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia."

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 226A. (a) No part of the wages or salary paid by any motor carrier subject to the provisions of this part or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means any possession of the United States or the Commonwealth of Puerto Rico."

SEC. 4. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting immediately after section 323 the following:

"FILING OF INFORMATION RETURNS OF OTHER REPORTS FOR INCOME TAX PURPOSES WITH OTHER THAN RESIDENCE STATE

"SEC. 324. No water carrier or vessel operator shall file any information return or other report for income tax purposes with any State or subdivision thereof other than the State or subdivision of residence of the employee concerned, as shown on the employment records of such water carrier or vessel operator, with respect to the wages or salary of any master, officer, or seaman who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or noncontiguous trade or in the fisheries of the United States."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 324. Separability of provisions."

and inserting in lieu thereof:

"Sec. 324. Filing of information returns or other reports for income tax purposes with other than residence State.

"Sec. 324. Separability of provisions."

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 1112. (a) No part of the wages or salary paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State of subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia and any of the possessions of the United States."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1112. Exemption of certain wages and salary of employees from withholding by other than residence State."

SEC. 5. The amendments made by this Act shall become effective on the first day of the first calendar year beginning after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, this bill will remedy a problem which has increased in recent years with respect to requirements of some of the individual States that interstate common carriers withhold taxes for their employees. Under the bill only the State of a particular employee's residence would be allowed to require his employer to withhold State taxes. The bill is of importance to the employees and the employers of the railroad, motor carrier, water carrier, and air carrier industries. I believe that you can readily see what a burden it is on a carrier and also on its employees when you consider the number of States in which an employee works in a transcontinental aircraft. Substantially the same problem occurs in interstate bus or truck transportation or in rail services. The bill would do away with multiple withholding and income reporting requirements. It does not affect or attempt to affect the powers of the individual States to tax. It has the support of all of the affected industries and also of the employees of those industries. The hearing record reflects opposition from the Advisory Commission on Governmental Relations, the Department of Revenue of Alaska, the National Association of Tax Administrators, and the Multistate Tax Commission. Merchant seamen and fishermen were not included because under a separate law they are protected from the withholding of income by States. However, they were not protected from multistate requirements as to the reporting of their income. The bill sent to the desk includes an amendment which would remove the multistate requirements as to reporting by the employers of these seamen and thus bring them into a comparable position with that of other interstate transportation employees.

I urge that the Members vote for the passage of this legislation.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 10634, as amended.

The question was taken; and (two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended was passed.

The title was amended so as to read: "A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence."

A motion to reconsider was laid on the table.

REVISING BOUNDARIES OF MINUTE MAN NATIONAL HISTORICAL PARK

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13934) to amend the act of Sep-

tember 21, 1959 (72 Stat. 591) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of September 21, 1959 (73 Stat. 590) is amended by inserting "(a)" after the word "that" in the first sentence and adding two subsections, as follows:

"(b) Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided,* That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.

"(c) Any lands added to the Minute Man National Historical Park, pursuant to subsection (b) may be acquired only if such acquisition can be accomplished without cost for land acquisition and, when so acquired, shall be subject to all laws, rules, and regulations applicable thereto."

SEC. 2. Section 6 of the Act of September 21, 1951 (73 Stat. 590), is amended by (1) deleting "$8,000,000" and inserting "$13,900,000" and (2) deleting "$5,000,000" and inserting "$10,900,000".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, H.R. 13934 is a bill which was cosponsored by the members of the Massachusetts congressional delegation. It authorizes certain changes in existing law with respect to the Minute Man National Historical Park.

The two changes which the bill encompasses are not complex:

The first deals with the boundaries of the historical park and amends existing law to permit the enlargement of the area if the lands are made available by the State, without additional cost to the Federal Government.

The second authorizes increased appropriations to complete the land acquisition program within the original boundaries of the park.

Taking these matters in reverse order, Mr. Speaker, let me briefly refresh the recollection of my colleagues with respect to this historical park. In 1959, the Congress considered and approved legislation authorizing the acquisition of up to 750 acres of land to be restored and developed as the Minute Man National Historical Park. Included within this park were some of the lands where the American Revolution began—Lexington, Concord, Lincoln, and Bedford.

As with other authorizations considered at that time, the Congress relied on information supplied by the National Park Service in determining how much money would be required for the land acquisition program. Unfortunately, the cost data supplied was not based upon reliable appraisal techniques and, as a result, the cost limitation written into the bill did not reflect the true value of the properties involved. This error has been seriously compounded with the passage of time so that today the remaining 144.37 acres of land will cost appreciably more than they would have had they been promptly purchased.

Although much of the land has been acquired with the $5 million authorized and appropriated, 58 properties containing 62 improvements remain unpurchased. It is expected that these properties will require an additional investment of $5.9 million and the increased authorization is limited to that amount. Naturally, the sponsors of the bill are anxious to complete this project—particularly in light of the role which this area will play in the bicentennial of our Independence.

It is unfortunate that it is necessary to consider this increased authorization ceiling, but I hasten to add that it was deliberately included in the original legislation in order to preclude the administering agency from exceeding the cost estimates upon which the original legislation was founded. Because the Congress has written appropriation ceilings into all of these authorizations, the cost estimates which have been presented to us in more recent years have proven to be much more reliable.

The second feature of this legislation involves the possible revision of the boundaries of the park. At the present time, the Commonwealth of Massachusetts is proceeding with plans to relocate one of its State highways near the park boundaries. In anticipation of this action, this legislation provides that the park boundaries may be adjusted by the Secretary of the Interior; however, the bill as amended, requires that no additional Federal land acquisition expenditure be incurred as a result of these adjustments.

Mr. Speaker, the Congress recognized the national value of this historic area over a decade ago. While much progress has been made in acquiring and restoring the area in the ensuing years, the job is not yet complete. For this reason, the Committee on Interior and Insular Affairs recommends the enactment of H.R. 13934 with the Committee amendments.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time to ask the gentleman from Colorado if the amendment offered by the gentleman cuts the cost of this bill, which now, according to the report, is approximately $14 million?

Mr. ASPINALL. If the gentleman will yield, the amendment which we have would make a total cost of the project of $13,900,000.

Mr. GROSS. That is the amendment? That is the total cost?

Mr. ASPINALL. That would be the total cost.

Mr. GROSS. Of which approximately $11 million is to be used for the purchase of lands and interest in lands?

Mr. ASPINALL. It is $10,900,000.

Mr. GROSS. And did the gentleman say that this involved the purchase of 730 acres, or some such amount?

Mr. ASPINALL. Originally it was set at about that amount. If my colleague will yield further, and as I said in my presentation, the amount that will be involved is approximately that amount, with 144.37 acres still remaining unpurchased, and that is where the additional cost comes.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, the gentleman is correct. The total limitation in the bill is 770 acres, of which 145 acres is still to be acquired.

Mr. GROSS. Is the State of Massachusetts not making some contribution to this?

Mr. ASPINALL. Mr. Speaker, if my colleague, the gentleman from Iowa will yield further, the State of Massachusetts has made contributions all along the line.

Mr. GROSS. Such as 730 acres of land?

Mr. ASPINALL. I do not believe they have made any contribution of acreage of land.

Mr. MORSE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. MORSE. Mr. Speaker, under the authority of this present bill, the Commonwealth transferred to the Federal Government, National Park Service, several acres for relocation and redefinition of the boundaries.

Mr. GROSS. Several acres, s-e-v-e-r-a-l?

Mr. MORSE. Several acres; yes.

Mr. GROSS. Seven hundred and fifty acres is more than "several."

Mr. MORSE. There are 750 authorized. Most of those have already been acquired. There are only 140 remaining to be acquired.

Mr. GROSS. I will ask the gentleman from Massachusetts: Would this be considered as the Federal Government's expenditure in connection with the establishment of this national historic park?

Mr. MORSE. This is the total authorization that would be required. It is $10.9 million for land acquisition and $3 million for rehabilitation and so forth.

Mr. GROSS. The gentleman would not expect the Federal Government to be called upon to provide more money, except for the maintenance of the park?

Mr. MORSE. I am sure of that.

Mr. GROSS. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield time to me?

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 13934, a bill to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park and for other purposes.

The purpose of this legislation is to

amend the act, establishing the Minute Man National Historical Park by authorizing the Secretary of the Interior to revise the boundaries of the park to conform to the proposed relocation of State Highway Route 2, and by increasing the appropriation authorization for acquisition of land within the existing boundaries of the historical park.

Approximately 145 acres of lands within the existing boundaries of the park are yet to be acquired. This bill authorizes the appropriation of $5,900,000 to acquire these properties and will complete the acquisition program under the original legislation. The bill also provides that the revision of the boundaries as a result of the proposed highway relocation contemplates no land acquisition costs.

Mr. Speaker, this legislation is necessary in order to protect the investment which the Federal Government has already made in this park. It may be costly, but the increased acquisition costs are the result of the overall problem of escalating land costs, in addition to unreliable estimates. Since the legislation will also complete our program in the Minute Man National Historical Park and round out the park development, I urge the rules be suspended and the bill be passed.

(Mr. TAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TAYLOR. Mr. Speaker, the bill now before the House (H.R. 13934) amends the act establishing the Minuteman National Historical Park. The park was created during the 86th Congress to commemorate the first battle of the American Revolution. Since it was authorized, more than 500 acres of land, several historic structures, and many other improvements have been acquired. The object of the park is to restore, to the extent possible, a small part of this historic region to its appearance in 1775 when the shots opening the Revolutionary War were fired.

In spite of the progress which has been made with the $5 million invested so far, eight important historic structures—valued at $942,200—and numerous other improvements located on about 125 acres of land remain unacquired. If the objectives of the park are to be achieved, this acquisition program must be completed and it should be completed as expeditiously as possible.

Like land values elsewhere, the value of these lands has increased over the years; consequently, the Government will have to pay proportionally more for these properties today than it did for the properties already purchased. This matter is further complicated by the fact that most of the remaining lands contain some improvements. The best cost estimates available to the committee indicate that $5.9 million more will be required to acquire these remaining properties.

The moneys for these acquisitions will, of course, be appropriated from the land and water conservation fund which the Congress created for this purpose. And it should be noted that the fund should be capable of meeting this need in the reasonably foreseeable future if the present administration maintains its interest in investing the money which the Congress has made available.

Mr. Speaker, this is one of those five or six areas which we have known would require further congressional attention. The situation here is similar to that which we encountered at Padre Islands National Seashore in Texas, Point Reyes National Seashore in California, and at Cape Cod National Seashore. We regret the necessity of bringing these projects before the Congress again, but we recognize the value of including these appropriation limitations when these authorizations are considered.

No one, I am sure, would contend that this significant historic area is unworthy of national recognition. It is already a popular unit of the national park system attracting more than a half million Americans annually and the number of visitors is bound to increase as we approach the bicentennial of our Independence.

Mr. Speaker. I am pleased to join the chairman of the full committee and my Massachusetts colleagues in supporting the enactment of H.R. 13934, as amended.

Mr. PHILBIN. Mr. Speaker, this bill seeks to revise the boundary lines of the Minute Man National Historical Park, with respect to protective and usage viewpoints, and further it seeks to remove the existing limitations on appropriations, which are now limited to $8 million for land acquisition and development.

There is a sense of real urgency with regard to Minute Man Park, in that it would be most desirable if the Congress would act now, in 1970, in order to complete this wonderful historical park in time for the Nation's Bicentennial Celebration, and also for Massachusetts in time for the special anniversary of the battle of April 19, 1775, by "the rude bridge, which arched the flood, where once the embattled farmers stood and fired the shot heard 'round the world."

Minute Man is an exceedingly popular park, as indicated by the number of visitors during 1969 when a total of 529,300 visitors toured the area. This number will increase as we approach the Nation's 200th birthday, and I would hope that the Congress, over the next 4 fiscal years would assist, as in the past, in acquiring the needed properties to complete Minute Man Park and have it ready for the great Bicentennial Celebration.

At a time when liberty and free government is under fire all over the world, and in our own country, it is all the more important that we stand firmly here and make sure that we defend and protect our security and rich heritage of freedom.

I respectfully submit to the Members of this House that action now on H.R. 13934 will do much to promote patriotic sentiment and assist the Nation and the American people in appropriately celebrating this great anniversary.

As I pointed out, you have helped us before with respect to this park, and the Cape Cod National Seashore, which I also initiated in the House, and I would like especially to express my warm appreciation and sincere thanks to the distinguished chairman of the Subcommittee on National Parks and Recreation (Mr. TAYLOR); and to the great leader of the Interior and Insular Affairs Committee, my esteemed friend, Chairman ASPINALL, who have gone out of their way, together with other members of the committee, to expedite this very important historical legislation.

I respectfully urge the House to pass this bill unanimously and sincerely thank the Members for their consideration and support.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 13934, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "An act to amend the Act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes."

A motion to reconsider was laid on the table.

ESTABLISHMENT OF A PROGRAM FOR THE RESEARCH AND PROMOTION OF WHEAT

Mr. PURCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13543) to establish a program of research and promotion for U.S. wheat, as amended.

The Clerk read as follows:

H.R. 13543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Wheat Research and Promotion Act."

SEC. 2. The Secretary of Agriculture is authorized to enter into agreements with organizations of wheat growers, farm organizations, and such other organizations as he may deem appropriate to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for United States wheat and to carry out any other such program which he deems will benefit wheat producers in the United States. Notwithstanding any other provision of law, the Secretary shall use the total net proceeds from the sale of export marketing certificates during the marketing year ending June 30, 1969, to finance the cost of such agreements, except that he shall provide for the issuance of a pro rata share of export marketing certificates for such marketing year to any producer eligible therefor under section 379c of the Agricultural Adjustment Act of 1938, as amended, who applies for such certificates not later than ninety days after the date of enactment of this Act. The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas is recognized.

Mr. PURCELL. Mr. Speaker, it is my privilege to rise today in support of H.R. 13543, which would authorize the Secretary of Agriculture to enter into agreements with organizations of wheat-growers, farm organizations, and other organizations to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for U.S. wheat.

The Agricultural Adjustment Act of 1938, as amended, contains basic provisions regarding export marketing certificates, from which this program would be funded. It requires that export certificates shall be issued to all persons equivalent to the number of bushels exported. The cost of such certificates per bushel to the exporter is to be that amount determined by the Secretary of Agriculture on a daily basis which would make U.S. wheat and wheat flour generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. These certificates are to be issued on a pro rata basis.

During the 1968–69 marketing year, the total value of wheat export certificates collected exceeded the total value of export subsidies paid by slightly over $4.2 million. Under existing legislation, the Secretary is required to distribute this accumulation pro rata to farmers who participated in the 1968 wheat program. Under present law, the Department does not intend to issue checks for less than $1, except upon request.

Mr. Speaker, the report on H.R. 13543 points out the serious problems the wheat industry now faces. In the past 20 years, annual flour consumption per capita has declined from 136 pounds to 112 pounds. A great deal could be done to reverse this deplorable trend. Recent developments in enrichment processes, flour blends, and new wheat products indicate there is expansion potential for wheat in the field of human nutrition. There are also exciting prospects for wheat utilization in industrial channels. Preliminary experimentation has shown that various wheat properties lend themselves to usage as wet and dry strength additives for paper and boxboard, as a substitute for carbon black in rubber manufacture, in the production of industrial alcohol—possible for use as a motor fuel additive, as a bonding agent in plywoods and other wood products, and in the production of protein film. In many of the instances mentioned, both in nutritional and industrial usage, basic research is well along and an acceptable product is available. The assistance needed now is in market testing or promotion, or in some cases additional research on the marketing of byproducts is needed in order to make the wheat utilization economically feasible.

There are other areas where producer efforts to support a comprehensive program for the relief and benefit of this industry are stretched woefully thin. Marketing research, promotional efforts such as the "Day of Bread" and public relations efforts on behalf of all agriculture; certainly these are central to the well-being of the wheat farmer and should be considered legitimate uses for such funding as this legislation would make available.

It is toward these ends that the instant bill is directed. It authorizes the Secretary to use the net proceeds from the sale of export marketing certificates during the marketing year ending June 30, 1969, to finance the costs of the agreements the bill authorizes. It does not authorize the use of these funds unless the producer fails to apply for them, and safeguards are taken that the funds so used would do so constructively.

Mr. Speaker, I heartily recommend passage of this bill today.

Mr. Speaker, at this time I shall be glad to try to answer questions any Member might have in mind with regard to the purpose of this program.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, my only question is, what happens to the money which might not be used in this program? Will it revert to the growers? Will it revert to the General Treasury? Will it be used otherwise in the promotion of wheat?

Mr. PURCELL. Under this program all growers who have earned the right to have this money refunded to them will have 90 days to request that their money be refunded. The money which is left when that 90 days has expired would be handled by the Department. The Department would have authority, under the criteria established, to use the money by contract, dealing with organizations oriented toward the wheat producers.

Mr. HALL. Does the gentleman mean in the promotion of the use of wheat and its products?

Mr. PURCELL. Yes; as to the use of wheat. If when this is all done, the money has not all been used, then that money will revert to the Treasury.

Let me say, this is a one-shot deal. This is money which has accumulated now under circumstances which are not apt ever to develop again. We see no reasonable prospect of it ever developing again.

The report shows, as to some large number of participants, that 832,000 potential payees are involved, and 229,000 of these would receive less than $1.

Also, 186,000 would receive payments of $5 or more, 54,000 would receive payments of $11.60 or more, and 4,900 payees would receive payments of $58 or more. The Department indicated that it does not plan to have to write checks for less than $1. This is the purpose of it. It is to try to get benefits for all producers of wheat from this amount of money, namely, something over $4 million. This will not occur again. We think that the wheat producers whose money it is will get more benefits in the true sense of the word than by having to write several thousand 58-cent or 72-cent checks.

When it was passed unanimously out of the subcommittee, there was no objection from anyone, and the full committee passed it without objection.

Mr. HALL. If the gentleman will yield further, Mr. Speaker, I want to say I appreciate his forthright and overt explanation.

I would like to say that I read and reread the committee report. I understood the small amounts of refunds involved and compliment the broad base, but nowhere could I find that first priority on the return of the money went to the individual contributor. As I understand it from his explanation, it will be so if they exercise that right within 90 days.

The rest of the gentleman's explanation has been very beneficial. I thank the gentleman for yielding.

Mr. BELCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, the legislation before us is really the result of the excellent research and promotional activities of our wheat commissions in the major U.S. wheat producing States. Over the years, these 10 commissions—including especially those of my own State of Washington and the Pacific Northwest States—have put together an excellent record of achievement, and have clearly established that funds for research and promotion can be expended constructively and to good purpose.

The outstanding success of the wheat commissions in the areas of production research and overseas market promotion can be both supplemented and complemented through enactment of this bill to expand our national wheat research and promotional activities through utilization of the net proceeds of export marketing certificates accumulated during the 1968–69 marketing year.

As is pointed out in our committee report, recent developments in enrichment processes, flour blends, and new wheat products indicate that there is expansion potential for wheat in the field of human nutrition. And, there are also exciting prospects for wheat utilization in industrial channels.

Various wheat properties, it has been shown, lend themselves to usage as wet-and-dry-strength additives for paper and boxboard, as a substitute for carbon black in rubber manufacture, in the production of industrial alcohol—possibly for use as a motor fuel additive, as a bonding agent in plywoods and other wood products and in the production of protein films.

Basic research in many of these areas has already been completed, and the potential products need development, market testing or promotion. In some cases, additional research on byproduct marketing is needed in order to make the wheat utilization economically feasible.

Under this legislation, each producer would make the determination as to whether he wished to receive his pro-rata portion of the certificate pool, or allow it to be used for this type of research effort. He would be afforded a period of ninety days in which to request redemption of his certificates, and the decision would be an entirely voluntary, individual one on his part.

Enactment of this bill could result in

substantial benefit to the wheat industry of this Nation, Mr. Speaker, and I urge my colleagues to give it their support.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Texas (Mr. PURCELL) that the House suspend the rules and pass the bill H.R. 13543, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15978) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, as amended.

The Clerk read as follows:

H.R. 15978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000" and inserting in lieu thereof the following: "for each of the fiscal years 1971, 1972, 1973, 1974, and 1975, $60,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, I shall take a little more time on this particular piece of legislation than on some of the other bills that have been before us this afternoon. I think that the gentleman from Pennsylvania is inclined to do the same thing.

Mr. Speaker, the legislation now before the House, providing for the continuance of civil government in the Trust Territory of the Pacific Islands, involves a most serious obligation of the United States, to promote the political, economic, educational, and social development of these islands, and their inhabitants.

The genesis of this obligation evolves from our trusteeship agreement with the Security Council of the United Nations to act as the trustee and administering authority for this part of the world which is almost equal in total area, to the coterminus United States.

For the purpose of orientation, the Trust Territory of the Pacific Islands, often called Micronesia, embraces three major archipelagoes in the Western Pacific Ocean. They are: the Caroline Islands, the Marshall Islands, and the Marianna Islands, exclusive of Guam. The trust territory comprises some 2,141 islands, scattered over 3 million square miles of ocean, with a total land area of 687 square miles, and supports a population of approximately 100,000 people.

Since 1947, the United States has exercised its responsibility as the administering authority of the strategic trust area. In 1951, this responsibility was transferred from the Department of the Navy to the Department of the Interior.

During the past 20 years, the Committee on Interior and Insular Affairs has, in authorizing appropriations to carry on the civil government of the trust territory, been very responsive to administration authorization requests. In fact, the Committee on Interior and Insular Affairs has increased the appropriation authorizations from a low of $7.5 million in 1961 to the $50 million level for fiscal 1971. Our committee has, at the same time, requested each administration to provide a balanced program of necessary capital improvements and public works relating to health, education, transportation, and communication, and other public functions in the trust territory, to insure that our obligation under the trusteeship agreement is carried out.

While there may be some criticism of our administration of the trust territory, I want to assure my colleagues that such criticism is not directed at the financial assistance provided by the Congress.

The legislation, H.R. 15978, now before you, provides a 5-year appropriation authorization for the continuance of civil government in the trust territory. The bill provides a $10 million increase in the appropriation authorization for fiscal 1971, from $50 million to $60 million and the bill authorizes the appropriation of $60 million for each of the fiscal years 1972, 1973, 1974, and 1975.

The appropriation authorizations contained in this legislation were justified before the Committee on Interior and Insular Affairs by the administration on the basis of a 5-year planned, action-oriented program, to provide new impetus for the development of Micornesia. Approximately 40 percent of the total program will be in construction. This 5-year program only seeks to provide for the Micronesian people only those things which they can not provide for themselves—and those things which we here in this country take for granted—these things are: schools for children, access to medicine and medical care, reasonably safe and efficient ways to transport goods and people, a dependable communications system, secure title to property, clean potable water, treated sewage systems, electrical power and a growing economy.

The Committee on Interior and Insular Affairs, while endorsing this 5-year program is also attuned to the demands by some Micronesians for a stronger voice in the management and future of Micronesia. The committee is especially abreast of developments in the trust territory and, in particular, the Congress of Micronesia, concerning the future political status of the Trust Territory of the Pacific Islands. With respect to this emerging issue over the future political status of Micronesia, it will serve the best interests of the United States for the Committee on Appropriations of our Congress to carefully consider and monitor the implementation of this authorizing legislation, and to reconsider and reevaluate the level of Federal programs and expenditures in the Trust Territory of the Pacific Islands.

Administration of the Trust Territory of the Pacific Islands is a myriad of problems and shortcomings which requires a government capable of meeting the educational, economic, political, and social needs of the people. For the United States, the basic challenge is to win the hearts and minds of the Micronesian people as they strive to conquer disease, ignorance, poverty, and acute hardship. This legislation authorizes the appropriations to meet that challenge in the trust territory.

Mr. Speaker, I support and urge my colleagues to suspend the rules and pass this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Colorado for yielding.

I have no doubt that we will have to continue to support Micronesia. But I do question the wisdom of a 5-year commitment at the rate of $60 million a year.

I shudder to think of what the situation would be if within 5 years we got into a real financial crisis in this country and found ourselves compelled to cut back on the commitments in this area. I do question in the present financial situation that prevails the wisdom of a $300 million, 5-year commitment to Micronesia.

I fervently hope we do not have a financial showdown. But I think it would be a serious situation if we were compelled to cut back after having made this commitment and assured them that we were prepared to spend $300 milllion out there.

Mr. ASPINALL. May I say to my colleague, I can understand his concern. May I say also that if that should take place; that is, those things the gentleman suggests, we need that area in friendly hands and we need it properly developed. We need these people to be fit and friendly and we need them where they can be helpful as they were during the Second World War—very helpful to us. They are so widely scattered and the area is so difficult of administration and they have such limited facilities to keep them in such position of helpfulness.

I would say to my colleague, if what he suggests does happen, this authorization ceiling does not necessarily have to be the maximum, or the minimum, either one. That would be up to the Congress at that time as they take care of the appropriations. But the money is needed at the present time for the development that is projected.

Mr. GROSS. Mr. Speaker, will the gentleman yield for one quick observation?

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS. If we can win the hearts and minds of people around the world, and we have not been successful thus far despite having spent a couple of hundred billion dollars on foreign aid in an effort to do this. I shudder to think, I say again, of what will happen when we are compelled to drastically cut back in spending after having dished out Federal funds as though money was going out of style.

Mr. ASPINALL. May I say again, I understand my colleague's concern.

These are our people. These are our friends. We want to keep them that way.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman.

Mr. KYL. In further response to my colleague, the gentleman from Iowa, and in specific response to his comment regarding the length of time that we would be responsible, financially or otherwise to these islands, I would say personally I hope that we would have a great deal of responsibility for a long time, in fact in perpetuity.

Under the United Nations agreement which brings us into connection with Micronesia, we are supposed to be helping those people in leading them to a time when they can determine for themselves what their governmental and political status will be.

I hope that they do decide when the proper time comes on some kind of association with the United States as many other peoples of that area of the Pacific have. At the same time I know the chairman of the full committee—and I agree completely with the gentleman from Iowa (Mr. GROSS)—is trying to guarantee these funds will be used wisely and as efficiently as possible. One of the serious problems we have had, as the chairman has suggested, is that when you try to do this job development on an annual basis, there is so much built-in inefficiency in a 12-month planning period, you just do not get the job done that you set out to do. At least now we should have some guidelines for wise expenditure of these funds.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 15978, a bill to provide for the continuance of civil government for the Trust Territory of the Pacific Islands.

This bill authorizes the appropriation of $300 million over a 5-year period to carry out the functions of the civil government in the trust territory. The bill authorizes an increase of $10 million for fiscal year 1971, from $50 to $60 million, and $60 million for each of the fiscal years 1972, 1973, 1974, and 1975.

In Micronesia, the United States as the administering authority, is providing the whole range of public and private services at all levels of government which are necessary to a developing society in keeping with our objectives to bring the Micronesian people toward self-determination or independence on the basis of self-sufficiency. Involved in this program are approximately 100,000 people of six principal cultures and myriads of subcultures, scattered over 100 settled islands of separate little communities, spread over 3 million square miles of ocean.

The Trust Territory of the Pacific Islands is an area that was, and still is, in many places, devastated by World War II. Starting from the chaos of that war, the mission of the United States in the trust territory has been to create maximum self-sufficiency, adequate transportation and supply systems, an educational system, a health and medical care system, and an organized, functional government at every level. Our mission has also been to have this done to the fullest possible extent by the Micronesians themselves.

There is one basic conflict with our goals is administering the trust territory which is not clearly recognized and understood, and that is that the United States has vital national security interests in the trust territory. And, it must be clearly understood and recognized that the trusteeship agreement specifically permits the accommodation of those interests. Despite expressions to the contrary, the United States has not exploited that provision of the trusteeship agreement over the last 23 years.

The next few years will be most important in the history of the United States—trust territory relationships. These years will determine whether the people of the trust territory will continue a close relationship with the United States or seek some other status. What must be made clear during these years is that the United States will not be gouged, blackmailed, or wooed in protecting its own interests of national security or those of the people of Micronesia. The United States does not intend to engage again in military combat to gain freedom for the people of Micronesia and protect her own national security.

At the end of fiscal 1970, the United States has spent through direct appropriations $250 million in the trust territory. While our program in the trust territory has begun to move with the increased appropriations of recent years, the record of the United States does include some measurable achievement in many areas considering the magnitude of the task involved.

This legislation, H.R. 15978, provides a program of action through which the United States is demonstrating its responsiveness to Micronesian aspirations consistent with our national security requirements. In this respect this Country is keeping faith with the people of the trust territory and our obligations under the trusteeship agreement.

In view of recent actions by the Congress of Micronesia, I agree with the statement of the Chairman of the Full Committee, that the House Committee on Appropriations should carefully consider the implementation of this 5-year appropriation authorization and reevaluate the level of Federal expenditures in the trust territory. With the understanding that the House Committee on Appropriations will so act, I urge the rules be suspended on this bill, H.R. 15978, be passed.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I commend the gentleman from Pennsylvania for his statement and also commend the chairman of the committee and the members of the committee for advancing this legislation.

There is no doubt in my mind that the trust territories and the manner in which the United States handles Micronesia and other territories in the immediate future are going to have major significance as far as our ultimate success in maintaining and protecting American interests in the entire Pacific Basin. I believe the legislation before us today is a major step in the direction of giving that area the kind of attention that is long overdue.

I wholeheartedly support the legislation and look forward to working with the committee toward improving on what we have done today.

Mr. ASPINALL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CAREY) chairman of the Subcommittee on Territories and Insular Affairs.

Mr. CAREY. Mr. Speaker, I rise in support of the legislation, and as a proponent and sponsor of the legislation, I commend the chairman of the full committee and the ranking minority member of the committee, and my counterpart, the gentleman from Arizona (Mr. STEIGER) who have had so much concern and have worked so hard to bring this bill to the floor today.

There is no doubt in my mind that this is mandatory legislation, and no doubt also that it will be productive of a more coordinated and unified and organized policy toward the people of Micronesia.

This is the aim the chairman of the full committee and I and other members of the committee have had for a long time in trying to get the departments downtown to work together for a clear-cut policy on our problems in connection with Micronesia. We do not understate that problem. We recognize it, and although we are far removed from the area, we are closely joined with the people of the area in what is best for the people of Micronesia, because they are joined to our interest also.

Mr. Speaker, we have had commitments by several Presidents, and at the very least we have communicated to the people of Micronesia, by President Kennedy, that at least the health facilities within Micronesia would be in the foreseeable future at least equal to the standards in the continental United States. We have not reached that goal, and it is to keep that promise that this legislation is needed, in order for us to keep our commitment, and so the people of Micronesia can understand what we mean by a close confluence between Micronesia and America in terms of human progress.

This is needed legislation, and it is in our national interest, and I hope it will enable the United States to carry out what I believe to be well-organized efforts to bring about close association with Micronesia through the use of artful and humanitarian means that will

enable the people of that area to come to an understanding of what this association means.

Mr. Speaker, it is my privilege, as chairman of the Subcommittee on Territorial and Insular Affairs, to have some part in bringing this important legislation before the House for consideration.

The bill, H.R. 15978, to provide for the continuance of civil government in the Trust Territory of the Pacific Islands, is more than an appropriation authorization. It is legislation which provides a people-to-people program. A program of human beings sharing a community of interest and wealth. Even, more so, this legislation is evidence of our dedication to meet our obligation, under the provisions of the U.N. Charter and the trusteeship agreement. This legislation authorizes the funding of the programs which foster the educational, economic, political, and social development of the Micronesian people so that they will be ready for the opportunity to exercise their right of self-determination without fear of economic oppression or ignorance.

The purpose of H.R. 15978 is to amend the basic act providing for the continuance of civil government in the Trust Territory of the Pacific Islands, by increasing the appropriation authorization by $10 million for fiscal 1971, from $50 million to $60 million, and by authorizing the appropriation of $60 million for each of the fiscal years 1972, 1973, 1974, and 1975.

This 5-year appropriation authorization was recommended by the administration and continues the evolution of our basic policy in the trust territory of providing the necessary programs in communications, education, health, transportation, economic development, and increasing the involvement of Micronesians in their own government.

Despite some views to the contrary, the civil government of the trust territory is a government administered for the benefit of the Micronesian people. This government is unique in the sense that it must provide the whole range of Federal, State, local, public, and private services necessary for the education, economic, political, and social development of the people of the trust territory. This means, from building sewers to issuing passports—from building and operating schools to setting interisland surface freight rates—from providing legal services to maintaining public roads and buildings.

The 5-year appropriation authorization contained in this legislation is not a totally American program. This 5-year program is the product of joint participation of both, the people of Micronesia, through their elected representatives in the Congress of Micronesia and at local levels, and the High Commissioner and his staff. This development coordinating committee functioned at the request of the administering authority and devoted its efforts toward determining the best action-oriented program which will lead to the achievement of specific goals in the next 5 years.

This 5-year program is based upon a new impetus being given by this Administration to the development of Micronesia. In justifying this program, the Department of the Interior made it clear that a lower level of funding will stretch out the program, involve inherent increases associated with construction planning, and will compel the making of geographic priorities within the trust territory.

As a result of the Micronesian input into the planning of this program, the Micronesian people are looking forward to improving their health and education programs and facilities, developing a viable money economy in the next five years which requires land reforms and public works improvements, increasing their ability to communicate with each other and with the rest of the world, and increasing the number of Micronesians in high-ranking and responsible positions in their government.

Some highlights of this 5-year program are as follows: In the field of education.

a. Kindergarten education opportunity will be provided to 2,200 5-year-olds—none exists now.

b. All educable children of elementary age will be in school with age-in-grade 1 to 3 comparable to the United States with assurance of progressing on an age/grade accomplishment equivalency.

c. Eighty percent of elementary school graduates will enter high school and of these 90 percent will complete high school.

d. Vocational training to meet growing skill requirements will be met through prevocational training in secondary schools and at the Micronesian Occupational Center.

e. All new teachers will have 14 years of formal education compared with 11.1 years in 1969. Teachers will spend 10–15 percent of their time to compensate for pre-service training deficiencies.

f. Classroom construction costs and time will be reduced through use of simple pre-engineered designs using local labor and, where possible, indigenous materials.

HEALTH AND MEDICAL SERVICES

The Ponape Teaching-Referral Hospital, district hospitals, and local dispersaries will be developed to adequately meet health needs—7.3 beds per 1,000 population.

TRANSPORTATION AND COMMUNICATIONS

The transportation system will be improved to provide adequate service by: construction of 370 miles of roads; bringing all district airports to FAA standards; replacing interisland ships, and by improving harbors to eliminate lightering.

WATER, SEWERAGE, AND POWER

a. All district centers are to be served with potable water, adequate sewerage, and electric power for Government, commercial, and residential demands.

b. Outer islands will have small-scale community or home water storage facilities, sanitary devices for 95 percent of the population, and electric power for principal communities.

RESOURCE, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

a. Land rights and clear titles will be provided on 84,600 parcels of privately owned land, thereby identifying the public domain lands.

b. Economic growth will be accelerated.

Mr. Speaker, there are many observers and outside experts who continue to tell us what this Nation should be doing in the trust territory. While we are appreciative of these expressions, we are more in need of advice from those who have been there and know the people of Micronesia, and those who are more interested in providing the programs and financial assistance to improve the welfare of the people, and not those who are only interested in postulating the future political status of this area without having experienced firsthand its problems and shortcomings.

Mr. Speaker, this legislation and the program it authorizes will produce goodwill and better conditions in the trust territory. In this light, the future political status of the trust territory will determine itself.

I urge that the rules be suspended and the bill be passed.

Mr. MATSUNAGA. Mr. Speaker, as a Representative of our Union's westernmost State, closest to the Trust Territory of the Pacific, I rise in support of H.R. 15978, which would provide for the continuance of civil government for the trust territory.

Twenty-three years ago, the United Nations confidently placed the Micronesian Islands under the trust of the United States. In recent years we have read reports, which have become especially numerous in recent months, indicating that unparalleled progress and development has not characterized America's stewardship. In fact, what is most disturbing is the oft-repeated assertion that life of the islanders was better before the United States assumed trust responsibility.

The U.N. trust mandate charges the United States with responsibility for promoting the economic, educational, social, and political advancement of the inhabitants of the trust territory, toward self-government or independence. Yet we waited almost 20 years before making any serious attempt to replace roads, schools, electric power, and water facilities destroyed during the Second World War.

Moreover, the World Health Organization reports that very little has been done to control outbreaks of leprosy, amoebic dysentery, and gastroenteritis—diseases that have been almost eliminated in the United States.

In spite of this long history of neglect, citizens of the trust territory have the utmost esteem for the United States. Although not compelled to do so, many of their young men are serving in our Armed Forces and giving their lives in Vietnam. Micronesian citizens are constantly demonstrating their loyalty to the country to which they look for protection.

The largest island groups coming within the U.N. trusteeship are the Mar-

shalls, the Carolines, and the Marianas, except Guam. Altogether, the trust territory comprises 2,141 islands and extends through an area of the South Pacific equal to the Continental United States. The inhabitants number about 100,000.

Mr. Speaker, H.R. 15978 would help us to improve our civil administration in the trust territory of the Pacific Islands by increasing the appropriation authorization from $50 million to $60 million for each of the 5 fiscal years commencing with fiscal year 1971.

The 5-year program will help the United States in fulfilling its pledge to promote the economic, educational, social, and political development of the people of Micronesia. Among the main goals of the 5-year program are:

First, improvement of health and education programs and facilities;

Second, development of a viable money economy requiring land reform and public works improvements;

Third, increasing the ability of the Micronesians to communicate; and

Fourth, bringing more Micronesians into high-ranking and responsible positions of government, and including the Congress of Micronesia and the district legislatures directly in the planning and budget process.

Mr. Speaker, H.R. 15978 will enable the United States to improve the nature and extent of its trust obligation in Micronesia. I therefore strongly urge a unanimous vote for the measure.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD immediately after the remarks of the gentleman from Pennsylvania (Mr. SAYLOR).

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill (H.R. 15978), as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the Senate bill increase the time element, increase the 5 years, and would it increase the amount of money?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, the Senate bill is a 2-year authorization, and after very careful study, the House Committee decided that the 5-year authorization was the only kind of extension that we could honestly bring to the floor of the House. That is the time difference in the two bills—the 5 years in the House bill and the 2 years in the Senate legislation.

Mr. GROSS. But no difference as to amount?

Mr. ASPINALL. No.

Mr. GROSS. And the Senate bill would be then amended, increasing the time to 5 years?

Mr. ASPINALL. That is right.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3479

A bill to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended to read as follows:

"SEC. 2. There are hereby authorized to be appropriated not to exceed $50,000,000 for fiscal year 1970, and $60,000,000 for each of the fiscal years 1971 and 1972, to remain available until expended, to carry out the provisions of this Act and to provide for a program of necessary capital improvement and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: *Provided,* That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3479 and insert in lieu thereof the provisions of H.R. 15978, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15978) was laid on the table.

ESTABLISHING FORT POINT NATIONAL HISTORIC SITE, SAN FRANCISCO, CALIF.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18410) to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes, as amended.

The Clerk read as follows:

H.R. 18410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and interpret for future generations the historical significance of Fort Point in the Presidio of San Francisco, California, the Congress hereby establishes the Fort Point National Historic Site comprising the area depicted on the map entitled "Boundary Map, Fort Point National Historic Site, California", numbered NHS–POI–91,000 and dated July 1970, together with such adjacent lands as may hereafter be transferred, without monetary consideration, to the Secretary of the Interior by the Secretary of the Army. Such additional lands, which shall neither exceed ten acres of fast lands nor sixty-three acres of submerged lands, shall, when transferred, be added to the Fort Point National Historic Site and shall be administered in accordance with the provisions of this Act: *Provided,* That no transfer of lands pursuant to this section shall be consummated until sixty days after the description, terms, and conditions of the proposed transfer have been forwarded to the Committee on Interior and Insular Affairs of the House of Representatives and Senate of the United States.

SEC. 2. The Secretary of the Interior shall administer the Fort Point National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et esq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated for development of Fort Point National Historic Site such sums as may be necessary, but not more than $5,250,000 (February 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, it is a pleasure for me to rise in support of H.R. 18410 as recommended by the Committee on Interior and Insular Affairs. This bill establishes the Fort Point National Historic Site in California.

Fort Point is located in the Presidio of San Francisco. Unlike many of the other coastal forts around the country, it is readily accessible to the general public without undue interference with existing military activities. Being located, as it is, in San Francisco, this fort should serve not only the residents living in and near that major American city, but it will provide a significant attraction to the millions of tourists from all parts of the country who visit that city every year.

If enacted as recommended by the committee, H.R. 18410 will establish the historic site as of the date of its enactment. The members of the committee were concerned because the details of the agreement for the transfer of the necessary lands from the Department of the Army to the Department of the Interior were not sufficiently firm to assure the future of the site. As a consequence of this concern, it was determined that the historic site should be estab-

lished by the Congress to the extent that the two agencies had reached agreement and that the future enlargement of the site to include certain submerged and adjacent lands should be contingent upon a mutually acceptable agreement compatible with the purposes of this legislation. Sixty days before such an agreement is to be consummated, the details of the proposed transfer are to be transmitted to the Congress for review.

Mr. Speaker, the members of the committee are satisfied that the fort and the 29 acres of land on which it is located will make a suitable national historic site and that it will be capable of meeting the needs of the public in the immediate years ahead. The potential additions which the bill would permit are explicitly limited and would be necessary only to assure the integrity of the site and to accommodate the public when the visitor volume increases.

All of the lands immediately or potentially involved in this proposal are federally owned; consequenty, no land acquisition costs will be incurred. Other than annual operating costs, the only costs attributable to the project will be those associated with its rehabilitation and preparation for a large volume of visitors. It is estimated that development costs will total $5,250,000 and the bill limits the authorization to that amount. In this respect, the committee amended the cost limitation to reflect the maximum amount expected to be needed. The original appropriation ceiling contained in the bill did not include any expenditures anticipated after the first 5 years.

Mr. Speaker, that explains the nature and the purpose of H.R. 18410 very briefly. As chairman of the Committee on Interior and Insular Affairs, I believe that the bill, as amended, is sound legislation and I recommend its approval to the Members of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Iowa.

Mr. GROSS. Again I thank the gentleman for yielding.

All the land for this project is to be donated by the Federal Government?

Mr. ASPINALL. That is correct.

Mr. GROSS. Yet there is $5,250,000 cost attached to this. The improvements within that area, must be in a sad state of disrepair, if it is going to cost $5,250,000 for rehabilitation.

Mr. ASPINALL. It is not in such a sad state of repair, but improvements are needed to get it ready for the use of the public.

Also, the approximately $2,190,000 is here as a contingent authorization, so that if the seawall which is present there needs rehabilitation, then the money will be available.

Mr. GROSS. If I may ask the gentleman, was this an area that the hippies and the yippies took over?

Mr. ASPINALL. No. The gentleman is thinking of Alcatraz, which was a former Federal penitentiary. This is not that area. This is an old fort. And might I say that it is one of two in the United States of a four tier construction, and, it is the only fort constructed as such on the Pacific coast.

Mr. GROSS. I thought they did stage some kind of a demonstration there. I am well aware of the demonstration and takeover of Alcatraz, but I thought there was another demonstration that was staged here, where they took this over for a short period of time.

Mr. ASPINALL. May I say to my good friend that I have been busy out in the beautiful land of the sun, Colorado, and if there had been anything like this, it did not get into our papers.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague from California.

Mr. DON H. CLAUSEN. I would like to say to my good friend from Iowa that this is probably the least likely spot where the hippies or the yippies would be able to take over.

Mr. GROSS. I understand it is a military reservation, but that sometimes does not stop them from taking over. If I remember correctly, they invaded the Department of Justice in Washington and invaded other military installations of one kind or another.

May I ask the gentleman one other question? What is meant by "fast land"?

Mr. ASPINALL. I understand that is land that is completely attached to the shoreline.

I will be glad to yield to my friend from Iowa for an explanation of that.

Mr. GROSS. I have never seen the term before, fast land.

Mr. KYL. Will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman.

Mr. KYL. There is associated with this historic site area some submerged lands, and the fact is that the term "fast land" is used to distinguish the land which is always above water from that which is submerged.

Further to respond to the gentleman's question about the development cost, the main portion of $3.5 million would be for the development of roads, parking areas, trails, and viewpoints, as well as the construction of a visitor information station. Then there is an additional $1.9 million that would probably be needed to improve the existing seawall. There will also be some slope protection and landscaping done in connection with the project.

I would also like to add for general information this piece of land which we are making into a historic site here is among the very highest valued land in the United States. If this piece of land were put up for auction, the purchase price, I am sure, would be staggering. This is some of the most valuable land in the country.

Mr. GROSS. Will the gentleman yield further?

Mr. ASPINALL. I am glad to yield to the gentleman.

Mr. GROSS. Is it more valuable than what they propose to do in Washington in trading the land near Shirley Highway adjacent to the Pentagon? I wonder if it is more valuable than that?

Mr. ASPINALL. May the gentleman in the well be excused from answering that question?

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 18410, a bill to establish the Fort Point National Historic Site in the city of San Francisco, Calif.

Fort Point is located on the south side of the entrance of San Francisco Bay, and near the south end of the Golden Gate Bridge. It was originally the site of an old Spanish fort in 1794, and in 1850, the area surrounding this site, commonly known as the Presidio, was declared a military reservation. The fort was reconstructed in 1853, and is one of the two forts constructed in this country with the arrangement of guns in multiple tiers. Thereafter, this fort and surrounding area, although part of the larger Presidio area, became known as Fort Winfield Scott.

This fort, like Fort Hunt and Fort Washington here on the Potomac River, and others throughout this country, represent the efforts of our forefathers in establishing the defenses and national security of this Nation. As such, Fort Point presents an outstanding opportunity to preserve this historic site. The fort has remained in relatively good condition because it has been within the confines of an active military reservation.

In 1960, the Fort Point Museum Association, an historic-minded nonprofit citizens organization in California, sought to begin the preservation of this historic site and leased some lands from the Department of the Army. They have restored a 2-acre area and operate the site as a military museum. Through the efforts of this association and without the advantages of national recognition, some 200,000 visitors each year have been able to see and enjoy this historic fort and site.

The bill, H.R. 18410, as amended by the committee, will establish a 29-acre historic site by transferring the lands from the jurisdiction of the Secretary of the Army to the Secretary of the Interior, with the potential addition of another 10 acres in the future.

Since the lands involved are federally owned, there are no land acquisition costs involved in this legislation. However, approximately $3,500,000 is needed for development and possibly an additional $1,900,000 to rehabilitate an existing seawall. The development planned will consist of roads, parking areas, trails, viewpoints, a visitor's information station, picnic areas and general repair and rehabilitation of the fort.

In my judgment, establishment of the Fort Point National Historic Site will provide a valuable addition to the nationally recognized historic sites across the Nation. These sites tell the story and history of this country and should be available for the public to enjoy.

Mr. Speaker, I urge that the rules be suspended and the bill be passed.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today in strong support of the legislation before us to establish Fort Point as a national historic site. As a cosponsor of the legislation being considered, I am particularly gratified by the prompt action of the House on this matter.

This legislation will allow the preservation of what has been termed "the best remaining example of the surviving forts of the gold rush era." According to experts in this field, none of the surviving forts of that period can compare, architecturally, with Fort Point, and it remains as the best existing example of American military architecture at its highest level.

One factor alone, in my judgment, that dictates that Fort Point should be preserved as a national historic site; that is, its proximity to one of the Nation's major metropolitan centers—San Francisco.

Located at the entrance to San Francisco Bay, Fort Point is within easy reach of the several million residents of the Bay Area and, scenically, combines a view of San Francisco Bay, the Golden Gate Bridge, and Alcatraz Island.

Fort Point would be truly unique in that it would afford visitors an opportunity to view this vast panorama, as well as the port itself and its 110 years of history.

At present, the Fort Point Museum Association, a nonprofit organization, leases approximately 2 acres from the Army, including the fort itself, and just this past summer, welcomed its 300,000th visitor to the fort. This is truly an amazing statistic, since the fort is open only on Saturdays and Sundays. The National Park Service has estimated that this tremendous structure, in the heart of a major metropolitan area, will attract 600,000 visitors annually.

Since the land on which the fort is located currently is owned by the Federal Government, there are no acquisition costs involved with the project. There will, of course, be minimal cost to restore and operate the site. The legislation merely transfers the land from the Department of the Army to the Department of Interior and establishes it as a unit of the National Park Service.

Again, I strongly urge favorable and early congressional action on this legislation.

Mr. SAYLOR. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider four bills originating in the Subcommittee on National Parks and Recreation and important to the history of our Nation. The first dealing with Minute Man National Historical Park in New England has already been passed. The one that we are now considering would make a historic site of an outstanding example of American military architecture in the State of California. The third deals with a battlefield in the Midwest and the fourth establishes a historic site in the South. It just happens that they are so distributed. All, we think, hold historic value for our Nation.

This is a time when we need to turn the spotlight on American history and remind our people of the events and sacrifices which made our Nation what it is today.

Now, Mr. Speaker, the object of H.R. 18410 is to authorize the establishment of the Fort Point National Historic Site.

There are many persuasive arguments for preserving this fort as a part of the national park system. It is an outstanding example of American military architecture. Although it is not unique, it is one of only two forts built with four tiers of guns and it is the only major coastal fort on the west coast.

Thanks to the fact that it is located within an active military reserve, the fort has survived the wrecker's ball. In fact, even when the world-famous Golden Gate Bridge was constructed, its historic and architectural values were recognized and a special effort was made to save it from destruction. Now, this little American fort stands partially under the southern end of the bridge posing an extremely interesting contrast for people interested in the history of American architecture.

The structure is basically sound and unaltered, but some repairs, restoration, and refurbishing will be required to assure the safety of the visiting public and to provide for its proper interpretation.

Mr. Speaker, during the recent recess, a few members of the Subcommittee on National Parks and Recreation had an opportunity to visit this site and discuss this legislation with the commanding officer of the Presidio. As a result of our meeting, we can advise the House that the Department of the Army fully supports H.R. 18410, as amended, and that the Army will cooperate fully in making this a meaningful historic area for the edification and enjoyment of the American people.

While we did not seek any commitments with respect to the possible future transfer of the submerged lands and adjacent lands, I feel confident that suitable arrangements will be agreed upon as the needs arise. There was no objection to the immediate transfer of the 29 acres and of the fort to the Interior Department.

As the chairman of the full committee mentioned, Mr. Speaker, no land acquisition costs are involved in this legislation. Under the terms of the bill, appropriations are limited to no more than $5,250,000, but all of this money will not be needed if the potential future transfers are not consummated and some of the costs attributable to the historic site may be reduced if both the Department of the Army and the Department of the Interior benefit from some of the improvements—such as roads, seawall and pier rehabilitation, and so forth. In any event, it is not contemplated that all of the development money will be requested or appropriated in the immediate years ahead.

Mr. Speaker, in conclusion, I merely want to say that, having visited this proposed historic site, I am proud to have played a part in this legislation, because, I believe that a significant part of the story of the American Nation and her people can be told here. It is the kind of a place that makes one take stock in his country and realize that, in spite of all our problems today, it is still a great place in which to live—and its getting better all the time. H.R. 18410 will make it possible to tell what American life was like a century ago—I support it—and I urge its enactment.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, H.R. 18410, which I introduced and which was coauthored by my distinguished colleague from San Francisco, Mr. MAILLIARD, and others, would establish the Fort Point National Historic Site in San Francisco, Calif.

I am grateful for the efforts of the chairman of the subcommittee which heard this bill, Mr. TAYLOR, and of the distinguished chairman of the Interior and Insular Affairs Committee, Mr. ASPINALL, without whose assistance the creation of the Fort Point Historic Site would have been impossible.

The passage of this bill by the House will be welcome news to the Fort Point Museum Association and to all others who have worked so hard to make the Fort Point National Historic Site a reality.

This area represents a significant piece of American history. The construction of the fort was authorized by the Secretary of War, Jefferson Davis, in 1852. The building of the fort was supervised by 1st Lt. George Washington Custis Lee, son of Robert E. Lee.

The only block fortress built in the West, its granite blocks were transported more than 100 miles from the Mormon Island quarries, near Folsom, Calif.

The passage of this legislation will preserve Fort Point and this important bit of American history for posterity.

Mr. MAILLIARD. Mr. Speaker, I am especially pleased that the legislation to establish Fort Point National Historic Site has finally reached the floor for consideration.

I gave the measure its first introduction to the House in July of 1967. Since then, it has experienced the usual ups and downs of the legislative process, including Senate passage in 1968 under the sponsorship of Senator Kuchel. Today the bill enjoys bipartisan cosponsorship by eight of your colleagues from Arizona, California, New York, and Puerto Rico.

We should note that setting aside old Fort Point as an historical site will have twofold significance. First, this move would provide for the conservation of valuable open space in the midst of the rapidly expanding San Francisco Bay Area metropolis. Second, the enactment of this legislation will insure the preservation of one of our Nation's unique historical sites.

I might also add that Fort Point has received considerable local support from the members of the Fort Point Museum Association. As a nonprofit educational group, its mission has been to establish Fort Point as a museum and to make its historical contents available to the public—a task which thas been successfully accomplished.

With its magnificent view from the southern base of the Golden Gate Bridge, and with its history dating from 1854, Fort Point will be an invaluable addition to our system of national parks monuments and historic sites.

Mr. Speaker, I strongly urge House approval for the bill H.R. 18410.

Mr. RYAN. Mr. Speaker, I am pleased to support H.R. 18410, establishing the Fort Point National Historic Site in San Francisco, Calif. This bill, of which I am a sponsor along with seven of my colleagues, serves to preserve the most massive brick fortification to be erected on the west coast of North America. Constructed by the U.S. Army between 1854 and 1861 to guard the Golden Gate—the entrance to San Francisco Bay—it has long been abandoned for military use. But it remains a part of America's heritage which well deserves preservation.

It is especially gratifying that the House has the opportunity to vote for H.R. 18410, not only because of its worthy end and because I am a sponsor of this legislation, but also because this bill's principal sponsor is our distinguished colleague from California (Mr. BURTON). Having served in the House with him since his arrival in Congress, and having sat on the House Committee on Interior and Insular Affairs with him, I have first hand knowledge of the dedicated commitment of the gentleman from California (Mr. BURTON). His perspicacity, his legislative know-how, his enlightened views, and his voting record mark our distinguished colleague as one of the most valuable Members of the House. It is, therefore, an honor for me to cosponsor, with the gentleman from California (Mr. BURTON), H.R. 18410.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 18410, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR THE ESTABLISHMENT OF THE WILSON'S CREEK BATTLEFIELD NATIONAL PARK

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1160) to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park, as amended.

The Clerk read as follows:

H.R. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri," approved April 22, 1960 (74 Stat. 76), is amended as follows:

(a) Strike out "Wilson's Creek Battlefield National Park" in the title and in section 2 (a), and substitute "Wilson's Creek National Battlefield".

(b) Amend section 3 to read as follows:

"SEC. 3. For development of the Wilson's Creek National Battlefield, there are authorized to be appropriated not more than $2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL)

Mr. ASPINALL. Mr. Speaker, H.R. 1160 is a bill introduced by our colleague from Missouri, Hon. DURWARD HALL. The basic objective of the bill is to authorize the appropriation of additional funds for the development of the unit of the National Park System presently known as "Wilson's Creek Battlefield National Park." If enacted, the bill would also redesignate the area as "Wilson's Creek National Battlefield."

The establishment of this area was originally authorized by the 86th Congress. At that time, we included the usual provision limiting the amount authorized to be appropriated—the ceiling established totaled $120,000 of which not more than $20,000 was expected to be used for land acquisition. All of the lands in the battlefield, however, have been acquired and donated to the United States by the State of Missouri because of its keen interest in the historic confrontation which took place there in August 1861. It was at Wilson's Creek that many Union and Confederate soldiers saw their first and last battle of the Civil War and it was there that the future course of the State of Missouri was determined.

The battle which took place in those Missouri hills had a significant effect on the future course of the war and the events which occurred there should be fully interpreted for the visitors at the site. If H.R. 1160 is enacted, it is expected that a visitors center, a tour road, interpretive trails and footbridges, as well as other public use and interpretive facilities will be constructed. Naturally, all of these things require a substantial investment, so the bill must reflect their estimated cost. As recommended by the committee, H.R. 1160 authorizes the appropriation of $2,285,000—an increase of $2,165,000.

While this is an increased authorization, Mr. Speaker, I do want to emphasize that it contemplates a broader development program than we originally recommended in 1960 and that it does not reflect an erroneous cost estimate. In this case, the committee members feel that the additional investment is warranted; therefore, we recommend this new authority to accomplish the development program which will best serve the public interest.

In conclusion, I want to point out that the bill—like others that have come up from time to time—redesignates the area as a national battlefield. This designation will more appropriately reflect the principal feature of the area.

With that brief explanation, Mr. Speaker, I want to urge the Members of the House to approve the bill, as recommended.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS Mr. Speaker, if I read the report correctly concerning this bill, the State of Missouri unlike most other States contributed 1,727 acres.

Mr. ASPINALL. The gentleman is correct. Of course, there have been other States, such as the State of North Carolina and others that have likewise contributed large areas of land. It is because of this that I think you will be very much interested in this legislation and very charitable toward the increased cost of development.

Mr. GROSS. This is one of the virtues of this legislation, that the State of Missouri saw fit to purchase and turn over to the Federal Government the land necessary to create this national historic park.

Mr. ASPINALL. May I say to my friend, the gentleman from Iowa, we have two very much desired proposed national park areas that we are holding up at the present time because the States involved do not see fit to cooperate to this extent.

Mr. GROSS. I commend the gentleman and thank him for yielding.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1160.

The purpose of this legislation is to amend the act authorizing the establishment of Wilson's Creek Battlefield National Park by: First, increasing the amount authorized to be appropriated for land acquisition and development from $120,000 to $2,285,000, and second, redesignating the park as "Wilson's Creek National Battlefield."

Since this national park was established in the 86th Congress, because of its historical significance in the Civil War, the State of Missouri has donated 1,727.54 acres of land for this park. The result has been that the $120,000 appropriated by the 1960 act has been expended and additional funds are needed for development. The developments proposed include a battlefield tour road, interpretive exhibits, parking areas, battlefield trails, a visitor center with museum exhibits and administrative facilities.

In keeping with the specific designation of areas in the National Park Service, I support the redesignation of the Wilson's Creek Battlefield National Park

as the Wilson's Creek National Battlefield.

Mr. Speaker, I urge the rules be suspended and the bill be passed.

Mr. SAYLOR. Mr. Speaker. I yield such time as he may desire to the gentleman from Missouri (Mr. HALL), the author of the bill.

Mr. HALL. Mr. Speaker, I sincerely want to compliment the distinguished chairman of the House Committee on Interior and Insular Affairs, Mr. ASPINALL, and the chairman of their subcommittee on national parks and recreation, Mr. TAYLOR, for reporting H.R. 1160. Their assistance, as well as that of their committee's staff, has been invaluable.

H.R. 1160, as originally introduced, provided for the establishment of the Wilson's Creek Battlefield National Park. Basically, this bill provided for two things:

First It would redesignate the park as the "Wilson's Creek National Battlefield."

Second. It would authorize the appropriation of $2,514,000.

Mr. Speaker, the Department of Interior submitted a favorable departmental report on May 28 of this year. In that report they concurred with the changing of the name to "Wilson's Creek National Battlefield," and made one modification in regard to the amount of the authorization. Their recommendation was that the amount of "$2,285,000" be substituted for the amount of "$2,514,000" that appeared in my bill. I certainly cannot quarrel with this alteration and have been more than willing to accept it.

Now Mr. Speaker, this legislation may appear as a routine matter, but to the people of southwest Missouri it constitutes the preservation of the site of one of the two most important military engagements fought west of the Mississippi during the Civil War. This battle, which took place on August 10, 1861, was ostensibly a victory for the Confederacy, but since they failed to pursue the Union retreat they were deprived of Missouri's food supplies, minerals, arsenal, and industry.

The fury and intensity of the events that day are briefly and concisely described in the National Park Service's pamphlet in the following manner:

General Lyon, leaving 1,000 troops in Springfield to guard his supplies, decided to make a surprise attack with 5,400 troops on the Southern camp early on the morning of August 10. Minutes before the battle started, a man was said to have galloped by on a mule warning residents of the area "Git back in yore homes! Thar's goin' to be a hell of a battle here in a few minutes!" There was.

For the next five hours the hills shook with what turned out to be one of the bloodiest battles of the Civil War. The fighting was at close range, frequently hand to hand. Though this was one of the first battles of the war and many of the troops had little training, on no battlefield of the War Between the States was there a greater display of courage and bravery. Officers, many of them West Point graduates and veterans of the Mexican and Indian Wars, led their men in person.

At times, the Federals would gain a few yards, only to see their gains erased by a counterthrust. The process would then be reversed. It was later reported in the official records of the Union and Confederate armies that, during the great fury of the battle, "some of the best blood in the land was being spilled as recklessly as if it were ditch water."

Though already wounded twice, General Lyon was struck by a rifle ball in the chest as he was trying to lead another charge. He fell from his horse into the arms of his orderly and gasped, "Lehman, I am killed." Later his body was carried by the Confederates to Ray's farmhouse, a mellowed and weather-beaten frame structure which still stands.

The losses were about equal on both sides. Approximately 16 percent of the total engaged were either killed or wounded. On Bloody Hill where most of the fighting took place, 25 percent of the men were either killed or wounded. The casualties at Wilson's Creek were greater than in any battle ever fought west of the Mississippi. After the battle, the ground was so covered with dead and wounded that one eyewitness later wrote, "one could have stepped from one man to another."

Quite a day, indeed. A battle that sired the future general officer, E. G. Sturges, and others.

When this project was initiated as a joint Federal-State project the State of Missouri agreed to purchase the land. This has now been done, in that the State has spent almost $700,000 for the acquiring of 1,730 acres. It is now time for us in Washington to fulfill our responsibilities by providing the money for a visitors' center with museum exhibits, a battlefield tour road, interpretive exhibits, parking areas, and battlefield trails. These proposed facilities will go far in accommodating and informing the increasing number of visitors that visit the park each year. In addition, these proposed improvements will serve as an inducement for more and more Americans to visit this historic spot. For the committee's information 41,619 people visited Wilson's Creek in 1968. This number increased to 47,314 persons in 1969. This shows the increasing interest in this historical site.

Finally, Mr. Speaker, I respectfully hope that the House of Representatives will act favorably, in light of the fact that H.R. 1160 was unanimously approved by the House Committee on Interior and Insular Affairs, and since the Department of the Interior recommended its passage.

Finally, let us fulfill our Federal obligations since the State of Missouri has fulfilled its obligations through land acquisition; since an increase of visitors tour the site, and most importantly since this legislation would be another important step in preserving our American heritage. It is living history for today's students.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise briefly to support the legislation, but more specifically to commend the gentleman from Missouri (Mr. HALL), the author of the bill, for his presentation before the committee and his cooperation as we developed the legislation which was most commendable and which I think needs to be included in the RECORD.

He has championed the development of the Wilson's Creek National Battlefield Park, and his presentation before our committee, in advancing this legislation, was forceful, articulate, and detailed in content. The committee, as evidenced by the passage of the bill today, has responded, once again, to the very reasonable and responsible requests of our very able colleague, the gentleman from Missouri (Mr. HALL).

Mr. TAYLOR. Mr. Speaker, in 1960 the Congress authorized the establishment of the Wilson's Creek Battlefield National Park in Missouri. At that time, it was thought that it should be protected for the edification and enjoyment of the people of the United States, but only a modest development program was contemplated. H.R. 1160, if approved, will enable the National Park Service to undertake a development program more consistent with the purposes for which this site was made a part of the national park system.

The State of Missouri has been most cooperative in assisting in this effort. The Wilson's Creek Battlefield Park Commission, a State agency, acquired title to all of the lands needed for the interpretation of the battlefield—approximately 1,727 acres—and it has donated them to the United States. This has made it possible for the National Park Service to utilize all of the $120,000 authorized and appropriated to construct an entrance road, to install certain public use facilities, and to conduct archeological research and site restoration.

A number of additional improvements are planned if H.R. 1160 is enacted. It is estimated that an effective interpretive program at the site will require an investment of $2,165,000 in addition to the $120,000 already expended. These costs are based on March 1969 construction prices. Because of the fact that these construction costs fluctuate, the bill provides that the authorization limitation may be adjusted in accordance with standard construction cost indices. This will enable the Park Service to complete the development program outlined during the hearings on the bill, even if construction costs require an expenditure beyond the amounts authorized.

In this regard, however, I want to call the attention of the Members to the language contained in our report which makes it absolutely clear that the administering agency is to advise the committee if it expects expenditures to exceed the limitation imposed by the bill. We expect to be informed of these price increases prior to the request for appropriations so that we will have an opportunity to comment on them. This language in the bill is a fairly recent innovation, Mr. Speaker. It should avoid the necessity of considering minor cost changes necessitated by changing prices, but it does not authorize the Park Service to change the development plan which it presented to the committee. In other words, it allows a measure of flexibility to accomplish the objective which we are authorizing, but major changes in the development plan, requiring an increased outlay, will still require a new authorization by the Congress.

Mr. Speaker, H.R. 1160 merits the support of the Members of the House and I recommend it to my colleagues.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 1160, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE ESTABLISHMENT OF THE ANDERSONVILLE NATIONAL HISTORIC SITE, GA.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 140) to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the overall prisoner-of-war story of the Civil War, to interpret the role of prisoner-of-war camps in history, to commemorate the sacrifice of Americans who lost their lives in such camps, and to preserve the monuments located therein, the Secretary is hereby authorized to designate not more than five hundred acres in Macon and Sumter Counties, Georgia, for establishment as the Andersonville National Historic Site.

SEC. 2. Within the area designated pursuant to section 1 of this Act, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within such area, and in exchange therefor he may convey to the grantor of such property any federally owned property in the State of Georgia under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Notwithstanding any other provision of law, Federal property designated for the purposes of the national historic site may, with the concurrence of the head of the agency having custody thereof, be transferred, without a transfer of funds, to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

SEC. 3. The Secretary of the Interior shall administer the Andersonville National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 4. There are authorized to be appropriated not more than $363,000 for the acquisition of lands and interests in lands and not more than $1,605,000 (March 1969 prices), for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the bill now before the House is H.R. 140 by our colleague from Georgia (Mr. BRINKLEY). It provides for the establishment of the Andersonville National Historic Site.

It may seem strange to some people that the Congress would consider legislation to designate a place which is infamous in the annals of history as a national historic site, but the members of the Committee on Interior and Insular Affairs recognize the historic significance which this prison camp, and others like it, played in the course of our history. Like Ford's Theater and all of the national battlefields in the country, Andersonville was a place of great tragedy. Like other Civil War prison camps established by both the North and the South, Andersonville was overcrowded and plagued by disease and starvation. The inhuman conditions which existed there were not unique in those times, and unfortunately have not been uncommon elsewhere in the decades that have followed.

No other place comparable to Andersonville exists in this country today. The existing prison park contains the corners, gates, and outline of the stockade and memorials mark the loss of men from Connecticut, Illinois, Indiana, Iowa, Maine, Minnesota, New Jersey, New York, and Pennsylvania. By making this relatively small area a national historic site, we memorialize not only those who sacrificed their lives at this place and time, but the thousands of men from all parts of the country who have perished as prisoners of war.

Mr. Speaker, if enacted, H.R. 140 will create a national historic site comprising approximately 500 acres of land. Almost half of this is federally owned—211 acres—and will be transferred to the Department of the Interior without cost, the remainder—294 acres—will be purchased at an estimated cost of $362,000. Development of the area, which will include the construction of an interpretive center, walking trails, picnic areas, and the restoration of the landscape is expected to require an additional $1,605,000 over a 5-year period.

I particularly want to call the attention of the Members of the House to one of the amendments recommended by the committee. As has been our usual practice, we recommend that the amount authorized to be appropriated be limited to the amounts which we were told would be needed to effectuate this legislation. In recent times we have imposed these limitations on both land acquisition and development funds. Because of the fact that construction costs fluctuate from time to time and because the construction activities are often spread across a period of several years, it seems appropriate to provide some measure of flexibility with respect to development moneys. Consequently, the committee is recommending that the development cost limitations be tied to standard construction cost indices. This means that to the extent that the development of a particular facility increases or decreases in accordance with these indices, the authorization fluctuates accordingly. This language is not intended to authorize the administering agency to substantially alter its development program and thereby cause an increase to be incurred—that action would require additional legislation.

In exercising its oversight authority, the committee expects to be fully advised of all circumstances which may cause this escalator clause to be implemented. To the extent possible, we expect to be informed of this fact before any binding commitments are executed and, most certainly, we expect to be advised of the necessity for funds above the amounts specified before any additional appropriations are requested. It is with this understanding that the committee included this language in the legislation.

In conclusion, Mr. Speaker, I want to emphasize that the Andersonville National Historic Site is undoubtedly a nationally significant place. The events which occurred there may not represent our finest hour, but they are a part of the history of this Nation which we must recognize, which we must try to understand, and from which we should learn.

The members of the Committee on Interior and Insular Affairs considered this matter carefully and we recommend the enactment of the bill, as amended.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I should note something that I neglected to point out earlier, and that is the coincidence of having passed the preceding bill to establish the Wilson's Creek Battlefield National Park in the district of the gentleman from Missouri (Mr. HALL). This is today his birthday. He refuses to divulge his age, but says he is 39 and still counting. I congratulate the gentleman from Missouri on his birthday and thank the gentleman from Colorado for yielding.

Mr. ASPINALL. May I say in reply to my colleague from Iowa that I saw the gentleman from Missouri (Mr. HALL), before the session began today and asked of him charity and peace, and extended to him all good wishes on this day—his natal celebration.

(Mr. SAYLOR asked and was given

permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 140, the bill to authorize the establishment of the Andersonville National Historic Site in the State of Georgia.

The bill authorizes the Secretary of the Interior to designate not more than 500 acres of land for the establishment of the Andersonville National Historic Site in Macon and Sumter Counties in the State of Georgia. The bill also authorizes the acquisition of 294 acres of privately owned lands at an estimated cost of $362,000 and $1,605,000 for development. The additional 201 acres are already in Federal ownership including an 84-acre prison park and a 117-acre national cemetery which are presently administered by the Department of the Army.

The story told here at Andersonville, Ga., and its relationship to the Civil War and the struggle of this Nation to achieve its manhood deserve national recognition. While there still are some people who do not wish to recognize the cohesive and unifying effect of that internal and bitter struggle, there is no single event in the great history of this Nation which portrays so vividly the frailties of human beings and the determination and wisdom of those who sought to preserve a more perfect Union. The result has been the growth and development of this Nation as a world power unforeseen in the previous history of the world.

Mr. Speaker, I urge the rules be suspended and the bill be passed.

Mr. TAYLOR. Mr. Speaker, H.R. 140, by Representative JACK BRINKLEY, authorizes the establishment of the Andersonville National Historic Site in the State of Georgia.

The story which this historic site can tell the visiting public is an important one. In many ways, it is an unpleasant one because it evokes a story of pain and suffering almost beyond imagination. But a far more important story can be told at Andersonville than the gory details of disease and malnutrition that stalked many of the crowded prison camps of the Civil War period.

Many places in the national park system have been set aside as a tribute to the contributions of Americans who have helped to make this Nation what it it, but there is no area comparable to Andersonville. Here the contributions of American prisoners-of-war can be told. Andersonville is the last remaining Civil War period site where that aspect of our history can be explained.

As contemplated by the bill, Mr. Speaker, the historic site would include the old prison camp and the Andersonville National Cemetery. It is expected that the National Park Service will acquire the lands needed to connect these two areas and that the acquired grounds will be restored, as nearly as possible to their natural condition. Of the lands included in the site, 211 acres are already federally owned and the Department of the Army endorses their transfer to the Interior Department for this purpose. The remaining 294 acres of land are privately owned and will be purchased or acquired, if possible by exchange.

Proper development of this area is extremely important if it is to accomplish its mission. I am confident that the National Park Service will utilize its talented personnel so as to make this area a meaningful memorial not only to those imprisoned there, but also to the patriots who have struggled—at home and abroad—and suffered the anguish and loneliness of captivity.

The enactment of H.R. 140 is highly appropriate, Mr. Speaker, and I urge my colleagues in the House to approve it.

(Mr. BRINKLEY (at the request of Mr. TAYLOR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BRINKLEY. Mr. Speaker, as the author of the legislation which would authorize the establishment of the Andersonville National Historic Site, I wish to compliment the distinguished chairman of the Subcommittee on National Parks and Recreation, the gentleman from North Carolina, for the excellent manner in which he has presented this legislation today. Also, I want to thank the distinguished chairman of the full Interior and Insular Affairs Committee, the gentleman from Colorado, and all other members of the committee, for holding hearings and reporting favorably on this bill which I believe, on its merits, has so much national appeal.

It would seem to be right and proper to establish this site in order to honor the memory of the men who gave their lives for the preservation of the Union but who sleep in the soil of their then alienated countrymen. From personal observation, I can attest to the inspiration of the monuments erected to their memory by the States from which they come.

As Members of this august body know, Andersonville Prison was the largest and most publicized of the prison war camps, and is the only Civil War prison site in the Nation physically in existence and still untouched by urban growth. It has been my privilege to work very closely with local citizens in their attempts to develop this site into a proper historical memorial, and I sincerely believe that these efforts have much merit and are of great national interest. I feel certain that this site, when developed, will be an outstanding point of interest and will attract many, many thousands of visitors each year. A large population is within an easy day's drive of the site and this includes significant portions of Alabama and northern Florida. It is located approximately 60 miles south and west of Macon, Ga., approximately 120 miles south of Atlanta and approximately 50 miles south and east of Columbus, Ga. Interstate 75 runs approximately 25 miles east of Andersonville and the site is also easily accessible to other main road connectors and hence readily available to all of our Nation's citizens.

This legislation has been enthusiastically supported by all of the local communities in the area and attested to by written resolutions and letters of endorsement from local city governments and also from the Governor of the State of Georgia, the Georgia State Department of Industry and Trade, the State historical commission, and local chamber of commerce which were presented at the committee hearings on this proposal.

I have some excellent photographs with me showing several monuments erected by States whose sons fought with the Union. These again attest to the interest and reflect the strong national appeal of Andersonville. I would be happy for you to come by and look at these touching photographs and observe them more closely.

I commend the National Parks Service for developing a plan for this site which will offer the untold overall prison story of the Civil War, as well as the role of the war camp history, and wish to strongly urge your approval of this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 140, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 18306, INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1179 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1179

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18306) to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendments under the five-minute rule by chapters instead of by sections. It shall be in order to consider without intervention of any point of order the amendment recommended by the Committee on Banking and Currency now printed on page 8, line 6 through line 10 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for an open rule. As those who listened will know from the reading of the resolution, the rule provides the bill shall be read for amendment under the 5-minute rule by chapters instead of by sections.

The waiver of points of order is to a section which provides for an alternate Executive Director for the Inter-American Development Bank. We were told in the Rules Committee that the provision was not germane, and that is why we granted the waiver.

Mr. Speaker, as far as I know, there is no controversy whatsoever on the rule. I, therefore, reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Missouri has adequately explained the rule and the reason for the waiver of points of order.

As far as the bill is concerned, the purpose of the bill is to increase our quotas and subscriptions to several international financial institutions. Rather than report several bills, as has been the case in the past—one for each such institution—the committee has combined them all in one bill.

The bill provides for congressional approval for a U.S. contribution of $100,000,000 to the Asian Development Bank's consolidated special fund. This contribution will be made in three installments: in fiscal 1970, $25,000,000; in 1971, $35,000,000; in 1972, $40,000,000. Our contribution would be in the form of noninterest-bearing letters of credit.

Loans from the special fund are for high priority development projects in emerging nations. Interest rates range from 1½ to 3 percent with repayment periods of up to 40 years. Projects assisted deal with land irrigation and development, transportation and highway development, and power transmission projects.

The bill authorizes the U.S. Governor to the International Monetary Fund to agree to an increase of $1,540,000,000 in the U.S. quota to the Fund. Our representative is also authorized to agree to an increase of $3,000,000,000 in capital stock of the World Bank. The U.S. share of the increase would be $246,100,000, of which 10 percent would be immediately paid in and the remaining 90 percent would be subject to call as needed. On both these actions, prior to voting for such changes, our Governor to the International Monetary Fund must have congressional approval.

Of the $1,540,000,000 increase in the U.S. quota in the Fund, 25 percent, or $385,000,000, is payable in gold. The balance will be paid in the form of a letter of credit held by the Fund.

The International Monetary Fund, established in 1946, is used by the nations of the world to adjust their trade balances and assist them in overcoming shortrun fiscal and monetary difficulties in their balance of payments. The United States last used its resources in 1964–66. The increased quotas agreed to by the bill are equal to about 25 percent of the current quotas. Nations generally will be called on to increase their contribution by some 25 percent, based upon a formula. U.S. participation will be increased by 29.8 percent. Upon payment of this increased quota, nations will receive their full quota under the new special drawing rights program, a new international asset for settling trade balances and balance of payments outlays.

At the same time, the World Bank is seeking to increase its capital stock by $3,000,000,000. The U.S. share, based on formula, is $246,100,000. Again, congressional approval is required before the U.S. representative can agree to the increase. Only 10 percent of the increase must be immediately paid in; the remaining 90 percent is subject to be called as required.

The bill also provides for increasing the resources of the Inter-American Development Bank by authorizing an increase of the capital stock of the Bank by $2,000,000,000. Member nations will then subscribe to their proportionate share of such new stock. The share of the United States is $823,520,000. Of this total amount $673,520,000 will remain callable by the bank at some future time. The remainder, $150,000,000 will be paid into the Bank in three annual payments of $50,000,000, beginning in fiscal 1971. The United States will also contribute $1,000,000,000 in three annual payments to the Fund for special operations of the Bank.

The first payment, due in fiscal 1971, is $100,000,000. The balance will be paid in two equal payments of $450,000,000 each in 1972 and 1973.

The committee report emphasizes that the total actual cost to the U.S. Treasury of this legislation will probably not exceed $1,270,000,000, and that this total cost will be spread out over many years.

The bill authorizes a GAO audit, subject to control by the Secretary of the Treasury, of the operations of the exchange stabilization fund, a device within the Treasury for handling financial dealings with foreign countries. In order to insure that such operations remain confidential, the Secretary is given authority to remove from GAO audit any matter he determines to be internationally significant. Regular audits will still be carried on, as currently provided by statute, by auditors of the Treasury Department.

Finally, the bill requires that the National Advisory Council on International Monetary and Financial Policy, in its annual report to the Congress, shall include a statement with respect to each loan made by the World Bank, the Asian Development Bank, and the Inter-American Development Bank. This statement must state the position of the U.S. representative with respect to each loan, and how such loan will benefit the people of the recipient country. With respect to member nations of the Inter-American Development Bank, such report must also state the measures taken by each country to reduce its military expenditures and to strengthen democratic institutions.

Mr. Speaker, I know of no objection to the rule, and I urge its adoption.

Mr. BOLLING. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. PATMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 294]

Abbitt	Feighan	Murphy, N.Y.
Addabbo	Fish	O'Konski
Alexander	Flood	O'Neill, Mass.
Anderson, Ill.	Flynt	Ottinger
Anderson, Tenn.	Ford, Gerald R.	Passman
	Foreman	Pelly
Barrett	Friedel	Pepper
Beall, Md.	Fulton, Tenn.	Philbin
Bell, Calif.	Gallagher	Podell
Berry	Gilbert	Powell
Biaggi	Goldwater	Price, Tex.
Blatnik	Hagan	Riegle
Boland	Halpern	Robison
Brock	Hanna	Rogers, Colo.
Brown, Mich.	Hansen, Wash.	Roudebush
Buchanan	Hastings	St Germain
Burton, Utah	Hébert	Sandman
Bush	Helstoski	Schadeberg
Button	Henderson	Scherle
Cabell	Hicks	Scheuer
Carey	Holifield	Schneebeli
Casey	Keith	Sebelius
Chisholm	King	Sisk
Clark	Kleppe	Springer
Clay	Kuykendall	Steed
Collins	Landgrebe	Steiger, Ariz.
Conyers	Landrum	Stephens
Corbett	Long, La.	Stokes
Cowger	Lowenstein	Stratton
Crane	Lujan	Symington
Daddario	Lukens	Taft
Davis, Wis.	McCarthy	Talcott
Dawson	McCulloch	Thompson, Ga.
de la Garza	McEwen	Thompson, N.J.
Diggs	MacGregor	Tunney
Dingell	Madden	Watson
Donohue	Mann	Welcker
Dowdy	Meeds	Wold
Downing	Meskill	Yates
Edwards, La.	Michel	Zion
Fallon	Mollohan	Zwach
Farbstein	Monagan	
Fascell	Morton	

The SPEAKER. On this rollcall 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill, H.R. 18306, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 18306 would provide increases in the resources of four great multilateral institutions, the International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

Mr. Chairman, immediately after the House met today the Speaker of the House read a message to him from the President of the United States in which it was stated, and I will read the first paragraph, and only parts of the others:

DEAR MR. SPEAKER: There is now pending before the House a bill of vital importance to the international economic and financial interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: The International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

On page 2 it says:

Passage of the legislation is essential

To maintain United States leadership in international monetary affairs and to avoid a substantial and continuing loss in our share of allocations of Special Drawing Rights beginning on January 1, 1971;

To enable other countries to subscribe to almost $2 billion of World Bank capital stock and to carry out a policy of maintaining equity in Bank and Fund subscription which we have strongly advocated in the past;

To allow us to participate with other developed countries in the peaceful development in Asia;

To join with our Latin American neighbors in an effort to speed economic and social progress.

The last paragraph says:

This legislation has my full support. I believe that the national interest will be served by passage of H.R. 18306, and I strongly urge prompt and favorable action by the House of Representatives.

Sincerely,

RICHARD NIXON.

Mr. Chairman, first, H.R. 18306 would allow the United States to participate in a 35-percent increase in the quotas of the International Monetary Fund. Our share would be $1,540 million to be paid one quarter in gold and the remainder in the form of a letter of credit. This quota increase would be a monetary transaction and would not involve any budgetary outlay.

The International Monetary Fund is the institution through which free world countries conduct their monetary affairs and lies at the center of international economic relations. Each country's balance of payments encompasses the full range of its economic and political relations with other nations—trade, travel, investment, military spending, and foreign aid. The international monetary system links national payments positions, and hence the domestic economies of all countries. It must function smoothly if world trade, international investment and political relations among nations are to prosper—particularly since imbalances inevitably arise as some countries temporarily spend more abroad than they earn, while others correspondingly earn more than they spend.

The proposed quota increases in which this bill would authorize U.S. participation are required to expand the Fund's resources to match today's increased levels of world trade and capital movements. The size of Fund quotas determines a country's drawing rights, the ability to use the exchange resources of the Fund, and also the amount of Special Drawing Rights which a member is entitled to. It is clearly to our advantage to ensure that the Fund's supply of exchange resources is maintained at an adequate level. Further, failure to accept our quota increase would mean we would receive $135 million less in SDR allocations on each of the next two allocation dates, January 1, 1971, and January 1, 1972.

H.R. 18306 would also authorize the United States to vote for a $3 billion increase in the authorized capital stock of the World Bank and to subscribe to $246.1 million of the capital stock of the Bank, 10 percent of which would be paid in and the remainder of which would be callable in the unlikely event of a default by the Bank on its obligations. The U.S. subscription would represent 11 percent of the total $2,222 million to be subscribed by 75 members. The increases in subscriptions to the World Bank are designed to parallel the increases in quotas in the Fund. Countries which have increased in economic strength beyond the average have been assigned quota increases in the Fund beyond the general level of 25 percent by which all quotas are to be increased. The subscriptions to the Bank are designed to reflect in the Bank the shifts in economic strength which are thus reflected in quota increases in the Fund. This policy of parallel increases in the Bank to reflect changes in position in the Fund is one of long standing, but this is the first time that the United States has been asked to take such a special increase.

The World Bank is the sister institution of the Fund and stands as the premier multilateral institution in the field of development finance. It has set the pattern and standard for other multilateral development finance activities. The World Bank finances its loan operations primarily through borrowing in the world's capital markets. This borrowing is backed by the Bank's callable capital which can be called in the event of a default by the Bank on its debt obligations. The Bank has an excellent credit standing and borrows at near government rates. It relends these borrowed funds at rates and on terms which reflect its own borrowing costs and repayment obligations.

The largest outlay which H.R. 18306 would authorize would be for the Inter-American Development Bank. This is appropriate in light of the special importance Latin America has for this country and our traditional close relationship with our neighbors to the south. Our contributions to the IDB would be of three different types, paid-in capital, callable capital, and a contribution to the Fund for Special Operations.

The IDB has an ordinary lending window, like the World Bank, which makes loans on conventional terms. Like the World Bank, the IDB has paid-in capital and callable capital, the latter to be used as backing for borrowing in the world's capital markets. The IDB has borrowed successfully in the United States, Europe, Canada, and Japan. In addition, short-term bonds have been placed with central banking agencies in Latin America. H.R. 18306 would authorize a U.S. contribution of $150 million to the paid-in capital of the IDB payable in three equal annual installments and a subscription of $673.52 million to the callable capital of the IDB, to be subscribed half in fiscal year 1971 and half in fiscal year 1973, but payable only in the event of a default by the Bank on its obligations. These subscriptions to paid-in and callable capital will enable the IDB to accelerate its lending from ordinary capital resources.

The IDB also has a soft loan facility known as the Fund for Special Operations or the FSO. Loans from the FSO are made on concessional terms for projects of an infrastructure nature which do not generate immediate cash flows and to countries which cannot afford the foreign exchange burden of conventional repayment schedules and rates. The bill would authorize a U.S. contribution of $1 billion to the FSO payable $100 million in fiscal year 1971 and $450 million in each of the following 2 years. The immediate budgetary impact of these payments will be mitigated by the letter of credit payment procedure planned for the cash contributions authorized by this bill. In lieu of cash the United States will pay in nonnegotiable, noninterest-bearing letters of credit. There is no budgetary impact at the time these letters of credit are issued. The banks, once they have received these letters of credit, may make loan commitments against them. Actual cash is transferred by the United States as needed to pay presented bills of contractors and suppliers. The Banking and Currency Committee report on H.R. 18306 estimates that through the use of this letter of credit procedure, the budgetary impact of this bill will be $35 million in fiscal 1971, $68 million in fiscal 1972, and $155 million in fiscal 1973. The remaining impact will be spread into future years.

Another aspect of this bill which deserves emphasis is the fact that the multilateral approach serves to mobilize other countries' resources in the development effort. In particular, with regard to the Fund for Special Operations that fact can be dramatically illustrated. For every $2 the United States is putting up, Latin American countries will put up $1. Contrast this to the situation when the IDB was just getting underway. Taking the Social Progress Trust Fund and the FSO together the U.S. put up $11 for soft

loan resources for every $1 contributed by Latin American countries. In the 1964 contributions this ratio was reduced to 8 to 1, in 1965 to 5 to 1, and in 1967 to 3 to 1.

Finally, H.R. 18306 would authorize a contribution of $100 million to the soft loan facilities of the Asian Development Bank.

The Asian Development Bank is the regional development bank of Asia. It is truly an Asian bank. Its regional members have contributed a majority of the resources and the United States has only a 20-percent share of $200 million, being matched in ordinary capital contributions by Japan.

The limited nature of U.S. participation is appropriated in view of the strength of Japan and its ability to contribute substantially to development efforts. At the time, U.S. participation, while not dominant, serves to manifest our interest in the peaceful development of Asia.

The contribution to the Asian Development Bank which would be authorized by this bill has built-in features which will insure that others do their fair share. The bill provides that the U.S. contribution may not be the single largest contribution nor may it constitute more than half the funds provided by all countries to the Special Funds of the ADB.

Payment would be made in the form of nonnegotiable, non-interest-bearing letters of credit so that, again, the budgetary impact will be deferred.

The Asian Development Bank, founded in 1966, is young, but it has already demonstrated its ability to handle resources effectively and channel them into the necessary development of Asia.

Mr. Speaker, I firmly believe that multilateral development finance institutions are deserving of increasing levels of support. They serve to effectively mobilize both public and private resources for the development process. They provide technical expertise and a forum for the exchange of ideas between donor and donee states. The International Monetary Fund, too, needs continued support and increased resources to carry out its vital functions. It has come to play the leading role in the free world's monetary affairs. H.R. 18306 takes into account these factors while insuring that our participation is kept at levels which we can afford. I strongly urge its passage.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Well, it is very fascinating to hear the gentleman from Texas say that this is not going to cause any outflow of capital from the United States. I do not know of any reason why we should have this bill here if that is what it means. This bill is meaningless if it does not mean an outflow of capital supplied by the taxpayers.

I am particularly interested at this moment in the timing of all of the propaganda in favor of this bill. The message from the President that came in today—the demand that this bill be passed before somebody takes off on a junket to Europe—and all that sort of thing.

I would not be surprised, before the afternoon is over, to hear that there are unidentified submarines lurking off our shores or unidentified planes in the sky as a crisis reason for passing this legislation, which is going to add a huge burden to the already bad financial situation in this country.

I never cease to be amazed by statements that the House can approve bills such as this one, to provide more than $3 billion of additional financing for international institutions. Yet it is not going to cost a stinking dime.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PATMAN. May I say to the gentleman that did not, at least I did not intend to say to the gentleman, that it would not cost us a dime. If I made that statement, I was in error. I said that for this fiscal year the cost, the investment, will not run more than $35 million. It is allocated in a way in subsequent years that there will not be any hardship on our country.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. FULTON of Pennsylvania. May I ask first, is this an increase, and if it is, over last year's authorization, how much is the increase; and, second, does this add to the total U.S. debt, and, if so how much?

Mr. PATMAN. The esteemed and most able and competent gentleman from Wisconsin (Mr. REUSS) is the chairman of the subcommittee that handles this particular legislation. I know he is prepared to cover that. I do not wish to duplicate his answer at this time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. HAYS. Mr. Chairman, how much money are we going to put into this whole business? Did I not hear the gentleman say that the bill is for some $1,500,000,000?

Mr. PATMAN. Ultimately—in part, yes—but over a long period of time.

The gentleman from Wisconsin (Mr. REUSS) will allocate that the way it should be allocated according to the bill.

Mr. HAYS. If the gentleman will yield further, I understood that the gentleman read part of a letter from the President asking for this expenditure.

Mr. PATMAN. Yes, sir.

Mr. HAYS. This is the same President who says that we cannot afford more money for education; is it not?

Mr. PATMAN. Yes, sir.

Mr. HAYS. And he is the same President who says we cannot afford more money to clean up our streams; is it not—and the same President who says we cannot afford more money for air pollution; is it not?

Mr. PATMAN. Yes, to an extent.

Mr. HAYS. But we can afford $1,500,000,000 to put in these banks where even the employees, as I understand in one instance, can borrow money from them without very much security, if any.

It seems to me if the President is worried about balancing the budget and about priorities, he does not show much indication of it here. I do not think anyone who has the interest of the United States at heart ought to vote for this.

Mr. PATMAN. This will be fully discussed.

Mr. Chairman, I would like to reserve the remainder of my time and yield to the gentleman from Wisconsin (Mr. REUSS) such time as he may require.

The CHAIRMAN. The gentleman from Wisconsin (Mr. REUSS) is recognized.

Mr. REUSS. Mr. Chairman, H.R. 18306 authorizes U.S. participation in increases of the resources of four multilateral financial institutions: the International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank. One of these institutions, the Fund, is concerned with financial relationships among nations, the other three with development lending.

Our participation in these institutions brings important advantages to the United States. We must continue and sustain this record of success.

PROVISIONS OF THE BILL

These are the basic provisions of the bill:

First. It would authorize the U.S. Governor of the Fund to consent to an increase of $1,540 million in the U.S. quota in the International Monetary Fund and authorize an appropriation for that purpose.

Second. It would authorize the U.S. Governor of the Bank to vote for a $3 billion increase in the capital stock of the Bank, subscribe to 2,461 additional shares of the Bank's capital, and authorize an appropriation of $246.1 million for this purpose.

Third. It would extend existing legislation by allowing the U.S. Governor of the Fund to vote for allocations of Special Drawing Rights to the United States in any future basic period in an amount equal to the U.S. quota in the International Monetary Fund.

Fourth. It would authorize the United States to subscribe to an increase of $823 million to the Ordinary Capital of the Inter-American Bank, and to pledge $1 billion in contributions to the Bank's Fund for Special Operations, as well as authorize appropriations for these purposes.

Fifth. It would authorize the United States to enter into an agreement with the Asian Development Bank providing for a U.S. contribution of $100 million to the Special Funds of the Bank and to authorize appropriations for this purpose.

Since World War II the United States has been a prime mover in the free world's international financial institutions. Our initial involvement was based on the conviction that the partnership of nations forged for the needs of war should be continued for the works of peace. The success of these endeavors can be seen in the growth they have achieved and the outstanding records of accomplishment they have compiled.

The Fund, at the end of its first full year of operation had 44 member nations

and resources of $6.5 billion. By the end of 1969 it had grown to a membership of 115 nations and resources of $21.3 billion.

The Fund has recently assumed additional responsibilities in administering the new Special Drawing Rights. It is the primary institution for multilateral cooperation in international monetary matters.

The World Bank had a total of $7,670 million of authorized capital subscribed by June 30, 1946. Today it has $23 billion of subscribed capital. Through the end of calendar year 1969 the Bank had signed agreements providing for loans of over $13.4 billion, of which $9.9 billion had been disbursed. Recently the Bank has greatly increased its lending activities in line with expanding opportunities for the productive use of capital in the developing countries. Loan agreements committing over $1.8 billion were concluded between July 1, 1968, and December 31, 1969.

Alongside the original organizations, the Fund and Bank, have grown up others with specialized roles or specialized geographic areas of focus—the International Finance Corporation, the Inter-American Development Bank, the International Development Association and the Asian Development Bank.

By serving the world well, these institutions have served the United States, because only in a world of growing economies and expanding trade can we in this country continue to enjoy the fruits of our own economy. The progress and prosperity of the United States are inextricably intertwined with the progress and prosperity of the rest of the world.

ADVANTAGES OF MULTILATERAL INSTITUTIONS

The principal advantages of multilateral financial institutions are burden-sharing and economic expertise.

Through these institutions other developed countries share with the United States the cost of providing development assistance, as other nations have grown in economic strength, our share of the financial cost has declined. Looking at the record since 1945, we can see a steady reduction in the percentage of financial participation of this country. This is a major advantage for the United States.

In the Fund the United States had 34.37 percent of the initial proposed total of Fund quotas. Today the United States has 24.17 percent of Fund quotas. If the pending quotas increases become effective, the percentage will decline to 23.16 percent.

In 1945 the United States subscribed to almost 35 percent of the original proposed subscriptions of the World Bank. The present U.S. subscription is 27.53 percent. It will decline to 26.04 percent if the pending increases in the resources of the Bank become effective.

Looking at the Inter-American Development Bank in the early 1960's, the first years of the Bank, for every $1 of Latin American money the United States contributed $11 to the soft loan resources of the Bank. In 1964 the ratio was $1 to $8, in 1965 $1 to $5, and in 1968 $1 to $3. Under the provisions of this bill, this ratio would be further reduced to $1 to $2.

In the Asian Bank, we have just under 20 percent of the total capital, and Japan has an equal share.

To illustrate the burden-sharing involved in this proposal, I point out that other countries will be committing over $3.7 billion to the World Bank, the Inter-American Development Bank, and the Asian Development Bank. In the World Bank other members will subscribe $2 billion, and in the Inter-American Development Bank replenishment, the Latin American countries will contribute $1.6 billion. In the Asian Development Bank $159 million has already been pledged by other contributors.

In addition to the sharing of the financial burden of development financing, so that we do not carry all of the cost ourselves, the multilateral approach assures that lending judgments will be made on strictly economic grounds. Multilateral institutions bring together under one roof experts from all over the world. They minimize the political and ideological complications which can distort the assistance relationship.

Burden-sharing and the economic expertness help us get the most for our money.

BUDGETARY IMPACT

Let us now turn to the budgetary impact of H.R. 18306.

It is useful to keep in mind the distinction between the functions which are served by the International Monetary Fund and by the other institutions with which this bill deals. This distinction is important to an understanding of the limited budgetary impact of this bill. The other multilateral financial organizations to which the United States subscribes capital are development lending organizations. The Fund is a reserve pool in which funds are deposited and from which funds in the form of needed foreign currencies may be withdrawn. Thus, the Fund quota increase represents a monetary transaction with no budget outlay involved. The President's Commission on Budget Concepts described United States transactions with the Fund as "monetary exchanges through which the United States receives international reserve assets," and recommended that, "subscriptions, drawings, and other transactions reflecting net changes in the U.S. position with the International Monetary Fund should be excluded from budget receipts and expenditures." The Fund portion of the bill will not result in budgetary expenditures.

Moreover, only a part of the contributions to the development lending institutions will involve budgetary outlays.

The bill would authorize the United States to subscribe to $246 million of the capital stock of the World Bank. But, only 10 percent, $24.6 million, will be paid in to the Bank and thus entail a budgetary outlay.

The remaining amount, $221.4 million, represents callable capital which can be called only if needed to meet the Bank's obligations. On the strength of callable capital, the Bank borrows in the private capital markets of the world the funds which it needs to carry on its lending operations. These borrowings have mobilized private capital in the development effort and have reduced the need for Government aid contributions. The Bank has operated in this manner since its inception and has set the pattern for other development lending institutions. There has never been a call on capital. The chances are remote that there ever will be.

The same analysis applies to the Inter-American Development Bank. The bill would authorize a subscription of $673.5 million to callable capital and $150 million to paid-in capital. Only the $150 million of paid-in capital involves a budgetary outlay. The callable capital will be used as backing for public borrowing and may be called only if needed to meet the Bank's obligations. The likelihood of such a call is remote.

Thus, a total of $2.4 billion of the commitments contained in this bill will not result in budgetary costs.

Other provisions mitigate the expenditure effect of the remaining $1.3 billion of commitments. The letter of credit method of payment will be used by the United States in order to minimize the budgetary impact of those parts of the bill which involve budgetary outlays. The bill authorizes the following budgetary outlays: $24.6 million to the World Bank in fiscal year 1971; $60 million for fiscal year 1970–1971, and $40 million in fiscal year 1972 to the Asian Bank, and $150 million in fiscal year 1971 and $500 million in each of fiscal years 1972 and 1973 to the Inter-American Development Bank.

These commitments are made in the form of letters of credit, so that loan obligations can be made but these letters of credit will not be drawn upon by the recipient institutions for immediate cash outlays. A cash outlay will occur only when funds are needed to meet a contractor's or supplier's bill.

Through the use of this mechanism, the total budgetary impact of this bill is estimated at $35 million in fiscal year 1971, $70 million in fiscal year 1972, and $155 million in fiscal year 1973. The remainder will be stretched out over a number of additional years. The limited nature of the immediate budgetary impact of this bill is an important consideration in its favor.

I now turn to the reasons for the proposed subscriptions contained in each of the titles of this bill.

THE IMF

The quota increase in the fund will allow us to keep our position of leadership in the fund. Since quota size determines the amount of Special Drawing Rights which a member receives upon an SDR allocation, if we take no action on this bill the United States will receive $130 million less in SDR allocations on each of the next two allocation dates, January 1, 1971, and January 1, 1972, than we would receive if the bill were passed.

Moreover, quota size determines voting power as well as SDR allocations. If all members except the United States accept their quota increases, our voting power

would decline from the present 21.40 percent to 17.13 percent.

Third, we will receive increased drawing rights in the Fund in exchange for our quota increase. If other members subscribe to their increases as expected, the Fund will obtain $3.28 billion of the currencies of the other industrialized nations. The Fund will be better equipped to supply currencies, and the United States will have increased rights to draw currencies.

THE WORLD BANK

The proposed increases in capital subscriptions in the World Bank are designed to parallel the special quota increases in the Fund. Since the founding of the World Bank and the Fund, it has been a general principle that countries receiving special increases in their Fund quotas increase their subscriptions to the capital of the World Bank by a commensurate amount. The United States has in the past strongly supported this policy of parallel contributions on the ground that it results in a fairer sharing of contributions to the capital of the World Bank. It has, in the past, resulted in increased subscriptions of $3.5 billion. On the occasion of the present increased subscriptions, 74 other countries will be subscribing over $2 billion. The U.S. share is only 11 percent of the total increased subscriptions. It is clearly in our interest to take our share of this increase.

ASIAN DEVELOPMENT BANK

Chapter 1 of H.R. 18306 authorizes the U.S. Governor of the Asian Development Bank, the Secretary of the Treasury, to enter into an agreement with the Bank providing for a United States contribution of $100 million to the Bank. The United States contribution is to be used to finance high-priority development projects and programs in developing member countries of the Bank, with emphasis on projects and programs in Southeast Asia.

The Asian Development Bank was established in 1966 as a result of an Asian initiative to foster economic growth and cooperation in the region of Asia and the Far East.

The Bank now has 35 members and $1,004 million subscribed capital. It has 21 regional members, three of them developed—Japan, Australia, and New Zealand—and 14 nonregional members, including the United States, Canada, and 12 European countries.

In its 3 full years of operation, the Bank has maintained increasing levels of activity. It has made commitments of $163,083,000 for 32 loans to 13 countries. It has undertaken 24 technical assistance projects in 12 countries, and a number of important regional activities.

The rate of growth of the Bank's lending activities is expected to continue. In its first year of operation, 1967, the Bank organized itself. In its second year of operation, 1968, loan commitments were $42 million. In 1969, they were $98 million. New loan commitments in 1970 are expected to total more than $200 million.

The purpose of the Special Funds operations of the Asian Development Bank is to provide financing for high priority development programs and projects in Asia on concessional terms where necessary to supplement the development financing which the Bank now provides from its Ordinary Capital resources. The process of economic development requires the financing of infrastructure and other long term projects which are essential to economic growth, but which do not yield financial returns early enough or high enough to service loans made on conventional terms. Many of the member countries of the Bank do not otherwise have the capacity to finance the needed projects through conventional loans. The Bank cannot furnish this needed financing out of its ordinary resources.

The Republics of China and Korea, both members of the Bank, are good examples of Asian countries which have benefited from concessional financing of the type envisaged for the Special Funds operations of the Bank. Less than two decades ago, both countries suffered the same relative level of poverty as the poorer countries of South and Southeast Asia. Benefiting from concessional assistance, both China and Korea have experienced high rates of economic growth in recent years. The primary objective of U.S. foreign assistance programs has long been to raise less developed countries to a level of self-sustaining economic growth. It is to this end that the Special Funds operations of the Asian Development Bank are dedicated.

H.R. 18306 authorizes the appropriation of $100 million to the Special Funds resources of the Asian Development Bank in three annual installments of $25 million, $35 million, and $40 million. The U.S. contribution will be used only for high priority loans made on concessional terms and for technical assistance credits made on a reimbursable basis. Consistent with the goal of shared participation in the funding and operations of the Bank, H.R. 18306 stipulates that the total U.S. contribution to the Special Funds shall at all times constitute only a minority of the total Special Funds resources of the Bank.

The proposed contribution will have only a minimum effect on the U.S. balance-of-payments situation. The funds may be expended by the Bank only for the procurement of U.S. goods and services, unless the U.S. Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, determines that procurement elsewhere would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States. Several contributors to the special funds have already made their funds available for procurement in other member countries.

Six countries have already offered contributions to the Bank's special funds in the total amount of $159.45 million. Japan has offered $100 million, of which $40 million has been made available and $30 million is budgeted for 1970. Canada has pledged $25 million over 5 years, of which $15 million is now available. Denmark has provided $2 million. The Netherlands has provided $1.1 million and pledged another $7.2 million. In addition, at the Bank's third annual meeting, held at Seoul, Korea, on April 9–11, 1970, Australia offered $9.75 million over 3 years and the United Kingdom offered £6 million—$14.4 million—over 4 years. Other countries have also indicated the possibility of contributions in the future. We should act now to join with these countries in building a strong, long-range concessional lending facility within the Bank.

INTER-AMERICAN DEVELOPMENT BANK

H.R. 18306 also enables the United States to participate in its share of the proposed increases in the ordinary capital and Fund for Special Operations resources of the Inter-American Development Bank.

Specifically, the legislation authorizes the U.S. Governor of the Inter-American Development Bank, the Secretary of the Treasury, to vote in favor of the resolution to increase the Bank's authorized capital stock by $2,000,000,000, and upon adoption of such resolution, to agree on behalf of the United States to subscribe to an additional 82,352 shares of the Bank's authorized capital stock, with respect to which $150 million will be paid in and $673,520,000 will be callable.

Second, it would authorize him to vote in favor of the resolution to increase the resources of the Fund for Special Operations by the equivalent of $1,500,000,000, and upon adoption of that resolution, to agree on behalf of the United States to pay to the Fund for Special Operations the sum of $1,000,000,000.

In addition, the bill authorizes the appropriation of the sums necessary to make these commitments.

These sums would enable the Bank to implement its plan to increase total lending by 50 percent or more over the next several years, from a current annual level of $600 million to $900 million or higher.

Although great emphasis has been placed by the Bank on the need to mobilize internal savings for development, internal savings will fall far short of development needs.

Approval of this replenishment proposal is thus essential to enable the Bank to meet its target, and, indeed, to continue its lending programs past 1971. The status of the ordinary capital or "hard currency windcw" of the Bank is such that by the end of this year, the hard currencies will be insufficient to carry on another full year of operations even at current levels, approximately $200 million a year, let alone reach its new target level of $300 million a year. A similar situation exists in the Bank's FSO or "soft" loan resources, which will be inadequate to meet anticipated loan commitments for calendar year 1971. The new resources will permit a progressive increase in the FSO lending from last year's rate of $400 million to about $600 million a year by 1973.

While the sums called for by this new replenishment are substantial, the impact of this authorization request on the U.S. budget will be substantially less than the authorization figure, and will be spread over a period of years.

First, the callable capital subscription, of $673.5 million, is a guaranty standing behind Bank borrowings, and it is not expected to result in any ex-

penditure now or in the future. Half would be subscribed in fiscal year 1971, and the other half in fiscal year 1973. Second, the paid-in portion of our capital subscription will be paid in equal annual installments of $50 million, beginning in fiscal year 1971, and will be in the form of a letter of credit, upon which draw-downs are not anticipated until fiscal year 1972. In this manner, this $150 million expenditure is expected to be spread over a number of years beyond 1973.

Finally, the U.S. contribution to the Fund for Special Operations would be paid in three annual installments at a rate of $100 million in fiscal 1971, and $450 million in each of the following 2 years. As with the paid-in subscription, budgetary outlays would be deferred by use of the letter-of-credit method of payment, so that actual cash outlays would extend over a number of years well beyond fiscal 1973. There will be no budgetary costs in fiscal year 1971, $48 million in fiscal year 1972, and $125 million in fiscal year 1973.

The commitment by the Latin Americans has been greatly increased both in the amount of resources they are willing to commit to their own development, and in the steps they have agreed to take to make these increased resources do the most good.

First, the Latin members of the Bank have increased their share of the replenishment of FSO resources by 67 percent, with a total of $500 million, compared with $300 million in the 1967 replenishment. This represents a continued increase in their share of the FSO. The relative proportion of United States to Latin contributors has declined progressively, from 5 to 1 in 1964, to 3 to 1 in 1967, and now to 2 to 1, in the proposed replenishment.

Second, two more countries, Chile and Colombia, have agreed, along with Argentina, Brazil, Mexico, and Venezuela, to make up to half their contributions to the FSO available for lending to other member countries. This step further increases the usefulness of Latin American local currency subscriptions.

Third, the Latins have endorsed a policy statement giving the least developed countries of the region a first priority claim on FSO resources, evidencing further intraregional cooperation.

Fourth, it was agreed that loans made out of the proposed new resources for the FSO be repayable in the currencies lent, instead of local currencies. By requiring repayment of dollar loans with dollars, the FSO will, over the long run, become a truly revolving fund.

Fifth, the Bank's Governors cited sound national economic policies and satisfaction overall economic performance as the determining factors in Bank assistance.

Finally, a Committee of Governors has been formed to study the matter of admission of developed countries not presently members of the Bank. This committee will report its recommendations by the end of the year. Specifically, the Committee will be studying such items as the possibility of dropping the requirement that new Bank members belong to the Organization of American States, and the possibility of creating a separate class of stock to be subscribed by new members.

Adoption of such a proposal would be a step toward increasing and regularizing the flow of resources to the Bank from other developed countries, while at the same time maintaining the regional character of the Bank.

Over the short span of a decade the Inter-American Development Bank has developed from a fledgling institution to the primary multilateral channel for the flow of development resources to Latin America. It has been highly successful in raising substantial funds in the world capital markets.

In just 10 years of operation, the IDB has lent $3.5 billion for Latin American development, for projects involving a total investment of nearly three times that amount. Roughly one-third of this sum has gone for high-priority agricultural development projects. Over half a billion dollars have gone to industrial and mining projects, and a similiar amount for transportation and communication projects. Substantial sums have also been provided for electric power, water supply, housing, and education.

While the sums included in this replenishment are large, the commitment of Latin Americans to their own development justifies confidence that these funds will serve both the development aspirations of Latin America and the United States interest in a viable and prosperous inter-American system.

OTHER PROVISIONS

The bill also contains a provision for a GAO audit of the Exchange Stabilization Fund, except for matters considered "internationally significant" by the Secretary of the Treasury. There is no reason why the ordinary administration of the Fund should continue to be consumed from the Controller General's contingency.

It also contains a specific reporting requirement on how loans made by multilateral lending institutions benefit the people of the recipient countries, as well as on military expenditures and democratic institutions of recipient governments in Latin America.

The Banking and Currency Committee expects the Secretary of The Treasury, and the various U.S. Executive Directors of the international institutions, to have it currently and continuously informed, in writing, of what is going on. This has not been done in the past. From now on, it will be done.

H.R. 18306 will be a major benefit to the United States. It will assure the continued vitality of a unique and highly successful adventure in international cooperation. These institutions represent what mankind can achieve through cooperative endeavor. They have combined almost universal membership, with decisionmaking based on financial participation. They have performed well. They have earned our continued support.

Mr. HAYS. Mr. Chairman, will the gentleman yield?.

Mr. REUSS. I am glad to yield to the gentleman.

Mr. HAYS. I had a man come to my office the other day, an American, who is an employee of the Asian Dovelopment Bank. He told me that the Asian Development Bank is a bank run by Japanese for the benefit of the Japanese—to the exclusion of any American business at all. He says that if it does not accrue to the advantage of Japan and directly to the Japanese, the loan is not made.

Do you know anything about that? Is not the director a Japanese?

Mr. REUSS. I am very glad to respond to the gentleman's question. The director of the Asian Development Bank is an Asian, a Japanese, Mr. Watanabe.

Mr. HAYS. How much money do they put into it, the Japanese?

Mr. REUSS. The Japanese put in considerably more money than the United States, and under the terms of this bill, the U.S. contribution must be less than that of Japan.

Furthermore, the U.S. contribution, which will be no more than $100 million over a period of years, has to be spent in the United States. That provision is written into the law, and it may only be departed from if the National Advisory Council on Monetary Affairs—which, as the gentleman knows, consists of the Secretary of the Treasury, the Secretary of State, the Eximbank, Federal Reserve, and the Secretary of Commerce—only if the National Advisory Council determines that the U.S. balance of payments will not suffer.

So while it is true that Japan plays a big role in the Asian Bank, that is good, not bad. I think it is fine that we are getting others to bear what should properly be their share of the burden, and if we can get the Japanese in Asia assuming a large scale development role, I think that is one of the more hopeful signs. I think the gentleman will agree.

Mr. HAYS. I agree they ought to assume all of it, because we are taking care of their national defense for them free of charge. They are not contributing anything. They are barring our manufactured products from Japan, and at the same time they are flooding our markets with their products.

Can the gentleman be specific and tell me how many dollars they are putting in and how many we are putting in?

Mr. REUSS. Yes, I will be very specific. The Japanese contribution is $100 million, of which $40 million has been made available and $30 million is budgeted for 1970. The top U.S. contribution, the amount authorized, is $100 million. But unless the Japanese put in some more, we cannot expend even that.

Mr. HAYS. How much have they put in?

Mr. REUSS. We, the United States, have put in to the special funds of the Asian Bank, which is what we are talking about, zero. The Japanese have already put in $70 million, so they are $70 million ahead of us.

Let me hasten to add that I wish it were twice that amount. I wish they were $140 million ahead of us.

The gentleman has said many things that need to be said about Japan's role, and particularly about Japan's attitude toward American investments and

Japan's general trade attitude. But in terms of the Asian Bank, I submit that our diplomatists have done an excellent job in compelling burden-sharing on the part of Japan.

Mr. HAYS. Let me see if I understand the gentleman correctly. Is the gentleman saying that we have not put any money into this bank at all so far?

Mr. REUSS. Oh no. What I said was that we have not put anything into the Fund for Special Operations of the Asian Development Bank, which is the only thing in this bill relating to the Asian Development Bank. When the Asian Development Bank was founded back in 1966, this country, along with 20 other countries, made its initial capital contribution. That capital contribution is mainly to enable the bank to do what the World Bank and the Inter-American Development Bank, have done—borrow in world bond markets for its so-called hard window. Just as the World Bank has a soft window, the IDA, and just as the Inter-American Development Bank has a soft window, the Fund for Special Operations, earlier the Social Progress Trust Fund, so the Asian Development Bank feels that it must have a soft window where loans on concessional terms can be made. But our American contribution must be paid back in dollars.

Mr. HAYS. Let me ask the gentleman one question. I appreciate the education the gentleman is attempting to give me about this on the Asian Bank, but I would like to have a kind of simple question answered: How many dollars have we got in it, and how many dollars have the Japanese got in it? That is mainly what I want to know.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I think the total contribution of the United States since the inception of the Bank was the original contribution, $200 million, which was one-fifth of the total capitalization of the bank. The Japanese made their contribution identically.

Mr. HAYS. In other words, we put in as much as they did, but they are running the show?

Mr. STANTON. It is questionable whether they are running the show. It is the first time the Japanese have ever contributed to the international organization.

Mr. HAYS. The Japanese in this instance remind me of the old fellow who thought he was on his deathbed, and he called in this three sons and said:

> Boys, you know money is a pretty important thing in this world. I do not know what it is going to be in the next world, but I want each of you to promise that if I die, each of you will come to the coffin and say a prayer and put in $1,000, just in case.

They all promised.

When he died, the oldest son went up to the coffin and said his prayer and put in his $1,000. And the second son did the same thing, said his prayer and put in his $1,000. Then the third son went up and said his prayer and put in his check for $3,000 and took out the $2,000 in change. That is about the way the Japanese operate, as far as I can tell.

Mr. REUSS. The trouble with the gentleman from Ohio, if he will listen, is that really he has picked the wrong target. The Asian Bank is the one international institution in the world in which somebody else, in this case the Japanese, is putting in more than Uncle Sam. There are plenty of good targets around for the gentleman, but I really do think this is not a good one.

Mr. HAYS. If there is a better target around on what they are doing in international trade than the Japanese, with their national policy by which they are manufacturing articles and selling them below cost in this country, and charging their own people a profit, I do not know what that target would be. I think they are a prime target, and as the gentleman said, I am saying some of the things that ought to be said, and there ought to be people in the administration saying these things. We have carried them around on our back long enough.

Mr. REUSS. The gentleman is saying some things that probably ought to be said. The trouble is, he is saying them about the wrong bank and the wrong country.

An Asian is the Managing Director of the Asian Development Bank. It is also true that Mr. Herrera, a Chilean, is the Managing Director of the Inter-American Development Bank. It is also true that a Frenchman, Mr. Schweitzer, is head of the International Monetary Fund, and an American, Mr. McNamara, is head of the World Bank. But I do not think in an international agency we can always insist that an American be head of everything. This is one of the points of sharing.

Mr. HAYS. If the gentleman will yield, I would not insist on that at all. It may be significant, but the gentleman keeps saying, "an Asian." There are many other Asians besides the Japanese, and there are many other Asians who need it worse than the Japanese do. I would not mind if he were a Malaysian or an Indian or someone from Taiwan, or the gentleman may name it, because there are many other places out there. But there is no country that needs it certainly as little as the Japanese do.

Mr. REUSS. We will try an Indian on the gentleman from Ohio and see how he likes it.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, is it not true that the vice president of the Asian Development Bank is an Indian?

Mr. REUSS. That is true. I am glad the gentleman from Pennsylvania pointed that out.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want some information and some education too.

The money that is put up in the underdeveloped countries to develop these nations, the money that is loaned to this bank and others, including the IMF and the Inter-American, is mainly loaned to the underdeveloped countries. Is that right?

Mr. REUSS. That is correct.

Mr. DENT. It is for the purpose of creating industry and for the purpose of developing agriculture?

Mr. REUSS. I think the central purpose of development aid has got a number of facets to it. Politically, it is hoped in the long run that countries which make a little economic progress will develop moderate governments. Economically, it is hoped—and there is some reason for the hope—that they will be customers for our foreign trade exports.

Mr. DENT. Right at that point, that answers my question.

Mr. REUSS. There is also the humanitarian aspect.

Mr. DENT. But that answers my question. Who does the gentleman think are the customers of Japan? Are they the developing countries that this money is being spent in?

Right at this moment, Japan does not have enough labor to meet the demand for the goods they have to send to the United States; so they have no room for industry because they have no labor, and they are developing their own industry in other countries. In doing so, they are producing for themselves, so that they can ship back out into the world stream, where the higher wages are paid.

They are being barred pretty much in the Common Market, but they are not barred in the United States.

Let me tell the gentleman something that happened in one of the other funds; I believe the Inter-American one. Right when certain South American countries were taking our fishing ships, our California fishing fleets, 200-some miles out in the ocean, we loaned them $500 million to build their fishing fleet.

For goodness' sake. Is there someone in this Government who has a blueprint, hidden in some dusty hall, with a little light which only shines now and then, a blueprint of the United States pinpointed for destruction? No one could make the mistakes we are making unless we had a blueprint, unless somebody were directing it. One cannot make that many mistakes.

And this is one of them.

Mr. REUSS. I believe that any blueprint which exists—and I am not aware of one—must be in the possession of the President of this country, Mr. Nixon, whose attitude at least on this bill has been very forthright and very favorable.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I thank the gentleman for yielding.

I should like to get back to the facts on this.

A question was raised about the Asian Development Bank, as to the millions of U.S. dollars involved. The total subscription was $1.4 billion. Our part was $200 million. Japan's part was $200 million. France was $25 million; Canada was $25 million, Italy was $20 million, Germany was $34 million, and there were other countries. Many, many countries in the Asian area subscribed. There were

likewise 15 which subscribed from outside the Asian area. Their total subscription was $380 million. The regional countries subscribed $624 million.

Mr. Watanabe became the head of the Asian Development Bank through the votes of those who are participating in the bank development. He is an extremely capable banker. He has a fine reputation. He was chosen for that work.

We have no hook on any employees of that bank, nor does anybody else, to my knowledge, from my own investigation.

Of the total paid in subscription of $100 million, the United States has paid $50 million in cash. I am talking about our subscription. We paid in $100 million of the $200 million. $50 million was in cash, and the other $50 million was in noninterest bearing letters of credit in five equal annual installments.

Therefore, assuming no present utilization of our letters of credit, the maximum potential cost to our balance of payments has been $50 million through August of 1970.

This is the type of organization we have been trying to encourage, one where there is major participation by the other countries and we are not the one left holding the bag, having actually put in all the money, as has happened in the past.

It is a very wholesome step forward. It is working out. It will develop further.

I just wish we would look completely at the facts as they are coming up. I do not want to hide anything, I know, and I do not believe anybody else on the committee does.

In the time allocated to me, and the time I allocate, since I control the time on this side, I hope to tell of the participation and how we are involved.

As a matter of fact, the total amount of money involved in this bill, for us to be called upon for U.S. participation, is $35 million in 1971, $70 million in 1972, and $155 million in 1973.

Mr. REUSS. I thank the gentleman.

I would point out, on the subject of the Asian Development Bank, that in its first 3 years of operation up to date it has made 32 loans to 13 countries and has undertaken 24 technical assistance programs in 12 countries. In every one of those projects, in every loan and technical assistance project, this was done with the entire approval of the U.S. Executive Director and Governor. This was not anything that Mr. Watanabe imposed on the United States, but was something that the United States fully concurred in.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. REUSS. Yes. I yield to the gentleman.

Mr. JOHNSON of Pennsylvania. On that point, I was looking over the types of loans made by the Asian Development Bank up to now, and it totals $163 million. I was trying to find out when any of these loans were made to expand Japanese industries in these various countries. For instance, in Ceylon there was a tea factory modernization loan for $2 million. There was a Colombo port tanker established for $2.6 million. In the Republic of China, the country that we are promoting, fostering, and trying to save, the Asian Development Bank loaned for a petroleum refinery $10 million and established a deep sea fishery for $10 million, which is not the $500 million that has been mentioned. Also, for an aluminum plant there was some $2.67 million. Continuing on, in China there was $18 million spent for a freeway to obtain mass transportation there.

In Korea—and many Members of this House have been in Korea to see what is being done there—we know that they are making a remarkable recovery. The Seoul-Inchon Expressway, which many of us have ridden on, was created with a bank loan of $6.8 million. The Korea cold storage industry is being facilitated with a loan of $7 million. An express company is being organized for $7.5 million. A medium industry bank has been organized and provided with $10 million in capital.

I have just a few more.

In Maylaysia, I do not know what the influence of Japan is on Maylaysia, but in Maylaysia they have a water supply project which has been loaned $7.2 million. There is a palm oil mill which has been loaned $2.8 million. There is a port expansion which has been fostered with $5 million in loans and an electrical supply installation which has received $3.1 million.

In Pakistan now, a development bank to develop industries there has been loaned $10 million.

In the Philippines a development corporation to develop industry there received $5 million.

In Singapore the Development Bank of Singapore received $10 million.

In Thailand the Industrial Finance Corp. of Thailand received $10 million.

Of course, it is conceivable that these development finance corporations may make loans to industries which may favor Japan. None of us know that. But I would say that the loans have been made to developing countries, as far as I am concerned and from what I can read and observe, without reasonable relationship to the fact that they might promote Japanese industry.

Mr. REUSS. The gentleman has made an awfully good point. If someone wanted to make a good anti-Asian Development Bank speech, the place to do it would be in the Japanese Diet. That would be the place to complain about the fact that Japan is the leading contributor to the Asian Development Bank and that the result of some of these contributions will be that the poorer countries in Asia begin to develop their own resources.

Let me now point out a very progressive development that has occurred in recent years in all of these international agencies, namely, the U.S. participation grows, as a percentage of the total, ever less onerous to the United States.

For example, at the start of the International Monetary Fund the United States had 34 percent of the quotas; today it is 24 percent; and under the bill it will be reduced to 23 percent.

In the World Bank we started out with 35 percent of the burden of the subscriptions. Now it is down to 27 percent, and it will be down to 26 percent under this bill.

In the early 1960's, when we started with the Inter-American Development Bank, for every $1 of Latin American money we put in $11 into the soft loan resources of the bank. This ratio has progressively gone down from 1 to 11 to 1 to 8, to 1 to 5, to 1 to 3 by 1968, and under this bill it will go down to 1 to 2. So that the burden sharing has become ever less onerous to the United States, which is indeed as it should be.

I would mention, finally, those provisions of the bill which do not relate to actual participation in the financial operation of these institutions, but relate certain overall principles and policies.

One which I would call to the attention of the Members is the provision that from here on out, there will be a GAO audit of the half billion dollar Exchange Stabilization Fund of the Treasury, except for internationally delicate operations.

Members were surprised—and not entirely pleased—to learn that a number of years ago the Exchange Stabilization Fund, without a by-your-leave from Congress, bought a villa over in Tokyo for our Treasury representative. I am not suggesting that there was any hanky-panky in connection with that villa, but the gentleman from Iowa (Mr. GROSS) will be happy to know that in this bill we make it clear that we want the General Accounting Office to audit those expenditures of the Exchange Stabilization Fund just like any other expenditures. I do not anticipate that there will be many things in this bill which will bring the flush of joy to the cheeks of the gentleman from Iowa, but this one certainly will.

Mr. GROSS. Mr. Chairman, will the gentleman yield.

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. That is an after-the-fact operation; is it not?

Mr. REUSS. Yes; although a special study was made of that villa in Tokyo deal, which is spread forth in the record for the benefit of the gentleman from Iowa, and for other Members. And I would say that it is high time that we blew a whistle on this, and called for audits. I hope that the gentleman from Iowa can find it within him to give a gentle pat on the back to the Committee on Banking and Currency for bringing this kind of a hard-nosed amendment into this legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I will be glad to yield.

Mr. GROSS. I thought the gentleman when he started talking on the subject of the villa in Japan was going to talk about the situation right here on the gentleman's doorstep, the building of a multi-million-dollar country club right out here on the edge of the District of Columbia, which the gentleman from Iowa talked about a couple of years ago.

Now, how much more under this bill is going to be used to build plush country clubs for the International Monetary Fund in this or some other country? How much more of it is going to be used for this purpose? Has the gentleman from Wisconsin ever seen that plush layout out there?

Mr. REUSS. Yes, I have.

Mr. GROSS. Has the gentleman played golf out there?

Mr. REUSS. No. As the gentleman should know, the expenses of that country club are borne by the members of it, who are from the Fund and the Bank.

The reason for the country club is that many of the delegates and members of the Bank and the Fund are from countries other than so-called caucasian countries, and they like to play golf much like caucasians do. But they found they could not make it in the country clubs that now fringe the city of Washington.

So I think that there is a special history there. However, I will say to the gentleman, we have set up genuine GAO auditing controls, and I can assure the gentleman that there will be no more country clubs.

Mr. GROSS. I hope the gentleman's assurance can be taken at full value.

Mr. REUSS. The gentleman and I will work together on this, and at the first sign of a country club, we will sound the tocsin.

Mr. GROSS. I am just surprised that the House Committee on Banking and Currency did not move in and stop the construction of this country club out here, that is apparently, as he says, constructed for the purpose of taking care of the visiting Poobahs. I think the gentleman will find that there are a lot of people around here who find it possible to go out and enjoy all the benefits of this wonderful country club out here on the outskirts that costs the International Monetary Fund, I do not know how many millions of dollars. I am surprised that the committee did not go into this business of the construction of this club.

Mr. REUSS. We did go into it. If the gentleman will read the record, he will find that his name is mentioned by me when I demanded that the full account be spread on the record. It is in the record and I reiterate what I said a moment ago.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. ANDREWS of Alabama. Is it true that the employees of the World Bank who are American citizens and who live in the Washington area pay no income tax on their salaries?

Mr. REUSS. I believe that the U.S. employees of the international financial agencies are not exempt from the U.S. income tax, through I am not sure.

Mr. ANDREWS of Alabama. How on earth, if the gentleman can tell me, can that be explained? Here is a man who lives in Washington, D.C., and who works in Washington, D.C., for the World Bank and earns his salary here and he pays no income tax.

Mr. REUSS. I would recommend to the gentleman that he consult with the House Committee on Ways and Means, which has jurisdiction over tax matters, if he thinks this is an unfair loophole that ought to be plugged. I have not examined it.

Mr. ANDREWS of Alabama. I do not think it—I know it.

Mr. REUSS. This is something for the House Committee on Ways and Means that the gentleman can take up with them.

Mr. ANDREWS of Alabama. I know of a man who had a job with our Committee on Appropriations who retired and went out there and took a job with the World Bank—at a pretty good salary—and he pays no income tax.

Mr. REUSS. While the gentleman is at it, he might take up matters like the $3,000 exemption from income tax of the gentleman from Alabama and the gentleman from Wisconsin and all the rest of us. Maybe we should wipe out all loopholes, and I will join with the gentleman in a loophole-plugging foray.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. HAYS. The gentleman mentioned the $3,000. I think something ought to be done about that because a Congressman comes down here and spends $6,000—and you cannot tell me that they are living here for $3,000 a year because I know better than that—he could not. But if the businessman spends $10,000, he can deduct it all—but you could not say that Congress was being discriminated against.

What I really wanted to ask you about, I am pleased to hear you say there are going to be no more country clubs. But I wonder if you could go a little bit further and tell them to just get rid of everyone of them and put the money back.

Mr. REUSS. If the gentleman from Ohio will arrange for the membership of the polygot members of the Bretton Woods Country Club in Chevy Chase and Kenwood and Burning Tree and the Congressional and others, I will pledge him my best efforts to compel through the U.S. Director——

Mr. HAYS. I will do better than that.

Mr. REUSS. I will pledge him my best efforts to compel, through the U.S. Director, the prompt sale by the Montgomery County sheriff of the Bretton Woods Country Club.

Mr. HAYS. I will do better than that. I will suggest that they work a little and not play golf so much. I do not find time to do it while I am here and I do not think that they, whose salaries we are paying, should. You will find them out there all days of the week—Monday afternoon, Tuesday afternoon, Wednesday afternoon—you name it.

Somebody once said, "What would you get if you crossed an employee of the International Bank with a baboon?" The answer is that you would get a baboon that plays golf every afternoon.

Mr. REUSS. The gentleman from Ohio, as always, is too puritanical. Simply because he denies himself these simple pleasures does not mean that international civil servants should do so also.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I wish to make a brief comment on a point about the income tax situation of international organizations. I think the Members should bear in mind that since the nationals of other countries do not pay income tax, it would be, in a sense, a discrimination against the nationals of the United States if, as employees of the same organization, they would have to pay income tax.

Mr. REUSS. The gentleman has a point. As I have said, these tax matters are for the House Committee on Ways and Means.

Mr. HAYS. I will say to the gentleman from New York that he had better check into the laws of some of the other countries, because a good many countries require their nationals to pay the national income tax no matter who they work for.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. Impersonally, then, there are a good many people in Government, including Members of Congress, who are segregated. We do not have our income taxes paid. The gentleman from New York, (Mr. BINGHAM) says that they would be discriminated against. If you want to raise the issue of discrimination, why segregate us?

Mr. REUSS. Mr. Chairman, in view of the time situation, and in view of the fact that questioners seem momentarily to have exhausted themselves, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require at this point.

I wish to speak today in support of H.R. 18306, a bill which authorizes U.S. participation in increases in the resources of certain international financial institutions, and which was reported out favorably by the Committee on Banking and Currency on July 14 of this year. This bill would authorize the United States to increase its quota in the International Monetary Fund, and would provide for a related adjustment in the U.S. capital subscription in the World Bank. Furthermore, it would authorize the United States to contribute to the Fund for Special Operations of the Inter-American Development Bank as well as provide for an increase in our subscription to that Bank's paid-in and callable capital. The bill also provides for a U.S. contribution to the Special Funds of the Asian Development Bank.

I wish to discuss more specifically each proposed U.S. contribution and what I believe to be cogent reasons why—in the case of each particular institution—the best interests of the United States would be served by adoption of this bill. However, before proceeding further, I wish to emphasize the benefits of multilateral economic cooperation.

As the Committee on Banking and Currency stated in its report, this is the first time that a bill has been reported to the House which contains authorization requests for four multilateral financial institutions. The multilateral nature of the institutions concerned in this bill is representative of the ever-growing

recognition among nations since 1945 of the importance of and, indeed, necessity for international and multilateral frameworks within which to accomplish those economic goals which individual nations wish to achieve but are unable to effectively accomplish within the limitations inherent today in national, unilateral endeavors. It is my firm belief that in the area of economic development assistance multilateral financial institutions represent a highly effective instrument for promoting the economic development of less developed nations, in a manner which is also most advantageous from the standpoint of the best interests of the United States.

A major advantage of multilateral development institutions is the fact that the burden of providing development assistance can be shared with other developed, as well as less developed member countries. For example, as applied to the present proposal—

The U.S. contribution of $100 million to the ADB's Special Funds resources must also remain a minority share of all such contributions and never constitute the largest single contribution of any country. Other countries have already put up $160 million.

Our share of the World Bank capital stock increase is only 11 percent. Our subscription is $246 million. Other countries will subscribe almost $2 billion.

The Latin American members of the IDB will put up the equivalent of $1 for every $2 put up by the United States in the FSO. This represents a 67-percent increase in the Latin contribution to the Fund for Special Operations over the last replenishment.

Another significant advantage is that multilateral development institutions are able to provide for an allocation of assistance on the basis of development need, rather than from political considerations. The fact that national political motivations are thereby minimized allows these institutions to bring international influence to bear on recipient countries so that they follow acceptable and effective development policies. This influence is all the more effective given the fact that the recipient countries are themselves members of the institutions involved and have a stake in their operations.

As mentioned previously, these multilateral institutions are effective instruments for the pooling of resources. They are also able to pool knowledge and expertise in connection with development problems on a degree which no single country could obtain.

These institutions allow for the coordination of development activities in various countries and regions so that scarce development resources are not lost through needless duplication of projects. Through the use of multilateral institutions, the benefits of preinvestment studies and other preliminary technical undertakings can be made available for followup projects.

For all of these reasons, it is clear that multilateral development institutions are a highly effective means by which the economic development of less developed countries can be promoted in a framework favorable to U.S. interest.

Returning to H.R. 18306, I would like to briefly summarize the authorization requests provided for in this bill with reference to the particular institutions which would benefit from them. Chapter 1 of H.R. 18306 authorizes the U.S. contribution of $100 million to the consolidated special funds of the Asian Development Bank. The contribution would be payable in three annual installments of $25 million, $35 million, and $40 million. The bill requires that the U.S. contribution to the Asian Development Bank's special funds be used to finance loans on concessional terms and technical assistance on a reimbursable basis for high priority development projects and programs in deveolping member countries.

The Asian Development Bank was established in 1966 to finance economic development in and among the developing countries of Asia. With the addition of France, the Bank has 35 members which have subscribed to over $1 billion of authorized capital. The Bank has already committed over $163 million for 32 loans in 13 countries. It has also undertaken 24 technical assistance projects in 12 countries, along with a number of important regional activities. New loan commitments in 1970 are expected to total more than $200 million.

In addition to these ordinary capital operations, the Bank has already begun significant "soft window" or special funds operations. Contributions of almost $160 million have already been promised by other Bank members, of which almost $60 million has already been made available to the Bank. Since June of 1969 the Bank has made eight concessional loans from its special funds resources totaling about $25 million to seven Asian countries to finance projects ranging in nature from irrigation and land development to highways and power transmission.

The U.S. contribution of $100 million would not only directly help to supply the Bank with needed special operations resources, but would also encourage contribution by other Bank members. For instance, it is expected, and in fact required under the terms of H.R. 18306, that the U.S. contribution be matched dollar for dollar by Japan.

Chapter 2 of H.R. 18306 is concerned with the International Monetary Fund and the World Bank. It authorizes an increase of $1.54 billion in the U.S. quota in the IMF as part of a general increase in Fund quotas. The U.S. quota increase is a monetary transaction between the United States and the Fund and involves no budgetary expenditure. The Fund has proposed the general increase in quotas to provide for sufficient growth in its conditional credit facilities to keep pace with the rising volume of world trade and output. This rapid growth in world trade and output has also necessitated a more rapid growth in international credit facilities. Chapter 2 would also permit the United States to vote for new allocations of special drawing rights or SDR's by the Fund up to the congressionally authorized U.S. quota in the Fund in each period in which such an allocation is proposed.

Chapter 2 also authorizes an increase of $246 million in the U.S. subscription to the World Bank, the forerunner of all of the multilateral development institutions which I have discussed today. Consistent with long-established policy, the Executive Directors of the Bank have recommended special increases on the part of members of the Bank so that their relative quotas in that institution remain equal to their quotas in the Fund after completion of the latter's currently proposed increase in quotas. Only 10 percent of the U.S. special increase, or less than $25 million, must be paid in. The remaining 90 percent will be callable capital and would not result in a budgetary outlay unless called upon by the Bank to meet a debt obligation.

The World Bank was founded over 25 years ago and, since the reconstruction of Europe, has operated primarily in the developing nations of the world. Through the end of 1969, agreements providing for loans of over $13.4 billion had been concluded, of which almost $10 billion has been disbursed. The greater part of the Bank's loans has been designed primarily to help provide developing countries with needed infrastructure, although the Bank has also sought to foster an economic climate favorable to private investors through loans to local development finance companies.

The World Bank has established itself as a highly effective instrument for the promotion of economic development with an unparalleled reputation for excellence. It has been able to borrow substantial sums in the world capital markets on the basis of its sound capital structure. The paid-in portion of the U.S. contribution would serve directly to supplement the resources available to the Bank on the one hand. While, on the other hand, the callable portion of the U.S. contribution—which constitutes 90 percent of the total contribution to the Bank and which would involve no budgetary expenditure—would enable the Bank to generate funds in private markets for its development lending programs.

Chapter 3 of H.R. 18306 deals with the proposed U.S. contributions to both the capital stock and the Fund for Special Operations of the Inter-American Development Bank. The Bank was established by the members of the Organization of American States in 1959 to promote the economic development of the less developed countries in the Western Hemisphere in a spirit of self-help and mutual cooperation. In its first 10 years of existence, it made 187 loans from ordinary capital totaling almost $1.3 billion. The Bank's Fund for Special Operations is used for the financing of high-priority development and infrastructure projects on concessionary terms. One hundred and eighteen loans have been made from the Fund for Special Operations, accounting for nearly $1.6 billion.

The results of this lending are even more significant than the statistics. During the decade of the sixties the Bank directly contributed to the welfare of one out of every four Latin Americans and indirectly benefited far more. The Bank accomplished this through the broad-based lending and technical assistance

support which it has provided—at the local, national, and regional levels—for Latin America's own efforts to improve all aspects of its social and economic development in a 10-year period which coincided with the first development decade of the United Nations and the first decade of the Alliance for Progress.

H.R. 18306 authorizes an increase in the U.S. callable capital obligation to the Bank's ordinary capital resources of $673.5 million, which would involve no budgetary expenditure. The proposed U.S. paid-in capital subscription of $150 million would be payable in a letter of credit in three annual installments, which would only be drawn as needed over a period of years.

Finally, this bill would authorize a U.S. contribution to the Fund for Special Operations of $1 billion, payable in one installment of $100 million and two annual installments of $450 million. Again, these installments would be paid in the form of letters of credit and would be drawn down only over a period of years.

I strongly urge that the House give its support to the proposed U.S. participation in the increase in resources of these multilateral financial institutions. This bill has the firm support of the President and the National Advisory Council on International Monetary and Financial Policies. The proposed contributions have been based on a careful analysis of the economic development needs of the less developed countries participating in these organizations and on the ability of these multilateral institutions to effectively utilize the contributed funds to meet those needs.

The fiscal problems of the United States have also been considered in drafting this proposed legislation. The estimated budgetary impact of the total contributions authorized by this bill amount to only $35 million in fiscal year 1971, and to $70 million and $155 million in fiscal years 1972 and 1973, respectively.

I strongly feel that multilateral development institutions can serve well the economic development needs of the less developed nations. These institutions can accomplish the goal of economic development with a minimum of burden and expense on the United States. For these reasons, I recommend that the House adopt H.R. 18306 so that the highly effective efforts of these institutions can continue at an even greater pace in the decade of the seventies. The benefits of their undertaking will accrue to all nations.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman, I rise in strong support of the enactment of H.R. 18306. Technological advances in communication and transportation during this century have brought the nations of the world together as a true community of nations. They have awakened new ambitions and new hostilities among people all over the globe. Consequently, they present new challenges to those nations which can and do exercise leadership roles in the everlasting quest of mankind for a better way of life.

The United States emerged from World War II as the strongest bastion of freedom on the globe and for 25 years has shouldered the burden which that strength imposed upon us. Despite the fact that we have stumbled now and then; that some programs have been less successful than we might have wished; and despite the fact that we have sometimes demonstrated the understandable awkwardness of novices to international affairs, our efforts have, nonetheless, been commendable and, on balance, highly successful. Today, we see a world in which prosperity, economic strength, and freedom prevail in key nations on every continent.

Nevertheless, there remain many nations where prosperity and economic strength are virtually unknown and in many of these, freedom is in jeopardy. The very technology of which I spoke has increased the demands for progress in less developed nations.

At the same time, it has become increasingly apparent that the United States alone cannot carry the full burden of international aid. Badly needed domestic programs can be deferred only so long in the interest of assisting others. Recognizing this, the President has made it clear throughout the world that while the United States is willing and anxious to continue assistance to the underdeveloped nations, we expect other developed nations of the world to share this burden with us. That message has been repeated by our delegates to the international financial institutions and is reflected in the legislation before us today.

Multilateral financial institutions are the keystone on which we must build a program of cooperative international assistance for undeveloped nations. Through these institutions, the responsibility for progress is shared by those providing the aid and those receiving it. From our point of view, this offers distinct advantages. Foremost among these is that the drain on our financial resources is reduced as other developed nations take on a share of the burden. While it has been necessary in some instances to maintain or increase the actual dollar amount of our subscriptions as convincing evidence of our expressed willingness to assist, these actions have been accompanied by responses from other nations resulting in a reduction of our proportionate share of the contributions. In other words, by a convincing expression of our interest, we have stimulated new and greater efforts from other nations.

I cannot overemphasize the value of the shared responsibility inherent in the multilateral approach. Pressures upon a borrowing nation for greater political or economic stability as a condition for a loan are better received and far more effective when applied by a panel of one's peers than by a single nation which sometimes appears too domineering. Furthermore, such a panel is better able to assess the need for developments of various types within its sphere of nations than are we alone, and better able to convince recipients that they should pursue efforts which may be coordinated on a hemispheric basis.

H.R. 18306 proposes authorizations of slightly in excess of $3.7 billion. But of that amount, $2,435 million will never be spent in the sense that we ordinarily think of spending; $1,540,000,000 is callable capital which facilitates the borrowings of the International Bank for Reconstruction and Development and the Inter-American Development Bank. Of the total, only $1,275 million represents an actual outlay of funds of which only $103 million is expected to be spent during the next 2 fiscal years.

In effect, what I am saying is, that while it appears we are presenting a bill for very substantial amounts of money with this consolidated measure, a close examination of it will show that by the expenditure of quite modest sums, we are participating aggressively in a worldwide program that has proved more effective as a weapon against tyranny than the multibillion-dollar efforts in Southeast Asia.

The second point I want to emphasize is that the amounts we are requesting represent less as a percentage of the totals being subscribed for these organizations than in the past. The President and our delegates to these organizations have made it quite clear that while the United States is willing to assist underdeveloped countries, we expect other developed nations which believe in freedom to share this burden with us. These multilateral financial organizations offer what is probably the best method yet devised for such a cooperative effort and they are working well.

For example, the Asian Development Bank will have 35 members when France is formally accepted. Of its authorized capital, $1,004 million has been subscribed. The U.S. subscription is only about one-fifth of that—$200 million. This amount has been matched by Japan. Of the 21 regional members of the Asian Development Bank, only three—Japan, Australia, and New Zealand—are classified as developed nations, but 14 nonregional members are classified as developed. These include the United States, Canada, and 12 European countries. Thus, you can see that of the 35 members of the Asian Development Bank, 17, or approximately one-half, are developed nations who are sharing with the United States the task of providing adequate financing needed for national improvements in the underdeveloped nations of Asia.

Although we have no shooting war in South America, it is obvious from the kidnapings, coup d'etats, guerrilla activities, and sometimes chaotic political activities, that the battle for men's minds goes on there too. As with the Asian Development Bank, the Inter-American Development Bank is a cooperative effort. While the $1 billion requested in this bill is the largest single expenditure requested, it too is less in proportion to other nations' contributions than previously. Whereas our contribution was three times that of the other members, it has now been reduced to a 2 to 1 ratio and will probably drop further. Canada, for example, is seeking admission as a member, and other nations who will probably never be eligible

for membership in the Inter-American Development Bank, are making funds available to it.

Our subscriptions of callable capital to the Inter-American Development Bank are important for they provide an element of security which facilitates the Bank's borrowings in other nations. The Bank has moved aggressively in its search for funds in other nations. During August, for example, the Bank sold $4 million of bonds in Norway and $27.3 million of bonds in Germany. This brings the Bank's borrowings to a total of $838.3 million. Of this, $405 million has been borrowed from U.S. investors—$355.7 million from nonmember countries, and $77.6 million through short-term borrowings primarily in Latin America. The Bank has now borrowed funds in 16 different nations around the globe. They are Austria, Belgium, Finland, Germany, Israel, Italy, Japan, the Netherlands, Norway, South Africa, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

But this is not the limit of international cooperation. In addition to these borrowings, the Bank administers a variety of special development funds for Canada, Sweden, the United Kingdom, the Vatican, and Norway. None of these countries is eligible, at present, for membership in the Inter-American Development Bank, but their confidence in the Bank is such that they have elected to utilize it as an administrative vehicle for specialized foreign assistance.

Mr. Chairman, I belabor these aspects of the cooperative nature of this program because I believe they are too little recognized by the American people, and even by some here in Congress. The multilateral financial institutions to which we belong have provided the most effective device in history for a truly international economic assistance program. American citizens can be proud of the leadership our Nation has provided in the development of these institutions. They can be confident that our continued participation is only undertaken in cooperation with other nations who will share the burden with us.

As Mr. WIDNALL said in the letter he addressed to his colleagues:

> As a member of the Banking and Currency Committee I have followed closely our participation in these institutions. I know the excellent work they have done and the opportunity they present for fairly sharing the burdens of providing development assistance. The detailed hearings that were held on H.R. 18306 have assured me that the proposed new commitments are vitally necessary for the institutions to continue their successful programs. I am convinced that these contributions will be carefully and efficiently used to promote our national objectives.
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> This is a good bill. I strongly urge all my colleagues to give it their support.

Mr. Chairman, I join with Mr. WIDNALL in urging the Members of the House to support this legislation.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, the International Monetary Fund was established at the conclusion of World War II, with the strong support of the United States, to provide for effective international monetary cooperation, to regulate exchange rates, and to promote balanced growth of both domestic economies and international trade. At the end of its first full year of operation, the Fund had 44 members and resources amount to $21.4 billion in regular quotas, to which must be added $5.4 billion in unutilized borrowing arrangements with the Group of Ten, the ten largest industrial members.[1] These resources are made available temporarily in the form of purchases of foreign currencies against a member's own currency to enable the purchasing member to finance balance-of-payments deficits without resort to measures destructive of national or international prosperity, in the form of either unduly harsh domestic policies or such measures as import restrictions. Such purchases must normally be reversed, or repaid, within a 3-to-5 year period.

Such drawings from the Fund have greatly increased in recent years. Of the total aggregate drawings from the Fund of $22.3 billion in its 23 years of operations, 36 percent have taken place in the less than 3 years since the end of 1967, and 57 percent have occurred in the 5½ years since the end of 1964. These facts are related to two features of the international monetary scene of recent years: the rapid growth in international trade and in other international transactions, and the extremely sharp expansion in recent years in the international mobility of capital. An important aspect of these sharp increases in use of the Fund by its members in recent years has been the much greater recourse to it by major industrial countries when faced with balance-of-payments difficulties, in part because of the greater mobility of capital. Thus, not only have the United Kingdom and France made very large use of the Fund in the past several years, but Germany—at the end of 1969—and Italy—June-July 1970—have also at times of stress obtained foreign currency from the Fund under their automatic rights to draw.

The United States, too, has made drawings from the Fund that at the time assisted in the financing of the U.S. foreign deficit and reduced gold conversions by other countries. From February 1964 through March 1968, the United States made a number of drawings which totaled $1,840 million. During the same period, purchases of U.S. dollars from the Fund by other members were occurring, which served to reverse U.S. drawings. As a result, the maximum U.S. drawings outstanding were $964 million at the end of 1966. The U.S. drawings were fully repaid by the end of 1968, and the United States had a net creditor position with the Fund of $1,164 million at the end of July 1970.

The Fund has recently assumed important additional responsibilities in creating and administering the new special drawing rights, a separate facility designed to create reserve assets for its member nations to supplement traditional reserves of gold and foreign exchange. At the beginning of this year, $3.4 billion in special drawing rights were created to the credit of 105 members that had become participants in the new facility. Under a decision taken last October by the Fund's Governors, additional special drawing rights of $3 billion will be created at the beginning of 1971 and 1972. Transactions in these new reserve assets have been proceeding smoothly, and some $561 million of SDR's have changed hands in the 8 months since the system began operations.

The Fund is steadily growing in influence and importance as the primary institution for worldwide multilateral cooperation and action in the international monetary sphere.

Under the proposed legislation, the United States would be authorized to increase its quota in the Fund by $1,540 million from the present quota of $5,160 million to $6,700 million. This, together with the necessary appropriation legislation, would enable the United States to participate in a generally applicable quota increase recommended last December by the Fund's Executive Directors and approved by the Fund's Governors in February of this year. The overall quotas in the Fund would increase from the present $21.4 billion to $28.9 billion under this exercise, or by 35 percent. The increase proposed for the United States amounts to a rise by 29.8 percent.

There have been two general increases in the quotas in the Fund, one by 50 percent in 1959 and a second by 25 percent in 1965. In each case, a certain number of selective increases were also recommended. In the present exercise, the quota increases recommended by the Executive Directors consist of increases of 25 percent or more for nearly all member countries. A major effort is also being made to readjust quota sizes to reflect recent developments in the international economic situation, and for that reason selective adjustments have been recommended for 75 countries. Among the largest increases, ranging beyond 50 percent, are those for Belgium, France, Italy, and Japan. This is the first time the United States is to have a selective increase.

In recommending the increases mentioned, the Fund took account of the fact that the growth in world trade has been in excess of 50 percent in the 5 years since the last general quota increase, and some other types of international transactions, in particular volatile movements of capital, have grown still more sharply. These high rates of growth bring with them the likelihood that countries will to a correspondingly greater extent experience balance of payments difficulties from time to time of the type for which recourse to the Fund is appropriate.

The United States will need to pay 25 percent of the quota increase, or $385 million, in gold. This payment, however, will result in an increase by the same amount in freely, quickly and automatically available U.S. drawing rights at the Fund. These automatic drawing rights are shown in the statistics of both the

[1] Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Sweden, United Kingdom, United States.

Fund and the United States as reserves; hence, there will be no loss of reserves, but only a change in their composition.

The remainder of the quota increase, $1,155 million, will be paid by a letter of credit which will be drawn upon by the Fund when it has needs for U.S. dollars to meet requests for drawings in this form. Although both portions of the payment for the quota increase must be appropriated, neither portion will result in budgetary expenditure; instead, these transactions are treated for fiscal purposes as an exchange of claims, reflecting the fact that they result in valuable drawing rights on the Fund for the United States.

Other countries are likely to some extent to buy gold from the United States in order to make the required gold payment to the Fund in implementing their quota increases. However, I am glad to say that permanent and fully satisfactory arrangements have been made by the Fund to offset completely any U.S. gold losses that may arise from this source, up to as much as $700 million, which is expected to be adequate.

The Fund has been an outstandingly successful international organization within its sphere of competence. It deserves our full support in the form of approval of the proposed legislation. It should not be forgotten that, in the future as in the past, the United States itself may find it useful and appropriate to make use of balance of payments financing from the Fund; the proposed quota increase will raise the amount that could be drawn from the Fund in such conditions. Finally, members should be aware that the amount in the new special drawing rights that each member will receive on January 1, 1971, and January 1, 1972, will be based on its quota at these times. If the United States were to delay implementing its quota increase beyond the end of this calendar year, while all other members placed their recommended quota increases in force, the United States would receive $130 million less in special drawing rights than it will with the new quota in force. Thus, the implementation of the proposed quota increase will not cost the United States any of its reserves and will add to our borrowing potentialities in the Fund, should we need to make use of them, while failure to implement the quota increase before the end of this calendar year would result in the permanent loss to our reserves of $130 million in special drawing rights.

For all these reasons, some of broad national interest and some of the most specific self-interest, we should support the proposed quota increase in the Fund.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I rise in support of this bill.

I would like to say a few words about how the development banks use their callable capital to raise money for lending in the world's capital markets, thereby mobilizing private capital in the development effort and reducing the need for governmental contributions.

The World Bank, the Inter-American Development Bank and the Asian Development Bank all have callable guarantee capital as part of their capital structure. Subscriptions to callable capital represent contingent liabilities which can be called only to meet the banks' debt obligations. I would like to emphasize that our subscriptions to callable capital will not result in budgetary outlays except in the event of a call. The likelihood of calls by any of these institutions is remote.

Borrowings in the world's capital markets on the basis of this callable capital have been substantial. For each of the three institutions the amounts of callable capital and borrowing outstanding are as follows.

In the World Bank, our callable capital is $5,715 million, other nations' callable capital is $15,044 million. Against this callable capital there were, as of February 28, 1970, gross borrowings of $8,237 million and net borrowings of $4,442 million. Net World Bank loans were $13,394 million.

In the Inter-American Development Bank our callable capital as of December 31, 1969, was $817.6 million, other nations' callable capital was $1,076.2 million. Against this callable capital there were gross borrowings of $881.6 million and net borrowings of $767.4 million. Inter-American Development Bank loans out of ordinary capital resources were $1,294.1 million.

In the Asian Development Bank our callable capital is $100 million, other nations' callable capital is $389 million. As of April 1, 1970, the Bank had borrowed $20 million. By December 31, 1969, the Bank had approved loans from ordinary capital totaling $117.7 million.

H.R. 18306 would authorize an additional U.S. subscription of $221.49 million of callable capital to the World Bank and $673.52 million of callable capital to the Inter-American Development Bank. Other countries will increase their callable capital by $1,975.9 million in the World Bank and $879.03 million in the Inter-American Development Bank.

The use of private borrowed capital by the development banks has two important favorable aspects for us: First, it takes a significant part of the burden off the U.S. Government and other countries for official aid contributions; and, second, through borrowing outside the United States, other currencies are used to finance development. The development banks in recent years have increased their borrowings outside the United States. During fiscal year 1965 and fiscal year 1967 the World Bank conducted 36 percent of its net borrowing outside of the United States. In fiscal year 1968 that figure rose to 51 percent and in fiscal year 1969, 77 percent of net borrowings, $540 million, was raised outside the United States. Cumulative net borrowings by the Inter-American Development Bank outside the United States have risen from 17.4 percent in 1964 to 48.9 percent in 1969 when the outstanding net amount of non-U.S. borrowing stood at $374.9 million. Asian Development Bank borrowing has to date been done wholly outside the United States.

H.R. 18306 will help the World Bank and the Inter-American Development Bank to continue to mobilize private capital for the development process.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. MIZE).

Mr. MIZE. Mr. Chairman, I rise in strong support of the legislation before us.

H.R. 18306 authorizes the United States to participate in the increase in capital of the World Bank. The U.S. share would amount to $246.1 million of which only 10 percent, or $24.6 million, would be paid in. The remaining $221.5 million would be in the form of callable capital, which will not involve a budgetary expenditure—except in the very unlikely event that the Bank is unable to meet its debt obligations out of its reserves.

The increase in the U.S. subscription is part of an increase in the capital subscriptions of 75 member countries in amounts corresponding to the increase considered special—above 25 percent—in their increased quotas in the IMF. It is a longstanding practice to take parallel action in the Bank on special increases in the Fund to reflect the relative economic strength of the member countries. It serves also to maintain a relative alinement in voting strength of members in the two institutions.

While this is the first U.S. subscription increase on such a basis, it has significant advantages for the United States from a burden-sharing point of view. The U.S. increase of $246 million represents only 11 percent of the $2.2 billion total of special increases being subscribed by 75 members. This will reduce the U.S. share of the total subscriptions to the Bank from 27.48 to 26.04 percent.

The capital thus provided will facilitate Bank borrowings in world capital markets—the Bank's primary source of new funds. It will enable the Bank to continue its activities at a high level.

In the past the United States has strongly and consistently supported the policy of parallel action by member countries on special increases in the two Bretton Woods institutions. The Bank has benefited greatly from this policy, receiving over $3.5 billion in special subscriptions. Since it is now for the first time proposed that the United States accept a special increase in its Fund quota, it is appropriate that we continue our support of this policy by taking a special increase in our subscription to the Bank. The special increases of the United States and 74 other countries will provide new resources to the Bank during a period when the Bank's need for new funds to sustain a rising volume of operations is increasing. Our favorable action on this bill would demonstrate effective U.S. leadership in support of a significant expansion of multilateral assistance on a burden-sharing basis favorable to the United States.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to address myself to the budgetary impact of H.R. 18306.

This is the first time we have considered contributions to four multilateral financial institutions at one time. There is authorized to be appropriated $1,540 million for the International Monetary Fund, $246.1 million for the World Bank, $100 million for the Asian Development Bank, and a contribution of $1 billion to the fund for special operations of the Inter-American Development Bank, as well as a subscription of $823 million to the ordinary capital of that Bank. However, H.R. 18306 contains features which very substantially lessen the budgetary impact of the expenditures involved. I would like to explain these features because I think they are extremely important to the House in the consideration of this bill and figure prominently among the favorable aspects of the bill.

First, with regard to the International Monetary Fund, $1,540 billion outlay, it should be explained that the bill will involve no budgetary outlay. This is because an increase in our quota is basically a monetary transaction—an exchange of assets. The quota increase is partially subscribed in gold—$358 million—and partially in the form of a dollar letter of credit—$1,155 million. We receive equal value from the Fund for these commitments. Our quota increase will entitle us to receive automatic rights to draw on the Fund either immediately in the form of gold tranche drawing rights or subsequently whenever our dollar letter of credit is actually drawn down. The President's Commission on Budget Concepts described our transactions with the IMF as "monetary exchanges through which the United States receives international reserve assets," and recommended that "subscriptions, drawings, and other transactions reflecting net changes in the U.S. position with the International Monetary Fund should be excluded from budget receipts and expenditures."

Thus, although H.R. 18306 authorizes the appropriation of $1,540 million for the Fund, this appropriation will have no impact whatsoever on the Federal budget. The United States receives full value in return in the form of international reserve assets.

Second, with regard to the World Bank, H.R. 18306 authorizes the appropriation of $246.1 million for the payment of the new U.S. subscription. However, it should be noted that only 10 percent of this amount, $24.6 million, is payable to the Bank at this time. The remainder, $221.5 million, is callable if needed to meet the obligations of the Bank. The likelihood of such a call is very remote.

Third, the budgetary impact of the proposed $100 million contribution to the Asian Development Bank will be spaced over time. H.R. 18306 authorizes the appropriation of $25 million for fiscal year 1970, $35 million for fiscal year 1971, and $40 million for fiscal year 1972.

However, there is a more important point. These installment commitments will only be drawn as needed to make payments to suppliers and this spreads the financial impact of our contribution over a substantial period of time.

This situation results from the fact that the U.S. contribution to the special funds of the Asian Development Bank will be in the form of non-interest-bearing letters of credit. The letters of credit will allow the Asian Development Bank to make commitments to borrowers. However, the Bank will not make expenditures of these funds until borrowers have actual bills from contractors and suppliers. It is only at such time that the United States will pay out cash against the letters of credit. Thus, the budgetary impact of this contribution will be distributed over a considerable time period.

It is estimated that the ADB special fund contribution will result in budgetary outlays of $10 million in fiscal year 1971, $20 million in fiscal year 1972, and $30 million in fiscal year 1973.

Fourth, the proposal to increase the resources of the Inter-American Development Bank has similar budget impact reducing features. First, $673.5 million takes the form of an increase in our callable capital subscription. As in the case of the World Bank subscription, an increase in our callable capital has no budgetary impact. Callable capital serves as the guarantee behind the Bank's borrowings in private capital markets. It is callable and will not result in expenditures unless the Bank needs it in order to pay off its borrowings. Neither the World Bank nor the IDB has ever made a call and such a call can be regarded as an extremely remote possibility.

The subscriptions to the Inter-American Bank contain two amounts that will have to be paid in: $150 million to the paid-in capital of the Bank and $1 billion to the Bank's fund for special operations. These payments will be spread out over a number of years. The callable capital is payable in three annual installments of $50 million. The fund for special operations contribution is payable in one installment of $100 million and two annual installments of $450 million.

Again, as in the Asian Bank subscription, there is a further mitigating factor. Each of the installments due to the Bank will take the form of a letter of credit. These letters of credit will not be drawn upon until the Bank actually needs funds for operations. As a result, it is estimated that the proposal to increase the resources of the Inter-American Bank will have no budgetary impact in fiscal year 1971, a $48 million impact in fiscal year 1972, and a $125 million impact in fiscal year 1973.

Mr. Chairman, it can be seen from this detailed explanation that H.R. 18306 is a fiscally responsible measure. The subscription to the International Monetary Fund and the callable capital subscriptions to the World Bank and the Inter-American Bank will have no budgetary impact. Thus, $2.4 billion of commitments contained in this legislation will not result in budgetary expenditures.

Of the remaining $1.3 billion in expenditures, the budgetary impact will be spread over a number of years. Thus, in voting on this bill, Members of this House should be fully aware that its total cost in fiscal year 1971 will be $35 million, in fiscal year 1972 the cost will be $70 million, and in fiscal year 1973 the cost will be $155 million. The remaining cost will similarly be spread out over a number of years, although it is not now possible to estimate the specific amounts in each year.

Mr. Chairman, it is clear that this measure is fiscally responsible. I urge that the membership of this House give it their support.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, as the debate has already shown, this authorization is needed so that the United States may contribute to four international financial institutions. These contributions, it has already been pointed out, will represent only a small fraction of the amounts to be contributed by other countries.

Perhaps the only unusual feature of this bill is that authorization is to be provided in this one bill for contributions to four multilateral institutions. As a result it might seem as if unusually large U.S. contributions are being authorized. This is not the case, though there are certain additional amounts to be authorized, above the level of support currently being provided.

As the gentleman from New Jersey (Mr. WIDNALL) has pointed out, these financial institutions are an increasingly important element in the economic development of lesser developed countries. For that reason it is especially important that the House give this bill approval today.

As a member of the House Committee on Foreign Affairs I feel regret that the Banking and Currency Committee has formal jurisdiction over the activities of these multilateral financial institutions. Actually, our support, and the level of our support, represents a very real contribution in the field of foreign policy.

Thus, this is an area which is of common interest to more than one committee of Congress. In closing, let me offer my congratulations to the House Banking and Currency Committee for their action in reporting out this bill.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of H.R. 18306.

Mr. Chairman, today this Congress is being called upon to pass legislation, which along with provisions for other international financial institutions, proposes a $100 million contribution to the soft-lending window of the Asian Development Bank, known as special funds.

The Asian Bank is the most promising new regional institution to appear in Asia in many years. Dedicated to concrete objectives, it has gone about the business of organizing itself and developed its lending program in a sensible and workmanlike way. In a landscape littered with organizations that spend most of their time talking, it stands out as an entity which operates effectively.

It also strikes me as an organization which reflects the present-day situation in which the United States no longer has the resources to take the commanding lead as we have in the past. In a capi-

talization of a billion dollars, we have only a fifth, the same as the Japanese. Western Europe, Canada, and Australia have almost a third. This time these countries have faced up to the responsibilities that their new wealth is giving them and have contributed their proper share. Japan especially is now beginning to take on the role that its situation as one of the fastest growing economies on earth gives it.

The Bank opened its doors late in 1966. By early 1968, it had made its first loan. In 1968, it lent almost $100 million and this year it looks as if it will make commitments for a much higher level of lending. Most of these credits have come from the ordinary capital of the Bank on fairly hard terms—the current rate of interest is 7½ percent. The Bank has patterned itself on the World Bank where the bulk of the funds for hard lending come from bond issues guaranteed by its members. It has already sold bonds in Germany and Austria.

But just as the World Bank and the Inter-American Bank have discovered, not all the countries having worthwhile projects can accept hard terms. The International Development Association was attached to the World Bank and the Fund for Special Operations to the Inter-American Bank to make softer loans.

In the Asian Bank, the soft-loan window is called special funds. Other donor countries have already taken the lead in making contributions. Japan has offered $100 million and Canada, Britain, Australia, the Netherlands, and Denmark, together are now contributing another $60 million.

The Bank has proven itself as an effective institution. Other donors have shown their willingness to make their fair shares available. We should join with them.

(Mr. BROWN of Michigan (at the request of Mr. WIDNALL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Michigan. I am deeply impressed, Mr. Chairman, by the way in which the Inter-American Development Bank has, in less than 10 years of operation, become one of the most respected and important financial institutions concerned with economic development. I am deeply gratified at the major accomplishments of its lending policies and programs.

The United States has always viewed the Latin American region as one of immense importance and we have through the Inter-American Development Bank, as well as the Social Progress Trust Fund, which is administered by the Bank, and the Alliance for Progress, invested a great deal of time and money in the economic and social development of the region. I believe the accomplishments already achieved, and certain significant steps to be taken in connection with the currently proposed increase in the Bank's resources, demonstrate that the investment has been and will continue to be a very wise and productive one.

Bank loans already extended will improve, or bring into production for the first time, over 6 million acres of land, build or expand 4,038 private industrial enterprises, construct or improve over 20,000 miles of highways and roads, provide over 6 million kilowatts of electric power generating facilities, build or expand over 3,000 city and rural water systems and sewage systems, modernize, expand or improve 94 universities and 465 technical institutes and vocational schools, to mention some of the most significant development prospects.

Although much still needs to be done if our Latin American neighbors are to achieve higher and more stable rates of growth, reduce high rates of unemployment and underemployment, and reduce high rates of population growth, there are well grounded reasons to believe that a higher and more stable rate of growth should be attainable during the 1970's. First, the process of planning and programing development in the Latin American countries is reaching higher levels of efficiency through institutional improvements, the adoption of more adequate development policies, and, above all, a higher priority by governments to the problems and objectives of development. Second, a higher priority is being given by the private sector to industrial production for export, rather than import substitution, which is in turn accelerated by a third factor, progress toward regional integration. Wider markets and economies of scale should result in a much more efficient use of capital resources invested in the region.

The Inter-American Development Bank plays a central role in this process; not only is it the principal vehicle of channeling external assistance needed to fund a growing stock of investment projects, in the Latin American countries, but is also one of the primary instruments in achieving better development policies and programs, and better allocation of the resources and energies of these developing countries, which have significantly improved their capacity for development.

It is extremely important that we give our full support to continued efforts by the Bank in this direction.

Moreover, the Bank has committed itself to even greater involvement in the stimulus of regional cooperation and administrative reforms in Latin American countries. The policy initiatives which were approved at the recent annual meeting of the Board of Governors provides several examples of which I mean.

First, the Bank's governors endorsed a strengthened statement regarding the importance of sound national economic policies and satisfactory overall economic performance as factors in determining the character and amount of Bank assistance.

Second, the Latin countries have endorsed a policy statement giving the least developed countries of the region a first priority claim on resources of the Fund for Special Operations.

Third, two more countries, Chile and Colombia, have agreed, along with Argentina, Brazil, Mexico, and Venezuela, to make up to half their contributions to the Fund for Special Operations available for lending to other countries.

Fourth, to further emphasize their commitment to more rigorous standards of mutual self-help, the Latin American members have agreed to a further increase in their relative share of the contributions to the Bank's FSO resources, and to repayments of loans made from the new FSO resources in the currencies lent, instead of in local currencies.

Thus, the Latin American countries, with the guidance and encouragement of the IDB have resolved to put increased effort and provide more of their own resources in developing the region. This trend is very encouraging; for example, the Latin American members have increased their relative share in each succeeding replenishment of the Fund for Special Operations. In the process, the U.S. share has been reduced from 5:1 in 1964, to 3:1 in 1967, and in the current replenishment proposal, to 2:1.

In addition, a committee of the board of governors is currently studying the possibility of removing certain legal bars to the admission of additional developed nonmember countries, which would further spread the financial burden while providing additional funds needed to accelerate regional development.

The Inter-American Development Bank has come a long way in a very short time. It is probably the single most important factor in shifting the focus in Latin American economic and social development back to the individual developing countries. That is where the primary responsibility lies; and it is only through initiatives and cooperative efforts on the part of the Latins themselves, that they can truly accomplish their development goals.

For these reasons, I strongly urge passage of H.R. 18306, containing authority for participation by the United States in its share of the proposed increase in resources of the Inter-American Development Bank.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Chairman, I rise in opposition to the bill.

Since we are engaged in a protracted conflict with communism and its program of subversion, terrorism, revolution and military aggression all over the world, including a full-scale war in Vietnam, it is intolerable that we should turn over billions of dollars of our financial assets to international monetary agencies which in turn make it available to our enemies. This is every bit as objectionable as direct foreign aid to them.

In light of the impending Communist take-over in Chile, the House should take particular note of the report which appeared in the Wall Street Journal of September 11 on the World Bank's business-as-usual attitude toward this disasterous prospect.

> The World Bank says Allende's victory won't alter its lending policies for Chile. Officials note that socialist Yugoslavia is one of the bank's best customers.

If Chile's would-be Communist dictator and Tito's Yugoslavia are to be among the World Bank's best customers, we should stop patronizing it altogether. There can be no justification for making our capital available to those who are committed to our destruction.

Mr. RARICK. Mr. Chairman, this bill

H.R. 18306 calls for a scandalous international boondoggle of U.S. taxpayers' dollars. Not just for one, but for four international banks. Over a billion dollars down the drain at a single throw.

One wonders when the working people of America are going to tire of having their substance drained off so that a bunch of international bankers can play Santa clause around the world. Small wonder that American prestige and confidence continue to slip the world over. How could any foreigner have respect for a country or people who continue to get hoodwinked into falling for such a Pandora's box?

If this bill is passed into law, the people's tax money will continue to subsidize world revolution—conveniently labeled progress and overcoming obsolete existing institutions—as we behold a new one-world intellectual aristocracy, promoted into power and spheres of influence because they have been chosen as cooperative by the international banking cartel.

In fact, from the pleading in the debates here, the new world citizens, the international banker, and his employees are immune from taxation on the premise that they are entitled to diplomatic immunity like the citizens of a sovereign nation. A new breed of international untouchables—self-governing, self-disciplining, and deciding what is best for the American people as they dole out our money. This must be what is meant by the third world government—an invisible government that exists in the banking circles only so long as the American taxpayers dollars hold out.

There have been many efforts to justify this outlandish outlay but none of the usual opponents of the military-industrial complex—the ABM, the South Vietnam military budget, or even the payment limitations on the Nation's wealthy farmers have protested this massive payoff to the international bankers nor explained how it can benefit the average American citizen. No one has dared to mention where under the U.S. Constitution authority is found to tax the productive American to give to an international body to subsidize world socialism? Such authority may exist under the United Nations Charter or some other international organ such as the Bretton Woods Agreement, but it is nonexistent, even by a Supreme Court interpretation, under the Constitution of the United States.

In my district, the term "international banker" is a dishonorable term—and "four international banking organizations" would be scandalous. My constituents sent me here to represent them under my oath to support the Constitution of the United States. I intend to cast their vote in their best interest by rejecting H.R. 18306, which would authorize U.S. increased participation in the International Monetary Fund by $1,540 million, the World Bank by $246.1 million, the Asian Development Bank by $100 million, and the Inter-American Development Bank by $673.5 million.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. The Clerk will read the bill, according to the rule, by chapter.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Chapter 1.—AMENDMENT OF ASIAN DEVELOPMENT BANK ACT

Sec.
1. Amendment of Asian Development Bank Act.

§ 1. Amendment of Asian Development Bank Act

The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Fund Rules and Regulations.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

"SEC. 15. The United States Special Resources shall be provided to the Bank in the form of a nonnegotiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the first section down to page 5, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, does the gentleman mean the first section or the first chapter?

Mr. PATMAN. The first chapter. Chapter 2 commences at line 8, page 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to see if I can get on the record what this bill really means in terms of a commitment on the part of the United States.

I have before me a letter from the distinguished ranking minority member of the committee (Mr. WIDNALL) in which he says:

This legislation includes authorization requests for four international financial institutions—the International Monetary Fund, the World Bank, the Asian Development Bank, and the Inter-American Development Bank. The largest single item—$1,540,000,000—is to increase the United States quota in the International Monetary Fund. Subscriptions to the three development banks are also proposed in the amount of $246,100,000 to the World Bank—

I assume that is in addition to the $1,540,000,000—

$100 million to the Special Funds of the Asian Development Bank—

I assume that also is in addition to the $1,540,000,000—

and $1,820,000,000 to the Inter-American Development Bank.

I assume that too, is in addition to the $1,540,000,000.

If this is correct, we have a commitment before us in this bill of $3,709,000,000 or approximately that amount. Am I correct, or are the figures something else?

Mr. WIDNALL. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. WIDNALL. You are correct.

Mr. GROSS. So it is $3,709,000,000 at a time when we have not the slightest idea of how we can avoid national bankruptcy. We know that inflation has not been stopped; and we know we are headed for a financial crisis in this country unless someone gets hold of the rudder and steers a radically different course.

Mr. ANDREWS of Alabama. Mr. Chairman, would the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I would like to ask the gentleman from Iowa if he considers this another form of foreign aid?

Mr. GROSS. I beg the gentleman's pardon—do I consider it what?

Mr. ANDREWS of Alabama. That the gentleman considers this another form of foreign aid?

Mr. GROSS. Of course it is another form of foreign aid—it cannot be anything else but foreign aid wearing a different kimono.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I am sure the gentleman from Iowa recalls that when we had the foreign aid appropriation bill on the floor of the House that the committee report showed that since 1946 this country has spent $199 billion in foreign aid?

Mr. GROSS. That is right.

Mr. ANDREWS of Alabama. Now, this amount would put it above $200 billion?

Mr. GROSS. Yes; that is right. Far above $200 billion.

Mr. ANDREWS of Alabama. And that is more than half the national debt of $400 billion.

Mr. GROSS. As far as I am concerned, the gentleman could not be more right.

Then the gentleman from New Jersey (Mr. WIDNALL) goes on to say, in his letter:

It is important to stress that H.R. 18306 is fully consistent with the President's program of fiscal restraint.

Well, I apparently do not know anything about restraint. If this is fiscal restraint, I wish somebody would tell me the meaning of the word restraint.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I wish the gentleman would read the balance of that paragraph in which I explain the statement that I made as to fiscal restraint.

Mr. GROSS. I will let the gentleman from New Jersey put it in the RECORD on his own time. It does not change what the gentleman said, and I quote him once more:

It is important to stress that H.R. 18306 is fully consistent with the President's program of fiscal restraint.

I do not know what the gentleman can make out of that by any other application he may elect here this afternoon.

Mr. WIDNALL. Mr. Chairman, I ask unanimous consent that I may be permitted to insert in the RECORD a copy of my letter.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1970.

DEAR COLLEAGUE: H.R. 18306, the International Financial Institutions bill, is scheduled to be debated on the House floor on Monday, September 14th. This legislation was proposed by President Nixon and is an essential part of his legislative program.

This legislation includes authorization requests for four international financial institutions—the International Monetary Fund, the World Bank, the Asian Development Bank, and the Inter-American Development Bank. The largest single item—$1,540 million—is to increase the United States quota in the International Monetary Fund. Subscriptions to the three development banks are also proposed in the amount of $246.1 million to the World Bank, $100 million to the Special Funds of the Asian Development Bank, and $1.82 billion to the Inter-American Development Bank, of which $1 billion is for that bank's Fund for Special Operations and $823 million is for an increase in its capital subscriptions.

It is important to stress that H.R. 18306 is fully consistent with the President's program of fiscal restraint. First, the proposed IMF quota increase is a monetary transaction and does not involve a budgetary expenditure. Second, of the total subscriptions, $895 million is a contingent liability in the form of callable or "guarantee" capital subscriptions to the World Bank ($221.5 million) and the Inter-American Development Bank ($673.5 million), which is not expected to result in any expenditure. Third, the appropriations authorized by H.R. 18306 are to be spread out over a period of three years (FY 71–73), and actual cash outlays will be spread out over a considerably longer period, since the bulk of the appropriated payments will be made initially by letters of credit which will be drawn upon only as funds are needed for development projects. Estimated cash outlays under the bill for fiscal years 1971, 1972, and 1973 are $35 million, $70 million, and $155 million respectively. Additional material is enclosed which further explains the provisions of the bill.

As a member of the Banking and Currency Committee I have followed closely our participation in these institutions. I know the excellent work they have done and the opportunity they present for fairly sharing the burdens of providing development assistance. The detailed hearings that were held on H.R. 18306 have assured me that the proposed new commitments are vitally necessary for the institutions to continue their successful programs. I am convinced that these contributions will be carefully and efficiently used to promote our national objectives.

This is a good bill. I strongly urge all my colleagues to give it their support.

Sincerely yours,

WILLIAM B. WIDNALL.

H.R. 18306—FACT SHEET

1. *H.R. 18306*—This bill combines authorization requests for four multilateral financial institutions: a quota increase in the International Monetary Fund, and contributions to three development banks—World Bank*, Asian Development Bank, and Inter-American Development Bank. The obligations involved are distinctly different, part is a monetary transaction, part is guarantee capital, and part will result in expenditures over a period of years.

2. *International Monetary Fund Quota Increase*—The largest single item—$1,540 million—is to increase the U.S. quota in the International Monetary Fund. *It is a monetary transaction which does not involve budgetary expenditure.* If the U.S. quota is not increased, our international leadership will be seriously impaired and our future share of allocations of Special Drawing Rights will be reduced, beginning with a $130 million loss in 1971. Other countries will be increasing their quotas by $6.1 billion.

3. *Contribution to Development Banks*—New commitments are proposed of $246.1 million to the World Bank, $100 million to the Asian Development Bank special funds and $1.82 billion to the Inter-American Development Bank of which $1 billion is for the Fund for Special Operations and $823 million is for an increase in Ordinary Capital subscriptions. Of these subscriptions, *$895 million takes the form of increases in callable capital subscriptions to the World Bank and the Inter-American Development Bank which are not expected to result in any expenditure.*

(A) *Budgetary Impact*—The appropriations authorized by H.R. 18306 for the development banks will be spread out over a period of three years (FY 71–73). Actual cash outlays will be spread out over a considerably longer period since the bulk of the appropriated payments will be made initially by letters of credit which will be drawn upon only as funds are needed for development projects. *Estimated cash outlays under the bill for fiscal years 1971, 1972 and 1973 are $35 million, $70 million, and $155 million respectively.*

(B) *Contributions by Others*—Other countries will be committing over $3.7 billion to the World Bank, Asian Development Bank, and Inter-American Development Bank. In the Inter-American Development Bank replenishment the Latin American countries will contribute $1.6 billion, in the World Bank other members will subscribe $2 billion and in the Asian Development Bank $159 million has already been pledged by other contributors.

(C) *Reasons for U.S. Contributions*—It is now time to capitalize on the advantages—burden sharing, impartial expertise, high standards of economic performance—and the expanded capabilities of these institutions.

Asian Development Bank—In its first three years in operation the Asian Development Bank has shown itself to be a soundly conceived and well run regional development institution. The Bank has given clear evidence that it can formulate and execute programs efficiently to promote the development of the countries of the region. Delay on the part of the United States would be interpreted as lack of the support for the Bank and could result in a serious setback for the Bank's operations at a time when it is gathering momentum and demonstrating its ability to play a key role in the development of Asia.

Inter-American Development Bank—The Inter-American Development Bank has established itself as a primary instrument for helping hemisphere nations to achieve their economic and social development objectives. Approval of a new replenishment of both Ordinary Capital and Fund for Special Operations resources of the Bank is necessary in order to continue its leading role and to provide for the increased need for development financing.

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*International Bank for Reconstruction and Development.

World Bank—The United States has strongly supported the policy of parallel action by member countries on special increases in the two Bretton Woods institutions. Since it is now for the first time proposed that the United States accept a special increase in its Fund quota, it is appropriate that we continue our support of this policy by taking a special increase in our subscription to the Bank. U.S. legislation is needed to bring this subscription increase into effect and to allow other countries to subscribe over $2.0 billion in new resources.

REDUCTION IN U.S. SHARES IN CONTRIBUTIONS TO THE MULTILATERAL DEVELOPMENT LENDING INSTITUTIONS

The percentage of U.S. participation in the development lending institutions over the years has been declining because of an increasing ability on the part of other nations to share the development burden. Below are set forth some figures illustrating this trend.

WORLD BANK (IRBD)

In 1945 the U.S. subscribed to almost 35% of the original authorized capital of the World Bank. The present U.S. subscription is 27.53% and will decline to 26.04% if the pending increases in the resources of the Bank become effective.

INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA)

The initial U.S. subscription to IDA in 1960 was $320,290,000 or 43.12% of the total contributed by industrialized countries. The U.S. percentage of the first replenishment in 1964 declined to 41.6%. Our share of the second replenishment in 1969 was 40%. While the U.S. percentage share declined, the total amounts involved increased so that in the second replenishment other nations pledged $720 million as compared to the U.S. pledge of $480 million.

INTER-AMERICAN DEVELOPMENT BANK (IDB)

Ordinary Capital: The U.S. share of Ordinary Capital in the IDB has remained relatively constant, declining from an initial 43% to the present 42.4%. There has been a substantial decline, however, in the U.S. share of contributions to the soft loan facilities of the IDB.

Soft Loan Facilities—Funds for Special Operations—Social Progress Trust Fund: Taking the resources of the FSO and the SPTF together the ratio of initial U.S. participation to Latin American participation was 11 to 1. In 1964 the ratio was reduced to 8 to 1, in 1965 to 5 to 1, and in 1967 to 3 to 1. Under the pending bill this ratio would be further reduced to 2 to 1.

ASIAN DEVELOPMENT BANK (ADB)

The authorized capital of the Asian Development Bank is $1.1 billion. Of this amount $978 million has been subscribed. The U.S. subscription of $200 million represents 20.45% of the total and is matched by that of Japan.

CALLABLE CAPITAL IN THE DEVELOPMENT LENDING INSTITUTIONS

The World Bank, Inter-American Development Bank, and Asian Development Bank all have as part of their capital structure callable capital. Subscriptions to callable capital represent contingent liabilities which can be called only to meet the banks' debt obligations and will not represent budgetary outlays except in the event of a call. The likelihood of calls by any of these institutions is remote. The banks use this callable capital as a guarantee for borrowings in the world's capital markets to obtain funds for development lending. These borrowings mobilize private capital in the development effort and have reduced the need for governmental aid contributions.

For each of the three institutions the amounts of callable capital and borrowing outstanding are as follows:

WORLD BANK

U.S. callable capital: $5,715 million

Other nations' callable capital: $15,044 million

Gross borrowings as of June 30, 1969: $7,574.8 million

Borrowings outstanding as of June 30, 1969: $4,081 million

INTER-AMERICAN DEVELOPMENT BANK

U.S. callable capital: $817.6 million

Other nations' callable capital: $1,076.2 million

Gross borrowings as of December 31, 1969: $881.6 million

Borrowings outstanding as of December 31, 1969: $767.4 million

ASIAN DEVELOPMENT BANK

U.S. callable capital: $100 million

Other nations' callable capital: $389 million

Borrowings as of April 1, 1970: $20 million

Financial commitments provided by H.R. 18306

[In millions]

Contingent liability in form of callable "guarantee" capital:	
World Bank	$221.49
Inter-American Development Bank	673.52
Total	895.01
Proposed expenditures:	
World Bank	$24.61
Asian Development Bank	100.00
Inter-American Development ordinary capital	150.00
Fund for special operations	1,000.00
Total	1,274.61
Monetary transactions: International Monetary Fund	1,540.00

ESTIMATED BUDGET IMPACT

The above commitments are estimated to result in a budget impact over the next three fiscal years as follows:

	Fiscal year—		
	1971	1972	1973
Asian Development Bank	10	20	30
World Bank	25	0	0
Inter-American Development Bank	0	48	125
International Monetary Fund	0	0	0

World Bank—One installment of $246.1 million in FY 1971.

Inter-American Development Bank-Ordinary Capital: Callable—two installments of $336.7 million in FY 1971 and FY 1973. Paid in—three installments of $50 million in FY 1971, 1972 and 1973.

Inter-American Development Bank-Fund for Special Operations—one installment of $100 million in FY 1971 and two installments of $450 million in FY 1972 and 1973.

Asian Development Bank—two installments of $25 million and $35 million in FY 1971 and one of $40 million in FY 1972.

International Monetary Fund—one installment of $1,540 million in FY 1971.

FINANCIAL COMMITMENTS PROVIDED FOR BY H.R. 18306

[In millions of dollars]

	Contingent liability in form of callable guarantee capital	Proposed year expenditure	Estimated budget impact			Appropriations		
			Fiscal year 1971	Fiscal year 1972	Fiscal year 1973	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
World Bank	[1] 21.49	24.61	24.61			246.1		
Inter-American Development Bank:								
Callable capital	[1] 673.52					336.7		336.7
Paid-in capital		150.00		15	30	50.0	50	50.0
Fund for special operations		1,000.00		33	95	100.0	450	450.0
Asian Development Bank		100.00	10.00	20	30	60.0	40	
International Monetary Fund						[2] 1,540.0		
Total	[1] 895.40	1,274.61						

[1] Does not involve a budgetary outlay except in unlikely event of call.
[2] Represents a monetary transaction only. No budgetary outlay involved.

Mr. GROSS. Mr. Chairman, this legislation comes up today, as I said before, in a manner that is most intriguing. I wonder why?

Can it be that the Secretary of the Treasury is on his way, or will soon be on a junket to Copenhagen for a meeting of the international Bankers, and he insisted that at least one body of the Congress give approval to this legislation before he went over so he would be equipped with $3,709,000,000 of the U.S. taxpayers' money in order to demonstrate the good faith of the people of the United States. Is this what this is all about?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I will yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. PATMAN, and by unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. PATMAN. I would like to state that the hearings on this bill were completed in July and that it passed the bill by practically a unanimous vote. An application was made for a rule, and a rule was granted at least 4 or 5 or 6 weeks ago, and we have been ready ever since. It is not a matter of coincidence; it is a matter of not being able to get clearance through the leadership—and the leadership has had problems also, they had matters that they felt were more important and more urgent at the time, but they got to this matter just as soon as they could get to it. It just happened that we got to it today. There was no coincidence as far as the President's letter was concerned. Everybody knew he was for the bill.

Mr. GROSS. The gentleman is operating on my time. Let me say to the gentle-

man that, whether by coincidence or not, the fact is that the House is going to vote one way or another today. I hope it will vote this latest raid down—but it is going to vote today on this proposition. And if it is approved the Secretary of the Treasury will be equipped, will he not, with the approval of one House of the Congress to dish out $3,709,000,000 of the overburdened taxpayers' money of this country?

He will be able to go over and say to the bankers assembled in Copenhagen or wherever this deal is to be held, that he has at least partial approval of this kind of a handout of the taxpayers' money.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. It was certainly not withheld for the purpose of passing it or bringing it up just before the International Monetary Conference in Copenhagen. There was no such intent at all. We wanted to bring the bill up 6 weeks ago. We would have been glad to bring it up, but the program was such that we could not. There was a recess coming up.

Mr. GROSS. Does the gentleman think that we should equip the Secretary of the Treasury or anyone else with $3,709,000,000 when he goes on a junket to Europe to demonstrate the good faith of the American people?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. I do not think it has as serious a connection or as important a connection as the gentleman outlines here at all. It is just a matter of being for the bill or against the bill. The gentleman is against it and I am for it. The President is for it. I happen to be for it and other Members are against it and for the bill. Let every Member express his own wishes and vote his own independent judgment. That is all we expect.

Mr. GROSS. If we pass legislation of this kind then we might as well forget from here on out any thought of stopping inflation in this country. We might as well forget all about inflation, interest rates, and all the rest because we are down the drain financially speaking.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Of course, what the shouting is all about is the fact that they are going to sit down in conference and are going to create more stock in the Bank and the Fund budget. As I understand the Bretton Woods agreement, the only way they can create more stock or vote, by a representative of a U.S. designee or representative, both for the creation of more stock in either one of the funds, is if the stock is increased without any further increase in the subscription of the United States of America.

If the United States of America does not subscribe for more participation, they can increase all the stock they want. But if we are going to pay and be involved in an increase in our subscription, then our representative must and cannot vote under the law unless we are absolved from any further increase in subscription. The purpose of the $1 billion is to do exactly that.

Mr. GROSS. We ought to be getting out of these commitments. We ought to be cutting them down instead of enlarging them. We have no business increasing them around the world as this bill does. We do not have that kind of money available and we are in deep trouble.

Mr. DENT. I did not, as you well know, and I suppose most of you had, in the first couple of years. I do not know how I made the mistake afterward. But I voted in favor of this legislation after the first couple of years that I was a member. But, in the face of the present situation in this country and in the face of the very serious situation in this country, much more serious than most of the Members of the Congress, I believe, honestly have any idea of what it is, because we are able so far with the props built into our economic system such as social security and unemployment and adjustment assistance and many of the other State laws that have been passed, in helping people—we do not quite understand what has happened to us. We are fast becoming a colony. A colony to all of the world in that we are providing the raw materials and we are providing the know-how and we are providing the money—and they are providing the products. We cannot exist without the providing of the products.

Mr. GROSS. I disagree with my friend, the gentleman from Pennsylvania, only mildly in the use of words. He said, "props" when he should have said "crutches."

Mr. DENT. They are turning into crutches. They were intended as props against American economic weaknesses and not international economic weaknesses. When we use them now they are no longer props, but they are exactly what you said they are—they are crutches.

Mr. GROSS. I thank the gentleman for his comments and I conclude by saying that if there is any fiscal responsibility left this bill should be defeated.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chapter 2.—INTERNATIONAL MONETARY FUND

Sec.
21. Amendment of Bretton Woods Agreement Act.
22. Amendment of Special Drawing Rights Act.

§ 21. Amendment of Bretton Woods Agreements Act

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

"SEC. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

§ 22. Amendment of Special Drawing Rights Act

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that chapter 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to chapter 2? If not, the Clerk will read.

The Clerk read as follows:

Chapter 3.—INTER-AMERICAN DEVELOPMENT BANK

Sec.
31. Amendment of Inter-American Development Bank Act.

§ 31. Amendment of Inter-American Development Bank Act

The Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one annual installment of $100,000,000 and two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that chapter 3 be considered as read,

printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 22, insert "(a)" before "The."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, after line 5, insert the following:

"(b) The first sentence of section 3(b) of the Inter-American Development Bank Act (22 U.S.C. 283a(b)) is amended by inserting immediately before the period at the end thereof the following: 'and an alternate Executive Director'."

The committee amendment was agreed to.

The CHAIRMAN. Are there any further amendments to chapter 3? If not, the Clerk will read.

The Clerk read as follows:

Chapter 4.—AUDIT OF EXCHANGE STABILIZATION

Sec.
41. Annual report.
42. Audit by General Accounting Office.

§ 41. Annual report

The last sentence of section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read: "The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress."

§ 42. Audit by the General Accounting Office

Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking out "not be subject to review by any other officer of the United States." and inserting in lieu thereof the following: "conclusive upon all officers of the Government; except that the fund shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Except for information determined by the Secretary of the Treasury to be of an internationally significant nature, there shall be furnished to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of the Exchange Stabilization Fund as he may from time to time require; and the Comptroller General or any of his representatives shall, for the purpose of securing this information, have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the United States Government (other than records, reports, files, or other papers containing information determined by the Secretary of the Treasury to be of an internationally significant nature) that pertain to the operations and financial transactions of the fund and are necessary to facilitate the audit.".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that chapter 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, the question occurred to me—and I was negligent in not asking the gentleman when I had the floor a few moments ago—what is the salary of Robert Strange McNamara as Chairman or President of the World Bank?

Mr. PATMAN. It can be ascertained, but I do not have it right now. It is a good salary, I hope.

Mr. GROSS. A good salary?

Mr. PATMAN. Yes; because it is for a good cause.

Mr. GROSS. Fifty or sixty thousand dollars a year?

Mr. PATMAN. I do not know, but it is easily ascertainable.

Mr. GROSS. Would it be tax exempt or tax free?

Mr. PATMAN. I do not think any of the salaries of people working for international organizations are taxed by any country, and it would certainly be unfair to tax ours. We have gone into that question a number of times.

Mr. GROSS. So the answer is that he gets an unstated salary, as far as the gentleman is concerned, say, $50,000 or $60,000 a year, tax free; is that correct?

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. REUSS. That salary is not tax free. It is subject to the U.S. income tax.

Mr. GROSS. Is the gentleman saying he pays a tax and is then reimbursed by World Bank funds for the tax. Is that what the gentleman from Wisconsin is saying?

Mr. REUSS. No; that is not what the gentleman from Wisconsin is saying. What the gentleman from Wisconsin is saying is that the President of the World Bank, Mr. McNamara, pays the United States an income tax just as you and I do.

Mr. GROSS. Reimbursement is the way they handle it in some of these international organizations.

Now, I would like to come back to the gentleman from Texas (Mr. PATMAN). In the gentleman's opinion is Mr. McNamara doing a better job than he did as Secretary of Defense?

Mr. PATMAN. I am not passing on that.

Mr. GROSS. The gentleman from Texas said McNamara was doing a good job. I was wondering if it was a better job than he did as Secretary of Defense, because he did a terrible job as Secretary of Defense, in my opinion.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I think it would be interesting to clear up two points. One is whether these people do or do not pay taxes. We have been told two different things here today.

Mr. REUSS. Mr. Chairman, if the gentleman will yield, the employees of the World Bank, the Inter-American Development Bank, the Asian Bank, and the International Monetary Fund—the U.S. employees do pay U.S. income taxes. There was some ambiguity in the record, but I am informed they do pay U.S. income taxes.

Mr. HAYS. Has the gentleman been informed of this?

Mr. REUSS. I have been informed of this by the Assistant General Counsel of the Inter-American Development Bank.

Mr. GROSS. Mr. Chairman, are they reimbursed out of the various funds?

Mr. REUSS. They are not reimbursed out of the various funds. However, their salaries are computed with the idea that they are paying a U.S. income tax, just as everybody else's salaries are computed with that amount in mind.

Mr. GROSS. I do not agree with that at all—that the salaries of other Federal employees make a specific allowance for Federal income taxes in their computation.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I have been able to get this answer, which I trust is a correct one. Could the gentleman from Texas tell us the salary of the Japanese gentleman who heads up the Asian Development Bank?

Mr. REUSS. If the gentleman will yield, I will endeavor to find that out very quickly and tell the gentleman.

Mr. HAYS. I should have thought that was something the gentleman would have on hand, when he is asking the Congress to vote a billion and a half dollars, when we cannot afford to clear up the air, and when we cannot afford to clean up the streams, and when we cannot afford more money for schools and education. That will be very interesting.

Mr. REUSS. Mr. Chairman, if the gentleman will excuse me, I will find out.

Mr. HAYS. If the gentleman will do that while I am still talking, I think if I may say so, it would be a very interesting list, and I am sure somebody will compile it, of the people who voted to sustain the vetoes for domestic programs the other day, who are now turning around, on the very next substantive vote we have after the recess, and voting to spend a billion and a half to allow Mr. Watanabe to hand out loans to his clients for the benefit of Japanese industry, because I have it on good authority that no one gets a loan, as I said earlier—and maybe we ought to have a quorum call, so all Members would know about it—from the Asian Development Bank unless it is going to help Japan directly or indirectly.

I have been as internationally minded as anybody else in this House for many, many years, but I think if we are so short of money that we cannot afford to educate our children for fear of unbalancing the budget, then we cannot afford to put any more money into the pot this year. We have a great deal in, and if this is such a bad year, maybe this is the wrong year to bring up this bill.

Mr. PATMAN. The question that is

raised has been raised for 10 years. Every time these agencies have had a bill before this House, the same question comes up, and it is not really so germane now.

Mr. HAYS. It is pretty germane, because we just had the two vetos. The gentleman remembers that, does he not?

Mr. PATMAN. I remember that. I voted to override both of them.

Mr. HAYS. So did I, and the gentleman remembers the reasons for them. Maybe the timing of the gentleman is bad, Mr. Chairman, and maybe the President's timing is bad.

Mr. PATMAN. We have different reasons.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, further reserving the right to object, I see the gentleman from Wisconsin has returned. I hope the little 2- or 3-minute filibuster was ample.

Mr. HAYS. Mr. Chairman, I would ask the gentleman, please do not call that a filibuster, because those sentiments came from my heart. I was really making a speech that I hoped would change a vote or two.

Mr. GROSS. Filibuster sentiments can come from the heart.

Mr. HAYS. I am glad to hear that, because I thought in filibusters they just said anything to take up time.

Mr. GROSS. Mr. Chairman, I wonder if the gentleman from Wisconsin got the information I sought a few minutes ago?

Mr. REUSS. I did the best I could. I have part of the answer. By the time I am through perhaps I will have the full answer.

The salary of Mr. Herrera, President of the Inter-American Development Bank, is $35,000 with a $10,000 expense account. I will let the gentleman know about Mr. McNamara and Mr. Schweitzer.

Mr. GROSS. Is that $10,000 spent on his own accounting? I assume it is.

Mr. REUSS. My guess is it would be about like our $3,000 stay in Washington, the congressional income tax deduction, an affidavit. It is probably about the same.

Mr. GROSS. Let me ask the gentleman a question. He said that the salaries were paid with a view to covering the Federal income tax, the salaries paid to the officials.

Mr. REUSS. That is my understanding.

Mr. GROSS. Would salaries be paid, for instance, to officials of the International Monetary Fund, with a view to covering the dues and green fees to the so-called Bretton Woods Country Club?

Mr. REUSS. No, I should not think so.

Mr. GROSS. The gentleman would not think that?

Mr. REUSS. No, any more than the salary of a corporate president is paid with a view to covering whatever he may want to do in his spare time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Since we are talking about this country club again, do Members know what occurred to me, what was suggested to me by I will not say whom? It is that the diplomats in this country from other countries who come from, to use the words of the gentleman from Wisconsin, a great polyglot of nations, do not have their own private country club, and seem to get along pretty well. What makes these employees of the bank so special that the taxpayers of the United States have to finance a country club for them? Can anybody answer that question?

Mr. GROSS. I am waiting for an answer.

Mr. REUSS. While the gentleman is waiting, another good question which I believe needs to be asked is: Why should the proprietor of the Bretton Woods Country Club have singled out golf players? There may be employees and officers who like to play tennis. There may be those who like to go hiking.

Mr. GROSS. They have tennis courts and swimming pools.

Mr. REUSS. I believe there is a serious question as to the provision of those facilities. I believe they might have done a fairer job if they had taken care of those who for discriminatory reasons were not enabled to get into a Washington club. I believe they could have arrived at it in some better way.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman talks about discriminatory reasons. Can I get in the Bretton Woods Country Club, or is it just for employees?

Mr. REUSS. Knowing the gentleman's persuasive nature, I would not be surprised if he could.

Mr. HAYS. Then can you get into it?

Mr. REUSS. No.

Mr. HAYS. That answers the question. In other words, it is a discriminatory organization itself.

Mr. GROSS. Segregated.

Mr. HAYS. Only employees of the bank can get in it, I imagine; is that right?

Mr. REUSS. Bretton Woods is under the control of the Fund. I understand they let employees of the Bank in, so it is discriminatory except for banking.

Mr. HAYS. All right; so we finance it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 19, strike the word "the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chapter 5.—ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL

§ 51. Annual report

The National Advisory Council on International Monetary and Financial Policy shall include in its annual report to the Congress (1) a statement with respect to each loan approved by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, the position taken by the United States representative, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that chapter 5 be considered as read, printed in the RECORD, and open to amendment at any point. That is the remainder of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: At the end of the bill add the following:

"Chapter 5.—EMPLOYEE BENEFITS FOR UNITED STATES REPRESENTATIVES

"§ 52. Employee benefits

"Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, shall, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employee benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, accounting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from the fund established pursuant to section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)). This section shall be effective as of December 14, 1966."

Mr. REUSS. Mr. Chairman, I rise in support of the amendment.

This amendment is a simple technical amendment. It is requested by the Under Secretary of the Treasury, Hon. Charls E. Walker. It is acceptable, I believe, to Members on both sides of the aisle.

What it does is to take the three U.S. executive directors of the International Monetary Fund, the Inter-American Development Bank, and the Asian Development Bank, respectively, and correct a legislative omission in the civil service retirement laws which, as they are presently written, do not entitle these three members to civil service retirement protection. They are in effect Treasury employees. They are subject to the direction of the Secretary of the Treasury of the United States. It is unfair that they should not have the rights of other civil service employees.

Mr. Chairman, I would hope that this amendment would be adopted.

I may say, for the benefit of the gen-

tleman from Iowa and the gentleman from Ohio, that I have now received another bulletin. The salary of Mr. McNamara of the International Bank for Reconstruction and Development is $50,000.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. Yes. I am glad to yield to the gentleman.

Mr. KAZEN. Would the gentleman tell me whether or not the other employees or the employees from other countries have any employee benefits?

Mr. REUSS. They have in each country their own retirement program.

Mr. KAZEN. As an organization in and of itself as a bank, does it have any employee benefits?

Mr. REUSS. Oh, yes. The bank itself has a retirement program for its international civil service.

Perhaps I did not make it clear. This amendment of mine does not apply to the international employees of the World Bank, the International Monetary Fund, or the Asian Development Bank but applies to the U.S. executive directors who work for us; that is, for you and for me, and not for the international institutions.

Mr. KAZEN. These directors do not have any employee benefits from the organizations they belong to?

Mr. REUSS. That is correct, because they do not belong to these organizations but belong to the United States just as the Secretary of the Treasury does.

Mr. KAZEN. The thrust of my question was are we giving them additional benefits here?

Mr. REUSS. The answer is unequivocally no. The benefits they will get under this amendment will be their exclusive retirement benefits.

Mr. KAZEN. In other words, they get no benefits by virtue of their positions now?

Mr. REUSS. That is correct.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I have just been handed a draft of this amendment that the gentleman from Wisconsin submitted. I did hear the Clerk read it, of course. Did I understand him to say (a) all of the benefits are retroactive to December 14, 1966, and (b) that there is a special fund established to pay for the retirement and health insurance and other necessary benefits by agency contribution?

Mr. REUSS. There is no language in the amendment remotely like either point just raised by the gentleman.

Mr. HALL. This is a participating benefit and it is not retroactive?

Mr. REUSS. There is no language as to retroactivity. All it means, I would say to the gentleman from Missouri, is that these three men, our U.S. executive directors, would be entitled from here on out to participate in the retirement program of the U.S. Civil Service. I presume that there would be an element of retroactivity in it in that their total U.S. civil service and military service, if any, would be counted. But there is no language such as the gentleman just alluded to in the amendment.

Mr. HALL. Under the amendment offered by the gentleman from Wisconsin (Mr. REUSS) do they participate by paying in to this fund now, and from the time of retroactivity and hence forward, or is it paid for them by the fund, or a separate fund, under the amendment?

Mr. REUSS. As I read the amendment, they would start paying now, and their benefits would accrue as of the time on which they started their payments.

Mr. HALL. The gentleman did submit the amendment himself?

Mr. REUSS. I submitted it on behalf of the Under Secretary of the Treasury, and I would say to the gentleman from Missouri that it was prepared in the Under Secretary's office. It has been submitted to both sides. I do not believe that any of these three men will get anything that they are not entitled to, and have not paid for.

Mr. HALL. The question of entitlement is a matter of personal opinion or reflection. All I want to know is in cold black and white: do they participate in their own retirement benefits as all civil servants do, or as we do, even more than civil servants do; or as anyone else might be expected to do in a pension or retirement benefit program?

Mr. REUSS. The answer is yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The amendment was agreed to.

Mr. REUSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I now have, for the benefit of the gentleman from Iowa and the gentleman from Ohio, the salary of the third and last international agency official, Mr. Watanabe, the President of the Asian International Bank, who receives an annual salary of $40,000.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. How about McNamara?

Mr. REUSS. I said that Mr. McNamara receives $50,000 a year.

Mr. GROSS. I thank the gentleman.

Mr. REUSS. I yield back the balance of my time.

Mr. CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, pursuant to House Resolution 1179, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WYLIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WYLIE moves to recommit the bill H.R. 18306 to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 140, not voting 112, as follows:

[Roll No. 295]

YEAS—177

Adams	Evans, Colo.	McDade
Albert	Findley	McDonald, Mich.
Annunzio	Fish	McFall
Arends	Foley	Macdonald, Mass.
Aspinall	Ford, Gerald R.	Mailliard
Ayres	Ford, William D.	Marsh
Belcher	Fraser	Mathias
Biester	Frelinghuysen	Matsunaga
Bingham	Fulton, Pa.	May
Blackburn	Gallagher	Mikva
Boggs	Gettys	Miller, Calif.
Bolling	Giaimo	Minish
Bow	Gibbons	Mink
Brademas	Gilbert	Minshall
Brasco	Gonzalez	Mize
Broomfield	Gray	Moorhead
Brotzman	Green, Pa.	Morgan
Brown, Calif.	Griffiths	Morse
Brown, Mich.	Gubser	Morton
Burke, Mass.	Gude	Mosher
Burton, Calif.	Hamilton	Moss
Byrnes, Wis.	Hanley	Murphy, Ill.
Carey	Hansen, Idaho	Nedzi
Cederberg	Harrington	Nelsen
Celler	Harvey	O'Hara
Chamberlain	Hathaway	Patman
Cleveland	Hawkins	Patten
Cohelan	Heckler, Mass.	Perkins
Conable	Helstoski	Pickle
Conte	Hogan	Pike
Corbett	Holifield	Poff
Corman	Horton	Price, Ill.
Coughlin	Hosmer	Pucinski
Culver	Howard	Quie
Cunningham	Johnson, Calif.	Railsback
Daniels, N.J.	Johnson, Pa.	Rees
Davis, Wis.	Kastenmeier	Reid, Ill.
Dellenback	Keith	Reid, N.Y.
Denney	Kluczynski	Reuss
Dulski	Koch	Rhodes
Dwyer	Kyl	Riegle
Eckhardt	Kyros	Rivers
Edwards, Calif.	Leggett	Robison
Eilberg	Lloyd	Rodino
Erlenborn	McClory	Rooney, N.Y.
Esch	McCloskey	
Eshleman		

Rosenthal	Steed	Widnall
Rostenkowski	Steiger, Wis.	Wiggins
Roth	Sullivan	Williams
Roybal	Symington	Wilson, Bob
Ruppe	Teague, Calif.	Wilson, Charles H.
Ryan	Tiernan	Winn
Sandman	Udall	Wright
Scheuer	Ullman	Wydler
Schwengel	Van Deerlin	Wyman
Shriver	Vander Jagt	Young
Smith, Iowa	Vanik	Zablocki
Smith, N.Y.	Vigorito	
Stafford	Waldie	
Stanton	Whalen	

NAYS—140

Abernethy	Flowers	Natcher
Adair	Fountain	Nichols
Addabbo	Frey	Obey
Alexander	Fuqua	Olsen
Anderson, Calif.	Galifianakis	O'Neal, Ga.
Andrews, Ala.	Garmatz	Passman
Andrews, N. Dak.	Gaydos	Pettis
Ashbrook	Goodling	Pirnie
Baring	Green, Oreg.	Poage
Bennett	Griffin	Preyer, N.C.
Betts	Gross	Price, Tex.
Bevill	Grover	Pryor, Ark.
Blanton	Haley	Purcell
Bray	Hall	Quillen
Brinkley	Hammer-schmidt	Randall
Broyhill, N.C.	Harsha	Rarick
Broyhill, Va.	Hays	Roberts
Burke, Fla.	Hechler, W. Va.	Roe
Burleson, Tex.	Hull	Rogers, Fla.
Burlison, Mo.	Hungate	Rooney, Pa.
Byrne, Pa.	Hunt	Rousselot
Caffery	Hutchinson	Ruth
Camp	Ichord	Satterfield
Carter	Jacobs	Saylor
Clancy	Jarman	Schmitz
Clark	Jonas	Scott
Clausen, Don H.	Jones, Ala.	Shipley
Clawson, Del	Jones, N.C.	Sikes
Collier	Jones, Tenn.	Skubitz
Colmer	Karth	Slack
Cramer	Kazen	Smith, Calif.
Daniel, Va.	Kee	Snyder
Davis, Ga.	Langen	Stubblefield
Delaney	Latta	Stuckey
Dennis	Lennon	Taylor
Dent	Long, Md.	Thomson, Wis.
Derwinski	McClure	Waggonner
Devine	McKneally	Wampler
Dickinson	McMillan	Watts
Dorn	Madden	Whalley
Duncan	Mahon	White
Edmondson	Martin	Whitehurst
Edwards, Ala.	Mayne	Whitten
Evins, Tenn.	Melcher	Wolff
Fisher	Miller, Ohio	Wyatt
	Mills	Wylie
	Myers	Yatron
		Zion

NOT VOTING—112

Abbitt	Farbstein	Murphy, N.Y.
Anderson, Ill.	Fascell	Nix
Anderson, Tenn.	Feighan	O'Konski
Ashley	Flood	O'Neill, Mass.
Barrett	Flynt	Ottinger
Beall, Md.	Foreman	Pelly
Bell, Calif.	Friedel	Pepper
Berry	Fulton, Tenn.	Philbin
Biaggi	Goldwater	Podell
Blatnik	Hagan	Pollock
Boland	Halpern	Powell
Brock	Hanna	Reifel
Brooks	Hansen, Wash.	Rogers, Colo.
Brown, Ohio	Hastings	Roudebush
Buchanan	Hébert	St Germain
Burton, Utah	Henderson	Schadeberg
Bush	Hicks	Scherle
Button	King	Schneebeli
Cabell	Kleppe	Sebelius
Casey	Kuykendall	Sisk
Chappell	Landgrebe	Springer
Chisholm	Landrum	Staggers
Clay	Long, La.	Steiger, Ariz.
Collins	Lowenstein	Stephens
Conyers	Lujan	Stokes
Cowger	Lukens	Stratton
Crane	McCarthy	Taft
Daddario	McCulloch	Talcott
Dawson	McEwen	Teague, Tex.
de la Garza	MacGregor	Thompson, Ga.
Diggs	Mann	Thompson, N.J.
Dingell	Meeds	Tunney
Donohue	Meskill	Watson
Dowdy	Michel	Weicker
Downing	Mizell	Wold
Edwards, La.	Mollohan	Yates
Fallon	Monagan	Zwach
	Montgomery	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Brooks for, with Mr. Berry against.

Mr. O'Neill of Massachusetts for, with Mr. Fallon against.

Mr. Philbin for, with Mr. Friedel against.

Mr. Donohue for, with Mr. Hébert against.

Mr. Murphy of New York for, with Mr. Long of Louisiana against.

Mr. Anderson of Illinois for, with Mr. Montgomery against.

Mr. Biaggi for, with Mr. Flynt against.

Mr. Boland for, with Mr. Hagan of Georgia against.

Mr. Edwards of Louisiana for, with Mr. Stephens against.

Mr. Rogers of Colorado for, with Mr. Dowdy against.

Mr. Thompson of New Jersey for, with Mr. Abbitt against.

Until further notice:

Mr. Casey with Mr. Kleppe.

Mr. Ottinger with Mr. Bell of California.

Mr. Hanna with Mr. Springer.

Mr. Staggers with Mr. Hastings.

Mr. St Germain with Mr. Weicker.

Mr. Fulton of Tennessee with Mr. Burton of Utah.

Mr. Flood with Mr. Beall of Maryland.

Mr. Mann with Mr. Landgrebe.

Mr. Yates with Mr. Collins.

Mr. Teague of Texas with Mr. Pelly.

Mr. Tunney with Mr. Sebelius.

Mr. Henderson with Mr. Brown of Ohio.

Mr. Barrett with Mr. King.

Mr. Anderson of Tennessee with Mr. Brock.

Mr. Cabell with Mr. Bush.

Mr. Daddario with Mr. Meskill.

Mr. de la Garza with Mr. Roudebush.

Mr. Dingell with Mr. Zwach.

Mr. Downing with Mr. Cowger.

Mr. Sisk with Mr. Button.

Mr. Stratton with Mr. Reifel.

Mrs. Hansen of Washington with Mr. McEwen.

Mr. Monagan with Mr. Lujan.

Mr. Landrum with Mr. Buchanan.

Mr. Hicks with Mr. Stokes.

Mr. Ashley with Mr. Conyers.

Mr. Blatnik with Mr. MacGregor.

Mr. Fascell with Mr. Kuykendall.

Mr. Feighan with Mr. Wold.

Mr. Pepper with Mr. Crane.

Mr. Meeds with Mr. Clay.

Mr. Chappell with Mr. Foreman.

Mr. Mollohan with Mr. Watson.

Mr. McCarthy with Mrs. Chisholm.

Mr. Podell with Mr. Goldwater.

Mr. Farbstein with Mr. Halpern.

Mr. Lowenstein with Mr. Nix.

Mr. Powell with Mr. Diggs.

Mr. Taft with Mr. Dawson.

Mr. Lukens with Mr. Thompson of Georgia.

Mr. Schneebeli with Mr. Pollock.

Mr. O'Konski with Mr. McCulloch.

Mr. Michel with Mr. Schadeberg.

Mr. Scherle with Mr. Mizell.

Mr. Steiger of Wisconsin with Mr. Talcott.

Messrs. YATRON, CARTER, and GOODLING changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTION OF CHAPTER AND SECTION NUMBERS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 18306 as passed the House, the Clerk may correct chapter and section numbers.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 16900, TREASURY AND POST OFFICE DEPARTMENTS, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1971

Mr. STEED. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91-1447)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) "making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 21, 23, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 8, 11, 13, 15, 19, 22, 26, 27, 28, 30, and 31 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,080,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$137,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,600,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "$36,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$221,500,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$655,000,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,300,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$162,335,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$62,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,508,000,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$657,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 29.

TOM STEED,
OTTO E. PASSMAN,
JOSEPH P. ADDABBO,
JEFFERY COHELAN,
GEORGE MAHON,
HOWARD W. ROBISON,
SILVIO O. CONTE,
JACK EDWARDS,
FRANK T. BOW,

Managers on the Part of the House.

RALPH W. YARBOROUGH,
ROBERT C. BYRD,
GALE W. MCGEE,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
GORDON ALLOTT,
HIRAM L. FONG,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—TREASURY DEPARTMENT

Office of the secretary

Amendment No. 1. Appropriates $9,660,000 for salaries and expenses as proposed by the Senate instead of $9,500,000 as proposed by the House.

Federal Law Enforcement Training Center

Amendment No. 2. Appropriates $1,080,000 for salaries and expenses instead of $1,000,000 as proposed by the House and $1,113,000 as proposed by the Senate.

Bureau of customs

Amendment No. 3. Authorizes purchase of fourteen passenger vehicles as proposed by the Senate instead of thirty-seven as proposed by the House.

Amendment No. 4. Authorizes purchase of four police-type vehicles as proposed by the Senate instead of twenty-seven as proposed by the House.

Amendment No. 5. Increases the limitation for purchase of police-type vehicles from $400 above the general purchase price for standard passenger type vehicles as proposed by the House to not to exceed $800 as proposed by the Senate. The conferees are agreed that this increase in limitation is for the purpose of enabling purchase of vehicles, when authorized, with adequate police-type equipment, including air-conditioning where warranted.

Amendment No. 6. Appropriates $137,000,000 for salaries and expenses, instead of $135,500,000 as proposed by the House and $137,085,000 as proposed by the Senate.

Bureau of the mint

Amendment No. 7. Appropriates $19,600,000 for salaries and expenses, instead of $18,000,000 as proposed by the House and $19,663,000 as proposed by the Senate.

Internal Revenue Service

Amendment No. 8. Appropriates $26,096,000 for salaries and expenses as proposed by the Senate instead of $25,500,000 as proposed by the House.

Amendment No. 9. Increases the limitation for temporary employment to $36,000,000 instead of $35,500,000 as proposed by the House and $36,500,000 as proposed by the Senate.

Amendment No. 10. Appropriates $221,500,000 for revenue accounting and processing instead of $220,000,000 as proposed by the House and $222,239,000 as proposed by the Senate.

Amendment No. 11. Increases the limitation for purchase of police-type vehicles from $400 above the general purchase price for standard passenger type vehicles as proposed by the House to not to exceed $800 as proposed by the Senate. The conferees are agreed that this increase in limitation is for the purpose of enabling purchase of vehicles, when authorized, with adequate police-type equipment, including air-conditioning where warranted.

Amendment No. 12. Appropriates $655,000,000 for compliance activities instead of $645,000,000 as proposed by the House and $660,000,000 as proposed by the Senate.

U.S. Secret Service

Amendment No. 13. Increases the limitation for purchase of police-type vehicles from $400 above the general purchase price for standard passenger type vehicles as proposed by the House to not to exceed $800 as proposed by the Senate. The conferees are agreed that this increase in limitation is for the purpose of enabling purchase of vehicles, when authorized, with adequate police-type equipment, including air-conditioning where warranted.

Amendment No. 14. Appropriates $42,300,000 for salaries and expenses instead of $40,000,000 as proposed by the House and $44,600,000 as proposed by the Senate. The conferees are agreed that the amount agreed upon should be adequate due to the lapse of time and consequent slippage in fiscal year 1971 programs.

TITLE II—POST OFFICE DEPARTMENT

Administration and regional operation

Amendment No. 15. Increases the limitation to $100,000 for confidential information and services as proposed by the Senate instead of $50,000 as proposed by the House.

Amendment No. 16. Appropriates $162,335,000 instead of $161,000,000 as proposed by the House and $163,670,000 as proposed by the Senate.

Research, development, and engineering

Amendment No. 17. Appropriates $62,000,000 instead of $60,000,000 as proposed by the House and $65,675,000 as proposed by the Senate.

Operations

Amendment No. 18. Appropriates $6,508,000,000 instead of $6,500,000,000 as proposed by the House and $6,517,138,00 as proposed by the Senate.

Amendment No. 19. Changes the reference to the Bureau of the Budget to its new title of Office of Management and Budget as proposed by the Senate.

Transportation

Amendment No. 20. Appropriates $657,000,000 instead of $655,000,000 as proposed by the House and $659,000,000 as proposed by the Senate.

Building occupancy

Amendment No. 21. Appropriates $255,000,000 as proposed by the House instead of $259,000,000 as proposed by the Senate.

Plant and equipment

Amendment No. 22. Increases the limitation for purchase of police-type vehicles from $400 above the general purchase price for standard passenger type vehicles as proposed by the House to not to exceed $800 as proposed by the Senate. The conferees are agreed that this increase in limitation is for the purpose of enabling purchase of vehicles, when authorized, with adequate police-type equipment, including air-conditioning where warranted.

Amendment No. 23. Appropriates $217,000,000 as proposed by the House instead of $219,000,000 as proposed by the Senate.

Postal public buildings

Amendment No. 24. Appropriates $269,825,000 as proposed by the House instead of $252,825,000 as proposed by the Senate. The conferees are in agreement that the Department should proceed with all firm projects funded in this bill without further delay.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Expenses of management improvement

Amendment No. 25. Restores language stricken by the Senate making funds in this account available until expended.

Office of management and budget

Amendments Nos. 26 and 27. Change the reference to the Bureau of the Budget to its new title of Office of Management and Budget, as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

United States Tax Court

Amendment No. 28. Appropriates $3,288,000 for salaries and expenses as proposed by the Senate instead of $3,000,000 as proposed by the House.

TITLE V—FUNDS APPROPRIATED TO THE PRESIDENT

Amendment No. 29. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment. The Senate amendment appropriates $1,650,000 for the protection of visiting foreign dignitaries attending the observance of the twenty-fifth anniversary of the United Nations.

TITLE VI—GENERAL PROVISION

Amendments Nos. 30 and 31. Change title and section numbers as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with com-

parisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$2,793,537,000
Budget estimates of new (obligational) authority, fiscal year 1971 (including $1,938,000 not considered by House)	3,046,693,000
House bill, fiscal year 1971	2,971,702,000
Senate bill, fiscal year 1971	3,018,079,000
Conference agreement [1]	3,004,711,000

[1] Includes $1,650,000 in amendment No. 29 reported in technical disagreement.

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+211,174,000
Budget estimates of new (obligational) authority, (as amended), fiscal year 1971	−41,982,000
House bill, fiscal year 1971	+33,009,000
Senate bill, fiscal year 1971	−13,368,000

TOM STEED,
OTTO E. PASSMAN,
JOSEPH P. ADDABBO,
JEFFREY COHELAN,
GEORGE MAHON,
HOWARD W. ROBISON,
SILVIO O. CONTE,
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

REQUEST TO MEET TOMORROW AT 11 A.M.

Mr. ALBERT. Mr. Speaker, I see the distinguished minority leader present in the Chamber, and I wish to make a unanimous-consent request while he is present. I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow, and that when the House adjourns tomorrow, it adjourn to meet at 11 o'clock on Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

TRIBUTE TO THE HONORABLE ROBERT TAFT, JR.

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, as president of the Republican 90th Club, it is my privilege to act as spokesman for 58 Members of this body who were elected in 1966, either for the first time or after a temporary absence from the House. We have many distinguished Members in the club, but none more distinguished than the gentleman from Ohio, the Honorable ROBERT TAFT, JR. He has played a leading role in our activities ever since we organized as a club shortly after arriving here in January 1967. I know of no Member of Congress, young or old, more respected by his colleagues nor more deserving of that respect. In addition to his many other responsibilities and achievements, he has been rendering truly outstanding service as chairman of the House Republican Research Committee. I am personally very grateful for the opportunity to have worked on one of the task forces organized by that committee under his leadership.

The members of the 90th Club have greeted the news of BOB'S candidacy for the other body with mixed emotions. Our deep regret at his impending departure from the House has been counterbalanced by our realization that few Americans have ever been so highly qualified to serve in the Senate through character and experience.

We have, therefore, tried to express our strong admiration for our good friend, BOB TAFT, JR., in the following resolution passed at a recent meeting of the 90th Club, which I now include at this point in the RECORD:

A RESOLUTION

Whereas Members of Congress and other public officials are looked upon to provide innovative thought and decisive judgment concerning the welfare and destiny of our country; and

Whereas the concept of revenue sharing typifies the end result of such thought, and is indicative of a desired partnership between the federal government and the states which form this national government; and

Whereas the case for revenue sharing was initially presented by a Republican Coordinating Committee Task Force on the Functions of Federal, State and Local Governments, under the chairmanship of Congressman Robert Taft, Jr.; and

Whereas, this country has been confronted with a growing rate of crime which has caused many Americans to live in constant fear, and that leadership and positive legislative programs to combat crime effectively and to make our streets safer have been consistently offered by Robert Taft, Jr; and

Whereas the House Republican Research Committee has concerned itself with many of the vital issues confronting our country today, and has conducted in depth research into each of these areas, with the result being information which has been extremely valuable to all Republican Members of Congress; and

Whereas the Research Committee Task Forces studied the issues concerning fiscal responsibility, draft reform, minority employment, agriculture, research resources and population, education and training, international trade, labor law reform, social security and human needs, transportation and urban affairs; and

Whereas The Chairman of the House Republican Research Committee, Robert Taft, Jr., was one of the seven elected members of House leadership, and this position is an indication of the respect which is placed in Mr. Taft by his colleagues, and is a further example of his legislative skill and political prowess;

Now therefore be it recommended that the 90th Club hereby highly commends the Honorable Robert Taft, Jr. for his valuable and faithful leadership as a member of Congress.

WILEY MAYNE,
President, 90th Club.

Signed at Washington, D.C., this 4th day of August 1970.

PAUL N. MCCLUSKEY, JR.,
Secretary, 90th Club.

RESOLUTION ADOPTED ON THE 50TH ANNIVERSARY OF THE POLISH SOLDIERS DAY CELEBRATION

(Mr. BYRNE of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BYRNE of Pennsylvania. On August 9, 1970, I was the principal speaker at exercises commemorating the 50th anniversary of the Polish Army Veterans Association, District 10, and Post 12 and its ladies auxiliary. On that occasion the various organizations assembled unanimously adopted a resolution, which it is my pleasure to insert in the CONGRESSIONAL RECORD at this point:

Today, the 9th day of August, 1970, the following Resolution was unanimously adopted at exercises commemorating the 50th Anniversary of the Polish Soldiers Day Celebration, under the co-sponsorship of the Polish Army Veterans Association, District 10 and Post 12 and its Ladies Auxiliary.

Whereas, we, citizens of the United States, former Soldiers and veterans of the Polish Army which fought valiantly alongside the Allied Forces during the 1st and 2nd World Wars for your freedom and ours, pledge allegiance and loyalty to the United States of America and to those ideals for which it stands.

Now therefore be it resolved that we call upon our Representatives and Senators in the United States Congress to bestow to the Veterans of the Polish Army in recognition of their heroic deeds on behalf of the free world in the past world conflicts the benefits that are bestowed upon the Veterans of the Services of the United States.

And be it further resolved that we pay homage to General Wladyslaw Anders, a fearless soldier, an inspirational leader who assured himself a place in history with his heroism and brilliant command at the great battle of Monte Cassino, who this year passed away in London.

Respectfully submitted,

ROMAN LANISCKI,
Commander, Polish Army Veterans, Post 12.

FRANCIS PRAWDZIK,
Commander, District 10, Polish Army Veterans.

EDMUND PAWELEC,
Chairman, Resolutions Committee.

PRESIDENT CUTS WHITE HOUSE STAFF

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. STEIGER of Wisconsin. Mr. Speaker, at a time when we are all concerned with reducing Federal spending, it is gratifying to note that President Nixon has set a personal example in this regard by cutting back the size of the White House staff.

As evidence of this saving, I refer to a letter to the editor in Sunday's Washington Post from Mr. Caspar Weinberger, Deputy Director of the Office of Management and Budget. In his letter, Mr. Weinberger points out that the President's budget request for the White House Office for fiscal 1971 constitutes a reduction of 28 employees and a consequent saving of more than $650,000 from the previous year.

Mr. Weinberger also points out that the President has ended the practice of previous administrations of detailing full-time employees to the White House Office staff from the departments and agencies.

Mr. Speaker, the President deserves much credit for this achievement. I in-

clude Mr. Weinberger's letter in the RECORD:

[From the Washington Post, Sept. 13, 1970]

WHITE HOUSE ON STAFF EXPENSES

An article appearing in your paper recently left the impression that the White House was doubling its staff in fiscal year 1971. Such an impression would be not only unfortunate, but quite incorrect.

The appropriation requested for the White House Office for fiscal year 1971 is in fact a decrease from the actualities of fiscal year 1970 both in personnel and in funds. For fiscal year 1970 the appropriation for the White House Office was $3,940,000, with another $2,500,000 appropriated for special projects. In addition, personnel detailed to the White House Office from the departments and agencies under authority of law resulted in basic compensation costs to those departments and agencies at the rate of $2,820,000. Thus, the 1970 level of operation was in excess of $9,200,000, involving 576 employees.

The President, when preparing the 1971 fiscal year budget, decided to discontinue the use of the special projects fund and personnel details from other agencies to augment funds available for the regular White House Office staff. He has thereby adopted a policy of bringing all regular employees of the White House directly onto the White House payrolls. This seemed to the President a more honest way of presenting the full cost of the White House operation.

Therefore, the budget request for fiscal year 1971 is for 548 employees, and funds in the amount of $8,550,000 for the White House Office. This is a substantial *decrease* of more than $650,000 in funds, and 28 in personnel—a lesson that should certainly not be lost on those who have attacked the President without benefit of the facts.

CASPAR W. WEINBERGER,
Deputy Director, Office of Management and Budget.
WASHINGTON.

BIPARTISAN ACTION ON PRESIDENT NIXON'S BILLS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute.)

Mr. DERWINSKI. Mr. Speaker, there is need for bipartisan action in Congress to meet major national problems. I urge Democrats to help seek "a history of progress all of us can share" by taking action on bills singled out Friday by President Nixon.

On Friday, September 11, the President of the United States sent this body a detailed indictment for legislative inaction on a host of basic reforms. The President's language was calm and closely reasoned but necessarily detailed in the facts he set forth.

In a time of extreme domestic unrest when both the liberal community including university students and faculties and certainly the so-called silent majority are calling for government reform to deal with a score of problems, the Democratic Congress has simply refused to act. Crime, control of drug abuse, manpower training, education, social security, foreign trade legislation, environmental cleanup, and many more problems for which President Nixon has proposed reform measures, have met with opposition and indecision from the Democrats on Capitol Hill.

Congress has even refused to approve legislation to protect our children from obscene mailings.

Adjournment is close at hand. As the President said, "we cannot wait for politics." The President has done his part. He has proposed reforms to do what must be done. Now it is up to Congress. History will record that result. We should seek a history of progress all of us can share.

FOREIGN TRADE ACT OF 1970

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it appears that in the very near future we will be faced with the question of considering the Foreign Trade Act of 1970 as reported by the Ways and Means Committee, H.R. 18970.

Mr. Speaker, as you know, this bill is a radical departure from our past foreign trade policy and one that brought about vigorous dissent by many members of the Ways and Means Committee when it was finally reported shortly before the August recess. I intend to appear before the Rules Committee and ask for a modified closed rule so that members may have an opportunity to express their opinion about this trade policy. I propose to ask the Rules Committee for the granting of a rule that would allow a motion to strike that provision of title I that ties the President's hands on oil import quotas.

Mr. Speaker, as you know, this oil importation quota program now costs the American consumer, according to the President's own task force, about $5 billion per year.

I also intend to ask for a rule that will grant permission to strike title 4. This is the Domestic International Sales Corporation proposal which appears to me to be nothing more than a tax loophole. It will cost American taxpayers about a billion dollars a year.

I also intend to ask for a rule that would grant motions to strike the mandatory quotas in title 2 on textiles and garments. As you know, Mr. Speaker, the President has only very reluctantly supported trade quotas for the textiles and garment industry. It seems to me that these quotas would be highly inflationary. The textile and garment industry have wholly failed to prove a case for import quotas.

I also will ask for a provision in the rule to allow the striking of provisions of title 2 that relates to mandatory import quotas for the shoe industry. This again is another highly inflationary matter, and even the President and his Commission that studied this industry, turned down the industry's request for this trade protection, saying that this industry did not warrant the drastic remedy of quotas.

The modified closed rule that I will seek will give each Member an opportunity to vote as he wishes on this most important bill, and not have to suffer the ridiculousness of voting either for or against a bill that he has had no opportunity to amend.

The following is a copy of the rule I propose to ask the Rules Committee to grant when I appear before the committee on Tuesday, September 15:

H. RES. —

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except (1) an amendment to strike out section 104, (2) amendments to exempt all textile articles from the quota provisions of title II, (3) amendments to exempt all footwear articles from the quota provisions of title II, (4) an amendment to strike out title IV, and (5) amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of general debate, but the said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 13934, to revise the boundaries of Minuteman National Historical Park, which was passed by the House today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TO CREATE A HEALTH SECURITY PROGRAM

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 60 minutes.

Mr. CORMAN. Mr. Speaker, on behalf of the following Members of the House and myself: Mr. ANNUNZIO, Mr. BINGHAM, Mr. BROWN of California, Mr. CELLER, Mrs. CHISHOLM, Mr. CLAY, Mr. COHELAN, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. GREEN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HOWARD, Mr. KOCH, Mr. LOWENSTEIN, Mr. MADDEN, Mr. MEEDS, Mr. MIKVA, Mr. O'HARA, Mr. PERKINS, Mr. RYAN, Mr. REID, Mr. REUSS, Mr. ROYBAL, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. TUNNEY, and Mr. VAN DEERLIN, I introduce for appropriate reference the Health Security Act, to create a comprehensive national health security program, through a system of national health insurance, will make health care

services available to all residents of the United States. We commend this bill to our colleagues in the Congress for favorable consideration.

The American people today face a crisis in health care of appalling proportions. The American people know that they have a right to quality health care, but they know, too, that for most people the availability and delivery of such care is virtually nonexistent today. We are offering a health security act that will convert that right from fiction to reality.

The program we envision is borrowed from no other nation, though we recognize that we are the last of the major nations to acknowledge our responsibilities in a national policy for comprehensive health care for all our citizens. It discriminates neither in favor of nor against any segment of our population, though we recognize with shame our enormous neglect of those who have most needed and deserved the best health care we could have afforded.

The Health Security Act proposes that we shall use the mechanism of national health insurance as a means of bringing about a rational system for the delivery of personal health services in a manner that is consistent with American needs, and creates an American system of health care for all our people.

Good health is a vital need, personally and nationally. Good health requires good health care. Yet, despite that dedication, great efforts and enormous expenditures, good health care is not actually available to millions of Americans. At the same time, we are using a substantial share of our national economic resources for medical care; we are confronted by costs which are rising steeply but yet not effecting improvements; the inadequacy of health care resources intensifies; and our rates of sickness, disability, and mortality—already far behind the potentials of modern health care—are getting no better and may be getting worse.

I will not burden you with a repetition of the vital statistics, so often repeated in the public information media and in the professional literature—statistics which show how little progress we have been making in recent decades toward the prevention of illness or of premature mortality, whether measured against our own past or against the vital statistics of other countries.

Nor will I burden you with a recital of what almost every family knows through its own worries and frustrations and disappointments. The average family lives in dread of illness and disability, and for good reason. The path to seeking medical care is confusing, frightening, and expensive. This dilemma is not confined to the poor, the elderly, or the disabled. It is understood just as clearly by the professional worker earning $12,000 a year whose child requires a $30,000 hospitalization—not unusual for an accident or prolonged illness—and who discovers his expensive insurance pays about 60 percent of the bill. It is understood by residents of our 157 rural counties without a single physician. It touches every community in this country.

Nor will I burden you with the recounting of the distress among the providers of health care. We all know the dedication of the health profession, the commendable efforts of the hospitals and other institutions, the support of Federal, State, and local governmental agencies and personnel. And we are familiar with the limitations under which they try to meet the national need for health care, and the technological progress through research and application which has made medical care at its best in the United States second to none in the world. We also know that the best is not adequately available.

The problems of manpower shortages, lack of organization and spiraling costs have been measured and analyzed many times. The problems are well known; it is the purpose of our program to provide realistic solutions. Fortunately, the underlying causes of our health care deficiencies are manageable—though not all at once or without great effort and commitment.

The three causes of crisis underlying all the rest can be simply stated: First, the national shortages of health manpower and institutions; second, rising costs which price medical care beyond reach; and third, inadequacies in the organizational system for the availability and delivery of medical care.

These three basic causes are so intimately interrelated one with another that if we would meet the health care needs of the Nation we must attack simultaneously on all three fronts. We must insure that we have the needed health manpower, hospitals, and other institutions; we must insure the underwriting of the unavoidable costs, while also keeping these costs within reasonable bounds; and we must encourage the development of a system which provides for efficient use of the manpower and institutions and for ready and effective availability of health services to our population.

I would emphasize the importance and the urgency of simultaneous attack on all three. Production of more health manpower or more hospitals or other institutions without improving financing and organization would at best be an exercise in futility toward dealing with needs, or at the worst would invite disastrous problems of costs. Merely trying to solve the problems of steeply rising costs by pouring more purchasing power into the medical-care channels will perpetuate a system characterized by consumer impatience, seller's monopoly, inefficiency, lack of accountability—all of which can only lead to further dissipation of resources.

Attempts to deal with the organizational system in isolation have no hope of success as decades of largely futile public and private efforts have demonstrated. Instead, we propose a comprehensive program, balanced and well-proportioned, on an evolutionary basis. And we propose that at every point we shall provide for professional and administrative protections and controls to safeguard the essential ingredient of good quality in the health care services.

Every discussion of the health care problem is, unavoidably, heavily concentrated on the costs of medical care, which have been climbing twice as fast as other consumer costs, and this continues. Between fiscal year 1960 and fiscal year 1969, health care expenditures as a whole went up from $26 billion to $60 billion, rising as a percentage of gross national product from 5.3 to 6.7 percent. Personal health care expenditures, the major part of the total, rose from $23 billion to $53 billion—from 4.9 to 5.8 percent of GNP. For the fiscal year just closed, the total expenditures were probably about $65 billion, 6.8 percent of GNP.

In the four fiscal years 1966 to 1969 inclusive, the national expenditures for personal health care, exclusive of the net costs fo private insurance, went up from $183 to $256 per capita. The most recent Consumer Price Index—CPI for July 1967—shows that medical care prices are still rising at nearly twice the rate for all items in the consumer's "market basket."

Despite massive sale of private health insurance, most of the expenditure for personal health services must still be borne out-of-pocket at the time of illness or as a debt thereafter. The reason is that nearly all private health insurance is partial and limited, covering in the aggregate only about one-third of the private costs and leaving nearly two-thirds to be paid outside the framework of insurance. Private health insurance, through a thousand private insurance carriers competing with each other, and through a bewildering array of insurance policies, can do no more than this to ease the burdensome impacts of medical care costs on American families. Nothing less than a national commitment of resources can deal with the need for adequate insurance against the costs of medical care. The health security bill makes this commitment.

It will be readily recognized that the proposed financing, starting with actual levels of expenditure, is not concerned primarily with new costs. On the contrary, the program effects mainly a rechanneling of money already being spent, in order to use it more effectively. Health security expenditures would replace large expenditures already being made by people generally, by employers, by voluntary agencies, by the Federal, State, and local governments, and would relieve State and local governments of various expenditures which they are finding burdensome. For instance, for fiscal 1970, the Medi-Cal program cost my own State of California $485 million. Had the Health Security Act been operative in 1970, the estimated savings to California in this program would have been $291.4 million. Since local property tax pays part of the State's Medi-Cal bill, the savings to homeowners would have been substantial.

Mr. Speaker, at this point I would like to outline briefly the major aspects of the health security program.

First, the health security program does not envisage a national health service in which Government owns the facilities,

employs the personnel, and manages the finances. On the contrary, it intends a partnership of the public and private sectors: Governmental financing and administrative management; joined with private provision of the personal health services through private practitioners, institutions, and other providers;

Second, the health security program would be effected through a process of gradualism, moving on an evolutionary course from what we have and where we are toward the goals we would attain; and

Third, the more or less comprehensive health services to be covered by the health security program would be financed on a budget basis, with reasoned provision of necessary funds from the pool of national resources, and with containment of the hitherto unlimited expenditure demands on the national resources, and with containment of the hitherto unlimited expenditure demands on the national economy.

The benefits of the health security program would be available, with only minor exceptions, to all persons resident in the country beginning with the middle of the program's third year of operation. Eligibility would not require either an individual contribution history or any means test.

The benefits are intended to embrace the entire range of personal health services required for personal health, including services for the prevention and early detection of disease, for the care and treatment of illness, and for physical rehabilitation. With only four exceptions, there are no restrictions on needed services, no cut-off points, no coinsurance, no deductibles, and no waiting periods. The four exceptions are dictated by inadequacies in existing resources or in management potentials, with respect to skilled nursing home care, psychiatric care, dental care—this benefit starts with those who are under age 15, and extends to others gradually—and covered medicines and appliances.

The health security program recognizes the necessity of moving rapidly and dramatically to increase the Nation's resources for the delivery of health services. Therefore the program will earmark a fixed percentage of the Health Security Trust Fund as a Resources Development Fund. The money will be used to strengthen the Nation's resources of health personnel and facilities and its system of delivery of health services, in order to enable the providers of services to meet the demands placed upon them when health security benefits become available.

Providers would be compensated in full, agreeing not to charge individuals for covered services. Hospitals and other institutional providers would be paid on the basis of approved prospective budgets. Independent practitioners—physicians, dentists, podiatrists, and optometrists—may be paid by various methods which they may elect: by fee-for-service or by capitation payments, or in some cases retainers or stipends, and by combination methods. Comprehensive health service organizations may be paid by capitation or by a combination of this method and methods applicable to payment for hospital and other institutional services. Other independent providers—for example, pathology laboratories, radiology services, pharmacies, providers of appliances—would be paid by methods adapted to their special characteristics.

The financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, utilizing teams of professional, technical, and supporting personnel. Earmarked funds would be available to support the most rapid practicable development toward this goal. Federal law would supersede State statutes which restrict or impede the development of group practice operation. Thus, the program would undertake to do what it can toward assuring the availability of covered health services and not merely contributing further strains on overburdened resources.

The health security program includes various provisions to safeguard quality of care. The program would establish national standards for participating individual and institutional providers. Independent practitioners would be eligible to participate upon meeting licensure and continuing education requirements. Specialty services would be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions would be eligible for participation if they meet national standards somewhat more exacting than in medicare, and establish required utilization review and affiliation arrangements.

With respect to the problems of health manpower shortages, health security intends to supplement established Government programs. It would give incentive and continuing supports to comprehensive group practice organizations for the efficient use of personnel in short supply and for the progressive broadening of services. It would provide support funds for education and training programs for personnel especially needed for covered services, and support stipends to students and trainees—especially for those disadvantaged by poverty, membership in minority groups, and so forth. It would also provide special financial and other supports for the location of needed health personnel in both urban and rural shortage areas.

Various Federal health programs would be superseded, in whole or in part, by health security. Since all persons including those 65 and over would be covered by the program, medicare under the social security system would be terminated. Federal aid to the States for medicaid would also be terminated except to the extent that, and for so long as, services under that program are broader than under health security. As with medicaid, so also with other Federal programs which may be broader than health security. However, our bill does not undertake to revise the provisions for personal health services under the Veterans' Administration, temporary disability, or workmen's compensation programs.

The administration of the health security program is designed to concern itself with the availability of services, the observance of high quality standards, and the containment of costs within reasonable boundaries. Policy and regulations would be established by a five-member full-time board, appointed by the President—with Senate confirmation—for 5-year rotating terms and not more than three members from one political party, and serving under the Secretary of Health, Education, and Welfare. The Secretary and the Board are charged to coordinate the operation of the program with other health related programs of the Government. A statutory National Advisory Council would participate with the Board on general policy, the formulation of regulations, and the allocation of funds, its members having 4-year rotating terms and including representatives of providers and of consumers—the latter in majority. Administration would be effected through the Department's regional offices and would be mainly operational in health subareas, with advisory councils on matters of administration at each such level. Through its regulations, the Board would guide performance under the program; it would coordinate various activities with the State and regional planning agencies; it would provide an accounting of activities to the Congress; and it would engage in studies and projects for evaluation and for progressive improvements of operations.

The financial operations of the program would be managed through a Health Security Trust Fund—similar to the Social Security Trust Fund. Income to the fund would derive from three sources: 40 percent from Federal general revenues; 35 percent from a 3.5 percent on employers' payrolls; and 25 percent from a 2.1-percent tax on individual income up to $15,000 a year, whether from wages, self-employment, or other sources—nonearned income. Employers may pay all or part of employee health security tax and would be expected to preserve obligations under private—collective-bargaining—agreements. Each year, the Board—with the participation of the Advisory Council—would make an advance estimate of the amount available for expenditure—to pay for services, for program development, and for administration—and would make allocations to the several regions. These allocations would be subdivided among categories of services and designated for the health subareas, with participation by the advisory councils. Advance estimates, constituting the program budgets, would be subject to adjustments, as may become necessary, in accordance with guidelines in the act. The allocations to regions and to subareas would be guided initially by the latest available data on current levels of expenditures; thereafter they would be guided by the program's own experiences in making expenditures and by evidences of need toward meeting the program's obligations and objectives, equitably throughout the Nation.

Thus, Mr. Speaker, the Health Security Act we submit to the Congress and to the people of the United States differs

from all previous proposals for national health insurance. It is not just another proposal for insurance. It is not merely an extension of medicare by stages to everyone. It is not an ill-conceived open ended design for pumping more dollars into a chronically strained "nonsystem." It is not simply a bigger categorical program for the production of manpower and facilities without creating a system to employ them.

Our program will build for the residents of this country a rational system of national health security. The funds which we as a people can afford to provide will finance and budget the essential costs of good medical care. Simultaneously we will strengthen our capacity to deliver health services, and make good health care available and reliable without financial hardship for all families and individuals in the Nation.

We take cognizance of the fact that organized medicine shares our concern that America faces a crisis in health care. We know that our goals are the same—to provide adequate health care services for all Americans. We would hope and expect organized medicine to make a substantial contribution in setting up the mechanism for the health security program so that its long years of experience and the expertise of its members would be made available for the effective functioning of the program. As lay groups, the various advisory boards and advisory councils established under the Health Security Act would, I am sure, want to rely heavily on the cooperation and advice of organized medicine so as to insure that the highest possible quality of medical care is available to everyone and that an equitable distribution of available funds is maintained.

We expect that the introduction of the bill and consideration of its companion legislation that has already been introduced in the Senate will spark the most intensive public debate on this subject in 20 years. There are now several various legislative proposals for national health insurance before the Congress. We hope that in the course of public discussion and congressional debate each of these will be examined thoroughly, and that clarifications and improvements in each approach will emerge. We hope that the public will insist that proponents of each bill prove that the system they propose is capable of assuring the availability and quality of care as well as providing a sound mechanism for its financing.

We are confident that the Health Security Act can meet these tests.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I am pleased and hopeful today as I join my colleague, the distinguished gentleman from California (Mr. CORMAN) in introducing the National Health Security bill.

I am pleased that this proposal has been so thoroughly and competently studied and drafted, and is now before both Houses of Congress. I am hopeful that both chambers will schedule full and complete hearings on this measure in the very near future so that we may enact this vitally needed piece of legislation.

Mr. Speaker, I am particularly enthused about this bill because it would add a most vital, and so far missing, ingredient to our Nation's health program; that is, it would establish a system in what is now a chaotic mess.

The current amount of waste and needless duplication of effort, expensive machinery, experts and specialists costs this National almost 25 cents of every dollar spent on health care. Out of a national expenditure of $63 billion in 1969, $14 billion was wasted.

Such colossal waste committed by a nation possessing such expertise in conquering disease cannot be tolerated. A nation which can deliver men to the moon, but which cannot deliver adequate health services to all of its people, is, I submit, a nation whose medical program needs serious restructuring.

We were able to place men on the moon because an adequately funded organization followed a carefully studied plan designed to achieve the mission it set out to accomplish. We are unable to provide adequate health care to all our citizens not because we lack the funds, but because we lack the carefully studied plan designed to achieve that mission. The National Health Security program offers such a plan.

I am pleased to note that the distinguished Senator from Texas (Mr. YARBOROUGH) has introduced a similar bill in the Senate and has scheduled hearings before the Committee on Labor and Public Welfare which he chairs. I respectfully urge the distinguished chairman of the Ways and Means Committee to likewise schedule hearings at an early date. There is much work to be done before the public will understand this bill. Most of our work will be in dispelling fears and false conceptions, and explaining exactly what the bill does do and how it works.

This Nation can no longer continue to fall behind the other nations of the world in the incidence of infant mortality and childbirth fatalities, nor in life expectancy rates. These basic health care categories are examples of the real problem—bringing health care, with the knowledge and facilities we possess, to the people who need the care.

The waste and inefficiency prevalent in the health care nonsystem today contributes largely and directly to the everrising cost of health care. Too many of our citizens find that a serious illness ruins them financially. Too many of our citizens do not seek the medical attention they need because they cannot afford the care or fear the excessive costs.

I do not criticize any of our doctors, who continue to do an outstanding job. They continue to be, I believe, the finest corps of physicians in the world. Nor do I fault them because of the excessive cost of the system. It is common knowledge that many doctors, not only because of their Hippocratic Oath, but because of their dedication, will gladly treat an ill but nonpaying patient. The Department of Health, Education, and Welfare has published the figures on the distribution of the medical care dollar for personal health care expenditures for the years 1950, 1960, and 1969. The share of the dollar which goes to the physician has actually declined in those years from 25 cents in 1950 to 24 cents in 1960 to 23 cents in 1969.

Private health insurance has been given a chance to prove itself and it has proved that it cannot solve the problem. In its current state, private health insurance is very expensive, too, expensive for most Americans. It is also incomplete, covering only a portion of most illnesses, particularly the expensive ones. It is not used by many persons.

A program of national health insurance working under the guidelines the Committee on National Health Insurance has devised can and will provide for the health care of every American.

The proposed program will provide not only for the payment of the costs of illness, but will emphasize preventive care, will provide sufficient facilities and personnel, and will provide the incentives for the supply and efficient employment of facilities and trained personnel, and thereby assure that the health needs of the Nation are met.

In closing, I would be remiss if I failed to mention the initiator of this program, the late Walter Reuther. His lifelong dream was to assure adequate health care to all Americans. Only his untimely and tragic death in a plane crash prevented him from proposing the program which has now been introduced in both Houses of Congress. It is high tribute to him that such a carefully thought out and practical program has been written and introduced. It is now up to us, the Members of Congress, to complete the tribute to this great national leader by enacting the program for which he laid the foundation.

Mr. CORMAN. Mr. Speaker, I thank the gentleman from New Jersey for his support and I look forward to his help as this legislation goes through the legislative process.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to congratulate my colleague, the gentleman from California (Mr. CORMAN) for taking up this great cause which our former colleague, the Honorable Cecil King, also of California, carried for so long in the committee on which the gentleman from California (Mr. CORMAN) now serves.

I do hope that although there is no practical possibility of enactment of this legislation by this Congress, that it will be reintroduced early in the 92d Congress under the gentleman's leadership and that we shall not be so long in enacting this splendid and long-needed piece of legislation as we were in enacting medicare.

Mr. CORMAN. Mr. Speaker, I sincerely thank the gentleman for his support.

Mr. COHELAN. Mr. Speaker, today I

am cosponsoring the Health Security Act along with several of my colleagues in the House. This far-reaching legislation will provide for a program of national health insurance as well as strengthen and improve the organization and delivery of health care services.

Mr. Speaker, many of us have long been aware of the present health crisis facing this Nation. The high costs of medical services coupled with a projected medical manpower shortages warrants the attention of this Congress on the problems of the availability and delivery of health care services.

The Health Security Act represents a major innovative step in our health care system. It would combine the Federal, public, and private sectors of the economy into improving health care. This act would provide for qualified health care services for all citizens as well as provide for highly qualified medical personnel. The organization, financing, and delivery of health care services would be managed under this act in such a manner in order to avoid the presently projected national health disaster.

The Health Security Act is vastly superior to all present health insurance plans. In 1969 Americans paid approximately $63 billion out of their pockets for health care services. Experts have maintained that $14 billion of that figure is waste. Hospital costs have gone up 100-percent faster than the cost of living. It has been projected that unless some attempt is made to alleviate this condition of rising medical costs, Americans will be paying twice the costs for health insurance in 1975 as they paid in 1969.

Today it was reported in the Washington Post that the President has asked officials of the Department of Health, Education, and Welfare to draft a proposal that would be designed to make Americans the healthiest people in the world. Americans spend more for health care services than any other nation in the world yet America ranks 13th in infant mortality among the industrialized nations, seventh in maternal mortality, 11th in life expectancy for women and 18th in life expectancy for men. Although Americans have been spending more in the area of health care, the above data clearly indicates that our citizens are not receiving adequate treatment.

Two years ago, Mr. Speaker, the late Walter Reuther was among the first to see our failing health care needs. In November of 1968 Mr. Reuther announced the formation of the Committee of One Hundred for National Health Insurance. This committee was charged with the responsibility of creating a national health insurance plan that would make maximum use of the political, economic, and social framework of this Nation.

This bill that I am cosponsoring today is based on the recommendations of this committee. The distinguished members of the Committee of One Hundred are to be commended for their intensive research and deliberations that took into consideration the views of all groups involved in health care, that is professional associations, labor, government, private institutions, and consumer organizations.

The Health Security Act represents a new chapter in the history of health care in this Nation. At this point, Mr. Speaker, I do not intend to give a point by point detailed analysis of this legislation as this has been ably done today by my colleague from California (Mr. CORMAN).

The Health Security Act would establish a program designed to serve all citizens who need health care services. Through a system of national health insurance, this program would guarantee the orderly and budgeted delivery of services as well as provide for incentives that would greatly generate improvements in both the organization and delivery of health care services.

This act would emphasize the maintenance of health as well as the treatment of illness. Benefits from this program that will become available by July, 1973 will include preventive medicine, the care and treatment of illness, and medical rehabilitation. A five-man Health Security Board, under the jurisdiction of the Secretary of Health, Education, and Welfare, will establish national standards for participating individuals and institutions and will be assisted by regional and local advisory councils.

This national health insurance program will be funded through a Health Security Trust Fund similar to the Social Security Trust Fund. Funds for this national health insurance program will be obtained from three sources: 40 percent from Federal revenues; 35 percent from a 3.5 percent employer's tax; and 25 percent from a 2.1 percent tax on individual incomes up to $15,000 a year. Taxation for this plan will become effective as of January 1, 1973, with the plan's benefits becoming available by July 1, 1973. This health plan will be gradually phased in and funded on a budgeted basis. All health services will be included with the exceptions of limitations on nursing home cases and psychiatric care as well as denial services that will gradually be phased in.

One of the major provisions of this plan is that there will be three separate sections established under the Health Security Trust Fund—a Health Service Account, a Health Resources Development Account and an Administration Account.

Mr. Speaker, the establishment of a Health Resources Development Account is significant in that the Health Security Board will emphasize future health needs as well as present ones.

Provisions will be made in that 5 percent of the Health Security Trust Fund will be used for the recruitment and training of providers of medical services as well as the enlargement and improvement of such organizations and institutions furnishing health care services. A continual strengthening and expansion of medical personnel and institutions will be the key to a gradual national health care delivery system that will insure essential medical services for all our citizens.

Mr. Speaker, the Health Security Act will not create new Federal expenditures but will merely rechannel those funds that are now being spent on medical services in a more efficient and less costly manner. This plan will improve medical services without additional costs and will give all Americans more adequate health care.

In conclusion, Mr. Speaker, I urge my colleagues in the Congress to give serious attention to the Health Security Act. I realize that there is not sufficient time during the remainder of this session for the Congress to fully act on a bill of this magnitude. However, given the deteriorating health care system in our Nation today I would urge the Congress to make this legislation one of the top priorities of the 92d Congress.

Mr. MIKVA. Mr. Speaker, once again the United States has fallen victim to its own chronic short-sightedness. Again we are failing to anticipate a deteriorating national condition that is fast becoming a serious cause of unrest within our society. Like our disregard of the causes of violence in our cities and the causes of our deteriorating criminal justice system; like our ignoring the millions who go hungry in our country while others feast; like our disregard of the economic and social conditions of minorities in our cities—ignoring warnings that education and housing must improve; so, too, have we disregarded a momentous burden our society has placed on the poor, the disabled, the senior citizen, I speak of the high cost of staying healthy.

Because of high rates they cannot pay; millions of Americans have been unable to afford the medical attention and care on which their lives and their children's lives depend.

Private health insurance companies do little to alleviate the cost situation. Given the high rates, the average consumer purchases only partial coverage. In 1968, of the 180 million Americans under age 65, 20 percent had no hospital insurance, 22 percent had no surgical insurance, 34 percent had no inpatient medical insurance, 57 percent had no insurance for doctors' office visits or home visits, and 61 percent had no insurance against the cost of drug prescriptions. One of the most serious gaps in private insurance is that low-income Americans have the least coverage. Sixty-four percent of families with incomes of less than $3,000 and 43 percent of families with incomes between $3,000 and $4,999 are without hospital insurance, while only 8 percent of families with incomes of $10,000 or more are not insured. Millions of people live in fear of the ever present possibility of serious illness and its financial repercussions.

Decades ago, Americans realized the profound effect an inadequate education would have on the life of every citizen; not only in regard to his future job opportunities, but in regard to his attitude to the American ideal of equal opportunities; realize this, our State and local governments made provisions for every American to receive a free public education. Today we must also realize that inadequate health care of millions of Amer-

icans has repercussions throughout the structure of our society that reach not only into the spirits of human beings, but are intermeshed with the present social programs of this country. A man incapacitated by an illness that could have been arrested at an earlier stage, becomes a burden to society. He is the victim of an illness that will affect his family life, his children's lives, and his outlook toward a society that has placed him on the welfare rolls.

Mr. Speaker, with all the medical technological expertise the United States possesses; with all the excellent medical facilities and well-trained physicians at our disposal, the fact cannot be ignored that this country does not possess a well-coordinated, efficient program for health care. The United States is the only major industrial nation in the world that does not have a national health service or program of national health insurance. With all our advances, we rank 13th among industrial countries in the death rate of infants during the first year of life; the mortality rate of nonwhites being twice that of whites, seventh among industrial countries in the percentage of mothers who die in childbirth; nearly five times as many nonwhites as white mothers dying, and 18th in the life expectancy of males and 11th for females.

The United States lacks the necessary manpower and facilities to effectively treat all those who need intensive treatment. One of the most unbelievable, yet real parodoxes of America's health care resources—hospitals, physicians, dentists, nurses, nursing homes, equipment—is that some are overused, some are underused, and many are inefficiently used. Too many people are hospitalized when they could be treated on an out-patient basis, simply because people have health insurance which pays for their hospital bills but not out-patient bills. Survey statistics show that consumers who belong to group practice prepayment programs—which provide extensive out-patient treatment—use 25 to 50 percent less hospitalization than people covered by commercial hospital insurance plans.

It is clear that the problem has reached monumental proportions. The indicators are staring us in the face. It is impossible to turn our backs on them because they exist in every large city and small town in this country. Poor health care is another piece of kindling that is part of what may very well become a funeral pyre for our society if we continue to ignore the profound interrelationships of all of these problems that beset this country.

I emphasize that the program proposed by my colleague (Mr. CORMAN), is not one that encourages a national health service in which the Government owns the facilities and pays the personnel, but one that proposes a partnership between the public and private sectors. This bill provides some far-reaching, concrete answers to alleviate the specific health care problems. First, it establishes effective organization and delivery of health care to all residents of the United States with special emphasis on teams of professional, technical, and supporting personnel. Accordingly, the program will provide funds for special training of physicians, dentists, and other health workers needed for this program, and will apply financial incentives to stimulate the movement of health manpower to medically deprived areas, while providing adequate compensation to the individuals who furnish the health service.

With the adoption of this program, we will be lifting an insurmountable burden from millions of family heads. The Health Security Act will control the mounting costs of health care by incorporating efficient organization and training of personnel, with efficient utilization of hospital and out-patient facilities. I believe this program's enactment is a necessity if we are to think of ourselves as an enlightened society. I hope we are so enlightened.

Mr. ANNUNZIO. Mr. Speaker, I am pleased today to have this opportunity to join with my esteemed colleague from California, Hon. JAMES C. CORMAN, in urging strong and immediate support for a comprehensive universal health care plan for all the people in this Nation. I wish to commend the distinguised gentleman for requesting this Special Order to focus attention on the pressing needs facing the health care system in America. I share his conviction that, as elected spokesmen of the American people, we have a vital responsibility for promoting measures which will ensure the health and well-being of all our citizens. Indeed, we have neglected for too long what noted authorities in this country are calling a "health care crisis of major proportions."

Each day our attention is drawn to new and alarming statistics all of which point to the same inescapable conclusion—that this Nation's huge annual investment in health care services is not yielding essential dividends in terms of improved or prolonged life for millions of Americans. In recent years, we have been spending ever-increasing amounts of public and private moneys in pursuit of good health. In fiscal year 1969 alone, we spent as a nation $60.3 billion on health care services, a total outlay which registered a 12-percent increase over the previous year's expenditures.

Yet vast numbers of Americans have yet to feel the benefits of these huge expenditures. Ninety-six million citizens, almost half our population, suffer from chronic ill health. And this condition of chronic ill health is not, as many of us might suppose, limited to the population over 65. More than 72 percent of the population between 45 and 64 have chronic health conditions resulting in limitations on their ability to hold down employment, keep house, further their education, or otherwise participate actively in the vigorous development of our society.

As Americans, we lay claim to the notion that we have one of the highest standards of living in the world. But, indeed, if this is so, why is it equally true that in a majority of the indexes used to compare health standing among the nations of the world, the United States does not even rank among the top ten? Why do we lag behind 13 other countries in terms of infant mortality, behind 15 other countries in overall life expectancy, behind 20 other countries in incidence of heart disease?

In recent years, our Government has recognized that it must expand its commitment to bettering the health of our people. Public sources now account for over one-third of our national health expenditures. A diverse pattern of over 100 public programs have been developed to provide adequate medical care to our country's citizens. And yet it is still a sorry fact that, in spite of our spending, in spite of our myriad of public and private health programs, we are simply not doing the job.

The ever-growing economic burdens of medical care costs restrain many people from seeking those very services which would promote and maintain their health. We are appalled to discover that increasing numbers of people hesitate to consult a physician or obtain other forms of basic medical attention until the initial complaint or ailment has reached a stage where costly and extensive therapeutic treatment is required.

And Americans are disturbed that when they do seek out medical care, they frequently encounter difficulty in obtaining a physician or point of entry into the health care system, must often wait long hours for private consultations, endure hurried and impersonal attention by overburdened medical personnel.

Several years ago, a number of concerned individuals intimately involved in the Nation's health care system decided that the time had arrived when decisive and far-reaching action was needed to avert a total collapse of health services. Under the leadership of the late Walter Reuther, a man of tremendous foresight and courage, the Committee of One Hundred for the National Health Insurance was set up to consider ways in which this imminent breakdown of health care services could be averted. We owe this outstanding group a profound debt of gratitude for their formulation of a program designed to revitalize our health care system and make available to all Americans the health services they so richly deserve.

The health security program, as embodied in the legislation introduced today by the gentleman from California, the Honorable JAMES CORMAN, and in H.R. 19050, which I introduced into this Chamber on September 9 of this year, is the fruit of the labors of this Committee of One Hundred. As my able colleague has already explained, the health security program would establish a system of universal health insurance providing comprehensive health care for anyone living in the United States. The program would be equitably financed through contributions from employers, employees, the self-employed, and general tax revenues. Important aspects of the program center around a reorganization, a redirecting of the basic resources in our present health care system. Incentives have been built into the program to eliminate duplication and fragmentation of services, to increase efficiency, and thus curtail rising medical costs.

Perhaps the most significant aspect of the program is contained in its very

name—"health security"—for this legislation would insure that every American would no longer feel the anxiety of medical care costs, would no longer encounter barriers to needed health services. Through this program we would enable all Americans to share in the achievements of medical science.

Mr. BINGHAM. Mr. Speaker, I want to commend my colleague from California (Mr. CORMAN) for arranging this special order on the need to provide for a national program of health insurance for all of our citizens. I am pleased to have introduced legislation (H.R. 19072), the National Health Security Act, to implement such a program when the House returned from its recess on September 9, and I am encouraged by the number of Members in the House who also recognize the merit of this legislation.

Despite our affluence as a nation and our world leadership in the development of new medical knowledge and methods, we lag substantially behind a great many other nations in our ability to provide health care to our people. It is widely realized that the United States ranks 13th among the nations of the world in infant deaths; 18th in the life expectancy of men; and 11th in life expectancy of women.

In more personal terms, thousands of American families face the frustration, worry, and pain that grow out of their inability, for any one of a variety of reasons, to obtain the full range of medical services they need at a reasonable cost in time, effort, and resources. In many rural areas, families must travel many miles to reach medical help and, in emergencies, often do not reach it in time. The figures show that medical care is particularly inadequate for members of minority groups, who suffer from twice the rates of infant mortality and deaths in childbirth, for example, as whites. In our largest cities, even many citizens who can afford the rising prices of hospital care find available doctors booked months in advance, hospital beds unavailable, and public health facilities overwhelmed with patients. Thousands of Americans cannot overcome these deplorable obstacles, and so are deprived of a right we have long endorsed as a Nation—the right to adequate health care.

It is no exaggeration, then, to say that we face a national health care crisis. As I see it, this crisis is a result of three related conditions: First, an appalling and increasing shortage of health care professionals and facilities; second, inadequate organization of our existing health care resources to permit maximum delivery of health care services, and third, insufficient funds to cover the costs of providing adequate health care to every American.

The bill my colleagues and I have introduced—the national health security bill—is designed to attack each of these separate elements of our health care crisis over the next several years through a national health insurance program.

It has been under formulation since 1968 by the Committee of One Hundred for National Health Insurance—a group of distinguished Americans and health experts led by the late Walter Reuther, Dr. Michael E. DeBakey, Mrs. Mary Lasker, Mr. Whitney M. Young, Jr., and U.S. Senators KENNEDY, YARBOROUGH, COOPER, and SAXBE.

This legislation has been made necessary by the evident failure of existing Government health care assistance programs and private insurance plans to overcome the inadequacies I have cited. Existing health insurance programs are geared to the costs of curing sickness, not of maintaining and assuring health. They provide remedial, not preventive care. And they do at best a partial job of that. It is estimated that as many as 34 million Americans have no private health insurance at all. In 1968, private health insurance benefits met only about a third of the private costs of health care, leaving the remainder to be paid by the patients—many of whom thought they were well covered by their insurance.

The National Health Insurance program envisioned by this legislation to meet these problems involves no Government ownership of health facilities. It involves no Government employment of health personnel or Government management of health systems. Rather, it provides for a closer partnership between the medical professions and the Government covering a full range of health services. Under this plan, the Government will provide gradually increasing funds and administrative resources which will be made available to private health practitioners and institutions, enabling them to better meet the health needs of all Americans.

A special effort has been made in this legislation to assure that it will not simply further overburden our already overburdened health care system. Special provisions have been included that earmark funds to insure expansion of medical care capacity as the number of Americans covered under the national insurance program expands.

Special care has been taken, too, to see that standards of medical care are not sacrificed as care is expanded. The program establishes national standards more exacting than under the current medicare program for participating medical professionals and institutions.

To improve the organization of available medical resources, the program suggests a system of financial incentives encouraging, for example, greater use and development of group medical practices. By using incentives rather than directives, fuller support and participation of the medical professions is likely.

The program will be financed through a health security trust fund derived from three sources: 40 percent from Federal general revenues, 35 percent from a tax of 3.5 percent on employers' payrolls, and 25 percent from a 2.1 percent tax on individual income up to $15,000 per year.

Mr. Speaker, this legislation, if examined and enacted with all possible promptness by the Congress, can bring all Americans under a program of national health insurance beginning in 1973. I want to commend the excellent work of the Committee of One Hundred in developing this program. I think it is a comprehensive bill. I think it is a bill that combines great vision and idealism with hard practicality. I think it is a bill that deserves the careful study of every Member of Congress and every American who is concerned about the health care problems we face and who is dedicated, as I am, to providing better assurances that each and every American has the kind of opportunity to preserve his health and cure his ills that is presently enjoyed only by a privileged minority of Americans.

Mr. KOCH. Mr. Speaker, I join with my colleagues today in introducing the Health Security Act providing for the establishment of a comprehensive health care program for our country's people. The bill gives us the legislative means for realizing the health security program developed by the Committee for National Health Insurance, a committee of 100 members founded in 1968 by the late Walter Reuther, then president of the United Auto Workers. One of the committee's three vice chairman, Mrs. Albert D. Lasker who has been a national leader in health care matters, resides in my congressional district.

When established to develop a national health care program, the committee was directed not simply to select from other countries the best health care program that could be found for adoption in the United States, but rather to develop a new program which would take advantage of our own medical resources and advancements and, while harmonizing with existing medical institutions, would correct the system's deficiencies. The committee observed this mandate and has produced an extraordinarily sound program: one that will meet today's challenge of high medical costs and the shortage of health manpower and institutions and one that will promote the maintenance of good health as well as the treatment of illness. It will pay for medical care for all Americans: not just the poor or elderly or those who can afford medical insurance premiums. It will make available to all persons comprehensive preventive, treatment, and rehabilitative services. And through its Resources Development Fund and the establishment of national standards for practicing individuals and institutions, it will monitor the quality of medical care received by all Americans.

Getting sick today has become so expensive that a single illness can burden a family for years with monumental medical bills. Health costs per person have more than doubled in the past decade. While in 1960 each American was spending an average of $128 for health care; in 1969 he spent $270. A great portion of this cost is reflected in the rise of patient care in a hospital: in just 5 years this cost has risen 80 percent—from $37.58 per day in 1964 to $67.69 in 1969, and in New York City's private hospitals this cost has reached $100 a day.

Added to the galloping costs of medical care is the inability of health insurance companies to cover the costs of illness.

While Americans pay an estimated $12 billion a year to health insurance companies, they are having to pay two-thirds of the medical costs out of their own pockets.

TODAY'S "SICK CARE," NOT "HEALTH CARE"

One of the most important consequences of today's high cost of medical care and the limitations of insurance coverage, is that medical care for most people is limited to "sick care" and not "health care." Often people do not seek preventive care, and instead wait for an illness to develop before obtaining medical attention. It is interesting to note that the Committee of 100 found only about half as many operations were performed on persons participating in a prepaid group practice plan as in a private insurance plan providing for only hospitalized care.

FREEDOM FROM CRIPPLING COSTS/FREEDOM TO OBTAIN MEDICAL CARE

What the health security program will do is free people from the fear of crippling costs of illness and disability. It will free people to obtain good medical care and to live in good health.

It is obvious, Mr. Speaker, that it is urgent that we do something about the state of the public's health. While our medical technology and sciences are second to none in the world, the health of our people is not at the top of the list. American men rank 18th in the world in life expectancy, giving Swedish men, who rank first, an additional 5 years of life. The United States is 15th in infant mortality, with infant mortality for nonwhites being twice that of whites. And in maternal mortality we are seventh with twice as many American mothers dying during childbirth as in Sweden.

In short, under our present medical system, the people of this country are not receiving the maximum benefits of today's medical sciences: we are not getting health care to the people. This is due to the high costs. But, it is also due to inefficiency in the administration of medical services—an inefficiency that becomes more critical each year with the increasing shortage in health care facilities and professionals.

Opponents of a comprehensive national health care program will argue that it will cost too much. But when analyzed, we will find that, in fact, it will cost no more than what we are paying now and in the long run it will cut costs because of increased efficiency in the delivery of services and increased productivity of a more healthy public. The Committee of 100 estimates that had the program been in operation in 1969, the total cost would have come to $37 billion, or approximately $200 per person. This is not $37 billion in new money but rather the rechannelization of funds that are now being spent by government agencies, insurance companies, and individuals.

The Health Security Act provides that commencing July 1, 1973, all medical services would be paid for out of a Health Security Trust Fund—to be much like the Social Security Trust Fund. There would be three contributors: the general Treasury which would provide 40 percent of the fund; employers through a payroll tax would provide 35 percent; and individuals, 25 percent. The Government appropriation and the taxes on individuals and corporations would be determined by a Health Security Board. Estimates now place the employer payroll tax at 3.5 percent, with individual salary earnings up to $15,000 a year being subject to a tax of 2.1 percent.

ILLNESS IS A NATURAL DISASTER THAT MERITS GOVERNMENT HELP

Mr. Speaker, every major industrial nation in the world now has a national health care program except the United States. We have been reluctant to change our health care institutions in great part because of their past success; but let us not let past successes doom us to failures in the future. The time for change has come—in fact we already are late in making the needed adjustments to the demands of modern medicine whose advances, while often are lifesaving, are also very expensive. Illness at any age is a natural disaster; in other instances of natural disaster our Government has assumed a responsibility to assist individuals in meeting economic hardships.

I think that our colleagues would agree that no price can be attached to good health; the opportunity for good health is something that no society can in good conscience deny any individual. It may be true that those who have the good fortune of not suffering an illness will have to pay more in dollars under the Health Security program than they would today. But is it right to let those who have the misfortune of illness to also suffer from the hardships of today's medical costs?

I commend the Health Security Act to our colleagues, and I urge that we begin immediately to obtain its approval so that a solid administrative foundation can be established throughout the country for its proposal commencement in 1973.

GENERAL LEAVE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the Health Security Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. CHAPPELL. Mr. Speaker, I was unavoidably detained in my office working on a matter very important to my district when the vote was taken on H.R. 18306. Had I been present for the vote I would have voted "nay."

DANGEROUS SPECIAL DRUG OFFENDER SENTENCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, when the House debates H.R. 18583, the drug control bill, I will offer the amendment printed at the foot of my remarks.

It will be seen that my amendment deletes nothing from the committee bill. Rather, it adds two new sections to the law enforcement section of the bill. The amendment is a supplement to the "continuing criminal enterprise" portion of the committee bill. Together, they will constitute a twofold attack upon the repeat offender, the professional offender, the truly dangerous criminal without whom the unlawful drug culture is this country would collapse.

The text of my amendment is as follows:

DANGEROUS SPECIAL DRUG OFFENDER SENTENCING

On page 88 after line 12, insert the following:

"SEC. 509. (a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felonious violation of any provision of this title or title III committed when the defendant was over the age of twenty-one years has reasons to believe that the defendant is a dangerous special drug offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special drug offender who upon conviction for such felonious violation is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special drug offender. In no case shall the fact that the defendant is alleged to be a dangerous special drug offender be an issue upon the trial of such felonious violation, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special drug offender and his counsel.

"(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felonious violation, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defend-

ant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felonious violation and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special drug offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felonious violation. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felonious violation. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

"(c) This section shall not prevent the imposition and execution of a sentence of imprisonment for life or for a term exceeding twenty-five years upon any person convicted of an offense so punishable.

"(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special drug offender to less than any mandatory minimum penalty prescribed by law for such felonious violation. This section shall not be construed as creating any mandatory minimum penalty.

"(e) A defendant is a special drug offender for purposes of this section if—

"(1) the defendant has previously been convicted in courts of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for two or more offenses involving dealing in controlled substances, committed on occasions different from one another and different from such felonious violation, and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felonious violation, and less than five years have elapsed between the commission of such felonious violation and either the defendant's release, or parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense involving dealing in controlled substances and punishable by death or imprisonment in excess of one year under applicable laws of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof; or

"(2) the defendant committed such felonious violation as part of a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

"(3) such felonious violation was, or the defendant committed such felonious violation in furtherance of, a conspiracy with three or more other persons to engage in a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or dealing, or give or receive a bribe or use force in connection with such dealing.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such dealing. For purposes of paragraph (2) of this subsection, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended 80 Stat. 838), and as hereafter amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Act of 1954 (68A Stat. 17, as amended 83 Stat. 655), and as hereafter amended. For purposes of paragraph (2) of this subsection, special skill or expertise in such dealing includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of such dealing, the enlistment of accomplices in such dealing, the escape from detection or apprehension for such dealing, or the disposition of the fruits or proceeds of such dealing. For purposes of paragraphs (2) and (3) of this subsection, such dealing forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

"(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felonious violation is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

"(h) With respect to the imposition, correction, or reduction of a sentence after proceedings under this section, a review of the sentence on the record of the sentencing court may be taken by the defendant or the United States to a court of appeals. Any review of the sentence taken by the United States shall be taken at least five days before expiration of the time for taking a review of the sentence or appeal of the conviction by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review of the sentence for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review of the sentence by the United States after the time has expired. A court extending the time for taking a review of the sentence by the United States shall extend the time for taking a review of the sentence or appeal of the conviction by the defendant for the same period. The taking of a review of the sentence by the United States shall be deemed the taking of a review of the sentence and an appeal of the conviction by the defendant. Review of the sentence shall include review of whether the procedure employed was lawful, the findings made were clearly erroneous, or the sentencing court's discretion was abused. The court of appeals on review of the sentence may, after considering the record, including the entire presentence report, information submitted during the trial of such felonious violation and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review of the sentence taken by the United States and after hearing. Failure of the United States to take a review of the imposition of the sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Any withdrawal or dismissal of review of the sentence taken by the United States shall foreclose imposition of a sentence more severe than that reviewed but shall not otherwise foreclose the review of the sentence or the appeal of the conviction. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence. Any review of the sentence taken by the United States may be dismissed on a showing of the abuse of the right of the United States to take such review.

"SEC. 510. No limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence under this Act.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There are four times more TV sets in the United States than any other nation in the world. There are over 89 million television receivers in the United States compared to 22 million in Japan, the second-ranked nation.

ADDRESS BY SENATOR JOHN L. McCLELLAN TO BLUECOATS, INC., AKRON, OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. AYRES) is recognized for 15 minutes.

Mr. AYRES. Mr. Speaker, the Bluecoats organization of Summit County was created in 1959 by a volunteer group of citizens who were concerned with the well-being and morale of the uniformed protective services of our country.

The objective of the organization is to maintain funds to provide financial aid to the wives and dependents of policemen, firemen, and deputy sheriffs who become disabled or who lose their lives in line of duty.

I am very proud of my membership in this very fine group from Summit County, Ohio. Other cities have similar organizations.

These men whom we serve are almost daily risking their lives on our behalf. The concern that we show them cannot help but raise their morale. This is particularly beneficial during a period when they have been under physical attack by

some of the very people whom they are trying to assist.

Last Thursday, the Akron Bluecoats had their annual dinner at the Portage Country Club. The principal speaker at the banquet was a man who has done more for law and order than almost any other man in our history. Through the hearings that he has conducted and the legislation that he has initiated, he has slowed up the activities of organized crime.

I am speaking, of course, of U.S. Senator JOHN L. MCCLELLAN. I have valued the friendship of this great man and have followed his leadership in this most important field.

As I sat listening to his speech at the Akron Bluecoats' dinner I felt that my colleagues would be very interested in his remarks. I wish to associate myself with his commendation of our police forces.

Senator JOHN L. MCCLELLAN'S remarks follow:

EXCERPTS FROM REMARKS OF SENATOR JOHN L. MCCLELLAN

We are now in the midst of a perilous period in our nation's history. Our country is in trouble; it is confronted with real dangers.

The greatest threat to our survival is not reposed in the missiles and bombs or in the armed might of any foreign foe. Although there is danger from that source—and I do not minimize it—our capacity and power of retaliation have served so far as an effective deterrent to any direct military attack upon us by any would-be aggressor. If we will continue to maintain a posture of defense adequate to repel such an attack, it is unlikely that any overt attempt will ever be made from without to conquer or destroy our country by force of arms.

I believe the greatest and more immediate danger to our national security stems from the criminal and subversive activities of enemies within.

More than 100 years ago, Abraham Lincoln said, "if danger ever reaches us, it must spring up among us. It cannot come from abroad." He further said, "if destruction be our lot, we must ourselves be its author and finisher; as a nation of free men, we must live through all time or die by suicide." History confirms that great nations are never conquered from the outside unless they become corrupt and subverted from within.

The wave of criminal behavior and the unrelenting assaults now being made on our society and constituted authority are moving us toward the brink of chaos and anarchy. These assaults have reached such momentum and gravity that they now compel urgent and profound national concern.

Lawlessness, violent dissension, and moral decay which pervade our land today have reached dimensions that portend open rebellion against society and the rule of law. The unprecedented rise in crime and the steady decline in effective law enforcement during the past decade present a most forbidding record—a record that is a reproach to our nation and to our modern civilization.

Crimes of rapacity and violence have spread until they blanket our nation. There is no sanctuary—no refuge—to which the citizen can repair for safety and for protection from criminal depredations.

Crimes today are committed everywhere with virtual impunity—in the streets and alleys, in our schools and churches, and in our homes and market places. Crime is in no way related to geography; it knows no boundaries. This growing rebellion against the rule of law threatens our internal security and endangers the survival of our country.

If, for the next 10 years, crime increases at the same rate that it has during the past decade, we will be inundated with an epidemic of lawlessness—the devastation and ravages of which the structure of our society cannot withstand and which the sovereignty of our government cannot survive.

Just as street crime is a threat to the security of our persons and property, equally menacing is the threat of organized crime to the stability of our economic system and to the integrity of government. So entrenched, cold-blooded, and powerful are the forces of organized crime that they have created outside of the law a veritable parasitic government that feeds like a leech on all segments of our economy and society.

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The decade of the sixties ended with crimes of violence up 131 percent. The decade of the seventies has been ushered in with a rash of diabolical and senseless bombings directed at government buildings, at public officials, and at educational, religious, and free enterprise institutions.

Some 5,000 bombings have occurred in the United States during the past 18 months. More than 1,200 of these were with high explosives bombs; the others were with incendiary devices. These bombings caused the deaths of at least 45 persons, injured more than 400 others, and resulted in property damage in excess of $25 million.

In addition to these actual bombings, some 35,000 bomb threats have been made. Some of these threats and bombings were, of course, committed by individual fanatics whose varied motivations possibly cannot be established. But, we know that many were incited and carried out under the direction and leadership of well-organized militant groups with malicious intent to commit sabotage and to instill fear and terror in the people and in the official "establishment" in the cities and communities where they occurred. I am convinced that many of these violent assaults are a phase of training for guerrilla warfare which self-styled revolutionaries are planning and intend to wage against our free society and constituted government.

These characteristic revolutionary tactics have also been resorted to by rioters and protestors to support causes, to protest alleged grievances, and to impose inordinate, unlawful, and non-negotiable demands. In fact, threats, violence, and blackmail are now instruments of common use to compel government, public officials, and our free institutions to be subservient to the will and demands of the anarchist and the mob.

There are those, too many, who seek to excuse and mitigate actual civil disobedience and crimes committed in the name of protest and dissent. But, violence and other unlawful acts are unacceptable and intolerable instruments for the advocacy of causes or as weapons of protest against rules of society or laws with which one disagrees.

Dissent is a precious right—a right that we all acknowledge and defend. But legitimate dissent does not warrant or excuse acts of arson, bombing, or violence to the property and person of another. Such actions wilfully perpetrated are crimes, and the dissenters and protestors who resort to such violent acts are law violators and should be dealt with swiftly and severely.

The right of dissent and protest does not carry with it a grant of privilege or license to violate the law or to interfere with or obstruct the legitimate rights of others.

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Today, the lawbreaker, in all categories—including the habitual criminal and the organized crime offender—enjoys greater immunity and protection than ever before. Only about one person out of every 20 who commits a major crime is ultimately convicted and punished. And, when they are punished, seldom are the sentences imposed commensurate with the gravity of the crimes committed.

This soft-sentencing practice is an important factor in the ever-widening gap between lawlessness and law and order. Lenient sentencing has definitely crippled the war on crime. Rising recidivism tells us that rehabilitation is seldom achieved. Upward of 75 percent of those arrested today are repeaters.

This gap is further widened by the growing inability of our police to solve many major crimes. While the overall-rate of crime was rising by 148 percent during the last 10 years, the rate of crime clearances, that is, crimes solved by law enforcement officials, declined by 32 percent.

Inordinate delays from time of arrest and indictment until trial are a mounting obstacle to the administration of justice. Most regrettably, many of these delays are occasioned by technicalities associated with "new rights" and procedural requirements that have been imposed by the Supreme Court on trial processes in criminal cases. As a result, in many jurisdictions, the criminal case docket has become so congested that it takes from a year to two years—and longer—to bring a serious criminal case to trial. During the long period of waiting for the trial to begin, the accused is usually free on bail with the opportunity to resume his criminal activities, and, too often, many do just that.

All of this stands in sharp contrast to the English system where the time from arrest to time of trial averages only six to eight weeks and another 30 to 60 days to final disposition on appeal. Obviously, there is urgent need to speed up the processes of justice and provide for quicker trials and final disposition of criminal cases.

Mr. Chief Justice Burger, in his recent State of the Judiciary address to the American Bar Association, underscored this problem and noted that it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence. This prolonged time is frequently compelled by reason of the "new rights" and technicalities to which I have just referred—and particularly to those associated with confessions, identifying witnesses, and evidence seized by the police.

I firmly believe that some Court decisions have been a contributing factor to the deterioration of law enforcement. And, I think it is unfortunate that the Supreme Court during this era of rising crime and turbulence has overruled and repudiated sound court precedents of long-standing and has reinterpreted and given strained construction and new meaning to many parts of the Constitution.

The Court has *contrived* "new constitutional rights" for the accused which have altered numerous evidentiary rules and law enforcement procedures. Many of these changes have served to make the police officer's job increasingly difficult and more dangerous.

My views on the effect of these Court decisions are shared by others—including past and present members of the Court itself. In 1967, Mr. Justice Harlan, in his dissenting opinion in *Berger vs. New York*, stated:

"Newly *contrived* constitutional rights have been established without any apparent concern for the empirical process that goes with legislative reform."

Later, when I used the word *"contrived"* in referring to certain rulings of the Court, I was taken to task by some of the liberal press and commentators. But, obviously, I did not originate the application of that terminology to Supreme Court decisions. A

member of the Court itself is apparently the author of it.

In reading many dissenting opinions of members of the Court, I find that they often use much harsher and more incisive language in criticizing the Court's opinions than I have ever used in commenting on the Court's precedent-shattering decisions.

Mr. Justice Harlan in that dissenting opinion further said:

"The Court has more and more taken to itself sole responsibility for setting the *pattern* for criminal law enforcement throughout the country."

Now, let us take a brief look at that "pattern" bearing in mind that the written Constitution has not changed—not one word of it. The meanings of its words have simply been unwisely reinterpreted by the Court and given new applications, in many instances, to overrule previous decisions and many sound precedents of long standing and to change the law of the land.

Statistics dramatically portray the picture. Out of 123 federal criminal cases decided by the Supreme Court—with a written opinion—during the past 10 years, 68 or 55 percent of them were reversed. Out of 146 state criminal cases so decided by the Supreme Court during that same period of time, 114 or 78 percent of them were reversed. That "pattern"—that record—it seems to me, leaves much to be desired, for I can hardly believe that our Federal Circuit Judges and our State Supreme Court Judges, respectively, are that unqualified and incompetent as to warrant such wholesale reversal of their decisions.

Two new members—including a Chief Justice—have been appointed to the Court within the last year. In due time, no doubt, other changes on the Court will occur. I am encouraged that the changes thus far are for the better.

As evidence of this, it is significant to note that during the last term of the Warren Court (1968–69) the Court heard and decided 26 appeals in criminal cases. The government—the prosecution—won only eight (or 31 percent) of them; 18 (or 69 percent) of them were reversed. Quite in contrast, during the first term of the Burger Court (1969–70), the Court heard and decided 29 appeals in criminal cases. The government—the prosecution—won 18 (or 62 percent) of these. Percentagewise, this represents 100 percent improvement over the previous year under the Warren Court.

This marked improvement certainly gives promise that the judicial pendulum is beginning to swing back towards a better balance of justice as between the rights of the criminal and the protection of society. This change may well indicate that the activism and false liberalism which so often characterized some of the Court's decisions during the past few years are diminishing and hopefully are being abandoned.

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Although some of the Court's decisions may have frustrated and weakened law enforcment, they certainly are not the basic causes of criminal behavior.

Many socio-economic factors can be identified as causes of crime; such as poverty, overcrowded living conditions, unemployment, lack of education, broken homes, exposure to violence in movies and on television, drug addiction, and many others. These causes do exist in varying degrees. They, of course, should receive the attention of both government and society and should be removed or ameliorated wherever possible. In fact, the Federal Government is now spending some $40 to $50 billion annually on programs directed to problems in those areas.

But, some of these factors are too often magnified and exaggerated as major causes of crime. For, today, we have greater affluence and less poverty in America than ever before. We have better housing, more conveniences, and greater educational and economic opportunities than ever before. We had much, much less crime half a century ago—even a quarter of a century ago—when poverty was far more prevalent than it is now. And, certainly, we cannot blame poverty, overcrowded living conditions, unemployment, and such other factors for the lawless behavior and rioting of college students or for the revolutionary bombings and violent activities of such organizations as the Black Panthers, and the Students for a Democratic Society and their bomb-throwing offspring, The Weatherman.

I believe the major cause of crime and lawlessness with which we are today afflicted is more basic and goes deeper. It stems primarily from the failure of the homes, the schools, and the churches to instill into our youth high ideals and standards of moraltiy and decency and a stronger sense of citizenship obligation.

These are the institutions where discipline, respect for authority, concepts of individual responsibility, and a sense of duty to God, to country, and to our fellowman are first instilled into the hearts of minds of our children. The void created by these failures is too often filled today with an attitude of disrespect, permissiveness, cynicism, and a callousness that borders on nihilism. Unfortunately, however, those would-be nihilists of this generation offer no constructive alternative. They offer only disruption, chaos, anarchy, and destruction.

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In addition to authorizing and funding many programs to remove or ameliorate those social and economic factors that are often cited as causes of crime, the Congress is also enacting new laws to improve and strengthen our law enforcement processes and procedures.

In 1968, Congress enacted the Omnibus Safe Streets and Crime Control Act. Title I of that Act provides for federal financial assistance to states and units of local governments. We appropriated $63 million for that purpose in 1969, $268 million for Fiscal 1970, and we will appropriate $480 million for Fiscal 1971. Within the next three to five years, this appropriation item is expected to exceed $1 billion dollars annually. It will be another four or five years before this program will come into full fruition, but by reason of this federal assistance, we will soon have better trained, better equipped, and more efficient law enforcement officials throughout the nation.

Title III of that Act provides for court-authorized and carefully controlled use of wiretaps and electronic surveillance. This Title of the bill was bitterly contested in the Senate but finally adopted by an overwhelming vote of 68 to 12. The opposition contended that this Title would legalize promiscuous snooping and the invasion of privacy of American citizens. These fears and predictions have in no way materialized. The former Attorney General, as you know, spurned this Title of the Act and refused to use it. Fortunately, however, the present Administration is making forceful and effective use of it.

During the first 18 months of this Administration, 136 court orders have been procured for wiretapping or electronic surveillance. One hundred thirty-three of these were executed. Of that 133, 121 were successful and productive, resulting in 419 arrests and 325 persons being indicted to date. Results achieved from only just a few of those court-approved wiretaps are:

(1) 124 pounds of heroin worth $8 million were seized.

(2) Two separate numbers rackets rings opearting in 60 different locations in Midwestern States were broken up with the seizure of gambling records and paraphernalia and $50,000 in cash.

(3) A half million dollars worth of stolen bonds was recovered.

(4) Plans for murder and a bank robbery were overheard which alerted officials and enabled them to prevent the murder and to apprehend the robbers and recover the stolen money immediately following the robbery.

(5) In the Nation's Capital, the police made a successful raid recovering large quantities of drugs and arrested 44 individuals, including a lawyer, a policeman, a real estate agent, a dentist, a wholesale distributor of drugs, and two members of the Mafia who imported the drugs.

(Incidentally, members of the Cosa Nostra or other organized crime groups were involved in all of these operations.)

Thus, the effectiveness of this statute in the war on organized crime is now firmly established. And, to date, contrary to predictions, there has not been reported a single instance of abuse or misuse of the authority and the power that the Act confers.

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On January 23rd of this year, the Senate passed by a record vote of 73 to 1, S. 30, the Organized Crime Control Act of 1969. Since that time, 22 Senators who were absent and not voting have announced their support for the measure. It deals primarily with evidence-gathering and trial processes in organized crime cases. Among other things, it revamps the grand jury system, permits the securing of testimony in certain instances over the objections of self-incrimination, permits the taking of depositions of witnesses who may be in danger of reprisals, provides new anti-gambling measures, provides for the application of anti-trust type remedies to organized crime's infiltration of legitimate businesses, and provides for increased punishment for habitual, professional, and organized crime offenders.

Notwithstanding Attorney General Mitchell has termed this bill "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress"; notwithstanding many of the provisions of the bill were recommended by the President's Crime Commission; notwithstanding the bill has the endorsement of the National Chamber of Commerce, National Association of Counties, National Association of Chiefs of Police, and the American Bar Association; and notwithstanding this law is urgently needed; the bill has been languishing in the House Judiciary Committe now for more than seven months. The public interest and the safety and protection of American citizens require that the House process and pass this measure without further procrastination and delay.

Incidentally, the same forces who fought the wiretap and electronic surveillance provision of the Omnibus Crime Bill are today bitterly opposing S. 30. These forces were wrong when they fought the Omnibus Safe Streets and Crime Control Act, and they are just as wrong now in opposing this Organized Crime Control Act.

The passage of this bill means that the Congress will have given a new chest of modern tools—effective tools—to law enforcement agencies with which to protect society from the violence and depredations of professional criminals. Certainly, its enactment will greatly increase the probability that the professional gangsters and racketeers, the illegal narcotic distributors, and the members of organized crime rings and gambling syndicates will be apprehended, tried, convicted, and punished for their nefarious crimes.

The Senate, I am proud to say, has fully measured up to and met its responsibility. The Administration favors and is strongly supporting the bill. The American people

have a right to ask and to expect the House of Representatives to act promptly and favorably in adding these vital new weapons to the arsenal of law enforcement.

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Our sheriffs and their deputies, our policemen on the streets, and, quite frequently, our municipal firemen are on the front line of resistance to criminal assaults. They are the primary target of the law violators, the subversives, and the revolutionaries. They are required to do their jobs in an atmosphere of growing resentment and hostility. They are our firing line defenders who must bear the brunt of verbal abuse and physical attacks of those who are seeking to undermine and destroy our system. They are compelled to endure the epithet, "Pigs," and the vile profanities and obscenities that ring in their ears. It is they who are expected to sustain and bear without retaliation the vulgar insults of the vandal, the arsonist, and the rioter and then be subjected to a false and malicious charge of "police brutality." It is they who under trying circumstances and ordeal must keep their "cool." In other words, they are expected to keep their heads when all about them are losing theirs and blaming them for the disorders and violence at hand.

To the dedicated, courageous, and faithful police officers of our nation, we all owe a heavy debt of gratitude. That debt is an obligation that law-abiding citizens can only partially pay by giving to them unstinting cooperation, moral support, and good will.

Time is running out. We must restore law and order in America. To do this, we must make available to our law enforcement agencies all legal weapons that can be fashioned within the framework of the Constitution. We must stop pampering the perpetrators of violence, stop coddling criminals, and stop condoning crime. I believe that the right of the citizen to be safe transcends the right of the criminal to be free. We can never have safe streets and safe homes, nor will our free institutions be secured, until we get the anarchists, the habitual criminals, and other felons off the streets and in the jails where they belong.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the catastrophic events in recent days in the Middle East give all of us cause for great anxiety and concern. The outlook is dark and grim. The showdown is here and our Government can no longer make the mistakes of the past.

Israelis are disillusioned because it is now clear that the United States was not adequately prepared to monitor the cease-fire as closely as it promised Israel it would. The Egyptian-Soviet axis brazenly violated the standstill and positioned many SA–2 missiles in the prohibited 32-mile zone west of the Suez. The new sites are within 11 miles of the canal and the Egyptians may now aim at Israel planes 12½ miles east of the canal.

Indeed, many now suspect that Egypt accepted the cease-fire to gain a breathing spell for her army and to mass materiel and manpower, in preparation for military and diplomatic pressures to force Israel's capitulation to ultimata when the 90-day truce ends.

I would like to outline six steps that should be taken immediately by the United States.

One. The United States must demand that the United Arab Republic and Soviet missile troops withdraw new weapons systems installed in the area of the Suez Canal in violation of the 90-day cease-fire. The United States was the initiator of this cease-fire and gave Israel solemn assurances that Israel's security would not be compromised. Yet, these assurances proved worthless when Russian-Egyptian missiles were moved forward in violation of the standstill agreement. This step must be taken to lend credibility to the U.S. role on the eve of the visit to the United States of Israeli Prime Minister Golda Meir who is due here this week, September 17.

Second. The United States must move at once to rectify the present imbalance which menaces Israel and encourages the Arab to continue belligerency. This should be done by the grant of arms and provision of easy credit long-term loans covering other arms. Phantom jet aircraft should be delivered immediately from existing reserve stocks of the U.S. Air Force in West Germany. So should the latest electronic countermeasure devices to cope with the missiles. It is also essential that Israel receive the best available American tanks, improved Hawk missile systems, and other arms without delay. This is the least that the United States can do to balance the new situation created by the Soviet Union in addition to the deterioration of the situation in Jordan and Lebanon. It is the only way to deter even more volatile Arab aggression.

Third. The time has come to advocate a United States-Israel defense pact. Since Soviet troops now confront Israel at the Suez Canal, the risk of miscalculation is apparent. To deter the Russians from incorrectly assessing American intentions, it is essential that the United States spell out in contractual form the commitment of our country not to permit the Soviet Union to unleash its own forces against Israel. This may avert Russian involvement that may escalate and lead to world war III and the nuclear destruction of the world.

Fourth. The United States must respond vigorously to Arab hijacking. In addition to placing armed guards aboard American commercial aircraft, we must dramatize to the Arab states that we will not tolerate collaboration with the terrorists. Oh, sure some Arab regimes disavow the acts of terrorists. But they are just as responsible for the devastation wrought by the so-called liberationists. They allow terrorists camps and commando training to flourish openly in their lands and allowed them to flaunt their threats and attacks on Israel. So, when Egypt and Lebanon plead innocent to responsibility for the hijackings they are just as guilty as the actual perpetrators. We should discontinue all flights to Beirut and Cairo. We should deny admission to the United States to the aircraft of any nation that serves nations that harbor pirates. We should embargo delivery of airliners ordered here by Arab states.

Fifth. We should propose an international convention at the Hauge to draft a treaty or unlawful seizure to provide the apprehension, prosecution or extradition of hijackers and make any nation that collaborates or harbors air pirates as violators of international law subject to appropriate sanctions.

Sixth. A congressional joint resolution should be offered to insist that all passengers on American ships and aircraft be afforded the full protection of the American flag regardless of the religion and nationality of such passengers. Such resolution would provide for all measures necessary, including use of military force, to rescue persons hijacked or kidnapped when they enjoyed the protection of the American flag aboard U.S. aircraft or ships.

The time for talking about these proposals is past. We must act now.

INVITATION FOR ACTION AGAINST ORGANIZED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, for the benefit of the people of this country, who shoulder the burden of the billion dollar a year cost of organized crime, and whose mental and emotional suffering at the hands of the crime lords cannot be measured in dollars and cents, I have today filed a discharge petition on House Resolution 1169. This resolution will provide for 4 hours general debate. It will provide an opportunity for every Member to vote on meaningful legislation for dealing with the nationwide problems of organized crime.

If this petition attains the necessary 218 signatures, it will bring to the floor our bill, H.R. 18279, the Organized Crime Control Act of 1970. This bill is essentially and substantially the same as the bill S. 30, which passed the Senate and has been before our Committee on the Judiciary since January. All of my colleagues who have done their homework are familiar with the provisions of that bill.

This is the first time in my years here that I have sponsored a discharge petition. But the need for the legislation to which this petition is attached is so great, the conditions which it would help correct need correction so badly and the hour of this legislative session so late as to justify drastic procedures if they are necessary for dealing with the far-reaching effects of the multiple sins committed by organized crime rings against the people of this Nation.

In the past 2 years we have passed and then improved and enlarged upon legislation for dealing with crime in the streets. I am confident that establishment of the Law Enforcement Assistance Agency and increasing its funding for the various responsibilities bestowed upon LEAA will go far toward reducing the number of robberies, muggings, burglaries, and other crimes of local and regional nature.

But that fine law does not go nearly far enough. It does little if anything at all to strike at the sophistication of the big business of organized crime, which has branch operations and ruthless representatives and practitioners in nearly every city and town in the country. It is

this kind of crime that has supported the horrendous growth of the drug traffic that is wrecking the lives of countless thousands of young people. This is the only form of crime that can finance and run widespread, syndicated gambling and loan sharking operations that take away the earnings of America's working people. This is the form of crime that puts together and executes complex schemes for wrecking small- and medium-sized banks, or it can and does invade the ranks of legitimate business for acquiring a facade behind which its far-reaching illegal activities can be masked. It is such forms of crime to which the provisions of my bill are directed.

I ask my colleagues to join me in signing this petition, which will enable us, as their Representatives in Congress, to respond to the cries of innocent victims in our home districts and all across the Nation for legislation with which to fight the insidious growth and effects of organized crime.

As I pointed out in the beginning, my bill is similar to the bill S. 30. About the only major difference is that I have eliminated the special grand jury provisions contained in title I of the Senate-passed bill. It has been asserted by those who say they are reluctant to see S. 30 clear the Judiciary Committee, that many of its provisions are of questionable constitutionality. May I once again point out that their concern is for the constitutional rights of those individuals whose past histories and relationship to the evidence at hand bring them under suspicion and perhaps arrest for crime against the community. And may I assert as strongly they will give us the crime bills which the Senate has sent over to them.

The people may criticize the Senate for its lateness in handling the money bills for fiscal 1971, which began 10 weeks ago. But the people will forgive and no real harm will have been done when we pass continuing resolutions for financing the Government, as we have done so many times in recent years.

But if there is no action for dealing with organized crime, then the people will also criticize the House, but they will not forgive us. And we will be solely to blame for the continuing drug addictions, the new addictions, and the loss of life and wrecked homes attributable to this segment of crime. The continuing prosperity of extortion rackets, graft in high places in Government, and all the other divisions of organized crime's great department store chain will be the gift of our inaction.

The July 1970 issue of the Reader's Digest, page 71, carried a comprehensive, factually documented story of how the Mafia's power, greed, and ruthlessness nearly ruined one of America's largest industries, the 4,700-store A. & P. food chain. With murder, arson, and other unprincipled devices as their tools, organized crime laid siege to this company in their efforts to force the stocking of an inferior Cosa Nostra made detergent. The final paragraph of that article is as follows:

> That Mafia mobsters using extortion, labor racketeering and outright violence have been able to bring the world's largest food retailer to the brink of disaster demonstrates the grave imbalance in our system between criminal conspirators and law enforcement. Yet, for over a year, the House Judiciary Committee has bottled up the Senate-passed Organized Crime Control Act earnestly requested in 1969 by President Nixon.

The article tells its readers that a letter to their Congressman demanding as possible that for much too long the pendulum in this matter of constitutional protection has swung in the wrong direction. If it is impossible for a committee of this Congress to find an equal balance between the constitutional rights of criminals and those accused of crime and the rights of those who are victimized or threatened by criminal activities, then I must cast my lot on the side of crime's victims and potential victims.

In the case of the accused, there is the protection of a vast judicial network, extending all the way to the Supreme Court. But for the victim or potential victim under our present laws, there is nothing but physical and mental suffering and financial loss and disaster while crime's overlords bask in the freedom provided them through the quibbling over constitutional rights. So I put it to you, my fellow colleagues who represent the people of the United States: Do you want to continue the protection provided for the crime masters of the country through our failure to act, or will you sign this petition even if it entails the risk of shifting the balance of constitutional protection from the criminal to his victim?

In the other body last month a colloquy occurred between the majority and minority leader on their legislative accomplishments. In the spirit of fairness, the majority leader said:

> The Members of the House must be given credit (in the timeliness with which appropriations bills have been passed), although in all candor we should point out that the Senate is way ahead of the House insofar as crime, drug and pornographic legislation is concerned.

The minority leader responded:

> I would say with great respect that the other body (the House) should have acted on the crime bills because the need is great and the opportunity exists to do something about coping with the high incidence of crime.

Perhaps when Members of the other body go back to the people they will find that the people are worried—they will discover that this fear is real, that the need is great and the necessity is urgent; so that perhaps action before the House adjourns will be helpful. The article concludes with these words:

> For until law enforcers' pleas for more manpower and legal weapons are heeded, no American family is beyond the reach of Mafia muscle.

There is an element of extreme emergency in the filing of a discharge petition. But there is extremeness in the pleas of frightened Americans all over the country in their justifiable fears over the growth of crime. There is a tone of urgency or rather emergency in their pleas for relief from this plague. Your signature on discharge petition No. 8 will be a positive response to the country's demands for better law enforcement and and the improvement in handling of criminal cases.

ANGKOR WAT IN PERIL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the danger to Angkor Wat remains unabated. As recently as September 10, the New York Times reported that Communists and Cambodian Government troops were involved in a day-long battle near Angkor Wat, and that, and I quote:

> 13 Cambodian soldiers and at least 13 enemy soldiers had been killed in the fighting at the Angkor temples.

It was on July 16 that I first called the attention of this House to the fact that the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which would affect Angkor Wat and protect it, if abided by, has not been submitted by the President to the Senate for ratification. Since that time, I have again been in correspondence with the White House on this subject and would like to supplement the information of this House by setting forth that correspondence.

The reason given by the White House for not submitting to the Senate the Hague Convention for ratification is, and I quote: "because of certain military and security considerations raised by the Department of Defense." That the White House would offer such a reason for not submitting the convention is most alarming. Fifty-eight countries other than the United States have ratified the treaty. Is it not important that we lead in this matter, not only from the point of view of saving worldwide architectural and cultural treasures from despoliation and destruction during the course of war but also from the point of view of simple morality governing our relations with other countries.

I urge the Members of this House and the public at large to write to the President requesting him to immediately submit the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict to the Senate for ratification. Not to do so places this country in the same immoral position now held by North and South Vietnam, namely, the disregard for the protection of monuments of great and earlier civilizations threatened with destruction.

Correspondence follows:

> THE WHITE HOUSE,
> *Washington, August 21, 1970.*
>
> Hon. EDWARD I. KOCH,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. KOCH: This is in further response to your letter concerning the security of Angkor Wat and Angkor Thom in Cambodia and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.
>
> We have now looked into the matter more carefully. The Convention on the Protection of Cultural Property in the Event of Armed Conflict was signed at the Hague on May 14, 1954 by 51 countries including the United States. The Convention and accompanying Protocol entered into force on August 7,

1956. At present, some 58 countries have become parties to the Convention by ratification or accession.

The United States played a prominent role in the formulation of the Convention. The Convention is based on the principle that cultural property is entitled to the respect similar to that accorded by civilized nations to citizens, prisoners of war, medical personnel and hostages and designed to minimize the risk of destruction of cultural property. However, the United States did not submit the Convention to the Senate for its advice and consent to ratification because of certain military and security considerations raised by the Department of Defense. The advisability of submitting the Convention for the advice and consent of the Senate has been reviewed periodically since 1957 by the Secretaries of Defense without any change of position.

In practice, since the promulgation of General Order No. 100 in 1863, the United States military forces have been legally bound to protect cultural property in the event of armed conflict. For example, we are parties to the Hague Convention of 1899 and 1907 respecting the laws and customs of war on land and the Hague Convention of 1907 respecting bombardment by naval forces in time of war (IX), and the 1935 Washington Pact for the Protection of Artistic and Scientific Institutions and of Historic Documents (Roerich Pact). The Army Basic Field Manual (FM 27–19) on the rules of land warfare specifically forbids the destruction or seizure of any property "unless such destruction or seizure be imperatively demanded by the necessities of war."

In the hostilities in the Middle East and Cambodia, the U.S. Government officially supports the efforts of UNESCO and private organizations to protect cultural property under the Hague Convention. U.S. military forces involved in the Cambodian action had been instructed to avoid damaging cultural, religious and historic documents and buildings. We recognize the monuments at Angkor Wat and other Khmer monuments as major treasures of humanity as well as of the Cambodian people.

In view of the foregoing, it is not believed that it would be in the interest of the United States Government at this time to submit the Hague Convention to the Senate for its advice and consent to ratification or for the United States Government to ratify the Convention. There have been no material changes in circumstances since the last consideration was given to it in 1963.

If you believe there is any other information I can provide on this matter, please do not hesitate to let me know.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 25, 1970.

Hon. WILLIAM E. TIMMONS,
Assistant to the President,
The White House,
Washington, D.C.

DEAR BILL: I have your letter of August 21st and I appreciate your giving such care in looking into the matter of the Hague Convention's approval, but I found your conclusion to be something of a nonsequitur. For several paragraphs you outlined the various treaties we have signed giving protection to the world's art treasures as well as military policies generally forbidding the destruction or seizure of such properties. But, you conclude by saying, "In view of the foregoing, it is not believed that it would be in the interest of the United States Government at this time to submit the Hague Convention to the Senate for its advice and consent to ratification or for the United States Government to ratify the Convention."

I fail to find an argument against its ratification other than your brief statement that the Convention has not been submitted to the Senate for ratification "because of certain military and security considerations raised by the Department of Defense"—on which you elaborated no further. It can hardly be a surprise that the Defense Department would resist a restriction of their military freedom, just as it has a propensity for keeping outdated trivia under "top secret" classification. But, such resistance should be examined in the broader diplomatic as well as military context, and the protection that our ratification would effect for the temples, not through arms but through the force of worldwide public opinion. Surely, if 58 countries other than the United States have been able to ratify the treaty, it cannot be so incumbering that it would imperil our troops or country's security.

I should appreciate your advising me what "military and security considerations" the Department raised—and I would urge that further consideration be given to this matter.

Sincerely,

EDWARD I. KOCH.

THE UNIVERSITY OF MISSOURI WILL NOT TOLERATE CAMPUS VIOLENCE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, when I attended the University of Missouri, college was an opportunity to prepare for a useful and rewarding life. Those of us who had this opportunity felt an obligation to use it constructively.

We did not go to college to avoid the draft or to live off of our parents or just to postpone our entry into the world of business or the professions. We did not go to college to interfere with the rights of others to learn or with the duty of the faculty to teach.

Today thousands of students who attend college for constructive purposes rather than destructive ones, who study to improve our society and way of life, not to destroy or mutilate it, are back on campuses in my native State of Missouri.

These serious students are not going to be harried and intimidated by the radical, violent minority of students and hangers-on who have caused other universities to grind to a halt.

Dr. John C. Weaver, president of the University of Missouri, which has campuses at Columbia, Kansas City, Rolia, and St. Louis, has sent his alumni a letter with enclosures which describes a fair, firm and commonsense program of dealing with campus disruption and violence.

As valuable guidance for others faced with this problem I am making Dr. Weaver's letter and the accompanying statement a part of my remarks at this point:

UNIVERSITY OF MISSOURI,
September 5, 1970.

DEAR ALUMNUS: As an alumnus of the University of Missouri you will be interested in having some specific facts regarding plans to see that the University performs its function of providing quality education.

As you know, colleges and universities throughout America in recent months and years have been caught up in a swirl of problems and controversies which have led to protests, demonstrations and sometimes violence.

In light of the serious difficulties experienced by many other colleges and universities, we believe citizens have a right to be proud of the record achieved so far at the University of Missouri by the students, faculty, administration and Board of Curators. While there have been some instances of minor dissent and threatened disruption on our campuses in recent years, the University has continued its normal operations without violence and without major disturbances.

It is our purpose and desire, as I am sure it is yours, that the University do everything possible to maintain orderly campuses that will provide a proper educational atmosphere. To accomplish this purpose we are taking three steps:

(1) We reaffirm the position outlined by me and adopted by the Board of Curators on June 30, 1968. The full text of that statement is attached.

(2) Also attached is a statement of University policy on dissent and protest adopted by the Board of Curators at its meeting on September 5, 1970, including the responsibility of the faculty on holding classes; giving of grades only for work accomplished; and adherence to the academic calendar with no recess for political activity or protest.

(3) At my request each campus has established a council composed of students, faculty, administrators and members of the Board of Curators to make plans for preventing disruption or violence and to act in an advisory and communication capacity in case some disruption actually occurs.

I am sure you understand that there are persons who are not members of the student body or staff of the University who may attempt to cause interference with the operation of the University. We shall take appropriate measures to deal with these people within the best of our ability and resources.

The University needs and solicits your understanding and support. Anything you can do to help in seeing that these policies are understood or in preventing disruption will be a major contribution to the educational process of the University of Missouri. I am sure I can depend upon you to do everything possible.

Sincerely,

JOHN C. WEAVER,
President.

STATEMENT BY DR. JOHN C. WEAVER, PRESIDENT, UNIVERSITY OF MISSOURI, AS APPROVED BY THE BOARD OF CURATORS, JUNE 30, 1968

The University of Missouri will at all times defend the right of free expression of opinion, including the right of peaceful assembly. The University will, indeed, guard this right in behalf of all persons associated with the institution and will not tolerate actions by any individual or group that would seek to restrict the appropriate freedoms of any other individual or group. The University will not allow any unauthorized occupation of University facilities, nor will it permit any interference with its normal and regular activities. Discussion of issues within the University will in no circumstances be conducted under any form of duress. Attempts at unacceptable building occupation or interference with University business will be dealt with in a manner necessary immediately to relieve the situation. Any faculty, students or employees engaged in such activities, will face immediate suspension and may suffer ultimate dismissal.

STATEMENT ON PROFESSIONAL RESPONSIBILITIES, PROTEST, AND POLITICAL ACTIVITIES

(Approved by the University of Missouri Board of Curators on September 5, 1970)

In a community of learning, willful disruption of the educational process, destruc-

tion of property, and interference with the rights of other members of the community will not be permitted.

Academic and administrative procedures of this University provide for prompt and appropriate disciplinary action against those who abuse such rights as provided in the statement by the President regarding student demonstrations adopted by the Board of Curators on June 30, 1968. That statement as well as the Standard of Conduct and Rules of Procedure in Student Disciplinary matters is available to all students.

Classes will continue as usual throughout the campaign and election. There will be no recess from the normal and routine operations on any of the campuses and already approved academic calendars will be fully maintained on each campus.

We endorse the statement submitted August 26, 1970, suggested by a special committee of the Inter-campus Faculty Council charged by the President with the development of a statement on faculty responsibility, as follows:

"The Board of Curators and the Faculty affirm their intention of keeping the University of Missouri in full operation throughout the coming academic year. The Board expects that the faculty will meet their professional obligations in accordance with already existing regulations and principles of academic responsibility regarding the meeting of classes and the awarding of grades and credit.

"The Board of Curators hereby charges the faculty to re-examine and re-affirm its professional responsibilities and to develop procedures for dealing with cases in which those responsibilities are not fulfilled. We ask that this task be completed with full faculty consultation and with reasonable speed.

"Until each campus develops a full set of procedures for dealing with alleged violations of professional ethics, the Board charges each campus faculty governing body to establish immediately a temporary group for handling such cases as may arise."

The Board of Curators recognizes that any definition of faculty responsibility developed by a faculty group or groups on any campus must provide that the initial and primary responsibility for the effective function of the academic unit, including disciplinary action, resides in the administrative officers of the department, division, school or college.

Students, faculty, administrators and employees who are not in sympathy with the basic philosophy expressed herein and do not intend to abide by the rules and regulations of the University should not attend the University nor become associated with the institution nor continue to be associated with the University.

The University of Missouri is a land grant institution. I know that it is fashionable in some self-proclaimed intellectual circles to sneer at land grant colleges as "cow colleges."

Recently, a university in the East held an orientation program to inform its students on how to conduct themselves and to obtain an education at that institution. As a part of this official program an invited speaker was an attorney, William M. Kunstler, who tours the country inciting violence when he is not defending those accused of criminal acts. Mr. Kunstler has defended among others the so-called Chicago Seven where defendants and their counsel sought with some success to degrade the process of justice and turn a courtroom into a carnival.

Mr. Kunstler told the students that "burning the ROTC buildings" is a part of free speech guaranteed by our Constitution. Press accounts do not indicate that this outrageous statement was challenged either by the president of the university or by any member of its law faculty.

This muddle-headed approach to higher education is in sharp contrast to the sensible rules and guidelines in effect at the University of Missouri. I believe that many of my fellow Members will agree with me and also with the academic leadership at the University of Missouri that arson is not an essential ingredient of freedom of speech.

America has traditionally looked to public education to train our young to make democracy and the American way of life a living refutation of those who advocate dictatorship and repression.

The abuse of freedom that is officially nurtured on some campuses endangers this tradition and imperils our society.

I am proud to say that the public universities of my State are still producing enlightened citizens who carry the torch of freedom rather than the torch of anarchy.

As a matter of fact, Missouri does have an outstanding college of agriculture. We are proud of the State's dairy industry, but it should be added that the university pioneered in journalistic education and is currently pioneering in an innovative medical education program. It has long striven for academic excellence as well as to provide the opportunity for a higher education to the sons and daughters of State who cannot afford to attend expensive private schools.

I would suggest that those education administrators who condone violence or wring their hands helplessly might be helped by learning about the standards of conduct set by my alma mater.

Finally, at a time when some bureaucrats in the Department of Health, Education, and Welfare seem bent on pouring a bottomless coffer of grants and other funds into institutions which harbor violence and give academic credit for the kind of "education" picked up on the streets and alleys of the slums and in jails and penitentiaries, we in Congress might appropriately ask why more is not done for the institutions of higher learning whose faculty and student body are composed of loyal, hard-working patriots.

Some may consider it old-fashioned to go to college to learn and to attend an institution which puts evolution ahead of revolution, but I am proud to be among those who say that America needs more, not fewer, institutions such as the University of Missouri.

DEFENSE DEPARTMENT'S CONTRACT COMPLIANCE PROGRAM A FAILURE: THE McDONNELL-DOUGLAS CONTRACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on May 6, when the military procurement authorization bill was before the House, I offered an amendment requiring that prior to the awarding of any contract under that bill, the U.S. Commission on Civil Rights would have to approve it as being in conformity with Executive Order 11246, which prohibits discrimination on the part of all Federal contractors and requires that they take affirmative action to hire, employ, and promote employees without regard to race, creed, color, or national origin. My amendment also provided that there be conformity with Executive Order No. 11375, which expands coverage to discrimination on account of sex.

That amendment was defeated. It was defeated despite the record of ignorance, negligence, and even willful disregard of the Executive orders which have so characterized Defense Department contracts. It was defeated despite the fact that the Defense Department is the largest contractor within the Federal Government, and that its effective implementation of these Executive orders would constitute a veritable revolution in civil rights.

As I said on the floor that day, enforcement of the equal employment opportunity program by the Department of Defense was deficient with regard to three textile firms early last year—Dan River Mills, Burlington Industries, and J. P. Stevens & Co. It was deficient with regard to the Department of the Navy's award of $128 million worth of contracts to the Ingalls Shipbuilding Co. of Pascagoula, Miss. It was deficient with regard to the implementation of the Newport News Shipbuilding & Dry Dock Co. plan.

I also referred in my speech in support of my amendment to the McDonnell-Douglas Aircraft Corp., which had been awarded a contract to build the F–15 jet fighter. Unfortunately, I could not disclose at that time the full extent of my knowledge regarding the company's affirmative active plan, and could only note that preaward contract procedures had not been followed in order to insure full compliance with equal opportunity standards.

But the facts concerning the McDonnell-Douglas contract situation are now public. On August 27, the Washington Post carried a story headlined "Anti-Bias Plan Called Deficient." This story reported the findings of the staff of the U.S. Commission on Civil Rights regarding the McDonnell-Douglas affirmative action plan. I will include this newspaper article in the RECORD, so that it may be read in full.

Actually, the Washington Post's story is mild, for while mentioning some of the deficiencies in the McDonnell-Douglas plan, it fails to quote from what can only be described as a devastating conclusion by the Commission's staff. I am including the full text of the report of the staff of the Civil Rights Commission with this statement and so will not attempt to detail the deficiencies which it pointed out. I would like, however, to quote from the report's conclusion, because this, more starkly, more compellingly, and more distressingly than anything I could say reveals the duplicity in the Defense Department's administration of a program mandated by Presi-

dential order and by title VII of the Civil Rights Act of 1964. The conclusion states:

Judged in terms of what reasonably could be expected of the management of the McDonnell Douglas Corporation, its affirmative action plan is extremely disappointing . . .

The completeness and clarity with which contractors are required to commit themselves to compliance with Executive Order 11246, would be no less than in other aspects of contract performance. Measured by this standard, also, the plan is inordinately vague, leaving far too much to future determination or to Company discretion.

I want to particularly emphasize the following paragraph of the conclusion for, with brevity and clarity, it offers indisputable support for the amendment which I offered to the military procurement authorization bill this past May:

There is no justification for the Department of Defense permitting serious, and remediable, deficiencies such as those described above, in the affirmative action plans of McDonnell Douglas or of other defense contractors.

The very serious nature of the McDonnell Douglas affair is compounded by the fact that the McDonnell-Douglas affirmative action plan was among the first negotiated and approved by the Defense Department under the detailed affirmative action plan requirements promulgated by the Department of Labor's Office of Federal Contract Compliance—the supposed overseer of the contract compliance program—on January 30, 1970 (41 C.F.R. 60–2)—9 days before the McDonnell-Douglas Corp adopted this plan. Again, I quote from the U.S. Commission on Civil Rights' staff memorandum to highlight the seminal importance of this particular affirmative action plan:

These deficiencies are especially significant if, as is understood to be the case, the Department of Defense proposed to use the McDonnell Douglas plan as a prototype in bringing the affirmative action plans of all other defense contractors into conformity with detailed affirmative action plan requirements promulgated by OFCC on January 30, 1970 (41 C.F.R. 60–2).

It is the height of hypocrisy to provide $20 billion to buy missiles and aircraft and tanks for the Pentagon, when the hundreds of thousands of blacks, Puerto Ricans, Mexican-Americans, and American Indians who serve in our Armed Forces and who will man this equipment, cannot even receive the Federal Government's protection in assuring equal employment opportunity in those plants and facilities manufacturing this materiel.

It is particularly ironic that the very company which has implemented this particular paper affirmative action plan will receive $370 million on its F–15 jet fighter contract under the military procurement authorization bill. We have millions for weapons, but not even administrative dedication to fairness for those who might, given the opportunity, obtain a job in defense contractors' plants.

The point of my presentation of this material is to make very clear that the contract compliance program has, so far as the Department of Defense is concerned, been merely a sop for the economically oppressed. Substantively, it is a shell. And this is unconscionable.

The news report from the Washington Post, and the report of the U.S. Commission on Civil Rights staff, follow:

[From the Washington Post, Aug. 27, 1970]

ANTI-BIAS PLAN CALLED DEFICIENT

The staff of the U.S. Commission on Civil Rights has found "serious deficiencies" in the latest plan of McDonnell Douglas Corp. for eliminating discrimination in employment practices.

The plan was submitted and approved by the Defense Department office of contract compliance last February after a commission hearing in St. Louis last January disclosed short-comings in an earlier plan.

The commission staff report, forwarded to the Defense Department, said the new plan represents a significant step forward but fails to present enough specific information to permit the contractor's obligations to be effectively enforced.

The plan, the report said, fails to provide current and projected racial employment totals for each job classification in its St. Louis area facilities.

It fails, the report said, to set goals and commitments beyond Feb. 1971, although significant increases in employment due to the company's multi-billion dollar contract for F15 fighter planes are not projected until 1975 and later.

Appraisal of hiring and upgrading goals is made difficult, the staff said, by failure to give position descriptions and salaries for various job classifications.

The plan further, it said, makes no commitments to seek modification of union security agreements.

In job training, the commission staff said the plan fails to make adequate commitment to upgrade minority employees at lower levels of employment.

STAFF MEMORANDUM: CRITIQUE OF MCDONNELL DOUGLAS CORPORATION, AFFIRMATIVE ACTION PLAN OF FEBRUARY 9, 1970[1]

The Commission's St. Louis hearing, held January 15–17, 1970, disclosed that the McDonnell Douglas Corporation's then current affirmative action plan, applicable to its facilities in the St. Louis area, in many respects failed to meet the requirements of regulations (41 CFR 60–1) issued by the Office of Federal Contract Compliance (OFCC) under Executive Order 11246. Principal deficiencies of the plan included the following:

(a) There was no analysis of minority group employment, as required by OFCC regulations;

(b) the plan did not provide in detail the specific steps to be taken to achieve equal employment opportunity, as required by OFCC regulations;

(c) the plan did not provide specific goals and time tables for bringing more minority group persons into areas where there are presently few employed, as required by OFCC regulations; and,

(d) the plan did not provide for an acceptable sensitivity training program, as required by Department of Defense contract compliance officials following their earlier reviews of the Company program.

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[1] Deletions were made from original text to preserve the confidential status of unreleased portions of the McDonnell Douglas Corporation's Affirmative Action Plan. These deletions are indicated throughout the text by three asterisks.

The text contained in brackets, indicates the response to the Commissions' criticisms, as quoted from a June 5, 1970 letter of Arthur Fletcher, Assistant Secretary of Labor to John H. Powell, Jr., General Counsel, U.S. Commission on Civil Rights.

McDonnell Douglas Corporation submitted a new affirmative action plan to the Department of Defense on February 9, 1970.

The new plan corrects, in varying degrees, each of the deficiencies of the old plan outlined above. The new plan makes specific openings projections, and establishes numerical minority hiring and upgrading goals, for each job classification. In addition, the plan outlines several training programs which the Company will institute in order to increase hiring and upgrading goals, for each job classification. In addition, the plan outlines several training programs which the Company will institute in order to increase hiring and upgrading of minority employees.

While the plan does represent a significant step forward—principally in the specificity of its minority hiring goals and the upgrading programs it establishes—it also should be recognized that the plan has a number of serious deficiencies. These are itemized and discussed below. These deficiencies are especially significant if, as is understood to be the case, the Department of Defense proposes to use the McDonnell Douglas plan as a prototype in bringing the affirmative action plans of all other defense contractors into conformity with new detailed affirmative action plans of all other defense contractors into conformity with new detailed affirmative action plan requirements promulgated by OFCC on January 30, 1970 (41 CFR 60–2).

ESTABLISHMENT OF COMPANY GOALS

Section V of the plan * * * sets out minority hiring and upgrading goals—in terms of the number of minority hires and upgradings which will be sought for each job classification. The plan also gives the number of projected openings for each job classification.

(1) A principal purpose of a plan of affirmative action is to set out a program and timetable, for overcoming patterns of minority underutilization (see 41 CFR 60–2.11 (a),(b)). *Appraisal of the adequacy of the plan's hiring and upgrading goals is made difficult by the plan's failure to provide current and projected racial employment totals for each job classification.* In the absence of current and projected racial employment figures, the plan discloses neither the magnitude of existing minority underutilization in each job classification, nor the extent to which such underutilization will be corrected if stated goals are attained. Moreover, since the company states that employment will continue to decline for several years * * * the Company's progress in correcting patterns of underutilization has to be appraised in terms of the racial employment picture which is to result from the combined effect of layoffs and goals.

[The . . . concern of the Commission is that goals and timetables do not extend through 1975. This provision of the agreement was established pursuant to Sec. 60–2.24 of Order No. 4, which does not include such an extended period of time, as it would be difficult to accurately forecast employment needs five years in advance. However, it has been established that McDonnell-Douglas will annually review and amend its goals to incorporate the changing employment situation.]

(2) Not only does the plan fail to state the extent of minority underutilization projected to remain after one year (as noted in preceding point 1), *the plan fails to indicate what further progress the Company proposes to make in subsequent years towards correcting such patterns of minority underutilization. The plan fails to set goals, or present commitments or guidelines for the setting of goals, beyond February, 1971.* This is a particularly significant omission in view of the fact that overall increases in employment, due to the multi-billion dollar F–15 contract, apparently are not projected to

occur until 1975 and subsequent years. Furthermore, this omission makes it extremely difficult to appraise the adequacy of the Company's affirmative action training programs. The plan does not relate such programs (most of which are also open to white employees) to the levels of minority utilization, by job category or classification which the training programs are supposed to achieve.

[A . . . concern is that in the agreement, the company's hiring and upgrading goals were difficult to appraise, and they did not include current and projected racial employment totals for each job classification. This has been amended, with such data having been submitted to the Defense Department and made an addendum to the agreement.]

(3) *Appraisal of the adequacy of the plan's hiring and upgrading goals is made difficult by the plan's failure to give position descriptions and salaries for the various job classifications for which goals are set.* OFCC regulations state that a table of job classifications is part of the affirmative action program the contractor is required to keep on file (41 CFR 60–1.40(a),(c)). The absence of this information seriously hampers appraisal of the significance of specific minority hires or upgrading projected, and also makes it difficult to determine how many minority employees might be eligible for upgrading into positions for which openings are projected.

[The . . . concern of the Commission is that the agreement does not include position descriptions and salaries to various job classification. This data is routinely obtained during the course of the compliance review and is provided to the investigator at that time.]

(4) *While the plan projects continuation of layoffs, which—as the plan acknowledges—in the past have had a major impact on newly-trained and newly-hired minority personnel, the plan makes no specific commitment to seek modification of union security agreements or otherwise to lessen the impact of layoffs on minority employees.* The plan does union-management meetings to discuss obstacles to equal employment opportunity * * * but expresses no commitments on the issue of layoffs. Particularly in the absence of overall racial goals or projections for each job classification, this omission seriously undermines the plan as a commitment on the part of the Company to increase levels of minority utilization.

[. . . , although the plan projects layoffs, it has no commitment to modify union security agreements or otherwise relieve the impact on minority employees. Modification of the union security agreement was not included because the investigation identified no "affected class" and because employee layoff is based on continued length of service.]

(5) *Appraisal of the adequacy of the plan's hiring and upgrading goals is made difficult by the plan's failure to provide a complete statement of projected openings by job classification.* A distinction is made, in the plan's projection of job openings, between "new openings" and "openings by attrition" (i.e., by normal quits, retirements, deaths, etc.). * * * *the case of the manufacturing division, and of most other units of the Company, the plan gives the distribution of openings by job classification only for "new openings." The plan therefore does not enable one to determine in what job classifications the majority of openings will arise.* The reason for this omission is unclear, inasmuch as breakdown by job classification of all openings, including openings by attrition, is provided for at least one division—the engineering division * * *.

TRAINING PROGRAMS

(6) *In the entry-level training for which it provides, the plan fails to provide specific commitments, in terms of numbers of trainees, length of training or the period over which the Company will continue the programs.* Such specific commitments concerning entry-level training, at least as to the numbers of trainees and the duration of training, are an indispensable element in the commitment of the Company to a program and timetable for correcting patterns of minority underutilization. Indeed, while several new entry-level programs are called for in the plan, the Company is not specifically committed under the plan to *any* overall increase in the amount of entry-level training achieved. It may be noted that (in contrast with some other affirmative action steps described in the same section of the plan) the plan does *not* call for an increase in the level of Company participation in the National Alliance of Businessmen program for training of the "hard core" unemployed, nor in the Company's "highly successful" * * * Summer Training Employment Program.

(7) The plan's largest upgrading program is one which, each year for five years, will train * * * personnel in the bottom three categories of employment (laborer, service worker, operative), with the aim of enabling the trainee to "qualify for placement" in the next higher category * * *. The Program apparently contemplates upgrading all of the * * * employees * * * who are currently in these three categories. *In the case of employees in the service worker category, accounting for over 28% of the Company's black employees (but only 3% of the Company's white employees), the commitment of this program is to "upgrade" the employee to the level of unskilled laborer—after a year of training, for which the employee may have to wait three or four years.* The commitment of this program to minority employees at the lower levels of employment is inadequate, as to both the extent of upgrading targeted and the length of time many employees may have to wait before the training opportunity is available.

(8) The plan provides several other upgrading programs. The plan states that each year * * * employees will be selected for a two-year program designed to qualify the trainee to become an assistant foreman. In addition, (other) * * * employees each year will be trained to qualify for salaried administrative positions. In the case of these two programs, * * * the plan (i) contains no express commitment actually to promote (or to give priority in promotion to) trainees successfully completing training and (ii) opens the training programs to white employees. (The plan does recite that the Company recognized a particular obligation to train "disadvantaged and minority employees" * * *.) In addition, as noted in point 2 above, the plan does not set minority hiring and upgrading goals beyond February, 1971. *Accordingly, the plan leaves the Company free unilaterally to determine the extent to which the "assistant foreman" and "administrative position" upgrading programs in fact will be used to promote minority employees to these positions.*

HOUSING

The plan acknowledges that the fact that minority group residential areas are 12 to 15 miles distant from the Company's principal facilities "has been, and continues to be, an obstructive factor in recruitment," and presents "a serious transportation problem".

(9) The plan states that the Company will increase past efforts to "work closely with real estate agencies, subdivision developers and financial institutions, and individual homeowners where necessary, to help our minority employees find suitable housing." However, the plan fails to provide a specific program which would achieve this result. This lack is particularly significant in view of the fact that these real estate and financial interests—with which the Company is to "work closely"—have in the past furthered, or at least failed to correct, segregated housing patterns in St. Louis County. *The plan should make provision for active monitoring by the Company to assure that apartment owners, real estate brokers and others with whom the Company deals, take affirmative steps to open the housing market to minority persons. The plan also should commit the Company to such steps as affirmatively inventorying the housing needs and preferences of current or potential employees, providing legal advice or—where necessary—continuing legal representation for minority employees in connection with housing problems, renting or purchasing housing for employees, and encouraging the development of low and moderate income housing in the area of its plants.*

(10) * * *

REVIEW OF JOB REQUIREMENTS

(11) The Company is to review all position descriptions and manning qualifications to insure they involve no inadvertent discrimination * * *. *This review * * * should be expedited greatly, particularly for the jobs into which blacks are most likely to be moving.*

RECRUITMENT

(12) *While the plan provides that all minority recruitments sources are to be used by the Company, the plan omits to state that job description and manning requirement information—especially important in recruiting employees for skilled positions—is to be furnished to recruitment sources.*

(13) Efforts to contact prospective minority employees are described generally, without quantification. For example, no indication is given of the extent to which recruitment at schools or colleges of high minority enrollment will be carried out. Nor are there clear commitments (apart from McDonnell Aircraft Astronautics) *** to recruit heavily outside the St. Louis area. *The plan should be sufficiently specific about recruitment efforts at least to permit a determination whether such recruitment efforts are to be increased significantly over prior years.*

SENSITIVITY TRAINING

(14) The plan does provide for continuation of general training sessions which have been provided in the past for supervisory personnel, including a "sensitivity" training component * * *. However, in view of the importance of this matter, *it is a serious omission that the plan does not make clear how this sensitivity training is to be strengthened, in terms either of its duration, or improvements in program content.*

CONCLUSION

It is appreciated that the McDonnell Douglas affirmative action plan was negotiated under pressure of time. It would be a serious mistake, however, to set the standard for affirmative action programs on the basis of what a contractor and compliance officials can put together in a week or two of intensive activity.

Judged in terms of what reasonably could be expected of the management of the McDonnell Douglas Corporation, its affirmative action plan is extremely disappointing. Most of the criticisms outlined above consist in the failure of the plan (i) to set forth certain current or projected racial employment information or goals; (ii) to plan and describe training programs on a quantified basis; or (iii) to incorporate all relevant affirmative action techniques which are available—especially those which have been used successfully by other employers. All these deficiencies can be remedied simply by applying the needed time and skills of Company management to the development and formulation of this plan.

By the same token, it is essential that the Department of Defense, and the Office of Federal Contract Compliance, assure that affirmative action plans are sufficiently specific and informative to permit the contractor's obligations under the plan to be effectively monitored and enforced. The completeness and clarity with which contractors are required to commit themselves to compliance with Executive Order 11246, would be no less than in other aspects of contract performance. Measured by this standard, also, the plan is inordinately vague, leaving far too much to future determination or to Company discretion.

There is no justification for the Department of Defense permitting serious, and remediable, deficiencies such as those described above, in the affirmative action plans of McDonnell Douglas or of other defense contractors.

[In the other areas about which the Commission is concerned—training, housing and transportation, recruitment services and sensitivity training—the company's commitment is adequate and meets the standards for compliance.

[In addition, indications are that the company is operating in "good faith" to execute its affirmative action agreement to achieve equal employment opportunity.]

JUDGE J. DANIEL FINK

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on July 17, Judge J. Daniel Fink, who sat on the civil court of the city of New York passed away. A distinguished member of the bar and of the bench, Judge Fink served as a judge for 13 years—first as a municipal court judge, and then as a judge on the civil court when the two were merged.

Judge Fink was an asset to his community and to his city. His philanthropic activities were well-known. He served as an overseer of the Jewish Theological Seminary and as a trustee of Congregation Shaare Zedek. The former head of the council of organizations of the American Jewish Congress and the United Jewish Appeal of Greater New York, he had served, also, as vice president of the Young Men's Philanthropic League.

The city of New York, my congressional district—of which Judge Fink was a resident, and his community will miss him. As a lawyer, as a jurist, and as a person, he contributed much.

To his widow, Mrs. Barbara Fink, to his daughter, Mrs. Marilyn Gerber, his sister, Mrs. Beatrice Brenner, and to the rest of his family, I want to extend the condolences of myself and of Mrs. Ryan.

Following is the obituary which appeared in the July 19 edition of the New York Times, and which records the loss of Judge J. Daniel Fink:

[From the New York Times, July 19, 1970]

DANIEL FINK DIES; CIVIL COURT JUDGE

Judge J. Daniel Fink of the City Civil Court died Friday in Beekman-Downtown Hospital, after a long illness. He was 65 years old and lived at 390 West End Avenue.

Judge Fink was born in New York and graduated from Fordham Law School. He first practiced law with the firm of Olcott, Olcott & Glass and later independently.

In 1956 he was elected on the Democratic ticket from the Fifth Manhattan District to the Municipal Court, which was later merged in the Civil Court. He was re-elected in 1966.

Before becoming a judge he had served on a bill-drafting commission of the Legislature.

He was an overseer of the Jewish Theological Seminary and a trustee of Congregation Shaare Zedek. He had formerly headed the council of organizations of the American Jewish Congress and the United Jewish Appeal of Greater New York, and had served as vice president of the Young Men's Philanthropic League.

In 1960 he received a brotherhood award of the National Business and Professional Council, Inc.

Surviving are his widow, Mrs. Barbara Fink, for many years Democratic co-leader of Manhattan's Fifth Assembly District North; a daughter, Mrs. Marilyn Gerber, and a sister, Mrs. Beatrice Brenner.

A funeral service will be held today at 2 P.M. at the Riverside, Amsterdam Avenue and 76th Street.

IMPEACHMENT OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, in the CONGRESSIONAL RECORD of August 10, pages 28091 to 28096 inclusive, and in the CONGRESSIONAL RECORD of August 21, pages 29755 to 29759 inclusive, I have inserted for the information of all Members certain legal memorandums concerning the impeachment process as it relates to the Federal Judiciary. I am inserting herewith another exchange of arguments in this important debate between Mr. Bethel Kelley of the Detroit law firm in Dykema, Gosset, Spencer, Goodnow, and Trigg, independently prepared at my request, and Judge Simon H. Rifkind, attorney for Associate Justice William O. Douglas:

LAW OFFICES DYKEMA, GOSSETT,
SPENCER, GOODNOW, & TRIGG,
Detroit, Mich., September 1, 1970.

Re the impeachment process.

HON. GERALD F. FORD, JR.,
The Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: You have asked us to review and respond to the August 18, 1970, letter from Judge Rifkind to Representative Celler regarding the "Kelley memorandum". The Rifkind letter concludes that the position advanced in the Kelley memorandum is historically and legally untenable and that it "is so radically subversive of cherished American principles . . . that it must not be allowed to prevail." (Page 2 of the Rifkind letter).

In order to properly answer Judge Rifkind's charge, we must reiterate and reemphasize the position of the Kelley memorandum. Our conclusion was that a violation of the Judicial Tenure provision of the Constitution, which does not necessarily constitute criminal behavior, is remediable by removal from office under the Impeachment clause. We defined "impeachable judicial misbehavior" as conduct on the part of a judge which is so grave as to cast substantial doubt upon his judicial integrity and the integrity of the entire federal judiciary. Any other interpretation of the Kelley memorandum must necessarily involve a misreading of that document and a misunderstanding of the conclusion we reached.

Judge Rifkind attempts to avoid the conclusion of the Kelley memorandum by claiming that it was "addressed to the irrelevant question whether impeachment is to be confined to *indictable*" offenses. He asserts that he is merely proposing that impeachment will lie only for "criminal conduct". The distinction is illusory. "Criminal conduct", by definition, is a violation of the criminal law; a violation of the criminal law, by definition, is an indictable offense.

Judge Rifkind attempts to weaken the impact of the Kelley memorandum by attacking the efficacy of its scholarship. He criticizes the memorandum for its failure to make reference to the records of the Constitutional Convention or to the *Federalist Papers*. In the first place, the Kelley memorandum, on page 12, does refer to that portion of the debate in the Constitutional Convention upon which Judge Rifkind rests his position. Secondly, the authorities contained in the Kelley memorandum themselves refer to the original sources in their interpretation of the Constitution. Thirdly, references to the Constitutional debates and the *Federalist Papers* shed little light on the subject. Nowhere in those two authorities is the precise question involved in the present debate discussed. The only discussion in the debates concerned the substitution of the term "high crimes and misdemeanors" for the term "maladministration"; there was no debate as to the meaning of the former term. In No. 79 of the *Federalist Papers*, Hamilton discussed the independence of the judiciary. Nowhere in that paper did he indicate that the judges would not be removable for misbehavior. He merely commented that mental or physical inability would not be impeachable because of the difficulty of ascertaining whether a judge was mentally or physically incompetent. Rifkind points to the fact that Hamilton states that impeachment is the only method of removal of federal judges. This language is not contrary to the Kelley memorandum; rather it supports the basic position that violation of the Judicial Tenure provision must be impeachable to give meaning to that provision.

Judge Rifkind also attacks the scholarship of the Kelley memorandum by claiming that it quoted the Seventh Article of Impeachment against Judge Ritter out of context by not including references to the specific acts of wrongdoing. The language was definitely not taken out of context; the entire import of the Seventh Article was its allegation that the continued course of conduct was such gross misbehavior to warrant impeachment. A careful review of the Senatorial Opinions filed in that case conclusively establishes that conviction was indeed based on that premise. It is indeed strange for Judge Rifkind to charge the Kelley memorandum with misquotations when Judge Rifkind's original memorandum contained the assertion that Senator Elihu Root, in the Archbald case, supported his position when, in fact, the same Senator Root sponsored the resolution to print, as Senate Document No. 378, the Brown article which takes the same position as the Kelley Memorandum.

Judge Rifkind attempts to show that the Congressional precedents do not support the Kelley memorandum by claiming that every judge who was convicted of impeachment was charged with "high crimes and misdemeanors." This argument places form over substance. It is true that every charge was formally labelled a "high crime and misdemeanor;" however, the debates clearly show that Congress did not subscribe to the definition of that term given by the Rifkind Memorandum. Indeed, it is the position of the Kelley memorandum that the definition of that term includes violations of the Judicial Tenure provision.

Judge Rifkind's most serious charge is that the position of the Kelley memorandum "tramples key provisions" of the Constitu-

tion, namely the First Amendment,[1] the *ex post facto* clause, the separation of powers and the independence of the judiciary. Nothing in the Kelley memorandum would sustain such an assertion. As to the First Amendment, the Kelley memorandum did not argue that protected speech could be the subject of impeachment proceedings. In fact, the Kelley memorandum recognized that the Chase case correctly established the precedent that impeachment would not lie for the expression of a judge's philosophy as found in his decisions. As to the *ex post facto,* clause, Judge Rifkind has never really expressed how the position advanced by the Kelley memorandum would violate that clause. To the contrary, when a Federal Judge accepts his office, he knows that the term of his office is for good behavior. He knows that a violation of that good behavior is a violation of his oath of office. Removal based upon such a violation could not be considered the *ex post facto* application of impeachment powers.

Judge Rifkind's concern that the position of the Kelley memorandum would violate the separation of powers and the independence of the judiciary is unfounded. The Constitution, by giving Congress power to remove federal judges, already violates those concepts in their technical meaning. Indeed, the impeachment power is designed as a check upon the power of the judiciary. Too restrictive of an interpretation of the impeachment power would upset the delicate balance of power established by the Constitution. Furthermore, the framers of the Constitution never intended that the judiciary should be absolutely independent.

In conclusion, nothing in the original Rifkind memorandum nor the Rifkind letter of August 19, 1970, alters the conclusions reached in the Kelley memorandum. Indeed, we are even more convinced of the validity of the position of the Kelley memorandum and that the correct interpretation of the Constitution is that expressed in that document.

Sincerely,

BETHEL B. KELLEY.

PAUL, WEISS, GOLDBERG, RIFKIND, WHARTON & GARRISON,
Washington, D.C., August 18, 1970

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives,
Washington, D.C.

MY DEAR MR. CHAIRMAN: In his address to the House of Representatives on April 15, 1970, Mr. Gerald Ford announced his view that an "impeachable offense is whatever a majority of the House of Representatives considers [it] to be at a given moment in history."

Under date of August 5, 1970, Mr. Ford addressed a letter to you to advise you that he had obtained the opinion of Mr. Bethuel E. Kelley, a Michigan lawyer, to support his view. "The Kelley memorandum" was at Mr. Ford's request published in the Congressional Record on August 10.

Mr. Ford's definition of an "impeachable offense" means that judges serve at the pleasure of Congress. This is so utterly destructive of the principles of an independent judiciary and the separation of powers, that I could not believe that convincing historical support could be found for so radical a proposition.

Now that I have read the Kelley memorandum I am more than ever convinced that Mr. Ford's view is historically and legally as untenable as it is mischievous.

The Kelley memorandum should, however, be welcomed as a contribution to an exceedingly important debate. Mr. Ford's preoccupation with the radical definition of "impeachable offense" makes it clear that the real objective of those who have launched an attack on Justice Douglas is to establish that Federal judges can be impeached whenever a temporary legislative majority finds them wanting in "good behavior" as at that moment defined.

I had thought this proposition was laid to rest in 1787 when the Founding Fathers expressly rejected it, and that it could hardly be resurrected after the unsuccessful effort by the Jeffersonians in 1805 to remove all Federalist Justices on just such a theory. But the notion persists, and is so radically subversive of cherished American principles—separation of powers, the independence of the judiciary, freedom of speech, and the impermissibility of *ex post facto* determinations—that it must not be allowed to prevail.

* * * * *

On May 18, I furnished the Subcommittee with an extensive and fully documented legal memorandum on the grounds provided in the Constitution for impeaching Federal judges. I there noted that the Constitution itself confines impeachment to "Treason, Bribery, or other high Crimes and Misdemeanors," that at the Constitutional Convention the Founding Fathers—led by James Madison—expressly rejected a proposal to make judges impeachable for "misconduct" or "maladministration," and that Madison explained that the proposal was rejected because "so vague a term will be equivalent to a tenure during the pleasure of the Senate."

My memorandum noted that Thomas Jefferson, in his Manual of Parliamentary Practice, had conspicuously omitted the "good behavior" clause in enumerating the constitutional provisions bearing on impeachment. And I referred to Alexander Hamilton's candid explanation in the *Federalist Papers* that the authors of the Constitution deliberately confined impeachment to serious crimes even at the price of allowing unfit judges to remain on the bench—in order to protect the independence of the judiciary.[1]

I observed that Congressman Livermore of New Hampshire had stated in the very first Congress—without dissent from Members who had helped draft and ratify the Constitution—that Federal judges serving "during good behavior" could only be removed "on conviction of some crime." I referred the Subcommittee to the historic argument of Senator Stone in 1802 that only clearly defined crimes, and not less serious lapses from good behavior, could be the basis for impeachment of judges. He stated, and was not disputed, that "the words of the Constitution" would not justify impeachment of a judge who misconducted himself but did not commit "Treason, Bribery, or other high Crimes and Misdemeanors." I pointed out that such early constitutional authorities as Justice Wilson, one of the important draftsmen of the Constitution, and Justice Story agreed with this view. And I noted that these materials, particularly the Stone speech, had led Assistant Attorney General Rehnquist on April 9, 1970, to testify before a Senate Subcommittee that impeachment was not a remedy available for enforcing *noncriminal* lapses from good behavior.

I then reviewed each of the judicial impeachments in our history, noting that in *every* instance the Articles of Impeachment adopted by the House had charged "high crimes and misdemeanors," that in *every* such case there was in fact alleged a violation of previously defined law, and that the House had adhered to this standard even when it allowed itself to be a party to the shameful attempted purge of Justice Chase.

Finally, I reminded the Subcommittee that to impeach for alleged noncriminal lapses from good behavior would raise the most serious problems with respect to separation of powers, *ex post facto* determination, and freedom of speech. No canon of construction permits a reading of the impeachment clause which would violate these even more fundamental provisions of the same document. I advanced the opinion that an independent judiciary will not long survive such an interpretation.

* * * * *

Nothing in the Kelley memorandum detracts from the arguments submitted by me on May 18. It does, however, call to mind the following points:

1. There appears to have been a problem of communication between Mr. Ford and his attorney, for the Kelley memorandum is largely addressed to the irrelevant question whether impeachment is to be confined to *indictable* "high crimes and misdemeanors." We do not suggest that the criminal conduct which would constitutionally permit impeachment must be such as to require "indictment." Indeed, the constitutional reference to "misdemeanor" suggests otherwise, for in the federal system not all "misdemeanors" require indictment. The proper question is not whether an *indictable* crime must be shown, but whether a judge may be impeached for conduct which had not previously been defined as *unlawful,* and which is not of a sufficiently grave nature to warrant the appellation *"high* crimes and misdemeanors."

2. It is exceedingly strange that in a memorandum purporting to examine "the basic source material" for an interpretation of the Constitution there is no reference to the records of the Constitutional Convention, to the *Federalist Papers* which are widely regarded as the next most authoritative interpretative aid, or to statements by men who played a role in the drafting and ratification of the Constitution itself.

My May 18 memorandum was guilty of no such omissions. Citing chapter and verse, it demonstrated that the debates at the Constitutional Convention, Hamilton's essays in the *Federalist Papers,* and statements by such contemporaries as Jefferson, Congressman Livermore, Senator Stone and Justice Wilson decisively refute the notion that Federal judges may be removed from office when a temporary legislative majority concludes that they have not met the majority's then definition of "good behavior."

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[1] The concern expressed in the Rifkind memorandum for freedom of speech for the judiciary is strangely at odds with the restraint that would be imposed on those members of Congress who have been critical of the judiciary. In the Rifkind letter to the Chairman of the Judiciary Committee of May 18, 1970, it is stated: In short, those who have attacked this great man of American law ought carefully to examine Canon 9 of the ABA's Code of Professional Responsibility which warns that "a lawyer shall not knowingly make false accusations against a judge" Rifkind would deny to members of Congress critical of the judiciary not only First Amendment protection for their expressions, but also the protection afforded by Article I, section 6 of the Constitution which provides that as to members of Congress "for any Speech or Debate in either House, they shall not be questioned in any other Place."

[1] Contrary to Mr. Ford's present view that Article III's "good behavior" clause adds an additional ground for impeaching Federal judges, Hamilton wrote in 1788, in an essay which helped to secure ratification of the Constitution, that the impeachment provision in Article II is "the only one which we find in our own Constitution with respect to our own judges." And he explained that "An attempt to fix the boundary between the regions of ability and inability, would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good."

These essential source materials leave no room for the curious argument that the "good behavior" clause of Article III was intended to define additional grounds for impeaching Federal judges, grounds concedely not applicable to nonjudicial officers. At the Constitutional Convention, efforts to add an impeachment provision to enforce the "good behavior" clause failed, and both Hamilton and Jefferson excluded Article III from any applicability to the impeachment process.

3. Even with respect to the single source which the Kelley memorandum does examine—past impeachment proceedings[2]—the results are extraordinarily shaky. The author is forced to concede that the attack on Justice Chase was fought on the ground that impeachment was available only for violations of clearly defined laws, not to enforce the "good behavior" clause, and that the strict constructionists prevailed. Likewise, he is forced to concede that during the Peck impeachment, James Buchanan stated that the Chase case had settled the proposition that a judge could only be impeached for violating a clearly defined rule of law.

The Kelley memorandum is then compelled to fall back upon the claim that in the 20th century standards have loosened and that in several cases, particularly those involving Judges Archbald and Ritter, judges were impeached and convicted on charges which amounted only to *noncriminal* lapses from good behavior.

The Archbald and Ritter cases prove no such proposition. In both cases, as in every other impeachment voted by the House in our Nation's history, the Articles of Impeachment charged the commission of "high crimes and misdemeanors," and allege specific criminal conduct. Although one of Judge Archbald's prosecutors later wrote a law review article attempting to expand the impeachment power, there contending that Archbald had been impeached despite the absence of criminal conduct, during the proceeding he and others saw the case in a quite different way. The House Managers, for example, resisted a motion to dismiss in the Senate by insisting that "the said articles do severally set forth impeachable offenses, high crimes, and misdemeanors as defined in the Constitution. . . ."

And Senators Elihu Root and Henry Cabot Lodge explained that they had voted to convict Archbald on several counts of securing money and other favors from litigants in his court because each such instance was a "high crime and misdemeanor." They explained they had voted to acquit on those counts which were not shown to be "high crimes and misdemeanor."

Judge Ritter was charged with six specific counts of criminal conduct, including "corruptly and unlawfully" receiving kickbacks, the "high misdemeanor" of practicing law while on the bench, willful evasion of federal income tax, and conspiracy in champertous foreclosure proceedings. Indeed, Ritter admitted the underlying facts and defended himself on the ground that he lacked the requisite criminal intent. The House impeached him on each of these charges and on a seventh blanket charge which did not add less serious, noncriminal charges—bad behavior—but expressly incorporated the more specific charges of crime. A majority, short of the necessary two-thirds, voted to convict Judge Ritter on each of the specific charges, while two thirds agreed that he had committed at least one criminal offense and voted to convict on the blanket charge incorporating the specific allegations of criminal conduct. In the face of these facts, the Kelley memorandum asserts that Judge Ritter was impeached and convicted for *noncriminal* conduct. It cites statements by several Senators who were anxious to expand their power to remove judges,[3] and purports to set out the text of the blanket charge, Article 7. I find it necessary to call to your attention the fact that the author of the Kelley memorandum has omitted a substantial portion of the language of Article 7—the portion referring to the specific criminal conduct with which Judge Ritter was charged. The omitted language charged Ritter with commission of "high crimes and misdemeanors in office," and expressly incorporated "his conduct as detailed in Articles I, II, III, and IV hereof, and by his income-tax evasions as set forth in Article V and VI hereof." In short, Article 7 did not relate to noncriminal misconduct but served as a summary of the alleged criminal offenses. The full text of the Articles of Impeachment in the *Ritter* case is appended to this letter.

Equally serious omissions occur in the Kelley memorandum's discussion of the impeachments of Judge Swayne in 1905 and Judge Louderback in 1933, both of whom were acquitted by the Senate. Both in the House and in the Senate, the primary defense by Swayne and Louderback was that even if true, the facts alleged did not constitute "an impeachable high crime and misdemeanor as defined in the Constitution of the United States." That the managers of the impeachment proceedings unsuccessfully argued to the contrary is hardly persuasive evidence that they were right. In sum, it appears that the memorandum is largely predicated on the arguments of advocates who lost their cases.

4. The Kelley memorandum does the best it can with the proceedings which have led to impeachment of Federal judges. But it curiously omits the many proceedings in which the House has declined to impeach where misconduct was shown but did not amount to the omission of a grave criminal offense.

In 1914, for example, the Judiciary Committee found that Judge Emory Speer had, among other things "exercised exceedingly poor taste and was guilty of indiscretions unbecoming a high judicial official," had "by his conduct, made his very high and honorable position one to excite the fear and suspicion, rather than to command the respect and confidence of litigants," and had committed other injudicious acts. But it concluded that these and other kinds of misconduct fall "short of impeachable offenses."

Similarly, in 1929 the House Judiciary Committee declined to recommend the impeachment of Judge Grover Moscowitz notwithstanding that the evidence showed that the judge had entered into a business arrangement with a former law partner and had appointed members of a law firm of his former partner to various receiverships, throwing "the court open to criticism and misunderstanding by the uninformed." Absent a violation of law by the judge, impeachment was not available.[4]

In that same year, District Judge Alston G. Dayton was charged with various acts of misbehavior including favoritism toward his son, misuse of services of employees paid by the government, use of his office to further friends' political activities, conflicts of interest in receivership cases, and an anti-labor bias in cases before him. The Judiciary Committee, after an investigation, refused to recommend impeachment although it found that "This evidence shows many matters of individual bad taste on the part of Judge Dayton, some not of that high standard of judicial ethics which should crown the Federal judiciary."

CONCLUSION

The above criticisms of the Kelley memorandum are not intended as personal attacks upon its author. Having explored the materials myself, I know how difficult it is to ascertain just what has led the House or Senate to act in any particular impeachment proceeding. But there are accepted tools for interpreting the Constitution, and it is the Constitution we are interpreting.

We begin with the language of the Constitution itself. Article II, the impeachment provision, speaks only of "Treason, Bribery, and other high Crimes and Misdemeanors." The language suggests that not even all "crimes" are impeachable, for otherwise there would be no need to specify "Treason, Bribery, or high Crimes. . . ." And if some crimes are not impeachable, how can less serious conduct be so regarded?

We examine other internal evidence in the Constitution, such as the provision for trial by jury "of all *crimes*, except in cases of impeachment."

We look to events at the Constitutional Convention, and there the antecedent of Mr. Ford's "good behavior" proposition was rejected on the ground that it would exact too high a price in terms of the independence of the judiciary. We look to the *Federalist Papers* and to the words of men who had been involved in the drafting and ratification of the Constitution. Again, these sources decisively refute the notion that the Founding Fathers contemplated the impeachment of federal judges for conduct not amounting to a violation of clearly defined criminal laws. When the language of the Constitution, the Convention debates, and the words of contemporaries converge on a single conclusion, there is no room for us now to redecide the question decided nearly two centuries ago.

When we turn to past impeachment proceedings, we have—at minimum—an obligation to be fair. Those who argued that impeachment was available only to punish grave criminal offenses prevailed in the Chase case, and prevailed again during the attempt to impeach President Andrew Johnson.[5] As former Justice Curtis summarized Johnson's successful defense, it rested on the proposition "that when the Constitution speaks of 'treason, bribery, and other high crimes and misdemeanors,' it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment." 1 *Trial of Andrew Johnson*, p. 409.

The arguments of counsel in particular proceedings obviously have to be taken with a grain of salt, as do later writings by the participants. But one does not arrive at truth by resorting to the mutilated text of an article of impeachment—excluding from the quotation key words which are damaging to one's own case. Nor does one arrive at truth by summarizing the defenses available in

[2] A weak source indeed, for of course no Congress, still less any particular set of House Managers or defense counsel, has been licensed to amend the language of the Constitution.

[3] Even Senator Pittman, whose statement the Kelley memorandum relies on, asserted in writing that by Ritter's own admissions he was guilty of the *crimes* of false swearing on his tax return and practicing law while on the bench. He noted that his vote to convict on the blanket charge applied only to certain of the specific counts.

[4] See, also, the 1930 proceeding involving Judge Harry B. Anderson, where no grounds for impeachment were found to exist although the investigation disclosed several matters which the Committee did not approve or sanction.

[5] It should be noted that neither side during that great controversy advanced the notion—crucial to Mr. Ford's position—that impeachment of the President was to be governed by standards different from those applicable to judges. And the *Chase* precedent was successfully argued as governing Johnson's Senate trial.

particular cases—omitting to include a key defense damaging to the proposition one advocates.

Finally, this delicate question of constitutional interpretation cannot be answered in isolation without considering the other constitutional provisions which must be read in harmony with the impeachment clause. Any reading of the impeachment clause which would permit Congress to impeach a judge for conduct not previously defined as a ground for impeachment would clearly violate the *ex post facto* clause of Article I, Section 9. To interpret the impeachment clause to permit impeachment for speeches and writings violates the First Amendment, as counsel for Justice Chase successfully argued in 1805. And to condition judicial tenure upon the ability of a judge to win a popularity contest in the legislature is profoundly subversive of the principle of separation of powers inherent in the very structure of the Constitution itself.

The Kelley memorandum asserts that there is no appeal from Congress' ultimate judgment. If that is so, it underscores the high moral responsibility of Congress in exercising its awesome power under the impeachment clause so as not to infringe other sections of the Constitution.

Violations of the First Amendment, of the *ex post facto* clause, and of separation of powers, and infringement upon the independence of the judiciary, may not trouble those who proffer the Kelley memorandum. But they trouble me greatly, and I cannot sit idly by while these key provisions of our Constitution are trampled. I can understand the temptation of one branch of government to increase its own power, to subject another branch to its dominion. But in understanding this primeval drive, I am not obligated to succumb to it or to stand aside while it subverts the constitutional system which has proven its value over nearly two centuries. In my judgment, this concerted campaign to use the impeachment clause to enforce a temporary legislative majority's notions of what constitutes good behavior is a truly radical attempt to amend our Constitution. This is not the sanctioned method of change. I have great faith that when alerted to what is at stake, Constitutional scholars, the bar, the American people and their elected representatives will reject this radical proposal.

To this end, to alert the public to the nature of what Mr. Ford has proposed, I request that this letter and my May 18 legal memorandum be given the same public exposure which the Kelley memorandum has received. Since neither the May 18 legal memorandum nor this letter touch upon the factual allegations in the impeachment inquiry, there is no reason to accord them confidential treatment, and we do not claim confidential treatment for them.

Yours sincerely,

SIMON H. RIFKIND.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. ADAMS, for September 15 through 18, on account of official business.

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

Mr. HAGAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. EDMONDSON, for 30 minutes, on September 15, and to revise and extend his remarks and include extraneous matter.

Mr. RANDALL, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. RUTH) to revise and extend their remarks and include therein extraneous matter:)

Mr. POFF, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. AYRES, for 15 minutes, today.

Mr. HALPERN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DENNEY to extend his remarks following consideration of H.R. 3259, today.

Mr. FULTON of Pennsylvania prior to passage of Senate Concurrent Resolution 49.

Mr. RYAN to revise and extend his remarks on the bill H.R. 18410.

Mr. RANDALL and to include extraneous matter.

(The following Members (at the request of Mr. RUTH) and to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. RHODES.
Mr. BERRY.
Mr. WIGGINS.
Mr. HALL.
Mr. ROUSSELOT.
Mr. RIEGLE.
Mr. JOHNSON of Pennsylvania.
Mr. STEIGER of Wisconsin.
Mr. BROOMFIELD.
Mr. CRAMER in five instances.
Mr. HAMMERSCHMIDT.
Mr. NELSEN.
Mr. MCDADE.
Mr. FINDLEY.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mr. HORTON.
Mr. SHRIVER.
Mr. CONTE.
Mr. HOGAN.
Mr. DERWINSKI in four instances.
Mr. CAMP.
Mr. SCHMITZ.
Mr. WHALEN.

(The following Members (at the request of Mr. CORMAN) and to include extraneous matter:)

Mr. HAMILTON in 10 instances.
Mr. PODELL in three instances.
Mr. FRASER.
Mr. NATCHER.
Mr. REUSS in six instances.
Mr. LONG of Maryland.
Mr. ANDERSON of California in two instances.
Mr. RODINO.
Mr. BROWN of California.
Mr. MATSUNAGA.
Mr. RYAN in five instances.
Mr. EVINS of Tennessee in two instances.
Mr. DADDARIO in five instances.
Mr. DINGELL in two instances.
Mr. MOORHEAD in four instances.
Mr. MARSH.
Mr. RARICK in six instances.
Mr. ROE.
Mr. POAGE.
Mr. PICKLE in two instances.
Mr. DELANEY.
Mr. PRYOR of Arkansas.
Mr. JONES of Tennessee.
Mr. VANIK in two instances.
Mr. OLSEN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 5. An act to promote the public welfare; to the Committee on Government Operations.

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; to the Committee on Post Office and Civil Service.

S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council; and

H.R. 16968. An act to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes.

ADJOURNMENT

Mr. CORMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 15, 1970 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2366. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of third country transfers of U.S. origin defense articles to which the United States has given its approval under the provisions of section 3(a)(2) of the Foreign Military Sales Act and transfers under the provisions of section 505(a) of the Foreign Assistance Act, for the period of January 1 through June 30, 1970; to the Committee on Foreign Affairs.

2367. A letter from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1971 (H. Doc. 91-382); to the Committee on Appropriations.

2368. A letter from the President of the United States, relative to the passage of H.R. 18306, increasing U.S. participation in the International Monetary Fund, the World

Bank, the Inter-American Development Bank, and the Asian Development Bank (H. Doc. 91–383); to the Committee on Banking and Currency and ordered to be printed.

2369. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report of the National Advisory Committee on Handicapped Children, pursuant to title VI of Public Law 89–10, as amended; to the Committee on Education and Labor.

2370. A letter from the Secretary of the Interior, transmitting the annual report of the Office of Coal Research for 1969; to the Committee on Interior and Insular Affairs.

2371. A letter from the Nevada State Director, Bureau of Land Management, U.S. Department of the Interior, transmitting a notice of continuation of the segregation of certain public lands classified for transfer out of public ownership, pursuant to 43 U.S.C. 1411–1418; to the Committee on Interior and Insular Affairs.

2372. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Science and Astronautics. For the benefit of all mankind (Rept. No. 91–1446). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of conference. Conference report on H.R. 16900 (Rept. No. 91–1447). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19152. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the installation in school buses of restraining devices for the protection of children; to the Committee on Interstate and Foreign Commerce.

H.R. 19153. A bill to amend title 38 of the United States Code to provide an aid and attendance allowance to any parent entitled to dependency and indemnity compensation who is helpless or blind or a patient in a nursing home; to the Committee on Veterans' Affairs.

By Mr. BIESTER:

H.R. 19154. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DON H. CLAUSEN:

H.R. 19155. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLIER:

H.R. 19156. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 19157. A bill to amend section 5 of the Department of Transportation Act to authorize the National Transportation Safety Board to employ 2,500 investigators to carry out its powers and duties under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. CELLER, Mr. CLAY, Mr. CONYERS, Mr. EDWARDS of California, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HOWARD, Mr. KOCH, Mr. LOWENSTEIN, Mr. MADDEN, Mr. MEEDS, Mr. MIKVA, Mr. O'HARA, Mr. PERKINS, Mr. REID of New York, Mr. REUSS, Mr. ROYBAL, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. TUNNEY, and Mr. VAN DEERLIN):

H.R. 19158. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BROWN of California, Mrs. CHISHOLM, Mr. COHELAN, Mr. ECKHARDT, and Mr. RYAN):

H.R. 19159. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROGERS of Florida, Mr. BIAGGI, and Mr. POLLOCK):

H.R. 19160. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H.R. 19161. A bill to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such Code (relating to tax on the use of certain vehicles); to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 19162. A bill to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself and Mr. ASHBROOK):

H.R. 19163. A bill to amend the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MESKILL:

H.R. 19164. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. NELSEN (for himself, Mr. O'KONSKI, Mr. HOGAN, and Mr. THOMSON of Wisconsin):

H.R. 19165. A bill to amend the act of February 27, 1925, regulating the sale of dairy products in the District of Columbia, to revise the local inspection requirements under that act, and for other purposes; to the Committee on the District of Columbia.

By Mr. PATMAN:

H.R. 19166. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the Budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROGERS of Florida:

H.R. 19167. A bill to prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida (for himself, Mr. DINGELL, and Mr. BIAGGI):

H.R. 19168. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SNYDER (by request):

H.R. 19169. A bill to amend the Fair Labor Standards Act of 1938, to exempt certain retail or service establishments; to the Committee on Education and Labor.

By Mr. SNYDER (by request):

H.R. 19170. A bill to amend the Fair Labor Standards Act of 1938, to exempt certain high wage earners; to the Committee on Education and Labor.

By Mr. WEICKER:

H.R. 19171. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BARRETT:

H.R. 19172. A bill to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation; to the Committee on Banking and Currency.

By Mr. BRADEMAS:

H.R. 19173. A bill to amend title 18 of the United States Code to provide for better control of interstate traffic in explosives; to the Committee on the Judiciary.

H.R. 19174. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 19175. A bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 19176. A bill to provide for the awarding of a Medal of Honor for policemen and a Medal of Honor for firemen; to the Committee on Banking and Currency.

By Mr. JONES of Tennessee:

H.R. 19177. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. MINISH:

H.R. 19178. A bill to amend section 18 of the Airport and Airway Development Act of 1970 to prohibit Federal financial assistance to any airport which permits the use of its facilities by an aircraft registered in a foreign country which fails or refuses to punish aircraft hijackers or to extradite aircraft hijackers to the flag country of the hijacked aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 19179. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H.R. 19180. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 19181. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. ROE:

H.J. Res. 1367. Joint resolution authorizing the President to proclaim National Good Grooming Week from November 16, 1970, to November 22, 1970; to the Committee on the Judiciary.

By Mr. HARVEY:

H. Con. Res. 730. Concurrent resolution urging the Congress to assemble in the Hall of the House for the purpose of expressing its grave concern about the mistreatment of United States and Allied prisoners of war by North Vietnamese and other Communist forces; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. CLEVELAND, Mr. ICHORD, Mr. FARBSTEIN, and Mr. HOWARD):

H. Res. 1208. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Br. Mr. GOODLING:

H.R. 19182. A bill for the relief of Stephen C. Yednock; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 19183. A bill for the relief of Mrs. Wallace S. Anderson; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19184. A bill for the relief of Servillano C. Espi; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 19185. A bill for the relief or Alispa Rosita Bradley; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 19186. A bill for the relief of Jose de Jesus Ornelas-Valdez and Celia Villafana de Ornelas; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 19187. A bill for the relief of Lloyd B. Earle; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

587. By the SPEAKER: Petition of James R. Johnston, et al., Huron County, Mich., relative to the treatment of Americans who are prisoners of war or missing in action in Southeast Asia; to the Committee on Foreign Affairs.

588. Also, petition of the Board of Selectmen, Brookline, Mass., relative to the hijacking of airplanes; to the Committee on Foreign Affairs.

589. Also, petition of the City Council, Elizabeth, N.J., relative to the hijacking of airplanes; to the Committee on Interstate and Foreign Commerce.

590. Also, petition of Jayleen Tjoelker, Blair, Wash., et al., relative to appointments to the U.S. Supreme Court and other Federal benches; to the Committee on Judiciary.

591. Also, petition of William R. Wendt, Springfield, Mo., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, September 14, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our help in ages past, our present strength, and our hope for years to come, whose ear is open to those of humble and contrite heart, hear us in our morning prayer. If we are low in spirit, lift us up. If we are lofty in pride, make us submissive in mind. If we feel feeble in intellect, strengthen us by Thy higher wisdom. If we feel impotent in will, brace us with moral courage and personal righteousness.

Come to us in our individual needs. Come to us in our national needs.

Grant us here a vision of a world that is not yet, but ought to be, and in loyal devotion to its appearing, help us to find joy and peace.

In the coming week grant us Thy help in all our duties and keep us ever faithful to our high calling as servants of all the people.

We pray in the name of the Lord of Life. Amen.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore (Mr. METCALF). Because the Senate adjourned on Friday, September 11, 1970, without a quorum, the first order of business is to obtain a quorum.

The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 291 Leg.]

Aiken	Fong	Nelson
Allen	Fulbright	Packwood
Allott	Gravel	Pell
Anderson	Griffin	Proxmire
Bennett	Gurney	Ribicoff
Bible	Hansen	Russell
Burdick	Harris	Saxbe
Byrd, Va.	Hart	Schweiker
Byrd, W. Va.	Holland	Scott
Case	Hollings	Smith, Maine
Church	Hughes	Sparkman
Cook	Inouye	Spong
Cooper	Javits	Stennis
Cranston	Long	Stevens
Dole	Mansfield	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Williams, Del.
Eastland	McGovern	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Muskie	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA) is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. SMITH) is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present. The clerk will proceed to call the roll again on Mr. DOMINICK's amendment No. 886 to S. 3418.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from New Hampshire (Mr. MCINTYRE).

If present and voting, the Senator from New Jersey would vote "nay" and the Senator from New Hampshire would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA) is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. SMITH) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Vermont (Mr. PROUTY) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Vermont would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 22, nays 40, as follows:

[No. 292 Leg.]

YEAS—22

Aiken	Dominick	Smith, Maine
Allott	Fannin	Stevens
Bennett	Fong	Talmadge
Byrd, Va.	Griffin	Thurmond
Case	Gurney	Williams, Del.
Cook	Hansen	Young, N. Dak.
Cooper	Nelson	
Dole	Saxbe	

NAYS—40

Allen	Hart	Packwood
Anderson	Holland	Pell
Bible	Hollings	Proxmire
Burdick	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Russell
Church	Javits	Schweiker
Cranston	Long	Scott
Eagleton	Mansfield	Sparkman
Eastland	McCarthy	Spong
Ellender	McClellan	Stennis
Ervin	McGovern	Yarborough
Fulbright	Metcalf	Young, Ohio
Gravel	Mondale	
Harris	Muskie	

NOT VOTING—38

Baker	Hatfield	Mundt
Bayh	Hruska	Murphy
Bellmon	Jackson	Pastore
Boggs	Jordan, N.C.	Pearson
Brooke	Jordan, Idaho	Percy
Cannon	Kennedy	Prouty
Cotton	Magnuson	Randolph
Curtis	Mathias	Smith, Ill.
Dodd	McGee	Symington
Goldwater	McIntyre	Tower
Goodell	Miller	Tydings
Gore	Montoya	Williams, N.J.
Hartke	Moss	

So Mr. DOMINICK's amendment (No. 886) was rejected.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 11, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected to bills under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC HEALTH SERVICE ACT AMENDMENT—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, and especially of the distinguished Senator from Kansas (Mr. DOLE), who I understand will offer an amendment, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from Kansas there be a time limitation of 10 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask further unanimous consent that on the bill there be a time limitation of 20 minutes, the time to be equally divided between the manager of the bill, the distinguished Senator from Texas (Mr. YARBOROUGH), and the minority leader or whomever he may designate to take care of the members of the committee on that side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following disposition of S. 3418 the distinguished Senator from Wisconsin (Mr. PROXMIRE), who already has been previously accorded an order, be recognized for the allowable 20 minutes.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Wisconsin there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. MANSFIELD. Following that, the Senate automatically returns to the consideration of Senate Joint Resolution 1.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of S. 3418, which will be stated by title.

The bill (S. 3418) was read by title, as follows:

S. 3418 to amend the Public Health Service Act to provide for the making of

grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The Senate resumed the consideration of the bill.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Kansas will be stated.

Mr. DOLE. Mr. President, I ask unanimous consent to dispense with the reading of the amendment, and ask unanimous consent that it be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE III—NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

SEC. 301. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

(d) There is authorized to be appropriated for carrying out the purposes of this section for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

Mr. DOLE. Mr. President, I may say at the outset that I shall take only a moment or two.

Let me state what the amendment does, and then perhaps we can discuss it.

My amendment would establish within the Department of Health, Education, and Welfare a national information and resource center for the handicapped. It would authorize the expenditure of $300,000 for the first year ending June 30, 1971.

On many occasions I have commented on the severe difficulties and problems confronted by this Nation's handicapped citizens. A significant problem is that of information.

Greater availability and coordination of knowledge is essential to achieving meaningful solutions and progress for the disabled. Too often, information is incomplete, unavailable, or inaccessible. Too frequently, the person in immediate need does not know where to go to obtain information.

A tremendous number of resources, public and private, are available to help meet the needs of these millions of handicapped persons. The many services presently provided by the Federal Government in conjunction with the States in financial assistance, rehabilitation, research, education, and training have assisted millions of disabled Americans to live as normal and productive lives as possible.

The great voluntary agencies, the private economy, and the resources of many dedicated people have combined to greatly improve the quality of life for the handicapped.

In this framework of available resources for our disabled citizens, we must be sure that our efforts and money are most effectively used to fill their needs. It is the purpose of this amendment to insure that all the knowledge and information regarding services be consolidated and made available to the handicapped person in the form he can best use and when he most needs it. Presently, no one source exists. There is a lack of coordination and centrally available information.

The knowledge about resources, research findings, technical assistance, reports, and information about what other governmental units, communities, business and colleges have done to accommodate handicapped people is diffused and completely lacking in centralization and coordination. It is hoped that a national information and resource center for the handicapped will provide this most necessary point of contact to individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, professional organizations, city and state officials who desire information or direction. The creation of this center will fill a great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost.

The estimated 42 million Americans belonging to the handicapped minority will benefit greatly from the services provided by this center. The country as a whole will benefit from the increased contribution, well-being and fulfillment of the handicapped.

This field is truly without partisanship. The establishment of a national center to better disseminate and coordinate available information can do much to alleviate problems and promote productive lives for the handicapped.

A list of organizations supporting the need for a national information and resource center for the handicapped include:

1. United Cerebral Palsy Association, Inc.
2. American Rehabilitalton Counseling Association.
3. American Speech and Hearing Association.
3. Goodwill Industries of America, Inc.
5. National Rehabilitation Counseling Association.
6. American Nursing Home Association.
7. Easter Seal Society of Crippled Children and Adults.
8. The Library of Congress, Division for the Blind and Physically Handicapped.
9. National Institutes on Rehabilitation and Health Services.
10. National Rehabilitation Association, Inc.

A list of several Kansas organizations supporting such a national center follows:

1. Kansas Association for Retarded Children, Inc.
2. Kansas Association for Mental Health, Inc.
3. Kansas Heart Association, Inc.
4. Deaf and Hard of Hearing Counseling Service, Inc.

Mr. President, there have been no hearings on the amendment. It has been discussed, however, with the senior Senator from New York (Mr. JAVITS) and with the Senator from Texas (Mr. YARBOROUGH).

I hope that if my amendment is not accepted, as I hope it will be, at least we can agree to have subcommittee hearings on the proposal.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. YARBOROUGH. Mr. President, I yield myself one-half minute, and then I shall ask for a quorum call.

Mr. President, this amendment was introduced as Senate bill 4002 on June 23, 1970. We have not had hearings because we have not yet received the requested report from HEW as to their means of the bill. They have informally told us that they are spending more money now each year for these purposes than the $300,000 which is authorized in S. 4002.

I suggest the absence of a quorum, and ask unanimous consent that the time not be taken out of the time allocated to either side.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I accept the amendment of the Senator from Kansas.

The ACTING PRESIDENT pro tempore. Does the Senator from Kansas yield back his time?

Mr. DOLE. I yield back the remainder of my time.

Mr. YARBOROUGH. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. Does the Senator from Texas yield time on the bill?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. YARBOROUGH. Do we have 20 minutes to a side, or 20 minutes total?

The ACTING PRESIDENT pro tempore. Ten minutes to a side, or 20 minutes total time.

Mr. YARBOROUGH. Mr. President, if there is no one who wishes to speak in opposition to the bill, I am prepared to yield back all of the time.

Mr. DOMINICK. Mr. President, will my colleague yield me some time?

Mr. JAVITS. Mr. President, I am the ranking minority member of the committee, but I do not oppose the bill. I support the bill, but, in the absence of the leadership from the floor, I yield 5 minutes to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I thank the Senator from New York. I shall not take that much time.

I shall probably vote for the bill when we get to the vote, but I do think there are a couple of things we should point out in due course before we decide what we are going to do.

First of all, this is another of those categorical grant programs. The categorical grant has been pushed by each separate specialty, both in the educational field and in the health field, on the ground that if one group gets it, then the other one ought to have it also, in order to stay on a parity. So, one after another, the categorical grant programs for the benefit of a particular specialty, as I say, both in education and in health, have gone forward.

What we have been trying to do, as far as the administration is concerned, is turn this around, to try to group the health services on the basis that appropriations for both educational and health services should be a broad figure, encompassing a number of disciplines, with the emphasis at the same time being flexible enough so that the Department—for the National Institutes of Health, the Office of Education, or whatever it may be—can funnel funds into the items which are most needed at a particular moment, instead of being more rigidly confined by the terms of specific pieces of legislation.

So that is the first objection they have to it, and probably the major objection as far as the administration is concerned.

There is no doubt that we should get into the promotion of more generalized practice, both in the health field, and, it seems to me, in the educational field as well. There is no doubt that this bill will help to upgrade family practice, and it seems to me that is something we need so badly that it is worthwhile passing, notwithstanding the objections that I have mentioned.

For the benefit of those who voted against my amendment, let me outline again the problem I was trying to meet with it, so that we will have it in the RECORD and the House of Representatives can consider it, and so that eventually, when the bill goes to conference, we can talk about it again.

The problem is that there are only nine medical schools at the present time that have separate departments of family medicine. Establishing separate departments of family medicine in the other medical colleges will cost from $250,000 to $650,000 per school.

My staff and I called at least eight very prominent medical schools, including the Colorado Medical Center, the University of Oklahoma, Harvard, the University of Vermont, Stanford, Johns Hopkins, Texas, and the University of California at San Diego, and every single one of the deans or assistant deans of those schools said they thought it was a great mistake to require a separate department.

After all, a family practice physician must have instruction in a variety of different disciplines, ranging all the way from surgery to gynecology. All of these had previously been set up, so why set up a separate department to duplicate all the rest of it? The reason for requiring a separate department was that the American Academy of General Practice felt very strongly that the recently recognized family practice specialty should have the same prestige as other specialties which have been recognized for many years. Obviously, the separate department requirement would help them in that request. But I do not think the instant prestige of the family practice specialty is more important than the considerations I have already outlined. This does not really make very much sense so far as I am concerned, interested as I am in trying to promote general practice.

So, having made these comments, I think we will find some substantial changes in the bill before it passes the House. On the assumption that we will get those changes and that the amount of time authorized by this bill will be cut back from 5 years to 3 years through House action or through the conference, I am willing to go along with it in its present form, even though, as I have said, it seems to me that the measure has been rather unwisely drafted in certain significant features.

I yield back the remainder of my time to the Senator from New York.

Mr. JAVITS. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, it should be pointed out that this bill, S. 3418, is the 5-year extension of an act which does not expire until June 30, 1971. The Secretary of HEW advised the Senate Committee on Labor and Public Welfare by letter of July 7, 1970, that he opposed the enactment of S. 3418. In a letter dated August 20, 1970, Director Shultz said:

> On July 8, Dr. John Zapp of the Office of the Assistant Secretary for Health and Scientific Affairs testified against the bill at hearings held by the Subcommittee on Health.
>
> The Department pointed out that while it is in accord with the objectives of the bill, those objectives can already be furthered by the existing programs of assistance to medical schools and hospitals. It stressed the advantages of aiding activities in the field of family medicine under broad, flexible legislative authorities such as those contained in the Health Professions Educational Assistance Act. The latter Act is due to expire on June 30, 1971, and the Department indicated that it is in the process of developing its recommendations for modifying and extending the Act.
>
> Finally, the Department strongly opposed the enactment of another categorical grant authority which would duplicate authorities already available under which the purposes of S. 3418 could be achieved.

I ask unanimous consent that the entire letter, signed by George P. Shultz under date of August 20, in opposition to this bill, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT OF BUDGET,
Washington, D.C., August 20, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
United States Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your telegram of August 12 concerning the Administration's position on S. 3418, a bill which would authorize a program of categorical grants to medical schools and hospitals in order to promote the training of medical and paramedical personnel in the field of family medicine.

The Secretary of Health, Education, and Welfare has advised the Senate Committee on Labor and Public Welfare, by letter of July 7, 1970, that he opposes the enactment of S. 3418. On July 8, Dr. John Zapp of the Office of the Assistant Secretary for Health and Scientific Affairs testified against the bill at hearings held by the Subcommittee on Health.

The Department pointed out that while it is in accord with the objectives of the bill, those objectives can already be furthered by the existing programs of assistance to medical schools and hospitals. It stressed the advantages of aiding activities in the field of family medicine under broad, flexible legislative authorities such as those contained in the Health Professions Educa-

tional Assistance Act. The latter Act is due to expire on June 30, 1971, and the Department indicated that it is in the process of developing its recommendations for modifying and extending the Act.

Finally, the Department strongly opposed the enactment of another categorical grant authority which would duplicate authorities already available under which the purposes of S. 3418 could be achieved.

This Office has submitted a report on S. 3418 to the Senate Labor and Public Welfare Committee in which we concurred in the Department's views and joined it in recommending against enactment.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. WILLIAMS of Delaware. Mr. President, in conclusion, I want to say that this is but one of several examples of bills that have been on the calendar in the last few days reported by the Senate Committee on Labor and Public Welfare which extend acts which do not expire—many of them—until 1971. In these closing days of the session it does not make sense that we extend an act that could be considered more advisedly by the next Congress. Particularly we should wait until we get recommendation of the administration on the extention of these acts.

In my 24 years service in the Senate I have never witnessed such enthusiasm by Senators on both sides of the aisle to spend money, yet when it comes to raising revenue to pay for these expanded programs they shun the decision as though it were a plague.

Decisions are being made now that will make a large tax increase necessary by the next Congress, and voters should be aware of that fact.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Texas yield me 5 minutes on the bill?

Mr. YARBOROUGH. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. I wish to announce to the Senate that whatever time remains in opposition—I think it probably is 3 or 4 minutes—is available to any Senator who wishes to oppose this bill. I control that time, but I will yield it gladly. That is why I asked the Senator from Texas to yield to me time on the bill.

Mr. President, I think there is a lot to the points made by the Senator from Colorado (Mr. DOMINICK) and the Senator from Delaware (Mr. WILLIAMS).

The fact is that the administration is not altogether happy about this bill. The fact is that they point out that it can be done as an amendment to an act which has not yet expired. However, it is a new program, and therefore the only way to do it at this time rather than wait until next year is the way we are proceeding here.

Mr. President, I think we would be begging this question, as we vote on it, if we did not understand what is happening in American medicine and in American health care. We are in very grave danger of imposing a cruel hoax upon the people of the United States by passing a proliferation of bills allegedly providing health care to our people, but without the services and facilities with which to deliver them and without the doctors, without the nurses, and without the paramedical personnel.

The other thing that represents an aspect of this cruel hoax, as I call it, is the fact that the medical schools are in terrible trouble. All the Department of HEW is doing in writing this letter is saying, "Let's stretch the rubberband further." They say that, somehow or other, the medical schools will find a way to carry it.

The answer is that we have passed a bill here previously, recognizing the emergency, which has not yet had action in the other body, for a $100 million rescue for medical schools, because many of them—there are only a little over 100 in the country—are going to close. I could not think of anything more devastating to the United States than if that happened. Yet, it is an imminent thing, also including the closing of dental schools.

What we have done is to be able to tell the people that we have passed this and passed that and passed the other, but there is no real money to back it up. So Senator YARBOROUGH, I think very properly, said here is a branch of medical science which threatens to die of atrophy unless we find some way of backing it up with the necessary resources to make it operative. The medical school rubberband can stretch no further. It is already in grave danger of breaking.

I added to it a title for nutrition education—title II of the bill—which falls in the same category, as we have uncovered such devastating facts in the country on the issues of hunger and malnutrition.

Thus, the reason for the bill is that we simply cannot find the resources any other way and that these medical schools do not have the resources themselves. Too many of them are going broke, as it is. So we must find some new aspect of their work which we are willing to finance, and that is what this bill is all about.

For that reason, I think the Senate should pass the bill. I honor my colleagues who have picked on flaws in the measure, for nothing here is ever black and white, and neither is this. In my judgment, on balance, it is something we ought to do, and I hope the Senate passes the bill.

Mr. YARBOROUGH. I yield myself 3 minutes.

Mr. President, this bill is aimed at trying to alleviate the great shortage of family practitioners among the medical doctors of America. In 1931, three of every four doctors were general practitioners, family doctors. Today, only one in five is a family doctor.

The reason for this bill, as was ably pointed out by the distinguished senior Senator from New York, is that the medical schools of this Nation are financially beleaguered. We want them to teach family medicine. The thrust of this bill is to say, "If you will establish a family medicine department in your medical school, we will support you."

There are 134 counties in the United States without a single medical doctor, and the despair of families who are unable to find a medical doctor is growing.

The objection was made by the Senator from Colorado (Mr. DOMINICK) that we would be legislating the curriculum of medical schools. Not at all. We just say, "If you will go back to teaching family medicine as you used to do 50 years ago, the Federal Government will assist you." Many of them want to do this but do not have the resources to do so. These schools are in desperate straits. A number of medical schools, mainly the nonprofit private schools, are about to collapse for lack of funds.

There is wide latitude for every medical school to establish such a department as it wishes. If we study the organization and curriculums of the various medical schools in the country, we marvel at their ability to build diversity into their programs. There is nothing rigid about the committee's bill.

The Academy of General Practice supports this bill. Contrary to what we said erroneously, but honestly, last week, the American Medical Association is not opposed to the bill in general and the provision, according to the telegram that was placed in the RECORD on Friday from Francis L. Land, of the University of Nebraska School of Medicine. So I submit that the objections are not tenable.

General practice has been downgraded. It will take time to reverse this unfortunate downgrading. Not every medical school will wish to establish a department of family medicine. There are only nine schools in America which have set up such schools on their own volition at this time. But we want more than nine schools.

Mr. SPONG. Mr. President, I am pleased to be a cosponsor of S. 3418. This legislation goes to the heart of two of the most pressing health problems facing our Nation.

First, S. 3418 seeks to encourage more physicians to enter family practice. We have heard many experts relate the lack of general practitioners. We have seen pictures in national magazines of signs erected by small towns which have no doctor at all. The testimony we hear and the signs we see indicate that the need for additional family doctors is great, but it is only those persons who are without available medical care who really know how severe the problem is. I believe this legislation will assist these people and will help us meet a national need.

Second, the bill authorizes grants to medical schools and other appropriate institutions for training and research in malnutrition. In 1969, I made a rather extensive study of malnutrition in Virginia. Time and time again, I was told of the need for more research, more knowledge and for more persons trained in nutrition. Subsequent to my study, I introduced legislation which would provide Federal funds for such training and research. I am pleased to note that title II of S. 3418 is similar to proposals which I made and which were also made by Senator JAVITS of New York, a member of the Committee on Labor and Public Welfare.

S. 3418 will, I believe, encourage and enable medical schools and other appropriate institutions to pursue work in the field of malnutrition and will hasten the discovery of new ways and means of

dealing with the often-subtle problems of malnutrition.

I commend the committee for reporting this legislation and thank the able chairman, Senator YARBOROUGH, for his leadership toward meeting these two important health needs.

Mr. HARRIS. Mr. President, enactment of S. 3418 will be a significant step in the efforts of Congress to meet the health crisis facing this Nation. The distinguished senior Senator from Texas (Mr. YARBOROUGH) is to be commended for his outstanding efforts on this legislation and other meaningful legislation designed to see that all Americans receive a decent level of health care.

The importance of having medical schools and hospitals establish departments and programs in the field of family practice and to encourage the training of medical and paramedical personnel in the field of family medicine, which S. 3418 would do, cannot be overestimated.

We are all familiar with statistics showing this country to be falling behind other industrialized countries in the infant mortality rate, the life expectancy of individuals, and in many other categories of health care. These statistics are even more disappointing for the rural areas, for the urban poor, and among the minority groups of this country. It is these people that generally have the most difficulty in obtaining medical care, and it is this bill, designed to train more family practice doctors and make better use of paramedical personnel, that will do much to give these people decent health care.

Recent figures indicated that 412,000 persons in 115 counties did not have access to doctors in those counties. In Oklahoma it is not uncommon to find a rural county having only one doctor per 2,000 to 3,000 persons, and, in fact, two Oklahoma counties at one time had no doctors at all. We know that in some of the poorer areas in New York City the ratio is one doctor per 10,000 people.

Because of the tremendous demand for medical services, and the shortage of doctors that is estimated by some people to approximate 50,000, doctors have been working 50 to 60 hours a week, with many of them seeing 50 patients a day. A rural doctor testified at a recent hearing I conducted in Tulsa, Okla., on the health crisis, as follows:

> We're tired; we're worn out. We work harder; we see our families disintegrate under these circumstances. We see patients day and night and are always interrupted by people's problems. We want you to know that we're working.

We know, as Senator YARBOROUGH has previously stated, that between 1963 and 1967, general practitioners decreased 7.3 percent, while the specialists increased substantially.

The need to emphasize the training of the family practice doctor and paramedical personnel is obvious. However, it is equally obvious that this cannot be accomplished without providing more assistance to our medical schools. Business Week of July 25, 1970, reported that:

> Forty-three out of the 107 (medical) schools of the U.S. are drawing federal "distress" funds so they can at least last through the current year.

These schools, many of them being private, depend heavily on endowment income and on federal research grants for faculty salaries. A sluggish economy, along with cuts by the Nixon administration in funds for medical research, have been disastrous for the medical schools.

The responses of the deans of certain medical schools are set forth in the Business Week article. Dean Robbins of Case Western Reserve said.

> As we struggle to meet the growing demand for health care, the resources we have are becoming less.

Dean James of Mount Sinai said:

> If the federal government has a long range, deliberate arrangement to cut medical schools by one-fifth they're on the right track.

While medical schools have filed over $215 million worth of grant applications with the National Institutes of Health, only $114 million have been budgeted for 1971 for this purpose.

I recently met with several faculty members of the University of Oklahoma Medical School and heard convincing arguments for the need to support our medical schools in every way possible.

Therefore, if we expect the medical schools to concentrate on the training of family doctors, we must provide financial support. S. 3418 authorizes $50 million for the fiscal year ending June 30, 1971, $75 million for the fiscal year ending June 30, 1972, and $100 million for each of the next 3 fiscal years.

Better use of existing manpower is also essential. The provision in S. 3418 directing the Secretary of Health, Education, and Welfare to appoint a 12-member advisory council on family medicine could play an important role in better planning for use of existing personnel, as well as for the training of additional personnel.

Mr. President, I believe this bill is an outstanding step for the Senate to take in meeting the health crisis, and I urge its passage.

MORE TRAINING OF FAMILY PHYSICIANS NEEDED

Mr. HATFIELD. Mr. President, I was pleased to join my friend and colleague from Texas as a cosponsor of this bill. I knew of the storage of doctors in Oregon from conversations with many Oregonians—both with members of the medical profession and with residents of Oregon's smaller towns and rural areas, where the shortage of family physicians is greatest. I share the concern of Senator YARBOROUGH, and I echo his sentiments as to the nationwide need for this bill.

I would like to point out a few things about the situation in my home State of Oregon.

The percentage of Oregon doctors that are in general practice has fallen from 44 percent in 1950 to 27 percent in 1969. This is in the face of an improving doctor-population ratio that fell from one physician per 920 people in 1950 to one physician per 805 people in 1969.

Recent statistics from the University of Oregon Medical School show an even lesser degree of general practice among its recent graduates. While 25 percent of all University of Oregon Medical School graduates are in general practice, in the 1960–64 classes, only 18.6 percent are in general practice.

This trend could produce a crisis in providing adequate medical care, especially in smaller towns. We should not let a gap grow between the medical profession and families needing generalized health information and care for a variety of maladies and injuries.

Additional support for this is pointed out by the need for 125 doctors in Oregon today, according to the Oregon Medical Association Placement Service.

Mr. President, I call on my colleagues here today to support this bill, S. 3418. I would presume that the situation in your States echoes that in Oregon.

I ask unanimous consent that a telegram from the Oregon Academy of General Practice, signed by its able president, Dr. Warren B. Thompson of Hood River, appear in the RECORD. The Oregon academy has over 450 members, many of whom are my good friends around Oregon. Also, members of my staff have discussed this bill with the academy's director, Mr. Roscoe Miller of Portland. The Oregon academy supports this bill strongly.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Telegram

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

Oregon Academy of General Practice urges you seek early consideration S. 3418. Oregon like most States, urgently needs more family physicians. S. 3418 will encourage and assist medical schools and other training institutions to plan and develop essential training programs. Oregon medical school now making plans. Needs assistance of S. 3418. Your cosponsorship of bill appreciated. Would you now sponsor its early passage by Senate and in the form reported by Senate Labor and Public Welfare Committee.

WARREN B. THOMPSON, M.D.,
President, Oregon Academy of General Practice.

Mr. HATFIELD. Mr. President, in addition, I believe that this bill serves as a perfect complement to the recent bill I cosponsored with my colleague from California, Mr. MURPHY. That bill, S. 4208, the Family Physician Scholarship and Fellowship Program Act, would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-short areas, or who agree to serve migrant agricultural workers and their families. As you know, this program provides that for each year of the scholarship, 1 year of service would be required by the student in a physician-short area. In addition, intern and residency fellowships would be granted. I bring this to the attention of my colleagues today to commend the senior Senator from California for his leadership in sponsoring this bill, and also to ask that this program to meet one facet of our Nation's health needs be given expeditious treatment by the Committee so that the full Senate can act on it.

Mr. President, I wish to focus for a moment on the reasons behind my support, and I presume the support of many of you here, regarding S. 3418. As has been pointed out previously, the reason for this assistance to our medical schools stems from the dramatic need for more general practitioners in many areas of our country. I mentioned earlier the situation in Oregon.

We also must remember that this shortage of general practitioners works an extra hardship on doctors currently practicing in doctor-short areas. I have many friends in the medical profession in Oregon who serve as general practitioners. Many are overworked because of the doctor shortage, and must treat far more patients than they have time for. Often a general practitioner is the only doctor in an area.

Often, the "family doctor," as many of us knew the GP as we grew up, has his office close to the homes of his patients. He prefers this to the high-rise medical center in a large city.

Mr. President, these comments are intended in no way to cast any aspersions on those talented doctors who achieve great expertise in areas of specialization. Too often, however, public attention is focused on this group, and we fail to recognize the many contributions of general practitioners across the country.

I could list Oregon towns and also list at the same time the numerous general practitioners in those towns who are community leaders in my State. Doctors in other States, I am sure, make similar contributions to the civic, cultural, and governmental affairs of their towns, as do the doctors in Oregon. It is easy to find doctors contributing their time and energies to numerous boards and associations.

I share these thoughts with you today as we discuss the doctor shortage, for we should recognize the many contributions of our general practitioners across the country.

In closing, Mr. President, I repeat how important I believe this legislation to be. We need to do more than talk about our medical manpower shortage; we need to act to meet this need. I urge my colleagues to give this bill their full support.

The ACTING PRESIDENT pro tempore. Do both Senators yield back their time?

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the bill has now been yielded back. The question is on final passage of the bill, S. 3418.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia: I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. MONTOYA), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA), is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS), is absent on official business.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 293 Leg.]

YEAS—64

Aiken	Case	Ervin
Allen	Church	Fannin
Allott	Cook	Fong
Anderson	Cooper	Fulbright
Bayh	Cranston	Gravel
Bennett	Dole	Griffin
Bible	Dominick	Gurney
Burdick	Eagleton	Hansen
Byrd, Va.	Eastland	Harris
Byrd, W. Va.	Ellender	Hart
Holland	Muskie	Sparkman
Hollings	Nelson	Spong
Hughes	Packwood	Stennis
Inouye	Pell	Stevens
Javits	Proxmire	Talmadge
Long	Ribicoff	Thurmond
Mansfield	Russell	Tydings
McCarthy	Saxbe	Yarborough
McClellan	Schweiker	Young, N. Dak.
McGovern	Scott	Young, Ohio
Metcalf	Smith, Maine	
Mondale	Smith, Ill.	

NAYS—1

Williams, Del.

NOT VOTING—35

Baker	Hatfield	Moss
Bellmon	Hruska	Mundt
Boggs	Jackson	Murphy
Brooke	Jordan, N.C.	Pastore
Cannon	Jordan, Idaho	Pearson
Cotton	Kennedy	Percy
Curtis	Magnuson	Prouty
Dodd	Mathias	Randolph
Goldwater	McGee	Symington
Goodell	McIntyre	Tower
Gore	Miller	Williams, N.J.
Hartke	Montoya	

So the bill, S. 3418, was passed, as follows:

S. 3418

An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grants enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the ten-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $10,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, and four of whom shall be representatives of the general public. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall

make recommendations to the Secretary with respect to approval of applications for *and of the amounts of* grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c. (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

TITLE III—NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

SEC. 301. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions including information describing measures which are or may be employed for meeting or overcoming such problems with a view to assisting individuals who are handicapped and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

(d) There is authorized to be appropriated for carrying out the purposes of this section for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

The title was amended so as to read: "A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped."

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2808) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (H.R. 16539) to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council, and it was signed by the Acting President pro tempore (Mr. METCALF).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJUSTMENT OF GOVERNMENT CONTRIBUTION WITH RESPECT TO HEALTH BENEFITS COVERAGE OF FEDERAL EMPLOYEES AND ANNUITANTS

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16968.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes, which was in lieu of the matter proposed, insert the following:

That (a) section 8906(a) of title 5, United States Code, is amended to read as follows:

"(a) Except as provided by subsection (b) of this section, the biweekly Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to 40 percent of the average of the subscription charges in effect on the begin-

ning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period which commences after December 31, 1970.

SEC. 2. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;".

(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ", having completed 5 or more years of service,".

SEC. 3. (a) Section 8701(a)(B) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

SEC. 4. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: "and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act";

(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: "The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act"; and

(3) Section 9 is amended by adding at the end thereof the following subsection:

"(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.".

(b) The amendments made by subsection (a) of this section shall become effective on January 1, 1971.

Resolved, That the House agree to the amendment of the Senate to the title of the bill.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

AUTHORIZATION OF CONSTRUCTION OF SUPPLEMENTAL IRRIGATION FACILITIES, YUMA MESA IRRIGATION DISTRICT, ARIZ.

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2882.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2882) to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Ariz., which was to strike out all after the enacting clause, and insert:

That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word "buildings" the words "and irrigation works and facilities".

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding "but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2." The Yuma-Mesa division shall be operated in such manner that identifiable return flows of water will not cause the Colorado River stream system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

NAVAJO INDIAN IRRIGATION PROJECT

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 203.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 203) to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project, which was to strike out all after the enacting clause, and insert:

That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu thereof "$206,000,000 (April 1970 prices)"; and

(c) By adding the following subsection to 3:

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall continue in effect for the terms thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

REAUTHORIZATION OF THE RIVERTON EXTENSION UNIT, MISSOURI RIVER BASIN PROJECT

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 434.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 434) to reauthorize the Riverton extension unit, Missouri River Basin project, to include there in the entire Riverton Federal reclamation project, and for other purposes which was to strike out all after the enacting clause, and insert:

That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project". The Riverton extension unit shall be operated in such manner that identifiable return flows of water will not cause the Wind River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall

be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided*, That whenever new lands or lands now or hereafter classified as nonproductive, are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users not returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit, resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. (a) The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 8. There is hereby authorized to be appropriated for rehabilitation and betterment of the facilities of the first and second divisions of the Riverton unit, for completion of drainage works for said first and second divisions, and for fish and wildlife measures as authorized by this Act, the sum of $12,116,000 (based on July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as many be required for operation and maintenance of the Riverton unit.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT Pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

AUTHORIZATION OF CONSTRUCTION OF THE MINOT EXTENSION OF THE GARRISON DIVERSION UNIT, N. DAK.

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2808.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2808) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to construct, operate, and maintain the Minot extension of the Garrison diversion unit in North Dakota under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) for the principal purposes of conveying, regulating, and furnishing water made available through facilities of the Garrison diversion unit for use by the city of Minot and other communities for municipal and industrial purposes; conserving and developing fish and wildlife resources; and enhancing outdoor recreation opportunities. The Minot extension to the Garrison diversion unit shall be operated in such manner that identifiable return flows of water will not cause the Souris River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. The Secretary is authorized to construct appropriate portions of the Minot extension to assist in the interim delivery of water from ground water sources prior to the availability of water through the facilities of the Garrison diversion unit.

SEC. 3. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in subsection 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be executed before the commencement of construction of the project. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) Expenditures for the Minot extension may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Minot extension shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 4. The conservation and development of fish and wildlife resources and the enhancement of recreation opportunities in connection with the Minot extension shall be in accordance with the provisions of the Federal Water Projects Recreation Act (78 Stat. 213).

SEC. 5. There is authorized to be appropriated for the construction of the Minot extension the sum of $12,900,000 (January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the extension.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

THE PLIGHT OF AMERICAN PRISONERS IN NORTH VIETNAM

Mr. BYRD of Virginia. Mr. President, on September 10, the United Press International distributed to its member newspapers an excellent article on the plight of American prisoners in North Vietnam. The story was written by David J. Oestreicher.

This was a revealing and timely account of the inhumane treatment of our prisoners of war.

We must not permit those Americans held captive by Hanoi to become the forgotten men of the war in Vietnam.

The demands of the United States are simple and entirely reasonable. We are asking only that North Vietnam adhere to the Geneva Convention.

Specifically, we ask the immediate release of a list of prisoners, inspection of POW facilities by an impartial body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

I know of nothing more inhumane than the cruel treatment which Hanoi

has given to those Americans it holds prisoner—and to the families of these men who are not even permited to know whether loved ones are alive or dead.

I commend the UPI and Mr. Oestreicher for the excellent account of the tragic situation of American prisoners of war.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AMERICAN POW IN HANOI: HE WAITS AND WAITS

(By David J. Oestreicher)

The plight of American prisoners in North Vietnam is unique in the annals of modern war. Their number is unknown except to their captors, few from the outside world have seen them and their chances of freedom in the foreseeable future are dim.

They have been referred to as "the forgotten men" in the halls of Congress in Washington and as "war criminals" in the Communist capitals of Hanoi, Peking and Moscow.

Some have been in custody for more than six years—longer than any American captured in other wars in which U.S. troops have fought on foreign soil.

They are largely incommunicado. Brief, relatively uninformative letters trickle from time to time out of Hanoi to loved ones in the United States. Relatives write regularly, rarely knowing if their messages are delivered and read.

Defense Secretary Melvin R. Laird says there is "clear evidence that North Vietnam has violated even the most fundamental standards of human decency" in the treatment of the prisoners. There have been first hand reports of cruelty but these have been contradicted in part by some of the handful of outsiders who have visited prison camps in Hanoi.

It is a fact that North Vietnam has refused to publish an official government list of the men it holds in violation of international law.

The situation has changed little since the first American was shot down over North Vietnam in 1964 and captured.

The most graphic account of treatment accorded American POWs comes from Lt. Robert F. Frishman, one of the nine U.S. servicemen released by Hanoi over the years. The release of each has been accompanied by an outpouring of statements proclaiming Hanoi's "goodwill" and humanitarianism."

Frishman, a Navy pilot, was shot down by a Soviet-built antiaircraft missile that struck his jet fighter-bomber over North Vietnam on Oct. 24, 1967. Metal fragments cut through the fuselage and shattered his right arm. North Vietnamese doctors removed his elbow.

"If an elbow had to be removed," Frishman told a news conference two weeks after he was freed in August, 1969, "I guess they did a good job." But after the surgery, Frishman said, his wound was left to fester and his leg, where serum was administered, became infected.

Frishman told a harrowing tale of being trussed with rope before his arm was treated, of being confined in a cubicle 11 feet long and 10 feet wide with brick walls and a tin roof that turned the place into an oven.

Frishman also told about treatment given two fellow captives—Lt. Cmdr. Richard A. Stratton and Lt. Cmdr. John S. McCain III, son of the admiral commanding U.S. forces in the Pacific.

Frishman said Stratton, shortly after his capture, was bound with rope so tightly it burned his skin and produced festering wounds that were unattended. He said captors removed Stratton's fingernails and burned his flesh with cigarets.

McCain, Frishman said, was held in solitary confinement for more than a year despite serious injuries including "many broken bones."

Other information on the treatment of POWs comes from Mrs. Sybil Stockdale of San Diego, Calif., whose husband, Navy Capt. James Bond Stockdale, has been a captive since Sept. 9, 1965.

Mrs. Stockdale, 45-year-old mother of four sons ranging in age from 8 to 19, is the chairman of the board of the National League of Families of American Prisoners and Missing in Southeast Asia, an organization with headquarters in Washington.

"The treatment is extremely cruel," Mrs. Stockdale said, basing her statement on talks with Frishman and others who have been freed. "The men are kept in prolonged solitary confinement. Little or no communications from home are permitted. The diet is inadequate. There is no contact with the outside world. The medical treatment is basic and inadequate. I believe the men are tortured."

Mrs. Stockdale received her first letter from her husband, now 46, on April 15, 1966, more than seven months after he was captured. Since then, she has received 15 other letters, the most recent on July 6.

All are written on a form containing seven lines and each message has been similar, reporting that Stockdale hopes his wife and children are well and that he loves them. He has reported that he has never seen another American since he was shot down.

Mrs. Stockdale, like most of the POW wives, writes her husband every month, filling a typewritten page and addressing the letters to her husband in Hanoi by regular mail.

Mrs. Stockdale has been in the forefront of efforts on behalf of wives and loved ones to obtain information from the North Vietnamese delegation to the Vietnam peace talks in Paris. Her Paris missions have been fruitless to date.

A colony of Navy wives with husbands missing in action has grown up in Virginia Beach, Va., near the Oceana Naval Air Station where many of them were based before Vietnam assignments.

"It's good for us to live close together," said Mrs. William Tschudy, 32, whose husband was shot down in 1965. "When I go home to Michigan in the summer I just can't find anyone to relate to about the problem. Here, everybody understands, and we give each other moral support."

Some wives have heard from their husbands; others, like Mrs. Richard Nelson, 26, have not. Her husband was shot down 2½ years ago. The couple was married two days before he was sent overseas. She has been active in Mrs. Stockdale's organization and has traveled to Paris and elsewhere seeking news of her husband.

In June of this year, a group known as the Committee of Liaison with Families of Servicemen Detained in North Vietnam announced it had obtained from North Vietnam a "complete" list of 334 American prisoners.

The U.S. State Department immediately disputed the list, describing it as incomplete and unacceptable. The committee subsequently added a 335th name to the list.

The list was an outgrowth of a visit to Hanoi by a leader of the committee, Mrs. Cora Weiss, a woman who has been active in the peace movement.

She challenges reports that American POWs are mistreated, basing this on a trip she made to one prisoner camp in Hanoi just before Christmas last year.

Mrs. Weiss described the compound as well-built and said the men appeared to be treated well.

"The life of a prisoner is hardly the life anyone would want to lead anyway," Mrs. Weiss said in a recent interview. She said the climate and food in North Vietnam was a major cause in any discomfort encountered by the Americans.

"What's important is that North Vietnam has kept alive 335 American prisoners at a time when there was a shortage of food, clothing, medicine and shelter," she said. "In order to protect them from our bombs, they had to treat them like their own people."

Responding to Mrs. Weiss' list Mrs. Stockdale says it is not complete and does not include prisoners held by the Communists in South Vietnam and Laos. She says 15 of the men listed by Mrs. Weiss' group have not corresponded with relatives.

The U.S. Department of Defense says it has evidence that the North Vietnamese are holding 376 Americans, that 77 others are in Viet Cong hands in South Vietnam and that three more are prisoners of Communist forces in Laos.

The Pentagon bases its figures on a variety of sources including photos released by Communist News Agencies, interrogation of the nine returnees and examination of letters.

The Pentagon has never issued a list. A spokesman said recently that in the past six months there had been a "significant" increase in the flow of mail from POWs in North Vietnam but that the total was still far short of the limit permitted by the Geneva Convention.

The president of the International Red Cross, Marcel Naville, lashed out at both North Vietnam and South Vietnam in a recent statement for their position on Red Cross inspection of prison camps.

"It is profoundly regrettable," Naville said, "That South Vietnam grants prisoner-of-war status to only a small part of its detainees, and authorizes Red Cross delegates only with many restrictions to make visits to a large proportion of its other detainees.

"It is also deplorable that North Vietnam refuses to allow the international committee of the Red Cross to intervene at all in favor of prisoners, whom they detain without even consenting to give a list of their names."

American efforts to bring world pressure on Hanoi with regard to the POW issue was intensified last month by the global mission of Frank Borman, a former astronaut who traveled to Moscow, Paris, Geneva, Rome, New Delhi, Saigon and several other cities, seeking contracts and help for the prisoners.

"We had a lot of sympathy along the way," he said. But Borman added that he was not optimistic for any serious talks with the Communists on freeing American POWS.

"Some of them have been incarcerated for six years now, longer than any other prisoner in American history," Borman said. "I went through a prisoner of war camp in Laos where I saw North Vietnamese prisoners who've been there for six years. I think it's time we started making movement on this."

In Washington, Mrs. Stockdale sounded a similar theme and said she feared for the lives of her husband and others in Communist hands.

"Time is running out," she said.

ESTABLISHMENT OF FEDERALLY CHARTERED CORPORATION TO PROTECT SECURITIES INVESTORS

Mr. JAVITS. Mr. President, tomorrow before the Committee on Banking and Currency there will come a bill to establish a federally chartered corporation to protect securities investors against losses

arising out of financially distressed brokerage establishments.

This is one of the most important pieces of legislation Congress can pass to help the economic situation of this country and avert the grave dangers with respect thereto.

The board of governors of the New York Stock Exchange passed a resolution last week affirming this fact and the fact that this legislation is vital to the securities industry and the investors who use its facilities.

Mr. President, the New York Stock Exchange is probably the major element in the industry task force which has been working in this direction.

I pay tribute to the Senator from Maine (Mr. MUSKIE) who has piloted this legislation.

I ask unanimous consent that the resolution of the board of governors of the New York Stock Exchange be printed in the RECORD, as well as a list of the members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Resolved: Whereas, the Board of Governors of the New York Stock Exchange on June 11, 1970, was advised by the Joint Industry Task Force Committee of a plan for a federally chartered corporation as the basis of a system to protect securities investors against losses arising out of financially distressed brokerage firms which it proposed be submitted to the Congress, and,

Whereas, the Board of Governors at that time voted its unanimous support for the SIPC program, now, therefore,

Be it resolved, that the Board of Governors hereby unanimously reaffirm its support of the Securities Investor Protection Corporation legislation now pending before the Congress and expresses its conviction that this legislation is vital to the securities industry and the investors who use its facilities.

COMMITTEE MEMBERS

Ralph De Nunzio, Kidder Peabody Inc.
Watson B. Dabney, J J B Hilliard W L Lyons Inc.
Robert M. Fommon, E F Hutton
Clifford W. Michel, Loeb Rhoades
Francis R. Schanck, Jr., Bacon Whipple Inc.
Robert C. Van Tuyl, Shearson Hammill Inc.
Wheelock Whitney, Dain Kalman & Quail Inc.
Alternate for Mr. Michel; Otto Low, Goodbody.
Staff assistants representatives of various exchanges.

WE CAN CUT MILITARY SPENDING

Mr. PROXMIRE. Mr. President, in the past few weeks there has been a rash of official statements by highly placed administration officials claiming that not one more dime could be cut from the defense budget.

In a press conference on the 6th of August, Secretary of Defense Melvin Laird had this to say:

The Chairman of the House Appropriations Committee has indicated he believes our budget will be cut by one billion dollars.

I'm going to do everything I can to see that it isn't. I think we have submitted a rock bottom budget this year.

The New York Times carried on the front page for August 26 and headlined a UPI interview with Caspar W. Weinberger, the Deputy Director of Management and Budget,

Nixon Aide Sees Danger In New Defense Cutbacks.

And it quotes him as saying

I don't see a great deal of room with any commensurate degree of safety for a very substantial reduction in the defense budget.

This is the same Mr. Weinberger who only recently said he believed the budget should be in balance every year.

PENTAGON WANTS NO MORE CUTS

However, the latest defense of big military spending has come from Assistant Secretary of Defense for International Security Affairs, Mr. Warren Nutter, in an address before the Western Economic Association's Annual Meeting in Davis, Calif., on August 28.

After a lengthy citation of figures, which might even have been difficult for those at a convention of economists to absorb, Mr. Nutter concluded with this statement:

In brief we have cut defense enough for the present. It is time to look elsewhere for relief from the heavy burden of taxes and for resources better employed in meeting pressing domestic needs.

In this final sentence, he verbalized what we all now know to be true because of the statements of Secretary Laird, Mr. Weinberger, and others, namely:

Those whom you have entrusted with responsibility for the nation's security speak with one voice in sending this message to you.

The word has gone out, loud and clear, "No more defense cuts."

ADMINISTRATION ADAMANTLY OPPOSED TO MILITARY CUTS

That position is crystal clear. This administration is on the record time and time again opposing cuts in the defense budget.

In the process of defending the indefensible, Mr. Nutter and others have used some very specious arguments. While I do not intend to rebut his remarks line by line, he uses some figures and some comparisons which are highly selective and misleading. Defense officials have been using them time and again, so I believe it is time to point out their method and the misleading character of some of the arguments.

SELECTED STATISTICS

One of the arguments used by Mr. Nutter is that spending by Governments at all levels—Federal, State, and local, has increased far more since mid-1964 than has spending by the Defense Department. There are several comments to make about this.

First of all, why does he not compare the increase in the military budget with the increase in Federal spending? Why does he throw in the increases by State and local governments? The answer is that the biggest rise in both taxes and spending is at the State and local levels to meet the mushrooming needs for roads, police, urban transit, sewers, water, schools, and a myriad of other services during this last half decade.

But defense is not a responsibility of State and local governments. A more proper comparison is to compare the increase in defense spending with the increase in Federal spending as a whole. It is only by throwing in the tremendous increase in State and local spending that Mr. Nutter makes his case.

INCREASES ATTRIBUTED TO NONDEFENSE SPENDING CAUSED BY DEFENSE OUTLAYS

Second, some of the major items in Federal spending which have grown at a very fast pace and have outstripped the percentage increase in defense spending, are in fact themselves due in large part to the increase in defense spending and the war in Vietnam.

INCREASE IN INTEREST PAYMENTS CAUSED BY DEFENSE INDUCED INFLATION

For example. Since fiscal year 1964, interest on the national debt has increased from $9.8 billion to at least $17.8 billion, or almost a doubling. Interest on the national debt is about twice what it was in 1964. But that increase was due primarily to two war associated matters. First there were the huge deficits in fiscal years 1967 and 1968—deficits of $8.7 and $25.1 billion respectively. Second, there were the higher interest charges induced by the huge deficits and the ensuing inflation, caused largely by the Vietnam war.

INCREASE IN VETERANS' COSTS DUE TO VIETNAM WAR

For example. Veterans' benefits and services have risen from $5.6 billion in fiscal year 1964 to $8.5 billion in fiscal year 1971. That increase, too, is almost a direct consequence of the war and of the increase in defense spending for the war.

Thus, when Mr. Nutter claims that defense spending has not risen as fast as other spending in the Federal Government, he leaves out of the calculation some very important increases. He can only make his claim by attributing some of the fastest growing, most costly increases in Federal expenditures to "nondefense" activities when they are, in fact, due almost directly to defense outlays. Interest on the debt and veterans payments are only two such examples.

But they make Mr. Nutter's argument specious.

DEFENSE SPENDING AS A PERCENT OF GNP

Another argument which is constantly used by the Pentagon supporters of a bigger defense budget, is that Defense spending is now a smaller percentage of the gross national product than it has been recently.

The answer to that argument is "so what?" When did we have to spend any fixed amount or fixed percentage of our gross national product on defense? Defense spending should be calculated on the basis of our defense needs as they are related to other needs. In recent times the military has been getting more and more dollars. They have been surfeited with excesses as every independent study of defense spending has shown.

There was a $30 billion rise in defense spending from 1964 to 1969. Most of that was due to Vietnam spending. Now

that Vietnam spending is being cut, and should be cut, the military has no continued claim on either the absolute dollar increases they received or the percentage of GNP which the high level of Vietnam spending represented.

WHY NOT USE HISTORICAL PERCENT OF GNP?

If the Defense Department wants to use the percentage of GNP as an argument, perhaps someone will turn back the clock and argue that the present 7 percent of GNP spent on the military is far too high because in the 1930's or, historically, we have not spent that large a percentage on defense except in periods when we were fighting an all-out war.

MISLEADING ARGUMENT

The "defense spending as a percentage of GNP" argument is a double-edged sword. I urge the Pentagon to stop using it, for it is misleading, specious, and says nothing at all about what we need, what we should really spend, nor how efficiently we are spending.

Let me examine just one more specific figure before making a more general criticism of Mr. Nutter's and other Defense Department officials' line that we cannot and should not cut another dime from military spending.

MISUSE OF TROOP CUTBACK STATISTICS

In attempting to prove how much had been cut from the military budget and what a good job they are doing, Mr. Nutter cited the following example:

> The cutbacks may stand out more sharply when put in terms of people and things. Our military forces numbered 3.5 million in mid-1968 and will number 2.9 million in mid-1971, a decline of 639 thousand.

Those facts are correct. But it is also true that before the Vietnam buildup we had only 2.5 million men and women in our military forces. Even with the cut backs we still have 400,000 more men in the military than we had when Vietnam began.

We should cut back those 400,000 and return to a 2.5 million man level. I am told on good authority that that is the program. At $10,000 per person per year, which is what it costs to feed, clothe, and train one military person for a year, that would bring a yearly savings of $4 billion.

Thus, when Mr. Nutter and Mr. Weinberger, and Secretary Laird tell us that the military budget cannot be cut, they are also telling us that they intend either First, to keep a military force which is 400,000 men larger than before Vietnam, or second, to use the savings, from cutbacks in military personnel to a 2.5 million manpower level, for some other military purpose such as additional procurement.

QUESTIONABLE PREMISE—NO WASTE IN PENTAGON

These are just some of the specific examples which refute Mr. Nutter's own argument that we have cut defense spending enough. But fundamentally the position taken by Secretary Laird, Mr. Weinberger, Mr. Nutter, and others, is based on a questionable premise. It assumes that everything at the Defense Department is run efficiently and that there is no room for improvement. It assumes that there is no waste, that no reforms are needed in procurement, that the Department holds no excess supplies or bases, that it has no redundant unnecessary, duplicating weapons systems, that the present force levels will be maintained, that every program it now has should be continued or not cut back, and that every dime cut from defense would be cut from muscle rather than fat.

Those are the assumptions that must be made if it is said that we cannot cut back on defense or that to do so would endanger us in any way.

ROOM FOR IMPROVEMENT

But we should act on a different premise, based on solid fact. It is that vast improvement can be made in the efficiency of the Defense Department, that the Department is presently swollen and bureaucratic, that there are numerous redundant bases and programs, that procurment can be improved, and that fat can be turned into muscle with vast savings to the taxpayers. Much of the case can be made from the statements of those in the Department itself.

THE "MESS" IN PROCUREMENT

Let us pause for a moment and look where future cuts can be made. The first place to cut is in procurement. And here Secretary Packard and the Chairman of the Blue Ribbon Procurement Panel, Mr. Fitzhugh, make the case.

In the middle of August, Secretary Packard made a speech in which he had this to say about Defense procurement:

> We have a real mess on our hands.
>
> We don't need more supervision and more people in the act. We need fewer people.
>
> When we are not in a hurry to get things done right, we over-organize, over-man, overspend, and under accomplish.
>
> Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers dollars: sometimes we spend it badly. . . . However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

Those are Secretary Packard's words, not mine.

Mr. Fitzhugh told a press conference on the release of his report that—

> Defense Department's policies have contributed to serious cost overruns, schedule slippage, and performance deficiencies.

Who are we to believe? Mr. Packard and Mr. Fitzhugh, who tell us procurement is a mess, that there is bad management, and that we need fewer people, or Mr. Nutter, who tells us we have cut defense enough for the present?

If there is a mess, waste, bad management, and if we need fewer people, why should we not cut the military budget or force some reform on them?

CUT REDUNDANT BASES

There are other places to cut. We have some 429 major and almost 3,000 minor bases scattered in 30 countries throughout the world. Many of them are redundant. Cannot we cut back here?

VIETNAM SAVINGS

The incremental costs of the Vietnam War have been cut from a high of $23 billion to $17 billion at the end of June 1970. We are told that by the end of this fiscal year, we will be spending at the rate of $11 billion. Why should not those additional cuts be reflected in next year's budget? And do we intend to continue to spend at the rate of $11 billion a year indefinitely in Vietnam?

Why should we not look to defense, as well as elsewhere, for relief from the heavy burden of taxation?

SHIFT FROM TWO PLUS WAR STRATEGY

What about the shift from a two-plus war strategy to a one-plus war strategy? We are told that is now our policy. But former Budget Director Charles Schultze tells us, on the basis of his experience at the Budget Bureau, that the one plus war strategy should cost us $14 billion less than is being spent the fiscal year for strategic and general purpose forces.

Why have we not received some of the savings from this shift which the Secretary of Defense tells us is already in effect?

MANPOWER REDUCTIONS

I have already mentioned manpower. But we should be getting a $4 billion reduction in present manpower costs as we reduce the strength of our forces to 2.5 million men.

UNNEEDED WEAPONS

What about specific unneeded weapons systems? There is a program called AWACS, which is a costly defense against a Russian manned bomber attack. It is now in the R. & D. stage, but the military has vast plans for expansion.

But the Russians have no manned intercontinental bombers worthy of the name. They are few in number—something like one quarter as many as we have—and they are years out of date. The danger we face is not from manned bombers but from submarines and missiles. But the military intends to go ahead with an elaborate defense against Russian bombers in any case. Only Congress can stop them. AWACS is a class example of an unneeded weapons system. It is a weapons system in search of a mission.

OTHER AREAS

Other savings could be made as well—in the procurement of food, in the more efficient use of personnel, in lengthening rotation periods outside of combat zones, in reducing the funds for public relations, in cutting back on free trips for visiting dignitaries, and in actually putting a Fly-Before-You-Buy Policy into effect, instead of making it a public relations gimmick. Up until now, that policy has been adopted only on paper.

CONTRADICTORY STATEMENTS AND ACTIONS

The Pentagon is suffering from a bad case of split personality. A statement that no cuts can be made in the military budget, by one spokesman, is contradicted by the statements elsewhere of a different spokesman. Essentially what they are trying to do is to have it both ways. While pretending to cut back hard on military spending, they are insisting on keeping the present budget level intact. Look at these examples.

While Secretary Laird states that he has submitted a "rock bottom budget" and that he is going to do everything

he can to see that it is not cut, his Deputy, Under Secretary Packard, tells us that with regard to military procurement "We have a real mess on our hands," that "We need fewer people," and that at the Pentagon "* * * we overorganize, overman, overspend, and underaccomplish."

While Mr. Weinberger over at the White House tells us that there is no room for a substantial reduction in the military budget, he also insists that the Government's budget must always be in balance. Thus, while Government sources leak the fact that we may face a $10 to $15 billion deficit next year—a deficit Mr. Weinberger insists we must never allow—he simultaneously tells us we can make no substantial cuts in the military budget—the only place where sufficient cuts can be made both to stop inflation and to bring the budget more closely in balance.

While Assistant Secretary of Defense Warren Nutter states that defense has been cut enough and that we should look elsewhere for cuts, the Defense Department announces that active military forces will be reduced by at least another 400,000 men, which in itself should bring a $4-billion reduction in military costs.

While we are told that "those whom you have entrusted with responsibility for the Nation's security speak with one voice" in resisting additional military cuts, the Pentagon reveals that the incremental Vietnam costs at the end of June 1971, will be $11 billion or $6 billion less than the incremental costs of the Vietnam war at the end of June 1970. If the Pentagon is cutting our troop strength by 400,000 men, cutting Vietnam war costs by $6 billion, and reforming procurement, why should not the hard-pressed American citizen and taxpaper get some benefit from those reduced costs?

The PRESIDING OFFICER (Mr. EAGLETON). The Senator's time has expired.

Mr. PROXMIRE. I ask unanimous consent to be permitted to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. How, on the one hand, can they propose these actions but on the other hand tell us the taxpayers will not benefit? The answer is simple. What they save in Vietnam and in troop reductions they intend to spend at the Pentagon for new military gadgets instead of returning the funds to the public.

IMF REPORT URGES TIGHT BUDGET

Not only can the military budget be cut but it is the single most important action we can take in the fight on inflation. And that fight is by no means over. In fact its seriousness was underlined only this week by a report from the International Monetary Fund in advance of its annual meeting in Copenhagen. The report said:

The importance of arresting the U.S. inflationary spiral and restoring price and cost stability can hardly be exaggerated.

The report said:

At stake, are the checking of the inflationary trend on a worldwide basis, the long-run stability and efficiency of the U.S. economy, the much-needed strengthening of the U.S. balance of payments position . . . and the sound functioning of the international monetary system.

The report called on the United States for a "tight budget" as one of the most important methods of combating inflation.

Mr. President, I think we should recognize that these are some of the outstanding economists in the world. They have a perspective that I think we in this country, particularly those of us in Congress and those of us who are advocates, do not have. The International Monetary Fund economists say in their report the United States should have a tight budget. That report and the inflation which still exists in this country are additional reasons why the military budget must be cut.

DEFENSE DEPARTMENT FLEXING ITS MUSCLES

Notwithstanding the need to cut military costs, we will be hearing more and more talk that the military budget cannot be cut. We will be told that the Russians are 10 feet tall, that we are spending smaller amounts of our GNP on defense than before, and that inflation and pay raises have taken every dime we have saved. And the highly efficient defense and industrial lobby will spend vast quantities of money to protect their present funds.

When those arguments are trotted out, we should remind the experts of the $23 billion overrun—imagine that; a $23 billion overrun—on only 38 major weapons systems, of Secretary Packard's statement that procurement is a mess, of the excess bases, and of proposed troop reductions.

Defense is still a mess. The discipline of cuts is the way to bring order out of chaos.

Let us turn a deaf ear to the siren song of those who speak for the Pentagon and their industrial allies. Let us cut back the fat and waste from the present system. To do this will strengthen our defense and add to our security.

Mr. Nutter, your real work is cut out for you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the transaction of routine morning business, with a time limitation of 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO REQUESTS FOR APPROPRIATIONS FOR FISCAL YEAR 1971 FOR THE DEPARTMENT OF TRANSPORTATION (S. DOC. NO. 91-382)

A communication from the President of the United States, transmitting a proposed amendment to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of $28,000,000 for the Department of Transportation, Federal Aviation Administration (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT OF THE OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Coal Research for calendar year 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

TRANSFER OF LAND FROM THE UNITED STATES TO THE STATE OF NEVADA

A letter from the Secretary of the Interior, transmitting, pursuant to law, for review: (1) application for transfer of lands from the United States to the State of Nevada, pursuant to the Eldorado Valley Act; (2) proposed unit development and acquisition planning report; and proposed contract of sale and conveyancing instrument (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the report of the National Advisory Committee on Handicapped Children (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the town of Brookline, Mass., relating to the recent hijacking of planes; to the Committee on Foreign Relations.

A letter, in the nature of a petition, from the United Alien Association, of St. Croix, U.S. Virgin Islands, praying for the enactment of legislation relating to citizenship for certain immigrants; to the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of Ohio:

S. 4336. A bill to provide some compensation to the students shot and wounded by Ohio national guard soldiers and to the parents of the students killed on the campus of Kent State University on May 4, 1970; to the Committee on the Judiciary.

(The remarks of Mr. YOUNG of Ohio when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLAND:

S. 4337. A bill to amend title 28, United States Code, to provide for the establishment of an 11th judicial circuit to be comprised of Florida, Georgia, Alabama, and Mississippi and for the circuit judges constituting the fifth and 11th circuits; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 4338. A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis; to the Committee on Commerce.

(The remarks of Mr. PROXMIRE when he introduced the bill appear below under the appropriate heading.)

By Mr. HART:

S. 4339. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; and

S. 4340. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Commerce.

S. 4341. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Finance.

(The remarks of Mr. HART when he introduced the bills appear below under the appropriate heading.)

By Mr. McGOVERN:

S. 4342. A bill for the relief of Maria de los Angeles Barahona; to the Committee on the Judiciary.

By Mr. HART:

S. 4343. A bill for the relief of Dimitrios G. Sklias; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. MAGNUSON):

S. 4344. A bill to amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Commerce.

(The remarks of Mr. CRANSTON when he introduced the bill appear below under the appropriate heading.)

S. 4336—INTRODUCTION OF A BILL TO COMPENSATE THE SURVIVORS OF THE KENT STATE UNIVERSITY TRAGEDY

Mr. YOUNG of Ohio. Mr. President, regarding the tragedy at Kent State University on May 4, 1970, 100 FBI agents, following a most intensive investigation of 2 weeks, and also seven reporters from such newspapers as the Akron Beacon-Journal, the Miami Herald, and the Detroit Free Press, concluded that National Guard officers and men were guilty of the killings and woundings that occurred on the campus. In fact the Vice President of the United States, in California, stated that Ohio National Guard officers were guilty of murder—not murder in the first degree, but murder.

I am today introducing a bill to provide some compensation to the students shot and wounded by Ohio National Guard soldiers, and to the parents of the students killed on the campus of Kent State University on May 4, 1970.

My bill provides that: "The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estates of the late Allison Krause of Pittsburgh, Pa.; Sandra Scheuer of Youngstown, Ohio; William Schroeder of Lorain, Ohio; and Jeffrey Miller of Plainview, N.Y., all of whom at the time of death were students at Kent State University," and to 10 students I have named who were wounded by bullets fired by the Ohio National Guard, a total sum of $7 million, to be appropriated in full settlement of all claims made by the parents of those students.

The total sum of $7 million would be in full settlement of the claims they may have against the United States for the wounding, pain, and suffering, and medical and surgical expenses incurred by their parents, and the disability suffered by each of the 10 students. As to those wounded students who have attained the age of 21, their payments would be made to them personally. Payments would be made to the parents or guardians of those students who are minors, not yet having attained their majority.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. In addition, my bill provides that a panel or board of five be selected and designated by the President of the United States. This panel or board to include two officials of the Office of Attorney General of the United States—Civil Rights Division—and three U.S. district judges of the northern district of Ohio so designated by the President with instructions to study the medical and surgical testimony and other evidence and to direct the distribution of such sum of money equitably and justly in accord with the nature and extent of the injury sustained and permanence of disability arising from injuries received by each of the 10 who were not mortally wounded and that a full and fair distribution be made in settlement of the claims for wrongful death to the estates of those four who did not survive.

The payment and the receipt thereof by any of the injured or by the parents of those injured who are minors and by the administrators of the estates of the four who were killed will not prejudice or affect in any manner the claims for the wrongful deaths and claims for damages for injuries which they have or may have against the State of Ohio, James A. Rhodes, presently Governor of Ohio, or Sylvester Del Corso, adjutant general of Ohio, or any other officials or individual of the Ohio National Guard and is in settlement only of any and all claims against the United States of America.

This bill is introduced today for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4336) to provide some compensation to the students shot and wounded by Ohio National Guard soldiers and to the parents of the students killed on the campus of Kent State University on May 4, 1970, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4338—INTRODUCTION OF A BILL TO PROVIDE FOR A MORE ADEQUATE TRANSPORTATION INVESTMENT ANALYSIS

Mr. PROXMIRE. Mr. President, today I am introducing a bill to amend the act which established the Department of Transportation. The purpose of my amendment is, first, to remove the restrictions which hamper the ability of the Department to analyze the value of investment in different modes of transportation and, second, to make clear that it is the responsibility of the Department of Transportation to perform economic analysis of proposed investments and to present the results to Congress in a manner which will assist Congress in making wise decisions concerning the need for Federal aid for different types of transportation.

Four years ago when the legislation establishing the Department of Transportation was originally considered, the investment standards provisions were among the more controversial aspects of the legislation. The legislation as originally proposed was amended so as to exempt many types of transportation investments from section 7 of the law, the section which authorizes the Department to develop standards for the economic evaluation of proposed Federal transportation investments. The major exemptions were water resource projects and grant-in-aid programs. Grant-in-aid programs, of course, encompass the Federal-aid highway program. Once we exempted these programs from the Department's authority to set standards for economic analysis, not much was left for them to analyze.

The authority to set standards for evaluation of water resource projects was given to the Water Resources Council. However, the Council was not left with much discretion for working out evaluation standards, since Congress wrote into law a very specific method for measuring the navigation benefits of water resources projects, a method carefully designed to favor water transport over alternative means.

The Water Resources Council is presently engaged in a major effort to work out improved evaluation procedures for water resource projects. I heartily commend them for this effort, and I welcome the opportunity which has been given to interested Members of Congress to review and comment on the proposed new procedures. However, I am sadly disappointed that more progress has not been made in improving the measurement of the navigation costs and benefits of water resource projects. Of course, I do not blame the Water Resources Council for this, for they are required to follow the unsatisfactory method outlined in the Department of Transportation Act.

The amendment that I am introducing today would remove the language which spells out a specific method of comparing the benefits of water transport to rail transport. It would also give the primary responsibility for evaluating the transportation costs and benefits of water resource projects to the Secretary of Transportation, although the Secretary would remain a member of the Water Resources Council, and he would be required to develop transportation evaluation standards which were compatible with the standards established by the Water Resources Council for nontransportation features of water resource projects.

The legislation originally proposed in 1966 gave this responsibility for transportation features of water resource projects to the Secretary of Transportation. I felt strongly at that time that this was the right place for this responsibility. Indeed, I voted against the act establishing the Department of Transportation because I felt so strongly that Congress had made a mistake in transferring this responsi-

bility to the Water Resources Council and an even greater mistake in writing into the law such specific procedures for evaluating the navigation benefits of water resource projects.

The Department of Transportation has now been in existence for about 3 years, and we have had an opportunity to observe our progress in developing a unified national transportation policy. To date, this progress has been all too limited. I do not see how we can possibly expect to have a sensible national transportation policy unless the Department of Transportation is permitted to compare the benefits of water transportation to land transportation, and to do so within the context of a national transportation system.

That the present measurement of the benefits of water resource projects leaves a great deal to be desired is illustrated by the efforts of the Water Resources Council to test their new guidelines for the evaluation of water resource projects. These new guidelines were tested on 19 different water resource projects by a number of different teams of evaluators. Incidentally, I would like to point out that only three of these 19 projects involved navigation benefits at all, and that no one from the Department of Transportation was on the task force which developed the new guidelines. This would seem to indicate that navigation benefits are only one, and not the major one, of the many concerns of the Water Resource Council. I believe the Water Resource Council would welcome the transfer of the primary responsibility for the measurement of navigation benefits to the Secretary of Transportation.

One of the tests conducted by the Water Resource Council which did involve a transportation benefit was an evaluation of the planned improvements of the Trenton Channel of the Detroit River. The benefits of this project were evaluated independently by a team from Michigan State University and by a Corps of Engineers team. The Michigan State team estimated annual transportation benefits of about $2.6 million. The Corps of Engineers found transportation benefits of $10.8 million, or more than four times as much. On another project, the Columbia River project, the Corps of Engineers estimated transportation benefits of $5.6 million, while a consulting firm employed by area business interests discovered benefits of $11.2 million, exactly twice as much.

So estimates of benefits, made by competent groups of people, can vary by factors of 2 to 1 and 4 to 1, even though all these groups were supposedly staying within the procedures spelled out in the Department of Transportation Act. To me this illustrates how mistaken it is to believe that we can get intelligent and consistent estimates by writing detailed procedures into law. Far better to rely on placing the responsibility with the Department which has responsibility for estimating all our transportation needs and which has no built-in reasons to favor one type of transportation or one region of the country over another.

As I stated earlier, my amendment would also give to the Department of Transportation the authority to set evaluation standards for Federal-aid highway projects. This seems to me essential if we are ever to get any adequate understanding of the proper spot for Federal highway aid among our Federal spending priorities. Even in the few years since the Department of Transportation was established, the misallocation of funds between highways and other forms of transportation has become increasingly evident. The sentiment in Congress and among the public generally to shift funds from highways to more urgent needs is growing stronger daily. How are we to know how our funds can best be spent if the Department of Transportation is prohibited by law from comparing investment in highways with investment in other forms of transportation?

My amendment would not only remove this prohibition but would instruct the Department to present their studies to the Congress in a way which permits "a comparison of the relative public value of investment in alternative modes of transportation." The Department of Transportation has under way an elaborate study of our transportation needs, scheduled to be completed in 1972. But how can this study be of value unless the Department compares all modes of transportation, including, most importantly, the highways in which we invest so many billions of Federal funds?

Of course, studying and evaluating our transportation needs is only a first step. Our ability to allocate funds wisely is further hampered by the existence of the highway trust fund, which makes money available only for highways, no matter how pressing our other needs. Not only must we have better analysis of our transportation needs, but we must have the flexibility to shift funds where they are most needed. I have advocated doing away with the highway trust fund. Many of my colleagues have advocated instead a broadening of the fund so that the money could be put to transportation uses other than highways. The sentiment in Congress to do something about the trust fund is very strong. I intend to continue to press for improved flexibility to allocate funds. If improved flexibility can be accompanied by greater freedom for the Department of Transportation to analyze alternative investment possibilities, I believe major improvements in our national transportation system can be achieved.

I want to make it very clear that my amendment does not in any way weaken the role of Congress in establishing transportation policy. The language which Congress wrote into section 4 of the law reading "nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any transportation policy" remains. This language makes clear that the final authority rests, as it should, with the Congress. My purpose is to insure that Congress has available from the executive branch the best possible analysis of the expenditure propoals on which we in Congress make the final decisions.

I ask unanimous consent that the bill I have introduced be printed in the RECORD.

The PRESIDING OFFICER (Mr. NELSON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4338) to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the Department of Transportation has not yet fulfilled its promise with respect to promoting the efficient and equitable allocation of investment funds among the various modes of transportation; that the Department is handicapped in the performance of this duty by certain restrictive provisions of the Department of Transportation Act; and that it is the sense of Congress that the Department of Transportation should establish improved procedures for conducting economic analysis of the relative public value of investment in different modes of transportation and that to the extent feasible such analysis should take into account the external costs and benefits of proposed investments, including non-monetary costs and benefits, and the probable distribution of the costs and benefits among different groups in the population. It is the purpose of this Act to make clear the authority and responsibility of the Department of Transportation to establish the necessary standards and criteria for the economic evaluation of transportation investments.

SEC. 2. (a). Section 4(b)(2) of the Department of Transportation Act is amended to read as follows:

"(2) Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any transportation policy."

(b) Section 7(a) of the Department of Transportation Act is amended to read as follows:

"SEC. 7. (a) (1) the Secretary, subject to the provisions of section 4 of this Act, shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with (A) the acquisition of transportation facilities or equipment by Federal agencies in providing transportation services for their own use; and (B) programs of foreign assistance. The standards and criteria for economic evaluation of the transportation features of multipurpose water resource projects shall be developed by the Secretary after consultation with the Water Resources Council, of which the Secretary of Transportation shall remain a member, and shall be compatible with the standards and criteria for economic evaluation applicable to nontransportation features of such projects.

"(2) The standards and criteria developed or revised pursuant to this subsection shall be such as to insure that the resulting eco-

nomic evaluation permits to the maximum feasible degree a comparison of the relative public value of investment in alternative modes of transportation.

"(3) The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the President."

S. 4339, S. 4340, AND S. 4341—INTRODUCTION OF AUTO INSURANCE REFORM BILLS

Mr. HART. Mr. President, today, I plunge in where perhaps a wiser man would not tread. By introducing the first automobile liability insurance reform bill in Congress, I know I am volunteering as a lightning rod for the criticism that will come from those wedded to the status quo.

Nevertheless, it is clear that the status quo in the auto insurance fault field is not good enough.

Use whatever indicator you like—complaints to governmental agencies, complaints to newspapers, complaints to congressional offices—auto insurance is a major problem to millions of consumers both as policyholders and claimants.

Three years ago, the Senate Antitrust and Monopoly Subcommittee decided to determine both the validity and basis for these complaints. We launched an investigation that took us into the auto insurance fault system's innards.

Touched off by the complaints of cancellation, unavailability, high cost and claims practices, our study meandered through the technicalities of investment income, classifications, loss ratios, reserves, assigned risk plans and the fault-finding process itself.

At the end of it all, only one reasonable solution seemed possible: Reform.

The present insurance system evolved from common law and was designed to protect the assets of the few who could afford the very early cars.

Plastered on a society where there are more cars than households—where even the man with few assets to protect may find owning two cars essential—the old system does not meet the needs. Today, as a study done for DOT pointed out, the problem of auto crashes is a public health problem. "Only diseases of advancing age are more significant causes of death than auto crashes." Further, "only heart disease causes the loss of more man-years of productivity in the country each year."

To my view, the social benefit we seek from insurance today is not protection from the other fellow's losses, but compensation for our own.

The present auto liability insurance-fault system is not giving us that.

Of each dollar, consumers pay into the system for liability protection, only 40 cents goes to compensate accident victims. Of this 40 cents, only 13 cents actually ends up compensating for out-of-pocket losses. Seven cents goes for duplicate recovery and 20 cents for "pain and suffering."

This is the system that about 20 million Americans looked to for compensation from July 1965 to July of this year. It is the system that was to compensate 300,000 families in that period for death of a member.

The total economic loss—including insurance company overhead and all future income loss discounted—during that period was more than $61 billion.

The DOT Economic Consequences of Auto Accident Inquries study gives an idea of how much victims got back of their losses.

Of $5.1 billion of personal and family loss suffered by one-half million serious injury and fatality victims of auto accidents in 1967, the auto insurance fault system provided only $813 million. No-fault auto insurance coverages—medical payments and collision—provided another $248 million.

Thus, there was only 20 percent recovery from auto insurance.

Another study conducted for DOT by the insurance industry itself showed that claimants with a permanent total disability had an average total economic loss of $78,000, yet received an average insurance payment of $12,556—only 16 percent of economic loss.

That uncompensated loss took its toll on the victims. The DOT study—which covered 513,000 victims—showed that 27 percent of those victims—or 136,000—with losses over $5,000 accounted for 85 percent of the total loss.

The families of 37 percent of those 136,000 victims—or 50,300—had to change their way of life. Thirty-two percent—43,500—had to take money from savings or sale of property. Twenty percent—27,200—missed payments. And—9 percent—or 12,200—had to move to cheaper quarters.

Mr. President, if we are to make our insurance system one which truly protects auto accident victims and their dependents from economic catastrophe—if we are to avoid creating new social burdens—if we are to put fairness into the system—we must have the courage to change the system.

What we have now is not—has not been—and cannot be—good enough, or close to it.

Several days ago, as you know, I introduced legislation to cut the cost of auto insurance for protection of property.

Today, I introduce three bills aimed not only at bringing down the premium covering injury to people but at increasing compensation to accident victims. Both objectives are possible through a more fair and efficient allocation of the insurance premium dollar.

There are other benefits in the package—perhaps more psychological than economic.

The most important, to my mind, is the guarantee that any licensed driver—be he young or old, married or divorced, a minister or an oil-rig operator—would get and keep insurance.

During our hearings, insurance companies told us that such personal factors as age, sex, occupation, court and accidents records are valid criteria for identifying individual "bad" drivers or "bad" prospective court witnesses.

A recent study for DOT claims that—

Although such factors could be used to distinguish groups of drivers with significantly different accident rates, they were not reliable in predicting whether or not particular individuals would be involved in accidents.

Statistical tests "applied to random sample of all drivers, could eliminate all but the best drivers but could not identify only the worst."

Unavailability is perhaps the most universal complaint of consumers about auto insurance. In fact, in a study done by the University of Michigan, 14 percent said they either had been canceled, refused renewal, or knew someone who had.

That consumers would complain is understandable.

The insurance market is unusual. Consumers across the Nation—by various types of State laws—are virtually required to buy auto liability insurance. Yet, after guaranteeing the industry a market, we have allowed it to refuse to supply the product.

Under the Uniform Motor Vehicle Insurance Act, this no longer would be possible.

The only grounds for refusing or cancelling a policy would be loss of a driver's license or nonpayment of premium.

To me, those are the only valid reasons.

Unfortunately, in the past, insurance has been refused for reasons far more arbitrary—and in some cases, almost ludicrous.

For example, several companies flagged various occupations as "undesirable." Incredibly, these included law enforcement officers, doctors, lawyers, reporters, editors, and others normally considered the stabilizing elements of society. For many companies, thousands of applicants were either "too young or too old" and were refused.

Further, sections of cities have been blacked out as areas in which no residents could buy that company's auto policies.

In short, the overthink many companies engaged in as they sought out the "good risks" gave the impression that they really wanted to write insurance only for those who were likely never to file a claim.

The result was frustration of the system—with an estimated 20 percent uninsured cars on the road whose drivers offered little hope of compensation to their victims.

Perhaps the second most frequent complaint about insurance is the cost. Well it might be. From 1960 to July 1970, the cost of auto insurance went up 65 percent—compared to 39 percent for auto repairs, 28 percent for tires and 15 percent for gasoline. See tables 6 and 7. That 65 percent insurance hike came as take-home pay for nonsupervisory and factory workers went up only 40 percent.

In dollars, that 65 percent insurance hike means consumers in our 20 most populous cities are paying premiums ranging from $193 in Memphis to $617 in New York City to cover the average car. In San Francisco, the rate is $430;

in Chicago, $352; Detroit, $285, and Washington, D.C. $298.

Those are the base rates—which too many consumers have learned climb with surcharges for 3 years after minor accidents.

Further, those rates are climbing daily. For example, a major insurer recently raised its rates in Michigan by an average of 17.6 percent. That was the average increase. But, reportedly, a high risk driver in Detroit will find himself paying 39 percent more after the price hike.

One of the reasons for the high charges for auto insurance is the built-in expenses of handling each applicant on an individual basis. See chart 1 and table 1. Long ago, we learned that selling accident and health insurance on a group basis—with all members treated the same—cuts the selling price.

But, in about 36 States today the same type of sale of auto insurance as well as other forms of property and liability insurance is prohibited by regulations or law.

One of the bills I introduce today, the Property and Liability Group Insurance Act, would overturn this prohibition and allow group auto insurance.

The other insurance bill would amend the Internal Revenue Code by having group property and liability insurance treated the same as group accident and health insurance. This would encourage group auto insurance sales by allowing employees to get the same tax benefits from employers' contribution to auto plans as they do now with group accident and health plans.

This, I feel, is necessary since the savings of group auto are significant only when the vast majority of employees participate in the plan. Otherwise, the group might contain many drivers who would be surcharged on the open market—forcing the rate for the group too high.

One estimate is that simply converting to a group auto insurance plan—without any employer contributions—could save the average driver 15 percent each year.

Obviously, the savings would be much greater if the employer contributes—as many do with group accident and health.

The nonrefusal provisions and the encouragement of group plans, I suspect, are the aspects of this package which will most easily catch the attention of the public. This is because each person can identify with those situations.

However, the most significant change I propose today is the move away from the "fault" liability system of insurance.

Few consumers realize—until the accident happens—that the present insurance system will pay the bills caused by personal injury and death only if the driver of the car is totally free from blame for the accident. This is so in all but a handful of States which have adopted "comparative negligence" laws. Under these laws the errant driver may receive at least some compensation.

Those of us who are honest with ourselves know how many times in the shortest trips we avoid accidents more through dumb luck than driving skill. As one study pointed out, the driver must make 200 observations and 20 decisions each mile he drives. The potential is so great that it would be natural for even the most careful of drivers to make errors in judgment. In fact, the same study estimated that the average driver does make errors—one per each two miles driven.

The 1970 causation and culpability and deterrence study done for DOT explains that—

> A substantial but largely unmeasurable number of violations and crashes occur which involve generally competent drivers who are suffering temporary lapses from their normal adequate levels.

Yet these errors are the "outs" for the insurance companies under the present system—making it possible that passengers in neither car will be compensated because both drivers may have contributed to the accident.

And deciding who is to be paid—if anyone—becomes a "who shot John" finger-pointing contest which burdens our legal system, ties up our courts and keeps money out of the pockets of victims when they need it.

A study by the Federal Judicial Center points out that motor accident litigation requres 11.4 percent of judge time in Federal district courts and approximately 17 percent of judge time in State courts of general jurisdiction. Impact of motor vehicle accident litigation on the courts varies widely among States. In Iowa County, Iowa, it is 3 percent. In Wayne County, Mich., it is 40 percent.

Chief Justice Burger has warned that we have clogged our courts so much that justice in this country is more myth than reality. He suggests caution in passing new laws which would bring more cases to court.

I share his concern over the clogged courts. But it seems more rational—and fair—to reserve the courts for matters which merit adjudication by freeing them from problems that could be handled better under another system. Furthermore, we could free our doctors for more profitable uses—such as improving emergency accident treatment—rather than sitting in courthouses or otherwise being tied up in the fault-finding process.

The worst part of this clogging of the courts is the delay in payments for victims of accidents. A DOT study showed that victims with losses over $2,500 averaged a 19-month lag before they received any payment.

In Wayne County, the site of Detroit, a claimant must wait 4 years for trial. Unfortunately, rehabilitation expenses do not wait. So the seriously injured person has two choices: go without rehabilitation when it would help or risk bankruptcy to finance it. He faces similar problems with rent, food and clothing costs.

The Uniform Motor Vehicle Insurance Act seeks to overcome these hurdles and to guarantee a "sufficient, fair, and prompt" payment system.

Under the bill, injuries are divided into short and long-term.

Out-of-pocket expenses of injuries generally would be compensated on a first party, no-fault basis—in the manner of hospitalization policies.

The driver's own auto insurance policy would cover the net economic loss due to such injury or death—which is not covered by other sources.

Making the auto policy the "book balancer," as it were, would eliminate the need for consumers to pay the several billion dollars yearly they are now spending for coverage which duplicates what they may have—say in hospitalization plans or sick leave.

The bill provides that the victim would be made economically whole for his entire medical, hospital and rehabilitation costs. Incidental expenses—such as transportation for treatment or in-the-home assistance—also would be covered.

Lost income would be reimbursed—up to $1,000 a month for 30 months. An amount up to $30,000 would be paid for fatalities of wage earners. The death payment seeks to put ready cash in the hands of families who have lost their wage earner. Survivors of nonwage earners and those suffering economic loss in excess of $30,000 may still sue under the tort system.

The time limit on protection of income was set to assure that about 97 percent of all accident victims would be rehabilitated and back at work within its span. The other victims who are injured would have ample time for calm determination of ways of replacing the income lost due to permanent disability.

Those who are permanently disabled—or disfigured—and survivors of fatalities—in other words, the catastrophic injuries—under this bill would still be free to recoup damages over and above economic loss reimbursed by the bill by suing under the tort system. They could sue for all economic loss not reimbursed under the bill as well as for "pain and suffering."

Under the bill, a person committing a felony, using the vehicle with the specific intent of causing injury or without the permission of the owner, would not be compensated for his injuries and would have to reimburse any insurer for damages paid due to an accident.

Drunk drivers, as well as those under the influence of drugs, would be compensated for their injuries but would have to reimburse an insurer for damages paid to others. Alcohol-related accidents caused an estimated 25,000 deaths and 800,000 crashes in the United States each year, according to the DOT 1968 alcohol and highway safety report. Auto manufacturers are working on devices that would make it impossible for a drunk driver to start a car—and the DOT plans on requiring these devices on cars by 1975. This, I think, is the most realistic way to treat the problem of the drunk driver—that is, to prevent him from being on the road.

Payments for economic loss under the "no fault" section of the bill would be made as the loss occurs—eliminating the lengthy waits for settlements.

Pedestrians would be covered by the insurance on the car which hits them.

Because this basic insurance must be sold to any licensed applicant, there would no longer be need for assigned risk plans now in existence.

However, there would be cases where the victim would have no insurance company to turn to for payment—such as with hit and run victims. Therefore, the bill creates an "assigned claims" plan. Insurance companies in each State would share in these plans based on the percentage of business they write in that State. Each would pick up the tab for a percentage of uninsured losses.

The bill also recognizes the realities of the road in making special provisions for truck-car accidents. Because of the disparity of weight between the vehicles, passengers in the autos incur that most severe harm in such accidents.

In 1968, only 16 truck drivers were killed in truck-auto accidents. But, 1,017 auto passengers lost their lives in the same accidents. Truck driver injuries were 1,222—with 12,304 auto passengers injured. Trucks colliding with passenger autos accounted for almost one-half of all moving vehicle accidents involving trucks.

Therefore, the bill provides that the Secretary of Transportation will assign each vehicle larger than a passenger car a percentage of responsibility for net economic loss sustained in a collision with cars.

While the bill, as a general rule, foresees that the auto policy would pick up the economic loss left over after other sources are drawn upon, it does offer the consumer the option of making the auto policy primarily responsible—or the choice of duplicate payment.

This provision is included to increase the consumer's options and to make it possible for him to tailor an insurance package best suited to his needs.

The benefits provided for in the Uniform Motor Vehicle Insurance Act are basic. Consumers may buy any additional coverage they want.

Mr. President, there is one other significant section of the bill which I wish to comment on specifically today. This is the provision for meaningful price information so the consumer may shop intelligently for insurance.

In requiring that insurance companies sell a no-fault policy to any licensed driver who applies to them, we are, of course, leaving it to the company to set a rate which it feels will make that policy profitable.

We also are opening up a whole new world for most consumers—one where they do not take what they can get in auto insurance, but take what they want.

In order to know which company offers the soundest deal, a consumer must know not only the prices for his classification but the claims-paying practices of the company. Therefore, the bill provides that such information be reported to DOT. The Secretary, in turn, will make it available to the public.

Mr. President, my proposal that we reform the insurance system is not meant—and I hope will not be taken—as a criticism of companies now in the business.

As we were told by several of their representatives during our hearings, the industry has been supplying the protection they thought consumers wanted. Many members of the industry are aware that the present system no longer serves the public well—and have been proposing changes. They seem to agree that updating is needed and are willing to change—if they have some guarantee that the public truly wants these changes. I think it is clear that the public does want change. "No-fault" auto insurance is hardly a household word—and the public in general has not been made aware of its potential. Yet, a University of Michigan study showed that 44 percent queried were in favor of claiming damages from their own insurer and foregoing payment for pain and suffering.

But, no one company can turn this system around by itself. Nor, in fact, could many sizable ones working together.

If consumers are to be offered protection more than promises, economy more than inefficiency, then the industry reformers need an assist from government.

These bills are offered as that assist.

They seek to smooth the road, to knock down the barricades, to set fair and uniform rules so each company can offer consumers the most for their money in the best way it knows how.

In short, we would inject a note of competition—beneficial to all auto insurers and consumers—in an industry that has drifted away from this basic free enterprise theory.

If we accomplish that, the consumers and the industry will be better off. Of that, I am positive.

Given the sweep of these objectives, and the complexity of the subject area, I want to be the very first to say that these bills, although reflecting many reworked drafts, can and will be refined as hearings and discussion on them go forward. I invite all who are involved and concerned to join me in the search for the very best answer to a problem shared by all of us.

Because the need is great, I propose that hearings be scheduled on the Uniform Motor Vehicle Insurance Act in the next few weeks.

Mr. President, I ask unanimous consent that the three bills be appropriately referred and the bills and tables and charts accompanying them be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The bills will be received and appropriately referred; and, without objection, the bills, charts, and tables will be printed in the RECORD.

The bills, introduced by Mr. HART, were received, read twice by their titles, referred as indicated, and ordered to be printed in the RECORD, as follows:

To the Committee on Commerce:

S. 4339

A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. That this Act may be cited as the "Uniform Motor Vehicle Insurance Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds that—

(1) The great number of motor vehicles operated within the channels of interstate commerce upon the public streets, roads and highways of the States;

(2) The substantial amount of injury and death resulting therefrom;

(3) The insufficient, unfair distribution and untimely availability of monies under the present motor vehicle liability insurance system for the adequate rehabilitation and compensation of accident victims;

(4) The absence of uniform and sufficient requirements for—

(A) Insurance among the States as a condition to using the public streets, roads, and highways;

(B) Guaranteeing the continued availability of motor vehicle insurance supplied by private enterprise; and

(C) Meaningful price information to promote rational buying decisions and thus stimulate beneficial competition; and

(5) The failure to promote the general welfare by not recognizing sufficiently the plight of motor vehicle accident victims while promoting the national policy of accelerating the construction of the Federal-Aid Highway Systems;

obstruct the free flow of such commerce by increasing unnecessarily the hazards of travel within such channels and otherwise affecting such commerce.

It is the purpose of this Act to provide for the general welfare by requiring a system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance and meaningful price information; and which will provide sufficient, fair and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "motor vehicle" means any vehicle of a kind required to be registered under the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(2) (A) The term "insured motor vehicle" means a motor vehicle insured under a policy of insurance which meets the requirements of section 5 of this Act.

(2) (B) The term "uninsured motor vehicle" means a motor vehicle with respect to which insurance provided under section 5 of this Act is not applicable at the time of the accident, or with respect to which the insurer nominally providing such insurance denies coverage, or is financially unable to fulfill its obligation.

(3) The term "owner" means a person who holds the legal title to a motor vehicle under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purpose of this Act.

(4) The term "person" means any individual, partnership, corporation, association, trust, syndicate, or other entity.

(5) "Operation or use of a motor vehicle" includes loading or unloading the vehicle, but does not include conduct within the course of a business of repairing, serving or otherwise maintaining vehicles unless the conduct occurs outside the business premises.

(6) The term "injury" means any bodily

injury, sickness or disease (including death at any time resulting therefrom) arising out of the operation or use of a motor vehicle.

(7) The term "catastrophic harm" means a bodily injury (including death at any time resulting therefrom) which results in a permanent partial or total loss of, or loss of use of, a bodily member, or a bodily function: *Provided, however,* That such permanent partial or total loss, or loss of use, need not affect earnings or earning power. The term "catastrophic harm" includes permanent disfigurement.

(8) The term "economic loss" means in the case of any injury or death:

(A) All expenses reasonably and necessarily incurred for medical, hospital, surgical, professional nursing, dental, ambulance and prosthetic services;

(B) All expenses reasonably and necessarily incurred for physical and occupational therapy and rehabilitation;

(C) The amount which would have been earned during the 30 months immediately following such injury or death but for such injury or death could not be earned: Except, That, in the case of injury, such amount shall not exceed $1,000 a month, and, in the case of death, such amount shall not exceed $30,000;

(D) All other expenses reasonably and necessarily incurred as a result of such injury.

(9) The term "net economic loss" means, in the case of any injury or death "economic loss" reduced (but not below zero) by the amount of:

(A) Taxes which would have been payable on the amount which would have been earned but for such injury or death; and

(B) Any benefit or payment received, or entitled to be received, for losses resulting from such injury or death under any provision of law or any insurance or other source of benefits: Except, benefit or payment received, or entitled to be received—

(i) in discharge of familial obligations of support;

(ii) by way of succession at death;

(iii) as proceeds of life insurance;

(iv) as gratuities, or

(v) as proceeds of any contract, policy of disability, health and accident, or other insurance or other source of benefits containing an explicit provision making its benefits supplemental to those in accordance with the provisions of section 5(a) of this Act, or making the benefits under section 5(a) deductible from the benefits under such contract, policy or other insurance or source.

(I) If any contract, policy of disability, health and accident, or other insurance or other source of benefits does not provide that its benefits shall be supplemental to those under section 5(a) of this Act, or that the benefits under said section 5(a) shall be deducted from its benefits, economic loss shall be reduced by the amount of any benefit or payment received, or entitled to be received, from such contract, policy or other insurance or source.

(10) The term "without regard to fault" means irrespective of fault as a cause of any injury or death, and without application of the principle of liability based on negligence.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

CONDITIONS OF OPERATION: REGISTRATION AND FEES

SEC. 4(a). After the effective date of this section, no person shall register a motor vehicle under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, nor shall any person knowingly operate or use a motor vehicle upon the public streets, roads and highways of any State at any time unless—

(1) Such motor vehicle is insured under a policy of insurance which meets the requirements of section 5 of this Act, pursuant to such rules and regulation (including those determining the manner and term of proof of such insurance) as the Secretary shall lawfully prescribe.

(A) The requirements of this section may be satisfied by any person other than an individual by providing a surety bond, proof of qualifications as a self-insurer, or other securities affording security substantially equivalent to that afforded under section 5 of this Act, as determined and approved by the Secretary.

(b) No State shall require the purchase or acquisition of insurance or any other security as a condition to the operation or use of any motor vehicle upon the public streets, roads and highways of such State.

(c) The provisions of this section shall take effect one year and six months after the date of enactment of this Act.

(d) Any person who knowingly violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed $1,000, or imprisonment for a period of not to exceed one year, or both.

INSURANCE REQUIREMENTS

SEC. 5. In order to meet the requirements of Sec. 4(a) and (b) of this Act, an insurance policy shall provide—

(a) Net economic loss benefits for injuries and death as follows:

(1) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to any person, including the owner, operator or user of an insured motor vehicle, an amount equal to the net economic loss sustained by such person arising out of the operation or use of such motor vehicle.

(2) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to the legal representative of any person, including the owner, operator or user of an insured motor vehicle, whose death is the result of any injury arising out of the operation or use of such motor vehicle, for the benefit of the surviving spouse and any dependent (as defined in section 152 of the Internal Revenue Code of 1954) of such person, an amount equal to the net economic loss sustained by such spouse and dependent as a result of the death of such person;

(3) No payment shall be made for net economic loss sustained by—

(A) The occupants of another motor vehicle; or

(B) The operator or user of a motor vehicle while committing a felony, or operating or using with the specific intent of causing injury or damage, or operating or using a motor vehicle as a converter without a good faith belief that he is legally entitled to operate or use such vehicle.

(4) The operator or user of an insured motor vehicle shall be liable, without regard to fault, to reimburse the insurer of any motor vehicle for benefits payable to, or on behalf of, any person other than the operator or user described in paragraphs (A) and (B) of section 5(a)(4) for net economic loss arising out of the operation or use of such motor vehicle while—

(A) the operator or user was intoxicated, as defined in the Highway and Motor Vehicle Safety Act of 1966, as amended;

(B) the operator's or user's ability to operate or use such motor vehicle was impaired by the use of narcotic drugs, as defined in section 4731 of the Internal Revenue Code of 1954 (68A Stat. 557), including depressant and stimulant drugs, as defined in subsection (v) of section 201 of the Federal Food, Drug, and Cosmetic Act (79 Stat. 234, as amended);

(C) the operator or user committing or attempting to commit a felony; or

(D) the operator or user was operating or using such motor vehicle—

(i) with the specific intent of causing injury or damage; or

(ii) as a converter without a good faith belief that he was legally entitled to operate or use such vehicle.

(5) Payments for net economic loss shall be made as such loss is incurred except in the case of death: Provided, that amounts of such loss unpaid 30 days after the insurer has received reasonable proof of the fact and amount of loss realized, and demand for payment thereof, shall thereafter bear interest at the rate of 20 percent per annum.

(6) A claim for net economic loss based upon injury or death to a person who is not an occupant of any motor vehicle involved in an accident may be made against the insurer of any involved vehicle: Provided, That the insurer against whom the claim is asserted shall process and pay the claim as if wholly responsible: Provided, however, That such insurer is thereafter entitled to recover from the insurers of all other involved vehicles proportionate contribution for the benefits paid and the costs of processing the claim.

(7) Net economic loss sustained by any occupant, operator or user of a commercial motor vehicle shall be paid by the insurer of such commercial motor vehicle.

(8)(A) When one or more of the motor vehicles involved in an accident is larger than an ordinary passenger automobile, the insurer of the larger vehicle shall be responsible for a percentage of any net economic loss paid to occupants involved in the accident.

(8)(B) The Secretary shall classify, by rules and regulations in conformity with the Administrative Procedure Act, as amended, all motor vehicles larger than ordinary passenger automobiles into reasonable categories, and shall assign to each category a percentage of responsibility for net economic loss sustained by occupants of other vehicles: *Provided,* That such classifications and percentages of responsibility shall be based upon the increased severity of injury, caused by large vehicles in comparison to ordinary passenger automobiles: *Provided further,* That if a larger vehicle is liable for more than 70 percent of the net economic loss, such insurer may control the processing of any claims for such loss and be entitled to obtain contribution from insurers liable for the remainder of the benefits.

(9)(A) No owner, operator or user of an insured motor vehicle shall be liable for economic loss arising out of the operation or use of such vehicle, to any person to whom, or for the benefit of whom, insurance benefits are payable under the provisions of paragraphs (1) and (2) of subsection (a) of this section, or to whom payment is prohibited under the provisions of pargaraph (3) of subsection (a) of this section.

(9)(B) The owner, operator, or user of an insured motor vehicle shall be liable for damages for catastrophic harm, arising out of the negligent operation or use of such vehicle, only to the extent that such damages exceed economic loss.

(b) Optional castrophic harm insurance in excess of economic loss as follows—

(1) At the option of the insured, the insurer shall offer a provision for legal liability for catastrophic harm, arising out of the negligent operation or use of a motor vehicle, to a limit of, at least, $50,000 for any one person, and $300,000 for all persons in any one accident; and, at the option of the insured, the insurer shall offer a provision

undertaking to pay to the insured all sums, not in excess of the limits of liability provided by the insured's liability insurance, which such insured is legally entitled to recover as damages for catastrophic harm arising out of operation or use of an uninsured motor vehicle.

(c) Any such policy of insurance described in this section may contain—

(1) additional coverages and benefits with respect to any injury, death, property damage, or any other loss from motor vehicle accidents;

(2) terms, conditions and exclusions; consistent with the required provisions of such policy and approved by the Secretary, who shall only approve terms, conditions, exclusions, coverages and benefits which are fair and equitable, and which limit the variety of coverages available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers.

(d) An application for a policy of insurance described in subsection (a) of this section may not be rejected by an insurer, nor shall such policy of insurance once issued, be canceled or refused renewal, by an insurer except for (1) suspension or revocation of the license of an owner or principal operator to operate a motor vehicle, or (2) failure to pay the premium for such policy after reasonable demand therefor; *Provided*, That, 20 days written notice is given to the insured with respect to paragraphs (1) and (2) of this subsection.

UNIFORM STATISTICAL PLAN AND PRICE INFORMATION

SEC. 6(a). The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, promulgate a common, uniform statistical plan for the allocation and compilation of loss experience data for each coverage under section 5 of this Act, and upon promulgation, such plan shall be followed by every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and by every rating or advisory organization or statistical agent named by any such insurer to gather, compile or report loss experience data.

(b) Such statistical plan shall contain data pertaining to the pure loss experience for the classes of risk within each coverage under section 5 of this Act: Provided, however, That such plan shall not contain data pertaining to loss adjustment expenses, underwriting expenses, general administration expenses or other expense experience for any class of risk within the coverage under section 5 of this Act; Provided, further, That in carrying out the provisions of this section, no insurer, rating or advisory organization, or statistical agent, or any other association of insurers, shall pool, or in any manner combine, any such expenses or expense experience, or otherwise act in concert with respect thereto.

(c) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and every rating or advisory organization or statistical agent named by such insurer to gather or compile loss experience data, shall report such data in accordance with the provisions of the statistical plan required by this section at such times and in such manner as the Secretary shall, by rules and regulations lawfully prescribe.

(d) The Secretary may require standard uniform and standard minimal—

(1) policy provisions for the coverages under section 5 of this Act;

(2) classes of risk within each coverage under section 5 of this Act;

to the extent that he deems it necessary to accomplish the purposes of the statistical plan required by this section.

(e) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, shall provide the Secretary with the actual rate or premium being charged for each class of risk within each coverage under section 5 of this Act at such times and in such manner as the Secretary shall by rules and regulations prescribe.

(f) From time to time, but not less than semi-annually, the Secretary shall analyze and freely and fully make available to the general public, with respect to every insurer writing policies of insurance which meet the requirements of section 5 of this Act, a comparison of such insurer's indicated rate based upon the loss experience data for each class of risk within each coverage with the actual rate or premium being charged by the insurer for such class or risk within such coverage.

ASSIGNED CLAIMS PLAN

Organization and maintenance

SEC. 7. (a) The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, organize an assigned claims bureau and assigned claims plan in each State. Upon organization, each such bureau and plan shall be maintained, subject to regulation by the applicable State insurance supervisory authority, by the insurers authorized to write policies of insurance under section 5 of this Act in such State. In default of the continued maintenance of an assigned claims bureau and assigned claims plan in any State in a manner considered by the Secretary to be consistent with the provisions of this Act, the Secretary shall maintain such bureau and plan.

Costs of operation

(b) The costs incurred in the operation of each assigned claims bureau and assigned claims plan shall be assessed against insurers in each State by the applicable State insurance supervisory authority according to rules and regulations that assure fair allocations among such insurers writing policies of insurance under section 5 of this Act in the State, on a basis reasonably related to the volume of insurance under subsection (a) of section 5 of this Act.

Insurers required to participate

(c) Every insurer writing policies of insurance under section 5 of this Act is required to participate in the assigned claims bureau and assigned claims plan in each and every State in which such insurer is authorized to write such policies of insurance.

Persons entitled to claim through assigned claims plan; Benefits to which entitled

(d) Each person suffering loss because of injury or death arising out of the ownership, operation or use of a motor vehicle may obtain the insurance benefits under subsection (a) of Section 5 of this Act through the assigned claims bureau and assigned claims plan in the State in which such person resides if—

(1) no such insurance benefits are applicable to the injury or death; or

(2) no such insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable insurance benefits under subsection (a) of section 5 of this Act applicable to the injury or death are, because of financial inability of one or more insurers to fulfill their obligations, inadequate to provide such benefits.

Claims assigned to one insurer or the bureau

(e) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer, or to the applicable assigned claims bureau, which after such assignment shall have rights and obligations as if having issued a policy of insurance containing the benefits under subsection (a) of section 5 of this Act.

Principle of assignment

(f) The assignment of claims shall be made according to rules and regulations that assure fair allocation of the burden of assigned claims among insurers doing business in the particular state or a basic reasonably related to the volume of insurance written under subsection (a) of section 5 of this Act.

Notification of bureau by claimant for assignment of his claim

(g) A person or his legal representative claiming through an assigned claims plan shall notify the applicable bureau of his claim within the time that would have been allowed for filing an action for the insurance benefits under subsection (a) of section 5 of this Act had there been in effect identifiable coverage applicable to the claim. The bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau, if the claim is assigned to it, shall be commenced later than 60 days after receipt of notice of the assignment or the last date on which the action might have been commenced had it been against the insurer of identifiable coverage applicable to the claim, whichever is later.

Costs of assigned claims plan

(h) All reasonable and necessary costs incurred in the handling and disposition of assigned claims, including amounts paid pursuant to assessments under subsection (b) of this section may be considered in making the regulating rates for the insurance under subsection (a) of section 5 of this Act: Provided, however, That if such costs are considered in the rates or premiums for such insurance, the pure loss portion of such costs shall be reported separately under the uniform statistical plan provided for by section 6 of this Act, and that portion of the actual rate or premium being charged for such insurance attributable to the entire amount of such costs incurred in the handling and disposition of assigned claims shall be reported separately under subsection (e) of section 6 of this Act.

(i) An insurer who makes an assigned claims payment shall be reimbursed, without regard to fault, by the owner of a motor vehicle which was not insured under section 5(a) of this Act at the time of the accident out of which such assigned claim arose.

INSURERS' FRAUDULENT OR ARBITRARY DENIAL OF CLAIMS AND FRAUDULENT OR EXCESSIVE CLAIMS

SEC. 8. (a) Within the discretion of any court, a person making claim under a policy of insurance which meets the requirements of section 5 of this Act may be allowed an award of a reasonable sum for attorney's fee where the insurer's denial of all or part of the claim was fraudulent or so arbitrary as to have no reasonable foundation.

FRAUDULENT OR EXCESSIVE CLAIMS

(b) Within the discretion of any court, an insurer or any person who qualifies as a self-insurer under paragraph (A) of section 4 (a)(1) may be allowed an award of a reasonable sum as attorney's fee for its defense against a person making claim against such insurer or self-insurer where such claim was fraudulent or so excessive as to have no reasonable foundation, and such attorney's fee so awarded may be treated as an offset

against any benefits due or to become due to such person.

ADMINISTRATION

SEC. 9. In order to carry out the provisions of this Act, the Secretary shall—

(a) consult with representatives of State agencies charged with the regulation of the business of insurance, representatives of the private insurance business, and such other persons, organizations, and agencies of the Federal, State, or local governments as he deems necessary; and

(b) lawfully make, promulgate, amend, and repeal such rules and regulations as he deems necessary.

AUTHORIZATION AND APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including the organization of assigned claims bureaus and assigned claims plans in each State.

SEPARABILITY CLAUSE

SEC. 11. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be effected thereby.

EFFECTIVE DATE

SEC. 12. This Act shall become effective one year after the date of enactment.

S. 4340

A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Group Insurance Act."

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "insurer" means any enterprise engaged in the business of issuing or reinsuring motor vehicle insurance policies in interstate commerce or engaged in the business of issuing motor vehicle insurance that is reinsured (in whole or in part) in interstate commerce.

(2) The term "group insurance" means any plan of motor vehicle insurance offered or provided to members of a group not organized solely for the purpose of obtaining insurance, under the terms of a master policy or operating agreement between an insurer and the group sponsor, and incorporating group average rating, guaranted issue with or without minimum eligibility requirements, group experience rating, employer contributions, or any other benefit to the members as insureds that they may be unable to obtain in the ordinary channels of insurance marketing on an individual basis. The term "group sponsor" means the employer or other representative entity of an employment based group or the administrative representative of any other type of group.

(3) The term "interstate commerce" means trade or commerce among the several states, or between the District of Columbia or any possession of the United States and any state or other possession, or within the District of Columbia.

(4) The term "state" means any state or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) The term "Attorney General" means the Attorney General of the United States.

REMOVING RESTRICTIONS ON GROUP INSURANCE

SEC. 3. (a) No state shall—

(1) prohibit, inhibit, restrict or condition, by means of fictitious group statutes or regulations, agency licensing requirements, application of prohibitions of unfair discrimination, eligibility provisions, or otherwise, the issuance and marketing of group insurance; or

(2) penalize or deny authority to an insurer because of its engagement or intention to engage in the marketing and issuance of group insurance.

(b) No state or group of insurers operating voluntarily shall, directly or indirectly, include insureds under a plan of group insurance in the base used in determining assignments to or assessments upon an insurer under an assigned risk plan if such plan of group insurance precludes any individual underwriting by the insurer and if the group is not defined to exclude members characterized as being bad risks, unless the assigned risk plan provides a reasonable system of credit to the insurer for insureds under the group insurance plan who would otherwise be eligible for coverage under the assigned risk plan.

AUTHORIZATION OF PAYMENTS TO TRUST FUNDS

SEC. 5. Section 302(c) of the Labor Management Relations Act, 1947, is amended by inserting immediately before the semicolon at the end of Clause (A) of the proviso to Clause (5) the following: "including group insurance as defined by the Motor Vehicle Group Insurance Act."

ENFORCEMENT

SEC. 6. (a) Whenever it shall appear to the Attorney General that any person is engaged or is about to engage in any Acts or practices that constitute or will constitute a violation of the provisions of this Act, he shall bring an action in the proper district court of the United States to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted.

(b) Nothing in this section shall preclude an insurer or any other person from instituting legal process to enforce their rights under this Act or from using the provisions of this Act as an otherwise valid defense in any relevant legal action brought against them.

JURISDICTION

SEC. 7. The district courts of the United States shall have exclusive jurisdiction of violations of this Act and of all suits brought to enforce it.

To the Committee on Finance:

S. 4341

A bill to amend the Internal Revenue Code of 1954, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 104(a)(3) of the Internal Revenue Code of 1954 (68A Stat. 30) is amended to read as follows:

"(3) amounts received through accident or health insurance, or property or liability insurance, for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includible in the gross income of the employee, (B) are paid by the employer); and"

SEC. 2. (a) The heading of Section 105 (68A Stat. 30) is amended by adding after the word "plans" the language "and property and liability plans."

(b) Section 105(a) (69A Stat. 30) is amended to read as follows:

"(a) Amounts attributable to employer contributions.—Except as otherwise provided in this section, amounts received by an employee through accident or health insurance, or property liability insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (2) are paid by the employer."

(c) Section 105(e) (68A Stat. 30) is amended to read as follows:

"(e) Accident and Health plans, and Property and Liability Plans.—

For purposes of this section and section 104—

"(1) amounts received under an accident or health plan, or property or liability plan for employees, and

"(2) amounts received from a sickness and disability fund, or property or liability plan for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance, property or liability insurance."

SEC. 3. (a) The heading of Section 106 (68 A Stat. 32) is amended by adding after the word "plans" the language "and property and liability plans."

(b) Section 106 (68A Stat. 32) is amended to read as follows:

"Gross income does not include contributions by the employer to accident or health plans, or property or liability plans for compensation (through insurance or otherwise) to his employees for personal injuries or sickness."

SEC. 4. Section 7701(20) (68A Stat. 911) is amended by adding after the comma which follows the words "accident and health plans" the language "or property or liability insurance or property or liability plans".

SEC. 5. The amendments made by sections 1, 2, 3, and 4 shall become effective on the date of enactment.

The charts and tables, presented by Mr. Hart, are as follows:

CHART 1. *Where each $100 of automobile bodily injury liability insurance premiums goes*

Claimants lawyers fees	$15.90
Litigation costs	1.90
Net benefits to claimants	40.40
Insurance company expenses	27.80
Claim adjusting expenses	14.00
State taxes	3.05
Overhead	5.25
Selling expenses	19.50

Source: Senate Antitrust & Monopoly Subcommittee: Derived from Bests Aggregates & Averages (ann. eds.), Spectator, U.S. Dept. of Transportation, Automobile Personal Injury Claims, pp. 73, 80 (1970), and Automobile Accident Litigation, p. 7 (1970).

CHART 2. *Breakdown of the $40.40 of net benefits to claimants out of each $100 of automobile bodily injury liability insurance premiums*

In excess of out-of-pocket loss (viz. general damages such as pain and suffering)	$19.80
Duplicate recovery	7.27
Out-of-pocket loss not otherwise compensated	13.33

Source: Senate Antitrust & Monopoly Subcommittee; Derived from Statement of Robert E. Keeton, Harvard Law School, Before the Subcommittee, Hearings on Automobile Insurance, December 9, 1969, and U.S. Dept. of Transportation, Economic Consequences of Automobile Accident Injuries (1970).

TABLE 1.—WHERE $37,000,000,000 OF AUTOMOBILE BODILY INJURY LIABILITY INSURANCE PREMIUMS WENT 1959-68

	Amount	Percent
Premiums (earned)	$37,000,000,000	100.0
Company expenses:		
Selling	$7,300,000,000	
Overhead	1,900,000,000	
State taxes	1,100,000,000	
Total	10,300,000,000	27.8

TABLE 1.—WHERE $37,000,000,000 OF AUTOMOBILE BODILY INJURY LIABILITY INSURANCE PREMIUMS WENT 1959–68—Continued

	Amount	Percent
Claim adjusting expenses	$5,100,000,000	14.0
Claimants, lawyers fees	5,900,000,000	15.9
Other litigation costs	700,000,000	1.9
Net benefits to claimants	15,000,000,000	40.4

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions), Spectator, U.S. Department of Transportation, Automobile Personal Injury Claims, pp. 73, 80 (1970), and Automobile Accident Litigation, p. 7 (1970).

ABLE 2.—WHERE $15,200,000,000 OF AUTOMOBILE PROPERTY DAMAGE LIABILITY INSURANCE PREMIUMS WENT, 1959–68

	Amount	Percent
Premiums (earned)	$15,200,000,000	100
Company expenses:		
Selling	3,100,000,000	
Overhead	800,000,000	
State taxes	400,000,000	
Total	4,300,000,000	28
Claim adjustment expenses	1,800,000,000	12
Claimants' lawyers (estimated)	300,000,000	3
Available to claimants	8,800,000,000	57

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions) and Spectator.

TABLE 3.—WHERE $17,600,000,000 OF AUTOMOBILE COLLISION DAMAGE INSURANCE PREMIUMS WENT 1959–68

	Amount	Percent
Premiums (earned)	$17,600,000,000	100
Company expenses:		
Selling	3,800,000,000	
Overhead	800,000,000	
State taxes	400,000,000	
Total	5,000,000,000	28
Claim adjustment expenses	1,500,000,000	9
Claimants' lawyers (estimate)	200,000,000	1
Available to policyholders	$10,900,000,000	62

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Best Aggregates and Averages (annual editions) and Spectator.

TABLE 4.—WHERE $9,400,000,000 OF AUTOMOBILE FIRE, THEFT, AND COMPREHENSIVE DAMAGE INSURANCE PREMIUMS WENT 1959–68

	Amount	Percent
Premiums (earned)	$9,400,000,000	100
Company expenses:		
Selling	2,100,000,000	
Overhead	500,000,000	
State taxes	300,000,000	
Total	2,900,000,000	31
Claim adjustment expenses	700,000,000	7
Claimants' lawyers (estimate)	100,000,000	1
Available to policyholders	5,700,000,000	61

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions) and Spectator.

TABLE 5.—AUTOMOBILE INSURANCE PREMIUMS WRITTEN AND LOSSES PAID, 1960–69

[Total amounts in billions]

	Auto bodily injury			Auto property damage			Auto physical damage			Total auto insurance		
	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)
1960–64	$16.4	$8.5	51.9	$6.6	$3.8	56.9	$11.7	$6.4	54.5	$34.7	$18.6	53.7
1965–69	25.0	12.9	51.7	10.5	6.4	61.2	18.8	10.9	57.8	54.3	30.3	55.7
Total	41.4	21.5	51.8	17.1	10.2	59.5	30.5	17.3	56.6	89.0	48.9	54.9

TABLE 6.—COMPARISON OF SELECTED CONSUMER PRICE INDEXES, 1960–65, 1970 (JULY)

	All items	All services	Medical care	Auto repairs	Gasoline	Tires	Automobile insurance
1960	103.1	106.6	108.1	103.9	103.3	92.6	111.5
1965	109.9	117.8	122.3	112.6	106.0	99.8	130.5
1970 (July)	135.7	155.8	165.8	144.3	118.7	119.0	183.7

Note: Indexes base, 1957–59=100 percent.
Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 7.—SELECTED CONSUMER PRICE INDEXES RATE OF INCREASE 1970 (JULY) OVER 1960 AND 1965

[In percent]

	All items	All services	Medical care	Auto repairs	Gasoline	Tires	Automobile insurance
1970 (July) over 1965	23.5	32.3	35.6	28.2	11.9	19.2	40.8
1970 (July) over 1960	31.6	46.2	53.4	38.9	14.9	28.5	64.8

Note: 1970 over 1960—1.00=percent increase; same for 1970 over 1965.
Source: Senate Antitrust and Monopoly Subcommittee; derived from consumer price indexes. U.S. Department of Labor, Bureau of Labor Statistics.

S. 4344—INTRODUCTION OF LABORATORY ANIMAL WELFARE ACT AMENDMENTS OF 1970

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a bill to amend Public Law 89–544, an act of August 24, 1966, relating to the care of animals used for the purposes of research. I am pleased to announce that the distinguished senior Senator from Washington, (Mr. MAGNUSON) has joined as a cosponsor of this bill, which is entitled "Laboratory Animal Welfare Act Amendments of 1970."

The bill I introduce today is similar to two House bills, H.R. 13957 and H.R. 18637. There were hearings on H.R. 13957 on June 8 and 9, 1970. On July 27, 1970, H.R. 18637 was introduced as a working draft reflecting certain changes suggested in hearings and informal discussion. The bill I propose basically follows H.R. 18637 but contains additional changes, which I understand will be considered by the House Subcommittee on Livestock and Grains in its executive session tomorrow. My purpose in introducing this bill is to demonstrate interest and support for the legislation in this body, and to enable the Commerce Committee to commence its deliberative process with the hope of speeding consideration of the House bill when it is sent to this body.

Generally, this bill expands the provisions of the 1966 act to include exhibitors of animals, private or public, including zoos and circuses, and to dealers in the wholesale pet business. The bill elaborates in greater detail the standards to be promulgated and extends coverage to all warm-blooded animals. Research facilities, dealers, and exhibitors are required to maintain records of all dogs, cats, and animals not indigenous to the United States. Licensing of operators of dog and cat auction sales is provided.

The bill continues to exclude actual research and experimentation from the rules and regulations promulgated for animal welfare, although it does require that research facilities annually demonstrate compliance with professionally acceptable standards for animal care.

The bill specifically excludes local retail pet shops as well as State and county fairs, rodeos, and purebred dog and cat shows. Farm animals are not covered, nor are livestock and poultry used in agricultural related research.

There are new enforcement provisions covering penalties for persons who interfere with enforcement officials in the performance of their duties, and covering individuals who fail to obey a Department of Agriculture cease-and-desist order.

Mr. President, the unbelievable brutality we inflict on mammals and birds in the name of commerce, and recreation is a national disgrace. We stuff wild animals into small shipping crates and transport them without water, food, ventilation, or protection from the weather—always shipping too many in

callous deference to the fact that many die in passage. In the name of bringing the happiness of pets into our lives and the lives of our children, we turn God's creations into pieteous and abject creatures of fear and misery whose only recourse is to stare at man in sullen hatred and then to die.

Our roadside zoos demonstrate, not the wonders of nature, but the greed and indifference of man.

We terrorize animals into performing our bidding by inflicting physical pain and suffering with whips, electric shocks, heat, sharp hooks, loud noises—we pull out their teeth and claws—and then we talked euphemistically about trained animals and we applaud at the circus.

And if the poor animal tries to escape from the incredibly hostile environment we create for him, we beat him and often kill him.

Congress made an excellent start in 1966 with the passage of Public Law 89-544 which for the first time created Federal standards for animals destined for research laboratories. Clearly those same standards should be applied to exhibitors and dealers. That is the purpose of this legislation and I hope it will be possible to act favorably on this legislation in this session of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4344) to amend the act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets, introduced by Mr. CRANSTON (for himself and Mr. MAGNUSON), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Laboratory Animal Welfare Act amendments of 1970."

SEC. 2. That the first 18 sections of the Act entitled "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats and certain other animals intended to be used for purposes of research or experimentation, and for other purposes" approved August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), are amended to read as follows:

"That, in order to protect the owners of animals from theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purposes or use.

"SEC. 2. When used in this Act—

"(a) the term 'person' includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

"(b) the term 'Secretary' means the Secretary of Agriculture of the United States or his representative.

"(c) the term 'commerce' means trade, traffic, commerce or transportation among the several States, or between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

"(d) the term 'affecting commerce' means in commerce, or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce.

"(e) the term 'research facility' means any school, institution, organization, or person that uses or intends to use animals in research, tests, or experiments, and that (1) purchases or transports animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agent, or instrumentality of the United States for the purposes of carrying out research, tests, or experiments.

"(f) the term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals, whether alive or dead, affecting commerce for research or teaching purposes or for exhibition purposes or for use as pets. The term 'dealer' as defined in this Act excludes local retail pet shops.

"(g) the term 'animal' means any live or dead dog, cat, monkey (nonhuman primate), guinea pig, hamster, rabbit, or such other warm-blooded animal, as determined by the Secretary, being used, or intended for use, for research, testing, experimentation, or exhibition purposes, or as pets; but not including livestock or poultry used or intended for use as farm animals for improving animals nutrition, breeding, management or production efficiency, or for improving the quantity or quality of food or fiber.

"(h) the term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which animals affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and includes zoos exhibiting such animals whether operated for profit or not. The term 'exhibitor' as defined in this Act, excludes state and county fairs, rodeos, and purebred dog and cat shows.

"SEC. 3. The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided,* That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however,* That any local, retail pet shop or any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of animals on his own premises and sells any such animals shall not be required to obtain a license as a dealer or exhibitor under this Act. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this Act if such persons comply with the requirements specified above and agree, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation affecting commerce to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation affecting commerce to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

"SEC. 5. No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary.

"SEC. 6. Every research facility, and every exhibitor not licensed under section 3 of this Act, shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

"SEC. 7. It shall be unlawful for any research facility to purchase any animal from any person except a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

"SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any animal for such purposes from any person except a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under sections 3 of this Act.

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, within the scope of his employment or office, shall be deemed to be the act, omission, or failure of such research facility, dealer, exhibitor, or licensee as well as of such person.

"SEC. 10. Research facilities, dealers, and exhibitors shall make, and retain for such reasonable period of time as the Secretary may prescribe such records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs, cats and animals not indigenous to the United States as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

"SEC. 11. All animals included in section 10 of this Act or, in the case of small animals where individual identification is not feasible, as determined by the Secretary, groups of animals delivered for transportation, transported purchased or sold affecting commerce by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe.

"SEC. 12. The Secretary is authorized to promulgate humane standards and record-keeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales. The Secretary is also authorized to require the licensing of operators of auction sales, where dogs and cats are sold affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.

"SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling,

housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including appropriate use of analgesic or transquilizing drugs, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outline, guidelines or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided, however*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including reference to the use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.

"SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13. Any department, agency, or instrumentality of the standards promulgated by the Secretary under section 13.

"SEC. 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research, experimentation or exhibtion when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

"(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this Act and the purposes of any State or local legislation or ordinance on the same subject.

"SEC. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and records (as required in section 10 of this Act) of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessay to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States Courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act.

"SEC. 17. The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act, to permit inspection of their animals and records at reasonable hours upon request by legally constituted law-enforcement agencies in search of lost animals.

"SEC. 18. Not later than March of each year following the enactment of this Act, the Secretary shall submit to the President of the Senate and Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act or any provision thereof."

SEC. 3. Section 19 of the Act of August 24, 1966 (7 U.S.C. 2149) is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make such order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of $500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both."

SEC. 4. Subsection (a) of section 20 of the Act of August 24, 1966 (7 U.S.C. 2150(a)) is amended by inserting "or standards" after "regulations" in the place where such word appears.

SEC. 5. Subsection (b) of section 20 of the Act of August 24, 1966 (7 U.S.C. 2150(b)) is amended to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 6. The amendments made by this Act shall take effect one year after the date of enactment of the Act, except that the amendments made by section 2 of this Act to sections 16, 17, 19, and 20 of the Act of August 24, 1966 (7 U.S.C. 2146, 2147, 2149, and 2150), which shall become effective thirty days after enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 39

Mr. HANSEN. Mr. President, last year I introduced S. 39, a bill to authorize the Secretary of the Interior to sell, under certain circumstances, mineral rights which have been reserved by the Federal Government to the individual who owns the surface rights which were patented under the Stockgrazing Homestead Act.

Mr. President, the Interior Committee has acted on other bills which would provide a sale of the mineral rights in specific cases. Those of us who represent public land States know that these problems often occur and justice and equity often require the transfer of the mineral rights to the surface owner.

It would be much more efficient to provide a general framework to transfer these mineral rights. I believe S. 39 provides the necessary general framework and a system of checks to insure that this power of the Secretary is not abused.

Mr. President, I am proud that three of my colleagues on the Senate Interior Committee have asked to cosponsor S. 39. I ask unanimous consent that, at

the next printing, the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. CHURCH) be added as cosponsors of the bill.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

S. 3311

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. YARBOROUGH) were added as cosponsors of S. 3311, the crime insurance bill, to assure the availability of crime insurance at reasonable rates to homeowners and shopkeepers.

S. 3785

Mr. FANNIN. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH), be added as a cosponsor of S. 3785, to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

The PRESIDING OFFICER (Mr. NELSON). Without obligation, it is so ordered.

S. 3795

Mr. FANNIN. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3795, to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

S. 3960

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), were added as cosponsors of S. 3960, the Mass Transportation Financing Act, a bill to provide States the option of using Highway Trust Fund money for mass transit purposes.

S. 4055

At the request of the Senator from Kentucky (Mr. COOPER), the Senator from Vermont (Mr. PROUTY), and the Senator from New Mexico (Mr. MONTOYA), were added as cosponsors of S. 4055, the administration's proposed Federal-Aid Highway Act of 1970.

S. 4106

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Alaska (Mr. GRAVEL) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 4106, to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

SENATE RESOLUTION 460—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON BANKING AND CURRENCY TO EXPEND ADDITIONAL FUNDS

Mr. SPARKMAN, from the Committee on Banking and Currency, reported the following original resolution (S. Res. 460); which was referred to the Committee on Rules and Administration:

S. RES. 460

Resolved, That the Committee on Banking and Currency is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $5,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 897

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Nevada (Mr. CANNON), I am asked to state that he will propose an amendment in the nature of a substitute to Senate Joint Resolution 1. The Senator from Nevada (Mr. CANNON) will introduce and speak in behalf of his substitute later in the week. At this time, in order that Senators may study the proposed substitute, I ask unanimous consent, on behalf of the Senator from Nevada (Mr. CANNON), that the substitute be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. NELSON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 897) is as follows:

AMENDMENT NO. 897

Strike out all after the enacting clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States:

"Article —

"SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for the office of Vice President.

"SEC. 2. The President and Vice President shall be elected by the people of the several States and the District of Columbia. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in the District of Columbia shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof, but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in the District of Columbia shall be prescribed by the Congress. The Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin.

"SEC. 3. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District of Columbia shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such District would be entitled if it were a State, but in no event more than the least populous State.

"SEC. 4. Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and the District of Columbia shall make distinct lists of all persons for whom votes were cast for President and the number of votes cast for each person, and the total vote cast by the electors of the State or the District for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and the District of Columbia shall be credited with such proportion of the electoral votes thereof as he received of the total vote cast by the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest aggregate number of electoral votes of the States and the District of Columbia for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has received at least 40 per centum of the whole number of such electoral votes, or if two persons have received an identical number of such electoral votes which is at least 40 per centum of the whole number of electoral votes, then from the persons having the two greatest numbers of such electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined membership of the Senate and House of Representatives shall be necessary for a choice.

"SEC. 5. The Vice President shall be likewise elected, at the same time, in the same manner, and subject to the same provisions as the President.

"SEC. 6. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall be devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. The following provisions of the Constitution are hereby repealed: paragraphs 1, 2, 3, and 4 of section 1, article II; the twelfth article of amendment; section 4 of the twentieth article of amendment; and the twenty-third article of amendment.

"SEC. 8. This article shall take effect on the 1st day of February following its ratification, except that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the

legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.".

AMENDMENTS NOS. 898, 899, AND 901

Mr. ERVIN submitted three amendments, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 900

Mr. ERVIN (for himself, Mr. COOPER, and Mr. MCGEE) submitted an amendment, intended to be proposed by them, jointly, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AGRICULTURAL ACT OF 1970—AMENDMENT

AMENDMENT NO. 902

Mr. MONDALE (for himself, Mr. MONTOYA, Mr. PROXMIRE, Mr. HARRISON, Mr. MCGOVERN, Mr. YARBOROUGH, Mr. HUGHES, Mr. ANDERSON, Mr. NELSON, Mr. SYMINGTON, Mr. EAGLETON, Mr. GORE, Mr. BURDICK, Mr. HARTKE, and Mr. BAYH) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. MONDALE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 756 TO H.R. 17550

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing, the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of Amendment No. 756 to H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

LEGISLATION REMAINING BEFORE SINE DIE ADJOURNMENT

Mr. SCOTT. Mr. President, in his message to Congress last Friday, President Nixon has made an eloquent call for cooperation between the executive and legislative branches. I would urge Senators—both on the Democratic side and on the Republican side of the aisle—to give this message careful thought. The President has asked for bipartisan consideration of his legislative program. It will serve no useful purpose if Congress reacts to this message in a partisan manner.

In truth, the President has been quite fair in pointing out those pieces of legislation which Congress has enacted. Particularly notable are the Tax Reform Act of 1969, the Economic Opportunity Act, the Postal Reorganization Act, and the Employment Security Amendments of 1970. All of these bills are fully qualified for the title "landmark legislation" and Congress can be justly proud of its role in bringing them to fruition.

In his message the President also points out the other meaningful legislation on which Congress has cooperated fully with the executive branch. Congress consented to the President's executive reorganization plan which provided for the establishment of the new Office of Management and Budget and the Domestic Council. It approved the President's proposal for the Commission on Population Growth and the American Future, and that Commission is now in operation.

Other major bills Congress has passed are the Emergency Home Finance Act and two pieces of legislation in the critical area of crime: the District of Columbia Court Reform and Criminal Procedure Act and an amendment to the Federal Youth Corrections Act which will provide more effective methods for dealing with young people in the Federal criminal justice system.

Finally, Congress just last week sent to the President for his signature the District of Columbia nonvoting delegate bill. This legislation is not a final remedy for the serious problems of the District of Columbia—that the President has called one of the truly unacceptable facts of American life—but it is a first and necessary step.

All of the bills I have mentioned are proposals put forth by the President on which my Senators have worked hard and diligently—both in committee and on the floor of the Senate. In his message, the President has commended Members for their action and to that I would like to add my personal thanks. Both the President and I recognize full well that most of this legislation would not have passed Congress without bipartisan support.

President Nixon has also noted in Friday's message some of the areas in which he has been able to achieve reforms by Executive action. Particularly in the field of education, the administration has created the Office of Child Development within HEW; the President's Commission on School Finance is now examining the problems associated with financial support to schools; the right to read has been established as a prime educational goal and a National Reading Council has been appointed to monitor the Nation's progress toward that goal.

However, my colleagues understand full well that under our system of government the reforms a President can make by Executive action are extremely limited. Major reforms require the consent of Congress. As the President noted, in an era when reform is so urgent, it is time now to act.

In his message the President mentioned the Federal Economy Act. I shall now discuss that proposal in some detail because I believe it is a good illustration of the dilemma which the President has addressed.

In his Federal Economy Act message in February of this year President Nixon listed 57 actions which could be taken to reduce unnecessary Federal spending. These changes would have saved $2.1 billion in fiscal year 1971. Of the total of 57 reductions, the President estimated that 42 could be taken by Executive action; the remaining 15 would require congressional action.

Despite prodding by the President last month, the record of Congress on the Federal Economy Act—as compared with that of the administration—is not good. In those areas where the President has been free to act he has accomplished 100 percent of the savings planned. However, more than half of the changes which require congressional action have not been put into effect. Further, the Congress is blocking over $170 million of the savings which the President proposed to achieve by executive action. Overall, the Congress is not acting on over $700 million in savings, or one-third of the President's proposals.

As an example, one item in the Federal Economy Act was the disposition of the Alaska Railroad. The administration has estimated that $100 million could be realized from the sale of the Alaska Railroad, which has become an attractive investment in light of the rapid development now taking place in Alaska. Bills to authorize this sale are pending in the Commerce Committees of both Houses of Congress—yet no hearings have been held in either committee.

Some Senators may have good reasons why the Federal Government should continue to subsidize the Alaska Railroad and not realize this $100 million saving. But I believe all will agree that the idea has sufficient merit to at least be considered in committee.

In a larger sense, consideration is what the President asked for Friday. Consideration of his legislative program. All Senators will not agree with that program—in fact, many will disagree very loudly—but that is not the point. The President's proposals deserve to be aired in free and open discussion. In the arena which only Congress can provide.

Mr. President, I would ask Senators to consider now some of the ideas which the President has proposed and Congress has not disposed.

At a time when the average American citizen is more concerned about crime than almost any other issue, Congress has had legislation to deal with this problem before it for almost a year, but has acted only on two of the President's bills. This fact might be understandable

if Congress had proposed its own legislation in this area—but it has not done so.

The administration has proposed the Controlled Dangerous Substances Act, the Organized Crime Control Act, wagering tax amendments, Bail Reform Act amendments, the Protection of Minors From Obscenity Act and the Prohibition of Transportation of Salacious Advertising Act, the Criminal Justice Act amendments, the omnibus crime control and safe streets amendment, and the explosives regulation proposals and amendments.

The President has asked for this legislation, the American people have clearly let it be known that they want such protection—but still there has been no action from the House of Representatives, although the Senate has disposed of almost all of the crime legislation proposals of major concern. Consider—among bills not yet enacted by Congress—the importance of the explosives regulation proposals and amendments, which would regulate the business of importing, manufacturing, or dealing in explosives and prohibit the purchase of explosives by mail.

Today bombings and the resulting deaths of innocent bystanders have become almost commonplace in America. Yet Congress has had the legislation necessary to control such acts of violence on its back shelf for almost a full year. Is it any wonder that public opinion polls show that American opinion of the Congress is at the lowest point in 5 years?

Another area of great concern to the American citizen is consumer protection. The President has sent to Congress the Consumer Representation Act, the Consumer Protection Act, the Consumer Product Testing Act, the Drug Identification Act, and the Consumer Warranty Act. Again, almost a year has passed, but not one of these bills, except a modified warranty bill passed by the Senate, has been acted on by either body of Congress.

The President has proposed legislation to create an Occupational Health and Safety Board, the Employee Benefits Protection Act, the Equal Employment Opportunity Enforcement Act, the Emergency Public Interest Protection Act, and the establishment of a National Special Industries Commission. Congress has not passed any of this proposed legislation.

In the vital field of education the administration has—as I have already noted—taken certain steps by executive action to achieve reforms. But much wider reform is needed here, and this will require action by Congress. In two major messages last March the President sent up a program for reform of elementary and secondary education and for reform of higher education. It is time now for Congress to consider the President's proposals for a National Institute of Education, the emergency school aid program, the National Student Loan Association, and the National Foundation for Higher Education.

The same holds true for the President's urban affairs proposals. The Senate has passed a bill which is similar to the President's Urban Mass Transportation Assistance Act but the House has not acted. Neither body of the Congress has acted on the Housing and Urban Development Act of 1970.

In the field of foreign trade neither the House or Senate has acted on the Trade Act of 1969. The Merchant Marine Act amendments have been passed by the House but still await Senate action.

In his message to Congress Friday, President Nixon said:

> The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live.

The President has taken a number of executive actions designed to improve the quality of our environment but a great many of his proposals require congressional action, and they are still pending before the legislature.

It has not been my intention to bore the Senate today with the long lists of pending legislation which I have recounted. It was rather to impress upon the Senate the sheer bulk of the President's proposals we have not acted upon. In many cases, the need for this legislation cannot be doubted. As one example, the social security amendments proposed by the President, which would provide an automatic cost-of-living adjustment in social security amendments so that our elderly citizens will not be hurt by inflation they could do nothing to either prevent or to avoid. This legislation has passed the House but still awaits action in the Senate.

Other administration proposals before Congress include the Revenue Sharing Act of 1969 and the Manpower Training Act, which will be historic milestones if they are passed.

Whether we are dealing with basic reforms or broad questions of public policy, the fact remains that there is much to be done and time is slipping away. While it may be convenient to postpone or stall this legislation, that is not in the public interest and it is not why the voters of our States have sent us to Congress.

President Nixon has recognized that America is in an era of change. He has sent to Congress proposed legislation that will help cope with that change and it is now up to us to prove that we too can change—that we can provide leadership rather than being dragged by the heels into the decade of the 1970's.

The President expressed this thought better than I at the end of his call for cooperation, when he said:

> Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

Mr. President, as I indicated last Thursday during the discussion of the schedule of business, there may be other measures than those already scheduled which should be acted upon. The President has now listed a number of these proposals which he hopes Congress will consider.

I am realistic enough to realize that all of the unacted upon measures cannot be considered if we are to adjourn sine die in mid-October. It would, I feel, be possible to act on some of the measures requested by the President.

Accordingly, I ask the ranking members of all standing committees to attempt through the chairmen of the committees, to give consideration toward moving to the Senate floor as many of the President's proposals as possible.

In addition, I have asked all ranking minority members of the standing committees to give me by Wednesday their best estimate as to how many, if any, of the unacted upon measures in the President's message can be sent to the Senate for action, either by mid-October or, if we should be unfortunate enough to have to return, between mid-November and Christmas.

I think that I should point out that a considerable share of the proposals listed by the President either have already been passed by this body or are scheduled for action under the schedule announced last week by the majority leader.

As was mentioned last Thursday a number of times, while much remains to be done, with cooperation and diligence to our duties and by working long hours I, being the eternal optimist, feel we can, with discipline, meet the sine die adjournment date of mid-October.

URBAN GROWTH POLICY

Mr. MUSKIE. Mr. President, the August–September 1970, issue of City, the bimonthly magazine of the National Urban Coalition, contains a thought-provoking article by Donald Canty entitled "What Is This Thing Called Urban Growth Policy?" As its editor, Mr. Canty has sought to make City a more effective instrument of urban improvement. As a writer, Mr. Canty has told us what an "urban growth policy" is not and cautions us that it may be an idea whose time has come—and already is passing.

Mr. President, because of the perceptiveness of Mr. Canty's remarks, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS THIS THING CALLED URBAN GROWTH POLICY?

The concept of a national urban growth policy may be an idea whose time has finally come—and is rapidly going. It began entering the public and political consciousness a scant two years ago (in large part because of the efforts of an ad hoc group of government officials and others called the National Committee on Urban Growth Policy; the oratorical interest of then-Agriculture Secretary Orville Freeman in achieving something called "urban-rural balance"; and a diligently researched, if less-than-lucidly expressed, report by the Advisory Commission on Intergovernmental Relations).

The idea reached its apogee early this year when it showed up first in the President's State of the Union Message and then in legislation bearing such sterling Democratic names as those of Senators Muskie and Sparkman. The Administration, it became known, was busily preparing legislation of its own. Enthusiastic expressions of support for urban growth policy came from Secretaries Romney of HUD and Stans of Commerce (see City for June–July).

Since then, interest in the idea has perceptibly subsided. The Administration made no secret of its distaste for the Democratic bill (principally sponsored in the House by

Rep. Thomas Ludlow Ashley of Ohio)—and, in late spring, let word out that there would be no Administration alternative offered this year. The reasons for the subsidence, which also was manifested in some skeptical commentaries in the press, were not entirely clear; but, in addition to political and economic considerations, they seemed to include overenthusiasm on the part of some proponents of the idea, obfuscation by some opponents, and a consequent confusion over just what this thing called urban growth policy might be, do, and cost.

It will be argued here that the idea is eminently worth reviving; that, indeed, the stakes riding on it are very high in terms of the nation's future. The first step in its revival must be the clearing away of the general confusion. A good place to start is by examining some of the things which an urban growth policy needs to do to significantly alter the future, and some of the things it is not.

First among the goals of an urban growth policy must be the opening of new options and opportunities for the poor and minorities.

The growth period just past—wartime to midcentury—has effectively diminished these options and opportunities.

The developmental history of the period is depressingly familiar in this respect. Both economic and population growth have occurred mainly in the suburbs. Yet the poor have been priced out of the suburbs and the minorities kept out by an ingenious variety of exclusionary devices. Combined with waves of rural-to-metropolitan migration, the result has been the continual and seemingly inexorable spread of slums and ghettos in the central cities—and our present metropolitan condition of de facto apartheid. Three-fourths of the nation now shares the precarious and unpleasant experience of living in a house divided.

A second goal of urban growth policy must be the less profligate use of natural resources—notably air, water, and land. We are at last awakening to the degree to which past growth has wasted and polluted these resources. The fact needs no elaboration; it is part of the daily life experience of the same three-fourths of the nation and is spreading to plague the rest.

A third goal must be to create a living environment that is more efficient and more nourishing to both body and spirit. The environment built in the process of past growth is perhaps the most unlovely agglomeration of unrelated objects ever assembled by civilized man. It not only assaults the eye; it also doesn't work, not even for those of a suitable color and degree of affluence to seek the satisfactions of suburbia. For all but the most affluent metropolitan Americans, choices of living arrangements involve a series of tradeoffs in which the price of convenience and amenity can be very high indeed.

For example, the choice of a suburban house and garden means leaving behind the kind of cultural, educational, and even medical facilities which only city-size concentrations of population can support. It also means, most often, a long commute on clogged highways or laggardly public transportation.

There are known ways, ways used for generations in other nations, to lower these prices and make the tradeoffs less painful. They involve something called planning, which in America has been a paper exercise, divorced from the realities of both development and politics. For the sakes of the built and the natural environment, then, a major goal of urban growth policy must be to make planning possible.

The following are some of the things which an urban growth policy designed to meet these goals is not.

1. *It is not simply a settlement policy.* Former Secretary Freeman, in his quest for "urban-rural balance," and Secretary Stans, in his warnings against the prospect of "an anthill society," essentially were arguing for a policy that would stem urban growth and divert population elsewhere.

Implicit in their and others' arguments was the traditional Jeffersonian-American view that the city is a place of evil, an unnatural and destructive environment for man. They expressed concern for the city, but mainly in terms of preventing its inundation by migration. Secretary Freeman advocated slowing this migration at its rural source by inducing growth in small nonmetropolitan communities. The Advisory Commission on Intergovernmental Relations also placed considerable stress on this approach, which it termed the creation of "alternate growth centers." Such an approach could properly be part of an urban growth policy, but not the whole. For one thing, experience elsewhere indicates that only limited success can be expected of any effort to put a lid on the growth of major metropolises. Britain, with its long and distinguished planning history, has not succeeded in stopping London from growing; and Russia, with its centralized state powers, has experienced similar frustration in respect to Moscow.

Also, migration has ceased to be the problem for the cities that it was in postwar decades. The Census Bureau, in fact, tells us that migration from the rural South to the urban North has almost entirely ceased.

But the major reason for distinguishing between a settlement policy and an urban growth policy that would meet the above goals is that a settlement policy would deal only with *where* growth occurs. The more crucial matters are *how* it occurs in terms of environmental quality and *whom* it serves. Without these qualitative and social components, a settlement policy could merely result in re-creation of the waste and divisiveness of past growth in new locations.

2. *An urban growth policy is not a "new towns" program.* When the National Committee on Urban Growth Policy released its report, the recommendation that dominated press attention was for "the creation of 100 new communities averaging 100,000 population each and 10 new communities of at least 1 million in population." The committee made clear that its specifications for the new communities would include the qualitative and social factors previously cited.

But the committee also had to admit that even its ambitious new-communities program would only accommodate 20 per cent of the growth anticipated in the remainder of this century. Once again, the fact must be accepted that most of this growth will occur in or around present metropolitan areas.

Like "alternate growth centers," then, new communities can only be expected to be a partial solution, not the whole of urban growth policy.

3. *An urban growth policy is not a public works program.* The question it addresses is not *whether* we build enough housing and other community facilities for the population increment in the coming decades of growth. Rather, such a policy addresses the aforementioned questions of *where, how, and for whom* we build.

This distinction impacts heavily upon the further question of what an urban growth policy would cost.

The Administration explained its decision to defer urban growth legislation on the grounds of economy. However, a HUD official acknowledged that no particular policy proposals had been "costed out" in detail, and that the decision was based mainly on concern for the "psychological impact" of introducing large new ideas at this inflationary moment in history.

Similarly, the Administration based its opposition to the Democratic bill on grounds that it would cost $22 billion. But an assiduous survey of HUD and White House sources by this magazine turned up no computation on which this figure had been based.

What would be the costs of an urban growth policy adequate to meet the goals above? Clearly no answer can be ventured without drafting such a policy in detail, which is a task beyond the purview of this essay.

But some general points about cost can be made.

In any computation, a careful breakdown must be made between those costs which the nation would face anyway and those which could be directly assigned to the urban growth policy in question. Thus, the matter of whether the nation meets its housing deficits and commitments, particularly for the poor, is not a matter of whether or not the nation has an urban growth policy.

The second point relates to the crucial resource of land. It is difficult to conceive how an urban growth policy could meet all of these goals without more direct and positive public involvement in land deployment. Until now, we have relied mainly on negative devices, such as zoning, to assert the public interest in the way land is used, and to make planning possible. The present metropolitan environment is sufficient evidence of the failure of this approach.

There is a growing body of opinion that the only way the public can effectively influence the deployment of land—and thus the course of future urban development—is to own it. The National Committee on Urban Growth Policy proposed a system by which states (or state-chartered agencies) would buy land in the path of urban growth with the help of federal loans or grants; put in the roads, utilities, and other public facilities that would make the land developable; make detailed plans for its use, including specifications for accommodation of the poor and minorities; then sell it to private developers, stipulating adherence to the plan.

Such a proposal could be the revenue-producing element of an urban growth policy. At present, the public pays the bill for making land suitable for development. This raises the value of the land, but the profit goes to private owners—often speculators. The committee's proposed system would return the profit to the public, along with benefits of a nourishing and humane environment.

FTC LOOKS AT LACK OF OIL PRICE COMPETITION

Mr. PROXMIRE. Mr. President, at long last, the Federal Trade Commission is going to investigate the lack of price competition in the oil industry.

Lawrence G. Meyer, the brilliant new Director of the Office of Policy Planning and Evaluation of the FTC, pointed out in a recent speech the lack of price competition in the oil industry and promised that the FTC would look into it. This lack of price competition is characteristic of oligopolic industries and only results in increasing consumer costs and squeezing out the small, independent businessmen who cannot match the gigantic oil companies which dominate the oil business.

I wish the Federal Trade Commission well in their efforts to investigate this blatant price fixing. I offer whatever help I or my staff can give because they are going to need all the help they can get in tackling the powerful oil lobby.

Mr. Meyer's speech gives me renewed hope that the FTC is emerging as an

effective consumer protector. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SOME GENERAL OBSERVATIONS ON THE PETROLEUM INDUSTRY

(By Lawrence G. Meyer)

I welcome the opportunity to appear here with you today and discuss rather generally antitrust enforcement and the petroleum industry. As a newly appointed official of the Federal Trade Commission, I must add that these are my personal views.

The petroleum industry ranks near the top of any list of significant and vital industries in our economy. An agency charged with protecting the consumer, with preserving the competitive market place and with preserving small, competitively viable business, would simply not be doing its job if it did not devote a significant measure of its enforcement resources to an industry that accounts for about 5 percent of our gross national product and embraces the activities of about 11 percent of our nation's small business men.

All of us have a common interest in a petroleum industry that functions as competitively as possible; an industry in which prices reflect legitimately incurred costs and reasonable profits. And perhaps of highest importance, the Federal Trade Commission stands strongly for an industry in which the independent, be he producer, marketer, or dealers like yourselves, is a viable competitor and can operate as a true independent businessman.

A major Commission responsibility is to insure and to protect such business freedom. For example, you as independents should be free to elect or to refuse promotion devices such as games of chance or trading stamps, free to switch the brand of gas, either major or independent, that you handle, free to price as you wish without even a suggestion of coercion.

Obviously, as you are well aware, the petroleum industry does not always function in such desirable competitive fashion. Many observers believe that the basic fault lies in the fact that the petroleum industry is simply not competitively structured in a way that results in maximum benefit to consumers, to the industry and to the public. Certainly a competitive structure in any industry is of vital concern to the Commission. As the Supreme Court noted in the *Dupont* cellophane decision.[1] An industry that does not have a competitive structure will not have competitive behavior."

In the petroleum industry, some of the structural characteristics that lead to undesirable competitive conduct and performance are simply beyond the proscriptions of the anti-trust laws and the strictures of competition. And quite frankly, as such, there is little that an enforcement agency like the Federal Trade Commission can do about them. For example, state laws, which fix and allocate production, indirectly set the price of crude oil in a manner often unrelated to the interaction of actual market forces. Certain tax provisions such as the intangible drilling expense provision, the foreign tax credit, and the depletion allowance, tend to favor the large integrated refiner. These tax benefits often permit an integrated producer to bring an assured profit to the wholesale and retail market—an assured profit obviously not enjoyed by a non-integrated independent marketer.

Notwithstanding the limited ability of the Commission to meet such competitive conditions which tend to make the industry, in the words of economist Walter Adams, "a high-cost, high-price, over-capacity industry" [2]. It can tackle a number of problems in the industry with the anti-trust weapons at its disposal.

As you may know, the Commission has announced that it plans to study in considerable depth the structure and performance of the energy industry, which of course includes petroleum, as well as other major industries. In the petroleum industry, there is evidence that a number of structural characteristics carry a strong potential for anti-competitive behavior and prevent you and others in the industry as well as the consumer from having the competitive freedom to which you should be entitled.

Basically, the structural characteristic of the petroleum industry setting the competitive tone is the dominance of this industry by a relatively small number of large, vertically integrated major companies, marketing a well established brand of gasoline which is extensively advertised. Twenty such firms control over 80 percent of the value of shipments in the refining industry—with the top eight of these firms accounting for about 55 percent.

It would appear that these firms recognized long ago that price competition would not be in their self-interest. Accordingly, today we see a clearly identifiable substitution by the majors of less desirable non-price methods of competition. Rivalry is based almost entirely on advertising claims for mileage additives, engine additives, quality of station services such as tour maps, or on fierce competition for preferred retail outlets.

Too often a major intersection is dotted with outlets of four major firms, each operating at a relatively low capacity. Normally such a situation might be expected to precipitate a price reduction by at least one of the outlets—in an attempt to increase its business—but not in the petroleum industry. This is somewhat understandable. Where a dealer on a year to year lease faces the loss of his franchise and a possible black-ball by other major companies should his "independent" pricing decisions become unacceptable, can we really fault his lack of initiative?

Just as unacceptable is the situation where a so-called "independent" retail dealer is forced to reduce his price in order to meet the objectives of his major company franchisor rather than his own. And in a number of such instances, the dealer is also forced to absorb a large percentage of such price reductions.

In this connection, of serious concern to the Commission is the maintenance by some companies of pricing zones in a given community that really have no relationship to reasonable marketing areas. In Minneapolis, Minnesota, for example, it is alleged that over 100 such zones exist for pricing purposes in a community in which transportation and marketing costs are virtually identical. Is it reasonable for one of two dealers of the same company, one block apart but in different pricing zones, to pay a higher price? Such situations make it quite clear that where the majors involve themselves in anti-competitive methods of operation, everybody suffers, including the retail outlets of the major companies.

By launching predatory price wars, by moving in and selling their excess-capacity branded or unbranded gas at distress prices, by discriminatory pricing to independent marketers, the majors can dramatically affect the ability of the independent—including dealers like yourselves—to exist.

The majors are also perfectly capable of injecting a heavy anti-competitive hand unto other aspects of the decision making by retail dealers. In a number of cases, the Commission and the courts have found that the majors, without regard to the interests of their own retailers, dictate prices, dictate the carrying of particular TBA items or dictate the acceptance of promotional schemes.

In recent years, a number of major companies have acquired leading independent gasoline marketers and refiner-marketers. As a result of some of these mergers, there is reason to believe that even less price competition at the retail market exists today. Obviously where an independent refiner is acquired by a major company, independent retail outlets formerly served by the independent refiner could well find their available supply of gasoline rather limited, if not non-existent.

The catalog of actual and potential economic abuses—which some call a veritable "honeycomb of anticompetitive restraints" [3] in the petroleum industry is substantial. To meet this sometimes dismal picture of competition, both the Commission and the Justice Department have focused considerable attention on all mergers in the industry. The Commission's first phase report issued on conglomerate mergers details merger activity in the industry and its possible competitive significance. To quote the Report, "the mergers undertaken by the most active acquiring petroleum firms have brought about a significant restructuring of retail petroleum markets." [4]

In addition to the recent suits by the Justice Department against the British Petroleum-Sohio and Atlantic Richfield-Sinclair mergers, the Commission is investigating other major oil company acquisitions of leading independent marketers and refiner-marketers. Especially in those instances where a major firm acquired an "independent" and subsequently discontinued the discount price policy of the formerly "independent" firm, formal complaints to undo such mergers will be given serious consideration.

The Commission activity here in an area affecting the entire industry serves as a realistic guide to the Commission's role in enforcing the entire spectrum of antitrust laws in this industry. The Commission will always have a sympathetic ear for complaints by retailers, be they independent or affiliated, that they have little or no voice in matters affecting their economic welfare. In the past, for instance, the Commission has successfully sued on behalf of small independent dealers to eliminate supplier interference with their choice of TBA accessory items [5]. In addition, the Commission successfully sued to eliminate consignment selling systems where the supplier controls or fixes the retail price at which the dealer may elect to sell gasoline.[6]

But it should be remembered that in recent cases involving other industries, principles have been established which have applicability to your own competitive rights. In a significant decision, the Supreme Court held that U.S. Steel could not tie the financing services which it had offered to builders to the sale of its own brand of prefabricated houses.[7] Another decision involving the marketing arrangements of a bicycle manufacturer established firmly the principle that once a supplier relinquishes control over his goods he is no longer free to control any aspects of the competitive behavior of the independent merchants who sell his products.[8] Still another relevant decision to your competitive rights is one in which the Supreme Court found that a newspaper's attempt to coerce a distributor into adhering to suggested prices was illegal.[9] Under this case, it could be argued that a supplier could not lawfully use company owned or operated stations to exert coercive price pressures on affiliated although independently owned outlets.

Such cases are potent ammunition to dealers like yourselves striving to remain viable, independent businessmen. In the fight to preserve competition in your industry, of great importance are the private cases brought by members of the industry. In *Perkins* v. *Standard Oil of California*,[10] the

Footnotes at end of article.

Supreme Court upheld a triple-damage jury award of $1.3 million given to Perkins, an independent California dealer and wholesaler who suffered injury because Standard, from whom he bought nearly all his supplies, charged him a higher price for his gasoline and oil than it did its own branded dealers. Perkins also collected triple damages for injury suffered as a result of Standard's charging a lower wholesale price to another firm which then used still another dealer to pass on the lower price to a major competitor of Perkins.

In *Simpson* v. *Union Oil* [11], Simpson, a lessee of Union's who had also signed a one-year consignment agreement, sued and collected damages from Union for refusing to renew his lease agreement because he was selling gasoline for two cents below the retail price fixed by the company. The Court condemned consignment agreements where they serve merely as a coercive device to straight-jacket the ability of numerous small independent businessmen to engage in meaningful price competition with each other. The Court significantly took note of the imbalance in bargaining power between the large supplier and its relatively powerless nominal "consignees," whom it characterized as "small struggling competitors seeking retail gas customers." [12]

These cases clearly indicate that the Court is extremely sympathetic to competitive imbalances in your industry, and specifically, to the problems of economic coercion which retailers and dealers face on a day to day basis.

Gentleman, what is important here is not whether you are affiliated with a major company or with an independent company—or whether you are a lessee or an owner of your station. What is important, in my opinion, is your individual and collective resolve to preserve and, in some instances, to obtain business independence.

In this regard, the Commission is certainly one agency to present your pitch to. I hope I can promise you on its behalf that it will continue to try to do more than just listen.

Frankly, however, Commission resources are limited, and must spread over several fronts. And while this agency will do all it can, you can also help yourselves, as the private action cases which I have mentioned make clear. Such private relief should be taken advantage of by you in your fight against any and all trade-restraining coercive tactics. Perhaps it sounds strange for a public antitrust official to suggest that you take your business elsewhere, but the private lawsuits and threat of it can get the results which your equity demands just as well and perhaps even more effectively than public enforcement. As the Court indicated in *Simpson*, private legal action should be a permanent threat to deter anticompetitive behavior. But it cannot be unless you use it. By doing so, you will not only be helping yourself, you will be assisting the Commission in preserving a competitive economy in which we all have such a large stake.

FOOTNOTES

[1] *U.S.* v. *E. I. Du Pont de Nemours and Co.*, 353 U.S. 586 (1957).

[2] Statement by Prof. Walter Adams, April 2, 1969, Sub-committee on Antitrust and Monopoly, U.S. Senate.

[3] *Ibid.*

[4] Staff Report to the Federal Trade Commission, *Economic Report on Corporate Mergers*, Washington, U.S. Government Printing Office, 1969, p. 290.

[5] *Atlantic Co.* v. *F.T.C.*, 381 U.S. 357 (1965).

[6] *Sun Oil Company* v. *F.T.C.* 350 F. 2 624 (7th Cir. 1965).

[7] *Fortner Enterprises, Inc.* v. *United States Steel Corp.*, 394 U.S. 495 (1969).

[8] *U.S.* v. *Arnold, Schwinn & Co.*, 388 U.S. 365 (1967).

[9] *Albrecht* v. *The Herald Co.*, 390 U.S. 145 (1968).

[10] *Perkins* v. *Standard Oil Co. of California*, 395 U.S. 642 (1968).

[11] *Simpson* v. *Union Oil Company of California*, 377 U.S. 13 (1964).

[12] Ibid.

REMARKS BY PROF. LEO KANOWITZ ON THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, last week the full Senate Judiciary Committee held hearings on the proposed equal rights amendment. The most persuasive witness I had the privilege of hearing was Prof. Leo Kanowitz of the University of New Mexico Law School who succeeded in a quite convincing fashion in refuting most of the "red herrings" which have been raised by opponents of this amendment.

He predicted that passage of the equal rights amendment would be a good first step toward the goal of liberation of American women but warned that it would not be "a cure-all for the Myriad problems of sex discrimination in law."

I urge all Senators, especially those who remain unconvinced of the necessity for the equal rights amendment, to read the remarks of Professor Kanowitz. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE EQUAL RIGHTS AMENDMENT AND THE OVERTIME ILLUSION

INTRODUCTION

Mr. Chairman, I should first like to thank the Committee for inviting me to state my views on the proposed equal rights amendment to the United States Constitution. As a citizen, a lawyer, and a law professor, I have been deeply concerned for a number of years with the status of women in the United States, or more precisely, with the question of sex roles in our society—as this question has come to be more accurately designated in Sweden.

Since 1965, I have studied this question to determine the role that has and can be played with respect to it by our legal institutions. The results of those studies have recently been published in my book, *Women and the Law: The Unfinished Revolution*,[1] a copy of which I have today taken the liberty of presenting to the Chairman and Committee members.

In *Women and the Law*, I explore major aspects of the legal status of American women and analyse some of the social causes and effects of sex-based discrimination in American law. Among the subjects examined are abortion, prostitution, marriageable age, age of majority, married women's names, support obligations within the family, divorce, special criminal penalties for women, jury service rules, domiciles of married women, marital property regimes in the common law and community property states, and contracts and torts of husband and wife.

Much of the book, however, deals with the law affecting women's employment in the United States, particular attention being paid to the Equal Pay Act of 1963 and to the history and effects of the prohibition against employment sex discrimination in Title VII of the 1964 Civil Rights Act. In addition, *Women and the Law* explores in considerable detail the principles of American constitutional law affecting this area of human rights.

Footnotes at end of article.

Rather than recapitulating the contents of *Women and the Law*, or even its exposition and analysis of persisting sex-based discriminatory legal rules and official practices, I would refer the Committee to the book itself—although I am sure that many instances of such discrimination have already been brought to your attention by other witnesses. But I would take this occasion to repeat the hopes I expressed for the book in its Preface.

"Perhaps," I wrote, "an awareness of the many areas of sex-based legal discrimination, whose continued existence this book seeks to identify, will stimulate, first, courtroom and legislative attacks upon those disparities or injustices, then, a much-needed national examination of the respective roles of the sexes in every sphere of American life, and finally, the active and continuing participation of all Americans in bringing about the needed changes." [2]

My investigation in this field has persuaded me that many irrational and harmful distinctions continue to be made in the legal, political and social treatment of the sexes in our country, that the resulting injustices have impeded our development as a nation, and that they have led to much personal unhappiness for American men as well as women.

By relegating women to special tasks, by perpetuating ancient myths about the alleged physical and psychological limitations of women, we American men have subjected ourselves to an awesome burden. For the doubtful joys of feeling superior to women, we have paid a terrible price. Not only have we suffered with respect to uneven laws in the field of support obligations within the family, child support and custody awards in divorce proceedings, and the frequent lack of protective labor legislation where such legislation exists for women, but our insistence that men and only men are entitled to be society's doers and shakers has led to our dying from eight to ten years earlier, on the average, than the women of our country. Perhaps even more important is that, because of arbitrary social and legal distinctions, both men and women are often prevented from relating to one another as people, as fellow members of the human race.

So, when I speak or write of the need to erase sex-based discrimination in American law, I am moved not only by the desire to end the injustices that American men have perpetrated upon our nation's women, but to end those we have imposed upon ourselves as well.

But recognizing that sex discrimination pervades American law and that it is pernicious does not tell us how best to bring about the needed changes. It is to this question—and specifically to whether the constitutional amendments proposed in either Senate Joint Resolution 61 or in Senate Joint Resolution 231 are appropriate steps to that goal—that I would now address myself.

Before I explain my reasons, however, let me state my position on these two proposed amendments. First, I support the Equal Rights Amendment as worded in Senate Joint Resolution 61. Secondly, I oppose the amendments to that Amendment that are set forth in Senate Joint Resolution 231.

Thirdly, I should also like to discuss with this Committee what I believe is the core question in the controversy over the Amendment's desirability namely the issue of state protective labor legislation. As I shall explain, I believe that much of the discussion of this question is at cross-purposes, that it proceeds from a basic fallacy in the thinking of proponents as well as opponents, and that if it can be cleared up, the spectacle of otherwise natural allies opposing one another may disappear. Finally, I would be glad to try to respond to any questions the Committee might care to ask about other aspects of this subject.

SENATE JOINT RESOLUTION 61

Senate Joint Resolution 61, if adopted and ratified by the requisite number of state legislatures, would add a new article to the United States Constitution, to take effect one year after the date of ratification. The crucial language of that proposed new article reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

I have had occasion to consider the present desirability of such a constitutional amendment in my book, *Women and the Law*. Writing in 1969, I suggested that many proponents of the Equal Rights Amendment were mistaken in their belief that the United States Supreme Court and lower state and federal courts had in the past held existing provisions of the United States Constitution, in particular the Fifth and Fourteenth Amendments, inapplicable to women.

"The fact is," I wrote, "that the courts have not done this at all. Instead, they have generally held that existing constitutional provisions do apply to women, but that within the limits of those provisions, women in many situations constitute a class that can reasonably be subjected to separate treatment." [3]

I also suggested that the adoption of the Equal Rights Amendment would not fundamentally change the picture. "While the proposed amendment states that equality of rights shall not be abridged on account of sex," I wrote "sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function. On the other hand, under existing constitutional provisions, particular classifications of men and women that cannot be shown to be based upon function, are vulnerable to attack—as has already been demonstrated in some lower state and federal courts with respect to discriminatory laws in the realm of jury service, differences in punishment for identical crimes, right to sue for loss of consortium and the like." [4]

This latter reference was to a series of recent cases in which sex-based discriminatory legal rules had already been struck down by various courts as violating the equal protection clause of the United States Constitution's Fourteenth Amendment. (*E.g., White* v. *Crook*, 251 F. Supp. 401 (1966); *Robinson* v. *York*, 281 F. Supp. 8 (1968); *Owen* v. *Illinois Baking Corporation*, 260 F. Supp. 820 (D.C. Mich 1966); *Clem* v. *Brown*, 3 Ohio Misc. 167, 207 N.E. 2d 398 (1965) etc.)

I also suggested that "as some of these cases make their way to the Supreme Court, the Court, influenced by the reasoning of the opinions below and perhaps more responsive to the present sociological climate surrounding the question of women's legal status than it has been in the past, may drastically revise its prior approach to determining the kind and extent of official sex discrimination that is allowable."

I continue to hold these views. I believe that there is a very high degree of probability that the United States Supreme Court, when it next confronts an equal protection or due process challenge to a sex discriminatory law, will drastically modify the undifferentiated principle originally enunciated in the 1908 case of *Muller* v. *Oregon*, 208 U.S. 412 (1908) that "Sex is a valid basis for classification,"—a principle I described in *Women and the Law* as being "often repeated mechanically by the courts without regard to the purposes of the statute in question or the reasonableness of the relationship between that purpose and the sex-based classification," [5] Indeed, I suggested, "the subsequent reliance in judicial decisions upon the *Muller* language is a classic example of the misuse of precedent, of later courts being mesmerized by what an earlier court had *said* rather than what it had *done*." [6]

But if I believe that the Equal Rights Amendment would not achieve anything that could not be achieved by the courts in interpreting existing constitutional provisions, the question arises as to why I am supporting the Equal Rights Amendment at this time, especially since my position on the Amendment has heretofore wavered between mild opposition and lukewarm support. The answer is simple. Although I still believe that there is a very high degree of probability that the Supreme Court will perform as I hope and expect in this area, there is no guarantee that it will do so. Moreover, I now believe that it is necessary for all branches of government to demonstrate an unshakeable intention to eliminate every last vestige of sex-based discrimination in American law. The adoption of the Equal Rights Amendment at this time would give encouragement to the many American women and men who now see the need for substantial reform in this area. Finally, should the next few years bear out my prediction that the Court will soon begin to interpret existing constitutional provisions so as to eliminate irrational sex discrimination in the law, no harm will have been achieved by the presence of the Equal Rights Amendment. Indeed, many examples can be cited in which laws and official practices may violate more than one constitutional provision at one time.

Moreover, should the Supreme Court *not* respond as I have suggested it ought to in this area, then the need for the Equal Rights Amendment will have become manifest. The time that will have been gained by sending it on its ratification road immediately would be precious.

There is one word of caution I would add at this point, however. And that is that this Committee and Congress, if it adopts the proposed Equal Rights Amendment as I hope it will do, will make sure that the record discloses that it does not thereby intend to discourage the United States Supreme Court from interpreting existing constitutional provisions—and especially the equal protection clause of the Fourteenth Amendment—so as to eliminate every sex-based discrimination in American law that cannot be sustained by overwhelming proof of functional differences between men and women.

I say this because there is a very real danger that if this is not done, the adoption of the Amendment at this time will ultimately represent a defeat rather than a victory for those of us who seek the eradication of irrational sex-based distinctions in American law and society. In the absence of such a clarifying declaration in the legislative history the Court, when faced with an equal protection or due process challenge to a sex-discriminatory legal rule or official practice within the next few years, may be prompted to reason as follows: Since a coordinate branch of the federal government, the Congress, has deemed it necessary to adopt the Equal Rights Amendment, then it must have believed that existing constitutional provisions were inadequate to provide the needed relief in this area. Though such a view is not determinative, it is at least persuasive. As a result, deferring to Congress' apparent wishes in this respect, the Court could withhold any modification of the *Muller* principle and simply await the ratification of the Equal Rights Amendment before providing the needed relief in this area.

The problem of course is that one cannot be sure that the Equal Rights Amendment will be ratified by the requisite number of State legislatures. Even if it is eventually ratified, this may occur many years from now. In the meantime, many litigants, both men and women, seeking to prevent unreasonable discrimination based upon sex, may find that no redress is available from the courts.

I am aware of course of the decision in *Gray v. Sanders*, 372 U.S. 368, wherein the Supreme Court at page 379, invoked the Fifteenth Amendment's prohibition against voting denials based on race and the Nineteenth Amendment's similar prohibition of denials based on sex to sustain a challenge to a county-unit voting system that was based on the Fourteenth Amendment's equal protection clause. *Gray v. Sanders* is no guarantee however that the Court would act the same way under the circumstances we are presently concerned with. For one thing, *Gray* was decided *after* the ratification of the Fifteenth and Nineteenth Amendments, while the fear that I have expressed concerns the Supreme Court's response while the ratification of the proposed Equal Rights Amendment would still be pending. For another thing, the *Gray* decision did not require the Court to overrule or substantially modify any of its recent decisions. But if the Court were to do as I hope and expect it will with respect to equal protection and due process challenges to sex-based legal discrimination, it would have to drastically modify several decisions that were rendered as recently as 1961 (*Hoyt v. Florida*, 368 U.S. 57) and 1954 (Goesart v. Cleary, 335 U.S. 464).

For these reasons, I believe it is of crucial importance that this Committee and Congress, in adopting the proposed Equal Rights Amendment, make clear their hope and expectation that forthcoming decisions of the United States Supreme Court will soon transform that Amendment into a constitutional redundancy.

Finally, before moving on to the proposed amendments to the Amendment that are contained in S.J. Res. 231, let me make one more observation.

Some proponents of the Equal Rights Amendment are undoubtedly convinced that its adoption will inevitably revolutionize judicial attitudes about sex roles in our society. Some opponents of the Amendment are equally convinced that its adoption will introduce chaos, uncertainty and confusion in our law and judicial processes.

My most recent studies in this area have persuaded me that neither view is correct. I have just returned from a seven-month sabbatical leave in Europe. While there, I began an examination of law-based sex discrimination problems in France, West Germany, Switzerland, England, Denmark, and Sweden.

My study is still incomplete and it shall be some time before I shall be able to publish my conclusions. For the moment, however, I think I can say with some assurance that the experience of the West German courts in interpreting a similar constitutional provision (*"Männer und Fraunen sind gleichberechtigt,"*—translated as "Men and women are equal before the law." Art. 3, sec. 2 Constitution of the German Federal Republic) demonstrates two important points. One is that our Courts will face no extraordinary difficulties in dealing with the Amendment. The other is that the Amendment will not of itself represent a cure-all for the myriad problems of sex discrimination in law and society—although it will be a step in the right direction. For as I suggested in *Women and the Law*, even after the adoption of the Equal Rights Amendment, "the crucial factor will continue to be the responsiveness of the judiciary to the social impulse toward equality of treatment without regard to sex." [7]

But in contrast to my former position, when I believed that, for *tactical* reasons, efforts to secure passage of the Amendment ought to be abated in favor of vigorous challenges under existing constitutional provisions, I now believe, for the reasons advanced earlier in these remarks, that, provided the adequate legislative history is

Footnotes at end of article.

made, passage of the Amendment at this time could do no harm and possibly could do much good.

SENATE JOINT RESOLUTION 231

Let me now turn my attention to Senate Joint Resolution 231. That Joint Resolution, introduced as a substitute to Senate Joint Resolution 61, would change the proposed Equal Rights Amendment in several respects. First, it would place a seven-year limitation on the ratification process. Secondly, it would become effective two years after ratification rather than one year after ratification as proposed in S.J. Res. 61. But most importantly, it would qualify the basic declaration of equality contained in S.J. Res. 61 by adding this second sentence:

This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

As indicated earlier, I recommend the rejection of S.J. Res. 231.

First of all, I oppose the seven year limitation on the ratification process. Hopefully, the basic Equal Rights Amendment, as worded in S.J. Res. 61, will be ratified long before seven years have passed. But should that not be the case, I can see nothing that will be gained by imposing such a time limit—especially if, as I have suggested, the legislative history will clearly show Congress' hope and expectation that the Supreme Court will in the meantime render the Amendment unnecessary.

Second, while there is some merit to the idea that the State legislatures and Congress should be given more than one year to enact appropriate implementing legislation, a one year period would be adequate since both state and federal legislatures would have had time to prepare for their work while the ratification process was still pending.

My most severe reservations about S.J. Res. 231, however, go to the language in the second sentence of the first section that would qualify the basic declaration in favor of equal treatment in the law without regard to sex that is contained in the first sentence of that section.

I suggest that there are serious questions about the *meaning* of the second sentence. And even if the meaning of it can be ascertained, I fear that the interpretation probably intended by its sponsor would render that language objectionable to me as being incompatible with the needs of our society and the basic goal of equal treatment under law without regard to sex.

In ascertaining the meaning of the second sentence, I think it is important to note first the provision that it qualifies. That provision states, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Then comes the sentence in question which states that the Article shall not impair the validity of certain knds of laws which presently are assumed to benefit women in a variety of ways.

One possible interpretation, resulting from this juxtaposition of the two sentences, would be as follows: Since the first sentence guarantees equality of treatment without regard to sex, and since the benefits presumably flowing to women from certain laws are held inviolate in the second sentence, then the only way to achieve the equality of treatment guaranteed in the first sentence is to extend those benefits to men. Under this construction, since women's present exemption from compulsory military service is to be preserved, the constitutional command of equal treatment can be obeyed only by extending the exemption to men. This would render unconstitutional our present Selective Service law which presently applies to men only.

While, personally, I would have no objection to such a construction of this language, I wonder if this would be acceptable to the Resolution's sponsor.

A similar analysis can be offered of the remaining language of the second sentence, i.e., up to the beginning of the last clause. For, it is not only women who have an interest in laws designed to promote their health, safety, privacy, education or economic welfare. Men are equally interested in being protected by government in these areas. A reasonable reconciliation of this language with the command of the first sentence would be to read it as requiring the extension of the benefits of such laws to men. Indeed, if this is intended by this language, I could support it—although, as I will explain, the Equal Rights Amendment, as worded in S.J. Res. 61, achieves this same goal and is preferable.

The last clause of the second sentence raises some difficulties, however. It states, "or to enable them to perform their duties as homemakers or mothers." Here the extension approach is clearly not intended. Though it is possible to think of men performing the function of homemakers, it is a little difficult to conceive of them as mothers in a biological sense. Moreover, this last clause would appear to lend constitutional dignity to the social presumption that the highest, if not the sole, life's work for women is that of wife and mother.

The apparent intention of this last clause provides a key, I believe, to the probable meaning and intention of the rest of the language in the second sentence. That is, rather than intending these benefits and protections to be extended to men, the Amendment's sponsor apparently intends, by the language of the second sentence, to preserve these for women alone. Not only would this represent a nullification of the spirit and intent of the proposed Equal Rights Amendment as worded in S.J. Res. 61, but it would be a substantial step backward from the encouraging recent trend of decisions in the state courts and lower federal courts.

Even if S.J. Res. 231 is intended to embrace the possibility of extending to men certain rights, privileges and benefits of law presently enjoyed by women only, the basic fallacy in its reasoning is its apparent assumption that the unadorned Equal Rights Amendment, as worded in S.J. Res. 61, would, if adopted and ratified, deprive women of many of these rights, privileges, and benefits.

But I suggest that this need not happen at all. In *Women and the Law*, I pointed out how it would be consistent with judicial precedent for the courts, in interpreting the Fourteenth Amendment's equal protection clause in sex discrimination cases, to cure the invalid inequality by extending the benefits of particular laws of the sex (male or female) that had not previously enjoyed those benefits rather than by removing them from the one that had. That analysis, I suggested, was equally applicable with respect to the Equal Rights Amendment.

The Supreme Court's recent decision in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), I wrote had "held that a denial to illegitimate children of a right to recover for wrongful death of their mother, where her legitimate children could recover the same wrong, violated the equal protection guarantee. But the Court's remedy for such a violation was not to remove from the legitimate children the right to recover for their mother's wrongful death, but rather to extend this right to her illegitimate children."

"Even some state courts," I observed, "exercising their power to entertain federal constitutional challenges to state laws, have achieved similar results. Thus in *Clem* v. *Brown*, an Ohio Court of Common Pleas, holding that the state's rule permitting husbands but not wives to recover for loss of consortium deprives a wife of 'equal protection of the law' remedied this inequality by extending the right to wives rather than by removing it from husbands. Similarly, the decision of a federal district court in Michigan in *Owen* v. *Illinois Baking Corporation* was one more example of a . . . court curing what it regarded as a constitutionally infirm one-way consortium rule by extending the right to sue to married women.

"As long ago as 1871, the United States Supreme Court held that a state could not limit the right to sue on a cause of action created under state law so as to deprive the federal courts of the power to entertain such suits if jurisdiction was otherwise present . . . Though [this] result . . . was dictated by the requirements of Article III of the U.S. Constitution, conferring the Judicial Power upon the United States, rather than by the equal protection clause of the 14th Amendment, it is another illustration of the Court's past practice of implementing constitutional provisions by extending a state-created benefit beyond the limits intended by the state, while recognizing that the state could, if it wanted, remove the benefit from all."

This, I believe, is the spirit in which the Supreme Court, aided by the legislative history, will interpret the Equal Rights Amendment as worded in S.J. Res. 61. This, I believe, is the spirit in which the Court can and should interpret the Fourteenth Amendment's equal protection clause in forthcoming sex discrimination cases.

I would also stress that the Amendment as worded in S.J. Res. 61 empowers Congress and the States, within their respective jurisdictions, to enforce the new article by appropriate legislation. This, I suggest, is the ultimate corrective, the ultimate guarantee of social consensus with regard to decisions to extend one-way rules or abrogate them.

In sum, I believe that S.J. Res. 231 is based on an invalid assumption as to the probable effects of the Equal Rights Amendment as worded in S.J. Res. 61, and therefore recommend its rejection. Though I am absolutely certain that the sponsor of S.J. Res. 231 is as interested as I am in advancing the status of American women in law and society, he has proposed a way that I simply cannot support. The fact of the matter is that this is an extraordinarily difficult question about which reasonable men and women do differ. My hope is that, in the course of these hearings, understanding of all of us will be advanced, and that the ultimate decision is the right one.

EQUAL RIGHTS AMENDMENT, PROTECTIVE LABOR LAWS, AND THE OVERTIME ILLUSION

Finally, I should like to turn my attention to how the Equal Rights Amendment, if adopted, could work in the area that has been the subject of greatest controversy. I am referring specifically to the Amendment's effect upon the State's protective labor laws that presently apply to women only. Parenthetically, I would point out that my analysis here also applies to the effects of the equal protection clause, if and when the Supreme Court begins to interpret that clause vigorously in the sex discrimination area.

Reading the testimony presented to this Committee's Subcommittee on Constitutional Amendments during its earlier hearings this year, and the testimony presented at prior Senate committee hearings on the proposed Amendment, I am struck by what I regard as a peculiar fact. That fact is that certain groups or organizations that, according to all reasonable expectations, should be allied on the issue of equality without regard to

Footnotes at end of article.

sex are in fact divided over the desirability of the Amendment as a way of achieving that goal. I am of course speaking of the basic division between the women's organizations, who have for the most part supported the Amendment and organized labor which has, for the most part, opposed it.

By and large, representatives of organized labor have expressed a fear that, should the Amendment become part of our fundamental law, many of the protections that have been won for women workers over years of difficult struggle would be nullified. On the other hand, some supporters of the Amendment have expressed a suspicion that labor's principal motive in opposing it is to monopolize for men both jobs and other supposed benefits, which I shall soon discuss. Though this suspicion is understandable if we recall long-standing collective bargaining agreements providing substantial sex-based wage differentials for the same or similar jobs, it is not, in my opinion, an accurate reading of the motives of the Amendment's trade union opponents.

In *Women and the Law*, I quoted a 1964 statement by Congresswoman Martha Griffiths of Michigan which not only characterized organized labor's basic attitude in this area, but also pointed the way to what I believe is the ultimate solution to its knotty problems. "Some people," said Congresswoman Griffiths, "have suggested to me that labor opposes 'no discrimination on account of sex' because they feel that through the years protective legislation has been built up to safeguard the health of women. Some legislation was to safeguard the health of women, but it should have safeguarded the health of men, also." [10]

Basing my analysis upon the same principle, I suggested in *Women and the Law* how this could be done. Specifically, I demonstrated how, consistently with what had already been done in administrative and constitutional law decision, the equality of treatment required in this area could be achieved by *extending* protective laws to men rather than by removing them from women. The Equal Employment Opportunity Commission, I suggested, should pursue this approach in administering the anti-sex-discrimination provisions of Title VII of the 1964 Civil Rights Act. In areas that were beyond the jurisdictional reach of the EEOC, I urged reliance upon past judicial precedents such as those I have just referred to in my discussion of S.J. Res. 231, to achieve the same extension of those laws rather than their abrogation.

This analysis, I still believe, is a sound one. Not only has the Labor Department, in administering the Equal Pay Act of 1963, determined that where state law provides a minimum wage for women only, the Equal Pay Act entitles men in that state to the same minimum wage if they are covered by the federal law, but the EEOC also has taken the position that the benefits of state laws, presently applicable to women only—such as those requiring minimum wages, rest periods, seats at work—are required by Title VII to be extended to men. Even in those situations that are beyond the jurisdictional reach of Title VII and the Equal Pay Act, I suggested, the judicial extension technique employed in equal protection and other constitutional cases, could lead to the same results.

Moreover, these results can also be achieved under the proposed Equal Rights Amendment—especially if the legislative history disclosed that Congress intends this. The fears of some opponents of the Amendment that its adoption would nullify laws that presently protect women only is thus unfounded—since the equality of treatment required by the Amendment can be achieved by extending the benefits of those laws to men rather than removing them from women. Moreover, the failure of any court to do this can be corrected through the legislative process.

Thus, as I stated in a recent article in the *Family Law Quarterly*, "the current new concern with the legal status of women will in many respects result in improving the situation of men as well as women. Just as breakthroughs in the legal status of American blacks has benefitted other racial and ethnic 'minorities,' so the effort to provide women with equal employment opportunity can substantially improve the situation of male employees in industry and commerce." [11]

But the problem does not stop there. Essentially, I have been discussing the fate of certain protective labor laws—minimum wages, rest periods, seats at work—about which there can be little doubt that they provide valuable protections and benefits not only worth preserving for women but also worth extending to men.

But the major source of controversy concerns two types of state protective labor laws, presently applicable to women only, about which there is much confusion as to whether they in fact represent a burden or benefit. I am referring now to those state laws limiting the weights that women are permitted to lift or carry in industry, or restricting the number of hours that women may work in a day or a week.

It is with respect to these two types of laws that the extension approach begins to run into trouble. For if a state's weight-lifting limitations, presently applicable to women only, were extended to men, then, as I suggested in *Women and the Law*, "it would simply mean that certain objects would not get lifted in the course of that state's industrial life" [12] hardly a tolerable result. As for the extension of hours limitations laws, this would raise problems of another order—which I shall discuss in a moment.

Recognizing that the extension approach was not feasible in the weight-lifting area, I suggested an alternative solution. That solution was to reconcile such laws with either Title VII of the 1964 Civil Rights Act or with a constitutional requirement of equal legal treatment without regard to sex by holding that a state's weight-lifting limit for women workers "merely creates a burden of proof and of persuasion in individual women applicants to show that they can perform the work in question without harmful effects, though such work requires occasional lifting of weights in excess of those permitted by the rule. That burden could be satisfied by a certificate from a family physician or some other testing procedures." [13]

I now believe that this alternative solution was faulty in that it did not in fact conform to the equality principle, since the burden of proof and persuasion that I had proposed was applicable only to women and not to men.

A more acceptable solution, which cannot be achieved judicially but requests legislative action, is the replacement of such state statutes by others, such as the one now in force in Georgia that protects both men and women workers from being required to lift weights that could cause "strains or undue fatigue." Such a law implicitly recognizes that many individual women can, without harm, lift weights in excess of the limits previously imposed by state law, and that many individual men cannot. Thus, under the new law, people—both men and women—are protected against being required to lift weights that are excessive for them. At the same time, no artificial sex-based distinction, having the effect of depriving one sex of equal employment opportunities, is maintained.

I repeat, therefore, that with regard to state weight-lifting statutes presently applicable to women workers only, equality of treatment without regard to sex can be achieved by adopting the type of statute I have just cited.

But now let us consider what I think is the nub of the ideological controversy over the desirability of the Equal Rights Amendment. And that is the question of how the Amendment would affect those state laws which presently provide penalities for employers who permit or require their women employees to work in excess of a given number of hours in a day or in a week. Were such laws extended to cover male employees it would not, as in the case of extending weight-lifting restrictions, bring industry to a grinding halt, although it would create some dislocation and expense for management. But the fundamental difficulty in extending such laws to cover male employees is that, because of what I consider organized labor's failure to educate its membership about the problems of overtime work, it would be regarded by many male workers as the imposition of a burden and not a boon. Stated differently, were employers penalized for permitting or requiring their *male* workers to work overtime hours, many of those male workers would, in the present economic situation, regard this as a deprivation of their right to earn what they consider premium wages and not as the extension to them of a protection presently applicable to women.

Indeed, many women workers undoubtedly look upon the opportunity to work overtime from the same perspective. This, I suggest, explains much that has happened in the last few years in this area. It explains for example why all Title VII suits in the hours area have been brought by women workers seeking to invalidate state hours-limitation laws presently applying for women only. By doing so, they argue, they would, like men, be able to earn attractive overtime pay. Moreover, the elimination of the sex-based distinction in this area would also eliminate the inequality of job opportunity it creates. For many an employer has refused to hire or promote a woman employee for a job in states limiting women's working hours, claiming that the job in question ofter requires overtime work. This also explains, I suggest, the position taken by the EEOC in this area in seeking to invalidate such women-only hours-limitation laws in the states where they exist. And it explains why some states have been persuaded to repeal such laws in the past few years.

This entire trend, I submit, is deplorable and mistaken. It is simply the wrong way to achieve the desired equality of legal treatment and equality of job opportunity. It is a step backward from sensible policies toward overtime work.

"[W]ith victories like these," I wrote in a recent article, "women don't need many defeats. For success in these efforts not only removes limitations upon women's right to work extra hours . . . but also means that those women who do not wish to . . . work excessive hours—and I would suggest that they are many if not in the majority—can henceforth be *forced* to do so." [14]

The consternation these developments provoke in the breasts of trade union opponents of the Amendment is indeed understandable. But I submit that labor's own record with respect to overtime policy accounts for much of this trend. For the labor movement has permitted American workers to be lulled into a false sense of economic security by the overtime illusion—the feeling that they can attain their desired standard of living by working extra hours.

As I pointed out in *Women and the Law*, it is not uncommon for many workers to "work 48, 58, and perhaps 68 hours in a given week—a situation not unlike that prevailing at the turn of the century when organized labor was struggling to reduce the 12-hour, 6-day week to a 10-hour, 6-day week." [15] I also suggested that the requirements of time and one-half pay for overtime work under state and federal laws "were

Footnotes at end of article.

not enacted to reward workers for their willingness to work excess hours. Rather, they were designed to deter employers from requiring their employees to work such hours. The overtime rates provided for by such laws, rather than being denominated as premium rates, are therefore probably more accurately described as penalty rates, when they are viewed from the perspective of their intended objects—employers as a class. For the idea behind such provisions was that employers, faced with the prospect of having to pay one and a half times as much for each excess hour of work as they would pay for each hour of nonovertime work, would pause before requiring their employees to work such hours." [16]

But this legislative policy aimed at deterring overtime work has been distorted by certain economic facts. For one thing, as I noted in the book, "Many employers have found that it is often more economical to pay experienced workers a premium (penalty?) rate than to engage the services of inexperienced workers at straight-time rates (and to whom new fringe benefits would have to be paid) to complete a job at hand." [17] For another, I would now add that many American workers have grown to depend upon overtime work as a means of making ends meet or to improve their basic standard of living—an attitude that may make it easier to lead a trade union than if it didn't exist, but which makes little social sense.

That excess working hours *for both sexes* has for a long time been regarded as a social evil to be cured by legislation can be seen in the experience of New York at the turn of the century. But New York's efforts to place a ten-hour limit on the working hours of bakery employees of both sexes was rebuffed in 1905 by the Supreme Court in *Lochner v. New York*, 198 U.S. 45 (1905), because of its then existing notions of due process and liberty of contract. Three years later, however, the Court in *Muller v. Oregon*, 208 U.S. 412 (1908), upheld Oregon's maximum hours law for women only. As I suggested in *Women and the Law*, this sequence of judicial decisions led many states to enact hours limitations laws for women only on the theory that half a loaf was better than none—even though the Court's later decisions made it abundantly clear that the *Lochner* case would be decided differently today.

The combination of these factors suggests that it would be consistent with our nation's traditional policy toward overtime work to achieve equality of legal treatment for both sexes in the hours area by extending hours-limitations laws to men rather than by removing them from women. Among other things, such a step would provide protection for many male workers who, for a variety of reasons, prefer not to work overtime but whose refusal to do so today constitutes, even under many collective bargaining agreements, a cause for discharge.

For these reasons, I suggested in *Women and the Law* that the extension approach could be utilized in the hours-limitations field. Were this to be done, the fears of some labor opponents of the Equal Rights Amendment that these protections for women would be nullified would be without foundation. For not only would women retain this protection, but it would be extended to men as well.

But economic realities and the overtime illusion have not left us with an entirely free hand in this area. As a compromise, therefore, one designed to implement the principle of equal treatment and equality of job opportunity, I suggested the possibility of enacting on a wide scale state statutes that would embody the principle of *voluntary* overtime. "Such legislation," I wrote, "would permit both men and women to work a designated number of hours in excess of an established norm, but would provide that no employer subject to the coverage of the law would be allowed to discharge any employee for his or her refusal to work overtime." [18]

The path that is ultimately taken depends on many factors. But the point that I would stress is that the claim that the Equal Rights Amendment would nullify state protective laws in the hours-limitations area is unfounded. As I have explained, there are several ways in which the right not to work overtime—which, after all, is at the heart of the hours-limitation laws for women only—can not only be preserved for women, but can be made equally available to men. Above all, it is important for organized labor to begin to re-assess its overtime work policies. When that is done, the claim of many of us that the liberation of American women will lead to the liberation of American men as well will be understood for the truth that it is.

FOOTNOTES

[1] LEO KANOWITZ, WOMEN AND THE LAW: THE UNFINISHED REVOLUTION, University of New Mexico Press, Albuquerque, 1969.
[2] *Id.* at vii.
[3] *Id.* at 195.
[4] *Id.*
[5] *Id.* at 154.
[6] *Id.*
[7] *Id.* at 195.
[8] *Id.* at 186.
[9] *Id.* at 186–187.
[10] *Id.* at 100.
[11] KANOWITZ, *Women and the law: A Reply to Some of the Commentators*, 4 FAM. L.Q. 19, 29 (1970).
[12] KANOWITZ, WOMEN AND THE LAW at 183.
[13] *Id.* at 116–117.
[14] Kanowitz, *supra* note 11 at 28.
[15] Kanowitz, WOMEN AND THE LAW at 125.
[16] *Id.*
[17] *Id.*
[18] *Id.* at 126.

AN EXAMPLE FOR HANOI

Mr. ALLOTT. Mr. President, even desperate men occasionally bow to reason. The Arab hijackers have freed most of their prisoners. This was not a gesture of civility; the air pirates simply recognized the futility of holding their captives any longer. World opinion almost unanimously condemned these barbarous acts and when the commandos saw they had nothing to gain by continuing the atrocity, they released most of the passengers.

Hanoi should learn from this example. North Vietnam cannot forever flout world opinion. Hanoi initiated the war in the South by invading her neighbor. The invaded country resisted being conquered and called for help. America answered this call, and as a result about 1,500 American men are now prisoners of North Vietnam. The obligation of civilized society is that they be treated in accordance with the laws of war. This Hanoi refuses to do.

North Vietnam has nothing to gain by her intransigence. She should learn from the example at Dawson Field.

STILL NO ACTION FROM JUSTICE ON THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 295 days have passed since I first wrote to Attorney General Mitchell requesting an investigation of the Fitzgerald case. Fitzgerald was the Air Force cost-efficiency expert who was fired after he told Congress about the vast overruns occurring on the C–5A transport plane.

Fitzgerald was fired because he was honest with Congress. Fitzgerald was fired because he blew the whistle on waste and inefficiency in the Defense Department. Fitzgerald was fired because what he told Congress proved extremely helpful in efforts to hold down the defense budget to more reasonable levels.

In short, Fitzgerald was fired because he rendered a great public service. Naturally, this type of retaliatory action is outlawed by the United States Code. Section 1505 of title 18 makes it a crime, punishable by up to 5 years in jail, to "threaten", "intimidate", or "injure" a witness who appears before Congress on account of his testimony. There is no doubt in my mind that whoever made the decision to fire Fitzgerald violated this statute.

I have written to the Attorney General to urge him to enforce the U.S. Code. That was nearly 10 months ago. But the Justice Department does not seem disposed to take action against members of the administration.

Mr. President, is the Criminal Code for Democrats only? Are Republicans exempt? Does the Justice Department's motto—"Equal Justice Under Law"—have any meaning for this administration?

RIVERTON RECLAMATION PROJECT, CENTRAL WYOMING

Mr. HANSEN. Mr. President, September 10, 1970, was an important day for the State of Wyoming. The House of Representatives passed, with amendments, S. 434, a bill which I cosponsored to reauthorize the Riverton reclamation project in central Wyoming as a part of the Missouri River Basin project and provide for the resale of certain lands on the third division of that project. The bill has been pending before the Congress since 1967, and the House action signals the end of the struggle to revitalize this project which is so essential to economic well-being of the State of Wyoming.

The House committee amendments are minor with the exception of an amendment which rejects the credit to the Midvale Irrigation District of nearly $1½ million which it has already paid to the Federal Government to reimburse the cost of the project. I am disappointed that the House refused to go along with the Senate and credit the district with these payments. A House floor amendment insures that this project will comply with present law controlling water quality standards.

Mr. President it is a blow to any irrigation district when it is not given credit for nearly $1½ million already paid the Federal Government. However, the Midvale Irrigation District is willing to bear the burden of this cost in an effort to get action now.

The important thing at the present time is to get the bill to the President for his signature immediately in order that the land on the third division can

be put on the tax rolls of Fremont County and help to pay for schools and other governmental services in that area as well as to contribute to the economic well-being of the State.

In addition, the road will be cleared for a $12 million rehabilitation and betterment project on the first two divisions. It is essential that this work begin as soon as possible. Structures on the project built 30 to 40 years ago must be restored and thus divert the potential for disasters during the irrigation season.

Mr. President, I wish to thank my colleagues on the Committee on Interior and Insular Affairs for their understanding and hard work in seeing that this legislation was acted upon during this Congress. I also wish to recognize the hard work contributed by members of the House committee. The people that truly deserve credit today are the members of the Midvale Irrigation District who have persevered these many years to get the congressional action necessary to give this project new life.

I strongly urge the Senate to pass promptly S. 434, as amended by the House of Representatives, so that we can begin immediately to implement the provisions of the bill.

FUTURE RIDES SST

Mr BENNETT. Mr. President, in the current debate on the SST it seems that we have heard every possible argument both for and against this new plane. Regardless of the merits of these arguments, however, it should be noted that refusal to go ahead with the SST would mark one of the few times in our history that America has turned its back on a technological challenge.

When this country reached for the moon, there were seemingly insurmountable problems. Yet we said that we would place a man on the moon in 10 years, and we did so. America has come further faster than any other people in human history because we were a breed of optimists who refused to give in to short-range problems.

Now there are pessimists who say that we cannot build an SST because it will pollute our environment. But these critics do not admit the possibility that we may be able to build an SST that will not pollute the environment. They fail to remember that what seems impossible today may well be old-fashioned a decade from now.

This same point was made very well in a recent editorial in the Salt Lake Tribune. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FUTURE RIDES SST

It can be argued that modern subsonic jets get people where they want to go with all the speed necessary. So why spend billions of dollars and take additional risks of further upsetting the world's environment to build even faster planes?

That's the basic question behind the mounting debate over continuing federal financing of a prototype of an American supersonic transport plane (SST). Opponents of the 1,800 miles per hour SST have put together an impressive argument. They cite increased noise from the plane, sonic booms along its flight path, unjustified costs which will never be recovered; grave danger to the earth's upper air and even the possibility that all life could be wiped from the planet as a result of sustained SST flights.

Proponents discount these claims saying that some are exaggerated, others mere speculation unsubstantiated by evidence. Though conceding increased noise on take-off and annoyance from sonic booms they predict that in the years before the first SST flies it should be possible to neutralize or greatly reduce these drawbacks. Proponents rely heavily on the argument that it is necessary for the U.S. to retain its lead in aircraft manufacture and sales which currently is a major factor in the nation's balance of payments equation and they call attention to the fact that the Russians and the British and French working together, are already flying somewhat slower SST's with which they hope to capture the market.

Wednesday the economy in government subcommittee of Congress' Joint Economic Committee said that the SST development program should be shelved because of hidden cost burdens to both government and consumers and because of imponderable hazards to the environment. Soon the Senate will take up the debate when it considers a House approved bill to continue development of a prototype.

The subcommittee report, written mostly by longtime SST foe, Sen. William Proxmire, D-Wis., put great emphasis on the cost factor. It said there is slight chance the government, under existing contracts, would ever recoup all its investment and could even lose everything it puts into the program, a sum the subcommittee said would eventually exceed $3 billion. The subcommittee discounted the threat of British-French and Russian competition as mostly a myth.

Rep. Clarence Brown, R-Ohio, a subcommittee member who dissented from the Proxmire report, stayed closer to the basic question. He conceded there are technological and economic and environmental challenges facing the SST. But he recognized the one truth that all the others seem to shy from: supersonic transports will be built and they will be the workhorses of the future.

Rep. Brown wants tomorrow's planes to be made in America and we think he is correct. "If the Joint Economic Committee had been advising Queen Isabella," Rep. Brown observed, "we would still be in Barcelona waiting to prove the world round before daring the Atlantic."

It may be unreasonable, it may be contradictory, it may be overly expensive and it may be downright mad, but man has an uncontrollable urge to go faster and to push on. He has the technology to satisfy that urge. The United States may forever forfeit its dominance of the air age if it bucks this tide and opts out of SST competition.

ACTS TO EXTERMINATE CERTAIN GROUPS WOULD BECOME AN INTERNATIONAL CRIME UNDER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as all of us focus our attention on the crisis in the Middle East, I recall the testimony of Mrs. Hauser, before the Senate Foreign Relations Subcommittee hearings on the Genocide Convention, in which she maintained the convention would raise to a level of international crime certain acts that were designed to eliminate any ethnic, religious, or racial group within given areas. Certainly, we all are aware of the unrelenting pressure directed toward the Jews by Nazi Germany, as well as other countries today.

Therefore, it is important that we consider ratification of the Genocide Convention, which follows a "tradition of great human rights documents," and guarantees basic liberties for all people. In her excellent testimony, Mrs. Hauser, who is the U.S. Representative to the Human Rights Commission, said:

My final point, and my most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Mr. President, I ask unanimous consent that a portion of Mrs. Hauser's excellent testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

GENOCIDE TREATY FOLLOWS TRADITION OF GREAT HUMAN RIGHTS DOCUMENTS

My final point, and I really believe most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Under article I of the convention, the contracting parties confirm that:

"Genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the U.S. Bill of Rights, and the United Nations Charter, the convention is above all a statement which advances individual rights and human dignity.

The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, and still continues to be, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall never be undertaken ever again.

The great documents of human rights in our history have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American, and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents that grew out of the rebirth after World War II, among them the convention against genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the 20th century, and with one or two exceptions, from the end of the Second World War.

The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars.

Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are also steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be determined in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the U.N. Security Council or the U.N. General Assembly—for actions taken by their governments that might constitute genocide, indeed actions taken in their territory, even without official government sanction, such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now 20 years old, but it is a living and important document. Our friends are confused and our enemies are delighted at continued U.S. hesitation about the convention. Adhering to the convention now would be a real step in the advancement of America's national interest.

IMPROPER EMPLOYMENT BY FORMER GOVERNMENT OFFICIALS

Mr. WILLIAMS of Delaware. Mr. President, the Washington Star of September 3, 1970, contains an article entitled "Thirty Million Dollars in Loans Backed by FHA for Teamsters Fund," written by Dick Barnes.

The article states that after the Federal Housing Administration guaranteed $30 million in loans for companies under the control of the Teamsters Union, of which James Hoffa is the convicted president, the official who approved this loan become president of a subsidiary of a corporation owned by the Teamsters Union pension fund.

This illustrates the need for the reinstatement of the law which would prohibit any Government official from accepting within a 2-year period employment with any company to which he as a Government official had rendered service.

Certainly, grave questions are raised as to the propriety of this transaction. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIRTY MILLION DOLLARS IN LOANS BACKED BY FHA FOR TEAMSTERS FUND

(By Dick Barnes)

SAN DIEGO.—The Federal Housing Administration has taken part in transactions totaling more than $30 million in the last two years involving a Teamsters Union pension fund which has often been investigated.

The government official who approved the arrangements—including one of the largest loan guarantees ever made by the FHA—since has become president of a subsidiary of a corporation partly owned by the pension fund.

The transactions, all involving the FHA's San Diego office, came to light during an Associated Press investigation.

The FHA in Washington says it does not believe it knew at the time of the transactions that they involved the Teamsters Union's Central States, Southeast and Southwest Areas Pension Fund—the nation's largest labor-management pension fund.

The transactions include:

Insuring a $6 million land development loan to a company whose stock is held by the pension fund. The guarantee constitutes 70 percent of all the loans ever made under the Title 10 federal program. It is among the 25 largest guarantees ever made by FHA under any program, the agency said.

Arranging at least $11.8 million in 3-percent-subsidized loans to San Diego corporations which, ultimately, are one-fifth owned by the pension fund.

Insuring a $3.26 million loan at market interest rates for another such corporation.

This Teamsters' pension fund, commonly called the Central States fund, has been the subject of numerous government investigations.

Teamsters President James R. Hoffa was convicted of mail fraud in connection with Central States fund dealings. A federal grand jury is probing the fund's financing of a massive Los Angeles land development project. A lengthy series of federal court trials in New York concerns alleged kickbacks paid to get fund loans.

Despite this attention from government investigators, the fund was able to benefit from FHA programs.

An FHA official in Washington said there is no prohibition against the agency dealing with a union, a union pension fund or a firm whose stock is held by either.

The San Diego transactions were approved by E. L. Tagwerker, then director of the FHA office there.

Tagwerker took early retirement in February and went to work as president of Great Western Mortgage Co., a wholly owned subsidiary of Penasquitos Inc., a land development firm. The president of Penasquitos is Irving J. Kahn, a major San Diego builder who, FHA officials said, negotiated the various loans and guarantees. Penasquitos is 20 percent owned by the Central States fund.

Asked if he had contemplated or received a job offer from Kahn while processing the loans, Tagwerker said "absolutely not."

In answer to questions, Tagwerker said: "I don't know whether FHA at that time (when the transactions were approved) knew anything about Central States, what their ownership position was. I think everybody was aware that Central States had made a loan to Penasquitos."

Leslie Carson, associate general counsel in the Department of Housing and Urban Development, said that, routinely, information on Central States ownership "would not have come to our attention in Washington. But it would be virtually impossible for anybody to certify that nobody knew about it when those transactions took place."

1970 POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE

Mr. MUSKIE. Mr. President, at its most recent annual meeting, held August 9–12, 1970, at the Lake of the Ozarks, Mo., the National Governors' Conference adopted a series of policy statements on several of the major issues confronting the Nation.

These policy positions reflect a strong consensus of thinking and attitudes among the elected chief executives of our State governments, and cover a wide range of functions in which effective Federal-State relationships play an important role. Because of their importance in providing both added insight and information on many of the issues before Congress, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE

INTRODUCTION

Policy positions on major issues facing the States and the Nation were adopted by the National Governors' Conference at its 62nd Annual Meeting held August 9-12, 1970, at the Lake of the Ozarks, Missouri.

Because these policy positions represent a significantly important consensus of the thinking and attitudes existing in the States' leadership, they are transmitted herein for your information, consideration and action, as appropriate.

In consonance with a resolution receiving unanimous support at this Conference, whenever reference is made in the policy statements to "the States," such language includes the fifty States and, when relevant, the Territories of American Samoa, Guam the Virgin Islands, and the Commonwealth of Puerto Rico.

The Conference Executive Committee ruled that the policy positions adopted at the 1969 Annual Meeting would remain in effect unless specifically amended or deleted by subsequent action.

Thus, these policy positions are the combined product of last year's Conference, the subsequent work of six standing committees, the Conference Executive Committee's review, and discussion and action at the 1970 Annual Meeting.

In addition to these policy positions, the Conference's committees and staffs have produced committee reports and analytical materials in the areas covered by the policy statements.

Additional copies of policy positions and other related materials are available from the offices of the National Governors' Conference.

ADOPTION OF A COMPREHENSIVE NATIONAL COMMUNITY DEVELOPMENT POLICY

Congress and the Administration should develop a comprehensive National Community Development Policy with the effectuating funds, agencies and programs. The Policy should provide the means whereby federal, state and local elected officials should participate directly in the formulation of national policies and goals and the establishment of major strategies and programs for implementation of such policies and goals. The formulation and implementation of such national community development policies in coordination and consonance with state development policies is essential to achieve the objectives of balanced growth.

A National Community Development Policy should embrace the major areas and issues of concern for the quality of life within the United States. The most basic components for consideration in the formulation of this policy are policies relating to population growth and distribution and to economic development. Other components are policies relating to allocation of natural resources, agriculture, transportation, housing, human resource development, and financing and administration—all established in a

manner that will support policies concerning these two basic components.

ADOPTION OF A NATIONAL POPULATION GROWTH AND DISTRIBUTION POLICY

There should be an adoption of a National Population Growth and Distribution Policy, developed in concert with state and local planning policies, to lessen the congestion, and reduce pressure, on the already overburdened resources of our cities, to offer opportunities for the free movement of all of our citizens to realize their maximum personal potential, to match manpower and job training programs with the needs for community development and to lessen the problems of transportation, environmental decay and social service delivery that are not being adequately dealt with for today's population. Such a policy shall be consonant with a rural-urban balance of needs and regional potentials.

ADOPTION OF A NEW COMMUNITIES DEVELOPMENT POLICY

To effectuate a population growth and distribution policy there should be the adoption of a comprehensive New Communities Development Program which would include expanded communities, new-towns-in-towns and new towns as major components of a national policy designed to relieve growth stresses upon existing metropolitan areas and to promote growth in appropriate areas which have growth potential.

ADOPTION OF A NATIONAL ECONOMIC DEVELOPMENT POLICY

A National Economic Development Policy should be adopted to coordinate economic assistance measures with a national population growth and distribution policy, thereby providing the employment concentrations and economic base that will make such a policy workable, offering more efficient operating environments for industry and concentrated employment centers accessible to workers in either rural or urban areas. Such policy should provide additional incentives to private business and look to new ways that public and private interests can be combined to meet public needs.

ADOPTION OF NATIONAL AGRICULTURAL DEVELOPMENT POLICY

There should be a National Agricultural Development Policy as an integral part of a National Community Development Policy to assure the Nation it can feed itself and meet its responsibilities to other people in the world. Such a policy should reflect the importance of and a system for the preservation and maintenance of agricultural land for future supplies and as necessary habitat for wildlife, water resources and hunting and fishing, all of which are a necessary part of providing quality environment in consonance with a population growth and distribution policy. Further, this Policy should focus attention on improving agricultural production capabilities, transportation, foreign market development, processing agricultural products near the source of production and efforts aimed at developing rural America.

In addition, Congress must act on a viable farm program to assure rural America "parity of opportunity" with the rest of the Nation.

A new farm bill by Congress should be shaped to give rural producers an equal opportunity to share in the Nation's prosperity and growth as all other areas. A federal farm program should be continued by the Federal Government until the market can maintain an adequate price for producers.

A strong farm program is recognized as a deterrent to further out-migration from rural areas to crowded metropolitan centers, a necessary element for a growing economy, and vital to providing reasonable food prices for consumers while assuring a fair return for all agriculture producers.

JOINT FEDERAL-STATE EVALUATION OF RURAL DEVELOPMENT PROGRAMS

The new Office of Intergovernmental Relations, in cooperation with the appropriate federal offices and the National Governors' Conference and local government groups, should evaluate the possibilities and mechanisms for better coordination and delivery of federal and State programs in rural areas. The joint evaluation should examine and make recommendations for action on the following issues:

a. Avenues of cooperation between existing HEW, Agriculture, Commerce and HUD programs and state community development programs.

b. Restructuring of federal field operations to support and complement emerging State and local efforts for comprehensive rural development. As federal departments decentralize, they should utilize to the fullest extent possible the personnel, administrative and technical service of state and local government rather than building up federal field staff to handle delegated authorities for decision-making accompanying the federal field office reorganization.

c. Recognition of state designated multi-county planning and development districts, primarily composed of local officials, as the primary delivery system for most state and federal programs in rural areas.

d. Recognition and support of several States as pilot projects for the purpose of coordinating federal and state programs into a package of rural development services.

ADOPTION OF A NATIONAL LAND DEVELOPMENT POLICY

There should be an adoption of a National Land Development Policy providing guidance as to what lands are appropriate for urban development, agricultural production, conservation and open space and recreation. Such national policies must be related to the allocation and conservation of water, air, minerals and other natural resources and be an integral part of a National Community Development Policy.

ADOPTION OF A NATIONAL HOUSING POLICY

There should be an adoption of a National Housing Policy to coordinate housing investment and construction programs with a National Community Development Policy to carry out social objectives of making a place for all social and economic groups, to take advantage of the environmental and efficiency advantages of such a policy, to provide needed governmental aids for supporting housing construction and marketing, with special support programs to assist those who cannot secure decent housing through normal channels, to make maximum use of new technologies, and to stimulate additional investment by private industry and home property owners, thus adding to the overall housing supply, and to insure the availability of sufficient long-term mortgage financing.

EXPANDING THE HOUSING MARKET

All levels of government, in cooperation with private industry, should take action to expand the market for housing production. Special attention should be given to new methods of production, technological innovation, and marketing institutions in the private sectors and to simplified and flexible state housing codes, increased subsidies for low-income housing, land aggregation and tenant relation programs in the public sector. States should assist in the aggregation of public and private land for housing purposes.

CONSOLIDATION AND COORDINATION OF FEDERAL HOUSING PROGRAMS

The Administration and Congress should undertake the immediate streamlining and coordination of federal housing programs: (1) provide for full cooperation with emerging State housing instruments; (2) phase out, merge, and consolidate the numerous federal low and moderate income housing programs and provide incentives and illustrations for program packaging and mixing; (3) substitute State certification of federal program requirements with only a post audit by HUD; and (4) provide federal operating subsidies, as are now provided to federal housing projects, to State public housing projects.

SUFFICIENT FUNDING OF THE HOUSING AND URBAN DEVELOPMENT ACT

Congress should provide sufficient funding for the Housing and Urban Development Act, especially for Section 236 Interest Reduction, Section 235 Home Ownership, Rent Supplement, Public Housing Programs, and Urban Renewal.

ADOPTION OF A POLICY ON THE MODEL CITIES PROGRAM

For a National Community Development Policy to be effective, it should include concepts for the coordinated delivery of services and financial assistance by both state and federal governments, as conceived in the Model Cities legislation. The entire effort must be a coordinated one which focuses the attention of agencies at all levels of government on specific problem areas within our municipalities.

Congress should amend the Model Cities legislation to provide for a legitimate and positive role for State Government in the operation of the program. Specifically, Section 105 of the "Model Cities and Metropolitan Development Act of 1966" should be amended to authorize the Secretary of Housing and Urban Development to make matching grants to the States to provide continuing planning, coordination, programing and technical assistance services to Model City Agencies.

In those States where the State contributes a substantial portion of the local non-federal financial share, the program should provide for State concurrence in the approval of the selection, program development and funding of all Model Cities applications.

HUD should immediately provide for State review and comment on Model City work programs and supplemental grants.

To assure balanced urban-rural growth, consideration should be given to a Model Rural Area Development program patterned after the Model Cities concept.

It is noted most of the poverty in America lies in the very urban and very rural areas of our Nation. Unless immediate steps are taken to develop the delivery system of federal, State, local, and private resources through the concept of model development areas, this gap will widen at the expense of all Americans in both the dominate urban and rural areas of the Nation.

COMPREHENSIVE STATE PLANNING AND COMMUNITY DEVELOPMENT PROGRAMS

Federal agencies should support the efforts of Governors and the appropriate State agencies designated by the Governors to begin coordinated planning of community development programs. The following specific measures should be undertaken by all federal agencies:

a. Federal administrative procedures and new legislation, where necessary, should be developed to provide financial incentives on a continuing basis to the States to "buy-in" to community development programs, specifically model cities and urban renewal. There should be increased federal provision for joint funding to encourage State efforts for the packaging of community development programs.

b. Both federal and state executives should seek sources of flexible funds for use as "glue money" in putting together and implementing coordinated development programs. At

the federal level, these funds could come from Section 701 of the Housing Act of 1954, Title VIII of the Housing Act of 1964, Title IX of the Demonstration Cities Act, from existing funds for state planning for federal programs in functional areas, or from new legislation.

c. States demonstrating a readiness to act in implementing a package of community development programs and to commit State funds should receive priority attention from federal agencies. Federal funds should also be available to encourage States to develop their own competence in community development planning and programming.

STATE PARTICIPATION IN THE RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROGRAM

HUD should immediately issue an addendum to the Urban Renewal and Neighborhood Development Program Regulations that clearly recognizes the role of positive State participation in this program for: (1) local NDP conformity to State renewal policies; (2) State services to NDP's for application preparation, planning, and implementation measures as eligible project costs; and (3) whenever State laws and requirements for renewal exceed federal requirements, that HUD will accept State certification of local compliance without any further review by HUD.

UNIFORM FEDERAL RELOCATION AND LAND ACQUISITION POLICIES

The Uniform Relocation and Land Acquisition Act of 1969 (S. 1) should be enacted as soon as possible, but with the following amendments: (1) deletion of all cut-off dates for the federal funding of the first $25,000 of relocation expenses; (2) retention of shared funding for all costs above $25,000; and (3) provision of matching grant funds to all States that create uniform statewide relocation and land acquisition policies and programs covering all public programs. The July 1, 1970, cut-off date in the Highway Act of 1968 for federal assumption of the first $25,000 in relocation costs should be deleted.

POLICY FORMULATION MECHANISMS

In order that formulation of a meaningful National Community Development Policy may be undertaken, the procedures of the Domestic Council should provide formal means for bringing the President, the Governors and local elected chief executives together on a regular basis to secure an exchange of views and information on National Domestic Policy and priorities. Further, the Council should give due consideration to the inclusion of the Governors and chief local elected officials in the regular meetings of the Council.

Representation of State and local interests among the staff must be assured.

The President will transmit to Congress his annual report and such supplementary reports as he deems necessary to advise as to progress in formulating a National Community Development Policy and suggested implementing actions.

In addition a joint congressional committee on National Community Development Policy should be instituted. It shall make a continuing study of the annual report on National Community Development and its supplements, and study ways of coordinating programs in order to further the National Policy. The legislation shall require the committee to file a report annually containing the committee's findings and recommendations. The committee may make such other reports from the time as it deems advisable. To maximize citizen participation, the committee is encouraged to hold extensive hearings.

GRANTS FOR COMPREHENSIVE PLANNING AND COORDINATION

Assistance should be provided to plan comprehensively at the interstate, regional, metropolitan and local levels; to encourage local governments to cooperate in solving area-wide problems through comprehensive planning, review, and cordination; to foster intergovernmental attacks on problems of national urban and rural development; and to establish a method for exchange of development information among local, state and federal government.

Any legislation should provide that the grants be administered through the Executive Office of the President for distribution to the States, and through them to regions, metropolitan areas, counties and localities.

REVENUE SHARING

The National Governers' Conference went on record in 1965 in support of the principle that the Federal Government share a portion of its revenue with the States, unfettered as to functions for which it is to be used. The Conference reiterates its stand on this matter, and further recommends, consistent with the criteria approved by the Conference in 1968, that a revenue sharing plan be formulated on the following basis:

(1) Congressional appropriations for revenue sharing should be made on the basis of the federal individual income tax base.

(2) Congressional appropriations for revenue sharing should be made to a trust fund established in the Treasury of the United States.

(3) The sums appropriated should be allocated among the States, based primarily on population adjusted by relative state and local tax effort. The relationship between the taxing ability and the percentage of federally-held and administered land acreage in each State should also be considered.

(4) Congress in its appropriations to the States should specify a pass-through formula to local governments. Eighty percent of the monies which are for distribution to local governments should be passed through automatically according to formula to eligible local governments; twenty percent should be passed through to eligible local governments on application of these units to the States, and should be available for programs at the local level which encourage cooperative or joint efforts of local governmental units to solve a common problem.

(5) The federal pass-through formula should provide for sharing revenue only with general purpose units of government.

(6) The allocation by formula should be made to relatively populous cities and counties based on population and the ratio between the total receipts from all taxes imposed by eligible cities or counties and the total receipts from all taxes imposed by the State and its political subdivisions. The portion of any State's allocation which would be available for local governments within the State would depend upon the portion of total tax revenue raised by the State and that raised by the eligible local units in the State. An alternative state allocation plan of distribution should be accepted if (a) each city and county receive an amount equal to or greater than that allocated by formula, or (b) city and county councils or governing bodies representing fifty percent of those entities entitled to receive at least fifty percent of payments by formula concur in the State's alternative plan.

(7) No functions should be excluded from expenditures made from shared funds.

The Executive Committee is directed to employ every means available toward the immediate and favorable enactment of revenue sharing.

TAXATION OF STATE AND LOCAL BONDS

The National Governors' Conference affirms the basic constitutional principle that neither the federal nor state governments without mutual agreement has the authority to tax the other. The Conference therefore asserts that state and local bonds issued for general governmental purposes must remain tax exempt. The Conference commends the Congress for deleting provisions from the final version of the Tax Reform Act of 1969 which would have subjected their bonds to indirect federal income taxation.

We believe that the municipal bond market will and should continue to be an important source of the capital needs of state and local governments. However, the volume of new bond issues by state and local governments will likely grow substantially in the years ahead in order to finance the increasing demands for new and expanded capital facilities. At the same time, events of the last several years show that these bond issues are particularly vulnerable to anti-inflationary monetary policies and interest rate changes. Based on these facts, the National Governors' Conference recognizes the desirability of developing constructive proposals for broadening the market for state and local bonds. Such proposals should not in any way impair the access of state and local governments to the tax-exempt market or infringe upon these governments' independence in debt financing.

INTERSTATE TAXATION OF BUSINESS

For a number of years the National Governors' Conference has expressed opposition to federal legislation which would restrict the taxing jurisdiction of the State and provide preferential tax immunity to favored multistate businesses, and has expressed full support for legislation which would give congressional approval to the enactment of the Multistate Tax Compact by the States.

This Conference now goes one step further in supporting an expanded and/or specific version of a congressional consent bill for the Multistate Tax Compact to allay expressions of concern in the Congress that the original consent bill set out only a broad statement of purpose, and to counter claims that the States were seeking a sort of blank check in the area of multistate taxation.

The Conference therefore urges Congress to enact legislation, drafted by the Advisory Commission on Intergovernmental Relations in collaboration with the Council of State Governments, which incorporates the Multistate Tax Compact and expresses congressional consent to enactment by the States of a compact substantially the same thereto, plus the following additional provisions:

(1) The three-factor formula (Uniform Division of Income for Tax Purposes Act), developed by the National Conference of Commissioners on Uniform State Laws, is made mandatory for net income taxes upon States which have not enacted the Compact by July 1, 1971;

(2) States are given jurisdiction to require collection of sales tax by sellers making interstate deliveries into a State if the seller makes regular household deliveries there; and

(3) Income taxes may be imposed on congressional salaries only by the district and State represented by the Congressman.

TAXATION OF INDUSTRIAL DEVELOPMENT BONDS

The Conference recognizes that so-called industrial development bonds have been used for non-governmental purposes. Unfortunately, federal legislation adopted in 1968 to remove the tax-exempt status of industrial development bonds erroneously included in its definition some traditional governmental functions and thus made them taxable under this legislation. The Conference reiterates its 1968 resolution urging legislation properly to redefine industrial development bonds.

NEW APPROACHES TO FEDERAL-STATE PARTNERSHIP

Since social and economic problems transcend state boundaries, States have long worked together in efforts to solve them. Most major problems today, however, also require federal cooperation and assistance.

Federal-state partnership in regional problems has taken the form of the interstate compact and the regional commission. The

Appalachian Regional Commission has successfully brought thirteen States and the Federal Government together to plan and administer programs in health, education and transportation, assisted by substantial federal bloc grants.

The expiration date in 1971 of current legislative authorization for the Appalachian Regional Commission and five other regional commissions will necessitate a review of the regional concept. As problems of underdeveloped areas and interstate-metropolitan areas become more complex, it is certain there will be an increased demand for an extension of multi-state administration of programs dealing with these and other problems. The National Governors' Conference recognizes the vital need of effective mechanisms for solving such problems. Any new national legislation should include the following basic points:

Allow the establishment of regional commissions as agreed upon by the Federal Government and the States involved;

Provide for Governors to share decision-making authority equally with federal representatives;

Make federal participation directly responsible to the President, and State participation to the Governor;

Provide adequate funds for initial planning and policy development, and adequate authorization for the future appropriations after the priorities of each commission have been determined; and

Should not be used as a substitute for revenue sharing.

FEDERAL ROLE IN STATE PLANNING

Planning has always been a vital element in the decision-making process, and in recent years must effort has been made at the federal and state levels to improve the methods by which it is done. The Federal Government has shown its concern and interest by many programs of assistance to state and local governments for planning. However, many problems have arisen: a multiplicity of planning grants with different federal requirements; uncertain funding; and no integration of plans, especially at the federal level.

The National Governors' Conference urges that:

The Congress and the Administration should take immediate action to correct the confusing, contradictory, duplicative and overlapping mass of federal requirements and definitions concerning both long-range and annual operational plans. Federal agencies should recognize the Governor as the chief state policymaker and planner responsible for the coordination of all statewide and multi-jurisdictional sub-state planning. The elected heads of local government should be recognized in the same capacity for all state and federal programs operating within their jurisdictions.

An appropriate share of the funds of each functional federal grant program should be made available to the Governor for the purpose of relating functional plans to each other, to statewide goals and policies and to local development policies. This effort should begin with HEW which has thirty-nine programs, each requiring a statewide long-range or annual operating plan.

Major federal planning assistance programs should provide for forward funding on a two or three-year basis; minimum annual funding for each State; interprogram service agreements; evaluation machinery; technical assistance, training and tuition fees as eligible project costs; and minimum standardization and coordination of federal planning definitions and requirements.

INTERGOVERNMENTAL COOPERATION ACT

The National Governors' Conference commends the Congress for passage of the Intergovernmental Cooperation Act of 1968, which among other things, provides for keeping Governors and Legislatures informed of federal grant-in-aid rules and regulations, provides a means to obtain flexibility in administration of the "single state agency" requirement, provides flexibility in state banking of federal funds, authorizes federal agencies to render technical assistance and training services to state and local governments on a reimbursable basis, and provides for federal coordination with local authorities regarding land use.

The Conference is gratified at the action of the U.S. Bureau of the Budget in providing directives for implementation of this Act through Circulars A–95, A–96 and A–97. Governors should especially note Circular A–95, which encourages the establishment of clearinghouses and review procedures through which federally aided local and regional planning and development projects can be coordinated with State activities, and projects of different state agencies can be coordinated with one another. This Circular may potentially be used to enhance the ability of the Governor to coordinate the management of state programs.

The Conference urges Congress now to extend the principles of intergovernmental cooperation by enacting legislation which would establish procedures to allow the simplification of accounting, auditing and reporting of federal assistance funds; authorize the President, subject to congressional veto, to consolidate federal assistance programs within agencies; allow joint funding simplification for the packaging of grants for the same or related programs; and provide for periodic congressional and executive review of grant programs to determine their effectiveness.

TRAINING

The growing complexity of state government programs, and of the many intergovernmental programs in which States are involved, is placing an enormous burden upon state officials and employees responsible for the over-all management and unity of state operations. Training is a necessary part of equipping these officials and these employees to carry their burdens.

The National Governors' Conference commends the Council of State Governments for strengthening its training activities: the Conference notes the successful seminar held in December of 1968 for newly-elected Governors and their aides, the continuing work of the Council and the National Association of State Budget Officers in providing policy-oriented training for budget personnel, the newly established training program for legislators and legislative staff, the recent collaboration with organizations of local officials to provide training on matters of intergovernmental concern, and the scheduled 1970 seminar for Governors'-elect and their aides. The Conference urges further intensification of these efforts.

The Intergovernmental Personnel Act now before Congress should help to strengthen state and local training programs. The Conference endorses the objectives of this Act.

CLEARINGHOUSE FOR STATE CONSULTING HELP

All Governors have on occasion needed the temporary assistance of persons from outside their state governments to bring a different perspective to policy issues as well as to bring to bear technical knowledge and experience in various fields of state government. Although private consulting firms and universities have been used to help provide this assistance, a major reservoir of talent, largely untapped, is the State Governments of the Nation. The use of this talent would be of benefit both to the State receiving help and, through broadening the experience of the personnel involved, to the State supplying the expertise.

The National Governors' Conference requests that its Secretariat establish a clearinghouse to enable States to draw upon the experience and talents in the State Governments by helping States define their problems with precision and clarity, and identifying employees in state governments who are qualified to provide effective assistance.

FEDERAL AID INFORMATION SYSTEM

The National Governors' Conference has followed with interest the development of federal aid information systems in the States. States require such a system so that detailed information on federal aid program availability, plans and performance applicable to the State can be ascertained in response to the inquiries and needs of local governments, state officials and congressmen.

The development of information systems on the availability of federal grants-in-aid points up the fact that aggressive "grantsmanship" is required to obtain all funds to which a jurisdiction is entitled. This should not be necessary. Grants should be made on the basis of need, not on the basis of ability to obtain the grant. The Federal Government should provide each State the detailed information necessary for state and local governments to make and receive approval for grant applications.

The States in turn have an obligation to plan for effective use of funds and to report periodically on financial status and program accomplishments.

FEDERAL GRANT-IN-AID APPROPRIATIONS

The National Governor's Conference acknowledges the importance of federal grants-in-aid in the financing of state and local programs. These aids now amount to nearly one-fifth the total federal domestic budget and one-fifth of total state expenditures. Aid programs have proliferated in the past several years, and now number over 100 separately funded activities.

The number of programs and the large amounts of dollars involved make imperative the proper administration of these programs so that the national objectives toward which they are aimed can be achieved. Many of the policy statements of this Conference deal with this issue with respect to individual programs. The Federal Government—the President, Congress, and the administering agencies—should work closely with state officials in developing appropriation and administrative procedures to provide maximum flexibility in carrying out program objectives and maximum certainty of federal action. Specifically, the Conference endorses the following concepts:

block grant legislation to bring together all grants relating to broad functional areas;

grant consolidation, to allow the President to combine grant programs, subject to legislative veto;

joint funding simplification, to allow federal agencies to cooperate with State requests to combine several grants in the administration of one State program;

appropriations consonant with authorizations, to provide a greater degree of certainty in the amount of funding to be expected;

advance funding for at least two years, especially for construction projects, so that the necessary contracts can be let with assurance of fulfillment; and

annual appropriations prior to start of fiscal year, to provide the States sufficient lead time for planning the program and hiring staff.

REGULATION OF INSURANCE

It is long established national policy to leave to the States the basic task of regulating the insurance industry. The States have demonstrated an ability to do a creditable job of regulation, and in the aggregate the insurance industry is well regulated.

The National Governors' Conference opposes federal legislation which would create a federal bureaucracy for the regulation of insurance, and Congress should be ever-mindful of the States' role in this important area. If corrective national legislation is

necessary, the National Governors' Conference stands ready to work with Congress to achieve positive results.

PREAMBLE

At the request of the Executive Committee, the Committee on Human Resources has reviewed the Policy Statements adopted by the Conference in 1969 in the areas of Welfare, Manpower, Health and Education.

Based on this review and on our assessment of the current domestic problems, the Committee on Human Resources reaffirms the 1969 Policy Statements. In the Committee's view those statements continue to express the priorities for domestic action which we, as Governors, believe should guide the Federal Government in the development of domestic programs.

The continuing fiscal crisis faced by the States and their localities grows more urgent and the demand for the basic human services continues to mount. Thus, prompt and effective action remains a most urgent goal of the Committee on Human Resources.

In order to keep the Human Resources policy statements attuned to current developments, the Human Resources Committee submits for adoption by the 1970 Annual meeting of the National Governors' Conference the following indicated amendment and additions to the policy statements on human resources.

WELFARE REFORM

1. Substitution, on a phased basis, of a federally financed system of welfare payments for the current federal-state program for the aged, blind, disabled, and deepndent children, and including also the general assistance programs now financed by the States themselves. Eligibility and grants would be determined by the Federal Government; the system would be state administered under federal guidelines. The system should include realistic income exemptions to provide incentives for persons to seek employment. Adequate day care for children of working mothers and an expanded federal job training program should also be assured.

2. Increase in the present levels for all payments under the Old Age Survivors Disability Insurance Program, with a minimum payment of $100 per month.

3. Transfer of the present Old Age Assistance, Aid to the Permanently and Totally Disabled and Aid to the Blind programs to the Social Security Program, with payments being made from federal general revenues to the Social Security Trust Fund to cover the increased cost.

4. Review by the Secretary of Health, Education, and Welfare of Federal regulations as to their adverse effect with respect to the following.

a. The use of the declaration system for determining welfare eligibility. Any such system, if mandated by the Federal Government, should provide the States with appropriate options and flexibility as to form and content.

b. The continuation of welfare payments during the pendency of appeal to persons whose grants are reduced or who are determined ineligible.

5. To combat hunger and malnutrition:

a. Increased federal funds for the Food Stamp Program so that welfare recipients and low-income persons in all States could be covered by the Food Stamp Program. We commend the Administration and the Congress for the action taken to date and continue to urge full funding for the Food Stamp Program.

b. Removal of existing provisions prohibiting counties and cities from participating in both the Food Stamp Program and the Federal Commodities Distribution Program.

c. Reduction of the purchase requirements for food stamps and, where necessary, provision of free stamps to welfare recipients.

d. Consideration of providing food stamps in lieu of a portion of welfare payments, subject to the approval of the recipient. We commend the Administration for its proposed amendments to the Family Assistance Act in regard to food stamps and urge their adoption.

e. Transfer of the Food Stamp Program, programs under the School Lunch Act and the Commodity Distribution Program from the Department of Agriculture to the Department of Health, Education, and Welfare. We support the Administration's proposal in regard to Food Stamps and urge its adoption by Congress. We also urge that flexibility be provided for unified state administration where desired.

f. Expansion of federal, state and local programs to provide nutrition education.

6. The Federal Government, in cooperation with the States, should work toward the development of a rational assistance system which takes into account the full impact of the total range of direct and indirect aid to the poor. Such a system should include a national eligibility policy which takes into account all sources of income and which provides for a workable work incentive.

7. The Federal Government should establish reasonable national standards of assistance with required regional or geographic differentials.

HEALTH

1. Adoption by the Federal Government of a national universal health insurance program coupled with hospital cost controls as the primary method of keeping rising health costs from preventing all people from receiving the medical care they need. Such a program should utilize the existing private enterprise medical system. Publicly paid programs such as Medicaid should be used only as a secondary program for those who have used up their insurance benefits. Medicaid should be 100 percent federally financed.

2. Adequate funding by the Federal Government of (a) the Federal Supplementary Food Program for low-income groups vulnerable to malnutrition to make selected nutritious foods available to infants, pre-school children, pregnant women and nursing mothers, and (b) programs to provide free or reduced-price lunches and breakasts through schools, summer recreational programs and day care centers to assure all children from low-income families one or two nutritious meals per day. We strongly urge that attempts to curtail the Supplementary Food Program be stopped and that instead it be further expanded to include adolescent children.

3. Expansion of federal and State programs of grants and loan payments to encourage the development and rehabilitation of health facilities particularly in low-income areas where maternal and child health care is inadequate.

4. Review of the formula for the allocation of federal funds for the construction and modernization of health facilities to assure that the funds are being devoted to meeting the Nation's most urgent needs.

5. Assurance that the allocation within a State of federal funds for the construction and modernization of the various types of health facilities be based on priorities developed by the State and be in accordance with plans developed through state comprehensive health planning.

6. Placement of responsibility for comprehensive health planning in the Office of the Assistant Secretary of Health and Scientific Affairs of the U.S. Department of Health, Education, and Welfare. Such a designation by the Secretary of HEW would be complementary to the major responsibility and reliance placed on such efforts by Governors and enhance the possibilities of achieving a federal-state "partnership" for the improvement of health services.

7. We support restoration of proposed cuts in federal funds for the Medicaid Program or assurance that steps will be taken to insure that these cuts are not merely passed back to state and local governments in the form of increased expenditures or result in reduced services for recipients.

8. Removal of ceilings on the amount of federal expenditures for Medicaid in Puerto Rico.

EDUCATION

1. Assumption by the Federal Government of far greater responsibility for the financing of education. Such increased federal financial participation should take the form of general grants to the States for educational purposes. Both the legislation and federal regulations for such a program should leave maximum flexibility to States and localities to develop programs to meet their most urgent needs. The basic purpose of such a program would be to help meet the rapidly rising basic cost of education, not to stimulate new supplementary programs. Such programs should not mandate the creation of any new state or local administrative mechanisms.

2. Adequate advance funding of existing federal programs commensurate with critical education needs.

3. Consolidation of existing federal grant-in-aid programs for education into broad functional categories, thereby increasing the ability of States and localities to design programs within broad federal policy guidelines to meet critical needs in individual States and localities.

4. Maximum administrative simplification of planning, application, allocation, accounting and reporting procedures for all consolidated grant-in-aid programs to assure that the intended purpose of consolidation of grants is not subverted through detailed administrative requirements.

5. We support the President's proposal to establish an intergovernmental commission on education broadly representative of local, state and federal officials and educational personnel to furnish guidance to the Congress, the executive branch of the Federal Government and the States, for most effective educational programs, and to continually review the goals, quality and cost of our educational system.

6. Provision in federal programs for joint federal-state-local development of standardized statistical data and other information necessary for sound analysis of educational needs and programs. Such standardized and comparable data is essential for educational planning at all levels of government. We commend the Administration for its support of this position and continue to urge adequate funding for the National Center for Educational Statistics and for state efforts to redesign and clarify state and local inputs into the National Center.

7. Immediate funding of student loan program by guarantying interest at the prime rate on student loans.

8. The Federal Government should not cut back the funding of the National Defense Education Loan.

9. We support enactment of a comprehensive program of federal support for community colleges, vocational—technical schools, and comprehensive community colleges or their equivalents. Such legislation should assure:

That any such legislation take into account the diversity of State higher and post-secondary education structures.

That community colleges be an integral part of the total higher and post-secondary education programs of the States.

That programs be administered through state agencies designated as responsible for post-secondary and higher educational planning.

That such legislation not call for the creation of new and additional competing state higher educational agencies.

MANPOWER TRAINING AND DEVELOPMENT

1. Enactment of federal legislation which would consolidate federal manpower programs, provide for flexible funding of these programs, and enable the States to coordinate all manpower training and development activities within a State.

2. Review by Governors of the state administrative structure for manpower programs to assure that each State has (a) an effective mechanism to develop a comprehensive statewide manpower plan, and (b) an agency which has the capability to administer a unified system of manpower services.

3. Establishment of a national computerized job bank which would provide information regarding available jobs and job applicants.

4. Provision for systematic review and assessment of the effectiveness of manpower programs.

5. Establishment of State Manpower Training Staffing Centers with federal financial support to assure an adequate supply of trained personnel to plan and administer manpower programs.

6. Increased efforts by States to work with private business to increase job opportunities for the disadvantaged. Specifically, Governors should work with the National Alliance of Businessmen in the development of a statewide "JOBS" program.

7. The National Governors' Conference has called for the enactment of comprehensive federal manpower legislation which would coordinate federal manpower programs. The Conference also endorses a strong State role in manpower programs so that they can be effectively coordinated. If, however, the State is to be given a major responsibility in the area of manpower, it must also be given adequate authority to meet this responsibility. Federal legislation must assure that States are allowed sufficient flexibility to develop, in close cooperation with local officials, the most effective administrative structures possible.

8. We urge an additional federal program for creating new federally financed job opportunities and related employability development and training.

NARCOTICS AND DANGEROUS SUBSTANCES

1. The National Governors' Conference recognizes the growing epidemic of drug abuse and addiction and the need for consideration of this problem by this Committee as well as the Committee on Law Enforcement, Justice, and Public Safety. It further recognizes that this problem is a national crisis and not limited to any geographic, social, or economic group. Therefore, the following steps are recommended:

Federal and state government should cooperate in the development of a coordinated attack on the narcotics and dangerous substances problem. Such an effort should include law enforcement, prevention and treatment. Toward this end, a joint federal-state coordinating committee should be established.

Prompt diplomatic action should be taken by the Federal Government to reduce the illegal importation of narcotics and other drugs.

States, in cooperation with local governments, should undertake a major public preventive education campaign involving a broad range of community resources including local schools to assure that the true nature of drugs and addiction is well-known.

A full range of treatment resources should be made available to all addicts who can benefit from it. Substantial federal financial resources should be devoted to the funding of a broad range of flexible state and local programs.

The States should join with the Federal Government in an effort to determine the basic underlying causes of the growing drug abuse problem. Such a study should examine the underlying social issues which may lead to addiction as well as the causal processes which promote initiation, continuance, termination, and relapse in drug usage.

THE STATE ROLE IN BALANCED TRANSPORTATION PLANNING AND DEVELOPMENT

The Governors of the States pledge their continued action to deal with the expanding and changing transportation needs in the decade of the Seventies.

1. We commend the U.S. Transportation Department for its development of a National Transportation Policy which centers the responsibility and power for priority decision-making in the chief executives of the States.

2. We call upon all States to study the need to develop administrative and legal mechanisms to plan, develop, finance, construct, administer and regulate the comprehensive transportation system which the citizens of our States deserve. Many States have taken such action by creating state departments of transportation.

3. We strongly endorse the continuation of the Highway Trust Fund as an inviolate source of revenue to the States. We strongly urge the early completion of the Interstate System, with funds thereafter being available to the States for the updating and renewal of our primary and secondary highways, as well as urban systems.

4. We endorse the creation of the Airport/Airways Development Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

5. We urge the creation of an Urban Mass Transportation Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

6. We urge the continuation of federal financial assistance programs dealing with railroads, waterways, and highway safety.

7. Each State should be guaranteed that its proportionate share of funds under each trust fund will not be reduced. Furthermore, the Federal Government should not be permitted to divert any trust funds.

8. The Governor, as the elected chief executive of his State, is in the best position to determine the transportation needs and priorities of his own State. Therefore, the Governor must be free from federally imposed restrictions in determining transportation priorities. Federal legislation should be amended to allow each state chief executive the flexibility to carry out the state-determined priorities and needs for transportation development. The Governor should be permitted to exercise his executive prerogatives in meeting the needs of his State by having the ability to transfer, upon a limited basis, funds among the various federal transportation trust funds and grant programs to meet his own State's priority transportation needs.

TRANSPORTATION AND THE ENVIRONMENT

The National Governors' Conference pledges a continued fight against the pollution of our environment by the wastes and by-products of our growing transportation system.

The Governors believe the following problems should be the subject of a sustained anti-pollution effort by the States and the Federal Government:

1. Air pollution caused by gasoline powered automobiles, diesel trucks, locomotives and ships, and aircraft fueled with kerosene and gasoline;

2. Water pollution caused by the spillage from vessels of untreated sewage, oil from machinery and bilges, and crude petroleum spills from tankers;

3. Land pollution caused by sewage discharge from railroad trains, by abandoned automobiles, by litter, and the scarring of landscape from removal of coal and other fuel sources;

4. Noise pollution and nuisance caused by aircraft, autos, trucks, railroad trains, and ships, and by heavy construction associated with transportation.

Perhaps in no other aspect of transportation is there a greater need for States to be free from restrictive federal pre-emption. The Governors call upon the federal government to provide effective minimum standards to protect the basic health and safety of every citizen, while leaving state governments free to deal with problems that have reached extraordinary severity, or to respond to citizen demands for a higher level of environmental quality than that which would be supported nationwide.

The Governors pledge a sustained effort to develop a combination of laws and programs which will punish pollutors of the environment, while providing incentives where necessary to those whose efforts can combat environmental decline. The Governors call upon the Federal Government to join with the States in a vast research effort to measure pollution and to apply innovative technology in discovering new sources of energy and new techniques of reducing and dispensing of wastes produced by our transportation system.

The Governors pledge increased emphasis in the design of highways and other transportation systems so that these facilities complement rather than conflict with the total environment in both its natural and man-made aspects. Further, programs for the preservation and development of historic and scenic vistas along transportation corridors should be encouraged by the reward of additional federal financial assistance for increased state and local action, rather than by the present threat contained in the Highway Beautification Act, of a ten percent penalty in highway funds.

HIGHWAYS

The National Governors' Conference supports continued development of a national, state and local network of highways, streets and roads which are well planned, coordinated, and safe. Highways will continue to be the principal mode in America's transportation system even as it becomes more flexible and balanced in the future.

The Governors urge the following action as part of the partnership between State and Federal Governments in highway construction:

1. Funds from the Highway Trust Fund should not be suspended or withheld; and we hereby request the Executive Committee to take necessary steps to provide that court action be undertaken to challenge the authority of the Executive Branch of the Federal Government to withhold distribution of Highway Trust Funds.

2. Apportionments from the Highway Trust Fund should be made as soon as possible after the 1st of July for the following fiscal year to enable the States to adequately plan their highway construction program.

3. The revolving fund within the Highway Trust Fund, set aside for the advance purchase of right-of-way, should be made available as soon as possible, and continued as a measure of economy and planning.

4. Federal fuel taxes should not be increased to the detriment of the States' ability to use the fuel tax as a source of revenue for the construction and maintenance of the highway system.

5. Primary authority for coordination, planning and flexible distribution of trust funds within the States should continue to be at the State Government level.

6. After completion of the present Interstate System, the Highway Trust Fund should be continued as part of the flexible fund described above. The basic purpose of the Highway Trust Fund in the post-Interstate period should be to strengthen the primary and secondary system, as well as urban systems. Completion of the Interstate System has linked the Nation together as never before, thereby encouraging addi-

tional travel which has placed a heavy burden on those portions of the urban primary and secondary streets and road system that are outdated and inadequate.

7. We endorse the concept of developing a system of scenic highways to allow access to national and state parks and improved recreation areas.

8. We recommend that further study be given for methods by which States can implement the provisions of the Relocation Assistance Program contained in the Federal Highway Act of 1968. Intergovernmental cooperation is needed to overcome the many legal and administrative problems created by this program.

HIGHWAY AND MOTOR VEHICLE SAFETY

The National Governors' Conference views with alarm the tragic number of preventable highway and traffic accidents. We urge the following action to strengthen the intergovernmental effort to make our streets and highways safe:

1. We support the National Highway Safety Administration and commend its creation as recognition of the severity of this problem, and the need for a coordinated attack upon the causes of highway deaths and injuries.

2. The Congress should give its full support to the highway safety program by appropriating the funds necessary to accomplish the mandate of the National Highway Safety Act.

3. The Congress should amend the Act so that funds for highway safety will be allocated in a bloc grant directly to the appropriate state agency designated by the Governor.

4. An incentive program should be developed to reward States with progressive highway safety programs. This would replace the present ten percent penalty clause in the Act.

5. The President should seek the advice and consent of the Governors when selecting representation from individual States for his National Highway Safety Advisory Committee.

6. There should be greater coordination of research conducted by the National Highway Safety Administration, the States and private industry. The Bureau should act as a clearinghouse and information source for such an exchange of information. The Administration should consult with the vehicle equipment safety commissioners of the States when determining minimum standards for vehicle equipment, and should design standards which are sufficiently flexible to permit States to impose additional requirements where conditions warrant.

7. The Bureau should work with the Governors in encouraging the efforts of the private sector in each State to develop public awareness of highway safety.

AIRPORT DEVELOPMENT

The States pioneered in the development of comprehensive airport plans and construction of aviation facilities. Following World War II, cities, counties, and public authorities began the construction of large airport facilities, using excess military airports. In 1946 the Federal Government for the first time began a program of limited financial assistance for airport construction. Forty-eight States have state aviation agencies with varying responsibilities. Twenty-five States own and operate more than 700 airports. Forty-three States have budgeted nearly $180 million for fiscal year 1970 for airport development.

Despite this considerable effort, the National Governors' Conference expresses its great concern over the growing over-loading of our national airways and airport system to meet the air transportation needs of the United States. We commend the Congress for enacting a major new program of financial assistance for airport development. However, this initial step must be supported by the following additional action:

1. Federal legislation imposing new or increased taxes and user charges, particularly taxes on aircraft fuel and terminal use fees, must not preempt but rather preserve the power of States and localities to collect appropriate taxes and fees to support their share of costs for airport development and improvement.

2. The development of a comprehensive National Airport System Plan should be based upon individual State Airport Systems Plans, developed in cooperation with federal and local governments.

3. Sufficient funds must be made available from the new federal legislation for airport planning activities at the state government level. We urge the Secretary of Transportation to set aside not less than one-third of all planning funds in the new Act for use solely by state aviation and planning agencies.

4. We urge all States to join the twenty-seven States which have adopted the "Uniform State Channeling of Federal Airport Funds Act" as drafted by the Federal Aviation Administration in cooperation with the Council of State Governments.

5. We urge all States to consider provisions for connecting ground transportation when preparing airport plans.

URBAN MASS TRANSPORTATION [1]

States are employing broad and varied tools to aid public transportation systems. Every State has exercised its authority to form areawide mass transit districts, and to grant them taxing authority and bonding powers. Several States are now providing direct capital grants for the construction of mass transit facilities. States are involved in providing operating subsidies, and States have used their powers of taxation and tax exemption to stimulate the development of transit service.

State action is a must because of the nature of mass transit problems. The State has the responsibility to give each urban region the attention it requires, but also a responsibility to coordinate among the individual units in that region. The State can usually help resolve conflicts between city and suburban political subdivisions.

The development of adequate, modern systems of urban mass transit is essential to the continued life of the urban areas within our States. To accomplish this purpose, the National Governors' Conference urges the following action:

1. The establishment of a National Public Transportation Trust Fund. The program should be adequately funded by the Federal Government to meet the needs of both the large urban areas requiring subway or rail transit systems, and the growing urban areas requiring bus transportation facilities.

2. The federal assistance program should provide for channeling of transportation assistance funds through an appropriate state agency. The applicant for assistance under the Act should first receive state approval certifying his proposed project as part of or consistent with a statewide or regional comprehensive transportation plan.

3. The Governor or his designee should have authority to set priorities for the funding of public transportation projects within the State, and these priorities should be honored by the Federal Department of Transportation.

4. The establishment of a major federal grant program to States for public transportation planning and development should require recipient States to have a program of tax exemption or financial assistance to public and private transit systems, a specific statewide agency responsible for public transportation development, and a statewide transportation program in progress.

5. The Congress should act to exempt public and private transit systems from the federal gasoline tax, thereby providing these systems with a form of badly needed financial relief that has already been provided at the state level in several cases.

RAILROADS

The National Governors' Conference is concerned about the decline of the railroads as a major element in the American transportation system. The railroads are essential to the continued economic role to fill in the movement of persons. To strengthen our Nation's rail system, we urge the following:

1. Federal legislation which would provide for the establishment of a national rail passenger system, with financial assistance from the Federal Government and private industry, and a significant role for the States in the determination of necessary services and facilities for a balanced rail transportation system.

2. Federal legislation to create a federal-state partnership in regulating the safety of our railroad system. We urge legislation providing for State regulation of all stationary railroad facilities including roadbeds, grade crossings, and station installation, and for federal financial assistance in this intergovernmental effort.

3. The Congress should conduct a complete investigation of present federal laws, regulations and policies now governing the railroad industry to determine what unnecessary burdens and impediments are placed upon the industry, inhibiting its adequate maintenance and development. This study should include an examination of the role and policies of the Interstate Commerce Commission and the Department of Transportation, and it should study methods for maintaining inter-city service.

4. State and local governments should completely review their laws and regulations affecting taxation of railroad property and imposition of unneeded manpower requirements. A careful study should be made of the cost burden paid by railroads for construction and maintenance of grade separations and crossings to determine an equitable method of sharing the costs between the beneficiaries.

5. We commend the Congress for its farsighted action in creating the research and development programs for railroads and high-speed ground transportation. We urge continued, adequate funding for these programs.

6. We call upon the railroad industry to recognize its responsibility to the American people to use new initiative and energy in improving passenger service. Better management techniques and creative investment of resources can strengthen this vital component of the Nation's transportation network.

WATERWAYS

The National Governors' Conference supports the establishment of national, uniform standards for safety in the manufacture and maintenance of boats. We support continued State licensing and regulation of boat operators and operations.

We recognize the growing need for ferry

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[1] Scheduled for consideration on August 10, this policy position was referred back to the Committee on Transportation, Commerce, and Technology, at the request of the Committee Chairman, to be considered in the context of revisions to policy position D.—1 which had been previously referred back to the Committee for further study and final action on August 12. Although not brought to the floor as a separate policy proposal in the Conference's final actions on August 12, it was the Committee's intent that this policy position be considered in conjunction with policy position D.—1 which was approved by the Conference. Technically, this policy position (D.—6) may be considered as policy of the Committee on Transportation, Commerce, and Technology.

boat and water surface transportation systems where these are the least expensive and most practical way of extending transportation connections. We call upon the Federal Department of Transportation to initiate an action program to give aid to those parts of the Nation in need of such water transportation development.

COMMUNICATIONS

The National Governors' Conference recommends to the Congress and to the Federal Communications Commission the full reexamination of the present allocation of the frequency spectrum.

Special attention should be given to the increasing need to allocate radio frequencies for emergency and public services. A special frequency, common throughout the Nation, should be established for emergency medical services to facilitate communications between ambulances and hospitals.

COMMERCE

The National Governors' Conference endorses development of a commercial freight rate structure which is non-discriminatory and does not promote inefficiency, and we urge Congress to undertake a study to this end.

ADMINISTRATION AND IMPLEMENTATION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(a) *Condemnation of LEAA*

The National Governors' Conference commends the administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the States in implementing the Omnibus Crime Control and Safe Streets Act of 1968. Their actions in fostering the development of qualified staff at the state level, providing wide latitude to the States in developing plans for improving the entire criminal justice system, and generally supporting the general state partnership required in a bloc grant program sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true bloc grant approach to an intergovernmental problem are noteworthy.

(b) *Fiscal policies*

The National Governors' Conference strongly urges the Congress of the United States to provide full funding for the Omnibus Crime Control Act to insure the effective accomplishment of intergovernmental crime control action in dealing with one of the Nation's most serious domestic problems. We urge uniform matching requirements for all of the programs under the Omnibus Crime Control Act, including discretionary money, at a ratio of ninety percent federal and ten percent non-federal matching.

We oppose the mandating by Congress of bloc grant funds for any specific program purpose thus limiting the States' flexibility.

We oppose the administration of bloc grant funds in so restrictive a manner as to, in effect, make them into a categorical program.

We also oppose any action by the Congress which would mandate a specific percentage of State appropriated funds to match local crime control programs.

STATE-CITY COOPERATION

The National Governors' Conference restates and reemphasizes its commitment to vigorous and effective action to control the burdening crime problem in the urban areas of our States. Recognizing that the plague of crime knows no jurisdictional boundaries, the Governors of the States pledge their active support to the comprehensive planning and intergovernmental action called for in the Omnibus Crime Control Act of 1968. The Governors are firmly committed to the need for a working partnership with elected and other policy-making officials in the counties and municipalities of our States to accelerate efforts in developing comprehensive metropolitan crime control programs and facilities. We support and encourage voluntary State assistance to local governments for criminal justice programs.

CRIMINAL CODE REVISION

The National Governors' Conference finds that one of the most critical needs in the improvement of many States' criminal justice systems in the revision, modernization and simplification of the criminal code, including a model sentencing code. The Governors of the States pledge their commitment to request the State legislatures, in cooperation with the appropriate state and local criminal justice officials and members of the bar, to review and, where necessary, revise the State criminal code immediately, and at least once each decade thereafter.

The National Governors' Conference requests that the American Bar Association, together with other national organizations of the criminal justice bar and bench, provide professional leadership by assisting the States in this code revision effort. We urge careful consideration by all States of the American Bar Association Standards for the administration of Criminal Justice.

The Governors urge the United States Department of Justice to establish a clearinghouse for state criminal code revision efforts. This office should serve only as a source of advice and information-sharing among the States.

CRIMINAL JUSTICE SYSTEMS IMPROVEMENTS

The National Governors' Conference expresses its strong commitment to the integration and cooperation of all state and local criminal control efforts into a streamlined efficient system of criminal justice administration:

A. To this end, the Governors of the States support, encourage and will pursue the following steps to aid law enforcement officials:

1. Personnel:

a. Development of minimum statewide professional standards for police recruitment, training and performance, and improvement in law enforcement officers' salaries.

b. Development of incentive or merit systems to insure recognition and advancement of those who excel.

c. Recruitment and training of staff and auxiliary service personnel to relieve the law enforcement officers from clerical and support duties.

d. Development of comprehensive law enforcement officer training programs to include operations, public administration, law, technology, available social services and human relations.

e. Encouragement of educational advancement to work-study programs, in-service training, and scholarships for full and part-time professional study.

2. Resources:

a. Development of a statewide integrated information and communication system to facilitate intergovernmental cooperation in crime control.

b. Development of statewide or regional crime laboratories.

3. Relationship to the community:

a. Programs of public support and education to improve understanding and cooperation between the citizen and the law enforcement officer, including education programs at the junior and senior high school levels, to develop understanding of the criminal justice system.

b. Increased recruitment for police service careers from among persons of all races and economic situations.

B. To this end, the Governors of the States support, encourage and will pursue the following steps to improve the judicial process:

1. Personnel:

a. Request legislation establishing statewide professional and educational standards for all judges and court administrative officials, elected or appointed, to state or local courts.

b. Establish statewide minimum salaries for all judges and court administrative officials.

c. Establish procedures for the administration of judicial conduct, discipline and retirement.

d. Institute statewide assigned counsel or defender systems, financed by the jurisdiction which has the responsibility for prosecution.

2. Organization:

a. Create unified systems with specialized branches where appropriate.

b. Urge the Congress to ratify the Interstate Agreement on Detainers on behalf of the Federal Government.

3. Procedures:

a. Improve jury selection systems by modernizing criteria for exclusion from duty, instituting better record-keeping, and increasing compensation for public service.

b. Modernize archaic court procedures in areas such as providing expanded pre-trial discovery, extending prosecution's right to appeal from pre-trial rulings suppressing evidence, and providing simple state post-conviction procedure.

c. Institute statewide procedures for promoting just and uniform sentencing.

d. Institute procedures to require counsel for a parole violator.

C. To this end, the Governors of the States encourage, support and will pursue the following steps to aid and improve the corrections system:

1. Personnel:

a. Commit additional resources to probation and parole sources to reduce the existing imbalance between institutional maintenance and field services.

b. Improve recruitment, training and retention of correctional personnel by increases in salary, scholarships for professional training and intensive in-service training programs.

c. Institute probation and parole services which make use of volunteers and some professional aides, including ex-offenders.

d. Develop improved standards and procedures for parole decision-making.

2. Institutions:

a. Establish and enforce statewide standards for jails and detention institutions.

b. Provide separate detention facilities for juveniles and women.

c. House and process persons awaiting trial separately from convicted offenders.

d. Provide separate treatment for individuals requiring specialized rehabilitation, such as narcotics addicts or alcoholics, on a regional or statewide basis.

3. Programs:

a. Development of more intensive community treatment programs as alternatives to institutionalization.

b. Upgrade basic education and vocational training for inmates, and institute programs for job development, placement, and follow-up.

c. Design all rehabilitation programs so that they improve the re-entry of offenders into the community.

d. The consolidation of the administration of state correctional programs.

e. Adoption of the Interstate Correctional Compact providing for regional and interstate cooperation for the development of correctional institutions and programs.

D. Total system needs:

Development of mandatory statistical data collection and analysis for all components of the criminal justice system including police administration, court caseload, correctional data, and expenditures by state and local governments for criminal justice institutions.

THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

The National Governors' Conference believes that any attempt to comprehensively

prevent and control juvenile delinquency calls for bold, broad, basic and new approaches including redeployment of personnel and resources.

Commitment to the task of preventing juvenile delinquency requires:

a. Commitment to long-term research and development adequate to cope with the complexity of the delinquency problem.

b. A conscious broadening of the framework within which the problems are analyzed and remedies sought. There must be a willingness to examine and challenge all traditional operations.

c. The significant involvement of youth in any community's effort to understand and prevent juvenile delinquency.

d. Coordination of private and public services to youth including character building efforts and those geared to correction and rehabilitation.

e. Focusing attention and efforts on youth at an earlier age than we have previously.

f. A careful reevaluation of the unique role of the family in American societies.

g. Realism about the cost of long-range preventive efforts.

h. Establishment of vocational schools without severe standards and criteria to give every boy and every girl an equal education in the area of high rate unemployment.

In recognition of the key role which State Governments play in the intergovernmental effort to prevent and control juvenile delinquency, the Governors of the States urge that each State undertake to provide leadership and funding for the coordination of planning and services of all state agencies which contribute to the prevention, control, and treatment of juvenile delinquency. Such coordination should encompass the States' effort under the Omnibus Crime Control and Safe Streets Act. Each State should emphasize and strengthen its commitment to programs designed to prevent delinquency, giving particular emphasis to home and school-centered programs aimed at youth who are in danger of becoming delinquent.

Because of the seriousness of the problem of juvenile delinquency and the need for major governmental action, the National Governors' Conference expresses its concern with the Juvenile Delinquency Prevention and Control Act of 1968. We find that it is poorly drafted as enacted, that it is inadequately funded, and that its administration is not properly coordinated with that of the Omnibus Crime Control Act. We urge that the Congress of the United States amend the Crime Control Act to provide for the transfer of the responsibility for administration of Title I of the Juvenile Delinquency Prevention and Control Act to the Law Enforcement Assistance Administration.

ORGANIZED CRIME

The National Governors' Conference pledges full support and cooperation in the intergovernmental war on organized crime. To this end, the Governors of the States recommend the following actions by federal, state and local authorities:

a. Enactment of general witness immunity statutes at federal and state levels.

b. Formation of organized crime intelligence units in the offices of appropriate state agencies designated by the Governor and in local law enforcement agencies.

c. The continuation of federal technical assistance and training programs designed to assist in the development of competent staff for state and local jurisdictions, and the funding of federal assistance for development of state intelligence systems.

d. The creation and financing of state level programs to investigate the problems of organized crime, including the infiltration by crime syndicates into legitimate businesses and state and local governments, by focusing public attention upon the problem by means of crime commissions and grand jury investigations.

e. The drafting and publication by the Suggested State Legislation Committee of the Council of State Governments of a Model State Corrupt Business Practices Act to aid States in preventing the infiltration and takeover of legitimate businesses by organized crime forces. Such a proposed law should include provisions for cancelling the State charters and licenses for any businesses so undermined.

f. The drafting and publication by the same Committee of a Model State statute to implement appropriate procedures for wiretapping and electronic surveillance and investigation by authorized law enforcement agencies, and to implement the provisions to Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

DRUG ABUSE

The National Governors' Conference is concerned with the extensive proliferation of the narcotics and drug abuse problem. Because of its multi-faceted nature and complexity, it is both proper and necessary that the problem be addressed by this Committee as well as the Committee on Human Resources. To combat the pervasive problem of narcotics and drug abuse, the Governors of the States recommend the following urgent efforts:

1. Federal and State Government should cooperate in the development of a coordinated attack on the narcotics and dangerous substances problem. Such an effort should include law enforcement, prevention, and treatment. Toward this end, a joint federal-state coordinating committee should be established.

2. Enactment by the States of the Uniform Controlled Dangerous Substances Act, as well as other drug control legislation which:

a. Grants courts and correctional authorities sufficient flexibility with user to permit individualized sentencing and treatment, and the imposition of appropriately severe sentences for pushers and sellers.

b. Requires prompt disposition of the offender's case.

c. Effectively unified all state drug control programs and coordinates all private and public efforts to control drug abuse.

3. Development of state programs for the rehabilitation and treatment of offenders requiring close supervision and control while correcting problems of drug abuse by providing alternative methods for disposition of drug users by the establishment of adequate facilities for both voluntary and involuntary admissions and for out-patient treatment programs.

4. Development of more aggressive efforts in customs and law enforcement by the Federal Government in cooperation with state officials in the border states to halt the illegal importation and smuggling of drugs, narcotics, and other dangerous substances. The Federal Government should simultaneously undertake efforts at the diplomatic level to achieve this purpose.

5. The enactment by the Congress of the proposed Controlled Dangerous Substances Act of 1970, as proposed by the U.S. Department of Justice.

6. The enactment of interstate compacts to further cooperation among the States in the control of drug and narcotics abuses.

THE CRISIS OF UNREST

The National Governors' Conference recognizes and supports the historic and constitutional right of all citizens to dissent from public policies, and to seek to change such policies through public assembly, and through the peaceful expression and exchange of views.

Violence and disorder are not justified in a democratic society. We condemn lawlessness on all sides, be it by those who dissent from public policies, those who support them, or those who are called upon to keep or restore the peace. We affirm that the first responsibility of the peace-keepers is to protect the safety and lives of all those involved; however, we recognize also the correlative right of the peace-keepers in the discharge of this responsibility to use such force as may be necessary for their own self-protection.

We believe that change in a democratic society must be achieved through the calm and reasonable exchange of views. And to that end we urge greater dialogue and understanding among all segments of our society so that we might prevent the polarization of views, and the escalation of differences to the point of violence.

On the campus, we believe that the faculty and administration have the primary responsibility for the prevention of disorder and the preservation of the tranquility of the learning community. But we also affirm the right and responsibility of the State to act to restore peace both on the campus and in the larger community when other means have been tried and have failed.

We also pledge our efforts toward the constant renewal and revitalization of the institutions of our society . . . not only in education but in government and business as well . . . to prevent them from becoming impersonal toward the citizen, neglectful of the society, and brittle or unresponsive to each generation of Americans.

FIREARMS CONTROL

The National Governors' Conference, recognizing the varying requirements for firearms legislation in each State, recommends and will pursue legislative enactment of:

1. Federal and State laws controlling the transportation and possession of military-type firearms and ordnance, other than small arms.

2. State laws prohibiting certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of substantial mental disturbance, and persons convicted of felonies, from buying, owning, or possessing firearms.

NATIONAL GOALS ARE NEEDED

There is a need for the President and Congress to set national goals in the fields of ecology, environment, conservation, and population. It would simplify the direction of state and local efforts if they could mesh their goals with national goals. These goals should stand out as signal flags on the halyards of our ship of state so that all could see them and understand them.

STRONG STATES IN THE FEDERAL SYSTEM ARE NEEDED

There must be a constant recognition of the need to place as much responsibility as possible in planning and action at the state and local levels, including such action that might necessitate interstate compacts. The unique abilities of State and local government to recognize priorities at the grass roots level should be respected and understood by the Federal Government. State governments should be permitted to set higher minimum standards than the Federal Government in the fields of environmental management and conservation.

The States need as much flexibility as possible in adjusting state and local programs to those needs unique to the area, economy, etc. Therefore, the bloc grant approach to federal planning and action funds disbursement is preferred over categorical grants.

MORE RELEVANT EDUCATIONAL EFFORTS IN ENVIRONMENT, CONSERVATION, AND POPULATION ARE NEEDED

We must recognize the urgent need for the teaching of environment, conservation, and population as a major basic educational requirement in primary, secondary, and higher education. Curricula of traditional offerings at all levels of education need to be ex-

amined for their relevance to the rapidly changing conditions of environment, natural resources, and population.

The competition for students' attention to a wide range of study matter should not be allowed to prevent a full understanding of the natural forces at play on this planet. Too often in the past, students have not been adequately taught the subjects of environment, conservation, and population, and have not learned the interrelationship of these subjects. Yet failure to understand this relationship could possibly spell mankind's doom if informed action based on knowledge is not taken by the public.

States should require a constant updating of educational curricula in order to strengthen the offerings in environment, conservation, and population.

A NATIONAL VOLUNTARY POPULATION DISTRIBUTION POLICY IS NEEDED

The United States needs to develop a national policy on voluntary population distribution. It is now projected that the population of the United States will rise from 200 million people at present to more than 300 million people by the year 2000.

Our Nation has practiced population distribution incentives in the past through such devices as the Homestead Act. A new and fresh approach to population distribution at the present time is needed.

The social and economic problems of overpopulated areas include ghettos; poverty; mass transit demands; overloaded educational, health, and recreational services; pollution of air and water; increased crime; and a growing level of individual frustration and nervous tensions.

On the other hand, underpopulated areas are suffering high economic and social costs as well. These costs are brought on by an inadequate tax base and too few people to support necessary institutions on a community basis such as schools, churches, hospitals, recreational areas, etc.

Environmental management and conservation become excessively costly because of the severe population imbalance between the overpopulated States and those which are underpopulated.

The Federal Government, through its inadvertent and uncoordinated planning and programs, is one of the major factors in creating population imbalance.

There are remedies that should be attempted to alleviate population imbalance. Subsidized low interest rates could be offered on loans for industrial expansion in under populated areas. Manpower training programs to assure an employee supply to industries which would expand outside of congested areas could be implemented. A revamping of the Interstate Commerce Commission freight rates, which now make economic expansion virtually impossible in some underpopulated areas, could be adjusted to permit industrial expansion in underdeveloped areas.

Federal tax incentives might be given to industries that locate away from overpopulated areas. Special federal grant programs to strengthen the desirability of living in underpopulated areas might be made. Grants for educational, health and recreational services necessary in order to attract people to live in areas now considered underpopulated would lessen the cost and burden of trying to provide these same services to the same people if these people are attracted to densely populated areas.

NATIONAL AND STATE COASTAL ZONE POLICY PLANNING AND MANAGEMENT ARE NEEDED

A. National coastal zone management

The coastal zone presents one of the most perplexing environmental management challenges. The thirty-one States which border on the oceans and the Great Lakes contain seventy-five percent of our Nation's population. The pressures of population and economic development threaten to overwhelm the balanced and best use of the invaluable and irreplaceable coastal resources in natural, economic, and aesthetic terms.

To resolve these pressures, two actions are required. First, an administrative and legal framework must be developed to promote balance among coastal activities based on scientific, economic, and social considerations. This would entail mediating the differences between conflicting uses and overlapping political jurisdictions.

Second, efforts must be made to gain additional knowledge of the nature of the coastal zoning and the multiple effects that different uses would have upon our environment.

States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and water of the coastal zone. Local government cannot be expected to cope with the broad spectrum of interrelated coastal problems, nor can local political subdivisions be expected to make their judgments consistent with those of many interlocking political jurisdictions.

Coastal states, because of unique conditions existing along their shorelines, have advantages in coping with coastal zone planning and management that the Federal Government does not have. The Federal Government, however, should establish incentives and assistance to help the coastal states prepare plans and action.

The ultimate success of a coastal management program will depend on the effective cooperation of federal, state, regional, and local agencies. At the federal level, this would require the development of goals and an administrative framework which would avoid the existing duplication, conflict, and piecemeal approach that is too often typical of federal planning assistance programs. Any federal legislation which attempts to establish a coastal program must allow States the necessary flexibility for creating management instruments most suited to their specific conditions.

Basic to a coastal management program are the funds necessary to plan and take action. The requirements for coastal zoning management are so urgently needed in the Nation's interest that federal monies must be made available to the States at a level which will not only provide incentive, but will allow an adequate program to be developed based on federal, state and local participation.

Any attempt to diminish the federal financial participation or to shift the burden to the States will result in irreparable delay and inadequacy in bringing under control the serious coastal environment and natural resource conservation problems.

B. Coastal States organization

In recognition of the need for preserving the invaluable and irreplaceable marine resources of the Nation, and in response to the National Governors' Conference, policy statement calling for the formation of a maritime states organization to pursue those ends, the Coastal States Organization was established.

Among its responsibilities, the Organization will:

(a) contribute to the development of common policy regarding national coastal zone management legislation and programs, and serve as spokesman for the maritime states, territories, and trust territories on marine and coastal affairs;

(b) provide mutual assistance in solving common State and intermarine resource problems; and

(c) serve as a clearinghouse for information relative to marine activities of the member States.

In affirmation of the responsibilities and powers of the States in the management of marine and coastal affairs, and in recognition of the purpose of the Coastal States Organization to further these goals, the Governors urge all eligible States to become members of the Organization, and encourage the full cooperation of all States, inland as well as coastal, in the efforts of the Organization.

A CHANGE IN NATIONAL ATTITUDES TOWARD NON-REPLACEABLE NATURAL RESOURCES IS NEEDED

There is a growing need to establish a new attitude in America among consumers which differentiates between quality of living and standards of living, as well as quantitative consumption and quality of life.

For example, we should examine the wisdom of our present system of reduced electric power rates as a reward for heavy consumption when that consumption might be beyond the electric consumption needed for a specific business or residence.

A flat rate for an adequate amount of electric energy based on the size of family or industrial need could be established. Sharply rising rates for electric consumption above the adequate standard set would provide a penalty for that waste which does not contribute to our economy or to the quality of living.

The consumption of non-replaceable coal in the thermo-generation of electricity which is wasted does not add to the quality of life and is an example of squandering natural resources without significant benefits to mankind.

Waste of fresh water cannot be tolerated indefinitely. Less than one percent of the water on the face of the earth is potable. In the face of rising populations and per capita water use, we are faced with the need to conserve our precious water resources by eliminating unnecessary waste. Wasted water adds nothing to our quality of living.

The same principle which applies to the wasteful use of electric energy and potable water can be applied to the use of petroleum products in our automobile engines. States should consider a policy of encouraging smaller but adequate engines through sharply graduated license fees which discourage larger than necessary engines that do not contribute to the quality of living. There are far too many vehicles in use today which wastefully consume the non-replaceable crude oil resource and add unnecessary pollutants to the air.

The national attitude which equates some forms of waste with a high quality of life needs to be changed. Waste does not add to the quality of life, but in fact denies a high quality of life to future generations.

STATE LAND USE PLANNING IS NEEDED

There is an interest and need for a more efficient and comprehensive system of national and statewide land use planning and decision-making. The proliferating transportation systems, large-scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land use planning powers, and the increased size, scale and impact of private actions have created a situation in which land use management decisions of national, regional and statewide concern are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to the real concerns of a sound land use policy.

Across the Nation, a failure to conduct sound land use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services, often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to

relevant environmental and economic considerations.

The land use decisions of the Federal Government often have a tremendous impact upon the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to be formulated upon an expression of the needs and interests of state, regional, and local government, as well as those of the Federal Government. Federal land use decisions require greater participation by state and local government to insure that they are in accord with the highest and best standards of land use management and the desires and aspirations of state and local government.

The promotion of the general welfare, and to provide for the full and wise application of the resources of the Federal Government in strengthening the environmental, economic and social well-being of the people of the United States, we believe, is a continuing responsibility of the Federal Government, but should be consistent with and recognize the responsibility of state and local government for land use planning and management.

There should be undertaken the development of a national policy, to be known as the National Land-Use Policy, which shall incorporate environmental, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental and industrial growth and development on the federal lands, and shall provide a framework for development of interstate, state and local land use policy.

The National Land Use Policy should:

1. Foster the continued economic growth of all States and regions of the United States;

2. Favor patterns of land use planning, management and development which are in accord with sound environmental principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;

3. Favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental and cultural amenities are available to the American people;

4. Contribute to carrying out the federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and diversity of living styles;

5. Assist State Government to assume responsibility for major land use planning and management decisions which are of regional, interstate, and national concern;

6. Facilitate increased coordination in the administration of federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land use planning; and

7. Systematize methods for the exchange of land use, environmental and economic information in order to assist all levels of government in the development and implementation of the National Land Use Policy.

Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment and for maintaining conditions capable of supporting a quality life while providing the material means necessary to improve the national standard of living.

FULL FUNDING AND IMPLEMENTATION OF STATE COMPREHENSIVE OUTDOOR RECREATION PLANS IS NEEDED

Remaining undespoiled natural areas of wetlands, forests, plains, deserts, and mountains are being exploited and despoiled at an alarming rate. The expenditure of outdoor recreational funds should not be diverted from the urgent need to acquire and protect these natural areas.

Crash funding programs that seek to carve urban parks in the midst of urban glut are dramatic examples of inadequate planning. The overcoming of inadequate planning in the past through crash programs should not be allowed, through the monopoly of limited funds, to perpetuate inadequate planning, insufficient preservation, and too late acquisition for future generations.

Meanwhile, however, we must also recognize that these long range plans are being eroded by present and increasing pollution of our water resources.

The National Governors' Conference, therefore, calls upon the Congress and the Administration to support also the appropriation of the full 1.25 billion dollars authorized by the Congress for the construction of waste water treatment plants. Any retreat from this promised federal commitment will further delay the way when American citizens will have access to adequate supplies of unpolluted water for recreational and other uses. Further delay will also increase the construction costs involved in bringing about clear waters, and it will represent a betrayal of those States which have, through prefunding, relied on past federal promises that funds would be forthcoming by now.

Full funding and implementation of state comprehensive outdoor recreation plans and national sewage treatment plant construction programs is the best means of solving both short-run and long-run recreational problems of megalopolis.

A REVITALIZATION OF FORESTRY BY ALL OWNERSHIPS IS NEEDED

There is an urgent need to revitalize forestry efforts nationally on all ownerships. The timber supply situation has pointed up the need for strong direction by the Administration.

The future demands for lumber and forest products will provide increased competition between the many uses of a shrinking forest land base. There are presently substantial acreages of state, private and federal lands potentially capable of producing forest products, but are in need of reforesting.

Proven timber management practices could be instituted by the Forest Service and the Bureau of Land Management and other public and private forest management agencies to promote increased or high yield timber growth on existing timber-producing lands, provided funds were made available for this purpose.

The Federal and State Governments need to establish a policy to encourage reforesting of denuded publicly-owned commercial forest lands.

Existing programs need to be strengthened to offer greater inducements for private landowners to reforest their lands. A great number of public values would thus accrue, beyond those to the landowner individually. Such benefits as establishing and improving watersheds and water quality, arresting soil erosion, improving flood control and stream sedimentation, wildlife habitat and recreational opportunities would result. The increased fiber would contribute to the housing needs of a growing Nation.

NATIONAL CLEARINGHOUSE AND REGISTRATION OF CHEMICALS

Whereas, over 6,000 chemicals are released into our air, water and land; and

Whereas, there is a need to study and analyze all chemicals before they are introduced into our environment; and

Whereas, there is a need to continuously monitor all chemicals in the environment:

Now, therefore, be it resolved that the National Governors' Conference urges that a national clearinghouse be established to 1) register all chemical compounds released into our environment, 2) pre-screen each chemical as to its ecological effects prior to its introduction, and 3) continuously monitor these chemicals in our environment, and that this action by the member Governors be transmitted to the President as evidence of our sincere and genuine concern.

VIETNAM PRISONERS

The National Governors' Conference is united in expressing outraged indignation at the consistently inhumane treatment of United States soldiers held captive in North Vietnam.

Identities of prisoners are kept secret. Mail from relatives is not delivered. Representatives of internationally recognized agencies are not permitted access to prisoners. All these things are in blatant violation of the Geneva and Laos agreements.

We condemn this despicable circumstance which causes unnecessary anguish to the men, their families and friends. And we urge United States authorities and those in other civilized nations to mobilize all agencies at their disposal to correct these abominable conditions.

UNITED STATES TERRITORIES AND COMMONWEALTH OF PUERTO RICO

All policy statements of the National Governors' Conference, wherever, reference is made to "The States," or "The Fifty States," etc., shall also include where relevant the additional words "and the Territories and the Commonwealth of Puerto Rico".

PRESIDENTIAL VOTE FOR PUERTO RICO

Section 5 of the Organic Act of 1917, an Act to provide a civil government for Puerto Rico, extended American citizenship to the people of Puerto Rico. However, United States citizens residing in the Commonwealth of Puerto Rico who are eligible to vote cannot do so for President and Vice President of the United States.

Equally, residents of Puerto Rico who move to the States and who otherwise qualify as voters become eligible to vote for President and Vice President of the United States. Residents of the several States who are otherwise qualified to vote become ineligible to vote for President and Vice President of the United States if they move to Puerto Rico. Purely geographical considerations should not control the right of American citizens to vote for their President and Vice President.

Since 1917 the people of Puerto Rico, under the same obligation as citizens of a State, have served in the Armed Forces of the United States with distinction.

Considering that effective participation in the political process of the government is an integral part of American citizenship, the President of the United States and the Governor of Puerto Rico have appointed a Joint Committee to study the Presidential vote for Puerto Rico.

In view of the above, the National Governors' Conference assembled in Lake of the Ozarks, Missouri, in recognition of the contributions made to our Nation by the U.S. citizens of Puerto Rico, recommends that should they request it, the people of Puerto Rico be granted the right to vote for President and Vice President of the United States.

A copy of this statement should be transmitted to the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the Chairman of the Ad Hoc Committee on the Presidential Vote for Puerto Rico.

EARTH WEEK

Whereas, there is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

Whereas, there is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor, and civic and private organizations, to work to solve these fundamental environmental problems:

Now, therefore, be it resolved that we as Governors assist in focusing the Nation's attention on environmental problems and their solutions by declaring the third week in April "Earth Week" in our respective States and seek the broadest participation in its activities.

MERCURY CONTAMINATION STANDARDS

Mercury contamination of the Nation's streams poses danger to the health and well-being of our people and has brought forth expressions of protests and dismay from all parts of our Nation.

Approximately one-third of the States have streams which are involved with mercury contamination, thus indicating a need for corrective activity on the federal level.

The States directly involved with this grave problem have, by their respective separate actions, diligently pursued diverse courses of remedial and corrective measures, all well intentioned but lacking in uniformity so essential in interstate matters. Thus, due to the interstate nature of our streams, any corrective activity involving regulatory measures should emanate on the federal level and should afford a just and equal criteria for all of the States involved.

It is imperative that certain measurable minimum amounts of allowable mercury outflow should be established which would not constitute a health hazard to the people of America. The Federal Water Quality Administration is the appropriate agency to initiate corrective measures which would be effective and binding throughout the several States; therefore, the National Governor's Conference urges the Federal Water Quality Administration to immediately initiate action for the determination of minimum amount of mercury outflow which would not constitute a hazard to public health, and upon such determination promulgate regulations having equal application throughout the Nation sufficient to insure that such minimum mercury outflow is not exceeded and that such regulations contain appropriate enforcement provisions.

RED CROSS DISASTER RELIEF NEEDS

Whereas, the American Red Cross is the established agency for the provision of family relief in the event of disaster and catastrophe, providing assistance that is not duplicated by any public or private program; and

Whereas, the emergency relief funds of the American Red Cross have been seriously depleted by the provision of disaster relief to the victims of Hurricane Camille in Mississippi one year ago and to those who suffered in the great tornado that struck Lubbock, Texas, in May, 1970; and

Whereas, the people of Corpus Christi and of the Central Texas Gulf Coast were devastated by Hurricane Celia on Monday, August 4, 1970; and

Whereas, more than 65,000 families in this area suffered loss, 8,950 homes being destroyed, and 55,650 homes being damaged; and

Whereas, 30,000 of our fellow citizens have received emergency assistance from the American Red Cross in the form of food, clothing, temporary housing, and medical care; and

Whereas, the need is very great for additional funds to permit the American Red Cross to carry out its mission of mercy for the victims of Hurricane Celia with a minimum of $6 million being needed at once:

Now, therefore, be it resolved by the National Governors' Conference that all citizens of the United States are urged to assist the victims of Celia by making generous voluntary contributions through their local Red Cross chapters to sustain the disaster relief program thereby showing their sincere and genuine concern for their fellow men.

RESOLUTION OF APPRECIATION

The National Governors' Conference expresses its sincere gratitude to Governor and Mrs. Warren E. Hearnes, Mr. and Mrs. Gene Sally, and Mr. and Mrs. Frank J. Iuen, III, for their untiring efforts in making its 62nd Annual Meeting, August 9 to August 12, at Lake of the Ozarks, Missouri, an inspiring and memorable experience. To the very special guests, the Conference offers its heartfelt thanks for their excellent contribution and participation. To all those that took part in the thoughtful and beneficial program session, the Conference expresses deep gratitude. And to all others who helped plan and carry out the myriad array of activities, the Conference extends its appreciation and thanks for cooperation and friendly attitude exhibited by everyone involved in presenting the Annual Meeting.

The National Governors' Conference also expresses its appreciation to Governor John A. Love for his tremendous job and great leadership as Chairman.

We are grateful to Governor and Mrs. Hearnes and Governor and Mrs. Love for making this a productive and thoroughly enjoyable Conference.

We express appreciation to Charles Byrley and the staff of the National Governors' Conference and to Brevard Crihfield and his staff for the efficient and orderly manner in which this Conference has been handled.

The "Red Carpet" hospitality that was rolled out for the Governors, their families and staffs beautifully demonstrated that "Missouri *does* love company"—and we love Missouri hospitality and the Missourians who have made this Conference possible.

We further express our appreciation to the members of the news media for their extensive coverage of our deliberations and the courtesy they have shown to the Governors and their families. We appreciate their professional efforts to inform the public regarding the matters of serious concern which have been the subject of our discussions.

THE DISECONOMIES OF AIR POLLUTION

Mr. NELSON. Mr. President, the massive cloud of polluted air which hung over a large part of the east coast during the last week in July was an ominous harbinger of the type of environmental crisis which we can expect to experience with increasing frequency throughout the metropolitan regions of our country unless we are willing to make the national commitment to take the necessary steps to bring a halt to air pollution. In particular, this means a direct confrontation with the source of over 60 percent of the entire Nation's air pollution—the internal combustion engine.

The health of millions of Americans is presently being compromised by air pollution and auto emissions. These health costs are difficult to measure because human lives are involved, but Dr. Lester B. Lave and Eugene P. Seskin, of Carnegie-Mellon University of Pittsburgh, have made a dollar estimate of the quantitative effect of air pollution and human health in the lead article of the August 21 issue of Science. Also, the August 17 issue of U.S. News & World Report contains an exclusive study of that magazine's economic unit which documents in hard dollar terms the enormous pollution price tag which this country must pay each year in damage caused by air, water, and solid waste pollution.

I call the attention of the Congress to the diseconomies of air pollution and other attacks upon the environment and ask unanimous consent that the U.S. News & World Report article entitled "Pollution Price Tag: $71 Billion" and the Science article entitled "Air Pollution and Human Health" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, August 17, 1970]

POLLUTION PRICE TAG: $71 BILLION

Controversy is boiling up anew over what to do about polluted air, water and land in the U.S.—and how much the cleanup job is going to cost.

Now an authoritative study puts a price tag on the task: 71 billion dollars of new spending in the next five years.

Of that total, about 54 billions is required to clean up waterways, 13 billions to combat dirty air and 4 billions to improve methods for disposing of solid wastes.

The study, just completed by the Economic Unit of "U.S. News & World Report," notes that even 71 billions may not be enough to do the job. And it makes this additional point: Ultimately, consumers everywhere are the ones who will foot the bill, whatever it turns out to be.

Spending to save. The outlays, large as they loom, will not be money down the drain, the study points out.

Cleansing the environment actually will save the country vast sums, in addition to enhancing the quality of day-to-day living.

Polluted air costs 13.5 billions a year in property damage from soiling, corrosion and abrasion of materials. Nobody knows how many more billions should be added for healthcare bills and the loss of farm crops.

Similarly, polluted water costs the nation 12 billion dollars a year. The five-year economic loss of 60 billion is more than the estimated tab for making waterways cleaner. And improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration and dumping.

"A national obsession." Regardless of cost, it seems clear that Americans suddenly have decided it is time to tackle the environmental crisis head on.

In the words of one expert: "What for years was the concern of only a handful of scientists and conservationists suddenly has become a national obsession."

A raft of menacing developments has spurred demands for action. For example—

Major cities along the East Coast were smothered in choking smog in late July and early August.

Streams and lakes in seven States have been closed to commercial fishermen because of evidence of mercury poisoning of fish.

An oil spill, described as the worst in New England's history, smeared beaches on Cape Cod as the summer vacation season moved toward its peak.

Autos and trucks, the single biggest source of contaminated air, are coming in for heightened criticism. Fifteen States filed suit in the Supreme Court on August 5 seeking to force auto makers to produce pollution-free cars "at the earliest possible date."

If the fight against polluted air, water and solid waste is to be won, officials say, it must be waged simultaneously on all three fronts. Here, from the Economic Unit Study, is a detailed look at each aspect of the problem.

AIR POLLUTION

Just coming to light is the fact that cleaner air can save the U.S. economy about

11 billion dollars a year. That is because the expense of freshening the atmosphere is figured at 2.6 billion annually, compared with damage estimated at 13.5 billion a year.

Says John T. Middleton, Commissioner of the National Air Pollution Control Administration:

"Government and industry together are spending only millions annually to fight air pollution.

"When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 200 to 400 per cent faster in urban, industrial areas than in the countryside. Cleopatra's needle, an ancient Egyptian obelisk, has been more deeply eroded since coming to New York City 89 years ago than it was in the 3,000 years it spent in Egypt.

Farm losses caused directly by air pollution are put at 500 million dollars annually, not to mention indirect costs that have never been reckoned. For example, growth of cattle has been stunted in areas where pollution is bad.

California farmers and ranchers suffer the most from dirty air. Their losses last year alone were put at 132 millions. Half of the citrus crop was lost.

Property values are depressed in residential areas where air is dirty. A new analysis by air-pollution-control authorities compares selling prices of homes in various neighborhoods in Washington, D.C., Kansas City, and St. Louis. Homes in areas of greatest air pollution generally bring $300 to $500 less than comparable dwellings in cleaner communities.

Widespread medical surveys confirm the health hazards of polluted air. A recent study by the Albert Einstein College of Medicine in New York shows that daily mortality rises in New York City when the level of air pollution goes up. Another report, on elementary-school children living in the most heavily polluted areas of London, shows a higher incidence of respiratory disease than for children in less-polluted areas of the same city.

What causes air pollution in this country? Sources of contamination include 103 million motor vehicles, as well as factories, power plants, municipal dumps and incinerators. Toxic pollutants from all these are released into the atmosphere at a rate of 214 million tons a year—more than a ton for every American.

The National Air Pollution Control Administration lists the five worst air contaminants this way:

Carbon monoxide: 100 million tons a year. This tasteless odorless lethal gas comes largely from autos, trucks and buses. Even in small doses it affects reflexes and judgment.

Particulates: 28 million tons. These are tiny bits of solid matter, some of which are dangerous irritants. They come mainly from smokestacks.

Sulfur oxide: 33 million tons. An irritating gas, it comes mostly from the burning of coal and oil. It affects the lungs and throat and aggravates respiratory ailments.

Hydrocarbons: 32 million tons. Half originates in discharges from trucks and autos. These chemicals are a key ingredient in smog. Some hydrocarbons are suspected as cancer-producing agents in cigarettes.

Nitrogen oxide: 21 million tons. Another smog ingredient, this gas pours out of motor-vehicle tailpipes and also comes from fuel burned at stationary sources.

Says a public-health official:

"Air pollution costs each American $65 a year. For those who live in the most highly polluted areas, the cost per person, including higher medical bills, household maintenance and other expenses, can be more than $200 yearly."

Autos spew some 91 million tons of toxic gases annually into the atmosphere. The fight against this source of contamination is gaining momentum as control standards become more stringent year by year. Proposed 1975 standards call for a cut of 97 per cent in hydrocarbons and 91 per cent in carbon monoxide below the levels in 1963, when cars had no pollution-control devices.

Motorists already are beginning to shoulder the expense of cleanup of the internal-combustion engine. Pollution-control devices to meet standards through 1974 will cost the driving public an additional $48 per unit, or a total of 2.6 billion dollars. Maintenance bills for these devices will total an additional 300 million over the same period.

By 1975, when stricter standards for auto emissions are expected to become effective, the cost per unit is estimated by industry sources at $200—a total of 2 billion dollars. Motorists will pick up another 1-billion-dollar tab in higher prices for nonleaded gasoline.

Apart from autos, the next-largest amount of air pollution comes from fuels—coal, oil, gas-burned in the nation's 60 million residential heating units, 100,000 commercial and institutional heating plants, 307,000 industrial boilers and 410 power plants producing steam and electricity. All told, these sources annually pour 46 million tons of pollutants into the air. Estimated cost of control over the next five years: 4 billion dollars.

Industrial plants put some 29 million tons of toxic pollutants into the air each year. Seventeen industries, ranging from iron and steel to cement and fertilizers, are classified as "major air polluters." For some businesses, cost of upgrading facilities to cut air contamination, will be substantial.

For example, in terms of cost per $100 of sales at the factory, pollution control will cost $1.94, on average, for iron and steel mills; $2.89 for iron foundries; $3.92 for nonferrous-metal plants; 1 cent for petroleum refineries; 21 cents for grain mills and 95 cents for cement plants. Over the long run, customers probably will pay in the form of higher prices. The total bill for five years: 1.3 billions.

WATER POLLUTION

Cleaning up waterways will be a monumental and expensive task, the Economic Unit study notes. Money alone will not be enough to accomplish it. More research is needed to uncover sources of pollutants in rivers, bays and lakes.

Laments one Government official:

"Few people thought thermal water pollution, resulting from discharge of heated water from power plants, would be a problem until five or 10 years from now. All of a sudden, the issue has become urgent because of an increase in present and projected nuclear power-plant construction."

Mercury pollution is another example of a new danger just coming to public attention. Only recently have abnormal concentrations of mercury been found in major waterways.

Problems of maintaining water quality are complex. More than 500 new chemicals are developed each year. Many enter and contaminate both surface and ground water. Warns Dr. Harold Wolf of the U.S. Bureau of Water Hygiene: "For most of these new chemicals, we simply do not know what the health effects will be."

The two chief sources of water pollution are municipal sewers and industrial plants. Together they pour more than 45 trillion gallons of waste each year into U.S. waterways.

Consider the problem of inadequate sanitary sewers: about 68 per cent of the population lives in communities with sewers, but almost half the plants serving those places already are overloaded. Some 1,000 communities a year are outgrowing their treatment systems. Seven per cent of all U.S. communities provide no sewage treatment at all.

Raw municipal wastes increase the concentration of bacteria in water, decrease oxygen—this kills fish and creates odors—and promote growth of algae. Fighting the municipal-waste problem will be a continuing struggle, since loads are expected to increase by 400 per cent in the next 50 years.

Industry discharges a huge volume of toxic substances into rivers and streams. More than half comes from four major industries—papermaking, petroleum refining, organic-chemical manufacturing, and iron and steelmaking.

Sediments—washed from croplands, overgrazed pastures, highway construction and bulldozed urban developments—are the most extensive pollutants of surface waters. Cost of controlling such erosion is figured at about $1,000 per mile of new highway, and anywhere from $100 to $1,000 for a single-family home site. All told, erosion control will cost 6.8 billion dollars in the next five years.

Other major water-pollution threats include oil spills, mine drainage, runoff of fertilizers and pesticides from farms, and rubbish and sewage from ships.

SOLID WASTE

Fifty years ago, the typical American generated a bit less than 3 pounds of trash per day. The figure now is about 6 pounds, and by 1980 will rise to an estimated 8 pounds. All told, the country accounts for 3.5 billion tons of rubbish annually. Demand for throwaway containers and other hard-to-destroy convenience products is accelerating the trend.

Richard D. Vaughan, director of the Bureau of Solid Waste Management, comments: "Current disposal practices are unsatisfactory, and upgrading the present system alone will not provide a long-range solution."

The Bureau estimates that a minimum of 4.2 billion dollars in new money is needed between now and 1975 to modernize trash-collection systems, eliminate open dumps and improve incinerator capacity.

At present, solid-waste disposal follows this pattern: 46 per cent is handled by open burning, 16 per cent by incineration and 38 per cent by landfill or dumping in the sea.

These disposal methods have two major drawbacks. They contribute more than 11 million tons of pollutants to the air each year, and most of the practices are unsanitary.

Cost of cleaning up air pollution from solid-waste disposal is estimated at 325 million dollars in the five-year period covered by the Economic Unit study—or 39 cents per ton of refuse. That is relatively small in relation to the cost of the air and water-cleanup bills. It is likely to be reduced even further, because industry is finding profitable ways to reuse many products formerly discarded. Programs are under way to reclaim aluminum from cans, to salvage "one way" glass bottles, to make fertilizer from garbage and trash.

The Nixon Administration is committed to provide leadership and "seed money" to help cope with the environmental crisis. One official notes, however, that the Government is limited in how far it can go. Says this authority:

"Industries that are releasing waste products into the air or water cannot escape the responsibility for cleaning up their own pollutants. State and local governments, too, must do their share, because most programs for curbing pollution are outside the jurisdiction of federal agencies."

All in all, the effort to provide a better environment is shaping up as a job of mammoth proportions. Latest developments point to costly programs involving individuals, business and Government alike.

[From Science magazine, Aug. 21, 1970]

AIR POLLUTION AND HUMAN HEALTH

(Lester B. Lave and Eugene P. Seskin)

(NOTE.—The quantitative effect, with an estimate of the dollar benefit of pollution abatement, is considered.)

Air pollution is a problem of growing importance; public interest seems to have risen faster than the level of pollution in recent years. Presidential messages and news stories have reflected the opinion of scientists and civic leaders that pollution must be abated. This concern has manifested itself in tightened local ordinances (and, more importantly, in increased enforcement of existing ordinances), in federal legislation, and in extensive research to find ways of controlling the emission of pollutants from automobiles and smokestacks. Pollutants are natural constituents of the air. Even without man and his technology, plants, animals, and natural activity would cause some pollution. For example, animals vent carbon dioxide, volcanic action produces sulfur oxides, and wind movement insures that there will be suspended particulates; there is no possibility of removing all pollution from the air. Instead, the problem is one of balancing the need of polluters to vent residuals against the damage suffered by society as a result of the increased pollution.[1] To find an optimum level, we must know the marginal costs and marginal benefits associated with abatement. This article is focused on measuring one aspect of the benefit of pollution abatement.

Polluted air affects the health of human beings and of all animals and plants.[2] It soils and deteriorates property, impairs various production processes (for example, the widespread use of "clean rooms" is an attempt to reduce contamination from the air), raises the rate of automobile and airline accidents[3] and generally makes living things less comfortable and less happy. Some of these effects are quite definite and measurable, but most are ill-defined and difficult to measure, even conceptually. Thus, scientists still disagree on the quantitative effect of pollution on animals, plants, and materials. Some estimates of the cost of the soiling and deterioration of property have been made, but the estimates are only a step beyond guesses.[4] We conjecture that the major benefit of pollution abatement will be found in a general increase in human happiness or improvement in the "quality of life," rather than in one of the specific, more easily measurable categories. Nonetheless, the "hard" costs are real and at least theoretically measurable.

In this article we report an investigation of the effect of air pollution on human health; we characterize the problem of isolating health effects; we derive quantitative estimates of the effect of air pollution on various diseases and point out reasons for viewing some earlier estimates with caution; we discuss the economic costs of ill health; and we estimate the costs of effects attributed to air pollution.

THE EFFECT OF AIR POLLUTION ON HUMAN HEALTH

In no area of the world is the mean annual level of air pollution high enough to cause continuous acute health problems. Emitted pollutants are diluted in the atmosphere and swept away by winds, except during an inversion; then, for a period that varies from a few hours to a week or more, pollutants are trapped and the dilution process is impeded. When an inversion persists for a week or more, pollution increases substantially, and there is an accompanying increase in the death rate.

Much time has been spent in investigating short-term episodes of air pollution.[5] We are more concerned with the long-term effects of growing up in, and living in, a polluted atmosphere. Few scientists would be surprised to find that air pollution is associated with respiratory diseases of many sorts, including lung cancer and emphysema. A number of studies have established a qualitative link between air pollution and ill health.

A qualitative link, however, is of little use. To estimate the benefit of pollution abatement, we must know how the incidence of a disease varies with the level of pollution. The number of studies that allow one to infer a quantitative association is much smaller.

Quantifying the relation. Our objective is to determine the amount of morbidity and mortality for specific diseases that can be ascribed to air pollution. The state of one's health depends on factors (both present and past) such as inherited characteristics (that cause a predisposition to certain diseases), personal habits such as smoking and exercise, general physical condition, diet (including the amount of pollutants ingested with food), living conditions, urban and occupational air pollution, and water pollution.[6,7] Health is a complex matter, and it is exceedingly difficult to sort out the contributions of the various factors. In trying to determine the contribution of any single factor one must be careful neither to include spurious effects nor to conclude on the basis of a single insignificant correlation that there is no association. Laboratory experimentation is of little help in the sorting process.[8]

The model implicit in the studies we have examined is a simple linear equation wherein the mortality or morbidity rate is a linear function of the measured level of pollution and, possibly, of an additional socioeconomic variable. In only a few cases do the investigators go beyond calculating a simple or partial correlation.

A number of criticisms can be leveled at this simple model. No account is taken of possibly important factors such as occupational exposure to air pollution and personal habits. These and other factors influencing health must be uncorrelated with the level of pollution, if the estimated effect of pollution is to be an unbiased estimate. In addition, the linear form of the function is not very plausible, except insofar as one considers it a linear approximation over a small range.

Both because of the rather crude nature of the studies and because of the statistical estimation, there is a range of uncertainty concerning the quantitative effect of pollution on human health. This range is reflected in the estimate of the benefit of pollution abatement, discussed below.

Epidemiological studies. Epidemiological data are the kind of health data best adapted to the estimation of air pollution effects. These data are in the form of mortality (or morbidity) rates for a particular group, generally defined geographically.[9] For example, an analyst may try to account for variations in the mortality rate among the various census tracts in a city. While these vital statistics are tabulated by the government and so are easily available, there are problems with the accuracy of the classification of the cause of death (since few diagnoses are verified by autopsy and not all physicians take equal care in finding the cause of death). Other problems stem from unmeasured variables such as smoking habits, occupations, occupational exposure to air pollution, and genetic health factors. Whenever a variable is unmeasured, the analyst is implicitly assuming either that it is constant across groups or else that it varies randomly with respect to the level of air pollution. Since there are many unmeasured variables, one should not be surprised to discover that some studies fail to find a significant relationship or that others find a spurious one. For the same reason, one should not expect the quantitative effect to be identical across various groups, even when the relationship in each group is statistically significant.

Sample surveys are a means of gathering a more complete set of data. For example, a retrospective analysis might begin with a sample of people who died from a particular disease. Through questionnaires and interviews, the smoking habits and residence patterns of the deceased can be established. The analysis would then consist of an attempt to find the factors implicated in the death of these individuals. Two types of problems arising from such a study are the proper measurement of variables such as exposure to air pollution (there are many pollutants and many patterns of lifetime exposure) and the possible contributions of variables which still are unobserved, such as occupational hazards, socioeconomic characteristics, and personal habits.

Whatever the source of data, the investigators must rest their cases by concluding that the associations which they find are so strong that it is extremely unlikely that omitted variables could have given rise to the observed correlations; they cannot account for all possible variables.

Episodic relationships. Another method of investigating the effects of pollution involves an attempt to relate daily or weekly mortality (or morbidity) rates to indices of air pollution during the interval in question.[10] The conclusions of these studies are of limited interest, for two reasons. First, someone who is killed by an increase in air pollution is likely to be gravely ill. Air pollution is a rather subtle irritant, and it is unlikely that a healthy 25-year-old will succumb to a rise in pollution levels. Our interest should be focused on the initial cause of illness rather than on the factor that is the immediate determinant of death. Thus, morbidity data are more useful than mortality data. Second (and more important for the morbidity studies), there are many factors that affect the daily morbidity rate or daily rate of employee absences. Absence rates tend to be high on Mondays and Fridays for reasons that have nothing to do with air pollution or illness. One would expect little change in these absence rates if air pollution were reduced. Other factors, such as absence around holidays, give rise to suprious variations; this can be handled by ignoring the periods in question or by gathering enough data so that this spurious variation is averaged away. Some of these factors (such as high absence rates on Fridays and seasonal absence rates) may be correlated with variations in air pollution and no amount of data or of averaging will separate the effects. We have chosen to disregard the results of these episodic studies, with a few exceptions, cited below.

It is difficult to isolate the pollutants that have the most important effects on health on the basis of the studies we survey here. Measurement techniques have been crude, and there has been a tendency to base concentration figures on a single measurement for a large area. A more important problem is the fact that in most of these studies only a single pollutant was reported. Discovering which pollutants are most harmful is an important area, where further exploration is necessary. We have tried, nevertheless, to differentiate among pollutants in the survey that follows.[11] The problem is complicated, since pollution has increased over time, and since lifetime exposure might bear little relation to currently measured levels. These problems are discussed elsewhere.[12]

A REVIEW OF THE LITERATURE

We will proceed with a detailed review of studies made in an attempt to find an association between mortality or morbidity and air pollution indices.

Air pollution and bronchitis. Studies link morbidity and mortality from bronchitis to air pollution in England[13], the United States[14, 15], Japan[16], and other countries.[17] Mortality rates by country boroughs in England and Wales have been correlated with pollution (as measured by the sulfation rate, total concentration of solids in the air, a

Footnotes at end of article.

deposit index, and the density of suspended particulates) and with socioeconomic variables (such as population density and social class). The smoking habits of the individuals studied have also been investigated. The conclusion of these studies is that air pollution accounts for a doubling of the bronchitis mortality rate for urban, as compared to rural, areas.

We took data reported by Stocks [18, 19], and by Ashley [20] and performed a multiple regression analysis, as shown in Table 1. We fit the following equation to the data

$$MR_i = +a_1P_i + a_2S_i + e_i \quad (1)$$

where MR_i is the mortality rate for a particular disease in country borough i, P_i is a measure of air pollution in that borough, S_i is a measure of socioeconomic status in borough i, and e_i is an error term with a mean of zero. (We also fit other functional forms, as discussed below.) Under general assumptions, the estimated coefficients (a_0, a_1, a_2) will be best linear, unbiased estimates,[21]. Only if we want to perform significance tests must we make an assumption about the distribution of the error term (for example, the assumption that it is distributed normally).

The first regression in Table 1 relates the bronchitis mortality rate for men to a deposit index (see Table 1, footnote †), and the population density in each of 53 country boroughs. Thirty-nine percent of the variation in the mortality rate (across boroughs) is "explained" by the regression. It is estimated that a unit increase in the deposit index (1 gram per 100 square meters per month) leads to an increase of 0.18 percent in the bronchitis mortality rate (with population per acre held constant). An increase of 0.1 person per acre in the population density is estimated to lead to an increase of 0.02 person per acre in the population density is estimated to lead to an increase of 0.02 percent in the mortality rate (with air pollution held constant). As indicated in Table 1 by the t statistics (the values in parentheses below the estimated coefficients), the air pollution variable is extremely important, whereas the socioeconomic variable contributes nothing to the explanatory power of the regression.

The first ten regressions in Table 1 are an attempt to explain the bronchitis death rate. Four different data sets are used, along with three measures of pollution and two socioeconomic variables. The coefficient of determination, R^2 (the proportion of the variation in the mortality rate explained by the regression), ranges from .3 to .8. Air pollution is a significant explanatory variable in all cases. In only three cases is the socioeconomic variable significant.

TABLE 1.—MULTIPLE REGRESSIONS BASED ON DATA FROM ENGLAND

Category	R^2*	Index†	
		Air pollution	Socioeconomic
Bronchitis mortality rate:			
1. Males, 53 county boroughs‡ (deposit index, persons/acre)	0.386	0.182	0.016
t statistic		4.80	.22
2. Females	.332	.182	−.031
t statistic		4.55	−.42
3. Males, 28 county boroughs§ (smoke, persons/acre)	.433	1.891	.180
t statistic		3.79	1.86
4. Females	.412	1.756	.252
t statistic		3.23	2.40
5. Males, 26 areas (smoke, persons/acre)	.766	.310	.062
t statistic		3.77	.53
6. Females	.559	.303	−.038
t statistic		2.85	−.25
7. Males, 26 areas (smoke, social class)	.783	.301	.176
t statistic		5.86	1.44
8. Females	.601	.213	.248
t statistic		3.31	1.59
9. Both sexes, 53 urban areas§ (smoke, persons/acre)	.377	.199	.159
t statistic		4.07	3.02
10. Both sexes, 53 urban areas (SO_2, persons/acre)	.300	.161	.151
t statistic		3.05	2.64
Lung cancer mortality rate:			
11. 53 county boroughs (deposit index, persons/acre)	.445	.041	.154
t statistic		2.09	4.23
12. 28 county boroughs (smoke, persons/acre)	.576	.864	.161
t statistic		4.08	3.89
13. Male, 26 areas (smoke, persons/acre)	.781	.137	.115
t statistic		2.86	1.70
14. Male, 26 areas (smoke, social class)	.805	.161	.172
t statistic		5.62	2.47
15. 53 Urban areas (smoke, persons/acre)	.344	−.086	.184
t statistic		−2.42	4.83
16. 53 Urban areas (SO_2 persons/acre)	.378	−.105	.197
t statistic		−3.00	5.23
Other cancers:			
17. Stomach, male, 53 county boroughs (deposit index, persons/acre)	0.167	0.070	0.005
t statistic		3.08	.12
18. Stomach, female	.175	.070	−.023
t statistic		3.08	−.56
19. Stomach, male, 28 county boroughs (smoke, persons/acre)	.257	.714	.065
t statistic		2.57	1.21
20. Stomach, female	.454	.883	.066
t statistic		4.13	1.60
21. Intestinal, 53 county boroughs (deposit index, persons/acre)	.041	.018	−.012
t statistic		1.45	−.52
22. Intestinal, 28 county boroughs (smoke, persons/acre)	.129	.174	.036
t statistic		1.26	1.35
23. Other cancer, male 26 areas (smoke, persons/acre)	.454	.019	.073
t statistic		.59	1.60
24. Other cancer, female, 26 areas (smoke, persons/acre)	.044	.039	−.062
t statistic		.93	−1.03
25. Other cancer, male, 26 areas (smoke, social class)	.396	.060	.017
t statistic		2.75	.33
26. Other cancer, female, 26 areas (smoke, social class)	.002	.005	−.013
t statistic		.17	−.19
Pneumonia mortality rate:			
27. Male, 26 areas (smoke, persons/acre)	.477	.118	.121
t statistic		1.34	.97
28. Female	.253	.068	.137
t statistic		.58	.83
29. Male, 26 areas (smoke, social class)	.475	.158	.126
t statistic		2.82	.93
30. Female	.242	.124	.106
t statistic		1.65	.58

*The coefficient of determination: a value of 0.386 indicates a multiple correlation coefficient of 0.62, and indicates that 39 percent of the variation in the death rate is "explained" by the regression.

†The t statistic: for a 1-tailed t-test with 23 degrees of freedom, a value of 1.71 indicates significance at the 0.05 level; for 25 or 50 degrees of freedom, the critical values are 1.71 and 1.68.

‡Data for 53 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a deposit index (in grams per 100 square meters per month) whose observed range is 96 to 731, with a mean of 375. The socioeconomic index is expressed in number of persons per acre (multiplied by 10); the range is 69 to 364, and the mean is 163. Death rates are measured as index numbers, with the mean for all boroughs in England and Wales equal to 100. Ranges within this sample are as follows: bronchitis (males), 73 to 259; bronchitis (females), 72 to 268; lung cancer, 70 to 159; stomach cancer (males), 67 to 168; stomach cancer (females), 84 to 161; intestinal cancer, 87 to 123.

§Data for 28 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a smoke index (suspended matter, in milligrams per 100 cubic meters); the range is 6 to 49. Again, the socioeconomic index is expressed in numbers of persons per acre (×10); the range is 83 to 342.

‖Data for 26 areas in northern England and Wales as reported in Stocks (19). Air pollution is measured by a smoke index, as for category 3; the range is 15 to 562 mg, 1000 m³ and the mean is 260. 1 socioeconomic variable is the number of persons per acre (×10); the range is 1 to 342 and the mean is 102. The other socioeconomic variable is social class; the range is 61 to 295. Death rates are measured as for category 1; within this sample, the range for lung cancer is 23 to 165; for other cancer, 6 to 122 (males) and 88 to 154 (females); for bronchitis, 18 to 259 (males) and 12 to 240 (females); for pneumonia, 61 to 227 (males) and 40 to 245 (females).

¶Data for 53 areas as reported by Ashley (20). Air pollution is measured (i) by a smoke index (as for category 3), with a range of 23 to 261 μg/m³ and a mean of 124, or (ii) by an SO_2 index (apparently in the same units), with a range of 33 to 277 and a mean of 124. Death rates are measured as for category 1; within this sample, the range for lung cancer is 70 to 146, and for bronchitis, 64 to 186.

The implication of the first regression is that a 10 percent decrease in the deposit rate (38 g 100 m^{-2} $month^{-1}$) would lead to a 7 percent decrease in the bronchitis death rate. Another way of illustrating the effect of air pollution on health is to note that, if all the boroughs were to improve the quality of their air to that enjoyed by the borough having the best air of all those in sample (a standard deposit rate for all boroughs of 96 g 100 m^{-2} $month^{-1}$), the average mortality rate (for this sample) would fall from 129 to 77. Thus, cleaning the air to the level of cleanliness enjoyed by the area with the best air would mean a 40 percent drop in the bronchitis death rate among males in the fifth regression. The pollution index is a smoke index (Table 1, footnote §), and a different set of areas is considered. This is a more successful regression in terms of the percentage of variation explained. As before, the air pollution coefficient is extremely significant, and the implication is that cleaning the air to the level of cleanliness currently enjoyed by the area with the best air (15 mg/100 m^3) would lower the average bronchitis mortality rate from 106 to 30, a drop of 70 percent. Results of the other regression analyses based on bronchitis mortality data have similar implications. Note that the effect is almost the same for males and females. This indicates reliability and suggests that the effect is independent of occupational exposure.

Winkelstein *et al.*[14] collected data on 21 areas in and around Buffalo, New York. A cross tabulation of census tracts by income level and pollution level shows that the mortality rate for asthma, bronchitis, and emphysema (in white males 50 to 69 years old) increases by more than 100 percent as pollution rises from level 1 to level 4 (see [22]).

These studies indicate a strong relationship between bronchitis mortality and a number of indices of air pollution. We conclude that bronchitis mortality could be reduced by from 25 to 50 percent depending on the particular location and deposit index, by reducing pollution to the lowest level currently prevailing in these regions. For example, if the air in all of Buffalo were made as clean as the air in those parts of the area that have the best air, a reduction of approximately 50 percent in bronchitis mortality would probably result.

Air pollution and lung cancer. The rate of death from lung cancer has been correlated

Footnotes at end of article.

with several indices of pollution and socioeconomic variables in studies that provided controls for smoking habits and other factors. For English nonsmokers, Stocks and Campbell [23,24] found a tenfold difference between the death rates for rural and urban areas. Daly [25], in comparing death rates in urban and rural areas of England and Wales, found the urban rate twice as high. Evidence for other parts of Europe also shows an association between lung cancer and air pollution.[26]

Regressions 11 through 16 (Table 1) show our reworking of the data for lung cancer mortality for England and Wales (there is no control for smoking). Regressions 11 through 14 imply that, if the quality of air of all boroughs were improved to that of the borough with the best air, the rate of death from lung cancer would fall by between 11 and 44 percent. Regressions 15 and 16 show a relationship between air pollution and lung cancer which is either insignificant or inverse. The only contrary results come from Ashley's data. In the absence of more complete evidence, we must remain curious about these results. Use of such small samples and inadequate controls is certain to lead to some contrary results, but they are disconcerting when they appear.

In a study of 187,783 white American males (50 to 69 years old), Hammond and Horn [27] reported that the age-standardized rate of death due to lung cancer was 34 (per 100,000) in rural areas as compared to 56 in cities of population over 50,000. When standardized with respect both to smoking habits to age, the rate was 39 in rural areas and 52 in cities of over 50,000.

Haenszel *et al.*[28] analyzed 2191 lung cancer deaths among white American males, that had occurred in 46 states, and data for a control group consisting of males who died from other causes. They found the crude rate of death from lung cancer to have been 1.56 times as high in the urban areas of their study as in the rural areas in 1958 and 1.82 times as high in the period 1948–49 (in subjects 35 years and older, with adjustments made for age). When adjustments are made for both age and smoking history, the ratio is 1.43. Also the ratio increased with duration of residence in the urban or rural area, from 1.08 for residence of less than 1 year to 2.00 for lifetime residence. Haenszel and Taeuber [29] report similar results for white American females. In a number of additional studies the association between air pollution and lung cancer is examined.[30]

Buell and Dunn [31] review the evidence on lung cancer and air pollution; a summary of their findings is given in Table 2. For smokers, death rates (adjusted for age and smoking) ranged from 25 to 123 percent higher in urban areas than in rural areas. For nonsmokers, all differences exceeded 120 percent. "The etiological roles for lung cancer of urban living and cigarette smoking seem each to be complete," they say, "in that the urban factor is evident when viewing nonsmokers exclusively, and the smoking factor is evident when viewing rural dwellers exclusively." They argue that differences in the quality of diagnosis could not account for the observed differences for urban and rural areas.

Nonrespiratory-tract cancers and air pollution. Our reworking of data from England on rates of death from nonrespiratory-tract cancer is presented in Table 1 (regressions 17 through 26). In the regressions, stomach cancer is significantly related to a deposit index and a smoke index. The effects are nearly identical for males and females. Intestinal cancer appears to be only marginally related to indices of either deposit or smoke. For 26 areas in northern England and Wales, there appears to be little relationship between nonrespiratory-tract cancers and a smoke index. The single exception in the four regressions occurs for males when the socioeconomic variable is social class; here the smoke index explains a significant amount of the variation in the cancer mortality rate. (Apparently population density and smoke index are so highly related in these 26 areas that neither has significant power to explain such variation.)

Winkelstein and Kantor [32] investigated rates of mortality from stomach cancer in Buffalo, New York, and the immediate environs. Their measure of pollution is an index of suspended particulates averaged over a 2-year period. They found the rate of mortality due to stomach cancer to be more than twice as great in areas of high pollution as in areas of low pollution.[33]

Hagstrom *et al.*[34] tabulated rates of death from cancer among middle class residents of Nashville, Tennessee, between 1949 and 1960, using four measures of air pollution. They found the cancer mortality rate to be 25 percent higher in polluted areas than in areas of relatively clear air.[35] They also found significant mortality-rate increases associated with individual categories of cancer, such as stomach cancer, cancer of the esophagus, and cancer of the bladder. The individual mortality rates are more closely related to air pollution after the data are broken down by sex and race.

Levin *et al.*[36] report, for all types of cancer, these relationships: The age-adjusted cancer-incidence rates for urban males was 24 percent higher than that for rural males in New York State (exclusive of New York City) (1949–51), 36 percent higher in Connecticut (1947–51), and 40 percent higher in Iowa (1950); the incidence rate for urban females was 14 percent higher than that for rural females in New York State, 28 percent higher in Connecticut, and 34 percent higher in Iowa. For both males and females, the incidence rate for each of 16 categories of cancer was higher in urban that in rural areas.

Cardiovascular disease and air pollution. Enterline *et al.*[37] found that mortality from heart disease is higher in central-city counties than in suburban counties, and, in turn, higher in suburban counties than nonmetropolitan counties. Zeidberg *et al.*[38] found that both morbidity and mortality rates for heart disease are associated with air pollution levels in Nashville. The morbidity rate was about twice as high in areas of polluted air as in areas of clean air. The mortality rate was less closely associated; it was 10 to 20 percent higher in areas of polluted air than in areas of clean air.[39]

Friedman [40] correlated the rate of mortality from coronary heart disease in white males aged 45 to 64 with the proportion of this group living in urban areas. The simple correlation for 33 states is .79. When cigarette consumption is held constant, the partial correlation is .67.

On the basis of these studies we conclude that a substantial abatement of air pollution would lead to 10 to 15 percent reduction in the mortality and morbidity rates for heart disease. We caution the reader that the evidence relating cardiovascular disease to air pollution is less comprehensive than that linking bronchitis and lung cancer to air pollution.

Total respiratory disease.[41] Daly [25] found significant correlations between air polution and death rates for all respiratory diseases (and for nonrespiratory diseases as well) in England. Douglas and Waller [42] found significant relationships between air pollution and respiratory disease in 3866 British school children. Fairbairn and Reid [43] found significant correlations between air pollution and morbidity rates (for bronchitis, pneumonia, pulmonary tuberculosis, and lung cancer) in England. Regressions 27 through 30 in Table 1 show pneumonia mortality to be related only marginally to a smoke index.

TABLE 2.—A-SUMMARY OF LUNG CANCER MORTALITY STUDIES. NUMBER OF DEATHS FROM LUNG CANCER PER 100,000 POPULATION [FROM BUELL AND DUNN (31)]

Study	Standardized for age and smoking			Nonsmokers		
	Urban	Rural	Urban/rural	Urban	Rural	Urban/rural
Buell, Dunn, and Breslow (67) [1]	101	80	1.26	36	11	3.27
Hammond and Horn (68) [2]	52	39	1.33	15	0	8
Stocks (69) [3]	189	85	2.23	50	22	2.27
Dean (70) [4]				38	10	3.80
Golledge and Wicken (71) [5]	149	69	2.15	23	29	.79
Haenszel et al. (72) [6]	100	50	2.00	16	5	3.20

[1] California men; death rates by counties.
[2] American men.
[3] England and Wales.
[4] Northern Ireland.
[5] England; no adjustment for smoking.
[6] American men.

Zeidberg *et al.*[44] questioned 9313 Nashville residents about recent illnesses. Among males aged 55 and older from white middle-class families, the numbers of illnesses per respondent during the past year were 1.92, 1.15, and 1.26 for areas of high, moderate, and low pollution, respectively. There are a number of other comparisons, based on other measures of air pollution and on data for females and nonwhites (some of these are given in [45]). However, we should add a word of caution: although the sample size in this study was large and controls for many socioeconomic variables were included, many important factors were ignored—for example, smoking habits and length of residence. Nonetheless, the finding is extremely strong and seems unlikely to be an artifact of unmeasured variables.

Hammond [46] studied over 50,000 men to find the relationships between emphysema, age, occupational exposure to pollution, urban exposures, and smoking. His results indicated that the effect of air pollution is significant and that heavy smokers have a much higher morbidity rate in cities than in rural areas; the effect becomes more marked as age increases.

Ishikawa, *et al,*[47] estimated the incidence of emphysema in Winnipeg (Canada) and St. Louis. They examined the lungs of 300 corpses in each city (the samples were comparable). Findings for each age group (over 25 years old) indicated that the incidence and severity of emphysema is higher in St. Louis, the city with the more polluted air. (In the 45-year-old group 5 percent of those in Winnipeg and 46 percent of those in St. Louis showed evidence of emphysema.)

A number of studies have been made in England on homogeneous occupational groups, such as postmen. The results are relatively pure in that all members of the sample have comparable incomes, working conditions, and social status. Holland and Reid [48] found that the rates of occurence of severe respiratory symptoms were 25 to 50 percent higher for London postmen than for small-town postmen (sample size, 770), Reid [49] found that, in the postmen of his

Footnotes at end of article.

study, absences due to bronchitis rose from an index number of 100 for the area of least air pollution, to 120 for an area of moderate pollution, to 250 and 283 for the areas of highest pollution. Corresponding figures for absences due to other respiratory illness were 100, 100, 150, and 151, respectively, and for absences due to infections and parasitic diseases, 100, 115, 130, and 140. Cornwall and Raffle [50] made a similar study of bus drivers in London. They found that 20 to 35 percent of absences due to sickness of any kind could be ascribed to air pollution (they used a fog index as a measure of pollution). Fairbairn and Reid [43] tabulated absences due to sickness for postmen, for males working indoors, and for females working indoors. They found that the age-standardized morbidity rate for bronchitis and pneumonia in the postmen of their study rose from 40 man-years, per 1000 man-years, for the area of lowest air pollution (of the four acres studied) to 122 for the area of highest air pollution. Corresponding figures for morbidity from colds were 75 and 171 man-years, and for morbidity from influenza, 131 and 184 man-years. For males working indoors, the low and high morbidity rates were as follows: bronchitis and pneumonia, 32 and 39; colds, 53 and 64; influenza, 88 and 102.

Dohan [51] studied absences (of more than 7 days) of female employees in eight Radio Corporation of America plants. He found a correlation of .96 between atmospheric concentrations of SO_2 and absences due to respiratory disease in the five cities for which complete data were available. During Asian flu epidemics there was a 200 percent increase in illness in cities with polluted air and only a 20 percent increase in those with relatively unpolluted air.

Infant mortality and total mortality rates. Sprague and Hagstrom [52] compared air-pollution data for Nashville with fetal and infant mortality rates for Nashville as given in census tracts (for 1955 through 1960). Controls for socioeconomic factors were not included. For infant death rates (ages 28 days to 11 months), the highest correlation was with atmospheric concentrations of SO_2 (in milligrams per 100 square centimeters per day) and was .70. For the neonatal death rates (ages 1 day to 27 days), the highest correlation was with dustfall and was .49. For infants dying during their first day whose death certificate includes mention of immaturity, the highest correlation was with dustfall and was .45. The correlation of the fetal death rate with dustfall was .58.

In a study just being completed [53], we have collected data for 114 Standard Metropolitan Statistical Areas in the United States and have attempted to relate total death rates and infant mortality rates to air pollution and other factors. Socioeconomic data, death rates, and air-pollution data were taken from U.S. government publications [54]. Regression 1 (Table 3) shows how the total death rate in 1960 varies with air pollution levels and with socioeconomic factors. As the (biweekly) minimum level of suspended particulates increases, the death rate rises significantly. Moreover, the death rate increases with (i) the density of population of the area, (ii) the proportion of nonwhites, (iii) the proportion of people over age 65, and (iv) the proportion of poor families. Eighty percent of the variation in the death rate across these 114 statistical areas is explained by the regression.

TABLE 3.—REGRESSIONS RELATING INFANT AND TOTAL MORTALITY RATES FOR 114 STANDARD METROPOLITAN STATISTICAL AREAS IN THE UNITED STATES TO AIR POLLUTION AND OTHER FACTORS. FOR MEANS AND STANDARD DEVIATIONS (S.D.) OF THE VARIABLES. SEE †

Category	R^2‡	Air pollution (minimum concentrations)	Socioeconomic: P/m²§	Socioeconomic: Nonwhite (percent)	Socioeconomic: Over 65 (percent)	Socioeconomic: Poor (percent)
TOTAL DEATH RATE						
1. Particulates	0.804	0.102	0.001	0.032	0.682	0.013
t statistic*		2.83	2.58	3.41	18.37	.93
2. Sulfates	.813	.085	.001	.033	.652	.006
t statistic*		3.73	1.86	3.56	17.60	.49
DEATH RATE FOR INFANTS OF LESS THAN 1 YEAR						
3. Particulates	.545	.393	----------	.190	----------	.150
t statistic*		3.07	----------	6.63	----------	3.28
4. Sulfates	.522	.150	----------	.200	----------	.123
t statistic*		1.91	----------	6.83	----------	2.70
DEATH RATE FOR INFANTS LESS THAN 28 DAYS OLD						
5. Particulates	0.260	0.273	----------	0.089	----------	0.063
t statistic*		2.48	----------	3.61	----------	1.60
6. Sulfates	.263	.170	----------	.097	----------	.047
t statistic*		2.57	----------	3.96	----------	1.23
FETAL DEATH RATE						
7. Particulates	.434	.274	.004	.171	----------	.106
t statistic*		2.02	2.01	5.70	----------	2.11
8. Sulfates	.434	.171	.004	.181	----------	.085
t statistic*		1.95	1.82	5.87	----------	1.71

*The t statistic: for a 1-tailed t-test, a value of 1.65 indicates significance at the 0.05 level.

†Total death rate per 10,000: mean, 91.5; S.D., 15.2. Infant death rate (age, <1 year) per 10,000 live births: mean, 255.1; S.D., 36.1 Infant death rate (age, <28 days) per 10,000 live births: mean, 188.0; S.D., 24.4. Fetal death rate per 10,000 live births; mean, 153.9; S.D., 34.4. Suspended particulates ($\mu g/m^3$), minimum reading for a biweekly period: mean, 45.2; S.D., 18.7. Total sulfates ($\mu g/m^3$) (× 10), minimum reading for a biweekly period: mean, 46.9; S.D., 30.6. Persons per square mile: mean, 763.4; S.D., 1,387.9. Percentage of nonwhites in population (× 10): mean, 125.2; S.D., 102.8. Percentage of population over 65 (× 10): mean, 84.2; S.D., 21.2. Percentage of families with incomes under $3,000 (× 10): mean, 181.6; S.D., 65.7.

‡The coefficient of determination: a value of 0.804 indicates a multiple correlation coefficient of 0.90, and indicates that 80 percent of the variation in the death rate is "explained" by the regression.

§ Persons per square mile.

Regression 3 shows how the 1960 infant death rate (age, less than 1 year) varies. A smaller proportion (55 percent) of the variation in the death rate is explained by the regression, although the minimum air-pollution level, the percentage of nonwhites, and the proportion of poor families continue to be significant explanatory variables. Regression 5 is an attempt to explain variation in the neonatal death rate. The results are quite similar to those of regression 3. The fetal death rate is examined in regression 7. Here the minimum air-pollution level, population density, the percentage of nonwhites, and the percentage of poor families are all significant explanatory variables.

Regressions 2, 4, 6, and 8 are an atttempt to relate these death rates to the atmospheric concentrations of sulfates for the 114 statistical areas of the study. Regression 2 shows that the total death rate is significantly related to the minimum level of sulfate pollution, to population density, and to the percentage of people over age 65; 81 percent of the variation is explained. Regressions 4, 6, and 8 show that the minimum atmospheric concentration of sulfates is a significant explanatory variable in three categories of infant death rates.

One might put these results in perspective by noting estimates on how small decreases in the air-pollution level affect the various death rates. A 10 percent decrease in the minimum concentration of measured particulates would decrease the total death rate by 0.5 percent, the infant death rate by 0.7 percent, the neonatal death rate by 0.6 percent, and the fetal death rate by 0.9 percent. Note that a 10 percent decrease in the percentage of poor families would decrease the total death rate by 0.2 percent and the fetal death rate by 2 percent. A 10 percent decrease in the minimum concentration of sulfates would decrease the total death rate by 0.4 percent, the infant mortality rate by 0.3 percent, the neonatal death rate by 0.4 percent, and the fetal death rate by 0.5 percent.

Each of the relations in Tables 1 and 3 was estimated in alternative ways, including transformation into logarithms, a general quadratic, and a "piecewise" linear form as documented elsewhere.[12] The implications about the roles of air pollution and of the socioeconomic variables were unchanged by use of the different functional forms. Another result to be stressed is that, in Table 1, comparable regressions for males and females show almost precisely the same effects for air pollution. This suggests that occupational exposure does not affect these results; the result lends credence to the estimates. A result that we document elsewhere [53] is that it is the minimum level of air pollution that is important, not the occasional peaks. People dealing with this problem should worry about abating air pollution at all times, instead of confining their concern to increased pollution during inversions.

SOME CAVEATS

In preceding sections we have described a number of studies which quantify the relationship between air pollution and both morbidity and mortality. Is the evidence conclusive? Is it possible for a reasonable man still to object that there is no evidence of a substantial quantitative association? We believe that there is conclusive evidence of such association.[55]

In the studies discussed, a number of countries are considered, and differences in morbidity and mortality rates among different geographical areas, among people within an occupational group, and among children are examined. Various methods are used, ranging from individual medical examinations and interviews to questionnaires and tabulations of existing data. While individual studies may be attacked on the grounds that none manages to provide controls for all causes of ill health, the number of studies and the variety of approaches are persuasive. It is difficult to imagine how factors such as general habits, inherited characteristics, and lifetime exercise patterns could be taken into account.

To discredit the results, a critic would have to argue that the relationships found

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by the investigators are spurious because the level of air pollution is correlated with a third factor, which is the "real" cause of ill health. For example, many studies do not take into account smoking habits, occupational exposure, and the general pace of life. Perhaps city dwellers smoke more, get less exercise, tend to be more overweight, and generally live a more strained, tense life than rural dwellers. If so, morbidity and mortality rates would be higher for city dwellers, yet air pollution would be irrelevant. This explanation cannot account for the relationships found.

Apparently there is little systematic relationship between relevant "third" factors and the level of air pollution. An English study [19] in which smoking habits are examined reveals little evidence of differences by residence. There is evidence in the United States that smoking is more prevalent among lower socioeconomic groups [56] but income or other socioeconomic variables would account for this effect and still leave the pollution coefficient unbiased. More importantly, the correlations between air pollution and mortality are better when one is comparing areas within a city (where more factors are held constant) than when one is comparing rural and urban areas.[57] It is especially hard to believe that the apparent relation between air pollution and ill health is spurious when significant effects are found in studies comparing individuals within strictly defined occupational groups, such as postmen or bus drivers (where incomes and working conditions are comparable and unmeasured habits are likely to be similar).

When there are uncontrolled factors, some studies may show inconclusive or even negative results; only by collecting samples large enough to "average away" spurious effects can dependable results be guaranteed. In the main, each of the studies cited above was based on a substantial sample. It is the body of studies as a whole that we find persuasive.

An examination of contrary results. Uncontrolled factors, together with small samples, are certain to lead to some results contrary to the weight of evidence and to our expectations. For example, in some studies [58] no attempt is made to control even for income or social status. From the evidence of studies which did provide such controls, we know that failure to control for income leads to biased results, and so we place little credence in either the positive or negative findings of studies lacking these controls.

Sampling error can be extremely important. For example, Zeidberg *et al.*[59] find mixed results in crosstabulating respiratory disease mortality with level of air pollution and with income class. In general the relationships are in the expected direction, but they are often insignificant. Insignificant results might occur often, if the samples are small, even if air pollution is extremely significant, since sampling errors dominate the explanatory variables.

Another study in which sampling error is important is reported by Ferris and Whittenberger.[7] They compared individuals in Berlin, New Hampshire, with residents of Chilliwack (British Columbia), Canada, and—not surprisingly in view of the small samples—failed to find significant differences in the occurrence of respiratory disease. Prindle *et al.*[60] compared two Pennsylvania towns in the same fashion. These two studies are admirable in that individuals were subjected to careful medical examinations. However, only a few hundred individuals were studied, and this means that sampling errors tend to obscure the effects of air pollution. Moreover, there were no controls for other factors, such as smoking. Also, one must be careful to control for a host of other variables if the sample is small. For example, the ethnic origins of the population and their general habits and occupations are known to affect mortality rate. It is exceedingly difficult to control for these factors; use of carefully constructed large samples seems the best answer. Finally, air pollution is measured currently, and it is generally assumed that relative levels have been constant over time and that people have lived at their present addresses for a long period. It is hardly surprising that statistical significance is not always obtained when such assumptions are necessary.

Since investigators are more reluctant to publish negative results than positive ones, and since it is more difficult to get negative results published, it is probable that we are unaware of other studies that fail to find a strong association between air pollution and ill health. We are somewhat reluctant to come to strong conclusions without knowledge of such negative results. However, there seems to be no reasonable alternative to evaluating the evidence at hand and allowing for uncertainty. Thus, we conclude that an objective observer would have to agree that there is an important association between air pollution and various morbidity and mortality rates.

THE ECONOMIC COSTS OF DISEASE

Having found a quantitative association between air pollution and both morbidity and mortality, the next question is that of translating the increased sickness and death into dollar units. The relevant question is, How much is society willing to spend to improve health (to lower the incidence of disease)? In other words, how much is it worth to society to relieve painful symptoms, increase the level of comfort of sufferers, prevent disability, and prolong life? It has become common practice to estimate what society is willing to pay by totaling the amount that is spent on medical care and the value of earnings "forgone" as a result of the disability or death.[61] This cost seems a vast underestimate for the United States in the late 1960's. Society seems willing to spend substantial sums to prolong life or relieve pain. For example, someone with kidney failure can be kept alive by renal dialysis at a cost of $15,000 to $25,000 per year; this sum is substantially in excess of forgone earnings, but today many kidney patients receive this treatment. Another example is leukemia in children; enormous sums are spent to prolong life for a few months, with no economic benefit to society. If ways could be found to keep patients with chronic bronchitis alive and active longer, it seems likely that people would be willing to spend sums substantially greater than the foregone earnings of those helped. So far as preventing disease is concerned, society is willing to spend considerable sums for public health programs such as chest x-rays, inoculation, fluoridation, pure water, and garbage disposal and for private health care programs such as annual physical checkups.

While we believe that the value of earnings forgone as a result of morbidity and mortality provides a gross underestimate of the amount society is willing to pay to lessen pain and premature death caused by disease, we have no other way of deriving numerical estimates of the dollar value of air-pollution abatement. Thus, we proceed with a conventional benefit calculation, using these forgone earnings despite our reservations.

Direct and indirect costs. Our figures for the cost of disease are based on *Estimating the Cost of Illness*, by Dorothy P. Rice.[61] Unfortunately, Rice calculated disease costs in quite aggregate terms, and so the category "diseases of the respiratory system" must be broken down. It seem reasonable to assume that both direct and indirect costs would be proportional to the period of hospitalization (total patient-days in hospitals) by disease category.[62]

Rice defines a category of direct disease costs as including expenditures for hospital and nursing home care and for services of physicians, dentists, and members of other health professions. "Other direct costs" (which would add about 50 percent to those just enumerated) consist of a variety of personal and nonpersonal expenditures (such as drugs, eyeglasses, and appliances), school health services, industrial in-plant health services, medical activities in federal units other than hospitals, medical research, construction of medical facilities, government public health activities, administrative expenditures of voluntary health agencies, and the net cost of insurance. Since Rice does not allocate "other direct costs" among diseases, we omit it from our cost estimates. However, we conjecture that respiratory diseases represent a substantial portion of this category. Thus, our direct cost estimate is likely to be a substantial underestimate of "true" direct costs (probably more than 50 percent too low).

Estimating indirect cost is an attempt to measure the losses to the nation's economy caused by illness, disability and premature death. We would argue that such a calculation gives a lower bound for the amount people would be willing to pay to lower the morbidity and mortality rates. These costs are calculated in terms of the earnings forgone by those who are sick, disabled, or prematurely dead.[63]

THE HEALTH COST OF AIR POLLUTION

The studies cited in this article show a close association between air pollution and ill health. The evidence is extremely good for some diseases (such as bronchitis and lung cancer) and only suggestive for others (such as cardiovascular disease and nonrespiratory-tract cancers). Not all factors have been taken into account, but we argue that an unbiased observer would have to concede the association. More effort can and should be spent on refining the estimates. However, the point of this exercise is to estimate the health cost of air pollution. We believe that the evidence is sufficiently complete to allow us to infer, roughly, the quantitative associations. We do so with caution, and proceed to translate the effects into dollars. We have attempted to choose our point estimates from the conservative end of the range.

We interpret the studies cited as indicating that mortality from bronchitis would be reduced by about 50 percent if air pollution were lowered to levels currently prevailing in urban areas with relatively clean air. We therefore make the assumption that there would be a 25 to 50 percent reduction in morbidity and mortality due to bronchitis if air pollution in the major urban areas were abated by about 50 percent. Since the cost of bronchitis (in terms of forgone income and current medical expenditures) is $930 million per year, we conclude that from $250 million to $500 million per year would be saved by a 50 percent abatement of air pollution in major urban areas.

Approximately 25 percent of mortality from lung cancer can be saved by a 50 percent reduction in air pollution, according to the studies cited above. This amounts to an annual cost of about $33 million.

The studies document a strong relationship between all respiratory disease and air pollution. It seems likely that 25 percent of all morbidity and mortality due to respiratory disease could be saved by a 50 percent abatement in air pollution levels. Since the annual cost of respiratory disease is $4887 million, the amount saved by a 50 percent reduction in air pollution in major urban areas would be $1222 million.

There is evidence that over 20 percent of cardiovascular morbidity and about 20 percent of cardiovascular mortality could be saved if air pollution were reduced by 50 percent. We have chosen to put this saving

Footnotes at end of article.

at only 10 percent—that is, $468 million per year.

Finally, there is a good deal of evidence connecting all mortality from cancer with air pollution. It is difficult to arrive at a single figure, but we have estimated that 15 percent of the cost of cancer would be saved by a 50 percent reduction in air pollution—a total of $390 million per year.

Not all of these cost estimates are equally certain. The connection between bronchitis or lung cancer and air pollution is much better documented than the connection between all cancers or all cardiovascular disease and air pollution. The reader may aggregate the costs as he chooses. We estimate the total annual cost that would be saved by a 50 percent reduction in air-pollution levels in major urban areas, in terms of decreased morbidity and mortality, to be $2080 million. A more relevant indication of the cost would be the estimate that 4.5 percent of all economic costs associated with morbidity and mortality would be saved by a 50 percent reduction in air pollution in major urban areas.[24] This percentage estimate is a robust figure; it is not sensitive to the exact figures chosen for calculating the economic cost of ill health.

A final point is that these dollar figures are surely underestimates of the relevant costs. The relevant measure is what people would be willing to pay to reduce morbidity and mortality (for example, to reduce lung cancer by 25 percent. It seems evident that the value used for forgone earnings is a gross underestimate of the actual amount. An additional argument is that many health effects have not been considered in arriving at these costs. For example, relatively low levels of carbon monoxide can affect the central nervous system sufficiently to reduce work efficiency and increase the accident rate.[25] Psychological and esthetic effects are likely to be important, and additional costs associated with the effect of air pollution on vegetation, cleanliness, and the deterioration of materials have not been included in these estimates.[26]

FOOTNOTES

[1] For a general discussion of inherent problems in handling residuals, see R. U. Ayres and A. V. Kneese, *Amer. Econ. Rev.* 59, 282 (1969).

[2] For summaries of studies relating air pollution to health, see J. R. Goldsmith in *Air Pollution*, vol. 1; *Air Pollution and Its Effects*, A. Stern, Ed. (Academic Press, New York, 1968), p. 547; E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967; H. Heimann, *Arch. Environ. Health* 14, 488 (1967). For more general reviews of the literature, see A. G. Cooper, "Sulfur Oxides and other Sulfur Compounds," *U.S. Public Health Serv. Publ. No. 1093* (1965); ———, "Carbon Monoxide," *U.S. Public Health Serv. Publ. No. 1503* (1966); "The Oxides of Nitrogen in Air Pollution," *Calif. Dep. Public Health Publ.* (1966); "Air Quality Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ. No. 1619* (1967); *Effects of Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance* (National Academy of Sciences and National Academy of Engineering, Washington, D.C. 1969).

[3] *Public Health (Johannesburg)* 63, 30 (1963); D. M. Johnson, *Good Housekeeping* 1961, 49 (June 1961).

[4] See A. V. Kneese, in *Social Sciences and the Environment; Conference on the Present and Potential Contribution of the Social Sciences to Research and Policy Formulation in the Quality of the Physical Environment*, M. E. Garnsey and J. R. Hibbs, Eds. (Univ. of Colorado Press, Boulder, 1967), p. 165; R. G. Ridker, *Economic Costs of Air Pollution* (Praeger, New York, 1967); "Air Quality Criteria for Sulfur Oxides, *U.S. Public Health Serv. Publ. No. 1619* (1967), pp. 54–57.

[5] L. Greenburg, M. B. Jacobs, B. M. Drolette, F. Field, M. M. Braverman, *Public Health Rep.* 77, 7 (1962); M. McCarroll and W. Bradley, *Amer. J. Public Health Nat. Health* 56, 1933 (1966); J. Firkert, *Trans. Faraday Soc.* 32, 1192 (1936); H. H. Schrenk, H. Heimann, G. D. Clayton, W. M. Gafafer, H. Wexler, "Air Pollution in Donora, Pennsylvania," *Public Health Bull. No. 306* (1949).

[6] See J. R. Goldsmith, *Med. Thoracalis* 22, 1 (1965).

[7] B. G. Ferris, Jr., and J. L. Whittenberger, *N. Engl. J. Med.* 275, 1413 (1966).

[8] For a summary of laboratory experiments see "Air Quality Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ. No. 1619* (1967) pp. 79–93.

[9] Chronic effects, where the incidence of the disease is small, can be studied only for large samples (millions of man-years of exposure); see J. R. Goldsmith, *Arch. Environ. Health* 18, 516 (1969); J. Rumford, *Amer. J. Public Health* 51, 165 (1961). Morbidity data would be more useful than mortality data, since death may result from a cause having no direct relationship to the original pollution-induced disease.

[10] For example, M. McCarroll and W. Bradley [*Amer. J. Public Health Nat. Health* 56, 1933 (1966)] correlate the daily mortality rate in New York City with daily pollution indices. See also J. R. McCarroll, E. J. Cassell, W. A. B. Ingram, D. Wolter, "Distribution of families in the Cornell air pollution study" and "Health profiles vs. environmental pollutants," papers presented at the 92nd annual meeting of the American Public Health Association, New York, 1964; ———, *Arch. Environ. Health* 10, 357 (1965); W. Ingram, J. R. McCarroll, E. J. Cassell, D. Wolter, *ibid.*, p. 364; E. J. Cassell, J. R. McCarroll, W. Ingram, D. Wolter, *ibid.*, p. 367. Other workers have attempted to explain daily variations in hospital admissions [see L. Greenburg, F. Field, J. I. Reed, C. L. Erhardt, *J. Amer. Med. Ass.* 182, 161 (1962); W. W. Holland, C. C. Spicer, J. M. G. Wilson, *Lancet* 1961–II, 338 (1961); G. F. Abercrombie, *Ibid.* 1953–I, 234 (1953); A. E. Martin, *Mon. Bull. Min. Publ. Health Lab. Serv. Directed Med. Res. Counc.* 20, 42 (1961); R. Lewis, M. M. Gilkeson, Jr., R. O. McCaldin, *Public Health Rep.* 77, 947 (1962); T. D. Sterling, S. V. Pollack, D. A. Schumsky, I. Degroot, *Arch. Environ. Health* 13, 158 (1966); T. D. Sterling, S. V. Pollack, J. Weinkam, *ibid.* 18, 462 (1969)] absence rates (see J. Ipsen, F E. Ingenito, M. Deane, *ibid.*, p. 462); symptoms in school children [see B. Paccagnella, R. Pavanello, R. Pesarin, *ibid.*, p. 495; T. Toyama, *ibid.*, 8, 1953 (1964)] the incidence of asthma attacks [see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); C. E. Schoettlin and E. Landau, *Public Health Rep.* 76, 545 (1961); R. Lewis, *J. La. State Med. Soc.* 115, 300 (1963)]; and other morbidity [see J. T. Boyd, *Brit. J. Prev. Soc. Med.* 14, 123 (1960); R. G. Loudon and J. F. Kilpatrick, *Arch. Environ. Health* 18, 641 (1969)].

[11] The most complete investigation of various pollutants was that of the Nashville studies. See L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); L. D. Zeidberg and R. A. Prindle, *Amer. J. Public Health* 53, 185 (1963); L. D. Zeidberg, R. A. Prindle, E. Landau, *ibid.* 54, 85 (1964); L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967); ———, *ibid.*, p. 225; R. M. Hagstrom, H. A. Sprague, E. Landau, *ibid.*, p. 237; H. A. Sprague and R. Hagstrom, *ibid.* 18, 503 (1969). It is conceptually possible to differentiate among pollutants, since, for example, the correlation between mean level of suspended particulates and mean level of sulfates for 114 U.S. Standard Metropolitan Statistical Areas is only .20.

[12] L. B. Lave, "Air pollution damage" in *Research on Environmental Quality*, A. Kneese, Ed. (Johns Hopkins Press, Baltimore, in press).

[13] D. J. B. Ashley, *Brit. J. Cancer* 21, 243 (1967); C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959); J. Pemberton and C. Goldberg, *Brit. Med. J.* 2, 567 (1954); P. Stocks, *ibid.* 1, 74 (1959); R. E. Waller and P. J. Lawther, *ibid.* 2, 1356 (1955); ———, *ibid.* 4, 1473 (1957); P. J. Lawther, *Proc. Roy. Soc. Med.* 51, 262 (1958); ———, *Nat. Acad. Sci. Nat. Res. Counc. Publ. No. 652* (1959), pp. 88–96; ———, *Instrum. Pract.* 11, 611 (1957); J. Pemberton, *J. Hyg. Epidemiol. Microbiol. Immunol. (Prague)* 5, 189 (1961); J. L. Burn and J. Pemberton, *Int. J. Air Water Pollut.* 7, 5 (1963); E. Gorham, *Lancet* 1958–I, 691 (1958); P. Stocks, *Brit. J. Cancer* 14, 397 (1960). These studies are updated and summarized in S. F. Buck and D. A. Brown, *Tobacco Res. Counc. Res. Paper No. 7* (1964).

[14] W. Winkelstein, Jr., S. Kantor, E. W. Davis, C. S. Manerí, W. E. Mosher, *Arch. Environ. Health* 14, 162 (1967).

[15] International Joint Commission U.S. and Canada, "Report on the pollution of the atmosphere in the Detroit River Area" (Washington and Ottawa, 1960).

[16] T. Toyama, *Arch. Environ. Health* 8, 153 (1964).

[17] F. L. Petrilli, G. Agnese, S. Kanitz, *ibid.* 12, 733 (1966); A. Bell, in *Air Pollution by Metallurgical Industries*, A. Bell and J. L. Sullivan, Eds. (Department of Public Health, Sydney, Australia, 1962), pp. 2:1–2: 144.

[18] P. Stocks, *Brit. Med. J.* 1, 74 (1959).

[19] P. Stocks, *Brit J. Cancer* 14, 397 (1960).

[20] D. J. B. Ashley, *ibid.* 21, 243 (1967).

[21] That the least-squares method provides the best linear unbiased estimates is the conclusion of the Gauss-Markov theorem, for which $E(ee') = \sigma^2 I$ and $E(e) = 0$ are the basic assumptions. These assumptions are that the basic model must be linear and that the distribution of the errors must have an expected value of zero, have finite variance, have a constant distribution over the various observations, and be independent. In addition, no explanatory variables may be omitted which are correlated with included variables. It is also convenient to assume that the explanatory variables are measured without error, although the framework can easily be adjusted to handle errors. In order to perform significance tests, one must make an assumption about the distribution of the error term. For all the relations we estimated, we plotted the residuals and discovered that all distributions were unimodel, symmetric, and basically consistent with the normal distribution. Thus, in the discussion that follows, we have assumed that the error term is distributed normally.

[22] For example, for economic level 1 (defined below), the death rates (per 100,000) for pollution levels 2 to 4 (defined below) are 126, 271, and 392. For economic level 2, the death rates for air pollution levels 1 to 4 are 136, 154, 172, and 199. For economic level 4, the death rates for pollution levels 1 to 3 are 70, 80, and 177. The five economic levels, based on median family income in a census tract, are as follows: $3005–$5007; $5175–$6004; $6013–$6614; $6618–$7347; and $7431–$11,792. The four air pollution levels (in micrograms) of suspended particulates (per cubic meters per 24 hours) are as follows: less than 80, 80–100, 100–135, and more than 135.

[23] P. Stocks and J. M. Campbell, *Brit. Med. J.* 2, 923 (1955).

[24] In most of the early studies, pollution measures were not available, and so urban mortality rates were contrasted with rural rates. In these studies a substantial "urban factor" was found, which, unfortunately, was a compound of air pollution and many other factors. In the later studies the portion ascribable to air pollution is separated out.

[25] C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959).

[26] Buck and Brown [*Tobacco Res. Counc. Res. Paper No. 7* (1964)], in examining data from England, control for population per acre, for social class, and for smoking habits. They find no relationship between smoking and lung cancer, and a relationship between SO_2 and lung cancer that is not consistent.

Stocks uses three sets of data to isolate the effect of air pollution on lung cancer. Contrasting data for eight northern European cities, he finds a correlation between lung cancer and air pollution of .60, and correlations between lung cancer and smoking that range between .27 and .36. Contrasting data for 19 countries, he finds that an index of solid fuel consumption is a much stronger variable than cigarette consumption per capita. Finally, with data from northern England, he finds confirmation of an association between lung cancer and air pollution. See P. Stocks, *Brit. J. Prev. Soc. Med.* 21, 181 (1966).

[27] E. C. Hammond and D. Horn, *J. Amer. Med. Assn.* 16, 1294 (1958).

[28] W. Haenszel, D. B. Loveland, M. G. Sirken, *J. Nat. Cancer Inst.* 28, 947 (1962).

[29] Haenszel and Taeuber analyzed data for 683 white American females who died of lung cancer, and for a control group. They found the crude rate of death from lung cancer to be 1.32 times as high in urban areas as in rural areas for 1958–1959 and 1.29 times as high for 1948–1949 (in subjects 35 years and older, with adjustments made for age). When adjustments were made for both age and smoking history, the ratio was 1.27. This ratio increased with the duration of residence in the urban or rural area, from 0.80 for residence of less than 1 year to 1.76 for lifetime residence. See W. Haenszel and K. E. Taeuber, *J. Nat. Cancer Inst.* 32, 803 (1964).

[30] L. D. Zeidberg, R. J. Horton, and E. Landau [*Arch. Environ. Health* 15, 214 (1967)] are not able to isolate an air pollution effect on mortality from lung cancer from data for Nashville for the years 1949 through 1960; C. A. Mills [*Amer. J. Med. Sci.* 239, 316 (1960)] investigated rates of death from lung cancer in Ohio. Stratifying according to the amount of driving done by the deceased, he found that the death rate varied with driving and urban exposure; L. Greenburg, F. Field, J. I. Reed, M. Glasser [*Arch. Environ. Health* 15, 356 (1967)] investigated 1190 cancer deaths that occurred on Staten Island between 1959 and 1961 and found a relationship between lung cancer and air pollution; M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II [*J. Nat. Cancer Inst.* 24, 1243 (1960)] found significant differences between urban and rural mortality rates (for periods around 1950) in New York State, Connecticut, and Iowa. For males, the death rates were 41 percent higher in urban areas in New York, 57 percent higher in Connecticut, and 184 percent higher in Iowa. For females, the differences were 7 percent, 24 percent, and 47 percent, respectively; P. Buell, J. E. Dunn, L. Breslow [*Cancer* 20, 2139 (1967)] utilized 69,868 questionnaires covering 336,571 man-years, in their study of lung cancer in California veterans. They found rates of death from lung cancer (adjusted for differences in age and smoking habits) to be 25 percent higher in the major metropolitan areas than in the less urbanized areas. Among nonsmokers, the rates of death from lung cancer were 2.8 to 4.4 times as high for major metropolitan areas as for more rural areas.

[31] P. Buell and J. E. Dunn, Jr., *Arch. Environ. Health* 15, 291 (1967).

[32] W. Winkelstein, Jr., and S. Kantor, *ibid.* 18, 544 (1969).

[33] For economic level 2 (see 22), the mortality rate per 100,000 for gastic cancer in white males 50 to 69 years old changed from 45 to 41, 48, and 84 as the pollution level (see 22) rose. For economic level 4, the rates were 15, 88, and 63 for the first three pollution levels. For white women 50 to 69 years old, the death rates for economic level 2 were 8, 18, 25, and 40 per 100,000. For economic level 4, the death rates were 5 and 21 for the first two pollution levels.

[34] R. M. Hagstrom, H. A. Sprague, E. Landau, *Arch. Environ. Health* 15, 237 (1967).

[35] The four measures of pollution are suspended particulates (soiling), dustfall, SO_3 and SO_2. For all cancer deaths, the number per 100,000 for middle class residents (defined to include about 75 percent of all residents) fell from 153 for high-pollution areas, to 130 for moderate-pollution areas, to 124 for low-pollution areas when a soiling index (concentration of haze and smoke per 1000 linear feet) was used to classify air pollution. When SO_3 (milligrams per 100 square centimeters per day) was used as a basis for classification, the corresponding death rates were 150, 129, and 145, respectively. With dustfall as a measure, the figures were 145, 130, and 131, and with 24-hour SO_2, in parts per million, they were 141, 129, and 138.

[36] M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II, *J. Nat. Cancer Inst.* 24, 1243 (1960).

[37] P. E. Enterline, A. E. Rikli, H. I. Sauer, M. Hyman, *Public Health Rep.* 75, 759 (1960).

[38] L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ, Health* 15, 225 (1967).

[39] When air-pollution level was measured on the basis of sulfation (SO_3, in milligrams per 100 square centimeters per day), the morbidity rates (for white, middle-class males aged 55 and older) were 64.0 man-years per 1,000 man-years for high-pollution areas, 34.1 for moderate-pollution areas, and 36.8 for low-pollution areas. Measurement of air pollution on the basis of 24-hour concentrations of SO_2 gave morbidity rates of 47.2, 36.8, and 22.2, respectively. For these same white, middle-class males, in areas of high atmospheric concentrations of SO_3, the mortality rate was 425.6 per 100,000 population; in moderate-concentration areas, 327.41; and in low-concentration areas, 361.97. With SO_2 concentrations as a measure, the corresponding figures were 424.87, 319.19, and 364.93. When soiling (smoke or suspended particles) was used as the pollution index, the figures were 376.65, 339.13, and 399.88, respectively.

[40] G. Friedman, *J. Chronic Dis.* 20, 769 (1967).

[41] The effect of air pollution on pneumonia, tuberculosis, and asthma has also been investigated. C. Daly (see *25*) reports simple correlations of .60 for pneumonia mortality and pollution from domestic fuel and .52 for pneumonia mortality and pollution from industrial fuel. For tuberculosis mortality the correlations are .59 and .22, respectively. The death rates for pneumonia rise from 30 to 52 per 100,000, and those for tuberculosis rise from 47 to 89, as one goes from rural setting to conurbations. Stocks (*19*) reports data on pneumonia mortality, by sex, for 26 areas of northern England and Wales. As shown by regressions 27 through 30 in Table 1, there appears to be a strong relationship between a smoke index and pneumonia mortality. The relationship is much stronger for men than for women. C. A. Mills [*Amer. J. Hyg.* 37, 131 (1943)], in a classic study of wards in Pittsburgh and Cincinnati for 1929–30, reports substantial correlation between pneumonia death rates and local pollution indices. He found the correlation between dustfall and rates for pneumonia mortality in white males to be .47 for Pittsburgh and .79 for Cincinnati. The actual variation in these death rates is 41 to 165 per 100,000 population for Cincinnati and 0 to 7852 for Pittsburgh. Mills argues that omitted socioeconomic variables could not account for these correlations, but he made no attempt to control for such variables in his studies. He also found that death rates fell significantly as the altitude of an individual's residence increased; there was a drop of approximately 10 percent in death rate for every 100 feet (30 meters) of elevation [see also C. A. Mills, *Amer. J. Med. Sci.* 224, 403 (1952); E. Gorham, *Lancet* 1959–II, 287 (1959)]. Zeidberg, Prindle, and Landau [*Amer. Rev. Resp. Dis.* 84, 489 (1961)] studied 49 adult and 35 child asthma patients for a year. They found that the attack rate (attacks per person per day) for adults rose from .070 during days when atmospheric concentrations of sulfates were low to .216 when concentrations were high. In children, the effect of increased concentrations of sulfates was insignificant. Schoettlin and Landau [*Public Health Rep.* 76, 545 (1961)] investigated 137 asthma patients in Los Angeles during the fall months. They found that 14 percent of the variance in daily attacks ($n=3435$) could be explained by the maximum atmospheric concentrations of oxidants for that day. These two studies document a strong relationship between asthma and air pollution; Lewis, Gilkeson, and McCaldin [*Public Health Rep.* 77, 947 (1962)] found no association between the daily frequency of visits to charity hospitals for treatment of asthma attacks and measures of air pollution.

[42] J. W. B. Douglas and R. E. Waller, *Brit. J. Prev. Soc. Med.* 20, 1 (1966).

[43] A. S. Fairbairn and D. D. Reid, *ibid.* 12, 94 (1958).

[44] L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health* 54, 85 (1964).

[45] Morbidity rates associated with a soiling index were 140, 122, and 96, respectively, for high, moderate, and low pollution; corresponding rates associated with an SO_2 index were 177, 117, and 81. For white females, morbidity rates associated with an SO_3 index were 169, 134, and 160; with a soiling index, 158, 139, and 127; and with an SO_2 index, 172, 136, and 116. For nonwhite males, the morbidity rates associated with an SO_2 index were 86 for high concentrations and 84 for moderate and low concentrations; corresponding rates associated with a soiling index were 94 and 67, and with an SO_2 index, 84 and 88. For nonwhite females, morbidity rates of 136 and 140 were associated with high and with moderate and low SO_2 concentrations, respectively; corresponding rates associated with soiling were 140 and 129, and with SO_2 concentrations, 145 and 126. The effects for working women and for housewives, between the ages of 14 and 65, were similar.

[46] E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967.

[47] S. Ishikawa, D. H. Bowen, V. Fisher, J. P. Wyatt. *Arch. Envision. Health* 18, 660 (1969).

[48] W. W. Holland and D. D. Reid, *Lancet* 1965–I, 445 (1965).

[49] D. D. Reid, *ibid.* 1958–I, 1289 (1958).

[50] C. J. Cornwall and P. A. B. Raffle, *Brit. J. Ind. Med.* 18, 24 (1961).

[51] F. C. Dohan, *Arch. Environ, Health* 3, 387 (1961); ——— and E. W. Taylor, *Amer. J. Med. Sci.* 240, 337 (1960).

[52] H. A. Sprague and R. Hagstom, *Arch. Environ. Health* 18, 503 (1969).

[53] L. B. Lave and E. P. Seskin, in preparation.

[54] "Country and City Data Book," *U.S. Dep. Commerce Publ.* (1962); "Analysis of Suspended Particulates, 1957–61," *U.S. Public Health Serv. Publ. No. 978*—(1962); "Vital Statistics of the United States (1960)," *U.S. Dep. Health Educ. Welf. Publ.* (1963); "Vital Statistics of the United States (1961)," *U.S. Dep. Health Educ. Welf. Publ.* (1963).

[55] For a discussion of the limitations of these studies, see B. G. Ferris, Jr., and J. L. Whittenberger (7) and J. R. Goldsmith, *Arch. Environ, Health* 18, 516 (1969).

[56] See "Smoking and Health Report of the Advisory Committee to the Surgeon General of the Public Health Service," *U.S. Public Health Serv. Publ. No. 1103* (1964), p. 362.

[57] This might be explained by noting that farmers tend to be exposed to a high level of pollution in the course of their work (from fertilizers, insecticides, and the exhaust fumes from farm equipment), which causes more deaths from respiratory disease than would be expected from the low level of general air pollution in rural areas.

[58] See, for example, T. Toyama (*16*) and F. L. Petrilli, G. Agnese, S. Kanitz, *Arch. Environ. Health* 12, 733 (1966).

[59] L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967).

[60] R. A. Prindle, G. W. Wright, R. O. McCaldin, S. C. Marcus, T. C. Lloyd, W. E. Bye, *Amer. J. Public Health* 53, 200 (1963).

[61] D. P. Rice, "Estimating the Cost of Illness," *Public Health Serv. Publ. No. 947–6* (1966).

[62] The category "diseases of the respiratory system" encompasses numbers 470 through 527 of the 1962 International Classification of Diseases, Adapted (ICDA). A report of the Commission on Professional and Hospital Activitives, entitled Length of Stay in Short-Term General Hospital (1963–1964) (McGraw-Hill, New York, 1966), gives details on the average lengths of stay and number of patients in 319 U.S. general hospitals for 1963 and 1964 by specific ICDA classifications. From these figures we were able to compute the ratio of total hospitalization by specific disease to total hospitalization for all respiratory diseases. Of the 2,410,900 impatient days for all respiratory diseases, 232,222 were for acute bronchitis and 177,232 were for "bronchitis, chronic and unspecified." Thus, approximately 17 percent of all inpatient days for respiratory diseases were for some form of bronchitis. On the basis of current hospitalization rates, we find the direct cost of diseases of the respiratory system to be $1581 million annually. An estimated 17 percent of this amount is due to bronchitis; thus, the direct cost of bronchitis is about $268.8 million annually.

[63] To calculate the indirect cost of bronchitis, we must do more than take 17 percent of the total indirect cost ($3,305,700) of all diseases of the respiratory system. Almost 50 percent of respiratory disease patients are hospitalized for "hypertrophy of tonsils and adenoids" (ICDA 510). Hospitalization is categorized by age of patient in the Commission on Professional and Hospital Activities report, and we note that 80 percent of these "tonsil and adenoid" patients were under 20 years of age. Thus, it seems clear that the "forgone earnings" of these patients is negligible, and so no indirect costs should be allocated to this group. We therefore excluded the hospitalization of "tonsil and adenoid" patients before computing the percentage of hospitalization due to bronchitis. Thus, we estimated that 20 percent of the indirect cost of respiratory disease can be ascribed to bronchitis.

[64] There is one bit of evidence that 25 to 50 percent of total morbidity (and therefore mortality) can be associated with air pollution; see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health* 54, 85 (1964). If one accepted this evidence as conclusive, it would follow that the annual cost of air pollution, because of health effects, would run between $14 billion and $29 billion.

[65] See J. H. Schulte, *Arch. Environ. Health* 7, 524 (1963); A. G. Cooper, "Carbon Monoxide," *U.S. Public Health Serv. Publ. No. 1503* (1966); *Effects of Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance* (National Academy of Sciences and National Academy of Engineering, Washington, D.C., 1969).

[66] Another way to estimate the cost of air pollution is to examine the effect of air pollution on property values. See R. J. Anderson, Jr., and T. D. Crocker, "Air Pollution and residential property values," paper presented at a meeting of the Econometric Society, New York, December 1969; H. O. Nourse, *Land Econ.* 43, 181 (1967); R. G. Ridker, *Economic Costs of Air Pollution* (Praeger, New York, 1967); R. G. Ridker and J. A. Henning, *Rev. Econ. Statist.* 49, 246 (1967); R. N. S. Harris, G. S. Tolley, C. Harrell, *ibid.* 50, 241 (1968).

[67] P. Buell, J. E. Dunn, Jr., L. Breslow, *Cancer* 20, 2139 (1967).

[68] E. C. Hammond and D. Horn, *J. Ameri. Med. Assn.* 166, 1294 (1958).

[69] P. Stocks, "British Empire Cancer Campaign," supplement to "Cancer in North Wales and Liverpool Region," part 2 (Summerfield and Day, London, 1957).

[70] G. Dean, *Brit. Med. J.* 1, 1506 (1966).

[71] A. H. Golledge and A. J. Wicken, *Med. Officer* 112, 273 (1964).

[72] W. Haenszel, D. B. Loveland, M. G. Sirken, *J. Nat. Cancer Inst.* 28, 947 (1962).

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AMERICAN PRISONERS OF WAR

Mr. GORE. Mr. President, during and after every war in which the United States has been engaged, Congress has concerned itself with the prisoner-of-war problem. This is surely the case today. Every Member of Congress is concerned and troubled over the treatment of Americans held prisoner by the various elements engaged in the fighting in Southeast Asia. It is particularly distressing that North Vietnam, claiming to be a sovereign nation and wanting to take its place in the family of nations, has so consistently and coldly refused to follow established practices of civilized man in caring for Americans held prisoner by them. It is particularly distressing, heartless on their part, that we are unable to determine with certainty just who is being held, and under what conditions.

I think we must face the fact that we live in an age of neobarbarity in several respects. The cruel handling of prisoners of war, the actions of guerillas in the Middle East, where established and recognized governments are not in control of their own territories or people, the kidnaping of diplomats in some South American countries, the easy resort to weapons of mass destruction, the disregard of the sovereignty and boundaries of small nations, the thoughtless threats or proposals of would-be leaders to "send in Marines" at every provocation, riots in our cities and on the campuses of our colleges, as well as disrespect for due process of law and justice generally, portend a general retrogression of the gravest sort in our civilization, in the way we treat our fellow man, in the way we view ourselves. This is a matter of the greatest gravity, at home and world over, and ought to be a matter of concern to everyone in a position of leadership in every country of the world. This retrogression is at work in warfare and in disorder in our own society.

In ancient times, wars were generally undertaken for purposes of economic exploitation. Additional lands and peoples were acquired primarily to add to the taxes collected by the ruling group. Soldiers were often paid in booty. One needs only to read casually of the destruction of Thebes, Carthage, Samaria, or Jerusalem, for example, to be impressed with the awful cruelties then so generally practiced.

Under such circumstances, it could not reasonably be expected that prisoners of war would be treated well. Prisoners were a part of the picture of exploitataion. They were sometimes ransomed, if they had sufficiently wealthy connections, but generally they were sold into slavery, into whatever kind of bondage the people of the time and place practiced.

But with the approach of modern times, particularly with the rise of nationalism, both the purpose and conduct of warfare generally changed. So did the handling and disposition of prisoners taken in war. Civilization moved to a higher level of conduct in this regard. Even with the rise of nationalism and its attendant conflicts, the increased reliance on militarism—Prussia adopted universal, peacetime military conscription in the 1860's—the acceleration of the cost of war and size of armies, prisoners of war began to receive better treatment, and it became customary to release and repatriate prisoners of war as a part of all general conflict settlements.

Warfare is, by its very nature, brutal. I know of no way to negate the brutality of armed conflict. But the unarmed, wounded, or captured former combatant who is now no longer a combatant can, should, and I hope always will be treated with humane consideration.

As I have said, mankind has made great strides in this sort of humaneness. And so we find that, insofar as prisoners of war and their final disposition are concerned, the general practice in modern times has been to release prisoners of war without ransom at the conclusion of a conflict. We can date this practice from the Treaty of Westphalia in 1648, which brought to a close the bloody and ideologically bitter 30-year war. And this, despite the fact that Grotius, writing in his monumental work, "On the Law of War and Peace," just a few years earlier had set out the general practice then prevailing with respect to prisoners of war. He maintained that the legalities of warfare recognized the right of captors to enslave prisoners of war. Grotius, himself, however, felt that this was not proper, and that prisoners should be ransomed or exchanged.

So, Mr. President, I think we can see that the step taken in the Treaty of Westphalia to release prisoners of war as a part of that overall settlement was truly a giant step forward for mankind. And, ever since 1648, it has been the general practice to release all prisoners of war with the settlement of a conflict.

During the continuation of a war or an armed conflict, prisoners of war have often been treated abominably. Without going too far afield, we might recall the conditions on British ships where American prisoners were held during much of the Revolutionary War. It was charged that 20,000 American prisoners of war died on those ships. And Andersonville keeps cropping up in our literature. But on the whole, those nations pretending to be civilized have improved their treatment of prisoners of war. We have had plenty of practice. Between 1480 and the outbreak of World War II, there were 278 wars, with some 2,700 battles—if one classifies as a battle those clashes on land involving at least 1,000 casualties and at least 500 for naval engagements.

Today we are concerned with the plight of our fellow countrymen who are held by the North Vietnamese and by various groups operating in South Viet-

nam or elsewhere in Southeast Asia. The frustration of our Government is matched, and surely exceeded, by the sorrow, the uncertainty, the cold fear felt by the relatives and loved ones of members of our Armed Forces who are missing from the ranks of their comrades in Vietnam, but whose fate cannot be definitely determined due to the stubborn intransigence of those against whom we are fighting in Southeast Asia.

Despite the best efforts of our Government, of some foreign governments, of international organizations, of certain U.S. citizens and officials acting in unofficial capacities, Hanoi refuses to abide by the rules of civilized nations governing the treatment of prisoners of war. This is despicable.

The most expeditious way to bring about the identification and release of our men held captive in Southeast Asia is to negotiate a general settlement of the war. This is the surest way, perhaps the only way, to bring about their early release.

As I have pointed out, ever since the Treaty of Westphalia in 1648, it has been customary to release all prisoners upon the negotiation of a general settlement following an armed conflict. Partial exchanges, releases, and paroles have sometimes occurred, but these have been rare. There have been limited releases of badly crippled and diseased prisoners in wars as recent as World War II, but this is a definite exception to the general rule. During the American Civil War, there were exchanges, particularly of officers, and in December 1864, prisoners of war officers were paroled by both sides to arrange for food and supplies to be sent to prisoners still held. Generally, these limited releases have been based on bartering between the opposing sides.

It has been proposed by some that we try to barter for our men held by the North Vietnamese. We do this sort of thing in connection with hijackings and exchanges of high-level spies. Perhaps it would work with prisoners of war, or so it is thought by some. In my opinion, although I would be willing to have our Government try this, it would be fruitless. I base this on the lack of interest displayed by the North Vietnamese in getting their own people released from South Vietnamese prisons and stockades.

Furthermore, both North Vietnam and the Vietcong have stated that release of prisoners and information about them must be a part of a general settlement of the war.

I have joined with other Senators in sponsoring various resolutions deploring the conditions under which our men are held by enemy groups in Southeast Asia. I have urged, through various channels, that an accounting be made by North Vietnam, through the International Red Cross or otherwise, of all Americans held by them or their associates and underlings. Thus far I have seen few tangible results. Some names have been released. Some films have been shown. These teasers only tantalize sorrowing and uncertain relatives and friends.

And we, of course, do not entirely trust the accuracy of what the other side out there has to say. Based on the brainwashing and brutalization practiced in Korea, we can be on guard against the same kind of thing in Vietnam. Of course, this kind of treatment and possibly enforced defection must be placed in the "nothing-new-under-the-sun" category. During our own Civil War, the Yankees captured some 476,149 prisoners and "allowed" 5,452 of these captives to join the Union Army. Senators from the North may point out in rebuttal that 3,170 Yankees captured by Confederate forces—out of a total of 188,145—joined the Confederate Army.

Without a negotiated settlement of some sort, our prisoner-of-war problem is discouraging.

For about 6 years, I have publicly urged, as I had privately urged for many years prior to that time, that the President of the United States, beginning with Mr. Eisenhower, negotiate a settlement of the political problems in Southeast Asia. Now that President Nixon has "ruled out" winning the war militarily, I see no reasonable alternative to a compromise. Such a settlement should and must include an early release of all prisoners of war.

ADDRESS BY SENATOR KENNEDY

Mr. MONDALE. Mr. President, the turbulence on our Nation's campuses is one of the most disturbing and perplexing developments we face.

We are in very real danger of losing that essential bond between the university and society at large. And with it, we stand to lose much of the potential for our future as a free and progressive nation.

We begin to repair that bond with a new understanding—a new understanding by students of the society in which they live, as well as a better understanding of students by their elders.

The distinguished senior Senator from Massachusetts has made a major contribution to this mutual understanding in an address delivered last night at Boston University. I ask unanimous consent that Senator KENNEDY's wise reflections be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY

I am honored to be with you this evening and to have the privilege of inaugurating this year's lecture series at Boston University.

We all know that every campus in every city, town and village across the country is apprehensive as the new academic year begins.

The events of last May, at home and abroad, are behind us, but not forgotten. The war continues.

The intensity of the public debate has lulled after the strenuous summer lobbying and the optimistic vote on the McGovern-Hatfield amendment. Many persons feel that we may be passing through the eye of the hurricane, with yet another round of unrest and disturbances to beseige us on the road ahead. The embattled university in Wisconsin has felt the murderous, senseless shock of a bomb heard round the country.

Public tolerance has been severely strained, and public indignation is clearly being played to by some political figures.

Everyone awaits the recommendations of the President's Commission on Campus Unrest. Everyone hopes that we are pulling back from the brink on which we have stood.

In the midst of this strife and of our deep concern over the future of our Nation, it is important to pause and note that in recent times, we have seen the system respond.

Changes, both great and small, can be directly attributed to the involvement of young people. They began in the McCarthy and Robert Kennedy campaigns of 1968. There the movement against the war was crystallized into hard political activity. Whether or not we are pleased with the rate of American withdrawal from Southeast Asia, it cannot be denied that American policy is now different.

Men and women have been elected to public office in the past two years, or will be this November, who would not have had a chance a few years ago. And men have been deprived of office by the strength of the new political vitality of the young and the concerned.

Surely, the rejection of Judge Haynesworth and Judge Carswell cannot be overlooked in measuring the responsiveness of our system.

I well recall the influx of thousands of young Americans into Washington following the invasion of Cambodia and the tragedies at Kent and Jackson.

I met with many of you in this audience on the steps of the Capitol, and together we discussed the war and the other great issues of our day. The progress we sought last spring can be measured in results this summer.

In areas like the debate on the Church-Cooper amendment and the McGovern-Hatfield amendment, the Senate clearly began to respond to the voice of the people. A President who resists a timetable to end the war was forced to set a timetable for withdrawal from Cambodia. Congressional investigators and a presidential commission have visited Kent and Jackson, and grand juries are still meeting.

So there is responsiveness to constructive pressure.

And, in another extremely important area, the American political system itself has reached out to embrace the young.

Last June, culminating more than a quarter century of debate in the Halls of Congress and throughout the Nation, Congress passed a historic statute lowering the voting age to 18 in all elections, Federal, State and local—thereby bringing your generation of Americans into the mainstream of the political process of the United States.

By lowering the voting age to 18, the Nation has passed another important milestone in our long march toward extending the franchise to all our people.

Not for fifty years—not since 1920, when the Constitution was amended to give the right to vote to women—have we taken a comparable step to broaden the base of our democracy and increase the responsiveness of our Government.

Last Thursday, in the United States District Court for the District of Columbia, I had the opportunity to participate in the oral arugment of the first judicial case testing the constitutionality of this statute.

Although there were some legal arguments raised against the bill in the course of the congressional debate, I believed then, and I continue to believe, that Congress had ample constitutional authority to lower the voting age by statute.

As a result, when the statute first goes into effect, millions of young Americans between the ages of 18 and 21 will be eligible to go to the polls for the first time, and thereby begin a lifetime of participation in the political process of America.

On January 1, the Supreme Court willing, they will have that right.

Whether they use it, and how they use it, is up to them. The answer will be part of the promise of this decade.

Yet, even beyond the potential of the

youth franchise, the opening year of the 70's has brought America's student population to another important fork in the road.

As we saw last May, and as we will see this fall, there are two clear choices for every student, every organization, and every campus.

They can choose destructive violence and physical coercion, rioting, burning, occupying, bombing, and trashing, at their schools and in the community.

Or they can choose concerted and constructive political action to restructure university governance, to change laws and policies at every level of government, to elect progressive officials in city halls and State houses, in Congress and in the White House.

In the past few years, and especially since May, some students have pursued each of these paths.

But so we are still at the fork in the road, because so many students have yet to choose their course.

And for most of those who have started on the road of violence, it is still not too late to reassess, restart, and turn the other way.

Let me state forcefully, briefly, and simply where I stand, for the hour is much too late for hedging, and the stakes much too high for equivocation.

There is no room, no role, no reason for violence at America's colleges and universities. Those who seek change by the threat or use of force must be identified and isolated, and subjected to the sanctions of the criminal law.

They are hijackers of the university, holding hostage its peace and tranquility, its students and faculty, its research and scholarship, to be ransomed for their particular demands.

And like hijackers, they must be deterred and repudiated, even—or especially—by those who may share their goals. Any person who lends them aid and comfort, any person who grants them sympathy and support, must share the burden of guilt.

For, like the Arab Commandos, the campus commandos can only operate if the environment allows them to.

I fully recognize that the apostles of force and destruction on campus are very few in number, and that the vast majority of students and faculty totally reject violence as a conscious tool of progress.

Yet there is a collective responsibility. It is partly real—to the extent that the few are followed, encouraged, and tolerated by their peers and teachers—and it is partly imagined by those in the public who lump all students together.

Surely the time has come to face these facts, and to face the other realities which student activism in all its forms has visited upon us all.

By their methods, their appearance, and their rhetoric, students have managed to obscure their noble goals in the public's consciousness, and to replace them with the issue of student unrest itself. Instead of being the medium for vital messages about society's ills, for ending war, racism, poverty and repression, the students on the campus are seen in the public eye as one of the principal ills in today's society.

Instead of producing leadership for new solutions to the Nation's problems, campus activists are producing fear and outrage and reaction.

They are pushing the public in the opposite political, philosophical, and social direction. For every American who blamed the National Guard for the killings at Kent State, there were two who thought the students were at fault. There are probably another two for whom the tragedy at Madison was the last straw.

Perhaps the force of public opinion is not, and should not be, enough alone to affect the young. But force of public opinion cannot be ignored, for its results are real and important. Because public opinion is focused on this new and complex problem of "campus unrest", students are convenient and welcome scapegoats.

Turmoil on the campus lends itself to the wildest and basest forms of political rhetoric. The kind of demagoguery we hear from our Vice President and others provides a thick smokescreen behind which some elements in our society can hide what they themselves are really doing to this Nation.

For those who pander to public emotion and perplexity at events on campus are also those who allow the war to continue, and who disorder our national priorities so that we invest in S.S.T.'s and A.B.M.'s instead of teachers for our children and health care for our sick.

And so, in large part because mainstream America is preoccupied with concern about the campus, we all suffer.

While the politicians of panic get their way, leaders with conscience and foresight find the institutions of power—and the public—less receptive and responsive to their programs, priorities, and values, perhaps partly because these are also shared by student America. Thus the deep problems of society go unsolved and short-sighted policies endure.

Moreover, as those who look backward are emboldened by the polarization between the community and the campus, and as those who look forward are resisted, the ones who really suffer most are the ones most in need; the working people who need more and better health care and public education; the unemployed who need training and jobs; the growing families who need housing; the elderly for whom inflation is a constant pickpocket; the union men and women whose sons are dying in Vietnam in larger numbers than any other group in society; and the poor—white, black, and Indian—who need help to lift themselves from deprivation and discrimination. They are the ones who are the real losers when "town" takes on "gown" on a national scale.

For students themselves, there are also some distressing signs of change. Two years ago you could go anywhere to canvass for candidates at election time. Now some candidates feel that student canvassers may be a liability, and the scope of their activities is being curtailed.

Students have become suspect. America is beginning to fear and blame them as a group, without making distinctions between those who seek violent change and those who seek peaceful change.

In many minds, a student is a radical, a radical is a revolutionary, and a revolutionary is a bomb thrower.

Students of all stripes thus suffer the pains of prejudice.

Their lives on campus have been changed. There is an aura of tension and control, instead of calm and freedom.

They have lost some of their natural allies in the university. Many professors feel that student activists are diluting the tradition of academic freedom and interrupting the scholarly and educational functions of the university, causing damage from within that rivals the potential damage from without.

Some students have also alienated most of those who could, and should, be the beneficiaries of their reform efforts—the salaried and hourly employees, the blue collar workers, the hard hats, the commission salesmen, the policemen and all the other middle Americans whose taxes are unbearably high, whose children go to overcrowded and underfunded public schools, whose sons went to war because they could not get deferments, who cannot afford B.U.'s $1700 tuition—let alone next year's $2,000—who can be wiped out by the costs of a major illness, whose automobile insurance and automobile repair costs are getting out of reach, who rely for their leisure on inadequate public park and recreation systems, who inhabit cities where pollution, traffic, utility service, and crime are daily challenges.

These are people who have very real and very immediate complaints about the system and its institutions, as you do, and if you succeed in making the system more responsive, it will respond to their needs as well as yours.

They are also the ones whom you must persuade if new national values and priorities and ideals are to be adopted. But the gap between them and the student is too wide now for these processes to go on.

The worker who could not go to college thinks students should be grateful that they can. He cannot understand why the privilege of college is being abused, why the opportunity is not being fully pursued, why the educational process, which can be the key to success, is being interfered with, and thus he has little respect for anything the activist student might have to say on any subject.

He is not prepared to accept the life-style of the students he sees on the streets of Beacon Hill, Back Bay, or Cambridge.

There is no basis for him to understand or empathize with the needs and drives which bring some young Americans to beards and long hair, beads and pot, and fringed vests and free love.

And so he turns off when the student speaks.

And the student not only loses a vital audience, and potential ally, but also gains an antagonist.

I need not remind you, as well, of the constant backlash from state and national legislators seeking to tie strings to funds and to legislate their own version of discipline on the campus. Or the backlash from alumni and boards of trustees, whose pressures all too often encourage the forces of repression.

That is a dismal picture, and I regret I have to paint it. But you are the ones who can brighten it.

If violence and interference with the rights of others are to be eliminated from the campus, then you yourselves, the vast majority of students, will have to take the lead. You must make clear that violence and coercive tactics are unacceptable.

It is not enough merely to *avoid* violence and interference with rights of others. The time has come to *do* something about it, to play an active role in calming the campus, and to do it with care, with thought, and with courage.

And you must analyze within your own groups whether you have become too narrow-minded in your commitment. Are you merely talking to and persuading those who already agree with you? Have you invested enough thought and time in broadening your appeal and seeking to convince your natural allies and your potential constituencies outside the campus? Or have you acted as though you don't believe outsiders can understand, as if only the college-educated, or the young, can truly identify with your underlying goals, and your immediate purposes?

Already the feeling is too widespread that students are out for a self-indulgent ego-trip, for adventure, for excitement, for a closed game of "how much self-satisfaction can I get?"

You must disprove that notion. You must communicate with others, persuade them, broaden your base of support and their base of hope. You must listen to the hard hat, the firemen, and the bus driver.

You must understand their problems, and not just vent your problems on them.

And you must measure your own priorities. If you are to persuade others, you must be able to reach out to them beyond your own life. Too often, the trappings and habits of youth preclude the opportunity for any contact whatever. It may be unjust and irra-

tional and maddening that the length of someone's hair should influence the effect of his discourse, but it is fact of today's life.

If you are going to move out beyond the campus, you have the choice:

You can maintain your lifestyle and appearance, and bear the double burden of persuading your listeners of the validity of both the medium and the message, with the risk that if you fail on the first, you get no chance on the second.

Or you can move right to the message, by sacrificing, at least temporarily, some of the trappings that antagonize others.

It is simply a matter of priorities. How important is it to you that your message get through? How much time and energy do you want to spend convincing people that students with beards are really normal citizens, before you can start convincing them that the war and other abuses in society are immoral?

And finally, I think it is vital to realize that successful political action involves changing institutions not only from the outside but from the inside as well.

There are many public service functions where direct participation by America's youth could not only revitalize the institutions, but also help produce the generational dialogue and understanding which the Nation needs so badly.

In our hospitals and health centers, in our city and county governments, in our police departments and criminal justice agencies, in poverty programs and educational systems, the problems of our society can be exposed to daylight. They can be confronted and attacked.

These areas are the front lines, where actions have direct and measurable results, where hard work can bring personal gratification and social contribution at the same time.

For surely there is a clear element of snobbery in constant criticism of institutions and agencies without any willingness to enter them and see if a better job can be done.

Dissent, like so many things in the America of 1970, has become too comfortable.

It takes 5 minutes to draw the letters on a protest sign, but it takes a lifetime of dedicated service to make a contribution to society.

In the decade of the sixties, students in North and South joined together to awaken the Nation's conscience.

A generation of freedom rides, sit-ins, and voter registration helped to launch the drive to banish racism from our social structure.

Those who came before you in recent years were the first to call attention to the critical moral issue of our day, our participation in the Vietnam war.

As troop levels and bombing raids began to escalate, it was the academic community which first raised the voice of protest, which first questioned the validity of our means and ends in Vietnam, and which began to transform the nature of all our international commitments.

In hundreds of respects, our students of the past have made vital and lasting contributions to the quality of our life.

What difference will you make? What challenge will you meet? What burden will you carry? What service will you give? Will it be enough to shout your protest, or will you also help the rest of us to bring your dreams to life?

A man of Massachusetts, one of the greatest prophets in the history of our Nation, put this thought very simply, in words as timely now as they were on Memorial Day in 1884:

It was Justice Oliver Wendell Holmes who said:

"As life is action and passion, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

Indeed, we are in a time of change, of new problems, and new answers. You must help your university to remain a place of scholarship and learning, a place of growth and wisdom, a springboard for new ideas and new ways.

It is you and millions like you around the country who will determine how your university and your Nation will continue to exist. The responsibility is yours. I hope you will bear it well.

OUR SLUGGISH ARMY NEEDS DRASTIC REFORM

Mr. YOUNG of Ohio. Mr. President, in the editorial section of the Washington Post, on September 13, was published a most informative and penetrating article written by former lieutenant colonel of the U.S. Army Edward L. King. This article is important, and is a factually correct assessment of what is wrong with our Army, and in particular as to what is wrong with the topmost generals and other officers from the Joint Chiefs of Staff down.

Lieutenant Colonel King, the author, who had requested retirement last year because of his opposition to our involvement in Southeast Asia and doubtless for other very valid reasons set forth in his statement, served overseas in the Korean war. Recently, before his voluntary retirement, he was with the Office of the Joint Chiefs of Staff at the Pentagon.

Mr. President, I hope that millions of Americans, including Members of Congress, our GI's and officers and men now serving in our Armed Forces, particularly the draftees, read this article, entitled "Sluggish Army Needs Drastic Reform."

Mr. President, I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SLUGGISH ARMY NEEDS DRASTIC REFORM

(By Edward L. King)

The United States Army needs reform. One aspect of this need has been examined by the President's commission to establish an all-volunteer armed force, and public debate about reform has focused almost exclusively on the volunteer army.

But little critical thinking has been devoted to two other areas crying—so far, in the wilderness—for public attention: the officer corps and the armed services' organization. If both of these are ignored, the U.S. Army will continue to be badly led and badly organized, regardless of whether the enlisted men are volunteers or draftees.

For roughly the last 15 years, the quality of military leadership has been declining. The deterioration has been all too vividly revealed by the Vietnam war. The Army developed the concepts of "limited brushfire wars" and counterinsurgency to ensure a military component for the international political realities of the late 1950s and early 1960s. These doctrines found natural application in Vietnam. That conflict began as a counterinsurgency situation that quickly grew into a "brushfire" war with the Green Berets as the limited warriors.

But they couldn't win, and the Army was forced into a crash program in 1964 to form an air mobile division—the First Air Cavalry Division—which was essentially a forerunner for largescale conventional war. The Air Cavalary was unable to stop the "brushfire," so the buildup of standard infantry divisions began and Vietnam became a small-scale replica of World War II—hardly what the limited war proponents had sold to Presidents Kennedy and Johnson.

A further deception in Army thinking is the oft repeated assertion by high-ranking officers that political, not military, constraints have inhibited the Army's success in Vietnam. Yet the limited war concept itself is sharply restricted to achieving specific tactical objectives within a narrowly defined geographic area. It would not include offensive operations such as attacking across the DMZ, bombing Haiphong or invading Cambodia.

Vietnam has revealed the limited war concept for what it really is—a mercenary expedient to assure military participation in international affairs, and the money to go with it, without any meaningful adjustment in large war force structures or any relationship to contemporary political priorities.

In short, the Army first urged and now perpetuates the war for its own parochial internal purposes, with little sense of national responsibility. And from a purely military viewpoint, the command of our forces in Southeast Asia has been egregiously mismanaged because it has been guided by the wish to maximize career opportunities for senior officers rather than maximize the effectiveness of our forces.

TOLERABLE CASUALTIES

For example, a single combat command assignment is today an unwritten prerequisite for promotion from colonel to brigadier general, and additional such assignments are virtual guarantees of further rapid promotion. To accommodate the eagerness for promotion, combat command assignments are rotated every six months. This results in more promotions for career officers. It also means that combat in Vietnam is generally led by green officers inexperienced in local battlefield command, in the past tactics and characteristics of the enemy's troops, in the experience and ability of their own troops and in the climate and terrain over which they must fight.

Under such circumstances, it is virtually inevitable that more promotions for eager commanders would be accompanied by more dead enlisted soldiers than would have been the case had the Army been given stable, experienced combat leadership at all levels as a matter of policy. But the casualties of such a policy would have been career improvements for hundreds of officers. In the eyes of today's general officers, such casualties are less tolerable than the lives of soldiers who died in superfluous agony.

The situation has grown unchecked because of complete internal conformity; deviating from the Army party line is discouraged and punished. Internal criticism and disagreement are nonexistent. And needless to say, the reprisals against criticism in public are swift and vigorous. Consequently, the uniform face put on for the public and Congress by the Army's officer corps is not that of healthy consensus but of strict and sterile convention.

The futility of the war and the personal self-interest of most commanding officers have not been lost on lower ranking junior officers and GIs. Many continue to serve and toe an undeviating line out of fear of court-martial and jail or because of a strong desire not to let their buddies down. Officers remain silent and seek promotions in the only way available because they, like other men, have home mortgages to pay, children to send to college and higher paid retirement to anticipate.

Yet the doubts are growing daily, particularly among younger officers. Among these young men, service to the nation and their subordinates, and dedication to justice, individual dignity and self-respect, would be more appealing attributes of military life than service to their own careers first and to the existing system a close second.

It is difficult to imagine that bitterness

that is beginning to permeate the lower enlisted and officer ranks of the Army or the creeping paranoia against the press, TV, politicians and liberal segments of our society that afflicts the senior ranks. Such conditions, if left unattended, pose a serious danger to the future of the republic.

TOO MUCH SUPPORT

Not only is the Army badly led, it is badly structured. For example, in Europe approximately 200,000 Army troops include only about 85,000 actual combat troops. There is no valid military reason why these 85,000 combat soldiers could not be adequately commanded and supplied by an additional 65,000 men. Thus, either the total force of 200,000 could be cut by 50,000 troops or that total should contain a much higher proportion of combat elements.

Since the mid '50s, the proportion of noncombat manpower has been growing. In Vietnam it has required an Army force of over 400,000 men to provide 100,000 actual combat troops. The present "combat slice" (the percentage of troops available actually to fire on the enemy) is under 40 per cent for all Army units. This compares unfavorably to the 60 per cent combat slice of the Soviet army and 70 per cent combat slice of the North Vietnamese army.

Only a fraction of the vastly increased support forces are required by the new military technology. Most are merely the baggage that go along with sending the Army "first-class" and with the proliferation of headquarters commands which do nothing more than pass orders to lower commands and provide slots for general officers and their retinues. The present U.S. Army is a dragon with a huge tail and tiny teeth.

The implications of this situation are several. First, economically, the U.S. Army is far too expensive compared to its combat potential. In Western Europe, for example, at least two and probably three senior command levels between the Pentagon and the combat commanders could be eliminated. These headquarters contribute little to military effectiveness.

Second, tactically, the dragon is reasonably mobile and can travel in the luxury to which it has become accustomed only when it has absolute air superiority. Yet in Western Europe, it is not assumed that the Air Force will have absolute air superiority.

Third, strategically, when only limited conventional combat forces are available against superior conventional forces in Eastern Europe and the Soviet Union, greater motivation exists for U.S. forces to resort quickly to first use of nuclear weapons with the inherent danger of nuclear escalation rather than flexible response to aggression.

The foregoing implications are, of course, mere suggestions of the need for a hard look at the organization of the U.S. Army and the military unified and specified staff concepts. Resistance to that hard look comes from career officers who feel that they personally have nothing to gain from a restructuring of the Army and considerable to protect by perpetuating the system that provides comfortably for professional advancement and retirement.

SECOND-RATE SCHOOLING

Reforming the Army is not a contradiction in terms, but it does pose obvious obstacles of entrenched service and congressional attitudes and habitual bureaucratic inertia, as well as the added problem that any criticism of the military is characterized by some as patriotically suspect if not quasitreasonable.

Nevertheless, the obstacle course and the risk of obscurantist slander must be run. To improve leadership:

Better education. The service academies are in fact only engineering schools and, on the basis of faculties and curricula, second-rate ones at that. They and the career officer training schools need improved and broadened curricula and more civilian instructors. Now is the time to establish national priorities clearly and to emphasize that military service is a way of providing national service and not a personal end in itself.

Internal dissent and debate must be encouraged; public comment by military men on matters of ordinary concern to citizens should be restrained only when substantive evidence exists that such comment seriously prejudices true order and discipline of the Army.

The Uniform Code of Military Justice should be revised to bring it more in accord with accepted principles of justice. Court-martial should not be used in lieu of leadership, as was the case at the Presidio of San Francisco. The rights of the soldier must be better protected.

Nondiscriminatory promotions. Promotions should be made solely because of demonstrated merit and ability, without regard to source of commission (e.g., West Point, ROTC, OCS), component of service (regular, reserve), family background, race or religion. Discrimination on all these grounds now exists.

A less conformity-conscious rating system. Efficiency report ratings should be more oriented to demonstrated and potential ability and less weighted by the opinion of one individual on whether or not an officer is constantly conforming to the wishes of that individual.

Civilian surveillance. Civilian leaders, especially in the Pentagon and White House, must unceasingly seek out and reward officers who lead by their personal example and performance of duty rather than by force of rank. The service secretaries should be men with experience in military affairs, but with unquestioned independence. (This requirement should not exclude former military men from serving in civilian capacities. Examples: Gen. James Gavin could probably be a more effective civilian Secretary of the Army than most civilians. President Eisenhower probably better preserved civilian control over the armed forces than any other recent president.)

To improve organization:

Tough civilian leadership. Even though many officers would welcome a more streamlined and austere Army, they will certainly not succeed in achieving it unless supported by vigorous congressional and executive action.

Reduction in noncombat forces. Western Europe provides obvious examples, but the continental U.S. command structure could be greatly reduced without the slightest reduction in preparedness or effectiveness. Present top-heavy unified command structures and unproductive specified commands must be reduced in accord with changing national priorities.

To reform is to prosper. Yet the armed services show few signs of reform vitality. This state of affairs is beginning to be appreciated by the public through the dark glass of recent history: vast overspending on the C–5A, ill-fated defense systems such as the F–111 and the Cheyenne Helicopter, the cover-up of Mylai, the Green Beret murder accusations, the legal "overkill" of courts-martial at Ft. Jackson, Ft. Dix and the Presidio, and the apparent futility and questionable judgment of such bloody incidents as the Hamburger Hill assault (for which the commander was rewarded with a third star and a choice job with the Joint Chiefs of Staff.)

These are now in the public domain and have disillusioned and alienated much of the civilian community. But what is not yet at public issue is the inflexibility, shortsightedness and selfishness within the armed services which have allowed these incidents to occur.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for approximately 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE LEGISLATIVE ACHIEVEMENTS: "A CALL FOR COOPERATION"

Mr. MANSFIELD. Mr. President, under the heading "A Call for Cooperation," the President last Friday transmitted a message to the Senate. With it he takes Congress to task for apparently failing to attend fully to what he defines as his legislative program. I have read through this message and I am somewhat puzzled. I am puzzled first of all because—at least as far as the Senate is concerned—just about every single item mentioned by the President has been, is now being, or will soon be, considered and disposed of on the merits.

Indeed, the only explanation for such a message is that it has arrived on the eve of campaign time—not an unusual time and not an unusual ploy. It has been a tactic employed by many Presidents. It is thus a message that should have been anticipated. But even if this is a document aimed at the Senate, it misses the mark by a wide margin. Whatever may be the reasons for criticizing the U.S. Senate, attention to the legislated items mentioned in this message is not one. Many of these items were initiated right here in the Senate and only later were embraced by the administration. All or nearly all of them have been, or soon will be, considered. Some will no doubt be rejected as unfeasible or poorly conceived. Some will be changed drastically to do the job intended. And it is true that some—such as the National Institute for Education proposal—simply cannot be considered at all. Many reasons apply. In the case of this education measure, it is because the administration fired its education chief on the eve of Senate hearings. No successor has been named, and therefore hearings would be futile with no administration spokesman.

What is apparent from this message is that is does not reflect the record, at least the record as far as the Senate is concerned. Speaking on behalf of the Senate, the only way to correct the record at this time, would be to take the proposals cited, item by item, and recall the action taken by the Senate.

Under the caption "Reforming the Institutions of the Past," for example, the message mentions the Tax Reform Act, the Economic Opportunity Act, and the Postal Reorganization Act. All of these measures were considered by the Senate. All passed the Senate. Each, as I recall, was initiated right here in Congress, and it was only later that the proposal was embraced by the administration. Most notable among them, perhaps, was the reform of our income tax laws. With this action, Congress—and especially the Senate—acting on its own initiative, rewrote the tax laws to provide more equity and a greater distribution of the overall

tax burden for the benefit of the lower- and middle-income groups.

Draft reform is then cited in the message. Of course, the reform of our draft was undertaken by Executive order with the institution of the lottery system. The President should be commended for that first step. But when his own proposal for a volunteer army was under consideration in the Senate as an amendment to the military authorization bill, the administration opposed it. It called for delay and urged rejection. I, along with many of my colleagues on this side of the aisle, as well as the other, supported the President on that occasion. Members of his own party in the Senate sought to defeat his volunteer proposal. Strangely missing in this reference to the military field were the cold war GI bill benefits initiated by Congress; and, even more important, the whole attitude of Congress toward military expenditures. For example, it was Congress that cut so severely the administration's requests for military spending in order to provide more money for the poor, for environmental needs, for urban problems, and for education.

Reform of the welfare system is mentioned prominantly, and of course, the family assistance proposal backed so strongly by the President is on the Senate's schedule to be considered, hopefully, later this month. I, personally, may have doubts about some of the reforms he suggests, but the President is to be greatly commended for his tenacity regarding this measure. Particularly gratifying were his special efforts to get the approval of key Members of his own party who for so long have been blocking consideration of the measure.

The food stamp proposal has passed the Senate, as have all of the major health proposals. The measure that would provide revenue sharing with the States is one of those bills which the Constitution requires the House to originate. If and when such a proposal is received in the Senate, it will be considered—and expeditiously.

Manpower training is on the Senate schedule and will be considered this week. It should be pointed out, however, that this is a far different proposal from that suggested by the President. By contrast, this measure goes a long way to solve the unemployment crisis that is now facing this Nation by creating an additional 300,000 jobs. Also scheduled are the social security amendments.

The electoral reform proposal is now pending. As for the District of Columbia, Congress has gone at least part of the way with the adoption of the delegate measure. There is talk that a constitutional amendment proposal to provide for elected representatives may be offered later this month. There is no telling what will be received from the other body in the way of foreign trade proposals. If and when they arrive in the Senate, they will be given consideration.

The Merchant Marine Act amendments are on the Senate schedule for action next week.

When the message speaks of unacted upon crime proposals, it does not refer to the Senate's record. On the matter of crime, I need only reiterate what I have stated so often in the past. The Senate has passed all but one major administration crime, drug and obscenity bills plus several that it originated itself.

With regard to education, the President should be advised of the fact that none of the ongoing education programs expire until next year. The Education Subcommittee is now considering 14 higher education proposals, only one of which was submitted by the administration. Many hearings have been held already and more expected. Many of the education experts who have testified have felt that the administration's proposals are neither practical nor feasible. On the matter of the emergency school aid program, I recall that the Senate appropriated $75 million for such a program during the fiscal year 1971. It included Senate-written guidelines as well. To state again for the record, hearings were scheduled on the National Institute for Education proposal. They subsequently had to be cancelled because the administration's Commissioner of Education was asked to resign. There has since been no new Commissioner of Education appointed to fill this vacancy; and without an Education Chief in the Nation, it is felt that any further efforts to hold hearings on the bill would be futile.

The deemphasis given education by the administration was best demonstrated with the vetoes of two educational bills. It is no wonder then that this message failed to mention the outstanding record this Congress has compiled in the education area. It produced the Elementary and Secondary Education Act amendments of 1969, the Emergency Student Loan Act of 1969, the National Center of Educational Media for the Handicapped, the National Commission on Libraries and Information Sciences, and the National Foundation of the Arts and Humanities Act amendments. And that is only part of the record. Ready for action is the environmental quality education proposal and the library services and construction amendments.

In the area of urban affairs the Senate has passed the Urban Mass Transportation Assistance Act and the Housing and Urban Development amendments are scheduled for Senate action. The Senate has passed or is scheduled to act on every proposal in the consumer area, including the Consumer Protection Act, the Consumer Warranty Act, and the Consumer Representation Act. All delays in this most important area were requested by the administration. It should be pointed out as well that the warranty measure has already passed and was a Senate-initiated proposal. Indeed, it was far more comprehensive than the proposal submitted by the administration.

With regard to the environment, again the Senate record is truly outstanding. Not only have each of the proposals cited been disposed of or scheduled, but the Senate on its own has added a good many. It is surprising that the message even mentions this area since it has been the Senate which has taken the leadership in this field. It is recalled that the administration requested only nominal, if any, funds to finance municipal waste treatment facilities. There is a vital need for these facilities today. We are told that drinking water in parts of the land is severely threatened. The Senate saw to it that upward of $300 million was made available.

Of its air pollution record alone, the Senate may be particularly proud. It strengthened greatly the President's proposal; most notably by requiring fully clean cars by the year 1975.

As for oil pollution, the Congress provided rigid standards. Tragically, those standards would be weakened by the treaties that the President has transmitted to the Congress for ratification. I hope the Senate will withhold the ratification of any treaty that would make it easier to contaminate further any ocean, river, or lake waters.

The reference to the Federal oil leases in the Santa Barbara Channel is also a matter of great controversy. Certainly the goal of terminating these leases is most desirable; but not at the expense of giving away valuable Federal resources.

As for Indian legislation, public broadcasting, the stockpile proposals, those measures have been acted upon. The one-bank holding company measure is scheduled this week and consideration of the farm bill begins this evening. Each revenue-producing measure that is pending in the Senate will be acted upon. To repeat, however, under the Constitution, the House is required to act first on all such proposals.

Finally, I would only refer to the list of all measures passed by the Senate during this session of the Congress. I submitted that list for printing in the RECORD on September 1. It shows that, as of that date, the Senate passed 535 measures this session; 200 of those have been signed into law. There have been five treaties ratified.

Mr. President, I ask unanimous consent that the list, updated, be printed in the RECORD at the conclusion of my remarks. It is there for all to read. It is the record of the Senate for this session of the Congress. It is an outstanding record. One for which we may all be proud—both Democrats and Republicans in this body. One for which the American people may be proud. One for which the President may be proud.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, we have cooperated and we will continue to cooperate with the President because we think the Republic must come first—and must come first at all times.

EXHIBIT 1

SENATE LEGISLATIVE ACTIVITY, 91ST CONGRESS, 2D SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H, Passed House; P/S, Passed Senate.

Following is a brief summary of major Senate activity:

AGRICULTURE

Apple marketing orders.—Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91-363.

Conservation and development projects.—

Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91-343.

Custom slaughtering.—Amended the Federal Meat Inspection Act to permit custom slaughterers to engage in buying and selling meat and meat food products without losing their exemption as custom slaughterers; exempted from inspection requirements the custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (i) cattle, sheep, swine and goats slaughtered by their producers, and (ii) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91-342.

Dairy products donation.—Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91-233.

Egg Products Inspection Act.—Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children.—Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91-207.

Guam agricultural services.—Continues through June 30, 1975, authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas—advertising.—Amended the Agricultural Marketing Agreement Act of 1937 to add Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91-384.

International animal quarantine station.—Authorized the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States, through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provided measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the bringing in of animals to the station or subsequent movement of animals therefrom to other parts of the United States contrary to regulations to be issued by the Secretary of Agriculture. Public Law 91-239.

Production research.—Amended the Agricultural Marketing Agreement Act to authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and to make such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91-292.

Rural telephone bank.—Creates a Rural Telephone Bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account is to consist of such net collections from the 2-percent telephone loan program received after July 1, 1968, as may be necessary to provide for the Government's investment in the Bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments.—Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The bill provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; nutritional training and education and studies of food service requirements; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; publicly announced policies regarding free or reduced price lunches; no overt identification of children receiving free or reduced cost meals; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; semi-annual estimates of eligible children; monthly reports of the numbers receiving free lunches and reduced price lunches; special developmental projects; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91-248.

Special milk program extension.—Permanently extended the authority for the special milk program which would expire June 30, 1970, at the current authorization level of $120 million. Public Law 91-295.

Tobacco allotments.—Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; subjected such leasing to the discretion of the Secretary of Agriculture and to a determination by him that it will not impair the operation of the marketing quota or price support program; provided for extension of such leasing authority; excepted specified tobaccos from section 316; and extended the maximum duration of leases to 5 years. Public Law 91-284.

Tomato advertising.—Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/3/70.

Wheat referendum deferral.—Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91-348.

APPROPRIATIONS: 1970

Continuing appropriations

Continued appropriations through February 28, 1970. Public Law 91-193.

Made further continuing appropriations for the fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91-257.

Foreign aid.—Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91-194.

Labor-HEW.—Appropriated a total of $19,747,153,200 for the Departments of Labor and Health, Education, and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Labor-HEW.—Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91-204.

Second supplemental.—Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91-305.

1971

Agriculture.—Appropriated a total of $8,475,935,100 for the Department of Agriculture and related agencies. H.R. 17923. P/H 6/9/70. P/S amended 7/9/70.

Continuing appropriations

Continued appropriations through July 31, 1970. Public Law 91-294.

Continued appropriations through October 15, 1970. Public Law 91-370.

District of Columbia.—Appropriated a total of $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91-337.

Education.—Appropriated a total of $4,420,145,000 for the Office of Education. Public Law 91-380. Congress overrode Presidential veto.

Independent Offices—Housing and Urban Development.—Appropriated a total of $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Interior.—$2,028,524,700 grand total, new budget (obligational) authority and appropriations to liquidate contract authority. Public Law 91-361.

Legislative.—Appropriated a total of $413,054,220 for the Legislative Branch. Public Law 91-382.

Public Works—Atomic Energy Commission.—Appropriates a total of $5,258,695,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. H.R. 18127. P/H 6/24/70. P/S amended 8/24/70.

State, Justice, Commerce, the Judiciary, and Related Agencies.—Appropriates a total of $3,122,080,500 in new budget (obligational) authority for the fiscal year 1971. H.R. 17575. P/H 5/14/70. P/S amended 8/24/70. In conference.

Treasury, Post Office, and Executive Office.—Appropriates $9,537,429,000 for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. H.R. 16900. P/H/4/13/70. P/S amended 9/1/70. In conference.

Atomic Energy

Atomic Energy Commission authorization, 1971.—Authorized appropriations of $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91-273.

Western Interstate Nuclear Compact.—Gives congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. S. 1628. P/S 6/26/70.

Congress

Library of Congress—James Madison Memorial Building.—Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purposes. Public Law 91–214.

Library of Congress—Office equipment and furniture.—Transferred from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91–280.

Library of Congress security.—Extended the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91–281.

Senate office space.—Authorizes the Architect of the Capitol to acquire on behalf of the United States, the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future office needs of the Senate. S. 3594. P/S 5/21/70.

Crime

Controlled Dangerous Substances Act.—Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretary of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restricts importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing, possession with intent to manufacture, distribute, or dispense, importation, exportation, and simple possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controlled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Criminal Justice Act Amendments.—Amends the Criminal Justice Act of 1964 (relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts), by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; increases the hourly rate to $30 an hour and the total compensation limits available to attorneys providing representation; and changes various other provisions to improve the operation of the Act. S. 1461. P/S 4/30/70.

Executive Protective Service.—Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91–217.

Organized Crime Control Act.—Embodies a comprehensive, integrated program designed to deal with the menace of organized crime in the United States. Establishes, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unifies and expands existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; deals with recalcitrant witnesses; creates a new false declaration provision applicable in grand jury and court proceedings; authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases; provides a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contains special findings dealing with the effect of such gambling on interstate commerce, makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provides penalties for violations, as well as providing electronic surveillance in aid of enforcement of the prohibited "business" activities; establishes, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes unlawful certain "racketeering activity" and provides penalties for violations; and provides for increased sentencing (up to 30 years) for defined dangerous adult special offenders. S. 30. P/S 1/23/70.

Defense

Civil Defense Act.—Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard Authorization, 1971.—Authorized appropriations of $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard Officers—Interservice transfers.—Placed the Coast Guard on the same parity as their counterparts in the military departments by providing that the Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. Public Law 91–392.

Coast Guard Omnibus.—Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws.—Modified the law affecting the Coast Guard Reserve, the modifications generally not only being designed to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other Armed Services. H.R. 13716. Public Law 91– .

Command of the U.S.S. "Constitution" by retired U.S. Navy officers.—Permitted a retired officer of the U.S. Navy to command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. Public Law 91–394.

Defense Production Act extensions.—(See Economy and Finance)

Disposals from national and supplemental stockpiles.—Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos.—Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite.—Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth.—300,000 pounds. Public Law 91–318.

Cadmium.—4,180,000 pounds. Public Law 91–314.

Castor oil.—18,500,000 pounds. Public Law 91–319.

Chromite.—Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt.—40,200,000 pounds. Public Law 91–317.

Corundum.—1,952 short tons. Public Law 91–330.

Fluorspar.—Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite.—Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium.—12,000 short tons. Public Law 91–321.

Manganese, type A.—Chemical grade, 111,900 short dry tons. Public Law 91–322.

Manganese, type B.—Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese ore.—Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum.—3,500,000 pounds. Public Law 91–333.

Shellac.—4,300,000 pounds. Public Law 91–324.

Tungsten.—100 million pounds. Public Law 91–325.

Headstones or markers for medal of honor recipients.—Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. Public Law 91–396.

Leave for uniformed services members in hostile fire areas.—Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps Band.—Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Military claims.—Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims, and that a similar provision for partial payment be provided for such claims. Public Law 91–312.

Military procurement authorization, 1971.—Authorizes appropriations of $11,892,389,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,016,500,000 for research, development, test, and evaluation; and $334,000,000 for military

construction authority for the Safeguard antiballistic missile system; continues the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand, with the funding of the Department of Defense; authorizes the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposes certain limitations with regard to specific procurement actions; provides certain additional legislative authorities; and contains other provisions. H.R. 17123. P/H 5/6/70. P/S amended 9/1/70.

Naval flight officers' command.—Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Savings deposit program for certain uniformed services members.—Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards.—Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports.—Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—Presentation to parents of deceased servicemen.—Provided that United States flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. Public Law 91–397.

War Claims Act amendments.—Authorized payment under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo*, for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month. Public Law 91–289.

District of Columbia

Anatomical Gift Act.—Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act.—Removed the ceiling of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer.—Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States, all of which permit the intrastate transfer of blood components within their borders. Public Law 91–256.

Cooperative Association Act amendments.—Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court reform and criminal procedure act.—Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service to provide legal counsel for up to 60 percent of all indigent criminal defendants and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent; expanded the Bail Agency and enables it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on non-financial conditions; replaced the existing three-judge juvenile court with an expandable Family Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Delegate to House of Representatives—Commission on D.C. Organization.—Provided a 12-member District of Columbia Government study commission, said Commission to report to Congress within 12 months those changes necessary in any facet of the organization and practices of the District Government, in the interest of the congressionally approved goals of economy, efficiency, and improved municipal services; provided a nonvoting Delegate to the U.S. House of Representatives from the District of Columbia, said Delegate to be chosen biennially by the qualified voters of the District, following nomination either (1) by a political party in a party primary, or (2) by the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate (whichever is less); and made technical amendments to the election laws of the District of Columbia. H.R. 18725. Public Law 91– —.

Fees.—Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits; license and user fees are presently fixed by statute, and many fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fee is charged. S. 3906. P/S 8/13/70.

Freeway airspace utilization.—Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

Health services improvement.—Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms between the District and other jurisdictions within the Washington "milk shed"; provides for detection of tuberculosis for school children in the District through mandatory tuberculin testing of all children entering school for the first time; allows the District government to enforce liens against recoverable moneys as to persons under care at Glenn Dale Hospital, Maryland; allows physicians licensed in another State to obtain a license in the District, although once failing the District examination. S. 3648. P/S 7/30/70.

Housing Revolving Fund and Unclaimed Property Act.—Establishes in the District of Columbia a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District of Columbia. S. 3011. P/S 5/13/70.

Industrial Safety Act Amendments.—Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Metropolitan Area Transit Act.—Grants congressional consent to the public acquisition and operation of mas transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Mortgages and loans.—Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. S. 3313. P/S 4/1/70.

Pay increase for police, firemen, and teachers.—Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service; increased by an average of 13 percent, retroactive to September 1, 1969, the salaries of teachers; revised the personal income tax of District of Columbia residents and authorized a special Federal payment of $8 million to the District of Columbia to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Protective eye devices.—Requires students, teachers and observers in the District of Columbia to wear protective devices while participating in or observing certain courses of study or types of training in public or private facilities wherever there is a condition hazardous to the eyes in connection with educational or training programs. H.R. 9528. P/H 11/24/69. P/S amended 5/7/70.

Protestant Episcopal Church Vestry Act.—Conforms applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church to repeal those anachronistic sections of the so-called Vestry Act which deal with the internal organization and operation of the Church, but to leave intact those provisions which establish general corporate powers and which may affect title to property held by the church. S. 2336. P/S 8/13/70.

Rental of space for District of Columbia agencies and activities.—Enables the government of the District of Columbia to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities, thus allowing the District government to compete for space

in the open market on the same terms as the Federal Government. S. 3649. P/S 7/1/70.

Revenue.—Provides that the annual Federal payment authorization be established at 30 percent of the District of Columbia general fund tax revenues and authorizes a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District. The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. S. 3903. P/S 8/13/70.

Taxation of regulated investment companies.—Conformed the provisions of the District of Columbia Income and Franchise Tax Act of 1947 to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954 to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District similar to that they are accorded under Federal law. Public Law 91–391.

Teachers' retirement amendments of 1970.—Amended the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91–93. Public Law 91–263.

Voluntary admission of patients to Forest Haven Institution.—Authorizes voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven; requires that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved; deletes certain archaic terminology in the present law and substitutes modern terminology in its place. H.R. 4182. P/H 4/28/69. P/S amended 9/11/70.

Water and sanitary sewer rates.—Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services; and eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the discretion of the District of Columbia Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

Economy and Finance

Consumer Products Warranty and Guaranty Act.—Require a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties and requires that a written warranty or guaranty must be designated a "full" or "partial" warranty; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions Federal share insurance.—Provides a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system; provides mandatory coverage for federally chartered credit unions for State-chartered credit unions and for credit unions operating under the Department of Defense jurisdiction if they elect to be covered and agree to comply with the requirements of the program; changes regular reserve requirements of Federal credit unions; authorizes Federal credit unions to invest in other insured credit unions; and authorizes certain Federal credit unions serving low-income persons to accept funds from non-members. S. 3822. P/S 9/2/70.

Credit unions—Independent agency status.—Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be appointed by the President by and with the advice and consent of the Senate. Public Law 91–206.

Defense Production Act extension; standby wage, price, salary, and rent controls.—Extended the Defense Production Act until June 30, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91–379.

Defense Production Act temporary extensions:

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91–300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91–371.

Eisenhower dollar.—Authorizes the minting of not to exceed 150 million silver dollars, 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S. J. Res. 158 P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Eligibility of American Samoa Banks for Federal deposit insurance.—Establishes the eligibility of the banks in American Samoa for Federal deposit insurance by amending sections 3 and 7 of the Federal Deposit Insurance Act in accordance with the provisions governing U.S. territories. S. 3366. P/S 7/1/70.

Federal National Mortgage Association.—Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Gold and silver content.—Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91–366.

Public debt limit increase.—Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91–301.

Public Works and Economic Development Act extension.—Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91–304.

Purchase of U.S. obligations by Federal Reserve banks.—Extended for 1 year, from June 30, 1970, to June 30, 1971, the authority of of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 91–360.

Savings bonds—Interest increase.—Increased from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91–388.

Securities Act exemption from registration for small businesses.—Amends the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000. S. 336. P/S 8/13/70.

Securities Exchange Act—Additional consumer protection.—Amends the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90–439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock for stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. S. 3431. P/S 8/18/70.

Silver certificates.—Authorizes further adjustments in currencies outstanding which were issued after June 30, 1929; permits the writeoff of Federal Reserve bank notes and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S 6/17/70.

Unsolicited credit cards.—Prohibits the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limits consumer liability for a lost or stolen card to not more than $50, unless there is a lesser liability under other applicable law or under an agreement with the card issuer; amends the definition of a card issuer to include not only the person who issues the card but also any agent of the issuer; sets penalties for unauthorized use of credit cards. S. 721. P/S 4/15/70. H.R. 16542. P/H 9/9/70.

Education

Demonstration elementary school for the deaf.—Authorizes the Board of Directors of Gallaudet College to maintain and operate, including necessary renovation, construction and equipment, the Kendall School as a demonstration elementary school for the deaf

to serve primarily the National Capital region and authorizes the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation. S. 4083. P/S 8/11/70.

Elementary and secondary education amendments.—Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education laws. Public Law 91–230.

Impacted areas aid.—Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3–A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91–237.

Land-grant status for College of the Virgin Islands and the University of Guam.—Gives land-grant status to the College of the Virgin Islands and the University of Guam; authorizes endowment grants of $1,019,000 to the University of Guam and $714,000 to the College of the Virgin Islands; provides eligibility for annual grants to each college. S. 1148. P/S 4/15/70.

National Commission on Libraries and Information Science.—Established a 15-member National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91–345.

Federal Employees

Air traffic controllers.—Changes the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; makes a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of service in such a capacity. S. 3959. P/S 7/13/70.

Civil service retirement.—Provides that when an employee retires he may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies before his spouse. S. 437. P/S 9/10/70.

Federal firefighters.—Extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578. P/S 8/18/70.

Federal pay legislation.—Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90–207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91–231.

Foreign Service retirement adjustments.—Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1960 (Public Law 91–93). Public Law 91–201.

Government Printing office—Overtime compensation.—Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91–369.

Government Printing Office—Special policemen.—Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91–359.

Health benefits.—Increases the amount paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act. H.R. 16968. P/H 7/9/70. P/S amended 9/9/70. H. agreed to Senate amendment with an amendment 9/10/70.

Job Evaluation Policy Act.—Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91–216.

Protecting privacy and the rights of Federal employees.—Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertaking unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties. S. 782. P/S 5/19/70.

Wage board employees.—Provides an equitable system for fixing pay scales for prevailing rate employees of the Government by establishing one system of rules under one agency's jurisdiction to insure that Federal employees in the same area working for different agencies will be paid the same rate for doing the same kind of work, that the same criteria are used by one agency as by another in surveying prevailing rates to establish Federal wages, and that employees have adequate and fair representation within the groups vested with carrying out the established policies. H.R. 17809. P/H 9/9/70. P/S amended 9/10/70.

General Government

Alaska Native Claims Settlement Act of 1970.—Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American Revolution Bicentennial Commission.—Authorizes appropriations of $373,000 for fiscal year 1971, for the Commission's activities. S. 3630. P/S 6/26/70. H.R. 16408. H. Cal.

Bankruptcy Laws Commission.—Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91–354.

Canal Zone government.—Cash relief payments: Amended the Canal Zone Code to adjust cash relief payments (to be paid from Canal tolls at no cost to the Federal government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for adjustment of future payments on the basis of cost-of-living under provisions of the United States Code pertaining to civil service retirement annuities; and extended the eligibility

for cash relief payments to surviving widows of such former employees. Public Law 91–355.

Coalinga Canal, Calif.—Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91–336.

Commission on Population Growth and the American Future.—Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91–213.

Disaster assistance.—Provides a permanent, comprehensive program for Federal disaster assistance and strengthens the organization and administrative machinery needed to implement the program in an orderly and effective manner; enables the extension of needed emergency relief and recovery assistance to individuals, organizations, businesses, and States and local communities suffering from a major disaster; authorizes Federal assistance for private as well as public losses suffered in a major disaster which the President determines to be of "sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby and respecting which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for the same or similar purposes with respect to such catastrophe"; consolidates into one Act and repeals the three major existing Federal disaster assistance laws; makes changes in the Small Business disaster loan program, Farmers Home Administration emergency loans, and Veterans' Administration loans. S. 1619. P/S 9/9/70.

Disposition of executive records.—Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91–287.

Family planning services and population research activities.—Makes comprehensive, voluntary family planning services and related information available to all persons in the United States desiring such services; provides greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; provides for development and dissemination of information on population growth; provides for coordination and centralization of the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare (HEW); authorizes $89.750 million in fiscal year 1971, rising in increments of $53.250 million per year to $307.750 million in fiscal year 1975 for a new 5-year program of grants and contracts administered by HEW; establishes an Office of Population Affairs in HEW, headed by the Deputy Assistant Secretary for Population Affairs, to exercise direct authority and control over family planning grant and population research programs operated by HEW, to coordinate and evaluate other HEW family planning and population-related programs, and to provide liaison with other Federal agencies carrying out programs in this field; requires HEW to submit to Congress a 5-year plan for extension of services to all persons having need of them, for research programs, and for training programs and provides for annual reports to Congress on progress under the plan. S. 2108. P/S 7/14/70.

Fire protection contracts on public lands.—Confers on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. S. 3777. P/S 7/1/70.

Fire research and safety act authorization.—Authorizes to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Franklin Delano Roosevelt Memorial Commission.—Authorized $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission. Public Law 91–398.

Full Opportunity Act.—Establishes full social opportunity for all Americans as a national goal, and declares this goal to be a continuing responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments; describes the goal as embracing such areas as educational and vocational opportunities, access to housing and health care, and the provision of special assistance to the handicapped and other less fortunate members of society; establishes institutions and procedures for advancing this broad social goal, specifically: (1) a Council of Social Advisers in the Executive Office of the President; and (2) an annual Social Report by the President to the Congress; and establishes within Congress an Office of Goals and Priorities Analysis to submit an annual report to Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. S. 5. P/S 9/10/70.

Government systems and equipment purchasing.—Authorizes the Administrator of General Services to determine the system and equipment required for standard passenger motor vehicles (sedans and station wagons) to be completely equipped for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. S. 2763. P/S 5/28/70. H. Cal.

"Johnny Horizon" symbol.—Protects the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land Is Your Land—Keep it Clean") from unauthorized use and permits the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. S. 3838. P/S 7/7/70. H. Cal.

Land Conveyance, Eglin Air Force Base, Fla.—Authorized the Secretary of the Air Force to donate, grant, and convey to the Board of Public Instruction of the county of Okaloosa, Florida, all right, title, and interest of the United States in and to approximately 135 acres of land; such land shall be used for the construction of school facilities in the vicinity of Eglin Air Force Base to alleviate the severe overcrowding of schools in that area. Public Law 91–347.

Mountain Standard Time Zone.—Authorized the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. Public Law 91–228.

National Foundation on the Arts and the Humanities Act amendments.—Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities, provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91–346.

National Science Foundation authorization.—Authorized appropriations to the National Science Foundation for the fiscal year 1971 in the amount of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Public Law 91–356.

Oil and gas leases.—Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91–245.

Plymouth-Provincetown Celebration Commission.—Creates a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorizes $100,000 for the Commission's work. S. 2916. P/S 6/26/70.

Postal Reorganization Act.—Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Depuy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operations; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that begins on or after April 16, 1970. Public Law 91–375.

Postal service.—Makes technical changes in the reference to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Sea Grant College and Program Act amendments.—Provided for further funding of the National Sea Grant College and Program Act through fiscal year 1973, authorizing $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively.

SMITHSONIAN INSTITUTION

Additional members of Board of Regents.—Authorizes the appointment of three additional citizen regents to the Board of Regents

of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. H.R. 14213. P/H 12/16/69. P/S amended 8/18/70.

Facilities construction.—Authorized the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; limited the authorized appropriations to $500,000; specified that the proposed museum facilities be constructed on land presently within the metropolitan area of the District of Columbia; and limited the use of the appropriated funds to preliminary planning and design of the facilities. S 209. P/S 7/17/70.

Museum programs authorization.—Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Foundation on the Arts, and the National Foundation on the Humanities. S. 704. P/S 8/7/70.

Trust Territory of the Pacific Islands.—Increases the authorization from $50 million to $60 million for the fiscal year 1971 and authorizes $60 million for fiscal year 1972 for the Trust Territory of the Pacific Islands for civil works and administrative programs. S. 3479. P/S 5/18/70. H.R. 15978. H. Cal.

Use of Personal Checks To Pay Postal Services.—Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

Health

Air Pollution Compacts

Mid-Atlantic States.—Gives Congressional consent and approval to a compact between the States of Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to the Commonwealth of Pennsylvania and the State of Delaware to join in such compact. S.J. Res. 53. P/S 6/2/70.

Ohio-West Virginia.—Gives Congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.—Establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs established by the bill; provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country; authorizes for formula grants to States $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively, for project grants to State and local agencies $60 million, $100 million, and $160 million for fiscal years 1971, 1972, and 1973, respectively; requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of alcohol abuse and alcoholism throughout the Nation. S. 3835. P/S 8/10/70.

Cancer conquest.—Expresses the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carried out said crusade so that the citizens of this land and other lands may be delivered from the greatest medical scourge in history. H. Con. Res. 675. P/H 7/15/70. P/S amended 8/28/70.

Community mental health centers amendments.—Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorizes for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively; and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Developmental Disabilities Services and Facilities Construction Act.—Extends and amends the Mental Retardation Facilities Construction Act of 1963; authorizes $100 million, $125 million, and $150 million for fiscal years 1971, 1972, and 1973, respectively, for grants to assist States in developing and implementing a comprehensive and continuing plan for providing services to persons affected by mental retardation and other developmental disabilities; expands the program for the construction and development of university-affiliated facilities and authorizes therefor $7 million, $11 million and $15 million for fiscal years 1971, 1972, and 1973, respectively, for demonstration and training grants, and $20 million for each of fiscal years 1971 through 1975 for construction grants; and places special emphasis on the need for facilities and services for the retarded in areas of urban and rural poverty. S. 2846. P/S 4/13/70. P/H amended 7/30/70. In conference.

Family Practice of Medicine Act of 1970.—Authorizes a 5-year program of grants through fiscal year 1975 to medical schools to operate separate departments devoted to teaching and instruction in all phases of family practice, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility, to operate or participate in special training programs for paramedical personnel in the field of family medicine, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools; authorizes grants to public or private nonprofit hospitals for the operation of special professional training programs in family medicine for medical students, interns, or residents, to construct facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility, to provide scholarships, fellowships, or stipends to interns, residents, or other medical personnel who are in need of such assistance to participate in accredited training programs in the field of family medicine and who plan to specialize or work in the practice of family medicine, to operate or participate in special programs for training paramedical personnel in the field of family medicine; authorizes for grants to medical schools and hospitals appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975; enables the Secretary of HEW to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition and for such programs authorizes $32 million for each of 5 fiscal years beginning with fiscal year 1971. S. 3418. P/S 9/14/70.

Health Training Improvement Act of 1970.—Extends for 5 years and improves the Allied Health Professions Personnel Training Act of 1966 and authorizes for training of allied health professions personnel $79.25 million for fiscal year 1971, $97 million for fiscal year 1972, $118.25 million for fiscal year 1973, $138.5 million for fiscal year 1974, and $158.75 million for fiscal year 1975. Such funds are allocated to the categories of construction grants, basic improvement grants (formula), special project grants, advanced traineeships, development of new methods, utilization of educational talent, scholarship grants, work-study programs, and student loans; additionally creates a new emergency 1-year $100 million program of special project grants for certain medical and dental schools in financial distress. S. 3586. P/S 7/13/70. P/H amended 7/30/70. In conference.

Heart disease, cancer, stroke, and kidney disease amendments.—Extends regional medical programs for 5 years through June 30, 1975 and authorizes therefor $1.1 billion for grants; adds "kidney disease" and "other major diseases and conditions" to the original three programs covered—heart disease, cancer, and stroke—and provides that a maximum of $15 million of the amount appropriated in fiscal year 1971 be available for kidney disease activities; authorizes $1.987 million for comprehensive planning and services; authorizes $503 million for health services research and development; creates a National Council on Health Policy and authorizes through fiscal year 1975 $4 million therefor; facilitates the group practice of medicine; and makes other changes in, and additions to, existing law. H.R. 17570. P/H 8/12/70. P/S amended 9/9/70.

Medical facilities construction and modernization amendments.—Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program of project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provides for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91-296.

Medical Library Assistance Extension Act.—Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects; and authorized for funding these

programs $63 million for fiscal years 1971 through 1973. Public Law 91–212.

Migrant health services.—Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91–209.

Poison Prevention Packaging Act.—Amends the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; authorizes the Secretary of Health, Education and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; sets penalties for failure to conform to those standards; and creates a technical advisory committee to advise the Secretary. S. 2162. P/S 5/11/70.

Public Health Cigarette Smoking Act.—Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91–222.

Public health training.—Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91–208.

Water Pollution Compact

Potomac Valley Conservancy District Compact amendments.—Grants the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin. S.J. Res. 67. P/S 8/14/70. H.J. Res. 1179. H. Cal.

Housing

College housing debt service grants.—Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency Home Finance Act.—Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for Federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91–351.

Loans to lessees of nonfarm rural land.—Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic housing program.—Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

Indians

Chemehuevi Tribe.—Authorizes the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets which funds were appropriated April 30, 1965. S. 4033. P/S 9/1/70.

Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma.—Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interests in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91–240.

Choctaw Tribe, Oklahoma.—Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the Choctaw Tribe, Oklahoma. Public Law 91–386.

Coeur D'Alene Indian Reservation.—Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated Tribes of the Umatilla Indian Reservation.—Authorized the Confederated Tribes of Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91–259.

Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias.—Provided for a per capita distribution of 3 judgments by the Indian Claims Commission totaling $2,049,273 that have been recovered on behalf of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias and provided that any per capita share the Secretary of Interior is unable to deliver within two years shall revert to the Peoria Tribe. Public Law 91–364.

Educational facilities for Indian children.—Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S.J. Res. 144. P/S 5/19/70.

Five Civilized Tribes and Osage Tribe of Oklahoma.—Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe in Oklahoma to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five Civilized Tribes of Oklahoma.—Authorizes the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five Civilized Tribes of Oklahoma.—Authorizes each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to popularly elect their principal officers and makes clear that for purposes of developing election procedures the current leadership shall bear responsibility. S. 3116. P/S 4/27/70.

Fort Belknap Indian irrigation project, Montana.—Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91–251.

Fort Belknap Indian Reservation, Montana.—Amends the Act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota.—Authorizes the mortgaging of tribal land on the Fort Berthold Reservation acquired after the date of enactment of this legislation and provides that resulting funds are to be used to buy lands within the reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian Tribe, Arizona.—Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91–264.

Hualapai Tribe, Arizona.—Authorized the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indian Claims Commission Docket No. 90. The net amount available is $2,974,612. H.R. 13434. Public Law 91–

Inter-Tribal Council, Inc., Miami, Oklahoma.—Authorizes and directs the Secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Incorporated, Miami, Oklahoma, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin.—Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tribe of Wisconsin, subject to valid existing rights-of-way and the right of the State of Wisconsin to use the fire observation tower located on the land for so long as needed and provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claims against the United States Government determined by the Commission. S. 1751. P/S 4/30/70.

Loans to Indian tribes.—Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title to land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Potawatomi Indians.—Authorized the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in an Indian Claims Commission Docket, the net amount available being $723,111. H.R. 14097. Public Law 91– .

Quapaw Indians, Oklahoma.—Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada.—Grants to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians, and authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma.—Authorized the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in an Indian claims Commission Docket, the net amount available, including accrued interest, amounting to $703,345. H.R. 14827. Public Law 91– .

Sioux Tribe of the Fort Peck Indian Reservation, Montana.—Provided for a per capita distribution among the members of the tribe of a judgment of $1,161,354.41 against the United States recovered by the tribe. Public Law 91–283.

Snohomish, Upper-Skagit, and Snoqualmie-Skykomish Tribes.—Disposes of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50. S. 4078. P/S 9/1/70.

Tlingit and Haida Indians of Alaska.—Authorized the disposition of funds (previously appropriated, invested and amounting to $7 million) awarded to the Tlingit and Haida Indians of Alaska by a judgment against the United States for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington.—Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute Tribe.—Authorized by the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds that have been used for construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; authorizes the payment of interest on the tribal funds used; and transfers the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. H.R. 16416. Public Law 91– .

Ute Tribes.—Provides for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in the Court of Claims, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in an Indian Claims Commission docket. S. 3997. P/S 9/1/70.

Washoe Tribe of Nevada and California.—Set aside 80 acres of public domain in Alpine County, California to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima tribes.—Provides for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission as comparison for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. S. 3337. P/S 5/15/70. H.R. 15469. H. Cal.

Yavapai-Prescott Community Reservation, Arizona.—Authorized lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

International

American prisoners of war in Southeast Asia.—Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war. H. Con. Res. 454. House adopted 12/15/69. Senate adopted 2/18/70.

Arms Control and Disarmament Act amendments.—Authorized the appropriation of $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention on offenses and certain other acts committed on board aircraft—Implementing legislation.—Amends the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, which was approved by the Senate on May 13, 1969 and is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. S. 2176. P/S 8/13/70.

Convention relating to arbitral awards—Implementing legislation.—Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Gulf of Tonkin Resolution—Termination.—Provides that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International biological program.—Authorize all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expresses the support and endorsement of the Congress for the International Biological Program; and declares that the provision by the United States of adequate financial and other support for the IBP is a matter of priority. H.J. Res. 589. P/H 11/12/69. P/S amended 8/3/70.

International expositions.—Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically proposed exposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,000 in any fiscal year. Public Law 91–269.

Military sales—Limitations on U.S. involvement in Cambodia.—Authorizes $250 million for foreign sales for each of fiscal years 1970 and 1971 and sets a credit ceiling of $300 million in each of those fiscal years; places limitations on United States involvement in Cambodia; repeals the Gulf of Tokin resolution effective at the end of the second session of the 91st Congress; requires that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels, be made under the regular military grant aid and sales programs; places a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and makes other changes in, or additions to, existing law. H.R. 15628. P/H 3/24/70. P/S amended 6/30/70. In conference.

Pan American Institute of Geography and History.—Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Peace Corps Act amendments.—Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Retirement age for foreign service career ministers.—Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers who are now past the mandatory retirement age. S. 3691. P/S 6/19/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems.—Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

TREATIES

Convention on the Privileges and Immunities of the United Nations.—Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through

the International Organizations Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand.—This treaty follows generally the form and content of extradition treaties recently concluded by the U.S. Government. Under its coverage are 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C (91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions.—Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property Convention revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A (91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention.—Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I (91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada.—Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A (91st, 2d). Resolution of ratification agreed to 5/27/70.

United Nations Headquarters expansion.—Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70.

U.S.-U.S.S.R. political exchange program.—Assists governmental officials of the United States and the Soviet Union through means of exchange of visits in making better informed judgments about world affairs involving the two countries; authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period. S. 3127. P/S 4/20/70.

Water pollution research—Fifth international conference.—Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

JUDICIAL

Additional district judges.—Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle the business brought before them. Public Law 91–272.

Civil Rights Commission authorization.—Increases the annual authorization of the Civil Rights Commission from $2,650,000 to $3,400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 31, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expense; increases the per diem amount payable to Commission members and consultants from $75 to $100; amends the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein, and that said answer shall be annexed to the Commission report. S. 245. P/S 7/14/70. H. Cal.

Copyright protection extension.—Continues until December 31, 1971 the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, Public Law 90–416, Public Law 91–147. S.J. Res. 230. P/S 8/17/70.

Customs Courts Act.—Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs so that the Court and the Bureau will be better able to cope effectively and expeditiously with their rapidly expanding workload. Public Law 91–271.

Federal Youth Corrections Act.—Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91–339.

Immigration and Nationality Act amendments.—Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign residence requirement for aliens in the United States as exchange visitors. Public Law 91–225.

Immigration and Nationality Act amendments.—Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91–313.

Jurisdiction of U.S. courts—Contract claims.—Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy, Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91–350.

Mississippi District Court

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. S. 3122. P/S 6/26/70.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. S. 3225. P/S 8/20/70.

Newspaper Preservation Act.—Provided, under certain conditions, for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91–353.

U.S. land titles.—Amends section 355 of the Revised Statutes, as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies subject to his general supervision and regulation; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. Public Law 91–393.

Voting Rights Act extension.—Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

Labor

Railroad Adjustment Board.—Amended the Railway Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91–234.

Railroad retirement.—Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

Railroad Retirement Act amendments.—Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15 percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing shall be made by a 5-member Commission which is to submit its recommendations to the President and to Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91–377.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91–203.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91–203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91–226.

Memorials and Tributes

Apollo 13 astronauts.—Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage; extended support to their families, friends and all involved in their mission; and urged all who wished to and could comply to pause at 9 p.m., April 14, 1970, to ask the help of God in assuring the safe return of

the astronauts. S. Res. 388. Senate adopted. 4/14/70.

Commendation of heroism of airline pilots.—Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Building.—Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirkson, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91–237.

Goddard Rocket and Space Museum.—Provides congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Senate adopted 4/7/70. H. Cal.

Harry S. Truman Dam and Reservoir, Missouri.—Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91–267.

Honor America Day.—Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations and called upon the people of the United States to observe such celebrations with appropriate ceremonies and activities. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jose Antonio Navarro commemorative medals.—Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society, without cost to the Federal Government, not more than 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91–244.

Mary McLeod Bethune Memorial.—Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91–277.

Newt Graham Lock and Dam.—Designates lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. S. 1500. P/S 5/25/70.

Ohio Northern University commemorative medals.— Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. Public Law 91–381.

Ohio Northern University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575, House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res, 573. House adopted 4/29/70, Senate adopted 6/26/70.

Peruvian earthquake.—Extended the sympathy of the Senate to the President and the people of Peru in the hour of their suffering and distress resulting from an earthquake on May 31, 1970, causing loss of thousands of lives and destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program.—Designates the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A. Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. S. 1100. P/S 5/25/70.

Senate Majority Leader Mike Mansfield.—Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial medals.—Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation, without cost to the Federal Government, not more than 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91–254.

Tribute to Gen. Omar N. Bradley and allied World War II victory in Europe.—Expressed the sense of Congress that, on the occasion of the 25th anniversary of V-E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah".—Authorizes the Secretary of the Navy to take such action as is necessary to provide for erection of a flagpole on the remains of the battleship, U.S.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. S. 583. P/S 7/10/70.

William "Bill" Dannelly Reservoir, Alabama.—Changes the name of the Millery Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the development of the water resources of the Alabama-Coosa River Basin. S. 528. P/S 5/22/70.

William G. Stone Navigation Lock, California.—Designates the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this important project. S. 3192. P/S 7/21/70.

Nominations (Action by Rollcall Vote)

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.—Nomination confirmed 5/12/70 (94–0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.—Nomination rejected 4/8/70 (45–51).

Adm. Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years.—Nomination confirmed 6/17/70 (78–2).

Proclamations

American prisoners of war and servicemen missing in action in Southeast Asia.—Expressed the sense of Congress that May 1, 1970, be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the same return of these brave Americans. H. Con. Res. 582. House adopted 4/23/70. Senate adopted 4/27/70, amended. House agreed to Senate amendments 4/28/70.

Clean Waters for America Week.—Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

International Clergy Week.—Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition.—Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Mineral Industry Week.—Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

National Arbor Day.—Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day" and called upon the people of the United States to observe such day with appropriate ceremonies and activities. Public Law 91–236.

National Machine Tool Week.—Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week." Public Law 91–395.

National Park Centennial Year.—Requested the President to issue a proclamation designating 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

Resource Buildup

Anadromous Fish Conservation Act amendments.—Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Arches National Park, Utah.—Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and watering of livestock, S. 532. P/S 7/1/70.

Canyonlands National Park, Utah.—Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape Cod National Seashore, Massachusetts.—Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public law 91–252.

Capitol Reef National Park, Utah.—Establishes the Capitol Reef National Park in the

State of Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act.—Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Classification and Multiple Use Act and the Public Land Sale Act extensions.—Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Clean Air Act and Solid Waste Disposal Act extensions.—Extended the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91–316.

Extends the authorization for the Clean Air Act and Solid Waste Disposal Act programs at their present level through November 30, 1970. S. 4319. P/S 9/1/70.

Coral reefs conservation.—Authorizes the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. The bill is designed to control the devastating crown of thorns starfish which has been destroying coral reefs. S. 3135. P/S 4/27/70. H. Cal.

Craters of the Moon National Monument, Idaho.—Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the wilderness act (Public Law 88–577). S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum prairie project, Idaho.—Authorized construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie Reclamation Project in northwest Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91–286.

Everglades National Park, Florida.—Provides for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorizes an additional $20 million. S. 2565. P/S 7/10/70.

Falls of the Ohio Interstate Park Compact.—Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. Public Law 91–390.

Federal Water Pollution Control Act amendments.—Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onshore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91–224.

Fisheries loan fund extension.—Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91–387.

Ford's Theatre National Historic Site.—Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91–288.

Glen Canyon National Recreation Area, Arizona and Utah.—Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order. S. 27. P/S 7/15/70.

Golden eagle program.—Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas and provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91–308.

Historic properties.—Extended the national historic preservation program established by Congress in 1966 (Public Law 89–655) and authorized appropriations of $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation; authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91–243.

Homestead National Monument, Nebraska.—Provides for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska. S. 58. P/S 4/27/70.

Hudson River compact negotiations.—Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91–242.

Lake Tahoe, Nevada and California.—Authorizes the Secretary of the Interior to study the feasibility and desirability of establishing a national lakeshore on Lake Tahoe in the States of Nevada and California with the objective of providing legislation to preserve in perpetuity the superb scenic and recreational facilities available in the Lake Tahoe area. S. 2208. P/S 5/13/70. H. Cal.

Marine Resources and Engineering Development Act amendments.—Designed to extend to June 30, 1971 the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. S. 3617. P/S 7/10/70. H.R. 16607. H. Cal.

Middle Snake River.—Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Missouri River Basin.—Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Missouri River Basin project, Minot extension, Garrison diversion unit, North Dakota.—Authorizes construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. S. 2808. P/S 7/10/70. P/H amended 9/10/70.

Mount Baldy, Pine Mountain, and Sycamore Canyon wilderness, Arizona.—Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness, as part of the national wilderness preservation system, in accordance with the provisions of the Wilderness Act of September 3, 1964. S. 710. P/S 6/12/70.

Narrows Unit, Missouri River Basin Project, Colorado.—Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal and industrial water supplies; authorized $68,050,000 for construction of the Narrows unit. Public Law 91–389.

National park system administration.—Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91–383.

Pacific Marine Fisheries Compact amendments.—Granted the consent and approval of the Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91–315.

Point Reyes National Seashore, California.—Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law. 91–223.

Public ownership of lands in Federal reclamation projects.—Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91–310.

Resource Recovery Act of 1970.—Amends the Solid Waste Disposal Act to emphasize recycling, local planning, and training func-

tions; authorizes research programs of $31.5 million, $40.5 million, $40 million and $38.5 million for fiscal years 1971, 1972, 1973 and 1974, respectively; replaces 50 percent State grants for planning activities with 66⅔ percent grants to single municipalities and States, and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provides that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans for the area (especially those emphasizing recycling), (3) developing proposals for demonstration system grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provides for grants to varying sizes of communities to demonstrate resource recovery systems and authorizes therefor annual appropriations of $20 million, $30 million, $50 million and $55 million for fiscal years 1971, 1972, 1973, and 1974, respectively; directs the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and requires him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provides training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; requires Federal installations and federally licensed activities to meet solid waste guidelines; authorizes a two-year study to create a system of national disposal sites for hazardous materials; creates and authorizes $2 million for a National Commission on Materials Policy which is to make a report by June 30, 1973; authorizes $2 million for a 2-year study of issues in resource recovery; and authorizes such sums as may be necessary through June 30, 1964 to carry out the purposes of the Act, excluding those funds specifically provided therein. H.R. 11833. P/H 6/4/70. P/S amended 8/3/70.

River basin plans and civil works.—Authorized additional appropriations of $810 million to cover a period of two years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91–282.

Riverton extension unit of the Missouri River Basin project, Wyoming.—Consolidates the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin Project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, write-off of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. S. 434. P/S 4/27/70. P/H amended 9/10/70.

Rogue River Basin project, Oregon.—Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91–270.

Saline water conversion program.—Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91–221.

Toiyabe National Forest, Nevada.—Extended the boundaries of the Toiyabe National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91–372.

Touchet-Walla Walla project, Oregon-Washington.—Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91–307.

Volunteers in the park program—establishment.—Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91–357.

Water Resources Research Act amendments.—Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrieval and dissemination activities at each research center; and makes the District of Columbia, Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma.—Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S 4/27/70.

Youth Conservation Corps.—Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91–378.

Yuma Mesa irrigation district, Arizona.—Amends Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. S. 2882. P/S 3/18/70. P/H amended 9/10/70.

Space

NASA authorization, 1971.—Authorized the appropriation of $3,410,878,000 for fiscal year 1971 to the National Aeronautics and Space Administration ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91–303.

National Aeronautics and Space Council.—Provided that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. H.R. 16539. Public Law 91– .

Taxation

Discriminatory State taxation of interstate carriers.—Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Duty Suspensions

Copper.—Continued from July 1, 1970, through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copperbearing ores and materials for the same period. Public Law 91–298.

Dyeing and tanning materials.—Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91–388.

L-Dopa.—Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91–309.

Manganese ore.—Continued until June 30, 1973, the existing suspension of duties on manganese ore. Public Law 91–306.

Employment security amendments.—Extended coverage of the unemployment compensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91–373.

U.S.S. "Pueblo" crew—Taxes.—Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns, paying taxes, etc. for all personnel on the ship. Public Law 91–235.

Transportation and Commerce

Accessibility of public facilities to physically handicapped.—Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the psysically handicapped. Public Law 91–205.

Airport and Airways Development Act.—Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years, and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 8 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air

freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91–258.

Aviation war risk insurance extension.—Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. Public Law 91–399.

Cruise ship regulations.—Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91–250.

Federal Low-Emission Vehicle Procurement Act.—Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes annual appropriations of $50 million to carry out the provisions of this Act. S. 3072 P/S 3/26/70.

Fishing fleet improvement.—Extended and broadened the construction asistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91–279.

High-Speed Ground Transportation Act extension.—Extends the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and authorizes $21,700,000 for fiscal year 1971. S. 3730. P/S 7/30/70. H.R. 17538. H. Cal.

International Travel Act amendment.—Amends the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provides Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and sets the Federal share of cost of any relevant program at 50 percent of its cost; establishes in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); creates a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorizes $1,250,000 for this purpose; and authorizes appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. S. 1289. P/S 3/26/70. H.R. 14685. P/H 5/14/70; P/S amended 5/21/70. Senate agreed to conference report 7/15/70. House rejected conference report 7/16/70.

Maritime authorization, 1971.—Authorized the appropriation of $429,420,000 to the Maritime Administration for the fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship "Savannah"). Public Law 91–247.

National Traffic and Motor Vehicle Safety Act amendments.—Authorized appropriations of $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers, and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report findings and recommendations thereon to Congress; and amended the act in several other respects. Public Law 91–265.

Political broadcasting.—Amends section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to presidential and vice-presidential candidates; limits the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time; and places a ceiling of $20,000 on the amount candidates for Federal elective office, or others on their behalf, may spend on electronic media in a general election. S. 3637. P/S 4/14/70. P/H amended 8/11/70. Conference report filed 8/13/70.

Public Broadcasting Financing Act of 1970.—Amends the Communications Act of 1934 to authorize annual appropriations of such sums as may be necessary for fiscal years 1971, 1972 and 1973 for the continued financing of the Corporation for Public Broadcasting, and to direct the Federal Communications Commission to prescribe regulations for broadcast stations receiving assistance under Title II of the Public Broadcasting Act. S. 3558. P/S 5/19/70. P/H 9/10/70.

Rail Passenger Service Act of 1970.—Establishes a National Rail Passenger Corporation to provide for the operation of passenger trains, to commence service on March 1, 1971, and authorizes for fiscal year 1971 appropriations of $40 million to the corporation, as well as a guarantee of $60 million in 20-year loans to the corporation to finance the upgrading of roadbeds and the purchase and rehabilitation of rolling stock and for other corporate purposes. The bill also authorizes the appropriation of $75 million for loans or loan guarantees to provide emergency financial assistance for railroads operating passenger service. S. 3706. P/S 5/6/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act.—Designed to promote safety in all areas of railroad operation, to reduce railroad related accidents, and to reduce death and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials. S. 1933. P/S 12/19/69. P/H amended 8/6/70. In conference.

Shipper's recovery of a reasonable attorney's fee.—Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban Mass Transportation Assistance Act.—Provides a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals before July 1, 1972 through 1982. Changes use of the discretionary fund from $12.5 million to 1.5 percent of the aggregate amount of funds authorized to be obligated, except that an additional 6 percent may be used if it shall not prejudice or delay pending projects of other States, but in such case no State shall receive more than 25 percent of the grant funds made available by the exception, and authorizes a new program of 1-year loans to States and local public bodies, and agencies thereof, for the acquisition of real property reasonably expected to be needed and used for urban mass transportation purposes within a reasonable period. S. 3154. P/S 2/3/70. H.R. 18185. H. Cal.

Veterans

Definition of "Child" for Veterans' Benefit Purposes.—Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91–262.

Group Life Insurance.—Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91–291.

Medical Benefits for Older Veterans.—Provides that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. H.R. 693. P/H 6/2/69. P/S amended 10/21/69. House agreed to Senate amendment with an amendment 5/4/70.

Rcoupment of disability severance pay.—Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91–241.

Special health care benefits for certain surviving dependents.—Permits the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. S. 4148. P/S 8–14–70. H.R. 8413. P/H 2–16–70.

Specialized medical resources.—Provides greater flexibility in the Veterans Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. H.R. 9634. P/H 6–2–69. P/S amended 10–21–69. House agreed to Senate amendments with amendments 5–4–70.

Veterans' Administration regional office in the Philippines.—Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a

regional office in the Philippines. Public Law 91-338.

Veterans' disability compensation increase.—Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowances to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; established a presumption in the case of any veteran who served for 90 days and who was held as a prisoner of war for not less than 6 months during World War II, the Korean conflict or the Vietnam era that a disability suffered from dietary deficiencies, forced labor, or inhumane treatment is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service; permitted a remarried widow to revert to her earlier eligibility for compensation, pension and education benefits when her second marriage is ended by death or divorce; clarified Congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement are final and not subject to judicial review. Public Law 91-376.

Veterans' Education and Training Amendments Act.—Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veterans Administration's counseling service to advise veterans of their entitlements and assist them in gaining employment. Public Law 91-219.

Welfare

Social security and railroad retirement benefits.—Extends for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91-306.

Mr. GRIFFIN. Will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Michigan.

Mr. GRIFFIN. I want to thank the majority leader, first of all, for making a copy of his speech available to me so that I could have the opportunity to look it over.

Obviously, as it is the President's prerogative to send such a message to Congress, it is certainly the prerogative of the majority leader to make such comments as he has this morning. It would not be surprising if he does not agree with the President in every respect and it would not be surprising if the minority leader does not agree with the majority leader insofar as some aspects of his comments are concerned.

I shall not take time to offer any rebuttal but would call attention to the fact that the minority leader has a statement also concerning the President's message. Because of the unusual situation this morning, he was not able to read the statement, but it will be submitted for the RECORD.

The minority leader's statement calls attention to the fact that many of the measures, particularly in the area of crime legislation, have been passed by the Senate. The President's message, as I read it carefully, speaks generally in terms of the failure by the Congress. I think that the leadership on both sides would agree that in some areas the Senate has been more active and more vigorous than the other body.

On the other hand, we must also face up realistically to the fact that legislation is not legislation until it is placed on the President's desk and he has an opportunity to sign it. Many times, even though a bill passes this body, it must come back, usually in the form of a conference report, after it clears the other body, so that sometimes there is further action the Senate has to take.

But the majority leader is perfectly correct in pointing out some areas where the Senate has done all it can possibly do, and it is up to the other body as to whether some of the bills become law.

I thank the majority leader for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Michigan. I thank the minority leader for his temperate and understanding remarks. What he says it true, so far as what the Senate has done is concerned. The joint leadership has tried its best to cooperate with the President.

I think the record of this body is outstanding and that the degree of cooperation has been excellent. I am very proud of all the Members of this body, both Republicans and Democrats, for the way they have accommodated themselves as far as they could to taking up this legislation.

Any proposals sent by the President will, I want to assure my distinguished friend, the acting minority leader, and the President, be given the consideration which they deserve. I do not and the Senate does not take Presidential recommendations lightly.

ORDER FOR CONTINUATION OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be not laid before the Senate and that the period for the transaction of routine morning business be extended briefly, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

THE SPACE PROGRAM

Mr. SPARKMAN. Mr. President, on September 10, there was published in the Anniston, Ala., Star an editorial entitled "Cutting the Space Muscle."

Not long ago, I made a few comments on the floor of the Senate regarding some of the disturbances being brought about by the drastic treatment of the space program.

This editorial deals with it in a practical and understandable way, pointing out, as I did previously, that a great part of the well known, historic Von Braun team is being broken up by the action that has been taken and that a great deal of unemployment has resulted.

Let me quote just one paragraph from the editorial:

One wonders what the reaction would be if a slump of similar scale hit a major industry such as auto or steel. It is difficult to imagine government or public showing so little urgency.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CUTTING THE SPACE MUSCLE

Chagrin of the space-science community at the latest cut-backs in funds and programs is understandable enough.

The elimination of two more moon landings—down three now, not counting unsuccessful Apollo 13, from the original 10-mission schedule—will mean a savings of some $42 million, but also a rejuggling of lunar exploration priorities and the inevitable canceling of some treasured experiments.

But there are still four landings on the schedule through mid-1972, plus Skylab, the prototype space station in permanent orbit. And even after the congressional cuts, the space budget is still $3.2 billion for the current fiscal year, scarcely a starvation diet when a mounting federal deficit is going no one knows how high.

But there is more than projects and hardware to the space story. Viewed in human terms, the situation should be very disturbing indeed, and not only to the spacemen.

NASA chief Dr. Thomas O. Paine says the cuts mean 700 of his own people will have to go plus some 2,300 employes of the agency's civilian contractors.

No one, apparently, is immune from the ax. At least seven, and possibly more, of the German rocket experts brought to the United States a quarter of a century ago—the famed Wernher von Braun team, the naturalized founding fathers of the American space effort, so to speak—are among those being let out.

In a generally ailing aerospace industry—midsummer employment down more than a quarter of a million from a 1968 high of 1,418,000—the purely space segment stands out as a disaster area.

With NASA now down to about 30,000 and its civilian associates dropping to 142,000, according to Paine's estimate, total space employment has been cut in half. At Cape Kennedy two out of every five jobs are gone. All in a short three years.

This state of affairs is scarcely a secret. The media has kept us well informed of the laid-off engineers operating dairy stands, the mathematicians taking care of the house while wives work. In such individual terms, the situation is disturbing enough. In the mass, this waste of human resources is appalling.

One wonders what the reaction would be if a slump of similar scale hit a major industry such as auto or steel. It is difficult to imagine government or public showing so little urgency.

We have been brilliantly successful in placing men on the moon. We must be able to do better than this in utilizing the brain and muscle power that got them there.

EXECUTIVE SESSION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate pro-

ceed to consider a nomination on the executive calendar.

The PRESIDING OFFICER (Mr. NELSON). Is there objection to the request of the Senator from Alabama?

There being no objection, the Senate proceeded to the consideration of a nomination on the executive calendar.

NATIONAL CREDIT UNION ADMINISTRATION

The assistant legislative clerk read the nomination of Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN obtained the floor.

CONCLUSION OF MORNING BUSINESS—DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, with the consent of the Senator from Arizona, that morning business be closed and that the unfinished business be laid before the Senate without the Senator from Arizona losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows: Calendar No. 1135 (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

UNANIMOUS-CONSENT REQUEST

Mr. GRIFFIN. Mr. President, I have discussed this matter with the majority leader, the acting majority leader, the distinguished Senator from West Virginia (Mr. BYRD), and others who have an interest one way or the other in the pending amendment which the junior Senator from Michigan offered on Friday with the cosponsorship of the Senator from Maryland (Mr. TYDINGS).

As best we can determine, there is no objection to a vote on that amendment tomorrow at 2 o'clock.

Mr. President, I ask unanimous consent that a vote on the pending amendment be taken tomorrow at 2:30 p.m.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, would the Senator agree to amend his request to include 1 hour of controlled time beginning at 1:30 tomorrow afternoon, the time to be equally divided between the able acting minority leader and the Senator from Indiana (Mr. BAYH), the vote to occur at 2:30 tomorrow afternoon?

Mr. GRIFFIN. Mr. President, that is an excellent suggestion and I amend my request accordingly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan as modified?

Mr. BYRD of West Virginia. Mr. President, would the Chair withhold for just one moment?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN addressed the Chair.

The PRESIDING OFFICER. The unanimous-consent request is still pending before the Senate. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I have a great feeling of camaraderie for the purpose the Senator from Michigan is trying to accomplish. I am very anxious to see his amendment come to a vote. I am hopeful that in the next hour or two we can reach an agreement by which the Senate can set a time certain, not just for the amendment of the Senator from Michigan, but also with respect to other possible amendments and final passage so we can put this matter behind us and move on with other business. I think the Senate should be given the right to vote on this matter.

It is to this end that with great reluctance I feel compelled to object to the unanimous-consent proposal of the Senator from Michigan. Later in the day, however, I may make the same proposal or a similar proposal, or be prepared to agree to a similar proposal.

The PRESIDING OFFICER. Objection is heard.

Mr. FANNIN. Mr. President, some of those beating the drums for the direct popular election amendment have pointed out that the matter has been discussed for decades.

In an editorial arguing for the direct election amendment, the Washington Evening Star pointed out:

> The proposal in fact has been examined and debated in the most pervasive depth by the foremost authorities during the past few years, time and again.

Yes, it is true that the idea of the direct popular election amendment is nothing new.

But the fact that the idea has been around for a long time is hardly any recommendation for it.

Indeed, I would like to point out that constitutional experts throughout the years of discussion have found numerous pitfalls in the proposal. That is why it has not been adopted before; that is why we should not endorse it now.

We have heard all these problems discussed here.

The amendment would encourage splinter parties and could destroy the two-party system.

The amendment would necessitate national control of every aspect of the electoral process.

There would be an irresistible temptation to electoral fraud.

We are trying to avoid any election crisis, but what would happen in an extremely close vote count where there might be calls for a national recount. There could be chaos.

All of these are valid arguments against the amendment.

But I am more concerned about what the amendment could do to the Federal system of government. This amendment would simply be another step in breaking down the State as a unit of our Government, at a time when we are trying to restore States to the rightful place in the American system.

Our Founding Fathers established the electoral college as an integral part of our federal system. Certainly there have been changes in the electoral college—and there should be more. But to abolish the concept entirely would be a change in the basic fiber of our Nation and a slap at the integrity of the States.

That is why I back the district plan. It would guarantee that each State would have two electoral votes which would go to the Presidential candidate winning the popular election within the State. Then, the winning candidate within each congressional district would get one more vote.

This would do away with the current "winner-take-all" system by which the presidential candidate polling the most votes within a State gets all that State's electoral votes. It also would bind the electoral votes to the candidate winning them.

From a practical standpoint, I do not see any likelihood a direct popular election amendment would ever be ratified by the necessary three quarters of the State legislatures even if it should make it through Congress.

Thirty-four States would lose influence in presidential elections if the direct amendment were ratified. Why should their legislatures approve such a proposal.

In my own State of Arizona, there would be a 29-percent loss of influence. Under the electoral college system, the State has reasonably close to 1 percent of the vote that chooses the President—the exact figure is 0.93 percent. But if the direct popular election concept were in force 2 years ago, Arizona would have had only two-thirds of 1 percent of a voice in this election.

This loss of influence in choosing the President would be accompanied inevitably by a decline in representation at the national conventions where candidates are selected and platforms written.

The amendment also would bring fundamental changes in campaigning. Presidential candidates would concen-

trate on the eastern corridor and the populous industrialized cities, ignoring the more sparsely settled areas.

It might be expected that Federal programs also would neglect the smaller States because they would have little political clout in choosing the executive branch.

Which brings us right back to one of the issues debated by framers of our Constitution nearly two centuries ago. I think we should maintain the concepts of that Constitution, even though we may have to make some simple technical adjustments in it occasionally.

NO GREATER FRAUD INCENTIVE UNDER DIRECT ELECTION

Mr. COOK. Mr. President, one of the seven points raised against direct election in the minority report and stressed by Senator HRUSKA recently on the floor is the question of vote fraud and other irregularities. Relying heavily on Theodore White and Alex Bickel and Ernest Brown, the minority argued that direct popular election would "create an irresistible temptation to electoral fraud." The reason for this, according to Bickel, is that under direct election every popular vote would count. From this point, he goes on to ask, with a great lack of logic:

If everything depended on the total popular vote, would we not likely face in each close election . . . re-examination of every ballot box and voting machine in the country, not to mention also the records of registration and qualifications of voters?

The minority also argues, moreover, that the present electoral system minimizes the risks of vote fraud and other irregularities. They have reached this conclusion on the basis of White's testimony that the present system discourages fraud because it "seals off" and "compartmentalizes" voting irregularities within each State.

On the basis of the same set of factual data, I think it is very easy to suggest that the exact opposite is likely to be the case; namely, that direct popular election would tend to discourage fraud. And, I might add, for the very same reason that the minority claims will cause it to proliferate. The present system actually places a premium on the kind of voting irregularities that most often occur—the casting of fraudulent ballots—because this type of activity can exist only where it is either, first, far removed from the public's eye; second, is condoned by the public; third, is sanctioned by the opposing political party. By "compartmentalizing" fraud, the present system creates these very conditions.

There is, in addition, an even more fundamental point and that concerns the incentive to fraud in the first place. Again, by "compartmentalizing" fraud, the present system offers a healthy reward because a relatively small number of fraudulent popular votes can swing a large block of electoral votes. In short, under the present system, fraudulent popular votes are likely to have a greater impact than a like number of fraudulent popular votes under direct election.

Under direct popular election, if fraud were to occur it would affect only the actual number of fraudulent popular votes cast. It could not, as under the present system, produce a distorted statewide electoral result. Instead, by commingling those fraudulent popular votes in a nationwide total of more than 75 million their impact will have greatly diminished. The net effect of direct popular election, therefore, is to minimize the effect of voting irregularity by diluting its impact through the nationwide popular vote count—in contrast to the present system, where its impact is magnified precisely because it is "sealed off" within a State.

Once again, I want to make the point as strongly as I am able: Fraud is encouraged or discouraged by its likely impact. The incentive is the result and, second, the ease with which it can be brought off. The present system provides that incentive; that is, a State's electoral vote and also the conditions under which it can flourish, that is, lack of public scrutiny, or one-partyism.

The following is a mathematical comparison of the impact of fraud under the present system as compared to the effect the same number of fraudulent votes would have under direct election. In California in 1960, a change of only 25,000 popular votes would have changed the statewide result and tipped 40 electoral votes from one column to another. Let us assume it was possible to have cast 25,000 fraudulent votes in California in 1960. Would those 25,000 votes have had a greater impact under the present system or direct election?

By tipping California's 40 electoral votes, as would have occurred under the present system, 25,000 fraudulent votes would have decisively affected 7 percent of the electoral vote total. Under direct popular election, in contrast, 25,000 fraudulent votes would have been diluted in a nationwide popular vote total of about 65 million votes—an effect on the outcome of 0.000385 percent. Thus, the difference in impact is nearly 200 times greater under the present system.

Again, I think the point that must be emphasized and reemphasized is that fraud is more likely to take place where the impact of such fraud is magnified—and as we have just seen, the impact of fraud is magnified under the present system.

Furthermore, in terms of impact, it is absolute nonsense to argue that by sealing off fraud within a State it will have no meaning for the national outcome. Remember, this is not a gubernatorial election but a Presidential election within a State and if a Statewide result is fraudulently procured, then it means in the national counting of State electoral votes some fraudulent State results will be tabulated. That, in short, means it could affect the national electoral count. To argue that a "sealed off" fraudulent State result will have no impact on the choice of a President is just not accurate. If the election is close it very well might affect the result—just as a few popular votes fraudulently secured under direct election might affect the outcome in a very close race.

That leads me to another point: The Statewide results that might be influenced by fraud are likely to require less effort than would be needed to influence a nationwide count. For example, the popular vote difference between Nixon and Humphrey in 1968 was about 500,000 but the number of popular votes fraudulently procured that would have been necessary to turn the electoral result around was only 41,000 under the present system.

The Theodore White argument, so ardently embraced by the senior Senator from Nebraska, it is interesting to note, really fails to come to grips with the question of how to prevent fraud. In essence, what Mr. White and Senator HRUSKA are saying is that we ought to stick with the present electoral system because the fraud it engenders is a known commodity. Thus, White could say:

Under the present electoral system . . . crooks in such areas are limited to toying with the electoral vote of one State only; and then only when margins are exceptionally tight, even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election night poker with the results, their art is balanced by crooks of the other party playing the same game.

It is incredible to me that both the Senator from Nebraska and Theodore White would have put themselves in a position of defending this kind of system.

Furthermore, Mr. White has neglected to point out that the kind of fraud and voting irregularities he so vividly depicts has been occurring in those places that are controlled by one party. And fraud will continue in those places because under the present electoral system there is no incentive for the other party to watch the polls.

Professor Freund has said, in response to the charge that direct popular election would increase the incentive to fraud because in a close election every vote would count, that

If this prognosis were true, it would underscore the virtue of the popular vote. Surely, it is a poor way of dealing with potential fraud to discourage it by detracting from the value of honest votes in the electoral count.

What Freund has argued, and I agree, is that under direct election—precisely because every vote will count—we will have better policing by the parties themselves and possibly even better electoral counting and procedural safeguards. Thus, he contends:

If direct popular election serves as a stimulus to more expeditious and trustworthy procedures for casting and counting ballots and settling contests, it will have produced a welcome by-product in the electoral process.

According to White himself, it should be pointed out:

Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

One of the reasons it has "diminished dramatically," it is safe to suggest is that the increase in the total number of votes cast has tended to diminish the impact of fraud and as the two-party system has spread the number of votes cast has risen—and this is precisely what direct election would do.

One final look at White: To say that because a popular vote cast in one State will count the same as a vote cast in another State "The pressure to cheat or call recounts must penetrate everywhere" is a conclusion that does not follow logically from the facts. The fact is that under a nationwide popular vote the extent of the fraud necessary to change an outcome would have to be so massive, cut across so many State lines, permeate nor-

mally honest counting units, and require so many crooks, that such a concerted effort to steal an election could not withstand public scrutiny. What White is saying, in effect, is that if we had direct election overnight we would become a nation of ballotstuffers.

As Richard Scammon has said, "Fraud is more tied to the mores of the community" than to any other factor. In conclusion, there is simply no reason to anticipate that there will be an increased incentive to commit fraud under direct election.

Just this past Friday, President Nixon reiterated his support for direct election in a message to Congress. He sounded a note of urgency as he said:

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the president. For almost two centuries the system of the electoral college has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the constitution anticipated, will somehow confer the presidency on that candidate who obtains the largest number of votes. The electoral college need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

Mr. President, illustrative of the arguments of opponents of direct election was an article by syndicated columnist Kevin Phillips, published in the Washington Post of September 11, 1970. In part he says:

To illustrate the southern and western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahoma 943,000, and South Carolina only 667,000.

It should be apparent to any fair-minded Senator that the argument here is that some States should continue to have disproportionate power in the selection of the President regardless of population. This, Mr. President, is precisely what electoral reform in the form of direct election is all about—to let each vote of each citizen count equally. The President of the United States is the President of the people, not of the States, and each of these people should be allowed to participate in his election under a system of election which guarantees equal weight to each vote.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1970]

ELECTORAL COLLEGE POLITICS

(By Kevin P. Phillips)

The Senate has begun debate on an amendment to the U.S. Constitution that would abolish the Electoral College method of choosing a President in favor of direct, nationwide popular election.

Two-thirds support will be necessary to push this change through the Senate, and a close fight is expected. The balance of power is generally thought to rest with an undecided bloc of Farm Belt Republicans (Dole, Pearson, Young, and Miller), small-state Northeastern Republicans (Prouty, Cotton, Boggs, and Williams), Southern Democrats (Spong, Byrd, Fulbright, Hollings and Long) and Rocky Mountain Democrats (Cannon, McGee, Moss, and Anderson).

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals, would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in President elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

To illustrate the Southern and Western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahoma 943,000, and South Carolina only 667,000.

Secondly, the change to direct election would greatly affect the regional distribution of power within the two parties, especially at presidential conventions.

Delegates are now apportioned to states on the basis of Electoral College strength, with bonuses for partisan performance. Abolition of the Electoral College would presumably shift delegate apportionment to a system based either on total vote cast in the prior election or total vote cast for the party's nominee.

In the Democratic Party, such a change, which may come regardless as "reform," would greatly weaken moderate-to-conservative influence. The South, Plains, and Rocky Mountains had 30 percent of the 1968 delegates, but cast only 20 per cent of Humphrey's vote, whereas the liberal big-city states of Massachusetts, New York, Pennsylvania, Michigan, California, and Ohio had only 28 per cent of the delegates but cast 43 per cent of Humphrey's November ballots.

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

If electoral reform shifts the Democrats to the left, pushing conservatives and Wallaceites into the GOP, the Republicans would probably remain conservative-oriented. However, if Electoral College abandonment were to cause GOP delegates to be apportioned by votes cast for the last party Presidential candidate, this would sharply reduce the convention power of the low turnout and now bonus-weighted South, Plains, and Rocky Mountains.

Under present ideological circumstances, now that American politics is no longer divided by the Civil War, the Electoral College favors a Republican coalition based in the South, Midwest, West, and small states. GOP Senators from these areas would be foolish to abandon a system that has a built-in bias toward such a coalition in favor of one which, at best, sacrifices these regional advantages.

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside to permit further transaction of routine morning business, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOURCE RECOVERY ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from West Virginia (Mr. RANDOLPH) I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11833.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. BOGGS, and Mr. BAKER conferees on the part of the Senate.

ORDER FOR ADJOURNMENT TO TOMORROW AT 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the reading of the Journal and following the disposition of any unobjected to items on the legislative calendar, the able Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Arkansas (Mr. FULBRIGHT) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, SEPTEMBER 16, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of business tomorrow, Tuesday, the Senate stand in adjournment until 10 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY, SEPTEMBER 17, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of business on Wednesday next, the Senate stand in adjournment until 10 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, SEPTEMBER 18, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday next, it stand in adjournment until 10 o'clock Friday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY, SEPTEMBER 21, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next, it stand in adjournment until the following Monday at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the morning business be closed and that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

THE TYDINGS-GRIFFIN AMENDMENT

Mr. TYDINGS. Mr. President. I rise in support of Senate Joint Resolution 1, which provides for the direct election of the President. I am asking the Senate today to consider an amendment to the direct election plan which would replace the runoff provisions. Unless we modify Senate Joint Resolution 1 with the pending Tydings-Griffin amendment, I fear that we will be encouraging the growth of one-issue and extremist political parties and perhaps accelerating the fragmentation of our political structure. I also believe that the direct election amendment will not pass the Senate by the necessary two-thirds majority or receive ratification by enough States without this short but important change.

Many supporters as well as critics of Senate Joint Resolution 1 have admitted that the runoff provisions are the weakest and most controversial part of the proposed constitutional amendment. Senator GRIFFIN and I hope to strengthen the amendment by replacing this weak link. If this is done, I think the understandable fears of some of our colleagues will be assuaged enough so that we can have their support.

THE ELECTORAL COLLEGE

The electoral college was created as a compromise between those who feared the voice of the people and those who were vigorously pushing for more democratic forms of government in our emerging Nation. It was born at a time when political parties did not exist and were not anticipated. Also the Presidency was envisioned as an office so much weaker than it is at present as to be almost a different conception of an executive branch.

Since that time nearly two centuries ago the Presidency has become the central office in our Nation. The President's direct constituency is the entire population, not merely an aggregation of States. Communication, commerce, military power, and a myriad of other factors have made the Presidency an office of immense power, the responsibility of which now derives directly from the people of the United States.

As the power and the functioning of the Presidency became more national and directly related to our citizenry, democratic institutions permeated our society. The increasing franchise, direct election of Senators, political parties—all of these were dramatic evidence of a change in the democratic expectations of our Nation. Our idea of democratic government has been matured and refined; it is more sensitive and sweeping.

These two developments—a new kind of Presidency and a new standard of democracy—demand that we revise our presidential election machinery. It is time for the direct election of the President because our present situation and standards demand it. This is not some idealistic scheme drawn to reform and revive society by a wishful few. Rather it is merely the institutionalization of changes that have already taken place over the past 50 or 100 years. Our own beliefs and standards compel this change—the logic of the office of the Presidency as it now stands allows no other reasoned solution.

Many say that since it has worked well, leave the electoral college alone. But it has not worked well. In recent years its cumbersome and archaic machinery have threatened constitutional crisis and election chaos. Divisive political movements have gathered much of their strength not from the beliefs of their followers, but from the potential of invoking electoral procedures that are so illogical and unworkable that our entire election process could be overwhelmed.

But I think that there is another fundamental problem with the electoral college: Its legitimacy is weakening. People have begun to question its logic and structure. Why elect a President that way? Why should a second-place candidate win? Why should electors be allowed to ignore the clearly stated will of the voters in any State because of personal whim? These questions are being asked by so many. And the answers are inadequate. Tradition alone is not a sufficient reply.

Tradition that grows from enduring principles and that rests upon institutions that reflect and enforce those principles should be treasured and maintained. And because those underlying principles and values are still held and because it can be demonstrated that institutions uphold those beliefs, such traditions can be and are maintainable even in our swiftly moving society.

But when traditions merely reflect an unthinking repetition of past behavior, when they embody principles long since changed, and when they rest upon hollow institutions, then they are, and should be, swept away. The strength of our society is its preservation of deep values and its evolution of outmoded and archaic traditions.

Because the electoral college reflects a different conception of the Presidency and an older standard of democracy, it

no longer preserves enduring values. It does not provide the one acceptable criterion for the selection of our national leader: A majority vote.

Besides these fundamental problems—a constitutional crisis due to a third-party candidacy and diminishing legitimacy—the operation of the electoral college itself is inherently unjust:

The faithless elector problem is simply without justification in a democratic society.

Voting by States, without regard to voter turnout, inherently gives unequal power to individual voters. This ignores the one-man, one-vote principle which is now fundamental in our democratic society.

The unit rule in States gives an artificial distortion to electoral college majorities: it wastes the votes of State minorities even if they are substantially greater than majorities in many other States; and it leads to the atrophy of the two-party system in many areas of the Nation.

DIRECT ELECTION

For all of these reasons I am a strong supporter of Senate Joint Resolution 1. I am a cosponsor and voted for this amendment in the Subcommittee on Constitutional Amendments and in the full Judiciary Committee. I want to commend the Senator from Indiana for his brilliant leadership of this difficult fight for reform.

Direct election has no cumbersome machinery. It rests upon the simple logic and legitimacy of majority rule. All voters are counted equally. No one has a wasted vote, no matter where he resides.

As I said earlier, however, I believe Senate Joint Resolution 1, as presently proposed, contains a serious weakness that should be corrected.

Senate Joint Resolution 1 as it is before us now does not eliminate the electoral college's most glaring and threatening weakness—the possibility of crisis due to a third-party candidacy. Under the electoral college, third-party candidates are generally discouraged from running for the Presidency because of the unit rule; unless a splinter party leader can receive a majority of votes in a State, he will not receive any electoral college votes. This unit rule has thus successfully discouraged ideological third parties. Regional candidates, also, are presented with significant barriers, although these barriers are only of national scope. At the regional level, candidates such as Governor Wallace can attract State majorities and break into the electoral college; yet, chances of obtaining an ultimate majority in the electoral college from such a base remain slim. The prospect of eventual failure serves to channel votes away from this type of candidate to "second choice" candidates because it becomes clear to the average third-party voter that his vote will be "wasted" if he votes for his first preference.

Yet, in spite of the existing institutional barriers to third parties, the prospect of continued third and fourth-party and even fifth-party candidacies continues. This is a function of the "spoiler" role that a third-party candidate can play. Under our electoral college, a third-party candidate has no effect upon the election outcome unless he can deny an electoral college majority to the election winners. Because of the peculiarities of the electoral college, this is a possibility for sectional candidates. The possibility of triggering the unknown and awkward procedures of selecting the President in the House of Representatives is enough of a threat to any regular candidate's chance of victory and to the legitimacy of the entire election process that the third-party candidate has extraordinary bargaining leverage. A refusal to deal with the outsider can mean defeat and/or crisis for the regular party candidates and the certainty of more wholesale political bargaining in the House.

Thus under our present electoral college system, the mechanism of resorting to a House election, when the electoral college fails to produce a majority, is enough of an incentive to create meaningful third-party challenges and the threat of a constitutional crisis, in spite of the inhibiting unit rule of the States.

The provisions of Senate Joint Resolution 1, although otherwise laudatory, create the same problem of an incentive for third-party candidacies. In this case the trigger device is the 40-percent plurality required for direct election. A candidate outside the two regular parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. This incentive would apply to ideological as well as to regional candidates because there is no unit rule under the direct election proposal. The 20-percent figure becomes very much in reach of splinter parties when more than one outsider is running. The prospect of two splinter-party candidates, one regional and one ideological, amassing 20 percent of the vote amongst them, is quite realistic in the near future of American politics.

Under the direct election plan, the opportunity for crude political bargaining and threats are as available as under the electoral college. In both, an outsider can offer to withdraw immediately preceding the election and attempt to swing his followers toward a would-be victor in return for a significant political concession. While the haunting threat of a debacle in the House of Representatives does not offer itself under Senate Joint Resolution 1, the maneuvering and dealing in a runoff race between the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party or fourth-party candidates. If experience under the French electoral system is any guide, the runoff makes the first election a test of bargaining strength, leads to a further ideological hardening, and creates an atmosphere of shameless deals preceeding the runoff. Given the fact that this kind of bargaining would take place under conditions of division and disappointment—it would be used only if no candidate has amassed 40 percent of the vote—cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President.

It would appear that this incentive to use the 40-percent trigger and runoff is just as great as is the present temptation to deny an electoral college majority and go to the House of Representatives to bargain. However, under Senate Joint Resolution 1, the initial restraint of the States' unit rule system is absent. Thus, the direct election amendment will increase the attractiveness of third-party presidential candidacies. If present political trends continue, Senate Joint Resolution 1 might well bring a constitutional crisis closer to reality.

Presidential election systems do not cause splinter parties, they merely encourage or discourage them. It is the underlying problems and conflicts in our society which create new parties and political movements. As our Nation continues to feel the effects of both major domestic and foreign crises, it will no doubt experience greater pressure for splinter party groups. This is a function of the deep divisions in our society that have finally emerged and burst into the political arena.

In part, this trend of political fragmentation reflects the increase in ideological and rigid political doctrines that threaten to drive the traditional American pragmatism and compromise into the past. No doubt the general politicalization of issues in our society draws into the political fray fringe groups that previously suffered silently or remained dormant without hope of change. Perhaps the widespread frustration and malaise in the Nation plus a feeling of inability to influence the events that shape our destiny drives concerned groups into strong political movements. Certainly there is little hope in the next few decades that the major schisms and problems that confront our Nation will vanish in thin air; it is more likely that our political parties will be the ones to vanish—at least, as we know them now.

For many, substantial weakening of the two-party system would be a serious, if not a crippling, blow to the functioning of the America political process. A stable dual party structure serves many vital tasks of our democracy. Two strong parties are essential to maintain the competition for office among leaders that provides the honesty and innovation in American politics. Two stable parties provide the continuity of program needed to accomplish major changes in a relatively slow moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Thus, in a two-party system, the parties are forced to create programs that satisfy a broad range of groups and interests. In the United States, the two major political parties have become the central institutions for moderating and resolving conflicts in our society. Our national conventions, fault-ridden as they may be, and party machinery serve to mitigate and lessen the divisions of the Nation. Without these institutions, the whole burden of resolving conflict would be thrust into the legislature. Under a multiparty system, dogmatic ide-

ology would flourish and compromise would disappear. Executive leadership would be difficult because there would be no institution to aggregate enough political support to form a majority President. If the example of modern European parliamentary systems is of any relevance, multiparty government means bitter conflict and frequently governmental immobility.

Of course, ours is a society that is in desperate need of change and innovation of its policies and its institutions. Many believe that the two-party system and barriers to third parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed by a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform and that we should not move within our parties ourselves.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion would be stagnation.

In short—at least, it is the judgment of this U.S. Senator—our political system desperately needs all its institutions that moderate conflict and provide for the means to change that do not stress division. The enactment of Senate Joint Resolution 1 would alter the presidential elections to encourage third parties and undermine one of the key institutions of conflict resolution and change in our system. We should change our electoral system, but in a way that avoids crisis and supports our two-party system.

Of course, our system of Presidential elections is not the only institutional structure that maintains our two-party structure. Political tradition, single member districts, lack of majority requirements for election all contribute. But the party structure on the Presidential level has a profound impact upon the entire political structure.

The brief appearance of the split in the Democratic Party on the issue of the Vietnam war, when crystallized on the presidential level with rival campaign organizations, has left major institutional schisms 2 years after that election. This is the effect of a bitter primary fight. If a peace candidate had gone on to the general election, surely the break would be greater. This effect can be seen on the other side of the spectrum: The continued existence of a party that institutionalizes dissent on the racial issue has deep effects upon our most fundamental policies. It is by no means clear that the resolution of the racial issue can be handled within our party structure. And I am certain that any resolution that occurs from competing one-issue, ideological splinter parties on this issue will be a more costly and tragic one for our Nation.

I fear that those who rest confident in the stability of our two-party system critically underestimate the power of separate splinter-party structures on the presidential level, especially in these explosive times. I would think that the major stresses of our times would lead to a search for more structures to resolve conflict within our system and without ideological overlay. But here we have a laudable reform that massively reduces the protections we have against splinter one-issue and extremist parties.

TYDINGS-GRIFFIN AMENDMENT

It was because of these concerns that I began thinking of modifying the runoff provisions of Senate Joint Resolution 1 as early as last fall. I had the opportunity at that time to talk at length with some of the academic and legal scholars who have contributed so much to this debate. I found that almost all of them agreed with me that the runoff provisions of the direct election plan presented the prospect of increased party fragmentation.

Some of these scholars were so worried about the problem that they have supported alternatives to direct elections. However, they all felt that the amendment that Senator GRIFFIN and I are offering today is a vast improvement. Professor Bickel of Yale and Professor Brown of Havard particularly found this approach a very substantial improvement over Senate Joint Resolution 1.

The amendment we are offering replaces only the runoff provisions of the direct election plan. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

In the committee substitute, beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs.".

Mr. TYDINGS. I note that this is a slightly changed version of the same amendment which Senator GRIFFIN and I submitted earlier in the Senate, No. 711, and as is reproduced in our separate views in the Judiciary Committee report on Senate Joint Resolution 1.

Under the Tydings-Griffin amendment, the direct election system would continue unmodified in 99 percent of all presidential elections, since it is a historical rarity for the winning Presidential candidate to receive less than 40 percent of the popular vote.

In the rare case when no one received 40 percent of the popular vote, our amendment would first turn to the time honored electoral college system, the one which everyone knows and understands. If the front runner receives a majority of votes in States which can have a majority of electoral votes, he becomes President. In no case can the second place candidate in the popular vote win the Presidency. The reasons for this option are clear: If no one garners 40 percent of the popular vote, there will be no majority President. The question is one of selecting a minority President who has widespread support in a manner that has respect and legitimacy. The electoral system has such legitimacy, and it is a means of demonstrating great support in our States, which are important political units in our system.

Some have pointed out that any use of the discredited electoral college system would raise questions of legitimacy. This does not seem to follow under analysis.

First, there is no possibility of either a faithless elector or the wholesale bargaining in the House—which would vote by State amongst all the candidates—two of the major objections to the present electoral college system.

Second, the electoral college, in spite of its faults, retains a tremendous amount of political legitimacy. Its use as an emergency provision would not seem to draw too deeply on the reservoir of legitimacy now available.

Third, this contingency would be employed rarely; and if it were used, it would be under conditions of division and dissent which would raise questions of legitimacy under any contingency proposal. Under either the amended or unamended Senate Joint Resolution 1, the contingency provisions only operate if the leading candidate has less than 40 percent of the vote. Thus, large groups in the society will already have registered dissatisfaction with both regular parties.

Under a runoff, these splinter party voters are forced to vote for second choices or register their protest by abstentions. Further, the political bargaining inherent in this situation will add to the mood of dissatisfaction and discontent. It must be conceded that this route of choosing a candidate who is the first choice of only a minority of voters will raise at least as much dissatisfaction with the method of selection as the Tydings-Griffin proposed alternative.

Fourth, only the popular vote winner could be elected under this modified electoral system. Of course, it may also be asked what are the chances of a popular vote winner who gets less than 40 percent of the vote obtaining a majority of the electoral vote. If we examine the 26 presidential elections between 1868 and 1968, we find that the winning candidate received on the average of 52 percent of the popular vote and 71 percent of the electoral vote.

During the same period, eight Presidents were minority Presidents—that is, they were elected with less than 50 percent of the popular vote. In three of these elections where some type of major third-party challenge occurred, the average percent of the electoral vote received by the winner was 67 percent, while in the other five contests where no third-party candidate received any electoral vote the average percent of the electoral vote obtained by the winner was 55 percent.

According to these statistics, the results of past elections would indicate two things: The popular vote winner is usually blessed with a fairly comfortable electoral vote cushion and third-party challenges have frequently widened the margin of electoral victory by drawing votes away from one of the two major candidates. The clearest example of this was the 1912 election where Theodore Roosevelt's Bull Moose Party split the Republicans and enabled Woodrow Wilson to be elected with 82 percent of the electoral vote but only 42 percent of the popular vote. Furthermore, in the 1860 election, the only election where the winner got less than 40 percent of the popular vote, Abraham Lincoln was elected with 39.9 percent of the popular vote but garnered 59 percent of the electoral vote. This 20-percent margin is consistent with the average margin between the popular vote—52 percent—and the electoral vote—71 percent—during the 100 years between 1868 and 1969.

Thus, the electoral type alternative is a realistic way of selecting a candidate who has widespread support even though he has not received 40 percent of the popular vote.

If the leading candidates failed to receive 40 percent of the popular votes and failed to receive a majority of the electoral college, it would be clear that popular election mechanism is not enough, in itself, to select a minority President. For this reason, the Tydings-Griffin amendment would then turn to a special Joint Session of the newly elected Congress to select a President from the two front runners in the popular vote. Each Congressman would have one vote. No third- or fourth-place candidate would be eligible to become President.

The new Congress, reflecting the most recent manifestation of the popular will, would choose amongst the two leading minority presidential candidates. The winner would have to receive the majority support of the representative branch of government. The winner would be assured of having the support of Congress.

Again, this provides a means of selecting a minority President with widespread support and by a legitimate institution.

The whole point of the change is that the Tydings-Griffin contingency, unlike the run-off in Senate Joint Resolution 1, discourages its own use. Its success will be its preventative effect. Under this plan, no third-party candidate, ideological or sectional, has a chance of winning the presidential election, unless he can amass an electoral college majority and be front runner or unless he could receive a majority of votes in the new Congress. There is no incentive for the two front-runners to bargain with minor party candidates. The incentives for third-parties under this amendment to Senate Joint Resolution 1 will be similar to those of an ideological party under our present system; there is little encouragement to run unless a third-party candidate can attract more votes than the two leading parties and an electoral college majority or if the third-party candidate can take second place in the popular vote to be eligible for election by the Joint Session of Congress. If third-party candidates come close to attracting 20 percent of the vote, the two leading candidates would merely switch to an election strategy aimed at an electoral college majority—the same strategy used today. This allows a genuine, national third-party movement such as the Bull Moose Party to succeed, but discourages small sectional and ideological parties.

Thus, under the Tydings-Griffin amendment, the loss of the unit rule in the States as a barrier to splinter parties is replaced with another support of the two-party system without the undesirable effects of the winner-take-all method except in rare cases.

The whole issue of the run-off against our plan revolves around the question of selecting a minority President. Neither of these alternatives will be used unless there is such division in our Nation that no candidate can approach majority support. In this situation, we should seek a mechanism that will select a minority President who has enough widespread support so he can govern effectively. Such a selection mechanism should be legitimate in the eyes of our people. And such a mechanism should discourage its own use, thus bolstering a stable two-party system. I believe that only the Tydings-Griffin plan fulfills all three of these requirements.

I believe that in this instance, political reality and intrinsic merit are joined. The adoption of this slight modification of Senate Joint Resolution 1 has great importance to our political stability. It also may very well mean the difference between victory or defeat for the entire direct election plan. Both here in the Senate, and in the State legislatures, concern over the run-off and party proliferation is great. This concern, added to other doubts over direct election, can easily add up to failure.

So I urge the Senate to adopt this amendment—for the sake of the stability of our political system and for the sake of the ultimate success of Senate Joint Resolution 1.

Mr. ALLEN. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. ALLEN. As I understand the amendment, provision is made for possibly three steps in choosing the winning candidates for President and Vice President, the first step being that if the leading candidates receive as many as 40 percent of the popular votes, then they would be declared elected. That is the first step. Then, if no two candidates running as a team win as many as 40 percent of the popular vote, resort is had to step two, which in effect is the automatic electoral college system. Under this provision the winning candidates must carry sufficient States that have a majority of Senators and Representatives and then, if no two candidates running for President and Vice President are elected by step two, we would go to step three, which would be a joint session of the Congress, a special session in December, where each Representative and Senator would have one vote and would choose from the top two candidates. Is that correct?

Mr. TYDINGS. That is correct.

Mr. ALLEN. It does eliminate the runoff provided by Senate Joint Resolution 1?

Mr. TYDINGS. That is right.

Mr. ALLEN. It would be a combination of several of the various plans. I read with a great deal of interest the scathing attacks the Senator from Maryland and the Senator from Michigan made on the runoff proposal provided by Senate Joint Resolution 1 and also the fact that the runoff would result in a fragmentation of political parties. The Senator from Maryland makes such a strong case against the runoff, and such a strong case in pointing out the proliferation of splinter parties that would result from the procedure set forth in Senate Joint

Resolution 1, I would hope that if the Senator's amendment is not adopted, that he would then see fit to vote against Senate Joint Resolution 1 in the unlikely event it comes to a vote.

Mr. TYDINGS. Mr. President, I can understand the Senator's wish. However, I cannot encourage him in that premise.

I am very concerned about the runoff. I am concerned over the runoff in Senate Joint Resolution 1 for the same reasons I am concerned with the probability that a third party, a sectional party, could throw the Presidency into the House of Representatives today.

I think it is not a salutary or strengthening feature of our democratic system. However, I do feel it is absolutely vital that we have a direct election for the Presidency of the United States. I only have doubts about one part of the direct election plan—the runoff. As I stated at length in my remarks, I strongly support the rest of the proposed constitutional amendment.

Mr. President, I would hope that we would be able to agree to the amendment which the Senator from Michigan and I have worked out.

We had some support for the amendment within the Judiciary Committee itself. The Senator from Indiana (Mr. BAYH), however, elected to support his own proposal without modification and to bring it up on the floor of the Senate for debate.

It is my hope that the Senator from Indiana will reappraise the situation and see that additional support could be secured by his accepting the amendment of the Senator from Michigan and myself and thus strengthen the original direct election proposal.

Mr. ALLEN. Mr. President, the distinguished Senator is of the opinion, though, that under the runoff provision in Senate Joint Resolution 1, there is a greater danger of the proliferation of splinter parties and the fragmentation of our two-party system than under the present system.

Mr. TYDINGS. Mr. President, I think there is at least as great a danger and perhaps more. As stated in my original views, I consider that one of the weaknesses of the present electoral system is the possibility of a constitutional crisis arising by virtue of throwing the presidential election into the House of Representatives.

I also consider this a weakness of the proposal of the Senator from Indiana. Of course, the proposal of the Senator from Indiana provides for the direct election of the President which, I think, is a much needed institutional reform. It remedies many of the other weaknesses of the present electoral college.

Mr. ALLEN. Mr. President, under the present system, is it not necessary that a third party or a splinter party, in order to have any effect on the election, carry the electoral vote of at least one State?

Mr. TYDINGS. The Senator is correct.

Mr. ALLEN. And that discourages the incidence of splinter parties.

Mr. TYDINGS. That does discourage the ideological splinter party, but not necessarily the sectional splinter party.

Of course, my concern today is that we preserve the two-party system in this country. Whenever we have a time of division and crisis, I think that the more of the division and conflict we can absorb and work out within our party system without leaving the Congress as the only mediating institution, the better the country will be.

Mr. President, considering some of the bitterness that has existed within parties, including my own party, I think that it is better to have the bitter fights take place within the convention or party rather than to have them brought out in a parliamentary body and institutionalized as interparty conflicts as is seen in some of the European countries.

Mr. ALLEN. Mr. President, under the runoff provision provided by Senate Joint Resolution 1, which is not included in the Senator's amendment, with the knowledge on the part of the electorate that in all probability there would be a runoff, does that not encourage the electorate to vote possibly more with its heart than with its head, and that they can vote for the man they think will be the successful candidate or the man they think might possibly make a better President. Knowing there would be a runoff, they might vote for a splinter party that comes closer to their thinking on an ideological basis.

Mr. TYDINGS. Mr. President, let me say that I again agree with the feeling of the Senator from Alabama that the runoff is a weakness.

Mr. ALLEN. Mr. President, I feel that it is such a weakness that I will vote against Senate Joint Resolution 1. I would hope that the Senator from Maryland would do likewise.

Mr. TYDINGS. Mr. President, would the Senator from Alabama vote for Senate Joint Resolution 1 if the Griffin-Tydings amendment were agreed to?

Mr. ALLEN. No. I would say, that if one or the other were going to become part of the basic law of the land, I would prefer the procedure provided by the amendment of the distinguished Senator from Maryland. However, I would prefer the present system, the district system, the proportional system, or the automatic system to the system proposed by the distinguished Senator from Maryland.

I prefer the amendment of the distinguished Senator from Maryland only in preference to Senate Joint Resolution 1, which provides for a runoff. I would prefer it to that extent.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. CHURCH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho is recognized.

IT IS TIME THE PEOPLE ELECTED THE PRESIDENT

Mr. CHURCH. Mr. President, as the senior Senator of a sparsely populated State, I intend to examine the pending constitutional amendment in terms of its political impact on Idaho.

Coming from a small State, I am well aware of the argument of those who maintain that popular election of the President would deprive the less populous States of the relative mathematical advantage they presently possess in the electoral college. They contend, for example, that Alaskan voters, with three electoral votes, now wield more power than New Yorkers, with 43, because a much smaller number of Alaskans control the casting of each of their electoral votes than is the case in New York.

This is a classic example of how mathematical ratios can distort political reality. For the fact is that the emergence of political parties, which destroyed the original function intended for the presidential elector, also destroyed such advantage as the mathematical ratio of the State's electors to its population—in number equal to each State's sum of Senators and Representatives in Congress—might otherwise have given the smaller States in the electoral college.

With the advent of political parties, it became the practice for the States to cast all their electoral votes for the candidate who carried the largest number of popular votes in the State, regardless of the size of his margin. This "unit rule system" governs to the present day. It has completely undermined the apparent mathematical advantage of small States in the electoral college. Indeed, populous States, such as New York and California, obtain greater importance than they should, since carrying them—even by the smallest margin—delivers their entire electoral vote to the prevailing candidate. Consequently, these large States have come to exercise a disproportionate influence over our public policy.

At the present time, it takes 270 electors to compose a majority of the electoral college. That number of electors can be secured by carrying as few as a dozen of the largest States. It has, therefore, become the practice of our political parties to lavish their attention upon the most populous States in their quest for an electoral majority.

So it is that the present electoral college actually gives the preponderant advantage to the big States. The importance of carrying them, if only by a handful of votes, in order to secure their entire electoral vote, is mandatory. Consequently, the big States have come to dominate our national conventions, unduly influence our party platforms, and exercise an inordinate power over the selection of our national candidates.

On the other hand, if the President were elected by direct popular vote, such States as New York, California, Pennsylvania, and Illinois would not loom so large in the national political picture. A presidential candidate could lose them all by several hundred thousand votes and easily make up the difference in the intermountain West. Carrying the big States would no longer be so essential, thus giving the smaller States a better break in the politics of the Nation.

But the issue before us transcends States rights; it reaches the cardinal principle of popular sovereignty itself. Seldom are we in the Senate afforded an opportunity to respond to so clear an expression of "the will of the people" as in the case of the electoral reform which we are now considering. A recent Harris poll showed 79 percent of the

American people favoring the direct election of the President. A Gallup poll indicated the support of 81 percent of our people for the same plan. Expressed in its simplest terms, eight out of every 10 Americans favor the election of the President by direct popular vote. It is obvious that a mandate for change confronts us—a mandate so clear that to ignore it would be to deny our role as representatives of the people.

The reason for the strong public sentiment favoring electoral reform stems from the uncertainties engendered by the closeness of recent presidential elections, in which the people have witnessed the near possibility of a candidate winning the Presidency by capturing a majority of the electoral votes while his principal opponent garners the largest number of popular votes. Never in recent times has this anomaly been brought so close to home as in the election of 1968.

As the American people watched on their television screens through the night of November 5, 1968, and into the morning of November 6, the possibility of one candidate receiving the most votes of the people, while another gained the White House, came near to becoming reality.

It had happened before. In 1876, Samuel J. Tilden received a majority of 250,000 votes over his opponent and yet was denied the Presidency which fell into the hands of Rutherford B. Hayes by one electoral vote. It happened again in 1888, when Grover Cleveland received 100,000 more popular votes than did Benjamin Harrison and yet by an electoral vote of 233 to 168, Harrison became President.

The fact that a man not receiving the largest number of popular votes can nevertheless be elected President is, in itself, enough to justify electoral reform. It is a contradiction of the sovereign right of the people to govern themselves.

But 1968 did not only expose again the dire defect in our electoral process which allows one man to claim the popular vote and another the Presidency. It also made clear that, under the present system, there exists no guarantee that electors who have held themselves out to the people as supporting a given presidential candidate will, in fact, vote for the candidate to whom they pledged their support. As Congress itself interprets the Constitution, a free agency still exists; an elector, if he chooses, may cast his vote for a different party's candidate.

In 1968, we saw it happen. When Dr. Lloyd Bailey, an elector from the State of North Carolina, cast his vote in favor of third party candidate George Wallace, even though he was pledged to support President Nixon, who had carried his State in the November election, he became one of five electors in our Nation's history to disregard the wishes of the people who selected him. This latest case of a "faithless elector" should give us pause, particularly when we contemplate the potential for mischief in a closely divided electoral college. The very fact that such things can and do happen under the present system further underlines the need for reform.

The popular election amendment now before the Senate meets these problems head on. By placing the power to elect the President directly in the hands of the people, where it belongs, we would never again need fear the election of a President who lacks even the approval of a plurality of the people. By elimination of the free agency of intervening electors, we abolish the possibility, in a close contest, that our people may be actually disfranchised by the capricious action of faithless men.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. ALLEN. I would like to ask the distinguished Senator if the point he is making now, the point of the "faithless elector," could not be handled by the automatic plan which, for some time, I believe, was espoused by the distinguished Senator from Indiana (Mr. BAYH).

Mr. CHURCH. Yes, I think it could. I have been trying to point out a series of defects in the present system. I think the direct election proposal addresses itself to all these defects and corrects them all. But obviously it would be possible to amend the Constitution to eliminate the "faithless elector" without otherwise modifying the electoral college.

Mr. ALLEN. That is called the automatic plan; is that correct?

Mr. CHURCH. The Senator is correct.

Mr. ALLEN. And it has been recommended by Mr. Katzenbach, the former Attorney General of the United States, and it has had a great deal of support in the Senate, I believe.

Mr. CHURCH. Well, if it were the only choice available, I would prefer the automatic plan to the present system; but other defects in the present system would also be corrected by the proposed amendment. For that reason, I am supporting the direct popular election amendment.

Mr. ALLEN. I thank the Senator for yielding.

Mr. CHURCH. Mr. President, moreover, the proposed amendment is in harmony with the historic trend toward broadening the role of the people in their Government. We have moved, since the time of our creation as a nation, from a system in which only the propertied few had the right to vote to a time when universal suffrage is the rule. This is only proper in a country blessed by the best educated and politically sophisticated electorate on earth. Surely, we have reached that stage when the people can be wholly entrusted with the power to directly elect their President and Vice President.

It was not so very long ago, in terms of history, that the 17th amendment became part of our Constitution. That amendment, as we all know, provided for the direct popular election of U.S. Senators. The arguments raised against its adoption were strikingly similar to the ones we hear now being voiced against the current amendment. Nevertheless, since that time, the Senate has not changed its essential character.

It remains the bastion of the States as it was intended to be. It stands not less, but greater in stature, because its legitimacy rests upon the direct vote of the people of the 50 States. If it is best for a Senator to be directly elected by the people of his State, then it must follow that it is best for the President to be directly elected by the people of the Nation.

Under the direct popular vote amendment, all of our people would be given the same treatment. Different weights would no longer attach to the votes cast by the citizens of one State, as compared to those of another; no State would command special influence or advantage; each voter would stand equal with every other.

As the President of the United States represents all Americans, let us take the action that will allow all Americans equally to choose the President.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Indiana.

Mr. BAYH. It is not a surpise to the junior Senator from Indiana to hear the perceptive discussion of the problem by his friend and distinguished colleague from Idaho. As one who has been laboring with this problem for a number of years, I would personally like to express for the record my deep appreciation for the advice and counsel and cooperation of the Senator from Idaho in this joint effort. I think the Senator from Idaho very eloquently stressed the important points of the problem before us.

I hope the Senator will yield for a question or two. One of the matters of greatest concern to the Senator from Indiana deals with some of the questions being asked in the country today. These questions indicate a considerable lessening of faith, or at least a lessening of the ardor of the quality of faith, in some of the basic tenets of our system. The Senator from Indiana feels we are living in a great country and our responsibility is not to sit idly by and ignore some of the shortcomings which, if overcome, would make the Nation a greater place in which to live.

Does the Senator from Idaho share the concern of the Senator from Indiana over what would happen in this country, or indeed how the credibility of the President would be affected, if we were to see, in 1972, or 1976, or 1988, an election like the 1948 election? Then we saw an election in which, if there had been a change of less than 33,000 votes in the right three States, the man who won under the electoral college system, President Truman, would have been denied the victory, and victory would have been given to his opponent, Governor Dewey. This would have happened even though 2 more million people had supported the loser than had supported the winner under the electoral college system.

Does the Senator have any concern about the ability of a President to govern under such circumstances?

Mr. CHURCH. I do indeed. I think, in the aftermath of such an election, the

people of the country would experience a sense of shock and dismay, realizing that a President who had received a lesser number of popular votes occupied the White House while the man for whom the largest number of people had voted had been denied the office. This would reach to the very wellspring of strength from which democratic government draws its nourishment: its legitimacy.

We often overlook the fact that the strength democratic government possesses stems from it source of legitimacy. People honor democratic government because they exercise the sovereign choice. It is, after all, a government that the people themselves choose.

If ever an election should end up, as it might under the present system, with more people voting for the loser than voting for the winner, we would have, for the first time in this century, a President who could not claim to be the legitimate choice of the people. Nothing could be more disabling to the President than that.

We must remember that our system of government does not rest, as earlier systems did, upon divine right. The kings ruled for many, many centuries in Europe upon a very different theory—the theory that by right of birth, they were entitled to reign.

The whole democratic concept overturned the legitimacy of kings, and substituted in its place the legitimacy of popular sovereignty. The people were made sovereign. The people would choose and having chosen, the government was thus able to rest its claim to rule on the strongest possible foundation of popular acceptance and popular approval.

If that kind of legitimacy were frustrated by the electoral college, you would of course, disable the Presidency. You would greatly weaken the position of the President, who could not exercise power upon the basis of the mandate given him by a majority of the people.

Mr. BAYH. I appreciate the Senator's further explanation on this point. I think it is fair to say that the Senator from Idaho joins the Senator from Indiana in saying that one of the basic tenets of any electoral reform is that the man who wins should be the man who has the most support among the people. For that reason we share common bond in support of direct popular vote, which is the only plan that supplies that guarantee.

Mr. CHURCH. The Senator is correct. He has taken the leadership by endeavoring to remove from the Constitution, by way of amendment, the last anachronism that could prove an obstacle to popular sovereignty. Though the Constitution commences with the words "We the People," and though the preamble makes clear that the people are regarded as the ultimate source of sovereign power, nevertheless, there were originally placed in the Constitution a number of hurdles which separated the people from the actual choice of their leaders.

For example, under the original Constitution, Senators were chosen by the State legislatures instead of by direct vote of the people. Indeed, even though the people were to choose their Congressmen, the franchise was actually exercised only by a small number of voters, those who owned property, those who held positions of substance in their communities.

In the course of our history, we have witnessed a steady trend toward fuller realization of the ideal of popular sovereignty. We have seen it in the removal of many barriers that restricted the right to vote to the propertied few. We have seen it when the right to vote was extended to women. We have seen it when the system for selecting Senators changed, with the adoption of the 17th amendment, to direct election by the people.

So, step by step, we have moved toward the implementation of popular sovereignty. The remaining hurdle, it seems to me, is the one presented by the electoral college.

If the Senator's amendment is adopted by the Senate and then ratified by the legislatures of three-quarters of the States, we will have finally achieved full-fledged democracy in this country.

Mr. BAYH. I appreciate the Senator's remarks. We have had a great deal of discussion on the floor of the Senate, and also by some very well intentioned and learned writers and scholars, to the effect that the direct popular election proposal would subject us to a great amount of fraud.

I pass over the problem of unaccounted votes at the precinct level because I think it an insignificant problem. But, speaking of fraud, does the Senator from Idaho think there could possibly be a bigger fraud perpetrated on the people of this country than to have elevated to the Presidency a man who really lost?

Mr. CHURCH. As I have said, I think that the impact of such an eventuality—we came very close to it in 1968 and in other recent elections as well—would be very disabling on the Office of the Presidency. People would feel they had been defrauded, because they generally believe they elect the President. It is the opinion of the average citizen that the American people elect the President and Vice President of the United States. It is natural that people should so believe, since we have been lucky enough thus far in this century to have had the candidate who received the electoral majority also receive the popular majority. But there is nothing in the Constitution to guarantee this result, and if an election should come out differently, people throughout the country would suddenly awaken to the fact that they have not been permitted to place in office the man for whom the majority had voted. They would not only feel disappointed, but they would feel dismay, and a great many would feel they have been defrauded.

Mr. BAYH. Would the Senator permit me to pursue another area of this whole problem with him a bit further?

Mr. CHURCH. Surely.

Mr. BAYH. One of the major thrusts or concerns of the opposition has been the concern that this might penalize the less populated States. I know the Senator from Idaho, as a Senator from one of those less populated States, has expressed his opinion to the contrary, as has our distinguished colleague, the junior Senator from Oklahoma.

Does the Senator really believe there is any reason for the citizens of Idaho, New Mexico, or Oklahoma to feel that they are going to be penalized? Or, on a broader scale, is there any reason why we ought to have a system which gives to any one group of voters a larger voice in determining who their President is going to be?

Mr. CHURCH. No. As I have said, I think this question transcends States rights. This question reaches the fundamental rights of the people. I would find it hard to defend a system which gives greater weight to an American citizen's vote in Nevada, let us say, than in Maryland. This would be difficult to justify on any principle of democratic government of which I am aware. But the truth is that the present system actually does not work in favor of the small States. The argument itself is fallacious.

Mr. BAYH. Will the Senator yield just briefly? To be a bit more specific, on page 19 and continuing on page 20 of the committee hearings, there is a table introduced by our distinguished colleague from Nebraska (Mr. HRUSKA), which contains a great deal of discussion and mathematics about the impact of direct election on the voting strength of midland, southwestern, and Southern States. This document goes on to say that 34 States and the District of Columbia would lose political power. Idaho is one of those States listed.

Mr. CHURCH. Yes, but the Senator from Idaho believes that, under a direct popular election of the President, States like Idaho would gain power, not lose power. Under the present system, the small States operate at a distinct disadvantage. The table to which the Senator refers presents no more than a purely mathematical calculation.

It is true, on the basis of this kind of calculation, that it can be demonstrated that the voters in a small State have a theoretical advantage over the voters in a large State. Fewer Alaskans are required to vote each of the three electoral votes of Alaska than New Yorkers in casting each of New York's 43 electoral votes. Therefore, it is argued that, mathematically, Alaskan voters have greater weight than New York voters, and that the present system, therefore, works in favor of the smaller States.

Theoretically, such an argument can be made. But in the world of practical politics, it is the reverse that turns out to be the case. Ever since political parties were established and the unit rule adopted, it has been the practice for all the electoral votes of a given State to be cast in favor of the presidential candidate who wins the popular vote of that State. Even though he wins it by a dozen popular votes, or by a single vote, all of the electoral votes are cast for the winning candidate.

The effect of this is perfectly clear. It did not take long for political parties to figure out that, in order to win a national election, it was mandatory to secure the

support of the big States. A candidate can be elected President on the strength of the electoral votes cast by the 12 largest States.

Therefore, these States have inordinately large importance in a national election. Anyone who has regularly attended national conventions of either political party, as the Senator from Indiana well knows, comes to appreciate the tremendous influence exercised by the big States; the extent to which they dominate the various convention committees; the degree to which they control the drafting of the platform, and the extent to which they govern the choice of the party's candidate for President.

The reason is obvious. Both parties recognize that the big States must be carried, regardless of what happens in the other States. The big States must be carried because their electoral votes, bestowed in massive blocks, must be secured, if the party's candidate is to win.

Let us suppose that, in place of this system, we were to adopt a direct popular election of the President. How different the whole political climate at the national conventions would become. With a direct popular election, a candidate could lose New York, Pennsylvania, Illinois, and California. He could lose them by half a million votes, and still make up the difference in the sparsely populated intermountain West. So the importance of carrying the big States would no longer weigh so heavily in the consideration of our political parties.

Therefore, Mr. President, I believe the amendment before us would restore to the small State its proper position in the scheme of things, and it would take from the large State the inordinate amount of political power that such States actually exercise today by virtue of the unit rule in the electoral college.

Mr. BAYH. I appreciate the Senator's compelling argument as to why he, as a Senator from a less populous State, could in good conscience support such a plan.

After hearing the prepared speech and extemporaneous remarks of the Senator from Idaho, the Senator from Indiana feels that the Senator from Idaho might feel very much as the Senator from Indiana felt during the closing days of our hearings, when he heard the last two witnesses of the last day. One, a very eminently qualified man, suggested that the small States had an advantage; and the very next man, equally qualified, suggested that the large States had an advantage. The Senator from Indiana wondered why any State, any voter, should have an advantage. Everybody ought to be given an equal opportunity to determine his President, and the Senator from Idaho, of course, has stressed this most eloquently.

Mr. CHURCH. I certainly agree wholeheartedly. We ought not perpetuate a system that gives any advantage to one set of voters as against another. The smaller States, when the matter is measured in purely mathematical terms; though, when measured in practical political terms, it actually favors the large State over the small. Nevertheless, a system that places the election of the President in the hands of the people at large would give equal weight to the votes cast by all voters, which conforms with the democratic ideal.

If anyone has any doubts about how the present system tends to favor the large State over the small, just let him review the itineraries of our presidential candidates in recent elections and observe the extent to which their time and attention were given over to the large States of the country. That is proof enough of how the men who are actually running view the process, and fully corroborates what I have said about how the present system militates in favor of the large States of the country.

So, Mr. President, as one Member of the Senate representing a State of small population, I am happy to give my full endorsement and support to the pending constitutional amendment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. ALLEN. The Senator has told us how he feels about Senate Joint Resolution 1. I believe that the pending question, however, is on agreeing to the amendment offered by the Senators from Michigan and Maryland. Would the Senator be good enough to state his position on the pending question?

Mr. CHURCH. Yes; my reference was, of course, to Senate Joint Resolution 1, which I support. My present intention is to vote against the amendment offered by the Senators from Michigan and Maryland.

Mr. ALLEN. I was also interested in the colloquy between the distinguished Senator from Idaho and the distinguished Senator from Indiana, pointing out that a successful candidate for President who may possibly have carried a majority of the electoral votes while being somewhat behind the defeated candidate in popular votes might suffer some credibility deterioration or depreciation on account of the failure to carry the popular vote. Yet, it is noted that under Senate Joint Resolution 1, a candidate can be elected by carrying as few as 40 percent of the popular vote, which would not seem to be a great deal of a mandate from the people—if he carried only 40 percent. Why not make it 50 percent and really get a mandate from the people?

Mr. CHURCH. The amendment merely takes into account the problem presented by third-party candidates. It attempts to draw a reasonable line where any candidate having 40 percent or more of the vote, having that large a plurality in a three-way contest, could take office without suffering serious disability. I think the 40-percent line is reasonable. I also favor the solution contained in the amendment, in the event that no candidate receives as much as 40 percent of the vote, because it would assure that in any runoff, the winning candidate would command a majority.

Mr. ALLEN. The distinguished Senator from Idaho has expressed himself as being apprehensive that the people's second choice in the presidential race might become President. Yet, does not the runoff provision give the people's second choice a very good possibility of becoming President?

I have just jotted down some suggested percentages. The distinguished Senator from Indiana spoke about what would have happened if a certain number of votes were shifted in this State and that State and the other. Let us assume that in a four-way race for the Presidency, the top candidate received 39 percent of the vote, thereby guaranteeing a runoff; the next candidate received 21 percent; the next candidate received 20.5 percent; and the fourth candidate received 19.5 percent—adding up to 100 percent. Would it not be possible for this 21-percent candidate, by making trades with the other two losers to become President of the United States in the runoff, even though when the people were casting their first choice votes he received only 21 percent of the popular vote of the country? Would that not be possible, and would not the people thereby be choosing their second choice for the Presidency?

Mr. CHURCH. I remind the Senator that the final choice would be made by the people between the two candidates in any runoff election, and that the winning candidate would have to receive a majority of the votes. This is a practice, as the Senator well knows, that we often follow in State primary elections, in order to reduce a field of candidates to two opponents in a runoff. The people are well aware of this procedure. It is a democratic one. In the end, the two candidates receiving the highest number of votes run against one another in a final election, and the outcome of that election is determined by a majority.

Mr. ALLEN. By the way, when would that runoff election be held?

Mr. CHURCH. This is a matter that could be readily worked out by statutory implementation of the amendment.

Mr. ALLEN. It is not part of the amendment?

Mr. CHURCH. It would be a function of Congress to implement the amendment with appropriate legislation.

Mr. ALLEN. The 40-percent figure suggested for the winning candidate would certainly indicate, especially since Mr. Humphrey and Mr. Nixon each got 43 percent or so in 1968—and this amendment is said to be designed to prevent a repetition of what might have happened in 1968—that it must be the belief of the sponsors of the amendment that the amendment will result in a proliferation of third parties; or the figure would not have been placed so low. Does the Senator anticipate, if Senate Joint Resolution 1 becomes part of the basic law of the land, that a number of splinter parties would run candidates for the presidency?

Mr. CHURCH. No; I do not think that would happen. I am inclined to believe that the present system encourages third-party candidacies. This figured publicly into the considerations which led Governor Wallace to run for the Presidency in 1968. He often commented on the fact that a third-party candidate, even one with little chance of winning the election outright, could nonetheless win sufficiently support to deny an electoral majority to either major candidate, thus throwing the final outcome of the election into the House of Representatives where, as the Senator knows, under

the present Constitution, each State, regardless of its size or population, would cast one vote. So I would say to the Senator that, based upon the public record, it is the present system that tends to encourage third-party candidates.

Mr. ALLEN. Does the Senator not realize that for a third-party candidate to have any effect or to be counted in the electoral college, he must receive the vote of at least one State, whereas in a direct election if he receives only 100,000 votes throughout the country, still it would be used as part of the overall figures in the election, and he would still be a part of computing what it took to make a majority. That is not true as a third party carrying no States at all under the present system. Would that not make the Senator feel that the present system discourages third parties rather than proliferating them?

Mr. CHURCH. I would say, with all respect to the Senator's argument, that weighing it in on one side of the scale, and weighing in the effect of the present electoral system on the other, I believe the present system has the heavier tendency to encourage third-party candidates.

Mr. ALLEN. I should like to point out to the distinguished Senator that, under the present system, where a runoff would be if not certain, then very likely, would that not encourage the proliferation of third parties, because the electorate would be able to vote for the ideological third party of their choice, or the regional third party of their choice, in the first election, knowing full well that they would have an opportunity in the runoff to vote for one of the two major parties they wished to support, and would that not tend to encourage third or splinter parties?

Mr. CHURCH. Well, I can only repeat what I have said before to the Senator. I think there would be a lesser tendency toward third parties in a direct popular election of the President than under the electoral college system, for the reason that if a third-party candidate can secure enough electoral votes to throw the election itself into the House of Representatives, then that candidate, and those who support him, would achieve tremendous bargaining power since election in the House of Representatives is not weighted by population. Each State, large or small, casts a single vote, and thus the political struggle within the House would be subject to easier manipulation than any situation that might be presented under a direct-vote system. I conclude, for this reason, that greater inducement is given to third-party candidates under the existing electoral-college method of choosing a President than would be the case if the choice were left to the direct vote of the people.

Mr. ALLEN. He would have to carry one full State, though, to be effective in the electoral college; is that not correct?

Mr. CHURCH. That is correct.

Mr. ALLEN. Whereas in the direct popular vote, any number that he got would be sufficient. These third parties that might be formed under the direct system, would they be national third parties, would they file with some bureau in Washington to become candidates for the Presidency—how would that be worked out? I think that the people would like to know these things when this amendment is submitted back to them for ratification.

Mr. CHURCH. The traditional methods for establishing political parties are not set aside by this amendment. They stay the same. In other words, they would be governed by State law. Third party candidacies would materialize and the names of third party candidates would be placed on the ballot, as is now the case.

Mr. ALLEN. The Senator realizes that the amendment gives Congress the right to prescribe uniform laws and regulations and procedures, and that Congress could pass a provision for a national board to conduct a national election, the whole country being only one precinct under the terms of Senate Joint Resolution 1.

Mr. CHURCH. I think that Congress can be entrusted with the responsibility of implementing the amendment in a reasonable way. After all, we are fully conscious of the political process in the country, and I doubt very much that Congress would intrude upon that process any further than absolutely necessary to secure the objectives of the amendment. Therefore, I am not concerned, as the Senator may be, that Congress would overreach itself in enacting legislation that would have any great disruptive effect in the various States.

Mr. ALLEN. I thank the distinguished Senator for the information he has given me on this subject.

Mr. CHURCH. I thank the Senator from Alabama for his questions.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AGRICULTURAL ACT OF 1970—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, later this afternoon the unfinished business will be laid aside, under the previous order, and the farm bill will be laid before the Senate. This will be done somewhere in the area of 4:30 o'clock between that time and 5.

After discussions with the able minority and majority leaders and the manager of the bill, Mr. ELLENDER, and with the Senator from Vermont (Mr. AIKEN), the Senator from North Dakota (Mr. YOUNG), and the Senator from Delaware (Mr. WILLIAMS), I make the following unanimous-consent request anent the farm bill, H.R. 18546: That time on each amendment be limited to one-half hour, the time to be equally divided between the mover of the amendment and the manager of the bill, with the exception of the Smith-Williams amendment dealing with limitation on price-support payments, the time on that amendment to be limited to 1 hour and a half, the time to be equally divided between the authors of that amendment and the manager of the bill, and also with the exception of the Montoya amendment.

I am unable to state at this time any suggestion for time on the Montoya amendment. I would except that one for now and proceed with the unanimous-consent request to include 1 hour on the bill, the time to be equally divided between the manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the minority leader or his designee, with the further understanding that the time on the bill would not begin running until tomorrow when action is resumed on the farm bill in the evening session.

I think that about sums it up.

The PRESIDING OFFICER. The time on the Montoya amendment is not specified?

Mr. BYRD of West Virginia. The time on the Montoya amendment would be excepted at this point. The time on all other amendments, with the exception of the Smith-Williams amendment, would be limited to one-half hour, to be equally divided, but the time on the amendment to be offered by the Senators from Illinois (Mr. SMITH) and Delaware (Mr. WILLIAMS), respectively, would be limited to 1 hour and a half, the time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I would like to address a brief parliamentary inquiry. Does the Senator from Indiana correctly understand that the request made by our distinguished colleague from West Virginia puts a time curtain on each amendment, and on the bill itself, with the exception of the Montoya amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAYH. Further reserving the right to object, Mr. President, the pending order of business is electoral reform, as all of us know. The Senator from Indiana and several others have been working on this particular measure for a number of years. It has been a subject of discussion in the Congressional Halls since the beginning of this session.

The Senator from Indiana, who is normally a reasonably tolerant Member of this body, who does not normally resort to some of the parliamentary rights available to each Senator, has nevertheless witnessed those rights used. I certainly do not criticize any Senator for using those rights, but I recognize that, if one Senator uses certain rights to the detriment of a bill, or to oppose that bill, then on occasion it is necessary for those who would otherwise disdain to use those rights, to work a counterbalance in order to let the Senate work its will.

Having seen at least one Member of this body delay for months the measure which is now before the Senate and to deny committee action on it, the Senator from Indiana would like to respectfully suggest that he does not intend to avail himself of the right to object to what he thinks is a very proper request by our acting leader, the distinguished Senator from West Virginia. But I think the Sen-

ate should be put on notice that those of us who feel there should be some basic reform in our electoral process might have to use a little fire to fight fire, if indeed a few individual Senators are going to take advantage of their parliamentary rights. Vote it up or down, but the Senator from Indiana feels it is the right of the Senate to speak on this measure before this session is over.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield, reserving the right to object?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Indiana in urging the Senate to go about its business, and I suggest the best way to do it is to sit down and stop talking and start voting this afternoon. I have nothing to say on it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the order is entered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the time on the amendment to be offered by the Senator from New Mexico (Mr. MONTOYA) to the farm bill be limited to 3 hours, the time to be equally divided between the author of the amendment (Mr. MONTOYA) and the manager of the bill (Mr. ELLENDER).

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That during the further consideration of H.R. 18546, an act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, debate on any amendment (except an amendment to be offered by the Senator from Illinois, Mr. Smith and the Senator from Delaware, Mr. Williams, which will be limited to 1½ hours, and an amendment by the Senator from New Mexico, Mr. Montoya which will be limited to 3 hours), motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill, Mr. Ellender.

Ordered further, That on the question of final passage of the said bill, controlled debate (which shall be effective beginning tomorrow, Tuesday, September 15), shall be limited to 1 hour, to be equally divided and controlled, respectively, by Mr. Ellender and the minority leader or his designee.

Provided, That the manager of the bill and the minority leader, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Indiana and all other Senators who participated and cooperated in reaching this agreement.

Mr. BAYH. Mr. President, in response to the usually wise remarks of our distinguished colleague from Delaware, the Senator from Indiana would like to suggest that some time in the next few minutes he would like to pursue, after consultation with a few Senators present and some who are not present. We have these interrogatories still out as far as long-distance calls from a couple of our brothers who are unfortunately not able to be with us for personal reasons are concerned; but I would like to propose a unanimous-consent request to do just what the Senator suggests. I wish that it were feasible to deal with a unanimous-consent request such as he specifically mentioned; namely, to start to vote today.

After touching a few bases, the Senator from Indiana is persuaded that that would be the right thing to do, but it is not within the realm of possibility. However, I hope we can pursue one or two requests that might enable us at least to start voting early this week.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. WILLIAMS of Delaware. Do I correctly understand that when the acting majority leader decides to move to the farm bill, there will be a live quorum call to notify Senators of that fact?

Mr. BYRD of West Virginia. Mr. President, with that suggestion in mind, I think attachés should get word out to Senators on both sides of the aisle that there will be a live quorum today when the Senate proceeds to the consideration of the farm bill, at approximately 4:30 p.m.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 3 p.m. today.

The motion was agreed to; and at 2:40 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:50 p.m. when called to order by the Presiding Officer (Mr. CASE).

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16968) to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF).

THE FUELS CRISIS IN THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, as a Senator from West Virginia, I have been extremely interested in the recent rash of stories on the energy shortage. Suddenly, the metropolitan newspapers and the national news magazines have discovered that we stand in grave danger of running short of electric power, and that many of our fuels are in short supply. In other words, the abundant supplies of low-cost energy which have made this Nation great are suddenly becoming neither so abundant nor so low cost.

I am particularly interested, as I have said, because West Virginia is a leading coal producing State in the Nation. And some of the biggest users of power—most notably the Tennessee Valley Authority—are suddenly making the coal industry a whipping boy for the shortage of power.

Mr. President, the coal industry has been warning for years that a fuel shortage was impending. It has said that shortsighted policies of Government and some of the major fuel consuming industries were heading the Nation for trouble. Now that the crisis is upon us, to attempt to blame it all on the coal industry does not make sense.

The real question, however, is not how we got into this mess but how we get out. We look at how we got here only as a guide toward the exit. But I think it is clear that to have any permanent solution to the problem is going to require some drastic policy changes. All the common fuels are in short supply—oil, natural gas, and coal; that is to say, they are in short supply for the consumer—delivered where he wants them. But when we come to reserves, there is a difference between the fuels. Proved reserves of petroleum and natural gas in this country are alarmingly low, but the reserves of coal are enormous. The problem with coal is a shortage of productive capacity, coupled with a shortage of rail cars to haul coal to market.

Nevertheless, the shortage is likely to continue for a long time, quite probably for the rest of this century, unless we have some new strata of cost. Energy has been one of the low-cost items in the American economy. The energy shortage can be solved, but adequate supplies are going to cost more than they have in the past.

I am particularly interested in the fuel shortage as a Senator from West Virginia because it is most acute in fuel for the electric utility industry, and because that fuel is principally coal. Coal generates about half of all the electricity in this country.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SAXBE. Would the Senator care to comment on the charges made that one of the reasons for this power shortage is that so much of our coal from West Virginia and the rest of the coal area is going to export and that if so much of this coal were not taken advantage of by increased prices they could get at export, we would not have this shortage and that perhaps the exports should be curtailed, so that we would be guaranteed coal supplies? In other words, if they are not permitted to renege on some of these contracts—which I understand there is some talk of—it will become increasingly more difficult.

Mr. BYRD of West Virginia. Mr. President, the Senator has raised a very incisive and pertinent question. If he will allow me, I do intend a little later in my prepared statement to address some remarks to this very question.

Coal is in short supply now, but the

coal industry is guardedly optimistic about the rest of this year. It believes it can produce enough coal to meet the forecast demand for the rest of the year if it encounters no further trouble. This means if there are no more work stoppages in the mines, if there is no railroad strike, and if bad weather does not interrupt the production. Output so far this year is running ahead of 1969, and may be able to keep pace with demand.

The industry devoutly hopes it will be lucky enough to do this. However, I want to discuss some other solutions to the problem of fuel shortage, first, I wish to talk about some short-term problems and possible solutions to them. And by short-term, I mean assuring an adequate supply of coal in the coming year.

If the coal industry is not fortunate enough to meet the demands upon it, there will be increasing clamor from the public and in the Halls of Congress for the Government to step in and see that essential customers, such as electric utilities, have adequate coal supplies. The Government cannot permit defense installations to shut down nor the economy to be greatly slowed for lack of coal, when the United States is sending coal to customers abroad. On the other hand, we must be sure that we do not confuse the complaints of those who cannot get coal with the cries of those who cannot get coal at the price they are willing to pay for it. I know that the coal industry is doing all it can in cooperation with the Government to see that defense contractors and defense installations have adequate coal supplies. Before adopting stronger solutions, the Government should be sure they are really necessary.

We have already heard demands from some consumers that the Government restrict exports in order to assure more coal for domestic use. This is to the question which has just been raised by the able and distinguished Senator from Ohio. Not all of these demands are realistic. Three-quarters of the coal the United States sends to other countries is premium quality metallurgical coal, much of it from West Virginia. This is high-priced coal for a specialized purpose, and utilities are generally reluctant to pay metallurgical coal prices for boiler fuel. Not all of them have equipment that can burn that kind of coal, because their furnaces may have been deliberately designed to burn lower quality coal, which is lower in cost.

There is another consideration when we speak of Government intervention to reduce exports. Much of the coal being exported has been sold on valid long-term contracts. If the Government of the United States breaks these contracts by fiat, I think we can say farewell to the export market, which contributes more than half a billion dollars a year to our balance of payments and helps sustain the economy of much of the free world. Therefore, if the day should come when we must think seriously of restrictions on coal exports, those restrictions should apply first to shipments which have diverted from traditional markets to the export trade.

It is ironical that many of the persons who are now attacking the coal industry for not producing enough coal for electric utilities were only a few months ago attacking the utilities for burning coal, because they said it caused air pollution. It is unfortunately true that the kinds of coal which are low in sulfur content are also most prized for steelmaking and are high in price and least abundant. If producing coal enough to meet all the Nation's demands for it is difficult, it is fairly impossible to fill all those demands with low sulfur coal to meet strict air pollution control standards. However, this does not mean we must forever make a choice between electric power and clean air. Processes are being perfected to take the sulfur out of the stacks of coal-burning powerplants. Pilot installations are now being installed, and most authorities believe that in 2 or 3 years these facilities will be commercially acceptable. The administration has recently and wisely decided to share in the funding of some of these large-scale demonstration plants. I think it will not be too long before utilities are able to install sulfur removal equipment and burn high sulfur coal well within the limits of our pollution control regulations. But that day is not at hand here in the late summer of 1970. And if low sulfur coal is scarce, so is low sulfur oil. And natural gas is in such short supply that some utilities, such as Commonwealth Edison in Chicago, are already having to substitute coal for the gas they would normally burn.

Meanwhile, Federal, State, and local governments have been imposing restrictions on sulfur emissions from powerplants and on the sulfur content of fuels. I suggest that it may be time for government at all levels to consider a temporary readjustment of these severe restrictions until equipment to remove sulfur from the stack gases is commercially acceptable and available. I am not suggesting that we abandon the clean air act, but I am suggesting that we pay some mind also to the prospect of power brownouts and blackouts. I think as a matter of national policy we may have to thread our way between these two demands until the equipment is available.

I think we in Congress must face up to the fact that our passage of the Federal Coal Mine Health and Safety Act last year has had some effect on coal production and on the cost of mining. The bill may have an even greater impact when the rigid limits on respirable dust in coal mines take full effect and are lowered still further.

All social legislation has a price tag, and this may be the price we must pay for adequate protection for the health and safety of coal miners. We must never put production and cost ahead of health and safety. Responsible coal operators do not wish to do so, and, of course, Congress does not wish to do so. On the other hand, I think we have a responsibility to keep an eye on the enforcement of the act and if it begins to seriously inhibit production we have a duty to reexamine it, in the light of experience, to see if the health and safety of miners can be as adequately protected by measures that will not inhibit production.

Still another factor in the coal shortage is a shortage of railway cars on some lines. Mr. President, the railroads are short of coal cars for the same reason that the coal industry is lacking in excess productive capacity and the electric utility industry is near the limits of its generating capacity. At least one reason central to the problem of all three industries is the fact that the Government oversold atomic power. The great promises of the Atomic Energy Commission, echoed by the makers of reactor equipment, have not come true.

Only a few years ago we heard a lot about how atomic power was going to take over the electric utility industry. Some of the biggest utilities in the country said they had built their last coal plant. They flooded the manufacturers with orders for atomic plants. They failed to sign long-term contracts for coal.

Today most of those atomic power plants are not producing power. If they were scheduled to be producing by 1970, the most optimistic estimates are that they may make it in 1972. Meanwhile, the utilities are caught in a triple bind. They are having to run their coal-fired plants to replace the power that is not being produced by their atomic reactors. They seriously underestimated the amount of power they would need this year, and so for that reason also they are having to run their older plants longer than they expected. And for both of these reasons, inasmuch as they did not sign a long-term coal contract, they are having trouble getting adequate fuel supplies.

And the reason for this is plain—with the Government and their best customers telling them that the utility market is going to vanish, the coal companies and the railroads slowed down or halted their investments in expensive new mines and coal cars. And if their confidence was not shaken, surely that of the banks was. The investment for these purposes, to serve a market that the customers and the Government said was not going to exist, just was not forthcoming.

It costs a good many million dollars to open a new coal mine these days, and no prudent businessman is going to venture that sort of investment without some assurance of a market. And railroads which have plenty of other troubles, were reluctant to invest in rolling stock which might have nothing to carry.

Nevertheless, it is essential to get more railroad cars to carry coal. It is obvious that some of the railroads are in no position to finance them. I believe if Government money or loan guarantees were made available, the railroads would get new cars as fast as they could be built, which would mean the new equipment would start carrying coal in about 6 months. I make this suggestion knowing that Government aid to the railroads is a controversial subject. I do not make it for the purpose of aiding the railroads, but of helping all of the Nation's economy to get the coal it needs.

Mr. President, those are a few suggestions which may help the Nation through the coal shortage of the next few months. They are not long-term solutions, and long-term solutions are urgently needed.

The Nation's consumption of energy is growing so fast that a continuing shortage of fuels seems likely unless we take some steps to prevent it. These steps involve some questions of long-term national policy. The cost of energy is an important segment of the national economy and as I have said, energy seems likely to become more costly than it now is. To let any major slice of that energy bill go to foreign producers would have such a profound effect on our balance of payments that it would cripple national economy. Therefore, the United States must place its primary reliance on domestic sources of energy.

Therefore, the Congress should adopt a national energy policy as a matter of law. It should decide what percentage of our future energy requirements was allowed to come under foreign control. Aside from the effect on the balance of payments, we have a recent illustration of the dangers of depending too heavily on foreign sources of oil—reportedly, a bulldozer broke an important pipeline in the Middle East, and as a consequence, tankers have been having to bring oil to the United States around the Cape of Good Hope instead of from the Mediterranean. If one takes the prospect of more misguided bulldozers and adds to that the prospect of misguided or hostile foreign governments, or even those just seeking a diplomatic advantage, one begins to have cogent reason for placing the main reliance on domestic fuels.

Another reason for making that decision, and writing it firmly into law is that investors will be discouraged from risking their money in new coal mines or oil and gas wells if they have no assurance that the market will not be suddenly flooded by low-priced foreign oil. And I think, realistically, we must realize that we will ultimately require synthetic fuels from coal or from oil shale, and the plants to produce these fuels will be quite expensive. Again, investors must have some confidence that there will be a market for their product before they will put money into such plants. And I submit that it is in the national interest to give that assurance.

There is another step which we in Congress can take. We should strike a better balance between the funds the Government spends for research in fossil fuels and for research in atomic power. As of now, they are wildly out of balance. I do not suggest that more Government-sponsored research in fossil fuels would solve the energy shortage in the next few months, but in the long term I think there are great advantages to the public if we are able to bring about production of synthetic fuels from coal and oil shale, or find means of using our reserves of fossil fuels more efficiently and with less effect on the environment.

Mr. President, I suggest that Government financing or loan guarantees be considered as possible steps to increase the coal-car supply over the short term. However, I think we must be looking also for a long-term assurance of adequate car supply. Whether this be achieved by additional tax incentives to the railroads, direct government funding, or other measures, I do not know. But it is certain that the problem must be solved, because producing coal does no good unless we get it to the consumer.

The Government could also increase the incentive to invest in coal mines by increasing the depletion rate for coal. This rate is now only 10 percent of the gross income from the property, with a limit of 50 percent of the net. And if synthetic fuel is to be derived from coal, certainly it would be equitable to advance the depletion valuation point to some stage past the mining process. This was recently done with oil shale. Certainly synthetic fuel from coal should have depletion treatment of the same sort as that given to competing fuels.

Another minor adjustment of the tax laws which would help solve the energy shortage would be to allow rapid amortization of sulfur abatement facilities. This would encourage their construction, and thus encourage the use of high-sulfur fuels which cannot now be burned in some areas under air pollution control regulations. It would encourage a fuller use of all of our resources.

When we passed the Federal Coal Mine Health and Safety Act last December, we authorized funds for research in new methods of mining coal with less risk to the health and safety of miners. We should be sure that Congress appropriates the funds it has authorized to carry this research to completion. I suggest there may be a particular need for more research in means of producing coal efficiently within the rigid dust limits set by the new law, or finding some means of adequately protecting the health and safety of miners without strangling the output of coal which the Nation so greatly needs.

Mr. President, coal is the most important industry in West Virginia. More importantly, however, it is the most abundant fuel in the United States. It makes up about 88 percent of all proved reserves of fuel of any kind, including uranium and oil shale, and three-quarters of all the fuel which the geologists think we will ever find anywhere within the limits of the United States or its continental shelf. Therefore, it is our best long-term bet for an adequate energy supply, and we had better be taking steps now to assure that supply in the months ahead and in the long-term future.

Mr. SAXBE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. SAXBE. The Senator has no doubt observed the acquisition by large oil companies of substantial holdings in the coalfields. The question arises as to whether this in itself indicates an effort to corner the fossil fuel market in this country, or its marketing and producing. Has the Senator considered that idea?

Mr. BYRD of West Virginia. I must say this is an appropriate question, but, at the same time, we have to recognize that the opening of modern, new mines is a most expensive and risky venture. Not every coal operator has that kind of money to invest in the operation of a modern, new mine. The requirements of a new mine, under the Health and Safety Act, impose still greater costs than ever before upon the mine operator. I venture to say that the kind of capital required to open a modern, new, producing mine can come only from some of the very large companies.

Mr. SAXBE. Mr. President, the distinguished Senator from West Virginia has touched on another point in which I am greatly interested, and that is the rapid amortization of pollution control equipment that not only utilities but also a great many other plants could utilize so as to be able to use coal.

I am thinking particularly of the steel plants that use this same type of high-sulfur coal. They would rather not use it, but are forced to do it.

I have suggested that there should be a 5-year writeoff on this type of scrubbing equipment, as it is called, to clean up the pollution. If that can be accomplished, it would open up markets for what is presently unacceptable coal; would it not?

Mr. BYRD of West Virginia. It would.

Mr. SAXBE. And in that way it would permit plants, especially those located in urban centers, to use the coal not now readily available to them.

Mr. BYRD of West Virginia. It would. And it would greatly encourage those plants to invest the kind of money that is needed to purchase this costly equipment.

Mr. SAXBE. The bill which I introduced is now before the Committee on Finance. It has the approval of the Public Works Committee and others, as I understand it. It is now before the Finance Committee with the hope that it will get the kind of support that is necessary so that we can do something in the immediate future to encourage these companies to go into the purchase of this air pollution equipment.

Another part of the same bill is the granting of Federal guarantees, not direct loans, to small companies who cannot find the financing through banks to go into the purchase of this pollution control equipment.

With a combination of loans, and these are small—they do not go to the large industries—we could handle small industries with a quick writeoff and also provide bank financing on a guaranteed basis. Otherwise, we will have a closing-down of the plants and losing of the jobs.

We want smoke abatement. We want smog out of the air. But we have to cooperate with these plants, too, if we expect them to be able to do this.

Mr. BYRD of West Virginia. Mr. President, the Senator is correct. We want to get on with the control of air pollution. But at the same time that this is being done, we must keep in mind the continued operation of the coal mines and the employment of the people who work in them.

Mr. President, I compliment the Senator on his bill. I think it is typical of the foresightedness and vision which he has displayed so many times during his service in the Senate.

I would certainly hope that if the Finance Committee is not able to give attention to the Senator's bill this year, the Senator will reintroduce it in the new Congress which convenes in January.

It appears to me, without having stud-

ied the bill, that it certainly is worthy of very careful and prompt attention.

I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. ALLEN. Mr. President, debate on this issue has been proceeding for almost a week. Frankly, I am amazed at the lack of enthusiasm for this so-called great basic change in the law of the land, a change which, it is said, a great majority of the people of this country want and demand. Why this lack of enthusiasm? The Senator from Indiana has spoken, the Senator from Idaho spoke, the Senator from Maryland spoke, both the Senator from Michigan and the Senator from Tennessee spoke. Certainly no extended debate on the part of opponents of this measure has taken place.

Mr. President, I must conclude from this lack of enthusiasm on the part of proponents of the measure that there is not nearly so much demand for the direct election of the President and Vice President as has been made to appear, else why do we not have debaters come to the Senate Chamber and express their views with respect to the measure? The junior Senator from Alabama had not intended to speak on this issue but he had expected to hear from some of those who favor the direct election of the President.

Mr. President, actually what is the hurry? Why are we considering this measure to the exclusion of the many measures and issues that need to be discussed and decided by the Senate? What is the hurry? The resolution itself provides that it shall not go into effect until 1 year after the first April 15 following its ratification. That would mean that for this suggested change in the Constitution to be used in the 1972 elections it would have to pass the Senate, be agreed to by the House, or by a conference, the report approved, and the resolution then ratified by three-fourths of the State legislatures, all before April 15 of next year, a physical impossibility.

So it is suggested, if it passes—and I have my serious doubts that it will—it could not become effective until the 1976 presidential election.

Mr. President, some of the distinguished Senators who have discussed this issue have said that we need to choose the best plan, we need to submit back to the State legislatures the very best possible plan, if we are to change the basic law of the land.

There seems to be a great deal of difference of opinion as to what is the best plan to submit back to the States. The distinguished Senator from Indiana (Mr. BAYH), who now pushes Senate Joint Resolution 1, providing for the direct election of the President, with a runoff provision, at one time supported what is loosely called the Katzenbach plan, which is the automatic casting of the electoral votes.

The Senate of the United States at one time passed the Lodge-Gossett proportional plan.

Two of the distinguished Senators whose names appear as cosponsors of Senate Joint Resolution 1, the direct election measure, have offered the amendment that is now under discussion—the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS)—and they criticize, in the report of the Judiciary Committee, of which they are both members, in most scathing terms, the runoff provision provided by Senate Joint Resolution 1.

They point out that they do not favor the runoff plan and criticize it most severely.

Another sponsor, the distinguished Senator from Tennessee (Mr. BAKER), said that he would prefer a 50-percent requirement for the successful candidates for President and Vice President rather than the 40 percent provided by Senate Joint Resolution 1, in order to prevent a runoff.

So what is the hurry? Why insist on the passage of this measure when there is apparently no unanimity of opinion on what is the best plan to submit?

Let me point out that under the provision of Senate Joint Resolution 1, if it is passed by a two-thirds vote of each House, it will be submitted to the States, and it will have 7 years to be accepted, ratified, or agreed to, by three-fourths of the States.

So if it is later decided, after it is ratified, that the runoff provision is bad, and if there is a presidential election and a runoff is required and it works in such an unfortunate way as to indicate that certainly it is not what we want, it will take another constitutional amendment to change it.

Then, too, pending the ratification by the States of the measure, a 7-year period being allowed, in all likelihood there would be no change possible at that point on the method of choosing the President and Vice President of the United States as long as the measure was before the State legislatures.

I do not maintain that it would be impossible to submit another amendment different from this amendment, but the chances are that if the Senate and the House should submit Senate Joint Resolution 1, providing for the 40-percent requirement and the runoff when no candidate received as much as 40 percent, as long as it was pending before the States there could be no hope of submitting another plan, because the reaction would be, "Well, let us see what the States are going to do with this plan before we submit another."

So we find numerous views with respect to the best possible change of the electoral college.

Back in 1824, John Quincy Adams, who received, supposedly, fewer popular votes than did Andrew Jackson, was chosen President of the United States by action of the House of Representatives, because no candidate received a majority in the electoral college. So if anybody had any right to object to the electoral college system, it certainly would have been President Andrew Jackson, who won the Presidency 4 years later.

The plan he proposed was not direct election, but the district plan. I feel that as soon as action has been taken on the Griffin-Tydings amendment, the district plan and the proportional plan will probably be offered as amendments.

The plan favored by President Andrew Jackson was the district plan. Under the present system, as we all know, each State has the same number of electors as it has Senators and Representatives. Under the district plan each State would retain the same total number of electors—two for the two Senators and then the same number of electors as it has Members of the House.

Under the present system, all of those votes are handed as a unit to the winner of the popular vote in the respective States. But under the district plan, the votes of only two of the electors, in effect representing the two Senators, would go to the winner in the State vote, and the other electors would be divided out among the candidates for President based on their votes in the respective congressional districts. That is called the Mundt plan because of its chief sponsor, the distinguished Senator from South Dakota (Mr. MUNDT).

That was the plan suggested by President Andrew Jackson—not the direct plan.

Under the Lodge-Gossett plan—and I believe that an amendment of that sort is going to be offered by the distinguished Senator from North Carolina (Mr. ERVIN)—the electoral vote of a State is divided among the candidates in proportion to the popular vote of the various candidates in the respective States. That would eliminate the office of elector, and would divide the electoral votes out among the candidates in proportion to their popular vote in each State.

Mr. President, much has been said about the fact that a candidate for President who wins in the electoral college and does not win the popular vote will not have a proper mandate from the people, that he cannot govern effectively because of not having received a majority of the popular votes or a plurality of the popular votes.

Yet Senate Joint Resolution 1 provides for the election of a President and Vice President, without a runoff, with as few as 40 percent of the popular votes of the country.

What sort of mandate is that—40 percent of the popular vote? Mr. President, they are concerned about whether the winning candidate for the Presidency in the electoral college also has a majority

of the popular vote. Under the direct system, in a three-way race for the Presidency, it would be possible for the winner of the Presidency and the popular vote leader not to carry a single State in the United States, and still be the popular vote leader.

How could that be? How could the candidate who receives the most popular votes not carry a single State?

It is very easy. Assume a three-way race for the Presidency. The popular vote leader runs behind the second man in the popular vote in 49 States by the margin of 1,000 votes. Then in the 50th State, he runs behind the third candidate, but 50,000 votes ahead of the second candidate.

That, then, would have him carrying not one single State of the Union, but still the popular vote leader.

How much of a mandate does anyone think that a President who did not carry a single State in the Union would have? I call attention to this outside possibility because the argument has been made time and time again on this floor that if a few thousand in this State and a few thousand in that State had been switched in 1968 or in 1948, it would have resulted in the second man in the popular vote being elected by carrying a majority in the electoral college. Senators have expressed great apprehension lest the man who received some thousands or hundred thousands of popular votes less should receive a majority in the electoral college.

Mr. President, there is a much better chance of the Nation's second choice being elected President under the direct election system than under the electoral college system, because under the direct system, if the leading candidate receives fewer than 40 percent—say he gets 39 percent—the second candidate receives 21 percent, and the third candidate—and there will be a third one, a fourth one, a fifth one, and a sixth one, if we ever pass this ill-conceived measure—but if the leading candidate gets 39 percent, the second 21 percent, the third 20.5 percent, and the fourth 19.5 percent, we would then have a runoff between the 39-percent candidate and the 21-percent candidate.

Mr. President, as the distinguished Senator from Maryland (Mr. TYDINGS) and the distinguished Senator from Michigan (Mr. GRIFFIN) pointed out in their separate views expressed with regard to Senate Joint Resolution 1—this is not the junior Senator from Alabama making this suggestion; this is two distinguished Senators who joined as cosponsors of Senate Joint Resolution 1, providing for a runoff if no candidate receives as many as 40 percent of the votes in the first election—quoting from the bottom paragraph of page 16 of the report of the Committee on the Judiciary:

> In view of this attractive political framework, the direct election plan, as embodied in Senate Joint Resolution 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

Talking about a second choice, that is what we will end up with under the direct election plan. At least, under the electoral plan, carrying a majority in the electoral college shows that you are carrying either a majority of the States or a sufficient number of States that their Representatives and Senators constitute a majority of all of the Representatives and Senators.

Mr. President, the figure was set by the author of the bill which would elect a candidate as President at 40 percent. It has always been traditional in American politics, in American government, that the man elected to political office gets a majority of something. He has to have a majority of something. If he is a school superintendent, chosen by a schoolboard, he gets a majority of the school board. If he is appointed to a position by any board, he has to get a majority of the members of the board to be named. Under the electoral system, at least he has to get a majority in the electoral college; and if he does not get a majority in the electoral college, he has to get a majority of the States in the House of Representatives. So it takes a majority, a majority of something, to elect a President under the present system.

Under the present system, there is a runoff. The runoff is held in the House of Representatives, where each State delegation votes one vote. But it is a majority of something. So if the distinguished Senator from Indiana is worried about the successful candidate for the Presidency not receiving a majority of the votes, he can rest assured that he receives a majority of something; whereas, under the resolution which he is sponsoring, a candidate can be elected President of the United States without receiving a majority of anything.

So let us have majority rule. Let us not stand for 40-percent rule, and that is what we would have under Senate Joint Resolution 1.

Mr. President, the status of the question before the Senate at this time is that Senate Joint Resolution 1 is before the Senate and the amendment of the distinguished Senators from Michigan and and Maryland is pending. The amendment of the distinguished Senators from Michigan and Maryland eliminates the runoff provided for by Senate Joint Resolution 1. It does it by, at one step, invoking again the electoral college.

There must be something splendid, something admirable, something highly commendable, something efficacious in the electoral system, because in more than 180 years there has not been sufficient sentiment behind any other plan to do away with the electoral college. Under the various plans to which I have alluded which are being considered in addition to Senate Joint Resolution 1, the electoral college or some reasonable facsimile thereof or counterpart thereof is employed. Under the district plan which has been suggested, the electoral college is retained, divided up somewhat differently, breaking it down a little, where the votes that any candidate for President gets in a State will have representation in the electoral college if it is as much as leading the vote in one congressional district. Yes, the automatic system, by which the office of elector is abolished and the votes of electors are automatically cast for the winning candidate in the respective States, but still employing the Federal principle, the division of the electors among the respective States on the basis of their representation in the House and in the Senate of the United States.

Yes, even the proportional plan uses the electoral college or a modification of it. It still retains the voting strength of the electoral college, and it retains the principle of a candidate receiving electoral votes on the basis of the popular votes that he receives in the respective States, instead of the winner-take-all policy. It would provide that the electoral vote of each State would be divided among the candidates in proportion to the votes that the candidates receive in the respective States. But they are still using the electoral college system. They are still using counterparts to the electors. They are just putting it on a computer, more or less. It is a computerized electoral college—that is what the proportional plan is.

The so-called Federal plan is sponsored by the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Missouri (Mr. EAGLETON).

Senator EAGLETON is one of the sponsors of Senate Joint Resolution 1; yet, apparently, he differs with it, because he has a different plan of his own which he is going to offer separately or possibly as an amendment to the present bill.

What is the so-called Federal system? I believe that is Senate Joint Resolution 181. What does it provide, and how does it use the electoral college? It provides that the winner of the popular vote throughout the country—it is not 50 percent, it is not 40 percent, as stated in the amendment—is declared elected provided he carries a majority of the States or he leads in those States which cast a majority of the popular votes in that particular election. So if he was the popular leader and he either carried 26 States or led in the States that cast the majority of the votes, he would be declared elected. Then if that does not produce a winner, the contest goes to the electoral college, and if any one of the candidates receives a majority in the electoral college , he is declared the winner; and then it goes one step forward, still in the electoral college, that if none of the candidates obtains a majority in the electoral college, then we dismiss all the candidates except the top two, and divide the electoral votes of the other candidates who are eliminated among the top two in proportion to the vote which the

candidates got in the States represented by those electors.

So, Mr. President, we have all sorts of plans, all sorts of suggestions, and practically every one of them, except the direct plan, is built around the electoral college plan in some way, showing that the electoral college has merit, that it is recognized it has merit, and that it should not be done away with.

Mr. President, we were talking about the amendment of the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS). The junior Senator from Alabama was suggesting that they, too, use the electoral college to build their plan around. Yet they are for Senate Joint Resolution 1, but they find fault with the resolution they are sponsoring and suggest an alternative plan.

I am pointing these things out to show that there is no unanimity of opinion, that there is no agreement that this plan and this plan alone is the one that should be submitted back to the people. As I suggested, the Senate itself has passed, by more than a two-thirds vote, the Lodge-Gossett plan which was and is the proportional system. Thus, the Senate, just a few years ago, thought that the proportional plan should be submitted to the States. Now they are talking about direct election with just 40 percent—a minority not a majority. We have always heard about majority rule, let the majority rule. But a 40-percent rule is what this amendment that is being discussed would provide.

Now what does the Griffin-Tydings amendment do? That is what is actually being discussed, I assume, at this time, because the pending question is whether it should be adopted as an amendment to Senate Joint Resolution 1.

It provides for the election of the President and Vice President in as many as three steps. It could be accomplished on the first step, by complying with the first and second steps, or it might take all the steps, 1, 2, and 3. As the junior Senator from Alabama understands the Griffin-Tydings amendment, it does eliminate the runoff and, in that respect, it is a much better provision than Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, would the Senator from Alabama yield now, or at an appropriate time?

Mr. ALLEN. I will, at an appropriate time, if the Senator would excuse me, as I wish to try to point out what the Griffin-Tydings amendment provides.

Mr. ERVIN. Certainly.

Mr. ALLEN. The Griffin-Tydings amendment provides for the President and Vice President to run as a team—and Senate Joint Resolution 1 also does that, to run as a team—and you could not vote for one without voting for the other. That is certainly an innovation right there from the original Constitution. If one of these teams of two should get 40 percent of the popular vote, they would be declared elected President and Vice President. If no team of two candidates got as many as 40 percent, then they would go to step 2 to see if they could comply with that. There again comes in the electoral college. They do not get too far from it because it is the best system that has yet been offered. They come to the electoral college, or a reasonable counterpart of it, which provides that if one of the teams of two carries a sufficient number of States, and the total number of Senators and Representatives from those particular States constitute a majority of all of the Senators and Representatives in the Congress, then that would comply and that, then, would elect the top team of two which had not received the 40 percent. That, in effect, is resort to the automatic plan which, I believe, is included now in Senate Joint Resolution 191. So that they do not have this danger that has been pointed out this afternoon by the distinguished Senator from Idaho (Mr. CHURCH), of the possibility of so-called faithless elector—an elector who is elected on one ticket but exercises his independent judgment and decides to vote for someone else. That could not happen. That would just be an adding machine transaction, to add up and see who got the votes of the electors or who carried a sufficient number of States to constitute a majority of the House and Senate. If they comply with that, if the top two—it has to be the top two—fail to get 40 percent, if they do get a majority in this facsimile of an electoral college, they are declared elected President and Vice President.

But, then, suppose no team of candidates got as many as 40 percent—no team of candidates gets a majority in the facsimile or counterpart of an electoral college, then they go to step three. That is just a modification of the present plan, Mr. President. That is where the runoff is. It is not a popular election runoff, but a runoff in the House of Representatives.

Mr. President, it changes the existing plan of having the top three names submitted to the House of Representatives, in which event the House of Representatives must vote as State delegations, each State having one vote to decide who should be elected President. That is the present system. And, of course, the Vice President would be elected by the Senate from the top two names under the present system.

As I suggested, under Senate Joint Resolution 1 and under the Griffin-Tydings amendment, they run as a team of two. So, if they do not get elected by step one or by step two, they go to step three, which is a selection by the House of Representatives from the top two candidates, that selection to be made by the incoming Congress which would be called into special session in early December. I do not recall the exact date. There, in joint session, the members of the new House and Senate would choose the President and Vice President from the top two teams of candidates.

That is an improvement, probably, over Senate Joint Resolution 1. But just because it is an improvement over Senate Joint Resolution 1 does not mean that it is a good measure. It is not. It still has the 40 percent provision in there. It has provision for a minority President, a President not elected by a majority of anything. So it does not provide the proper method of choosing a President and Vice President. But it is better than the infamous runoff provision contained in Senate Joint Resolution 1.

Mr. President, I am delighted to yield to the distinguished Senator from North Carolina for a question or for comments, provided I do not lose my right to the floor.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that the Griffin-Tydings amendment has some of the manifestations of intellectual schizophrenia?

Mr. ALLEN. The Senator is correct. It has three different things grouped together.

Mr. ERVIN. In order words, we would have, first, the popular election.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, instead of the proponents sticking to the popular election throughout, where they have to provide population, they forthwith flee from the population matter to what is presently in the electoral college system.

Mr. ALLEN. In effect, the Senator is correct.

Mr. ERVIN. And then they flee from the disguised form of the present electoral system to the selection by Congress, the two Houses sitting together.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Is there anything contained in either Senate Joint Resolution 1 or the Griffin-Tydings amendment to Senate Joint Resolution 1 which specifies who will determine what candidates for President and Vice President would have to be joined together on the ticket, having received 40 percent or more of the popular vote?

Mr. ALLEN. There is not. Both measures are as silent as a tomb on that point.

Mr. ERVIN. Mr. President, does not the Senator think that is a very grave omission, because it is just as important to determine who has been elected President as it is to vote for a President?

Mr. ALLEN. That is true. The Senator is correct.

Mr. ERVIN. Mr. President, as far as Senate Joint Resolution 1 declares and as far as the Griffin-Tydings amendment declares, both proposals leave somewhere in the womb of uncertain future any provision for determining who got elected President or whether anyone was elected President by the popular vote system.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. The present Constitution in amendment 12 prescribes a specific method by which is to be determined who is elected President, and it provides that the returns in each State shall be certified and sent to the President of the Senate and sent to the seat of the government and that when Congress convenes in joint session, the Congress thus determines who has the majority of the electoral votes, and who, as a consequence, is elected President and who has the majority of votes for Vice President and who is elected Vice President.

Mr. ALLEN. The Senator is correct. And that system has worked mighty well.

Mr. ERVIN. Mr. President, as far as

Senate Joint Resolution 1 or the proposed Griffin-Tydings amendment to Senate Joint Resolution 1 are concerned, they make absolutely no provision for determining whether anyone has received 40 percent or more of the popular vote for President and Vice President. They leave that matter to be determined at some future time by some act of Congress.

Mr. ALLEN. The Senator is correct. They do. They do provide for election by 40 percent. They nail that down in the Constitution. They nail the runoff provision down in the Constitution. The two most undesirable features of the entire measure are written into the basic law of the land.

Mr. ERVIN. And then it leaves for the future the determination of how we determine that. It says:

> The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, if Congress does not act, we could have court proceedings either under Senate Joint Resolution 1 or under the Griffin-Tydings amendment to Senate Joint Resolution 1, if we have a controversy respecting the vote, in every precinct in the United States, which could be carried into the courts.

Mr. ALLEN. That is certainly true.

Mr. ERVIN. Mr. President, if my memory serves me correctly, it seems to me that there are 184,000 election precincts in the United States.

Mr. ALLEN. Mr. President, I have seen that number suggested, yes, sir.

Mr. ERVIN. So we have a possibility of controversies resulting in lawsuits in State courts and Federal courts involving the question of how the votes were cast in as many as 184,000 electoral precincts.

Mr. ALLEN. That is certainly true.

Mr. ERVIN. Does that not indicate the real, serious problem which Senate Joint Resolution 1 presents both in its original form and in the form in which it would be if the pending amendment were added to it. That is, they convert entirely in Senate Joint Resolution 1 and as a first step in the amendment the 184,000 election precincts under the presently existing 50 States and the District of Columbia into one great big single election precinct.

Mr. ALLEN. That is true. Yes, sir. One of the beauties of the present plan is that the votes in each State are isolated and insulated. If there are any irregularities they can be settled and handled on a State basis rather than, as the Senator has said, to throw into consideration and into the contest the votes in 184,000 precincts.

Mr. ERVIN. All this is being done, according to the first provision of the pending amendment, for the avowed purpose of allowing the man who gets the most votes to be President of the United States.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. I ask the Senator if the history of the United States does not show that the candidate receiving the largest popular vote for President has been elected in every election this country has had with the exception of the election in which Grover Cleveland was the Democratic candidate for the second time, and when he was confronting Benjamin L. Harrison, and if it did not happen that he received 100,000 fewer popular votes but more electoral votes.

Mr. ALLEN. I understood from the Senator that that was his understanding. Of course, that leaves out the contests of 1824 and 1876. I would be happy if the Senator would give his views on those two instances.

Mr. ERVIN. It was not until after the election of 1824, if I recall correctly, that all States had popular elections.

Mr. ALLEN. Yes. New York at that time had electors chosen by the State legislature, which they have a right to do since this provision is in the Constitution.

Mr. ERVIN. Is it not true that in the early days of the Republic many States had their presidential electors chosen by the State legislature rather than by popular vote within the State?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. So the answer implied to the question I put to the Senator from Alabama a moment ago is that in every case the States went fully to popular election of presidential electors; that in every election since that time the candidate receiving the largest popular vote was elected by the electoral college system, except in the case of Grover Cleveland.

Mr. ALLEN. As has already been suggested, in 1876 the Tilden-Hayes election by hijinks went to an electoral commission.

Mr. ERVIN. I ask the Senator from Alabama if these words—

> The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared—

Do not make it constitutional for a partisan Congress to emulate the example of New York which, in effect, stole the 1876 election from Samuel Tilden, the Democratic candidate, and gave it to Rutherford B. Hayes, the Republican candidate.

Mr. ALLEN. Yes, it would leave that door open. It should be nailed down in the Constitution, as the Senator from North Carolina pointed out is the case now under the 12th amendment under which we are still operating.

Mr. ERVIN. The Senator from Alabama recalls, does he not, that after the 1876 election Congress provided that the determination of the question of whether Tilden or Hayes had a majority of votes should be determined by a commission which Congress created.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. And which Congress took pains to see had a majority of at least one which belonged to the majority party which controlled Congress.

Mr. ALLEN. The Senator is correct, and they voted 8 to 7 along party lines.

Mr. ERVIN. And in so doing they apparently disregarded testimony they took with respect to the election in the State of Louisiana and the evidence relating to the election in the State of Florida.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. So we have here in Senate Joint Resolution 1, which is submitted by Congress to the States and ratified by a requisite number of States, an instance where we would make it constitutional for a partisan majority in Congress—I started to say "pilfer" but that is too mild a form of larceny for such a thing as stealing a presidential election—which enables them to establish a system under which a majority of Congress could thwart the will of the people and declare a man to be President who receives less than the popular vote to be President and at the same time prescribe there can be no inquiry to determine the accuracy of their decision.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. In addition to authorizing such chicanery on the part of Congress, Senate Joint Resolution 1 and the first stage of the Griffin-Tydings amendment converts the entire United States into one election precinct.

Mr. ALLEN. It certainly does.

Mr. ERVIN. And makes it crucial, or makes it possible to have a contest as to whether the votes were irregularly cast and whether there was fraud or corruption, or a miscount in 184,000 different election precincts.

Mr. ALLEN. It would be a monumental task just to recount without any allegation of fraud, but just to recount the votes would be a monumental task.

Mr. ERVIN. Does the Senator recall that the election of 1960 and the election of 1968 were exceedingly close and that considering the magnitude of the number of votes cast, for all practical purposes just a mathematical percentage separated the winner from the loser.

Mr. ALLEN. That is all.

Mr. ERVIN. Does not the Senator from Alabama infer from that there is a possibility, a real possibility, that under Senate Joint Resolution 1, and also under the first step described in the pending amendment, that it might possibly be months and months or even years before it could be determined who, if anyone, received 40 percent of the votes.

Mr. ALLEN. The Senator is correct. It very well could be.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that the proponents of the pending amendment are not willing to abide by the old adage that we should make everything fish, fowl, or red herring and, therefore, they offer three alternative methods of selecting the President?

Mr. ALLEN. They have. They have given us our choice. Let us take the second choice, which is the electoral college.

Mr. ERVIN. If the electoral college is a sufficient criterion to determine the question when a controversy arises as to whether a candidate received 40 percent of the popular vote, does not the Senator think it would be well for us to abide by the old ship and sail these troubled seas without confusing the situation further?

Mr. ALLEN. I thank the distinguished Senator.

Mr. ERVIN. I thank the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I have a prepared address on this subject that I did not get around to using, for the distinguished Senator from West Virginia has called my attention to the fact that at this time we are supposed to have the farm bill laid before the Senate. With the thought in mind that an opportunity may present itself later to make use of the prepared address that I have, I will yield the floor to the distinguished Senator from West Virginia for the purpose to which I have alluded.

Mr. ERVIN. Mr. President, I would like to suggest to the Senator from Alabama that before he does that, he make a unanimous-consent request to the Senate that the remarks he has thus far made shall not count as a separate speech on the issue before the Senate, but that the subsequent remarks on this subject by the Senator from Alabama shall be counted as the first speech.

Mr. ALLEN. Mr. Presiden, I ask unanimous consent that the continuation of my remarks at a later time in conjunction with these remarks be considered as one speech, inasmuch as I have yielded the floor at the request of the acting majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER SETTING ASIDE THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that it remain in that status until the close of morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING REPORT ON CONSUMER PROTECTION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for reporting S. 3201, the "Consumer Protection Act of 1969," which was referred to the Judiciary Committee and was supposed to have been reported today, be extended up to and including Friday, September 18, 1970. I do this, as I recall, with the full knowledge and consent of the chairman of the Committee on Commerce (Mr. MAGNUSON), who is unable to be here today. It is my understanding that before that time, contact will be made with the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), ranking Republican member of the Commerce Committee.

The PRESIDING OFFICER. Without objection, the time will be so extended.

AGRICULTURAL ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, H.R. 18546.

The PRESIDING OFFICER. The bill will be stated by title.

The title of the bill was read, as follows: H.R. 18546, a bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Agricultural Act of 1970".

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed $55,000.

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: Provided, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following:

"(d) a further adjustment to encourage seasonal adjustments in the production of milk through equitable apportionment of the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk; which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketing, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions shall be made in the order for the allocation of bases under this clause (f)—

"(i) for the alleviation of hardship and inequity among producers; and

"(ii) for providing for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during any part of the representative period, and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

"(iii) dairy farmers not delivering milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

"(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

"(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall ninety days later be provided with respect to milk delivered under he order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they are delivering milk under the order during the representative period on the same basis as producers under the order on the effective date of order provisions authorized under this clause (f): Provided, that bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or

periods as necessary to insure equitable participation in marketing among all producers. Notwithstanding the provisions of section 8c (12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order.

"In the administration of this section 8c(5) after the enactment of the Agricultural Act of 1970, the Secretary shall maintain the same policy with respect to the exemption of producer-handlers from the provisions of marketing orders that was maintained prior to such enactment."

(b) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 13, 1971.

(c) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

DAIRY INDEMNITY PROGRAM

SEC. 204. (a) Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750), is amended by striking out the word "June 30, 1970.", and inserting in lieu thereof the word "June 30, 1973.".

(b) The first sentence of section 1 of said Act is amended by inserting "and manufacturers of dairy products" after "dairy farmers", and by inserting "or dairy products" after "their milk", and the second sentence is revised to read: "Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.".

TITLE III—WOOL

SEC. 301. The National Wool Act of 1954, as amended, is amended as follows:

(1) Designate the first two sentences of section 703 as subsection "(a)", and, in the second sentence, delete "1970" and substitute "1973".

(2) In the third sentence of section 703, delete the portion beginning with "The support price for shorn wool shall be" and ending with "Provided further, That the" and substitute "The", designate the third sentence as subsection "(b)", change the period at the end thereof to a colon and add the following: *Provided*, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for shorn wool shall be 72 cents per pound, grease basis."

(3) Designate the fourth and fifth sentences of section 703 as subsection "(c)", change the period at the end of the fifth sentence to a colon and add the following: "*Provided*, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for mohair shall be 80.2 cents per pound, grease basis.".

(4) Designate the sixth sentence of section 703 as subsection "(d)".

(5) Designate the last sentence of section 703 as subsection "(e)".

TITLE IV—WHEAT

SEC. 400. Subtitle A of this title shall be effective for the 1971 crop of wheat. The Secretary shall conduct a referendum, by secret ballot, of farmers to determine whether for the 1972 and 1973 crops of wheat they favor the program provided for by subtitle A or the program provided for by subtitle B. Any producer who has a farm acreage allotment shall be eligible to vote in such referendum. The Secretary shall proclaim the results of such referendum within thirty days after the date of such referendum and if the Secretary determines that the program provided for by subtitle B is favored by

(i) a majority of the producers voting in such referendum, and

(ii) the producers of more than 50 per centum of the wheat produced by producers voting in the referendum during the most recent calendar year for which production records are available.

subtitle B shall be effective for the 1972 and 1973 crops of wheat. Otherwise subtitle A shall be effective for the 1972 and 1973 crops.

Subtitle A—Program Similar to 1970 Program

SEC. 401. (a) The Food and Agriculture Act of 1965, as amended, is amended—

(1) by deleting "through 1970 crops" wherever it appears in section 506 and substituting "through 1973 crops";

(2) by deleting "years 1966 through 1970" wherever it appears in sections 501 and 502 and substituting "years 1966 through 1973";

(3) by deleting "in the calendar years 1964 through 1970" in section 501 and substituting "in the calendar years 1964 through 1973";

(4) by deleting "through 1970" in section 505 and substituting "through 1973";

(5) by deleting "years 1967 through 1970" and substituting "years 1967 through 1973" in section 506;

(6) by deleting "through the 1970" and substituting "through the 1973" in section 516.

(b) Section 107(1)(b) of the Agricultural Act of 1949, as effective through the 1973 crop, is amended by inserting after "not in excess of the parity price therefor" the following: "nor less than $1.25 per bushel".

(c) Price support loans with respect to the 1971 through 1973 crops of wheat shall be made available on wheat stored on the farm where produced, and price support loans on wheat of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for wheat.

(d) The Secretary shall advance to producers, within sixty days following signup for the 1971 wheat program, an amount equal to not less than 50 per centum of

(i) the Secretary's estimate of the face value of certificates to be issued under section 379c(a) of the Agricultural Adjustment Act of 1938 with respect to the 1971 crop of wheat (to be repaid through the withholding of certificates for such crop having a face value equal to such advance), and

(ii) the payments to become due under section 339 of such Act with respect to such wheat.

Subtitle B—Set-Aside Program

SEC. 402. Effective only with respect to the 1972 and 1973 crops of wheat and only if this subtitle is effective with respect to such crops, section 107 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 107. Notwithstanding any other provision of law—

"(a) Loans and purchases on each crop of wheat shall be made available at such level, not in excess of the parity price therefor nor less than $1.25 per bushel, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

"(b) If a set-aside program is in effect for any crop of wheat under section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, certificates, loans, and purchases shall be made available on such crop only to producers who comply with the provisions of such program.

"(c) Price support loans with respect to the 1972 and 1973 crops of wheat shall be made available on wheat stored on the farm where produced, and price support loans on wheat of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for wheat."

SEC. 403. Effective only with respect to the 1972 and 1973 crops of wheat and only if this subtitle is effective with respect to such crops, sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, are further amended to read as follows:

"SEC. 379b. (a) The Secretary shall provide for the issuance of wheat marketing certificates for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates. The face value per bushel of domestic marketing certificates for the 1972 and 1973 crops of wheat shall be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

"(b) The domestic wheat marketing certificates shall be made available for a farm on the number of bushels determined by multiplying the domestic allotment for the farm for the crop to which such certificates relate by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility

for loans, purchases, and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an average of cropland equal to (i) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary (not to exceed 75 per centume of such allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1972 and 1973 crops to limit the acreage planted to wheat on the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, platago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized in subsection (b), available to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community. The Secretary shall make not less than 50 per centum of any payments under this subsection to producers within sixty days following signup for the program.

"(3) The wheat program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this subsection (c), he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, marketing certificates, and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of certificates issued and of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the issuance of certificates and the making of loans, purchases, and payments, the Secretary may, nevertheless, issue such certificates and make such loans, purchases, and payments in such amounts as he determine to be equitable in relation to the seriousness of the default.

"(f) The Secretary shall advance to producers, within sixty days following signup for the program, an amount equal to 75 per centum of the Secretary's estimate of the face value of certificates to be issued with respect to such crop and such advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined is less than the advance, the difference shall not be required to be repaid.

"(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(h) Marketing certificates issued under this Act and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"SEC. 379c. (a)(1) The farm domestic allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim a national domestic allotment for the 1972 and 1973 crops of wheat not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop. The national domestic allotment for any crop of wheat shall be apportioned by the Secretary among the States on the basis of the apportionment to each State of the national domestic allotment for the preceding crop (for the 1972 crop, on the basis of the apportionment of the national acreage allotment for the 1971 crop), adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(2) The State domestic acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the domestic wheat allotment for the preceding crop (for the 1972 crop, on the basis of the apportionment of the wheat acreage allotment for the 1971 crop), adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(3) The farm domestic allotment for each crop of wheat shall be determined by apportioning the county domestic wheat allotment among farms in the county which had a domestic wheat allotment for the preceding crop (for the 1972 crop, among farms in the county which had a wheat acreage allotment for the 1971 crop), on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. Notwithstanding any other provision of this subsection, the farm domestic allotment shall be adjusted downward to the extent required by subsection (b).

"(4) Not to exceed 1 per centum of the State domestic allotment for any crop may be apportioned to farms for which there was no domestic allotment for the preceding crop (for the 1972 crop, to farms which had no acreage allotment for the 1971 crop) on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm domestic allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

"(5) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for a domestic allotment under subsection (a)(3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a)(4).

"(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

"(b)(1) If for any crop the total acreage of wheat planted on a farm is less than the farm domestic allotment, the farm domestic allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm domestic allotment, but such reduction shall not exceed 20 per centum of the farm domestic allotment for the preceeding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has a domestic allotment, such farm shall lose its domestic allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the domestic allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to such wheat because of drought, flood, or other natural disaster or a quarantine imposed by the county, State, or Federal Government shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"(2) Notwithstanding the provisions of subsection (b) (1), no farm domestic allotment shall be reduced or lost through failure to plant the farm domestic allotment, if the producer elects not to receive certificates for the portion of the farm domestic allotment not planted, to which he would otherwise be entitled under the provisions of this Act."

Subtitle C—General

SEC. 404. Effective only with respect to the marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973, the Agricultural Adjustment Act of 1938, as amended is further amended as follows:

(1) by deleting in the first sentence of section 379d(b) the words "During any marketing year for which a wheat marketing allocation program is in effect," and substituting "During each marketing year,";

(2) by inserting a comma in lieu of the period at the end of the first sentence of section 379d(b) and adding the following: "and (iii) all persons processing or using any flour second clears, gluten or other products or byproducts of wheat for which domestic marketing certificates have not been acquired in the commercial production of food products for human consumption shall, prior to the marketing or the removing of such product for sale or consumption, acquire domestic wheat marketing certificates equivalent to the number of bushels of wheat required to produce or used in the production of the flour second clears, gluten or other product or byproduct used in the production of, or ingredient in, such food product."

(3) by adding at the end of section 379d (b) the following:

"Notwithstanding the foregoing, the Secretary is authorized, if subtitle B of title IV of the Agricultural Act of 1970 is effective with respect to the 1972 and 1973 crops of wheat, to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1972, and ending June 30, 1974.

(4) by adding at the end of section 379e the following:

"Notwithstanding any other provision of this Act, if subtitle B of the title IV of the Agricultural Act of 1970 is effective with respect to the 1972 and 1973 crops of wheat, Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1972 and 1973 crops of wheat to persons engaged in the processing of food products but in determining the cost to processors the face value shall be 75 cents per bushel."

SEC. 405. Effective only with respect to (i) the 1972 and 1973 crops of wheat and only to such crops if subtitle B of this title is effective with respect to such crops and (ii) the 1971, 1972, and 1973 crops of feed grains, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) sections 331 through 339 shall not be applicable to the 1972 and 1973 crops of wheat;

(2) by adding in section 378 a new subsection (e) to read as follows:

"(e) The term 'allotment' as used in this section includes the domestic allotment for wheat."

(3) by adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat." and

(4) by adding in the first sentence of section 385 after the words "parity payment," the words "payments (including certificates) under the wheat and feed grain set-aside programs,".

SEC. 406. Effective only with respect to the 1972 and 1973 crops of wheat, and only if subtitle B of this title is effective with respect to such crops, section 706, Public Law 89-321 (79 Stat. 1210), is amended as follows:

(1) by adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended," the words "or the Agricultural Act of 1949, as amended." and

(2) by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat."

SEC. 407. Public Law 74, Seventy-seventh Congress (68 Stat. 905), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1972 and 1973.

SEC. 408. If subtitle B of this title is effective with respect to the 1972 and 1973 crops of wheat, the amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1972 crop of wheat may be reduced by the amount by which the actual total production of the 1972 or 1973 crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm for the purpose of issuance of domestic marketing certificates. The provisions of such section shall continue to apply to the wheat so stored to the extent not inconsistent therewith.

SEC. 409. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, and if subtitle B of this title is effective with respect to such crops the 1972 and 1973 crops of wheat the Agricultural Act of 1949 as amended is further amended by adding in section 408 a new subsection (k) as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

SEC. 410. Section 407 of the Agricultural Act of 1949, as amended, is further amended effective only with respect to the marketing years for (i) the 1971, 1972, and 1973 crops of feed grains, and (ii) if subtitle B of this title is effective with respect to such crops, the 1972 and 1973 crops of wheat as follows:

(1) by deleting in the third sentence the language following the third colon and substituting the following: *"Provided,* That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges."

(2) by deleting in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and substituting "current basic county loan rate (or a comparable price if there is no current basic county loan rate)", and

(3) by deleting in the seventh sentence "but in no event shall the purchase price exceed the then current support price for such commodities." and substituting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use."

SEC. 411. In the event that no new legislation is enacted in advance of the planting season for the 1974 crop of fall seeded wheat, and the Secretary determines that it will best accomplish the purposes of section 379a of the Agricultural Adjustment Act of 1938, as amended, and is otherwise in the interest of wheat producers and the United States, he is authorized to carry out a program for the 1974 crop of wheat on the same basis as the program for the 1973 crop, in which event references made in titles I and IV of this Act to the 1973 crop of wheat and to the marketing year for such crop beginning July 1, 1973, shall be considered as applying as well to the 1974 crop of wheat and to the marketing year beginning July 1, 1974, and the period beginning July 1, 1971, and ending June 30, 1974, referred to in section 403 shall be considered as extended to June 30, 1975.

TITLE V—FEED GRAINS

SEC. 501. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 105. Notwithstanding any other provision of law—

"(a) (1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than $1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

"(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"(3) Price support loans with respect to the 1971 through 1973 crops of feed grains shall be made available on grains stored on the farm where produced, and price support loans on grains of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for such grains.

"(b) (1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will not be less than $1.35 per bushel. The payment rate for grain sorghums and barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(2) The payments with respect to a farm shall be made available on 50 per centum of the feed grain base for the farm and shall be computed on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per

centum of the feed grain base. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain base, such farm shall lose its feed grain base: *Provided*, That no farm feed grain base shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain base not planted, to which he would otherwise be entitled under the provisions of this Act. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain bases as provided for in subsection (e)(2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the portion of the feed grain base on which payments are made available shall be considered to have planted an acreage equal to 100 per centum of such portion. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans or to wheat considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain or soybean program.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income. Notwithstanding any other provision of this subsection, the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for a loan or purchase to participate in the set-aside program for feed grains if such producer has previously produced a malting variety of barley and plants barley only of an acceptable malting variety for harvest.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The feed grain program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"(e)(1) For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960.

"(2) The Secretary may make such adjustments in acreage under this section as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm. The Secretary shall, upon the request of a majority of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county in order to establish fair and equitable feed grain bases for farms within such State or county: *Provided*, That except for acreage provided for in subsection (b)(3), adjustments made pursuant to this sentence shall not increase the total State feed grain acreage. The Secretary is authorized to draw upon the acreage pool provided for in subsection (b)(3) in making such adjustments. Notwithstanding any other provision of this subsection, the feed grain base for the farm shall be adjusted downward to the extent required by subsection (b)(3).

"(3) Notwithstanding any other provision of this subsection not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: suitability of the land for the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. No part of such reserve shall be allocated to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for feed grains. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this section.

"(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(g) The Secretary shall make a preliminary payment to producers, within sixty days following signup for the program, at a rate equal to 32 cents per bushel of corn, with comparable rates for grain sorghum and barley, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(h) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation."

TITLE VI—COTTON

SEC. 601. The Agricultural Adjustment Act of 1938, as amended, is amended effective beginning with the 1971 crop of upland cotton as follows:

(1) Section 342 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, for each of the 1971 through 1973 crops (1) the national marketing quota for upland cotton shall be not less than the number of bales required to provide a national acreage allotment for such crop of fourteen million five hundred thousand acres; and (2) each farm acreage allotment (computed without regard to clause (3)) shall bear the same relationship to its farm base acreage allotment (as finally effective after adjustment for release and reapportionment, transfers, and all other factors) as the national acreage allotment bears to the national base acreage allotment and (3) if the Secretary determines such action to be necessary to provide an adequate supply of cotton, the Secretary may (i) increase each farm cotton acreage allotment to permit the planting of cotton on all or any part of the acreage required to be set aside pursuant to section 103(e)(4) of the Agricultural Act of 1949, and (ii) apportion additional acreage not exceeding an acreage equal to 25 per centum of the national acreage allotment to farm operators who apply for such additional acreage and give such assurance as the Secretary deems appropriate that they will make all appropriate efforts to produce and harvest cotton on acreages equal to their increased allotments. Such additional acreage shall be apportioned

in such manner as the Secretary deems appropriate to assure an adequate supply, giving special consideration to farms having cotton acreage allotments, the amounts of such allotments, and the production history of such farms. Producers on any farm receiving increased allotments under clause (3) shall be entitled to price support loans and purchases only on an amount of cotton determined by multiplying the yield used in computing payments for such farm by the acreage allotment computed without regard to clause (3)."

(2) A new section 342a is added to read as follows:—

"NATIONAL COTTON PRODUCTION GOAL

"SEC. 342a. The Secretary shall, not later than November 15, of the calendar years 1970, 1971, and 1972, proclaim a national cotton production goal for the 1971 and subsequent crops of upland cotton. The national cotton production goal for any year shall be the number of bales of upland cotton (standard bales of four hundred and eighty pounds net weight) equal to the estimated domestic consumption and estimated exports for the marketing year beginning in the calendar year for which such national cotton production goal is proclaimed, plus an allowance of not less than 5 per centum of such estimated consumption and estimated exports for market expansion except that the Secretary shall make such adjustments in the amount of such production goal as he determines necessary after taking into consideration the estimated stocks of upland cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 per centum of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of upland cotton needed in the United States and in foreign cotton consuming countries and, in addition, to provide an adequate reserve for purposes of national security."

(3) Effective only with respect to the 1971, 1972, and 1973 crops, section 344a is amended as follows:

(A) Subsection (a) is amended (i) by striking "cotton acreage allotment" and inserting "farm base acreage allotment for cotton", and (ii) by striking "1970" and inserting "1973".

(B) Subsection (b) is amended by striking clause (ii) and by inserting before the period at the end of the next to last sentence the following: "; and (viii) no allotment may be sold or leased except to a person who furnishes such county committee with satisfactory evidence that he is dependent upon the production of cotton for a livelihood and will make all appropriate efforts to produce and harvest cotton on an acreage equal to his full farm base acreage allotment as constituted after such transfer. Any temporary transfer of farm acreage allotment by lease or by owner approved by the county committee to take effect during the period 1966 through 1970 for a term extending beyond 1970 shall be approved pro rata on the basis of the farm base acreage allotment for the farm from which the transfer is made, but no temporary transfer by lease entered into after March 15, 1970, shall be approved for 1974 and subsequent crops".

(4) Section 350 of the Act is amended to read as follows:

"BASE ACREAGE ALLOTMENTS

"SEC. 350. (a) The Secretary shall establish for each of the 1971, 1972, and 1973 crops of upland cotton a national base acreage allotment. Such national base acreage allotment shall be announced not later than November 15 of the calendar year preceding the year for which the national base acreage allotment is to be effective. The national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that such national base acreage allotment shall be not less than fourteen million five hundred thousand acres less a percentage thereof equal to the percentage of the farm acreage allotment used in determining set-aside requirements under section 103(e)(4) of the Agricultural Act of 1949, as amended.

"(b) The national base acreage allotment for each crop of upland cotton shall be apportioned by the Secretary to the States on the basis of the acreage planted (including acreage regarded as having been planted) to upland cotton within the farm acreage allotment or the farm base acreage allotment if a farm base acreage allotment was in effect, during the five calendar years immediately preceding the calendar year in which the national cotton production goal is proclaimed, with adjustment for abnormal weather conditions or other natural disaster during such period.

"(c) The State base acreage allotment for each crop of upland cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsection (b): Provided, That the State committee may reserve not to exceed 2 per centum of its State acreage allotment which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments to prevent hardships.

"(d) The Secretary shall adjust the apportionment base for each county as may be necessary because of transfers of allotments across county lines.

"(e)(1) The county base acreage allotment for the 1971 crop shall be apportioned to old cotton farms in the county on the basis of the domestic acreage allotment established for the farm for the 1970 crop. For the 1972 and each subsequent crop of upland cotton the county base acreage allotment shall be apportioned to old cotton farms in the county on the basis of the farm base acreage allotment established for such farm for the preceding year. The county commitee may reserve not in excess of 10 per centum of the county allotment which, in addition to the acreage made available under the proviso in subsection (c), shall be used for (A) establishing allotments for farms on which cotton was not planted (or regarded as planted) during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm allotments established under this paragraph so as to establish allotments which are fair and reasonable in relation to the factors set forth in this paragraph and abnormal conditions of production on such farms, or in making adjustments in farm allotments to correct inequities and to prevent hardships. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the Agricultural Act of 1970.

"(2) If for any crop the total acreage of cotton planted on a farm is less than the farm base acreage allotment, the farm base acreage allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm base acreage allotment, but such reduction shall not exceed 20 per centum of the farm base acreage allotment for the preceding crop. If not less than 90 per centum of the base acreage allotment for the farm is planted to cotton, the farm shall be considered to have an acreage planted to cotton equal to 100 per centum of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, payment limitation, or a quarantine imposed by the county, State or Federal Government shall be considered to be an acreage planted to cotton. For the purpose of this paragraph, the Secretary shall, in the event producers of cotton have acreage devoted to soybeans, wheat, or feed grains considered as devoted to the production of cotton to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the cotton or soybean program.

"(3) If no acreage is planted to cotton for any three consecutive crop years on any farm which had a farm base acreage allotment for such years, such farm shall lose its base acreage allotment.

"(f) Effective for the 1971, 1972, and 1973 crops, any part of any farm base acreage allotment on which upland cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the farm base acreage allotment for such farm and may be reapportioned by the county committee to other farms in the same county receiving farm base acreage allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of upland cotton, land, labor, equipment available for the production of upland cotton, crop rotation practices, and soil and other physical facilities affecting the production of upland cotton. If all of the acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used to make adjustments in farm base acreage allotments for other farms in the State adversely affected by abnormal conditions affecting plantings or to correct inequities or to prevent hardship. Any farm base acreage allotment released under this provision shall be regarded for the purpose of establishing future farm base acreage allotments as having been planted on the farm and in the county where the release was made rather than on the farm and in the county to which the allotment was transferred: *Provided*, That, notwithstanding any other provision of law, any part of any farm base acreage allotment for any crop year may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage released under this subsection shall be credited to the State in determining future allotments.

"(g) Any farm receiving any base acreage allotment through release and reapportionment or sale, lease, or transfer shall, as a condition to the right to receive such allotment, comply with the set-aside requirements of section 103(e)(4) of the Agricultural Act of 1949, as amended, applicable to such acreage as determined by the Secretary.

"(h) Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of drought, flood, other natural disaster, or a condition beyond the control of the producer a portion of the farm base acreage allotment in a county can-

not be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of such cotton acreage for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of upland cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm base acreage allotment transferred under this subsection shall be regarded as planted to upland cotton on the farm and in the county and State from which transfer is made for purposes of establishing future farm, county and State allotments."

SEC. 602. Effective beginning with the 1971 crop of upland cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e) (1) The Secretary shall make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators nonrecourse loans for a term of one year from the first day of the month in which the loan is made at such level as will reflect for Middling one-inch upland cotton at average location in the United States 90 per centum of the average world price for such cotton for the two-year period ending July 31 in the year in which the loan level is announced, except that to prevent the establishment of such a loan level as would adversely affect the competitive position of United States upland cotton, following one or more years of excessively high prices, the Secretary shall make such adjustments as are necessary to keep United States upland cotton competitive and to retain an adequate share of the world market for such cotton. The average world price for such cotton for such preceding two-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective.

"(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972, and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the loan level for Middling one-inch cotton at average location will be equal to the greater of (i) 35 cents, or (ii) 65 per centum of the parity price for upland cotton as of the beginning of the marketing year: *Provided*, That the payment rate with respect to any producer who, during the three-year period immediately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer),

and who is on a small farm (that is a farm on which the acreage allotment is ten acres or less, or on which the yield used in making payments times the acreage allotment is three thousand six hundred pounds or less, and for which the base acreage allotment has not been reduced under section 350 (f)) shall be increased by 30 per centum. The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted within the farm base acreage allotment for the farm for the crop by the average yield established for the farm: Provided, That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, payment limitation, or a quarantine imposed by the county, State, or Federal Government of the producer shall be considered to be an acreage planted to cotton. The average yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster: Provided further, That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

"(4) (A) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm acreage allotment for the farm as may be specified by the Secretary (not to exceed 12½ per centum of the farm acreage allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. The Secretary may permit cotton or other commodities to be planted on the set-aside acreage to such extent and subject to such terms and conditions as he may prescribe.

"(B) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (e) (2), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an average of cropland on the farm in addition to that required to be so devoted under subsection (e) (4) (1) (A). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate, or modify any such agreement entered into pursuant to this subsection (e) (6) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities."

"(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

"(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(11) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection."

SEC. 603. The tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, and in no event shall it sell upland cotton owned or controlled by it at less than 110 per centum of the loan rate plus an allowance for carrying charges which will reflect commercial rates for storage, warehousing services and other handling costs, insurance, and interest at the prevailing rate charged by the Commodity Credit Corporation on cotton loans, and (2)".

SEC. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: "And provided, That for the 1971, 1972, and 1973 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 103(e)."

SEC. 605. Effective only with respect to the 1971, 1972, and 1973 crops the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) By adding in section 378 a new subsection (d) to read as follows:

"(d) The term 'allotment' as used in this

section includes the farm base acreage allotment for upland cotton."

(2) By adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

(3) By adding in the first sentence of section 385 after the words "parity payment," the words "payments under the cotton set-aside programs,".

SEC. 606. Effective only with respect to the 1971, 1972, and 1973 crops, section 706, Public Law 89–321 (79 Stat. 1210) is amended as follows:

By adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

SEC. 607. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (1) as follows:

"REFERENCE TO TERMS MADE APPLICABLE TO UPLAND COTTON

"(1) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act."

SEC. 608. Section 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1971, 1972, and 1973 crops.

SEC. 609. The Secretary shall file annually with the President for transmission to the Congress a complete report of the programs carried out under this title. Such report shall include the amount of funds spent, the purposes for which such funds were spent, the basis for participation in such programs in the various States, and an appraisal of the effectiveness of the programs.

SEC. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsections (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton.

TITLE VII—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

SEC. 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83–480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973.".

SEC. 702. Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1732), is amended by inserting after the first sentence thereof a new sentence as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the alcoholic beverage industry from participating in market development activities carried out with foreign currencies made available under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities."

SEC. 703. (a) Section 104(b)(2) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "2 per centum" and inserting "5 per centum".

(b) Section 104(k)(1) of such Act is amended by inserting before the comma at the end thereof the following ", other than paragraph (2) of subsection (b)".

TITLE VIII—GENERAL AND MISCELLANEOUS

LONG-TERM LAND RETIREMENT

SEC. 801. Section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, is amended—

(1) By inserting "(A)" after "SEC. 16(e)(1)".

(2) By inserting in the first sentence after "For the purpose of promoting the conservation and economic use of land" the following: ", and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms,".

(3) By inserting in the first sentence after "is authorized to enter into agreements," the following: "during the calendar years 1971, 1972, and 1973,"; and by substituting "three-, five-, and ten-year periods" for "such period not to exceed ten years as he may determine".

(4) By striking out the proviso at the end of paragraph (1) and inserting in lieu thereof the following: "Provided, That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage."

(5) By inserting a new subparagraph (B) at the end of paragraph (1) to read as follows:

"(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The producer shall agree to permit access to the farm without other compensation, under terms and conditions established by the Secretary, by the general public for hunting, trapping, fishing, hiking, or other recreational use, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance."

(6) By adding at the end of paragraph (2) the following: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

(7) By adding at the end of paragraph (4) the following: "Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest."

(8) By adding at the end of paragraph (5) the following: "The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community."

(9) By adding a new paragraph (6) to read as follows:

"(6) For the purpose of obtaining an increase in the permanent retirement of productive agricultural land to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in acquiring productive agricultural land for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions determined by the Secretary to accomplish the purpose of the program. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of $250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

(10) By striking out the last sentence of paragraph (7) and substituting the following: "The Secretary is authorized during any calendar year to enter into agreements under this subsection covering not to exceed six million acres plus the number of acres by which agreements in 1971 or 1972 covered less than six million acres."

(11) By striking out "June 30, 1963" in paragraph (7) and substituting "June 30, 1972".

(12) By inserting "farming opportunities and" preceding the words "interests of tenants and sharecroppers in paragraph (3)".

MARKETING QUOTA EXEMPTION FOR BOILED PEANUTS

SEC. 802. The last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (7 U.S.C. 1359 note), is amended to read as follows: "This amendment shall be effective for the 1957 and subsequent crops of peanuts.

VOLUNTARY RELINQUISHMENT OF ALLOTMENTS

SEC. 803. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

SEC. 804. (a) Notwithstanding any other provision of law, any producer who is participating in the feed grain program under title V of this Act, in the cotton program under title VI of this Act, or in the wheat program under title IV of the Act, shall, in any year in which an acreage diversion or set-aside program is in effect, under either such program in which such producer is participating, be permitted, subject to the conditions prescribed in subsection (b) of this section, to plant and harvest forage from an acreage on the farm equal to 25 per centum of the acreage on the farm diverted from production under such programs or twenty-five acres, whichever is greater.

(b) Any producer who elects to plant and harvest forage on diverted acreage must first agree not to use any forage harvested from such acreage unless authorized to do so by the Secretary.

(c) When any diverted acreage has been planted and harvested under authority of this section, the forage harvested therefrom shall be stored in sealed storage on the farm in accordance with such regulation as the Secretary may prescribe and shall be available for use during periods of emergency declared by the Secretary. In order to avoid deterioration of forage stored on the farm for emergency purposes pursuant to this section, the Secretary may permit such forage to be removed and used or sold from time to time so long as an amount of forage equal to the amount removed is previously placed in storage and sealed.

(d) Any farmer who has forage stored on his farm for emergency purposes pursuant to this Act may remove such forage from storage and use it whenever the Secretary has (1) designated as an emergency area the area in which such farm is located, and (2) specifically authorized the use of emergency forage for farmers in the area.

(e) The Secretary of Agriculture is authorized to make or guarantee loans to farmers, both tenants and landowners, to assist such farmers in the construction of storage facilities on the farm for the storage of emergency forage pursuant to the provisions of this section if such farmers are unable to obtain loans from commercial sources at reasonable rates and on reasonable terms and conditions. Loans made by the Secretary under this subsection shall be made at the current rate of interest for periods not exceeding ten years, and on such other terms and conditions as the Secretary may prescribe.

FARMER ADJUSTMENT PROGRAM

SEC. 805. (a) For the purpose of providing a transitional program to assist low-income farmers engaged in producing cotton, wheat, or feed grains in making the necessary adjustments to nonagricultural pursuits and to provide opportunities for gainful employment, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1971 through 1973 under which the Secretary may enter into an agreement with any farmer who, during the three-year period immediately preceding the year in which the agreement is entered into—

(1) had average gross annual sales of farm products of not more than $5,000; and

(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer).

(b) Agreements entered into under this section may include: (1) the surrender to the Secretary for permanent cancellation of average allotments and base acreages then under the control of the farmer in return for cash consideration in an amount determined to be appropriate by the Secretary; (2) adjustment assistance not to exceed $2,500 per year for a period not to exceed one year.

(c) The Secretary shall, in achieving the objectives of this section, arrange for utilization to the maximum extent possible of existing Federal and State programs designed to provide grants, loans, and other assistance which will further facilitate this adjustment program.

(d) The Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this title.

TITLE IX—RURAL DEVELOPMENT

SEC. 901. The Congress hereby finds that the technology responsible for the unrivaled abundance of American agriculture has also been largely responsible for the elimination of millions of farm-related jobs. Since 1940 an estimated twenty-five million displaced farm and rural residents have migrated, chiefly to metropolitan areas, primarily in search of new economic opportunities. Presently, 20 per centum of the adult urban population are former rural residents.

The Congress further finds that despite a slowdown in the peak migration of approximately one million people a year in the 1950's, movement of people from rural areas still continues at a high rate. By the year 2000 or soon thereafter, one hundred million more Americans will be added to the one hundred forty million already living in our cities and suburbs. Unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, two hundred forty million people will be crowded together in four giant strip cities. Already, 70 per centum of our population lives on less than 2 per centum of our land.

The Congress further finds that the devastating consequences of the population shift are evident everywhere—in both urban and rural America. Countless rural communities, once thriving and prosperous, are facing social and economic bankruptcy because too few residents remain to support essential public services and civic institutions. On the other hand, our large cities are facing gradual strangulation. Our giant cities are finding themselves increasingly unable to deal with the large influx of uneducated rural migrants who are ill-prepared for urban living. The congested traffic arteries, the pollution of the water and the air, the soaring crime rates, the housing blight, and the simple lack of adequate elbow room are rapidly making our larger cities unlivable as well as ungovernable.

The Congress further finds that the legislative program provided for herein is vital to American agriculture. If we are to continue to have a viable commercial agriculture, it will be necessary that we continue to support the price of certain commodities and that we have some control over surplus production. However, farm price-support programs can never provide an adequate standard of living for a large number of rural residents. Even a farm program providing 100 per centum parity for all crops would not provide a decent standard of living to farmers who are too old or too uneducated to adapt to the new farm technology, and to farmers who are unable to secure enough capital to build an efficient farming operation. No system of farm price supports can adequately provide for farm day laborers, migrant workers, and sharecroppers who are displaced by the new technology.

The Congress is, therefore, committed to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

LOCATION OF FEDERAL FACILITIES

SEC. 902. In that it is the intent of Congress to minimize further impaction on already overcrowded metropolitan areas, Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities. The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations.

PLANNING ASSISTANCE

SEC. 903. Under authority of the Housing and Urban Development Act of 1968, the Department of Housing and Urban Development and the Department of Agriculture are authorized to provide assistance to States planning for the development of rural multicounty areas not included in economically depressed areas. In enacting this legislation, the Congress made it clear that the purpose of the program was to help preserve and utilize our great human and economic investment in small towns and in less populous regions.

The Congress is deeply concerned that the key goals of these programs are not being met or even approached. It is, therefore, the purpose of this section to provide the Congress with information sufficient for it to determine whether the nonmetropolitan planning program is meeting certain national priorities and goals. The Secretary of the Department of Housing and Urban Development and the Secretary of Agriculture shall submit to the Congress a joint progress report regarding the operations of such program not later than September 1 of each fiscal year reflecting the efforts under such program during the immediately preceding fiscal year. The first such annual report shall be submitted not later than December 1, 1970, and shall cover the period beginning August 1, 1968, the date of enactment of the Housing and Urban Development Act of 1968, and ending June 30, 1970.

INFORMATION AND TECHNICAL ASSISTANCE

SEC. 904. Planning and development activities depend upon well-informed and well-educated community leaders and citizens. Small communities and less populated areas often lack the resources and technical assistance necessary to insure that the level of their understanding and knowledge regarding planning and development activities is adequate. Since these ingredients are essential to the development of these areas, it is essential that the Congress evaluate the actions of the Department of Agriculture in providing such assistance, either through the Department of Agriculture or in cooperation with others. The Secretary of Agriculture shall submit to the Congress a report not later than September 1 of each

fiscal year reflecting the efforts of the Department of Agriculture regarding the providing of information and technical assistance to small communities and less populated areas during the immediately preceding fiscal year. The first such annual report shall be submitted not later than December 1, 1970, covering the period beginning July 1, 1969, and ending June 30, 1970. The Secretary shall include in such reports to what extent technical assistance has been provided under other Federal programs and through land grant colleges and universities and through the Extension Service programs of the Department of Agriculture.

GOVERNMENT SERVICES

SEC. 905. In that adequate government services are essential for an acceptable quality of life in rural areas, highest priority must be given to extending to rural areas the same government services which are available to urban areas. The Congress is especially concerned that rural communities be provided with adequate telephone services, adequate water and sewer systems, high quality medical care, and superior educational facilities. The President is requested to submit to the Congress a report not later than September 1 of each fiscal year stating the availability of these and other government services to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year. The President is requested to submit the first such annual report, covering the fiscal year ending June 30, 1970, on or before December 1, 1970.

FINANCIAL ASSISTANCE REPORT

SEC. 906. Extensive revitalization of rural America will require special financial assistance and since such financial assistance is not available through normal credit channels, the President is requested to report to Congress on the possible utilization of the Farm Credit Administration and agencies in the Department of Agriculture to fulfill this financial assistance requirement. The President is requested to submit the report requested by this section on or before July 1, 1971, together with such recommendations for legislation as he deems appropriate.

Mr. BYRD of West Virginia. Mr. President, Senators have been put on notice that there will be a live quorum at this time. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 294 Leg.]

Allen	Ervin	Metcalf
Byrd, Va.	Fulbright	Mondale
Byrd, W. Va.	Holland	Saxbe
Cranston	Javits	Talmadge
Eastland	Mansfield	Williams, Del.
Ellender	McClellan	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Hart	Schweiker
Anderson	Hollings	Scott
Bible	Hughes	Smith, Maine
Burdick	Inouye	Sparkman
Case	Jordan, N.C.	Spong
Church	Long	Stennis
Cooper	McGovern	Stevens
Eagleton	Muskie	Thurmond
Fannin	Nelson	Yarborough
Gore	Packwood	Young, N. Dak.
Gravel	Pell	Young, Ohio
Harris	Proxmire	

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment, the following bills and joint resolution of the Senate:

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development;

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes;

S. 3997. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Banks of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; and

S.J. Res. 67. A joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

The message also announced the House had agreed to the concurrent resolution (S. Con. Res. 49), providing for congressional recognition of the Goddard Rocket and Space Museum.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke and other related diseases, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conference.

H.R. 17795 HELD TEMPORARILY AT THE DESK

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the bill H.R. 17795, to amend title VII of the Housing and Urban Development Act of 1965, be held temporarily at the desk.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

THE PRESIDENT'S WELFARE PROGRAM—TESTIMONY OF FIVE GOVERNORS BEFORE COMMITTEE ON FINANCE

Mr. JAVITS. Mr. President, the other day the Senator from Delaware (Mr. WILLIAMS), in commenting on the President's welfare program, gave certain feelings of his own about a UPI dispatch which characterized the testimony of five Governors before the Committee on Finance. I have undertaken to obtain the testimony of each of these five Governors. I have no quarrel whatever with the conclusions drawn by the Senator from Delaware because, as a matter of fact, the account said the bill was submitted to slashing criticisms by these Governors.

Mr. President, I ask unanimous consent that the statements of Governors Hearnes, Licht, and McCall before the Committee on Finance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BY THE HONORABLE WARREN E. HEARNES, GOVERNOR OF MISSOURI

Mr. Chairman and members of the Committee: I am Warren E. Hearnes, Governor of Missouri and Chairman of the National Governors Conference. I appreciate the invitation extended to myself and my colleagues to appear before this distinguished Committee of the United States Senate and discuss the subject of welfare reform as embodied in H.R. 16311. However, in my brief opening remarks, I would like to present to the Committee, welfare policy positions adopted by the National Governors Conference.

Welfare in our nation has been described as a "mess", a "failure", and a "disaster". I prefer to look upon the present welfare system as a natural consequence of almost forty years of piling rule upon rule, regulation upon regulation, and law upon law; state and federal. It is a jerry-built structure and it would appear that we have come to the end of the road with the system as it is, and there is general agreement that there must be a thoroughgoing overhaul of welfare as we now know it.

The Governors of the nation, faced with runaway costs, day-to-day crises in welfare, and an administrative quagmire, took a long

hard look at the problem through its Human Resources Committee just prior to the meeting of the National Governors Conference in Colorado Springs in 1969. This Conference adopted several policy statements regarding welfare reform which were reaffirmed at the meeting last month of the National Governors Conference at the Lake of the Ozarks in Missouri. And while we disagreed on many other subjects, there was unanimity on what we believe should be done with the welfare system. The policies adopted by the Governors are as follows:

1. Substitution, on a phased basis, of a federally financed system of welfare payments for the current federal-state program for the aged, blind, disabled, and dependent children, and including also the general assistance programs now financed by the States themselves. Eligibility and grants would be determined by the Federal Government; the system would be state administered under federal guidelines. The system should include realistic income exemptions to provide incentives for persons to seek employment. Adequate day care for children of working mothers and an expanded federal job training program should also be assured. Some of these goals are suggested in H.R. 16311.

2. Increase in the present levels for all payments under the Old Age Survivors Disability Insurance Program, with a minimum payment of $100 per month.

3. Transfer of the present Old Age Assistance, Aid to the Permanently and Totally Disabled and Aid to the Blind programs to the Social Security Program, with payments being made from federal general revenues to the Social Security Trust Fund to cover the increased cost.

4. Full Federal funding for the Food Stamp Program so that welfare recipients and low-income persons in all states could be covered by the program.

Related directly to the welfare field was a policy adopted endorsing a national universal health insurance program, coupled with hospital cost controls as the primary method of keeping rising health costs from preventing people from receiving the medical care they need. The program would utilize the existing private enterprise medical system. The Conference went on record that Medicaid should be 100 per cent Federally financed. H.R. 17550, which I understand will be considered by this Committee next week, would be, in our opinion, a proper vehicle for federal assumption of Medicaid costs, or at least a greater percentage of federal contributions toward the program.

We, as Governors, are not too concerned with the question of state vs. federal administration of the welfare system, but we are positive in the belief that there should be 100 per cent federal financing of welfare. This conclusion resulted from the following facts as we viewed them:

Welfare is a national problem and the freedom of movement or level of subsistence should not be arbitrarily limited by the artificial boundaries of state welfare programs. HEW Secretary Richardson recognized this fact when he stated before this Committee on July 21, "Poverty and welfare are national problems requiring national solutions."

The Federal Government does, in fact, control the growth and direction of existing programs, and, thus, should assume full financial responsibility as well.

The states and localities face a continuing and growing fiscal crisis, in large part due to welfare costs, for which Federal relief must be provided.

H.R. 16311 is a step toward the position supported by the Governors. However, it is not as positive as we would like to see and it does not strike at the root of the problem, which is to try to bring about uniformity in application of the laws and the rules so that there can be equal treatment of the poor, irrespective of their geographic location. This can only be achieved by full Federal financing and full Federal direction.

I have concluded my testimony regarding the welfare proposals of the National Governors' Conference. I will submit to the Senate Committee a separate statement setting forth those sections of H.R. 16311, which, in my opinion, need the attention of the Committee.

I would like to make one observation regarding H.R. 16311 to the Committee. I make this observation as Governor of Missouri and not as Chairman of the National Governors' Conference, since it is quite possible I may not reflect the views of some of my gubernatorial colleagues.

It occurs to me that the Administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure. I would suggest that the Committee delay the adoption of the legislation at this time which would draw into the welfare system some 14 million citizens now in the ranks of the working poor or under-employed. I believe the money could be used to better advantage in shoring up other aspects of this Bill.

For example, it is generally conceded that the $1,600 guaranteed floor, plus some $860 in Food Stamps, for an average family of four under the Aid to Families with Dependent Children program, which will be supplanted by the Family Assistance Plan (FAP), is wholly inadequate. It is far below the established poverty level of $3,720.

Another example of a sadly neglected group are the single persons and childless couples among the poor, unable to work or to qualify for welfare benefits, who have been completely overlooked as far as the welfare reform measure is concerned. They should be brought under coverage in H.R. 16311.

Granting that attention should be given later to the working poor, it seems to me that welfare reform for the benefit of the present assistance recipients should be established and working before adding this vast new segment of the population to the welfare system.

Finally, the workability of the entire new welfare program is still to be proved. I agree with Senator Ribicoff's suggestion that the reform measure be thoroughly tested prior to placing it into effect. I understand that HEW is funding experimental projects in Seattle, Washington, and Gary, Indiana, and another one on a statewide basis in Vermont. This is a good start, but I would go further with the testing so that the plan could be tried in a number of states and communities, providing a diversity of problem areas, population groups and administrative structures. After the testing period, the legislation could be placed into effect if positive results are obtained. Certainly, we could create staggering disorder if we would move into a program as vast as that encompassed by H.R. 16311, until a thorough trial period has proved its value.

Thank you for the opportunity to appear before this distinguished Committee.

STATEMENT OF TOM MCCALL, GOVERNOR OF OREGON, SENATE FINANCE COMMITTEE—SEPTEMBER 10, 1970

Oregon believes strongly that welfare reform is long past due. The Family Assistance Plan has considerable merit and, if suitable amendments are included, will get Oregon's support.

We must find a way to break the deadly cycle of poverty and public dependency. The time is now and the need is essential.

It is our opinion, however, that the proposed changes are—in several instances—the wrong solutions for agreed-upon needs.

The American people have always been willing to help the helpless, the young, the aged, and the infirm. But people object to providing benefits to those who should and can help themselves.

Before I submit to you four basic areas which I think need changing—and a fifth suggestion which could help achieve and evaluate these changes—I would like for these proceedings to note the following two reminders:

We did, in May, submit to this committee a complete analysis of the bill as originally written.

In August, we submitted an analysis of the bill with its proposed amendments. Many technical points are contained therein which I will not take the time to comment on at this time.

I now ask that these two documents be made a part of the record.

And one other note of prologue: Oregon believes—as do most of the states—that those who can work should work. That premise is central to our thinking on this entire issue.

Our first objection is related directly to that major premise. The bill, as now written, seems to assume that people will be employed; that if not, we will encourage people to work by (1) having them register at an employment office, or, (2) having them undertake vocational training.

This is totally inadequate.

Welfare's world contains many employable people who have failed and will continue to fail. It also contains the voluntary poor, the under-achievers, the unmotivated. It contains employable persons who find ways to beat the system via a poor attitude, sloppy dress, carelessness, and absenteeism.

There also are always employable people involved who—because of age, ability, physical or mental condition—cannot handle normal competitive work situations. They are at the bottom of the employment ladder and are projected to remain there.

This dilemma of employment cannot be solved by registry for work. Sending applicants to employment offices or vocal rehabilitation training centers is an inadequate solution.

Those who are in this category must be given no alternative but to work.

The Family Assistance Plan will not succeed without availability of jobs. The only choice given those who *can* work should be the choice between work in the labor force or work in community sponsored projects funded by the Federal Government. Given these alternatives, most people find motivation to move toward private industry and higher pay as soon as jobs open up.

And there are tremendous needs for community work projects, especially in the fight against pollution. There are public lands and roadways to clean, parks and recreation facilities to develop, streams to clear. Meaningful programs can be fashioned to meet these needs. We must restore the public works approach if welfare is to succeed.

The public is entitled to some kind of a return from its big investment to maintain humane standards. If the public could see a substantial return—through community-enriching projects—their support for the welfare structure would be encouraged and revived.

This no-alternative-but-work premise is *basic*. We believe the Welfare Reform Bill—and the whole welfare program—is doomed if we don't instigate this premise and activate it.

And, unless we can innovate means and measures such as these, we feel the Welfare Reform Bill offers no real reform—just a restatement of ancient problems from newer perspectives.

Our second objection is embraced by a suggestion we made to the National Governors' Conference which endorsed it last month in Missouri: that the federal govern-

ment now begin to assume gradually the full responsibility for funding welfare programs.

In the last three to five years, overwhelming changes in federal policy, in legislation, in HEW directives and procedures, and in federal court decisions have resulted in spiraling welfare caseloads and costs—in Oregon as in all the states.

Oregon's insistence on more federal funding help is more than just a desire to hold onto state funds: more and more decisions—decisions that cost state dollars—are made at the federal level.

In the last few years we have seen federal decisions do away with durational residence requirements, terminate work programs, require us to disregard earnings far beyond the poverty level, and forbid us to terminate payments while fair hearings are pending.

The state has no voice or choice in these decisions. The other partner makes all of the decisions, while our side of the operation must still pick up its partner's share of the tab.

We recommend two changes in this area:

First, that the Act be further amended to make the fiscal year 1971 state expenditures for *all* welfare programs the maximum amount of participation required of the states, and:

Second, that commencing with fiscal year 1971, the "maintenance of effort" payment should be reduced over a specified period of years until the state's share has been completely phased out and the program costs are completely assumed by the federal government: *funding responsibility should rest where decisions that cost money are made.*

States desperately need federal help in funding. The states are straining now.

The whole spectrum of change—ranging from this bill to a complete federal takeover of welfare costs—poses potential problems of job security for employees in the Welfare program. We urge that the bill guarantee employees protection against a worsening of their position with respect to their employment.

As for our third objection we feel strongly that the earnings desregard formula must be modified. The formula now contained in the bill, will allow those welfare recipients who work, to retain too much money. This bill allows persons to get on the welfare rolls at too high an income level. And, once on the rolls, there is too little incentive to get off.

The bill goes far beyond the poverty level in requiring state supplementation. A family of four in Oregon, with income up to $5652, will be eligible for state supplementation. If the value of medical assistance is added, the bill has the effect of continuing assistance until a family's income reaches the equivalent of $6022.

This is 62% above the poverty level and 91% above Oregon's average payment level.

On the other hand, the Family Assistance benefit for a family with *no* earned income is only about 45% of the poverty level defined by the bill. This is simply not enough for a family to live in decency and health. This problem will be compounded if steps taken by the federal government to control inflation result in continued high unemployment.

The State of Oregon recommends that the earnings disregarded for purposes of state supplementation be applied only up to the poverty level.

Termination of assistance to families with incomes above the poverty level would: (1) enable families to supplement the state payment level with earned income up to the poverty level; (2) reduce the number of families eligible for state supplementation, including the families of unemployed fathers; (3) further standardize the income level of families receiving state supplementation among all the states; and (4) make it possible to consider raising assistance benefit levels for all families.

This recommendation is consistent with the philosophy of terminating federal income maintenance at the poverty level.

Our fourth objection is directed at the proposed elimination of federal requirement for supplementation of unemployed fathers.

The State of Oregon is convinced that the unemployed father program during the last year in Oregon has saved people from want.

We can trace case histories to fathers who had—prior to this pinch—been steadily employed.

We know that in many cases, all of their unemployment benefits had run out, and that—without this program—they would have been hard put to keep body and soul together.

In view of this present situation in our state, you cannot say that the only able-bodied fathers on welfare are shirkers who refuse to work.

For 10 years it has been federal policy to encourage the states to provide this kind of benefit. The wording of the present bill in question is a complete reversal of this policy.

Eliminating state supplementation for families of unemployed fathers brings back the era when families had to separate to survive.

We are convinced that public works programs to assure that work is available are absolutely essential elements in the Family Assistance Package. Without them, the entire package may well result in the same disappointments as our present welfare programs—all conceived by honorable men, but doomed from the start by built-in flaws. *We cannot support the Family Assistance Plan unless public works programs are included.*

Those are the four objections we wish to raise regarding the amended version of the President's proposed welfare reform bill.

I would like to close this report with a proposal which I am convinced could—if put into action—benefit the entire nation and strengthen the future and the justice of the welfare program.

Oregon is an amazingly exact microcosm of the entire United States. It would prove to be an illuminating testing ground for the cause of welfare reform.

Subject to legislative approval and other functional details, I offer you the State of Oregon as a field-test area for this program.

The special conditions and qualities of Oregon make it an excellent site for a pilot study.

The project could be undertaken at low cost and with a high promise for national application.

I say this because Oregon has been recognized as having the administrative capability and creative flexibility to accept such an assignment, plan it, man it, direct it, complete it, and report it for the benefit of all 50 states.

When I say Oregon is a microcosm of the entire nation, it is not a metaphorical statement. It is factual, borne out by statistical data.

Oregon represents 1% of the national population. Oregon's population—studied in percentage detail—matches the national population in birth-rate, death-rate, age distribution, employment profiles, urban versus rural distribution, ethnic breakdowns, years of completed schooling, and industrial wage scales.

By whatever test you apply, Oregon establishes itself clearly as an ideal pilot state for this study.

We think the *whole* package should be given a test. We would hope that the package would include our recommended changes—and that the test would utilize our state as a pilot model.

We submit these objections and recommendations in good faith—joining with you in the search for true, lasting, and equitable welfare reform.

TESTIMONY OF GOVERNOR FRANK LICHT OF RHODE ISLAND

INTRODUCTION

I am Governor Frank Licht of Rhode Island, and I am grateful for this opportunity to present my views on H.R. 16311, The Family Assistance Plan of 1970. I am accompanied today by Mr. John Affleck, Director of the Rhode Island Department of Social and Rehabilitative Services; Mr. James Reilly, Assistant Director; and Mr. John Murray, Budget Officer for the State of Rhode Island.

In H.R. 16311 there is for the first time a fundamental recognition of federal responsibility to establish a national minimum assistance level for the aged, blind, disabled, and family groups, including those deprived of parental support. Movement toward this concept is long overdue, and I support this approach.

The legislation now before us, however, is inadequate. Despite the amendments which have been made thus far, it fails to come to grips with the very critical problems inherent in our present social welfare system.

The proposed national income level of $1600 for a family of four is insufficient, even with the thirty percent federal participation in State supplementation. As drawn, the bill has additional defects. It will require increased State expenditures for medical assistance for new groups of families who would be assisted through the new federal-state programs. It eliminates a category of assistance for unemployed fathers. And, it would exclude impoverished single persons and childless couples from the federal program.

As I meet with you this morning, I am deeply concerned. On the one hand I strongly believe that meaningful welfare reform is long overdue. On the other hand, this specific proposal will bring substantive relief to only a very few states. For states such as Rhode Island, which have long responded to their citizens in need, this plan is inadequate.

Let me stress that the Nation's Public Assistance Program today is a mirror of our society, and reflects intimately, our complex social problems which are particularly concentrated in our urban areas. Over the past thirty-five years, the national program has not undergone significant change, and I would challenge it to do so at this time.

THE RHODE ISLAND PROGRAM

In order that you might appreciate my frame of reference in commenting on this Bill, may I point out that Rhode Island has a comprehensive, State-administered Public Assistance Program. If a person in need does not qualify under a federal program, he may receive assistance from our General Public Assistance Program, which is 100% State financed. I might also point out that Rhode Island in 1942 became the first state to abolish a residence requirement, and in July, 1961, the first to adopt the AFDC program for unemployed parents.

Rhode Island has consistently tried to meet its human resource obligations, and I believe that our national rank demonstrates our sense of responsibility. For the fiscal year ending June 30, 1969, Rhode Island had an expenditure per inhabitant for public assistance payments of $66.30—5th in the Nation. This includes an expenditure of $19.50 per inhabitant for AFDC—3rd in the Nation, and an expenditure in General Public Assistance per inhabitant of $4.30—2nd in the Nation.

Moreover, in the past five years Rhode Island has almost tripled its disbursements for direct aid, which have risen from thirteen and one-quarter million dollars in 1965 to almost thirty-eight million dollars this

year. Generally, welfare costs today, including medical assistance, account for one quarter of our total State Budget.

In June 1965 there were 5,547 families representing 21,368 persons receiving AFDC. There were also 356 cases on the AFDC–UP Program consisting of 2,192 persons. In June 1970 it is noteworthy that this AFDC–UP Program, to which I shall again refer at a later point, had decreased to 310 families representing 1,624 persons, while the regular AFDC Program had risen to 10,365 families representing 38,447 persons. This is close to a doubling in the number of families in the AFDC Program.

These expenditure patterns and recipient rates reflect the national situation. And, this does not include expenses for administering these programs, which are also large.

I think you can see that Rhode Island is committed to maintaining a quality Public Assistance Program, but I think you can also understand what a serious drain it represents on our limited resource base.

LEVEL OF ASSISTANCE

Today, a Rhode Island family of four is eligible to receive approximately $2800 to $3000 a year. Thus, the proposed $1600 floor, even with the amendment providing thirty percent federal participation in State supplementation, will do little if anything at all, to help Rhode Island.

The Federal Government has projected that Rhode Island would save $4,400,000 in State funds if the Family Assistance Plan were enacted. Our most optimistic estimate, however, is a possible savings of only $800,000. The Committee print of the Bill projects an increase in AFDC families in Rhode Island from 10,483 to 15,000 with the adult caseloads remaining essentially unchanged. With a 50% increase in caseload, it appears that our State costs will increase substantially because of the requirement of supplementary payments and of providing medical care. Medical costs were not even estimated by the Federal Government. And if pending amendments to the Medicaid legislation, as embodied in HR 17550, were enacted, they could easily more than cancel out any potential savings.

Also, the present bill does not reflect any plan to provide a continuing higher level payment to families in relation to changes in the cost of living. Payments to families at this time are limited and have a severe affect on the quality of individual and family life. These standards are being pegged at the level of January, 1970. Because of the flat formulas involved, there will be no incentives for the states to raise their levels of supplementary assistance payments. This is a most serious shortcoming of the proposed legislation, and an incentive should be devised to encourage states to increase payment levels.

Finally, I respectfully submit that President Nixon's statement in his message to the Congress in August 1969 that "for the first time, the Federal Government would make a strong contribution towards relieving the financial burden of welfare payments from state government" is not borne out by either the original or the amended bill.

I am of the opinion that the FAP minimum should be raised to the minimum poverty level by the middle of this decade, and that this be done as part of the phasing toward full federal assumption of the welfare responsibility.

WORK AND TRAINING

In our work-oriented society, work and training programs have a most appropriate place in an assistance payments program. At present, approximately 10% of the AFDC caseload in Rhode Island has income from employment or training. I believe that more training programs should be available for unemployed youth and for unemployed adults.

However, the mandatory requirement for compulsory work and training for mothers of children over six years of age may well create more problems than it will solve. While our experience shows that family aspirations and conditions improve as mothers enter the training and employment market, we have already had difficulty in securing sufficient training slots for those who have been available for such training on a voluntary basis. Also, work placements have not always been available for those who have completed training. Moreover, a continued emphasis in this area will require a far greater commitment to the provision of more day care facilities, and the very real possibility of an increased demand for day care services for those families who may be marginally above the level of family assistance.

In homes where the unemployed father is present, current provisions of the Family Assistance Plan make the floor of $1600 also a ceiling. For the Federal Government to participate in State supplementation, the father must leave home. Thus, instead of encouraging family unity, the revised plan actually fosters family separation.

In this regard, I should like to mention our own experience with unemployed fathers. Rhode Island is one of the few states which supplements fully employed parents through our General Public Assistance Program. We also extend the federal work incentive disregard to this group.

Despite the national economic decline, this program has decreased in Rhode Island, and shows almost a 100% caseload turnover each year. When the father is present in the home, our staff have the opportunity to work with him and with a total family, and help improve their living situation. However, when the father is absent, the common characteristic in AFDC, our experience shows that chances of reuniting the family dwindle and dependency soars.

I believe, therefore, that a national plan should not be based on categories but should be available to all persons who are now recipients of our State General Public Assistance Program, and that payments should include both childless couples and single persons.

THE ADULT CATEGORY

I strongly endorse the payment level of $110 per person in the adult categories. Rhode Island has a very high rate of beneficiaries of the Social Security Insurance System; yet more than 50% of the persons who receive Old Age Assistance in Rhode Island receive it because of an inadequate Social Security payment in relation to their need. The programs for Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled should be transferred to the Social Security System. This might require contributions from the General Treasury and possibly from the states in the beginning. But, it seems contradictory for Social Security beneficiaries to have to receive several checks from the various agencies during the month instead of one adequate payment through the Social Security Plan.

ADMINISTRATION

The proposal to permit the state to choose federal administration of the program is most sound, for it would be difficult to work through a variety of mechanisms. Responsibility for the payment and delivery system should be 100% federal. If this is not possible at this time, certainly one agency should carry administrative responsibility for eligibility and payment.

I note that Title XX, the social services amendments, provides for emergency payments to be made through the social services plan. It would seem preferable to have all payments, including emergency assistance, made by one agency, which in this case would be the assistance payments agency. This would undoubtedly simplify the matter for both the assistance client and the agency.

Through its Family Court, Rhode Island makes a substantial effort to secure support from absent fathers. In the last fiscal year, we presented 4086 cases for support to our Family Court. Section 464 of this bill indicates that there shall be an obligation to the U.S. Government for such contributions. Since the state must make the effort in this instance, and should increase its effort to promote the participation of an absent parent in responsibility for the family, these collections should first be assigned to the state expenditure, and any balance then existing should be attributed to the national expenditure.

SOCIAL SERVICES

I am especially concerned that for administration a closed-end appropriation is being planned. This will retard the development and expansion of these very necessary services. We believe that when social workers are relieved of the need to become involved in the assistance payment administrative mechanism, they will be able to more effectively influence the individual and family life. The states should be encouraged to invest in improving the quality of these services, and a disincentive should not be built in by putting a limit on federal participation for the first time in the history of these programs.

CHILD WELFARE SERVICES

While we see the great need for full federal financial participation for all the Child Welfare Services and for all children who need them, we do endorse the new child welfare provisions in the bill, such as increased funds for foster care, the provision for subsidizing adoption of hard to place children, and the funding for national adoption resource exchange. These new provisions, however, continue to be limited in the face of the serious demands in the states for comprehensive child welfare programs.

Rhode Island in the last decade has been able to achieve a comprehensive program of services to children in their own homes as well as a variety of foster care services. Despite our strong effort to avert the need for foster care through the provision of preventive and rehabilitative services focused on stabilizing and strengthening the child's natural family, the deep-seated psychopathology of many families that come to the attention of Child Welfare Services demands a foster care plan. More and more children require it.

State expenditures for all the Child Welfare Services increased by 250.9% between 1960 and 1970. While federal participation in this program under Title IV–B of the Social Security Act supported 9.5% of the expenditures in 1960, Title IV–B funds for 1970 declined to only 7.7% of total expenditures. (This percentage excludes federal funds now available for child care and social services for AFDC children and emergency shelter.) Our foster care caseload between 1960 and 1970 has risen from 1217 to 1964, an increase of 61%, but the cost of foster care in Rhode Island has increased by 226.3% in this ten-year span from $515,895 to $1,683,445.

Foster care in Rhode Island, therefore, has largely been a State-financed program, and one to which we are deeply committed. There continues to be an urgent need to develop a variety of foster care resources to ensure the plan of choice for all children who need foster care.

We are enthusiastic over the provisions that will make adoptions available to more hard to place children through a subsidy arrangement and by insurance of the continuation of a national adoption resource exchange.

While the above provisions will enhance

services to children, we must express our deep disappointment that the pending legislation on foster care and adoption provides for federal funds through the annual congressional appropriation process. We recommend open-end financing for all child welfare services including payment of foster care as well as for services in foster care, with the only eligibility requirement being the child's need for care and service. Closed-end grants based on congressional appropriation make it most difficult for states to plan appropriately in the development and extension of services to children.

CONCLUSION

Gentlemen, I recognize the complexity not only of the bill before you but of the entire subject with which you have to deal, and I have purposely attempted not to be too detailed in my comments.

In summary, I would like to repeat what I stated earlier. [This legislation recognizes that income maintenance is a national responsibility, and I believe that reform in this direction is long overdue.]

The governors are concerned with the resources of their respective states and their obligations in other areas of human need. They have on two previous occasions urged the full federal assumption of the welfare responsibility on a phased basis.

I realize and respect the very real concern of Congress in the matter of expenditures, but if there is to be the kind of partnership that will permit the states to remain economically viable and permit all of us to work together in solving the problems at hand, then this legislation should be amended to provide more meaningful standards and more substantial funding.

Mr. JAVITS. Mr. President, first, while the Governors generally indicated ways in which the Family Assistance Act might be improved there was general support for an overhaul of welfare. Governor Hearnes started:

H.R. 16311 is a step toward the position supported by the Governors.

Governor Licht of Rhode Island testified that—

This legislation recognizes that income maintenance is a national responsibility and I believe that reform in this direction is long overdue.

Moreover, speaking of the recent Governors conference in Missouri, Governor Hearnes stated:

And while we disagreed on many other subjects, there was unanimity on what we believe should be done with the welfare system.

The Governors Conference called for the "substitution of a federally financed system of welfare payments for the current Federal-State program."

I believe the Family Assistance Act to be a historic initiative on the part of this Republican administration at reform of the manifest inequities in our present welfare system. The present system has failed the welfare recipient, has failed the taxpayer, and has been characterized as a "mess," a "disaster," and a "failure." The undeniable fact is that reform is needed—and it is needed now. Our States and cities are faced with runaway costs as they try to cope with the mounting crises in public assistance. I think the Family Assistance Act's recognition of the need for nationally uniform minimum eligibility and benefit standards, coupled with the act's strong work incentives will result in a decline in the rate of increase of our public assistance rolls.

I do hope that whatever legislation is reported out by the Committee on Finance will contain provisions for covering the working poor under both the Federal and State benefit portions of the act. As President Nixon emphasized, one of the four fundamental principles of the act is "to provide equity to working poor families." While the administration has shown considerable foresight by including working poor families within the Federal $1,600 benefit, the act unjustly excludes these families from the State supplemental benefit requirement. It is these individuals—the family headed by a full-time working male—who are, in effect, helping themselves out of poverty and who deserve the encouragement and assistance to insure that they do not slide onto the welfare rolls.

This exclusion of working poor families from the State benefit portion of the act produces three undesirable social consequences: First, the exclusion constitutes a basic inequity since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law; second, the exclusion produces an incentive for male heads of households to work less, rather than more; and, third, the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. The considerations which have prompted the administration to include the working poor under the basic Federal payment apply equally in respect to the supplemental payment.

Finally as noted by Assistant Secretary of Labor James Rosow in the March 30, 1970, edition of the Wall Street Journal, about 200,000 working poor families rise above the poverty line—$3,720 for an urban family of four—each year.

To my mind, it is rather auspicious that such a plan does have State support and it is deserving of our serious consideration, rather than the UPI account indicated, speaking the other way.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, without losing my right to the floor, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, let there be no misunderstanding—the Governors testifying before the Finance Committee did not endorse the administration's family assistance plan. To illustrate this point, I ask unanimous concent that there be printed in the RECORD the questions and answers asked these Governors at that particular hearing.

I put this under the same title used by the Washington Post in its article of September 11: "Governors Wary of Nixon Welfare Bill."

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

The CHAIRMAN. Thank you very much, gentlemen.

As one member of this Committee, I want to express my appreciation for the fact that your statements indicate that you do have some idea of what this bill is all about, which I cannot say for all those who comment on this bill, especially some of the reports I have read about it.

Now, in the first place, everybody likes to talk about reform. Well, of course, most people think of reform as something where you correct or improve on what you have.

Some of us challenge whether this bill improves on what we find wrong with the program, to begin with, or whether it is simply a case of doubling up the rolls without correcting what is already wrong with the program.

Here is a chart that, I assume, some of you are aware of generally, and if you have not seen the chart, here is what has been happening to our welfare rolls. Here is a chart, and if you look at about 1958 you see what the trend has been, what the older program of aid to the aged has done, it has gone down, and I think that program is well under control.

We have improved the payments, and we are taking better care of the aged, and we can do more, and that is one we gradually can take off of the States. The rolls have declined from 2,300,000 to 2,100,000 and the Social Security bills we have been passing have helped to do that.

There has been an increase in the new program that we provide for aid to totally disabled persons. That has gone up from about 300,000 to 800,000, by no means out of control, although we might improve on that.

Aid to the blind remains about constant. But look what has happened to aid to families with dependent children, that has gone up from 2,300,000 to about 7,300,000, and here is a bill which projects an immediate jump to more than double those rolls.

Now, that gives us some cause for concern, especially if we do not see where the improvements occur that we think need to be done.

Now, one of you, at least two of you, spoke of the fact that there is no assurance in this program that these people would be put to work. I would like to ask you, Governor Hearnes, or those associated with you, are you aware that in our efforts to make the work incentive program work we have examples, for example, in California, where 8,000 people who were supposed to have been taken off the welfare rolls because they either declined to work or take the training, that only 200 people were taken off the rolls?

Governor HEARNES. I can understand that, Mr. Chairman.

I know that Senators always agree and never disagree, but Governors are different, they sometimes disagree. I take the position, I differ from Governor Holton, I do not want just a bill out of this Committee because I think it could—he is speaking, addressing himself, to a financial crisis, with which I agree 100 percent. But I think the wrong kind of bill could increase rather than decrease our particular problem in the financial situation.

When you get to addressing myself to your particular point there, if you have a situation where a recipient of ADC can say to the proper authorities, "Well, I can't come to work at 8:00 o'clock, but I will be glad to come to work, I can only come to work at 10:00 o'clock in the morning," or any other qualifications like that, and the employer says, "I can't use somebody who comes to work at 10:00 o'clock in the morning," if you give them that type of latitude, and this is kind of in line with what Governor McCall was saying, you are not going to get them off of the welfare rolls and into the work force.

The CHAIRMAN. Well, of course, New York does not have that same showing. They just

fix it up so that none of these people have to go to work anyhow. In that way, they do not have to turn you down, they just give them State regulations so that nobody is required or expected to go to work. They probably have a 100-percent going on relief declining to work.

You can see predictions about things to come by seeing what things are happening in the District of Columbia.

Are you aware here that yesterday our District Welfare Agency came up with their decision that a mother who comes to Uncle Sam with her illegitimate child does not have to name the papa? Here is Uncle Sam sitting in the position of being a reluctant grandfather, you might say, of this child so instead of presenting the child to the father, as the old-fashioned precedent would dictate, this mama presents this child for Uncle Sam to support, and Uncle Sam, who would just like to know who is the parent of this child, who is the father, saying, "If I am going to be the grandpa and support the child, who is the papa of this child," and now we see this great leadership coming out of the Department of Health, Education and Welfare which says that that mother does not have to identify that father.

For all we know that father might be well able to support that child.

Can you explain to me what logic there is in that?

Governor HEARNES. Well, if this were a regulation from HEW, as I understand from the Chairman, this again would conflict with Missouri law, wherein Missouri law requires disclosure, although if they say they do not know, there is nothing you can do about it, and it is possible not to know.

The CHAIRMAN. It just occurs to me you could ask them for their best guess. (Laughter)

Governor HEARNES. Mr. Chairman, you know the old saying that when you have run through the brush, you don't know—I won't go into that. (Laughter) But the point I am trying to make is that even if they did disclose, Mr. Chairman, and we required disclosure to the prosecuting attorney as part of our law, it still is just a routine. I am not arguing that they should not do it, please do not misunderstand me. But even if they are required, we do not get what we would like to get out of it, which would be, what is it, the Uniform Dependents So-and-So Act, where we can extradite from another State and bring him back in and make him pay, we do not get that because there is so much of it that the prosecuting attorney's office does not follow through.

The CHAIRMAN. Governor, if the majority of us on this Committee had our way about it, we would use the long arm of this Federal Government to reach out here and grab these runaway fathers wherever they go, no matter whose State they go to, even in foreign countries, we would undertake to get them; and, if need be, we would cut off the importation of products of this country from adjoining countries, if this Senator had his way, until they send back some of these runaway fathers to us, to help make them take care of their children.

Now, your State, I think wisely, would like to know just whose child are we supporting, and if you can find out you ought to.

Now, based on the trend of recent court decisions, when this Welfare Department here in the District of Columbia undertakes to put into effect a regulation which is contrary to what Congress intended, next in line you can expect a State like Missouri to be told that as a condition of receiving Federal aid, the Federal Court is going to make you put people on welfare and support those families even though you have the right to know who is there who is refusing to support his own child before you go to work supporting him and asking your taxpayers to support that child.

Governor HEARNES. Of course, Mr. Chairman, I might add this is just added evidence and proof of the fact that we think it ought to be a federally financed program because we have taken, there has been taken away from us so much of the responsibility—I forget the exact legislation where that was required—but we were required from HEW on some regulation, and it is almost every session, that we are required to enact new laws to conform with their regulations.

In this particular case, there was a special session of the General Assembly, so we thought we were being very intelligent about submitting to them ahead of time to be sure that the legislation was correct in form and was exactly what they wanted, and they okayed it.

We brought it back, introduced it and passed it, and it cost us a couple or three or five million dollars to pass it. After we passed it, they said it still had not conformed after they had approved it before we started.

These things are very exasperating for the Governors and the legislatures to try to stay not only within the intent of Congress but with what Congress has evidently done and given to HEW so much power to promulgate regulations.

In the last session I established a legislative body, five Senators and five Representatives, just to stay on top of regulations promulgated by HEW to see how we can conform to our legislature.

The CHAIRMAN. I am familiar with some of that, and I certainly can appreciate your plight, both you and the other Governors who recognize this.

My personal thought, as one member of this Committee, is that before we doubled the size of this program we ought to see if we cannot correct some of the things that are wrong with it, and if we can, I will try to do something about it.

Governor HEARNES. Mr. Chairman, I think the Medicaid was the greatest lesson Congress could learn about too fast and too quick—not Medicare but Medicaid—and the costs that came from that, and that should be the red light for this particular piece of legislation.

The CHAIRMAN. Senator Anderson.

Senator Talmadge.

Senator TALMADGE. Governor Hearnes and distinguished members of the Governors' Conference, I would like to welcome you here. I think your testimony has made a very valuable contribution to the deliberations of this Committee.

I may say that five members of this Committee are former Governors, so we are aware of some of the problems that confront you.

As I saw it from the tenor of your testimony, practically all, if not all, of you thought this bill needed considerable amendment.

I particularly concur with the views of the Chairman of your Conference, Governor Hearnes, that before we increase our welfare rolls from some 10 million to 25 million we ought to know what we are doing before we leap too fast through some sort of trial program which would be advisable in this area.

All of you spoke about the necessity of work incentives, I share that view. But this bill actually reduces the work incentives that the Congress wrote some three years ago.

The only incentive in this bill now is that they must register, and if they fail to register, the only penalty is the loss of $300 for the entire family. It illustrates how deficient the bill is in work incentives.

It has been demonstrated by the experts and the charts here that a family of four in New York City, if they lived in public housing and had Medicare, which they would have if they were on the welfare rolls there, and they drew the State supplements, plus the benefits that this bill would entitle them to, they would have an income in money or in equivalent kind of $6210 per year.

Now, if a member of that family—and I think it would be far beyond the imagination to assume a welfare family or some members of it—would get a job immediately earning $7,000 a year, do you know what the equivalent income would be? One dollar less than their welfare benefits, $6209 per year.

I think it would be catastropic if the Congress immediately leaped into passing legislation of that kind. It would be such a disincentive to work rather than an incentive.

This bill has been carried to the American public as a work incentive program. It is really just the opposite, because it repeals legislation that is actually stronger in the work incentive area.

As the Chairman pointed out to you, the real problem that we are confronted with here is the tremendous and enormous increase in aid to dependent children. Yet this bill does not even provide for family planning services. It repeals some of the present laws on family planning.

Don't you gentlemen concur that we ought to have some provision, if we pass anything, that would accentuate family planning so that we would not be faced with a continuous skyrocketing increase in aid to dependent children? You share that view, Governor Hearnes?

Governor HEARNES. Yes, sir. And, Senator, I am not sure about the exact wording of the bill, but the President's terminology, if I remember the speech, he talked about suitable employment. Well, I take the viewpoint that if you are out of work, I do not know what work would not be suitable if you need work.

Senator TALMADGE. That is the old-fashioned theory in Georgia. If you do not have any work you get any work that you can where you can exist. But the new theory seems to be that you have got to have a certain status before you take that work.

Governor HEARNES. If the word "suitable" is still in the legislation, if they even talk about that, I just think it would leave us a lot of problems to define.

Governor HOLTON. They deleted that.

Senator TALMADGE. I would like to say one word further. I know of the enormous problems that States and local governments have in financing their burdens with Government now. But everyone has the idea that Uncle Sam is fat. Our projected national deficit next year on an administrative basis is somewhere between $20 and $25 billion. So any additional burdens we would assume we would have to either pay the amount of the deficit or else we would have to raise taxes in order to do so.

I think your contributions have been of great value to this Committee and I personally appreciate your appearing before us to share your views and your expertise with us. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

For your information, gentlemen, Senator Williams, who was here during your presentation-in-chief, the ranking Republican member on this Committee, found it necessary to attend a Republican conference which is going on right now to discuss the scheduling of this bill, as well as the Social Security bill and other bills that we hope to act on before the Congress adjourns.

I think the same thing explains the absence of certain other Republican members. Usually our Republican members have been very diligent in their presence. That is one reason why some of them are not here at this moment, they are attending that conference.

I will call on Senator Miller.

Senator MILLER. Thank you, Mr. Chairman.

Governor Licht, referring to page four of your testimony, you state that the family of four in Rhode Island is eligible to receive approximately $2800 to $3000 a year. How is that broken down? What are the elements of that?

Governor LICHT. I would like Mr. Reilly to be able to answer that. He is in charge of that. Mr. Reilly.

Mr. REILLY. Sir, it is approximately one-third of the payments is shelter, and about two-thirds of it go in the direction of basic living essentials, that is, food, clothing, and personal incidentals.

Senator MILLER. Is that State supplementation? What are the elements? I do not mean how do you determine what the money goes for, but how do we get $2800 to $3000 a year? Where did that come from?

Mr. REILLY. Under the law, sir, the State established its standard of need, and we have been making adjustments in the so-called standard of need over the years. We measure a person's eligibility by that standard of need. The Federal Government participates 51.7 percent.

Senator MILLER. How much?

Mr. REILLY. 51.7 percent in the expenditure in AFDC.

Senator MILLER. This is just roughly half State money and half Federal.

Mr. REILLY. Yes, sir. We are advised that the Federal, the rate of Federal, participation will diminish next year. A new formula will be applied to us.

Senator MILLER. Your point is the $1600 Family Assistance Plan, plus 30 percent Federal matching, would leave the State about where it is, possibly worse off?

Mr. REILLY. Sir, we expect that because of increased caseloads and a probable increase in medical card cost that there is real danger that we might end up with more expenditures rather than less.

Senator MILLER. Does that $2000 to $3000 a year include the State's share of Medicaid costs?

Mr. REILLY. No, it does not, sir.

Senator MILLER. Well, if we are looking at a family of four, what would be the total benefits that family would receive? As I understand it, you are talking about cash from the Federal Government of about half, cash from the State Government of about half. We would have Medicaid benefits on top of that.

Mr. REILLY. Yes. That runs approximately $600 per family per year, and it is increasing.

Senator MILLER. Yes.

Mr. REILLY. We find that our expenditures for medical care with poor families are higher, higher than we would find with the average member of the community.

Senator MILLER. How much of that $600 of Medicaid would be the State's?

Mr. REILLY. Again it is 51.7 percent Federal.

Senator MILLER. All right. Then we have food stamps on top of that, do we not?

Mr. REILLY. Yes, sir.

Senator MILLER. That would be $840 or thereabouts?

Mr. REILLY. I think it would be less than that in our instance. I think it would probably be in the vicinity of $600 to $700.

Senator MILLER. Well, let us say $600.

So by the time you take this cash, let us say, of $3000 a year plus $600 in Medicaid benefits, plus $600 in food stamps, you are up to $4200 in benefits.

Mr. REILLY. Yes, sir.

Senator MILLER. And that is far above the poverty level.

Mr. REILLY. It is above the poverty level of $3700. It is below the level recommended by the Department of Labor for the New England Region, based upon working men's budgets which run in the vicinity of $5500 and upwards, depending upon the nature of the family.

Senator MILLER. But, of course, if you bring it up to the working men's level, then there is no incentive.

Mr. REILLY. I would agree, sir.

Senator MILLER. I just wanted to get into this so that we get a picture of that family, because I think one thing that has caused a great amount of concern in the Committee and in the general public, we have been talking about a Family Assistance Plan of $1600 plus State supplements, and everybody knows that that is not enough, but that is not the picture in this ball game. The ball game is the total package of benefits. That means family assistance, State supplement, Medicaid benefits, and in many cases public housing benefits.

Governor LICHT. Could I, Senator, attempt to break this down a little bit further, and that is that we estimate that with the enlargement of those who come into the program under the present bill, as amended, we would have, perhaps, a saving of $1,600,000, and the increased medical costs look to us like they would cost about $2 million so we end up with about $400,000.

Then we have a loss in the family care collections because, at the present time, we share 50–50 with the Federal Government, and they want to take that off. We end up with a minus of $800,000, and we do get a break on the aid to aged, blind, and disabled, about $1,700,000 plus increased medical costs of $100,000, of $1.6 million, so we end up with a net of about $800,000.

The difficulty, of course, is these are estimates and we are not sure just whether they are absolutely correct. But we have a feeling that the problem is not one of solving our problem by $800,000.

These increases in costs are such if we are not to be drained of our resources, what we are looking for is some kind of recognition by the Federal Government of its Federal responsibility in the area of social welfare to the point where on a phased basis the Federal Government is going to take over the responsibility.

Now, the point is the program suggests that it is an income maintenance plan, and recognizes it as a national plan, and if that is so, I believe it to be a national responsibility, and somewhere along the line we ought to be able to see when there is going to be a Federal takeover of this.

You can have a national standard, you can have built into this thing those incentives that you think are necessary to help break this vicious cycle. But my main concern with the bill, and my purpose really in coming here is, that I think you would have to accept the feeling on the part of the Governors of recognizing the problems of Federal financing as well, but that we recognize in this social welfare program, as I think Senator Long indicated, this spiraling gets to the point where we are not able to continue to support this kind of an effort, and yet to do the other things that we have to do in the areas of the human resources.

So my main thrust here today is to indicate to you the great difficulty we have, as we view this rising spiral of costs.

Senator MILLER. I think your point is well made. But one response to that could be that if, under your program, you've got this family of four receiving, in fact, actual benefits of around $4,200 with a poverty level of $3,800, and if, indeed, we are going to try to provide incentives for people to work, perhaps your eligibility standards are higher than they should be compared to some other State.

Let us take another State that has got a different system, take the people in the welfare rolls. By the time you take into account Federal stamps and Medicaid, they are up to $3,800. Now, it would seem discriminatory as between that State and your State for the Federal Goverment to help finance that excess over that poverty level if that is going to be our approach.

So, perhaps, in exchange for this $1,600 or, perhaps, it should be increased to $2,000, we might say, "We will make it $2,000 instead of $1,600 but don't count on the Federal Government for any matching on State supplements."

Governor LICHT. Well, now Senator, if you went to $2,000, and you permitted us to operate our own welfare program, again you would have one system in Rhode Island, you would have another system in Massachusetts. I do not want to be held to this, but I would think that the total figure in Massachusetts and Connecticut would be higher than the amounts that we pay for social welfare. You would have another system somewhere else. It looks to me that where we ought to go is to have a Federal plan which recognizes your Federal responsibility, as I think this purports to recognize.

You are going to get variations. The way it developed in Rhode Island, of course, it did not develop that way over night. It has been the area of increasing standards over a long period of time.

For example, the Federal Government now does not participate with us except once on special needs, and that is an emergency need, and those are very serious financial drains upon us. But the fact of the matter is that while it may be easy to say, "We are going to cut off," when the fuel is not there or when the lights are turned off, and they come in again and again and again, and the Federal Government only participates once we do provide the additional supplemental or emergency funds for special needs, and that may be different in other States.

We do not have a Federal or national plan with respect to these matters.

Senator MILLER. Well, believe me, I can only speak for myself, but I think the sentiment here is all for Federal standards on something like this.

But in achieving those Federal standards, I think we have to be careful that we do not permit a State Legislature which can go beyond that if they wish, they can take State money and appropriate it so there is a higher standard of living for people on welfare than some other States, and I question that the Federal Government ought to help participate in that if it goes beyond our Federal standards.

Governor LICHT. I do not want to persist in the dialogue because really there are other Governors, and I do not want to abuse my privilege here, but to respond quickly to that by saying if, in fact, the family assistance plan here was at a level higher than the $1600 and did not, for example, participate with us on the supplementation of 30 percent but on a higher basis, and if, in fact, the Federal Government did not require that the father be out of the house to participate in the supplementation at all, and if there was a meaningful participation with a look to the future for Federal takeover then, of course, we could see some meaningful results out of this bill.

But I cannot come down to this Finance Committee and say to you that I will support a bill—not that you need that from me—but what I am suggesting is that I cannot say that knowing what our welfare costs are, and knowing that when you put this bill into effect it is not going to be meaningful for Rhode Island at all.

Senator MILLER. I appreciate that response very much. You put your finger on one of the problems that several of us have here with the bill as it now stands.

Governor Hearnes, did I understand you in your statement to suggest that, looking down the road, payments on old age assistance might come from the Social Security System?

Governor HEARNES. This was the policy position of the National Governors' Conference from their Committee which is a counterpart of HEW, with the proviso that it not come from the Social Security actuarially, but supplemented by Federal general revenues, what we call general revenues.

Senator MILLER. In other words, what you are talking about are appropriations out of the general funds of the Treasury to Social Security to administer the funds.

Governor HEARNES. Yes, sir.

Senator MILLER. I think you made a statement which was to the effect that the present coverage of our welfare recipients, that that coverage ought to be, that the law with respect to that ought to work before adding to the coverage.

Governor HEARNES. Yes, sir.

Senator MILLER. But I understand the point made by HEW is that it is not going to work unless you expand the coverage to include the working poor.

Now, that is what troubles me about your statement. I think that offhand I would be inclined to agree with you that where we have so many people covered, now, let us see if we cannot make the law right with respect to them before we start adding on, and then I run into people from HEW saying that it is not going to work because you have got to cover the working poor, and that this is the heart of the Family Assistance Plan.

Governor HEARNES. Senator, I guess that is why they call Missouri the "show me" State. That is the only answer I can give you. I just cannot see why—I think theirs is an ideal which all of us would love to achieve, but it just seems to me that the commonsense, sort of pragmatic viewpoint would be that all of these doubts that have been raised could be erased if they started slowly and it was shown to everyone that it will work, that the work incentives, whatever we call them, and so on and so forth, are going to get these people off of welfare, and so on and so forth, that all of the things that have been promised will work, and also the money, we have got to always remember that, they could be wrong.

Every once in a while HEW is wrong. They could be wrong in the amount of money that they say that is necessary to finance this. I think that this type of experiment would show us, it would show Congress, as to the cost of the money, which is still a very important factor to the Senate and to the House.

Senator MILLER. Well, looking at the figures we have been presented with, I must say I am persuaded that if we are going to create an incentive to break out from the non-working employable population that some assistance to the working poor is indicated.

But speaking of "show me", I think this is the essence of the Ribicoff proposal, that they have a year of testing, and the Governors are all in favor of that.

Governor McCall, I believe you said to the Committee that the fiscal 1971 State costs should be a high-water mark, and after that let the Federal Government take care of the problem. This sounds reasonable offhand, until I think that there may be some States which might be called low-water mark States, and they are not doing anywhere what they can compared to other States.

So I wonder about making those States' present fiscal 1971 costs the high level for that.

Governor MCCALL. Senator, I was speaking simply as Governor of Oregon and saying what my position was insofar as the State was concerned and what the impact would be insofar as our State was concerned.

I was simply trying to give you an indigenous point of view that you would not have unless you had the Governor from Oregon here. I mean, I am going to leave that problem with you and leave it to the Senate to figure out.

Senator MILLER. All right.

Then you made a point which has troubled me, and that is over the earnings disregards. I suppose you are thinking of the $720 earnings disregard.

Now, it seems to me that to say to somebody who is not working, "Go on out and earn $1,000 and $720 of that is disregarded," that that is preferential over somebody who may be earning $4,000 and say here is a $4,720 disregard.

It seems to me to be another inequity which could arise where in Portland, for example, that $720 disregard for a person who is regularly employed making, say, $3000 a year, has transportation costs, bus costs, and things like that, say to him that $720 is disregarded, but to go out to a small town where he will walk to his job and say that $720 is disregarded, there is some inequity there.

Are you getting at that in your comments?

Governor MCCALL. Well, we simply on one point when we talked about $3720 in the supplementation there, it was our point that we ought to get as many people as possible up to the poverty level rather than having to have the supplementation go on beyond that and covering too broad a market, have the steep contribution to get them up to this level, not adequate, but it is a living kind of condition.

On the earnings disregard, we were simply saying that in our State the people in a family of four would have $6,022, including Medicaid, before they pinched out on the taxpayers' supplementation, and this was the point that seemed to me, since it was 91 percent of where our payments would go, this ought to be looked at so far as the State of Oregon is concerned. They are allowed to stay on starting at too high a level, allowed to stay with too much money to still be receiving a public subsidy.

Senator MILLER. I think your point is very well taken.

The last question I would like to direct to my own Governor.

You gave us some figures on the total ADC recipients now, and how many were forecast by HEW and how many your own Department of Social Welfare forecast. Could you give those to us again?

Governor RAY. Well, Senator Miller, we have approximately—I will give it to you rather accurately, 92,300 recipients presently.

Senator MILLER. These are ADC recipients?

Governor RAY. ADC, on ADC.

Senator MILLER. On ADC.

Does that include other welfare recipients?

Governor RAY. I am sorry, that is the total number, not just ADC.

Senator MILLER. Well, we have used those. The total number of welfare recipients in Iowa is 92,300.

Governor RAY. Presently.

Senator MILLER. How many did HEW indicate?

Governor RAY. They estimated 283,000.

Senator MILLER. And your own Department's estimate?

Governor RAY. 316,000.

Senator MILLER. 316,000.

The 92,300 are actual recipients?

Governor RAY. Right.

I might add that that has increased, or our ADC rolls have increased, by about 100 percent or double, they have doubled, in the past five years, so our experience is the same as, I think, the other Governors have experienced.

Senator MILLER. Now, we have 92,300 actual recipients in Iowa; HEW estimated 283,000 as being eligible. Do you have any idea of about how many of these 283,000 eligible would become actual recipients? I ask this question because this is one thing that has caused the Committee a great amount of concern.

We have been given figures on how many are actual welfare recipients, and then we get figures on how many would be eligible under this bill, and then we get estimates of how many of those eligible will, in fact, become recipients, and it is pretty fuzzy.

Do you have any idea of, for example, how many are eligible in Iowa now, of whom only 92,300 are recipients?

Governor RAY. This is part of what I mentioned earlier that I think little or almost no research has been done in this area. We do not know. Commissioner James Gilman of our Social Service Department, is sitting by me, and I would certainly like to refer the question to him.

I do not know how many would actually become recipients if this program were adopted, and we do not know how many are out in the field right now who could qualify today but who do not.

Mr. Gillman.

Mr. GILLMAN. Senator, it is my understanding that from a very small survey that we made in Iowa that about half of the people who are eligible for the ADC rolls today have not made application for them, for whatever reason. We do not know whether it is because they feel some punitive problem with ADC as a program or they object to being on welfare or they are able to survive on a very small amount of money at the present time or what the reasons are, but it would appear there are about half the people who are eligible for ADC are presently on our rolls.

Senator MILLER. Then, would you estimate on that basis that since we have roughly 283,000 eligible, of whom only 92,000 are recipients, that HEW estimate of 283,000 eligible, we have half of that, 140,000?

Mr. GILLMAN. Senator——

Senator MILLER. Yes, about 140,000 would be recipients?

Mr. GILLMAN. I think a lot of it will have to do with how the program is handled. If it is considered as, if the people accept it as, a welfare program, something they should not be on, something that is shameful to be on, not as Social Security, for instance, they won't go on. There will be numbers of people who won't go on.

In our State we had a situation which existed a year ago last February where we had to reduce our effort in the Title XIX program. We had approximately 18,000 people, these are total people of all ages, who were eligible for the medical only under the Title XIX program.

We had to cut the medical only off because of the expenditures we were running.

When we cut these 18,000 people off, 4,000 of those people immediately applied for old age assistance. They were not on old age assistance but were eligible for Medicaid, and when they were not longer available for medical assistance they just could not exist, and they applied for it.

They did not apply for it because they did not want to be known as someone having old age assistance. They looked on welfare as not being a way of life that they wanted to be involved in.

The point is that 4,000 of the 18,000, and that included all people of all ages, immediately went on old age assistance rolls within the next few months, which resulted in—which they had to do in order to get the medical assistance.

Now, they were forced in this case to do so, so we know there are lots of other people who were eligible for old age assistance at that point who simply were not choosing to take it, and we think the same thing is true here, and we think the same thing would be true of the working poor. There are a great many of the working poor who would not take it even if it were offered.

Senator MILLER. My time is up. I would like to ask one more question, just for a figure, Mr. Chairman.

Can you, Mr. Gillman, tell us how many in Iowa are presently eligible to receive food stamps and how many are actually receiving them?

Mr. GILLMAN. No, sir; I do not have that information with me. I did not come prepared to supply it. We have about 50 percent of our public aid people who are receiving food stamps presently. The exact number I do not know.

The CHAIRMAN. I would suggest, Senator, after we have made the rounds of the other

Senators, if you have not the information you would like, you might ask the Governor of your State to meet with you, and I will try to provide you with a reporter to get you the additional information you want for the record.

Senator Harris.

Senator HARRIS. Thank you.

I won't take up more time with questions. I will simply say to Governor Hearnes and the other Governors that we are pleased to have you here.

You have made a meaningful contribution to our consideration of this bill. I am particularly impressed with what I agree is the necessity of the Federalization, total Federalization, of this welfare program.

I do not believe you can bear up under the twin and increasing burdens of education and welfare. I think we need a uniform system, and if we are going to make the decisions here, and if there are not going to be residence requirements, I can agree with that decision, but if we are going to have decisions like that, why, it seems to me, there ought to be a Federal system.

Secondly, I would say that I am particularly impressed also with the suggestion made by Governor McCall, in particular, about the necessity of coupling in here expanded work opportunities. It won't do any good to talk about putting people to work when, as a matter of fact, we have got unemployment going up in the country and reduced numbers of jobs available to people.

So I think we really ought to be serious about that, the suggestions that have been made in this Committee and elsewhere in the Senate for expanding employment, and I think that needs to be done.

I appreciate very much what you all have had to say.

Governor HEARNES. Thank you.

Senator HARRIS. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Jordan.

Senator JORDAN. Thank you, Mr. Chairman.

Governor Hearnes, and Governors, I want to express my appreciation to you for the contribution you have made to our testimony here. I think it has been substantial and constructive.

First of all, the reports that came out from your Governors' Conference to the effect that the Governors' Conference endorsed the Family Assistance Plan, that they endorsed the present legislation, but by your own testimony it seems to me that you have as many misgivings about the present bill as do we as members of the Committee.

As I listened, and I listened very intently to all of your testimony, it seems to me I detected a common denominator running through all the testimony, No. 1, I think, we are all agreed, you are all agreed, that the present welfare system is very bad. We do need reform. I think that was the No. 1 characteristic of all of the testimony we heard.

The present rate of increases intolerable, some of you said, and statistics do bear that out.

Under the present system the rate of increase in the welfare load is going up at an intolerable rate.

Most of you said that we should move toward Federalization of the welfare program because of the need for uniformity and the fact that the Federal Government stays in the driver's seat and called the signals and gave the directions, that it should be Federalized. I call your attention to the fact that there is no provision in the present legislation that calls for a complete Federal takeover.

You have all agreed, I think, that the employables, however they are to be identified, should have no alternative but to work. I think several of you stressed that, that we must not completely discard the work ethic which has stood for the growth of this country for so many years.

I think you agreed, as I detect from your testimony, that we should have some trial runs on certain aspects of this legislation before its complete implementation. Governor Hearnes was especially vocal in this respect.

Now, some of you have said that, perhaps, we should go very slow and we should not implement the inclusion of the working poor at this time, but that we should concentrate on the existing caseload of people on relief to see what we could do there.

Several of you mentioned that we are going too fast too quickly, and since the time I was Governor and you are here today as Governors, I see that the general problems have not changed.

You said that Governors have many problems with HEW in the promulgation of the rules that they send out to you, and you find it very difficult to live within those rules, and sometimes you cannot find whether the rules are bottomed on the legislation—I do not think you said that, but I draw on my own experience for that.

I am not going to put any questions to you directly technically, but I would ask this, because I got the impression, as I said, that you do not altogether agree with the press accounts of your endorsement of the present legislation.

Governor Hearnes, could you tell me how many of your Governors would vote if they sat up on this side of the table for the House-passed legislation with full implementation now?

Governor HEARNES. Well, Senator, I think those who would read the bill would not be for it in its entirety.

It is a little unfair question to me to speak for all of them because immediately someone says, "Why are you speaking for me? I would," and so on and so forth, but I cannot believe that a Governor who has been Governor very long, who has wrestled and grappled and fought and clawed and everything else with the financial problems that we have in our State, and read the bill in its entirety, I do not believe would vote for the bill, as we see it, at this particular time.

Governor McCALL. Senator, may I speak on that?

Governor HEARNES. You see, he already said I was wrong, but you asked for my opinion.

Senator JORDAN. Yes. Governor McCall.

Governor McCALL. Mr. Chairman, we had a very concrete example which proved what you said is right, Governor, because we made an exhaustive analysis of it and talked to some other Governors in the West, and we are going to have a meeting in Sacramento on the weaknesses and deficiencies and miscalculations that were present in that bill, and we had every Governor, after he saw our release, say, "I wanted to send my team over there," and the President of the National Governors' Conference said, "Go ahead and make it 50 States," so I think on the bill that passed the House, very likely, as you say, Warren, a Governor who had a good look at it, probably every Governor, would not have accepted it for immediate implementation, and there were people who raised the first point, it was a great charge, that we were a stalking horse for Governor Reagan getting rid of Mr. Finch, which was not true at all.

We just did our homework and found out it had these deficiencies that were too great.

Senator JORDAN. I think you did your homework, it is evident here today, and it is a compliment to you for doing it.

Governor HEARNES. Senator, to sum it up, if you would have read the newspapers you would probably have been for it. If you read the bill, you probably would have been against it.

Senator JORDAN. That is a very succinct analysis.

Tell me then, and I will move on here, tell me then, most of you have agreed that you need some trial runs. Two of you have volunteered your States as guinea pigs for trial runs, and I suspect others would have suggested it if it occurred to them, and they would have made that offer.

Tell me, how many of you, if given a choice, would vote for it now and test it later, and how many of you would test it first and vote for it later

Governor HEARNES. Well, you know my position. I would test it first.

Senator JORDAN. And would go for it later?

Governor HEARNES. I do not know. That is according to how the testing goes, whether I would vote for it.

Senator JORDAN. Well, you would consider it later.

Governor HEARNES. Yes, sir.

Senator JORDAN. Who else wants to speak to that question?

Governor HOLTON. Senator, I would like to say——

Senator JORDAN. Governor Holton.

Governor HOLTON. I am Linwood Holton. I would vote for it if I were up there, and I have the only alternative you describe, that is the House-passed version or nothing else because it does have some of the incentives built in.

It does, I think, have the overall trend. It would help the overall trend of increasing costs to come down. In this area of aid to dependent children our experience between 1966 and 1970 was an increase of 176 percent under the present law. That is what I am worried about, that increase, that rate of increase, has got to be reduced, and I think that the House-passed version has those work incentives.

I am sorry Senator Talmadge has gone because I do not quite understand what he means by saying that the bill does not have work incentives.

It picks up new people, which I happen to think is proper. It picks up the working poor; it has a 50 percent tax as opposed to the present 100 percent tax on any private earnings. That would apply to any of the people who are not now employed, who are simply on welfare, and if they got into the workfare part and started making some earnings that incentive would apply to them.

For every dollar they earned from private sources, they would get 50 cents of it. Today they do not get any of it because it is taken right out of welfare.

Also I would not vote for putting it into effect pursuant to what I understand is Senator Ribicoff's amendment, and considering it later. I do not see that you are precluded, by passing it now, from considering it later.

You look at the test, and if you want to make the amendments, you can do it at that time.

I think, Senator, that it is critical that we get a bill. I am not willing to take any bill.

Senator JORDAN. I am glad you corrected that because you left that impression that you would take any bill.

Governor HOLTON. Well, Governor Hearnes said that; I want to correct that. I am not willing to take any bill. I do think the present bill, as passed by the House, and if you gentlemen could amend it further to provide more work incentives for those who are not presently employed, that is where your lack of incentive is, the only incentive there is is to register, and if you can figure out some way to create some incentive there for those who are able to work, then, fine.

But you are looking at a relatively small category because those who are able, according to the statistics, are small. Many of them are mothers. I think they would like to work. Their problem is day care centers and there you may want to beef that up some.

Governor LICHT. Senator——

Senator JORDAN. Yes.

Governor LICHT. I do not want to interrupt, of course. Implicit in your question is that we either have this bill or no bill at all.

I would like to believe that that is not the case. Moreover, I would like to take the position that the Governors have never supported, as I understand it, the President's proposal at the Governors' Conference.

The position of the Governors which they have taken, the position that I urge upon the Senate and the House, is that built into this bill should be a more realistic floor or ceiling, however you put it, plus an eventual recognition of a phased takeover by the Federal Government, and if you were to say to me, is this bill the bill you want, I, by all the best figures I can determine, feel that it would not be very meaningful or helpful to the State of Rhode Island, but I would not like to leave here suggesting there is no other alternative.

I would like to believe that the arguments that the Governors have made out of years of painful experience would make some kind of favorable impression upon you so that you would look towards a better floor, if there has to be one, and an eventual takeover.

Senator JORDAN. That is why we are getting your valued experience here. But the merits of this bill, as they came from the house, are so fragile that it won't stand another trip around the track, and if we have got to grab it and grab something now, maybe we had better take another look, but we had better test it before we implement it.

Governor HEARNES. Senator, Medicaid—I keep coming back to the same thing—is the best experience that a Governor could have had where Medicaid was rushed into, and then Congress wanted to take another look, and it is not as some would like to propose, that you can back up after a bill is in effect and people have had a taste of a certain part of welfare, to come back and say that you cannot have it any more.

I talked to Governor Rockefeller many times on the corrections he had to make in New York on this Medicaid provision, and it is just not that easy. I would rather for them not to have it than to have it and then take it way from them, is what I am trying to say.

Governor MCCALL. In answer, Senator, and Mr. Chairman, to your question, so far as Oregon is concerned with the suggestions we made for amendment, if those were met, and those problems were met, maybe not in the precise way we suggested, why, then, we would take a position we would vote for the bill.

But we are still saying we have enough doubts that were raised that, perhaps, the pilot experimentation plant might be a way of getting in so that we go in with our eyes open and move along instead of buying a pig in a poke. I am not sure.

Senator JORDAN. Of course, you understand our problem: if we went into conference incorporating every suggestion you made here, we still have got an adamant House dedicated to the bill they passed, so it is consequently going to end up with a compromise some place in between.

I have a signal that my time is up. I would like to hear from the Governor of Iowa, please.

Governor RAY. Senator, since I think your question was directed to all of us, I would like to comment by saying that I think all of us have had some catastrophic experiences with the Medicaid program, as Governor Hearnes says, but it was a new program.

Welfare is not a new program. We now all agree that the rate we are going at right now we are going to bankrupt the States, we are going down the wrong direction and it has to be turned around.

If we wait until we find a bill that is satisfactory in all respects in this complicated area to all of us, satisfactory to everyone, we will never have a bill, and it would seem to me that our purpose in appearing here and in our purpose in taking your time to listen to us is to find ways in which the bill which is before you might be altered or changed or modified so that it would be a workable bill.

I think all of us would agree, as the President, I think, has said, if it can be done on a trial basis this made some sense. But in any event, I think, it is terribly important that we start the change that comes about, whether it be through this bill or some other bill. This seems to be the one right now that has the momentum.

The CHAIRMAN. I would just like to document what Governor Hearnes said, he may not have the figures in mind, that Medicaid amendment was sold to us in 1965 on the theory that it would go to cost $238 million a year, that is Federal money, that would be the Federal costs.

This year, and mind you, every amendment we have put on there has been not to increase the costs but for the purpose of holding them down ever since that time, and this is the year 1970, and in this year the costs are $2,650,000,000, and the States are having to match that money. I see the Governor nodding.

Governor HEARNES. We do.

The CHAIRMAN. That is the kind of thing, if I were you as a Governor, I would sort of be careful about, and coming in here and asking for a program where it looks as though you are going to get some help, and by the time you get through you are having to match all of this, with the courts telling you, you are having to put people on the rolls you do not want to put on, where it is costing ten times what it is estimated to cost, even though we are trying to pass laws, trying to keep the costs down.

Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman.

I want to join with the Committee in welcoming the Governors this morning.

I think it has been a most helpful session. I was most interested in Governor Hearnes' testimony and in the questions put by Senator Jordan. Many of the questions that Senator Jordan directed to the witnesses are questions which came to my mind, so I will not repeat them, but I would like to say to Governor Hearnes that his testimony is a breath of fresh air to the Senator from Virginia.

I have been listening to testimony on this bill before this Committee for four or five months, and I think Governor Hearnes is the only person who has ever mentioned the importance of the cost factor, and I think that is a vitally important factor.

Until this morning most witnesses considering this bill had neglected that aspect of the bill entirely. So, Governor Hearnes, I want to commend you for focusing attention on what I think is a vitally important factor.

I think it is well at this point that the record show that the Federal costs for welfare for fiscal 1970 were $4.4 billion. It is estimated by the Department of Health, Education and Welfare, that if this bill is enacted in its present form the costs for welfare, Federal costs for welfare, for fiscal 1972, will be $11.8 billion.

Now, the Senator from Virginia has not made a decision on this bill, and I am keeping uncommitted on it.

I think our present system must be changed, it is outdated, it needs to be modernized. But in any changes that we make I think it is very important that they be for the better and not for the worse, because this country must live for a long time with whatever legislation this Congress adopts in regard to welfare.

I was interested also to learn this morning that the Governors' Conference, as I understand it, did not specifically endorse H.R. 16311. I am correct in that, am I not, Governor Hearnes?

Governor HEARNES. Yes. Let the record show I am saying no, they did not. I am shaking my head and it is hard to show on the record.

Senator BYRD. I thank the distinguished Governor.

I notice that Governor Hearnes says on page four of his statement that workability of the entire new welfare program is still to be proved, and most certainly that is an accurate statement.

Then I think there is a great deal of merit, Governor, in your feeling that a testing period would be helpful, and after the testing period the legislation could be placed into effect if positive results are obtained.

As I understand it, you feel that before embarking on a program which the Secretary of Health, Education, and Welfare, Mr. Richardson stated before this Committee would be, is, both imaginative and costly; before doing that it would be well to have a pilot project and to do some testing to be certain that we are on sound ground; is that basically your position?

Governor HEARNES. Yes, sir; and I do not know how the test would be undertaken, but I would hope that it would be overseen by people who, either the staff of the Senate or the House—in other words, they have had tests from HEW which they said worked in other States, which I disagreed and said they would not work in my State, and yet they said it worked, so I am not up here as an anti-HEW, please don't get me wrong on that, Mr. Chairman.

I just believe there is a viewpoint in one place that is not always shared in another, is what I am trying to say in as nice a way as I can.

Senator BYRD. I want to say again that I have not made a decision on this bill. I want to work with the Committee.

We hope that some reasonable program could be developed to modernize our present welfare system. I think the testimony of the Governors this morning has been most helpful, and I thank you for being here.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Gentlemen, I appreciate your statements here today. If this thing is to be tried, if we are to try this, or some alternatives to it, I believe it well to keep in mind that there are certain people who, in all probability, will do all they can to keep a good man from working.

We have the National Welfare Rights organization in here a year or so ago pulling a sit-down strike in this Committee room protesting against the proposal that people be asked to accept work or training, and I assume any plan whereby we try to put people to work will have their active effort to see that it does not work, to try to make it unpopular.

That group in some cities, such as mine, I am told, passed the word that people were not to be counted for census purposes and not to cooperate with the Census takers.

They would go all out for their program, I would assume. They will do whatever they can to defeat any effort to put welfare recipients to work.

But some of us are concerned about the proposed costs, in addition to the Senator, even though I must say it is not the $4 billion that shakes this Senator up as much as some of the alternatives.

For example, we will be offered a proposal to raise that $1600 to $3600. That would put 76 million Americans on the welfare rolls, and we will be offered the welfare rights proposal before this is over with to raise $1600 to $5500. I am told that would put approximately 70 percent of the people in the United States on the welfare rolls.

I would like to ask you Governors if you are in suport of those two proposals.

Governor HEARNES. Well, I might in 1973, Senator, I will be out of office then, but right now, no, sir. I do not think any—seriously, I do not believe any—Governor would be thinking in terms of those figures.

Governor RAY. I was just going to say, Mr.

Chairman, which might be digressing for a moment, that in our State we do have a requirement that mothers identify the fathers, but I just wanted you to know, being one who believes that daddies ought to support kiddies, if you have any proposed legislation that will help in this regard, I want to support it.

The CHAIRMAN. Thank you very much, gentlemen.

Well now, if any of you, as you may very well want to, would like to provide something to comment on or add to questions or answers that have appeared or have occurred to you while you were here, we will be glad to have that for the record.

I would like to point out that the last appearance of a panel from the Governors' Conference was on the tax reform bill which was on the proposal of taxing State and municipal bonds, and I think the first vote in the Committee was, I believe, a unanimous vote to go along with you, or almost unanimous, to accept the recommendation of the Governors' Conference in that regard. So that where the Conference was unanimous, I think you received an almost unanimous vote of approval of the Committee.

I do not think that you are completely unanimous in what you are recommending today, but I think you have given us some very fine ideas and some very fine suggestions, and we very much appreciate your appearance here today.

Mr. WILLIAMS of Delaware. Mr. President, I want to repeat again, that if these statements by the Governors constitute an endorsement of the family assistance plan, I hope they never try to endorse a bill of which I am a sponsor. There is no question that the Governors made very strong arguments against the bill. I would like to read excerpts from the testimony, and Senators can draw their own conclusions. When Governor Hearnes, who was chairman of the Governors Conference, was testifying before the Finance Committee he made the following statement in answer to a question by Senator JORDAN as to his position on H.R. 16311:

Governor HEARNES. Senator, to sum it up, if you would have read the newspapers you would probably have been for it. If you read the bill, you probably would have been against it.

Senator JORDAN. That is a very succinct analysis.

Tell me, then, and I will move on here, tell me then, most of you have agreed that you need some trial runs. Two of you have volunteered your States as guinea pigs for trial runs, and I suspect others would have suggested it if it occurred to them, and they would have made that offer.

Tell me, how many of you, if given a choice, would vote for it now and test it later, and how many of you would test it first and vote for it later?

Governor HEARNES. Well, you know my position. I would test it first.

Later, as appearing on page 3390 of the committee hearings there appears the following colloquy between Senator BYRD of Virginia and Governor Hearnes:

Senator BYRD. I was interested also to learn this morning that the Governors' Conference, as I understand it, did not specifically endorse H.R. 16311. I am correct in that, am I not, Governor Hearnes?

Governor HEARNES. Yes, Let record show I am saying no, they did not. I am shaking my head and it is hard to show on the record.

That is the so-called endorsement of the bill that the Senator from New York is explaining.

For example, I read from page 3380 and 3381 of the testimony of Goverors Hearnes and McCall in answer to questions by Senator JORDAN. If the Senator from Louisiana will yield for that purpose I would like to put this in the RECORD because I think it important that this record be clear.

The PRESIDING OFFICER. The Chair will entertain a unanimous-consent request.

Mr. WILLIAMS of Delaware. I shall read the testimony of these two Governors as appearing on pages 3280 and 3281 of the committee hearings:

Senator JORDAN. I am not going to put any questions to you directly technically, but I would ask this, because I got the impression, as I said, that you do not altogether agree with the press accounts of your endorsement of the present legislation.

Governor Hearnes, could you tell me how many of your Governors would vote if they sat up on this side of the table for the House-passed legislation with full implementation now?

Governor HEARNES. Well, Senator, I think those who would read the bill would not be for it in its entirety.

It is a little unfair question to me to speak for all of them because immediately someone says, "Why are you speaking for me? I would," and so on and so forth, but I cannot believe that a Governor who has been a Governor very long, who has wrestled and grappled and fought and clawed and everything else with the financial problems that we have in our State, and read the bill in its entirety, I do not believe would vote for the bill, as we see it, at this particular time.

Governor MCCALL. Senator, may I speak on that?

Governor HEARNES. You see, he already said I was wrong, but you asked for my opinion.

Senator JORDAN. Yes. Governor McCall.

Governor MCCALL. Mr. Chairman, we had a very concrete example which proved what you said is right, Governor, because we made an exhaustive analysis of it and talked to some other Governors in the West, and we are going to have a meeting in Sacramento on the weaknesses and deficiencies and miscalulations that were present in that bill, and we had every Governor, after he saw our release, say, "I wanted to send my team over there," and the President of the National Governors' Conference said, "Go ahead and make it 50 States," so I think on the bill that passed the House, very likely, as you say, Warren, a Governor who had a good look at it, probably every Governor, would not have accepted it for immediate implementation, and there were people who raised the first point, it was a great charge, that we were a stalking horse for Governor Reagan getting rid of Mr. Finch, which was not true at all.

We just did our homework and found out it had these deficiencies that were too great.

Senator JORDAN. I think you did your homework, it is evident here today, and it is a compliment to you for doing it.

I next quote from the testimony of the Governor of Rhode Island, Governor Licht, as appearing on page 3367. Senator MILLER had just asked him a question:

Governor LICHT. I do not want to persist in the dialogue because really there are other Governors, and I do not want to abuse my privilege here, but to respond quickly to that by saying if, in fact, the family assistance plan here was at a level higher than the $1600 and did not, for example, participate with us on the supplementation of 30 percent but on a higher basis, and if, in fact, the Federal Government did not require that the father be out of the house to participate in the supplementation at all, and if there was a meaningful participation with a look to the future for Federal takeover then, of course, we could see some meaningful results out of this bill.

But I cannot come down to this Finance Committee and say to you that I will support a bill—not that you need that from me—but what I am suggesting is that I cannot say that knowing what our welfare costs are, and knowing that when you put this bill into effect it is not going to be meaningful for Rhode Island at all.

Senator MILLER. I appreciate that response very much. You put your finger on one of the problems that several of us have here with the bill as it now stands.

I am reading some of the quotations of these Governors, and I strongly recommend that my friend from New York read the whole transcript because I think he will reach the same conclusion I did. If one just reads beyond press releases from the White House bragging about the measure and reads the bill he will reach a different conclusion. It is interesting that most of those who have read the bill are fearful that they cannot support it.

I quote further from the statement of Governor Hearnes. Governor Hearnes was the chairman of the Governor's Conference.

Mr. ELLENDER. Mr. President, I dislike to interrupt, but I wonder if the Senator would mind putting the marked copy into the RECORD. I did not know he was going to read it.

Mr. WILLIAMS of Delaware. Well, I can read these at another time. Rather than put it in the RECORD, I would like Senators to hear it. The statements of these Governors were certainly not an endorsement. I realize I am speaking on the time of the Senator from Louisiana, and he has been patient.

I ask unanimous consent that an article appearing in the Washington Post of Friday, September 11, 1970, entitled "Governors Wary of Nixon Welfare Bill" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1970]

GOVERNORS WARY OF NIXON WELFARE BILL

(By Ken Ringle)

The chairman of the National Governor's Conference yesterday denied reports that the conference endorsed President Nixon's welfare programs.

Gov. Warren F. Hearnes of Missouri testified before the Senate Finance Committee at the last scheduled hearings on the Family Assistance Plan.

Committee Chairman Russell B. Long (D-La.) doesn't want to hold any more hearings on the FAP, because the Democrats plan to bring the bill to the Senate floor by Oct. 2. Other committee members want to hear more testimony, and there may be time after the scheduled Social Security hearings end Sept. 23.

Hearnes told the committee that the FAP "is a step toward the position supported by the governors" at their Lake of the Ozarks meeting last month, but said reports that the conference had endorsed the present FAP bill were incorrect.

WANTS UNIFORMITY

"Anyone who has read the bill all the way through would vote against it as it now stands," said Hearnes.

"It does not strike at the root of the problem, which is to try to bring about uniformity in application of the (welfare) laws and the rules so there can be equal treatment of the poor, irrespective of their geographic location.

"This can only be achieved by full federal financing and full federal direction."

Hearnes was flanked by Govs. Robert D. Ray of Iowa, Linwood Holton of Virginia, Frank Licht of Rhode Island and Tom McCall of Oregon, as he testified on the House-passed FAP bill, which President Nixon has called the most important piece of domestic legislation in his program.

The measure would generally provide for a minimum income of $1,600 for a family of four, standardize payment and eligibility procedures nationwide and provide "work incentives" requiring welfare recipients to register at an employment agency or sign up for vocational training as a condition to receiving aid.

HOLTON FOR IT

The governors, however, said the bill doesn't go far enough in any of those areas. Worst of all, they said, it continues to make the states partly responsible financially for programs over which they have no direct control.

The only governor urging passage of the present bill was Holton, who said "the rate of increase in the cost of the present welfare system . . . has the smaller cities against the financial wall."

The FAP bill, while not perfect in other respects, would at least relieve that "intolerable" situation, he said.

"I urge you to report out a bill; let us get something," he said. "We have no means to handle the financial bankruptcy of the cities."

The other governors, however, called first for stronger work incentives, an increase in the $1,600 minimum income and general caution in expanding the coverage of the plan too quickly.

Money the administration would spend to extend the welfare system to some 14 million additional persons, mostly the working poor, "could be used to better advantage in shoring up other aspects of the bill," Hearnes said.

"It occurs to me that the administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure," he said.

Rhode Island's Licht, while calling welfare reform long overdue, was similarly skeptical about specifics of the Nixon plan.

"I must suggest," he said, "that to recognize a national responsibility without meaningful standards and without sufficient funding is simply to espouse another ideal without giving it substance and without assuming an obligation to carry it through."

"You seem to have as many misgivings about this bill as the members of this committee," said Sen. Everett B. Jordan (D-N.C.). "If the merits of this bill are so fragile it won't stand another trip around the track, then we better take another look at it."

Long questioned the governors on their feelings about including in the bill a provision he favors requiring unmarried mothers to name the fathers of their children.

Hearnes said the women sometimes cannot tell who the father is.

"It occurs to me," boomed Long, "that we could ask them for their best guess!"

Sen. Harry F. Byrd Jr., in a speech at his campaign kick-off last night in Richmond, expressed a number of misgivings about the Administration plan.

He said it should include more work incentives, expressed fear that the guaranteed income level would continually increase, said it would contribute to inflation and warned that it would add extensively to the number of families on welfare.

"I'm not yet convinced we can reverse the trend toward a welfare state by increasing the number of people on welfare . . .," he said.

Mr. WILLIAMS of Delaware. I also ask unanimous consent that a letter received by me today from Governor Ellington of Tennessee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TENNESSEE EXECUTIVE CHAMBER,
Nashville, September 8, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing herewith a copy of a brief analysis of the proposed Family Assistance Act (H.R. 16311), prepared by my staff in the Office of Urban and Federal Affairs, with the assistance of the Department of Public Welfare and the Department of Public Health.

Should this proposed Act be enacted in its present form it will have far-reaching effects on the budget and revenues of the State of Tennessee. As studies by many states confirm, the burden of these new demands would impose upon State financial resources is uncertain. Our analysis, likewise, has indicated that the probable additional cost to the State of Tennessee could range between $7 million and $20 million in the first year. We are disturbed that the ambiguities in the proposed programs preclude more precise analysis.

Your attention is directed to the discussion in the staff report of possible costs in the areas of medical assistance benefits, manpower training and employment services, and the adult assistance categories. It would seem that Congress might give attention to reinforcing the security clause of Section 502 to the effect that the Federal Government assume all of the states' future public assistance expenditures in excess of their Fiscal 1971 spending for those purposes.

You are aware, I am sure, that the legislation before you increases the responsibilities of the states while actually decreasing their participation in policy-making. If the Federal Government is to exercise more and more authority, it should, in our view, be willing to accept a commensurate portion of responsibility. I, therefore, continue to feel that the Federal Government should totally fund the public assistance system in the United States. The states cannot continue to be bound by criteria and standards which are established externally without due consultation. A public welfare system which diminishes the authority of the states while increasing our responsibilities is wholly unacceptable.

In light of the many uncertainties of the proposed legislation—which I understand are also of serious concern to other states which have evaluated the bill—it would seem to me that a two-year trial of the system in selected states would be more desirable than immediate implementation of the programs authorized by the proposed Act.

I trust that the attached report will be of assistance to you in your evaluation of the proposed welfare reforms and in your deliberations in committee and on the floor. If I can be of further assistance, please call on me.

Sincerely,

BUFORD ELLINGTON.

Mr. WILLIAMS of Delaware. I shall read just two paragraphs from the letter of the Governor of Tennessee.

Would the Senator from New York call this an endorsement?

Should this proposed Act be enacted in its present form it will have far-reaching effects on the budget and revenues of the State of Tennessee. As studies by many states confirm, the burden these new demands would impose upon State financial resources is uncertain. Our analysis, likewise, has indicated that the probable additional cost to the State of Tennessee could range between $7 million and $20 million in the first year. We are disturbed that the ambiguities in the proposed programs preclude more precise analysis.

The whole letter will be in the RECORD, but let me read this further paragraph:

In light of the many uncertainties of the proposed legislation—which I understand are also of serious concern to other states which have evaluated the bill—it would seem to me that a two-year trial of the system in selected states would be more desirable than immediate implementation of the programs authorized by the proposed Act.

This letter is by Governor Ellington, Governor of the State of Tennessee. I asked that it be printed in the RECORD in line with the suggestion made by the Senator from Louisiana, but I shall discuss it later.

I do not question the sincerity of the Senator from New York. I can understand his interest in the bill because it would bail the State of New York out of $60 million or $80 million of its cost of welfare. Perhaps from the standpoint of a relief bill for the State of New York it would be justified, but from the standpoint of the taxpayers as a whole I am not sure it is a good piece of legislation. I shall say more about that later.

Mr. JAVITS. Mr. President, will the Senator yield me 30 seconds to reply?

Mr. ELLENDER. I yield.

Mr. JAVITS. I rose to point out that the statements made by the Governors were not slashing criticisms. I made no statement of endorsement by New York or otherwise. New York and other States with enormous populations need relief in the welfare situation, which is essential to the welfare of the country, and I shall be glad to debate it and will not be deterred from debating the subject by the epithet of its being a New York endorsement.

Mr. WILLIAMS of Delaware. Mr. President, I wish we had more time on this. It is just beginning to get interesting. It is just as important as the farm bill, but I conclude at this time after pointing out one example. In New York State a family of four on welfare with no income would, if the bill is enacted as amended by the administration, have an income of $6,210. If the same individual gets a job in private employment and earns $7,000 a year he would end up with only $6,209 after taxes, or $1 less than if he had stayed on relief. On the other hand, if he worked a little less and reduced his earnings to $6,000 instead of $7,000 he could increase his income—cash, food stamps, and so forth—to just over $7,500. The less he works the more he has under this bill.

If that is called a work incentive program that is not the mathematics we use in our State.

One additional point, and I will conclude for tonight. The bill now before our committee would add 14 million more to

our welfare rolls, and it would more than double the cost of the present welfare system.

AGRICULTURAL ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

Mr. ELLENDER. Mr. President, I have a prepared statement which I expect to read at this time. Before proceeding with the statement, I wish to point out that there are several typographical and clerical errors in the committee amendment. In addition, the Department of Agriculture has suggested that the 32-cent advance payment for corn be reduced proportionately if the required set-aside is less than 20 percent.

That was what was really intended by the Department and the committee, as I shall indicate by a memorandum I received from the Secretary of Agriculture. I send to the desk a series of amendments designed to correct these errors and make the change proposed by the Department.

I ask unanimous consent that these amendments to the committee amendment in the nature of a substitute be adopted en bloc, and that the committee amendment as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, the amendments are considered and agreed to en bloc as requested.

Mr. Ellender's amendments, agreed to en bloc, are as follows:

On page 58, line 8, after "set-aside acreage" insert "or" required diversion".

On page 61, line 22, strike "ninety days later" and insert "within ninety days".

On page 63, line 20, strike "13" and insert "31".

On page 68, line 15, strike "the 1971 wheat program" and insert "each of the 1971 through 1973 wheat programs".

On page 68, line 20, strike "the 1971 crop of wheat" and insert "such program".

On page 68, line 24, strike "wheat" and insert "program".

On page 80, line 24, after the period, insert closing quotation marks.

On page 85, line 17, strike "403" and insert "404".

On page 91, line 2, after the period insert "The Secretary shall make not less than 50 per centum of any payments under this subsection to producers within sixty days following signup for the program."

On page 94, line 18, after the period add the following: "If the set-aside in effect under subsection (c) is less than twenty per centum of the feed grain base, the preliminary payment rate under this subsection shall be reduced proportionately."

On page 95, line 7, after "(1)" insert "the preceding sentence shall be inapplicable and".

On page 102, line 13, strike "or" and insert "on".

On page 108, line 23, strike "average" and insert "acreage".

On page 108, line 24, strike "(e)(4)(1)(A)" and insert "(e)(4)(A)".

On page 123, line 24, strike out "title" and insert "section".

Mr. ELLENDER. I ask unanimous consent to have printed in the RECORD the feed grain amendment as proposed by the Department of Agriculture, relating to the lower preliminary payment if diversion is less than 20 percent, together with the letter of transmittal signed by Mr. Clarence D. Palmby, Assistant Secretary.

There being no objection, the letter of transmittal and the proposed feed grain amendment were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The proposed feed grain amendment relating to the lower preliminary payment if diversion is less than 20% along with an explanation of why this change is desirable are attached for your consideration.

Sincerely,

CLARENCE D. PALMBY,
Assistant Secretary.

PROPOSED FEED GRAIN AMENDMENT

There is a provision in both the bills H.R. 18546 as passed by the House and the Senate Agriculture Committees which requires the Secretary of Agriculture to make a full preliminary payment equal to the difference between $1.35 and the expected average price received by farmers during the first five months of the marketing year. This payment is to be guaranteed regardless of the size of the required set-aside.

This provision may not be in the best interest of sound legislation if because of changing conditions of feed grain supply and/or demand the Secretary of Agriculture did not require at least a 20 percent required set-aside. Under these conditions the payment per bushel for not producing feed grains would escalate rapidly and program participation would increase proportionately. Such increased participation would result in (1) more farmers diverting land which would have to be compensated by still lower diversion percentages and (2) a significant increase in program costs at a time when farmers were being ask to contribute less in terms of idling productive cropland.

The suggested amendment would allow the Secretary of Agriculture to reduce the preliminary payment in line with the diversion requirement if it is below 20 percent. This would not reduce the total price support guarantee of the difference between $1.35 and the average price received by farmers for corn during the first five months of the marketing year.

The suggested amendment is as follows:

On page 94, line 18, after the period add the following: "If the set-aside in effect under subsection (c) is less than twenty per centum of the feed grain base, the preliminary payment rate under this subsection may be reduced proportionately."

Mr. ELLENDER. Mr. President, the bill pending before the Senate provides for a farm price support and subsidy program. Just as postal subsidies and subsidies for education are designed to feed men's and women's minds, this bill is designed to feed and clothe their bodies.

We have had a farm program for some years now. Most Members of the Senate now serving were not here when the program which forms the basis of our present law, began in 1938. They did not have the actual and intimate experience which I had with the situation which brought it into existence.

Mr. President, I ask the indulgence of the Senate to permit me to summarize some of the events that led up to the act of 1938, and some of the successes which have flowed from its enactment.

I was elected a Senator from Louisiana in 1936. In that year, the Supreme Court declared unconstitutional the Agricultural Adjustment Act of 1933, which had been passed by the Congress at the request of President Roosevelt. It was necessary for the 75th Congress to enact new legislation.

Before Congress was able to start with the drafting of new legislation, efforts were made to have rehearings on the Supreme Court decision, but all such attempts were to no avail. When I came to the Senate in January of 1937, I asked to be placed on the Committee on Agriculture and Forestry, in the hope that I could assist in drafting a farm bill, to assist our producers.

At that time, Mr. President, I was informed by the then majority leader of the Senate, the late Senator Joseph Robinson from Arkansas, that the Committee on Agriculture and Forestry was a committee much in demand. At first he refused to put me on that committee; but after awhile, he finally consented.

Mr. President, this committee, as I have said, was one on which every new Senator, or even Senators who were serving, asked to be placed because of its importance. Since the 88th Congress, however, the Committee on Agriculture and Forestry has acted to reduce its membership from 17 to 15, and then from 15 to 13 members, in order to make the committee more active.

Mr. President, this committee is one of great importance, and we have before us today a very important bill. I urge Senators to read excerpts from the committee report appearing on pages 3, 4, 5, and 6, of Senate Report No. 91-1154, which in substance indicate the great progress that has been made in agriculture since the act of 1938 became law.

To show the committee's contribution I want to point out some of the important legislation that we have sponsored over the years.

On February 16, 1938, the Agricultural Adjustment Act of 1938 was enacted. It provided mandatory support at 52 to 75 percent of parity for corn, wheat, and cotton; permissive supports for others—CCC already had permissive authority under its charter—parity payments for corn, wheat, tobacco, cotton, and rice; marketing quotas for tobacco, corn, wheat, cotton, and rice; and established the Federal Crop Insurance Corporation. On April 3, 1941, the AAA of 1938 was amended to provide mandatory support for peanuts at 50 to 75 percent of parity. Later, the act of May 26, 1941, directed the CCC to make loans on 1941 crops of rice, tobacco, cotton, corn, and wheat at 85 percent of parity. On July 1, 1941, the Steagall amendment required support at not less than 85 percent of parity for nonbasic commodities for which expanded production was re-

quested. On December 26, 1941, the act of May 26, 1941, was amended to add peanuts and extend it to 1943 through 1946 crops. Later, on October 2, 1942, section 8(a) of Stabilization Act of 1942 directed CCC to make loans at 90 percent of parity for cotton, corn, wheat, rice, tobacco, and peanuts harvested after December 31, 1941, and before 2 years after the end of hostilities—effective through 1948 crops. Section 9 raised the Steagall amendment minimum support rate to 90 percent of parity and continued it for 2 years after the end of the war—until December 31, 1948. On June 30, 1944, this act increased support for cotton harvested after December 31, 1943, to 92½ percent of parity. The act of October 3, 1944, increased cotton support rate to 95 percent of parity for crops harvested after December 31, 1943, and planted prior to January 1, 1945. And on July 28, 1945, the act was amended to require support for fire-cured tobacco at 75 percent of the rate for Burley, and support for Virginia sun-cured at 66⅔ percent of the Burley rate.

POSTWAR YEARS, 1949–50

On July 3, 1948, the Agricultural Act of 1948 provided price support at 90 percent of parity for 1949 crops of basic commodities, corn, cotton, peanuts, rice, tobacco, wheat, and the 1949 production of the Steagall commodities, hogs, chickens, eggs, and milk. Provided price support on the 1949 production of the Steagall commodities, dry beans, dry peas, turkeys, soybeans, flaxseed, peanuts for oil, American-Egyptian cotton, potatoes, and sweet potatoes at not less than 60 percent of the parity or comparable price and not higher than the 1948 level. Provided price support for wool marketed through June 30, 1950, at 42.3 cents per pound. Provisions for subsequent crops of basics at 60 to 90 percent of parity was superseded by the 1949 act. On October 31, 1949, the Agricultural Act of 1949 provided support and for milk and butterfat at 75 to 90 percent of parity, minimum being fixed on basis of supply percentage. 1950 crops of basics were to be supported at 90 percent of parity if marketing quotas not disapproved. In effect, required support for wool at 90 percent of parity. Mandatory support for tung nuts, honey, and potatoes at 60 to 90 percent of parity and for milk and butterfat at 75 to 90 percent. On March 31, 1950, potato support prohibited unless marketing quotas in effect.

KOREAN WAR YEARS, 1951–54

During the Korean war supports were kept high to insure adequate supplies. Most of the stocks acquired by CCC from the 1948 and 1949 crops were sold. But for the next decade supplies were always to exceed demand and surpluses accumulated.

On June 30, 1952, section 106(a) of act of June 30, 1952, provided 90 percent of parity for the basics while title IV of Defense Production Act—price controls—was in effect—until April 30, 1953.

POST KOREA AND RECENT YEARS, 1955 TO DATE

On July 10, 1954, Public Law 480, 83d Congress, was enacted. On August 28, 1954, the Agricultural Act of 1954, providing flexible support—75 to 90—gradually went into effect for basics—82½ to 90 through 1955. Provided for set-asides which would not count in determining price support levels, but would count for allotments and quotas. Included Wool Act of 1954. Repealed authority for corn marketing quotas. On May 28, 1956, the Agricultural Act of 1956 provided for soil bank, consisting of acreage reserve and conservation reserve. On August 28, 1958, the Agricultural Act of 1958 permitted corn producers to vote out acreage allotments in November 25, 1958, referendum. Made price support mandatory for the other four feed grains relative to corn. Provided for choice "A" and "B" cotton programs for 1959 and 1960 under which lower support was made available to farmers choosing an increased allotment. Support levels gradually were decreased to 65 to 90 percent of parity. On March 22, 1961, the emergency 1961 feed-grain diversion program was adopted. On August 8, 1961, the Agricultural Act of 1961 provided for 1962 crops of wheat and feed grains aimed at diverting acreage. On September 27, 1962, the Food and Agriculture Act of 1962 continued the feed grain diversion program for 1963 and added barley. Beginning in 1964 the 55-million-acre minimum wheat allotment was abolished, and a marketing certificate program was provided for with marketing quotas. On May 20, 1963, the Feed Grain Act of 1963 provided acreage diversion program for 1964 and 1965 feed grain crops. On April 11, 1964, the Agricultural Act of 1964 provided for equalization payments on cotton to handlers or mills. Cotton farmers were to receive regular allotments and domestic allotments with additional price support on the domestic allotment. A voluntary wheat certificate program and land diversion program was provided for wheat. On November 3, 1965, the Food and Agriculture Act of 1965 extended voluntary wheat certificate program, provided for a cotton payment and diversion program with payments being made to farmers, extended the wool and feed grain programs, and provided for the cropland adjustment program. Provided for class I dairy program. Applied in general through 1969. Extended in 1968 to cover 1970.

The increase in production, Mr. President, has been phenomenal. I do not suppose there is an industry in our Nation that has made the progress that has been made by American agriculture. The facts and figures which appear in the committee report on the bill indicate this great progress.

As an example, in 1967, with 6 percent less land than was producing in 1958 and 1959, 20 percent more food was produced; and in 1969, with 46 million acres less than was planted in 1950, 30 percent more food was produced.

I am happy to come before this body and indicate the progress and the great strides that have been made in agriculture.

In 1935, we planted 336 million acres of land, and, using the productivity percentage base of 1957 to 1959, we produced 68 percent of what was produced in 1957 and 1959; but in 1964, we produced 111 percent of what was produced during the base period of 1957 to 1959, and in 1969 we produced 122 percent of production during the base period of 1957 to 1959.

Mr. President, that is indicative of what this law has done for agriculture. It is true that it has cost some money—quite a bit of money—but it has built a food factory and fiber factory equalled by none other in the world, and the Lord only knows what the food bill for this country would be, in these times, unless we had a sufficient amount of food on hand to supply all of our people with the proper diet and with sufficient fiber.

In addition to that, Mr. President, we have been able to assist many other nations in providing food and fiber for them under the Public Law 480 program; and that program is being renewed in this bill, together with other programs.

I wish to emphasize again, Mr. President, that I am very hopeful that Senators will take this report home and read it overnight or tomorrow, just to show the great progress that has been made in agriculture and what it means to the consumers of this country by way of better food and cheaper food, as I shall indicate in my prepared statement.

The need for adequate production of farm products is obvious. Humans may not live by bread alone, but without it they cannot live at all. Without adequate food and fiber they cannot think, cannot learn, cannot survive.

To provide food and fiber for all our people at reasonable prices, prices they can afford to pay, the farmer must produce a plentiful supply. To obtain this production, the farmer must be provided with adequate compensation and protection against surplus production. He must be able to pay for his seed, his implements, all the materials that go into production, including his hired labor as well as his own.

Agricultural production is divided among many producers. The more units each produces at any given price, the greater is his total return. The incentive for each is to produce as much as possible, so that without controls and with adequate production facilities, an unmanageable surplus is likely to be produced. Since individual farmers cannot control prices, such surpluses result in lower prices than are reasonable. Farmers use up their machinery, mine their farms, and migrate to the city; and soon production facilities are inadequate, prices to consumers rise, and many suffer hardship. Moreover, since farmers cannot control the elements and since consumers cannot afford a shortage, farm production must be planned so as to produce just a little too much. This little extra—which really assures the people of the Nation an abundance at reasonable prices—must either be stored or exported. Prior to 1961, surpluses gradually increased, and they were stored at tremendous costs to the taxpayer and were permitted to dangle over the market thereby depressing prices.

Without adequate compensation, farmers could not afford to continue to spend over $38 billion for goods and services

used in production and another $12 billion for food, clothing, and other consumer items. In 1966, farmers bought $4.9 billion worth of tractors, machinery, equipment, and motor vehicles. They spend over $4 billion yearly for fuel, lubricants, and maintenance of vehicles and machinery. Without these purchases, the general economy would suffer.

To look back a few years to see what can happen in the absence of a good farm program, realized net income of farmers declined from about $9.5 billion in 1919 to about $3.9 billion in 1921, then to $2.9 billion in 1931, and finally to $1.9 billion in 1932. Wheat sold for 32 cents a bushel in 1932 and cotton for 4.62 cents per pound. Beef cattle prices fell to 4.25 cents per pound, and hog prices to 3.34 cents per pound. Corn prices were at 29 cents per bushel. In 1929 came the stock market crash, which carried the Dow-Jones Industrial Index from 364.9 down to 62.7. Unemployment reached 4,639,000 in October 1930 and by early 1933 was more than 13 million. Exports declined from $5,241,000,000 in 1929 to $1,611,000,000 in 1932. Imports declined from $4,399,000,000 in 1929 to $1,323,000,000 in 1932. People no longer had the good things of life. Indeed, they no longer had the necessities. It was a time of suicides, breadlines, and general distress.

Out of that chaos came the farm program, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, minimum wages and 40-hour week legislation for most workers—except farmers—and other measures designed to restore the economy and prevent a repetition of that terrible debacle. During the thirties, under the ever-normal granary program, farm prices were supported, plentiful supplies were produced, and stocks were built up as the country gradually recovered from the depression. With the advent of World War II, these stocks were used up, and a combination of price supports and controls were used to keep prices to consumers down while obtaining expanded production and assuring farmers against sharp cuts in production and prices when the war should end. I am proud to say that I participated in the enactment of all these laws. The wartime consumer subsidy was $2.1 billion. After the war, stocks built up gradually to burdensome levels. In the sixties we were concerned with working off these stocks, taking land out of production, and cutting Government costs of carrying stocks.

In 1961, the carryover of feed grains had reached a total of 85 million tons. This is now down to a manageable 47 million tons. Wheat stocks totaled 1.4 billion bushels, now down to 880 million bushels. Cotton carryover in 1966 totaled 16.6 million bales, now down to 5.7 million bales. To reduce these supplies while still holding production in line with needs has been costly indeed. From July 1, 1961, through June 30, 1970, the cost of the wheat program, including the International Wheat Agreement, was $14.1 billion, the feed grain program $13.3 billion, and the cotton program $7.6 billion. These data are from "Reports of Financial Condition, Commodity Credit Corporation," and cover all costs including price support and related programs, Public Law 480, direct payments to producers, and CCC export credit sales.

Now that supplies are down, our objective is to minimize Government costs to assure adequate production, prevent the buildup of surplus, and maintain about 50 to 60 million acres of cropland in noncrop use so that they do not contribute to surplus production but are available when additional production is needed. These programs have worked so well that many now take a plentiful supply of food and clothing for granted and feel secure in the belief that another depression cannot occur. Many young people have never known shortages or depressions. They are only dimly aware that there are other countries which are perennially short of food or fiber or both, and which experience periods of feast and periods of famine. In 1969, the American consumer spent only 16.5 percent of his take home pay for food, while the West European spends 25 to 30 percent of his income for food, the Russian spends 45 to 50 percent, and the Asian pays 75 to 80 percent. I repeat, ours is 16.5 percent of the worker's take-home pay. Not only do Americans spend less of their income for food, but they eat much better than ever before. They eat 5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago. To demonstrate how well the average worker has fared under the farm program during the past 23 years, we might consider the fact that from 1946 to 1969 prices received by farmers rose only 19 percent, while nonagricultural wage rates rose an estimated 231 percent. Of course, amounts received by processors and other middlemen also rose, but the total increase in retail food prices was still only 88 percent.

During this period, farmers have been doing poorly due entirely to circumstances beyond their control. Costs of production have been rising at an alarming rate. For example, while farm prices have increased only 19 percent since 1946, costs of production have increased 73 percent. A 30- to 39-horsepower tractor which in 1957–59 cost $2,920 now costs $3,950. A 50- to 59-horsepower tractor increased from $4,800 to $5,920. A 12-foot self-propelled combine that cost $6,320 in 1957–59 now costs $9,400. A cottonpicker, 2-row, self-propelled, increased from $16,680 to $23,900, and a 2-row cornpicker from $2,120 to $3,750. These are just some of the examples of increased costs, but there are many more.

The consumer is well off today, and he should realize that this is due, to a large extent, to the farm program. Supplies are plentiful. Prices are reasonable. Stocks are down to manageable levels. But if supports and controls were to be removed, we could return to the economics of the 1920's and 1930's. As I stated earlier, 50 to 60 million acres of cropland are now diverted by Government programs from production. Failure to extend the feed grain, cotton, and wheat programs would make most of this acreage immediately available for production. Government payments to farmers would be reduced by about $3.3 billion. This would represent about a 20 percent reduction in net realized farm income.

The bill before the Senate today is designed to prevent this from happening. It would provide programs for milk, wool, wheat, feed grain, cotton, extension of Public Law 480, and long-term land diversion for 1971 through 1973.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD some excerpts from the committee report, to which I referred a moment ago. I think it is very important that, before we make up our minds to criticize the farm program, we look at what this means to the American consumer.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

AGRICULTURE'S CONTRIBUTION TO THE AMERICAN ECONOMY

It would be as difficult to exaggerate the impact of American agriculture on the American economy as it would be to describe fully its importance. American agriculture with its efficiency, increased production and productivity, advanced research efforts and contributions to the economy through export levels, labor use, purchasing power, and supply of raw materials must never be considered lightly. Farmers have always fed and clothed the American population, protected its resources, and looked ahead to the future. They have contributed toward feeding us less expensively and have allowed Americans to spend more of their take-home pay for luxuries they might never have afforded otherwise. Increased production levels have contributed greatly toward feeding hungry and malnourished Americans who would otherwise not be able to share in American abundance. Agriculture's contribution to American industry and to the American economy are extensive and certainly classify it as an industry of major importance to us all.

A picture of American industry would be bleak without the contributions of large volume purchases by farmers of goods and services. To produce crops and livestock, farmers spend over $38 billion a year for goods and services and another $12 billion a year for food, clothing, drugs, and other essential consumer items. Five percent of total yearly steel is purchased in the form of farm machinery, trucks, fencing, and building materials. Farm industry use of steel amounts to about one-third as much as that of the automotive industry. In 1966 primary metals industries spent $2.2 billion for equipment and new machinery, while farmers bought $4.9 billion worth of tractors, machinery, equipment, and motor vehicles. Farmers spend over $4 billion yearly for fuel, lubricants, and maintenance of vehicles and machinery, and use more petroleum products yearly than any other single U.S. industry. Yearly purchases of lime and fertilizer products run to slightly more than $2 billion. Of total rubber used in the United States, 7 percent—about 360 million pounds—is purchased by farmers. This is equivalent to the amount needed to put tires on 7.5 million automobiles. Two and one-half percent of the Nation's total yearly electricity production of 32 billion kilowatt-hours is used by farmers annually.

Farming as an industry employs more than 5 million workers. This figure represents more than the total number employed by transportation, public utilities, the steel industry and the automotive industries combined. An additional 3 million are paid as hired farmworkers. The increase in capital and mechanical inputs has freed valuable manpower to other vital and growing industries of the Nation and has created jobs outside agriculture itself.

Thirty percent of all jobs in private employment are agriculture related. Over 110,000 people are needed to produce farm equip-

ment and more than 40,000 jobs are required to produce steel in products for farm use. The storage, transportation, processing, and merchandising of farm products employed some 8 to 10 million people in 1968. Meat preparation, packaging, and poultry dressing employs nearly 300,000; their payroll is close to $2 billion. Almost 240,000 people are employed in the production of dairy products at an approximate payroll of $1.5 billion. Baking industry pay out about $2 billion to 275,000 employees. Industries for processing fruits and vegetables employ almost 190,000 people who earn a total combined salary of over $800 million. Six million more Americans have jobs providing the supplies farmers use for production and for their personal comforts. Without the raw materials supplied by U.S. farmers which help to generate new jobs and new businesses, industry would be at a near standstill.

Agriculture's contribution to the American economy has been enormous. As a consumer in 1969, agriculture spent $6,634 million for feed—twice what it did in 1950 and nearly one and one-half times the amount in 1960. Purchases of livestock ran to $4,174 million—more than double the 1950 figure. Over $2 billion worth of lime and fertilizers were purchased by farmers in 1969.

As taxpayers in 1969, farmers paid $2.3 billion in farm real estate taxes, $446 million for personal property taxes, $1.9 billion in Federal and State income taxes, and $350 million in sales taxes. Interest payments on farm mortgages were more than $1,600 million. Nearly $3,192 million was paid to almost 3 million hired farmworkers in 1969. About $1.3 billion was made in rent payments. The people employed either directly in agriculture production or in agriculture-related industry helped substantially to keep unemployment figures low.

In 1968 agriculture assets were $281 billion, the equivalent of about two-thirds of the value of capital assets of all corporations in the United States, or about half the market value of all corporation stocks on the New York Stock Exchange.

Agriculture plays a vital role in creating a favorable balance of trade. Production from 1 of every 5 acres harvested is exported, making the United States the world's largest exporter of farm products accounting for 20 percent of world agricultural trade. In fiscal year 1970, record commercial sales for dollars pushed total agricultural exports past the $6.6 billion mark. This represented only slightly less than one-fifth of total nonagricultural exports for the same period. Fiscal 1970 marked the first time a single market purchaser of American farm goods, in this case Japan, had bought over $1 billion worth of products in 1 year. Exports of animals and animal products totaled $773 million; animal fats and oils, $213 million; dairy products, $109 million; poultry, $55 million; fruits, $341 million; and foreign sales of grains reached $2,348 million. With exports totaling over $6.6 billion and imports at $5,481 million, a favorable balance of trade in agricultural products was achieved.

If the American citizen is not fully aware of the importance of agriculture to U.S. industry or of its generous contribution to the well-being of the American economy, he certainly should realize what benefits he reaps as a consumer of agricultural products. The increased efficiency and use of modern know-how in the production, harvesting, and marketing of food and fiber products means that the consumer spends a smaller percentage of his take-home pay for a higher quality and a wider variety of products than ever before. Over the years farmers have succeeded in using advanced chemical fertilizers, pesticides, modern labor- and cost-saving machinery and sophisticated livestock breeding techniques to increase production levels, increase yields per acre and increase meat and poultry production with smaller amounts of cropland and labor hour inputs. Today's farmer produces over 20 percent more on 6 percent fewer acres than he did in 1957–59. He produces food and fiber to meet the needs of an increasing population with fewer man-hours of labor and a smaller farm labor force.

In 1950, there were 152 million people in the United States. The farm population was 23,048,000—about 15.3 percent of the total population. Farmers fed and clothed them by harvesting 336 million acres with an input of 15,137 million man labor-hours. Total farm production for the period from 1947 to 1949 was 85 (using 1957–59=100 base). By 1960, with an input of 9,795 million labor hours on 317 million acres, output was 106. In that year, when the U.S. population was increased to 180.7 million, the number of farmworkers had dropped to 15,635,000—8.7 percent of the total population. By 1968, farm efficiency had risen to the point where 10½ million farmworkers—only 5.2 percent of the U.S. population of over 201 million—could produce on only 297 million acres with 6,998 million labor hours enough food and fiber for the Nation. Farm output had risen to 120. Land released from production because of higher per acre yields has been allowed to rest and regain its fertility. Much of this diverted acreage is now used for conservation purposes.

Efficiency of the U.S. farmer means that productivity of the American farmworker in the 1960's increased by 6 percent a year, while in other industries the figure was only 3 percent. One farmworker today produces food, fiber, and other farm products for himself and 44 other Americans. Today 1 hour of farm labor produces seven times as much food and other crops as it did 50 years ago. Production sufficient to feed over 200 million people today uses only one-third the amount of labor as was required to meet the needs of only 91.9 million people in 1910. Output per man-hour on the farm increased by 83 percent from 1957–59 to 1969.

A look at the increased efficiency of American agriculture over the years is more impressive still when compared with figures from other countries. In 1968, when only 5.2 percent of our population fed, clothed, and helped to house us; in Canada the figure was 11 percent; in Denmark, 15 percent; in France, 18 percent; in West Germany, 11 percent; in Japan, 24 percent; and in the U.S.S.R., 32 percent. The gap becomes even wider with the realization that none of these nations produces the abundance and the amount of export commodities we do.

These increases in production and improvements in production efficiency have been reflected in better buys for consumers at the supermarket. Between the base-period years of 1947–49 and 1969 when the price of all items on the cost-of-living index rose by 57 percent, such things as rent increased by 63 percent and medical costs increased by 124 percent. However, in that same period, food costs rose only 48 percent. In 1969 the American consumer spent only 16.5 percent of his take-home pay for food. That represents a substantial drop from 20 percent in 1960. The average customer in Western Europe spends 25–30 percent of his income for food; in the U.S.S.R. the figure is 45–50 percent; and in Asia the purchase of food takes 75–80 percent of per capita income. For 1 hour's factory labor Americans can now buy nearly two times as much steak, twice as much bacon, and almost twice the amount of milk as they could in 1948.

For his expenditures in 1969, the American consumer received food products of higher quality, higher nutritional value, and of a wider variety of processed and packaged forms than ever before. A higher standard of living combined with increased efficiency of marketing, packaging, and transportation methods allowed Americans to purchase preferred food items—5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago.

Not only is there more food at lower prices, but the food is better. Extensive research and food processing innovations have given the consumer new food products of higher nutritional value. Genetic selection of livestock has produced leaner, more flavorful meats and higher milk production. Combined efforts of producers and the Federal Government insure that meat, poultry, and dairy products will be inspected and graded and sold with a guarantee of purity.

Much of consumer benefit is a result of agricultural research. Work with fiber processing has produced cottons that are wash and wear and wrinkle resistant. Many wools can now be machine washed. These developments not only save the consumer money on cleaning bills, but also save him time. Newly developed farm equipment now picks fruits and vegetables faster, cutting production costs. New machinery frees labor and reduces damage to crops at the harvest stage thereby reducing wastes and yielding higher production levels. Research in irrigation and conservation practices help to preserve America's natural resources and increase effective use of much potential cropland.

Increased production has meant abundances of food products with which we can support food programs to help needy Americans. The school lunch, school milk, direct distribution, and food stamp programs are only some of many projects which are feeding and nourishing millions of American children and adults. Abundant production has enabled us to build essential reserves which can be called upon in case of emergency.

COMMITTEE CONSIDERATION

The committee held hearings on February 18, 19, 20, 23, 24, 25, and 26, and on March 23, 1970, and these hearings have been printed. As soon as H.R. 18546 was passed by the House of Representatives, the committee had its staff prepare an analysis of that bill; and on August 19, 20, and 25 the Secretary of Agriculture with other officials of that Department discussed the implications of that bill with the committee. The committee held further executive sessions on August 26, 27, and 28, and reported the bill with its recommendations on that date.

The purpose of the farm program is to provide consumers with adequate supplies on a continuous basis at fair prices. We cannot afford to have too little food or fiber, with attendant scarcities and high prices. Nor can we afford to build up large surplus supplies, which are expensive to carry and result in prices too low to support a healthy agricultural economy. When the Food and Agriculture Act of 1965 was enacted, we were faced with burdensome surpluses. During the past years we have reduced these surpluses to manageable levels, and in some cases to levels somewhat lower than may be desirable. The principal objective of the program at the present time should be to provide adequate production; but in seeking to achieve this objective we must be aware that the world situation and technology can change, and that the buildup of excessive supplies must be avoided. The committee is well aware of the surpluses during the depression, the shortages during World War II, and the buildup and disposal of surpluses following that war.

The bill as passed by the House provides for a set-aside of cropland by wheat, feed grain, and cotton producers in return for payments. Wheat and feed grain producers would not be required to plant in order to qualify for payments, nor would the production of those commodities necessarily be subject to any control, as in the past. Loan levels could be reduced without commensurate increases in payments. The emphasis is on taking land out of production, rather than on production, leaving each farmer free to

decide what he will plant without any minimum statutory price guarantee. There is no assurance that adequate supplies would be produced or that surplus supplies would not be produced.

The committee felt that some specific guarantees and some controls were essential to assure adequate but not excessive supplies, and to maintain a healthy farm economy. The difference in approach between the House bill and the committee amendment are further set out in the following exchange of correspondence.

Mr. ELLENDER. Now, Mr. President, I propose to discuss the various programs.

MILK

With respect to milk, it would extend the authority for class I base plans permanently; make it easier for new producers to obtain bases; and make it possible for old producers to share in market expansion. Under these plans, producers are apportioned shares of the market for the higher priced fluid consumption milk on the basis of their marketings of milk during a past representative period. This permits producers to cut down their production of lower value milk, avoid production of surplus, and increase their income per hundredweight produced. The authority for seasonal base plans would be clarified by restricting it specifically to the objective of encouraging seasonal production adjustments and providing specifically for so-called Louisville plans, under which handler payments are accumulated during one period for disbursement in another. Class I base plans would have to be approved by individual voting, as at present, while seasonal plans could be approved through bloc voting, as they were prior to passage of the 1965 act.

In addition, the bill would suspend mandatory price support for butterfat through March 31, 1974, thereby permitting adjustment of the Government's purchase prices for the various products of milk; extend the Armed Forces milk program through 1973, and extend the milk indemnity program through fiscal 1973. The last-mentioned program would also be extended to manufacturers of dairy products.

WOOL AND MOHAIR

The wool and mohair programs would be extended through 1973 with the incentive price fixed for wool at 72 cents per pound and for mohair at 80.2 cents per pound. These are the same as those fixed under existing law for 1970. These prices would not be increased, as now provided, to reflect increases in the parity index.

WHEAT

In the case of wheat, the 1965 act would be extended for 1971 with modifications to provide for a minimum loan level of $1.25 per bushel—the level which has been in effect for several years—to require that loans be available on wheat stored at the farm, and that such loans be renewed to the extent consistent with the efficient conduct of the program; and to require payment within 60 days of signup of not less than 50 percent of any payments due under the program.

For 1972 and 1973, wheat producers could choose between the program just described and a new so-called set-aside program. The principal difference between the 1965 act, as extended for 1971, and the set-aside program would appear to be as follows:

First, under the set-aside program the Secretary would have complete authority to fix farm acreage allotments at any level he saw fit, or to allow farmers to plant all the wheat they wished. At present, acreage allotments must be fixed in accordance with a formula prescribed by law and must be large enough to provide a minimum production of 1 billion bushels of wheat.

Second, the face value of marketing certificates would equal the difference between parity and the average price received by farmers for the first 5 months of the marketing year. Seventy-five percent of the estimated face value of these certificates would be payable within 60 days after signup. At present, the face value of certificates is equal to the difference between parity and the loan level and there is no provision for advance payments. Under the 1965 act, as extended by the bill to 1971, the advance payment would be not less than 50 percent of the face value of the certificate.

Third, farmers would not have to plant wheat to qualify for payments, but would have to plant at least 90 percent of their domestic allotments to avoid loss of acreage history.

Under the set-aside program, each farm would receive a domestic acreage allotment entitling it to receive approximately the same number of marketing certificates that it receives today on the basis of its wheat marketing allocation. Price support loans would be available at not less than $1.25 per bushel. To qualify for loans and payments, the producer would be required to set aside an acreage equal to up to 75 percent of the farm domestic acreage allotment and devote such acreage to conserving use. Using the same yields as those used in computing the 1971 acreage allotment, this would mean a maximum required set-aside of about 14.5 million acres. This compares with a required set-aside under section 339 of the Agricultural Adjustment Act of 1938 for the 1971 crop of about 15.8 million acres. Having made this set-aside, the producer could plant all of the remaining cropland on his farm to wheat if he saw fit, unless the Secretary imposes an acreage limitation at a level to be fixed by him. Under existing law, producers must comply with their shares of a national acreage allotment of 43.5 million to qualify for price supports and payments in 1971. Under the bill the allotment would be entirely subject to the discretion of the Secretary. The Secretary could, under either the bill or existing law, provide for additional diversion for pay.

FEED GRAINS

The feed grain provisions of the bill differ from those of the 1965 act principally in the following respects:

First, producers could plant all the corn, sorghum, and barley they desired unless the Secretary imposed an acreage limitation, and in that case the amount that could be planted by program participants would be fixed at the discretion of the Secretary. Under existing law participants are restricted to their base acreage minus any diversion, and the amount of diversion required for participation in the program is left to the discretion of the Secretary.

Second, barley would be required to be included in the payment as well as loan provisions of the program.

Third, the planting of feed grains would not be required as a condition of payment, but producers would have to plant at least 45 percent of the farm base acreage to maintain their acreage history.

Fourth, price support would not be related to parity, but the loan level could not be less than $1 per bushel and the payment rate could not be less than the larger of 32 cents or $1.35 per bushel less the average price received by farmers during the first 5 months of the marketing year. Thirty-two cents of this payment would have to be paid within 60 days of signup. If the set-aside requirement should be less than 20 percent, this 32-cent minimum payment would be reduced proportionately.

UPLAND COTTON

The cotton provisions of the bill would differ from the provisions of the currently effective law in the following respects:

First, the minimum national acreage allotment would be reduced from 16 million acres—plus a national reserve of 310,000 acres—to 14.5 million acres.

The national allotment could, of course, be above the minimum if conditions so required, as it is this year. In addition, if the Secretary determined such action to be necessary to provide an adequate supply of cotton, he could increase each farm acreage allotment by up to 12½ percent and could apportion additional acreage up to 25 percent of the national allotment in such manner as he deemed appropriate to assure an adequate supply. When we passed the Food and Agriculture Act of 1965, our carryover for August 1, 1965, had been over 14 million bales and we were headed toward a carryover on August 1, 1966, of about 16.6 million bales. We had too much, and our problem was to bring these supplies down to reasonable levels. That law has been so effective that our carryover on August 1 of the current year had been reduced to about 5.7 million bales. Now our problem is to assure adequate supplies without again building up a surplus.

Second, as under the 1965 act, the bill provides for a set-aside of up to 12.5 percent of each farm acreage allotment as required by the Secretary. However, under the 1965 act this acreage had to be diverted from cotton, while under the bill it must be diverted to conserving uses, but not necessarily from cotton if the Secretary so decides. We are no longer as concerned about reducing cotton acreage. Now the set-aside represents the cotton producer's contribution to a general reduction in acreage cropped.

I may say in passing that in addition to the 12.5 percent set aside, we have reduced the minimum acreage by 1.5 million acres from the 16 million acre minimum provided in the law, plus a reduc-

tion of the 310,000 acres that the Secretary is now able to use in order to adjust acreage among farmers. So, there has been an actual reduction in acreage for the cotton farmers of about 1,800,000 acres plus the 12.5 percent I have just indicated of the base acreage of 14.5 million acres.

Third, the bill provides for a minimum national base acreage allotment of 14.5 million acres minus a percentage thereof equal to the set-aside percentage. If the maximum set-aside of 12.5 percent were required, this would mean an absolute minimum national base acreage allotment of about 12.7 million acres. This allotment would form the basis for payments and corresponds to the domestic allotment provided for by the 1965 act. For 1970 the domestic allotment was 11.1 million acres.

Under existing law, the national acreage allotment is apportioned to States, counties, and farms, and the farm domestic allotment is a uniform percentage of the farm acreage allotment. Under the bill the national base acreage allotment is apportioned to States, counties, and farms in a similar manner; and the farm acreage allotment is a uniform percentage of the farm base acreage allotment.

Fourth, the price support loan level under the bill would reflect for Middling one-inch cotton, 90 percent of the average world price for such cotton for the 2-year period ending July 31 of the year preceding that in which the crop is produced. If prices in either of such years are excessive, the Secretary is required to make such adjustments as are necessary to keep U.S. cotton competitive and retain an adequate share of the world market for such cotton. The loan would be redeemable for 1 year.

Fifth, payments would be made at a rate equal to the difference between the loan level and the higher of 35 cents, or 65 percent of parity, but in no event less than 15 cents a pound. Small farmers, those with allotments of 10 acres or less or a total average yield of 3,600 pounds or less and incomes of less than $5,000 on farm and $2,000 off farm, would have their payments increased by 30 percent. This is a little less than the payment made to such farmers at 25 percent of parity on 35 percent of their allotments for the 1966 through 1970 crops under section 103(d)(4) of the 1949 act as amended by the 1965 act. Under that act small farmers were not required to plant in order to obtain their payment. Under the committee bill they would have to plant in order to qualify for the payment. There was no income limitation on the payments provided for in the 1965 act, so the bill represents a refinement in this regard. It is designed to provide some assistance for poor farmers who are still cultivating small acreages. We would like to keep these people on the farm where they have grown up and have their roots. We want to keep them off relief, and keep them from being forced into the cities for which they are not adapted and where they will add to our urban problems. These acreages are too small to be efficient or to mechanize, and no new farmers would be attempting to go into farming with this type of allotment.

Sixth, the Commodity Credit Corporation would be authorized to use for cotton development and promotion up to $10 million of the funds which would be paid to cotton producers but for the payment limitation. The Corporation would act through the Cotton Board established under the Cotton Research and Promotion Act and enter into agreements with the contracting organization specified pursuant to section 7(g) of that act. Expenditures under this provision of the bill would supplement the funds put up by the cotton producers themselves under the Promotion Act, which aggregates about $10 million annually.

PAYMENT LIMITATION

I have discussed the wheat, feed grain, and cotton programs provided for by the bill. I have also discussed the need for these programs. They are designed to regulate the many diverse units of agricultural production so as to provide the consumer with a continuous supply of food and fiber at reasonable prices, maintain a sound agricultural plant, and preserve the health of the national economy. These programs are subsidy programs. Payments are used to make them work, and where large producers are involved large payments have been made. These payments regulate the use of land. They are made to keep land out of production so that we will not be faced with burdensome surpluses and low prices which are destructive of both large and small farmers. They are made to obtain adequate production and to keep prices down so that our citizens will be able to afford and obtain adequate food and clothing. Another point on payments which is often overlooked is that our price support loan levels are generally set at world market price levels so that we can export our surplus production. Without payments, prices would have to be increased, the surpluses which cost so much to dispose of would plague us again, the farm economy and the national economy would suffer, our agricultural and industrial plant would deteriorate, and consumer supplies and prices would eventually be adversely affected. Preventing payments from being made could, therefore, have the effect of putting a monkey wrench in the machinery.

There has, however, been considerable objection to some large payments under the program, and the bill does contain a provision limiting payments per person per crop of wheat, feed grains, and cotton to $55,000. This provision has been given extensive consideration by the House of Representatives, the Department of Agriculture, and the committee. The committee has not changed it in any material respect from the manner in which it passed the House. While a $50,000 price support limitation contained in Agricultural Appropriation Act of 1960 was found to create many problems and consequently was not extended, the committee believes that the provision in the bill will be workable, will remove the objections which have been made to the program, and will not prevent the program from achieving its objective.

Mr. President, in passing I wish to say that insofar as I am concerned personally I have always fought for a sound farm program and opposed any feature that would curtail its effectiveness. The purpose of the program has been to reduce acres and whether those acres were taken from small farms or large farms made no difference. I was voted down and I am now willing to support the $55,000 limitation on payments if that is necessary to obtain a good farm bill that will protect our farmers and our consumers.

PUBLIC LAW 480

The bill would extend Public Law 480, 83d Congress, through December 31, 1973. This is the law under which we sell agricultural commodities and products for foreign currencies or on long-term credit, or donate such commodities for foreign relief.

The bill would permit the alcoholic beverage industry to participate in trade development under that law and increase the availability of foreign currencies under that law for educational and cultural exchange.

GENERAL AND MISCELLANEOUS

Title VIII of the bill contains a number of general and miscellaneous provisions. It would enlarge the cropland conversion program under which acreage is retired for up to 10 years; extend the exemption of peanuts for boiling from marketing quotas; authorize permanent surrender of allotments; permit forage to be harvested and stockpiled under diversion and set-aside programs; and authorize the Secretary to undertake a program to help low-income cotton, wheat, or feed grain farmers to adjust to nonagricultural pursuits. Such program could provide for the sale to the Secretary of acreage allotments and base acreages.

RURAL DEVELOPMENT

Title IX of the bill deals with rural development. It commits Congress to a sound rural-urban balance, and provides for annual reports on planning assistance, technical assistance, and Government services and utilities, and provides for a report on or before July 1, 1971, on financial assistance.

I must say that this latter title, title IX, is similar to a provision that the Senate has enacted during two previous Congresses. We have proposed this provision to the House, but, the House has to date refused to even consider it. We have added it to the bill in a form which I do not believe the House will refuse to go along with, because it does not involve the expenditure of any money, but merely provides for a report to see how best we could aid in planning so as to retain farmworkers and people on the farm.

Mr. President, this concludes my remarks. I am very hopeful that copies of these remarks will be placed on the desks of Senator so that Senators will have them available tomorrow. Those copies contain the address I have just delivered.

Again, I urge Senators to read that part of the report which I placed in the RECORD. It is very illuminating. It clearly indicates the success that has been made of the farm program and of the importance of keeping such a program for the future. In this way we can con-

tinue to provide sufficient food and fiber to take care of our own population as well as many underprivileged people throughout the world.

I am very hopeful that Senators will read the statement and consider the bill and that we can have it enacted without too much delay. There is some difference between the provisions in the House bill and the Senate version. I am hopeful that we can soon get together with the House conferees and work out a bill that is acceptable to all concerned.

Mr. President, I yield the floor.

Mr. YOUNG of North Dakota. Mr. President, I have listened with great interest to another fine speech by the distinguished chairman of the Senate Committee on Agriculture and Forestry. He has worked tirelessly and effectively for farm programs and for farmers for over 33 years. The farmers of this Nation owe him a great debt of gratitude for the fine work he has done for them.

I was a farmer in the depression years that the Senator from Louisiana talked about in the early part of his speech. I farmed all through the depression and went broke along with the rest of the farmers. When it was through, I owed more than I was worth. I borrowed all the money I could from the Federal Government through feed and seed loans.

When prosperity returned to agriculture—only because of farm legislation—I was able to pay back the feed and seed loans but when I did, the interest payments exceeded the principal. I for one know at first hand, the real need of the farm price support programs.

Mr. President, the pending farm legislation has a broad impact that reaches far beyond farmers themselves. Almost every segment of our economy is directly or indirectly affected by farm price support legislation because it has a direct bearing on what future farm income will be.

It has a very direct impact on farmers and those closely associated with them in all rural America which comprises approximately one-fourth of our total population. While farmers represent a small and decreasing percentage of our population, farming is still our biggest industry. In my own State of North Dakota, more than 80 percent of our total income is from the sale of farm commodities. Even in highly industrialized Ohio, agriculture is still their biggest industry.

Farmers still use more steel, petroleum products, rubber, and chemicals, including fertilizer, than any other segment of our economy. Thirty percent of all private employment in the Nation is agriculturally related.

Farmers have a huge investment and much of it is borrowed money. Total farm indebtedness today is more than $58 billion—higher than at any time in history. And at the highest interest rates in more than a quarter of a century.

Farmers, more than any other segment of our economy, have invested heavily to become efficient, low-cost producers. Consumers today spend only 16½ percent of their disposable income for food. This is the lowest in our history or the history of any other nation.

Because of their hard work and efficiency, farmers are producing far more food and fiber than can be consumed in this country. While providing these abundant supplies of food and fiber at low cost to our consumers, we are still able to export farm commodities in excess of $6.5 billion a year.

The increasing export of farm commodities has made a tremendous contribution to a favorable balance of trade with the rest of the world. Farm exports far exceed those of any other industry.

Mr. President, much more should and needs to be said about the importance of farming and the need for a healthy agriculture and a prosperous nation. Farm depressions in the past have always led to national depressions and this certainly would be the case again if agriculture were bankrupt.

I will confine the rest of my comments to the pending farm bill and the necessity for it in order for agriculture to survive and continue to make its great contribution to society.

Certainly, this is no time to reduce farm income. And this is exactly what the House-passed farm bill would do for most segments of agriculture. While the Senate bill is not all that it should be, it is a great improvement over the House bill. Of the more than 30 general farm organizations and farm commodity groups, not a single one, to my knowledge, is supporting the House-passed bill. All but one or two of these organizations would much prefer the Senate bill over the House bill. They are urgently requesting that the Senate itself provide greater price assurances to farmers than is contained in either the House or Senate agriculture bills.

Both the House-passed bill and the pending bill before the Senate would extend Public Law 480 with some minor amendments. This food and peace program has widespread approval and support.

The dairy section of the House bill, with some minor Senate Committee changes, is acceptable to the dairy industry.

The wool section of the House bill, unchanged by the Senate Committee, meets with the approval of the wool growers.

Mr. President, the feed grain section of this farm bill, as modified by the Senate Agriculture Committee, still leaves much to be desired. It is much more acceptable than either the wheat or cotton sections of the House bill. It is a complicated program and very difficult to understand—and it gives unprecedented discretionary authority to the Secretary of Agriculture. I doubt if more than half a dozen Members of the Senate would even attempt to explain its provisions to a farm audience. I certainly would be very reluctant to do so. The income assurance it provides would not be very different from the present program—that is, if the Secretary of Agriculture used good judgment in exercising his unlimited discretionary authority.

With price supports in the House bill set at from zero to 90 percent of parity for feed grains and zero to 100 percent for wheat, a secretary could virtually eliminate price supports entirely. All of the farm organizations, with possibly one exception, would prefer to keep the present program with some improvements. That is my feeling.

Mr. President, I do not claim to be an authority on cotton legislation but, from the study I have made of it, and the views expressed by Members of the Senate who are from cotton-producing States who are familiar with cotton legislation, I believe the House-passed bill would be disastrous to the cotton industry. The cotton provision in the Senate bill is not perfect, but I believe it should be retained by the Senate and that any changes that are necessary can be made in conference with the House.

While the House-passed wheat section has some good provisions, it is still unacceptable. The position taken by Secretary of Agriculture Clifford Hardin with respect to wheat price supports is equally unacceptable.

Secretary Hardin told the Senate Agriculture Committee that under the provisions of the wheat section in the House-passed bill, he would reduce wheat price supports from the present $1.25 a bushel to $1.15 a bushel.

In his testimony before the Senate Agriculture Committee, and in a letter addressed to the chairman, Secretary Hardin made it clear that he wants to lower wheat prices so that United States wheat would be more competitive in world markets. To make certain that we would have lower wheat prices, he combines lower price supports with a plan for even greater production of wheat. According to the charts the Secretary presented to our committee, wheat production next year, under the House-passed bill, is estimated at 1,525,000,000 bushels.

This would be at least 150 to 200 million bushels above the present level. Because of many uncertainties in the new set-aside provision, wheat production could go far beyond this. This production would considerably exceed what can be consumed in this country and sold abroad. Thus, the surplus that would be created would make certain that cash wheat prices would be forced even lower.

For the past 2 years the average price received by farmers for wheat was $1.24 a bushel. Mr. President, you have to go way back to 1942 to find an average farm wheat price as low as this. During the period from 1950 to 1960, including 7 years of the Eisenhower administration, the average farm price for what was $1.97½ a bushel.

Mr. President, I ask unanimous consent to have a table containing figures provided by the U.S. Department of Agriculture giving the average price received by farmers for wheat each year since 1940 included at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YOUNG of North Dakota. Mr. President, few, if any, farmers can profitably produce wheat for the present $1.24 a bushel. The only reason they are able to survive financially at all is because of the wheat certificate payments.

One of the biggest and most efficient wheat producers in the United States,

and probably in the world, is the Campbell Farming Corp., in Montana. They have a huge operation of approximately 40,000 acres involving the production of both wheat and barley.

In a letter from them dated August 26, 1970, to Senator ELLENDER and other members of the Senate Agriculture Committee including me, they set forth very graphically the costs of producing wheat and barley. In short, their conclusion is that if they had to depend on the present market price for their total wheat income, they would sustain heavy losses in their future farming operation.

Mr. President, I am no defender of big corporation farming. I cite this only to indicate that even the most efficient farm operation cannot produce wheat for the price that is obtainable on the free market now.

Wheat farmers want to continue the present program and, since the cost is little different than for the program proposed by the Secretary of Agriculture, why should we change?

Working with the members of the Senate Agriculture Committee, I was successful in getting an amendment to the wheat section approved which I think is tremendously important to the wheat industry of this country. It provides first that price supports could not be set below the present level of $1.25 a bushel. Certainly with the rising costs of everything a farmer has to buy in his operations, this is no time to reduce prices and lower farm income.

There is another important provision. It would provide that the present wheat program would be continued for the next crop year. There would be a referendum next year to permit wheat farmers to decide whether they wanted to continue the present program for the 1972 and 1973 crop years or the House-passed set-aside program as modified by the Senate.

Referendums are nothing new to wheat farmers. This is also a common practice for marketing orders for milk, fruits, and vegetables. I cannot understand the Secretary's objection to this kind of referendum for wheat, particularly since there would be little difference in the cost of the two programs.

If the so-called set-aside program would provide farmers more freedom to plant, as claimed by the Secretary of Agriculture, and if it assured them as good an income, wheat farmers might well decide in a referendum to try the set-aside program.

President Nixon campaigned for more freedom of action on the part of farmers and I understand that is one of the objectives of the Secretary of Agriculture. Thus, a referendum giving farmers an opportunity to continue the present wheat program or choose to come under the set-aside program would give them more freedom of choice.

As I stated previously, Mr. President, despite having served on the Senate Agriculture Committee for a quarter of a century and being engaged in farming all my life, I hesitate to try to explain to the rest of the Senate just how these new and complicated farm programs proposed in the House bill for either feed grains or wheat would apply to an actual farming operation.

The pending farm bill as rewritten by the Senate Agriculture Committee is not perfect and I think some changes are desirable. I do feel strongly, however, that most of this could be better accomplished in conference with the House than to try to rewrite very complicated farm legislation on the floor of the Senate.

I understand this is the position taken by the distinguished chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER). He is one of the best authorities I know on farm legislation and is one who has gained great knowledge of farming both as a farm producer himself and from having served on the Agriculture Committee for 33 years.

Chairman ELLENDER has listened, oftentimes alone, to innumerable witnesses who appeared before the Senate Agriculture Committee on this legislation. I cannot help feeling that the position he has taken with respect to rewriting this legislation on the floor of the Senate is sound. He deserves our support.

EXHIBIT 1

WHEAT PRICE SUPPORT LOAN LEVELS AND AVERAGE WHEAT PRICES RECEIVED BY FARMERS, UNITED STATES, 1940-69

Year	Loan level per bushel	Average price received per bushel
1940	0.64	0.674
1941	.98	.939
1942	1.14	1.09
1943	1.23	1.35
1944	1.35	1.41
1945	1.38	1.49
1946	1.49	1.90
1947	1.84	2.29
1948	2.00	1.98
1949	1.95	1.88
1940-49 average		1.50
1950	1.99	2.00
1951	2.18	2.11
1952	2.20	2.09
1953	2.21	2.04
1954	2.24	2.12
1955	2.08	1.98
1956	2.00	1.97
1957	2.00	1.93
1958	1.82	1.75
1959	1.81	1.76
1950-59 average		1.975
1960	1.78	1.74
1961	1.79	1.83
1962	2.00	2.04
1963	1.82	1.85
1964	1.30	1.37
1965	1.25	1.35
1966	1.25	1.63
1967	1.25	1.39
1968	1.25	1.24
1969	1.25	1.24
1960-69 average		1.568

Source: USDA, ASCS Sept. 10, 1970.

Mr. AIKEN. Mr. President, I think that our chairman, the Senator from Louisiana, and the Senator from North Dakota have done remarkably good work in getting any bill at all to the Senate floor at this time, and I commend them for the exceptionally good work they have done. However, I must say that I do not agree with all the provisions of the Senate bill, and feel that they are not as helpful as their sponsors expect they would be.

I have no extended remarks on the bill at this time. I agree with my chairman and with the Senator from North Dakota that we should get this bill to conference at the earliest possible moment—tomorrow night, if possible, or the next day—because that is where the determination will be made whether we will have an agriculture bill at this session or not. I do not like the idea of no bill at all being enacted, because it would be rather disastrous to American agriculture should we let this measure go by the board this year. It would also be rather disastrous to the dispositions of most of the Members of the Senate if we had to stay here until the second of January in order to get any bill at all through.

For those reasons, I hope there will be no amendments offered to or approved for the bill at this time. There may be one or two that can be accepted by the chairman in order to take them to conference, where they will be under consideration. But, as a matter of fact, most of the proposals which have been made for the new agricultural program will be before the conference in either the House bill or the present Senate bill, and I am satisfied that if we get this bill to conference at an early date, we will come out with a result which will be very helpful to American agriculture, and will also be helpful to the reputation of this Congress.

I do not expect that we will have an agriculture bill without any faults. We never have had one yet. But if corrections are needed, certainly it is no time at all until the 92d Congress meets—that time is only about 3 months away. If corrections are needed, they can be proposed in the early part of the next session and that time is almost here.

I conclude by saying that I believe the addition of amendments to this bill, with one or two possible exceptions which could be generally agreed to, would be of no help at all to American agriculture at this time.

Mr. TALMADGE. Mr. President, I compliment my distinguished chairman, the distinguished ranking minority member, the Senator from Vermont (Mr. AIKEN) and the distinguished senior Senator from North Dakota (Mr. YOUNG) on the remarks they have made. I associate myself with them. American agriculture has no better friends than the three distinguished Senators who have preceded me on this floor this evening.

The Senate Committee on Agriculture and Forestry, working under very adverse circumstances, has reported the very best bill for American agriculture that it was possible to report from the committee. I wish this evening, however, to call the attention of the Senate to title IX of the pending bill. This title, regarding rural development, is an amendment offered by the Senator from Kansas (Mr. DOLE) and myself during the committee deliberations. I was delighted that the committee adopted this amendment unanimously.

This title says what many of us have known for a long time—that we must do more to stop rural outmigration and to achieve a sound rural-urban balance.

Although rural outmigration has not continued at the levels achieved during the 1950's, it does continue at a very rapid rate. In my own State of Georgia, 82 counties have lost population in the last 10 years, according to the 1970 census. However, one does not need to look at census figures to see what is happening to rural America. I am sure that every Member of the Senate knows of small towns in his own State which were once thriving and prosperous, but which are now almost deserted. I am sure that every Member of this body is aware of towns which have too few people and too small an economic base to provide essential Government services. Oftentimes, the small towns of the Nation are unable to attract industry and job opportunities because they do not have Government services which are considered bare essentials for comfortable living.

Almost daily I talk to mayors in my State pleading and begging for funds for sewer facilities. A Farmers Home Administration survey conducted in my State showed that there were 1,003 communities in Georgia without a water system and 1,359 communities without a sewer system. This inadequacy of service is also apparent in such areas as medical care and education.

In addition to inadequate Government services the rural resident is often forced to live in substandard housing. Although the rural areas and small towns of the country contain less than one-third of the people of America, they account for nearly two-thirds of the Nation's substandard housing.

As tragic as the plight of rural and small town America is, the impact of rural outmigration has equally serious implications for urban America. Our largest cities are becoming unlivable as well as ungovernable. They are unable to deal with their own population increases which are generated internally, not to speak of the rural migrants who come to the city uneducated and ill-prepared for urban living.

Mr. President, the Talmadge-Dole amendment would put Congress squarely on record as being aware of the problem of rural outmigration and it would state a commitment of the Congress to do something about this problem.

This title recognizes that farm payments are essential. As important as these farm subsidies are, however, they can never provide an adequate standard of living for a large number of rural residents. This title recognizes that even a farm program providing 100 percent of parity for all crops would not provide a decent standard of living to farmers who are too old or too uneducated to adapt to new farm technology, or to farmers who are unable to secure enough capital to build efficient farm operations.

Title IX recognizes the fact that much more is needed if we are to achieve rural and urban balance. We must have a commitment on the part of Congress and the executive branch to give highest priority to improving the quality of life of rural America. We must not only attempt to bolster farm income by price support payments, but we must attempt to develop adequate housing, high quality medical care, adequate water and sewer systems, good recreation facilities and, most important, job opportunities that can provide the income needed for an adequate standard of living.

Once these things are provided I believe that we will not only stop rural outmigration, but I believe that we can reverse the trend. We can expect that many residents of heavily-polluted, crime-ridden and congested urban areas will prefer to move to the small towns of America.

Mr. President, there are a myriad of Government programs which are designed to improve the quality of life in rural America and to slow rural outmigration. However, none of these programs are adequate. Many are grossly underfunded. Others are considered low priority items by the agencies which administer them.

It is the purpose of title IX to shift our national emphasis. This title makes a finding of the grave problem which faces this Nation. Already 70 percent of our population lives on less than 2 percent of our land. Title IX states that unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, 240 million people will be crowded together in four giant strip cities by the year 2000.

The trouble with so many programs designed to help urban America is that they are not getting at the root of the problem. Many of our urban-oriented programs seem to produce little results because the problem grows faster than the program. Attempting to solve the problems of the cities without dealing first with the problems of rural America is comparable to trying to rebuild a war-torn city while the bombs are still falling. Unless we first reverse the trend of rural outmigration there is no hope for solving the problems of our inner cities.

It is time we took a long look at our national priorities. It is time we realized that although rural problems and rural poverty are not as visible and as volatile as urban poverty, they must receive equal attention. Title IX recognizes this fact and states that—

> The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

Moreover, title IX goes beyond a general commitment. It makes specific directives to government agencies and requests specific information which will enable the Congress to enact new programs.

Title IX directs the heads of all executive departments and agencies to establish policies and procedures to locate new offices and facilities in communities of low population density in preference to communities of high population density. It requests that the President submit an annual report to Congress in regard to efforts made in this direction.

Another section of the rural development title would give an added boost to the development of rural multicounty planning. Under the authority of the Housing and Urban Development Act of 1968, the Department of Housing and Urban Development and the Department of Agriculture were authorized to provide assistance to States in developing multicounty planning for rural areas. The rural development title would give added emphasis to this program and would require annual reports so that Congress would have sufficient information to gage whether the nonmetropolitan planning program is meeting the goals set by Congress.

An unfortunate fact of life is that in many cases small town and community leaders are not very well equipped to provide leadership in rural development. The rural development amendment would direct the Secretary of Agriculture to use all the agencies and resources at his command to provide information, technical assistance and training for small town leaders so that they may do a better job of planning and developing their local communities. The Secretary of Agriculture is required to submit an annual report to Congress in regard to his efforts in this area.

As I have stated previously, services in rural areas are far from adequate. The water and sewer systems, medical care, educational facilities and even telephone service is quite inferior to the services offered in urban areas. If we are to reverse the trend of rural outmigration, we must equalize these services. The rural development title requests that the President submit an annual report to the Congress stating the availability of Government services to rural areas. Moreover, the President is requested to include in this report an outline of the efforts of the executive branch to improve these services during the preceding year.

I believe that every Member of this body is aware of the pressing capital needs of the small towns of his State. Almost every day I talk to a small town mayor or official who is seeking assistance in obtaining a grant or loan from the Federal Government so that the town may finance some essential service. The rural development amendment requests the President to explore the possible utilization of the Farm Credit Administration and agencies of the Department of Agriculture to fulfill the credit needs of rural America. The President is requested to submit his report by July 1, 1971. Hopefully, this report will furnish background for congressional action to meet the pressing capital needs of the small towns and communities of rural America.

Mr. President, the problem of achieving a sound rural and urban balance is one which will require the cooperation of all branches of government and the cooperation of business and industry leaders. I realize that many of the programs which are needed to meet the needs of rural America are under the committee jurisdiction of committees other than the House and Senate Agriculture Committees.

Hopefully, the information requested

by title IX will provide a basis for action not only by the Agriculture Committees but by the other appropriate committees of Congress.

Moreover, I feel the sense of commitment stated in this resolution is vital if we are to begin to reverse rural outmigration.

Present programs and present efforts are not good enough. If we are to save our rural areas from stagnation and our large cities from strangulation, we must change our priorities.

We must make rural development and revitalization an issue which takes a back seat to none other.

Mr. MONDALE. Mr. President, I am pleased to join with my colleagues in expressing my admiration and appreciation to the distinguished chairman of the Senate Agriculture Committee for his effective work and continued devotion to strong agricultural programs and to a strong and vital rural America. His continued commitment to this cause over the years has furnished great strength to this effort, at a time when we often see absence of interest and absence of concern not only about rural America but also with respect to failing to deal adequately with the problems of all Americans, wherever they are found.

I wish to join with my colleagues. Having served for some years on the Senate Agriculture Committee—although I am not now a member of it—I quickly learned great respect for the chairman's leadership and am pleased and proud to join with the others in making that comment.

Mr. President, as we debate extension and revision of the basic legislation under which our farm commodity programs operate, we should be fully aware of the inadequate levels of today's farm income.

FARM INCOME

According to Department of Agriculture Crop Reporting Board statistics, the index of prices received by farmers dropped 10 points, or 3 percent during the month ended August 15 of this year. This is the largest single monthly decline in farm prices in 22 years. Even prior to the July–August decline, the general parity index of farm prices stood at its lowest level since the great depression.

At a time when this Nation is gripped in a very serious inflation, the American family farmer's income has dropped in a dramatic way seldom seen before in American history. I was struck the other day, when the official wholesale price indexes were released, that some glee was expressed at the fact that, for the first time in many months, the wholesale price index had shown a very modest drop. But if you analyzed those figures closely, you found that practically every other indicator was upward on an inflationary spiral, and almost the sole reason for a drop in the wholesale price index was the disastrous and cataclysmic drop in farm prices.

So that rural America is being presented with the same dramatic inflation as everyone else and, in addition, is being asked to absorb all the expense of reducing the wholesale price index.

Thus it is that the general parity index of farm prices stood at its lowest level since the great depression, and that is the environment in which we meet tonight. I think it is that deep issue that should compel us to pass the strongest possible farm bill that we can consider.

I was impressed a few months ago, when the leader of the urban coalition, Mr. Gardner, testified before one of our committees, by the fact that he led off his testimony with the statement that the more he studies the problems of urban America, the more he is convinced that they begin in rural America, and that he increasingly was of the opinion that we could not solve any of our urban problems unless we had a balanced and strong program to deal with the basic roots in rural America as well. That is really fundamentally what this farm bill is.

I have often told many of my friends, concerned as I am about our urban problems, that if they really want poverty, if they want to contribute enormously to the forces producing poverty in this country today, they should abandon the basic farm programs that have been fundamental in this country over the years, and they will have poverty the likes of which this country has never seen before, and many other adverse side effects as well.

My State of Minnesota has not escaped the trend toward reduced farm prices and income. Minnesota real farm income, adjusting for cost-of-living increase, was lower in 1969 than in any year since the disastrous year of 1964—and was lower than 7 out of 10 years of the 1950's. The steady reduction in the number of farms has made the per farm income in Minnesota generally rise. However, even the per farm real income in Minnesota last year was lower than it was in 1966, and was only $62 higher in real terms than it was in 1951.

I wonder how many Americans could be meeting the responsibilities of their family today if their income was only $51 a year higher than it was in 1951, when we consider the reduction in the value of the dollar.

The cause, of course, is not hard to find. Gross farm income has risen by only 13 percent in the last 5 years, while both production and living costs of the average farmer have gone up by 20 percent. This cost-price squeeze has meant an increasingly unfair burden of our economic troubles falling upon the farmers and their families and upon our entire rural economy. It is up to us now, as we debate this farm bill, to enact a program which will assure the American farmer a fair return for the incredible agricultural bounty which he provides.

Our distinguished Committee on Agriculture is to be commended for reporting to this body a stronger and more workable farm bill than was passed by the House of Representatives. Virtually every title of the bill is improved in a significant way, and I find the Senate bill to be superior to the House measure.

It is especially important that the committee reinstated a floor under the price support loan of $1.25 for wheat and $1 for corn. I am pleased that the committee also adopted the substance of one of my own recommendations, under the leadership of the distinguished senior Senator from North Dakota, and inserted into the bill a requirement for advance payments to feed grain and wheat producers.

CLASS I. BASE PLAN

One change that the committee made in the House bill—to make permanent the class I base plan of the dairy title rather than extend it for 3 years—may be somewhat premature. I think that we lack sufficient experience with this type of milk marketing order arrangement, and that we should retain the requirement for congressional reconsideration and renewal after another 3 years has passed. I have communicated to Chairman ELLENDER my intention to present a floor amendment, cosponsored by Senator NELSON of Wisconsin, that would reinstate the 3-year limitation. I will have further remarks when I call up this amendment and hope the committee and the Senate will accept it when offered.

While I do not intend to dwell upon the matter of class 1 dairy plan, I will be discussing it perhaps tomorrow, at the appropriate time, when an amendment sponsored by myself and the junior Senator from Wisconsin is raised.

My most serious objections to the bill as reported by the Senate Agriculture Committee comes in the feed grain section. I am not opposed to strong cotton and wheat programs. I intend to support them. But I believe we should have an equally strong program for feed grains as well.

FEED GRAINS

In terms of income protection, the feed grains title of the farm bill as reported by the Agriculture Committee is particularly weak in comparison with the major commodity titles. In at least two crucial respects, the committee bill is imbalanced in favor of cotton and wheat, and discrimination against producers of feed grains.

First of all, in the farmers of my State, the feed grain farmers generally feel deeply about this. Only feed grains are singled out and divorced from the principle of parity.

Under the Senate bill, the payment to cotton farmers would be the larger of 35 cents per pound or 65 percent of parity. For wheat, the price to the farmer on his domestic acreage would be supported at full 100 percent of parity. Furthermore, the $1.25 per bushel loan floor on wheat, together with parity support on domestically marketed wheat, tends to provide a blend price guarantee to the farmer. Feed grains alone—which, incidentally, were a $288 million business in Minnesota last year—are completely unrelated to parity, and are singled out for a program which is unrelated to parity. I am hopeful that before the Senate debate is over, that might be in it.

AMENDMENT NO. 902

In that regard, at this point, I submit an amendment under the chief sponsorship of the Senator from New Mexico, (Mr. MONTOYA), joined in by myself, and

Senators PROXMIRE, HARRIS, MCGOVERN, YARBOROUGH, HUGHES, MCGEE, ANDERSON, NELSON, SYMINGTON, EAGLETON, GORE, BURDICK, HARTKE, BAYH, and we hope several other Senators.

I send this amendment to the desk at this point in my remarks.

The PRESIDING OFFICER. (Mr. GRAVEL). The amendment will be received and printed and will lie on the table.

Mr. MONDALE. Mr. President, this amendment would amend the present agriculture bill to provide that feed grains should be supported at $1.35 per bushel or 77 percent of parity prices for the commodity and 50 percent of the farm base acreage for the commodity, to yield per acre as established pursuant to paragraph 2 of this subsection, whichever is the greater and this will be, I think, the key issue involved in the consideration of this farm bill insofar as I am able to determine it. I will be discussing that amendment further on in my remarks.

Second, the bill contains limitations on the maximum permissible set-aside for cotton and wheat, but no limit for feed grains. The House bill limited the set-aside for cotton to 33⅓ percent of base acreage, the Senate committee reduced this to 12½ percent. On wheat, the Senate bill sets 75 percent of the farm domestic wheat allotment as the maximum set-aside that can be required by the Secretary of Agriculture. The absence of a comparable ceiling on set-aside for feed grains means that the Secretary can require diversion of feed grain acreage that ought to be diverted from the bases of other commodities.

The amendment proposed by Senator MONTOYA, which I have introduced on behalf of the Senator from New Mexico (Mr. MONTOYA), myself, and others which, in my opinion, is a reasonable step toward placing the feed grain farmer on an equal basis with cotton and wheat. The Montoya amendment guarantees for the duration of the 1970 Agricultural Act, a total level of support for feed grains at 77 percent of parity. This amendment is not designed to increase the initial cost of the feed grain program. The 77 percent of parity, if it were in effect today, would provide a support level approximately equal to the current—1970 crop year—support price and equal to the support level for feed grains contained in the bill that we debate today. The $1.35 per bushel full parity, which is according to the present parity formula, support for corn provided in the bill is equal to 76.3 percent of $1.77, which is the parity price of a bushel of corn as of July 1970.

What the Montoya amendment provides is that the $1.35 figure—and comparable figures for grain sorghum and barley—would not remain fixed as a price support ceiling if the farmers' costs of production rise. Actual additional governmental expenditures that will be incurred if the amendment is accepted will depend primarily upon the extent of participation by farmers in the feed grains program and the rate at which the farmers' production costs escalate in 1971, 1972, and 1973.

For cotton and wheat producers, the farm bill as reported by the Senate committee contains a measure of protection against cost-of-production increases that only parity can provide. The least that we can do is to retain this same kind of partial protection for the feed grain farmer as well. Adoption of the Montoya amendment is an effective way to accomplish that objective.

I am most hopeful that that amendment will be adopted before the farm bill is accepted. I said earlier that I wished to commend the Agriculture Committee for accepting the advanced payment provision. For some years the Department of Agriculture voluntarily made advance payments to feed grain and wheat farmers. This was a very important source of assistance to farmers during the expensive early production start-up period. Millions of dollars to which farmers were entitled to under the program, which they would receive in any event, were distributed early in the season so that the farmers would have the money they need for production costs without going into the expensive private market and, in addition, to the money communities, trying tc seek loans and credit that were dry and difficult to obtain.

ADVANCE PAYMENTS

I want to take this opportunity to point out the vital nature of the advance payments provision that was incorporated into the bill by the Senate committee.

In 1969, Minnesota producers received $31 million in advance feed grain payments which were immediately used in paying spring planting bills. This year—and I deeply regret the Secretary's decision in this regard and have been publicly critical on many occasions of it—in order to accommodate the administration's budget shift, grain producers were required to wait until July and August for their payments. This was an entirely unnecessary hardship for them and for the small businessmen from whom they buy their supplies, and comparable hardship was suffered by farmers in all feed grain-producing States. Under the wheat and feed grain advance payments provision added by the Senate committee—which makes such payments mandatory—Minnesota farmers participating in the two programs would receive some $70 to $80 million, about 2 to 3 months earlier than otherwise would be the case.

This is money to which the farmers are entitled in any event, and simply speeds up payments and requires payments so that it is there at the time the farmers most need it. Incidentally, since this is a voluntary program, I believe it adds to the attractiveness and, thus, to the effectiveness of the program.

In a letter to Chairman ELLENDER on the farm bill, Secretary of Agriculture Hardin objected to the advance payments provision on the ground that it would shift a large portion of the program costs from the 1972 to the 1971 fiscal year budget.

His objection involves essentially an accounting matter, a matter of timing rather than substance. Increases in the level of expenditure—as distinguished from the timing of expenditures—brought about by advance payments would be comparatively insubstantial. In fact, the only increased governmental costs would be the interest attributable to the advance payments funds for the few months that these payments would precede payments to farmers as provided in the House bill.

This interest, carried by the Government at the current 7 percent Treasury rate, would be far less than the interest payments which would otherwise have to be borne by the farmer at the astronomical rates currently prevailing on the commercial market. For example, the median interest rate charged by the 50 production credit associations reporting from the St. Paul district on July 1 was nearly 9¾ percent interest.

At this rate, it would cost the American farmer over $42 million to borrow the necessary capital which he would otherwise receive through advance payments, to which he is entitled in any event, in wheat and feed grains. By contrast, the Government could maintain these advance payments programs for wheat and feed grains in the amount of $1.73 billion as suggested by Secretary Hardin for only $30 million in interest.

Clearly, in my opinion, this amendment increases the attractiveness and helpfulness of the program. The only argument to the contrary is a bookkeeping one. It seems to me that the Secretary of Agriculture should be worried first about the condition of the American farmer and not worried about technical bookkeeping matters. I am hopeful that this amendment will stay in the form it is as adopted by the Senate Agriculture Committee.

This is a miniscule cost for a program which is absolutely essential to the farmer's springtime planting efforts. To deny the advance payments program is to place a far greater cost—over $40 million—on the American farmer who, as I have shown, has already suffered disproportionately from today's vicious cost-price squeeze.

I know that, in reinstating advance payments in the bill, the Agriculture Committee of this body looked beyond the narrow fiscal and bookkeeping considerations that apparently motivated the opposition of Secretary Hardin. I urge my colleagues in the Senate to follow the leadership of the Agriculture Committee on advance payments, and to do all that can be done to retain this provision when we go to conference with the House of Representatives on the farm bill.

RURAL DEVELOPMENT

Mr. President, I wish to also call to the attention of my Senate colleagues, title IX of the farm bill (H.R. 18546) entitled "Rural Development." This title was introduced in committee by the distinguished Senator from Georgia (Mr. TALMADGE).

It is directed toward solving some of our Nation's basic problems; overcrowding of people in our large cities and the neglect and decay of many of our smaller communities and rural areas. Although the big migrations of the 1940's and 1950's from rural to urban America have subsided to a large extent, a steady and sizable movement continues.

A few quotes from the lead section of this title makes the point well:

Presently 20 percent of the adult urban population are former rural residents. . . . By the year 2000 or soon thereafter, 100 million more Americans will be added to the 140 million already living in our cities and suburbs. . . . Unless this nation . . . reverses the present trend toward excessive concentration of population, 240 million people will be crowded together in four great strip cities. . . . Already 70 percent of our population lives on less than 2 percent of our land.

Mr. President, I not only wish to commend the Senator from Georgia and the Agriculture Committee for adding this title to the farm bill, but wish to call on each of my Senate colleagues to give it their strongest support. National policy, plans and programs directed at reversing these disastrous settlement patterns are desperately needed, and now.

The specific actions which this title embodies are clearly in tune with such objectives. They include:

First, requiring all executive branch departments and agencies to establish policies and procedures with respect to the location of all new facilities in areas or communities of lower population in preference to those of a higher population density.

Second, a strengthening of the Federal nonmetropolitan multicounty planning and development program under the Housing and Urban Development Act of 1968.

Third, a report from the USDA and other Federal agencies as to what policy and development assistance, including informational and technical assistance, is being provided to smaller communities to help them overcome many of the deficiencies they are confronted with in that regard.

Fourth, a report on the extent to which Federal programs are being made available to rural areas, including what the executive branch plans to do about the establishment of outreach efforts where and when needed in that regard.

Fifth, request the President to present his recommendations to the Congress on how the Farm Credit Administration and other agencies of the U.S. Department of Agriculture might be utilized in meeting the financial and capital investment needs of rural America.

All of these actions are important to our achieving a "rural-urban balance" in this country; something, Mr. President, we must commit ourselves as a nation to accomplish. I submit that unless and until we do so, the problems of both our cities and rural areas will continue to grow larger and more devastating in character.

Finally, Mr. President, let me again appeal for enactment of the strongest possible farm bill. Our farmers wish it and they deserve it. I recently received a telegram signed by more than 2,000 upper Midwest citizens requesting my support for such a strong farm bill including the parity principle for feed grains. I ask unanimous consent that the telegram be made a part of the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

To Members of the U.S. Senate:

We, the undersigned, regard it as absolutely necessary that action be taken by this session of Congress on long-range farm legislation, since the Agricultural Act of 1965 expires at the end of this year.

Because farm costs continue to rise constantly, the farm legislation which is adopted this year should make provision to increase farm income in line with our rising costs.

Feed grains producers ought to be entitled to the same consideration as cotton and wheat farmers in terms of tying the support program to parity, but this is not provided in the House bill or in the version approved by the Senate Agriculture Committee. The 1970 legislation should also preserve effective production controls on a commodity by commodity basis and should at least raise price or income levels sufficiently to keep pace with spiraling costs.

Mr. MONDALE. Mr. President, once again I express my appreciation to the Committee on Agriculture and Forestry and to its chairman.

I am hopeful that during the next day or two during which we consider this bill, we will end up with the strongest possible farm legislation.

Mr. HOLLAND. Mr. President, I think it would be most inappropriate for me at this time to discuss in detail any portion of this bill.

I simply call attention to the fact that in my judgment it is absolutely essential for this Congress to enact a farm bill to take the place of the 1965 act as extended, which will expire at the end of this year.

I call attention to the alternative that faces us if we do not enact a reasonable price support for the three principal commodities which are contained in this bill and which are going to be the subject of debate—feed grains, wheat, and cotton.

There are, as I see it, at least two alternatives.

If we enact no legislation in this Congress, we go back to the old permanent legislation which preceded the enactment of the 1965 act. Everyone of us knows that legislation had proved in the last years of its operation to be highly extravagant and to bring about the production of surpluses which were becoming unbearable both as to their volume and as to cost.

Because of that kind of surplus, I think it would be unspeakable for this Congress to allow our country to revert to the old legislation that was in effect back in 1964.

That is one of the alternatives—and a very sure one—that exists if we enact no legislation before the end of this Congress, at midday on January 3 of next year.

The other alternative—not so certain—would be an effort in the closing days of Congress simply to extend the 1965 legislation as it has already been extended once for one additional year.

I think that would be a very hurtful step, even if it could be accomplished—and I doubt if it could be—because it has been shown so clearly that excessive payments were made to only a few in terms of that legislation. Even if many of the objectives of that legislation were accomplished by the reduction of surpluses on the one hand, when that legislation was enacted, even if it were possible to extend that legislation for an additional year, I think it would be hurtful to all agriculture in this Nation because of the hugely excessive payments to just a few people which had resulted under that legislation.

Everyone who has followed this question at all knows that the size of those payments—some of them going up to $3 million or $4 million to a farmer—has resulted in much of the confused thinking and much of the opposition from people who know little about the subject and much of the dissatisfaction with the 1965 legislation as extended.

It seems to me that is the second alternative which might possibly confront us if we enact no new legislation prior to the final adjournment of this Congress. For that reason—and not because I am fully satisfied with all of the provisions of this bill, I do not believe there is any member of the Committee on Agriculture and Forestry who was fully satisfied with all of its provisions—I am supporting the bill, believing that it should go promptly to conference, since there will not be unanimity there. We know that some changes will have to be made.

I hope that in conference we can help to draft a bill which will be more acceptable from all points of view and will prevent either of the two alternatives which I have just mentioned. I think that either of those alternatives would be very hurtful to agriculture and that the first of them would be very hurtful to our entire Nation.

So, I support wholeheartedly the plea of our distinguished hardworking chairman, the Senator from Louisiana (Mr. ELLENDER), as echoed by the pleas of the distinguished Senator from North Dakota, the distinguished Senator from Vermont, and the distinguished Senator from Georgia—all of whom are ranking members of the Committee on Agriculture and Forestry—that we enact this legislation promptly, send it to conference in the hope that we may avert—because we must avert—either of the alternatives which I have just mentioned.

Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I am not a member of the Committee on Agriculture and Forestry. Once I had the honor of serving as a member of that committee for 5 years. I shall always remember it as one of the most interesting and, I hope, helpful periods of my service in the Senate.

I wanted to be here this evening as we commenced the debate upon the farm bill so that I could say on behalf of the farmers in my State that they are tremendously interested in the enactment of a farm measure at this session of the Congress because, as all of the others who have spoken have said, it would be very critical if a bill were not enacted and we were to have to revert to the old program which was in effect prior to the adoption of the present program.

I was on the Agriculture and Forestry Committee at the time these present programs were adopted. Our State, al-

though it is not the largest producer of any of the basic commodities, very interestingly produces all of the basic commodities—corn, tobacco, wheat, milk, wool, cotton—all except peanuts and rice.

Approximately half of the income of Kentucky is still represented by farm production. So, we are very interested.

I would like to say, as I have said so many times, that I would like to pay my words of appreciation to the members of the committee for their tremendous interest which has existed over so many years in the field of agriculture.

I remember serving under the committee chairman, the distinguished Senator from Louisiana (Mr. ELLENDER). I think he has held the chairmanship of the Committee on Agriculture and Forestry for longer than any other person in the history of Congress.

His fairness and his knowledge have resulted in helping every farmer in this country.

I speak also in the same way of the Senator from Vermont (Mr. AIKEN) on the Republican side, and my dear friend from North Dakota (Mr. YOUNG) on the Republican side whose interest in the great crops in the West, particularly wheat, also helped all farmers of the country. I also speak in the same way of the Senator from Florida (Mr. HOLLAND), the Senator from Georgia (Mr. TALMADGE), and the Senator from North Dakota (Mr. BURDICK), and those who have spoken and who will speak.

I have a few questions. I will not ask them this evening but I shall ask them later during the debate.

I am glad that in the report of the Committee on Agriculture, and in the statement made by the distinguished Senator from Louisiana, and the statement made by the Senator from North Dakota they brought to the attention of the country that despite the cost squeeze the American farmer still produces food at a cheaper cost to the farmer which enables the consumer to buy food, in proportion to his spendable income, at a cost less than any other country or area in the world, even though there has been added on the cost of fancy processing and other costs.

I am glad I was here to hear these presentations. I will postpone my specific questioning until some later time but I did want to pay tribute to the Committee on Agriculture for the great work it does for the farmer and for this country.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. YOUNG of North Dakota. Mr. President, may I express my appreciation for the kind remarks of the Senator from Kentucky (Mr. COOPER) for my efforts on behalf of agriculture.

The Senator from Kentucky rendered distinguished service as a member of the Senate Committee on Agriculture and Forestry and probably holds the record for being one of the most effective farmer legislators. The basic tobacco law he wrote in 1948 is still on the record books and is practically unchanged. I think that is a record for any farm program.

THE IMPORTANCE OF ADVANCE PAYMENTS TO WHEAT AND FEED GRAINS PRODUCERS

Mr. BURDICK. Mr. President, at this time I would like to add my support to a very important provision of the Agricultural Act of 1970 as it was reported by the Committee of Agriculture and Forestry. That provision has to do with the making of advanced payments to wheat and feed grains producers. These payments are essential, not only because of high production costs and high interest rates charged to farmers for short-term loans, but also because of the difficulty of many of our producers—both large and small—in getting any credit at all.

During hearings earlier this year on the agricultural appropriations bill, a Department of Agriculture spokesman stated that the rise in use of agricultural credit has been slower over the past few years partly because of a scarcity of available credit. A tight money situation has forced many commercial banks to restrict the amount of credit advanced to agriculture. Life insurance companies have reduced their allocation of funds to farm loans as a result of more attractive investments elsewhere.

Yet the demand for capital grows by leaps and bounds each year, as the trend toward commercialized and specialized farming calls for increasing amounts of purchased inputs. Large quantities of capital are needed by farmers and their cooperatives to expand their output to meet the needs of a growing population and of a large export market for food and fiber products, and these expenditures fall heaviest in the early part of the crop year. With farmers now buying a larger portion of their inputs, substantial operating capital is required to assure that supplies, equipment, and labor will be available when needed.

Along with the condition of scarcity, money has become more expensive. Interest rates paid by farmers increased sharply during 1969 and 1970 and in many parts of the country reached their highest levels in more than 50 years. At the end of 1969, farmers were paying interest rates of 7 to over 10 percent on short-term operating loans as compared with 6 to 8½ percent a year earlier. July 1, 1970 figures show that the average rate for short-term operating loans to farmers is commonly 9 to 10 percent with some PCA's reporting rates as high as 11¾ percent in some parts of the country. In a letter to Senator ELLENDER earlier this year, one farmer complained that in 1959 his interest expense had been $3,579, and by 1969 his farm interest cost was $14,573. His description of these costs included the word "brutal". I would certainly have to agree. Prospects for the future are not very encouraging. The Department of Agriculture predicts that the use of farm credit and farm debts will continue to rise. Many purchased items will show an increase in prices to the farmer, and farm wage rates will increase. The purchase of new equipment, the replacement and repair of worn equipment, and the expansion of farm operations will continue to demand costly inputs, and the need for operating cash and credit will increase accordingly.

Mr. President, it is to these problems that the advanced payments provision of the bill are addressed.

Preliminary, or advance payments to farmers for their participation in agricultural programs will not solve the problem of high interest rates and short supply of credit. But these payments have been used for several years now to help feed grain and wheat producers finance operations in the early part of the crop year. Last year, the Department's decision to forgo advance payments worked tremendous hardship among producers who were unable to make short-term loans, or who—if they were able to do so—had to pay ruinous rates of interest.

The proposed Agricultural Act of 1970 which has been reported to the Senate contains provisions for both wheat feed grains which would remove the uncertainty concerning advance payments which producers faced last year. Title IV of the bill provides an advance payment equal to 50 percent of the estimated domestic certificate rate, plus 50 percent of the estimated diversion payment, for 1971 crop wheat. For the 1972 and 1973 crops—assuming that wheat farmers accepted the program—advance payments would be 75 percent of the certificate value, plus 50 percent of the estimated diversion payment. Both of these plans provide for advance payments to be made within 60 days following signup by the producer.

The feed grain section, which is title IV of the committee's proposed bill, provides that advance payments to feed grain producers will be paid within 60 days after signup in the program. The advance payment for feed grains, in the committee's bill, is to equal the 32-cent guaranteed price support payment for corn, and comparable rates for sorghum and barley.

Mr. President, the proposal to insure advance payments to wheat and feed grain producers will be welcome news to nearly 1.6 million feed-grain producers and nearly 1 million wheat growers who voluntarily participate in these programs. The provisions in the Senate bill differ somewhat from those contained in the bill passed by the House of Representatives.

The House-passed bill provides for advance payments to be made to wheat- and feed-grain producers as soon as possible after July 1. It seems to me that the Senate committee's proposal—payments to be made within 60 days after signup in the programs—would get the money to producers at a time when his need is greatest, and obviate his need to search for short-term production credit.

I believe the committee's proposal meets the approval of producers throughout the country. I urge Senators to support this badly-needed provision.

Mr. FANNIN. Mr. President, Arizona is one of the Nation's leading cotton-producing States. Cotton is the second

biggest source of farm income and provides more than 20 percent of the total agricultural wealth each year in our State.

Over the years there has been extensive debate concerning the payment of price supports, usually referred to as subsidies. Critics complain that rich farmers are receiving hundreds of thousands of dollars. This is a very much misunderstood assumption.

Billions of dollars of public money have been used in an effort by Government to support particular sections of the economy. These programs have not been notably successful. The taxpayer resents paying subsidies—and the recipient resents the governmental restrictions and controls that invariably accompany governmental subsidies.

Responsible representatives of American agriculture are convinced the present program is troublesome, that it has on balance been a great problem, and that agriculture should be returned to a free market in an orderly manner.

I agree with that conclusion, but I must emphasize that for almost 40 years we have used the power of Government regulation and Government subsidy to inhibit the American farmer.

It has taken us 40 years to arrive at the situation which now confronts us, and in returning the farmer to the free market we must proceed with caution. To end the farm subsidy program tomorrow would create chaos, and would inflict grave injury on American agriculture.

Our first step must be to declare unequivocally that it is our aspiration and our intention to move to eliminate the inhibiting controls, end the subsidies, and to reestablish the American farmer as an independent member of the free market, free enterprise system.

We all have nostalgic memories of the family farm. Thirty-five years ago there were 32 million Americans, 25 percent of our population, living on farms. They were having a difficult time making ends meet. The technological developments were threatening to overwhelm them, so the Government launched its program of subsidy to make it possible for the family farmer to survive.

Today there are only about 10 million of our people living on farms. This amounts to 5 percent of our present population.

Farms have become mechanized. Farming has become a scientific, single-product operation, and no longer does the subsistence aspect attract the farmer. The family cow and the family pigs and the family garden have given way to the industrialized farm supervised by graduates in agriculture and horticulture and supported by scientists and the new fertilizers and the new seeds.

As the result of these improvements, the number of individual farms has dropped from 6.6 million to less than 3 million, but our agricultural output has almost doubled. No nation has a better record for producing the feed and fiber necessary to support its population.

Farm employment has declined from 12 million to under 5 million. Fifteen percent of the Nation's farms today produce 70 percent of the Nation's farm output, and the recommendations of changes in the farm program there is one goal they have not fully reached, the stabilization of farm income at a level which would allow a decent standard of living across rural America.

In all the condemnation of subsidies

Farmers have been caught in a vicious cost-price squeeze since 1953. In the past 10 years interest rates have gone up 300 percent and taxes about 200 percent. The parity ratio which describes the relationship between the prices paid by farmers and the prices received by them is equal to its lowest level since 1933—about 74 percent.

The average cost to produce cotton in the Western irrigated land areas is nearly 32 cents a pound. The world price is about 22 cents a pound. The cotton subsidy is in the form of a 16.8 cents payment a pound. But it applies only to 65 percent of a grower's cotton allotment. For a grower's total production, the subsidy figures out to 10.92 cents per pound. So if you take the world price of 22 cents a pound and add the subsidy, you come up with 32.9 cents, or about break even. Some farmers, of course, produce at a smaller cost and some are over that.

Keeping these facts in mind, let us take a look at the farm bill we are considering. We have narrowed the issue considerably—we are no longer talking about subsidies of millions or hundreds of thousands. We are no longer talking about $75,000 or $100,000. Right or wrong, we are talking about $55,000 per crop as the top figure.

To propose a limitation of anything lower than $55,000 would, according to the Secretary of Agriculture, jeopardize the chance of bringing about a balance of supply and demand.

This Nation which depends so heavily on agriculture for power at home and abroad cannot afford to create an imbalance in agriculture which would in turn destroy the greatest agriculture machine in the world, a machine which has meant so much to America in time of war and in time of peace.

The most immediate victims of drastic change in the subsidy program would be individual cotton farmers, their employees, and businesses which depend upon this industry. Farmers not only have their livelihood at stake—they also in many cases must pay on the debt on their land and pay off loans carried over from previous years.

Let us take a look at what sharply curtailed subsidies would mean to a single Arizona county.

Pinal County in Arizona has an upland cotton allotment of 82,021 acres. A $20,000 payment limitation would reduce this to 47,468 acres.

A $20,000 limitation would affect more than half the county's cotton farmers. In 1969, subsidy payments of more than $20,000 were paid to 228 out of Pinal county's 433 cotton farmers.

A $55,000 limitation would have affected 79 of these farmers who drew larger sums.

Farm labor is a major source of personal income in Pinal County. Yet, even with subsidies, the number of farmers has dwindled by about one-fourth in the past 6 years.

When we talk of limiting farm subsidies, we are, in effect, debating the fate of many people who live on these farms and small cities such as Coolidge and Casa Grande.

Any changes should be made in a manner that will allow farming counties, such as Pinal, to readjust its economy.

Many of us in the Senate joined together with the late beloved Senator Dirksen in sponsoring legislation to phase out the subsidy program over a period of years. This was intended to give the farmer a chance to change to other crops where possible so that he would have an opportunity to salvage his investment which in many instances represents a lifetime of work. This phase-out program was not adopted but I trust full consideration will now be given to not dropping below the $55,000 per crop limitation.

There are many illustrations I could give of the hardships that will occur even at the $55,000 level. For example, several Indian tribes in Arizona are about to be seriously affected by this legislation.

To illustrate hardships resulting from a deeper cut in subsidy I ask unanimous consent to have printed in the RECORD a letter received by me from the Salt River Pima Maricopa Indian Council demonstrating the tremendously detrimental effect this would have on the reservation's economy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY,

Scottsdale, Ariz.

DEAR SENATOR: We note that there is again discussion concerning a $20,000.00 limitation upon crop price support. This comes at a time when most harmful to the Salt River Indian Community. The Community is located in Arizona adjacent to Phoenix. Our development is basically agriculture, we have some sand and gravel and some commercial development which is for the most part on community lands. We have just completed a general plan in which we have stated a desire to utilize individual Indian lands for agriculture and community lands to produce income for capital improvements; the imposition of a $20,000 limitation upon agriculture price support will harm us because our lands are held in 10 and 20 acre tracts (which are uneconomic for cotton or any other agricultural pursuit) and we of a necessity must combine our holdings to produce the highest return.

Western Farm Management in a November 1962 Feasibility Report Tribal Farming Enterprise Salt River Indian Reservation stated:

"1. *Organization:*

There appear to be several underlying reasons for considering a change from the present agricultural lease situation to be a unified, or corporate-type, farming enterprise on the Salt River Reservation: (1) to return the control of the land to the Indian Community; (2) to improve the basic income of the individual landowner through increased returns and work opportunities; and (3) to gain experience in operating and managing a large, going business which later can be applied to other commercial enterprises that may be more productive than agriculture.

Considering this latter point very carefully, it is of utmost importance that the proposed agricultural enterprise be as successful as possible, since its progress will set the pattern and mood for future development of the Reservation along other lines. And it logically follows that the success of the

farming program will set the pattern and mood for future development of the Reservation along other lines. And it logically follows that the organization presented here is predicted on two things: (1) basic control of the enterprise is to be in the hands of the Indian Community, and (2) operational control is to be carried out by paid professional management."

During the past three years the Salt River Land Board commended the implementations of the recommendation of that report. We have sixteen units, twenty-eight spokesmen and expect by the end of this year to have a maximum of 5 farms and a utilized land management unity as contrasted with 134 leases and 17 separate farms in 1962. We have raised the combined 1813 individual Indian people's income by over $100,000.00 during the past three years.

The Salt River gross agricultural rent income is approximately $550,000.00; price support approximates $375,000.00; it can be expected that rents will be reduced if price supports are limited to $20,000.00.

We ask that you vote against the limitation or make an exception for the lands of the Salt River Indian Community so as not to destroy our work of the past three years and at the same time insure the success of our work. The pattern and mood for future development is set—please do not destroy it by placing a price support on Salt River Indian Community lands.

Signed,

Mr. HAROLD R. SCHURZ,
President, Salt River Pima-Maricopa Indian Council.

Mr. BILLMAN HAYES, Sr.,
Chairman, Salt River Land Management Board.

Mr. FANNIN. Mr. President, I have another letter I wish included in the RECORD showing the hardships the subsidy limit could cause in the Gila River Indian community. This letter was written at the time it appeared the House might adopt a $20,000 limit, and so it is pertinent now to arguments over whether the limit should be trimmed below the $55,000 level.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GILA RIVER INDIAN COMMUNITY,
Sacaton, Ariz., July 15, 1970.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: We understand that H.R. 17923 would limit cotton subsidy payments to $20,000 for a single farm. This would be *disastrous* for the Gila River Indian Community. At present most of the income of the Gila River Indian Community comes from the 15,000-acre community farm (tribally owned) and large agricultural lease operations. This income would practically be eliminated if the proposed legislation with the $20,000 limitation is passed. The income of some 1,000 Indians leasing their own small 10-acre farms with cotton allotments would be practically eliminated. Our agricultural workers would be without jobs.

The results of this would be poverty and increasing welfare rolls for our Indian population and the halting of most of the progressive development programs being undertaken by the Gila River Indian Community. As pointed out by President Nixon, Gila River Indian Community is making real progress. This momentum should not be lost or curtailed now.

Because of water costs and other factors, cotton in Arizona can only be farmed successfully in large unitized operations. The proposed legislation would make such operations impossible.

I can speak for the 7,000 Indian residents of the Gila River Indian Community in requesting that you do everything possible to have the legislation amended to exempt Indian Reservation lands from the limitations in the bill and to make the bill more equitable for all farmers.

Very truly yours,

ALEXANDER LEWIS, Sr.,
Governor, Gila River Indian Community.

Mr. FANNIN. Mr. President, the problems facing farmers today result from years of legislation by Congress. To curtail subsidies overnight would be unfair and disastrous.

STATEMENT BY NATIONAL FARM COALITION

Mr. ANDERSON. Mr. President, Senator MONTOYA had intended to be present today, but his plane had engine trouble, and he has been delayed in arriving in Washington until late tonight. He has requested that I place in the RECORD in his behalf a statement of the National Farm Coalition on the Senate farm bill.

Therefore, in his behalf, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL FARM COALITION ON SENATE FARM BILL

The National Farm Coalition commends the chairman and members of the Senate Agriculture and Forestry Committee for improving the farm bill passed by the House of Representatives. We sincerely and strongly urge the Senate to further improve the bill by approving the Montoya Amendment to maintain feed grains income. The amendment will restore the parity concept for feed grains, applying the same principle of parity relationship as is provided for wheat and cotton.

We must oppose attempts to weaken the bill by:

(1) Removing advance payments for wheat and feed grains producers.

(2) Removing or lowering loan floors and/or removing the parity concept from price supports for cotton and wheat.

(3) Substituting the "set aside" land retirement plan for the supply management features now in the bill for wheat and cotton.

The bill now before the Senate—even with the improvements made by the Committee—does not provide the improvement in farm income that is so badly needed. It could well result in lower feed grain income because the Feed Grain title makes no provisions for compensating for rising costs as provided for in Wheat and Cotton titles. It retains the questionable "set aside" land retirement plan as the mechanism for supply management in feed grains.

It is inconceivable that the Congress could approve legislation in this uncertain period of spiraling inflation and rising costs that would provide less income than farmers now have under existing legislation.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9:45 a.m. on Wednesday.

Mr. GORE. I object.

The PRESIDING OFFICER. Objection is heard.

STATUS OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the unfinished business is laid aside temporarily tomorrow that it remain in that status until the conclusion of morning business on the following day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the majority leader to state that although the unfinished business is to be laid aside not later than 5 o'clock tomorrow afternoon, Senators should be on notice that it might very well be laid aside earlier and that consideration might resume on the farm bill in the early afternoon.

The reason is that today not very much progress was made on the consideration of Senate Joint Resolution 1. We had one recess during the day. There were two live quorums. The second live quorum began around 4:30 and was completed 56 minutes later. So, it is the leadership's feeling that if we are going to complete action on the farm bill tomorrow, we may have to resume its consideration much earlier than 5 o'clock.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I express the hope that we can start earlier tomorrow afternoon because of the importance of having this bill sent to conference. Time is going by. With the limitation of debate that has been agreed to, it would seem that there is no reason why we should not pass the farm bill tomorrow. As far as I am concerned, I am willing to stay here late in the evening so as to accomplish that objective.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GORE. Only late last week there was an agreement that the proposed constitutional amendment would be considered, as I understood the agreement, according to the information sheet that was presented to my office, until 5 in the afternoon. At 5 o'clock the proposed amendment would be laid aside and other matters on the calendar would be considered. I made my arrangements accordingly.

Every Senator knows that a filibuster is under way against the proposed constitutional amendment. No secret is involved there. So I announced to my people, who have a right to have my views presented in an election contest, that I would be in Tennessee in the forenoon, but that I would be on the floor of the Senate by 5 each afternoon for the votes on legislation.

I arrived at 5 this afternoon and made the quorum when I answered "present." And now the rules are changed. I am going to be in my State tomorrow morning for a very important engagement at noon. Fortunately, the plane service is such that I can leave the luncheon and

be here at 5. But now we are advised that the rules are changed. I do not know what the leadership on either side of the aisle has in mind. I cannot be here until about 4:30 tomorrow.

I am intensely interested in the farm bill. I have voted for every farm bill since I have been in the House or the Senate. I want to vote for this one. But this sudden change of rule and of understanding places those of us who must of necessity seek election in 1970 at a decided disadvantage.

We had an understanding, by which I have tried to abide. I did abide by it. I will tomorrow, if we stay with the understanding.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I simply express the hope, I say to the Senator from Tennessee, that we may start earlier. I would be the last one on earth to break the agreement just indicated. If the Senator can be here a little earlier than 4:30, let us try to do so, so we can get through with this very important piece of legislation.

Mr. GORE. I understood a little earlier in the evening that we would have a session tonight. I am prepared to stay here until midnight to do business. But now we are suddenly advised the agreement is no more.

Mr. ELLENDER. I would not say the agreement is no more. If the Senator will look around, he can see why we are not having action. We had a little difficulty getting action at 5. So we hope that, come tomorrow, we will have a new day. If we can start at 4 or 4:30, I would suggest that the Senator from Tennessee try his best to get here.

Mr. GORE. If the Senator will agree to talk until 4:55, until I can arrive, my temper will cool.

Mr. ELLENDER. I feel confident that, come tomorrow, we will have more Senators in attendance. It is my sincere belief that, with all the Senators who have spoken here this afternoon and with the limitation of debate agreed on today, we ought to get through the farm bill tomorrow evening.

Mr. BYRD of West Virginia. Mr. President, I would like to second the expression of hope that the Senator from Louisiana has just made.

I do not believe any ironclad agreement was nailed down in the Senate that we would stay on Senate Joint Resolution 1 each day until 5 o'clock. I think the understanding was that we would stay on that measure until circa 5 o'clock in the afternoon, under the assumption that business would be transacted continuously on that particular measure until 5 p.m.

It was also understood, and it was scheduled, that the farm bill would be acted upon this evening and completed tomorrow evening. There was no hard and fast rule to that effect, but that was the way the leadership scheduled it.

If we are to complete action on the farm bill by tomorrow night, the Senate cannot dillydally, as it has today, on Senate Joint Resolution 1. There were times during the day when no Senator on either side of the question was in the Chamber to speak. I recessed the Senate once during the afternoon. I also spoke during the afternoon on an extraneous matter. It is just because of the sluggish performance today, may I assure the Senator from Tennessee, that the leadership feels that, in the good interests of all Senators, and in the interest of expediting the business of the Senate and getting our work done, we ought to put Senators on notice that there is a very good likelihood that tomorrow afternoon the farm bill will be called up and that action on it will be resumed at any time during the afternoon, earlier than 5 o'clock.

The leadership would not want to inconvenience the Senator from Tennessee. I would not want to. I am staying on the Senate floor all the time. I am running for re-election, likewise, this year. Yet, I am here trying to accommodate myself to every other Senator's needs. Be that as it may, I am sorry if the Senator from Tennessee feels that there was a rule or an agreement to the effect that we would not lay Senate Joint Resolution 1 aside until 5 o'clock in the afternoon of every day.

I can understand how he might have gotten that impression. I suppose that might have been the general understanding. But when we reach a situation such as we had today, when much time was wasted because Senators did not appear disposed to speak the full time on Senate Joint Resolution 1, I think the leadership is justified in trying to speed up the work. The Senator from Tennessee was not at fault. He was the Senator who made the quorum, and he is here at this hour ready to do business.

So it matters not how one cuts the cake here, I suppose; we are bound to inconvenience some Senator.

I hope the Senator from Tennessee will cool his temper by tomorrow morning. He is a very gracious, congenial, and affable Senator, and I hope he will appreciate the position that the leadership is in, in its efforts to try to get on with the business of the Senate.

Mr. President, having said that, I renew my hope that all Senators will be on notice that, depending upon the circumstances tomorrow, the farm bill may be laid before the Senate at any time during the afternoon before 5 o'clock, and business may be resumed on that bill—as I say, depending upon the circumstances of tomorrow, which we cannot foresee today.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GORE. The able Senator has used two terms. He said a moment ago the understanding was that the farm bill would be considered and completed Monday evening and Tuesday evening. Now he says we will take it up Tuesday afternoon. I do not know just what hour constitutes afternoon and what hour constitutes the beginning of the evening. I wish to be here for the consideration of the farm bill.

I understood last week, as the Senator said a few moments ago, that the farm bill would be considered on Monday evening and Tuesday evening, and hopefully completed on Tuesday evening. That is my hope also. I am here Monday evening to proceed with its consideration. I came back from Tennessee for that purpose. I shall return tomorrow afternoon—at least that is my current plan—to begin consideration of the farm bill, according to what I understood was the leadership's plan, though there was no unanimous consent agreement to that effect, at 5.

I arrived at 5 this afternoon. Did I arrive in the afternoon or the evening?

Mr. BYRD of West Virginia. Well, I suppose Socrates was right when he said we should define our terms. I do not think I confused the two terms. I think I indicated that tomorrow, at any time during the early afternoon, we might resume action on the farm bill, if we hope to complete it tomorrow evening.

It was only today that I learned that the Senator from Delaware and the Senator from Illinois would want as much as 1½ hours on the amendment which they intend to offer. I also learned that the Senator from New Mexico (Mr. MONTOYA) has an amendment, and that the best we could do at this point was to get consent to limit debate on that amendment to 3 hours.

If all the time is taken—which I presume it will not be, and hope it will not be—there are 4½ hours on two amendments, and I am advised that there are other amendments, for which we will have an hour each, and 1 hour on the bill.

So if we are to complete action on this bill by tomorrow at midnight, it will have to get started by 5 o'clock, if not earlier; and the leadership does not wish to keep Senators here until midnight.

As things develop, I hope the Senator from Tennessee will not be discommoded, but I do have the duty, I think, of saying to Senators that we could have some action on the farm bill tomorrow at a fairly early hour during the afternoon. To be specific, I would say 2 or 3 o'clock, perhaps.

I see the Senator from Tennessee is smiling; I believe his temper has already cooled.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. I would like to make a suggestion for the benefit of the Senator from Tennessee, and perhaps of all other Senators.

Why do we not do our legislating in the daytime, when people can see what is going on, and have our filibusters at night? This matter of fiddling around all day looking for speakers, trying to fill up the time until 5 o'clock and legislating after the sun goes down, does not appear to me to be proper. Why do we not start on the farm bill tomorrow morning, and finish it up during the course of the day, and not have to spend the day listening to all these empty speeches which no one else is listening to, and which the speakers do not even want to make? If we did that, I think we could finish up this legislation very quickly.

Mr. BYRD of West Virginia. Mr. President, there are a number of Senators who are here and ready to vote now.

Mr. GORE. Will the Senator note that the senior Senator from Tennessee is here and ready to vote?

Mr. BYRD of West Virginia. The distinguished senior Senator from Tennessee has made clear note of that himself.

Mr. GORE. Mr. President, I would like the record to show that my temporary temper has been thoroughly diffused.

Mr. BYRD of West Virginia. Mr. President, I shall go home this evening feeling much relieved, feeling sure that the Senator from Tennessee will be his usual sweet and agreeable self by this time tomorrow.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS TUESDAY UNTIL 9:45 A.M. ON WEDNESDAY, SEPTEMBER 16, 1970

Mr. President, I renew my unanimous-consent requests. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9:45 o'clock on Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS SCHWEIKER, JAVITS, AND KENNEDY ON WEDNESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that immediately upon the disposition of the reading of the Journal and any unobjected to items on the consent calendar on Wednesday morning, the Senator from Pennsylvania (Mr. SCHWEIKER) be recognized for not to exceed 15 minutes, that he be followed by the senior Senator from New York (Mr. JAVITS) for not to exceed 30 minutes, and that the Senator from New York be followed by the senior Senator from Massachusetts (Mr. KENNEDY) for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, so that there will be no misunderstanding, on Wednesday morning, following the disposition of the Journal and following the disposition of unobjected to items on the Legislative Calendar, the Senator from Pennsylvania (Mr. SCHWEIKER) will be recognized for 15 minutes, to be followed by the senior Senator from New York (Mr. JAVITS) for not to exceed 30 minutes, and to be followed by the senior Senator from Massachusetts (Mr. KENNEDY), for not to exceed 30 minutes.

ORDER FOR ROUTINE BUSINESS AND LAYING UNFINISHED BUSINESS BEFORE SENATE ON WEDNESDAY

Mr. BYRD of West Virginia. Following that, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that, at the conclusion of the period for the transaction of routine morning business, the unfinished business, Senate Joint Resolution 1, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 47 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 15, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1970:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Jerre S. Williams, resigned.

U.S. DISTRICT COURTS

Nauman S. Scott, of Louisiana, to be a U.S. district judge for the Western District of Louisiana, vice a new position created under Public Law 91–272 approved June 2, 1970.

NEW ENGLAND REGIONAL COMMISSION

Chester M. Wiggin, Jr., of New Hampshire, to be Federal Cochairman of the New England Regional Commission, vice Stewart Lamprey, resigned.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Norton, [redacted], U.S. Army.

IN THE NAVY

The following-named officers of the Navy for permanent promotion as indicated:

Captain, Line

Adams, Richard C.
Adelman, Joseph L.
Adkins, Joe D.
Aicklen, William J., Jr.
Aiken, Robert A.
Akins, Joseph W., Jr.
Alberta, Edward T.
Alexander, Charles S., Jr.
Alford, Zeb D.
Ames, Lionel E., Jr.
Amme, Richard D.
Anderson, Charles R.
Anderson, James L.
Anderson, Richard W.
Ansel, David D.
Appert, Edward P.
Armstrong, Frank D., Jr.
Armstrong, Colin L.
Ashford, Robert "L"
Atkins, Waldo A.
Atkinson, Roy C.
Ayres, James E.
Babineau, Francis E.
Bacon, Francis W., Jr.
Bade, Robert B.
Bagwell, Wallace B.
Bailey, Daniel L.
Bailey, Emera S.
Bailey, George G.
Banks, Daniel L., Jr.
Barber, Albertus V., Jr.
Barksdale, David A.
Barnes, Alan F.
Barondes, Earl D.
Barr, Robert M., Jr.
Barry, James H.
Barton, George E.
Baughman, Fred H.
Baumann, Hugh B.
Baxter, James A.
Beaman, Percy S.
Beck, Lester H.
Beck, William, Jr.
Becker, Terrill F.
Bell, John H.
Benson, Harry L.
Bihr, Richard A.
Bird, Comer H., Jr.
Bivin, Homer R.
Black, Charles H.
Blixt, Melvin D.
Blount, Robert H.
Bodamer, Robert E.
Boger, Clarence E.
Boushee, Frank L.
Bouwman, Fredric G.
Brabant, Robert J.
Bradley, Claiborne S.
Bradshaw, Ray H.
Brady, Robert L., Jr.
Brenner, Thomas B.
Brittain, Thomas B., Jr.
Bromley, Frederick B.
Brooke, Rupert
Broughton, Walter T., II
Brown, Bryan B., Jr.
Brown, Edward J.
Brown, Floyd H.
Brownell, Stuart M.
Brubaker, Donald E.
Brumbaugh, Dale C.
Buck, Edward G.
Bulmer, Robert W.
Burkart, John C.
Burke, Edwin J.
Burke, James A.
Bush, Philip R.
Caine, Arthur D.
Callaway, John D., Jr.
Campbell, Ivan R.
Campbell, Richard D.
Campbell, William M.
Cardillo, Robert J.
Carlquist, Roger
Carman, Warren E.
Carment, Frederick, Jr.
Carpenter, Harold L.
Carr, Herbert W.
Carr, Kenneth M.
Carroll, Kent J.
Carruth, David C.
Carter, Jack L.
Carter, John T., Jr.
Cartwright, Billie J.
Case, Richard E.
Casper, William F., Jr.
Casserly, Christopher J.
Castruccio, Nicholas A.
Chapman, James H.
Chattleton, William D.
Cheek, Glen R.
Chelgren, John L.
Chew, Robert S., Jr.
Chrisler, Robert P.
Christoph, Karl J., Jr.
Chuilli, Ernest J.
Clark, Carroll D.
Clark, William E.
Clay, Harold S.
Clement, Robert R.
Clemente, Angelo E.
Clifford, William F., Jr.
Cocke, Edgar M.
Cockrell, Jack R.
Cole, Kenneth J.
Coleman, Robert G., Jr.
Collins, Robert M.
Conn, Robert H.
Cook, Murray C.
Corley, Frank W., Jr.
Corrigan, Paul T.
Cort, Walter W., Jr.
Counts, Stanley T.
Crabtree, Alan B.
Crane, John W., Jr.
Craven, Phillip R.
Creasman, Jesse C.
Crispin, Robert E.
Crockett, Charles B., Jr.
Cross, William E.
Crowe, William J., Jr.
Cullen, James H.
Cullison, Chester D.
Cummings, Charles W.
Cummings, Edward M., Jr.
Cummins, Peter P.
Curtin, Lawrence J.
Dallmann, Paul H.
Darcy, Robert T.
Davidson, John D.
Davies, James W.
Davis, Cabell S., Jr.
Davis, Ray E.
Davis, Theodore F.
Dedman, Tyler F.
Deffenbaugh, Robert M.
Degler, Forrest R., Jr.
DeMayo, John J., Jr.
Denham, John G.
Denkler, John M.
Denny, Lewis E.
Denton, Jeremiah A., Jr.
Dewenter, John R., Jr.
Dibble, Henry M.
Dickieson, Robert W.
Diffendorfer, Jarl J.
Doescher, Walter W., Jr.
Donaldson, Charles E., III
Donnelly, William N.
Donovan, James A.
Douglass, Robert M.
Douglass, Walter M.
Drake, John F.
Draz, David I.
Durkin, Michael F.
Early, Paul J.
Ebel, Stanley T.
Edwards, George D., Jr.
Eidson, George V.
Ekas, Claude P., Jr.
Ekelund, Kenneth O., Jr.
Eldridge, Richard A.
Elefante, Frank L.
Ellis, Edmund H.
Ellis, Samuel S.
Elmer, Joseph S.
Enright, Robert E.
Estelmann, Hermann J.
Ettinger, Harry E., Jr.
Evans, Jack E.
Evans, Joseph D.
Fargo, Robert R.
Farley, Russell J.
Farris, George W.
Faulkner, Doc G., Jr.
Fay, Lawrence J.
Fenwick, Joseph E.
Ferguson, Robert E.
Fine, Stanley S.
Finneran, John G.
Fischer, David W.
Fisher, James R. M., II
Fisher, John H.
Fiske, Clarence O.
Fitzgerald, Jean
Fleiner, Fred J.
Fogarty, Francis C.
Fortson, Thomas E.
Foster, William L.
Foust, James W.
Fowler, Earl B., Jr.
Foxgrover, James H.
Franz, Donald A.
Fraser, Walter R.
Freeland, Harold H.
Fritz, Charles W.
Frost, Richard A.
Fuller, Jack D.
Gallagher, John J.
Gallagher, Joseph
Gammon, James M.
Gardiner, Richard S.

Garlinghouse, Bruce B.
Gary, Stanley P.
Gauthier, Gene F.
Gay, William W.
Geary, John T.
Geary, Joseph R.
Geary, Mervyn O.
Geiger, Robert K.
George, Robert M.
Gideon, Robert A., Jr.
Gildow, William E.
Gilmore, Frank C.
Ginn, Benjamin F.
Gokey, Noah W., III
Goldman, Peter J.
Gormley, Robert H.
Grantham, Delbert D.
Grause, Jerome E.
Gravely, Samuel L., Jr.
Green, Norman K.
Greene, Wallace A.
Griffith, Harold F.
Grove, George S.
Groves, Thomas E.
Guertin, Louis H.
Gygax, Rex
Haecherl, Frank A.
Haizlip, John W., Jr.
Hallam, Orval K.
Hallett, Oliver S.
Hancock, David L.
Harkins, William D.
Harper, John R.
Harris, William H.
Harris, William L., Jr.
Hart, Harry S.
Harvey, Donald P.
Hathaway, Charles E.
Hattersley, Julian
Haupt, Richard W.
Hayes, James W., Jr.
Haynes, Kenneth G.
Henderson, James R.
Herrick, Carl H.
Herzog, James H.
Hill, Edward C.
Hilton, Robert P.
Himelick, Ronald V.
Hinden, Harry J.
Hinds, Charles D.
Hinkle, William L.
Hodder, Arthur J., Jr.
Hodge, Alan G.
Hoffman, Richard A.
Hoffmann, Henry A.
Hoffmann, Roy F.
Holden, William P.
Holland, John P.
Holm, Kenneth C.
Holmes, Robert E.
Holshouser, Jesse A., Jr.
Holton, Wallace C.
Hoover, Lloyd N.
Horn, Kenneth A.
Howard, Donnell
Howard, John N.
Howe, Thomas
Howell, Raymond S., Jr.
Hudner, Thomas J., Jr.
Hughes, David L.
Hulihan, John W.
Hume, David M.
Hunter, "H" Reid
Hunter, Perry F., III
Irwin, Charles M., Jr.
Jacobs, Richard "B"
Janiec, Roy T.
Jefferson, Harry P.
Jenkins, Harry T., Jr.
Jennings, Verne "H." Jr.
Jensen, John L., Jr.
Jensen, William G.
Jessen, George E.
Jewett, Frederick F., II
Jex, Donald R.
Johnson, Francis A.
Johnson, John R.
Johnson, John D., Jr.
Johnson, Theodore R., Jr.
Johnston, John W.
Jones, Allen, Jr.
Jussel, Alfred R.
Kanak, Robert A.
Karlowicz, Mitchell J.
Keenan, Paul C., Jr.
Keener, Bruce, III
Keller, William F., Jr.
Kelly, Eugene F.
Kelly, Merrill E., Jr.
Kern, John S.
Kidd, John W.
King, John W., Jr.
Kinnear, George E. R., II
Kirk, George G. E.
Kirklighter, James F., Jr.
Kleczewski, Marion J.
Klinefelter, John W.
Knock, Franklin C.
Knueven, William H.
Knutson, Albert E.
Kojm, Leonard R.
Kolda, Frank C.
Korb, Frank J.
Kosnik, Joseph T.
Krebs, Edward C., Jr.
Krejcarek, Donald J.
Krimmel, John E.
Lakey, Keith G.
Lamoreaux, Lewis S.
Lansden, Humphrey B.
Larcombe, Howard N., Jr.
Larsen, Norman E.
Lasseter, Joe F., Jr.
Lebiedz, Edward F.
Leddick, Roth S.
Lee, George H.
Lee, Harry B.
Lee, Robert E.
Lemeshewsky, Andrew A.
Lewis, Chantee
Lewis, John C.
Lewis, William S.
Lindgren, George B.
Lockwood, Warren H.
Longo, Charles R.
Loranger, Donold
Lowans, Warren H.
Lyon, Henry J.
Macomber, Mark M.
Macon, Benjamin H.
Manganaro, Francis F.
Maragos, George
March, George P.
Marsh, Marvin D.
Marsolais, Lawrence D.
Martin, Barney
Martin, James W.
Martin, Samuel A.
Marvin, Stephen D.
Marzluff, Joseph O.
Mathews, John M.
Matthews, Howard L., Jr.
Mattson, Kenneth B.
Maurer, Richard C., Jr.
Mawhiney, William T.
Maxwell, Robert A.
Maynard, Allison L.
McCabe, Robert E.
McCaig, James A.
McCann, Carl J.
McClinton, Robert B.
McConnell, John H., Jr.
McCook, John A.
McCracken, William H.
McCrary, Robert D.
McDaniel, William O.
McDonald, Carlton A. K.
McDonald, Nathan F.
McDonald, Wesley L.
McDonald, William M.
McGill, John C., Jr.
McGonagle, William L.
McGrath, Charles J.
McKenize, William W., Jr.
McLaughlin, Norman H.
McMahon, James P.
McNamara, Thomas W.
Mead, Merle P.
Meyer, Wayne E.
Milligan, Donald F.
Milner, William G.
Mingo, John J.
Mitchell, Eugene B.
Mitchell, Frank A.
Mitchell, John E.
Mixon, Cameron O., Jr.
Monger, Albert J.
Morgan, Clifford L.
Morgiewicz, Daniel J.
Morris, James H.
Morris, Max K.
Moseley, Richard E.
Moss, James L.
Muncie, Maurice O.
Munnikhuysen, Henry F.
Murray, James D., Jr.
Murrill, Robert L.
Mussetto, Bruno
Myers, William A., III
Navarrett, Cleaude, Jr.
Nealon, William G.
Negele, John H., Jr.
Nellis, Donald P.
Nelson, Clifford
Nelson, Perry W.
Netherland, Roger M.
Newcomb, Robert C.
Nivison, William
Nordberg, Delbert W.
Norman, Oliver L., Jr.
Nowers, William E.
Nuss, Jerry J.
Oberg, Owen H.
O'Callaghan, Edmund W.
Olivari, Louis
Orton, Robert D.
Osborn, Neri, III
Osmer, James W., Jr.
Pace, Robert D., Jr.
Packer, Duncan
Paddock, Richard A.
Palmer, Frederick F.
Parish, George, R., Jr.
Pavelle, John J., Jr.
Payne, William E., Jr.
Pehrsson, Pehr H.
Peksa, Charles F.
Peniston, Robert "C"
Peoples, George F.
Perry, Dale S.
Perszyk, Joseph S., Jr.
Peterson, William S.
Phelps, Henry E.
Phillips, Kenneth E.
Pickert, Aloysius J., Jr.
Pierucki, Ervin J.
Pittman, Shelly B.
Pomeroy, Leslie K., Jr.
Porcari, Thomas J.
Poteet, Alonzo M., Jr.
Powell, Robert A.
Prassinos, George
Prisley, John P.
Purcell, Stephen E., Jr.
Pyle, Robert E.
Rae, William C., Jr.
Rank, Cyrus "A"
Rasmussen, John E.
Rauch, Charles F., Jr.
Rawlins, Robert D.
Readdy, Francis J.
Rectanus, Earl F.
Reese, Walter H.
Regan, William F.
Reichwein, Fremont E.
Reilly, Jeremiah D., Jr.
Rex, James F.
Reynolds, Milton L.
Rich, Harold G.
Riehl, Julian W., Jr.
Rigot, William L.
Riley, Edward E.
Roberts, James W.
Roberston, William D. Jr.
Robinson, Winthrop P.
Roche, Robert F.
Rockcastle, Charles H.
Rodgers, Hollis T.
Roemer, Robert F.
Rogers, Harry M.
Rogers, William Haley
Rogers, William Henry
Romatowski, Louis A., Jr.
Ross, Claude M.
Ross, Royal R., Jr.
Ross, Seymour N.
Russell, Paul E.
Russell, Wallace L.
Russell, William M.
Ruxton, Robert T., Jr.
Ryan, Bayliss Q.
Ryder, Donald F.
Saar, Charles W.
Sabin, Nelson
Sallada, William F.
Sanders, James E.
Sante, Robert D.
Sapp, Earle W.
Scappini, Mimo L.
Schaefer, William M.
Schniedwind, Robert F.
Scoggins, Larvin C., Jr.
Scott, Benedict J.
Scott, Robert L.
Searl, Floyd C.
Shanahan, John J., Jr.
Shaver, William M.
Shelton, John P.
Short, Edward A.
Shugart, Kenneth L., Jr.
Shute, John W.
Simons, Joseph T.
Sisson, Luther B.
Slater, Robert W.
Sionim, Charles E.
Small, William N.
Smith, Deming W.
Smith, Donald A.
Smith, George E.
Smith, James V.
Smith, John C.
Smith, John A.
Smith, Meredith A.
Smith, Ralph F.
Smith, Robert S.
Smith, Robert H., Jr.
Smith, Robert P.
Snead, Leonard A.
Snopkowski, Edward L.
Soderholm, Carlton E.
Soper, Malvern E.
Spangenberg, Walter, Jr.
Spann, Willis L.
Spencer, William A.
Spoon, Donald D.
Spry, Warren L.
Stensrud, John D.
Stevens, Jack M.
Stewart, Richard C.
Stilwell, Edward P.
Stobie, Edwin F.
Stockdale, James B.
Stokes, Robert E. L., Jr.
Stone, Robert S.
Stone, Troy E.
Strayve, Jerome R.
Strong, James T.
Styer, Robert T.
Swainson, Gustav F. Jr.
Tarpey, John F.
Tate, Hugh J.
Taylor, Boone C.
Taylor, David J.
Taylor, Dean, Jr.
Teasley, William A., Jr.
Tedholm, Charles E.
Tegfeldt, Carl G.
Terry, Harold L.
Thede, William L.
Thomas, Edward W.
Thompson, Robert H.
Thorson, Robert L.
Thummel, Gerald F.
Thurtell, Frank A.
Timidaiski, James T.
Toohill, Donald L.
Toole, Wycliffe D., Jr.
Townes, John W., Jr.
Trahan, Paul K.
Train, Harry D., II
Trott, Robert J.
Trout, Roscoe L.
Tucker, Ralph M.
Ulbright, Frederick W.
Underwood, John "L," Jr.
Urban, Henry, Jr.
Urbanczyk, Louis T., Jr.
Vail, Malcolm E.
Valley, James R.
Van Lunen, Lloyd M.
Van Sickle, John R.
Van Tuyl, Andrew J., Jr.
Vecchione, Felix S.
Vermilya, Jay "J"
Vermilya, Robert S.
Volk, Ralph L., Jr.
Vollertsen, Russell A.
Vollmer, Cecil R.
Von Schrader, Chandler L.
Wadsworth, Dwight
Waits, Jack E.
Walker, Grant J.
Walker, Grover C., Jr.
Waller, Edward C., III.
Walsh, Francis R., Jr.
Ward, "J" "D"
Warriner, Victor G.
Watkins, James D.
Watkins, Robert W.
Weaver, Keith T.
Weeks, Robert E.
Weidman, Robert M., Jr.
Welch, Edward F., Jr.
Wellons, Alfred G., Jr.
Wells, Donald M.
Wells, John T.
Wells, John W.
Wells, John T.
Wenger, Donald B.
Wenzel, Harold F.
Westmoreland, Arthur E.
Whaley, Lucien O. G.
Wicks, William F.
Williams, Bernard P., Jr.
Williams, John G., Jr.
Wilson, James G.
Wilson, Kenneth E., Jr.
Wineman, Gordon L.
Winkler, Cornelis, Jr.
Woodard, David A.
Woods, William L., Jr.
Wurlitzer, Robert E.
Wyand, Donald M.
Yates, Andrew J.
Yates, William K.
Youngblade, Charles J.
Zebrowski, Walter T.
Zenni, Martin "M"
Zinsler, Frank G.

TO BE COMMANDER, LINE

Abe, Henry H.
Abercrombie, Jerry T.
Adamson, Edwin C., Jr.
Addams, John F.
Adler, Ronald E.
Adorney, Frank
Agnew, Dwight M., Jr.
Aitcheson, George A., Jr.
Albee, Thomas L., Jr.
Albers, Wiliam P.
Alberts, Richard P.
Albertson, William H.
Albright, Richard K.
Alderson, James M.
Alexander, Marvin W.
Alexander, Charles F.
Alexander, Adelore L.
Alford, William J.
Alldredge, Donald L.
Allen, George W.
Allingham, James R.
Allison, Arnold W.
Almberg, Francis J.
Altmeyer, John M.
Alvarado, Ramon C.
Ammann, Robert E.
Ammerman, Cleil N.
Amor, Raymond C.
Amoruso, Alfred P.
Anderson, Curtis O.
Anderson, Daniel W.
Anderson, Eugene G.
Anderson, Forrest P.
Anderson, Joseph F.
Anderson, Richard N.
Anderson, Stephen P.
Anderson, Thomas F.
Andrassy, Michael F.
Andre, Andrew L.
Apted, George L.
Armstrong, Stephen O., Jr.
Arnold, Robert B.
Artz, Robert C.
Asbacher, Martin A., Jr.
Aschenbeck, Gene W.
Ash, Leonard "C"
Ashley, Bruce H.
Asman, Robert K.
Atherton, Raymond
Atkinson, Gerald L.
Atkinson, Robert J.
Atwood, Henry C., Jr.
Augustine, Grant, III
Austin, James W.
Austin, Robert C.
Aut, Warren E.
Avrit, Richard C.
Babcock, Donald E.
Backes, Ronald J.
Bailey, Gail R.
Bailey, George T.
Baker, Robert O.
Balderston, Buele G.
Baldwin, Charles C.
Ball, Courtland D., III
Ballou, Lawrence D.
Banham, Herbert G., Jr.
Banks, Sidney M.

Barber, William H.
Bardecki, Frank J.
Barke, Arthur R.
Barker, George D.
Barker, William S.
Barkley, James F.
Barlow, James D.
Barnes, Harold
Barnes, William M.
Baron, Charles R.
Barrett, Thomas D.
Barry, John M.
Barry, Thomas M.
Barth, Joseph J., Jr.
Bartlett, Frederick R.
Basford, Michael G.
Bassett, Bradley A.
Bassett, Melvin S.
Bauchspies, Rollin L., Jr.
Bauer, Bruce A.
Bauman, James R.
Baumgardner, John F.
Bayer, David A.
Bayne, John P.
Beaulieu, Reo A.
Beaumont, Eugene A. G.
Beaver, Alfred S.
Beaver, John T.
Beck, Donald A.
Beck, John L.
Beck, Walter R.
Beck, William H.
Becker, Glynn R.
Beckwith, Gilbert H.
Beers, Robert C.
Beeton, Harvey J.
Behnken, Clifford R.
Behrle, Walter F.
Beisel, Gerald W.
Bekkedahl, Clifford L.
Belay, William J.
Belechak, Stephen C.
Bell, Bill J.
Bell, James F.
Belton, Jack G.
Benner, Leslie W., Jr.
Bennie, Donald B.
Bentley, William C.
Berg, Robert L.
Bergbauer, Harry W., Jr.
Berger, Ronald A.
Berglund, Lester W., Jr.
Berkhimer, Frank R.
Bernardin, Peter A.
Berry, James L.
Berry, Richard C.
Berry, William H.
Berthe, Charles J., Jr.
Besio, Louis F.
Best, Eddie F.
Beuris, Charles B.
Biasi, Nestore G.
Biggar, William
Billerbeck, Henry G.
Billeter, John L.
Bilyeu, Roland C.
Bingham, Joseph L.
Bird, Charles F.
Bird, Joseph W., Jr.
Bishop, Richard D.
Bittick, Marshall V., Jr.
Bivens, Arthur C.
Bjork, Kenneth S.
Blackington, Richard N.
Blackwell, Jack L., Jr.
Blackwood, Robert G.
Blaes, Carl E.
Blaes, Richard W.
Blaine, Thomas E.
Blanchard, Robert C.
Blandine, Robert E.
Block, Stanley H.
Block, Steven
Blouin, Stanley G., Jr.
Blundell, Peveril
Boaz, George L.
Bock, "E" James
Boggs, Steve V.
Boland, Bruce R.
Bolerjack, Robert C.
Bolster, Harry E.
Bordone, Richard P.
Borthwick, Robert B.
Bosworth, Thomas C.
Botshon, Morton.
Bottenberg, Foster L.
Botts, Ronald H.
Bowen, Thomas J.
Bowling, Charles R.
Bowling, David H.
Bowling, Roy H.
Bowman, Frank S.
Boyd, John H., Jr.
Boyer, Walton T., Jr.
Boyer, William E.
Boyett, Stephen G.
Boyle, Darrell D.
Boyle, Henry F., Jr.
Bozell, Rex K.
Brabec, Richard C.
Brackin, John D.
Bradbury, John I.
Braden, Melvin E., Jr.
Bradley, David W., Jr.
Bradley, Donald C.
Brammeier, Charles L.
Bravence, John, Jr.
Breaux, Fred J., Jr.
Bredestege, Joseph J., Jr.
Briner, Robert R.
Britton, William L.
Brooks, Edwin H., Jr.
Brown, Charles E.
Brown, Christopher H.
Brown, Donald D.
Brown, Frederick P.
Brown, George P.
Brown, Kenneth R.
Brown, Larry J.
Brown, Robert H.
Brown, Robert C., Jr.
Brown, Thomas F., III
Brown, Walter H., Jr.
Browning, Robert B.
Browning, Siras D.
Bruce, George W., Jr.
Bruley, Kenneth C.
Brummage, Richard L.
Brunell, James I.
Brunson, Wright "A", Jr.
Buc, Gerald G.
Buchanan, Edward O.
Bucher, Lloyd M.
Buchholz, Philip P.
Buckley, James R.
Buckley, John E.
Bueck, Robert K.
Bull, Joseph L., III
Bull, Norman S.
Bullman, Howard L.
Burgess, James A.
Burke, Robert M.
Burkhardt, Lawrence, III
Burnett, Richard W.
Burnett, William M.
Burnham, Don E.
Burns, Richard F.
Burris, Raymond M.
Burrows, Hubbard F., Jr.
Burtis, Evenson M.
Busey, James B.
Bushong, Brent
Butcher, Paul D.
Butler, Harold E.
Butler, William S.
Butrym, Stanley B., Jr.
Byberg, Robert C.
Byington, Melville R., Jr.
Byrd, Mark W.
Byrne, John A., Jr.
Cabot, Alan S.
Caldwell, Charles B., II
Calhoun, William B., III
Cameron, Clifford R.
Cameron, Norman A.
Cammall, John K.
Campbell, Donald S., Jr.
Campbell, Hugh J., Jr.
Campbell, John F.
Campbell, John A.
Campbell, James B.
Campbell, Jack
Campbell, Michael J.
Campbell, Robert J.
Campbell, William N.
Cane, Guy.
Cane, John W.
Cann, Tedford J.
Cann, William A.
Cannell, Donald T.
Canon, George A., III
Canter, Howard R.
Carelli, Francis L.
Carl, William T.
Carlin, Robert J.
Carlson, Olof M., Jr.
Carmody, Cornelius J.
Carnevale, Angelo M.
Carosia, Joseph J.
Carothers, Philip "F", Jr.
Carpenter, Walter H.
Carr, John H.
Carr, Nevin P.
Carr, Roland J.
Carrington, James H., Jr.
Carroll, James F.
Carter, Gerald M., Jr.
Carter, James D.
Carter, Robert D.
Carter, Winfred G.
Carterette, Robert T.
Case, Robert W.
Cash Eugene J.
Casimes, Theodore C.
Cassen, John S., Jr.
Cassidy, Thomas J., Jr.
Castro, William B.
Cate, Thomas R., Jr.
Cavicke, Richard J.
Cavitt, William M.
Chambers, Donald R.
Chapdelaine, Jerrold E.
Charest, Philip G.
Cheney, Donald A.
Chidley, Ralph E.
Chin, Donald
Chisholm, George E., II
Christensen, Raymond J.
Christon, Paul W.
Cisson, Arthur
Clark, Charles R.
Clark, Charles F., Jr.
Clark, Lynn R.
Clark, Philip K.
Clark, Richard G.
Clark, Robert A.
Clarkin, James J.
Clemens, Eugene M.
Clemens, Paul E.
Clements, Billy R.
Clew, William M.
Cloud, Benjamin W.
Coakley, Walter J., Jr.
Cochrane, James H.
Coe, David C., Jr.
Coe, Raymond P.
Colbus, Louis
Cole, Thomas T., Jr.
Cole, William S., Jr.
Coleman, James O.
Coleman, Richard F.
Coleman, Thomas R.
Colgan, John G.
Collier, Byron H.
Collins, Edward P.
Collins, Ferdinand I., Jr.
Collins, Philip K.
Combs, Martin F.
Compton, Charles R.
Conaughton, Robert G.
Conboy, Thomas W.
Conklin, Robert B.
Connelly, John G.
Conner, Lawrence O.
Connolly, Paul P.
Connolly, Timothy W.
Conroy, Robert O.
Coogan, Richard D.
Cook, Charles L.
Cook, Russell A.
Cook, Vernon H., Jr.
Cooley, Charles H.
Cooper, Andrew N., Jr.
Cooper, Robert G.
Cooper, Tommy G.
Copeland, Edward C.
Coppess, Robert Y.
Corbett, Eugene A.
Corey, Stuart M.
Corkhill, Thomas M.
Corley, Bennie L.
Cornell, Gordon C.
Corrado, Robert J.
Coskey, Kenneth L.
Coston, Stanford W., Jr.
Cotton, Alfred S.
Coughlin, Eugene F.
Coughlin, Paul G.
Courtney, Charles H.
Cowan, Daniel R.
Cox, Gerald W.
Crabb, Eugene V.
Crain, James D.
Crandall, Alan W.
Crane, Herbert C.
Crane, Leonard B., Jr.
Crater, Ray F.
Craven, Robert C. E.
Crawford, Bobby C.
Crawford, Kerrins M.
Crawford, Nace B., Jr.
Crawford, Roderick P.
Crawford, William T.
Crayton, Render
Cricchi, John V.
Crinklaw, Douglas L.
Crockett, Thomas L.
Croom, William H., Jr.
Cross, Charles H.
Crosson, Harry E.
Cryer, John P.
Cuccias, Leo P.
Culbert, Joseph M., Jr.
Cunningham, Marshal E.
Cunningham, Edward F.
Curl, Kent W.
Currier, Richard A.
Curry, Thomas L.
Curry, Thomas E.
Cutchen, Paul O.
Czaja, Bernard F.
Dagdigian, James J.
Daigneault, Joseph J., Jr.
Daily, Hubert D., Jr.
Daleke, Richard A.
Dalla-Mura, Bart M., Jr.
Dally, David F.
Dalton, Charles W.
Dalton, Richard V.
Daly, Paul S.
Daly, Richard G.
Damico, Richard J.
Damon, Terry A.
Dana, John B.
Dancer, Jerry D.
Daniels, James M.
Daubenspeck, Richard E.
Davenport, Philip C.
Davey, John R., Jr.
Davis, John B.
Davis, Noble J., Jr.
Davis, Ralph G.
Davis, Richard H.
Davis, Robert C., Jr.
Davis, Robert H., Jr.
Davis, Russell E.
Davis, Walter J.
Deal, Walter C., Jr.
Deam, Norman A.
Dean, Herbert J.
DeHart, William
DeHart, William
Deibert, Bernard N.
Delaney, John R.
De Loach, John W.
DeMaris, Darryl A.
Demmin, Lester F.
Dempsey, Gerald M.
Dennison, William E.
Derda, James R.
Derr, John P.
Desrocher, Marvin P.
Desseyn, Maurice H.
DeTonnancourt, Arthur E.
Deuel, Jamieson K.
Devereaux, John R., Jr.
DeVries, Edgar L.
Dey, Gordon J.
DiCarlo, Vincent A.
Dick, Joseph L.
Dickman, Jerry A.
Dickson, George K.
Dickson, John A.
Diehm, William C., III
Dierdoff, Loren M.
Diesel, Charles N.
Dietz, Richard J.
DiGiacomo, Joseph G.
Diley, Lewis E.
Dillingham, Paul W., Jr.
Dillon, Alfred J.
Dillon, John F.
Dimon, Charles G. Jr.
DiPace, Joseph V.
Divelbiss, Dallas R.
Dobyns, John E.
Dodds, Robert M.
Domingue, William A.
Donaldson, Robert S.
Doney, Robert G.
Donnell, Joseph S., III
Donnelly, Richard F.
Donnelly, Raymond D., Jr.
Donnelly, Robert G.
Donnelly, Verne G.
Donohue, David P.
Donovan, Daniel E.
Donovan, James F.
Donovan, Philip C.
Doolittle, James E.
Doroshuk, John, Jr.
Dorsey, Arthur G., Jr.
Doucet, Richard E.
Douglas, Jack R.
Douglass, James G., Jr.
Dowd, Francis X.
Dowds, Donald H.
Dowe, Robert M., Jr.
Dowe, William J., Jr.
Downing, Thomas P.
Downs, James R.
Drain, John F.
Drayton, Henry E., Jr.
Drees, Morris C.
Drenkard, Carl C.
Drew, Russell C.
Drummond, Scott E., Jr.
Dubino, Andrew D.
Du Charme, George W.
Duff, Robert G.
Dugan, Richard F., Jr
Duhrkopf, Don J.
Duke, Marshal D., Jr.
Duke, Robert J.
Dunaway, John A., Jr.
Dunkin, Ray L.
Dunlop, Thomas E.
Dunn, John F.
Dunning, James A.
Durant, Michael
Durant, Thomas W.
Durbin, Peter
Easton, Ervin R.
Easton, Peter B.
Eckart, James H.
Eckerd, Kenneth C.
Eckhouse, Morton A.
Ediin, Robert L.
Edwards, Donald L.
Edwards, Jerry J.
Edwards, William R., Jr.
Eels, William R., Jr.
Ehl, James W.
Eichinger, Joseph C.
Eidsmoe, Norman E.
Elder, Ralph C.
Eldridge, David B., Jr.
Elliott, Donal W.
Elliott, Jack "B"
Elliott, Orville G.
Ellison, John C.
Elmore, John E.
Elster, James M.
Emerson, Jesse R., III
Emerson, John R.
Engelbrecht, Richard H.
Englander, Owen
English, Francis W., Jr.
Erickson, William K.
Evans, Boyce "D"
Evans, George J.
Evans, Richard B.
Evans, Robert C.
Evans, Thomas B.
Evans, Thomas G.
Everett, Lauren R.
Evrard, William E.
Eyres, Thomas D.
Falconer, Alastair S.
Fall, David R., Jr.
Farber, Karl H.
Farnham, Charles G.
Faron, John F.
Farris, Don M.
Feeks, Edmond M.
Fellows, Charles D.
Felt, Donald L.
Felt, Joseph A.
Felter, John F.
Feltham, John C., Jr.
Fenn, Dan E.
Ferguson, David E.
Fergusson, Ernest W.
Ferrazzano, Fred J.
Fiedler, Peter B., Jr.
Fields, James E.
Fields, William B.
Fiene, Donald F.
Filkins, William C.
Filteau, George L.
Fink, Jerome I.
Finneran, William J.
Finney, Jack L.
Fischbein, Ernest
Fischer, David H.
Fischer, Edward J.
Fisher, John C.
Fitzgerald, Thomas W., Jr.
Fitzgerald, David E.
Flaherty, Robert M.

Flatley, John E.
Fleming, Raymond T., Jr.
Fletcher, John G.
Fletcher, William B., III
Flom, Hewitt O.
Florin, Donald E.
Foard, Wyatte F., Jr.
Folta, Daniel A.
Fong, Chong S.
Forbes, Donald L.
Forsman, Arvid E.
Forsyth, James P.
Fossum, Paul G.
Foster, Clifton G., Jr.
Fountain, Robert R., Jr.
Fox, Charles W., Jr.
Francke, Robert L.
Frank, Benjamin L.
Frankenfield, Robert T.
Fraser, George K., Jr.
Fraser, Robert "E."
Frecker, David A.
Frederick, John L.
Freeman, Linus W., Jr.
Freeman, Robert W.
French, Henry A.
Freund, Herman C.
Frick, Joseph F.
Frick, Walter B.
Friddle, Frank R., Jr.
Friese, George A.
Friesen, Floyd A.
Fryberger, Elbert L., Jr.
Frye, Thomas A. W.
Fudge, David A.
Furey, Laurence T.
Furmanski, John A.
Gall, Duane M.
Gallagher, Hugh L.
Gallotta, Albert A., Jr.
Gallup, Shelley P.
Gandy, John D.
Garcia, William V.
Gardenier, Robert R.
Gardner, Ruel E.
Garlitz, Jerry E.
Garner, William D.
Garrett, John E.
Gaskill, Richard T.
Gatewood, Tommy L.
Gavazzi, Robert R.
Geary, Jack E.
Gehring, Donald H.
Gennette, Robert L.
Geronime, Eugene L.
Gerow, Francis W.
Gherrity, Patrick F.
Gholson, Daniel H. L.
Gibber, Philip "F"
Gibson, Robert B., Jr.
Gigliotti, Felix P.
Gildea, Joseph A.
Gillham, Richard D.
Gilmore, Arthur H.
Gilmore, Joseph M.
Gilroy, John W., Jr.
Giovanetti, William C.
Glade, Gerald L.
Glaves, Robert H.
Glazier, Alvin S.
Gleason, Joseph P.
Gleim, James M.
Glover, Albert K., Jr.
Glover, Dennis C.
Glovier, Harold A., Jr.
Glunt, David L., Jr.
Goddard, Thomas B.
Godfrey, Forrest J.
Goldner, Robert R.
Goll, Gerald E.
Gomer, August W.
Gonzalez, Alfred H.
Good, Robert C.
Good, Ronald P.
Gooden, Richard O.
Goodman, Kelsey B.
Gore, James R.
Goschke, Erwin A.
Gowing, Richard M.
Gradel, Robert
Graf, Frederic A., Jr.
Graham, Robert F.
Graham, Sidney R.
Grantman, Roger H.
Graveson, George L., Jr.
Gray, Basil F., Jr.
Greeley, Michael T.
Greene, George W., Jr.
Greene, William F.
Greer, Marvin S., Jr.
Greer, Wayne C.
Greer, William E., III
Gregory, Donald G.
Gregory, George B.
Greiwe, William H.
Gress, Donald H.
Grich, Richard J.
Griffith, Webster
Griffiths, Rodney D.
Griggs, Norman E.
Grose, Robert H.
Guess, Malcolm N.
Gunn, Max C., Jr.
Haas, Kenneth R.
Hackney, Benjamin F. III
Hagberg, Roy V.
Hager, Charles F.
Haggquist, Grant F., Jr.
Hagmann, Albert P.
Hahn, Frederick, Jr.
Hall, John V.
Halladay, Maurice E.
Halle, "S" Portland, III
Halverson, Richard K.
Hamel, James K.
Hamel, Louis H., III
Hamilton, Clyde E.
Hamilton, Glenn D.
Hamlin, Andrew L.
Hamm, Clement D., Jr.
Hammock, John W.
Hammond, Russell, Jr.
Hampton, Winfred F., Jr.
Hamrick, Franklin G.
Hangartner, Lyle G.
Hanigan, Marvin F.
Hankins, Elton E.
Hannula, Brian K.
Hansard, Stonewall
Hansen, Rodney V.
Hargrave, William W., Jr.
Harlow, David L.
Harmon, James O.
Harms, Stanley J.
Harness, William D.
Harney, Russell F.
Harns, John H.
Harper, George T., Jr.
Harper, William W.
Harris, Jack R.
Harris, James W.
Harris, James W.
Harris, James C.
Harrison, Stuart E.
Harrop, Robert D.
Hartley, John D.
Hartman, Gerald A.
Hartranft, Richard J.
Hartzell, Robert H.
Harvey, Donald L.
Harwood, John B.
Hassett, Joseph K.
Hatch, Harold G.
Hatcher, Robert E., Jr.
Havens, Stanley L.
Havird, Lloyd B.
Hawk, Arthur L.
Hawkins, Cecil "B", Jr.
Hawkins, Richard M.
Hay, James C.
Hayes, Albert M., Jr.
Hayes, Fay C.
Hayes, Francis X.
Hayes, James C.
Hayes, Jerome B.
Hays, Estel W.
Haywood, Jesse H.
Headland, Carl B.
Hebbard, Leroy B., Jr.
Hecker, Stanley
Heft, James O.
Helgemoe, Raymond A.
Helgeson, Harry E., Jr.
Hellinger, Richard L.
Helm, George N., Jr.
Helms, Harlie B., Jr.
Helms, Raymond E., Jr.
Helms, Ronald L.
Hendrick, David R.
Hendrickson, Claude F., Jr.
Hendry, James D.
Henifin, Edward E.
Hennessey, Aloysius G., Jr.
Henson, George M.
Henson, James D.
Henson, John M.
Herberger, Albert J.
Hernan, Peter J.
Herndon, Franklin C., Jr.
Herring, Edwin L.
Herzer, Oscar A.
Heyl, William E.
Heyward, Irvine K., IV
Hickey, Edward J., Jr.
Hicks, Dilliard D., Jr.
Higginbotham, Allen B.
Higgins, Byron R.
Higgins, Hugh W.
Higgins, John F.
Higgins, Richard G.
Higgins, Thomas G.
High, James T., Jr.
Highfill, Kenneth L.
Hilder, Leonard O., Jr.
Hill, Frank W.
Hille, Edward W.
Hinden, Stanley
Hinkle, David R.
Hinman, Albert H.
Hipp, Ronald N., Jr.
Hoch, John E., Jr.
Hodge, Sidney T.
Hodson, Theodore L.
Hogan, Edward J., Jr.
Hogan, Thomas W., Jr.
Hogan, Walter V.
Holbert, William H., Jr.
Holcomb, Gordon B.
Holcomb, "M" Staser
Holder, Luther C.
Holland, Elbert R.
Hollen, Frederick M.
Hollenbach, William T.
Hollenbach, Richard G.
Hollingworth, Roy M.
Holly, Daniel T., Jr.
Holmes, James W., Jr.
Holt, Henry C., IV
Hooper, Benjamin F.
Hoover, John S.
Hope, Edgar G., Jr.
Hope, Herbert A., Jr.
Hopper, Thomas M.
Horan, Robert A.
Horner, John, Jr.
Horowitz, Charles L.
Horowitz, Norman
Horton, Robert L.
Horwath, William J.
Hosepian, Edward S.
Hoskins, Bill J.
Hoskovec, William B.
Hostettler, Stephen J.
House, Edward C.
Houston, Albert W.
Howard, Albert W., Jr.
Howard, Donald L.
Howard, Joseph B.
Howell, Roswell L.
Howey, Robert E.
Hoye, James M., II
Hoyt, Richard L.
Hryskanich, Paul L.
Hubal, Augustine E., Jr.
Hubbard, Clifford R., Jr.
Hubbard, Henry L.
Hubbard, Samuel W., Jr.
Hubbell, Walter B.
Hudgins, Thomas B.
Hughes, Kenneth P.
Hughes, Ronald E.
Huisman, Roland K.
Hukill, Henry D., Jr.
Hull, Fred A.
Hull-Ryde, Donald
Humber, Marcel B.
Humphreys, Felton "M", Jr.
Hunter, Charles B.
Hunter, William J.
Hunter, William G.
Hurd, John B.
Hurley, Robert J.
Hurt, Jonathan S.
Hussey, William T.
Hyman, Arnold J.
Ike, Robert C.
Ingraham, Talcott L., Jr.
Ireland, Blair
Isaacks, Marion H.
Isaacs, Allen L.
Ives, Richard H.
Jackson, George L.
Jackson, Nelson P.
Jackson, Robert S.
Jacob, Robert E.
Jacobs, Edward J.
James, Joe M.
Jameson, Henry C., Jr.
Jasper, Charles R.
Jefferis, Allen S.
Jefferson, Robert R.
Jellison, Robert K.
Jenkins, Folsom
Jensen, Carl T.
Jewell, Robert W., Jr.
Jobe, James E.
Johnsen, Roy M.
Johnson, Alfred C., Jr.
Johnson, Arne C.
Johnson, Billie D.
Johnson, Eldon D.
Johnson, Emil L.
Johnson, Oren D.
Johnson, Theodore F.
Johnson, William T.
Johnston, Fox H.
Johnston, Fred W., Jr.
Johnston, George T.
Johnston, James I.
Jolliff, James V.
Jonasz, Fredric
Jones, Donald W.
Jones, Donald S.
Jones, Henry R.
Jones, James F.
Jones, Jerry D.
Jones, John L.
Jones, Robert H.
Jongewaard, Larry L.
Jorgensen, Charles J., Jr.
Joy, Bernard I.
Joy, James A.
Juergens, John G.
Kaiser, Dean E.
Kaiser, Gilbert J.
Kaltenborn, James C.
Kane, Charles K.
Karge, Ronald E.
Karpaitis, Anthony J.
Kastelein, Cornelius
Kattmann, Roger H.
Kauderer, Bernard M.
Kavanagh, Robert G.
Kearns, William A., Jr.
Keely, Leroy B.
Keenan, Richard L.
Keene, Glenn F.
Keene, Thomas J.
Keener, John I.
Keery, Jerry L.
Keimig, Allen D., Jr.
Keith, Harold S.
Keith, John D.
Kieth, William H.
Kellaway, Peter W.
Kelleher, Thomas A., Jr.
Kelley, Alfred G., Jr.
Kellogg, Edward S., III
Kelly, James F.
Kelly, John S.
Kendrick, William O.
Kennedy, Jack M.
Kennedy, William E.
Kephart, Robert D.
Ketzner, Harry T.
Kiddle, Bradley D.
Kiehl, Richard L.
Kiernan, Warren R.
Killian, Donald J.
Kilty, Lawrence R.
Kimzey, Walter F.
King, Edward L.
King, John E., Jr.
King, Richard B.
Kingsley, Stephen S.
Kinley, Frederic H. M.
Kinnaird, Martin J.
Kinsley, Harry W., Jr.
Kirksey, Robert E.
Kish, Steven E.
Klar, Norman
Klee, Robert E.
Klein, Verle W.
Kline, Arlington N.
Klusmann, Charles F.
Knapp, Franklin P.
Kneisl, John F.
Knepper, Donald E.
Knerr, Donald O.
Knight, Charles H.
Knight, Cecil F.
Kniss, Donovan E.
Knowles, George I.
Koci, Vaclav H.
Kollmorgen, Frederick J.
Kother, Charles G.
Kowalskey, Zygmont J., Jr.
Kratz, Marshall L.
Kraus, Kenneth E.
Kretzschmann, Curt H.
Krumwiede, Jerold L.
Kuffel, Robert W.
Kugler, Kenneth D.
Kugler, Valarius E.
Kujawski, Theodore D.
Kunkler, Hilary G.
Kunstmann, Clarence M.
Kurth, Ronald J.
Kurzenhauser, Alfred
Kuttler, Manford D., Jr.
LaBarre, Richard E.
Lage, Robert L.
Lahr, John J.
Laib, Ernest E., Jr.
Lake, Walter W.
Lamb, David C.
Lamm, William A.
Lamore, James F.
Landers, John D.
Landers, Robert J.
Landersman, Stuart D.
Lang, James M.
Lange, Kenneth B.
Langelier, Wilfred E., Jr.
Langford, George R.
Langrind, Roy G.
Lardis, Christopher S.
Larson, Ralph S.
Lashbrook, Durwood E.
Latham, William B.
Latta, Robert L.
Lauber, Ronald M.
Lauer, William C.
Laughlin, Gerald F., Jr.
Laurentis, William D., Jr.
Laurienzo, Robert L.
Lavender, Robert E.
Lawler, Frederick W.
Lawler, James C.
Lawler, William A.
Lawless, Spencer C.
Lawrence, Donald S.
Leach, Donald B.
Leaman, Richard E.
Learned, Charles W., Jr.
Leavitt, Horace M., Jr.
Lechner, George B.
Leckie, William O., Jr.
LeClerc, Raymond P.
Lee, Melvin R.
Leedom, Clair E., Jr.
Leenerts, Rolland E.
Leibel, Robert J.
Lemmon, Virgil J.
Lenahan, Robert P.
Lenardi, Donald M.
Lent, Willis A., Jr.
Leonard, John D., Jr.
Leonard, Robert W.
Leonhardi, Roger L.
Leslie, Richard
Levenson, Lee E.
Levey, Sanford N.
Lewis, Dewey T.
Lewis, Jesse W., Jr.
Lewis, Joseph C.
Lewis, Robert
Lewis, Willis I., Jr.
Lichlyter, Stanford E.
Lietzan, Ernest W., Jr.
Lightsey, Elvin G., Jr.
Limbaugh, Harold D.
Limerick, Christopher J., Jr.
Limroth, David F.
Lina, Robert A.
Lindsay, Gilbert M.
Lindsay, Robert B.
Lindsay, Thomas L.
Livingston, Robert N.
Lloyd, Theodore L., Jr.
Locke, Barrie B.
Lodge, Billups E.
Loeffler, William H.
Logan, Joseph B.
Lohr, Chester H.
Longman, Richard D.
Loomis, Robert R.
Lorden, Lawrence R.
Lott, Carl D.
Lott, William A.
Lotze, Herbert E., Jr.
Lough, Gordon K.
Lowry, George C.
Lucken, Frank E.
Ludwig, George E.
Lunday, John W., III
Lynch, William A.
Lynch, Will T.

Lyon, Peter W.
Lyons, Philip
MacAdam, William F.
Macaulay, Angus
MacClary, David B.
Machak, Peter N.
Mack, Chester M.
Mack, John
Mack, Robert P.
Mackinnon, James C., III
Maddox, Iven J.
Madigan, James A.
Mahony, Wilbur J.
Maier, William J., Jr.
Mallinson, William K.
Mallory, John S.
Mangin, Joseph N., III
Mann, Horace D., Jr.
Mares, James A.
Markoskie, John V.
Marks, Stanley J.
Marriott, Jack L.
Marsh, Alvin "F"
Marsh, Lee S.
Marsha, Patrick P., Jr.
Marshall, John T., Jr.
Marshall, Jack L.
Marshall, Norman G.
Martin, Alan F.
Martin, Charles W., Jr.
Martin, Edward H.
Martin, James K.
Martin, Robert C.
Martinez, Lucian C.
Martini, Richard A.
Mason, Ralph A., Jr.
Mason, Ralph S.
Massey, Roger A., Jr.
Masterson, Kleber S., Jr.
Matais, George R.
Mathews, Donald R.
Mathews, Donald W.
Mathews, Robert D.
Mathews, Thomas H.
Mathis, Harry L., II
Matthews, Paul C., Jr.
Matthews, William B., Jr.
Mattson, Donald J.
Mauldin, Richard A.
Maxwell, John A.
May, Robert E.
Mayberry, Thomas A., Jr.
McAdoo, William C.
McAlevy, John H.
McArdle, Stephen J., Jr.
McCabe, Billy E.
McCaffree, Burnham C., Jr.
McCall, Walter H.
McCanna, Marvin G., Jr.
McCardell, James E., Jr.
McCarthy, Gerald D.
McCarthy, Paul F., Jr.
McCarthy, Thomas W.
McCartney, Rodney F.
McCarty, Charles M.
McClellan, Parker W.
McClellan, Billy L.
McClenahan, Richard M.
McComb, Robert B.
McConnell, Donald L.
McConnell, Cyrus, Jr.
McCracken, John L.
McCrane, Brian P.
McDaniel, Johnny B.
McDonald, Raymond T.
McDowell, Curtis G.
McDowell, Don H.
McGathy, Charles L., Jr.
McGonagill, Eber C.
McGrath, James W.
McGrath, William D.
McGuiness, Donald A.
McIntyre, James G.
McKay, John H.
McKay, Robert W.
McKee, George R., Jr.
McKenna, Patrick
McKenzie, James A., II
McKenzie, Jon C.
McKinster, James W.
McLaird, Preston, Jr.
McLaughlin, Bernard R.
McLendon, Millard S.
McLuckie, James D.
McMahon, Thomas J.
McMurtray, Robert A., Jr.
McNett, William T.
McNulty, James F.
McQuesten, John T., Jr.
McVay, Donald H., Jr.
McWalters, William A., Jr.
Melton, Edward C., Jr.
Melville, Noel
Meredith, Stuart T.
Merget, Andrew G.
Merkler, George J.
Merritt, Robert L.
Merwin, Paul L.
Mesler, Robert A.
Metzler, Donald M.
Meyer, Donald J.
Mhoon, John E.
Milano, Vito R.
Millen, Thomas H.
Miller, Blount R., Jr.
Miller, Bryce N.
Miller, Curtis W., Jr.
Miller, Hal Y., Jr.
Miller, Kenneth F.
Miller, Raleigh B., Jr.
Miller, Robert R.
Miller, Ronald C.
Millman, Larry
Mills, James P. W.
Mills, James R.
Minetti, Bernard L.
Mitchell, Carroll K.
Mitchell, Donald F.
Mitchell, Jerry L.
Mitchell, Joseph S.
Mitchell, Robert C.
Mock, Roy L.
Mode, Paul J.
Monaghan, James J.
Monroe, Edward H., Jr.
Monroe, William D., III
Montross, Robert W.
Mook, Joseph
Mooney, John B., Jr.
Moore, Clarence E.
Moore, Earle G.
Moore, Hugh A.
Moore, Johnnie R.
Moore, John R.
Moore, Milton W., Jr.
Moore, Raphael B.
Moore, Thomas G.
Moran, Clifford D.
Moranville, Kendall E.
Moreau, Arthur S., Jr.
Moredock, William J.
Morford, Dean R.
Morgan, Houston M.
Morgan, John M.
Morgan, Leroy W., Jr.
Moriarty, Jack O.
Morin, Ronald D.
Morris, James I.
Morrison, Daniel N.
Morrow, Richard D.
Mortimer, Edward H., III
Morton, Robert R.
Morton, Theodore E.
Mosman, Jack H.
Moss, Daniel J.
Moury, Roger F.
Moye, William B., Jr.
Mozley, James F.
Mudgett, Richard L.
Muench, Gerald W.
Muka, Joseph A., Jr.
Mulcahy, William J., Jr.
Mullen, Richard D.
Mundt, Werner F.
Munson, Roger D.
Murdoch, Alan G.
Murphy, Elbridge F., Jr.
Murphy, George A.
Murphy, Richard G.
Murray, Joseph E., Jr.
Musgrave, "R" "F"
Musorrafiti, Francesco A.
Myers, Lowell R.
Mylander, Stig J.
Narowetz, Bruce A.
Neel, William C.
Neel, William M.
Neill, Louis D., Jr.
Nelles, Merice T.
Nelson, Charles W., Jr.
Nelson, George E., Jr.
Nelson, Herbert F.
Nelson, James M.
Nelson, Joshua J.
Nelson, Keith
Nelson, Lawrence R.
Nelson, Teddy N.
Nesbitt, Harry J.
Newcomb, James A.
Newman, Robert L.
Newton, John E.
Neyland, James P.
Nichol, Monte B.
Nichols, Jack H.
Nichols, Richard L.
Nicholson, John L., Jr.
Nielsen, Donald E.
Nightingale, Billy R.
Nix, Walter C.
Nokes, Neil M.
Noll, Rolf F.
Norby, Merlin R.
Nordhill, Claude H.
Noren, Rees E.
Norton, John R., Jr.
Nothwang, David R.
Nott, Edward C., Jr.
Nuss, Charles R.
Nystrom, Frederic L.
Oaksmith, David E., Jr.
Oberg, Chester R.
O'Brien, John T.
O'Connell, John D.
O'Connor, Joseph E.
O'Der, John T.
O'Donnell, Richard J.
Offrell, David W.
O'Hara, John T.
O'Keefe, James L., Jr.
Oldmixon, William J.
Olds, Robert B.
Olear, Joseph P.
Oleson, David E.
Olsen, Harold L.
Olsen, Jerome J.
Olsen, Robert M.
Olson, Conrad B.
Olson, Gerard R.
Olson, Norman H.
Olson, Richard S.
O'Malia, Robert J.
Onorato, Ernest D.
O'Reilly, Charles W.
O'Rell, Quinlan R.
Ormond, George, Jr.
O'Rourke, Bernard J.
O'Rourke, Daniel, Jr.
Orsik, Walter A.
Orsino, Leo A.
Ortega, Joseph J.
Ortmann, Dean A.
Osborne, Arthur M.
Osborne, Charles N., Jr.
O'Shaughnessy, Robert J.
O'Shea, John A., Jr.
Oslun, William J.
Ostergren, James E.
O'Sullivan, Richard C.
O'Toole, Arthur L., Jr.
Owens, Robert M.
Owesney, William T.
Padgett, Harry E.
Paganelli, John E.
Painter, George V.
Paisley, John B., III
Palmieri, John J.
Paolucci, Donald C.
Papio, Emil M.
Parcher, Stuart M.
Parker, John T., Jr.
Passantino, Sebastian P.
Pasztalaniec, Matthew F.
Patrick, Julian C.
Pattee, Arthur W.
Patterson, Lee R.
Patterson, William V.
Paul, David L.
Paul, John E.
Paulk, John E.
Paulson, Allan G.
Pawley, Sigmund B., Jr.
Payne, Dean M.
Peacock, Henry F.
Pearl, Harlan R.
Pearlman, Samuel S.
Pearson, George W.
Peckworth, Dana
Pedigo, Robert E.
Peebles, Edward M.
Peery, William K.
Perault, David J.
Perkins, Jack C.
Perkins, Joseph "A", Jr.
Perrault, Mark E.
Perry, Lowell E.
Personette, Alan J.
Pertel, Joseph A.
Petersen, Gordon S.
Petersen, Walter R.
Peterson, Dale A.
Peterson, John W.
Peterson, Mell A., Jr.
Peterson, Richard N.
Petit, Pierre A.
Petry, William A.
Pettigrew, Joseph H.
Pettyjohn, William R.
Pfarrer, Charles P., Jr.
Phillips, Charles A.
Phillips, John T.
Phillips, Lawrence, Jr.
Phillips, Paul E.
Philpot, Marvin L.
Phoenix, David "A"
Pifer, Charles E.
Pikell, Joseph V.
Pippin, William E.
Pitkin, Ronald E.
Pitts, David T.
Pitts, David B.
Pixley, George D.
Place, Allan J.
Poland, James B.
Pollack, Harold I.
Pollum, Edgar W.
Poore, Ralph E.
Pope, John W. R., Jr.
Poreda, Charles P.
Porter, Robert D.
Potosnak, Joseph E.
Potter, Arthur M., Jr.
Prell, Raymond B.
Preno, Melvin C.
Prentiss, Dickinson
Preston, Edgar H.
Price, Walter P.
Priddy, Clarence L., Jr.
Primeau, Don G.
Prindle, Charles O.
Pringle, Donald B.
Pritscher, Robert L.
Profilet, Clarence J.
Pullen, Luther D.
Puopolo, Michael J.
Purdum, William H.
Purtell, Joseph M.
Quamme, Lyle D.
Quillin, Thomas E.
Quin, John M., Jr.
Quirk, William J.
Rademacher, John W.
Raffaele, Robert J.
Raiter, Richard F.
Ralph, Steve, Jr.
Ramos, Steve L.
Ramsey, Gayle
Ramzy, James R.
Rand, Donald H.
Randall, Howard W.
Randall, Howard F., Jr.
Raper, Albert D.
Raunig, David R.
Rayder, Daniel F.
Raysin, Paul E.
Read, Richard R.
Reasonover, Roger L., Jr.
Reaves, Joseph C.
Reddick, Robert E., Jr.
Reed, Charles A.
Reeg, Frederick J.
Reese, Franklin W., III
Reffitt, Raymond E.
Reger, William L.
Register, Marvin O.
Reinhardt, Jerry B.
Reisinger, John E.
Rennie, William B., Jr.
Reynolds, James H.
Reynolds, Marvin D.
Reynolds, Robert F., Jr.
Reynolds, Stuart V.
Rhodes, Randolph L.
Rice, Daniel W.
Rice, Gary L.
Rice, Stanley G.
Richards, Lloyd W.
Richards, Robert J.
Richards, Walter E.
Richardson, Phillip D.
Richardson, Harold M.
Richardson, William C.
Richter, Ronald P.
Ricketson, Francis B.
Rickly, James M.
Ridge, James J.
Riegel, Robert W.
Riendeau, Arthur O., Jr.
Riendeau, Gerald L.
Rigney, William J.
Riley, Kenneth J.
Riley, Raymond T.
Ritz, Merlin C.
Rivers, John B.
Roach, Francis L.
Robertson, Robert R., Jr.
Robey, George R., Jr.
Robey, Robert V.
Robinson, Duane A.
Robinson, Percy E., Jr.
Robinson, Thomas W., Jr.
Robinson, William H., Jr.
Robinson, William N.
Robinson, William A.
Rockefeller, Harry C., Jr.
Rodgers, Dean T.
Rodgers, James B.
Rodgers, Thomas A.
Rodriguez, William P.
Roe, Charles W.
Roe, Donald W., Jr.
Roepke, John R.
Rogers, Charles E., Jr.
Rogers, Gerard F.
Rogers, Robert B.
Rogers, Warren F.
Roland, Gerald K.
Romano, Matthew E.
Rorie, Conrad J.
Rork, John K.
Rose, Charles C., Jr.
Rose, Hardy N.
Rose, William R.
Roseman, Troy B.
Rossman, Robert H.
Roth, Conrad W.
Rowland, Charles M., Jr.
Rubey, William A.
Ruch, Martin, Jr.
Rudolph, Francis A., Jr.
Ruggles, Kenneth W.
Ruhsenberger, Roger H.
Rumelhart, Max R.
Runyon, Richard E.
Rusch, John M.
Russell, Kenneth B.
Russell, William F.
Ryan, Albert
Ryan, James A., Jr.
Ryan, James W.
Ryan, John N.
Ryan, Thomas J.
Ryan, William A.
Ryman, Gerald M.
Sabol, Ernest J., Jr.
Sacks, Harold H.
Salva, Fedor R., Jr.
Samples, Loy C.
Sanden, Oscar E.
Sanders, Ben T.
Sapp, Charles S.
Sargent, Richard E.
Sarkisian, Ara
Satre, Robert S.
Saubers, Walter F.
Sawiak, Conrad B.
Saylor, Thomas P.
Scarborough, Robert L., Jr.
Schaadt, Douglas D.
Schaaf, Thomas W.
Schaff, Donald J.
Schatzle, Francis J.
Schaub, John R., Jr.
Scheiter, Gene L.
Schermerhorn, James R.
Scheurich, Thomas E.
Schibel, Robert L.
Schlemmer, Robert M.
Schlenzig, Robert E.
Schmidt, Gilbert E.
Schnell, Herbert L., Jr.
Schnetzler, Estill E., Jr.
Schoeckert, Robert D.
Schoeffel, Peter V.
Schroeder, Robert E.
Schultz, Eugene D.
Schuman, Martin S.
Schuppert, Vincent J.
Schuster, Dale G.
Schuster, Gustave P.
Schwartz, Wallace J.
Schweitzer, Robert J.
Scott, Austin B., Jr.
Scott, Jack E.
Scott, Kenneth M.

Scott, Robert W.
Sebring, Leland H.
Seifert, Robert J.
Seigenthaler, Thomas U.
Selby, Paul F.
Self, David L.
Selgrath, James J.
Sellers, John W.
Semple, William C., III
Serig, Ward E. K.
Sesler, Ralph M.
Sesow, Anthony D.
Sewell, Robert L.
Shafer, Don M.
Shafer, William J. E.
Shanaghan, John J.
Sharp, Gail "J"
Sharpe, Lawrence A.
Shaughnessy, Francis M.
Shaw, John H.
Shaw, John G.
Shaw, William M.
Shea, Rolland K.
Shearer, Oliver V., Jr.
Shearer, Thomas D.
Sheehan, Robert K.
Sheehy, Eugene E.
Sheeley, Elmer E., Jr.
Sheets, Jean P.
Sheldon, George E., Jr.
Shelly, Ronald G.
Shemanski, Francis B.
Sherrouse, James B.
Shewchuk, William M.
Shilling, John D.
Shine, Maurice J.
Shirley, Milford E.
Shoemyer, James W.
Shrader, Ebert F.
Shropshire, Edwin D., Jr.
Shughrou, John J., Jr.
Shuman, Edwin A., III
Silverman, Arnold M.
Simia, Richard
Simmons, Arlis J.
Simmons, Clayton M.
Simon, Douglas M.
Siska, Edward
Sisson, Thomas U., Jr.
Siverly, Paul L.
Skarlatos, Paul
Skelton, Stuart A.
Skerrett, Robert J.
Skillen, Robert L.
Skillman, Charles F.
Skolnick, Alfred
Skubinna, Myron A.
Slawson, Ralph L.
Sliwinski, Daniel J.
Slyfield, Frederick J.
Smevog, Herbert W.
Smidt, Robert L.
Smiley, Charles B.
Smiley, Douglas I.
Smith, Alfred A.
Smith, Allen, III
Smith, Chester R.
Smith, David G.
Smith, Frederick D., Jr.
Smith, "H" "O"
Smith, Joel E.
Smith, John P.
Smith, Joseph C.
Smith, Leighton D.
Smith, Morgan H.
Smith, Ralph R.
Smith, Thomas J.
Smith, William L.
Smith, William L.
Smitter, Clarence H.
Snider, Lloyd H.
Snively, Abram B., III
Snow, George M.
Snyder, Aaron W. S.
Snyder, Edward C., Jr.
Snyder, Sherman R.
Snyder, Virgil C.
Soderholm, Richard C.
Solan, Thomas V.
Somerville, William J.
Sommers, Carl W., II
Sonniksen, Ronald G.
Sorenson, Curtis A.
Sottak, Edward J.
Southwick, Charles E.
Spar, Edwin F.
Spargo, Richard A.
Spartz, John N.
Spaulding, Ralph L.
Spear, John R.
Speelman, Thomas W.
Speirer, Paul E., Jr.
Spiegler, Felix R.
Spradley, Van E.
Stafford, Kenneth B.
Stamm, Ernest A.
Stanard, John D., Jr.
Stanley, Thomas A.
Starbuck, Thomas H.
Starcher, Charles W., Jr.
Stechmann, Donald H.
Steel, Charles E.
Steele, Francis X.
Steele, Ted C., Jr.
Stefferud, David R.
Steffes, Herbert J.
Steinke, Harris E.
Steinman, Alfred D., Jr.
Stephens, Wayne L.
Stephenson, Donald L.
Stevens, Jack D.
Stevenson, Donald W.
Stevenson, Peter K.
Stewart, Blair
Stewart, Douglas A.
Stickney, Harold "L"
Stierman, Joseph W., Jr.
Stinner, Robert J.
Stoddart, Ronald L.
Stoffel, Micheal J.
Stolle, Edward S., Jr.
Stoltz, Kenneth E.
Stone, Jack W., Jr.
Stone, Robert A.
Stone, Ronald P.
Storck, Bernard F.
Storms, James G., III
Stovall, John C.
Struven, Robert L.
Studebaker, Clayton A.
Steubben, Richard W., Jr.
Sturgeon, William J., III
Sturm, Gerard M., Jr.
Sullivan, John G.
Sullivan, Russell J.
Sullivan, Thomas J.
Sullivan, Walter F.
Sullivan, William W.
Sutherland, Doyle L.
Sutherland, Terence B.
Sutherland, William P.
Suzan, Frank M.
Sweeney, John H., III
Sweet, Harry J.
Switzer, Robert J.
Sykes, Lewis B.
Tabler, Benjamin E.
Talbot, Frank R., Jr.
Talbot, James R., Jr.
Tally, Billy F.
Tanner, Charles N.
Tanner, John P.
Tappan, Jeremy R.
Tarlton, Joe E.
Tate, John F.
Taylor, Arthur C.
Taylor, Charles C.
Taylor, Harold A., Jr.
Taylor, James D.
Taylor, Reeves R.
Taylor, Thomas H.
Templeman, William E.
Tenney, Vincent L.
Terry, Daniel G. W.
Test, Richard "Z"
Teuscher, John J.
Tevelson, Marchel C.
Thalman, Robert H.
Thayer, Albert J.
Thomas, Donald P.
Thomas, Douglas N.
Thompson, Clifford E.
Thompson, George I.
Thompson, Jack C., Jr.
Thompson, James C.
Thompson, Richard G.
Thompson, Richard L.
Thonneson, Earling R.
Throop, James R.
Thunman, Nils R.
Tibbetts, Herbert E.
Timm, Alvin R.
Tinkler, David R.
Tise, Donald G.
Toland, Hugh J. C., Jr.
Tolg, Robert G., Jr.
Tomlinson, Alva C.
Tortora, Anthony M.
Townley, John L.
Townsend, Marshall N.
Trask, Ace F.
Traweek, Billy B.
Treagy, Paul E., Jr.
Trebbe, Shannon L.
Trebor-MacConnell, Barrie K.
Trenham, Herbert D.
Trevors, George A.
Trowbridge, Vern H.
Trueblood, William E.
Trygsland, Arnold L.
Tucker, Eli L., Jr.
Tucker, Thomas A.
Tully, William R., Jr.
Turk, Herman L.
Turner, Ralph A., Jr.
Turner, Sherman W.
Tuttle, George S.
Tuttle, John R.
Uelman, William C.
Ulmer, Donald M.
Ulrich, Charles H.
Umberger, Robert C.
Upshaw, Donald E.
Vaden, Donald E.
Van Antwerp, Richard D.
Van Dewater, George L., Jr.
Van Dien, Casper R.
Van Dusen, Harold L.
Van Dyke, Willard H., Jr.
Van Hoof, Eugene R.
Van Horssen, David A.
Van Valkenburg, George B.
Van Westendorp, Steven
Varner, Duane L.
Vatidis, Christopher R.
Vaughan, Evan J., Jr.
Veach, Clarence E.
Veatch, Philip A.
Velazquez-Suarez, Francisco A.
Vellom, Lee S.
Verich, Demetrio A.
Vernam, Claude C.
Vernon, Everett L.
Viera, John J.
Vine, Victor J.
Vinti, Joseph P.
Vitali, Burt M.
Vogt, Henry L., Jr.
Vohden, Raymond A.
Vojtek, Thomas M.
Von Perbandt, Louis K.
Vosseller, John H.
Vreeland, James M.
Wack, Charles G.
Waddington, Jack B.
Wagner, David F.
Wagner, James W.
Walck, Claude W.
Walker, Charles
Walker, Henry M.
Walker, Jack O.
Walker, Peter R.
Wall, Joseph E.
Wallace, James D., Jr.
Wallace, Robert C.
Wallace, Thomas M.
Walsh, Don
Walsh, Harvey T., Jr.
Walshe, Edward C., Jr.
Walters, James V.
Wanamaker, John F.
Ward, Charles W. D., Jr.
Ward, Conrad J.
Ward, John H.
Ward, Robert B.
Warner, Laurance B.
Warren, Billy R.
Warren, Thomas C.
Warthen, Donald
Washchysion, John
Wasson, John E.
Watson, John
Watson, Max H.
Watson, Robert "M"
Watson, Thomas C., Jr.
Watson, Wyatt P.
Weaver, James J.
Webb, James E.
Webb, James I.
Weber, Lawrence K., Jr.
Webster, James M.
Weed, John W.
Weeks, Alan L.
Weeks, Wayne F.
Wehling, Michael S.
Wehrman, Philip W.
Weir, Jack T.
Weishar, Charles F.
Weissman, Marvin M.
Weitz, Paul J., Jr.
Wellings, John F.
Wells, Don V.
Wells, Peter M.
Wells, Walter H., Jr.
Wenker, William A.
Wensman, Linus B.
Wessel, James E.
West, Denton W.
West, Donald A.
Westmoreland, Ralph M.
Westphal, Lloyd M., Jr.
Wetmore, Horace O., Jr.
Wetzel, James F.
Wetzel, Weslie W.
Whalen, Joseph D.
Wheat, Billy V.
Wheeler, Charles G.
Wheeler, James B.
Wheeler, John R.
Wheeler, Robert L.
White, Bernard A.
White, Charles E.
White, Charles L.
White, Donald J.
White, Donald C.
White, James R.
White, John E.
White, Richard E.
White, William A.
Whittier, James F.
Widder, John A., Jr.
Widman, Manfred W.
Wiecking, Kenneth D.
Wiederholt, Jerome B.
Wight, Roy R.
Wigley, William W.
Wildberger, August M.
Wildman, John B.
Wilford, Donald M.
Will, John M., Jr.
Will, Otto W., III
Willenbrink, James F.
Willever, Edward L.
Willhauck, Marion
Williams, Edward O.
Williams, Louis A.
Williams, Ronel J. D.
Williams, Ralph T.
Williams, Ralph E., Jr.
Williams, Randall L.
Williams, Wallace E.
Williamson, Harry H., Jr.
Williamson, James F.
Williamson, Robert L.
Willis, Arthur A., Jr.
Wilmer, Robert R.
Wilson, David G.
Wilson, Jack L.
Wilson, James A., Jr.
Wilson, Richard V., Jr.
Wilson, Robert W., Jr.
Wilson, Samuel B.
Wilson, Vaughan E., Jr.
Wilson, William R.
Wiltse, Irving M.
Winans, Gilbert L.
Winchester, Warren H.
Winfree, Herman D., Jr.
Winkler, Thomas Q., Jr.
Winkowski, John R.
Winn, Velmer A. J.
Winslett, John C., Jr.
Winton, Fred "B", Jr.
Wirt, Robert O.
Wisdom, Robert W.
Wise, James E., Jr.
Wise, Peyton R., II
Witherow, Thomas S.
Withers, Fred J.
Withrow, John E., Jr.
Witthoft, Ronald D.
Wittrock, Henry L.
Wolf, James D.
Wolff, William F.
Wolke, Victor B. C.
Wood, Charles S.
Wood, Fred L.
Wood, John P.
Wood, Noel T.
Woodall, Franklin T., Jr.
Woodburn, Craig E.
Woodbury, Kyle H.
Woods, Robert C.
Woodward, John L.
Woodyard, Jon C.
Woolery, Edgar F.
Wootten, Thomas F.
Worth, Edward R.
Wright, Charles H., Jr.
Wright, James D.
Wright, James R.
Wright, Kenneth L., Jr.
Wright, Marshall O.
Wright, Richard T.
Wright, William W.
Wunsch, John R.
Wyckoff, Peter B.
Wynn, Carl E., Jr.
Yanaros, John O.
Yarger, Luther D.
Yarwood, John O.
Yates, James L., Jr.
Yeager, Donald R.
Yenowine, George H.
Yoder, Dwane F.
Yonke, William D.
Yosway, Philip F.
Young, Alfred A., III
Young, David B., Jr.
Young, Glenn L.
Young, Harold L.
Young, James E.
Young, Milton E.
Youngblood, Newton C.
Zable, Joseph J.
Zapalac, Robert E.
Zelones, Vincent L.
Zettle, Harold
Zick, Richard A.
Zidbeck, William E.
Zilch, Charles H.
Zirps, Christos
Zophy, Merle E.
Zuilkoski, Ronald R.

Lieutenant commander, Line

Abbott, William A.
Ackart, Leon E.
Adams, Douglas N.
Adams, John W.
Adams, Samuel W., Jr.
Aderholt, William L., Jr.
Adkins, James N., Jr.
Adler, Roy W.
Aiello, Robert J.
Ailes, Robert H.
Ainsworth, Gerald I.
Akers, Max N.
Akin, Hurston B.
Albero, Carl M.
Albert, Virgil E.
Albright, John D.
Albritton, Hugh H., Jr.
Aldana, Louis P.
Alden, Robert F.
Alexander, John C., Jr.
Alexander, Richard K.
Alexander, Hershel D.
Alexander, John R.
Alexander, Corington A., Jr.
Alexander, Dawson, Jr.
Alkire, James C.
Allen, Alvin K.
Allen, George S.
Allender, George R.
Allgood, Dempsey E.
Allison, Kenneth L.
Allman, John I., III
Allsopp, Richard E.
Almstedt, Theodore A., Jr.
Alvarado, Philip D.
Alvarez, Franklin F.
Alvarez, Marcos I.
Alvarez, Raoul
Ambos, Brooks L., Jr.
Ambrogi, John F., Jr.
Amendt, Lester D.
Amick, Carl W.
Anderson, Archie A.
Anderson, Anders T.
Anderson, Bryan R.
Anderson Edwar E., Jr.
Anderson, Ronald M.
Anderson, Richard S., Jr.
Andres, Charles G.
Andrews, Charles H., Jr.
Apap, Antonio

Arata, William A., III
Arcuni, Philip
Armbruster, Robert B.
Armbruster, William A.
Arnold, Edward F.
Arthur, Stanley R.
Artim, Ronald N.
Ashley, Wallace T.
Askey, Henry B.
Astorino, Gerald P.
Atkins, Brandon T.
Atkins, Thomas M.
Atwell, Marion A.
Atwell, Robert F., III
Ault, Russell S.
Avila, John, Jr.
Avis, Dwight E., Jr.
Ayars, James E.
Babb, Richard L.
Bacon, Roger F.
Bailey, Fred W.
Bailey, Richard C.
Bailey, Samuel M., Jr.
Baker, Charles H., Jr.
Baker, Edward B., Jr.
Baker, Eldon S.
Baker, Harry L., Jr.
Baker, Henry T.
Baker, Peter A.
Balcom, Robert E.
Baldwin, Edwin M.
Baldwin, John S.
Baldwin, Roger L.
Ball, Daniel L.
Ball, Hugh E., Jr.
Ball, Marvin L., Jr.
Ballantine, James C., Jr.
Ballard, Ronald H.
Ballou, Joseph F.
Bangert, James E.
Banman, Robert E.
Banta, Clifton E., III
Barclay, Gordon J.
Barker, Ernest W.
Barker, Harold D.
Barker, Nathaniel C.
Barker, Richard H.
Barnes, Paul D.
Barnette, George W., III
Barnum, Craig L.
Barrier, Lee E.
Barron, Douglas W.
Barry, Thomas J.
Barstow, Kenneth W.
Bartee, William J.
Bartels, Harlan B.
Bartels, Malcolm G.
Bartholomew, Thomas C.
Bartlett, Larry D.
Barton, Bryan W.
Bash, John F.
Bass, Robert L.
Bass, Terrence D.
Bassett, Charles H., Jr.
Bassett, Frank E.
Bassin, Paul H.
Bateman, Everett P.
Bates, Wilmer I.
Batterby, Robert E.
Bauer, Herbert
Bayne, James L.
Beachy, Lloyd H.
Beamer, Barton D.
Beard, Percy M., Jr.
Beasley, Charles J.
Beasley, Edwin L.
Beatty, Don G.
Beatty, James R., III
Beatty, John R.
Beaube, James D.
Beck, Donald E.
Beck, Victor
Becker, James G.
Beedle, Leland "S", Jr.
Been, John T., II
Behning, William P.
Behrends, Paul C.
Belcher, Joe O., Jr.
Belcher, Samuel A., II
Bell, Arthur G.
Bellay, Daniel J.
Belson, Douglas A.
Bender, James E.
Benham, Jack O.
Bennett, David M.
Bennett, David G.
Bennett, Maurice H., Jr.
Bennington, Bruce A.
Benton, Chestley M.
Berg, Robert P.
Berg, Roger L.
Bergondy, Paul J.
Bernet, Karl R.
Bernsen, Harold J.
Bertelsen, Ralph I.
Besecker, John A.
Bethel, Lewis E.
Betterton, Thomas C.
Betts, Stanton W.
Bevan, John A., Jr.
Biele, Charles E., Jr.
Biggs, Gene E.
Billings, Charles H.
Bishop, Benjamin M.
Bishop, Jack D.
Bishop, John W.
Bishop, Robert P.
Bitoff, John W.
Black, Arnold E., Jr.
Black, Richard O.
Black, Ronald E.
Blackburn, Harry L., Jr.
Blackistone, David L.
Blackner, Ronald K.
Blackwelder, Billy G.
Blackwell, Michael J.
Blair, Frank.
Blair, Frederick E.
Blake, Donald T.
Blanch, Robert F.
Blanchard, Lewis T.
Blasch, Lynn P.
Blasko, John E.
Blatt, Russel N.
Bledsoe, Paul I.
Blessing, George R.
Bleynat, Edward L.
Blish, Donald E.
Bliss, John R.
Bloedorn, James J.
Bloh, William C.
Boatright, Jimmie R.
Boatright, Keith A.
Bock, Karl F.
Boehm, Roy H.
Boerner, Delbert D.
Boice, Frank B.
Boland, Joseph E., Jr.
Boling, Charles E.
Bonadies, Louis
Bond, Charles S.
Bondi, Joseph R.
Booriakin, Walter A.
Borcik, David E.
Borden, Edward L.
Borgquist, Bruce W.
Bostick, James H.
Boswell, Edward B.
Botkin, Harry L.
Bott, Melvin C.
Bouchard, Joseph S.
Bouton, Samuel L.
Bovey, Robert L.
Bower, Bruce B.
Bower, Richard D.
Bowers, Robert L.
Bowles, Vivian K.
Boyd, James P., Jr.
Boyle, Francis C.
Boyle, Ronald A.
Boyne, Peter B.
Boynton, Thomas F.
Bradbury, Craig M.
Bradfield, James D.
Bradley, Carlton "S"
Bradley, Frederick L., Jr.
Bradshaw, Joe L.
Brady, James E.
Brainard, Hubert E.
Brake, Robert L.
Branch, Lyle F.
Branch, Nathan E.
Branchflower, Norman "H", Jr.
Brandt, Robert T.
Branin, John W.
Brantuas, Joseph A.
Brazzon, Robert
Breast, Jerry C.
Breckon, Richard L.
Bredbeck, William J.
Breed, William L.
Breidenstein, John F.
Breitenbach, Robert G.
Brennan, John J.
Brenner, Leroy E.
Brennock, Robert F.
Brett, Thomas R.
Brewton, Edward A.
Brickell, Charles H., Jr.
Brickner, John S.
Bridgman, Walter E., Jr.
Briggs, Roger C.
Brightman, James M.
Brining, George
Brock, Virgil E.
Brodersen, Henry H.
Bronson, Edward F.
Brookes, Allan G., Jr.
Brooks, Dennis M.
Brooks, Linton F.
Brooks, Paul E.
Brooks, Thomas A.
Brown, Alan R.
Brown, Dale S., Jr.
Brown, Frank H.
Brown, John W.
Brown, Kenneth C.
Brown, Lawrence
Brown, Parke L., Jr.
Brown, Paul L.
Brown, Randall R.
Brown, Ronald L.
Brown, Sylvester D., III
Brown, Thomas W.
Brown, Thomas S.
Brown, William T.
Browne, Thomas M.
Brownell, Paul E.
Brownlie, Robert C., Jr.
Brubaker, William F.
Brumwell, Robert K.
Brune, Charles M.
Bruni, Richard L.
Brunner, Danny J.
Buchberger, Harold F.
Buck, David E.
Buck, Ralph V.
Buck, Wilbur P.
Buckner, Gerald G.
Buckner, James A.
Buell, Thomas B.
Bullard, Lewis D.
Bullington, Jack F.
Bullock, Harold O., Jr.
Bump, Stanley E.
Bunting, Keith M.
Burcher, Philip E.
Burgess, John E.
Burgess, John D.
Burke, Eugene F.
Burke, John P.
Burleigh, David P.
Burnett, James R.
Burns, Charles E.
Burns, John J.
Burns, John D.
Burns, Robert E.
Burrows, James B.
Burrows, Robert G.
Burt, David L.
Bushey, William E.
Buss, Richard H.
Bussard, Vernon R., Jr.
Busse, Arnold L.
Butcher, Bradley A.
Butsch, Lester H.
Butterworth, Frank W., III
Buxton, Donald G.
Byers, Carl A.
Byers, John M.
Caciola, James J.
Caggiano, Robert R.
Cagle, George F.
Cahill, Edward H.
Cahill, Lionel A., Jr.
Calder, Donald J.
Caldwell, James F.
Caldwell, James A.
Caldwell, Robert K.
Calhoun, John F.
Calkins, Delos S., Jr.
Callahan, Robert W.
Callan, James R.
Calvert, John F.
Calvin, Donald U.
Cameron, Edward J.
Cameron, Ronald D.
Campbell, Craig S.
Campbell, Robyn M., Jr.
Campbell, William, Jr.
Camper, James R.
Cannon, John W.
Cantrell, Walter H.
Carden, Orelan R., Jr.
Cargill, Denny B.
Carleton, Jack E. L.
Carleton, Reid P.
Carlson, Gilman R., Jr.
Carlson, Robert G.
Carmichael, Thaxton M.
Caron, Gerald C., Jr.
Carpenter, Rex N.
Carpenter, Lawrence J.
Carpenter, John E.
Carr, Samuel F.
Carr, Samuel L.
Carretta, Albert A., Jr.
Carrico, William C.
Carroll, Thomas D.
Carson, Aubrey W.
Carson, William G.
Carter, Burnett W.
Cartwright, Jackson E.
Carver, Gerald J.
Casagranda, Raymond J.
Casciato, Anthony C.
Case, Arnold J.
Casebeer, Macey M.
Cashman, James M.
Catalano, Alvin N., II
Catalano, Peter R.
Cater, Michael C.
Caudry, Arthur R.
Cauvet, Kenneth B.
Caverly, Donald E.
Cavness, Jim H.
Cawrse, Arthur C.
Chadick, Wayne L.
Chaffee, George B., Jr.
Chaires, Charles A.
Chamberlain, John D.
Chambers, Leroy
Chambers, Perry R.
Chandler, David F.
Chandler, Ralph W.
Chanslor, Richard M.
Chapman, Frederick W.
Chapman, William F.
Chapple, Michael W.
Charles, Richard N.
Chider, Thomas J.
Chilcoat, John D.
Childs, Johnny H.
Chiocchio, Oddino S.
Chrisman, John A., Jr.
Christensen, John E., Jr.
Christensen, Robert
Christenson, Robert W. S.
Christenson, William C.
Clipperly, Robert H.
Clancy, Wilbert C.
Clardy, Herman S., Jr.
Clarity, Michael G.
Clark, Charles W., Jr.
Clark, Charles F.
Clark, Franklin W.
Clark, Frederic M.
Clark, Jeremy C.
Clark, Loren L.
Clark, Marvin I.
Clark, Warren C., Jr.
Clarke, Douglas L.
Clay, Harry B., Jr.
Clegg, William L.
Clement, Frank J.
Clement, Russell L.
Cleveland, Robert M.
Clevenger, Redmond L.
Click, Howard H.
Clinton, John C.
Clune, Edward M.
Coats, Barry W.
Coats, Roger M.
Cobi, Frederick B.
Cockrell, Charles W.
Cockrell, Wilbur W.
Coen, Francis M.
Coffee, Gerald L.
Coffman, Rodney E.
Coldwell, Thomas
Cole, Lawrence E.
Cole, William M., II
Coleman, James J.
Collins, David M.
Collins, Richard F.
Collins, Richard R.
Collins, William J.
Collis, Charles D.
Comer, Robert F.
Comly, Samuel P., III
Companion, Robert B.
Compton, William H.
Conery, Francis A., III
Coneys, Joseph E.
Conklin, Andrew J.
Conklin, Frank M., Jr.
Conley, Thomas H., Jr.
Connell, Raymond P.
Conner, Eugene D.
Connerton, James E., Jr.
Converse, Joseph I., Jr.
Cook, Gary D.
Cook, Thomas L. P.
Cooke, Richard H.
Coolbaugh, Jesse D.
Coon, Morris E.
Cooper, David S.
Cooper, Grant A.
Cooper, James V., Jr.
Cooper, John D., Jr.
Corbeil, Rodolphe N.
Corbett, Robert L.
Cordle, "J" "T"
Cordova, Richard N.
Corliss, Walter F.
Cornelius, Harold W.
Cornelius, Patrick B.
Corr, Peter S., Jr.
Correll, Ward W.
Cosby, Millard A.
Cossairt, Larry A.
Cotham, "L" "C", Jr.
Coulbourn, Samuel W.
Courtney, Carl M.
Couture, John F.
Cowan, Terrance E.
Cowart, Elwood A.
Cowdrill, David T.
Cox, David R.
Cox, David B.
Cox, Duane A.
Cox, James P.
Cox, Kenneth E.
Cox, Kenneth H.
Cox, Robert L.
Coyne, George K., Jr.
Craft, Charles D.
Craft, Don C.
Crane, Hugh R.
Crawford, Arthur G.
Creager, Leslie F.
Credille, William C.
Creighton, George C., III
Creswell, Lawrence K.
Crews, Nelson R.
Crombie, Todd A.
Cromer, Charles C.
Cross, Claude C.
Cross, Creighton L.
Crowe, William M., Jr.
Crowninshield, George W.
Crozier, Ronald L.
Cuddy, John V.
Cueroni, Lee A.
Culhane, William P.
Cullen, Charles W.
Culp, Chester C., Jr.
Cumbridge, Kenneth E.
Cundari, Francis L.
Cunneen, William J., Jr.
Curry, James D.
Curry, Newell L.
Curry, William H., Jr.
Curtis, Charles D.
Curtis, Wayne
Cuseo, Michael A., Jr.
Cutrell, Leonard E., Jr.
Cyr, Joseph H., Jr.
Dafoe, James L.
Dalebout, Ronald A.
Dalton, Robert L.
Daley, Frederick T., III
Damato, Joseph J.
Dammann, Ferderick O.
Daniels, Shane P.
Darby, Jack N.
Darby, Thomas E., Jr.
Darling, Donald L.
Darnauer, David E.
Dauber, Joseph G.
Davies, Richard E.
Davis, Chester C.
Davis, James V.
Davis, John W., Jr.
Davis, John D.
Davis, Robert D.
Davis, Robert E.
Dawson, James F.
Dawson, Phillip E., Jr.
Dawson, William H.
Daybert, William K.
Dean, Bill C.
Deangelo, Lawrence F.
DeBoer, Johan W.
Dee, James D., Jr.
Deegan, Robert F.
Defibaugh, Carl F., Jr.
DeGrees, Francis B., III
Delanoy, Billie L.
De Lashmitt, Robert E.
Dellwo, Richard E.
Delpercio, Michael, Jr.

Demand, Daniel H.
Demarest, Joseph G., III
Demarke, Joseph, III
Demars, Bruce
Dennis, Everett J.
Dennis, Jefferson R., Jr.
Dennison, Terry A.
Derieg, Daniel E.
Derr, Allen J.
Derryberry, William D.
Desko, Daniel A.
Desmond, Michael J.
Desposito, John P.
Devoy, William M.
Dewalt, Gary L.
Dewitt, William H.
Dews, Harry P., Jr.
Dickens, Russell D.
Dickey, Kenneth R.
Dickmann, David B.
Didier, Jacob P., Jr.
Dietrich, William H.
Dietz, Donald L.
Dipalma, Robert F.
Disher, John S.
Disney, Donald G.
Dittrick, John J., Jr.
Dixon, John C.
Dixon, Ned E.
Dobbins, James R.
Dodd, Jimmy J.
Dodge, Peter B.
Doe, Burdell F.
Doe, Ralph F.
Doeschot, Kenneth G.
Doherty, Edward F.
Doherty, Joseph F.
Dolliver, Richard H.
Dombrowski, Henry R.
Donis, John N.
Donnellan, Robert I.
Donnelly, John J.
Donnelly, Thomas F.
Donodeo, Roger F.
Donovan, Francis R.
Donovan, Neil
Dooley, Thomas L., Jr.
Dorsey, Edward B.
Doss, Dale W.
Doss, Marion T., Jr.
Dothard, John J.
Doughdrill, Charles W.
Dougherty, "J" Alvin
Dougherty, William A., Jr.
Dougherty, Thomas F., Jr.
Dove, Ray W., Jr.
Doyle, Thomas J.
Doyle, William J.
Drees, Marvin J.
Dreessen, Francis M.
Dressler, Joseph A.
Driver, Ace C., Jr.
Driver, Thomas P.
Drude, Leonard J.
Duff, Karl M.
Duffey, Russell G.
Dugan, Ferdinand C., III
Dugan, William G.
Duggan, Charles E., Jr.
Dulik, Andrew F.
Dunbar, Douglas P., Jr.
Dunbar, Richard P.
Duncan, Donald G.
Duncan, William E.
Dundon, Alan M.
Dundore, Harold W.
Dunham, William C.
Dunlap, Harry A., Jr.
Dunlap, James H.
Dunlap, Stanton P.
Durbin, James D.
Durham, James L.
Duvall, Robert A.
Dyer, Thomas E.
Dygert, Robert L.
Dykeman, Charles J.
Dykes, James E. J.
Earley, William L.
Eastman, David R.
Eastman, Leonard C.
Eaton, David G.
Eaton, James W., Jr.
Eaton, Joe W.
Eddleman, Harold E.
Eddy, Roger A.
Edgemond, John W., III
Edmunds, Frank L., Jr.
Edney, Leon A.
Edson, Philip N.
Edwards, Donald L.
Edwards, Marion R.
Edwards, Robert L.
Edwards, Scott
Edwards, Steven H.
Effron, Herbert M.
Egan, Joseph R.
Eggleston, John R.
Eglin, James M.
Eikel, Harvey A.
Elandt, Daniel A.
Eldredge, Floyd N.
Eldredge, Howard S.
Elich, Robert L.
Eller, Alvin L.
Elliott, David J.
Elliott, Robert J.
Elliott, William L.
Ellis, Herbert A., Jr.
Ellis, Howard R.
Ellis, Kermit R.
Ellison, Paul E.
Ellsworth, Warren R., Jr.
Emmett, Richard F.
Endter, Elmer W., Jr.
Engelken, Ralph L.
Enkeboll, Richard E.
Entwistle, Thomas W., Jr.
Epley, James M.
Epperson, John C., Jr.
Eppert, Robert T.
Eppling, David C.
Erbacher, Anthony E.
Erhardt, Francis J., Jr.
Ericson, Robert E.
Erikson, Theodore W.
Erner, Eugene J.
Erven, James S.
Essig, John R.
Estock, George, Jr.
Ettel, Michael J.
Eulenstein, Karl H.
Evans, George F.
Evans, Gordon E.
Evans, John A.
Evans, Ronald A.
Evans, Rowland G.
Eytchison, Ronald M.
Fahrney, David L.
Fairly, James P., Jr.
Fannon, James E., Jr.
Farley, Edward B., Jr.
Farnham, David W.
Farrar, Bobby C.
Farrell, Edmund F.
Feeney, Edward J.
Feeney, John S., Jr.
Fees, Howard J., Jr.
Felderman, John L.
Feldhaus, John A.
Felt, Bruce C.
Fenick, Joseph D., Jr.
Feran, Paul M.
Ferguson, Franklin E.
Ferguson, John K.
Ferguson, Robert H.
Fernald, Lloyd W., Jr.
Ferro, James L.
Fesler, Robert J.
Fetzer, Carl F.
Fickenscher, David B.
Fidlar, Richard A.
Field, Benjamin H.
Field, Blake E.
Fields, David E.
Finch, Charles C.
Findley, Anderson H., Jr.
Findley, Ronald C.
Findley, Thomas C.
Finley, John L.
Finn, William A.
Fischer, Warren H.
Fishburn, John H.
Fisher, Harvey E.
Fisher, James R.
Fisher, Richard L.
Fiske, Charles M.
Fiske, Harry K.
Fisler, Louis H.
Fitzgerald, James L., Jr.
Fitzgerald, Bernard M.
Fitzgerald, Thomas A., Jr.
Fitzgibbons, George P.
Fitzpatrick, Donald J.
Fitzpatrick, Chester L.
Fitzpatrick, Thomas J.
Flage, Donald W.
Flanagan, George T.
Flannery, William F.
Fleishman, Anthony T.
Fleming, James J.
Fleming, Robert E.
Fleming, Thomas E.
Flickinger, Dean F.
Flippin, Justin B.
Flow, James W.
Flowers, Thomas C., Jr.
Floyd, Francis M.
Fogarty, William M.
Follmer, Lloyd D., Jr.
Fondren, George
Foote, Ernest D.
Foote, Maynard D.
Ford, Frank R., Jr.
Ford, Raleigh R.
Fordham, Warren J.
Foreman, Merlin L. R.
Foresman, James H., III
Forhan, William P.
Forman, William S.
Forsgren, Dean H.
Forsman, Charles J.
Forst, Frederick
Forst, Ronald J.
Foss, Donald M.
Foss, Robert N.
Fowlkes, John H.
Fox, James C.
Fox, Richard A.
Fox, Robert F.
Fox, Sharon L.
Fox, Thomas R.
Fraas, Frederick V.
Frame, Don D.
France, Morgan M.
Frank, Carl J.
Franklin, John S.
Franks, Richard N.
Franks, Vernon M.
Freakes, William
Fredenburgh, Peter S.
Frederick, Richard A.
Frederick, Keith J.
Fredericks, Harold A.
Fredrickson, Arthur H.
Friederich, Bruce
Frommer, Paul S.
Fuchs, Jerry L.
Fulcher, James M.
Fuller, Gran F.
Fuller, Robert H.
Fullerton, George E., Jr.
Furminger, Harry C.
Gadbaw, Coleman J., Jr.
Gaillard, Richebourg, III
Gainer, Kenneth E.
Galavotti, Edward L.
Gales, George M.
Gallagher, Brian J.
Gallo, Salvatore F.
Galstan, Gerald N.
Gambel, Arlin H.
Gambill, Richard K.
Gamboa, John F.
Ganister, Frank J.
Gann, Dewey L.
Gant, James R.
Garcia, Rodolfo C.
Gard, Perry W., III
Gardner, John T., Jr.
Garland, Keith P.
Garrett, Donald F.
Garvey, William A.
Gatje, Peter H.
Gattis, Harold V.
Gaudry, Byron A.
Gay, Warren L.
Geesaman, Wilbur L.
Gentry, Kerry F.
Gentz, Richard C.
Georg, John A.
George, Hugo C.
Geraldson, Elmer L.
Gerould, Donald E.
Gerrish, Donald A., Jr.
Gessner, Bernard F., Jr.
Gibbons, Thomas
Gibson, David B.
Gibson, Douglas B.
Gibson, Richard C., Jr.
Gibson, Ronald C.
Gidge, Robert N.
Gies, Leo C.
Giese, Carl E., Jr.
Giganti, George M.
Gilbert, William G.
Gilchrist, William F.
Gilfillan, Thomas A., Jr.
Gillen, James F.
Gilles, John N.
Gillett, Robert M., Jr.
Gilligan, John K.
Gilliland, Lawrence A., Jr.
Gilmore, James G.
Gilmore, Russell E.
Gilstrap, Ralph M.
Gimber, Harry M. S., III
Giovanetti, Robert A.
Given, Philip R.
Gladin, Jack R.
Glancy, Robert J.
Glaser, Francis E.
Glenn, Walter H.
Glickman, Thomas W.
Gloeckner, Frank J., III
Glossner, Locke H.
Goetze, Warren K.
Gofus, Joseph G., Jr.
Goldenstein, Gordon R.
Goldsberry, Harold A.
Goldstone, Ronald G.
Goldy, Mark A.
Gomez, Alvaro R.
Goodman, Jess T.
Goodwin, James C., Jr.
Goodwin, James J.
Goodwin, Robert L., Jr.
Gordon, Bruce P.
Gorham, David S.
Gosebrink, Fred J.
Goss, James E.
Goto, Irving K.
Gott, William B.
Gottsche, Albert L., Jr.
Gould, Paul E.
Gowans, George K.
Gracy, Ronald A.
Graff, Dennis T.
Graff, Howard B.
Graff, Paul E.
Graham, George D.
Graham, Richard H.
Gram, Emil G.
Grant, Edward J.
Grasmuck, Robert J.
Graves, Ernest O., Jr.
Gray, James D.
Green, Frank C., Jr.
Green, Richard F.
Greenhoe, Duane F.
Greer, George B., Jr.
Gregory, Robert H.
Greiling, David S.
Griffin, David H.
Griffin, Gerald B.
Griffin, Hoke D.
Griffin, William H.
Griffith, Dwaine O.
Grimes, John E.
Grimes, Thomas W.
Grimm, Thomas D.
Groder, Richard A.
Gross, Alvin C., Jr.
Grossman, Dean A.
Gruendl, Paul L.
Gudmundson, Marvin L.
Guernsey, Charles H.
Guilbault, Roland G.
Gulliver, Victor S.
Gundermann, Richard T.
Gunderson, Donald H.
Gunter, Billie G.
Gurke, Donald L.
Gustafson, Earl F.
Gustafson, Kenneth R.
Gustafson, Charles B.
Guyle, James D.
Gwin, John O.
Haag, Ernest V.
Hacker, Benjamin T.
Haden, Dewitt T., III
Hadfield, Richard R.
Hagan, Wayne E.
Hagedorn, Edwin C.
Hahn, Donald L.
Hahn, Dwight E.
Hahn, Gerald L.
Hahn, John W.
Haigis, Erwin G., Jr.
Haines, Donald, A.
Hall, Alfred L.
Hall, Charles R., III
Hall, Gordon B., Jr.
Hall, Harley H.
Hall, John W.
Hall, Michael R.
Haller, Hubert M.
Hallier, Manuel A.
Halloran, William R., Jr.
Halm, Terrence W.
Halton, Nicholas H.
Halye, Lawrence A.
Hamaker, Rex G.
Hamilton, Jackie D.
Hamilton, Larry D.
Hamilton, William B., II.
Hamlett, John W.
Hammack, John E.
Hamrick, James M.
Hancock, Richard J., Jr.
Hand, William R.
Handley, Paul L.
Hanna, Donald V.
Hansen, Harry J., III
Harbrecht, Raymond J.
Hardin, William F.
Hardy, Ray S., Jr.
Harjehausen, Lawrence O.
Harmon, Jimmy J
Harner, Charles F., Jr.
Harper, Frances M., Jr.
Harper, Thomas J.
Harper, William L.
Harre, James L.
Harrell, Dowel W.
Harrington, John R.
Harris, Albert G.
Harris, Clarence H.
Harris, James O.
Harris, Jess M., III
Harris, Richard A.
Harrison, Charles E.
Harriss, David J.
Harshberger, Robert L.
Hartfelder, Richard F.
Hartman, Phillip G.
Hartman, Richard D.
Harvey, Walter D.
Hassel, Rolland R.
Hastie, Robert K.
Hastings, Ralph L.
Hatcher, Jerry M.
Hausmann, Zohn D.
Hawes, John K.
Hawk, Allan H.
Hawkins, Carl L.
Hawkins, Clyde D.
Hawkins, James R.
Hawkins, Leroy T.
Hawkins, Ray M.
Hawn, Jere R.
Haworth, Alvin G., Jr.
Hayden, James H.
Hayden, John R.
Haydock, Donald G.
Hayes, Wilbur
Hayes, William V.
Hayford, James E.
Hayman, William P.
Haynes, Harold J.
Haynes, Jerry R.
Hayter, Roscoe, Jr.
Hebert, Larry
Heck, Alger R.
Heckathorn, Clair E.
Hedgepeth, Ernest L.
Heimbuecher, Frederick J.
Heisner, Robert I., Jr.
Hekman, Peter M., Jr.
Hellewell, John S.
Helveston, Eugene H.
Hemphill, Allen P., Jr.
Henderson, Joseph R., Jr.
Henderson, Noel B.
Henderson, Ronald G.
Henderson, Arnold H.
Hendricks, Paul V.
Hendrix, Marion F.
Henry, Michael C.
Henry, Robert L.
Henzy, Charles B.
Herbert, Leo E.
Herig, Richard W.
Herman, Robert W.
Hernandez, Jesse J.
Hernon, Donald M.
Herold, Lance
Herrick, Austin W.
Herrin, William F.
Herring, George G., III
Hess, Ronald A.

Hester, James H.
Hewett, Marle D.
Hewitt, Wesley C.
Heyde, John S., Jr.
Heyduck, William R.
Heyward, Shannon D.
Hickling, Harley E.
Hiebner, Robert J., Jr.
Higginbotham, John D.
Higgins, Harley J.
Higgins, James D., Jr.
Higgins, William H.
Hill, Eugene L.
Hill, Glendon E.
Hill, John F.
Hill, Martin G.
Hill, Richard E.
Himmerich, Allison F.
Hines, Dean H.
Hines, Rubert, Jr.
Hinson, Elbert F.
Hite, Philip R.
Hite, Tom B.
Hix, Jack M.
Hobler, William J., Jr.
Hodge, Byron F.
Hodgens, Jack A.
Hodges, Virgil C.
Hodgkins, William S.
Hodkins, William F.
Hoech, Donald G.
Hoel, Jack I.
Hoff, Michael G.
Hoffer, Leon E., Jr.
Hoffman, George A.
Hoffman, John M.
Hogan, Lawrence M.
Hogan, Thomas W.
Hogendobler, Clyde K.
Hohmann, William D.
Hokeness, Sylvan P.
Holcomb, Don
Holdorf, John C., Jr.
Holland, Joe L.
Holland, John D., Jr.
Hollister, Floyd H.
Holloman, Floyd W., Jr.
Holmberg, Bruce A.
Holmes, Dan N.
Holmes, Frederick L.
Holmes, Wayne M.
Holsten, Donald W.
Holt, Arvil A.
Holt, Fred C.
Holt, Jerry L.
Holt, John A., III
Holt, William C.
Holthaus, Hollis L.
Holtzclaw, John W.
Holzhaeuser, Arthur E.
Holzschuh, Jacob R.
Homan, Clifford F.
Hooks, Edward F.
Hope, Lawrence A., Jr.
Hopkins, Jae E.
Hopkinson, Francis G.
Hoppe, Herbert L.
Horn, Leslie J.
Horne, William F.
Horsefield, John E.
Hostetler, Glen W.
Hotard, William C.
Howard, William S., III
Howe, Frederic N., Jr.
Howe, Jonathan T.
Hower, James J.
Howland, John H.
Howley, Thomas F.
Hubbard, Ray G., Jr.
Hubitsky, John E.
Huckabay, William O., Jr.
Huddleston, Charles R., Jr.
Hudnall, Robert M.
Huebel, Melvin R.
Huff, Douglas
Hughes, Clarence O., Jr.
Hughes, Robert L.
Hughey, Ira A.
Hulme, John B.
Hummer, John J.
Hunsicker, Edmund K.
Hunter, Harold C.
Huntington, Stuart L.
Hurwitz, Paul M.
Hutchins, John R.
Hutchinson, Peter A.
Hutchinson, Joseph D.
Hyatt, Leo G.
Ianson, Lawrence W., Jr.
Immerman, Arthur L.
Ingle, Carl E.
Ingram, Forney H., Jr.
Ingram, Ronald F.
Inman, Raymond E.
Irvin, Robert M.
Isaacson, Alan T.
Isherwood, Raymond T.
Iverson, Dale A.
Ives, David W.
Ivey, Clarence G., Jr.
Jackmond, Arnold D.
Jackson, Jerry H.
Jackson, Kermit J.
Jackson, Milton, Jr.
Jackson, Morse R.
Jackson, Paul F.
Jackson, Perry Y., Jr.
Jacobi, Thomas E. J.
Jacobs, Paul H.
Jacobs, Selby W.
Jacobs, Thomas L.
Jacobson, Mark A.
Jacobson, Walter D.
Jacoby, Cliffton G.
Jaeger, James W.
Jakubczak, Jerome F.
James, Thomas P., Jr.
Jamroga, John J.
Jarrell. Jerry D.
Jarrett, Edwin B.
Jasman, David A.
Jelks, John L., III
Jenkins, George J., Jr.
Jenkins, Roger G.
Jensen, Robert L.
Jerns, Robert L.
Jerome, John D.
Johnson, Charles O.
Johnson, Curtis W.
Johnson, David H.
Johnson, Everett L.
Johnson, Kenneth W.
Johnson, Leonard W., II
Johnson, Lester O., Jr.
Johnson, Raymond L.
Johnson, Ronald L.
Johnson, Ronald L.
Johnson, Robert A.
Johnson, Theodore R., Jr.
Johnston, Buddy C.
Johnston, William A.
Jolliffe, Richard L.
Jones, Arden W. F., Jr.
Jones, Benjamin W.
Jones, Chilton R.
Jones, Colin M.
Jones, Daniel P., Jr.
Jones, Francis P.
Jones, Harold L.
Jones, Howard R., Jr.
Jones, Jenus "B"
Jones, John S.
Jones, Meredith R.
Jones, Richard N.
Jones, William D.
Jordan, Dennis R.
Jordan, William T.
Jowers, James W.
Judge, Joseph I.
Junghans, Peter A.
Kahler, Donald A.
Kallal, James J.
Kalowsky, Walter W.
Kampen, Kenneth B.
Kane, Fredric C., Jr.
Kane, William R.
Karr, Richard P.
Katz, Bennett D.
Katzen, Murry
Kauber, Rodney K.
Kaufer, Richard A.
Kauffman, William C.
Kaufman, Larry E.
Kaup, Robert C.
Kay, William G.
Keen, Arthur E.
Keenan, John D.
Keesler, Byron H.
Keiler, Joseph A.
Keim, Clarence H.
Keir, Stephen D.
Keith, Frederick W., Jr.
Keith, Robert T. S., Jr.
Kele, Jordan, III
Keller, Lewis D.
Kelley, Robert D.
Kellogg, Edward F.
Kelly, Harold T.
Kelly, Harold W.
Kelly, Robert J.
Kelly, Thomas
Kelly, William S.
Kennedy, Peter P.
Kennedy, Philip J.
Kenney, Daniel J.
Kenney, James A.
Kensinger, Roy A.
Kenttopp, Donald E.
Kerman, William O., Jr.
Kerr, Daryl L.
Kerr, William A., Jr.
Kersh, John M.
Kershner, Robert L.
Keske, Carl D.
Kessler, Edward L., Jr.
Kessler, John C.
Kessler, Robert R.
Kesterson, Windolan W.
Kiefer, Martin D.
Kiel, Richard H.
Kight, James R.
Killingsworth, Monte L.
Kindig, James N.
Kineke, John I.
King, Carleton J., Jr.
King, James W.
King, Larry N.
King, William K.
Kingston, Kenneth H.
Kinnier, John W.
Kirby, Raymond E.
Kirk, Daniel K., Jr.
Kirk, Edward R.
Kirkconnell, William B.
Kirkland, Thomas J., III
Kirkman, Roger J.
Kirkpatrick, Kenneth M.
Kirsch, Walter J.
Kistler, George K.
Kitchens, Charles R.
Klett, William G. M.
Klinger, Gerald F.
Klinedinst, Paul R., Jr.
Klipp, Eugene R.
Knapp, Norman E., Jr.
Knight, Walter E.
Knodle, William C.
Knott, Richard C.
Knutson, Jerry G.
Kober, Harry P., Jr.
Koch, William A.
Koczak, Edward J., Jr.
Koehler, Norman E., III
Koenig, John W.
Kofoed, Robert M.
Kohli, Dennis W.
Kolb, John R.
Komp, Richard L.
Konkel, Harry W.
Kopec, Thad L.
Kosoff, Tracy M.
Koster, Alfred M., IV
Kraft, Robert M.
Kramer, Robert G.
Kramer, Theodore R., Jr.
Kraper, William H.
Krasts, Ilmars
Krebs, Fred A.
Kreglo, Darrel D.
Krehmeyer, James A.
Kreiner, Robert F.
Kreitner, Clinton W.
Krieger, Charles J.
Kriewall, Royce L.
Krueger, Orton G.
Kryway, John T.
Kuechmann, Jerome A.
Kuehn, Gordon N.
Kuhlke, Robert E.
Kuhn, Edward R.
Kuhn, Joseph L.
Kuhneman, Martin F.
Kunkel, Barry E.
Kunkel, Larry D.
Kuntz, David S.
Kung, Chester A., Jr.
Lachance, George M., Jr.
Laitala, Theodore A., Jr.
Lamay, Urban R., Jr.
Lamb, Ellis R., Jr.
Lamoureux, Robert J.
Lampert, George E., Jr.
Landaker, John A., Jr.
Landrum, Raymond G
Lane, John W., Jr.
Lange, William G.
Langholz, Marcus J.
Lanham, Mack S.
Lanman, George M.
Larabee, Kent W.
Larsen, John T.
Larson, Charles W. II
Larson, Charles R.
Larson, Jerold J.
Larzelere, Charles W., III
Laseter, Jesse L.
Laskaris, Gus C. A.
Lassiter, Eugene L.
Lauer, Dudley S.
Lauf, Joseph W.
Lauk, Richard E.
Lavender, Carlos F.
Lavinder, Carlton L., Jr.
Law, James E.
Lawrence Kent B.
Lawrence, Paul L.
Laws, Charles F.
Lawson, John R.
Lax, Lee C.
Layman, Douglas K.
Leach, Richard D.
Leake, Milton H.
Leap, David P.
Leary, John A., II
Leavitt, Richard C., Jr.
Lee, Bobby C.
Lee, Leonard F.
Lee, Richard H.
Leech, Joseph W.
Leisentritt, Frederick C., III
Leisy, Ned B.
Lence, James O.
Leonard, William J.
Leroy, Franklin T.
Lesesne, Henry D.
Leshko, Thomas J.
Leslie, William N.
Lester, Roy E.
Lester, Walter B., Jr.
Leszcynski, Vincent J.
Leuschner, Robert L., Jr.
Leverage, William N.
Levin, Richard R.
Levin, Roger L.
Lewis, Frederick E.
Lewis, Marwood D.
Lewis, Robert K., Jr.
Leygraaf, Gerard J.
Lightstone, John L.
Lima, John A.
Lindland, Donald F.
Lindsey, Eugene E., Jr.
Lindstrom, Axel L.
Lindstrom, Harry E.
Lineback, Harry W.
Lineberger, Preston H.
Link, Richard "J"
Lino, Norman J.
Lisle, George F.
Litton, Robert C.
Livingston, Gill F.
Lloyd, George M.
Lloyd, George T.
Lobb, Clarence E.
Lockard, William H.
Lockwood, Robert K., Jr.
Loewenthal, Robert G.
Loftus, Stephen F.
Loman, Cleve E., Jr.
London, "J" Phillip
Long, Carl H., Jr.
Long, Charles W.
Long, David E.
Long, George T.
Long, James H.
Lonnegren, Robert C.
Lorusso, John M.
Louis, David R., Jr.
Lovejoy, Richard E.
Lowe, Gary B.
Lowe, Ira J.
Lowe, Larry T.
Lowery, Needham H.
Lowrance, Douglas L.
Lubbers, Gary W.
Lucas, Clyde H., Jr.
Lucas, Robert P.
Luders, Ernest C.
Ludwig, Ronald E.
Luehring, Davdison
Lueker, Wendell H.
Luhrs, Larry L.
Luke, Charles T., Jr.
Luke, Robert A.
Lukenas, Leo A.
Lusk, James R.
Luter, Thomas H.
Lynch, Clayton W.
Lyon, Edward, III
Lyon, Hylan B., Jr.
Mabrey, Richard L.
Macauley, William F.
MacCubbin, George E., Jr.
MacGregor, Robert M.
Machowski, Walter
MacKay, David W.
MacKay, Richard W.
MacKenzie, Franklin F.
MacKinnon, John H.
MacKinnon, Richard A.
MacLean, Rupert E., Jr.
MacLeod, Wallace F., Jr.
MacNeill, Donald W.
MacVean, Charles R.
Maddox, Ralph R.
Maddox, Rex A.
Madouse, Richard L.
Madsen, Marvin D.
Magee, Francis H.
Magee, James A.
Magner, Lawrence R.
Maguire, Thomas J.
Maher, Daniel R.
Mahon, Edward J., Jr.
Mahoney, Terrence M.
Maier, Peter T.
Maier, William H.
Major, James A.
Malina, William E.
Malleck, Andrew T.
Mallek, George A.
Malley, Kenneth C.
Malmquist, Emil D.
Malone, Robert S.
Maloney, Thomas C.
Maloy, Larry L.
Malsbary, Samuel C.
Mamele, Clayton C.
Manahan, Maurice H.
Maneely, Carl L.
Mangol, Frederick N.
Mansfield, Bobby D
Mansfield, Joseph S., Jr.
Marcom, James C.
Margedant, John W.
Marin, Richard
Markey, Alden C.
Marnane, Thomas A.
Maroldy, Thomas M.
Marr, William T.
Marrapodi, Joseph F., Jr.
Marsh, Arnold D.
Marshall, Robert L.
Marshall, William H.
Martin, James J., Jr.
Martin, Marshall W.
Martin, Richard W.
Martin, Richard L.
Martin, Richard H.
Martin, William G.
Marxer, Hugo E.
Masar, Philip T.
Massa, Lawrence L.
Massey, Lance B.
Massimino, Andrew S.
Masten, Lawrence E.
Masters, David R.
Mather, Larry L.
Matheson, John W.
Mathis, Elliott L.
Matolay, Nils A.
Matthews, Gary D.
Mattingly, Thomas K., II
Maulin, William H.
Mauz, Henry H., Jr.
Maviglia, Frank A.
May, Wesley
Mayo, Ned H.
Mays, Samuel E., Jr.
Mazeika, Robert G.
Mazzola, Vincent S.
McAdams, Charles F.
McBride, Joseph W., Jr.
McBrien, Jack W.
McCain, John S., III
McCall, Ralph B.
McCandless, Bruce, II
McCandless, John E.
McCann, John J.
McCarter, Jonathan C.
McCarthy, James F.
McCarty, Kenneth R.
McCauley, George K.
McCauley, Victor
McCaull, John W.
McClary, Richard C.

McClendon, Leigh A., III
McClure, Gilson K., Jr.
McConnel, Richard A., Jr.
McConnell, Harry E.
McConville, Edwin B.
McConville, James E.
McCormick, Gerald J.
McCorry, John H.
McCracken, Richard L.
McCroskey, Bobby R.
McCue, Jerome E.
McCulloch, James M.
McCullough, Robert F.
McCullough, Lawrence E.
McCullough, David U.
McCullough, Martin L.
McCutchan, Milton L.
McDaniel, Robert S.
McDermott, Joseph T.
McDermott, James J.
McDonald, Gerald W.
McDonald, John W.
McDonald, Michael H.
McDonough, Robert N.
McEwen, Robert M.
McFadyen, John B.
McFarland, James S.
McFerren, Robert W.
McGann, Robert G.
McGhee, Kenneth B.
McGill, James A.
McGinty, Thomas J.
McGlasson, Daniel E.
McGrail, Charles R., Jr.
McGraw, Lloyd H.
McGruther, Gordon T.
McGuigan, David B.
McGuire, Michael L.
McGuirk, William E.
McHugh, William M.
McIntosh, William H., Jr.
McInvale, Joe B.
McKee, Junious A., Jr.
McKee, Richard G.
McKenzie, Gene T.
McKenzie, Walter K.
McKinney, Charles J., Jr.
McLaine, Warren E., Jr.
McLane, Michael J.
McLaughlin, Bruce C.
McLaurin, Kenneth E.
McMahon, Marvin R., Jr.
McManis, David L.
McMichael, John C., Jr.
McMichael, George L.
McMillan, John G.
McMillen, Kenneth A.
McMorris, John A., II
McNichols, John P., Jr.
McNulla, James E., III
McPherson, Roger B.
McQuay, Robert B.
McRight, Clarence, Jr.
McVadon, Eric A., Jr.
McVay, Wesley J., Jr.
McVicker, James L.
Meaux, Richard P.
Medlin, William B.
Meeker, Charles M.
Meeker, Quentin S.
Meenan, Robert L.
Meers, Alfred J.
Meese, Richard E.
Megehee, Louis D., Jr.
Megonigle, Carl E.
Meinhold, Richard J.
Meinig, George R., Jr.
Melanson, Edward J., Jr.
Melillo, Michael J., Jr.
Mello, William M.
Melnick, Norbert W.
Mendenhall, Carlos C., Jr.
Mericle, David L.
Merriken, Stuart A.
Merry, Theodore R.
Mesec, Gilbert R.
Metz, Fredrick J.
Meukow, Walter T.
Meyer, Dale A.
Meyer, Donald C.
Meyer, Frank W.
Meyers, Michael S.
Mezzadri, Francis X.
Mickle, William M.
Middleton, John E.
Midgarden, Peter N.
Midtvedt, Harold L.
Miklas, Ramutis K.
Miklos, Thomas J.
Milanytch, Nickolas I.
Miller, Aloysius R.
Miller, Charles L.
Miller, Douglas A.
Miller, Edmund B.
Miller, Edward A.
Miller, George W., Jr.
Miller, Hawkins G.
Miller, Henry W., Jr.
Miller, Larry S.
Miller, Nigal E., Jr.
Miller, Peter R.
Miller, Robert L.
Miller, Robert D.
Mills, Christopher M.
Mills, Neal O.
Miltenberger, James R.
Miniter, Howard E., Jr.
Mitchell, Donald L.
Mitchell, Kenneth F.
Mitchell, Walter F.
Mixson, Riley D.
Modeen, Victor D.
Moe, Richard B.
Monger, Dan D.
Monroe, Philip A.
Montag, Charles F.
Montalbine, Gary E.
Monteath, Gordon M., Jr.
Montgomery, Donald J.
Mooney, Andrew R.
Moore, Aubrey A., Jr.
Moore, David W.
Moore, Gerrell D.
Moore, Jack R.
Moore, James B.
Moore, James C.
Moore, Jimmie R.
Moore, Leonard M.
Moore, Rufus B.
Moore, Thomas J.
Moore, Thomas R., Jr.
Moore, Walter L., Jr.
Moore, William N.
Moore, William B., Jr.
Moran, Francis J., Jr.
Morcerf, Lester A., Jr.
Moreau, Ronalld F.
Moreland, Floyd E.
Morgan, David E.
Morgan, James L.
Morgan, William O.
Morgan, William A.
Moroney, William M.
Morris, Clyde C.
Morris, David R.
Morris, Harold G., Jr.
Morris, Harold D.
Morrison, Frederick S.
Morrison, Jerry E.
Morrison, Orrin L.
Morrow, Billy R.
Morse, Raymond M.
Mortenson, William P.
Moser, John A.
Moser, Robert L.
Mosher, Norman G.
Mosman, Donald E.
Moss, Robert L.
Mott, George E., III
Mott, Louis D.
Mowery, Russell V.
Moynihan, John J.
Mueller, Lincoln H.
Mueller, William A.
Mulhern, Thomas A.
Mullaly, Raymond K.
Mullaly, William J.
Mumford, Robert E., Jr.
Munch, Charles H.
Munsinger, Melvin D.
Munson, John H.
Murdoch, Thomas M.
Murphy, Chester A.
Murphy, James H.
Murphy, John C.
Murphy, Michael A.
Murphy, Norbert P.
Murray, Gordon L., Jr.
Murray, Joseph W.
Murray, Thomas R.
Musgrove, Robert W.
Nace, Larry D.
Nagle, Richard D., Jr.
Nahlovsky, Richard E.
Nakagawa, Gordon R.
Nall, Harold W.
Nance, Ivan V. A., Jr.
Narro, Arthur T.
Nash, Norman B.
Nazak, Robert M.
Neary, Joseph F.
Nedry, Robert D.
Nelson, Henry E.
Nelson, John P.
Nelson, Mark V. V.
Nelson, Richard M.
Nesbit, Arthur M.
Neuner, Frank J.
Nevin, Robert F.
Newby, Burton C.
Newcomb, David A.
Newell, James F., Jr.
Newell, John W.
Newlin, John J.
Newlon, Benjamin F.
Newton, George B., Jr.
Ney, Kenneth L.
Nicholas, Joseph
Nicholas, Jack R., Jr.
Nichols, James R.
Nichols, James L.
Nichols, John B., III
Nichols, Richard D.
Nicholson, Walker D.
Nickerson, Walt S., Jr.
Nicolls, Robert P.
Nider, Kenneth E.
Niedbala, Joseph T., Jr.
Nielsen, Niel P.
Nolan, Bruce F.
Noll, Charles F.
Nollan, Walter J.
Norfleet, Eric H.
Normand, Eugene J.
North, William J.
Norton, Lee E., Jr.
Norton, Richard
Nottoli, George F.
Nunnery, Alex "M", Jr.
Nutting, Roger M.
Nystrom, Peter C.
Oakey, Eugene S.
O'Beirne, Frank, Jr.
O'Brien, George E.
O'Brien. John
O'Brien, Walter H.
O'Connell, Daniel J.
O'Connell, James J.
O'Connor, Henry S., Jr
O'Connor, Michael G., II
O'Connor, Paul
O'Dea, Thomas V.
Ogren, John P.
O'Hara, James P., Jr.
O'Heir, Edward R., Jr.
O'Leary, John P., Jr.
Oleson, Charles A.
Oliver, Earl L.
Oliver, William H.
Olmstead, Clifford D.
Olsen, Kenneth A.
Olson, Charles J., III
Olson, Philip C.
Omberg, William F.
Oncea, George
O'Neal, Edward A.
O'Neil, Larry L.
O'Neil, William A.
O'Neill, Cornelius T.
O'Neill, James P., Jr.
Ong, Richard E.
O'Rourke, Bernard F.
Osberg, John W., III
Osborne, James T.
Osborne, Robert B.
Osgood, Franklin B.
Ostrander, William E.
Ostrom, Robert E.
O'Sullivan, Joseph F.
O'Toole, William A.
Otto, Carl H.
Overbeck, Byron K., Jr.
Overholser, Merlin K.
Owen, Robert S.
Owens, Ramon R.
Pabst, Howard L.
Page, Richard L.
Pakradooni, Haig H., III
Palmer, James A., Jr.
Palmer, William N., II
Pape, Jerry L.
Pappas, Albert J.
Paradis, Paul A.
Parcell, Kenneth H.
Parker, Donald F.
Parker, Richard L.
Parker, Richard S.
Parks, Terrence J.
Parks, William H.
Parnell, Ural C.
Parrish, David F.
Partlow, James G.
Pass, Robert L.
Pate, Zachariah T., Jr.
Patella, Lawrence M.
Patrick, Meredith W.
Patrick, William D.
Patterson, Dale K.
Paul, John S.
Peace, John D., III
Peace, Oscar
Peacher, Robert W.
Pearce, Michael A.
Pederson, Noel N.
Peechatka, Larry O.
Peerenboom, William H.
Pellerin, Alfred E., III
Peltz, Theodore A.
Pender, Thomas
Pendergrass, Curtis S.
Pendleton, David L.
Pendley, William T.
Penny, Lawrence A.
Penta, Albert M.
Peresluha, Edmund J., II
Peri, Victor P.
Perkins, Robert S., Jr.
Perusse, Robert E.
Peters. John D.
Peters, Milton G.
Petersen, Halvor N.
Peterson, Charles B.
Peterson, Christopher B.
Peterson, Charles A.
Peterson, Paul A.
Peterson, Robert A.
Petroske, Kenneth C.
Pfeifer, Robert D.
Pfister, Donald L.
Pharis, Wade J.
Phelps, George T.
Philipps, George
Phillips, Clifford R.
Phillips, John C.
Phillips, Robert F. H.
Phillips, Robert E.
Piccioni, Jerome D.
Picher, Francis X., Jr.
Pickering, Gary W.
Pidgeon, Edward T., Jr.
Pidgeon, Robert H.
Pierce, George E.
Pigg, Bobby J.
Pilcher, Eugene T.
Pingel, Leon J.
Pinson, Peter C.
Pinto, John M., Jr.
Pippenger, William W.
Piskorski, Stanley
Pistotnik, James J.
Pitman, John R.
Pittenger, Richard F.
Pivarnik, William D.
Pizinger, Donald D.
Plum, George E.
Poarch, William H.
Poindexter, John M.
Poland, Clarence, Jr.
Pollock, Grant H.
Polski, Paul A.
Poole, James R.
Poore, James S.
Poremba, Stanley, Jr.
Port, Joseph C.
Porter, Donald H.
Porter, Gene H.
Porter, Oliver H.
Porter, Richard G.
Porter, Richard B.
Potter, James A.
Pottratz, Richard K.
Pounds, Philip C., Jr.
Powell, Daniel G.
Powell, David R.
Powell, Frederick C.
Powell, Ralph E.
Powers, Richard M.
Prather, Robert J., Jr.
Pratt, John L.
Prenzlow, Roger E.
Pressly, James M.
Preston, Craig A.
Prevo, Kyle T., Jr.
Price, Billie L.
Price, Robert P.
Pricenski, Henry J.
Proctor, Robert R.
Prosser, Norman E.
Pruett, Ronald L.
Pruitt, Arnold W.
Przekurat, Eugene E.
Puerling, Peter N.
Pugh, Jimmy B.
Pulling, Wayne E.
Purnell, Clement I.
Putman, James L.
Putnam, Wayne A.
Pyatt, Arnold F.
Pye, Reginald C., Jr.
Pyle, Ronald W.
Quantock, Charles W.
Quatrerman, David H.
Quast, Harry S.
Quay, Thomas W.
Quigley, Joseph M.
Quinn, Eugene F.
Quinn, James H.
Quinn, Richard H.
Quitiquit, Max
Radecki, Richard A.
Ragen, Jerome C.
Ranes, George J.
Rasmussen, Keith L.
Rasmussen, Larry K.
Rasmussen, John D.
Ratto, Lawrence J.
Rauch, Leo A.
Rauch, Wayne N.
Raudio, Victor J.
Raynis, Harrison R.
Re, Joseph M.
Read, Dennis, S.
Reavis, Leland H.
Redford, Maury E., Jr.
Redgate, James P.
Redman, Robert L.
Reed, John C.
Reed, Robert B., Jr.
Reed, William H., Jr.
Reed, William T.
Reeve, William F.
Rehder, William A.
Reich, William F.
Reichart, Harold L., Jr.
Reid, James R., III
Reid, Lawrence R., Jr.
Reilly, Robert K.
Reimann, Robert T.
Rein, Robert J.
Reinhardt, Richard L.
Reioux, Lewis E., Jr.
Reister, Walter A.
Reitmeier, Bernard S.
Remoll, Charles M.
Rempt, Henry F., Jr.
Remsberg, Adrian M.
Renner, William S.
Rentle, Norman L.
Repp, Robert W.
Retz, Michael J.
Retzlaff, Robert R.
Reuscher, David L.
Reynolds, Bernard J.
Reynolds, Ted "W"
Rice, Bill B.
Rice, Lloyd K.
Rice, Loren M.
Rice, William L.
Rich, Roger L., Jr.
Richard, James E.
Richard, Roy A.
Richardson, John D., Jr.
Riches, Raymond C.
Richmond, Norman W.
Rickwald, Ronald R.
Riedel, Bernard, Jr.
Riess, William A.
Riggs, Donald E.
Riley, Charles E.
Riley, William E.
Ringele, Leander M.
Riordan, William P.
Ripple, James E., Jr.
Ritchie, Sherwood L.
Rivenbark, David C., Jr.
Roach, Alan G.
Robbins, Berton A., III
Robbins, John E.
Robbins, William T., Jr.
Robe, Robert W.
Roberson, Arleigh E.
Roberson, Harold J.
Roberts, Earl L.
Roberts, Gary K.
Roberts, Jack L.
Roberts, James J.
Roberts, James H.
Roberts, William D.
Robertson, Robert D.
Robino, Antonio P.
Robins, Harry B., Jr.
Robinson, John W.
Robinson, Kenneth F.
Robinson, Kenneth G.
Robinson, Wayne
Robison, Delma C.
Roder, Peter S.

Roeser, Walter V., Jr.
Rogers, Donald K.
Rogers, Gerald W.
Rohrbough, John D.
Rokowski, Ernest L.
Rommel, John R.
Romoser, William K., Jr.
Rose, Rufus R.
Rosen, Robert S.
Rositzke, Robert H.
Ross, Norman A.
Ross, Thomas E.
Roth, James E.
Roth, Robert M.
Rothrauff, Thomas B.
Rouse, Walstein M.
Rowland, Richard P.
Rowles, John F., III
Rowley, Cornelius M.
Roy, Arthur
Royse, Perry R., Jr.
Ruby, Scott M.
Rucker, William A., III
Rucks, Ronald A.
Rueckert, Nils
Rumney, Robert E.
Runzo, Melvin A.
Ruona, Keith V.
Russell, Earl H.
Russell, Harold B.
Russell, Leverett E.
Russell, Richard W.
Rutemiller, Oren G., Jr.
Rydzewski, James C.
Sachse, Clark D.
Sajdera, Robert M.
Sakey, Leyon D.
Sallee, Ralph W.
Salley, Alexander M.
Salmon, Walter W., Jr.
Salovitch, Edward M.
Salyer, Ronald G.
Sample, Bobbie L.
Sampson, James W.
Sanders, Sheldon M.
Sandke, William K.
Sanson, Robert G., Jr.
Santoro, Paul J.
Sapp, Edford W.
Saracco, Robert L.
Sargeant, Richard W.
Sauer, Robert C.
Savage, Billy B.
Sawdey, Phillip G.
Sawyer, Tommy D.
Scales, Richard H.
Scanlon, Edward P.
Scantlin, William S.
Scarborough, Vernon R.
Schaffer, David G.
Schaffer, Ruben W.
Schaper, Darwin E.
Schauer, Allan D.
Scheible, Jack W.
Schell, John J.
Schimming, John G.
Schiwitz, Preston G., Jr.
Schlauder, Wallace J.
Schleicher, Richard J.
Schloman, Gerald R.
Schluntz, Frank R.
Schneider, Henry J.
Schneidewind, Gilbert P.
Schoenfeld, Jay K.
Schoocraft, James L.
Schoonover, Richard T.
Schrader, Norman E., Jr.
Schramm, William G.
Schroeder, Gerald R.
Schultz, Robert F.
Schulz, Russell K.
Schulz, William J.
Schwartz, Donald M.
Schwarzenbach, Hart J., Jr.
Schweizer, Otto A., Jr.
Scott, Douglas L.
Scott, Milton M.
Scram, Andrew D.
Sealey, John W.
Searcy, William P.
Sears, David F.
Sears, Gilbert H., Jr.
Secor, Richard A.
Sedor, Gerald
Seeberger, John J.
Segelhorst, Herbert E.
Seger, Ralph L., Jr.
Seidel, Melvin L.
Selden, Carl I.
Sendek, Joseph M.
Seng, William R.
Severance, Laverne S., Jr.
Shand, Richard M.
Shapero, Allen L.
Sharp, Bill W.
Shattuck, George W.
Shattuck, William D.
Shawkey, Dallas W.
Shay, James E.
Shea, John J.
Sheehan, James E.
Shelby, Lawrence T.
Shelton, James W.
Shepherd, Harold D.
Sheppard, Donald D.
Sherburne, Douglas M.
Sherlock, Wilbur J.
Sherman, John M.
Sherman, John E.
Sherrod, Douglas F.
Shewmaker, John B.
Shields, Ronald M.
Shope, Leonard S.
Shope, Theodore L.
Shoquist, David R.
Showman, Loyd "C", Jr.
Shriver, Norman W.
Shriver, Robert A.
Sick, Gary G.
Sickman, John F., Jr.
Siegel, Kent R.
Siegwarth, Charles E., Jr.
Sillery, Charles D.
Silverman, Richard A.
Silvia, Charles P.
Simmons, James L.
Simon, James W.
Simonton, Bennet S.
Sims, Robert B.
Skelly, John F.
Skezas, George C.
Skinner, Albert G.
Skinner, George R.
Skrukrud, Clare E.
Slater, Larue D.
Slaven, Robert K., Jr.
Slayman, Kelson E.
Sloan, Dennis Y.
Sloane, Stephen B.
Slye, Richard E.
Smedberg, Edwin B.
Sminkey, Robert L.
Smith, Bertram D., Jr.
Smith, Charles J.
Smith, Clinton L.
Smith, Clyde A.
Smith, Darryl W.
Smith, Don L.
Smith, Donald D.
Smith, Gary T.
Smith, Jimmy F.
Smith, Leon L., Jr.
Smith, Leonard T.
Smith, Leverne O.
Smith, Nepier V.
Smith, Paul D.
Smith, Peter T.
Smith, Ralph E.
Smith, Roger A., Jr.
Smith, Samuel
Smith, Wayne A.
Smith, William P.
Smith, William J.
Smith, William S., Jr.
Smith, William E., Jr.
Smith, William B.
Smithey, William J. H.
Smolnik, Daniel
Smoot, John H.
Snell, William F.
Snyder, Carl L.
Snyder, Jerry E.
Snyder, William R.
Solomon, Selig
Sommer, Henry J., Jr.
Sopko, John R.
Sorensen, Richard S.
Sorna, Ronald E.
Soules, Charles W.
Southern, Wilson E.
Spadoni, Eugene A.
Sparks, Neil R., Jr.
Spencer, Thomas J.
Spillars, Harold S.
Spraker, Irvin L.
Springer, Judson H.
Springstead, Lester K.
Spydell, Robert E.
Squires, Robert W.
Staats, Beverly R. W., II
Stacey, John L.
Staff, Roger S.
Stahel, Ervin D.
Staiger, Martin
Stampfli, Donald M.
Stanfield, Donald G.
Stangle, William J.
Stanley, James E.
Starbird, Gary L.
Stark, William R.
Starrin, Roy E.
Staudenmayer, Frederick G.
Steckler, Charles T.
Steckler, Joseph L.
Steed, Samuel
Steele, Harry A., Jr.
Steele, Robert J.
Stegall, Woodie C., Jr.
Stein, Edwin F., Jr.
Steine, Zachary
Steiner, Frederick N.
Stephens, William L.
Sterritt, James W.
Steveley, Robert V.
Stevenson, Frederick R.
Stevenson, Leon M., Jr.
Stevick, Jerold C., Jr.
Stewart, Edward L., Jr.
Stewart, George W., Jr.
Stewart, Keith A.
Stewart, Wayne B.
Stibler, Robert W.
Stinson, William O.
Stith, Charles E.
Stockstad, Ralph F.
Stoetzer, Raymond N.
Stogis, Peter D.
Stoker, Laron "L"
Stokes, Carl J., Jr.
Stone, Robert L.
Stoodley, Francis H.
Storey, Edward L.
Stouffer, John W., II
Stouppe, David E.
Stout, Richard D.
Strahm, Kenneth A.
Straight, Donald O.
Strain, Gary C.
Straney, Donal R.
Strange, Robert O., Jr.
Streeter, Gregory F.
Strey, Carol G.
Strickland, Stanley P.
Strickland, Virgil E., Jr.
Strole, Dennis S.
Strong, Bruce W.
Strunk, David W.
Stubbs, David W.
Stubbs, George R.
Stumcke, Frederick B., Jr.
Sturgill, Jack D.
Sturm, Paul M.
Sturr, Henry D., Jr.
Sudholz, Herman O.
Suereth, Elwood J.
Sullivan, Donald R.
Sullivan, Donald K.
Sullivan, Gerald F.
Sullivan, Jermiah F.
Summers, Carl R.
Surles, Glynn
Surratt, Henry C., Jr.
Sutphen, Harold J.
Suttmann, Marvin H.
Sutton, Charles R.
Sutton, Jack D.
Svoboda, Henry D., Jr.
Swain, Donald D.
Swallow, James R.
Swanson, Leonard B., Jr.
Sweat, Wesley A., Jr.
Sweeney, Charles J., Jr.
Swendsen, Donald M.
Swisher, Dale W.
Switzer, James D., Jr.
Sword, Curtis S., Jr.
Szczecinski, Joseph L.
Taft, Denis J.
Taipale, Raymond D.
Tarkowski, Ronald C.
Tarquin, Donald C.
Tarrico, George J.
Tate, Robert H., Jr.
Tateosian, Franklin D.
Tatro, Peter R.
Taunt, Melvin E.
Taylor, Brent W.
Taylor, Donald A.
Taylor, James T., Jr.
Taylor, James R. C.
Taylor, Jimmie W.
Taylor, John K.
Taylor, Philip H.
Taylor, Thomas P.
Taylor, Vance A.
Teague, Robert A.
Tedder, James E.
Templeton, Robert N.
Templeton, Felix E.
Tenefrancia, Ambrose J., Jr.
Terry, Bert D.
Terry, Ross R.
Theriault, Willard
Therrien, Leo E., Jr.
Thiemann, Henry J. F., Jr.
Thoen, Glenn R.
Thomas, Bruce A.
Thomas, David M.
Thomas, Jack R.
Thomas, James P. L.
Thomas, Kinnison H.
Thomas, Richard W.
Thomas, Richard S.
Thomas, Richard K.
Thomas, Robert H.
Thomas, Robert D.
Thomasson, William O.
Thompson, Fred E.
Thompson, Glynn M.
Thompson, Tyler H.
Thorne, Charles E.
Thorpe, Paul J.
Thune, Donald B.
Thurston, John K.
Tilger, Billy R.
Tingle, Adrian A.
Todaro, Fred M.,
Toney, Robert L.
Toole, Morton E.
Topping, Robert L.
Trammell, Arthur B.
Trayer, Edgar G.
Treadway, Loyd E.
Tree, Merle E.
Triebes, Carl J., Jr.
Triemer, William L.
Trost, Henry J., Jr.
Trout, Michael D.
Troutman, Darrell C.
Truax, Robert C.
Truly, Richard H.
Truxall, Charles W., Jr.
Tuft, Markham D.
Turczyn, Daniel W.
Turgeon, Robert E., Jr.
Turkington, William W., III
Turlay, William E.
Turner, Danny W.
Turner, John J., Jr.
Tuthill, Donald L.
Ulrich, John L.
Underhill, Samuel G.
Usalis, Jerome T.
Vaden, Stephen J.
Vaiana, James G.
Vanatta, Jerry L.
Vance, John W., III
Vancott, Cornelius J.
Van Landingham, Clyde H., Jr.
Vanorden, Douglass L.
Vansickle, Gerald E.
Vargo, Henry G.
Varnadore, James
Varshock, George A.
Vaughan, Edward B., Jr.
Vaughan, Joseph S.
Vaughn, Harold J.
Veasey, Guy D.
Veazey, Sidney E.
Veek, Eugene B.
Veenstra, Robert M.
Venable, Roebrt L.
Venezia, Howard
Venter, David G.
Venters, Leon S., Jr.
Verner, Michael J.
Verney, George M.
Vettese, Joseph J.
Viccellio, John S.
Vick, John C.
Victor, Alfred E.
Victor, James A.
Viessmann, Alex J.
Vincent, Charles D.
Vinson, John T.
Vohr, James C., Jr.
Vold, Almer C.
Voll, Mathew W.
Vosseller, Richard T.
Wachter, Gary L.
Wagner, Harry E.
Wagner, William F.
Waldner, Clarence G.
Walker, Clarence L., Jr.
Walker, Dodson D., Jr.
Walker, Muthey D., Jr.
Walker, Thaddeus O., Jr.
Walsh, David L.
Walston, Kenneth R.
Walters, Robert L.
Walton, Charles R.
Wanglie, Eugene E.
Waples, John M.
Ward, James J.
Ward, Richard R.
Warden, Kenneth J.
Wardwell, Arthur F., Jr.
Ware, Downey M.
Warmbir, Kenneth E.
Warnell, Charles E.
Warner, James S.
Warner, Lloyd
Warren, Robert L.
Wartenberg, Ernest H., Jr.
Warters, Robert L.
Wasloski, John E.
Waters, Irving A., Jr.
Waters, Ronald L.
Watkins, Robert M.
Watkins, William D.
Watson, Ian M.
Watson, John A.
Watts, Donald T.
Watts, Robert B.
Waymire, Donald M.
Weaver, Alpine D.
Weaver, Daniel C.
Weaver, Robert E.
Webster, Audrey C.
Webster, Stephen T.
Weeks, Dennis C.
Weeks, Theodore G., Jr.
Wegert, Sidney J.
Weigand, James G.
Weiland, Robert F.
Weiler, Antone M.
Wellborn, Robert M., Jr.
Welles, Bradford W.
Wells, Carl C., Jr.
Wenger, Richard O.
Wentz, James E.
Wertz, Peter D.
West, Eugene H.
West, Ralph W., Jr.
West, Ward L.
West, William W.
Westbrook, Dale A.
Westerman, William R.
Westlake, William R.
Weston, Jack L.
Wettestead, Norman C.
Weyrich, Henry, Jr.
Whalen, Rodney "N"
Whaley, Orville R., Jr.
Whaley, Thomas P.
Wheatley, Gary F.
Wheeler, George C.
Whitby, Ralph E., Jr.
White, Charles E.
White, Ervin E.
White, George W., Jr.
White, Howard G.
White, John R.
White, Ray A.
White, Richard D.
White, Robert
Whitlinger, Gregory L.
Whitmer, Benjamin F.
Whitmire, Robert L.
Whitmire, Wilson R.
Whittaker, Thomas K
Wible, William K.
Wickham, Albert G.
Wicklund, Richard J.
Wicks, Lester H., Jr.
Wiechert, Carl S.
Wiedenbauer, Fred
Wiener, Thomas F.
Wiersema, Edward K.
Wightman, Carl A.
Wilbur, Charles H.
Wilcox, Bruce A.
Wilcox, Guy I.
Wilder, Wallace G.
Wilderman, Alvin L.
Wile, Alan R., Jr.
Wiley, Robert C.
Wilkerson, Charles A.
Willett, John A., Jr.
Willey, Bruce T.
Williams, Barton B.
Williams, Dale H.
Williams, Eldon G.
Williams, Edward M.
Williams, James R.
Williams, James D.

Williams, James K., Jr.
Williams, Kenneth W.
Williams, Robert C.
Williams, Willis T.
Willis, Clyde P.
Willis, John W.
Wilmot, Jim W.
Wilson, Alger L.
Wilson, Bruce D.
Wilson, Dennis K.
Wilson, Emory H.
Wilson, Garry L.
Wilson, Richard J.
Wiltsie, Ronald J.
Wing, Rodney C.
Wingo, Robert F.
Winningham, Norman L
Winthrop, Griffith J.
Wirth, Andrew M.
Withers, John H.
Withers, William Z.
Witherspoon, Emanuel E.
Witt, Robert T., Jr.
Wold, Robert M.
Wolfe, Roderic L.
Wolfe, Ronald L.
Wolynies, Jon G.
Womack, Leonard R.
Wood, Leland E., Jr.
Wood, Phillip R.
Wood, Sidney E., Jr.
Woodley, Richard P.
Woodrow, Warren A.
Woods, Francis G.
Woods, John P.
Woody, Melvin R.
Woolman, Joseph C.
Worden, Everett F.
Worrell, Dwight I.
Wren, Gregory S.
Wrenn, Raymond W., Jr.
Wright, Arthur S.
Wright, Frederick W., III
Wright, James C.
Wright, Lee F.
Wright, Leo C.
Wright, Mack
Wright, Robert H., III
Wright, William A.
Wuorenmaa, John P.
Wurth, John G.
Wyatt, Raymond E.
Wyatt, Richard L.
Wyman, Harry N., III
Yeager, Gary W.
Yessak, Lawrence G.
Yockey, Harry M.
Yoes, Ernest C.
Young, Arthur E., Jr.
Young, Ernest T., Jr.
Young, Howard L., Jr.
Young, James M.
Young, Robert A.
Young, Robert B.
Young, Robert A.
Young, Sol
Young, Wayne G.
Zachary, William H., Jr.
Zanin, Wilbur F., Jr.
Zimdar, Robert E.
Zimmer, Emory P.
Zimmer, Gerald G.
Zimmermann, Jack G.
Zollars, Allen M., Jr.
Zon, Ernest
Zorbach, Anthony J.
Zorn, Nicholas D.
Zwart, Ronald P.

Captain, Medical Corps

Alspach, Rodger L.
Anderson, Richard R.
Arnest, Richard T., Jr.
Arthur, Ransom J.
Babalis, William J.
Barnwell, Frank M.
Barrick, Richard H.
Beckwith, Frederick D.
Bennett, Wayland
Bernstine, Richard L.
Britton, Joseph H.
Burkhart, Vernon A.
Cady, Gerald W.
Caruso, John, Jr.
Cox, John W.
DeLave, Daniel P.
Dobel, Gerald F.
Edens, Fred R.
Ewing, Channing L.
Flynn, John W.
Frev, Mable A.
Gaines, Kenneth A.
Gordon, John J.
Gossett, Clarence E.
Gregg, Paul C.
Hamilton, Warren W., Jr.
Hart, George R.
Horgan, Joseph T.
Howard, David S.
Hyams, Vincint J.
Jacoby, William J., Jr.
Jauchler, Gerald W.
Johnson, Burt C.
Jones, Warren R.
Kirk, Robert F.
Kitrinos, Nicholas P.
Kornblum, William A.
Kretzschmar, Hanns O.
Lucas, William E.
Lukash, William M.
Lynch, Mary T.
Maughon, James S.
McDonough, Robert C.
McGinley, Joseph M.
Miller, Charles H.
Mitchell, George D.
Mitchell, Russell H.
Murray, Dermot A.
Myers, Willis S.
Ninow, Earl H.
Nuredini, Skender
O'Connell, Patrick F.
Paslay, Jefferson W.
Peace, Dewey W., Jr.
Richter, Tor
Sharp, James V.
Simpkins, Carl N., Jr.
Sode, Jonas
Spaulding, Raymond C., Jr.
Tabor, Richard H.
Trabaudo, Lawrence E.
Trostle, Henry S.
Turner, James E., Jr.
Turner, Thomas W.
Ulshafer, Thomas R.
Valdivieso, Jorge R.
Wilson, Almon C.
Wilson, David Q.
Winter, William R.
Wire, George E., Jr.

Commander, Medical Corps

Aaron, Benjamin L.
Austin, Frederick L., Jr.
Bailey, David W.
Baird, Robert M.
Baker, William P.
Barchet, Stephen
Bason, William M.
Baxter, John C.
Beach, Thomas B.
Beasley, Walter E., III
Becker, Matthew K.
Beckman, William R.
Beeby, James L.
Bemiller, Carl R.
Billingsley, Frank S.
Biron, Pierre E.
Bishop, Robert P.
Blais, Bernard R.
Bloom, Joseph D.
Brackett, John W., Jr.
Braswell, Harold M., Jr.
Burr, John B.
Cameron, Ronald R.
Carr, John E.
Carson, William E., Jr.
Cassidy, Walter J., Jr.
Chappelka, Alfred R., Jr.
Coil, Edmonston F.
Colangelo, Eugene J.
Collier, James C. P., Jr.
Comer, Ralph D.
Conkey, George A.
Cowen, Malcolm L.
Cox, Jay S.
Cremona, Frederick J.
Cunningham, John E., Jr.
Damato, Nicholas A.
Davis, John W.
Deaner, Richard M.
Defiebre, Bruce K., Jr.
DeFries, Hugh O.
Dolan, Michael F.
Elliott, Robert C.
Ernst, Donald W.
Evans, Fred S.
Farin, Walter E.
Flynn, Peter A.
Fouty, William J.
Frazier, Wayne E.
Freeman, Edward E.
Fresh, James W.
Gallent, James H.
Gilson, Benjamin J.
Goller, Vernon L.
Gragg, Donald M.
Harmon, Stanley D.
Hauler, Donald R.
Hauser, Roger G.
Hebert, James E.
Hodge, Warren W.
Hoeffler, Dennis F.
Hoke, Bob
Holmboe, Arthur H.
Hudgens, William R.
Inman, Charles E.
James, Stephen H.
Johnson, Bernett L., Jr.
Jones, Clyde W.
Kelley, Donald L.
Kendra, Stephen J.
Kent, Tommy S.
Kerwin, Joseph P.
Knapp, Robert W.
Kostinas, John E.
Lang, Jesse E.
Langevin, Jack A.
Lansinger, Donald T.
Lawton, George M.
Leonard, John H.
Levy, Jerome
Loew, Albert G., Jr.
MacDonald, Rodney I.
Majure, Oscar L., Jr.
Mammen, Robert E.
Martin, George F., Jr.
Mathews, George W., Jr.
McGowan, Edward M., Jr.
McHale, James J., Jr.
McClear, William Z., III
Meehan, William L.
Merchant, Raymond J., Jr.
Meredith, Robert C.
Metz, George E.
Miewald, John R.
Miner, Walter F.
Moll, Francis K., Jr.
Moquin, Ross B.
Morgan, Jacob R.
Mukomela, Arthur E.
Mullins, Wallace R.
Myers, Joseph S.
Myers, Robert C.
Neel, Samuel N.
Norton, Richard H.
O'Brien, Robert M.
Ochs, Charles W.
O'Halloran, Patrick S.
Oldershaw, John B.
O'Neal, David M.
Palumbo, Ralph R.
Payne, Charles F., Jr.
Pohle, George A.
Poley, Richard W.
Powers, Samuel A.
Pulicicchio, Louis U.
Rack, Robert V.
Randall, Glenn H.
Reckenthaler, Karl J.
Rish, Berkley L.
Rivera, Julio C.
Robl, Robert J.
Rohren, Donald W.
Russotto, Joseph A.
Sacks, Ellsworth J., Jr.
Sargent, Charles R.
Schmetz, Frank J., Jr.
Scott, Charles M.
Shepard, Barclay M.
Smith, Joe P., Jr.
Smith, Jose C. S.
Steffenson, John L.
Steyn, Rolf W.
Storz, William J., Jr.
Strange, Robert E.
Swartz, Philip K., Jr.
Takaki, Norman K.
Theros, Elias P. G.
Thompson, Robert E.
Tilock, Fred H.
Tobey, Raymond E.
Tolchin, Sidney
Van Peenen, Peter F. D.
Walker, Robert E.
Walter, Eugene P.
Weir, Gordon J., Jr.
Willcutts, Harrison D.
Wilson, Wayne R., Jr.
Wolfe, Franklin M.
York, Lowell T.

Lieutenant Commander, Medical Corps

Adams, Curtis D.
Altaker, Lawrence L.
Amalong, Ronald J.
Ambur, Richard F.
Anderson, Robert L.
Ashworth, Halbert E.
Baker, Fred L.
Baksic, Russell W.
Basiliere, James L.
Batcheller, John W.
Beidler, Jon G.
Bendixen, Romaine L.
Billings, William E., Jr.
Bishop, Hal D.
Blackburn, Frank C.
Blanchard, Peter B.
Blanton, Terrell D.
Boensch, Frank N., Jr.
Bohan, Lawrence D.
Bohan, Michael E.
Boyd, Dale W.
Bradley, Mark E.
Braun, William E.
Broussard, Nicholas D.
Brown, Charles S.
Buell, Howard A.
Byrd, Thomas R.
Campbell, Axel F.
Campbell, Walker H.
Candela, Harry J.
Cantow, Edward F.
Carmick, Edward S., Jr.
Carr, Raymond E.
Cattano, Andrew N.
Caudill, Robert P., Jr.
Cave, Robert H.
Charneco, Dale R.
Closson, Jon B.
Clymer, John F.
Collins, Frank B.
Condrin, William R.
Cook, John P.
Corcoran, Francis H.
Cordray, Douglas R.
Corley, Thomas E.
Cotten, Charles L.
Crafts, Robert, Jr.
Crary, Paul D., Jr.
Crawford, William R.
Crittenden, Frank M., Jr.
Crosson, Robert C.
Crow, Judson L.
Crum, Paul M.
Davies, Raymond O., Jr.
Davis, James E.
Day, Daniel H.
Deane, Frederick R. M.
Decker, John S.
Deignan, William E.
Dooley, John R.
Downing, John E.
Drake, Anthony M.
Duhamel, Robert R.
Ehrlich, Frank E.
Ervin, James F., II
Eyre, Warren G.
Eytel, Charles S.
Farmer, Raymond M.
Farrier, Paul H., Jr.
Flagler, Nicholas R.
Fogg, Charles D.
Fong, Don L.
Foote, William W.
Fornes, Michael F.
Frensilli, Frederick J.
Fulwyler, Robert L.
Gaskins, Ronald D.
Gaudry, Charles L., Jr.
Gay, Robert M.
Gibbons, James A.
Gibbs, Robert L.
Gilbert, Edward C.
Goscienski, Philip J.
Gregonis, Joseph G.
Griffin, George E., III
Grossman, Marvin
Grumbling, Hudson V., Jr.
Hall, James N.
Hand, John J.
Harrington, Randall L.
Harris, Michael A.
Hayden, Donald J.
Heath, Victor C.
Henrie, Edwin J.
Hoback, Daniel P.
Hoertz, John H., Jr.
Holmstrom, Robert D.
Honigman, Joseph
Hood, Richard N.
Howell, James W.
Hudson, Royal C., Jr.
Huff, Arden L.
Hussey, Michael B.
Hutchinson, Manley E., Jr.
Huurman, Walter W., Jr.
Iglecia-Fernandez, Raymond
Izuno, Gene T.
Jackson, Neil D.
Jamarik, George T., Jr.
Jeffrey, Clyde G., Jr.
Jewusiak, Edward M.
Johnson, Walter T.
Johnson, William C., Jr.
Johnson, William W.
Johnsonbaugh, Roger E.
Jones, Edward M.
Jones, George R.
Jones, Lawrence A.
Karney, Walter W.
Kesselman, Alexander L.
Kessler, Carl P.
Knight, Jimmie H.
Kravetz, Neil D.
Langston, Randall A.
Larsen, Reynold T.
Lee, Frederick M.
Lewis, David H.
Lloyd, Morgan P.
Looney, George R.
Lucas, John T.
Majors, Robert P., Jr.
Maraist, Donald J.
Marcel, Jesse A., Jr.
Marlor, Russell L.
Marriott, John D.
Martin, Russell D.
Martin, William A.
Masar, Maurice F. P.
Matan, Joseph A.
Mathews, Carter W.
Mattern, Allan L.
Mauk, Sid "F", III
Maxwell, George D.
Mayes, Kenneth L.
McCreedy, James E.
McDonald, Kenneth M.
McDonough, Edward R.
McGeoy, Thomas J., Jr.
McGlamory, James C.
McGrail, John F.
Meighan, Jacob W.
Melton, Russell W.
Meyer, Russell
Miller, Jay H., Jr.
Mixon, William A.
Mollerus, Robert J.
Morales, Raul A.
Moyes, James R.
Mueller, Maurice J., Jr.
Mullen, James E.
Murphy, Michael O.
Musser, John R., Jr.
Nail, Richard L.
Negron, George L.
Nelms, Robert J., Jr.
Nuss, Robert C.
Olsen, James A.
Page, Crockett H.
Patlovitch, Joseph
Perkins, Richard E.
Perlin, Elliott
Peters, Norman E.
Preuss, Donald G.
Reid, James W., Jr.
Robbins, Thomas O.
Roberts, James G.
Roeder, Donald K.
Rogers, Albert K.
Ruggiero, Joseph A.
Russo, John F.
Sandri, Sandro R.
Schaeffer, Berton T.
Schenk, Thomas M.
Schmidt, Harold W., II
Schmidt, Rainer S.
Schroeder, Charles F.
Schwartz, Bradford B.
Scott, Cornelius C., III
Sears, Henry J. T.
Secrist, Wilbur L.

Shapiro, Richard
Slate, Robert W.
Smith, Lee E.
Snyder, James L.
Sokolowski, Joseph W Jr.
Sponaugle, Harlan D.
Stone, George M., II
Stone, Robert S.
Stoop, David R.
Strom, Clarence G.
Stucker, Fred J.
Swan, Robert J.
Swanger, Ronald F.
Tate, Harry R.
Taylor, Britton E.
Tenney, Richard L.
Thomas, Jackson W.
Thompson, Bruce A.
Thompson, Robert L.
Tompkins, Albert E.
Turaids, Talvaris
Vacanti, Charles J., Jr.
VanBuren, William E.
Wallin, John D.
Wasson, Robert D.
Watson, John T.
Westervelt, Harold A.
Williams, John E.
Wilson, Cecil B.
Winans, Robert G.
Worsham, Jerry C.
Young, Stanley B.
Young, William D.
Zelles, Gary W.

Captain, Supply Corps

Ahern, James R.
Allshouse, Thomas J.
Bandish, Bernard J.
Banghart, Robert J.
Barnett, William H., Jr.
Beale, John W.
Borchers, Alyn L.
Byrd, James L.
Calhoun, Thomas N.
Canalejo, Armando, Jr.
Cheshure, Joseph H.
Chetlin, Norman D.
Child, Arthur L., III
Colbert, Bryan R.
Condon, Thomas P.
Cosby, Francis B.
Crouch, Perry B.
Davis, Albert S.
Dellinger, Charley P.
Donnelly, Joseph A.
Edsall, Arthur R., Jr.
Evans, Stuart J.
Flock, Jens B., Jr.
Fowler, George O., Jr.
Gaetz, Edward F., Jr.
Gallagher, Granville W., Jr.
Gallup, Mearl
Gifford, Robert L.
Graziadei, John D.
Grechanik, Walter
Growden, Ellwood W.
Hagedorn, Lawrence D.
Hamill, William T., Jr.
Harris, Melvin W.
Hatch, Bobby L.
Hatch, James C.
Hatfield, John H.
Heasley, Gail L.
Hein, Joseph J., Jr.
Hereford, James D., Jr.
Heurich, Robert G.
Holfield, Arthur W., Jr.
Honsinger, Jack E.
Hopkins, Leroy E.
Hutchison, Marvin S.
Jankovsky, Norlin A.
Johnson, Richard D.
Johnson, Warren B.
Johnson, William H.
Kamps, John H.
Kash, William B.
Keenan, Joseph I.
Keller, Bruce W.
Kennedy, Patrick F.
Knight, Reed H.
Knipple, John D.
Kuhlman, Norman H. C.
Lake, Donald H.
LaPlante, Robert W.
Lindsey, Bob R.
Longmire, Billy R.
Martin, Donald V.
Maurstad, Alfred S.
McCabe, John N.
McGovern, Austin F.
McKeen, Edward N.
McKenna, James E.
Morgan, James P., Jr.
Naismith, James A.
Nash, William T.
O'Connor, Thomas J.
Olin, William C.
Oliver, James C., Jr.
Oller, William M.
Ortland, Warren H.
Packard, Harrison G.
Park, Jack M.
Pawlowski, Thomas J., Jr.
Pflueger, Paul J.
Phelps, Gordon W., Jr.
Pluto, Raymond J.
Polk, Donald E.
Polk, Robert B.
Potts, Stanley W.
Prehn, John L., Jr.
Prestwich, John P.
Primm, Jules R.
Rainey, Richard L.
Rendelson, Paul L.
Riley, George D., Jr.
Robison, John T.
Ryder, John K.
Ryon, George G.
Schultz, Jackson L.
Shepard, John C.
Smith, Carlton B.
Spalding, Joseph E.
Stephens, Samuel S.
Stratton, Ogden K.
Sundberg, Daniel G.
Sylvester, Nelson J., Jr.
Thompson, Edwin H.
Thompson, Robert W.
Van Osdol, Robert C.
Van Tol, Peter H. B., Jr.
Vogel, Robert E.
Waller, Thomas C., Jr.
Weihrich, Walter F.
Welch, Gordon E.
Whelan, David W.
Wilson, Dorsey V.
Xefteris, Zefter C.
Ziegler, Bryan W.

Commander, Supply Corps

Adair, Joseph P.
Alderman, Charles B.
Allinder, Joe A., Jr.
Almen, Richard E.
Anderson, Richard A.
Anglim, Matthew E., Jr.
Arnold, Harry H.
Awalt, Richard E.
Ayling, Charles W.
Badger, George R.
Bates, Robert L.
Bechtelheimer, Robert R.
Bennett, Richard B.
Bledsoe, William M.
Bodart, Cletus W.
Breit, James A.
Brewin, Robert L.
Briggs, Irving G.
Brooks, John E.
Brown, Russell M.
Bruyneel, Louis K.
Byers, Austin L.
Canon, Roscoe H., Jr.
Carpenter, Charles F., Sr.
Carpenter, Arthur J.
Casselberry, Lynn W., Jr.
Causey, Bruce M., Jr.
Caverly, Michael K.
Chapman, Charles B., III
Christenson, Richard D.
Christopher, Robert N.
Clark, Shelby V. T.
Coleman, Ernest B.
Conner, Walter E.
Cook, Gerald W.
Corn, James R.
Cornelius, Jack M.
Cronk, Philip W.
Curtis, Richard E.
Davidson, William I.
Davis, Raymond P.
Dempster, Darrell D.
Derby, Francis A.
Desroches, Sylvio J., Jr.
De Winter, Richard E.
Ditto, Chester L.
Dollard, Paul A.
Donzell, Richard J.
Earl, Robert "J"
Eastwood, William O., Jr.
Ebert, Scott W.
Epstein, Edwin S., III
Farrell, James G.
Fekula, Theodore V.
Ferraro, Niel P.
Fiske, Leon S., Jr.
Flolio, Robert E.
Flood, Peter A.
Flores, Joseph L.
Freese, Ralph F.
French, Robert C.
Fuka, Otto J., Jr.
Gaddis, Glenn L.
Gallagher, Robert F.
Gapp, John J.
Garabedian, Edward J.
Giagni, Vincent J.
Gilmore, Roger W.
Gilpen, Franklin M.
Girod, Roy O.
Goodwin, Earl E.
Gore, Austin F., Jr.
Graessle, Philip G.
Gray, Jack E.
Griffiths, Donald J.
Gunther, Roy W.
Harkin, James W.
Harrigan, Thomas F., Jr.
Hawkins, Charles A.
Hendrickson, Richard
Hennessy, William J.
Henry, Gerald R.
Henseler, Richard C.
Hochmuth, Alvin E., Jr.
Hohenstein, Charles R.
Hopgood, Roy E.
Horrigan, John W., Jr.
Howe, Donald K., Jr.
Hubbard, Charles C.
Jesser, Arthur D.
Johnson, James R.
Johnson, Millard J.
Jones, Ronald A.
Kela, Frederick H.
Kenealy, William E., Jr.
Kispert, Lane A.
Knox, Arthur, F., Jr.
Kollios, Achilleas E.
Kreutzinger, Donald R.
Krukin, Lawrence E.
Kuhlmann, Dietrich H.
Lanphere, Robert J.
Larson, Nelson S.
Lashley, Ralph E., Jr.
Lazarus, Steven
LeBlanc, George J., Jr.
LeBlanc, Merrill M.
Lemly, William D.
Lemma, Paul A.
Lenz, Allen J.
Lindsay, William E.
Long, Charles W.
Lovell, Donald E.
Lovell, "W" "B"
Lyons, John J.
Maxwell, Kenneth R.
McCandless, Claude C., Jr.
McDaniel, Roderick D.
McGee, James E.
McGillivary, Duncan P.
McNeill, Neil E.
McSwain, Billy G.
Mercier, Arthur G.
Moore, Guy T.
Moore, William J.
Morehouse, Charles W.
Moyer, William R.
Mullen, James V.
Nelson, Alfred B.
Nolan, Frank R.
Normand, Robert L.
O'Connor, Robert W.
O'Donnell, Terrence F.
Olson, Harvey T.
O'Neil, Raymond L.
Ostrom, Lester E.
Ott, Matthew J.
Palmer, Donald R.
Parent, Elias A., Jr.
Pavlisin, Frank
Peek, Luther W.
Perry, Robert P.
Peterson, Kenneth A.
Petrie, Roland A.
Pomponio, Bruno A.
Pottinger, Ian G.
Powell, William M.
Prutzman, William L.
Rady, William J., Jr.
Ranken, John T., Jr.
Rech, Henry J.
Recher, Bernard L.
Ribble, Marland S.
Rice, Richard M.
Richards, Walter T.
Riordan, William H.
Rolfe, James A.
Ross, Howard "T", Jr.
Ross, Orrin B.
Ross, William T., Jr.
Roth, Richard J.
Rothenberger, Donald
Ruth, Stephen R.
Salgado, Paul R.
Sansone, Joseph S., Jr.
Savage, William H., Jr.
Schanz, Thomas L.
Sellers, Robert D.
Shipley, Maynard K.
Shultz, William E.
Smith, Jay R., Jr.
Snyder, Earl L.
Springer, Donald F.
Steeg, Elvin H.
Sterner, Norman G.
Stewart, George W., III
Strange, Geoffrey G.
Strange, Hubert E., Jr.
Stumbaugh, David C.
Taylor, Bayard A., Jr.
Taylor, John B.
Temte, Knute P.
Tillery, Preston J.
Tilton, Robert L.
Topping, James F.
Trimble, Philip
Van Walkenburg, Max W.
Velotas, Bill M.
Vogel, Ralph H.
Wagner, John E.
Waid, Stanley B.
Walker, Edward K., Jr.
Walker, Elbridge, III
Warneke, Grover C.
Weber, Robert J.
Weisend, John G.
White, Frank L.
White, Jack A.
Williams, Rex M.
Williams, Raymond L.
Williams, Walter L.
Wilson, Donald E.
Wong, Ronald M.
Woods, Lee, Jr.
Young, Charles W.
Young, Robert H.
Zeberlein, George, Jr.

Lieutenant Commander, Supply Corps

Abele, Robert B.
Adams, Paul K.
Aldenderfer, William D.
Allen, Raymond B.
Allen, Johnny L.
Allen, Robert A., Jr.
Andersen, Thomas C.
Anglim, David L.
Arnold, James L.
Asche, Richard E.
Austin, Walter I.
Avery, Bruce F.
Aviles-Alfaro, Bolivar, Jr.
Avis, Bruce W.
Awada, James G.
Bacher, Gerald J.
Baker, James H.
Balding, Clarence H.
Barstad, Clarence H.
Basley, Raymond C.
Basse, Warner P.
Bayles, Ronald S.
Bell, Ronald M.
Bender, James L.
Berg, Robert K.
Beyer, Robert K.
Bian, John W.
Bilodeau, James H.
Biver, David A.
Blackburn, Richard C., Jr.
Blackwell, Lind B.
Blazina, Joseph B.
Bloom, Jardine C.
Boesch, Frederick E., Jr.
Boese, Fred M.
Bonbright, John M., Jr.
Boorman, William R.
Boylan, Charles T.
Brassington, Abram A
Briggs, John M.
Brown, George C.
Brown, James W.
Buell, Robert M.
Bush, William J.
Caro, James M.
Carter, Eugene T.
Carver, Roy E.
Cash, John J.
Cejka, Joseph L.
Champion, Andrew A.
Charette, Paul E.
Chase, Thane "B"
Christen, Jimmy E.
Clarkson, James S.
Clemente, Vincent F.
Cobb, James L.
Cole, Brady M.
Cole, Peter S.
Collins, Charles J.
Cone, Paul J.
Connolly, Robert I.
Conquest, Donald D.
Coogan, Timothy P.
Coon, Paul D.
Cooper, Jackie R.
Corrigan, John J., Jr.
Costa, Richard D.
Craft, Thomas G.
Croeber, Hans R.
Crooks, Robert E., Jr.
Crosby, Alexander C.
Crouch, Donald G.
Crouch, Robert L.
Culpepper, Glenn C.
Cunningham, John J., Jr.
Custis, John P.
Daniels, Robert D.
Dardis, Ernest C.
Davis, Arthur R.
Davis, John R.
Dean, Robert W.
Del Duca, Ronald M.
Dellis, Donald O.
Demayo, Peter
Denny, James L.
Deruggiero, Saverio A.
Deshaney, Donald J.
Divelbiss, Carl D.
Doane, Charles B.
Dolan, Henry J.
Drake, Claude H.
Drury, William R.
Dumke, David R.
Dyches, James W.
Ebey, John R.
Edmondson, Aaron D.
Ekholm, Harry H., Jr.
Erickson, James L.
Evans, Steven H.
Eye, Charles C.
Farley, Robert H., III
Fedora, John
Felt, John D.
Fischer, Gregory F.
Fish, Dennis J.
Flanagan, Patrick F.
Fogle, William H., Jr.
Fraher, Jeremiah
Frizzell, Frank L., Jr.
Furiga, Richard D.
Gage, Robert B.
Garner, Fred S.
Gavin, Victor M.
Giles, Robert B.
Gillingham, Roger D.
Gleason, Bernard L.
Godsey, Shirley T.
Goodman, Jack R.
Goss, Roland A.
Gray, Kenneth W.
Gray, Lloyd C.
Gregory, Kenneth R.
Grogan, Arthur R.
Grosse, Robert G.
Haj, Richard
Hale, Joe M.
Hanna, Robert M.
Hanson, Allan H.
Hardin, Edward L.
Hardy, Allen
Harlow, Charles E.
Harnad, Paul K.
Harris, Neal L.
Hartlieb, Daniel G.
Hatchett, John W.
Hauenstein, William H.
Haver, David J.
Hazlett, Harry L.

Henion, Alan M.
Hessler, Blair
Hickey, Daniel F., Jr.
Hickman, William B., Jr.
Hicks, Chesley M., Jr.
Hinds, Douglas J.
Hinz, Dan H.
Hogan, Richard C.
Hoopes, Ronald G.
Huffman, Haldon J.
Huth, Carl F., Jr.
Itzkowitz, Harold B.
Iverson, Ronald I.
Jackson, Leon A.
Jaecques, Raymond C.
Jahn, Donald R.
Jarrett, William A.
Jensen, Nels P.
Johnson, Donald J.
Johnson, Edward M., Jr.
Johnson, Omer L.
Johnson, Rodwell C.
Jones, Everett L., III
Jones, Jack L.
Jones, Kenneth W.
Jones, Leland B.
Jones, Ramon W.
Jones, William G.
Jubinski, Stephen
Julian, Gerald P.
Kachigian, George N.
Kaley, Don R.
Kaplan, Sumner H.
Keiser, James A.
Keith, Bobby P.
Kenin, David
Klein, Carl C.
Knight, James W., Jr.
Koncar, William R.
Konopik, Joseph F., Jr.
Krakower, Matthew A.
Krapels, Cornelius A.
Kruse, Marlin L.
Kwolek, John R.
Lane, Dean S.
Lee, Gerald L.
Leeson, Donald D.
Lemmo, Joseph G.
Lindberg, Arthur E.
Liter, Theodore G.
Lombard, Graydon F.
Lord, Charles W.
Lucas, Duane B.
Lyman, Lawrence G.
Lynan, Edward J.
Lynch, Ronald P.
Lytle, James A.
Marbain, Max D.
Marian, John B., II
Marshall, Solomon W., Jr.
Masters, Edward R.
Maxwell, John R.
McAdams, William M.
McAllister, Dudley S., Jr.
McCarthy, Donald L.
McCauley, Joseph M.
McCloskey, Michael A., Jr.
McClure, Mason B.
McGee, William A.
McKelvey, Paul N.
McNall, Phillip F.
McNary, William F.
McWhorter, Fred O.
Mezzio, George H.
Miller, Harold E.
Miller, Winston B.
Milliken, Gail L.
Montgomery, Samuel S.
Moon, Carl R.
Moore, Richard C.
Mouton, Earl F.
Mummert, Dale R.
Murphy, Ronald D.
Murray, Melville C.
Nace, Richard H.
Nace, Wilbert J.
Nagele, Eugene E.
Napier, William L.
Natelson, Lawrence S.
Nettles, Lawrence J.
Newton, James E.
Nix, Harvey W., Jr.
Nolan, John E.
Novak, Karl J.
Nuss, Gary B.
Nygaard, Richard B.
Oberhofer, Andrew O., Jr.
Olson, Engwall A., III
Omarah, James L.
Orr, Thomas E.
Ostergard, Donald L.
Ott, Thomas S.
Overfelt, Arthur E.
Overman, Douglas R.
Owens, James C.
Pacofsky, Bartholomew
Parker, Charles E.
Parsons, Frank W.
Patterson, James F.
Patterson, Jerry G.
Phillips, Robert A.
Pierce, Gordon E., Jr.
Pierce, Leon L.
Pinnel, Joseph K.
Popik, Charles T.
Powell, Hal B.
Powers, Richard F.
Rader, Lynden L.
Randall, Harold N., Jr.
Rankin, Ronald W.
Reed, David A.
Reed, John D.
Reeder, Vanlear L.
Regan, Francis J.
Reilly, Joseph V., Jr.
Renner, Richard B.
Risinger, Robert E.
Robie, Ralph L., Jr.
Robinson, Robert L.
Rogers, William J., Jr.
Rook, Eugene C., Jr.
Rosenblum, James E.
Rumpf, Robert L.
Russell, Joseph F., III
Salmon, Robert C.
Schrank, Joseph P.
Schulte, Conrad P.
Schwarz, Peter J.
Shaughnessy, David B.
Shaw, Jerry W.
Sheehan, John E., Jr.
Sherman, Byron G.
Sherwood, William C.
Shirley, Kenneth R.
Shoemaker, Leroy E.
Shroeder, John, Jr.
Sievers, Louis A., Jr.
Sims, Thomas M., Jr.
Skelly, James F., Jr.
Sleeth, Sterlen S., Jr.
Smellon, Edwin N.
Snow, Richard C.
Sodrel, Donald L.
Sommer, Melvin R.
Sorg, Marvin L.
Spearman, Wayne C.
Spence, George G., Jr.
Spillane, James J.
Squibb, Rodney K.
Stauffer, John L.
Stehly, Frederick R.
St. Martin, Robert W.
Stutts, Jack H.
Sveen, Gerald E.
Swartz, Alex E.
Tatten, Richard J.
Taylor, John T.
Tempest, Edward H.
Tilley, Philip L.
Troia, Peter J., Jr.
Twaddle, David L.
Tyree, David M., Jr.
Underhill, Edward B.
Upton, Thomas H., Jr.
Vann, Louis E.
Vanni, Ralph J.
VanPatten, Edward R.
Verplaetse, Ronald A.
Vevoda, George L.
Vincent, Howard A.
Vonachen, Donal D.
Walker, Paul D.
Walther, Harrison N.
Wardrup, Leo C., Jr.
Wareham, Harry B.
Warren, Raymond
Weaver, Johnnie R.
Webb, Robert D.
Webber, Randall E.
Webster, Harry G.
Weissinger, Thomas R
Weller, Thomas C., Jr
Welzbacker, Peter J.
Werbel, Samuel G.
West, Jay F.
Wheeler, Hugh H.
Wheeler, "J" "C", Jr.
Whittaker, James B.
Whitty, Neldon V.
Wilber, James R.
Willingham, David G.
Willis, Gerald W.
Winn, Frank N.
Wolcott, John N.
Wolff, Norman D.
Wood, Allen
Wright, Robert E.
Wrobel, Eugene A.
Wyatt, John M.
Zanetti, Allen G.

Captain, Chaplain Corps

Agnew, James F.
Anderson, Robert E.
Barlik, Robert F.
Darkowski, Leon S.
Detrick, Wayne N.
Dominy, Arthur L.
Duncan, Henry C.
Hammerl, Paul C.
Hardman, Samuel R.
Hopkins, Ralph W.
Killeen, James J.
Kirkbride, Donald L.
Lineberger, Ernest R.
Long, Bradford W.
Martin, George L.
McDonnell, James T.
Michael, Don M.
Paulson, George I.
Power, Joseph G.
Rademacher, Glen A.
Richter, Thomas J.
Roberts, Stacy L., Jr.
Schutz, Adam J., Jr.
Sullivan, Mark
Wheeler, George H.

Commander, Chaplain Corps

Andress, Gene B.
Begg, Wendell R.
Bond, Hollis H.
Boreczky, John V.
Brudzynski, Peter F.
Chambliss, Carroll R.
Clardy, William J.
Cortney, Kevin J.
Dodge, John K.
Dodson, Leonard W., Jr.
Edwards, John R., Jr.
Elder, Robert M.
Eller, Max A.
Fedje, Earl W.
Fitzgerald, Owen R.
Gallagher, Bartholomew T.
Gillis, Edward F.
Greenwood, Charles L.
Grunder, Bey G.
Hilferty, Thomas J.
Howard, Marvin W.
Jones, Stephen N.
Keeley, Patrick P.
Kelley, Thomas W.
Kemp, Charles D.
Kinlaw, Dennis C.
Laboon, John F., Jr.
Lemasters, Clarence E.
Lemieux, Ernest S.
McAlister, Fred R., Jr.
Merritt, Milton E.
Meschke, David L.
Miller, Stanley D.
Newman, William W.
Newton, John G.
Norton, Lawrence E.
Oakley, Donald C.
O'Connor, William B.
O'Gorman, Charles F.
Ota, Peter I.
Phillips, Harold E.
Plank, David P. W.
Propst, Roy A., Jr.
Reid, James D.
Riggs, Adna W.
Schneider, Otto
Schwartz, Walter "J"
Seegers, Leonard O.
Seim, James E.
Shipman, "J" "T"
Slejzer, Ferdinand E.
Snyder, Marvin E., Jr.
Stanhope, Norman J.
Stevenson, Neil M.
Sweeney, Patrick F., Jr.
Tipton, Richard M.
Urbano, Francis J.
Van Beck, Alfred F.
Vanlaningham, Maurice R., Jr.
Vest, William T.
Volz, Anthony C.
Walsh, Ronald J.
Warren, Robert H.
Webb, Charles E.
Wetzel, Oliver H.
Zemites, Joseph F.

Lieutenant Commander, Chaplain Corps

Abel, Kenneth B.
Ahern, Bernard J.
Ahrnsbrak, Leonard L.
Allred, Lewis E.
Antos, Paul J.
Baez, Samuel
Barcus, Richard E.
Beach, Stanley J.
Betters, Ralph C.
Black, Roy W.
Borden, Robert S.
Bott, George F.
Boyer, Richard A.
Boyette, Earl L.
Brandt, Stephen L.
Brennan, Joseph F.
Brock, David F.
Bruner, William D.
Burch, Maxie B.
Camp, Charles A.
Chamberlin, Marvin L.
Childers, William L.
Cook, Gordon S.
Cunningham, Robert R.
Doffin, James E., Jr.
Dorsey, Jack E.
Durkin, Paul J.
Essinger, Jesse W.
Everts, Paul J.
Eyler, Marvin L.
Ferguson, Edmond B.
Fink, Rufus B.
Finn, Daniel E.
Frates, Joseph H.
Gallagher, Edward L., Jr.
Garver, Frank E.
Gibson, William M.
Glynn, John J.
Goetz, Herbert M., Jr.
Graham, Jack D.
Hamilton, Edward A.
Hanawalt, Edward A.
Harper, Rhodes W.
Harris, James F.
Hathaway, Dudley C.
Hawley, Quinn L.
Healer, Carl T.
Heim, Robert P.
Henry, Myron B.
Hiskett, Walter A.
Hughes, Edward L.
Hunsicker, David S.
Johnson, Edward D.
Jordan, Richard E.
Lefils, Leslie M.
Leonard, Merrill C.
Lesher, John Q.
Lewis, Herbert T.
Lilly, Harvey L., Jr.
Love, Frederick W.
Luffman, Elden H.
Maccullagh, Richard E.
Magor, Warren F.
Marshall, Claude B.
McCalmant, James A.
McCarthy, Ronald W.
McCue, Richard T.
McDonnell, Francis W.
McElroy, John W.
Moran, Eddy B.
Mowry, John J.
Muenzler, Leroy E., Jr.
Myatt, Bobby W.
Olson, Donald I.
Olson, William G.
Page, Dewey V.
Parker, Alton M., Jr.
Parsons, William E., Jr.
Pearson, Paul W.
Pepera, Alfred S.
Pepper, Arthur B.
Pfannenstiel, James D.
Plishker, Richard A.
Reiff, Gerald N.
Rice, Ben "A"
Rushing, Leslie W.
Schade, Sigmund C.
Scheer, Rodney R.
Schuster, David P.
Seeland, Arthur D.
Seibert, John F., II
Sidebotham, Thomas E.
Smith, Hugh D.
Smith, William A.
Spencer, Carroll R.
Stewart, Wayne A.
Swierenga, Raymond C.
Takesian, Eli
Thacker, Donald L.
Thomson, Glenn W.
Threadgill, Cecil R.
Toland, Paul L.
Trent, Robert E.
Uhles, Paul F.
Vogel, Leroy E.
Waite, Patrick J.
Weaver, John F.
Windle, David L.
Winslow, William J., Jr.
Witt, George R.
Witting, Martin J.
Wood, Roy C.

Captain, Civil Engineer Corps

Andrews, James D.
Bafus, Raymond A.
Barron, William W.
Butterfield, Ossian R.
Cavendish, Lynn M.
Daggett, Robert E.
Dunnells, Robert E.
Goetzke, George A., Jr.
Hardy, Richard T.
Heid, Charles C., Jr.
Jasper, Paul R.
Jortberg, Robert F.
Locke, Harry A.
Marsh, Edward H., II
McManus, Edward A.
Perkins, Anson C.
Pickett, Eugene L.
Reed, William F., Jr.
Rumble, James D.
Russell, William F., Jr.
Schley, Gordon W.
Sears, Kenneth P.
Shockey, Daniel N.
Simonson, Nelson C.
Stacey, Ernest R.
Timberlake, Lewis G.
Washburn, Jack E.
Williams, Richard C.
Williams, Thomas C.

Lieutenant Commander, Civil Engineer Corps

Allen, Roy T
Andersen, Charles P.
Anderson, Warren H.
Auerbach, Ralph W., Jr.
Barber, Horace M.
Belton, Edward H.
Berdan, Maurice R.
Billet, Donald F.
Bowers, RichardA.
Brooks, Kenneth D.
Brown, George H.
Burger, Henry K.
Burns, William J., Jr.
Carioti, Bruno M.
Cottingham, Edward L.
Crockett, Billy G.
Crowley, Irwin D., Jr.
Daniel, William F., Jr.
Davis, Walter E., Jr.
D'Emidio, Joseph A.
Eager, Walter J., Jr.
Ecklund, Glenn L.
Edson, Theodore M.
Erickson, James A.
Falk, Harvey A., Jr.
Gans, George M., Jr.
Gates, Charles W.
Gaulden, Roy D., Jr.
George, Roscoe D., Jr.
Hanlon, Mark Z., Jr.
Hartell, William K.
Haynes, Howard H.
Hines, John C.
Hughes, Edmund C.
Johnson, Durrell A.
Jones, John P., Jr.
Jones, Thomas K.
Lake, George
Lapolla, Joseph
Lawson, Leroy D.
Lewis, Frank H., Jr.
Mangan, Thomas J., Jr.
Mathews, Charles J.
Merica, Charles A.
Mitchell, Thomas J.
Moger, Jack B.
Morton, Donald A.
Nystedt, Russell P.
O'Brien, Thomas J.
O'Leary, John F.
Oscarson, Edward R.
Paulsen, Raymond E.
Petzrick, Paul A.
Pinch, William C.
Pitman, James B., Jr.

Plante, George E.
Reese, Joseph L., Jr.
Reeves, Ronald B.
Robinson, Charles F.
Seites, John H.
Sherrod, Henry C., Jr.
Smith, George L.
Socha, Albert R., Jr.
Stedman, Ralph S., Jr.
Stewart, Stanley P., Jr
Stultz, Bobby E.
Sweeney, John C.
Sylva, John P.
Toliver, Jack M.
Tombarge, John W.
Trunz, Joseph P., Jr.
Tyhurst, James E.
Uhe, James L.
Urish, Daniel W.
VanBelkum, Kenneth D.
Verdi, Stanley N.
Wear, John R.
White, Robert K.
Wile, Dorwin B.
Williams, Jesse R.
Wilson, Dean G.
Witkowski, John A., Jr.
Wolf, Robert B.
Yoshihara, Takeshi

Lieutenant Commander, Civil Engineer Corps

Alexander, Robert E.
Allgaier, Donald D.
Barczak, Jerome J.
Bauer, John G.
Bednar, George J.
Biondo, Donald J.
Bligh, James E.
Bodamer, James E.
Boennighausen, Thomas L.
Bolinger, Donald S.
Boyce, Heyward E., III
Brockwell, John A.
Byers, Eugene W.
Carter, Robert L.
Caughman, James B., Jr.
Cervenka, Norman L.
Chin, William
Christenson, Carl E.
Christenson, James E.
Christiansen, Von O.
Clearwater, John L.
Connor, William C.
Cook, Carlisle F., Jr.
Cook, Jan W.
Corley, Wentworth H., Jr.
Dallam, Michael M.
Davis, Gene
DeVicq, David C.
Donovan, Lawrence K.
Dozier, Herbert L., Jr.
Dunn, Jerome R.
Earnst, Rossell A.
Engle, Richard M.
Enyedy, Joseph W., II
Farbarik, John J.
Fegley, Charles E., III
Filbry, Herman W.
Fort, Arthur W.
Fraser, John C., Jr.
Frevert, Edward C. Jr.
Gawarkiewicz, Joseph J., III
Gibowicz, Charles J. Jr.
Gilmore, Gordon R.
Grady, Noel "A", Jr.
Harned, David W.
Harper, Melvin H.
Harrell, Haywood H.
Hartman, Paul K.
Herig, William E., Jr.
Holmes, Henry A.
Hutto, Robert E.
Jacobsen, John R.
Kelley, Frederick G.
Kirkley, Owen M.
Kirkpatrick, James D.
Kloecker, Paul V.
Knauf, Richard H., Jr.
Krauter, George E.
Leonard, Daniel B., Jr.
Lewis, Edmund F.
Lowery, Richard A.
Lutz, Donald F.
Lyons, James R.
Marshall, Jimmie G.
Matthewson, Maurice F.
McLaughlin, Edwin W
McNenamin, Lester E., Jr.
Montoya, Benjamin F.
Moody, Thomas W.
Mueller, Karl L.
Muir, Michael D.
Murphy, Frank J.
Naegele, Frederich D.
Neugent, Charles L.
O'Connor, Peter
O'Donnell, William J.
Oswald, Thomas H., Jr
Parisius, Philip J.
Peltier, Eugene J., Jr.
Perez, Johnny
Podbielski, Victor
Reeves, Dwain
Riley, James L.
Ruscyk, Joseph A.
Sayner, William V., Jr.
Schroeder, Clyde C.
Shackleford, Robert H., Jr.
Shafer, Richard V.
Simmons, William A., Jr.
Skiles, Alvin V., III
Smart, Robert D.
Smyth, Wayne S.
Steadley, Alfred M., Jr.
Swistock, John R.
Tack, Curtis A.
Thoureen, Thomas H.
Tibbitts, Jonathan C., Jr.
Tinker, Gordon W.
Updegrove, Loyal R.
Wagner, David R.
Walter, John A.
Weiss, Ralph C.
Westcott, John A.
Williams, "O" Jay
Wood, William L.
Young, John A., Jr.

Captain, Judge Advocate General's Corps

Allen, Henry L., Jr.
Bach, Nicholas R.
Blair, Richard E.
Bryant, Bobby D.
Carraway, Bertram R.
Corley, James W.
Lynch, Leslie "O"
McDowell, Charles E.
Miller, William O.
Nelson, Frank A.
Newsome, William R.
Pfeiffer, Willard D.
Williams, George A.

Commander, Judge Advocate General's Corps

Aylward, William J., Jr.
Battaglino, Joseph M.
Baum, Joseph H.
Boywid, Edward T.
Caprio, Michael R., Jr.
Dowd, George G. Jr.
Freed, Maitland G.
Gregory, John J.
Hairston, Thomas F.
Hall, Harry L.
Harlow, Bruce A.
Jenkins, John S.
Lappin, Robinson
Lawrence, Keith D.
Lohrey, Thomas E., Jr.
Lynch, William C.
McCarthy, Richard J.
Meighan, John M., Jr.
Mirtsching, Leonard C.
Monroe, Harvey N.
Myers, Coleman E.
Price, Oliver L.
Rawls, Roy J.
Sanders, Edward K.
Wade, Manley B.
Walker, Peter B.
Woolley, Herbert T.
Zitani, Genius A.

Lieutenant Commander, Judge Advocate General's Corps

Buhler, Conrad A.
Clark, Bruce A.
Coughlin, Leo J., Jr.
Crane, William A.
Drapeau, John W.
Elliott, William P., Jr.
Gass, James D.
Googe, James P., Jr.
Gustafson, Robert T.
Hilligan, Thomas J.
Hoffman, James L., Jr.
Howard, Ronald C.
Hradecky, Rudolf
Jones, Augustus B., III
Kercheval, John W., II
Kirkpatrick, Milton W., Jr.
Medlin, William R.
Nerseth, Marvin P.
Olson, Roy A.
Riley, James E.
Slater, Richard L.
Sweeney, James W.
Trocki, Daniel B.
Vanslate, Jean E.

Captain, Dental Corps

Allen, Ethan C.
Amman, Fred M.
Austin, Robert E.
Bagby, Robert W.
Bartosh, Andrew J.
Brown, Edward H.
Cohen, Robert
Dennis, Harry J., Jr.
Duggan, Norman E.
Elliott, Robert W., Jr.
Enger, Theodore C.
Farrell, Paul E.
Finnegan, Frederick J.
Hickey, Loren V.
Howard, Roger H.
Kresl, Bernard F.
Leupold, Robert J.
Mann, William H.
O'Malley, John E.
Penick, Edward C.
Rau, Charles F.
Reitz, Phillip V. D.
Scruggs, Charles "S"
Silberstein, Victor H.
Weber, Irving J., Jr.
Wilkens, Carl H., Jr.
Wyda, Andrew, Jr.

Lieutenant Commander, Dental Corps

Allen, Robert W.
Allman, Daryl M.
Altman, Richard S.
Amato, Angelo E.
Anderson, Dale M.
Applegate, Donald E.
Atkinson, Robert A.
Barlow, Doil E.
Biron, George A.
Bodine, Theodore A., Jr.
Bodner, Joseph A., Jr.
Bottomley, William K.
Bradford, Paul L. J.
Brecker, Paul L.
Brenyo, Michael, Jr.
Burch, Meredith S.
Burke, Joseph H.
Cagle, John D.
Carrothers, Richard L.
Castronovo, Sam
Charles, James H., Jr.
Christian, James T.
Corio, Russell L.
Cummings, Matthew R.
Cunningham, Charles J.
Davis, Malcolm S.
Diem, Charles R.
Dodds, Ronald N.
Edwards, Richard C.
Fenner, David T., Jr.
Fenster, Robert K.
Firtell, David N.
Gibson, William V., Jr.
Gomer, Ronald M.
Gonder, Donald C.
Goska, John R.
Grimsley, William A., Jr.
Grove, David M.
Hanson, Richard K.
Herr, Albert
Hill, Ronald K.
Hoffmann, Robert M.
Howe, Robert E.
Huestis, Ralph P.
Kieny, Richard J.
Kitzmiller, John S., Jr.
Koss, Ronald J.
Leonard, Walter P.
Lessig, John F.
Lucker, Ronald W.
Magnus, Walt W.
Mark, Leonard E.
Martin, William R.
McCann, Thomas F.
Messer, Eugene J.
Miller, James E.
Moore, Robert E.
Moyes, Edmund R.
Muldrow, Lewis M.
Neagley, Ross L., Jr.
Parsons, Richard L.
Pines, Barry E.
Pirie, George D.
Plump, Ellsworth H.
Raybin, Sidney
Reed, Wilbur G.
Richter, Henry E., Jr.
Roper, David A.
Semler, Harry E., Jr.
Smith, John M.
Spearman, Glyn M., Jr.
Stallworth, Henry A.
Stanton, George A., Jr
Strange, Charles G., Jr
Stump, Thomas E.
Sugg, William E., Jr.
Sullivan, William C.
Swaim, Bobby L.
Thomas, Robert E.
Tibbetts, Van R.
Trusz, Edward J.
Verunac, James J.
Viles, Darel D.
Voyles, Wesley L.
Walters, Ray A.
Watson, William J.
Wilkie, Noel D.
Williams, Frederick B.

Lieutenant Commander, Dental Corps

Abeyta, Edward L.
Archer, Jerald J.
Ashton, Loye A.
Badger, Daniel G.
Batenhorst, Kenneth F.
Bell, Walter C.
Blanchard, Donald G., Jr.
Bloch, George A.
Boles, Michael E.
Bourgeois, Aubrey J., Jr.
Bowen, Lathe L.
Branon, Anthony W., Jr.
Brazil, Robert W.
Bumgardner, Willie A.
Calder, David R.
Callihan, Michael D.
Canal, John W.
Carroll, Peter B.
Cassidy, Robert E.
Cervera, George A., Jr.
Chandler, Leonard P., Jr.
Charbonneau, Paul C.
Ciardello, Carmen A., Jr.
Clark, George E.
Cook, Robert C.
Copeland, Richard A.
Cottle, Kenneth L.
Curtice, Frederick A.
Delaossa, Arthur D.
Diven, Joel O.
Dupcak, Joseph, Jr.
Eisenburger, Michael M.
Ervin, Melvin, Jr.
Flynn, Dennis D.
Glazer, Sanford A.
Grisham, John P.
Groat, Jack E.
Groff, Gordon B.
Hesby, Richard A.
Hodes, Leonard F.
Holcomb, John B.
Holroyd, Samuel V.
Hurst, Thomas L.
Huttula, Charles S.
Jann, Robert C.
Johnston, William C.
Kawahara, Charles M.
Kelly, James C., Jr.
Kepley, Benjamin F.
Lehman, Paul C.
Leonard, Edward P.
Longenecker, David P.
Lorbeck, James C.
Lowman, Jack V.
Lufkin, John C.
Luhtala, Jay L.
Maastricht, William H.
Mach, Joseph S.
MacPherson, John H.
Martin, Lloyd R.
Matson, John E.
McCoy, Richard B.
McMahon, Joseph P.
Mohr, Richard W.
Niesar, George F.
Oldfield, Ronald E.
Pedrick, George R.
Pierce, Gerald L.
Poe, Gerald S.
Poidmore, Sam J.
Pozen, Matthew J.
Rackley, Otis D., Jr.
Regan, Paul F.
Russell, Harold L.
Sabala, Clyde L.
Salmon, Thomas N.
Sawyer, Hershel G., Jr.
Schaberg, Siegfried J.
Schnee, Ralph E.
Schonbrun, Robert G.
Sconyers, Jimmy R.
Scoralle, Donald L.
Scott, Ronald W.
Sharp, Bobby M.
Skyberg, Russell L.
Smith, Cameron M.
Smith, Carl J.
Stalb, Douglas B.
Stefl, Charles T.
Sugg, Thomas H.
Thibodeau, Richard A.
Triplett, Robert G.
Vath, Charles R.
Walker, Oscar B.
Watkins, Owen T.
Wheetley, Woodrow D.
Whitlock, Richard P.
Wickord, Richard W.
Wittgow, Walter C., Jr.
Yeager, James E.
Zotter, Frank E.

Captain, Medical Service Corps

Allen, Cleo R.
Cumming, William G., Jr.

Commander, Medical Service Corps

Arns, William E.
Ball, Ernest A. W.
Becker, David E.
Beckwith, Joan M.
Brandon, Daniel A.
Campbell, Howard B.
Connery, Horace J.
Dennis, "J" "M"
Devine, Leonard F.
Dietch, Michael M., Jr.
Feith, Joseph
George, Robert E.
Gilbert, Richard S.
Hartley, Robert L., Jr.
Heath, Jean L.
Hockstein, Edwin S.
Holston, Charles A.
Hoover, Lillian P.
Howard, John E.
Inman, Elmer E., Jr.
Janson, Harold J.
Johnston, James F.
Jones, Philip E.
Lane, Jack R.
Long, William L.
Miller, Harry P.
Myers, John D.
Nichols, Lavern E.
Oleson, Russell H.
Petoletti, Angelo R.
Richardson, James W.
Riser, Ellis W.
Roach, Leon M.
Sanborn, Warren R.
Schaffner, Leslie J.
Scrimshaw, Paul W.
Smith, Robert L.
Smout, Jay C.
Steward, Edgar T.
Turner, David H.
Wagner, Carl M.
Wetzel, Orval B.
Wimberly, Clyde O.
Woodman, James T.

Lieutenant Commander, Medical Service Corps

Anderson, Walter C.
Angelo, Lewis E.
Baldauf, George W.
Bertka, Robert E.
Blake, John P.
Blankenship, William L.
Bolton, Richard B.
Bowden, Ronald R.
Bowdren, Laurence P.
Brideau, Donald J.
Brown, Charles R.
Brugman, Arthur P.
Bryant, Eugene M., Jr.
Casler, Wilfred I.
Chastain, Howard T.
Chipman, Albion P.
Collier, Patrick J.
Comfort, Gerald G., Sr.
Condon, Earl N.
Corder, James E.
Correll, Joseph M.
Crodick, William J.
Dewitt, James E.
Dietz, Bruce J.
Dunham, Chester J., Jr.
Elfstrom, Berger R., Jr.
Ellis, Glenn M.
Erwin, Richard E.
Fallers, Harry R., Jr.
Fanning, Graydon E.
Francis, Raymond D.
Freeman, Benjamin C.
French, James A., Jr.
Gobbel, Henry D.
Gonsalves, John H.
Goodson, James E.
Hassey, Jasper T.
Hatch, Emery J.
Heaton, Harley L.
Hodges, Richard C.
Hoover, Donald E.
Hourihan, Catherine P.
Hussey, Theodore A.
Jenkins, Lawrence J., Jr.
Johnson, Jimmie H.
Kane, George P.
Kemp, James E.
Kessler, Raymond B.
King, William U.
Kovarik, Clifford V.
Krollman, Richard W.
Lakey, Dean E.
Lanier, Bobby M.
Law, Malcolm K.
Lawson, Donald R.
Leadford, William M.
Lecas, Kenneth E.
Littner, Henry D.
Livingston, Donald K.
Madison, Howard D.
Martin, Douglas M.
McDermott, Roland W.
McFee, Charles A.
Millard, George W.
Moore, Charles J.
Mullinix, Chloe A.
Mulvey, Joseph R.
Nourigat, Earl R.
Pearce, Charles J.
Peckenpaugh, Normand L.
Pelletier, Louis E.
Robinson, Jack V.
Rucker, Thomas J.
Shedlosky, Albert F.
Smith, Fred E.
Smith, Robert W.
Sowers, Hubert H., Jr.
Spiegler, Joel B.
Stephens, Bobby L.
Surface, Robert L.
Swindall, Victor A.
Tandy, Roy W., Jr.
Thompson, James C.
Webb, Laurence H.
Weidner, Wilfred L.
Wherry, Robert J., Jr.
White, Robert L.
White, Sheldon A.
Woodard, Charlene J.

Captain, Nurse Corps

Collins, Jeannette
Conrad, Arline C.
Duerk, Alene B.
Feeney, Elizabeth
Kovacevich, Mary T.
Maguire, Eleanor J.
Mentzer, Romaine M.
Murray, Elizabeth M.
Schmid, Pauline W.
Smith, Marcella E.
Smoker, Sue E.
Sullivan, Aline E.

Commander, Nurse Corps

Barnes, Annabelle
Belezos, Caliope M.
Benedict, Marian M.
Bernstein, Barbara E.
Brooks, Ruby M.
Burch, Mary C.
Copic, Kathryn M.
Cowden, Elnora J.
Crockett, Mary R.
Dalesio, Dorothy A.
Daniels, Marvelle L.
Davis, Jean E.
DeMarco, Evelyn M.
Donoghue, Margaret C.
Durkin, Veronica A.
Easter, Mary R.
Fenn, Bernice E.
Ferguson, Miriam "M"
Fine, Rachel A.
Finn, Celine A.
Fogarty, Anna L.
Foley, Alicia M.
Fudala, Adeline R.
Furmanchik, Helen I.
Gormish, Sophia H.
Graves, Ellen G.
Halverson, Ruth E.
Happ, Nellie L.
Hockenberger, Charlotte E.
Hooker, Doris H.
Howard, Katherine A.
Jakshe, Louise F.
Kelcec, Caroline A.
Kubicz, Ann R.
Lanaghan, Harriett M.
Lawrence, Opal M.
Lewis, Betty J.
Livirrie, Althea A.
Lux, Virginia C.
Macdonald, Patricia H.
Macha, Edith M.
Madsen, Gladys
Maun, Shirley J.
Maynard, Mary E.
Merritt, Lois C.
Miller, Shirley A.
Morris, Thekla W.
Muhlenfeld, Loretta T.
Murphy, Lorraine M.
Murphy, Loretta M.
Nagy, Bettye G.
O'Barto, Waldena
Pampush, Ruth G.
Perlow, Marion R.
Peterson, Lee
Pfeffer, Elizabeth M.
Proto, Theresa M.
Redgate, Janet M.
Robinson, Libia G.
Ruppert, Margaret R.
Sauer, Mary A.
Schlosser, Joan M.
Shea, Claire M.
Shea, Frances T.
Shelton, Waunie L.
Sheridan, Anne M.
Sherman, Miriam C.
Simmons, Harriet A.
Spencer, Lelah E.
Stewart, Mary G.
Wilson, Katherine

Lieutenant Commander, Nurse Corps

Agnew, Lynnell A.
Allen, Janet N.
Anderson, Dolores E.
Arthur, Margaret J.
Bailey, Ida B.
Baker, Mary E.
Barcott, Joann L.
Barry, Margaret R.
Bizzelle, Johnnie E.
Brase, Beverly J.
Bresnahan, Joan C.
Brouillette, Marie J. E.
Bushley, Nancy L.
Bynum, Joan C.
Calloway, Emily F.
Carroll, Ann T.
Chute, Judith R.
Clayton, Irish B.
Clunan, Claudette C.
Cope, Patricia A.
Crumpton, Frances L.
DeGeorge, Augusta E.
Dudley, Julia B.
Durupt, Monica V.
Edwards, Karen E. C.
Estell, Mary E.
Fillmore, Elizabeth J.
Finkle, Nancy C.
Frates, Virginia M.
Geary, Betty L.
Green Bonnie J.
Hall, Mary F.
Hines Alyce M.
Hogg, Peggy L.
Hudson, Marilyn R.
Jennett, Jo A.
Johnson, Mildred E.
Kelly, Joann P.
Kelly, Margy S.
Kelly, Mary
Kendall, Kathleen M.
Kiely, Sally A.
Klaetke, Irma E.
Koester, Helen M.
LaPointe, Carol J.
Ledgerwood, Mary C.
Leuenberger, Patricia I.
Link, Laveta F.
Lochte, Rose M.
Lukacs, Mary C.
Lundquist, Nancy L.
Lynch, Marie A.
Lyons, Barbara A.
Masters, Eleanor M.
Matuszewski, Barbara R.
McNair, Joan A.
Meehan, Mary K.
Morandi, Virginia D.
Nehr, Rosalie R.
Nelson, Marijean V.
O'Neill, Elizabeth
Orofino, Gloria A.
Ottoson, Joan
Peters, Edna L.
Purdy, Claire H.
Reiner, Joan
Rollins, Jean C.
Rosford, Barbara C.
Ross, Stella A.
Sasser, Georgiarene
Scherer, Carolyn E.
Schrock, Doris M.
Scott, Janet
Shaffer, Bernardine L.
Sifling, Doris E.
Southworth, Jean E.
Spellman, Georgia E.
Staudenraus, Dolores M.
Stelzer, Kathleen
Stewart, Nicola J.
Stone, Patricia A.
Stuart, Irene M.
Sullivan, Elinor M.
Swanson, Joan F.
Swetonic, Majorie A.
Thomas, Shirlie Y.
Uebel, Donna J.
Ueblacker, Martha M.
Warner, Patricia A.
Watson, Beverly A.
Weidt, Bew P., II
Wilhelmy, Catherine M.
Wohlgemuth, Janet C
Young, Mary L.
Zatzariny, Tanya

The following-named officers of the U.S. Navy, for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL SERVICE CORPS

Armstrong, Carl Andrew, Jr.
Aulls, John Griswold.
Bartlett, Jack Wallace.
Bentley, William Sturges.
Berry, Wayne Harold.
Blackford, James Michael.
Blaylock, James Donald.
Bolshazy, Robert Stephen.
Braitsch, Ted Alan.
Bransford, Charles Duane.
Brown, David William.
Bruder, Paul Theodore.
Campbell, Paul Ernest.
Cannon, James Robert.
Chandler, Donald Ray.
Chappel, Wendell Leo.
Chegash, Thomas John.
Coleman, Loren Marion.
Cornejo, Hector.
Davis, Gary Thayne.
Dould, Philip Edward.
Duny, Marshall Sol.
Ebersole, Richard Wilson.
Edgerton, Owen Lee.
Finley, Clemeth Wallace.
Foskey, Leslie Thomas.
Hanson, Eugene Charles.
Harrell, James Howard.
Haws, Virtus Paul, Jr.
Hayes, Elbert Chartrand.
Hess, Stuart Allan.
Iczkowski, Marcel Dennis.
Ishmael, Rex Harlan.
Kelley, Charles Anderson.
Kern, Monte James.
Knodle, Edward Maurice.
Lanerie, George Ray.
Legg, Robert Paul.
Lekvold, William Dean.
Marks, Richard Charles
McCarty, James Edwin, Jr.
McClannahan, William Matthew, Jr.
McKinney, Arthur Paul
McKinzie, Louis Eugene
Meaney, Maurice Terrance
Merkel, Frederick Joseph
Miller, Fenton Crockett, Jr.
Mock, Leonard Ralph
Montgomery, Charles Ernest
Mooers, Robert Louis
Moyer, Kenneth Edwin, Jr.
New, James Caudell
Norvell, Robert Dayton
Ohnemus, Francis William
Oien, Eldor Roger
Panas, Bruce Richard
Parker, Cloyd Joseph
Pelphrey, James Henry
Prigmore, Marvin Earnest
Pulvermacher, Harold Edward
Rayno, Robert Henry
Reed, Paul John
Roberson, Walter Edward
Rush, Elvia Dale
Russnogle, Robert Lewis
Sessions, Nathan Mansfield
Shaffer, Kenneth Wayne
Shannon, Albert Francis
Sixsmith, Howard Thomas, Jr.
Smith, Jerauld Homer
Snyder, James Edward
Solmen, James David
Springfield, Robert Lynn
Stemple, Todd Ralph
Stovall, Gary Hudson
Stratton, William Frederick
Taylor, Robert Beck
Thomas, Dennis Merrill
Truran, Paul Frederick, Jr.
Tyndall, John Bard
Waldroupe, Derrel Lee
Wenrick, David Lowell
White, Daniel Ellsworth
Wigle, Earl Clinton
Windham, George Scott
Wooldridge, Robert Landon
Yates, Harold, Jr.

NURSE CORPS

Caruso, Teresa

SUPPLY CORPS

Ader, James Allen, Jr.
Aljoe, Daniel William.
Allen, Randall Clark.
Anderson, Wayne Eugene.
Angus, William Arthur, III.
Averett, Gary Lynn.
Baggett, Terry Max, Jr.
Baker, Richard Burl.
Banks, John Wesley.
Bassi, Felix Joseph.
Battey, Maurice Wayne.
Becker, Christopher Santana.
Bedell, William Jackson.
Bello, John Joseph.
Benson, John Howard.
Bergman, Gerald Vernon.
Bernichon, Clay Edward.
Berthy, Leslie Charles.
Brawley, Patrick William.
Bristol, Roger Willis.
Burn, Richard Hunt.
Chastain, William Wirt.
Chestnut, James Ellis.
Cole, Barry William.
Couture, Joseph Albert.
Crouch, Michael Avery.
Culver, Joseph Ernest.
Cunningham, Thomas Andrew.

Cunningham, Lawrence Michael.
Dashiell, Robert George.
Davenport, Bill Trammell, Jr.
Daymont, Thomas Norman.
Dennison, Daniel Herbert, Jr.
Doares, Michael Gray.
Drewes, Warren John.
Drum, Eugene Robert.
Dunar, Andrew James.
Dunn, Christopher Anderson.
Dunnavant, David Earl.
Dyer, Raymond Wayne.
Edwards, James Richard.
Enders, Robert James.
Erikson, Robert Warren.
Far, Robert Arthur.
Farkas, James Anthony.
Faussner, Robert Eugene.
Finefrock, Carl George.
Fitzgerald, Kenneth Wayne.
Fox, Robert Edward.
Frank, Bernard Clarence.
Gill, Newton Gregg.
Greer, James Nelson.
Gulick, Gilbert Glenn.
Hager, Hampton Croson, Jr.
Hand, Edward Francis.
Hanlin, John Paul.
Harr, David James.
Harty, James Patrick.
Hayslett, Roderick James.
Healy, Stephen James.
Henninger, Ernest Henry.
Hickman, William Allen.
Hoffner, Thomas Alan.
Inouye, Clinton Wayne.
Johnson, Delmont Scott.
Johnston, Richard Earl.
June, Michael Anthony.
Kallal, Patrick Joseph.
Kelly, Thomas Andrew.
Kesselring, Steven Dale.
Kilpatrick, James Angelo.
Krogh, Leslie Allen.
Kuhn, Thomas Richard.
Lake, Roger Allan.
Lea, Gary Raymond.
Lee, Burton Jack.
Lewis, Albert Michael.
Lewis, Robert Glenn.
Linsley, William Francis.
Luhr, Monte Keith.
Madden, John Eugene.
Malone, John Murray.
Mason, Charles Roger.
Mason, Richard Henry.
McConnell, John Norman.
McGee, Carl Edwin.
McNeil, Donald Calvin.
McNutt, Jerry Wayne.
Medford, Paul Nathaniel.
Miller, Kenneth Ray.
Moser, Daniel Earl, Jr.
Mulva, James Joseph, Jr.
Neeb, John Gilcher.
Nemeth, John William
Nierman, William Charles.
Nunley, Jack Bruce.
Oberman, Marvin Dean.
Odachowski, Edward John, Jr.
Oneal, Floyd Wendell.
Overhouse, John David.
Parker, Thomas Lee.
Perkins, James McArthur.
Poole, Francis Xavier.
Pretulak, Donald Theodore.
Purdy, Robert Lawrence.
Rains, David Marlin.
Ramelli, Daniel Steven, III.
Raudabauch, John Neil.
Reeder, John Frederick, Jr.
Richmond, Robert Heston.
Riddick, Gordon Mather, Jr.
Rucka, Edward Timothy.
Ruckman, Hugh Bennett, III.
Russell, Robert Durrell, Jr.
Ryan, James Arthur.
Saracino, Hugh Francis.
Schrum, Richard Ward.
Sewall, Frank Bates.
Sfara, Joseph Anthony.
Shapack, Arnold Robert.
Shepherd, Robert Myrick, Jr.
Sherman, Arthur Eber.
Shorter, James Russell, Jr.
Squires, Robert Roy.
Stack, Joseph Charles, Jr.
Stapp, Fred Trigg, Jr.
Straight, Ronald Lee.
Studders, James Philip.
Stuedemann, Richard Orrin.
Sullivan, Reed Alvord.
Tanner, Stephen, Alan.
Taylor Charles Floyd, Jr.
Taylor, Joseph Zachary, Jr.
Theiss, Girard Paul.
Thompson, Edward Earl.
Thomson, James Edward.
Triche, Ernest Joseph, III.
Upchurch, David Emerson.
Vance, Michael Gordon.
Vehlewald, Verney Virgil.
Virtue, Richard William.
Vroman, Richard Donald, Jr.
Watson, David Stewart, II.
Webber, Bernard Allen.
Youngman, Grant Hughes.
Zeller, Robert William, III.

CIVIL ENGINEER CORPS

Anderson, Edward Leon.
Andrews, James Marshall, Jr.
Barrett, Gerard Jude.
Bartlett, James Vincent, Jr.
Bellafronto, Robert Louis.
Casey, George Edward, Jr.
Christopher, Charles David.
Copeland, Robert Rich.
Corrigan, Phillip George.
Dailey, David Leroy.
Deacon, Brian Richard.
Eisenhardt, Paul.
Elliott, Robert Edward, III.
Emison, Gerald Andrews.
Funk, Richard Bradley.
Gallen, Kevin Paul.
Goepfert, Eric Richard.
Gunn, Thomas Edward.
Holland, George William.
Hufnagel, Karl Richard.
Hughes, John David.
Johannesmeyer, Charles Alan.
Kannegieser, Andrew Anthony.
Keith, Donald Rae.
Kovalcik, James Patrick.
Marshall, Peter Wayne.
Messick, Frederick Smith, Jr.
Mickelson, James Edward.
Miller, Ronald Lee.
O'Brien, Robert Gerald.
Rampe, Thomas Raymond.
Runsvold, James Michael.
Schramer, Mathias Charles, III.
Sholders, Michael Verne.
Spencer, Sidney Thomas.
Stearns, Carl David.
Stevens, David Lawrence.
Stevenson, Herbert Scott.
Webb, Richard David.

The following named officers of the U.S. Navy, for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abelein, Herman Carl.
Adler, Robert Earl.
Agnew, Richard Scott.
Anderson, Stanley Joseph.
Anglim, Daniel Francis, Jr.
Ashmore, Jackie King.
Ashurst, Albert Joseph.
Ayres, William Harvey, Jr.
Backstrom, Robert Irving.
Bakke, Harlan James.
Barkalow, Gerald Hyde.
Barker, Harold Drake.
Barnette, Curtis Levon.
Barrineau, Edwin.
Barron, Joseph Michael.
Barunas, George Aloysius, Jr.
Bauer, Edward Clark.
Beasley, James Wiley.
Beitzer, Francis Joseph.
Benton, Hugh Arthur.
Bergstrom, James Howard.
Berthier, Neil Eugene.
Block, Peter Fitzgibbon.
Bohannan, William Louis.
Borgstrom, Charles Olaf, Jr.
Boston, Leo.
Bowen, Jack Winnree.
Bowersox, Earl Charles, Jr.
Branch, Alvin Deon.
Bres, John Henry.
Brick, John Henderer.
Brown, Peter Gregory.
Bryan, Gordon Redman, Jr.
Buck, Roger Leonard.
Burden, James Dineen.
Burkhalter, Edward Allen, Jr.
Burt, Alexander Roy, Jr.
Burton, Herbert Oran.
Bush, Charles Leroy.
Butts, John Lewis.
Byron, John Bryan.
Caldwell, Ronald Harry.
Canaan, Gerald Clyde.
Cariker, Jess Lee, Jr.
Carius, Robert Wilhelm.
Carlson, Burford Arlen.
Carr, William Kelly.
Carter, Edward Walter, III.
Cassilly, Frank Rodes.
Cawley, Thomas Joseph.
Chewning, Robert Wills.
Choyce, Charles Van.
Christenson, Donald Allen.
Church, Clifford Ellison, Jr.
Church, George Andrew.
Clark, Wyndham Stokes, Jr.
Cochran, James Alexander.
Cole, Charles Wesley.
Colenda, Herbert Fentriss.
Colvin, Robert Doyle.
Conlon, Frank Stevenson.
Cooney, David Martin.
Cooper, Carleton Robert.
Cooper, David Lawson.
Crawley, Don Edward.
Cross, Daniel Frank.
Crow, Edwin Monroe.
Davey, Richard Byrd.
Davidson, Richard Sterling.
Davis, Henry Jefferson, Jr.
Davis, Michael Chase.
Day, Lawrence Calvin.
Demers, William Henry, II.
Dewitt, Duane Darrell.
Dittmar, Louis Clinton.
Doak, Samuel Lawall.
Dodd, Robert Lee.
Draddy, John Mangin.
Driscoll, Jerome Maher.
Duke, Marvin Leonard.
Dunn, Robert Francis.
Dunning, Frederick Samuel, Jr.
Dwyer, Laurence Albert.
Easterling, Crawford Alan.
Eckert, Richard Holvey.
Eckstein, John Richard.
Edwards, Frederick Andrews, Jr.
Elfelt, James Sidle.
Ellinghausen, Walter Adsmond, Jr.
Elliott, James Donald
Ellison, David Joe
Farrell, John Roger
Feagin, Frederick King
Feit, Harry Hartman, Jr.
Fellowes, Frederick Gale, Jr.
Fitzpatrick, Joseph Anthony
Foley, Sylvester Robert, Jr.
Forsyth, Robert Joseph
Foster, James Richard
Fox, Albert Daniel
Fox, Richard Thornton
Franklin, Billy Dean
Friesen, Edwin J.
Frudden, Mark Perrin
Fuller, Robert Byron
Gardner, Richard Carner
Gardner, Richmond
Geitz, Kenneth Lloyd
Gercken, Otto Edward

Gilchrist, John Foster, II
Gillespie, Charles Rodgers, Jr.
Goldbeck, Lewis Henry, Jr.
Goldman, Howard Allen
Gottschalk, Arthur William, Jr.
Goulds, Ralph John
Gray, Walter Scott, III
Green, John Neal
Green, Richard Wayne
Griffin, Jack Ross
Grigg, William Hunter
Grosvenor, Alexander Graham Bell
Grunwald, Edward Albert.
Gurney, Charles Edwin, III
Gurney, Sumner
Haff, William Burton
Hall, Berkeley Wells
Halleland, Henry Lloyd
Hallett, Edward Reveley
Hamer, Robert Reginald, Jr.
Hardgrave, James Barton
Hart, Stephen Leo
Hart, William Daniel
Hartell, Ronald Dale
Hayes, James Thomas
Heigl, John Theodore, Jr.
Herbig, Henry Frank
Herndon, William James, Jr.
Hibson, Leo Anthony, Jr.
Higginbotham, Leonard Howard
Hill, James Colson
Hines, Gulmer Augustus, Jr.
Hoffman, Robert Dale
Hofstra, Edward Jacob
Holcomb, M. Staser
Holt, Robert Edwin
Hoover, Richard Martin
Huth, Ralph Lee
Inman, Bobby Ray
Ismay, Arthur Peter
Jansen, Alan Lester
Jennings, John Staff
Jensen, Wayne Leroy
Jermann, Donald Robert
Jett, William Starke, III
Johnson, Joseph Jefferson
Johnson, Richard Charles
Johnson, Robert Whitman.
Johnson, Willard Edward.
Jones, Ray Paul.
Jones, Stanley Washburn.
Jordan, Watt William, Jr.
Kamrad, Joseph George
Kaune, James Edward
Keach, Donald Leigh
Kelsey, Robert Lee.
Kennedy, James Roger, Jr.
Ketchmark, Giles Jerome.
Kidd, Owen Austin.
Kinnebrew, Thomas Richard.
Kinsley, Donald Taylor.
Kirksey, Robert Edward.
Klett, George Jacob.
Kollmorgen, Leland Stanford.
Krantzman, Harry Morris.
Lacy, James Ernest.
Larry, Walter Charles.
Lasell, Max Henry.
Lasley, William Ward.
Lautermilch, Paul Anthony, Jr.
Lawrence, Gregory Edson, Jr.
Lawrence, William Porter.
Lechleiter, Mark Bernard, Jr.
Ledew, Thomas Albert.
Leis, Alfred Charles.
Lemmon, Virgil Joseph.
Lester, Louis Rhea, Jr.
Leue, David Ernest.
Lewis, James Richard.
Libey, John Davis.
Lockwood, Harold Raymond.
Longhi, William John.
Loux, Raymond Eugene.
Lovelace, Robert Henry.
Loyd, Rupert Hare.
Luskin, Arthur George.
MacDowell, Charles Robert.
Maice, Lee, Jr.
Malan, Max Edward.
Malloy, John Edward.
Malone, Thomas Logan, Jr.
Manning, Richard Thomas.
Martin, Richard William.
Martin, William Kinne.
Massa, Emiddio.
Maxwell, Daryl Orville.
Mazzolini, John Andrew.
McAnulty, David John.
McArthur, John Chester.
McArthy, Richard Leland.
McClain, Kirby Larue III.
McCormick, Daniel Gilbert III.
McDonough, William Drislane, Jr.
McGlohn, Robin Hollie, Jr.
McGuire, Orville Wendell.
McKellar, Edwin Daniel, Jr.
McKnight, Jesse Eddie, Jr.
McNally, John Joseph, Jr.
McNerney, James Francis.
McQueston, Jack Edward.
McQuillin, John Parker.
Mealy, Daniel Nelson.
Meeks, Robert Benjamin.
Merchant, Paul Glenn.
Metcalf, Joseph, III.
Miale, Robert Eugene.
Miguel, Theodore, Jr.
Miller, Richard Archibald.
Minnigerrode, John Herritage Brya.
Mitchell, Joe Cephus.
Montague, Lloyd Lee.
Morris, Robert Eastin.
Mountford, Edward Joseph.
Morrissey, John Noel.
Mow, Douglas Farris.
Muck, Floyd Robert.
Mull, Charles Leroy, II.
Murphy, Frank M., Jr.
Murray, Douglas Vrooman.
Muto, Charles John.
Neander, Stanley Brown.
Nolan, Joseph Dunstan.
Nordan, Emile Earl.
Norton, Curtis Ralph. Jr.
Nunneley, John Kerwin.
Nunneley, James Kenneth.
Nyce, William Edward.
Odrain, John Edward.
O'Hara, Jack Franklin.
Orem, John Bohannon, Jr.
Ostrand, Allen Eugean.
O'Toole, Kevin James.
Ozburn, Forrest Cline, Jr.
Palmer, Gary Hall.
Parrish, William Isaac.
Paulk, Joseph McDonald.
Peterson, Richard Eugene.
Pettigrew, Raymond Arthur.
Pezzei, Engelbert George.
Phillips, Alan Randolph.
Phillips, Charles Thomas.
Piraino, Daniel.
Platte, William Allan.
Powell, James Richard, Jr.
Pride, Alfred Morine.
Profilet, Leo Twyman.
Puccini, Joseph Elmer, Jr.
Putnam, Charles Lancaster.
Quigley, Donovan Bernard.
Quinn, Jack Quentin.
Radcliffe, Roderick Thomas.
Radja, James Eugene.
Ramsey, William Edward.
Rasmussen, Robert Leonard.
Redman, James Richard.
Reed, Robert Kendall.
Regan, William Baird.
Rentz, Frank Leslie, Jr.
Replogle, Thomas Harvey.
Resek, Lawrence Harmon.
Reynolds, Kenneth Clay.
Richard, Jackson Bethune.
Robinson, Robert Bruce.
Rockwell, Richard Frederick.
Rockwood, Jerred Rushton.
Roth, Franklin Herold.
Rough, Jimmie Lynn.
Rowden, William Henry.
Rowley, Reginald Charles.
Ruble, Byron Crabbe.
Russ, Jack Elden.
Rutherford, Ralph Baillie.
Rutledge, Howard Elmer.
Ryan, John James, Jr.
Sagerholm, James Alvin.
Salin, Robert Sven.
Sample, Richard John.
Sarosdy, Louis Robert
Sattler, Donald Charles
Schenker, Marvin Leonard.
Schlank, John James, Jr.
Schneider, Arthur Frederick.
Schuller, Gordon Joseph.
Schulte, Richard Joseph.
Schultz, Milton John, Jr.
Schwartz, Sheldon Omar.
Schwarz, Ira Norton.
Scribner, Henry Irving, Jr.
Seay, Wesley Herman, Jr.
Self, William Henry Cowles.
Seymour, Ernest Richard.
Shafer, Walter Richard.
Shaffer, Guy Henry Baskerville.
Shannon, Rickard William.
Shaughnessy, William David.
Shaver, Frank Trenton.
Sherman, Peter Woodbury.
Sherman, Thomas Hanson, Jr.
Shrine, Bertram, Jr.
Simmons, Robert Raymond.
Small, Robert Holdermann.
Smedberg, William Renwick, IV.
Smith, Carol Castleman, Jr.
Smith, Thomas Mitchell.
Soracco, David Louis.
Spayde, Keith Crawford, Jr.
Spiller, John Herman, Jr.
Springer, Roy Marinor, Jr.
Stanley, Richard Mervin.
Stewart, Thomas Phillip.
Storeide, Arthur Julius.
Strand, John Alexander, Jr.
Stratmann, Charles Immanuel.
Stull, Donald.
Sundt, Wilbur Allen.
Surovik, George Alfred.
Swadener, John Richard.
Swarztrauber, Sayre Archie.
Swenson, Erick Noak.
Terrell, Fred Worrell, Jr.
Thamm, Tom Brobeck.
Thomas, Gerald Eustis.
Thomas, John Keith.
Thomas, Walter Russell.
Tillson, John Granville.
Tomb, Paul David.
Toy, Frank Evans.
Tuomela, Clyde Henry.
Turnbull, James Robert.
Tyson, James Jordan, Jr.
Underwood, Leland Jack.
Utterback, Paul Wilson.
Vahsen, George Martin.
Vankleeck, Justin Laing.
Vanreeth, Eugene William.
Wagner, Robert Henry.
Wales, John Renison.
Wallace, Kenneth Richard.
Ward, Thomas Martin, Jr.
Warwick, William Bertram.
Watson, Peter James.
Whaley, William Semmes.
White, Steven Angelo.
Whitman, Donald Louis.
Wigent, Richard Andrew.
Wikeen, Donald Bruce.
Wilber, Walter Eugene.
Wilkinson, Edward Lewis.
Wilkinson, Joseph Barbour, Jr.
Williams, Allen Dean.
Williams, William Albert, III.
Williford, James Richard, III.
Willson, Donald Merritt.
Wilson, Joseph William.
Wilson, William Wellington.
Wilson, Alexander Blake.
Winberg, William, III.
Winnefeld, James Alexander.
Wood, Lewis Irvin.
Woolcock, Thomas Edward.
Wooldridge Edmund Tyler, Jr.

Wuethrich, Don Leon.
Zacharias, Jerrold Matthew.
Zeisel, Richard Stephen.
Zoehrer, Herbert Alfred.

Comdr. Muriel J. Lewis, U.S. Navy, for permanent promotion to the grade of captain in the line, subject to qualification therefor as provided by law.

U.S. MARINE CORPS

The following-named disability retired officer for reappointment to the grade of first lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Stevens, Arnold T., xxx-xx-xxxx, USMC.

CONFIRMATION

Executive nomination confirmed by the Senate September 14, 1970:

NATIONAL CREDIT UNION ADMINISTRATION

Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

EXTENSIONS OF REMARKS

ON THE NATURE OF A UNIVERSITY—ADDRESS BY OTIS SINGLETARY, PRESIDENT, UNIVERSITY OF KENTUCKY

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Monday, September 14, 1970

Mr. COOK. Mr. President, I ask unanimous consent to have printed in the RECORD the sage comments of Dr. Otis Singletary, president of the University of Kentucky, regarding the role of the university in today's world. Dr. Singletary is serving well the people of his university and our society by recognizing the needs of both as fulfilled through the work of the university. I have great confidence in the future of the university under the leadership of a man possessed of such wisdom.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 6, 1970]

ON THE NATURE OF A UNIVERSITY

(By Otis Singletary)

(NOTE.—Mr. Singletary is president of the University of Kentucky. This is an excerpt from a speech he gave at Eastern Kentucky University.)

I think I owe it to you to make clear at the outset two basic beliefs that I hold. The first of these beliefs is that our colleges and universities are vitally important to this society and to the individuals who make it up.

I have spent nearly 35 years of my life on campus as a student, teacher, and more recently administrator, and have had ample opportunity to see and know these institutions. Try as I may, I am unable to take seriously any projection of the future that assumes a world in which demonstrated competence and trained intelligence will not be required.

I remain convinced that education has in the past and will in the foreseeable future continue to be the instrument for the fullest development of human potential. As has been observed before, the university is not a perfect institution; it is only the best we have. And I would add, it deserves better from some people than it has been getting.

HOPE OF THE FUTURE

My second admission is that I truly believe that your students, and the thousands of other young people in this country like them, are the hope of the future. I say this because I believe this nation has a future. For all its problems, I believe this to be the most lovely and livable of all nations; and for all our faults, I believe the record will show that Americans are basically a kind and generous and decent people: Not better—not worse—not freer from the limitations of the human conditions.

Having made these positions clear, let me now move to some more specific comments about the nature and purpose of the American university. Contrary to popular opinion, our institutions of higher learning are not operated exclusively for students—or for faculty members, or for administrators, or for trustees, or for all of these, for that matter.

Historically speaking, they have been created and supported by our society to perform certain important functions for the common good of society. This is the larger meaning of the term "public interest" as it applies to institutions of higher education.

With specific regard to students, the academic community has a dual obligation—to provide sound academic and intellectual training and to aid in the development of mature and ethical persons who are able and willing to act responsibly and who are sensitive to the humanity of others.

A college or university is not a supermarket whose customers are always right; nor is it a retreat dedicated either to the pursuit of faculty tranquility or to student comfort and contentment (there are larger and better appointed rest homes and recreation centers located elsewhere).

It is not a welfare agency or an arena where the pressing problems of the day are confronted and solved by carefully stockpiled experts. It is not just the larger society in microcosm. It is not and should not attempt to be a miniature of the world outside its gates.

A SPECIAL PURPOSE

The university is a special purpose rather than a general purpose community and what sets it apart from the larger society is its particular emphasis upon the gathering, sharing and using of knowledge. The university is a place where scholarship and teaching in the learned disciplines is a primary pursuit; a place that values truth, freedom, relevance, individuality and responsibility; a place where "learning" is the bond that all share in common.

The university is a place for asking oneself the central and eternal questions:

Who am I?

Whence have we come and whither may we go?

What kind of person do I choose to be?

What has man achieved in the way of truths to be known and beauties to be enjoyed?

I know of no place where questions like these are examined more fully and more seriously than in a good university.

Our universities play an exceedingly important role in our society by providing an "open forum" where the great issues and ideas [indeed, the controversies] of the day can be publicly debated and examined. Universities are not just luxuries in which societies indulge themselves, or ornaments with which they decorate themselves or toolbins from which they equip themselves.

FORUMS FOR DEBATE

Universities, if they deserve the name at all, are forums in which intelligent, concerned and knowledgeable men and women of every persuasion can and do debate the most important issues there are. Static societies need no universities at all; "closed" societies need only schools for technologists because they already "know" the answers to all the vital problems of value.

But the more "open" a society, the more desperately it needs its universities. To those who would close or drastically alter our universities, I have these words of caution.

I ask them to remember that—

Here work men of good will who desire a better world.

Here truths are discovered.

Here lives are examined.

Here young people civilize themselves.

Here lives human culture.

Amidst all the soul-searching, and blame fixing, and recriminations of our time, I would remind you that we, as a people, have never been more prosperous, or for that matter, more generous with our prosperity; we have never been more concerned than we are today about education, or social justice, or civil rights.

We have never been more engaged in trying to bring some kind of decency and order into a world desperately in need of decency and order.

We are, in short, trying more [and I would argue achieving more] but sometimes failing. And we seem to be developing [almost a national characteristic] a tendency to concentrate on what is wrong to the exclusion of what is right.

Believing this to be true, I would like to express the hope that you will look at the society as it deserves to be looked at—critically, responsibly, and with perspective. There is a very good chance that you will discover that you are a citizen of no mean country.

THE FOND DU LAC COMMONWEALTH REPORTER MARKS 100 YEARS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the Labor Day recess I had occasion to take part in the 100th anniversary celebration of the daily newspaper, the Fond du Lac Commonwealth Reporter. The anniversary came to have added significance because just a week earlier Wisconsin suffered the loss of a promising daily newspaper, The Paper, published in Oshkosh—only 18 miles from Fond du Lac.

The sad closing of the Paper has made us keenly aware of the frailty of the daily newspaper as an institution vital to the flow of free information and free ideas. Achievement of a newspaper's 100th year is a benchmark worth noting, and it is a pleasure for me to again congratulate the Commonwealth Reporter on its continued, important work.

As part of my remarks I include the editorial entitled "100 Years of Comment," published in the August 20 edition of the Commonwealth Reporter.

100 YEARS OF COMMENT

In a century of editorial comment on events ranging from the Peshtigo Fire of 1871 to the assassination of President John F. Kennedy, the Commonwealth Reporter has offered its readers direction, wisdom, sympathy and, not infrequently, an assortment of space-filling inanities.

On this Centennial occasion, a backward glance at what the paper said when it was really two papers—the old Commonwealth and the Reporter—as well as what it has said since the 1926 merger, portrays history in the making.

"Stop for a moment and reflect that only 75 to 100 miles north of us there are a thousand people destitute of food, clothing and money," the Commonwealth editorialized on the Peshtigo Fire. "As you dwell upon the fact, know that your help is needed . . . see to it that boxes of clothing are sent forward on the next train . . ." Local residents, believing themselves blessed because of rain during the dangerous dry season, came through generously, supplying not only the Peshtigo victims but those of the great Chicago fire as well.

In 1876, when Gen. George A. Custer and his troops were massacred by united tribes in an Indian War battle at Little Big Horn, the Commonwealth didn't get the news for 10 days. When details were learned the editors were outraged and they called for the extermination of all "troublesome" Indians.

"The policy of extermination, so far as the troublesome Indians are concerned should be adopted," said the Commonwealth. "If there are not enough regulars to exterminate the murderous fiends, swarm that country with volunteers . . ."

It was simply another way of saying, "The only good Indian is a dead Indian."

When President James A. Garfield was shot on July 2, 1881 the Commonwealth recalled the horror of President Lincoln's death and said "the mad disrespect for authority . . . is a sulphurous blaze that spreads and thickens upon its own fumes."

William Jennings Bryan delivered his "Cross of Gold" speech at the Democratic National Convention in Chicago in 1896. The Daily Reporter later hailed his nomination for president by declaring: "He is a man of the people and for the people . . . He is worthy of the support of every Democrat . . ."

When the Wright Brothers flew Dec. 17, 1903, near Kitty Hawk, N.C., the Daily Reporter, and perhaps many other papers, seemed visibly unimpressed. A few days later, however, the Reporter carried a page one story about a Fond du Lac man, Thomas Abel, who'd been working on a "flying machine" for 12 years.

The U.S. declared war on Germany on April 6, 1917. "Today is the day when all loyal citizens must stand together under one flag and in a common cause," said the Commonwealth.

When the famous John T. Scopes "monkey trial" ended in July of 1925 the Daily Reporter remarked: "In proportion to the time and money expended, the results of the trial probably set a world's record for minor achievement . . . the whole thing may be considered what the English call most aptly a washout."

Charles A. Lindbergh's daring flight in 1927 stirred the imagination and hero-worship of all Americans. The Commonwealth Reporter also saw the achievement as indicative of great growth in commercial air travel.

"The feat of this daring young American marks a new era in the history of the world, not only in aviation, but also in many other things," said an editorial.

When Chicago gangsters lined up rival lawbreakers and gunned them down in the St. Valentine's Day "massacre" of 1929, the Commonwealth Reporter made no demands for law and order other than to needle the police department.

"Chicago police are always ready apparently to demonstrate their efficiency in any thing except the arrest of gangsters or others with a political pull." the newspaper observed.

With Adolf Hitler having sent his Nazi forces into Poland a day earlier, the Commonwealth Reporter of Sept. 2, 1939, appealed to American patriotism. "There is no time like the present for native born and naturalized Americans to realize that their first obligation and duty in any international crisis is to be true Americans in every sense of the word."

When the Japanese bombed Pearl Harbor and the U.S. entered World War II, there was no shortage of words or editorial hesitancy about the eventual outcome.

"This nation not only will become stronger in a military way but its unlimited industrial strength and other capacity will assure ample material aid to the other nations toward the ultimate and certain defeat of armed aggression in its attempt to conquer the world," said the newspaper.

On Aug. 6, 1945, the U.S. dropped the world's first atomic bomb on Hiroshima. To the Commonwealth Reporter, the shattering explosion "drew back the curtains on the world of tomorrow" and the writer noted that any country with such a weapon should be able to keep world peace. The editorial also called for "civilian use and productivity" of nuclear energy and urged that its secrets "be closely guarded."

During the Cuban Missile crisis of October in 1962, when the fate of the world was in jeopardy, this newspaper warned: "Any impasse between two great power systems bears the seeds of disaster—the peril that tension may grow so great that the risk of self-destruction is preferable to it."

And concerning that sadly memorable day of Nov. 22, 1963, when President John F. Kennedy was murdered as he drove past cheering crowds, the Commonwealth Reporter waited to reflect later on the tragedy: "With the calamity in Dallas the lesson of the danger inherent in violent extremism may now be deeply implanted in America's conscience."

Subsequent events, of course, indicate that Americans have not learned the lesson of the dangers in extremism. But editorial writers are like baseball umpires—they call 'em as they see 'em.

And sometimes—over a 100 year stretch—they're bound to be wrong.

RESTRICTED DANGEROUS DRUGS—CALIFORNIA ASSEMBLY JOINT RESOLUTION NO. 66

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, September 14, 1970

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks, California Assembly Joint Resolution No. 66, relative to restricted dangerous drugs.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

ASSEMBLY JOINT RESOLUTION NO. 66—RELATIVE TO RESTRICTED DANGEROUS DRUGS

Whereas, The rapidly growing and widespread abuse of restricted dangerous drugs, particularly of the amphetamines and barbiturates, has reached crisis proportions both nationally and in the State of California; and

Whereas, The illicit supply and availability of these restricted dangerous drugs is to a great degree directly attributable to the diversion of dangerous drugs from legal distribution and dispensing channels into illegal markets; and

Whereas, One of the most glaring points of diversion of legally manufactured drugs into the illicit market is through the mail order purchase of restricted dangerous drugs from out-of-state wholesale drug firms which deal exclusively through the United States mail; and

Whereas, There is incontrovertible evidence that mail order drug firms regularly sell and ship large amounts of restricted dangerous drugs through the United States mail to unauthorized persons; and

Whereas, Such mail order drug wholesale firms are virtually uncontrolled and unregulated by federal law, and because of the interstate character of the distribution of drugs by mail the states are powerless to regulate such businesses beyond their borders; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully request the Congress of the United States to enact legislation to ban sales and shipment of restricted dangerous drugs through the mails, or if this should prove unfeasible, to enact legislation to severely and strictly control the interstate distribution of restricted dangerous drugs; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the Attorney General of the United States, the House Select Committee on Crime, the House Committee on Ways and Means, the House Committee on Interstate and Foreign Commerce, and to each Senator and Representative from California in the Congress of the United States.

WHAT AMERICA MEANS TO ME

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 14, 1970

Mr. SCOTT. Mr. President, one of my constituents, Laura E. Boggs, of New Castle, has written a poem entitled "What America Means to Me," which was published in the New Castle News recently. In these times of turmoil in America, I commend it to the attention of Senators and other readers of the RECORD. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

WHAT AMERICA MEANS TO ME

(By Laura E. Boggs)

It means the song of wild birds' flight
The sound of laughter in the night,
The right to do, and think and say
Whatever I wish in my own way,
And children singing as they play,
While grown folks work throughout the day.
Then peaceful sleep, long winter nights,
The warmth and cheer of glowing lights,
And church bells ringing on Sabbath morn
Proclaim anew the Christ is born.
Then time to worship, prayer and praise,
Our voices in thanksgiving raise
To Him who made our Nation great,
And fitted it to man's estate

All this means home to you and me,
And to our boys across the sea,
And they will finish what's begun
And fight till final victory's won,
For they will make our country free
From human greed and tyranny,
And then shall come that golden span
The world-wide brotherhood of man,
When freedom's flag shall be unfurled
In every nation of the world.

WOMEN'S RIGHTS AMENDMENT MAY END PROTECTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. SCHMITZ. Mr. Speaker, Richard Wilson's column in the Evening Star newspaper on Friday, August 14, outlines some of the reasons why I voted against the so-called "Women's Rights Amendment," and I think the article deserves wide attention. I would like to include it at this point in the RECORD.

WOMEN'S RIGHTS AMENDMENT MAY END PROTECTION

(By Richard Wilson)

Reading in the Congressional Record the hour of debate devoted to the so-called women's rights amendment is hard going but worth it for one reason.

The House of Representatives went on record in favor of a constitutional amendment without a very clear idea of what it will mean. When unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased.

The woman who thinks that making a home and raising a family is the greatest career to which she aspires, and wishes to be protected in what she considers to be a noble and natural role, may quite conceivably find that she has lost some of this protection.

Let us take, for example, a young woman of 20 who wishes to marry and settle for a long, rewarding life with children in a comfortable home. First, she may be subject to the draft, although the women in Congress assure us that she will not have to fight if she is not fitted for it. Some girls of 20 are, of course, quite equal to the ardors of military campaigning if they so ably demonstrate in the sports arena, and some of them can shoot straight, too.

Once married, and if things go awry, some young women may find themselves liable to pay alimony to a wronged husband. The responsibility for the financial support of children may lie equally upon her instead of solely upon a wayward husband.

These details are mentioned with hesitancy and deference because we have the assurance of Mrs. Martha Griffiths, the able congresswoman who accomplished the amazing one-hour feat of putting across an amendment pending for 47 years, that 30 million women are at work nowadays and desire equality more than protection.

In practical effect, as under the social security program, this equality will extend to men such privileges as are accorded women. But Mrs. Griffiths has a little different twist on it. She wishes to reserve for women some existing privileges based upon physiological differences. She asserted in the debate that separation of the sexes by law would be forbidden under the amendment except in situations shown to be necessary because of an overriding and compelling public interest. "For example, in our present culture," she said, "the recognition of the right of privacy would justify separate rest room facilities in public buildings."

However, it seems to be admitted on all sides that the equal rights amendment raises hundreds of other questions in many states concerning family relationships, divorce, separation, alimony, age of consent, military service, child custody, bastardy. The contention cannot be dismissed lightly that the equal rights amendment releases men from sole family and public responsibilities that society has traditionally imposed upon them and not upon women.

An overwhelming majority of the House of Representatives set aside these doubts, raised incidentally by orthodox liberals, largely out of conviction that women are discriminated against in employment. This is demonstrably true and women are unjustly discriminated against in other ways.

Mrs. Griffiths dismisses the idea that any real protection will be lost to women but her opposition raised a great many telling points, which were not explored in debate nor were they the subject of prior hearings in the House of Representatives.

The amendment was passed over Judiciary Chairman Emanuel Celler's plea to wait until after hearings he had scheduled in September. It can readily be understood that the women's rights advocates placed no trust in Celler's plea since in all the years he has been chairman of the Judiciary Committee he has been unmoved by continuous pressure for adoption of the amendment.

The House acted, and presumably the Senate will act also, under heavy pressure from women's organizations who desired this "Magna Charta" in tribute to the 50th anniversary of women's suffrage.

But much more seems to be expected from this simple amendment than it actually promises. Other enactments "liberate" women without sacrificing their protection. The prudent woman will wish her state legislature to take a long look at this deceptive amendment when the ratifying process begins. It was designed by men to get women's votes nearly a half century ago.

AIRPLANE HIJACKINGS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. SHRIVER. Mr. Speaker, the airplane hijacking situation has reached international crisis proportions, as has been made all too evident over this past weekend.

The safety of American citizens is at stake in the Jordan desert. Hijacking of international civil aircraft is being used for both blackmail and as an instrument to determine foreign policy. Vigorous action is necessary to insure the safe return of all those still held hostage in the desert.

Whenever a specific crisis arises, all efforts have been and should be concentrated on obtaining the safe return of the innocent passengers and crews of the hijacked aircraft. However, we must not let the memory of this most serious emergency pass without taking steps, far stronger and more positive than before, toward a long-term solution to the air piracy problem.

Last week, I introduced House Concurrent Resolution 729, calling for the State Department to negotiate bilateral treaties with other countries for mandatory extradition of hijackers to the country of the hijacked aircraft. Under these bilateral treaties, the returned hijackers would then be tried for the hijacking offense.

We have seen 79 air hijackings already this year and 250 altogether since this grotesque action has become internationally "popular." What is rapidly becoming at stake is the safe and reliable system of domestic and international airline routes.

The Tokyo convention, which has been signed by the United States and nearly 40 other countries, condemns hijacking but does not provide for the return of hijackers to the flag country of the aircraft involved to face prosecution. The American Pilots Association and the International Federation of Pilots have both indicated that if extradition treaties are negotiated, as called for in this resolution, they will boycott those countries which refuse to sign such treaties by refusing to fly into or out of such countries. This would be a very effective remedy.

I realize that even with the passage of this resolution, the negotiation of such treaties will take time. Additional measures are needed now to stop hijackings. During this interim period, armed plainclothes security guards should be placed on all international commercial flights. For U.S.-flag airlines, these sky marshals could be furnished by the Department of Transportation, the FBI, or the Department of Defense.

More thorough airport preflight search procedures should be used for all flights, including searches of both passengers and baggage. It is my understanding that sophisticated psychiatric and mechanical methods are becoming available for these searches, and they should be put to use immediately. In addition, suspected hijackers should be physically searched prior to boarding the plane.

Mr. Speaker, no one questions the seriousness of this situation. What we have lacked is strong, positive action to prevent the continuation of these hijackings. The President has called for strong steps to meet this emergency. I am confident that Congress will support these measures.

WHY FOOD BILLS KEEP GOING UP

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. POAGE. Mr. Speaker, I wish to call to the attention of the Members of the House a column which appeared in the Washintgon Evening Star of Thursday, September 10, 1970, written by Sylvia Porter, noted financial writer.

It is written under the heading: "Your Money's Worth—Why Food Bills Keep Going Up."

It is most enlightening, and I am glad that millions of housewives throughout the Nation have had an opportunity to read this syndicated column and learn that food costs increases have been caused by rising charges for processing,

packaging, and handling, and because of the demands of housewives themselves for preparation of foods in a manner that reduces the time they spend in the kitchen.

I am inserting the article in the RECORD and commend it to my colleagues for their reading:

YOUR MONEY'S WORTH: WHY FOOD BILLS KEEP GOING UP

(By Sylvia Porter)

Even assuming the rate of rise in food prices continues to moderate—an assumption being shaken by the corn blight and the blight's threat to the prices of meat, poultry and eggs—our own food bills will remain in a relentless uptrend to ever higher peaks.

The reason: our ever-expanding demand for relatively expensive ready-to-eat, ready-to-heat, just-add-water foods which save time in the kitchen and give us a form of built-in maid service.

And there's absolutely no basis at all for expecting this trend to slow, much less reverse.

The farmer's share of our food dollar is still going down, to an average of 39 cents now out of every food dollar, against 50 cents in the late 1940s; for many food items, the farmer gets as little as 6 cents or 9 cents.

At the same time, the portion of our food dollar going for built-in convenience is still soaring. Of the $1,226 the typical household will spend this year for farm-originated foods, a whopping $742 will go to the middlemen who package, process, distribute and sell the food. Just consider how we are spending our food dollar:

Today, a full 10 percent of the eggs we consume are pre-emptied and pre-processed, and by the end of this decade, says the Agriculture Dept., the proportion of eggs we eat in forms ranging from cake mixes to "instant" scrambled eggs will soar to 33 percent.

Today, our consumption of frozen foods is up to $8 billion annually, and with the number of frozen food items on the market due to double by 1975, frozen food sales are projected at $12 billion.

Today, 45 percent of all supermarkets have a delicatessen department, estimates the Super Market Institute, and virtually every new supermarket has such a department. Many of them also have their own kitchens and stock 60 to 100 different items—most of them higher priced convenience foods.

Since 1960 alone, our total bill for food marketing has soared 43 percent to $63.2 billion. Here's how the bill breaks down and how fast each component of the bill has been increasing:

[Dollars in billions]

Item	1969	Percent of rise over 1959
Labor	$29.3	65
Transportation	4.8	20
Profits before taxes	3.9	86
Depreciation	2.2	57
Business taxes	2.3	92
Advertising	2.0	67
Rent (net)	1.7	54
Interest (net)	.5	150
Repairs, bad debts	1.2	71
Other (residual)	15.3	22

A big hidden factor in that "other" column is $7 billion for packaging-labeling-containerization.

As another revealing measure of the extent to which we have embraced convenience foods, the National Association of Food Chains estimates that if we were consuming the same foods in the same ways as a generation ago, our food bill would come to only 11 percent of our after-tax spending in contrast to the 17 percent we are actually allocating to food in our real-life budgets today.

As still another measure, in the years before the big surge to convenience foods, the Grocery Manufacturers of America calculates that the typical housewife and mother of two spent 5½ hours a day preparing meals. Now, with the help of labor-saving kitchen devices as well as convenience foods, the preparation time has been slashed to a mere 1½ hours a day.

And now we're moving to the convenience of the whole take-home meal—the carton of chicken or fish-and-chips or whatever, bought at the fast food, limited menu store—and that certainly costs more than the made-from-scratch version.

Of course, you can save money by going back to the preconvenience ways of cooking and serving. But how do you value your time?

THE PLIGHT OF OUR GUADALCANAL ALLIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ANDERSON of California. Mr. Speaker, I am always pleased when I hear of the civic and philanthropic activities of Americans. It reaffirms my great faith in our people and our destiny as a Nation. An American who has devoted his life to helping others, often to his own economic detriment, is Lowell Bulger, a man I am honored to call a friend.

For many years, Lowell and I lived in the same community and, thus, I knew firsthand of his devotion to his fellow man. He moved to Northern California and I am extremely pleased that he has continued his fine work.

Mr. Speaker, at this point in the RECORD, I would like to insert an article that was in the August 2, 1970, edition of the Oakland Tribune. This article describes Lowell Bulger's efforts to ship food, clothing, and educational material to the Solomon Islanders. Lowell, a member of "Carlson's Raiders" during World War II, fought side-by-side with the Islanders and he feels that we owe a special debt to these proud people who so bravely aided our troops in the Pacific campaign:

BRAVE GUADALCANAL ALLIES DESTITUTE

(By Kevin Leary)

In November, 1942, an elite battalion of U.S. Marines under the command of Lt. Col. Evans F. Carlson, prowled behind enemy lines in the jungles of a previously insignificant South Pacific island. They fought the Japanese, disease, and the heavy jungle in one of the most agonizing battles of World War II.

The island was Guadalcanal, and the Marines were "Carlson's Raiders," known as "experts in death, demolition and destruction."

With the help of the Navy, other Marines and the army, and a group of heretofore unheralded Solomon Islanders, the United States took Guadalcanal, establishing a firm foothold in the Pacific.

Today, about 28 years later, a few survivors of that campaign are trying to repay an old debt they feel is due to the islanders who fought side-by-side with the Leathernecks.

Lowell V. Bulger of 825 Orchard St., Hayward, is the U.S. chairman of the Solomon Islands Education Fund (SIEF), a group of former Raiders, who believe they would never have survived the grueling guerrilla combat on "the Canal," if it hadn't been for the islanders.

"And now they are in desperate need for food, clothing, school books and educational supplies. We are trying to see that they get them," says Bulger, now a sales manager for an industrial tool firm.

During the past 18 months Bulger and other SIEF volunteers ("There have never been more than 10 of us at any one time.") have collected, sorted and packaged 37 tons of material ready to be shipped to the islands.

The ironic problem is that the supplies are worth more than $200,000, according to Bulger, yet SIEF cannot afford the $8,600 shipping charge from the West Coast to Guadalcanal, via Australia.

But Bulger is determined to collect the money, and soon, because he is paying the storage fees for the supplies out of his own pocket.

"There must be 50,000 veterans of the Solomon Islands campaign in the Bay Area," he says. "If only one out of five would contribute one dollar, we'd have more than enough money."

Bulger, who served as a private first class with the Marines, recalls his own experience on Guadalcanal: "The Raiders operated for weeks behind the Japanese lines in a hit-and-run type operation. The island natives showed us how to survive.

"They gave us food, acted as scouts, carried our dead and wounded out of the jungle, built us shelters and fought along side of us. Not once did a Solomon Islander ever betray an American."

Bulger says hundreds of downed pilots and ship-wrecked sailers were rescued by the Solomon Islanders—including one Navy lieutenant named John F. Kennedy, skipper of the now-famous PT 109.

After the war, the islands returned to their pre-war obscurity, and many of the islanders have reverted to an almost primitive existence, says Bulger.

"Remembering what the Solomon Islanders did for us when we were fighting there," says Bulger, "sending these materials is the least we can do."

Persons interested in contributing to the project may send their checks to Lowell V. Bulger, U.S. Chairman, Solomon Island Education Fund, 825 Orchard Ave., Hayward, Calif. 94544.

Bulger said SIEF does not need any more supplies, but only requires enough money to ship the material already collected.

AN OPEN LETTER TO THE PRESIDENT

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. CAMP. Mr. Speaker, an open letter which was sent to our President and also appeared in the Elk City Daily News is, I think, most timely and gives us much food for thought.

The letter is as follows:

During recent weeks, we had the opportunity to visit the Soviet Union and particularly its capital, Moscow, for a few days.

In the brief visit, we noted that young students from Africa, Asia, Latin America and likely elsewhere were being brought to Moscow, the queen city of the Soviet Union, by the thousands this summer.

These students, we observed, were not necessarily from Communist lands nor were they schooled in Marxist-Leninist ideology. But they were being brought apparently by the Soviet government to that country to see what the Soviet has accomplished and certainly to be told of the glories of that system—as well as to be entertained with an experience which a young high-school age mind would not soon forget.

These students, many of them, obviously were highly impressed by this venture.

I could not help but think that the good old U.S.A. has probably poured millions and in some cases hundreds of millions in aid into their countries to build highways, dams, etc., things that help commerce directly and otherwise helped the systems there and particularly the established governments.

The Soviet Union was trying to win the respect of people, and particularly young people, while the United States was concentrating on foreign aid and military assistance programs some of which may well not be appreciated by the people in those lesser developed countries.

In the United States of all places we value the worth of the individual more than any human built monuments.

Could it be that we are missing a major point about people when this country's outreach program is more in the form of gifts and grants rather than in challenging the intelligence and creativity of young people by inviting some of these to come to our country and see for themselves what is being done?

They hear about our problems but seldom about the solutions. They know more of our mistakes than our successes in this day and time.

With the millions and billions that we invest in world development and goodwill, would it not be possible or might it not be wise for us to consider a program that would bring young citizens of the world to see our country?

I understand that some of this is done and I assure you that the breadth of the Soviet program makes ours microscopic in comparison.

So much was I impressed by the thousands of young men and women at these teenage years in Moscow and the apparent reaction to it that it promoted me to call this to your attention.

A concerned American,

LARRY R. WADE,
Elk City, Okla.

CRISIS FOR TENNESSEE VALLEY AUTHORITY—AND THE PEOPLE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. JONES of Tennessee. Mr. Speaker, next month the rates charged for electric power by the Tennessee Valley Authority will be 23 percent higher than their levels of July. Many factors have come together to force this increase, but the major cause has been the dramatic rise in the price of coal.

TVA uses coal in the generation of approximately 80 percent of its power and, naturally, the fact that the cost of coal has doubled during the past year has had an enormous impact on TVA's operating expenses.

During the recent recess, the Memphis Press-Scimitar, a highly respected afternoon daily newspaper which serves my district as well as others, published an editorial on this subject. Because this editorial goes straight to the heart of the matter, I include it at this point in the RECORD:

CRISIS FOR TVA—AND THE PEOPLE

Memphis has become so used to the benefits of cheap Tennessee Valley Authority power—which first flowed here in 1934—that it's hard to realize what has happened recently, and dismaying to think of worse things that may happen.

The first thing that woke us up was a sharp pain in the pocketbook; announcement that TVA was increasing its charges to distributors of its power by 23 per cent . . . for everybody knew that all or at least a big part of this increase would be passed on to consumers.

But the "second shoe" dropped signals even more cause for alarm: the supply of electric power may have to be reduced, and the reduction may be drastic. Think of having to get along without air-conditioners in hot weather and electric heating in the winter.

But the effect would not only penalize householders—it would be disastrous to business and industry and the jobs they provide.

TVA has been sounding the alarm for months, and now the LG&W has added its voice after investigating the TVA's financial condition . . . and called for action by Congress and the Justice Department to "liberate TVA from the gravest economic situation the citizens of Memphis and TVA have faced since TVA was established."

The reason for the 23 per cent raise in TVA's charges, and for the fear that the worst may be yet to come is due to the following conditions, as listed by TVA Chairman Aubrey Wagner and confirmed by Calvin Henze, LG&W president:

The great increase in the price of coal, which TVA uses to produce some 80 per cent of its electricity . . . coal prices are running about double what they were a year ago.

The shortage of coal at any price. TVA in recent weeks has had on hand at its power plants only 12-days, or less, supply of coal. This contrasts with the 60-day supply it tries to keep on hand.

The shortage of railroad cars for shipping coal.

A sharp increase in the interest rates TVA has to pay on its old and new bond issues . . . under the law, TVA must pay interest on its debts at the average of the rates the U.S. Treasury is paying at the beginning of each fiscal year . . . rates now at record highs.

Of all these factors, TVA Chairman Wagner says the most critical is "the skyrocketing cost of coal". This is partly due, according to TVA and LG&W, to exports of coal, especially to Japan.

Chairman Wagner says the situation is complicated by the fact that oil and metal interests now own eight of the 10 largest coal-supply companies.

LG&W President Henze points to this fact as indicating "so clearly a developing monopoly condition that we believe the anti-trust section of the United States Justice Department must begin immediately an investigation. It appears only action by the Justice Department, Congress, or both will loosen the still-tightening coal market."

TVA Director Don McBride last week said Congress would be "going in the right direction if it had an investigation of this extreme rise in the cost of fuel."

Rep. William R. Anderson of Tennessee's Sixth Congressional District, this week said he had asked Rep. Wright Patman, chairman of the Joint Economic Committee of Congress to "use your position to focus attention on what I consider a major and potentially catastrophic problem in this area: increasing domination of all fuels by the oil companies."

This control of the fuels and their prices gives the companies a "stranglehold on the national economy," Anderson said. "An interruption of that supply could create economic chaos," he said, "and the security of the nation would also be threatened.

Senator Albert Gore in a speech in the Senate yesterday urged closing of tax loopholes which he said allowed oil conglomerates to buy up coal-producing concerns and profit by exporting coal to Japan.

What can the people of Memphis and other areas served by TVA do? LG&W Commissioner Robert I. Bowers suggests "raising Cain and carrying it through to Washington."

Those who feel like doing that to insure that our members of Congress know their constituents want to see some action—quick—can write:

To Senator Albert Gore . . .
To Senator Howard Baker Jr. . . .
To Rep. Dan Kuykendall . . .
To Rep. William R. Anderson . . .
To Rep. Ed Jones . . .
To Rep. Ray Blanton . . .
To Rep. Bill Brock . . .

To all other Congress members from Tennessee, northern Alabama, northeastern Mississippi and western Kentucky, whose constituencies are vitally affected by TVA.

You can write representatives in care of the House Office Building and senators in care of the Senate Office Building, Washington.

Memphis Light, Gas & Water Department has done its part. Now it's up to our members of Congress to do theirs.

And remember, this is not a matter of partisan politics. Staunchly supported by both Republicans and Democrats throughout the years, TVA belongs to the people and it serves the people.

With all the facts and conditions cited, we believe customers who depend on TVA power can readily see that the 23 per cent increase in TVA rates is nothing to get mad at TVA about.

We believe TVA is making every effort to conduct an efficient operation, under difficulties, and that it will search diligently to see if additional economies are possible.

But TVA must keep solvent . . . Chairman Aubrey Wagner recently reminded that under the law that set it up it cannot operate in the red.

What our Congress members must work on is changes in the law to ease the unreasonable interest rates TVA has to pay. And all members of Congress should take an interest in the supply and price of coal, for other power-producers over the country face the same fuel problem TVA faces.

PRESIDENT NIXON'S LEGISLATIVE PROGRAM

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, President Nixon has sent a message to Congress containing an 11,000-word summation of his legislative program—what has been done about it, and what has not. One has only to glance at that summation to realize how much major legislation has been stalled, shunted aside, and pigeonholed by the Congress. And anyone who serves in this body knows who is to blame.

The Democrats who rule the committees, who outnumber us in both Houses, have maintained a steady campaign of attrition against the Nixon administra-

tion. Those Democrats have clung to their traditional policy of overspending, in the face of more-than-adequate funding requests by an administration trying to hold the economic line. They have denounced the President for attempting to wipe out inflation through sensible programs. They have attempted to block needed reform. Those Democrats have, in fact, given a new meaning to the word partisan—and it is a bad word.

The Nixon message gives a clear warning of the dangerous course taken by those Democrats. He says this:

> What is at stake is the good repute of the American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

That should be plain enough. We are engaged in politicking in this election year and we are interested vitally in advancing our party fortunes, but let us think first of the country.

CHANCELLOR HEARD OF VANDERBILT UNIVERSITY DELIVERS ADDRESS ON CAMPUS UNREST AT NATIONAL PRESS CLUB

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Chancellor Alexander Heard of Vanderbilt University in Nashville recently delivered an excellent address on the subject of campus unrest before the National Press Club in Washington.

Dr. Heard was appointed by the President to direct a special study of student unrest and recently reported to the President on the findings of this study.

The Vanderbilt Chancellor delivered a perceptive, indepth address before the press club, providing a balanced perspective of the problems faced by our colleges and universities.

Following his remarks, he was subjected to a series of searching questions which he handled with skill and aplomb.

Because of the interest of my colleagues and the American people in this most important subject, I place the address by Chancellor Heard in the RECORD.

The address follows:

REMARKS BY ALEXANDER HEARD, CHANCELLOR OF VANDERBILT UNIVERSITY

Mr. Chairman, ladies and gentlemen of the National Press Club: I am grateful for this opportunity to discuss with you the colleges and universities of our country. Our colleges and universities belong to all of us. All of us ultimately support them and influence them, and ultimately all of us benefit from their achievements or suffer from their failings.

What I want to do today, with you who inform the nation, is to discuss in some detail the nature of the national crisis in higher education. There will be no headlines in what I want to say. There may be no news, in your workaday sense, in it either. But there may be some thoughts and analysis that will be useful to you as you observe and report on higher education.

Why, in 1970, do I say that the conditions faced by higher education constitute a national crisis? After all, campus discontent is not new. Dissent and disruption marked many a nineteenth century campus in America. The issues were public as well as educational. Police on campus and weapons on campus were live issues in some places. Students have confounded their elders at least as far back as the time of Plato, whose famous quotation went, I remind you, some 2,300 years ago, as follows:

What is happening to our young people? They disrespect their elders, they disobey their parents. They ignore the laws. They riot in the streets inflamed with wild notions. Their morals are decaying. What is to become of them?

Nor is student questioning of accepted national doctrine an innovation of the 1960's. A 1936 Roper poll among undergraduates conducted for *Fortune* magazine found 68 per cent of those interviewed favored a "revision of our attitude about property rights." Six per cent of them chose "communism" and 24 per cent chose "socialism" as terms that suggested ideas toward which they felt sympathetic.

Nor is anti-war sentiment on and off the campuses novel. At the height of World War II, in February 1944, a Gallup poll found 14 per cent of a nationwide sample saying it was a mistake for the United States to have entered that war. In April 1952 Gallup found a majority believing our entry into the Korean conflict to be a mistake. Polls among students also revealed substantial antagonism to the Korean conflict.

What, then, makes the present situation critical?

First, the scope and depth of anxiety among sincere, patriotic, rule-obeying students are the greatest in our history. College students now constitute a larger proportion of the country's total population than previously, drawn from more diverse backgrounds. It seems clear that the student protest movement last May and June was the largest we have known. Forty-eight per cent of a sample of students on four-year campuses of all types—large and small, prominent and obscure, public and private, north, south, east, and west, in all fields of study—said they took part in some kind of anti-war protest activity in May. And if you talked to many of these students, you know something of the deep intensity of their feelings.

The anxieties of these young persons extend beyond the conflict in Southeast Asia to many other concerns inside and outside the nation, on and off the campuses. Whatever the causes, there is in our country a segment of white and black young people who are baffled, disillusioned, angered.

And that leads to the second reason the situation is serious. Many talented individuals of great potential social influence are at an important psychological and intellectual stage in their development, a stage when lasting personal attitudes and convictions are shaped. If their disaffection remains deep and colors their continuing outlook, we all will feel the consequences.

Third, the unrest in our society is not confined to students. Attitudes and behavior on campuses—in all of their variety—stem in significant measure, although obviously not wholly, from the public issues of the day. There is a relationship between the state of the nation and the state of the campus.

The style and substance of American life have altered—to the joy of some and dismay of others—in speech, manners, dress, theatre, magazines, books, newspapers, music, motion pictures, radio, television, the arts in all their forms. The accepted ways of doing things in race relations, in rearing children, in churches, in labor unions, in corporations, in elementary and secondary schools, in government bureaucracies, in elected legislatures, in many other institutions of our society, including the family itself, have been questioned or defied. We find ourselves at odds not only over vital public policies, but over the customary ways of dealing with them. Violence has grown generally throughout the society, and justice is everywhere delayed.

Fourth, on a limited number of campuses a virulent intellectual intolerance has developed that constitutes a real and present danger to the basic educational freedoms necessary for a college or university to function properly. Educational institutions are accustomed to threats to their freedom from without. Blind, self-righteous intolerance among a small minority of students and faculty on a campus—intolerance that obstructs the open forum, limits freedom of movement, and substitutes force for reason—is as grave a threat as ever came from without. This intolerance is sometimes linked with efforts to make the college or university into an engine of partisan politics.

Finally, fifth, the reactions among men and women of good will across our land to these developments in higher education are themselves another reason higher education, and the nation, face a crisis. State legislators, members of Congress, parents, alumni, taxpayers, citizens generally are divided among themselves in their understanding and reactions to what has gone on. Many are angry and hostile. In the United States, in the long run, higher education will never flourish or serve the nation best while there is aggressive distrust of it in any major sector, among old or young, on or off the campuses. A degree of tension has always characterized relationships between colleges and the places they are located, and between intellectuals generally and others in society. Hostility of new intensity, however, is now evident on the part of persons who don't understand what they see, or when they do, don't like what they understand.

The causes of all this are much debated. What is meant by "all this" also provokes dispute. I discover, when I discuss campus unrest with others, that one person equates the subject almost exclusively to the latest bombing, another to unkempt appearance and marijuana, another to the impeccable, highly motivated conduct of a son at home or the girl next door.

In all events, the campus conditions that preoccupy us these days embrace two important elements: on the one hand, an awareness of social responsibility and determination toward civic improvement, constitutionally encouraged, traditionally applauded, educationally appropriate, involving dissent and free expression and voluntary citizen action of many kinds; and, on the other hand, violation by some of the basic necessary rules of our society, including the civil liberties of other human beings.

Student unrest in a particular nation, or on a particular campus, at a particular time, will stem from the particular circumstances of that nation or that campus. Peaceable student dissent and violent student disruptions have occurred in nations where the contemporary issues are quite different from those in the United States.

Two years ago I discussed with officials in Ethiopia and Kenya the origins of student protest in those countries, and more recently I did the same in Nepal and India. Developing countries in many parts of the globe, highly industrialized nations like Japan, West Germany, France, and the United Kingdom, and nations on both sides of the iron curtain have experienced student movements in recent years. These movements are related to other social developments and their origins are difficult to sort out. We clearly have, nonetheless, a global phenomenon.

Basic tides are running that shake the static aspects of society in all world cultures. The traditional stabilizing influences of religion, family, social custom, historical teachings, political and economic conventions, education have weakened, creating greater susceptibility to challenge and change in all kinds of institutions. Imitation of

other nations may substitute for original causes in some places, but almost anywhere one looks in the world, one finds social ferment. Traditional attitudes all tend to be unsettled by the speed of social and institutional change, the rapidity of transportation, instantaneous communications, and increasing affluence, albeit unevenly distributed.

The enlargement and spread of egalitarian political ideas, the ramifications of existentialist thought, intellectual formulations of many diverse origins have affected the aspirations and behavior of people, including the young, everywhere. This world matrix also includes the political procedures developed in our century by Mahatma Gandhi. Militant nonviolence as conceived, interpreted, and applied by Gandhi constitutes an arsenal of concepts and techniques that, whether clearly understood or not, whether faithfully applied or not, have stimulated new forms of social and political action in many parts of the world, including the United States.

The immediate circumstances in the United States that underlie student unrest include unresolved public issues—Southeast Asia and the destiny of black Americans being, in my view, of foremost present importance. But they embrace other circumstances on and off the campuses as well.

The delay of entry into adult life is probably a basic factor. It has produced difficulties on campus not because colleges and universities have changed from the olden, golden days, but because the students coming to them have changed. Students are physically more mature and educationally better prepared than they used to be. And their families have reared most of them in greater economic abundance and with fewer self-restraints than used to be normal. The increasing diversity of students in their origins, preparation, and goals call for greater flexibility in requirements, a richer curriculum, greater independence in course selection, more useful student contributions to the governance of institutions, and more varied living conditions than previously permitted by most colleges and universities across the country. Subtle psychological stimulants, doubtless seldom understood by students themselves (or the rest of us), can affect what they advocate or protest about on or off the campus at a given time. Nonetheless, campus protest usually involves substantive issues, and these vary from one institution to another, just as they vary from one nation to another, just as they will vary from one time to another.

Colleges and universities are highly exposed social institutions, easily available for the organization of dissent. Large numbers of young people are gathered together on campuses. They are readily accessible to anyone from outside or inside who wants to appeal to them. Seldom need they fear that their activities will affect their livelihood. With not a little parental support, institutions have traditionally tried to be lenient in applying sanctions for student behavior that might be treated differently in the outside society, although that situation has been changing with the decline of the doctrine of *in loco parentis*. Ideologically, students are often more mobile than other citizens. They are less restrained by their own past beliefs and activities in given situations, where they are on record at all, and sometimes some of them seem to have a notable lack of concern for the instructional value of recent history.

In such a context—and these are obviously not all of the influencing conditions—opportunities for political exploitation exist for those who exercise initiative and leadership. The organizing skill, determination, and resources of on-campus and off-campus individuals and groups affect what occurs from year to year at individual institutions and in the nation as a whole.

The spirit in which dissent is received often determines the spirit in which dissent is expressed. The response on a campus to expressed opinion, whether the opinion is of affirmation or dissent, and whether expressed by speech or demonstration or however, conditions the character and range of subsequent expressions of view. Skill and good judgment can contribute crucially to maintaining conditions of civility and peace—on the campus as well as in the streets.

I believe that most of us in the United States feel that colleges and universities are essential to our welfare. We look to them not only for education and training, but as a source of leadership and of ideas. As a nation we have invested huge sums of money in them, and as individuals some of us have invested much of our lives in them. And these are, after all, our children who go to them, and our children who express their concern about the quality of their lives and our lives. The young man or woman who comes to the campus as a student brings most of his basic equipment with him—ethical views, standards of taste, personal habits, even many of his intellectual concepts. We all had a part in making him what he is, and we all have a stake in the future.

This is true, also, of colleges and universities. We all had a part in making them what they are, and we are the ones with a stake in their future. The solution to this present national crisis will inevitably require much from most of us.

Each institution of higher learning must build among its faculty, students, trustees, and others who comprise it the consensus of support and mechanisms of government that enable education to go forward on that campus, free from coercion and violence. The goals and governance and academic programs of these institutions must command the respect of persons inside and outside them.

Persons young and old who have lost confidence in our ways of government—local, state, and federal—can recapture it, with help. That hope lies in the further hope that we can, through government, attack with success the problems that face us. When we have a policy in Southeast Asia that can be understood more clearly, there will be less vehement dissent. When we attack more effectively the problems of our black citizens, which are equally the problems of our white citizens, there will be less vehement dissent. When we move more effectively to meet other pressing needs in our society, there will be less disappointment and unrest.

I do not think that in the long run our leaders can lose, and I am sure our country cannot, by displaying compassion, and seeking understanding, and encouraging tolerance.

I believe that at all governmental levels concerned citizens—including young people and blacks and anyone else who feels disaffected—should, along with everyone else, be welcomed into the political processes. Many who have expressed their concerns in the past through traditionally approved methods need the proof that the system is truly open to them, and truly does work. Those who have deserted reason and law need the demonstration even more. Nothing is more important than the reasonableness of our laws and the quality and equality of their enforcement.

Most of all, however, I think that all of us must feel a common responsibility to labor on the many different fronts that will be necessary for the United States to attack successfully this crisis we now are in.

NATIONAL 4–H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. NATCHER. Mr. Speaker, again it is my privilege and pleasure to pay tribute to the 4–H Clubs of America as they prepare to observe their national week beginning October 4 through October 10.

The aims of this year's national week are grouped under the impressive label of "We Care" and certainly these particular young people are admirably qualified to cope with and alleviate many of the needs and problems of their communities through participation in one or more of the numerous projects offered in today's modern 4–H programs.

To me, one of the most appealing characteristics of this outstanding organization now totaling a membership of 3.9 million is the fact that everybody has a stake in 4–H, whether you are a member, leader, friend, or belong to the citizen public for the basic reason that 4–H is for everyone and 4–H benefits everyone. The actual 4–H'ers are young people in the 9- to 19-age group. The leaders are adults and teenage volunteers and friends are helpers and supporters.

As we know, the 4–H program grew out of the passage by Congress in 1914 of the Smith-Lever Act which provided for a National Cooperative Extension Service under which the "boys' and girls' club work" became 4–H and the answer to the desire of our pioneer schoolteachers and other educators who wanted to supplement their classrooms with a "living laboratory." The growth of this program has been astounding and the 4–H idea today circles the globe with approximately 75 countries adapting it to their own specific needs.

The diversity of the activities of our 4–H'ers is equaled only by their amazing success in programs and contests in at least 15 subjects that challenge the imagination and know-how of both our urban and rural youth.

Mr. Speaker, naturally I am especially proud of the tremendous success of this movement in Kentucky as a whole and in the Second Congressional District in particular. It is my information that only four or five States have more than 100,000 4–H'ers and I am indeed pleased to tell you that Kentucky is one of them with over 150,000 boys and girls 9 to 19 years old enrolled in 4–H in one way or another.

Certainly these statistics and those compiled for numerous other areas serve to reassure us that in this era of unrest and dissent among our young people there are 3.9 million boys and girls who have an important voice among America's youth, and are striving to make each tomorrow a better day because they sincerely care for their fellow men and their country. As they prepare to observe their national week, I want to wish the 4–H Clubs in Kentucky and everywhere continued success in all their future endeavors.

25TH ANNIVERSARY OF THE BLACK HILLS PLAYHOUSE

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. BERRY. Mr. Speaker, this summer marked the 25th anniversary of the

Black Hills Playhouse, a unique theatrical organization which has brought tremendous enjoyment to residents and visitors to the Hills, and has developed the talents of many promising young actors and actresses. Its founder, Dr. Warren M. Lee, is not resting on his laurels but is planning for even greater expansion in the future.

We in South Dakota are proud of the Black Hills Playhouse and join in extending heartiest congratulations to Dr. Lee and wish him many more years of success.

The Minneapolis Tribune for Sunday, September 6, contained an interesting story on the Playhouse, and I wish to insert in the RECORD excerpts from it which follow:

BLACK HILLS PLAYHOUSE

(By Irv Letofsky)

CUSTER STATE PARK, S.D.—A young honey-blonde, tears flowing down her apple cheeks, was bidding a final farewell to Warren (Doc) Lee in the Snack Bar, a kind of barracks commissary, after the play.

A young actor shook his hand in another parting gesture to the patriarch of the Black Hills Playhouse.

Doc Lee, who started it all 25 years ago, was distracted from the sweet sentiments traditional in such departures by a swollen jaw, the result of an errant tooth. But the sentiment was there.

The Black Hills is great country for a vacation and would make good ground for Indian wars. (An insurgency band of Indians set up camp on Mt. Rushmore only last week.) It might seem ludicrous to establish a theater inside the splendid woods and expect anybody to buy a ticket.

But in these many years people have come to buy tickets, an average of 200 a show, to see the summer kind of fun inside a rustic-lodge theater that seats 400.

They are mostly "the locals," twisting and turning through the hilly land, from Hot Springs, Custer and Buffalo Gap. They wear suits and narrow ties and have a helluva good time.

Many of them drive through the thick of the scenic hills from Rapid City. It's a normal 45 miles, but the natives know three daring shortcuts that trim the distance to 26.

A few tourists eat buffalo steak at the nearby State Game Lodge, where Calvin Coolidge set up his summer White House in 1927 and chose not to run again, and then drive over and see the shows, every night but Tuesdays, 8:30.

This is really departure time. Most of the crew of 70 have already left, including about 40 kids taking credits through the University of South Dakota (USD), and a few children of staffers. ("Everybody gets on stage at some time," said a director.)

But, back to the beginning: Doc Lee grew up in Corning, Iowa, and studied at the University of Iowa. In the '30s he took the job of technical director of the University of Minnesota theater, returning after a few years to Iowa to take his doctorate in playwriting.

"He wrote such epics as "Penny Anarchy" (on the Iowa farm troubles in the '30s), "Saint Louie" (a farce on faith healing) and "Gilded Prairie" (on the opening of the Kansas wheat frontier.) But young Lee had to get something published before getting the degree.

"So I had to write a potboiler," Lee said. "It was 'Shave and a Haircut, Six Bits.' I got $150 and the publisher got all rights." It was one of those so-called "high school plays" and it was performed a few times.

In 1938 Lee came to USD's public speaking department, the forerunner of today's theater. For several subsequent years he was dean of College of Fine Arts.

In 1946, that difficult summer, he came to the Black Hills. "The first year we lost $3,000—and I was only making $3,500 a year then. So we went nonprofit, because it was obvious that there was not going to be any profit. Then we lost $6,000 the second year."

He started hustling for funds, and by the third year the debts were paid off, with donations like $100 from the Rapid City Auto Association and a check for $25 from the governor.

Once the makeshift theater at the old Civilian Conservation Corps encampment burned down 10 days before opening, so Lee and crew set up a tent theater, as big as the lengths of canvas would allow. A few seasons later the State Game, Fish and Parks Department, which leases the land and buildings to the players, built the playhouse.

They perform generally light summer fare. The first season, playing in running repertory, Lee did "Claudia" (in which he and his present wife Evie played man and wife), "Trouble Shooter" (another Lee potboiler), "Ladies in Retirement," "Penny Wise," "Angel Street" and "Private Lives."

Since 1948 the troupe has done "The Legend of Devil's Gulch," this season on Monday nights. This is a Doc Lee original, a roaring historical fantasy on the Hills.

In the early seasons of the 222 performances of "The Gulch," as its called, Evie played a dancing girl. "But I got a little too old," said Mrs. Lee, who teaches English, speech and drama at Vermillion High School.

"I think for four or five years she had annual farewell performances," Doc said.

Now Evie directs the show, one of the sentimental favorites on the playbill.

Doc Lee keeps his troops hopping. They work 13 days and get one off. But on that free day they are limited to travel within 150 miles of the playhouse, ever since one group one year went to Denver to see "Cleopatra" and the car broke down. They barely made it back.

Between June 17 and this Monday, the crew will have accomplished 73 performances, with barely enough time to learn lines.

One of the traditional performances internal to the crew is the annual Christmas party and skits on or about every July 25 complete with festive tree and decorations and 50-cent gifts all around.

Doc Lee turns 62 this month but he wears age well. Instead of retrenching into retirement, he has vague dreams of expanding the Black Hills Fine Arts Center.

This year the center, a relative of USD's College of Fine Arts, put on a four-week session for musicians, mostly string players, at St. Martin's Academy, a girls' school near Rapid City. It had the cooperation of the Black Hills Chamber Music Society and Black Hills State College. It had about 15 students this summer and Lee hopes for 30 or 40 next.

"I love to get something in the visual arts, film and dance, too," said Doc Lee, proving that where there's the will, the way can't be far behind.

MUNICIPAL BONDS AND PUBLIC NEEDS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ULLMAN. Mr. Speaker, last year I sponsored in the Committee on Ways and Means a plan that would allow State and municipal governments to issue taxable revenue bonds as well as the existing tax-exempt issues to raise revenues for sorely needed capital improvement projects. Under my plan, such a decision would be entirely up to local officials. State and municipal governments would be given the opportunity to issue new obligations which will be full subject to Federal income taxation. In exchange, the State and local government issuing the bonds would receive a payment from the Federal Government which would compensate it for differences in interest yield between a tax-exempt bond and the taxable bond issued.

Unfortunately, this proposal was widely misunderstood, and misinterpreted as an effort to undermine the tax-exempt bond market. As a result of this misunderstanding, the provision was removed from the Tax Reform Act of 1969 during a House-Senate conference.

I find it interesting to note that the marketplace has begun to realize that in today's investment climate, a new approach to State and local financing is desperately needed. Mr. Kent Sims, writing in the July 1970, issue of the Federal Reserve Bank of San Francisco Monthly Review says:

State and local officials have balked at any suggestion that they should broaden their credit base beyond the sheltered market for tax-exempt bonds. However, the weight of financial necessity may force them to revise their position.

At a time when local governments cannot afford to be without resources, we must continually look for new ways that the Federal Government may help them. Because this article represents both a cogent economic analysis, and a lucid description of options available, I commend its inclusion in the RECORD:

MONTHLY REVIEW—MUNICIPAL BONDS AND PUBLIC NEEDS

The credit requirements of state and local governments, net of current repayment obligations, amounted to $10–11 billion in 1969. These governments traditionally have met almost all of their requirements by selling tax-exempt, long-term municipal bonds to commercial banks, high tax-bracket individuals, corporations and others. But monetary restraint sharply reduced the flow of funds to the municipals market in 1969—for the second time in four years—and forced states and localities to seek other means of finance on a record scale.

Net long-term municipal-bond finance declined from $8.3 billion in 1968 to $4.4 billion in 1969, and the gross volume of municipal-bond sales dropped from $16.4 billion to $11.5 billion. A sharp rise in net short-term borrowing, from $1.6 billion to an extraordinary $4.1 billion, made up about half of the shortfall in net long-term bond sales, but state and local governments still found themselves more than $1 billion short of their estimated net credit requirements at year-end. Moreover, this heavy reliance on short-term financing created the threat of a future liquidity crisis for many of these governments, unless they are able to refund a large part of their short-term obligations into long-term bonds as they mature.

Many observers attribute the depressed state of the municipals market to federal anti-inflation measures, and clearly the tight money policies of the last 18 months have exerted significant pressure on municipal-bond sales. However, it is possible to over-

state this case and to ignore important elements of the problem which will not be solved by a return to "normal" economic conditions. Before examining some of these elements, it is instructive to look at the recent trend of events in the market place.

In the 17 months between August 1968 and December 1969 the American bond market sustained its greatest price decline of the Twentieth Century, as long-term bond yields across the board climbed faster and higher than in any other period in the nation's history. All classes of long-term bonds declined by record amounts, but municipals fared much worse in the market than either U.S. Governments or corporate issues. During the 17 months ended last December, despite several abortive rallies, the price index for U.S. Governments dropped 24 percent, the index for seasoned utilities slipped 26 percent, and the price of 30-year prime municipals sank a whopping 36 percent. The yields on U.S. Governments rose 101 basis points, to 7.01 percent, seasoned utilities yields climbed 228 basis points, to 8.13 percent, and prime tax-exempt municipals yields soared 285 basis points to 6.90 percent. (Data from Salomon Brothers and Hutzler)

The severe decline in the municipal-bond market in the last two quarters of 1969 climaxed a series of three sharp drops in bond prices that have occurred since early 1965, and the 1965–69 decline itself was an acceleration and extension of a much longer downward trend in U.S. bond prices begun in 1946. This longer cycle began with the lowest municipal bond yields on record, 1.0 percent in 1946, and reached at least a temporary bottom at 6.90 percent last December.

Municipal bonds enjoyed a sharp rally in the first quarter of 1970 as prices rose 16 percent from their December lows and yields fell 90 to 100 basis points. However, as might have been expected, this marked improvement in the market called forth an avalanche of issues. The volume of new municipal bonds rose to almost $1.5 billion in March, and the rally was swamped by mid-month. Prices fell sharply thereafter, and yields had climbed back to 7.00 by June.

PROLONGED DECLINE

The stage was set for the 1969 debacle when the market began to skid in early 1965. Prices of 30-year prime municipals dipped 18 percent in 1965-66, but recovered most of this loss by the beginning of 1967. Yields rose from 3.20 percent in January 1965, to 4.25 percent in September 1966, and settled back to 3.30 percent in January 1967.

The 1967 price drop was similar to that of 1965–66, but very little of this loss was recovered before the third steep decline began in August of 1968. Over the course of 1967, the yields of 30-year prime municipals rose 110 basis points, from 3.30 to 4.40 percent, but yields then dropped only 25 basis points in the first half of 1968 before beginning the record climb.

The 1967–68 cycle severely jolted traditional bond-market expectations, because bond prices fell sharply in the face of the Federal Government's 1967 easy-money policy, and bond yields pierced upper limits that had held firm for more than a century in this country and Europe. Thus the 1969 market began in the worst of circumstances.

A high rate of inflation was sustained throughout 1969, and business expectations remained buoyant despite the tandem application of restrictive monetary and fiscal policies. Short-term interest rates continued to escalate month after month. And after the experience of 1967, there seemed no longer to be any reliable upper limits to bear-market yields. All of these circumstances, but especially deeply entrenched inflationary expectations, made the demand for all classes of bonds much less elastic with respect to yields.

As yields rose across the board, the yield spread narrowed between taxable issues and tax-exempt municipals. Average yields of 30-year prime municipals, which had been 78 percent of yields on taxable long-term U.S. Governments in 1965, rose to 82 percent in 1968, and to 92 percent of Government yields by the end of 1969.

By late spring in 1969 half a dozen states, including California and New York, found themselves excluded from the market by their own statutory interest-rate ceilings. By the end of summer, municipal bond yields had soared through the statutory interest ceilings of half of the states in the country or their political subdivisions. Some states (such as New York) were able to raise or suspend statutory ceilings by a simple act of the state legislature, but this was not immediately possible in other states (such as California) where these ceilings were embedded in state constitutions.

All these factors—high interest costs to state and local borrowers, below-market statutory interest ceilings, and investors' reluctance or inability to purchase municipals even at record high yields and very narrow yield spreads—combined to force a $3.9-billion reduction in the volume of net long-term municipal bond finance during 1969. These factors also helped to create a substantial backlog of unsold issues; according to a recent Presidential report, more than 500 municipal bond issues totaling $2.9 billion were "unsalable" last year. Many of these issues, together with a large volume of short-term debt in need of refunding, were carried forward and added to normal long-term credit requirements this year.

WESTERN SCENE

An examination of the 1969 Western scene highlights the difficulties described above. State and local governments in Twelfth District states recorded bond sales of $1.8 billion in 1969, down from $2.9 billion in 1968 and $2.4 billion in 1967. However, California jurisdictions, with a $1.3 billion drop in sales volume, accounted for the entire 1969 decline. Indeed, all other states except Oregon and Utah posted gains for the year, and Arizona and Hawaii each managed to record new highs for the decade.

The situation in California deserves special attention, since California ordinarily accounts for a little over two-thirds of District bond sales. In 1969, California jurisdictions were able to move only about half of the average annual volume of the five preceding years, primarily because of a 5-percent interest ceiling on borrowings by California school districts and by the state government.

California's state government and state agencies were virtually excluded from the market after March, and although some commercial banks continued to purchase school bonds at 5 percent and par well into the summer, they abandoned this practice when market yields approached 6 percent in August. With these important buyers out of the market for much of the year, the volume of bond sales fell sharply in both California and the District.

The year 1969 began on a sour note with the displacement of a $30-million aviation revenue-bond issue offered by the State of Hawaii in early January. The largest displacement of the year then occurred less than a month later, when a $98-million issue offered by the California Department of Water Resources failed to attract bids below its 5-percent statutory interest ceiling. Other large displacements included a $22-million revenue issue offered by the Washington State board of Community College Education in September, and a $19-million revenue issue offered by the Phoenix Civic Plaza Building Corporation in May.

In all, District state and local governments last year suffered 64 separate displacements totaling $447 million. These displacements represented 20 percent of the value of bonds brought to market in the District, compared to 17 percent displacements for the nation as a whole. (However, the District ratio would be about the same as the national average if California data were excluded from these totals.) In percentage terms, Hawaii was hit hardest with 31 percent displacements, followed closely by Arizona and California with 24 percent each. In dollar terms, California headed the displacements list with $248 million, followed by Washington with $65 million, Hawaii with $62 million, and Arizona with $40 million.

For the bonds they were able to sell, District state and local governments paid a price which clearly reflected national money-market conditions. The yield index averaged 5.73 percent for the year, rising from 4.90 in January to 6.78 in December, according to data compiled by the Federal Reserve Bank of San Francisco. These figures closely paralleled the movement of municipal bond yields nationwide.

County governments were the highest-cost borrowers, paying an average of 6.02 percent for long-term credit for the year as a whole, and in excess of 7.00 percent during the final quarter. School districts were the lowest-cost borrowers, paying an average of 5.40 percent. (However, this relatively low figure reflects the below-market purchases by California commercial banks during the first three quarters, and their notable absence from the market in the final months of the year.) Special districts borrowed at an average yield of 5.95 percent, state governments and state agencies at 5.71 percent, and municipalities at 5.60 percent.

State governments and state agencies issued $575 million in bonds, or about 32 percent of the $1.8-billion District total. Special districts of all types issued $542 million worth of bonds, or 29 percent of the total. School districts accounted for 14 percent of the total, municipalities for 13 percent, and county governments for 12 percent.

General obligations of state and local governments accounted for 61 percent of the $1.8-billion District total. The remainder was split between revenue bonds (35 percent) and bonds with limited tax security (4 percent). The average yield on general obligation bonds—5.59 percent—was 36 basis points below that of revenue bonds and 46 basis points below that of bonds with limited tax security.

NATURE OF THE PROBLEM

From the point of view of state and local governments, the 1969 municipal-bond market was an unrelieved disaster. The price of credit was high by almost any standard, and the volume of bonds sold (even at record levels) was low relative to the volume of their credit requirements. To make matters worse, most state and local governments were swept into the 1969 market on the crest of projected commitments which had been swollen by a decade of uninterrupted prosperity and by as many years of unfulfilled demands for capital improvements.

The 1969 market found many of these governments painfully over-extended. Some governments began construction before they discovered that there were no buyers for the additional bonds necessary for financing the final stages of the projects in question. As a result, they are now confronting costly construction interruptions, as well as the loss of return from sunk costs which will yield no benefit until sometime in the uncertain future. Other governments, acting on the assumption that the "bear market" would be of relatively short duration, borrowed short to maintain the continuity of projects already underway. These unfortunate jurisdictions will be sorting out their liquidity problems for at least the next year or two.

Almost without exception, state and local governments across the nation have been forced to modify their capital-improvement schedules to accommodate the sharp deteri-

oration which has occurred in the municipal-bond market. Moreover, many are now finding that their revised construction schedules must be based on vastly different assumptions about the costs and availability of finance than their original plans.

Many jurisdictions, as was mentioned earlier, have blamed their troubles on tight-money policies and consequent record-high interest rates. Certainly, anti-inflation measures have been responsible for a certain share of the plight of the state and local governments—but many of their credit problems will remain long after the 1969–70 credit squeeze has faded into history.

The long-run problem is more fundamental, and concerns the overall credit demands of the economy, the institutions which make it difficult to accommodate all of the growth in state and local government credit requirements even under conditions of monetary ease, and the factors which cause restrictive monetary policy to exert a disproportionately large impact on state and local government. This part of the problem is mired in the institutional structure of the municipal-bond market and in the nature of state and local government credit requirements in the years ahead.

INSTITUTIONAL ARRANGEMENTS

The market for state and local government securities is distinguished by the fact that the interest derived from the securities is exempt from federal income taxation. Since the Federal Government has not given the tax-exempt privilege to investors in its own securities since 1941, the states and their political subdivisions have acquired a monopoly in this particular segment of the bond market. Along with that monopoly, however, they have acquired the necessity of making their securities attractive to a rather specialized group of investors.

Municipal bonds are purchased by individuals, businesses and corporations whose tax brackets are high enough that the yields they derive from tax-exempt municipal bonds exceed the after-tax yields to them from taxable corporate bonds or taxable U.S. Government securities. In February 1966, for example, the yields from municipals were 72 percent of gross pre-tax corporate yields, while in February 1970, municipal-bond yields were 77 percent of the corporate yields. The tax brackets which equated municipal and corporate yields in the two periods were 28 percent and 23 percent, respectively. Municipal bonds offered investors in all tax brackets above the equal net-return brackets a tax subsidy amounting to the difference between municipals yields and the after-tax corporate yields in those brackets.

Municipal-bond yields are relatively high despite the financial advantage they offer to high-bracket investors, partly because overall credit availability is limited, but more importantly because the flow of funds to the tax-exempt market is both limited and subject to large fluctuations. Those provisions of our national tax laws which are designed to avoid or soften the "double taxation" of individual savers who save through non-bank financial institutions have brought about an extraordinary concentration of savings in institutions which are subject to no tax, or are taxed at a rate less than half of the corporate-tax rate. Of the $167 billion supplied to U.S. credit markets by non-bank financial institutions over the 1966–69 period, less than one-fourth came from institutions in tax brackets high enough that they would normally buy municipal bonds.

Life-insurance companies, savings institutions, and small private investors are generally excluded from the list of investors in tax-exempt municipal bonds. So too, are nontaxpayers such as pension funds, public retirement funds, foundations, endowment funds and political agencies. Consequently, the principal buyers of municipals are generally found among high tax-bracket individuals, commercial banks, fire and casualty insurance companies, and some business corporations.

For all practical purposes, trends in the municipal-bond market, as presently constituted, are set by only two investor groups—high tax-bracket individuals and commercial banks—with the later being the more important. Bank portfolios contained nearly one-half of the $128 billion in public holdings of municipal securities outsanding at the beginning of this year, and individuals' portfolios contained another one-third of the total. Banks play such an important role in the municipals market, because they are one of the few large financial sectors subject to the full corporate tax rate, and therefore, one of the few which find it profitable to accept tax-exempt bond yields lower than the yields available on taxable securities.

While households are also large investors in municipal bonds, the nature of their participation in the market differs somewhat from that of commercial banks. Individuals generally manage their portfolios with the single objective of maximizing after-tax income, whereas commercial banks adjust their portfolios to alter short-run liquidity, to claim capital gains and losses, and to derive tax-exempt income. This broader range of day-to-day objectives makes commercial banks the more active participants in the municipal-bond market and compounds the impact of their decisions on market trends. Therefore, the fortunes of the municipal-bond market generally vary in line with the strength of commercial-bank demand for tax-exempt securities.

MONETARY SQUEEZE

Recent tight-money policies have exerted more pressure on municipal-bond finance than on other financial markets (with the possible exception of residential mortgages), because these policies bore heavily on commercial banks. The Federal Reserve has used Regulation Q to keep the rate of interest that commercial banks are permitted to pay for deposits well below the market rate of interest, in order to restrict the banks' access to funds which would support loan expansion and feed inflation. As a result, commercial banks experienced a run-off in deposits during 1969, and they sold heavily from their investment portfolios (including municipal bonds) to restore liquidity and obtain loanable funds.

Banks sharply reduced their demand for municipal bonds in 1969, and actually became net sellers of such securities for part of the year. In these circumstances, states and localities had little opportunity to sell the volume of bonds needed to meet their normal long-term credit requirements, even though the record high level of municipal-bond yields induced households to absorb a record $3.8 billion of municipal bonds in their portfolios. The 1969 municipal-bond market provided painful evidence of the heavy dependence of state and local governments on commercial-bank credit, and of their consequent vulnerability to the drying-up of long-term credit flows during periods of monetary stress.

TAX SQUEEZE

The 1969 market also underscored the dependence of the municipal-bond market on a specific balance within the nation's tax system. State and local governments zealously guard the tax-exempt privilege their securities enjoy, because theoretically it enables them to borrow at a lower interest rate than would otherwise be possible.

Yet to clear the municipals market at these lower rates, there must be a sufficient number of buyers who can profitably take advantage of the tax-exempt feature of municipal bonds. In turn, the existence of these buyers in sufficient numbers depends upon the tax treatment of various investor groups, as well as on the tax-exempt status of municipal bonds themselves. Minor changes in the tax law at any point in the chain of interdependence can affect municipal-bond yields, the spreads between these yields and those of taxable securities, and ultimately the value of the tax-exempt privilege to state and local governments.

Prolonged Congressional deliberations on the Tax Reform Bill, which finally became law last December, seriously affected the demand for municipal bonds. For a time it appeared that the Congress might remove the tax-exempt status that municipals have traditionally enjoyed, and had this action been made applicable to bonds already outstanding, all holders of municipal bonds—commercial banks in particular—would have suffered capital losses on their portfolios. As it was, Congress did not eliminate the tax-exempt feature of municipal bond interest, but the mere suggestion that it had the power to do so and might consider such a move considerably dampened the demand for tax-exempt bonds.

What ultimately emerged from the Tax Reform act of 1969 was a slight reduction in the yields of municipal bonds to commercial banks, because of less favorable tax treatment of the profits banks can make by purchasing government securities (of all types) at a discount and selling or redeeming them at higher prices. Formerly such profits were taxed as capital gains, but as a result of the new law, profits made in this manner on government securities purchased after July 11, 1969, will be taxed as regular income at the full corporate income-tax rate.

NET AFTER-TAX YIELDS OF CORPORATE AND MUNICIPAL BONDS

	FEBRUARY 1966				FEBRUARY 1970			
	Gross Yield, High-grade Corporate Bonds	Income Tax Bracket Assumed	Net Yield (After Tax), Corporate Bonds	Net Yield, Municipal Bonds	Gross Yield, High-grade Corporate Bonds	Income Tax Bracket Assumed	Net Yield (After Tax), Corporate Bonds	Net Yield, Municipal Bonds
Top bracket investors	4.95	70	1.48	3.54	8.50	73.5	2.25	6.54
Corporate bracket[1]	4.95	48	2.57	3.54	8.50	52.8	4.01	6.54
Medium bracket investors	4.95	40	2.97	3.54	8.50	40	5.10	6.54
Equal marginal bracket	4.95	28–29	3.54	3.54	8.50	23	6.54	6.54
Low bracket private investors[2]	4.95	20	3.96	3.54	8.50	20	6.80	6.54
Non-taxpayers[3]	4.95	0	4.95	3.54	8.50	0	8.50	6.54

[1] Corporate bracket includes commercial banks, fire and casualty insurance companies, and business corporations.
[2] Low bracket includes many life insurance companies, many savings institutions, and many small investors.
[3] Non-taxpaying group includes pension funds, public retirement funds, foundations, endowment funds, and political agencies.

Note: Corporate-bond yield (gross) from First National City Bank of New York, series of average yield on new issues of high-grade corporate bonds adjusted to "Moody's Aaa" basis. Municipal bond yield from Moody's 20-bond index.

Commercial-bank demand for municipal bonds suffered still another tax shock early this year when the Internal Revenue Service served notices of tax deficiency on several banks for deducting interest expense upon indebtedness—primarily Eurodollars and Federal Funds—which IRS claimed was incurred by the banks in question to purchase or carry tax-exempt securities. These deficiency notices were based on a provision of the tax law which prohibits investors, who borrow money to buy or hold in inventory tax-exempt municipal bonds, from deducting the interest expense incurred on such borrowings as a business expense for tax purposes.

In the past, IRS had made little attempt to allocate an investor's interest-expense tax deductions among his various investments, except in cases where there was clear evidence of abuse. The IRS initiatives in this regard were apparently occasioned by recent Supreme Court decisions which, in effect, require insurance companies and investment-banking houses to pro-rate their interest deductions among various investments and to exclude the portion of their total interest expense allocated in this manner to municipal-bond portfolios. The banks have indicated their intention to resist the application of the new standard, and IRS has yet to issue its final ruling. In the meantime, however, this administrative change remains a negative factor in commercial-bank demand for municipal bonds.

FUTURE REQUIREMENTS

Under present conditions, the near-universal dependence of state and local governments on the tax-exempt securities market as their basic source of long-term credit tends to compound the difficulties of financing public improvements. This institutional arrangement severely limits the flow of funds from which these governments can borrow, and ties them to sources of finance which are subject to wide fluctuations because of periodic changes in national monetary and fiscal policies.

State and local government officials generally have balked at any suggestion that they should broaden their credit base beyond the sheltered market for tax-exempt bonds. However, the weight of financial necessity may force them to revise their position. Many governments could not sell their tax-exempt bonds in the 1969 market, and even those who could soon found that the shrinkage in the yield spread between taxable and tax-exempt securities had considerably reduced the proportion of the Treasury's tax subsidy which they were able to capture. Although 1969 was an especially rough year for the municipal-bond market, it may be more typical than the early 1960's of the type of market that state and local governments will face in the years ahead.

State and local governments increased their outlays for public facilities at an annual rate of about 7 percent during the last decade—from $15 billion in 1960 to an estimated $28 billion in 1969. At present there is no reason to anticipate a slowdown in this area in the 1970's; and there is ample support for the case that financial requirements for public facilities may be considerably greater in the decade ahead.

Communities will have to keep pace with traditional demands for schools, streets, highways, parks, hospitals, police and fire stations, and the like, and they also will be confronting a host of new demands for facilities associated with environmental control, the redevelopment of cities, and the rehabilitation and expansion of urban transit systems. Pollution control alone may require ten of billions of dollars.

State and local governments financed nearly one-third of their investment in public improvements during the 1960's through increased debt, so that the decade ended with a $67 billion increment in total state and local debt outstanding. The capacity of the tax-exempt securities market to accommodate growth of this magnitude in the 1960's was quite impressive, especially since the market placed the entire debt increment with the public. (By contrast, the public absorbed less than half of the $71-billion increment in Federal debt during the same period, the balance being placed with federally sponsored credit agencies, the Federal Reserve, and the Federal Government itself.) Nevertheless, the magnitude of the credit demands prospective for the 1970's suggests that the municipals market as presently constituted may not be able to accommodate all of them without further increases in bond yields.

The long-term credit requirements of the entire economy promise to be quite large in the decade ahead. In addition to the extraordinary requirements of state and local governments, business demands for credit should rise sharply as technological advances are translated into new industrial plants, and additional pressures on credit markets will be added by a growing volume of private credit demands being met through new and expanded programs of Federal credit assistance.

Net borrowing from the public by federally guaranteed borrowers and the Federal National Mortgage Association may exceed $20 billion in fiscal 1971—a one-third increase over the record $15 billion these programs are expected to raise in fiscal 1970. Such programs pre-empt real and financial resources just as if they were included in the Federal budget (which, of course, is their purpose) and reduce absolutely the flow of funds available for rationing among other credit users.

STATE AND LOCAL GOVERNMENT FLOW OF FUNDS

[In billions of dollars]

Year	Tax receipts	Social insurance and grants received	Total receipts	Total purchases of goods and services	Net interest and transfer payments	Total paid	Net surplus [1]	Retirement credit to households	Gross savings
1950	17.8	3.3	21.1	19.5	2.8	22.3	−1.2	0.7	−1.9
1951	19.6	3.7	23.3	21.5	2.2	23.7	−.4	.7	−1.2
1952	21.2	4.0	25.2	22.9	2.4	25.3	(2)	1.0	−1.1
1953	22.9	4.3	27.2	24.6	2.4	27.0	.1	1.3	−1.1
1954	24.2	4.6	28.8	27.4	2.5	29.9	−1.1	1.5	−2.6
1955	26.5	4.9	31.4	30.1	2.6	32.7	−1.3	1.3	−2.6
1956	29.3	5.3	34.6	33.0	2.6	35.6	−.9	1.4	−2.3
1957	31.7	6.5	38.2	36.6	2.9	39.5	−1.4	1.6	−3.0
1958	33.5	8.1	41.6	40.6	3.4	44.0	−2.3	1.5	−3.8
1959	36.5	9.6	46.1	43.3	3.5	46.8	−.8	2.0	−2.8
1960	40.3	9.5	49.8	46.1	3.5	49.6	.2	2.3	−2.1
1961	43.2	10.4	53.6	50.2	3.9	54.1	−.5	2.5	−3.0
1962	47.1	11.5	58.6	53.7	3.9	57.6	.9	2.5	−1.6
1963	50.5	12.9	63.4	58.2	4.0	62.2	1.2	2.4	−1.2
1964	54.9	14.5	69.4	63.5	4.3	67.8	1.7	2.8	−1.1
1965	59.8	15.6	75.4	70.1	4.4	74.5	1.0	3.3	−2.4
1966	65.8	19.4	85.2	79.0	4.9	83.9	1.3	4.0	−2.7
1967	71.5	21.5	93.0	89.3	5.7	95.0	−2.0	4.6	−6.6
1968	81.3	24.9	106.2	100.7	6.9	107.6	−1.5	4.3	−5.7
1969	92.8	27.6	120.4	112.7	8.3	121.0	−.6	5.0	−5.6

[1] Note: Negative numbers indicate a deficit on flow of funds accounts.
[2] Less than $0.050,000,000.

Source: Board of Governors of the Federal Reserve System.

Much of this expansion in Federal credit assistance is intended to help implement the housing goals set forth in the Housing and Urban Development Act of 1968. For those goals to be achieved on schedule by 1977, the housing pace in coming years would have to be double the average pace (1.5 million starts) achieved during the 1967–69 period. Indeed, over $100 billion in additional mortgage credit would be required, even allowing for as much as a 20-percent shortfall in housing starts.

Private business requirements for external finance could be substantially higher in the 1970's than in any other period in our history, assuming the economy manages an early return to a normal rate of real economic growth. The pace of technological change has never been faster, nor the imperative to innovate in order to stay abreast of stiffening domestic and international competition, stronger. The economy will require not only new plant and equipment to provide the large increments in output demanded by a fast growing and increasingly affluent population, but also an as yet undefined, but unquestionably large, investment to comply with much stronger environmental controls.

Moreover, the business sector entered the decade of the 1970's with a very low liquidity base, and liquidity is not likely to be much improved by the internal cash flows now in prospect. Hence, this sector will need sizable injections of external funds for rebuilding liquidity along with the funds required for financing new investments.

The projected growth of state and local government credit requirements bids fair to outspace the growth of either GNP or the total flow of funds to the nation's credit markets. Thus, these governments may need to compete for a progressively larger share of the credit available to all sectors of the economy, at a time when they are having difficulty just holding their own. In these circumstances, it is difficult to be optimistic about the municipal-bond market.

SHORT-RUN OPTIONS

In the period immediately ahead, there is an urgent need to get municipal-bond

finance back on the track so that the current backlog of credit requirements can be met without further dislocation. Given the magnitude of prospetive credit demands from all sectors of the economy, and the several factors which presently restrict the flow of funds to the tax-exempt securities market, it would seem impractical for public officials to expect a sharp decline in municipal-bond yields in the immediate future. States and localities can avoid some of the current pinch by shifting as much of their expenditures as possible to a "pay as you go" basis. However, there obviously are strict limits to this strategy in a time of tight budgets and heavy tax burdens. Even at its present inflated price, credit remains a necessity.

States and localities should take prompt action to raise or eliminate the artificially low debt and interest ceilings which now act as effective constraints on their borrowing. In many cases, such ceilings are the artifacts of another era—an era when market rates were relatively low, more limited sources of revenue were available to states and their political subdivisions, and anticipated public facilities requirements were based on the needs of a low-density, predominantly rural population.

Modifications also may be needed in the statutes which unduly restrict the management of public funds. State and local treasurers are increasingly attempting to manage public portfolios to secure the highest available return consistent with a sound investment policy, and some state treasurers are already using public deposits to shore up commercial-bank demand for their securities, in much the same manner that the business community "buys" its line of credit with deposits.

Past experience suggests that borrowing costs are significantly higher for smaller units of government than for comparable larger unts. Smaller units may take some steps to improve their competitive position in the market, but they can seldom overcome the basic disadvantage of being low-volume, high unit-cost borrowers. Some state governments have devised a partial solution to this problem by extending credit assistance to smaller governmental units through direct loans, state credit guarantees, and technical assistance in floating local bond issues.

The elimination of artificial interest ceilings, the judicious management of public funds to preserve a market for state and local securities, and state-operated credit assistance programs are a few examples of the actions which states and localities can initiate on their own. Although these efforts will not relieve the fundamental pressures now confronting these governments in the capital market, they can make it somewhat easier for them to cope with the current situation.

In addition, some Federal Government accommodation may be necessary if the state of the economy does not permit a relaxation of credit conditions within a reasonable time-frame. The Federal Government would be mistaken if it attempted to negate the market pressures which are forcing long-overdue changes in the institutional arrangements for financing state and local capital improvements; however, it would be equally unwise if it assisted the existing institutions into their coffin prematurely.

The long-run solution to the problem of financing public improvements will require new initiatives at all levels of government and a large measure of intergovernmental cooperation—all of which will take time to work out and make operational. In the interim, even relatively minor adjustments can make the difference between credit shortage and credit crisis, especially when the effects of such adjustments are compounded as they are in the municipal-bond market.

LONG-RUN OPTIONS

A number of proposals, generally involving some form of Federal credit assistance, have been developed to help state and local governments permanently broaden their credit base. Two of the most widely-debated proposals—the Subsidy-Guarantee Plan and the Agency Plan—should be mentioned here. Both aim at relieving the pressure on the municipal-bond market without compromising the "right" of state and local governments to issue tax-exempt obligations.

The Subsidy-Guarantee Plan would provide state and local governments with the option of financing capital improvements by issuing *taxable* state and local obligations. The Federal Treasury would back these securities with a Federal credit guarantee, and would bear a portion of their interest cost. The credit guarantee is designed to eliminate (or at least minimize) differences in interest cost to individual jurisdictions on account of their size or creditability; and the direct interest subsidy is intended to help offset the additional interest cost associated with borrowing in the taxable (rather than the tax-exempt) securities market.

The *Agency Plan* involves issuance of securities through a Federal Agency or "Bank." This agency would issue its own *taxable* securities backed by the full faith and credit of the U.S. Government, and would reloan the proceeds to state and local governments at subsidized interest rates, either directly or by purchasing *tax-exempt* state and local obligations from private underwriters. The Federal Treasury would absorb the losses incurred by this Agency because of the difference between the interest rates it would charge state and local governments and its own borrowing costs.

Both approaches involve similar costs to the Federal Government, with the subsidy being financed directly by Federal tax revenues or by the sale of U.S. Treasury obligations. Both approaches would help reduce the cost of state and local borrowing, and could provide an extra volume of credit to supplement what is already available from the municipal-bond market. Hence, choices between them turn on refinements of relative costs—and on a number of important non-economic considerations.

It is not our purpose here to undertake a detailed evaluation of these or other proposals that have been advanced, but rather to emphasize the pressing need for some type of initiative to broaden the credit base of state and local governments. The case for some form of Federal credit assistance rests upon more than the present financial condition of these governments. It also rests upon the unique position of state and local borrowers in the nation's credit markets.

The business and household sectors of the economy share the cost of their borrowing with the U.S. Treasury by tax deductions for the interest expenses they incur. Similarly, the Federal Government automatically recovers part of the cost of its borrowing with the Federal income tax, and it typically refunds its debt at maturity so that for all practical purposes the principal is never repaid.

State and local governments comprise a distinct third class of borrowers—neither private, nor public in the same sense as the Federal Government. They pay no taxes from which they could deduct interest costs as businesses and households do, and they lack the debt-management options available to the Federal Government by virtue of its twin control of the Federal Reserve and the Treasury.

The exemption of municipal-bond interest from Federal taxation traditionally has acted as an "equalizer" to place the states and their political subdivisions on a more equal footing with Federal and private borrowers in the market place. Even though events may have overtaken this institutional arrangement and rendered it inadequate to meet total state and local credit requirements, the unique position of these governments *vis a vis* other borrowers in the market remains substantially unchanged. Hence, proposals to broaden the state and local credit base all include some form of Federal credit assistance.

The proposals for the use of taxable securities revolve around a crucial point discussed earlier—namely, the tendency for state and local long-term credit requirements to grow faster than the flow of funds to the tax-exempt securities market. Since income taxes are progressive, and since the volume of tax-exempt bonds is too large to be absorbed by persons in the biggest tax bracket, municipal-bond yields periodically must be raised to attract investors in successfully lower tax brackets. Each time this occurs, all potential municipal-bond investors in higher tax brackets reap windfall gains, the cost of tax-exemption to the U.S. Treasury increases, and the value of tax-exemption to state and local governments declines.

While efficiency is not the only important consideration in devising a scheme for solving state and local government credit problems, it is certainly an important one. The interest saved by state and local governments on account of the tax-exempt status of their securities has amounted to less than two-thirds of the revenue lost by the U.S. Treasury in the postwar period, and therefore, it would seem worthwhile to at least investigate other institutional arrangements as the Federal Government contemplates augmenting its assistance effort.

KENT SIMS.

FREEDOM HAS NO PRICE TAG

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. HALL. Mr. Speaker, to those who continually ask, What are we doing in Southeast Asia, I offer a poem, written by Mrs. Charles Eckles of Aurora, Mo.

Mrs. Eckels, a 23-year-old housewife and mother, has set down with simple eloquence her thoughts on the confrontation between East and West in Indochina.

The poem follows:

FREEDOM HAS NO PRICE TAG

I stood, bent, tears blurred my eyes on that
melancholy November day,
Over the cross marked grave where an unknown soldier lay.
As wind-sent leaves fluttered over the bare
mound,
My heart cried out to that one beneath the
ground.

Weary and thoughtful I stopped beside the
grave . . . and wondered . . .
What is the price of this freedom we hold
dear?
Is it worth sending our best, our loyal, our
brave

To march via charred hopes, blood, and tears,
To limitedly fight—for freedom crave?
And, if all eligible young men could form a
line,
Simply by choosing, how many lives
Would be the price of sacrifice?
My eyes close; my temples pound;
I can hear those troops approaching.
Trudging through steamy, infested jungles
and rice paddies,
Ambushed by foe—finally—
One here, one there, in the mud, dying.

Alas, a pity to die alone, perhaps soul unprepared,
Upon a foreign field, as if no one cared.

Often, time also masquerades as enemy,
Slashing through oblivion,
Leaving gulfs and gullies,
Demanding a bridge to reach the sun.

That bridge is freedom
It beckons Christiandom

But now, that bridge that arched the abyss of hell and feudalism
Is but a treacherous, rotten rope ladder
Casting freedom into the jaggered depths of Communism.
Where once the bridge was sturdy steel,
Esteemed by all the world,
It is now a frail cord
Clinging to that chilly gorge.

For now, we live, we laugh, we love
Because those sacrificed soldiers
Have reinforced this heritage—
Their bodies pave our way.

Hours pass, the cold wind howls, the sky is grey with snow,
But I have found an answer; my embittered heart's aglow.
If just one innocent child clutched in his mother's embrace,
Is snatched from the chains of slavery,
This death was not in vain.

STATEMENT IN SUPPORT OF A BILL TO AMEND THE DISTRICT OF COLUMBIA MILK ACT OF 1925

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. NELSEN. Mr. Speaker, I have introduced a bill today which would amend the District of Columbia Milk Act enacted Feburary 27, 1925. The amendments update the provisions of the 1925 act and bring it generally into harmony with those in effect in a majority of the States. In addition, it will authorize the importation of safe, wholesome milk into the District of Columbia without the requirement of a previous inspection by District inspectors where inspection and certification of the sources of supply have already been adequately accomplished by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare.

Under the provisions of this bill, any milk or milk product which meets U.S. Public Health Service standards would be exempt from a special inspection by District of Columbia authorities prior to importation of the products into the District. On the other hand, since the Commissioner of the District of Columbia retains the authority to issue and suspend permits and conduct periodic inspection of milk and milk products shipped into the District of Columbia, there is continued assurance that wholesome milk and milk products consumed in the District will meet U.S. standards of physical, bacteriological, and chemical purity. Thus while District surveillance will end its duplicative and more expensive inspection system, it will retain that portion of its surveillance that will assure adherence with Federal standards pertaining to the purity and sanitary qualities of milk and milk products transported into the District. The District would also retain authority to confiscate such products as it deems unsafe for human consumption.

Because it would eliminate to a great extent the requirement of inspection by District of Columbia Public Health Department representatives, there would be a considerable annual saving to the District government, estimated at $269,000, as a result of the enactment of this bill. Certainly the testimony of all the District officials during the last year and reports and hearings of the committees that deal with District revenue and appropriations reflect that any measure effecting such savings to the District of Columbia would be greatly welcomed.

District officials themselves have indicated that as far as finding new revenue sources in the District of Columbia, they are "scraping the bottom of the barrel." Accordingly, those who wish to see economy and efficiency in the local government should welcome a bill such as this.

However, there are other reasons for the introduction and enactment of this bill. Among those reasons is the shortage of supply of wholesome milk for the District of Columbia as expressed by Graham W. Watt, Assistant to the Commissioner, in a recent letter:

> The Washington "milk shed" is growing increasingly short of supply to furnish the needs of the District of Columbia and the remainder of the Metropolitan Area. This shortage is cumulative and will become greater because the economic factors creating the shortage are increasing. The Commissioner believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of any wholesome milk from any of the certified sources within the United States. The title further provides for the issuance of a local permit for the sale or importation into the District of any milk, cream, milk product, or frozen dessert, and for the seizure and destruction of unsafe dairy products.

In addition, Dr. Raymond L. Standard, Jr., Director of the District of Columbia Department of Health, has listed a number of changes which have taken place since 1925 which suggests reasons for the amendment of the 1925 Milk Act:

> 1. The State Public Health Service Program for Certification of Interstate Milk Shippers was established in 1950. This program is now operational in all contiguous States. The criteria under which the program is being conducted provide for application of the 1965 PHS Grade "A" Past. Milk Ordinance and other pertinent standards thereby insuring a high quality of safe milk.
>
> 2. State and local health jurisdictions are staffed to permit full discharge of their responsibility under the Interstate Milk Shipment Program.
>
> 3. Technological developments in the milk industry have reduced the sanitation problems incident to transportation of milk over long distances.
>
> The present Act requires on-the-spot inspections of all milk and frozen dessert sources by District health authorities. Approximately two-thirds of the milk so inspected is sold outside the District in metropolitan areas. The legislative proposal would result in reduced costs to the District of inspecting sources by authorizing acceptance of inspections of other jurisdictions. For milk and creams these products would be certified as having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a Milk Sanitation Rating Officer certified by the Department of Health, Education, and Welfare.
>
> The Department believes that there is now no public health reason, whatsoever that would indicate the necessity of refusing to permit the sale within the District of Columbia of any wholesome milk from any of the certified sources within the United States. The legislation is designed to permit the importation into the District of Columbia of safe and wholesome milk without previous inspection by the District Department of Public Health, where inspection and certification has already been adequately accomplished by a duly authorized Federal or State Agency. In addition, a number of definitions and standards relating to milk and milk products and other obsolete provisions of the 1925 Act have been omitted from the legislation as being more suitable for revision by regulation, from time to time, as necessary.
>
> The primary responsibilities to be retained by the District would involve surveillance over two pasteurization plants and two frozen dessert plants located within the District, laboratory surveillance, over the milk and frozen dessert products retailed in the District, and the issuance of permits.

It may be well to also point out with respect to Dr. Standard's statement, that while he observes that there are two dairy pasteurization plants in the District, I understand that even these plants may in all probability move to the suburbs within the near future. Accordingly, the surveillance requirements by the District Department of Health for plants located within the District of Columbia may soon be virtually nonexistent.

In light of the above, there is little reason under the circumstances as they exist today in the District of Columbia why milk and milk products, such as frozen desserts and sterilized creams, produced in areas such as the Midwest should be denied a market in the Nation's Capital. It may be that, because of the transportation costs involved, midwestern milk could not compete effectively with milk produced in the marketing area adjacent to the District. However, it does appear that such manufactured or processed milk products as frozen desserts or sterilized creams produced in the Midwest could effectively compete for the market in the District.

There is thus reason to believe that by expanding the number of States and producers who may ship milk and other milk products into the District, there may be a beneficial effect on the pricing of certain milk products to the consumers in the District of Columbia. Accordingly, I believe there may be considerable consumer interest in this bill.

I understand the Small Business Administration favors legislation similar to that incorporated in my bill as beneficial to small businesses which is further reason for its early enactment.

In conclusion, I believe that the proposed amendment of the Milk Act of 1925 as contained in my bill will update that act, as appears eminently necessary, and put the District of Columbia in step with more progressive State milk programs throughout the country.

U.S. FLAG MERCHANT MARINE DECLINES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PUCINSKI. Mr. Speaker, the tragic plight of the American merchant marine was eloquently described in a release by Joseph Curran, chairman of the AFL–CIO Maritime Committee here in Washington.

Mr. Curran has performed a notable public service by calling this situation to the attention of Congress and the American people for indeed as we move toward a $2 trillion gross national product by the end of the 1970's, an effective merchant marine fleet may very well spell the difference between success and failure of our economic growth.

I shall view with great interest the plan being developed by the AFL–CIO Maritime Committee to deal with this very serious American shortcoming.

Mr. Curran's statement follows:

U.S.-FLAG MERCHANT MARINE DECLINES

On August 25, 1970, the AFL–CIO Maritime Committee Executive Board met to consider and act on the many problems facing our U.S. flag merchant marine.

We noted that on July 1, 1970 our flag flew on only 792 active merchant ships which aggregated only approximately 13,500,000 deadweight tons. This meant that we lost another 50 ships in the past year. This picture is even more bleak when we note that 75 percent of our merchant ships are now over 20 years of age.

On July 1, 1970 our U.S. seagong employment declined to 38,382 which was a drop of about 12,000 jobs from a year ago. A big factor in this decline is the deplorable layup of 5 passenger ships which resulted in the loss of some 3,000 shipboard jobs or the loss of employment to 5,000 to 6,000 seamen.

Another reason for the drop in seagoing employment was the decrease of General Agency Agreement (GAA) ship operations to Viet Nam. This operation decreased from 144 ships a year ago to only 1 ship today. This one ship is the SS *Contest*, which is a reefer operating to the Far East.

The one result of our U.S. flag merchant marine's decline is that our merchant ships in 1969 carried only 4.8 percent of our U.S. non-military waterborne cargoes as compared to 6.0 percent in 1968.

SHIP SCRAPPING CONTINUES

Our AFL–CIO Maritime Committee Executive Board noted that during the 12 months ending April 1, 1970 private U.S. interests transferred 124 ships foreign for scrapping. Of these 124 ships, 10 were C–3's, 43 C–2's, 3 C–1's, 16 Victory's, 24 Liberty's, 16 tankers, 9 bulk ore carriers, 2 car ferries, and 1 reefer. Seventy-five percent, or 89 ships, were transferred to Taiwan where scrap prices were up to $70 a ton as compared with $48 in our domestic market.

TRANSFER FOREIGN FOR ACTIVE OPERATION

In the 12 months ending April 1, 1970 there were 37 privately owned U.S. flag merchant ships, aggregating 294,630 deadweight tons, transferred to foreign flag for active operation. In this group was the American President Lines, *President Roosevelt*, an 18,920 gross ton passenger ship, sold to Chandris Lines to fly the Greek flag.

The 37 ships included 1 passenger ship, 10 reefers, 10 C–2's, 5 Victory's, 1 Liberty, 4 coastal tankers, 1 oceangoing tanker, 1 oil well drilling vessel, 1 oil well tender, and 3 drilling work barges. These 37 ships have increased the transfers foreign of *privately* owned ships since World War II to 883 ships, aggregating 8,464,268 deadweight tons.

As bad as our state of the U.S. merchant marine is, it looks even worse when we realize that there are 452 mostly new and modern ships, aggregating 20,480,532 deadweight tons, flying foreign flags for foreign subsidiaries of U.S. parent companies.

On July 1, 1970 a total of 53 commercial ships, of 2.1 million deadweight tons, were under construction for U.S. registry in the domestic yards. There were 33 dry cargo ships and 20 tankers in this total of new ships being built.

AFL–CIO MARITIME COMMITTEE MOVES ON

The Executive Board approved a wide ranging program of activity which will keep the AFL–CIO Maritime Committee moving hard and fast. The Board voted to meet the problems confronting our merchant marine with constructive and progressive thinking and actions. The problems can be solved and we shall do our utmost to help solve them.

RUSSIA'S SEAGOING CHALLENGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DERWINSKI. Mr. Speaker, growing evidence rolls in over the increasing power of the Soviet Navy, a fact which is overlooked by too many Members of Congress who seek to weaken our country's defense posture rather than maintain it.

Two editorials have recently come to my attention—both of which emphasize the Soviet military challenge to the free world—an editorial in the Tuesday, September 1 Chicago Daily News and an editorial by Copley Press Correspondent Dumitru Danielopol in the Friday, August 28 Sacramento, Calif., Union.

The editorials follow:

[From the Chicago Daily News, Sept. 1, 1970]

RUSSIA'S SEAGOING CHALLENGE

Ever since World War II (in which struggle the U.S. Navy played a decisive role) opponents have been clamoring for the scuttling of U.S. sea power. First it was the long-range land-based bombers, later the intercontinental ballistic missiles, that made naval power "superfluous."

But if that is true, why is the world's second greatest power—Russia—launching a "drive to attain supreme sea power"? The words are those of Jane's Fighting Ships—the authoritative naval reference book.

The answer, we believe, is that the propaganda of the anti-sea power elements in the United States has to a considerable degree obscured the role the Navy still plays in the security picture. Russia has not been so afflicted.

The nature of naval power has, of course, undergone great change. The battleship was replaced by the attack carrier in the backbone role, and the carrier is now steadily being supplanted by the submarine as the mechanism for the Sunday punch.

And yet in any time in the foreseeable future the maintenance of open sea lanes for the transport of masses of men and supplies will remain vital, and it is noteworthy that some types of surface ships as well as submarines are elements of the Soviet expansion.

The Russian buildup has been widely noted in the Mediterranean and the Indian Ocean; but the expansion in the Atlantic also has the momentum, in the eyes of some experts, to provide Soviet dominance by 1975.

A great power's defenses, of course, must depend upon a balance of many weapons, and particularly the ability to meet radical new challenges that arise. So it would be tragic if the U.S. edge in so significant a branch as naval power were lost because of the superior eloquence of anti-Navy voices on Capitol Hill.

[From the Sacramento (Calif.) Union, Aug. 28, 1970]

RED NAVY WORRIES BRITONS

(By Dumitru Danielopol)

LONDON.—The Soviet navy is giving Britain the jitters.

"The Russians are establishing themselves as a world-wide naval power," says The London Economist. 'If they become the major naval power in the Indian Ocean, they could pose a threat to the busy shipping route around the Cape of Good Hope, along which the giant oil tankers from the Middle East have to ply."

Foreign Secretary Sir Alec Douglas-Home keeps reminding the British people—in his arguments for sending arms to South Africa—that Soviet warships are steaming around the cape, where they can soon become a major threat to vital British interests.

There are many more reasons to worry, says The Manchester Guardian.

There can no longer be any doubt, the magazine says, "that Russia, the great land power, is now challenging Anglo-American dominance at sea in a deliberate and fundamental fashion."

"In the last few years, the Soviet Union has made tremendous efforts to become an oceanic power," The Guardian says. It points at their program which "Covers the whole spectrum of naval activity—military, merchant and fisheries."

More than 150 Soviet ships were involved in maneuvers in the Atlantic, Mediterranean, Indian Ocean and the Pacific to celebrate Lenin's Birth.

"Since 1961, the Soviet merchant marine has been growing by about one-billion tons a year," The Guardian says, and its trawler fleet is now the third largest in the world after the Peruvian and the Japanese.

"Trawler hulls make convenient platforms for electronic surveillance equipment," it adds.

The once defensive posture of the Soviet navy has been changed to an offensive strategy, the British say, pointing out that it is being used to bolster Egyptian morale, to organize military aid to India, to show the flag in Cuba and "for winning friends and influencing governments in Black Africa."

The sea-minded British don't underestimate the importance of the Soviet challenge.

The British fleet ruled the seas from 1588, when it defeated the Spanish Armada until World War II.

It was the Royal Navy under Nelson that broke Napoleon's grip on Europe and blunted his ambitions of world conquest.

It was British naval power that in World War II kept beleagured sealanes open, until the United States could rebuild its own two-ocean navy and the "Bridge of Ships" that finally crushed Adolf Hitler and Japan.

Today, an impoverished Britain can no longer cope with the Soviet challenge. That role has passed to the United States.

It's for this reason that the British are alarmed at congressional cuts in naval budgets.

The Soviet Commander-in-Chief Admiral Gorshkov has issued a fair warning.

"The flag of the Soviet navy now proudly flies over the oceans of the world," he said recently. "Sooner or later, the United States will have to understand that it no longer has mastery of the sea."

Words like that carry cold chills in an island nation like Britain.

PAUL O'DWYER PETITIONS FOR CIVIL LIBERTIES IN NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. OTTINGER. Mr. Speaker, a distinguished fighter for human rights, Mr. Paul O'Dwyer of New York, has recently submitted a powerful and persuasive document to the United Nations protesting the oppression of Catholics in Northern Ireland. Mr. O'Dwyer's petition traces the pattern of discrimination in housing, employment, education, right to assemble, enforcement of the law, and social services against Ulster Catholics, and he calls for sanctions against the Government of Great Britain until such time as civil liberties are universally restored in Northern Ireland. Sharing Mr. O'Dwyer's deep concern over this injustice, I consider his petition worth bringing to the attention of the Congress in the hope that it will lead to increased support for diplomatic steps toward a climate of peace and freedom in Northern Ireland.

To: United Nations—New York; Economic and Social Council; Commission on Human rights; Sub Commission on Prevention of Discrimination and Protection of Minorities.

The petition of Paul O'Dwyer respectfully shows:

1. That he is a citizen of the United States and of the State of New York, and resides at 350 Central Park West, New York City.

2. That this Petition is presented in accordance with the provisions of Resolution 728F (XXVIII) and 1235 (XLII) of the Economic and Social Council.

3. That the United Kingdom of Great Britain is a member of the United Nations and is subject to and governed by its rules to the extent outlined in the United Nations Charter and subsequent regulations.

4. That in the year 1171 A. D., Henry II, King of England, with the blessing and approval of Pope Adrian, with intent to subdue and conquer, entered into the land of Ireland, and over the following centuries said country and its people were brought under English domination and successive rulers of England and Great Britain have exercised uninterrupted sovereignty over Ireland until 1920. After 1920 and up to the present time, Great Britain has continued to rule over what is now known as Northern Ireland which comprises the six Northeastern counties of Ireland and in which the acts hereinafter complained of have taken place.

5. That prior to 1171 the land in Ireland, including Northern Ireland, was owned by the people under a Clan system. Chieftains of the people were elected and there was no inherent right of succession. That the conquest continued from the 12th and was virtually completed during the Reformation and in place of the Clan system the lands were confiscated and were bestowed on Crown favorites who introduced the Feudal system. Ninety percent of the land continued to remain and still remains in the hands of the ruling class who maintain power by manipulating and encouraging religious differences and by fostering a feeling of bitterness and hatred between religious sects.

6. That at different times and particularly during the Reformation, English monarchs, by force of arms, caused the inhabitants of the area now known as Northern Ireland, to flee from the more productive lands and with the connivance of the new owners caused the rich lands to be tenanted by immigrants from Great Britain who adhered to the Protestant faith.

7. That as a result of these acts of oppression and religious persecution the native Catholic population was made to occupy marginal lands, hillsides and boglands, and since that time they and their descendants have been living in an impoverished state.

8. That whereas in the six counties making up Northern Ireland, the total population is in the ratio of 2 to 1 favoring Protestants, in four of the six counties the majority of the population is Roman Catholic. Yet through a system of manipulating and gerrymandering, Protestant adherents of the ruling class are in control of the government machinery in each county and exercise their power to the prejudice and detriment of the Catholic population in the manner hereinafter set forth.

9. During World War I various public pronouncements by the Government of Great Britain and President Wilson caused the people of Ireland to truly believe that the proclaimed rights of small nations to self-determination meant their deliverance. At an election held in 1918 and conducted by the Government of Great Britain, 85% of the people of Ireland voted to sever ties with Great Britain and to establish the Independent Republic of Ireland.

10. That the failure of the Government of Great Britain to honor the wishes of the people caused civil unrest and outright rebellion. That following the Black and Tan War a truce was arranged and the Ireland Act of 1920 was passed in the British House of Commons.

11. That the Ireland Act of 1920, ignoring the will of the people, provided for two governments in Ireland, both under the Crown, and caused a physical division of the country based on no natural boundary. That the plan to divide the country was never submitted to a plebiscite of the people and the opportunity to approve or disapprove it was never afforded to the Irish people.

12. That by the provisions of the aforesaid Ireland Act, six northeastern counties of Ireland, known thereafter as Northern Ireland, were cut away from the north, south and western part of the Island and a separate government was thereafter established which provided, among other things, for representation in the British House of Commons.

13. That the members of Parliament so elected to the British House of Commons have equal voting rights with other members of Parliament from various parts of the United Kingdom.

14. That in addition to representation in the House of Parliament, the Ireland Act of 1920, among other things, established a type of colonial and local government for North Ireland, hereafter to be known as the Stormont Government which has its seat in the City of Belfast.

15. That in about 1947, Great Britain, in response to constant demands of the people of England, began radically to alter its outlook as to captive nations under its jurisdiction, withdrew its troops and abandoned its policy of Colonialism in all territories over which it had dominion. The sole exception was its nearest neighbor. That the architects of anarchy who devised the partition plan for Ireland have long since left the scene, but each succeeding government of Great Britain, be it Labor or Tory, have continued to maintain this lone reminder of more evil days.

16. That the partition of Ireland not alone divided Ireland, but in addition cut off six of the nine counties of the traditional and historic province of Ulster and was deliberately designed to hit one million Protestant citizens against half a million Catholic citizens in accordance with an Empire policy which had proven to be so successful for centuries in varied parts of the world.

17. That from its inception up to the present time, the Government of Stormont, as planned, has been in the hands of the Unionist Party, a political organization made up exclusively of members of the Protestant faith and ruled by landowners and men of wealth and power, many of whom hold titles under the British Crown. Roman Catholics have been and are excluded from membership in the Unionist Party. That one of its earliest Prime Ministers as head of the government, proclaimed his to be "A Protestant Government for a Protestant People." That distinguished gentleman was then a British Peer and since the official pronouncement referred to, he has been advanced to a higher position in peerage.

18. That notwithstanding numerous complaints by both Irish and English members of the Parliament and the cries of English civil rights groups, no action was ever taken by the British House of Commons or other governmental body to ban, to regulate or control, or even discourage the aforesaid sectarian Political Party, but on the contrary, the Government of Great Britain from time to time expressed its approval of the Stormont Government.

19. That the Stormont Government from time to time, caused enactments to be passed which were in direct contradiction of the provisions of the Magna Carta and otherwise obliterated civil rights and rendered the Habeas Corpus meaningless and all such acts curtailed the rights and limited the privileges of the Catholic impoverished minority.

20. That among the enactments was one known as the Special Powers Act, a copy of which is attached hereto, and the above enactment is now in full force and effect.

21. That in certain towns within Northern Ireland, the Catholic population outnumbered the Protestant population. Nevertheless, by government action, the districts were so gerrymandered that in each such town a majority of the representation would be and were members of the Unionist Party and consequently of the Protestant faith, and this state of affairs has persisted for over half a century.

22. That the Stormont Government, by various schemes, excluded members of the Roman Catholic faith from civil service employment.

23. That nowhere was the aforesaid exclusion more evident than in the Police Force known as the Royal Ulster Constabulary, where by devious methods the Roman Catholic representation could not and never did exceed 10% of the total.

24. That in addition to the regular police force, there was established the force known as the B Specials. That membership in the B Specials was restricted, not merely to adherence to a Protestant religion, but the prospective member was required to be committed to the discriminatory and sectarian practices of the Unionist Party.

25. That public demonstrations by civil rights organizations have been regulated and controlled by either or both of these bodies and invariably both the Royal Ulster Constabulary and the B Specials not only failed to protect the demonstrators, but in numerous occasions took the side of the tormentors and brutalized the marchers and all without punishment or even reprimand.

26. That the pattern of discrimination in public employment has been followed in private employment. As an example, one of the so-called moderate leaders of the Unionist Party (its Prime Minister up to two years ago) in advertising for a house servant, publicly specified membership in a Protestant religion to be an essential to employment. The employer in question has just recently been rewarded by admission to British peerage.

27. Public housing for working people has been in effect in Great Britain for almost a century and people have come to rely on it much more so than in other areas of the world. In Northern Ireland Catholics have been by and large excluded from public housing and token assignments are allotted to the "Catholic Sections."

28. That the birth rate in the Catholic ghettos is higher than in other areas, but in order to meet and keep a safe ratio, social services have been denied to the Catholic workers and they have been encouraged to leave their homes and their country. During the last half century, over 450,000 Catholics have migrated and in some areas, notwithstanding the high birth rate, the Catholic population has dwindled.

29. That a system of education exists whereby the Catholic and Protestant children are compelled to attend schools especially designated for members of the respective sects with the result that the seeds of suspicion and hatred are inculcated at an early age. Each child is taught the history of the Reformation as seen through the eyes of the particular religious sect and attitudes are developed at the school level which hinder further communication and revive the memories of the human slaughter and the savagery of the respective Protestant and Catholic sovereigns, and the oppressions of centuries ago are made to appear to be today's attitudes and all of these teaching having deeply affected the adult lives of the inhabitants.

30. That for the past two years civil rights organizations in Northern Ireland have publicly protested the many indignities and injustices which the Catholic minority have been caused to suffer, but the civil rights demonstrators, Protestant and Catholic, have been subjected to beatings, have been brutally assaulted by lawless mobs under the eyes of the authorities and in some instances, the Royal Ulster Constabulary and the B Specials have joined in brutalizing the demonstrators and marchers.

31. That during the many riots, over five hundred Catholic families have been left homeless and only burned ruins of their nests remain. That no action has been taken to restore these citizens to their homes. Public subscriptions have been taken up in many parts of the world and the children have been caused to suffer the indignity of living off the bounty of friends.

32. That one civil rights representative, who gained international prominence as a defender of the Catholic minority and a pleader for justice, was prosecuted before a hostile Stormont Court for exhorting the people to defend their homes. She was defended by renowned civil rights lawyer, Anthony Somers and distinguished barrister Sir Dingle Foot, both members of the London Bar. She was convicted and sentenced to six months in jail. Notwithstanding her reelection to the House of Commons some months before, she was not permitted to have her case heard by the House of Lords. At the present time she, Bernadette Devlin, M.P., is serving her sentence in the Armagh Women's Prison.

33. That in contrast, many members of the Royal Ulster Constabulary on the basis of undisputable proof, have been positively identified as having, at different times, brutally assaulted demonstrators and marchers, including Queens University students, yet no charges were ever preferred against any of them and they were not even subjected to any departmental reprimand.

34. That a Commission was appointed by the British Government to inquire into the facts although all of the conditions were well known to them. The Cameron Commission confirmed that the acts of discrimination were indeed practiced by the Stormont Government and recommended changes.

35. That each and every allegation hereinbefore contained has been reported by the British press and by impartial reporters from various parts of the world, and your Petitioner begs leave, in the event the same seems necessary, to present the abundance of proof to establish each of the aforesaid allegations.

36. That by reason of demonstrations, marches, elections and investigations, and a personal visit to the scene by the Home Secretary, a change has come about in the B Specials organization. It has reappeared under another name, and participation of Roman Catholics in said force is prohibited beyond 20% of its strength.

37. That other so-called reforms have been enacted dealing with the inequities of previous gerrymandering but the new provisions are more evil and more discriminatory than the old in that they, for all intents and purpose, abolish the concept of Home Rule in Catholic communities transferring the power to the Central Government in Belfast and to make matters worse, the power is assigned to a commission, a majority of which are Unionists and Protestant.

38. That notwithstanding the foregoing, no action was taken by the British Government to relieve the distress of the victims, except to deploy thousands of soldiers who were at first welcomed by the Catholic population. It is well known that because of a consistently favorable climate in Great Britain, religious discrimination has greatly diminished and the English soldiers reflected this attitude in their behavior in Northern Ireland. That more recently and within the past six weeks, however, in response to the complaints of the Unionist Party, other soldiers were selected from the Scottish Regiments with pronounced religious positions and whose faith match that of the militant majority. That soon after the arrival of these Scottish soldiers in the course of a search for arms, homes of Catholics were raided and looted, their possessions destroyed or stolen and poisonous gasses were used against unarmed demonstrators. The Protestant sections, where it is well known firearms are readily available, were left intact.

39. Notwithstanding a system of taxation which leans heavily on the poor and middle class, the Stormont Government is operated at a deficit of £3,000,000 annually and the deficit is met out of the British Treasury.

40. That the foregoing allegations are in no way meant to describe all of these conditions of humiliation under which this minority are living, nor does it completely outline the atmosphere of terror now prevailing.

41. That the only solutions which the Government of Great Britain can conjure up is the intervention of "peacekeeping troops" which by their most recent conduct hereinbefore described, have been responsible for further aggravating a difficult situation and have provoked the minority to the point of desperation.

42. That when it became apparent that the victims were no longer able to withstand these injustices, and when the minority was threatened with annihilation, the Prime Minister of the Dublin Government requested the London Government to invite the United Nations to protect the minority. The London Government rejected the plea claiming exclusive dominion over the area.

43. That notwithstanding the charges heretofore set forth against the Government of Great Britain or its satellite, wherein reference has been made to members of the Catholic and Protestant religions, it should be made clear that there is no intention to cast aspersions on the Protestant population of Northern Ireland, the vast majority of whom are honorable and peaceloving people, many of whom have been taught and sincerely believe that the attitudes which prevailed in the Catholic Church and which precipitated the Reformation still exists, and that the Government of Stormont and Great Britain stands as their only protection against being required to live under a church domination similar to that of the time of the Inquisition; that Catholics still accept political domination of their clergy and the Pope, and that the religious liberty of Protestants in Northern Ireland is in constant jeopardy. In addition to early training this fear is reinforced by the leaders of the Unionist Party who continue to exhort them at public meetings and in the legislative halls at Stormont to maintain a sectarian stand, or woe will come to them if they in any way relinquish their position of special privilege.

Wherefore, your Petitioner prays that the Sub Commission on Prevention of Discrimination and Protection of Minorities and the Human Rights Commission examine this information and that the Human Rights Commission make a thorough study of the situation and report with its recommendations to the Economic and Social Council and to take the further actions outlined in paragraphs 2, 3, 4, 5, and 6 of Resolution 1235 (XLII) and all other necessary provisions and resolutions, and to take whatever steps are necessary to impose sanctions by the nations of the world against the Government of Great Britain until the rights of the Catholic citizens to personal safety and safety in the home, to equal opportunities in public and private employment, to participate in every phase of government, to freedom of speech and freedom of asembly and until the Ireland Act of 1920 be amended so as to eliminate the possibility of a recurrence of death and destruction which has marked the past two years in Northern Ireland.

PAUL O'DWYER,
New York, N.Y.

THE SPECIAL POWERS ACT
Northern Ireland

Under the Act, the authorities are empowered to:

1. Arrest without warrant;

2. Imprison without charge or trial and deny recourse to habeas corpus or a court of law;

3. Enter and search homes without warrant, and with force, at any hour day or night;

4. Declare a Curfew and prohibit meetings, assemblies (including fairs and markets) and processions;

5. Permit punishment by flogging;

6. Deny claim to trial by jury;

7. Arrest persons it is desired to examine as witnesses, forcibly detain them and compel them to answer questions, under penalties, even if the answers incriminate them. Such a person is guilty of an offense if he refuses to be sworn or answer a question;

8. Do any act involving interference with the rights of private property;

9. Prevent access of relatives or legal advisors to a person imprisoned without trial;

10. Prohibit the holding of an inquest after a prisoner's death;

11. Arrest a person who by "word of mouth" spreads false reports or makes false statements;

12. Prohibit the circulation of any newspaper;

13. Prohibit the possession of any film or gramophone record;

14. Arrest a person who does anything "calculated to be prejudicial to the preservation of peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations."

THE DRYCLEANING INDUSTRY AND GOOD GROOMING WEEK

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ROE. Mr. Speaker, members of the National Institute of Dry Cleaning are planning a special week of commemoration to "National Good Grooming" during the period November 16 through November 22, 1970, as a tribute to the more than 38,000 small businessmen and over 300,000 employees in the drycleaning industry throughout urban, suburban, and rural America who provide continuing and unheralded service to all of the people of our Nation. They seek national recognition and reinforcement of these efforts through a Presidential Proclamation declaring November 16 through November 22 as "National Good Grooming Week."

The letter to the President from Mr. Robert V. Archibald, Vice President of Little Falls Laundry in my congressional district and one of 12 directors of the National Institute of Dry Cleaning, is stated as follows:

THE DRYCLEANING INDUSTRY AND GOOD GROOMING WEEK

Mr. President, the more than 38,000 drycleaners in America are proud of their role as one of the active forces that help Americans maintain their status as the best groomed people in the world.

Representatives of the drycleaning industry are located in every community in the United States, and employ over 300,000 persons.

Thanks to this industry, Americans may go to work, to school, to church, or to social gatherings in clean freshly pressed garments composed of a variety of materials and styles.

The National Association of this industry maintains research facilities and schools which insure that the nation's drycleaners will be able to service whatever new styles and materials that the American public might wish to wear. They also maintain liaison with the garment manufacturing industry to insure that new fashions will be serviceable.

Last year Americans spent over two and a third billion dollars on drycleaning. This figure shows that United States' citizens are still very much concerned about their appearance and grooming, despite indications to the contrary.

Therefore America's drycleaners, acting as representative small businessmen serving citizens in virtually every community, urge that a joint resolution be passed designating the period of November 16 through 22, 1970, as "Good Grooming Week." During this period the drycleaning industry may be joined by all business and community groups who wish to emphasize the importance of good grooming in a joint effort to promote the virtues of this desirable character trait throughout our nation.

I hope that all my colleagues will join with me in supporting this joint resolution which is so necessarily desired by the drycleaning industry as a tribute to all Americans who recognize the importance of good grooming habits in their everyday life, and in doing so, convey a most favorable impression of the American people to the rest of the world.

CHARM, WARMTH, SINCERITY OF HAWAIIAN PEOPLE PERFECTLY EXPRESSED IN ACRONYM FOR "ALOHA"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. MATSUNAGA. Mr. Speaker, for many years, one of the most precious assets of the State of Hawaii has been an intangible quality, which we in the islands have termed the "Aloha spirit." Many of my colleagues have asked me to define "Aloha," from time to time, and I have found it rather difficult to give it a precise definition.

Recently, Mrs. Pilahi Paki, speaking impromptu at the Governor's Conference on the year 2000, defined the Aloha spirit almost perfectly by assigning to each letter of the word "aloha" an appropriate meaning.

So that Mrs. Paki's thoughtful expression of the Aloha spirit might attain the wide readership it deserves, I would like to submit for inclusion in the CONGRESSIONAL RECORD an article which appeared recently in the Honolulu Sunday Star-Bulletin and Advertiser and which quotes Mrs. Paki:

[From the Honolulu Star-Bulletin & Advertiser, Aug. 9, 1970]

PUT THEM ALL TOGETHER, AND THEY SPELL "ALOHA"

An unscheduled speaker was the surprise hit of yesterday's Governor's Conference on the Year 2000 public session in the East-West Center's Kennedy Theater.

In a question-and-answer period after George S. Kanahele's task force report, some audience members discussed what should be meant by "Aloha Spirit."

A woman in a long, red-and-white flowered muumuu rose, stood up and introduced herself as Mrs. Pilahi Paki.

"I would like you to all understand that 'Aloha Spirit' is the coordination of mind and heart," she said. "It's within the individual—it brings you down to yourself. You must think and emote good feelings to others.

"Permit me to offer a translation of the word Aloha:

"A stands for akah'i, Hawaiian meaning kindness, to be expressed with tenderness.

"L stands for lokahi, Hawaiian meaning unity, to be expressed with harmony.

"O stands for olu'olu, Hawaiian meaning agreeable, to be expressed with pleasantness.

"H stands for ha'aha'a, Hawaiian meaning humility, to be expressed with modesty.

"A stands for ahonu'i, Hawaiian meaning patience, to be expressed with perseverance.

"These are the traits of character that express the charm, warmth and sincerity of Hawaiians. It was the working philosophy of my ancestors," she said.

When she finished there was a hush in the theater. Then the audience broke into applause, rising from their seats to give the Hawaiian woman a standing ovation.

After the meeting many people crowded around Mrs. Paki, asking her to repeat her acronym. At first she declined, but relented when she saw the eagerness of her new fans.

"That woman expressed it perfectly," said one admirer. "We can't package or institutionalize Aloha Spirit—it's up to each individual to fill his heart with good vibes, and to communicate these to others."

"We've been muddling around for four days, trying to find directions for Hawaii's future," said another man in the group. "No one else even thought of what that woman said. She's got the answer."

Mrs. Paki, who was born in Lahaina, Maui, is a Hawaiian consultant and teaches private classes in basic fundamentals of Hawaiian language. She lives at 330 Wanaao Road, Kailua.

She translates and speaks three dialects of Hawaiian, and for ten years has been creating and selling Hawaiian greeting cards. She published the 1970 Hawaiian Lunar Calendar and is writing about "the language of the lei."

As she talked with her admirers, a woman rushed up and gave her a warm hug.

"I just came because she made my husband and me cry," said the woman, Mrs. Sunhild Hamson of Austria. "What she said was beautiful—my husband still has tears in his eyes."

RECEIVES WEATHER AWARD

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. MARSH. Mr. Speaker, I have learned with pleasure that Dr. Walter S. Hough of Winchester, Va., is among 25 volunteer weather observers selected to receive the John Campanius Holm Award.

Dr. Hough is a distinguished entomologist who has made many contributions to Virginia agriculture, and orchardists are particularly in his debt.

Over a span of 40 years, his volunteer work in monitoring the weather at Winchester has provided valuable data for studies in climatology.

Because his work is a significant example of the contributed service of more than twelve thousand observers throughout the United States, I include the text of the announcement of the Environmental Science Service Administration of the Department of Commerce as follows:

WASHINGTON.—Dr. Walter S. Hough of Winchester, Va., a volunteer weather observer for the Weather Bureau since 1930, is one of 25 volunteer observers selected nationwide to receive the John Campanius Holm Award according to the Environmental Science Services Administration (ESSA) of the Department of Commerce.

These awards, created in 1959, are presented annually to honor volunteer observers for outstanding accomplishments in the field of meterological observations. The award is named for John Campanius Holm, a Lutheran minister, who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, the Reverend Holm made records of the climate without the use of instruments near the present site of Wilmington, Del.

Dr. Hough was recognized for 40 years of dedicated service in keeping complete and accurate weather records at Winchester.

In 1963 Dr. Hough retired from the Virginia Agricultural Experiment Station where he was an entomologist and where he had also been taking the weather observations. A short time later, the equipment was moved to his home where he continued his excellent long-term service as both weather and rainfall observer.

The Weather Bureau has more than 12,000 volunteer observers throughout the United States who make and record daily weather observations. The information they gather is processed and published by the Environmental Data Service, another ESSA component, and is invaluable in recording the climate of the Nation.

TRIBUTE TO EDWARD LEDWIDGE WRIGHT

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, it is a distinct pleasure for me to pay tribute to a distinguished Arkansan, Mr. Edward Ledwidge Wright, the newly elected president of the American Bar Association. Mr. Wright, who is the senior member of the law firm of Wright, Lindsey, and Jennings of Little Rock, has been widely recognized for his outstanding record as a lawyer and active citizen.

He is a past president of both the Arkansas Bar and Pulaski County Bar Associations and a former chairman of the American Bar Association's House of Delegates. He is also a member of the American Law Institute, the American Judicature Society, the International Association of Insurance Counsel, and served on the Second Hoover Commission Legal Task Force in 1954–55.

Mr. Wright helped draft the Arkansas Probate Code in 1948 and was a commissioner of the National Conference of Commisssions on Uniform State Laws from 1945 to 1957. He served as chairman of the Arkansas Board of Law Examiners from 1938 to 1941 and was president of the American College of Trial Lawyers in 1965–66.

An active member of the American Bar Association since 1930, Mr. Wright has been a State delegate to the ABA House of Delegates for 21 years. In 1963, he was appointed alternate delegate to the First World Conference on World Peace Through Law held in Athens, Greece.

His many honors and distinctions include the following: The Outstanding Lawyer Award of the Arkansas Bar Association; the Brotherhood Award of the Arkansas Chapter of the National Conference of Christians and Jews; the Hatton W. Sumners Award from the Southwestern Legal Foundation for his contribution to the improvement of administration of justice and preservation of the democratic form of government; the Papal Honor of Knight of Malta; an honorary doctor of laws degree from Georgetown University from which he received his LL.B. in 1928, graduating first in his class.

This outstanding Arkansan has been chairman of the ABA's Special Committee on Evaluation of Ethical Standards since 1964. This body has recently come forth with a Code of Professional Responsibility. Mr. Wright won the unanimous approval of the ABA's House of Delegates for this new code. He has said that he will labor diligently during his term of office to help secure its adoption by the courts and local bar associations.

Mr. Speaker, the citizens of the State of Arkansas are proud of the accomplishments of Edward Ledwidge Wright. I might also add that he is the second Arkansan to head the ABA. The late U. M. Rose of Little Rock held the office in 1901–2.

I appreciate having the opportunity to direct to the attention of my colleagues some of the highlights in the career of Mr. Wright. I am confident that he will serve with distinction as president of the ABA this year.

I request permission to include at this point in the RECORD a question and answer interview that Barry Schweid of the Associated Press conducted with Mr. Wright, in which he discussed Supreme Court nominees, his impressions of Chief Justice Warren E. Burger, trial disruptions, and the functions of the ABA. This news article appeared in the August 16 issue of the Arkansas Gazette:

[From the Arkansas Gazette, Aug. 16, 1970]

ARKANSAN WHO HEADS ABA EXPLORES NOMINATIONS, BURGER, AND TRIALS

ST. LOUIS—From now on the Nixon administration will ask the American Bar Association to check the worthiness of not one but three possible nominees when there is an opening on the Supreme Court.

This procedure, says the new ABA president, Edward L. Wright, may spare the administration the embarrassment of Senate rejections by funneling any detrimental information to the attorney general.

In an interview, Wright, of Little Rock, discussed Supreme Court selections, his impressions of Chief Justice Warren E. Burger, trial disruptions and the functions of the ABA.

The questions and answers:

Question. Attorney General (John N.) Mitchell has agreed to submit prospective Supreme Court nominees to the ABA for a check of their credentials. Does this give the ABA a sort of veto? Will it keep creative but not necessarily distinguished lawyers off the Supreme Court?

Answer. I think that the answer to both of your questions is definitely no. The procedure that has been inaugurated just very recently by the attorney general is that on possible nominees to the Supreme Court three names will be given to the ABA committee on the federal judiciary, which will report with as much confidence as could be in the circumstances. I think it is a matter of common knowledge that any time a broadside investigation goes out that the rumors begin to follow very closely. This has a protective device for the Department of Justice.

Heretofore, when a single nominee has been submitted or a single name has been submitted for possible nomination, the public and the media just treated it as fait accompli that this was the nominee. Now * * * if there is serious objection to them, those objections can be generated and relayed to the attorney general and save administrations from embarrassment of having rejections that we know have occurred in the past.

Question. Is it your understanding that in all instances three names will be submitted?

Answer. Yes.

Question. And will they be rated in some relationship to each other?

Answer. No, the ABA will rate them as either qualified or not qualified.

* * * Three elements of rating are first, character; secondly, judicial learning, proficiency as a professional; thirdly, judicial temperment.

Various * * * philosophies of the gentlemen whose names are proposed are not examined except as they might properly relate to their judicial work. The recommendation of the committee will simply either be "qualified" or "not qualified." There will be no comparison.

Question. Will they go into deep background? Would they find things like money improprieties?

Answer. I understand it, the three names will be given simultaneously to the committee with a request for a quick report. I don't know whether quick involves three days or 10 days but certainly a matter of days. This would go into the three areas that I speak of. Obviously, it couldn't be the probing kind of inquiry that would turn up many things that we know have come to light * * *.

It's interesting to me that practically all of the dramatic disclosures on legislative and judicial levels that have come to light within my period of observation result from one of two things: Either a searching, probing representative of the press, of the news media, who got a lead or smelled something and who kept persistently until it broke, either way, or some volunteers, a former employe or some person in lowly status who knew something and who, sometimes anonymously and sometimes openly, would report that to authorities.

The point I'm making is one could have the might and the dollars of the government, manpower and dollar-wise, and search us and not turn up something private in our lives that a contemporary knew and remembered.

If the ABA were given either a veto power or a power of high persuasion I'd be opposed to it.

Question. The ABA's proposed ethics code would not require judges to report their investments and stock holdings. Doesn't public confidence require full public disclosure?

Answer. I certainly favor full disclosure * * *. The proposed code of ethics for judges is still in the draft stage. I can't predict the particular form it will come out in. But to answer your question, personally I think disclosure is a wholesome, desirable and proper thing.

Question. Does the American Bar Association speak for the average American lawyer or only the rich one? Can it be made more representative and how would this be done?

Answer. My acquaintance with rich American lawyers is rather limited * * *. The American Bar Association as represented by the House of Delegates, the Board and the officers is most conscientious in its efforts to represent everyone. The phrase "grass-roots lawyer" is frequently employed. We have many, many solo practitioners who not only are members of the Association, but are active members. There is a cross-section representation generally speaking on all major committees.

I feel that within the limitations of an organization that has 145,000 members with diverse geographical, political and social views, the Bar does a good job of speaking for the overwhelming majority of lawyers. Obviously, any program of importance or innovation can't be received or will not be received fully by every member or every segment of the Bar.

Question. The American College of Trial Lawyers recently criticized disruptive defense lawyers. What is your view of their behavior?

Answer. Without at all ducking any issues I am going to speak generically to the problem of disruptive trial tactics. I am not referring to any person by name. I am not rereferring to any trial. But certainly I'd be blind and ought to be condemned if I am not aware of what has happened in the last 15 years in certain celebrated trials.

I condemn to the fullest trial tactics by parties, or lawyers, that tend and have as their object to destroy the sanity, the health and the very being of the judge who presides. I condemn heartily tactics that all of us have seen reported in recent years.

I heartily endorse the opinion of the Supreme Court of the United States handed down on March 31, 1970, in the now cele-

brated case of People of Illinois v. Allen approving the removal of disruptive defendants from the courtroom where for the first time that I'm aware of a blueprint was given to trial courts as to how disruptive litigants could be handled.

Question. What do you think of the quality of President Nixon's nominees to the Supreme Court?

Answer. I knew and knew well Mr. Justice Burger at the time of his appointment as chief justice and I knew better and longer Judge Harry A. Blackmun at the time of his nomination. I think they are great jurists; I think they are outstanding jurists.

I did not know Judge Carswell and I had met Judge Haynsworth on one occasion. Since the matter of the nomination of Judges Haynsworth and Carswell is now history, I would decline to comment on your question as specifically phrased.

Question. Do you think that any damage has been done to the Supreme Court or the judicial system by the open fighting over these nominations that didn't pass?

Answer. My answer is no. I think it has done this: It has quickened an interest in the man in the street—whoever he is. It has alerted and stimulated a public interest, that is good. No, I don't think the court as an institution or the court as composed has been damaged.

I think there has been a very wholesome stimulation of interest * * *.

I don't think a court should be aloof from very rigid public interrogation if the courts are going to function * * * as decent citizens think they ought to, they should be under scrutiny.

Question. Earl Warren kept arms length from the ABA. Warren Burger is working very closely with the Association. Which practice is preferable for a chief justice?

Answer. I feel strongly that there should be active rapport of all segments of the legal profession * * *. I feel that there should be and happily I can say there is, on active participation of bench and Bar in the efforts of the organized Bar as it's never been before. Now it should be noted that Chief Justice Burger was extremely active in the affairs of the organized Bar before ever becoming chief justice * * *. I think that he's given a leadership and an example that's been tremendous.

Question. How does Chief Justice Burger compare to past chief justices? What do you see as his strong points and his possible weak ones?

Answer. I have long been an admirer of Chief Justice Burger for his breadth of interest, for his deep interest in areas of deficiencies in the law relating to human beings. It so happens from a long personal experience I have a deep interest in correctional reform or correctional improvement. Coincidentally, he does.

But his concern for human beings and doing something about it on a practical level are to me outstanding attributes of the man. One can't think and act like the chief justice without having those fine qualities reflected in his judicial output. I think he is a man of courage, I think he is a man of foresight, I think he's a man of great human compassion.

PARENTS SHARE LETTER

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. WIGGINS. Mr. Speaker, the following letter which I recently received from my constituents, Mr. and Mrs. Glen N. Bone of Azusa, Calif., concerns their son who is presently serving in the U.S. Army.

This young man, Glen A. Bone, enlisted in the Army after considerable thought following an apparent wrong turn down the road of life. All of this is explained in the accompanying newspaper article from the San Gabriel Valley Tribune, which includes a letter from Glen to his parents.

In view of the problems which confront our youth today, I believe that we can all gain inspiration from these letters, which I wish to include in the RECORD at this time:

AZUSA, CALIF.,
August 18, 1970.

Congressman CHARLES WIGGINS:

DEAR SIR: Hello there. We are a pair of proud parents of a lost generation. Teen age son who seems to have found what he was hopelessly searching for in the U.S. Army.

Enclosed is a recent newspaper clipping from our hometown paper. We thought you might like a copy of the article—it might be a refreshing pause to find a boy and there are more like him, I am sure—who wanted to join the Army—who wanted it so badly he hassled with us for months for permission to join the service on his seventeenth birthday—who wanted Army so badly he went out and got an Army tattoo on his arm—and in his heart.

We are proud of him as a son and soldier; in the Army of his country. We are proud of his declaration of love to his country in these "torn up teen age days." This boy was once not too different from the "protesting generation"—for a short time he was one of them—dirty feet—long hair—no ambition with one exception—he found a strong resolve within himself that will be the making of a fine, clear thinking adult. I prefer to think of our country in the hands of young adults like him—and our country will thrive generations to come.

Sincerely,

Mr. and Mrs. GLEN BONE,
Azusa, Calif.

[From the San Gabriel Tribune, Aug. 6, 1970]

ONE OF THE BEST—PARENTS SHARE LETTER

AZUSA.—"Several months ago a young boy came to me, wanting to enlist in the Army. He wasn't an everyday typical lad, but a high school drop-out with long hair, beard and barefoot. He didn't impress me at all. His slumped shoulders and negative attitude didn't reflect any ambition or purpose in life," writes Army recruiter Sgt. Jim Hegyi.

"Later his parents told me that after he had dropped out of school he sat around the house for a couple of months and got into all sorts of trouble, drinking, uncaring, defiant. When his father took him to task for his unsocial behavior, the lad said, "Give me a little while to straighten myself out, Dad." On his own initiative, and just after his 17th birthday, he came to us here to enlist.

"Today Private Glen A. Bone is one of the best soldiers in the U.S. Army. Presently he is at Fort Leonard Wood, Missouri, attending the heavy equipment operators course. Then he will go to the non-commissioned officers academy. During basic training he was a platoon guide, where he demonstrated superior leadership qualities and was promoted to the next higher grade ahead of his contemporaries.

"The proud parents of this young man are Mr. and Mrs. Glen Bone, 5820 Rockvale Ave., Azusa.

"The change in this young man is reflected in his letter he wrote to his parents recently. Mr. and Mrs. Bone would like their community to know what the Army can do for a young boy who can't find his place in this world.

" 'Dear Mom & Dad—

Today I'm sitting in Fort Leonard Wood hospital, Missouri, thousands of miles away from home, waiting for x-rays.

I'm reading a newspaper about people protesting a war in which they haven't fought, of people who protest work they haven't done, and people who condemn society of which they never or probably will never contribute anything to.

As I'm sitting here, I see young men just returned from Vietnam, missing arms, legs, and minds. Then I think of the students on our country's college campuses protesting for peace while we are out keeping the country free, so they can have the right to protest.

The greatest future leaders of the country sit and say stop the war, bring our men home, and what do they do about all Protest!! Demonstrate!! Riot!! They say, stop the war, and yet they don't get up and fight to stop it because they will have to get a hair cut. They smoke pot, carry signs, condemn my country, that's right. My country, not theirs, but mine, like millions of people fighting to keep it ours and our children's for generations to come. That's the way it's been for a long time. The men who founded this great nation had to work, fight and pray to make it what is today. That's why I say, "America, love it or leave it."

A lot of men have left it, to fight for it, to fight for freedom and have never come back to enjoy it. It wasn't their war, it wasn't mine, but it is my country's.

One of my gladdest thoughts is, that I'm part of this generation. Not the protesting part, but the fighting part. The freedom loving part of the generation, that got a haircut and decided to keep this nation a free one for everybody, yes even for the people who demonstrate and protest.

God help us if some day they'll run this great country of ours. It's not really theirs, it's ours, we are the ones who made this country what it is—FREE.

Private Glen A. Bone
Ft. Leonard Wood, Mo.
Love ya,
Glen' "

GEORGE BUSH PRAISED FOR OIL IMPORT ROLE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, in mid-August the White House announced that President Nixon had accepted the recommendation that his administration drop consideration of a tariff system to regulate foreign oil imports.

Many concerned Members of Congress believe that a change to a tariff system holds great danger for this country's national security capability, and so notified the President.

A number of us joined together to fight the proposal, and we are all indebted to the Honorable GEORGE BUSH of Texas for his able help and leadership.

GEORGE BUSH's knowledge of the industry and the dire consequences of the proposed tariff regulation system were instrumental in bringing about a decision consistent with the true needs of the Nation.

The Texas press has taken widespread note of GEORGE BUSH's key role in this matter, and I insert three pertinent editorials at this point in the RECORD:

[From the Dallas Times Herald]

THANKS, MR. BUSH

Texas has cause to be thankful that Houston Congressman George Bush was in Washington this summer. Bush gets no small share of the credit for persuading the President not to tamper with the present system of mandatory oil import quotas.

As a Republican and a former oilman, Bush had special credentials for bringing to the President's attention the salient arguments against switching to a tariff system that would admit a flood of foreign oil to this country. Such a system would not only have made us dependent on the notoriously erratic supply of Arab oil—it also would have undermined seriously the economies of oil states like Texas.

Bush readily understood what was at stake. And we thank him for an important service to his state and his nation.

[From the Midland Reporter-Telegram]

OIL OUTLOOK BRIGHTENS

The oil industry looks to the future with a great deal more spirit and confidence than it did just a few days ago.

Monday's White House announcement that President Nixon will discontinue consideration of a proposed tariff system to regulate foreign oil imports was the action which touched off industry enthusiasm.

The tariff proposal was scrapped in favor of the present import quota system.

The President's decision on the tariff proposal was made on recommendation of George A. Lincoln, director of the Office of Emergency Preparedness.

Lincoln, incidentally, was chairman of the cabinet-level task force which recommended six months ago that a tariff system supplant the quota system. This would have opened the oil importing business to any companies willing to pay the tariff, thereby flooding the country with foreign oil. Results would have been disastrous to the domestic oil business.

The recommendation accepted by the President Monday was offered unanimously by task force members, who finally had seen the light.

Congressman George Bush of Houston, formerly of Midland, must be credited to a large degree with bringing about the panel's reversal in policy and certainly in gaining the President's acceptance.

Bush declared his opposition to the tariff proposal at the very beginning, citing sound reasons why it wasn't expedience. He has been a leader in the campaign which now has led to the proposal's withdrawal.

Lincoln explained that recent developments "have increased misgivings about moving to a tariff system at this time and about a tariff system as a feasible method of controlling oil imports."

He said that among the considerations was a reappraisal upward of domestic petroleum requirements because of the delay in the recovery of vast Alaska oil reserves. He said also that developments in the Middle East have had such a drastic effect on the oil situation that the price of Middle East oil delivered to New York now is higher than that of domestic oil.

One of the aims of the tariff proposal was to lower the price of domestic crude and raise the price of foreign oil imports until the two met somewhere in the middle. But it didn't work out this way—as industry spokesmen warned from the start.

Lincoln said there had been a complete turn-around from the situation which existed when the task force made its initial proposal.

And Nixon's acceptance of the latest recommendation also has resulted in a complete turn-around in the outlook of the oil industry.

As Ford Chapman, president of the Permian Basin Petroleum Association, said, "It's wonderful . . . simply wonderful!"

[From the Longview Daily News]

BUSH VIEWS OIL POLICY

Congressman George Bush of Houston was understandably proud Monday when it was officially announced in Washington that President Nixon has accepted a recommendation that his administration discontinue consideration of a proposed tariff system to regulate foreign oil imports and that the United States instead continue with efforts to improve the present import quota system.

This action was recommended by George A. Lincoln, director of the Office of Emergency Preparedness. Mr. Lincoln revealed at a White House briefing that he had recommended abandonment of the tariff plan and retention of the quota system in a letter dated Aug. 13.

George Bush, Republican nominee for the U.S. Senate from Texas, said he was "delighted" with the White House action—and well he should have been, for he was highly instrumental in helping to bring it about.

Congressman Bush, being an experienced Texas oil man in his own right, is one of the best informed men in Congress on petroleum matters. It was only natural that he would be active in oil policy decisions.

"It would have been idiotic, in the face of today's international situation, for the Oil Policy Committee to have taken any other course than to junk the tariff plan and keep the quota system," said Mr. Bush.

The Texan outlines his views on this important decision in the following additional comment:

"The Ways and Means Committee appropriately signed it as the death toll to the ill-conceived tariff system when we passed out a provision ruling against tariff on oil.

"Now the administration has buried the tariff scheme entirely.

"This decision will once and for all remove the cloud that has been hanging over the industry, fostering indecision and inhibiting investment. The tariff scheme would have damaged the domestic industry at this time when we are facing critical gas shortages at home and mounting insecurity abroad.

"My faith in the administration's policy on oil and gas has been partially restored. I plan now to redouble my efforts to try and get full understanding at the White House level on this gas shortage.

"Only by encouraging more drilling can the gas shortage be whipped. We need less control, more incentive to drill, more realistic pricing policies, prompt contract approval by the FPC and sanctity of contracts.

"We now have won the biggest battle of all—killing the ill-conceived tariff scheme that would have caused severe damage to our state and country. Now we must keep battling to help break the gas shortage.

"Jobs in Texas are at stake, but so is the whole general welfare of the country. I pledge to hang in there and keep fighting for more government understanding of what makes this risky business work.

"Industry and labor can solve this shortage problem, but only if government policies are responsive and designed to encourage exploration.

"I'm sure this was a tough decision for the Policy Committee, but it was the right decision.

"A tariff system, designed to weaken domestic industry, would have been sheer lunacy, given the existing world situation."

SENATE—*Tuesday, September 15, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of men and nations, who has taught us to worship as we work, tune our spirits to Thy spirit that this day may be lived in fellowship with Thee and with one another. As here we seek to solve hard problems, to initiate far-reaching programs, and authorize vast sums of money, so may we also bring to the people a good spirit—the spirit of compassion, mercy, and peace.

May we share with the nations of the world our best lest they share with us their worst. Enable us to labor for that day when Thy kingdom comes and Thy will is done on earth as it is in Heaven.

Guide us through this day. Where the way is hard, the burdens heavy, the hours strenuous, we beseech Thee to replenish our energies and renew our strength. And when evening comes give us a good conscience, a peaceful soul, and a holy rest.

And to Thee shall be all glory and praise. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 15, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 14, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Arkansas

(Mr. FULBRIGHT) for not to exceed 30 minutes.

THE SST

Mr. FULBRIGHT. Mr. President, in the discussion of whether further appropriations should be approved this year for development of the supersonic transport—SST—aircraft, questions have been raised about various economic aspects of developing the SST.

I may say that last Sunday the distinguished Senator from Wisconsin (Mr. PROXMIRE) discussed this matter, I think most effectively, on the television program, "Issues and Answers." It prompted me to supply some additional material with regard to the economic aspects in particular of this problem.

Among the questions which have been asked about the SST are:

What will be the impact on our balance of payments?

Is the SST an appropriate investment for the Government?

What will be the effect on employment?

Some have attempted to disregard what I believe to be rather compelling arguments against the SST—national priorities and the potential environmental problems—concentrating instead on these economic questions.

Earlier this year some young volunteers helping out in my office, along with representatives of the Sierra Club, determined to see what some of the Nation's leading economists thought about these questions. They contacted a representative group of our most eminent economists and received statements and comments from a number of them.

It is difficult to summarize these statements in a few words, but it can be said that there is a near-unanimous belief that proceeding with the SST would be unwise and is not justified on economic grounds.

Much has been made, for example, of the argument that unless we have the SST our balance of payments will suffer badly. This premise is effectively refuted, however, by several of the economists. Most conclude that the balance-of-payments argument is weak and unpredictable at best, and many feel that it should not be a prime factor in consideration of whether to proceed with the SST.

For example, Prof. W. J. Baumol of Princeton says:

> Actually the SST is not apt to make much difference to our balance of payments one way or another. However, if it does have any effect, it is likely to aggravate the problem marginally. By adding to the federal budget, it will make for higher prices in the United States and so will make it harder to sell our products abroad. In any event, the nation's balance of payments problems certainly do not justify additional government support of the SST.

Prof. Paul Samuelson comments:

> As for the balance of payments argument, what we need are efficient exports that can pay their way—including paying their way in terms of providing their needed capital and the risk-taking inherent to sound projects—not contrived, subsidized additions to our balance of payments. If the government is foolish enough to want to spend $1.2 billion in subsidizing uneconomic exports, it can get much better value for its money than by buying a lottery ticket toward what may improve our balance of payments by 1978 to 1990.

Prof. James Tobin of Yale made this comment:

> Over the long run our international payments will roughly balance, whether we sell SST's, buy SST's, or do neither. They will be made to balance by the methods we have seen used the past 10 years—differences in the rates of inflation between countries, changes in exchange rates, adjustments of interest rates, and international lending. We need not and should not distort our priorities regarding use of our productive resources in order to increase exports or reduce imports.

I cite these examples as indicative of the conclusions of nearly all of these distinguished gentlemen.

Another constant strain running through these comments is the belief that the SST is an unwise and improper investment for the Government and that it should stand or fall in the competitive market. As Professor Baumol points out:

> The logic of the free enterprise system is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be a sufficient demand for the item, capital will pour in to take advantage of the profit opportunities, and government funding is simply unnecessary. The SST has clearly failed this market test.

Prof. Milton Friedman comments succinctly:

> If the SST is worth building, the market will make it in Boeing's interest to build it without a subsidy; if a subsidy is needed, the SST should not be built.

Mr. Arthur Okun makes a very important point:

> The very fact that proponents of SST have turned to the Federal Government for funds and for the assumption of risks is in itself evidence that SST does not pass the market test. Those who advocate and practice private enterprise should be especially cautious in soliciting aid from the Government.

In the same vein, Prof. Merton Peck of Yale says:

> We ought to insist that Congressmen be just as tough-minded with our tax dollars as investors are with their own. If such a standard prevailed, there would be no need for lobbying; SST advocates could make their case to the investors. If the case were a convincing one, the money would be forthcoming. If it were not, the SST would not be built. This is the free enterprise rule that is applied to other marvels of modern technology from new computers to new chemical processes. I find no reason why SST should be made an exception.

On the "employment" argument, Professor Samuelson's comment is very much to the point:

> Any way that the U.S. government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs, and it would be a return to the outmoded depression philosophy of makework—in which men are hired to do useless things like digging holes and filling them up again in order to increase jobs and purchasing power—if we were to succumb to the make-jobs argument.

Finally, I would like to refer to two general statements which I think summarize this whole question rather well.

Prof. Kenneth Arrow of Harvard states:

> It seems to be assumed that if the SST program is dropped nothing else will happen. But surely the productive and inventive skills to be invested in the SST program are available for other purposes, and wherever they are used, they will help to create jobs and to lower costs of production and so improve our competitive position abroad. To go no further than the aviation industry itself, if the government is to support research and development, I can easily think of alternative areas with far more social value and less or no social costs. More social value should in turn mean more demand from abroad and therefore a positive effect on the balance of payments.

Prof. Wassily Leontief of Harvard puts matters in perspective:

> The development and construction of these super planes—as their proponents rightly claim—will absorb many billions of dollars of public and private—but mostly public—money, several hundred thousand years of skilled labor and huge amounts of other valuable economic resources. At a time when the shortage of such resources compels us to forgo badly needed improvements in public health care, education, housing, and mass transportation, to give priority to the SST is nothing short of frivolous.

Mr. President, this is a truly outstand- the group of economists and I think their comments merit our careful consideration. Although a very diverse group, I think anyone who reads their statements will recognize a strong consensus in opposition to the SST.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of economists who complied with the request for comments on the SST, together with their complete comments, from which I have simply extracted a few excerpts.

There being no objection, the list and the comments were ordered to be printed in the RECORD, as follows:

ECONOMISTS WHO CONTRIBUTED SST STATEMENTS

Kenneth J. Arrow, Professor of Economics, Harvard University, leading economic theorist, expert on technology and public investment.

Francis Bator, Professor of Political Economy, Harvard University, Special Consultant to Secretary of the Treasury (1967–69).

W. J. Baumol, Professor of Economics, Princeton University, expert on business behavior and growth.

William M. Capron, Associate Dean, John F. Kennedy School of Government, Harvard University, Asst. Budget Secretary under LBJ.

Milton Friedman, Professor of Economics, University of Chicago, nation's leading monetarist economist.

John Kenneth Galbraith, Professor of Economics, Harvard University.

Walter W. Heller, Professor of Economics, University of Minnesota, former Chairman of Council of Economist Advisers.

C. P. Kindleberger, Professor of Economics, Massachusetts Institute of Technology, leading expert on international trade (balance of payments) and the international corporation.

Wassily Leontief, Professor of Economics, Harvard University, Director of Harvard Economic Research Project, expert on structure of the American economy, president of American Economics Association.

Richard R. Nelson, Professor of Economics, Yale University, formerly economist with Rand Corporation, expert on technology and economic growth.

Arthur M. Okun, former Chairman of Council of Economic Advisers.

Merton J. Peck, Chairman of Department of Economics, Yale University, expert on economics of competition in the transportation industries. Former member of Council of Economic Advisers.

Paul Samuelson, Professor of Economics, Massachusetts Institute of Technology, author of the leading introductory economics textbook.

Robert M. Solow, Professor of Economics, Massachusetts Institute of Technology, leading economic theorist, books published include *Capital Theory and the Rate of Return, Sources of Unemployment in the U.S.*

James Tobin, Professor of Economics, Yale University, President-Elect, American Economics Association, member of Council of Economic Advisers, 1961–62.

Henry C. Wallich, Professor of Economics, Yale University, member of Council of Economic Advisers, 1959–60; chief consultant to Treasury Secretary Kennedy.

STATEMENT ON THE ECONOMICS OF THE SST

(By Paul Samuelson)

The economic case for the SST is so weak, and the economic arguments against it are so strong, that only one conclusion is warranted:

The U.S. government should immediately cut back on its SST program, cutting our losses and making whatever compensation payments are legally due and are equitable to those corporations and laborers in the aircraft industry who will be hurt by this decision.

Until one has read the arguments that the Boeing Company tries to make for the SST, one does not realize how very weak indeed is the case for it. The fact that private enterprise in our huge financial markets will not touch the project without having government advance the preponderance of all the money involved and having government take on its shoulders the bulk of all the risks is itself a warning that the project is an uneconomical one—and only if the strongest possible case is made in terms of public interest could one even pay any attention to the proposal.

Even if the SST had no adverse effects upon the environment, in the form of supersonic booms and contamination of the atmosphere, it would be an economic and a political disaster. The strongest economic argument that the Boeing Company can put forward for it is that from 1978 to 1990 it may add substantial sums to the export side of our balance of payments. The strongest political argument that they can make for it is that it will make jobs. Any way that the U.S. government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs, and it would be a return to the outmoded depression philosophy of makework—in which men are hired to do useless things like digging holes and filling them up again in order to increase jobs and purchasing power—if we were to succumb to the makes-jobs argument.

As for the balance of payments argument, what we need are efficient exports that can pay their way—including paying their way in terms of providing their needed capital and the risk-taking inherent to sound projects—not contrived, subsidized additions to our balance of payments. If the government is foolish enough to want to spend $1.2 billion is subsidizing uneconomic exports, it can get much better value for its money than by buying a lottery ticket toward what may improve our balance of payments by 1978 to 1990. By such a date, our balance of payments may be in any shape, be in surplus where further exports would be the worst thing in the world rather than a benefit. No one has the wisdom now to be doing detailed planning for 1984, or 1978 or 1990. Any rational calculation shows that no committee of reasonable men can expect with reasonable assurance the 300–500 SSTs will be sold that would have to be sold if the SST is not to go down as one of the worst scandals in American history. Congress should act immediately to end what must be regarded as an economic fiasco.

STATEMENT OF KENNETH J. ARROW, HARVARD UNIVERSITY

The prima facie case against the supersonic transport is strong, so strong that its defenders feel the need to go far afield to defend it. In the first place, and most important from the viewpoint of an Administration which sets great store on the workings of the free enterprise system, the SST does not meet the test of the marketplace. No one denies that development would not even be contemplated if the government did not assume the bulk of the risks. These risks are real; the uncertainties of demand and of competition are too great to have any assurance that the government's huge investment will be repaid. Indeed there is no assurance that the costs of development to the prototype stage will be limited to the $1.5 billion currently estimated; experience with the overruns on comparable military developments is hardly encouraging.

There is another sense in which the development of the SST fails the test of the competitive market. It is hard to believe that airlines would consider buying planes so much more expensive than the present ones if their services were not being offered on such a strongly cartelized market. If the fares on the North Atlantic routes were allowed to fall to anything like a competitive level, interest in expensive high-speed planes would deteriorate rapidly.

In the second place, the market, while it exaggerates the gains, understates the true social costs. If the airlines had to compensate those who suffer from the noise and the boom created, if, for example, they had to buy from those under their flight paths the right to use their air space with all of the discomforts they create, the economic calculations would be obviously adverse.

Because of such considerations, the proponents of the SST do not defend this vast government investment as a social value, the creation of a new service to mankind. Rather they bring out one of the hoariest of chestnuts, the creation of employment, and add to this an argument familiar enough in the 18th century but so long unused that it appears new, the favorable effect on the balance of payments. The first argument can easily be dismissed; though economists have many differences over full employment policy, all agree that a suitable combination of monetary and fiscal policy, together with the natural recuperative forces of the economy, can achieve a tolerable level of full employment with or without the SST. The effects on the balance of payments are in any case conjectural in magnitude, though no doubt the United States will sell its SSTs abroad and at home. Ones confidence in the figures quoted is not improved by the tortured logic used to justify them. We are told, for example, that the threat of the United States SST will lead the Concorde manufacturers to improve the qualities of their second generation and thereby increase the cost to American airlines if they have to buy them; but of course if the U.S. withdrew from the SST competition, the threat to the Concorde would be gone and, on the basis of this reasoning, its makers would have no incentive for upgrading.

But there is a more fundamental criticism of the full-employment and balance of payments arguments. It seems to be assumed that if the SST program is dropped nothing else will happen. But surely the productive and, inventive skills to be invested in the SST program are available for other purposes, and wherever they are used, they will help to create jobs and to lower costs of production and so improve our competitive position abroad. To go no further than the aviation industry itself, if the government is to support research and development, I can easily think of alternative areas with far more social value and less or no social costs. More social value should in turn mean more demand from abroad and therefore a positive effect on the balance of payments.

For one example, consider the possibility of cheap, highly dependable transport planes, requiring lower skills for operation and maintenance. Low-cost operations can expand greatly the scope of air travel and air freight even in the United States but especially in underdeveloped countries. The value to society in terms of increasing the average speed of people and goods would be far greater than increasing still further the speed of the relatively small number of individuals who currently have the opportunity of flying the oceans. This policy would be consistent with the development of the United States automobile industry, which excels not in cars of great luxury or high speed for the use of the relatively few, but in producing cheap dependable transportation available to the great bulk of individuals.

Even from the viewpoint of speed, the SST has low priority. The jets have already brought us to the point where the time in the air between airports is frequently a minor portion of the entire trip from starting point to ultimate destination. The great value of better distribution between airport and starting point or destination is frequently remarked, yet no effort remotely comparable to the SST has been mounted. Surely research and development in vertical or short takeoff and landing aircraft would be both more valuable socially and more profitable in terms of foreign demand than transports whose sole value is the reduction of the time in air over the Atlantic from six hours to three.

STATEMENT OF W. J. BAUMOL, PROFESSOR OF ECONOMICS, PRINCETON UNIVERSITY

I find it difficult to conceive of any legal activity that deserves government support less than the SST. The predictable and self-serving arguments adduced in its support have rarely been so hollow.

That government subsidy of the SST will create employment is undeniable. But so will many other types of government expenditure—outlays on schools, housing, pollution control and on any other of a wide variety of pressing social needs. There is even less substance to the contention that support of the SST will help to solve our balance of payments problem. Actually the SST is not apt to make much difference to our balance of payments one way or another. However, if it does have any effect, it is likely to aggravate the problem marginally. By adding to the federal budget, it will make for higher prices in the United States and so will make it harder to sell our products abroad. In any event, the nation's balance of payments problems certainly do not justify additional government support of the SST.

The real and very powerful case against the SST rests primarily on other grounds. The logic of the free enterprise system is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be a

sufficient demand for the item, capital will pour in to take advantage of the profit opportunities, and government funding then is simply unnecessary. The SST has clearly failed this market test.

Economists have long maintained that in such a case governmental support may still be warranted if the new product will provide social benefits that would otherwise go uncompensated—training of ghetto residents, preservation of natural resources, etc. But here we have a case in which precisely the reverse is true. It is proposed to subsidize a product that will add to atmospheric pollution, create intolerable noise, damage property, congest airports and in a variety of other ways affect the quality of life adversely.

By all the logic of economic analysis, the SST is a prime candidate not for government subsidy, but the very opposite. Its further development should actively be discouraged. Neither the government nor private enterprise should be tempted to throw in good money after bad. Everything necessary should be done to facilitate the transfer of the capital and labor now tied up in the development of the SST to other activities that do serve the public interest.

STATEMENT OF MILTON FRIEDMAN

1. The balance of payments argument is a complete "red herring" as is obvious if you reverse the question and ask whether, if somehow our balance of payments were to move toward a large surplus, Boeing would then urge that the SST project be dropped. The virtue of free trade is that it is not so tender a plant as to depend on statistics. Given that the world is on a dollar standard, the U.S. has no balance of payments problem. This is all a highly complex and technical question that I cannot explain in full for this purpose, hence I am driven to pure assertion.

2. I oppose government financing of the SST as I oppose almost all other government subsidies. If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built.

3. Almost all conservationist arguments against the SST and similar ventures display roughly the same level of rationality as Boeing's arguments for the SST. Boeing tends to list the benefits and omit the costs; conservationists, the reverse.

4. I do not mean by my point #2 to deny the existence of costs and returns that do not enter into market calculations (economic externalities) but only that such costs and returns are etremely hard to pin down and estimate, and the presumption should be against giving in to special interests on these grounds unless the evidence is very strong and the magnitude of the externality very large.

JULY 27, 1970.

DEAR SENATOR FULBRIGHT: Since it is late Friday afternon—and since I understand that Senator Stennis's Subcommittee may be making decisions about the SST early Monday morning—I shall not attempt a detailed brief on why I believe the United States should stop spending money on the further development of the SST. I have carefully examined the arguments of Boeing and of the Administration. Suffice it to say that I find the arguments totally insufficient, and in many critical respects preposterous on their face. In terms of our national priorities, continued spending on the SST is grotesque.

Sincerely yours,

FRANCIS M. BATOR,
Professor of Political Economy, Harvard University.

STATEMENT OF WILLIAM M. CAPRON

These remarks are not addressed to the question: Should the U.S. aircraft industry develop and produce a supersonic transport? I claim no special technical expertise directly relevant to this question. As a layman, I assume that—without federal support—at some point in time a decision to undertake this effort might well be made by one or more U.S. firms in the aerospace industry. (Whether such a venture will succeed will depend not only on a satisfactory resolution of many technical and economic issues; economic success will also depend upon the judgments we make regarding the serious environmental hazards which appear to be involved in supersonic aviation.)

The issue I am addressing is much narrower: Should the U.S. government continue to underwrite and manage the development of an SST? On this issue I continue to be skeptical. In this brief statement, I will focus on one general point—a point which I believe relevant to consideration of several of the major arguments advanced by proponents of this undertaking, and a point frequently overlooked. It is argued that SST support is good policy because (1) it will strengthen the U.S. balance of payments, (2) it promises significant employment in the aerospace industry, and (3) it will help to maintain this country's "technological leadership." My point can be put as a question I would ask those advancing each of these arguments: Is federal investment in the SST program on the scale called for the most effective way of accomplishing the particular purpose in question? Once one argues for SST on balance of payments, employment, or "technological leadership" grounds he should, it seems to me, demonstrate that this use of public funds is the preferred way of moving in the direction he desires. I would suggest that there are a number of projects and programs whose promotion are strong competitive candidates for consideration if we assume that several billion dollars of public funds are to be used for these purposes. Other new technology may promise much greater balance of payments gains than the SST—assuming that the analysis showing positive balance of payments gains from SST is to be believed, an assumption I am not yet willing to make. There can be no question that other industries will employ directly more people per dollar of private subsidy than will SST. (For one thing, the aerospace industry employs a relatively large number of highly skilled workers per dollar of effort; it offers relatively little direct employment to those groups in the labor force most in need of public help. For another, the total employment effect of a dollar of federal spending is about the same no matter what program spends the dollar in the first instance.) There are other new technologies whose support may very well contribute much more significantly than the SST in terms of this country's making the most effective use of its impressive scientific and technical capabilities—or, if one prefers, maintaining its "technological leadership."

My basic question is always relevant and appropriate when a proposal to add to the federal budget is made. It is especially important when the country and the Congress are asked to commit us to a very large program (which is relatively uncertain of success) in a period of agonizing budget stringency. Even if one concludes that the current SST program has a positive benefit-cost outcome—an assumption about which I remain skeptical—he must also satisfy himself that it represents a better use of scarce public resources than competitive claimants for public dollars.

One other point I want to make very briefly: I do believe there are sound arguments in favor of federal support for the basic science and technology necessary to build and operate supersonic aircraft economically. In addition, of course, there is no question about the need for government support of the development of military aircraft—developments which do give significant spillover benefits to commercial aviation. But the rationale for these activities is very different from the arguments necessary to support the view that the federal government should underwirte and promote a specific commercial vehicle. Aviation research has rightly received massive government support over the years, especially for military purposes. But until now specific commercial aircraft have had to meet the test of the marketplace—which remains the surest and soundest way of assessing true economic viability.

In short, I would argue, first, that the federally subsidized SST program seems to me questionable on its own merits but, more important, cannot be given the kind of priority it would require, given alternative claims on public funds, to be judged an appropriate addition to the budget at this time. Second, even if one were to accept as appropriate and high priority policy objectives the things proponents of the SST say it will accomplish, it is by no means clear that this use of the dollars involved is the right way to move toward these objectives. And, third, it is not clear that this is a situation in which we should depart from our traditional practice under which commercial ventures are privately undertaken and privately financed.

STATEMENT OF JOHN KENNETH GALBRAITH

All judgments on the balance of payments effects of building the SST are purely speculative. By choosing the figures and selecting the assumptions, one can reach whatever results he wants—there can be a big adverse effect from an adverse tourist balance or a favorable effect from the planes sold. The truth is that these calculations are strictly fraudulent and should detain no one.

What is certain is that the SST will cost a great deal of money that is needed for other things, and that it isn't needed. Anyone who has the time to take a trip to Europe can perfectly well afford to take another couple of hours. And additionally, there is the known noise and the unknown effect on the upper atmosphere. So the appropriation should certainly be turned down. The time has long since passed when—because something is new or the airplane companies want some business—we should go ahead blindly to get it whatever the cost.

If the Department of Transportation is all that concerned about speeding up travel, let it spend a few million dollars on studying better baggage handling and paying for faster customs clearance.

STATEMENT OF WALTER W. HELLER

I don't need to repeat the familiar arguments about the terrible noise pollution, the sonic boom, and the dangerous disturbance to the upper atmosphere. But perhaps I should add a few words on the dubious economics of the SST.

My doubts on this run way back to 1963 when I was on Vice President Johnson's Interagency Committee on the SST. At that time, Kermit Gordon, Bob McNamara, and I stood against the majority on grounds that the SST would be far costlier and involve far more government subsidies than its proponents believed. That prediction has already been borne out in terms of actual costs incurred and upward revision of estimates of future costs and subsidies.

It is, of course, possible that the U.S. will lose some ground on the balance-of-payments front if it does not develop the SST. But this is by no means a sure thing. Given a growing concern about the environment and the quality of life, isn't it a fair possibility that any flights of the SST will be prohibited in the U.S.? That would severely curtail the markets for the Concorde and the Soviet SST.

Further, the passenger and freight costs per mile of the SST may be so high that they will find it tough to compete with the 747's and the Air Bus. There will remain a vast market for subsonic jets in any case. If our research and productive genius is concentrated on these planes, we will continue to have a thriving export market, even if we leave the SST field to foreigners.

With all the above, I haven't even mentioned the critical point of balancing the dubious potential gains from the SST against the desperate dangers of failing to fund our critical social programs. Even if everything expected of the SST were to materialize, I believe that the payoff in human welfare on other uses of the money would be greater than on the SST.

I really believe that the arguments against the SST are compelling.

IMPACT OF THE SST ON THE U.S. BALANCE OF PAYMENTS

(By Prof. C. P. Kindleberger)

I do not know what the effect of the SST would be on the balance of payments of the United States, and I do not care. The SST should not be discussed in terms of balance-of-payments considerations. There will doubtless be positive effects in expanding airplane sales, and negative effects in encouraging tourist expenditures abroad by Americans, but the SST should be decided, for or against, on micro-economic considerations, not macro-economic. It is either a good thing or a bad thing in itself, and the balance of payments should adjust to a decision made on these grounds, not the other way around. Let me suggest the analogy of Prohibition or Repeal. These actions had balance-of-payments impacts, but to cite them for or against prohibition or repeal is a meretricious debater's device of appealing to unknown fears and worries. More easily seen though perhaps is the appeal to employment. It makes no sense to argue that we ought to produce something we don't need because we need the employment, or not to produce something we do need because we already have full employment. The question of employment, and of balance of payments adjustment should be separated from the issues of what we buy within the total budget.

BEWARE OF THE SST

(By Professor Wassily Leontief, Harvard University)

The SST represents a prime example of "technological progress" of which we should beware. While saving a few hours of travel time for a relatively small group of persons who for business or pleasure make many intercontinental trips a year, it would expose millions of people again and again to the nervewracking experience of shattering sonic booms, not to speak of the suspected negative effects on the already intolerably polluted atmosphere.

The development and construction of these super planes—as their proponents rightly claim—will absorb many billion dollars of public and private—but mostly public—money, several hundred thousand years of skilled labor and huge amounts of other valuable economic resources. At a time when the shortage of such resources compels us to forgo badly needed improvements in public health care, education, housing and mass transportation, to give priority to the SST is nothing short of frivolous.

The proponents of the SST project proclaim that this country's international leadership is at stake; this is indeed true, however, in a different sense than they mean it. If the U.S. Congress proves incapable of defending public welfare against the unrelenting pressure of special interests, how can other governments be expected to do so? Should the Congress, on the other hand, take the lead in protecting its own, and incidentally the citizens of other countries from this threat, other governments would have to follow suit.

The "estimate of balance of trade losses" that this country would allegedly sustain, were the SST project dropped, makes little sense. It is based on the assumption that having banned the supersonic plane as a major threat to our well-being, the U.S. government will turn around and authorize the import of three hundred and eighty such planes of foreign make. This makes no sense. Even if we cynically permitted American air companies to pollute foreign ears and atmosphere while protecting our own, this number would be substantially smaller. Moreover, in view of the fact that the U.S. accounts for a lion's share of the world's air traffic, if both foreign and domestic SST's were excluded from our airports, other governments too would have to abandon the support of their construction and everybody would be better off.

I'm sure that if the air carriers in this and other countries could choose between introducing the SST—for competitive reasons—and a situation in which no one would be permitted to introduce these planes at all, the air carriers would overwhelmingly favor the second option.

Instead of spending billions of dollars and adding one more major environmental threat to all the others against which we are now struggling, we should invest whatever funds can be spared to improve the efficiency and convenience of the present air transportation system. Anyone who doubts this should ask the people who crowded our inadequate airports during Labor Day weekend.

STATEMENT OF RICHARD R. NELSON

If the policy rationale that justifies the SST program is adopted as generally legitimate, the nation can expect over the coming years a major expansion of the range and costs of these kinds of programs, and a significant de facto revision in the institutional structure within which a considerable portion of American industry operates.

The program has the following characteristics: First, it represents an almost unprecedented extent and kind of governmental subsidy for the development of a product for production and sale by a private company through the market to the general public. It is a major new policy departure. Second, in no sense can it be argued that there is a pressing "need" for this new departure. Rather, this program was pushed to attention at the Federal policy making level as a technological opportunity that "should" be exploited. Further, the early advocacy of this program came largely from within Government, not from outside. Thus the genesis, as well as the nature, of this program warrants a hard look for precedent. Third, the arguments for the program were and are that industry would not undertake it rapidly or intensively enough without massive Governmental aid. Yet very little in the way of detailed persuasive analysis was, or is being, presented as to why the conservative attitude of private industry were counter to the public interest. The rationale for this program needs to be made much more explicit, and be subject to careful scrutiny. Fourth, what I believe to be the implicit rationale for the program poses basic issues regarding the "standard ways of doing things" in this industry. Only the blind cannot foresee that after the particular program in question is completed there will be a next generation of programs posing virtually the identical policy issues. More important, there will be projects in other technological fields presented as candidates for this kind of subsidy. While this seems largely to have been ignored, the basic issues posed by this program involve the whole institutional structure of industrial R and D including who proposes, who decides, and who funds and takes the risks.

We should not underestimate the ability of capital markets and firms now to undertake ventures of size, risk and time horizon that would have been unthinkable years ago. Boeing recently was able to borrow more than $500 million to finance the 747. And many companies have shown a willingness to support R and D on projects where it was anticipated that returns would be quite distant and uncertain. Even in the late 1920's the electrical companies were undertaking R and D on television and Dupont on long polymers.

The key reason why American industry has shown unwillingness to undertake R and D investment on the SST of a magnitude and kind that the advocates think appropriate is that the expected rate of return is very low, much below that of other uses of funds and resources. Cost benefit studies by program advocates show this, even under what many outsiders regard as rigid assumptions. . . .

It is clear that where other countries have jumped ahead of the United States we often easily have caught up with and surpassed them. Consider aviation. The British after all pioneered the jet commercial airliner. Yet, we quickly established our supremacy in subsonic commercial jets. It is now clear that the earlier efforts were premature, and wasteful of resources, and that we wisely bided our time. . . . It is hard to believe that the long run U.S. position will be jeopardized if we do not push through our present SST design—which, while better than the Concorde, certainly is a more costly and less efficient aircraft than one we will be able to build five years from now. . . .

If past experience be a guide, the conscious national decision to achieve very high rates of technical progress is a particular field is tantamount to a decision that traditional decentralized modes of R and D organization, decision making and risk taking, be superseded by a much more concentrated and centralized structure.

It is a good bet that Boeing would not have persisted so long in pushing its swing wing SST design had the bulk of the funds been its own, and had it the ability to make that decision on its own. The signals are clear enough that the present design is in trouble. Only momentum and lack of an alternative carry the project forward.

STATEMENT ON SST

(By Arthur M. Okun)

In judging the merits of public funding of the development of supersonic air transport, one need not decide whether SST is a good or a bad thing. That is not the issue. The real issue is whether the benefits of SST would be so generally diffused over the entire public that it ought to be paid for by American citizens as a group through higher taxes or a sacrifice of other essential public services.

A myriad of new products and technological advances have enhanced the material welfare of the American people throughout the life of our Nation. Where technological advance yields a marketable product to the civilian sector of the economy, opportunities for profits through a competitive market system encourage research and development. The developers and producers bear the risks and costs; if successful, they collect their rewards from the consumers who benefit directly from the product. This competitive market test is not infallible—it may lead to the digging of dry wells and the development of Edsels, and it may not generate ideally prompt action in many cases. But it is better than any other available test, and we have been wise as a Nation to rely on it as our principal instrument to encourage the development of new, marketable civilian products.

The very fact that proponents of SST have turned to the Federal Government for funds and for the assumption of risks is in itself evidence that SST does not pass the market test. Those who advocate and practice private enterprise should be especially cautious in soliciting aid from the Government. In seeking to shift the boundaries of division between Government and private responsibilities, they may set unfortunate precedents. People who keep asking the Government to do things for them may find it impossible later to prevent the Government's doing things to them.

None of the specific circumstances surrounding SST suggest to me that it qualifies as an exception to the basic principle. The prospective benefits will accrue to specific consumers who ought to pay enough to reward successful producers. Exceptions to the principle must be cases which clearly yield general benefits rather than a marketable product and cannot be expected to be developed by profit-seeking private enterprise. Examples of these cases abound in education, certain types of health research, and even space exploration. They do not apply to SST. If SST is a good investment, it ought to be a good investment for the aircraft industry and for the financial community. And if it is a poor investment from the point of view of the market, then I cannot see how it can be a good investment from the point of view of the American public at large.

The costs to the public are substantial. Any addition to the Federal Budget for SST means either the sacrifice of other Government programs or the acceptance of higher taxes, or a higher budget deficit (whether visible or hidden in the accounting). At a time when areas clearly in the public sector have urgent needs that strain the budget, expanding the role of Government into fringe areas is especially regrettable.

ECONOMICS OF THE SST

(By Merton J. Peck)

The Boeing Company's January press release suggests what's wrong with the SST proposals. The SST advocates have chosen the wrong forum: they should be pressing their case with investors rather than with Congressmen.

The press release says the proposal "is not a subsidy. It is an investment in the future," and the government's $1.2 billion will be "repaid in full by the time the 300th SST is sold and when 500 SST's are sold the government will be repaid an additional return of $1 billion on its investment." Thus the SST appears to promise two dollars back for every dollar invested, a deal that should arouse dramatic interest in the investment community. Why doesn't it?

The press release says only "This is a lot of money. No private company has the financial reserves for such a commitment." Yet many big companies are involved in the SST program and the automobile industry has regularly managed to privately finance $500 million each year for its model changes, whereas the SST $1.5 billion prototype program runs for several years. Surely what is suggested as a very profitable investment ought also to be able to find private finance.

There may be, however, another reason the SST cannot be privately financed. The high returns are subject to very high risk—so much so that the investment community is not interested. We ought to insist that Congressmen be just as tough-minded with our tax dollars as investors are with their own. If such a standard prevailed, there would be no need for lobbying; SST advocates could make their case to the investors. If the case were a convincing one, the money would be forthcoming. If it were not, the SST would not be built. This is the free enterprise rule that is applied to other marvels of modern technology from new computers to new chemical processes. I find no reason why SST should be made an exception. All the standard arguments—employment, balance of payments, and so forth—could equally justify public investments in other industries, indeed, often with less harmful environmental effects and with more positive economic gain.

STATEMENT ON SST

(By Robert M. Solow)

The public should help pay for the SST only if the public gets something out of it. But unless loud noise is actually good for you, there is no reason to suppose that the SST will create benefits for our society over and above what its users should be expected to pay for. Quite the contrary: its users ought to be required to pay their one way and to compensate the Silence-loving Majority. You might call it hush money. Those who want urgently to cross the ocean in three hours instead of six must be mostly people with higher incomes than the average taxpayer. Many will be business travelers whose trip is half paid for by the Federal Treasury anyway.

Subsidizing the development of the SST out of public funds, therefore, amounts to the subsidization of luxury travelers by ordinary taxpayers. There is no excuse for this when many more urgent uses of resources compete for scarce Federal funds.

STATEMENT OF JAMES TOBIN

I am strongly opposed to the SST project, and I certainly regard the balance of payments argument as irrelevant and misleading.

Over the long run our international payments will roughly balance, whether we sell SST's, buy SST's, or do neither. They will be made to balance by the methods we have seen used the past ten years—differences in the rates of inflation between countries, changes in exchange rates, adjustments of interest rates, and international lending. We need not and should not distort our priorities regarding use of our productive resources in order to increase exports or reduce imports. Given the commitment of the various countries to international monetary equilibrium, U.S. exports of SST's will ultimately be balanced by imports or reduced exports of other goods or by U.S. long-term lending to finance the sales to foreign airlines. If the SST were a good idea but happened to increase U.S. demand for foreign currency, it should not be disqualified on that account. If the SST is, as I think, a bad idea, it should not be undertaken simply because it will increase foreign demand for dollars.

It seems foolish to me to invest in speeding up air travel, when anyone can see that the main delays are due to congestion enroute to, in, and above airports. I further suspect that the only possible way SST's can be made to appear to pay their own way is by jacking the fares on jumbo subsonic aircraft up far above cost.

SHOULD THE SUPERSONIC TRANSPORT BE BUILT?

(By Henry C. Wallich)

If it were possible to outlaw supersonic transports, no matter what countries would build and operate them, a strong case could be made for pronouncing such a ban. The gains from faster and more frequent travel seem small relative to the injury from noise and possibly other environmental damage.

Unfortunately, this decision is not in our hands. The Concorde is being built and will fly whether or not the SST is built. If the Concorde proves to be commercially viable, the U.S. then had better proceed to capture such economic advantages as are to be had by building the plane. Failure to build would inflict lasting balance of payments damage with little compensating environmental gain.

The first question, therefore, is whether or not the Concorde is commercially viable. On this, opinions seem to differ. The chances are that if it is not viable without subsidies, such subsidies will be forthcoming and the plane will be bought, given the widespread use of government subsidies to airlines and the competitive factors determining airline equipment policies. Under these conditions, it would be a mistake not to proceed with the SST.

A case can be made for postponing immediate construction of the plane in favor of continued development work. This may lose us some part of the market for the plane, but we might compensate by having a better plane later at lower cost to the government. Meanwhile, urgent priorities facing the government could be better attended to. But work will have to go forward in some form, and we must proceed on the assumption that supersonic transports will fly, ours or someone else's.

Mr. PROXMIRE. Mr. President, at this point will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. I congratulate the Senator on a most compelling statement on the SST, and on putting into the RECORD the statements of some of the outstanding economists in the Nation.

I have served as chairman of the Joint Economic Committee, and am now vice chairman of the Joint Economic Committee, and almost all of these men have appeared before that committee during the past several years. I can assure the Senator from Arkansas that there are no more able economists in the Nation than the men whose statements are included here, and who with a single exception emphatically counsel Congress not to fund the SST appropriation.

I might also point out to the Senator that this is a most varied group of economists. This does not represent a liberal or conservative viewpoint. This is not a group of economists who have a particular view; it includes Milton Friedman, whom most people view as a conservative economist; he was an enthusiastic supporter of Senator GOLDWATER, strongly supports free enterprise in every way, and is an extraordinarily able man. It includes Walter Heller, Chairman of the Council of Economic Advisers under President Kennedy, and Arthur Okun, Chairman of the Council of Economic Advisers under President Johnson; James Tobin of Yale University, a former member of the Council of Economic Advisers. It is a remarkable group of capable economists, who analyze the supersonic transport, I think, extraordinarily fully, and have given opinions that will be most useful to us.

There is one point I would like to make with the Senator from Arkansas, and that is that in their answer on the balance of payments, I have only had a chance to glance through these statements, but I get the impression that they argued that it is questionable whether or not the sale overseas of supersonic transports made in this country will be of significant benefit in the 1980's and 1990's to our balance-of-payments account.

What seems to have been overlooked was the reaction the Treasury had when they opposed the SST in the ad hoc report, which I think is very important, and that is that if America enters the

supersonic transport market, with our great productive facilities, and is able to make 500, 700, or 800 SST's, it will mean there will be tens of thousands or hundreds of thousands of Americans flying overseas every year. What will they do when they get overseas? They will be spending American dollars; so that, whereas we might gain some benefit from selling SST's, to foreign airlines, we will be losing far more in terms of the hundreds of millions, indeed billions, of dollars, which we will lose on the travel account.

This is why the SST advocates who formerly talked about the balance-of-payments argument now talk about the balance-of-trade argument, because, of course, the spending by tourists abroad is an item included in the balance of payments, but not in the balance of trade.

So I think, in addition to the excellent economic arguments made in these statements, there is this further factor which could very well have a seriously adverse effect on our balance of payments in the coming decades.

Mr. FULBRIGHT. One of these statements, I would say to the Senator, makes that very clear. It says that on the balance-of-payments argument, it is likely to have very little effect, and, if any, it may be marginally adverse. It mentions the point the Senator has made.

I did not realize that the Senator from Wisconsin was present in the Chamber when I first started speaking. I commented that the Senator was extremely effective last Sunday on television on this whole subject, and that was one of the things that prompted me to put into the RECORD these supporting arguments by the leading economists of this Nation.

As the Senator correctly said, they include economists of all orientations—conservative, liberal, progressive, et cetera, representing some of the leading institutions of the country. I do not know how anyone could question the backgrounds and qualifications of these economists.

That leads me to the most puzzling question of all. Why, in the opinion of the Senator from Wisconsin, has this rather ridiculous program acquired such momentum? Why has it become a part of this administration's program? It did not originate with this administration. It had its origin years ago, I believe, somewhat under the same circumstances as the space program originated, in the idea of competing with the Russians. To not let the Russians outdo the Americans we had to be first in everything, in space and now in the SST. I think it is a sort of childish emotional compulsion that started this thing. But it gets started, and then certain Members of the Senate and the administration and industry become involved and get interested in it, and you cannot stop it.

There is not one good argument I have heard of that in substance supports the SST; not one. Can the Senator think of one really persuasive argument, among all of them, that has merit?

The Senator from Wisconsin has given more thought to this matter than anyone I know. I cannot think of any argument in its favor. It is incredible how this project's life tends to be immortal; no matter what you say or do, it just goes on, and they simply ignore the vast mass of arguments and reasoning brought to bear on the subject by leading economists and businessmen. I do not know of any businessman not directly connected with the industry who supports this program, and it is a mystery to me.

Mr. PROXMIRE. The Senator from Arkansas has been in the Senate substantially longer than I. I have been here 13 years, about half as long as the Senator has been here.

It is my feeling, though I could be wrong, that this is in effect a pork barrel project. It is pork barrel—something that is going to benefit, at least in the short run, a certain section of the country, a certain State, a certain company. The subcontractors who work for that company are going to make money out of it. They are going to provide some jobs for people in a particular area, and therefore the Senate is going along, because we like the Senators from the State involved, they have a lot of clout, a lot of influence; and the result is that we have the ball rolling here, with very powerful interests pressing to move ahead.

The Senator is familiar with what has happened with pork barrel projects of this kind in the past. It is very, very hard to stop, no matter how strongly the logic is against it or how good a case you can make in the public interest in favor of stopping the program.

Mr. FULBRIGHT. I have never seen anything quite like this. There is no real substance to it. Some people use the phrase "pork barrel" with regard, for example, to development of conservation projects. It has been said that the levee of the Mississippi River is a pork barrel. But there is always something tangible in the Government's public works programs, which have been going on since the time the country started. They call that pork barrel. This is a very special kind of pork barrel, because I can see no substantive, concrete benefit to anyone, even Boeing.

It seems to me that the benefit is of very marginal quality, because if this plane is not economically sound—and it obviously is not—this Federal support will only be a shot in the arm. It very likely will suffer the same fate as Lockheed, which was given a shot in the arm, but it was on an uneconomic basis which did not provide for the future of Lockheed. I do not think this will be of great benefit to Boeing.

Mr. PROXMIRE. From the standpoint of Boeing and the airlines, if only a few of these planes are sold, they will make a profit; but the taxpayer will lose his entire investment under those circumstances.

Mr. FULBRIGHT. That could have been said about Lockheed. If a few C–5A's were made, the company would make money. Has it really made money?

Mr. PROXMIRE. This is a more favorable arrangement so far as Boeing is concerned. The Boeing Co. cannot lose a great deal on this, because 90 percent of the development cost will be paid for by the Federal Government. Some will be paid for by the airlines. The airlines have a little investment, a million dollars per plane, which is approximately 2½ percent on the down payment.

Usually, they have to make a 5-percent down payment or more. Even if the SST is a flop the airlines can be compensated by favorable consideration for air routes and that kind of thing. The private sector cannot lose much, and they can gain. There is a slight prospect that it may work out. If it does, they get an excellent return. It is a matter of using the Federal Government's money for a long-shot gamble. If the gamble fails, the taxpayer loses. If the gamble succeeds, the taxpayer still loses, but the corporation gains. So it is a pretty good proposition.

Mr. FULBRIGHT. It may be. I am sure that Lockheed thought it was a good proposition when they went into the C–5A, but still they are broke, and they are still asking us for further subsidies.

I am not at all convinced that that is very helpful for private enterprise in the long run. It is in the short run. It gives them a handout. But it is contrary to the very principles of private enterprise. I think it tends to downgrade the effectiveness of their regular business. Boeing has had a good business in making the 727, for example. It has been an economic plane, as I understand it. It is competitive. It sells in competition with other planes. It has been a good business. I think this is very dubious, even on that ground, although in the short run, I grant that the Senator is correct.

As with any other Government handout, it will be useful for a while, but they will sacrifice, in my opinion, other activities to which they could much better give their attention and could do it on a sounder economic basis than this program.

Mr. PROXMIRE. I think the Senator is correct. I doubt that Boeing would take the advice of the Senator from Wisconsin and the Senator from Arkansas in this respect, but I think they ought to take a careful look. They have succeeded well with their commercial aircraft operations. Once the Federal Government gets into this operation the way it is getting into it now, gets into it with 90 percent of the development cost, and very likely in the production phase, having to guarantee some of the funds to be available, then you go down a road where you do not let the market determine whether to go ahead with it, but on the basis of how much money you can get from the Federal Government; and that is a long, rocky, dangerous road, as Lockheed has found out.

Lockheed is going to get bailed out on the C–5A. I received a document with respect to this the other day. They are going to convert the C–5A contract into a form of cost-plus operation, so Lockheed will come out whole. They feel that once they get the Federal Government involved, the Government is not going to let go. If there are any losses, it is the taxpayer who suffers.

Mr. FULBRIGHT. If they are bailed out, it is not with my vote, as the Senator knows.

I think it is disgraceful. It is contrary to our professed belief in private enterprise. This is the worst form of socialism. It is the worst form of private enterprise and socialism. Nothing commends this kind of activity, because it destroys what benefit there is in private enterprise. At the same time, it does not really create an ongoing Government corporation. I think it would be preferable to let the Government make it outright and have it a wholly Government operation, and it probably would be more efficient.

Mr. President, the Paragould Daily Press has joined a number of other Arkansas newspapers in expressing editorial opposition to further development of the SST.

I think the editorial in the Daily Press of September 1, 1970, sums up the argument against the SST very well, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SST

It's almost unbelievable but the $290 million appropriation for the supersonic transport has run into foul weather.

A subcommittee of the Joint Economic Committee in Congress has recommended that the SST be shelved.

The reasons?

It's uneconomic.

It poses disastrous environmental threats.

This wasn't an easy decision.

It followed months of testimony, most of it from experts, and bi-partisan study.

So, why the big fuss?

The SST program asks that the American people provide at least a $3 billion subsidy to the aircraft industry to develop a plane designed to reduce flying time across the Atlantic Ocean by three hours.

Is a three-hour Atlantic trip worth that kind of money?

The subcommittee also pointed out that the 1,800 mph supersonic speed of the SST, would unloose energy waves in the atmosphere that could result in terrible weather, broken windows on the ground, and an atmospheric foul-up.

The SST, finally, is designed for privately-owned airlanes, some of whom actually doubt its value.

Against all this is the plea for emergency green stuff for the hard-hit aircraft industry.

It would seem that the nation would be better served to just give the $80 million each SST is estimated to cost to each stricken aircraft manufacturer than to build a supersonic plane with it.

Another argument is that we must maintain our "prestige" in the air by continuing to outdo the Russians, French, and English.

Humbug!

Once again it looks like somebody is aiming at the wrong target—the wrong set of national priorities.

We could, if we pursue this SST thing, wind up with the brass ring reserved for monumental follies.

Mr. FULBRIGHT. Another statement on the economic aspects of the SST which I think is of special importance and interest is that made by George Eads, assistant professor of economics at Princeton, before the Transportation Subcommittee of the Senate Appropriations Committee.

Mr. Eads' major field of research has been in the economics of the airline and aircraft industries. He makes some particularly interesting comments on the history of jet transport development in this country and the role of the Federal Government in financing aircraft development.

Mr. President, I ask unanimous consent that Mr. Eads' statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GEORGE EADS

As important as the environmental doubts surrounding the SST are, the economic arguments *alone* dictate that the Federal government should not appropriate $290 million to finance construction of the particular SST prototype you are considering.

Neither Boeing nor G. E. has adequately explained why, for the first time in the history of U.S. commercial aviation, the Federal government should pay the overwhelming majority of the costs associated with the construction of a civilian transport aircraft prototype. In view of the unfavorable experience of other countries that have taken the route of Government support of prototype development, one would expect that serious consideration would be given to the possible future consequence for the U.S. commercial aircraft industry of taking such a step.

The proponents of Federal support for prototype construction argue that the sums required are so large that no single company can be expected to raise them. In this regard it is instructive to look at the history of jet transport development in this country.

In the late 1940's there was considerable support within the aircraft industry for proposals that the Federal government put up between $100 and $250 million to finance the construction of a jet transport prototype. The primary motivation was the fear of British competition, for during the immediate post-war period the British government spent an estimated $300 million for prototype support in the hopes of winning markets for the British aircraft industry and improving Britain's balance of payments. The following statements are typical of those that appeared in contemporary aviation trade journals:

"It has been more than obvious for a long time that this country will see no further development of civil transport and cargo airplanes unless some agency of government foots the very heavy developmental costs. . . . It is very clear that private industry alone cannot finance such projects." [1]

"Leading aircraft manufacturers or their representatives urged immediate enactment of [a bill authorizing Government sponsorship of a prototype] after all had declared that private industry, in its present financial condition, could never hope to undertake the construction of a prototype aircraft. Under questioning by Senator Owen Brewster, chairman of the Congressional Aviation Policy Board, all of these witnesses said that time was of the essence because the British are 18 months to three years ahead of this country in jet transport development." [2]

The aircraft proposed in 1948 would have been powered by 5000 to 8000 pound thrust engines, the best then available, and would have had operating costs per seat mile of between 25 and 35 percent higher than propellor aircraft existing at that time.[3]

Airline representatives, while concurring in the view that the Government would have to support prototype construction if a jet transport was to be produced at that time, nevertheless were highly skeptical of the utility of the aircraft that the manufacturers were proposing to produce. For example, C. R. Smith, President of American Airlines, stated:

"The time has passed when a new airplane can be said to have economic merit simply because it has superior speed. Today, air transportation of 300 mph. is sold at the conventional price. The number of people who will pay a substantial extra fare for speeds greater than 300 mph. is limited indeed.

"Only when superior speed can be provided without a corresponding increase in cost, with resultant savings to the public, will the new plane have wide public appeal and become a useful earning vehicle for the air transport operator . . . the jet plane today is an exceedingly expensive machine to design, build and operate." [4]

Eddie Rickenbacker, President of Eastern Airlines, declared that Eastern would use the proposed jet aircraft only if the manufacturer would pay the initial operating costs and demonstrate that it could compete with the aircraft he already employed.[5]

Congress, to its everlasting credit, did not agree to the aviation industry's request, and, contrary to expectations, the skies were not filled thereupon with British aircraft. No U.S. operator placed an order for the Comet I or Comet II (which were, incidentally, *privately* financed ventures of deHavilland) and with the possible exceptions of the Dove feederliner and the Viscount turboprop, the aircraft supported by the British government in the hopes of aiding the British balance of payments, such as the Princess flying boat, the Tudor, the Bristol Barbazon, the Momba-Marathon, and the Apollo—never got off the ground economically. Pan Am did finally order three Comet III's in late 1952, three years after the original comet prototype flew, partly, it was felt, to spur U.S. interest in jets.

The rest is history. In 1952 the Boeing company decided to invest $16 million of its own funds, twenty-five percent of its net worth, to construct a jet transport prototype. This prototype was the first of a series of privately-financed American jet transport designs that set standards for the world in speed, comfort, and, most important, economy of operation.

Why did sixteen million dollars suffice to develop a jet transport prototype in 1952 when the industry had estimated in 1948 that as much as a quarter of a billion dollars would be required? The primary reason was that in the intervening four years jet engine technology, the primary limiting factor, had advanced to a point where, without paying the great costs always associated with any attempt to expand the technological base rapidly, the industry could build a commercially viable transport offering increases in speed at no increase in seat-mile operating costs. Given the state of technology and the uncertainties of the market, it was unlikely that any single aircraft manufacturer could have financed the full development of a jet transport in 1948. Once technology had advanced, due in large part to Federal support of aircraft engine development, the risks were reduced so that it lay within a single company's resources to build a jet transport prototype without Government assistance.

This is a strong analogy between the early efforts of the manufacturers to obtain Federal prototype support and the efforts by Boeing, G.E., and their supporters to obtain the same thing today. As far as the possibility of building a commercially viable product is concerned, current SST technology is in the same state that jet transport technology was in 1948. Federal assistance is again sought because substantial improvements

[1] American Aviation, Editorial, p. 1, June 1, 1948.

[2] *Ibid*, p. 14.

[3] *Aviation Week*, November 28, 1949, p. 40.

[4] *Aviation Week*, December 19, 1949, p. 44.

[5] *Aviation Week*, October 24, 1949, p. 52.

are required to translate existing technology into a salable commercial aircraft. And again, as in 1948, the airlines seem to have their doubts and are not standing in line to pay substantial amounts of money to aid in the development of the aircraft.

What is required now, as was required in the late 1940's, is further progress in the basic technology. In particular, the engine currently proposed for the SST prototype is a marginal performer and cannot bear the weight or thrust penalties that would be imposed in order to make the aircraft conform to any reasonable noise standards. Likewise, titanium technology remains a problem as the recent change in structural material for the aircraft indicates.

As in 1948 the *least* economic way of achieving the needed advance in such areas would be to proceed with a prototype which of necessity must embody existing technology. As the British and French have painfully discovered with the Concorde, the redesign of a prototype while in the middle of construction is a very expensive proposition. Students of the economics of technological change agree that the only case in which simultaneous development of a prototype and the basic technology underlying it can be justified is where national defense considerations make time, not cost, the *only* relevant constraint. It certainly is not the way to develop *any* commercial product.

My primary worry is that the Government will commit this country to produce an SST that would be both an ecological and an economic disaster. To do so would do great harm to the competitive position of the U.S. aircraft industry.

Much has been made by Boeing and G.E. of the alleged balance of payments and employment benefits of the supersonic transport. Most economists and many agencies of Government have expressed skepticism over these claims. Yet even if accepted, these claims do not support construction of the prototype you now are considering. Employment benefits during the prototype phase will be minimal. Boeing imported 25,000 workers into the Seattle area in 1966 to support production rates on the 727. It added 12,000 more workers in 1967 to support production of the 747. The building of the SST prototype will require only 2500 workers in Seattle.[6] If you are seriously worried about the current unemployment in the aerospace industry, consider actions that would stimulate sales of the 747, the DC–10, and the Lockheed 1011. Increased foreign sales of these aircraft would, of course, also have an immediate favorable impact on the aircraft account in the balance of payments.

You should keep in mind that regardless of what you spend to finance prototype construction, the SST can help domestic employment and the balance of payments only if the aircraft sells. Great Britain, after financing the prototype *and* production of the VC–10 and Super VC–10 was able to export only seven of the aircraft—two to Ghana Airways and five to East Africa Airways. After it had supported the development of the Trident, only thirteen were sold overseas. The quickest way to make the U.S. commercial aircraft industry as uncompetitive as the British is to push uneconomic prototypes in the vain hope of balance of payments or employment benefits. American transports sell because they are the best and they are the best because *all* to date have been forced to meet the test of the free market. While the Government may indeed have a legitimate duty to support research in basic aircraft technology—a duty already fulfilled to a large degree in the case of the SST—it has no business financing aircraft prototype development. This case was perhaps best put in an enthusiastically pro-Boeing book about the development of the 727—*Billion Dollar Battle*, by Harold Mansfield. It states:

"Now he (Jack Steiner, head of the 727 project) was in a position, he thought, to show what an American company headed by one of the country's grittiest free enterprisers, Bill Allen, could do in a sharply contested field against half-socialist Europe . . . much of the money that would go into the de-Havilland (Trident) would be government money. The money that had gone into the Caravelle was government money. Boeing, on the other hand, had to sail on its own, though it gained wind for its sails from the expenditures of the government on military contracts which helped the whole enterprise." [7]

After detailing how Boeing bested its "half-socialistic" European competitors, the book concludes:

"Jack got back in his car along Building 4–20, drove across the street and through another main plant gate. The big sign, always there, caught his eye. 'Stop. Do not enter unless you are interested in making a Quality Product in a Safe manner.' Suddenly it struck him with new meaning. He was back on the world tour (made to sell the 727). He was thinking of the crucial contest with the Trident, of the ones yet ahead, of George Sandborn's enthusiastic hope: 'We're going to have this airplane all over Europe, all over the world.' Wasn't the 727 case typical of something far greater than Boeing?

"Wasn't the whole of U.S. industry struggling with the same problem of American high cost versus world competition? Wasn't the answer to it the one he had, by such a long and tedious process, been forced or squeezed or led or inspired to take? Wasn't this a sign which could be hung over America? 'Stop. Do not enter unless you are interested in making a Quality Product.'" [8]

When technology has advanced to the point (perhaps with some additional Governmental assistance) where a commercially viable and ecologically acceptable SST can be built, I have no doubt that the U.S. commercial aircraft industry will be able to build it with no Government prototype support—that is, unless its competitive position has been eroded by Government actions of the sort you are now being asked to take.

Mr. FULBRIGHT. In conclusion, Mr. President, I again want to compliment the Senator from Wisconsin for the vast amount of work he has done on the SST, as he has done on some other matters, such as the C–5A. But I think the SST is one of the clearest cases he has brought to the attention of the country, in an effort to try to save for the Government and the taxpayers some billions of dollars. I think he deserves a great deal of credit for it. I know that none of the businesses involved will compliment him. The people who ought to appreciate his efforts are the taxpayers, the common, ordinary citizens of this country, who have to pay the taxes for these outrageous programs that waste the public's money.

Mr. PROXMIRE. Mr. President, I want to compliment the Senator from Arkansas on an excellent statement, a most useful statement, in connection with the debate which is going to take place on the SST when the Department of Transportation appropriation comes before the Senate.

[6] *Aviation Week*, June 29, 1970, p. 15; July 6, 1970, p. 46.

[7] Harold Mansfield, *Billion Dollar Battle: The Story Behind the "Impossible" 727 Project, 1965*. David McKay & Co., New York, p. 11.

[8] *Ibid*, p. 174.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

THE SST AND THE ENVIRONMENTAL QUALITY ACT

Mr. PROXMIRE. Mr. President, last Sunday, on "Issues and Answers," an American Broadcasting Co. network program, Mr. William Magruder, of the Department of Transportation, who is an expert on the SST and, I might say, an extraordinarily competent and able man, appeared with me. He engaged in what I can only term as "supersonic transport McCarthyism" on that show. This is why I say that.

The Department is trying to pull the wool over our eyes, to persuade Congress and the public that it had complied with the recently enacted Environmental Quality Act. The Department has done nothing of the sort.

On Sunday, when I appeared in the debate with Mr. Magruder, Mr. Magruder waved in front of the camera what purported to be—what he said was—a report that complied with the Environmental Quality Act. He said:

> Speaking of pollution I would like to say again we have complied with the Act on the environment, paragraph 102, which was submitted to the Chairman . . .

I am quoting from the transcript of what Mr. Magruder said. He said:

> We have recently complied with the Environmental Quality Act by issuing the response to paragraph 102.

The chairman to whom Mr. Magruder referred was Russell Train, Chairman of the President's Council on Environmental Quality.

Paragraph 102 is section 102 of the Environmental Quality Act, recently enacted by Congress, which requires the filing of a report on the environmental impact of Federal programs.

Yesterday, I asked my legislative assistant to have the Department of Transportation provide us with a copy of the report. It turns out that the so-called report Mr. Magruder waved in the air on national television, before an estimated audience of 5 or 6 million people, was nothing more than a rejected preliminary draft.

I repeat, a rejected preliminary draft. This is what Mr. Magruder waved in front of the TV cameras as "the response to paragraph 102 of the Environmental Act." Under these circumstances, the Department of Transportation is engaging in SST McCarthyism.

Following the Department's refusal, I had my legislative assistant check with the Council on Environmental Quality to see whether anything at all—preliminary draft or no—had been filed. I learned that Mr. Magruder last Tuesday hand-delivered a draft of a section 102 report to the Council. And the Council's response? They told Magruder that the report required reworking, that additional information and revisions were

required. And they asked for another submission.

It is the Council's position that the Department has not complied with section 102 of the Environmental Quality Act.

As of 5 p.m. Monday, yesterday, there had been no further submission from the Department. In other words, Mr. Magruder knew that the preliminary draft that he had hand-delivered over to the President's Council had been rejected, and that no further effort had been made to comply, at the very time he waved what purported to be a final report in front of the cameras on nationwide TV and claimed that he had complied with the Environmental Act.

This is an outright distortion—an outright lie. It is true that $290 million is at stake. It is true that many private interests stand to benefit from Uncle Sam's eventual expenditure of several billion dollars. But when the Department of Transportation stoops to this sort of glib misrepresentation, the public must come to realize how desperate has the effort become to convince the Congress to throw away hundreds of millions of dollars on the SST.

Last night, Mr. Magruder called my office and said that he would have another draft available Tuesday (today) at 1:30 p.m. If this episode results in prompting the Department to file an acceptable report with the Environmental Quality Council, it will have achieved a most useful purpose. And the public will be the beneficiary.

I might point out, Mr. President, that even if the report is filed today under the environmental quality legislation we passed, 30 days are required for comments by the various agencies before the report is completed and accepted completely.

Under these circumstances, it is obvious that we will not have the benefits of those comments before we act within a week or so on the SST. So that the Department of Transportation has succeeded already in preventing Congress from having the kind of information the law requires to provide us with what is a crucial aspect of the SST; namely, the pollution of our environment which we can expect from the SST in the views of many, many scientists.

I think this is a most serious failure on the part of the Department of Transportation and on the part of Mr. Magruder. It certainly raises a serious question as to their credibility in the entire SST matter.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

FOREIGN ASSISTANCE FOR THE SEVENTIES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-385)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

FOREIGN ASSISTANCE FOR THE SEVENTIES

Today, I am proposing a major transformation in our foreign assistance programs.

For more than two decades these programs have been guided by a vision of international responsibilities conditioned by the aftermath of World War II and the emergence of new nations. But the world has been changing dramatically; by the end of the Sixties, there was widespread agreement that our programs for foreign assistance had not kept up with these changes and were losing their effectiveness. This sentiment has been reflected in declining foreign aid levels.

The cause of this downward drift is not that the need for aid has diminished; nor is it that our capacity to help other nations has diminished; nor has America lost her humanitarian zeal; nor have we turned inward and abandoned our pursuit of peace and freedom in the world.

The answer is not to stop foreign aid or to slash it further. The answer is to reform our foreign assistance programs and do our share to meet the needs of the Seventies.

A searching reexamination has clearly been in order and, as part of the new Administration's review of policy, I was determined to undertake a fresh appraisal. I have now completed that appraisal and in this message I am proposing a set of fundamental and sweeping reforms to overhaul completely our entire foreign assistance operation to make it fit a new foreign policy.

Such a major transformation cannot be accomplished overnight. The scope and complexity of such an undertaking requires a deliberate and thoughtful approach over many months. I look forward to active discussion of these proposals with the Congress before I transmit my new assistance legislation next year.

Reform No. 1: I propose to create separate organizational arrangements for each component of our assistance effort: security assistance, humanitarian assistance, and development assistance. This is necessary to enable us to fix responsibility more clearly, and to assess the success of each program in achieving its specific objectives. My proposal will overcome the confusion inherent in our present approach which lumps together these separate objectives in composite programs.

Reform No. 2: To provide effective support for the Nixon Doctrine, I shall propose a freshly conceived International Security Assistance Program. The prime objective of this program will be to help other countries assume the responsibility of their own defense and thus help us reduce our presence abroad.

Reform No. 3: I propose that the foundation for our development assistance programs be a new partnership among nations in pursuit of a truly international development effort based upon a strengthened leadership role for multilateral development institutions. To further this objective,

—The U.S. should channel an increasing share of its development assistance through the multilateral institutions as rapidly as practicable.

—Our remaining bilateral assistance should be provided largely within a framework established by the international institutions.

—Depending upon the success of this approach, I expect that we shall eventually be able to channel most of our development assistance through these institutions.

Reform No. 4: To enable us to provide effective bilateral development assistance in the changed conditions of the Seventies, I shall transmit legislation to create two new and independent institutions:

—A U.S. International Development Corporation, to bring vitality and innovation to our bilateral lending activities and enable us to deal with lower income nations on a business-like basis.

—A U.S. International Development Institute to bring the genius of U.S. science and technology to bear on the problems of development, to help build research and training competence in the lower income countries themselves, and to offer cooperation in international efforts dealing with such problems as population and employment.

Their creation will enable us to phase out the Agency for International Development and to reduce significantly the number of overseas U.S. Government personnel working on development programs.

Reform No. 5: To add a new dimension to the international aid effort insuring a more permanent and enduring source of funds for the low income countries, I have recently proposed that all nations enter into a treaty which would permit the utilization of the vast resources of the seabeds to promote economic development.

Reform No. 6: I propose that we redirect our other policies which bear on development to assure that they reinforce the new approach outlined in this message. Our goal will be to expand and enhance the contribution to development of trade and private investment, and to increase the effectiveness of government programs in promoting the development process. A number of changes are necessary:

—I propose that we move promptly toward initiation of a system of tariff preferences for the exports of manufactured products of the lower income countries in the markets of all the industrialized countries.

—I am ordering the elimination of those tying restrictions on procurement which hinder our investment guarantee program in its support of U.S. private investment in the lower income countries.

—I propose that all donor countries take steps to end the requirement that foreign aid be used to purchase goods and services produced in the nation providing the aid. Complete untying of aid is a step that must be taken in concert with other nations; we have already begun discussions

with them toward that end. As an initial step, I have directed that our own aid be immediately untied for procurement in the lower income countries themselves.

THE FOUNDATIONS OF REFORM

These are the most fundamental of the many far-reaching reforms I propose today. To understand the need for them now, and to place them in perspective, it is important to review here the way in which we have reexamined our policies in light of today's requirements.

Two steps were necessary to develop a coherent and constructive U.S. assistance program for the 'Seventies:

—As a foundation, we needed a foreign policy tailored to the 1970's to provide direction for our various programs. For that, we developed and reported to the Congress in February the New Strategy for Peace.

—Second, to assist me in responding to the Congress and to get the widest possible range of advice on how foreign assistance could be geared to that strategy, I appointed a distinguished group of private U.S. citizens to make a completely independent assessment of what we should be trying to achieve with our foreign aid programs and how we should go about it.

The Task Force on International Development, chaired by Rudolph Peterson, former President of the Bank of America, drew upon the considerable experience of its own members and sought views from Members of the Congress and from every quarter of U.S. society. In early March the Task Force presented its report to me, and shortly thereafter I released it to the public. The Task Force undertook a comprehensive assessment of the conditions affecting our foreign assistance program and proposed new and creative approaches for the years ahead. Its report provides the basis for the proposals which I am making today.

I also have taken into account the valuable insights and suggestions concerning development problems which were contained in the Rockefeller Report on our Western Hemisphere policy. Many of the ideas and measures I am proposing in this message in fact were foreshadowed by a number of policy changes and program innovations which I instituted in our assistance programs in Latin America.

THE PURPOSES OF FOREIGN ASSISTANCE

There are three interrelated purposes that the U.S. should pursue through our foreign assistance program: promoting our national security by supporting the security of other nations; providing humanitarian relief; and furthering the long-run economic and social development of the lower income countries.

The national security objectives of the U.S. cannot be pursued solely through defense of our territory. They require a successful effort by other countries around the world, including a number of lower income countries, to mobilize manpower and resources to defend themselves. They require, in some cases, military bases abroad, to give us the necessary mobility to defend ourselves and to deter aggression. They sometimes require our financial support of friendly countries in exceptional situations.

Moreover, our security assistance programs must be formulated to achieve the objectives of the Nixon Doctrine, which I set forth at Guam last year. That approach calls for any country whose security is threatened to assume the primary responsibility for providing the manpower needed for its own defense. Such reliance on local initiative encourages local assumption of responsibility and thereby serves both the needs of other countries and our own national interest. In addition, the Nixon Doctrine calls for our providing assistance to such countries to help them assume these responsibilities more quickly and more effectively. The new International Security Assistance Program will be devoted largely to these objectives. I shall set forth the details of the proposed program when I transmit the necessary implementing legislation to the Congress next year.

The humanitarian concerns of the American people have traditionally led us to provide assistance to foreign countries for relief from natural disasters, to help with child care and maternal welfare, and to respond to the needs of international refugees and migrants. Our humanitarian assistance programs, limited in size but substantial in human benefits, give meaningful expression to these concerns.

Both security and humanitarian assistance serve our basic national goal: the creation of a peaceful world. This interest is also served in a fundamental and lasting sense, by the third purpose of our foreign assistance: the building of self-reliant and productive societies in the lower income countries. Because these countries contain two-thirds of the world's population, the direction which the development of their societies takes will profoundly affect the world in which we live.

We must respond to the needs of these countries if our own country and its values are to remain secure. We are, of course, wholly responsible for solutions to our problems at home, and we can contribute only partially to solutions abroad. But foreign aid must be seen for what it is—not a burden, but an opportunity to help others to fulfill their aspirations for justice, dignity, and a better life. No more abroad than at home can peace be achieved and maintained without vigorous efforts to meet the needs of the less fortunate.

The approaches I am outlining today provide a coherent structure for foreign assistance—with a logical framework for separate but interdependent programs. With the cooperation of Congress, we must seek to identify as clearly as possible which of our purposes—security, humanitarianism, or long-term development of the lower income countries—to pursue through particular U.S. programs. This is necessary to enable us to determine how much of our resources we wish to put into each, and to assess the progress of each program toward achieving its objectives.

There is one point, however, that I cannot over-emphasize. Each program is a part of the whole, and each must be sustained in order to pursue our national purpose in the world of the 'Seventies. It is incumbent upon us to support all component elements—or the total structure will be unworkable.

EFFECTIVE DEVELOPMENT ASSISTANCE—THE CHANGED CONDITIONS

The conditions that surround and influence development assistance to lower income countries have dramatically changed since the present programs were established. At that time the United States directly provided the major portion of the world's development assistance. This situation led to a large and ambitious U.S. involvement in the policies and activities of the developing countries and required extensive overseas missions to advise governments and monitor programs. Since then the international assistance environment has changed:

First, the lower income countries have made impressive progress, as highlighted by the Commission on International Development chaired by Lester Pearson, the former Prime Minister of Canada. They have been helped by us and by others, but their achievements have come largely through their own efforts. Many have scored agricultural breakthroughs which have dramatically turned the fear of famine into the hope of harvest. They have made vast gains in educating their children and improving their standards of health. The magnitude of their achievement is indicated by the fact that the lower income countries taken together exceeded the economic growth targets of the First United Nations Development Decade. These achievements have brought a new confidence and self-reliance to people in communities throughout the world.

With the experience that the lower income countries have gained in mobilizing their resources and setting their own development priorities, they can now stand at the center of the international development process—as they should, since the security and development which is sought is theirs. They clearly want to do so. Any assistance effort that fails to recognize these realities cannot succeed.

Second, other industrialized nations can now afford to provide major assistance to the lower income countries, and most are already doing so in steadily rising amounts.

While the United States remains the largest single contributor to international development, the other industrialized nations combined now more than match our efforts. Cooperation among the industrialized nations is essential to successful support for the aspirations of the lower income countries. New initiatives in such areas as trade liberalization and untying of aid must be carried out together by all such countries.

Third, international development institutions—the World Bank group, the Inter-American Development Bank and other regional development organizations, the United Nations Development Program, and other international agencies—now possess a capability to blend the initiatives of the lower income coun-

tries and the responses of the industrialized nations. They have made effective use of the resources which we and others have provided. A truly international donor community is emerging, with accepted rules and procedures for responding to the initiatives of the lower income countries. The international institutions are now in a position to accelerate further a truly international development effort.

Fourth, the progress made by lower income countries has brought them a new capability to sell abroad, to borrow from private sources, and to utilize private investment efficiently. As a result, a fully effective development effort should encompass much more than government assistance programs if it is to make its full potential contribution to the well-being of the people of the developing nations. We have come to value the constructive role that the private sector can play in channeling productive investments that will stimulate growth. We now understand the critical importance of enlightened trade policies that take account of the special needs of the developing countries in providing access for their exports to the industrialized nations.

EFFECTIVE DEVELOPMENT ASSISTANCE—THE PROGRAM FOR REFORM

To meet these changed international conditions, I propose a program for reform in three key areas: to support an expanded role for the international assistance institutions; to reshape our bilateral programs; and to harness all assistance-related policies to improve the effectiveness of our total development effort.

My program for reform is a reaffirmation of the commitment of the United States to support the international development process, and I urge the Congress to join me in fulfilling that commitment. We want to help other countries raise their standards of living. We want to use our aid where it can make a difference. To achieve these goals we will respond positively to sound proposals which effectively support the programs of the lower income countries to develop their material and human resources and institutions to enable their citizens to share more fully in the benefits of worldwide technological and economic advance.

1. EXPANDING THE ROLE OF INTERNATIONAL INSTITUTIONS

International institutions can and should play a major creative role both in the funding of development assistance and providing a policy framework through which aid is provided.

Such a multilateral approach will engage the entire international community in the development effort, assuring that each country does its share and that the efforts of each become part of a systematic and effective total effort. I have full confidence that these international institutions have the capability to carry out their expanding responsibilities.

—I propose that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable.

We have already taken the first steps in this direction. The Congress is currently considering my proposals for a $1.8 billion multi-year U.S. contribution to the Inter-American Development Bank and a $100 million contribution over three years to the Asian Development Bank. These two requests together with authorizations for increases in our subscriptions to the World Bank and International Monetary Fund are critical to our new assistance approach.

Moreover, I am pleased to note the recent statement by the World Bank that there is widespread agreement among donor countries to replenish the funds of the International Development Association at an annual rate of $800 million for the next three years, beginning in fiscal year 1972. I shall propose that the Congress, at its next session, authorize the $320 million annual U.S. share which such a replenishment would require.

—In order to promote the eventual development of a truly international system of assistance, I propose that our remaining bilateral development assistance be coordinated wherever feasible with the bilateral assistance of other donor countries, through consortia and consultative groups under the leadership of these international institutions. These institutions and groups like the CIAP in Latin America will provide leadership in the development process and work out programs and performance standards with the lower income countries themselves.

Moving in this direction holds the promise of building better relations between borrowing and lending countries by reducing the political frictions that arise from reliance on bilateral contacts in the most sensitive affairs of nation-states. It will enhance the effectiveness of the world development effort by providing for a pooling of resources, knowledge, and expertise for solving development problems which no single country can muster.

2. RESHAPING OUR BILATERAL PROGRAMS

If these worldwide initiatives are to be fully effective, we must also refashion and revitalize our own institutions to assure that they are making their maximum contribution within a truly international development system. This will be neither an easy nor quickly accomplished task; it calls for thorough preparation, and an orderly transition. It is essential to undertake this task if our programs are to reflect the conditions of the Seventies.

The administration of bilateral assistance programs is complex and demanding. New institutions are needed so that we can directly focus on our particular objectives more effectively.

U.S. INTERNATIONAL DEVELOPMENT INSTITUTE

—I shall propose establishment of a U.S. International Development Institute, which will bring U.S. science and technology to bear on the problems of development.

The Institute will fill a major gap in the international development network. It will match our vast talents in science and technology with institutions and problems abroad. Research has created the basis for the Green Revolution—the major breakthrough in agricultural production—but continued progress in the 1970's will require the lower income countries to deal with more, and more complex, problems. The Institute will concentrate on selected areas and focus U.S. technology on critical problems. This requires flexibility, imagination and a minimum of red tape. If we can provide this Institute with the operational flexibility enjoyed by our private foundations, we can make a major contribution to the lower income countries at modest expense.

An Institute, so organized, could

—Concentrate U.S. scientific and technological talent on the problems of development.

—Help to develop research competence in the lower income countries themselves.

—Help develop institutional competence of governments to plan and manage their own development programs.

—Support expanded research programs in population.

—Help finance the programs of U.S.-sponsored schools, hospitals and other institutions abroad.

—Carry out a cooperative program of technical exchange and reimbursable technical services with those developing countries that do not require financial assistance.

—Cooperate in social development and training programs.

—Administer our technical assistance programs.

—Permit greater reliance on private organizations and researchers.

Given the long-term nature of the research operation and the need to attract top people on a career basis, the Institute should be established as a permanent Federal agency. To provide the necessary financial continuity, I propose that Congress provide it with a multi-year appropriation authorization.

U.S. INTERNATIONAL DEVELOPMENT CORPORATION

—I shall propose establishment of a U.S. International Development Corporation to administer our bilateral lending program. It will enable us to deal with the developing nations on a mature and business-like basis.

This Development Corporation will examine projects and programs in terms of their effectiveness in contributing to the international development process. It will rely strongly on the international institutions to provide the framework in which to consider individual loans and will participate in the growing number of international consortia and consultative groups which channel assistance to individual lower income countries. It should have financial stability through a multi-year appropriation authorization and authority to provide loans with differing maturities and differing interest rates, tailored to the requirements of individual borrowers. The Corporation would also have limited authority to provide grant financed technical assistance for projects closely related to its lending operations.

Both the Institute and the Corporation will be subject to normal executive and legislative review, relating their performance directly to their objectives.

Both these new institutions involve a fundamental change from our existing programs. As I have emphasized, the detailed plans and the complete transition will take time. In the interim, I am directing the administrators of our present development programs to take steps to conform these programs, as much as possible, to the new concepts and approaches I have outlined. For example, our program planning for consortia will be based more on analysis and general guidance developed in country studies prepared by the World Bank and other international institutions. Greater utilization of international institutions will permit us to reduce the number of government personnel attached to our assistance programs particularly overseas and make major changes in our present method of operation.

OVERSEAS PRIVATE INVESTMENT CORPORATION

—I am submitting to the Senate my nominations for the members of the Board of the Overseas Private Investment Corporation, which I proposed a year ago to promote the role of the private sector in development and which the Congress approved.

I expect this institution to be an important component of our new bilateral assistance program. The most important efforts of this new agency will be operation of the investment insurance and guaranty program and a strengthened program for assisting U.S. firms to undertake constructive investment in developing countries.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

—A few weeks ago I submitted to the Senate my nominations for the members of the Board of Directors of the Inter-American Social Development Institute, which was authorized by the Congress in the Foreign Assistance Act of 1969.

This Institute will provide grant support for innovative social development programs in Latin America undertaken primarily by private non-profit organizations, and will be aimed at bringing the dynamism of U.S. and Latin American private groups to bear on development problems and at broadening the participation of individuals in the development process.

The keynote of the new approach to our bilateral programs will be effectiveness: We will ask whether a program or individual loan will work before we decide to pursue it—and we will expect the international institutions through which we channel funds to do so as well. We will concentrate our activities in sectors in which we can make a significant contribution and in areas where long-term development is of special interest to the United States.

This Administration has been undertaking for some time a full review of all of our foreign economic policies. Those policies, including our new foreign aid policy and programs, must be closely related and mutually supporting. Therefore, I intend shortly to establish a new mechanism which will plan and coordinate all of our foreign economic policies, including our various foreign assistance programs, to assure that they are all effectively related.

3. PROMOTING EFFECTIVE DEVELOPMENT THROUGH IMPROVED ECONOMIC POLICIES

In addition to a new emphasis on the role of international institutions and a new shape to our bilateral programs, I propose initiatives that will enhance the public and private sector contribution to the development process.

—To open further the benefits of trade to the lower income countries, I have proposed that the international community initiate a system of tariff preferences for the exports of manufactured and selected primary products of the lower income countries in the markets of all of the industrialized countries.

The lower income countries must expand their exports to be able to afford the imports needed to promote their development efforts, and to lessen their need for concessional foreign assistance.

Market growth for most of the primary commodities which have traditionally been their major sources of export earnings is insufficient to enable them to meet these needs. I will submit legislation to the Congress recommending that we eliminate duties on a wide range of manufactured products purchased from the lower income countries. We will move ahead with this approach as soon as we achieve agreement with the other industrialized countries to join us with comparable efforts.

—I propose steps to expand the constructive role of private investment in the development process.

In order to eliminate the present tying restrictions on procurement which hinder our investment guarantee program, I am now directing that coverage under the extended risk guarantee program be extended to funds used in purchasing goods and services abroad. This will enhance our support of U.S. private investment in the lower income countries. In addition, we support early inauguration of an International Investment Insurance Agency, under the auspices of the World Bank, to provide multilateral—and thereby more effective—guarantees against expropriations and other political risks for foreign investments. We also support an increase in the scope of operations and resources of the International Finance Corporation, to further promote the role of the private sector—particularly within the lower income countries themselves—in the international development process.

—I propose that all donor countries end the requirement that foreign aid be used to purchase goods and services produced in the nation providing the aid.

Because recipients are not free to choose among competing nations, the value of the aid they receive is reduced significantly. These strings to our aid lower its purchasing power, and weaken our own objectives of promoting development. Aid with such strings can create needless political friction.

Complete untying of aid is a step that must be taken in concert with other nations and we have begun talks to that end with the other members of the Development Assistance Committee of the Organization for Economic Cooperation and Development. In the expectation that negotiations will soon be completed successfully, I have decided to permit procurement now in the lower income countries under the U.S. bilateral lending program—an expansion of the initial step I took with our Latin American neighbors. In addition to improving the quality of our assistance, this should expand trade among the lower income countries, an important objective in its own right.

—I propose that the United States place strong emphasis on what the Peterson Task Force called "the special problem of population."

The initiative in this area rests with each individual country, and ultimately with each family. But the time has come for the international community to come to grips with the world population problem with a sense of urgency. I am gratified at the progress being made by the new United Nations Fund for Population Activities and propose that it undertake a study of world needs and possible steps to deal with them. In order to cooperate fully in support of this international effort, the proposed U.S. International Development Institute should focus the energy and expertise of this country on new and more effective measures for dealing with the problem of population.

—I also believe that the United States should work with others to deal effectively with the debt service problem.

The successful growth of the past has been financed in part through external borrowings, from private as well as government sources which the borrowers are obligated to repay. Furthermore, a portion of their borrowed resources have gone to build roads, schools and hospitals which are essential requirements of a developing Nation but which do not directly generate foreign exchange. The debt incurred has heavily mortgaged the future export earnings of a number of lower income countries, restricting their ability to pay for further development.

This problem calls for responsibility on the part of the lower income countries, cooperation on the part of the lenders, and leadership by the international institutions which must take responsibility for analyzing debt problems and working closely with the creditors in arranging and carrying through measures to meet them. The United States will play its role in such a cooperative effort.

THE FUNDING OF DEVELOPMENT ASSISTANCE

International development is a long-term process. Our institutions—like the multilateral lending institutions—should have an assured source of long-term funding. Foreign assistance involves the activities of many nations and the sustained support of many programs. Sudden and drastic disruptions in the flow of aid are harmful both to our long-term development goals and to the effective administration of our programs.

In the past this country has shown its willingness and determination to provide its share. I confirm that determination and ask the Congress and the American people to assume those responsibilities which flow from our commitment to support the development process.

I agree with the conclusion of the Peterson Task Force that the downward trend of U.S. contributions to the development process should be reversed. I also agree with the Peterson Report that the level of foreign assistance "is only one side of the coin. The other side is a convincing determination that these resources can and will be used effectively."

A determination of the appropriate level of U.S. assistance in any one year will depend on a continuing assessment of the needs and performance of individual developing countries, as well as our own funding ability. It must also be influenced by a further definition of the proposals which I am outlining in this message, the responses of other donors and the performance of the international institutions.

As a long-run contribution to the funding of development, the U.S. will seek the utilization of revenues derived from the economic resources of the seabed for development assistance to lower income countries. I have recently proposed that all nations enter into a treaty to establish an international regime for the exploitation of these vast resources, and that royalties derived therefrom be utilized principally for providing economic assistance to developing countries participating in the treaty.

* * * * *

Foreign assistance has not been the specific interest of one party or the particular concern of a single Administration. Each President, since the end of World War II, has recognized the great challenges and opportunities in participating with other nations to build a better world from which we all can benefit. Members of both political parties in the Congress and individuals throughout the nation have provided their support.

The U.S. role in international development assistance reflects the vision we have of ourselves as a society and our hope for a peaceful world. Our interest in long-term development must be viewed in the context of its contribution to our own security. Economic development will not by itself guarantee the political stability which all countries seek, certainly not in the short run, but political stability is unlikely to occur without sound economic development.

The reforms that I propose today would turn our assistance programs into a far more successful investment in the future of mankind—an investment made with the combination of realism and idealism that marks the character of the American people. It will enable us to enter the Seventies with programs that can cope with the realities of the present and are flexible enough to respond to the needs of tomorrow. I ask the Congress and the American people to join me in making this investment.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1970.*

REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I am transmitting the sixth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission covering its activities through June 30, 1970.

The Commission is now developing its final report for submission on or before December 1, 1970, and only a brief letter report is forwarded at this time in conformance with the provisions of Public Law 88–609, as amended.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR DEPARTMENT OF TRANSPORTATION (S. Doc. No. 91–104)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1971, in the amount of $35,000,000 (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON FISCAL YEAR 1971 OUTLAY LIMITATION

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on fiscal year 1971 outlay limitation, as of July 31, 1970 (with an accompanying report); to the Committee on Appropriations.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the statistical supplement, Stockpile Report, for the period ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF ACT CREATING THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Act creating the Saint Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes (with accompanying papers); to the Committee on Commerce.

NOTICE OF CONTINUATION OF SEGREGATION OF PUBLIC LANDS CLASSIFIED FOR TRANSFER OUT OF FEDERAL OWNERSHIP

A letter from the State Director, Nevada, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a Notice of Continuation of Segregation of Public Lands Classified for Transfer Out of Federal Ownership, published in the Federal Register on September 10, 1970 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED IMMEDIATE RETIREMENT OF CERTAIN FEDERAL EMPLOYEES

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to permit immediate retirement of certain Federal employees (with an accompanying paper); to the Committee on Post Office and Civil Service.

PROTECTION OF PERSONS AND PROPERTY ABOARD UNITED STATES AIR CARRIER AIRCRAFT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the protection of persons and property aboard United States air carrier aircraft, and for other purposes.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that a communication at the desk from the Secretary of Transportation on the protection of persons and property aboard U.S. air carrier aircraft be jointly referred to the Committees on Finance and Commerce.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the City Council of Elizabeth, N.J., praying for the enactment and enforcement of legislation designed to prevent hijacking of planes; to the Committee on Commerce.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John A. Hannah, of Michigan, John Richardson, Jr., of Virginia, Augustin S. Hart, Jr., of Illinois, George Cabot Lodge, of Massachusetts, and Charles A. Meyer, of Pennsylvania, to be members of the Board of Directors of the Inter-American Social Development Institute;

William B. Buffum, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Lebanon;

John N. Irwin II, of New York, to be Under Secretary of State;

Charles W. Yost, of New York, Christopher H. Phillips, of New York, JACOB K. JAVITS, U.S. Senator from the State of New York, CLAIBORNE PELL, U.S. Senator from the State of Rhode Island, and Glenn A. Olds, of New York, to be representatives of the United States of America to the 25th session of the General Assembly of the United Nations; and

Seymour M. Finger, of New York, Helen G. Edmonds, of North Carolina, Richard H.

Gimer, of Virginia, and Aloysius A. Mazewski, of Illinois, to be alternate representatives of the United Nations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS of New Jersey:

S. 4345. A bill to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients; to the Committee on Finance.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear below under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 4346. A bill for the relief of Geoffrey Ernest Cornell; and

S. 4347. A bill for the relief of Bruce Garry King; to the Committee on the Judiciary.

S. 4345—INTRODUCTION OF A BILL UPDATING THE RETIREMENT INCOME CREDIT

Mr. WILLIAMS of New Jersey. Mr. President, I introduce for appropriate reference a bill to amend the Internal Revenue Code to update the retirement income credit for Government annuitants.

Today, there are many retired teachers, policemen, firemen, Federal annuitants, and others who have little or no social security benefits, but receive retirement income from public or private pension plans. These individuals depend upon the retirement incomec redit for comparable tax treatment as social security beneficiaries.

Social security benefits are, of course, exempt from Federal income tax. Government annuitants receive substantially equivalent tax treatment by being able to claim a 15-percent credit on their taxable retirement income—pensions, annuities, rents, interest, and dividends.

Under present law, the credit is 15 percent of the following:

First. An individual's retirement income or $1,524—$2,286 for a married couple—whichever is lower.

Second. Minus—

Social security or railroad retirement benefits, and

Certain amounts of earned income, depending upon the retiree's age and the extent of his earnings.

However, the maximum amount for computing the credit has not been updated since 1962.

During this period there have been three badly needed social security increases enacted into law. With the 15-percent raise passed last December, the maximum annual social security benefits are now $2,278 for a single person and $3,417 for a married couple.

Yet, the retirement income credit has not been revised for 8 long years, although many elderly taxpayers are in great need of tax relief.

As a result, the credit no longer provides equivalent tax relief for Government pensioners or retirees forced to live primarily on investment income.

Equity in our tax system presents a very compelling reason to place these taxpayers on a par with recipients of social security benefits.

My bill—which is enthusiastically supported by the National Retired Teachers Association-American Association of Retired Persons and the National Association of Retired Civil Employees—would help to correct this long-standing inequity in our tax structure.

First, the bill would raise the present maximum amount for computing the credit from $1,524 to $2,278, the maximum benefit payable to an individual under the Social Security Act. In enacting the retirement income credit in 1954, it was the intent of Congress "to conform the tax treatment of all individuals to those who now receive tax exempt social security benefits." This clear expression of congressional intent should, I believe, be implemented.

Second, the maximum amount for computing the credit would be adjusted automatically with increases in social security benefits. This is essential to prevent long delays in keeping the credit current for persons living on limited, fixed incomes.

Under existing law, the maximum income credit is $229—$1,524 multiplied by 15 percent. My bill would raise this maximum credit to $342—$2,278 multiplied by 15 percent—an additional tax savings of $113 for the overburdened elderly taxpayer.

For a married couple, my bill would raise the maximum credit from $343—$2,286 × 15 percent to $513—$3,417 × 15 percent—$170 more than is allowed now.

In 1967 about one out of every four returns filed by elderly taxpayers—1,617,000 returns—claimed the retirement income credit. This resulted in a tax savings of nearly $171 million for older Americans.

In my own State of New Jersey, it is estimated that about 64,000 returns filed by senior citizens took the retirement income credit—resulting in about $7 million in tax relief.

But, these individuals—desperately in need of tax relief in many instances—are losing precious tax dollars because the credit has not been updated.

Enactment of this measure will help to restore fairness in our tax law and to place Government annuitants on a substantially equivalent basis with persons receiving social security benefits.

But, there is also an administrative matter that merits immediate attention. This deals with the intricacies in computing the retirement income credit, which requires an entire separate schedule with accompanying instructions on the back page to complete.

It is estimated that perhaps one-third of those eligible for the credit may not be claiming it because of its complexity and numerous form transfers.

Moreover, a recent study of Federal retirees revealed that 75 percent reported their annuities inaccurately. It is quite apparent that most of them were not attempting to cheat the Government, since two-thirds of those reporting inaccurately paid too much in taxes.

The retirement income credit in the Internal Revenue Code is undoubtedly a complicated provision. But, a number of steps could be taken to simplify schedule R and to avoid unnecessary form transfers which completely bewilder many unsuspecting elderly taxpayers and confuse them beyond recognition.

At the Senate Committee on Aging's hearing on "Income Tax Overpayment by the Elderly," several concrete recommendations were offered by tax experts to simplify the computation of the credit.

Recently the Commissioner of Internal Revenue called a meeting with some of these witnesses to discuss these measures and other proposals for providing additional tax assistance for older Americans. This conference was a constructive step forward in seeking solutions for greater simplicity in preparing tax returns. And, it is my sincere hope that this meeting will lead to the adoption of measures to make tax preparation easier for older taxpayers.

Mr. President, I might also add that the Senate Committee on Aging, of which I am chairman, plans to issue a report in the near future to recommend several proposals to simplify the gobbledygook presently required.

Because the Committee's jurisdiction is limited to problems affecting the elderly, the scope of the report will necessarily be confined to the aged. This report, however, will be of importance to all age groups, since tax issues usually apply with equal force to the young as well as the old.

With this two prong approach in my bill and the recommendations from the Committee on Aging's hearing, we can achieve two crucial objectives:

First, our tax system can be made more equitable for elderly retirees.

Second, we can make tax preparation more readily understandable and workable for the aged and other age groups.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4345) to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 4345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 37 of the Internal Revenue Code of 1954 (relating to retirement income credit) is amended—

(1) by striking out "$1,524" in subsection (d) and inserting in lieu thereof "$2,278";

(2) by striking out "$2,286" in subsection (1) (2) (B) and inserting in lieu thereof "$3,417"; and

(3) by redesignating subsection (j) as (k),

and by inserting after subsection (i) the following new subsection:

"(j) Annual Adjustments of Limitations.—

"(1) Certification by Secretary of Health, Education, and Welfare.—Before the beginning of each calendar year (beginning with 1971), the Secretary of Health, Education, and Welfare shall certify to the Secretary or his delegate the largest old-age insurance benefit that could be payable for any month during such year under title II of the Social Security Act to any individual who, in such year, attained age 65 and first became entitled to monthly insurance benefits under such title.

"(2) Substitution of limitations.—for taxable years beginning within the calendar year 1971 and each calendar year thereafter—

"(A) subsection (d) shall be applied by substituting, for the $2,278 amount contained therein, the amount certified under paragraph (1) for such calendar year; and

"(B) subsection (i) (2) (B) shall be applied by substituting, for the $3,417 amount contained therein, one and one-half times the amount certified under paragraph (1) for such calendar year."

(b) The amendments made by subsection (a) shall apply to taxable year beginning after December 31, 1970.

ADDITIONAL COSPONSORS OF BILLS

S. 1812

At the request of the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1812, to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title.

S. 3650

At the request of the Senator from Nebraska (Mr. HRUSKA), the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 3650, to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

S. 4344

At the request of the Senator from California (Mr. CRANSTON), the Senator from Virginia (Mr. SPONG) was added as a cosponsor of S. 4344, to amend the act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

SENATE RESOLUTION 461—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF PART 24 OF HEARINGS ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. MCCLELLAN submitted a resolution (S. Res. 461) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 24 of its hearings entitled "Riots, Civil and Criminal Disorders," which was considered and agreed to.

(The remarks of Mr. MCCLELLAN when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 455

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH) was added as a cosponsor of Senate Resolution 455, designating January 22 as Ukranian Independence Day.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 903

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 904

Mr. PERCY submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL STATEMENTS OF SENATORS

WHAT HAS HAPPENED TO AMERICA?

Mr. GRIFFIN. Mr. President, in a recent editorial, Mr. John S. Knight, editorial chairman of the Knight Newspapers and one of the Nation's most distinguished editors, raised some sobering questions about the apparent course of our Republic.

I ask unanimous consent that the editorial, published in the Detroit Free Press of Sunday, September 13, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENEMIES WITHIN THREATEN OUR CHERISHED TRADITIONS

(By John S. Knight)

What has happened to America?

Why, in our madness, do we turn to riots and destruction, to contempt for revered institutions which made the American dream possible, to nostrums instead of cures for our economic ills, to sleazy, cheap political devices rather than exercising at least a modicum of statesmanship?

Are we indeed a part of the world revolution which seeks only to destroy while parading under the banners of democracy, Marxist style?

Why are Americans, who enjoy greater freedoms under our Constitution than are permitted anywhere else in the world, berating "the system" which makes these precious liberties possible?

How long must we permit a small band of revolutionaries to disrupt our colleges and universities, to bomb government research centers, kill innocent people and ruin the careers of devoted scientists?

What kind of a country do we live in where the flouting of law has become a national pastime, where a law officer automatically becomes a "pig," an object of derision and attack by an untutored, undisciplined and unprincipled rabble?

Where, indeed, are our leaders, the parents of our youth, the educators and the great body of law-abiding, responsible citizens?

Are the leaders too politically oriented, too concerned with their personal ambitions to stand up and be counted?

Have the educators become so supine, so dependent upon government grants or so cowardly that they stand meekly by while their institutions of learning are defiled and brought to heel by roving bands of professional anarchists?

Must we yield to the sophistry that the right of dissent—as stated so forthrightly in Article I of the Bill of Rights—can be taken as license by those willful violators of the law who cannot distinguish between dissent and disobedience?

Ironically, the destroyers who abuse our constitutional liberties would find themselves prisoners of the Marxist police state of the authoritarian world to which they give such frenetic devotion.

The greatest of all government documents—the United States Constitution—provides ample safeguards against tyranny and injustice.

Yet the Center for the Study of Democratic Institutions has drafted a new constitution for the United States that would concentrate all authority in the national government, strengthen the presidency, weaken the national judiciary and create new branches of government to oversee planning, elections, and economic regulations.

Dr. Rexford G. Tugwell, 79-year-old former member of Franklin D. Roosevelt's "brain trust" and author of the document, observes that cherished traditions and institutions which no longer serve the needs of modern society must be pulled down as "impediments to progress."

Along with the Black Panthers, who have also put together a new constitution, Dr. Tugwell typifies the fuzzy and radical left who would tear apart our system of government while offering the absolute authority of statism in its place.

These are the true revolutionaries—along with socialists in the teaching profession—who are more to be feared than college youth expressing their frustrations on the campus.

Yes, our young people are being taught that there is something inherently evil about the capitalistic system, that its rewards for the industrious and thrifty segments of our society are unfair, that a "people's capitalism" would somehow solve all of our problems.

Why is it, Americans, that we of the world's most affluent society now wish to embrace the fatuous economic doctrines which have failed so miserably wherever they have been tried?

Are we like the lemmings who migrate at intervals to their own destruction?

Where were our statesmen when Congress fueled the fires of inflation by passing a "tax reform measure" which insured a huge deficit?

Can you tell us please, why such responsible black leaders as Whitney Young and Roy Wilkins constantly criticize the total community for the excesses of young blacks while making no substantial contribution of their own in the direction of restraint?

Does it bug you that elementary school teachers once dedicated to character building are now setting a sorry example for our youth with their union-directed strikes on the eve of a new school year?

Or that labor's power monopoly is able to cripple the economy by making a farce of collective bargaining?

Can these distortions of an orderly society be attributed solely to the war in Indochina? Or is the current unrest symptomatic of a world society in revolution?

Whatever the cause, this is a time for the rededication of all Americans to the proposition, as stated in the Preamble of the Constitution, that this nation was conceived to "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These were the wise and profound thoughts of our Founding Fathers.

That we have strayed so far from the paths of righteousness is a serious indictment of the weaknesses of man who in the almost 200 years of our Republic now finds himself for the first time seemingly incapable of constructive self-government.

For our enemies within would destroy the union, make a mockery of justice, insure domestic anarchy, gut the national defense, disregard the general welfare and repress the blessings of liberty.

This is what is happening to America, known in happier days as the land of the free and the home of the brave.

IMPROVEMENTS IN SOCIAL SECURITY—ADDRESS BY SENATOR TYDINGS

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Maryland (Mr. TYDINGS) has been one of the leading advocates for major reform in social security and medicare during his 6 years in the Senate.

Recently he joined me in proposing comprehensive improvements in these essential, but still imperfect, programs.

His outstanding leadership and support are needed because the elderly are experiencing a retirement income crisis which is worsening, rather than improving.

Today, elderly persons are twice as likely to be poor as compared to younger persons. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—now lives in poverty.

Moreover, older Americans are falling further and further behind in terms of economic well-being. They comprise 10 percent of our population, but nearly 20 percent of the Nation's poverty population. In 1968 they were 18 percent of the total number of persons in poverty.

More important, census statistics for 1969 reveal that the aggregate number of elderly persons living in poverty has actually increased by 157,000 since 1968—from 4,630,000 to 4,787,000. In sharp contrast, the number of younger persons who would be considered poor declined by 1,257,000.

These figures clearly show that piecemeal, stop-gap social security measures are just not going to work.

In a recent speech before a group of senior citizens in Washington, the Senator from Maryland (Mr. TYDINGS) aptly stated the compelling reasons for immediate and far-reaching action on several fronts to modernize social security and medicare.

Mr. President, I commend this excellent statement to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOSEPH D. TYDINGS

This opportunity for us to meet together today is particularly timely. For right now the Senate is considering a number of amendments to the Social Security Act which are of enormous importance to retired Marylanders.

I don't have to tell you that social security benefits are still too low. With the inflation we've been having, you simply cannot live decently in Maryland on $75 or $100 a month.

Last year, despite opposition from the administration, we were successful in raising social security benefits 15 percent. But they need to be raised again.

In May, the House of Representatives voted to increase social security benefits another 5 percent beginning this January. However, the cost-of-living has gone up 6 percent in the last year. So a 5 percent increase won't even make-up for the buying power your social security check will have lost during 1970.

I think we can and must do better for our senior citizens.

Therefore, I have cosponsored an amendment to the Social Security Act which would raise benefits 10 percent in January instead of 5 percent, and then raise them an additional 20 percent the following year. After the 20 percent increase, benefits would automatically go up as the cost-of-living went up.

In addition, this amendment would:

Raise the minimum monthly social security payment for a single person from the present level of $64 to $90 by this January, and then to $120 by the following January.

Extend medicare to cover the cost of out-of-hospital prescription drugs.

And eliminate the $127 a year premium cost for part B of medicare and make it free.

Taken together, these improvements in social security benefits and medicare are a big step toward providing retired Americans with the real economic security they so richly deserve. And I promise you this: I will do everything in my power to see that this amendment is passed by the Congress this fall.

In addition, today I introduced two amendments to the social security legislation now before the Senate to help solve certain problems which I know many older Marylanders face.

My first amendment would provide homeowners over 65 years old with property tax relief of up to $300 a year. Many retired homeowners in Maryland and across the Nation are being forced to sell their homes because they cannot afford to pay the property taxes on them.

By giving these hardpressed homeowners a Federal tax credit to offset excessive property taxes, my amendment would help these retired Marylanders keep their homes.

Retirees who rent their homes or apartments would also be eligible for the same relief by assuming that 25 percent of their rental payments represent property taxes.

My second amendment would provide Federal grants to colleges and universities to train qualified nursing home administrators. With the number of retired Americans living in nursing homes expected to double to two million by 1975, dramatic action is required to ensure enough qualified administrators to provide top patient care.

This amendment will see to it that this critical need is met.

In my opinion, the generation that has played the most important role in the development of this country into the greatest nation in the world is your generation.

For it was your generation that guided this nation victoriously through two terrible world wars.

It was your generation whose sweat and toil built America into the greatest industrial power in the world.

And it was your generation whose years of backbreaking work and sacrifice created the affluence and high standards of living that younger Americans enjoy today.

As a result, each of you has *earned*—I repeat earned:

The right to a decent income.

The right to full economic security free from worries about how the next grocery or medical bill is going to be paid.

The right to good health care.

And the right to self-respect and an esteemed place in the community.

During my six years in the Senate, we have won some important battles in the struggle to secure these rights. But as you and I both know, the fight isn't over yet.

However, this I promise: as long as I am a member of the United States Senate, I shall continue to push forward until the fight to give retired Americans the rights they deserve is fully won.

THE PRESIDENT'S AID MESSAGE

Mr. SCOTT. Mr. President, new and rapidly changing needs among nations call for new and realistic approaches. President Nixon's aid message today outlines a fresh blueprint for our program to stimulate social and economic progress among the developing nations and incorporates a broad, long-range strategy adapted to the needs of the 1970's.

The world today consists of more than 130 nations that are legally independent, but in almost every other way are interdependent. Inevitably and inescapably, problems which affect them also affect us.

Long ago, Congress determined that leadership among nations carries with it a responsibility to assist the newly emerging countries in the common effort to improve the human condition.

Beginning with the Marshall Plan, our programs to share some of our resources and some of our know-how in nation-building have had some of the character of an experimental effort, surely a pioneering effort. Now we have more than 20 years of experience. A monumental task still lies before us in the struggle against poverty, hunger, and disease. This new plan for helping poor countries modernize, develop, and move forward sharpens the tools needed to do the job.

The fundamental redesigning of our foreign aid program is part of the President's new strategy for peace. It is a priority item on any sensible agenda for the future.

The new plan calls for eliminating the present aid administrative structure and creating new administrative entities with specialized functions upon which responsibility can clearly be fixed.

It calls for systematic and planned progression toward extending the bulk of our aid through associations of nations acting in concert to achieve mutual goals.

It builds in a desirable degree of stability and continuity for the development assistance program, so that Congress need not pull up the plant four times a year to see how it is growing.

It will open new opportunities for overseas development to be carried on

in larger measure by private instead of Government capital and for more private U.S. individuals and organizations to participate in progress.

It establishes machinery for bringing about really meaningful and effective coordination of all governmental policies and activities which contribute to international development.

It will generate more development per dollar invested, because the new blueprint ends the requirement that all aid dollars be used to buy goods and services in the country providing the aid.

It will bring about better coordination of our bilateral aid programs with those of other donor countries, to insure against overlap, duplication, and confusion.

The world of today is very different from what it was when our aid programs began; the barnacle-encrusted set of programs inherited from an era in which the United States was virtually the sole provider of aid on a significant scale will no longer suffice.

In his foreign policy message to Congress early in the year the President pointed out that imaginative thought about our foreign policy is a demand of the times. His message on foreign aid reflects the promise he made at that time:

> Our assistance program, like the rest of our foreign policy, will be changed to serve the future rather than simply continue to reflect the habits of the past.

The changes proposed fully recognize the profound national interest in cooperating with developing countries in their efforts to improve conditions of life in their societies. The innovations proposed will serve this interest.

AMERICAN MARKETS FLOODED WITH LOW-PRICED GOODS

Mr. CRANSTON. Mr. President, I am a long-standing advocate of lower trade barriers and increased international trade. Trade, however, is a two-way street. I am becoming increasingly disturbed by practices and restrictions abroad which seriously damage the livelihood of American workingmen and their families by flooding our markets with low priced foreign goods without offering equal opportunities for American produced goods to enter freely into foreign markets.

The latest group to suffer from these practices are the men and women working in our film industry. There are many thousands of craftsmen, artists, and technicians in the Motion Picture Industry in southern California and the shocking fact is that 46 percent of these people are unemployed at this time. Under such circumstances I believe we must take a hard look at the real problems these men and women face and at the practices and policies which led to their present fight.

In this connection, I ask unanimous consent that the resolution recently passed by the delegates of the Hollywood A.F.L. Film Council be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO HALT THE UNRESTRICTED IMPORTATION OF FOREIGN-PRODUCED MOTION PICTURE AND TELEVISION PRODUCTIONS

Whereas, the unrestricted importation of foreign-produced American-interest motion picture and television productions is creating serious and drastic unemployment conditions among workers in the U.S. domestic film industry; and,

Whereas, the AFL–CIO Economic Policy Committee has reported to the Federation's Executive Council that the old concepts of "free trade" and "protectionism" are outdated and irrelevant, in the face of world trade realities in the 1970's which demand a thorough revision of U.S. Government policies and attitudes regarding foreign trade; and,

Whereas, the U.S. Government has learned no lesson from the shocking period of accelerated deterioration of the U.S. position in world trade during the 1960's and today still has failed to recognize that foreign governments directly and indirectly bar the free flow of imports of American-made motion picture and television productions to their countries, while subsidizing and encouraging exports to this country of their foreign-made products; and,

Whereas, the skyrocketing rise of foreign investments by U.S. motion picture companies and their overseas subsidiaries has reached the critical position where, for example, U.S. interests now are reported to own and control 90% of the British film industry, and this development has resulted in the export of U.S. motion picture production "know-how" and the export of American motion picture and televison jobs; and,

Whereas, the AFL-CIO Economic Policy Committee has recognized that increasing foreign imports and U.S.-owned foreign operations has resulted in the loss of important job opportunities for American workers with a wide variety of skills, talents and professional abilities,

Now therefore be it resolved that the Hollywood Film Council demand that the AFL–CIO initiate and the U.S. Government adopt the following changes in our government's foreign trade policies and attitudes:

1. Establishment of adequate tariff and trade regulations to curb the unrestricted flow of imported motion picture and television productions into the United States;

2. Repeal of Item 807 and other similar provisions of the Tariff Code which provide financial encouragement to foreign production and the juggling of operations by U.S.-based multi-national corporations;

3. Institution of direct restrictions and controls on U.S. investment of capital in production activities in developed foreign countries;

4. Creation of a more effective and workable trade adjustment assistance program to protect American workers displaced by foreign imports; and

5. Enactment of other appropriate legislative measures needed to protect American workers from unfair and discriminatory foreign trade practices and to provide for the improvement of the U.S. relative trade position in the interest of all the American people on a truly reciprocal basis;

Be it further resolved that the Hollywood A.F. of L. Film Council recommends that the Forty-Fifth Convention of the California State Theatrical Federation concur and support this Resolution;

Be it further resolved that the California State Theatrical Federation recommend that the Eighth Convention of the California Labor Federation, AFL-CIO, endorse and support this Resolution.

Submitted by: Hollywood A.F. of L. Film Council.

H. O'NEAL SHANKS,
Secretary.

USE OF CHEMICAL AND BIOLOGICAL WEAPONS COULD LEAD TO GENOCIDE

Mr. PROXMIRE. Mr. President, for the past 3½ years I have spoken out consistently on various human rights issues, in association with our nonratification of the Genocide Convention. Today, I would like to direct the attention of the Senate to the inhumane consequences that could result from the use of chemical and biological weapons of war.

According to the hearings held during the 91st Congress, before the Subcommittee on National Security Policy and Scientific Development of the Committee on Foreign Affairs in the House of Representatives, control of chemical and biological weapons is next to impossible. Use of these types of weapons could possibly result in severe damage to the civilian population of a given country. For example, defoliants aimed at destruction of the food sources of the enemy, would most probably result in starvation of the civilian population before affecting the enemy armed forces. In my opinion, the act of starving an entire population would be an unconscionable act, as well as an act of genocide. Biological agents directly affecting man are also uncontrollable and could conceivably destroy, or greatly weaken the population of an entire nation.

By ratifying the Genocide Convention, the United States would go on record as opposed to the use of these inhumane weapons. Now is the time for us to act on this great human rights document.

In this regard, I ask unanimous consent that a portion of appendix c of the hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs in the House of Representatives be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

A. HUMANE WEAPONS

Some proponents of chemical and biological warfare dream of "wars without death." They claim that military objectives can be achieved without the necessity of killing the enemy. They envision sleeping armies, soon to wake captives of a merciful opponent.

For some chemical and biological weapons, this argument is clearly irrelevant. Nerve gas and deadly plagues are no more humane than the conventional weapons they seek to replace or supplement. For other agents, previous military usage indicates that they have been used in conjunction with tactics which seek to kill the enemy.

Biological agents aimed at crops or animal life are used to deprive the enemy of his food supply. Yet any starvation tactics hit the army slowly—after the rest of the population has suffered from malnutrition while the army commands scarce food reserves. The policy of starvation is inhumane as conceived and unconscionable as practiced, since it first hurts those most in need of food and only eventually cuts the rations of the enemy forces.

Biological agents which affect man are also inhumane. Mild forms of disease are not militarily useful because they do not sufficiently guarantee an incapacitated enemy to insure peaceful victory. The lethal agents are just as deadly as conventional weapons and they invariably affect civilians. Certainly, weapons which deal not only death but indiscriminate death cannot be considered humane.

Chemical agents have been developed and used to defoliate large areas identified as enemy strongholds or to destroy crops. Those which seek starvation are indeed inhumane. Those which defoliate enemy hiding places do not result in humane treatment either. Fields of fire and bombing targets are revealed as leaves slowly wither. An enemy caught in these areas cannot expect merciful treatment. Instead, he can fear unobstructed shelling and bombing raids. His death is made more likely because chemical weapons were used by his enemy.

There are both lethal and non-lethal chemical weapons which are used directly against men. Lethal agents, primarily nerve gases, are certainly not humane. In fact, there is less possibility of being merely wounded by nerve gases than by conventional weapons. Even a small dose of these gases can be fatal. Thus, mortality rates are increased when nerve gases are used.

Riot-control gases and harassing agents are not designed to be fatal. If administered in laboratory-prescribed doses they do not kill or permanently damage their victims. But in battlefield conditions, too much gas is usually preferred to too little and there are strong probabilities of permanent damage or even death if an "overdose" strikes an enemy.

Chemical weapons which are theoretically capable of achieving victory without bloodshed have frequently been used to increase enemy casualties. Although the gases themselves are not fatal, they are often employed in tactical situations when the enemy is concealed from conventional weapons. Chemicals are then used to drive the enemy from his hiding place so that he can easily be fired upon.

The inhumane deployment of these weapons during battlefield situations may not be more inhumane than the use of comparable conventional weapons. However, chemical and biological weapons can continue to be inhumane long after the battle is ended. The area may remain contaminated for days, years, perhaps centuries. No conventional weapon is likely to cause this much prolonged suffering. Weapons aimed at plant or animal life may cause serious ecological imbalance, break natural food chains and disrupt environmental stability. Biological agents could cause damage of this magnitude in wide-range areas. It is conceivable that entire species, perhaps even man, would move toward extinction after a large attack.

Theoreticians have not realized their visions of wars without death. As now employed, chemical and biological weapons are usually used to kill the enemy directly or indirectly. At times their use kills scores of non-combatants.

THANK YOU, MR. VICE PRESIDENT

Mr. HANSEN. Mr. President, my State of Wyoming had the very real privilege of being host to Vice President SPIRO T. AGNEW last Thursday at Casper for the beginning of the 1970 political campaigns.

It was my high honor to share the speaker's platform with the Vice President and to listen to his dynamic, hard-hitting address. He was forceful and forthright and made a number of points that will be of interest to the people of this country.

Mr. President, in order that those interested in the 1970 campaign might have the opportunity to ponder the Vice President's remarks, I ask unanimous consent that his address to the Wyoming Republican rally at Casper on September 10, 1970, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

What a delight and privilege to be in your beautiful Wyoming this first day of the critical 1970 campaigns.

And what a pleasure to be on the platform with my valued friend, Stan Hathaway. We came to our governorships together and shared ideas along the campaign trail. Stan has been a great man for Wyoming and a great leader among the other Governors. He is as energetic, candid, and decent out of the State as he is in. He just doesn't know how to be any other way. Professionally, his efforts to attract new industry to Wyoming and, at the same time, to keep your environment clean have won national acclaim. I know the people of Wyoming are proud of Stan, and I know they will reelect him.

Yours is a stand-up-and-be-counted state—one that gave President Richard Nixon in 1968 a resounding vote of confidence. For that we remain both proud and grateful, and tonight I have come to report on our promises to you—our pledge to brake inflation, to reestablish law and order, to begin the redistribution of power from Washington back to the States and the people of this country.

I report tonight that, to the maximum of his ability, our President has kept his word. He has taken all the executive action within in power; he has sent to Congress measure after measure to achieve his goals. And now it is plain that a recalcitrant Congress blocks the path between the President and fulfillment of his commitments to the people of the United States.

That is why I am here in Wyoming—to suggest how we can best attain those objectives for which we worked together in the fall of 1968.

So I gladly and emphatically speak up for the election of John Wold to the United States Senate. The proposition is a simple one. You elected President Nixon to lead this nation in 1968. Now I hope you will send to Washington another Senator who can be depended upon to work with your President to carry out our common aspirations for this country.

Two of the great issues confronting this country are: the war in Vietnam and the state of the economy. The first issue is preeminent, as it involves the lives of American men.

Twice I have been into the farthest reaches of the Pacific in the last year—both times, therefore, at federal expense.

Last year John Wold was also in Southeast Asia. But not at government expense. He went there, not on a government tour, but paid his own way to learn firsthand the problems of American policy in this divisive war. This is the kind of personal drive, of commitment and concern, that we need in Washington—that you of Wyoming need in the next man you send to the United States Senate.

Let's briefly recall some of the positions taken and legislation proposed by Wyoming's next Senator.

John Wold, as your Congressman, has proposed no fewer than two dozen measures to preserve the environment and conserve our natural heritage. He has fought, far more than most other Congressmen, to prevent the use of the United States mails as transmission belts for pornography. He has introduced his own legislation to control the traffic in narcotics and drugs that is ravaging an entire generation of our young people. And I can certify this—on his anti-crime proposals, the President of the United States has had no stronger supporter in either House of Congress than John Wold of Wyoming. If we had fifty more men like him in Congress—in short order the cities of this country would be a lot safer to walk in and to visit. And on the paramount question of peace with honor in Southeast Asia, this stand-up legislator—in a time of demonstrations, in a time of disorder and violence—has stood foursquare behind the President of the United States. And on that issue above all others, that's where you want your Congressman to stand in this day and age.

On my way here this evening, a fellow stopped me and asked if I could think of any reason why John Wold ought not be in the Senate. I said the only reason I could imagine is that we need to save his seat in the House.

But then it didn't take me a half second to remember that we have Harry Roberts running for John's seat. He's going to win, too. So I suggest to you of Wyoming that there is every reason to send us John Wold as your next United States Senator.

On the other great domestic issues, this fine Congressman has won his spurs for the Senate.

Take Federal spending.

My friends, I hardly need to tell you that this problem of controlling Federal spending has become critical. If we fail in this, runaway inflation would resume. Prices and interest rates would skyrocket again, and new taxes would become inevitable. In any case, I regard government indulgence of inflation as a breach of faith with the American people. For inflation is a thief. It steals away the value of the savings the working person puts away; it robs him of the purchasing value of the dollars he earns.

So I feel deeply that inflation is far more serious than a political issue—it is very much a moral issue. We intend—with the help of men like John Wold—to keep faith with the working people, the retired people, and the poor people of this country. We are determined to do whatever is in our power to see that their income, their savings, their insurance are not cynically stolen away by fiscal irresponsibility and political profligates.

History abounds with tragic accounts of countries too witless or weak to stand up to inflation. When prices rise faster than the incomes of working people, their confidence ebbs in their country's economy, and soon their confidence in the integrity of their government is lost. When that last trust has been forfeited, all is lost.

So let's focus briefly on the reasons behind the economic problems we have been moving to solve.

While economists disagree on almost everything, they do seem to agree on the basic cause of our current inflation. Basically, the inflated prices you now have to pay in your supermarket can be directly traced to the huge budget deficits incurred before President Nixon took office in 1969. Those deficits totaled, from 1961 to 1969, $57 billion. In fiscal year 1968 alone, we overspent our income by $25 billion. That one year we went deeper in debt than we have ever before in any entire Administration since World War II.

So now you are paying more for your food and clothing and your children's books and shoes because fiscally myopic and politically irresponsible men were unwilling to live within the limits of Federal income during a time of furious economic activity.

I think the trend to spend far more than we

could afford is symptomatic of something deeper in our society.

This is part of a philosophy that says "anything goes." It is an outlook toward life that loves the dance but hates to pay the piper. It is a belief that—no matter what we do to it—the American free enterprise system will keep delivering an ever-higher standard of living.

In life as in economics, things just don't work out that way. We cannot abuse our economy, we cannot strain our system to breaking point, without expecting a reaction.

We are now going through a great awakening. Millions of Americans are opening their eyes to the consequences of the wild ride of the Sixties. And we are determined that the American people march into the Seventies with their eyes wide open.

That's why we lay it on the line—why we level with the people about spending. You pay for what you get—there is no such thing as something for nothing. You pay for that spending in terms of higher prices and higher taxes.

That is not a message the radical economists or the promissory politicians like to hear. But it's the truth, and the American people are mature enough and intelligent enough to hear it.

The party and the men who fed that inflation have made careers of professing their heartfelt concern for the very poor and the elderly in our society. I know of nothing more cynical, more cruel, in American politics. It is always the poor and the elderly who suffer the most in the kind of inflation generated in the recent past. These people who have feasted politically on the illusory boom times of inflation know very well that this is so.

There is another way to measure these deficits, for which we are still paying every day. In 1960, the interest on the Federal debt came to $9 billion. By fiscal year 1970 it had zoomed to $19 billion because of the fiscal irresponsibility of the 1960s. We are still paying, and years from now our grandchildren will still be paying, for that wild spending binge.

If we had that extra ten billion dollars of interest payments to spend on other things, there's a lot we could do. We could triple Federal aid to primary and secondary education; we could triple the funding for vocational education; we could triple Federal money for hospitals; we could double our spending for medical research—and then we would still have billions left over.

This huge sum just to pay the interest on the debt has grown into the third largest item in the Federal budget, right behind defense and Social Security.

As I mentioned this noon in Springfield, Illinois, by the time President Nixon took office, the economy was doing a hundred miles an hour in a thirty mile zone. Now at last we are bringing it under control.

The rate of inflation has been cut in half. Wholesale prices have turned down. Interest rates have begun to decline. Business indicators are looking up. We are making real progress after twenty months of the hardest kind of discipline.

But, my friends, this is a tough, no-quarter fight that we can't walk away from. If we are not to go down the same inflationary road all over again, we need more men in the United States Senate who will stand up with conviction and courage for responsibility and common sense in fiscal affairs. Here in Wyoming in 1970, that means one thing—you need, and we need, John Wold in the Senate.

If you would like hard proof of this fact, let me urge you to study a new analysis of the spending record of all Congressmen. This is compiled every two years by an independent, non-partisan group, and it separates the spenders from the savers on the key votes of the past session.

Here's how John Wold's opponent stands: when it comes to saving money, he has one of the lowest economy records in the Senate—a rating of 25%. That means that three times out of four, when he had a chance to choose between spending and saving, he chose to spend your money.

In contrast, here's how John Wold stands: when it comes to saving the taxpayer's money, he has one of the highest economy records in the House—an economy rating of 90%. Nine times out of ten, he cast his vote against the big spending that drives up prices.

Now, it isn't often that voters are presented with such a stark contrast in spending philosophy. John Wold has proven he will strongly support the President's fight against inflation—and we need him now more than ever to turn back the tide of Federal spending.

There's another point, too. In 1966, John's opponent laid heavy emphasis on his party affiliation with the President of the United States. He said, and I am taking this quote from the *Rocky Mountain News*, "A state . . . should realize that when you have a Democrat in the White House, you need to have Democrats in the Senate."

Well, he can't have it both ways. Today, we need men in the Senate who will support our President in fighting big spending and high prices.

Now, many people ask: Why does the Vice President of this Republican Administration come to Wyoming to speak for a man running against a Democratic incumbent who has supported that Administration on some important occasions? And I will tell you why.

It is because the election of John Wold's opponent would help to guarantee that those who oppose the President up and down the line in Congress stay in their positions of majority power. It is because the election of John Wold's opponent would be a defeat for those who want to rein in Federal spending and curb inflation. It is because the election of John Wold's opponent would help to leave in the positions of power in the Senate the same radical liberals who control that body today and who have already seized many of the levers of power in the Democratic Party. That is why a victory for John Wold is necessary in the great state of Wyoming on the Third of November.

If your concern is foreign affairs, as well as of sound fiscal management, just remember this: if you can change the makeup of the Senate this fall, in January you will change the chairmanships of every Committee in the United States Senate. A vote for John Wold is, therefore, a vote for new leadership of the Senate Foreign Relations Committee. And that, we surely agree, would sit well in Wyoming. It would serve America's interest, believe me—it would do wonders for the United States Senate.

My friends, in these times we hear a lot about women's rights. I recall that the Territory of Wyoming gave women the vote a half-century ahead of the rest of the Union. That's the kind of political pioneering we need right now. By giving the nation another Senator who will help our President achieve the goals which we promised and you approved two years ago, you of Wyoming can—and I believe you will—lead the way.

TRIBUTE TO DR. MARTIN JENKINS

Mr. TYDINGS. Mr. President, last Friday I had the opportunity to attend a testimonial dinner for Dr. Martin Jenkins, outgoing president of Morgan State College, in Baltimore, Md.

When Dr. Jenkins came to Morgan, the school was small and relatively unknown. Today, it is nationally recognized as one of the truly fine liberal arts colleges in the United States. The remarkable changes in Morgan's physical, academic, and intellectual development that have occurred during Dr. Jenkins' term as president testify to his leadership and creativity.

I ask unanimous consent that a tribute to Dr. Jenkins, published in the Baltimore News American of June 14, 1970, be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Baltimore News American, June 14, 1970]

MORGAN STATE: ON THE CUTTING EDGE OF SOCIETY'S CRUCIAL PROBLEMS

(By Michael Olesker)

That was, in part, what the presidents of 15 predominantly black colleges said May 20 in a meeting at the White House with President Nixon.

"They are pretty strong words to say to the President of the United States," Dr. Martin Jenkins, President of Morgan State College, says without apology. "I wrote the punchy part."

Publicly and privately, Jenkins has had a lot to say since he took over as head of Morgan State 22 years ago. His remarks on education and urban affairs, and on the general plight of black Americans, have drawn anger and self-righteous indignation from some quarters, but rarely charges of lack of truthfulness.

Some people have even said that, for a black college president, Jenkins has been an "uppity nigger."

"The presidents of black institutions are sort of stereotyped in some people's minds as very conservative, hat-in-hand, Uncle Tom people," Jenkins smiles. "As a matter of fact, this is not generally true."

For Jenkins, it is not true at all. The man who lifted Morgan State College into the 20th century has had the ear of three American presidents—Kennedy, Johnson and Nixon—and he has not gone to them with hat in hand.

His meeting with Nixon—"We talked about the deplorable situation of this nation and of his administration"—was merely the latest opportunity to speak out as a college president.

It also was his last opportunity. On July 31, Jenkins retires from his presidency. It is a retirement in protest.

"I could have—and would have—stayed four more years," he says. "I'm retiring in protest of state policies of insufficient budgetary support, and what I consider an unfriendly, lily-white Budget Bureau. I want that to be very clear."

Morgan State came under the purview of the Board of Trustees of State Colleges in July 1967. Its purse strings are controlled by the Budget Bureau and Jenkins blames it for Morgan's subsequent "deterioration."

"They are very reactionary," he says, "and the fact is that there are no blacks at all to convey any feeling to them and not even a secretary in the organization. They have been unfriendly both in the recommendations of appropriations and in inappropriate control of the administration of appropriated funds.

"Morgan State is a very special institution which relates directly to our nation's two most crucial problems—race relations and urbanization. Although we're in the process of racial integration, the current enrollment of black students is larger than the combined enrollment of black students in all the public and private four-year colleges and universities in the state of Maryland.

"Deterioration of the educational program at Morgan State means a reduction of educational opportunity for a majority of the black students in Maryland. We are in a strategic position to contribute to the alleviation of urban problems, but we can assume this role only if adequate financial support is provided."

Morgan State shares with other state colleges the problems of insufficient financial support. Maryland ranks 39th among the 50 states in its support of higher education.

With his retirement from Morgan State nearing, the stocky, 66-year-old Jenkins last week sat in his office at Carter Grant Wilson Administration Building, on the Cold Spring Lane campus, and looked back on his life and times.

"It's always been my view," he said, "that blacks must be educated the same way whites are, and that has been our thrust at Morgan State. In addition, though, we must attempt to engender a sense of social responsibility.

"I do not think that the rhetoric of protest—although it is necessary—is any real solution to the problems which confront our society. And so, we educate our students as do other colleges, for living, for making a living, and for effective citizenship in a democratic social order."

Jenkins rejects the idea of black power.

"I am, without a policy, an integrationist. I say that at every opportunity. My students know that, even those who disagree with me.

"The black power idea is that, if blacks are to be effective in this nation, and secure the full rights, we can do it only after we establish a power base—political, economic and social—and that we can do it only by separating ourselves and acting as a separate group.

"I disagree with it because I think a more effective way is for blacks to become integrated and to work in the American society. We take, for example, if Baltimore becomes an all-black city, we'll have the political power, but it will become very difficult to establish a viable economic base for the city.

"I would prefer, rather than exclusively back business in the ghetto, to see blacks incorporated into the economic structure of the nation, as well as doing business in the ghetto."

He can remember the days when Morgan students were not at all interested in politics, when the goal was simply to graduate and find a job in the professions.

Jenkins was a professor at Howard University then—"It was, and still is, the top predominantly black university in the nation, although I think Morgan has a better undergraduate program"—and arrived at Morgan just as money had come through to expand the college's physical plant.

"There were only a few buildings when I came here, and an imperative need. When I got here, the first of the new buildings was under construction, so almost all the buildings on campus have been constructed during my tenure.

"There's a great difference between the student mood in 1948 and what we have today. There was none of the militancy that we see now among students. I suppose the only causes of student unrest in those days was the dining hall food.

"The students were adjusted psychologically to a racially segregated society. Almost all of them were preparing for the professions. A great majority were preparing for teaching, some for law and medicine.

"Only a few were preparing themselves for business. There were no opportunities whatsoever for college educated blacks in industry or business, and very little in government."

When he arrived in Baltimore in April 1948, Jenkins did not like what he saw. He called Maryland's educational system "inconsistent with our democratic philosophy," and said that the state's higher education opportunities for black students was "just as bad and in some cases worse" than in states further south.

Jenkins had made his mark studying black educational problems. On the basis of a survey he conducted of Negro higher education in the southern states in the 1940s, he made what he calls "my most important scholarly contribution." It is today regarded as a classic and landmark study.

He showed that "the scores of the brightest Negroes are as high on intelligence tests as those of the brightest whites," which proved something of a shock to people 25 years ago.

"The general interpretation by psychologists then," Jenkins recalls, "is that blacks were not as bright as whites."

Looking back, he was "amazed moving from Washington, which was also strictly segregationist then, that the major Baltimore department stores did not want to sell Negroes a bar of soap, let alone a suit or dress. They did not want blacks to enter their doors. There was no law against entering, but you might find trouble.

"For that reason, for the first 10 years I was here, I didn't enter a Baltimore department store. In this particular sense, this city was probably the most rigidly segregated city in the country, because even in the deep South, that problem did not exist.

"Baltimore school teachers, who were the most affluent group of black people at that time, were found on trains going to Philadelphia to shop after payday. We had our connections in Washington, so we did our shopping there."

Jenkins began pushing for higher black education standards, for general racial equality and, more than once, appears to have been slightly ahead of his time on public issues.

He urged racial integration before it became a widely accepted goal. He later condemned South Africa's apartheid policies well before most people were even conscious of them. He also welcomed African students to Morgan, and in 1955 received the Humane Order of African Redemption.

"Our interest at Morgan," he says, "developed long before the now-popular affinity for African roots."

Nevertheless, he thinks Afro-style haircuts are "fine. I would not personally wear one, because of the configuration of my hair, but it's a matter of personal choice.

"It's a protest against purely white values, and I think it gives the young people who wear these a sense of personal integrity and personal pride. We're in a white culture where the standard of beauty is white, with straight hair, and this is simply a way of manifesting that there are other kinds of beauty which are equally valid."

He does not advocate violence "or the burning of cities," but adds, "I don't draw the line anywhere on demonstrations. I can understand the utter frustration of many blacks who have lost confidence and hope in this society. And I also understand that it takes pretty drastic moves to get the attention of the Establishment.

"I have been defined as a racial moderate. For decades I have been, along with many others, pointing out the ills of our society. But it really began to get some action when there was violence and when there was burning.

"This is one of the sad elements in our contemporary society—it is almost necessary to impress violently upon people that some changes in the present deplorable situation are necessary."

And that was what he and 15 other college presidents told Nixon.

"He was very interested in what we had to say, but made no commitment. I would not like to make a judgment of Mr. Nixon from that two-hour meeting, but from a historic standpoint up to date, I don't believe that the Nixon administration offers very much hope to the black population."

Regarding the role of the 15 black educators at the meeting, Jenkins says: "The black college presidents are the most militant group of presidents in the United States. It is inconceivable, for example, that a group of presidents of predominantly white institutions would say to the President of the United States what we said to him.

"This is because the white college president is really a member of the Establishment, and can't afford to attack it too much, because he will then have his board of trustees and his clientele after him."

It is precisely this sense of responsibility and fearlessness that have enabled Jenkins to keep the respect of his students, who have not generally been among the nation's noisiest voices.

"I think I've been very successful in relations with students," Jenkins says. "I like to think it's because we've taken an interest in them. We had students on faculty committees—and listened to them—long before that became popular.

"My door is always open in this office. If a student comes in, I see him immediately if I'm not in conference at the moment. We have a real respect for students without turning the institution over to students."

A native of Terre Haute, Indiana, Jenkins earned his B.S. from Howard University and his Ph. D. in philosophy from Northwestern. He is one of the few black men his age who can say, "It was always understood that I would go to college.

"I had a very fortunate childhood. I've always been a middle class person. My father was a very remarkable man, a highway bridge contractor. Both my parents were college graduates.

"My parents were very sensitive to the kind of experience a growing boy would profit from. My father had an extensive library. And I remember him taking me to the zoos in St. Louis, Chicago and Cincinnati.

"I remember, too, my mother taking me to public reading sessions at the library. My grandfather's picture hung in the library as one of the prominent citizens of Terre Haute in the 19th century. One of my grandmothers was the first black to finish high school in Terre Haute."

Jenkins was one of 12 black students in his high school—all of whom, remarkably enough, later graduated from college—and he was captain of the school track team. "I used to be quite a hign scnooi and college sprinter," Jenkins says.

That was long ago. Now, he plays out the last days of his presidency and talks about hopes and regrets.

"I think my greatest regret is that we have not yet been able to have this as a truly integrated college at the undergraduate level, and my other regret is that I won't be here for what I think is going to be a great breakthrough for the school."

The breakthrough includes $15 million for a few new buildings, and money for a new Center for Urban Affairs, which begins at Morgan July 1.

Sponsored by the state, and with a $600,000 grant from the Ford Foundation, the center will try to meet pressing urban problems. It will include six programs that, Jenkins says, "will put us in the very forefront of American colleges in urban affairs."

On all counts, he sees Morgan State as one of Urban America's last best hopes.

"For at least the last decade, we have been sensitive to our role as an urban institution—to what we might contribute to upgrading Baltimore City. Our urban thrust reaches down to the disadvantaged to give them an opportunity to be constructive citizens rather than rock throwing citizens.

"Since blacks are going to play an increasing role of leadership, and since we do have a majority of black students in this state—

this is the place where the future leadership for the Baltimore area is being produced.

"My greatest disappointment has been my failure to convince the governor and state fiscal officials of the need to provide adequate financial support for Morgan State College. This college is on the cutting edge of our society's crucial problems—the cities, blacks, and youth. Adequate support of this institution would yield great social dividends."

Jenkins' leadership will now assume much larger proportions. He has been appointed director of the American Council on Education's director of urban affairs.

The council is the nation's largest organization of colleges and universities, and the office which Jenkins will assume is newly created.

"I will be working with colleges and universities all over the United States, attempting to get them to relate their programs to urban needs. As I have indicated, I have an obsession with this."

Jenkins has had a way of turning his obsessions into constructive action. Countless Morgan State students can attest to that. So can some American presidents.

FOREIGN AID

Mr. DOLE. Mr. President, I wish to express my support for the President's recommendations concerning the restructuring of our foreign aid programs.

The President's proposals will make our aid program germane to the period which we are now entering, and enable it to support the foreign policy of this administration.

The United States should assume a "lower profile" in our foreign aid programs through shifting as rapidly as possible to multilateralism, especially in the area of development loans. This will involve the channeling of more loan capital through regional development banks and other international agencies, which will enable the developing countries themselves to decide in favor of regional, international, or bilateral programs as they prefer. At the same time, the recipient nations will take an increasing share of the responsibility for the effectiveness of their programs.

In the period of change of emphasis from bilateral to multilateral institutions, the President proposes the establishment of a U.S. International Development Corporation, to provide bilateral financing and a new International Development Institute to provide the finest scientific and technical knowledge available in the world.

From another aspect, Mr. President, the President has reaffirmed his commitment to the involvement of private enterprise in the effort to raise standards of living throughout the world. Indeed, this Congress has already enacted that concept into law in the form of the Overseas Private Investment Corporation. This institution, soon to open its doors, will help to promote additional American investment of capital and technology in those countries with fewer resources than ours and will also help to further American participation in the world markets of the future, when the developing countries have achieved self-sufficiency. Foreign aid has already demonstrated its long-range favorable impact on our balance of payments, an impact that will continue to grow in importance with the emergence of the developing nations as customers for American goods and services.

Mr. President, I urge Senators to examine these proposals carefully and to bear in mind the importance of recognizing that these suggestions will lead to viable economies in the developing nations and that these viable economies will lead to a thriving world market. Our reluctance to participate now could mean shrinking markets and fewer friends. I commend the President for his proposals.

THE EDITORIAL IN THE GREENVILLE NEWS ENTITLED "LABOR GETS ITS BACK UP"

Mr. THURMOND. Mr. President, an editorial entitled "Labor Gets Its Back Up" was published in the Greenville News of September 11, 1970. Because of the editorial's concise and direct appraisal of the great dangers of the many welfare programs prevalent in this country, I feel it appropriate that it be printed in the CONGRESSIONAL RECORD. I urge each Senator and Representative to read the warning set forth therein.

Mr. President, the Greenville News is known for its first-class objective coverage of every issue and its concern for the direction in which this country is headed. I commend the editors of this outstanding newspaper and ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LABOR GETS ITS BACK UP

Don't look now, but organizd labor as well as business is fed up with politicians and sociologists who defend the right to loaf at government expense under the guise of welfare.

Latest indication is a letter to New York Mayor John Lindsay from the city's leading unions, trade associations and civic groups. They demand that antipoverty groups quit ridiculing jobs they consider "unworthy" of acceptance by able-bodied welfare dolesters.

The letter said New York will die if it gets a reputation as a city whose people don't want to work and whose administration thinks poverty can be licked without putting primary emphasis on work and economics.

New York isn't the only place in danger of being ruined by a philosophy that work is demeaning and loafing at government expense is a right. The whole country can fall victim to that sociological disease.

AGNES E. MEYER—RENAISSANCE WOMAN

Mr. TYDINGS. Mr. President, last week we all suffered the passing of a true renaissance woman. Mrs. Agnes Elizabeth Meyer—writer, lecturer on education, health, welfare and human rights, literary critic, linguist, authority on Chinese art, champion of quality public education, and unabashed intellect—was, in the words of Historian Arthur Schlesinger, Jr., "copious and volcanic—a force in public affairs, bearing down like a galleon in full sail, all guns firing, on the enemies of education, on civil rights or free speech."

When Adlai Stevenson presented Agnes Meyer with the 1965 National Brotherhood Award of the National Conference of Christians and Jews, he commented:

She has withstood that heat of a turbulent century and brought light to many dark corners.

An excellent article published in the Washington Post, written by Elsie Carper, captures the spirit and lists the accomplishments of this truly remarkable woman. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNES E. MEYER: WRITER, CRITIC, CHAMPION OF REFORM

(By Elsie Carper)

Agnes E. Meyer was a woman of the 20th Century, successfully combining the responsibilities of a large family of five children with a career devoted to public service.

She was the wife of the late Eugene Meyer, chairman of the board of The Washington Post Co., a distinguished investment banker, government official and newspaper publisher.

She also was a nationally known figure in her own right, a writer and lecturer on education, health, welfare and human rights, a literary critic, a linguist and an authority on Chinese art.

A strikingly handsome woman, tall and imposing, Mrs. Meyer was fiercely and unashamedly intellectual. Her strongly held views on social problems often involved her in controversy. She denounced the late Sen. Joseph R. McCarthy for his witchhunt tactics, the Catholic Church for its opposition to federal aid for public schools, and the white establishment for its treatment of black Americans.

She used her talents as a writer and her own wealth and position in society to champion reforms.

"COPIOUS—VOLCANIC"

In the words of historian Arthur Schlesinger Jr., she was "copious and volcanic . . . a force in public affairs, bearing down like a galleon in full sail, all guns firing on the enemies of education or civil rights or free speech."

The late Adlai E. Stevenson called her "a fearless, tireless incorrupted spirit" and said in presenting her with the 1965 National Brotherhood Award of the National Conference of Christians and Jews: "She has withstood the heat of a turbulent century and brought light to many dark corners."

The turbulence of her own spirit was recognized by astronomer Harlow Shapley, when on her 70th birthday he named a great whirl of stars that he had discovered "the Agnes Spiral."

She remained intellectually active long after arthritis had put her physically on the sidelines. She formed and was chairman of the National Committee for Support of the Public Schools, a national effort of laymen—businessmen, civic leaders and concerned citizens—to increase financial support for education at all levels of government.

After signing the landmark bill for federal aid to education, President Johnson said it was Mrs. Meyer who had persuaded him of the need for federal funds to improve the quality of the Nation's schools.

The Meyer Washington residence at 1624 Crescent Pl. NW, attracted artists, musicians and literary figures, scientists and philosophers as well as government figures forming a lively addition to Washington society and the cultural life of the city. Author Thomas Mann described her as "the best hotel-keeper on two continents."

WRITER, LECTURER

It was as a writer and lecturer, championing the democratic ideals of freedom of thought, justice and a better life for all that Mrs. Meyer gained her reputation.

Her articles frequently appeared in the pages of this newspaper in the 1940s and 1950s and were widely reprinted. She also was a contributor to magazines, including the Atlantic Monthly.

For the most part, her stories dealt with social problems of a nation emerging from a depression and the dislocations of two wars to face the strain of a continuing cold war.

Many dealt with education. She wrote about schools in Washington where education foundered in a morass of overcrowding and aged buildings and about schools in the suburbs "inundated by a constantly augmenting lava-flow of housing and humanity." She went into the schools to interview principals and teachers, setting a pattern for education reporters throughout the country.

Her series on Prince George's County won a first place award from the Education Writers Association in 1951 as "a penetrating analysis of school conditions."

Long before the 1954 Supreme Court decision outlawing segregation in schools, Mrs. Meyer had written about the fallacy of thinking that schools could be both separate and equal.

After the decision, Mrs. Meyer made a foray into the hard-bitten segregationist area of Prince Edward County, Va., where officials closed the schools rather than comply with the Court order. As she moved through the county, in her stylish dress, big hat and chauffeur-driven limousine, she made a lasting impression.

COURAGE, JUDGMENT

Mrs. Meyer believed that the prime requisite for a reporter is the ability to work with intelligence and dedication. She was an indefatigable fact-gatherer. She had the courage and the mature judgment to draw conclusions and to state them unequivocally.

Her writing had enormous force and impact. If what she wrote made some people uncomfortable, they had no occasion to complain about inaccuracy.

When Mr. Meyer purchased The Washington Post in 1933 after leaving government service, Mrs. Meyer became vice president of the company. Two years later she was named part owner.

The paper later was incorporated and Mr. and Mrs. Meyer transferred all voting stock to their son-in-law, the late Philip L. Graham, who was named president, and to their daughter Katherine Graham who succeeded her husband as president.

In 1950, Mr. and Mrs. Meyer turned over the bulk of their nonvoting stock to the Eugene and Agnes E. Meyer Foundation for the support of scientific, charitable and cultural activities in the Washington area. Five years later they gave nearly a half-million dollars worth of nonvoting stock to veteran employes of the newspaper.

During the years in which the newspaper lost substantial sums of money, Mrs. Meyer encouraged her husband to hold onto the newspaper and was willing to pledge her own funds to keep it going.

The paper needed a strong financial base, which it did not have. When the competing Times-Herald went on the market in 1949, her husband and son-in-law made an unsuccessful try for its purchase. (The Times-Herald was not purchased until five years later.)

"THROW IN THE HOUSE"

A substantial sum of cash was needed. Meyer and Graham called in Mrs. Meyer.

"Throw in the house," she told her husband. "I don't need to live so elaborately."

Even when part owner of the paper, Mrs. Meyer steered clear of management decisions and editorial policies, preferring to make her contribution through her reporting and writing.

Mrs. Meyer was no newcomer to journalism when Meyer purchased The Washington Post. Before her marriage she was a reporter for the old New York Sun and one of the first women to work in the city room of a metropolitan newspaper.

While Mrs. Meyer was of the 20th Century, casting aside the view that a woman's place should be limited to her own hearthside her roots were deep in the 19th Century. In her autobiography, "Out of These Roots," published in 1953, she wrote:

"I have all my life been grateful for the fortunate accident that I grew up in an American society which developed in all of its members a fierce independence, self-reliance, and the courage when necessity arises to go it alone regardless of accepted ideas, the power of authority, and the stigma which is now frequently placed upon the individual who thinks for himself."

BORN IN NEW YORK

Agnes Elizabeth Ernst was born in New York City, Jan. 2, 1887, the daughter of Frederic H. Ernst, an attorney, and the former Lucy Schmidt. Her parents were North German immigrants and her paternal ancestors were prominent Lutheran clergymen.

She said her upbringing in the then rural village of Pelhamville, N.Y., was in the German burgher tradition "sober, ethical, restrained, hard working, yet full of gaiety, music and romantic idealism."

She attended public high school in New York City, studying Latin, Greek, ancient history and French. Later, because of her own schooling, she was to become a passionate defender of the public schools, urging their improvement and readjustment to new social demands.

With a scholarship earned by high marks on the entrance examination, she went to Barnard College, in 1903 at the age of 16. Expenses were met with part-time jobs tutoring and working in a settlement house in the tough Hell's Kitchen neighborhood.

At Barnard she met philosopher John Dewey. He encouraged her love of freedom and her intuitive drive toward self-development through his teaching that freedom is in reality the power to change one's disposition and character by intelligent choice and discrimination.

Writing college news for the New York Sun led to her newspaper job after graduation. She found her own assignments, among them interviews with Alfred Stieglitz and Edward Steichen, then experimenting with photography in an attic room. They became her life-long friends.

Miss Ernst left the Sun in 1908 to go to Paris to study at the Sorbonne, borrowing $500 to make the trip and writing articles to meet expenses.

Bursting on the scene with characteristic vitality, the attractive young woman became a part of the artistic colony. Rodin, the sculptor, was her guide through the art galleries. She met the composers Gustav Mahler and Darius Milhaud, the critics Gertrude and Leo Stein. She took fencing lessons with Madame Curie.

"I lived," she said, "totally in a world of ideas."

She developed a love of art that led later to her purchase of French Impressionist paintings, a collection that will go to the National Gallery of Art.

She recognized the artistic genius of Brancusi when he was a struggling young sculptor. He later was to do her portrait—a black marble abstraction, which he called "La Reine pas Dedaigneuse"—the not disdainful queen.

Despiau also did a portrait bust, now in the Musee d'Art Moderne in Paris.

In Europe, she fell under the spell of Chinese art, and became a serious student of Chinese history and philosophy.

Her book "Chinese Painting as Reflected in the Thought and Art of Li Lung-mien" won the award of the American Typographical Society as the handsomest book of 1923.

Her knowledge of oriental art was recognized by Charles L. Freer, donor of the Freer Gallery. He listed four persons in his will who could make contributions from their own collections to the Gallery. Mrs. Meyer was the last survivor of this small group. She donated Chinese bronzes, ceremonial bronzes, jade and Chinese paintings. She also was named by Freer to serve on a committee that approved acquisitions for the Gallery to assure that they were of the highest quality.

Miss Ernst and the very successful young banker Eugene Meyer were married in 1910 after a courtship that began in a New York art gallery. Meyer saw her across the room, wangled an introduction, and pursued her to Paris.

"COMMON ETHICAL IDEAS"

She wrote of her marriage: "We were both to discover as we met life's problems together, that common ethical ideals are probably the most essential bond that man and wife can possess."

They were a remarkable pair, Eugene Meyer, already a force on Wall Street, and the stunning blond girl, 12 years his junior.

After marriage, Mrs. Meyer showed no inclination of settling down to the conventional life of the wife of a man of wealth and influence. She enrolled in the graduate school of Columbia University, served with a committee that founded maternity centers in New York City and began her art collection.

"I never received any credit for making good investments on my own," Mrs. Meyer said. "I bought those paintings after I was married and had some money. The most I ever paid for one was $10,000. Now they are worth millions."

While rearing a family of four girls and a boy, Mrs. Meyer pursued a program of self-development. She carried on an extensive correspondence with author Thomas Mann and the French Catholic poet and dramatist Paul Claudel. Her correspondence with Mann and Claudel, along with copies of their manuscripts, were presented to Yale University in 1957. Both authors wrote to her on the progress of their literary works and their philosophies and political beliefs.

PRAISE FROM STEVENSON

"I suspect," said Adlai Stevenson, "there are few who could match the abundance of her interests and knowledge, who could simultaneously write a book on Chinese art, translate Thomas Mann from German, and raise a large family."

When Russell Sage College gave her an honorary degree, one of 14 she was to receive, she was hailed as "an example of the American woman" that the college "wishes her graduates to be."

Mrs. Meyer had a more wry comment. She wrote in her autobiography: "Why my husband did not quietly murder me and call it a day is more than I can now understand."

In later life, Mrs. Meyer campaigned for better utilization of the brain power of women, recommending that they become interested in politics.

She was jolted into public service by the genial Republican boss of Westchester County, William L. Ward. The Meyer home, Seven Springs Farm, is located in Westchester County.

"It was 1921 and we were having one of those jamborees," Mrs. Meyer recalled. "Ward approached me and said 'Young woman, what are you doing for your country?"

"A PRACTICING CITIZEN

"He drove me out of being a no-good intellectual and into becoming a practicing American citizen. He taught me that there is no

justification for political power unless it is used for promoting the welfare of the people."

She and the late Eleanor Roosevelt quarreled publicly over political issues. Later common interests in education, welfare and human rights were to draw them together in a mutually cherished friendship.

Under Boss Ward she learned to ring doorbells and get out the vote. She was so successful that she was named a delegate to the 1924 Republican National Convention, was invited to become vice chairman of the New York State Republican Committee and was urged to run for Congress.

She turned down both jobs that would have required a steady responsibility.

In 1923, Mrs. Meyer was named chairman of the Westchester County Recreation Commission. During the 18 years that she was its head, playgrounds sprang up all over the County, an auditorium was built, and choral groups, concerts, festivals and summer camps were organized.

CONTRIBUTED TO POST

Mrs. Meyer remained an active Republican until 1956 when she cast her first Democratic vote. It was for Stevenson. Four years later she quit the Republican Party for good to work for Stevenson's renomination at the Democratic National Convention. After Stevenson lost the nomination, she became a national vice chairman of Citizens for Kennedy and Johnson.

Although the activities of Mr. and Mrs. Meyer kept them frequently in Washington, they maintained their home in Westchester County. In 1958, they gave the village of Mt. Kisco more than a quarter of a million dollars to purchase a 308-acre site of woods and lake adjoining their home for public recreation.

Mrs. Meyer began contributing articles to The Post shortly after her husband purchased the paper.

In the 1930s she wrote a critical and widely discussed series based on her observations of the Public Works Administration in Westchester County.

It was during World War II as a correspondent overseas and on the home front that Mrs. Meyer hit her stride as a reporter. She wrote a series of stories on Britain under the blitz. She followed this up with a tour of war plants in the United States.

For weeks on end, she witnessed "the frightful disintegration of family life and individual character that were the penalty of a disorderly environment and disorderly living." The theme that frequently appeared in her later speeches and writing was that the United States can prosper only as the home and community are strengthened.

Months of preparation went into her articles about the American home front. She toured 27 industrial centers, working from 12 to 18 hours a day, visiting factories, shipyards, overcrowded tenements, schools, hospitals, day care and recreational centers and housing projects.

EXPANDED INTO BOOK

The articles were widely reprinted and aroused government officials and citizens. Poor morale and lagging production as reported by Mrs. Meyer at one industrial center led to a congressional investigation.

The articles were expanded into her book "Journey Through Chaos," which the Saturday Review of Literature said was "the best, more nearly comprehensive report on social conditions in wartime America."

After the war Mrs. Meyer again toured the country writing about what communities were doing, or more often failing to do, to convert to peacetime living. She spent four months in 1946 studying and writing about the problems of migratory labor.

Other articles dealt with the corruption of the Crump machine in Memphis and riots in Columbia, Tenn., in which 23 Negroes were arrested. Her well documented stories were introduced at the trial and were instrumental in freeing all but two.

Her series on conditions in the East Kentucky coal mines became a part of a congressional hearing. Another series dealt with problems in postwar Germany. In 1960, she toured Israel, writing about Arab refugees and studying labor unions.

SOCIAL WELFARE LOBBYIST

She was an effective lobbyist for social welfare and improved educational opportunity for all children. In appearances before congressional committees and in lectures across the country, she campaigned for federal aid to public schools.

It was her view that educational handicaps imposed on children in communities that cannot afford to maintain good schools constitute "an unendurable injustice" and "a crime in a country as rich as ours." She took a public position vigorously opposing released time in schools for religious instruction as well as the use of public funds for sectarian schools.

During the height of the McCarthy era, when it took courage to oppose the views of the Wisconsin Senator, Mrs. Meyer received national attention when in a speech before school administrators at Atlantic City she tore into Sen. Joseph R. McCarthy's record as an investigator, calling it "shameful."

Educators acclaimed Mrs. Meyer as their champion. When Columbia University granted her an honorary degree in 1957, the citation called her "an eloquent advocate of intellectual freedom and a persuasive proponent of responsibility in public affairs." The District of Columbia Board of Education named an elementary school for both Mr. and Mrs. Meyer, waiving a rule against honoring a living person.

HELPED HUNGRY, UNPROTECTED

In presenting her with the D.C. Teachers Union Award in 1963, Superintendent of Schools Carl F. Hansen said that Mrs. Meyer had anonymously "sponsored many programs that have helped the hungry and the unprotected in our schools."

She supplied funds to initiate elementary school libraries, a summer lunch program, the early morning physical fitness project that provides a warm breakfast and showers as well as exercise for boys in poor areas of the city, and the Cardozo Custorial Training Program to give schoolwork experience to boys who otherwise would be likely to drop out of school.

The Eugene and Agnes E. Meyer Foundation provided money for the first school social workers, for a talent search project and for psychological services.

The Foundation, which is managed by an independent board of directors, has given out more than $10 million in grants since 1944 in fields of education, community services, health and the humanities.

On the national scene, Mrs. Meyer led a campaign for the establishment of the federal Department of Health, Education, and Welfare.

She helped organize and was president of Social Legislation Information Service to keep local welfare agencies informed on federal programs.

She served on numerous local and national committees and was appointed to various commissions and delegations by six Presidents from Hoover through Johnson.

The Federal Bar Association honored her in 1963, with a citation that said her "life has been spent in enrolling the power of the fortunate and the privileged in behalf of the unfortunate and the underprivileged."

Mrs. Meyer's surviving children are Dr. Eugene Meyer III, of Baltimore; Mrs. Pare Lorentz, of Armonk, N.Y.; Mrs. Philip L. Graham, of Washington, and Mrs. William A. Epstein, of Scarsdale, N.Y. Florence Homolka of Los Angeles, died in 1962. There are 12 grandchildren and two great-grandchildren.

POW PROPAGANDA

Mr. HANSEN. Mr. President, a few days ago, some American families got welcome news. Their husbands and sons were not dead; they were prisoners of the North Vietnamese.

The information did not come in an official announcement of the Hanoi regime—the North Vietnamese have never released the names of those they held captive. The families of these men saw their loved ones on television when North Vietnam released a propaganda film purportedly showing how well prisoners were treated.

A propaganda film. Were this only a callous exploitation of American servicemen, it would be bad enough, but Hanoi has added insult to injury. They refuse to give our men the treatment their status as prisoners of war deserves; they refuse to allow communications with their families; they refuse even to release the names of those they hold.

And now this. American children must see the exploitation of their fathers even to know if they are alive.

The cruel practices of the Hanoi regime are a shameful insult to civilization. Hanoi has nothing to gain by its intransigence, and by these acts it only further alienates the great masses of American people, and continues to draw the condemnation of all civilized nations.

RETIREMENT OF JACK FORSYTHE AS GENERAL COUNSEL OF THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE AFTER 16 YEARS

Mr. SCHWEIKER. Mr. President, I wish to join with my many colleagues today in honoring Jack Forsythe, general counsel of the Committee on Labor and Public Welfare, who is retiring after 16 years of working with the committee, and 4 years beforehand with the House Education and Labor Committee.

As a member of the Committee on Labor and Public Welfare since coming to the Senate last year, I have had the privilege of working closely with Jack on committee legislation. As a Senator from Pennsylvania, I am especially pleased to note his accomplishments today, since he hails from Pennsylvania. Born in Canonsburg, Washington County, 20 miles south of Pittsburgh, he attended the public schools there and was graduated from Geneva College in Beaver Falls, Pa., 30 miles north of Pittsburgh.

Jack has participated in drafting all major education and health legislation which has been considered by Congress during the period while employed as general counsel for the Committee on Labor and Public Welfare. He has devoted his great energies and abilities to bringing important legislation into being, and I know that he will be missed by those of us who have worked closely with him in the Senate. We wish him the best.

THE QUEST FOR EQUALITY OF EDUCATIONAL OPPORTUNITY

Mr. SPONG. Mr. President, this morning, Mr. Wilson C. Riles, deputy superintendent of public instruction for the State of California, testified before the Senate Select Committee on Equal Educational Opportunity. Prior to becoming deputy superintendent of public instruction, Mr. Riles was director of the compensatory education program in California. He was a member of President Johnson's Task Force on Urban Educational Opportunity and chairman of President Nixon's Task Force on Urban Education.

In a question period which followed his prepared testimony, Mr. Riles said it was his objective to bring reason to bear upon the present quest for equality of educational opportunity. I believe that both his prepared testimony and his response to questions directed to him represent a fine attempt to meet his objective.

In particular, Mr. Riles discussed three aspects of educational policy which I believe deserve foremost attention. First, he noted that our primary concern must be with education, with the educational needs of each child at whatever academic or scholastic level he might be. Second, he referred to the need for planning—for the provision of adequate resources and the leadtime for local school officials to organize and implement their programs. As a longtime advocate of advanced funding for educational programs, I am particularly aware of this problem which Mr. Riles discussed. Third, he noted that the States must continue to play an important role in our public education systems. While I have supported all Federal education programs which have been proposed since I became a Member of the Senate, I am becoming more and more certain that the flexibility which our schools need in order to meet the problems of disadvantaged children and of desegregating our public school system will only result from permitting local officials leeway—while still requiring accountability—in determining how funds will be utilized.

I wish that all Members of the Senate had had the opportunity to hear Mr. Riles' testimony. Since they did not, I ask unanimous consent that the text of his prepared remarks be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY WILSON C. RILES, DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION FOR CALIFORNIA

Mr. Chairman and Senators: Thank you for this opportunity to share my views with you today.

This nation, I believe, must begin now to view the question of equal educational opportunities as an educational issue, rather than a civil rights issue.

If we are to provide the maximum learning situations for the youngsters—all of the children—we have to keep the goal of quality education as the essential part of any planning.

Much of my experience as an educator has been related to the task of providing maximum learning situations and equal educational opportunities. I was a teacher and principal for 14 years. I worked as a consultant in the California Department of Education to help establish equal employment opportunities for teachers in California. I served as the Director of the Compensatory Education program in California, with a budget of more than $100 million a year.

Those duties, and others, have involved not just the process of desegregation, but rather the effort to make integration a success—particularly in de facto segregation situations.

I concluded that the real effort should be to make any process of integration a creative educational experience for all of the children. The real task is to make it work, while avoiding polarization, conflict and confusion in the schools and communities.

The basic conclusions I have reached during my experience are these:

First: As we seek to establish the maximum learning situations for children, we should not speak or think of quality education and integration as an either/or problem, but rather as goals which are compatible.

Second: Not only is quality education itself important, but also the parents—no matter what their ethnic background—must *believe* that their children are getting quality instruction.

Third: In the effort to upgrade education, it is essential that there are sufficient resources for all the children—including resources to provide compensatory help for children in the greatest need.

There has long been—and still is—too much confusion about the relationship between racial background and the learning process. There is today too much emphasis on the color of a child's skin in discussions about educational problems. The concept which suggests that black children will learn better because they are bused to another school is not only invalid. It is condescending.

The truly important factor which inhibits a child from learning is his socio-economic status. The fact is that poor children who are culturally isolated from the mainstream of society tend to do less well than other children, regardless of their color.

The solution to the basic problems of education must come through teamwork among federal, state and local authorities, with the states taking a key responsibility. The states, traditionally, have had the main responsibility for education. Today, more than ever before, each state must act on its responsibility to help provide sufficient funds for quality education and to offer calm leadership in efforts to resolve local conflicts. Washington is too far away to fulfill that role effectively, and the local school districts are often so caught up in the heat of a controversy that they are unable to conciliate between conflicting forces. The state is both close enough and detached enough to help bring progress to education and peace in the schools.

The Federal government has a right and a duty to support public education. It also has the right to expect efficient, maximum use of its funds and other resources, and a duty to establish broad policies which clearly set forth the intention of Federal legislation.

However, because of the great *variety* of educational situations in the nation, the Federal government is in no position to mandate specific methods to achieve either quality education or school integration. The specific techniques which will best bring progress vary locally.

Each state does have a major responsibility to assure that the intent of Federal statutes are clearly interpreted and efficiently administered. The states must also be responsible for accurate reporting of the results of all programs and to evaluate the results of those programs in the constant effort to improve instruction for the children.

RUTHLESS AIRLINE HIJACKINGS

Mr. ALLOTT. Mr. President, the September 12 issue of the Economist contains a lead editorial which expresses the indignation we all feel concerning the epidemic of ruthless airline hijackings.

The editorial is properly indignant; it is also constructive in its advice on how to begin preventing these barbarous acts. So that all Senators may consider the Economist's thinking, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOSTAGES OF DAWSON'S FIELD

Men who bargain with the lives of children, packing them round with sticks of gelignite and exposing them to the diseases bred of stinking lavoratories, are not entitled to describe it as a brilliantly planned military coup. What the Arabs have permitted to happen to the three jets hijacked to Dawson's Field is even more degrading to them than it is to the 280 wretched hostages enduring sweltering desert day after freezing night, while the western governments, with infinite caution, gradually call the kidnapers' bluff. How much further can they push it? By Thursday the guerrillas' first deadline had come and gone without incident. The five gunmen in Swiss and West German prisons had not been released; and in Britain the posturing Miss Khaled was still at Ealing police station, reported to be complaining about the canteen food. The original 72 hour ultimatum, by which time the guerrillas had threatened to blow up the jets and the hostages inside them if their demands were not met, had been extended by a further 72 hours, Tentative offers were being made to the Red Cross to release all the women and children among the hostages. There was a smell of anticlimax in the air.

The lives of the hostages are still on a knife edge and it is in the guerrillas' interest to keep them there. Only by cooping their victims inside the jets, which can then be blown up at a moment's notice, can they insure against a swift military rescue bid. Paratroops cannot be dropped fast enough to save the hostages if they are inside the aircraft, whereas troops probably could stage a rescue if the guerrillas allowed their prisoners to move any distance outside them. And the guerrillas know very well that western governments would not hesitate to mount a rescue operation if it appeared to have the slightest chance of succeeding. There is a bigger sense of outrage than officialdom has allowed to appear on the surface, for fear it would upset the delicate cat-and-mouse discussions conducted by the Red Cross out there in the desert.

The angriest of the four governments with aircraft or nationals directly involved is the Swiss; this is now the third assault Switzerland has suffered at the hands of the Popular Front for the Liberation of Palestine. Just over 18 months ago, this particular guerrilla organization attempted to blow up an Israeli jet at Zurich airport, together with all the passengers on board. That attempt ended with the death of one Arab and 12-year jail sentences on the other three (for whose release the guerrillas are now bargaining. It was followed this February by the brutal blowing up in mid flight of a Swissair jet with 47 people on board, who watched their death approaching through the smoke as the aircraft slowly disintegrated around them. The Swiss collective conscience is still raw from this outrage, carried out by the same group; hence their government's reaction was sharper and less immediately conciliatory than those of the other governments who have not had their nationals killed by this

particular guerrilla organization—or, at least, not yet.

The West German government, ultrasensitive to kidnapping threats since its own ambassador was shot by kidnappers in Guatemala earlier this summer, was all for giving in to the guerrillas' demands. Some of Germany's allies were afraid that the Germans might even be ready to send back the two Arabs jailed for their part in a gun battle at Munich airport this February, in return merely for the west German nationals on board the three jets at Dawson's Field, without thought for what happened to the remaining passengers of other nationalities. The other three countries most deeply involved—Britain, the United States and Switzerland—were more determined to insist that whatever bargain they strike must include all the passengers. However, the guerrillas, while they were prepared to swap western passengers for their comrades in western jails and for Miss Khaled at Ealing police station, were saying on Wednesday that they would only release the 50 or so Jews on board (some with American passports) in return for Arabs held in Israel. This is an open-ended commitment with which Israel cannot comply.

The reasons why the western governments have been holding out are not entirely humanitarian. They realise that if the Jews on board are not released then Israel, with troops only 30 miles away, will use its own strongarm tactics to get them out. What the Middle East would look like after that operation is something their foreign offices would rather not contemplate.

So what happens? The most common assumption on Thursday afternoon was that the guerrillas would blow up all three jets belonging to the British Overseas Airways Corporation, Swissair and Trans World Airlines, just as they blew up Pan American's hijacked jumbo in Cairo on Sunday, and that they would hold on to the hostages and continue bargaining over terms for their release. This will be presented, if it happens, as a great humanitarian gesture on the guerrillas' part. It will, in fact, be a considerable salutary slap in the face for them. The fact that the west did not cave in immediately before the threat of mass murder, and did not rush Miss Khaled and her fellow thugs back before Thursday's first dawn deadline, is in itself a defeat for the blackmailers and a reward for a very considerable degree of moral courage shown this week by the governments. In a situation like this, dealing with men and women without compassion and with a marked blood lust, even at the last moment the negotiations could go horribly wrong. But with every hour that passes it does become increasingly difficult for the guerrillas to order in cold blood the mass execution of nearly 300 hostages.

There are two reasons why their blackmailing tactics have succeeded up to the point that they have. The first is that very few of the innumerable aircraft hijackings carried out in America—for example on the Cuba run—have been the work of criminals; most of the hijackers have been psychological misfits. Hijacking was not considered an action of the wholly sane.

What governments and airlines were wholly unprepared for was that hijacking would turn, in Europe, into piracy on a scale and of a viciousness that the world has not seen since the eighteenth century. They could not conceive it happening. So last week when the Israeli airline, El Al, warned Pan American not to take two suspicious looking passengers that El Al had refused to carry, the Americans gave them a cursory frisking and allowed them to board. What happened next is common knowledge; the two passengers hijacked Pan American's jumbo to Cairo and there blew it up on the ground. El Al itself, for all its precautions, failed to identify Miss Khaled and her companion. It let them aboard, and only a mid-flight gun battle prevented the pair from carrying out the second successful hijack of the day. But on the same afternoon Trans World Airlines and Swissair both let guerrillas on board and their jets ended up side by side at Dawson's Field. Within three days BOAC allowed a jet to be hijacked to join the other two in the desert.

The airlines cannot prevent hijacking. To tell the truth, they are not prepared even to try. The Israelis, living in a more or less permanent state of war, can and must take whatever precautions science and muscle power have to offer, from armed guards to electronic detecting equipment. But the rest of the world is not at war. Air transport is the world's main link between one country and another. Millions travel by air, and several thousand are airborne and in transit at any given moment of the day. It is intolerble that they should have to endure inspection, frisking by police, questioning by airport staff and the prodding and pushing around of baggage. Free passage is a basic human right in and outside the Middle East; and, present emergency excepted, airlines are right to refuse to put any more restrictions on it than they must. If this sort of piracy is going to be stopped, it is governments who will have to stop it.

When, if God is merciful, the hostages are safely home from the desert, then the inquest will start. The first point to attack are the forged passports on which the guerrillas are all now traveling. These are easily acquired in Beirut. Honduras and Senegal are the preferred nationalities, but there are others. A man traveling on a Honduras passport should be able to speak Spanish.

The Swiss, in their present frame of mind, are likely to go further than this. They may simply cut Switzerland off from the Arab world, until the Arabs as a whole begin actively to disapprove of the open piracy followed by their guerrilla fringe. Among the means that the Swiss could use to bring about this Arab change of heart is pressure on the very considerable bank accounts, personal as well as official, held in Switzerland by residents of the Middle East. But underlying it all, the feeling remains that the only lasting solution might be military.

That would mean the forceful break-up of organisations like the Popular Front that are less like patriots and more like groups of roughnecks organised by middle-class layabouts. This is a policy that should be supported by all men of any decent emotions, whatever their feelings about the wrongs and rights on either side in the Israeli-Arab conflict. If any harm comes to the hostages held in the desert, troops will go in to wipe out these particular guerrillas and no one will care overmuch what nationality they are. And in that fact, conveyed to the guerrillas by the Red Cross, lies the hostages' best chance of safe homecoming.

A RESPECTED LEADER SPEAKS ON EDUCATION

Mr. HRUSKA. Mr. President, recently the University of Nebraska regents spent the better part of 3 days discussing the economic, ecological, and social development of the State of Nebraska. One of the participants in these discussions was Mr. Thomas S. Nurnberger, Jr., president of Northwestern Bell Telephone Co.

Mr. Nurnberger's address to the regents emphasized the relationships between industry and institutions of higher education, with special reference to the unique advantages of midwestern colleges and universities.

In a day when much of the media's attention to higher education is tuned to demonstrations and riots, it is refreshing and enlightening to hear one of our most respected industrial leaders describe the intimate relationship between the educational institution and society's needs.

It may surprise some to learn that universities, such as the University of Nebraska, are still in the business of training and educating young people to assume the important functions of our society. They are not, as some would have us believe, simply providing an environment in which revolution and irresponsibility can be learned.

Our universities and colleges have always represented a critical resource to progress; progress in the arts, the humanities, the sciences, and industry. They are the incubators of this progress, and they provide the impetus toward the goals we all seek. Mr. Nurnberger discusses there matters with both skill and candor. I would hope that all the Members could have the benefit of his remarks.

I ask unanimous consent that Mr. Nurnberger's remarks at the University of Nebraska be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HOW A UNIVERSITY CAN STRIVE FOR EXCELLENCE

(By Thomas S. Nurnberger)

When Chancellor Varner asked me some 10 days ago to come here this noon, I had real doubts that I was the man he wanted. On that particular day, I was just completing my second month on the job. But as you men have undoubtedly learned, he's a hard man to turn down. As I thought about it, the idea kind of appealed to me and now I consider it a privilege to be asked to come here, and to have the opportunity to express my views to a group of University of Nebraska Regents.

But before I get to that, I've put together a few facts and figures that I think will give you some perspective about the kind of a business I represent.

As some of you probably know, Northwestern Bell operates in five states: Nebraska, Iowa, Minnesota and both Dakotas. We're an Iowa Corporation. We do by far the largest percentage of our business in Minnesota . . . some 45% of it. Yet our headquarters are in Omaha. We employ about 26,000 people with about 4,600 of them in this state. Our total plant investment in Nebraska is something over a quarter of a billion dollars. In the last twelve months, we've spent about $76 million to run our Nebraska operation and pay our taxes. In that same period we've laid out another $33 million in capital expenditures.

In addition to Northwestern Bell, there are other Bell System partners operating in Nebraska. Western Electric, for example, our manufacturing and supply arm, has a multimillion dollar plant in Omaha that employs another 7,500 people.

TAXES AND BENEFITS

I mentioned our role as taxpayer. We're the state's largest, I believe. There are times when we think that's a dubious distinction, but we're not complaining . . . yet! However, we do have a heavy tax investment in the state's colleges and universities . . . about a million dollars a year, as close as we can figure. Like you, we want to see that money spent to bring the widest possible benefits to the state. Frankly, that's one of the reasons I accepted this invitation.

In talking about benefits to the state and relating it to the University, I guess it's only natural to think first in terms of the

quality of your product, the graduating senior that we see when we visit your campuses. I don't want to dwell on this because I'm sure you know the strengths and weaknesses of your various departments and colleges far better than I do. But I would like to observe that you're being entrusted with one of the most important functions that any group of men in the state is asked to take on . . . namely the education and preparation of our best young people. And while I've said that it's not my purpose today to be evaluating the strengths and weaknesses of the University, I'm sure you know that a business like mine has a great deal of interest in this subject. It's extremely important to us, for example, that your engineering college or your science and math departments be able to attract and they be equipped to provide an education that is literally second to none.

We'd like your faculties to be known and recognized for their research leadership. We think it would be great to have them available as a resource to do consulting work with business and industry. To put it plainly, I am concerned that the University of Nebraska gain and maintain a widespread visibility and reputation for excellence.

Now I don't really expect to get any argument on that. But maybe my reasons for wanting the University to have a reputation for excellence are slightly different from yours. So let me spell out a little more clearly what I mean. As a businessman, I'm interested in economic growth. When you talk economic growth today, for the most part you're saying either attraction of new business and industry or development and expansion of existing industry or both.

WHAT A UNIVERSITY CAN DO

Let's take the attraction of new industry as an example and see how a university with a well established reputation for excellence can affect the economy of a community or even a region.

It's common knowledge that many businesses located in the highly congested supercities of our nation are getting fed up. They're tired of fouled up transportation, poor labor markets, polluted air and water, crowded cities, and you name it. They're beginning to look around with considerable interest at places "out in the sticks."

Some of these industries are described by the economists as "foot-loose industries." In other words, they aren't tied to a given area or region of the country by virtue of dependence on raw materials or market. Electronic component manufacturers, precision instrument companies, computer related industries and many others all fit the description. Well, what do they look for when they're considering a new plant location? One of the first things is probably labor supply. Does the University have a responsibility in this field? The answer is pretty obvious. If it's a technically oriented industry, its management will be interested in the caliber of engineers and science and math grads they can hire. They'll be interested in continuing education opportunities for the personnel they bring along. Graduate degrees. Educational opportunities for other members of the family. Vocational and technical training. Research. Consulting assistance. And on and on.

Along with labor supply, they'll be interested in things like plant sites, taxes, government attitude toward business, transportation, utilities, environmental control and so forth. Can the University be of service in improving the attractiveness of these features? The answer is again a resounding yes. Research projects on city planning, tax reform, industrial park development, transportation studies, air and water pollution studies . . . all are the proper province of a research-minded university. And the extent to which the University develops expertise or excellence in these fields determines the extent of its actual influence.

Once an industry has satisfied itself that its basic needs can be met equally well in any one of several communities or regions, the selection process narrows to the amenities of life . . . cultural attractions, symphony orchestras, theater, art, even zoos, and without doubt, recreational facilities. Again, it's obvious that the alert and dedicated university can play an important role in serving the community.

ADVANTAGES THE MIDWEST HAS

I mentioned earlier the disenchantment that some industries are experiencing at their plant sites in the larger metropolitan areas. Let's think just a minute about some of the natural advantages that we have in the midwest. Plenty of uncrowded and relatively inexpensive land. A good supply of workers who aren't afraid to work. An environment that is largely (though not completely) free of water and air pollution. And Nebraska has one of the greatest underground water reserves of any state in the nation. A central location. An abundance of good transportation facilities . . . air, water, railroad, trucking.

I'll personally attest to one advantage in Nebraska that I'll bet not many of you think about if you've never been away from here. I thought about this for two years while I was with Indiana Bell. And when the opportunity presented itself to come back to Nebraska, one of the greatest appeals was recreation . . . hunting and fishing and golfing and the proximity to good skiing. Now if you're not a sportsman, maybe this wouldn't be such a big factor, but I know it was to me. And I think when companies are considering location of a plant or an office . . . after all the primary considerations like labor and raw materials and market are considered . . . quite often the top man starts rationalizing a few things and his recreational interests have a way of getting into the picture.

In short, what I'm saying is that where we used to be considered "out in the middle of nowhere" I think we're now being rediscovered as being "right in the middle of everywhere." The TWA, AA and Eastern route allocations by the CAB this week underscore this. And gentlemen, that's where the role of a dynamic university comes to the fore. You can be the planner, the catalyst, the coordinator, the consultant that attracts things our way.

Now, I'd guess that right about now some of you might be thinking, "What in the Sam Hill does he think we've been trying to do over the past few years?"

Well, let me say this. Businessmen are not unaware of what you've been doing and trying to do. We know that you're conducting economic research and developing a data bank in connection with the center for urban affairs at the Omaha campus. We know about and applaud the establishment of permanent off campus quarters—to improve the quality of instruction at inner city schools—on North 16th Street in Omaha. We're pleased at the tremendous progress of the medical school in Omaha. We know about and sympathize with the problems you face in trying to construct a new Law College building on the Lincoln campus. We congratulate you on the adult education program offered at the College of Continuing Studies in Omaha. We were aware that you took a hand in trying to find new job opportunities for displaced packing house workers. We know you're trying more and more to involve the University in the problems of the cities. And we've seen what you can do in the development of agri-business products and processes. So, gentlemen, we know you're not sitting on your hands. We commend you for this kind of involvement and hope we'll see even more of it in the future.

PROBLEMS TO CONSIDER

Earlier I said that being out in the "middle of everywhere" has some great advantages. But let's not forget that it also has some associated problems. Lack of a concentrated population, for example, does limit the market potential for some types of business. This means our greatest appeal will be to industries that have a high "value added" potential. Or it means that the industry's product must be small or light in weight so that transportation costs don't put it at a competitive disadvantage. As I mentioned earlier, electronic components manufacturers, precision instrument companies and similar businesses are among the "naturals" for our territory. But again, these are the businesses that are most demanding of technical back up. They're the ones whose employees are among the most demanding of "excellence" in the schools they'd like to attend. They're the businesses that "rule out" any location that can't fill this bill.

A couple of examples that you're probably all familiar with are M.I.T. and Cal Tech. The economic growth they've attracted to their area is tremendous. The University of Michigan is another that on a less dramatic scale, is busily doing the same thing.

So, if there's one thing I'd like to urge you to do it's to take a very careful look at your engineering school and your math and science departments. I'm aware, of course, of the building going on right now, but I'm talking about more than a building. And I'm convinced the investment you put there will come back to you in spades.

At the start of my talk I mentioned that my company has over a quarter of a billion dollars of plant investment in this state. A lot of that's in the ground or in buildings and it's here to stay. Our growth and our earnings in Nebraska are tied extremely closely to the economy of the state. During the decade of the 60's, annual personal income in the state (using constant dollars) grew some 57%. Our growth in telephones during the same period was just over 60%. It is clear that our growth parallels the growth of the state economy. A lot of other businesses are in the same situation.

I think you can see what I mean when I say an investment in University excellence which leads to growth of the Nebraska economy makes good business sense to a service business like mine. It would lead to expansion of the tax base, more jobs and better jobs for our residents and the retention at home of more of our best young men and women. All worthy objectives.

It's been my pleasure to be here and to have the opportunity to visit with you about this very important subject. Thank you for inviting me.

ADDRESS BY THE VICE PRESIDENT AT SPRINGFIELD, ILL.

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent to have printed in the RECORD an address by the Vice President of the United States at Springfield, Ill., September 10, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

People of Illinois. This noon we formally open the national campaign to determine the leadership of the seventies—a campaign to determine which party will control the next Congress of the United States. This is, of course, profoundly important to the future of every American. Because the Illinois campaign is not an isolated campaign; and the election here is not an isolated referendum.

Here in Illinois, and across America this fall, there is occurring a second critical phase in the historic contest begun in the fall of 1968—a contest between remnants of the discredited elite that dominated national policy for forty years and a new national majority, forged and led by the President of the United States—a contest to shape the destiny of America.

Some months ago, discussing the bitterness and violence of the last decade, the *Wall Street Journal* wrote:

"The source of (America's) pathology is in the American elite.

"In any society the task of the elite is to supply the bonds that hold together diverse and potentially competing factions . . .

"Over the past decade . . . the American elite has not been protecting those social bonds but systematically assaulting them . . . the message pouring out of our most prestigious universities, our most respected media, our largest cultural centers, our most successful political party . . . (is) that American society is utterly undeserving of respect . . ."

As the stream of contemptuous commentary has poured forth from America's old elite—small wonder it has been embraced by the disgruntled who seek the reason for personal failure everywhere but in themselves.

The objective, then, of this campaign as in 1968 is not simply to win or hold offices; it is also to give America a new leadership of faith, courage and optimism. It is to replace those who moan endlessly about what is wrong with their country with men and women of the wit and will to stand up and speak out for what is right about America.

This means sending to Washington men of the character, courage and vision of Paul Findley, your Congressman—and Les Arends, the whip of the Republican Party in the House. It means returning Senator Ralph Smith to the Senate because he is needed by his nation, and because your country just cannot afford any more ultra-liberals in the United States Senate. There was a time when the liberalism of the old elite was a venturesome and fighting philosophy—the vanguard political dogma of a Franklin Roosevelt, a Harry Truman, a John Kennedy. But the old firehorses are long gone. Today's breed of radical-liberal posturing about the Senate is about as closely related to a Harry Truman—as a Chihuahua is to a timber wolf.

Ultraliberalism today translates into a whimpering isolationism in foreign policy, a mulish obstructionism in domestic policy, and a pusillanimous pussyfooting on the critical issue of law and order.

PEACE AND FOREIGN POLICY

Consider its record in foreign policy. While Congressional isolationists have ceaselessly prattled about peace, our President has been moving to achieve it.

Today, America is moving to ratify the Geneva agreements forbidding chemical and biological warfare. American negotiators in Helsinki and Vienna are working toward agreement to halt the arms race. America has reversed the course of involvement in Asia. Where the past Administrations sent 535,000 troops to Vietnam—President Nixon will have almost half of them home by next April.

These achievements, however, have not mollified for a second the caterwauling critics in the Senate. When the President ordered destruction of the enemy sanctuaries in Cambodia, the radical-liberals called his decision "ghastly." They said it would "increase American casualties,"—that it would "lead to the borders of China."

Though events have proven them all wrong, none has stepped forward to admit it.

We did not go "to the borders of China." We went 21 miles into Cambodia and were out in 60 days, precisely as the President promised. American casualties did not go up, they went down, precisely as the President predicted. Ten days ago, when I was in Saigon, American casualties had fallen to the lowest level in four years. And what on earth is "ghastly" about a decision that guarantees the withdrawal of American forces and saves the lives of American men?

One of the great questions Illinois will help to answer in November is this: What kind of men will determine America's foreign policy? Will it be Fulbright and his faction in the Senate? Or will it be stand-up Senators like Ralph Smith to help the President of the United States?

At the time of the peace-at-any-price demonstrations, a year ago in the streets of Washington, David Broder of the *Washington Post* wrote:

"It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969."

Ralph Smith's opponent, should he win, would join the ranks of those benighted men; his election would strengthen that misguided movement. On the other hand, the election of Senator Smith would return to the Senate a man whose presence there strengthens the hand of a President who has brought us closer to a just peace than any analyst would have predicted possible twenty months ago.

LEGISLATION AND THE 91ST

In domestic policy as well, this campaign presents us with a clear choice—between the troglodytic leftists who dominate Congress now, and the moderate, centrist and conservative supporters of President Nixon—between the tried irrelevant Liberalism that made the Ninety-First Congress a citadel of reaction—and the New Federalism of the nineteen seventies.

Within the framework of that New Federalism, the President has proposed: consolidation of the multi-billion-dollar maze of Federal grants-in-aid; an historic overhaul of the chaotic, demeaning, bankrupt welfare system; an unprecedented sharing of Federal tax revenues with states like Illinois. Nearly a year ago, the President also proposed that a cost-of-living escalator be written into the Social Security Act to protect twenty-five million Americans from the scourge of rising prices. Last February he sent Congress the most far-reaching legislation any President has ever proposed to deal with air and water pollution. Not one of these initiatives has returned to the President's desk to be signed into law.

The President's adversaries in Congress apparently prefer *no* legislation to *new* legislation bearing the name of Richard Nixon.

My far-left friends in Congress never weary of telling me *they* are the Good Samaritans; that *they* are more sensitive to the needs of the impoverished; *they* are the chosen representatives of the poor.

Well, we believe in representing the poor too; and we do; but the time has come for someone also to represent the working-men of this country, the Forgotten Man of American politics; white collar and blue collar; and the President and I are applying for that job—just as Ralph Smith is applying for it here in Illinois.

That is why we have acted to increase unemployment benefits and extend them to nearly five million American workers; that is why the President proposed three billion dollars for manpower training; that is why new health and safety standards have been advanced—and enacted in mining and construction; that is why forty-six computer job banks have been established; that is why working families—as well as welfare families—would benefit from the President's family assistance program; that is why low-income workers have been exempted from Federal income taxes.

Rejected and written off by the old elite—the workingman has become the cornerstone of the New Majority. We are also asking in the election the support of the working women of America, whether they labor in home, factory, or office—or just breach the ramparts at McSorley's Bar.

There is a new deadlock of democracy today—between a progressive President, carrying out his mandate for reform, and a reactionary Congress in the grip of bitter men who forfeited that mandate. Look over the time cards of the Ninety-First Congress; they explain a great deal about its performance. In 1969, members put in only 50 to 60 percent of the hours they spent in session in the first year of Presidents Kennedy or Johnson. The Congressional goldbrickering has been monumental, and public esteem for Congress last March sank to its lowest depth in five years.

PORNOGRAPHY AND CRIME

Nowhere has this Congress been more derelict than in its ho-hum, business-as-usual attitude to the President's program to control and reduce the crime and filth in our society.

Sixteen months ago, the President proposed the toughest bill in the nation's history to uproot the corrupting influence of organized crime. The bill still sits there, languishing in Congress.

Fourteen months ago, the President asked unprecedented power for the Justice Department to crack down on the narcotics merchants who are growing rich destroying the lives of thousands of our young people. That bill, too, just sits there, languishing in Congress.

How many children, my friends, must we pick-up out of the gutters and alleys of our great cities, dead of overdoses of heroin, before Congress decides it's time to act?

Sixteen months ago, the President sent to Congress three measures to safeguard your homes and families from the pornographic filth being sent unsolicited through the mails.

Portions of one bill were written into the President's postal reform; but the others have been lost in the shuffle by an apathetic Congress.

How do you fathom the thinking of these "radical-liberals" who work themselves into a lather over an alleged shortage of nutriments in a child's box of Wheaties—but who cannot get exercised at all over that same child's constant exposure to a flood of hard-core pornography that could warp his moral outlook for a life-time. It's high time these ultraliberals put *their* priorities in order.

BOMBINGS AND "REPRESSION"

Last March, the President proposed that the transportation and use of bombs and molotov cocktails be made a Federal crime—with penalties to match the crime. People are dying today from these bombs—but Congress has yet to be jolted into action.

These bombings reached a new plateau of horror just last month with the death of the graduate student at the University of Wisconsin. The moderate *Wisconsin State Journal* said it well in a single paragraph:

". . . it isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution', anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

On this question of domestic violence and disorder, I contend that the testimony of Ralph Smith's opponent disqualified him for the U.S. Senate.

In December of 1968, Senator Smith's opponent said that the report on the Chicago disorder:

"Speaks eloquently of the results of denying the parks for peaceful assembly and peaceful protest. The storm troopers in blue were the result."

Any public official, especially from the State of Illinois, who still believes the riots at the Chicago convention were the result of quote "denying parks for peaceful protest," has no business in the United States Senate.

Any individual who, in these times, will slander the men of the Chicago Police Force by calling them "storm troopers in blue," ought to be retired from public life.

In the last eight months alone seven policemen, men from that force this gentleman branded the "storm troopers," have died in the line of duty—most of them shot to death by urban terrorists.

And, by the way, it is certainly time that somebody stood up in a public forum and spoke the truth—that the enduring and grave injustice done by that convention was not done to the demonstrators in the streets; it was done to the good name of the great city of Chicago, and its mayor, Richard J. Daly.

Whenever the President or I raise the anti-crime issue the chorus comes back from Capitol Hill: "Repression, repression, the Nixon Administration wants repression." Well that's either slander or stupidity. No citizen who respects the law need fear anything from this government. No Administration is more committed to the civil rights of every American. But, the President's definition of "civil rights," encompasses the right of black Americans to be secure in the central city, the right of small businessmen to be free of violence at the hands of drug addicts, and the right of the women of this country to be free to walk the streets and parks without being attacked or molested by hoodlums and thugs.

Clearly those civil rights are not going to be restored until we get a new Congress that cares about law and order.

RESTORATION, RENEWAL AND REFORM

But there are Presidential initiatives that *have* succeeded on Capitol Hill; there are issues where Congress *has* been forced off dead center, thanks to the overtime of men like Senator Smith.

Selective Service has been reformed. The draft is now as just and equitable as we can make it, short of our dream and goal of a volunteer army. The United States Post Office has been completely overhauled. The food stamp program has been extended to cover nearly all of America's poor. Historic airways and airports legislation that will benefit businessmen and vacationing workingmen for generations has been enacted.

Not, for 120 years, since Zachary Taylor, has a first-term President taken office with both Houses controlled by hostile majorities. Even with this massive opposition, however, the President has been able to inaugurate a new era of restoration, renewal, and reform. Give him a Congress to work with and you will bring on an era of prosperity and progress, the like of which America has never seen.

THE ECONOMY

But it is about the economy that the weeping and wailing of the Congressional left-wing has been loudest—and least convincing. When President Nixon took office, the nation had run seven straight budget deficits totaling 57 billion dollars; prices were rising at the fastest rate since the Truman Administration; interest rates were the worst since the Civil War; a ten percent surtax had been imposed on business and labor; and the real take-home pay of American workers had not risen a dime in three years.

Today, much of that has been reversed. The surtax is gone. Short-term interest rates have dropped. The wholesale price index is declining. Business indicators are reading their best gains in 15 months. Inflation is being brought under control.

After twenty months, as America has moved away from war and toward peace, the President has steered the economy successfully over some rocky terrain. We appear to be back on the highway again. But we ought never to forget our narrow escape. When the President took the wheel in 1969, the economy had been clocked at well over a hundred in a thirty-mile zone and was headed straight for the cliff.

Because of the way they raced the engine of the economy, the ultraliberals in Congress should have had their licenses revoked in 1968. Until they demonstrate a little more judgment and a little more maturity, they shouldn't be given the keys to the car again.

For twenty months, the President has fought the unpopular fight for an honest budget—fought it against a fraternity of Big Spenders who will never be housebroken of the habit of spending more money than we can afford.

Last month Congress raised the President's education bill $453 million. They raised his housing bill—$541 million. When the President proposed an unprecedented ten-billion-dollar sewage treatment plan—the junior Senator from Maine rallied at his desk to raise him $15 billion. Now for that Senator, who is not widely known for advocating the taxes to pay for his spending schemes, playing with billions of taxpayers dollars can be a lot like playing Monopoly. Everybody has a good time, and nobody gets hurt.

The problem is when that Senator and his friends *did* have control of the Federal Budget in the nineteen sixties, tens of millions of Americans *did* get hurt and they are still getting hurt—because when that Senator and his friends thought they were playing with Boardwalk and Park Place, they were playing with the savings and income, the hopes and dreams, of the whole American people.

If this Congress is turned just 10 more degrees toward the Radical Left—then the President's efforts to protect your income and savings will be overridden, and the country will go off on another spending spree like the last one. Prices will shoot up; interest rates will rise; and taxes will go through the roof. And you will end up with a bloated bureaucracy in Washington that will make the featherbedding of the current big spenders look like the work force at the corner drug store.

If any of you are regular readers of the Liberal Eastern press—the organ grinders of the old elite—you will probably read on your editorial pages tomorrow "That terrible Mr. Agnew has done it again."

Don't let this bother you as, assuredly, it does not bother me. When you have been head-to-head with our Korean ally for six hours of tough negotiation—you are not likely to be stampeded off the range by an editorial writer for the *Washington Post*.

Let them run right up the wall. We are going to be out with the other "happy warriors" on the campaign trail this fall—roasting marshmallows along the way.

Long ago, President Lincoln wrote words with profound meaning for all of us today:

"The dogmas of the quiet past," he said, "are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new so we must think anew, and act anew."

And we too shall rise with the occasion; and we too shall think anew and act anew. For our goal is not less than to give the new men and the new thinking a crack at these challenging new times.

Yes, there will be hard going. There will be harsh criticism; there may be political casualties. But our cause is far more important than any individual who may be a part of it, including a Vice President.

And in this fateful collision of political philosophies, we can say as Churchill did in a collision of arms:

"I avow my faith that we are marching toward better days. Humanity will not be cast down. We are going on—swinging bravely forward along the grand high road—and already behind the distant mountains is the promise of the sun."

FEDERAL SPENDING POLICIES AND THE HOUSING MARKET

Mr. ALLOTT. Mr. President, the Wall Street Journal of September 4 contains a wise article on the relationship between Federal spending policies and the difficulties experienced by the housing market.

The article was written by Mr. Leif Olsen, senior vice president and economist of New York's First National City Bank. Mr. Olsen argues that it is mistaken to blame the housing slumps of 1966 and 1969 on tight money.

He does not doubt that tight money is bad for the housing industry. But he does not think that tight money policies just happen; no one thinks tight money policies are good for their own sakes.

Tight money policies are necessitated by a constellation of related Government actions. Many of these actions are of immediate concern to Congress. Mr. Olsen is especially cogent in reminding us all that the housing market may be adversely affected by monetary policies that will be necessitated by any large deficit in the current fiscal year.

So that all Senators may consider Mr. Olsen's argument, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPANSIVE POLICY AND THE HOUSING SLUMP

(By Leif Olsen)

In 1966 and again in 1969, the U.S. housing market slid into a steep decline. The popular diagnosis of these two severe contractions is that they were caused by Federal Reserve tight money policies.

You may well remember that the Federal Reserve was condemned by many for needlessly pursuing a deliberate high interest rate policy to the detriment of housing. In 1966, it was argued that commercial banks in the competition for funds enjoyed unfair advantages vis-a-vis the other savings institutions and this hurt the housing market. Increases in the commercial bank prime rate were almost always said to cause mortgage rates to go up, again to the detriment of housing. Heavy corporate borrowing in the long-term capital market in competition with mortgage borrowers was another element blamed for the problem of home construction.

Tight money episodes may indeed expose in the structure of the capital market some rough edges and sharp corners for mortgages. But the point I want to emphasize is simply this: For all of the finger pointing, for all of the accusations about who is hurting housing, for all of the complaints about a restrictive monetary policy, the real culprit was the overly expansive monetary and fiscal policies followed from 1965 through 1968.

But this idea is a long way from replacing the widely held Populist view that a sure-fire way to lower interest rates is simply to rapidly increase the supply of money. This Populist argument is heard on every street corner when restrictive monetary policies are applied as a remedy to inflation. You hear it

from elected officials, the general public, representatives of organized labor and many businessmen. But this idea has been refuted, not just in theory, but in experience. The truth is that a rapid acceleration in the rate of increase in the money supply leads initially to a moderation in interest rates but after a time causes higher rates. This concept is now accepted and understood in the capital markets.

The Populist theory confuses the cost of credit with the value of money. By rapidly increasing the supply of money, you can certainly cheapen the value of money as you can cheapen the value of any commodity if you sufficiently increase its supply. But the value of money is not measured by interest rates. The value of money is measured in terms of the amount of real goods and services that it can buy.

The cost of credit is something entirely different. This is the price of a service. A cheapening of money is manifested in terms of an increase in prices, and as prices rise people seek and demand more and more credit. They want to borrow money because they feel it is advantageous to invest that money or to buy real assets because prices are rising. As the demand for credit goes up, the price for that service—namely interest rates—also rises. You simply cannot reduce interest rates by pursuing an ever-accelerating increase in the nation's money supply. This is a little like trying to smother a fire with gasoline.

The only way to bring about a reduction of interest rates is to pursue a restrictive monetary policy to increase the value of money by slowing down the rate of price inflation. Suppose the Federal Reserve, during the past 18 months, had continued to pursue the same rate of expansion of money as in 1968 or accelerated that expansion. Would you doubt that the rate of inflation today would be even higher than what we are experiencing? Would you doubt that interest rates instead of moderating, would be higher now, and perhaps rising rapidly?

Let me go back in history for a moment to pick out where concern for the mortgage market and the housing industry should have started. In 1966—the year of the credit crunch—interest rates, both long- and short-term, peaked out in late August to about mid-September in response to the monetary restraint that later produced the mini-recession of 1967.

Monetary policy shifted from restraint to expansion in early 1967. That shift has gone down in the record books as one of the most abrupt and excessive we have ever experienced. Money supply, which had declined slightly from April through December, then grew at an 8% annual rate in the first six months of 1967. Now here we have a case where the Federal Reserve was being very generous in supplying reserves to the banking system. More money was being made available, and one would expect that interest rates should decline. But instead long-term interest rates bottomed out in the first quarter after a brief period of decline. Long-term capital issue rates in the market began to rise more rapidly and they continued right into 1968.

It was in early 1967 that the future problems of the housing industry began, and at that point it was foreordained that the housing market would ultimately pay the price for the overly expansive monetary and fiscal policies then being pursued. At some point, the monetary printing press would have to slow down. At some point, we would have to draw the line on inflation. When that occurred, as it did in 1969, the long-term credit market, notably mortgage lending, by its very nature, would bear the brunt of the change in direction.

This, of course, is history but it is still relevant today. The U.S. economy experienced a mild recession this year. Now there is no agreement about how soon or how much the economy will recover. Those who doubt that the economy will experience any significant recovery have been urging more expansive monetary as well as fiscal policies.

Some economists are already urging an increase to 7% in the rate of growth of the money supply, close to the rate of increase in the first half of 1967 when so much of today's inflation received its initial push. These economists have criticized the Federal Reserve Board's target of 4% to 5% as being too low. What we know about monetary policy is that when the rate of growth of money accelerates, as it has this year over last year, it will result in an increase in the rate of growth of the economy with a lag of some six to nine months. And, in fact, recent evidence suggests that the response is coming through right on schedule. We cannot, however, be so confident about the degree of the response. Therefore, it is a risky game to step harder on the monetary accelerator.

While money is important, the role that Government spending plays in maintaining economic stability should not be minimized. One of the reasons for the very expansive monetary policy of 1967 was the fact that the Federal Reserve felt compelled to provide for the financing of the extraordinary Federal deficit of over $25 billion that surfaced in fiscal 1968.

If Congress pursues an expansive spending policy that enlarges the deficit in the current fiscal year and beyond, the Federal Reserve may once again feel that it must satisfy this extraordinary demand for money on the part of the Federal Government. On the other hand, if the deficit is not financed by a more rapid growth in bank credit, then it will have to be financed in competition with private borrowers including mortgage borrowers. A tight spending policy is the most constructive policy Congress can pursue if it wants to do all it can to help housing.

I find it rather curious that even as inflation begins to lessen, imaginative lawmakers and economists become very busy designing direct controls and structural changes to try to protect housing and other sectors from the pressures of anti-inflationary policies. It would make more sense to try to avoid the causes of inflation rather than build into our economy accommodations to inflation. We may very well have future periods of inflation. But if we understand that excessively expansive monetary and fiscal policies cause the inflation in the first instance, shouldn't we make a strong effort to avoid these policies?

Some structural changes in the mortgage and savings market are probably needed. Some kind of variable rate for outstanding mortgages could help to provide future strength to lending institutions and provide greater stability to the mortgage market.

It is worth remembering when we talk about the uneven impact of inflationary interest rates that the new home buyer gets a lot of sympathy. It is seldom pointed out that the millions of home owners with fixed-rate mortgages taken out more than five years ago have enjoyed a decline in the proportion of their income assigned to mortgage payments.

But what blesses one during inflation, penalizes another. Fixed rates limit the rise in income to mortgage lenders and thus cripple their ability to compete for savings during tight money periods. As a consequence, we have interest rate ceilings which aim at equalizing the ability to compete for the public's money. But such ceilings invariably are set to accommodate the weaker institutions. Then you get efforts by others to get around the restraints. One method has been to set up a housewares department on the banking floor and to supplement cash interest payments with kitchen utensils, television sets and small appliances. This is an excellent example of how controls distort markets and create inefficient and costly practices.

The severe difficulties of 1966 and 1969 have had a marked influence on the thinking of mortgage lenders and home builders. The general tendency is to seek changes or selective controls that will protect housing from the effects of tight money. However, it would be a serious mistake if, in reaction to the events of the recent past, new controls were introduced that would further impede the efficient functioning of free markets. When you look around at the chaos caused by present restrictions, the housewares, the "free" gifts, the absence of mortgage lending at any price in some communities, then your response should be to get rid of existing controls and ceilings instead of building new ones. And instead of seeking to accommodate inflation and high interest rates, we should seek to prevent new waves of inflation from occurring.

JAPAN IS FIRST BILLION-DOLLAR MARKET FOR U.S. AGRICULTURAL PRODUCTS

Mr. BELLMON. Mr. President, today the country of Japan was honored at a luncheon given by the National Grain and Feed Association because of the unique position Japan has achieved in becoming the first billion-dollar market for U.S. agricultural products.

This was truly a significant occasion because it also served to point up Japan's desire to increase trade between our two countries. As one who is vitally concerned about the agricultural economy of the United States, I was greatly encouraged by the statement by Ambassador-Designate Nobuhiko Ushiba that Japan is endeavoring to remove all unnecessary barriers to international trade. His announcement that by this time next year, residual import restrictions will be removed on more than 50 additional items is certainly good news for American producers.

Mr. President, the $1,100 million in farm products that we sold to Japan during the past year represents more than the total value of all farm products in the State of Oklahoma. It represents production from an estimated 10 million acres of land.

The country of Japan, its Government, and its citizens deserve the highest commendation for being such good customers for American farmers and ranchers.

Credit also must go to the trade associations of the wheat, soybean, and feed grain industries for the splendid job they have done as salesmen for these products.

The U.S. Department of Agriculture should be recognized for its aggressiveness in helping to create a climate which has made this kind of trade possible.

Finally, we should compliment American agricultural producers for adopting methods that have made our products competitive in world markets.

With the growing prosperity and the increasing population of Japan, this mutually beneficial trade will continue and grow.

Unfortunately, a very small amount of the trade between the United States and Japan is represented by commerce in

beef, and I feel strongly that the removal of restraints against the importation of beef by Japan from this country would be of immense value to both countries. It is my hope that the "continuous and irreversible movement" toward the removal of trade barriers which Ambassador Ushiba spoke of will lead to the relaxation of these restrictions on beef imports.

Mr. President, in order that Senators may appreciate the full significance of the milestone which has been achieved in international trade, I ask unanimous consent that the remarks of Ambassador Ushiba and Secretary of Agriculture Clifford M. Hardin, which were made today, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY AMBASSADOR-DESIGNATE NOBUHIKO USHIBA

Secretary Hardin, other leaders of the Administration, distinguished members of the Congress, leaders of American agriculture, ladies and gentlemen, I appreciate the words of tribute to Japan and the warm welcome to Washington. I want to add my word of appreciation to the National Grain and Feed Association, our hosts for this occasion.

Mr. Secretary, for me, in many respects, coming to Washington is like a reunion with old friends, and I am pleased to see that so many of mine have prospered and advanced. I am glad to say that many of the leaders of American agriculture are longtime friends of mine. Assistant Secretary Clarence Palmby and I have had several occasions in the past, while he was with the U.S. Feed Grains Council, to work together. Mr. Carl Campbell, of the National Cotton Council, and I have known each other for over 20 years and had many fruitful conversations about American cotton, and there are others whose friendship I am looking forward to renewing.

I am happy that my first public speech after arriving in Washington is at an event to commemorate such a significant milestone, the fact that Japan has become the first billion-dollar customer for the United States agriculture. I might add that forestry products are not included in that figure, and if they were added, agricultural and forestry product sales to Japan would have exceeded $1.5 billion.

While in one sense Japan is the honoree today, the real honorees are the American farmers and their (as I would call them) "supersalesmen." American agriculture in a number of commodities is competitive in price and quality, and importantly for Japan, on a continuing basis. And, as the affluence of the Japanese consumer increases, the demand for more and better increases. For example, present per capita consumption of red meat is only 17 pounds per year. To grow more red meat, more grain, mostly from the United States, will be necessary. Bread is another item of increasing importance in the Japanese diet, increasing the demand for wheat, again substantially from the United States. The market for soybeans, your biggest agricultural export item, is also expanding in Japan. During the 1960's Japanese consumption of United States soybeans increased 115 percent; wheat 120 percent; feed grains just more than 400 percent. It is my sincere hope that these agricultural products will continue to be supplied to Japan on a stable basis in the years to come.

Your agricultural marketing experts, many of whom are present at this luncheon, have served the Japanese market well. Their innovative ideas, such as the promotion of the livestock and poultry industries as a means of increasing demand for United States feed grains, have contributed to the increased sales of American agricultural products in Japan.

In the broad perspective, today's commemoration is also a tribute to the policy of free trade which has been mutually beneficial to both our countries. Each is the other's best offshore customer. The United States has been for years in the foremost leadership position in seeking free world trade. This policy has worked well for both countries. During the past ten years, for example, Japan imported $21.4 billion worth of American products and exported $24.1 billion worth of Japanese products to the United States. In the first seven months of 1970, according to United States Department of Commerce figures, United States exports to Japan are up 46 percent and imports from Japan are up 18 percent compared with the figures for the corresponding period of the last year. The 46 percent increase in sales to Japan is more than twice the 20 percent average increase in American exports to all countries. These figures accurately indicate the importance that each country's market is to the other, and they also indicate a significant strengthening of the U.S. balance of trade position.

A continuation of free trade policies is essential if the successes of the past decade are to be exceeded during the 1970's. By free trade, I mean free trade in all countries. Although Japan had to establish artificial barriers to trade during its reconstruction period, it is incumbent upon Japan, now that the Japanese economy has emerged as the second strongest in the free world, to remove all unnecessary barriers to international trade.

I am happy to say that, at a time when many countries of the world are erecting or threatening to erect new trade barriers, Japan is removing its trade restrictions. On September 11, my Government announced a new accelerated schedule for trade liberalization. By the end of September, 1971, residual import restrictions will be removed on more than 50 additional items. In 1963 Japan had more than 200 such items. It had been reduced to 121 by 1968. According to the new schedule, in years time, the number will be drastically reduced to fewer than 40, which compares favorably with those of other industrial countries. I know that this has not been done as rapidly or dramatically as some of our foreign friends would have wished, but *it is a continuous and irreversible movement.*

As you might imagine, the affected industries have resisted the liberalization, but the Japanese Government has been persistent. In political terms, increased liberalization at home while Japanese products are discriminated against in European and other markets has been controversial. The question is often asked by Japanese businessmen, "Why should Japan liberalize at a time when other countries are establishing new trade barriers?" But the consensus in Japan is that trade liberalization must continue in Japan's own interest, in order to effect the most efficient allocation of resources—and this is why it will be carried out notwithstanding the objection of some of the Japanese interests that are affected.

I think that Japan and the United States have in the past few years reached a new relationship; as statesmanship has defused some of the political explosive issues, the focus of attention is now being placed increasingly on economic problems, which are bound to arise in a relationship between two countries enjoying the volume of mutual trade of nearly $10 billion. It is, however, not easy for us to grasp full implications of this development or to find out how to tackle these problems. At any rate, it is essential that decisions be generated out of the inner life of Japan and not appear to be dictated from abroad. In my opinion this is a healthy development, which will strengthen our friendly relationship of mutual respect and trust, and create the circumstances in which to work out differences.

In closing, Mr. Secretary, I want to note that your "supersalesmen" have not been content with reaching the goal of selling $1 billion worth of agricultural products to Japan. They exceeded it by over $100 million. It seems to me that they are well on their way to selling Japan $2 billion worth of American farm products. Knowing many of them as I do, I am sure they will in typical American fashion reach that goal ahead of schedule, and I am already looking forward to commemorating that event.

REMARKS OF SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

Mr. Ambassador, Minister Yoshino.

Distinguished Members of Congress, embassy guests, leaders in American agriculture and the councils of international trade.

Mr. Theis and others of the National Grain and Feed Association—our hosts on this memorable occasion.

We are here to celebrate a landmark year in agricultural trade relations between our two countries.

We do this in optimism that the success we celebrate will continue and grow.

We do this in recognition that trade is essential to good living in both of our countries.

And we do this in tribute to a remarkable island people whose energy and productive genius have made this observance possible.

The Japan story is without precedent—without parallel.

The Japanese economy is the third largest in the world—and growing at a rate that is unmatched by any nation in history.

In the 1950's, Japan's gross national products grew at a rate approaching 10 percent a year.

In the 1960's, it rose at an annual rate of 11.4 percent.

In recent years, the pace has quickened still further—to above 13.5 percent in the past two fiscal years.

This growth in the Japanese economy has paralleled that nation's growth in trade.

In the years between 1960 and 1965, Japanese shipments in world trade more than doubled. By 1969, they had almost doubled again, reaching $16 billion. Shipments to the United States increased in those nine years by more than four times—to $4.9 billion.

Of course, these figures are important only if they benefit people. And when you apply the yardstick to better living and family prosperity the Japan story is just as dramatic.

The Japanese householder's disposable income has more than tripled since 1960.

His demand for meat, milk, and eggs—a good "horseback" measure of consumer prosperity—has increased by more than four times in 15 years.

He is diversifying his eating habits as his income goes up. For example, per person consumption of wheat flour in this traditionally rice-eating society has increased by 30 percent in a decade and a half.

It is this remarkable economic rise—plus an equally remarkable ability of American agriculture to produce efficiently the food and feedstuffs demanded by increasing affluence—that have brought us together at this luncheon today.

Ten years ago, Japan's agricultural imports from the U.S. were $440 million. In the fiscal year just past, they were more than twice as great—nearly $1.1 billion.

That's good! But we think Japan can do even better. And we're going to be pushing

you to do it. I still think, Mr. Ambassador-Designate, that it would be to Japan's advantage and ours to entirely remove your duty on soybeans.

But agricultural exports are only one aspect of a beneficial trading relationship that can be summarized very simply: In terms of total exports, the United States is Japan's best customer, and Japan is the United States' best off-shore customer.

As you might expect, two-thirds of U.S. shipments to Japan last year were raw materials, mineral fuels, and food-stuffs while 90 percent of Japan's shipments to the U.S. were manufactured goods.

But this is the basis of beneficial world trade—an exchange of goods based primarily on production efficiency.

It is this principle that led Japan to look to efficient producers on the broad farm lands overseas for the feed grains needed to satisfy its people's rising demand for livestock products.

As a result, imported feed grains have triggered a rapid expansion of Japanese livestock production. This has brought Japanese consumers more meat and poultry at better prices; it has opened opportunities for Japanese farmers for new and profitable livestock enterprises; it has meant an important and expanding feed grain market for world agriculture.

And I am happy to say here that it has been particularly important for U.S. agriculture, which shipped more than 6 million tons of feed grains to Japan last fiscal year—just about one-third of our feed grain exports. The dollar value of U.S. feed grain exports to Japan last year was $335.5 million, a dramatic contrast to shipments of $13.7 million in 1960.

Soybean and wheat exports to Japan have also gone up dramatically. In 10 years, soybeans increased from $103 million to $251 million—wheat from $54 million to $136 million.

In fiscal 1970, we supplied Japan with more than two-thirds of its imports of fats and oils, and of feed grains; more than half of its wheat, and hides and skins; Japan took nearly half of our lemon exports. Japan is our best cotton customer, taking one-fourth of its cotton from us. We sold Japan $50 million worth of tobacco last fiscal year, up almost 40 percent from the previous year.

Almost the whole range of U.S. farm commodities finds Japan a leading customer.

Japan wants, needs and can afford these products, and the U.S. can supply them in any system of international trade in which price quality and availability are the primary factors.

I am not here to tell you that we have no problems. I am not here to pretend that all questions relating to market access have been solved. But I can tell you that I am optimistic that we can resolve any differences—and that trade between our countries will continue to grow. As far as I am concerned, the record of the past year is simply a new "take-off" level, and I will do everything I can to make that proposition come true.

And now, Mr. Ambassador-Designate, may I take a few moments to recognize the U.S. farm producers and marketers who have contributed and are contributing so much to trade between our countries.

In a world of competition, export expansion means salesmanship and service as well as price, quality and availability. The producers and marketers of the major U.S. agricultural products have understood this, and they support some 68 private trade organizations formed to develop markets overseas in cooperation with the Department of Agriculture. This is, of course, a mutual effort—with many strong Japanese organizations bringing to it their special knowledge, their special abilities.

Today, I want to recognize with a special certificate the producers and marketers of three U.S. commodities who have, through their trade organizations, maintained offices and market development programs in Japan for 10 years or more, and who last year, among them, exported two-thirds of our agricultural exports to Japan.

For the feed grain industry:

Mr. Clayton W. Johnson of the U.S. Feed Grains Council.

For soybeans:

Mr. Leslie Tindall of the American Soybean Association.

For wheat:

Mr. Don Woodward, representing Western Wheat Associations and Great Plains Wheat, Inc.

Mr. Ambassador-Designate, before I take my seat, I give you a special welcome to this country—on behalf of my colleagues and American agriculture. You have our best wishes for a most successful and enjoyable tour of duty in the United States of America.

DISARRAY OF INSTITUTIONS OF HIGHER LEARNING

Mr. ALLOTT. Mr. President, the Wall Street Journal of last Wednesday contains a very intelligent letter to the editor.

The author of the letter is Mr. Charles M. Blair, of Fullerton, Calif., and he comments on an essay by Prof. Robert Nisbet, which was published a few weeks ago in the Journal. When Professor Nisbet's essay appeared, I was pleased to have it printed in the RECORD. Today I wish to share with Senators Mr. Blair's comments on that essay.

Mr. Blair suggests that Professor Nisbet left out one major culprit when he was listing the persons and institutions that have contributed to the current disarray of our institutions of higher education. According to Mr. Blair, "the real culprit is the Congress of the United States."

Mr. Blair believes that Federal largess has distorted the natural and orderly growth of academic institutions.

His charge is serious. If true, we here share a large burden of guilt for the condition of our colleges and universities. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS AND THE CAMPUS

Professor Nisbet ("The Restoration of Academic Authority," Aug. 19) very correctly attributes the widespread disturbance on our campuses to the breakdown of institutional authority, but I regret that he did not go further and identify the cause of breakdown.

He does refer vaguely to "liberalization of traditional authority," weak college presidents and the faculty tenure system. But universities have lived with these faults for centuries. Actually, the real culprit is the Congress of the United States.

Federal programs of recent years have had a sudden and devastating effect upon the institutions of higher education, diverting their purposes, perverting their values, emasculating their administrators and effectively eliminating liberal arts education in this country.

Following Sputnik in 1957, Congress accelerated appropriation of large sums of money for the expressed purpose of improving higher education and furthering research in all fields through use of Federal grants. These sums were—and still are—administered by agencies such as the Department of Defense, National Science Foundation, Atomic Energy Commission and National Institutes of Health. Within a short time these grants were being dispersed at the rate of approximately two billion dollars per year.

The overwhelming alteration of our educational institutions by these programs arises, perhaps, not so much from the very large sums involved as from the method of their allocation. Generally, the grants have been made directly to individual investigators for research or study on specific projects. Grants to schools—so-called "institutional grants"—which are not project-directed and which are administered by the institution in the traditional way have been relatively few.

The effects of these huge project grants handed out on an individual basis should have been easily foreseen. The faculties have stampeded to the trough in Washington, leaving behind the student and the university. The former has become a distracting nuisance and the latter a bumbling landlord. If the dean presumes to insist on the professor meeting a few undergraduate classes, the latter can, if he is displeased at the idea, take his grant, graduate students and equipment and move to a more permissive campus.

Compared to students of earlier times, those of today are much more numerous, more aware of current issues, less experienced in interpersonal relations with the adult world, over-exposed to a diversity of unqualified statement and opinion and less fixed in their values and judgment. They are especially needful and desirous of thoughtful and educated views and interpretation from adult scholars. Yet they have been arriving on campuses which are generally not disposed to provide such liberal arts education and are lacking in the central authority to control the resulting student malaise.

CHARLES M. BLAIR.

FULLERTON, CALIF.

MARK TRICE

Mr. RUSSELL. Mr. President, I wish to join in recognizing and saluting my warm friend, Mark Trice, on the occasion of his completion of 50 years of service to the U.S. Senate.

Having spent more than half my life as a Member of this body, there are times when I begin to feel like one of the old-timers here. However, this feeling is quickly dispelled whenever I recall that Mark Trice had already been here over 12 years when I arrived as the Senate's youngest Member in 1933.

Mr. President, half a century of service to any institution is a noteworthy accomplishment, but service to the greatest deliberative body man has ever known for that length of time is truly outstanding. On the floor of the Senate, men and events have collided to shape the events of our time and Mark Trice has not only been a close observer, but also an active participant. The impact of his service as an adviser and confidant of Senators reaches further than we realize.

History would assuredly be served if he would chronicle his recollections and experiences and I join others in suggesting that he should undertake to write a book.

Mr. President, Mark Trice is a man who does his duty with diligence, devotion, and intelligence and has earned the admiration and respect of countless Senators on both sides of the aisle. May I join in extending to him best wishes for many more years of successful service.

PREFERENTIAL TREATMENT FOR TRANSIT

Mr. ALLOTT. Mr. President, Mr. W. W. Owen, president of the City Transit Co., of Dayton, Ohio, is one of the most respected transportation experts in this Nation.

In his presentation, entitled "Preferential Treatment for Transit," which he made at the American Transit Association midyear conference in St. Paul, Minn., Mr. Owen made an outstanding case for preferential treatment for transit vehicles in metropolitan areas.

He was instrumental in the steps which the city of Dayton and two of its suburbs took recently to speed up bus service in the metropolitan Dayton area. Mr. Owen's suggestions are practical and effective. So that all Senators may have the benefit of his wisdom, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PREFERENTIAL TREATMENT FOR TRANSIT

Mr. Chairman, gentlemen: My comment regarding the broad subject of preferential treatment for transit will be narrowed down to the simple, inexpensive, and unglamorous, but basic proposition of giving ordinary buses the right-of-way on ordinary city streets. The objective is to upgrade the bus and upgrade the status of the bus rider in the general movement of traffic. This action would recognize the bus rider as the greatest contributor to the expeditious movement of general traffic and the least contributor to air pollution. Giving buses the right-of-way is in keeping with a statement that appeared in a United International Public Transport publication some time ago, as follows: "The person who makes the greatest contribution towards the relief of traffic congestion is not the traffic engineer, the town planner, or the builder of new roads, but the passenger traveling in a public means of transport, who is satisfied with sufficient room for one, instead of a seat in a car which takes up 70 square feet of road space." This statement comes from Europe where they have small cars; in America, the 70 feet would change to 120.

All but the extremely modern and far-sighted traffic engineers devote their energies to the movement of general traffic with no selective priority. A public bus carrying 50 passengers is required to move at the same pace in the general traffic pattern as the swarms of private automobiles which cause the congestion, and carry but one or two people. When the traffic engineers make traffic counts they count a bus the same as an automobile—they consider the number of vehicles—not the number of people. Only within the last year or so has it dawn on them that it is people with whom we are concerned, not vehicles.

More than 30 years ago, A.T.A. published a 32-page booklet entitled "Moving the Masses—in Modern Cities." This booklet talked then about the very things we talk about now—except air pollution—that has been added. The facts were impressive. There is no date on the booklet, but it was published during the administration of Charlie Gordon as Managing Director, and this has been a while back. Its teachings were disregarded for all these years while the American cities have done everything they could think of to encourage use of the private automobile. Now that we are being smothered with bad air and stopped dead in traffic, we are opening our eyes just a bit to the catastrophic results of our mistakes.

Any conveyance carrying people should be given preferential treatment in the movement of traffic in direct proportion to the number of people carried or waiting to be carried by that conveyance. Should a bus occupied by 50 people be given no more consideration than an automobile occupied by 1½? The bus right-of-way provides a means of shifting recognition from the automobile rider to the bus passenger. This is so simple and economical that it is apt to lose favor with some of the glamour seekers because it is so obvious and inexpensive. The idea of public transit riders having the right-of-way goes back to the streetcars, when every city in which they operated gave them the right-of-way by ordinance. In spite of the difference in flexibility between the streetcar and the bus the basic reasons for giving the public conveyance preferential treatment in general traffic still prevail, and because of the tremendous increase in private automobiles, become even more impelling.

When city after city converted from streetcars to trolley buses not one had the foresight to transfer the provisions granting preferential rights to the users of streetcars to the users of trolley buses, and this might have been done at that time. We transit people were content to accept the flexibility provided by a range of 12 feet on each side of the trolley wire as assurance of getting through—just like an automobile—and that is exactly what we have been burdened with—just like an automobile. Only buses have to make frequent curb stops, and an automobile doesn't. Running trolley buses, or motor buses for that matter, was going to be a lead pipe cinch. I remember a short movie put out by General Electric, which showed a tired, harassed, streetcar executive, worn and frustrated with his problems. Then, after his company converted to trolley buses, this same executive was relaxed, 20 years younger, happy and contentedly playing golf, his problems having vanished. Unfortunately, it didn't work out that way. Vehicle drivers were afraid to take undue advantage of a streetcar, but they readily abuse the flexibility of a bus.

The City of Dayton was the first city to recognize these facts and again grant the right-of-way to public transit by such an ordinance, passed last November. The adjoining cities of Kettering and Oakwood, did likewise this spring. The right-of-way for buses is, of course, not in the same degree as for emergency vehicles such as the police and fire, but it does raise the standing of the bus—and the people in it— to a higher level than the private automobile and truck. For example, in Ohio we have a statute giving a funeral procession the right to proceed uninterruptedly.

Therefore, a bus would not have the right under our ordinance to cut through a funeral procession. But, our ordinance does give the bus the right-of-way over other traffic not specifically granted such rights by ordinance or statute, and this includes a lot of automobiles under a lot of different traffic conditions.

In the framing and application of a right-of-way ordinance for buses it is extremely important to remember the legal definition of right-of-way. I haven't checked this definition in other states, but I think it is a fair assumption that they all follow a similar pattern. In Ohio, the statutory definition is: "Right-of-way means the right of a vehicle, streetcar, trackless trolley or pedestrian to proceed uninterruptedly, *in a lawful manner*, in the direction in which it or he is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or his path." The words, *"in a lawful manner,"* provide a strong rebuttal to the claim that giving bus drivers the right-of-way is a menace and would result in their extreme carelessness and the Company using the ordinance unfairly in the defense of claims or law suits.

Suppose a bus is pulling away from the curb and must go around a parked car and collides with an automobile approaching from the rear of the bus. Ordinarily, the bus driver would be given a ticket just because he was changing lanes, with no question raised about the driver of the automobile exercising due care. With this right-of-way ordinance in favor of the bus the question certainly should be raised of where was the automobile when the bus driver gave a signal and started to change lanes. If the automobile was far enough back to have slowed or stopped, the passengers on the bus should have been allowed to proceed.

If the bus driver started to change lanes when the automobile was so close that it could not have been slowed or stopped in the exercise of ordinary care, and taking into account that the bus had the right-of-way then the bus driver would have forfeited his right-of-way by his own failure to exercise due care.

This could develop into a chicken and egg controversy, but the right-of-way ordinance at least puts the bus in the ball park, and gives its advocates a tool to work with. The question of being in the lawful use of the street is a tricky one. Take for example the common rule that the pedestrian has the right-of-way on a crosswalk. Under the Ohio definition of right-of-way, he loses his right if he crosses against a traffic light or on the wrong side of the crosswalk—because we have an ordinance that says pedestrians should use the right side of the crosswalk—so if a pedestrian is hit while using the left side he is negligent per se—not in the lawful use of the crosswalk and therefore, forfeits his right-of-way.

Enforcement is just like the enforcement of any other ordinance. Its success or failure depends upon the particular circumstances and proof of what happened. If our objective was to arrest and prosecute as many drivers as we could, it would be difficult to get convictions, as in the enforcement of many other ordinances. However, it is there on the books for use in flagrant cases and to be remembered by vehicle drivers who might otherwise thoughtlessly interfere with the free movement of the bus. It is more than we have had as a legal assist in traffic since the same type of preferential treatment was inadvertently lost when the last street car went to the car barn.

The other day we were discussing buses in the City Manager's office in Kettering. He said he was driving down Shroyer Road and he never realized before the difficulties the bus had in getting back into traffic. Now—since we have gone through the right-of-way ordinance bit in Kettering—this difficulty registers. He had seen it many times before, but paid no attention to it. This is one of the principal benefits. We tell everybody the bus has the right-of-way by carrying signs on the back—"Please consider bus riders—this bus has the right-of-way by ordinance."

We will no doubt sometime become involved in a law suit that will test the validity and effectiveness of this ordinance. However, our attorneys made a searching investigation during its preparation and are of the opinion it is constitutional and proper legislation. It was argued by those who opposed it that it was unconstitutional, illegal, discriminatory, dangerous, self-serving, and a menace to other traffic. Fortunately, so far the opinions of our opposition have not prevailed. Our opposition consisted of the Dayton Automobile Club, the new car dealers, the retail merchants, the two newspapers, and seven

out of seventeen municipal councilmen and commissioners. Some of these people joined in a concerted radio effort to encourage opposition by declaring that the buses were trying to take over the streets, for, of course, only the benefit of the bus company. I mention this not to dignify the selfishness and short-sightedness of the opposition, but to emphasize that the overwhelming evidence on facts must have been on our side, for the ordinance to have been passed against such formidable objection. Fortunately, enough people did see the wisdom of trying to do something about the increasing traffic congestion and air pollution by restoring in some degree recognition of the users of public transit.

This is the ordinance that was passed in Dayton last November, and in the cities of Kettering and Oakwood the first of this year.

"SEC. 249. Right-of-way granted to electric trolley and motor buses.

Electric trolley and motor buses operating on fixed routes and published schedules shall have the right-of-way over all other vehicles, except any vehicle which is entitled to the right-of-way under any other provision of law.

This section does not relieve the driver of any electric trolley or motor bus of the duty to drive with due regard for the safety of all persons and property upon the highway.

Any person convicted of a violation of this section shall be punished in accordance with the provisions of Section 322, Code of General Ordinances.

Section 322 is a general penalty ordinance providing for a fine for the first offense of not more than $50.00 and on up for a second and third offense to $200.00 and 30 days. In promoting the right-of-way ordinance we were not as concerned with convictions or fines—although some penalty is important—as we were with changing the psychology and the balance of rights in terms of the relationship of bus riders to auto drivers.

Has it helped? Yes . . . we think it has . . . but not nearly as much as it could if more people would get on the "band wagon" and promote the idea. The people who could do this the most effectively are the city commissioners, councilmen, managers and city department directors.

The unfortunate obstacle is that few are willing to lift a finger, if in so doing, they deprive the private automobile of its place upon the throne of the American way of life; even though King Automobile is a tyrant, leading us to destruction, which will come if we believe some scientists, sooner than you think, if we do not reverse the trend back to a satisfactory balance between the use of the private automobile and the various forms of public transit, predominantly bus.

Our operators tell us more and more automobile drivers hold up to let the buses through and from our observation this is true. However, we have not gained enough improvement in speed to increase our average per mile, and we have not yet accomplished the initial purpose of getting more people to ride and thus improving the fare box revenue. A reasonable question would be, "Then why go through all of this bother to get a right-of-way ordinance for buses if it has not brought more passenger and more revenue? I believe the answer to this is that ever since the end of the Second World War, government at all levels has done everything that anyone could think of to encourage the sale, use, and reuse of the private automobile. It is hard to find a city that has not sacrificed prime land, churches, factories, playgrounds, and walled off whole areas to make way for expressways and supplemental one-way streets, literally pushing aside public transit lines to take whatever was left. The bus rider was disregarded; the automobile driver was supreme.

To break this pattern is a monumental task—if it is ever accomplished, short of dire and calamitous consequences.

We still run trolley buses in Dayton; 75% of our daily mileage of about 18,000 miles is by trolley bus. The other 25% is by 102" wide, 43-passenger diesels. All of our buses are equipped with the signal arm at the left front corner, which is extended when the bus needs to change lanes. We got this idea from Milwaukee 16 years ago. When extended, some of the paddles say "Please" and some say "Thank you." We think these extended signs have helped, and we think the right-of-way ordinance supplements them. We think, sooner or later, cities will wake up to the facts which were emphasized more than 30 years ago by the American Transit Association in its booklet entitled, "Moving the Masses" which I have already mentioned—Move people instead of vehicles.

Notwithstanding the many efforts by both publicly owned and privately owned transit companies to do things to entice people from their automobiles, it is my firm conviction that this alone will accomplish nothing really. It will require additional restrictions, controls, and economic penalties on the automobile, plus improvement in the orthodox methods of conducting public transit, to bring about a better balance between the two. All the money the Federal Government spent in Flint, testing out all the gimmick proposals there, failed to show any improved results. It would be just great if the Department of Transportation would, in addition to suggesting innovations to outdo the luxury of the private automobile, emphasize more controls, and restrictions, and penalties to be built into the driving of private cars. The combination, if properly balanced, could and would do the job. We must get over our timidity to control and regulate the private automobile—and treat it with the discipline it deserves.

A good friend of mine—a retired police chief of Dayton—said, when he was captain of the traffic section, "There are just too many automobiles." This was some thirty years ago. Ten or twelve years ago he was one of the advocates of expressways and one-way streets. Now he is the editorialist in one of our TV and radio stations. In an editorial last March he said: "Whatever is necessary to convince more automobile drivers and passengers that they should use public transportation should be done—and done in the immediate future. At the present rate of increased traffic volume, total stagnation is not far away." Whatever is necessary should be done.

There are a number of good reasons to reverse the trend which has caused such havoc in our cities and for that matter, in our entire environment. Two are most outstanding—air pollution and street space. Dayton is located in Montgomery County which has an area of 465 square miles. The latest figure available for vehicle miles operated in the county is for the year 1968—8,600,000. This is a daily average of 18,494 vehicle miles per square mile, and translated into gasoline consumption using the figure of 16 miles per gallon, we burn 1,156 gallons of gasoline in each square mile in our country every day. According to Dr. Jack G. Calvert, a professor in the Department of Chemistry at Ohio State University, every ten gallons of gasoline burned creates 29 pounds of carbon monoxide. Applying this formula, the combustion engine spews 3,352 pounds or more than a ton and a half of carbon monoxide into the atmosphere over every square mile of our country every day. It would be interesting to know what this figure is for Los Angeles County—or for your own county at home.

Of course, the effect of carbon monoxide depends on the degree of air saturation, the body chemistry of the individual, and the duration of inhalation. We know that our blood absorbs carbon monoxide in preference to oxygen—and we know that carbon monoxide is a "killer."

Recently, we have heard a lot about removing lead from gasoline, and yet a study by the Department of Health, Education and Welfare, in 1966, showed that if all of the lead were eliminated from all of the gasoline, we would reduce the air pollution caused by the automobile, by ¼ of 1 per cent.

The other most impelling reason for a better balance between the use of the private automobile and public transportation is street space. In 1961, General Motors put out a 25-minute color movie entitled, "Everybody's Business." In this movie they advocated not driving your car downtown, but taking a bus, and they ended the movie with the statement—"All that is needed is the right-of-way." We still have that movie and it's too bad we have not followed the admonition it so effectively advocates. Because so many automobiles are driven downtown on streets clogged with parked cars our cities suffer from civic cholesterol. It's no wonder the hearts of our cities become weaker and weaker, while our personal blood pressure rises higher and higher as we fume and fret in traffic and bad air.

I was fortunate enough to go with the ATA group to Europe last May. While touring the subways in Milan, I asked our guide if Milan had an ordinance giving streetcars the right-of-way and he replied that it did. Then I asked him if trolley buses and diesel buses also had the right-of-way and he said, "No, but we are trying to get it for them."

Milan has an excellent transit system of subways, streetcars, trolley buses and diesel buses, with much of their equipment articulated. Yet, they are still losing passengers to the automobile—which they allow to double park, park on sidewalks, and favor with a high degree of other permissiveness. This must be curbed if transit is to have a chance to do its job.

We have now three cities in this whole world—as far as I know—which have given their buses the right-of-way. Where we go from here depends upon the continued efforts of those who are concerned enough to find and apply practical answers. The cities of Dayton, Kettering, and Oakwood, Ohio, have at least shown the understanding, good judgment, and foresight to make a start.

Thank you for your kind attention and the privilege of appearing before you.

HONOR TO ST. LAWRENCE HOSPITAL, LANSING, MICH.

Mr. HART. Mr. President, on September 19, in Lansing, Mich., citizens of Michigan will take part in the dedication of the Community Mental Health Center and the 50th anniversary of St. Lawrence Hospital.

This is an appropriate occasion to honor this hospital on its years of contribution to the community and the Sisters of Mercy who have served in the hospital during the 50 years.

In January 1920, the Lange Sanitarium, having a capacity of 28 beds and located on West Willow Street, was leased by the Sisters of Mercy. The hospital was named St. Lawrence, honoring Lawrence Price, who left $100,000 to the city of Lansing for the erection of a hospital to be directed by the Sisters of Mercy. The City Council requested the doors be opened to the influenza victims. Not until March was the hospital opened for general use.

By April 1922, Mr. and Mrs. Joseph Gleason had donated a site for a new and larger building. Campaign funds totaled $207,000.

In September 1923, the first graduate of the School of Nursing completed the program. The following year the new hospital was dedicated.

Since that time, the medical staff has grown from 18 to 275 physicians. The average number of patients receiving inpatient care each day has increased from 22 to 252. The number of emergency patients treated in 1969 was more than 33,000. These expanded services were realized with new and enlarged facilities. Additions to the hospital were completed with new and enlarged facilities. Additions to the hospital were completed in 1936, 1942, 1949, 1959, and 1960 and now, in 1970, a Community Mental Health Center is to be opened to make available more services to more people. Seven Sisters have served as administrators of the institution throughout the 50 years.

In a period when we hear of so much destruction and violence, we do well to pay a tribute to 50 years of dedicated service to mankind, as illustrated in the history of St. Lawrence Hospital and the creation of the new Community Mental Health Center.

On a personal note, during the years my family lived in Lansing—from 1953 to 1960—most of our children, as well as their parents, were patients at St. Lawrence. I speak from personal experience when I voice thanks to all who have served in any role at St. Lawrence.

THE GREAT ENVIRONMENTAL MOVEMENT

Mr. FANNIN. Mr. President, there is in this Nation a great awakening of the need to conserve our environment. This is good.

But some people in the great environmental movement would carry it to the extreme.

Obviously, there is a sensible middleground that must be worked out.

We can learn to employ the new technology, enjoy the products of our age, and protect our environment.

I believe that we must take the immediate human costs into consideration in determining how to best preserve and improve our environment.

Mr. President, on September 13, 1970, the Tucson Star-Citizen published an editorial which pointed out the callousness of some zealots. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POOR WILL BE HURT

One of the most powerful conservation organizations in America has taken this position on electric power:

1. Economics is of no consideration in fighting its generation and transmission.

2. Let the price of power soar, for that will discourage the use of electricity.

Who will be hurt if the price of power is forced up by overzealous conservationists?

The poor people.

The people who are in the $15,000-a-year class, or are more prosperous, will grumble over higher bills, but they'll pay.

The people in lower brackets, who are caught in the economic squeeze, with the price of everything grinding into their purses, will be less able to meet any increase.

Ira B. Joralemon, noted mining engineer, once pointed out that food is not the only thing that is likely to prove a problem with population growth. People use copper, steel, aluminum and many other things which, while not edible, affect whether people eat and certainly whether they live decently.

Electric power is prime among the things people of all economic levels need if they are to have minimal standards of living from the standpoint of comfort, sanitation and freedom from hunger.

NATIONAL DISTRICT ATTORNEYS' ASSOCIATION ENDORSEMENT OF ORGANIZED CONTROL ACT

Mr. McCLELLAN. Mr. President, I call to the attention of my colleagues here in the Senate and in the other body a resolution recently adopted by the board of directors and general membership of the National District Attorneys' Association. On August 18, the board of directors of the association unanimously endorsed S. 30, the Organized Crime Control Act of 1969, in the form in which it passed the Senate on January 23, by a vote of 73 to 1. On August 22, 1970, the general membership of the association unanimously added their endorsement to that of its board of directors.

I welcome this formal support of the National District Attorneys' Association. I am hopeful that our colleagues in the House will take this strong new endorsement into immediate consideration and expeditiously on this badly needed legislation. Too long already—nearly 8 months—this important anticrime bill has languished in the House Judiciary Committee.

Mr. President, further procrastination and delay in the processing of this legislation is wholly unwarranted. Should delay result in the failure of this legislation to pass at this session of Congress—such failure will only serve the interests of and protect those criminal elements against whom its provisions are directed.

Mr. President, I ask unanimous consent that the text of the resolution of the National District Attorneys' Association be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON S. 30 PASSED BY THE NATIONAL DISTRICT ATTORNEY'S ASSOCIATION

Resolved: The National District Attorneys' Association strongly supports S. 30, the "Organized Crime Control Act of 1969" and urges its prompt enactment by the Congress.

Organized crime continues to grow in America, despite the continued efforts of those responsible for the enforcement of the criminal laws to combat it with available legal weapons. The criminal syndicates are entrenched and flourishing in our great cities, and their corrosive presence is now apparent in many towns and suburbs.

Organized crime controls a substantial market in both legal and illegal goods and services. It has captured a virtual monopoly over illegal gambling across the nation, and it controls vast enterprises dealing in usurious loans, narcotics, illicit drugs, and alcohol and tobacco trafficked in violation of State and Federal revenue laws. Today it is increasingly operating in the field of legitimate business where it drives out lawful ownership, exploits labor unions, and extracts exhorbitant profits from a captive public.

The enactment of this legislation is essential to provide criminal investigators and prosecutors the necessary tools for the more effective control of this menace to our social and economic institutions.

We, as prosecutors, particularly wish to endorse the measures of S. 30 which are designed to strengthen the evidence-gathering and procedural processes in organized crime cases. These include:

Provisions for additional Federal grand juries to be impanelled for the conduct of organized crime investigations;

A new general witness immunity statute to permit government prosecutors lawfully to compel the testimony of reluctant witnesses;

A new statute to fortify the contempt powers of the court in dealing with recalcitrant witnesses in trial and grand jury proceedings;

A provision to abolish the unnecessary and anachronistic rules of evidence which hamper perjury prosecutions;

A deposition procedure to guarantee the preservation of material testimony of witnesses in criminal cases;

A limitation to minimize court and attorney time consumed in hearings upon tenuous claims relating to the admissibility of evidence, particularly unsupportable claims concerning the use of electronic investigative techniques prior to the availability of a statutory warrant procedure; and

Special sentencing provisions which will permit the imposition of extended terms of imprisonment upon certain classes of dangerous felons including leaders of criminal syndicates.

We also firmly support those provisions of S. 30 which will permit increased Federal prosecution of illegal gambling enterprises—the principal source of organized crime's vast revenues—and those provisions which will bring the panoply of remedies of the anti-trust laws to bear upon organized crime's infiltration of legitimate business activities. The new legal tools which they will make available should be materially helpful in freeing American commerce and industry from the grasp of organized crime.

S. 30 was passed by the Senate by a vote of 73 to 1 on January 23, 1970. We urge the Members of the House of Representatives to act favorably upon the bill at their earliest opportunity, so that enactment by the 91st Congress will be assured.

THE AUTOMOBILE INDUSTRY AND AIR POLLUTION CONTROL

Mr. NELSON. Mr. President, S. Smith Griswold has long had a well-deserved reputation as "Mr. Air Pollution Control," an expert in the administration and implementation of air pollution abatement and enforcement programs. This reputation derives first of all from his remarkable role in building the first effective governmental air pollution program. As air pollution control officer of the Los Angeles County Air Pollution Control District from 1954 to 1965, S. Smith Griswold initiated a series of actions which made the California program the uncontested leader and model of tough air pollution programs.

These actions included setting up the

first motor vehicle laboratory for the testing of air pollution emissions from automobiles, the establishment and vigorous enforcement of abatement procedures covering virtually every stationary source of air pollution in the Los Angeles basin, and giving impetus to the first program of automobile emissions control.

This record of achievement and innovation in air pollution control was continued on a national scale from 1965 to 1968 when Mr. Griswold served as the Chief Abatement Officer for air pollution control with the U.S. Department of Health, Education, and Welfare and the National Air Pollution Control Administration.

Mr. Griswold's experience since 1954 in fighting to abate and control the poisons which are spewed into our atmosphere from the automobile and other motor vehicles offers a valuable documentation of the frustrating opposition and delay which the automobile industry has continually offered to all governmental attempts to clean up the internal combustion engine.

In a 1964 speech at the annual meeting of the Air Pollution Control Association in Houston, Tex., Mr. Griswold recounted his California experience with the auto industry's delaying tactics. Mr. Griswold said in 1964:

Everything that the industry has disclosed it is able to do today to control auto exhaust, was possible technically 10 years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least a half century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems. Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry.

Six years later, in 1970, the situation has not changed very dramatically although the air pollution crisis is more serious. In a speech before the American Society of Newspaper Editors on May 13, 1970, Mr. Griswold reported:

It has been a disturbing and disillusioning experience to be officially involved and technically concerned with the problem of pollution from motor vehicles for more than 16 years. Disillusioning, because so little has been accomplished by the wealthiest, most powerful, and reputedly, most talented industry in the world. Disturbing, because the industry upon which nearly 200 million Americans are increasingly dependent for transportation has behaved so irresponsibly.

Mr. President, as the Senate approaches its deliberations on legislation to set a deadline on polluting automobile engines, and the cries of anguish from the automobile industry ring through the halls of Congress, it would be informative for the Congress and the Nation to consider the experience of S. Smith Griswold in this frustrating battle and I ask unanimous consent that the two speeches to which I referred earlier be printed at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REFLECTIONS AND PROJECTIONS ON CONTROLLING THE MOTOR VEHICLE

(By S. Smith Griswold)

As a past president of this organization, and as one who has just completed a decade of service as director of a governmental agency concerned with a somewhat notorious community problem, it is a pleasure for me to be invited to reflect upon the past, and speculate about the future of the automotive aspect of the air pollution problem.

We in Los Angeles have had a long and intimate connection with the series of events leading to the recent announcement by the automobile industry that cars of the 1967 model year will conform with the present requirements of the State of California in regard to exhaust contaminant emissions.

I recall that late in 1950, research by the Los Angeles County Air Pollution Control District directed by Dr. Arie J. Haagen-Smit, revealed that hydrocarbons were capable of reacting with oxides of nitrogen under the influence of sunlight to produce photochemical smog.

By 1953, we had established that the automobile was the largest source of air contaminants in our area, and the principal source of smog-forming hydrocarbons. The APCD then undertook a program of basic research into automobile operation, local driving conditions, and the composition of gasolines to ascertain the effect of these factors on smog formation.

From the earliest time information became available, we made efforts to induce the automobile industry to accept its share of the responsibility for the exhaust problem. As a result of extended discussions, the automobile industry in late 1953 took official notice of the existence of the automotive contribution to air pollution, and established the Vehicle Combustion Products Sub-Committee of the Engineering Committee of the Automobile Manufacturers Association.

During early 1954, this committee met in Los Angeles, and in conjunction with the APCD and other organizations, worked out a program of investigation and research. We set a target date for installation of what then appeared to be a promising method of control, induction system devices that controlled the emissions of hydrocarbons during deceleration. The objective was to have these devices on the 1958 models, out in 1957.

I recall visiting Detroit in 1956, and being shown an array of induction devices for various makes and models of cars.

Later that year, the Air Pollution Control District and the Air Pollution Foundation called a meeting in Pasadena of leading firms and figures in the chemical and automobile accessory fields, with the aim of stimulating their interest in the development of catalytic or other types of exhaust controls.

Our District set up an automotive combustion laboratory, and built environmental test chambers to evaluate approaches to vehicle emission control. After being developed for years, that automotive test facility and its trained personnel were turned over to the State of California. It is now the principal test center for the State program.

Due primarily to the efforts of the Board of Supervisors of Los Angeles County, the legislature of the State of California was prompted to occupy the field of automotive control and in 1960 enacted the legislation that is now in effect. To administer the program, the legislature created the State Motor Vehicle Pollution Control Board. As part of this program, California has established the first Standards for Air Quality and for Motor Vehicle Emissions.

In 1959, the automobile industry announced that crankcase emissions were a significant source of smog-forming hydrocarbons, and at the same time offered a means of controlling approximately 80% of emissions from this source. The Los Angeles County Air Pollution Control District immediately undertook a pilot installation on cars of its own fleet to prove that the "closed system" constituting 100% control of crankcase blowby might be preferable, and whether there might be negative effects. The study afforded a basis for full-scale installation upon the entire fleet, and provided experience to guide the State Board. Subsequently, the State Board acted to make such installations mandatory on cars sold in California, and today all cars manufactured in the United States can have the "closed" crankcase emission control rather than the less efficient "open" system.

During the many years this was going on, the APCD followed up another lead, the regulation of fuel composition. After thorough investigation, we enacted our Rule 63 which restricts the amount of olefins that may be contained in gasoline sold in Los Angeles County. This has reduced the eye-irritating characteristic of gasoline vapors and exhaust hydrocarbons and consequently has reduced the severity of eye irritation experienced in Los Angeles County.

The most recent action of the State Board has been to certify four exhaust control devices; three have been accepted only for new cars, and one has been accepted for both new and used cars. As the law is now written, new cars sold in California in 1966 must be equipped with one of these devices, or perform equivalently.

The knowledge that this action was coming undoubtedly prompted the automobile industry to come forward with its announcement that the 1967 cars would conform to the California standard without the necessity of these new devices.

The industry announcement also may have been motivated partially by the policy adopted by the County of Los Angeles, of buying new vehicles only if they meet specified restrictions upon exhaust emissions. This action was commended by formal resolution of the Los Angeles County Medical Association.

Only one manufacturer is sufficiently advanced in exhaust control technique to be able to produce a car to these specifications, and the policy has drawn bitter objections from dealers whose lower bids were turned down because their cars could not qualify. This blow to the pocketbook, and the militant evangelizing of this policy to other governmental jurisdictions and operators of large fleets, is perhaps the clearest message: the great delaying action is at an end and it is time for Detroit to move.

I term it a great delaying action, because that is what I believe that auto industry has been engaged in for a decade. Everything that the industry has disclosed it is able to do today to control auto exhaust, was possible technically ten years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least a half century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems.

Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry. Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comebacks on the warranty. To people interested in profits, expenditures for the development and production of exhaust controls are liabilities.

For nearly a decade, the auto industry has been telling us they have been spending a million dollars a year on air pollution control. Their announced expenditure has totalled

about nine million dollars during that period. This provides an interesting contrast with a recent survey which revealed the earnings of the 44 highest paid executives in the country. Of these, one-half, 22, are employed by the auto industry. Their combined 1963 earnings were about nine and one half million dollars. In short, during the past decade the industry's total investment in controlling the nation's number one air pollution problem, a blight that is costing the rest of us more than eleven billion dollars a year, has constituted less than one year's salary for 22 of their executives.

The industry is spending over one billion dollars to change over its models this year. Their annual expenditure for air pollution control development is one-tenth of one per cent of one billion dollars. For that, the industry has bought ten years of delay and unhampered freedom to pour millions of tons of toxic contaminants into the atmosphere. This has caused unmeasurable misery, and undoubtedly has seriously impaired the health of many.

What has the industry accomplished during these ten years?

Until recently, very little. In 1953 a pooling of efforts was announced. Through an agreement to cross-license, progress by one would be progress by all. How has this worked out? Apparently it has served to guarantee that no one manufacturer would break ranks and bring into the field of air pollution control the same kind of competitive stimulus that spokesmen for the industry frequently pay homage to as the force that has made them what they are today. It has induced a complaisance, such as that demonstrated early in 1962 when Chrysler let it be known that it had devised a method of engine modifications, which was proving fruitful. The County of Los Angeles immediately obtained twenty of these clean air packages and tested them. General Motors and Ford each took one. Or, another example: oxides of nitrogen are acknowledged as the next problem to be solved in automotive emissions. Five years ago there were public reports of successful reduction of oxides of nitrogen by recirculation of exhaust. All that this work has drawn from the auto industry so far is catcalls; instead of pursuing this lead, industry spokesmen have criticized its advocates at professional meetings, such as this one, and exhibited indifference to its potential.

In May, the California State Department of Public Health held a hearing to consider the adoption of an air quality standard for oxides of nitrogen. Ford and General Motors sent their leading air pollution experts. Their contribution was to challenge the need for any control of this contaminant and to abuse the Department. These experts assailed the lack of experimental evidence to support the proposition that control of oxides of nitrogen would be beneficial, yet they produced only a fragment of experimental data of their own to controvert it. What makes this particularly striking is that the greatest achievement in air pollution control proffered by General Motors to account for its years of effort is the construction of an environmental study chamber, in which they have been duplicating much of the work that has led to the conclusion that auto exhaust is the basic ingredient of photochemical smog. So far there is little evidence of constructive contributions to existing knowledge or techniques.

Apparently, not everyone in Detroit has yet read the message. I am prompted to suggest that what is good for the rest of the country may be good for General Motors.

We are all a little bored and disillusioned with the past, so let us venture into the future. In order that some future speaker will have a basis to measure progress, I would like to submit a few predictions:

1. Exhaust control devices will be on the 1966 model automobiles sold in California rather than the 1967 models as the industry has announced. I base this upon the fact that the State of California has certified more than two devices that can meet the California State Standard, and the law automatically requires that cars sold in 1966 have this equipment, or perform with equal effectiveness. One company has already demonstrated that it can meet this standard of performance without such devices. This leaves the remainder of the manufacturers faced with the choice of accelerating installation of their own systems or of buying for production line installation one of the devices certified by the California State Motor Vehicle Pollution Control Board.

2. California's allowed hydrocarbon emission standards will be lowered, perhaps down to 180 ppm for the official driving cycle, and the 1968 models will have to meet this standard. I base this upon the fact that such a level of control is attainable by a reasonably priced combination of existing devices and methods, and there is no excuse for delay.

3. There will be a standard set reducing oxides of nitrogen at least 80 percent, and by 1970 automobiles will come equipped with a control for this contaminant.

4. I predict that no later than 1968 new models will have closed fuel systems that will end fuel tank evaporation and slop-over as well as hot soak losses from carburetors and manifolds. I base this upon the fact that closed systems already existing and in operation can stop this, and that existing open fuel systems:

(a) Contribute significantly to air pollution,

(b) Waste natural resources,

(c) Are a needless economic loss to motorists through wasted fuels, and to communities in unnecessary erosion of streets and parking areas due to corrosion by gasoline spilled on them.

In my opinion, closed fuel systems would be on all models today if real competition existed between automobile manufacturers to reduce or eliminate contamination from their product.

5. If catalytic converters come into widespread use, either by themselves or in combination with engine modification systems, then lead as a gasoline additive will be replaced by other methods of increasing octane rating.

6. I also predict that before the end of the year there will be some top level executives of the auto industry appearing before Congressional committees to answer some pertinent and perhaps embarrassing questions.

7. Finally, I predict that the toxic emissions from motor vehicles will be brought under tight control at the national level, and there will be an end to air pollution from this notorious source.

PROGRESS IN THE CONTROL OF AIR POLLUTION FROM MOTOR VEHICLE EMISSIONS

(By S. Smith Griswold)

It has been a disturbing and disillusioning experience to be officially involved and technically concerned with the problem of pollution from motor vehicles for more than 16 years. Disillusioning, because so little has been accomplished by the wealthiest, most powerful, and reputedly, most talented industry in the world. Disturbing, because the industry upon which nearly 200 million Americans are increasingly dependent for transportation has behaved so irresponsibly.

Why do I make such statements? The reasons are legion. They range from the dilatory and diversionary tactics employed by the auto industry to avoid recognition of its responsibility for air pollution from its product to the inadequate control equipment the industry is now providing for which the vehicle owner is paying and will continue to pay with his substance and his health.

It was recognized as early as 1912 in Chicago that fumes from motor vehicles would constitute an air pollution problem in metropolitan areas. During research on the new kind of air pollution which had invaded Los Angeles in the 1940's, photochemical smog was produced by irradiating auto exhaust in Caltech and Los Angeles Air Pollution Control District laboratories in 1950. In 1953, a Vehicle Combustion Products Subcommittee of the Engineering Committee of the Automobile Manufacturers Association was formed, allegedly to participate in investigation and research. Instead, its major function was "finger pointing" at waste incinerators, refineries, and other pollution sources as the chief culprits in Los Angeles County and elsewhere.

It was only after every stationary source in the County was controlled to the limit of engineering technology, and smog not only remained but was increasing, that the industry could not muster enough cynicism to continue denying the role of the auto in air pollution.

Control devices were not installed on new cars sold in California until 1966. Faced with California State law requiring certain performance levels, the industry chose in-house technology as the alternative to purchasing millions of so-called tack-on devices developed by qualified companies outside the industry. This technology was available when Dr. Haagensmit created artificial smog 15 years earlier.

The story of these difficult years was recounted in a paper I gave at a meeting of the Air Pollution Control Association in Houston, Texas, in June, 1964. Ralph Nader read that paper and, as a result, convinced the Department of Justice that an investigation of the industry's activities in controlling air pollution was in the public interest. Five years, several million dollars in public cost, and 40 million polluting vehicles later, the Justice Department's antitrust suit for product fixing ended in a consent decree. For those interested in ancient history that 1964 paper, entitled "Reflections and Projections in Controlling the Motor Vehicle" is available.

But 1964 was six years ago. What is the situation today?

Promises "to do something" about motor vehicle emissions are still being made by the auto industry. Now, however, such pledges are made by officials at a higher level though with little more realism. One company president recently illustrated on network TV why auto emissions aren't really very harmful to health. This upgrading of the industry's concern with the environment appears to be more than casually related to the fact that the political utterances of California State officials of the '50's have now found voice in Congress and the White House.

An inexcusably limited amount of motor vehicle surveillance test data—inexcusable both on the part of the industry and the Federal government—has shown that about 80 percent of the supposedly controlled vehicles are not meeting Federal vehicle emission standards after less than 15,000 miles of public use as compared to the 50,000 miles for which certification was officially granted.

A careful analysis five years ago indicated that devices installed on 1966 cars in California—the same system installed nationwide in 1968—would, if operating to maximum potential, in the face of the increasing motor vehicle population, only reduce air pollution by about 2 percent per year. What then is the public buying for over $200 million a year? The fact that the American people have spent nearly $1 billion to date on exhaust control devices which are not providing the benefits for which they were purchased is reprehensible and a reflection on both industry and government.

The latest absurdity is the generous offer of the industry to provide devices for installation on older vehicles for $10 plus installation. If a $20-plus investment for an inadequate exhaust control system on a new

$4000 car is distasteful, how anxious is the public to spend $10 plus at least another $10 in installation charges for an equally poor device for a car that "blue books" for $500? Add to this the fact that if every garage and superservice station in Los Angeles could install this device in 20 minutes they could do nothing else on 4 million vehicles for two years.

Everyone here has read the statements of the company presidents upon announcing annual price increases for new cars. In the fall of 1967, 1968, and 1969 the reasons were the same: cost of improved safety equipment, smog control equipment, and the escalation of employees salaries and materiel prices. Personally, I am certain that the cost of smog control equipment installed on 1969 models was identical to or less than that installed on 1968 models since the Federal standards for the two years were the same. In any event, new engineering was not required since the same system had been installed on 1966 and 1967 models for sale in California. I feel equally as sure that the equipment to control the emissions of hydrocarbons and carbon monoxide installed on 1971 models for national distribution will not be more expensive than that for 1970 models since, again, the Federal standards for these emissions are the same for both of these model years. The evaporative loss controls required by tne Federal standards for 1971 models are already engineered and installed on 1970 models being sold in California. Hopefully, each successive year's increase in prices attributed to air pollution control equipment is not cumulative! This would be indefensible in any case, but especially so since Ford, GM, American, and many foreign manufacturers are adapting the Chrysler clean air system to their vehicles to reduce costs regardless of whether they perform on their particular vehicle as well as the more expensive equipment originally used on 1966 and 1967 model years in California and nationally in 1968.

Blaming automobile price increases on safety and emission control requirements is, indeed, old-hat and routine. However, I was interested to read recently that American Motors holds them partially responsible for its rather substantial second quarter losses. Such pronouncements do little to promote stockholder enthusiasm for cleaning up an auto-polluted atmosphere.

Gentlemen, the automobile industry must give more than lip service to its public policy statements. To meet the American public's need for a clean, safe vehicle, conventional cost-benefit considerations must be placed in temporary limbo. The nearly two billion dollars spent for restyling between model years must be spent on cleaning up the internal combustion engine from a design or a fuel standpoint or developing a completely different and clean power package.

The intramural competition to earn dividends for stockholders must be interrupted long enough to provide upwards of 10 million annual customers with a vehicle that will not pollute the atmosphere—vehicles capable of this performance no matter how they are driven and regardless of the degree of maintenance provided. The industry must not be allowed to transfer the financial responsibility for continued effective performance to individual auto owners who are dependent on too few qualified service mechanics.

In the late fifties and early sixties the industry took pride in spending a combined total of $1 million a year on smog control research. This spending has, of course, increased, although even inquiries from members of Congress have not produced meaningful estimates.

GM recently reported that it would spend $112.8 million this year on controlling automotive emissions, up from $65.1 million in 1969. This is the first time the company has given the public a clue as to the amount of its outlays to combat auto pollution. However, lacking a categorical break-down of this figure, it still leaves us to wonder how much is being spent on inventive research and how much on engineering and manufacturing of devices for which consumers will ultimately pay. Even assuming a relatively similar expenditure by the other major companies, the total would still be far short of the billion-plus spent for superficial and sales-oriented styling changes between model years.

Six years ago in the paper I mentioned I made some predictions regarding what would happen and when. While I do not claim the skill of Nostradamus, the predictions were reasonably accurate. Based on this preliminary success and fortified by six years of age and experience, I will venture a few more predictions. There is one major difference—this time I hope that on some of them I am not even close to being right.

1. The automobile industry, faced with declining sales this year, will dust off the "buy now and help everybody" pitch it used during the 1958 recession. It will not be nearly as effective because of the industry's tarnished image with respect to air pollution and safety.

2. The UAW will take an increasingly strong stance on air pollution and, possibly, safety, in contract negotiations this summer. The industry's image is of great importance to its members' job security, and additional bad publicity or a severe air pollution episode in one or more urban areas, or even a restriction on the use of vehicles during such an episode, could trigger a public boycott or deferred purchasing movement.

3. Public indignation at paying for ineffective controls will force industry and government to pay more attention to policing the motor vehicle control program and there will be call-backs on engine-carburetor-transmission combinations which do not consistently meet Federal emission standards while in public use.

4. Legislation will be enacted requiring that each engine be evaluated for compliance with Federal emission standards as it leaves the assembly line and the display of a certificate showing vehicle emission performance. Only when this is done can the public be assured of honest and open competition in developing a cleaner vehicle. The air pollution potential of a particular model could then be considered by the purchaser along with other vehicle characteristics.

5. The auto industry will inform California authorities that vehicle purchasers in that state can have controls for oxides of nitrogen, one of the toxic gases emitted, on 1971 model-year vehicles for about $300 and a 10 percent increase in fuel consumption.

6. The retro-fit of control devices for older cars will fall flat on its face.

7. The industry's attempt to control emissions from the internal combustion engine with a catalytic tack-on device, even in conjunction with unleaded gasoline, will find tough going. This is likely particularly in view of negative statements by the industry six years ago when such control systems were developed using Universal Oil Products, American Cyanamid, and W. R. Grace and Co. catalysts and its own experience with vanadium pentoxide and other catalysts.

8. The auto industry will be required to give serious consideration to the development of a replacement for the internal combustion engine instead of caricaturing the current deficiencies of such engines which have not benefitted from engineering attention to the degree the internal combustion engine has for forty-five years.

9. The current concern on the part of younger people regarding the environment will not wane but will become increasingly militant and possibly violent. This concern could be manifested in a movement to make the jalopy the "in thing" rather than the hot new "four on the floor."

It is not pleasant or satisfying to be cynical and faultfinding in times such as these. To the contrary, we need to face facts honestly, impartially, and constructively. You as editors of the nation's press, are in a position to assist in this objective on a national scale, just as the mass media in Los Angeles County and the State of California did locally 20 years ago. They initiated and supported rational policies at a time of near public hysteria, and it is because of their understanding and good working relationship that the agencies of the County and the State lead the world in air pollution control today. This same type of understanding and cooperative effort can result in an effective national program. If such an effort cannot be organized and sustained, the atmosphere in our urban areas will continue to deteriorate each day.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM AND SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, between Thursday, August 13, 1970, and Thursday, August 27, 1970, the Pentagon notified 13 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed:

Sp4c. Neal V. Bainter, son of Mr. and Mrs. Marshall M. Bainter of San Clemente.

Spc. Kirk O. Barkley, son of Mrs. Estella M. Barkley of Poway.

Sgt. Dennis W. Baxley, husband of Mrs. Wanda R. Baxley of Garden Grove.

Pfc. Ivery L. Baxter, son of Mrs. Helen D. Esco of Los Angeles.

Sgt. Brian J. Bennett, son of Mr. and Mrs. Clarence J. Bennett of Stockton.

Cpl. Curtis C. Colyear, son of Mr. and Mrs. Charles C. Colyear of Santa Cruz.

Pfc. David R. Denna, son of Mr. and Mrs. David M. Denna of Wilmington.

First Lt. Ralph N. Duemling, husband of Mrs. Ralph N. Duemling of La Crescenta.

Pfc. Michael A. Gage, son of Mr. and Mrs. Cleveland D. Gage of La Mesa.

Sp4c. Nickalas P. Gurnias, husband of Mrs. Virginia Gurnias of Hollister.

Sgt. James C. Junge, brother of Mr. Jon B. Junge, of Alhambra.

Pfc. Theodore C. Kappmeyer, son of Mr. and Mrs. Eugene L. Kappmeyer of San Jose.

Sgt. John A. Premenko, husband of Mrs. Elizabeth J. Premenko of Pacifica.

First Lt. Lawrence G. Swarbrick, husband of Mrs. Jean K. Swarbrick of Lancaster.

They bring to 4,206 the total number of Californians killed in the war.

MOLLENHOFF ARTICLES ON THE IMPROPER AWARD BY NASA FOR A COMMUNICATIONS SATELLITE

Mr. PROXMIRE. Mr. President, when hundreds of millions of dollars are at stake, when giant economic interests bid for Government contracts under noncompetitive conditions, and when one or two men have the power to influence gigantic awards, great dangers for the public interest exist.

In recent times, the contracts for the

TFX and the C–5A stand as testimony to this fact. Now another major case has come to the surface where power and influence appear to have had more effect on the award of a huge contract than the technical excellence and low bid of a contractor. The case is that of a NASA contract for a $50 million communications satellite in which the smaller, technically competent, low bidder Fairchild-Hiller, initially lost the contract to the giant General Electric Co.

An examination of the circumstances by the General Accounting Office soon indicated that there were major irregularities. Not least among the questionable facts was that the head of NASA, Dr. Thomas O. Paine, who apparently greatly influenced the award, not only came to NASA from General Electric but is now returning to that company as a vice president.

Needless to say, the circumstances are very curious. Clark Mollenhoff of the Des Moines Register, has written a series of articles detailing the circumstances behind this contract. My own view is that even though the original award to GE has been rescinded, and that Fairchild-Hiller has now rightly received the contract, the circumstances behind this contract have such universal application that the matter should be examined in detail. It should be examined to make certain that proper safeguards are established in the awarding of contracts for millions of dollars. In fact, it is a sad commentary that after years of experience with both space contracts and defense contracts a situation of this kind could exist.

I have, therefore, asked the staff of the Joint Economic Committee's Subcommitee on Economy in Government to investigate the circumstances of this award, and the inconsistent stories which have been given by the agency concerning the circumstances of the award.

Meanwhile, I ask unanimous consent that a series of articles by Mr. Mollenhoff, who has dug deeply into the contract and the events surrounding it, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Sept. 13, 1970]

TELL STORY BEHIND NASA BID CHANGE—HOW FAIRCHILD WON CONTRACT

(By Clark Mollenhoff)

WASHINGTON, D.C.—In the history of big government space contracts, the name of Fairchild Hiller will go down as a giant-killer.

The Fairchild Hiller Corp. is not a small firm, but beside such industrial giants as General Electric, it is a dwarf. Yet in the toughest competition the Fairchild team did the impossible—it upset the award of a $50-million communications satellite contract to GE.

And what is more important, after knocking GE out of the award, Fairchild won the contract that had just been taken away from the larger competitor.

UNWRITTEN RULE

The way the defense and space contract games are played at the agencies, there has been a kind of an unwritten, but often referred to, rule that if you protest you won't get the award, but will simply see the agency give it to some third party.

General Electric can still try to contest the award in the face of a General Accounting Office (GAO) report charging "irregularities" in the initial award, and in the face of a "reconsideration" of the award by the National Aeronautics and Space Administration (NASA).

However, in making the decision as to whether to make another challenge, GE must keep in mind the fact that Dr. Thomas O. Paine, former administrator of NASA, will become a vice-president of General Electric on Tuesday.

Paine, a GE employe for 19 years prior to joining NASA in 1968 under the Johnson administration, had the major role in making the decision for General Electric. He also continued a major role in defending the award.

Officials at Fairchild carefully avoided a direct challenge on the "conflict of interest" issue, but an examination of the entire record in detail from February through August gives a real insight into why GE has some fear that Paine could become the issue.

Fairchild Hiller's team, headed by President Edward Uhl, had been in the space contract game for years and had developed a high degree of competence on certain types of contracts. The firm wasn't as large as GE and some other giants, but the members had confidence in their ability to compete with the best, and they knew they had lower overhead costs and had the advantage of price.

NO DESIGNS

Fairchild and GE had been awarded NASA contracts for the development of a complex communications satellite, and the innovations and technological expertise were as important as any other factor. There were no designs. NASA said what it wanted, and both contractors were turned loose to come up with ideas on how to do the job.

Contracts for both firms carried through the A, B, and C phases. Then it got down to production of the two communications satellites on phase D, and that competition started in September, 1969.

From the outset, Fairchild knew it had a tough fight. General Electric is a big firm, and at the head of NASA was Dr. Paine, a man who only recently had headed General Electric's Tempo program.

Plans were submitted and evaluated in September and in December, and the initial plan called for award of the contract in February.

Fairchild officials became a little concerned on Jan. 5 when NASA officials insisted that they make available some technical developments to GE. But, it was explained that the technical competition was really through, and that the only thing involved from here on out was the price problem.

In the first week in February, Fairchild was still ahead of GE on the basis of evaluations of satellite design and performance and on the basis of price. However, the lead in both areas had slimmed.

On Feb. 5, Paine decided there should be a stretch-out of the satellite program, which necessitated another round of competition between Fairchild and GE.

DEADLINE SET

On Feb. 8, NASA sent out instructions stating that proposals under the new competition had to be in by Feb. 27 at the latest. Both companies were notified that they should advise Goddard Space Center if they would be able to meet the deadline.

On Feb. 16, Fairchild officials wrote the contracting officer stating that every effort would be made to meet the Feb. 27 deadline, but expressing the hope that some additional time might be available. GE simply stated it could not guarantee submission of a proposal before Mar. 4—five days after the deadline.

On Feb. 25, Fairchild officials asked NASA to extend the time from Friday, Feb. 27, to Monday, Mar. 2, but were advised if they failed to meet the Feb. 27 deadline it would be at their own peril of being disqualified.

Faced with that flat rejection, Fairchild officials delivered the proposal to Goddard Space Center by hand at 4 p.m. on Friday.

PROTEST DELAY

When Fairchild officials went to Goddard on the next Tuesday to deliver an alternate proposal, they discovered for the first time that GE had not met the Feb. 27 deadline.

Dr. Coleman Raphael, vice president in charge of Fairchild's space division, protested the fact that NASA officials had given General Electric a delay.

He also requested that NASA officials hold the Fairchild proposal in security until the GE submission had been made, explaining that he feared "a leak" of crucial information on pricing and even further technical transfusion to GE.

NASA officials said the Fairchild information had already been distributed to their technical evaluators. NASA later argued that GE had made some special arrangement to delay past Feb. 27.

On Mar. 6, GE finally submitted its proposal. It was essentially the same as the Fairchild proposal at this point, and the price was just 2 per cent under the Fairchild bid.

It was done by General Electric lopping millions of dollars off cost estimates through a controversial proposition that the work be done in an off-site plant at substantially lower overhead rates. Fairchild said later that it had considered such a method of cutting its costs, but had rejected the idea because an official at Goddard had indicated such a device was not acceptable.

On Mar. 11 and 12, NASA officials met with GE officials for "refinement" of the cost figures of that firm, and approved a reduction in overhead by GE that was later criticized by Senate investigators as "an artificial device" for bringing costs down.

Although Fairchild did not know what actions NASA officials had taken on the cost figures, they did not like the general atmosphere surrounding the competition. There were many things about it that smacked of "unfairness" in Uhl's opinion, and he sat down on Mar. 17 and wrote a long letter to Paine expressing his concern about some of the tactics.

CONCERN RECORDED

In the first paragraph, Uhl said the letter was being prepared prior to final award "in order to set out the concerns of Fairchild Hiller in this competition at a time when we still have a strong probability of success."

The letter was not to be delivered until after the award, but Uhl added: "I do feel it essential that our concern be recorded and their probative value not be diminished by our success or lack thereof in the competition."

He stressed the "long competition process" that tended to equalize the competition, and the government problem of funding both contractors "through ultimate award."

"The best demonstration of what a contractor can achieve is to be found in that 'blind' initial proposal," Uhl wrote. "I know we at Fairchild put our best efforts into that aspect of the program and believe we submitted a superior technical and cost package. In our opinion, everything since September (1969) has tended to weaken, not strengthen, the competitive nature of the program."

With regard to cost, Uhl also declared that a "leveling process" had been occurring.

"The principal efforts of NASA personnel in the cost area were to force Fairchild to come (up) close to the NASA 'estimate' of what the program should cost," Uhl said.

EQUALIZE COSTS

"In general, these efforts were aimed in the direction of raising our price," Uhl said. "I can only assume that such efforts were also made in the GE situation—whether they resulted in increases or decreases in GE's prices, I do not know. The effect of the process, however, is to equalize costs."

The above process seems designed to present the administrator with two equally acceptable choices so that he is 'safe' from criticism regardless of his selection," Uhl said. "The result, however, is accomplished at the cost of fair competition and of obtaining for NASA the best competitive proposal in the technical and cost areas.

"The system inherently favors large contractors versus smaller enterprises," Uhl said. "If carried through in all major NASA procurements, the system will eventually squeeze the smaller, more innovative organizations out of the spacecraft business and leave the field to a very few large industrial giants."

Uhl and John Dealy, vice-president and general counsel for Fairchild, arranged to have the letter ready for delivery to Paine, and figured that was about all they could do until such time as Paine made his decision.

FAIRCHILD OFFICIALS FRANTIC

Fairchild officials found reason for alarm in a Philadelphia Inquirer story on Wednesday morning, Apr. 8, stating flatly that General Electric won the $50-million satellite pact.

There were immediate calls to the White House and to NASA to determine if the story were true. Dealy and Bill Emerson, the director of government relations, were told by the White House liaison with NASA that he did not know if the contract was to be awarded to GE.

NO ANNOUNCEMENT

At NASA they were told that there had been no public announcement on the award, but that there would be in the afternoon.

Meanwhile, Senator Hugh Scott (Rep., Pa.), who had been quoted in the Philadelphia Inquirer story, rose to make the announcement that NASA would award the contract to his home-state firm, General Electric.

It was just before Scott was to vote in favor of the nomination of G. Harrold Carswell as an associate justice on the Supreme Court, and Fairchild officials tried to read a possible connection into the two events.

Fairchild officials were frantic. Dealy and Emerson called to the Capitol to try to find someone with an interest in Fairchild. They finally contacted Representative Clark MacGregor shortly after 2 p.m.

MacGregor, a Republican with good credentials at the White House, had a local stake in Fairchild since Honeywell, a Minneapolis, Minn., firm, was joined with Fairchild on a subcontract.

It was about 2:30 p.m. when MacGregor called the White House to register a protest that his information indicated that the award of the contract "is scandalous."

"From what I have been told, this could be another TFX contract scandal," MacGregor said.

MacGregor said that the important things were simply these: General Electric had incorporated a lot of Fairchild ideas into the design. GE was given an extra week for submission of its last technical and price data. Dr. Paine had taken part in the decision to award the contract to his former employer.

"TRY TO STOP IT"

"Just try to stop the announcement on this contract until it can be examined to see if these facts are true," MacGregor explained.

By the time the conversation was concluded, and a call placed to NASA, the announcement of the award to General Electric had taken place.

Spencer Beresford, NASA general counsel, confirmed that many Fairchild ideas had been transfused into GE's program, and that GE had been given an additional week to make a submission.

"It was Dr. Paine's decision. I didn't agree with it, and I can see why the Fairchild Hiller people are all upset about it."

Later that day, Beresford called to Fairchild President Uhl to try to explain the matter.

He said that Paine had authorized him to try to make peace with Fairchild.

If Fairchild would simply avoid making a fuss, Beresford said, he had Paine's assurance that Fairchild could settle a long-time patent matter as Fairchild wanted it settled. Also, Paine had said there would be about $3 million in contracts that could be given to Fairchild until there was an opportunity to make it up to them in some other way.

After Beresford hung up, Uhl got in touch with his general counsel, Dealy, and his government relations man, Emerson. He said he had been sure for some time that NASA was trying to give the contract to General Electric, but that there was now no doubt in his mind at the unfair tactics used and the wrongness of the decision.

Meanwhile, Dealy and Emerson had picked up information to corroborate Beresford's statement that Paine had in fact made the decision on the contract. Also, they felt they could assure that they could get help from Senator Mac Mathias (Rep., Md.) and from at least three Republican congressmen—Rogers Morton and Glenn Beall of Maryland and MacGregor.

[From the Des Moines Register, Sept. 14, 1970]

HOW GE LOST $50-MILLION NASA AWARD—PROBE UNCOVERED IRREGULARITIES

(By Clark Mollenhoff)

WASHINGTON, D.C.—Officials of the Fairchild Hiller Corp. were frantic on April 8 when the National Aeronautics and Space Administration (NASA) announced that it was awarding a $50-million satellite contract to General Electric.

Fairchild officials and their supporters in Congress leveled the charges that GE had incorporated a lot of Fairchild ideas into its design; that GE was given an extra week to submit its final bid; and that GE was allowed a "special arrangement" that lopped millions of dollars off the price estimate.

PAINE DECISION

Underlying these charges was that the decision on the contract was made by former NASA administrator Thomas O. Paine, who worked for GE for 19 years before coming to NASA, and who is rejoining GE Tuesday as a vice-president.

Congressional protests on "the unfairness" of the NASA decision had made it obvious that an investigation would be requested through General Accounting Office (GAO) or some congressional committee. On April 9, Dr. Paine took the initiative and asked for a GAO probe.

The next day, Fairchild formalized its request for an investigation by GAO and also contacted the Senate permanent investigating subcommittee, headed by Senator John McClellan (Dem., Ark.), and the Senate Space Committee.

Paine rejected a suggestion by Fairchild President Edward Uhl for a face-to-face meeting on the protest. It would be inappropriate, he said, since the GAO was investigating, and suggested that they delay a meeting until after the GAO had made its report.

Uhl and John Dealy, vice-president and general counsel, regarded this tactic as a stall, and said so in talks with their congressional allies, Representatives Rogers Morton and Glenn Beall, both of Maryland.

On April 16, Paine cut off the funding for Fairchild. Fairchild complained to Congress and the White House that this, too, was an unfair tactic since it could cause them to shut down their satellite operation. They called attention to the fact that NASA was continuing to fund GE through July.

SOUGHT RECORDS

Fairchild tried to expedite the GAO probe, and sought access to NASA records on the evaluation of the competition. On Apr. 23, Beall set out the basic contention that GE was "unfairly favored." There was no response from Paine.

On May 1, Dealy wrote to Paine setting out the allegation of "serious irregularities involved throughout the procurement process."

"The information requested is information that should normally be open to public examination under the Freedom of Information Act," Dealy said.

He asked for GE cost proposals, the Source Evaluation Board reports and information on briefings.

Dealy noted in the final paragraph that it was urgent that he receive the information, or a reply that he could not have it. He noted his office telephone number for an immediate call. There was no reply and no acknowledgement to this letter.

On May 12, Dealy wrote a second letter to Paine stating he was "deeply disturbed as a lawyer and businessman that our requests for documents have gone unanswered through today's date—a period of approximately 20 days."

"I cannot understand the reluctance of your organization to even reply to our requests," Dealy wrote. Dealy noted that prior to the decision "we asked for meetings to discuss irregularities and inadequate source selection procedures we believe have occurred in the program."

NO CLAIM

Dealy said it was "inconceivable" that NASA would not release the appropriate documents for review. He noted the information was paid for by U.S. government funds, and that there could be no justifiable claim that any information was "proprietary." But Dealy said he was willing to let NASA hold out pages they felt might be confidential.

He said that Fairchild Hiller was willing to pay "any reasonable fee" for the documents. He argued the law, and then added that "fundamental fairness" required that the information be made available.

FUROR IN THE HOUSE

One day later, Dealy received a telephone call from NASA stating that the documents he requested would not be made available, and the next day Representative Beall rose on the House floor to denounce NASA's action:

"I think it is a shocking thing when a public agency throws a cloak of secrecy over its own record which—under a pre-existing law—not only a protector but any member of the public is guaranteed the right of examination."

"In order to maintain the integrity of the appeal procedure in the award of federal contracts, I would hope that NASA would see fit to make information available and cooperate in any way to assure a fair hearing on a matter involving commitment of $50 million of taxpayers' money," Beall added.

He told the House that only full disclosure of records and a full investigation would protect Paine from a charge of "favoritism" as a former long-time employee of General Electric.

A few days later, Uhl wrote to Paine to state that he believed "a frank discussion . . . would identify to you personally some very disturbing aspects of the ATS (Applications Technology Satellite) procurement."

Fairchild Hiller officials noted that Paine had said NASA was bombarded with letters on behalf of Fairchild both before and after

the award. Fairchild officials said they were "unaware of any letters or telegrams sent to NASA before the award on behalf of Fairchild. . . ."

SCOTT "CREDIT"

"On the contrary, we note from press releases issued by Senator (Hugh) Scott's office (including an item that the Pennsylvania senator knew of the ATS award prior to NASA's announcement to Fairchild or the White House) that he takes credit for intervening personally with NASA officials to expedite the award to General Electric," Fairchild officials wrote to Paine.

They said they were "advised by your general counsel (NASA counsel Spencer Beresford) that the basic reason for your position not to release GE's proposal until after GAO has rendered its decision is that you are afraid of giving Fairchild an unfair competitive advantage in the event this procurement must be resolicited. We submit that your action—continuing GE's funding and proceeding with negotiation of a contract with them while Fairchild's funding has been cut off—provides GE with a distinct unfair competitive advantage in the event the program is resolicited. Apparently, however, unfair competitive advantages are acceptable as long as they are on GE's side."

Fairchild officials commented that they found "such a double standard extremely disturbing."

It was noted that Dealy had been told by Bernard Moritz, acting NASA associate administrator for organization and management, that documents could not be released because NASA feared that the source selection procedures would be "ruined if NASA officials had to act under fear of public disclosure of their deliberations."

The Fairchild officials wrote to Paine stating that it was their opinion "that if NASA officials 'fear' public disclosure of their deliberations, they are not equal to the public trust placed in them by Congress and the American people."

INACCURATE INFORMATION

Dr. Paine supplied inaccurate information to at least two top White House aides in early June, and it found its way into a letter to Representative Morton.

On June 4, a special assistant to President Nixon wrote to Morton stating that he had compiled the following information:

"A charge has been made that in awarding the disputed NASA contract to GE, that GE was granted an extension of time while Fairchild Hiller was denied an extension. The facts are as follows:

"When submissions were called for, a cut-off date by which submission had to be in was stipulated. It was further stipulated that if an extension beyond this date was requested, such request would have to be in several weeks prior to the submission date. GE made such a request in advance of that earlier date and a delay of about a week was granted.

After the earlier date by which requests for extension had to be made had passed, Fairchild Hiller telephoned to the contract officer at NASA and asked for a delay of several days. The contract officer denied this request.

"From the above, it is clear that NASA followed the book with regard to this aspect of the contract.

"A charge has been made that Dr. Paine was not totally objective in his selection of GE in that he had previously been employed by this firm. This award was made by a three-man board of which Dr. Paine was a member. The vote was unanimous and Dr. Paine voted last.

"Recognizing the considerable conflict surrounding this award, Dr. Paine warned everyone that the award should be conducted in a way that would stand vigorous investigation. Immediately after the contract was awarded, Dr. Paine asked GAO to conduct an investigation which is currently under way."

TO WHITE HOUSE

When Dealy saw the letter, he was struck immediately by the misstatements about both the award procedure and Paine's role.

The erroneous explanation in the letter to Morton prompted Dealy and Beall to go to the White House on June 12 to see special assistant Peter Flanigan. When Flanigan gave the same explanation as the letter, Dealy stopped him and told him it was probably erroneous.

Dealy reached into his briefcase for the NASA report to GAO to establish the error in the explanation sent to Morton. Also, he related evidence of conversations that disagreed with the Paine explanation on the vote.

Flanigan noted that Paine had explained that a GAO rule permitted exchange of information when two firms were close in competition. Dealy challenged this, and also set out other reasons for believing that Paine or someone else in NASA had made an improper decision in giving the contract to GE.

On June 19, Fairchild officials finally had a one-hour audience with Paine. Stress was on the unfairness of the procedures, and Paine made little reply.

Dealy noted public comments on the relationship of Paine and GE. He said he had not made an issue of it, but that the unfairness of the procedures made it a possible issue.

Dr. Paine replied that he had severed all relationship with GE when he joined NASA in 1968, and that he had no intention of returning to General Electric. That statement in front of Fairchild Hiller officials and several top NASA staff people was to come back to haunt Paine later.

CRITICAL REPORT

Paine and other top NASA people were confident the award to GE would not be upset by GAO. In the first week of July, NASA informed Commerce Business Daily that the award would be made to General Electric.

On July 2, Comptroller General Elmer Staats made his report criticizing "irregularities and deficiencies" in NASA contract procedures. GAO rejected Paine's defense of the GE award, and also his claim that a GAO ruling justified the use of different deadlines for the two firms.

REJECTS ARGUMENT

In the GAO report, Staats flatly rejected Paine's argument that a GAO procurement regulation, No. 69–5, of Mr. 10, 1969, authorized the controversial discussions by NASA with GE.

"Our office has never approved any procedure whereby information which would give an unfair competitive advantage to any proposer would be disclosed during the negotiation process," Staats stated. "We do not read this regulation as authorizing such a procedure."

The GAO directed "reconsideration" of the award, but to the embarrassment of Paine and NASA, the Commerce Business Daily carried the following note: "For Phase D of the ATS spacecraft. NASA procurement office will contract with General Electric Co., Valley Forge." That blooper, a week after the GAO report, was corrected in the July 16 Commerce Business Daily.

On July 9, Senator McClellan made a Senate speech scoring NASA for its unfair procedures that had favored GE. He noted that there were four rounds of competition, and that NASA in February had secretly made a substantial adjustment of the Fairchild proposal to reflect a probable cost overrun predicted by the agency.

At the time that NASA officials were arbitrarily boosting Fairchild's cost figures, they were secretly permitting GE to use a questionable device to cut costs, McClellan charged.

"NO SECRETS"

"I believe that the proceedings of such source selection boards should be made fully available to all competitors after the contract decision has been made," McClellan declared. "There should be no secret decisions which are followed by inadequate and unsatisfactory explanations . . ."

The game was too hot for Paine to continue direct participation, and he agreed to establish a blue ribbon seven-member committee to re-evaluate both submissions. Paine said it was to be composed of men with no role in the initial evaluation.

However, Fairchild officials were uneasy. They noted that all members were Paine's subordinates, and the actual selection was to be made by a three-man group that included Paine's closest associates. At least one of these men, Bernard Moritz, had been a defender of the initial award to GE.

John Dealy knew it was to be an uphill struggle, but he was encouraged because the blue ribbon panel was headed by Bruce Lundin, director of NASA's Lewis Research Laboratory in Cleveland, Ohio.

Lundin's first contact with Dealy indicated a desire to get all the facts and the assurance that this would be a fair evaluation.

"It was the first show from a NASA official of any real desire to get to the bottom of this," Dealy said later. "We were wary, but we are encouraged."

On July 27, GE made its presentation to the Lundin committee. The next day it was Fairchild Hiller's turn, and company officials took a total of 10½ hours. Dealy wound up with four hours on law and the facts.

UNEXPECTED ASSIST

Lundin and others assured Dealy that they would make the decision on the facts, and at a break in the proceedings that day Fairchild Hiller received an unexpected assist. It was announced that Paine was resigning from NASA, and would become a vice-president of General Electric on Sept. 15.

At a press conference the next day, Paine told reporters he had severed all of his relations with GE when he came into government. He said he had no intention of returning to GE but that in recent weeks he had decided to return.

NOT INVOLVED

Paine said that he would not be involved in space activities for GE, and that while at NASA he had never "cast a vote in favor or against GE". He said he had "rigorously excluded" himself from the ATS competition between GE and Fairchild Hiller.

In a last letter to the Lundin committee on Aug. 4, Dealy wrote:

"In press stories concerning Dr. Paine's recent news conference, he was quoted as saying that he had never been in a position during his tenure as administrator to cast a deciding vote for or against General Electric. On the contrary, Fairchild Hiller was informed by high NASA officials within a week of the ATS selection that the ATS decision was made by Dr. Paine, and in fact was made by him on price and general confidence in GE criteria."

Dealy also noted that "Dr. Paine made the specific point that he had no connections with General Electric, that his old associations were long past and that he had no intention of any future connection with General Electric. There were numerous witnesses to those statements.

"Fairchild is not interested at this time in drawing a conclusion from these apparent inconsistent statements, but we do believe they should be placed on the record before your review committee."

On Aug. 13, TRW, Inc., challenged another $50 million NASA contract award to GE to build the Earth Resources Technology satel-

lite. TRW claimed its design would have been simpler and cheaper if NASA had not delayed sending the company a preliminary study that had been made available to GE.

TRW asked a review of the July 15 award on grounds that there was "significant information available to our competitor and not available to TRW during the period of competition."

RECOMMEND FAIRCHILD

On Aug. 26, the Lundin committee filed a unanimous but still secret report recommending an award to Fairchild Hiller.

The committee found "that Fairchild was superior in nearly all aspects of project organization and overall management."

On the technical side, the panel considered Fairchild "superior in the important areas of systems engineering and in several features of the subsystem design."

SERIOUS CHALLENGE

Although there had been unjustified juggling of cost, the committee said it was impossible to make a determination if the $1.3 million which Fairchild claimed could have been realized. There was a "very real probability" that "some cost reduction could have been realized by Fairchild had more time been available," the report said.

Under serious challenge on two awards, Paine on Sept. 3 ordered a review of the NASA procurement system. He had suddenly become aware that there might be something gravely wrong.

It would have been difficult for any group to reject the strong unanimous view of the Lundin group in that atmosphere. On Sept. 5, at 6 p.m., NASA made the announcement that the committee had unanimously voted to reverse Paine and give the award to Fairchild Hiller.

That three-member NASA committee said it could not concur with Lundin's group on concluding Fairchild "superior in nearly all aspects" of the organization, but it did concur that Fairchild was ahead where it counted.

Dr. Paine said Friday that he considers the second report as indicating "a narrow margin" for Fairchild. He said he now believes that both awards—the initial award to GE and the subsequent award to Fairchild—were "right" on the basis of information before the top level NASA committees at the time of decision.

He said the first selection group included Spencer Beresford and George Lowe, the deputy administrator. He said the three "wrestled with the decision from 2 p.m. until 8 p.m. on Apr. 7" before making a "unanimous" decision that the award had to go to General Electric because "it was a better price."

Paine said that he did not know then that GE had been given an extra week—a key to the GAO critical report. He said that even after he discovered that GE had been given an extra week he did not consider this as having an important bearing on the price consideration.

He said he feels that the decision of the second group was right on the basis of the Lundin report.

A spokesman for Senator Scott said that he does not consider the matter to be concluded, and will press further to win the award for GE, whose headquarters are in his home state of Pennsylvania.

Paine said he does not know if GE plans a challenge and when he returns to GE on Tuesday he plans to keep out of it.

GE is in the process of a debriefing to determine if there will be a challenge. But with the record that has been made, it is considered unlikely that GE or Paine would wish to call public attention to the details of the story that have escaped public scrutiny.

Also, the Nixon administration is not likely to want a review of the details even if the key figure would appear to be Dr. Paine—a man inherited from the Johnson administration.

The success of Fairchild Hiller was not a walk on the moon, but it did represent a giant step forward in the area of space and defense contracts.

[From the Philadelphia Bulletin, Sept. 13, 1970]

IT WAS JUST A "LITTLE" $50 MILLION CONTRACT MATTER NASA HANDLED

(By Clark Mollenhoff)

WASHINGTON.—In a day of lunar missions and $200 billion federal budgets, it is difficult to get public attention focused on the details of a "little" $50 million procurement matter at the National Aeronautics and Space Administration (NASA).

NASA publicists are geared to keep public attention on the big picture—the moon and the role of the U.S. in space in the year 2000.

However, it is equally important to remember that strict compliance with procurement or inspection standards is vital to all government programs. A flaw at any stage can mean nicking the taxpayers for millions or billions of dollars in overrun. It can mean tragedy for the astronauts, and the difference between success and failure of a space mission.

OVERALL PERFORMANCE

In judging the overall performance of retiring NASA administrator Dr. Thomas Paine, it is as important to examine his role in awarding a $50 million satellite contract to General Electric as it is to recall that he headed NASA when the U.S. put a man on the moon.

On Saturday, Sept. 5, 1970, NASA reversed Paine and switched the $50 million contract for two experimental communications satellites from General Electric to Fairchild Hiller. That unanimous decision by a three-man NASA committee followed the unanimous recommendations of a seven-man blue ribbon evaluation group headed by Bruce T. Lundin, director of NASA's Lewis Research Center in Cleveland.

Paine, for 19 years an employee of General Electric, took a full role in the contract award to General Electric last April 8. He fought officials of Fairchild Hiller who challenged the decision, and, when the question of "conflict of interest" was raised, he declared he had severed his relationships with General Electric and had no intention of returning.

GAO WAS CRITICIZED

Paine criticized the Government Accounting Office (GAO) recommendation that the satellite contract be reconsidered and he criticized members of the Senate and House who backed the Fairchild Hiller challenge to his decision. Significantly, Paine will become a vice president of General Electric when he leaves NASA next week.

There is no contention that Paine did anything illegal, but his record on this contract represented endorsement of procedures that GAO found "irregular, deficient and inconsistent." Some would probably use stronger terms for Paine's actions.

In February, when Fairchild Hiller seemed likely to win the satellite competition on price and technical performance, Paine approved orders for a stretch-out of the program because of budget cuts. It gave General Electric another chance.

GE GIVEN TIME

Fairchild Hiller was forced to meet a Feb. 27, 1970, deadline for submission of bids under threat of disqualification, but General Electric was given an additional week, until March 6, to complete its cost submissions. NASA's Goddard Space Center distributed Fairchild Hiller's proposal to evaluators before the General Electric proposal was received. It was done over the warnings of Fairchild officials that they feared a leak. Paine approved and defended this.

In a lawsuit filed in connection with the original GE award, Fairchild Hiller claimed results of its original research work on the satellite appeared in the GE technical data submitted with the bid.

Despite long association with General Electric, Paine took a full role in the contract decision. He was senior NASA man on a three-member panel that unanimously voted for General Electric.

INVESTIGATIONS BEGUN

Complaints of improprieties and irregularities in procedures resulted in investigations by GAO and the McClellan Permanent Investigating Subcommittee, but Paine defended the award as proper and fair. As the GAO probe went forward, Paine cut off the developmental funds to Fairchild Hiller on April 16, but agreed to funding of General Electric through July.

Paine rejected Fairchild Hiller's demands for access to contract documents containing evaluation information. He continued to withhold this information from Fairchild Hiller even as Rep. Glen Beall declared it should have been available to the public under the Freedom of Information Act, and blasted NASA procedures as unfair.

Paine made erroneous reports to the White House on his role and the NASA procedures. As late as June 19, Paine told Fairchild Hiller officials and NASA officials he had severed all ties with General Electric and had no intention of returning to that firm.

REVIEW COMMITTEE

In the face of serious criticism, Paine established a blue ribbon review committee made up of his subordinates at NASA.

John F. Deal, counsel for Fairchild Hiller, emphasized the problem of convincing Paine's subordinates they should overrule him. As the Lundin committee was considering that issue on July 28, it was announced that Paine would return to General Electric.

The seven-member Lundin committee ruled Paine's decision should be reversed. The committee agreed with GAO on the irregularities, deficiencies and inconsistencies in the procedures awarding the contract to General Electric.

GREATER STABILITY

There was somewhat greater stability in Fairchild costs, the Lundin committee said, but it concluded that costs were "not amenable to precise analysis" and not important in the light of design superiority of Fairchild. The three-member selection group concluded that "'on the technical side there exist differences in important areas" of auxiliary propulsion, systems engineering and others that represent "a clear basis for selection" of Fairchild Hiller.

Dealy called the decision a "rare occasion when an administrative agency takes . . . courageous action." "I believe it is encouraging evidence of the ability of our government and the people in it to remedy errors in an expeditious and meaningful manner," he added.

To the American people, the satellite contract reversal should re-emphasize this message: It is possible to find and correct the flaws in contract procedures as well as the mechanical flaws in a spacecraft. It is more important to catch and report those flaws than it is to record the dramatic words commemorating any successful space mission.

[From the Des Moines Register, Sept. 15, 1970]

INVESTIGATION OF $50 MILLION CONTRACT

(By Clark Mollenhoff)

WASHINGTON, D.C.—Senator William Proxmire (Dem., Wis.) said Monday that an in-

vestigation is in order on the "inconsistencies" in the explanations of NASA on the initial award of the $50 million space contract to General Electric.

The Wisconsin Democrat said he will have investigators for his Joint Economic Subcommittee examine the circumstances under which the "inconsistent" stories were told about the manner in which NASA made its decision for General Electric rather than for Fairchild Hiller.

Following a GAO report charging NASA officials with "irregular" and "inconsistent" procedures in the award, a top level NASA team reversed the initial award and gave the contract to Fairchild Hiller.

Senator Proxmire declared that although this would appear to right the major wrong, that the explanations being given by Dr. Thomas O. Paine and others at NASA are "inconsistent" and deserve examination.

The Wisconsin Senator, famous for his tough investigation of the overruns of the C5A military transport contract, stressed that it appears that Dr. Paine has given different stories on his responsibility at different times.

The inconsistencies in the story told by Dr. Paine and other NASA officials emerged in two stories in the Des Moines Register over the weekend.

Dr. Paine, 19-year employee of General Electric, has been with NASA since 1968 when he was appointed by President Lyndon B. Johnson. He was named as assistant administrator as a result of his service as head of a Scientists for Lyndon B. Johnson Committee in 1964.

Dr. Paine was boosted to the job of administrator by President Nixon in March of 1969 upon the resignation of James Webb to try to give some continuity to the leadership in the space program in the period just prior to the moon launch.

The role of Dr. Paine in making a decision for General Electric, his former employer, was controversial from the time it was made last April 8. However, new controversy was added on July 28 when it was revealed that he will return to General Electric as vice president in charge of the nuclear power development program.

In the period immediately after the contract was awarded, Dr. Paine identified himself to a number of people in Congress as the man who made the decision for General Electric. However, as it became apparent this created a "conflict of interest" controversy, Dr. Paine advised the White House that he did not make the decision.

Dr. Paine told the White House that he was only one of three men involved in the decision. The others have been identified as Spencer Beresford, general counsel for NASA, and George Low, the assistant administrator of NASA.

Letters and explanations from the White House to Members of Congress, including a letter to Representative Rogers Morton (Rep., Md.) stated that Dr. Paine did not make the decision but had been a member of a three-man panel, and had in fact voted last so he would not be the decisive person.

However, this explanation is inconsistent with the initial explanation reportedly given by Beresford in a conversation with Edward Uhl, president of Fairchild Hiller on the night of April 8, 1970, a few hours after NASA announced the award.

Dr. Paine said that his discussions with General Electric on the question of his return "have been after that (award to GE) and not before of course."

"And since I started my discussions (of employment) with G.E. in the last few weeks, I have rigorously excluded myself from any matter affecting them, and will of course continue to do so."

It was on July 15 that Dr. Paine appointed a seven-man committee of his subordinates to engage in a second evaluation of the space contract in line with a GAO order for "reconsideration."

"I have operated in this job in a way that did not favor General Electric or anybody else," Dr. Paine says. "I called the shots without fear or favor as I saw them."

Fairchild Hiller contended that the entire procedure was shot through with favoritism for General Electric from the decision for a contract stretch-out to give General Electric another chance, through a decision to permit General Electric to have an extra week to make a submission.

The GAO report and a bulky report by the NASA evaluation committee now establish the "irregularities" and "inconsistencies" in the contract procedures.

However, Senator Proxmire does not believe this is enough and he said the "full answers" to the "inconsistencies" should be explored before the $50 million contract is forgotten.

Records of the investigations and correspondence include a memorandum in which it is alleged that Beresford told Uhl that he disagreed with the decision for General Electric, but that it was made by Dr. Paine.

In that conversation, Beresford reportedly told Uhl he was authorized by Dr. Paine to discuss placing $3 million in contracts with Fairchild Hiller. Beresford also stated that he was authorized to enter into some agreement with Fairchild Hiller on a long standing patent infringement dispute.

When Dr. Paine was asked on July 29, about the controversy over his relationship with General Electric and his return to General Electric, Dr. Paine said:

"The question of a return to General Electric was very frankly one that I have asked myself very carefully. The implication of a person from industry coming into government and then being—favoring that particular company, and then going back out again into a lush job, as a sort of reward for this, is obviously a model that people looking for venality might adopt."

Dr. Paine stated that "very frankly, when I left General Electric, I had no intention whatsoever of ever returning, and I'm rather surprised that it has turned out this way."

Paine commented that he had "divested myself of all of my stock, at the top of the market, I might add."

"And since that time, I have participated actually in rather few matters where General Electric was involved, and at no time have I ever been in a position where I cast a deciding vote in favor, or against G.E. as far as that goes," Dr. Paine said.

BLACKBEARD IS ALIVE AND WELL IN THE MIDDLE EAST

Mr. MONTOYA. Mr. President, recent events have shown us that the oldest evils and acts of barbarism can be resurrected and repeated in modern dress. Galleons no longer ply the Caribbean, preyed upon by craft flying the Jolly Roger. Cannons no longer boom out the freebooter's challenge. Yet the spirit of piracy lives and thrives in the Middle East today. The happenings of the past week or so are the stark evidence of the truth of such a contention.

Airliners costing millions have replaced the ships. They carry at least as many people as the old vessels. Today's helpless passenger can only sit in frustrated apprehension in the face of this threat. Today's modern pirates hold hundreds of lives in their irresponsible hands. Once caught, the modern traveler finds his rights have been abrogated, and he has become a pawn in a deadly game.

American planes have been hijacked and destroyed. American citizens have been held illegally as captives by groups who blend criminal behavior and fanaticism in equal parts. World war is being risked by such misguided people, who clothe their fanaticism in philosophical goals. Such has been the excuse of every similar group throughout man's recorded history. In the name of idealism, mountains of corpses have been created and uncounted wars have been fought. Now the ultimate danger looms because of such irresponsible behavior. Even Nasser looks tame beside these people, who dash with excited whoops through the most potentially lethal powder magazine in the world.

Capturing women and children to use as stakes in a game is as unjustified as an army marching to combat with noncombatants held in front of them as hostages. This is self-defeating. It is disgusting. It brings their entire cause into disrepute.

There is no reason in the world for this country to kowtow to such groups as the Palestinian terrorists. Nor should this Nation allow any passengers to be singled out on religious grounds for prejudicial treatment. These are the same people who make war on school buses full of Israeli children. Are we to allow them to dictate terms to us over our own citizens? I fervently hope not.

These terrorists are not soldiers who stake their all on open combat with an armed enemy. I see no record of them challenging the Army of Israel to battle. Therefore, I see no reason why we should allow them the respectability they obviously seek by giving in to their demands.

I applaud the President's decision to place armed guards aboard airliners. Although I would prefer to see a boycott of nations harboring pirates, this is an excellent first step.

In the end, it is essential that this Nation impress upon such people as the terrorist groups that acts against any American citizen or their property is a sterile undertaking. They will not gain from such an endeavor. Rather, they will only insure the ill will of this Nation toward their cause, which commands little American respect to begin with. Finally, they are toying with incurring the open and vehement dislike of the vast majority of Americans.

Kidnaping women and children; holding them hostage at gunpoint in hostile surroundings; seeking to discriminate against Americans because of their religious faith; all of these, taken cumulatively, are a disgusting exhibition of bigotry, hatred, and violence which any thinking person must condemn and view with revulsion.

ACTION NEEDED AGAINST HIJACKING

Mr. BYRD of West Virginia. Mr. President, civilized nations around the globe have condemned the barbaric actions of the Arab terrorists who have seized and destroyed commercial airliners and held innocent persons hostages to gain political ends.

Piracy is nothing new in the world. It is

an ancient and dishonorable trade. Our country has had to deal with it before, dating back to the days of the infamous Barbary pirates when our Nation was young.

But never before in the history of the civilized world has piracy presented the threat to international passenger movement, and to international relations, that is now presented by the bold bands of gangsters who hijack airplanes.

It is not enough simply to condemn the terrorism of these vicious blackmailers. Strong and forthright action to put them out of business is called for.

I believe President Nixon's action in placing plainclothes armed guards on international and some intracontinental flights is justified. I believe the knowledge that such agents are aboard unspecified aircraft will in itself serve as a deterrent for would-be kidnapers in the skies.

But this is only one action that should be taken. There are other actions, and they should be equally as direct and positive.

I suppose it is all right to size up boarding passengers with an eye to behavioral characteristics that might be a tipoff for criminal action in the air. And it is also of some comfort to boarding passengers, I suppose, to know that metal detecting devices may disclose a hidden weapon.

But I am skeptical that such measures will, in the long run, deter persons desperate enough to do what the Palestinian commandos have already done—and have up to now, in reality, gotten away with.

Indeed, the evidence thus far shows that one individual dressed in a Latin revolutionary costume was able to get aboard a plane unchallenged and take it over; and that in other instances the detecting devices and the behavior pattern checkers were both "turned off" when hijackers went aboard.

Sterner measures are demanded. The nations of the civilized world simply can no longer tolerate aerial piracy—and they can no longer tolerate half-measures in dealing with it.

The United States, as the leader in world aviation, in my judgment, must take the lead in quarantining any country that, in any way, gives aid and comfort to hijackers. Air service ought to be denied to any country that fails to act decisively against hijackers. The outrages have gone on long enough.

The United States has moved cautiously in so many situations in which international criminal activity was concerned that the time has come to make a stand. I believe the world will applaud, and that other nations will follow.

We have already seen evidence that opinion is hardening against the outlaws. Egypt, which welcomed hijackers only a short time ago, has taken a different line against the Palestinians. No nation is safe where international blackmail is concerned.

I well realize, of course, that the lives of innocent people are now at stake, and I would do nothing at this point to jeopardize them. But the pattern of what we can expect in the future has been clearly disclosed by the series of events in the Jordanian desert, and what we need to do now is to plan for the future.

Our country can act unilaterally in ordering American air carriers to halt service to and from any foreign country that is soft on air criminals. Moreover, the United States could refuse to allow the aircraft of such a country—or the planes of any airline serving such a country—or the planes of any airline serving such a country—to land in the United States.

These are drastic measures, but drastic measures are called for when no one who boards an airliner today knows whether or not he will ever reach his destination. Such sanctions would be justified simply to protect American lives, if for no other reason.

I am aware, of course, that the international agreements covering air travel are complicated—from a legal standpoint, as well as from an economic standpoint. The United States, however, has a long and honorable history of abiding by its agreements, a fact well known to the capitals of the world. In this instance, because of the gravity of the situation and the enormity of the crime of air piracy, I think our Government would be justified in acting as I have suggested.

No air travelers should ever again have to undergo ordeals such as those of recent days—but unless uncompromising action is taken we may be sure that other passengers in the future may not be even so fortunate. Emboldened by success, desperadoes may next time blow up human beings as well as aircraft. Even as it stands now, many hostages are still being held by the Arab guerrillas.

If the United States and other nations had moved decisively at the beginning of the wave of hijackings, we perhaps would not be in such straits now. All nations—including those that have offered sanctuary to hijackers—have a stake in bringing an end to this wave of terror in the skies.

World opinion has already been brought to bear against the outlaws; action to thwart them in the future is now demanded.

ADDRESS BY THE VICE PRESIDENT

Mr. BELLMON. Mr. President, tonight in New Mexico, Vice President AGNEW delivered a hard-hitting speech which I believe deserves the attention of all Americans. I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT AT A NEW MEXICO REPUBLICAN RECEPTION SEPTEMBER 15, 1970

Since my opening campaign speech in Springfield, Illinois, my friends of the traveling press have been asking for a fuller definition of "radical liberalism." These reporters—I assure their Eastern editors—have done their job and, best I can tell, they have gone at it with enthusiasm.

Herb Adderly, formerly of the Green Bay Packers, never covered a receiver as closely as they have covered me.

Last Saturday—while playing golf with Doug Sanders in California, I was coming up on the tenth green when the voice of the press cried out from the rough, "Mr. Vice President, just who are the radical-liberals?" I three-putted that green.

On through the back nine, and later in the locker room, they continued their hot pursuit. But the question is legitimate, and tonight, in part, they—and you, too—will have the answer.

But to keep this contest of 1970 a clash of philosophies rather than of parties or personalities, I shall continue to hold off—for a time at least—the naming of the men themselves. I think the people will eagerly make their own judgments.

But of those individuals, I should say this first of all: they are not evil, not insincere, not unpatriotic. It would be dead wrong to say they are. One of the most troublesome aspects of this problem is that they believe very sincerely, very deeply in the course they have been following. But in the year 1970 their philosophy is out of step with the times. It makes them neo-isolationists in foreign policy, at a time when neo-isolationism openly invites communist aggression. The same philosophy makes them obstructionists in Congress, at a time when America's need is for progressives who will cooperate with our President in initiating a needed era of restoration, renewal and reform. The same philosophy makes them social permissivists, at a time when America just can't stand more permissiveness if this society is to control the radicalism tearing at its roots.

Make no mistake. This radical liberalism that infects our Congress and poisons our country is at best a bizarre mutation of the Democratic liberalism in the great Wilson, Roosevelt, Truman and Kennedy tradition. To measure the distance the new breed has departed from the enduring principles of the Democratic Party, one need only hear again the eloquent words of President John F. Kennedy:

". . . the adversaries of freedom plan to consolidate their territory—to exploit, to control, and finally to destroy the hopes of the world's newest nations, and they have ambition to do it before the end of this decade. It is a contest of will and purpose as well as force and violence—a battle for minds and souls as well as lives and territory. And in that contest, we cannot stand aside."

You will never, ever, hear that kind of statesmanship and determination from the radical liberals posturing about today in the United States Senate.

As for the great and long American tradition that "politics stops at the water's edge," they have rejected that with impatience and contempt.

Let us contrast two men. When Richard Nixon was out of office through the years of the 1960's, he always defended American foreign policy when he was beyond our shores. At home, he never undercut the President's efforts to win an honorable peace.

Yet, when President Nixon made the courageous Cambodian decision to protect American lives in Southeast Asia—the Democratic candidate of 1968 publicly accused the President of committing an act of "open aggression." If that's the new Hubert Humphrey, I prefer the old.

As for the radical liberals—they make the evening news, and they make their living—by openly and flamboyantly undercutting the President's efforts to win a just peace in Asia.

But some good Democrats will say in response—this is only Mr. Agnew, and he is a partisan Republican. I implore these good people, and there are millions around this country, to listen to the voices of reason and concern within their own Party.

Within the last month, the Governor of South Carolina has expressed his "grave apprehension" at the direction of the Democratic Party, warning, "I do not think our people are ready for a political party of extremism."

Just last week, the Chairman of the Democratic National Committee belatedly urged the Party to purge itself of extremist elements.

Two weeks ago a lifelong Democrat, the head of the nation's largest labor organization, stated:

(The Democratic Party has) "disintegrated . . . It is not the so-called liberal Party that it was a few years ago. It has almost got to be the party of extremists in so far as these so-called liberals or New Lefts, or whatever you want to call them, have taken over the Democratic Party. As they take it over and they move more and more to the left—and I mean way over to the left—I think more and more are going to lose the support of our (labor) members."

That is not the voice of the Vice President—that is the voice of a man whose organization has long furnished both a substantial part of the manpower and the war chest for the Democratic Party.

The great collision of philosophies in 1970 will help to shape the destiny of our country—it will almost surely determine which faction will take control of the Democratic Party. That is why, here in New Mexico, Republicans and Democrats alike have a vital stake in the political defeat of the incumbent and a smashing triumph for your next United States Senator—Andy Carter.

But there are other ways to draw a bead on the radical-liberal. He is the kind who delays, or weakens or opposes every anti-crime bill the President sends up—at least until public pressure becomes irresistable.

He supports every effort to undercut the President's authority in foreign policy.

When the President asks for the money and weapons needed to maintain America's strength and commitments abroad, he will hint darkly that the President has been taken over by the military-industrial complex.

When the President uses force—as in Cambodia—to protect American lives, the radical-liberal gets almost hysterical.

He excuses campus violence as the inevitable and justified response of the alienated—but he luridly denounces the reaction of workers and the peacekeeping efforts of the police as harbingers of fascism.

He will bemoan the rise in prices—but vote for every spending bill that comes down the pike.

In the Senate he wants America to welch on all her commitments to the peoples of Asia—but he acts the jingo in the Middle East—blind to the truth that America's credibility is not something that can be destroyed in one corner of Asia and survive anywhere else in the world. Either our word is good, or it is not—and when we give our word, then it sticks through the tough times as well as the good times.

The radical-liberal will not get exercised over the presence of hardcore pornography at the corner drug store—but don't let him catch your son praying in the public schools.

The radical-liberal will not hesitate to demand the immediate use of the Eighty-Second Airborne to integrate the schools of a southern state—but he will buy his house so far out in the suburbs that you have to take the metroliner to get there.

The radical-liberal will want your child bussed clear across town to meet someone's notion of proper racial balance—but his own kids will be off to Pennsy Prep.

Such, my friends, are the radical-liberals in the Congress of the United States. They destroyed a President from their own Party, Lyndon Johnson; now they are trying to destroy another, Richard Nixon. But they are going to fail. Because in 1970 Democrats, Republicans and Independents, moderates, centerists and conservatives are going to join together to administer the political defeats that they so rightly deserve.

I have watched the radical-liberal move through the Capitol corridors with the aloofness of one who has had a private revelation—that the system founded by our forefathers is no longer of any count.

No matter that this great republic has persevered through two centuries of enormous progress. No matter that the American representative democracy has produced the most flexible and free economy in all the history of man. No matter that individual freedom has been advanced for millions and then tens of millions to a degree previously unknown on this earth. No matter that Americans enjoy the greatest abundance of any people in recorded time. No matter that the spirit of generosity pervades this people as it has no other since history began. No matter—the radical-liberal looks on all this and says the system is increasingly unjust and corrupt.

Without any mandate, without any plebiscite, the radical-liberal will posture as spokesman for the young, the poor, and the black—though most of these Americans do not know who he is and would not like him if they did.

The radical-liberal will tell you that if the war goes on, the best of our young people will scurry off to Canada, he will tell you that the real heroes are the ones who refuse to serve in the armed forces of the United States.

Those may be the heroes of radical-liberals—but they are not our heroes.

Our heroes are the American youth who respond to their country's call, who do their country's bidding in a time of crisis. Our heroes are those who have sacrificed years and some their lives in as selfless a cause as any nation has ever undertaken.

More and more as these radical-liberals read the mood of the American people they disguise their identity, and lately they have started coming to town masquerading as moderates.

Over this weekend, we had a fresh new recruit to the advocates of law and order. A young Massachusetts Senator enlisted suddenly, lashing out at student radicals as "apostles of force," "campus commandos." He compared them to the Palestinian terrorists. How surprising—and how interesting—that this Senator should now come charging in from the far left of the political spectrum toward the center, where the President of the United States has been all the time, and where he stands today.

And this is significant. For this is a Senator who as much as any other in American political life has always had his political course charted out for him in advance by those faithful navigators—the professional pollsters.

But by their past words and deeds we shall know them.

The Senator who rose in the world's greatest deliberative body to say that this "Chamber reeks of blood" will have a hard time convincing us he is a moderate man.

The Democratic Chairman of the Senate Foreign Relations Committee who said that: "(The United States) ought to welcome North Vietnam's preeminance in Indochina" will not be forgotten—and when he is retired from that chairmanship there will be bipartisan rejoicing all over America.

I predict that the economic journalist and self-appointed Democratic Party theoretician who wrote that, "(socialism) describes what is needed . . . the Democratic Party must henceforth use the word socialism," has advised his last President.

As for that Democratic candidate for the Senate who describes himself as a "revisionist Marxist," he needs to be informed by the voters in November, in a massive way, that America just won't have Marxists in the United States Senate.

As for that former Attorney General who publicly accuses President Nixon of appealing to "fear and hatred" and who says, and I quote, "I'm like (Black Panther) Bobby Seale in many ways: maybe not in as many ways as I should be"—the American voters should guarantee that he never holds another elective office as long as he lives.

The criticisms I have made tonight are blunt and stern—but they are valid and they are true and I believe they are necessary.

I ask that these radical-liberals be removed from office—not because of personal animus—but because they are the nation's major roadblock for the remainder of this century both in our quest for World peace and in the progress we must make at home.

And I am not here simply to speak out against radical liberalism, I am here to speak out for all the domestic programs the President has offered that sit idle in the hands of an indifferent Congress. I am here in Albuquerque to ask the people of New Mexico to return your outstanding Congressmen, Manuel Lujan and Ed Foreman to Washington where they will stand with our President—and to send Andy Carter to tip the balance back toward responsibility in the United States Senate—to make that Senate again a chamber of which all Americans can be deeply proud.

Respect for Congress has dropped to its lowest point in five years—we in the Executive Branch do not like that or want that. We want a cooperative Congress working with the President for peace and progress—a Congress that will stand tall again in the eyes of the American people. Ed Foreman, Manuel Lujan and Andy Carter will help make it that kind of Congress again. And I am here, as an ex-Governor, to speak on behalf of a fine candidate—the next Governor of the great State of New Mexico—Peter Dominici.

In Springfield, I closed my speech with a statement of hope made in this collision of philosophies that Winston Churchill made once in a collision of arms.

"I avow my faith that we are marching toward better days. Humanity will not be cast down. We are going on—swinging bravely forward along the grand high road—and already behind the distant mountains is the promise of the sun."

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The title of the bill was read, as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLAND). Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, the pending business is the consideration of Senate Joint Resolution 1. On last Tuesday I stated that direct election of the President pursuant to that or a similar resolution would produce a number of dangerous consequences.

First, it would destroy the two-party system and encourage the formation of a host of splinter parties.

Second, it would undermine the federal system by removing the States as States from the electoral process.

Third, it would remove an indispensible institutional support for the separation of powers.

Fourth, it would radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise.

Fifth, it would create an irresistible temptation to electoral fraud.

Sixth, it would lead to interminable electoral recounts and challenges.

Seventh, and finally, it would necessitate national direction and control of every aspect of the electoral process.

The Senator from Nebraska stated at that time, when those grounds were laid out and declared, that he would have more to say about each of those matters, and that is what I shall proceed to do at this time.

EFFECTS ON THE PARTY SYSTEM

First. as to the effects of the adoption of direct election on the party system, everyone will acknowledge that the two-party system in the United States has been one of the great stabilizing influences in American political life. The issue before us is not whether a two-party system is desirable, but whether direct election of the President would or would not encourage the formation of splinter parties.

The Senator from Indiana and the Senator from Nebraska had a difference of opinion on this point the other day. The issue was rather unsatisfactorily resolved by a matching of scholarly authorities. The Senator from Indiana cited a number of men who apparently felt that the electoral vote system had little to do with our party structure. The Senator from Nebraska replied by citing a number of eminent authorities who were in sharp disagreement with that view.

After reviewing the evidence again, the Senator from Nebraska remains convinced that the present electoral system has a great deal to do with the character of our political parties. I very much agree with professor, now president, Alexander Heard, of Vanderbilt University, who has said that—

The constitutional feature that most determines the nature of the American party system is the method of electing the President.

The Senator from Indiana, however, is not satisfied with the authorities of the Senator from Nebraska, and since neither of us is a political scientist, I would like to call a temporary truce on this "Battle of the Books," which, if it were to continue, might lead us very far afield. I would like, instead, to try to discuss the matter as concretely and as specifically as possible.

A good way of doing this, I believe, would be to consider the election of 1968, and to compare what actually happened with what might very well have happened if the direct election proposal had been in effect.

My mind runs back to the summer of 1968 and I recall the deeply troubled Democratic Convention which took place in the city of Chicago. I mention that event, not out of any sense of Republican superiority, for we, too, have had our share of divided conventions in the past; I mention it only because I believe that the aftermath reveals, better than any work of political science, why the electorial vote system should be retained.

I think it fair to say that the Democratic Party was dangerously divided in Chicago in the summer of 1968; I think it also fair to say that the party did a pretty fair job of pulling itself together afterward. Indeed, those of us on this side of the aisle were inclined at the time to wish that a little less pulling together had taken place. Nevertheless, despite my partisan affiliation, I think that the coming together afterward was, on the whole, a healthy development for the country. But I also think it worthwhile to consider why such a seriously divided party, which threatened at convention to dissolve into any number of minority factions, managed—temporarily at least—to patch up its differences and do so well afterward.

The answer, I believe, is to be found in the requirements of our present electoral system. What pulled the Democratic Party together was the necessity of capturing a majority in the electoral college. All but the most extreme of the factions understood that they could gain little and lose much by splitting off from the parent organization. Indeed, Mr. Richard Goodwin testified, from his personal experience that if any political advantage could have been had in forming an antiwar party, he would have helped to organize such a party and would have worked vigorously in its behalf. What restrained him—and others—from doing so were the penalties imposed upon splinter parties by the requirements of the electoral college.

The would-be splinter factions, in short, had no place else to go. Staying within the Democratic fold, despite their disagreement with the platform and the candidate, was seen as the best way to gain adherents for their own point of view.

Consider if you will, Mr. President, what the effect might have been under direct election. The badly split factions so much in evidence at convention would have faced no incentive whatsoever to come together afterward. There would have been no reason for them to cooperate with the State Democratic organizations; no reason, indeed, for them to cease going their separate ways. Under direct election, certainly two and perhaps three major Democratic candidates would have run. And I must say, in respect of my own party, that even though our divisions were not so deep nor so wide as those which characterized the Democratic Party in 1968, some of our members might have been tempted to field two or three candidates in our own right.

The result, I believe, would have been nothing short of chaotic. Each of the splinter candidates would have claimed to be the true standard bearer of his former party. None would have faced any necessity to compromise with the others before the first election, none would have felt any necessity to campaign in the smaller, sparsely populated States. Indeed, the smaller States in the Midwest and Rocky Mountain areas, with their significant rural and farming interests, might very well have been compelled to field their own candidate in order to protect themselves. No one, I daresay, would have come anywhere near the 40-percent requirement of the direct election proposal. If the runoff provision of Senate Joint Resolution 1 had been in effect, the top two candidates in a five- or six-man field would have been lucky to get 40 percent between them in the first go-round. If the Griffin-Tydings fallback election procedure had been in effect, it is highly doubtful whether anyone could have garnered a sufficient number of electoral votes, and the electoral mess would have been thrown into a joint session of Congress. And it is anyone's guess as to what might have happened there.

What prevented this nightmare from taking place, I repeat, was the necessity of having to capture a majority of electoral votes, an undertaking that requires serious candidates to cooperate with party leaders within the several States, both large and small. This simultaneously shores up the federal system, serves as a salutary incentive to compromise, and discourages minor party candidates.

The election of 1968, Mr. President, is instructive not only with a view toward what might have happened under direct election, but also with a view toward what actually happened. I refer, of course, to the strong third-party bid of George Wallace. Proponents of direct election like to point to the Wallace candidacy as proof of how the present system is supposed to encourage third-party movements. Quite the opposite is true, Mr. President, as I believe an analysis of 1968 will reveal. This matter is dealt with most effectively in the minority views of the report of the Judiciary Committee, at pages 48 and 49.

It is there argued that the electoral college, far from encouraging third party candidacies of the Wallace type, invariably reduces them to ineffectual movements, and confines them to a narrow base. For under the electoral vote system, a third party which hopes to compete outside a regional base must be able to outpoll the major parties in States where the major parties are strongest. Moreover, this same difficulty is presented even within the regional base of the third party, since the major parties, or at least one of them, will be found competing there, also.

The majority report from the Committee on the Judiciary refers to the Wallace movement as "the most powerful third-party bid since 1924." But the immediate and obvious question is this: What happened to the "most powerful third-party bid since 1924?" The immediate and obvious answer must come forth, and does come forth—to wit, the same thing that happened to every third party movement in American history—namely, nothing.

The decisive question is not what the Wallace movement intended in the past or what it intends in the future. The decisive question, rather, is what actually happened. What actually happened was that, in spite of Governor Wallace's intentions, his presidential effort was necessarily confined to a narrow sectional base. It was confined to a narrow sectional base precisely because the electoral college requires that a successful presidential campaign be conducted in all or most of the States. This requires, in turn, that a candidate make a broadly based appeal to the voters. Moreover, because of the strong two-party structure, many would-be supporters outside the South, and even many within the South, were induced to cast their ballots for one of the major party condidates.

Since the majority report ventures to speculate on what Governor Wallace might do in the future under the electoral college, we are invited to speculate on what he or others might do under direct election. Under direct election, as we indicated earlier, there is absolutely no incentive for a candidate to moderate his views or to seek broad geographical support; nor is there any incentive for a voter who is attracted by a third-party candidate to cast his ballot for what is now called a major party candidate. Under the circumstances, a candidate would have everything to gain and nothing to lose by playing to deep-rooted fears and prejudices.

Given the nature of the passions which have been loosed in our time on both the right and the left, on a growing number of issues, it would not at all be surprising for a splinter party candidate to outpoll one of the so-called major party candidates, especially since the major parties, as we know them now, will probably cease to exist under direct election.

Those who fear George Wallace, in short, will find more fertile ground to plow in direct election than they will in the electoral college.

I find it astonishing, Mr. President, that the proponents of Senate Joint Resolution 1 deny that the electoral vote system has anything to do with our party structure. This denial not only goes against a considered body of opinion, but flies in the face of commonsense. Even a cursory study of our major party organizations will reveal that they bear the stamp of the presidential election system. The fact that they are State based, the fact that they are to be found competing over a large area, the fact that they resist rigid ideological labels, the fact that they cater a broad diversity of interests—all these distinctive features are the products of the unique electoral system under which the parties have operated for a century and a half.

As to the adverse effects of Senate Joint Resolution 1 on our party structure, I need go no further than the telling comments made by Senator GRIFFIN and TYDINGS, themselves sponsors of a competing direct election proposal. The separate views of Mr. GRIFFIN and Mr. TYDINGS, which are found on pages 15 to 19 of the committee report, say all that need to be said about the dangers of party proliferation under the Bayh plan.

As it happens, I do not share the conviction of the Senator from Michigan and the Senator from Maryland that the elimination of the runoff will cure all the ills of direct election. The elimination of the runoff will cure some, but by no means all, of the problems created by direct election. But I agree with Messrs. GRIFFIN and TYDINGS that Senate Joint Resoution 1 will lead to a disastrous multiplication of splinter parties. With some qualification, I believe the same will be true of the Griffin-Tyding proposal.

Mr. President, I quote from the separate views of Senators GRIFFIN and TYDINGS:

> In probing the justifications advanced for for the popular runoff contingency in Senate Joint Resolution 1, a number of disturbing, unanswered questions remain. How, for instance, do we account for the general consensus among political scientists that election of Governors and legislators by plurality vote, without a runoff, has definitely encouraged the two-party system? What relevance to the committee proposal is there in the history of divisive, bitterly fought primary runoffs, particularly in the South, where the first election provides a testing ground for the strength of various ideologies? Even in statewide contests where only a plurality is required, four relatively strong parties have emerged in New York, thereby demonstrating the clout of minor parties.
>
> While a runoff in the House of Representatives is possible under the present electoral system, the inhibiting effect of the unit rule has discouraged the proliferation of minor parties except for those having some type of regional base. Under the winner-take-all feature minor parties have thrown the election into the House only in the case of the 1824 election. Of the 46 Presidential elections since 1789, major third-party challenges have occurred in only eight contests.
>
> Despite this record, popular vote totals in past elections are relied upon for formulating the 40-percent plurality requirement designed to minimize the possibility of runoffs. However, is the history of results under the present system, where a powerful deterrent exists to the entrance of minor parties on the political scene, good precedent for evaluating the success of an entirely new concept lacking the safeguards against ideological candidates?

The Senator from Michigan and the Senator from Maryland go on to say:

> These questions, can be satisfactorily answered only by altering the runoff contingency in order to strike a better balance between the need for direct public participation and the need for institutional stability.
>
> Although it is possible for the present system to produce some peculiar and undesirable results as the committee report emphasizes, it is important not to lose sight of its strong points.
>
> Since 1836 when the unit rule became the general standard in the States for allocating electoral votes, not one election has been sent to the House of Representatives due to the inability of any candidate to receive a majority of the electoral votes. The 1876 election went to the House only to determine which major party candidate should have received the 22 electoral votes in four States where the election returns were in dispute.
>
> As emphasizd during the Senate hearings by Prof. Alexander Bickel of Yale Law School and former Presidential assistant Richard Goodwin, the present electoral system restricts third-party challenges to those candidates who have a strong regional base. The lack of such a base is illustrated by the demise of the Progressive Party. In 1924 Robert La Follette garnered 16.6 percent of the popular vote but carried only Wisconsin with its 13 electoral votes. Henry Wallace, running on the Progressive ticket in 1948, got 2.4 percent of the popular vote but won no electoral votes. That same year, Senator Thurmond, representing the regionally based States Rights Party, received the same percentage of the popular vote as Henry Wallace but collected 39 electoral votes. Of course, the impact of the States Rights Party can be seen today in George Wallace's American Independent Party.
>
> The limitations of even solid regional support on a third party's efforts are strikingly demonstrated by going back to the 1860 election. Although the southern Democratic candidate, John Breckinridge, polled 72 electoral votes and John Bell of the Constitutional Union Party polled 39, Abraham Lincoln won a majority of the electoral vote with only 39.9 percent of the popular vote.
>
> On the other hand, under the 40-percent plurality required for direct election, a minor party or combination of minor parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 percent of the vote is quite realistic in the near future of American politics.
>
> In view of this attractive political framework, the direct election plan, as embodied in Senate Joint Resolution 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

II. EFFECTS ON THE FEDERAL SYSTEM

Mr. President, I turn now to an equally serious matter, the destruction of the federal system. It is here, I believe, that

the truly radical nature of direct election is best revealed. Direct election, it is claimed, would give every man a mathematically equal vote. But in order to accomplish that result, it must abolish the role of the States in the presidential election process. And it is my firm belief that the removal of the States from the electoral process would be a giant step down the road toward the complete abolition of our Federal Union.

The Senator from Indiana professes that he cannot see how direct election would in any way endanger the role of the States in the federal system. I would like to enlighten him, by discussing the matter on two levels, one theoretical, the other practical.

On the theoretical level, I would simply like to direct his attention to the bottom of page 37 and the top of page 38 of the minority views. A question is there asked to which I have yet to receive a satisfactory answer. Let me quote the passage in full:

> The proponents of direct election must be asked how they propose to defend the federal system in principle. It is one thing for them to say that they favor the retention of the federal system; it is quite another for them to make an argument for federalism on the basis of the logic which impelled them to propose direct election in the first place.
>
> The federal system is an explicit departure from the doctrine of mere numerical majorities, from the doctrine of "one-man, one-vote." If no departure from that doctrine is to be permitted in the Presidency, by what reasoning is it to be defended in the federal system? Conversely, if it is to be tolerated in the federal system, why should it not be tolerated in the Presidency?

As I say, Mr. President, I have yet to receive a satisfactory answer to that inquiry. And it was the lack of an answer that prompted me the other day to say that, if the States are removed from an active role in presidential elections, the Senate will be the next to go.

It is realized, perhaps, that this is the farthest thing from the minds of the proponents of Senate Joint Resolution 1. What I argue is that they may not be sufficiently aware of the full implications of their own proposal. This Senator would like to hear the argument by which the proponents of direct election propose to defend the Senate as a necessary and desirable institution.

Mr. President, we would like to hear from the proponents of direct election the argument by which equal representation in the Senate for Alaska and for California can be justified. We would like to hear from the proponents of direct election the argument by which a departure from the one-man, one-vote doctrine is to be tolerated in case A, but is somehow not to be tolerated in case B.

If the reply is given that equal representation in the Senate is desirable because it prevents the small States from being engulfed by the large, then the question will be asked why that same consideration should not apply with equal force to presidential elections?

If it is then said that the small States will not be engulfed by the large States under direct election, then it can be cited for a second time the tabulations printed in the RECORD the other day which revealed that no fewer than 34 States will lose voting power under Senate Joint Resolution 1.

Mr. President, I ask unanimous consent that that portion of the report of the Senate Committee on the Judiciary to be found on page 54, constituting a tabulation under the title "Appendix B" be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

APPENDIX B

1. VOTING STRENGTH OF 34 STATES AND DISTRICT OF COLUMBIA ADVERSELY AFFECTED BY DIRECT POPULAR VOTE IN 1960 AND 1968 PRESIDENTIAL ELECTIONS

State	1960 Electoral vote	1960 Percent of electoral vote	1960 Percent of popular vote	1968 Electoral vote	1968 Percent of electoral vote	1968 Percent of popular vote
Alabama	11	2.04	0.82	10	1.85	1.42
Alaska	3	.55	.08	3	.55	.11
Arizona	4	.74	.57	5	.92	.66
Arkansas	8	1.48	.62	6	1.11	.83
Colorado	6	1.11	1.06	6	1.11	1.10
Delaware	3	.55	.28	3	.55	.29
District of Columbia				3	.55	.23
Georgia	12	2.23	1.06	12	2.23	1.68
Hawaii	3	.55	.26	4	.74	.32
Idaho	4	.74	.43	4	.74	.39
Iowa	10	1.86	1.85	9	1.67	1.59
Kansas	8	1.48	1.34	7	1.30	1.19
Kentucky	10	1.86	1.63	9	1.67	1.44
Louisiana	10	1.86	1.17	10	1.85	1.49
Maine	5	.93	.61	4	.74	.53
Maryland	9	1.67	1.33	10	1.85	1.68
Mississippi	8	1.48	.43	7	1.30	.89
Montana	4	.74	.40	4	.74	.37
Nebraska	6	1.11	.89	5	.92	.73
Nevada	3	.55	.15	3	.55	.21
New Hampshire	4	0.74	0.42	4	0.74	0.40
New Mexico	4	.74	.45	4	.74	.44
North Carolina	14	2.60	1.98	13	2.41	2.16
North Dakota	4	.74	.40	4	.74	.33
Oklahoma	8	1.48	1.31	8	1.48	1.29
Rhode Island	4	.74	.58	4	.74	.52
South Carolina	8	1.48	.56	8	1.48	.91
South Dakota	4	.74	.44	4	.74	.38
Tennessee	11	2.04	1.62	11	2.04	1.70
Texas	24	4.46	3.35	25	4.64	4.20
Utah	4	.74	.54	4	.74	.57
Vermont	3	.55	.24	3	.55	.22
Virginia	12	2.23	1.12	12	2.23	1.85
West Virginia	8	1.48	1.21	7	1.30	1.30
Wyoming	3	.55	.20	3	.55	.17
Total	242	44.84	29.40	238	44.06	33.32

Mr. HRUSKA. If it is then said that it is people, not States, who elect Presidents, then it will be asked why that is not equally true with regard to the election of Senators?

On a theoretical level, there is simply no way out of this dilemma. If the "one-man, one-vote" dogma is to be invoked with respect to the Presidency, it will be invoked, sooner or later, with respect to the Senate. There are no two ways about it. Either one is in favor of the federal system, or he is in favor of applying "one-man, one-vote." The principles underlying each are mutually incompatible.

But I do not rest my case only on this basis. I believe that there are practical considerations as well which will reveal how direct election will destroy the federal system. I would cite, first, the loss of voting power on the part of the small, sparsely settled States. But I shall not stop there. I shall not stop there because I am convinced that under direct election, the States as States will simply cease to matter at all. In the long run, the loss of voting power by the smaller States will be overshadowed by the fact that the small States will likely be excluded from presidential consideration altogether. Where the nectar is thickest, the bees will forgather. Wherever else the votes may be found under direct election, they will not be found in the thinly populated States. A candidate would be very foolish indeed who spent time and money courting the sparsely populated areas of the country, when for an equal investment of time and money he could court the voters in our more densely populated centers. The voters in the sparsely settled areas may have a mathematically equal vote under direct election, but it would not amount to a hill of beans. They might well wish for a return to some of the good old-fashioned mathematical inequality.

Mr. President, it is not an inequality that is wicked or pernicious. It is an inequality that is a necessary implication of the federal system.

It was originally placed into the federal system for the purpose of preventing the small States from being engulfed by the large States, not by way of vesting in the small States a veto, not by way of giving them a predominant vote, but simply by giving them a little extra weight so that they will have significance in the results of the election of the President.

An example was given earlier during the course of this debate of the midland States. These are the North Central States—North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, and Colorado. They have an estimated population of 8 million people. The number of electors in those States is 33. Their percentage of the national electoral count is 6.13 percent. The number of popular votes cast was approximately 3,150,000.

The percentage of popular votes, if the direct election proposal were applicable, would be 4.31 percent.

This means, Mr. President, that the voting strength of those States would

have been lost to the extent of 29.7 percent—approximately 30 percent of their voting power.

I venture to suggest that if the 10 most populous States of this Union were, under a proposal for amendment of the Constitution, to lose 30 percent of their voting strength, they would not have considered for one minute such a proposal.

States, whether smaller States or less populous States, existing for almost 180 years under this federal system, are asked to forgo that loss of voting strength and drop as much as 30 percent of the voting strength they now have. That would be the result of the adoption of Senate Joint Resolution 1.

Mr. President, on that score I do believe there would be great difficulty in persuading the necessary three-fourths majority to get that job done. It might be said, "That is fine, but refer it to the representatives of the people, on a State-by-State basis and find out what their will is."

The trouble with that argument is that in the meantime all of the greatly deprecated and greatly lamented possibilities of the present electoral system would still exist. There is a way, a very simple way, of eliminating some of the fears, a way which would be readily seized upon in the judgment of this Senator by the legislatures of the people of this Republic by the simple expedient of eliminating the office of presidential elector and by revising the fall-back system so as to discard the unit rule in the House of Representatives, in the case of a runoff. The expedient would be to call a joint session of Congress and to have each Member of Congress cast one vote. That would as nearly approximate a cross section of the thinking and the wishes of the people of this Nation as any.

Given the ratification of such an amendment we would be safe from the potential dangers to which the advocates of this resolution call our attention so often, so frequently, and with such dire trembling in their voices. In the meantime, we could devote ourselves to the task of submitting to Congress something of a different nature to test whether or not the Nation would go for a complete change in their form of government, a complete change such as is inherent in Senate Joint Resolution 1.

This Senator is convinced that direct election of the President would destroy the federal system, first, by diminishing the power of the smaller States and then by diminishing the power of the States altogether.

States, as such, will simply cease to matter and, what is worse, we will have forgotten why they were ever important at all.

The electoral college asks, in effect, "Who is Maine's choice for President?" "Who is Kentucky's?", who is Texas'?", "Nebraska's?", "California's?", "Hawaii's?", and so on. In so doing, the electoral college shores up the power of the States in the Union. The commonly voiced argument that the Presidency is a "national" office and therefore demands a "national" constituency ignores a most important fact. For the term "national" as applied to the United States must include the most distinctive feature of our Constitution, a Constitution which established, in Mr. Justice Chase's famous phrase from his opinion in *Texas* v. *White,* 74 U.S. 700 "an indestructible union of indestructible states." Some have lamented that fact, but no one can deny its significance. Nor can any proposal to reform the presidential election system ignore that without damaging the entire constitutional balance. What should be represented in the presidential elections are not only everyday political, social, and economic interests, but that paramount interest which is the precondition for the effectuation of all others: the preservation of those institutions which are essential to the maintenance of political equality. Chief among these, surely, is the federal system.

The details of the Philadelphia Convention have long since receded into the textbooks, but the substance of the Framers' work endures 200 years later in the structure of our governmental institutions. The key compromise at that Convention was the creation of the federal system itself. This was not simply a compromise between large and small States on the matter of representation. It was a compromise on the nature of the Union, on the relationship between the National Government as a whole and the States as a whole. The Senate, with equal representation, was to represent the people as citizens of States. The House, with representation proportioned to population, was to represent the people as citizens of the Union. The bicameral structure of Congress, however, was not the only result of this great compromise. The federal principle was incorporated within the Presidency itself, by the involvement of the States in the presidential election process. The result is a delicately counterbalanced structure which, in the words of Prof. Alexander Bickel: "curries the inevitable under-representation of the large States in Congress, while at the same time requiring a sectional distribution of the vote that elects the President, thus making possible combinations that also give advantage to the smaller States. This is just a long way of saying that the genius of the present system is the genius of a popular democracy organized on the federal principle."

The proponents of direct election may reply that they bear no animus against the federal system; that, on the contrary, they support it by recommending retention of State equality in the Senate. State equality in the Senate is certainly a strong underpinning of federalism, but with the great powers at the disposal of the President, would it not be foolish to rely upon the Senate alone as the bulwark of the federal system? Certainly, the Framers did not think that equality of representation in the Senate would be sufficient—which is why they decided to give the States a role in the selection of Presidents, a role that has been reinforced by our federally structured political parties.

Mr. President, it is submitted that the electoral system has worked and has worked well. We have a strong and flexible social, governmental, and economic structure. We have been fortunate in our ability to survive many crises. It has some defects. It has many shortcomings. But no one can deny that much progress has been made and more is on the way. Given a good-faith effort on the part of all people, the coming of even greater advancement and improvement is virtually assured.

III. EFFECT ON THE SEPARATION OF POWERS

I would line now to deal briefly with a little-discussed, but vitally important aspect of the direct election proposal. I refer to its impact on the time-honored system of checks and balances, and particularly to its impact on the division of power which exists between the legislative and executive branches.

The gist of the matter, I believe, was stated succinctly in the minority views, and, with your indulgence, I will repeat the argument here:

> Separation of powers is rightly and most commonly thought of as referring to the distribution of functions among the executive, legislative, and judicial branches; but the manner of that distribution exists in part by virtue of the balance which was struck between the States as a whole and the National Government as a whole. Among the considerations weighed by the Framers in designing the Presidency was the desirability of providing the President with a constituency essentially independent from that of Congress and that of the States. The purpose of an independent constituency was forthrightly stated: to give energy to the executive, to avoid that disunity and frustration which might arise if the President were overly indebted to Congress or to the States for his election or reelection. But there was an equally strong desire to prevent the President from abusing the great powers of his office. This latter desire was carried out, first, by involving the States in the election process; and, second, by distributing governmental powers at the national level, chiefly as between the two dominant branches. In practice, the balance of power between the executive and legislative branches has sometimes rested with the White House, sometimes with Congress, and sometimes—most frequently—somewhere in-between. The Constitution is content to remain flexible on this point; but its flexibility is not wholly subject to the contingencies of the moment. The balance can and does shift back and forth without adversely affecting the principle of separation.
>
> Under direct election, there is a strong likelihood that the entire constitutional balance will come undone. For there is more to the relationship between President and Congress than the formal separation of powers on paper will ever reveal. Senators and Representatives are members of political parties, and on the national level parties derive what unity they have from the attempt to carry a majority in the electoral college. Insofar as the future under direct election can be foreseen at all, it is clear that there will be a radical restructuring of State and national party organizations. Just as it is difficult to say with precision how much of a State's power derives from its role in presidential elections, it is difficult to say how much congressional influence with the President rests on the fact that Senators and Congressmen occupy positions of influence within State and national party organizations. Once the States as States are excluded from the presidential election process, the subsequent restructuring of State and national party organizations will necessarily affect Members of Congress both in their capacity as representatives of their States and in their individual and collective rela-

tions with the President. But who will be affected, and whether favorably or unfavorably, cannot be predicted beforehand.

It is true that, even under direct election, the legislative powers of Congress would still account for the lion's share of congressional influence; but the contingencies affecting the use of those powers would be far different from those with which we are now familiar. Congress has been accustomed to deal with a President who is in part dependent upon, and therefore restrained by, the States. A President who is not only *not* dependent upon the States, but whose political obligations will bear no predictable relation to extant party organizations, may be an entirely different creature.

These words are taken from pages 38 and 39 of the minority views, and I commend them to the thoughtful consideration of all those who are concerned with the rightful prerogatives of the Senate.

One can think of any number of ways in which a directly elected President would endanger the delicate balance of powers at the national level. A few examples will suffice. It is customary, Mr. President, for the occupant of the White House to consult Senators, and especially senior Senators, before making appointments of citizens of their States. This long-standing custom derives not only from the desire to promote good relations between the executive and legislative branches, but as well from the iron law of political necessity, for Presidents are often indebted to State party organizations, and Senators frequently occupy positions of authority within those organizations. Under direct election, this custom might very well be continued, but I wonder for how long and whether it will be applied equitably. For under direct election, the President will no longer be obliged to State party organizations as such; rather, he will be primarily obliged to a new type of political organization, the nature of which it is difficult to predict. The likelihood is, however, that this new type of organization will bear little relation to existing State party apparatus. It cannot be repeated often enough that the States, under direct election, will cease to be the relevant political battlegrounds in presidential elections.

Yet another example occurs to me, Mr. President. We only recently concluded a lengthy and elaborate debate on the floor of the Senate, dealing with the nature and extent of the powers of the Commander in Chief and their relationship to the war powers of Congress. There were those who felt—I myself did not agree with them—that the President had consciously or unconsciously intruded upon a constitutional prerogative of Congress. The merit of their contention is not in issue here. But I would ask them to consider thoughtfully the following. If, as they assert, a President under the present system can exceed his constitutional authority in foreign affairs, how much greater will be the temptation for a President to do so when he is no longer constrained in any way by the influence of Governors, Congressmen, and Senators—a constraining influence that derives, in part at least, from the power of the States in the electoral college? If one is concerned about the potential excess of executive power in foreign affairs, it seems to me that we shall infinitely more to fear from a directly elected President than we have ever had from a President elected under the present system.

IV. EFFECT ON THE CHARACTER OF PUBLIC OPINION

I propose now, Mr. President, to deal with yet another charge against the proposal for direct election; namely, that it would radicalize and divide public opinion. The proponents of direct election are almost exclusively concerned with what I can only call a numbers game. Their focus is primarily mathematical, whereas my own is primarily political—in the most profound sense of that term. They are concerned with mathematical equality at the ballot box, whereas I am concerned with the actual equality of the results. They are concerned with equations, whereas I am concerned with people. I do not mean to imply by that statement that they are cold, or calloused, or inhumane; I do mean to imply that the obsession with mere mathematical equality will endanger the rights of some of the very people that the proponents of direct election claim to be helping.

The difference between us, I believe, can be illustrated by the following example. Let us imagine a line which is drawn across the country, from east to west, running, say, from Virginia on the one coast to northern California on the west. Let us further assume that the line is so drawn that a clear majority of the people lives on one side of the line. Which side is unimportant for the purposes of my example. Let us further assume that all the people on one side of the line voted for candidate A and that all the people on the other side voted for candidate B. And let us finally assume that everyone's vote was equally weighted. What we would have is a clear majority situation, a victorious candidate elected by a clear majority. And according to the assumptions of the proponents of direct election, that would be a perfectly legitimate election. From a strictly mathematical point of view, they would certainly be right. But from a political point of view, such an election would be a harbinger of the greatest danger. It would be a prelude to a possible civil war. And, as a matter of fact, with appropriate adjustments, my hypothetical example is not all that far removed from the situation which obtained just prior to the Civil War a little over a hundred years ago.

In raising this hypothetical case, Mr. President, I do not mean to suggest that such a line would be a realistic possibility under direct election. I do mean to suggest that there is more to the politics of democracy than any amount of mathematical analysis will ever reveal. I do mean to suggest that we ought to be concerned in this debate not just with the size of the majorities or pluralities obtained by candidates, but, what is more important, we ought to be concerned with the kind of majorities or pluralities any election system is likely to produce.

The distinguishing feature of the present system in this respect, Mr. President, is that it produces truly moderate national campaigns, and, thereby, truly moderate majorities or pluralities. It accomplishes this important task by seeing to it that compromises between competing and antagonistic interests are worked out long before the actual campaigns take place. And it does that because the States are the decisive political battlegrounds. Many of the issues which would otherwise divide people are compromised within the State party organizations and, then, later, at the national conventions. While each major party has its traditional strongholds, neither can carry an electoral vote majority without expanding its appeal beyond its traditional basis of support. The larger the area that has to be appealed to, the greater the number of compromises. And the greater the number of compromises, the more moderate the party's appeal. And one might carry the argument one step further by saying that the more moderate the party's appeal, the greater the likelihood that it will carry an electoral vote majority. Since both major parties face the same electoral majority requirement, both tend to make the same kind of compromises. Both are appealing to many of the same groups.

What this means is that the victory of one party will be acknowledged by members of the other as legitimate. It means also that those who would seek to join the winning coalition must so moderate their views and demands as to make them compatible with the views and demands of others.

Under direct election, none of this machinery would for long continue to exist. It is possible that in the short-run, the State party organizations would continue to perform their moderating functions, as would the national conventions. In the long-run, however, the removal of the States from the electoral process would remove the institutional machinery by which compromise and moderation are worked out well in advance of the election.

It is contended by the proponents of direct election that the 40 percent requirement would provide a sufficient incentive for compromise and moderation. I do not believe that to be the case. The 40 percent requirement, without more, without the machinery to bring it about, is insufficient in and of itself to produce the necessary moderation. How will that 40 percent be achieved in the first election? I, for one, do not know. And the Senator from Indiana has yet to indicate what kinds of party machinery will exist to bring it about. It will not do to say that extant machinery will do the job, since, under direct election, the extant machinery will be changed in ways that we cannot possibly predict.

I presented earlier, Mr. President, a hypothetical example which imagined a line drawn across the country, with hardened, uncomprising voters on either side. I did not suggest that such a line was a realistic possibility, but I did suggest that it revealed the severe limitations of a merely mathematical understanding of majority rule. I would now like to propose a more realistic example, one that I believe would obtain under direct election. My realistic line would not be drawn across the country, but it would

be drawn within certain specific areas of the country—perhaps between cities and suburbs, perhaps between citizens of small States and citizens of the large States, perhaps between urban people and rural people, perhaps between black and white, perhaps all of these and many many more. Direct election would, I believe, encourage the drawing of just such lines, between people, between geographical areas, between minority groups, between social and economic classes. It would encourage such lines by encouraging a host of splinter parties, each ideologically oriented, each more or less permanently wedded to a narrow selfish interest, each rigidly uncompromising.

I do not see a majority, even a mere numerical majority, emerging from these groups. I do see a great variety of impassioned minorities, some of them rather sizable. I see this is a very real possibility. And I see the country as being impossible to govern.

I would like to conclude this section, Mr. President, by quoting from the minority views, at page 41:

> The electoral college says, in effect, that so long as Presidents are going to be indebted to certain interests for their election or—what may be more important—for their reelection, it is better to have those interests funneled through the mediating influence of the States, (a) because the States as members of a Federal union ought properly to be represented as States in the Presidency; and (b) because the interests to which a President will be indebted will thereby be moderate in character. Under direct election, neither of these considerations are deemed important. The consequence is not only that the power of the States will be diminished, but that Presidents will be directly influenced by highly ideologized and uncompromising interest groups. Under direct election, a President would at once be driven toward demagogy and freed from the salutary restraints now imposed by the States and our State-based party organizations. We *may* obtain majorities under direct election, but will we be able to live with them?

V. EFFECT ON MINORITY RIGHTS

Mr. President, it is a commonplace to remark that this Nation is devoted equally to majority rule and to minority rights. But I do not believe that sufficient attention has been paid to that sentiment by the proponents of direct election. Direct election, in its obsession with mathematical abstractions, is essentially indifferent to the way in which majorities are formed or where they are located. The electoral college, as I have indicated, is scrupulous in this regard. It sees to it that an electoral majority is always well dispersed geographically, and that the compromises made in one place will resemble the compromises made in every other place. The result, I suggested, is a truly moderate majority in which minorities of every description are welcomed provided they meet one condition: that they be willing to compromise.

Under direct election, on the other hand, I see a hastily contrived coalition of essentially selfish minorities, each greedier than the other. But I see certain minorities being left out of the picture altogether. What would become of the farmers under direct election? As I suggested the other day, the 1970 preliminary census returns reveal a one-third decrease in the farm population. Coupled with other factors, I see the farming interests as a potentially vulnerable minority under direct election. I see farmers, as well as rural people generally, more or less permanently outvoted and outmaneuvered by the urban-oriented interests. And I see certain urban minorities equally endangered, for without the cohesive influence of the electoral college, they would, in the words of Congressman WILLIAM CLAY, "likely follow a separationist trend." I would like to quote further from Congressman CLAY, for I believe he articulates with a special poignancy the plight that would face our Nation's racial minorities under direct election:

> The likelihood of division and splinter parties would be encouraged by the direct popular vote. The factions of the present parties who do not compose the majority—but a large minority at their respective conventions—would likely feel compelled to strike out on their own to reap the sentiment which exists for their position and candidate. If it were unnecessary to win individual States to win the Presidency—the mere possibility of winning by precluding another candidate's majority would prove too irresistible to pass up. After all, it takes $20 million to finance such a campaign—and with direct popular vote, a candidate would not have to travel the 50 States or concentrate on the total U.S. populace—when a section or sector of it is sufficient to throw the election.
>
> I am certain that black separatist, conservative, and liberal parties would evolve. These splinter groups will choose to take root when it becomes unnecessary for them to work within the major political parties.
>
> I contend that under the direct vote concept the black vote, even in the North, would never count. Had the direct vote been in effect in 1968, all of the black votes in the country would have been canceled by the 9,800,000 votes received by George Wallace.

Mr. President, what Mr. CLAY says about blacks holds equally true for all other minorities, whether they are racial, religious, geographical, social, or economical, who do not have the force of great numbers.

Mr. President, at the inception of these remarks I indicated that there were seven points which were vital. I have covered four of them in detail. I shall reserve for later discussion the other three.

Mr. HANSEN. I think the distinguished senior Senator from Nebraska is making a very important contribution to our clearer understanding of what the effect of the adoption and subsequent ratification by the several States of Senate Joint Resolution 1 would be. I am fully aware of the diligent search the Senator has undertaken in compiling the historical background and the statistical significance that the adoption of the resolution and its ratification would have upon our Government. I would, if I may, ask the distinguished Senator some questions that arise in my mind.

I ask the Senator from Nebraska this question: He mentioned the problems of proliferation of parties if direct election is adopted. Is not the two-party system one of the great strengths of this Nation? Contrast our stable Government with that of governments in France, Italy, or even Czechoslovakia, where multiparty systems lead to political chaos.

Mr. HRUSKA. In answer to the Senator from Wyoming, yes; the two-party system is one of the reasons why this country has been able to remain in a position of great strength politically, socially, and economically, by avoiding the extremes. There has to be, within the two major parties, sufficient compromise, moderating revision, and conciliation of different views so that no one is too happy and no one is too unhappy with the end product. In other words, the unhappiness and the happiness are equally distributed.

That was a factor, as the Senator from Nebraska pointed out during his recent remarks, that was lacking in some of the European governments, certainly in France in the past, and certainly in Italy and Greece today, and in Czechoslovakia. Some of those nations found it necessary to place in their constitutions a provision arbitrarily limiting the number of parties. I think three or four was as high as the number went. There may have been another number, and I will defer to any correction of the RECORD in that regard. But it was for the correction of those very conditions that our system was put into effect. Great nations cannot be governed by a purely democratic form of government. It has to be a representative form of government. We in America have found that a democracy on the federated principle is the most successful and most durable recipe and formula for good government.

Mr. HANSEN. Is it not probable that under the direct election system the influence of third parties would be greater than it is under the electoral system? This is, I believe, directly opposite to the claims of the supporters of the Bayh plan.

Mr. HRUSKA. Yes; there is no question that the influence of third parties, or additional candidates, bound by no party limitations or restrictions, with no inhibiting restrictions, would be increased under direct election. After all, the candidates who were not nominees of the major parties would need only get 20 percent or more of the popular vote, and then the will of the populace would have been frustrated and the matter would have been thrown into a runoff of one kind or another.

We must discard the idea of calling for a completely popular election by way of runoff, which is so totally impracticable from the standpoint of the time element alone. The alternative would be that we would have to turn to a joint session of the House and the Senate, where they would vote by one vote per State, or, as the Senator from Nebraska prefers as more effective and practical, one vote for each Member of the Congress. If we turn to that, then we find a new factor entering into the picture, and that is dealmaking between the adherents of the nominees of the major parties and the adherents of those who ran as independent candidates who were not nominees of the major parties. In that event it is possible that the candidate of the major parties receiving the lesser number of votes would be the one selected by the Congress to be President.

That would result because the process would be removed from the inhibiting

factors which allow States to cast their allotted number of votes on a unit basis. They can, if it is allowed, put it on a district basis. The State of Maine has done that. It has, in effect, the so-called district plan. At any rate, the restricting or inhibiting influence being removed, it would tend to have untoward and undesirable results of undue influence by nonmajor party political candidates for President.

Mr. HANSEN. Is it not true that the situation the Senator has just so accurately described often characterizes elections that take place in European governments. Is it not true that there is deal-making?

Mr. HRUSKA. Oh, yes.

Mr. HANSEN. And that time after time, the candidate who receives the largest share of the total vote will be frustrated, in that he will find coalitions of those receiving fewer votes getting together and frustrating the obvious will of the greatest number of people who support a certain candidate?

Mr. HRUSKA. Yes, that is true. That has been the experience in Europe. It was the experience in this country in 1824. Jackson was the popular candidate, and that was shown on the rebound in 1828; but he was dealt out of his dominant position because an understanding of some kind was reached that someone would be made Secretary of State. There was a coalition of the non-Jackson forces, and, being the popular choice and the one who received the most consideration popularwise, was in effect "dealt out of the Presidency."

That was the only system that we had at that time; it has been changed since, of course, and precisely because of the experience of 1824.

The net result of such events would be the creation of grave doubt and confusion about the legitimacy of the Presidency, and we cannot afford that in this country. We have elections for the purpose, not of dividing the country, but of unifying us to march forward on programs under the President's leadership, until such time as the President's approach or direction is disapproved by the majority of people, and then we get a new Chief Executive.

But the election is not held for the purpose of dividing and putting confusion and doubt and distrust into the minds of the people; it is for the purpose of unifying them behind their newly chosen leader, and that purpose would be frustrated if we were to have popular elections as proposed in Senate Joint Resolution 1.

Mr. HANSEN. Those who seek to abolish the electoral college claim that the Senate, standing alone, will be a sufficient safeguard of the federal system. Is it not true that the framers of the Constitution did not agree with that contention? If the Senate can be defended, why is the electoral college described as intolerable?

Mr. HRUSKA. I dealt with that subject in my formally prepared and delivered remarks at an earlier hour in this session. But the answer is, there can be no defense, for Senate Joint Resolution 1 is a broad and frontal attack upon the concept of federalism and the separation of powers. If it prevails, there will be no defense for the Senate of the United States in the one man, one vote principle.

Let us recall that the nine wise men across the park here on this hilltop in effect amended our Constitution by judicial decision. They deprived the sovereign States of the right to determine the composition of their State legislatures. The Supreme Court said that notwithstanding the fact that the sovereign States are delegated the power to designate the types of legislatures they may want, they may not include in that plan a federal and federated concept as to either body of their legislatures; they must be organized under the one man, one vote rule.

Mind you, Mr. President, that is the law of the land today, not because of the lack of effort by Senators like the Senator from Wyoming and others, and not on the basis of wisdom. Right now many of us are attempting to see approved a constitutional amendment to correct that situation, which would permit the sovereign States to pass on the proposition of whether they should retain the power to have one body of their legislature elected on a basis other than a truly representative basis, on the one-man, one-vote principle.

The present result was obtained as a result of a judicial determination. There is no question in my mind that if this one-man, one-vote principle is applied to the election of the President, the period will not be long before this body, in which the Senator and I serve so proudly and as conscientiously as we can, will also fall victim to the attack upon the concept of federalism. Of course, with it goes the doctrine of separation of powers—those things being the very backbone supporting the nervous system making this Republic a great and enduring Republic, strong, resilient, vigorous, and all the rest of its desirable characteristics—and we shall have an uncertain and in my judgment a dismal road to travel.

Mr. HANSEN. Mr. President, I am well aware of the fact that the distinguished Senator from Nebraska has dealt earlier with this specific concern. The question was raised because in my opinion it is one of the very most important considerations before the Senate. I believe careful attention should be given by Congress to this important question. It was with the specific intention of focusing once again, as the Senator from Nebraska has done so well, upon the faults, the inherent weaknesses in the position of those who support the federal system as it is reflected in the composition of the House of Representatives and the Senate and yet discard the present election laws which reflect the federal system for laws that would completely vitiate this concept.

With that in mind, I feel that the Senator from Nebraska has made his usual eloquent, knowledgeable contribution to a clear understanding of the course we could be starting down were we to adopt Senate Joint Resolution 1. There would be no reason at all, in my opinion, for supporting further the Senate as contrasted with the House of Representatives in the selection of the Members of those two bodies.

Mr. HRUSKA. The Senator from Wyoming comes by those convictions not only by reason of his study, but also by reason of the contemplation, I am sure, of what would happen to his native State of Wyoming, a State that has a 1968 population of a little over 300,000. It has three presidential electors, which is .56 percent of all the electors.

Under the pending Senate joint resolution, there would be a loss of .17 percent of the voting strength of that one State. That may seem to be a relatively small consideration; and in and of itself it is. But when it is attached to the loss of voting power in neighboring States—having similar interests, similar environmental and natural resource attributes, a similar way of thinking, and a similar regional and geographical outlook—when that is all put together, then, among those seven States having a total of 33 electoral votes, as I stated in my principal remarks, there would be a loss of 29.7 percent of the voting power; and if that example were to be extended to the four Southwestern States of New Mexico, Arizona, Utah, and Nevada, having 16 electoral votes, if Senate Joint Resolution 1 is consummated, they will lose 37 percent of their voting power.

Again I venture the suggestion that if the 10 most populous States of this Union were faced with a choice on adopting and ratifying a constitutional amendment calling for a 30- or 37-percent reduction in their voting power, they would never for one instant contemplate voting for such a measure. Yet, they would like, in effect, to impose it upon other States. That is the thing we must guard against.

Mr. HANSEN. Mr. President, I find it strange that the proponents of the Griffin-Tydings amendment look to the electoral college to remedy the defects of direct elections. Could the Senator from Nebraska tell me why these supporters of direct elections find the electoral college useful for some purposes but not for others? It seems to me that if this situation is bad, it is bad for all situations.

Mr. HRUSKA. The Senator from Nebraska does believe that the Griffin-Tydings amendment is, from one point of view, a desirable modification of the so-called Bayh plan, Senate Joint Resolution 1. It does seem to me to have some advantage by eliminating the runoff. This would discourage the formation of some of the splinter parties that Senate Joint Resolution 1 would likely produce.

But the runoff is not the only cause of party-splintering under a direct-election scheme. Nor is the splinter party problem the only difficulty with direct election. Direct election, in and of itself, with or without a runoff, is capable of producing quite a number of minor parties. The removal of the States from the electoral process, and the consequent removal of the States from the electoral process, and the consequent removal of the electoral-vote majority requirement, also would produce minor candidacies. Once State lines are abolished for campaign purposes, there is little reason for a would-be minor candidate not to run—

if for no other reason than to diminish someone else's total. It might be possible under Griffin-Tydings, however, to limit such "spoiler" candidacies—but only if absolutely rigid national rules were established to prevent "spoilers" from getting on the ballot. What the nature of such rules might be has yet to be discussed. Extant State laws in this respect are widely divergent, and no comprehensive study, to my knowledge, has been undertaken which shows how great the task would be to formulate a uniform and constitutionally acceptable national standard.

The Griffin-Tydings proposal, whatever else may be said about it, suffers from a fatal defect. It has no internal logic of its own. It is essentially a reactive measure, growing out of the awareness that the Bayh plan was not an unmixed blessing. It seeks to mate, on the level of practice, two ideas which are mutually incompatible in principle. By embracing the direct vote idea, it necessarily implies that the electoral vote concept is illegitimate. But, seeing that the logical extension of the one-man, one-vote concept would lead to chaos—in a runoff—it seeks to qualify that concept by the very idea to which it denied legitimacy in the first place. It spurns what it embraces and embraces what it spurns.

This contribution in principle must soon or late lead to a contradiction in practice. What the Griffin-Tydings proposal in effect does is to give mutually contradictory instructions to party workers and to candidates. It says to them, on the one hand, that a 40-percent popular vote requirement will be sufficient, and thereby encourages candidates to amass votes without regard to State lines and State organizations. But, on the other hand, it also says, in effect, that, well, you had better not take your chances with the popular vote only, since you might fail to get the required 40 percent. Hedge your bets by seeking a majority of electoral votes; that is, campaign within the States as States and work with existing State party organizations. The confusion this might entail can be readily imagined by putting yourself in the place of a potential candidate or in the place of a State party official.

All in all, the amendment is a mishmash which seeks to compromise that which is essentially uncompromisable, both in theory and in practice.

The amendment does retain the basic requirement in Senate Joint Resolution 1 that a presidential candidate must receive 40 percent of the popular vote in order to be elected. However, instead of having a popular runoff if no candidate gets the necessary 40 percent, the popular vote winner will be elected automatically if he wins a majority of the elector vote.

If the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote, then the newly elected Congress, sitting in a special joint session, shall elect the President from among the two highest popular vote recipients. The special session will be held on the first Monday in December, in the manner provided by Congress. The election shall take place immediately after the assembling of Congress in joint session and after a quorum consisting of three-fourths of the Members of Congress has been obtained. Then, by record vote, the candidate receving the most votes will be elected President.

The special session shall be convened only for the purpose of electing the President and will not cut short any pending regular session or executive powers or term of office of Members of Congress assembled for such regular session.

An additional provision is included which allows Congress to set a presidential election earlier but not later than the present date for such election. In addition, the results of the popular election must be declared by the third Tuesday after the first Monday in November. Since provision is made that a runoff election in Congress shall be held on the first Monday of December, at least a week will elapse between the formal declaration of the results and the second election. In the event Congress determines there is not adequate time for recounts between the November election date as presently constituted and the deadline for declaring the results an earlier date may be set for the initial election.

But this whole thing is still subject to the vulnerability and confusion of recounts and challenges to the popular vote. It is vulnerable to the establishment and creation of a vast Federal election machinery that will have to function in some 130,000 or 140,000 election precincts, and that number is going to go up as time goes on.

The Constitution, as it presently reads, does not say that the President holds office until his successor is elected and qualified. It says that he holds office until January 20, at 12 o'clock noon, and then he is out of office. If somebody is not ready to step into that office, this Nation will not have a President. That kind of situation is a very drastic one, indeed.

Mr. HANSEN. It would spell complete chaos, would it not?

Mr. HRUSKA. It has that potential.

It is said that there are defects in the present system, and there are. They can be corrected readily.

This can be said for the electoral system: Never once has it failed us. Never once has there been a crisis. So we have that to rely upon. But that cannot be said of the direct election system.

Mr. HANSEN. I thank the distinguished Senator.

Mr. HRUSKA. The Senator from Wyoming has been helpful in his questions and the opportunity he has given this Senator for explanation of some of the topics he has raised.

PART II—DIRECT ELECTION BOONDOGGLE

Mr. GOLDWATER. Mr. President, last Friday I referred to the direct election plan as a boondoggle. It is heralded as the cure-all for various and sundry frightful diseases which are allegedly latent in our political system, when in truth there could be nothing more tragic for this country than the adoption of the pending proposal.

Mr. President, it is not easy for me to say this. The direct popular vote idea has an alluring quality to it. It promises to have each citizen's vote counted exactly as much as the one cast by any other citizen. It guarantees to elect a President every time who is the people's choice. And, it pledges to involve the voters directly in the selection of the President.

Mr. President, these are magnificent goals. If their promise was fulfilled by the system which has been chosen to implement them, I would feel more sympathetic toward the plan.

But, Mr. President, the scheme now before the Senate does not live up to its own standards. And it is based upon a woefully inadequate list of criteria.

Nothing is said about the crucial need to elect a President who will have a national mandate, a broad degree of public support in the Nation at large. Nor does the importance of designing a mechanism that is workable and practical seem to be included among the tests applied by the sponsors of the direct vote plan. Neither does the absolutely vital purpose of preserving stability and discouraging divisiveness seem to have entered into their scheme of things. Finally, the direct election advocates do not seem to have taken account of the desirability of retaining some real vitality in our federal system.

Mr. President, no change in the electoral process can be acceptable, or safe for our people, unless all these criteria are considered and melded together. To devote all our attention to the quest for a theoretically precise equality between each man's vote, and then to concoct a scheme which dismally fails to achieve even this, is to dangerously lose sight of reality.

Let me apply these tests to the direct election plan and demonstrate what I mean. First, we have the attractive goal of counting each citizen's vote equally. This is what the amendments proponents assure us it will do.

But, Mr. President, they have compromised their principle right from the start. The direct election amendment provides for the election of the candidate having a mere plurality so long as he receives 40 percent or more of the total ballots cast.

Now, this means that the plan's advocates have eliminated from their goals the purpose of seeking a majority President. In fact, they have substituted for this end the probability that the United States will be governed by a minority President. If anyone doubts this eventuality, I would remind him that no less than 15 Presidents have been elected to date who failed to enjoy a majority of the popular vote. This is true of three of our last five Presidents, and I predict it will become the general rule if the pending election change should be adopted.

What this means in terms of its relationship to the one man—one vote ideal is that, in the typical vote held under the direct election system, one man's vote will be sufficient to elect the President if he votes for the same candidate as 40 percent of the people, but

his vote will be meaningless if he joins with the 60 percent of the electorate who opposes that candidate. Thus, one man's vote is important enough to choose the winner if he is a member of a bloc which can put together 40 percent of the vote for one candidate. But another man who voted with the majority of the people in opting for a different candidate will see his vote canceled out as if he had not voted at all.

Now, if this is one man-one vote, then we had better get a new kind of dictionary to handle this discussion. Words such as "equality' and "democratically" will have lost their accepted meanings. A 40 percent minority candidate suddenly is transformed into the "people's choice." That 60 percent of the public may have been diametrically opposed to the policies and programs, and maybe even the personality of the minority candidate will mean nothing. A voter who is among the 40 percent bloc will command an inflated vote which is superior to the ones cast by 60 percent of his fellow citizens no less than the citizens whose votes are now inflated by the unit rule.

Furthermore, it is fraudulent to claim that this 40 percent provision will guarantee "a popular choice every time," as is written in the majority report from the Judiciary Committee. How in the world can the plan's sponsors contend that a person with 40 percent of the vote is the people's choice? Or that a 40 percent winner is more of a people's choice than a person who wins a majority of the electoral votes? By what quality of clairvoyance can it be decided that the candidate with 40 percent is actually the first choice of a majority of the people? How does anyone know who the majority of voters would have selected in a runoff between two candidates, one having, say, 40 percent, and the other having 39 percent, of the popular vote in the first election?

The sponsors of the direct election plan have worked up some pretty glowing principles which they claim for their scheme, but upon close examination it is evident their plan fails dismally to reach these goals. If the proponents of election reform cannot put forth a workable plan by which the President will be chosen by an actual majority of the people, then I believe their twin promises of providing each voter with an equal ballot and guaranteeing the selection of the people's choice each time are flagrantly misleading and false on their face.

Mr. President, I must ask, would it really be an improvement over the present system to allow a highly doctrinaire, sectional bloc of voters to put their candidate in the White House even if he is rejected by all other groups across the Nation? Is it truly a change for the better to embrace a method for choosing the President under which the nine most populated States could control the election—regardless of the vote in all other States?

Mr. President, if we are to make a change, let us strive to fashion the most perfect system man can devise. The direct election plan is so shot through with open inconsistencies, confusing complexities, and dangerous ramifications, it clearly is not the answer.

Mr. President, I have previously mentioned my belief that the direct election proposal is divisive. There are three grounds for this conviction. First, it is devisive to provide for the choosing of a President who has no majority. When an undeniably minority choice who is turned down by 60 percent of the voters can become President, this undermines his acceptance with the people as a whole.

At least, under the electoral system the winner must receive a majority of the electoral votes. And historically these votes have been distributed on a wide geographical basis.

However—and this leads to the second source of my concern—the proposed amendment could easily lead to domination of the election results by one polarized area of the country. What is more, the scheme contains the inherent weakness of permitting the result in one highly partisan State to swing the outcome of an otherwise closely balanced contest.

Mr. President, these potential distortions are all too real scenarios of what may happen should the direct election method be put into effect. For example, we were not far from just this situation in 1968. According to the final election results printed in Congressional Quarterly, nine Eastern States, including the District of Columbia, gave a considerable edge to Hubert Humphrey. The total plurality along the northeastern coast for the Democratic candidate was nearly 1,600,000 votes. This was Mr. Humphrey's overall plurality in the entire region after deducting the plurality received by President Nixon in the four Eastern States which he carried.

Also, this was the only region of the Nation to favor Mr. Humphrey for President. And it was the only area of the United States to give such an enormous lead to either candidate. The Humphrey margin in the Eastern States was almost three times as large as President Nixon's plurality in the other three great regions of our land.

Congressional Quarterly's report on the election shows that President Nixon carried the South by approximately 690,000 votes, won in the Midwest by about 650,000 votes, and prevailed in the West by 590,000 votes. Thus, three of four American sections went for President Nixon in the election. Only one area, encompassing 14 jurisdictions, fell into the Humphrey camp. And yet, because his majority was so strong in this one slice of the Nation, Mr. Humphrey almost garnered a plurality of the popular votes in the country at large.

This is what I mean when I suggest the likelihood of seeing sectional candidates winning without a national vote of confidence. If Mr. Humphrey's vote had been increased by only 5 percent along the eastern seaboard, he would have come out the winner in the popular vote column nationally. This would have occurred even though his candidacy was soundly rejected in the remaining three-fourths of the Nation.

In this manner, one region of America could control an election in which every other section goes by more than a half-million votes for a different candidate. The outcome would be a direct election winner lacking any true mandate—a President who had been clearly rejected by the great mass of voters and States everywhere but in a narrow segment of the country.

As to the possibility of one State alone swinging the national result, I need only refer to the outcome in Massachusetts in 1968. The margin given to Mr. Humphrey was over 700,000 votes. This exceeded by nearly 90 percent the plurality given to President Nixon or Mr. Humphrey in any other State. One extreme result of this kind could easily distort the whole election where the vote was closely balanced throughout the remaining States.

As it was, the Massachusetts result was nearly enough to swing the popular vote in the last election. Mr. Humphrey's plurality in this State alone was higher than the margin by which President Nixon carried each of the three other major regions of the Nation. So the likelihood of one State being the pivot of a national election in which the loser can win a small majority in every other region, or indeed in every other State in the country, is not very far removed from what has actually happened.

Mr. President, the third ground on which I contend the direct election proposal will undermine national stability is the encouragement it will give to the creation of splinter parties.

This is a very real problem. At least seven witnesses who testified before the Senate Judiciary Committee this year believe that the chances of winding up with additional third parties will increase should the direct popular vote method be used to select the President. Theodore H. White claimed:

> Direct election results in less compromise. It opens up the possibility of ideological parties or racist parties.

Alexander Bickel, in talking about doctrinaire candidates at the party nominating stage, said that:

> Under a system of popular election, every consideration . . . that would bring forth issue-oriented candidates for the nomination at any time would with equal and greater force propel them into the general election.

Representative WILLIAM CLAY, of Missouri, testified from personal experience that direct election would cause a proliferation of minor parties. He expressed great concern that "an elimination of the electoral system in favor of the popular vote will actually promote and reward the factionalism and sectional movements which now divide this Nation."

Richard Goodwin also warned about the upsetting role which direct election might have on national stability. In his words:

> Groups united by general conviction or common interest could well see advantage in forming a new party. Even if they only organized in a few States, such groups could use a new party to maximize their power. They could bargain with the major party or party candidates for endorsement. They might offer to withdraw in the middle of a campaign in return for concessions.

As Mr. Goodwin noted:

> Direct election could not come at a worse time. . . . All around us we see an increasing tendency to political fragmentation and ideological division. Direct election might almost be just the trigger, perhaps accidental trigger, to transform such divisions into political conflict.

Mr. Wade Martin, speaking on behalf of the National Association of Secretaries of State, also mentioned his certainty that the direct election system would "precipitate many new parties."

Prof. Ernest Brown also stated his fears about the likelihood that the popular vote method would cause doctrinaire third parties to multiply. He added:

> And the idea that we could do anything that would encourage the spirit of dogmatism and doctrinaire groups in this country rather than the spirit of accommodation is just inconceivable to me.

Prof. Charles Black added his voice to this viewpoint by predicting that the disappearance or weakening of the two-party system is "an extremely likely consequence of such reform," which he would deplore.

Mr. President, in the face of such an abundance of testimony by scholarly and experienced political observers, I believe it is incumbent upon the advocates of direct election to restudy their plan. They should rework their scheme and not bring it before us until it can honestly attain the goals which they have set for it. And they should seek to remove the probable dangers from the system which so many competent witnesses have pointed out.

Mr. President, last week I discussed the drastic effect which direct popular vote would have on the precarious structure of our federal system. For today I will merely refer to the testimony of Prof. Charles Black from Yale Law School who commented in some detail about the contribution which the federal system has made to the durability of our form of government. He expressly credits the electoral college system with being one of "the political safeguards of federalism in dealing with the States as entities." He cautioned that:

> An election which pays no regard to State lines, which is simply totally nationwide . . . would tend to obliterate this attention, tend to diminish this attention to the States, one by one as political entities.

Mr. President, I cannot accept this mortal blow to a vital part of the federal system. The concept of States as separate, important entities having their own special sense of community must be preserved. In this context, I view the direct election scheme as a device for gnawing away the lifeblood of federalism as we know it. To my mind, it constitutes a giant move in the direction of forming one all-mighty central Government which will oversee a nation where no other political units exist. It is a frightful, depressing thought and one which I shall resist with the last measure of my strength.

Mr. President, the final point which I wish to discuss today concerns the unmanageable complexities involved in administering the direct election system.

In appearing before the Senate Judiciary Committee, Mr. Wade Martin, spokesman for the National Association of Secretaries of State, complained that adoption of a direct vote system will not only create chaos, but, in his words:

> We will gradually go from a condition of chaos to one of disruption, and eventual destruction of our entire election machinery.

Now this is a very disturbing warning coming as it does from one of the foremost election experts in the United States. It should clearly be given heavy weight in judging the effectiveness of the pending amendment.

Mr. Martin was not the only witness to hold this conviction. Theodore White also told the committee bluntly that:

> The method suggested in this amendment is a direct invitation to chaos.

Both witnesses were referring to the incredible network of Federal regulations that would have to be established in order to put a semblance of reason into the direct election process. For example, the Federal Government would have to decide upon uniform rules as to how a person can qualify to be listed as a candidate on the ballot in each State. A determination will have to be made whether States can, or should, allow aliens to vote for the Presidency. Congress must also judge whether or not a State should be permitted to expand its voting rolls by granting the franchise to 17 year olds, 16 year olds, or even younger persons. And looming over the entire scene is the specter of a bitterly contested vote fight at the end of each election.

Is a vote contest to be resolved by a State election panel or a Federal one? Is the challenge to be initiated before an administrative commission or board, or by petition directly to a court? How many days should a candidate be given to uncover evidence before he will lose his right to challenge a vote or demand a recount? How many stages of appeal should be allowed? How much time should be granted for the making of an appeal after a decision is reached at any one of these levels?

These are the kinds of down-to-earth questions that the advocates of election reform have completely failed to answer. The proponents simply hope for the best. They do not know how these matters will be handled under the hodgepodge of differing State laws that now exist; nor do they put forward any suggested uniform rules which we might study and consider. No wonder several prominent election analysts fear the prospects of trying to run a national election under the popular-vote system. The sponsors of the plan do not even know how such a system will be administered.

Mr. President, this concludes my review of the problems which permeate every pore and crevice of the direct election method. While I cannot accept this ill-considered and falsely trumpeted plan as a reasonable solution to modernizing our election machinery, there are some sensible changes that should be considered to bring our voting procedures into line with 20th century conditions. I shall venture to suggest some constructive steps that can be taken in this direction during the next segment of my three-part discussion of this subject.

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the unfinished business which is now the pending business is temporarily laid aside later this afternoon and the farm bill is laid before the Senate, the unfinished business remain in that status until the conclusion of morning business on tomorrow.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1087. An act for the relief of Vernon Louis Hoberg; and

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga).

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; and

S. 3479. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message further announced that the House had passed the bill (S. 2208) to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11060) for the relief of Victor L. Ashley.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EVINS of Tennessee, Mr. BOLAND, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. MAHON, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr.

ROBISON, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 13543. An act to establish a program of research and promotion for U.S. wheat;

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes;

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 17455. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project;

H.R. 18306. An act to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; and

H.J. Res. 1247. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13543. An act to establish a program of research and promotion for U.S. wheat; to the Committee on Agriculture and Forestry.

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes; to the Committee on Commerce.

H.R. 17455. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Government Operations.

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes; to the Committee on Foreign Relations.

INVESTIGATION OF OEO GRANT FOR BENEFIT OF TWO CHICAGO STREET GANGS

Mr. McCLELLAN. Mr. President, in 1968 the Senate Permanent Subcommittee on Investigations conducted hearings relating to charges that $927,341, granted by the Office of Economic Opportunity for the benefit of two Chicago street gangs, largely had been wasted by being flagrantly misused and misappropriated. The grant had been made in 1967 to the Woodlawn Organization on Chicago's South Side supposedly to provide a program for basic education and job training for members of the Blackstone Rangers and the Devil's Disciples.

Evidence the subcommittee heard about the grant established clearly that:

First. Forgery and fraud in the administration of these funds were widespread. A document expert from the U.S. Treasury testified that 89 percent of the documents he examined—checks, time sheets, and weekly reports—were forged or fraudulent. All indications were that most of the money had gone into the pockets of the gang leaders. I will comment further about this at a later point in these remarks.

Second. Administration by the Woodlawn Organization of the four training centers financed by the grant was woefully inadequate or nonexistent. The gang leaders conducted the program themselves and diverted most of the money to their own personal use.

Third. The teachers and supervisors, at $5,000 to $7,000 per year, were gang leaders with grade school educations or less. Dropouts were hired to teach dropouts.

Fourth. Almost all employees at the centers had extensive criminal records. A large number were arrested and jailed during their employment.

Fifth. Because the two gangs had been waging a deadly street war, the grant was considered to have the purpose of buying peace on the streets and, in fact, OEO insisted that the gangs approve a peace agreement before the grant was funded.

Sixth. Expert testimony established that the training program was largely worthless, that the money had been wasted, and that the grant served principally to support and strengthen the gang structures and to increase the power of the gangs.

Fortunately for the American taxpayer, the disclosures in those hearings of mismanagement, fraud, and forgery prevented the renewal of the grant and the making of other such grants to street gangs by Federal agencies. Bertrand Harding, Acting OEO Administrator at the time, testified that the experimental program had been a failure and would not be repeated. Testimony had clearly shown, however, that renewal of the Woodlawn grant application for another $1,000,000 was still being considered by the OEO when our investigation began in 1968.

Our work in the Woodlawn investigation was, in my view, a significant accomplishment in one of the subcommittee's principal areas of jurisdiction—the investigation of waste, inefficiency, and mismanagement in Government operations.

Our hearings, however, were not restricted to the administration and operation of the OEO grant. We also examined allegations that the top Chicago street gangs were deeply involved in crime, violence, and unrest on Chicago's South Side. In the course of investigating these matters, the Subcommittee discovered that the larger and more powerful of the two gangs, the Blackstone Rangers, had its headquarters in the First Presbyterian Church of Chicago. In 1966, Pastor John R. Fry had invited the Rangers to use the church's facilities, and later the church collected rent from the OEO when part of the building was used as a training center by the gang.

The principal witness about the Rangers' activities, their use of the church and their association with Reverend Fry was George Rose, former "war lord" of the Rangers and third-ranking member of the "Main 21," as the gang's leaders called themselves.

Rose testified that there were 5,000 to 6,000 Blackstone Rangers in the Woodlawn area, among a population of about 125,000, and that almost all teenage boys joined the gang, sometimes by choice and sometimes by coercion. The subcommittee heard testimony from a number of law enforcement officials that boys who refused to join were beaten, and some were shot and killed. George Rose's sworn testimony described a number of matters relating to Blackstone Ranger activities, many of them involving Reverend Fry and his assistant in Ranger affairs, a social worker named Charles LaPaglia. In summary, Rose's testimony was:

First. The Rangers extorted money from merchants in their territory. Mr. Fry, according to Rose, was not only aware of the extortion, but suggested it to members of the Main 21.

Second. The Rangers dealt in marihuana and they regularly smoked it in the First Presbyterian Church. Rose said that Reverend Fry was well aware of the practice.

Third. Rose testified that the Rangers regularly stored guns, grenades, and other weapons in the church and that Mr. Fry knew that they did and on occasion saw the weapons.

Fourth. Rose said that he and other Ranger leaders, on an outing to Circle Pines, Mich., purchased shotguns and rifles while in the company of Charles LaPaglia, and that the weapons were transported to Chicago in LaPaglia's automobile. Rose also testified that marihuana was transported in LaPaglia's automobile.

Fifth. Rose stated that Fry had advance knowledge of police visits to the church and had tipped off the Ranger leadership to hide guns and marihuana before the police arrived.

Sixth. Rose testified that Fry suggested the Rangers should go to Chicago's business area in the Loop if they wanted to start a riot and thus avoid damage and violence in their own neighborhood.

Seventh. George Rose said that Mr. Fry had advocated the storing of Molotov cocktails on roofs in Ranger territory so that, in event of trouble with the police, these incendiary weapons could be used against police and their vehicles.

Eighth. Rose testified that an order was relayed to him from Ranger president Eugene "Bull" Hairston, then in Cook County jail, to kill a man named Straughter. Rose said that the order was passed to him by Reverend Fry in the church in the presence of gang member Edward Bey, Mr. LaPaglia, and social worker Ann Schwalbach.

There were other charges made by George Rose relating to the pastor, the activities in the church, and the OEO program. When Reverend Fry appeared as a witness, he denied each of the charges made by Rose and by other witnesses. Subsequently, while Mr. Fry was still testifying, the subcommittee recalled George Rose and a direct confrontation between the two witnesses ensued. Mr. Rose then repeated all his charges and Mr. Frey denied each charge specifically. Each witness said that the other was lying. The record shows clearly that perjury was committed, and at the close of the hearings the subcommittee sent copies of the transcript to the Department of Justice, but no action on the matter of perjury has been taken.

Charles LaPaglia testified and denied all allegations against him, notwithstanding the introduction by the subcommittee of documentary evidence in the form of affidavits to show that George Rose's story of the gun buying trip to Circle Pines, Mich., was true.

There were a number of witnesses whose testimony supported Rose's account of Ranger activities in the church. They included Chicago police officers, representatives of the State's attorney's office, and officials of Cook County jail. Mrs. Annabelle Martin, a mother of gang members, testified that she saw guns and marihuana in the church, that she knew that sex parties took place there, and that youngsters consumed liquor and drugs in the church. She also said that she had purchased ammunition for the Rangers and that Reverend Fry had seen it. Documentary evidence showed that she did buy a substantial quantity of ammunition at the time and place she specified.

Nick Dorenzo, former vice president of the other gang involved in the OEO grant, the Devil's Disciples, testified that he had been in the First Presbyterian Church to discuss peace between the gangs and had seen marihuana smoked and liquor consumed. He corroborated a number of points made by George Rose.

The subcommittee also called by subpena for the testimony of Jeff Fort, then vice president of the Blackstone Rangers and a former center chief in the OEO program. Jeff Fort refused to testify, was cited for contempt of Congress, was indicted and convicted. He is currently appealing that conviction. Fort is now the president of the powerful and lawless confederation of street gangs which has emerged from the original Blackstone Ranger structure and which calls itself the Black P Stone Nation. According to press reports, the gang's rallying cry these days is "Stones run it." This slogan apparently indicates that gang members believe they are the rulers of the streets on Chicago's South Side.

Mr. President, the hearings conducted by the Subcommittee on the activities of the Blackstone Rangers and their legal counsellor, as Mr. Fry termed himself, were an unpleasant and arduous task. During the hearings and subsequently, we were criticized in a few liberal publications. Criticism by some extremely liberal columnists and editorial writers is a part of the price we must pay for carrying out these unpleasant but very important duties. Such critical response is to be expected from certain elements of our society who regularly seek to excuse or condone criminal behavior or to blame it entirely on socio-economic causes. But it is surely inexcusable and indefensible when the lawless activities exposed have been conceived, planned, and put into operation from the supposedly hallowed premises of a church.

Mr. Fry has received official support from the governing body of his church. The Presbytery of Chicago, comprised of officials of some 140 Presbyterian churches in the Chicago area, established a special investigating committee after our hearings had been concluded. The committee, including both laymen and clergymen, was directed to inquire into the charges against Mr. Fry and his assistants which had been made during the subcommittee's hearings.

The church committee compiled an extensive record, consisting of statements by persons who were generally friendly or well disposed toward Mr. Fry. The church group heard no statements from George Rose or Mrs. Martin, or from the many police officers and other law enforcement officials who had direct knowledge of criminal activities carried on by the Blackstone Rangers. The so-called investigating committee thereupon cleared Mr. Fry of all charges against him and suggested, as had the subcommittee at the close of its hearings, that the Department of Justice seek to determine whether perjury had been committed in the subcommittee's hearings.

The Presbytery of Chicago accepted the report of its investigating committee and, in a whitewashing statement issued on September 16, 1969, cleared Reverend Fry of all charges.

Mr. President, on September 29, 1969, a newspaper of large circulation in my State published an editorial entitled "Senator McClelland and His Investigations," stating that Mr. Fry had been "cleared" of the "discredited charges" against him, and indicating that the editors agreed fully with the views of the Chicago Presbytery that perjury charges should be pressed against the witnesses who made the accusations about Mr. Fry and the First Presbyterian Church. Because this editorial was clearly intended to ridicule and be smearingly critical of me personally, I want it preserved in a proper setting in this RECORD in an appropriate frame of reference. I ask unanimous consent that this editorial from the Arkansas Gazette of September 29, 1969, be printed in the RECORD at this point in my remarks. At the time the editorial was printed, I made no comment about it, for I was more than confident that there would be future developments which would clearly refute its false implications and imputations.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR MCCLELLAN AND HIS INVESTIGATIONS

Is there any stouter defender against the distant or non-existent threat than John Little McClellan, the senior senator from Arkansas?

The Chicago Presbytery, after a detailed investigation, now has cleared Rev. John R. Fry, a South Side Chicago minister accused before the McClellan Committee last year of condoning sex and pot parties among the street gangs and even of having delivered a "hit" order to one of the Blackstone Rangers.

The Chicago gangs exist, all right, and if anything are more active than before they were "exposed" by John L. McClellan, but what concerns us here are the discredited charges against Mr. Fry, whose name remained blackened in the public consciousness for months and had to be fully investigated and cleared finally by his own Church, which now has pressed Senator McClellan to press the Justice Department to press charges of perjury against some of the witnesses in the 1968 Committee hearing.

Senator McClellan, this time responding rather more quickly than he usually does to real or implied criticism, said that he already had referred the perjury question to the Justice Department, and added that "it's sort of out of our hands now."

There seems some doubt from the language of one of the Senator's letters to the Justice Department quoted by United Press International as to whether he felt that perjury had occurred on both sides in the contradictory testimony heard by his Committee or only one side, but there was no doubt from the Chicago Presbytery's statement as to which side the elders of the Church felt the perjury lay—on the side of those who made the unsupported allegations against Mr. Fry. So the question then is, why did Senator McClellan allow this type of witness to come forward in this way, for if there is anything John L. McClellan does well in an investigation of this sort it is to control the flow of witnesses and the flow of testimony from a particular witness? Now, though, it all "out of his hands."

Scarcely had the smaller headlines attracted by Mr. Fry's vindication from the charges that were made in large headlines been forgotten or overlooked than Senator McClellan was off and running in another direction, demanding to know whether the movie industry was planning to sell any of today's present crop of dirty movies to TV.

It has been our impression that such

mildly titillating flicks as have already been sold to TV have been pretty well censored by the networks before they hit the old home screen, so Senator McClellan probably has nothing to worry about. If he is concerned only about the sensibilities of the home folks back in Arkansas instead of those of the whole country, we are pretty sure he has nothing to worry about, for in the event that the network did let something slip through, the studio censors locally could be counted upon to do their work for them. The networks or studios might allow the viewing audience to *think* that it was going to see the uncut version, but that would only be cheating a little on the advertising, something that could not be expected to concern a man with the heavy manifold labors of a John L. McClellan.

In making his case on the dirty TV movies that aren't and, so far as anyone knows, never will be, Senator McClellan said he agreed with one of the candidates in the New York mayoralty race who, goaded into the pressing anti-porno fight by Dr. Billy Graham, recently was quoted as saying that what he is pleased to call "moral pollution" is a greater threat to the country than are air pollution and water pollution.

If the candidate really believes this, that "moral pollution" as it would be defined by Dr. Billy Graham is a greater threat to New York—leave the country-at-large out of it for the moment—and if he should by some mischance be elected, then all we can say is that poor little old New York ain't seen nothing yet in the way of air and water pollution.

The same, of course, goes for the country as a whole if such a public attitude should prevail nationally.

Mr. McCLELLAN. Mr. President, some of those developments which I anticipated have now occurred.

Mr. President, much time would be consumed in detailing all the crimes, violence, atrocities and vicious lawlessness of the Blackstone Rangers during the year since Reverend Fry's ecclesiastical superiors "cleared" him of the charge that his church had been used to harbor and accommodate a street gang of criminals. Therefore, I shall only briefly summarize a few events of the past several weeks.

I call attention to statistics recently issued by Cook County State's Attorney Edward V. Hanrahan. On September 3, 1970, Mr. Hanrahan announced that in 1969 there were 693 gang-related shootings of persons under 21 in Chicago. There were 68 persons killed. In the first 7½ months of 1970, there were 384 gang-related shootings and 44 deaths of persons under 21. Although many of these shootings remain unsolved, Blackstone Rangers were involved in a large percentage of those the police were able to investigate successfully, and many Rangers were arrested on numerous felony charges in connection with the crimes. Certainly we would expect therefore that large numbers of Blackstone Rangers would now be serving long prison sentences for their crimes. Unfortunately for the safety and well-being of peaceful citizens of Chicago, that is not the case. The Black P Stone Nation has had, and continues to have, large sums of money for bail bonds and legal fees—so much money, in fact, that one Chicago official in our hearings stated that the Cook County Jail seemed to have a revolving door for Blackstone Rangers. Where does the money come from?

The grandson of a noted industrialist admits that he furnishes large sums to the gang's legal defense fund. Charles F. Kettering II, whose grandfather was prominent in the growth of the General Motors Corp., stated in a newspaper interview on August 22, 1970, that he personally has supplied about $11,000 a month to the gang. Another news article in the Chicago Tribune the following day, August 23, 1970, indicated that Mr. Kettering has contributed more than $260,000 to the Black P Stone Nation gang. In the subcommittee's hearings, we heard testimony from Mr. Fry that the First Presbyterian Church had received $50,000 in a grant from the Charles F. Kettering Foundation on behalf of the Blackstone Rangers.

Mr. Kettering's lawyers in Chicago stated to the press that Mr. Kettering's money had financed the legal defense of 271 gang members of whom 58 percent received acquittals or dismissals. The lawyers stated that, to their knowledge, the gang defense fund of $11,000 per month will be closed out in December of this year, but Mr. Kettering told the press that he is not withdrawing his support of the Blackstone Rangers.

The fund was set up in such a way, according to the press, that the Main 21 had almost complete control over it, with the Main 21 determining which cases the lawyers should handle.

Mr. President, here are two comments by Mr. Kettering which I quote directly from the news stories I have mentioned.

Mr. Kettering said:

> The fund was established to provide the appropriate legal counsel for the Stones and to attempt to reduce the harassment of the gangs by police and others.

Mr. Kettering also said:

> I feel very strongly that the Stones, and particularly Hairston, have the potential for great social impact. I have felt that if we can keep them out of jail, they will be better able to develop alternatives.

Those remarks furnish an insight indeed into the motivations and philosophy of those who condone, excuse and attempt to explain the violence and crime which dominate a great section of one of our largest cities. The "great social impact" of the Black P Stone Nation is completely opposite in effect from that suggested by Mr. Kettering. Who is Hairston, for example, whom Mr. Kettering describes as his close friend?

Eugene Hairston is the former president of the Blackstone Rangers, who, according to testimony in our hearings and in his trial, ordered four teen-age Rangers to kill a narcotics dealer. The boys killed the wrong man, but Hairston was arrested, indicted, convicted, and sentenced to 5 to 15 years for solicitation to commit murder. He is appealing his conviction. Mr. Kettering financed the trial and is financing the appeal.

Mr. President, let us return to one of the most important charges made during our hearings on the Woodlawn Organization grant from the OEO. As I said previously, a Treasury representative found that 89 percent of the documents relating to the training centers were fraudulent or forged. At the conclusion of our hearings, we sent our transcript and documentary evidence to the Department of Justice with the request that the Department seek to determine whether the Government has been defrauded. On September 10, 1970, the Chicago Tribune reported that a Federal grand jury is now undertaking an inquiry into the charges first made in our hearings. A special prosecutor is in Chicago to direct the inquiry. Among the witnesses who will be heard, according to the press, are Jeff Fort and Edward Bey, top leaders of the Rangers, and Rev. John R. Fry of the First Presbyterian Church. The news article indicates that the Federal prosecutors will charge that more than 1,200 payroll checks in the OEO program were forged to obtain funds for the gang leaders. I ask unanimous consent that the article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 10, 1970]

JURY TO PROBE HOW STONES SPENT GRANT—JEFF FORT, BEY, FRY ON WITNESS LIST

(By William Jones)

A federal grand jury will begin hearing testimony Wednesday into charges that members of the Black P Stone Nation street gang defrauded the government in connection with a controversial 1967 antipoverty grant.

A special prosecutor from the office of Atty. Gen. John Mitchell is in Chicago to direct the grand jury inquiry, which has a witness list of more than 70 persons, it was learned.

WILL CALL REVEREND FRY

Among those scheduled to be called are Jeff Fort and Edward Bey, both top leaders of the street gang, and the Rev. John Fry, pastor of the First Presbyterian Church, 6400 S. Kimbark Ave. Fry is a long-time adviser and staunch supporter of the street gang.

The $927,000 grant to The Woodlawn Organization three years ago stirred a nationwide controversy when witnesses testified before a Senate subcommittee on investigations that the funds may have been siphoned off by gang leaders to purchase guns and narcotics.

The funds provided thru a direct grant from the Office of Economic Opportunity in Washington, were earmarked to train an estimated 800 poor and unemployed young persons. Included in the program was a $45 weekly stipend for all trainees.

ALLEGE CHECK FORGERY

Key administrative jobs were quickly filled by gang leaders, however, who collected annual salaries of up to $6,500 to "administer" the program. Sources close to the grand jury probe said federal prosecutors will allege that during this time more than 1,200 payroll checks were forged to obtain funds that wound up in the hands of gang leaders.

Both Bey and Fort are being sought by authorities after they failed to appear in Criminal courts Wednesday to answer charges of aggravated battery and attempted murder. Bey is also being sought in connection with the ambush slaying Aug. 14, of Det. James Alfano Jr.

Others charged in the Alfano slaying who have also been called to appear before the grand jury are William Troope, 19, and Lamar Bell, 17. All of the gang members occupy positions in the Main 21, the ruling echelon of the street gang.

Mr. McCLELLAN. Mr. President, I continue with remarks on recent charges of murder and vicious lawlessness made against members of the Black P Stone Nation, who still have their headquarters in Reverend Fry's church, and who

proclaim their power and arrogance in the streets with their rallying cry "Stones run it."

An example of the violence which has been the hallmark of the Blackstone Rangers was given to our subcommittee on August 4, 1970, when the subcommittee heard, at their request, two ministers from Ranger territory in Chicago. The two clergymen were Rev. Curtis E. Burrell, pastor of the Woodlawn Mennonite Church and Rev. John Barber, president of an organization called "Black Men Moving." They claimed that they have been attempting to change conditions in their community by fostering and sponsoring programs of self-development and self-improvement. They testified that the Black P Stone Nation asserted its power in opposition to their programs, sought to take them over, and then resorted to vandalism, firebombing of churches and program offices, and to shooting into the church and into the home of Rev. Curtis E. Burrell. Mr. Burrell's church was burned. He told the subcommittee that he hoped to get the support of responsible persons in the community to combat the power of the street gangs, but that thus far the backing he sought had not been forthcoming. People in his community apparently are afraid to oppose the young hoodlums in the streets.

On August 13, 1970, in an alley behind the Southmoor Hotel, abandoned by its owners and taken over by the Black P Stone Nation gang, a patrol car of Chicago's gang intelligence unit was ambushed by unseen gunmen. Detective James A. Alfano, Jr., was severely wounded, and required transfusions of 120 pints of blood. Detective Alfano died on August 16, the fourth police officer to become a victim of sniper fire in Chicago during the summer of 1970.

On September 3, 1970, seven members of the Black P Stone Nation were indicted by the Cook County grand jury for the murder of Detective Alfano and for conspiracy to murder police officers. Four of the seven Rangers indicted were identified by the Chicago police—as they had been in the subcommittee's hearings—as members of the "Main 21," the ruling body of the Blackstone Rangers. One of the men indicted was arrested in the First Presbyterian Church.

Mr. President, I ask unanimous consent that a news story from the Chicago Tribune for September 4, 1970, giving an account of the indictment of the seven men for this brutal assassination, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVEN STONES ARE INDICTED FOR COP'S MURDER—CONSPIRACY ALSO CHARGED

(By Edward Lee)

Seven members of the Black P Stone Nation, a coalition of street gangs dominated by the Blackstone Rangers, were indicted by the County Grand Jury yesterday for the murder of Detective James A. Alfano Jr.

The Grand Jury also indicted the seven for conspiracy to murder unnamed Chicago police officers. State's Atty. Edward V. Hanrahan said the indictments mark the first time the conspiracy concept has been applied in a major street gang crime.

"These indictments reveal a plan by the Blackstone Rangers to kill Chicago police officers. That kind of conduct is so savage and so inhumane as to be almost unbelievable," Hanrahan said.

CALLED RANGER LEADERS

Four of those indicted are said by police to be members of the Main 21, top leadership of the Blackstone Rangers.

They are LaMar [Bop Daddy] Bell, 26, of 6516 S. Blackstone, Av.; Charles Edward Bey, 24, of 6246 S. Dorchester Av.; Lee T. Jackson, 26, of 6528 S. Kimbark Av., and William Troope, 19, of 3756 S. Michigan Av.

The others are Tony Maurice Carter, 17, of 1532 E. 65th St.; Dennis Griffin, 21, of 6806 S. Ridgeland Ave.; and Elton Wicks, 23, of 4534 S. Drexel Av.

Bell was arrested Tuesday in his home. Griffin was arrested last Saturday night in the 1st Presbyterian Church, 6400 S. Kimbark Av., and Wicks was picked up early Sunday in the home of Bey's sister, Buena Bey, at 6806 S. Dante Ave. All three are held in the County Jail.

Bey, Jackson, Troope and Carter, all charged previously with conspiracy to murder Alfano, were freed on bail pending a court hearing and are now sought by police on murder warrants.

Alfano, 30, a member of the police Gang Intelligence Unit, was mortally wounded the night of Aug. 13 in what police charge was an ambush in a darkened alley on the south side of the closed Southmoor Hotel, 6646 S. Stony Island Av. The hotel had been taken over by the Black P Stone Nation as its headquarters until the group was ousted by court order early in August.

Alfano was in the rear seat of an unmarked police car in the alley. Two other detectives were in the front seat. The driver was using the car to try to push aside a chair in the alley. As a volley of shots came from behind the car, a bullet went thru the trunk of the car and shattered Alfano's liver.

Another policeman was wounded that night as sniping at police broke out in several locations not far from the boarded-up hotel. Police said four youths arrested for breaking lights on the elevated tracks before the shooting began reported Jeff Fort, head of the Black P Stone Nation, has ordered the area to be darkened.

FIVE HUNDRED OFFER BLOOD

Alfano died Aug. 16. More than 200 pints of blood were donated by policemen and citizens for the wounded man, and 300 donors were standing by at the time of his death.

Hanrahan contrasted the number of blood donors to the lack of persons who volunteered information about the street gang and the shooting. "The only decent thing" for residents of the hotel area to do, he said, was to tell police what they know.

"Figures show that the most potential victim of street gang violence is the black person," Hanrahan said. In 1969, when there were 693 gang-related shootings of persons under 21 in Chicago, 620 of the victims were black, as were 60 of the 68 persons killed, he said. In the first 7½ months of this year, he said, there have been 384 shootings and 44 deaths of persons under 21.

Mr. McCLELLAN. An editorial from the Chicago Tribune of August 15, 1970, entitled "Guerrilla Warfare in Chicago," stresses the point I made earlier about the attacks upon Reverend Burrell and his church. It says:

Wherever it occurs, guerrilla warfare is almost impossible to suppress so long as the populace protects the guerrillas. The black gangs of the South and West Sides no doubt are feared and despised by most of the residents of those areas, but so far there has been little cooperation with the police to check gang activity.

The editorial also condemns appeasement of hoodlums:

The appeasement theory has been tried for years and has been a dismal failure, in spite of subsidies from the federal government and support from sentimental white liberals. A gang leader still calls press conferences (the editorial refers to press conferences held by Jeff Fort in the First Presbyterian Church) and is given much prominence by television stations, as if he deserved respect. It is time to start recognizing that the members of street gangs include some vicious killers.

I ask unanimous consent that the editorial be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Aug. 15, 1970]

GUERRILLA WARFARE IN CHICAGO

Another policeman has been shot and critically wounded as he tried to do his duty as a protector of lives and property. The victim, Detective James A. Alfano, was ambushed as he and two other members of the gang intelligence unit rode in an unmarked squad car. The scene of the shooting was near the Southmoor Hotel, which the police say has been taken over by black gangsters.

The outrage was the second of its kind in less than a month. On July 17 two policemen were murdered by snipers firing from the Cabrini-Green housing project on the Near North Side.

Let's face it: Parts of Chicago are in a state of guerrilla warfare. The police have not been the only victims; dozens of black youths have been killed by the black terrorists.

In a totalitarian state guerrilla warfare could be stopped by systematic searches and seizures, followed by wholesale imprisonment without trial. The Chicago police are operating in a free society where every citizen is entitled to protection from arbitrary actions by the police.

At the same time the Chicago police are required to patrol the streets, to answer calls for help, and to arrest lawbreakers. They can't let the guerrillas take control of whole neighborhoods.

Wherever it occurs, guerrilla warfare is almost impossible to suppress so long as the populace protects the guerrillas. The black gangs of the South and West Sides no doubt are feared and despised by most of the residents of those areas, but so far there has been little cooperation with the police to check gang activity.

Recently a respected Negro minister, the Rev. Curtis E. Burrell, denounced the gangs and his church was burned and shots were fired into his home. Few other leaders of the community have rallied to his support. Some of them still seem to believe it is necessary to appease the gangs to attain peace.

The appeasement theory has been tried for years and has been a dismal failure in spite of subsidies from the federal government and support from sentimental white liberals. A gang leader still calls press conferences and is given much prominence by television stations, as if he deserved respect. It is time to start recognizing that the members of street gangs include some vicious killers.

After the murder of the two policemen at Cabrini-Green the department as a whole behaved with admirable restraint. The hundreds of policemen summoned after the most recent series of sniper attacks again were cool and competent. It is reported that not a single shot was fired by the police, in spite of the terrible provocation.

The law-abiding citizens of Chicago need help and protection from the guerrillas. The police need help and protection. We hope they can get it without the necessity for measures of repression.

Mr. McCLELLAN. On August 25, 1970, an ex-marine named Charles Reede was literally executed in a Blackstone Ranger gang hangout. Evidence at the scene indicated that the man was forced to kneel before a semicircle of 30 or more gang members and then three bullets were fired into the back of his head. Three members of the Black P Stone Nation have been arrested and charged with murder, which took place in a former church turned over by the pastor to affiliates of the Blackstone Rangers.

On August 31, 1970, two self-proclaimed members of the Black P Stone Nation were arrested in the act of attempting to extort $100 per month from a business firm "for protection against fire, or harassment against employees or customers." Police of the gang intelligence unit said that extortion on Chicago's South Side is widespread, although generally businessmen are afraid to report it to police. In our hearings, George Rose described extortion as a regular source of income to the Blackstone Rangers.

Mr. President, all of the details I have reported in these remarks have been verified by the gang intelligence unit of the Chicago Police Department, as has been the following information which I believe might be of interest to the Chicago Presbytery, although that organization presumably already has all the sordid details, and to the editors of the Arkansas Gazette, who asked editorially on September 29, 1969:

Is there any stouter defender against the distant or non-existent threat than John Little McClellan, the senior senator from Arkansas?

On Sunday, August 30, 1970, the gang intelligence unit of the Chicago Police Department, with a warrant for the arrest of one of the men who have been indicted in the murder of Detective Alfano, raided the First Presbyterian Church of Chicago. What did they find?

They found a Blackstone Ranger party in progress, and as a result of what they saw, they arrested the supervisor of the party, a student of the Chicago Theological Seminary, and charged him with being "the keeper of a disorderly house." They arrested 26 youths ranging in age from 16 to 20 and charged them with being "patrons of a disorderly house."

The police found in the church three bags of marihuana, a quantity of whisky and beer, and several boxes of assorted rifle and shotgun ammunition. They also seized the barrel of a sawed-off shotgun—by Federal law a contraband weapon. They found a dice table with a professional type green felt cover. In an upstairs room in the church, they discovered a 16-year-old boy in a drunken stupor.

The Reverend Mr. Fry was reportedly out of Chicago at the time of the raid. However, his assistant, Rev. Harold Walker, appeared during the raid and told the police that the church had an agreement with the Blackstone Rangers that permitted them to use the church for meetings and social functions. Mr. Walker also said that the agreement included a pact between the group and church officials that the gang's activities on the building's upper floors would not be supervised.

Mr. President, I ask unanimous consent that a news article from the Chicago Tribune of September 1, 1970, describing the raid on Mr. Fry's church, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLICE ARREST 27 IN RAID ON FRY'S CHURCH—POLICE NAB SEMINARY AIDE, SEIZE AMMO

(By William Jones)

Twenty-six young people have been charged with being inmates of a disorderly house and an employe of the Chicago Theological Seminary is accused of being the keeper of the house after a raid on a church in which police seized rifle and shotgun ammunition, liquor and marijuana.

The church, the First Presbyterian Church, 6400 S. Kimbark Av., is often used for press conferences and as a meeting place by the Black P Stone Nation street gang. Sgt. Fred O'Reilly of the Gang Intelligence Unit said Jeff Fort and Edward Bey, both gang leaders, were in the church at the time of the raid early Sunday but were not charged. Bey is accused of conspiracy to commit murder in the Aug. 13 sniper shooting of Detective James A. Alfano.

SUPERVISING THE PARTY

Peter Rekdahl, 25, who told police he was supervising the party as a representative of the Chicago Theological Seminary, was ordered to appear Sept. 15 in Boys Court, charged with being the keeper of a disorderly house.

O'Reilly said the young people seized in the raid range in age from 16 to 20. He said one 16-year-old was in a stupor in an upstairs room when police entered the church with a warrant for the arrest of a gang member. O'Reilly said police seized three bags of marijuana, liquor and several boxes of shotgun and .30 caliber rifle ammunition. He said police also removed the green felt from a 15 by 4 foot dice table.

The church and its pastor, the Rev. John Fry, were the target of a 1968 Senate committee hearing in which a series of witnesses charged that the Stones, then known as the Blackstone Rangers, used the church as a weapons arsenal and narcotics clearing house. The Rev. Mr. Fry denied the charges and later was given a vote of confidence by the Presbyterian church.

AIDE APPEARS DURING RAID

The Rev. Mr. Fry has been reportedly out of town in recent weeks, but police said the Rev. Harold Walker, assistant pastor, appeared at the church during the raid. O'Reilly said he showed the Rev. Mr. Walker the contraband seized by police and the pastor said the church had an agreement with the gang that it could use the church for meetings and social functions.

O'Reilly said the Rev. Mr. Walker told police this agreement included a pact between the gang and church officials that the gang's activities on the building's upper floors would not be supervised.

Mr. McCLELLAN. Finally, Mr. President, I have another newspaper editorial from the Chicago Tribune. This expression of opinion, it will be noted, differs considerably from the Arkansas Gazette editorial which I submitted earlier in my remarks. It expresses the indignation and outrage that I am sure many hundreds of thousands of Chicago's law-abiding and peaceful citizens, of all races and creeds, must feel when they read again of the continuing desecration of the First Presbyterian Church by this youth gang of criminals—the Black P Stone Nation. It is from the Chicago Tribune of September 3, 1970, and it bears the title: "Business as Usual at the Same Old Stand."

The editorial summarizes the facts about the raid on Mr. Fry's church which I have stated, and continues thus:

Nice goings-on in a church, wouldn't you say? Yet this is just a rerun of charges lodged in 1968 against the Reverend Mr. Fry's role as patron and apologist for the black gang. Testimony heard at that time by the Senate Permanent Investigations Subcommittee was that the church was used as a gang arsenal, that marijuana parties were held there, that ammunition purchased with gang funds was produced in the minister's presence, and that girls emerged from the church in a drunken and drugged condition.

The editorial also relates the denials of these matters by Reverend Fry and his later absolution of guilt by the governing body of his church.

As will be noted, the editorial concludes:

Despite this sordid history, the Reverend Mr. Fry's pet street mob is still doing business at its old stand—his church—and we suppose the Chicago Presbytery will be horrified that it is identified in police and court records as a disorderly house.

I ask unanimous consent that this editorial be printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 3, 1970]

BUSINESS AS USUAL AT THE SAME OLD STAND

The Rev. John Fry's First Presbyterian Church, 6400 Kimback Av., is back in the news again in a repetition of the notoriety it gained in 1968 as a hangout and haven of the Blackstone Rangers street gang, now known as the Black P Stone Nation. The place was raided by the Police Gang Intelligence Unit, and 26 members of the gang were arrested as inmates of a disorderly house. Peter Rekdahl, who said he represented the Chicago Theological Seminary as a kind of chaperon, was charged with being the keeper of a disorderly house.

Police seized three bags of marijuana, liquor and several boxes of .30 caliber rifle ammunition and shotgun shells. The green felt cover of a dice table was confiscated. A 16-year-old was found in an upstairs room in a stupor.

Nice goings-on in a church, wouldn't you say? Yet this is just a rerun of charges lodged in 1968 against the Rev. Mr. Fry's role as patron and apologist for the black gang. Testimony heard at this time by the Senate Permanent Investigations Subcommittee was that the church was used as a gang arsenal, that marijuana parties were held there, that ammunition purchased with gang funds was produced in the minister's presence, and that girls emerged from the church in a drunken and drugged condition.

These allegations were hotly denied by the Rev. Mr. Fry, and he was twice absolved of wrongdoing by the Chicago Presbytery, governing body of the city's United Presbyterian Churches. It said in a resolution, "We realize he is offering a creative and courageous approach to extremely difficult urban problems and that he is performing these services in the name of Jesus Christ."

The Senate investigation found that the Rangers and another street gang were subsidized by the Office of Economic Opportunity to the tune of $927,000, supposedly to teach high school dropouts reading and arithmetic. Gang leaders installed as teachers were almost illiterate but collected salaries of from $3,840 to $6,500 a year. They recruited children out of public schools and collected a federal "commission" on each of

them, tho all but a handful were absentees. Checks issued to the "students" were endorsed and cashed by the gang leaders.

The director of the OEO said after the program was shut down that it was a valuable failure because it showed the government how not to do things. Altho the Department of Justice was given the conflicting statements of the Rev. Mr. Fry and his accusers, with a view toward lodging prosecutions for perjury, no action was ever taken, nor were the gang leaders ever indicted for fraud and forgery.

Despite this sordid history, the Rev. Mr. Fry's pet street mob is still doing business at its old stand—his church—and we suppose the Chicago Presbytery will be horrified that it is identified in police and court records as a disorderly house.

Mr. McCLELLAN. Mr. President, maybe the Reverend Mr. Fry and others associated with him will again be "cleared finally by his own church," and maybe a further attempt will be made to criticize and ridicule me as the "defender against the distant or nonexistent threat." Be that as it may, I believe that the lawlessness and moral decay that pervade our land today are a threat and a growing menace to the sustaining of law and order and to our civilized society. I believe this threat and the danger it poses are typified and well illustrated by the deplorable conditions that exist on the streets in those sections of Chicago where these criminal gangs operate. In those sections of Chicago, police officers in the course of routine patrol are murdered—shot in the back. Persons are literally executed by lawless gangs. Violent assaults, coercion, extortion, and blackmail are daily committed on citizens and lawful business interests. In these areas of the city almost every crime named in the statutes is committed in the name of the Black P Stone Nation, whose hoodlum members shout that they are the rulers, and call themselves the "Almighty Stones."

Mr. President, the conditions of vandalism, murder, and terrorism, and all kinds of lawlessness that prevail in the South Side and West Side of Chicago and in some other cities and sections of our country which the Senate Subcommittee has exposed are, to me, not a mere "distant or nonexistent threat." The multitude of helpless and suffering victims of crimes of violence and terror perpetrated by criminal street gangs negate and refute absolutely the false and deceitful charge that such a threat from these elements in our society is either "distant or nonexistent."

ORDER FOR PRINTING OF ADDITIONAL COPIES OF PART 24 OF HEARINGS BEFORE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. McCLELLAN. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 461), was read as follows:

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of Part 24 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, second session, entitled "Riots, Civil and Criminal Disorders."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BYRD of West Virginia. Mr. President, let the record show that this matter has been cleared with the other side.

Mr. McCLELLAN. Yes. I was going to state that I have consulted with the majority and representatives of the minority and I know of no objection to adoption of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 461) was considered and agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. EAGLETON. Mr. President, the Senate's decision on electoral reform will have far-reaching implications for our entire political system. We face this momentous decision, moreover, at a time when the political and social chemistry of America is already in ferment.

Nothing we decide here will stop the ferment. But we can aggravate it—increase the uncertainty—add new destabilizing factors—by a wrong decision. Or, by choosing well, we can help harness that ferment to the building of a stronger, more representative democracy.

Whatever institution we substitute for our present electoral college process should do two things, in my view:

First, it should foster the nomination, and insure the election, of candidates whose background and beliefs would enable them to serve effectively as the President of all Americans.

Second, any new electoral system should operate with a minimum of delay, confusion, and uncertainty. The vote count on election night should tell the story. I do not believe we can afford, by design or inadvertence, to establish an electoral system which could leave the presidential election in doubt for weeks or months after the popular vote has been cast.

These two principles of electoral reform—majoritarianism and decisiveness—are simple enough in concept; but as all who have followed this debate are aware, the business of institutionalizing them is complex.

As my colleagues know, I cosponsored Senate Joint Resolution 1 at the beginning of this Congress, and I have nothing but the highest regard for the dedication and diligence with which Senator BAYH has advanced this direct election proposal. As my colleagues also know, however, I have during the past year developed grave doubts about the suitability and indeed the viability of the electoral institution proposed in this direct election proposal. I have come to believe that it would aggravate the uncertainties of the times which engendered it, rather than stilling them—that it would foster more extremism rather than less—that it would produce more fragmentation and polarization in our political life rather than consensus.

I have come to believe that Senate Joint Resolution 1 would be antimajoritarian in effect at a time when the United States can hope to find its footing only in majoritarian, consensus politics.

In and of itself, the 40 percent lower limit on the number of popular votes required to legitimate a President's election could permit the election of a President who was not favored by 60 percent of the voters.

The runoff election, which would be triggered if no candidate received over 40 percent of the popular vote, would at best produce an artificial mathematical majority—resulting in a President whose margin of victory would be comprised of the votes of millions of Americans who initially viewed him as a second, third, or fourth choice candidate.

The essence of my concern, however, is that Senate Joint Resolution 1 could well lead to a proliferation of presidential parties and candidates and result in a fragmentation of the electorate.

Candidates with substantial national followings—the Ronald Reagans and Gene McCarthys of our political constellation—would be encouraged to run in the general election in hopes of getting a second shot at the Presidency in a runoff after some of the opposition had been eliminated. In addition, special interest parties would run candidates to gain publicity and support for their parochial causes. They would seek enough votes to create an opportunity for bargaining, either in a runoff election or immediately before the initial election, when surveys indicated the closeness of the vote between the two major party candidates or the uncertainty that either of these candidates would obtain 40 percent of the popular vote.

In a multiple-candidacy situation, moreover, the realities of electioneering could put consensus candidates at a distinct disadvantage vis-a-vis single-issue candidates. Each faction in the electorate would tend to unite behind the one who most vigorously expressed its parochial views. Support for middle-of-the-roaders on the first ballot would consequently dry up, perhaps to a point where they would be excluded from the runoff. A runoff election between candidates, for example, such as Ronald Reagan and Eugene McCarthy could easily have happened in 1968 under Sen-

ate Joint Resolution 1, and would not, in my judgment, have produced a consensus President with enough real support to govern this country effectively.

At a time when the two-party system no longer seems to provide adequate umbrellas for the conflicting interests of our society, it is tempting simply to say, "Let all compete and let the best man win"—to substitute head-on confrontation for the admittedly imperfect consensus-building process that we have known in the past. I for one cannot accept this proposition.

In addition to threatening antimajoritarian consequences, Senate Joint Resolution 1, as now written, fails to meet my second criterion for electoral reform.

This resolution would not lead to an electoral process which would operate with a minimum of delay, confusion, and uncertainty. The runoff would entail serious delay. In addition, I am convinced that no electoral system which requires a national vote count as the sole election standard can work without national election laws and national standards of procedure governing everything from placement on the ballot to the final count, recount, and certification of the results. Senate Joint Resolution 1 does not include such national provisions—and without them, its simple direct election format is not acceptable.

In an effort to deal with certain of these objections to Senate Joint Resolution 1 and to devise an electoral process which would better fit with this country's history, the Senator from Kansas (Mr. DOLE) and I introduced Senate Joint Resolution 181, the federal system plan, in March 1970. I ask unanimous consent that the remarks I made upon introducing the federal system plan, a text of Senate Joint Resolution 181, a background memorandum analyzing the plan in detail, and a text of the remarks made by my cosponsor, Senator DOLE, be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. In an effort to summarize and explain this new plan, I wrote an article for the ABA Journal of June 1970, entitled "Direct Election vs. Vox Populi." I ask unanimous consent that this article, as well as a collection of editorials, both pro and con, on the Federal system plan, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EAGLETON. The Federal system plan would work as follows:

First. A President would be elected if he, first, won a plurality of the national vote, and, second, won either pluralities in more than 50 percent of the States and the District of Columbia, or pluralities in States with 50 percent of the voters in the election. The latter would be called the "50-percent rule."

Second. If no candidate qualified under these standards, the election would be decided by electoral votes, with each State having the same number that it has today. Each candidate would automatically receive the electoral votes of the States he won, thus avoiding the faithless elector. A candidate who won a majority of the electoral votes would be elected President.

Third. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of States that went for third-party candidates would be divided between the two leading national candidates in proportion to their share of the votes in those States. This automatic redistribution, should it ever occur, would avoid the dangers of horse trading—and the concomitant danger to the separation of powers—that would occur if Congress were to be the court of last resort.

The Federal system plan is now before the Senate as amendment No. 884 in the form of a substitute to Senate Joint Resolution 1. It contains one important modification which was suggested by the Washington Post, and which is also before us in the form of Senator EASTLAND'S amendment No. 885—namely, that any candidate winning over 50 percent of the popular vote would be elected without any other qualification.

I ask unanimous consent that amendment No. 884, which is the updated and amended version of Senate Joint Resolution 181, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. EAGLETON. The detailed rationale for the federal system plan has been spelled out elsewhere, along with an analysis of the effect it would have had on past elections and the way in which it would function in hypothetical situations which we can now anticipate. Let me say only that the main thrust of the 50-percent rule—a thrust which is strengthened, I believe, by the addition of the Washington Post 50-percent amendment—is to insure the elections of Presidents with a broad popular mandate.

As for the third-party problem, the real key to eliminating third-party fragmentation in a presidential election system is to persuade the voter that he is wasting his power to choose the next President if he votes for the candidate of a special interest party. The federal system plan achieves this result by providing that if the popular vote winner has not satisfied the "50-percent rule," then the President will be selected on the basis of the vote outcome broken down on a State-by-State basis, where the votes of splinter candidates lose their effect. Virtually all third parties that did not have a broad national base—such as the Bull Moose Party had in 1912—would be discouraged from entering candidates.

It is still my belief that the federal system plan, as amended by the 50-percent popular vote rule, provides a superior mechanism to Senate Joint Resolution 1 for electing our Presidents. Were the federal system plan to be acceptable to this body at the present time, I would also propose that it be supplemented by the Griffin amendment (No. 878) to Senate Joint Resolution 1—an amendment which provides for Federal voting and counting standards. For, although vote count under the federal system plan would not be as vulnerable to confusion and fraud as under a simple direct election plan, any system requiring a nationwide vote tally does contain at least a possibility for irregularities which would be substantially mitigated under the Griffin amendment.

I am aware that the federal system plan has little chance of acceptance by this body at the present time. To some it is simply too complex. To others it leaves open the possibility that the plurality winner might fail to become President under the fallback procedure which brings an automatic electoral college into play. I understand and accept these disagreements with the federal system plan, although I do not agree with them.

But if the federal system plan itself will not presently be adopted, I think it has helped focus debate on the weaknesses in Senate Joint Resolution 1. More important, I think that it has helped germinate a new consensus in this body regarding the elements of an acceptable electoral institution—a consensus which awaits a vehicle.

I think most of us now believe that any revised presidential election process must be majoritarian in design if it is to legitimate our Chief Executives. If a candidate achieves a clear majority, most of us seem to feel that he has fulfilled the prime qualification for election. But if he has only a plurality, then that plurality must be translated, through an agreed-upon mechanism, into a political majority of some kind. This is the function now performed by the electoral college. The District plan contains a similar mechanism. The two 50-percent criteria at the heart of the federal system plan are similarly designed to induce a majoritarian result. The majoritarian principle is implicit even in the concept of a two-man runoff, although it is impaired for the reasons I have stated previously.

I think we are also near agreement that the electoral mechanism must not give victory to a candidate who has lost the popular vote. The consensus seems to be that the election should be decided in a joint session of Congress if the plurality winner cannot legitimatize his victory according to a majoritarian principle. Further, there seems to be agreement that the joint session must choose between the two top votegetters only.

Finally, I think that we must eventually reach the logical conclusion that any system which depends upon a national popular vote cannot be adopted without the certainty that it will be run under national standards.

Starting from these propositions, I have attempted to devise an amendment (No. 887) which may serve as a mechanism for coalescing these elements of consensus. I ask unanimous consent that amendment No. 887 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. EAGLETON. It is an amendment which is majoritarian in design. It is an amendment which attempts to minimize confusion and uncertainty in the election process itself. And it is an amendment

which would discourage third parties representing only sectional or ideological interests. Finally, it is an amendment which would deny the Presidency to a popular vote winner who lacks majoritarian support only if that were the will of Congress.

This amendment would work as follows:

First. Any candidate who won over 50 percent of the total national vote would be elected.

Second. If no candidate had a clear majority, the plurality winner would be elected if he also won—

Over 50 percent of an automatic electoral vote, or

Over 50 percent of the States, or,

Over 50 percent of the congressional districts, or

States with more than 50 percent of the voters.

Third. If the plurality winner did not qualify under any of these majoritarian standards, the election would be decided in a joint session of Congress.

It is composed of sections of the Bayh proposal, the Griffin-Tydings amendment (No. 711), the Brooke proposal, Senator EASTLAND'S amendment (No. 885) requiring a 50-percent popular vote for victory, Senator GRIFFIN'S amendment requiring that Congress establish national election procedures (No. 878), and the federal system plan (No. 884).

This is more than a mechanical composite of the amendments before us. It is an effort to come to grips with the very difficult matter of creating a system which produces Presidents who have widespread national support on a truly majoritarian basis.

I ask the Members of the Senate to consider this amendment carefully. We are all concerned about the future of the electoral process. But we do little service to this country either by passing a constitutional amendment which is itself divisive or by doing nothing because reasonable compromises are rejected.

I, for one, would prefer that this body speak with almost one voice and send an amendment to the States which can satisfy not just two-thirds of us, but perhaps three-fourths or four-fifths of us. Let us remember that if we wish the States to enact an electoral reform amendment rapidly, we must provide them with an amendment which at least three-fourths of them will find acceptable. It is my hope that the amendment which I just now discussed will not only draw support of a consensus in Congress, but will also produce the necessary consensus of support in the 50 States.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 5, 1970]

SENATE JOINT RESOLUTION 181—INTRODUCTION OF A JOINT PRESIDENTIAL ELECTION PROCESS REFORM

Mr. EAGLETON. Mr. President, one of the most urgent challenges before the 91st Congress is to reform the presidential election process.

During the 1968 election, doubts that had accumulated over the years about the adequacy of the electoral college were transformed into very real fears—fears that a President might be elected who had not received a plurality of votes, fears of a deal for votes within the electoral college, fears of an election thrown into the House of Representatives.

Of all the legislative work before us now, none is of greater importance than finding a new and better electoral process which will measure up to the intent of our democratic Constitution and at the same time give new stability and durability to our governmental institutions.

Under the leadership of the distinguished junior Senator from Indiana, (Mr. BAYH), this Congress has responded to the demonstrated need and growing demand for electoral reform. On September 18, 1969, the House of Representatives took the historic step of approving a constitutional amendment to abolish the electoral college and replace it with the direct election of the President. Hearings have been held before a subcommittee of the Senate Judiciary Committee on that amendment and the Judiciary Committee will soon begin its own consideration of the best method of changing the presidential election process.

Of the four major alternatives that have been advanced in the Congress—the district plan, the proportional plan, the automatic electoral college plan, and the direct election plan—the latter has seemed to me to be preferable. It is the only option which respects the principle of popular sovereignty and adheres to the general proposition that the President of the people should be the choice of those people. Therefore I have cosponsored and supported Senate Joint Resolution 1—the direct-election plan introduced by Senator BAYH in this body and enacted in substance by the House of Representatives.

In recent months, however, a number of troubling problems have been raised about possible consequences of the proposed direct election plan—questions that I believe cannot be ignored.

First, under the direct election plan it would be possible that a candidate could be elected President who lacked a broad base of support throughout the country. For example, in a multiparty race, the victorious candidate could receive 40.1 percent of the popular vote without being the popular choice of the voters in any State. Or a candidate in a two-way race could lose the contest in most of the 50 States and the District of Columbia by a close margin and yet be elected President by piling up a substantial margin in only one or two States.

Would either of these results be any more acceptable to the American public than the election, under our present system, of a candidate who had won in the electoral college but had lost the popular vote? I doubt it. In my judgment, a President of the United States who hopes to govern effectively must be able to demonstrate not only that he has a plurality in the popular vote, but also that he has widespread support throughout the entire country.

Second, the runoff which is a necessary ingredient of the direct-election plan would, I believe, lead inevitably to the proliferation of political parties. These parties would not necessarily be national or even regional parties. They would probably be ideological parties formed around a particular issue or based on a "personality cult" centered on a particular individual. And if these parties were formed it does not require much imagination to foresee the kind of bargaining for endorsements, withdrawals and votes that could occur, both prior to a close election and between an election and a runoff.

Why should people not "vote their conscience" in a first election when the system will probably permit them a later opportunity to vote for a so-called compromise choice? Why should blacks, or farmers, or doctors, or conservationists, or feminists bother to compromise within the two-party context when their most direct route to influence would appear to be through running candidates who can toss presidential elections into a runoff situation?

I, for one, am concerned about these possibilities. In my judgment, the well-being of this country would suffer if its presidential elections were marked by a multitude of splinter parties, each appealing for votes on particular questions. Our political system would become factionalized, with numerous groups taking uncompromising stands and rejecting the realistic compromises which are so essential in a democratic society. At a time when the tendencies toward political fragmentation and ideological division are all too evident in this country, we must view with the gravest concern any change in our electoral processes that may aid and accelerate these tendencies.

Third, the direct-election plan raises awesome problems relating to vote recounts and the possibility that fraud committed in isolated precincts throughout the United States might taint an entire national election.

Let us remember that there are over 150,000 polling places in the United States. In 1960, the miscounting of a single vote in less than half of these polling places could have altered the entire election outcome. In 1968, a change of less than two votes in every polling place would have changed the outcome. Are we prepared to deal with an electoral system in which local decisions as to the counting of certain incorrectly marked ballots may be the crucial factor in determining whether a particular candidate has attained 39.9 percent of the popular vote or 40.1 percent of the popular vote? And are we ready to adopt a presidential election system in which the actual outcome may not be known for weeks or even months, even in the absence of a runoff?

Today, on behalf of myself and the Senator from Kansas (Mr. DOLE), I wish to introduce an alternative proposal in the form of a new joint resolution.

Our proposal, which we call the "federal system plan," has been developed by a Washington attorney, Mr. Myron Curzan, in conjunction with my staff. It has been reviewed and approved by several constitutional law scholars who view it as a substantial improvement over the proposed direct-election plan.

The federal system plan embodies the essential rightness of the one-man, one-vote principle, but modifies the direct-election plan in an effort to eliminate some of its dangers.

It provides that the popular vote winner will be declared President so long as there is also a showing that his victory is based upon widespread national support.

It eliminates the need for a runoff, thereby removing the paralyzing effect which third parties may have under the present system and could have under the proposed direct election plan.

It insures that the results of a presidential election will be known as soon as the count is completed, with no period of uncertainty and no opportunity for the kind of horse-trading that is possible under the present system or under the direct election plan.

The federal system plan would operate as follows:

First. A candidate who had won a plurality of the total popular vote would be declared President if he had also won a plurality in States—including the District of Columbia—which contain more than 50 percent of all voters participating in the election, or a plurality in more than 50 percent of the States—including the District of Columbia. We call this second initial qualification the "50 percent rule."

Secondly. If the popular vote winner failed to satisfy one or the other of the 50 percent rule requirements, then the President would be selected on the basis of electoral votes. The presidential candidate with the most popular votes in a particular State would be automatically awarded the State's electoral vote, which would equal the num-

ber of Senators and Representatives to which that State is entitled in the Congress. The District of Columbia would be treated as if it had three congressional votes. A candidate with a majority of electoral votes would win.

Third. If no candidate received a majority of the electoral votes, the federal system plan would then eliminate all but the two national candidates with the most electoral votes and redistribute the electoral votes of the others. The electoral votes won by third party candidates would be awarded on a State-by-State basis to the two national candidates in proportion to their relative share of the popular vote in the respective States. The candidate receiving a majority of the electoral votes following this redistribution would be elected President.

In this proposal, we have attempted better to mesh two of the concepts upon which our governmental structure is based—the concepts of popular sovereignty and federalism.

In my judgment, this proposal adds an essential ingredient lacking in a simple nationwide popular victory—a legitimating factor. It provides the means for insuring that any popular vote winner will have the backing of the people of both large and small States and of States distributed throughout the country. No man would be able to attain the Presidency by merely winning an overwhelming popular vote in one or two States, or in a particular region. Rather, he would have to show that his support is sufficiently broad to give him a true mandate to be the Chief Executive of the entire Nation.

Aside from providing this legitimating factor, the federal system plan should have a number of other salutary effects:

It should, I believe, reinforce and strengthen the two-party system. For under its provisions, the objective of each of the major parties would not only be to win the national popular vote, but also to win in each State. In addition, the power of third parties to affect the outcome of an election and hence their appeal to the electorate would be substantially reduced.

The significance of swing States would be retained and minority groups within those States would continue to have power to affect the result of a presidential race within the two-party framework.

The federal system plan would permit recount and fraud problems to be contained and dealt with on the State level.

The possibility of qualifying by winning States with 50 percent of the votes would be a new and powerful incentive to get out the vote.

Mr. President, I am aware that the proposal I am introducing today on behalf of myself and the Senator from Kansas (Mr. DOLE) comes late in the debate on electoral reform. I am also aware that it is a complete proposal and one that must be subjected to close scrutiny. I believe, however, that it is essential that it be given the most serious consideration. The step we are about to take in electoral reform is a momentous one, and it should not be taken without first examining all of the alternatives.

I ask unanimous consent that the joint resolution embodying the federal system plan be printed in the RECORD at this point. I also ask unanimous consent that a detailed memorandum explaining both the federal system plan and the problems with which it is meant to deal be printed as a supplement to my remarks and the resolution. I send to the desk the joint resolution and ask that it be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and memorandum will be printed in the RECORD.

The joint resolution (S.J. Res. 181) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States and for the determination of the result of such election introduced by Mr. EAGLETON, for himself and Mr. DOLE, was received, read twice by its title, referred to the Committee on the Judiciary, and order-the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows: is as follows:

S.J. RES. 181

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of Government of the United States shall vote directly for the President and Vice President. In such elections, each voter shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"SEC. 2. The voters in each State shall have the qualifications requisite for the voters of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for voters from the District of Columbia.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes in the election shall be declared elected President and Vice President if such persons have also obtained the greatest number of votes among the candidates running for President and Vice President in States containing more than 50 per centum of the total number of voters in such election or in more than 50 per centum of the States.

"If the pair of persons joined as candidates for President and Vice President who received the greatest number of votes throughout the United States failed to obtain the greatest number of votes in States containing more than 50 per centum of the total number of voters in the election or in more than 50 per centum of the States, then the votes received by each pair of persons joined as candidates for President and Vice President shall be separated according to the States in which they were received and in each such State, the pair of persons joined as candidates for President and Vice President who received the greatest number of votes therein shall be automatically credited with a number of electoral votes which shall be equal to the whole number of Senators and Representatives to which such State is entitled in the Congress, and if any pair of candidates for President and Vice President shall have received a majority of the electoral votes of all of the States they shall be declared elected President and Vice President.

"If no pair of candidates for President and Vice President shall have received a majority of these electoral votes, then all but the two pairs of such candidates receiving the greatest numbers of electoral votes of all of the States shall be eliminated, and the electoral votes which any of these eliminated pairs of candidates received in any State shall be credited to the two leading pairs of candidates in proportion to the numbers of people who voted for these two pairs of candidates in such State. In making this computation, fractional numbers less than one one-thousandth shall be disregarded. The pair of candidates receiving the greatest number of electoral votes after such crediting of electoral votes shall be declared elected President and Vice President.

"SEC. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"SEC. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President or Vice President, for the case of the death of both the President-elect and Vice-President-elect, and for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 8. The District of Columbia shall be treated as a State for purposes of this Amendment.

"SEC. 9. This article shall take effect on the 1st day of May following its ratification."

ELECTORAL COLLEGE REFORM—A CASE FOR THE FEDERAL SYSTEM PLAN

As Congress considers reforming the electoral process through which this country selects its Presidents, both the simplicity and the apparent fairness of the "one man, one vote" principle constitute strong arguments in favor of a direct election system. Certainly, these considerations appealed to the House of Representatives when it adopted a resolution calling for the direct election of the President on September 18, 1969.

DIRECT ELECTION PITFALLS

There are, however, at least seven serious pitfalls in the direct election (winner must have at least 40% of the total votes cast) system which the House adopted and which is now before the Senate Judiciary Committee. These pitfalls are as follows:

1. A Presidential Candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the states. In 1968, Hubert Humphrey was the popular choice of only 13 states plus the District of Columbia. Had he simply carried New York State by half the popular vote margin by which Lyndon Johnson carried it in 1964 and lost the seven states, which he won by relatively close margins, he would have been elected President by approximately 250,000 votes. He would, however, have been the preferred choice of the voters of just six out of 50 states and the District of Columbia. In a federal system such as ours, it would certainly seem no more acceptable that a man should be President when he is the popular vote winner but the choice of only a handful of states than when he is the winner in the electoral college but the loser in the popular vote. A Chief Executive who hopes to govern effectively in the United States must be able to show that he is not simply the choice of the people, but rather that he is also the choice of the people of a number of states.

SPECIAL INTEREST PARTIES

2. An electoral system involving possible runoffs inevitably invites a proliferation of

special interest, sectional, and charismatic figure parties.

Professor Maurice Duverger has written about the United States: "The absence of a second ballot . . . in fact one of the historical reasons for the emergence and the maintenance of the two-party system." Under the proposed direct election system, many racial, ethnic, and interest groups would feel that they had lost all power in the election process since their ability to influence the outcome in key swing states with large blocs of electoral votes would no longer be relevant. Their only hope for regaining leverage under a direct election system would be through the creation of new Presidential parties. These parties would then solicit votes to promote their parochial causes—the National Gun Party, the National Dairy Farmers' Protective Party, the National Students' Party, the Black Welfare Rights Party—with considerable certainty that they would have an opportunity to trade off their votes in either a runoff election or immediately before the initial election when surveys indicated the closeness of the vote between the two major party candidates or the uncertainty that either of these candidates would obtain 40% of the popular vote. To quote Richard Scammon of the Elections Research Center.

"If you really want to stop proliferating candidates under any system you give people one vote. This is really why we have two parties operating in this country in November. You only get one shot at voting. Once you allow people a second shot under any conditions you give the opportunity, for example, for Mr. Wallace to in effect say to his electorate, 'Now, on the first ballot vote your convictions. Stand up for what you really believe in. You will get another chance on the second ballot if you have to. Besides, we might make second place.' . . . [The direct election with a runoff] is why in some parts of the South in primaries you get the first ballot loaded up with candidates, sometimes enormous numbers . . . because everybody knows, though, they are going to have a second shot at this." (Hearings on Electoral College Reform Before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 1st Sess. at 341.)

A multiplicity of Presidential parties taking ideological positions—often irresponsible—could only produce the tragic effect of polarizing this country on a wide variety of issues, and leaving our policy without the underlying harmony which makes it governable.

Moreover, a direct election system built upon a 40% plurality requirement could lead to the creation of new parties centered on specific individuals, which in turn might have the effect of ensuring the election of comparatively unpopular candidates. For example, let us assume that in a direct election system, Party A were to select a candidate whose ideological position on a number of issues made it appear to many in Party B that Party A's candidate could never hope to win more than about 45% of the popular vote. Let us also assume that Party B were to contain two charismatic figures and that one of them, Mr. X, were certain that the other, Mr. Y, had the Party B nomination sewed up. What if Mr. X were then to calculate that it made sense for him to run as well since he was certain that he could:

Take 25% of the total popular vote which formerly was committed to Mr. Y,

Take 7% of the voters committed to the candidate from Party A, and thereby

Deny both candidates the requisite 40% and ensure a runoff in which he would be the second candidate and the probable winner.

However, should Mr. X prove wrong in one calculation—that he can take 7% of the vote away from Party A's candidate—this nation might well find itself faced with the unfortunate prospect of living with one man's blunder. In short, it might awake to find that it had elected an unpopular and ideologically unacceptable President from Party A—a President who has been given his "mandate" under the direct election system with some 40.1% of the popular vote.

RECOUNTS

3. In close elections, like those of 1960 and 1968, the recount problem could be staggering, as would the temptation to commit fraud. Under a simple direct election system, it would not be possible or relevant—as it is today to isolate the states in which vote-count problems had arisen.

There are over 150,000 polling places in the United States. It should be remembered that under a direct election system, two miscounted votes in each polling place in the United States would have shifted the 1968 election from Richard Nixon to Hubert Humphrey. The miscount of only one vote in half of this country's polling places in 1960 could have changed the result in that Presidential election.

One need have little imagination to conjure up visions of elections in which the country anxiously awaits word of who its new President is to be while recounters puzzle over discarded or poorly marked ballots in rural and urban counties throughout the entire United States.

Finally, it must be added that recount problems will be further complicated in the proposed direct election system by questions which may arise if the issue is whether a particular candidate has received 40.001% of the popular vote or 39.999% of the popular vote.

COST

4. The cost of Presidential elections would soar once a number of parties had become involved and runoff elections had become part of the system. Each of our major parties is already sagging under the burden of financing Presidential campaigns. What new problems relating to campaign fund suppliers and their influence on substantive decisions will be raised if parties are forced to obtain double or triple the present sums to finance two-tiered Presidential races?

FEDERAL SYSTEM WEAKENED

5. A direct election system would drastically weaken the federal system. Candidates would ignore small and medium-sized two-party states and focus either on the most populous areas (comprised of a few fairly homogenous states) or on one-party states, where substantial popular margins could be obtained.

Under a direct election system, the objective of each candidate will be to concentrate on those States and regions where he can maximize his popular vote and minimize the popular vote of his opponents. Under the present electoral college system, it is crucial for a candidate to win in medium-sized and small two-party States. For today, a hard-fought victory in such States as Indiana, Iowa, Maryland, South Dakota, and Washington together is of greater value than a victory in California. Under a direct election system, this will no longer be the case. If a candidate can carry California or New York by a wide enough margin, he can offset losses in the four named, as well perhaps five or ten other, States.

Moreover, the medium-sized and smaller two-party States will also get shunted aside in a Presidential campaign in favor of one-party States. For why should a candidate strive to win a close election in a State with two million voters when he can realize a greater advantage by obtaining a huge margin in a one-party State with only one million voters And—if one wishes to carry this logic further—why should a candidate even make a great effort in an extremely close race in one of the large States, when he knows that he can easily make up any differential in a small one-party State?

MINORITIES

6. A direct election system would curtail the power—which exists within a two-party electoral college context—of urban-oriented racial, ethnic and other minority groups, since these groups would have reduced ability to affect the outcome of a Presidential election. This reduction in power for various urban voting blocs would occur for the same reason as the reduction in the power of small, medium, or even large two-party states.

The best interests of this country do not lie in removing the power which these urban groups have in Presidential races. To ask them to rely on the Congress for that representation is unfair. Even with the gains which have resulted from reapportionment decisions, the Congress remains most responsive to rural and suburban constituencies.

The passage of a direct system might well ensure that all of these voting blocs—in an effort to be heard and to obtain influence in the selection of the President—would take the only logical step left open to them, namely, the creation of Presidential parties, which can barter votes for power in subsequent runoff election.

ADOPTION UNLIKELY

7. A direct election system stands little chance of being adopted by three-fourths of the states since small two-party states which come to understand the power they are relinquishing under a simple direct election system will reject it. Such a rejection will have the unfortunate effect of legitimating the present electoral college system, and will set back the cause of an electoral reform for many years.

The District Plan and the Proportional Plan, which have been suggested at various times in our history, do not offer any clear advantages over the present electoral college system. In fact, both of these plans provide even less assurance than does the present electoral college that the popular vote winner throughout the country will become President. Retention of the present electoral college system—but with an automatic electoral vote to avoid faithless electors and a revised contingency election system in which the President is selected by a vote of the individual members of Congress—has the built-in disadvantage that it provides no procedures to deal with the possibility of a divergence between the popular vote winner and the electoral college winner.

Is there a way to avoid the pitfalls involved in all of these electoral college reform proposals, while at the same time fashioning an electoral system which maintains basic adherence to the popular sovereignty principle of one man, one vote?

THE FEDERAL SYSTEM PLAN

The Federal System Plan, outlined below, may offer a viable alternative. This system—which builds upon the simple direct election formula as enacted by the House of Representatives and proposed in the Senate by Senator Bayh—would provide that any candidate who was the popular vote victor under circumstances which demonstrated that this victory was based upon support throughout the nation would be elected President. Moreover, it would provide a method for effectively eliminating the paralyzing effect which third parties may have under both the present electoral college and under the direct election system.

The Federal System Plan would work as follows:

1. A President would be elected if he (1) won a plurality of the national vote *and* (2) won *either* pluralities in more than 50% of the states and D.C., *or* pluralities in states with 50% of the voters in the election. The latter would be called the "50% rule."

2. If no candidate qualified, the election would go to an Electoral College where the states would be represented as they are to-

day, and each candidate would automatically receive the electoral votes of the states he won. A candidate who won a majority of the electoral votes would be elected President.

3. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of states which went for third-party candidates would be divided between the two leading national candidates in proportion to their share of the votes in those states.

THE "50 PERCENT RULE"

The "50% rule" is designed to reconcile the principle of federalism with the principle of popular sovereignty. It would award the Presidency to the national popular vote winner if he had been able to demonstrate that he had a broad base of support across the country. The "50% rule" would provide a better indication of whether a popular vote winner had the national support needed to govern this country effectively than would the 40% minimum popular vote formula contained in the present direct election proposal.

ELECTORAL VOTES

If no candidate qualified under the 50 percent rule and an election went to the Electoral College, the Presidential candidate with the most popular votes in a particular state would be automatically assigned that state's Congressional vote quota (hereinafter referred to as "electoral votes")—namely, the number of Senators and Representatives it is entitled to under the Constitution. The District of Columbia would have three electoral votes. If one candidate obtained a majority of the electoral votes assigned to all of the states, he shall be declared President.

The real key to eliminating third party fragmentation in a Presidential election system is to persuade the voter that he would be wasting his power to choose the next President if he voted for the candidate of a narrowly based party. The Federal System Plan achieves this result by providing that if the popular vote winner has not satisfied the "50% rule," then the President will be selected on the basis of the vote outcome broken down on a state-by-state basis.

REDISTRIBUTION OF ELECTORAL VOTES

If no candidate has an initial majority of the electoral votes—which might occur because of the presence of third party candidates—the Federal System Plan would then eliminate all but two leading candidates from consideration and redistribute the electoral votes won by any other candidates in particular states. Redistribution of the electoral votes won by "third party" candidates would be done proportionally, based on the relative number of popular votes obtained by the two leading national candidates in the particular state being redistributed.

In a redistribution situation, proportionalization of electoral votes is fairer than the winner-take-all method which will be used when counting electoral votes initially.

It is expected that this redistribution technique will rarely be used since virtually all "third parties" which do not have a broad national base—such as the Bull Moose Party had in 1912—will be discouraged from entering candidates. People will not vote for such candidates when they realize that by doing so, they are throwing away their votes and leaving the choice of the President to other residents in their state who vote for the candidates of the two major parties.

BENEFITS OF PRESERVING THE FEDERAL ELEMENT

By melding the direct election plan—as enacted by the House of Representatives—with a concept that takes this nation's federal design into account, it is possible to reduce the difficulties which are inherent in a simple one man, one vote proposal.

Under this hybrid Presidential election system, the objective of each of the major parties will not only be to win in the national popular vote, but also to win in each state.

Candidates can be persuaded to pay attention to the needs of all states—including small ones.

The power of swing states and the minority groups who live in them can be retained and the prospect of flourishing splinter parties negated.

The problem of voter fraud can be localized, the complexities relating to vote recounts can be more easily avoided.

Finally, by building into the electoral process a factor which is dependent upon the total number of people voting in each state in that election, we would create (1) an incentive to encourage voting and (2) a mechanism which takes account of population shifts not reflected in the current electoral college system which is based upon a census that may be ten years old on the date of an election.

HYPOTHETICAL EXAMPLES OF PRESIDENTIAL ELECTIONS UNDER THE FEDERAL SYSTEM PLAN

1. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.5 million popular votes. Candidate A has been the popular vote victor in 29 states (including the District of Columbia). Under the Federal System Plan, he would have satisfied the 50% rule and would be declared President.

2. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes. Candidate B receives 49.5 million popular votes. Candidate A has been the popular vote victor in only 22 states. However these states contained approximately 55% of the people voting in that election. Under the Federal System Plan candidate A would have satisfied the 50% rule and would be declared President.

3. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.8 million popular votes. Candidate A is the victor in 23 states containing approximately 48% of the people voting in that election. Under the Federal System Plan candidate A would not have satisfied the 50% rule which would automatically make him President on the basis of his popular vote victory. The contingency plan would then come into effect and the popular votes won by candidates A and B would be translated into popular vote victories in each of the 50 States plus the District of Columbia. Under the hypothetical given it is quite probable that the 23 states won by candidate A would provide him with enough electoral votes to become President. On the other hand if candidate A had obtained a popular vote victory while being the popular vote choice in only 5 or 6 states, the electoral vote contingency plan would make candidate B the President since he would have demonstrated a much broader base of national support.

4. Candidates A, B, C, and D run for the Presidency. Candidate A obtains 40 million votes; candidate B obtained 39.5 million votes; candidate C obtains 10.5 million votes; and candidate D obtains 10 million popular votes. Candidate A has been the popular vote victor in 22 states containing 42% of the people voting in that election and possessing 240 electoral votes. Candidate B has been the victor in 18 states containing 40% of the people voting in the election and possessing 200 electoral votes. Candidates C and D have each been the victor in 5 states(for a total of 10) containing about 18% of the people voting in that election and possessing a total of 98 electoral votes.

Under the Federal System Plan, candidate A would not have satisfied the 50% rule which, with his popular vote victory, would have automatically entitled him to the Presidency. Under the contingency electoral vote system, neither candidate A nor candidate B would have a majority in the initial count. The Federal System Plan would therefore redistribute the electoral votes won by candidates C and D.

The redistribution would be done in proportion to the popular votes won by candidates A and B in the particular state whose electoral votes were being redistributed. If candidates A and B both had a national appeal, the redistribution would probably favor the candidate who was ahead under the initial electoral vote count. Thus in the above example, it would be quite probable that under the redistribution formula, candidate A would wind up with something like 288.5 electoral votes and candidate B would wind up with something like 249.5 electoral votes. Candidate A would then be declared President. (Note should be taken, however, that this last hypothetical is extremely implausible under the Federal System Plan. The presence of a redistribution formula in the Presidential election system will work to discourage regional or ideological parties from putting up candidates like the above candidates C and D since voters will probably not waste their ballots voting for them.)

HISTORICAL EXAMPLES

The Federal System Plan would not have changed the outcome of any past American election. It would however have averted some awkward contingencies which could easily have occurred. The following cases help illustrate the stabilizing effect the Federal System Plan would have had in these situations, as well as some of the weaknesses of the direct election plan.

1888—HARRISON VERSUS CLEVELAND

Cleveland had a popular vote margin of 95,000, but Harrison was elected by an electoral vote of 233 to 168. Cleveland's popular majority came almost entirely from the "solid South."

Under a direct election system, Cleveland's overwhelming victory among Alabama's 174,000 voters would have offset the popular preference of 2.9 million voters in New York, Ohio and Illinois.

Under the Federal System Plan, despite his popular victory, he would have failed to qualify under the 50% rule; he won only 18 out of 38 States and won states with only about 30% of the voters. The election would have gone to the Electoral College where Harrison's broader geographical base of support would have made him President.

1916—WILSON-HUGHES

Wilson won by a popular majority of 530,000. He won in 31 states—mostly small ones—with 277 electoral votes, while Hughes' electoral vote total was 254. A change only of 1,904 votes would have given California's 13 electoral votes—and the election—to Hughes. Wilson would have lost, although his popular margin would still have been over half a million and he would still have been the preferred candidate in well over half the states.

Under the Federal System Plan, Wilson would easily have qualified with his popular plurality and with victories in over 50% of the states (although he did not win states with 50% of the voters). Wilson could have lost as many as six states, still had a popular plurality, and have been the victor under the Federal System Plan.

1948—TRUMAN-DEWEY-THURMOND

Truman won by over 2 million popular votes. The electoral count was Truman 303, Dewey 189, Thurmond 39.

A shift of 24,294 votes from Truman to Dewey in California, Illinois, and Ohio could have shifted 78 electoral votes, giving Dewey an electoral vote majority by one vote. Under the Federal System Plan, Truman would still have won with a popular plurality and victory in 28 states—over 50%.

If Dewey had won California and Illinois, but not Ohio, neither he nor Truman would have had an electoral majority, and under the present system the election would have been thrown into the House. Under the Fed-

eral System Plan, the election would not even have gone as far as the Electoral College, because Truman would still have won a popular plurality and over 50% of the states.

1960—KENNEDY-NIXON-BYRD

Under the present system, this election would have been thrown into the House if Kennedy, the popular vote winner, had lost three very close states: Illinois (margin: 8,000 votes, electoral votes: 27), South Carolina (margin: 9,600, electoral votes: 8), and Hawaii (margin: 115 votes, electoral votes: 3).

Under the Federal System Plan, Kennedy would have been elected without the risk of horsetrading and without delay because he would still (a) have been the popular vote winner, and he would still (b) have won states with a majority of the voters.

Mr. EAGLETON. Mr. President, I yield to the Senator from Kansas for his presentation on the same subject.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FEDERAL SYSTEM PLAN

Mr. DOLE. Mr. President, the 1968 election did more to stimulate concern for our system of choosing the President than any other election in recent history. A very real possibility existed that Congress would determine the two highest officeholders in the land.

There is agreement among most Americans of all political and ideological persuasions that the present electoral system should be changed. Considerable study, effort and thought have gone into a number of proposals which have been presented to Congress. I withheld support of any of the several electoral reform proposals because, in my opinion, each appeared to contain a number of significant deficiencies. To change from one set of deficiencies to another would seem an exercise in futility, as well as perilous thinking with our constitutional processes. I am especially pleased, therefore, to cosponsor the federal system plan—which I believe has considerable merit.

In essence, the federal system plan introduces the direct-election concept to presidential politics, while assuring continued, decisive importance of broad and widespread national support for candidates.

THE FEDERAL SYSTEM PLAN COMPARED

The junior Senator from Missouri has described the federal system plan and its advantages over the direct-election plan and the present electoral college.

Briefly, I will compare the federal system plan with three other major electoral reform proposals.

THE DISTRICT PLAN

Under the district plan, popular vote results would tend to be reflected more accurately in electoral vote results than they are under the present system. The all-or-nothing system of assigning a State's electoral vote would be eliminated.

The major weakness of the district plan is its inherent tendency to encourage jerrymandering. The problems and temptations for political manipulation would surely not be diminished over present difficulties with congressional districts, and the situation could become even more involved.

Under the federal system plan, voting would take place on a statewide basis, free from the administrative complications of districting the results.

Also, the district plan could have a significant adverse effect on the establishment and maintenance of viable two-party State political systems. The stimulus for a minority party to turn out the vote would be severely diminished when it saw no chance to carry any district within a State. Under the federal system plan, however, a minority party would know its votes would not be frozen within the State but would have significance on a national scale.

THE PROPORTIONAL PLAN

The proportional plan would eliminate the unit rule for distribution of a State's electoral votes and would prevent an electoral victory for a minority popular vote-getter by tying the electoral vote directly to the popular vote.

The proportional plan would not strengthen the two-party system. Instead of discouraging the minority party, it would encourage formation of many minority parties tending to represent narrow and perhaps extreme viewpoints because minority parties would be assured electoral vote reflection of their strength. At the same time, it would discourage the major parties from attempting to broaden their appeal and assimilate diverse groups and factions. The federal system plan, on the other hand, by diminishing the potential impact of any third or multiparty development, would encourage a vigorous and broadened two-party system.

By entirely abolishing presidential electors and by permitting States to have separate ballots, the proportional plan would make a practical, as well as a theoretical, possibility of electing a President and Vice President from different parties. The federal system plan requires presidential and vice-presidential candidates to be paired, thus avoiding a split election, and it retains an electoral system as a backup procedure with a favorable influence on the two-party system.

THE AUTOMATIC ELECTORAL PLAN

The automatic electoral plan has the appeal of simplicity and close adherence to established practices, but it locks in the all-or-nothing rule which has evolved over the years, whereby each State's entire electoral vote is allocated to the winner of the popular vote. No real improvements are offered in the electoral influence of minority voters, possibilities for the election of narrow-basis Presidents or enhancement of State significance in the electoral process. The federal system plan, as the junior Senator from Missouri has pointed out, affords substantial advances in each of these important areas.

QUESTIONS ABOUT THE FEDERAL SYSTEM PLAN

I think it might be well to anticipate some of the questions which may be raised concerning the federal system plan. I have discussed this proposal with some of my colleagues and others familiar with the different electoral reform proposals. A number of questions have been raised, and I am certain others would be in the event hearings were held.

Let me state briefly a few of them:

First. If the electoral machinery is used—as it would be under certain circumstances in the federal system plan—would the unit or bloc system of casting votes be continued, and would this within a State nullify votes cast for an unsuccessful candidate?

Second. The question has been raised that this plan would make possible the election of a President who may have fewer popular votes that the unsuccessful candidate.

Third. One area of concern is that the federal system plan would bring into effect two relatively untried and untested features embodied in the backup system, and an untried and untested feature in the division of electoral votes of minority candidates, whereas the runoff election has been tested and has worked successfully in various States.

Fourth. There is a general feeling that the plan is too complicated and subject to uncertainty and might be productive of unexpected results.

I believe that these questions can be answered satisfactorily and the changes could be made in the proposal being introduced today by the junior Senator from Missouri and myself. It is important, however, to look carefully at the advantages of this proposal:

First. It adheres in principle to the direct election plan, but eliminates the runoff feature of the direct election plan.

Second. It removes the possibility—like the direct election plan—of contingent elections by either House of Congress.

Third. It does minimize the election of the President and Vice President by the electoral vote process.

Fourth. This plan preserves as a backup procedure the electoral vote system, which some persons feel should be continued as a matter of tradition and because it is conducive to a two-party system.

Fifth. This plan does look to ultimate assertion of influence of the vote for minor candidates within the framework of the two-party system, rather than as support for independent or splinter parties.

OPERATION OF THE FEDERAL SYSTEM PLAN

The junior Senator from Missouri has ably described our proposal, but again, let me emphasize its relative simplicity—and its operation:

First. The popular vote winner would be declared elected if—

He has carried States which contain more than one-half of persons who voted in the election; or

He has carried more than one-half of the States.

Second. If neither of the above is satisfied, the winner would be decided by electoral vote.

Third. If there is no electoral winner, the electoral votes of minor candidates would be distributed among two front-runners by giving the electoral votes carried by minor candidates to the two front-runners in each particular State in proportion to their popular vote totals.

CONCLUSION

Mr. President, interest in electoral reform is high and support for change is broad based. The federal system plan does strengthen the one-man, one-vote principle, and at the same time avoids the serious pitfalls in the direct election proposal. A summary of these pitfalls will be made a part of the record, but it should be emphasized that under the direct election plan, a presidential candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the States. Those of us from small and middle-size States are naturally concerned about any system which would permit States with large populations to have a distinct advantage. We recognize that numbers are important and that the one-man, one-vote principle should be adhered to, but we also strongly feel that anyone elected to the Presidency of the United States should have broad-based support throughout the country. This important consideration is embodied within the federal system plan.

Let me add that all the electoral reform proposals submitted have certain advantages and certain disadvantages. The district and proportional plans do not assure that the popular vote winner would necessarily become President.

The issue of electoral reform is so vital that I would hope the Judiciary Subcommittee on Constitutional Amendments will consent to immediate hearings on the federal system plan proposal. In addition to introducing the federal system plan resolution today, the junior Senator from Missouri and I are contacting a number of experts in this field across the country, asking for their comments on this proposal.

Let me conclude by saying that any proposal approved by the House and the Senate must be ratified by 38 States. In my opinion, the federal system plan would be acceptable to large States because of the direct election features and to small States because it re-

quires broad-based support by virtue of the "50-percent rule."

Again, I commend the junior Senator from Missouri for his leadership in this most important area and also acknowledge the efforts of Mr. Myron Curzan, a Washington attorney who has spent countless hours in the formulation of this proposal.

Mr. EAGLETON. I thank the Senator for his cogent summation of the issues involved and his able presentation of the Federal system plan.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. BAYH. I would like to compliment my colleagues from Missouri and Kansas for adding to the debate which has been going on for some time over the importance of revising the present electoral college system. I appreciate the comments of the Senator from Missouri in his initial remarks as to my interest in this particular area.

As chairman of the Subcommittee on Constitutional Amendments, as the Senator has pointed out, it has been the responsibility of the Senator from Indiana to delve into that particular matter. I think a great deal of heart can be taken from the interest expressed by the Senator from Missouri and the Senator from Kansas.

First, it demonstrates that two of our distinguished colleagues are concerned about the need to do something about the present system.

Second, their proposal embodies as a fundamental principle the direct popular vote. I know that time has been allotted here this morning to others of our colleagues to speak on other subjects. So it is not my intention to continue this discussion at any great length.

I personally will do all I can to study this matter. As the Senator from Missouri knows and the Senator from Kansas knows, this matter has been debated at length. We have held three different sets of hearings. The matter is now before the full Judiciary Committee, and an agreement has already been arrived at to vote no later than April 24.

Whether it will be possible to hold hearings or not, I do not know, but I personally pledge that we will study in great detail any information that either of our distinguished colleagues brings to our attention.

The only matter of significant concern to me about the direct popular vote plan embodied in Senate Joint Resolution 1, of which I am the principal author, and which has some 46 cosponsors, is what happens in the case of a runoff. History has shown us that only once in almost 200 years has a President of the United States been elected when he had less than 40 percent of the votes, the figure which would require a runoff in our system. This was in 1860, when Abraham Lincoln was elected. At that time he had 39.76 percent of the votes, so he was just below the 40 percent figure, and he was not on the ballot in 10 States. Nevertheless, I think we have to examine this possibility.

Whether the shortcomings, as described by my two distinguished colleagues, of a runoff in the direct popular election in which no candidate gets 40 percent of the votes are greater than the shortcomings of any of the other plans, I am not yet willing to concede. But I am certainly willingly to study it, because I recognize it as one of the principal difficulties.

I have said from the beginning that I have not held out the direct popular vote plan as a panacea, without any problems at all, because as long as man devises a plan a few unscrupulous souls are going to try to take advantage of it, no matter what it is. What appeals to me about the Senate Joint Resolution 1 approach, which won a 339 to 70 vote in the House, is that it guarantees that the winner is going to have the most votes, and it will protect us at all stages of the process.

I want to thank both of my colleagues for their interest and for presenting these new ideas. We are willing to study them. I know they are both legislative craftsmen and recognize the need to search for the art of the possible. So in working together here in this body and trying to consult our colleagues in the other body, and the experts to which the Senator from Kansas alluded, I hope we can get the best possible plan, and that we will be able to make real progress. But we all know, from having gone through the constitutional amendment process before, that when we are looking for and need 67 colleagues to vote with us and ratification by three-fourths of the State legislatures, it is going to be impossible to get a plan that absolutely pleases everyone.

I know, from the record of our two distinguished colleagues, that they are going to do their very best to help us try to perfect the system and try to reconcile the system as best as we can.

I salute them for adding to the debate on this matter.

Mr. EAGLETON. Mr. President, I thank the Senator from Indiana for his kind remarks, and wish to say at this time that were it not for the efforts of the Senator from Indiana, we would not have the opportunity of considering this problem at all. It has been through his diligence and unswerving efforts over the past 5 years or more that at long last it appears that we will have a chance to have this issue before us. He is to be commended most highly for his efforts in this regard. I take his comments most seriously because he is truly an expert on this subject matter.

One brief comment on the Senator's remarks. He points out that in only one election, the first Lincoln election, did the winner receive less than 40 percent of the votes. Historically, that is true. But the winner has come precariously close to that 40-percent mark in other elections. It was true in the first Wilson election of 1912. The 1968 election of President Nixon was rather close to the 40-percent margin.

What concerns me very much about the direct election plan is that it will further encourage the proliferation of third, fourth, fifth, sixth, and seventh parties. Past history on elections which came close to 40 percent may, therefore, not be a perfect guide insofar as the future conduct of national elections is concerned. If my worries are realized, and if we do see an endless number of political parties involved in elections under the direct system plan in 1976 or 1980, or 1984, it may well be that it would be uncommon in the future for any of the national candidates to achieve as much as 40 percent of the vote.

This may be a needless worry. In any event, it is what has caused me, among other things, serious concern about the direct election plan, of which I am one of the cosponsors, as I pointed out in my earlier remarks.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. DOLE. Let me endorse the statement just made by the junior Senator from Missouri as to the great effort made by the Senator from Indiana. We all recognize the temper of the people and the need for some change; and hopefully the proposal offered this morning will shed some light—perhaps not—after it is carefully explored. I share the hope of the Senator from Indiana that it can be reviewed carefully, perhaps, with the Senator from Indiana, other committee and staff members.

We recognize that the time frame is narrow. We recognize the importance of moving as rapidly as possible with electoral reform. Hopefully, we can discuss the matter with the Senator from Indiana to determine if there may be a possibility of having brief hearings. But it is my hope and the hope of the junior Senator from Missouri to at least come forth with some principle embodying the efforts of the Senator from Indiana, that will alleviate some of the fears those in small and middle-sized States have, because the federal system plan, as we see it, without, of course, exploring all the possible pitfalls, does provide in principle for direct elections, and does also insure that the candidate elected would have broad-based support.

As far as I am concerned, this is its main strength. If it falls in some other area, we should know that, and will know it if we have hearings.

Mr. BAYH. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. BAYH. I appreciate the comments of my friend from Kansas. The reason I think it is imperative that we look into this plan is that it is very easy to examine ideas that look good on the surface, and find out that they really do not work quite as well as in practice. I say this without being at all critical of the plan submitted here today by our two distinguished colleagues, because I have not had a chance to study its implications fully. All I know is that in my 4- or 5-year study of this problem, I started out convinced that the direct popular vote would not work, and my main concern was the destruction by proliferation of parties of the two-party system.

By incorporating the 40-percent runoff provision, I felt we had sufficiently dealt with some of the nuisance splinter parties who get in just to achieve a bargaining position, and yet left the door open for a bona fide, valid third party. We have to recognize, for example, that the party of which our distinguished colleague from Kansas is a member started out as a minority party. Now they have the Presidency.

I do not think we want to say that from today on, for the next thousand years, we are going to preclude any splinter party from being able openly to capture the imagination of the American people.

But even when I became convinced that direct election was the best solution, as I just pointed out to my friend from Missouri——

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes, to continue and complete this exchange.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I shall hurry on. I just wanted to point out, as a sign of good faith, in talking to our distinguished friend from North Carolina, I thought perhaps he might be prevailed upon to join in the popular vote effort if we had the runoff provision with a joint session of the House and the Senate. I felt that perhaps we could thus maintain the system that our distinguished colleague from North Carolina is sincerely concerned about. But finally I came to the conclusion that the three criteria I mentioned before; namely, that the winner have the most votes, that everybody's vote count the same, and that everybody vote directly, were of overwhelming importance. That is why I came out in favor of Senate Joint Resolution 1.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. ALLEN. I congratulate the Senator from Missouri (Mr. EAGLETON) and the Senator from Kansas (Mr. DOLE) for the work and the thinking that has gone into this plan that they are suggesting. I must say, however, that I am not yet persuaded that any plan for modifying or abolishing the electoral college is in the public interest; and I have yet to be convinced of that.

The comment of the Senator from Missouri that his plan might well stop the proliferation of parties was interesting. But I wonder if that is correct. I see in the plan of the Senator from Missouri and the Senator from Kansas the possibility of more proliferation of parties, possibly, than under any other plan; and it would seem to me that if one candidate should literally sweep from 15

to 20 States of the Union, he would comply with the provisions of this proposal; namely, that he receive a plurality of the votes in the entire country and a plurality in States having 50 percent of the vote in the election without getting votes in other States.

So it would seem to me that there is serious danger of a real minority President being chosen—not one who failed to receive a plurality of the vote, but one who failed to get a majority of the overall vote—and having a plurality far below the 40 percent provided in the direct plan.

I would suggest, however, that the Senators who proposed this plan stick by the plan, and if it is not agreed upon by the Senate and the House of Representatives, that they cast their votes against any modification of the electoral college. I believe that would be in the public interest.

I thank the Senator for yielding.

Mr. EAGLETON. I thank my distinguished friend and colleague from Alabama. I think his remarks underscore all the more the necessity that this plan, as well as the other plans that have previously been submitted by other Senators, be given thorough and detailed examination by the Committee on the Judiciary.

As was pointed out by the Senator from Kansas (Mr. DOLE) and in my remarks, we do not know at this time whether this is utopian, whether this is the answer, whether this is the panacea. We think it has much to commend it, and we want the experts who comprise the Committee on the Judiciary—and I note in the Chamber, among the members of that committee, the Senator from North Carolina (Mr. ERWIN)—to consider this plan among others.

Mr. President, I yield the floor.

EXHIBIT 2

[From American Bar Association Journal]

DIRECT ELECTION VS. VOX POPULI

(By Thomas F. Eagleton)

Direct election is not the way to ensure the election of a President who is favored by a majority of the voters. The reason for this is the "antimajoritarian paradox": Direct elections will encourage a great number of candidates to run, and support for middle-of-the-road men will wither as factions unite behind their own parochial leaders. A runoff election will be necessary, and the two leading candidates may well be men too extreme to satisfy a majority of the electorate. The Federal System Plan would avoid this danger and, at the same time, eliminate the problems inherent in the archaic electoral college.

The idea that legitimate political authority flows from the voice of the people has a long and respectable history in Western culture—from Hesiod to Charlemagne to Jefferson, from Ivan the Terrible to Gene McCarthy. And for as many centuries constitutional scholars have struggled to establish the myths (like *vox populi, vox dei*) or the mechanisms (like our electoral procedures) that will make this formula work in practice.

Today we face an urgent and widely accepted need to reform our Presidential electoral process in the United States—to make it fairer, more representative and less likely to produce Presidents who do *not* have a clear popular mandate.

ASSOCIATION CLEARLY FAVORS DIRECT ELECTION

The American Bar Association has taken a position firmly in favor of the direct nationwide election of Presidents—one man, one vote, with a runoff election if no candidate receives at least 40 per cent of the vote. A constitutional amendment to this effect has passed the House of Representatives by a vote of 339 to 70, has cleared the Senate Judiciary Committee and is on the Senate floor. A full exposition of the evils of the present system and a case for the proposed direct election system is presented by William T. Gossett, a former President of the American Bar Association and Chairman of the Association's Special Committee on Electoral College Reform, in the March issue of this *Journal* (566 A.B.A.J. 225).

Direct election of the President—what could be simpler and fairer than that? I think this is the kind of ready reasoning that accounts for the lopsided vote in the House and for polls that show that state legislators and citizens alike, from large states and small, favor the direct election idea. This is the simple reasoning, I frankly admit, which prompted me to cosponsor Senator Birch Bayh's direct election proposal more than a year ago when I first entered the Senate.

RUNOFFS WOULD ASSURE ELECTION OF MINORITY PRESIDENTS

I have recently had serious second thoughts about the direct election proposal and particularly about its runoff provision. I now believe this formula would be an invitation to political extremism and that it would institutionalize an antimajoritarian system which would virtually assure that we would have minority Presidents. Moreover, I believe it would be all but unworkable.

The more important flaws, it seems to me, are these:

The runoff and special interest splinter parties. The Special Committee on Electoral College Reform found no risk that direct election with a runoff would splinter the two-party system. As Mr. Gossett states, "Analytically there are three distinct types of third party efforts—local, regional and national. The first two would undoubtedly be weakened by direct election [in comparison with their potential strength under the present electoral college]". As for the third possibility—national third parties—Mr. Gossett adduces expert opinion to the effect that inertia will perpetuate the two-party system, but nevertheless states that he and the Committee were "sufficiently concerned about the possibility of weakening the two party system" that they insisted on the 40 per cent runoff rule. A 50 per cent runoff provision, they felt, "would make runoffs the rule rather than the exception and positively encourage splinter candidacies", while no runoff at all would permit the election of Presidents with an unacceptably small plurality.[1]

Would a 40 per cent runoff rule offer significantly less encouragement to splinter parties than a 50 per cent runoff rule? I doubt it. In the absence of electoral votes, many racial, ethnic and other special interest groups would feel that they had lost all power in the election process since their ability to influence the outcome in key states with large blocs of electoral votes would be gone. Their only hope for regaining leverage under a direct election system would be through the creation of new Presidential parties. These parties would then solicit votes to promote their parochial causes—the National Gun Party, the National Dairy Farmers' Protective Party, the National Students' Party, the Black Welfare Rights Party, the Anti-War Party, the Antischool Busing Party. They would seek enough votes to create an opportunity for bargaining, either in a runoff election or immediately before the initial election when surveys indicated the closeness of the vote between the two major party candidates or the uncertainty that either of these candidates would obtain 40 per cent of the popular vote.

To quote Richard Scammon of the Elections Research Center, who is an advocate of direct election:

If you really want to stop proliferating candidates under any system you give people one vote. This is really why we have two parties operating in this country in November. You only get one shot at voting. Once you allow people a second shot under any conditions you give the opportunity, for example, for Mr. Wallace to in effect say to his electorate, "Now, on the first ballot vote your convictions. Stand up for what you really believe in. You will get another chance on the second ballot if you have to. Besides, we might make second place." . . . [The direct election with a runoff] is why in some parts of the South in primaries you get the first ballot loaded up with candidates, sometimes enormous numbers . . . because everybody knows, though, they are going to have a second shot at this.[2]

At one time, the difficulties of having one's name placed on the ballot in enough states to make a national campaign feasible would have prevented a proliferation of national candidacies. The Supreme Court's decision in *William* v. *Rhodes*, 393 U.S. 23 (1968), however, eliminated this impediment by ruling out unreasonably restrictive state requirements for third party participation.

The antimajoritarian paradox. While a multiple-candidacy election may give people a chance to vote for the man they most favor, it works against the election of Presidents favored by most of the people—majority Presidents.

Even a candidate who won the first heat by winning slightly over 40 per cent of the vote would have only a minority mandate. A runoff winner, even though he received a majority of the votes in the runoff, might well be a distant second choice of a majority of the voters who initially voted for someone else.

Indeed the runoff might tend to keep consensus candidates out of the running altogether. As each faction united behind the person who best expressed its parochial views, the potential support for middle-of-the-roaders on the first ballot would tend to shrivel. The constituencies of two special interest-candidates might be large enough to assure them places in a runoff, but too extreme to enable either candidate to satisfy a majority of the voters. For example, the voters could easily be confronted with a runoff choice between a Ronald Reagan and a Eugene McCarthy, neither of whom could serve as a consensus President.

TWO-PARTY SYSTEM ENCOURAGES CANDIDATES WITH WIDE APPEAL

Majority Presidents are a natural byproduct of a two-party system—both mathematically and in terms of voter appeal. Despite its disorderly compromises and uncom-

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[1] Gossett, *Direct Popular Election of the President*, 56 A.B.A.J. 229–231 (1970). See also Professor Ernest Brown's Comment on the Association's position: "The ABA Commission seems oblivious of the effect of a runoff system upon party structure, even in the face of evidence that its own report cites, but appears to misunderstand. In connection with assertions concerning the basis of the two-party system, its report refers to works of Key, Schattschneider, and Sindler. Yet if one checks those references, particularly the first two, they point strongly to the conclusion that a plurality system of election tends to bring into being and support a two-party organization, whereas the requirement for a runoff encourages the formation of multiple parties, and multiple candidacies. Perhaps even more instructive, though not referred to by the ABA Commission, is the late V. O. Key's notable study, *Southern Politics;* references to the operation and effects of a runoff system appear throughout the book. On more broadly based evidence, Duverger's *Political Parties* reaches even firmer conclusions on the effects of a runoff, or second-election, system." Brown, Review of BICKEL, THE NEW AGE OF POLITICAL REFORM, 118 U. PA. L. REV. 314–315 (1969).

[2] *Hearings on Electoral College Reform before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary*, 91st Cong., 1st Sess. at 341 (1969).

fortable contradictions, a two-party system at least promotes the election of Presidents whose sole objective from the moment they decide to run is to appeal to and represent the broadest possible spectrum of our pluralistic electorate.

Geographical distribution. It is easy to argue that a vote is a vote, no matter where it is counted, and that in a united nation each vote should count the same.

Under a direct election plan with a 40 per cent runoff, however, a Presidential candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the states. In 1968 Hubert Humphrey was the popular choice of only thirteen states plus the District of Columbia. Had he simply carried New York state by half the popular vote margin by which Lyndon Johnson carried it in 1964, he could have lost the seven states that he won by relatively close margins and still have been elected President by approximately 250,000 votes. He would, however, have been the preferred choice of the voters of just six out of fifty states and the District of Columbia.

Those who argue that the fatal flaw in the electoral college is that it can permit the election of a President who receives fewer popular votes than his rival point to the Harrison-Cleveland race of 1888. Cleveland had a popular vote margin of 95,000 gained by overwhelming victories in the solid South, but Harrison was elected by an electoral vote of 233 to 168. Under a direct election system, Cleveland's overwhelming victory among Alabama's 174,000 voters would have offset the popular preference of 2.9 million voters in New York, Ohio and Illinois.

In a federal system such as ours, it seems no more acceptable that a man should be President when he is the popular vote winner but the choice of people in only a small geographical area than when he is the winner in the electoral college but the loser in the popular vote.

Mechanics of direct election and runoff. In the computer age, it should be possible to count and, if need be, recount, a hundred million votes with accuracy and speed. As Mr. Gossett states, "The trend toward better regulated and more scientific vote counting has reduced and will continue to reduce the possibilities of irregularities while expediting the final outcome." Unfortunately, the direct election proposal now before the Senate has no provisions for actually executing the direct election formula. This responsibility is assigned to the states individually, with reserve power in Congress to override state regulations.

RECOUNT PROBLEM COULD BE STAGGERING

Potential vote count and fraud problems, however, would have to be dealt with completely and in detail before the first direct election. If it were a close election, like those of 1960 and 1968, the recount problem could be staggering. There are more than 150,000 polling places in the United States. Under a direct election system, two miscounted votes in each polling place would have shifted the 1968 election from Richard Nixon to Hubert Humphrey. The miscount of only one vote in *half* of this country's polling places in 1960 could have changed the result in that Presidential election. Under a simple direct election system, it would not be possible—as it is today—to isolate the states in which vote-count problems had arisen.

The possible incidence of recounts would be higher under a system requiring a runoff than under any other system. Not only might the two leading candidates run very close together, necessitating a recount; they might run so close to 40 per cent as to make it difficult to determine whether a runoff were necessary. Even if a runoff were obviously required, proximity between the vote totals of second and third candidates might necessitate a recount to determine which would participate in the runoff.

How would one deal with cases of election fraud in a direct election system, particularly when margins were slim? Would an entire election be invalid because ballot boxes had disappeared in some precincts or been stuffed in others? In what courts would the matter be justiciable, if any? Who would be the parties to such an action? Would aggrieved candidates sue local or state election officials—or the United States Government—or each other?

One needs little imagination to conjure up visions of elections in which the country anxiously awaited word of who its new President would be while recounters puzzled over discarded or poorly marked ballots in rural and urban precincts throughout the entire United States and candidates sought injunctions against declaration of a winner.

"VOX POPULI, VOX HUMBUG"?

Let me hasten to state at this point that I do not share the view of General Sherman, a champion of liberty, who wrote home to his wife in 1863, "Vox populi, vox humbug." On the contrary, I think the need for electoral reform is urgent today if the confidence of the electorate in our system of government is to be maintained. Equally urgent, however, is the need to devise a new electoral process that will produce candidates satisfactory to most of the people, most of the time.

An alternative—the Federal System Plan. In an effort to perpetuate the essential rightness of the one-man, one-vote concept, but to do so within a stable institutional framework, I have introduced what I call the "Federal System Plan", S.J. Res. 181, which is cosponsored by Senator Dole, Republican from Kansas, and Senator Stevens, Republican from Alaska.

WHAT THE FEDERAL SYSTEM PLAN WOULD PROVIDE

This system would provide that any candidate who was the popular vote victor under circumstances that demonstrated that this victory was based upon support throughout the nation would be elected President. It would substitute for the runoff an instant and automatic legitimating procedure in case no candidate had a broad popular mandate. And it would induce ideological groups to work within a two-party context by denying them the ability to paralyze the electoral process.

The Federal System Plan would work as follows:

1. A President would be elected if he (1) won a plurality of the national vote *and* (2) won *either* pluralities in more than 50 per cent of the states and the District of Columbia, *or* pluralities in states with 50 per cent of the voters in the election. The later would be called the "50 per cent rule".

2. If no candidate qualified, the election would be decided by electoral votes with each state having the number it has today. Each candidate would automatically receive the electoral votes of the states he won, thus avoiding the faithless elector. A candidate who won a majority of the electoral votes would be elected President.

3. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of states that went for third party candidates would be divided between the two leading national candidates in proportion to their share of the votes in those states. This automatic redistribution, should it ever occur, would avoid the dangers of horse-trading—and the concomitant danger to the balance of power—that would occur if Congress were the court of last resort, as it is now.

"50 PERCENT RULE" INDICATES AMOUNT OF SUPPORT

The "50 per cent rule" is designed to buttress the principle of popular sovereignty with an additional legitimating factor that stems from our federal tradition. It would award the Presidency to the national popular vote winner *if* he had been able to demonstrate that he had a broad base of support across the country. In my judgment, the "50 per cent rule" would provide a better indication of whether a popular vote winner had the national support needed to govern this country effectively than would the 40 per cent minimum popular vote formula contained in the present direct election proposal.

As for the third-party problem, the real key to eliminating third-party fragmentation in a Presidential election system is to persuade the voter that he is wasting his power to choose the next President if he votes for the candidate of a special interest party. The Federal System Plan achieves this result by providing that if the popular vote winner has not satisfied the "50 per cent rule", then the President will be selected on the basis of the vote outcome broken down on a state-by-state basis, where the votes of splinter candidates lose their effect. Virtually all third parties that did not have a broad national base—such as the Bull Moose Party had in 1912—would be discouraged from entering candidates.

Because this plan would perpetuate the two-party system, the vast majority of elections would be decided on the basis of the popular vote without resort to the fallback electoral votes; the redistribution of third party votes would be even rarer.

It is conceivable, under the Federal System Plan, that a President who did not have a popular plurality could be elected on the basis of electoral votes if the top vote getter failed to meet the established criteria for broadly based support. The plan would not have changed the outcome of any past Presidential election, including the Cleveland-Harrison election of 1888. But the incidence of close calls, when the will of a plurality of voters might have been overridden by electoral votes, would have been substantially reduced had the Federal System Plan been in force.

In 1916, for example, Wilson won by a margin of 580,000 in the popular vote. He won in thirty-one states—mostly small ones—with 277 electoral votes. A change of only 1,904 votes in California would have given that state's thirteen electoral votes—and the election—to Hughes, although Wilson still would have been the choice of most of the voters in most of the states. Under the Federal System Plan, Wilson would have won a clear victory with his popular plurality and with victories in over half of the states.

In 1948 a shift of 24,294 votes from Truman to Dewey in California, Illinois and Ohio could have given Dewey a victory in the electoral college, while Truman still held a plurality of the popular vote. If Dewey had won California and Illinois, but not Ohio, Truman's electoral votes would have thrown the election into the House. Under the Federal System Plan, the election would not even have gone as far as the electoral vote stage, because Truman would still have won a popular plurality as well as victories in over 50 per cent of the states.

The Kenney-Nixon race of 1960 could have been thrown into the House if Kennedy had lost three very close states: Illinois (margin: 8,000 votes), South Carolina (margin: 9,600 votes) and Hawaii (margin: 115 votes). Under the Federal System Plan, Kennedy's popular vote victory would have been confirmed by his victory in states with over 50 per cent of the voters in the 1960 election, with no resort to electoral votes.

By melding the direct election plan with a concept that takes this nation's federal design into account, I think we reduce the difficulties inherent in a simple one-man, one-vote proposal without abandoning the

basic idea that a majority should pick the President.

MAJOR PARTIES MUST WIN NATIONAL AND STATE VOTE

Under the Federal System Plan, the objective of each of the major parties would not only be to win in the national popular vote, but also to win in each state.

Candidates could be persuaded to pay attention to the needs of all parts of the country.

The power of swing states and the compensatory power of minority groups who live in them would be retained and the prospect of flourishing splinter parties negated.

The problem of voter fraud could be localized, and the complexities relating to vote recounts could be more easily avoided.

Finally, by increasing the potential importance of any state in proportion to the total vote cast by its citizens, we would create a new incentive to get out the vote.

[From the New York Post, Mar. 5, 1970]

SECOND THOUGHTS

(By Mankiewicz & Braden)

WASHINGTON.—A certified liberal was to rise in the Senate today to make a statement which will upset the liberal line.

It is well that Tom Eagleton, Missouri's freshman Democrat, should be the chosen instrument, for on everything from civil rights to defense appropriations Eagleton has taken positions which liberals regard as "right." Thus they cannot fail to accord him a hearing when he tells them that Birch Bayh's plan for direct election of the President could lead to disaster.

In the wake of the election of 1968, liberals in both parties panicked in the face of the George Wallace challenge and resolved not to spend another Election Night wondering whether they'd soon be pleading their causes in the House. There emerged the Bayh plan, simple and cloaked in one-man-one-vote Democratic raiment. It swiftly passed the House and is now the Senate's pending business.

The Bayh amendment provides simply that the man who gets the most votes—anywhere in the country—is elected President, provided he gets at least 40 per cent of the votes cast. That, it was thought, would do away with the specter of Wallace.

But as Eagleton began to examine the possibilities, he began to reconsider his earlier support. He will stress, in his speech, at least two major drawbacks—both of which, he believes, would be fatal to the preservation of the system Bayh intended to save.

The first of these is that a candidate could be elected who carried only a handful of states, perhaps only one. In 1968, for example, Hubert Humphrey carried only 13 states. If he had lost 12 of these by narrow margins, and increased his margin in New York to the amount by which Lyndon Johnson carried that state in 1964, Humphrey would have led Richard Nixon in the popular vote, though losing 49 of 50 states. Under the Bayh amendment, Humphrey would nevertheless be President.

Surely, so Eagleton reasoned, unless the United States has become as homogenous as, say, Costa Rica, it is unacceptable for a man to be elected President with so limited a geographic distribution of the popular vote. So much for drawback No. 1.

Drawback No. 2 lies in the Bayh amendment's provision for a runoff if neither major candidates wins 40 per cent of the vote. Far from eliminating strong third-party challenges, this provision would guarantee them.

First reasons Eagleton, many voters in 1968 swallowed their natural inclination to vote for Wallace only because they knew theirs would be a "wasted" vote—that Wallace could not carry for example, Illinois, New Jersey, Ohio or Michigan.

But if the first vote were "free"—to be followed by a probable runoff between the two major candidates—Wallace might easily have received 7 per cent more of the popular vote. He would thus have forced a runoff and he could have gone to Humphrey and Nixon and bargained with them for his support.

Eagleton thinks the Bayh amendment would turn a U.S. Presidential election into a Southern primary-at-large. If every vote counts equally where cast, and if there is to be a runoff, those with the special ideology would form their own parties for the first election.

U.S. elections would be contested by—for example—a Black Party, an Anti-Black Party a Small Winter-Wheat Growers Party, an Anti-Income Tax Party and so on. Each could get its votes in the first election; then bargain them off in the runoff.

Eagleton and his co-sponsor, Kansas Republican Sen. Dole, are basing their counterproposal on what they call the federal system plan. Based on intensive research by Washington attorney Myron Curzan, the Eagleton-Dole amendment would preserve some features of the present Electoral College while guaranteeing that the truly national popular choice would always win. It is not without complications, which is why it must be discussed in a future essay.

MAKING OF A PRESIDENT

(By Mankiewicz & Braden)

WASHINGTON.—When the Senate finishes with the Voting Rights Act and the nomination of Judge Harrold Carswell, it will have measurably affected the Nixon Southern strategy for 1970. It will then turn, as it rarely can, to a debate on a question of lasting, national and historic importance.

What is involved is the way we elect our Presidents. Specifically, the debate will concern the constitutional amendment proposed by Sen. Bayh (D-Ind.), nominally supported by a majority of the Senate and already passed by a substantial margin in the House. It is also supported by the President, who has indicated that he doesn't like it much, but has also indicated that he hasn't thought about it deeply.

The Bayh amendment, which might properly be called the anti-Wallace amendment, is designed to prevent forever the nightmare faced by the nation on the night of Nov. 5, 1968, when it appeared for a few hours that neither Richard Nixon nor Hubert Humphrey would get a majority of the electoral vote, thus throwing the election—according to the Constitution—into the House of Representatives.

The Bayh amendment has the great virtue of simplicity. It provides that the candidate who gets the most popular votes is the new President, provided only that his vote is 40 per cent of the total vote cast. If it is not, there is a subsequent election, between the top two candidates only.

Last week, Sens. Eagleton (D-Mo.) and Dole (R-Kan.) offered a counterproposal. It was, for Eagleton, a step of grave importance. He had been one of the co-sponsors of Bayh's amendment, and he is a member of the Senate's liberal bloc which has always supported the principle of one-man, one-vote.

But Eagleton, on analysis, had found serious drawbacks to the Bayh amendment. First, he pointed out, a candidate could win the Presidency with 40 per cent of the vote even though he carried no states at all. Second, he felt the amendment—by stressing national popular vote—would encourage rather than limit the creation of splinter parties, each hoping for a handful of votes which could then be traded for power in the runoff election:

"What will you give me if I ask the 2 million people who voted for me to cast their votes for you?" is a question which the Bayh plan conjures up, and with it all the horrors of the politics of ideology.

Eagleton and Dole proposed a substitute, which they have called the federal system plan, largely based on analysis and research by Washington attorney Myron Curzan.

The federal system plan combines features of the present Electoral College with the popular vote approach of the Bayh amendment to reach a result which would at the same time discourage a proliferation of smaller parties—thus sparing the nation the curse of ideological politics—and guarantee that a minority candidate could not emerge as President.

It would award the Presidency to the candidate who led in the popular vote—but only if he won the election in more than half the states (26) or if he won in states containing more than half the voting population. If no candidate met either requirement, the electoral vote would be decisive but it would be assigned automatically (thus eliminating the problem of the "faithless elector").

If no candidate, even then, had a majority of the electoral vote, the third-place candidate would be eliminated and his electoral votes distributed proportionately. Thus, a President would emerge with mathematical certainty—there would be no national cliff-hanging for days, either to count outlying returns or to determine if the leader really had 40 per cent, or only 39.99 per cent.

The Eagleton-Dole proposal preserves the federal system, requires candidates to campaign through the entire nation, retains the power of the smaller two-party "swing" states and diminishes the prospect of a number of single-issue third parties. It is quite the most sensible electoral reform passage since the emergence of national political parties 150 years ago.

[From the St. Louis (Mo.) Globe-Democrat, Mar. 7, 1970]

WALLACE RAISES FEARS AGAIN

(By Edward O. O'Brien)

WASHINGTON.—Again George C. Wallace is running for office, and again the former Alabama Governor is raising fears about the adequacy of the electoral-college process of electing Presidents.

If Wallace runs well in his bid for governor, the possibility of a serious third-party movement for the presidency in 1972 increases. In that event, Wallace could prevent either of the major party candidates from obtaining an electoral-college majority, and the election would be thrown to the House of Representatives. Or Wallace could try to make a deal for his votes within the electoral college.

To soften the potential impact of a renewed Wallace candidacy for President, the House last September took the historic step of approving a proposed constitutional amendment to abolish the electoral college and replace it with direct election of the President.

The House amendment has the virtue of simplicity. It states that the candidate receiving the largest number of votes becomes President as long as his vote is at least 40 per cent of the total. If no candidate gets 40 per cent there would be a run-off election between the two top candidates.

The amendment faithfully reflects the one-man-one-vote principle of popular sovereignty. Even President Nixon, who preferred some form of state-by-state bloc voting, endorsed the amendment as the only proposal offering hope of early adoption by two-thirds of the Senate and three-fourths of the states.

But now two midwest Senators—Missouri Democrat Thomas F. Eagleton, and Kansas Republican Robert Dole—have come along and suggested a modification which would adhere to the general proposition that a President should be the direct choice of the people, but would add the requirement that he should have enough broad support to hold a true mandate.

Under their plan, a winning presidential candidate would have to gain a plurality of the national vote—plus pluralities in more

than half of the states or in states with over 50 per cent of the total voters.

If no candidates won under this rule, the decision would revert to the present electoral-college formula. Thus, whatever the manner of choosing the winner, the concept of federalism would be blended with the principle of popular sovereignty.

Eagleton pointed out that the House's direct election plan, while superficially straight-forward, could produce strange results. In a two-party contest, for example, one candidate could lose in most states by a close margin and yet be elected President by piling up large margins in only one or two states.

Or, in a multi-party race, the victorious candidate could receive 40.1 per cent of the popular vote without being the popular choice of the voters in any state.

Another danger stressed by Eagleton is that the House plan would lead to the proliferation of political parties and probably to the death of the two-party system, which has given stability and durability to American political institutions.

As Eagleton said, "why should people not 'vote their conscience' in a first election when the system will probably permit them a later opportunity to vote for a so-called compromise choice?

"Why should blacks, or farmers, or doctors, or conservationists or feminists bother to compromise within the two-party context when their most direct route to influence would appear to be through running candidates who can toss presidential elections into a run-off situation?"

It would be an irony if fear of George Wallace and of third-party movements generally forced enactment of a Constitutional change that in fact would stimulate the growth of splinter parties.

Eagleton's challenge to the House amendment and to the similar change sponsored by Indiana Senator Birch Bayh admittedly came late in the debate on electoral reform.

But, as Eagleton said, "the step we are about to take in electoral reform is a momentous one, and should not be taken without first examining all of the alternatives."

[From the Washington Star, Mar. 7, 1970]

NEW VOTE REFORM PLAN MAY BE WINNER

(By Lyle Denniston)

Only weeks before the first Senate showdown on future presidential election methods, a brand new plan of reform has surfaced.

But its emergence this late is, in fact, not so sudden. And its marked difference from other, older plans does not necessarily mean it has no chance.

Those behind the plan have been circulating it for months, and its unveiling now comes simple because it has begun to draw some support and to show a potential for gaining more.

The plan, introduced in the Senate Thursday, is formally the "federal system plan"—or, in Senate vernacular, the "Eagleton-Dole plan" after the names of the two freshman senators who were its original sponsors.

Explained oversimply, the plan would let the people choose the president by direct, popular vote, provided that the winning candidate's votes were scattered widely across the nation.

DIFFERS FROM HOUSE PLAN

It differs from a House-passed version of a new constitutional amendment. That version is a direct vote plan, too, but it would let the winner become president—no matter where his votes came from—if he had at least 40 percent of all votes cast.

At this point, seven weeks before the Senate Judiciary Committee's showdown on electoral reform, the House-passed plan is the only one of the older alternatives that seems to have any prospect for Senate passage.

But even the supporters of the House plan concede that they do not now have enough pledges of support to get the necessary two-thirds vote of final approval in the full Senate.

A liberal "defection" from the House-approved version is the most significant change on electoral reform prospects on Capitol Hill in recent weeks.

Indeed, that very defection seems to have played a role in bringing forth the new, "federal system plan."

Late last year, a series of liberal political commentators began appearing in print, in magazines and newspapers, with doubts about the House-passed plan.

FINDS POTENTIAL AUDIENCE

At about that time, Myron P. (Mike) Curzan, a Washington attorney who was once an aide to the late Sen. Robert F. Kennedy, began circulating early versions of what has become the Eagleton-Dole approach.

His plan seemed to find at least a potential audience among the defecting liberals. It appeared to meet two key problems which that group had found in the House-passed plan. It was felt the House plan would take much election power away from cities and large states, and might promote the formation of small "splinter" parties with possibly major bargaining power over the two big parties' candidates.

The alternative plan, by requiring the winner to have a wide mandate geographically or from states with a majority of the voters, seemed to satisfy both concerns.

Significantly, however, the new approach had strong potential appeal to conservative elements, too. Those groups, of course, have never been able to accept the House plan with its undiluted direct, popular vote approach.

They, too, worried about "splinter" parties cropping up. And they were worried because the states would have no role at all, and thus the "federal system" would have been wiped out at least in presidential election politics.

PRESIDENT'S POSITION

It was those same concerns which, for most of last year, had kept President Nixon from embracing the House plan. Even today, while formally endorsing it, he is apparently unprepared to work hard for its adoption.

Thus, the new plan—now the "Eagleton-Dole plan" because it has some refinements in the Curzan proposal—not only had the potential of reaching defecting liberals and discontent conservatives.

More significantly, it also has some chance of being embraced openly by the President and becoming the object of lobbying efforts by his aides.

The atmosphere in which the plan arrives in the Senate also is considered by its sponsors to be good for the plan.

Older alternatives to the House plan are commonly considered to be dead, with no hope of revival. Those alternatives would keep the present Electoral College, indirect system, and simply count the electoral votes differently.

With that prospect in mind, last-ditch opponents of the House plan have frankly conceded they have only one hope left: A negative response, trying to kill the House plan rather than trying—forlornly—to get an alternative.

COULD BE RALLYING POINT

But the Eagleton-Dole plan could become a rallying point for some of these forces, too. Most senators in that group, and the lobbyists trying to help them, do not like the House plan because of its failure to provide a role for the states. The Eagleton-Dole plan does provide that.

Still, there appears to be one risk—a sizable one—that surrounds the new approach. That is the possibility that it will divide the forces that have been committed to some kind of reform of presidential elections, and thus stall the effort.

All along, the reform elements have argued that if they could only stick together on a plan like the one passed by the House, they might succeed. Unless a wholesale switch of these groups to the new plan, or some version of it, comes about, the potential division now foreseen could be decisive against any change.

The answer of the Eagleton-Dole "bloc," if it can be called that at this point, is that the House plan simply has had its chance, and it can't win in the Senate, so a switch must come.

The two strategies will have until April 24, the first crucial test vote in the Senate committee, to be tested.

[From the Washington Post, Mar. 15, 1970]

HOW SHALL WE ELECT THE PRESIDENT?

Senators Eagleton and Dole have complicated the electoral problem that will soon be before the Senate by introducing a wholly new proposed constitutional amendment called the "federal system plan." Fearing that direct election of the President under the amendment approved by the House might install in the White House a man without a broad base of support in the country, the two senators would require the winner of the popular vote to meet two additional tests. He would have to have a plurality "in states containing more than 50 per centum of the total number of voters in such election or in more than 50 per cent of the states."

The proposal focuses attention on what is undoubtedly the weakest point in the House amendment—the run-off election between the two top presidential candidates if neither of them has 40 per cent of the total vote. Run-off elections are usually a nuisance and would be especially so after a long grueling presidential campaign. The major question that must be asked is whether Senators Eagleton and Dole have come up with a satisfactory substitute. Their formula, if no candidate could meet their "50 per cent" test, is to go back to the electoral-vote system, with the possibility of unfaithful electors eliminated.

The problem does not end there, of course, for under the present system if no candidate has a majority of electoral votes the election is thrown into the House of Representatives under a grossly undemocratic procedure. To eliminate that possibility, the "federal system plan" would take away the electoral votes that had been won by any third and fourth candidates and divide them between the two top candidates in proportion to their popular votes in the respective states. The result would be an arbitrary assignment of votes without any indication of how they might have been cast if there had been only two men in the race. Perhaps this would be better than letting an electoral contest go into the House, but would it be better than a run-off?

It is clear, moreover, that another weakness remains in the Eagleton-Dole formula. Falling back on an electoral count would make it possible for the winner in the popular vote to be defeated. Supporters of the "federal system plan" obviously think it is more important for the President to have broad geographical standing than a plurality of the popular vote. But since a chief purpose of the current reform movement is to eliminate the possibility of installing in the White House a candidate with fewer votes than his rival, this aspect of the proposal is far from being satisfactory.

No doubt the Senate will want to consider this new idea carefully, belated and complex though it is. There would be a certain advantage in retaining competition between the parties to win in each state as well as in the national popular vote. Senator Eagleton has also pointed out that the possibility of a can-

didate qualifying by winning in states with 50 per cent of the votes cast would be a new incentive to get out the vote. It is well to remember, however, that the difficulties with recounting a close vote which he cites in determining whether a candidate has 40 per cent of the popular vote under the House-approved resolution would also be present in determining 50 per cent of the votes cast under his proposal.

The interest of this newspaper is in getting a sound and workable resolution for direct election of the President through the Senate and before the states for ratification as promptly as is feasible. We do not think Senator Bayh's version, which corresponds to the House resolution, is by any means perfect or sacrosanct. But if it is to be amended to require broader geographical standing of the winning presidential candidate and to eliminate the run-off provision, we think its critics should come up with something better in the way of a fail-safe system than the discredited electoral device which might put the popular-vote loser in the White House.

[From The Charlotte (N.C.) Observer, Mar. 16, 1970]

EAGLETON-DOLE REFORM PLAN COULD BE ELECTORAL SOLUTION

Efforts in the Senate to revive fading hopes for presidential election reform have produced a new plan that looks better than the direct election plan passed last year by the House.

The alternate has been offered by Republican Sen. Robert Dole of Kansas and Democratic Sen. Thomas Eagleton of Missouri. It is a compromise of sorts, combining direct election of presidents with features of the present electoral college.

But the result is new and promising. The Eagleton-Dole plan guards against the most serious risks of direct election. It also preserves a role for the states.

Basically, the Eagleton-Dole plan offers direct election of presidents. However a winner must get a plurality of the national vote and pluralities either in a majority of the states or in those states where more than half the total national vote is cast.

Thus no candidate can be an also-ran in most areas of the country and still wind up a winner by carrying one or two states by large margins. This avoids the risk that direct election might produce a winner without a recognizable national mandate.

In case third or fourth party candidates keep the national leader from carrying more than half the states or states where more than half the vote is cast, an electoral-vote arrangement will take over. The two top vote-getters nationally will be credited with the electoral votes of states they carry. Then candidates running third, fourth, etc., in the national voting will be eliminated. And the electoral votes of states won by them will be apportioned between the two top vote-getters in proportion to their votes in those states. The candidate with the most electoral votes would then be declared elected.

The role of the electoral vote sounds more complicated than it is. It allows immediate calculation of the winner under any circumstances (thus avoiding the run-off that might be necessary in the House-passed direct election plan or the congressional selection of a president now possible under the electoral college system).

Perhaps most important, the Eagleton-Dole plan prevents third party candidates from using their vote-getting power in limited areas to blackjack genuine national candidates. For there would be no way for them to sell their support in a run-off or trade their votes in the electoral college.

The Eagleton-Dole plan minimizes some other risk—such as the chance that a close direct election might be decided by a nationwide rash of vote-count errors in scattered precincts or by compounded finagling in political fiefdoms.

The plan needs further study and debate before it can earn unqualified recommendation for Senate-House approval and state ratification. But on its face, it is a promising replacement for the creaky 18th century electoral college system.

[From the Springfield (Mo.) Leader-Press, Mar. 17, 1970]

A LIKELY "HOW"

With the ghost that haunted the 1968 presidential election still in good spectral health, we can count on congressional action to exorcise the demon before the next great contest rolls around. This is a reform that even politicians know must be undertaken.

The big question is how? Many proposals for reform were advanced at the time of the 1968 election, others have been advocated since. But it is apparent the American people lean to some sort of one-man one-vote plan and abolishment of the old Electoral College.

The House has passed a version of a new constitutional amendment that proposes just about that—an outright and direct election of our presidents. But almost everyone—liberals and conservatives, Democrats and Republicans—has qualms about it. If the old system weighs everything in favor of large cities in the election of a president, the new one inclines considerable odds to the netherlands—not so bad, except both parties fear this will lead to splinter parties forming in the midlands, and they could truly create a headache.

For some time, a new proposal has been cooking, and just over a week ago, it was introduced in the Senate, known as the Eagleton-Dole plan for its co-sponsors Sens. Thomas Eagleton, D-Mo., and Robert Dole, R-Kan.

Here, briefly, is what it encompasses: A president would be elected if he won a plurality of the national vote, plus pluralities in either a majority of the states or in states with a majority of the electoral votes.

This would negate to a large extent the people of any one part of the nation controlling the election—give the president the added assurance of much broader support—and it would eliminate much of the current fear of splinter factions.

However, there is the possibility that no candidate could qualify under the system just described—one candidate might not win a plurality.

Provision is made for that. In such case, the election would go to an Electoral College with the same representation as today, but with one important difference: each candidate would automatically win the electoral votes of the states he carries.

And if—as is possible in a three party race, though most unlikely—there were still no winner, the third party candidate's electoral votes would be distributed to the top two contenders in proportion to their share of the popular vote in those states.

A good plan, but a trifle late since the House already has passed its proposed amendment. However, it is quite possible that the House plan will fail to receive the two-thirds of the Senate vote it must have for acceptance. Too, foes of the House plan will rally against it now with an alternative in prospect.

It might—it just might—be the thing to win.

[From the St. Louis (Mo.) Post-Dispatch, Mar. 18, 1970]

COMPLICATING ELECTORAL REFORM

Just as the Senate approaches consideration of a constitutional amendment for popular election of President, Senators Eagleton of Missouri and Dole of Kansas have offered a "compromise" which is both clever and confusing. What it compromises is the idea of popular election, and what it confuses is the issue of Electoral College reform.

The "federal system plan," as Senator Eagleton calls it, would give the presidency to the candidate with the most popular votes *if* he won more than half the states or states with more than half the population. If no candidate satisfied that test of state acceptance, the President would be selected on the basis of electoral votes as at present. If no candidate won an electoral majority, then the two leading candidates would divide the electoral votes won by third-party candidates in the same proportion as the two leaders received votes in a state.

This plan, we think, simply fails to accomplish the main objectives of electoral reform. It does not assure that the candidate with the most votes will win the presidency. It is not based on the one man, one vote democratic principle. It does not create a national constituency for the one truly national office, the presidency. And in its final sections it retains the outmoded electoral system and arbitrarily recasts third-party votes as the voters never intended, giving them no further say in the matter.

Senator Eagleton backs this, he says, because the popular vote winner should have "widespread national support." He means geographic support, not popular support. But the fear that returns in only one or two big states might make a winner of a candidate opposed everywhere else seem slim; it has simply never happened. The nation does not need geographic gimmicks interfering with the popular will.

The odd part of it is that small states and big states, and conservatives often and liberals sometimes, and rural spokesmen and city spokesmen, have defended either the present system or some such geographic weighting of votes as favorable to them. But these contending interests cannot all have it their way, and their effort to do so leaves both principle and the people behind.

The Missouri Senator also objects to a mechanical feature of the popular vote proposal. This calls for a runoff between the two leading candidates if neither has won 40 per cent of the popular vote. Mr. Eagleton thinks this system would encourage third parties trying to compel a runoff so they could force deals on potential winners.

Maybe so; the fact is that the American Bar Association commended the 40 per cent plan for just the opposite reason, that it would encourage factions to work within the major parties. For the only President to fail to win 40 per cent was Abraham Lincoln in 1860, who won 39 per cent though he was not on the ballot in 10 states—and no third party has come close to winning the minimal 20 per cent necessary to force a runoff.

Americans, as the ABA noted, have been willing to accept a 40 per cent vote as an indication of national support for President. They might be willing to accept less, in which case the Senate might consider abandoning the runoff plan. But the substitution of the Eagleton plan for canceling out votes already cast is unworthy of serious consideration.

Finally, there is the Senator's objection that 38 state legislatures would not ratify the popular election proposal. But no alternative—and the Eagleton plan is only one of several—is likely to do as well. After all, the House has approved popular election by 339 votes to 70. The idea has the support of the Bar, the national Chamber of Commerce, the AFL–CIO and, according to opinion polls, 81 per cent of the people. Moreover, legislators in at least 30 states last year have tended toward ratification.

For the Senate to turn its back now on the principle of popular election and the broad support for it would be a disastrous blow

to any hope of electoral reform. The "federal system plan" is simply not worth it.

[From the Independence (Mo.) Examiner, Mar. 23, 1970]

A NEW PLAN FOR ELECTING PRESIDENTS

A new plan has emerged in Washington on future presidential election methods.

The new format was introduced jointly in the Senate by Sens. Thomas F. Eagleton and Robert J. Dole. It was introduced last week and is formally called the "federal system plan." In Senate vernacular, it is referred to as the "Eagleton-Dole" plan.

Several Washington newsmen took a long, hard look at the plan and say it has drawn some support and has a good chance of attracting more.

Briefly, the plan would let the people choose the president by direct popular vote, provided that the winning candidate's votes were scattered widely across the nation.

Generally speaking, the Senate is presently in disagreement over a House bill providing for a new vote reform. The House-approved bill is a direct vote plan, too, but it would let the winner become president—no matter where his votes came from—if he had 40 per cent of the votes cast.

In the Senate, even supporters of the House-approved plan concede that they do not have enough pledges of support to get the necessary two-thirds vote of final approval in the full Senate.

Opponents of the House-approved plan feel it would take much election power away from the cities and large states, and possibly would promote the formation of small splinter parties with probable major bargaining power over the two big parties' candidates.

The Eagleton-Dole plan, by requiring the winner to have a wide mandate geographically or from states with a majority of the voters, seems to satisfy everyone.

However, the Eagleton-Dole approach has strong appeal to conservative elements, too. Those groups have never been able to accept the House plan with its undiluted direct, popular vote approach.

Also the Senate Judiciary Committee is considering a resolution for another plan, which would essentially establish the same system as the House-approved plan.

The Eagleton-Dole plan is a modified direct election formula. It would work as follows:

1. A president would be elected if he won a plurality of the national vote and won either pluralities in more than 50 per cent of the states and D.C., or pluralities in states with 50 per cent of the voters in the election.

2. If no candidate qualified, the election would go to an Electoral College where the states would be represented as they are today, and each candidate would automatically receive the electoral votes of the states he won.

3. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of the states which went for a third-party candidate would be divided between the two leading national candidates in proportion to their share of the popular votes in those states.

The cosponsors of the federal system plan, long with some Washington correspondents and members of the Senate, see these several advantages in the Eagleton-Dole plan:

It would give far greater weight to the one-man, one-vote principle than does our present system.

It would help newly elected presidents by compelling them to show widespread support throughout the country, rather than just winning big in a few areas.

It would avoid the uncertainties and horse-trading of a runoff.

It would discourage the formation of ideological splinter parties, and encourage continued compromise within a broadly based two-party system.

[From the Washington Post, Mar. 29, 1970]

ELECTORAL REFORM: ROOM FOR IMPROVEMENT

Suggestions are coming from a number of sources for improvement of the proposed constitutional amendment to abolish the outworn electoral college and provide for direct election of the President and Vice President. Dissatisfaction with the version passed by the House centers, as we noted recently on this page, with its run-off provision if no candidate should receive at least 40 per cent of the popular vote in the regular election. Senators Eagleton and Dole are sponsoring a substitute for the run-off which itself has run into criticism, and some efforts are now being made to modify the substitute.

An especially useful comment comes from Dr. Paul T. David of the University of Virginia. He is concerned, as we are, that the Eagleton-Dole formula designed to make certain that the winning presidential candidate would have broad support geographically might result in the election of a minority President. In order to win under the Eagleton-Dole amendment a candidate would have to poll a plurality of the vote in more than 50 per cent of the states or in states casting more than 50 per cent of the vote in that election. Elevation of the loser in the popular vote to the White House would probably be a rare occurrence under this arrangement, but in amending the Constitution to provide for popular election of the President no such loophole should be left open.

Dr. David suggests, therefore, that in no event should the Eagleton-Dole formula come into effect if one candidate has a clear majority of the vote. Any candidate carrying more than 50 per cent of the voters with him, whether he had one rival or several, would be elected—period. The rather complicated Eagleton-Dole "50 per cent" test would come into play only if a three-way race should leave some doubt as to the people's choice. This seems to us to be a desirable limitation if any geographical qualification is to be required of the winning candidate.

One other objection that has been raised against the Eagleton-Dole amendment is that it would fall back upon the present electoral vote system for determining who shall be President if no one should pass the first popular-vote-geographical-distribution screening. Objections have also been raised against the provision that, as a last resort, the electoral votes of third and fourth candidates be divided between the top two to avoid having a contest thrown into the House of Representatives. These proposals have to be balanced against the weakness of the run-off device in the House resolution. The fact that the House has come up with a better electoral system than the one we now have should not preclude the Senate from improving it if it can. But any substitute that is offered should certainly be as complaint-proof as possible before the Senate is asked to vote on it.

[From the Washington Star, Apr. 12, 1970]

ELECTORAL REFORM NEEDS CLOSE SCRUTINY

(By Carl T. Rowan)

Ever since George Wallace brought the threat of near calamity to the 1968 Presidential election, Americans have been of a mood to change the archaic system through which we pick our Presidents.

They want a one-man, one-vote setup—not the current electoral hodgepodge where one electoral vote represents some 400,000 people in California but only 75,000 in Alaska. They want the people to choose their President directly, without the in-between hocus-pocus of electors who are free to betray the voters, as has been done in the past.

For at least a while, the public was aware that a shift of fewer than 42,000 votes in New Jersey, Missouri, and Alaska in 1968 would have produced a "no decision" election, throwing the country open to some potentially-sordid third-party bargaining for electoral votes.

Public concern over all this has provoked the House of Representatives to approve, 339 to 70, the first major change in our system of choosing a President in 165 years. It approved a Constitutional Amendment that would abolish the Electoral College and give the Presidency to the candidate with the largest popular vote. If no candidate received a plurality of more than 40 percent there would be a runoff of the two leading candidates.

It is well and proper that, as the "Wallace scare" diminishes, responsible Americans ask some probing question about whether the new system itself is so simple that it embodies potential abuses just as disturbing as the old system.

Sens. Thomas F. Eagleton, D.-Mo., and Robert J. Dole, R-Kan., think it does. And these two supporters of electoral reform have come up with an alternative that deserves the most serious consideration of the Congress and the people.

Their critics say that they are Johnnies-come-lately who are muddying the water at a time when electoral reform seems to have clear sailing. But Eagleton and Dole are convinced that even if the Senate passes the Bayh amendment (similar to that passed by the House) it can never win ratification by the required 38 states.

Eagleton points out that the plan fostered by Sen. Birch Bayh, D-Ind., and approved by the House would make it possible for a candidate to win the Presidency by piling up huge majorities in a few states (New York, Michigan, Illinois, etc.) while being rejected by a vast majority of the states. He wants a system that forces candidates to work hard to win South Dakota and Nevada just as they work to win California and Ohio.

Eagleton worries that the runoff provision of the Bayh amendment will inspire a proliferation of splinter parties. He sees labor, blacks, leftists, the anti-income tax cult, and other groups deliberately forcing a runoff in the hope of using their followers to strike a bargain with one of the two top candidates.

Eagleton also sees the direct-election plan as raising awesome problems relating to vote frauds and recounts. He reminds Senators that a miscounting of a single vote in less than half of the nation's 150,000 polling places would have altered the outcome of the 1960 election, and a change of two votes in each polling place would have produced a new winner in 1968 under the direct election process.

So Eagleton and Dole advocate a new system in which a President would be elected if he won a plurality of the national vote—and in addition won either a plurality in more than 50 percent of the states (including the District of Columbia), or won pluralities in states containing more than 50 percent of the voters.

If the popular vote winner failed to satisfy either of the "50 percent" requirements, the President would be selected on the basis of electoral votes. The candidate with the most popular votes in a given state would automatically get all that state's electoral votes. If no candidate received a majority of electoral votes, all but the two top candidates would be eliminated. The electoral votes of third-party candidates would be awarded on a state-by-state basis to the two national candidates in proportion to their share of the popular vote in the respective states.

It is not as complicated as it sounds. It has a few flaws, too. But the Eagleton-Dole plan has the virtue of giving greater weight to the one-man, one-vote principle that is now the case; it retains some "swing

vote" power for political and ethnic minorities; it compels a candidate to develop broad geographical support, it discourages splinter parties and protects against the horsetrading of runoffs.

Eagleton and Dole are late. But it is never too late to devote proper attention to ensuring that as we junk a system that has survived 165 years, we replace it with something clearly better and hopefully more durable.

[From the Washington Post, Apr. 15, 1970]

DIRECT ELECTION OF THE PRESIDENT

The Senate Judiciary Committee opens hearings today on what may well be the most important change in the Constitution since the Bill of Rights and the post-Civil War amendments. The business before the committee will be the resolution already passed by the House for abolition of the electoral college and establishment in its place of a system for direct election of the President and Vice President.

Some of the witnesses are expected to favor only limited changes in the present system, but almost no one wants to keep the complex formula devised by the founding fathers nearly two centuries ago in its present form. The "unfaithful elector" has become a bugaboo of every presidential contest, and the country appears no longer willing to trust unknown "dummies" chosen in the various states to carry out their will in "electing" the President. Likewise there is enormous distrust of the present contingency electoral plan if no candidate wins a clear majority of electoral votes. Almost no one wants to see this vital decision made by the House of Representatives, with the delegation from each state casting only a single vote.

Opponents of the direct-election amendment are concentrating, therefore, on correction of these two major defects in the present system. Typical of their approach is the compromise introduced by Senator Ervin. His amendment would require that each state's electoral votes (one for each representative and senator) be cast for the plurality winner of the presidential contest in the state, with electors eliminated from the system. If no nominee had an electoral vote majority, the final choice of President would be made by a joint session of Congress, with each member of the House and Senate casting one vote.

There is much to be said for this compromise. It would preserve the main structure of the system with which the country is familiar while eliminating some critical defects. But it would leave the door open to defeat of the candidate with the largest number of popular votes. Senator Ervin attempts to play down this defect by saying that the electoral college has only once chosen a President who was not a winner of the popular vote—Benjamin Harrison. Nevertheless, this weakness of the electoral-vote system looms large at a time when there is great emphasis on the presidency as the focal point of the popular will.

The major task of the Senate Judiciary Committee, therefore, is to scrutinize the direct-election plan adopted by the House. That plan has met with widespread approval, except for some concern about the proposed runoff election if no candidate should poll 40 per cent of the popular vote. Some authorities fear that, in a close election, the necessity for determining a percentage figure might cause confusion and encourage fraud, and that the possibility of a runoff might encourage a proliferation of minor parties. In our view these fears are substantial enough to oblige the committee at least to look at various substitutes. Senator Tydings has offered an amendment which would make use of the electoral vote mechanism to determine the winner if no candidate had 40 per cent of the popular vote. In order to discourage party splinterization his proposal would permit the counting of electoral votes in each state for only the two pairs of candidates (President and Vice President) with the highest number of votes in the popular election.

Senators Eagleton and Dole have offered a proposal designed to eliminate any runoff election and to assure that the winner will have wide geographical support. Still other variants are available. No doubt the hearing will concentrate on these proposed improvements in the House resolution in the hope of devising a sound formula that will command general support. We think it is imperative to correct the weaknesses in the present system and to make the new method for selecting the "People's President" as foolproof as possible.

[From the New York Times, Apr. 19, 1970]

IN THE NATION: TROUBLE FOR ELECTORAL REFORM

(By Tom Wicker)

WASHINGTON.—Reform of the Electoral College, which almost everyone thinks is necessary, is in trouble again for the same old reason: not enough of those who matter can agree on which reform ought to be approved.

The House has passed a direct-election amendment which has the enthusiastic backing of the American Bar Association and the more grudging support of President Nixon. But it now appears that this amendment cannot be approved in the Senate Judiciary Committee without fundamental changes in its character.

PRINCIPAL FEARS

Two principal fears have been expressed about the direct-election amendment. The first is that it might permit someone to be elected President who won a large popular majority in New York and one or two other states, but who lost all the other states. The second is that it would result in a dangerous proliferation of small parties.

It would do this, critics say, because the direct-election amendment would provide that any candidate winning 40 per cent of the popular vote would be elected President; and that a runoff would be held between the two top men if no one won 40 per cent of the vote. Thus, it is charged, numerous splinter groups and personality cults would put up candidates merely to keep anyone from getting 40 per cent, then bargain with the top men for their support in the runoff.

The first of these criticisms is the least. While such a narrowly won victory would certainly be possible—Hubert Humphrey very nearly carried the popular vote in just such a manner in 1968—it is an open question whether a President so elected would be less acceptable to the people than a President who won the Electoral College but lost the popular vote (a possibility which is a principal defect of the present system). It is not true, moreover, that a President who won by getting big majorities in New York or California and a few other states, would have no other national base of support; to win in such a manner, he would still have to run well, even if he lost, in many other states and sections—as Mr. Humphrey did, in fact.

The second charge is more substantial, but still unconvincing. In the first place, it is not certain that the Electoral College has had much to do, in the past, with maintaining the two-party system; in fact, George Wallace ran in 1968 precisely because he thought he could keep anyone from winning a majority of the Electoral College, and so did Strom Thurmond in 1948.

In the second place, even if on occasion the 40 per cent rule did permit splinter parties to keep any major candidate from winning a majority, there would be a runoff between the two top men, and the very proliferation of small parties that some fear would then work to prevent their combining to support any one of the two leaders. Their "bargaining position" would certainly be less threatening (assuming their various interest to be selfish) than would that of a strong third-party candidate holding the balance of power in the Electoral College or the House of Representatives under the present system.

But few are proposing that the present system be retained. Instead, Senator Tydings of Maryland, who holds one of the key votes in the Judiciary Committee, is proposing that the House-passed amendment be changed in one vital regard—if no Presidential candidate got 40 per cent of the popular vote, then the state electoral vote system would be revived to determine a winner between the two men nationally.

SPLINTER-PARTY PROBLEM

That would handle the splinter-party problem by putting them all out of business. If only the two top popular vote-getters could be assigned electoral votes, then a minor-party candidate who carried one or two states, but who came in third in the national party vote, would be deprived arbitrarily of the electoral votes even of the states he had carried. Besides, the Tydings proposal would revive the possibility of someone winning the Electoral College with a minority of the popular vote, and add the fact that such a winner would have less than 40 per cent of the popular vote.

Senator Eagleton of Missouri has a much fairer but more complicated proposal, designed to make certain of a broad-based victory. It would require a popular-vote winner to carry either a majority of the states or a plurality of the vote in any group of states casting more than 50 per cent of the total vote. But, failing all these tests, Mr. Eagleton, too, would revive the Electoral College and with it the distinct possibility of a President with a minority of the popular vote. If no one had an electoral majority, the proposal would arbitrarily redistribute the electoral votes of minor-party candidates to the top two men—another device that might put minor parties out of contention.

The Judiciary Committee also has before it a straight popular-vote system in which the high man would win, regardless of percentage. That would give minor parties equal opportunity but no second-round bargaining leverage, put an end to dead-locked elections, and might well prove the best solution.

But Senator Ervin is pushing a simpler amendment, which would retain electoral votes but not human electors, and let Congress decide a disputed election by majority vote, rather than the House by a vote of the states. To this limited reform, which inadequately patches rather than changes the present system, Congress may turn if direct-vote advocates cannot soon agree among themselves.

[From the Kansas City (Mo.) Times, Apr. 20, 1970]

ONE MORE PLAN FOR THE ELECTION OF A PRESIDENT

Sen. Thomas Eagleton (D-Mo.) says frankly that the plan for the election of a President offered by himself and Sen. Bob Dole (R-Kas.) is most appealing to those who believe in the 2-party system.

It was the third party of George Wallace and the large vote he won in 1968 that put Congress in the business of electoral reform and the current move toward a constitutional amendment. If Wallace had won enough electoral votes, the election could have been thrown into the House of Representatives complete with deals and unsavory trading.

Thus the Bayh amendment, already approved by the House, in which the electoral college would be abolished and the winning candidate would be the one who received a plurality of more than 40 per cent of the vote.

If no candidate reached that figure, a runoff election would be held between the two candidates who had received the most votes.

The Eagleton-Dole argument is that the Bayh amendment would inspire a proliferation of splinter parties on the basis of geography, ethnic or racial background and a whole array of special interests. The horse-trading and deals still would be involved in the runoff election as the small-party candidate would agree to deliver their votes for promises. Moreover, the Bayh plan would let a candidate win by running up big majorities in the populous states, the argument goes, and their would be only perfunctory campaigning elsewhere.

As a substitute Eagleton and Dole have offered their own plan. A President would be elected if he won a plurality of the national vote (more votes than any other candidate) and if he won either pluralities in more than half the states and the District of Columbia or pluralities in states with more than 50 per cent of the voters in the election. If no candidate qualified under those requirements, the electoral college would go into action as it does today. That failing, the electoral votes of lesser candidates automatically would be divided between the two top candidates on the basis of their popular votes in the various states, and the United States would have a President-elect—if, by then, anyone still cared.

The Bayh plan does have the advantage of simplicity and the attraction of the one-man, one-vote principle. The Dole-Eagleton plan, by comparison, seems intricate, and the final provision for an arbitrary division of the electoral votes left over simply is a way to end a stalemate. Yet it shows that the magic words, "direct election," will not necessarily produce magic results.

Whether the Eagleton-Dole plan is better than the Bayh amendment is debatable. It certainly is more complicated. And the emphasis upon a geographic balance has a curious states' rights ring.

In all probability, no perfect plan can be devised, and frightening consequences can be imagined if this happened, or if that happened, or if a breakdown occurred under any system. What seems unlikely is that geographic considerations are going to override the sentiment for a popular vote and the principle that one man's vote ought to count for as much as another's, regardless of where the vote is cast.

[From the Washington Star, Apr. 24, 1970]

SENATE SPARS PRIVATELY ON METHOD

(By Lyle Denniston)

Senators today began a month of private bargaining to arrange alliances for and against a committee-approved constitutional amendment to change presidential elections.

It will be about a month, at least, before debate is started on the plan that won approval yesterday in a 11–6 vote by the Senate Judiciary Committee.

The plan, almost identical to one passed Sept. 18 by the House, would let the people vote directly to choose the president.

DEADLINES DIFFER

The Senate committee version differs in only one way from the House-passed amendment.

Under the House measure, at least 38 states would have to ratify the amendment by next Jan. 20 in order for it to apply to the 1972 elections. The Senate committee would give the state legislatures until April 14 of next year to act and still make the plan ready for 1972.

Before any amendment goes to the legislatures, it must have two-thirds approval of both houses of Congress.

Sen. Birch Bayh, D-Ind., chief Senate sponsor of the plan, conceded yesterday that the direct vote approach is short of Senate votes now.

"I know we don't have two-thirds (of the senators) who now feel that direct election is the answer," he said after the committee vote.

"We cannot be successful on this, in my judgment, unless we are successful in getting some senators who would really prefer another plan."

ALTERNATIVE PROPOSAL

Although the committee voted on a variety of plans, it did not consider one alternative that may become a major competitor to Bayh's plan when the full Senate acts.

It is the so-called "Eagleton-Dole plan," introduced this year by two freshmen senators, Robert Dole, R-Kan., and Thomas Eagleton, D-Mo. The plan, like Bayh's, would use a direct vote of the people, but it also requires the candidate with the most votes to demonstrate that his support came from a wide geographic area or from states with a majority of the nation's voters.

Dole said last night that he and Eagleton "will try to stir up enough interest in our plan to offer it as an amendment." He said he has asked the Nixon administration to examine the plan and give him its reaction.

President Nixon last year endorsed the House-passed direct vote plan, but has said nothing since then. "I hope he maintains a position of neutrality" when the Senate takes up the issue, Dole said. The Kansas senator, who has close ties to the White House, said he hoped to talk to the President about the Eagleton-Dole approach.

Bayh's strategy is not fully developed, but he is considering an attempt to draw a prominent Senate Republican into leadership with him on the direct vote plan.

To do so, he may offer compromises on the amendment as it emerged from the Judiciary Committee. In particular, he appears ready to compromise on the "backup" or contingency system that would be used to settle close presidential contests under the direct vote plan.

Under the House and the Senate committee versions, a candidate would have to win 40 percent of the first, popular vote in order to be elected. If no one did, a run-off election would be staged between the top two candidates.

"I am not 100 percent sold on a popular vote run-off," Bayh told reporters. He said the "best (alternative) I've seen" was one that the committee considered, but turned down yesterday on a 10–6 vote.

GRIFFIN-TYDINGS PLAN

That plan was offered by Sens. Robert P. Griffin, R-Mich., and Joseph D. Tydings, D-Md. Griffin, perhaps significantly for Bayh's strategy, is deputy GOP leader of the Senate.

Instead of using a run-off when no candidate got 40 percent of the initial vote, the Griffin-Tydings plan would then use existing Electoral College votes.

If the candidate with the majority of votes in the direct election also could claim a majority of electoral votes, he would be president. If the high man on popular votes could not get an electoral majority, the contest would be settled by a joint session of Congress, every member having a single vote.

Although Bayh is willing to compromise on the "backup" method, he is not prepared to yield on the 40 percent, direct vote as the initial test.

Several alternatives to that, however, are going to be offered on the Senate floor. One, of course, is the Eagleton-Dole plan.

"PROPORTIONAL" APPROACH

Another approach, turned down by only a 9–8 vote in the committee yesterday, is the so-called "proportional" plan.

This would retain the Electoral College, but award electoral votes to candidates according to their shares of popular votes in each state, rather than by the "winner-take-all" system now required in every state but Maine.

Sen. Sam J. Ervin Jr., D.-N.C., proposed that plan in the committee yesterday. It failed by only one vote, but at least one of the votes cast for it—that of Minority Leader Hugh Scott, R.-Pa.—probably did not reflect his approval.

Scott's vote was then being cast as a proxy by Sen. Hiram Fong, R.-Hawaii, who is a strong opponent of the direct-vote plan. Later, Scott's aides indicated he personally leans to the direct vote plan.

In fact, Scott did join with the committee majority on the final vote to approve Bayh's direct vote amendment.

When the committee first took a vote on that amendment, it drew a 10–7 favorable margin. That came on a move to substitute the Bayh plan for a different version that had been approved by a Judiciary subcommittee last May.

Sen. Robert C. Byrd, D.-W. Va., who voted against the Bayh plan on that tally, switched and voted for it on final approval, making the 11–6 margin.

On the final vote, seven Democrats and four Republicans voted for the Bayh plan, while three Democrats and three Republicans opposed it.

Besides Bayh, Byrd, Tydings, Griffin and Scott, the majority included Sen. Thomas J. Dodd, D.-Conn.; Philip A. Hart, D.-Mich.; Edward M. Kennedy, D.-Mass.; Quentin Burdick, D.-N.D.; Marlow W. Cook, R.-Ky.; and Charles M. Mathias, R.-Md.

Besides Ervin and Fong, the minority included Chairman James O. Eastland, D.-Miss., and Sens. John L. McClellan, D.-Ark.; Roman L. Hruska, R.-Neb.; and Strom Thurmond, R.-S.C.

[From the Omaha (Nebr.) World-Herald]

NEW VOTING PLAN

Two freshman senators, Thomas Eagleton, D-Mo., and Bob Dole, R-Kan., have come up with an electoral reform plan which could help the Congress and the nation find a better way to elect presidents.

It is called the "federal system plan," and would work like this:

A president would be elected if he won a plurality of the national vote and won either pluralities in more than half the states or pluralities in states with 50 per cent of the voters in the election.

If no candidate won under those conditions, the election would go to an electoral college where the states would be represented as they are today, and each candidate automatically would receive the electoral votes of states he carried.

If no candidate received a majority of the electoral votes, the electoral votes of states carried by third-party candidates would be divided among the two leading candidates in proportion to their shares of the popular votes in those states.

In effect, the plan would let the people choose the president by direct, popular vote, which most Americans seem to want. However, the winning candidate's votes would have to be scattered widely across the nation.

The House has passed a resolution providing for the direct, popular election of the president. The first vote in the Senate Judiciary Committee will be April 24.

Since the House vote last September, there has been considerable criticism of the direct-election proposal. Doubts have been expressed by liberals and conservatives alike.

Liberals fear it would take away some of the power the present electoral college system has bestowed upon cities and large states and promote the formation of splinter parties.

Conservatives also worry about the formation of splinter parties, and point out that the direct vote's elimination of any state role would further weaken the federal system.

Sens. Eagleton and Dole say the advantages of their plan are that it would:

Give far greater weight to the one-man, one-vote principle than does the present system.

Compel presidential candidates to demonstrate wide-spread support throughout the country, rather than just win big in a few heavily-populated areas.

Avoid the uncertainties and horsetrading of a runoff election, which is a provision of the direct election plan.

Discourage the formation of splinter parties and encourage continued compromise within a broadly-based two-party system.

Realistically, it will be impossible to devise an electoral reform satisfactory to everyone that eliminates all possibilities of freak elections and voting inequities. Some form of compromise between the present system and the potentially dangerous direct-election plan is called for.

Whether the Eagleton-Dole idea is the best possible compromise remains to be seen as it is examined more closely. But we believe it is a better alternative than direct election, mainly because it preserves a semblance of the federal system.

[From the Kansas City (Mo.) Times, Sept. 12, 1970]

THE HAZARDS OF ELECTORAL REFORM IN THE U.S. SENATE

Now the United States Senate, in awesome majesty, turns to the matter of electing a President. After all the months that have been devoted to debate over Southeast Asia, the antiballistic missile and a Supreme Court vacancy, it seems doubtful that the Senate will be very speedy in its deliberations.

The electoral college is an issue because of the scare George Wallace threw into the country in 1968. The Senate shouldn't need reminding that another presidential election comes along in 1972 and that ratification by the states can be a time-consuming process.

Now before the Senate is the Bayh amendment, approved by the House a year ago and endorsed by President Nixon. It has the advantage of simplicity. It would, essentially, abolish the electoral college and let the President be elected by a direct vote. If no candidate obtained 40 per cent of the vote the two leading candidates would meet in a runoff.

Other plans have been advanced and it can be assumed that amendments will be offered. Sen. Hugh Scott, the minority leader, says that he personally prefers a system under which each state would choose two presidential electors at large and the rest by districts corresponding to congressional representation.

Sen. Bob Dole (R-Kans.) and Sen. Thomas Eagleton (D-Mo.) have introduced a complicated substitute. A President would be elected if a candidate won a plurality of the national vote and either pluralities in more than half the states or pluralities in states with more than 50 per cent of the voters in the election. All of that failing, the electoral college would vote. And if the electoral college couldn't produce, electoral votes of lesser candidates would be divided arbitrarily between the two top candidates on the basis of their popular votes in the various states. It might be easier to establish a House of Lords and let them elect a king.

Of course there are disadvantages to any procedure. Senators Eagleton and Dole fear that the Bayh amendment would bring a vast proliferation of splinter parties which then would dicker with the two top candidates in the runoff, securing all sorts of promises in exchange for votes. No plan can be perfect, although several senators from states of little population would prefer to leave things as they are. Sen Roman L. Hruska (R-Neb.) says the Bayh amendment would penalize and degrade the small states. He says ominously that the matter will have to be debated at great length.

Any unreasonable delay will only make reform impossible before 1972. The electoral college, as it now stands, already is the basis of third-party ambitions and a design for stalemate.

EXHIBIT 3

Intended to be proposed by Mr. EAGLETON to S.J. Res. 1, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The Congress shall prescribe the qualifications for electors of President and Vice President in each State and the District of Columbia, which qualifications shall be uniform throughout the United States.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes cast in the election shall be declared either President and Vice President if such persons also have obtained any one of the following number of votes: 50 per centum or more of the votes cast in the election; the greatest number of votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting more than 50 per centum of the whole number of members of both Houses of the Congress; the greatest number of votes cast in more than 50 per centum of the States; the greatest number of votes cast in more than 50 per centum of the electoral districts of the States established for the selection of Representatives to the House of Representatives; or the greatest number of votes cast in States containing more than 50 per centum of the whole number of electors in such election.

"SEC. 4. If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding section, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section.

"SEC. 5. The Congress shall prescribe, by provisions of law uniform throughout the United States, the days for such elections; the requirements for entitlement to inclusion on the ballot therein; the times, places, and manner of holding such elections within each of the several States and the District of Columbia; the times, places, and manner in which the results of such elections shall be ascertained, certified, and declared; and the manner in which and the period for which ballots cast in such elections shall be preserved. No power conferred upon the Congress by this section may be delegated by the Congress to any State or to the District of Columbia.

"SEC. 6. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice-President-elect.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 8. For the purposes of this amendment, the District of Columbia shall be considered to be a State and to be entitled to the number of Representatives in the Congress to which it would be entitled if it were a State, but in no event more than the least populous State.

"SEC. 9. This article shall take effect one year after the 15th day of April following ratification."

EXHIBIT 4

Intended to be proposed by Mr. EAGLETON (for himself, Mr. DOLE and Mr. STEVENS) to S.J. Res. 1, a resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall vote directly for the President and Vice President. In such election, each voter shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"SEC. 2. The voters in each State shall have the qualifications requisite for the voters of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for voters from the District of Columbia.

"SEC. 3. The persons joined as candidates

for President and Vice President having the greatest number of votes in the election shall be declared elected President and Vice President if such persons obtained 50 per centum or more of the votes cast in the election, or if such persons have obtained the greatest number of votes among the candidates running for President and Vice President in States containing more than 50 per centum of the total number of voters in such election or in more than 50 per centum of the States.

"If the pair of persons joined as candidates for President and Vice President who received the greatest number of votes throughout the United States failed to obtain 50 per centum or more of the votes cast in the election, or the greatest number of votes in States containing more than 50 per centum of the total number of voters in the election or in more than 50 per centum of the States, then the votes received by each pair of persons joined as candidates for President and Vice President shall be separated according to the States in which they were received and in each such State, the pair of persons joined as candidates for President and Vice President who received the greatest number of votes therein shall be automatically credited with a number of electoral votes which shall be equal to the whole number of Senators and Representatives to which such State is entitled in the Congress, and if any pair of candidates for President and Vice President shall have received a majority of the electoral votes of all of the States they shall be declared elected President and Vice President.

"If no pair of candidates for President and Vice President shall have received a majority of the electoral votes, then all but the two pairs of such candidates receiving the greatest number of electoral votes of all of the States shall be eliminated, and the electoral votes which any of these eliminated pairs of candidates received in any State shall be credited to the two leading pairs of candidates in proportion to the number of people who voted for these two pairs of candidates in such State. In making this computation, fractional numbers less than one one-thousandth shall be disregarded. The pair of candidates receiving the greatest number of electoral votes after such crediting of electoral votes shall be declared elected President and Vice President.

"SEC. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"SEC. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President, for the case of the death of both the President-elect and Vice-President-elect, and for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 8. The District of Columbia shall be treated as a State for purposes of this amendment.

"SEC. 9. This article shall take effect on the 1st day of May following its ratification."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, during the campaign of 1968, we could not pick up a newspaper or magazine on any given day that did not contain an article about the possibility of a deadlock in the presidential election. At one point in the early summer, when George Wallace had made a particularly strong showing in the polls, a feature length article appeared in a national weekly magazine. It was fiction, written as if the election were over. No one had gotten a majority in the electoral college and the issue had been sent to Congress. The House was deadlocked in determining the President, and the Senate, with a Democratic majority, had elected the former Senator Robert Kennedy as Vice President, who had taken office. The article ended leaving the country without a President. The story read like an Allen Drury novel, with one constitutional crisis after another. It was as good as a best seller.

It was fiction. No crises occurred. Since that time, many have said "but it could have happened." Not only did it not happen, it has never occurred in 180 years. This is not mere chance. The very nature of our political system tends to prevent such a crisis. One of the principal factors working against anything like this happening is the two-party system. Another principal factor is the electoral process itself.

In any close election with a strong third party candidate, there is the possibility that the election will be thrown into the House of Representatives where there is always the possibility of a deadlock. The possibility of an elector not voting the way his State voted has only happened once in this century. Only two elections in our history have been thrown to the House—in 1800 and 1824. Both times they resulted from highly unusual circumstances. Out of almost 16,000 electoral votes cast in this county, only five were cast "against instructions." We have had only one President elected by the electoral college who did not receive the most popular votes. This was in 1888. Nevertheless, there is a strong movement to throw out the electoral college and institute a direct popular vote system. In a close election under direct popular vote, however, a difference of a few hundred thousand votes out of over 70 million cast could easily be considered a deadlock, and the ensuing recounts, which would surely result, if we go to direct election, could cause long delays in determining a winner. Kennedy won by about 112,000 votes in 1960, and Nixon by about 510,000 in 1968. Few people give the electoral system credit for having prevented these terrible occurrences. Very few have discussed the same problems which would probably occur under a system of direct election of the President.

I would like to discuss some adverse reactions that could occur if drastic surgery is performed on our electoral process when only minor treatment may be needed. I would like to discuss some facts which will diagnose the strengths of our present electoral system and some clear, known illnesses that can be effectively treated and cured without performing a lobotomy.

Supporters of the direct popular vote cite a few weaknesses of the present system, then use these as justification for scrapping the entire system for one which is purely theoretical. On pure theory, arithmetic, and a dogmatic devotion to simple majority rule, the direct popular vote is held up as a cure-all for problems which have been largely imaginary.

Nothing is said of the crisis and problems which would be created by a direct popular vote. If we are going to replace a system that has developed over a period of 180 years and that has produced a President able to govern this country in each of 46 elections, we should know the theoretical and practical hazards of the process replacing it. It has done the job for which it was designed, even though a few patches on the trim might be in order.

We are all familiar with the stories about a possible deadlock during the 1968 elections. Let me briefly tell a story about that election, a fictional story, as it might be conducted under a direct popular vote system, requiring a 40-percent plurality to win, with a runoff between the top two finishers if neither received 40 percent of the vote.

THE SCENARIO

Senator EUGENE MCCARTHY has been rejected by the Democratic Convention, but believes the country still needs a "peace" candidate. He would have had no chance of gaining even one electoral vote under the present system. There are already three candidates. He reasons that under the direct popular vote system, Governor George Wallace, with his American Independent Party, may get 13 to 14 percent of the vote. Nixon might get 38 to 39 percent. Humphrey and MCCARTHY should split the rest, and it could well be Nixon-MCCARTHY in a runoff rather than Nixon-Humphrey. He enters the race.

Nelson Rockefeller, seeing MCCARTHY take the plunge, decides he also has a chance. He reasons that many do not favor Nixon, but are equally unimpressed with Humphrey. Some are afraid of Wallace's views, and no one is representing the populous east coast. What they want is someone who is progressive, but not too liberal, urban oriented, and an administrator. A press conference is called in Albany. Now there are five major candidates in the race.

This logic now impresses those conservatives who supported Ronald Reagan in Miami. If Nixon wins, he will surely run again in 1972. There will be no chance for the conservatives until 1976. Reagan will be 65 and cannot be Governor of the Nation's most populous State forever, certainly not beyond 1974. With a roar from Dodger Stadium in Los Angeles, Reagan is in the running. We have six major candidates, with several

others, including a new Militant Revolutionary Party.

Such a scenario was suggested by Time magazine in the May 4, 1970, issue in an essay entitled, "How Not to Elect a President."

I would like to carry this plot a few steps further.

The election is held on the first Tuesday in October. Congress had to move the election back to allow time for a runoff, if necessary. Mr. Nixon receives 28 percent of the votes, Mr. Humphrey receives 15 percent, Mr. McCARTHY 15 percent, Governor Rockefeller 13 percent, Governor Reagan 12 percent, Governor Wallace 9 percent, and others 8 percent. Over 70 million votes are cast, and only 50,000 votes separate Humphrey and McCARTHY. Humphrey leads, but McCARTHY requests a recount in Illinois, because of alleged irregularities in Cook County, and in Massachusetts, since Humphrey piled up his largest plurality in that State. Humphrey asks for recounts in California and New Hampshire. Finally, a nationwide recount is necessary. It will take time, as we all know, to recount some 36 million votes.

Then, an action is filed in Kentucky and Georgia challenging the validity of their votes. Georgia and Kentucky allow 18-year-olds to vote. Congress had not yet passed the law allowing 18-year-olds to vote, and the participation of that age group in these States raised the constitutional question of equal voting rights among people in the various States. No court fights are started on allegations of fraud, but some challenges are instituted because of Federal certification of candidates who had not complied with some State laws. Irregularities are also charged by Humphrey, because Governor Wallace was listed as the Democratic candidate in Alabama while running on the American Independent ticket elsewhere. Many voters complain because they could not get to both Federal voting booths and State voting booths, and, if they did, the ballots were different and confusing. Student riots are involved, protesting Federal marshals' monitoring the voting at the Federal polls. Some polls were shut down because of the demonstrations, but most were reopened before official closing times.

By initiating most of the major legal questions in the Supreme Court, and with that Court's rigorous cooperation, many of the problems are resolved by late November. Nixon and Humphrey are now found to be in a runoff and the campaign is on again for an election to be held on the first Tuesday in December. Humphrey, however, complains that Nixon, as the front runner, has been campaigning for 6 weeks. He filed an injunction in each Federal district court in the country to prevent any campaigning until the No. 2 man had been determined. That was not until November under this scenario. The injunctions were based on "equal-time provisions," but some courts went one way and some went the other. The appeals were on their way to the Supreme Court, but they were just not in time.

There is a runoff. Nixon receives 50.01 percent of the vote. Humphrey receives 49.99 percent of the vote. Less than 150,000 votes separate the candidates and recounts start over again. January 20 rolls around, and there is no clear winner. The country has no President.

Mass demonstrations are conducted in Washington and on college campuses across the Nation, in protest of an archaic system of bureaucratic government. The Government is paralyzed. There is no effective leadership. National Guard troops are called out by the Governors, but there are no Federal troops called up, and there is no federalization of the Guard because there is no Commander in Chief.

This, of course, is fictional, but totally possible. Also possible under the direct election theory is the example given by the Senator from Iowa (Mr. MILLER), where a candidate could win 49 States by 1,000 votes each and yet lose the election because his opponent carried the 50th State by 50,000 votes. Do the people of the United States, I ask rhetorically, want a President who has received a popular vote in only one of the 50 States? I do not think so. Let us assume the same cast for 1968, but with Nixon and Humphrey receiving the most votes and neither getting 40 percent of the popular votes nor a majority of the electoral votes. Assume Nixon was leading in the popular vote. Under the Tydings-Griffin amendment to Senate Joint Resolution 1, the election would be decided by a joint session of Congress.

The House and Senate would meet in joint session. They are controlled by the Democratic Party and that party would select Mr. Humphrey. He is clearly a minority President in terms of electoral votes and in terms of popular vote.

This story could go on and on. I do not pose it as a scare tactic. I think it simply points out that there are serious problems, very serious problems, in the direct election system, because it would require changes in every level of our political structure.

Congress cannot legislate away all the problems and, if it could, it may result in Federal controls and requirements which are not desirable. Nothing, it seems to me, could avoid the chaos that would result from recounts and court fights in the event of a runoff. The prize is too big, and there would be no electoral votes in the resolution presented to us to determine the winner.

A direct popular election would require Federal legislation setting up uniform voter qualifications, some Federal process for certifying candidates and establishing uniform ballots. Arrangements would have to be made for Federal monitoring of the election, since all of these other people would still be needed to run the state system, and a conflict might well be created between the federal and the state systems.

Why, I ask—and I ask this with deep sincerity—should we risk this multitude of problems by injecting the direct vote into our Presidential elective system, when the present system has worked reasonably well for 180 years.

Now we have a Federal system with a balance between the States and the Federal Government, and I personally feel it is essential to retain the Federal-State relationship.

In my story, I covered two major arguments proposed by supporters of the direct popular vote and illustrated how the same problem could occur under any system—the possibilities that the present system might end in a deadlock or might elect a President who did not receive the most popular votes. How then have we minimized these risks by adopting a new system?

There is also a distinct hazard that the direct popular vote will weaken the two party system by encouraging splinter candidates. The greater number of prominent candidates in the general election under any system, the greater chance that it will break down. The closer the election, the greater likelihood of problems. If we have both close races and several strong candidates, the odds go up that the system will "misfire," so to speak.

I would like to discuss one of the other major arguments used by proponents of direct popular vote.

It is charged that under the direct system, everyone's vote counts the same. We vote as a nation. One-man, one-vote. Now, supposedly, the small States have an advantage because they get more electoral votes compared to the population of the State. The essence of this argument is that fewer people have a greater proportional effect on the outcome. I have many statistics indicating that Colorado residents lose some of their voting power under a direct popular vote. As a Senator from Colorado, I feel it is not my duty to dilute the influence of the people who elected me. Be that as it may, the theory that everyone would have an equal vote is just not true under the present system, or any proposed system including direct popular vote.

The direct popular vote and the one-man, one-vote rule is based on a purely arithmetic or numerical system of politics. Everyone is just a number, and we add up the total. This is an exceedingly simplistic theory that has no foundation in reality. At the risk of sounding pompous, I feel the people who elected me are more than mere numbers. People also reflect regional needs and opinions. The Rocky Mountain West doesn't have the same problems or the need for the same solutions to those problems as the east coast area of Boston, New York, Washington. The direct popular vote can completely neutralize the wishes and desires of a greater number of people of a larger region of the country to the wishes of a few in one small area of the country, just as can the present system.

Let me give you an example from the 1968 election if the direct popular vote had been in effect. It must be realized in a pure numerical system, such as direct popular vote, even the total vote is not important. Only the net difference of votes between the top two finishers is important. Only the plurality is important.

Seventeen small states each gave pluralities to Nixon in 1968. This is not fiction; these are facts. These States are Alabama, Arizona, Colorado, Delaware, Idaho, Missouri, Montana, Nevada, New Mexico, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Wisconsin and Wyoming. These include the entire Rocky Mountain region. These States cast 84 electoral votes for Nixon. The total votes cast for Nixon and Hum-

phrey were 7,760,875. The total plurality for Nixon in those States was 691,197, votes.

The State of Massachusetts cast 14 electoral votes for Humphrey. A total of 2,236,062 votes were cast in Massachusetts. The total plurality for Humphrey was 702,374. By a margin of 11,177 votes, Massachusetts under the direct election system would have completely nullified the choice of the majority of the people in 17 States, including one whole region of the country. The 1,469,218 people voting for Humphrey in Massachusetts nullified the votes of 4,226,036 people in 17 other States.

Since pure numerical volume would be the key under direct election, candidates are going to concentrate their campaigns in those areas where they can achieve the greatest margin of victory. We all have run for office and we all know what the political system is; and we know what any candidate is going to do under those circumstances. They will necessarily reflect the views of those areas. There is certainly a community of interest in the major metropolitan areas just as there is in rural farming areas. The urban-rural conflict has been with us for a long time, but the large cities can easily out vote the rural areas. Presidential candidates, under a direct popular vote system, will certainly appreciate a vote in Colorado, but the odds are better for them in Massachusetts or New York or Chicago or Los Angeles. They must favor those areas which can give them the most votes and those areas are the big cities. It is in those same big cities where the history of our country reveals the most blatant machine politics—Tammany Hall of New York, the Pendergast machine of Missouri, the Hague of New Jersey, the Chicago gangs of the 1920's, and many others. It seems apparent that the direct vote is tailored to serve these practices.

There are many other problems created by the direct popular vote, but I wanted to clearly illustrate that three major arguments used against the present system are just as applicable to the direct popular vote.

Certainly there could be some improvement of the present system. I feel quite strongly we should find a better alternative than to throw the election into the House, ballots to be cast State by State. A joint session of the House and Senate with each Member voting individually seems much better.

We could easily eliminate our electors, as such. Let the electoral votes be cast automatically by the States. No one, and certainly those of us fortunate enough to hold public office, seriously believes the American people are incapable of exercising their own judgment. We do not want a "faithless elector" voting for someone the majority of the people of Colorado did not support.

I also feel it would be better to eliminate the unit rule where a State casts all its ballots for the winning candidate whether he won by a margin of one vote or 100,000 votes. I personally favor casting electoral votes by congressional districts with each State having two votes representing its senatorial seats.

As a practical matter, the States can cast their electoral ballots on a district or proportional basis if they pass a law to that effect. Maine, in effect, casts ballots on a district basis now.

There is no simple sure-fire method of electing the President. In any close election with more than two candidates, there is the clear danger of failure to elect someone on the first vote. I feel this danger is much greater under direct popular vote than under the present system. Lowering the plurality required to 40 percent will not save the direct popular vote system. It lowers the odds of failure slightly. That is all.

The present system can be improved and reformed. It has worked well, however, and should not be thrown away. It should not be the case of the baby thrown out with the bath water. Do not be deceived by the popular cry for direct vote for the Presidency. It could destroy the two-party system and result in a leaderless country.

UNANIMOUS-CONSENT REQUESTS

Mr. BAYH obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. BAYH. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I would advise attachés on both sides to get as many Members here as possible. I understand the distinguished Senator from Indiana is going to make a number of specific unanimous-consent requests in which Members may well be interested and they should be in the Chamber to hear them.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senator from Indiana (Mr. BAYH), manager of the joint resolution, has the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I shall not impose unduly upon the Senate's time. So that all of our colleagues may be perfectly apprised as to what the Senator from Indiana is about to do, the Senator from Indiana would like to propose a unanimous-consent request; failing that, another unanimous-consent request; and, failing that, perhaps a series of unanmious-consent requests, to see if there is any common ground in the Senate which will permit us to move forth more diligently than we have in the past or, are likely to proceed in the future.

I do not need to remind any of my distinguished colleagues, most of whom have been here much longer, and are much more familiar with Senate procedure than the Senator from Indiana, that we have been debating for a week and a half the electoral reform measure.

Certainly, there is not unanimity of thought on what should be done in this field. The Senator from Indiana is of the opinion that there is an overwhelming feeling that something should be done. With that thought in mind, I will respectfully present the unanimous-consent requests.

It goes without saying that there is no malice in the Senator from Indiana's heart for the Senators present who may differ with the Senator from Indiana on any of these requests or the merits of the measure before us. With that in mind, Mr. President, I ask unanimous consent that the Senate proceed to a vote on the Griffin-Tydings amendment No. 711 on Wednesday, September 16, at 11 a.m. after 1 hour of debate, to be divided equally between the Senator from Michigan and the Senator from Indiana; and that if such amendment carries, the Senate proceed to a final vote on Senate Joint Resolution 1 on Friday, September 18, at 1 p.m., following 3 hours of debate, to be divided equally between the Senator from Nebraska and the Senator from Indiana.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. I respect the wishes of my distinguished colleague the Senator from North Carolina. I would like to present another unanimous-consent request.

I respectfully ask unanimous consent that the Senate proceed to a vote on the pending amendment to Senate Joint Resolution 1, amendment No. 711, on Wednesday, September 16, at 11 a.m.; and if such amendment fails, that there be 2 hours of debate, to be equally divided between the Senator from Nebraska (Mr. HRUSKA) and the Senator from Indiana (Mr. BAYH); and that at the conclusion of the debate the Senate proceed to a vote on Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I again respectfully accept the objection of the Senator from North Carolina. I would like to propose another unanimous-consent request.

Mr. President, I ask unanimous consent that the Senate consider all amendments to Senate Joint Resolution 1 beginning on Wednesday, September 16, at 10 a.m., the debate on each such amendment being limited to 2 hours, equally divided between the sponsor of such amendment and the Senator from Indiana, and that a vote be taken on final passage no later than 1 p.m. on Friday, September 18, after 2 hours of debate, divided equally between the Senator from Nebraska (Mr. HRUSKA) and the Senator from Indiana (Mr. BAYH).

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I am almost at a loss as to where to proceed, but let me respectfully try one other suggestion.

I ask unanimous consent that the Senate proceed to consider amendment No. 711, the Griffin-Tydings amendment, and that a final vote be taken no later than 1 p.m. Wednesday, September 16, the time between now and the appointed hour to be divided equally between the sponsor of such amendment and the Senator from Indiana.

Mr. ERVIN. Mr. President, I wish to

emulate the example of the Senator from Indiana on yesterday, and I object.

Mr. BAYH. The Senator from Indiana is honored to be emulated by the Senator from North Carolina, but I am not certain that I am worthy of that honor.

Mr. President, the Senator from Indiana does not wish to play games and bother the Senate with what might seem to be less than a sincere effort. So, rather than go down one by one the list of the other amendments that are now before us, so that the record may be unequivocally clear, let me present the rest of the amendments en bloc.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following amendments:

Amendment No. 878, the distinguished Senator from Michigan's amendment.

Amendment No. 884, the amendment of our distinguished colleague from Missouri (Mr. EAGLETON) and our distinguished colleague from Kansas (Mr. DOLE).

Amendment 885, the 50-percent runoff provision of our distinguished chairman of the Judiciary Committee (Mr. EASTLAND).

Amendment 887, of the Senator from Missouri (Mr. EAGLETON).

Amendment 897 of the distinguished Senator from West Virginia (Mr. BYRD).

Amendment 898, the amendment of our distinguished colleague from North Carolina (Mr. ERVIN).

Amendment 899, another amendment of our distinguished colleague from North Carolina.

Amendment 900, the amendment that is cosponsored by our colleague from North Carolina (Mr. ERVIN), our colleague from Kentucky (Mr. COOPER), and our colleague from Wyoming (Mr. MCGEE).

Amendment 901, another amendment sponsored by the Senator from North Carolina.

I ask unanimous consent that 2 hours of debate be permitted on each of those amendments, the time to be equally divided between the sponsor of such amendment and the Senator from Indiana.

Mr. ERVIN. Mr. President, I object, especially with reference to my own four amendments.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I make a similar request, as to the last group of amendments, that there be on each 4 hours of debate, to be equally divided and controlled by the Senator from Indiania and the sponsors of the amendments.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, permit the Senator from Indiana to speak very frankly on the point before the Senate.

The Senator from Indiana has tried to allow for the fact that, as the chairman of the Subcommitee on Constitutional Amendments, he has been personally involved in this debate for about 6 years. I feel it is possible to take one's personal involvement out of this debate, and still be able to tell the Senate accurately that we are now discussing one of the most important issues before our country at this time: I am not alone in my experience in talking with a number of groups at various places all over this country. I am sure there are many of my fellow Senators who have had a wider experience.

I suggest to my colleagues that we are living at a time when our very system of government is being sorely tested. There are those in the country today who say that the system is sterile, that there is no way that we can make it respond, there is no way we can purge it of inequities, that the only alternative is to destroy the system before we can build a better one.

Mr. President, I feel unequivocally that this is wrong, that the system has the vitality to make itself function better. And I do not want my son to go into the streets to solve his problems; I want him working within the system.

We have before the Senate at this moment one of these key problem areas that will show to the country that the system has the ability to respond to, or that it does not.

I suggest that it is possible for every Member of this body to differ with the Senator from Indiana on the relative merits of the question before the Senate. But I respectfully suggest that after a week and a half of debate, I have little understanding for the efforts which have just been made, to prevent us from considering any change, with all due respect to my distinguished colleague from North Carolina.

We have just said the U.S. Senate is not going to consider any change, not one iota, in the electoral college system. I wonder if this is what the Senate really believes.

On election day, 1968, the country almost did not elect any President, because if there had been a change of fewer than 42,000 votes in the right three States, neither Nixon nor Humphrey would have had a majority in the electoral college.

This, of course, as we now know, would have given to a third party candidate who had 46 electoral votes—and most of those electors had signed affidavits prior to the election, pledging to do the bidding of their candidate—the power to go to each candidate's camp and say, in essence, "What am I bid to make you President of the United States?"

Mr. President, I respectfully suggest that this is no way to elect the most powerful officer in the free world.

Everyone here, of course, is familiar with the fact that on three occasions we have sent to the Presidency a man who had fewer votes than the man he was running against. I think it is because of this possible specter that we have seen the incumbent President of the United States, President Nixon, on two occasions unequivocally support the resolution which is now before us. The President has said more eloquently than the Senator from Indiana can say, it would be difficult if not impossible for any man to govern if he were not the choice of those whom he is called upon to govern.

We are divided in the Senate as to the relative weight of the voters in our given States. I have heard some very eloquent arguments from some of our colleagues suggesting that those in the small States have an advantage, and I have heard the opinion expressed by others that those in the large States have an advantage.

Mr. President, I wonder if now, at the beginning of a new decade, is that the time to say that all of our citizens have the same advantage, have an equal opportunity to determine who their President shall be.

Mr. President, Senate Joint Resolution 1 was introduced in the Senate, in its first form, in early 1966. On February 28 of that year the first hearings on this electoral reform measure began.

Senate Joint Resolution 1, which is now before us, was introduced on January 15, 1969. The subcommittee reported it out on May 26, 1969. Senate Joint Resolution 1 became the pending order of business in the full Committee on the Judiciary in September of 1969. The House of Representatives, in the meantime, took up the question of electoral reform, and House Joint Resolution 681, which is identical to Senate Joint Resolution 1, except as to its proposed effective date, passed the House in September.

Senate Joint Resolution 1 languished in the Judiciary Committee from September of 1969 until, on February 3, 1970. Then the Judiciary Committee voted, by a vote of 13 to 4, to consider electoral reform on April 14, and we finally voted the measure out on April 24.

It was not until August 14 that we could finally get an agreement on the minority report to Senate Joint Resolution 1. The measure was laid before the Senate on September 2 by our distinguished majority leader, and debate began on September 8. The Senator from Indiana would respectfully suggest that we have had ample time to consider this measure. It is a measure which has not been taken lightly by large groups of interested people throughout the country.

The Senator from Indiana has not been in the area of legislation as long as many Senators here, but he has been involved at the State level and national level now for more than 16 years. Therefore, the Senator from Indiana is fully aware that there must be give and take in the legislative process. But, certainly, I think it is unconscionable, to suggest that the Senate does not have the courage to stand up and vote on the merits on an issue as vital as this.

The Senate has to show this country and those who are asking questions about the viability of this system that we do have the courage to stand up and wrestle with controversial issues on which there are differences of opinion in this body.

I am hopeful that those who today are disinclined to let the Senate vote on this measure will pause to reflect on what the possible ramifications of this action might really be. I am hopeful that on reflection, perhaps tomorrow, the Senator from Indiana can successfully propose the same unanimous consent requests again, with a different result. The Senator from Indiana is not suggesting that one position or another be assumed, but that the Senate ought to come to a vote on the merits. We owe our constituents and our country no less.

Mr. HOLLAND. Mr. President, will the

Senator yield, without losing his right to the floor?

Mr. BAYH. I will be glad to yield, but before yielding to the distinguished Senator from Florida, I should like to ask the Senator from North Carolina whether perhaps in the ensuing 10 or 15 minutes he might have changed his mind, so that the Senator from Indiana could proceed with those unanimous consent requests further.

Mr. ERVIN. In reply to the Senator from Indiana, I would say that I am even more convinced now than I was when I objected to the unanimous consent requests propounded by the distinguished Senator from Indiana that I should abide by my objections.

I agree with the Senator from Indiana that Senators ought to have the courage to stand up and vote on propositions they ought to vote on. But I would suggest, further, that they ought not to stand up and vote until they have had time to exercise their intelligence in a deliberative fashion and to ascertain which one of almost as many varieties of proposals as there are numbers of Heinz pickles should be adopted to correct some deficiencies in the electoral college system.

Mr. MANSFIELD. Mr. President, will the Senator yield when he is through?

Mr. BAYH. At this time, I should like to make one further unanimous-consent request.

I concur with the distinguished Senator from North Carolina that we should not vote on these matters until we have had an adequate chance to discuss all the relative merits. We have been discussing this for a week and a half. Some Members of the Senate had been living with this problem for 10 years before the Senator from Indiana ever became interested in it.

The President pro tempore, the distinguished Senator from Georgia, together with the distinguished Senator from South Carolina, have actually had the honor of running for President, so they are very familiar with this matter. The Senator from Indiana is a relative newcomer to this field.

The Senator from Indiana suggested earlier the unanimous-consent request that each of the amendments be brought before the Senate and, after 2 hours' debate, be considered on the merits.

Mr. ERVIN. I objected.

Mr. BAYH. This was objected to.

The Senator from Indiana later suggested the same proposal on each amendment, after 4 hours of debate, and the Senator from North Carolina objected.

In an effort to try to be totally fair, the Senator from Indiana would like to propose a unanimous-consent request that all the amendments be brought up and that after 1 day's full debate on each amendment, they be voted on, on the merits.

Mr. ERVIN. Is that a unanimous-consent request?

Mr. BAYH. Yes.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. I yield to the Senator from Montana.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a motion for cloture and ask that it be read.

The PRESIDING OFFICER. Under rule XXII, the clerk will state the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

MIKE MANSFIELD, CLAIBORNE PELL, HARRISON WILLIAMS, ALAN CRANSTON, JOSEPH D. TYDINGS, PHILIP A. HART, JOSEPH M. MONTOYA, CHARLES H. PERCY, GEORGE D. AIKEN, and HAROLD E. HUGHES.

HUGH SCOTT, BIRCH BAYH, FRANK CHURCH, THOMAS F. EAGLETON, ROBERT P. GRIFFIN, WILLIAM B. SAXBE, CLIFFORD P. CASE, ABRAHAM RIBICOFF, RICHARD S. SCHWEIKER, LEE METCALF.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, it be my right to withdraw the motion to invoke cloture in the event that an agreement is entered into to dispose of the pending joint resolution and all amendments thereto.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, has the Chair ruled?

The PRESIDING OFFICER. The Chair has ruled.

Mr. MANSFIELD. I ask unanimous consent that the ruling be withdrawn temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered. The ruling is withdrawn temporarily.

Mr. HRUSKA. Is there any time limit on the reaching of an agreement that the majority leader has in mind?

Mr. MANSFIELD. It has to be within 1 hour and 1 day.

Mr. HRUSKA. From this time?

Mr. MANSFIELD. Beginning with the conclusion of business today. In other words, under rule XXII, the 1 intervening day and the 1 hour after we convene on Thursday will demark the limitation.

Mr. HRUSKA. Could it be stipulated that before any unanimous-consent request of that kind is made, Senators be notified of it, so that they may be present?

Mr. MANSFIELD. Of course.

Mr. HRUSKA. In ample time so that they can be present.

Mr. MANSFIELD. It should be, because I do not want any Senator to get caught off his feet or off base.

If there is any possibility that such agreements can be reached, I would expect to have a quorum call—and, if need be, a live quorum call—to make sure that enough Senators are in attendance in the Chamber.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. ERVIN. Mr. President, reserving the right to object, as I understand the unanimous-consent request of the distinguished majority leader, it is that in the event that an agreement fixing a time for voting is arrived at before the vote on the cloture motion, he may withdraw the cloture motion. I have no objection to that.

Mr. MANSFIELD. The Senator would object to that?

Mr. ERVIN. No, I have no objection.

Mr. MANSFIELD. It is within the 1-day, 1-hour provision under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized .

Mr. BAYH. With deference to my colleague, I should like to make one observation. The Senator from Indiana added his name to the cloture motion this afternoon, after it had come to his attention that it was not going to be possible for us to reach an agreement. Yesterday, I asked the distinguished majority leader whether he would please delay such a cloture motion, because at that time it seemed that there was a possibility of working out an agreement.

I much prefer not to have to go through the cloture routine. I think this measure ought to be decided on its merits. I do not know what the outcome will be on this measure, and I think each Senator ought to have a right to stand up and be counted for what he thinks is right and what he thinks is wrong with our electoral system is concerned.

Unfortunately, we are now in a position where the first test will come on cloture. But the Senator from Indiana would like to suggest, most respectfully, that if we believe that any change is desirable, sooner or later we will have to get down to voting on the merits.

Now Mr. President, I am happy to yield to my distinguished friend from Florida.

Mr. HOLLAND. I thank the Senator from Indiana for yielding to me.

Mr. President, I want to call to the attention of the Senator from Indiana, and the Senate as a whole, that a good many of us have served in the Senate a good deal longer than my good friend from Indiana. The Senator from Florida was one of those who, as a majority of more than two-thirds, voted for the Lodge-Gossett amendment as then proposed a good many years ago, when the Senate sent over that amendment to the House with more than two-thirds approval by the Senate. The Senator from Florida, I think, was the first one to appear before the subcommittee headed so gracefully by the distinguished Senator from Indiana in 1966, when he announced the hearings on the several amendments which were then pending, one of which was an amendment offered by the Senator from Florida similar but, he thought, in some respects an improvement on the Lodge-Gossett amendment.

That amendment, as the Senator knows, proposed that in each State the electoral vote of that State be divided in accordance with the popular vote as that

vote was cast between the several contenders for President and for Vice President. The Senator from Florida has felt that it was an essential part of that amendment and he also feels it is an essential part of the reform to continue in the picture the States which are sovereign under dual sovereignty system, just as they were continued by the compromise which was absolutely necessary if we were to have a Constitution back in 1788 when the Constitution was first submitted to the States for approval, as a means of bringing the large States and the small States together.

It is true that there has been some encroachment upon the rights of the States. It is also true that some of that is due to nonperformance on the part of the States. But it is also true that the weight of Federal business has grown greatly during these decades, that there is even more need now, than then, for the maintenance in the States of a large part of the governmental machinery by which ordinary, every-day citizens are governed. A large part of their lives and activities are still governed by State law.

To say that the States have no interest as such in who shall become President and Vice President is manifestly absurd, when it is recalled how great a control and how great a lack of control the Federal Government has over the States as such.

The Senator from Florida has called attention to this fact, that the suggestion has been made by my dear friend from Indiana, that Senators are not ready to stand up and be counted.

The Senator from Florida and a good many other elder Senators in this Chamber have already stood up and been counted and are ready to stand up and be counted again.

But, speaking only for one of them—myself—I want to say that I am irrevocably of the view that to change our system so that the States as such are so downgraded that they will no longer have any representation as States in the electoral weight by which the President and Vice President are elected is such a revolutionary movement, such a radical action, that the Senator from Florida could never support it.

I think it greatly changes the entire nature of our Federal Government, that to deprive the States of any participation in the presidential election process by giving them, as they have had since the beginning, representation in the electoral weight of the several States, would be such a departure that the Senator from Florida could never, never support it.

He—and I think he is not alone—feels that such a radical departure would be a death knell to many of the finest values in our National Government and would put us right where so many other so-called democratic nations now are where, with splinter parties dominating the scene, there is no such thing as a substantial government which lasts from year to year or from period to period.

Thus, the Senator from Florida thinks that the Senator from Indiana perhaps overlooks the fact that Senators are willing and ready, as many of them have shown that they are willing and ready, to stand up and be counted, but they are of the strong conviction that the States should not be downgraded by the method proposed in Senate Joint Resolution 1.

So far as the Senator from Florida is concerned, he is ready to stand up in the Senate and debate this issue for a good long time, as long as anyone shall listen, because he is so sure that adoption of such a policy would radically change the nature of this Government under which we have prospered for nearly 200 years and have become the greatest power on earth, that the Senator from Florida hardly thinks it is an appropriate suggestion that Senators are not ready to be counted when the Senator from Indiana well knows that the facts recited by the Senator from Florida as to his own attitude in the past, and as to his own appearance as the first witness before the subcommittee so ably handled by the Senator from Indiana, are the fact that the Senator from Florida has been counted for a good long time, dating back to the long debate of the Lodge-Gossett amendment in years gone by. The Senator from Florida does not recall how long that was, but he thinks it was about 20 years ago.

I thank the Senator from Indiana for yielding to me.

Mr. BAYH. Mr. President, with all respect to my distinguished colleague from Florida, I think the Senator from Indiana pointed out that there were some Senators in this Chamber who had been interested in this program longer than I. I referred to the President pro tempore of the Senate, the Senator from Georgia (Mr. RUSSELL) and I am sure that the Senator from Florida would certainly be included in that same category because I know of his tenacity and concern, and I know of his strong objections to the particular position taken by the Senator from Indiana.

The interesting thing is that the Senator from Indiana made a unanimous-consent request that the proposal championed by the Senator from Florida be considered, and it was objected to.

So far as standing up and being counted is concerned, I think we have to determine in our own minds that we will vote on this cloture petition by the distinguished majority leader. I would hope that when that vote is cast we will have the valiant support of the Senator from Florida.

I think perhaps it is a bit much to suggest that the Senator from Florida will change his position at this time. But I would hope that he and others would not accept the position that if we cannot have our own way, the Senate will not have an opportunity to work its will on anything. It could be like the youngster who said that if he could not pitch in the baseball game, he would take his bat and ball and go home.

Mr. President, I feel strongly about this measure. I do not know whether we have the votes or not. I suggest, let us vote it up or down. If we do not have the votes, then let us see what we can come up with that will be able to get the votes.

This is a matter which has received earnest study by the American Bar Association, the chamber of commerce, the AFL–CIO, and the UAW. The League of Women Voters spent a year on it.

The distinguished present occupant of the Chair, the Senator from Oklahoma (Mr. BELLMON) at this time, was on the American Bar Association Commission. The House of Representatives passed this particular measure by a 339 to 70 vote.

It seems to me that, if we do not let some action take place in the Senate so that it can work its will, the Senate will have to answer to the charge that we are derelict in our duty. If my position is not sustained, then let us see if there is not something that we can get two-thirds of the Senate to support.

The Senator from Indiana knows that there are other pressing matters before the Senate, and he will not embark on a discussion of some of the assertions of the distinguished Senator from Florida that the electoral college was an integral part of the grand compromise.

I hope before this debate is over we will have a chance to see whether the electoral college system is working today as our Founding Fathers hoped for it to work.

I hope to have a chance to explore in greater detail the belief of the Senator from Oklahoma that, the small States have no advantage under the present system.

Hopefully we will have a chance to explore in detail the proliferating effect that these matters may or may not have.

The Senator from Indiana might indicate to the Senate that that is a question he had in his mind. I was concerned about the direct popular vote. However, the Senator from Indiana states respectfully to those who disagree that after he explored how the system works, not how we think it works, he came to the conclusion that the best proposal was the one now pending before the Senate.

However, if the Senate thinks that Senate Joint Resolution 1 is not the best proposal, let us come up with something else. But let us have a vote on the merits. I think we owe this to the country today.

Mr. ERVIN. Mr. President, the vote by which Senate Joint Resolution 1 was reported to the Senate by the Committee on the Judiciary demonstrates that the Senate should give adequate consideration to the proposal to amend the Constitution. I say that because the vote in our committee was only 9 to 8 if my recollection be correct.

I do not think that the Senator from Indiana can ever charge that the Senator from North Carolina is ever unwilling to stand up and face any proposition.

I insist that before the Senate of the United States concurs in the submission of any proposal to amend the Constitution, which in the ultimate analysis belongs to over 200 million Americans, the Senate of the United States should give some serious consideration to that proposal.

The Senator from North Carolina is not opposed to amending the Constitution insofar as it regulates the election of the President and Vice President. Indeed, the Senator from North Carolina has introduced two amendments proposing changes in the method of electing the President and Vice President. The Sena-

tor from North Carolina is willing to defend either one of those propositions before the Senate. And he is willing for either one of them to be submitted to the States by Congress for consideration.

There are some defects in the present method of electing a President and Vice President. For example, the Senator from North Carolina thinks that the Constitution ought to be amended so as to require that the vote of a presidential elector on a particular party ticket shall be cast, regardless of the wishes of the elector, for the nominees of the party by which he was elected.

For this reason, the Senator from North Carolina has proposed in two different alternative proposals that the office of presidential elector be abolished. The adoption of either one of the proposals submitted by the Senator from North Carolina would result in the abolition of the office of presidential elector and make it certain that hereafter the defaulting or faithless elector is consigned to the scrap heap of history.

The Senator from North Carolina is also inclined to the opinion—and he has so proposed in one of the resolutions introduced by him and one of the amendments proposed by him to Senate Joint Resolution 1—that the electoral vote of each State be divided among the candidates for President and Vice President of the various parties in accordance with the popular vote received by them in the State.

If this proposal should be adopted and become a part of the Constitution, it would do away with the practice that the winner takes all. At the same time, it would destroy the power of those who vote in blocks in a particular State to control the entire electoral vote of that State.

Mr. President, I think there is another defect in the present electoral college system which ought to be remedied. I have proposed that it be remedied, both in the amendments I have proposed to Senate Joint Resolution 1 and also in the independent resolutions I have introduced.

This defect is in the present method of electing Presidents and Vice Presidents where no candidates for these officers receive a majority of the electoral vote.

I propose that instead of the present method by which the election in such event is thrown into the House of Representatives and the choice is made by the States voting as a whole—that is, each State voting as a single unit—we adopt a method which would leave the decision of the question to a joint session of Congress in which each Senator and each Representative would have a single vote and in which the votes of the majority, of those attending the joint session, should determine the choice of the President or the choice of the Vice President, as the case may be, where the candidate for the office does not receive a majority of the electoral vote.

The methods I have proposed are methods that recognize the United States as a Government based on a Federal system in which the States, as legal and constitutional entities, have an interest. It is based upon a recognition of the fact that elections should be held and determined by State election officers acting under State laws in the various election precincts in the United States, which now number 184,000.

It is based upon the theory that we should minimize, as far as humanly possible, the results of fraud, the results of mistaken counts of votes, and all factors of that kind.

Under this system the frauds and miscounts of votes in individual States virtually never reach such proportions as to alter the electoral votes of those States. Consequently, under this system, as the history of this Nation has demonstrated, the country has the capacity to determine within a relatively short time after the 184,000 election precincts in the 50 States and the District of Columbia close, who has been elected President and who has been elected Vice President.

There are several ways of curing defects. For example, a man might have a headache. He might go to a doctor to receive treatment for his headache. There are several ways that the doctor could provide him with a cure. One of them is to give him some aspirin tablets and to let the aspirin tablets cure his headache. Another way is for the doctor to take a pistol and blow out his patient's brains. In that way the doctor could certainly cure his patient's headache, but the consequences of such a method of curing the headache would be far more disastrous than the headache itself.

Mr. President, that is an illustration of the difference between the proposal advanced by the distinguished Senator from Indiana and the proposals advanced by the Senator from North Carolina.

The Senator from Indiana said that the American Bar Association has endorsed his proposal. I have attended meetings of bar associations and I have observed that usually the resolutions of bar associations are adopted during the closing hours of the meetings of the associations at a time when the great majority of members of the associations who have been in attendance at the meeting have taken their departure.

As far as the American Bar Association is concerned, I have great respect for it. I have been a dues-paying member of the American Bar Association almost since I was a small boy. I have lost all the "chlorophyll" from my hair while paying dues to the American Bar Association during all these—I started to say years but I will say decades—and the American Bar Association has never asked me as one of its members what I thought about anything. So I do not have as much veneration for a resolution of the American Bar Association as the distinguished Senator from Indiana has.

In addition, the responsibility for submitting a proposed amendment to the Constitution of the United States is reposed in Congress and not in the American Bar Association.

The same observation applies to the other organizations which the distinguished Senator from Indiana has mentioned. What is the remedy the Senator from Indiana proposes?

He proposes that the Federal system, which has been in operation in our land for 181 years, be abolished insofar as the election of President and Vice President is concerned. His proposal is that the 184,000 election precincts in 50 States and the District of Columbia be converted into one great big election precinct in which 60 million people or more are going to cast their votes and determine the result by a simple majority, however small that majority may be.

Mr. President, one of the queer things about human beings which I have never been able to comprehend is that men who would not steal a penny of anyone's money are perfectly willing to steal his vote; men who would not subtract a penny from any man's bank account are willing to miscount his vote. Another thing I have observed in the many years I have been interested in elections is that in many precincts in the United States, indeed thousands, and thousands, and thousands of them, the voters cast paper ballots and those in charge of conducting the elections spend hours and hours counting up those ballots, oftentimes after having spent hours and hours of the day, exhausting hours, receiving the ballots. As a consequence of this, in virtually every voting precinct there is more or less danger that votes are miscounted.

Even in the operation of such devices as voting machines, we know that sometimes voting machines go awry and fail to receive and count the votes correctly.

Under Senate Joint Resolution 1, every one of these factors which tend to render uncertain the question of who will be elected President or Vice President in one big national voting precinct is present. What this means is that in every close election, such as the election of 1960 and the election of 1968, the casting of fraudulent votes or the miscounting of honestly cast votes or a defective operation of a voting machine would be calculated to place in doubt the question as to who was elected President or who was elected Vice President. And that uncertainty may well exist for months while votes are being counted or recounted or litigated in 184,000 communities.

The Senate has been in session, attempting to operate in high mental gear, ever since the 17th day of January this year. We are now, I hope, in the closing days of a very long and a very arduous session. Some 34 Members of this body are unable to tarry long in the Senate Chamber because their political lives hang in the balance. They will necessarily have to be absent and campaigning most of the time.

A very distinguished author in this field, Theodore H. White, appeared before the Judiciary Committee and said, in substance, that the greatest calamity which could befall this country would be to convert all the 184,000 election precincts into one great precinct, as Senate Joint Resolution 1 would do if submitted to the States and ratified by the States.

Another distinguished American scholar, Professor Black of Harvard Law School, appeared before the Judiciary Committee and said that Senate Joint Resolution 1 was the most radical proposal made for amending the Constitution of the United States in the history of this Nation.

These are the reasons why I am un-

able and unwilling to support the proposal of the distinguished Senator from Indiana. These are the reasons why I insist that some other proposal, such as one or the other of the two proposals I have submitted, should be substituted for it.

I think the people of the United States, who now number more than 200 million, are entitled to have the Senate act as the Senate always professes to act—as a deliberative body. It is difficult for the Senate to do so under the circumstances which now confront the Senate.

This is the reason why I have insisted that we take as much time as is reasonably available to consider this serious question, and not be hurried by the unanimous-consent requests of the distinguished Senator from Indiana to submit to the States a half-baked proposal for changing the Constitution of the United States.

I am ready to stand up and be counted, but I am not willing to have the votes of the Senate cast until the Senate has had a reasonable opportunity to deliberate; and I am not willing for the Senate to emulate the example of Samson, who, in his blind zeal, pushed down the pillars upon which the temple rested.

These are the reasons why I objected to the unanimous-consent proposals of my distinguished friend, the Senator from Indiana, and why I insist that the Senate give reasonable consideration to this most serious matter.

Mr. BAYH. Mr. President, the Senator from Indiana listened with considerable interest to the Senator from North Carolina who discussed this issue with his usual eloquence. He, of course, is one of the most distinguished members of the Subcommittee on Constitutional Amendments, and the Senator from Indiana has had the benefit of his views as we have discussed this matter for 4 or 5 years now.

As the Senator from North Carolina well knows, the Senator from Indiana shared many of the concerns of his friend from North Carolina when the study began. As the study developed, the Senator from Indiana assessed some of the facts that were brought to our attention differently than did his illustrious friend from North Carolina.

I am not sure what the temper of the Senate is at this particular moment in history in the light of the fact that we have other legislation this evening that some Senators are interested in. But the Senator from North Carolina raised some interesting points on which the Senator from Indiana feels compelled at least to put his interpretation in the RECORD at this time.

The Senator from North Carolina suggested that the American Bar Association adopted this proposal by a narrow vote. The record will show that the American Bar Association adopted the proposal by a 3-to-1 margin.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. BAYH. I am glad to yield.

Mr. ERVIN. Will the Senator from Indiana tell the Senator from North Carolina how many members of the American Bar Association were present at the time that vote was taken?

Mr. BAYH. There were about 200.

Mr. ERVIN. Will the Senator from Indiana tell the Senator from North Carolina how many members the American Bar Association has?

Mr. BAYH. The Senator from Indiana is not familiar with the membership of the American Bar Association. I would hazard a guess that the relationship of the membership on the American Bar Association's legislative committee, which adopted this proposal, to the association's whole membership is numerically equivalent to the relationship between the membership of the U.S. Senate and the population of this country. However, I do not think it speaks well for the Senator from North Carolina to suggest that the approval of the legislative committee of the American Bar Association should be disregarded because there was not a unanimous vote of every member of that organization.

Mr. ERVIN. Will the Senator permit the Senator from North Carolina to make an observation?

Mr. BAYH. The Senator from Indiana enjoys the observations of the Senator from North Carolina, even though he does not share his views.

Mr. ERVIN. One reason I want the debate to proceed arises out of the hope that I may be able to persuade the Senator from Indiana to see the error of his ways and adopt the sound views I entertain on this subject. I want to say that the American Bar Association, as the Senator from Indiana has intimated, has a membership that may run to 75,000, 100,000 or 150,000; and that I do not agree with the Senator from Indiana that a resolution adopted by a majority of the 200 delegates at a meeting reflects the views of the members of the association, who were not polled. The Senator from North Carolina was not asked for his views on this subject, notwithstanding he has been a dues-paying member of that organization for 40 years or more.

Mr. BAYH. Mr. President, I do wish to let the focus of this debate rest on some effort to evolve a reasonable electoral reform. But I think the Senator from North Carolina said he did not think legislation should be proposed by the bar association, the AFL–CIO, or the UAW.

The Senator from Indiana would like to point out that this legislation is not proposed by any of those organizations, but indeed the Senator from Indiana did solicit their opinions on it. And I hope we have not gotten to the stage that if a constituted representative body like the American Bar Association, which represents various chapters in various States, should make a considered judgment, we would say, "Well, now, this does not amount to anything, because we have not had a referendum."

Mr. ERVIN. If the Senator will yield.

Mr. BAYH. If the Senator will permit me one moment, two other particular cases show how erroneous this type of conclusion can be. First, the Chamber of Commerce polled its entire membership, and I respectfully suggest the record will show that more of the Chamber of Commerce members supported direct popular election of the President than all other plans put together. Second, I suggest that the League of Women Voters, a very illustrious group that never endorses a position unless it has studied it at some considerable length, made a special effort to study this proposal for more than a year, and I point out for the consideration of the Senator from North Carolina that these ladies, by more than 80 percent, endorsed it, after the various chapters all over the country had been polled.

I would be the first to suggest that these positions do not have the force and effect of law, but I think we need to consider the fact that there are a lot of people in this country looking to this body to do something. And if the Senate takes no action whatsoever, I think the people of this country would have every right to be aroused to some significant degree.

Mr. ERVIN. Mr. President, I wanted to interrupt the Senator from Indiana to correct a misconstruction he has placed on my observations. If I understood him correctly, he said that I was opposed to these organizations making proposals.

I do not object to anyone making any proposal about anything, at any time or anyplace under any circumstances, whether it be the American Bar Association, the AFL–CIO, the League of Women Voters, the chamber of commerce, or any individual. I think they are entitled to make proposals. I said they were not charged with the responsibility for submitting to the States proposed amendments to the Constitution.

Mr. BAYH. If the Senator from Indiana misinterpreted the Senator's remarks, he certainly apologizes, because I was trying to find some ground on which we had common views. I agree with the interpretation that the Senator from North Carolina has placed on this matter.

As the Senator from Indiana said a moment ago, despite this support, despite the fact that Harris and Gallup tell us that about 80 percent of the people think they ought to have the right to vote for President, if this body thinks it is wrong, we ought to vote it down. But I think if there is this type of grass roots support throughout the country, the very least the U.S. Senate, the greatest deliberative body in the world, ought to do for those we represent is give the Senate a chance to vote on the various proposals.

I was impressed with some of the questions raised by my distinguished friend from North Carolina about what he alleges to be shortcomings of direct election. These are questions that I think are very rightly raised.

For example, the Senator from Indiana is very familiar with the fact that one of the principal charges made against the present proposal is that it would enhance the incidence of fraud, and fraud is bad. A little fraud is bad, and a lot of fraud is much worse.

Although the Senator from Indiana would be the first to suggest that direct election does not take out of the heart of a deceiving and conniving individual that disposition which he possesses, it is the opinion of the Senator from Indiana that it minimizes the chance that a little

fraud would have a tremendous impact on the outcome of a presidential election.

Human nature being what it is, I think the less the fruit of the fraud, the less the incentive to become involved in even a little fraud.

I suggest to my distinguished friend from North Carolina, and to any other Members of this body who care to examine the facts of the past several elections, that operating under the unit rule, whenever we have a close election in Pennsylvania or New Jersey, or any State in the Union, under the unit rule any person who is determined to try to steal the election in that State by procuring a few fraudulent votes is able, in essence, to buy the entire State's electoral vote.

Theodore Sorenson appeared before our committee, and used the State of California as a specific example, because it is our most populous State. He pointed out that in a close election—and we have had some close elections in California—if you procure 20,000 fraudulent votes in California, from tombstones, out of flop houses, by using aliens, or by using any of a number of devious means that might come to someone's attention, with those 20,000 fraudulent votes, you can throw the entire State's 40 electoral votes to the opposite camp.

I remind my fellow Senators that 40 electoral votes is about 15 percent of what it takes to elect a President. Under the present system, 20,000 fraudulent votes would have a much more significant impact than if the same 20,000 fraudulent votes were commingled with some 70 million popular votes.

My distinguished friend from North Carolina expressed his concerns most eloquently; he and our distinguished colleague from Florida are two of the most eloquent spokesmen in this body, and I know this concern is deep in their hearts. I have had a particular chance to work with the Senator from North Carolina in the committee, and I know of his deep conviction in this particular area. I know the Senator from Florida from reputation, but I have not had a chance to serve on the committee with him.

I suggest that, if any of us really believe that the electoral college is fundamental to the continuation and protection of the federal system, perhaps we ought to get out our Federalist Papers and take a little better look at them. Perhaps we ought to read what some historians have said—indeed, what all historians have said—about what constituted the great compromise that put this country together. It was the establishment of a U.S. Senate based on geography and the establishment of a House of Representatives based on population. This body, Congress, is where the grand compromise started and where the roots of the federal system remain to this very hour.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BAYH. I ask the Senator from Florida to bear with me for a moment, because I would like to maintain the continuity of this point.

If we are to suggest that the Founding Fathers had infinite wisdom in the way they established the electoral college, I suggest that we read carefully that the Founding Fathers really meant for the electoral college to be a nominating process. There five of the top vote getters would be nominated and then the election would be completed in the House of Representatives on a one-State, one-vote basis. I do not think any of us would suggest that this is necessary to protect the federal system.

I should like to suggest, very respectfully, to those who are concerned about both the federal system argument and the small State argument, that if one reads the compelling speech of the Senator from Oklahoma the other day, in which he discussed the small State argument, and if they would read and study the equally eloquent speech of the Senator from Idaho (Mr. CHURCH) yesterday, an excellent case can be made that the small States, which were supposed to be protected under the federal system and which are protected in the U.S. Senate, are not protected under the electoral college system. This is so because, regardless of how we divide electoral votes into population, the fact is that under the present system, one can be elected President of the United States if he carries the 11 most populous States by the slightest popular margin, even if he is soundly defeated in the small States that are supposed to be protected by the electoral college.

I have heard the Senator from Oklahoma, the Senator from Idaho, and others eloquently point out piece after piece of evidence, including campaign schedules, showing that today the politicians, the campaigners, and the organizers concentrate on the large States, not on the small States.

I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

I invite the Senator's attention to the fact that he has just mentioned an element in this whole matter which has given more concern to the Senator from Florida than anything else, and that is the deprivation of the small States of substantial portions of their weight in the election of a President which would be accomplished by Senate Joint Resolution 1.

Under the census of 1960, 32 of the smaller States would have lost a portion of their electoral weight, some of them a very large portion. Under the preliminary returns of the 1970 census, 29 of the smaller States would so lose a portion of their electoral weight.

The Senator from Florida adverts again to what he said a few moments ago: He does not believe that the States can soundly be left out of the presidential election machinery without radical change to the original program and without recognition of the fact that the States are sovereign units and that they are tremendously affected by the choice of President and Vice President.

The Senator from Florida makes this statement despite the fact that he is not one of those Senators representing a State which would be deprived of any of its weight. The preliminary returns show very clearly that the State of Florida is in ninth place in population among the 50 States and that it would gain, insofar as the State of Florida is concerned in its weight, in the selection of President by the adoption of Senate Joint Resolution 1 by the people and its ratification by 38 or more States. But the Senator from Florida is still of the feeling that such a step would radically change our Federal system and would radically depart from the system under which we have progressed so far and succeeded so well. He does not favor what would amount to the adoption of an absolute democracy for the selection of President and Vice President, which is a radical departure from the original program adopted as a compromise and placed in the Constitution, and under which we have succeeded.

I am sure that the Senator from Indiana does not question the fact that under the preliminary returns, 29 States will find a part—some of them, a very substantial part—of their weight in the presidential election lost, as compared with what they have under the electoral system that now prevails. The Senator knows that that is the case, does he not?

Mr. BAYH. The Senator respectfully suggests that the Senator from Florida and the Senator from Indiana disagree as to the matter of who loses and who gains.

I do not know how comprehensive an answer the Senator from Florida wants from the Senator from Indiana. But I suggest to him that the mathematical computation which shows that 29 States would lose weight is without substance in terms of practical politics. It does not take into consideration the very practical aspect of how the system operates under the unit rule. It does not take into consideration that now the emphasis is placed on the large States. Why is that? As the Senator from Indiana mentioned a moment ago, it is because any candidate for the President of the United States understands that to be elected, all he need do is to carry the 11 most populous States. He does not need to go into any of the 29 States that are going to lose votes. He comes to the 11 large States.

Mr. HOLLAND. The Senator from Florida knows full well that, assuming that the votes in the nine largest States would be proportional to the votes cast nationwide, the same result could be accomplished in nine States under Senate Joint Resolution 1; and the Senator from Florida knows perfectly well, also, that the proposal made by the Senator from North Carolina and that made by the Senator from Florida in neither case perpetuates the unit rule. We both think that the electoral college as such should be abolished. But we both think, and both of our resolutions so show, that what we insist upon is the maintenance of the system by which both the State, because of its sovereignty as a State, and the population of that State, because of its size, should continue to be represented in the selection of President.

The Senator knows full well that every time he refers to the preservation of the unit system, he is referring to something for which nobody is now contending.

Mr. BAYH. Mr. President, I suggest that with or without a unit rule, a given State has the same number of electoral votes. The Senator from Indiana is of the

opinion that we had better compare what we have to some of the alternatives. The Senator from Florida is being critical in his persuasive way, to suggest to the Senator from Indiana that going to the direct popular vote plan would cost 29 States the advantage that they now have under the present system. I will not repeat my strong feeling that these 29 States may suffer a mathematical loss, but that they will also have a practical gain. We have done some study in the committee on campaign itineraries.

Mr. ERVIN. If the Senator from Indiana will yield for a question, what have the Senator from Indiana and the Senator from Florida done with the other 10 States? They talk about 29 States and 11 States. In my arithmetic book that makes 40 States. We are throwing away 10 States, are we? Is it because those States will be more or less thrown away under this proposal, that those States will become immaterial?

Mr. BAYH. The Senator from Indiana does not believe that the States would become immaterial. I am not sure what happens to the 10 States because I was not the one that arrived at the 29-State figure. The arithmetic of the electoral college is so obvious under the 1970 census as to who will be elected President and Vice President. They will win if they carry the 11 largest States, no matter how soundly thrashed they happen to be in the other States of the Union.

I was referring a moment ago to campaign itineraries. The Senator from Indiana was invited to make a speech in Topeka, Kans., not too long ago. Study will show that in the last election none of the candidates went to Topeka, Kans. That is a community of 110,000 citizens. It is not a crossroads town by any means. It is the capital of the State of Kansas. But none of the candidates thought the citizens of Kansas had enough advantage that they even went to that State and asked them for their votes.

Interestingly enough, a study shows that they did go to similarly sized communities of 110,000 to 120,000, such as Springfield, Ill., Battle Creek, Mich., Canton, Ohio, Lancaster, Pa., and Rochester, N.Y. The only reasonable conclusion that can be arrived at from this disclosure is that other cities of 110,000 persons had an advantage. The same size city in Kansas was not important. Let the record show that the Senator from Florida and others who argue this point "had the advantage."

The candidates did not go there because the best they could do in Kansas was to win five electoral votes, but in the other States they could win large blocks of electoral votes.

That is why I am of the opinion that the small States do not have the advantage under the present system, despite the concern expressed by some of our distinguished colleagues here in the Senate.

Mr. HOLLAND. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. If the Senator will permit me to continue a moment, then I shall be glad to yield to him. The Senator from Florida has expressed a real and sincere concern that the States would be bypassed or left out in the election process.

Now the Senator from Indiana cannot predict for the infinite future exactly how people will run campaigns, but he has been familiar with campaigns in Indiana. Every time we have presidential elections in Indiana we also have a Governor's election, we also elect 11 Congressmen and 100 members of the House of Representatives, county officials, and township trustees. Thus, I suggest to those concerned that the States will suddenly disappear as units. What are we going to use as a unit to elect governors? Of course the States will not disappear.

Any candidate who has a prayer to be elected President had better get to the State organizations and make certain that they have a good precinct organization there, because that is where elections are won and lost. I suggest that close examination will show there is not going to be much departure from present procedure. As one of the candidates said in testifying before the committee, "When you go to hunt ducks, you go where the ducks are." He went further to suggest that when we go to hunt votes, we go where the votes are.

If we go to Oklahoma City, there is the same degree of probability that we can obtain votes as in any other city of the same size.

This will not be revolutionizing things. I hope that no one is suggesting that this proposal will make the United States Senate, like the absolute democracies, as for instance in Greece, and others, which let all its citizens participate in the legislative process.

We are not suggesting, Mr. President, that we tear down the federal system, based on the U.S. Senate which protects the interests of the States. Nor do we seek to change the fact that the House of Representatives protects the interests of each congressional district. We do want to say, once and for all, that the President of the United States of America is the President of 200 million people. Why not let him be elected on a one-man-one-vote basis which will guarantee he is the man who gets the most votes?

There are strengths and weaknesses in every proposal here, I must say. I feel, as many others do, that we should let everyone vote directly for their President and Vice President without any intervening agent or formula. If we believe that everyone should have his vote count for the same candidate, if we believe that we should have a man sitting in the White House with the authority that comes from being the man that got the most votes, I respectfully suggest, with all due deference to all my colleagues here, that the direct popular vote is the only plan that guarantees these three criteria and I hope that the Senate will consider them on their merits.

If they feel that the plan of the Senator from Florida is best, then let us vote it up or down. If they feel that the Senator from Indiana has the best plan, as cosponsored by 39 other Members of this body, let us vote it up or down. But let us not become enbroiled in endless debate without the Senate being able to vote on the matter.

ORDER FOR CONTINUING THE CONSIDERATION OF THE AGRICULTURAL ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that not later than 5 o'clock this afternoon, the unfinished business be temporarily laid aside and the Senate proceed to the consideration of Calendar No. 1172, H.R. 18546, the Agricultural Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. HOLLAND. I notice that the Senator from Indiana, in all of his eloquent debate on this subject, has not adverted to one of the things mentioned several times in this debate by opponents of his resolution; namely, that under his resolution, the District of Columbia would be given greater weight in presidential elections than 11 other sovereign States, in spite of the fact that it has no sovereignty at all and does not have as part of its right the responsibility in the passage of laws that would govern the lives of its people, such as exist in Indiana or Florida or in all other States, and that the District of Columbia has a sufficient vote to outvote two or three groups of the smaller States, two at a time.

That is one of the things which not only makes the Senator from Florida feel that the sovereignty of the States is being hopelessly downgraded by the resolution, but that the Senator has little interest in the authority and status of the States as sovereigns, but it also indicates to the Senator from Florida that there would be minimal chance of adoption of his resolution because not only are 11 of the States of such a population they would be heavily outvoted by the District of Columbia and outweighed by the District of Columbia in presidential elections. But there are a large number of other States, totaling 29 in all with the 11, who would lose substantial parts of their weight because of their population being less than that of the average State.

I note that the Senator has, either by accident or by deliberation, failed to mention that fact.

How does the Senator from Indiana feel about the District of Columbia outweighing in a presidential election the oldest State in the Union, Delaware, and many of the other small States which have long been States, such as Wyoming, such as Nevada which came in during the Civil War, and others of the small States which have been States a long time, and also Alaska, the 49th State and the largest State in area and the largest, I think, in resources and a State with a possibility of developing. Many, many problems depend upon the exercise of its own sovereignty.

How is it the Senator from Indiana

is willing to propose to adopt a program which would say to the District of Columbia, hopelessly without any sovereignty of its own and hopelessly without any of the responsibilities of statehood, that its citizens outweigh those of 11 States?

I have not heard the Senator from Indiana mention that fact.

Mr. BAYH. Mr. President, I am grateful that the Senator from Florida has brought up that omission.

Perhaps the Senator from Indiana was in error, but inasmuch as the Senator from Florida had already posed the same question and the Senator from Indiana had answered it, I thought that it was not necessary to duplicate the answer.

Does the Senator from Florida care to explore that any further with the Senator from Indiana?

I have not heard of any other Senator who was concerned about that. If it is a concern to the Senator from Florida it is a concern to the Senator from Indiana. I would be glad to explore it.

Mr. HOLLAND. Mr. President, the answer was not persuasive to the Senator from Florida. The Senator from Florida has read it over in black and white since and still is not persuaded.

It seems to the Senator from Florida that the Senator from Indiana has come to the position that he does not think the States, as such, have any part, have any responsibility, or have any direct concern in the election of the President and the Vice President. It is that conclusion with which the Senator from Florida completely disagrees.

Mr. BAYH. Mr. President, the Senator from Indiana is going to read carefully the last remarks he made here about 5 minutes ago. I would hope that the Senator from Florida would give him that courtesy and do that same thing.

I think the Senator from Indiana suggested in some detail why he thought the States were not going to be bypassed. I thought the question of what would happen to the States was a legitimate question.

The Senator from Florida might differ with the Senator from Indiana on the conclusion he might reach. But I do not think it is accurate or fair to suggest that the Senator from Indiana is totally oblivious of what might happen to the States.

The Senator from Indiana happens to feel that if he were managing a campaign for the office of President of the United States, he would have to pay as much attention to the States under a direct popular vote system as under the electoral college. He would have to talk to those State chairmen, and those district chairmen, and county chairmen. He would have to make sure that the precinct committeemen were participating in registration drives and get-out-the-vote drives.

If I were managing a campaign for a candidate for President under direct popular election, I would have to pay attention to a larger number of States than most campaign managers now pay attention to. We would have to give equal time to States with equal population centers. And that is not a question involved now.

Mr. HOLLAND. Mr. President, the Senator from Florida appreciates the good humor of the Senator from Indiana. He hopes that his own attitude will be equally good humored. But he cannot give his own consent to such conclusions as would allow the District of Columbia, which has no sovereignty and no responsibility to its citizens for any of the laws which govern their daily living, to have any greater weight than the oldest State, the smallest State of the Union, Delaware, plus the largest State, the 49th State of the Union, Alaska, probably the largest State in terms of resources.

It seems to me that there is no balance and no weight given to the fact that sovereign States have a concern in the selection of a President and have been given a chance to have some weight in that under the apportionment in the electoral college that the Senator from Florida proposes to abolish as such without, however, abolishing the weight fixed under the electoral college system.

To repeat my observation, I cannot see how the distinguished Senator from Indiana, eloquent as he is, persuasive and personable as he is, can ever come to the conclusion that the District of Columbia, without any sovereignty, without any responsibility to its own citizens for the passage of laws—which are passed by the hundreds and thousands by every State for the government of most of the daily activities of their citizens—could have greater weight in the selection of a President—as would happen under his amendment—than would Delaware, the oldest State of our Union and the first one to adopt the Constitution and the smallest of our States, and Alaska, which is the 49th State and the largest in area and perhaps the largest in resources with innumerable chances of developing, all of which or many of which depend upon the action of the State as such under its own sovereignty.

The Senator from Florida does not think that it is even reasonable to talk about creating situations of that kind, and without being other than expressive of his own views, he wants to say that he thinks that when the time comes that the States are emasculated from having any say-so in the election of a President and Vice President and we have become a complete and simple democracy in that field, we will have a complete change and a radical change from the Nation as it was first set up and under which it has prospered and progressed and become the oldest nation of any size now in existence so far as the term of its life is concerned.

That is a brief statement of the position of the Senator from Florida. He welcomes the good-humored returns of the Senator from Indiana, but he cannot agree with him in the slightest. It does not seem to him that there would be the slightest chance of 38 States, through their legislatures, when they look carefully at this proposed constitutional amendment, if it be submitted, Senate Joint Resolution 1, would ever agree to such an unbalanced setup as that would be.

Mr. BAYH. Mr. President, I always enjoy the stimulating effect of participating in a battle of wits with my distinguished friend, the Senator from Florida.

I am certain that, right as I may be, I will be found wanting when it comes to a comparison of eloquence with the Senator from Florida.

I think we are talking about two things here, if I might suggest so to the Senator from Florida. I have dealt rather extensively with the first of them—the argument that the States would receive no advantage under the direct popular vote.

If one is running for the office of President of the United States, he must concentrate on the 11 largest States. That is where he would buy his television time. That is where he would spend his time campaigning. That is where he would try to organize. Under the direct popular vote system, I suggest the organization would be more equitable; there would be more attention to the expenditure of finances and, if you please, the distribution of patronage on a uniform basis throughout the States than is now the case.

In the judgment of the Senator from Indiana there was no conceivable way that a person would have a chance of being elected President of the United States if he decided, like a knight on a white horse, that he is going to charge out into the national political battlefield and totally ignore the States, the Governors, the election officials, the precinct workers, and the organizations that are there at his disposal.

I am sure that the Senator from Indiana has not persuaded his friend from Florida on this point but let the record show that at least the Senator from Indiana has expressed a separate and contrary point of view. The Senator from Indiana has not had the opportunity to deal with the voting strength of the District of Columbia since the question was raised by the Senator from Florida. Having had the opportunity as a young lad to live in suburban Washington, the Senator from Indiana has a strong feeling of affinity for our Nation's Capital, its people, and its problems.

I had the good fortune of introducing into the Indiana General Assembly the resolution to ratify the 23d amendment. It gave to the people of the District of Columbia for the first time the right to vote for President—not the right to vote for a Senator or Representative, but the right to vote for President. There is another issue in Congress today that deals with representation in Congress. I support and have introduced such a measure. But right now we are not talking about voting for a Representative or Senator, which has all the manifestations of statehood. We are talking about voting for the President of the United States.

It seems to me that the logical conclusion could be drawn from the concern expressed by the Senator from Florida that the citizens of the District of Columbia should not be allowed to vote at all for President since they live in the Nation's Capital. If we say to them that they should not be allowed to vote since they live in the Nation's Capital and that

they are noncitizens, we should not have ratified the 23d amendment in the first place. I do not know how the Senator from Florida voted in that matter, or whether he supported it, but the fact is we have given to the citizens of the District of Columbia the right to vote for their President.

Mr. President, the President is a national official; he is the President of all the people. There are hundreds of citizens in the District of Columbia who have borne the burdens, and the suffering, and the rigors of battle. I am sure that hundreds of them are now serving in Vietnam; and I am sure the names of people who live in the District of Columbia, or whose parents live in the District of Columbia, dot the casualty lists which with painful regret come down every week. Are we going to suggest to the parents of those people that they should be denied the right to select their President? Are we going to say that they are going to pay a tax on tea or pay income tax and yet not be able to influence the choice of the President of the United States? I think the argument of the Senator from Florida is not persuasive; at least it is not to me.

The number of votes cast in the District of Columbia under the direct popular vote plan will depend on the number of people who go to the polls on election day in the District of Columbia. The number of citizens of the United States, and not the number of citizens of the District of Columbia, who go into the voting booth and vote for Mr. X or Mr. Y for President will determine who will be the President of the United States. There is no one here with sufficient wisdom to suggest how these people will vote if they have the opportunity.

The same statement can be made with respect to the people of the State of Delaware or the people of the State of Alaska.

The Senator from Indiana is not suggesting that we give the people of the District of Columbia a louder voice, but that we give them an equal voice; that we let every citizen of this country have an opportunity to cast one vote and only one vote, which will count as one vote and which will count for the candidate for which it is cast.

That does not happen under the present system in the District of Columbia and it does not happen in any other State of the Union. Now we are suggesting that we are in the period of enlightenment of the 20th century and we are going to give everyone the power to choose the President.

I suggest this is not a revolutionary scheme. We are not talking about a revolutionary scheme. We are suggesting that we use the same system, and not a new and novel, revolutionary or radical system, but the same system that has served us so well to elect the Governors of this land, Senators who sit in this Chamber, Representatives who serve in the House of Representatives, borough chiefs, school board members, Governors, State legislators, city councilmen, and mayors. This is the system we have used so well to elect all of our officials in this country except the President and the Vice President.

I must suggest respectfully that this does not merit being called a revolutionary new scheme.

The Senator from Indiana would like to deal with one other point. Unfortunately, I think the arguments on this point must be dealt with in the abstract because science cannot tell us exactly how the people of this country will vote or, indeed, how the State legislators of this country will vote. There has been a great deal of concern expressed that the State legislatures of this country will not ratify the direct popular vote by the necessary three-fourths vote. In all honesty I cannot suggest to my colleagues that it is a fact that they are going to ratify the direct popular vote proposal.

I can refer to a number of polls taken by the Senator from North Dakota (Mr. BURDICK) and the Senator from Michigan (Mr. GRIFFIN) to point out that those legislators who answered said by an overwhelmingly preponderance, "Cast my vote for direct popular vote." I cannot suggest how all of those who did not answer would respond.

I suggest that if one looks at the polls, particularly if he looks at the latest poll of our distinguished colleague from Michigan (Mr. GRIFFIN), and he sees the returns and response of the State legislatures on the direct popular vote, on the proportional plan, on the district plan, on every plan available, he will see that the great preponderance of support has been for direct election.

The Senator from Indiana would like to leave one last thought to ponder, regardless of what our State legislatures may or may not do: It has been the good fortune of the Senator from Indiana to have served in his State legislature for 8 years, and to have been speaker of the house of representatives there for one term and floor leader for two terms. That fact does not give the Senator from Indiana any great store of wisdom, but he merely cites that fact to show that he has some familiarity with how the legislative process works at the State level. There are those in this body who have had more experience. The distinguished Senator from Illinois, who is about to take the floor, has been speaker of the house of representatives in Illinois, and he can speak for himself.

In the judgment of the Senator from Indiana, given an issue which has been supported by 80 percent in almost every poll I have seen; given an issue which has been supported by the American Bar Association; given an issue which has been supported by the AFL–CIO and the UAW; given an issue which has been supported not only by the Chamber of Commerce, but also by the members of the Chamber of Commerce across the country; given an issue which the League of Women Voters, after thorough study, supported by more than 80 percent; given such an issue, if the Senator from Indiana had to take a position and had to make a wager—and he is not a wagering man—he would say that if any one plan would be adopted by the State legislatures, it would be Senate Joint Resolution 1. The State legislatures will agree that the people who are farsighted enough and intelligent enough to choose them as State legislators also have the wisdom to directly elect a man as President of the United States.

Mr. President, I yield the floor.

Mr. HRUSKA. Mr. President, it is not my intention to engage in lengthy discussion of the merits of Senate Joint Resolution 1 at this point. A discussion on the merits could be interminable. I hope it would not be, but I would hope it would be fairer in length and proportion than it has been heretofore.

The debate on this proposition started on the 8th of September. This is the sixth day of the debate. I think we are in about the fifth hour of debate on it today. So it has not been a week of debate. There is a situation in which other Senators want to be heard. Eight or ten Senators on our side have made requests. There are, no doubt, speakers on the other side of the aisle. Many amendments are being pressed.

To foreclose debate on those amendments without some opportunity to explain them and their detail and their intricacies would not be fair to Senators who proposed the amendments when Senators are expected to vote on them and when the legislatures of the States will be called upon to ratify or not ratify a proposed amendment that might contain one or another of those amendments.

The unanimous-consent requests made for limitation of debate were not of a nature or of a degree, nor of an extensive enough period, to satisfy the requirements for additional debate in the premises.

Let me suggest a comparison with other extended debates had recently in this Chamber.

This year, the consideration of a nomination for the Supreme Court of the United States occupied the time from March 13 to April 8. That issue was not at all of the overriding importance of a change in our organic Constitution, because Supreme Court Justices, like all of us, as mortals, come and go. But we took the time from March 13 to April 8 to debate that subject and the views on that nomination.

From May 13 to June 30 we discussed the subject of foreign military sales. Let me repeat—from May 13 to June 30, we did that, a total of 47 calendar days. We did it on a military sales bill which is of relatively temporary nature, and which can be altered in the legislative process or by amendment. So a period of 47 calendar days, May 13 to June 30, was devoted to that subject. There was never a whimper, there was never a standing on the high principle of saying, "We must rise and be counted, and we must rise and be counted pronto"—as we say out west.

Then we took up the military procurement bill. We started on that on July 23 and we concluded that subject on September 1—29 calendar days.

May I say that none of the situations in those extended debates had either the paramount importance or enduring results on our form of government and its functioning that the present proposal

has, nor was there, in any of those instances, any hurry on the part of anyone, let alone on the part of those who now urge cloture to get to the proposition of getting a vote and getting it quickly.

Six days of debate, and a motion is made at a time when we have had only 5 hours of debate on the sixth day and the debate on that date has not been completed.

Senate Joint Resolution 1 is fundamental and far reaching. It is a measure which changes the structure of our Government. It amends our organic law. It will deeply affect the functioning of States as well as the Federal Government. Prof. Charles Black, Henry Luce professor of jurisprudence at Yale, has said:

> I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

I know of no major proposition that has more aspects to it than this issue, which has been considered by the Senate or by the Congress during the tenure I have had here. I know of no proposition that has been more complex than the one before us. The Senator from Nebraska knows of no proposition of a more lasting and enduring nature than the one before us. And we must consider that it is not only for the individual Members of the Senate that we should have concern on that score, of having enlightening debate on each of these propositions and each of these amendments, but also for the State legislatures, which will be called upon to take a position on whatever amendment might be reported by Congress.

The request for limitation of debate that was made earlier this afternoon was totally out of place against a background of this kind. It would have shutoff debate in a very limited space of time on matters that should be entitled to much more extensive discussion.

It is no argument, Mr. President, to say that the time is limited, October 15 is our target date, we have an election on November 3, time is short. Speedy justice is never requested in a criminal trial at the expense of the quality of a fair trial.

Mr. ERVIN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I am happy to yield.

Mr. ERVIN. Does not the Senate from Nebraska note from the daily press, as the Senator from North Carolina does, that a court sitting in the State of California has been concerned for many, many weeks with the trial of one Manson and others in an effort to reach a true verdict and a true conclusion in that case? And does not the Senator from Nebraska agree with the Senator from North Carolina that the Senate of the United States ought to give at least as much consideration to the serious question of amending the Constitution in this respect that the California court has given to the trial of Manson?

Mr. HRUSKA. The answer to that question is that the Senator from Nebraska agrees that Manson should have a fair and a just trial, and the element of the passage of time should not enter into the decision to cut short the trial if it translates into unfairness, or if it is unreasonable in its effect.

Of course the Senator is correct; and we know, from the study of all criminal trials, that a man is entitled to his day in court.

We here are refusing to be a deliberative body, Mr. President. We certainly would not be a deliberative body if, in the debate on this subject in this Chamber—not in the committee, not in previous conferences, not in the last 30 years—if in this Chamber, debate were cut short either pursuant to the unanimous consent request that has been propounded, or pursuant to the invocation of cloture under rule XXII.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Indiana.

Mr. BAYH. I do not wish to interrupt the train of thought of the Senator from Nebraska——

Mr. HRUSKA. Oh, not at all.

Mr. BAYH. But I think the questions I would like to propound are germane to his present position, as indicated in his speech.

The Senator from Indiana has said, as recently as this afternoon, that he is not heartened to use cloture. In fact, yesterday I suggested to our distinguished majority leader that I, for one, was unwilling to sign a cloture motion. I felt that the cloture motion should only be resorted to as a last resort.

It was when I was advised that some of our colleagues—who, of course, are completely within their rights—had decided to debate this issue to death—I do not impute this motive to the Senator from Nebraska who, I am fully aware, was trying his best to reach some sort of time agreement prior to the release of this information—but it was only when the Senator from Indiana was advised that we were faced with that traditional senatorial insistence on its right to free debate known as the filibuster that he was persuaded that the majority leader was correct, and that this was the only way we could go.

I am willing to occupy the floor for a longer time period with my friend from Nebraska. Does the Senator from Nebraska have a ball park estimate of how long a period of time he would feel the various amendments should be discussed?

Mr. HRUSKA. Yes, I have. I have, Mr. President. This is not a novel situation. I have voted for cloture, and I have voted against cloture. I recall well one occasion—I know it was in the line of the civil rights bills that were ultimately approved and enacted into law, and I believe, though I would like to have a chance to verify my recollection, that it was on the voting rights bill, where a cloture motion was filed on about the same basis that it is here, where there was scarcely time to make the opening arguments on the thing, and I voted against cloture, announcing in the process that when a reasonable time had expired after the case had been laid down, and after the very complicated bill before us had been explained, and the virtues, as asserted by the proponents, were rebutted by the opposition, and a reasonable time had expired, I would vote for cloture.

Mr. President, that transpired, and on the second go-around, cloture prevailed, and we voted on that bill and the President signed it.

I say that considering the precedents of this body, that is the way to go about a matter as vitally important as this one. We have not had that opportunity. Seven days, Mr. President—not 26 days, as in the instance of an individual nominee to the Supreme Court; not 47 calendar days, as was the case on foreign military sales earlier this year; not 29 calendar days, as in the case of the military procurement bill, but as a matter of fact only 7 calendar days. That, 7 calendar days ago, is when we started debate on this subject.

I think it is totally out of proportion. I think it is premature for those of us who are not bound and determined to debate interminably on this issue, or any other issue, to place those who are in favor of a reasonable amount of debate in the same category as those who want to debate interminably, if any such there be.

That is my answer to the question of the Senator from Indiana.

Mr. BAYH. Would the Senator permit the Senator from Indiana to make an observation, without losing his right to the floor?

Mr. HRUSKA. I would be happy to, if it is not too extended, because we farmers have to get our legislation on the floor, Mr. President, to get it enacted before our wheat-planting time expires.

Mr. BAYH. Indeed, we farmers do, and the Senator from Indiana is glad to welcome his friend from Nebraska to the fold.

Mr. HRUSKA. Had that not been true, I would not have spoken as I did.

Mr. BAYH. My comments will be brief, but I wish to make it clear that I regard the efforts of the Senator from Nebraska as legitimate efforts to explore all aspects of the questions that have been raised. I think he is accurate in saying that he should not be categorized with some who have made it abundantly clear that they are going to filibuster.

This is a rather blatant approach, after the seriousness of this matter has been made apparent—seriousness which I know is obvious to the Senator from Nebraska. Would the Senator hazard an opinion—and this will be my last question; the Senator from Indiana realizes that there are many matters before the Senate, and each one is important in its own right. The Senator from Indiana would feel much more comfortable, himself, if he and the Senator from Nebraska and others who are searching for answers and trying to find a way to perfect our present electoral college system would determine that we are going to start right now in grinding away on this matter until we have answers to these questions, and let the Senate work its will.

The Senator from Indiana is concerned about the fact that we may, indeed, be losing some of the emphasis and impetus behind our electoral reform measure if, after a certain period of time,

we do not determine we are going to vote.

But would the Senator from Nebraska be willing to join in this effort to say, "All right, we are going to be on the floor of the Senate, we are going to stay here as long as it takes, day and night, until we thrash out our differences and vote on the issues up or down, and let the Senate speak for itself?"

Mr. HRUSKA. Let the Senator make this observation, and I do it most respectfully. The Senator from Indiana and this Senator have differed very often on selected subjects. On many more we have found occasion to agree. It is suggested by him that he did seek to make a differentiation between those who want to filibuster indefinitely and interminably and those who want to be reasonable about it.

Mr. President, words are one thing, but deeds are another. Meanwhile, a motion for cloture is filed and will be voted on at 11 o'clock the day after tomorrow. Where does that put those who want to be reasonable in their efforts to try to get all the history, the background, and the evidence before the Senate? It puts them in the same category with those who want to filibuster interminably, if such there be.

So I saw it is not going to be the only way. The only way is not the filing of a cloture motion. There is another way.

As I have already illustrated, this Senator on a previous occasion has done that very thing. I say there is a difference in the lack of any remonstrance on the part of the Senator from Indiana or anybody else who is in favor of the present motion. Debate has gone on for 26 days, 47 days, and 39 days, in this calendar year, and now, at the beginning of the sixth day of debate, all of a sudden they get a very great urge to make a great deal of quick momentum before we even get the engine started. Personally, I find some inconsistency in that position.

Mr. BAYH. If the Senator will yield briefly, perhaps some can find inconsistency there. I would suggest that the Senator from Indiana shares the feeling and the determination of the Senator from Nebraska to pursue this issue on the floor of the Senate as long as the other issues were debated, if that is necessary to get action.

The Senator was very concerned about some of the matters that were dragged out for what he felt was a very long period of time. We each make a judgment as to what is long and what is too long. I think the record will show that there had been no meeting held prior to any of these other matters at which the speakers proclaimed to the wire services that "Now we are going to start a filibuster." When that happens, of course, the parliamentary tactics that are used by some deny the Senator from Nebraska the right and the opportunity to pursue this issue diligently and, ultimately, to reach a consummation of our efforts.

Mr. HRUSKA. Not in and of themselves, I must say to the Senator from Indiana. It is only because of the kneejerk action of the proponents of this measure, saying, "There is threatened a filibuster; therefore we must have cloture"; leaving out of consideration many Members of the Senate who want to be reasonable about it, who want to explain and to shed light and to bring out many of the main points so that we can have a full record.

That, it seems to me, was an error. I suggest it again with great respect. If any advocate of a point of view would be looking for friends, he would have said, "Well, maybe there will be an interminable filibuster. It is threatened, and the wire sevices have reported it. But we will go to the other side and ask them to go along with us for a filibuster after a reasonable period of time has been consumed, for the purpose of getting the record out and the debate made and so that the facts will become known."

That has happened before, as I have explained to the Senator. It was recognized by the leaders at that time that the effort to cloture was an error. I submit that it is in error this time, and I hope that the Members of the Senate will turn it down; because it is unreasonable, it is arbitrary, and it does penalize those who believe in the middle ground of getting enough debate so as to get the issues out, put them on record, and go on from there.

Mr. BAYH. I appreciate the Senator's patience in permitting me to interrupt.

Perhaps the Senate will see the wisdom of the Senator from Nebraska's thoughts. Frankly, the Senator from Indiana is one who has been involved intimately with electoral reform for a number of years, and he would not hazard a guess as to the number of votes we will have on cloture. As I mentioned earlier, I would like to see this matter voted on on the merits, not on cloture, because parliamentary questions are involved.

I point out one aspect, so that perhaps the judgment of the Senator from Nebraska would not be quite so harsh.

With respect to the public pronouncement, I have never seen a denial by some who have suggested, "We are not going to let this come to a vote." After hearing that, some of us were persuaded that we ought to move.

I point out to the Senator from Nebraska, as I am sure he knows, that even if cloture is voted, there still will be permitted 100 hours of debate. At 10 hours a day, which is probably more than we normally work here, that is 10 additional days of debate.

I wonder whether the Senator would be tolerant enough to let the RECORD show a memorandum from the Library of Congress, which shows that the 16th amendment was debated for 1 day, the 17th amendment was debated for 7 days, the 18th amendment for 4 days, the 19th amendment for 26 days, the 20th amendment for 1 day, the 21st amendment for 3 days, the 22d amendment for 4 days, the 23d amendment for 6 days, the 24th amendment for 11 days, and the 25th amendment for 1 day, before final passage. I would not suggest that these are magic numbers.

Mr. HRUSKA. A total of approximately 26 days, as I added up those numbers. And 26 days were taken for the hearing of the merits and demerits on a single proposition this calendar year, the matter of a nominee for the Supreme Court; 47 days for military sales; 29 days for military procurement. Somehow, there was a lack of protest about that. That is a curious thing. One wonders why.

At the beginning of the 6th day of debate on an organic change in this Government the likes of which this country has never seen, we find a motion for cloture. That is the situation I would like to point out to the Senator from Indiana.

Mr. BAYH. That is a legitimate concern of the Senator from Nebraska. But when some of our colleagues are exercising the right—and I do not speak disparagingly of their efforts to deny us the chance to vote—and blatantly discuss their efforts to deny us the right to vote, then the Senator from Indiana takes a little different view.

Mr. President, I ask unanimous consent to have printed in the RECORD this memorandum, which shows that the 26 days to which the Senator alluded covered the total time the Senate debated the passage of 10 constitutional amendments.

Mr. HRUSKA. Whatever the total is. I do not stand by the 26.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., September 10, 1970.

To the Senate Subcommittee on Constitutional Amendments.

From Government and General Research Division; Frederick Scott, Acting Division Chief.

Research by Frederick Pauls.

Subject Debate time spent in the Senate on Constitutional Amendments 16 through 25.

In compliance with your request we submit statistics on the amount of time spent by the Senate debating Constitutional Amendments 16 through 25.

Amendment 16, Income Tax. On July 3, 1909, a decision was reached, after brief discussion, to vote on the joint resolution on July 5, 1909. Debate occurred on July 5, and the measure was approved.

Amendment 17, Direct Election of Senators. On six days prior to debating the joint resolution the Senate decided to postpone consideration of the measure, which had become the unfinished business on May 8. These days were May 8, 9, 15, 16, 17, and 22.

Debate began on May 23, continued on May 24, 25, June 7, 8, 12, and 13, 1911, a total of seven days. Passage occurred on June 12, after adoption of a substitute for the reported joint resolution by vote of 45–44, the Vice President breaking a tie vote. This action occasioned further debate on June 13, concerning the propriety of the Vice President casting a tie-breaking vote on an amendment to a proposed Amendment to the Constitution. The Senate debated this question and by a vote of 33–33 sustained the Vice President's right to cast such a vote by refusing to recall the joint resolution.

Conferees could not agree on the differing House and Senate versions of the joint resolution. This was reported to the Senate April 23, 1912, debated, and by roll-call vote the Senate instructed its conferees to insist on the Senate version. The House capitulated May 13, 1912.

Amendment 18, Prohibition. On three days prior to actual consideration, motions were

made, and later withdrawn, to take-up the joint resolution in order to determine a time for debate and voting on the proposed amendment (July 9, 12, and 25, 1917). On July 26, it was agreed to begin debate on July 30, and to vote on August 1.

Amendment 19, Woman Suffrage. Subsequent to House passage of the joint resolution, an attempt was made May 23, 1919, to place the measure directly on the calendar. It failed. An attempt on May 26, to discharge the committee from further consideration was left unresolved. An attempt on May 28, to decide on a date for debate and voting came to no resolution. The measure was taken-up, debated, and passed June 3 and 4, 1919.

Amendment 20, Term of Office of President and Convening of Congress. Conference report agreed to March 2, 1932. [Note: Senate had passed similar joint resolutions in 1929, and on four previous occasions, hence the paucity of debate.]

Amendment 21, Repeal of Prohibition (18th Amendment). Debate occurred February 14, and 15, 1933, on making the joint resolution the pending business. Once agreed to on the 15th, debate continued on that day and on the following on the joint resolution.

Amendment 22, Limit Presidential Terms of Office. Senate agreed to make the joint resolution the pending business on March 3, 1947. Desultory debate occurred March 5, 7, and 10. Intensive debate and passage took place March 12.

Amendment 23, Electoral Vote for the District of Columbia. Debated in the Senate. Senate agreed to conference version June 16, 1960.

Amendment 24, Poll Tax. Debate occurred.

Amendment 25, Presidential Inability. Made the pending business on February 18, 1965. Conference report agreed to July 6, 1965.

The source for this information was the *Congressional Record.* If there is need for further assistance, do not hesitate to call.

Mr. HRUSKA. There we run into the conclusion that was reached a little earlier. Notwithstanding the words of the Senator to the effect that he did differentiate between those who would debate interminably and those who would not but would find a middle ground, he said:

We are going to treat them both alike. We are going to file the cloture motion, and we are going to vote for it.

The Senator is sincere in his view that this does work a little hardship. I know he is sincere when he says that. I think he is sincere when he makes a pronouncement on the floor of the Senate, because that is his record. He has that place in the minds of all of us. But he had the privilege of voting against the cloture motion the first time, joined in by a large enough number so that those of us who feel that there should be a reasonable period of time will have a chance.

By way of summary, I want to say this. The proposition before us is not an ordinary matter. It is not a housekeeping detail. It is not an instance of recalcitrant Senators unwilling to stand up and be counted. Substantial, profound, and far-reaching implications are contained in it.

I hope that when the time comes, at 11 a.m. on Thursday next, the Senate will refuse to entertain the motion for cloture and, on the contrary, will reject it.

Mr. FANNIN. Mr. President, today I received a message from one of the Nation's great newspaper publishers, Eugene C. Pulliam.

He is nationally recognized as a student of American government and its practical applications. If anyone is an expert on the American way of life, it is Eugene C. Pulliam.

His newspapers in Arizona and Indiana have carried his message of freedom and dignity for decades.

The telegram Mr. Pulliam sent me was personal, but I am sure he will not mind my sharing it with the Senate.

Here is what the telegram said:

Hon. PAUL J. FANNIN,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: When you vote on the popular election of Presidents you are voting to uphold and preserve the Constitution or to destroy it.

Popular election of Presidents would disenfranchise more than two-thirds of the States including your own. Popular election of Presidents would create a mass democracy in this country controlled by the labor unions and the top bosses in seven States. In other words we would have a democracy instead of a republic.

Your State would have practically no voice in the election of Presidents from now on if this bill passes and is approved and upheld by the Supreme Court.

Seven large States with a coalition of big labor and big city bosses could always certify election returns, as you know they have in many years, that would elect whatever President they had decided on. They could do this because they would control both the voting and certification machinery of these seven States.

The President has said he prefers the district plan which gives the vote for President the greatest possible expression of the people of all the States, whereas the popular vote disenfranchises at least two-thirds of the States.

Senator Birch Bayh is carrying on this fight with the encouragement of big labor who wants him to run for president. Senator Bayh came out to Indianapolis recently and made a demand to have personal control of the Democratic State committee. When the matter was finally decided the vote was 22 to 0 against Senator Bayh. The Democratic organization here knows what would happen to Indiana, if we had a popular vote for President. This is not a partisan issue, the issue is whether the Congress will preserve and continue representative government in America. And your vote will be very decisive in deciding whether we dump the Constitution or preserve it. A favorable vote for popular elections would practically wipe out all States rights. Because of the power to elect and to certify election returns, the seven big States would be able to control any further amendments to the Constitution.

I appeal to you to protect the citizens of your State by voting to uphold the Constitution and representative government.

Good luck and God bless you.

EUGENE C. PULLIAM,
Publisher, Indianapolis Star and News and Arizona Republic and Gazette.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17123.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. I move that the Senate insist upon its amendments, ask the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. RUSSELL, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I am about to make a unanimous-consent request relative to the designation of the delegates of the United States to the United Nations for this year's General Assembly. I do so with the approval of the Republican leadership. It is based on the fact that two Members of this body are delegates, and before they can become effective, they must be sworn in this afternoon. It was approved by the State Department. The nominations were reported unanimously by the Committee on Foreign Relations. My request is a little unusual, but we are up against the time element.

I move that the Senate go into executive session to consider the nominations to the United Nations.

The motion was agreed to; and the Senate proceeded to consider executive business.

REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO 25TH SESSION OF GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. MANSFIELD. Mr. President, I ask that the nominations of representatives of the United States of America to the 25th Session of the General Assembly of the United Nations, which were reported earlier today, be read.

The nominations were read, as follows:

Charles W. Yost, of New York.

Christopher H. Phillips, of New York.

JACOB K. JAVITS, U.S. Senator from the State of New York.

CLAIBORNE PELL, U.S. Senator from the State of Rhode Island.

Glenn A. Olds, of New York.

The following-named persons to be alternate representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Seymour M. Finger, of New York.

Helen G. Edmonds, of North Carolina.

Richard H. Gimer, of Virginia.

Aloysius A. Mazewski, of Illinois.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed; and the Senate resumed the consideration of legislative business.

AGRICULTURAL ACT OF 1970

The PRESIDING OFFICER (Mr. BELLMON). The hour of 5 o'clock having arrived, under the previous order, H.R. 18546 becomes the pending business, which the clerk will state.

The legislative clerk read as follows: (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Chair would advise the Senate that it is now operating under controlled time. Who yields time?

AMENDMENT NO. 902

Mr. MONTOYA. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

AMENDMENT NO. 902

Mr. MONTOYA (for himself, Mr. MONDALE, Mr. PROXMIRE, Mr. HARRIS, Mr. MCGOVERN, Mr. YARBOROUGH, Mr. HUGHES, Mr. MCGEE, Mr. ANDERSON, Mr. NELSON, Mr. SYMINGTON, Mr. EAGLETON, Mr. GORE, Mr. BURDICK, Mr. HARTKE, and Mr. BAYH) offers the following amendment:

"On page 87, line 7, strike out '$1.35 per bushel' and insert in lieu thereof the following: '(A) $1.35 per bushel, or (B) 77 per centum of the parity price for the commodity on 50 per centum of the farm base acreage for the commodity times the yield per acre established pursuant to paragraph (2) of this subsection, whichever is the greater'."

The PRESIDING OFFICER. The Chair would inquire whether this is the amendment of the Senator from New Mexico upon which 3 hours of time for debate have been allocated.

Mr. MONTOYA. That is correct. I say, Mr. President, that I do not intend to take the full 3 hours. I anticipate relinquishing part of my time at a very early hour.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, with the understanding that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, if the Senator from New Mexico will yield for a unanimous-consent request, with the understanding that he does not lose the floor, I ask unanimous consent, Mr. President, that time on the pending amendment, which has just been offered by the Senator from New Mexico (Mr. MONTOYA) be limited to 1 hour instead of 3 hours, as earlier agreed to, and that the time be equally divided between the Senator from New Mexico (Mr. MONTOYA) and the manager of the bill, the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. MONTOYA. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from New Mexico is recognized for 10 minutes.

Mr. MONTOYA. Mr. President, I have just submitted the same amendment to H.R. 18546 that I submitted on August 12. The reference is changed, however, as a result of changes made by the Committee on Agriculture and Forestry.

The text of the amendment has been presented, and I should like it to appear in the RECORD as part of my remarks and ask unanimous consent that that be done.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT

On page 87, line 7, strike out "$1.35 per bushel" and insert in lieu thereof the following: "(A) $1.35 per bushel, or (B) 77 per centum of the parity price for the commodity on 50 per centum of the farm base acreage for the commodity times the yield per acre established pursuant to paragraph (2) of this subsection, whichever is the greater".

Mr. MONTOYA. Mr. President, this amendment applies only to title V, the feed grains section of the bill and is proposed to correct an inequity which was contained in the version of the bill passed by the House of Representatives, and which was left uncorrected in the committee print reported on September 4 by Mr. ELLENDER for the Committee on Agriculture and Forestry.

In the House version of the Agriculture Act of 1970, all of the wheat crop used domestically for human food consumption is guaranteed 100 percent of parity, thus assuring that their return will be adjusted to reflect changes in our domestic economy which are so quickly reflected in the costs of production. The Senate Committee on Agriculture and Forestry further improved this section by placing a floor under the loan program at $1.25 per bushel, the 1970 loan rate. I support this change.

The cotton section of the bill passed by the House placed a value of 35 cents per pound on the total of the average market price plus the payment of at least 15 cents per pound. The Senate Committee on Agriculture and Forestry changed this section to read:

(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972 and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the loan level for Middling one-inch cotton at average locations will be equal to the greater of (i) 35 cents, or (ii) 65 per centum of the parity price for upland cotton as of the beginning of the marketing year."

This payment is to be made on the cotton produced on all of the base acreage allotment. It is also tied to a parity relationship and must be increased annually by such an amount as is indicated by the parity index.

My only quarrel with this legislation is that it reduces cotton income by 2 cents per pound. This will be felt particularly by those whose total payments from the Government are less than the limitation established by the legislation. I must support this legislation, although with some reluctance.

Now we come to feed grains and a real inequity in the program is obvious.

First of all, the payments are to be made on only 50 percent of the feed grain base, despite the fact that 88 percent of the crop is used domestically for human and animal food. To be equitable, the payment should be made on the total consumed domestically as is done for both wheat and cotton.

We would note that the feed grains section reported out by the Livestock and Feed Grains Subcommittee of the House of Representatives provided for the coverage of 80 percent of the feed grain base acreage. The coalition farm bill called for 75 percent coverage. The Hardin bill cut this back to 50 percent when the committee, after weeks of acrimonious debate, voted for the second time to override the subcommittee.

The total of payments place the market price provided by both the House-passed bill and the report of the Senate Committee on Agriculture and Forestry as frozen at $1.35 per bushel. Thus, in the midst of a continuing inflationary spiral, the feed grains producers can expect an 18 to 20 percent increase in costs without any changes in compensation from either the market or from Government payments.

Now let us look at how much U.S. agriculture is affected by this unfortunate inequity.

All of the commodities in the farm bill are important to my State of New Mexico. For 1969, total base or allotment acreage in New Mexico included 875,474 acres of feed grains, 437,676 acres of wheat, and 171,147 acres of cotton. New Mexico farmers in 1969 planted 476,000 acres of feed grains, 388,000 acres of wheat, and 163,000 acres of cotton. In the same year, farmer-stockmen in New Mexico marketed 6,381,000 pounds of shorn wool,

18,928,000 pounds of unshorn lambs, and 172,000 pounds of mohair.

We will quickly add these figures and note that the allotment for feed grains in New Mexico is 276,651 acres larger than the total of both wheat and cotton; of the 1,474,297 acres in the allotments, 60 percent was for feed grains in my State alone.

New Mexico farmers planted a total of 927,000 acres to these three crops, but it planted 25,000 acres more in feed grains than the total of wheat and cotton.

Now let us look at what the national picture is concerning these crops. For this year, all of wheat harvested was from 42,561,000 acres. All of the cotton planted totaled 12,138,000 acres. The total planted of these two crops was 55,699,000 acres. But 57,991,000 acres was planted to corn, 18,732,000 acres to oats, 9,846,000 acres to barley and 17,109,000 acres to sorghums for a total of 104,678,000 acres to feed grains. The corn acreage alone exceeded the total of cotton and wheat, the grain sorghums exceeded the cotton acreage by 5 million acres, and the total feed grains acres are almost twice the total acreage of cotton and wheat.

We are not talking about an insignificant crop but about the single most important crop grown in the United States. The 415-billion-bushel corn crop is the basis of the total livestock, dairy, and poultry production which makes the United States the best fed nation in the world.

If this body needed a lesson in the importance of this basic crop, just look at the wild gyrations of the corn market due to the rumors of the effects of the corn blight on this year's crop. This market's uneasiness quickly affected the wheat market, the stock market, the USDA, the international market, and consumers who rarely ever think of corn as something grown for feed and food.

If this provision which I am proposing were in effect for the 1970 crop year, the probable effect would be to support feed grains prices at a rate roughly equivalent to 76 to 77 percent of parity. The $1.35 per bushel support for corn is equal to 76.3 percent of $1.77, or the parity price of a bushel of corn in July 1970. However, since the support level is frozen at the fixed $1.35 figure for the 3-year duration of the House bill, the level of support in parity equivalency would deteriorate yearly over the 3-year period as farmers' costs of production increase. If production costs go up during 1970–73 at the same rate as 1967–70, for the 1973 crop year the House bill would support feed grains prices at only 70.5 percent of parity—a decline of almost 6.5 percent. This means that price support for feed grains would sink below the current general farm parity ratio of 72, which is the lowest that it has been since the great depression.

We have heard some reports that the adoption of this provision to tie the income of feed grain producers to a parity equivalency would lead to the Presidential veto. The administration accepted the parity principle as it was applied to wheat when the bill was in the House Committee on Agriculture and raised no objection to it during the debate which preceded the passage of the bill by the House.

We note with interest that in the lengthy letter from Secretary Hardin to the chairman of the committee, the Senator from Louisiana (Mr. ELLENDER), on August 31, the two pages devoted to cotton did not mention the fact that this legislation had tied the total of loan and payments to 65 percent of parity.

The cost of this improvement in the program need not be excessive nor even substantial. The cost will depend entirely upon the price objectives pursued by the administration. At this point this Senator is unclear, nor can we get any help from the statements of the USDA.

On May 12, the USDA released figures to the House committee indicating that it expected the season average price of corn to decline from $1.12 in 1969 per bushel to $1.07 in 1970. They predicted that under the proposed set-aside it would drop to $1 in 1971 and 1972 and rise to $1.03 per bushel in 1973, hardly an attractive prospect for corn growers.

Again on August 25, the USDA released figures indicated they expected a corn price of $1 in 1971. However, on the same day they released some statistics on a sheet entitled, "Key Provisions and Program Results" which indicated that the USDA expects the 1970 crop to bring an average price of $1.16, indicating their evaluation of the corn blight scare. If the 1965 act was continued, the price would be $1.10 in 1971. if the set-aside is adopted and the acreage set-aside—or diverted—and harvested exceed the levels of recent years by about 10 million acres, the average price in 1971 would be $1.03 per bushel while the price would be $1.10 if total acreages are held at recent levels.

One, pay his money and take his choice, but in general the Hardin administration expects or intends for corn prices to drop under the "set-aside." It is no wonder that farm organizations are all opposed to this Nixon-Hardin program.

Now, if the Hardin crew will pursue policies to keep the market price at the levels of the last few years, the passage of this amendment would not add to the cost of the program. The same can be said for the cost of the minimum loan level of which the Senate subcommittee so wisely added.

However, if the grain trade men who run the commodity programs in the USDA persist in pursuing a course designed to drive down farm prices to benefit the grain trade, then the USDA should be made to carry the burden of the price decline, at least on the 50 percent of the crop which is not protected by the payments.

If they want to experiment with returning to a "market-oriented pricing policy" which has been consistently rejected since the administration of Herbert Hoover, then the Congress must not let American agriculture be sent down the drain while this great experiment is carried out.

What we will be saying to Secretary Hardin and Assistant Secretary Palmby by the approval of this amendment is that we have noted with disapproval the price objectives which they have proposed. What we should do is substitute the 1965 act for this section. The least we can do is to place some protection around our feed grain producers.

In his letter to Chairman ELLENDER, Secretary Hardin objected to any special consideration being given to small farmers. He prefers to care for them under the family assistance program, which is the updated name for welfare.

My amendment will help to keep U.S. grain farmers solvent in these troubled days by relating their returns to the changes in our general economy. This is consistent with what is happening in the rest of our economy. All of the labor contracts being negotiated today include a cost of living factor. Government employees are granted this privilege in legislation passed by this Congress.

The parity concept is the farmers' cost of living adjustment. It is to our shame that we make it only 65 percent of parity for cotton and 77 percent of parity for feed grains. Surely we can do no less.

Not only are farmers better served by this legislation, but the general welfare is also well served. One of the factors which has contributed to the Nixon recession has been the decline in net farm income due to lower prices and increased costs. The reduced buying power of U.S. farmers has been a major factor in the increase in farm bankruptcies, but it has been as important in causing the failure of rural businesses.

We cannot let the price equivalency of the production on over 100 million acres in the United States planted to our most important single crop decline by 15 to 20 percent in 3 years without feeling the repercussions in our total economy. This is what this amendment is all about. This is why I am so interested in its passage. This is why I am pleading with the Members of this body to correct the unfortuante inequity in the legislation before us before we send it to conference.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield without losing his right to the floor?

Mr. MONTOYA. I am happy to yield.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment to be offered by the Senator from Illinois (Mr. SMITH) and the Senator from Delaware (Mr. WILLIAMS) be limited to 40 minutes, rather than 1½ hours as previously ordered, the time to be equally divided between the author of the amendment and the manager of the bill, the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on other amendments be limited to 20 minutes rather than 30 minutes, with the time to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

time on the bill itself be limited to 30 minutes, rather than 1 hour, as previously ordered, the time to be equally divided between the manager of the bill and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from New Mexico has expired.

Mr. MONTOYA. Mr. President, I yield myself an additional 2 minutes so that I may yield to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. MONTOYA. I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

FEED GRAIN PARITY AMENDMENT FOR NEW FARM BILL

Mr. SYMINGTON. Mr. President, this evening the Senate of the United States will conclude action on one of the most important pieces of legislation the 91st Congress has considered thus far, the Agricultural Act of 1970; and the act which results from our deliberations here tonight will affect millions of farmers and businessmen all over the Nation.

I wish to congratulate and thank the members of the Senate Committee on Agriculture and Forestry and the committee's able and distinguished chairman, Senator ALLEN ELLENDER of Louisiana, for the tremendous improvements which they have made in the new farm bill.

The Senate Agriculture Committee has made a very important contribution to American agriculture; and one of the most important improvements in the new bill was the establishment of a $1 per bushel floor under the loan rate for corn. It is a committee amendment that will do much to enable feed grain farmers in my State of Missouri and across the Nation to earn a fair and reasonable return for their effort and investment.

As you know, the present law authorizes that price supports for corn and other feed grains to farmers participating in the annual commodity programs be at least 65 percent of the full parity price for all corn grown on the maximum permitted acres. This year, price supports are being made available through a nonrecourse loan of $1.05 per bushel plus a 30-cent per bushel direct payment for corn grown on 50 percent of farmers' feed grain bases.

The total support price of $1.35 per bushel for corn figures out to be little more than 76 percent of parity. This is equivalent to a total price support blend of approximately $1.24 per bushel for all corn grown on the maximum permitted acres, which is about 69 percent of parity.

Mr. President, the new farm bill passed by the House of Representatives contains no such parity floor under the "blend price" as does the existing law. Tonight, we will consider an amendment which provides that the payment rate for corn grown on 50 percent of farmers' feed grain bases will be the difference between the average market price for the first 5 months of the marketing year and the higher of, first $1.35 per bushel for corn or second, 77 percent of parity. But in no event would the payment be less than 32 cents per bushel.

This amendment, together with the committee amendment establishing a minimum floor of $1 per bushel under the loan rate for corn, will provide farmers with the same protection for stabilizing prices and supporting farm income as they now enjoy under existing legislation.

It is indeed a pleasure to rise in support of the amendment being offered this evening by the distinguished Senator from New Mexico.

In justice to the farmer, the parity concept is absolutely essential to the feed grains section of the new bill. Parity, the cornerstone of farm programs for more than 30 years, is the only device available to the American farmer that provides automatic adjustments necessary to keep the prices farmers receive in line with the prices which farmers must pay for production inputs, including farm supplies and taxes and interest.

The index of prices paid by farmers rose by 6 percent between 1968 and 1969. I note that the Department of Agriculture reported on August 31 that the prices received index declined by 3.5 percent between July 15 and August 15—a period of only 1 month. This is the greatest decline in farm prices since 1948. Clearly, therefore, parity must be obtained to assure that farmers receive a reasonably fair share of our Nation's great abundance.

I therefore urge all of my distinguished colleagues to give all possible consideration to this amendment. The economic well being of many millions of our fellow citizens depends upon our action here tonight.

Its passage would give members of the American agricultural community the opportunity to earn that reward they justly deserve for the outstanding contribution they have made to the welfare of all our citizens.

I thank the able Senator for yielding.

Mr. MONTOYA. Mr. President, I thank the distinguished Senator from Missouri for his very able contribution.

Now I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. MONTOYA. I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 1 minute.

Mr. BURDICK. Mr. President, I wish to associate myself generally with the remarks of the able Senator from New Mexico.

I believe the Committee on Agriculture and Forestry, headed by the distinguished chairman, the Senator from Louisiana (Mr. ELLENDER), has done a good job in improving the House bill. I feel, as does the Senator from New Mexico, that there is an inadequacy in the feed grain section and that his amendment will repair that inadequacy. Therefore, I join him and I urge support of the amendment.

Mr. MONTOYA. I thank the Senator.

I yield to the Senator from South Dakota.

PARITY AND THE PUBLIC INTEREST

Mr. McGOVERN. Mr. President, in connection with the amendment offered by the Senator from New Mexico (Mr. MONTOYA), it might be helpful to recall that our sights have been aimed at the parity goal throughout the history of our farm program.

Just 4 years ago the Senate reaffirmed its commitment to that concept by resolving that full parity is a government-wide objective, and that no agency should take actions that might reduce farm prices when they are less than full parity. My resolution to that effect, Senate Concurrent Resolution 88, was approved without dissent by the Senate.

Although it does not guarantee full parity, the bill reported by the Agriculture Committee is a great improvement over the version approved by the House. For most commodities it will at least insure against serious deterioration in the prices farmers receive. And it contains authority, as has been the case in the past, for Executive action to boost farm income. It contains many of the most essential features of the so-called coalition farm bill, S. 3068, which a number of us introduced early in this Congress.

The bill before the Senate does, however, have a serious drawback. While it continues to peg wheat and cotton floors to parity, the sections relating to feed grains contain no mention of that concept.

Thus, in the case of feed grains, there is not the slightest protection against the ruinous cost inflation that today continues to force thousands of farmers into bankruptcy each year. The loan and payment provisions on feed grains are expressed in dollars and cents, mediums which continue to decline in value at an annual rate of nearly 6 percent.

I emphasize, Mr. President, that the Montoya amendment does not seek to improve the relative position of the feed grains farmer.

Its basic thrust is to prevent a worsening of his present weakened economic condition. All it says is that as his costs of living and costs of producing go up, we will allow for a corresponding adjustment in the minimum prices he will receive for his output. It provides that his returns will not drop below 77 percent of the average that other segments of the economy receive for comparable investments of land, labor, and capital. As the Senator knows I tried during the Senate committee deliberations to secure an extension of the 1965 feed grain program. Senator Ellender and other members of our committee supported me in that effort. I hope we can now do on the Senate floor what we failed to do in committee.

Mr. President, the shift in national population toward the cities and suburbs has been accompanied by a steady decline in the number of Senators and Representatives who feel they have a direct interest in the economic plight of farm families. There has, moreover, been an unfortunate tendency to regard these issues as a contest between farm-

ers and consumers, in which anything that depresses farm prices must inure to the benefit of families at the other end of the market chain.

I suggest that that simplistic view is responsible for a good share of the troubles that plague the great metropolitan areas of this country. I submit that today, when the cities are falling further and further behind the enormous problems which flow from overcrowding, Senators from all parts of the country have reason to be alarmed about the attrition in rural areas.

In 1939, at the high point, there were 6.8 million farms in this country. By 1950 there were only 5.6 million, and then the migration really got underway. We began this year with only 2.9 million.

But the drop in farm numbers tells only a small part of the story. The migration from farms alone was some 14 million between 1950 and 1970 as farmers and their families sought their living elsewhere. The net loss between 1965 and 1969 ran at a rate of 582,000 each year. And they took with them millions more through the loss in business potential for those who supplied them with both consumer goods and services and capital equipment.

The migration continues. The preliminary census returns released a short time ago indicated that five of the Nation's most rural States—South Dakota, North Dakota, West Virginia, Wyoming, and Mississippi—have actually lost population in the last 10 years. Others registered only the slightest of gains, such as Montana with a 1.1-percent increase and Iowa with 1.2 percent more. The nationwide increase, meanwhile, was over 13 percent.

I fail to see any sense at all in this trend. One county in California, Los Angeles, has more than 10 times as many people as live in all of South Dakota. The increase for New York State in just 10 years was more than the total population of Montana and Wyoming combined. While comparable data is not yet in, we can expect that the range of population densities is at least as extreme now as it was in 1960, when Wyoming had 3.2 people per square mile—imagine Washington, D.C., with only 320 people—as opposed to New Jersey's 929.8. In Brooklyn there were 34,583 people on every square mile of land; in North Dakota there were less than 10.

The trend abuses both resources and people. Today's intolerable levels of air and water pollution are direct consequences of the fact that we are concentrating the waste of so many people and so many machines in such little space. Our atmosphere and our lakes, rivers, and streams are deprived of the time to cleanse themselves. The quality of life is threatened. Overcrowding taxes public services way beyond their capacities. Our cities, for all of their attributes, are uncomfortable, inconvenient, and unsafe.

Urban areas need Federal help, and those of us from rural areas have good reason to give whatever support we can to programs of that kind. We support them on the merits—and also because many of the people involved used to be our constituents.

But as much as anything else, the cities need a respite from burgeoning population growth. We need to at least slow, or perhaps stop or reverse, the rush of population to urban America. It is severely damaging for migrant and native alike.

In his State of the Union address in January, President Nixon described the violent and decayed central cities as the most conspicuous area of failure in American life. He spoke of creating a new rural environment which would not only steam the migration to urban centers but reverse it.

It is a sad commentary that the administration has since engaged in a vigorous effort to see that the parity concept—the one remaining substantive assurance that we will aspire to a healthy family farm system—be purged from our farm programs.

The simple truth is that all of the programs that can make rural areas more attractive—recreation, education, improved public services, and others—will be unavailing if jobs and income stay on the decline. People are just not going to go where they cannot earn a decent living. The exodus from farm States will continue so long as the single most important industry in those States is in a state of slow disintegration.

I think the Congress can do better. I think we ought to be as emphatic as we can about our determination to rescue the family farm and to undergird a strong agricultural foundation for the rural economy. We should do so not just because the farmers need it, not simply because it will help assure the abundant, low-cost food supplies that are regarded with envy by the rest of the world, but also because it will reflect our sense that any serious effort to meet today's urban crisis cannot ignore its roots in the countryside.

I hope the pending amendment will be overwhelmingly approved, and that the vote on the bill itself will leave no room for doubt about our intent to begin the long task of reconstructing the rural economy.

Mr. President, I urge the Senate to support the amendment. It is very similar to an amendment I offered in the Committee on Agriculture and Forestry which was supported by the Senator from Louisiana (Mr. ELLENDER), the chairman of the committee, and other members of that committee. I am very hopeful it will be agreed to on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from Report No. 1276 on Senate Concurrent Resolution 88, going back to the 1966 bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT

The Committee on Agriculture and Forestry, to which was referred the concurrent resolution (S. Con. Res. 88), expressing congressional policy with respect to prices for agricultural commodities, having considered the same, reports favorably thereon with amendments and recommends that the concurrent resolution (as amended) do pass.

This resolution makes clear that Congress intends that its directive to the Secretary of Agriculture in section 2 of the Agricultural Marketing Agreement Act of 1937 as amended in 1948, "to establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish, as the prices to farmers, parity prices * * *" should be observed by all executive agencies of the Federal Government.

The committee amendments are technical and perfecting.

THE FARM INCOME SITUATION

Net farm income in 1965 totaled $14.1 billion, about $1.2 billion above 1964. All evidence points to a further increase in farm income in 1966.

The committee is pleased with this uptrend and believes that it should be encouraged in every way possible to continue for farm prices remain substantially below parity and per capita farm income remains inequitably low. In April, farm prices were 80 percent of parity. On May 15 they had dropped to 79 percent of parity. The latest available data show that per capita farm income is only about 55 percent of the per capita income of the nonfarm population.

RECENT REGRESSIVE ACTIONS IN REGARD TO FARM PRICES

In spite of the below-parity position of both the farm price ratio and of farm income, actions were recently taken by various executive agencies of the Government intended to freeze or roll back certain farm prices to stem an inflation threat.

These steps were summarized by the Chairman of the Council of Economic Advisers in an address on April 27, 1966, when he said:

"* * * Fortunately, we have been able to moderate the rise of some farm prices by releasing stocks acquired earlier to stabilize farm prices against decline, and by permitting or encouraging greater production of some farm products. We have shifted purchase programs from items in tight supply to those where supplies are more abundant. * * * Some important restrictions have been eased where prices were rising at home and goods were available abroad. In the reverse case—where abnormally high prices abroad were draining supplies out of our markets—export controls may be used, as recently they were for hides."

FARM FOOD PRICES ARE DOWN

Any belief that improved farm prices are inflationary is illusory. Such statements have been based on the retail price of food, not the farm value of those foods. They have been based on short-term fluctuations, generally year-to-year but often month-to-month, when the longer term trend has been in the opposite direction.

The fact is that over two decades a decline in the farm cost of food has absorbed, in the overall cost of living and economic indexes, substantial increases in other prices and charges.

Farm prices today are substantially lower than 20 years ago.

The Economic Research Service of the Department of Agriculture reported that farmers received $409 in 1965 for the commodities in the food market basket which is used to measure consumer costs and price spreads. This was an increase of $35 over 1964. Over a longer term, however, this was a substantial decline. During the 1947–49 period (starting two decades ago) the farm value of market basket foods averaged $468 with a high of $498 in 1948.

The farm return for the market basket of foods is thus $59 below the 1947–49 average and $89 below the high in 1948—a 15- to 20-percent decline and a substantial contribution to lower living costs over a period of two decades, not matched in any other sizable segment of the Nation's economy.

This decline in farm returns, and more,

has disappeared in higher marketing, transportation, and processing charges. The retail cost of the market basket foods increased $87 during the 1947–49 to 1965 period because the charges after the commodities left the farmers' hands went up from $487 to $633, or $146. As a consequence of lower farm prices and these higher marketing charges, the farmers' share of the consumer food dollar dropped from 49 cents down to only 39 cents in 1965.

This shift in the composition of retail food cost is illustrated in another way:

According to the Economic Research Service, the farm value of foods bought by consumers in 1947 was $18.7 billion and the farm-to-retail marketing charges totaled $20.7 billion.

In 1965 the farm value of food bought by the 36 percent larger number of consumers had increased $5.7 billion or about 30 percent over 1947 to $24.5 billion (actually a decline on a per capita basis). But marketing charges had increased considerably more than 100 percent, by $27.5 billion, to a total of $48.2 billion.

FOOD COSTS AS A SHARE OF DISPOSABLE INCOME

Food is still a bargain, despite higher marketing and processing costs which are at least partly due to higher levels of food preparation.

Expenditures for food have declined steadily as a percentage of disposable income from 25.7 percent of that disposable income in 1947 to only 18.2 percent in 1965.

The decline in the farmers' share of that disposable income is even more striking.

About 13 percent of our food is imported—mostly items like coffee and sugar not produced, or not produced in sufficient quantity in the United States. Total expenditures for food from disposable income (the 18.2 percent mentioned just above) include the cost of these imported foods and the marketing charges on domestically produced food.

When the imported food costs and domestic marketing charges are removed, it is revealed that U.S. farmers are receiving a surprisingly small share of disposable personal income for producing most of our abundance of food.

In 1947, when the retail cost of all food to consumers was 25.7 percent of disposable personal income, the farm value represented 11 percent. By 1965 the farm value of the food purchased by Americans had dropped to 5.3 percent of disposable personal income as shown below:

Farm value of food purchased by Americans as a percentage of disposable personal income

	Percent
1947	11.0
1948	10.2
1957	6.3
1963	5.3
1964	5.2
1965	5.3

During the calendar year 1965 farm prices averaged 77 percent of parity. Had they averaged 100 percent of parity the farm value of the food purchased by consumers would have equaled only about 6.8 percent of disposable personal income.

With the increase in disposable personal income now in prospect for 1966, if farm prices increased to full parity, consumers would be required to pay only about 6.5 percent of their income for farm-produced foods, less than in any year since 1956.

HIGHER QUALITY FOODS

There is a further little appreciated factor involved in the food cost situation: Not only has the cost of farm-produced food dropped sharply as a percentage of consumers' disposable income in the past 20 years, the quality and nutrient value of the foods has increased markedly.

Low-cost potatoes and cereals are now a smaller part of the diet and animal products are a substantially larger part than 20 years ago. In 1964 and 1965 consumers purchased 213 and 207 pounds of meats and poultry per capita, over 20 percent more than in 1947-49.

Increased market supplies of beef in the first half of 1966 with increased supplies of poultry and pork in the latter half of the year will probably permit a modest further increase in 1966 in meats high in proteins and other dietary elements essential to good health.

THE EQUITY OF THE PARITY GOAL

The equity and relevance of the parity goal for farm prices and farm income, repeatedly stated in our agricultural laws, is to be examined carefully later this year, following a Department of Agriculture report required by the Agricultural Act of 1965, on progress toward parity.

There may be disagreement at that time over the precise applicability of the parity price formula, or various parity of income formula for farmers. Some farm spokesmen contend that revisions of the parity formula since its adoption have depressed the level unfairly. There may be argument that technical progress in agriculture has outdated the formula.

The irrefutable facts are that food is a bargain; that its real cost has not gone up with other costs in the economy; that farm debt is at record levels and rising; that farm liquidations continue at an 80,000 to 90,000 annual rate; that agriculture has not shared fully in our prosperity; that improved farm prices and income are both needed and merited by family farmers, and that the very small amount of disposable income required to achieve parity farm prices, which could be easily absorbed now, would, by assuring a healthy and productive farm food plant, prove a bulwark of economic stability in years just ahead when population pressure on food capacity is increasing. A far greater threat would be shortages of food items which might result from liquidations of productive capacity such as the decline in dairy herds and production going on at the present time due to low returns to the farmers.

Under the circumstances, there can be no reason for any agency of Government to avoid the provisions of law which, like section 2 of the Agricultural Adjustment Act of 1938, as amended, declares Government policy to be one of "assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate supply of such commodities at fair prices." It is a passage of enacted law, among others, which clearly reflects congressional determination—approved by the executive branch in the lawmaking process—that parity prices for farmers are desirable and are fair to consumers as well as the producers.

Mr. MONTOYA. Mr. President, I ask unanimous consent that a statement by the National Farm Coalition on the farm bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL FARM COALITION ON SENATE FARM BILL

The National Farm Coalition commends the chairman and members of the Senate Agriculture and Forestry Committee for improving the farm bill passed by the House of Representatives. We sincerely and strongly urge the Senate to further improve the bill by approving the Montoya Amendment to maintain feed grains income. The amendment will restore the parity concept for feed grains, applying the same principle of parity relationship as is provided for wheat and cotton.

We must oppose attempts to weaken the bill by:

(1) Removing advance payments for wheat and feed grains producers.

(2) Removing or lowering loan floors and/or removing the parity concept from price supports for cotton and wheat.

(3) Substituting the "set aside" land retirement plan for the supply management features now in the bill for wheat and cotton.

The bill now before the Senate—even with the improvements made by the Committee—does not provide the improvement in farm income that is so bady needed. It could well result in lower feed grain income because the Feed Grain title makes no provision for compensating for rising costs as provided for in the Wheat and Cotton titles. It retains the questionable "set aside" land retirement plan as the mechanism for supply management in feed grains.

It is inconceivable that the Congress could approve farm legislation in this uncertain period of spiraling inflation and rising costs that would provide less income than farmers now have under existing legislation.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I oppose the amendment, and I hope the Senate votes it down. I feel that the bill the committee brought to the Senate treats all commodities in a just manner.

It is true that the corn provisions do not contain the parity concept, but insofar as loans are concerned we put a floor of a dollar per bushel in the provision. If we adopt the amendment now before us, my fear is that we will again be confronted with huge surpluses in corn.

Corn is a crop that can be easily grown. The corn growers have never consented to bring themselves under marketing quotas. They have preferred no programs at all, and yet they were able to get price supports under various administrations.

If any Senator on that committee who represented the corngrowers desired to put in the bill a price-floor, or the parity concept, I certainly would not have objected. Under the present law the parity concept is in effect and, insofar as corn is concerned, it is 65 to 90 percent, the same as for cotton.

To raise the parity floor of 65 percent under the present law to 77 percent, as is proposed by my good friend from New Mexico, would certainly do violence to our policy toward other commodities.

Because the corngrowers were under no limitation as to the acres that could be planted—the corn program has been all voluntary—back in 1961 the corn surplus grew so large that we had to pass a special act in order to work out ways and means of getting rid of the surplus supplies. At that time the surplus was 85 million tons, when from 35 to 40 million tons would have been a suitable carryover.

Because corngrowers were never under any mandatory program as cottongrowers were, as well as wheat until about 2 years ago, the corn surpluses grew very quickly.

As a result of the laws that were enacted in 1961, and then in 1962, and then extended under the present act the cost to the taxpayers for corn alone amounted to $14 billion in a period of about 9 years. That is what the record shows. The cost was brought about because of the surpluses which accumulated.

I hope we do not put ourselves in a position where we will again be plagued with huge surplus supplies.

I want to say to my good friend from New Mexico and also my good friend from Minnesota that last night, in discussing this matter with the Senator from Minnesota (Mr. MONDALE), I said I would agree to a floor similar to that which was given to the cottongrowers, as well as the wheatgrowers. For some reason this was not acceptable. It seemed to me that we could agree to take a floor of 75 percent of parity to conference.

I dislike opposing the amendment, but I think the bill we have before us is well balanced. As I said, in order to put it in better balance, I was willing, as chairman of the committee, and I think the committee itself might have agreed to accept the parity concept, had members of the committee from the grain-growing States even made the suggestion.

The Senator from Iowa (Mr. MILLER), who is on the committee, never made such a suggestion. He seemed to be satisfied with the bill as presented. Since no one on the committee made any effort to provide for the corngrowers the parity concept, the committee took no action on it.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. ELLENDER. I must say my good friend from South Dakota (Mr. McGOVERN) did make a suggestion that, in lieu of the bill that the House enacted, as far as corn was concerned, we adopt the present law.

I urged the Senator from South Dakota (Mr. McGOVERN) not to insist on that amendment, in the hope that we could have the bill as it is now before the Senate in its present form sent to conference, so that we could get a compromise more agreeable to all concerned.

My fear is that if we "sweeten" the bill too much, as my good friend from New Mexico is now seeking to do, we may have a hard time in conference in getting the bill to a point where it will be acceptable to the administration.

For that reason, I hope Senators will vote against the amendment and try to vote for the bill in as near the form as it is now before the Senate as possible. I feel confident that when the matter is before the House we can work our will in conference. Since the Senate bill is a complete substitute for the House bill, the whole bill will be in conference, and differences can be ironed out in acceptable form. I hope we will be in a position to be able to bargain.

If we start, as my good friend from New Mexico is suggesting, to work wheat against corn and corn against cotton, and so forth, we may get into a fight that may result in more and more amendments.

The committee has given this program a great deal of study. I am hopeful that the Senate will vote down the amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I want to say, as I said last night, that while there are some provisions of this Senate bill which I do not approve, nevertheless I would not want to jeopardize getting a bill through this session of Congress for the sake of 1 cent or 2 cents a bushel difference in the support price of corn, be it more or less.

I have felt for a long time that while the parity formula may yet be applicable for determining a fair price for many farm commodities, nevertheless it is completely outmoded for the purpose of determining the fair price for farm commodities as a whole.

Take the present subject, corn. It was not so long ago that the land where corn was planted was prepared with small tractors or teams. Today, land can be prepared for the planting of corn in minutes, whereas it used to take days.

As for the planting itself, I used to plant it by hand, as did probably half the corn growers of this country. Now many acres can be planted in an hour.

Years ago there were those who felt nature had provided enough fertilizer for corn. Now it is fertilized by chemicals, costly, to be sure; nevertheless, chemicals that will increase the yield of the crop three or four times.

At the time the parity formula was put into effect, weeds were chopped out of the cornfields with a hoe by hand. It meant a tremendous amount of hand labor. Now the weeds can be killed in the larger cornfields by spraying with a plane, and in a few minutes, perhaps, killing the weeds on 100 acres or more.

We have indeed come into a different era as far as the production of many crops is concerned, and corn appears to be one of them.

As for harvesting, that, too, has changed so completely that instead of harvesting corn in rows 3 feet apart and hills, as we called them, 18 to 24 inches apart, we harvest corn today in rows that may be 2 feet apart with the plants perhaps a foot apart. The result has been that the yield of corn per acre has increased from less than 30 bushels at the time the parity formula was adopted, to nearly 100 bushels at the present time. Processing and marketing have changed accordingly. We have gone out of the hand era into the push-button era.

Thus, I do not think the parity formula is at all applicable in determining a fair income for corn producers in this day and age. I agree with the chairman of the committee and the other members of the committee that we do not want to jeopardize getting any farm bill at all at this time by a host of amendments, because once we accept two or three, we will have 40, I presume; and we will have that many unless times have changed. I do not believe that is in the interest of American agriculture, by any means.

So I hope we will not clutter up the bill with amendments. If we do not do that, we can go into conference with the House of Representatives and have almost every relevant thing that we wish to consider in one bill or the other. Then we can come out with a fair bill within a very short time, a bill that is acceptable to the Department—or it might not be acceptable to the Department, but it will be the best they can get.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I have been awaiting certain Members of the Senate who are on the committee, to whom I have promised time, and I do not see them here.

I yield to the Senator from West Virginia.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that upon the disposition of the Journal on tomorrow and the disposition of any unobjected-to items on the legislative calendar, the Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the previous order recognizing the able Senator from Massachusetts (Mr. KENNEDY) for a period of 30 minutes at a later point during the program tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TEMPORARILY LAYING ASIDE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow afternoon, not later than 5 o'clock, the unfinished business be temporarily laid aside and that it remain in that status until the disposition of the Journal on Thursday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DIVISION OF TIME FOR DEBATE ON CLOTURE MOTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the disposition of the Journal on Thursday morning next, the 1-hour rule under XXII for the debate on the motion to invoke cloture be equally divided between the author of Senate Joint Resolution 1, the Senator from Indiana (Mr. BAYH), and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET DURING SENATE SESSION TOMORROW

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. Has permission already been granted for committees to meet in the morning? The Agriculture Committee has its regular meeting set at 10 o'clock.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian Irrigation project;

S. 434. An act to authorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton reclamation project, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development; and

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes.

AGRICULTURAL ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. The Senator from Lousiana is recognized.

Mr. ELLENDER. Mr. President, I am still waiting for the Senator from Kansas, who was to participate in this debate with respect to feed grains, and also the Senator from Iowa (Mr. MILLER).

Mr. President, I urge with all the emphasis at my command that the Senate would make a mistake by the adoption of this amendment. It would throw out of kilter the parity formula insofar as other crops are concerned, and there is no doubt but that if we change the parity concept, that is, the floor, from the present 65 percent in the law to 77 percent, efforts would be made in conference to do the same thing for other commodities, particularly cotton and possibly wheat.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I wish to say this, Mr. President, in addition: Corn, at $1.35 per bushel, is at a very good price. That is virtually guaranteed in this bill. But in order to protect corn further, as I have stated, and in order to include corngrowers within the parity concept, I was willing to accept 75 percent of parity rather than the 77 percent that is now being suggested.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Is it not true that the larger price guaranteed for the feed grains would necessarily mean an increase in the price of beef, pork, poultry, and milk?

Mr. ELLENDER. There is no doubt about that.

Mr. President, it is true that the protection is given to production on only 50 percent of the allotted acres; but, Mr. President, there is no crop grown for which the acreage remains as high as in the case of corn. As I have said before, the corn growers were able to have price supports and be protected against market fluctuations, under our laws, without having to vote themselves into a mandatory program. For that reason, the program remained more or less voluntary. As a result, the corn growers planted almost to their full capacity, until 1961, when efforts were made to limit production on a voluntary basis so as to reduce the huge surplus that had accumulated over the prior years.

Mr. President, I have before me the actual figures of feed grain production back in 1932, when we had many horses and mules to feed. The total acreage of corn planted was 185.2 million. This year, 1970, the actual amount planted is estimated at 120 million acres. Thirty-nine million acres have been set aside, and farmers will receive pay on some of that acreage.

All in all, the corn farmers have been well taken care of. As the Senator from Florida pointed out just now, if we make the price of corn too high, it is going to affect the cost of beef, the cost of poultry, the cost of hogs, and the cost of other animals to which the corn is fed.

It strikes me that the distinguished Senator from New Mexico should bear that in mind and try to work with the committee, so that each commodity will be treated similarly.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Mr. President, during my service in the Senate, no one has fought harder for farm programs than has the Senator from Louisiana, and no one has been more effective. He has been extremely fair.

As the bill came from the House, certainly the feed grain section was far better than the cotton section or the wheat section. It has been improved greatly by committee action.

I would hope that the sponsors of this amendment would accept the 75 percent that the chairman of the committee has offered. This is probably the first time I have ever stood on the floor of the Senate, in more than 25 years, and advocated a little lower price support. It is only 2 percent, but it would help us tremendously with the Department of Agriculture, with the President, and with the House of Representatives. We would be in a much stronger position if we took the 75 percent than to stick to the 77 percent. The amendment does establish the parity concept which is all important to farmers—this would be true whether the level approved would be 75 or 77 percent.

Mr. ELLENDER. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I rise in support of the Montoya amendment, because 77 percent is not an extravagant or outrageous demand, but simply pegs the prices where they are today.

First, feed grains, under the Agriculture Committee recommendation, are singled out as the only crop to which the key principle of parity has been denied.

Second, under the Senate Committee formula, it is the only commodity with respect to which prices can be reduced below those presently obtaining.

Third, it is the only commodity that will not have its minimums raised as prices elsewhere rise. It is a fixed floor, which will become increasingly out of date as prices inevitably rise, so that with each succeeding year the feed grain farmers will fall even further behind than they are today.

Under the present bill, cotton, for example, is pegged at a minimum of 65 percent of parity.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. I ask unanimous consent that I be permitted 1 minute on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. If the Montoya amendment is adopted, under the most liberal interpretation, the minimum price support for the total production of corn will be 61.6 percent; and if the offer suggested by the Senator from Louisiana is adopted, the blended parity will be less than 60 percent—approximately 59 percent of parity.

So we come here not asking for special advantages. We are asking for parity for feed grains, and we are asking for parity with wheat and cotton, and that is the minimum we request. We think that in all fairness the Montoya amendment should be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I yield a few minutes of my time to the Senator from Iowa (Mr. HUGHES).

Mr. HUGHES. I want to express my appreciation to the distinguished Chairman of the Committee on Agriculture for yielding me time, because I am not in agreement with the chairman on this particular amendment. I support the Montoya amendment.

Mr. President, as a Senator from one of the great food and fiber producing States of the Nation, I want to express my deep sense of urgency regarding the

need for the enactment of amendment No. 902, of which the chief sponsor is the Senator from New Mexico (Mr. MONTOYA).

As Senators know, the farm bill as reported by the Senate Agriculture Committee contains reasonable protection for cotton and wheat producers against cost-of-production increases through a tie-in with parity. No objection is raised to this provision. The objection is that this protection is not extended to feed grain producers—one of the most important sectors of our agricultural production and one that is feeling the greatest impact from depressed farm income.

If present trends continue in farm prices and in the increase of production costs, the feed grain producing regions of the country will be facing a disastrous situation in the years ahead unless we pass this provision to relate feed grains to parity as well as wheat and cotton.

Before making further reference to the Montoya amendment, I would like to make a few comments about H.R. 18546 as amended by the Senate Agriculture Committee.

I believe we are deeply indebted to the Senate Agriculture Committee, under the chairmanship of the distinguished Senator from Louisiana (Mr. ELLENDER), for the improvements made to the House version.

Despite rather strong misgivings about some of the bill's provisions, I will generally support it.

Time is of the essence. We are in the 11th hour of the need to give fall wheat producers an answer on their production adjustment problem for 1971. This answer is already more than 2 months past the time when wheat farmers normally make decisions on how much acreage to plant to wheat and how much to put to summer fallow or other use.

I also appreciate the fact that the Agriculture Committees of both Houses felt compelled to depart considerably from the basis of past legislation to minimize the chance of a Presidential veto.

In the absence of new legislation to replace the Food and Agriculture Act of 1965 which expires this year, American agriculture would be thrust back again to the ruinous cycle of production boom and income bust. So the circumstances argue for quick favorable action on this bill, despite its imperfections.

What is it about this bill that causes me to regard it as a weak successor to previous legislation? Its main shortcoming, as I see it, is its general acreage set-aside provision under which specific limits on individual feed grain and wheat crop could be abandoned.

In that case, program participants would be free to go in any direction on their crop mix, even to serious over-planting or under-planting of any one crop such as corn or soybeans.

I think we all understand that this loose acreage adjustment option was incorporated at the insistence of the Administration. At first thought, such an alternative to present programs has considerable producer appeal but the Nation's crop production pattern would be subject to unsettling wide swings and so would farm prices. Production-boosting technology is still too much on the march in American agriculture to make this a wise course, at least for the next 3 years, which is the life of this bill's authority.

In view of the corn blight problem which may recur in 1971, an excessive shift away from corn to soybeans is conceivable. This would be further upsetting for livestock feeders, especially hog men who have seen their prices fall by $5 per hundredweight in recent weeks, one of the sharpest and most rapid drops on record. The usual consequences of such a dislocation is a sharp downswing in farrowings and consumer criticism of farmers.

The Senate version of the bill does authorize the Secretary of Agriculture to continue specific feed grain acreage limitations if he determines this is necessary to provide an orderly transition to the non-specific set-aside program. To date, however, administration spokesmen have given no indication that this might be done.

The new bill before the Senate does have the virtue of reducing and, after several years, eliminating a farm's acreage allotment or base acreage of cotton, wheat or feed grains if it is deliberately underplanted. This is designed to foreclose on too wide swings away from the basic program crops of cotton, wheat and feed grains and to provide a reserve for upward adjustment where needed on individual farm allotments or base acreages.

At the same time, however, under another provision in this bill, the Secretary of Agriculture could largely nullify this safeguard by permitting allotted acres planted to crops other than the three program crops to be considered as planted to a program crop, thereby avoiding the underplanting penalty.

Under the legislation now expiring, some interchangeability between wheat and feed grains has been permitted but this new bill goes much further by including soybeans as an approved substitute crop and extending the option to the cotton program if also in effect for wheat and feed grains. I can see additional trouble arising even from careful administration of this broadened authority.

Moreover, the Secretary is authorized to permit cotton or other unspecified commodities to be planted on cotton set-aside acres and under the wheat and feed grain sections, the Secretary must permit producers to plant and graze sweet sorghum on the set-aside acres.

The bill before us is an improvement over the House-passed bill in still another way in that it puts floors under loans for wheat and feed grains. However, in both versions the national average market price for corn in the first 5 months of the marketing year, October through February, is to be taken into account in setting the support payment rate per bushel on 50 percent of the base acreage.

At the same time, the sum of this price average and the program payment shall add to $1.35 and the payment portion cannot be less than 32 cents per bushel. Thus, if the looseness of the set-aside provision failed to keep corn plantings within reasonable bounds, the Government could find itself stuck with higher, not lower, program costs, and American agriculture would again be seriously unbalanced.

But perhaps the most disturbing fact about the farm bill in the form it reaches us is that while the support payment provisions for cotton and the certification formula for wheat are related to parity levels, this is not the case with the support payments for feed grains. Thus, feed grain producers would no longer have the protection of an upward adjustment in their payment basis in the event of further inflation of the general price level and farmers' costs.

I am pleased to see that advance payments this time are made mandatory for all three basic crops, with the Senate version requiring such disbursements in 60 days after signup. I understand that the administration is strongly opposed to this Senate provision, partly because the money for 1971 would have to be provided before July 1 and thus would make its current fiscal year budget look still worse.

In a letter to Senator ELLENDER, Senate Agriculture Committee chairman, saying the Senate version is "not satisfactory," Secretary of Agriculture Hardin argued in substance for unlimited flexibility on support levels as well as on producer choice of a crop mix. He emphasized that this is needed to "allow the U.S. farmer to compete effectively in world markets."

This is further proof to me—and I am sure to a good many farmers by now—that the Nixon administration seems set on a course of letting farmers take the rap in the form of lower prices to help cool inflation and improve our trade balance abroad.

The more I study this new set-aside approach, the more I wonder why the administration has been so insistent on it. It could be a real nightmare for both farmers and the Secretary of Agriculture in some later year, if not in 1971. The potential for erratic swings in production, not only of the major crops, but also in livestock output, is enormous.

In short, as I indicated at the beginning of these remarks, I find on balance that this bill deserves support but that with its set-aside features it is a weak successor to previous farm legislation.

In conclusion, I would once again urge support for the Montoya amendment.

In the context of this comprehensive farm legislation, providing for the extension and modification of our farm commodity programs, I plead for equal, not preferential consideration, for the feed grain producers who constitute the backbone of midwestern agriculture.

Mr. President, I have stated why, as the junior Senator from Iowa, I think this amendment is very important to my State. I think it is absolutely essential in the economy of the United States. Iowa is among the top three States in hog production in this country and among the top three in cattle production. I have a strong belief that unless we make this tie-in at this level, serious effects will be felt in my part of the country in relation to this grain program.

I am not going to belabor this point. It has already been discussed to a great extent.

I want to congratulate the chairman of the Committee on Agriculture and Forestry for the tremendous job he has done on this bill, which he received from the House. I think the Senate version is a great improvement over what was received and is indeed an all-out endeavor to try to meet the needs of the various regions of this country and the various major commodities that they produce.

What I am saying is only a very strong, heartfelt effort to let Senators know that the junior Senator from Iowa strongly disagrees with the senior Senator from Iowa on this matter and strongly supports the amendment of the Senator from New Mexico.

I thank the Senator for yielding.

Mr. ELLENDER. Mr. President, will the Senator answer a few questions concerning the situation in Iowa?

Mr. HUGHES. I will.

Mr. ELLENDER. As I understand, the State has fared pretty well under the present law; has it not?

Mr. HUGHES. Yes, it has.

Mr. ELLENDER. This would even make it better.

Mr. HUGHES. I would only hope so.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. ELLENDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. ELLENDER. It strikes me, Mr. President, that the Senator from Iowa ought to be well satisfied, because, under the present act, which started in 1965, Iowa farmers collected in 1969, $247,577,000. This amount was second only to Texas, which is four times as large as Iowa.

It strikes me that the adoption of this 77 percent would be 12 points higher than the present law. My fear is, as I have said, that it would throw the whole bill out of kilter and we would have trouble in conference.

In order to be amenable to compromise, as I said, I offered to the Senator from New Mexico a figure of 75 percent which would be 10 points higher than present law.

Mr. HUGHES. I should like to respond to the Senator by pointing out that he must realize the geography of the State of Iowa and the geography of the State of Texas cannot be compared acre for acre because of differences in the amount of tillable soil in the two States. Ninety-eight percent of the soil in Iowa is tillable. Twenty-five percent of the grade A productive soil in the United States lies within the boundaries of my State. Iowa has been treated well, due in great measure to the efforts and support of the Senator from Louisiana. I am reluctant to differ with him because of the tremendous support he has given us in the past, but I point out that the things that can happen in the future under this bill could have a devastating effect in Iowa unless changes can be made. It is therefore important that we try to change the bill.

Mr. MONTOYA. Mr. President, I commend the Senator from Louisiana. He has put out a very good bill, even though we may differ on the pending amendment.

Let me say that the Senator is partially correct when he cites the fact that that is 12 percent above what the present law now provides. But let us go further. The present law provides an area of flexibility at the Department of Agriculture between 65 and 90 percent of parity. The Department of Agriculture has set the percentage of parity at 77 percent. All I am trying to do with my amendment is to lock the present percentage into the bill.

Mr. ELLENDER. It is locked in now at $1.35 a bushel.

Mr. MONTOYA. But I want the percentage, because most of the farm legislation has a lock in of a percentage of parity rather than of price. That is all I am trying to do with my amendment.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MILLER. I think the Senator from New Mexico should know that I had several amendments in the committee. I am very much aware of the fact that there has been inflation and that farmers are concerned about it and concerned about the fact that market prices for farm products have not kept pace with prices in other areas of the economy. Thus, I had an amendment which would have provided that the 32-cent payment would be escalated depending upon the rate of inflation. I talked to a number of farmers and they liked it but, at the same time, we had a bill that came over from the House without any floor for price supports. All it provided was "not in excess" of 90 percent of parity, period.

If my antennae are accurate, most of the farmers in my State are more concerned about having a floor on price supports—rather than a price support which could go down to zero. That is the No. 1 priority item with them.

The committee was good enough to take my amendment unanimously, to put a $1 price support in the bill for corn as the floor. In exchange for that, it seemed prudent to not press for an amendment which would get into the inflation problem and aggravate the costs of the program—especially since this is only a 3-year bill anyhow. So, to me, it was a matter of putting first things first—which are the feed grains farmers most in need of, the $1 floor for price support as against nothing provided by the House, or an inflation escalator relating to payments. I believe a wise choice has been made.

What I am suggesting to the Senator from New Mexico is that he is trying to have it both ways. I would like to have it both ways, too, but I fear for the future of the bill in the conference committee if we overdo it. There is equity behind the amendment because I had an amendment which sought, in a little different way, to do fundamentally the same thing—although it would not have been as costly. But the overall bill represents a compromise among the many varied interests in the Senate Agriculture Committee. The chairman did a commendable job in helping to resolve these conflicting interests.

So I would suggest to my colleague from New Mexico that his amendment should be rejected—granted there is an element of equity in it.

THE FEED GRAIN FARMER NEEDS ADEQUATE PROTECTION, TOO

Mr. YARBOROUGH. Mr. President, it is with the greatest feeling of urgency that I join with my distinguished colleague and good friend, the junior Senator from New Mexico (Mr. MONTOYA), in cosponsoring his amendment No. 836 to H.R. 18546, the Agriculture Act of 1970.

Although the bill passed by the Senate Agriculture Committee provides greater protection for the small family farmer than the House-passed bill, it still has some weaknesses. One of the major weak points is in title V, concerning feed grains. Both the House-passed bill and the Senate committee bill provide for a support level of $1.35 per bushel on corn with payments for grain sorghum and other feed grains to be set by the Secretary of Agriculture at a fair and reasonable rate in relation to corn, But, unlike cotton and wheat, support for feed grains is not related to parity in this new bill, as it was in the old law. Furthermore, only one-half of a farmer's feed grain base is eligible for payments under the pending bill.

In other words, while some protection is given in the Senate committee bill for most crops, the feed grain farmer is forced to face the rising costs of production and marketing during an inflationary period with virtually no protection. Over the 3-year period of this act, his costs will rise steadily, but he will be shackled by a set figure which will be completely out of proportion by 1973. In essence, the feed grain farmer would be given a demotion in pay every day for 3 years. No matter how hard he works and no matter how skillful he may be, his real income will be decreasing every year for the duration of this act, unless we can successfully amend it.

In Texas, 87,348 farms participated in the feed grain programs during 1969. The total number of participating acres in feed grains was 7,928,175. In grain sorghum alone, the participating acreage was 6,715,985, representing nearly 40 percent of the Nation's total. Under the current farm bill, Texas feed grain growers received $124,751,486 in price support and diversion payments for 1969. These Federal farm programs are a very vital boost to the economy of Texas and the Nation as a whole—for farmers, businessmen and consumers alike.

Mr. President, I am joining with the Senator from New Mexico (Mr. MONTOYA) in urging my colleagues to pass amendment No. 836, which sets a floor of 77 percent of parity on feed grains and also provides that the payment on the eligible 50 percent of feed grains would be the difference between the loan rate and 77 percent of parity. The Secretary of Agriculture therefore, could hold the loan rate, which applies to all the acreage on a participating farm, at a higher level than would be possible otherwise.

These provisions would guarantee consumers adequate supplies at reasonable prices.

The PRESIDING OFFICER (Mr. GRAVEL). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from New Mexico.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RIBICOFF (after having voted in the negative). On this vote I have a live pair with the senior Senator from Oklahoma (Mr. HARRIS). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. LONG (after having voted in the negative). On this vote I have a pair with the senior Senator from Indiana (Mr. HARTKE). If he were present, he would vote "yea." I have voted "nay." I withdraw my vote.

Mr. FULBRIGHT (after having voted in the negative). On this vote I have a pair with the senior Senator from Texas (Mr. YARBOROUGH). If he were here, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Utah (Mr. Moss) would each vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from Washington would vote "yea" and the Senator from Rhode Island would vote "nay."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Washington would vote "yea", and the Senator from New Jersey would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 31, nays 38, as follows:

[No. 295 Leg.]

YEAS—31

Allen	Gore	Mondale
Anderson	Hart	Montoya
Bayh	Hollings	Muskie
Burdick	Hughes	Nelson
Byrd, W. Va.	Inouye	Proxmire
Church	Jordan, N.C.	Saxbe
Cook	Mansfield	Smith, Ill.
Cooper	McCarthy	Sparkman
Cranston	McGovern	Symington
Eagleton	McIntyre	
Ervin	Metcalf	

NAYS—38

Aiken	Fannin	Percy
Allott	Fong	Schweiker
Bellmon	Gravel	Scott
Bennett	Griffin	Smith, Maine
Bible	Gurney	Spong
Boggs	Hansen	Stennis
Brooke	Holland	Stevens
Byrd, Va.	Hruska	Talmadge
Case	Javits	Thurmond
Dole	McClellan	Tydings
Dominick	Miller	Williams, Del.
Eastland	Packwood	Young, N. Dak.
Ellender	Pearson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY ANNOUNCED—3

Fulbright, against.
Long, against.
Ribicoff, against.

NOT VOTING—28

Baker	Jackson	Pell
Cannon	Jordan, Idaho	Prouty
Cotton	Kennedy	Randolph
Curtis	Magnuson	Russell
Dodd	Mathias	Tower
Goldwater	McGee	Williams, N.J.
Goodell	Moss	Yarborough
Harris	Mundt	Young, Ohio
Hartke	Murphy	
Hatfield	Pastore	

So Mr. MONTOYA's amendment (No. 902) was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, on behalf of the Senator from Montana (Mr. MONTOYA), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES), I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 87, line 7, strike out "$1.35 per bushel" and insert in lieu thereof the following: "(A) $1.35 per bushel, or (B) 75 per centum of the parity price for the commodity on 50 per centum of the farm base acreage for the commodity times the yield per acre established pursuant to paragraph (2) of this subsection, whichever is the greater".

Mr. SYMINGTON, Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. SYMINGTON. Mr. President, the basic difference between this amendment and the amendment just rejected is that this amendment asks for 75 percent of parity as against 77 percent.

I earnestly hope the distinguished chairman of the Committee on Agriculture and Forestry will accept this amendment and take it to conference with the House.

Mr. ELLENDER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. ELLENDER. Mr. President, as I stated earlier in debate, I had agreed to take this proposal to conference when it was first offered by the Senator from New Mexico (Mr. MONTOYA). I do not want to renege on that agreement.

As far as I am concerned I accept the amendment and I will take it to conference with the House of Representatives.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, before yielding I thank my gracious and able colleague from Louisiana for making what I think is a fine move toward having agricultural income more commensurate with nonagricultural income. I thank him very much.

I yield to the distinguished Senator from Minnesota.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, I wish to join with the distinguished Senator from Missouri.

I wish to make clear, as I know the Senator from Missouri has often stated, that this is probably the best we could do and it does substantially improve the Senate reported bill and remarkably improve the House-adopted bill because with respect to feed grains, while it does permit some reduction in the present prices—which I greatly regret—it permits the floor to float upward as prices increase. It is an important step forward and an important improvement.

I am very glad to join the Senator from Missouri in this essential step.

Mr. SYMINGTON. I thank the able Senator. This accepted amendment reestablishes the concept of parity with respect to feed grains.

I am glad to yield to my very good friend from North Dakota.

Mr. YOUNG of North Dakota. I thank my distinguished colleague for yielding. I was going to say what the Senator from Missouri has just said. It does reestablish the parity concept which is most important to farmers all over the country.

Mr. SYMINGTON. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, as I stated earlier with regard to the Montoya amendment which called for 77 percent of parity, this was somewhat along the lines of an amendment the Senator from Iowa proposed to offer in committee. However, my amendment had to do with an escalator relating to the 32-cent payment and was much more modest than the Montoya amendment. The Senator from Missouri has offered a modification calling for 75 percent of parity as against 77 percent, and this percentage comes out very close to the amount my amendment would have provided. If anything, I would say it is under the potential cost of my amendment.

I do not believe we are talking about very much money with the 75 percent of parity amendment, but it gives some assurance that some recognition of the fact of inflation will be put into the program.

Many farmers throughout the country have been squeezed both ways by prices which have not gone up commensurate with prices in other segments of the economy, and by the costs of production which have gone up so fast.

I think the Senator has offered a moderate proposal which I can support and I intend to vote for it.

Mr. SYMINGTON. Mr. President, I thank my able and distinguished friend from Iowa because, as he pointed out, it does establish a base, but at the same time it does protect the whole concept of parity. If inflation continues this amendment would be of great assistance to all farmers. We all know that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I have been asked to ask unanimous consent that the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the amendment offered by the Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Do Senators yield back their time?

Mr. SYMINGTON. I yield back my time.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I have asked to be recognized so that I may address a question to the chairman. I have talked briefly with the chairman of the committee and believe it would be helpful to have in the RECORD his explanation of why this amendment would be acceptable.

The Senator had a good explanation, hence I see no objection to the amendment. If the chairman would respond for the RECORD, it would be helpful to me and other Senators.

Mr. ELLENDER. Mr. President, I have been in conference for the last 3 or 4 days with the Assistant Secretary of Agriculture, Mr. Palmby, and his co-workers. I stated to him that with respect to the amendment to be offered by the Senator from New Mexico it was understood that I would agree to accept 75 percent rather than the 77 percent. Under the parity formula of 75 percent, the cost would amount to about 2.25 cents per bushel less than the $1.35 provided by the bill. With that in mind I agreed, and they consented reluctantly. I do not say they were all for it, but in order to get a compromise I felt that since I had made a promise, I would comply with my agreement.

Mr. DOLE. Mr. President, I share the view expressed by the Senator from Louisiana. I have no objection to the amendment of the Senator from Missouri.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. ELLENDER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I have arranged with the Senator from Illinois (Mr. SMITH) to bring up a matter which will be very brief. I have an amendment at the desk, which I ask to be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. JAVITS is as follows:

At the end of the bill add a new title as follows:

TITLE X—FOOD STAMP ACT AMENDMENTS

SEC. 1001. The Food Stamp Act of 1964 is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. It is hereby declared to be the policy of Congress in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to the maximum extent to safeguard the health and well-being of the Nation's population and provide adequate levels of food consumption and nutrition among low-income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate levels of food consumption and nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households with low incomes to receive a share of the Nation's food abundance sufficient to provide them with adequate levels of food consumption and nutrition, is herein authorized."

(2) Subsection (b) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "The term 'food' also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation."

(3) The second sentence of subsection (e) of section 3 is amended to read as follows: "The term 'household' shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act."

(4) Subsection (f) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "Such term also means a private nonprofit institution, boarding house (other than a fraternity, sorority, or other social club) or school which provides meals to persons of sixty-five years or over who are not residing in an institution or boarding house; a private nonprofit organization that prepares and delivers meals to persons of sixty-five years or over in their homes; and commissaries operated by the Department of Defense which shall accept coupons in exchange for food for any participating household which otherwise is eligible under regulations of the Department of Defense to utilize the services of such commissaries."

(5) Subsection (j) of section 3 is amended to read as follows:

"(j) The term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands."

(6) Subsection (a) of section 4 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate State agency of such State or pursuant to section 10(f) of this Act."

(7) Subsection (b) of section 4 is amended to read as follows:

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder shall be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) in any county where a food stamp program is being initiated and where federally owned foods have been distributed to households during any one of the three months immediately prior to initiation of a food stamp program exceeds the monthly average number of persons who received federally owned foods during the three month period immediately prior to the initiation of a food stamp program; or (3) on request of the State agency if the State agrees to finance, from funds available to the State or political subdivisions thereof, all of the costs, subsequent to the delivery of such foods within the State, of handling, storing, and issuing federally donated food to eligible households in the area."

(8) Section 5 is amended to read as follows:

"SEC. 5. (a) Households whose income is determined, as provided in this section, to be insufficient to permit them to purchase a nutritionally adequate diet shall be eligible to participate in the food stamp program.

The Secretary shall prescribe, not less often than once a year, the minimum level of income a household must have in order to purchase a nutritionally adequate diet for the members of such household and be financially able to meet the other normal living expenses of a household. He shall prescribe such level of income for households composed of varying numbers of individuals, but in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of $4,000 per year for a household composed of four persons. In prescribing minimum income levels for households under this section the Secretary may take into consideration such relevant factors as the regional variations in the cost of food described in the low-cost food plan published by the Agricultural Research Service of the United States Department of Agriculture or such other relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. The Secretary shall also prescribe the maximum level of income for households composed of varying numbers of individuals above which households shall be ineligible to participate in the food stamp program. Income limitations prescribed under this subsection shall be revised annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor.

"(b) In complying with the limitations on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such eligibility standards shall comply with the maximum and minimum income levels prescribed by the Secretary under subsection (a) of this section and shall also place a limitation on the resources to be allowed eligible households, but such limitation shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary."

(9) Subsections (a) and (b) of section 7 are amended to read as follows:

"(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than the amount necessary to purchase a nutritionally adequate diet for the members of such household. The amount necessary to purchase a nutritionally adequate diet for households composed of varying numbers of individuals shall be determined by the Secretary and shall be revised annually by the Secretary. In determining the amount necessary to purchase a nutritionally adequate diet for any household the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds of amounts of food contained in the low-cost food plan established by the Agricultural Research Service of the United States Department of Agriculture and published in the 'Family Economics Review'. The Agricultural Research Service shall revise and publish the amount which it determines to be necessary to purchase such food at least annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

"(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined not to exceed a reasonable investment on the part of the household: *Provided,* That (1) any eligible household whose income is less than one-half the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7 (a) of this Act shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment."

(10) Subsection (a) of section 10 is amended to read as follows:

"SEC. 10. (a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail food stores, in their homes, or at other appropriate places convenient to participants such instruction and counseling as will best assure that they are able to use their increased purchasing power to obtain those nutritious foods most likely to insure that they receive a nutritionally adequate diet. The food stamp program shall also be administered to insure that all households eligible to participate in the program are informed of its existence and given such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted for the purpose of providing nutrition counseling and home economics services for eligible households using such authorities as may be available to the Secretary, or in cooperation with other agencies of the Federal Government or private agencies. The Secretary is authorized to use the educational potential of the national school lunch program and its extension to introduce better eating patterns and better nutrition to eligible households under this Act."

(11) Subsection (b) of section 10 is amended by striking everything following the colon and inserting in lieu thereof the following: "Provided, That the State agency shall comply with the requirements of clauses (2) and (3) of section 10(e) of this Act. The operating agency may delegate its responsibility for the issuance of coupons and the collection of the amounts charged from eligible households to the United States post offices, banks, credit unions, or any other public agency or private nonprofit agency. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations."

(12) Subsection (c) of section 10 is amended by inserting immediately preceding the first sentence the following: "Any household making application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal."

(13) Subsection (d) of section 10 is amended by inserting immediately preceding the first sentence the following: "Notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears to the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions: (1) that the issuance of coupons shall take place no less often than once per week and (2) that at each issuance of coupons any household may purchase the entire monthly coupon allotment to which it is entitled or any portion of that coupon allotment which it has not previously purchased. The State agency shall, notwithstanding any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment."

(14) Subsection (e) of section 10 is amended by striking "(3)" and "(4)" and inserting in lieu thereof "(4)" and "(5)", respectively, and by striking clause (2) and inserting in lieu thereof the following:

"(2) that the State agency shall make every possible effort to insure that all households who meet the eligibility requirements set forth in this Act are certified to participate in the food stamp program;

"(3) that the State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States post offices directly or by mail, through the facilities of participating retail food stores or in such other manner convenient to participating households as shall best insure their participation."

(15) Subsection (f) of section 10 is amended to read as follows:

"(f) Notwithstanding any other provision of this Act, the Secretary shall administer a food stamp program through any private nonprofit organization or through any Federal, State, or county agency he deems appropriate in any political subdivision of a State if—

"(1) he determines that in the administration of the program in such political subdivision there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary and he has informed such State agency of such failure and such failure has not been corrected after a reasonable period of time; or

"(2) he determines that a food stamp program is needed in such political subdivision and the appropriate officials of such political subdivision or the State have not requested a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments as authorized by this section; or

"(3) a food stamp program is not being

operated, or is not being operated in accordance with the provisions of this Act, in such political subdivision on January 1, 1971, or thereafter; or

"(4) he determines that the ratio of the number of persons participating in the food stamp program in such political subdivision to the number of persons classified by the Office of Economic Opportunity as low income in such political subdivision is not adequate to effectuate the policy of Congress and the purposes of this Act.

When the Secretary administers a food stamp program under the provisions of this subsection, he shall observe, or require the administering organization or agency to observe, all of the appropriate provisions of this Act and regulations issued pursuant thereto."

(16) Section 10 is amended by adding at the end thereof a new subsection as follows:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary, food stamps issued under this Act to any elderly person may be exchanged by such person for meals prepared and served by any group authorized to prepare and serve meals under subsection (f) of section 3 of this Act if:

"(i) such person does not have facilities for the preparation of food in his living quarters, or does not have reasonable access to such facilities, and the meals served by such organization are served in a common dining room and are prepared and served primarily for the benefit of elderly persons; or

"(ii) such person is housebound, feeble, physically handicapped, or otherwise disabled to the extent that he is unable to prepare nutritious meals for himself, and such organization prepares and delivers meals to such person."

(17) Section 14 is amended by adding at the end thereof a new subsection as follows:

"(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 6(d) of this Act, except for fraud."

(18) Section 15 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall pay to the State agency of a State the costs of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor."

(19) Section 16 is amended to read as follows:

"(a) To carry out the provisions of this Act there is hereby authorized to be appropriated not in excess of $1,250,000,000 for the fiscal year ending June 30, 1970; not in excess of $2,000,000,000 for the fiscal year ending June 30, 1971; and not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for purposes of this Act until expended.

"(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section, if such excess obligations are necessary to meet unanticipated increases in participation. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to 15 per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year.

"(c) If the Secretary determines that any portion of the funds in the separate account created under section 7(d) of this Act is no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury."

Mr. JAVITS. Mr. President, if I may have the attention of the Senator from Louisiana, manager of the farm bill H.R. 18546. The amendment which I have sent to the desk proposes to add to H.R. 18546, the food stamp bill, S. 2547, which the Senate passed a year ago by an enormous vote of 78 to 14 and which the House has so far failed to act upon.

I would like to point out that there has been considerable expansion in participation in the food stamp program during the past year with the number now reaching 6 million participants. However, there are still about 8 million Americans who conceivably could be reached if we had appropriate legislation such as that which was passed by the Senate.

I am very pleased to learn, after conferring with the distinguished chairman of the Select Committee on Nutrition and Human Needs, the so-called hunger committee, the Senator from South Dakota (Mr. McGOVERN), and the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), that it is very likely, if the Senate acts affirmatively on this bill, which, from all appearances, it will, the so-called logjam in which the food stamp bill has been caught for so very long will be ended. Hopefully, on Thursday of this very week, a rule may be obtained for the food stamp bill in the House.

Incidentally, it will interest my colleagues to know that the National Governors Conference recommended many of the food stamp reforms contained in the Senate passed bill, S. 2547.

I offered the amendment so that I could get the time to ask the chairman of the Committee on Agriculture and Forestry if he would be kind enough to share with the Senate, first, his information on this subject, and, second, his opinion of the best way in which to proceed.

Mr. ELLENDER. Mr. President, in response to the Senator from New York, I think it would be a mistake to put the amendment he proposes on the bill. I was informed, as the Senator from New York stated, that a rule will be obtained this week some time. I think better results and quicker results can be obtained on the food stamp bill by letting the bill now before the House take its course rather than attaching it to the farm bill.

Mr. JAVITS. The Senator feels that, at long last, the logjam will be broken. Is that correct?

Mr. ELLENDER. Yes.

Mr. JAVITS. Mr. President, knowing that the Senator from Louisiana (Mr. ELLENDER) and the Senator from South Dakota (Mr. McGOVERN) feel as strongly as I do about the food stamp bill, with that explanation and assurance from the Senators, I withdraw the amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOLE. I believe in fairness to the other body—particularly its Agriculture Committee—it should be stated that it favorably acted on the food stamp bill. As I understand, the bill is now in the Rules Committee, as the Senator from New York has pointed out. If there is favorable action, it is my understanding that the rule will be granted and the logjam will be broken. I share the view expressed by the Senator from New York that we have been a long time trying to get an expanded food stamp program through the Congress. I hope there will be passage of the bill and that action will be taken some time next week on the food stamp bill.

Mr. JAVITS. I am grateful. On the eve of accomplishment I wouldly hardly be critical of those who are going to move.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McGOVERN. If I had doubt that the other body was prepared to move, I would not only join the Senator in his amendment, but do everything I could to secure its adoption.

As the Senator knows, it was a year ago this month that the Senate passed overwhelmingly a very strong food stamp measure; but I am encouraged to believe that the other body is about to move, at long last, on that measure. I think the Senator is wise in bringing this matter to our attention and also in withdrawing it so the other body can work its will.

Mr. JAVITS. I am thankful to the Senator, who has done so much for the people of the country in this area. It is my confidence in him and the Senator from Louisiana, the Senator from Kansas, and other Senators who are similarly advised that convinces me that this is the right course.

I believed it was useful and important to call vividly to the attention of the Senate how long we have been hung up and to have these expressions of real reliance on the fact that, at long last, we are going to get action.

Mr. McGOVERN. The Senator is to be commended on his action.

Mr. JAVITS. I thank the Senator. I am not doing this idly. There will be other farm bills before us. I think it is useful to let it be known that we are interested in having a food stamp bill enacted into law.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from New York withdraws his amendment.

AMENDMENT NO. 883

Mr. SMITH of Illinois. Mr. President, I call up my amendment 883.

The PRESIDING OFFICER. The amendment will be stated.

Amendment No. 883 was read as follows:

AMENDMENT No. 883

On page 57, at line 21, strike out lines 21 through and including line 25 and insert the following:

"(1) The total amount of payments which any person shall be entitled to receive under the annual programs provided for under titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodities shall not exceed $20,000. The Secretary shall not permit the sale, lease, or transfer of any acreage allotment or base acreage for any farm if he determines that such action is intended primarily for the purpose of evading the limitation prescribed in this subsection."

Mr. SMITH of Illinois. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. SMITH of Illinois. I yield myself 10 minutes.

At this time I request that at the conclusion of the debate on this amendment the yeas and nays be taken.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. SMITH of Illinois. Mr. President, next Thursday will mark my first anniversary as a Member of this body. As the newest Member of the Senate, I have often, during my first year, had occasion to marvel at the wisdom, dedication, and expertise of some of my senior colleagues. Among the greatest of these, I have counted the distinguished senior Senator from Louisiana, whose 33 years here is second only to that of the distinguished President pro tempore of the Senate. The Senator's service on the Committee on Agriculture and Forestry is, in my opinion, in the highest tradition of this body. His experience with farm legislation is extensive; his dedication and ability are unquestioned; his goals and aspirations for American agriculture the highest; and his familiarity with the problems of farmers throughout the Nation broad and deep.

I do not, therefore, lightly tap the lance of the very able and experienced Senator from Louisiana on the critical matter of payment limitations. I have offered my amendment only after long and serious consideration, after extensive research, after wide and free interchange of opinion with my Illinois constituents, and last, after a careful analysis of all the effects an across-the-board limitation of $20,000 per person would produce.

Since the early months of my tenure in the Senate and before, I have questioned the wisdom of high subsidy payments to huge agriculturalists like banks, State governments, corporations, and giant agribusinesses. I have been shocked at the conversion of a farm program originally created to help all farmers, but principally the small farmers, into a program specially designed to protect the interests of the corporate giants. I have been appalled at the expense to the taxpayer that excessive, unproductive farm payments impose.

My apprehensions were not new in the Senate. The distinguished Senator from Delaware, and others, had voiced them before, with far greater eloquence. The one significant distinction between myself and those who have long fought the good fight for payment limitations before me is, I believe, that I am the first Senator from a major agricultural State to propose an end to this vast waste. It was always assumed that farmers supported these payments, large and small, and that it would be political suicide to attack them. Now I lay no special claim to legislative courage, but I do think I have done something no other farm State Senator has done before: I conducted a poll of the more than 200,000 Illinois recipients of Federal crop subsidies. I asked them what they thought about subsidy limitations—and they told me. The results were dramatic, decisive and overwhelming; just about nobody in Illinois, farmer or city dweller, widow or housewife, lawyer or hired hand, approved of subsidies in excess of $20,000 per person. Of nearly 10,000 replies, fewer than 5 percent objected to a subsidy limitation at that level, and at least a third suggested that Government get out of agriculture entirely.

Armed with such clear evidence of the feelings of my constituents, and with expert assurances that a $20,000 limitatian would not wreck the farm program, I introduced limitation legislation, first as an amendment to the Senate farm bill, then as an amendment to the agriculture appropriation measure, and finally as an amendment to the bill we consider today. At every step along the way, and contrary to the sky-is-falling protests that this amendment will destroy American farming, I have enjoyed the support of those who believe that the very opposite will result: that the ugliest, most unseemly, and most abused element of the farm program can and should be removed; and that American agriculture can and should be rid of the black eye huge subsidy payments have given it.

Mr. President, an amendment identical to the one I offer today was attached to the Agriculture Appropriation Act by a vote of 40 to 35 here in the Senate. Because the House version contained no such limitation, the Agriculture Appropriation Act languishes, awaiting conference—awaiting Senate reiteration of its bold and forthright action of only a few weeks ago.

I might add, Mr. President, that the reaction to that first success in history in the Senate limiting crop subsidies was widespread and almost universally favorable. From Dallas, Tex., to Boston, Mass.—including both metropolitan and farm newspapers—editors, reporters, and the public enthusiastically supported the $20,000 limitation. I ask unanimous consent that a sampling of newspaper clippings concerning this topic be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH of Illinois. Mr. President, I offer for the third time a brief, simple amendment, but one which would chart a fundamental reform for agriculture legislation. The amendment would limit to $20,000 Federal crop subsidies payable to any one producer.

Not long ago, President Nixon challenged both the Congress and the American people with the hope that under his administration, the 1970's would be "a great age of reform of the institutions of government." Today we have an opportunity to achieve just such reform in an area vital to the whole country—the agricultural sector. With a single vote we can wipe from the slate the most scandalous, unfair, ridiculous, expensive, and indefensible Government program ever put on the books. We can outlaw payments of $1 million or more to eight giant agribusinesses for income supplementation; we can forbid 14 checks of between ½ and $1 million to similar entities, and, if we have the will and the courage to do so—we can turn agriculture legislation in a new direction—a direction toward less interference in the marketplace and toward Government help where it is genuinely needed.

When I introduced my amendment in early July, Mr. President, only the distinguished senior Senator from Delaware joined me in cosponsoring the measure, and defending it on the floor of the Senate. Today there are Senators cosponsoring not only from the Midwest, but from the far West, the middle Atlantic region, and New England. They are of both political parties and are united in their desire to enact a farm program fair to all citizens.

In July, some Senators suggested the appropriations bill was not the proper place for a payments limitation; they insisted that when the general farm legislation came up, they would happily consider a payment limitation. Well, that day has arrived, and what do we see in the bill? We see a pitiful, weak, puny, half-hearted gesture toward payments limitation—a "limitation" which is effectively $165,000 per producer, in lieu of the limitation with teeth in it—$20,000 per person—which the Senate has already specifically approved.

Why does the bill before us contain a "limit" of $165,000? Is the committee deaf to the will of the Senate?

At least it can be said that the committee and the administration have accepted the principle of a subsidy limitation. Until now it was the standard response to insist that any limit would be unacceptable, but now a $55,000 per crop limitation has been submitted to us for approval. It seems to me, however, that if the committee was persuaded in principle of the need for a limitation, it would have made it a meaningful limitation. Instead of affecting only 1,100 producers, the committee might have aimed at 11,000; instead of saving the American taxpayer a paltry $48 million, the committee could have saved $345 million.

I think the so-called "limitation" of $165,000 per person makes no fundamental change in direction in American agricultural legislation. Rather than take a manful step in correcting the most flagrant abuse of a program designed to help the family farm, the committee's "limitation" assures the American farmer of being shackled to the Federal dole for another 3 years.

Let me very briefly outline, Mr. Presi-

dent, exactly what the $20,000 limitation would accomplish: First, out of the nearly 2½ million subsidy recipients nationwide, about 11,000 would be affected, but these 11,000 constituting barely one-half of 1 percent, 0.5 percent, presently collect 14 percent of total subsidy payments, amounting in 1969 to $451 million. The amount over $20,000 alone was $350 million tax dollars. At the same time that gigantic payments are being doled to corporations, banks, State prison farms and the like, the average recipient gets $1,450 per year, and fully one-third receive under $500 in subsidy payments.

Of the 11,000 affected, about half are cotton producers. Under my amendment 28 percent of cotton production would be affected; about 3 to 4 percent of the wheat production; and only about 2 percent of feed grain production would feel the effect of this reform.

Many have suggested that producers will be able to avoid the limitation by a practice called "farm splitting" whereby in order to get a larger payment, portions of the land are parceled out to members of a corporation, a family, or some similar arrangement.

Such a subterfuge is deliberately and specifically proscribed by the language of my amendment. It provides:

> The Secretary shall not permit the sale lease, or transfer of any acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the limitation prescribed in this subsection.

The Agriculture Department has had ample experience administering programs with similar limitation and I have every confidence that officials will be able to do so under the broad authority granted by this amendment.

Here are a few things the amendment will not do: First, it affects only 3 programs; wheat, feed grains, and cotton.

Sugar is not included.

Wool is not included. Furthermore, the limitation is still quite high enough so that the programs covered will not be ruined by nonparticipation. Even though the amendment affects 28 percent of cotton production, it is still more profitable to produce cotton than any other cash commodity in the southeast part of the United States. For wheat and feed grains, production affected is so minimal as to be wholly insignificant in terms of national or even State production.

Some will suggest that this limitation deliberately discriminates against cotton producers, but I would hasten to point out a significant and critical difference between cotton on one hand and feed grain and wheat programs on the other: The system works for corn and wheat; it limits production. Cotton subsidies do not work, but instead only supplement incomes, and I suggest that incomes over $20,000 need no supplementing. For feed grains, 89 percent of the payments went for limitation of output in 1969. For wheat the figure was still above half, but for cotton, only 38 percent of the subsidy payments went to limit production. In 1970, experts predict that nearly all cotton payments will be for income supplementation with virtually no payments for production limitation.

Mr. President, where I grew up in Illinois, politicians or bureaucrats who used complicated words were either laughed off, or changed their language. Let me say right now that polysyllabic nonsense like "Income supplementation" means just one thing to me: Padding somebody's pocket. When the taxpayer does the padding, and the person getting the padding is Standard Oil of California, the Southern National Bank, or the Louisiana State Penitentiary—to the tune of tens of thousands of dollars, I think it is time to change our language, or be laughed right out of our seat.

Besides causing an incredible drain on the Federal Treasury, payments in excess of $20,000 per person accelerate an already fast-moving trend in American agriculture: The trend toward bigness. I think there can be no doubt that there are already too many independent forces encouraging heavy concentration in large farm corporations or agribusinesses: The high price of land and equipment requires immense capital outlay. Intense mechanization requires far greater acreage for full machinery utilization. Consistently lower per cost prices for farm products necessitate bigger volume to support the producer.

All these forces are by their nature the consequence of the technological revolution in agriculture and are virtually beyond effective Government direction in a free economic society. One thing that is not beyond effective direction, however, is the amount we choose today to pay the individual recipient in Federal subsidies.

Mr. President, I will conclude these remarks with one more statement: Because I introduce today an amendment whose effect would be to take money away from the agricultural program as administered by the Federal Government does not in any way mean that I am against farmers, farming, or the agricultural way of life. Just the very opposite is the case. I have a deep concern for the present lot and the future prospects of the average farmer; first, of course, for the average Illinois producer of corn, livestock, beans, and wheat, but in a larger sense, for the Nation's agriculture as a whole. We may never be able to return to the Jeffersonian ideal of a republic of small farmers, but we can certainly do our best to keep the Government which we represent and on whose behalf we write laws, from encouraging bigness; encouraging corporate farms; monoliths whose interest in the outdoors is limited to a profit and loss sheet; whose head is a board of directors and whose heart is made of green rectangular pictures of deceased Presidents.

In the period between 1968 to 1969, there was a 30-percent increase in the number of producers getting more than $25,000 individually. Since 1966, the increase is a shocking 60 percent. At the current rate of increase of 20 percent per year, twice as many big operators will get big Government checks by the time this bill expires in 1974 than there were in 1966.

Enough, Mr. President, is too much.

EXHIBIT 1

[From the New York Times, Aug. 18, 1970]

In two working days last week the Agriculture Department mailed out $2.1 billion in checks to farms for complying with Government acreage allotments that limit the output of cotton, feed grains and wheat.

Total farm payments this year will amount to $3.5 billion. But even that huge sum does not represent the full cost to American consumers. By limiting supply, Government controls boost prices to consumers by an additional $4 billion or more.

The House of Representatives has taken a step so small as to be insignificant in setting a future limit of $55,000 on the subsidy payment that can be made to any one farm. At maximum, this limit would save $58 million of the $3.5 billion total. And even that estimate assumes that large farm owners will not split up their farms so they can collect the $55,000 ceiling several times. Such an end run by major growers could reduce the saving to microscopic dimensions.

However, the ceiling voted by the House will at least help to scale down the outrageously high payments, running in some cases to millions of dollars, now being made to a small number of huge farm operators. To that degree, it may signal a decline in the political power of wealthy farmers.

The drive to scale down farm subsidies must not stop at the House figure. The Senate, in another bill, already has indicated its approval for a $20,000 top limit. It would do well to write that figure into its version of the present measure, thus giving the House another chance to consider the question. What the nation needs more than continued payments to big farmers is a new program that will help to solve the income, employment and educational problems of the rural poor.

CUT FARM SUBSIDY HARVESTS

The Senate has taken long-needed action in voting to fix a $20,000 ceiling on individual farm subsidies. The question now is whether the House will follow suit.

There can be no doubt that a limit should be placed on the amount of federal money a farmer is eligible to receive for keeping crop land out of production.

Idle lands have reaped vast harvests of money for big farmers. Payments last year ranged up to $4 million for a single corporate farm for not growing crops.

This is an abuse of not only the farm subsidy program—which is most questionable to begin with—but of the millions of taxpayers who are supplying the dollars for the whopping payments to big landowners.

If approved by the House, it is estimated the subsidy curb would result in savings of possibly $400 million a year.

Although not an impressive slice in the subsidy program, now costing about $3.5 billion annually, it would be a move in the right direction toward cutting this agricultural giant down to size.

In years past the House or Senate, either one or the other, has voted for a lid on farm subsidy payments.

With the present strain on the national budget, the time is ripe for the two bodies of Congress to put their heads together and pass this tax-saving legislation.

END OF A BOONDOGGLE?

Two things may be said of the vote in the Senate to limit federal farm subsidies to $20,000 per farm annually. One is it represents a significant victory for Sen. Ralph T. Smith [R., Ill.] and others who contend that huge subsidies to a relatively few big farmers serve only to aid the wealthy while giving little more than a black eye to the

public image of vast numbers of small and medium size farmers.

The other is that the vote should be another warning to convince Secretary of Agriculture Hardin and those farm leaders who oppose subsidy limitations that they can no longer be assured that an urban-oriented Congress will keep refilling the public trough for this particular type of boondoggle. Of the 2.5 million farms which receive subsidies, probably no more than about 12,000 would be affected by the $20,000 limit, including various kinds of corporate giants, banks, oil companies, lumber yards, universities, and land owned by state governments.

As Sen. John J. Williams [R., Del.], cosponsor with Smith of the amendment to impose the subsidy limitation, remarked: "Those collecting the money aren't cultivating farms. They're cultivating the treasury of the United States."

This is the first time a farm subsidy limitation has been approved by the Senate, which in each of the last two years killed similar measures approved by the House. One of the leaders in the House for limiting subsidies is Rep. Paul Findley [R., Ill.], who failed a few weeks ago to win approval for a $20,000 limit largely because of a mixup in strategy among proponents. Findley is expected to join Smith and Williams in pushing for Senate-House conference agreement on the Senate measure as an amendment to the agriculture appropriations bill.

There is a good chance the conferees will approve, but even if they do not the Senate vote carries a message that should be pondered by Secretary Hardin and the nation's farm leaders. The door to the federal treasury is starting to close on those who think that more government funds, rather than sound farm legislation, will bail agriculture out of its economic problems.

[From the Chicago Daily News, July 9, 1970]

SENATE VOTES $20,000 CEILING

WASHINGTON.—The Senate, told that some farmers were cultivating the U.S. treasury rather than their fields, voted Wednesday to limit the amount of federal payments a farmer could collect in one year to $20,000.

Attached to a $7 billion agriculture appropriations bill for the fiscal year that began July 1, the ceiling would apply only for the 1971 crop year that the appropriation covers—if the House goes along.

Expert observers believe the House might not, even though it did approve a similar $20,000 ceiling in 1969. The House approved the same appropriations bill July 9 after rejecting efforts to write a payment ceiling into it.

There is no payment ceiling now on the three federal programs that account for most of the Agriculture Department's price support crop diversion payments. Those programs are for wheat, cotton and feed grains, which includes such things as corn and grain sorghum.

Figures from 1969 showed that five farms received federal payments from those crops totaling more than $1 million. All five were in California.

In addition, two big Hawaiian sugar companies received more than $1 million in payments under a separate federal sugar support program last year.

The provision approved by the Senate Wednesday on a 40 to 35 roll call vote specifically excluded sugar. The key language said:

". . . No funds appropriated by this act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any person on any crop planted in the fiscal year 1971."

Sugar generally has been omitted from proposed payment ceiling because it has its own sliding scale for limiting payments, although some critics claim it is very generous.

Sens. John J. Williams, R-Del., and Ralph T. Smith, R-Ill., co-sponsored the Senate limit amendment, arguing that many of the payments went not to the small family farms the programs were designed to help but to corporations, banks and big business.

"Those collecting the money aren't cultivating farms," Williams said. "They're cultivating the treasury of the United States."

But Sen. Spessard Holland, D-Fla., manager for the bill, argued against tacking the amendment onto the appropriations bill. The proper place, he said, was on a big farm program bill now bottled up in the House Agriculture Committee. Put the limit there, Holland said, and he would vote for it.

The question of whether to keep the payment ceiling in the final appropriations bill will be up to a conference committee representing both houses.

Rep. George H. Mahon, D-Tex., chairman of the House Appropriations Committee, said House conferees would seek elimination of the limitation and "I think chances are good the House will prevail."

NEW DRIVE TO CUT SUBSIDIES FOR GIANT FARMS

This may be the year when Congress votes an end to checks running into millions for some farm operators.

A ceiling on subsidy payments is being demanded by many Congressmen before they support a new farm program.

Pressure is growing in Congress to stem the flow of Government cash paid to big farm operators every year for not growing crops.

A ceiling of $20,000 on such payments has been voted by the Senate. And farm leaders in Congress concede that their colleagues from urban districts are not likely to approve a new plan for farm aid unless assured that large payments to individual farms will be curbed.

For years, there has been an outcry every time the U.S. Department of Agriculture announces its payouts to farms—some checks running in the millions of dollars.

These payments are made to farm operators who restrict plantings under programs designed to bolster farm income and prevent surplus crop production.

THE TOP PAYMENTS

The chart on page 55 lists the 25 farms that got the largest checks drawn on the U.S. Treasury in 1969 for participation in crop-control programs. These checks ranged from $4,370,657 down to $360,823.

All told, in 1969, 396 farm operators received Government checks for more than $100,000.

Congressmen leading the campaign to put a ceiling of $20,000 on payments say that this move would save taxpayers around 300 million dollars a year.

Total payments to farmers in 1969 came to 3.8 billion dollars. Most of this was paid under the cotton, wheat and feed-grain programs. There are also sizable payments to some sugar and wool producers. These commodities are not included in most limitation proposals, however, because the sugar and wool programs are self-financing through import taxes.

The great majority of farmers get considerably less in Government payments than the big operators. Of the 2,517,304 farmers who received Government checks in 1969, only 44,665 got amounts of $10,000 or more.

COTTON, WHEAT AND CORN

Virtually all of the farm operators receiving the 25 largest payments are in California and Arizona. In these States, farming is often on a large scale, with intensive cultivation of irrigated land that produces big yields of cotton.

In Kern County, Calif., alone, 27 farm operators received payments of more than $100,000 in 1969.

West Texas and the Mississippi Delta are other areas where cotton farming tends to be on a large scale. In Sunflower County, Miss., for example, seven farms got checks ranging from $100,854 to $184,630.

In Sherman County, one of the top wheat-producing counties of Kansas, the 20 largest checks to farmers ranged from a high of $61,696 down to $25,419.

In the corn belt, most Government checks to farmers are for considerably less than in the cotton and wheat regions. Iowa, in 1969, had only 118 farmers who got payments of more than $20,000, Illinois had 152, and Indiana 106.

Corn-belt farmers, in fact, are shown by some polls to favor a crackdown on big payments under federal farm plans. "Wallaces Farmer" magazine, in April, 1970, reported that 75 per cent of farm people questioned would like to see a limit of $20,000 or less.

CONGRESSIONAL ACTION

Some farm-State Congressmen have joined their urban colleagues in the drive to clamp a ceiling on federal checks to farmers.

Senator Ralph T. Smith (Rep.), of Illinois, on July 9 proposed an amendment to the agricultural appropriation bill to restrict payments to no more than $20,000 to any one farm. The Senate approved this amendment by a vote of 40 to 35.

Representative Paul Findley, a Republican who represents a central Illinois district with much farming, is urging his House colleagues to endorse the Senate action. Mr. Findley's district is one of 50 scattered across the U.S. that receive the largest amounts in federal farm payments. In a recent letter to Representatives of the 49 other districts, Mr. Findley said:

"As you know, big payments to farmers of substantial means—more than any other factor—have put farm programs in disrepute with almost all citizens, urban and rural alike."

A COMPROMISE PLAN

The drive to crack down on big payments comes at a time when the future of Government farm programs hangs in the balance. The plan now in effect runs out at the end of this year. The Nixon Administration and farm leaders in Congress are trying to hammer out a new plan that will be acceptable to members representing urban areas.

Representative W. R. Poage (Dem.), of Texas, chairman of the House Committee on Agriculture, has warned farm-State Congressmen that a payment limitation is inevitable.

Mr. Poage and Agriculture Secretary Clifford M. Hardin are urging that the ceiling on payments be put at $55,000 per farm. They hold that dropping it down to $20,000 would seriously undermine crop-control plans because big farms would no longer limit production and the result would be a build-up of surplus farm products.

The Hardin-Poage strategy is reported to be a move to get the Senate and the House to accept the new farm bill with a limit of $55,000 on payments. This would avoid a showdown vote in the House on the $20,000 limit approved by the Senate.

Congressmen pressing for a payment limitation point out that the ceiling of $55,000 proposed by Secretary Hardin and Mr. Poage would apply on a per crop basis. In other words, farms growing cotton, wheat and feed-grains could get this much on each crop, or a total of $165,000. In few areas, however, would farms be able to grow all three crops.

FUTURE AT STAKE?

Representative Findley holds that a limit on payments is essential to preservation of the family farm. In his view:

"It is big Government checks that enable

these corporation-type farms to keep expanding."

A gradual lowering of the payment ceiling is advocated by some farm economists to prevent severe dislocations in areas where big farms predominate.

In California, for example, one of the nation's largest cotton growers is experimenting with tomato production—5,000 acres at a crack—in case a cut in payments makes it less profitable for him to grow cotton. Says one California tomato grower:

"If the big cotton producers shift to tomatoes, they will blow the rest of us right out of the water."

A cotton grower in the Mississippi Delta wonders what will happen to the 40 families to which he gives employment and housing if his 5,000-acre holdings are broken up.

"IT ISN'T PURE GRAVY"

E. L. Hatcher, president of the National Association of Wheat Growers who farms at Lamar, Colo., says:

"A lot of people think a Government check is pure gravy for the farmer, but it isn't. When you idle land you have to keep it cultivated, your taxes and other expenses go on, so does the rent if you are leasing land."

In Washington, some observers say the fight over limiting payments to farmers might end with Congress's failing to pass the new farm bill. That is discounted by others who say that, with 1970 elections coming up, neither Democrats nor Republicans want to be blamed for not approving the farm bill. But it is generally agreed that any new farm plan is going to include a ceiling on Government payments to farmers.

[From the Christian Science Monitor, July 14, 1970]

HUNGER IN WORLD, BUT—FARMERS FIGHT FOR UNGROWN-CROP SUBSIDIES

(By Richard L. Strout)

WASHINGTON.—Though much of the world goes hungry, not growing crops is one of the more lucrative occupations in America.

The more crops some big farm corporations don't grow the more the government pays them.

With $250 million at stake for big farm corporations, they are expected to make a desperate effort in Senate-House conference to throw out a $20,000 limitation on such subsidies just voted by the Senate.

The Nixon administration has decided to support a $55,000 farm-subsidy limitation instead of $20,000. Previously it took no position.

The $20,000 limitation has been bandied about for years. Unlimited subsidies are attacked by critics as upside-down economics that aid the rich at the expense of the poor and expand "farm factories" to the detriment of family-size farms which the program is supposed to aid.

HOUSE MOVE REJECTED

Now, unexpectedly, the Senate voted 40 to 35 for the $20,000 limit as an amendment to the pending farm appropriation. The House voted for the ceiling two years ago, but that doesn't mean it will pass.

Consumer pressure is rising, and proponents say the measure will save taxpayers $300 million or more. The Senate passed the amended $8 billion appropriation, 73 to 6.

But the House move in 1968 was rejected by Senate leaders in conference. Now it is expected to go back to conference a second time for what could be a ferocious battle.

One senator who voted against the $20,000 limitation July 8 was James O. Eastland (D) of Mississippi. In 1969 Eastland Plantation, Inc., of Sunflower County, Inc., received $157,930 under the farm-subsidy program. He did not participate in the debate.

Sen. Ralph T. Smith (R) of Illinois, who said Midwest corn growers overwhelmingly back the limitation, says the cutoff would save "$350 to $400 million annually."

Relatively few farmers received more than $20,000, but a few large agricultural corporations get big amounts.

PRICES SUPPORTED

In 1969 eight subsidy payments were in excess of $1 million. Total recipients in 1969 were $2,525,800, and the average farmer got $1,463. A third of subsidy recipients (1.1 million) get less than $500.

The program was instituted after the depression to supoprt prices and equalize production.

In 1968 Undersecretary of Agriculture John A. Schnittker concluded after a survey that a $20,000 subsidy limit would not have the dire effects which lobbyists forecast, and that it could be instituted "without serious adverse effects."

In 1969 acreage diversion and price-support subsidies cost taxpayers the following on three main crops:

Cotton	$828,000,000
Feed grains	1,643,000,000
Wheat	857,000,000
Total	3,328,000,000

Sen. John J. Williams (R) of Delaware told the Senate seven big farm corporations receive $1 million each for not growing crops. Fourteen companies get subsidies of $500,000 to $1 million. Six banks are classified as "farmers," he said, and receive from $27,000 to $224,000 "not to cultivate their farmland."

PENITENTIARY COLLECTS

In Louisiana, the state penitentiary at Angola is listed as a 'farmer" under the meaning of the act and collected $85,219 in 1969 for not growing crops on certain acreage.

Senators expressed sympathy for small farmers: "The average farmer gets only about $100 a month," Mr. Smith said, "for deliberately leaving idle his most valuable asset, his land; and more than a third got no more than a dollar a day." On the other hand, the Standard Oil Company, Oildale, Calif., collected $127,995.

Several state penitentiaries get substantial subsidies. This led Senator Williams into a philosophical inquiry. Suppose one of these penitentiaries became subject to criminal penalties under the law, he said. Suppose it violated the law and was convicted? he asked.

"Mr. President," he demanded, "how could you put a penitentiary into the penitentiary for violating the law?"

[From the Chicago Daily News, July 9, 1970]

SENATE VOTES SHARP CUT IN FARM SUBSIDIES

(By William McGaffin)

WASHINGTON.—The day of huge farm subsidy payments may be about to end. Scores of Illinois farmers would be affected.

The Senate unexpectedly voted Wednesday to limit the amount of federal subsidy a farmer may collect for the year.

Two Republican senators, Ralph T. Smith of Illinois and John L. Williams of Delaware, sponsored the proposal, which was approved on a 40-to-35 rollcall vote.

Their proposal, offered as an amendment to a $7 billion agriculture appropriation bill, was considered to have a chance in the House.

In each of the last two years, a similar proposal passed the House only to be killed in the Senate. Last year, the House approved it, 224 to 140.

Nobody knows better than Williams that the problem has rested with the Senate. He remarked after Wednesday's vote that he had been trying to get the Senate to agree to this for 15 years.

The two congressmen who have led the drive in the House are Republicans Paul Findley of Illinois and Silvio Conte of Massachusetts.

If the proposal becomes law, it means that Sen. James O. Eastland (D-Miss.) can no longer collect $146,792 in a single year, as he did in 1969, in farm subsidy payments to his plantation at Doddsville, Miss.

Nor will the Meadow Lark Farms in Fulton County, Illinois, be paid $118,973 as they were in 1969.

Meadow Lark Farms, headquartered in Sullivan, Ind., holds more than 12,000 acres of Fulton County farmland. A subsidiary of the gigantic American Metal Climax (AMAX) Corp. of New York, Meadow Lark also has extensive farm holdings in other Illinois counties, Indiana and other states, according to a company source.

Under the current law there is no dollar limit on the amount of federal cash a farmer may receive for not planting crops and subsidies ranging to more than $1 million a year have been paid to large landowners and corporate farms.

Last year in Illinois, for example 152 farms received more than $20,000 each. These huge payments have helped run the cost of the farm subsidy program to more than $3 billion a year.

Smith estimates that if the proposal becomes law, it will save the taxpayers $200 million to $300 million a year.

Smith told the Senate he had decided to get into the fight after sending a letter to 200,000 Illinois farmers asking their opinion on whether to limit the subsidies. He said that the response was overwhelmingly in favor of his proposal. In fact, he added, many who wrote urged the government to get out of farming altogether.

A conference of Senate and House representatives will be convened to reconcile the Senate version of the agriculture appropriation bill containing the Smith-Williams amendment and the House version that does not have it.

An aide to Findley said he thought the congressman probably would offer a motion in the House to instruct the House conferees to accept the Senate amendment. If he does, and it passes the House, the conference approval will automatically follow.

The subsidy limitation would last for one year—fiscal 1971—which is the period the appropriation bill covers. Its acceptance, however, could prepare the way for adoption of a longer limitation.

[From Human Events, Aug. 8, 1970]

BETTER FARM POLICY NEEDED: "NEW LOOK" PROMISED IN 1968, BUT NONE HAS EMERGED

In October 1969, when he was campaigning for the presidency, candidate Richard Nixon was quoted in a farm magazine as saying: "The 1965 farm act is a patchwork of old laws and can be improved—and it should be. It is not good enough for the future."

About the same time, in a campaign speech, Mr. Nixon called for a "new look" in farm programs, asserting he was disturbed over the fact that the nation's farmers had to depend on federal subsidies for a fifth of their net income.

"Those who control the purse strings control the power," he said, "and the new programs that are designed should insure a fair return while reducing this dangerous level of dependency on an arbitrary political power."

Now the Nixon Administration has given its blessing and strong support to new legislation, approved by the House Agriculture Committee, which essentially is little more than a three-year extension of the very same patchwork of old laws the President criticized less than two years ago.

Not only that, but Secretary of Agriculture Clifford M. Hardin has made it quite clear that the Administration insists on continuing present levels of farm subsidies at $3.7 billion annually. Apparently, now that it has gained the White House, the Administration no longer cares if farmers have to depend on arbitrary political power.

Hardin did finally agree reluctantly to go along with the House committee on a subsidy ceiling of $55,000 for each of three major crops. But that would save taxpayers no more than $58 million. The secretary is adamantly opposed to the $20,000 ceiling per farm which the Senate approved as an amendment sponsored by Sen. Ralph T. Smith (R.-Ill.) and which would save more than $300 million.

Hardin's excuse that the bookkeeping required to impose a $20,000 limit would be too burdensome is nonsense. A $20,000 limit would apply to only about 12,000 of the 2.5 million farms which get subsidies. Sen. Smith hit the target when he described the proposed $55,000 ceiling as a "sham and a fraud," and a slap in the face to the taxpayers.

The dispute over the subsidy ceilings, however, should not be allowed to obscure the fact that the Administration has not lived up to its promises to support sounder legislation for agriculture. Neither the Administration nor the House committee gave serious consideration to any legislation designed to phase out subsidies and crop controls, such as that advocated by the nation's biggest farm organization, the American Farm Bureau Federation.

Congress now has an opportunity to correct this oversight by junking the House committee's bill and coming up with something better. Mr. Nixon was right the first time. What is being proposed is not good enough for the future.

[From the Chicago Tribune, Nov. 24, 1969]

U.S. FARM AID HELPS RICH GROW RICHER

WASHINGTON, Nov. 23.—America's farm programs are a multibillion dollar complex of subsidies, some of which undermine others, and all of which give little help to the small farmer.

One official view, as expressed by Secretary of Agriculture Orville L. Freeman, is to the contrary. "Today," he says, "'we have a wide range of programs aimed at underpinning and strengthening America's family agriculture."

But the President's National Advisory Commission on Rural Poverty has disagreed. In a report entitled "The People Left Behind," the commission said: "It is clear that the price support and related programs do very little for the rural farm poor and nothing, directly, for the rural nonfarm poor."

FARMERS INTERVIEWED

Interviews with farmers from Mississippi to California found none who agreed with Freeman that the programs' aim is to strengthen family agriculture.

"Talk of the 'family farm' is a nostalgic longing for the past; It does not reflect reality," said Thomas K. Greer, general counsel for Salyer Land company, a 60,000-acre family-owned farm in California.

"No one in his right mind could justify the payments the farmer is getting along with the market price," said Richard Shaw, a Mississippi cotton grower. "But I haven't heard of anyone sending a check back."

An examination of the agriculture department's various farm programs showed:

Farmers received more than one billion dollars this year for holding land out of production, including one payment of $4,091,818 to a single corporate farm, J. G. Boswell company of Kings county, California.

Farmers collected millions of dollars from various programs to help them increase production on the land they did plant.

[Altogether, farmers will collect 3.4 billion dollars in direct federal subsidies under various programs this year.]

That as a result, farm production continued to increase faster than the market could absorb it, thus forcing the government to lay out another one billion dollars to support crop prices.

Wealthy Americans are going into farming in a big way, but the suspicion persists, especially among some members of Congress, that the rich are more interested in cultivating tax breaks than crops.

CATTLE TAX BREAKS

Sen. Lee Metcalf [D., Mont.], cited an internal revenue service study that said 119 individuals with incomes of more than one million dollars in 1965 had farm operations, and 104 of them reported losing money at farming.

Cattle breeding, especially, has tax advantages that have led to a new business—companies that specialize in setting up wealthy people as owners of cattle herds. Expenses are deducted from gross income. Profits from later sale of calves are taxed at the lower capital gains rate.

But it is the direct subsidies, the huge farm payments, that bother the congressmen, beset as they are with demands for more money for troubled cities.

Cotton is king on Capitol hill, primarily because southerners dominate the agriculture committees of both Senate and House. It was for taking land out of cotton production that the Boswell company collected more than 4 million dollars.

A more prominent recipient was Sen. James O. Eastland of Mississippi, a ranking Democrat on the Senate agriculture committee. The senator and members of his family got $211,364 for retiring land from production.

REJECTED BY SENATE

In an attempt to stop such large outlays, the House passed a bill to limit payments to $20,000 to any one farm. But Senate conferees refused to accept it.

Contrasted to this was Congress' acceptance of a little noticed amendment to the 1965 farm bill which will pay cotton growers a bonus of up to 150 million dollars in price support payments this year.

Introduced by Sen. Allen J. Ellender (D., La.), chairman of the Senate agriculture committee, the amendment took away the Secretary of Agriculture's authority to lower the price support payment on cotton.

Farmers and economists say present market conditions call for price support payments of 9 cents a pound. The Ellender amendment forces the government to pay 12.24 cents a pound.

Where do all the billions in farm payments go?

WHERE MONEY GOES

The President's commission on rural poverty, using cotton as an example, but citing similar figures for rice, wheat, feed grains, and sugar, put it this way:

"The 10 per cent of cotton producers with the smallest payments receive less than one per cent of cotton program benefits; the 10 per cent of producers with the largest payments receive more than half of these benefits; and the top one percent of producers in size of payments receive 21 per cent of the benefits."

Freeman dislikes the word subsidy, especially as applied to payments for holding land out of production.

"They amount to rental payments. . . . It is not in the national interest to produce so much cotton and wheat and corn. And the government says that "for one year we will rent so much of your land if you do not plant it.' "

BILLION IS PAID OUT

Call it rent or subsidy, $1,114,617,466 went to 91,887 farms that received payments of $5,000 or more in 1967.

But most of the nation's 3 million farmers received a lot less than $5,000. The average payment per farm in 1967 was $978.

And rent or national interest aside, farm production is rising despite the money spent to discourage planting.

Last Oct. 1, the department of agriculture predicted the 1968 wheat crop would be a record 1.6 billion bushels, 30 per cent above the average for the five years, 1962 to 1966.

Production forecast for other crops was corn, 4.6 billion bushels, 20 per cent above average; soybeans 40 per cent above average; oats, 3 per cent; hay, 2 per cent; fall potatoes, 4 per cent; and grain sorghum, 33 per cent.

PAYMENTS FOR COTTON

When the program of direct payments to farmers for price support and land diversion was passed in 1965, there was a 16.6 million bale surplus of cotton. The land diversion program plus two years of disastrous weather reduced the surplus to 6.5 million bales.

To reduce that surplus by 10 million bales cost the government 1.7 billion dollars or about $170 a bale.

The agriculture department tries to help the small farmer—the one with cotton allotment of 19 acres or less—by permitting him to plant his entire allotment and still collect the diversion payment. But these payments average only $114.80 to each small farm.

In Ford County, Kans., farmers expressed amazement that one ranch in California received a 4 million dollar payment from the federal government. All the wheat and feed grain farmers in Ford county received a total of 3.4 million dollars.

These have been drouth years in western Kansas, and the price of wheat is down because of bumper crops in other areas.

In July 1967, a committee of farmers, economists, labor leaders, and retailers called the National Advisory Commission on Food and Fiber looked on farm programs and recommended some changes.

"Acreage allotment programs for supply management tend to be self-defeating so long as they contain incentives for farmers to increase yields," said the commission.

The report recommended that production quotas be set in quantities rather than yields.

URGE REASONABLE NET

On the issue of direct payments, the commission recommended that payments be geared more to giving farmers a reasonable net income, rather than to boost the price of each unit produced.

Some commission members backed a proposal for variable payments on a scale giving smaller amounts as the production goes up.

The commission report was published in a 361 page volume complete with charts, graphs, and tables, and then forgotten.

Not one of its recommendations was included in the farm bill passed near the end of the last session of Congress.

Mr. SMITH of Illinois. I yield 3 minutes to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, I am glad to join the Senator from Illinois as a cosponsor of this amendment, which earlier this year was approved by the Senate and which I hope will be approved again as a part of this bill.

For many years I have been critical of the fact that the large corporate farmers have been getting a large share of the subsidies and have pointed out on many occasions that these large payments of subsidies do not benefit the small farmer because he cannot take advantage of them with his small farm. He has to have a certain minimum amount of equipment, tractors, combines, and so forth, to the point that he cannot efficiently operate his farm and put a part of it under the Soil Bank. In my opinion, if this program is to be con-

tinued at all, these payments should be limited to not exceeding $20,000.

On March 24 of this year I placed in the RECORD a long list of names of individuals and companies who had received in excess of $60,000. They appear in the RECORD as of that date, and I shall not ask to have them printed again. That report showed that one company had received $4,370,657 subsidy payments. A second company received $3,412,867.

Seven companies last year were paid in excess of $1 million each. Fourteen other companies were paid between a half million dollars and $1 million each. Fifty-four companies or individuals were paid between $250,000 and $500,000 each. These were not small farmers. Six banks on this list received from $27,445 up to $224,254. There were two penal institutions, State penitentiaries, on this list. One of the large oil companies was paid $127,995 not to farm.

I ask unanimous consent to have the list of these largest payments printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

One company, J. G. Bosnell Co., of California, received $4,370,657.

Griffen Inc. of California, received $3,412,867.

Seven companies received in excess of $1 million each.

Fourteen companies were paid between $500,000 and $1 million each.

Fifty-four companies were paid between $250,000 and one-half million dollars each. These are not small farmers.

The Southern National Bank of Lumberton, N.C., was paid $224,254.

The First National Bank of East North Carolina at Dunn, North Carolina, was paid $69,943.

The First National Bank of Dumas, Texas, was paid $69,415.

The Waccamaw Bank & Trust Company, Lumberton, North Carolina, was paid $58,134.

First National Bank & Trust Company, Wichita Falls, Texas, received $34,686.

The Wilbur Security Co., Wilbur, Wash., was paid $27,445.

The Standard Oil Company, Oildale, California, was paid $127,995.

The Arizona State Penal Farm, Grady, Ariz., was paid $148,628.

The Louisiana State Penitentiary, Angola, La., was paid $85,219.

Mr. WILLIAMS of Delaware. Mr. President, there can be no reason under which these banks or the oil company or the penitentiaries could qualify as small farmers. It is utterly ridiculous to continue these payments to the large corporate-type operator, and Congress should accept this opportunity to correct this inequity in our law. By doing so we can save a much needed $350 million. I hope the amendment will be adopted.

Mr. PERCY. Mr. President, will the Senator yield me 3 minutes?

Mr. SMITH of Illinois. I yield 3 minutes to the Senator.

Mr. PERCY. Mr. President, I rise in support of this amendment which I cosponsor.

I commend my distinguished and valued colleague from Illinois for his initiative in this area. I commend the distinguished senior Senator from Delaware, who is the watchdog of the Treasury, and who is always protecting the taxpayer as well as the consumers' interests.

I also pay tribute to my colleague in the House, Representative PAUL FINDLEY, who has taken comparable action in the House of Representatives and who for many years has led this fight to reduce our subsidies and wean ourselves away gradually from this support program.

One of the problems that I think the American consumer has is to try to make sense out of very large Government subsidies being paid to farmers not to produce food when we have a great deal of hunger in the country and a shortage of funds to provide food for hungry Americans. We are failing to meet the needs of the hungry; yet, year after year we continue to pay these excessively large farm payments.

For the most part, in the State of Illinois, a State of 11 million people, with several hundred thousand farmers, here is an issue on which farmers and consumers are united almost unanimously. There is a consensus that we simply must wean ourselves away from these excessive payments.

By imposing this $20,000 limitation, we can save $345 million in fiscal 1971, according to the figures that have been given to me. With a predicted deficit of several billion dollars in fiscal 1971, this would be a responsible way to save the Federal Government money.

So far as the marketplace is concerned, it is the supported crops that are in trouble. Nonsupported crops respond to the market and are healthy. Well over a hundred crops trade in the free market and are healthy. It is the ones that for some 30 years we have tried to prop up that constantly seem to be in trouble.

Another reason to adopt the payments limitation amendment before the Senate is that these large payments put small farmers at a disadvantage. Small farmers cannot afford to have idle acreage in order to take advantage of these payment programs. What these programs really do is to subsidize large farmers and perpetuate the trend toward driving small farmers off the land, leaving agriculture in the hands of ever-larger producers.

For these reasons, I support the $20,000 payments limitation. The Senate, by a vote of 40 to 35 on the 1971 agricultural appropriation bill, supported the very same amendment, and I trust that the Senate will adopt it this evening.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. I yield myself 5 minutes.

As I have often pointed out, so far as I personally am concerned, I have fought for effective farm legislation, and that required that producers be compensated if they agreed to cooperate in the programs. This year, in order to obtain a farm bill, I went along with the $55,000 limitation that is provided in the House bill.

What made the past farm program work as it did was the fact that the Secretary of Agriculture had the power, under the law, to declare how many acres would be planted in order to produce a sufficient amount for export as well as our own use. That situation obtained with respect to cotton and other of the various crops we are supporting.

The concept of price supports comes about as the best way to attain a reduction of the amount produced, by a reduction in acres planted. Whether those acres come from a large farmer or a small farmer makes no difference in light of what we are trying to do. The objective is the annual production of the amount of cotton, the amount of corn, and the amount of wheat we can consume domestically, plus export needs, with a little carryover.

This program has been very effective, as I pointed out in my speech yesterday evening. If we should adopt the pending amendment, it would in effect destroy this program. If the $20,000 limitation is in effect, it will mean that many of the large producers who are efficient farmers will remain out of the program. The probability is that they will go into production of more corn—that is a voluntary program—and they might go into the production of other commodities that are not under the program. That would greatly increase our surplus supplies, and harm the entire economy. By allowing the Secretary of Agriculture the authority to designate the number of acres necessary to produce certain of our commodities, this program has been very successful.

It is true that the cost has been very high. I wish to place in the RECORD at this point some of the costs. But the costs I am referring to now are a pittance compared with what the costs to the consumer would have been had we not had an abundance of food on hand.

As I pointed out earlier today, the corn and feed program from 1961 has cost the taxpayers $14,052,300,000. That is a large amount. The cost for wheat for the same period was $13,274,000,000. That was in order to reduce the huge surpluses that had accumulated under former programs. Today, we have surpluses, or a carryover, about in line with our requirements.

Take, for instance, cotton. In 1965 we had 14 million bales of cotton, when our requirement for normal carryover was only about 7 to 8 million bales. The bill presented to the Senate in 1965 was intended to work off that surplus, and that goal was accomplished in 3 years instead of 4—the whole length of the bill. The same thing took place with respect to the huge amount of feed grains we had on hand. As I said earlier, the amount of feed on hand over and above our requirements was over 15 million tons. In order to work that off it cost the taxpayers the amount that I have just suggested.

Mr. ELLENDER subsequently said: Mr. President, some time ago during the debate I referred to several tables to be placed in the RECORD to show the entire cost of our farm programs since the inception. It is to be noted that there are three columns on this table, one indicating the cost through June 30, 1961, another column indicating the cost through June 30, 1970, and the other presenting the entire cost.

I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROGRAM RESULTS, OCT. 17, 1933, TO JUNE 30, 1961, AND OCT. 17, 1933, TO JUNE 30, 1970, AND INCREASE SINCE JUNE 30, 1961

[In millions of dollars]

Program	Oct. 17, 1933 through June 30, 1961	Oct. 17, 1933 through June 30, 1970	Cost and losses incurred since July 1, 1961
Corn and feed grains:			
Price support costs [1]	2,928.9	5,347.8	2,418.9
Public Law 480	628.7	1,798.7	1,161.0
Direct payments	333.3	10,178.4	9,845.1
CCC credit sales		627.3	627.3
Total	3,890.9	17,943.2	14,052.3
Wheat:			
Price support costs [1]	2,251.9	4,118.3	1,866.4
Public Law 480	4,391.6	13,389.5	8,997.9
Direct payments		1,818.3	1,818.3
CCC credit sales		335.5	335.5
International wheat agreement	1,218.7	1,474.7	256.0
Total	7,862.2	21,136.3	13,274.1
Cotton, upland:			
Price support costs [1]	1,502.2	3,179.6	1,677.4
Public Law 480	1,087.2	2,439.2	1,352.0
Direct payments		4,274.8	4,274.8
CCC credit sales		264.4	264.4
Total	2,589.4	10,158.0	7,568.6
Dairy products:			
Price support costs [1]	2,480.6	4,967.8	2,487.2
Public Law 480	171.6	741.5	569.9
CCC credit sales		1.6	1.6
Total	2,652.2	5,710.9	3,058.7
Oils and oilseeds:			
Price support costs [1]	539.1	987.6	448.5
Public Law 480 [2]	578.6	1,398.5	819.9
CCC credit sales		5.7	5.7
Total	1,117.7	2,391.8	1,274.1
Rice:			
Price support costs [1]	219.5	549.3	329.8
Public Law 480	551.8	1,710.8	1,159.0
CCC credit sales		52.0	52.0
Total	771.3	2,312.1	1,540.8
Tobacco:			
Price support costs [1]	5.7	177.7	172.0
Public Law 480	214.4	443.7	229.3
CCC credit sales		101.1	101.1
Total	220.1	722.5	502.4
Potatoes:			
Price support costs [1]	478.6	478.6	
Public Law 480	1.8	2.5	.7
Total	480.4	481.1	.7
Wool:			
Price support costs [1]	116.0	116.0	
Direct payments	324.6	724.3	399.7
Total	440.6	840.3	399.7
All other commodities:			
Price support costs [1]	29.6	261.4	231.8
Public Law 480	127.1	453.5	326.4
CCC credit sales		30.0	30.0
Total	156.7	744.9	588.2
Total, all commodities	20,181.4	62,441.1	42,259.7
Other costs:			
Strategic and critical materials	1,008.9	1,475.4	466.5
Offshore procurement premiums		25.9	25.9
Other		3.6	3.6
Ocean transportation on commodities donated through voluntary agencies	125.5	521.8	396.3
Storage facilities	12.5	13.0	.5
Research expense		42.1	42.1
Accounts and notes receivable	12.7	21.6	8.9
Purchases of foreign currencies for use in self-help activities		4.9	4.9
Interest expense	2,170.0	5,269.3	3,099.3
Operating expense	552.9	1,133.8	580.9
Disease eradication	218.8	218.8	
Wartime consumer subsidy	2,102.3	2,102.3	
Total, other costs and losses	6,203.6	10,832.5	4,628.9
Recoveries of costs		3,645.4	3,645.4
Total, all costs	26,385.0	69,628.2	43,243.2

[1] Price support costs include price support losses, export subsidies, and other related costs reimbursed CCC through appropriations to restore capital impairment.

[2] Includes vegetable oil products.

Source: CCC financial statements. All data subject to minor adjustment due to rounding.

Mr. ELLENDER. Mr. President, I have figures before me indicating the amount of payments that were made to producers of cotton, feed grains, and wheat in selected States for the period 1965 through 1969. In 1965 the total amount of payments for all States was $1,985,822,000. Over one-half of that went to these seven States. In 1969 the total amount for distribution among all States was $3,328,941,000, and almost one-half of that went to these Midwestern States.

I ask unanimous consent that this table may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PAYMENTS TO PRODUCERS OF COTTON, FEED GRAINS, AND WHEAT IN SELECTED STATES, 1965-69

[In thousands]

State	1965	1966	1967	1969	1968
Illinois	130,782	94,060	85,117	148,024	184,660
Iowa	218,423	195,642	127,111	230,346	247,577
Kansas	188,615	64,842	192,656	209,370	222,522
Minnesota	114,119	105,236	73,388	115,287	154,881
Missouri	105,437	105,715	98,128	122,811	142,488
Nebraska	171,019	118,748	116,290	166,616	186,925
Texas	151,399	355,587	403,433	401,627	448,448
Total of States	1,079,794	1,039,830	1,096,123	1,394,081	1,587,501
Total, all States	1,985,822	2,093,498	2,528,036	2,899,960	3,328,941

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. HOLLAND. Mr. President, I strongly oppose the amendment because I think its defeat is critical to adoption of the farm bill this year.

I call the attention of the Senate to the fact that the principal point that made trouble with reference to the 1965 farm bill was the excessive payments paid to a few people, some going up to $3 million and $4 million. I call attention to the fact, then, that under the amendment, those excessive payments are not only done away with, but the $55,000 limitation per commodity means that the largest payment that could be made to anyone would be $165,000. I am told that is applicable only to three people. There are very few people to whom the $110,000 could be made, and as to most, $55,000 would be the highest payment possible. The excesses that took place under the 1965 bill which existed, in spite of the good values that came out of it, largely had to do with these huge payments. This action would do away with those excesses.

The second point I make is that the reduction in payments was a reduction of 50 percent of the amount first suggested and strongly recommended by the Department of Agriculture. Members of the committee will recall that the first time the Secretary appeared this year on a farm bill, he strongly recommended $110,000 as the amount for each com-

modity which would be the limit. The House has worked out this $55,000 figure and that is a reduction by 50 percent of the strong recommendation of the Secretary of Agriculture and of the administration.

The third point I call attention to is that there was grave difficulty in the House in passing this provision, even with this figure in it. I do not recall the figures, but when the effort was made in the House to substitute a smaller limitation for the $55,000, there was grave difficulty in rejecting that amendment. The Senator from Louisiana will recall that shortly after the action of the House, we were called upon by the leadership, from the House Agriculture Committee and others, to see to it that it was absolutely imperative we not make a change in this particular section of the bill if we expected to gain approval of the House and to have a bill. Because I feel that is critical to approval of a bill this year, I feel so strongly about the rejection of the amendment.

The fourth point I make is that the effect of the amendment will be to divert much acreage to non-price-supported commodities and just make trouble for farmers who are controlling their own production so as to meet market demands. I am thinking about vegetables. I am thinking about soybeans. There are other crops which I could mention which would be adversely affected.

I want to say to my good friend from North Dakota, whom I see in the Chamber, that while $20,000 will meet most of the needs of the wheat-producing people, when we figure their needs for both wheat production and feed grain production—they would both come together—under the $20,000 limitation, I think severe damage would be done to the people in the great areas including his own State, where both wheat and feed grains are produced.

Mr. President, I strongly oppose the amendment because I think it is the most critical need we have got in this whole debate; namely, to stand by this particular provision in the House bill, for the reasons I have indicated.

Mr. CRANSTON. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. MUSKIE). The Senator from California is recognized for 5 minutes.

Mr. CRANSTON. Mr. President, I rise to speak in opposition to the proposed amendment to the pending farm legislation, H.R. 18546, which would lower the limitation on direct payments from $55,000 to $20,000 per crop. California is the No. 1 agricultural State in the Union. This amendment would utterly disrupt agriculture in California—not only in cotton but in many other crops. I have found that many of my "liberal" and "conservative" constituents alike do not understand why I oppose the $20,000 limit on farm subsidies and support the higher $55,000 limit proposed in the committee bill. I want to explain to my distinguished colleagues why I take this position and to urge them to join me in opposition to the floor amendment lowering the payment limitation to $20,000.

California's interest in this far surpasses Cotton Belt States—if the limit is fixed at $55,000, farmers in my State will lose about $24,800,000—50 percent of the $51.8 million involved. The USDA estimates that in cotton, 949 payees will be affected by the $55,000 limitation, and 247 of these farm in the State of California. I will nonetheless support the $55,000 per crop limit, but I oppose the $20,000 limit.

No one in California is being paid for not growing cotton this year, and no one was paid for not growing cotton last year.

Cotton is the principal subsidized crop in California. It costs considerably more to produce cotton—34 to 35 cents per pound according to USDA national averages—than cotton brings on the market—22 to 23 cents per pound. The subsidy is paid like the merchant marine subsidy, to maintain the industry. Thus, the payment keeps the cotton grower in business.

Generally, a limitation on payments is really a limitation on the number of acres a grower can plant in cotton.

The $20,000 limit would bankrupt many California farmers who do not grow any cotton at all. At the present time, there are about $40 million worth of farms in the cotton-producing San Joaquin Valley in bankruptcy proceedings. Obviously, any limitation on payments would add to this figure. A limitation on payments would force many acres of land now planted in cotton into other crops or onto the land market, depressing land and crop prices significantly for small farmers as well as large.

I wish to emphasize at this point that the cotton industry includes much more than the cottongrowers. It also includes hundreds of thousands of people employed on the farms, in the cotton gins, oil mills, warehouses, trucks, railroads, farm implement maufacturing plants, insecticide and chemical companies, and the textile industry. It also includes small town merchants, implement dealers, and others who supply the cotton farmers with hundreds of millions of dollars of goods and services each year.

I am not opposed to reasonable limitations on payments, and my remarks should not in any way be interpreted to mean that I favor the continuation of paying exorbitant sums to wealthy corporate farmers. Under the present farm program and under the proposed committee bill, however, I am convinced that a strict $20,000 limit would cause economic chaos in agriculture.

I believe that any reasonable limitation on payments should be aimed at those receiving huge payments and who grow thousands of acres of cotton. This is not accomplished by the difference between the $55,000 proposed in the committee bill and the $20,000 limit. On the contrary, while comparatively a $20,000 limit would save the Government and the taxpayer some money in direct expenditures, it would also have some disastrous and unforeseen results, which may prove far more costly in the long run.

Let me illustrate. Assuming that a grower plants cotton on his entire acreage allotment, at 16¼ cents per pound of cotton, a farmer receiving a $55,000 payment will have a planting of only 520 acres, while a farmer receiving a payment of $20,000 will have a planting of 200 acres. It is obvious that we are not talking about the difference between large and small farms, but between two family-sized farms. A $55,000 limitation is quite adequate to limit the payment of large subsidies to those large corporate farmers, who farm from 10,000 to literally hundreds of thousands of acres. A $55,000 limitation, as I said before, is, in cotton, a payment for only 520 acres.

Furthermore, for the benefit of those not familiar with the nature of farming in California, I want to clarify that 520 acres is a family-sized farm. A 520-acre cotton farm has a capital investment equal to a 160-acre citrus grove or a 320-acre vineyard. These are small operations in California.

If a $55,000 limit would affect those with cotton plantings over 520 acres, and if the $20,000 limit would affect those with cotton plantings over 200 acres, is there a significant advantage to the $20,000 limit? It would save the Government the difference between $55,000 and $20,000. But, in my opinion, its disadvantages far outweight the advantage of this savings.

First of all, a $20,000 limit would not accomplish the purpose espoused by its proponents—namely, to eliminate the payment of large subsidies to large corporate farmers. This goal is accomplished quite adequately by the $55,000 limit.

Second, a $20,000 limitation would force the diversion of all plantings over 200 acres into other crops, including nonsupported crops such as grapes, nuts, tree fruits, cling and freestone peaches, plums, nectarines, apricots, berries, carrots, asparagus, tomatoes, cantaloupes, safflower, olives, figs, and pomegranates. It is not difficult to imagine the chaos that would result. Thousands of acres of cotton land which cannot produce cotton without the subsidy will be forced onto the market or into other crops. It would cause chaos in land values, it would create crippling surpluses in many California crops, it would cause bankruptcies on thousands of acres of farms, and it would contribute to unemployment both on the farms and in the small businesses serving them.

It is significant to note that in the feed grains and wheat sections of the bill, growers affected by the limitation can grow outside the program and produce and sell as they see fit. They would do so without payment, but also without penalty or restriction. This is not true under the cotton section of this bill. A cottongrower affected by limitations cannot go outside the program and produce without subsidy. Secretary Hardin noted this fact in a letter to Senator ELLENDER:

In contrast, the House Bill would allow maximum freedom to produce for the market

without subsidy. The government cannot spend this much money to save an industry and at the same time preclude freedom of action by those who will try to save it without being subsidized.

In cotton, the grower hit by limitations has but two choices: go broke or go into other crops.

In short, the $20,000 limitation amendment would injure thousands of small people who would not otherwise be directly affected by a limitation on payments, who may not even be growing cotton, and who may not even be in farming. While the $55,000 figure will have some similarly adverse effects, I believe California agriculture can withstand them, while it cannot absorb the consequences of a $20,000 limitation.

I urge the acceptance of the $55,000 per crop limitation on payments for the 3-year period of the bill. It is the best Agriculture and the House and Senate Agriculture Committees that a lower limit could prove disastrous for our agricultural economy.

Mr. SMITH of Illinois. Mr. President, I yield 1 minute to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with interest to the argument of the Senator from California (Mr. CRANSTON) that these large payments would trickle down and help the small farmers. I hope that the Senate does not adopt this trickle-down theory that we should give $2 million or $3 million payments to some of these large operations on the basis that it would trickle down to help some of the small operators.

Surely our friends on the other side of the aisle are not advocating the trickle-down theory as a solution to the problems of the small farmers. Let us make direct payments to the small operators and hold the big operators down to $20,000.

Mr. FANNIN. Mr. President, let us take a look at the farm bill we are considering. We have narrowed the issue considerably. We are no longer talking about subsidies of millions or hundreds of thousands. We are no longer talking about $75,000 or $100,000. Right or wrong, we are talking about $55,000 per crop as the top figure.

To propose a limitation of anything less than $55,000 would, according to the Secretary of Agriculture, jeopardize the chance of bringing about a balance of supply and demand.

The most immediate victims of drastic change in the subsidy program would be individual cotton farmers, their employees and businesses which depend upon this industry. Farmers not only have their livelihood at stake, but they also, in many cases, must pay on the debt on their land and pay off loans carried over from previous years.

Mr. President, there are many illustrations that could be given as to why this amendment should not be adopted. The prices received by farmers are equal to their lowest levels since 1933—about 74 percent.

The average cost to produce cotton in the Western irrigated land areas is nearly 32 cents a pound. The world price is about 22 cents a pound. The cotton subsidy is in the form of a 16.8 cents payment a pound. But it applies only to 65 percent of a grower's cotton allotment. For a grower's total production, the subsidy figures out to 10.92 cents per pound. So, if we take the world price of 22 cents a pound and add the subsidy, we come up with 32.9 cents, or about break even. Some farmers, of course, produce at a smaller cost, and some are over that cost.

Mr. President, let me give one example of the burden that will accrue to an Indian tribe in Arizona, and there are many others.

Limiting cotton subsidy payments to $20,000 for a single farm would be disastrous for the Gila River Indian Community. At present most of the income of the Gila River Indian Community comes from the 15,000-acre community farm—tribally owned—and large agricultural lease operations. This income would practically be eliminated if the proposed legislation with the $20,000 limitation is passed. The income of some 1,000 Indians leasing their own small 10-acre farms with cotton allotments would be practically eliminated. Our agricultural workers would be without jobs.

The results of this would be poverty and increasing welfare rolls for our Indian population and the halting of most of the progressive development programs being undertaken by the Gila River Indian Community. As pointed out by President Nixon, Gila River Indian Community is making real progress. This momentum should not be lost or curtailed now.

Because of water costs and other factors, cotton in Arizona can only be farmed successfully in large unitized operations. The proposed legislation would make such operations impossible.

The writer of the letter, Alexander Lewis, Sr., Governor of the Gila River Indian Community, said:

I can speak for the 7,000 Indian residents of the Gila River Indian Community in requesting that you do everything possible to have the legislation amended to exempt Indian Reservation lands from the limitations in the bill and to make the bill more equitable for all farmers.

Mr. President, let us keep the pending bill in its proper perspective. This action should not be considered without a full understanding of its detriment such as to our Arizona Indians and to many others in similar circumstances.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, first I commend the Senator from Illinois, although I intend to vote against his amendment. His initiative a few weeks ago may have resulted in saving some $58 million. For that I commend the junior Senator from Illinois.

The question here is not whether there should be payments limited to $55,000 or $20,000. The question is whether we should have payments at all. That should be the question before the Senate this evening.

If we adopt a $20,000-payment limitation, it will have no great effect on the State of Kansas. It would affect some wheat and feed grain producers but they would survive in any event. But it would force farmers out of cotton production and they would then raise more feed grains. We would end up with a shortage of cotton and an excess of wheat and feed grains.

I believe the basic question must be whether there should be farm payments at all and whether there should be any incentive for the American farmers.

It is recognized that there should be some limitation and I credit this to the major efforts of the Senator from Illinois (Mr. SMITH).

I believe that one way to kill farm programs is to include an unrealistic limitation.

I believe that the committee and the other body have made progress and the limitation of $55,000 would affect some 1,100 farmers. It would save the U.S. Treasury some $58 million and that is a significant step forward.

Mr. President, I ask unanimous consent to include an analysis at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 883

Attached is a thorough analysis of the possible effects of a $20,000 limit applicable to payments made under the cotton, feed grain and wheat programs as proposed by Senator Smith and others.

Such a payment limit would divert approximately 4 million acres that are now in the production of cotton or in conserving uses to the production of feed grains or wheat. It would result in too much grain for feed and a shortage of cotton.

Note on Table 3 that if such a limit had been in effect in 1969, it would have made almost 2 million bales of cotton ineligible for payment and would have affected 1.7 million acres of domestic cotton allotment. A good part of this 1.7 million acres would not have been planted to cotton if it were ineligible for payment and would have become available for production of feed grains and other crops. This would be especially true in 1971 since we are anticipating a 2-cent reduction in the loan rate for cotton.

Acreage affected under the feed grain program would have been 1.9 million resulting mainly from the fact that most feed grain payees affected by the limit would be forced out of the program entirely and would tend to increase their plantings of feed grains by even more than 1.9 million. This follows since it is clear that most non-cooperators in the feed grain program plant an acreage to feed grains which is larger than their feed grain base. Table 3 indicates 1.2 million wheat acres would be affected most of which would be planted to wheat.

For the three programs combined there would have been 4.8 million acres affected in 1969 under the $20,000 payment limitation. Four to five million acres is a lot of ground. It is enough to make the difference between a program that would work and a program that would be ineffective. If this much additional acreage is planted to grains, it is enough to depress prices below loan levels and build up surplus stocks.

We conclude that: (1) a $20,000 payment limit is too low and (2) applying the limitation to the combination of three or four crops forces an undue adverse effect on the feed grain program.

TABLE 1.—EFFECT OF A $20,000 LIMIT APPLIED IN 1969 TO COMBINED PAYMENTS OF COTTON, FEED GRAINS AND WHEAT (AMENDMENT NO. 846) [1]

	Greater than 19,999 3 programs combined		Greater than 19,999 cotton alone		Under 20,000 for cotton but more than 19,999 from 3 programs combined			
	Number of payees	Program payments (thousands)	Number of payees	Program payments (thousands)	Payees (col. 1 minus col. 3)	Program payments (thousands) (col 2 minus col. 4)	Payments retained [2] (thousands)	Reduced payments [2] (thousands)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Cotton	8,754	$294,000	6,194	$262,623	2,560	31,377	155,257	138,743
Feed grain	7,941	95,585	[3]	[3]			79,403	78,041
Wheat	6,193	61,859	[3]	[3]				
Total	11,733	451,444	[3]				234,660	216,784

[1] Major assumptions are producers involved in all 3 programs who are affected by the limit would first elect to forego feed grain payments; if they were still above the limit they would then forego wheat payments. They would retain as much of their cotton payment as allowed by the limit. No payee would be forced out of the program (refuse to qualify for the $20,000). However, those receiving $20,000 on cotton alone would drop out of the wheat and feed grain programs and those receiving $20,000 on wheat would drop out of the feed grain program. There would be no change in ownership or leasing arrangements to avoid the limit (this, of course, is not a realistic assumption).

[2] For cotton, "payments retained" are calculated by multiplying $20,000 by 6,194 payees to equal 123,880,000 and then adding col. 6; for 3 programs, $20,000 by 11,733 payees to equal $234,660,000; wheat and feed grains are a residual; reduced payments are also calculated as a residual.

[3] Not relevant to this analysis.

TABLE 2.—PAYEES AFFECTED AND REDUCED PAYMENTS UNDER A $20,000 PAYMENT LIMITATION (COMBINED)

Cotton			Wheat			Feed grain			Wheat-feed grain		Cotton-wheat-feed grain		
State	Payees affected	Amount (in millions)	State	Payees affected	Amount (in millions)	State	Payees affected	Amount (in millions)	State	Amount (in thousands)	State	Payees affected	Amount (in thousands)
California	939	$40.7	Texas	2,127	$9.0	Texas	3,086	$21.8	Texas	$30,787	Texas	3,782	$53,082
Mississippi	1,377	29.3	Washington	225	2.1	California	373	7.2	California	8,637	California	1,017	49,355
Texas	3,308	22.3	Montana	169	1.8	New Mexico	262	3.0	New Mexico	3,767	Mississippi	1,377	30,912
Arizona	594	20.6	California	229	1.4	Kansas	355	2.7	Kansas	3,283	Arizona	602	23,288
Arkansas	650	10.5	Colorado	237	1.0	Arizona	233	2.3	Colorado	3,026	Arkansas	650	11,062
Louisiana	306	3.9	Idaho	94	.9	Colorado	232	2.1	Arizona	2,694	New Mexico	332	4,799
South Carolina	276	2.8	New Mexico	219	.7	Georgia	282	1.8	Washington	2,261	Louisiana	306	4,392
Alabama	317	2.8	Kansas	361	.6	Missouri	212	1.8	Montana	2,036	Georgia	344	3,924
Georgia	337	2.0	Other	2,532	4.5	Nebraska	197	1.7	Missouri	2,023	South Carolina	277	3,893
New Mexico	168	1.0	United States	6,193	22.0	Illinois	136	1.3	Georgia	1,916	Alabama	317	3,881
Tennessee	120	1.0				Indiana	97	1.1	Nebraska	1,796	Kansas	361	3,283
North Carolina	78	.7				Alabama	265	1.0	Illinois	1,333	Colorado	238	3,026
Missouri	147	.6				South Carolina	224	1.0	Oklahoma	1,283	Missouri	240	2,658
Oklahoma	113	.3				Iowa	112	1.0	Indiana	1,125	Washington	225	2,261
Other	24	.2				North Carolina	78	.9	Idaho	1,094	Montana	169	2,036
United States	8,754	138.7				Oklahoma	143	.7	Alabama	1,087	Nebraska	197	1,796
						Minnesota	77	.5	South Carolina	1,082	Oklahoma	177	1,553
						Tennessee	99	.5	Iowa	1,037	North Carolina	85	1,464
						North Dakota	100	.5	North Carolina	931	Tennessee	120	1,417
						Mississippi	718	.4	North Dakota	898	Illinois	136	1,333
						Other	660	2.7	Oregon	721	Indiana	97	1,125
						United States	7,941	56.0	Mississippi	588	Idaho	94	1,084
									South Dakota	578	Iowa	112	1,037
									Arkansas	561	North Dakota	109	898
									Minnesota	465	Oregon	84	721
									Tennessee	465	South Dakota	64	578
									Louisiana	464	Minnesota	77	558
Payees pushed out of program by limit.									Other	2,018	Other	144	1,368
									United States	78,041	United States	11,733	216,784
	0			1,721 (21%)			4,341 (55%)						

TABLE 3.—ACREAGE AFFECTED BY A $20,000 PAYMENT LIMITATION (COMBINED)

	Reduced payments	Payment rate 1969	Production affected (col. 1 ÷ col. 2)	Projected yield, 1969	Acreage affected (col. 3 ÷ col. 4)
	(1)	(2)	(3)	(4)	(5)
Cotton	$138.7 (million)	$70.7 per bale	1.96 million bales	550 pounds	1.7 million.
Feed Grain	56.0 (million)	54 cents per bushel	104 million bushels [1]	54 bushels [1]	1.9 million.
Wheat	22.0 (million)	$62.5 per bushel [1]	35 million bushels	28.3	1.2 million.
Total	216.7 (million)				4.8 million.

[1] Payment rate for additional diversion: grain sorghum.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. STENNIS. Mr. President, the Senator is pleading for the system. It is the system that does result in making the payments to the individuals.

Mr. DOLE. The Senator is exactly correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 2 minutes on the bill to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I hope that the Senate will not be so pennywise and pound foolish as to agree to the pending amendment. It would be contrary to the recommendations of the President of the United States, the Secretary of Agriculture, the Committee on Agriculture in the House, the House of Representatives itself, and the Senate Committee on Agriculture and Forestry. All of these have given serious consideration to the problem.

It is easy enough to pick out some farmer that has been receiving big payments and to characterize them as welfare payments.

Sometimes unthinking people might feel that is the situatiton. What are the facts? Only three farmers in my State of Georgia draw payments in excess of $100,000.

The Atlanta Journal sent a field representative out to get a story for its magazine section on these three farmers.

What are the facts? One farmer, Hubert Cheek, Jr., of Hart County, Ga., drew payments of $114,065. He raises cotton on 72 different small farms that are primarily owned by widows and people who are too aged or who are physically unable to farm them themselves. These small farms are their source of livelihood.

The payments Mr. Cheek receives are

not only divided among the 72 small farmers, but they also provide payments for the tenants. They are divided among the people that work the farms.

These payments keep many people off the welfare rolls. That is what we are talking about. If we deprive them of these payments, those people will be deprived of a livelihood. They will gravitate to the urban areas and go on welfare, thus adding to the problem of pollution, the problem of housing, and the problem of crime. We would also be adding to the welfare rolls and adding to the problems we have in the cities that are so complex.

We talk about the urban problems. I share the concern for those problems. The problems are very complex. But if we make the rural problems any worse than they are today, people will leave the rural areas and go on welfare rolls in the urban areas.

PAYMENTS IN PERSPECTIVE

Most of us recognize that farmers have the ability to outproduce the market. And if they are not able somehow to adjust their overall production, they are in serious trouble. And so is our country. Obviously, the individual farmer—acting alone—cannot do much about the total supply. If he takes the lead in cutting his own production—and overall production stays high—he just ends up taking a low price for a smaller crop.

This is what this bill is all about. It will enable the individual farmer to work with his neighbors and his government in adjusting production to expected demand—so that his ability to overproduce does not crush him economically and destroy the private marketing system. There is no other way for the more than 3 million farmers to gear their production to need—as other economic groups are able to do through large corporate enterprises, through union contracts, and through professional arrangements of various kinds.

Payments to farmers are but one essential part of this legislation. Basically these payments make possible a loan level that is realistic in terms of world price. In other words, the payment makes up the difference between that rate and a higher level geared to fair income. None of these is a welfare payment. None is a payment for doing nothing. All are quid pro quo in terms of performance.

The decision to establish a limitation on payments at $55,000 is a compromise; it is the lowest possible level at which a limitation can be set.

In fairness, we should consider what could happen if a lower limit is put into effect.

First, and most obviously, it would discriminate against larger farmers. But there is also another side to that coin: We would also be taking away from smaller farmers the opportunity to get larger. This involves a pretty basic right in agriculture—a right that to an increasing degree involves survival for many farmers. The trend toward higher and higher costs in farming is well established. Farm prices remain basically unchanged today compared to 20 years ago. The only way farmers can remain in business is to become more efficient, and often this involves expansion of the size of the farm unit.

Although no exact data is available, I believe the $55,000 payment level will permit farmers to utilize the latest in equipment and supplies in an efficient manner, while cooperating with the programs. However, a reduced level could substantially impair efficiency on many farms—if they are to remain enrolled in Government farm programs.

Congress has concluded wisely over a long period of time that piling up large agricultural surpluses is not in the public interest. Thus, we want to attract participation on the part of farmers as a means of preventing price-depressing surpluses, reduced farm income, and increased Government costs.

On the question of costs to the Government, I would urge my colleagues to resist the temptation of fools gold—the lure of possible savings through a substantially lower limit. In the long run, it is possible that there would be no savings, and that the programs simply would become more expensive to operate. If many of our most efficient farmers are forced outside the programs, they would have little alternative but to increase production as a means of recouping lost income. Since they would not be eligible for price support, their production probably would flood the market.

If another buildup of Government stocks were to occur—such as we had back in the 1950's—the increase in loan investment plus storage and handling costs would exceed any savings.

Remember, too, that we are talking here about the future of the small farmer. His position would be severely damaged by the downward pressure on prices. It is he who would be dependent on the loan program to obtain the support price. And if only the little farmers got into the programs, they could give up all of their production and still not begin to solve the surplus problem. The cycle would be endless.

I believe a limitation at $55,000 is the lowest practical level at which the programs provided in this bill can be operated without severe and totally unnecesary disruption. I urge you to support that level in the interest of all farmers and a stable agricultural economy.

Mr. President, I ask unanimous consent that the article to which I have referred, entitled "Trouble in the Cotton Field," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLE IN THE COTTON FIELD

(By Andrew Sparks)

Three Georgia farmers last year received more than $100,000 apiece from the federal government.

Many a taxpayer, remembering his personal involvement in government programs back at income-tax time, might envy the farmers and dream of having a little place of his own where he "could do nothing and get rich."

But farming is not like that, according to the men who received more than $100,000 in price support payments from Uncle Sam, one in north Georgia, one in middle Georgia, one in south Georgia.

They are cotton farmers, and raising cotton, they say, is the most expensive kind of farming you can do. It is so expensive, they claim nobody in this country could grow cotton without government support.

These top money men—the biggest cotton farmers in the state—were Asbury Wright of Dooly County, who received $123,156 in government payments; Hubert Cheek Jr. of Hart County, $114,065; and Guy H. Shivers of Warren County, $105,031. For them, cotton was no bonanza. One of the men says he lost money on his 1969 cotton crop, even with more than $100,000 in aid from the government. Another, who at times borrowed as much as $200,000 to finance his crop, figures he had a total net profit on his entire farming operation of only $14,000. The son of the third says, "We didn't make the laws, and everybody farms the way he does trying to come out with the most money."

Hubert Cheek, who lives in a tiny north Georgia town called Bowersville, seven miles from the county seat at Hartwell, grows cotton on 72 different farms. All but one of them are somebody else's. The only farm he owned he has now sold to a south Florida cattleman who will take it over in 1972. Mr. Cheek's operation is so far flung he has to mark the sites on county maps and carry a list in his pocket to keep up with where he is planting, plowing, spraying and picking. Without him, and maybe a dozen smaller farmers who operate the same way, the bulk of the cotton in Hart County would not be planted.

Mr. Cheek rents land and rents cotton allotments and grows his crop in scattered patches over an area 10 miles square. He says if limitations are set on future crops and the amount of federal payments one farmer could collect in one year is restricted to $20,000 he could simply let each of the 71 farm owners collect the government payment and hire him to produce the crop. Twenty-four of the farms he plants are owned by widows ("It's kind of a sob story," Mr. Cheek says) and few of them could grow the cotton themselves.

Many of the owners—widowed, retired or gone to work at industrial or city jobs—would get no income at all from their farms without Mr. Cheek's help. His rent money often pays the owner's taxes, which have risen considerably under Hart County's tax reevaluation, and part of the owner's living expenses as well. Mr. Cheek's crop also keeps the cotton allotment on the farm. If unused, the allotment would revert to someone else, and if not used in Georgia would go to another state.

Bud Cheek's base of operations is a range of brick buildings facing the railroad tracks in Bowersville. His father, and his grandfather before that, operated a farm supply business in the big brick stores, back when Bowersville was a prosperous town and every little Hart County farm supported at least one family. The big buildings are now used as shops for repairing farm machinery. There's so much of it, inside and out, the place looks like an equipment dealer's display yard for second-hand tractors, pickers and sprayers. All the equipment is Mr. Cheek's—thousands and thousands of dollars' worth.

"Farming has got to where a man can't own both land and machinery," he said. "All over the United States the bulk of farming is now done by people who lease other people's land. All of the farms I work used to support one or two families. Now they won't support any.

"I didn't intend to do all this cotton farming, but my neighbors came and begged me to work their land. I turned down 1,000 acres of cotton this year. I couldn't get to it, and the owners couldn't get anybody else to do it.

"Mine is just a one-man operation. No partners. No corporation. Just me. I usually have five or six workers. We use all modern

equipment, like sprayers to put out weed and insect control. I have 15 tractors, including late model highboys. Here's the first tractor I ever bought—in 1949," he said, walking around the corner of his shop to point out an old machine that had been retired to the shade of an ancient oak. "This tractor cost $2,500 back when we were getting 45 cents a pound for cotton. Today, when the market for cotton is down to 20 cents that same tractor costs $8,000. Fertilizer and labor are up—we pay all the wage increases across the board. A cotton picker costs between $20,000 and $25,000, and I have three. It's not economical to use them in a lot of little scattered fields, but I do."

Most men are sensitive about the public exposure of their private finances, and Mr. Cheek was understandably riled when newspapers started publicizing how much he received each year from the government. Rep. Paul Findley, a Republican from Illinois, supplies Congress with an annual list of every farmer who receives more than $5,000 as part of the Findley campaign to limit farm subsidies to $20,000 per individual. Mr. Cheek's payments have increased from $60,000 to $80,000 to $114,000 over the last three years as he has upped his cotton acreage. The figures have been reported in state and local papers.

"Folks have tried to sell me everything but the Brooklyn Bridge since the stories started coming out," Mr. Cheek said. "It used to make me mad as hell. I could have stopped it. I could have let the money come to the people who own the land and let them pay me for growing the cotton. It never would have been noticed. But I believe this way is better. I have to pay income taxes on it anyway. But the publicity got rough before I began to sway with it.

"In the last four years, 50 people have been here to see me. They've come from as far away as Washington and California. I'm just not that large. I've got a friend in California the government pays $2 million to. My operation is just like a handful of marbles.

"Basically, the government is paying farmers what it used to pay the textile mills. For years and years we had a two-price system on cotton. Cotton brought about 22 cents a pound on the world market, but it sold for around 32 cents a pound here. The government paid the mills the difference between the world market price and what they had to pay to buy cotton in this country. It was a rebate to the mills. If a mill bought a million dollars' worth of cotton, they'd be rebated between $300,000 and $400,000 in a direct payment from the government. That was never mentioned. Then the mills got scared of possible publicity, and the government gave the money to the farmers. Farmers have been getting the money for four years."

Georgia Sen. Herman Talmadge sponsored the 1965 Agriculture Bill which brought about the change.

Most of the big money payments in Georgia are for cotton. Mr. Cheek says cotton is responsible for 99 per cent of his. Three crops have a price support—cotton, wheat and feed grains, which are corn, barley and grain sorghum.

Wheat and feed grains are "diversion" programs, in which a farmer can divert some acreage to something else, or leave some acres idle, and receive a payment. But in cotton—unless he has less than a 10-acre allotment—he's got to grow it to get it. He is paid on the basis of his projected yield, determined by the past history of the farm. And he can draw a payment—currently 16.8 cents a pound—for only a certain part of his allotment, set each year by the secretary of agriculture. This year it is 65 per cent.

"What this money is doing, like any money the government puts out, is getting people to cooperate in something," says Paul Holmes, state executive director of the Agricultural Stabilization and Conservation Service, which handles the payments and allotments. "The government is asking farmers to participate in orderly production, asking them to leave land idle—as in the grain program—and to limit the cotton production to what we think we need.

"Our program is available to everyone. When it was designed, it was never intended that anyone would get $100,000. What these big farmers have done is buy up land, rent farms, lease allotments—agriculture is no different from radio or any other business; you're always going to have the J. B. Fuquas and the Coxes. When you hear about a farmer who has received $100,000, you know he's gone out and exposed himself. What I feel for him is not envy or jealousy but compassion."

Mr. Cheek agrees. "It's no bed of roses," he said. "With what I borrowed, I could have made more money in any other kind of business. Not many individuals would be crazy enough to go out on a limb for that kind of money."

"If the government reduces supports, I'll reduce my crops, reduce the land I work, the allotments I lease, the workers I hire. If I go plum out, I've got to think about a diversion to something else. could get a job but there are not many things I could do on account of my disability. I can't get on a tractor."

Mr. Cheek came home from World War II with some souvenirs. He has two bullets, one in his heart tissue and one in a bronchial tube, and a silver plate in his head. After the Battle of the Bulge, he spent two and a half years in hospitals. He went back to Clemson and graduated, with a degree in animal husbandry. Now the oldest of his three children is a son at the University of Georgia, majoring in business administration, which is what Mr. Cheek figures a farmer most needs to know today.

"I'll probably continue growing cotton as long as it's feasible and I can make a living for the boys who work for me and make some money for the landowners, but when it gets to the point I can't, I'm going to get out.

"The way I look at it, 72 people drew the $114,000 that was paid me. Down in Dooly County, 28 people drew $1.1 million. Dooly County is the seat of the big producers."

Asbury Wright, "Bury" to his friends, is the biggest cotton farmer in the state. The 40-year-old south Georgian lives near Pinehurst, Ga., eight miles north of the Dooly County seat at Vienna. He and his wife and four children, ages 8 to 18, live in a modern red-brick ranch house built in 1950. There's a new blue swimming pool in the yard, and nearby rows and rows of cotton wagons and tractors are neatly parked under long red-stained open sheds.

Mr. Wright's office, set on blocks in a thick stand of coastal bermuda, is a blue and green, three-room house trailer, air-conditioned, carpeted wall to wall, and equipped with two telephones and two secretaries, all busy. One of the secretaries is Mr. Wright's. The other works for the Pinehurst Dusting Service, which does aerial dusting for farmers in Georgia and Florida. Mr. Wright is one of five men who own the business.

"If I had to depend on this farm to feed me, I'd be out of luck," Mr. Wright said when he arrived at his trailer office. He wore pointy-toed boots, an alligator belt, pants cut Western style with horizontal pocket openings on the front, and a wide-brimmed Panama. He has the kind of sunburn typical of farmers who wear hats—brown cheeks beneath a pale white forehead. "I was in a tax meeting all morning, trying to find out what to do about the property tax on these airplanes."

The Pinehurst Dusting Service operates in Georgia in summer and Florida in winter, and both states want to tax the company's five airplanes. Mr. Wright and his secretary, who had gone to the tax meeting in Vienna with him, had evidently missed lunch, and, when they had a break, kept nibbling on Tom's Peanut Butter Logs from a glass apothecary jar on the desk. "Allen Fullford, the county agent, is coming out," Mr. Wright said in a momentary lull between phone calls about trucks and airplanes and herbicides that hadn't killed what they were supposed to.

Dooly is Georgia's No. 1 county in cotton production, and has been for the past seven years, the county agent said when he got there.

"The practices our farmers carry out are responsible," he explained. "We don't have the highest cotton allotment in the state, but by leasing allotments from other counties we are up close to the top. The biggest reason our folks are No. 1 in production is because of improved practices—getting a good stand, planting on beds, preparing land, proper fertilizing and liming. Where they succeed more than anywhere else is in insect control.

"Dooly County has the highest projected yield in the state—it's been more than 600 pounds per acre for three years.

"I'd say 85 or 90 per cent of the farmers growing cotton here plant it on their own land and on rented acres. We have farmers renting a tremendous amount of land. Economic pressure brought this about. Farmers must have large units to be able to afford the equipment necessary to grow cotton and to be efficient enough to stay in business. A man with 15 or 20 acres can't grow cotton. He couldn't buy the necessary equipment. He's got to rent his land out."

Mr. Fullford estimated that most farmers in Dooly County pay between $40 and $50 an acre to rent land with a cotton allotment. This is twice as much as Mr. Cheek pays for his scattered fields in north Georgia.

"I pay $50 an acre," said Mr. Wright, who grows cotton in nine different locations. He has a 1,000-acre farm of his own and rents five others. Last year, but not this, he also grew some cotton in Sumter County, for which he received around $5,000 in price support payments, a sum that was not included in the published figure of $123,156. This year he has 1,456 acres of cotton.

"During a break in the tax meeting this morning, I tried to figure what it costs me to grow an acre of cotton—I never had broken it down before," he said. "It's almost $220. I'd have shot myself if I'd known it cost that much. I never figured it before."

He pulled his penciled tabulation out of this pocket. Taxes, $2.20. Preparing land (mowing old stalks and harrowing twice), $10. Seed, $6.80. Planting, $2. Herbicides, $7.10. Insecticides, $72. ("That's outrageous—last year I sprayed till November. My bill for insecticides was $66,000.") Application of sprays, $19.80. Cultivating, $6. Harvesting, $46.20. Fertilizer, $23.20. Lime, $8.20. Interest on borrowing money, $14 per acre.

Mr. Fullford says his office figures it costs the average farmer 27 cents to raise a pound of cotton—six or seven cents more than the world price.

"This comes to almost $170 per acre," he said. "A farmer gets about $100 per acre for his cotton, plus $95 from the government, and he should have a profit of $25 or $30. If Bury's $220 figure is right—it probably is; I checked him once for the Bale-and-a-Half Cotton Club and his expenses did go over $200—he may have lost $25 per acre. If so, he went $38,000 in the hole.

"Before farmers received direct payments, they were able to put cotton in the loan, to acres which he and his mother own together. Guy graduated from the University of Georgia with a major in dairying in 1949, after a 26-month interruption for military service.

"What I intended to do was have a dairy, but beef prices were high and we were already in beef cattle," he said. "We sold cattle

higher then than we ever have since. Then I got off into this cotton business."

Mr. Shivers was helping workmen load some reluctant cattle into a truck for the weekly auction sale in Washington, Ga. A friend watching him work, as he pushed and shoved with a cattle stick in his hand, said, "You won't get him to stay still long enough to make a picture."

He wore rumpled khakis, with a hole in his pants, and big-toed high shoes. A mat of gray hair portruded at the open neck of his shirt, and the dark hair on his head was cropped in a crew cut. He and his wife, who have two children, a boy at Middle Georgia last year a girl who will be a freshman at Brenau this fall, live in a handsome white frame ranch house on Highway 287; it sits in a shady landscaped island surrounded by cotton fields.

The base of the farm operations is at his mother's house, a one-story structure enveloped on three sides by a screen porch, that traditional Georgia way to combat the summer heat which cotton thrives on. Farm equipment and shops cover a couple of acres behind the house. Between the shops and the house is the office, a little one-room trailer.

"We plant about 1,400 acres of cotton," Mr. Shrivers said above the hum of the air-conditioner in the dark, cool retreat from the heat outside, "and we have to lease allotments to plant that much. Only 400 acres of it is on the home farm. I also have a farm and plant 100 acres there. The rest is planted on land we rent, including 250 acres on Cox Woodlands land. We make a payment to Cox Woodlands of about $9,000, part rent payment, part cotton payment.

"Two or three farmers draw the government payment themselves and pay us for growing the cotton. We feel $25 an acre is the minimum we can get by with. We also get the cotton, but the cotton doesn't bring much. Farmers can't grow cotton at the world price. We aren't paying the world price for anything else. Insects are the big problem—we spray every five days beginning the last of June. If we could get rid of insects we might be able to produce cotton at the world price.

"Without price supports, we couldn't even plant cotton. The farmer is not the only one to benefit from the payment. When you take row crops out of an area, you pretty well take a lot of business out of the area—fertilizer, chemicals and equipment aren't used as much and that hurts business. Our payments for cotton last year were around $80,000 and our chemical and fertilizer bill was $70,000. There's not as much business when the fields go to pasture. Yet, I don't see how taxpayers can subsidize farmers to keep small communities alive. (The Barnetts, the Bowersvilles, the Pinehursts.) Maybe they'll have to let them die.

"In the farm program, everytime they find a solution to one problem, they create another one. It gets more complicated, and more misunderstood.

"We farm and try to do the best we can. We didn't make the laws or the rules. Everybody farms the way he does trying to come out with the most money. Sometimes you try to maximize your payments. Sometimes you don't.

"You can cut down on your corn, and plant just half, and get the same payment as if you planted it all. That's what I call maximizing. If you have a 100-acre cotton allotment, you get a payment for only 65. So you only plant 65. That's maximizing.

"In Congress, they say they're going to put limits on payments. Some congressmen want to wipe out the farm program. It is bad that you have to depend on a government subsidy to operate. I'd rather not have it that way, but farming's not the only one.

"If they put a maximum on payments, we'd have to cut out the farms we're renting. We'd get into a position where we would not suffer a cut in payments by going over a specified amount. We don't know what that is—they're talking about $25,000. We'd probably just plant 300 acres of cotton on our own farm—not 1,400.

"It takes a lot of money to grow cotton. And cotton has a way of being disappointing. At harvest time you don't have as much cotton as you think you have. It doesn't grade as good. The price drops. It's not as sure as some crops."

Is it on the way out?

"I wish I knew."

Meanwhile, back in the patch, weevils are working. And farmers are working to get the weevils, to kill the weeds, to pick the lint. Taxpayers are working to earn enough to pay the government enough to support the farmers, the sprayers and pickers, so the farmers can get cotton to the mills cheap enough to compete with cheap cotton and cheap labor of other countries. Mills complain that they need tariff protection which, in effect, is what the farmers already have.

Cotton is the most expensive crop you can grow and the most troublesome, and the expensive crop is in trouble.

Any way you look at it, cotton is trouble.

Mr. TALMADGE. Mr. President, all the pending amendment will do in the final analysis is cost the Government more money and not less.

Mr. ELLENDER. Mr. President, I yield 2 minutes on the bill to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, last Thursday I spent the day in the high plains area of Texas where I attended an annual exposition of farm machinery and equipment. It was the first time in more than 5 years that I had seen such a demonstration of farm machinery. I was impressed by the sharp increase in the price of farm machinery and equipment during the last 5 years.

These machines are manufactured primarily in the Northern States. By limiting farm support payments, we will be discouraging the growth of agriculture in America. When the farm economy is curbed it hurts not only the farm States but the industrial States of the North—farm support payments are necessary if the individual farmer is to compete against the large corporate farms which would ultimately put an end to family farming if there were not support payments. These payments help keep the small farmer in business and off the welfare rolls. If this unwise amendment is adopted, we will be sounding the death knell for family farming as a part of American life.

In the last month, there have been more foreclosures of farms advertised in the newspapers in the high plains area of Texas than in any other month in the last 10 years. This demonstrates the desperate condition of American farming and why these payments must be retained.

The farm program is important not only to the well being of the people of rural America but it is also essential to urban America where the people are in need of reasonably priced food and other agricultural products. Therefore, I urge the Senate to reject this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 2 minutes on the bill to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I merely wish to add my voice in support of the committee action. This matter has been considered, as was pointed out by the Senator from Georgia, by all responsible agencies from the President down through the congressional committees. It would seem to me that it would be the height of irresponsibility if the Senate took this way to abolish the farm program. It would be much more honest and straightforward to recommit or table the bill itself because this is an indirect way of attacking the whole program of agriculture which has served this country so well.

Mr. President, I congratulate the committee, and particularly the able chairman, for having reached what I think is a reasonable compromise. Along with him, I have always believed that limitations, as such, would not be in the interest of agriculture over all. Having worked out this compromise of $55,000 I think it would be a great mistake for everyone involved, including the businessmen in the cities, as has been mentioned, as well as the farmers, for us to now disrupt this very reasonable agreement which has been reached and which I believe is essential to the enactment of this bill.

I hope the Senate does not accept the amendment of the Senator from Illinois.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. I think the Senator from Georgia (Mr. TALMADGE) gave the best down to earth summary that I have heard anywhere any time when he mentioned the small farmers that would be affected by this limitation. I can testify that this is certainly true in the major areas of my State.

This limitation would leave out payments on two million bales of cotton. That would mean that that land would be driven into some other enterprise because it has gotten so expensive to grow cotton now in the conditions we have.

As the Senator from Kansas said, the real question is: Are we going to have the program? The system of having this orderly supply of these products at an economic level that will support the people is what we are having to pay for. There is a cost to the Treasury Department but it is the system and it is a system that has been proven over and over again because we do not have the surplus of cotton any more.

I think this matter has been carefully studied. The President studied the matter as well as the Secretary of Agriculture, and the two committees and we are the last ones to pass on it at this level.

Mr. President, as is usually the case when a farm bill or an agriculture appropriation bill is under consideration, there occurs an immediate and frequently violent attack on farm payments.

The farm payment program is not well understood by the average urban dweller, and is resented by him because he knows individuals are given money that comes from taxes and he does not know why. It is attractive because it is psychologically easy to drum up enthusiasm for cutting farm payments. It is a subject that is attractive to the news media, and it gets favorable attention at home—unless home happens to be one of the agricultural States that labors to feed the great industrial States, those rich and populous States, particularly the Northeastern States, where it has been found that it is much more profitable to manufacture things and sell them to farmers than it is to farm, and where in consequence there are very few farmers left.

Mr. President, let us make it clear on the record that there is no way that a farm problem can be dealt with in isolation, without relating the problem to that vast group that must share the consequences of any action that has an effect on farm production, the multitude that do live in your States, wherever they may be, the consumers.

Let us recognize that our larger concern must be for the consumer, whom we all represent. Should anything be done that would decrease the availability of food and fiber to him, or increase its cost, it is his mouth and his back you take it from, not the farmer's alone.

From what sources does the most economically produced food and fiber come? It comes in large part from the larger producers, where the most efficient mass production methods can be used.

And who is being attacked with these demands for lower and lower farm payment limitations? Why, it is the large producers, of course.

So I think it must be clear that what is being debated here with gusto by those who feel they have a good thing going is not the farmer, or his bank account, or the size of his note to the bank, but his crop. And of course it is not his crop. It is the consumer's because he has to have it. There is no way he can do without it. So he must pay whatever price must be paid to obtain it, and that depends on how much it costs to grow it. I am sure my colleagues understand that it is the consumer's welfare that is ultimately at stake, when the economic processes have run their full course. I do not know whether their constituents understand this, as they read or hear of the strenuous efforts to cut the payments to farmers. If they do not know now, they will in time.

Mr. President, the agricultural product of our country is the true golden egg in our economy. The easiest way to cook the goose that laid it is to put the large producers out of business.

These are the most efficient producers, the innovators of new technologies. They do not grow a different crop from the smaller farmers, whom we all worry about. They just grow more of it. It would be puzzling to understand why the larger grower should be penalized more, per increment or crop, than one somewhat smaller in scope—if it were not so apparent why these cuts generate so much enthusiasm on the part of those who propose them. I submit that the enthusiasm will continue only as long as the consumers at home do not fully appreciate the problem.

I think, too, that Congress must remember that this system of farm payments was adopted because in 1965 the Congress departed deliberately from price supports based on parity, using these payments to take up the slack. Drive the programs back into the old system, and it is going to cost more than the system we have.

The $55,000 limitation represents an effort to keep enough farmers in the various areas of agriculture to maintain adequate levels of production to meet demand. It is a compromise, but reached by reasoned judgment by the Agriculture Committees of the Senate and the House, in conjunction with the Department of Agriculture. It should be supported.

There appears to be a rather widespread impression that these payments to larger farmers represent their profit. I wish to point out that it covers a part of his costs and all of his profit, as well, and there may not be any profit, unless there have been favorable growing conditions.

As you know, there are only three kinds of crops that are covered by these payments—wheat, feed grains, and cotton. I am mainly concerned with cotton, of course. There are no farmers in Mississippi who would receive more than $20,000 in the wheat or feed grain program, but nevertheless I strongly support the $55,000 figure for all three crops, because the consequences of a $20,000 limitation are unacceptable.

I know what the consequences would be in the cotton belt. The businesses and banks in many of our rural towns would have to close their doors. Land values would be greatly depressed. There would be widespread economic disruption, and not just among farmers, but across the entire community.

Secretary Hardin, in his written statement issued on July 27, 1970, after the passage of the House bill, stated that he supports the $55,000-payment limitation, without reservation.

I am supporting the payment limit of $55,000 because this is the lowest possible figure that the cotton industry can tolerate without serious disruption. According to the Department of Agriculture even this high a limit will deny payments to some 730,000 bales of cotton.

With the cost of production higher than market prices for nearly all farmers—large as well as small—very little cotton can be grown without the incentive payment. Those who do plant some cotton beyond that on which they receive payment depend on the payment to cover overhead costs on this part of their production.

The cost of growing cotton has increased rapidly over the last few years, and the labor force has dwindled. This had made alternative crops such as soybeans and feed grains more attractive in relation to cotton. In 1968, there was an optional diversion payment of 6 cents per pound. To plant cotton beyond 65 percent of their allotments, cotton farmers had to give up this 6-cent diversion payment. In 1970, there was no diversion payment; and the decision of what to plant on the other 35 percent of the allotment turned on what crop promised the greatest return. Under these circumstances, a smaller percentage of the available allotment was planted to cotton than in 1968 when the 6-cent diversion payment was offered.

Farmers are showing less and less inclination to plant cotton and more inclination to substitute other crops for it when market prices are the only return they can expect. If this trend continues, we can expect to get very little cotton produced for which no incentive payment is made.

The cotton supply is now down to dangerously low levels. Shortages exist in some very important quality categories. USDA estimates that this season we will have demand for more cotton than we will produce for the fifth consecutive year.

We simply cannot go on producing less than the market requires. Just a threatened shortage of certain qualities in 1967–68 cost us millions of bales in markets. A much more real shortage faces us if we do not do everything possible to encourage cotton production.

I said that the $55,000 limit might cost us in production up to some 730,000 bales. Under the circumstances, this is bad enough. The $20,000 limit which is being proposed would deny payments on 2 million bales. This is simply intolerable. There would be little point in spending money on a cotton program to help one of the Nation's important industries survive, on the one hand, and then turn around and make it economically impossible, through too low a payment limit, for that industry to produce enough to hold its markets.

The most serious problem facing the cotton industry in the next few years is that of getting enough cotton grown to supply the demand. It is simply not in the national interest to compound that problem with an unrealistic payment limit.

Mr. President, I hope the Senate will sustain the committee and this compromise, because that is what it is. I thank the Senator for yielding.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DOLE. I merely want to say that if this payment limitation is reduced we end up killing the program or, in the alternative, make large storage payments to those who store cotton, wheat, and feed grains.

Mr. PACKWOOD. Mr. President, at the request of the Senator from Texas (Mr. TOWER), who is necessarily absent, I ask unanimous consent that a statement prepared by him be printed in the RECORD.

There being no objection, Senator TOWER's statement was ordered to be printed in the RECORD, as follows:

Mr. TOWER. Mr. President, while I can understand and appreciate the arguments of those who advocate lowering the payments limitation to $20,000, I cannot support such an effort for reasons which I will make clear.

It has been my record in the Senate to support the concept of market economics. I believe that intervention by the government in economic matters seldom benefits the economy or the people in the short run and never in the long run. Secondary problems immediately appear which must be dealt with. Legislation is then drafted to circumvent the problems caused by the first instance of intervention. Passage of this legislation further disrupts the market and leads to further problems, and so forth and so on.

As Professor Ludwig von Mises, the distinguished founder of the Austrian school of economics, has pointed out so often, intervention begets intervention.

That is the situation we find ourselves in in debating the feasibility of limiting agricultural payments. Both Committees have recommended a limitation of $55,000 per producer per crop. This figure is high enough so as to affect a relatively few producers. The economic impact would be minimal. If, however, we were to adopt the lower figure, a great many producers would be affected. The secondary economic impact would be considerable.

I anticipate that a great many farmers would move into the production of crops for which their land, their weather, their resources were less adequately suited. This shift in production would imperil the markets of other products, which markets are stable at this time. I believe we would compound our problems by making less optimum use of our resources, endangering or destroying presently stable markets, creating confusion for the agriculture industry as a whole, and imperiling the flow of agricultural goods on which our people and our foreign trade balance depend.

I hope that the Senate rejects this amendment.

Mr. SMITH of Illinois. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) is unable to be here today. He has consistently supported the $20,000 farm payment limitation, and he has asked me to place in the RECORD a statement of support for the amendment. I ask unanimous consent that the statement may be printed in the RECORD.

There being no objection, Senator HATFIELD's statement was ordered to be printed in the RECORD, as follows:

EFFECTS OF FARM SUBSIDY LIMITATIONS IN OREGON

Mr. HATFIELD. Mr. President, I support the efforts, led by Senator Ralph Smith, to limit farm subsidy payments to $20,000. This amendment will save our taxpayers nearly $345 million annually.

Many of the recipients of farm subsidies are large "agribusinesses." Corporations and agribusinesses are receiving large sums of money from programs originally intended to strengthen the rural family farmer. I am aware of the positions taken by the opponents of this amendment; but the current program is making the rich richer and the poor poorer, because it is widening the monetary gap between the small farmer and the corporate farmer.

In Oregon, less than 90 of our thousands of farmers would be affected by the $20,000 limitation, 69 of whom are in wheat farming. The Oregon payees receiving over $20,000 receive a total of $2.3 million—a small percentage of the same group on the national scale, which receives $374,000,000. Thus only six-tenths of one percent of the over-$20,000 payments received nationwide are received by Oregonians. Only 44 Oregon payments are over $25,000; the other 57 are between $20,000 and $25,000. A very high percentage of the recipients of subsidy payments in Oregon are receiving less than $500—it is interesting to note that 52.5 percent of all payees receive less than $500 in payments. These payments, however, amount to only 6 percent of the total amount of subsidy money paid. At the same time, 7.3 percent of all Oregon payees received over $5,000, but this group collected 50.5 percent of the total amount paid to all payees in 1969.

Those few Oregonians—one-half of one percent—affected by this farm subsidy limitation presently receive 10 percent of the total money paid in Oregon.

I insert a Department of Agriculture chart showing the payment breakdown for subsidies in Oregon in 1969 to appear at this point in the RECORD.

U.S. DEPARTMENT OF AGRICULTURE—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, FREQUENCY DISTRIBUTION OF ALL ASCS PRODUCER PAYMENTS EXCLUDING PRICE SUPPORT LOANS FOR CALENDAR YEAR 1969

OREGON

Range of total payments		Number of payees	Percent distribution	Total amount dollars	Percent distribution
From (1)	Through (2)	(3)	(4)	(5)	(6)
Less than	$100.00	3,422	21.77	146,884	0.62
$100	199.99	1,792	11.40	261,095	1.10
$200	499.99	3,049	19.40	1,016,080	4.28
$500	699.99	1,918	7.62	714,078	3.01
$700	999.99	1,254	7.98	1,050,599	4.43
$1,000	1,999.99	2,077	13.22	2,942,582	12.41
$2,000	2,999.99	881	5.61	2,150,054	9.07
$3,000	3,999.99	522	3.32	1,813,950	7.65
$4,000	4,999.99	370	2.35	1,663,165	7.01
$5,000	$7,499.99	505	3.21	3,078,974	12.98
$7,500	9,999.99	245	1.56	2,113,624	8.91
$10,000	14,999.99	232	1.48	2,792,350	11.77
$15,000	19,999.99	80	0.51	1,370,770	5.78
$20,000	24,999.99	43	0.27	959,547	4.05
$25,000	49,999.99	40	0.25	1,262,449	5.32
$50,000	99,999.99	6	0.05	381,102	1.61
Total		15,716	100.00	23,717,303	100.00

Note.—The above statistics show the number of farmers in Oregon receiving over $20,000 in subsidy payments to be 89. This figure is slightly different from an earlier report which shows the same category to be 86. The difference stems from the fact that the 86 comes from a State report and the 89 is a sum of the county reports. (Bi-county farmers result in the higher figure in the county report.)

Mr. JAVITS. Mr. President, on behalf of my distinguished colleague from New York (Mr. GOODELL), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him in support of a limitation on farm subsidy payments.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOODELL

Mr. GOODELL. Mr. President, the amendment before the Senate today wil alter one of the most wasteful programs in Federal Government spending: the payment of outrageously large farm subsidies to a handful of wealthy producers. It offers the Senate an unparalleled opportunity to correct an excessive waste of the taxpayers' money.

For a number of years, I have been active in the effort to bring an end to these indefensible farm payments. I have voted against agriculture appropriations and authorization bills in a protest against the funds they contained for large subsidies and because I did not believe them to be the best measures for the farmer, the consumer or the taxpayer. I actively supported efforts in the House of Representatives to impose payments limitations. Upon coming to the Senate, I continued to press for such limitation. Last year, when the FY 1970 Agriculture Appropriations Bill was considered, I offered an amendment to place a $10,000 per crop limit on the amount an individual producer of cotton, wheat or feed grains could receive. Regrettably, my motion to suspend the rules to consider this amendment did not carry.

On May 5 of this year, the Senator from Indiana (Mr. BAYH) and I together with 8 cosponsors, reoffered this amendment to the "Coalition Farm Bill" (S. 3108) in order to place a $10,000 per crop limit on all producers. Contrary to popular notion, a payment limitation at this level would effect only 3.8 per cent of the cotton producers, 0.5 per cent of the feed grain producers, and 0.7 per cent of the wheat producers—of the total 2.5 million producers in the United States—yet would have resulted in a substantial saving of approximately $338 million.

In July of this year, the Senate passed a $20,000 limit on the Fiscal Year 1971 Agriculture Appropriations Act, a measure which I supported.

The fight for a meaningful limitation is now confronted by the fact that the House of Representatives and the Senate Agriculture Committee have agreed to what I consider to be a totally unacceptable limit on these outrageously high subsidy payments. They have accepted a limit on each producer of $55,000 per crop for each of the three crops of cotton, wheat and feed grains—which is really no limit at all. It is, in my view, a facade. Imposing a limit of $55,000 per crop will save a mere $58 million of the total $3.6 billion now paid out in farm subsidies nationwide. This will limit only about 1100 of the 2.5 million producers.

As presently constituted, our farm subsidy program is a national scandal. The number of individuals and corporations receiving payments constantly increases, as does the total amount of subsidies paid out for these programs.

An examination of the facts about this program reveals that in 1969 2.5 million producers in the United States received a total of $3,695,200,000 in subsidy payments for all programs. Less than 1 per cent of these producers received subsidies over $25,000, but these large payments total $406 million—11 per cent of the aggregate amount paid.

In testimony before the Senate Appropriations Committee on June 4, 1969, Secretary Hardin, on the basis of 1968 figures, estimated that 65 per cent of the cotton pay-

ments, 49 per cent of the wheat payments, and 11 per cent of the feed grains payments were simply income supplements rather than payments for acreage diversion. In other words, a large part of the large payments are a net addition to producers' substantial incomes from farm products marketed rather than payment for leaving land out of production to balance supplies with market outlets available, as is commonly supposed.

A most distressing fact is that farm subsidy payments do not aid the hardpressed small- and middle-size family farmer. Moreover, the list of "farmers" who receive large checks includes non-farm corporations, banks, several State prisons, and even State governments. In the cotton program, for example, in 1968, 62 per cent of the program payments, totaling $787 million, went to fewer than 35,000—7.6 per cent—of the 449,000 producers and landlords who received cotton program payments. These 35,000 large producers received checks of $5,000 to $3 million while the other 414,000 producers received checks averaging about $700 each. Half the cotton producers received checks of less than $700. Subsidies to cotton and wheat growers, fully half of which go to the very large farmers, now exceed 50 per cent of the value of the crops they produce.

If the Senate adopts this amendment, we will place in permanent legislation a realistic limit on this great giveaway program. If we accept the Committee recommendation of $55,000, we will not have done the job. Imposing a $55,000 limit on each of these three crop programs is a little like chipping away at the tip of an iceberg. A $20,000 limit will still affect a very small number of our total farm producers and result in a substantial saving of over $200 million, as contrasted to the mere $58 million which the House and Senate Committee have provided.

The scourge of hunger and malnutrition still exists in our land of wealth. We are told that there is not enough money to provide sufficient funds for welfare reform, revenue sharing, and adequate health, urban rehabilitation, education and job training programs. Meanwhile, inflation continues to eat mercilessly away at the pocketbook of every American.

How, then, can we accept a meaningless limit of $55,000? How can we justify the perpetuation of a program which assists no one but a small handful of wealthy producers and corporations? We cannot. I urge the adoption of a $20,000 limit by the Senate.

Mr. SMITH of Illinois. Mr. President, very briefly, in conclusion, I have listened most interestedly to the arguments, but I must say in all candor that I am not very impressed or convinced.

If we have a problem with the Gila Indians in Arizona, and we may have, I would be willing to do whatever is reasonable or appropriate to solve that problem. But let us not call it a farm program if we do it.

If we have a problem in Georgia, as suggested by the distinguished Senator from Georgia, and we may have, with respect to widows, or people who will not work their farms—and I think that was the language used——

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SMITH of Illinois. I yield.

Mr. TALMADGE. I did not say "would not work their farms." I said "could not."

Mr. SMITH of Illinois. I beg the Senator's pardon. I misunderstood and I did not mean to misquote the Senator.

If we have such a problem, and I am certain we do, with corporate profits of Standard Oil in California, with certain institutions and others that collect these giant subsidies, and if we have a problem that needs to be handled, that is fine, but we should not call that a farm program either.

Mr. President, this bill is designed to work toward a farm program for farmers, and I think that is a reasonable objective.

The PRESIDING OFFICER. All time has expired on the amendment. The question is on agreeing to the amendment offered by the Senator from Illinois and the Senator from Delaware. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT (when his name was called). On this vote I have a pair with the Senator from Maryland (Mr. MATHIAS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

Mr. GRIFFIN (when his name was called). On this vote I have a pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. HUGHES (when his name was called). On this vote I have a pair with the Senator from Wyoming (Mr. MCGEE). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore I withhold my vote.

Mr. PACKWOOD (when his name was called). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SAXBE (when his name was called). On this vote I have a pair with the Senator from California (Mr. MURPHY). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SCOTT (when his name was called). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. INOUYE (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

On this vote, the Senator from Oklahoma (Mr. HARRIS) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from Oklahoma would vote "nay" and the Senator from Rhode Island would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The respective pairs of the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MUNDT), the Senator from Texas (Mr. TOWER), and that of the Senator from California (Mr. MURPHY) have been previously announced.

The result was announced—yeas 21, nays 44, as follows:

[No. 296 Leg.]

YEAS—21

Bayh	Gore	Proxmire
Boggs	Hart	Ribicoff
Brooke	Javits	Schweiker
Byrd, Va.	McIntyre	Smith, Ill.
Byrd, W. Va.	Nelson	Spong
Case	Pell	Williams, Del.
Cook	Percy	Young, Ohio

NAYS—44

Aiken	Dole	Gurney
Allen	Dominick	Hansen
Allott	Eagleton	Holland
Anderson	Eastland	Hollings
Bellmon	Ellender	Hruska
Bible	Ervin	Jordan, N.C.
Burdick	Fannin	Long
Church	Fong	McClellan
Cooper	Fulbright	McGovern
Cranston	Gravel	Metcalf

Miller	Smith, Maine	Talmadge
Mondale	Sparkman	Thurmond
Montoya	Stennis	Yarborough
Muskie	Stevens	Young, N. Dak.
Pearson	Symington	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—8

Bennett, against.
Griffin, for.
Hughes, for.
Inouye, against.
Mansfield, for.
Packwood, for.
Saxbe, for.
Scott, for.

NOT VOTING—27

Baker	Hatfield	Mundt
Cannon	Jackson	Murphy
Cotton	Jordan, Idaho	Pastore
Curtis	Kennedy	Prouty
Dodd	Magnuson	Randolph
Goldwater	Mathias	Russell
Goodell	McCarthy	Tower
Harris	McGee	Tydings
Hartke	Moss	Williams, N.J.

So amendment No. 883 was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following address, which was delivered by the Senator from Alabama (Mr. ALLEN) earlier today, is printed at this point in the RECORD by unanimous consent.)

Mr. ALLEN. Mr. President, I rise in support of H.R. 18546.

This bill comes to the floor after much deliberation and consideration by our Senate Agriculture Committee. Although the legislation does not contain all of the provisions which I feel are needed to round out our farm program, it is a good bill and basically a sound bill. It is a bill which will continue support for many of the tried and proven programs of American agriculture.

May I say that in this bill there is much of the experience and much of the wisdom of the senior Senator from Louisiana. The farmers and farm families of America have no greater friend than ALLEN ELLENDER. His name stands near the top of any rollcall of Senators who have sponsored and worked and voted for farm programs such as price supports on basic farm commodities, soil conservation, farm credit, farm housing, and the school lunch program.

Through the years, the distinguished Senator from Louisiana has been a most effective and eloquent spokesman in the battle to enable the farmers of our Nation to obtain their fair share of the national income and to enjoy the fruits of American prosperity.

Mr. President, American agriculture is the marvel of the civilized world. It is a remarkable fact that less than 5 million farm producers have fed and clothed 200 million Americans and fed and clothed them better than any people have been fed and clothed in all the history of the world.

It almost goes without saying that most of us today are feeling the effects of the high cost of living and consumers are telling each other about how much they spend at the grocery store. Yet, food continues to be one of the best buys around. For this we have the American farmer to thank. His use of advanced production know-how has enabled him to grow more and better food on fewer acres with a smaller input. The application of ever-better harvesting and marketing practices has put more food on the shelves, provided surpluses for food programs for the needy, provided farm commodities for huge exports, and has built up reserve stocks sufficient to meet emergency needs.

The unparalleled genius of the American farm producer has resulted in a rate of increase in farm efficiency in the past two decades which has surpassed that in nonfarm industries. Productivity of the American farmworker increased at a rate of 6 percent in the 1960's while other industries showed an increase rate of only 3 percent. The American farmer today produces 20 percent more on 6 percent fewer acres than he did in the 1957-59 period. I am sure it will be of interest to the Senate to know that in the 18th century, Adam Smith, the renowned economist, made a prediction that flabbergasted the people of his day. He said:

> When the time comes that one farm worker, through improvement and cultivation of land, can provide food for just two people, the labor of half of the society will be able to provide food for the whole society. Then and only then can the other half of the people be employed in providing the other the wants and fancies of mankind.

I wonder, Mr. President, what Adam Smith would say if, through some process of reincarnation, he could be brought back among us for a while to view the amazing record of agricultural production and to learn that instead of half the people producing for the other half, the American farmer today can produce for himself and 44 others.

As the farmer's inputs have decreased, his capital outlays have risen sharply. To replace man-hours, the farm producer buys more machinery, chemicals, and other commercial products. Agriculture generates jobs for more than 30 percent of our work force, either by providing the raw material on which they work, or by providing the market for the products that they produce.

Farmers are responsible for buying nearly $37 billion in production goods and services each year. The American farmer annually purchases about 5 percent of our steel production and 2½ percent of our electricity. In dollars and cents, he buys nearly $2 billion worth of lime and fertilizer products and more than $4 billion of petroleum products. From an investment standpoint, agriculture's total assets of $298 billion is equal to two-thirds of the value of the current assets of all corporations in the United States.

Yet, Mr. President, while the farmer's importance to our economy is generally underrated, his relationship to the increased cost of living is vastly overrated.

Today the American consumer spends only 16.5 percent of his disposable income to buy food. In Western Europe the comparative figure is between 20 and 25 percent and in Russia between 40 and 50 percent. In the Far East the consumer spends as much as 75 or 80 percent of his disposable income for food.

But, Mr. President, all too often, it is the farmer who is blamed for the increase in the price of bread or potatoes or cornflakes. According to reports from the U.S. Department of Agriculture for 1969, however, we find that the farmer is the person least responsible for increased food costs. Using the items I have just mentioned, let me point out just how much is returned to the farmer for what the consumer pays for these staples.

Out of a 23-cent, 1-pound loaf of bread, the farm share in 1969 was 2½ cents.

From 10 pounds of potatoes that averaged 82 cents, farmers received 24 cents last year.

In 1969, farmers received 2.6 cents from a 12-ounce box of cornflakes that cost an average of 31 cents to the housewife.

The American farmer received an average of 39 cents on the dollar consumers spent for domestic farm foods in retail food stores during the second quarter of this year. This was 2 cents less than in both the previous quarters and all of last year, and down from 50 cents in 1947 when a dollar went much further.

The true story, of course, is that it is the middleman, not the farmer, who has gained the most from any increase in food prices. The farmer produces our food, but it is the middleman who transports it, wraps it, and displays it in tune to the demands of the consuming public. A revealing measure of the ever-decreasing share of the farmer in the overall amount spent by the consuming public for food is contained in a table published by the U.S. Department of Agriculture Economic Research Service, for which I ask unanimous consent to place in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FARM-FOOD MARKETING BILL AND FARM VALUE OF FOOD BOUGHT BY CIVILIAN CONSUMERS, 1947-69

[In billions of dollars]

Year	Farm value	Farm-food marketing bill
1947	$19.3	$22.6
1948	19.9	24.9
1949	17.4	26.0
1950	18.0	26.0
1951	20.5	28.7
1952	20.4	30.5
1953	19.5	31.5
1954	18.8	32.3
1955	18.7	34.4
1956	19.2	36.3
1957	20.4	37.9
1958	21.5	39.5
1959	20.9	42.2
1960	21.7	44.2
1961	22.0	45.1
1962	22.4	46.9
1963	22.6	48.9
1964	23.4	51.2
1965	25.5	52.1
1966	28.1	54.7
1967	27.3	57.5
1968	28.9	60.6
1969 [1]	32.2	63.7

[1] Preliminary

Source: U.S. Department of Agriculture Economic Research Service.

Mr. ALLEN. From the foregoing chart, Mr. President, we see that the farm value of the total farm-food marketing bill has risen only 67 percent since 1947; yet, during this time the farm-food consumer's bill has increased nearly 200 percent.

Meanwhile, our farmers are paying the highest expenses in history. In 1948, gross farm income was $34.7 billion compared to $54.6 billion in 1969. But net income was $15.9 billion in 1948 compared to only $16 billion in 1969. This is because farm expenses soared from $18.7 billion in 1948 to $38.5 billion, or more than double, in 1969.

Simply stated, Mr. President, these statistics show that the American farm producer is still not yet receiving a fair share for his contribution to our economy and that he is caught in a vicious cost-price squeeze. I have heard it said that the farmer is the only producer who has to buy everything at retail and sell everything he produces at wholesale. Anyone would be hard pressed to show from these figures, Mr. President, that the farmer is getting rich on either Government subsidies or anything else.

It is appalling to me that the goal of gaining access to the economic mainstream still evades our farm people. Equally distressing to me is the distorted image of agriculture and the difficulties of getting the true picture of agriculture across to the nonfarm people of our Nation. It is downright despicable the way much of the national news media deliberately belittles, belies or otherwise fails to relate to the urban public the favorable and positive side of farming and how very important it is to maintain a stable farm economy.

Consequently, Mr. President, a large percentage of the public is unaware that we are facing a farm crisis today which is simmering to a boil and that, as consumers, they have as much at stake in farm problems as the farmers themselves. Yes, because we often see perfidious newspaper headlines or hear sensational radio and television reports about agriculture in general and farmers in particular, expressions such as "farmers are getting rich off the Government" seem to be gaining wider acceptance daily.

This seemingly deliberate and concerted attack on agriculture by many of the big city newspapers, national magazines, and radio and television commentators is selfish, reckless, and irresponsible. What the mass news media should be extending to the American farmer is understanding, not indifference; faith, not cynicism.

A typical example of pharisaical journalism concerning our agriculture program was exhibited in the May 1970 issue of Reader's Digest magazine in an article calling for an end to farm subsidies. The Reader's Digest not only failed to tell the whole truth about our farm price support programs, the article was patently anticotton.

I shall not dignify the Reader's Digest article by placing it in the RECORD. As I have previously stated the article appeared in the May 1970 issue of that magazine and I have copies of the article here at my desk should any Senator be interested in seeing it. I do, however, wish to call to the attention of the Senate and insert in the RECORD at this point a very excellent rebuttal of the Reader's Digest article which appeared as an editorial in the July 1970 issue of the Progressive Farmer magazine, one of the most distinguished publications in America.

The editorial is entitled "They Didn't Tell 'The Whole Truth'." I ask unanimous consent that this splendid editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THEY DIDN'T TELL "THE WHOLE TRUTH"

What a shame publication with the potential for good of *Reader's Digest* (they claim the largest magazine circulation in the world) should stoop to gross misrepresentations and half-truths in an attempt to destroy farm price supports. We are referring, of course, to the article "Time To Say *No* to Big Farm Subsidies" in their May issue.

It's obvious from the article that *Reader's Digest* editors aren't just opposed to "big farm subsidies" but to *all* farm subsidies. Why do we say this? Because the article is predicated entirely on costs. Nowhere is any credit given to farm programs for stabilizing the farm economy or the spectacular benefits to consumers of cheap, wholesome food and fiber.

We will not attempt to answer the *Reader's Digest* article item by item. To do so would take more of your reading time and our writing time than it justifies. But perhaps a point or two will help brand the article for what it is.

Item: "Over the years, by rigging the payment programs and acreage allotments, 'cotton men' have so fattened up the subsidy that cotton producers now draw half their gross income from the U.S. Treasury. . . ."

Elsewhere, charging Chairman Bob Poage of House Agriculture Committee, and a 33-year veteran in Congress, with withholding action on the food stamp program to get concessions on payment limitations, the article quotes Representative Paul Findley of Illinois: "He's holding the hunger program hostage, in order to corral votes for his $2 billion for cotton."

Fact: USDA figures show sales of cotton and cotton seed totaled $1,211,000,000, Government payments to cottongrowers to have been $827,000,000 in 1969. Payments to cottongrowers were *not $2 billion* and *not half the gross*, only 41%.

In another slap at the South, the article stated: "Out of some 250 U.S. farm commodities, only cotton, peanuts, sugar, rice, tobacco, feed grains, and wheat—40% of total farm sales—are subsidized and controlled. . . ."

Words to watch here are *and controlled.*

The most direct farm subsidy we have is on wool—going predominately to Western flockowners. But since there are no surplus problems with wool, there are no controls. That makes the wool program no less a subsidy, though.

Price support loans on soybeans and dairy products are made with Government funds and to that extent these commodities are subsidized. Federal purchases of food products in surplus—eggs, beef, pork, honey, beans, peas, pecans, and many others—for school lunch programs, food for the needy, foreign aid, and other charitable programs constitute subsidies, both to the producer and to the recipient. The fact that these products aren't "controlled" seems irrelevant. What is relevant is that *Reader's Digest* did not tell the whole story.

Perhaps we are exaggerating the damage this article can do. We are living in a time of slanted news and planted propaganda. Vice President Agnew said it; Howard K. Smith said it; *Reader's Digest* is helping prove the point. But, we doubt that many people of influence, least of all Congressmen, are readily taken in by distortions and half-truths.

Like the football coach said: "Our best defense is our offense." We need to continue telling our story of how well farmers are feeding the other 95% of the population, with some to spare, at the least cost ever in workingtime to purchase. These facts aren't even arguable.

Mr. ALLEN. In addition, Mr. President, what the Reader's Digest deliberately, or conveniently if you prefer, failed to mention is that it enjoys a mail subsidy each year which is by far and away higher than any producer receives under the farm price support program. My fellow Alabamian, Postmaster General Winton Blount, recently advised me that the total costs of operating the postal services for the 1969 fiscal year were made up of more than $3.6 billion of direct costs and another $3.6 billion of indirect costs. The Postmaster General further advised me, and I quote from his letter:

In the fiscal year 1969, the direct costs to the Department for regular rate publications, including Reader's Digest were $238.8 million. The revenues brought in by this category during that period were $122 million for a loss of $116.8 million. Only 51.1 percent of the direct costs were covered by revenue and none of the indirect costs.

It appears that Reader's Digest and certain other segments of the mass news media want the public to think that only the farmers are receiving a Government subsidy. Or perhaps they are anxious to steer people's minds away from the fact that they themselves get a flow—a continual flow—of taxpayers' money in the form of a mail subsidy. I say that publications should, under some type of fairness doctrine, also be responsible enough to tell the truth about themselves when they write about payments made to our farmers.

Another point which the mass news media so often fails to tell the public is that programs comparable to the farm support program exist for other businesses and have for many years.

Mineral producers are protected by government purchases, import quotas and tax concessions.

Outright subsidies go to many industries, such as airlines, railroads and shiplines.

Payments for cost overruns seems to have almost become a fact of life for many defense industries, but farmers cannot fall back on the Government for their cost overruns.

And, of course, to this list we can add the publishing houses and bulk mailers of unwanted junk mail.

We are forced to realize that when one large economic group—such as the farmer—suffers, many other economic groups suffer. The ginners, warehousemen, merchants, farm laborers, business, and professional people and others whose endeavors and livelihoods depend upon or are directly related to the successful functioning of a productive agricultural economy are also sharply affected by drops in farm income.

I have in my hand, Mr. President, the August economic report of the First National Bank of Florence, Ala., and in it the story is told of how the depressed income and reduced purchasing power of our farm people today are inevitably passed along to industry and business in the form of reduced demand for consumer goods and loss of sales. The results are curtailed production, unemployment, and a weakening of the Nation's economy.

I ask unanimous consent to have printed in the RECORD at this point the article to which I have just referred.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ECONOMIC TRENDS AND THEIR IMPACT ON BUSINESS

Farmers pull in their horns, too—Consumers and businessmen are not the only ones cutting back expenditures; the nation's farmers have likewise drawn their purse strings tighter.

Merchants in the nation's Farm Belt have been suffering even longer than their city cousins. Sales of farm equipment started to plunge as early as last year.

After reaching a peak in 1968, volume skidded 10% to $4.4 billion in 1969. So far this year, the sales curve is running even lower.

The decline in farmers' purchases of equipment has been largely in tractors. The Farm and Industrial Equipment Institute reports that first-quarter 1970 tractor sales slid 11% behind year-ago, following sales declines of 10% in the full year 1969, and 12% in 1968.

Harvesting machinery is moving more sluggishly, too. Purchases of combines dropped 18% in this year's first quarter, after declining an average of 20% in each of the two previous years.

Unit sales of major types of farm equipment had actually been in a downslide for several years. But until 1969, rising prices more than offset these drops—producing increased dollar volume. Since 1969, however, the loss has extended to dollar sales as well.

Agricultural economists point out that usually gross farm cash receipts are a major determinant of what farmers will spend on equipment. This being the case, you would expect more—not less—to be spent, since gross receipts have been in an accelerating uptrend since 1968.

But the relationship has broken down this time around. The reason: almost all of the increase in total farm receipts since 1968 has resulted from higher livestock prices. Income from grains has fallen sharply.

Obviously, the need for machinery is greater among grain farmers than among those who make a living principally off livestock. The combination of reduced demand for most grains, coupled with increased participation in government programs that call for idling acreage has, in turn, reduced the demand for new sources of mechanical power.

Tight money has affected sales, too. Unlike general operating or feeder animal loans, which usually mature in one year—hence are relatively easy to obtain—loans for farm machinery usually run from three to five years. These types of loans are usually among the first to become scarce.

Finally, the softening in the farm real estate market has contributed to reduced equipment purchases. The Federal Reserve Bank of Chicago reports that farmland values in its district have declined for the first time in nine years.

Because farm equipment and farmland are joint inputs, it is easy to see how reduced real estate demand can hit equipment sales. Many farms are too small to utilize newer, more efficient machines. To increase productive capacity, more land must be acquired, and when such acquisitions are blocked, machinery purchases may be delayed.

Mr. ALLEN. These unhappy facts cannot be regarded as mere statistical data. These figures speak much more, particularly when they are translated into the practical realities of stark tragedy for thousands of men, women, and children whose hopes and aspirations for a decent standard of living are inseparably tied to the soil. These are statistics of a pending economic catastrophe if we do not take steps immediately to improve and maintain farm income.

Mr. President, I believe that the Senate version of H.R. 18546 embodies the provisions that would give the protection needed by our farmers in their quest to attain and enjoy an income and standard of living on a par with their fellow citizens. These important objectives simply cannot be achieved by the administration-backed farm bill which was passed in the House last month. This truth is self-evident when it is recognized that not a single major farm organization has endorsed, or even spoken favorably of, the bill as sent to the Senate as being able to maintain farm income.

In the area of cotton, the House bill would destroy parity, eliminate marketing quotas and take away from growers the opportunity to balance supply with demand. These are time-honored, time-proven principles which our farmers have cherished ever since the farm bloc in Congress under the leadership of the late Edward O'Neal, of Alabama, then president of the American Farm Bureau, persuaded Congress to write them into law nearly four decades ago.

Parity is important because it is the only effective yardstick whereby farm prices are stipulated in a manner that reflects the continuous costs of production and the effects of inflation. In other words, the difference between farm prices and farm costs. Supply control is equally important because under our free enterprise system no business, whether it be farming or floor tile, can long succeed if it consistently produces more than can be sold at a fair price.

Frankly, Mr. President, I am having some difficulty in determining the real position of the Nixon administration in the area of parity. Two years ago, on September 14, 1968, to be specific, then candidate Richard Nixon in Des Moines, Iowa, said:

> Seventy-four percent of parity is intolerable in my book; farmers are entitled to better, and I pledge that in my Administration they will have better.

Normally, I suppose one could dismiss these remarks as campaign rhetoric. But on July 24, 1970, now President Nixon told an audience in Fargo, N. Dak., that he was "for 100-percent parity for wheat."

I would like to remind the President that last month prices received by farmers declined 3 percent—the sharpest 1-month price drop in 22 years. Farm operating costs on the other hand, remained at near-record highs with the result that the parity ratio plummeted to 71 percent.

I would further remind the President that the House bill which his administration is supporting would tie the future of parity levels to the world market. Loan and purchase price levels would be set between zero and 90 percent, thus the Secretary of Agriculture could slash price support floors to zero on feed grains, wheat and cotton.

And finally, I would like to remind the President that on August 31, 1970, the Secretary of Agriculture with Budget Bureau approval wrote our Senate Agriculture Committee objecting to the Senate bill's adherence to the parity concept. In fairness, let me say that it may very well be the President subscribes to one position in connection with the concept of parity and that bureaucrats in the Agriculture Department and the Budget Bureau subscribe to another. But as I interpret article II of the U.S. Constitution, the President is supposed to be the boss of the executive branch and, therefore, it would be my suggestion that he convey his wishes regarding parity to his assistants post haste.

Beyond the unfair economic aspects of the House bill, the set-aside program would require cotton producers to idle up to 33⅓ percent of their cotton allotments without any compensation and without any assurance that they would be able to use this land for any other purpose. In testimony before our Senate Agriculture Committee it was repeatedly demonstrated that this proposal would decrease farm income.

It was shown that the set-aside proposal coupled with the freedom to plant feature was a step away from marketing controls and would increase farm surpluses comparable to the disastrous era of Bensonism. The committee recognized that the huge majority of farmers would not make any change in their planting histories and, therefore, the proposal would not give the farmer the freedom of decision and flexibility that had been so widely acclaimed by set-aside proponents.

Marketing quotas, which is a means of controlling farm acreage allotments has been the primary ingredient of farm programs since their inception. Because of the present supply and demand situation in the cotton industry we must continue to use this valuable tool in order to assure an adequate supply of cotton and at the same time prevent a costly and damaging surplus such as we have seen in the past. I do not agree with the argument that elimination of marketing quotas, thus allowing unlimited planting of cotton, is the proper way to reduce cotton production costs. Let me suggest that the most efficient way for any producer to reduce production costs is that he be able to accurately anticipate production needs for the longest period of time possible. Stable acreage allotments coupled wth a guaranteed minimum price, both provided for in the Senate bill, enable farmers to adequately plan production inputs thus obtaining an efficiency which could not be otherwise attained.

Alabama farmers have long shown by their votes—I do not mean in an election race—that they believe in marketing quotas. In 1968, a total of 28,745 Ala-

bama cotton producers voted for cotton marketing quotas in the agriculture referendum provided by the act, and only 1,074 voted against quotas. In other words, a ratio of 28 to 1 favored the marketing quotas which the present administration seeks in its proposal to do away with.

Mr. President, my interests are not limited to a single commodity. They extend to every segment of the farm program. The Senate version of H.R. 18546 is clearly more favorable to all commodities, but I am restricting the majority of my discussion to cotton because of its extreme importance to the economy of Alabama.

The Senate bill ties cotton payments to parity. The national acreage allotment for cotton will be 14.5 million acres, but the Secretary of Agriculture may increase this figure by up to 25 percent if he determines it necessary to assure an adequate supply. Cotton farmers may substitute feed grains, soybeans, or wheat for cotton, if wheat or feed grain producers are permitted to do so.

Under the Senate bill the loan level will be for 1 year at 90 percent of the world market price of cotton in the 2 preceding marketing years. The loan plus the payment will be 35 cents a pound or 65 percent of parity, whichever is greater. The initial payment will be 15 cents a pound and will not be reduced, whatever the final payment is determined to be.

Mr. President, a most significant feature of the Senate version of the farm bill is that income of farmers is supplemented for producing cotton, not for not producing it. I think that is a concept that the Senate of the United States will approve—not to pay for not producing a crop, but to help subsidize the production of the much needed crops and to subsidize that and not the failure to plant. So the Senate bill does provide for supplemental payments to encourage the planting of cotton. It makes no payment whatsoever for not planting cotton.

In addition, the payment will be 30 percent higher for small cotton producers whose average gross sales of farm products in the preceding 3 years were $5,000 or less and whose annual off-farm income in the preceding 3 years is $2,000 or less. A small cotton producer is defined in section 602 of the bill as one whose farm acreage allotment is 10 acres or less. Certainly, they would be classed as small farmers.

I regret that the administration is opposed to this proposal. In Alabama, 43,772 farms have cotton allotments of 10 acres or less. I am sure that the overwhelming majority of these Alabama farmers were astonished by Secretary Hardin's declaration concerning this proposal "that poverty in agriculture should be dealt with through the President's family assistance plan." Frankly, I am disturbed when the chief spokesman for farm people in America proposes to relegate a portion of them to the status of welfare recipients and endeavors to shunt them, as cattle into a corral, off to the Department of Health, Education, and Welfare. The income problems of our small farmers deserve more consideration and efforts to strengthen the economic position of small farmers who desperately want to continue their farming operations and be self-sustaining should come from the Agriculture Department. I am not aware of anyone down at HEW whose mission is to restore purchasing power to agriculture.

The cotton section of the bill provides that the set-aside shall not be over 12½ percent of the farm acreage allotment. With respect to sale, lease, or owner transfer of farm acreage allotments, the bill retains the same provisions of the 1965 Farm Act except that the referendum for out-of-county transfers is eliminated. The person acquiring the allotment, however, must be dependent on cotton farming for his livelihood and must give assurance that the full farm base acreage allotment will be used.

As we know, both the Senate and House versions of the farm bill limit payments under the wheat, feed grain, and cotton programs to $55,000 on a per farm, per crop basis. I regret the considerable misunderstanding and controversy which has occurred over farm payments. The big demand for a payment limitation is based on the charge that many big farmers are getting rich off Government payments and that the producer is being paid not to grow. This is not true. There are undoubtedly some abuses in the program, but many of these producers are having a difficult time making ends meet even under the present program. In addition, the program is structured to subsidize the commodity, not the farmer. Thus, the farmer who produces the most qualifies for the biggest price support or production payment. In other words, the program of farm payments until now has treated all farmers fundamentally alike. It has provided payments in direct ratio to the volume produced or the amount of land diverted from production.

The issue of payment limitations and how farm payments have made the farm program workable was the subject of an editorial in the September 1970 issue of the Progressive Farmer. I commend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Progressive Farmer, September 1970]

PAYMENT LIMITATIONS—A BLOW TO U.S. AGRICULTURE

Congress seems determined to make the already critical cotton situation even more serious. Certainly if the $20,000 limitation on farm payments, as voted by the Senate on July 8, becomes law, the impact on the nation's cotton economy will be devastating.

Such a limitation would be a low blow to many cotton producers. But its effect would vary radically from one area to another. Little harm would be done in North Carolina, for instance, where the average cotton allotment is less than 25 acres. On the Texas High Plains, 10% to 20% of the area's growers would suffer reduced income. Total farm payments in this area would be cut 25%, and a like percentage of production would be affected. But in Arizona, the impact would be disastrous. About half the state's domestic allotment would not qualify for payment.

Overall, the $20,000 limitation as voted by the Senate would adversely affect cotton farmers who produce 4 million bales annually. And it would make it senseless from an economic standpoint for a farmer to grow more cotton than is covered by the payment limitation.

The limitation also applies to wheat and feed grains. To the extent he grows not only cotton but these other crops, a producer would be hurt even more.

The demand for a payment limitation is based on the wrongheaded conclusion that big cotton farmers are getting rich off Government payments. This is not true. Many of these growers are having a hard time breaking even at present payments, even without limitations.

The purpose of the direct payment plan, under which the cotton program operates, is to keep market prices at a low level so that U.S. cotton can compete successfully in domestic and world markets with foreign cotton and manmade fibers. Under such a program, a considerable part of the producers' income must of necessity come from Government payments. But producer income from cotton program payments is *earned* income. It costs money to idle high-priced land from which the owner must forego income while continuing to pay taxes and maintenance costs.

A payment limitation is incompatible with the American economic system which is based on fair pay for work performed. It would disrupt most phases of agriculture and deny many agricultural producers a just return on their labor.

If big producers are forced out of the program by payment limitations and continue to grow cotton, this means that more land must be taken out of production by small operators if the program is to succeed.

Finally, a limitation places a penalty on size and efficiency. It would serve notice to farmers that their Government will penalize them if they become big by becoming efficient.

Even though farm payment limitations of any sort are fundamentally wrong, Congress seems determined to go ahead with them regardless of consequences. This being the case, Congressional farm leaders should exert themselves to put the limits high enough to allow practically all farmers to escape them. Limitations should apply to individual crops rather than cover total payment for all crops.

At one time, it seemed Congress might agree to a variable limitation ranging from $20,000 to a maximum of $110,000 per crop. But that hope has "gone with the wind." A $55,000 limitation per crop now seems the best that can be expected.

Farm programs should be designed to give efficient farmers with economic units of land and capital a fair shake. It is these operators, the backbone of U.S. agriculture, who will give us our food and fiber at fair prices in the years ahead, They should not be hamstrung with payment limitations, if by reason of their efficiency they are now or later to become *big* farmers.

Mr. ALLEN. Mr. President, I do not wish to belabor the matter of payment limitations. I do want to point out, however, that the $55,000 figure was arrived at by our committee by the most careful analysis. It was determined that $55,000 was the minimum limit which would keep the efficient producer in the farm program.

Mr. President, today the demand for food and fiber is greater than ever before. People are eating more, and more people are eating. There are about 70 more people sitting around the American family table now than when I started this speech. This time tomorrow there

will be 6,500 more. That adds up to over 2 million a year. And the world population increases that much every month. These are mouths that must be fed if democracy is to continue to flourish at home and be strengthened and extended abroad.

Shall we eat and wear less in the days to come, or shall we raise more products as the need for them arises? The answer is obvious. This will present an even greater challenge to the American farmer who up until now, has been able to sustain us by providing us, often at sacrifice to himself, with the food and fiber necessary to life itself. But the continued ability of our farmer to feed and clothe the growing population of our Nation and much of a hungry world is contingent upon a sound and sensible agricultural policy which will maintain and improve form income.

We must never forget that the strength and prosperity of agriculture is basic to the strength and prosperity of our country. In times of crisis and war, the American farmer has toiled selflessly to produce the goods to meet the needs of the hour. The farmer has never failed our country, and now the country must not fail him.

Mr. CHURCH. Mr. President, I wish to give a short explanation of why I cast my vote against the amendment on which the Senate has just voted.

A few weeks ago, I voted in favor of a $20,000 ceiling on farm price supports. Tonight, I voted against a $20,000 limit in order to support the committee's recommendation that the ceiling be set at $55,000 instead.

My reason stems directly from the legislative history on this question. In recent months, we have seen the House of Representatives establish a limit on farm supports, only to have it rejected by the Senate; and we have seen the reverse. The Senate has approved support limitations which, in turn, have been rejected by the House.

Now, for the first time, the Agriculture Committees of both the Senate and the House have agreed on a common figure, which will set, again for the first time, a statutory ceiling on price supports.

I think it best, under these circumstances, not to tamper with the committee figure, for fear that if we change it now, we shall once more risk falling between two stools and end up with no ceiling at all.

AMENDMENT NO. 891

Mr. PERCY. Mr. President, I call up my amendment No. 891.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Illinois (Mr. PERCY) proposes an amendment, for himself and Mr. SMITH of Illinois, identified as No. 891.

The legislative clerk read as follows:

On page 69, at line 15, insert the following after the period: "*Provided,* That the payment rate with respect to any producer who, during the three-year period immedately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer) shall be increased by 30 per centum."

On page 87, at line 10, insert the following after the period: "*Provided,* That the payment rate with respect to any producer who, during the three-year period immediately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer) shall be increased by 30 per centum."

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from Illinois yield himself?

Mr. PERCY. Mr. President, I yield myself 5 minutes. I do not feel that it will require the full 15 minutes on the proponents' side for this amendment. It is a very simple amendment. I understand that it will be opposed by the distinguished chairman of the Committee on Agriculture and Forestry, so I have asked for a rollcall vote.

I think this amendment could be called the "poor farmers" amendment. But it also could be termed the "Let's deal with all farmers equitably, uniformly, regardless of where they live in the country, and regardless of what crops they grow" amendment.

We have heard a great deal in this body about having our laws uniformly applied across the country; and it is for that reason that I ask, when the Senate Agriculture Committee bill provides that cotton farmers with less than $5,000 annual farm sales and less than $2,000 off-farm income shall have their payments increased by 30 percent, then I would ask, How about other farmers?

It does not matter whether you are a poor farmer raising cotton or a poor farmer raising corn or wheat, or whatever it may be. Why should we have discrimination in favor of cotton farmers, and not take into account that other farmers also have low incomes?

I think the poor corn farmers and poor wheat farmers are just as entitled to modest increases as the cotton farmers under similar circumstances. The Department of Agriculture estimates that this amendment would bring a maximum of $250 additional income per farmer. This is a very modest increase, and a matter of simple equity for the farmer who does not grow cotton.

Poverty is not confined to those who grow one crop. The 30-percent extra payment provision should apply to all farmers across the country in the same circumstances.

As I understand it from Secretary Hardin, who wrote a letter to the Senator from Louisiana (Mr. ELLENDER) on August 31, it is estimated that the cost of the small farm 30-percent extra payment for cotton growers will be $10 million. The Department of Agriculture estimates that feed grain farmers would receive $630,000, and wheat farmers $375,000, for a total of $1,005,000. So the payment ratio for wheat and feed grain farmers is about 1 to 10 as against cotton.

I do not object to that at all: Poverty is poverty, wherever it occurs. We have a great deal of it in parts of my State. There is a great deal of it in parts of other States. I think that when we are trying to correct a condition of poverty before we have some sort of a family assistance program which will uniformly handle all types of poverty, regardless of whether you are an unemployed laborer, a farmer, or whatever it may be, until we enact legislation that affects all families, as long as we intend to pick out one group of farmers, I think it only fair that we take a look at other farmers as well, and provide for them in this bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. AIKEN. I ask the Senator, what consideration has been given to the annual off-farm unearned income?

Mr. PERCY. So long as the farmer does not earn more than $2,000 of off-farm income.

Mr. AIKEN. But I know quite a few people who live on a farm who sell less than $5,000 from the farm, but perhaps have an income of $50,000 from investments, stocks and bonds, equities, trust funds, and so forth. What about them?

Mr. PERCY. Mr. President, I have simply taken the language from the Senate Agriculture Committee's bill affecting cotton farmers, and I would ask the same question of the members of the Committee on Agriculture.

Mr. AIKEN. I think it is a good question to ask of them, too.

Mr. PERCY. I am trying to put other farmers on the same basis as the Committee on Agriculture and Forestry has put cotton farmers.

Mr. AIKEN. But this would provide the 30-percent extra payment for wealthy retired people in some instances.

Mr. PERCY. Well, the reference is to other income, regardless of source, so that if it is other income from stocks and bonds, I presume that is calculated for cotton farmers also.

Mr. AIKEN. Why not cut out the word "earned," so that it will apply to all income?

Mr. PERCY. I kept the language, I believe, exactly as it appeared in the committee bill.

Mr. AIKEN. Maybe we can take care of that in conference, because certainly anyone with a $100,000 income should not be subsidized in this fashion.

Mr. PERCY. I would be agreeable to that, if the committee will cut out the words "earned income" on page 106, line 9, as it affects cotton farmers. I have taken the same language: "Earned income."

Mr. AIKEN. Well, if a cotton farmer who would sell less than $5,000 worth, but had $50,000 worth of unearned income, could get the 30-percent extra, I agree it is only fair to extend the provision to other producers. If the word "earned" were taken out of this amendment I would try, for one, to see what we could do toward taking it out of the cotton provision in conference, because I am sure the members of the Committee on Agriculture and Forestry do not want

to subsidize men who have retired with large incomes.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. PERCY. I yield 2 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I think we ought to point out to the Senate that some of what the Senator from Illinois is getting at is already provided for on page 123. This is an amendment that I offered in the committee, which was unanimously adopted by the committee, and the Senator from Illinois will observe that it covers all farmers, regardless of what price-support commodity they are growing.

In addition to this provision, it is evident that there is a provision covering the small cotton farmer, but the provision on page 106 goes beyond the definition that the Senator from Illinois is using in his amendment with respect to wheat and feed grains farming; and, starting on line 12, the Senator will note that in the case of cotton farmers, the amendment is delimited to those who are on a small farm, with an acreage allotment of 10 acres or less, and there are other limitations which the Senator's amendment does not parallel in the case of wheat and feed grains.

I do not mind saying to the Senator from Illinois that I think he has a point, but I think the point is pretty well covered in the amendment to which I have referred, which the committee adopted.

Mr. PERCY. I thank my distinguished colleague, because he did make a very valuable contribution to the bill now under consideration.

But I would like to point out that, as provided by the distinguished Senator's amendment which he offered to this bill, the Secretary of Agriculture is authorized to carry out an agreement with any farmer—that is true—who has less than $5,000 of annual sales or less than $2,000 of off-farm income. However, that farmer must make an agreement with the Secretary which can include the surrender of acreage allotments in exchange for cash and, second, adjustment assistance not to exceed $2,500 a year for a period not to exceed 1 year. The purpose is to get people out of farming. I want to help poor farmers who want to decide to stay in farming. The distinguished Senator's amendment appears to be a method of weaning the farmers off the farm and making an agreement with the Secretary to get off the farm.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MILLER. That is precisely the intention behind the amendment to which the Senator just referred. It is cruel to keep them in a submarginal condition, and I think that with the Federal Government's assistance they can be moved into a different type of activity where they can be productive citizens.

I think the trouble with the cotton amendment is that it tends to lock people in. I do not want to just have them stay there forever more. I would like to see them move out. I think the cotton amendment plus my amendment will help them move out.

I must repeat that the Senator's amendment is not parallel to the small cotton farmer amendment. If he wants to parallel it, he is going to have to have something about a feed grains farmer or a wheat farmer with a certain amount of an allotment and other definitions similar to the ones used for the small cotton farmer, and he has not done that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I yield myself 2 minutes.

I think there is an acreage limitation of 10 acres for a cotton farmer. But I submit that I can put in the word "poor" instead of a limit of acres. Any farmer who has less than $5,000 of cash sales—that is not income, that is sales—or $2,000 of outside earned income is a poor farmer. It does not matter whether he owns a thousand acres of land. That man does not have the income.

If we are going to help poor farmers who raise cotton, then I submit it is fair and equitable to help poor farmers who raise other crops and a poor farmer is a man who has less than $5,000 sales or $2,000 of extra outside income.

I am happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I agree with the Senator from Illinois. There is no reason to discriminate against those who produce wheat or feed grain. There should be equity.

I raised the question in committee whether we should have this section in the bill, because it amounts to a welfare program in a farm bill. I share the view of the Senator from Illinois; however, other commodities, other farmers, should be included and I intend to vote for the amendment.

Mr. PERCY. I appreciate that. I submit that it is a protection for the bill itself, because I, today, could not vote for this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator has no further time.

Mr. ELLENDER. I yield the Senator 1 minute.

Mr. YOUNG of North Dakota. I yield the Senator 3 minutes on the bill.

Mr. PERCY. I thank the Senator.

I could not vote for it. This bill has been termed on the floor of the House by my distinguished colleague, Representative PAUL FINDLEY, as the Cotton Protection Act of 1970. He is not saying this in disparaging terms. He is saying it because the Senators from cotton States have well taken care of and provided for their interests, and their interests and constituents are cotton farmers. I am saying that if that is the right thing to do, what is good for the goose is good for the gander. If we are going to have the principle of taking care of the poor farmers, then let us take the onus away from this bill which it has gained in many parts of the country, and which I do not think the U.S. Senate would want to do. I am trying to make the bill more fair and equitable and put it in a position where I can vote for it.

A million dollars for the number of farmers we are talking about, spread at $250 per farm, is not very much, but it is more equitable than the bill now is.

I yield to the Senator from Kentucky.

Mr. COOK. May I say to the distinguished Senator from Illinois that I intend to support his amendment. With the problem the farmers in my State are having this year in relation to their corn crops, if we are really talking about being fair with the American farmer, this is the year to be equitable. This is especially so in view of the loss of the corn crop that we are going to sustain, and many farmers in western Kentucky have already plowed their crop up. This is one of the opportunities we have to see ourselves on a parity with cotton, with relation to the small feed grain farmers of the Commonwealth.

Mr. PERCY. Two days ago I was in Illinois with the head of the Republican Caucus, Representative JOHN ANDERSON. We visited cornfields. One can pick up ears of corn that do not weigh more than an ounce.

If a small farmer is stuck with corn blight, as are some farmers in southern Illinois, this bill would be a tremendous boon to help with a little additional income, to help out at a time of distress.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. YOUNG of North Dakota. I am in full agreement with the objective of the Senator from Illinois. I have tried for years to figure out some way to help the small wheat and feed grain farmers.

I note in the Senator's amendment that in the case of cotton and feed grains, he would increase the payments. In the case of wheat, he would increase the price support loan level by 30 percent, or from $1.25 a bushel to $1.52 a bushel. The small farmer would thus be encouraged to produce more wheat, and his only market would be the Commodity Credit Corporation.

I think the Senator ought to deal with cotton, feed grain, and wheat in the same way. As written, this amendment would create many problems.

Mr. PERCY. I feel that the amount would be so miniscule, as to the percentage, that it would not be worth worrying about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield myself 5 minutes.

Mr. President, the language in respect to the small cotton farmer has been in the law for quite a few years. The fact that we limit it to 10 acres or 3,600 pounds would indicate that a man who has but such a small production of cotton to plant is really and truly a poor farmer.

What the distinguished Senator from Illinois seeks to do is to give to every farmer, irrespective of the size of the farm—he could have 1,000 acres, 5,000 acres—a premium of 30 percent more pay, so long as his income is $5,000 on the farm and $2,000 on the outside. I do not believe that this $5,000 or $2,000 figure is applicable to a man who owns a 10-acre farm.

As was suggested earlier, if the distinguished Senator from Illinois would put a limit on the amount of land owned and cultivated by a farmer, somewhat similar to what the 10-acre cotton farmer has, I would have no objection to that. But to give a 30-percent increase in income to all farmers irrespective of the size of the farm, and simply to limit it to those receiving an income of $5,000 on the farm and $2,000 from other activities, I think is simply out of the question.

I am very hopeful that the Senate will reject this proposal. I wish to say that if the distinguished Senator from Illinois would limit the acreage somewhat in keeping with the small 10-acre cotton farmer, there would then be comity between them. But to make it apply to all farms irrespective of size, I do not think the Senate should vote for a proposal of that kind.

Mr. PERCY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. PERCY. Could the distinguished chairman of the Committee on Agriculture and Forestry tell me what the average acreage allotment is for a cotton farmer?

Mr. ELLENDER. There are many farmers with as little as an acre and a half or 2 acres planted to cotton. That has been in the law for quite some time. If the Senator would put in his amendment, say a limit of 25 acres for wheat and 25 acres for corn, there would be some sense to it, but to make it apply to all farmers, I think, is going too far.

Mr. PERCY. Will the Senator yield me sufficient time to make some comments on that?

Mr. ELLENDER. Yes. I yield 2 minutes to the Senator.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. My information is that the average acreage allotment for a cotton farmer is 26 acres. Ten acres is, then, a sizable farm. I would ask my distinguished colleagues from the Western and Midwestern States what could a farmer produce on a 26-acre farm, whether it be wheat, corn, or soybeans? One could not live on that. So there is quite a difference here from the yield from a cotton farm and from a feed grain or a wheat grain farm. I think that when the Secretary of Agriculture says that this amendment would yield $250 on an average per farmer, then, at most, it would only cost $1,005,000. We are talking about a bill that will cost billions and billions of dollars. We are looking for equity. This cannot possibly be some sort of a giveaway program, when people have less income than $5,000 in sales and $2,000 outside of earned income.

If the Senator would remove the earned income, this is to take into account anything earned by the cotton farmer, it is right that we should do the same thing for other farmers, and I would be happy to amend my amendment accordingly.

Mr. ELLENDER. That is the one the Senator from Iowa (Mr. MILLER) suggested. That is why I recommended awhile ago that the Senator have a talk with him about it, because it is his amendment.

Now, Mr. President, in answer to the question propounded to me awhile ago by the Senator from Illinois, I wish to point out that we have over 250,000 cotton farmers with acreages of less than 10 acres, some as low as an acre and a quarter or an acre and a half. Those are considered poor. That is why the committee years ago limited this extra pay to those farmers who had such small acreages.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield at that point?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not further true that the cotton farmers have voted themselves under a quota system with penalties and have reduced their acreage during the past 30 years from 42.5 million acres to 14.5 million acres in the present bill?

Mr. ELLENDER. Yes, the Senator is correct on that.

Mr. TALMADGE. No other farmers have done that, except——

Mr. ELLENDER. Except the——

Mr. TALMADGE. Except the tobacco and peanut farmers, is that not correct?

Mr. ELLENDER. The Senator is correct. The rice farmers have done the same thing.

Mr. TALMADGE. Correct.

Mr. ELLENDER. But the reason why the acreage in cotton has shrunk, as the Senator from Georgia has just pointed out, is that we had a mandatory program that, of course, gradually reduced the acreage from year to year in planting for cotton. These farmers retained the small acreage. They still have it. As I said, a few years ago, I think it was in 1964, an amendment was put into the bill whereby those who retained the small acreages would get the 30 percent. We have changed the law to this effect from what it was in the original bill—that in order to be able to obtain this pay, cotton must be actually planted. If the farmer does not plant it, the Secretary of Agriculture would then have the right to purchase the small allotments to get him out of the cotton business.

Mr. PERCY. Mr. President, will the Senator from Louisiana yield me 1 minute?

Mr. ELLENDER. I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. PERCY. I would be hopeful that this amendment could be accepted by my distinguished colleague from Louisiana. I have great affection for him. I have a long-time friendship with him. He is the greatest photographer in the Senate and the greatest cook in the Senate——

Mr. ELLENDER. I use a Bell & Howell camera manufactured by my good friend from Illinois.

Mr. PERCY. Well, I do not want to be commercial about it [laughter]. But he does use the finest camera equipment in the world.

Mr. ELLENDER. And it is foolproof, too.

Mr. PERCY. Yes, it is foolproof [more laughter]. But if I could just point out that it is not only the amendment of the Senator from Iowa (Mr. MILLER) that I consider in the term "earned income" but it pertains particularly to the amendment to the cotton title. That amendment, on page 106, line 9, has the reference there to "earned income."

The point the Senator made about the acreage limitation is reasonable. I hope that I am a reasonable man. I would be happy to amend the amendment accordingly. Would the Senator accept such an amendment if modified? I believe we could save some time here and I would be happy to put on a limitation of 160 acres.

Mr. ELLENDER. The Senator means, for what? Wheat?

Mr. PERCY. Feed grains and wheat.

Mr. ELLENDER. With that addition we would take it to conference, if that is agreeable to my friend from Illinois.

The PRESIDING OFFICER (Mr. PACKWOOD). The Chair would advise the Senate that the yeas and nays have been ordered on this amendment.

Mr. PERCY. Mr. President, I ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I thank my distinguished colleague very much.

Mr. ELLENDER. Mr. President, has the amendment been sent to the desk as modified?

The PRESIDING OFFICER. Does the Senator from Illinois modify his amendment accordingly?

Mr. ELLENDER. It should apply to wheat or feed grain farmers with 160 acres or less.

Mr. YOUNG of North Dakota. We should treat cotton, wheat, and feed grains alike, but with respect to this amendment, it provides assistance through increased payments for feed grains and cotton and increases the loan level to assist small wheat producers. This would create a great many problems, and I do not think an amendment like this should even be taken to conference.

Mr. ELLENDER. I am trying to save time. Maybe we can work it out in conference. I emphasize what the Senator from Vermont (Mr. AIKEN) stated today, and what I stated, that when we try to mark up a bill of this character on the floor of the Senate, we do not really know what we are doing. For that reason, as I said, in order to save time, we might take it to conference in an effort to provide some language that would be applicable.

Mr. AIKEN. I hope that we can do that. I would be very much in favor of giving additional support to bona fide poor farmers, but I would not want to give additional support to millionaires who happen to produce a small amount of farm commodities.

The PRESIDING OFFICER (Mr. PACKWOOD). The Chair would state that the desk does not have the modification yet.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana will state it.

Mr. LONG. If we do not have the amendment in written fashion, and we

are asked to vote on it, how can we vote on it?

The PRESIDING OFFICER. The Senator from Illinois will please send his amendment, as modified, to the desk.

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MILLER. The time not to be taken out of either side on the amendment.

Mr. MANSFIELD. If the Senator will withhold that request, could we not get this settled while we are working on another amendment?

Mr. PERCY. Mr. President, may I withdraw my amendment momentarily, and have the amendment to be offered by the Senator from New York presented, and then I will have sufficient time to correct the wording of my amendment?

Mr. President, I ask unanimous consent to withdraw my amendment temporarily.

The PRESIDING OFFICER. The Senator does not need to ask unanimous consent for that. The amendment is withdrawn temporarily.

Mr. PERCY. I so request.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated. This is an amendment offered on behalf of myself and my colleague from New York (Mr. GOODELL) who is unable to be here.

The assistant legislative clerk read the amendment as follows:

On page 123, after line 24, insert the following:

"SEC. 806. (a) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof a new subsection as follows:

"'(d) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year.'

"(b) Subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1921–1929), is amended by adding at the end thereof a new section as follows:

"'Sec. 310. Funds appropriated for the purpose of making direct real estate loans to farmers and ranchers under this subtitle shall remain available until expended.'"

Mr. JAVITS. Mr. President, let me explain the amendment. I yield myself——

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. If the Senator will yield briefly, I ask unanimous consent, Mr. President, that there be a time limitation of 10 minutes on this amendment, with the time to be equally divided between the Senator from New York and the manager of the bill.

Mr. JAVITS. Mr. President, I have a problem there. The Senator from Oklahoma (Mr. BELLMON) wants a minute. Could the Senator from Montana make that 15 minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 15 minutes on this amendment, with the time to be equally divided between the Senator from New York and the manager of the bill; and 10 minutes on all other amendments, with the time to be equally divided between the proponents of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. BELLMON. Mr. President, I would like to ask the distinguished chairman of the Agriculture Committee a question if I might. It has come to my attention that there is some apprehension over the language on page 71, in section 379(b), as it relates to grazing, the so-called set-aside.

It is my understanding as a member of the committee that the provision which allows producers to have a set-aside in grazing is that certain crops must be in short supply, and it would only allow grazing during months other than the 5 most principal grazing months.

Mr. ELLENDER. The Senator is correct.

Mr. BELLMON. So there is nothing that allows the grower to graze the year-round.

Mr. ELLENDER. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield the Senator from Oklahoma 1 additional minute.

Mr. BELLMON. Mr. President, the farm bill which the Senate is considering is one of the most enlightened pieces of farm legislation that has ever been before the Congress.

This bill contains many provisions which will give farmers greater freedom of decisionmaking and remove the restraints which have hampered farmers in their efforts to attain maximum efficiency and lowest costs of production.

The bill also contains features that will enhance the American farmer's position in international commerce.

Another important aspect of this legislation is that it will encourage multiple use of privately owned agricultural land. It will provide great benefits to urban dwellers whose need for outdoor recreational opportunities has not been met and can never be met realistically through the use of publicly owned lands.

While this legislation is referred to as the farm bill, it is, in effect, consumer legislation, because the benefits which farmers receive under this act are immediately passed on to consumers through high-quality, low-cost food and fiber.

At the present time, the average American family spends about 16.5 percent of its take-home pay on food. This is the lowest percentage of any country in the world. By comparison, British families spend more than 25 percent, the French almost 30, the Japanese more than 40 percent, and in Ghana the figure is almost 60 percent. Americans spend more for housing and home furnishings than for food.

Because American agriculture has become the greatest food production enterprise in the world, now it takes only 1 hour of factory work to buy 3.3 pounds of beef, a half a pound more than in 1960; and it gets him 25 percent more pork, 20 percent more milk, and 13 percent more potatoes.

The proportion of disposable income spent for food by American consumers dropped between one-fourth and one-third in the past 20 years. During the same period, the proportion of disposable consumer income received by farmers for the food they produced and sold was cut in half. Today, farmers receive only 5½ percent of disposable consumer income for their food products, compared with 11 percent in 1947.

The Department of Agriculture reports that if farm prices had kept step with increases in the general level of food prices over the past 20 years, consumer expenditures for food would be well over $32 billion more than they were in 1969.

Over that 20-year period, consumers would have paid about $100 billion more for food.

Truly American agriculture has produced an abundance of benefits for American consumers and this legislation will make it possible for benefits to be even greater in the future.

In addition the presently largely untapped but invaluable recreational opportunities which only American agriculture can offer to the urban American citizen will for the first time be realistically available to both urban and rural dwellers.

Agriculture remains our Nation's biggest industry. Three out of every 10 jobs in private employment are related to agriculture. Six million people work to provide the supplies farmers use for production and family living. Agriculture employs more people than public utilities, the steel industry, the automobile industry, and transportation combined. All told, about 8 to 10 million people are employed storing, transporting, processing, and merchandising the products of agriculture.

Agriculture also is the largest customer of American industry. Farmers are spending more than $38 billion a year on goods and services to produce crops and livestock and another $12 billion for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services. Agriculture, therefore, must attain a fair level of prosperity and receive its fair share of income if it is to continue to utilize the products of our laboratories and factories.

A huge percentage of the American work force is employed in meeting the needs of American agriculture and in processing the products of our farms and ranches. This bill will benefit this major segment of the American economy by assuring the ability of agriculture to continue as a substantial customer of business and industry.

The American farmer has become the world's worst efficient food producer. He now feeds himself and 43 others. In order to do this, American agriculture must have access to modern equipment, the latest products and ideas of American technology, and orderly, efficient marketing services. This legislation will help stabilize farm income so that American

agriculture will be able to obtain the tools it must have to keep Americans well fed and well clothed and to enable the vast majority of our citizens to seek their livelihoods in their preferred fields of endeavor.

The American farmer is making a great contribution to the health and welfare of all Americans. This farm bill will enable American agriculture to continue to function as a vital part of the Nation's economy. This bill represents a sound investment in the future of our Nation and it deserves the support of the Senate.

Mr. BELLMON. Mr. President, the Senator from Texas (Mr. TOWER) is absent tonight on official business. He is particularly interested in the agriculture bill but a previous commitment of some months standing made it impossible for him to be at this evening's session.

He has asked that I insert a statement in the RECORD in his behalf relating to a program for cotton promotion and marketing research. I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, Senator TOWER'S statement was ordered to be printed in the RECORD, as follows:

Mr. TOWER. Mr. President, I want to commend the distinguished Chairman of the Senate Agriculture Committee for having the foresight to include in this legislation a section establishing a marketing program of research and development for cotton. He and the other distinguished members of the Committee are to be congratulated for their vision, for they apparently understand the bind cotton cotton producers are in due to the competition in the fiber market. This competition has had a severe impact on the cotton industry, and it is imperative that the industry be able to help itself in meeting the challenge of synthetics. I know the industry can and will survive and grow greatly in the years ahead.

As the distinguished Chairman and members of his Committee know, I wrote to each of them last month prior to the mark-up of the Senate bill and asked that they consider adding such a section to the Senate version. There was no such section in the bill as passed by the House. The language I suggested would have funded the program through a deduction from funds made available for producer payments and, although I do appreciate the fact that a market development section was made a part of the bill, I do think it would have been preferable to have the program funded in this manner rather than from savings realized from limitations as was finally agreed upon by the Senate Committee.

A program as important to cotton farmers as the research and market development program is deserves adequate funding. It was important enough to put into the bill, and I believe it is important enough to be adequately funded. I believe that I speak for cotton producers in my state, and I would imagine that Senators from other cotton producing states would agree with me in saying that the industry deserves some sort of assurance that the program—if written into law—is not an empty promise, but an adequately funded, conscientious attempt to help the cotton producer and the whole cotton industry itself.

I myself am convinced, as I stated in my letter to my colleagues on the Agriculture Committee, that the cotton industry is "experiencing substantial marketing problems" and is sorely in need of help to be able to meet those problems in its own way. Finding ways of expanding markets for American agricultural products is vastly superior to a policy of waiting until the particular crop industry involved is in serious decline and then arbitrarily and artificially propping it up with price supports and subsidies of various kinds.

I hope that when the varying bills are submitted to conference the conferees will be disposed to look at the section I have discussed and will seriously consider my remarks today. We must have adequately funded, viable programs of market research and sales promotion.

Mr. DOLE. Mr. President, will the Senator yield briefly?

Mr. JAVITS. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I would like to point out that the Senator from Nebraska (Mr. CURTIS), who is necessarily absent, is vitally interested in this matter. He agrees with the views expressed by the Senator from Louisiana (Mr. ELLENDER).

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the amendments I proposed for Senator GOODELL and myself would accomplish two things: First, assure that funds appropriated by Congress for the Farmers Home Administration's water and sewer program would remain available until expended; and second, provide that fiscal year authorizations not appropriated would remain available until appropriated.

This authority is identical to that provided for the sewer and water program administered by the Department of Housing and Urban Development. It would provide Congress with flexibility in appropriating funds for the Farmers Home Administration consistent with our economy and with the urgent need.

These amendments would resolve problems similar to those faced last spring regarding the release of appropriated funds from budgetary reserve for the Farmers Home Administration's sewer and water program.

Congress appropriated $46 million for direct grants in fiscal year 1970, but $18 million was placed in budgetary reserve. In mid-March Senator GOODELL made the appeal for the release of these funds, and I was pleased to join many Senators and Congressmen in this effort. A month later the funds were released, with scarcely enough time for the Farmers Home Administration to sign contracts to commit the funds before the end of the fiscal year.

It was not until May, however, that we learned that the Budget Bureau had not released $10 million out of the $74 million appropriated for direct loans to enable the agency to make loans to communities to complement the grants, so that the communities could proceed with their projects. Senator GOODELL'S request to the President for release of these loan funds was denied and it was simply too late for further appeal. The $10 million appropriated by Congress thus reverted to the Treasury on June 30, 1970.

As a result of the release of the $18 million in grant funds, the Farmers Home Administration was able to approve 145 additional grant applications by July 1, 1970, for hard-pressed communities that had been waiting on the pipeline for a number of years. However, many of these grants cannot be released until the communities are able to borrow funds for the remaining costs of their projects. Forty-three States have grant commitments that could not be carried out until additional loan funds are made available.

These projects require about $25 million in direct loans, and the Farmers Home Administration has suggested that they be given priority when fiscal year 1971 funds became available.

The Department of Agriculture appropriation bill for fiscal year 1971, which is now awaiting House-Senate conference, includes $100 million for grants, and the amendment sponsored by Senator GOODELL to provide $123 million for direct loans for the sewer and water program. This money will go a long way toward completing pending projects and allowing new projects to be undertaken. However, for the program to be really effective, it is necessary for the appropriation to remain available after the present fiscal year if, for any reason, the money is not committed during the fiscal year.

A survey conducted last December by the Farmers Home Administration disclosed that more than $11 billion will be required to construct or improve water and sewer systems in over 30,000 villages with a population of 5,500 or less.

Without adequate systems not only is the growth of these villages seriously impeded, but a national program to clean up our environment will be delayed beyond an acceptable time. In light of the great need, it is the responsibility of Congress to assure that adequate funds are available to meet the need.

Mr. President, apparently the difficulty has been that for reasons which are integral to the particular program, hard-pressed communities are shut out either because there is an expiration of time within which the appropriated moneys can be expended or because of fiscal year authorizations for which there is no appropriation in time.

Senator GOODELL detailed a number of individual cases in which major programs for villages and towns have been shut out solely for that technical reason.

I have shown the amendment to the Senator from Louisiana (Mr. ELLENDER) and to the Senator from Georgia (Mr. TALMADGE) who is very deeply interested in this particular matter. The Senator from Georgia was kind enough to say that it is a good amendment.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I have examined the amendment. I have discussed it with the distinguished chairman of our committee. It would authorize funds to be made available under the Aiken bill for water and sewerage in rural areas to remain available until fully expended.

Inadequate water and sewer facilities is one of the most pressing problems in the rural areas. The Aiken bill was cosponsored by, I think, by almost 100 percent of the membership of the U.S. Senate.

Unfortunately, funds made available through the Farmers Home Administra-

tion have been withheld from time to time, and in many cases they have been denied altogether.

I think it is a very worthy amendment. I hope that the Senate will accept the amendment.

Mr. JAVITS. Mr. President, I thank the Senator from Georgia.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Mr. President, I wish to repeat what the distinguished Senator from Georgia has said. I remember very well that the Senator from Vermont (Mr. AIKEN) introduced this program, and he was joined by 93 Members of the Senate. This amendment by Senator GOODELL is one of the most constructive offered to the bill. It will guarantee, if accepted by the House, the steady progress of the water and sewerage facilities for communities in New Work and throughout our country.

Senator GOODELL is to be commended for his foresight and interest in this program. This amendment will be of great benefit to the people of his State and the Nation.

Mr. JAVITS. The Senators are very kind. There is nothing I would rather do in my life in the Senate than do something that would implement and forward a program of the Senator from Vermont.

Mr. ELLENDER. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 896

Mr. SMITH of Illinois. Mr. President, I call up amendment No. 896.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: "On page 114, strike all of section 610."

Mr. SMITH of Illinois. Mr. President, I yield myself 5 minutes. I am sure that will be sufficient time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SMITH of Illinois. Mr. President, this is an amendment which seeks again to obtain equality for the feed grain and wheat farmers by deleting something in the bill at the present time which appears to be a plus for the cottongrowers which is not there for those who get subsidy payments.

The section provides for $10 million to be set aside out of the subsidy payments that would be made except for the limitations in the bill, as the language of the bill says, for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs, and programs to aid in the development of new and additional markets, marketing facilities, and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings.

There are no such programs, of course, for feed grains and wheat farmers.

This, I think, would be $10 million that could be saved, which is not going to be saved by the limitation if this language in the section remains in the bill.

It is my understanding, or at least I am advised, that there is presently a promotional program which is pursued by cotton producers by means of the payment of $1 a bale on cotton produced. That does provide approximately this amount of money that is used for this purpose. It is provided by the cotton producers themselves.

I feel that it is not proper that there be an additional $10 million provided by the taxpayers out of the money appropriated in the bill for the same purpose.

This amendment would simply delete that $10 million of promotional money from the language in the bill. It would do nothing beyond that.

Mr. ELLENDER. Mr. President, I hope that my good friend, the Senator from Illinois, will not press the amendment. These funds have been used by the farmers to fight the boll weevil and all kinds of insects for many years. This amount has been appropriated from year to year to do this very thing. In addition to the amount provided in the bill, the cotton farmers themselves put up $10 million.

Mr. President, I yield to my good friend, the Senator from Georgia, who will go further into the matter.

Mr. TALMADGE. Mr. President, I deeply regret that the Senator from Illinois sees fit to offer a series of amendments regarding the cotton industry.

Money for research and promotion has been raised by the cotton farmers of this country who have assessed themselves $1 per bale to provide the fund of approximately $10 million so that cotton can stand on its own feet and they will not have to ask Congress year after year for supports and subsidies.

Cotton is a vital crop in this country. In the early days when our country was not industrialized, the dollars earned from cotton provided the money to industrialize the United States of America.

We still export a great deal of cotton. Agricultural exports are now the largest dollar earner that our country has.

Cotton is in serious trouble. Synthetic fibers make most of the cloth that we weave into fabrics for use in this country and in foreign countries.

What this amendment would do would be to authorize an additional $10 million out of the savings from the limitation on payments together with the $10 million annually that the farmers are levying upon themselves to provide research to develop new uses for cotton fibers and also to promote their product and to try to prevent some of the pestilences and diseases, such as the boll weevil, that make the production of cotton cost so much. It would be on a 50–50 matching basis.

I would point out that Du Pont alone spends $50 million for research and promotion. We are asking for only $10 million for cotton.

I have visited one plant in Alabama, Chemstrand, that produces manmade fiber. This plant produces more fiber than the entire cotton crop in the State of Alabama. That is one plant.

I think this small amount of money that will be made available from the savings on the limitation of payments will provide research to produce cotton cheaper and research to expand markets.

This $10 million is, of course, a small price to pay for attempting to put the cotton program on a more self-sustaining basis. The only salvation of the cotton industry in this country is research which will enable farmers to cut costs, research which will increase the utilization of cotton, and an aggressive promotion program to increase cotton's share of the consumer dollar.

The money for this research and promotion would not have an unfavorable budget impact; it would come from the savings out of payment limitations. Of course, no one knows exactly how many savings will accrue from the $55,000 payment limitation, but the Department of Agriculture has estimated that we would save over $50 million in cotton payments.

For some time, the cotton industry and the members of the appropriate committees of Congress, have been aware of the need for more research for cotton. They realize that something must be done to correct a situation in which the market price of cotton is about 22 cents per pound, while it costs farmers on the average about 35 cents per pound, to grow cotton. Either we mount more aggressive efforts to make cotton stand on its own feet or we continue to make up the difference between the market price and the farmers' cost of production by a subsidy payment.

The cotton interests are aware that they cannot forever receive the kind of subsidy that they now get. Therefore, the cotton farmers in 1966 agreed to a program whereby $1 would be deducted from the sale price of every bale of cotton, and this money is used for research and promotion. This money is utilized through the Cotton Producers Institute, a group which is controlled by representatives of cotton farmers throughout the cotton-producing areas.

Currently, almost $10 million is collected and spent by the CPI in this program. Section 610, which I introduced as an amendment in the Agriculture Committee deliberations, would merely match the $10 million put up by the producers with another $10 million from payment limitations savings.

I suppose the opponents of this section are concerned that only cotton would have this special research and promotion money under the pending bill. However, they should recognize that it is only the cotton farmers who are already contributing $10 million for the survival of their industry.

It is only the cotton farmers who will give up millions of dollars because of the payment limitations. The Department of Agriculture has estimated that under a $55,000 limitation, cotton payments would be reduced by $51.6 million annually, while feed grain payments would be reduced by $4.6 million annually and wheat payments would be reduced by $2.1 million annually.

It is only the cotton industry which is faced by not only foreign competition but by aggressive competition from synthetics.

When the cotton industry came to me and asked for money for research and promotion, they asked for $30 million. However, the Senate Agriculture Committee agreed to only $10 million. This sum should be considered the barest of minimums if the cotton farmers are to hold their own against the multi-million-dollar competition from synthetic manufacturers.

Section 610 of the pending bill is essential if we are to preserve a cotton industry in this country.

I regret that the Senator has seen fit to offer this amendment. I hope that the Senate rejects it by an overwhelming vote.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. TALMADGE. I yield back the remainder of my time.

Mr. SMITH of Illinois. Mr. President, I would like to conclude briefly.

It is apparently inherent in the remarks of the distinguished Senator who just commented on this amendment and there is some suggestion that there is an intention on my part to discriminate against or do something harmful or hurtful to the cotton growers. I would like to assure him and the Senate that that is not in anyway my intention nor my motive.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SMITH of Illinois. I yield.

Mr. TALMADGE. I did not mean to leave that inference, but it seems a little strange for a Senator from a State that produces almost no cotton to offer a series of amendments relating to cotton.

Mr. SMITH of Illinois. I do not think it so strange in that this bill in this section is obviously designed to be a help to the cotton grower but it would do nothing for the feed grain growers of my State.

The comment was made by the Senator that there is the problem of boll weevils in connection with cotton.

Mr. TALMADGE. The cotton farmers tax themselves $10 million. It would be a matching fund. I think if the feed grain producers placed that tax on themselves Congress would be sympathetic to providing more research money for feed grains.

Mr. SMITH of Illinois. I would like to continue. In Illinois now, as mentioned by my distinguished colleague, the senior Senator from Illinois, there is the very serious problem of blight in corn. There are other mishaps relating to feed grains and wheat. Unfortunately, this bill does not provide anything to help farmers who grow these crops, yet it obviously does provide help for cotton.

By this amendment we are suggesting nothing to harm or discriminate against cotton farmers. We are suggesting there should be equality of treatment to all of those involved in the program and no more than that. This is not in any sense designed to be a vendetta against the cotton producers as suggested.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment—the question.

The amendment was rejected.

Mr. PERCY. Mr. President, I call up my amendment No. 891 in revised form, which has been submitted to the chairman and now meets with his approval. If it is the wish of the Senate it can be read by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

AMENDMENT No. 891

On page 70, at line 20, insert the following before the period: "*Provided*, That the face value with respect to any producer on a farm with a farm domestic allotment not in excess of 160 acres who, during the three-year period immediately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer) shall be increased by 30 per centum"

On page 87, at each of lines 7 and 10, insert the following before the period: "*Provided*, That the payment rate with respect to any producer on a farm with a base acreage not in excess of 160 acres who, during the three-year period immediately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer) shall be increased by 30 per centum."

The PRESIDING OFFICER. All time on this amendment has expired. The question is on agreeing to the amendment. All those in favor will signify by saying "aye." All those opposed will signify by saying "no."

The Chair is in doubt, and requests a division.

Those in favor will rise and stand until counted. [After a pause:] Those opposed will rise and stand until counted.

On a division the amendment was agreed to.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. It is too late. The Chair has already announced the result.

The bill is open to further amendment.

Mr. PERCY. Mr. President, I send an amendment to the desk which, in revised form, was originally submitted as amendment No. 890.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 99, at line 9, strike "fourteen million five hundred thousand" and insert "eleven million five hundred thousand".

Mr. PERCY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. PERCY. Mr. President, the purpose of the revision is simply to improve the drafting of the amendment; it does not change the substance of amendment 890. The Senate committee bill allows 14.5 million acres for cotton allotment. The House passed a provision for 11.5 million acres—last year the crop was grown on 11.1 million acres. The Senate increase to 14.5 million acres costs an additional $151 million a year. The Senate bill encourages the inefficient high-cost producer to increase cotton production and requires the efficient producer to reduce nonsubsidized production from 6 million acres in 1970 to 1.8 million acres in 1971. It reduces flexibility for cotton to move toward the market and keeps cotton tied to the Government.

Mr. President, I would like to make clear that the administration would like to take the differences of opinion to conference, but I would also like to point out that Secretary Hardin opposed the 14.5 million acres in a letter to the Committee on Agriculture and Forestry on August 31. He stated:

> Government's costs would be increased to unacceptable levels (about $150 million per year above the House bill). . . . This means that the cotton industry cannot make the adjustments necessary to move toward a more viable economy but would in fact move backwards toward an almost completely Government supported economy. . . . The Government cannot spend this much money to save an industry and at the same time preclude freedom of action by those who will try to save it without being subsidized.

We are trying to restore the House language of 11.5 million acres and support the Secretary of Agriculture in his proposal and in the letter he sent to the Committee on Agriculture and Forestry through its chairman.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I did not expect my friend from Illinois to bring that amendment up. As I pointed out before, the cotton program has been a mandatory program now for almost 20 years. We started out with an acreage of 42 million. Because of the fact that the cotton program is mandatory, each year the amount of acres to be planted was fixed. Today, under the present law, the minimum has been reduced to 16 million acres from a total of 42 million a few years ago.

The pending amendment, if adopted, would reduce the acreage on which payment can be obtained to 10 million acres. If that happens, I know there will not be a sufficient amount of cotton grown to supply our domestic needs and our export needs.

The bill as voted out by the Senate committee has reduced the total acreage of 16,310,000 acres in order to adjust the distribution among farmers who may have a small acreage. We may have reduced all of that to 14.5 million acres.

So with the law now on the statute books, the acres to be planted to cotton will be reduced from 16,310,000 to only 14½ million acres. With respect to that 14½ million acres, under the bill there is a set-aside provision of 12½ percent. So if 12½ percent is taken from the 14½ million acres fixed in the bill, the planted acres on which the farmers will be able to draw pay will be reduced to 12,700,000 acres.

I think that is low enough. On that

acreage, I can envision that enough cotton will be planted to supply our domestic as well as our foreign needs.

What gave birth to our present law is that we had a big surplus in 1964 of over 14 million bales. The law provided for cotton production on 16,300,000 acres, but the Secretary could reduce that base by 12½ percent and give to the farmer a payment on that 12½ percent equal to 25 percent of parity. Then, on the rest of the acreage, that is, 87.5 percent of the base, the farmer was paid the equal of 65 percent of parity on the bales that he would produce on all of that acreage if planted. But the law was so drafted that in the event the Secretary of Agriculture felt that too much cotton would be planted on the 87.5 percent of the allotment, he could pay farmers not to plant cotton.

By doing that, it was thought and felt that it was cheaper to pay the farmer not to plant the cotton than for him to plant it and then have the Government store it and pay the storage on it. That was the device used in the bill to reduce the enormous surplus we had at the time.

Under the present bill, we change that. We need the cotton now. We have reduced the acreage down to 14.5 million acres, less than 12.5 percent set aside without pay.

So from 42 million acres of 25 or 30 years ago, the cotton farmer is now reduced to 12.7 million acres on which he can grow cotton.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I am very hopeful the Senate will reject the amendment.

Mr. TALMADGE. Mr. President, will the Senator yield himself 1 additional minute?

Mr. ELLENDER. Yes; on the bill.

Mr. TALMADGE. Is it not true that under existing law we have reduced surpluses from 16 million bales to 5,700,000 at the present time?

Mr. ELLENDER. That is correct.

Mr. TALMADGE. Is it not true that 5,700,000 is the absolute minimum for a carryover to meet the needs of the domestic industry plus exports?

Mr. ELLENDER. That is correct.

Mr. TALMADGE. Is it not further true that if the amendment of the Senator from Illinois were to be agreed to by the Senate, we would have a shortage of cotton both for domestic use and for export?

Mr. ELLENDER. That is correct. As I said, it was reduced to a little over 12 million acres.

Mr. YARBOROUGH. Mr. President, will the Senator yield himself a half-minute in order that I may ask him a question?

The PRESIDING OFFICER. There is no more time on the amendment. The time would be chargeable against the bill.

Mr. PERCY. Mr. President, a parliamentary inquiry. How much time do I have?

The PRESIDING OFFICER. One minute.

Mr. PERCY. Mr. President, I would simply like to say that all my life in business, I heard businessmen say they believed in the free enterprise system "except for our industry; we need something special from Government." I think this is a classic example of the term "conservatism" being taken in vain here when really, if we are looking at the issue from the standpoint of principle, we ought to be working against it and away from it. We ought to be working away from Government control. We ought to be working toward what I am providing.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. PERCY. May I ask for an additional 1 minute?

Mr. MANSFIELD. Mr. President, I object. If it is on the bill, all right, but not on the amendment.

Mr. YOUNG of North Dakota. I yield the Senator 1 additional minute on the bill.

Mr. PERCY. I thank my distinguished colleague.

Last year our cotton crop was grown on 11,100,000 acres. The House bill provides for 11 and a half million acres. The Senate committee has increased this to 14 and a half million acres. This will cost an additional $151 million, which we do not have, which the Federal Government must borrow, and we must add it to the debt. What is conservative about that?

In addition, the Secretary of Agriculture has said it would lead to almost a completely Government supported program.

I do not see how any conservative could move in the direction of fiscal responsibility and yet in the direction of Government control simply because it involves a particular crop we might be particularly interested in.

I hope the Senate will support the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting the Senator from Washington (Mr. MAGNUSON) and the Senator from Georgia (Mr. RUSSELL) would each vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Washington would vote "nay" and the Senator from New Jersey would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of Illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from Vermont (Mr. PROUTY) and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 13, nays 60, as follows:

[No. 297 Leg.]

YEAS—13

Bellmon	Packwood	Schweiker
Brooke	Pell	Smith, Ill.
Case	Percy	Williams, Del.
Griffin	Proxmire	
Javits	Ribicoff	

NAYS—60

Aiken	Ervin	McIntyre
Allen	Fannin	Metcalf
Allott	Fong	Miller
Anderson	Fulbright	Mondale
Bayh	Gore	Montoya
Bennett	Gravel	Muskie
Bible	Gurney	Nelson
Boggs	Hansen	Pearson
Burdick	Harris	Saxbe
Byrd, Va.	Hart	Scott
Byrd, W. Va.	Holland	Smith, Maine
Church	Hollings	Sparkman
Cook	Hruska	Spong
Cooper	Hughes	Stennis
Cranston	Inouye	Stevens
Dole	Jordan, N.C.	Symington
Dominick	Long	Talmadge
Eagleton	Mansfield	Thurmond
Eastland	McClellan	Yarborough
Ellender	McGovern	Young, N. Dak.

NOT VOTING—27

Baker	Jackson	Murphy
Cannon	Jordan, Idaho	Pastore
Cotton	Kennedy	Prouty
Curtis	Magnuson	Randolph
Dodd	Mathias	Russell
Goldwater	McCarthy	Tower
Goodell	McGee	Tydings
Hartke	Moss	Williams, N.J.
Hatfield	Mundt	Young, Ohio

So Mr. PERCY's amendment (No. 890) was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 895

Mr. SMITH of Illinois. Mr. President, I call up my amendment No. 895.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 87, at line 15, insert the following after "adjustments"; "for abnormal yields in the preceding year caused by drought, flood, corn blight, or other natural disaster".

Mr. SMITH of Illinois. Mr. President, I will explain the amendment, and I will be very brief.

In the State of Illinois at this time there is a very serious problem with regard to the current corn crop, because there is a blight, as it is called, which is affecting a very substantial portion of the crop.

Inasmuch as subsidy payments are based on yield figures from previous years, this amendment is designed to provide that in determining the yield figure upon which the subsidy payment will be based, abnormal yields in the preceding year caused by drought, flood, corn blight, or other natural disaster may be taken into account. It is no more complicated than that.

I hope the Senate will adopt the amendment and that it will become a part of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I hope the Senator is not serious in offering this amendment, because it really limits the authority that the Secretary of Agriculture now has in dealing with the situation about which he is talking.

Under the law, the Secretary has the right and authority to take into consideration any calamity, and what the distinguished Senator does now is to limit that authority, so that in case of excessive moisture, hail, difficulties in obtaining labor, and other matters not specified in the Senator's amendment the authority would be stricken from the bill. As it is now, the Secretary has the right to deal with all the situations about which the Senator is complaining.

This amendment, in my opinion, would simply limit the Secretary's authority, and I urge that the amendment be rejected.

Mr. SMITH of Illinois. I, of course, yield to the wisdom and judgment of the distinguished chairman of the Committee on Agriculture and Forestry; but if what he says is true, then I do not understand the English language. All we do by this amendment is to insert additional language. We take out nothing. We eliminate nothing in the Secretary's authority, as it reads in the bill at the present time. We do spell out specifically that in situations where there is drought, flood, corn blight, or other natural disaster, an adjustment may be made. We do not restrict the adjustment that can be made for any other cause. That is what this amendment would do.

I regret that the Department of Agriculture, apparently, from what the distinguished Senator has said, does not read the English language the way I do. I think the way I describe it is fair and reasonable. I still think that this is a good amendment and that it would be helpful to those in my State who have suffered from and are this year suffering from a very serious corn blight.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SMITH of Illinois. I yield.

Mr. YARBOROUGH. The Senator from Illinois says that this amendment takes out nothing. The Secretary has broad power now. The amendment reads "for abnormal yields in the preceding year caused by drought, flood, corn blight, or other natural disaster." What about a corn borer, boll weevil, or many of the other insects that come into the country? The Secretary could now take that into consideration, if some insect destroyed the crop. What would be the situation with respect to the Senator's amendment? Would not the farmer be out in that case? It is not a natural disaster when some pest comes in.

Mr. SMITH of Illinois. As I would define the language, I would think that was a natural disaster. But, again, I think it is a matter of semantics. It is a matter of interpretation. My interpretation is as I have explained. Apparently, there is some disagreement.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SMITH of Illinois. I yield.

Mr. COOPER. While my State is not the largest corn producer in the Union, we produce approximately 75-million bushels of corn. It has been said that the blight has resulted in a 6-percent loss in corn production. We have already estimated in the State of Kentucky, according to the Department of Agriculture, that it will be 16 percent. But in talking with representatives of the Farm Bureau today, they think it will be 30 percent. I understand that before the Secretary had prepared his estimates of the loss due to the blight, the committee had already acted.

I would think that many steps could be taken which would help these corn producers, who are actually losing their crop this year and will probably lose it next year. There may not be enough seed to plant corn. We could have a national disaster.

I think that any steps that can be taken to help these people, or at least to provide a remedy which can be considered in conference, ought to be taken. I had intended to propose later not an amendment but some suggestions which I think the Secretary could follow in making recommendations. I will do that later, but I will support the amendment of the Senator from Illinois.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SMITH of Illinois. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Georgia (Mr. RUSSELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 10, nays, 63, as follows:

[No. 298 Leg.]

YEAS—10

Cook	Gurney	Scott
Cooper	Percy	Smith, Ill.
Dominick	Saxbe	
Griffin	Schweiker	

NAYS—63

Aiken	Brooke	Eastland
Allen	Burdick	Ellender
Allott	Byrd, Va.	Ervin
Anderson	Byrd, W. Va.	Fannin
Bayh	Case	Fong
Bellmon	Church	Fulbright
Bennett	Cranston	Gore
Bible	Dole	Gravel
Boggs	Eagleton	Hansen

Harris	McGovern	Ribicoff
Hart	McIntyre	Smith, Maine
Holland	Metcalf	Sparkman
Hollings	Miller	Spong
Hruska	Mondale	Stennis
Hughes	Montoya	Stevens
Inouye	Muskie	Symington
Javits	Nelson	Talmadge
Jordan, N.C.	Packwood	Thurmond
Long	Pearson	Williams, Del.
Mansfield	Pell	Yarborough
McClellan	Proxmire	Young, N. Dak.

NOT VOTING—27

Baker	Jackson	Murphy
Cannon	Jordan, Idaho	Pastore
Cotton	Kennedy	Prouty
Curtis	Magnuson	Randolph
Dodd	Mathias	Russell
Goldwater	McCarthy	Tower
Goodell	McGee	Tydings
Hartke	Moss	Williams, N.J.
Hatfield	Mundt	Young, Ohio

So the amendment of Mr. SMITH of Illinois (No. 895) was rejected.

Mr. ELLENDER. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TALMADGE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 889

Mr. MONDALE. Mr. President, I call up my amendment No. 889 and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

AMENDMENT No. 889

On page 61, line 22, strike out "ninety days later" and insert in lieu thereof "within ninety days".

On page 64, between lines 2 and 3, insert the following:

"(d) The provisions of this section shall not be effective after December 31, 1973.".

Mr. MONDALE. Mr. President, the key portion of the amendment would limit the duration of the class I base plan as recommended by the committee of a 3-year period rather than for the permanent period proposed in the bill. The reason why the Senator from Wisconsin (Mr. NELSON), I, and others feel that this class I base plan should be so limited is that we believe far more needs to be known about the working of the plan before it becomes permanent. We created it in the 1965 act and I supported it. We made it a temporary bill so that we could learn how the program would work before we extended it. Unfortunately, only a few such class I base plan orders were created and we knew very little about its actual operation. Therefore, I believe that we should have a further period of experimentation before we make it permanent, especially in our area in Minnesota where we have a good deal of high quality and reasonably priced milk which could be easily affected by the class I base plan ordered created under this provision.

In view of the time and the lateness of the hour. I do not intend to press this amendment tonight. Moreover, in view of the fact that the House bill as adopted proposed only a 3-year extension, it is possible that this issue could be worked out in conference and take into account the concerns felt in Minnesota as I have expressed them here tonight.

Mr. President, we recognize the merits of the objectives of the class I base plan approach included in title II of the Agricultural Act of 1970 and believe this bill is a substantial improvement over the specific provisions of the 1965 act pertaining to the class I base plan.

There are two changes that need to be made to further improve this legislation.

First, change "shall ninety days later" to "within 90 days" in order to be consistent in treatment of producers. I am pleased the committee has accepted this as a technical amendment to the bill.

Second, reestablish the House provision for a 3-year extension of class I base plans to December 31, 1973.

A 3-year extension of the class I base plan rather than making it permanent as the Senate bill does, is needed, Mr. President, as we believe that we need far more experience with this new innovation in milk marketing before we give it permanent status.

Only one market in the Nation saw fit to establish a class I base plan under the provisions of the 1965 act, particularly the allocation of additional base as the market grew was completely unequitable between old and new producers.

This bill should go a long way in correcting these problems, but we in the Upper Midwest have a lot of high quality, reasonably priced milk that has not been a part of any marketing order, but things are changing.

In the past 2 years, significant changes in the market structure of Minnesota and Wisconsin milk is beginning to occur.

A grade A standby program has been established providing an opportunity for a good many producers to shift to grade A.

More important has been the Organization of Associated Milk Producers, Inc., and Mid-America; large regional co-ops whose major interest in the past has been fluid-milk markets. Now they have manufacturing plants in Minnesota and Wisconsin and there will be additional pressure and opportunity for their producers to shift to grade A.

In addition, Land O'Lakes is giving much more emphasis to the fluid milk side of their operation. This also provides an opportunity for more producers to shift to grade A.

So it is not just the changes in the 1965 act that we must consider, but also the changes occurring in our markets.

This bill gives the Secretary certain discretionary power in establishing bases for new producers without milk production history—section II—and in establishing "terms and conditions including those which will prevent bases taking on an unreasonable value," clause (f). Bases in the Pudget Sound order did take on a high value which, if not changed, would in the long run make entering into dairying by a young farmer a very expensive venture.

It would also increase the cost of milk to the consumers.

It is for these reasons that we believe this portion of the bill should have a 3-year time limit. If experience during these 3 years shows this to be a workable program, we would be happy to have it made permanent at that time.

Mr. NELSON. Mr. President, when the present farm program was established in 1965, a new dairy program—the class I base plan—was created.

The class I base plan is a two-price plan designed to reduce Government dairy surpluses and improve farm income. Under the plan, farmers who vote by referendum to accept the program within a certain market area will be paid two prices for their milk—a higher one for fluid or bottled milk and a lower price for that portion of their milk used in manufacturing cheese, butter, nonfat dry milk, and other dairy products. According to the marketing order, dairy farmers are allotted a specific percentage or base of the higher priced fluid milk on the basis of past production and are encouraged under the plan to reduce their milk production and keep it in better balance with the fluid milk needs of the market.

When my colleague from Wisconsin (Mr. PROXMIRE) proposed this program first in 1963 and again in 1965, I supported its enactment because I believed that the program, properly administered, could help reduce dairy surpluses in areas of excess production. I also supported the plan because, as proposed by Senator PROXMIRE, it included safeguards for free access to a milk marketing order by providing that farmers who delivered milk, but not under the order, at the time the bases were initially allotted, would receive bases on the same terms as those farmers who initially received bases under the order.

However, the specific safeguard that was contained in the original bill proposed by Senator PROXMIRE was not adopted by the House-Senate conference which considered the bill. In its place was a provision that enabled new producers to obtain bases in the event that there was enlarged or increased consumption in the market. While this modified version offered some assurance for access to a class I base plan market, it certainly did not reflect the total access guarantee that was included in the initial Senate proposal.

I believe that a plan of this nature should be available to farmers in areas of surplus production to get their milk production in better balance with the fluid milk needs of the local market. However, at the same time, when new milk can be used in that market area, the producers of that milk, whether they be new local farmers or farmers shipping milk from distant locations, should receive the same price for their milk as the farmers traditionally serving that market.

The modifications to the original class I base plan that are contained in the bill approved by the House of Representatives and the bill reported by the Senate Agriculture Committee represent a definite step toward the concept of the free flow of milk to all markets that was contained in the legislation first passed by the Senate to establish such a plan.

The language proposed by the Senate committee benefits both consumers and farmers by giving the Secretary of Agri-

culture the discretionary authority to allow both new and distant producers to receive the same price for their milk used in a market as the farmers already established within that market as soon as he deems it appropriate, and not later than 90 days after the initial delivery.

Without this opportunity for fair prices, there will be no incentive for new milk to be shipped to the market. The supply of milk will be scarce and milk prices to consumers will skyrocket to artificially high levels.

Without this provision, a dairy farmer without a base supplying milk to a market would receive only the lower manufacturing price, around $4.50 per hundred pounds, for his milk regardless of the higher class I price, usually $6 or $7, that producers with bases would receive. The dealer who handles the new producer's milk would have to pay the $2 or $3 difference between what he paid the new producer and the regular class I price to the market pool for distribution to producers who have bases. So in addition to getting a premium price for their milk, the established producers would also cash in on the extra dividends in the market pool at the further expense of new farmers.

In my judgment, this provision makes congressional intent absolutely clear that there must be the right of access in both physical and economic terms in all milk markets across the country.

TERMINATION DATE

The class I base plan section 201 has been singled out from the entire farm bill to become permanent legislation. There are a number of new provisions authorized by section 201 dealing with class I base plans. They are innovative and untried. It is not known whether they will in fact be workable or desirable for all concerned. Therefore, the 3-year termination date which applies to all other sections of the bill should also apply to the class I base plan provisions, as was done in the House version.

There have been a number of expressions indicating that the proposed legislation provides more freedom for the movement of milk between markets than is currently authorized in the 1965 Agricultural Act when class I base plans are in effect. However, it is important to note that all restrictions have not been completely removed.

Section (f) (v) provides the method by which producers who have a history of deliveries to other markets during the base period will receive bases upon becoming producers and entering a market which has a base plan in effect. While such producers would receive a base, based on their past history of production, at the end of 90 days after beginning deliveries to the new market, they are required to receive the lowest use class for their milk up to the first 90 days of delivery.

There are a large number of dairy farmers who shift between Federal milk marketing orders depending upon the supply and demand balance for given markets. When certain markets become deficit, it is normal that some of the producers delivering to other nearby markets will shift their deliveries to the deficit markets. The provision, section (f) (v), as now constituted would be a tremendous deterrent to such shifts and would cause artificial inflation of milk prices in the deficit area. There is no conceivable reason that a dairy farmer who has a history of production during the base-making period but who has been delivering to other markets should not be granted the right to deliver to any market for which he obtains the necessary health and sanitation permits. Contrary to all of the statements indicating free access to markets where class I base plans are in effect, the fact of the matter is substantial barriers and restrictions can still develop in class I base plan markets.

Another restriction relating to the entry of new producers is found in section (f) (ii). This section pertains to dairy farmers who were not producing milk during the base period. Such new dairy farmers upon becoming producers under the order are to be allocated bases within 90 days after their first regular delivery. However, it is my understanding that there is no guarantee as to what portion of their deliveries will be included in their base. It might be 5 percent, 10 percent or any amount so specified in the order. The provision also provides that after such producers have been allocated a base, it will automatically be reduced by 20 percent for some period of time not to exceed 3 years.

The surpluses of milk products that burdened the market a few years ago have lessened. In fact, the Secretary of Agriculture has taken action during the past several years to maintain support prices for milk at or near the maximum authorized by law in order to maintain milk production. The provision which is referred to could be a substantial deterrent to the entry of new dairy farmers into milk production. The legislation which contains these kinds of provisions should not be made permanent.

It is also a fact that high capitalization of bases is more likely to occur when order provisions are permanent than when they have a short period of termination.

Even now in the Pudget Sound market, bases have been priced for transfer at as much as $18 a pound—with a daily production level of 1,000 pounds of milk, that amounts to $18,000 for the mere right to produce milk for the Puget Sound market—not for farm buildings, equipment or cows. That is the value of a base when the authorizing legislation was on a 4-year term. How high the valuation might go under permanent legislation is impossible to imagine.

With the provisions contained in the bill limiting the access of new dairy farmers and producers who have a history of production but deliver to other markets, the ingredients for bases accruing a substantial market value are present. That is to say if dairy farmers who do not have bases receive a lower price than those who do, there is an automatic incentive to buy bases from the dairy farmers who already have them. If that right to deliver milk under the purchased base extends only for a limited period of time, the dairy farmer producing it would probably not pay as much as if the authorizing legislation were extended indefinitely.

In addition, it seems unwise to make this program permanent at a time when the marketing patterns for milk and dairy products in the United States is undergoing significant change. Because of the rising cost of operating a dairy farm, there has been a steady exodus of farmers from dairying over the past few years. In most cases, this means that new milk may be needed on short notice in those areas to keep up with population growth alone.

There are also increasing reports about the establishment of national standards covering the production of milk for manufactured products such as butter, cheese, and nonfat dry milk. These standards may result in many present producers of manufacturing milk deciding to go out of business rather than investing money in order to meet the improved standards.

Therefore, the supply of milk in most regions of the country, other than the Upper Midwest, available for future conversion to fluid milk uses, when the demand occurs, will simply not be in those areas and will have to come from the Upper Midwest.

Therefore, if the Class I base plan needs modification, that modification will be far easier if it comes up for automatic review rather than facing the difficulty of revision a permanent statute.

For these reasons, it is my belief that a 3-year term should be placed on the extension of this program to bring it in line with the House proposal.

Mr. MONDALE. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, the farmers who produce our food and fiber are receiving the same prices for the fruits of their labor that they were receiving 20 and 30 years ago. As the distinguished senior Senator from North Dakota stated last evening, average wheat prices received by farmers in 1969 were lower than at any time since 1942.

I commend the chairman, Senator ELLENDER, and the ranking minority member, Senator AIKEN, of the Senate Agriculture and Forestry Committee, for their leadership. Their remarks yesterday clearly reveal their knowledge and experience in this field.

The statements of other members of the Senate Agriculture Committee demonstrate the thought and consideration given this bill in committee. I will not repeat the figures my colleagues have quoted, but this data substantiates their unanimous accord that farm prices must not be lowered. The prices received by farmers must be maintained if the efficiencies of increased production are to benefit our agricultural producers.

The Department of Agriculture reported this year that farm income has reached an all time high—an annual average of $5,537 per farm. Welfare recipients are asking for a minimum guaranteed annual income of $5,500. The average farm income figure is accurate. The proof of its accuracy is that 147,000 people left the farm during 1969. These

people cannot earn a living at the prices paid in today's farm commodity markets. In my home State of Kansas the average farm income in 1969 was $5,587.

The average farmer has an investment in land, buildings, and equipment of over $50,000—yet his income is far less than a laborer in the city who has little or no capital investment.

This is not the time to lower farm income.

This is no time to lower the prices farmers receive for their commodities.

As a member of the Senate Agriculture and Forestry Committee, I can assure you this committee amended the House-passed bill with the primary intention of providing safeguards to protect present farm income.

FOOD FOR PEACE

Since my distinguished colleagues explained the details of the several grain and cotton titles of the bill yesterday, I would like to comment on title 7 which extends Public Law 480, commonly known as the food-for-peace program.

During four terms in the House of Representatives, service on the House Agriculture Committee emphasized the importance of Public Law 480 to agriculture in this country and the free world.

Hopefully this program will continue to expand and end up in feeding the hungry around the world and in turn help pay our Government expenses in foreign nations.

Section 406 of Public Law 480 contains a provision for a farmer-to-farmer program to be administered under this law. As author of this section, I am hopeful funds can be appropriated to implement this program. It would provide funds for American farmers to train farmers in foreign nations to employ agricultural practices to help them produce their corps more efficiently and in greater abundance.

RURAL DEVELOPMENT

As I mentioned earlier, the Department of Agriculture reports the Nation lost 147,000 in farm population last year. This exodus from the farm to urban centers must be stopped. Many of the problems we now find in urban centers result from increasing population density, which is compounded by the shift from rural to urban areas. President Nixon has stated his desire is to "reverse" this outmigration from rural areas. The distinguished Senator from Georgia (Mr. TALMADGE), whom I joined in cosponsoring the rural development amendment in committee, commented yesterday on rural outmigration. I would add that the Department of Commerce reports rural outmigration between 1950 and 1960 indicated a total of 4.6 million people moved away from the rural counties. Commerce Department figures also show these people move from the farm to industrial centers. These industrial centers are often the centers for some of our greatest social and human problems.

What every Senator acknowledges is the need for rural development and the hope it holds for solving some of the problems of urban America. The Talmadge-Dole rural development amendment, title 9 of this bill, is a start toward reversing rural outmigration.

The title specifically asks for research and reports to Congress on five critical areas that are basic in planning for social and economic development:

First. Location of Federal facilities: It directs all Government departments and agencies to establish and maintain policies and procedures to assure preference in the selection of the location of new offices and other facilities in areas of lower population density.

Second. Planning assistance: It directs further cooperation between the Department of Housing and Urban Development and the Department of Agriculture in planning for the development of rural multicounty economic areas not included in economically depressed areas. This emphasizes the importance of collective planning for further growth of rural areas.

Third. Information and technical assistance: Since planning requires research and information, this section provides guidelines to the Department of Agriculture that will assure the availability of this technical assistance to the leaders of rural communities.

Fourth. Government services: This section assures that rural communities will be treated with the highest priority in the provision of all Government services. Emphasis is made for the provision of adequate transportation, communication, water and sewer systems, health and medical care, protection and educational facilities.

Fifth. Financial assistance: This section requests a report on the possible utilization of the Farm Credit Administration and agencies of the Department of Agriculture to provide needed financial assistance in developing rural America.

These reports will serve Members of Congress as foundations for research from which to formulate additional rural development legislation involving jurisdiction and operations of many departments and agencies of Government—Agriculture, Health, Education, and Welfare, Housing and Urban Development, Transportation, Commerce, and others.

The Agriculture and Forestry Committee unanimously endorsed this amendment.

This bill is not perfect. We know this. However, the bill did pass the House of Representatives by the largest margin a farm bill has passed that House in many years. The vote was 212 to 171. The House vote in September 1968, to extend the present program 1 year passed the House by only 189 to 171, a more customary margin.

Strong support in the Senate will be most valuable in enabling the joint conference committee to work out a worthwhile compromise bill.

Mr. COOPER. Mr. President, as I said last evening during commencement of debate on the Agricultural Act of 1970, that it would be very critical if a farm bill were not enacted this year. The bill before us generally extends, with some modifications, the feed grains, wheat, cotton, and wool programs—including price support loan and payments, and acreage diverted or "set aside" to conservation purposes. Nothing in the bill approved by the Senate or passed by the House makes any change in the support program for tobacco.

It was my privilege to serve as a member of the Committee on Agriculture for 5 years, and to help develop the 1965 farm programs which have been in effect and which will be extended, with changes, by the 1970 bill. Without legislation we would revert to the old programs which were in effect prior to 1965 and which built up tremendous and costly surpluses, depressing market prices. Since 1965, the farm surplus has been worked down, and the prices farmers receive have increased. Farmers still face a difficult cost-price squeeze.

I am particularly concerned about the corn blight which, while already estimated to reduce the crop 6 percent nationally, the Department of Agriculture officially estimates at a loss of 16 percent in Kentucky. The loss may run much higher, especially in affected areas, and those I have talked to in western Kentucky and in the Kentucky Farm Bureau are very worried.

I hope the Secretary of Agriculture will take all steps to insure the production of resistant seed for 1971 planting, and will report to the Congress on additional recommendations. Not only must preparation be made for the 1971 crop, but also some provision for those farmers who may suffer a large crop loss. I suggest the Department consider allowing those farmers who suffer blight loss to plant additional compensating acreage next year, without regard for the limitations otherwise applicable.

It may be that hard-hit counties should be declared emergency areas, just as in case of drought the Secretary may permit the grazing of diverted acres, with the restrictions on planting removed to the extent necessary to replace losses from corn blight.

The occurrence of blight reminds us that crop reserves are not always "surplus," but may be valuable insurance and at times a blessing. But beyond this lesson, I believe provision must be made for those farms hit hard by corn blight, who will suffer loss of income this year. I suggest consideration also of releasing to such farmers Government stocks of corn in an amount to make up their losses, at a reduced price or even at the loan rate.

Mr. President, I would like to give some facts regarding agricultural production in my State of Kentucky.

While Kentucky is becoming more industrialized, it can still be characterized as a "farm" State. While it is not the largest producer of any of the basic crops, it ranks second in the production of tobacco, and produces all of the other basic crops—including some cotton—except rice and peanuts.

Gross farm income in Kentucky reached $1 billion for the first time last year—1969—on its estimated 120,000 commercial farms, averaging in size 140 acres; 1969 gross farm income was $7,819 per farm—net farm income $3,128. Several years ago Kentuckians, including the Governor's commission on agricul-

ture, had set as a goal making Kentucky a "billion dollar farm State," and this goal has now been realized, largely through increased diversification, livestock and a growing feeder cattle and feeder pig production.

Livestock and livestock products income reached a record high last year. Farm receipts from livestock and livestock products were $445 million, while receipts from crops were $380 million. Kentucky ranks tenth in the Nation in the numbers of beef cows—and it is a familiar sight to see farms raising cows with calf at side.

Burley tobacco accounts for nearly three-fourths of the crop income—$290 million but figured on crop year rather than calendar year. The 1969 crop was 406 million pounds averaging $69.82.

The State is also tenth in numbers of dairy cows—2 years old and older—12th in milk production; fifth in the production of cheese; second in the production of evaporated milk, and ranks 13th in number of hogs.

The 129,000 farms have feed grain bases, totaling 2 million acres, with the average feed grain base of about 15 acres.

It was my honor to introduce, joined by Senator Alben Barkley in 1948, the amendment which provided a 90-percent parity support for tobacco, which has been maintained since that time. The bill before us offers farmers better assurances of fair prices and better prices than the House bill. I support it strongly and hope that it will be approved by the Senate and then by the House.

Mr. President, I do not believe the contribution of farmers to the economy, industry and nutritions of our Nation is known by many people of our country.

The report of the committee has an admirable section etitled "Agriculture's Contribution to the American Economy." I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

AGRICULTURE'S CONTRIBUTION TO THE AMERICAN ECONOMY

It would be as difficult to exaggerate the impact of American agriculture on the American economy as it would be to describe fully its importance. American agriculture with its efficiency, increased production and productivity, advanced research efforts and contributions to the economy through export levels, labor use, purchasing power, and supply of raw materials must never be considered lightly. Farmers have always fed and clothed the American population, protected its resources, and looked ahead to the future. They have contributed toward feeding us less expensively and have allowed Americans to spend more of their take-home pay for luxuries they might never have afforded otherwise. Increased production levels have contributed greatly toward feeding hungry and malnourished Americans who would otherwise not be able to share in American abundance. Agriculture's contribution to American industry and to the American economy are extensive and certainly classify it as an industry of major importance to us all.

A picture of American industry would be bleak without the contributions of large volume purchases by farmers of goods and services. To produce crops and livestock farmers spend over $38 billion a year for goods and services and another $12 billion a year for food, clothing, drugs, and other essential consumer items. Five percent of total yearly steel production is bought by commercial farmers. This 6.5 million tons of steel is purchased in the form of farm machinery, trucks, fencing, and building materials. Farm industry use of steel amounts to about one-third as much as that of the automotive industry. In 1966 primary metals industries spent $2.2 billion for equipment and new machinery, while farmers bought $4.9 billion worth of tractors, machinery, equipment, and motor vehicles. Farmers spend over $4 billion yearly for fuel, lubricants, and maintenance of vehicles and machinery, and use more petroleum products yearly than any other single U.S. industry. Yearly purchases of lime and fertilizer products run to slightly more than $2 billion. Of total rubber used in the United States, 7 percent—about 360 million pounds—is purchased by farmers. This is equivalent to the amount needed to put tires on 7.5 million automobiles. Two and one-half percent of the Nation's total yearly electricity production of 32 billion kilowatt-hours is used by farmers annually.

Farming as an industry employs more than 5 million workers. This figure represents more than the total number employed by transportation, public utilities, the steel industry and the automotive industries combined. An additional 3 million are paid as hired farmworkers. The increase in capital and mechanical inputs has freed valuable manpower to other vital and growing industries of the Nation and has created jobs outside agriculture itself.

Thirty percent of all jobs in private employment are agriculture related. Over 110,000 people are needed to produce farm equipment and more than 40,000 jobs are required to produce steel in products for farm use. The storage, transportation, processing, and merchandising of farm products employed some 8 to 10 million people in 1968. Meat preparation, packaging, and poultry dressing employs nearly 300,000; their payroll is close to $2 billion. Almost 240,000 people are employed in the production of dairy products at an approximate payroll of $1.5 billion. Baking industries pay out about $2 billion to 275,000 employees. Industries for processing fruits and vegetables employ almost 190,000 people who earn a total combined salary of over $800 million. Six million more Americans have jobs providing the supplies farmers use for production and for their personal comforts. Without the raw materials supplied by U.S. farmers which help to generate new jobs and new businesses, industry would be at a near standstill.

Agriculture's contribution to the American economy has been enormous. As a consumer in 1969, agriculture spent $6,634 million for feed—twice what it did in 1950 and nearly one and one-half times the amount in 1960. Purchases of livestock ran to $4,174 million—more than double the 1950 figure. Over $2 billion worth of lime and fertilizers were purchased by farmers in 1969.

As taxpayers in 1969, farmers paid $2.3 billion in farm real estate taxes, $446 million for personal property taxes, $1.9 billion in Federal and State income taxes, and $350 million in sales taxes. Interest payments on farm mortgages were more than $1,600 million. Nearly $3,192 million was paid to almost 3 million hired farmworkers in 1969. About $1.3 billion was made in rent payments. The people employed either directly in agriculture production or in agriculture related industries helped substantially to keep unemployment figures low.

In 1968 agriculture assets were $281 billion, the equivalent of about two-thirds of the value of capital assets of all corporations in the United States, or about half the market value of all corporation stocks on the New York Stock Exchange.

Agriculture plays a vital role in creating a favorable balance of trade. Production from 1 of every 5 acres harvested is exported, making the United States the world's largest exporter of farm products accounting for 20 percent of world agricultural trade. In fiscal year 1970, record commercial sales for dollars pushed total agricultural exports past the $6.6 billion mark. This represented only slightly less than one-fifth of total nonagricultural exports for the same period. Fiscal 1970 marked the first time a single market purchaser of American farm goods, in this case Japan, had bought over $1 billion worth of products in 1 year. Exports of animals and animal products totaled $773 million; animal fats and oils, $213 million; dairy products, $109 million; poultry, $55 million; fruits, $341 million; and foreign sales of grains reached $2,348 million. With exports totaling over $6.6 billion and imports at $5,481 million, a favorable balance of trade in agricultural products was achieved.

If the American citizen is not fully aware of the importance of agriculture to U.S. industry or of its generous contribution to the well-being of the American economy, he certainly should realize what benefits he reaps as a consumer of agricultural products. The increased efficiency and use of modern know-how in the production, harvesting and marketing of food and fiber products means that the consumer spends a smaller percentage of his take-home pay for a higher quality and a wider variety of products than ever before. Over the years farmers have succeeded in using advanced chemical fertilizers, pesticides, modern labor- and cost-saving machinery and sophisticated livestock breeding techniques to increase production levels, increase yields per acre and increase meat and poultry production with smaller amounts of cropland and labor hour inputs. Today's farmer produces over 20 percent more on 6 percent fewer acres than he did in 1957–59. He produces food and fiber to meet the needs of an increasing population with fewer man-hours of labor and a smaller farm labor force.

In 1950, there were 152 million people in the United States. The farm population was 23,048,000—about 15.3 percent of the total population. Farmers fed and clothed them by harvesting 336 million acres with an input of 15,137 million man labor-hours. Total farm production for the period from 1947 to 1949 was 85 (using 1957–59=100 base). By 1960, with an input of 9,795 million labor hours on 317 million acres, output was 106. In that year, when the U.S. population was increased to 180.7 million, the number of farmworkers had dropped to 15,635,000—8.7 percent of the total population. By 1968, farm efficiency had risen to the point where 10½ million farmworkers—only 5.2 percent of the U.S. population of over 201 million—could produce on only 297 million acres with 6,998 million labor hours enough food and fiber for the Nation. Farm output had risen to 120. Land released from production because of higher per acre yields has been allowed to rest and regain its fertility. Much of this diverted acreage is now used for conservation purposes.

Efficiency of the U.S. farmer means that productivity of the American farmworker in the 1960's increased by 6 percent a year, while in other industries the figure was only 3 percent. One farmworker today produces food, fiber, and other farm products for himself and 44 other Americans. Today 1 hour of farm labor produces seven times as much food and other crops as it did 50 years ago. Production sufficient to feed over 200 million people today uses only one-third the amount of labor as was required to meet the needs of only 91.9 million people in 1910. Output per man-hour on the farm increased by 83 percent from 1957–59 to 1969.

A look at the increased efficiency of Amer-

ican agriculture over the years is more impressive still when compared with figures from other countries. In 1968, when only 5.2 percent of our population fed, clothed, and helped to house us; in Canada the figure was 11 percent; in Denmark, 15 percent; in France, 18 percent; in West Germany, 11 percent; in Japan, 24 percent; and in the U.S.S.R., 32 percent. The gap becomes even wider with the realization that none of these nations produces the abundance and the amount of export commodities we do.

These increases in production and improvements in production efficiency have been reflected in better buys for consumers at the supermarket. Between the base-period years of 1947–49 and 1969 when the price of all items on the cost-of-living index rose by 57 percent, such things as rent increased by 63 percent and medical costs increased by 124 percent. However, in that same period, food costs rose only 48 percent. In 1969 the American consumer spent only 16.5 percent of his take-home pay for food. That represents a substantial drop from 20 percent in 1960. The average customer in Western Europe spends 25–30 percent of his income for food; in the U.S.S.R. the figure is 45–50 percent; and in Asia the purchase of food takes 75–80 percent of per capita income. For 1 hour's factory labor Americans can now buy nearly two times as much steak, twice as much bacon, and almost twice the amount of milk as they could in 1948.

For his expenditures in 1969, the American consumer received food products of higher quality, higher nutritional value, and of a wider variety of processed and packaged forms than ever before. A higher standard of living, combined with increased efficiency of marketing, packaging, and transportation methods allowed Americans to purchase preferred food items—5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago.

Not only is there more food at lower prices, but the food is better. Extensive research and food processing innovations have given the consumer new food products of higher nutritional value. Genetic selection of livestock has produced leaner, more flavorful meats and higher milk production. Combined efforts of producers and the Federal Government insure that meat, poultry, and dairy products will be inspected and graded and sold with a guarantee of purity.

Much of consumer benefit is a result of agricultural research. Work with fiber processing has produced cottons that are wash and wear and wrinkle resistant. Many wools can now be machine washed. These developments not only save the consumer money on cleaning bills, but also save him time. Newly developed farm equipment now picks fruits and vegetables faster, cutting production costs. New machinery frees labor and reduces damage to crops at the harvest stage thereby reducing wastes and yielding higher production levels. Research in irrigation and conservation practices help to preserve America's natural resources and increase effective use of much potential cropland.

Increased production has meant abundances of food products with which we can support food programs to help needy Americans. The school lunch, school milk, direct distribution, and food stamp programs are only some of many projects which are feeding and nourishing millions of American children and adults. Abundant production has enabled us to build essential reserves which can be called upon in case of emergency.

Mr. MILLER. Mr. President, I suppose that no farm bill that has ever been presented to the Senate has been all one would like it to be, and that is assuredly true in the case of the pending bill.

What is important, however, is whether the programs set forth in this bill represent an improvement over what we now have. This, I believe, is the case.

Most of us, I believe, realize that farm programs are necessary and will continue to be necessary for quite some time. An indepth study by the research center at Iowa State University of 2 years ago provides ample testimony to the disaster which would befall the farm sector of our Nation if farm programs were discontinued. It is true that these programs cost the taxpayers a great amount of money every year, but, in exchange for this cost, the consumers of our Nation have long benefited from the highest quality, lowest cost food and fiber of any nation in the world. If farm programs were done away with in the present circumstances, this benefit would not be assured for the future, because many reasonably efficient producers would be forced out of business and their production would be lost. Greater reliance would have to rest on production from other countries—and such reliance would be fraught with deep risk to the Nation's security. Additionally, the social consequences to affected agricultural producers, local communities, and the giant agribusiness industry would be catastrophic; and the cost to the taxpayers to even partially relieve these social problems would be tremendous.

So the question before the Congress and before the people is really not whether or not there will be farm programs, but rather what kind of programs we shall have. The kind of programs are terribly important and go far beyond the matter of dollar-and-cents cost to the taxpayers and dollars-and-cents income to producers. The economic system of this Nation is capitalism—"peoples capitalism," it is often referred to, because, unlike the laissez faire capitalism of a hundred years ago, our Federal and State governments have developed laws and regulations calculated to make this system work for the best interests of not only those who risk their capital, but those who supply their labor and those who consume the goods. A study of history will show that where a basic industry, such as agriculture, moves away from capitalism, it is only a question of time when other segments of industry follow. What happened in Germany under Adolph Hitler will serve as a particularly dramatic example. Farm programs which tend to move agriculture away from the capitalistic economic system should be avoided—except in the case of genuine emergency. Farm programs which tend to strengthen the market economy for agriculture are to be preferred.

What concerns me so much about the farm programs we have had in recent years has been that they have tended to make farmers increasingly dependent on the Federal Government for their income. Government payments amounted to $693 million in 1960 and had climbed to $3.7 billion by 1969. National net farm income in 1960 was $11.7 billion; and, in terms of 1960 dollars, it was $13 billion in 1969. Without the increase in Government payments, 1969 income—in terms of 1960 dollars—would have been only $10 billion. This is why I say that farm programs in recent years have tended to make farmers more dependent on the Federal Government for their income.

The taxpayers who have footed the bill for these payments have benefited greatly. In 1960, 20 cents per consumer dollar went for food. In 1969, only 16½ cents per consumer dollar went for food. The savings to consumers represented by that difference greatly exceed the cost in taxes needed to make the $3.7 billion in payments to farmers.

During a period of inflation, it might be news to consumers that if they were paying 20 cents of each consumer dollar for food, prices in the grocery stores would be far higher than they are. But actually, food prices have not gone up as high relative to other things consumers buy, and this is basically why farmers have not shared fairly in the national net income—even with Government payments. Another point to be made is that a considerable amount of the increases in food prices have not gone into the farmers' pocketbooks, but into someone else's pocketbooks.

If we really believe in "peoples capitalism," and most of us do, then we must look forward to the day when farmers can rely, with confidence, on the marketplace for all of their income—rather than on payments from taxes paid by consumers to supplement artificially depressed market prices. But the movement toward this goal is going to be gradual if undesirable social consequences are to be avoided.

The pending bill, with its set-aside features—giving farmers wider choice to grow the crops they consider most advantageous, with authority in the Secretary of Agriculture to move a substantial amount of retired acreage into 3, 5, and 10-year retirement contracts—instead of being forced to use only the 1-year retirement contract approach, with further authority in the Secretary to assist small, submarginal farmers to adjust to nonfarming activities—these are all improvements over the programs we now have, and they tend toward a market economy rather than away from a market economy. Frankly, I wish the trend would be more pronounced, but this is a 3-year program, and if it succeeds, we will be in a better position to know how fast and how far we wish to move at the end of 3 years than we are now.

So many jobs in agribusiness are so deeply dependent on a viable agricultural economy that many of us feel it would be an undue risk to enact programs at this time which did not provide assurance for at least the same amount of national net farm income as the present level. This assurance is provided by the bill—as nearly as we can legislate such an objective. And with increased exports of agricultural commodities, for which the bill provides a foundation, the opportunity for improving that income position seems reasonably good.

I hope that the bill reported out by the Senate will, in the main, be retained in the conference committee, because it is a better bill than we received from the House—and it contains better programs than the ones that expire at the end of

this year. It is not all I would like to see, but legislation is the art of doing the possible, and I believe it is the best that can be legislated at this time—taking into consideration the views of the House of Representatives and the many varied interests represented here in the Senate.

Mr. HANSEN. Mr. President, I commend the distinguished Senator from Louisiana (Mr. ELLENDER) and his committee for including an extension of the National Wool Act in the farm bill which is now before the Senate. Title III of the bill would extend the National Wool Act for 3 years, or through December 31, 1973.

In the 16 years that the wool program has been in operation, it has proven to be a sound program. Furthermore, it has worked better than previous wool programs; for example, the purchase program that was in effect in the early 1940's and through which the Government acquired a stockpile of wool which in turn became a depressant when free market operations were resumed after World War II.

After an investigation completed in 1954, the Tariff Commission recommended to the President that the tariff duty on imported raw wool be increased to protect the price support program then in effect on our raw wool.

President Eisenhower felt it would be unwise to raise the tariff due to our close ties with wool producing countries, such as Australia.

In lieu of a tariff increase, the National Wool Act was evolved.

Under the act incentive payments cannot exceed 70 percent of the tariff duties collected on wool and wool manufactures, so payments under the act are related to tariff duties collected.

These payments, however, have always been lower than the tariff duties collected on wool and wool manufactures.

Furthermore, under the National Wool Act, growers have instituted a self-help program to advertise and promote their products, lamb and wool. They are currently contributing 1½ cents per pound of wool sold to finance this worthwhile promotion program.

Last, but certainly not least, the National Wool Act is operated in such a manner that it provides an incentive to growers to improve the quality of their wool and thereby receive the best price possible in the open market.

Wyoming is the second largest wool-producing State in the Nation.

However, all 50 States have wool production. The National Wool Act has proved to be a practical means of providing necessary income assistance to producers while permitting domestic wool to compete with foreign wool and synthetic fibers in the domestic market.

The National Wool Act has worked well for our wool producers, and I highly recommend that it be extended.

Mr. YARBOROUGH. Mr. President, I would like to commend the Senate Agriculture Committee for reporting H.R. 18546 with many strengthening amendments, which make it a far better bill than the House-passed version. The Senate committee bill is better for farmers, businessmen, consumers, and the entire national economy. This bill will not solve the myriad of problems facing the agricultural industry, but it will assure the continued survival of the family farmer, whose rightful position in our economy has been steadily deteriorating despite his yeoman contributions to all Americans.

Throughout my 13½ years in the Senate, one of my greatest concerns has been in helping farmers. I have worked for and supported those programs which best contributed to a sound agricultural policy. For nearly 6 years, I have served on the Senate Agriculture Appropriations Subcommittee, representing and fighting for farmers all over Texas and America. I have fought for parity, for increased appropriations for REA and for rural telephones, as well as many other programs to create a strong rural policy and to protect agriculture in Texas, the Nation's greatest agricultural State.

In the past two decades Americans have reaped great benefits from the modernization and streamlining of the agriculture industry. Following World War II American consumers paid 25 percent of their disposable income for food; today we pay only 17 percent. This compares with figures ranging from 28 to 40 percent in Europe and close to 50 percent in the Soviet Union. Not only does this improvement save each individual American more money to spend on other items, but it also frees billions of dollars which go back into the national economy.

But despite these tremendous improvements for consumers and the national economy as a whole, the farmers and ranchers have been left out in the cold. While the cost of living and the costs of agricultural production have risen, the income for an individual farmer or rancher has lagged far behind. He pays 1970 prices for what he buys—50 percent higher than 20 years ago. But he sells cotton at 1942 prices; he sells corn at 1944 prices; he sells livestock at 1952 prices; he sells wheat at 1942 prices; in fact, he is often forced to sell his products below his actual cost of production. The 1968 farmer's net annual income was more than $1 billion below the net annual income received in 1947. During this same period, farm productivity increased by 50 percent and retail food prices advanced 47.3 percent. But farmers have not been the ones to benefit from this increased productivity, and increased prices for food at retail.

Personally, I would prefer for farmers and ranchers to receive a fair price in today's market, without the need for Government programs and help.

But the fact is that they do not receive a fair price. Under the current conditions, the family farmer simply cannot survive in our inflated economy without the help provided by the farm program.

On October 23, 1969, I jointly introduced with 14 other Senators, led by the capable junior Senator from South Dakota (Mr. MCGOVERN, the bill S. 3068, commonly known as the coalition farm bill of 1970, which was backed by 32 major farmers' groups in the Nation, including among others the National Farmers Organization, the National Farmers Union, the Grain Sorghum Producer's Association, the Western Cotton Growers Association, and the National Rice Growers Association. Since that time many other organizations also endorsed our bill.

The Senate Agriculture Committee's bill is basically the same as our original coalition farm bill, retaining parity and strengthening many farm programs. Although the Senate bill will not remedy all that ails the agricultural industry, it will assure survival. One particular provision I will work to restore in the Senate bill, is parity for feed grains. This was deleted by the House, but I have cosponsored and will join with the distinguished junior Senator from New Mexico (Mr. MONTOYA) in pushing for an amendment on the Senate floor to put back in the bill parity for feed grains, so that our grain sorghum and other feed grain growers will be given protection.

Throughout the history of America, the primary struggle for farmers has been for equality and fairness in the market place. Since New Deal days the chief tool in that struggle for equality has been parity. But now certain interests propose that we eliminate it in favor of a support level based upon average market prices. Thus, it is suggested that we abandon the legislatively approved standard, one in which the Government assumes its proper role of maintaining, protecting, and hopefully, improving farm income. In exchange, we are being asked to turn over to the grain and textile trades the function of determining farm income and Government costs, leaving the farmers out in the cold.

Mr. President, as the senior Senator from Texas, I will continue to fight for those agricultural programs which will protect farmers, consumers, and our overall national economy. I will fight to insure a reliable food supply at the cheapest real cost to consumers ever achieved by any major Nation in history. I will fight to guarantee a stable agricultural economy domestically, and a favorable balance of trade on farm and ranch exports internationally. But most important, I will fight to give farmers and ranchers a fair break in the marketplace and to help them stay on their land, producing those products which feed and clothe our Nation.

Mr. PEARSON. Mr. President, in these days of moon explorations, great international tensions, urban crises, the growing threat of pollution of our environment and the rising concerns about social stability, law, and justice, it is easy to overlook the importance of the legislation which we consider here today. In actual fact, of course, there are few legislative measures before the Congress which are of greater importance to the individual States and to the Nation as a whole than the farm bill.

While it is true that the farm population continues to decline in both relative and absolute terms, the importance of agriculture to the overall national economy is of great significance. This was documented very effectively, I thought, by the report of the Senate Committee on Agriculture and Forestry. And I would

cite just a few examples from that committee report. Each year American farmers spend over $38 billion for goods and services in the production of crops and livestock. As consumers they spend more than $12 billion every year. Of the total rubber used in the United States, 7 percent is purchased by farmers and as the committee report noted, this is the equivalent of the amount needed to put tires on 7.5 million automobiles.

Even more significant is the fact that 30 percent of all jobs in private employment are agriculturally related. These jobs, of course, vary all the way from the individual farmer himself to the millions of workers who are needed to produce the items which the farmer uses to those who produce, distribute, and market the commodities he produces.

For States like Kansas, of course, agriculture is the bedrock of our economy. When Kansas farmers are in trouble, much of our State is in trouble.

But, Mr. President, I would also suggest that agriculture is important to the Nation in much more than an economic sense. American agriculture is basically organized around the family farm. Over the history of this Nation's development, the family farm has proved to be an extremely valuable social institution. Its importance is undiminished today.

Therefore, we seek not simply an economically healthy agriculture, but an economically healthy family farm agriculture. The difference may seem slight on the surface, but, in fact, is of major significance.

Except for the 1940's and early 1950's, American family farm agriculture has been in economic difficulty ever since the 1920's. The farm programs adopted during the 1930's and modified periodically since then have helped enormously to alleviate the economic problems facing agriculture, but the farm problem as such, of course, has never been completely solved and if we are candid, we will not claim here today that the bill before us will somehow eliminate all the economic problems which continue to bear down on the family farmer.

However, it is my judgment that the Senate Committee on Agriculture and Forestry has reported a bill which is basically sound and which should be adopted.

Title II, dealing with the dairy segment of agriculture, is well designed and I am sure generally acceptable. The same, I think, applies to title III, dealing with wool. And, although I recognize the great importance of the cotton industry, I shall limit my comments primarily to the sections of the bill dealing with feed grains and wheat and also the new title, which was added this year dealing with rural development.

Wheat farmers in Kansas are already sowing the seed which will become next year's crop. I know that a great many of them have been extremely frustrated over the fact that Congress has not already adopted new farm legislation. This has enormously complicated the decisions they have had to make about their cropping patterns.

For this and also for other reasons, I very much support that provision of the Senate bill which provides for the extension of the present program through the 1971 crop. And then by next spring the farmers will be in a position to make a more informed judgment as to whether they want to continue with this program or to shift to the so-called set-aside approach.

The minimum loan level of $1.25 is, I think, essential. Because of the experience of the past year or so, there is considerable evidence to indicate that the expenses involved in producing a bushel of wheat are so great that the $1.25 floor is of critical importance to the wheat farmer economy.

The retention of the wheat marketing certificate is also desirable and the use of 100 percent parity on that portion of the farmers' production used for domestic consumption is sound and desirable and certainly fair.

The provision of the bill calling for advance payments to wheat farmers is more controversial, I know, because of the statistical impact on this year's budget expenditures. However, these advance payments are an important source of credit to farmers. They need to be maintained. I opposed elimination of advance payments last year. I favor their restoration this year.

The provision in the Senate bill dealing with feed grains are very much similar to the feed grains portion of the farm bill recently passed by the House of Representatives and, indeed, both of these bills are quite similar to the existing feed grains programs. As in the case of wheat I support advance payments on feed grains.

The adoption of a set-aside approach for the feed grains program is a departure from the past pattern and one which, I think, is basically desirable. For one thing, feed grain producers will have sufficient time to come to understand the mechanics of this production control technique prior to their planting season next spring.

Mr. President, the concept embodied in the amendments offered to the feed grain sections by the distinguished Senator from New Mexico and the distinguished Senator from Missouri is of considerable importance, namely, the use of the parity formula to the price-support mechanism on feed grains. It seems to me this is a fair and reasonable proposal. I think there should be some opportunity for the support level to be increased as the farmers' costs of production rise. To enhance the reaching of agreement between Senate and House conferees it is desirable, I believe, that the level be pegged at 75 percent of parity; the specific guarantee of $1.35 is, at this time, a few cents more than 75 percent of parity. But it is particularly important, Mr. President, that we restore the parity support mechanism for feed grains as we have for wheat and cotton.

I have discussed the provisions of this bill with the members of the committee and with officials of the Department of Agriculture and I am rather convinced that the adoption of the bill before us will prevent any significant reduction in price and income levels. This is absolutely essential. Farmers, particularly wheat farmers, already are in very serious trouble. Any downward trend in prices would be intolerable. Indeed, Mr. President, if it were not for the present strength in livestock prices, the Kansas agricultural economy would be in desperate straits.

Mr. President, I want to take this opportunity to commend the committee for adding the new title to the farm bill this year, namely, title IX, "Rural Development." This provision of the bill expresses the commitment by the Congress to a sound balance between rural and urban America. It also calls for some new initiatives intended to help achieve this objective. Over the past several years I have been active on behalf of the cause of rural development. And it certainly seems to me that this is one of the significant new contributions to that cause. I certainly hope that this section will be retained when this proposed legislation is signed into law.

Mr. President, the bill we adopt tonight may not meet the desires of all concerned. But all in all and considering all the countervailing pressures it is, I believe, a basically good bill.

Mr. HARRIS. Mr. President, agriculture is the largest single industry in Oklahoma, and Oklahoma farmers have patiently waited for the Congress to enact new farm legislation to replace the Food and Agriculture Act of 1965 which after a 1-year extension expires this year. I think it is safe to say that practically all farmers would welcome the opportunity to operate without a farm program if it were possible to do so and still guarantee fair prices and a balanced supply of food and fiber for the Nation. Unfortunately, the experience of other countries, such as Canada, for example, has shown that unlimited production of farm commodities brings about economic disaster in the farm sector and threatens the guarantee of an adequate long-range supply of food and fiber.

The Food and Agriculture Act of 1965, through a system of voluntary production controls, has enabled us to substantially reduce the surpluses of farm commodities created during the 1950's, and because of our ability to more nearly gear production to demand, we have been able to stabilize farm markets and slowly strengthen farm prices. The Food and Agriculture Act of 1965 has proven to be good legislation, both for the farmer and for the consumer. But, no legislation is perfect, and that is why I joined with a number of my colleagues in the Senate in the introduction of the so-called coalition farm bill. This legislation, which had the combined support of some 32 major farm organizations called for continuation of the basic provisions of the 1965 act with some needed revisions and improvements which would have further strengthened farm income. The failure to enact any farm bill would have resulted in a reduction in farm income of $1 billion or more, and would have further contributed to the very difficult cost-price squeeze in which farmers find themselves.

The Senate Committee on Agriculture and Forestry has reported a bill which

represents the combined suggestions of the administration, the committee and the coalition of farm organizations. I feel that, basically, the bill is a good one and should be adopted by the Senate. Certain provisions of the bill must be retained in order to give some protection to future farm income. For instance, we must adopt the Senate provision for advance payments for wheat and feed grains producers. With rising costs of production and with continued high interest rates, it is imperative that wheat and feed grain producers who participate in the program be paid at least 50 percent of their production control payments in advance. This provision was not in the House-passed bill, and I am hopeful that the Senate will retain it in its bill and that the conferees will stand behind the Senate version. Further, I feel that we must retain the loan floor as provided in the bill and continue the parity concept for price supports for cotton and wheat as recommended by the committee. I also felt that the same parity concept should have been extended to include feed grains in order to maintain incomes of feed grains producers in future years and because I felt very strongly about the need to include this provision in the bill, I earlier cosponsored an amendment with my distinguished colleagues, Senators MONTOYA and MONDALE, which would have extended the concept of parity to feed grains. I am happy that an amendment was agreed to which extends the concept of parity to feed grains at a level of 75 percent.

I want to commend the committee for developing what appears to be a sound program for cotton, wool and the dairy industry. I feel that the programs suggested will be fair to both producer and consumer, and I am hopeful that the committee recommendations will be adopted.

Mr. President, cash receipts from farm marketings totaled $939.3 million in Oklahoma in 1969. Oklahoma farmers spent $606.6 million for such things as feed, livestock, seed and fertilizer, hired labor, machinery, and miscellaneous expenses, plus $162.7 million for depreciation and $87.3 million for farm property taxes and interest on farm mortgages and rent. Hundreds of communities and thousands of small businessmen throughout rural Oklahoma depend upon a strong farm economy for their livelihood, and without the enactment of a sound farm program such as we are considering here today, I feel that the billion dollar business of farming in Oklahoma is in jeopardy of a further tightening of the cost-price squeeze and additional economic pressures which might force more and more people off the farm and cause more and more small businessmen in rural Oklahoma to close their doors.

I commend the Committee on Agriculture and Forestry for including a section in the bill dealing with rural development. Specifically, I commend the distinguished Senator from Georgia (Mr. TALMADGE) who, I understand, authored the section on rural development. I believe we will all agree that it is in the best interest of the country to develop a national policy which will stabilize our population and perhaps even bring about a reverse in the present trend of population migration from our rural areas into our already overcrowded cities. Development of our rural areas and small towns, with the provision of adequate private jobs for our people in these areas, is the basic answer to this problem, and I feel that nothing short of a full commitment such as recommended by the committee will bring this about. We should have not only a congressional commitment, but a commitment on the part of every level of government—local, State, and Federal—to a policy of sound balance of population between rural and urban America, and I believe that the rural development program contained in this legislation is a step in the right direction toward developing such a policy.

Mr. President, I support the adoption of the pending farm bill as the best we can do this session.

Mr. HRUSKA. Mr. President, commendations for good work are due to the Senator from Louisiana and the Senator from North Dakota and their committee members in getting this bill to the Senate floor and the direction which they have given to the debate on H.R. 18546 up to this time. I do not intend to make any extended remarks but I do feel it is of utmost importance that we proceed with prompt consideration and passage of a farm bill.

While the farm bill reported by the committee is not everything I would like, it is a better bill and provides a better program than we now have.

With fall wheat planting time nearly upon us, however, we must understand the present pressure being felt by the farmers of Nebraska and the other wheat-producing States. Basic laws under which they have been operating expire with this crop year. In the absence of new legislation, wheat producers are at a loss as to how they should proceed with their planning and their planting. Of course other producers are in the same situation, but do not have the same pressing time problem.

Because of the critical time problem, I respectfully urge my colleagues to make every effort to complete the consideration of this bill this evening. I appreciate that the committee, along with Secretary of Agriculture Hardin, has been working very hard against a deadline to reach prompt agreement on a good general farm bill. I am asking that the Senate now apply the same urgency to the passage of this bill.

The Nation's farmers have been caught in a vicious cost-price squeeze that has threatened even the most efficient of our family farms. Prices which farmers have to pay have risen well over 100 percent in 15 years, while prices they receive for their crops have remained the same, or in some cases declined.

If we are to maintain a strong national economy, both urban and rural, it is essential we pass a good farm bill. I hope that all Senators—regardless of whether they come from farm States—realize the full importance of a healthy and prosperous agriculture industry. Party and regional interests must be set aside, for the needs of rural America are vital to the interests of urban America.

Productivity and abundance of farm output is a built-in guarantee that wholesale food prices will continue to remain relatively lower than all other items of the family budget. Farmers deserve and must have the opportunity to earn a decent living comparable to workers in other industries. If they cannot, they will leave the farm in increasing numbers. The eventual result will be higher prices for food and a further flight to already overcrowded cities. Consumers stand to lose most if agriculture is allowed to sink into a depression.

Our national economy starts with an agricultural base—a sound, vigorous agricultural industry interrelates with the automotive, fuel, chemical, and other industries that supply and service farmers and from whom the farmer buys. City workers have a vested interest in the agricultural process—in a direct sense the steelworker in Pittsburgh and the tractor maker in Detroit are partners in the agricultural effort.

As I said a few moments ago, this bill is not everything I would like, but it is an improvement. It will give the farmers more flexibility in making their own farm operating decisions and it will put a greater reliance on the marketplace. It seems to me that this feature is sound and in the best tradition of America.

One of the main differences between the Senate version and the House version relates to the price support for corn. The House-passed bill provides for a loan price support not in excess of 90 percent of parity. I do not quarrel with the figure as a ceiling, although I would prefer that it be 100 percent. However, there is no floor provided in the House bill, and that is regarded as a deficiency.

Many of the feed grain and wheat producers are concerned about having a floor which would protect them in the event of adverse circumstances—at least to cover their costs. In my opinion I feel that we should pass the $1 per bushel price support for corn as provided in the Senate bill. Likewise the $1.25 guarantee for wheat will give some of the needed protection to our wheat producers.

In regard to the limitation of farm subsidy payments as provided in the bill, I feel that we must work out a formula that in limiting the payment would at the same time permit the program to proceed and not be impaired by the larger operators withdrawing from the program. If there is to be a program to protect all the farmers, there must be cooperation by the large owners or enough of them to make an impact upon the reduction in production. In my opinion the $55,000 limitation is a desirable limit which will insure the continuation of a workable program. A lower limit would seriously jeopardize the passage of the bill. A failure to pass new legislation would have a disastrous effect on farmers' income.

The main goals which I seek for Federal farm programs are those sought by all of us; namely, to strengthen farm income, stabilize the economy of rural

America, open new markets for farm produce, and give increased freedom of decision to the farmer. This bill will take us a little way upon that road. I urge that we join together to dispose of this bill as promptly as possible.

INDEMNIFICATION OF BEEKEEPERS

Mr. McGOVERN. Mr. President, the farm bill approved by the Committee on Agriculture and Forestry does not include a provision which had been included by the House, relating to the indemnification of beekeepers who suffer pesticide losses. The support would be available to honey producers whose colonies have been damaged since January 1967, through no fault of their own, from the use of commercial pesticides and poisons which have been approved for use by Federal agencies.

As described by the report of the House Agriculture Committee, the provision would place the burden on the beekeeper to show that he took all reasonable precautions and that he did not have adequate warning. There would be no reimbursement in cases where he failed to use the opportunity to remove his colonies from the area of pesticide use.

In my view this provision is both reasonable and necessary. I hope the Senate conferees will accept it.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 18546) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time on the bill has now been yielded back.

The question is, the bill having been read the third time, Shall it pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SCOTT. On this vote I have a pair with the senior Senator from South Dakota (Mr. MUNDT). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE), the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 65, nays, 7, as follows:

[No. 299 Leg.]

YEAS—65

Aiken	Fannin	Metcalf
Allen	Fong	Miller
Allott	Fulbright	Mondale
Anderson	Gore	Montoya
Bayh	Gravel	Muskie
Bellmon	Griffin	Nelson
Bennett	Gurney	Packwood
Bible	Hansen	Pearson
Brooke	Harris	Pell
Burdick	Hart	Proxmire
Byrd, Va.	Holland	Saxbe
Byrd, W. Va.	Hollings	Smith, Maine
Church	Hruska	Sparkman
Cook	Hughes	Spong
Cooper	Inouye	Stennis
Cranston	Javits	Stevens
Dole	Jordan, N.C.	Symington
Dominick	Long	Talmadge
Eagleton	Mansfield	Thurmond
Eastland	McClellan	Yarborough
Ellender	McGovern	Young, N. Dak.
Ervin	McIntyre	

NAYS—7

Boggs	Ribicoff	Williams, Del.
Case	Schweiker	
Percy	Smith, Ill.	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Scott, against.

NOT VOTING—27

Baker	Jackson	Murphy
Cannon	Jordan, Idaho	Pastore
Cotton	Kennedy	Prouty
Curtis	Magnuson	Randolph
Dodd	Mathias	Russell
Goldwater	McCarthy	Tower
Goodell	McGee	Tydings
Hartke	Moss	Williams, N.J.
Hatfield	Mundt	Young, Ohio

So the bill (H.R. 18546) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. COOK) appointed Mr. ELLENDER, Mr. HOLLAND, Mr. EASTLAND, Mr. TALMADGE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. MILLER, conferees on the part of the Senate.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is difficult to describe just how deeply the Senate is indebted to the distinguished senior Senator from Louisiana (Mr. ELLENDER). Having served longer than any other chairman of the Committee on Agriculture and Forestry, he truly has devoted the greatest expertise and experience possible to the interests and problems of the American farmer and of the American farm. His record for length of service to the agricultural needs of the Nation is equaled only by the depth of his understanding of those needs. To the handling of this measure he applied the immense skill and ability that has characterized his many, many years of public service. We are deeply grateful.

We are grateful as well to the distinguished senior Senator from North Dakota (Mr. YOUNG). He, too, has served the American farmer long and faithfully. He, too, deserves the highest praise of the Senate. His strong efforts on this measure were indispensable.

As a final thought I only wish to offer my appreciation to the entire Senate. Each Member cooperated splendidly to enable final disposition of this bill tonight.

BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1094, H.R. 6778, I do this so that it will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The title of the bill was read, as follows:

A bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Bank Holding Company Act Amendments of 1970".

TITLE I—BANK HOLDING COMPANIES

SEC. 101. (a) Section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended to read as follows:

"SEC. 2. (a)(1) Except as provided in paragraph (5) of this subsection, 'bank holding company' means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) Any company has control over a bank if—

"(A) the company directly or indirectly or acting through one or more other persons has power to vote 25 per centum or more of any class of voting securities of the bank;

"(B) the company controls in any manner the election of a majority of its directors or trustees; or

"(C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank.

"(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any company which directly or indirectly holds with power to vote less than 5 per centum of any class of voting securities of a given bank does not have control of that bank.

"(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2)(C) of this subsection, a company may not be held to have had control of any given bank at any given time unless that company, at the time in question, directly or indirectly held with power to vote 5 per centum or more of any class of voting securities of the bank, or had already been found to have control in a proceeding under paragraph (2)(C).

"(5) Notwithstanding any other provision of this subsection—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraphs (2) and (3) of subsection (g) of this section, but bank shares acquired after the date of enactment of the Bank Holding Company Act Amendments of 1970 shall not be deemed for the purposes of this sentence to have been acquired in a fiduciary capacity if the acquiring bank has discretionary authority to exercise voting rights with respect thereto.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation.

"(D) No company is a bank holding company by virtue of its ownership or control of any bank operated within the United States principally for the purpose of conducting or facilitating transactions in foreign commerce, if the Board determines by regulation or order, and subject to any terms and conditions which may be imposed thereby, that such ownership or control would not be substantially at variance with the purposes of this Act and would be in the public interest.

"(E) No trust company which is an insured bank under the Federal Deposit Insurance Act is a bank holding company by virtue of its ownership or control of one bank located in the same State, if (i) such ownership or control existed on the date of enactment of the Bank Holding Company Act Amendments of 1970 and is specifically authorized by applicable statute law, and (ii) the trust company does not after that date acquire an interest in any company that, together with any other interest it holds in that company, will exceed 5 per centum of the voting shares of that company, except that this limitation shall not be applicable to investments of the trust company, direct and indirect, which are otherwise in accordance with the limitations applicable to national banks under section 5316 of the Revised Statutes (12 U.S.C. 24).

"(6) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company."

(b) Section 2(b) of such Act is amended—

(1) by inserting "partnership," after "corporation,";

(2) by striking out "(1)";

(3) by striking out ", or (2) any partnership"; and

(4) by adding after the period a new sentence as follows: "'Company covered in 1970' means a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on March 24, 1969, if those amendments had been enacted on that date.

(c) The first sentence of section 2(c) of such Act is amended to read as follows: "'Bank' means any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans. Such term does not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization which does not do business within the United States except as an incident to its activities outside the United States."

(d) Section 2(d) of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company with respect to the management of policies of which such bank holding company has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board, after notice and opportunity for hearing."

(e) Section 2 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(i) For the purposes of this Act, no company shall be deemed to own, control, hold shares of, or control the election of directors of any other business entity solely by virtue of attributing to or aggregating with the interests of the company the ownership or other interests of one or more individuals in such entity."

SEC. 102. Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) as amended—

(1) by adding at the end of subsection (a) a new sentence as follows: "For the purpose of the preceding sentence, bank shares acquired after the date of enactment of the Bank Holding Company Act Amendments of 1970, shall not be deemed to have been acquired in good faith in a fiduciary capacity if the acquiring bank has discretionary authority to exercise voting rights with respect thereto.";

(2) by adding at the end of subsection (b) a new sentence as follows: "In the event of the failure of the Board to act on any application for approval under this section within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."; and

(3) by adding at the end thereof the following new subsection:

"(e) Every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act."

SEC. 103. Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by striking out paragraph (2) by subsection (a) and inserting in lieu thereof the following:

"(2) after two years from the date as of which it becomes a bank holding company, or in the case of a company which has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, or, in the case of a company covered in 1970, after December 31, 1975 (or such other date not later than December 31, 1980 as the Board may by order or regulation prescribe), retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than (A) those of banking or of managing or controlling banks and other subsidiaries authorized under this Act or of furnishing services to or performing services for its subsidiaries, and (B) those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph: *Provided*, That a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on March 24, 1969 (or on a date subsequent to March 24, 1969 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before March 24, 1969, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since March 24, 1969 (or such subsequent date). Nothing in this paragraph shall be construed to authorize any bank holding company referred to in the preceding proviso, or any subsidiary thereof, to engage in activities authorized by that proviso through the acquisition, pursuant to a contract entered into after March 24, 1969, of any interest in or the assets of a going concern engaged in such activities.";

(2) by striking out "period" in the last sentence of subsection (a) and inserting in lieu thereof "two-year period";

(3) by striking out that part of the text of subsection (c) which precedes the first numbered paragraph and inserting in lieu thereof the following: "The prohibitions in

this section shall not apply to any bank holding company which is (i) a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, or (ii) a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on March 24, 1969, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors; and such prohibitions shall not, with respect to any other bank holding company, apply to—";

(4) by striking out paragraph (8) of subsection (c) and inserting in lieu thereof the following:

"(8) shares retained or acquired with the approval of the Board in any company (other than a company engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities) which except for such other activities as are permitted under this Act is engaged solely in activities that the Board has determined, after notice and opportunity for hearing, are functionally related to banking in such a way that their performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices;";

(5) by striking out paragraph (9) of subsection (c) and inserting in lieu thereof the following:

"(9) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest;";

(6) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon, and by adding after paragraph (10) the following:

"(11) shares owned directly or indirectly by a company covered in 1970 in a company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of this section, but nothing in this paragraph authorizes any bank holding company, or subsidiary thereof, to acquire any interest in or assets of any going concern (except pursuant to a binding written contract entered into before March 24, 1969, or pursuant to another provision of this Act) other than one which was a subsidiary on March 24, 1969;

"(12) shares retained or acquired, or activities engaged in, by any company covered in 1970, or by any subsidiary thereof, if such company—

"(A) within the applicable time limits prescribed in subsection (a)(2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and

"(B) complies with such other conditions as the Board may by regulation or order prescribe;

"(13) shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest; or

"(14) shares retained or acquired or activities conducted in accordance with an order, ruling, or regulation issued by the Board pursuant to this section before it was amended by the Bank Holding Company Act Amendments of 1970.

In making its determinations under paragraph (8) of this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition in whole or in part of a going concern. In the event of the failure of the Board to act on any application for an order under such paragraph, within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted. The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each activity approved by it by order or regulation under such paragraph during the period covered by the report."; and

(7) by redesignating subsection (d) as subsection (f), and by adding after subsection (c) new subsections as follows:

"(d)(1) Except as otherwise provided in this subsection, the prohibitions in this section shall not apply to any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, if such company has only one subsidiary bank and the net worth of that bank does not exceed the greater of—

"(A) $3,000,000; or

"(B) an amount equal to (i) 25 per centum of the combined net worth of such company and all its subsidiaries, or (ii) $50,000,000, whichever is the lesser.

The net worth of any company or subsidiary thereof shall be determined in accordance with rules and regulations prescribed by the Board.

"(2) The Board by order, after opportunity for hearing, may—

"(A) waive the limitation specified in clause (B)(ii) of paragraph (1) with respect to the net worth of a bank, if it determines that such action is consistent with the purposes of this Act and is necessary or appropriate (i) to avoid undue hardship to the bank or its parent company, or (ii) to meet a public need for banking services not otherwise available; and

"(B) terminate or modify the exemption provided by clause (B) of paragraph (1) with respect to any company, if it determines, having due regard to the purposes of this section, that such action is necessary to prevent undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

"(3) No banking subsidiary of a bank holding company which is exempted under this subsection from the prohibitions of this section shall—

"(A) enter into a merger transaction pursuant to section 18(c) of the Federal Deposit Insurance Act without receiving the prior additional approval of the Board thereunder;

"(B) increase its capital by contributions from its nonbanking subsidiaries, its nonbanking parent, or from affiliates of such parent without the prior approval of the Board; or

"(C) pay dividends in excess of its current earnings.

"(e) With respect to any proceeding before the Board wherein an applicant seeks authority to engage directly or indirectly in a nonbanking activity pursuant to this section, a party who would become a competitor of the applicant or subsidiary thereof by virtue of the applicant's or its subsidiary's entry into that business, shall be a party in interest in such proceeding and, in the event of an adverse order of the Board, shall have the right as an aggrieved party to obtain judicial review thereof as provided in section 9."

SEC. 104. (a) As used in this section, the terms "bank", "bank holding company", "subsidiary", and "Board" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956. For purposes of this section only, the term "company", as used in section 2 of the Bank Holding Company Act of 1956, means any person, estate, trust, partnership, corporation, association, or similar organization, but does not include any corporation the majority of the shares of which are owned by the United States or by any State.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding—

(1) that the customer shall obtain some other credit, property, or service from such bank, a bank holding company of such bank, or from any subsidiary of such bank holding company;

(2) that the customer provide some other credit, property, or service to such bank, the bank holding company of such bank, or to any subsidiary of such bank holding company; or

(3) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, bank holding company of such bank, or any subsidiary of such bank holding company.

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purposes of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as possible, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and subpenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b), subpenas for witnesses may run into any district, but in civil actions no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the prior permission of the trial court upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without regard to the amount in controversy, and shall be entitled to recover three times the amount of the damages sustained by him, and the cost of suit, including a reasonable attorney's fee

(f) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of a violation of subsection (b), under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity and under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) Any action to enforce any cause of action under this section shall be forever barred unless commenced within seven years after the cause of action accrued.

(h) Nothing contained in this section shall be construed as affecting in any manner the right of the United States or any other party to bring an action under any other law of the United States or of any State, including any right which may exist in addition to specific statutory authority, challenging the legality of any act or practice which may be proscribed by this section. No regulation or order issued by the Board under this section shall in any manner constitute a defense to such action.

TITLE II—PROVISIONS RELATING TO COINAGE

SEC. 201. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"SEC. 101. (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"(b) Any coin minted under authority of subsection (a) shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 25 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"(c)(1) The dollar shall be 1.500 inches in diameter and weigh 22.68 grams.

"(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"(3) The quarter dollar shall be 0.955 inches in diameter and weigh 5.67 grams.

"(4) The dime shall be 0.705 inches in diameter and weigh 2.268 grams.

"(d) Notwithstanding the foregoing, the Secretary is authorized to mint and issue not more than one hundred and fifty million one-dollar pieces which shall have—

"(1) a diameter of 1.500 inches;

"(2) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

"(3) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

SEC. 202. For the purposes of this title, the Administrator of General Services shall transfer to the Secretary of the Treasury twenty-five million five hundred thousand fine troy ounces of silver now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) which is excess to strategic needs. Such transfer shall be made at the value of $1.292929292 for each fine troy ounce of silver so transferred. Such silver shall be used exclusively to coin one-dollar pieces authorized in section 101(d) of the Coinage Act of 1965, as amended by this Act.

SEC. 203. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

SEC. 204. Half dollars, as authorized under section 101(a)(1) of the Coinage Act of 1965, as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

SEC. 205. (a). The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

SEC. 206. The last sentence of section 3517 of the Revised Statutes, as amended (31 U.S.C. 324), is amended by striking the following: ", except that coins produced under authority of sections 101(a)(1), 101(a)(2), and 101(a)(3) of the Coinage Act of 1965 shall not be dated earlier than 1965".

SEC. 207. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note), is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

SEC. 208. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458) are repealed.

SEC. 209. Coins produced under the authority of section 101(d) of the Coinage Act of 1965, as amended by this Act, shall bear such date as the Secretary of the Treasury determines.

Mr. MANSFIELD. Mr. President, there will be no further voting tonight.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all debate on each of the Proxmire amendments, of which there are two, the amendment to be offered by the Senator from Utah (Mr. BENNETT), and each of the three amendments to be offered by the Senator from Massachusetts (Mr. BROOKE), be limited to 1 hour, with the time equally divided between the mover of the amendment and the manager of the bill; and that time on all other amendment to be offered by the Senator the exception of motions to lay on the table, be limited each to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill, and in the case of amendments to amendments the time to be divided between the mover of the amendment and the author of the basic amendment; the time on the bill to be limited to 1 hour, to be divided equally between the manager of the bill and the minority leader or his designee.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BENNETT. On the Bennett amendment the manager of the bill will be in accord with the amendment, so the opposition should be in the control of the minority leader or his designee.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 19(e) OF THE SECURITIES EXCHANGE ACT OF 1934

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1247.

The PRESIDING OFFICER (Mr. PACKWOOD) laid before the Senate House Joint Resolution 1247, to amend section 19(e) of the Securities Exchange Act of 1934, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF TITLE 39, UNITED STATES CODE, TO REGULATE THE MAILING OF UNSOLICITED CREDIT CARDS

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16542.

The PRESIDING OFFICER laid before the Senate H.R. 16542, to amend title 39, United States Code, to regulate the mailing of unsoliciated credit cards, and for other purposes, which was read twice by its title.

Mr. SPARKMAN. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the pressure consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, some time ago the Senate passed a bill dealing with this same subject matter. It went to the House and was referred to the Committee on Banking and Currency there. In the meantime the House Post Office Committee had taken up this bill that has just been reported and has passed it.

My purpose in calling it up is to move that the Senate agree to the House bill with an amendment and that amendment will be to strike out the House language and insert the language initially passed by the Senate.

Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the language contained in S. 721 as passed by the Senate on April 15, 1970.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to as follows:

That section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignat-

ing subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

"(j) The term 'adequate notice', as used in section 133, means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

"(k) The term 'credit card' means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

"(l) The term 'accepted credit card' means any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor, or services on credit.

"(m) The term 'cardholder' means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

"(n) The term 'card issuer' means any person who issues a credit card, or the agent of such person with respect to such card.

"(o) The term 'unauthorized use', as used in section 133, means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no "benefit."

SEC. 2. (a) The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following sections:

"§ 132. Issuance of credit cards

"No credit card shall be issued except in response to a request or application therefor. This prohibition does not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

"§ 133. Liability of holder of credit card

"(a) A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of fifty dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed pre-stamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card, and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise. Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after the effective date of this section, and, after the expiration of twelve months following such effective date, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless (1) the conditions of liability specified in the preceding sentence are met, and (2) the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information.

"(b) In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in subsection (a), have been met.

"(c) Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

"(d) Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

"§ 134. It shall be unlawful to use the credit card of another without authorization

"Whoever, in a transaction affecting commerce, uses a credit card without the authorization of the holder shall, upon conviction thereof, be punished by imprisonment for a term not to exceed one year or fined a sum not to exceed $1,000, or both."

(b) The table of contents of chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following:

"132. Issuance of credit cards.

"133. Liability of holder of credit card."

SEC. 3. The amendments to the Truth in Lending Act made by this Act become effective as follows:

(1) Section 132 of such Act takes effect upon the date of enactment of this Act.

(2) Section 133 of such Act takes effect upon the expiration of 90 days after such date of enactment.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16542) was read the third time and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PACKWOOD) appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER conferees on the part of the Senate.

BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

Mr. SPARKMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 6778, the Bank Holding Company Act Amendments of 1970.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill not start running until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the issues raised by H.R. 6778 are among the most controversial and complex banking issues which the Senate has dealt with in many years.

The Bank Holding Company Act of 1956 was the result of many years of effort, and was caused by situations where several bank holding companies controlled many banks and entirely unrelated businesses as well. I think those of us who were in the Senate at that time will recall that the primary emphasis behind the bill was the fear of undue economic concentration occasioned by the combination of chain banking systems and unrelated businesses.

The provisions of the 1956 act contained an exemption of one-bank holding companies. Indeed, the committees found no abuses requiring control or divestiture in the case of one-bank holding companies. It was consequently found reasonable to exempt these companies from bank holding company legislation.

In 1966, the Bank Holding Company Act was amended to remove two other exemptions, one for long-term trusts for charitable institutions and companies registered before May 15, 1955, under the Investment Company Act of 1940.

A bill removing these exemptions was reported by the House Committee on Banking and Currency. During the course of debate on the House floor, it was amended to eliminate the exemption for one-bank holding companies. After hearings in the Senate Banking and Currency Committee, the House bill was amended to delete the section repealing the one-bank holding company exemption. It passed the Senate in that form and was readily accepted by the House of Representatives in the form in which it passed the Senate, without a conference.

This history is important because it has a direct bearing on the question of a proper and equitable date for a grandfather clause. Since Congress decided to exempt one-bank companies in 1956 and strongly ratified this decision in 1966, it can hardly be seriously argued that the public was on notice of an impending removal of the exemption. Thus, it would be patently unfair to adopt a grandfather clause dated prior to the time the public would be reasonably expected to know of the probability that the law would be changed.

Another important, but often overlooked change in the law was made in 1966, which originated in the Senate Banking and Currency Committee. This amendment made the provisions of section 23 A of the Federal Reserve Act relating to transactions between a bank and its affiliates applicable to all insured banks. The effect of the amendment was to render loans to affiliates by all banks entirely impracticable because of requirements for collateral to secure such loans. Thus, bank subsidiaries of a one-bank holding company were practically precluded from making loans to other affiliates of the holding company. I mention this change because it is often assumed that banks and bank holding companies are free to make loans on favorable terms to their affiliates and that this gives the latter unfair competitive advantages. As a matter of fact, this erroneous assumption was frequently stated during the course of our

recent hearings on the bank holding company amendments. To repeat, a bank in a holding company system, cannot, as a matter of economic feasibility, loan funds to other affiliates or subsidiaries of the holding company.

The Senate Committee on Banking and Currency held 3 weeks of hearings on this legislation, from May 12 through May 28, 1970. In addition to the House-passed bill, we had before us an administration bill, which Senator BENNETT and I introduced, a bill by Senator PROXMIRE, and a bill by Senator BROOKE.

The primary provisions of the bill as reported largely reflect the views of the Federal Reserve Board and are based upon the testimony of Chairman Burns. With one or two exceptions, which will be covered by the debate when amendments are offered, the bill meets the approval of the Federal agencies concerned with the matter, which include the Justice and Treasury Departments, the Federal Reserve Board, the Comptroller of the Currency, and the FDIC.

The bill as a whole represents a broad consensus of the committee's views, and the committee unanimously agreed to report it.

During the hearings held by the committee on this matter, we received many divergent recommendations dealing both with the substance of the issues and with whether or not there should even be legislation this year. I believe that the bill finally reported by the committee is a good bill and a fair bill. It accomplishes the primary objectives of the legislation while assuring that this change in congressional policy does not occasion undue and unnecessary hardship. It protects the various interested nonbanking industries from banking competition which may be unfair to them, and, at the same time, does not arbitrarily prohibit bank holding companies to engage in appropriate activities.

The committee bill proposes immediate legislation, to be administered by the Federal Reserve Board. It allows entry into "functionally related" activities only with the approval of the Board and under criteria which will reflect all factors of public interest, rather than merely the question of which parties will be allowed to compete. The bill also contains provisions enhancing the ability of competitors to challenge decisions of the Federal Reserve Board and it contains strong provisions prohibiting "tie-ins" between banks and their affiliates. Every specific complaint against bank holding company competition was related to the ability of competitors to challenge Board decisions, or to the possibility of tie-ins between the banks and their affiliates.

Earlier I referred to the decision of the committee and the Congress in 1966 to continue the one-bank holding company exemption. Developments over the past 3 years have occurred which require reconsideration of this decision.

Federal Reserve Board Chairman Burns testified that there are 51 banks in the United States with deposits of $1 billion or more. Of these, nine are subsidiaries of registered multibank holding companies. Of the remaining 42, one has been owned by a holding company since 1927. Another one was acquired by a large company in 1965. Beginning in late 1967, however, a greater number of the banks with assets in excess of $1 billion have become affiliated with nonregulated one-bank holding companies.

At present, approximately 23 banks with a billion dollars or more in deposits are subsidiaries of a one-bank holding company. These include the six largest banks in the country, which cumulatively hold more than 20 percent of the deposits of the entire Nation's banking system. It has been estimated that the percentage of the Nation's total banking deposits which are held by banks controlled by one-bank holding companies has grown from less than 10 percent in early 1967 to more than 40 percent at the present time.

In view of the large growth of assets held by one-bank holding companies, the committee agreed that it is necessary to amend the Bank Holding Company Act to bring these companies under regulation.

In making this decision, I would like to point out the agreement of the committee with all of the Government regulatory agencies who testified that there have been no abuses effectuated through the one-bank holding company device. It is clearly understood that the legislation is to prevent possible future problems rather than to solve existing ones. Illustrative of this point, Federal Deposit Insurance Corporation Chairman Frank Wille, in his testimony before the committee, stated:

> Few acquisitions had actually been completed by these recently formed one-bank holding companies, and almost all are in bank related fields that would have followed within the scope of the Federal Reserve Board precedents established under the 1956 act. Because of this, and because the more traditional one-bank holding companies in existence prior to the 1966 amendments had presented few problems, the task of this committee must be considered preventive in nature rather than remedial of proven abuse.

It should be noted, moreover, that the mere recitation of the figures describing control of banking assets by one-bank holding companies does not reflect any substantial attempt to control nonbank assets. I think it is fair to say that all of the larger banks in the one-bank holding company system have acquired only those activities which would have been approved has they been under regulation by the Federal Reserve Board in any event and are and will continue to await the enactment of this legislation before proceeding to acquire any activity not clearly within that category.

There have been a few acquisitions of what would appear to be permissible activities which have been challenged by the Antitrust Division of the Justice Department, not on grounds that the activity itself was improper, but on antitrust grounds. And this points up another important consideration in connection with this legislation. That is, that the antitrust statutes already apply to such acquisitions and will continue to be applicable.

As Assistant Attorney General McLaren testified:

> We believe that bank acquisitions presenting structural dangers may be challenged under present antitrust law, particularly section 7 of the Clayton Act. Section 7 is an important weapon. Under it, we can challenge bank acquisitions which eliminate substantial direct horizontal competition in any particular financing field; we can challenge mergers which involve significant vertical foreclosure; and we can challenge product extension mergers which involve significant loss of potential competition or create dangers of tie-ins or reciprocity.

Attorney General McLaren described example of challenges which his department had already made and went on to state:

> These cases involve big nationally significant enterprises with anticompetitive effects in various markets, large and small. The same types of theories could be applied to deal with regional market situations and local market situations. The Antitrust Division simply would not have the time and resources to apply even a well-established merger theory to the many anticompetitive acquisitions that might occur in local or relatively local markets.

The problem of one-bank holding companies, from an antitrust standpoint, therefore, seems to be not an absence of substantive law upon which cases of economic concentration can be made, but rather a desire, as Mr. McLaren testified, "to screen acquisitions and lighten the load on the Antitrust Division in this area."

GRANDFATHER CLAUSE

After reaching the decision to remove the one-bank holding company exemption, it became necessary for the committee to determine what course of action was to be taken in regard to those one-bank holding companies which are engaged either directly or through subsidiaries, in activities to be prohibited by the act.

Under the circumstance, the committee decided the most appropriate measure would allow existing one-bank holding companies to continue to engage in the activities and retain the subsidiaries they held on a certain date, rather than requiring them to cease the activity or divest the subsidiary.

Accordingly, the committee adopted a provision which would allow a company being brought under the Bank Holding Company Act by this legislation to engage in the activities in which it was directly or through a subsidiary engaged on March 24, 1969, so long as it has been continuously engaged in such activity since March 24, 1969.

As was noted earlier, Congress has twice refrained from placing one-bank holding companies under the provisions of the Bank Holding Company Act. The latest such decision was only 4 years ago. Because of this, it was the desire of the committee to choose a grandfather date upon which all concerned parties should have had reasonable notice that the Bank Holding Company Act would probably be amended to remove the one-bank holding company exemption.

On March 24, 1969, the administration proposal to remove this exemption was introduced in the Senate by myself and Senator BENNETT.

The committee believes that it is entirely appropriate for a company to be allowed to continue to engage in those

activities in which it was engaged on March 24, 1969, and to expand those activities so long as such expansion does not produce anticompetitive or other adverse effects. Accordingly, the committee provided that such a company could not acquire, either by stock acquisition or purchase or the assets, a going concern engaged in the grandfathered activities.

The committee included a provision which would allow the holding company the necessary flexibility to reorganize within its internal structure so that it can shift responsibility for operating one or more of its grandfathered activities from one subsidiary to another, the holding company itself to a subsidiary, or to form a new subsidiary for this particular purpose.

Thus, as has been pointed out, the holding company entitled to the grandfather clause will be limited in the activities it may conduct under that clause and will be restricted in the type of acquisitions it may make. The basic long-term expansion of these companies that decide to keep their banks will be committed to those activities which are permitted to bank holding companies generally. In this regard, the one-bank holding companies which become registered bank holding companies as a result of this legislation will have the rights and privileges of any other registered bank holding company, including the right subject to the approval of the Federal Reserve Board, to own more than one bank and to engage in activities functionally related to banking.

CONTROL PROVISION

The current provisions of the Bank Holding Company Act provide that a company is a bank holding company—assuming it meets other requirements—if it directly or indirectly owns, controls, or holds with power to vote 25 percent or more of the voting shares of each of two or more banks, or if it controls in any manner the election of a majority of the directors of each of two or more banks. We are aware that it is possible to control the affairs of a company without owning 25 percent or more of its outstanding voting stock.

The bank regulatory agency witnesses recommended that the provisions of the existing act be changed in order to allow a finding of control even when less than 25 percent of the outstanding voting shares of the bank stock were not held by the subject company.

Accordingly, the committee approved a provision which would allow the Federal Reserve Board to make a finding of control, after notice and opportunity for hearing, where the company "directly or indirectly exercises a controlling influence over the management or policies of the bank" without regard to the 25-percent stock ownership provision. However, a presumption is established in the bill that a company which controls less than 5 percent of the voting stock of the bank does not control that bank. The percentage of stock owned by the company will be determined by adding the amount of stock the company owns for its own benefit together with the amount, if any, its own indirectly through a subsidiary or otherwise, with power to vote.

DIVESTITURE

Even with the grandfather clause devised by the committee, some companies will be required by the provisions of the act to divest one or more subsidiaries, or cease to engage in one or more activities by virtue of the fact that these were undertaken after the grandfather date or in order to comply fully with all provisions of the act. Moreover, there will be a number of companies that will find it impossible to continue normal growth under the act even with the grandfather clause that has been adopted by the committee. It will be necessary for those companies to divest their banks.

In deciding what provision to make for a divestiture period, there were several factors which were carefully considered by the committee.

It is anticipated that the Congress will follow precedent and pass a bill providing companies required to make divestitures under this legislation with relief from an undue tax burden as a result of such divestiture.

It would be inequitable to require these divesting companies to commit themselves to a divestiture plan without knowing what their tax situation will be in regard to such divestiture. Accordingly, it was deemed necessary to provide a divestiture period of sufficient length that these companies will have adequate time to make their divestiture plans after the appropriate tax relief measure is passed by Congress.

Another factor considered by the committee is the current state of the economy. Market conditions are far less than ideal, availability of money and credit is far below optimum, and the economy in general is going through a period of readjustment. These facts are persuasive that divesting companies should be given more time to divest than would seem to be necessary under better economic conditions.

Finally, the committee is aware that may be a large number of banks or nonbanking subsidiaries which will be divested as a result of the passage of this legislation. Under these circumstances, the sellers may not be able to get fair market value for the assets they are divesting, particularly if they are all required to divest simultaneously within a relatively short period of time.

Because of these various factors, the committee adopted a provision which would allow companies required to make divestitures under the act an initial period of 5 years within which to do so, with the opportunity of obtaining up to an additional 5 years upon the approval of the Federal Reserve Board. This provision would allow the Federal Reserve Board either to make a general extension of the divestiture period by a regulation to that effect, or it would allow the Board to grant specific extensions in individual cases.

The committee adopted a provision which will allow any company covered by this legislation to retain or acquire whatever shares, or engage in whatever activities, it wishes so long as, within the applicable divestiture period, it either ceases to be a bank holding company or ceases to retain direct or indirect ownership or control of share or to engage in activities that are not authorized under the applicable section of the act.

In order to insure that there is no evasion of the general intent and purpose of this provision, the committee further provided that companies utilizing this authority must comply with such other conditions as the Board may by regulation or order prescribe. If it appears to the Board that there is some incentive for a holding company or companies to make an acquisition that would not serve the purpose of this provision, then the Board is given the express authority to issue regulations or orders to prevent such an acquisition. The committee contemplates that the Board will insure that the authority to make the acquisitions and engage in the activities provided by this particular provision will not be utilized by a bank holding company covered by this legislation to go into activities and make acquisitions which are totally unrelated to its present activities in order to gain an undue advantage during the applicable divestiture period, or for any other purpose inconsistent with the intent and purpose of the act.

EXEMPTIONS FOR CERTAIN COMPANIES

As has been previously noted, the decision to remove the one-bank holding company exemption is being taken as a necessary step to prevent possible future abuses and is not being taken on the basis that abuses have occurred in the past. Accordingly, as discussed, the committee adopted a grandfather date designed to allow companies existing prior to that date to continue to retain the subsidiaries and engage in the activities they held or in which they were engaged on that date. The committee is aware, however, of the existence of two other types of holding companies whose hardship will not be adequately relieved by the provision dealing with a grandfather date.

The first of these types is the one-bank holding company located in small towns whose banks are small, and whose nonbanking activities are generally limited to one or two other types of businesses. The committee believes that the possibility of abuse of the purposes of the act by such companies is remote. Accordingly, the committee adopted a provision which would exempt from the prohibitions against nonbanking activities all one-bank holding companies existing on the date of enactment of the proposed legislation, so long as the bank subsidiary does not have a net worth in excess of $3 million. These companies would be allowed to engage in other activities without regard to the prohibitions in the act, as long as the bank does not merge with another bank without the express approval of the Federal Reserve Board; increase its capital by contributions from its nonbanking subsidiaries, its nonbanking parent, or from affiliates of such parent company without prior express approval; or pay dividends in excess of its current earnings.

The second type of bank holding company not relieved by the grandfather clause is the large diversified company which is the owner of a bank as well as numerous diversified nonbanking subsidiaries. These corporations are owners of banks for a variety of reasons. Some have owned their banks for a number of years and acquired the bank to prevent its failure, or to insure that their employees had adequate banking services at their disposal. Other such companies acquired their banks on a more recent date, again for a variety of reasons. The committee is convinced that these companies have not utilized their banking subsidiaries to gain any special advantage for their nonbanking subsidiaries nor have they perpetrated any other abuses in connection with their ownership or control of a bank.

The nature of the businesses of these companies is such that they must continue to broaden their nonbanking activities and affiliations. Their growth must be directed toward those businesses and activities in which they are not engaged. Consequently, the existence of a grandfather clause offers little aid to such companies. Without some provisions in the act, they would, in fact, be required to either divest their bank or cease to expand in their nonbanking activities. Thus, in order to prevent these companies from suffering undue hardship as a result of the proposed legislation, it would be necessary to adopt a provision exempting these companies from the prohibition contained in the act against engaging in new nonbanking activities.

The committee provided that these companies are exempt from the prohibitions against nonbanking activities or subsidiaries so long as the net worth of their bank does not exceed the greater of $3 million—which was mentioned earlier—or an amount equal to 25 percent of the combined net worth of the holding company and all of its subsidiaries, or $50 million, whichever is the lesser.

In addition, the Board is given the authority to waive the $50 million limitation where it determines that such action is consistent with the purposes of the act and is necessary or appropriate to avoid undue hardship to either the bank or its parent holding company or is necessary to meet a public need for banking services that is not otherwise available.

The Board is also given the authority to terminate or modify the exemption provided in regard to the 25-percent net worth test or to $50 million maximum, if the Board determines that such action is necessary to prevent undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

AMENDMENT OF CRITERIA REGULATING PERMISSIBLE NONBANKING ACTIVITIES

The committee approved an amendment to section 4(c)(8) of the act which governs permissible nonbanking activities and acquisitions. This amendment includes two key changes.

First, the language of the act will be amended to allow the Federal Reserve Board greater flexibility in determining what nonbanking activities and acquisitions are to be permitted bank holding companies.

Second, the committee adopted an amendment which, when enacted, will for the first time require that a proposed "functionally related" nonbanking activity of a bank holding company must "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices."

The present law contains a requirement that such activity be of a "financial, fiduciary, or insurance nature." This language would appear to cover all properly related nonbanking activities, without permitting banks to encroach on commerce generally. However, a narrow interpretation was placed on this language shortly after its passage in 1956. In effect, "the business of banking" was interpreted not to refer to the general business of banking itself but to refer instead to the business of the particular banks within the particular bank holding company structure being considered.

The interpretations of this provision seems to require a "direct and significant connection" between the acquired activities and the activities of a particular bank.

The practical effect of these interpretations has been largely to confine permissible holding company activities to those activities engaged in by the banking subsidiaries of the holding company itself. This has, in many cases, prevented the holding companies from offering new services to new customers. In some instances, it may have served to inhibit competition.

The committee agrees with FDIC Chairman Frank Wille when he stated:

> Inasmuch as the economy and its financial requirements are constantly changing, the Corporation considers it essential that banks and bank holding companies have the flexibility to engage in new types of bank-related activities that may be needed now and in the future if the financial needs of the people are to be met efficiently, competitively, and at reasonable cost. Likely changes in technology, the nature of financial competition and the economic and legal functions of commercial banking all lead to a conclusion that retaining such flexibility is the wise course for the future.

A change permitting such flexibility was strongly recommended by the Federal Reserve Board, the Department of the Treasury, the Department of Justice, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency.

Federal Reserve Board Chairman Dr. Arthur Burns, who suggested the specific language adopted by the committee, noted that "combining banks with functionally related businesses in a holding company system may lead to economies in production, distribution, sales, research, and finance. Economies of production can be achieved where there is a similarity of operation, such as servicing checking accounts and processing payrolls."

Assistant Attorney General Richard W. McLaren was particularly concerned that legislation be enacted which balanced the objectives of allowing the necessary flexibility to bank holding companies and insuring against possible anticompetitive effects resulting from the activities of such holding companies. He testified:

> Banking is not a static form of activity. Modern bankers are offering a variety of specialized services which would have been entirely unknown to their predecessors of a few generations ago. * * * Innovation in financial fields should be encouraged. It seems particularly desirable to permit banks to enter other financial markets when competition is weak, or where banks can be expected to offer real efficiencies.
>
> What is required, therefore, is legislation that will provide a mechanism for allowing bank expansion in areas where it is desirable, minimizing the risks to our competitive system. * * *

STANDING FOR PARTIES IN INTEREST

The Federal Reserve Board has recently ruled that a potential competitor of a bank holding company seeking to engage in nonbanking activities may appear before the Board and participate in the proceedings having to do with the application of such bank holding company. It is not clear, however, what the position of such potential competitor will be in the event of an appeal to the court of appeals under section 9 of the act. The committee believes that such a potential competitor should be entitled to participate in the hearings held by the Federal Reserve Board and should also be entitled, where necessary, to take an appeal as an aggrieved party to the court of appeals under section 9 of the act. Accordingly the committee approved a provision which states that "a party who would become a competitor of the applicant or subsidiary thereof by virtue of the applicant's or its subsidiary's entry into that business, shall be a party in interest in such proceeding and, in the event of an adverse order of the Board, shall have the right as an aggrieved party to obtain judicial review thereof as provided in section 9."

TYING ARRANGEMENTS INVOLVING BANKS

During its deliberations, the committee was concerned that there be adequate safeguards against the possibility of misuse of the economic power of a bank. The committee is aware that such misuse of economic power is possible regardless of the size of the bank, and regardless of whether the bank is affiliated with a bank holding company. Thus, in providing such safeguards, the committee felt it desirable to make them equally applicable to all banks regardless of the presence or absence of an affiliation with a bank holding company.

The provision approved by the committee is intended to provide specific

statutory assurance that the use of the economic power of a bank will not lead to a lessening of competition or unfair competitive practices. Thus, the provision is intended to affirm in statutory language the principles of fair competition. The committee does not intend, however, that this provision interfere with the conduct of appropriate traditional banking practices.

The purpose of this provision is to prohibit anticompetitive practices which require bank customers to accept or provide some other service or product or refrain from dealing with other parties in order to obtain the bank product or service they desire.

The provision authorized the Federal Reserve Board, by regulation or order, to permit such exceptions to the prohibitions of the section as the Board considers will not be contrary to its purposes and the committee expects that by such regulation or order the Board will continue to allow appropriate traditional banking practices.

This will enable the customer to continue to negotiate with the bank on the basis of his entire relationship with the bank. For example, where the customer uses multiple banking services such as deposit, loan, fiduciary, and commercial accounts or facilities, the parties may be free to fix or vary the consideration for any services upon the existence or extent of utilization of such banking services. Similarly, the language is not intended to affect bank correspondent relationships, but insures that traditional correspondent relationships cannot be perverted by being tied to or conditioned upon maintenance or establishment of relationships with nonbank subsidiaries of bank holding companies, or with businesses operated within the bank or by the people controlling a bank. Also, the language is not intended to prevent such traditional banking practices which protect extensions of credit by agreement to restrict other borrowing, but insures that such agreement may not be tied to or conditioned upon an agreement not to do business with competitors of other subsidiaries of the bank holding company, the bank, or of the operators of the bank.

It should be noted that an individual is included within the meaning of a bank holding company for the purposes of this section if he possesses the requisite ownership or control of a bank. Enforcement of this section is a responsibility of the U.S. attorneys under the direction of the Attorney General, and private parties are given the right to sue for injunctive relief as well as treble damages when they have sustained damages, or are threatened by loss or damage, by reason of a violation of this section's prohibitions. The committee intends these private rights of action to be a valuable supplement to the enforcement efforts of the U.S. attorneys.

This bill would also provide for the minting of 150 million 40 percent silver dollars bearing the likeness of Dwight David Eisenhower. These coins will be minted only as uncirculated coins and proof coins and will be sold at premium prices.

There is also a provision in the bill which authorizes the transfer of approximately 3 million rare silver dollars now held by the Treasury to the Administrator of General Services for sale to the public.

The question of an Eisenhower coin has been a matter that has been pending before the Congress for some time. I hope that we can now get a resolution of this matter by the passage of this bill.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that not later than 5 o'clock tomorrow afternoon, at the time the unfinished business is to be laid temporarily aside under the previous order, the Senate then proceed to the consideration of Calendar No. 1094, which has already been laid before the Senate by the distinguished majority leader this evening, and that it then be made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the Senate should be on notice again that it is very likely that action will be resumed on Calendar No. 1094, the Bank Holding Company Act, earlier than 5 o'clock tomorrow afternoon; and it is the intention of the leadership on both sides—if there is a lag in debate or if there is a hiatus in regard to the unfinished business, Senate Joint Resolution 1—in the interest of expediting the business of the Senate and the business of the people, it is the intention of the leadership to move promptly to the consideration of Calendar No. 1094 prior to 5 o'clock in the afternoon.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SPARKMAN. I am glad the distinguished Senator made that statement. I just want to say that we who are concerned in handling the bill will be ready at any time, and the earlier we get on it the better we will like it, because there is a good deal of time involved in the amendments and on the bill. So the earlier we get on it, the sooner we will finish it.

Mr. BYRD of West Virginia. Yes. I may say, in addition, that, according to the schedule that was promulgated by the leadership a few days ago, the Senate is to complete action on the one bank holding company bill tomorrow. It is my further understanding that the manpower training bill will be laid before the Senate tomorrow evening after completion of action on Calendar No. 1094, H.R. 6778.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 16, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1970:

DIPLOMATIC AND FOREIGN SERVICE

William M. Rountree, of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

U.S. PATENT OFFICE

The following-named persons to be Examiners in Chief, U.S. Patent Office:

Fred C. Mattern, Jr., of Virginia, vice Nogi A. Asp, resigned.

John H. Schneider, of Virginia, vice Peter T. Dracopoulos, resigned.

Saul I. Serota, of Maryland, vice Pasquale J. Federico, resigned.

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1973, vice William L. Porter, term expired.

OFFICE OF ECONOMIC OPPORTUNITY

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity, vice William H. Crook.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The following-named persons to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review as indicated; new positions.

Robert N. Stewart, of Indiana, for the remainder of the term of 5 years expiring September 15, 1971.

Hugh C. Matlock, of Colorado, for the remainder of the term of 5 years expiring September 15, 1972.

Donald E. Pierce, of Idaho, for the remainder of the term of 5 years expiring September 15, 1973.

Kenneth C. Kellar, of South Dakota, for the remainder of the term of 5 years expiring September 15, 1974.

Howard L. Hartman, of California, for the term of 5 years expiring September 15, 1975.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15, 1970:

UNITED NATIONS REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Charles W. Yost, of New York.

Christopher H. Phillips, of New York.

JACOB K. JAVITS, U.S. Senator from the State of New York.

CLAIBORNE PELL, U.S. Senator from the State of Rhode Island.

Glenn A. Olds, of New York.

The following-named persons to be alternate representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Seymour M. Finger, of New York.

Helen G. Edmonds, of North Carolina.

Richard H. Gimer, of Virginia.

Aloysius A. Mazewski, of Illinois.

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1970*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. ALBERT.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

SEPTEMBER 15, 1970.

I hereby designate the Honorable CARL ALBERT of Oklahoma to act as Speaker pro tempore today.

JOHN W. MCCORMACK.

PRAYER

Rev. Msgr. Joseph A. Dooling, archdiocesan director, Mount Carmel Guild, Newark, N.J., offered the following prayer:

With Your divine guidance and under Your inspiration, we invoke Your blessing, O God, upon all those who share in Your divine task to conserve the world and its creatures.

You have shared with all creation Your divine power to continue the work of Your hand. To some, more of this than to others. But to all, with this power You have given proportionate responsibility, to recognize Your divine will for life and conduct—to maintain and preserve the relationship of creature to Creator. You have even shown us the secrets of Your divine power and intelligence. You have entrusted to those for whom it is our privilege to pray today—the structure of Your law in the conduct of man's relationship to You and his fellow man.

From the first moment of creation until its very end—law and order—will be the prime force for every good—and all good—even if this life ceases when You—our God—are forgotten as our first beginning and our last end.

In all sharing, God's power becomes man's power—and like God, man can rule the present and future destiny of his fellow man.

Bless these chosen ones, then, with Your special inspiration, O God—for law is the hinge upon which man's life turns.

Let us always be mindful that liberty and justice for all, under God—preserves His divine will—the rights of the individual and our Nation breathes in all its glory. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 11, 1970:

H.R. 914. An act for the relief of Hood River County, Oreg.; and

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired).

On August 12, 1970:

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes; and

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

On August 14, 1970:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye;

H.R. 1697. An act for the relief of Jack Brown;

H.R. 2209. An act for the relief of Carlos DeMarco;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.; and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

On August 17, 1970:

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 2481. An act for the relief of Cmdr. John W. McCord;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 9591. An act for the relief of Elgie L. Tabor;

H.R. 10662. An act for the relief of Walter L. Parker;

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired);

H.R. 12622. An act for the relief of Russell L. Chandler;

H.R. 12887. An act for the relief of John A. Avdeef; and

H.R. 15118. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University.

On August 18, 1970:

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 16915. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes.

On August 20, 1970:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act, and for other purposes.

On August 24, 1970:

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya;

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma;

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; and

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe.

On August 28, 1970:

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 13265. An act to confer U.S. citizenship posthumously upon L.Cpl. Frank J. Krec;

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park compact; and

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

On September 1, 1970:

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

H.R. 1749. An act for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif.;

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the U.S. ship *Constitution* (IX-21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano; and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

On September 8, 1970:

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission; and

H.R. 17133. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amend-

ments of the House to the Senate amendments to bills of the Senate of the following titles:

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project;

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes;

S. 2808. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes; and

S. 2882. An act to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11833) entitled "An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. BOGGS, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped.

MONSIGNOR DOOLING IS GUEST CHAPLAIN OF HOUSE

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, it is my warm privilege to welcome Msgr. Joseph A. Dooling as guest Chaplain of the House of Representatives today, not only as a constituent, but as my dear friend.

As archdiocesan director of Mount Carmel Guild, a comprehensive social science agency in Essex County, Monsignor Dooling has been the guiding light of numerous essential community-help programs.

Preschool and community mental health programs, housing, public health, rehabilitation and training programs and senior citizen services have all been furthered by the vision of this selfless and humane man.

Monsignor Dooling is no stranger to the people of New Jersey and to people everywhere who have felt the compassionate services of his good work. His example will always live on in the hearts and minds of those who have known and have had the privilege, as I have had, to work closely with him. He is indeed a man I am proud to call my friend.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ROADS OF THE HOUSE COMMITTEE ON PUBLIC WORKS TO SIT DURING GENERAL DEBATE TODAY

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the House Committee on Public Works be permitted to sit this afternoon during general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

APPOINTMENT OF CONFEREES ON H.R. 18127 MAKING APPROPRIATIONS FOR PUBLIC WORKS

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18127) making appropriations for Public Works for water, pollution control, and power development and the Atomic Energy Commission for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. EVINS of Tennessee, BOLAND, WHITTEN, ANDREWS of Alabama, MAHON, RHODES, DAVIS of Wisconsin, ROBISON, and BOW.

THE LATE C. A. "BOB" SELLERS, EDITOR OF THE FORT WORTH PRESS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, Texas and the Nation have lost a distinguished and dedicated newspaperman.

C. A. "Bob" Sellers, editor of the Fort Worth Press, unexpectedly was stricken by a heart attack and died at his home yesterday. Funeral services are being held today, in Meadowbrook Baptist Church in Fort Worth.

Bob's death is a grievous loss to all of us. His leadership will be sorely missed in Fort Worth, and particularly at the helm of the Press.

There was more than just an ordinary editor-newspaper relationship between Bob Sellers and the Press. His whole professional life was dedicated to his newspaper, and he worked unceasingly for its continuing betterment.

He joined the Press just 2 days after his graduation from Baylor University in 1945 and had served in virtually every editorial position on the paper—city hall reporter, assistant city editor, telegraph editor, public service director, and managing editor. In April 1969, at the age of 45, he was named editor.

Bob was born in Yoakum, Tex., but lived most of his life in Fort Worth. In World War II he served in the Army's 86th Division in both Europe and the Pacific.

A journalist of talent and initiative, he had won four first places in news competitions conducted by Sigma Delta Chi, and was a past president of the Fort Worth chapter of the organization. He also was a past president of the Texas United Press International Editors Association.

He was a past member of the Board of Directors of the Fort Worth Chamber of Commerce and of the Tarrant County Red Cross. He was a deacon in the Meadowbrook Baptist Church.

Surviving are his wife, Maudine, and three sons, and a daughter.

MORE FREEDOM IN THE HOUSE GALLERIES

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, it is against the rules for anyone in the public gallery who is interested in the debates to open a copy of the pictorial directory of the Congress in order to ascertain who is addressing the House. Many of our constituents who are, I am sure, interested in the debates and courteous in their attitude toward the House have been reprimanded for violating the rules when they opened a copy of the bill merely to see what the House is debating. These restrictions are not written into the actual rules of the House but are printed on the back of the visitor's pass to the public galleries with the introductory remarks:

To help make your visit more pleasant, please observe the following rules—no reading or writing in the galleries.

It is for this reason, Mr. Speaker, that at the appropriate point in the consideration of the Legislatvie Reorganization Act I intend to offer an amendment which will allow reading and writing in the galleries under such regulations as the Speaker may prescribe.

REDUCTION OF PRIME INTEREST RATE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I am sending the president of the Bank of America a telegram asking that the Bank of America join the parade in the reduction of interest rates by reducing their prime interest rate to 6 percent.

Mr. Speaker, the telegram is as follows:

SEPTEMBER 15, 1970.

HON. A. W. CLAUSEN,
President, Bank of America,
San Francisco, Calif.:

Last week, I urged your colleague, David Rockefeller of Chase Manhattan National

Bank to take the lead in a badly-needed reduction in the prime lending rate. Public comments by Chase Manhattan officials indicate that bank's reluctance to reduce interest rates and it appears that the leadership must come from other areas of the banking industry. Therefore, I am calling on you as the chief executive officer of the world's largest commercial bank to fill this leadership void and institute an immediate reduction in the prime rate. The public interest demands a reduction to at least 6%.

In contrast to the staid Wall Street institutions, Bank of America has led the way to many innovations in the banking industry and I hope that you will see fit to make banking history through the largest prime rate reduction ever.

WRIGHT PATMAN.

VITAL LEGISLATION STILL PENDING IN CONGRESS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, in my opinion the President in his message last Friday was correct and on target in pointing out that there is a large backlog of vital legislation on which the Congress has not acted.

I am particularly concerned with the fate of the Revenue Sharing Act of 1969 which the President mentioned in his call for cooperation, calling that legislation "elemental economics, elemental good sense, elemental good government."

The concept of the Federal Government sharing income tax revenues with the States was endorsed by both parties in their 1968 platforms, it has received widespread support from the Nation's Governors and mayors and the public.

Given these facts, it is all the more puzzling why there has been no congressional action on this legislation. The bill was sent up by the President last October but neither the House nor the Senate has yet held hearings.

Mr. Speaker, I understand that the Congress has many pressing matters to deal with but as long as we continue to postpone action on such vital reforms as the Revenue Sharing Act we are justifiably open to charges of neglect and foot dragging.

PROPOSED NATIONAL COMMISSION ON FUELS AND ENERGY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, on July 21, 1970, I introduced H.R. 18569, a bill which would establish a 21-member National Commission on Fuels and Energy. This bill is a companion bill to S. 4092, which had been introduced earlier in the Senate and which, I understand, enjoys the cosponsorship of over half the Members of the Senate.

Last Thursday and Friday the Senate Interior Committee's Subcommittee on Minerals, Materials, and Fuels held hearings on the Senate version of this bill. Those hearings have now been recessed subject to the call of the chair.

Although I have not had the opportunity to review all the testimony taken at the Senate hearings, I understand that there was general agreement among the witnesses that we are facing an energy crisis of unprecedented proportions and that we had better begin soon to give serious consideration to setting up the mechanism for establishing a coordinated national energy and fuels policy.

It is not anticipated that such a commission could in itself eliminate all shortages of fuel and energy which we may encounter in the next two decades, but it would, through its investigation and study of the energy requirements and fuel resources and policies of the United States, be in a position to recommend to the President and the Congress, first, what the national fuel and energy needs will be during the next 20 years, and, second, how they can be supplied while protecting our environment.

It is not too late for the Congress to consider this proposal before the end of the present session, and I urge the Interstate and Foreign Commerce Committee to consider scheduling hearings on this legislation as soon as possible.

FOREIGN ASSISTANCE FOR THE 'SEVENTIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 91-385)

The SPEAKER pro tempore (Mr. ALBERT) laid before the House the following message from the President of the United States which was read, and, without objection referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

FOREIGN ASSISTANCE FOR THE 'SEVENTIES

Today, I am proposing a major transformation in our foreign assistance programs.

For more than two decades these programs have been guided by a vision of international responsibilities conditioned by the aftermath of World War II and the emergence of new nations. But the world has been changing dramatically; by the end of the 'Sixties, there was widespread agreement that our programs for foreign assistance had not kept up with these changes and were losing their effectiveness. This sentiment has been reflected in declining foreign aid levels.

The cause of this downward drift is not that the need for aid has diminished; nor is it that our capacity to help other nations has diminished; nor has America lost her humanitarian zeal; nor have we turned inward and abandoned our pursuit of peace and freedom in the world.

The answer is not to stop foreign aid or to slash it further. The answer is to reform our foreign assistance programs and do our share to meet the needs of the 'Seventies.

A searching reexamination has clearly been in order and, as part of the new Administration's review of policy, I was determined to undertake a fresh appraisal. I have now completed that appraisal and in this message I am proposing a set of fundamental and sweeping reforms to overhaul completely our entire foreign assistance operation to make it fit a new foreign policy.

Such a major transformation cannot be accomplished overnight. The scope and complexity of such an undertaking requires a deliberate and thoughtful approach over many months. I look forward to active discussion of these proposals with the Congress before I transmit my new assistance legislation next year.

Reform #1: I propose to create separate organizational arrangements for each component of our assistance effort: security assistance, humanitarian assistance, and development assistance. This is necessary to enable us to fix responsibility more clearly, and to assess the success of each program in achieving its specific objectives. My proposal will overcome the confusion inherent in our present approach which lumps together these separate objectives in composite programs.

Reform #2: To provide effective support for the Nixon Doctrine, I shall propose a freshly conceived International Security Assistance Program. The prime objective of this program will be to help other countries assume the responsibility of their own defense and thus help us reduce our presence abroad.

Reform #3: I proposed that the foundation for our development assistance programs be a new partnership among nations in pursuit of a truly international development effort based upon a strengthened leadership role for multilateral development institutions. To further this objective,

—The U.S. should channel an increasing share of its development assistance through the multilateral institutions as rapidly as practicable.

—Our remaining bilateral assistance should be provided largely within a framework established by the international institutions.

—Depending upon the success of this approach, I expect that we shall eventually be able to channel most of our development assistance through these institutions.

Reform #4: To enable us to provide effective bilateral development assistance in the changed conditions of the 'Seventies, I shall transmit legislation to create two new and independent institutions:

—A U.S. International Development Corporation, to bring vitality and innovation to our bilateral lending activities and enable us to deal with lower income nations on a business-like basis.

—A U.S. International Development Institute to bring the genius of U.S. science and technology to bear on the problems of development, to help build research and training competence in the lower income countries themselves, and to offer cooperation in international efforts dealing with such problems as population and employment.

Their creation will enable us to phase out the Agency for International Devel-

opment and to reduce significantly the number of overseas U.S. Government personnel working on development programs.

Reform #5: To add a new dimension to the international aid effort insuring a more permanent and enduring source of funds for the low income countries, I have recently proposed that all nations enter into a treaty which would permit the utilization of the vast resources of the seabeds to promote economic development.

Reform #6: I propose that we redirect our other policies which bear on development to assure that they reinforce the new approach outlined in this message. Our goal will be to expand and enhance the contribution to development of trade and private investment, and to increase the effectiveness of government programs in promoting the development process. A number of changes are necessary:

—I propose that we move promptly toward initiation of a system of tariff preferences for the exports of manufactured products of the lower income countries in the markets of all the industrialized countries.

—I am ordering the elimination of those tying restrictions on procurement which hinder our investment guarantee program in its support of U.S. private investment in the lower income countries.

—I propose that all donor countries take steps to end the requirement that foreign aid be used to purchase goods and services produced in the nation providing the aid. Complete untying of aid is a step that must be taken in concert with other nations; we have already begun discussions with them toward that end. As an initial step, I have directed that our own aid be immediately untied for procurement in the lower income countries themselves.

THE FOUNDATIONS OF REFORM

These are the most fundamental of the many far-reaching reforms I propose today. To understand the need for them now, and to place them in perspective, it is important to review here the way in which we have reexamined our policies in light of today's requirements.

Two steps were necessary to develop a coherent and constructive U.S. assistance program for the Seventies:

—As a foundation, we needed a foreign policy tailored to the 1970's to provide direction for our various programs. For that, we developed and reported to the Congress in February the New Strategy for Peace.

—Second, to assist me in responding to the Congress and to get the widest possible range of advice on how foreign assistance could be geared to that strategy, I appoint a distinguished group of private U.S. citizens to make a completely independent assessment of what we should be trying to achieve with our foreign aid programs and how we should go about it.

The Task Force on International Development, chaired by Rudolph Peterson, former president of the Bank of America, drew upon the considerable experience of its own members and sought views from Members of the Congress and from every quarter of U.S. society. In early March the Task Force presented its report to me, and shortly thereafter I released it to the public. The Task Force undertook a comprehensive assessment of the conditions affecting our foreign assistance program and proposed new and creative approaches for the years ahead. Its report provides the basis for the proposals which I am making today.

I also have taken into account the valuable insights and suggestions concerning development problems which were contained in the Rockefeller Report on our Western Hemisphere policy. Many of the ideas and measures I am proposing in this message in fact were foreshadowed by a number of policy changes and program innovations which I instituted in our assistance programs in Latin America.

THE PURPOSES OF FOREIGN ASSISTANCE

There are three interrelated purposes that the U.S. should pursue through our foreign assistance program: promoting our national security by supporting the security of other nations; providing humanitarian relief; and furthering the long-run economic and social development of the lower income countries.

The national security objectives of the U.S. cannot be pursued solely through defense of our territory. They require a successful effort by other countries around the world, including a number of lower income countries, to mobilize manpower and resources to defend themselves. They require, in some cases, military bases abroad, to give us the necessary mobility to defend ourselves and to deter aggression. They sometimes require our financial support of friendly countries in exceptional situations.

Moreover, our security assistance programs must be formulated to achieve the objectives of the Nixon Doctrine, which I set forth at Guam last year. That approach calls for any country whose security is threatened to assume the primary responsibility for providing the manpower needed for its own defense. Such reliance on local initiative encourages local assumption of responsibility and thereby serves both the needs of other countries and our own national interest. In addition, the Nixon Doctrine calls for our providing assistance to such countries to help them assume these responsibilities more quickly and more effectively. The new International Security Assistance Program will be devoted largely to these objectives. I shall set forth the details of the proposed program when I transmit the necessary implementing legislation to the Congress next year.

The humanitarian concerns of the American people have traditionally led us to provide assistance to foreign countries for relief from natural disasters, to help with child care and maternal welfare, and to respond to the needs of international refugees and migrants. Our humanitarian assistance programs, limited in size but substantial in human benefits, give meaningful expression to these concerns.

Both security and humanitarian assistance serve our basic national goal: the creation of a peaceful world. This interest is also served, in a fundamental and lasting sense, by the third purpose of our foreign assistance: the building of self-reliant and productive societies in the lower income countries. Because these countries contain two-thirds of the world's population, the direction which the development of their societies takes will profoundly affect the world in which we live.

We must respond to the needs of these countries if our own country and its values are to remain secure. We are, of course, wholly responsible for solutions to our problems at home, and we can contribute only partially to solutions abroad. But foreign aid must be seen for what it is—not a burden, but an opportunity to help others to fulfill their aspirations for justice, dignity, and a better life. No more abroad than at home can peace be achieved and maintained without vigorous efforts to meet the needs of the less fortunate.

The approaches I am outlining today provide a coherent structure for foreign assistance—with a logical framework for separate but interdependent programs. With the cooperation of Congress, we must seek to identify as clearly as possible which of our purposes—security, humanitarianism, or long-term development of the lower income countries—to pursue through particular U.S. programs. This is necessary to enable us to determine how much of our resources we wish to put into each, and to assess the progress of each program toward achieving its objectives.

There is one point, however, that I cannot overemphasize. Each program is a part of the whole, and each must be sustained in order to pursue our national purpose in the world of the Seventies. It is incumbent upon us to support all component elements—or the total structure will be unworkable.

EFFECTIVE DEVELOPMENT ASSISTANCE—THE CHANGED CONDITIONS

The conditions that surround and influence development assistance to lower income countries have dramatically changed since the present programs were established. At that time the United States directly provided the major portion of the world's development assistance. This situation led to a large and ambitious U.S. involvement in the policies and activities of the developing countries and required extensive overseas missions to advise governments and monitor programs. Since then the international assistance environment has changed:

First, the lower income countries have made impressive progress, as highlighted by the Commission on International Development chaired by Lester Pearson, the former Prime Minister of Canada. They have been helped by us and by others, but their achievements have come largely through their own efforts. Many have scored agricultural breakthroughs which have dramatically turned the fear

of famine into the hope of harvest. They have made vast gains in educating their children and improving their standards of health. The magnitude of their achievement is indicated by the fact that the lower income countries taken together exceeded the economic growth targets of the First United Nations Development Decade. These achievements have brought a new confidence and self-reliance to people in communities throughout the world.

With the experience that the lower income countries have gained in mobilizing their resources and setting their own development priorities, they now can stand at the center of the international development process—as they should, since the security and development which is sought is theirs. They clearly want to do so. Any assistance effort that fails to recognize these realities cannot succeed.

Second, other industrialized nations can now afford to provide major assistance to the lower income countries, and most are already doing so in steadily rising amounts.

While the United States remains the largest single contributor to international development, the other industrialized nations combined now more than match our efforts. Cooperation among the industrialized nations is essential to successful support for the aspirations of the lower income countries. New initiatives in such areas as trade liberalization and untying of aid must be carried out together by all such countries.

Third, international development institutions—the World Bank group, the Inter-American Development Bank and other regional development organizations, the United Nations Development Program, and other international agencies—now possess a capability to blend the initiatives of the lower income countries and the responses of the industrialized nations. They have made effective use of the resources which we and others have provided. A truly international donor community is emerging, with accepted rules and procedures for responding to the initiatives of the lower income countries. The international institutions are now in a position to accelerate further a truly international development effort.

Fourth, the progress made by lower income countries has brought them a new capability to sell abroad, to borrow from private sources, and to utilize private investment efficiently. As a result, a fully effective development effort should encompass much more than government assistance programs if it is to make its full potential contribution to the well-being of the people of the developing nations. We have come to value the constructive role that the private sector can play in channeling productive investments that will stimulate growth. We now understand the critical importance of enlightened trade policies that take account of the special needs of the developing countries in providing access for their exports to the industrialized nations.

EFFECTIVE DEVELOPMENT ASSISTANCE—THE PROGRAM FOR REFORM

To meet these changed international conditions, I propose a program for reform in three key areas: to support an expanded role for the international assistance institutions; to reshape our bilateral programs; and to harness all assistance-related policies to improve the effectiveness of our total development effort.

My program for reform is a reaffirmation of the commitment of the United States to support the international development process, and I urge the Congress to join me in fulfilling that commitment. We want to help other countries raise their standards of living. We want to use our aid where it can make a difference. To achieve these goals we will respond positively to sound proposals which effectively support the programs of the lower income countries to develop their material and human resources and institutions to enable their citizens to share more fully in the benefits of worldwide technological and economic advance.

1. EXPANDING THE ROLE OF INTERNATIONAL INSTITUTIONS

International institutions can and should play a major creative role both in the funding of development assistance and in providing a policy framework through which aid is provided.

Such a multilateral approach will engage the entire international community in the development effort, assuring that each country does its share and that the efforts of each become part of a systematic and effective total effort. I have full confidence that these international institutions have the capability to carry out their expanding responsibilities.

—I propose that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable.

We have already taken the first steps in this direction. The Congress is currently considering my proposals for a $1.8 billion multi-year U.S. contribution to the Inter-American Development Bank and a $100 million contribution over three years to the Asian Development Bank. These two requests together with authorizations for increases in our subscriptions to the World Bank and International Monetary Fund are critical to our new assistance approach.

Moreover, I am pleased to note the recent statement by the World Bank that there is widespread agreement among donor countries to replenish the funds of the International Development Association at an annual rate of $800 million for the next three years, beginning in fiscal year 1972. I shall propose that the Congress, at its next session, authorize the $320 million annual U.S. share which such a replenishment would require.

—In order to promote the eventual development of a truly international system of assistance, I propose that our remaining bilateral development assistance be coordinated wherever feasible with the bilateral assistance of other donor countries, through consortia and consultative groups under the leadership of these international institutions. These institutions and groups like the CIAP in Latin America will provide leadership in the development process and work out programs and performance standards with lower income countries themselves.

Moving in this direction holds the promise of building better relations between borrowing and lending countries by reducing the political frictions that arise from reliance on bilateral contacts in the most sensitive affairs of nation-states. It will enhance the effectiveness of the world development effort by providing for a pooling of resources, knowledge, and expertise for solving development problems which no single country can muster.

2. RESHAPING OUR BILATERAL PROGRAMS

If these worldwide initiatives are to be fully effective, we must also refashion and revitalize our own institutions to assure that they are making their maximum contribution within a truly international development system. This will be neither an easy nor quickly accomplished task; it calls for thorough preparation, and an orderly transition. It is essential to undertake this task if our programs are to reflect the conditions of the 'Seventies.

The administration of bilateral assistance programs is complex and demanding. New institutions are needed so that we can directly focus on our particular objectives more effectively.

U.S. INTERNATIONAL DEVELOPMENT INSTITUTE

—I shall propose establishment of a U.S. International Development Institute, which will bring U.S. science and technology to bear on the problems of development.

The Institute will fill a major gap in the international development network. It will match our vast talents in science and technology with institutions and problems abroad. Research has created the basis for the Green Revolution—the major breakthrough in agricultural production—but continued progress in the 1970's will require the lower income countries to deal with more, and more complex, problems. The Institute will concentrate on selected areas and focus U.S. technology on critical problems. This requires flexibility, imagination and a minimum of red tape. If we can provide this Institute with the operational flexibility enjoyed by our private foundations, we can make a major contribution to the lower income countries at modest expense.

An Institute, so organized, could

—Concentrate U.S. scientific and technological talent on the problems of development.

—Help to develop research competence in the lower income countries themselves.

—Help develop institutional competence of governments to plan and manage their own development programs.

—Support expanded research programs in population.

—Help finance the programs of U.S.-sponsored schools, hospitals and other institutions abroad.
—Carry out a cooperative program of technical exchange and reimbursable technical services with those developing countries that do not require financial assistance.
—Cooperate in social development and training programs.
—Administer our technical assistance programs.
—Permit greater reliance on private organizations and researchers.

Given the long-term nature of the research operation and the need to attract top people on a career basis, the Institute should be established as a permanent Federal agency. To provide the necessary financial continuity, I propose that Congress provide it with a multi-year appropriation authorization.

U.S. INTERNATIONAL DEVELOPMENT CORPORATION

I shall propose establishment of a U.S. International Development Corporation to administer our bilateral lending program. It will enable us to deal with the developing nations on a mature and businesslike basis.

This Development Corporation will examine projects and programs in terms of their effectiveness in contributing to the international development process. It will rely strongly on the international institutions to provide the framework in which to consider individual loans and will participate in the growing number of international consortia and consultative groups which channel assistance to individual lower income countries. It should have financial stability through a multi-year appropriation authorization and authority to provide loans with differing maturities and differing interest rates, tailored to the requirements of individual borrowers. The Corporation would also have limited authority to provide grant financed technical assistance for projects closely related to its lending operations.

Both the Institute and the Corporation will be subject to normal executive and legislative review, relating their performance directly to their objectives.

Both these new institutions involve a fundamental change from our existing programs. As I have emphasized, the detailed plans and the complete transition will take time. In the interim, I am directing the administrators of our present development programs to take steps to conform these programs, as much as possible, to the new concepts and approaches I have outlined. For example, our program planning for consortia will be based more on analysis and general guidance developed in country studies prepared by the World Bank and other international institutions. Greater utilization of international institutions will permit us to reduce the number of government personnel attached to our assistance programs particularly overseas and make major changes in our present method of operation.

OVERSEAS PRIVATE INVESTMENT CORPORATION

—I am submitting to the Senate my nominations for the members of the Board of the Overseas Private Investment Corporation, which I proposed a year ago to promote the role of the private sector in development and which the Congress approved.

I expect this institution to be an important component of our new bilateral assistance program. The most important efforts of this new agency will be operation of the investment insurance and guaranty program and a strengthened program for assisting U.S. firms to undertake constructive investment in developing countries.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

—A few weeks ago I submitted to the Senate my nominations for the members of the Board of Directors of the Inter-American Social Development Institute, which was authorized by the Congress in the Foreign Assistance Act of 1969.

This Institute will provide grant support for innovative social development programs in Latin America undertaken primarily by private non-profit organizations, and will be aimed at bringing the dynamism of U.S. and Latin American private groups to bear on development problems and at broadening the participation of individuals in the development process.

The keynote of the new approach to our bilateral programs will be effectiveness: We will ask whether a program or individual loan will work before we decide to pursue it—and we will expect the international institutions through which we channel funds to do so as well. We will concentrate our activities in sectors in which we can make a significant contribution and in areas where long-term development is of special interest to the United States.

This Administration has been undertaking for some time a full review of all of our foreign economic policies. Those policies, including our new foreign aid policy and programs, must be closely related and mutually supporting. Therefore, I intend shortly to establish a new mechanism which will plan and coordinate all of our foreign economic policies, including our various foreign assistance programs, to assure that they are all effectively related.

3. PROMOTING EFFECTIVE DEVELOPMENT THROUGH IMPROVED ECONOMIC POLICIES

In addition to a new emphasis on the role of international institutions and a new shape to our bilateral programs, I propose initiatives that will enhance the public and private sector contribution to the development process.

—To open further the benefits of trade to the lower income countries, I have proposed that the international community initiate a system of tariff preferences for the exports of manufactured and selected primary products of the lower income countries in the markets of all of the industrialized countries.

The lower income countries must expand their exports to be able to afford the imports needed to promote their development efforts, and to lessen their need for concessional foreign assistance.

Market growth for most of the primary commodities which have traditionally been their major sources of export earnings is insufficient to enable them to meet these needs. I will submit legislation to the Congress recommending that we eliminate duties on a wide range of manufactured products purchased from the lower income countries. We will move ahead with this approach as soon as we achieve agreement with the other industrialized countries to join us with comparable efforts.

—I propose steps to expand the constructive role of private investment in the development process.

In order to eliminate the present tying restrictions on procurement which hinder our investment guarantee program, I am now directing that coverage under the extended risk guarantee program be extended to funds used in purchasing goods and services abroad. This will enhance our support of U.S. private investment in the lower income countries. In addition, we support early inauguration of an International Investment Insurance Agency, under the auspices of the World Bank, to provide multilateral—and thereby more effective—guarantees against expropriations and other political risks for foreign investments. We also support an increase in the scope of operations and resources of the International Finance Corporation, to further promote the role of the private sector—particularly within the lower income countries themselves—in the international development process.

—I propose that all donor countries end the requirement that foreign aid be used to purchase goods and services produced in the nation providing the aid.

Because recipients are not free to choose among competing nations, the value of the aid they receive is reduced significantly. These strings to our aid lower its purchasing power, and weaken our own objectives of promoting development. Aid with such strings can create needless political friction.

Complete untying of aid is a step that must be taken in concert with other nations and we have begun talks to that end with the other members of the Development Assistance Committee of the Organization for Economic Cooperation and Development. In the expectation that negotiations will soon be completed successfully, I have decided to permit procurement now in the lower income countries under the U.S. bilateral lending program—an expansion of the initial step I took with our Latin American neighbors. In addition to improving the quality of our assistance, this should expand trade among the lower income countries, an important objective in its own right.

—I propose that the United States place strong emphasis on what the Peterson Task Force called "the special problem of population."

The initiative in this area rests with each individual country, and ultimately with each family. But the time has come for the international community to come to grips with the world population problem with a sense of urgency. I am gratified at the progress being made by the

new United Nations Fund for Population Activities and propose that it undertake a study of world needs and possible steps to deal with them. In order to cooperate fully in support of this international effort, the proposed U.S. International Development Institute should focus the energy and expertise of this country on new and more effective measures for dealing with the problem of population.

—I also believe that the United States should work with others to deal effectively with the debt service problem.

The successful growth of the past has been financed in part through external borrowings, from private as well as government sources which the borrowers are obligated to repay. Furthermore, a portion of their borrowed resources have gone to build roads, schools and hospitals which are essential requirements of a developing nation but which do not directly generate foreign exchange. The debt incurred has heavily mortgaged the future export earnings of a number of lower income countries, restricting their ability to pay for further development.

This problem calls for responsibility on the part of the lower income countries, cooperation on the part of the lenders, and leadership by the international institutions which must take responsibility for analyzing debt problems and working closely with the creditors in arranging and carrying through measures to meet them. The United States will play its role in such a cooperative effort.

THE FUNDING OF DEVELOPMENT ASSISTANCE

International development is a long-term process. Our institutions—like the multilateral lending institutions—should have an assured source of long-term funding. Foreign assistance involves the activities of many nations and the sustained support of many programs. Sudden and drastic disruptions in the flow of aid are harmful both to our long-term development goals and to the effective administration of our programs.

In the past this country has shown its willingness and determination to provide its share. I confirm that determination and ask the Congress and the American people to assume those responsibilities which flow from our commitment to support the development process.

I agree with the conclusion of the Peterson Task Force that the downward trend of U.S. contributions to the development process should be reversed. I also agree with the Peterson Report that the level of foreign assistance "is only one side of the coin. The other side is a convincing determination that these resources can and will be used effectively."

A determination of the appropriate level of U.S. assistance in any one year will depend on a continuing assessment of the needs and performance of individual developing countries, as well as our own funding ability. It must also be influenced by a further definition of the proposals which I am outlining in this message, the responses of other donors and the performance of the international institutions.

As a long-run contribution to the funding of development, the United States will seek the utilization of revenues derived from the economic resources of the seabed for development assistance to lower income countries. I have recently proposed that all nations enter into a treaty to establish an international regime for the exploitation of these vast resources, and that royalties derived therefrom be utilized principally for providing economic assistance to developing countries participating in the treaty.

Foreign assistance has not been the specific interest of one party or the particular concern of a single Administration. Each President, since the end of World War II, has recognized the great challenges and opportunities in participating with other nations to build a better world from which we all can benefit. Members of both political parties in the Congress and individuals throughout the nation have provided their support.

The U.S. role in international development assistance reflects the vision we have of ourselves as a society and our hope for a peaceful world. Our interest in long-term development must be viewed in the context of its contribution to our own security. Economic development will not by itself guarantee the political stability which all countries seek, certainly not in the short run, but political stability is unlikely to occur without sound economic development.

The reforms that I propose today would turn our assistance programs into a far more successful investment in the future of mankind—an investment made with the combination of realism and idealism that marks the character of the American people. It will enable us to enter the 'Seventies with programs that can cope with the realities of the present and are flexible enough to respond to the needs of tomorrow. I ask the Congress and the American people to join me in making this investment.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1970.*

FOREIGN ASSISTANCE FOR THE SEVENTIES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President has called for substantial changes in the foreign assistance program. The new focus is to be on an increasing role for private enterprise in helping developing nations; on enlisting the peoples of these nations to help improve their own lives; and on working within the framework of multilateral organizations wherever possible.

For instance, the new framework for our development assistance would include a U.S. International Development Corporation, responsible for making loans in selected countries and for related technical assistance activities. Where possible, our loans would support broad programs worked out by the developing countries and appropriate international financial institutions.

The President has also called for a U.S. International Development Institute to apply science and technology to the process of development. The Institute would work largely through private organizations and would rely on highly skilled scientific and professional personnel.

The United States must be able to respond flexibly and effectively to changing requirements in the developing world. The President's proposals will make possible that kind of response.

Mr. ROBISON. Mr. Speaker, in his state of the Union message, as delivered to this Congress and to the Nation on January 22 of this year by the President, Mr. Nixon sounded again his theme that "if ours is not to be an age of revolution, it must be an age of reform," going on to propose that, as we entered the seventies, we should enter also a great age of reform of the institutions of American government.

Subsequently, on February 18, the President sent to Congress his historic "State of the World Message," entitled, "U.S. Foreign Policy for the 1970's—A New Strategy for Peace." This wide-ranging document was a statement of the new approach the President intended to make in foreign policy, generally—an approach designed to match what Mr. Nixon called "a new era of international relations."

In this latter message, the President declared:

America cannot live in isolation if it expects to live in peace.

Adding that—

We have no intention of withdrawing from the world . . . the only issue before us (being) how we can be most effective in meeting our responsibilities, protecting our interests, and thereby building peace.

In any such long-range effort it was clearly essential that we, as a Nation and a people, should address ourselves to the need for reform of our so-called foreign-assistance programs—an overall effort which, while not perhaps to be embraced under that earlier Presidential category of "institutions of American government," is nevertheless one of the building-blocks out of which a durable peace in a rapidly changing world will have to be constructed.

Today, then, we now have Mr. Nixon's ideas in this regard—and most welcome ideas they are, indeed.

In an era of declining foreign-aid expenditure levels—which fact expresses not only congressional and popular disenchantment with the foreign-aid programs of the past but quite likely, as well, a swelling national weariness with what many of our citizens, out of their unhappiness over Vietnam, have come to view as our tendency in recent years towards global adventurism—it is essential that we avoid carrying too far our understandable desire to turn somewhat inwards. For, whether we like it or not, we have a profound national interest in the social and economic development of the lower-income nations of the world. Our needs at home are, to be sure, most large, but our new awareness of them should not be permitted to blind us to the development needs of the world; this because, as the President notes:

No more abroad than at home can peace be achieved and maintained without vigorous efforts to *meet the needs of the less fortunate.*

The problem faced by the President in this regard has been a difficult one. Essentially, it has been a problem of finding ways and means to make our foreign assistance programs more effective at a time when, for a variety of factors—not the least of which is the current public attitude toward foreign aid in general, as that attitude is reflected here in Congress—there will doubtless be no appreciable increases in overall aid expenditures in the years immediately ahead.

In submitting his recommendations in this regard, the President has drawn heavily on the report of the Peterson Task Force on International Development, as well as on Gov. Nelson Rockefeller's report concerning our special policy problems in our own Western Hemisphere. Mr. Nixon's recommendations are simple and direct. First, he proposes that increasing amounts of our development assistance be channeled through the World Bank and other such international and regional institutions. Second, he recommends that we continue a significant program of bilateral development assistance—assistance administered by the United States, itself—but targeted now on those underdeveloped nations in which we have a special interest and which also show an ability and readiness to respond positively to the need to develop their material and human resources; in other words, to use our aid not indiscriminately as in the past but, from now on, only where it can make a difference. This involves, I know, a principle that has been stated in the past but seldom adhered to by recent Chief Executives. However, that principle is so much on all fours with the "Nixon Doctrine's" emphasis on local initiative and local assumption of responsibility—on the concept that peace requires partnership—that we must believe this is one President who means what he says in this respect.

The first such recommendation foreshadows the end of our once overlarge and overambitious involvement in the policies and activities of the growing number of developing nations, as well as the farflung overseas missions once thought necessary to administer and monitor that unique, but too often failing, effort. It foreshadows the day, not far off, when the United States will take its proper place in the emerging international donor community—as Mr. Nixon calls it—which has now the capability of better blending the initiatives of the lower income countries and the responses of the industrialized nations than we could ever hope to accomplish on our own.

The second such recommendation similarly foreshadows the day, also not far off, when those nations that will receive the benefit of our foreign aid will stand at the center of the international development effort, establishing their own priorities and receiving our assistance in relation to the efforts they are making in their own behalf. If Congress reacts favorably to the President's forthcoming legislative recommendations in this same regard, it also foreshadows a new institutional framework to replace the existing Agency for International Development, and a new emphasis on private initiative, private skills, and private resources in the developing nations, concentrating on their long-term needs and not on short-term political favors which, we should have long ago learned, cannot be bought with such assistance.

This new institutional framework, with congressional cooperation will be centered around a U.S. International Development Institute—to bring our scientific and technical capabilities to bear on the special problems of development—and a U.S. International Development Corporation responsible for making capital and related technical-assistance loans in selected countries on what the President assures us will be "a mature and businesslike basis." In order to help assure that latter objective, both of these newly proposed organizations will report directly to the President, leaving under State Department auspices those separate programs of "humanitarian assistance"—relief from natural disasters, refugee programs, and the like—and, in manner yet to be determined, under other auspices that third element of foreign assistance—collective security or "security assistance," as the President terms it—thus separating out the three major aims of our newly shaped foreign assistance program in such a way as to help fix responsibility more precisely and to clarify accountability for their conduct.

Mr. Speaker, though I shall, of course, wish to examine further the specifics of the forthcoming Presidential legislative proposals, the basics of the President's message, today, have my immediate and enthusiastic approval.

Taken together, they constitute the beginnings of true reform—giving proof where needed of the fact that declining foreign aid expenditure levels is not evidence that the need for such aid is diminished, or that our capacity to help other nations has diminished, or that America has lost, as Mr. Nixon put it, "her humanitarian zeal," nor, again in his words, that "we have turned inward and abandoned our pursuit of peace and freedom in the world."

Taken together, such proposals—including specifically, and it needed to be emphasized, Mr. Nixon's suggestion that the new International Development Institute should focus, with a sense of urgency, the energy and expertise of this country on the world's population problem—can help make our foreign-assistance programs the kind of investment in a better world, from which we can all benefit, that they have long needed to be.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the President's message on foreign assistance for the seventies.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the genleman from Michigan?

There was no objecion.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. ALBERT). This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be put over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DAVID L. KENNISON

The Clerk called the bill (H.R. 15272) for the relief of David L. Kennison.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be put over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REFERENCE OF H.R. 17968 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called the House Resolution (H. Res. 108) referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be put over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OK YON (MRS. CHARLES G.) KIRSCH

The Clerk called the bill (H.R. 4670) for the relief of Ok Yon (Mrs. Charles G.) Kirsch.

There being no objection, the Clerk read the bill as follows:

H.R. 4670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ok Yon (Mrs. Charles G.) Kirsch shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Ok Yon (Mrs. Charles G.) Kirsch shall be held and considered to be an immediate relative as defined in section 201(b) of that Act and the provisions of section 204 of the said Act shall not be applicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAUREEN O'LEARY PIMPARE

The Clerk called the bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempo. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VERNON LOUIS HOBERG

The Clerk called the bill (S. 1087) for the relief of Vernon Louis Hoberg.

There being no objection, the Clerk read the bill as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Vernon Louis Hoberg may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That, if the said Vernon Louis Hoberg is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

MARGARITA ANNE MARIE BADEN (NGUYEN TAN NGA)

The Clerk called the bill (S. 2976) for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga).

There being no objection, the Clerk read the bill as follows:

S. 2976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Margarita Anne Marie Baden (Nguyen Tan Nga) may be classified as a child within the meaning of section 101 (b) (1) (F) of such Act, upon the filing of a petition in her behalf of Barbara Baden, a citizen of the United States, pursuant to section 204 of such Act. No natural brothers or sisters of the said Margarita Anne Marie Baden (Nguyen Tan Nga) shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be put over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objeciton.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY OF THE UNITED STATES LOCATED IN LAWRENCE COUNTY, S. DAK., TO JOHN AND RUTH RACHETTO

The Clerk called the bill (H.R. 14421) to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto.

There being no objection, the Clerk read the bill as follows:

H.R. 14421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to John and Ruth Rachetto of Deadwood, South Dakota, all right, title, and interest of the United States in and to approximately 68.34 acres of land, together with all improvements thereon, located in Lawrence County, South Dakota, and more particularly described as lot 7, the north half of lot 8, and lot 2 in section 24, township 5 north, range 3 east, Black Hills meridian, containing approximately 73.14 acres, less lot 37 of lot 7, containing approximately 4.8 more or less. Such conveyance by the Secretary shall take place upon payment by or on behalf of John and Ruth Rachetto within two years from the date of enactment of this Act of the fair market value of the property being conveyed.

With the following committee amendments:

Page 1, line 6, strike out "68.34" and insert "79.79".

Page 1, lines 8 and 9, strike out "the north half of".

Page 1, line 10, after "Black Hills" strike out the remainder of the text ending on page 2, line 5, and insert in lieu thereof the following: "meridian. Such conveyance shall be made by the Secretary following application by John and Ruth Rachetto and payment, within one year from notification of the amount thereof, of the fair market value

of the property conveyed plus costs of appraisal and survey, if any, and the administrative costs of making the conveyance, all as determined by the Secretary. Moneys paid to the Secretary for administrative costs, appraisal, and surveys shall be deposited in the appropriation account then current for the agency which rendered the service. Moneys paid for the land shall be deposited in the general fund of the Treasury as miscellaneous receipts."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 4665) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HERSHEL SMITH, PUBLISHER OF THE LINDSAY NEWS, OF LINDSAY, OKLA.

The Clerk called the bill (H.R. 6100) for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CENTRAL GULF STEAMSHIP CORP.

The Clerk called the bill (H.R. 12958) for the relief of Central Gulf Steamship Corp.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DAVID Z. GLASSMAN

The Clerk called the bill (H.R. 13805) for the relief of David Z. Glassman.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JACK A. DUGGINS

The Clerk called the bill (H.R. 14271) for the relief of Jack A. Duggins.

There being no objection, the Clerk read the bill as follows:

H.R. 14271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated the sum of $3,341.80 to Jack A. Duggins of San Bernardino, California, in full settlement of his claims against the United States for losses and expenses he suffered in disposing of property and arranging his personal affairs in order to depart for an assignment in Hawaii as an employee of the Air Force, which assignment was canceled just prior to the time he was to depart. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$3,341.80" and insert "$1,266.59".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

KATHRYN TALBOT

The Clerk called the bill (S. 2661) for the relief of Kathryn Talbot.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ARTHUR JEROME OLINGER

The Clerk called the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that further call of the Private Calendar be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

VICTOR L. ASHLEY—SENATE AMENDMENT

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11060) for the relief of Victor L. Ashley, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, after "Ashley" insert "or, in the event of his death, to his estate,".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HUNGATE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. EDMONDSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 296]

Abbitt	Eckhardt	Meskill
Adams	Edwards, Calif.	Mikva
Anderson, Tenn.	Edwards, La.	Morse
	Fallon	Murphy, N.Y.
Ashbrook	Feighan	O'Konski
Baring	Flynt	Ottinger
Beall, Md.	Ford, William D.	Pelly
Bell, Calif.	Foreman	Philbin
Berry	Friedel	Powell
Blanton	Fulton, Tenn.	Price, Tex.
Blatnik	Gallagher	Purcell
Boland	Garmatz	Reid, N.Y.
Brock	Giaimo	Rivers
Brooks	Gilbert	Roe
Brown, Calif.	Gray	Rogers, Colo.
Broyhill, Va.	Hansen, Wash.	Rosenthal
Buchanan	Harrington	Roudebush
Burton, Utah	Hastings	Roybal
Bush	Hathaway	St Germain
Button	Hébert	Sandman
Cabell	Hicks	Satterfield
Casey	Hogan	Scherle
Celler	Holifield	Scheuer
Chappell	Horton	Schneebeli
Chisholm	Jones, Tenn.	Sebelius
Clark	Karth	Staggers
Clay	Kastenmeier	Stokes
Collins	Kleppe	Stuckey
Conte	Landgrebe	Talcott
Conyers	Landrum	Teague, Calif.
Coughlin	Lloyd	Teague, Tex.
Cowger	Lujan	Thompson, N.J.
Daddario	Lukens	Tiernan
Dawson	McCarthy	Tunney
de la Garza	McCulloch	Ullman
Diggs	Macdonald, Mass.	Watson
Dingell	MacGregor	Weicker
Donohue	Meeds	Widnall
Dowdy	Mikva	Wold
Downing	Morse	

The SPEAKER pro tempore (Mr. EDMONDSON). On this rollcall 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Commitee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, July 29, 1970, the Clerk had read through section 119 ending on page 40, line 22, of the bill.

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 40, immediately below line 22, insert the following:

"(3) Clause 3 of rule XXVIII of the Rules of the House of Representatives is amended—

"(1) by striking out ', but their report shall not include matter not committed to the conference commitee by either House. '; and

"(2) by inserting in lieu thereof the following: '; but the introduction of any language in that substitute presenting a specific additional topic, question, issue, or proposition not committed to the conference commitee by either House shall not constitute a germane modification of the matter in disagreement. Moreover, their report shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee.'."

Mr. SISK. Mr. Chairman, before I discuss briefly the amendment which has been offered I should like to make a few very brief remarks with reference to the bill in general and what the time situation appears to be.

As we were notified prior to the recess, today, Tuesday, and Wednesday and Thursday of this week were to be devoted solely to the consideration of the reorganization bill. It was to have priority for this week.

It is the considered judgment of this Member that if we are to pass a bill on legislative reorganization this year it would seem to be almost essential that work be completed by Thursday night. I am not here trying to set any hard and fast rules, but I merely wish to call to the attention of all Members, who are certainly just as much concerned, I am sure, as I am, that if we are to do that we are going to have to expeditiously consider such amendments as will be offered from time to time.

It would be my hope that Members would be willing voluntarily to limit themselves to a reasonable period of time. As you know, we have not sought to cut off debate. It would be my hope we would not do so in the future. I am simply attempting to call your attention to the urgency of the situation. Today is September 15 and it would seem to me unless we can complete action and finally vote on this bill this week the chances of ultimate passage are not too good.

Mr. Chairman, I would like to conclude these brief remarks by saying that we have been in contact with a number of Members of the other body, Members who are interested and Members who are concerned and Members who have, through staff work, kept up to the minute with what we are doing. There are hopeful indications that the other body will expeditiously consider this if, as I say, we could pass it in a timely fashion.

I have as late as this morning discussed the situation with certain interested Members of the other body and the time period that we are confronted with. As I say, I am hopeful that if we can expeditiously complete our work, there is a possibility—and I think it is a good possibility—that we could see the final passage of a legislative reorganization bill this year.

Now, Mr. Chairman, I would briefly like to discuss the amendment which has been offered here.

This amendment arises out of some recent events that developed in connection with the actions by conferees. Of course, as we know, conferences are held as executive sessions and not open to the public. We have had a recent demonstration of new material being added to a bill, material that was neither considered by this House nor by the other body in committee or in debate on the floor of either body, having been placed in the legislation and in fact having become a part of the recently passed highway safety bill. I am sure any of you who have run into some of the problems that I have run into recently are somewhat concerned over this kind of a development.

I might say that the gentleman from Illinois (Mr. ERLENBORN) also called this matter to the attention of the committee, and he, as recently as, I believe, 1969, on a point of order concerning the very question that we seek to get at here, found his point of order was overruled even though seemingly the present language of article 3, rule XXVIII, would have precluded the injection of new material. Precedents going back to 1907, and even since, permitted the overruling of a point of order after it has been made in connection with new material having been injected in a conference at that time. So the language which you have here heard read simply proposes to make it impossible to bring in new material, material that has not been considered in one or the other body's consideration of the matter.

I would briefly like to read through the amendment again, because there are two or three points that I would like to emphasize in it. I am only using that part of the new language which pertains here: "but the introduction of any language in that substitute presenting a specific additional topic, question, issue, or proposition"——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SISK was allowed to proceed for 5 additional minutes.)

Mr. SISK. Mr. Chairman, I apologize for the request for additional time and I would hope that I would not hereafter have to seek additional time. But in order to clarify and make some legislative history, if this amendment is adopted, it is necessary to discuss it a little bit further, and I will reread the language that I started to read: ", but the introduction of any language in that substitute presenting a specific additional topic, question, issue, or proposition, not committed to the conference committee by either House shall not con-

stitute a germane modification of the matter in disagreement."

Now, that particular language goes specifically to the issue on the recently passed Airway Safety Fund Act and I think that language would have precluded what was written in there in the way of what amounted almost to a secret provision having to do with penalties to try to avoid permitting the public knowing that they were paying an additional 3-percent tax upon their air travel.

Now, the second part of the amendment goes even further in an attempt to make certain that the proceedings of a conference committee which is held in executive session cannot go beyond the scope of what the committees of the two bodies in their floor debate held in the initial handling of the legislation, and it reads thus:

> Moreover, their report shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee.

Let me quickly cite a possible illustration of what we are talking about here. For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million or, going the other way, report $500,000. The point is that it should stay within the scope of what the two bodies have done initially. And this also could apply in other cases other than in dollar amounts, but must stay within the scope of the legislation at the time that it was considered in the two Houses.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding and I want to compliment the gentleman in the well and the other gentleman from California (Mr. SMITH) for taking the initiative in offering this amendment which I think will remedy the problem that we have been faced with in reports coming from conference committees.

Let me ask the gentleman in the well one question.

In the experience that I recently had with the Coal Mine Health and Safety Bill, I raised several points of order against the conference report. Let me give one example, and I would ask the opinion of the gentleman as to the construction and effectiveness of the amendment that the gentleman is offering.

In the bill on coal mine health and safety the House bill provided compensation for only complicated pneumoconiosis.

The bill of the other body likewise provided compensation only for complicated pneumoconiosis. The report of the conference committee extended the compensation benefits to all pneumoconiosis including simple as well as complicated pneumoconiosis. This was one of the points of order that I made against the conference report. In the opinion of the gentleman, if this language that the gentleman is offering had been part of the rules at that time, would my point of order have been valid and sustained?

Mr. SISK. In my opinion if I understand the language we are offering, your points of order would have been sustained.

Mr. ERLENBORN. I thank the gentleman.

Mr. SISK. That is the very kind of situation we seek to prevent.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, I rise in support of the Sisk amendment. Congress has been made to look very foolish by what happened in conference on the Aviation Facilities Expansion Act. The conferees on that important bill not only wrote new regulations into the law, but posted stiff financial penalties for violation of their new regulations.

I first directed the attention of colleagues to this prize bit of effrontery on July 1 of this year.

At that time I not only pointed out the absurdity of the regulations, but expressed doubt as to their constitutionality. That doubt was shared by a number of individuals, particularly among the ranks of travel agents and ticket sellers. One of them, David Peters, president of Timely Travel Inc., of Los Angeles, decided to press for a court test of their legality.

To this end, he announced publicly that he would defy the regulations and would list separately the amount of the tax on every domestic airline ticket sold by his agency. Mr. Peters sent to me a copy of a ticket he wrote in a manner which defied the regulations, and asked me to forward it to the appropriate agency. I forwarded the copy with a covering letter to the Commissioner of the Internal Revenue Service.

It is interesting to note that, whether by reason of the press of more important business or otherwise, the Internal Revenue Service has so far failed to take any action against Mr. Peters or the Timely Travel Agency.

One may experience either relief or regret, depending on one's point of view, at learning that Mr. Peters has discontinued his deliberate defiance of regulations. He did so, however, not because of the pressure of Federal agencies or because of his belief that his actions were unjustified. Rather, he was constrained to do so by the Air Transport Association, which threatened him with loss of his sales agency agreement if he persisted in his efforts to bring the matter into the courts.

On July 1 of this year, the day on which I called to the attention of my colleagues the lack of wisdom of the regulations that had been adopted, I introduced legislation to bring about a revision of the regulations as they applied to this particular matter.

It is clearly not feasible, however, and if it were it is neither sensible nor practical to attempt to correct by additional legislation undesirable actions taken in conference without approval of both Chambers. The Sisk amendment to H.R. 17654 would prevent the recurrence of such travesties upon the legislative process. It is for this reason that I strongly support the amendment.

For those who are interested in the details of the actions of the Timely Travel Agency and its attempts to bring about a court test of the regulations affecting ticket sales, I include copies of pertinent correspondence:

AIR TRANSPORT ASSOCIATION OF AMERICA,
Washington, D.C., August 20, 1970.

Mr. DAVID PETERS,
President, Timely Travel, Inc.,
Beverly Hills, Calif.

DEAR MR. PETERS: The August 18, 1970 issue of Travel Weekly, Page 1, reports "David Peters, President of Timely Travel, has begun to list the tax on every domestic airline ticket sold by his agency in defiance of the law that bars separating the increased domestic air tax from the ticket price".

You are advised that if the above quote from Travel Weekly is correct, Timely Travel is in violation of the Airports and Airways Bill passed by the Congress of the United States affecting all air travel within or from the United States on or after July 1, 1970. With respect to domestic tickets, including MCO's and XO's for air transportation, all of which are taxable at an 8% rate, the bill prohibits a carrier and/or its authorized agents from listing the fare and tax separately on the flight and passenger coupons. For each violation of this requirement, Congress has imposed a possible maximum $100.00 penalty.

A violation of the specific matter under discussion, if in fact it has occurred, would also appear to constitute a breach of Paragraphs 13 and 17 of the Sales Agency Agreement, in which event formal enforcement action may be required.

Accordingly, you are requested to immediately stop any such practice that may be in effect and immediately advise what action has been taken to correct this matter.

Very truly yours,
FRANKLIN OELSCHLAGER,
Director, Office of Enforcement.

AUGUST 26, 1970.

Re travel weekly August 18, re hidden tax.

Mr. FRANKLIN OELSCHLAGER,
Director, Office of Enforcement,
Air Transport Association of America,
Washington, D.C.

DEAR MR. OELSCHLAGER: I have received your communication of August 20 relative to subject matter.

As per your request, we have stopped any practice of separating the tax and the fare and will continue to abide by the law, which was passed by Congress, even though I feel that this law is unconstitutional and deceitful.

We wish to assure you, Mr. Oelschlager, that in no way did we intend to deliberately violate any of the rules and regulations in the Sales Agency Agreement, but I felt as a businessman, a taxpayer, and a citizen, I had a right to speak out. I feel that this now has been done and we have been heard from, and feel assured that our Congressmen will have this new tax law repealed.

I sincerely hope that this will satisfy your request, and I would appreciate it if you would please acknowledge same.

Very truly yours,
DAVID PETERS,
President.

TIMELY TRAVEL, INC.,
Beverly Hills, Calif., August 28, 1970.

Hon. LIONEL VAN DEERLIN,
House of Representatives,
Cannon Building,
Washington, D.C.

MY DEAR SIR: I received a call from the Press-Telegram of Long Beach quoting to me excerpts from the Congressional Record of your recent speech relative to the hidden tax. On behalf of the travel agents, I wish to thank you for your continued efforts in pursuing the repeal of this "tax law", which we all feel is unconstitutional and deceitful.

Enclosed please find a copy of an article published in Travel Weekly of August 18 and a copy of a letter that I received from the Air Transport Association of America and my reply. I am, also, enclosing a copy of a letter received from Senator Long.

For your information and guidance, I continued to disregard the law and wrote many tickets separating the tax and the fare. However, since receiving this communication from Air Transport Association, while I do not agree with them that I have in any way violated any of the conditions of the Sales Agreement, I must abide by their request because my appointments as a travel agent would be in jeopardy. While I am still willing to go to court to test the constitutionality of this tax law, I cannot endanger my position by being put out of business; therefore, my reply to the Air Transport Association was to abide by their request and I am now writing the tickets with the tax included.

At this time I have not been contacted by the I.R.S. or any other governmental agency. In the event that I am contacted, I will certainly advise your office.

Kind personal regards.

Sincerely yours,

DAVID PETERS,
President.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. GROSS. Using this bill as an example, suppose, on the passage of this bill, and I hope it will not be approved because of some of the provisions it contains, but suppose this bill is approved by the House and the gentleman should move to substitute a Senate bill? We might have no knowledge whatever of what the Senate bill contained. At what point could a point of order be raised against the provisions of the Senate bill?

Mr. SISK. If the gentleman will permit me, of course, what we are seeking to do in this amendment, should it pass, is to go through the normal procedure that we do very often, to strike out all after the enacting clause and substitute the House passed language on a Senate number and still keep away from this idea of new material.

Now it would be my assumption, of course, that the question of what was in the Senate bill at that point would not necessarily lead to a point of order. I think a point of order would come later in connection with the matter of germaneness which the gentleman knows we are going to be debating a little bit later this afternoon. I am referring now, of course, to the other body's rule which has no germaneness requirement, in attaching nongermane material to a House-passed bill.

But I would not visualize that it would be subject to a point of order if it deals with the same subject matter, and in essence is as a matter of course considered to be germane to the subject.

PARLIAMENTARY INQUIRY

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. O'HARA. Mr. Chairman, the gentleman from California has offered what I understand to be an amendment to the text of the language of section 119.

I understand that an amendment may be offered to strike out all of that section by another Member, or that a third Member might offer an amendment which would be a substitute to strike out all of that and put in something else.

My inquiry, Mr. Chairman, is this: If this amendment to the text were to be adopted, would it then be in order to offer an amendment to strike the entire paragraph, as amended, or to strike the entire paragraph, as amended, and insert a new text? Or must that be done before this amendment is voted on?

The CHAIRMAN. The Chair would like to inform the gentleman that after disposition of the pending amendment, it would be in order to strike out the entire section, or to strike out the entire section and insert a new section.

Mr. O'HARA. Then, Mr. Chairman, it would be possible for those Members who have any such idea in mind to wait until after the Sisk amendment is voted upon; is that correct?

The CHAIRMAN. The Chair would inform the gentleman that a motion to strike out would not be in order at this point.

The question is on the amendment offered by the gentleman from California (Mr. Sisk).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brademas: On page 40, strike out lines 18 to 22, inclusive, and insert in lieu thereof the following:

"(2) Clause 2 of rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

"'2. It shall not be in order to consider the report of a committee of conference unless such report and the accompanying statement shall have been printed in the Record, at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such report by the House; but this provision does not apply during the last six days of the session. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement are then available on the floor. The time allotted for debate in the consideration of any such report shall be equally divided between the majority party and the minority party.'"

And make the appropriate and necessary technical changes in the bill.

The CHAIRMAN. The gentleman from Indiana, Mr. BRADEMAS, is recognized for 5 minutes in support of his amendment.

(Mr. BRADEMAS asked and was given permission to proceed for an additional 5 minutes.)

Mr. SISK. Mr. Chairman, before the gentleman starts, will the gentleman yield for a quick question for the purposes of clarification?

Mr. BRADEMAS. I yield to the gentleman from California.

Mr. SISK. Does the gentleman interpret his amendment, by the striking of certain language, to have stricken the amendment just adopted, or to leave intact the amendment just adopted?

Mr. BRADEMAS. It would be my intention and hope, subject to the ruling of the Chair, to leave intact the amendment just offered by the gentleman from California, which I support, but I would have to defer to the Chair on the question of whether or not the gentleman's amendment would in any way be affected by the amendment that I offered.

Mr. SISK. Will the gentleman from Indiana yield for a parliamentary inquiry?

Mr. BRADEMAS. Of course.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SISK. Mr. Chairman, did the reading as to the striking of language in the first instance starting, I believe, with line 18, go to the balance of the page, or did it go to line 22? I ask this question in the light of the fact that it is my understanding that the amendment which I have just offered went to the matter below line 22, coming in addition thereto.

Mr. BRADEMAS. I believe that is correct.

The CHAIRMAN. The Chair informs the gentleman from California that the amendment offered by the gentleman from Indiana goes through line 22 on page 40. The amendment offered by the gentleman from California followed line 22 and inserted a new clause in the bill. So the gentleman's amendment will not affect the Sisk amendment just adopted.

Mr. SISK. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from Indiana is recognized for 10 minutes.

Mr. BRADEMAS. Mr. Chairman, I appreciate very much the clarification of the distinguished gentleman from California, and I want to take this time to congratulate him and all those on his committee who have worked so diligently to bring to the committee and to the House this very important measure.

The amendment that I offered, Mr. Chairman, I offered not only for myself but also on behalf of the gentleman from Illinois (Mr. ERLENBORN) the gentleman from Ohio (Mr. STOKES), and the gentleman from Pennsylvania (Mr. COUGHLIN), as well as on behalf of some 80 Members of the House of both parties. The amendment which I now offer is aimed at providing a minimal and necessary amount of time for the House to review the reports of conference committees and accompanying explanatory statements. We are all aware of the vital and important role that conference committees play in this body. They are granted enormous legislative authority in reconciling the differences in versions of bills passed by both bodies, moreover, because the consideration of conference reports is so important, the rejection of a report can mean the death of the legislation involved.

For these reasons, it is a grave matter for the House to reject a conference committee report. Thus, these reports are generally accepted with little controversy.

Yet, Mr. Chairman, this body is often uninformed about the conference reports on which it is passing. The reason is simple, we are often denied an adequate and reasonable opportunity to study the conference reports and the accompanying statements explaining them. Indeed, the Members most interested in a legislative issue are frequently unable to scrutinize the pertinent conference report before having to cast their vote on it.

Mr. Chairman, it is for reasons such as these, that my amendment is offered as one of the so-called "anti-secrecy" amendments—intended to reform the rules of this body so that it will better deserve the respect of the American public—and so that each Member might exercise his duties more effectively and responsibly.

Mr. Chairman, Members should not have to vote on conference reports without an adequate opportunity to study the changes made in conference committee—changes often of billions of dollars in magnitude and modifications sometimes reflecting a substantial difference in congressional intent from the legislation originally passed by the House.

Mr. Chairman, in summary, unless this body is merely to delegate final legislative authority to conference committees, due consideration should be given to their reports.

Mr. Chairman, let me then briefly outline the provisions of my amendment. I believe my colleagues will find it terse and to the point. The amendment states:

On page 40, strike out lines 18 to 22, inclusive, and insert in lieu thereof the following:

"(2) Clause 2 of rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

"2. It shall not be in order to consider the report of a committee of conference unless such report and the accompanying statement shall have been printed in the RECORD, at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such report by the House; but this provision does not apply during the last six days of the session. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement are then available on the floor. The time allotted for debate in the consideration of any such report shall be equally divided between the majority party and the minority party."

And make the appropriate and necessary technical changes in the bill.

Mr. Chairman, basically there are 3 points to my amendment.

First, the amendment provides that conference reports and explanatory statements must be printed in the CONGRESSIONAL RECORD 3 calendar days excluding Saturdays, Sundays and legal holidays, prior to consideration by this body.

At present, conference reports need only be printed in the RECORD any time before consideration. Thus a report could have been inserted late last night and called up for a vote as the first order of business today. And this is as members are all aware, a frequent practice.

The amendment states "calendar" days—rather than "legislative" days—because, it seems to me, we should propose the minimal amount of time necessary for consideration of conference reports.

Second, my amendment states that the printing of conference reports and accompanying statements three days prior to being considered shall not be required during the last 6 days of the session.

Mr. Chairman, this provision continues the present rule—item 912, paragraph 2 of rule 28—which pertains to the end of a session. That rule states that the requirement for the printing of conference reports and accompanying statements in the RECORD is suspended during the last 6 days of a session.

Similarly, the amendment I have offered would not require these documents to be printed in the RECORD prior to consideration by this body during the last 6 days of a session since we normally must dispose of a great volume of legislation at that time.

Third, my amendment provides that conference reports and the accompanying statements—whether or not considered during the last 6 days of the session—must be available on the floor during consideration.

Mr. Chairman, it seems only reasonable to ask that Members be able to read on the floor the exact text—and explanatory statement—of conference reports so as to understand what is in them before voting on them.

I would point out, finally, that my amendment leaves intact the committee reported provision which allots an equal amount of time for debate on conference reports to the majority and minority parties.

In other words, my amendment seeks to make the smallest changes possible—applying the present rules where applicable—in order to have conference reports available for a reasonable amount of time prior to their consideration by the House.

Mr. Chairman, let me try to anticipate one argument against my amendment. Some of my colleagues may say that conference reports are "urgent" business, and they may argue that this amendment would delay consideration of vitally important legislation.

Such an argument is clearly specious.

For, Mr. Chairman, the conference report on a bill often comes after months of hearings, after weeks of delay before being first considered by both bodies, and sometimes after weeks longer in a conference committee.

Under these circumstances, it would be extraordinary if a bill were so urgent that it could not await 3 days of scrutiny. Indeed, Mr. Chairman, if the conference report cannot survive such consideration, it should probably not be passed. Moreover, let me point out that the rules can be suspended should the Members deem extraordinary action necessary, and the rules committee could circumvent the provisions of my amendment by granting a conference report a rule in an unusual situation.

Of the 21 major appropriations and authorization bills for the first session of the 91st Congress which went to conference, 18—85 percent* were voted on by the House within 1 day after the conference report was printed in the CONGRESSIONAL RECORD. The three other reports were voted on by the House in 3 days or less.

Clearly, Members of this very Congress have often had little more than 1 day to study conference reports.

This is dramatic evidence of the "secrecy" which enshrouds many conference reports until the last moment before they are voted on.

Finally, Mr. Chairman, let me point out that the privileged status of conference committee reports—which had its origin in a temporary rule in 1850 and which was formally adopted by this body in 1880, is not here in question.

That privileged status allows for conference reports to be brought up at almost any time.

This privileged status of conference reports is maintained by my amendment, but with the proviso that they be printed in the RECORD at least 3 days prior to their consideration.

Mr. Chairman, it was in 1902, that rule XXVIII of this body was amended to assure that conference committee reports be printed in the RECORD before their consideration, which could mean, as I have said, as little as 1 day's notice before a vote.

But Mr. Chairman, in the seven decades since that amendment, the legislative issues facing this body have grown in numbers and have become immensely more complex.

I feel that these facts alone justify the amendment I am offering today. For it assures a reasonable amount of time for the Members to consider conference reports on a wide range of complex legislative issues and assures the availability of these reports and explanatory statements on the floor.

I urge my colleagues to support this statement and at this point in the RECORD, list the names of those Members who are sponsoring the amendment:

LIST OF SPONSORS

Messrs. Brademas, Erlenborn, Adams, Addabbo, John Anderson, Brasco, Brown of California, Burke of Florida, Mrs. Chisholm, Messrs. Clay, Cleveland.

Messrs. Cohelan, Conyers, Coughlin, Crane, Culver, Daddario, Dellenback, Dennis, Derwinski, Eckhardt.

Messrs. Edwards, Evans, Farbstein, Fascell, Findley, William D. Ford, Fraser, Frey, Friedel, Green of Pennsylvania.

Messrs. Halpern, Hanley, Harrington, Hathaway, Hechler of West Virginia, Helstoski, Hicks, Hogan, Howard, Kastenmeier, Keith.

Messrs. Koch, Leggett, Long of Maryland, Lowenstein, Lujan, Lukens, MacGregor, McCarthy, Matsunaga, Melcher.

Messrs. Mikva, Minish, Moorhead, Morse, Mosher, Moss, Obey, O'Neill, Ottinger, Patten.

Messrs. Podell, Pryor, Reid of New York, Reuss, Riegle, Rodino, Rooney of Pennsylvania, Roth, Roybal, Ruppe.

Messrs. Ryan, Scheuer, Schwengel, Steiger of Wisconsin, Tiernan, Tunney, Van Deerlin, Vanik, Waldie, Weicker, Whalen, Wright.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

*Only one of these was during the last 6 days of the session.

Mr. BRADEMAS. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman from Indiana for yielding.

I compliment him on this amendment, if my interpretation is sound and correct and in accordance with the thrust of his amendment.

First let me preface my question by saying recently we had what I am sure many of us considered to be an embarrassing experience with respect to the enactment of the legislation which created the Air Transportation Trust Act. I am sure when the bill left the House, and even when it went to conference, there was no provision which made it imperative to prohibit people from knowing the amount of the increase of the tax airline travelers would have imposed on them.

It was quite a surprise—in fact, a shocking surprise—to discover that this was, in effect, a well and clearly written provision which, according to later explanations, was incorporated during the conference sessions but which at no time was even discussed in this House or by any committee.

To me it seems futile to talk about legislative reorganization and reform so long as this type of practice continues. It is a reflection on each and every one of us, and even a reflection on our integrity and our ability as to the prime constitutional function and responsibility we have, which is to legislate.

If I correctly understand the gentleman's amendment, it would help to prevent this type of thing.

Mr. BRADEMAS. The gentleman is exactly correct, even as would the amendment of the gentleman from California, just adopted. My amendment would make it possible for Members to examine carefully conference reports and determine whether or not there was some material in a conference report which in point of fact had not been included by either body and therefore would not be appropriate for inclusion in a conference report.

Mr. GONZALEZ. I compliment the gentleman and I urge my colleagues to approve the amendment.

Mr. BRADEMAS. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Missouri.

Mr. HALL. In the opinion of the gentleman offering the amendment, would this do any damage to or alter the present rules, which would require that the House by resolution or other device determine a day certain for adjournment sine die, before the 6-day provision was invoked?

Mr. BRADEMAS. So far as I am aware, Mr. Chairman, the amendment I here offer would not be relevant to that particular problem. That is another matter.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. I yield further.

Mr. HALL. By the very wording of the amendment, in two different places it says that except for 6 days prior to adjournment certain reports would not need to be printed in advance, et cetera. My question deals with whether or not, as in the case of the rule suspensions, which I believe is 7 days prior to a date definitely fixed by resolution of the House, this would be in effect. Would the same rule apply insofar as a definite determination of the date of adjournment by the leadership, by resolution, by action of the House, before the 6-day exempting clause went into effect?

Mr. BRADEMAS. I hope I understand the gentleman's question.

The amendment I offer is applicable only to conference reports and not to other questions, such as resolutions of adjournment. As the gentleman from Missouri can see if he will look at page 39 of the bill under consideration, the sections which we are presently considering pertain only to conference reports and not to other resolutions or other forms of activity in the House.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(On request of Mr. HALL, and by unanimous consent, Mr. BRADEMAS was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. I want to say to my friend from Missouri, perhaps I am not understanding his question, but if he will look at my amendment he will see it has to do only with the question of the printing of conference reports.

I yield to the gentleman.

Mr. HALL. I do understand that. My question is, as simply put as possible, in the case of conference reports will the 6-day period be determined in the same manner as we do for suspensions coming in order 6 or 7 days before the finally set date of sine die adjournment? There has to be some determination of that date.

Mr. BRADEMAS. Yes.

Mr. HALL. How do we tell when the 6 days will be invoked, and when it ends, without the prior determination of the sine die adjournment?

Mr. BRADEMAS. Again, hopefully I understand the gentleman's question.

My amendment has nothing to do with and in no way would change the present method of determination of the last 6 days of the session.

Mr. SMITH of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman from Indiana stated, there will probably be objections to this from a time standpoint. Reading over the amendment, it seems to me it is too inflexible. The purpose and the intent of the language I have great respect for, and I would like to try to work it out.

The amendment says "nor shall it be in order to consider any conference report unless the conference reports are available on the floor." Now, certainly I think that is good language and we should have that in the rules. I do not believe we should consider conference reports until the Members have a chance to read them. But to wait for 3 calendar days, excluding Saturdays, Sundays, and legal holidays, which could be 6 days, because you could recess from Thursday to Monday, then have a legal holiday occur on Monday, and then you would have to wait 3 more days.

This provision does not apply to the last 6 days of the session. I would like to ask anybody how do you determine that last 6 days? We have to have a resolution passed for adjournment sine die. Some years ago the House did pass one. The other body objected quite strenuously. So we are proceeding now where we are passing a resolution 24 hours, maybe, before we are going to adjourn sine die. Now, what happens to conference reports that we have to consider during that period of time? Are we going to put them over and wait 3 days and have the Committee on Rules waive points of order and wait over 24 hours in order to consider the conference report? In other words, it seems to me that we are just locking the House in too tightly here. This procedure is too inflexible and too difficult to interpret from the standpoint of when we can adjourn.

As I stated, I have no objection to having copies of conference reports made available. The last part of the amendment providing for equal time to debate conference reports is already in the committee's bill. I support it.

The gentleman from Texas, Mr. GONZALEZ, mentioned this would take care of the situation where material added in conference was not in either House's version of the bill. The Sisk amendment takes care of that issue. This amendment will not affect that at all. The Sisk amendment, which was just adopted, will confine the conference report to the material in the Senate or the House bill. Nothing could be brought into that conference report for the consideration of the House under the Sisk amendment unless it was either in the House or the Senate passed bill.

So I object to the amendment, Mr. Chairman, although I think we ought to know what we are doing on conference reports. This is a little bit too inflexible, and I believe it goes too far. It would be too difficult for the Speaker to decide these questions when points of order are made as to when we will adjourn, or when the last 6 days of a session begin.

So I oppose the amendment, and I hope we turn it down.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. Yes. I yield to the gentleman.

Mr. SISK. I thank the gentleman for yielding.

I simply want to join with my colleague from California in his position on the matter. I am completely sympathetic with what the gentleman from Indiana seeks to do here, which is given more information and more time for study to the Members. We all agree on that. I find that there is inflexibility here, and the problem as he outlines it in connection with the 6 days is a difficult problem. We do not know what the time will be. The time cannot start running until a resolution for adjournment has been approved. Of course, under our situation no one has any idea of that now. My only objection lies to what seems to me to be

a 6-day delay, which could occur over a legal holiday weekend.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. Yes. I yield to the gentleman.

Mr. BRADEMAS. As I understand the gentleman's question, it seems to me that I have in no way by my amendment changed the rules of the House with respect to the 6-day provision. I call the gentleman's attention to rule XXVII, the change or suspension of rules, which reads as follows:

> No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of the session.

So I appreciate the comments of the gentleman but I do not believe that my amendment as offered has any effect in changing the present rules of operation of the House with respect to the last 6 days of a session.

Mr. SMITH of California. May I ask the gentleman a question?

Mr. BRADEMAS. Certainly.

Mr. SMITH of California. The gentleman from Indiana is very knowledgeable of the rules of procedure here. May I ask the gentleman from a practical standpoint now under the House procedures and its rules, when would the gentleman say the last 6 days of this 91st Congress, second session will start, and how will we determine it as to the last 6 days before we adjourn?

Mr. BRADEMAS. The gentleman's question is an exercise in metaphysics, not in parliamentary law because I answered the gentleman: The same way we presently determine the last 6 days of a session.

Mr. SMITH of California. We never have had the last 6 days determined before adjournment in a resolution passed for a sine die adjournment but once during my 14 years here. We are talking about adjournment now by October 15, or maybe October 22, or Thanksgiving or Christmas, but I imagine that we will all get ready to go about 24 hours before we pass a sine die resolution. What will we do with all the conference reports then?

Mr. BRADEMAS. I understand the point the gentleman is making and I think it is very well taken, but I could ask the same question that the gentleman asked as to the rules of the House, because in the rule that I have just read, which is presently the rule, the language is used "during the last 6 days of a session." That is presently the rule.

Mr. SMITH of California. That rule has been ignored as long as I have been here in the House.

Mr. BRADEMAS. That is a different matter.

Mr. SMITH of California. I am for the gentleman's principle but I think that it is going to make it awfully difficult to handle say the 16 major bills from ways and means which have passed the House and which are in the Senate, or if the appropriations are held up, how are we going to get them out at the end of a session?

Mr. BRADEMAS. I understand the point the gentleman raises, but I think the gentleman upon reflection—and I see a smile come to his cheeks, would agree with the fact that my amendment in no way changes the rules of the House under which we are presently operating that contains the phrase "during the last 6 days of a session." So I do not change that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ERLENBORN. Mr. Chairman, I support the amendment offered by the gentleman from Indiana and cosponsor it as he stated when he presented the amendment. This amendment is complementary to the one that has just been adopted without objection. The amendment that I refer to was the one offered by the gentleman from California (Mr. SISK). I think that was an excellent amendment, as I stated in my support of it at the time, but if we want to make the Sisk amendment effective we must give the Members of the House an opportunity to read the conference report to see if the conference report conforms with the rules of the House.

As the practice is today, the conference report can be filed any time prior to midnight by asking unanimous consent. That is the usual practice. Unanimous consent is given to file a report at any time prior to midnight and it is included in the RECORD for that day. The report can then be called up at the opening of business the next day, and there is little opportunity for the Members to look at the conference report to determine whether the rules have been conformed to.

As to the provision of counting 3 calendar days, if there is a legal holiday, I think it is rather obvious that it would be an inopportune time to file such a report on a holiday weekend. For instance, if the House had been in session on Friday prior to the Labor Day weekend unanimous consent could have been granted to file a report by midnight on Friday; the proceedings of that day, the RECORD, would not be printed until Saturday. No one would have an opportunity to see this over that weekend, Saturday and Sunday or Labor Day, Monday, and then the matter could be brought up at the opening of business on Tuesday, and there would be the same difficulty examining the conference report to see if it conforms with the rules of the House, or to see if a Member wants to support it, or if he wants to actively oppose the conference report.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. FRASER. As to the last 6 days, it seems to me that what this does is to provide one option. If there should be a resolution for adjournment adopted ahead of time, then you would know when the 6 days began to run.

The gentleman has also identified another option, which is a request for unanimous consent.

A third option, of course, would be for the Committee on Rules to report out a rule suspending the 3-day layover requirement when we were clearly coming to an end of a session and there was no sine die resolution.

So it seems to me, if we took this 6-day provision out, we would simply be taking out one option. But as we come to the close of a session, there are a number of things that may have to be done to make sure that we could close all business, and as I say, I do not see any harm in having this provision in, the 6-day provision, even though it may not be operative in most cases.

Mr. ERLENBORN. I think the gentleman has made a valuable contribution. He is right, in my opinion.

First of all, let me state that the question of the 6 days is not introduced by this amendment. I think the gentleman from Indiana (Mr. BRADEMAS) tried to make this clear. Reference to the last 6 days of the session is in the present rule and any of the problems that arise as to identify when these last 6 days begin to run is presently a problem in the rules. So we are not introducing this as a new problem.

The gentleman, I think, correctly states that there are several alternatives.

One would be to see that a resolution providing for sine die adjournment is adopted at least 6 days prior to the end of the session, which is seldom done. But it could be done if the leadership of the House so required.

Second, the Committee on Rules can grant a rule for the consideration of conference reports.

The gentleman suggests further that unanimous consent could be given.

So I think the safeguards are there to see that the business of the House in the last 6 days can be handled expeditiously. Let us not, in worrying about the last 6 days of the session, prohibit, as we now do during the balance of the session, Members of the House being able to properly manage their legislative business by seeing the conference reports and having the opportunity to examine them before being required to vote on them on the floor.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. SMITH of California. Mr. Chairman, we are talking of suspension of rule 27 which has to do with the suspension of bills on the first and third Monday of the month. That is the start of legislation. In other words, we have a bill and, with two-thirds present and voting, suspend and pass a bill—and that starts it.

Now the conference report is the end of the legislation.

So they are two different subject matters. We are not talking about changing rule 27, which does not apply to sine die adjournment. That has to do with suspensions where we institute legislation.

Mr. ERLENBORN. May I answer the gentleman. Apparently, the gentleman is not aware that presently under rule 28

we have reference to the last 6 days of the session. We are not referring to suspensions on Monday. We are referring to the last 6 days in rule 28. There is no change in this amendment we are offering.

Mr. COUGHLIN. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Indiana (Mr. BRADEMAS), the gentleman from Illinois (Mr. ERLENBORN), and the gentleman from Ohio (Mr. STOKES).

As a relatively new Member of this great body, few things have frustrated me more than the mysteries of the conference report.

At present, conference reports can be taken up any time after they have been printed in the RECORD. Often they are rushed through so fast they never appear on the whip notices. Sometimes, a report filed late one day is voted on as soon as the House convenes the next day.

I, as other Members, have often walked from my office to the House floor for a vote without even knowing what was being voted upon, much less what the report contained. Some conference reports run to several hundred pages and involve considerable changes in dollar amounts and the law itself. As a result, there is little chance for a Member to cast an intelligent vote of he does not know what is in the report. It also usually precludes some Members with interest in the report from taking part in the debate.

It makes no difference, in the last analysis, how many open hearings are held, how many hours there are of debate, or how many amendments are accepted, because it is conference reports that become law. If Members cannot study the final product, how can they possibly cast a wise and intelligent vote?

The primary purpose of this amendment is to give Members sufficient time to familiarize themselves with these reports before they are faced with a debate and vote on the floor. The amendment is also designed to eliminate the secrecy which currently surrounds much of the formulation and passage of conference reports.

There are those who argue that conference reports are, by their nature, urgent pieces of legislation that must be passed without any delay whatsoever. In response to that, I say that any legislation that takes weeks, often months, of preparation deserves to be available for at least 3 calendar days in its final printed form so that it can be studied by all those who must ultimately bear responsibility for it.

In addition, a 3-day layover of conference reports will encourage those responsible for drawing up the report to complete their work in such time that a question of urgency never arises.

If, however, there does occur a situation in which it is deemed prudent to bring out a conference report and vote on it immediately, then either a vote can be taken on suspending the rules, or the Rules Committee can be asked to grant a rule suspending the printing.

This amendment is not designed to slow up or hinder the orderly passage of legislation. We recognize, for instance, that the last days of a session make such a rule unwise, and it is for that reason that we included suspending the 3-day layover provision during the last 6 days of the session. The amendment still requires, however, that copies of the report and its accompanying statement be available to Members on the floor at the time of debate.

I believe that this amendment is the least we can do to insure that Members are fully aware of the provisions in the final legislation on which they are asked to vote.

I ask that you support us by voting for this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the ammendment. What happens on some occasions in dealing with conference reports is unconscionable. It is unconscionable that a conference report may be printed in the RECORD one night and called up in the House at noon the next day as the first order of business. Oftentimes Members do not have the time—they may be busy with an important committee meeting in the morning—to read the RECORD containing the report. So we are confronted with consideration of what may be a very important conference report without having had the time to reasonably consider what it contains.

Insofar as the 6-day rule is concerned, let the leadership of the House fix the time for sine die adjournment—that is all they have to do. Then they can call up all the bills they want to under suspension of the rules, or conference reports in less than the 3 days as provided in the amendment. If I were to find any fault with the amendment, it would be the suspension of the 3-day provision in the last 6 days of the session. Some of the most important conference reports are called up near the end of the session. This is when we may need more time to consider conference reports than at any other during the entire session of Congress.

But I think the amendment is a good one and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to be offered to this section? If not, the Clerk will read.

The Clerk read as follows:

ADDITIONAL PROVISIONS PERTAINING TO GERMANENESS OF AMENDMENTS OR MOTIONS WITH RESPECT TO MEASURES BEFORE THE HOUSE

SEC. 120. Rule XX of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"3. Any amendment or motion with respect to any measure before the House, other than any amendment within the class of motions or propositions to which clause 7 of rule XVI applies, which would be subject to a point of order on a question of germaneness under clause 7 of rule XVI if that clause were applicable to that amendment, or any rule or order or motion providing for agreement to such amendment to that meassure, or any conference report containing any such amendment, shall require for adoption, on the demand of any Member, a vote of two-thirds of the Members voting, a quorium being present. It shall be in order to debate for forty minutes, before the vote is taken, any such amendment, motion, rule, or order, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, the same. This clause is subject to, and does not modify, change, supersede, or otherwise affect, the application and operation of clause 7 of rule XVI.".

AMENDMENT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. GIBBONS. On page 41 strike all of section 120, lines 1 through 23, inclusive.

On page 2 in the table of contents strike "Section 120" through "before the House" and renumber as necessary.

The CHAIRMAN. The gentleman from Florida (Mr. GIBBONS), is recognized for 5 minutes in support of his amendment.

Mr. GIBBONS. Mr. Chairman, my amendment is a very simple amendment. It would strike all of the language that the Members will find on page 41 of the bill.

As anyone can see from examining the language on page 41, this is entirely new material. It is new to the rules of the House of Representatives and it provides that, in effect, the Senate cannot amend one of our bills unless it complies with our germaneness rule. I know there are some people who would like to have the Senate do that, and I imagine the Senate has a few little cuties they would like to have done to us too, but I submit as a matter of comity and as a matter of legislative practice, so that this bicameral legislative system can operate, it appears to me we cannot, in effect, amend each other's rules.

The Members of the House cannot make such changes in their rules that, in effect, by inference amend the rules of the Senate, and that is what the language on page 41 does.

There are many, many historical examples of good pieces of legislation and bad pieces of legislation that have been passed in what would be in violation of this particular rule here in the text, which I am seeking to strike. Regardless of the merits of any of those pieces of legislation or their demerits, it seems to me in a bicameral system such as we enjoy in this country we have to grant to the other body comity for their pieces of legislation. We cannot require that a piece of legislation they send over here require a two-thirds vote rather than a simple majority vote. I would seriously doubt the constitutionality of the language of the provisions on page 41, but that is not for us to decide here.

I would say as a matter of legislative practice, if we want to accomplish anything and pass any legislation, we would have to grant to the Senate what we would want them to grant to us. Let us not tinker with their rules, with the understanding that they will not tinker

with ours, because if we do tinker with each other's rules, there will not be any legislation passed.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I have always had mixed feelings about the germaneness rule. I am always frustrated, as I am sure other Members are, when something in which I am intensely interested in is acted on in the Senate, and a nongermane provision is added. I would be inclined to support the gentleman's amendment, not because the present practice benefits liberals, or conservatives. I do not know how I would stand the merits of the argument. My main reason is: I would like to see a reform bill this year. Time is running out, and if the bill as now written goes to the Senate, in my judgment it is very clear the Senate will never accept it with that provision in; there will have to be an extensive conference and there simply will not be a bill. So we should take this provision out and then maybe come back and fight it out on the merits on another day.

I think this is the strongest possible reason for adopting the amendment offered by the gentleman from Florida. The bill will not become law this year if the existing language stays in.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for his remarks. He has certainly put his finger right on the pulse of this situation.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida.

I think, first, Mr. Chairman, I would like to say in connection with the comments of my good friend, the gentleman from Florida, that he is totally erroneous when he mentions about our dealing with Senate rules. We do not deal with the rules of the other body. This has nothing whatsoever to do with the rules of the other body. This is an action which we can take here any day by mere House resolution. It requires no approval or disapproval or anything else by the other body.

In fact, I might say, Mr. Chairman, that there has been considerable discussion, and there was even in the subcommittee, that in the event this entire bill failed to move because of some development in the other body or further down the line, that the House could take title I, eliminating only those references to the other body, and pass as a simple House resolution practically all the material in title I.

It does deal exclusively with the House committee, with the House rules, and with procedures on the House floor.

Without going into the merits or demerits of the germaneness amendment, certainly it is within our prerogatives to determine our own rules. That is the only thing which is being considered here. In no sense can it be considered to have any bearing upon the rules or procedures of the other body.

I should like to further say that I have serious doubts about this particular legislation having any effect upon the passage or the lack of passage by the other body of a legislative reorganization bill this year. It would be my assumption, based on the information I have received—and to some extent I referred to it earlier in my discussion—that there is considerable interest by Members of the other body in a legislative reorganization bill. I happen to be hopeful that if we can proceed this week to conclude action on this they in turn probably will pass something. It might be that they might pass a bill without this language. That is strictly up to them.

The issue here is that this deals with a matter affecting the House. It is a matter the House can act on by resolution. It does not have to be in this bill or be signed into law as a part of a reorganization bill or a part of a statute.

Therefore, it comes down to the matter of whether or not we wish to do something about this business of dealing from time to time with matters wholly removed from the subject with which the House bill may deal.

I am sure we are all familiar with instances in the past. For example, there was an immigration bill, a private bill dealing with an immigration matter in connection with one individual, as to which we were faced with a situation where a public works project was attached to that particular bill.

Again this is a matter, I suppose, for the individual desiring the project, who wanted to seek that method of achieving the result on legislation, and in that sense it would be in his favor, yet I believe we would all quickly agree that is not good legislative procedure. Basically that is what we seek to deal with in connection with this.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from California.

Mr. REES. I thank the gentleman for yielding.

Is it not true that this amendment would in reality define what the other body rule would be? The House has a very tight germaneness rule. In fact, I believe it is too tight. The Senate has a loose germaneness rule. If we put changes in our rules, we would be telling the Senate they must use our rules in their amending House bills, by requiring a two-thirds vote.

Mr. SISK. If my colleague will permit me, we are not telling the Senate anything.

Mr. REES. Yes. We are telling them they have to have a two-thirds vote on their amendments to our bills.

Mr. SISK. We are not telling them anything.

The gentleman and I are both in violation of the rule when we use a term other than "the other body." Let us try to stay within the rules.

We are not telling the other body anything. We are simply setting up a procedure whereby in the event that certain circumstances develop we can go ahead and pass the legislation.

If the gentleman will permit, this is a matter a great many people have been interested in. I might say the distinguished chairman of the Ways and Means Committee, the distinguished chairman of the Judiciary Committee, the distinguished chairman of our committee (Mr. COLMER) and many others have been interested.

The language we have here today is a compromise worked out by a number of people who, as committee chairmen and others concerned with the handling of legislation in conference, have worked on and developed language to permit the House to go ahead and work its will. It in no sense binds, restricts or withholds from the other body any kind of action.

Mr. CONABLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think, as a member of the Committee on Ways and Means, I know the rationale back of this provision in the bill. Nobody is more upset than the members of the Committee on Ways and Means when we send over a simple seedling and it comes back a full-blown Christmas tree from the other body—and this happens frequently. Certainly, if this provision were a simple House resolution, I would support it and wholeheartedly. As a part of this legislation, however, it seems to me that we must consider its probable impact on the future course of this legislation.

Mr. Chairman, I am one of those who believe that it is awfully important for our central institution of government to demonstrate itself capable of internal reform. I think that the other body, regardless of the technical means by which this provision is expressed, is bound to view this provision as an implied criticism of their rule of nongermaneness.

It is important, with the length of time we have left the 91st Congress, that we send this legislation on its way with as few obstructions to passage in the other body as necessary.

If I were a Member of the other body, I might feel, regardless of the form in which this provision is expressed, that I was receiving some degree of criticism from the House of Representatives. Therefore, I hope that we will express a restraint in our approach to substantive changes affecting the other body as we complete our consideration of this reorganization bill.

This bill is, for the most part, a House reorganization bill, and it should remain that. It is quite obvious that the other body would not have time for extensive hearings. If I read the priorities expressed by the majority leader there correctly, there is not a great deal of priority interest in this provision. If we load it up with things even impliedly affecting the rules of the other body, it is obvious to me that there is going to be some further delay in the consideration of this legislation there.

So, if this can be handled as a matter of a House resolution, let us consider it separately. There is no question but what we can bring about substantial change in the House rules at the beginning of the next session of Congress; but having come this far on this measure, let us move ahead and get it passed in a form

which will be least likely to trample on the sensitivities of the other body.

Mr. Chairman, I hope that the amendment will be passed. I hope it will have the understanding of the membership because I do think it is likely to have a major impact otherwise on the course of this legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Yes. I yield to the gentleman.

Mr. GROSS. How does this affect the other body? This provision says that rule XX of the Rules of the House of Representatives is amended by adding at the end thereof, and so on and so forth. In what way does it affect the rules of the Senate?

Mr. CONABLE. It is a change in the House rules which requires or permits a Member of the House to insist on a two-thirds vote of support on any amendment that has been added in the other body which is nongermane. It is certainly an implied criticism of the rule which permits the other body to add nongermane amendments.

Mr. GROSS. Then, is the gentleman saying that this provides for a two-thirds vote in order to strike out the nongermane amendment added by the other body?

Mr. CONABLE. That is correct.

Mr. GROSS. This ought to be defeated. Why should the House have to go to a two-thirds vote to strike out a nongermane amendment added by the other body?

Mr. CONABLE. No; this says a special two-thirds vote can be required on an amendment passed by the other body which is nongermane. Unless it is passed by a two-thirds vote in this House, on request by a Member of this House, then it is considered defeated.

Mr. GROSS. Then the requirement for a two-thirds vote is in the other body, is that what the gentleman says?

Mr. CONABLE. No; the requirement is that the amendment passed by the other body which is nongermane must have a two-thirds vote of support in this House or it is considered defeated.

Mr. GROSS. Why should we have any kind of a vote on an ungermane Senate amendment? Why should it not be subject to a point of order?

Mr. CONABLE. The question is, What happens when the bill comes back from conference and it has a nongermane amendment added by the other body?

Mr. GROSS. Well——

Mr. CONABLE. And this is the requirement.

Mr. GROSS. Instead of this procedure I would be in favor of an amendment that provided we could knock it out on a point of order.

When it comes to a matter of legislation of this character, as important as this is, I am not interested in this thing that is spelled c-o-m-i-t-y and which oftentimes ends up as "comedy." I am not interested in protecting the so-called comity between the two bodies when across the way they hang nongermane amendments on our bills. We ought to be able to eliminate them expeditiously and without a vote.

Mr. CONABLE. Whether the gentleman from Iowa is willing to accept this or not, this is a bicameral legislature, and I think some degree of comity is required if we are going to be able to carry on successfully at both ends of the Capitol.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I am in limited agreement with the gentleman from Iowa on his last point. I think there ought to be some way in which we can handle these things as we do legislation on an appropriation, as separate amendments in disagreement, but I do not go as far as the gentleman from Iowa who says we ought to be able to strike it out as nongermane on a simple point of order.

Mr. CONABLE. That obviously would be, if the gentleman would permit me to interrupt, a House intrusion on the rules of the other body.

Mr. O'HARA. That is right, and in the bill the committee is introducing a two-thirds vote concept as if a nongermane provision was a constitutional amendment. I do not know what business the two-thirds vote has in here.

I would ask the gentleman from Iowa what his feelings are about the two-thirds vote? Does he not believe, we either ought to fish or cut bait. This business of a two-thirds vote does not appeal to me as being a sensible way of handling it.

Mr. GROSS. If the gentleman will yield further, is the other body not transgressing upon the House, when, for instance, it takes a House bill dealing with the mailing of master keys for automobiles and adds wholly ungermane legislative subject matter to that bill? They are invading the prerogative of the House, which does have a rule as to germaneness.

Mr. CONABLE. I think it boils down in the final analysis to whether or not you want to see this reorganization bill pass in this session of the Congress. This can be handled separately and it should be handled separately.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know of anything that I am more interested in since I have been a member of the House Committee on Rules than I am in this provision that we are now debating in the reorganization bill. I have chafed for years about the other body violating the rules of this House by placing entirely foreign, extraneous, and nongermane matter on House-passed bills.

Now we have been hearing arguments about this bill not becoming law if it passes with this provision in it.

Since when—or is this part of the whole scheme—since when do we have to legislate and particularly make our rules in conformity with the wishes and desires of the other body?

They make whatever rules they see fit to make. Certainly, it is our privilege for us to do the same thing. So I am not persuaded by this argument that this bill will not become law if this provision remains in the bill.

I am not going to have the time, and you probably would not have the patience to go into detail about all of the instances in which the Senate has added nongermane amendments to House-passed bills. But how many times have you seen here in the last few years, and it is getting worse every year, that we pass a bill here and it goes over to the other body; only to come back with extraneous matter attached. It may be ever so innocuous or it may be ever so important. In the other body, they place something entirely extraneous and something entirely nongermane or something entirely foreign to the matter which the House passed and sent over there. Then, they send it back over here to us and we are forced to take it or we leave it.

Before I forget it, I want to address myself to the gentleman from Michigan (Mr. O'HARA) who asked a rather pertinent question a moment ago of the gentleman from Iowa (Mr. GROSS).

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(Mr. COLMER asked and was given permission to proceed for 5 additional minutes.)

Mr. COLMER. Mr. Chairman, I thank the House and I thank the Chair.

I agree with the gentleman. Why two-thirds? The answer is very simple. As a practical matter, the answer is to try to retain this provision in the bill. If the bill provided for a simple provision subjecting the offending amendment to a point of order, I seriously doubt the House would agree.

I agree with the gentleman from Michigan that it ought to be just a simple majority vote. I would like to have it that way, and if the gentleman from Michigan would offer such an amendment, I would support it.

But getting back to some illustrations, I point out that the Ways and Means Committee is one of the most important committees in the House. They come in here with a bill which, under the Constitution of the United States, must originate in this body. First, they come to the Rules Committee, ask for a closed rule, and they usually get it, because it is traditional, under the leadership of both parties since I have been in the Congress, to get a closed rule on such bills.

So they come to the floor of the House. Incidentally, I point out that as a true liberal I have opposed closed rules. I am opposing one up there in the Rules Committee now. I have always opposed closed rules.

So what happens. The bill comes to the floor of the House. We debate the measure for 4 or 8 hours with no opportunity for amendment, germane or otherwise. The bill goes to the other body. They consider it for weeks or months, as the case may be. Any Member of that body is free to offer an amendment and talk at length upon any phase of the bill.

Mr. WHITTEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-four Members are present,

not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 297]

Abbitt	Edwards, La.	MacGregor
Adams	Erlenborn	Marsh
Anderson, Tenn.	Evins, Tenn.	Meeds
	Fallon	Meskill
Ashbrook	Feighan	Morse
Baring	Flynt	Murphy, Ill.
Barrett	Foreman	Murphy, N.Y.
Beall, Md.	Friedel	O'Neill, Mass.
Bell, Calif.	Fulton, Tenn.	Ottinger
Berry	Garmatz	Patman
Blanton	Gilbert	Pelly
Blatnik	Gray	Philbin
Boland	Hansen, Wash.	Podell
Brock	Harrington	Powell
Brooks	Harsha	Reifel
Brown, Calif.	Hastings	Rogers, Colo.
Burton, Utah	Hébert	Roudebush
Bush	Hicks	Roybal
Button	Hogan	St Germain
Cabell	Horton	Sandman
Clark	Jones, Tenn.	Scherle
Clausen, Don H.	Karth	Scheuer
	Keith	Schneebeli
Cohelan	King	Sebelius
Collins	Kleppe	Springer
Conte	Kluczynski	Staggers
Conyers	Landgrebe	Taft
Cowger	Landrum	Teague, Tex.
Daddario	Lloyd	Thompson, N.J.
Dawson	Lujan	Tunney
de la Garza	Lukens	Watson
Denney	McCarthy	Weicker
Diggs	McCulloch	Widnall
Dingell	McDade	Wilson, Charles H.
Donohue	McEwen	
Dorn	McMillan	Wold
Dowdy	Macdonald, Mass.	
Downing		

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill H.R. 17654, and finding itself without a quorum, he had directed the roll to be called, when 321 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Mississippi (Mr. COLMER) has 2 minutes remaining.

(By unanimous consent, Mr. COLMER was allowed to proceed for 3 additional minutes.)

Mr. COLMER. Mr. President, when we were interrupted with the quorum call, I was attempting to illustrate some of the inequities of the present rules. I want to call to the attention of the House just briefly one example, because we do not have time to go into all of the examples. One of the latest examples was when the House passed a simple bill here, dealing with a minor matter, and the Senate struck everything out of the House bill except the number and inserted an entirely foreign matter. The House bill was one dealing with the importation of wild animals.

Mr. Chairman, I repeat that bill dealt with the importation of wild animals. In the other body they struck everything but the number of that bill and substituted the importation of beef from foreign countries. That is one illustration.

There was another which the gentleman from New York (Mr. CELLER) was very much interested in. It was a minor bill, and the Senate bypassed the House. The gentleman from New York (Mr. CELLER) will comment on that later, I am sure.

The last two bills that the House passed dealing with revenue matters—and that is something which the Constitution provides should exclusively originate in the House—were entirely rewritten, and many foreign provisions were put in those bills, such as textile quotas, surtax, expenditure limitation giving the Executive authority to set priorities, and an exemption for 5 years from taxation on certain other matters. All of this was foreign.

What does all this do? I am not going to attempt to go into these details further. What does it do? When they do that, it bypasses the committees of the House. We have no opportunity for committee consideration. We are called upon to vote it up or vote it down.

I must mention one other, because it is fresh in our minds. It was the 18-year-old provision, written into one of the civil rights bills by the Senate. That had no connection whatever with the bill under consideration as passed by the House. What was the result? It came back here with this nongermane amendment, and you and I were called upon and had to vote on the question of the inclusion of the 18-year-olds, a very doubtful constitutional provision, without 1 minute of consideration by the appropriate committee or for that matter with very little debate.

When you went home, if you voted against that because of conscientious scruples and observing the Constitution as you interpreted it, you were charged with voting against the 18-year-olds. You had no opportunity whatever to pass upon the 18-year-old amendment separately from the civil rights provision. It was a question of taking the whole package or nothing.

What are we proposing to do here? Your committee, in order to avoid this unwise legislative procedure, in order to try to restore to this House some semblance of the stature and recognition it deserves, is simply saying that if an amendment is placed upon a House-passed bill by the other body, if that amendment were not germane under the House rules, when it comes back here in conference.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

(By unanimous consent, Mr. COLMER was allowed to proceed for 2 additional minutes.)

Mr. COLMER. When it comes back here with that extraneous, nongermane amendment any Member of this House can demand a separate vote. He does not have to be a member of the committee. Any Member can do it. We are not shutting it off entirely, but it requires a two-thirds vote to adopt that extraneous amendment. We would still not have the committee consideration that we ordinarily have, but this is just a step to give this House an opportunity to debate the nongermane provision for 40 minutes and have a separate vote thereon.

Now, just finally, Mr. Chairman, rule XX of the House up until 1966 simply provided that any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union if originating in the House it would be subject to that point of order. That was the rule up until 1966. That had been the rule since 1789, if I recall the date correctly. However, it was amended in 1966 so that the present procedure now prevails.

I repeat for 15 years I have tried to do something about this, and I say to those who say it ought to be done differently that I have tried as a member of the Committee on Rules to do something about it differently by a simple resolution, and I have failed. So here it is in this reorganization bill, and I ask you to pass it.

Mr. CELLER. Mr. Chairman, I oppose the amendment.

I will say to the Members of the House that it is high time that we assert ourselves and we say to the other body that it is time we insist upon our own rules.

The other body, in a sort of alleged rarefied atmosphere, shall no longer have the right to add on to our bills nongermane amendments. They look upon us from their Olympian heights as mere mundane characters and they do not give a tinker's dam about our own rules.

Now, we have rules. Those rules should be obeyed. We have to be either men or we are going to be mice. We have to stand up to this other body and say that if you want to amend, then amend according to the rules. If you want to amend according to the rules of your house, fine, but when it comes to this body, we have rules and we ought to abide by those rules. And you must abide by them.

Here we have situations where insignificant bills are sent to the other body and they add onto them highly important provisions and expect us to swallow willy nilly those highly important provisions. In a sense, they seek to ram them down our throats. We must put a stop to this unfair practice.

Let me give you an illustration. The gentleman from Mississippi (Mr. COLMER) mentioned one situation. We passed a very insignificant revenue bill. In the Senate, in their attempt to force the issue in the House, they tagged onto that insignificant revenue bill a provision immunizing the National and the American Football Leagues from the operations of the antitrust laws.

They knew that the Committee on the Judiciary, of which I am chairman, was opposed to granting any immunity from the antitrust laws to this football combination, which was an abominable combination, and so to skirt around the Committee on the Judiciary they attached to this unimportant Revenue bill an amendment, really in the form of a new bill, endorsing immunization of the football combination from antitrust laws. It did not go to the Judiciary Committee, instead it went to the Committee on Ways and Means, since they had jurdisdiction of the House Revenue passed bill. All we had as an opportunity to fight that combination, that unholy

merger, was an hour's debate by way of consideration of a conference report. There was no opportunity for any committee to consider the matter of immunization from the antitrust laws, no referral to a committee. We were told to take it or leave it with only an hour's debate.

Now there were some Members who wanted that Internal Revenue statute, insignificant though it was, but in order to get that they had to swallow the bigger proposition, namely the immunization from the antitrust laws of the football combination.

Recently we had a situation where we provided for an extension of the Voting Rights Act of 1965. We labored long and assiduously to get that bill out. It went over to the other body. What did they do? They tagged onto it something utterly irrelevant which had no relation to the Voting Rights Act of 1965, namely the lowering of the voting age. You tell me what relation one has with the other? None whatsoever. It came over here and I as chairman of the Committee on the Judiciary, was sorely put to it because I was very anxious to get the extension of the Voting Rights Act of 1965. But in order to do that I had to accept the lowering of the voting age bill which I opposed. And many other Members were in the same position that I was in. We had no hearing on the lowering of the voting age bill, important and far reaching as that proposal was. There was no reference of it to a committee, it just came to us from out of the blue, as it were, and we had to accept or reject it. And this was a nongermane amendment placed upon a House bill.

Now do you think that is right? I think that is probably wrong and we should stop it. The proposal is not completely the way I want it but I want some provision against germaneness.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CELLER was allowed to proceed for 3 additional minutes.)

Mr. CELLER. If 60 percent of the Members want to consider the provision that is a fair indication that the House wants something of that nature.

For that reason I think it is high time that we, shall we say, strike a blow for liberty? I hate like blazes to use that hackneyed expression, but it is compelling.

You know it was Speaker Reed, speaking of the Senate once who said:

> You know, I had a dream the other night and I dreamt that the President was elected and chosen by the Members of the Senate, and the Chief Justice of the United States was to count the ballots.

So they had the election, according to this dream of Speaker Reed, and the Chief Justice counted the ballots and he made this announcement, "Each Senator got one vote."

Now that is about the size of it over there.

When you get over to that body, you get a sort of feeling that you are in a charged atmosphere, and you can do everything and anything that you want to do. I do not think they should have this right. It is about time that we saw to it that they shall cease placing nongermane amendments on House bills. I do hope the amendment offered by the distinguished gentleman from Florida is not considered favorably.

I am sorry that I have to speak in this position. I think it was Lord Stillwell in the House of Lords who came in one day and said:

> I do not feel very well.

And he started to address the House of Lords while he was seated. Somebody made a point of order that he had no right to speak while he was seated. Lord Stillwell in high dudgeon said:

> If I cannot speak standing, I shall speak sitting—and if I cannot speak sitting, I shall speak lying.

And they all said:

> Which he will do in either event.

So forgive my being in this position to speak to you. But I do hope the Gibbons amendment will not survive.

The CHAIRMAN. For what purpose does the gentleman from Missouri (Mr. BOLLING), a member of the committee, rise?

Mr. BOLLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hesitate to rise immediately after two of the distinguished chairmen of the House, my own chairman, the chairman of the Committee on Rules and the chairman of the Committee on the Judiciary, with whom I have had the privilege of working on many occasions.

But I did reserve the right in the subcommittee and in the full committee to oppose the amendment of the gentleman from Mississippi (Mr. COLMER) which is now a part of the bill. I strongly support the Gibbons amendment.

The fact of the matter is that no matter how often one says that we are not interfering with the Senate, the Colmer provision does interfere with the rights of the Senate.

The Constitution is very explicit in its view on the subject, which rises in connection with one of the very important prerogatives of the House.

The Constitution says:

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Now very clearly in a bicameral legislature, one House cannot tell the other House what it can do. One House cannot tell the other House that its amendments are going to be subjected to a particular method of treatment.

Now this House has no problem in turning down any Senate amendment, anytime it wants to. All it has to do is to vote down the bill in which the Senate amendment comes—in other words vote down the conference report.

It just happens that this subject has been a matter of controversy from the beginning of time so far as the history of the House and the Senate is concerned. Quite naturally, the Senate is going to be jealous of its procedures just as we are and should be, jealous of our procedures. But I think it is quite clear that any provision that puts a special rule on the treatment of any Senate amendment is in conflict with the intent of the Constitution. Furthermore, anybody who knows anything about the attitude of the Senate toward this right knows that it is a fact that no reorganization act containing the so-called Colmer Provision can become law.

So if we want to follow good procedure, from the point of view of the House and from the point of view of one body in a two-body legislature, we should vote for the Gibbons amendment, and if we really care about a reorganization bill becoming law, we should vote for the Gibbons amendment. We should very clearly make it our policy to defend the integrity of our institution and not interfere with the integrity of the U.S. Senate.

Mr. DELLENBACK. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes.

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, part of the strength of what we have done with this measure so far is that we have made no attempt to interfere with what the other body may do. Time after time the chairman of the subcommittee has requested that we dispense with reading those sections that deal with what the other body may or may not do, and we have confined our deliberations to what the House may do. It is literally true, as the chairman of the subcommittee said earlier, that this particular provision we are now debating deals with the rules of the House. Of course, we should be and are able to amend the rules of the House. But let us not be blind, as we look at that which is technically accurate and forget the fact—let us not be blind to the fact—that in its impact, what we do or do not do on this particular proposal will, as the gentleman who has immediately preceded me in the well has pointed out very clearly, be dealing with what the other body may or may not do.

Some of us may feel very strongly—and I confess I am one of those who do—that the substance of this particular provision now in this measure is a good provision. Personally I feel strongly that I would like to see us with some tool within our own procedures that would permit us to put some brake on what the other body may do on nongermane amendments. But I think it is fundamentally true that this is not the time and this is not the place and this is not the way to seek to amend what has been done for many years on this particular point. If we insist on leaving in this bill this particular provision instead of supporting the Gibbons amendment and taking it out, I think we lay to rest the last chance of this 91st Congress to bring about effective congressional reform. It may be that the other body will not act on this measure even if we do act thereon. But let us not mistake the fact that if we leave this provision within this bill—because the other body will see very

clearly that this provision does have an impact on what it may do—that we have killed any chance for effective reform this session.

If we want to make this change, we can make the change without needing to call the other body into conference at the time we adopt our own rules, and I think it is clear that when we go to adopt the rules for the 92d Congress, some such provision as this will be adopted, and I personally hope that it will be adopted. But we make a grievous mistake, my friends and my colleagues, if we do not see clearly what we are doing. Unless we support the Gibbons amendment, as I urge we do, we do grievous injury today to the chance for effective reform coming forth from the 91st Congress.

I yield back the remainder of my time.

AMENDMENT OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA: On page 41, strike out line 1 through line 23 and insert the following:

"Motions in the House to Dispose of Nongermane Amendments Between the Two Houses to House or Senate Bills or Resolutions.

"SEC. 120. (a) Clause 1 of rule XX is amended by adding, after the period, the following new sentence: 'Such a motion and any other motion, rule, or order to dispose of amendments between the two Houses to any House or Senate bill or resolution other than a motion to request or agree to a conference shall require for adoption, or demand of any Member, a separate vote on each amendment to be disposed of if, originating in the House, such amendment would be subject to a point of order on a question of germaneness under clause 7 of rule XVI. Before such separate vote is taken, it shall be in order to debate such amendment for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, the amendment.'

"(b) Rule XX is amended by adding at the end thereof:

" '3. No amendment of the Senate which would be in violation of the provisions of clause 7 of rule XVI, if said amendment had been offered in the House, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.' "

Mr. O'HARA. Mr. Chairman, this amendment, in effect, substitutes majority vote for a two-thirds vote. It applies the same rules to nongermane Senate amendments to legislative bills that are followed today and have been followed for many years with respect to amendments to appropriation bills that carry legislation.

I am sure all Members recall that from time to time we have an appropriation bill conference report, on which we will agree first to the conference report and then we will also have one or more amendments in disagreement on which we will then vote as separate propositions. Usually the conferees have worked out these amendments in disagreement in a way that permits their disposition without any great controversy, but sometimes there is considerable controversy and we do have a separate vote on which a rollcall can be demanded, as on any other vote, and we have an hour of debate.

My amendment would follow that time-tested procedure for nongermane Senate amendments to the House bills, Conferees could not bring in a nongermane amendment as part of a conference report. They would have to bring it in as an amendment in disagreement with a motion to dispose of it, perhaps with an amendment to concur, to disagree, or to agree with an amendment, and then we would bebate that motion.

With respect to the kind of situation that two earlier speakers described, with respect to the situation where we do not have a conference report, but instead have a resolution from the Rules Committee, as with the 18-year-old vote on the Voting Rights Act, there we would have a separate vote if anyone desired it on the nongermane part of that combined piece of legislation.

The gentleman from Mississippi (Mr. COLMER) when he spoke, said that a majority vote was acceptable, although he favored the bill as it was, every word of it. The gentleman from New York, when he spoke, mentioned that he favored a separate House vote, but not necessarily by a two-thirds margin, in order to adopt a nongermane Senate provision.

With respect to the constitutional argument made by the gentleman from Missouri, it seems to me that we do have a chance of finally passing this legislation while at the same time upholding the dignity of the House if, instead of introducing a new concept—barring a Senate amendment that would not be germane under House rules without getting the concurrence of two thirds of the House—we simply apply to nongermane amendments from the Senate to legislative bills the same principle we have been applying for many years to legislation on appropriations. I cannot believe that the Senate would find this new or offensive or strange.

So it seems to me that this is something that liberals and conservatives—all of us—can agree on, that the House should have a separate majority vote on a nongermane Senate amendment.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. On that point, let us assume that such an amendment is before the House. Under the provisions of the gentleman's amendment, would a separate vote be secured by the request of any one Member?

Mr. O'HARA. A separate vote could be had. It would have to be had under the rules of the House, and any one Member could make a point of order that would bring about such a vote. It would not be a record vote necessarily. Record votes could be produced however in the same way they are now produced. But a separate vote could be produced by any one Member making a point of order, if the Chair had failed to put the question separately on a nongermane Senate amendment.

Mr. EVANS of Colorado. In other words, a Member wishing a separate vote would have to make a point of order against a certain provision in the bill being considered.

Mr. O'HARA. That is right.

Mr. EVANS of Colorado. On the point that it was nongermane. If upheld by the Chair, that it was nongermane, then he would have the right to request a separate vote on that matter; is that correct?

Mr. O'HARA. That is correct. It would work somewhat differently in the case of a conference report. That is why the amendment is in two parts, A and B.

If one tried to bring in a conference report that had a nongermane provision within it, rather than as a separate amendment in disagreement, I believe the entire conference report would be subject to a point of order and could be sent back to the conference. It might then come back with the nongermane provision of the conference report taken out and brought back separately as an amendment in disagreement.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. COLMER, and by unanimous consent, Mr. O'HARA was allowed to proceed for 3 additional minutes.)

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Mississippi.

Mr. COLMER. I should like to ask the gentleman from Michigan if it is his understanding of his amendment that the only substantial difference between the language in the bill and the language in his amendment is that the bill would require a two-thirds vote and the amendment offered by the gentleman would require only a majority vote?

Mr. O'HARA. Precisely.

Mr. COLMER. Otherwise it is substantially and basically the language in the bill?

Mr. O'HARA. Yes, with the necessary changes to conform it to the framework of the rules. But that is its meaning; there is no question about it, Mr. Chairman.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from California.

Mr. SISK. In line with the gentleman's answer to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi, I am inclined to go along and support the gentleman's amendment. I should like to say that the committee worked at considerable length, and the two-thirds vote came about as a matter of using more or less the suspension idea of 40 minutes of debate and tying it in with a two-thirds vote, on the basis that if it were a matter of substantive importance to the House then probably two-thirds would be willing to accept it anyway.

I can speak only for myself and not for the committee. I would be inclined to accept the majority vote, because at least it is a step in the right direction.

Mr. O'HARA. I thank the gentleman.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. CELLER. I am in accord with the views just expressed by the gentleman from Mississippi and by the gentleman from California, and I certainly would accept the suggestion just made in the form of the amendment.

Mr. O'HARA. I very much appreciate the support of the gentleman from New York, the distinguished dean of the House.

Mr. COLMER. Mr. Chairman, will the gentleman yield further?

Mr. O'HARA. I yield further to the gentleman from Mississippi.

Mr. COLMER. If the gentleman will recall, I said in my original statement that I was inclined to go along with his amendment for the majority vote, and I want to repeat that now. I believe it is an admirable way to resolve this issue, and certainly we have made progress.

Mr. O'HARA. I want to thank the gentleman.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I am glad to yield to the gentleman.

Mr. GIBBONS. As the author of the original amendment—and I do not want to get hit in the head with the entire ceiling falling on me here—I would much rather have the original amendment, but I see the magic wheels of compromise working here. I think that the gentleman came up with a good amendment and I intend to support it and I will support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. O'HARA).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

PARLIAMENTARY INQUIRY

Mr. BINGHAM. A parliamentary inquiry, Mr. Chairman. Is an amendment now in order to any point in title I? I have an amendment that comes on page 47.

The CHAIRMAN. The Chair would like to inform the gentleman we have not reached that point yet.

Are there additional amendments?

Mr. HALL. Mr. Chairman, a parliamentary inquiry. Have we voted on the amendment offered by the gentleman from Florida (Mr. GIBBONS)?

The CHAIRMAN. The Chair would like to inform the gentleman from Missouri that since the amendment to strike and insert of the gentleman from Michigan (Mr. O'HARA) was adopted, that means that the amendment offered by the gentleman from Florida (Mr. GIBBONS) the motion to strike, that is, falls as a result of the adoption of the first amendment.

Are there additional amendments at this time? If not, the Clerk will read.

The Clerk read as follows:

READING OF THE JOURNAL OF THE HOUSE

SEC. 121. Clause 1 of rule I of the Rules of the House of Representatives is amended—

(1) by striking out "at the last sitting, immediately call" and inserting in lieu thereof "at the last sitting and immediately call"; and

(2) by striking out ", and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same." and inserting in lieu thereof a period and the following: "On the appearance of a quorum, the Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, shall announce to the House his approval of the Journal; whereupon, unless the Speaker, in his discretion, orders the reading of the Journal, the Journal shall be considered as read. However, it shall then be in order to offer one motion that the Journal be read and such motion is of the highest privilege and shall be determined without debate.".

Mr. SISK (during the reading of the section). Mr. Chairman, I ask unanimous consent that section 121 be considered as read, printed in the RECORD at this point, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 42, strike lines 1 through 20.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes in support of his amendment.

Mr. HALL. Mr. Chairman, the subcommittee of our Committee on Rules feels that some delays in the past in the House as they dealt with the reading of the Journal were unnecessary. The bill as presented to us amends clause 1 of rule I to modify the right of any individual elected representative Member of the Congress to demand that the Journal of the proceedings of the last day's sitting be read in full. The bill further provides that the Speaker, the Speaker alone, as the duly elected representative, elected to this high estate by the Members hereof, shall announce his approval of the Journal and it then shall not be read unless the Speaker so orders or unless a motion is made and supported by a majority to read the Journal in full, and such motion, furthermore, will not be debatable.

I have submitted my amendment, Mr. Chairman, because I believe this does mischief to the Constitution. Certainly it does mischief to the official RECORD of the House of Representatives, our House of Representatives, and the other body.

I ask you, Mr. Chairman, how could a Member correct the Journal? What access would the individually elected Member have to the Journal if he thinks or even so much as fears an error in the recording thereof?

Second, Mr. Chairman, one never knows but there might be something of interest in the Journal, and the House of Representatives would be a better institution by again receiving this information.

Third, the provision in the bill eliminates the rights of a minority to protect itself against an oppressive and overwhelming majority. I think this is important. I believe that our Founding Fathers in their wisdom, who developed these principles that have oft been tried and found true, would approve of protecting this minority.

Finally, the proposal takes away the right and the prerogative of individually elected Members of the House of Representatives. And I ask you, Mr. Chairman, why should not a Member have the right to demand the reading of the Journal? Why should we give more power to the Speaker alone?

The new language in the bill starts "On the appearance of a quorum the Speaker shall." It is therefore mandatory—and is the Speaker to automatically cause the Clerk to have a quorum call before he announces that he has perused the Journal and found it adequate and a true report? This is the official record according to the Constitution which says that each House shall keep a Journal of its proceedings and from time to time publish the same excepting such parts as may in their judgment require secrecy.

I strongly urge this amendment and the preservation of the individual rights of the elected Members of the House.

I yield back the balance of my time.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have great respect for the gentleman from Missouri and I must say that I am somewhat sympathetic with the statements the gentleman made. However many of us have experienced the dilatory tactics that can be used in connection with this device by one single Member demanding that the Journal be read. We have had cases where that reading went on all afternoon, or as I remember it did, on one occasion.

As one who firmly believes in the rights and the protection of the minority—and I think the rules of the House go a long way in doing that, and we are still here providing for a democratic procedure and of course for a rule by the majority, because any Member who once the Speaker having examined the Journal and approved it, any Member has the right to rise and make a motion that it be read and that motion shall be of the highest privilege and shall be determined without debate. We provide again for the will of the majority to prevail. It is simply the position of the Committee on Rules that this eliminates what has been a dilatory tactic which has been used at times by one or two or three or four Members—and this is not being critical of those Members, but basically it is in the interest of taking care of the public business that the will of the majority should prevail in connection with this.

That is what the subcommittee and the full Committee on Rules recommend, and therefore, Mr. Chairman, I would oppose the amendment offered by the gentleman from Missouri (Mr. HALL).

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am surprised that my friend, the gentleman

from California, describes as democratic procedure what is here proposed. I quote the language, "Unless the Speaker in his discretion orders the reading of the Journal."

This is placing in the hands of one man, the Speaker—the untrammeled authority to say whether the Journal shall or shall not be read.

I am not going to repeat the arguments made by my friend, the gentleman from Missouri, but certainly this is placing altogether too much power, in the hands of one man—the Speaker of the House of Representatives.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SISK. Of course, I recognize that that does place a certain power in the hands of the Speaker. However, my colleague, the gentleman from Iowa, will agree that it would still give him or me or any other individual Member the right of appeal from the Speaker's ruling on the requiring of the reading of the Journal, if a majority voted to support that decision.

Mr. GROSS. Yes, and how many times in the rather lengthy service of the gentleman from California has he heard an appeal from a ruling of the Chair?

Mr. SISK. I do recall, as I remember one occasion, of an appeal from a ruling of the Chair.

Mr. GROSS. I do not recall any.

Mr. SISK. I would agree with the gentleman that it is quite a rare incident. Yet, here is a situation where if there should be need for the reading of the Journal, and I think that is the only occasion on which it should be justified, because, as the gentleman knows, it can be a very lengthy process and has generally been used, frankly, for a delaying tactic. I believe my colleague will agree with me on that.

Mr. GROSS. Let me ask the gentleman on that score—when was the last demand for the reading of the Journal? I cannot even recall that. I know there have been requests during my time here for a reading of the Journal but it has been used only rarely in the last 20 years.

Mr. SISK. I recognize that it has only occurred occasionally. However, it has occurred, as I am sure my friend remembers, and I would say probably it was 8 or 9 years ago it was used several times. Again, I am not condemning the Member who asked for it because he was doing that which he, in his conscience, believed to be in the best interest of the people he represented.

As the gentleman knows, it was used on several occasions in connection with the civil rights bill and at certain times on very controversial legislation.

Again, as I say, it can be used merely as a dilatory practice by a single Member, and that is what we preclude.

Mr. GROSS. Yes; it can be used as a dilatory tactic. There are other moves that can be made as a dilatory tactic but are not commonly used.

I would say this to the gentleman. I doubt that he here today wants to throw the baby out with the bath water in this regard. I hope the House will not place in the hands of the Speaker—and I say again—any Speaker, the discretion, as it is given to him in this case, to order the reading of the Journal.

Mr. Chairman, I trust the House will support the amendment of the gentleman from Missouri to strike out the provision from the bill that gives to the Speaker power that ought to be held by all Members of the House, especially the members of the minority.

I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 12, noes 25.

So the amendment was rejected.

Mr. HALL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. Are there additional amendments to section 121? If not, the Clerk will read.

The Clerk read as follows:

CLARIFICATION OF CERTAIN PROVISIONS AND ELIMINATION OF OBSOLETE LANGUAGE IN CERTAIN HOUSE RULES

SEC. 122. (a) Clause 27(a) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"(a) The Rules of the House are the rules of its committees and subcommittes so far as applicable, except that a motion to recess from day to day is a motion of high privilege in communities and subcommittees. Any committee may adopt additional written rules not inconsistent with the Rules of the House and those additional rules shall be binding on each subcommittee of that committee. Each subcommittee of a committee is a part of that committee and is subject to the authority and direction of that committee.".

(b) Rule XII of the Rules of the House of Representatives is amended to read as follows:

"RULE XII.

"RESIDENT COMMISSIONER

"The Resident Commissioner to the United States from Puerto Rico shall be elected to serve as an additional member on the Committees on Agriculture, Armed Services, and Interior and Insular Affairs, shall possess in such committees the same powers and privileges as in the House, and may make any motion except a motion to reconsider.".

(c) Clause 3 of Rule III of the Rules of the House of Representatives is amended—

(1) by striking out "to Members and Delegates" and inserting in lieu thereof "to Members and the Resident Commissioner from Puerto Rico";

(2) by striking out "Members and officers" and inserting in lieu thereof "Members, the Resident Commissioner from Puerto Rico, and officers";

(3) by striking out "and Territory";

(4) by striking out "preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged;" and inserting in lieu thereof "deliver or mail to any Member or the Resident Commissioner from Puerto Rico an extra copy, in binding of good quality, of each document requested by that Member or the Resident Commissioner which has been printed, by order of either House of the Congress, in any Congress in which he served;"; and

(5) by striking out "of Members and Delegates" and inserting in lieu thereof "of Members and the Resident Commissioner from Puerto Rico".

(d) Clause 1 of Rule IV of the Rules of the House of Representatives is amended by striking out "of Members and Delegates" and inserting in lieu thereof "of Members and the Resident Commissioner from Puerto Rico".

(e)(1) Clause 2 of Rule V of the Rules of the House of Representatives is repealed.

(2) Clause 3 of Rule V of the Rules of the House of Representatives is redesignated as clause 2 of that Rule.

(f) Rule VI of the Rules of the House of Representatives is amended to read as follows:

"RULE VI.

"DUTIES OF THE POSTMASTER

"The Postmaster shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, the Resident Commissioner from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail.".

(g) Clause 9 of Rule XI of the Rules of the House of Representatives is amended by striking out "clause 15(d)" wherever occurring therein and inserting in lieu thereof "clause 16(d)".

(h) Clause 23 of Rule XI of the Rules of the House of Representatives is amended—

(1) by striking out "paragraph 7" and inserting in lieu thereof "clause 7"; and

(2) by striking out "paragraph 4" and inserting in lieu thereof "clause 4".

(i) Clause 25 of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"25. The Committee on House Administration shall make final report to the House in each contested-election case at such time as the committee considers practicable in that Congress to which the contestee is elected.".

(j) Clause 27(j) of Rule XI of the Rules of the House of Representatives is amended by striking out "paragraph 27 of Rule XI of the House of Representatives" and inserting in lieu thereof "this clause of this Rule".

(k) Clause 29(c) of Rule XI of the Rules of the House of Representatives is amended by striking out "maximum rate authorized by the Classification Act of 1949, as amended", wherever occurring therein, and inserting in lieu thereof "highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code".

(l) Clause 7 of Rule XXIV of the Rules of the House of Representatives is amended by striking out "paragraph 4" and inserting in lieu thereof "clause 4".

(m) Clause 2 of Rule XXXIV of the Rules of the House of Representatives is amended by striking out ", one to the International News Service, and one to the United Press Associations," and inserting in lieu thereof "and one to United Press International".

(n) Clause 2 of Rule XXXVI of the Rules of the House of Representatives is amended—

(1) by striking out "National Archives" and inserting in lieu thereof "General Services Administration"; and

(2) by striking out ", and in so transferring he may act jointly with the Secretary of the Senate." and inserting in lieu thereof a period and the following: "In making the transfer, the Clerk may act jointly with the Secretary of the Senate.".

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that section 122 be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to section 122?

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 46, after line 21, add the following:

"(n) Clause 3 of Rule XXXIV of the Rules of the House of Representatives is amended—

"(1) by striking out "wireless" and inserting in lieu thereof "television";

"(2) by striking out 'standing Committee of Radio Reporters' and inserting in lieu thereof 'Executive Committee of the Radio and Television Correspondents' Galleries'; and

"(3) by striking out 'Transradio Press Service' and inserting in lieu thereof 'American Broadcasting Company'."

And on page 46, line 22, strike "(n)" and insert in lieu thereof "(o)".

The CHAIRMAN. The gentleman from California (Mr. SISK) is recognized for 5 minutes in support of his amendment.

Mr. SISK. Mr. Chairman, unless there are questions, I certainly shall not take the 5 minutes. I think it is evident from the reading of the amendment that this would eliminate some obsolete language, or language that was correct many years ago but today is obsolete, and it would update the rules in connection with the television and radio sections of clause 3 of rule XXXIV. I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CÓRDOVA

Mr. CÓRDOVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CÓRDOVA: On page 43, strike lines 10 through 19 and insert the following:

"(b) Rule XII of the Rules of the House of Representatives is amended to read as follows:

"'RULE XII.

"'Resident Commissioner

"'The Resident Commissioner to the United States from Puerto Rico shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members'."

Mr. CÓRDOVA. Mr. Chairman, under the existing rule and under the provisions of the bill we are considering, the Resident Commissioner enjoys the privilege of being an "additional member" of three standing committees: Agriculture, Armed Services, and Interior and Insular Affairs.

My amendment would abolish this privilege. It would provide for the election of the Resident Commissioner to standing committees in the same manner as Members of the House are elected. This would mean, in effect, that the Resident Commissioner may be fortunate to secure election to one of the three committees on which he now serves.

But my amendment would also provide that the Resident Commissioner have the same rights in committee as other members, which means, of course, that he would have the right to vote within the committee.

This proposition is not new. Back in 1841, we know that delegates voted on the business before standing committees. And because someone has suggested that it may not be constitutional for a delegate to vote in committee, I shall quote briefly from the report of the Committee on Elections regarding the qualifications of the delegates from Florida:

With the single exception of voting, the Delegate enjoys every other privilege and exercises every other right of a Representative. He can act as a member of a standing or special committee, and *vote on the business before said committee,* and he may thus exercise an important influence on those initiatory proceedings by which business is prepared for the action of the House. (Hind's Precedents, Section 1301).

It is apparent that in permitting the Delegates to vote over a century ago, this House drew a distinction between the action of the House, which can be taken only by its Members, and the steps taken in preparation for action by the House, wherein persons other than Members of the House may, and often do, play very vital roles. I submit this is a clearly valid distinction. And in support of this distinction, I take the liberty of quoting the ringing phrases of the distinguished gentleman from Missouri (Mr. BOLLING) during an earlier phase of the debate on this measure:

Only the House of Representatives, under the Constitution of the United States, can act . . . A great deal of the preliminary work of the Congress is and must be done in committee, but the committees are the creatures of the House; they are not little separate legislative bodies.

I might cite an analogy. Only the States and the District of Columbia are represented in the electoral college which chooses our President. But in the essential preliminary work of choosing the candidates of the two great parties, in the national conventions, delegates from Puerto Rico participate and vote. No one, however critical of our convention system with all its defects, has yet suggested that it is unconstitutional because of the Puerto Rican votes.

Some of you have asked me whether the right to vote in committee is worth giving up the present privilege of the Resident Commissioner of sitting on the three committees to which he is assigned.

It is true that the Resident Commissioner now has the privileges, in committee, as on the floor, to sit, to speak, and to question. Undoubtedly these are valuable privileges, just as it is a valuable privilege to be counsel to a prominent committee, and as such to sit, to question, perhaps to speak—as well as to advise the committee. But such privileges fall short of the true role of an elected representative of the people in a republican form of government.

Let us not delude ourselves. The Resident Commissioner is now an "additional member" of three great committees under rule XII precisely because he is "additional," precisely because he is not counted. You will, therefore, appreciate why the Resident Commissioner, as the elected representative of 2,700,000 citizens cannot forgo the opportunity to put to this House the question whether or not it is ready, whether or not its Members are ready, to go as far as in my judgment you are clearly empowered to go, to make the role of the Resident Commissioner in Congress more meaningful, more useful to his constituents, more in keeping with the intended nature of the position for which he is elected.

This House and its presiding officers have traditionally been liberal in dealing with the rights and privileges of delegates. For instance, in 1849, Speaker Robert C. Winthrop sustained the right of the Delegate from Wisconsin to move to suspend the rules and then to move to discharge, saying:

The Chair believes, upon the whole, that delegates from the Territories could not subserve the purposes for which they are sent here unless they have the right to make motions; and as the law does not deny them that right, the Chair is disposed to accord to them the largest liberty.

Eighty years later, the Chairman of the Whole House sustained the right of a Delegate to make a point of order, and also to object to the consideration of a bill stating:

Upon the general principles that the prohibition of one particular right permits other rights and the inclusion of one matter excludes all others, it seems to the Chair that there is no good reason for holding that the Delegates may not make a point of order, when as a matter of fact he may participate in all other parliamentary procedures.

But there is undoubtedly a specter haunting the minds of many in this Chamber as you consider my amendment: the specter of other possible Delegates. It haunts those who favor the granting of representation to other communities, some of whom have expressed to me their concern lest the broadening of the privileges of the Resident Commissioner may render more difficult their efforts to obtain representation for these other communities. And it probably haunts those who hesitate to grant representation to one or more of these communities.

I wish I could dispose of this specter by saying that Puerto Rico is different, that the Resident Commissioner represents almost 3 million people, that their situation is entirely different. But I cannot in all candor put to you distinctions in which I do not believe. What I can say, what I feel I must say to you, is that if there must be an issue as to whether or not representation in Congress should be granted to any one community of American citizens which may be seeking it, let us narrow it to the question: representation or no representation? If this body is to grant representation in Congress to any community of American citizens, it should do so, and I am confident it will do so generously and effectively or not at all; it should either withhold representation if it is not warranted, or grant it as completely as it may; that is, short of a vote on the floor. That is in essence what this amendment proposes to you with regard to Puerto Rico and its elected representative here: it asks you to grant him as full a measure of representation as it is within your power to grant. It is this proposition that I ask you to support.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do this with some hesitancy. I have great respect for the distinguished Resident Commissioner of Puerto Rico (Mr. CÓRDOVA). He has discussed his amendment with me, and I might say he appeared before our committee and made a very fine statement in discussing the points which he has raised here on the floor.

Your subcommittee, when studying this matter after having heard the distinguished Resident Commissioner, had some studies made by the Library of Congress. We have looked into it to some extent.

I am not here proposing to make any great constitutional argument. In view of the fact that the committees are merely the creatures of the House and are an extension of the House, and in view of the fact that—as I understand by the statement of the distinguished Resident Commissioner—there is no question he could not vote on the floor of the House, as a constitutional matter, therefore it certainly is my position, and I know that of many scholars, then to vote in a committee would raise the same constitutional question.

I might say that, as the distinguished Resident Commissioner has said, there was a time back some 100 or 150 years ago when certain Delegates were given temporarily some additional responsibilities. As late as 1932 the chairman of the House Committee on Indian Affairs appointed a subcommittee to examine and report on this very question, because it was a question at that time. Actually, that information is available. You will note from the report that it deals primarily with statutes and rules relating to the status of a Delegate. However, it does state that a Delegate from a territory is not a Member of the House of Representatives. Nowhere in the Constitution nor in the statutes can the intention be found to clothe the Delegate with legislative power. Manifestly the House could not elect to one of its standing committees a person who is not a Member of the House.

As I say, basically the information furnished to your subcommittee by the Library of Congress and other sources of authority indicate that the practice of Delegates in the House of Representatives has been more or less a courtesy extended by the House to representatives of territories or areas other than States but certainly not having the right to vote. I think in granting the right to vote in a committee, if we consider the weight of that vote, the weight of that vote could be substantially greater on an issue pending in a committee or a subcommittee than it would be on the House floor. So if we project the theory of what is involved, it is the opinion certainly of our subcommittee and, as I say, of this Member particularly that it would not be in order.

In spite of my sympathy and my great respect for the Resident Commissioner, the committee would oppose the amendment as it has been offered.

Mr. FOLEY. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I earnestly hope that this amendment will be adopted.

I have great respect for the gentleman from California who is the distinguished floor manager of this bill. However, what the gentleman has just told the committee is that there is some possible objection to the constitutionality of this amendment. Now it is very clear, as the Resident Commissioner has said, that a constitutional amendment would be required to give the Resident Commissioner a vote in the Committee of the Whole or the full House. This amendment proposes only to give the Commissioner a vote on standing committees. The committees of the House of Representatives are creatures of the House of Representatives. They can be extinguished at will and created at will. It does not even require concurrence of the other body when we take such an action. Depriving members of the right to vote in a committee is fully within the power of the House, by abolishing the committee. Giving them additional rights to vote is within the power of the House by creating a new committee. The point is that the constitutional issue does not touch preliminary advisory votes which is what standing committee votes are, but only the votes which are cast in the Committee of the Whole or the full House. These votes can be cast only by Members of Congress. So nothing that the Resident Commissioner could do in a committee vote could become a final decision unless a majority of the elected Members of Congress supported his position. However, in the standing committee itself I think that the Member from Puerto Rico should have a vote. I think the House has the constitutional authority to give him a vote in that limited area. Certainly there are the most powerful reasons for this. There are 2.7 million American citizens in Puerto Rico. They serve in the Armed Forces and have done so with great distinction. They have bled and died for this country. I think we have an obligation to give them the maximum feasible representation in the Congress of the United States and in the House of Representatives.

I think the overwhelming opinion of the American people would support going as far as we constitutionally can go to give them the fullest representation we can. We should not quibble about vague matters in dispute. We clearly cannot give him a vote in the House; and the fact that he does not have a vote in the House means that anything he does in committee has to be endorsed by the Members of Congress, or it does not become law. But we ought to give him the opportunity to operate with as much authority as he can for the interest of the 2.7 million constituents he represents—which is more than five times the number of people that any one of us has the honor to represent.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, of course my good friend the gentleman from Washington, for whom I have great respect, is making a great plea for statehood for Puerto Rico—and I also have great respect for the people of Puerto Rico. On the other hand they enjoy through the Commonwealth status some substantial advantages over statehood and if we are faced with the issue of statehood, that is another issue.

Mr. FOLEY. I must respectfully disagree. If it was a question of statehood then there would not be a question of a right for the Resident Commissioner to vote in a committee, because he would then have the right to vote on the floor of the House as a full Member, and there would be five other colleagues from Puerto Rico along with him who would vote with him, and there would be two Senators in the other body as well. But this amendment is a minimum sort of thing where the representative from Puerto Rico would have the opportunity to vote in the standing committees, subject in any event to the affirmation or disaffirmation of the Members of the House.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding, and I think the gentleman from Washington is making a very sound legal argument, and I think that he is assisting the position of the gentleman from Puerto Rico, the Resident Commissioner. It is true that if he acts on matters in committee that he is not going to be able to make any laws through a vote on the floor of the House with respect to such legislation, one way or another, but he is going to be a representative of the people of Puerto Rico, and that it seems to me is what we want the Resident Commissioner of Puerto Rico to be able to do.

American citizens of Puerto Rico deserve increased attention by the Congress of the United States. The spokesman of these more than 2 million American citizens is their Resident Commissioner—JORGE L. CÓRDOVA, who serves—without a vote—on the Agriculture, Armed Services, and Interior and Insular Affairs Committees of this House.

Mr. CÓRDOVA is present on the floor of the House more than most other Members, and he is a most articulate and knowledgeable representative of the people whom he represents.

May I add that the other committee members and, indeed, all Members of the Congress could benefit from this expanded role which it appears clearly the Congress can take legally and constitutionally.

Many of our citizens from Puerto Rico are of the impression that they are being discriminated against with regard to educational, employment, and housing opportunities. Such charges must be investigated and the basis for the charges must be removed. At the same time, our Puerto Rican compatriots must be given the fullest possible opportunity for expression within the limits of their Commonwealth status. It is my earnest hope that statehood for Puerto Rico will come soon—to the end that full voting representation in this House and in the other body may be enjoyed.

Meanwhile, both encouragement and fairness can be provided through adoption of the amendment offered by the gentleman from Puerto Rico (Mr. CÓRDOVA).

In recent conversations with a group of my constituents who have moved recently to Lake County, Ill., from Puerto Rico, I am informed that there are now more than 10,000 local residents who have migrated from their Puerto Rican birthplace. These citizens who are now residents of the 12th Congressional District of Illinois enjoy voting and other rights equal with those of other American citizens—and it is my intention to see that those rights are protected and—to the extent possible—that the aspirations of these and other Spanish-speaking Americans are fulfilled.

Today, we are concerned solely with the issue of the right of the Puerto Rican Resident Commissioner to vote as a member of the standing committees upon which he serves. I support the amendment which carries out this purpose, and I urge wholehearted passage of the amendment offered by the gentleman from Puerto Rico (Mr. CÓRDOVA).

Mr. FOLEY. Mr. Chairman, I thank the gentleman. I think that when we give the Resident Commissioner a vote in standing committees that we are just permitting him to make recommendations, but that on the final result he is not permitted to vote on the floor to either accept or reject such matters. What we will be doing is to permit him to better serve his almost 3 million constituents, who are American citizens as fully as you or I. These citizens have only one voice in their behalf in the House of Representatives. There is none in the other body.

The one voice is the Resident Commissioner. In the present case the incumbent is so distinguished and able, so wise and diligent a legislator, that we would all be richer for his more effective service. His personal capacities recommend this amendment to us. Justice to the interests of our fellow citizens of Puerto Rico requires this amendment. I am confident we shall approve it.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I rise to support my colleague. On the island of Puerto Rico we find that there is a great deal of feeling on the university campuses and among the intelligentsia that the Puerto Ricans are not represented adequately in the Congress. To the extent that we can constitutionally give them a more meaningful participation and a stronger voice and a better forum through which to represent their interests through the office of the Resident Commissioner, I think is highly desirable.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment of the gentleman from Puerto Rico, granting the Resident Commissioner the right to vote in committee and providing for his appointment to committees by regular House procedures.

Mr. Chairman, I do not believe that we can really give any valid reason or explanation for denying the Resident Commissioner the right to vote in standing committees. His constituents lose the benefits of effective representation at a very critical stage of the legislative process, and we all honestly know that our committees lose the benefits of his accumulated expertise and judgment as would be delivered through his vote. I believe conscientious Commissioners like the gentleman now serving from Puerto Rico should not be relegated to a solely advisory role. He can contribute much to the legislative process through this change and we should have the benefit of it.

Mr. Chairman, I also see no reason to appoint the Commissioner to a limited number of committees. To the extent possible, existing procedures permit us in Congress to opt for committee appointments that reflect our own interests and those of our constituents as we see them. Part of the job of a Representative is making those choices.

Mr. Chairman, I urge the adoption of the amendment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I would like to join in support of this amendment. It seems to me it is a minimum step to be taken and one that I see no difficulty with, insofar as the constitutional issue is concerned.

As has been pointed out by my colleague, the gentleman from New York (Mr. SCHEUER), it is important for us to try to allay the feelings of the people on the island of Puerto Rico that the Congress is not concerned with their welfare and has not taken all steps to give them the representation that they might have within the framework of the Constitution.

This amendment will be a small step in the right direction.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the courtesy of the gentleman. I am happy to add my voice to those that have already been raised in support of this amendment.

I simply want to say that I think it would be useful to adopt this amendment. It would be a step in the right direction.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. BIAGGI. Mr. Chairman, I rise in support of this amendment to grant equal committee assignment and voting privileges to the Resident Commissioner from Puerto Rico. As the only representative of some 3 million American citizens living in that island territory, it is imperative that this body recognize his position and endow him with the powers of the vote in committee.

But there is more involved here than just granting the right to vote to one of our colleagues who occupies a unique position. For it is just this unique position that affords this body the opportunity to strengthen the relationship between the 50 States and the territory of Puerto Rico. Moreover—and more importantly—it enables the citizens of the States to enhance their image of fairness and justice in the eyes of their fellow Americans of Spanish ancestry living in Puerto Rico.

Besides the equities involved—and there are many—I must say in all candor, that I have a personal interest in this matter. I have family living in Puerto Rico. My son-in-law, a native, tells me that he and my daughter are deeply interested in the activities here in Congress and their island's relationship with the United States. They feel very strongly that there must be a strengthening of the bonds among those Americans living in the States and those living in Puerto Rico.

I would also point out that the many Americans who came from Puerto Rico and are now living in the United States together with those still living on the island form a group of people whose rich history, customs, and philosophy of life have much to offer to the potpourri of American culture and spirit. Having this tradition more strongly represented in this body is essential for developing the equal rights of citizenship for Puerto Rican Americans everywhere.

As the gentleman from Puerto Rico (Mr. CÓRDOVA) so aptly pointed out, this amendment would not set new precedent. Certainly the experience of granting the right to vote in committee to previous Resident Commissioners who served in the early years of the Republic has proven fruitful and successful.

Further, if the people of Puerto Rico should decide in the future to become a State of the Union, this first step toward complete representation would make such a transition smoother.

During this session of Congress there has been considerable discussion about the right to vote. Perhaps not since the Constitutional Convention in the post-revolutionary period has so much concern been accorded the question of the enfranchisement of various groups. We have considered only recently in this body the right to vote for 18-, 19-, and 20-year-olds. We have also questioned the continued disenfranchisement of the residents of the District of Columbia.

Now that we have the opportunity to provide the residents of Puerto Rico with more substantial powers in Congress through granting the right of committee vote to their elected representative we should not hesitate to do so.

I therefore strongly urge my colleagues to vote "yes" on this important amendment and grant that right to vote to the Resident Commissioner from Puerto Rico—a right we can no longer justify denying him.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment. The citizens of Puerto Rico, also citizens of the United States, now numbering 2.7 million, de-

serve greater representation than is presently accorded them in this House.

It would take a constitutional amendment to grant the Resident Commissioner of Puerto Rico who sits in this House as a nonvoting Delegate the right to vote with the other Members of this House on legislation coming before it. However, the amendment now offered by the Resident Commissioner to the bill before us seeks simply to permit the Resident Commissioner to vote in those standing committees of this House to which he may be assigned. This House has the power under its rules to do that and it should.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, apparently this has become Puerto Rican popularity day. That is fine and dandy. I think we all have great admiration for the people of Puerto Rico. As I have already indicated, I certainly have great respect for the Resident Commissioner from Puerto Rico. But I am just wondering if some of you have looked down the road and think of what you are doing if you approve of this amendment.

I wanted to ask the gentleman from Washington if he wishes to or will accept him as part of a quorum—in other words will he be counted for the purpose of a quorum in committee. I do not see the gentleman on the floor at the moment. But I am curious to know if it would be interpreted that he would be entitled to vote in the Committee of the Whole House on the State of the Union, as the Committee of the Whole certainly is separate and apart from the House and in the same sense is a creature of the House in the same sense that a committee is a creature of the House.

Again, I certainly have no objections to the distinguished gentleman, Mr. Córdova, voting—but I am very much concerned about the precedents that you are setting because what we are talking about may well apply to Delegates who come to the House in the future. I know, for example, that we have a number of islands out in the trust territories, and I have had the opportunity to visit them and I have great respect for those people, the Micronesians, the Samoans, and the Guamanians and many others, who some day may want Delegate representation.

All that I am asking you to do is to take a look at what you propose to do.

Let me say, I could almost say that this would be representation without taxation. You know we hear about taxation without representation, but if you know anything about the Commonwealth status, the Puerto Ricans do not pay income taxes to the U.S. Government but rather to their own Commonwealth.

I would only ask that the Members look very carefully at what the long-range results of this could be. I have very grave questions about the constitutionality of it. But I think there are even far more serious implications than merely that of constitutionality.

Mr. CAREY. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I do not claim any special knowledge with regard to this amendment or as to the rules of this distinguished body.

But I served for 4 years as chairman of the Subcommittee on Territory and Insular Affairs. I have looked with great concern at our territorial questions in our committee with the help of the gentleman from Washington (Mr. FOLEY) and Members on the other side, the gentleman from Maryland (Mr. MORTON), and we have worked earnestly to find and develop ways in which we can consolidate and join and associate ourselves more closely politically with these noncontiguous areas of the United States. It is most important that we do so.

The Commonwealth of Puerto Rico is, indeed, a showcase of democracy sitting in the Caribbean in contradistinction to the Castro dictatorship which sits alongside of it.

It is most important that we take every step possible to extend to the people of the Commonwealth of Puerto Rico every possible means of voicing democratically their concern in the Congress of the United States.

The gentleman from California, for whom I have great respect, has said that this is turning into Puerto Rican Popularity Day. Maybe it is time that we had a Puerto Rican Popularity Day in this committee. Popular government is in the Commonwealth of Puerto Rico but it is not represented well enough in terms of voting here in this body. This small gesture, of great importance to the distinguished Resident Commissioner, to allow him to vote in the committee on which I serve, would be a great benefit to that committee. I would like to have him vote. He is most diligent in his attendance at the committee meetings. He might help us to get a quorum on occasion when we cannot get one from our stateside colleagues.

Maybe it is going in the direction of statehood, but is there any doubt that the Commonwealth of Puerto Rico will be our 51st State, or some such State, in this Union? The President has called for a presidential vote for the people of Puerto Rico. What better way to go in that direction than to give to the Resident Commissioner in the committee in which he sits, with his voice, his experience, his expertise, and his dedication to his people, our neighbors and our fellow we can do so here in the House on the citizens, the right to cast his vote in committee? If we want to eradicate that vote, floor. We can reject the committee recommendation if a measure carries by his vote, or we can note his vote in approbation of a measure which affects the Commonwealth of Puerto Rico and our country and take note on that in our deliberations. But we would have his guidance as we do not have it now.

I think it is a fine amendment. I stand in favor of Puerto Rican Popularity Day because whenever we have a popularity day for any group of American citizens, I want to stand up and be counted on that occasion.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, I would like to be in the parade of the Spanish-speaking people in my community. Sunday night I am going to a banquet, and I would appreciate the House adopting this amendment so I can tell them that I have supported the amendment.

Mr. CAREY. We are seeking to adopt an amendment offered by the minority, where the gentleman from Puerto Rico sits. I would like to yield to him at this time.

Mr. CÓRDOVA. I appreciate the gentleman yielding.

Mr. Chairman, I wish to clarify a question brought up by the gentleman from California with relation to participation by the Resident Commissioner of the Commonwealth of Puerto Rico in the Committee of the Whole House on the State of the Union. The amendment which I have offered refers expressly to the standing committees. I believe the Committee of the Whole House is not a standing committee.

Mr. CAREY. I thank the gentleman for making that clear. When the gentleman from California (Mr. SISK), for whom I have the highest regard, said that the amendment would have an effect on the trust territories, I wish to point out that the people in the trust territories are not citizens or nationals of the United States. They are in a trusteeship under the United Nations. The amendment would have no effect on the people of those territories. If we seek to bring the people of the territories and the Commonwealth closer to the American framework and democracy, what better step could we take at this time to indicate our attitude?

Mrs. CHISHOLM. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Mrs. CHISHOLM. Mr. Chairman, a previous speaker referred to the fact that this might be Puerto Rican Popularity Day. The fact is that we have to consider what we are dealing with, with whom we are dealing, and what has been the concern of these people for such a long time. Their concern has been over the fact that they have not had any real voice in their own destiny. The fact is that they do have a Resident Commissioner, but a Resident Commissioner in name only, one who possesses a paper title without any real rights or obligations.

Many of us feel that we appease certain groups so long as we engage in a few kindly acts. The fact is: there is no real voice; there is no real representation for these 2 million people who have very specific problems and very specific concerns. It seems to me that the minimal thing that we can do is to permit the Resident Commissioner to at least have a vote or some voice in the standing committees.

Recently it was interesting to note in Puerto Rico that certain persons of Puerto Rican heritage from the mainland were not able to communicate certain real daily concerns to our Government because of the fact that they lacked this real voice with authority in Wash-

ington. The Resident Commissioner knows better than any of the rest of us in this body, regardless of how well our intentions may be, the problems of his people, the unique concerns of his people and, if nothing else since he lives here and is a part of the House of Representatives, we should give the Resident Commissioner authority commensurate with the fact that he is the only voice for 2 million Puerto Rican citizens.

Let us take away a paper title and afford him the opportunity to voice the aspirations and hopes of his people. They are Americans.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I remember some years ago when I led the fight on this floor to bring about Commonwealth status to the Commonwealth of Puerto Rico.

I would say further, if this is popularity day, I want to join in this, because I have known these fine people for many years and I have worked on this floor to bring about the status I have referred to.

I should like to remind my friends who suggested something about the other islands, that the French islands have full representation in the French Parliament. Their delegates are elected from the islands and go to the French Parliament and there have full representation in that Parliament. I would hope the day would come when the Puerto Ricans may have full representation in this House of Representatives. I recognize the gentleman who now is the Resident Commissioner is a very able legislator, one of great experience, and I am sure everybody on both sides of the aisle is proud to have the gentleman here and is proud to serve with him.

Mr. Chairman, I would hope the amendment offered by the gentleman carries.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, how about Puerto Rican representation in the other body, the U.S. Senate?

Mr. BOW. I would be in favor of that.

Mr. GROSS. All right. Let us get them in.

Mr. BOW. If the gentleman would help us get that, I would be delighted if we would get representation in the other body for Puerto Rico, but I cannot see how we can say that because the other body has not granted representation, we in this body should withdraw or withhold representation from these fine people.

Mr. GROSS. All I want is for the other body to have all the good things of life.

Mr. BOW. I think they have them pretty well.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Puerto Rico.

May I note, Mr. Chairman, that while I support the amendment offered by the gentleman from Puerto Rico, it seems to me if this debate goes on much longer, the illogic of most of his supporters might start to work against the gentleman's amendment, with all due respect to the gentlemen who have arisen to support the amendment, this is not going to solve the problems of unrest. On the island of Puerto Rico, it is not going to cool off the radicals on their campuses, and it is not something the people in the streets of Puerto Rico are aware of.

The gentleman made a calm and reasoned argument in support of his amendment.

Mr. Chairman, I would also add that voting in the committee would be an expansion of the Commissioner's voice. Puerto Rico ought to be a State, and all those who loudly support this amendment ought to be in the vanguard of support for statehood for Puerto Rico. The point is the people of Puerto Rico have refused to accept the status of statehood. Perhaps if we expand the voice and influence and the vote of the Resident Commissioner, it will inspire Puerto Rico to accept statehood, and accept the responsibilities.

They have a unique situation. They have all the rights of American citizenship without all the responsibilities, because of this unique Commonwealth status.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the Resident Commissioner from Puerto Rico.

Mr. Speaker, I would like to express my support for the amendment before us which would give the Resident Commissioner from Puerto Rico the right to vote in committee as well as granting him the same privileges as his colleagues in committee. This is an important and necessary change in the rules of this body. I think we would be hard pressed to find and explain the basis for the present rule which states that Delegates have no broader rights or privileges in committee than on the floor of the House. This rule clearly denies 2,700,000 American citizens a voice in affairs directly affecting their welfare and security. To continue to deny the duly elected representative of the people of Puerto Rico any meaningful participation in the activities of this body is neither in keeping with the truest democratic principles nor serves the best interests of the Nation. If we are serious in our intentions to reform the rules and practices under which we serve the people, we must give this long overdue measure our fullest support.

Mr. CÓRDOVA. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman, the Resident Commissioner of Puerto Rico.

Mr. CÓRDOVA. Mr. Chairman, I want to reply briefly to the observations of my good friend, the gentleman from Illinois, who suggested that Puerto Rico is not bearing the responsibilities of statehood. I wish to point out that Puerto Rico is bearing the responsibilities of American citizenship in every way except in bearing the full burden of direct taxation, but we bear what I consider to be a much more important burden than the burden of taxation, in the burden of the blood tax which we pay gladly to the Nation and have been paying gladly in all of the wars of this century.

Besides that, we help to subsidize as no other section of the United States helps to subsidize the American merchant marine, because we carry all our freight on American bottoms and thus pay a higher cost than we would if we were not a part of the United States. That is a very real burden involving billions of dollars of goods moving to and fro from Puerto Rico.

I could go on reciting numerous burdens. We buy so much from the States that we help to pay indirectly the taxes of many taxpayers, because we are a part of the United States and practically must buy from the United States.

We are happy to do it. We are happy to bear all these burdens. We are not yet decided, unfortunately—I am, but many of my people are not—about statehood. But we are bearing a very great share of the burdens of the American citizens.

The CHAIRMAN. The question is on the amendment offered by the Resident Commissioner from Puerto Rico (Mr. CÓRDOVA).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to section 122?

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 45, line 10, after the word "mail" insert the following: "at rates the taxpayers can afford to pay."

Mr. GROSS. Mr. Chairman, in case any Member is interested, the word "mail" in this case is spelled m-a-i-l.

This would make the provision with respect to the Postmaster of the House of Representatives read as follows:

The Postmaster shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, the Resident Commissioner from Puerto Rico, and officers of the House and shall be responsible for the prompt and safe delivery of their mail at rates the taxpayers can afford to pay.

That is my amendment to this ridiculous bill. I am just trying to help out and get the taxpayers into this act somewhere along the line.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Califorina.

Mr. SISK. Is the gentleman offering an amendment? I am sorry; I did not quite get clear what the gentleman was doing.

Mr. GROSS. I am offering an amendment to page 45, line 10, to say that the Postmaster of the House of Representatives shall be held responsible for the prompt and safe delivery of mail at rates the taxpayers can afford to pay. That is all.

Mr. Chairman, I yield back the remainder of my time.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

LEGISLATIVE REORGANIZATION ACT OF 1970

The Committee resumed its sitting.

The CHAIRMAN. Are there additional amendments to be proposed to section 122?

Mr. SISK. Mr. Chairman, I rise to make a unanimous consent request. I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered by the gentleman from Texas (Mr. WHITE), which was adopted back quite some time ago. I submit the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GROSS. Reserving the right to object, Mr. Chairman, let us hear the amendment read.

Mr. SISK. I would be very happy to do so, Mr. Chairman.

The CHAIRMAN. Unless there is objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SISK:

In paragraph (b) of clause 2 of Rule XV of the Rules of the House as contained in the amendment offered by Mr. White to page 39, immediately below line 4, insert "which is privileged and shall be decided without debate," immediately after the words "a motion".

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from California?

Mr. GROSS. Still reserving the right to object, Mr. Chairman, will the gentleman from California relate that to the language of the White amendment so that we may know precisely what is being proposed here?

Mr. SISK. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. SISK. I will be happy to do so, because I did propose to explain this.

This is a perfecting amendment. At the time the gentleman from Texas offered his amendment, the gentleman will remember now, some month ago or more, we had agreed the next day that the amendment did need certain perfecting language. Unfortunately, there has been some time that has elapsed since then. The language of the gentleman from Texas (Mr. WHITE) dealt with the conduct of calls of the House, as the gentleman remembers. I could read the entire page, if the gentleman would like to have me do so. However, there is a sentence down near the center of the amendment where this statement is made:

When a quorum has been recorded, which in the Committee of the Whole House shall be 100 members, the Clerk shall advise the Speaker or the Chairman of this fact, after which it shall be in order to entertain a motion to dispense with further proceedings under the call.

That is the way the present language reads. With the perfecting amendment which we are offering it will read thus:

When a quorum has been recorded, which in the Committee of the Whole House shall be 100 members, the Clerk shall advise the Speaker or the Chairman of this fact, after which it shall be in order to entertain a motion which is privileged and shall be decided without debate to dispense with further proceedings under the call.

This is in order to avoid delaying tactics or a debate in connection with whether a quorum has actually been present.

In line with our staff's thinking, checking with the existing rules, we have written this language to make it conform. It is simply a conforming amendment.

I might say it has been discussed with the gentleman from Texas (Mr. WHITE) and others interested, and it was acceptable. It is a technical amendment pure and simple.

Mr. GROSS. It seems to me it is a substantive amendment. Does the gentleman realize that he is going to have this House of Representatives so efficient that neither the Members nor the public is going to recognize it for what it is?

Mr. SISK. Will the gentleman yield further?

Mr. GROSS. Yes.

Mr. SISK. Of course, the House, as I recall it, by almost a unanimous vote, adopted the amendment offered by the gentleman from Texas, which, of course, it is hoped would speed up the creation of a quorum and the procedure of calling the roll.

Mr. GROSS. I again ask what it is proposed to do with all of the time this bill is supposed to save? Tell me, what is proposed to be done with all the time that will allegedly be saved by outlawing all dilatory tactics, if you can call them that?

Mr. SISK. Well, of course, if the gentleman will yield further, I think it could be put to good use for the benefit of the public.

Mr. GROSS. I am glad the gentleman said it could be and not would be.

Mr. SISK. Let us hope that it will be. I recognize of course that it is up to us as representatives of the people to do a better job and have a more efficient use of our time. Of course unfortunately we have many times not been very efficient. Of course many of the provisions of this bill it is hoped will improve the procedures and will move things along faster and will make it possible for us to do a better job. I recognize that it is still up to us to do the job and that we cannot expect the new language we may write to remove all of the problems or to be any panacea, but that if we put them into practice it does seem that we can more efficiently and more effectively legislate.

Mr. GROSS. Well, I do not know. This congressional face-lifting job that is being put on here now is a little hard to assimilate at the speed at which we are going. I think we ought to do this all over again. Therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: On page 47, immediately following line 5, insert the following new section:

"CLOSING OF THE DOORS IN CALLS OF THE HOUSE

"Clause 2 of rule XV of the Rules of the House of Representatives is amended by striking out ", and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted;" and inserting in lieu thereof ", and in all calls of the House the names of the Members shall be called by the Clerk, and the absentees noted, but the doors shall not be closed except when so ordered by the Speaker;"."

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, insofar as this member of the committee is concerned, I see nothing wrong with the amendment offered by the gentleman from Florida and therefore as far as I personally am concerned I do not intend to oppose the amendment.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, I have tried to get this done for the last year and a half but the Committee on Rules just sort of laughed at me. I think that opening these two side doors will make it easier to get into the Chamber.

Mr. BENNETT. This is only for the purpose of expediting attendance on the floor.

Mr. SMITH of California. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 47, insert the following new section after line 5:

"SEC. —. Section 3 of Rule X of the Rules of the House of Representatives is amended by deleting the semicolon and inserting in lieu thereof the following: ", *Provided however*, That no Member of any committee shall be eligible to be elected chairman who has served four or more terms in that office,

except by a two-thirds record vote of the House to suspend the rules, and provided further that no Member shall be eligible to be elected chairman of a standing committee who in the same Congress has been elected chairman of another standing committee or is chairman of the Joint Committee on Atomic Energy or the chairman of the Joint Economic Committee.' "

Mr. BINGHAM. Mr. Chairman, this amendment which would limit the term of committee chairmen to a period of 8 years, unless the House voted by two-thirds to suspend the rules, really should be adopted overwhelmingly by this body. According to my calculation, 394 Members out of the 435 stand to gain by it. But something tells me that it will not receive that number of votes.

In putting this amendment forward now, I have no great expectation that it will be adopted by this Committee of the Whole. I say that particularly in light of the fact that from the earlier proceedings on this bill it was quite clear that the Members were not yet willing to make any substantial change in the seniority rule. But I put the amendment forward in the hope that it will be studied and considered by the Members, with the possibility of future action.

Mr. Chairman, what I am suggesting is based on a very simple principle. It is the principle of rotation of office, of spreading the responsibility around a little bit. We have a constitutional amendment which limits the President of the United States to two full terms. Something similar, it seems to me, could be applied reasonably to the important positions in this House that are held by the chairmen of the committees.

We often hear, particularly freshmen Members and junior Members, that all are equal in this body. Well, some are more equal than others. There is no doubt about it. The prerogatives and privileges and powers that go with the chairmanship in the great committees are very considerable indeed and most of us in the House will not have a chance ever to exercise them.

So I suggest that my proposal is something that might be considered and studied as one method of dividing up the responsibilities in this House a little more equally than they are today.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to my friend, the gentleman from Pennsylvania.

Mr. DENT. Would it not be a lot simpler just to follow the thing all the way through and say that Members of the House cannot serve for more than 8 years in order that they would then share in the responsibility by spreading it around—but instead to have a limit the same as the President and to say that instead of depriving a Member of the chairmanship at a time in his life when he probably knows more about the subject than most of the people on the committee do? That is the way it has happened in my lifetime of 38 years in legislative bodies.

If you want to do it all the way, just make it for a period of 8 years as the term of office and give the Member some kind of juicy pension like the President gets.

I think most Members would be willing to quit then, if everybody could serve 8 years and once in a while get to be chairman.

Mr. BINGHAM. This proposal might be simpler, I will say to my friend, but I would not be in favor of it.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I actually feel that this possibly would be subject to a point of order but I do not make a point of order since I understand it was not felt that it would be sustained.

But I do oppose the amendment.

Mr. Chairman, I think this matter has been pretty substantially discussed. I do not feel it would be helpful to the pending bill and, therefore, ask for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 47, after line 5 and before line 6, insert the following new section:

"TAKING OF WRITTEN NOTES BY VISITORS TO THE HOUSE GALLERIES

"SEC. —. Rule XXXIII of the Rules of the House of Representatives is amended—

"(1) by inserting '1.' immediately before the words 'The Speaker shall set aside a portion of the west gallery'; and

"(2) by adding at the end thereof the following new clause:

"'2. Visitors to the House galleries may be permitted to consult legislative materials and take written notes under such regulations as the Speaker may from time to time prescribe.' "

Mr. HECHLER of West Virginia. Mr. Chairman, this is a very simple and noncontroversial amendment.

I do not plan to take the full 5 minutes although I will certainly entertain any questions that may be asked about the amendment and its implications.

Mr. Chairman, many of our constituents in the galleries have been really puzzled as to why certain restrictive rules are enforced in such a way that they cannot intelligently follow the debate. Some visitors bring a copy of the bill that is being debated, and have tried to open it and look at the bill while listening to the debate. If they try to follow the bill, they are reprimanded because such a practice is against the rules.

It is also against the rules to consult a copy of the pictorial directory of the House of Representatives simply to check the pictures of the Members and identify who is addressing the House, or who is seated at the committee table, or the identification of other Members of the House.

I would like to stress that most of our public visitors who try to take a conscientious, courteous, and attentive interest in the debate in the House of Representatives, are rather rudely and abrutply called to attention by a tap on the shoulder and a voice saying, "You are violating the rules by looking at a copy of the bill or by jotting down the action of the House as it occurs."

My amendment simply provides that the House rules allow the consultation of legislative materials and the taking of written notes "under such regulations as the Speaker may from time to time prescribe." This means that if there is any abuse of this rule, if we find that there are people who might be reading or consulting newspapers or something like that, this certainly could be covered by regulations that the Speaker may provide and prescribe.

I have consulted with the Speaker, the Doorkeeper, and have asked the Legislative Reference Service to examine the history of and precedents for the rule which prohibits notetaking and reading in the public gallery. It is generally concluded that the concept of the visitor's pass originated following the 1954 shooting from the gallery by the Puerto Rican nationalists. Yet all sources agree that the rule against writing and notetaking predates the issuance of the first visitor's pass, even though nobody has been able to come up with any written rule with these provisions prior to their appearance on the visitor's pass. There is nothing specific in the House rules to prevent reading and writing in the public galleries, yet the notations on the visitor's pass have the force of House rules.

It is most difficult for visitors to understand the logic behind this rule, particularly when visitors are genuinely interested in following the debates more intelligently by consulting the bill being debated. I believe we owe it to the public to enable the public to understand the legislative process more clearly.

We also owe it to the public to allow those who wish to follow the proceedings to follow them intelligently through being able to jot down a note or two occasionally, or to consult the pictorial directory so that they can better understand what is going on.

I would like to point out that several Members have expressed their support for this amendment, including the following: COUGHLIN, FINDLEY, KOCH, RIEGLE, ROONEY, RYAN, EDWARDS, and PODELL.

I would be glad to entertain any questions that members of the Committee have concerning the amendment.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from New Jersey.

Mr. PATTEN. I object to the gentleman's saying that our help rudely calls attention to the rule. I think the help is usually very kind and very considerate.

Mr. HECHLER of West Virginia. I appreciate the gentleman's correction and certainly concur with his comment. To the average visitor who is a law-abiding citizen it comes as a somewhat abrupt surprise to be informed he is violating the rules. So I will substitute the word "abruptly." Sometimes it is very disconcerting and embarrassing when you are

trying your best to express your respect for the institution, only to learn to your chagrin that you are in violation of the rules. I recall the first time I visited the Gallery of the House of Representatives. I studied up for weeks on a bill that the House was going to debate and, believe me, it was a rather abrupt shock to have someone come up and say, "You have violated the rules of this body." That was before the time of the visitor's pass.

This occurs many times, and I think it would be in keeping with the spirit of the House of Representatives and our guests in the Gallery if we did allow them to consult legislative materials, and to take written notes under such regulations as the Speaker may from time to time prescribe. I urge adoption of the pending amendment.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I have great sympathy for my good friend from West Virginia. I recognize that we all make mistakes occasionally, and that sometimes it can be a bit embarrassing. However, as I am sure my colleague knows, the passes which are issued to visitors in the Gallery outline very specifically what the rules are on the back of the card, and it is very quickly read.

Let me say that your Committee on Legislative Reorganization has attempted to deal with this subject, and we will be considering that later on in the week. That has to do, of course, with the proposal of calling for possible encasement of the Gallery, soundproofing of the Galleries, the consideration of making mikes available or commentators who will explain and attempt to give visitors to the Gallery a great deal more information. Many of us recognize some of the problems, as I am sure my colleague from West Virginia will agree.

A visitor comes into the Gallery unaware of what is going on or what is under consideration, so the procedure is a bit confusing. We hear comments about it. We are attempting, as I have said, to meet that problem. Primarily it is one for the convenience of our visitors. It would seem to me that what the gentleman proposes would be most difficult to police. I can appreciate the problems the Speaker might have or the Chairman of the Committee of the Whole House on the State of the Union, as the case might be, in attempting to determine what might be read or be subject matter allowed. I think there would be confusion, noise, and other things that simply would not be productive. Therefore, with hesitation I would have to oppose the gentleman's amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. If the committee bill, as written is adopted, with the provision for encasing the galleries and providing a commentator for the galleries, would that not remove much of the argument against this proposal? My amendment could very easily be incorporated within the system which is already outlined in part 7 of the committee bill, which provides for "modernization of the galleries."

Mr. SISK. I think the gentleman is right, of course. The bill provides for authorizing the Speaker to set up a study group to investigate and proceed with enclosing the galleries. Of course, once they were soundproofed, if that was the determination, there is no question but what then many things could be permitted in the gallery in connection with colloquies or running commentaries, which would not interrupt the procedure of the House.

Mr. HECHLER of West Virginia. If the gentleman will yield, page 138 of the bill already provides that the study commission "shall provide for the enclosure of the galleries with soundproof and transparent coverage." I would hope that section of the bill would simplify the adding of the amendment which I have suggested.

Mr. SISK. It is in the bill at the present time, as I say, and we would hope that it would be maintained, but, Mr. Chairman, I urge defeat of the pending amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the Chairman of the Committee, the distinguished gentleman from California. Do I understand correctly that the pending amendment would provide for enclosing the galleries in some kind of protective screening, or is this something merely to be studied?

Mr. SISK. If the gentleman will yield, the language will be found in a later title, which we hope will be coming up within the next couple of days. It does provide for the Speaker to appoint a committee to make a study and make recommendations, if they see fit, to enclose the galleries.

Mr. STRATTON. If that were going to go through, I would not want to let it pass without saying that whatever may be the perils of serving in this body, I think to shut off the public with some kind of bulletproof glass or screen would be damaging to our democracy and our accessibility to the people. I think these are some of the very few perils that Members of the House would have to endure in these difficult days.

Mr. SISK. If the gentleman will yield further, I would like to comment in connection with that. I would hope that prior to the matter being brought up, which, as I say, is in a later title, if the gentleman will review the record of the committee, he will find there is nothing in there and no particular concern of our committee with respect to any bulletproof glass, making this a fort. This is not the idea. This is for the enhancement of the knowledge of our visitors, and there are a number of ideas as to mikes and a running commentary which could be provided that would definitely enhance the ability of the public to know what is going on. So I would hope the gentleman will read the hearings and the report before we come to that portion. We are not talking about protecting the Members against anything.

Mr. STRATTON. I have not read the entire report, but I do believe that if we were to enclose the entire gallery, that would be a grave mistake. Maybe we could enclose a portion of it, but I do not believe we should have one kind of action going on down here and a separate commentary on it going on in the gallery. I think that would be a mistake.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, instead of having people here in the galleries hearing mushy sounds and sometimes unable to distinguish the words being spoken, we would have a situation where the visitors would be brought much closer to their Government with the amplifying system in the gallery.

As I understand it, the narration provision would be a periodic narration, simply to say who is participating and what the bill is. It will be just a few seconds at intervals. Far from separating the people from their Government, it would be bringing the people much closer, in my estimation.

Mr. STRATTON. The gentleman is entitled to his view. I just want to be sure my own views on this important issue are in the RECORD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—FISCAL CONTROLS

Mr. SISK. Mr. Chairman, the committee has asked me to make a unanimous-consent request that in connection with title II the title be read by parts rather than by sections. Therefore, I ask unanimous consent that that be the procedure in connection with title II.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read part 1 of title II.

The Clerk read as follows:

PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

BUDGETARY AND FISCAL DATA PROCESSING SYSTEM

SEC. 201. The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller of the United States, shall develop, establish, and maintain, insofar as practicable, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

BUDGET STANDARD CLASSIFICATIONS

SEC. 202. (a) The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller General, shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 201 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Secretary of the Treasury and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1971, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 201 and subsection (a) of this section. The reports made under this subsection in 1971 and 1972 shall set forth the progress achieved in the development of classifications under subsection (a) of this section. The reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established. Each such report shall include such comments of the Comptroller General as he deems necessary or advisable.

AVAILABILITY TO CONGRESS OF BUDGETARY, FISCAL, AND RELATED DATA

SEC. 203. Upon request of any committee of either House, or of any joint committee of the two Houses, the Secretary of the Treasury and the Director of the Bureau of the Budget shall—

(1) furnish to such committee or joint committee information as to the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies; and

(2) to the extent feasible, prepare for such committee or joint committee summary tables of such data.

ASSISTANCE TO CONGRESS BY GENERAL ACCOUNTING OFFICE

SEC. 204. (a) The Comptroller General shall review and analyze the results of Government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

(b) The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost benefit studies of Government programs. Upon request of any committee of either House or any joint committee of the two Houses, the Comptroller General shall assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost benefit studies furnished by any Federal agency to such committee or joint committee; or

(2) in conducting cost benefit studies of programs under the jurisdiction of such committee or joint committee.

POWER AND DUTIES OF COMPTROLLER GENERAL IN CONNECTION WITH BUDGETARY, FISCAL, AND RELATED MATTERS

SEC. 205. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he considers necessary to carry out the functions and duties imposed on him by the provisions of this title.

(b) The Comptroller General shall include in his annual report to the Congress information with respect to the performance of the functions and duties imposed on him by the provisions of this title.

PRESERVATION OF EXISTING AUTHORITIES AND DUTIES UNDER BUDGET AND ACCOUNTING AND OTHER STATUTES

SEC. 206. Nothing contained in this Act shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedures Act of 1950, as amended, or any other statutes.

DEFINITION

SEC. 207. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 1 of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 47, line 11, strike "Bureau of the" and insert "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 47, line 19, strike the words "Bureau of the" and insert the words "Office of Management and".

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, what is being proposed here? Will the gentleman explain the reference in the committee amendments to an Office of Management and Budget?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. That is a matter which the House acted on earlier, in a reorganization plan. The gentleman, as I recall, was involved in the debate having to do with that reorganization plan some time ago. It abolished the Budget Bureau, or transferred it to a new Office of Management and Budget. It is now called the Office of Management and Budget rather than the Bureau of the Budget. All we are doing here, in view of the fact that the original bill was written prior to adoption of the reorganization plan, is making the bill conform.

Mr. GROSS. I am glad to have the gentleman refresh my memory. Now tell me which one of the many budgets are we dealing with? There are a half dozen budgets floating around. Which one will they deal with?

Mr. SISK. It will be the Federal budget.

Mr. GROSS. Will this be the comprehensive, the unified, the administrative, or the regular budget?

Mr. SISK. Here we are dealing with budgetary and fiscal information and data and the budgetary and fiscal data-processing system. We are not dealing with budget concepts, which is what I believe the gentleman is referring to.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 48, line 8, strike the words "Bureau of the" and insert the words "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 48, line 25, strike the words "Bureau of the" and insert the words "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 50, line 23, strike the words "Bureau of the" and insert the words "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. Are there any additional amendments to part 1? If not, the Clerk will read.

The Clerk read as follows:

PART 2—THE BUDGET

SUPPLEMENTAL BUDGET INFORMATION

SEC. 221. (a) Section 201(a) of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended—

(1) by striking out the word "and" at the end of subparagraph (10);

(2) by striking out the period at the end of subparagraph (11) and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding immediately below subparagraph (11) the following new subparagraph:

"(12) with respect to each proposal in the budget for new or additional legislation which would create or expand any function, activity, or authority, in addition to those functions, activities, and authorities then existing or as then being administered and operated, a tabulation showing—

"(A) the amount proposed in the Budget for appropriation and for expenditure in the ensuing fiscal year on account of such proposal; and

"(B) the estimated appropriation required on account of such proposal in each of the four fiscal years, immediately following that ensuing fiscal year, during which such proposal is to be in effect.".

(b) Section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by striking out the terminated and obsolete subsections (b), (c), (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(b) The Secretary of the Treasury and the Director of the Bureau of the Budget jointly shall transmit to the Congress, on or before June 1 of each year, beginning with 1972, a supplemental summary of the Budget for the ensuing fiscal year transmitted to the Congress by the President under subsection (a) of this section. Such supplemental summary—

"(1) shall reflect with respect to that ensuing fiscal year—

"(A) all substantial alterations in or reappraisals of estimates of expenditures and receipts, and

"(B) all substantial obligations imposed on that Budget after its transmission to the Congress;

"(2) shall contain current information with respect to those matters covered by subparagraph (8) and clauses (2) and (3) of subparagraph (9) of subsection (a) of this section; and

"(3) shall contain such additional information, in summary form, as the Secretary and the Director consider necessary or advisable to provide the Congress with a complete and current summary of information with respect to that Budget and the then currently estimated functions, obligations, requirements, and financial condition of the Government for that ensuing fiscal year.

"(c) The President shall transmit to the Congress, on or before June 1 of each year, beginning with 1972, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the first four fiscal years following the ensuing fiscal year for which the Budget was transmitted to the Congress by the President under subsection (a) of this section, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law; and

"(2) summaries of estimated expenditures, in fiscal years following such ensuing fiscal year, of balances carried over from such ensuing fiscal year.".

Mr. SISK (during the reading of the section). Mr. Chairman, I ask unanimous consent that part 2 of this title be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Chairman, I submit two technical amendments.

Mr. PICKLE. Mr Chairman, reserving the right to object, what page of the measure would this next part you ask unanimous consent to dispense with the reading of deal with?

Mr SISK. If I have the floor, it starts on page 51, line 9.

Mr. PICKLE. Down to?

Mr. SISK. And it goes through line 2 on page 54.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 51, line 21, strike out the word "budget" and insert the word "Budget".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 52, line 14, strike the words "Bureau of the" and insert the words "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 52, line 17, strike the word "budget" and insert the word "Budget"

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: On page 52, lines 13 through 15, strike out "The Secretary of the Treasury and the Director of the Office of Management and Budget jointly" and insert in lieu thereof "The President" and on page 53, in lines 8 and 9 strike out "the Secretary and the Director shall consider necessary" and insert in lieu thereof "the President considers necessary".

Mr. MAHON. Mr. Chairman, the sole purpose of this amendment is to preserve the principle that the budget is the President's budget, not the budget of any subordinate department or official of the executive branch. This principle has been in the law for 50 years.

Under the 1920 law, only the President can submit budget estimates and recommendations to Congress. Only the President can submit amendments and supplements and revisions to his annual budget.

The pending section of the bill calls for a so-called midsession updating of the annual budget submitted by the President at the beginning of the session. As the section is now written, the updating would be done or would be transmitted by the Secretary of the Treasury and the Director of the Office of Management and Budget, not by the President.

I very much doubt the wisdom of imposing a statute on subordinate officials, the duty of officially revising estimates of their superior, the President, This would do violence to the longstanding principle that the budget is the President's budget, and moreover, could prove embarrassing to these subordinate officials.

I would like to yield to the gentleman from California (Mr. SISK) for his comment as to this matter.

Mr. SISK. Mr. Chairman, I thank the gentleman for yielding. Let me say that I see no basis for objection to the change. This, of course, as I am sure the distinguished gentleman from Texas knows, deals with a supplementary budget updating coming down later, following the regular submission at the outset of the session. And, of course, it would not be expected that the President personally would come down.

The committee at the time this was under discussion actually made it a burden on the Secretary of the Treasury and the Director of the Office of Management and Budget. But on the other hand I certainly have no objection, and I do not understand that the committee would have objection. However, I would turn to the gentleman from California (Mr. SMITH) for his answer on that.

Mr. MAHON. I would say that in submitting the budget or any amendments to the budget or revisions in the budget outlook, it would seem that the President himself and not a subordinate officer should be the one to submit the information to Congress.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, we discussed this I know at some time, but I would like to be sure that I myself am clear as to what the gentleman has in mind. Now, at the first of the year the President submits the budget; does he not?

Mr. MAHON. That is right.

Mr. SMITH of California. He personally does it?

Mr. MAHON. He personally does it.

Mr. SMITH of California. Now you have up above that on line 15 that the Secretary of the Treasury and the Director of the Office of Management and Budget shall transmit to the Congress. Does not the President then transmit that rather than these people, this supplemental information regarding the budget? What is the real purpose in that?

Mr. MAHON. The only purpose of my amendment is that since the President himself transmitted the original annual budget at the beginning of the session, then if the regular budget is to be amended or updated it should not be amended or updated by a subordinate official such as the Secretary of the Treasury or the Director of the Office of Management and Budget, but by the President himself.

As I say, it is a rather technical matter, but it seems to me to be important.

Mr. SMITH of California. Is it going to be necessary for the President himself to actually submit it, or is it just going to be transmitted, or how would we do it?

Mr. MAHON. The way he does it now. Under present law, only the President may amend his own budget. What I am saying is that with respect to the submission of the updating of the budget not later than June 1, the President, not a subordinate, should be the one to submit the updating to the Congress.

Mr. SMITH of California. What happens not later than June 1 of each year when they transmit such information to the Congress, do they now do that? Is that not new?

Mr. MAHON. We do not have that now, that is an innovation proposed in the pending bill.

Mr. SMITH of California. As I understand it, the committee put this in with the thought in mind that the Members would be able to get additional information by June 1 of each year as to what has happened or is happening to the budget during that period of time.

Mr. MAHON. That is correct, and the President would submit this updating with the authority of his office.

Mr. SMITH of California. But these people, the Secretary of the Treasury and the Director of the Office of Management and Budget, they are the ones that would be coming down here transmitting this and answering questions.

Mr. MAHON. Yes; I assume so, just as they now do when the President sends us his original budget early in the session.

Mr. SMITH of California. I do not want to get it to the place where we are going to have the President up here and have two whacks at him on the budget.

Mr. MAHON. I do not think there is any real difference between the gentleman from California and myself. The Secretary and the Director of the Office of Management and Budget do capable work, they draw up all of these documents, but they do so as representatives

of the President. But it is the President's budget, and it is the President's supplement to the budget, although the President never comes down and defends his own budget other than in connection with the State of the Union message when he often makes references to it.

So, there would not be any change from the system we now use. I would say that, in my judgment, the additional information sought to be elicited by this so-called midsession updating will be helpful by keeping the Congress informed as to significant changes in the overall budgetary outlook and situation generally.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SMITH of California. Mr. Chairman, I ask unnanimous consent that the gentleman from Texas may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of California. Your amendment is going to change line 13 to eliminate, "The Secretary of the Treasury and the Director of the Office of Management and Budget" and put "President" in there instead of those people; is that correct?

Mr. MAHON. That is right.

Mr. SMITH of California. What is this going to do when the budget revisions are transmitted down here on or before June 1?

Mr. MAHON. The President can send up a message transmitting it.

Mr. SMITH of California. Is he going to send Secretary Kennedy or how is it going to work?

Mr. MAHON. Just like it is done all the time. I do not happen to have one of his budget transmissions available at the moment, but budget transmissions—amendments and supplements to the original budget—always come from the President.

Mr. SMITH of California. We do not have supplemental transmissions or summaries now?

Mr. MAHON. Yes, we do. We have supplemental transmissions all the time. We had one yesterday. I would add that of course, we do not now have this so-called midsession budget updating sent down to us, because it is not yet called for by law.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. It seems to me, we are trying to equate the original submission of the budget which a President sends up in January with a supplemental summary of the budget. It seems to me they are two basically different documents. The budget is that document from which the Congress operates in its consideration of the financial plan by the President.

I doubt if one could argue that a supplemental summary has the same status that the original budget document has. Therefore, it seems to me the original budget document which is the financial plan for the Government, as sent by the Chief Executive, is of a higher level and it should come from the President. Whereas, a budget supplementary summary could very properly come from the Secretary of the Treasury and the Director of the Office of Management and Budget. I think you can differentiate between the two, as the committee has recommended here.

Mr. MAHON. You could differentiate between the two, but the President submits his budget in January and the President submits amendments to the budget as the year proceeds. This midyear updating would be a submission encompassing all agencies of the Government, the whole of the budget. It would seem to me to be fundamentally unsound to undertake to delegate the updating function to subordinate officials. I just feel that the proper procedure is to keep the responsibility with the President. It would have the President sending to the Speaker and to the Vice President budget submissions of all kinds. That has been traditional in the past and I think we should keep it that way. This is not a matter of reform, but it is a matter of carrying on our consistent procedures of the past.

Mr. Chairman, I ask for a favorable vote on this amendment.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not desire to oppose the amendment offered by the gentleman from Texas, but I still think there is some confusion or misunderstanding of what the committee sought to do here. What the language of section 221(b) seeks to do is to enforce the requirement that the President shall inform the Congress in January of his budget and of appropriations and expenditures for the upcoming year and estimates of amounts for the ensuing 4 fiscal years.

On or before June 1, the committee then requires that the Secretary of the Treasury and the Director of the Office of Management and Budget shall send the Congress up-to-date figures on the budget for the ensuing fiscal year, giving us information and commentary on what has occurred in the ensuing some 4 or 5 or 6 months.

Of course, technically the President is the head of the executive bureau of Government, and, I suppose, the term "President" could be used without necessarily changing the intent of the language.

But it certainly was my understanding, at the time the committee considered it, that in the area where we spoke of the Secretary of the Treasury and of the Director of the Office of Management and Budget, that we were actually seeking their personal appearance and their estimates after having gone through some 4 or 5 months of the fiscal year.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman.

Mr. MAHON. On page 53, beginning at line 14, we get the President back into the picture. Beginning on line 14 we say:

The President shall transmit to the Congress, on or before June 1 of each year, beginning with 1972, in such form and detail as he may determine—

Certain submissions he must make.

In January he submits his budget, traditionally. The committee bill proposes he submit a midyear report by June 1. In January he tells us he wants a certain amount of funds for expenditure. He estimates the expenditures and the revenues. Let us say that he estimates a $200 billion expenditure in January. Maybe in his midyear report, with the additional information which has become available, he finds conditions and the outlook have changed, causing him to change his estimate of expenditures for the fiscal year. Or, changing the revenue projections. That is very normal. It is inevitable. It always happens.

The President submits a budget of, say, $200 billion expenditures for the fiscal year in January. At that point the Congress and the public in general have the authoritative financial plan for the Federal Government. It is the President's budget. If then the President decides that circumstances require him to adjust his budget, it seems to me that the President should in his midyear report submit a change in the overall expenditure estimates. Nobody should be in a position to speak for the President in regard to such a fundamental reestimate of what may happen to expenditures of the Federal Government in a given fiscal year. It is the President's budget to begin with, and it requires the weight and authority of the Office of the President to give full legitimacy and credibility to changes in that budget.

Mr. SISK. If I might comment to the gentleman, it is my understanding that what the committee sought to do here was, in the first place to require the President to submit his initial budget and later to submit his supplementary budget. In addition to that, in this area that we are talking about, the Secretary of the Treasury and the Director of the Office of Management would be further required to make information available to the Congress on or before June 1 of each year. The theory is that they would submit to the Congress updated figures on the budget for the ensuing year. These figures shall be supplemental to the President's budget message in January and must contain substantial alterations in and new appraisals or estimates of expenditures, receipts, and so forth. So that was the reason why in one instance it says the President shall submit his budget, as he shall, of course, in January, and later on he shall submit a supplemental budget.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MAHON, and by unanimous consent, Mr. SISK was allowed to proceed for 3 additional minutes.)

Mr. SISK. Mr. Chairman, I appreciate the request of the gentleman from Texas. Again, I do not find myself in substantial disagreement at all with what the gentleman has in mind. I have the feeling that the intent of the committee in connection with the responsibility of the officials concerned here in giving informa-

tion to the Congress is possibly being misunderstood. Whereas the President, as a matter of requirement, must submit both the initial budget and the supplementary budget, the additional requirement for the Secretary of the Treasury and the Director of the Office of Management is for further information to the Congress and supplementary to the President's submission.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, in previous administrations, both Democratic and Republican, there has at times been a general hesitancy to release midyear budget readings, because too often they would show that the estimates in January were in error. I think the committee has done a great service requiring such a supplemental report. But that supplemental report should be transmitted to the Speaker under the authority of the President himself, because it is going to change the President's initial budget estimates of January. The transmittal message would say that the President's January estimate of expenditures and receipts are hereby modified as follows. It seems to me the President ought to carry out this function be he a Democrat or Republican, and not the Secretary of the Treasury or the Director of the Office of Management and Budget. I think the message would have more consistency and more validity coming from the President. This information which Members of Congress will quote and which will be used by the financial community of the Nation should be sent under the authority of the President and not somebody else.

Mr. SISK. Mr. Chairman, I have no objection to the amendment. I just want to make clear what we are doing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas, Mr. MAHON.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: On page 54, immediately below line 2, insert the following new section:

"CHANGE OF FISCAL YEAR

"SEC. 222. (a) Section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is further amended by adding at the end thereof the following new subsection:

"'(d) The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations shall commence on October 1 of each year.'.

"(b) Section 237 of the Revised Statutes of the United States (31 U.S.C. 1020) is repealed.

"(c) Notwithstanding any provision to the contrary in title V of this Act, the changes in existing law made by subsections (a) and (b) of this section shall take effect on October 1, 1973.

"(d) The fiscal year beginning July 1, 1972, shall end at the close of September 30, 1973. Notwithstanding any provision to the contrary in title V of this Act, the provisions of this subsection shall become effective on the date of enactment of this Act."

Mr. PICKLE. Mr. Chairman, this amendment would change the fiscal year from July 30 to September 30, and the new fiscal year then would start on October 1.

It has become apparent, I think, to every Member of the House that we have not been able to get authorizations and appropriations out by June 30, or at least to have them acted on. As a practical matter, we have not done this in years. So we must admit that the system under which we operate now is not working well or at least it could and should be able to work better. We simply cannot meet after the budget has been submitted, and wait for the authorization to be made, and then see action on the floor by June 30. For the last 2 or 3 years at least, we have had almost a chaotic situation. I would venture to say in the fiscal years 1968 and 1969 that we had only one or two of the appropriation bills finished by June 30.

If we are not getting action by that time, then it would seem to me something must give. We ought to find a better way to do business than we are doing at this point. I suggest that we change the fiscal year to September 30. If we did that and if we later got a recommendation that said the authorizations must be in by June 30 or earlier, then I think we could see a time specific to accomplish our task. We cannot do it now. We are not doing it. There is no chance under present operations to see any basic improvement.

So it seems to me we must have our fiscal year changed from our present date of June 30 to September 30, or possibly to the calendar year basis.

It was my understanding that the subcommittee had recommended in its original bill to change to the calendar year, and because there was some objection from other Members—I suppose some in respect to appropriation committee—for some reason they backed off and said, "We will not push it at this particular time."

I believe there are certain advantages to the calendar year proposal. Perhaps we must accept the fact that we cannot get our job done in the fiscal year, and we have to wait to the end of the calendar year to actually finish our work.

If we do change to a calendar year, that means we will be in session 12 months out of the year, and we will hear the Christmas bells on the Capitol steps every year while we are working on appropriation bills.

I would be agreeable to a calendar year in preference to what we have now, but it seems to me that hitting a middle ground of September 30 is a good compromise. I, therefore, urge this body to give serious consideration to changing the fiscal year to September 30.

The rest of the language of the bill, Mr. Chairman, simply gives us time to make the changeover. I understand the Bureau of the Budget has said if the fiscal year is to be changed they would need considerable time to adjust to it. The amendment I offer gives us 2½ to 3 years, actually, to make this kind of a changeover.

If any Member of the House believes we are doing our business properly now, and that we can get our appropriation bills out by the 30th, I should like to hear from him. I do not believe a Member can stand and say we are doing our job and will be done by this date.

If this is so, why do we not try to use some practical sense and say that we will change the fiscal year? If we do not do this, then we are going to be operating by continuing resolutions, supplementals and/or continuing resolutions. Perhaps that is what we are doing now. If that is the system Members want, then vote this down and keep doing business as usual.

I believe there is a better way to do it. The best way is to change the fiscal year to September 30. I, therefore, ask the committee to give a favorable vote on this amendment.

I have talked with Members of the Appropriations Committee. I understand there is general sympathy with the approach, that we need to make a change. I believe there is a stronger sympathy, however, that some want to drag this thing out a little further and see if the problem will not somehow improve. It has been getting worse in the past 25 years, and we ought to make a change.

Mr. CORMAN. Mr. Chairman, I rise in opposition to changing our fiscal year from the end of June to the end of September. I agree with the gentleman who offered the amendment that we can never anticipate legislating on the present-day budgets and concluding our work in an orderly fashion by June 30. I suggest we would have great difficulty doing it by September 30.

I supported the original proposal in the Rules Committee to go to the calendar year, and had anticipated making that motion. However, in view of the complexity of this change and in view of the necessity to work very closely with the chairman of the Appropriations Committee and the chairmen of the various authorizing committees and in view of the obvious necessity for having some timetable for getting the authorization work done prior to the appropriation work being concluded, I suggest that we defeat this amendment. We anticipate coming back here early in the next Congress with a carefully worked out plan which I hope will have the support of the chairman of the Appropriations Committee and chairmen of the authorizing committees, to go to a calendar year basis.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the gentleman for yielding and I want to associate myself with his remarks.

I am one of those prepared to join with the gentleman from California in supporting an amendment to change the fiscal year. Since then, however, I have had some serious reservations about it. It is a very difficult thing to do.

I believe the amendment offered by

the gentleman from Texas ought to be defeated, and I join the gentleman from California in hoping we can solve this problem.

Mr. CORMAN. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Texas.

Mr. PICKLE. I have introduced legislation to change the fiscal year for a number of years now, as many Members of the House have.

So far as I know, no consideration has ever been given to those measures. I assume they have been referred to the Committee on Government Operations, but wherever they have been referred to they have been swallowed up. Now, do we have any assurance that the Committee on Government Operations will give any consideration to changing the fiscal year? There has not been a tractor built in the United States large enough yet to move it 1 inch so far. What assurance do we have to think that some action can be given to it by merely tossing off the idea that we must consider it later? We do not have a more serious problem confronting us. I am surprised that there is not more support for this.

Mr. CORMAN. I do not know, and I have no commitment from the members of the committee. I have discussed it with members. I will have to say that it is my feeling after getting the sentiment as best I could the chances of getting the calendar year idea adopted at this time are very poor. Our chances might be increased particularly if the Committee on Appropriations chairman gave careful thought to it and we convinced him that some careful scheduling should be had on the part of the authorizing committees. Then he might have a more realistic assurance and his committee would have more ample time to act expeditiously if the authorizing bills were adopted, therefore, doing away with the necessity of his asking for waivers of points of order on so many of his bills, since his committee works even more vigorously than the authorizing committees.

Mr. PICKLE. I see the chairman of the Committee on Appropriations on the floor. If the gentleman will yield further, I hope he will address himself to this problem. I want to make it plain in offering my amendment that it is not offered as a criticism of the Committee on Appropriations. It is something all of us in the entire Congress must shoulder. We are tossing it off our backs here and saying that there might be a better time to discuss it later. I hope that the chairman of the committee can express himself on this matter.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, at the request of Mr. MAHON, Mr. CORMAN was allowed to proceed for 3 additional minutes.)

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I am pleased to yield to the chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Chairman, the matter of changing the Federal fiscal year is a matter of very great importance. It took more than 100 years for practically all of the States to come into agreement on a common fiscal year with the Federal Government. All of the States now have June 30 as the end of the fiscal year with the exception of three. Before we undertake to change that fiscal year, we need to go into this question very exhaustively.

What would happen, in my judgment, if we changed the fiscal year without taking other remedial action is that we would not be completing most of our work until the last several weeks of the session. We would, I am fearful, have more and more delays, and too often we perhaps would not finish our work in the calendar year and thus would have to go over into the following year in order to finalize necessary legislation. Our interest is in trying to move the entire legislative program as rapidly as we reasonably can and as early as we can in the session. I would say that until substantial changes are made otherwise in our legislative system or habits, we certainly should not consider changing the fiscal year as the entire remedy to our problem of timeliness. I would think that that would be the proper stance to take at the moment if the Congress can work its will otherwise at a later date.

I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I am happy to yield to the gentleman.

Mr. GROSS. I simply rise to commiserate with the gentleman from Texas (Mr. PICKEL) in his inability to move his bill or his amendment. I have had H.R. 144 kicking around here for years. That provides for a balanced budget with payments on the Federal debt. When the gentleman can find a block and tackle big enough to move his bill, however, I would like him to show it to me. I would like to use it.

Mr. CORMAN. I might say that if I thought we were going to pass H.R. 144 before we passed the change in the fiscal year, I would not be opposed to the gentleman from Texas at the moment.

Mr. Chairman, I yield back the balance of my time.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will only take a moment. The committee as I am sure my good friend, the gentleman from Texas knows, gave a great deal of thought and study to this subject. We had hearings, in fact, we had extensive hearings and we had the Bureau of the Budget here before us, and I might say they supported a change to a calendar year and the committee at one time put together language and we did have language tentatively as a part of this bill to change to the calendar year from the present fiscal year. It is a rather substantial task. It is rather complex. The Bureau of the Budget recommended it be done over a period of 3 years. The fact is that the committee after considerable discussion, and discussion with the distinguished gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations, decided to leave the matter out of this bill at the present time.

The gentleman from California (Mr. HOLIFIELD) has a great deal of interest in this question and there is presently in the Committee on Government Operations a bill pending calling for a change in the fiscal year to the calendar year, also some proposals that would limit the legislative committees and require that in connection with ongoing authorizations that they must have those authorizations in by I believe one calls for June 30 and another possibly August 1. And it was the desire of our subcommittee that this matter be at least for the present left with the Committee on Government Operations in the hope that it might be a matter that would be acted on in that committee.

Therefore, Mr. Chairman, I ask for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 3—UTILIZATION OF REPORTS AND EMPLOYEES OF GENERAL ACCOUNTING OFFICE

ASSISTANCE BY GENERAL ACCOUNTING OFFICE TO CONGRESSIONAL COMMITTEES IN CONNECTION WITH PROPOSED LEGISLATION AND COMMITTEE REVIEW OF FEDERAL PROGRAMS AND ACTIVITIES

SEC. 231. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activity of any Federal agency, which is within the jurisdiction of such committee or joint committee.

DELIVERY BY GENERAL ACCOUNTING OFFICE TO CONGRESSIONAL COMMITTEES OF REPORTS TO CONGRESS

SEC. 232. Whenever the General Accounting Office submits any reports to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committees on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has requested information on any program or part thereof, or any activity of any Federal agency, which is the subject, in whole or in part, of such report.

FURNISHING TO CONGRESSIONAL COMMITTEES BY GENERAL ACCOUNTING OFFICE OF ITS REPORTS GENERALLY

SEC. 233. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report of the General Accounting Office which was not delivered to that committee or joint committee under section 232 of this Act.

FURNISHING TO COMMITTEES AND MEMBERS OF CONGRESS BY GENERAL ACCOUNTING OFFICE OF MONTHLY AND ANNUAL LISTS OF ITS REPORTS; AVAILABILITY OF REPORTS TO COMMITTEES AND MEMBERS ON REQUEST

SEC. 234. The Comptroller General shall prepare, once each calendar month, a list of all reports of the General Accounting Office issued during the immediately preceding cal-

endar month, and, not less than once each calendar year, a cumulative list of all reports of the General Accounting Office issued during the immediately preceding twelve months, and transmit a copy of each such list of reports to each committee of the House or Senate, each joint committee of the two Houses, each Member of the House or Senate, and the Resident Commissioner from Puerto Rico. At the request of any such committee, joint committee, Member of the House or Senate, or the Resident Commissioner from Puerto Rico, the Comptroller General promptly shall transmit or deliver to that committee, joint committee, Member of the House or Senate, or the Resident Commissioner, as the case may be, a copy of each report so listed and requested.

ASSIGNMENTS OF EMPLOYEES OF GENERAL ACCOUNTING OFFICE TO DUTY WITH COMMITTEES OF CONGRESS

SEC. 235 (a) Notwithstanding any other provision of law, the Comptroller General may not assign or detail any employee of the General Accounting Office to full-time duty on a continuing basis with any committee of the Senate or House of Representatives or with any joint committee of Congress for any period of more than one year.

(b) The Comptroller General shall include in his annual report to the Congress the following information—

(1) the name of each employee assigned or detailed to any committee of the Senate or House of Representatives or any joint committee of Congress;

(2) the name of each committee or joint committee to which each such employee is assigned or detailed;

(3) the length of the period of such assignment or detail of such employee;

(4) a statement as to whether such assignment or detail is finished or is currently in effect; and

(5) the pay of such employee, his travel, subsistence, and other expenses, the agency contributions for his retirement and life and health insurance benefits, and other necessary monetary expenses for personnel benefits on account of such employee, paid out of appropriations available to the General Accounting Office during the period of the assignment or detail of such employee, or, if such assignment or detail is currently in effect, during that part of the period of such assignment or detail which has been completed.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 3 of title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to part 3 of title II? If not, the Clerk will read.

The Clerk read as follows:

PART 4—THE APPROPRIATIONS PROCESS

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 241. The following sections of this Part are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

HEARINGS ON THE BUDGET BY COMMITTEES ON APPROPRIATIONS OF SENATE AND HOUSE

SEC. 242. (a) Each hearing conducted by the Committee on Appropriations of the Senate shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.

(b) The Committee on Appropriations of the Senate shall within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget; and

(2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committee shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session, except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the Senate.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with such procedures as the two committees jointly may determine.

(f)(1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 138. Legislative Budget.".

(g)(1) Clause 27(g) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"(g)(1) The Committee on Appropriations shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

"(A) the basic recommendations and budgetary policies of the President in the presentation of the Budget; and

"(B) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

"(2) In holding hearings pursuant to subparagraph (1) of this paragraph, the committee shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

"(3) Hearings pursuant to subparagraph (1) of this paragraph shall be held in open session, except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member and the Resident Commissioner from Puerto Rico.

"(4) Hearings pursuant to subparagraph (1) of this paragraph, or any part thereof, may be held before joint meetings of the committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two committees jointly may determine.".

(2) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end thereof the following new subparagraph:

"(6) The preceding provisions of this paragraph do not apply to hearings on the Budget by the Committee on Appropriations under paragraph (g) of this clause.".

ACTION AND PROCEDURE OF SENATE COMMITTEE ON APPROPRIATIONS

SEC. 243. The vote of the Committee on Appropriations of the Senate to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed on the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by such committee in reporting any measure or matter in accordance with the requirements of this section shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this section shall abrogate the power of the committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with the Standing Rules of the Senate for a lesser number as a quorum for any action other than the reporting of a measure or matter.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 4 of title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 59, line 13, strike "Bureau of the" and insert "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 61, line 2, strike "Bureau of the" and insert the words "Office of Management and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 5—LEGISLATIVE COMMITTEES

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 251. The following sections of this Part are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

COST ESTIMATES IN REPORTS OF SENATE AND HOUSE COMMITTEES ACCOMPANYING CERTAIN LEGISLATIVE MEASURES

SEC. 252. (a)(1) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—

(A) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(B) a comparison of the estimate of costs described in subparagraph (A) made by such committee with any estimate of costs made by any Federal agency; or

(C) in lieu of such estimates or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (A) or (B), or both, is impracticable.

(2) It shall not be in order in the Senate to consider any such bill or joint resolution if such bill or joint resolution was reported in the Senate after the effective date of this subsection and the report of that committee of the Senate which reported such bill or joint resolution does not comply with the provisions of paragraph (1) of this subsection.

(3) For the purposes of this subsection, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate.

(b) Rule XIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. (a) The report accompanying each bill or joint resolution of a public character reported by any committee shall contain—

"(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

"(2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such committee with any estimate of such costs made by any Government agency and submitted to such committee.

"(b) It shall not be in order to consider any such bill or joint resolution in the House if the report of the committee which reported that bill or joint resolution does not comply with paragraph (a) of this clause.

"(c) For the purposes of this clause, the members of the Joint Committee on Atomic Energy who are Members of the House shall be deemed to be a committee of the House.

"(d) For the purposes of subparagraph (2) of paragraph (a) of this clause, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

"(e) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.".

APPROPRIATIONS ON ANNUAL BASIS

SEC. 253. (a) Each committee of the Senate (except the Committee on Appropriations), and each joint committee of the two Houses of Congress, which is authorized to receive, report, and recommend the enactment of, bills and joint resolutions shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee of the Senate (except the Committee on Appropriations), and each joint committee of the two Houses of Congress, which is authorized to receive, report, and recommend the enactment of, bills and joint resolutions with respect to any continuing program within its jurisdiction for which appropriations are not made annually, shall review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Clause 28 of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end thereof the following new paragraphs:

"(d) Each standing committee of the House shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

"(1) all continuing programs of the Federal Government, and of the government of the District of Columbia, within the jurisdiction of that committee, are designed; and

"(2) all continuing activities of Government agencies, within the jurisdiction of that committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in paragraph (d) of clause 7 of Rule XIII.

"(e) Each standing committee of the House shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.".

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 5 of title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair (Mr. NATCHER), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

SIXTH ANNUAL REPORT OF ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States which was read, and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I am transmitting the sixth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission covering its activities through June 30, 1970.

The Commission is now developing its final report for submission on or before December 1, 1970, and only a brief letter report is forwarded at this time in conformance with the provisions of Public Law 88–609, as amended.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1970.*

PERSONAL ANNOUNCEMENT

Mr. LOWENSTEIN. Mr. Speaker, I would like to announce that yesterday I was absent from the House on official business. Had I been present, I would have voted "yea" on rollcall No. 295.

The SPEAKER pro tempore. The gentleman's statement will be included in the RECORD.

THE NEED FOR A MODIFIED RULE ON TRADE BILL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, perhaps I am doing a vain thing, but this is the fourth time that I will urge the Rules Committee to approve a modified-closed rule on a bill coming from the Ways and Means Committee.

I expect to ask the Rules Committee to permit the House of Representatives to strike out any section of the trade bill which it finds objectionable. I do not suggest that a trade bill can be written on the floor, I simply suggest that the legislation can be substantially modified and, perhaps, be made acceptable, if the Members of the House have the privilege of voting on certain individual sections which are highly controversial and objectionable.

I strongly oppose the section of this bill—section 104—which freezes into law the oil import quota policy which costs the consumers of America between $5 and $7 billion per year by the Government's own figures.

I strongly oppose the entire title relating to the Domestic International Sales Corp. which will cost the Treasury $630 million in a full year. The staff of the Joint Committee on Internal Revenue Taxation estimates that this title will really cost the taxpayers $720 to $955 million per year without any guarantees of additional exports. The weakness of this proposal is that it provides a tax writeoff for giant corporations on the basis of present export efforts.

These two proposals constitute the most inflationary legislative actions of this session.

A little over a year ago, we were before the Rules Committee with a monumental tax reform bill to close tax loopholes. Today, we are there with a monumental loophole—securely frozen into a conglomerate bill with some items which are desirable.

Conglomerate legislation of this type has no place in a modern legislative body. The closed rule is a crutch for bad legislation. It protects a labyrinth of folly.

A closed rule insults the dignity of every Member of the House. A closed rule threatens the future of the legislative committee which leans on it and the power of the Rules Committee which grants it. Time is running out on this kind of legislative shenanigan.

The closed rule in the House of Representatives, which protects conglomerate bills from modification or improvement, is one of the most arbitrary and indefensible procedures in the House. It provides a shelter for special interest legislation which "sneaks" into the law of the land. It should be abolished.

I hope I can participate in bringing about a change in the rules in the next Congress which will prevent "closed" rules.

THE FAA AND NOISE—DOMAIN OF SPECIAL INTERESTS

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. CHARLES H. WILSON. Mr. Speaker, the Federal Aviation Administration is derelict in its duties owed to the American people. Apparently special interest groups have greater weight in the decisionmaking processes of that agency than does the general public. It is my naive belief that the FAA should not only assist the aviation industry but should also protect the public. While I gladly realize that these two roles are not necessarily exclusive, someone should let the FAA know that as well.

Latest in a series of sellouts of the needs of ordinary citizens is the FAA's refusal to cooperate with the city of Inglewood, Calif.'s, noise abatement program. By passing the bureaucratic buck between themselves and the FCC on the latest request, they are effectively making local antinoise pollution efforts ineffective.

Over the past few years, I have continually attempted to see promulgation of both legislation and agency regulations that would combat noise pollution and end the harm that accompanies it. My efforts have not been marked by glowing successes. As a Member whose congressional district includes major aerospace firms, it may seem strange that I voice my criticism of them in regard to jet noise so strongly and so often. But they and airline companies and engine manufacturers have also been remiss in their duty owed to the public. While it is true that the manufacturers are attempting to produce quieter engines, the fact that the FAA has not gotten tough with them has naturally allowed them to place a lower priority on antinoise research than should be placed upon it. Both the FAA and the aircraft industry had better realize that the people are not going to stand for the irresponsible treatment of this problem that has typified their past actions.

Another test of special interests versus John Q. Public is coming up shortly. The FAA has asked for comment on an advanced notice of proposed rulemaking regarding civil supersonic aircraft noise certification standards. Among others, the city of Inglewood, already severely affected by aircraft noise, has carefully considered the proposed rule and has made recommendations to the FAA. It is evident that with the advent of the SST, and in the absence of strict regulation of noise, Inglewood and many other cities located in close proximity to large international airports, will be even more severely affected by the noise which will be generated by the supersonic planes.

To put it mildly, I have raised objections to funding development of the SST on ecological grounds as well as economic principles since the program was pushed on the Congress. Pollution is killing us all. We must act with that fact in mind, regardless of the profit and loss mentality of certain firms and their shills at the FAA. On a greater ledger than mere business accounts, air and noise pollution must be entered on the loss side in blood red.

For my colleagues information, I now include in the RECORD, the recommendations of the city of Inglewood regarding noise type certification standards. Hopefully, the FAA will take cognizance of their suggestions and objectively analyze them. Or am I still being naive?

The insert follows:

CITY OF INGLEWOOD, CALIF.,
August 20, 1970.

FEDERAL AVIATION ADMINISTRATION,
Office of the General Counsel,
Washington, D.C.

GENTLEMEN: You have asked for public comment on an Advanced Notice of Proposed Rule Making regarding civil supersonic aircraft noise type certification standards. (Docket No. 10494; Notice 70-33). Contained herein are the recommendations of the City of Inglewood.

You say that a central question is the precise role that economic and technological factors should play in the type certification of supersonic aircraft. In our opinion, the method of financing and the economic viability of the SST are sufficiently questionable, the benefits to be gained accrue to such a select few, and the overall program is so costly to everyone, that environmental considerations should be given much greater weight in basic decisions regarding this aircraft.

Furthermore, the SST will no doubt use many of today's airports. All these airports already have a severe aircraft noise problem. Massive land use changes will undoubtedly prove less feasible economically than quieting of the engine, plus being much more disruptive to the lives of people.

In answer to your closely related question of economic incentives, the City of Inglewood advocates raising passenger fares and freight rates *NOW* for the specific purpose of abating noise from present aircraft. We think people will pay higher fares; we think the CAB and/or Congress should allow or mandate higher fares for this purpose; and we think it is the responsibility of the airlines to reduce their existing pollution before venturing on a new program at the expense of the citizens of the country. We suggest taking care of today's problem first, then getting on with the SST—not until the current problems are at least underway to solution.

Actually, to be realistic you should be requesting comments on three rules: aircraft certification, airport certification, and aircraft operations. The aircraft noise problem cannot be separated from the lives of people living around airports and affected by actual aircraft operations.

Our specific recommendations are based on criteria which we consider to be the maximum noise that is reasonable to a person living under or near the flight paths to major airports. These criteria are:

75 dBA—Maximum outdoor flyover noise consistent with reasonable sleeping conditions inside a non-accoustically treated house or apartment.

85 dBA—Maximum outdoor flyover noise consistent with outdoor activities in single-family neighborhoods. Homes should be, accoustically treated if the sound level exceeds 75 dBA.

90 dBA—Maximum noise level consistent with the minimum outdoor activity associated with certain types of apartments. Apartments should be accoustically treated if the sound level exceeds 75 dBA.

RULE NO. 1 AIRCRAFT NOISE CERTIFICATION

In contrast to the way Part 36 of the Federal Aviation Regulations is written, we prefer the dBA unit for measurement of aircraft noise. Instruments for making this kind of a noise measurement are much less expensive than the equipment required for calculation of EPNdB, and thereby saves the taxpayer money at all governmental levels. Also, the correlation between subjective re-

sponse and "A" weighted noise levels is almost as good as the correlation with EPNdB. However, we do recognize the slight advantage of EPNdB in reducing spectral irregularities. Therefore, we suggest that the certification rule be written in terms of both dBA and EPNdB. The EPNdB specification is perhaps more crucial to the certification process, but the dBA specification will allow simple and inexpensive enforcement of the operating rule. We must assume, of course, that enforcement is indeed intended.

From discussions with some of the designers of aircraft engines, we understand that the measurement locations specified in the present Part 36 are too close to the airport. Much better noise reduction could be attained for the majority of people affected if the noise reduction techniques were optimized for locations slightly farther away from the airport. We agree with this concept and it is contained in our recommendations which follow. Also, this will allow noise levels to be established which are lower than those previously established for subsonic aircraft, and which are more consistent with reasonable levels for residential life.

Our recommended noise limits are:

75 dBA (88 EPNdB) on approach at two nautical miles from the runway threshold.

75 dBA (88 EPNdB) on takeoff at four nautical miles from brake release.

75 dBA (88 EPNdB) at 0.5 mile nautical miles to the side.

If vertical navigation equipment is available and procedures have been established and certified for its use on approach down to category I weather minimums, then these procedures should be allowed in lieu of a 3° glide slope. This will allow the manufacturer or airline more flexibility in meeting the levels recommended above. Power cutbacks on takeoff should be allowed provided that it is not reduced beyond that power setting which would maintain level flight in the event of the failure of one engine, or which will maintain a 500 foot per minute rate of climb, whichever power setting is greater.

RULE NO. 2: AIRPORT CERTIFICATION

All airports should be required to be certified with respect to noise compatibility with surrounding neighborhoods. The airport operator and airlines should be required to cooperate in the soundproofing of residences within the 75 dBA contours for the new aircraft. This should be done in consultation with state and local governments. This type of rule will be additional economic incentive for airlines to specify aircraft with low noise levels.

RULE NO. 3: AIRCRAFT OPERATION

This rule should state that aircraft operating into and out of United States' airports must use that procedure which was used for noise certification, except where safety dictates otherwise or a different procedure will create *less* noise over residential areas. Airport authorities may use the dBA standard specified in Rule No. 1 to verify adherence to these procedures.

The City of Inglewood is perhaps uniquely qualified to make recommendations on these proposed rules. We have been faced with the aircraft noise problem for some time, and have undertaken a comprehensive and constructive approach to achieve a solution. The above recommendations were developed primarily by Mr. Randy Hurlburt, a professional acoustical engineer on the City staff, whom we have hired primarily for the purpose of helping us reduce noise pollution. Mr. Hurlburt is also an aeronautical engineer and an instrument rated pilot, and has given considerable thought to what is reasonable, safe, and proper.

If you will adopt our recommendations in substantially unaltered form, I think you will find that the air transportation industry will no longer be faced with the tremendous problem it now has in expanding existing airports and locating new ones. You will also be doing a great service to those people who live in the vicinity of this country's airports.

Sincerely,

DOUGLAS W. AYRES,
City Administrator.

THE LATE JOHN A. McELVENEY

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am deeply saddened by the news that our very good friend and the assistant bill clerk of the House, Jack McElveney, passed away suddenly over the weekend just a month short of his 77th birthday.

Jack McElveney came from my own area of upstate New York, from the capital city of Albany. Jack came down here from Albany 49 years ago, in March 1921, as an assistant to the late Representative Peter V. Ten Eyck of Albany, and then later served in the same capacity with the late Representative Parker Corning of Albany. After that Jack served with the late Senator Jim Mead of New York while he still served as a Member of the House, and thereafter he became the bill clerk of the House.

In a very real sense, Jack McElveney's life was the House of Representatives. So devoted was he to it, indeed, that although he retired on pension some 5 years ago, he missed his service here so much that he came back here voluntarily and renewed his earlier tasks without compensation until his death.

Jack McElveney was the man who took the bills that we all introduce into the legislative hopper, took them out of the box and started them on their way through the legislative mill.

Mr. Speaker, we will all miss Jack McElveney, his smiling face and his eager interest on its affairs of this House and in the concerns of its Members.

I shall also miss Jack in a very special way, Mr. Speaker. I have known him personally, of course, throughout my 12 years here in this House. But he was a neighbor of mine, never an actual constituent. But last January, when the State legislature redistricted the State of New York, broke up my present district, and attached my home city of Amsterdam to Schenectady and Albany Counties, Jack McElveney expressed his pleasure that at long last I would be running for reelection in his home city of Albany and he would now be able to support me. We chatted frequently about the prospects for this fall and for the future. I was deeply grateful for Jack's encouragement and his courtesy.

Here was a true gentleman of the House, Mr. Speaker, a man who dedicated his whole life to the legislative process. I salute him for his accomplishments and shall miss him here in this Chamber.

COMMENDING PRESIDENT FOR INITIATING PEACE PROPOSAL FOR THE MIDDLE EAST

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I take the time of the House to commend President Nixon for taking the initiative in working for a peace proposal for the Middle East. We should all hope that the ceasefire in the Middle East will advance the prospects for a lasting peace.

A fundamental interest of the United States in the Middle East is to insure that the integrity of all nations in the area will be preserved and that the Soviet Union should not be permitted to extend its tentacles into that geographic section.

Bringing the parties directly involved to recognize the necessity of negotiating, and to get that process started, represents a tremendous forward step. However, it will be necessary to use patience and imagination to keep meaningful diplomatic contacts to overcome the legitimate concern that the Israeli Government has toward Soviet manipulation of radical Arab governments and Red military support of radical refugee organizations.

Mr. Speaker, in my opinion, the only description that fits the Middle East is that of a most explosive trouble spot because of the continuing possibility of renewed hostilities between Israel and her neighbors, and the potential for a confrontation between the United States and the Soviet Union.

May I further emphasize, Mr. Speaker, that the wave of hijacking while directly related to the Middle East crisis has grave international complications that could well erupt in other areas unless firmly dealt with by all the governments whose territory has thus far been involved in these areas.

LABOR DAY SPEECH OF I. W. ABEL, PRESIDENT OF THE UNITED STEELWORKERS OF AMERICA

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. GAYDOS. Mr. Speaker, on Monday, September 7, I. W. Abel, president of the United Steelworkers of America and vice president of the AFL–CIO, delivered a special Labor Day radio message over the National Broadcasting Co., radio network.

This message is most timely and should receive the critical attention of all Members of Congress. Mr. Abel has dedicated a lifetime not only to the labor movement, but has expanded labor's influence into many sensitive social areas which have been most beneficial to all Americans.

At this time, I submit for the CONGRESSIONAL RECORD the text of Mr. Abel's message for the benefit of my colleagues who did not have the opportunity to hear the broadcast.

LABOR DAY SPEECH OF I. W. ABEL

On behalf of the United Steelworkers of America, on this Labor Day 1970, I extend warmest fraternal greetings to my fellow Steelworkers and all members of organized labor . . . and best wishes to the many friends of Labor in the United States.

It is traditional on this uniquely American

holiday, for the labor movement to pause and take stock . . . to count our blessings . . . to savor the accomplishments . . . and to ponder some of our current concerns.

There is no doubt that we have many reasons to be grateful as we celebrate Labor Day this year. For those of us who have been a part of the labor movement for many years, our progress has been truly phenomenal.

We have gained benefits and protections for union members that not only were unheard of 20 and 30 years ago; they weren't even dreamed of.

We remember only too well when workers were treated with less regard than the machines they manned and the tool with which they worked; when workers were worked as hard as possible at the lowest rates possible; when a man often had to trade his dignity for a pay check.

The younger union members of today do not have the benefit of that kind of perspective so it is more difficult for them to have the same sense of union pride that the veteran members have.

They accept the fact of paid vacations, yet paid vacations did not exist for many workers until after their unions had been organized and won the right to paid vacations in negotiations. Pensions, too, are accepted as part of the job. But they were not always accepted as going with the job. In 1947, for example, the Steelworkers had to strike for 42 days to win pensions for our members employed in the basic steel industry. Now, we not only have the highest pensions in our history, we have negotiated vacation bonuses of $30 a week and also what we call a "widow's pension," to provide retirement income for surviving spouses.

Yes, these and many other benefits were not even pipe dreams in the beginning . . . hospital insurance . . . jury pay . . . supplemental unemployment benefits . . . paid holidays . . . paid funeral leave . . . payment of doctor's visits . . . extended vacation of 13 weeks . . . protection of the earnings of workers affected by technological change.

But our record of accomplishment does not stop at the union plant or the union hall or the union home. In fact, labor's efforts have benefited more people who are not union members. It was labor that pressed for free public schools. It was labor that forced the abolition of child labor. It was labor that forced the shortening of the working day.

In helping to promote the general welfare, unions have consistently called for adequate aid to education at all levels; consumer protection; tax reform; elimination of poverty; clean air and clean water; adequate Social Security payments; medical cares for all regardless of income, recent minimum wage levels and much more that time does not permit to enumerate, but all aimed at promoting the general welfare.

I would say that no other single organization has devoted as much of its time, money and effort to lift the level of life for all the people as has the labor movement of the United States.

But intruding upon labor's sense of pride and accomplishment are some problems which are cause for concern for the American worker. First, the worker today knows that he is being squeezed by the twin evils of recession and inflation. And adding to his sense of anger and frustration is the fact that the Nixon Administration views his plight with academic detachment and no visible proof of concern.

Our free enterprise system is supposed to function for the benefit of all; not just a majority, silent or otherwise. But it has not been functioning for the benefit of all. So we have wound up with the worst possible combination of developments—the most severe inflation in 20 years, the highest interest rates in 100 years and the sharpest increase in unemployment in 10 years. Since July of last year, unemployment has risen by 1.3 million and it is expected to go higher.

But all Americans, not just workers, are being put through the economic wringer. Living costs have risen from 4.2 percent in 1968 to 5.4 percent in 1969 and about six percent since last December.

Wage and salary earners are suffering additional blows in the form of cuts in working hours and by layoffs. In June the average work week in manufacturing was down to its lowest level since the recession year of 1961. The buying power of weekly earnings, after Federal taxes, was less in June than it was five years earlier in 1965.

And so we have the worker being squeezed on one hand by ever increasing prices and being battered on the other by decreasing purchasing power. Yet many say it is the worker who has caused his own plight by his wage hikes.

But those who would point the finger of blame at unions ignore the fact which show that the inflation of the 1960's has been largely a profit inflation—combined with a credit inflation in the past 19 months. For example, corporate profits after taxes soared 93 percent from 1960 through the first half of 1969. But during this time the real buying power of the average non-supervisory worker went up only 10 percent and his after-Federal tax take-home pay was up only 34 percent.

In short, profits zoomed much higher and faster than wages. The result: Workers did not share fairly in industry's record profits. And neither did the consumer because industry refused to hold the price line, which it could have done and still made very large profits.

Then came the Nixon Administration, with its tight money policy which jacked up interest rates, increased prices all along the line and caused production cutbacks, with resulting unemployment. This is the wrong way to right our economic wrongs.

Organized labor has repeatedly urged the Government to adopt selective, pinpointed measures to curb the specific causes of inflation. We have urged the President to use the stand-by power given him by Congress to curb the specific causes of credit inflation, to impose interest rate ceilings and expand credit for needed housing, public facilities and regular business operations. We also have said that Government action is needed to curb the ability of the country's major corporations to increase prices and to curtail the increasing concentration of economic power.

However, the President appears determined to stick by his "game plan" of tight money and unemployment. The harsh truth is that the Administration—and many others—regard the worker as expendable in the fight against inflation.

This philosophy of the expendability of the American worker also carries over into the area of safety and health on the job. Eighty-million American working men and women fight a losing war every day against death and injury on the job. More Americans are killed at work than in Vietnam. The costs of accidents and deaths are staggering. Each year 14,000 workers are killed, two million are disabled and seven million are injured. Each year $1.5 billion is lost in wages; $600 million in medical costs; $6.8 billion lost to the national economy. Yet, the Nation still lacks effective occupational health and safety legislation. An effective proposal is pending in the present Congress but Big Business is lining up its biggest guns to shoot it down.

One would think there would be no difficulty in obtaining effective legislation where lives are concerned. But, here again, too many believe the worker is expendable, that it is not worth the money to do what should be done to make his workplace safe and healthy, too many who give a higher priority to saving money than to saving life. But these selfish voices of special interests must be drowned out by demands upon Congress for prompt passage of a bill which will do the job—the bill recently approved by the House Education and Labor Committee. It's known as the Daniels Bill and it has the official endorsement of the labor movement. I can't think of a more appropriate act this Labor Day than for union members and friends of labor to write their Congressmen and Senators on behalf of the Daniels Bill. It is this kind of support that must be forthcoming if the Daniels Bill is to become the law of the land.

The workers of America have another concern this Labor Day. They see not only their jobs being threatened by foreign imports, they actually see their jobs being wiped out. The Shoe Workers Union, for example, estimates that 200 million pairs of shoes imported last year were equivalent to the exportation and the loss of 65,000 job opportunities. The Textile Workers have seen plant after plant close. And so it goes with one group of workers after another.

The labor movement, contrary to charges that it is becoming protectionist, believes in a healthy expansion of trade with other nations. But we insist that it should be fair trade; that there be international standards to eliminate sweatshop working conditions; that such expansion of trade should not under-cut unfairly the wages and standards of American workers.

As I stated at the beginning of these remarks, our economy must work for the benefit of all. If the worker is regarded as expendable in fighting inflation . . . if the worker is regarded as expendable in the prevention of accidents and death on the job . . . if the worker is treated as expendable in our Nation's trade with foreign countries . . . then the economy is not working for the benefit of all.

On Labor Day our Nation pays fitting tribute to workers for their role in our society as producers and builders, as suppliers of the muscle and manpower which fuel our country's industrial machine. But it is not fitting to pay tribute to the worker on his National holiday and then ignore him all the other days of the year. It is not fitting to pay him signal honor on Labor Day and then expect him to pay the price for halting inflation, to risk his life unnecessarily on the job and to watch silently while his job is wiped out by imports.

American labor, on its national holiday, has the right to insist that all share fairly in the benefits of our private enterprise system . . . the right to insist that human values and priorities not be drowned by the onrushing wave of technology . . . the right to insist that the private enterprise system in America does not exist for the primary purpose of making a profit for owners . . . to insist rather that the private enterprise system exists primarily to provide goods and services and a decent standard of living for people.

These are Labor's rightful demands on this Labor Day 1970. And this is what the United Steelworkers of America and the labor movement as a whole will continue to insist upon until they are realized.

Thank you.

CRIME

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma (Mr. EDMONDSON) is recognized for 30 minutes.

Mr. EDMONDSON. Mr. Speaker, of all the problems that confront the American people today—and there are many of them—I do not believe any problem is

more urgent and more distressing than the problem of continued crime in this country and the continued upward spiral of the crime rates. Conversations with the constituents that I am honored to represent in northeastern Oklahoma convince me that the people are terribly impatient with the rate of action that has been taking place on this front, and their impatience is not confined to any particular part of the Government. The feeling of urgency, and the demand for action, is a strong feeling that prevails among the people.

The American people have good reason to be distressed about the situation. The latest crime reports issued by the Federal Bureau of Investigation indicate that the first 3 months of 1970 found increases across the board in practically every major category of crime throughout the United States.

Surprisingly, the major increases were not in the big cities where the publicity has been concentrated. The most substantial increases in total crime during that 3-month period in 1970 over the 3 months that began in 1969 occurred in cities from 100,000 to 250,000, where the total went up 22-percent over 1969. An 18-percent increase occurred, interestingly enough, in communities under 10,000 indicating that whether you live in a small town or in a large city, you are confronted with this very serious problem, and it gets worse day by day.

No section of the country is immune from it. The increase in violent crimes in the Northeastern States during that period was only 6 percent, but the increase in other crimes ranged from 10 percent, in the case of murder, to 8 percent in the case of aggravated assault, and 6 percent in auto theft.

In the North Central States also there was a significant increase in the crime rate. There was a 17-percent total increase in the North Central States. In the Southern States it was 17 percent, and in the Western States only slightly less, 15 percent. The big cities of the country turned up some statistics that were absolutely appalling in this connection.

New York City showed increases in all but two categories of major crime, and those increases were very, very substantial. Auto theft, while not one of the major increases, still went up very substantially. Larceny, burglary, breaking, and entering, and aggravated assault—you name it, and it went up in New York City.

The same can be said for cities from the South to the North and from the East to the West. Crimes went up in all but two categories in Atlanta, Ga. They went up in all categories in the city of Chicago, and in all categories in the city of Detroit, and in most categories in the city of Los Angeles, and in all but one category in the Nation's Capital, where only a short time ago we were being assured that the streets were going to be made safe for everyone.

The statistics for the District of Columbia will, I think, have particular interest for all of us here. They showed an increase in the category of burglary from 2,780 to 3,076 during the 3-month period. In the category of aggravated assault, the figure increased from 707 to 952 during the 3-month period. Burglary and breaking and entering went up from 4,872 cases to 6,175.

These increases were being registered all across the country. In Oklahoma City and in Tulsa there were substantial increases. They prevailed in practically all categories.

Mr. Speaker, at the conclusion of my remarks I will include the complete table of the increases in the different cities of the Nation in these various categories ranging from murder and manslaughter to auto theft, as reported in the uniform crime reports of the FBI.

There is a great deal of contention and discussion about who is responsible for this continued situation. Very obviously an effort is underway at this time to put the blame on the Congress of the United States. I am not here today to say that no blame should accrue to the Congress. I personally have been very unhappy about the slowness in several of the committees—and it is not confined to just one committee—to hold hearings and to move bills that vitally affect the crime these programs, and I know the distress which I express is shared by many.

But, Mr. Speaker, there is also some situation and the tools that are available to the various law enforcement agencies to deal with crime. We have had bills pending since early in 1969 on some of responsibility at the other end of Pennsylvania Avenue. The Congress passed not too very long ago one of the major pieces of legislation to deal with the problem of crime in this country, the Safe Streets Act. The Safe Streets Act has provided a steadily increasing amount of money to be made available to local police departments and sheriffs and highway patrols to carry the fight to the criminal and to organized crime. For fiscal year 1971, the Safe Streets Act carries an authorization of $650 million, but the men who are in charge of the fight against crime in the Federal executive department confined their request for money to implement this program to $480 million for fiscal year 1971—just a little more than two-thirds of what the authorizing legislation made available to them.

All of us know of the long delay in allocating Federal funds which were appropriated last year to law enforcement agencies across the country, a delay which carried on for months, a delay which made many of us, I believe, very dubious about the zeal present in the Department of Justice to carry out the Safe Streets Act and to make the tools of law enforcement available across the country through the funds provided by the Congress.

I believe the administration has failed very seriously in its responsibility vigorously to implement the Safe Streets Act, and many police departments and sheriffs' departments across the country today are not as well equipped and well trained as they should be because of this lag on the part of the administration.

Another area in which I feel there has been a serious lag by the administration is in using the tool made available by this Congress to deal with the problem of travel across State lines for the purpose of inciting riot and causing violent civil disturbances. I was one of the cosponsors of that bill when it passed the Congress. I still believe it is one of the finest tools possessed by the Government today to try to deal with this problem.

How many times has the administration made use of this bill since it was passed by the Congress of the United States? I personally know of only two cases, both of them in the city of Chicago, where prosecutions have been brought under this particular law. It is available to handle the problem in California, New York, Florida, Alabama—anywhere in the country—and certainly the files of the FBI must be bulging with the evidence of representatives of various subversive groups traveling across the country, from one college campus to another and from one city to another, to spread anarchy and the seeds of revolution and to try to produce rioting and violence on the college campuses and on the streets of America.

But in only two instances—the Chicago Seven case and now the Chicago 12—has prosecution been initiated. I believe there has been a serious failure on the part of the administration to use this major tool to try to deal with this serious problem.

I just had called to my attention another regrettable failure by this administration to recognize the seriousness of this problem in the country. The other day I received some correspondence from one of our U.S. District Judges, Judge Allen E. Barrow of the U.S. District Court for the northern district of Oklahoma, Tulsa, Okla., in which he made available to me an exchange of correspondence between himself and the Deputy Attorney General of the United States, Mr. Richard G. Kleindienst.

Mr. Kleindienst had written to the judges across the country asking for their advice as to what could be done to improve the security of the courts. I am sure he has been shocked, just as many of us have been, by the incidents of violence and disruption which have occurred in the courtrooms of the country. Everyone knows of what happened in the California court, in which a trial judge, an assistant district attorney and some of the jurors were kidnapped at the point of a gun and taken out of the courtroom by a group of convicts.

In my own home State just within the last few weeks a district judge of the State got out into his automobile in the morning and had it blow up under him, and he was critically hurt and has been in the hospital for quite some time since then.

The necessity for providing security in the courts is absolutely imperative, and yet when Judge Barrow joined other judges in advising that it was absolutely essential that additional U.S. marshals be provided in order to provide security in the Federal courts, he encountered the judgment of the assistant attorney general that existing manpower must be made to serve. Apparently, it was considered undesirable to secure additional manpower for this purpose.

Judge Barrow wrote me:

I know all of the judges would appreciate Congress taking immediate notice of the threats to our courts system and personnel and appropriating sufficient funds of money to establish some sort of security for the courts. Now it is "hit and miss"—not enough Marshals, Guards, trained personnel nor funds with which to hire them.

Mr. Speaker, I ask unanimous consent that the exchange of correspondence between Judge Barrow and Mr. Kleindienst and other officers of the court be made a part of the RECORD at the conclusion of my own remarks here today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield to me?

Mr. EDMONDSON. I am glad to yield to my distinguished Speaker.

Mr. McCORMACK. In connection with the kidnaping and the murder of the judge in California, which was a brutal and inhuman act, that constituted an assault upon the judicial system of our country. It could have happened to any judge anywhere throughout the United States, whether in the Supreme Court, the circuit courts, the U.S. district courts, or any of the State courts or even down in the lowest courts in any section of the country or any State of the Union. The judges of our country have to realize the meaning and the significance of what this act implies in terms of the one department of the Government which is supposed to be the citadel of the liberties of our people. It deals with not only those charged with crime but the rights of the law-abiding citizens under the Constitution of the United States.

I am glad that the gentleman from Oklahoma read the letter that he received from the district court judge, Judge Barrow, because it clearly indicates to me that he has an appreciation of what these assaults constitute and, whereas this happened in the case of a few, it could just as well happen to any man who sits upon the bench.

I might also say that these attacks upon police officers work in the same way. Those men are targets. They wear the uniform. The courts have to realize that they have a responsibility in connection with seeing that the rights of law-abiding citizens are protected. Furthermore, public officials have the duty and responsibility of not following the path of appeasement but, rather, the path of firmness in protecting the rights of individuals charged with crime as provided for in the Constitution and also protecting the rights of the law-abiding citizens of this country who are in the great and overwhelming majority.

I am very proud of the instruction that I gave the Chief of the Capitol Police 4 years ago, which instruction is still in existence, when we had a threatened march on this chamber by a group which was not emotionally minded but was, rather, possessed of cold and deliberate minds. They threatened to march on the Capitol and take over this chamber. I gave instructions to the Chief of Police at the Capitol at that time that first, I would not stand for defiance of the law; second, I expected him to enforce the law; and third, and this is more important than the other two—I said "I will back you up."

If the public officials throughout our country will let the police know that they will be backed up, there will be less crime throughout the country.

Mr. EDMONDSON. I thank the Speaker very much for his very timely comments. I could not agree more with his statement that the police officers of America today are the targets and the special targets of some of the would be revolutionaries who are circulating across this country. In fact, any representative of order in our country is a target for this group.

Our firemen have been the targets of some of them as well as our policemen and our National Guard and even Federal troops.

One of the bills I regret very much we have not moved forward in this Congress is House Resolution 793, introduced on the third day of January 1969 with 24 sponsors joining me in introducing the bill to make it illegal to assault or kill a member of the Armed Forces while serving under the direction of the President, to try to establish the Federal jurisdiction over attacks upon our Armed Forces when they are ordered into handling riot situations or a crisis at the direction of the President. I think we owe this to the Armed Forces whether they wear a National Guard uniform or an Army uniform or an Air Force uniform or whatever it may be when they are sent in by the President to deal with an emergency or a riot or something of that nature. It should be a Federal offense to attack them and certainly it should be a Federal crime to kill them.

Mr. McCORMACK. And, if the gentleman will yield further, they are only sent in by the President when the Governor requests it.

Mr. EDMONDSON. That is right and that is the case in virtually every instance that I know of.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from Oklahoma for taking this time to point up this very important subject. I agree with the genleman that there is no area of legislation which is of more importance than these crime bills. I think that although we have passed the District of Columbia crime bill and the safe streets bill that nevertheless, as the gentleman pointed out, there are several other bills that are equally important. The bill on explosives, for example, that has been languishing in the committee, and others, I think that very properly this Congress ought to move swiftly in these closing days to get this legislation out and to get it enacted.

There has been a feeling in recent years, as the gentleman has alluded to that it is somehow wrong for us to oppose violence and it is somehow wrong for us to want to maintain law and order. Those terms are we are told symbolic of repression. We cannot have an orderly society without order. I think the events that are taking place in the Middle East in recent weeks have perhaps reminded some people that when you have wild men abroad and operating against us certainly only firm and quick action on our part can maintain the kind of procedures that we need in a democratic society.

Mr. Speaker, I want to again commend the gentleman and I want to support the gentleman. I think many of us in this body feel the same way the gentleman does. I think it is important that that fact should be made known.

I also want to agree with what the gentleman has said with respect to some failure to take full advantage of the legislation that is on the books. I think particularly of the legislation that we adopted here several years ago to withdraw from the students who are guilty of seriously disrupting the educational process, the taxpayers' funds that are made available to them.

Now the country is concerned about whether there is going to be a new wave of college unrest when the colleges open up again. We have indicated that we would hope that the administrators and the faculties would take advantage of their positions of responsibility and try and prevent this kind of thing from getting under way. But I think the law that is already on the books has been enforced only rarely. I believe you could count on the fingers of a couple of hands the number of people who have actually had their loans or their scholarships taken away because they burned down the old chapel, or what have you. It seems to me that those who are responsible for enforcing the law ought to make sure that the legislation we have on the books is enforced, and that it is the intent of Congress that this be made clear.

Mr. EDMONDSON. The gentleman makes a good point. I agree with him wholeheartedly. On the subject of the campus situation, House Resolution 10544 with approximately 50 cosponsors was introduced on the 24th of April, 1969, to try to meet effectively the problem of campus disruptions and the problem of people who brought explosives or guns on college campuses, for such purposes.

Mr. STRATTON. Exactly.

Mr. EDMONDSON. To my knowledge, that bill is still waiting for hearings and action on it.

We have some bills dealing with our narcotics problem which is getting more and more serious every day. I am glad that we are finally going to get a chance within the next week to vote on measures to tighten up the penalties in connection with narcotics abuse and particularly the professional pusher. This bill is long overdue.

It is very good news for the Congress that we will soon have it on the floor of the House.

Mr. STRATTON. If the gentleman will yield further, I just want to support his statement. This is the kind of thing I have heard about in going around my district in upstate New York. I think people are concerned about crime and disruption in the colleges and they are looking to the Congress for leadership.

Mr. EDMONDSON. In summary, I think it is imperative that this Congress meet its responsibilities in the field of updating and strengthening our laws to deal with crime. I think we have some bills pending before us now that must be acted upon before this Congress adjourns sine die, and it is imperative from the standpoint of the public that they be acted upon, I am quite certain as quickly as possible.

In addition to that, however, the administration must also measure up to its responsibility. There is enough blame in this situation to pass around all over the country. If we are going to spend all our time concentrating on who is at fault, we probably will not get the job done.

I hope the President will seek the funds that are needed to carry out effectively the Safe Streets Act, and that he will seek the funds which I am sure the Congress will provide to give us security in the courts, and that he will use this bill that makes it a crime to cross State lines to incite riots and civil disturbances more effectively and more generally than he has been using it in the past.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. RUTH. The gentleman now in the well has been talking about crime control, and I do not think there could be a more appropriate subject. I commend the gentleman for pointing out those things that could be done in the country. I heartily agree that any legislation we can pass is necessary and could be most helpful.

But I notice that the gentleman mentioned that most of the blame in the direction of the administration. Did the gentleman mention any blame in connection with the judiciary? Would the gentleman comment on that?

Mr. EDMONDSON. I think my remarks were concentrated upon the Congress and upon the Executive. I share the feeling, which I think is held by the gentleman, that we have far too many judges who have leaned over backwards in the attempt to appear liberal and lenient and who have not been tough in dealing with criminals and people who are proven to be criminals in cases brought before them where there have been jury verdicts of guilty. I think the judges are finally waking up across the country to the fact that this policy of leniency is undermining the faith of many people in our courts and in the administration of justice.

Yes, there is a responsibility in the judiciary and it extends to many of our trial courts just as it does to the Highest Court in the land in the handling of some cases on appeal. But I think our courts are at least waking up to the national need for swifter, more effective justice. The people are entitled to have a full scale attack on this problem in all three branches of the Federal Government—at the highest level and at the local level.

Mr. RUTH. I thank the gentleman because I think this makes a much more complete statement.

Mr. EDMONDSON. I thank the gentleman for his comments.

The material referred to previously in my remarks is as follows:

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OKLAHOMA,
UNITED STATES COURTHOUSE,
Tulsa, Okla., September 9, 1970.

The Honorable ED EDMONDSON,
United States Congressman, Second Congressional District, 2402 Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN EDMONDSON: Enclosed herewith are copies of letters in answer to correspondence from the Deputy Attorney General and the Director of the Administrative Office of the United States Courts.

I know all of the Judges would appreciate Congress taking immediate notice of the threats to our Courts' system and personnel and appropriating sufficient funds of money to establish some sort of security for the Courts. Now it is "hit and miss"—not enough Marshals, Guards, trained personnel nor funds with which to hire them.

Sincerely,

ALLEN E. BARROW,
U.S. District Judge.

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OKLAHOMA,
UNITED STATES COURTHOUSE,
Tulsa, Okla., September 9, 1970.

Mr. RICHARD G. KLEINDIENST,
Deputy Attorney General,
Washington, D.C.

DEAR MR. KLEINDIENST: Today I received a copy of your letter addressed to the Director of the Administrative Office of the United States Courts which is dated August 27, 1970.

I appreciate your concern for the safety of the Courts, and I would value even more some action and aid to assist Courts in getting adequate personnel to set up a meaningful security program.

You, no doubt, know that in my district we have had some serious situations occur in the last few days. There has been a bombing of a state District Judge who is still in a very critical condition; and, also, there have been numerous threats on judges in courts in this area following this incident.

Someone must do something immediately, in my opinion, to get funds from Congress for the necessary personnel to assure proper security of the courts. I assume this would come under the Department of Justice.

Thanks again for your letter and concern. Any additional information you have toward setting up a security program for the courts will be appreciated.

Sincerely,

ALLEN E. BARROW.

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OKLAHOMA,
UNITED STATES COURTHOUSE,
Tulsa, Okla., September 9, 1970.

Mr. ROWLAND F. KIRKS,
Director, Administrative Office of the United States Courts, Washington, D.C.

DEAR MR. KIRKS: Today I received your cover letter dated September 3, 1970, enclosing a copy of a letter from the Deputy Attorney General relating to his concern over the safety of the courts.

Enclosed is a copy of my response to the Deputy Attorney General. I will state that the best way to handle this problem is for the Administrative Office to make the Conference aware of the necessity for trained personnel in security. I have no doubt that if such a request were made, that Congress would appropriate funds to set up the necessary security for the courts.

The situation no doubt will get worse before it gets better. It seems we must prepare for this possibility.

Sincerely,

ALLEN E. BARROW.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
SUPREME COURT BUILDING,
Washington, D.C., September 3, 1970.

To: The Chief Judges of the Courts of Appeals.

To: The Chief Judges of the District Courts.

I am transmitting to each of you a copy of a letter I have received from the Deputy Attorney General which expresses the grave concern which all of us feel for the safety of the court room under present circumstances and urges a reappraisal of the use of the deputy marshals.

I urge your earnest consideration of Mr. Kleindienst's suggestion and wish to assure you that the Administrative Office is ready to assist in these matters in any way in which we can be of help.

Sincerely,

ROWLAND F. KIRKS, *Director.*

OFFICE OF THE DEPUTY ATTORNEY
GENERAL,
Washington, D.C., August 27, 1970.

Mr. ROWLAND F. KIRKS,
Director, Administrative Office of United States Courts, Washington, D.C.

DEAR MR. KIRKS: Traditionally, our courts and the proceedings conducted under their auspices, have been characterized by dignity, decorum, and inviolability. Witnesses, jurors, attorneys, spectators and jurists alike have viewed the courtroom as a sanctum in which they were secure from the intrusion of violence and disorder.

In recent years there has seemingly been an unfortunate degeneration of those treasured traditions and with increasing frequency the sanctity of judicial processes are demeaned by the introduction of immoderate behavior and the offer of violence in the presence of the court. An ultimate outrage occurred recently when Superior Judge Harold J. Haley of San Rafael, California was kidnaped from the bench and murdered.

Understandably, members of our Federal bench have expressed grave concern over the safety of persons in their courtrooms and apprehension lest the objectivity of their proceedings be diluted by intimidation. It has been suggested that a larger number of United States Marshals Service personnel be provided in order to enhance security in the courts. Unfortunately, this is not a currently feasible solution since our limited Service personnel resources are already over-committed.

In an effort to identify an alternate solution, I am taking the liberty of suggesting that reappraisal of marshal utilization may be beneficial to many judicial districts. Specifically, I am addressing this suggestion to those courts in which the deputy marshal is required to be in attendance, even though there are no prisoners present, and the deputy performs duties ordinarily assigned a bailiff or crier. The application of Service resources to other than those tasks which require their specific talents and authority, diminishes Service capacity for providing essential security.

The marshal in each district has been instructed to assist the chief judge at his convenience, in identifying functional areas in which deputy participation can be reduced or eliminated in order to permit increased attention to court security in criminal proceedings.

I would appreciate your conveying my thoughts to the chief judges of the judicial districts.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

UNIFORM CRIME REPORTING—(JANUARY–MARCH 1970)

Crime in the United States, as measured by the Crime Index, increased 13 percent during the first three months of 1970 when

compared with the same period in 1969. The violent crimes as a group were up 12 percent. Robbery increased 15 percent, murder 13 percent, aggravated assault 8 percent, and forcible rape was up 6 percent. The voluminous property crimes rose 13 percent as a group. Larceny $50 and over in value was up 17 percent, burglary 12 percent, and auto theft 11 percent. Cities having 250,000 or more inhabitants experienced an average increase of 8 percent, suburban law enforcement agencies reported an 18 percent rise, and the rural areas were up 19 percent (Table 1). Geographically, the North Central and the Southern States reported increases of 17 percent in the Crime Index offenses. The Western States were up 15 percent and the Northeastern States had a 4 percent rise (Table 2). Armed robbery which makes up about two-thirds of all robbery offenses increased 17 percent during the three-month period, aggravated assaults committed with a firearm were up 12 percent, and street theft increased 14 percent.

TABLE 1.—CRIME INDEX TRENDS (JANUARY–MARCH, PERCENT CHANGE 1970 OVER 1969, OFFENSES KNOWN TO THE POLICE)

Population group and area	Number of agencies	Population in thousands	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Total, all agencies	5,511	162,136	+13	+12	+13	+13	+6	+15	+8	+12	+17	+11
Cities over 25,000	827	90,190	+12	+12	+12	+15	+10	+14	+8	+11	+13	+11
Suburban area	2,014	47,352	+18	+13	+18	+28	−8	+24	+9	+14	+26	+12
Rural area	1,397	21,492	+19	+9	+20	+17	+1	+17	+9	+17	+29	+2
Over 1,000,000	6	19,537	+4	+11	+3	+23	+1	+14	+5	+3	−4	+12
500,000 to 1,000,000	21	13,576	+10	+8	+11	+2	+11	+10	+4	+13	+15	+4
250,000 to 500,000	31	11,047	+13	+12	+13	+30	+23	+12	+10	+10	+16	+16
100,000 to 250,000	90	13,388	+22	+19	+22	+11	+25	+25	+12	+21	+27	+17
50,000 to 100,000	246	17,223	+15	+12	+16	+1	−1	+17	+9	+14	+19	+11
25,000 to 50,000	433	15,420	+18	+21	+17	+33	+14	+24	+19	+13	+23	+14
10,000 to 25,000	1,076	17,132	+17	+12	+18	−19	+3	+17	+12	+12	+26	+15
Under 10,000	1,923	10,012	+18	+7	+19	+14	+10	+9	+5	+13	+27	+19

TABLE 2.—CRIME INDEX TRENDS BY GEOGRAPHIC REGION (JANUARY–MARCH, 1970 OVER 1969)

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Northeastern States	+4	+6	+4	+10	−4	+5	+8	+3	+4	+6
North Central States	+17	+19	+16	+25	+9	+25	+12	+12	+22	+16
Southern States	+17	+13	+18	+10	+6	+26	+4	+15	+25	+17
Western States	+15	+8	+16	+4	+10	+5	+12	+16	+20	+5

TABLE 3.—CRIME INDEX TRENDS

(January–March, percent change 1965–70, each year over previous year)

January–March	Total	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
1966/65	+6	+4	+14	+4	+9	+4	+11	+5
1967/66	+20	+23	+8	+32	+15	+21	+18	+20
1968/67	+17	+16	+19	+24	+13	+15	+19	+17
1969/68	+10	+7	+12	+22	+8	+4	+17	+11
1970/1969	+13	+13	+6	+15	+8	+12	+17	+11

Source: John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. Advisory: Committee on Uniform Crime Records, International Association of Chiefs of Police.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, JANUARY THROUGH MARCH 1969 AND 1970 CITIES OVER 100,000 IN POPULATION

	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny $50 and over	Auto theft
Abilene, Texas:							
1969		1	2	5	173	133	28
1970		2	10	6	158	145	41
Akron, Ohio:							
1969	7	20	209	99	803	792	745
1970		24	204	92	798	1,007	791
Albany, N.Y.:							
1969	2	2	36	23	261	93	223
1970		3	45	19	429	117	191
Albuquerque, N. Mex.:							
1969	3	26	88	164	1,375	1,303	384
1970	3	22	144	170	1,216	1,096	463
Alexandria, Va.:							
1969	2	6	49	75	274	277	165
1970	1	8	66	80	285	365	118
Allentown, Pa.:							
1969	1	2	13	21	170	196	36
1970		1	15	32	191	178	64
Amarillo, Texas:							
1969		3	11	49	302	254	60
1970	3	2	23	39	429	365	117
Anaheim, Calif.:							
1969	1	10	62	15	634	535	159
1970	1	14	55	38	741	664	185
Arlington, Va.:							
1969	1	3	28	15	363	428	192
1970	6	4	55	18	322	481	165
Atlanta, Ga.:							
1969	35	39	226	266	2,163	1,242	998
1970	43	33	509	262	2,469	1,783	1,086
Austin, Tex.:							
1969	3	6	49	133	768	601	206
1970	7	13	64	182	837	200	231
Baltimore, Md.:							
1969	58	142	2,125	1,825	5,249	2,916	2,329
1970	47	119	2,336	1,536	4,287	2,979	2,548
Baton Rouge, La.:							
1969	6	11	57	77	836	441	252
1970	2	18	102	158	957	514	327
Beaumont, Tex.:							
1969	3	3	32	112	405	108	77
1970	5	5	25	117	459	130	67
Birmingham, Ala.:							
1969	16	12	89	301	1,044	1,237	488
1970	17	12	63	338	992	1,127	596
Boston, Mass.:							
1969	22	49	770	349	2,420	1,436	3,506
1970	7	72	706	393	2,552	1,556	3,548
Bridgeport, Conn.:							
1969	2	1	95	38	561	485	440
1970	5	5	114	56	796	807	553
Buffalo, N.Y.:							
1969	7	28	216	166	1,077	992	831
1970	8	35	312	188	1,471	1,197	1,190
Camden, N.J.:							
1969	4	5	72	45	455	127	393
1970	7	8	138	46	683	213	552
Canton, Ohio:							
1969	1	2	38	29	190	231	89
1970	4	8	72	23	191	322	116
Cedar Rapids, Iowa:							
1969	1	2	12	6	108	177	136
1970	1	2	4	7	150	151	97
Charlotte, N.C.:							
1969	6	24	92	511	941	595	244
1970	15	17	139	277	1,092	1,061	334

Footnotes at end of table.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, JANUARY THROUGH MARCH 1969 AND 1970 CITIES OVER 100,000 IN POPULATION—Continued

	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny $50 and over	Auto theft
Chattanooga, Tenn.:							
1969	6	2	98	38	566	107	360
1970	7	6	92	45	657	113	385
Chicago, Ill.:							
1969	121	291	4,374	2,453	8,128	4,037	6,175
1970	201	339	5,369	2,723	8,736	4,226	8,438
Cincinnati, Ohio:							
1969	13	39	185	150	1,156	817	372
1970	14	44	232	170	1,373	1,170	530
Cleveland, Ohio:							
1969	51	74	1,226	400	2,041	2,135	4,901
1970	60	79	1,496	408	2,796	1,381	5,158
Colorado Springs, Colo.:							
1969	3	10	50	33	387	366	114
1970	2	7	52	38	497	505	170
Columbia, S.C.:							
1969	7	6	63	93	552	256	245
1970	4	2	61	68	592	298	250
Columbus, Ga.:							
1969	6	3	33	16	220	128	129
1970	6	----	27	18	291	212	173
Columbus, Ohio:							
1969	9	51	313	150	1,874	1,442	974
1970	14	58	383	202	1,914	1,815	1,206
Corpus Christi, Tex.:							
1969	1	7	32	143	663	476	224
1970	9	10	92	149	1,077	826	337
Dallas, Tex.:							
1969	----	----	----	----	----	----	----
1970	59	96	769	849	5,296	4,114	1,952
Dayton, Ohio:							
1969	10	21	231	165	1,087	399	523
1970	19	19	329	188	1,420	878	474
Dearborn, Mich.:							
1969	4	3	31	13	217	342	211
1970	1	2	35	12	316	356	163
Denver, Colo.:							
1969	11	53	404	321	2,507	2,008	1,341
1970	23	111	473	376	3,589	2,655	2,129
Des Moines, Iowa:							
1969	----	10	60	22	317	438	141
1970	3	3	82	21	391	660	249
Detroit, Mich.:							
1969	88	199	3,737	1,020	9,420	4,451	4,841
1970	103	246	5,352	1,071	10,518	5,345	5,090
Duluth, Minn.:							
1969	----	2	18	6	183	161	112
1970	----	2	3	4	165	182	95
Elizabeth, N.J.:							
1969	----	11	51	62	551	197	330
1970	1	8	50	59	399	200	289
El Paso, Tex.:							
1969	1	6	55	112	989	516	484
1970	2	12	66	141	1,074	596	382
Erie, Pa.:							
1969	----	2	22	26	133	95	99
1970	----	8	54	18	232	145	85
Evansville, Ind.:							
1969	5	9	36	56	369	271	129
1970	4	10	41	49	396	478	176
Fall River, Mass.:							
1969	----	1	8	13	343	67	208
1970	----	1	21	12	416	153	371
Flint, Mich.:							
1969	6	14	146	294	734	837	185
1970	8	70	134	261	743	597	238
Fort Lauderdale, Fla.:							
1969	5	9	60	62	543	477	317
1970	5	10	115	74	825	841	287
Fort Wayne, Ind.:							
1969	4	7	35	17	375	502	123
1970	2	12	57	18	524	698	187
Fort Worth, Tex.:							
1969	25	9	202	128	1,552	465	690
1970	30	17	315	121	1,954	697	880
Garden Grove, Calif.:							
1969	1	4	48	23	451	533	93
1970	----	8	39	27	495	625	151
Gary, Ind.:							
1969	11	29	160	112	469	460	578
1970	10	14	231	103	826	486	1,075
Glendale, Calif.:							
1969	2	3	27	16	373	440	188
1970	----	7	40	21	409	393	194
Grand Rapids, Mich.:							
1969	3	15	49	101	692	293	195
1970	2	18	77	90	768	306	159
Greensboro, N.C.:							
1969	8	6	32	206	343	367	135
1970	4	4	56	193	528	451	139
Hammond, Ind.:							
1969	2	6	44	16	213	239	178
1970	3	7	54	43	195	279	299
Hampton, Va.:							
1969	2	4	18	17	197	183	47
1970	2	4	18	19	250	273	61
Hartford, Conn.:							
1969	3	5	116	100	713	401	489
1970	2	5	97	138	552	485	449
Honolulu, Hawaii:							
1969	1	15	50	20	1,491	1,129	734
1970	2	12	43	31	1,632	1,275	813
Houston, Tex.:							
1969	47	88	1,012	668	5,895	2,755	2,359
1970	72	83	1,573	606	6,486	2,761	3,397
Huntington Beach, Calif.:							
1969	1	3	21	19	260	352	80
1970	2	4	12	14	404	346	73
Huntsville, Ala.:							
1969	1	1	14	81	323	263	116
1970	----	5	38	53	481	487	109
Independence, Mo.:							
1969	----	6	6	26	164	148	55
1970	1	5	18	45	187	170	64
Indianapolis, Ind.:							
1969	16	43	438	170	2,176	1,093	1,138
1970	16	39	428	265	2,425	1,329	1,049
Jackson, Miss.:							
1969	7	6	20	24	300	213	90
1970	7	2	23	28	405	229	86
Jacksonville, Fla.:							
1969	17	34	344	474	2,149	1,116	575
1970	18	53	349	522	2,947	1,690	828
Jersey City, N.J.:							
1969	4	5	165	54	451	73	810
1970	5	6	132	61	363	58	905
Kansas City, Kans.:							
1969	5	16	109	91	808	220	475
1970	5	24	134	129	765	184	448
Kansas City, Mo.:							
1969	17	69	597	368	2,660	1,514	1,538
1970	33	83	669	409	2,894	1,601	1,281
Knoxville, Tenn.:							
1969	5	1	35	67	460	324	245
1970	4	2	48	100	571	280	277
Lansing, Mich.:							
1969	1	7	36	47	568	386	210
1970	3	7	51	48	718	690	155
Las Vegas, Nev.:							
1969	5	5	70	24	423	256	164
1970	7	7	70	45	480	310	238
Lincoln, Nebr.:							
1969	2	3	7	26	137	146	44
1970	----	3	12	57	140	340	77
Little Rock, Ark.:							
1969	4	8	61	123	610	747	89
1970	7	14	73	167	756	697	114
Livonia, Mich.:							
1969	----	2	9	17	246	129	68
1970	4	2	11	60	370	189	59
Long Beach, Calif.:							
1969	3	43	275	122	1,435	1,199	630
1970	3	40	310	100	1,633	1,054	777
Los Angeles, Calif.:							
1969	93	498	3,160	3,352	16,604	10,937	8,356
1970	88	493	3,247	3,565	16,940	11,535	8,283
Louisville, Ky.:							
1969	19	14	254	134	1,209	1,371	1,371
1970	21	16	300	182	1,368	1,362	1,411
Lubbock, Tex.:							
1969	1	9	13	41	652	444	63
1970	7	4	23	95	542	574	111
Macon, Ga.:							
1969	8	8	38	34	439	314	140
1970	5	5	51	53	639	478	176
Madison, Wis.:							
1969	----	4	11	4	179	281	101
1970	1	4	18	10	353	417	113
Memphis, Tenn.:							
1969	18	26	309	125	1,999	1,268	453
1970	18	22	279	240	2,143	1,698	703
Miami, Fla.:							
1969	17	24	658	565	1,876	1,244	752
1970	17	26	735	612	1,867	1,537	811
Milwaukee, Wis.:							
1969	10	22	142	151	1,029	1,418	896
1970	8	24	160	183	1,054	1,814	1,151
Minneapolis, Minn.:							
1969	5	20	356	122	1,877	1,049	1,002
1970	4	46	450	125	2,040	1,137	1,353
Mobile, Ala.:							
1969	10	6	71	137	1,101	423	201
1970	5	18	100	126	1,408	436	296
Montgomery, Ala.:							
1969	4	3	42	14	489	368	79
1970	5	2	56	13	383	417	117
Nashville, Tenn.:							
1969	16	24	221	274	1,496	1,088	819
1970	18	25	242	281	1,498	683	657
Newark, N.J.:							
1969	24	57	1,131	492	3,244	1,421	1,832
1970	28	58	1,040	429	2,536	1,256	1,592
New Bedford, Mass.:							
1969	----	4	32	23	345	186	325
1970	----	1	25	30	463	181	239
New Haven, Conn.:							
1969	----	19	26	92	739	304	520
1970	3	12	41	73	944	386	560

Footnotes at end of table.

	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny $50 and over	Auto theft
New Orleans, La.:							
1969	16	69	574	492	1,990	2,040	1,366
1970	19	85	1,110	587	2,518	2,257	1,758
Newport News, Va.:							
1969	6	7	71	71	342	286	94
1970	5	8	24	63	464	395	101
New York, N.Y.:							
1969	237	536	15,632	6,347	43,450	30,881	18,672
1970	259	505	16,505	6,721	43,187	26,908	19,920
Norfolk, Va.:							
1969	11	15	234	197	1,230	922	370
1970	14	25	247	249	1,122	1,145	436
Oakland, Calif.:							
1969	17	53	871	223	3,780	1,157	1,577
1970	14	63	661	274	3,527	1,886	1,220
Oklahoma City, Okla.:							
1969	6	17	119	152	1,366	230	565
1970	6	27	133	210	1,403	492	585
Omaha, Nebr.:							
1969	6	17	121	188	780	480	444
1970	7	17	163	244	849	710	750
Orlando,[1] Fla.:							
1969							
1970		2	44	94	579	429	117
Pasadena, Calif.:							
1969	2	7	75	89	692	588	236
1970	2	31	99	65	862	451	277
Paterson, N.J.:							
1969	1	7	103	46	458	80	260
1970	1	3	127	52	585	104	575
Peoria, Ill.:							
1969	2	8	74	77	455	295	120
1970	4	4	99	123	514	311	158
Philadelphia, Pa.:							
1969	62	126	1,329	818	3,611	799	1,709
1970	72	98	1,416	769	4,043	1,150	3,012
Phoenix, Ariz.:							
1969	10	30	250	274	2,343	1,534	887
1970	15	43	357	412	3,467	1,884	1,082
Pittsburgh, Pa.:							
1969	11	53	837	317	2,375	2,046	2,428
1970	14	52	639	371	2,140	1,699	2,221
Portland, Oreg.:							
1969	6	24	236	139	1,662	1,508	619
1970	9	34	466	218	2,290	1,857	970
Portsmouth, Va.:							
1969	1	4	63	46	478	210	133
1970	3	----	85	39	415	303	155
Providence, R.I.:							
1969	5	----	78	66	835	374	887
1970	1	3	107	76	818	275	898
Pueblo, Colo.:							
1969		2	9	23	169	250	68
1970		6	14	47	195	239	115
Raleigh, N.C.:							
1969	5	2	21	93	198	342	83
1970	7	4	44	93	279	498	71
Reading, Pa.:							
1969		6	17	25	150	89	82
1970		3	20	21	214	109	58
Richmond,[2] Va.:							
1969							
1970	6	23	197	113	1,539	1,128	662
Riverside, Calif.:							
1969		6	53	66	851	524	213
1970		10	60	83	980	561	203
Roanoke, Va.:							
1969	4	1	33	34	338	189	133
1970	2	3	33	63	425	261	192
Rochester, N.Y.:							
1969	9	15	47	115	663	859	260
1970	10	5	101	128	929	929	365
Rockford, Ill.:							
1969	1	5	40	22	361	287	131
1970	5	2	39	55	322	313	122
Sacramento, Calif.:							
1969	5	11	137	63	1,021	863	518
1970	5	26	156	100	1,067	1,101	531
Saginaw, Mich.:							
1969	3	2	53	42	263	89	85
1970	7	5	53	60	390	110	76
St. Louis, Mo.:							
1969	64	133	1,098	676	4,374	933	2,761
1970	66	111	1,191	659	4,519	918	3,124
St. Paul, Minn.:							
1969	3	11	214	81	1,223	598	785
1970	6	13	294	129	1,417	718	949
St. Petersburg, Fla.:							
1969	3	12	108	144	746	443	112
1970	6	11	193	162	933	600	131
Salt Lake City, Utah:							
1969	2	4	66	43	770	766	320
1970	1	13	100	76	1,087	1,011	377
San Antonio, Tex.:							
1969	23	34	208	441	2,973	1,610	1,307
1970	66	50	208	374	3,466	1,708	1,286
San Bernardino, Calif.:							
1969	2	3	64	35	532	676	213
1970	2	3	94	47	629	614	261
San Diego, Calif.:							
1969	8	31	180	157	1,232	2,100	804
1970	5	27	197	212	1,537	2,620	1,011
San Francisco, Calif.:							
1969	30	112	1,771	786	4,783	1,432	4,830
1970	30	164	1,358	713	4,557	2,197	3,795
San Jose, Calif.:							
1969		37	81	93	1,470	561	599
1970	1	42	134	186	1,808	581	898
Santa Ana, Calif.:							
1969	3	4	53	40	496	232	167
1970	5	13	46	63	818	226	177
Savannah, Ga.:							
1969	5	12	75	78	496	409	124
1970	8	7	62	38	545	537	147
Scranton, Pa.:							
1969			6	22	152	131	113
1970	1	2	4	25	112	118	68
Seattle, Wash.:							
1969	21	62	599	329	3,235	2,178	1,408
1970	10	72	514	200	4,241	2,305	1,021
Shreveport, La.:							
1969	13	1	24	160	416	192	144
1970	12	6	46	155	504	279	192
South Bend:							
1969	2	2	79	24	262	210	137
1970	2	2	93	28	326	291	119
Spokane, Wash.:							
1969		2	27	10	359	296	109
1970	1	6	42	20	680	652	127
Springfield, Mass.:							
1969	1	5	15	28	481	303	666
1970	2	4	8	74	700	281	665
Springfield, Mo.:							
1969	1	----	10	12	179	226	29
1970	1	----	11	4	454	295	56
Syracuse, N.Y.:							
1969	1	8	96	70	486	385	119
1970	6	8	69	50	555	532	124
Tacoma, Wash.:							
1969		12	67	65	533	370	223
1970	4	13	52	71	662	500	254
Tampa, Fla.:							
1969	8	11	227	223	1,454	955	339
1970	17	10	225	241	1,689	1,250	373
Toledo, Ohio:							
1969	3	17	164	78	741	812	377
1970	5	22	172	70	1,012	934	330
Topeka, Kans.:							
1969	3	4	54	70	313	392	50
1970		5	34	89	313	632	60
Torrance, Calif.:							
1969	1	9	42	19	451	550	201
1970		5	38	10	446	544	188
Trenton, N.J.:							
1969	4	8	114	42	544	198	226
1970	7	7	138	45	813	412	302
Tucson, Ariz.:							
1969	1	12	59	80	687	442	298
1970	7	12	74	100	879	596	414
Tulsa, Okla:							
1969	3	19	98	100	776	1,003	304
1970	5	17	91	116	1,003	1,288	517
Utica, N.Y.:							
1969	3	1	15	1	129	45	25
1970	1	1	15	4	102	21	35
Virginia Beach, Va.:							
1969	2	4	17	37	271	273	52
1970	3	3	10	44	239	481	53
Waco, Tex.:							
1969	6	6	15	62	350	249	54
1970	2	2	38	62	487	296	85
Warren, Mich.:							
1969		6	33	51	395	410	168
1970	1	5	51	51	392	483	162
Washington, D.C.:							
1969	63	77	2,788	707	4,872	2,177	2,098
1970	64	53	3,076	952	6,175	2,800	2,431
Waterbury, Conn.:							
1969	2	1	41	8	329	218	207
1970	1	1	45	26	347	199	220
Wichita, Kans.:							
1969	1	11	76	76	778	778	179
1970	5	7	79	97	1,086	886	369
Wichita Falls, Tex.:							
1969	4	1	10	27	152	58	29
1970	3	1	14	32	159	108	46
Winston-Salem, N.C.:							
1969	9	5	23	236	412	270	130
1970	3	6	61	198	446	475	125
Worcester, Mass.:							
1969	1	4	53	13	1,004	252	881
1970	1	2	55	24	999	432	887
Yonkers, N.Y.:							
1969		1	56	51	429	493	328
1970	3	----	77	34	510	611	322
Youngstown, Ohio:							
1969	5	6	87	55	492	110	241
1970	5	8	124	59	457	251	506

[1] 1969 figures not comparable with 1970, and are not used in trend tabulations. Agency reports which are determined to be influenced by a change in reporting practices, for all or specific offenses are removed from trend tables. All 1970 crime figures from reporting units are preliminary. Final figures and crime rates per unit of population are not available until the annual publication. Trends in this report are based on the volume of crimes reported by comparable units.

[2] Crime counts influenced in part by annexation 1970.

STANDARDS FOR FLAMMABLE FABRICS

The SPEAKER pro tempore (Mr. McFALL). Under previous order of the House, the gentleman from Georgia (Mr. DAVIS) is recognized for 10 minutes.

Mr. DAVIS of Georgia. Mr. Speaker, my responsibilities on the Committee on Science and Astronautics have provided me with a vantage point from which to view many of the scientific activities of our Government.

As chairman of the Subcommittee on the National Bureau of Standards, I have had an unusual opportunity to familiarize myself with much of the fine work done by that organization particularly in the area of standards and tests.

It is with this background that I view with deep apprehension a tendency in some agencies of Government to set themselves up as scientific arbiters of standards and test methods without reference to the superior experience and talents available to the Government through the National Bureau of Standards.

Mr. Speaker, the American taxpayer supports the National Bureau of Standards with appropriations designed to gather to that organization the best scientists available for the broad area of work in which it engages. In fiscal 1970 the American taxpayer invested $39,687,000 in the activities of the Bureau.

Certainly no one will contend that elsewhere in our Government are there scientists more competent in standards and test methods on materials with which the National Bureau of Standards concerns itself.

It is for this reason, as my colleagues well know, that responsibility for developing test methods and standards for flammable fabrics was placed in the Department of Commerce, of which the National Bureau of Standards is an operating arm.

Pursuant to its responsibility under the act, the Bureau of Standards developed a test method and flammability standard for carpet and I am advised, by the way, that the carpet and rug industry voluntarily commenced a program with the National Bureau of Standards to develop a Federal flammability standard even before the Department of Commerce announced its findings of a need for such a standard.

Only recently, Mr. Speaker, officials of the Department of Commerce acknowledged that carpet was not high on the priority list of fabrics requiring attention because of their inherent flammability. The fact is that until an unfortunate nursing home fire in Marietta, Ohio, last January, carpet was almost singularly free of responsibility for fire injuries or deaths.

Calvin H. Yill, manager of the first research section of the Southwest Research Institute, San Antonio, Tex., one of the Nation's foremost authorities on fire technology, stated in an article in the journal Fire and Flammability, as recently as last January that—

> Less than a dozen incidents have been reported where floor coverings have been a factor in early spread of fire.

More recently, recognized authorities have pointed out that the absence of sprinkler and early fire warning systems in the Marietta, Ohio, fire were the real cause of the tragedy there and that the finger of responsibility was pointed at carpet only because basic fire safety precautions were absent.

I refer to this simply so that my colleagues may better understand my concern regarding recent actions by the Department of Health, Education, and Welfare.

In 1968, the Public Health Service, in apparent realization that its position in requiring such a test for carpet was untenable, asked for bids on a new test method. It stated then that—

> The investigation should specifically require that the material to be tested shall be located in a normal on-the-floor position.

In commenting on the Public Health Service invitation to bid, G. T. Castino, engineering group leader, fire protection department, Underwriters' Laboratories, stated:

> The Public Health Service requested the project because the Steiner tunnel test used for the measurement of flame spread and smoke generation in building materials is unrealistic for testing carpeting.

Notwithstanding the clear nonapplicability of the Steiner tunnel test to carpet, Mr. Speaker, the Department of Health, Education, and Welfare on September 2 issued a new proposed regulation for nursing homes and hospitals. Again it included the discredited Steiner tunnel test. This time, however, it also provided for an alternative type of tunnel test which has been referred to as a "chamber" test. This is the test being developed under a $10,000 Public Health Service contract. It has not had the benefit of interlaboratory testing. It does not have the benefit of accreditation by the American Society for Testing and Materitals, always considered a prerequisite for an accepted test method. It does not test smoke or poisonous gases which are products of combustion, and which constitute the real culprit in most fires.

But more important, Mr. Speaker, despite the large funds expended to maintain scientific excellence in this field at the National Bureau of Standards, the Bureau, I am advised was not even accorded the respect of being consulted as to the validity of the new test.

It is beyond my comprehension why a department of Government with all of the resources of the excellent staff of the National Bureau of Standards available to it, would issue a proposed regulation in the area of standards and tests without enlisting the counsel of the Bureau.

I cannot understand why a department would issue a proposed regulation combining a discredited test and one which has not been accredited at all.

There are, Mr. Speaker, established procedures for accrediting test methods. In this case that procedure requires interlaboratory testing and approval by the American Society for Testing and Materials.

The Secretary of Health, Education, and Welfare will have another opportunity to review this proposed regulation before it is formally adopted. I trust, Mr. Speaker, that better judgment will prevail at that time.

Meanwhile, I will direct my attention to developing proposals which will require that agencies of Government consult the National Bureau of Standards in the future on all areas of its specialized competence so that miscarriages of justice such as that in the proposed HEW regulation will not occur again.

Another possibility, which I am exploring, Mr. Speaker, is to inquire into unnecessary overlapping of personnel in the field of testing and standards.

Certainly, we must not back away from adequate public protection, Mr. Speaker. Also, however, we should not waste Government funds by failing to use competent scientific personnel at our disposal. And we must not, in the name of public protection, do unnecessary injustice to an industry which contributes substantially to our economy, particularly when proposed regulations may not offer the protection which the public has a right to assume they afford.

SAFE AND HEALTHFUL EMPLOYMENT FOR AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin, Mr. STEIGER is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, on June 16, the House Labor and Education Committee voted to report H.R. 16785, a bill to assure safe and healthful employment for American workers.

While the committee bill is not without its good points it has serious deficiencies and, unfortunately, these defects are of such nature that they jeopardize the very foundation of our comprehensive national effort to reduce job hazards. The bill fails to provide a fair and balanced administrative structure for properly mobilizing a national program and eliciting the best efforts of both employers and employees toward making working conditions safe and healthful.

Today I am joining with the distinguished gentleman from Florida (Mr. SIKES) in introducing a bill which incorporates the better features of the reported bill but includes new provisions designed to correct the serious deficiencies of the committee bill.

Mr. Speaker, I realize it is late in the session, but if we sincerely desire to see the enactment of any effective occupational safety and health legislation, I earnestly urge favorable consideration of the bill we are introducing. This bill has been carefully drafted and reflects what reasonable men can produce when they cast aside partisan politics and agree to overcome their differences in the interest of worthwhile legislation acceptable to a majority of other reasonable men and not merely to a "majority" in any narrow political sense.

The most serious criticism of H.R. 16785 is that it would vest all the functions under that bill in the Secretary of Labor.

The bill we offer overcomes this criticism by breaking up this monopoly of functions and distributing them in order to achieve the necessary balance to which I just referred. The new bill would establish a separate and independent Occupational Safety and Health Board whose five members would be appointed by the President. The sole function of this Board would be to set standards; it would not adjudicate cases of alleged violation. This Board could use advisory committees in the standard-setting procedures as the Secretary could do under the committee bill. But the committee bill makes the use of these advisory committees mandatory. I believe that requiring their use can be time consuming particularly when coupled with mandatory time periods within which these committees are permitted to develop their recommendations. Therefore, in this bill, the Board's use of these committees is discretionary; they would be enlisted only where they can make a real contribution. The members of the Board would serve at the President's pleasure.

Another fault of the committee is its lack of flexibility in regard to developing any standards that are needed right away. The committee bill requires a hearing before any standards can be promulgated regardless of how urgently needed those standards may be. The measure I offer provides that where there is grave danger to workers resulting from toxic substances and new processes, the Board can promulgate emergency temporray standards immediately without regard to procedures under the Administrative Procedure Act. However, as soon as these temporary emergency standards are adopted, the bill I am introducing requires the Board to commence APA hearings to replace them with permanent standards.

Also, this bill provides for those particular needs we shall face in the early and crucial days of the new law. We are going to need, right away, a foundation upon which to build. The new bill improves on H.R. 16785 by providing that national consensus standards and already existing Federal standards can be adopted by the Board immediatly without invoking APA procedures. Again, of course, the bill provides that such standards will be replaced by permanent ones set through the use of formal APA hearings.

These twin provisions—the early and quick adoption of emergency temporary standards and of existing standards—are substantial improvements over the commitee-reported bill.

Under the committee bill the Secretary of Labor, in addition to setting standards, would enforce those standards; and he, again, would be the one to issure corrective orders along with assessing penalties. Therefore, to avoid turning the Secretary into prosecutor, judge, and jury, the bill we are introducing would set up a separate independent Occupational Safety and Health Appeals Commission for the purpose of adjudicating cases of alleged violations brought before it by the Secretary of Labor.

Our bill would also overcome another serious criticism of the committee bill; namely, that its general safety requirement is too broad and vague in its mandate that employers maintain safe and healthful working conditions. It does so by simply making that requirement more specific by requiring employers to maintain working conditions which are free "from any hazards which are readily apparent and are causing or likely to cause death or serious physical harm." It is grossly unfair to require employers to supply every conceivable safety and health need for which no specific standards exist to guide them. So by limiting this "general duty" requirement to apparent dangers, the new bill overcomes this element of unfairness but at the same time provides protection in serious situations which may not be covered by a precise standard.

The concept of issuing citations is a sound proposal, but the committee bill goes about it in too complicated a way. It is difficult to understand why the reported bill ties citations to "serious danger" in some cases and not in others. The new bill simplifies all this by requiring the Secretary to issue a citation in every instance where the act is violated, unless, of course, it is de minimis.

The bill also overcomes the controversy over applying penalties to only willful violations. The new bill provides civil penalties of up to $10,000 for each willful or repeated violation of the act; and where willfulness is not an element, a civil penalty of up to $1,000 for any violation.

The last controversial point which the bill would eliminate is the one involving an inspector's right to close down a plant operation "on the spot" where an imminent danger exists. The bill would leave this up to the district courts. In any event, it is always the possibility of ultimate resort to the courts which brings about compliance with any stopwork order, so by expressly providing that the courts do this in the first place is a reasonable provision.

Mr. Speaker, these are some of the highlights of this bill we are introducing today. This bill was drafted in the spirit of overcoming differences which divide us. Much of the bill we are introducing is similar to the committee bill. But the new provisions I have just outlined are vital to this legislation. We cannot expect to have genuinely effective legislation if we do not provide a balanced structure for carrying out its provisions.

This new bill is almost identical to a substitute offered in the Committee on Education and Labor by the distinguished gentleman from Maine (Mr. HATHAWAY) and myself. It was turned down by a vote of 15 to 19. This substitute will be offered on the floor because I believe the deficiencies in H.R. 16785 are so great that a new approach is needed. The Hathaway-Steiger substitute when it was offered in the committee was a compromise designed to attract bipartisan support so that a bill which was effective could be passed by the House.

I am pleased that the able gentleman from Florida (Mr. SIKES) has agreed to join in sponsoring this legislation. When H.R. 16785 comes to the floor Mr. Sikes and I will offer this bill in a bipartisan effort to pass an effective, fair, and enforceable health and safety bill in this session of the Congress.

At this point, Mr. Speaker, I want to include a copy of the substitute, a section-by-section analysis, a comparison of H.R. 16785 with the substitute, and the minority views as contained in the report accompanying H.R. 16785—Report No. 91–1291—which detail the serious weaknesses of the committee bill and the reasons why the House should adopt H.R. 19200, the substitute bill being introduced today. The material referred to follows:

H.R. 19200

A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions.

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research re-

lating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by enouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of the interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel under way on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6(a). The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c)(1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within 60 days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workpieces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i)(1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j)(1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board pre-

scribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or 120 days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(1) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education or experience in the field of occupational safety or health, who shall be appointed by the President by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board."

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board."

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisors, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpoena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY—INSPECTIONS, INVESTIGATIONS, AND REPORTS

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment,

construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of section 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is *de minimis*. This citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within 45 days from the occurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of 90 days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within 15 days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the 15-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION.—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner will receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE.—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpoena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of wit-

nesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within 30 days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation.

The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence.

The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C. chapter 16).

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedures, except that no temporary restraining order issued without notice shall be effective for a period longer than 5 days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but

the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, U.S.C.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board, and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed 10 years or both.

(b) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from assering jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan sub-

mitted under subsection (b), he shall afford the State submitting the plan, due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11 and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under sections 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agencys program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18 or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to tne President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or con-

tracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found;

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24 (a). In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(2) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this setcion may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969. (Public Law 91–54, 83 Stat. 96) is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a) (1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with SEC. 443 of title 5 U.S. Code.

"(2) Each employer as defined in section 3(6) of the Occupation Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"(b) (1) The Secretary is authorized to make inspections and investigations pursuant to sections 9(a)(c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is *de minimis*. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than 45 days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of 90 days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c) (1) If the Commission determines on the record after an opportunity for hearing

that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13(c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91–54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91–54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d) (1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed 10 years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than 10 years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any book, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

APPROPRIATIONS

SEC. 28. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 29. This Act shall take effect 120 days after the date of its enactment.

SEPARABILITY

SEC. 30. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION-BY-SECTION ANALYSIS OF PROPOSED SUBSTITUTE FOR H.R. 16785 ON OCCUPATIONAL SAFETY AND HEALTH

SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Occupational Safety and Health Act."

SECTION 2—CONGRESSIONAL FINDINGS AND PURPOSE

This section states a congressional finding that occupational injuries and illnesses imposes a substantial burden upon interstate commerce. The purpose of the bill is stated to be the assurance of safe and healthful working conditions and to preserve our human resources. This purpose is attained; (1) encouraging employers to reduce the number of occupational injuries and health hazards in their establishments and to stimulate employers to institute new and perfect existing programs for providing safe and healthful working conditions; (2) providing for a separate but dependent responsibilities and rights on the part of employers and employees with respect to achieving a safe and healthful work environment; (3) creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards; (4) building upon advances already made through employer initiative in providing safe and healthful working conditions; (5) providing for comprehensive research concerning occupational safety and health with special emphasis on health problems; (6) providing criteria which will assure that no employee will suffer diminished health and functional capacity as a result of work experience; (7) providing for training programs; (8) providing for effective enforcement of the standards, including a prohibition on advance notice of any inspection; (9) encouraging the States to assume the fullest responsibility for administering and enforcing occupational safety and health laws; (10) providing assistance to the States in conducting research and development in carrying out their responsibilities under the Act, and to improve the administration and enforcement of State standards established under plans as approved by the Secretary of Labor; (11) providing for appropriate reporting procedures for accidents and injuries; and (12) encouraging joint labor-management efforts to reduce the number of occupational injuries and diseases.

SECTION 3—DEFINITIONS

This section contains definitions of certain terms used in the bill. The term "Secretary" means the Secretary of Labor. The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission as established under the Act. The term "Board" means the National Occupational Safety and Health Board as established under the Act. The terms "commerce" and "person" are also defined. The term "employer" means a person engaged in a business affecting commerce who has em-

ployees, but does not include: the United States or any State or political subdivision of a State. The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce. The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands. The term "occupational safety and health standard" is defined as a standard which requires conditions (or the adoption or use of one or more practices, means, methods, operations, or processes) reasonably necessary to provide safe or healthful employment and places of employment, and the term "national consensus standard" is defined as any occupational safety and health standard or modification thereof which the Board determines after consultation with other Federal agencies, has been adopted by a nationally recognized public or private standards-producing organization, using the consensus method through which the views of interested and affected parties are considered. The term "established Federal standard" means any operative occupational safety and health standard already established by any agency of the United States, or contained in any Act of Congress in force on the date of enactment of this Act.

SECTION 4—APPLICABILITY OF ACT

This section designates geographic application of act and provides that in areas where there are no Federal district courts having jurisdiction, the Secretary of the Interior shall provide for judicial enforcement.

SECTION 5—DUTIES OF EMPLOYERS

Subsection (a) provides that each employer must provide employment free from any readily apparent hazards which are causing or likely to cause death or serious physical harm to employees.

Subsection (b) requires each employer to comply with standards promulgated under the Act.

SECTION 6—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subsection (a) authorizes the National Occupational Safety and Health Board (established under section 8 of the Act) to promulgate rules prescribing occupational safety and health standards in accordance with formal APA procedures.

Subsection (b) requires the Board to promulgate as an occupational safety and health standard any national consensus standard or established Federal standard, unless it determines that such standard would not result in improved safety and health. No hearing is required, since this procedure is not subject to the APA, and such standards would take effect immediately upon publication in the Federal Register, and remain in effect until superseded by a standard promulgated pursuant to formal APA requirements (as provided in subsection (a)). This section requires the Board to promulgate such standards as soon as practicable but no later than 3 years after the date of enactment.

Subsection (c) provides that whenever the Board promulgates any standard, makes any rule, order, decision, or grants and exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register. The Board must also include in any rule it issues, which differs from an existing national consensus standard, a statement of why its rule better effectuates the purposes of the Act.

Subsection (d) authorizes any agency to participate in rulemaking.

Subsection (e) provides that the Secretaries of Labor and HEW may submit at any time a request to the Board to establish or modify a standard. The board must commence standard-setting procedures within 60 days of receipt of the request.

Subsection (f) authorizes any interested person to make a similar request to the Board, and the Board must give such requests due consideration.

Subsection (g) provides for the submission of additional evidence following the expiration of a standards-setting hearing.

Subsection (h) provides that the Board in determining priorities for setting occupational safety and health standards must give due regard to the needs of industries, trades, etc., for these standards.

Subsection (i) provides in paragraph (1) that where no standard exists, the Board may issue an emergency temporary standard which takes effect immediately on publication in the Federal Register. The Board is not required to hold any hearing prior to issuing such standards. But this authority is narrowly circumscribed. The Board may issue an emergency temporary standard only if it first determines (A) that employees are exposed to grave danger from exposure to substances determined (with the aid of HEW research; see sec. 17(a)(2)) to be toxic, or to new hazards resulting from the introduction of new processes and (B) that such emergency standard is necessary to protect employees from the type of danger just described.

Paragraph (2) of subsection (i) provides that an emergency temporary standard shall remain in effect until replaced by a standard issue through formal APA procedures.

Paragraph (3) requires the Board, as soon as the emergency temporary standard is published in the Federal Register, to start formal APA procedures, and promulgate its standard within 6 months of the date of publication of the emergency temporary standard. In these instances the emergency temporary standard is to serve as the notice of proposed rulemaking.

Subsection (j) authorizes the Board to appoint advisory committees to assist in its standard-setting function, where the Board desires such assistance. If appointed, the advisory committee shall submit its recommendations within 270 days (or longer or shorter if the Board prescribes, but in no event longer than 1 year and 3 months). These recommendations are printed in the Federal Register as notice of proposed rulemaking.

Paragraph (2) of subsection (j) provides that within 4 months, or as soon as practicable, after submission of advisory committee recommendations or the Board's proposals (made where an advisory committee has failed to submit recommendations), the Board shall give notice of a hearing. Such notice (including time, place, subjects, issues, and recommendations) is to be published in the Federal Register 30 days prior to the hearing. Only those who have submitted comments prior to the hearing shall have a right to submit oral evidence at the hearing but nothing shall prevent anyone from submitting written views for consideration.

Subsection (k) provides that, within 60 days (where an advisory committee is utilized) or 120 days (if no advisory committee) after completion of a hearing on the record, the Board shall issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such rule may contain a provision delaying the effective date up to 90 days to permit familiarization of employees and employers with the standard and its terms.

Subsection (l) permits employers to apply to the Board for an exemption from the standards. The applicant must show the Board by a preponderance of the evidence, that he is providing, or will provide, working conditions which are as safe and healthful as if he were to comply with the standards. The exemption, if granted, would be in the form of a rule issued by the Board after formal hearings and inspections. Affected employees must be given notice of an application for an exemption and also afforded an opportunity to participate in the hearing.

The rule of the Board shall prescribe the conditions, practices, means, methods, etc., which an employer-applicant must adopt and utilize to the extent that they differ from the standard in question.

Lastly, subsection (l) provides that the exemption-rule may be modified or revoked at any time after six months following its issuance upon application by the employer, the employees, or by the Board on its own motion. Procedures for modification or revocation are the same as those used for granting the exemption.

Subsection (m) requires that standards include any posting or labeling requirements which are necessary to place affected employees on notice of any hazards as well as suggest methods of avoiding the hazards.

SECTION 7—NATIONAL ADVISORY COMMITTEE

Subsection (a)–(d) direct the Secretary to appoint a National Advisory Committee on Occupational Safety and Health, consisting of 12 members, four of whom are to be designated by the Secretary of HEW, composed equally of representatives of management, labor, and the public, and selected upon the basis of their experience and competence in the field of occupational safety and health. The Committee is directed to advise, consult with, and make recommendations to, the Secretary on matters relating to the administration of the bill. The Committee must hold at least 2 meetings a year. All committee meetings must be open to the public and a transcript must be kept.

Subsection (e) authorizes the Board to appoint such advisory committees as it deems necessary to assist it in promulgating occupational safety and health standards under section 6 of the Act. The number of members on an advisory committee shall not exceed 15. The Board shall designate specific representatives to serve, as well as other public members qualified by knowledge and experience, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies.

This subsection also provides for the compensation of advisory committee members but forbids one to serve as a committee member (other than representatives of employers and employees) who has an economic interest in any proposed rule.

All committee meetings are to be open and an accurate record is to be kept.

SECTION 8—NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

This section provides for the appointment by the President of a five-member Board to promulgate occupational safety and health standards as authorized by section 6 of the proposal. The Board shall serve at the pleasure of the President and he shall designate its chairman.

Subsections (b) through (k) of the instant section provide the necessary housekeeping and procedural authority for the effective operation of the Board in carrying out its standards-setting functions under the Act.

SECTION 9—DUTIES OF THE SECRETARY: INSPECTIONS, INVESTIGATIONS, AND REPORTS

Subsection (a) authorizes the Secretary of Labor to make inspections and investigations in a reasonable manner of places subject to the Act.

Subsection (b) requires that, if an employer or his representative accompanies an inspector during an inspection, a represent-

ative of the employees must also be given an opportunity to accompany the inspector.

Subsection (c) requires employers to keep and make available to the Secretary such records as he may prescribe as necessary for carrying out his duties under the Act.

Subsection (d) provides the Secretary of Labor with subpoena power of books, records, and witnesses.

Subsection (e) authorizes the Secretary to use other Federal agencies and State agencies and to employ experts and consultants to assist him in carrying out his responsibilities under the Act. Appropriate consent and reimbursement provisions are included. The Secretary is also authorized to delegate such authority to other Federal agencies, or to appropriate State agencies with their consent and under conditions agreed upon by the Secretary and the State agency.

Subsection (f) directs the Secretary, the Secretary of HEW, or a State agency to avoid the duplication of effort in obtaining information and to obtain such information in a manner that will place a minimum burden on employers.

Subsection (g) authorizes the Secretary to prescribe rules and regulations for carrying out his functions, including rules and regulations relating to inspections.

Subsection (h) authorizes the appropriation of funds to enable the Secretary to purchase necessary monitoring equipment for the purpose of measuring employee exposure to work environments which might cause cumulative or latent ill effects.

SECTION 10—CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

Subsection (a) provides that Secretary shall issue a citation for a violation of the Act's requirements unless the violation is *de minimis*. The citation must be in writing and detail the nature of the violation.

Subsection (b) requires that the citation also include the amount of any proposed penalty and a reasonable time for correction.

Subsection (c) requires the Secretary to issue the citations within 45 days from the occurrence. For good cause the time period may be extended for up to 90 days.

Subsection (d) provides that an employer may obtain a formal hearing on the citation before the Occupational Safety and Appeals Commission (as established under section 11 of the Act). In order to obtain a hearing an employer must notify the Secretary within 15 days after he receives a citation of his intention to contest the citation; the Secretary in turn must notify the Commission. If the employer does not give notice of his intention to contest the citation, it becomes a final order of the Commission the day after the expiration of the 15 day notice period.

Subsection (e) requires employers to post citations near where the violation for which the citation was given occurred.

Subsection (f) limits the time for issuing citations to three months following the occurrence of the violation.

Subsection (g) provides that when the Secretary compromises, mitigates, or settles any penalty he must publish the reasons for his action in the Federal Register.

SECTION 11—OCCUPATIONAL SAFETY AND HEALTH COMMISSION

This section establishes the Occupational Safety and Health Commission for the purpose of adjudicating cases of alleged violations brought before it. The 3-member Commission would be Presidentially appointed with the advice and consent of the Senate for staggered 6-year terms. Qualifications for the position would rest solely on the fitness to perform the duties of the office.

The section also sets forth all of the necessary rule-making, procedural, and housekeeping authority necessary for the proper functioning of the Commission.

SECTION 12—PROCEDURES TO COUNTERACT IMMINENT DANGERS

This section grants jurisdiction to the U.S. district courts to grant appropriate temporary relief in imminent danger situations. Such a danger is one that could reasonably be expected to cause death or serious physical harm before it could be eliminated through the enforcement procedures otherwise provided by the Act. These proceedings are made subject to Rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for more than 5 days. The courts are authorized to issue such injunctive relief or temporary restraining orders under this section pending the outcome of a section 11 enforcement proceeding.

An inspector is required to inform employees and employers of the imminent danger, and of the fact that he is recommending to the Secretary that appropriate relief, as authorized in this section, be sought.

The section also provides for damages in the Court of Claims for employees, if the Secretary unreasonably fails to seek appropriate injunctive or temporary relief in imminent danger situations. There is also a separate provision for employer damages. Employer damages would be provided by the setting aside by the district court which issues the injunctive or temporary relief a sum to cover costs, damages, and attorney's fees. In no case may an employer recover more than the court sets aside.

SECTION 13—JUDICIAL PROCEEDINGS

Subsection (a) authorizes employers to obtain judicial review of the Occupational Safety and Health Commission's order by filing a petition for review within 60 days of the issuance of the order in a U.S. Court of Appeals in the circuit where the violation is alleged to have occurred. This subsection also authorizes the Secretary to obtain judicial review or enforcement of a Commission order by filing the appropriate petition in the appropriate U.S. Court of Appeals.

Subsection (a) also provides that the Occupational Safety and Health Commission may modify or set aside its findings, orders or rules until such time as the record is filed in a court.

The subsection also grants the U.S. Court of Appeals *jurisdiction* to affirm, set aside or enforce a Commission order. To the extent that the Court affirms an order it must thereupon issue its own order requiring compliance with the terms of the Commission's order.

No objection to the Commission's orders shall be considered unless such objection was urged before the Commission or there were reasonable grounds for failure to urge such objection. The findings of the Commission shall be conclusive if supported by substantial evidence on the record. For good cause a case may be remanded to the Commission for the taking of additional evidence.

The judgment of the Court is made final subject to review by the Supreme Court upon certiorari or certification.

Subsection (b) provides for the exclusive method for obtaining judicial review of the Board's standards as promulgated under section 6 of the Act. Any interested person affected by the action of the Board in issuing a standard may seek such review. Only the United States Court of Appeals for the District of Columbia shall have jurisdiction to entertain a petition for review of a Board standard. The petition must be filed within thirty days following the publication of the rule by the Board. Review by the Court shall be in accordance with the judicial review provisions of the Administrative Procedure Act (5 U.S.C. 706).

For good cause shown, the Court may remand the case to the Board to take further evidence. And, lastly, this subsection provides that a review proceeding shall not, unless specifically ordered by the Court, delay the application of the Board's standards.

Subsection (c) authorizes the Secretary to collect civil penalties; and the subsection also authorizes suit for recovery of such sums.

Subsection (d) grants jurisdiction to the U.S. District Courts with respect to actions brought to collect civil penalties. The courts may also provide any additional relief deemed appropriate in order to enforce an order issued by the Occupational Safety and Health Commission.

SECTION 14—REPRESENTATION IN CIVIL LITIGATION

Provides that the Solicitor of Labor may appear and represent the Secretary in civil litigation subject to the direction of the Attorney General.

SECTION 15—CONFIDENTIALITY OF TRADE SECRETS

This section assures the confidentiality of trade secrets.

SECTION 16—VARIATIONS, TOLERANCES, AND EXEMPTIONS

The Secretary may provide reasonable limitations, variations, tolerances to avoid serious impairment of the national defense; to be effective for no more than 6 months, unless notice and opportunity for hearing is afforded affected employees.

SECTION 17—PENALTIES

Subsection (a) provides that for willful or repeated violations a penalty of up to $10,000 may be assessed for each violation.

Subsection (b) requires that any citation issued for a serious violation of the Act's requirements must include a proposed penalty of up to $1,000 for each violation.

Subsection (c) provides that where the Secretary determines that a violation of the Act's requirement is not of a serious nature, he may include in the citation a proposed penalty of up to $1,000 for each such violation.

Subsection (d) provides that any employer who violates any final order may be assessed a penalty of up to $1,000 for each violation. If such violation is of a continuing nature each day constitutes a separate offense.

Subsection (e) provides that any person who forcibly resists a person in the performance of his duties under this Act is subject to a $5,000 fine or imprisonment for not more than 3 years or both. The use of a dangerous weapon subjects one to a fine of not more than $10,000 or imprisonment for not more than 10 years. Murder of a person in the performance of his duties subjects one to imprisonment for a term of years or life.

Subsection (f) provides for a penalty of up to $1,000 for each violation of a posting requirement. The Commission would assess such penalties.

Subsection (g) provides a civil penalty of up to $10,000, and a possible criminal fine of up to $10,000 or imprisonment for a period not to exceed 10 years or both for discriminating against employees who exercise their rights pursuant to this Act.

Subsection (h) grants the Occupational Safety and Health Commission the authority to assess and collect penalties.

Subsection (i) defines a serious violation.

SUBSECTION 18—STATE JURISDICTION AND STATE PLANS

Subsection (a) provides that a State may assert jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6 (occupational safety and health standards).

Subsection (b) provides that States may submit a state plan for the development and enforcement of standards relating to occupational safety or health issues that have been

dealt with in standards promulgated under section 6.

Subsection (c) provides that the Secretary shall approve the plan submitted by a State under subsection (b) or any modification thereof, if—

(1) a State agency (or agencies) is designated for administering a plan throughout the State;

(2) it provides for the development and enforcement of standards which are or will be at least as effective as section 6 standards;

(3) it provides for the right of entry and inspection of all workplaces subject to the act at least as effective as provided in section 9(a)(1) and includes a prohibition on advance notice of inspections;

(4) it contains assurances of legal authority and qualified State personnel;

(5) it contains assurances of adequate State funds for administration and enforcement;

(6) it contains assurances that the State will to the extent permitted by law establish programs for its employees and employees of its political subdivisions which are as effective as the standards contained in an approved plan;

(7) it requires employers in the State to make reports in the same manner and extent as if the plan were not in effect;

(8) it provides that the State agency will make reports to the Secretary in such form as the Secretary shall from time to time require.

Subsection (d) provides that if the Secretary rejects a plan, he shall afford a State due notice and opportunity for a hearing.

Subsection (e) provides that after approval of a State plan, the Secretary may exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under sections 6 for at least 3 years after the plan's approval under subsection (c). After State plan approval, provisions of sections 5(b), 9 (except for the purposes of carrying out subsection (c)), 10, 11 and 12 shall not apply, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under sections 10 and 11 before the date of determination.

Subsection (f) provides that the Secretary continually evaluate a State plan. The Secretary has the power to withdraw approval of a State plan if he finds a failure to comply substantially with any provision of the State plan.

Subsection (g) provides that a State may obtain review of the Secretary's withdrawal of approval or rejection of a plan in the U.S. Court of Appeals. The Secretary's decision shall be sustained unless the court finds that the Secretary's decision was arbitrary and capricious. This subsection provides for further appeal to the Supreme Court.

SECTION 19—FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

Subsection (a) provides that each Federal agency shall maintain a comprehensive occupational safety and health program consistent with standards promulgated under section 6. The head of each agency, after consultation with representatives of employees, shall provide—

(1) places of employment and conditions consistent with standards under section 6;

(2) acquire and maintain and require the use of safety devices to protect its personnel;

(3) keep adequate records;

(4) consult with the Secretary with respect to the agency's program; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries.

Subsection (b) provides that the Secretary shall submit a summary of reports submitted to him under subsection (a)(5) to the President. The President shall transmit annually to the Senate and House of Representatives a report of the activities of Federal agencies under this section.

Subsection (c) amends section 7902(c)(1) of title 5, United States Code, by permitting labor organizations representing employees to serve on the President's Federal Safety Council.

Subsection (d) provides that the Secretary shall have access to the records and reports filed by Federal agencies pursuant to the requirements of this Act, unless the records and reports are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.

SECTION 20—TRAINING AND EMPLOYEE EDUCATION

Subsection (a) authorizes the Secretary of HEW, after consultation with the Secretary of Labor, other Federal agencies and the Board to conduct directly or by grant or contract, programs

(1) to educate and train peronnel;

(2) to provide informational programs.

Subsection (b) authorizes the Secretary to conduct directly or by grants or contracts short-term training of personnel.

Subsection (c) provides that the Secretary together with the Secretary of HEW shall educate and train employers and employees in the recognition and avoidance of accidents, and consult and advise employers and employees as to means of preventing injuries and illnesses.

SECTION 21—GRANTS TO THE STATES

Subsection (a) provides that the Secretary, during fiscal year 1971, and the 2 succeeding fiscal years, may make grants to State agencies designated under section 18 (c) to assist—

(1) in identifying needs;

(2) in developing plans under section 18;

(3) in developing plans for—

(a) collecting statistical data;

(b) increasing personnel capabilities;

(c) improving administration and enforcement, including standards.

Subsection (b) provides that the Secretary, commencing in fiscal year 1971, and the 2 succeeding fiscal years, shall make experimental and demonstration grants.

Subsection (c) provides that the Governor of a State shall designate the State agency to receive a grant.

Subsection (d) provides that the State agency designated by the Governor shall submit grant applications to the Secretary.

Subsection (e) provides that the Secretary, after review with the Secretary of HEW, shall accept or reject the application for grant.

Subsection (f) provides that the Federal share for each State grant under (a) or (b) of this section may be up to 90 percent. Different percentage distribution among the States shall be established on the basis of objective criteria.

Subsection (g) authorizes the Secretary to make grants to States to assist them in administering and enforcing programs for occupational safety and health contained in State plans. The Federal share may be up to 50 percent of the total cost. Differential in allotments to the States must be based on objective criteria.

Subsection (h) provides that the Secretary must make a report after consultation with the Secretary of HEW to the President and the Congress prior to June 30, 1973.

SECTION 22—ECONOMIC ASSISTANCE TO SMALL BUSINESS

This section authorizes loans (by amending the Small Business Act) to small businesses as are necessary and appropriate to assist them in meeting certain costs resulting from the enactment of this Act.

SECTION 23—HEALTH RESEARCH AND RELATED ACTIVITIES

Subsection (a)(1) of this section directs the Secretary of Health, Education, and Welfare, to conduct research, demonstrations, and experiments relating to occupational safety and health after consultation with the Secretary of Labor, the Board, and other appropriate Federal agencies. The Secretary of Health, Education, and Welfare may conduct these activities either directly or by grants or contracts.

Under subsection (a)(2), the Secretary of Health, Education, and Welfare is directed to consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria (including criteria for identifying toxic substances) enabling the Board to meet its responsibility for the formulation of safety and health standards under the Act. The Secretary of Health, Education, and Welfare, on the basis of the research, demonstrations, and experiments and any other information available to him, is directed to develop such criteria.

In addition, subsection (a)(3) directs the Secretary of Health, Education, and Welfare to conduct special research which may be necessary to explore new problems in occupational safety and health. This would include problems caused by new technology which may require ameliorative actions beyond the reach of the present Act. Also, the Secretary of HEW is directed to conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

Subsection (a)(4) requires the Secretary of HEW to publish within six months of enactment and again as needed, but at least annually, a list of known toxic substances.

Subsection (a)(5) requires the Board to respond to requests from employers or employees for a determination of whether a substance found in a workplace is toxic or otherwise harmful.

Subsection (c) of this section authorizes the Secretary of Labor to contract or otherwise arrange for the conduct of studies relating to his responsibilities under the Act by public or private organizations. It provides for consultation between the two Secretaries in order to avoid duplication of efforts.

SECTION 24—STATISTICS

This section directs the Secretary to develop and maintain a broadly based effective program of collection, compilation, and analysis of occupational safety and health statistics. To achieve this purpose, the Secretary is authorized to engage directly in statistical programs and related activities; to make grants to the States to assist them in their programs; and to arrange, through grants or contracts, for the conduct of research or investigations which give promise of furthering the objectives of this section.

Subsection 24(c) provides that the Federal share for each State grant under the statistics section may be up to 50 percent of the State's total cost.

Subsection 24(d) authorizes the Secretary to use State agencies, with consent and with or without reimbursement, to assist him in carrying out his responsibilities under the statistics section.

Subsection 24(e) requires employers to file reports which the Secretary may need to carry out his functions under the statistics section.

Lastly, subsection 24(f) provides that existing agreements between the Department of Labor and the States relating to the collection of occupational safety and health statistics shall remain in effect until later superseded by grants or contracts.

SECTION 25—EFFECT ON OTHER LAWS

Subsection (a) of this section provides that the bill does not alter or affect in any way workmen's compensation law, or any common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of or in the course of employment.

Subsection (b) provides that nothing in the Act applies to, or authorizes the Board

or the Secretary of Labor to regulate, working conditions of employees with respect to whom another Federal agency, or State agency under section 274 of the Atomic Energy Act of 1954, have statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Subsection (c) provides that the standards promulgated under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 *et seq.*, the Service Contract Act, 41 U.S.C. 351 *et seq.*, and the National Foundation on Arts and Humanities Act, 20 U.S.C. 951 *et seq.*, are repealed and rescinded on the effective date of corresponding standards promulgated under the Act. The Secretary has the authority to determine what are corresponding standards.

Subsection (e) requires the Secretary to report to Congress within three years after enactment concerning his recommendations for avoiding unnecessary duplication among other Federal laws.

Subsection (d) of this section makes this Act inapplicable to employers in the construction industry. Subsections (f) through (j) place all construction workers under the protection of the "Construction Safety Act" (P.L. 91-54). Specifically, these subsections provide that all construction workers would come under the protection of safety and health standards developed by the Secretary of Labor under the procedures prescribed by the "Construction Safety Act." However, enforcement and adjudication proceedings for alleged violations of occupational safety and health standards (promulgated by the Secretary pursuant to the procedures of the Construction Safety Act), would be conducted pursuant to the procedures of this Act, (Occupational Safety and Health Act). The additional sanctions of contract debarment and cancellation now provided for under the "Construction Safety Act" would remain.

SECTION 26—AUDITS

This section authorizes the Secretary to prescribe recordkeeping requirements with respect to grant programs under the bill. Both the Secretary and the Comptroller General will have access to records relating to these programs.

SECTION 27—REPORTS

The Secretary of Labor, the Board, and the Secretary of Health, Education, and Welfare are required to submit, once every 2 years, a joint report to the President for transmittal to Congress on the progress being made in the field of occupational safety and health and on the needs and requirements in that field. The report may include recommendations.

SECTION 28—OBSERVANCE OF RELIGIOUS BELIEFS

This section provides an exception for those who object to medical examination, immunization or treatment on religious grounds. However, in instances where the failure to obtain a medical examination, immunization, or treatment might be harmful to the safety and health of others the exception would not apply.

SECTION 29—APPROPRIATIONS

This section authorizes necessary appropriations to carry out the purposes of the Act.

SECTION 30—EFFECTIVE DATE

This section provides that the provisions of the Act will go into effect 120 days after enactment.

SECTION 31—SEPARABILITY

This section contains a separability provision.

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE HOUSE COMMITTEE REPORTED OCCUPATIONAL SAFETY AND HEALTH BILL (H.R. 16785) AND THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL

H.R. 16785	SUBSTITUTE BILL
I. Coverage	*I. Coverage*
Covers all employers engaged in business affecting inter-state commerce, excluding Federal and State governments (sec. 2-3), but State-plan section requires States to make their plan-standards applicable to both State and local public employees (sec. 17(c)(5)). Also, employers may apply to Secretary of Labor for exemption from specific standards if employer provides working conditions just as safe as Federal-standard conditions (sec. 7(b)).	Same, except State-plan section is modified so as to avoid the conflict of State *versus* local control in applying State standards to public employees (sec. 18(c)(6)); and the employer applies to the *Board* and not to the Secretary of Labor for the exemption (sec. 5(1)).
II. Standards	*II. Standards*
1. Authority To Issue Standards	1. Authority To Issue Standards
Secretary of Labor (secs. 6-7).	Occupational Safety and Health Board, separate and independent of other Federal agencies. Board is composed of five members, all qualified by previous training, education or experience in the field of occupational safety and health; appointed by and serve at the pleasure of the President (secs. 6 and 8).
2. Types of Mandatory Standards	2. Types of Mandatory Standards
(a) *Interim standards* of three kinds must be promulgated by the Secretary of Labor during first 2 years of the new law's existence, unless he decides they will not assure safer and more healthful working conditions: national consensus standards; standards also developed by national organizations but by a non-consensus method; and already existing Federal standards. These interim standards stay in effect until superseded by another interim standard or by a permanent standard. Secretary of Labor must start procedures to set a permanent standard 90 days after interim standard is promulgated (sec. 6).	(a) National consensus standards and already existing Federal standards must be promulgated by *Board*, unless it determines they will not assure safer and more healthful working conditions. Must be issued as soon as practicable, but not later than 3 years after effective date of law and remain effective until superseded by action of the Board.
(b) *Temporary emergency standards* must be promulgated by the Secretary of Labor if needed to combat grave danger from toxic substances or new hazards (sec. 7(c)(1)). These standards stay in effect only 6 months or until procedings to set permannt replacement standards are ended, but there is no time deadline for ending the proceedings or issuing a permanent standard (sec. 7(c)).	(b) Same, except *Board* issues the temporary emergency standards and they stay in effect until replaced by permanent standards which the Board is required to issue within 6 months after temporary emergency standards are issued (sec. 6(i)).
Secretary must conduct an inspection before he promulgates a temporary emergency standard.	No inspection by Secretary of Labor required prior to promulgation of temporary emergency standard.
(c) *Permanent standards*	(c) Also provides for permanent standards.
3. Procedures for Setting Standards	3. Procedures for Setting Standards
(a) Interim standards are issued by Secretary of Labor *following a hearing* which is required but it is of an informal nature (sec. 6).	(a) National consensus standards and already existing Federal standards promulgated by the Board by publishing them in the Federal Register; no hearings or other APA procedures apply (sec. 6(b)).
(b) *Temporary emergency standards* become effective *30 days after publication* in Federal Register (sec. 7(c)(1)).	(b) Temporary emergency standards become effective *immediately* on publication in Federal Register (sec. 6(i)(1)).
(c) *Permanent standards.* In order to set *each* standard, the Secretary of Labor *must* first appoint an Advisory Committe and give Committee up to 270 days (period may be shortened or lengthened by the Secretary of Labor) to submit its recommendations to him. If the Advisory Committee recommendations are timely filed, the Secretary of Labor has up to four months to schedule formal APA hearings on standards plus Advisory Committee recommendations.	(c) *Permanent standards* are set by the Board, using formal APA procedures. The use of *Advisory Committees* is authorized, but not mandatory.
If not timely filed, Secretary of Labor proceeds with formal APA hearing on his own. Standards are promulgated by Secretary 60 days after hearing ends. (sec. 7 (a) and (b)).	Board shall issue a standard 60 days after hearing ends (if Advisory Committee is utilized), and 120 days afterwards (if no Advisory Committe is utilized).
	Also, Secretary of HEW or Secretary of Labor may request the setting or modification of a standard, and the Board must commence standard-setting procedures within 60 days after request is made (sec. 6 (j) through (m)).
For employer exemption from standards, see I. this chart.	For employer exemption from standards, see I. this chart.
4. Judicial Review of Standards	4. Judicial Review of Standards
No express provision for judicial review of standards.	Provides for judicial review in U.S. Court of Appeals for the District of Columbia. This review is exclusive remedy (sec. 13(b)).

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE HOUSE COMMITTEE REPORTED OCCUPATIONAL SAFETY AND HEALTH BILL (H.R. 16785) AND THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL—Continued

H.R. 16785—continued	SUBSTITUTE BILL—continued
III. General duty	*III. General duty*
Contains general requirement that employers maintain safe and healthful working conditions. This general duty is in addition to requirement that employers comply with specific standards issued under the Act. (sec. 5).	Contains a precise requirement that employers furnish employment free from readily apparent hazards which are likely to cause death or serious physical harm. (Also requires compliance with specific standards). (sec. 5.)
IV. Enforcement	*IV. Enforcement*
1. In General	1. In General
Enforced by Secretary of Labor in hearings before Labor Dept. hearing examiners. Secretary of Labor's corrective orders may be enforced in the Federal district courts (sec. 11).	Enforced by Secretary of Labor before an independent Federal agency, the Occupational Safety and Health Appeals Commission, set up under sec. 11. Corrective orders of the Commission may be enforced by the Secretary of Labor in the U.S. Courts of Appeals (sec. 10, 11, and 13).
2. Inspections and Investigations	2. Inspections and Investigations
Secretary of Labor is authorized to make inspections and investigations (sec. 9). A representative of the employer and an authorized representative of the employees must be given an opportunity to accompany inspector on his inspections.	Also authorizes Secretary of Labor to make inspections, but the right of an employee-authorized representative to accompany an inspector on inspections is contingent upon the employer's exercising his option to also accompany the inspector.
3. Citations and Civil Penalties	3. Citations and Civil Penalties
There are three types of citations and penalties: (a) Sec. 10(a) provides that where employer violates any standard, exemption order, or reporting requirement and where serious danger potential exists by reason of these violations, then Secretary of Labor *must* issue citation and is *mandated* to include in such citation a proposed civil penalty of up to $1000 per violation. (b) Sec. 10(b) provides that where employer violates general duty *coupled with existence of serious danger,* or violates a reporting regulation not coupled with existence of serious danger, then Sec. of Labor *must* issue citation but the inclusion of a proposed civil penalty of up to $1000 per violation is *discretionary* with Secretary of Labor; and (c) Sec. 10(c) provides that where employer violates general requirement or any standard but serious danger is not present, Secretary of Labor must issue citation, but *no proposed civil penalty is attached.* However, any employer who *willfully* violates any specific standard is liable to a civil penalty of up to $10,000 per violation.	The Substitue bill provides that the Secretary of Labor shall issue a citation for *every* violation of the Act's requirements unless *de minimis* and must do so within 45 days of the occurrence of the violation; and no citation may be issued after the expiration of three months after the occurrence of a violation (sec. 10). A *willful* or *repeated* violation of the Act's requirements carries a possible civil penalty of up to $10,000 per violation. It is *mandatory* in the case of a serious violation that the citation include a civil penalty of up to $1,000 per violation; and ordinary violations carry a *discretionary* civil penalty in the same amount. A violation of a final order (or of a citation which has become a final order through an employer's failure to appeal a citation within 15 days of its issuance) carries a possible civil penalty of up to a $1,000 per violation. Each day of continued violation in this case is a separate offense.
4. Enforcement Procedures	4. Enforcement Procedures
Where Secretary of Labor issues a citation, employer has 15 days within which to contest it by requesting Secretary of Labor to hold Department of Labor administrative hearing. On the basis of the hearing, Secretary of Labor issues orders. If not timely contested citation becomes final order not subject to review. Secretary of Labor may enforce his orders in the Federal district courts where employers may also seek review, unless the order is one which became final because it was uncontested (sec. 11).	Establishes Occupational Safety and Health Appeals Commission, composed of 3 members appointed by the President. When Secretary of Labor issues citation, employer has 15 days within which to contest it to Secretary. If employer so contests, Secretary notifies Appeals Commission which shall afford employer with opportunity for hearing. Enforcement of Commission's orders, or review of those orders, would be in U.S. Courts of Appeals.
V. Criminal penalties	*V. Criminal penalties*
Forcibly impeding enforcement is made a felony; and it would be a misdemeanor to give advance notice of an employee who avails himself of the Act's protections (sec. 15)	Same, except: (1) there is *no criminal penalty for giving advance notice of an inspection.* Under the Substitute bill the problem of advance notice would be handled administratively by the Secretary of Labor (sec. 2(b)(10)); and the States would handle this the same way (sec. 18(c)(3)).; (2) the Substitute also provides civil penalty for discriminating against employees.
VI. Imminent danger	*VI. Imminent danger*
Permits Department of Labor inspector to issue on-the-spot shut-down orders effective for 5 days where in the inspector's judgment there is imminent danger to employees. Also permits Secretary of Labor to seek injunctive relief in Federal district courts (sec. 12).	Provides *only* for U.S. district court injunctive relief as remedy in imminent harm situations. Rule 65 of Federal Rules of Civil Procedure applies, except relief granted by the court without notice is effective for only 5 days. Inspector *must* notify both employer and employees that he is going recommend to the Secretary that relief be sought.
Damages. If Secretary of Labor *arbitrarily* or *capriciously* issues or fails to issue shut-down order, any person injured thereby, physically or financially, may bring action for damages in U.S. Ct. of Claims.	*Damages.* Damages like those permitted in the Committee bill are available to employees. But test, here, is "unreasonable" failure of Secretary of Labor to seek shut-down order (sec. 12(d)). Damages for employers are determined by the U.S. district court which sets a certain sum which may be recovered as damages by the employer. This method is modeled on Rules 65(c) of the Federal Rules of Civil Procedure (bonding provisions). Thus, the same court which grants the injunctive relief in imminent-danger situations would also determine amount of damages. (sec. 12(e)).
VII. Relationship to other laws administered by the Labor Department	*VII. Relationship to other laws administered by the Labor Department*
1. Walsh-Healey Act, Service Contract Act, and National Foundation on Arts and Humanities Act	1. Walsh-Healey Act, Service Contract Act, and National Foundation on Arts and Humanities Act
Provides that standards under these Acts are "replaced" as corresponding standards are promulgated under the Occupational Safety and Health Act (sec. 4).	Essentially the same (sec. 25(c)).
2. Construction Safety and Health Act (Public Law 91–54)	2. Construction Safety and Health Act (Public Law 91–54)
Treats the same way as it does Walsh-Healey Act, etc. (see above).	In keeping with the recent policy of Congress with respect to protecting construction workers, the Substitute bill would place all construction workers under the protection of the "Construction Safety Act" (Public Law 91–54). Therefore, the Substitute bill expressly provides that the Occupational Safety and Health Act would not apply to employers in construction work. The Substitute bill would also amend Public Law 91–54 to provide that all construction workers would come under the protection of standards developed by the Secretary of Labor under the procedures of Public Law 91–54. The Substitute bill amends Public Law 91–54 to permit the Secretary of Labor to bring cases of alleged violations of construction safety and health standards before the Occupational Safety and

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE HOUSE COMMITTEE REPORTED OCCUPATIONAL SAFETY AND HEALTH BILL (H.R. 16785) AND THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL—Continued

H.R. 16785—continued	SUBSTITUTE BILL—continued
VIII. Relationship to other Federal programs Act will not apply to working conditions of employees to whom another Federal agency has statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health (sec. 22(b)).	*VIII. Relationship to other Federal Programs* Same, except added to Federal agency is *State agency* with authority to set standards under sec. 274 of the Atomic Energy Act (sec. 25(b)).
IX. Confidentiality of trade secrets Assures the confidentiality of trade secrets (sec. 14).	*IX. Confidentiality of trade secrets* Same (sec. 15).
X. Variations, Tolerances, and exemptions Variations, tolerances, and exemptions from the Act's provisions may be granted by the Secretary of Labor in order to avoid "serious impairment of the national defense" (sec. 16). The additional sanctions of contract debarment and cancellation now provided for under Public Law 91–54 would remain (sec. 25).	*X. Variations, Tolerances, and exemptions* Same, except the *Board*, not the Secretary of Labor, may grant the variations, tolerances and exemptions (sec. 16).
XI. Federal-State relationship 1. Where No Federal Standards Exist State standards would apply and be enforced where no Federal standards have been promulgated.	*XI. Federal-State relationship* 1. Where No Federal Standards Exist Same.
2. State Plans States which desire to set their own standards may submit a plan to the Secretary of Labor. If approved by him, the State standard and its enforcement by the State would control. However, the Secretary may apply the Federal law in whole or in part in the plan-approved State until he determines, not later than three years after the initial approval, that the plan is operating effectively. But in no event is the Secretary precluded from making inspections at any time to evaluate a State's operations under its plan. One of the several elements, or criteria, which the bill requires a State to include in its plan, is that the State will make all standards included in the plan applicable *to all public employees of the State and its political subdivisions* (sec. 17).	2. State Plans Same, except State-plan criterion with respect to making State standards applicable to public employees of both the State and local governments, is modified in the Substitute bill to take into account existing State laws whereunder some State governments do not have full control over the public employees working for autonomous local governments. Because of situations like this, a State government would not be in a position to agree that it will make its standards applicable to *all* public employees throughout the State (sec. 18).
3. Judicial Review of State Plans Judicial review may be obtained in the U.S. Court of Appeals in the circuit in which the State is located of the Secretary of Labor's decision to reject or withdraw approval of a State plan. Court's test would be whether the Secretary's action was arbitrary or capricious. (Sec. 17(g)).	3. Judicial Review of State Plans Same, (sec. 18(g)).
XII. Federal employee safety Provides safety and health programs to be established by agency heads; programs will be consistent with standards developed under the Act. Consultation with employee representatives is required. (Sec. 18).	*XII. Federal employee safety* Same, (sec. 19).
XIII. Research, employee training, safety-health personnel education, and grants to the States (a) Provides that the Secretary of HEW (directly or by grants or contracts) (1) conduct research in the field of occupational safety and health; (2) produce criteria to assist Secretary of Labor in developing standards; (3) conduct special studies in new problem areas, especially in health matters; (4) develop procedures under which employers *may be required under certain circumstances to measure exposure to toxic substances;* (5) make determinations regarding toxic substances. On the basis of these determinations employers will be required to prohibit employment which would involve exposure to noxious substances, unless appropriate labeling and other precautionary measures are employed. Also permits employee to absent himself from circumstances involving risk connected with toxic substances—without loss of regular compensation for the period of such absence; and (c) set up accident and health reporting systems for employers and for States. (Sec. 19.)	*XIII. Research, employee training, safety-health personnel education, and grants to the States* (a) Essentially the same, but with some differences, i.e., the Substitute Bill *does not have any provisions under which an employer could be required to measure exposure to toxic substances.* Instead, the Substitute bill has a provision authorizing funds to enable Secretary of Labor to purchase equipment which he deems necessary to measure exposure of employees to working conditions involving ill effects from exposure to toxic substances. (Sec. 9(h).) The provisions requiring labeling in toxic-substance environments are also different. Instead of the labeling provisions of the Committee reported bill, including those dealing with employees being absent from noxious working environments, the Substitute bill provides that standards promulgated under the Act shall prescribe the posting of such labels and warnings as are necessary to apprise employees of the nature of hazards and the means and methods of avoiding them. Thus, the Substitute bill would make all the Act's enforcement procedures and penalties which are applicable to standards generally, also applicable to those which include labeling requirements. (Sec. 6(m).)
(b) Requires Secretary of HEW to set up educational programs for safety-health personnel; authorizes Secretary of Labor to provide short-term training for safety-health personnel; requires Secretary of Labor to set up educational program for employers and employees concerning how to avoid accidents, etc. (sec. 20).	(b) Same.
(c) Also authorizes Secretary of Labor to make planning grants to the States (90% Federal participation) and also program grants (50% Federal participation).	(c) Same.
XIV. Economic assistance to small businesses No provision.	*XIV. Economic assistance to small businesses* Would amend the Small Business Act to permit loans to small businesses as are necessary and appropriate to assist them in meeting certain costs resulting from the enactment of the Occupational Safety and Health Act. (Sec. 22).
XV. Statistics No provisions comparable to those of substitute bill.	*XV. Statistics* Contains provisions to set up a full statistical program in response to one of the greatest needs in the field of occupational safety and health; that is, the lack of adequate statistical data to gage the nature and extent of job hazards. Program would include grants to the States; and the Federal share may be up to 50% of the State's total program cost.
XVI. Observance of religious beliefs No provision.	*XVI. Observance of religious beliefs* Provides that the act shall not be deemed to authorize or require medical examination, immunization, or treatment for those who object on religious grounds, except where such medical procedures are necessary for the protection of the health or safety of others.
XVII. Appropriation Such sums as may be necessary.	*XVII. Appropriation* Same.
XVIII. Effective date First day of the first month which begins more than 30 days after date of enactment.	*XVIII. Effective date* 120 days after date of enactment.

MINORITY VIEWS ON H.R. 16785

We had every confidence that in this session of Congress we would see the enactment of effective Federal legislation to bring about safe and more healthful working conditions in this country. That confidence was born of the fact of President Nixon's having recommended this legislation in three separate messages to Congress, including a special one devoted exclusively to the urgent and unique problems of job safety and health.

Our hope was sustained over the months by clear indications from majority members that while reasonable men might differ, any differences could be worked out so that we might achieve the goal of enacting a genuinely effective law to reduce job hazards. These indications of apparent willingness to overcome differences even led us to offer a completely new bill as a substitute for the Administration's original bill. And we were willing to reach further accord with the majority up until the final moments before the Committee reported out its bill.

Unfortunately, our efforts were in vain. In retrospect, the majority's willingness to work out disputed points proved to be illusory. In sum, the Committee had rejected the original Administration bill which had been carefully drafted to take account of the harsh but well deserved lessons learned from the 90th Congress' experience with occupational safety and health legislation. The Committee then rejected the Administration's substitute; and finally, spurning even our eleventh hour endeavors to produce a viable piece of legislation, the Committee reported out a bill which we had to vote against.

The measure as reported by the Committee is unacceptable because in rejecting the concept of an independent Board to set standards, the bill would create a monopoly of functions in the Secretary of Labor. Such a monopoly not only ignores the element of fairness to those required to comply with the Act, but also fails to resolve the jurisdictional division between HEW's responsibility for health and the Labor Department's for safety. In addition, the Committee bill does not overcome the widespread objection to permitting an inspector to close down a plant in imminent-danger situations. We regard this as a serious shortcoming. Lastly, the Committee bill contains a sweeping general duty requirement that employers maintain safe and healthful working conditions. This broad mandate is grossly unfair to employers who may be penalized for situations which they have no way of knowing are in violation of the Act.

I. GENERAL DIFFERENCES

The single most important difference between the Committee bill and the substitute is where and how, each would place the prime responsibility for providing safe and healthful working conditions.

The Committee bill follows the stock approach of placing all responsibility in the Secretary of Labor. He would set standards through a time-consuming and complicated procedure involving *ad hoc* advisory committees; he would enforce the standards, prosecute violations before Labor Department hearing examiners; and he again, would be the one to issue corrective orders along with assessing civil penalties.

The substitute bill, on the other hand, refocuses responsibility for job safety and health by distributing these functions. In an effort to stress the importance and nonpartisan nature of occupational safety and health, the substitute bill would create a new, top-echelon independent National Occupational Safety and Health Board to set standards composed of five members who would be appointed by the President solely because they are high-calibre professionals in the field of occupational safety and health. The members would serve at the pleasure of the President so that the independent Board does not become the captive of any special interest and remains responsible to the President.

The fact that the proposed legislation is concerned with working men and women is not sufficient reason for placing the standard-setting function under the Department of Labor. The Federal Mediation and Conciliation Service, the National Mediation Board, and the National Labor Relations Board, for example, are wholly concerned with matters pertaining to labor—nevertheless, they are entirely independent of the Department of Labor. Thus, there is ample statutory precedent for our proposed independent Safety and Health Board.

But even more significant is this. The members of the Board will not be appointed because they are Democrats or Republicans, pro-labor or pro-management, an approach which unfortunately has too often been followed in the making of appointments to Federal positions. The problems to be dealt with are not political, they are not primarily economic, they do not involve issues where there are deep differences concerning policy. To the contrary, these problems are almost entirely technical and technological. The appointment of an independent Board whose members must be highly competent professional experts in a field where the subject matter is almost wholly objective and susceptible to genuinely scientific and technical analysis, judgment, and decision, would inspire the utmost confidence in every segment of the American public.

And finally, the creation of a Board of this kind would more than meet the recommendations for a national advisory commission or for such a Board itself, which were made by the leading professional organizations in the safety and health fields, such as the National Safety Council, the American Industrial Hygiene Association, the American Academy of Occupational Medicine, the Industrial Medical Association, the American Society of Safety Engineers, and several of the State health or industrial safety agencies which testified in the hearings held during the present or immediately preceding Congress.

Aimed at providing both fair and uncomplicated procedures, the substitute bill would thus have the Board set standards, simply using the familiar procedures under the Administrative Procedure Act (APA). The Secretary of Labor would conduct inspections, and in violation cases, he would seek enforcement in the Safety and Health Commission created by the substitute and United States appellate courts in accordance with procedures which would provide appropriate equity remedies and assess civil penalties.

II. SPECIFIC SIGNIFICANT DIFFERENCES

1. Standards

The Administration's substitute bill provides very simply that the Board set standards according to the formal procedures of the APA. This means that a full hearing will be held so that a wide variety of views can be aired; and standards will be based on substantial evidence with an opportunity to cross-examine.

However, the substitute bill also recognizes that out-of-the-ordinary situations will arise in which the Board has to act quickly and should not have to go through a hearing before it can respond to these situations. Therefore, section 6(b) of the substitute bill provides that where it is *essential* to protect the health or safety of employees, national consensus standards or established Federal standards can go into effect *immediately* on publication in the Federal Register, and they will remain in effect until later superseded by standards promulgated through formal APA hearings.

Also, section 6(i) of the substitute bill provides that where employees are exposed to *grave* danger from exposure either to toxic substances or to hazards resulting from new processes, then the Board may issue new "emergency temporary standards". These too would go into effect immediately on publication but would remain in effect until superseded by standards promulgated pursuant to formal APA proceedings. The substitute requires the Board to start formal APA proceedings by publishing the temporary standard as the notice of proposed rule making, as soon as the emergency temporary standards are published. The Board is required to promulgate such standard within six months after the publication of the temporary standard.

The substitute bill provides that where an applicable national consensus standard, or an established Federal standard exists, then the Board would begin with those standards as the proposed rules for the hearings used to set permanent standards. If the standard as finally promulgated by the Board differs from the original proposed rule, then the Board must state its reasons for departing from the original.

The Committee bill would also set permanent standards through formal APA hearings, but before these hearings even begin, it would be necessary to go through an intricate maze of procedures involving assorted advisory committees. Whenever the Secretary wanted to set a standard under the Committee bill, he would have to appoint an advisory committee. This advisory committee has up to nine months to submit its recommendations to the Secretary and the Secretary may not begin any hearings until he has afforded the advisory committee the prescribed time to submit its recommendations. Although the Secretary may shorten this period, the Committee bill also provides that he may lengthen it; but there is an outside time limit of one year and three months.

After this excessive length of time, the Secretary has an additional four-month time period before he is required to hold a formal hearing on the advisory committee's recommendations.

If the committee does not submit recommendations on time (bearing in mind this can be up to well over a year), the Secretary may wait up to four more months before he has to schedule a hearing; the hearing begins 30 days after scheduling.

By simple arithmetic, we compute that under the Committee's bill, the Secretary of Labor might well have to wait close to two years before a formal hearing begins. This means that it may take him all that time just to catch up to the starting point of the Board's standard-setting procedure under the substitute bill.

It is understandable that the Committee bill would have to provide these excessive preliminary time lags. After all, it is going to take time to set up an array of *ad hoc* committees and more time still for each of them to undertake and complete their required assignments before they will be in any position to make their recommendations. However, no such time periods are needed under the substitute bill since a full-time, top professional National Board would be continually involved in standards-development and therefore needs only to commence a formal APA hearing when it seeks to set permanent standards.

2. Enforcement

The Committee's bill's enforcement provisions are as complicated as its standard-setting procedures, but the enforcement provisions present uniquely serious problems because due process is a matter of grave personal concern where enforcement is involved.

Under the Committee bill, the Secretary of Labor conducts inspections, holds hearings before Labor Department hearing examiners, and it is also the Labor Department which issues corrective orders and assesses civil penalties.

Unlike the Committee bill the substitute provides for an *effective* and *fair* method of enforcement. The Secretary of Labor would continue to be responsible for making inspections and investigations. However, a special permanent three-member administrative Occupational Safety and Health Appeals Commission would be appointed to conduct formal hearings on alleged violations which were discovered by the Secretary; and the Commission would issue any necessary corrective orders, as well as assess penalties. The Commission would utilize hearing examiners whose decisions would become final unless an appeal is made to the Commission.

3. General safety and health requirement

We strongly object to the Committee bill's sweeping general requirement that employers furnish safe and healthful working conditions. This was one of the first provisions which this Committee struck when it reported an occupational safety and health bill in the 90th Congress. Why it has not done so again is beyond our comprehension. The argument used in support of the Committee bill's general requirement is that a similar provision is found in the Walsh-Healey Act, the Service Contract Act, the Maritime Safety Act, and in the laws of some 35 States. This argument does not persuade us.

The Walsh-Healey and Service Contract Acts deal with the duties of those who contract with the Government. If a person freely contracts with the Government, then he assumes the responsibility for maintaining safe and sanitary working conditions as provided for in those two-procurement-related statutes. While the language of the requirement in those two laws may be general, its application could hardly be described as "general" since coverage under those Acts extends only to those circumstances to which the supply and service contracts themselves apply. Moreover, we understand that the general safety and health requirements of those two Acts have never been enforced in the absence of specified standards.

In the case of the Maritime Safety Act, the term "general" safety and health requirement is also a misnomer. The Maritime Safety Act applies to a single industry, s by force of circumstances, that Act does not contain a so-called general requirement like the one in the Committee bill which would apply to the whole spectrum of American industry.

States also do not have general safety and health requirements in the same sense as the Committee bill does. Not only do none of the States provide the wide and varied coverage of the Committee bill, but many State laws apply only to limited areas of activity such as boiler and elevator safety.

The objection to the very broad general safety and health requirement is not, of course, that there are no valid arguments to justify it. The offensive feature of such a provision is that it is essentially unfair to employers to require compliance with a vague mandate applied to highly complex industrial circumstances. Under such a mandate, the employer will simply have no way of knowing whether he is complying with the law or not, nor will the inspector have any concrete criteria, either statutory or administrative, to guide him in finding a violation.

On the one hand, the Committee bill recognizes this industrial complexity by providing for specific standards to be developed through the use of any number of advisory committees and public hearings. But the Committee does a turnabout, and requires the employer to follow a mandate which is almost as broad as "do good and avoid evil." We seriously doubt that the Committee bill could be enforced on the basis of this broad requirement; but if it could, we would be faced with the serious problem that there would be no incentive to develop any standards where such a broad mandate exists.

We recognize, however, that specific standards could not be fashioned to cover every conceivable situation. We would be remiss in our duty, if any worker were killed or seriously injured on the job merely because there was no particular standard applicable to a dangerous situation which was apparent to an employer. Hence, in addition to requiring employers to comply with the specific standards promulgated by the Board, and applicable to them, the substitute bill also requires each covered employer to furnish his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees.

III. CONCLUSION

Despite our criticism of various provisions of the Committee bill, we do not wish to convey the impression that we object to the bill in its entirety; quite the contrary. Many provisions of the Committee bill are in large part, satisfactory and comparable provisions are found in our substitute. Some examples are the State grants section, the provisions for State participation through the submission of plans, the carefully circumscribed employer-exemption provisions, and the Federal employee safety program. A few provisions, in addition to those discussed herein, are more questionable. Several other provisions of the Committee bill would be acceptable if they were modified.

However, we regard the establishment of an independent Board to promulgate standards and due process as essential provisions which cannot be omitted from any bill which genuinely purports to have the best interests of employees and employers as the basis for its enactment. Hence, we intend to offer our own proposal, which was rejected by the Committee's majority, as a substitute for H.R. 16785 as reported by the Committee.

WILLIAM H. AYRES.
ALBERT H. QUIE.
JOHN M. ASHBROOK.
JOHN N. ERLENBORN.
WILLIAM J. SCHERLE.
JOHN DELLENBACK.
MARVIN L. ESCH.
EDWIN D. ESHLEMAN.
WILLIAM A. STEIGER.
JAMES M. COLLINS.
EARL F. LANDGREBE.
ORVAL HANSEN.
EARL B. RUTH.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1952, 6.5 million people or 4 percent of the U.S. population owned shares of stock. In 1969, the number of shareowners increased to 26.4 million or 13 percent of our population.

PANAMA CANAL: HEARINGS BEFORE HOUSE SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS, AUGUST 3, 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in previous addresses of mine on the interoceanic canal problem—House Document No. 474, 89th Congress—I have prescribed the Caribbean as our "fourth front" in which the Panama Canal is the "key target" for the Communist conquest of that strategic area, long ago described by Admiral Mahan as the "Mediterranean of the Americas."

Most appropriately, the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, of which my distinguished colleague from Florida (Mr. FASCELL) is chairman, between July 8 and August 3, 1970, conducted highly significant hearings on "Cuba and the Caribbean," in which various officials having special knowledge of their subjects testified.

Attached to my prepared statement was a "Memorial to the Congress" sponsored by the Committee for Continued U.S. Control of the Panama Canal bearing the signatures of eminent leaders in various parts of the Nation to which special attention is invited.

In the colloquies following my testimony, three main points were: U.S. sovereignty over the Canal Zone, the Panama Railroad, and the sea-level lock controversy.

As to the sovereignty question, the real issue is not United States versus Panamanian control, but continued U.S. sovereignty versus Communist control, and this is the question that should be debated in the Congress.

With regard to the Panama Railroad, I would stress that the overwhelming reason for that railroad is to handle transisthmian traffic in event of interruption to ship transits that could be caused by major landslides. In such event, this railroad would become an indispensable transcontinental link overnight with a great volume of traffic.

The third point is the moth-eaten proposal for a sea-level canal, which project hinges on the surrender of U.S. sovereignty over the entire Canal Zone to Panama.

To all realistic students of Panama Canal history and problems with whom I have discussed these matters, including many with direct responsibilities in the maintenance, operation, sanitation, protection, and military defense of the canal, the surrender of sovereignty as proposed in the discredited 1967 treaties is absolutely unthinkable.

In this connection, I would invite the attention of the Congress to four appointments that relate to Panama Canal policy questions, as follows:

Hon. Robert B. Anderson, Chairman of the Atlantic-Pacific Interoceanic Canal Study Commission.

Hon. John N. Irwin II, as Under Secretary of State.

Hon. Robert M. Sayre, U.S. Ambassador to Panama.

Hon. Daniel W. Hofgren, a member of the Panama diplomatic negotiating team.

Of the above officials, the first three were directly connected with the formulation of, or negotiation for, the 1967 surrender treaties. The last is a 33-year White House staff member with no Panama Canal or diplomatic experience, who has been given the task of treaty negotiation under Ambassador Anderson. It is

difficult to accept such a series of appointments as mere happenstances. In any event, they present a situation to which the Congress and the Nation should be alert.

For the sake of emphasis, I would state again that, in view of the extensive clarifications already made of the interoceanic canal problem, there are only two issues:

First, the question of retaining full U.S. sovereignty over the Canal Zone and Panama.

Second, the major modernization of the existing Panama Canal.

In order that the Congress and the Nation may be adequately informed in the premises, I quote as parts of my remarks my statement before the subcommittee at the indicated hearings, and the ably prepared statement of my distinguished colleague, the gentleman from Missouri (Mr. HALL); also the texts of the identical Panama Canal sovereignty resolutions now before the House and the identical bills for the Panama Canal Modernization Act that are pending in both House and Senate.

The material follows:

CUBA AND THE CARIBBEAN

HOUSE OF REPRESENTATIVES, COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS,

Washington, D.C., Monday, August 3, 1970.

The Subcommittee on Inter-American Affairs met at 2:30 p.m., in room H-227, U.S. Capitol, Hon. Dante B. Fascell (chairman of the subcommittee) presiding.

Mr. FASCELL. The subcommittee will please come to order.

We meet this afternoon to continue our hearings on Cuba and the Caribbean.

During the past 4 weeks, the subcommittee has inquired into many issues relating to this general topic. In the process, we have heard testimony from public and private witnesses, including high-ranking officials of the Departments of State and Defense and military commanders responsible for security operations in the Caribbean region.

These hearings have affirmed my deep conviction that the Caribbean region is of vital strategic importance to the United States, and that several factors introduced recently into that area have a direct bearing on our national and international security posture.

Among these are intrusion of Soviet naval and air units into the Caribbean; the worsening economic situation in Cuba, the Black Power movement on some of the islands; and the growing potential for violence bred, in part, by the unfavorable social and economic conditions which prevail in various parts of this region.

All of these things have a bearing on the future status of the major waterway of this region—the Panama Canal.

It is for this reason that the subcommittee invited Gen. George Mather, Commander in Chief, U.S. Southern Command, and Maj. Gen. Walter P. Leber, Governor of the Canal Zone, to meet with us. They appeared before the subcommittee on July 10.

Today we are pleased to welcome a distinguished colleague of ours, the Honorable Daniel J. Flood, Representative from Pennsylvania, who will address himself to these issues also.

I know that Congressman Flood does not need an introduction in this forum. He has broad knowledge on issues relating to the Panama Canal, and his leadership is recognized in the Congress and elsewhere. We are happy to have him here with us today, to share his views with the subcommittee.

STATEMENT BY HON. DANIEL J. FLOOD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. FLOOD. Thank you very much, Mr. Chairman.

It is a special privilege and interest for me to appear before this subcommittee, because, as you know, I first came to Congress in 1945, when I had the high honor and the great privilege of serving on my first committee, the Committee on Foreign Affairs of the House.

The great, beloved, and revered Sol Bloom of New York was then chairman, if anybody can remember back that far. I was assigned by interest to this committee, which was then the Subcommittee on the Western Hemisphere, but it is the same committee, and the same purpose then as now.

Now, the statement that you made identifying the importance of the Panama Canal with the whole subject that you have in mind, of course, couldn't be more pointed or more exact. The interoceanic canal problem in its overall aspects, is an immensely complicated subject, believe me; yet if it is reduced to its central issue, it is relatively simple, if you can believe that.

Whenever the Canal question comes up for national attention, two subjects always develop. First, the site, and second, the type and kind of canal.

Later on, as you know, when after the war we organized the Department of Defense, I was assigned and still am a member of the Appropriations Subcommittee for the Department of Defense.

In addition, you know, I was raised in St. Augustine, in Florida and my grandfather had a great interest in the Caribbean, and in the Isthmian area. So since I was a very young child, I have been in and out of this problem.

After a memorable struggle in 1902 known as the "battle of the routes," the President and the Congress, in the Spooner Act of that year, decided in favor of the Panama site and authorized the acquisition by treaty of the perpetual control of the Panama Canal with the Canal Zone to serve as its protective frame.

Now I have selected all those phrases with great care, after wondering about them for 10 years. Such control of the Zone was the absolutely necessary prerequisite demanded by the Congress and the Nation before assuming the large financial obligation involved in the construction and defense of the Panama Canal.

Later, in 1906, the President and the Congress, after thorough study and scorching debate, made a second great decision in favor of the existing high level lake and lock type canal, which was then constructed. History has established the wisdom of that determination, economically, operationally, technically and environmentally.

Today, the Panama Canal is in another era of decision. There are two major issues:

First, the transcendent question of safeguarding our indispensable sovereignty and ownership of the Canal Zone and Panama Canal; and

Second, the problem of the major modernization of the Canal. Mr. Chairman, all other interoceanic canal questions, however important, I suggest are irrelevant and should not be allowed to confuse these two major issues. Now there are a lot of them. They are a can of worms. But these are the two major issues. I can go on, like Tennyson's brook, about the related subjects, but I think you are concerned about these two major problems.

CONTROL OF THE PANAMA CANAL

As to sovereign control, it must be emphasized that, because of its strategic position as the crossroads of the Western Hemisphere, and the jugular vein of hemispheric defense as far as this Nation is concerned, the Isthmus of Panama has always been, and always will be, an object for predatory designs. Its loss to a potential enemy power is unthinkable, as recognized by the more than 100 Members of the House who have sponsored identical resolutions opposing any surrender at Panama, and I am advised there will be many, many more—in my opinion, a majority from both sides of the aisle.

MODERNIZATION OF THE PANAMA CANAL

The problem of modernization depends upon the reaffirmation by the Congress of our national policy as to Canal Zone sovereignty and Panama Canal control. The best way, in fact the only way to effect such a policy, is to maintain our present treaty rights and modernize the existing Panama Canal according to the well-known Terminal Lake-Third Locks plan will add 13,400—in the Panama Canal organization during World War II and eventually approved by President Franklin D. Roosevelt as a post-war project.

This plan, it should be especially noted, calls for a major increase of capacity and operational improvement of the existing canal and by all means, bear this in mind—does not require the negotiation of a new treaty with Panama. This is a paramount consideration, you can be assured.

The estimated maximum capacity of the existing canal is 26,800 vessels. The proposal that is now being made of the Terminal Lake-Third Locks plan, will add 13,400—making a total capacity, annually, of 40,200. There is no immediate need we are aware of in the immediate future, for this century, that would call for any more. If there are any other figures, I and my associates have never heard of them.

Many able and well-informed engineers, navigators, geologists, economists, biologists, nuclear physicists, defense and other experts strongly support the plan as offering the best solution of the canal problem. Such modernization should provide a capacity of, certainly 40,000 vessels a year at a minimum—at a minimum—including vessels of larger size, and there are identical bills to provide for it introduced in both the House and the Senate.

Moreover, previous Governors of the Canal Zone have approved the plan in principle and the present Governor has, as you have just mentioned, Mr. Chairman, addressed your committee on July 10, and he has expressed his belief that it is in the interest of the United States that the existing Canal be, and I quote the present Governor, "operated, maintained, defended, and augmented as necessary." (End of his quotation.)

Now, in official discussions of modernization plans, there is still mention of the 1939 Third Locks project along with the Terminal Lake proposal. I would like to clear this up. I have often heard this mentioned. Now there is confusion here.

The original Third Locks project that I mentioned to you, about which you have heard, does not provide for the elimination of the Pedro Miguel Locks and would perpetuate and compound the bottleneck at these locks. Any plan that fails to eliminate them is unworthy of any serious attention whatsoever and not be allowed to confuse.

At this point, it is well to record that the total net investment of the taxpayers of our country in the Panama Canal enterprise, including defense, from 1904 through June 30, 1968, was more than $5 billion. This sum, if converted into 1970 dollars would be, as you know, a far greater sum.

PROPOSAL FOR SEA LEVEL CANAL

In these general connections, it is important to remember that the much propagandized and costly "sea level" proposal hinges on—it hinges, this much publicized ditch—on ceding U.S. sovereignty over the Canal Zone and the Canal to Panama before constructing any new canal; and that a new canal, if constructed at the American tax-

payers' expense, would also be given to Panama without the least compensation.

It is hard for me to conceive of anybody dreaming up a thing like this, but it always raises its head. We thought we had it killed for several years, but it is a hydraheaded monster. It is back again. It is hard to believe this.

The chairman of the current Atlantic-Pacific Interoceanic Canal Study Commission, the Honorable Robert B. Anderson, a leading sea-level project advocate, was the chief negotiator for the discredited 1967 treaties.

Now listen to this: Notwithstanding this fact, he still heads our diplomatic team now reopening treaty negotiations with Panama. This is like sending the devil to investigate hell.

Throughout their treaty negotiations the members of our diplomatic team, and this should concern your committee personally, have steadily and studiedly and completely ignored the provisions of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress—that is, the House and the Senate—and not in the treatymaking power of our Government—the President and the Senate.

So where better should I be today, than before a subcommittee of the House charged with responsibility in the field of Foreign Affairs?

In addition, our negotiators have also ignored the responsibilities of the United States under the Hay-Pauncefote Treaty and the rights of Colombia under the Thomson-Urrutia Treaty. Under the first, the United States is obligated to manage the Canal and under the second it has granted to Colombia important rights as regards both the Panama Canal and the Panama Railroad.

As to these, shipping interests in Great Britain and Japan have already made known their opposition to the proposed surrender at Panama, and Colombia has announced that it will defend its rights. In fact, the Colombian Government for many months has been collecting documentary material in the United States concerning this very canal question, which is most significant.

Now the foregoing facts together make favorable action on the pending sovereignty resolutions, I suggest, Mr. Chairman, a matter of the greatest importance. Time is of the essence as far as maintaining the position of the House under the Constitution is concerned. Time is of the essence.

In the interest of avoiding a possible misinterpretation of the resolutions, I would suggest changing the term—and I quote—"Panama Canal Zone" in the first whereas clause to "Canal Zone and Panama Canal", and the words "said canal" in line 4 of the resolve on page 3 of the resolution to "said Canal Zone and Panama Canal," primarily for clarification, out of an abundance of caution. Mr. Chairman; I have been through this before.

RAIL LINK RETAINED ACROSS ZONE

An example of the application of the wise Constitutional provision previously cited is the 1955 treaty with Panama, which authorized conveyance to that country of valuable U.S. property in Panama, including the Panama Railroad terminal yards and passenger stations in Panama City and Colon, subject to the enactment of legislation by the Congress—not the President and the Senate, but by the Congress—the House and the Senate.

It is appropriate to state that the House—and I had some small part in its action, you will recall—stepped into that situation and the House rescued the main line of that railroad from complete liquidation. Had it not been for such action by this House, this vital rail link, which would be so urgently needed in the event of interruption of transit because of possible major slides in Gaillard Cut, would have been abandoned.

Now in regard to a sea level project, either in the Canal Zone or Panama, that ancient and moth-eaten idea would involve a new treaty with a huge indemnity—you can imagine that—and a greatly increased annuity—you can be doubly sure of that.

TERMINAL LAKE-THIRD LOCKS CANAL MODERNIZATION PROJECT

The 1939 Third Locks Project, authorized primarily for defense reasons, at a cost of $277 million, did not require a new treaty. Construction on it started in 1940 and was suspended in May of 1942, with a total expenditure of $76,357,405, largely on huge lock site excavations at Gatun and Miraflores, which are still usable.

The current enlargement of Gaillard Cut, now nearing completion—and I recently saw it—was estimated to cost $81,257,097. Now together, Mr. Chairman, these two projects total more than $157 million toward the major modernization of the existing Panama Canal, which is much too large an expenditure to be swept under the rug—even by my Committee on Appropriations.

The solution of the problem of increased capacity and operational improvement of the Canal was developed as a result of World War II experience in the previously mentioned Terminal Lake-Third Locks plan for the existing canal. This major modernization can be accomplished at relatively low cost and, like the Third Locks Project, does not involve the negotiation of a new treaty with Panama. And that you must avoid like the plague—and they have that there, too.

CANAL ZONE AS A POLITICAL REFUGE

An important angle in the Panama Canal situation is that the Canal Zone has served many times as a haven of refuge for Panamanian leaders seeking to escape assassination by their political enemies in a very unstable political entity, the Republic of Panama.

The most recent example of the use of the Zone as an asylum was on June 8, 1970, when three colonels and a sergeant of the Panamanian National Guard escaped from prison in Panama City and found safety in the Zone. It is an island of security in a land of endemic revolution, endless political turmoil, technological incoherence, and which today, as is generally the case, is without a constitutional government.

Another case of such use of the Zone territory was by Senora Torrijos, wife of Brig. Gen. Omar Torrijos, on December 15, 1969, when she fled to the Canal Zone during an abortive revolt against her husband, the caudillo of Panama. Never a dull minute down there.

Mr. Chairman, I can't stress too strongly that were it not for the Canal Zone under U.S. sovereign control, some of the most brilliant leaders in Panama would have been assassinated. If the United States surrenders that Zone to Panama, as contemplated in the proposed new treaties, the Panama Canal would become a political pawn for the worst type of Panamanian politicians, and the Canal Zone the scene of guerrilla warfare and its inevitable cruelty and tragedy.

STRATEGIC IMPORTANCE OF PANAMA CANAL

For many years, the Caribbean has been recognized as the Mediterranean of the Americas. As far back as 1960, in an address to the House, I described it as our fourth front and the Panama Canal as the key target for the Communist conquest of that strategic basin. Subsequent events since then have justified my worst fears.

The surrender by the United States of the Canal Zone and Canal would inevitably result in a Communist takeover of Panama, as occurred in Cuba, which would include the Canal itself. With our country having given up its legal rights in the premises, it would be powerless to oppose.

Moreover, within the last year Soviet missile-capable submarines and surface vessels stationed in Cuba have been sighted in our fourth front. For these and many other reasons, some of them related to the security of the Panama Canal, the Southern Command, with its headquarters in the Canal Zone, should be maintained as essential to hemispheric security and not reduced in importance.

Fortunately for the United States, respected leaders in various parts of the Nation have studied the Canal problem and recently expressed their views in a "Memorial to the Congress." I would like consent to attach a copy of that memorial, which we have sent to your committee already, as part of an appendix to my statement.

Mr. FASCELL. Without objection, it is so ordered.

Mr. FLOOD. For these and other reasons, some of them related to the security of the Canal, this command I consider of prime importance. It is the only independent command identified with this problem in the entire Western Hemisphere.

Finally, I would summarize some of the principal lessons from my many years of study of this Panama Canal question:

We have a fine canal now; it is approaching capacity saturation, but not obsolescence.

We know how to maintain and operate it.

We know how to increase its capacity and operational efficiency, as demonstrated by years of experience.

We have a workable treaty with Panama although partly abrogated through ill-advised surrenders.

We have defended the lives of our citizens in the Canal Zone and the Canal itself by the use of our authority.

We have now reached the point where, if we do not make known our determination to hold onto this priceless asset of the United States, we may lose it to Soviet power, as happened at the Suez Canal, and one of their great targets, from the early days of Communist writing, is the control of key maritime communications: the Kiel, Suez and Panama Canals; the Straits of Gibraltar and Malacca; and the Strategic Caribbean and Mediterranean Seas. They have got their hands on them all.

Accordingly, Mr. Chairman, I urge prompt action by this subcommittee on the pending Panama Canal sovereignty resolutions and the printing of the 1967 hearings along with the present hearings, or as an appendix to the present hearings.

Such action should enable early adoption by the House of the resolutions and open the way for the long overdue major modernization of the Panama Canal, which we want done. Moreover, such action by the House would serve notice on the executive branch of the determination of the people of the United States to retain full control of both the Canal Zone and Panama Canal.

If there can be any reasonable doubt, a scintilla of doubt in any mind, in a referendum, nationwide, the people of this country would vote uncountably to do what I suggest.

With such resolutions adopted by the House, should be proposed treaties be sent to the Senate for ratification, some of my colleagues on both sides of the aisle have asked me to lead a march—there will be 200 of them, four abreast—from the House to Mr. Fulbright's committee, and ask to be heard.

Thank you, sir.

(The document referred to above, "Memorial to the Congress," follows:)

MEMORIAL TO THE CONGRESS

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL—1970 WASHINGTON, D.C.

Honorable Members of the Congress of the United States, the undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express our views:

1. The construction by the United States of the Panama Canal (1904–1914) was one of the greatest works of man. Undertaken as a long-range commitment by the United States in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, vol. 115, pt. 17, pp. 22845–22848), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire quality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

2. Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant from Panama (Hay-Bunau-Varilla Treaty of 1903), all privately owned land and property in the Zone were purchased from individual owners, and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22).

3. The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operations, maintenance, sanitation, protection and defense.

4. In 1939, prior to the start of World War Two, the Congress authorized at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, an excavation was started at Pedro Miguel. The current program for the enlargement of Gaillard Cut is scheduled to be completed in 1970 at an estimated cost of $81,257,097. These two projects together represent an expenditure of more than $157,000,000 toward the major modernization of the existing Panama Canal.

5. As the result of canal operations during the crucial period of World War Two, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception includes provision for the—

(1) Elimination of the bottleneck Pedro Miguel Locks

(2) Consolidation of all Pacific Locks South of Miraflores

(3) Raising the Gatun Lake water level to its optimum height (about 92')

(4) Construction of one set of larger locks

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, to permit uninterrupted operation of the Pacific locks during fog periods.

6. Competent, experienced engineers have officially reported that "all engineering considerations which are associated with the plan are favorable to it." Moreover, such solution:

(1) Enables the maximum utilization of all work so far accomplished.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable demands for damages that would be involved in a Canal Zone sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that would be caused by removing the fresh water barrier between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

7. All of these facts are paramount considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty angles. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake-Third Locks Plan require a new treaty.

8. In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1960 to cost $2,368,500,000, exclusive of indemnity to Panama, has long been a "hardy perennial," and according to former Governor of the Panama Canal, Jay J. Morrow, it seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite its engineering impracticability. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the United States taxpayers.

9. Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion in 1967 of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article 17, Section 3, Clause 2 of the U.S. Constitution. This provision vests the power to dispose of territory and other property of the United States in the entire Congress (Senate and House) and not in the treaty-making power of our Government (President and Senate).

10. It is clear from the conduct of our Panama Canal policy over many years that policymaking elements within the Department of State have been, and are yet engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal end of dissipating the vast investment of the United States in the Canal Zone project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world shipping.

11. Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal, and

(2) The major modernization of the existing Panama Canal.

Unfortunately these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States which aim at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

12. In the First Session of the 91st Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Lock Project to embody the principles of the previously mentioned Terminal Lake solution.

13. Starting on October 27, 1969 (Theodore Roosevelt's birthday), more than 100 Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization.

14. The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. Clearly, the recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approaches to the Panama Canal, and as was accomplished in the case of the Suez Canal. The real issue as regards the Canal Zone and Canal sovereignty is not United States control *versus* Panamanian, but United States control *versus* Communist control. This is the subject that should be debated in the Congress, especially in the Senate.

15. In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions; also similar action by the Senate.

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching capacity saturation.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, Calif., Formerly Chairman, President's Council of Economic Advisers.

Dr. John C. Briggs, Tampa, Fla., Chairman, Department of Zoology, University of South Florida.

William B. Collier, Santa Barbara, Calif., Business Executive with Background of Engineering and Naval Experience.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown University.

Dr. Donald M. Dozer, Santa Barbara, Calif.,

Historian, University of California, Authority on Latin America.

Cmdr. Carl H. Holm, Miami Beach, Fla., Business Executive, Naval Architect and Engineer.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Dean Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University, President, Panama Canal Society, Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics, University of California.

Howard A. Meyerhoff, Tulsa, Oklahoma, Consulting Geologist, Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keeffe, Washington, D.C., Assistant Professor, George Mason College, Formerly Research Associate, The American Legion.

William E. Russell, New York, N.Y., Lawyer, Publisher and Business Executive.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Ad. T. G. W. Settle, Washington, D.C., Formerly Commander, Amphibious Forces, Pacific.

Harold L. Varney, New York, N.Y., Editor, Authority on Latin American Policy, Chairman, Committee on Pan American Policy.

B. Gen. Herbert D. Vogel, Washington, D.C., Consulting Engineer, Formerly Deputy Governor, Panama Canal Zone.

R. Ad. Charles J. Whiting, La Jolla, Calif., Attorney at Law.

(NOTE.—Institutions are listed for identification purposes only.)

Mr. FASCELL. Thank you, Mr. Flood.

We have a final vote pending on a bill on the House floor, and I guess we are all going to have to go and vote.

I have some questions I would like to ask you, if you would care to come back as soon as we answer the rollcall. I suppose my colleagues would like to do that. So why don't we recess until we answer the rollcall, and come right back in a few minutes.

Mr. FLOOD. Good idea. Thank you.

(Whereupon, a short recess was taken from 3 p.m. to 3:20 p.m.)

Mr. FASCELL. The subcommittee will please come to order.

I want to thank our colleague, the Honorable Dan Flood of Pennsylvania, for giving us this very concise and candid statement, with respect to the Panama Canal. We appreciate that he has made himself available to answer some questions, so that we can add to the record.

SOVIET STRATEGY IN THE CARIBBEAN

You raised the issue of Soviet or Communist designs on the Panama Canal. As I understand it, the point you are making is that as long as the United States retains sovereignty over the Canal Zone, those designs will not be implemented.

Mr. FLOOD. Well, Mr. Chairman, when I say the Soviets have designs upon the Panama Canal, I mentioned before we adjourned, part of the Soviet strategy—an excellent strategy and if I were there, I should do the same thing. They want the Kiel Canal, they want the Danube, they want the Strait of Malacca, they want the Suez Canal, they want the Panama Canal. They want to dominate and control the areas adjacent and contiguous to strategic maritime transportation arteries.

Obviously, when that is done, they have a fait accompli, and the Panama Canal would be a jewel in their crown. They have the Suez Canal; the Kiel is under a shadow. They have the Danube and the Bosporus Straits. If they just squeeze, they have the Dardanelles. They are in the Mediterranean now, up to your you-know-what; that takes Gibraltar. Also they are in the Caribbean in position to threaten the Atlantic approaches to the Panama Canal.

The import of sovereignty is exactly the situation which exists in the Middle East today—confrontation with the United States. They don't want that. And with sovereignty, they have it. Without U.S. sovereignty over the Canal Zone, you know what will happen to Panama; like a dose of salts, bing, they go Red, and they would be invited in.

As a matter of fact, Castro did send a hastily organized small expedition, you know, 2 months after he took over, to take the Panama Canal, but the local Indians took care of that with machetes.

Mr. FASCELL. In your opinion, then, if the Soviets established an equal presence in the Caribbean, using Cuba as a military staging base, this would present some real problems for the United States, whether or not we had sovereignty over the canal.

Mr. FLOOD. Of course. About 5 minutes after the British left the Suez, and Egypt took the Suez, Panama had emissaries in Cairo about 3 weeks later, saying, "How do you do this? How do you steal canals?"

INTERNATIONALIZING THE PANAMA CANAL

Mr. FASCELL. Do you feel that the same logic would apply if the canal—the operation of the canal—were internationalized?

Mr. FLOOD. Oh, I think the last thing in the world that any of the nations of the world, including Panama, would want would be to internationalize the Panama Canal. That would be the last thing they would want.

I think of the Japanese, who are now the great customers to the canal. You hear about the tremendous big oil tankers and other types that can't transit the canal. Well, by the year 1985, there would be probably about 33 million tons of cargo bypassing the canal in vessels too large to transit. I also think of the British, who are one of the greatest users of the canal. In our operation of the Panama Canal, we have meticulously met our treaty obligations for the vessels of all nations with tolls that are just and equitable. This is the reason why the users of the Panama Canal are so completely delighted with the way that we have managed it over the years. The last thing in the world that its biggest customers wish is that the canal be internationalized.

Mr. FASCELL. Mr. Culver.

Mr. CULVER. Thank you, Mr. Chairman.

I also wish to commend our most able, articulate and eloquent colleague from Pennsylvania for his customary excellent presentation of his views on this very complicated and important subject.

CONTROL OF THE PANAMA CANAL

I would, if I may, like to pursue the chairman's line of questioning further, to the extent to which we attempt to estimate what cost the U.S. Government must pay to maintain its present status in the Canal Zone.

For example, General Mather testified before this subcommittee that there is a deep undercurrent of resentment against U.S. sovereignty. He went on and called it "latent hostility," and I wonder, Mr. Flood, if you can envision an accommodation that could be formulated which would leave the United States in effective control of the canal for many of the important reasons you have outlined, but at the same time, be responsive to many of the Panamanian complaints, and avoid the kind of confrontation there that has characterized our overseas military presence in so many parts of the developing world, in view of the altered international situation.

I share the implicit concern, I think, that the chairman expressed when he talked about the extent to which conceivably a continuation of U.S. presence, no matter how effected, might well in fact prove to be far more successful in implementing Soviet interests in that area, to the extent to which it contributes to a continuation of this unrest, and as a symbol of American "colonial imperialistic presence," and so forth; and I wonder in view of this kind of problem that we face there, and face with regard to our military presence elsewhere in the world, if you could conceive of a way in which we could work out an accommodation that is more compatible with the modern world.

Mr. FLOOD. Well, let's see if I can give an analogy.

I indicated the Soviet intent, and it is a naked intent, there is no secret there. They have been talking about it for 40 years, about interoceanic communications.

But the Suez is not in Central America. Neither is the Kiel. The Panama Canal is. The Panama Canal is the jugular vein of the hemispheric defense, and say what you will, and with all the poses that they strike, in many of these Latin countries—and the smaller the country, the more elaborate the uniform—you know as well as I that anybody who strikes the Western Hemisphere at any part of it strikes us. This is hemispheric defense.

This, I repeat, is the jugular vein for such defense. We have experienced problems with the Pacific before. We had two divisions, one through the canal, one en route, when World War II ended.

You have this can of worms in South Vietnam or Southeastern Asia, whatever it is going to be, and I can envisage, as can you, that part of the Communist chain from Australia through the Islands through Alaska, and we must have a zone of defense to fall back on, what? The Philippines? The Islands? Maybe back to Hawaii.

Now, the canal is a means not only of economic communication, which was the real basis for its birth—the defense structure has developed since then, with the development of this Nation—but to work out an accommodation, why, of course, you are a legislator, your business is the art of compromise, to work out; but when you say that there is unrest in Panama, that has nothing to do with the canal. There would be unrest in Panama with or without this canal, with a new sealevel canal, with a half dozen canals. Panama is that sort of a place. It is unfortunate, as is Poland. Its worst enemy is geography. And there she is.

SITUATION CHANGED SINCE 1903 TREATY

Mr. CULVER. Would you not agree that the ability of the United States to maintain its control and its influence and protect all its very real military and strategic and economic interests there, as originally envisioned in 1903, is markedly different than the world in which we are required to operate today. Further, that Panama today, politically speaking, is an entirely different atmosphere in which to work out relations with this hemisphere generally?

Mr. FLOOD. I would like to borrow your argument. The only thing wrong with your argument is that I didn't think of it. That is the strongest statement I have heard made at this table today for my position. Precisely. It isn't 1903, it is 1970, and the horizon—there is no horizon. The situation has changed but has changed for the worse. Instead of surrendering the Canal Zone, it should be extended to include the entire watershed of the Chagres River.

Mr. CULVER. Wouldn't that call, though, for an entirely different formulation with regard to U.S. presence and the nature of it and the extent of shared control and influence, on something as sensitive to their own national interest?

Mr. FLOOD. I am very fond of these people. I have known them all my life. When you say they are "Gringo, get out!" types, that is not the people of Panama. You go to the Indians. You have trouble in the city. You have trou-

bles in all cities. We have them within two blocks of here.

Panama City is not Panama. "Have you ever been to the United States?" I say to an Englishman; "Oh, yes, I have been to New York." And somebody says to me, "Have you ever been to China?" "Yes; I was in Shanghai."

Now, New York is about as much America as Shanghai is China. The city of Panama is not the people of the Republic of Panama.

Mr. CULVER. But you take the recent example, if we could turn to it for a moment, you mentioned the South Pacific. Take the case of Okinawa, and the recently concluded arrangements there, concerning the revised nature of U.S. continued military presence on that particular——

Mr. FLOOD. I have no quarrel with that whatsoever.

Mr. CULVER. And the direct correlation and link-up to the domestic political consequences within the nation of Japan in the absence of making some sort of a modification, even though admittedly, we would argue that in the abstract, it is contrary to our national interest.

Mr. FLOOD. I agree, I agree, but there is the development of time, and we can see the element of time there.

And our need is at this time, I find no quarrel with that. I wouldn't do it, but I find no quarrel.

But I see no analogy with my jugular vein, my southern flank, wide open.

Mr. CULVER. I think the analogy I would submit might be that this was a very enlightened accommodation, very much in the strategic national interests of the United States, and in the absence of which, an alteration of that kind or similar to it, we ran the very real risk, in case of a major confrontation with China, for example, or some other situation in Southeast Asia, that we would be denied the utilization of even Japan itself.

In some mutual security endeavor, if we didn't work out some way to bring about a damping down of the political unrest that was being stirred up by this mutual security arrangement of Okinawa, and may well be responsible in bringing about the type of government in Japan, politically speaking, that would deny us the utilization or access of any facilities, which are of paramount importance to our national security interest. So turning again to Panama, is it possible at all, to your way of thinking, that if we continue to allow what is admittedly a source of friction and political instability and military instability to fester, without any initiative or enlightened concession by the U.S. Government, that this may bring about an increased likelihood that this very vital economic and military link would no longer be available to us a handful of years down the road?

Mr. FLOOD. Well, of course, this is a matter of degree. When you look at the original treaty, when you look at the arrangements with the Republic of Panama, when you look at the pots of gold that have fallen from this rainbow into this totally technologically ignorant, endemically unstable people, the employment rates, the thousands and thousands of people, Panamanians, that we employ, the wage scales they get, do you think those people want to see some of these Graustarkian generals in Panama take over that place?

Neither do we.

Mr. CULVER. Well, in terms of national pride and self-interest, which has a very irrational and emotional power all its own——

Mr. FLOOD. Oh, yes.

Mr. CULVER. It is probably the most powerful——

Mr. FLOOD. The Latino is very sensitive.

Mr. CULVER. Undoubtedly the most powerful political movement in the world today.

Mr. FLOOD. We have it here, in our country.

Mr. CULVER. But this chauvinism, therefore, I wouldn't underestimate, and, turning to cost, what do the Panamanians now get for the United States presence in the zone and U.S. control over the canal?

Do we have some figures?

Mr. FLOOD. Their very economic existence—period. Their life's blood. Their existence. We gave birth to them. We have nurtured them, trained them, educated them, fed them, paid them. In fact they call the canal their "lunch counter."

Mr. CULVER. Mr. Flood, do you think someone could possibly provide income figures for the record?

Mr. FLOOD. I would think so.

Mr. FASCELL. We either have it in the record or we will get it for you. The actual revenues, I think, are in the order of $2½ million a year.

Mr. FLOOD. Just a few years ago——

Mr. CULVER. But it is $2 million a year in the canal; their share of canal tolls, for example, is $2 million a year.

Mr. FASCELL. I don't remember the exact figure.

Mr. CULVER. That is the figure I am familiar with.

Mr. FASCELL. We either have it in the record, or will get it.

Mr. FLOOD. Oh, I think that would be excellent.

(The United States pays Panama an annuity of $1.93 million pursuant to the provisions of Article I of the 1955 Treaty of Mutual Understanding and Cooperation between the United States and Panama.)

Mr. CULVER. How much does the United States collect from toll fees?

Mr. FLOOD. You mean in dollars?

Mr. CULVER. Yes, sir.

Mr. FLOOD. Well, everything we collect, by the millions a year, we turn back to the General Treasury. The Canal Company and the Panama Canal Zone are two separate and distinct things. The zone is a governmental agency, and the company is commercial concern, operated on a self-sustaining basis.

Mr. CULVER. But does the U.S. Government——

Mr. FLOOD. It all goes back to the U.S. Treasury. It is a self-paying thing; we do not subsidize this thing.

Mr. CULVER. That's the thing I wanted to bring out.

Mr. FLOOD. It is self-paying.

Mr. CULVER. The United States is making money now off the canal's operation; we don't subsidize it?

Mr. FLOOD. We never did, except the original investment. We have a $5 billion investment. But you can have that much in, no matter what you do. The fact remains that that investment is there.

But as far as the dollar by dollar, month by month, week by week, ship by ship, that washes itself out, and reverts to the Treasury. So in other words, there is no millstone around our neck, as a cost, as a debt of any kind. Moreover, U.S. isthmian activities, directly or indirectly, inject more than $100 million annually into the Panamanian economy.

Mr. CULVER. Thank you, Mr. Chairman.

Mr. FASCELL. Mr. Roybal.

STANDARDS OF EMPLOYMENT IN THE CANAL ZONE

Mr. ROYBAL. Mr. Flood, the Panamanians that I have had the opportunity of talking to complain that there are two standards in the zone.

Mr. FLOOD. The silver and gold standard?

Mr. ROYBAL. No, sir. That is the employment standards, that the Panamanians do not get the same salary doing exactly the same work as an American.

Now to what extent is this actually helping or hurting relations?

Mr. FLOOD. Well, of approximately 16,000 employees of the Panama Canal, say, 12,000, as of this afternoon, are Panamanians; 4,000, say, are Americans. Now they are getting a wage scale, paid by us, far greater than what they would get for the same kind of work any place in Panama, for the Government or private contractor, doing the same kind of things.

Mr. ROYBAL. But the American who is doing exactly the same kind of work, then, is getting a salary that far exceeds the amount that a Panamanian receives?

Mr. FLOOD. That is only in certain categories, supervisory categories, although now in the last treaty we have brought into the supervisory categories at the highest levels many, many Panamanians under the treaty just a few years ago, and I see nothing wrong in that, if they are capable, and many of them are.

Mr. ROYBAL. Don't you think this should have started many years ago, instead of just recently?

Mr. FLOOD. Yes, yes, of course I do. Of course, I do.

Mr. ROYBAL. Do you believe then that over the years, this particular situation perhaps is responsible for some of the unrest that exists in the zone?

Mr. FLOOD. Yes. Yes.

Mr. ROYBAL. And what can we do further to correct it?

Mr. FLOOD. Well, I think first of all, you should discuss this matter with your labor unions that exist there. There are problems within the labor unions, which I would be the first to want to sit with you, and be sure they were clear about it.

There is no intent on the part of this Government, of the Panama Canal Goverment or the Panama Canal Company to discriminate against the Panamanian merely because he is a Panamanian.

Mr. ROYBAL. But the truth of the matter is that he has been discriminated against.

Mr. FLOOD. The truth of the matter is that that has been improved a thousand percent, and up until a few years ago, 10,000 percent, and will be improved further, and should be.

Mr. ROYBAL. And maybe the net profits that are made both by the company and the zone have been as a result of exploitation that has been going on with regard to employment.

Mr. FLOOD. No, no. That is begging the question. No, this is not so. The maintenance of the operation of this canal has been one of the major engineering miracles in the history of man. That's what has done it. Efficiency, operations, maintenance and management, not mere hands.

You need those to do it, but to suggest that because this was an aggrandizement, that this was some great American corporation, who achieved its opulence in the mauve decade, by bleeding its workers—now nobody, I never heard that said, until this minute.

Mr. ROYBAL. Well, I have heard it said many times. And I have also seen——

Mr. FLOOD. What, the accumulation of funds by America, by the United States, after a $5 billion investment, was the result of making slaves out of the Panamanian workers?

Mr. ROYBAL. No, but that the profits that have been derived from that operation resulted from the exploitation of individuals who were paid less than the wages paid Americans.

Mr. FLOOD. Mathematically, I suppose it would work out. If one man gets $10 and another gets $5, then you are ahead $5 some place. I am sure that is so. Yes. But it is certainly not a causus belli. It is not a gut issue. It is certainly not one of the two things that is before this House on the sovereignty and the operation of the canal. There are many other things.

Mr. ROYBAL. But it is a thing that——

Mr. FLOOD. I could talk to you here all night about it. I mean, many legitimate complaints. No question about that. I know of many. You know I know. I have talked to these Spaniards. I know. I have talked with them for years, oh, yes.

Mr. ROYBAL. Well, if we want something said that we don't want anybody else to understand, perhaps you and I could carry on a conversation in Spanish.

Mr. FLOOD. Let's keep this clear.

Mr. ROYBAL. That's all, Mr. Chairman.

Mr. FASCELL. Well, as a matter of fact, in the last treaty negotiations, we made many of the corrections of inequities dealing with——

Mr. FLOOD. Which both of these gentlemen are talking about, oh, yes, and more will be made. More will be made.

Mr. FASCELL. There are still some unresolved economic questions, but nothing that doesn't lend itself to an accommodation; is that correct?

Mr. FLOOD. There is no question about that. Of course not. I would be the first to say so.

Mr. FASCELL. In other words, you support accommodation, so long as it doesn't mean the dilution of U.S. sovereignty. That is your position?

Mr. FLOOD. That is correct. I would be their spokesman. I would be the devil's advocate.

Mr. CULVER. Mr. Chairman.

Mr. FASCELL. Mr. Culver.

1967 PROPOSED DRAFT TREATIES

Mr. CULVER. At that point, just so the record is not ambiguous on this point, on page 4, Mr. Flood, of the prepared statement, when you make reference to, you know, the role of Mr. Anderson, in the continuing negotiations, and you say, and I quote: "was the chief negotiator for the discredited 1967 treaties," could you be a little more specific, then, for purposes of the record—which aspects?

Mr. FLOOD. Well, of course, it is my term.

Mr. CULVER. Yes, sir.

Mr. FLOOD. I have—I can't put an imprimatur on the word "discredited." I dictated the statement. I say that the intent to propose the under-the-table efforts, the hanky-panky that went on—if you sit on Defense Appropriations, you hear about Flood's spies. Well, I don't have a crystal ball. I have big ears.

I have extraordinary sources of information, as you do. People wonder, "How do you know about this thing, this gun, or that airplane?" Big ears. And spies. Whenever these things develop, they are brought to my attention.

Mr. CULVER. But just speaking here——

Mr. FLOOD. And these treaties, this was an effort by certain levels of the State Department, these faceless wonders, who still exist, and it is like trying to pick up a handful of quicksilver to try and do any good with them.

I was on this committee, you know; I was chairman of the subcommittee. I went all through this. I was present for the first meeting of the United Nations. I was present for the accouchement. I know these people, and every once in a while I still bump into one of them, still alive and breathing. It is hard to imagine, but he is still there: faceless, nameless, but dauntless, and they do these things.

And they have this concept that this should be done, that sovereignty must be abandoned, and then, as you say, in this proposed treaty, and then, of course, a brilliant reporter on the Chicago Tribune got a hold of the treaties, and in the meantime they were going around like this—the State Department—and the entire Government, the Kennedy administration, the Johnson administration, and now the Nixon administration, have been trapped by the same people.

Mr. CULVER. But when you make reference, then, Mr. Flood, to the discredited 1967 treaties, the cause of your criticism in that regard is the erosion of sovereignty, of our national sovereignty.

Mr. FLOOD. Yes, the public revulsion. In the House, 150 Members of this House, overnight, nationwide, when the press, the news media, carried this story——

Mr. CULVER. As to how the treaty was arrived at, distinguished——

Mr. FLOOD. No, what they proposed to do. First of all, loss of sovereignty.

Mr. CULVER. Loss of sovereignty?

Mr. FLOOD. And that discredited the treaty.

Mr. CULVER. And yet, in response to Mr. Roybal's question, you did say you specifically welcomed the initiatives in the labor field, for example.

Mr. FLOOD. Oh, yes.

Mr. CULVER. Which did represent an erosion, a diminution of American control.

Mr. FLOOD. I agree with that.

Mr. CULVER. So it wouldn't be really a blanket denial or resistance to certain accommodations, given the political realities in which we are forced to operate today.

Mr. FLOOD. Of course, sovereignty is an absolute thing. You can't be just a little bit pregnant.

Mr. CULVER. Well, for example, take our sovereignty, you know, with regard to our Okinawa military interests.

Mr. FLOOD. That is not sovereignty. That was by right of conquest. We occupied. This is a different rule of international relations. We occupied Okinawa by right of conquest. That is a different breed of animal.

This relationship is a treaty between sovereign states.

Mr. CULVER. But certainly, you indicate, you certainly imply here, that you recognize the necessity to review and to take, you know, corrective action in terms of where a mutuality of interest has to be sustained, and certain problems presented themselves that would make a continuation of that arrangement impossible in the absence of military force.

Mr. FLOOD. You know my history in this. I would be the first, certainly, to agree.

Mr. CULVER. Well, what about some additional steps, like——

Mr. FLOOD. I am no right-wing, breast-beating conservative, finding a Communist under every table with a bomb. I haven't been, in 25 years. I am not that. But, I can see both ways.

Mr. CULVER. What about some of the suggestions that have been advanced concerning the adoption of a joint court system in the zone, or some alteration in the U.S. commissaries there, to provide for——

Mr. FLOOD. This should be discussed. This should be discussed. One of the great purposes of President Theodore Roosevelt was to avoid the recriminations and conflicts that always accompany extraterritorial rights.

Mr. CULVER (continuing). An alleviation of some of the political pressures?

Mr. FLOOD. This sort of thing should be discussed. That wouldn't upset me a bit. Within the rule of reason, of course.

QUALITY OF U.S. SOVEREIGNTY

Mr. FASCELL. Mr. Flood, what is your position—and I know you have discussed it before, but I would like to get it on this record—with respect to the absolute quality of sovereignty? The 1903 treaty raises the question, at least as far as the Panamanians are concerned, that sovereignty in this case was not meant to be absolute, because there is a residual right, territorially, at least, to the ownership of the land itself.

Mr. FLOOD. The right and title, the sovereignty of the United States, was in perpetuity. And I understand the perpetuity to mean just one thing. I can't translate it. Perpetuity is an absolutism.

Mr. FASCELL. Well, I don't have the language of the treaty here before me.

Mr. FLOOD. Well, that's the catch. That's the phrase which is the heart and merit of your position.

Mr. FASCELL. Well, it is not my position.

Mr. FLOOD. I mean the position as stated.

Mr. FASCELL. But the question is whether or not under the 1903 treaty, title in the land in perpetuity actually was transferred? And whether or not, when the property ceased being used for the purposes for which exclusive sovereignty was granted, it would revert to Panama. That's the issue.

Mr. FLOOD. Every piece of private property that was in the Canal Zone was purchased by the United States, at an agreed price, and paid for, and title became absolute, as far as your real estate law. It is an absolutism. Now, even——

Mr. FASCELL. I understand what you are saying, Mr. Flood, but I am merely saying the issue has been raised in the last hearings we had in this subcommittee, that it is an issue, legal or otherwise——

Mr. FLOOD. Oh, I have heard it raised many times, but by the way, even with a title in fee, at least in my State, there can be a residuary, but that does not affect the title in fee, and that is an absolutism.

Mr. FASCELL. Well, the question, of course, is: If you have a residual right, do you or do you not have the entire title?

Mr. FLOOD. Oh, this is not a residual right.

Mr. FASCELL Well——

Mr. FLOOD. It affects—under an absolute title in fee, it amounts to a grant. But there is no reservation of title.

Mr. FASCELL. All right.

Mr. FLOOD. In perpetuity, the sovereignty is absolute.

Mr. FASCELL. I understand your position, and I agree the legal interpretation——

Mr. FLOOD. I don't want that to affect these other things we are talking about at all. These are different things.

Mr. FASCELL. It does affect the question, though, whether or not, in carrying out any kind of accommodation which might be compatible with modernization and the necessity for improving the canal, how far you can go. That's the issue.

You see, for example, some people took the position that flying the Panamanian flag alongside the American flag at certain designated places in the Canal Zone was a diminution of U.S. sovereignty.

Mr. FLOOD. Well, you have breast-beaters any place.

Mr. FASCELL. Yes.

Mr. FLOOD. That leaves me utterly cold. The fact that a few barefooted boys with a little free fusel oil, crossed the border and ran up a flag, and got tangled up with a lot of American high school students—I have seen things worse than that happen in my own district, on pay nights in the coal field.

Believe me, this doesn't affect sovereignty, or the major issue here as between sovereign states.

Mr. FASCELL. Mr. Bingham, did you want to inquire at this point?

Mr. BINGHAM. No, thank you, Mr. Chairman.

TERMINAL LAKE-THIRD LOCKS PLAN

Mr. FASCELL. Mr. Flood, you mentioned two plans. Could you describe for the record, the difference between the Third Locks plan and the Terminal Lake-Third Locks plan.

Mr. FLOOD. Oh, yes; they are two things.

Mr. FASCELL. Right.

Mr. FLOOD. As I mentioned, the 1939 Third Locks plan had the fatal defect of in no way eliminating the appalling bottleneck, the technical bottleneck, and the actual bottleneck at the Pedro Miguel locks.

Now that question must be the first engineering question resolved. The Pedro Miguel bottleneck lock must be eliminated, then take all of locks south of the Miraflores into one lock; then you establish a new lock, and then you create a terminal lake on the Pacific side, which is the same thing as you have on the

Atlantic side, and to do exactly the same thing, raise to the proper level, and that is the Achilles heel of the present technical operation—the failure to have a terminal lake.

Now the combination of both is what we call the Terminal Lake-Third Locks plan; it is the combination of the two.

Now that eliminates the Pedro Miguel lock, creates a terminal lake at the Pacific end, and you have no problem then, for it mitigates the problems we have on the Pacific end, of fog and lockage surges, by having this terminal lake. Also it would provide a summit-level anchorage where you can assemble vessels for transit which now you can't do on the Pacific side, and it is a grievous problem. And the Miguel lock thing is just simply awful.

Mr. FASCELL. Now the Terminal Lake-Third Locks plan—studies on that have been completed?

Mr. FLOOD. Oh, yes. But there is still much to do.

Mr. FASCELL. And the issue for resolution is now pending, where?

PROPOSAL FOR SEA LEVEL CANAL

Mr. FLOOD. Well, there is a Commission in this country and commissions in this town, there are commissions upon commissions—it has cost us $24 million so far for us to give birth to this, and I knew that day they were appointed, they would merely change the color on the last report—they got blue—and two or three graphs, and a couple of charts, $5 million; it is now $24 million. They are now down in the rain jungles and the swamps of the Colombian border, searching for a site to build a canal.

My own grandmother wouldn't build one down there, and they know it. They know it prefectly well. I know where the site they propose is; so do you; but they are going to file a $24 million report from the Commission.

Mr. FASCELL. You mean on the Colombian side or the Terminal Lake-Third Locks plan?

Mr. FLOOD. No. They will have a record, it will have probably a green cover this time, but we will have spent the $24 million. They will espouse—the Ambassador is wearing two hats—that is why I say you are sending the devil to investigate hell. He is bringing this young fellow—what's his name? I never heard of him—some youngster from the White House is going down there, 33 years old, as Ambassador, and he is going to be in charge of carrying out orders to put that canal there, at sea level.

Mr. FASCELL. What do your informants tell you? Has he done anything yet? I haven't heard that anything has been done yet.

Mr. FLOOD. He is about to give birth to it, yes.

Mr. FASCELL. Birth to what, another canal?

Mr. FLOOD. The treaties which would reduce the sovereignty in the canal, yes, and don't forget it——

Mr. FASCELL. You mean, it is because this Presidential Ambassador has now been appointed, the fear that he is about to negotiate——

Mr. FLOOD. Under Mr. Anderson, and they are about to come up through the Army Engineers with this report, and I can tell you the conclusion now, give you the——

Mr. FASCELL. Not for modernization?

Mr. FLOOD. Oh, no, no. This is for the new canal.

For modernization, they have the report, and I submit, and I would suggest you examine it, by investigation; it is the outstanding authorities in the world who are concerned about this, recommend the Terminal Lake-Third Locks system, and consider this sea level canal to be—they could not find a good reason.

Now it is going to be built by nuclear power—fissionable material.

Mr. FASCELL. I thought that had been discarded.

Mr. FLOOD. Oh, everything they have drawn up has been totally discarded. The last thing was they are going to build it by fissionable material, which would kill everybody within 10 miles of the canal, so they said "Well, that's not a good idea."

ECOLOGICAL EFFECT OF SEA LEVEL CANAL

Mr. FASCELL. Well, wasn't there also a tremendous environmental problem, ecological problem, with the sea-level canal?

Mr. FLOOD. Oh, yes, and who in the world would be better concerned than you, Mr. Chairman, from Florida? The ecological problem is bringing in these sea snakes, which are worse than the cobra, from the Pacific, knocking out this pocket of fresh water, and infesting every beach from Virginia to Brazil.

Mr. FASCELL. Well, we have some sea snakes that are doing some infesting, but they didn't come from——

Mr. FLOOD. They have got two legs, though, those fellows. I know them. They have got two legs.

Mr. FASCELL. Are you familiar with the Kearney report, Mr. Flood?

Mr. FLOOD. I have excerpts from it; yes.

Mr. FASCELL. Then you are talking about the feasibility——

Mr. FLOOD. May I add this? About these objections. You know, the first objection about this canal was naval gunfire. "You can't build this canal because the navies of the world will destroy it with naval gunfire." Well, that was in 1905.

Now when the gunfire thing didn't work out, naval gunfire, well, all of a sudden we had bombers, World War II. "Got to have a sea level canal, because the bombers will destroy the Panama Canal." Well, that didn't stand up very well.

Finally, the atomic bomb. Well, of course, you can destroy any canal. If you want to destroy a sea level canal, or any, you can destroy anything you want to. No question about that. No question about that at all.

There is nothing sacred from destruction, the way we are operating today in the military sense. But all of these, every year, you have these proponents of the canal come up with some weird ideas as to the danger of the existing canal, or modernizing it, or the tremendous advantage of the sea level canal.

And this goes on and on and on like Tennyson's brook. It just doesn't stop.

This is a discredited thing, internationally, except that there is residual remainder, the palace guard. The old guard dies, but never surrenders, and they will pop up out of any place over the sea level canal.

(Representative Flood subsequently furnished the following statement:)

AUGUST 3, 1970.

BATTLE OF THE LEVELS—A SUCCESSION OF BUGBEARS—BY HONORABLE DANIEL J. FLOOD

The story of the modern "battle of the levels", is merely a continuation of age-old arguments over type of canal.

In 1905–06, it was the alleged danger from *naval gunfire* used by sea level advocates, who were overcome by the knowledge and vision of John F. Stevens backed by President Theodore Roosevelt.

In 1939, it was the alleged danger of *enemy bombing*, which led to the Third Locks Project failure.

In 1945, it was fear of the *atomic bomb* that resulted in the abortive 1945–48 investigation under Public Law 280, 79th Congress, which recommended only a "sea level" canal on the basis of its alleged greater security. This recommendation failed to receive the approval of President Truman because of the clarification in the Defense Department of the fallacies in the application of the security and national defense factors in the statute.

In 1964, it was the danger of sabotage from *"two sticks of dynamite"* that led to the present inquiry.

Now, in 1970, it is the danger of "guerrilla warfare".

From the foregoing the pattern is clear; change the bugbears of justification when earlier arguments prove ineffective.

The defense needs of the Panama Canal are for the existing canal and not for some hypothetical waterway that may be constructed in the indefinite future.

Moreover, the defense of the Canal, like that of the major ports and rail systems of the United States depends not upon passive features of design, but the combined power of the Armed Forces of the United States.

MODERNIZATION OF PANAMA CANAL

Mr. FASCELL. We have had testimony before this committee that indicates that studies which have been made with respect to both economic feasibility and engineering feasibility indicate that the present canal could be modernized to take us to the year 2000, in very good shape.

Mr. FLOOD. Well, of course, a sea level canal would cost you $3 billion. You have got $157 million in the present canal now as developed by the Third Locks Project and enlargement of Gaillard Cut. In a very short period of time, the terminal lake proposal can be done, at a minimal figure, or as fast as your need to meet the demands for transit. I tell you that 40,200 annually—and it will be a long, long generation, and a century, before you will have 40,200 ships. And the existing canal, modernized, can do that.

Now don't let them tell you about, "Well, look at the big ships that are being built that can't go through the canal." For every big ship in the year 1985 that can't go through the canal, but goes around the Cape, there will be 300 that will go through it. Besides, those super vessels are built for the purpose of avoiding going through any canal and paying tolls.

USE OF RAIL LINE IN CANAL ZONE

Mr. FASCELL. I have ridden that train in the Canal Zone—or is that outside—and I have a hard time accepting your statement that it is a vital transportation link.

Mr. FLOOD. Oh, no, vital in this sense: Nothing concommitant with the canal—and I am not speaking about the seat you ride in, like an amusement park. I don't mean that at all. I mean that mere railroad, where it is, with the two terminal controls, and we had to stop them.

Now, in that treaty we gave them their terminals of the Pacific and the Atlantic, the terminal buildings, the stations, we call them, in this country. And for people who can't even keep the sewage and the garbage clean in their streets, to run a canal, they made a mess of the two buildings that we shouldn't have given them in the first place.

Thank God, the Congress saved the railroad.

Mr. FASCELL. Yes, but I don't understand how the train and the tracks help us.

Mr. FLOOD. Well, the tracks, any tracks, anything that will carry anything through an isthmus will help you—a new road, a new railroad, anything like this. But we have——

Mr. FASCELL. You mean for carrying supplies? Is that what you are getting at?

You see, I am a little bit lost as to what the value of that train is.

Mr. FLOOD. Well, primarily, it is a defense structure, primarily, although originally it was the transport of the old miners from one side to the other, originally.

Mr. FASCELL. But it is your view that the train is still a vital link in the operation of the Canal?

Mr. FLOOD. I say this, that anything we have there existing today which will help us in transport, including the outrageous sums we pay to the aristos who own the cement companies for the lousy cement they give us to build those roads, and put the money in Swiss banks, which they did with

the $36,300,000 we gave them—I bet you the best drink in town that three-fourths of that is in a Swiss bank now. That has been going on for 40 years.

I don't think—you can't change these people by just making a treaty. You can't change this, these 16 families. But that is not—that is the Panamanians.

Mr. FASCELL. That is not the issue. I am just trying to find out what is the use of the railroad.

Mr. FLOOD. Any railroad is important for transport of anything, whether it is the narrowest gage or a double track. That is important but its greatest value is its ready availability in event of interruption of transit that may be caused by slides when it would become a major transcontinental railroad overnight.

Mr. FASCELL. I think I would go along, generally, with that. But, as I remember this railroad, all it has are a few passenger cars.

Mr. FLOOD. This isn't for the transportation of passengers. This was an adjunct of the canal. Any railroad—for instance——

Mr. FASCELL. You mean it has freight cars?

Mr. FLOOD. Yes, indeed. In the town that I come from, I have more railroads going into my city of Wilkes-Barre than any place in the United States, to haul coal. But you couldn't go a hundred miles, because there were no passenger trains. They came in there, these great railroads, to haul coal.

Now, the fact that you put a few passenger cars on the Lehigh Valley or the Pennsylvania, a few passenger trains between New York and Buffalo, that was just to satisfy the peasants. These seats that you and I are on are certainly not the purpose of a railroad at the Panama Canal across the Isthmus. That is just a convenience. It helps the tourist from the Gray Line go from one place to another. That is about all that does.

PROTECTION AND DEFENSE OF PANAMA CANAL

Mr. FASCELL. If the Panama Canal can be adequately protected from other U.S. bases in the Caribbean, that would be an operational decision which would be satisfactory, don't you think?

Mr. FLOOD. Well, of course, that is true of any canal.

Mr. FASCELL. I am thinking particularly about the issue of the U.S. Southern Command.

Mr. FLOOD. Yes, I was thinking of that, too. But here is some language that I would want you to read. You can't read my handwriting, because even I have a time.

"Moreover, the defense of the canal"—and we are talking about mere defense, the defense of the canal—"like that of major ports, major rail systems, of the United States, depends not upon passive features of design, but the combined forces of the entire Armed Forces of the United States."

That is true. Of course, that is true. Anybody that blinks at the canal, from the East or West, ignites the defense of the Western Hemisphere. And that means the Armed Forces of the United States.

The same thing would be true of the Port of New York or of San Francisco. It wouldn't be one command.

Mr. FASCELL. We have had testimony in this committee in closed session with respect to the security of the Gulf of Mexico and the Caribbean Sea, and the Panama Canal, and——

Mr. FLOOD. Mr. Chairman, I am on the Defense Appropriations Committee.

Mr. FASCELL. Right, and I just wanted to be clear.

In other words, you would prefer to keep the Southern Command, but——

Mr. FLOOD. Oh, yes.

Mr. FASCELL (continuing). But admit that a canal could be adequately protected from other places.

Mr. FLOOD. It could be protected. The canal could never be adequately protected unless the entire Armed Forces of the United States—that would be an act of war. This wouldn't be a guerrilla action. This wouldn't be South Vietnam. South Vietnam would be a little gas on the stomach compared to anybody touching that ditch.

SOVEREIGNTY PROVISIONS OF 1903 TREATY

Mr. FASCELL. I just want to get this in the record, Mr. Flood, so there won't be any confusion about the question of sovereignty and why the issue was raised. And I am not making a case for it or against it.

Article II of the 1903 treaty says:

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of the zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said Canal.

And then it goes on.

Mr. FLOOD. Yes.

Mr. FASCELL. That is article II basically.

Article III——

Mr. FLOOD. I know it like the Lord's Prayer.

Mr. FASCELL (reading):

The Republic of Panama grants to the United States all of the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and water mentioned and described in said article II, which the United States would possess—

And here is where we get into difficulty—and exercise if it were the sovereign of the territory within which said lands and waters are located—

et cetera.

Those two passages read in conjunction have given rise to a difference of opinion.

Mr. FLOOD. That is correct. This is semantics.

Mr. FASCELL. On the other hand, the treaty has been interpreted to mean a perpetual grant of the land itself; on the land, on the Panamanian side——

Mr. FLOOD. You have stated the question. It is semantics.

Mr. FASCELL. The question has been raised whether or not the words "if it were the sovereign," read in conjunction with the "grant in perpetuity" of the use, occupation, and control of the zone for a specified purpose, is in fact total sovereignty.

Mr. FLOOD. Mr. Chairman, it was raised about the very first week after the treaty was signed.

Mr. FASCELL. That is the only point I was making, that it was there for a long time.

Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman, I appreciate your inviting me to participate, although I am not a member of this subcommittee.

Mr. FASCELL. You are a member of the full committee and we are delighted to have join us here.

Mr. BINGHAM. Yes, I am a member of the full committee.

I would like to ask this, Mr. Flood. And if this has been covered before, Mr. Chairman, please let me know.

RELATIONS OF OTHER LATIN AMERICAN COUNTRIES WITH PANAMA

Mr. FLOOD. Well, let me say it this way.

Of course, I do. I can't pretend Panama is some place else. I can't pretend it is not there. I can't pretend it is on the moon. Of course, it is there. It is people, and they live and breathe, just like people do in all these new developing countries, all over the world.

And there is a suffrage, as we just said a few minutes ago, in Latin America, just as we have it here in our own country. We certainly should be able to recognize it someplace else. And we do. At least most of us do.

But I see no place in this resolution on the question of sovereignty for this isthmus, the Canal Zone itself, on this broad, everpresent, yet to be solved—with the help of God—question. But that is not peculiar to this resolution or to this statement. I am speaking of two entirely different things, the sovereignty of the canal and the modernization of this canal into this system.

But these questions that go to the integrity of the Nation, these questions that go to feeling for people, these questions that go to this suffrage and nationalism, are not peculiar to Panama but to world problems—all races, colors, and peoples, creeds, and religions—and oh, yes, that is present. You can't pretend by passing this resolution that it isn't. It is.

Mr. BINGHAM. And what would you say would be the impact on our relations with the Latin American peoples generally of the adoption of this resolution?

Mr. FLOOD. I have discussed this over a period of years. And I have seen many governments change, on both the east and west coasts and central part of South America.

At the United Nations in New York, here in Washington, the South American League, it is essential and necessary that they strike a pose for their Latin brothers. But, believe me, they will not break down and cry, none of them. None of them. And I hold no brief for many of the governments to whom I have spoken in the last 25 years, believe me, about fait accompli.

Our position must be very careful, so that out of an abundance of caution, and trying to do good, we don't do bad as well. We should insist that the people must speak for themselves, the people must be free, the people must create their own governments, and so on and so on, about now. This is the subject that I would like to discuss with you, because you are for the authority, but not in this resolution. That is no cause for alarm here.

Mr. BINGHAM. But when you say that these people with whom you have spoken indicate they have to make certain noises in opposition, doesn't that suggest to you that they make those noises because the public in the Latin American countries feels very aggrieved about the continuing position of the United States in the Panama Canal Zone?

Mr. FLOOD. No, oh, no.

Mr. BINGHAM. It does to me, frankly.

Mr. FLOOD. Well, it doesn't to me, frankly.

Mr. BINGHAM. What did you mean, then, that they had to make certain noises about?

Mr. FLOOD. It means they must make certain noises because they are aware that their people are aggrieved about certain things. But in Brazil, in Argentina, in Peru, in Paraguay, the last thing in the world that they are thinking of is the Panama Canal. They couldn't care less.

Mr. BINGHAM. I am puzzled by your statement—and perhaps you went into this before—that the surrender by the United States of the Canal Zone and Canal would inevitably result in a Communist takeover of Panama, as occurred in Cuba, which would include the canal itself.

Mr. FLOOD. We developed this at some length before you were here.

Mr. BINGHAM. Well, then, I am sorry. I don't want to pursue it, if it has been covered.

Mr. FLOOD. Well, perhaps——

Mr. BINGHAM. No, I don't want to duplicate anything.

Mr. FLOOD. I understand. We can go over it.

Mr. FASCELL. We are going to have to go to the floor of the House and vote.

Are there any other questions?

If not, I want to thank you, Mr. Flood. We appreciate your coming here, making your statement, answering all of our questions, and helping this subcommittee in its study of the question of the security of the Caribbean and the Panama Canal.

Mr. FLOOD. Thank you. I am glad you permitted me or asked me to come. And I

urge that I be invited again, because, frankly, I smell something in the offing.

Mr. FASCELL. Without objection, the record of the hearings will remain open for the acceptance of additional statements from our colleagues in the House.

The subcommittee stands adjourned.

(Whereupon, at 4:15 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.)

(The following statement was subsequently received:)

STATEMENT OF REPRESENTATIVE DURWARD G. HALL ON THE PANAMA CANAL

Mr. Chairman, it appears that this Nation has become "obsessed" with the idea of giving up control of the Panama Canal. It is my considered judgment that such action, if accomplished would contribute greatly toward smoothing the roadbed over which the juggernaught of international communism would travel.

We have given away the island Iwo Jima and plan same for Okinawa—our hard won and most strategic base in the Pacific.

We have given away Wheelus Air Force Base, undoubtedly its tarmac will soon become a favored resting place for aircraft bearing the hammer and sickle.

Now comes the news that the President has appointed Mr. Daniel W. Hofgren, a man whose credentials as a negotiator are at best suspect, to be a special representative of the United States for the Interoceanic Canal Negotiations, with the rank of ambassador.

Mr. Chairman, I think it is time that the Congress makes it perfectly clear that this Nation has no need for a negotiator. The Congress should make perfectly clear, once and for all: We are there, we intend to remain there, and, in the language of today, the sovereignty of and Panama Canal itself—is unnegotiable. It's time we made crystal clear that this involves U.S. territory, and hence is a constitution prerogative of the House and entire Congress.

I have joined with my colleagues from Missouri, Pennsylvania, and Ohio in introducing legislation that would arm the President with the sentiment of the House of Representatives and that of the American people in any future negotiations with the Goverment of Panama over the status of the Canal Zone.

It is essential that this be done so that a reoccurrence of the abortive proposed 1967 treaty does not come back to haunt us. As many may remember this proposed 1967 treaty contained provisions that ceded additional rights of the Canal Zone to Panama, gave Panama joint administration, increased our annual payments to Panama, raised tolls, and forced the United States to share its defense and police powers with Panama. When the text of this treaty was published there was a hue and cry throughout the United States opposing its provisions. At that time about 150 Members of Congress introduced or co-sponsored resolutions expressing the sense of the House that it was the desire of the American people that the United States maintain its sovereignty and jurisdiction over the Canal Zone. The same language exists in the resolution we are introducing today. Public indignation ran so high that the 1967 draft treaty was never sent to the other body for ratification. I ask that those hearings be made a part of this hearing record!

Mr. Chairman, it is now over two years later. Much has transpired. A military junta is now ruling Panama. A new administration has taken over the reins here in Washington. On the other hand, much has remained the same. Castro is still preaching and exporting revolution in Latin America. American property is still being ex-appropriated "south of the border." Many people both here and abroad call for the surrender of American bases and rights throughout the world. The Panamanian Government is aware of this and is now willing to make another attempt to negotiate a new treaty. They know that they have *nothing* to lose, and *everything* to gain. They no doubt feel that if they obtain concessions from us as they did in the negotiations for the 1967 treaty, they can obtain them again in any new round of negotiations.

I am also confident that the citizenry of this country know and comprehend the strategic importance of the Canal Zone. As a Member of the House Committee on Armed Services I was *particularly* concerned about the possible effect of the 1967 treaty on both the subjects of national security and hemispheric defense. The importance of the Canal Zone as a bastion on our "southern flank" cannot be overrated. Without our control of the Canal Zone the possibility of a potentially hostile regime in Panama denying access of the transferring our naval forces from ocean to ocean ever grows. The loss of this access could destroy a link in our defense chain and could produce a disaster. It is particularly inappropriate in this time of contingency expectancy around the world.

Mr. Speaker, intertwined with the aspect of *national security*, is the equally important area of *hemisphere defense*. The Canal Zone under our control and jurisdiction serves as an outpost thwarting the perverted ambitions of Castro, Moscow and Peking. Our presence serves as a constant reminder of our determination to stop subversion in Latin America. I ask, would Panamanian control of the canal serve a like purpose? I think the answer is obvious.

Besides military considerations, the *commercial* considerations must also be examined. A Communist or hostile government could completely close the canal to United States shipping. Over sixty-five percent of all United States shipping passing through the canal annually either originates or terminates in United States ports. The added shipping costs, as well as the curtailment of shipping would be astronomical in the event this facility was denied our use.

Besides paying the price for increased shipping costs, the United States taxpayer could possibly be forced to surrender his aggregate investment of over $5,000,000,000 which would constitute the biggest single "give-away" in recorded history. I cannot envision the American people wishing to write off this huge public asset, without some reasonable and tangible compensation in return. Let's at least put the question to them!

Mr. Chairman, I am happy to inform you that many Members of the House of Representatives are in total agreement with the statement I have made here today, and I remind you that no other branch of the Government has the feel or the knowledge of the electorate as does the membership of the House.

It is imperative that all who are concerned do everything in their power now, to prevent the surrender of our right to the control of the Panama Canal. We cannot sit idly by and watch the Panama Canal become another Suez.

H. RES. 593

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control, construction, maintenance, operation, sanitation, and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

H.R. 3792

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level

lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authoriezd to be appropriatd for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

NUTRITION PROGRAM FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I am introducing legislation today which would provide a nationwide nutrition program for the elderly to be established through Federal grants matched by State and local funding, with utilization of the surplus commodity programs.

The bill, if enacted, would mean that persons 65 years or older could be provided with at least one hot meal per day at a reasonable low-cost to them. The meals would be available at strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions. The senior citizen would, thus, not only be provided with a decent meal but also a chance to be in the companionship of others, thereby, encouraging social contact.

Extensive hearings held by the Select Committee on Nutrition and Human Needs last fall resulted in a strong recommendation of this legislation. The chairman of the committee, the Honorable CLAUDE PEPPER, reported that:

> Among the programs discussed in the hearings were the demonstration projects conducted by the Administration on Aging under title IV—research and development grants, which evidenced not only their desirability, but their feasibility.

Twenty-seven projects established over 17 States in a 3-year period proved to be very successful.

The hearings again pointed to the fact that the elderly person must rely on a fixed-income that continues to shrivel up as the cost-of-living increases. Strict budgets must be followed and for some, food always seems to be the last priority, since the rent, utilities, taxes, and medicines must be paid.

In testimony before the hearings, Mrs. Sandra Howell, project director for the Gerontological Society, described the results of inadequate diet as follows:

> When poor nutrition exists and persists in the older adults, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly (we encourage) the spiral of chronic disease, physical and psychic disability, and ultimate institutionalization.

I cannot agree with Mrs. Howell's observation more. It is my hope that full consideration be given this legislation in the light of the need and also of its feasibility as demonstrated by the projects of the Administration on Aging. I am glad to note that there are already more than 55 Congressmen that have joined this bipartisan effort and I trust that we can pool our efforts together for enactment of this bill as soon as possible.

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, in December 1968 seven Members of Congress sponsored ad hoc hearings on discrimination in the Federal civil service and by Federal contractors. These ad hoc hearings were convened after the appropriate congressional committees refused to agree to hold hearings on this issue. The seven who sponsored the resulting ad hoc hearings were Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself.

We had hoped that the very fact of holding these hearings would bring sufficient focus to the problem of employment discrimination so that meaningful positive change would result. In part, we were successful. The hearings did bring to bear the scrutiny of an organized group of Congressmen, and they thereby did encourage response.

However, this response in no way sufficiently met the necessities. As the hearings on ad hoc congressional committee established, the equal employment opportunity program within the Federal civil service is very deficient. Its promises have far outstripped its actual results. Similarly, the contract compliance program—the Federal Government's ostensible means to assure equal employment opportunity among the concerns with which it contracts—is very much unsatisfactory.

This persisting lack of an effective equal employment opportunity program within the Federal employment establishment has convinced us that the published report of our hearings will further expose these deficiencies.

Other events, as well, justify publication of these hearings now. Not only do the deficiencies noted then still remain. Opportunity for corrective legislative action will soon be at hand, and hopefully the publication of these hearings will help engender further support for this action, as embodied in H.R. 17555. This bill, which has been reported out of the House Committee on Education and Labor, transfers to the Equal Employment Opportunity Commission authority for the equal employment opportunity program within the Federal civil service. One of the major recommendations of our committee is, in fact, that the Civil Service Commission's supervisory authority over the equal employment opportunity program in the civil service be transferred to another agency.

Moreover, while figures alone cannot give the whole story, they do lead to the compelling conclusion—as does our report—that the transfer which H.R. 17555 proposes of the supervisory authority for the equal employment opportunity program out of the Civil Service Commission is essential. And the just-released Preliminary Report of Minority Group Employment in the Federal Government, 1969, issued by the Civil Service Commission, shows how little real progress has been made. This report presents statistics as of November, 1969; its predecessor report, entitled "Study of Minority Group Employment in the Federal Government, 1967," presented data as of November 1967.

A comparison of the two reports shows the minimal progress made over the 2-year period. Over all, there has been a 20,000-man decline in Federal employment from November 30, 1967, to November 30, 1969—from 2,621,939 down to 2,601,639.

The number of black employees in the general schedule civil service has declined from 390,842 down to 389,251. In terms of percentages, there has been a virtually negligible increase—from 14.9 percent in 1967 up to 15 percent in 1969.

The number of Spanish-surnamed employees has shown somewhat of an increase, from 68,945 in 1967 up to 73,619 in 1969. But this only represents a bare percentage increase, as based on total Federal employment, of just 0.2 percent: Spanish surnamed employees constituted 2.6 percent of the Federal work force in 1967, and they constituted 2.8 percent in 1969.

American Indians and Orientals have experienced no percentage increase, and only negligible increases in absolute numbers. American Indian Federal employees totaled 16,469 in 1967, which equaled 0.6 percent; they totaled 16,478—an increase of 9—in 1969, this equaling the same percentage of 0.6 percent. Oriental Federal employees totaled 20,416 in 1967—0.8 percent. They totaled 21,188 in 1969—again, 0.8 percent.

So, in terms of absolute numbers, the passage of 2 years' time has meant little of benefit to minority group members, so far as employment by the Federal Government is concerned. In terms of percentage distributions, the same conclusion is apparent.

Another aspect of employment in the Federal Government is grade-level distributions. Our report shows very clearly, as do other documents, that minority group members are overwhelmingly represented in the low grades—which means low wages and little or no authority—and overwhelmingly underrepresented in the high grades—which correlate with higher pay and more authority.

And, a comparison of the 1967 and 1969 figures prepared by the Civil Service Commission confirms the continuation of this pattern.

In 1967, 11.6 percent of black Federal employees held GS–5 through 8 positions. In 1969, this percentage figure had only risen to 13 percent. In 1967, 4.3 percent of black Federal employees were employed in GS–9 through 11 jobs; in 1969, the percentage was 5.1. In 1967, only 1.8 of the Federal employees in grade levels 12 through 18 were black; in 1969, the percentage was just 2.25 percent.

The figures for Spanish-surnamed Americans are similar. For GS–5 through 8, the percentages are: 1967—1.9 percent, 1969—2.1 percent. For GS–9 through 11, they are: 1967—1.2 percent, 1969—1.4 percent. And in the grade levels 12 through 18, Spanish-surnamed employees constituted 0.6 percent of the Federal work force in 1967. In 1969, they constituted 0.7 percent.

American Indians show a decline in every grade category. For category GS–1 through 4, down from 1.8 percent to 1.6 percent. For GS–5 through 8, down from 1 percent to 0.7 percent. For GS–9 through 11, down from 0.7 percent to 0.5 percent. And for GS–12 through 18, down from 0.3 percent to 0.2 percent.

The statistics regarding Oriental Americans within the Federal civil service reflect the same distressing picture. In the GS–5 through 8 grouping, there was no percentage change. In the GS–9 through 11 group, the figure rose from 0.9 percent in 1967 to 1 percent in 1969. In the GS–12 through 18 group, the figure rose from 0.7 percent in 1967 to 0.8 percent on 1969.

Thus, in terms of occupying high level positions, the passage of 2 years' time again shows a depressing result.

There are more than 30 million Americans who constitute members of minority groups—Negroes, Spanish-surnamed Americans, American Indians, and Oriental Americans. Yet, in the entire Federal general schedule civil service, as of November 1969, there were, in the three highest grade levels—GS–16 through 18—exactly 97 such Americans. In the highest grade—GS–18—there were seven blacks, two Spanish-surnamed Americans, no American Indians, and two Oriental Americans—a total of 11.

The first part of the report of the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment concerns the equal employment opportunity program within the Federal Civil Service. I am today including the first part of the report in the CONGRESSIONAL RECORD, on behalf of the Ad Hoc Congressional Committee, composed of Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself. As we stated in the foreword to the report:

We believe this report of the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment is compelling rebuttal to the rhetoric of action which is, in fact, disguise for inaction. We believe this report starkly presents the failure of the equal employment opportunity program, both within the Federal Civil Service, and as to Federal contractors. We intend this report to penetrate the rhetoric, and to stand as a demand for immediate, effective, meaningful action.

The first part of the report follows:

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT

FOREWORD

Because of the crucial importance of the issue of employment to millions of Americans who have been, and are being, prevented from raising their economic status

and using their talents, we, in 1968, asked a number of Congressional committees to convene formal hearings to study this problem. None—and these included both House and Senate committees—agreed to do so. Consequently, we convened these Ad Hoc Hearings, which were held December 3–5, 1968.

This Report is the result. It presents the testimony of witnesses who have both seen and experienced the discrimination which, tragically, pervades the federal employment establishment—both in the civil service and as to federal contractors.

We would like to thank these witnesses for taking the time to appear in Washington. Some of them incurred serious financial hardship in making the trip, and this is further testimony to their sincerity.

Some testimony has been omitted, some words have been changed to achieve continuity. In no case, however, has the substantive meaning of any witness' presentation been altered. Our recommendations will follow the presentation of testimony.

We believe this Report of the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment is compelling rebuttal to the rhetoric of action which is, in fact, disguise for inaction. We believe this Report starkly presents the failure of the equal employment opportunity program, both within the federal civil service, and as to federal contractors. We intend this Report to penetrate the rhetoric, and to stand as a demand for immediate, effective, meaningful action.

Ad Hoc Congressional Committee on Discrimination in Federal Employment and Federal Contractor Employment—John Conyers, Jr., Member of Congress, Charles C. Diggs, Jr., Member of Congress, John Dow, former Member of Congress, Augustus Hawkins, Member of Congress, Henry Helstoski, Member of Congress, Robert Nix, Member of Congress, William F. Ryan, Member of Congress.

EQUAL EMPLOYMENT OPPORTUNITY IN THE GOVERNMENT

I. Introduction

Supervision of the equal employment opportunity program within the federal government resides in the Civil Service Commission, whose role is now established by Executive Order 11478, issued by President Nixon on August 8, 1969, and superseding Part I of Executive Order 11246, issued by President Johnson on September 24, 1965.

The most recent complete data on minority group employment in the federal government is that provided in the 1967 report of the Civil Service Commission, entitled "Study of Minority Group Employment in the Federal Government." On September 10, 1970, the Commission issued its "Preliminary Report of Minority Group Employment in Federal Government, 1969." The final report is expected to be published in November, 1970.

An analysis of the 1967 report, which presents data compiled as of November 30, 1967, and the Preliminary Report, which presents data compiled as of November 30, 1969, shows the following comparisons:

(a) There was a total of 2,621,939 full-time federal employees as of November, 1967, and a total of 2,601,639 as of November 30, 1969.

(b) Black employees totaled 390,842 in 1967—14.9%. Black employees totaled 389,251 in 1969—15.0%. In brief, there was virtually no change in terms of percentages, and there was an actual decline in terms of numbers.

(c) Spanish surnamed federal employees totaled 68,945 in 1967—2.6%. They totaled 73,619 in 1969—2.8%. In this instance, there was both a minor percentage increase, and a minor increase in absolute numbers.

(d) American Indian employees totaled 16,469 in 1967—0.6%. They totaled 16,478 in 1969—0.6%. In this instance, there was no percentage change, and only a negligible increase in absolute numbers.

(e) Oriental federal employees totaled 20,416 in 1967—0.8%. They totaled 21,188 in 1966—0.8%. In this instance, there was again a negligible increase in absolute numbers, and no change in terms of percentage.

II. SUMMARY OF TESTIMONY ON MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT

The testimony before the Ad Hoc Congressional Committee concerning minority group employment within the federal government breaks down into essentially four chief areas:

(1) the existence of discrimination, experienced both in terms of individual victization and in terms of patterns of deprivation of opportunity;

(2) the inadequacy and inability of the Civil Service Commission, charged with the responsibility for the rights of federal employees, to conduct and control the equal employment opportunity program;

(3) the bankruptcy, and even negative influence, of the employee grievance procedure in dealing with and rectifying discrimination in hiring, in employment, and in promotion; and

(4) the failure of so-called "affirmative action" to remedy past and present wrongs.

1. The statistics of discrimination

The statistics presented by the witnesses who appeared before the Ad Hoc Congressional Committee make eminently clear that minority group members are under-represented in policy-making positions within the federal establishment, and over-represented in the lower grade levels. Thus, both in terms of authority and salary, minority group members remain second class citizens.

2. The Civil Service Commission

The Civil Service Commission is committed to a merit promotion system, which is ostensibly premised on objectivity and neutrality. For example, the merit promotion system keys advancement to achievement and years of service, pursuant to its aim of precluding promotion on the basis of personal favoritism. Federal law precludes more than one-grade promotions—that is, promotion from a GS–11 to a GS–13, skipping the GS–12 level—and requires certain minimal time within a grade before the employee is eligible for promotion.

While this system has the laudable aim of preventing personal favoritism from outweighing merit, in practice the desired objectivity and neutrality which the civil service system aims at operates against the interests of minority group members.

Since most minority group members are hired in low grade level positions, the likelihood of reaching a high grade and a position of authority is slim. In adidtion, the testing which seeks to select employees without regard to the personal favoritism of their superiors often is marked by a cultural bias inimical to the success of minority group members. Moreover, the very neutrality which aims at protecting employees makes the system unable to adequately cope with, and rectify, the past discrimination which has kept the low grade, but capable, employee in a position incommensurate with his potential. And finally, the qualification standards set for jobs often preclude advancement, yet themselves are misplaced and not keyed to the actual talents and abilities needed for the job.

More important in terms of the government's purported goal of equal employment opportunity is that the Civil Service Commission is, in large part, uncommitted to this goal. While this does not mean that Civil Service Commission employees are men of ill will or are bigots, it does mean that they have no special passion or sensitivity for the problems of minority group members or for the patterns of discrimination which the statistics all too clearly establish.

In part this lack of commitment stems not only from disinterest, but also from the essential ethic of the Commission, which is neutrality. Neutrality is a viable operative concept when its subjects are all alike. But it breaks down in the face of varying educational backgrounds, disparate cultures, and the actual fact of institutionalized discrimination which, while seldom the product of identifiable individuals, is all too often the unarticulated tradition of the system.

Finally, the Commission simply is inadequately staffed to properly implement, conduct, supervise, and review a nation-wide equal employment opportunity program.

The conduct of the program by the Civil Service Commission is, not surprisingly, ineffective at best. At worst, it is harmful. The Commission, even in those completed cases it does review, has hardly ever found discrimination—the statistic quoted by Mr. Michael Ambrose, one of the witnesses and a former Commission employee, is 2 per cent. Further, the Commission has ignored what would appear to be reasonable management techniques by failing to set any goals, or standards, by which agencies can gauge their success or failure. Nor is there any system to reward effective agency programs, or equal opportunity employment officers, who actually are often intimidated—at least implicitly—by the displeasure which their superiors would express were their agencies to be found to be discriminatory.

3. The grievance procedure

The grievance procedure came in for the severest of criticism by the witnesses. In part, its failings follow from the failings of the Civil Service Commission, which, by its quiescence and disinterest, has failed to effectively examine agency actions. But, more basically, the failings of the grievance procedure derive from its conceptual problems and from its implementation within the agencies.

Conceptually, the grievance procedure is misplaced because it is unable to grapple with the pervasive, non-specific discrimination endemic throughout the government. The procedure is premised on an adversarial confrontation between the individual complainant and an agency employee whom he accuses of having discriminated against him.

This framework requires identification of an individual discriminating person, and identification of acts of discrimination. Yet the first requirement ignores the patterns of discrimination—through slow promotion, misdirected testing, restrictive hiring—which perhaps can be blamed on no one person or group of persons. And the latter—identification of acts of discrimination—similarly calls upon a showing of overt acts or events, whereas the discrimination may be far more clearly apprehendable in its consequences—again, the pattern of discrimination shown by the statistics—than in its victimization of any one individual.

Another aspect of this adversarial structure is the fact that the accused agency is the investigating party. Only it can commandeer the personnel statistics over the past years and the other information which may be relevant, beyond the basic alleged acts which the specific complainant points to. Yet, because the agency is in effect being put on trial, it is not working with the complainant to rectify a clearly articulated wrong—discrimination in employment—but against him.

The witnesses recorded other vices in the present procedure, as well. Long delay is typical, for one thing. In addition, the agencies are not really interested in overcoming discrimination. The complainant must pro-

vide his own counsel and the complainant must take the initiative. Particularly in the case of Spanish-speaking employees, this is a significant hurdle because, apart from the psychological disposition to fight which any complainant must possess, the Spanish speaking complainant must overcome the difficulties of language as well. Furthermore, a complainant is labeled as a troublemaker—he may win in the proceeding, but the likelihood of future promotion is minimal.

Finally, the results of these proceedings rarely are in favor of the complainant. While not all employees may have valid complaints, the few findings of discrimination surely cannot be made to jibe with the statistics showing the concentration of minority group members in low level jobs where they earn little money and possess little authority.

On the other side of the coin, several witnesses reported that employees accused of discrimination have been promoted during the pendency of complaints. In brief, there is no system to punish those who have discriminated.

4. Affirmative action

Given the fact that the statistics show a pervasive pattern of discrimination, whereby minority group members are excluded—whether by design or institutionalized tradition—from high grade positions of authority, an affirmative action program should, ideally, seek to reverse and compensate for such pattern, as well as, through the individualized means of grievance procedures, rectify the wrongs done to specific individuals by their employers.

The affirmative action program within the federal employment establishment in no way even brings within sight the ideal. Again, this is in part due to the basic disposition of the Civil Service Commission, to which preferential treatment largely means setting quotas—which are anathema to the Commission—to achieve reverse discrimination.

Again, also, the lack of particular interest by the Commission, and the displeasure which the effective equal employment opportunity officer in a given agency may well incur from his superior, dissuade aggressive action.

Further, the stressing of tests which erect needless and improper obstacles to advancement, and the setting of qualification standards which are not really relevant to the job, yet which bar potential applicants, serve to inhibit affirmative action, rather than abet it.

Finally, there is no means to compensate victims of discrimination—no means to effect retroactive promotions, or to make up for the lost pay a better job would have provided or to recompense for past anguish and frustration.

III. RECOMMENDATIONS OF THE AD HOC CONGRESSIONAL COMMITTEE CONCERNING DISCRIMINATION IN FEDERAL EMPLOYMENT

Given the continuing existence of discrimination in federal employment, and the failure of the present system to rectify this discrimination and to redress the grievances of its victims, it is clear that changes must be instituted—very significant changes which must enable and force effective, meaningful action immediately.

Our recommendations, which largely coincide with those of the witnesses who testified on minority group employment in the federal civil service, follow.

1. Responsibility for the equal employment opportunity program should be lodged in a separate, independent agency, rather than the Civil Service Commission

The Civil Service Commission has failed to even adequately, let alone aggressively, conduct the equal employment opportunity program. Its institutional orientation towards neutrality, its institutional disinterest in combating discrimination, its inadequate staffing, and its numerous other program missions, all militate against its being the suitable body within the federal government to conduct a nationwide, intensive program of this nature.

A separate agency, committed to eradicating patterns of discrimination and to aggressively responding to, and reviewing, individual cases of victimization, is therefore essential. Moreover, the very act of removing the equal employment opportunity program overseer role from the Civil Service Commission will punctuate a commitment on the part of the Federal government to aggressively and forcefully implement Executive Order 11478.

Three potential sites for this program appear feasible. The U.S. Commission on Civil Rights, which is at present an information collecting and investigatory agency without program responsibility for implementing the Executive Order, has demonstrated commendable diligence and competence. Given implementation responsibility, it would be a suitable agency to combat discrimination with in the federal employment establishment.

Similarly, the Equal Employment Opportunity Commission could serve as such an agency. At present, it has no enforcement authority. But, restructured, it too could effectively conduct and supervise the equal employment opportunity program throughout the government.

Finally, a completely new agency could be established. This approach would have the advantage of clearly stating, by the agency's very creation, the federal government's commitment to equal employment opportunity. On the other hand, a new agency would not possess the expertise which the other two agencies have developed. Moreover, pragmatics would seem to indicate that creation of a new agency would be less feasible than modification of the Civil Rights Commission or the Equal Employment Opportunity Commission.

In sum, we recommend that the equal employment opportunity supervisory mission be removed from the jurisdiction of the Civil Service Commission, and lodged in either a modified civil Rights Commission or Equal Employment Opportunity Commission, or a totally new agency.

2. The agency designated to supervise the equal employment opportunity program must be given cease and desist authority

At present, the Equal Employment Opportunity Commission is only authorized under Title VII of the Civil Rights Act of 1964 to use "informal method" to resolve job discrimination complaints falling within its jurisdiction. The Civil Rights Commission has no enforcement authority.

As the Nathan Report, entitled "Jobs and Civil Rights," and published in April, 1969 by the U.S. Commission on Civil Rights, states:

"Cease and desist authority for the EEOC is essential no matter what else is done. The point is not so much that cease and desist authority would be widely used, as that its availability would make it easier to secure compliance and cooperation in every phase of EEOC operations. (pages 66–67).

Proposals have been made repeatedly in Congress to authorize such authority for the EEOC. These include H.R. 6228 and H.R. 17555, both introduced in the 91st Congress. H.R. 17555 has been reported out of the House Committee on Education and Labor, and hopefully will be passed this session.

Strangely, but perhaps not surprisingly, this Administration's appointee to the chairmanship of the EEOC has changed his position from terming cease and desist authority "absolutely essential" during his confirmation testimony after he was appointed in April of 1969, to supporting the Administration EEOC legislation, which does not give the EEOC authority to issue such orders.

Cease and desist authority is essential, whether the federal equal employment opportunity program is lodged in the Civil Rights Commission, the EEOC, or a totally new agency.

3. Whatever agency is to implement the equal employment opportunity program, it must have broad investigatory powers which are regularly and stringently exercised

At present, review of agency practices is largely a post facto exercise by the Civil Service Commission. Moreover, this exercise must usually be initiated by an aggrieved employee's making an appeal to the Commission from an adverse grievance complaint finding. The Commission, or whatever agency replaces it in the equal employment opportunity program supervisory role, should, of its own initiative, undertake periodic, random investigations of federal agencies. In simple terms—a little fear will keep an agency on its toes, so to speak.

4. Goals must be set for desired minority group employment

At present, there is no effective manner for an agency to ascertain how well it is doing in hiring and promoting minority group members. It has no numbers against which to measure its performance. Some rationale—albeit minor—for the agencies' failings thus far lies in the lack of direction which they have received from the Civil Service Commission.

The Civil Service Commission can certainly set goals—ranges of minority group employment for each type of job and each grade level—much as the Office of Federal Contract Compliance of the Department of Labor has done in its Philadelphia Plan, which sets ranges of employment goals for different types of construction jobs in federally financed or assisted construction projects.

5. Special recruitment of minority group members should be undertaken

While some steps have been made in the direction of recruiting minority group members, added emphasis should be placed on recruiting blacks, Mexican-Americans, Puerto Ricans, Indians, Orientals, and women, who, while numerically in the majority in terms of total population, are very much underrepresented both in terms of salary levels and grade levels within the federal government.

6. Special measures should be undertaken in areas populated by Spanish-speaking Americans to utilize Spanish as a second language

Particularly as brought out by one of the witnesses, Mr. Domingo Nick Reyas, the language barrier is a severe impediment to the hiring and advancement of Spanish-speaking Americans and to their utilization of the grievance procedure. Meaningful action must be taken to utilize Spanish, to administer tests in Spanish, and to translate instructions into Spanish.

Moreover, not only will Spanish-speaking employees within the civil service be aided by such action. The federal government, by hiring more Spanish-speaking employees, supervisors, and other officials, will be better able to serve and communicate with those citizens and non-citizens who speak only Spanish.

7. The grievance procedure must be overhauled

The present grievance procedure is a sham. It is almost completely worthless. The procedure process takes far too long, the adversarial nature of the proceeding mistakenly pits the complainant against the very agency which controls his access to essential infor-

mation, and the review process is obviously unsatisfactory.

One of the major functions to be served by lodging authority for supervision of the equal employment opportunity program in another agency other than the Civil Service Commission must be to provide the complainant with an ally equal in institutionalized strength to the agency which he is challenging. Another major function must be to expedite grievance proceedings by establishing meaningful time requirements for action, and by enforcing them.

What we now have, in effect, is a system of a right without a remedy. The lack of the latter makes the former meaningless.

8. Whenever a minority group member is not hired or promoted, an explanation in writing must be made to the superior in charge

Again, a knowledge of someone watching over an employee's shoulder will help to deter discriminatory acts.

9. Those who are found guity of discrimination should be penalized

Testimony revealed that employees charged with discriminatory practices have been promoted during the pendency of complaints filed regarding them. Whether those who have been found to have actually discriminated have been subsequently promoted is unclear.

The employee who, through his discriminatory acts, has deprived another employee of a hiring or promotion opportunity, must be punished. Obviously, firing is the severest penalty, but it should not be foreclosed as one alternative. At the least, an unfavorable notation should be appended to the employee's personnel record, and this should be considered in his own possibilities for promotion, or hiring by another agency. Perhaps the most utilizable penalty would be ineligibility for promotion for a fixed number of years—3 or 4 or 5.

Of course, the same protections afforded the person complaining of having been discriminated against should be afforded the person found guilty of having discriminated. He must have an effective, fair opportunity to dispute the charge and to challenge the finding. Moreover, penalties regarding promotions and hiring should be assessed against those making proven frivolous complaints in an effort to harm or defame another person.

10. Rewards should be set for agency employees who do implement the equal employment opportunity program diligently

At present, the equal employment opportunity officer who performs well receives no reward for doing so. Nor does the supervisory employee who operates a division free from discriminatory practices. Thus, they have little incentive to encourage good performance. In fact, quite the contrary. They run the risk of incurring the displeasure of their superiors if the agency is labeled, by the successful complaints of its employees, as discriminatory. Merit awards should be established to take proper note of diligent, affiirmative action.

11. Retroactive promotions should be extended to those who have been held back because they were victimizezd by discrimiation

The problem of retroactive promotions is one of the most difficult which the Ad Hoc Committee faced. Theoretically, every minority group member would be eligible for such promotion, since the statistics show patterns of discrimination which have affected every such person. To limit retroactive promotions to just those persons who can win their case in a grievance proceeding is to ignore these patterns.

On the other hand, to suddenly promote hundreds of thousands of employees would be to ump them over the heads of hundreds of thousands of other diligent, deserving white employees.

At the least, retroactive promotion should be extended to the successful grievance proceeding complainant. While promotion may not be feasible en masse for all minority group employees, immediate increases in salary should be made as monetary compensation for the past discrimination these employees have suffered.

12. Affirmative steps should be taken to assure extensive minority group employment in expanding fields

Two witnesses noted the failure to hire minority group members in the computer field—an expanding area offering good opportunity for advancement. Added effort should be undertaken to recruit minority group members for such fields.

Under the present circumstances, those have suffered from discrimination by being hired, and retained, in low level jobs, have little opportunity for advancement in large, old-line agencies having few high positions and many potential personnel to fill them. It is essential that, in addition to other measures, immediate steps be taken to assure that minority group members are not excluded from new agencies, new programs, and new fields of endeavor.

13. Testing and qualification standards must be modified

While some progress has been made in adjusting testing and qualifications to the needs of the job, much has yet to be done. Clearly, competence in grammar is desirable, in the abstract, but it may not be needed—it may even be a detriment—for the GS–11 employee in the training and technical assistance division of the Office of Economic Opportunity, whose job is to assist local community action groups in the ghetto. Moreover, failure to pass a test may well be an irrelevant index of a person's ability to handle a job, especially when that person has relevant experience.

Reliance on non-validated testing, and reliance on unnecessary job description requirements, do much to impede, and often they are totally misplaced. The Civil Service Commission must develop legitimate, realistic tests and qualification requirements.

14. Equal employment opportunity program staffing must be expanded

At present, one of the simple logistical problems in effectively operating the equal employment opportunity program lies in the lack of sufficient personnel. The testimony of one of the witnesses, Mr. Michael Ambrose, for example, revealed that there were only two professionals at the Civil Service Commission to monitor the entire federal program. And every agency needs added personnel to operate its own in-agency program. Consequently, it is essential that greatly expanded staffing for the equal opportunity office of each agency be undertaken. Furthermore, the supervisory agency—whether the Civil Service Commission or one such as we propose—must have an adequate staff.

15. Data collection and publication of data must be expedited and expanded

Under the present grievance procedure system, the agency charged with discriminatory practices investigates the very complaints made against it. It alone has full access to the records showing internal patterns of discrimination—data which may well be very relevant to the complainant's case. This system should be changed so as to require every agency to periodically—every three or four months—collate its data and make it fully and readily accessible to the public and to its employees.

THE 100TH ANNIVERSARY OF THE EULOGY TO AN IMMORTAL DOG, OLD DRUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, it is my privilege and honor to represent Johnson County, Mo. The county seat of that county is Warrensburg, Mo., which is the home of Central Missouri State College. However, it is not because of the location of the college, but because it was the scene of the trial which included the immortal "Eulogy to a Dog," by Senator George Graham Vest, that has brought the most widespread fame to Warrensburg and Johnson County.

The final trial of Burden against Hornsby was held at Warrensburg on September 23, 1870. That trial was reenacted under the sponsorship of the Johnson County Historical Society in two performances each day on Saturday, September 12, 1970, and Sunday, September 13, 1970, at the old courthouse at 306 North Main in Warrensburg, Mo., in the same building where the trial took place 100 years ago.

It was my pleasure to witness portions of the last performance on last Sunday afternoon. It was something I shall never forget. The part of Senator George Graham Vest, attorney for the plaintiff, George Burden, was ably played by Gayles Pine. Plaintiff Burden was played by George Mitchell. T. T. Crittenden, attorney for the defendant, Leonidas Hornsby, was played by Robert G. Russell. The part of the defendant, Mr. Hornsby, was played by Charles Fitzgerald. Young Dick Ferguson was played by John Hart and the part of Mr. Harley was played by Stanley Braton, the present prosecuting attorney of Johnson County, Mo. Sitting on the bench was the Honorable David J. Dixon, who at the present time is circuit judge for the circuit which embraces Johnson and Cass Counties, Mo., while the part of the bailiff of the court was played by Frank M. Patterson.

"Drum" as the reenactment was named, was under the capable direction of Dr. Glenn W. Pierce, and staged under the general sponsorship of the Johnson County Historical Society, Dr. A. L. Stevenson, president. The costumes were faithful replicas of the clothing worn 100 years ago and the makeup prepared by the production staff was excellent. Each of the four showings of the reenactment was well attended.

As I prepared these remarks I found I soon became indebted to Icie F. Johnson, author of the "Old Drum Story," a book published in 1957 by the Warrensburg, Mo., Chamber of Commerce. In her foreword, Mrs. Johnson points out historical events too often become mere folk tales when their facts remain unrecorded. She goes on to point out that some of the articles written about the trial of Burden against Hornsby are not really factual, but somewhat imaginative. However, it was Mrs. Johnson who carefully combed the court records of the trial and has

come up with what is generally accepted as dependable material. The possible exception is "The Lost Speech" itself which is the description as signed by many to Senator Vest's speech to the jury, generally known as "A Tribute To a Dog." The trial of Burden-Hornsby was a long and involved legal battle. Actually, there were three trials that preceded the final one on September 23, 1870.

The plaintiff and the defendant in this case were neighbors and brothers-in-law who lived on adjoining farms. There had never been any feud between the two men. It was nothing more than Burden's love for his favorite hound dog that fired his anger and personal determination to secure justice over the death of his dog, Drum.

The record shows that Charles Burden was the owner of a beloved hound, named "Drum." He last saw his dog on October 28, 1869. At the trial he said he heard the fire of a gun from the direction of Mr. Hornsby's and he immediately became fearful his dog had been killed. When he called, Drum did not come. Hornsby denied that he had shot any dog. A young boy raised by Leonidas Hornsby did admit he had shot a dog with a gun loaded with corn, and Hornsby reluctantly testified from the witness' stand that he had urged young Ferguson to load the gun with corn so it would not hurt the dog too much. He did admit that the boy shot at a "black-looking" dog that "hollowed" like a hound dog. After the dog was hit, he said, he saw him jump over a fence and he did not "hollow" any more. Hornsby complained that dogs had killed about 100 of his sheep, but steadfastly denied that he had killed old Drum or dragged the body of the dog down to the creek. He did admit he had driven old Drum away from his farm with rocks. None of this story was enough to quiet Charles Burden, who insisted that, if he ever found out who had killed his dog, he would take it out of his hide. Burden said he loved his dog so much he would not have taken $150 for him. He described the dog as an experienced hunter. He said he was good on varmints and wolves. Burden claimed Drum was a good deer dog and, in conclusion, testified no amount of money could buy him.

The story of the trial is long and involved. At one of the earlier trials, Burden had a firm of lawyers, Elliott & Blodgett, but lost the case. Then he went to Sedalia to secure more legal aid from George Graham Vest, a man who later became U.S. Senator from Missouri. The defendant, Hornsby, was represented by T. T. Crittenden, who later became Governor of Missouri, and his partner, Francis M. Cockrell, who later became a U.S. Senator.

The courtroom contained quite an array of legal talent. Every lawyer on both sides of the controversy were good lawyers. Each won great distinction for himself in later years. The trial lasted all one rainy day and well into a stormy fall night. When it was ended, the plaintiff, Burden, heard jury foreman, W. O. Ming, read the verdict of the jury:

We the jury find for the plaintiff and assess his damages at $50.

Four days later there was a motion for a new trial filed, but overruled by the court. An appeal was made to the Supreme Court which upheld the verdict of the court of common pleas, which was the trial court in this case. It is interesting to note that in the margin opposite the verdict in the court records at Warrensburg is written:

This judgment paid in full this 18th day of September 1872.

When all was said and done the one thing that made the trial an historical event was Senator Vest's "Eulogy to a Dog," which was his final speech to the jury in that crowded courtroom in September of 1870. Even before then, Mr. Vest had been known as a formidable lawyer and an outstanding orator. He was not some unknown young, inexperienced lawyer. He had already served in the Missouri House of Representatives before the war. During the Civil War, he was a representative of Missouri in the Confederate Congress. Although a native of Kentucky, he had started for California after graduation from law school. On the way, he was involved in a stagecoach accident in which he suffered a broken arm near the village of Georgetown, Mo., a few miles north of Sedalia, Mo. While recuperating there, he defended a Negro boy accused of murdering a white woman. In the trial the boy was cleared, but the people refused to accept the verdict and the boy was publicly lynched. Shortly thereafer, George Graham Vest was threatened for defending this young slave and told to leave town. But Vest was so stubborn his answer to the mob was to stay in town, and to put out his shingle for the practice of law in Georgetown, Mo.

George Vest stood only about 5 feet 6 inches tall but observers say he seemed taller when he appeared before a jury. It is said he rammed his hands deep in his pockets as he talked, but he possessed an eloquence that would charm either the judge or a jury. He was not only an entertaining speaker, but a forceful speaker. He was possessed of a knowledge of literature and history which provided him a background few men possess.

The actual content of the "Eulogy to a Dog" has been described as "The Lost Speech" because there was no stenographer there on that night in 1870 to take down the emotionally inflamed words of the orator-lawyer, Mr. Vest. Less than 400 words are contained in the final portion of the appeal Vest gave to the jury, although he spent more than 1 hour presenting all of his arguments in the case. In his final 400 words he walked over to the jury and reminded everyone in the courtroom of the dogs they had that had been faithful, never mentioning the name of Drum. So powerful was the speech that most of the people had misty eyes.

There are several different versions of how the lost speech has been reconstituted. The first is that counsel for the defense, T. T. Crittenden, at the end of his term as Governor of Missouri recited Vest's speech from memory to the Kansas City newspapers. The second version is that Prof. William Lyon Phelps, who wrote a column for the New York Evening Post had been told the story of Vest's speech by Henry Wollman, a prominent New York lawyer who had practiced before in Kansas City and who was so impressed with the speech "he remembered every word." The third version, that is said to have led to the first printing of the eulogy, is that the Warrensburg newspaper actually printed the content of the speech the day after the trial. This has not been found to be true following a search of the files for that day, as checked by the Missouri Historical Review. The fourth idea about the printing of the speech proves once again that there was no one on the night of the trial, that wrote down the exact words. Judge M. D. Aber of Warrensburg supports this theory and points out that about 1890, John Montgomery, a lawyer in Sedalia, got together with Senator Vest and reconstructed as best they could the words of that part of the jury talk paying tribute to the fidelity of the dog. All agree this is not a rescript of what was said that rainy night but is probably the most acceptable of the four different versions about how the lost speech was finally reduced to writing.

Before I preserve in the CONGRESSIONAL RECORD Senator Vest's eulogy to Old Drum, I will take a moment to make reference to portions of an editorial written by the editor of the Warrensburg Daily Star Journal, Mrs. Avis Tucker. Reference is made in that editorial to the efforts of the chamber of commerce to secure the issuance of a commemorative stamp to honor the 100th anniversary of the renowned eulogy. Along with Senator SYMINGTON, as the Congressman representing Johnson County, I urged Postmaster General Blount to issue an Old Drum stamp, because I thought it would be an appropriate tribute not only to Old Drum but to all the millions of faithful dogs.

Mrs. Tucker's editorial quite interestingly points out that the story of the trial and the words of the tribute by Senator George Graham Vest have been reprinted all over the world. She notes that the Daily Star Journal recently received a letter from an elementary school class in Japan asking for reprints of the story of Old Drum.

The Star Journal points out that in 1956, nationwide publicity was given to the plan of the Warrensburg Chamber of Commerce to erect a memorial to Old Drum. Donations poured in from everywhere in denominations of a few pennies from children to $500 from President Harry S. Truman. A St. Louis sculptor, Reno Gastaldi, made the handsome bronze statue which now stands on the courthouse lawn. Several thousand people attended that dedication on September 27, 1958, and which turned out to be one of the most outstanding events that has ever taken place in Warrensburg.

Old Drum has been written up in books, newspapers, and magazines all over the world. There is almost unending evidence of the extensiveness of Old Drum's fame. Certainly it is far and wide. Certainly it is Old Drum and the immortal eulogy to that dog by Senator Vest that has brought Warrensburg, Mo., its most widespread fame.

George Graham Vest made himself famous with his classic piece of oratory

about faithful dogs. Old Drum was to Charlie Burden a true friend and devoted companion. Every word that Senator Vest uttered to the jury was eloquent and true. The Senator's words not only won the case for his client, but have won the hearts of countless thousands who have come to remember his speech as one of the literary gems of American history.

People who love dogs know that Senator Vest was speaking for all faithful dogs who for centuries have been a part of man's life.

While the statue of Old Drum is a beautiful piece of bronze, Drum himself was an outstanding hunting dog, most valuable to his master. It was unfortunate that he had to die to become a hero. But he was survived by a master with the unusual courage and determination to win satisfaction for this death.

Moreover, Drum would never have become famous were it not for the eloquence of one of Missouri's most able attorney-orators. All of these things warranted the statue which immortalizes Drum today on the lawn of the Johnson County Courthouse. I am sure Drum would be the first one, if he were able to talk, to agree that the memorial statue not only honors himself but all noble and faithful dogs who have been unselfish friends to their masters.

Mr. Speaker, it is a high honor and a great privilege on this 100th anniversary of the trial of Burden against Hornsby to incorporate for preservation in the CONGRESSIONAL RECORD, and in the Archives of the United States, Senator Vest's immortal speech to the jury in tribute to Old Drum, which while once lost has been put together again in words as follows:

"EULOGY TO A DOG"

(By George Graham Vest)

Gentlemen of the Jury: The best friend a man has in this world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has, he may lose. It flies away from him, perhaps when he needs it the most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him and the one that never proves ungrateful or treacherous is his dog.

Gentlemen of the Jury, a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground, where the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounters with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies, and when the last scene of all comes, and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death."

THE SST—HISSING THE VILLAIN?

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, one of the subjects of wide debate in recent years is the SST, which is both acclaimed as a vital technological breakthrough which the United States must achieve, and criticized as a misguided use of money without consideration of environmental impact. There is certainly some truth on each side of the issue.

In the September 1 issue of Forbes magazine, Malcolm S. Forbes states the issue concisely in his "Fact and Comment" column. He is to be commended for doing so without including either the more dramatic rhetoric of the ardent environmentalists or the predictions of technological lag of the supporters of the project.

It is regrettable that the issue of Federal funds for the SST has never come squarely before the House for a record vote. It is an important issue which in our democratic system should be resolved in public by a recorded vote of the elected representatives of the people. The absence of a record vote on this issue has at least contributed to one good result, the adoption of the Gubser-O'Neill—record teller vote—amendment to the legislative reorganization bill now being considered by the House.

Had the question of further Federal assistance to the SST come before the House for a record vote, I would have voted against further expenditure for this plane. My reason for this position is one of priorities, and is well summarized by Malcolm Forbes:

Being able to cross oceans—at fantastic cost—quicker than you can now reach airports from home and office is simply an asinine assignment of priorities.

Even if concerns of possible damage to the environment are vastly overstated—and that is questionable—this expenditure is just not one of the most pressing needs for our limited Federal dollars. We have domestic needs which are simply more important, such as water and air pollution abatement programs, mass transit facilities for our urban areas, an all-volunteer armed forces, better care for our elderly citizens. The list is very long and these are but a few of our high priority needs, all of which are of course subject to our continuing need to maintain a fully credible defense posture as a deterrent to aggression.

The editorial follows:

HISSING THE VILLAIN

If you try pronouncing SST it comes out as a sort of cross between a hiss and an attention-getting psst. The SuperSonic Transport for which the initials stand is getting an increasing amount of both.

It's been a while since a Prince of Wales has made any public noises of particular relevance to this longago Colony, but Prince Charles, sounding every bit his father's son, recently made his observation to England on the touchy French-English SST, Concorde:

"Sometimes I think I would like to go in it. But then, if it is going to pollute us with noise, if it is going to knock down churches or shatter priceless windows when it tests its sonic booms—is this what we really want?

"This is one of the technological achievements which could do harm. What sort of price are we prepared to pay for this sort of advance?"

Being able to cross oceans—at fantastic cost—quicker than you can now reach airports from home and office is simply an asinine assignment of priorities.

HEARINGS ON NUTRITIONAL PROGRAMS FOR OLDER AMERICANS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to announce that the Select Education Subcommittee will, this week, continue hearings here on legislation introduced by my distinguished colleague from Florida, CLAUDE PEPPER and cosponsored by close to 100 Members on both sides of the aisle, designed to provide incentive to the States for providing low cost, nutritionally sound means for the elderly.

Our next hearings open on Wednesday, September 16, and continue on Thursday, September 17, and Thursday, September 24, all in room 2175 of the Rayburn House Office Building.

Mr. Speaker, the following is a list of witnesses:

WEDNESDAY, SEPTEMBER 16, 9:45 A.M.

Hon. CLAUDE PEPPER, Member of Congress, Florida.

Hon. BERTRAM L. PODELL, Member of Congress, New York.

Peter Hughes, legislative representative, National Retired Teachers Association, American Association of Retired Persons; accompanied by Robert Sykes, legislative representative, National Retired Teachers Association, American Association of Retired Persons.

Conrad J. Vuocolo, director of tenant services, housing authority, Jersey City, N.J.

Peggy Sheeler, Meals on Wheels, Inc., Baltimore, Md.

THURSDAY, SEPTEMBER 17, 9:45 A.M.

Dr. William Bechill, assistant professor, University of Maryland School of Social Work and Community.

William R. Hutton, executive director, National Council of Senior Citizens.

Sandra Howells, project director, Gerontological Society.

THURSDAY, SEPTEMBER 24, 9:45 A.M.

John B. Martin, Commissioner, Administration on Aging, special assistant to the President.

Stephen P. Simonds, Commissioner, Community Services Administration, Social and Rehabilitation Service.

Richard Lyng, Assistant Secretary of

Agriculture, Consumer and Marketing Services, Department of Agriculture.

Dr. Thomas Bryant, Assistant Director of Health Affairs, Office of Economic Opportunity.

PROTECTING POLICEMEN AND FIREMEN

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, people throughout the Nation have been deeply disturbed by the senseless shooting and harassment of policemen and firemen in the line of duty. These dedicated public servants are working to protect all of us, and when they are attacked, it is an attack on everyone and society suffers.

The fatal shooting of policemen which occurred recently have made it obvious that additional measures are necessary for the protection of these public servants. I have therefore introduced H.R. 19138 making the murder of a policeman or a fireman a Federal crime, thus enabling the FBI to enter the case. This is a companion bill to that sponsored by Senator HARRISON WILLIAMS, Democrat of New Jersey.

The text of the bill follows:

H.R. 19138

A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1075. Flight to avoid prosecution for the killing of a policeman or fireman

"(a) Whoever moves or travels in interstate or foreign commerce to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which he flees, for willfully killing a police officer or fireman while such police officer or fireman was engaged in the performance of official duty shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whenever a police officer or fireman is willfully killed, while such policeman or fireman is engaged in the performance of his official duties, and no person alleged to have committed such offense has been apprehended and taken into custody within twenty-four hours after the commission of such offense, it shall be presumed in the absence of proof to the contrary that the person who committed such offense has moved or traveled in interstate or foreign commerce to avoid prosecution or custody under the laws of the place at which the offense was committed.

"(c) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress.

"(d) As used in this section—

"(1) the term 'police officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) the term 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State; and

"(3) the term 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The section analysis of chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1075. Flight to avoid prosecution for the killing of a policeman or fireman.".

THE NEW HOPE CENTER IN KEENE, N.H.—THE FULFILLMENT OF A DREAM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I have long been personally interested in the problems of our handicapped citizens. Mostly as the result of this interest I became a trustee of the New Hope Center in Keene, N.H., a school for the handicapped. The growth of this center has been remarkable, and has justified the name "New Hope" which it has borne.

This center contrasts so vividly with the massive, grandiose Government programs which we in Congress are asked to establish and fund. Here in Washington we are told that the answer to all of our problems is to allocate lots of money, and the problems will be instantly solved and, even better, go away.

The New Hope Center, however, shows us that this is not the only or even the best approach, for it has always operated on a shoestring budget—and the director of the center, my friend Jim Haddock, might add that there often seemed to be no shoes to go with the shoestring. Though money it lacking, the center did have interested people behind the project, dedicated volunteers and staff, imaginative leaders, and most important people who loved children and wanted to help them.

With these assets the center has grown to maturity and relative security, with its entire budget for the coming year already pledged or in the bank. This security is proof of the good work of the project, for unless people were enthusiastic about its work they would not have donated money or time.

Perhaps as the result of this background, the New Hope Center continues to show the creativity lacking in so many of our well-financed schools. This summer, for example, the center had its first summer session, in which the goal was to get handicapped teenagers to become involved in work projects: gardening, handicrafts, and domestic cleaning. These young people have been working with their hands, accomplishing something with sale value in the community, and having a chance to interact with people in the community. Not dramatic in the Washington world of billion-dollar solutions, perhaps, but to the handicapped teenagers involved it is very dramatic to be doing the things other young people are doing.

Mr. Speaker, at the first annual meeting of the New Hope Center, Jim Haddock gave a short but very eloquent speech telling where the center is coming from and where it is going. Jim has been a dynamic, creative director of the New Hope Center, and the speech which he gave on that day demonstrates why the New Hope Center is the success which it is. It has been an honor of mine to serve as trustee of the center, and to know Jim Haddock and all of the other fine people who have made this a success, and who have helped so many young people to realize their own potential.

The speech follows:

THE NEW HOPE CENTER, FIRST ANNUAL MEETING, MAY 24, 1970

Distinguished guests, staff, members of the board, children, parents, and friends: I welcome you and thank you for coming here this afternoon. We are here to bear witness to a dream—not my dream or your dream—but our dream.

The New Hope Center is today a reality born of the dreams of many—dreams of hope—hope for tomorrow—nurtured and birthed by the Cheshire County Association for Retarded Children. The New Hope Center spent a brief childhood in the cramped quarters of a church. Dollar poor and pennyless the program began with a staff of one, thankful for the space and the chance.

Two years ago we moved to this building leased to us for a nominal fee by the public school system.

Here we entered our adolescence, gangly and gauche, with multiple spurts of awkward growth. Our enrollment has doubled as has our staff. We have incorporated on our own. So with bandy legs we stand. Maturing is never easy—we have tried to learn from our errors, stand a bit straighter and go on.

Look not to yesterday, it is history—learn, oh yes, learn from it, but look to now and tomorrow which can still be shaped and molded—look to fulfillment of that dream of hope for our center; yes, *our* Center.

This year has been a year of growth and change as we struggle to come of age. We have raised our budget for this year in advance. We have a crew of teenagers who work in the community doing domestic cleaning. We have planted a garden with the hope of selling produce; we have manufactured and sold products. We are a staff of devoted, capable teachers trying to grow with our students.

Others have helped: A team of volunteers has always been ready to tackle any task. If I were to list our volunteers we would stand here all day and even then I would undoubtedly miss a few so I thank you all as a group—those who cook our meals; those who clean our building; those who daily drive children to the center; those who work directly with children; and those who raise money and those who give money; the county legislators and those who call legislators on our behalf; above all, those who love us and speak well of us in the community.

The dream is alive and growing. The dream is coming of age—true maturity lies on the path ahead and we are moving swiftly towards it. I see next year surpassing this and again the same the next.

We have a dream—the dream is the dream of hope—New Hope, New Hope—New Horizons.

NECESSARY LEGISLATIVE PROGRAM FOR REMAINDER OF THIS SESSION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, time is running out on the second session of the 91st Congress, and yet the record of this Congress in the past 8½ months can be described as little better than a mixed bag.

I recently remarked that passage of the Postal Reform Act of 1970 would go down as one of the 91st Congress' finest achievements. I meant every word of that observation. Today I must sadly add that postal reform will stand as the single outstanding achievement of the 91st Congress' second session unless the Congress responds immediately to the President's September 11 call for action.

The time is ripe for reform. We have fulfilled that promise to a degree but much of the field remains unplowed. The soil is fertile and the President has supplied the seed ideas. Let us in the Congress get about the business of producing a crop of reforms which will make government truly effective in America.

Apart from basic reforms listed by the President, much legislative business lies ahead of the 91st Congress. Let us accept and act quickly on the President's challenge to strengthen our anti-crime laws, clean up the environment, consolidate our manpower training programs and control drug abuse.

An election is coming up. But let every Member of Congress remember that the best politics is to legislate in the best interests of the American people. Obstructionism has never paid off at the polls—and the people know who the obstructionists are. Let us join hands to move America forward. So little time remains in this session.

Mr. POFF. Mr. Speaker, it is disappointing that some of our colleagues have reacted to the President's message last Friday in a partisan manner. I have carefully read this document and it appears to me that the President has not indicted any person or political party.

In fact, he said:

> More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American government at a time when the charge is that our system cannot work hurled with fury and anger by men whose greatest fear is that it will.

I would submit to my colleagues that this is precisely the challenge before Congress—to prove that we can provide leadership, that we can reform the institutions of American government to meet the new needs of the modern world. It would be a tragic mistake for the Congress to ignore that challenge.

The President has sent his legislative proposals to the Congress. While they cover a wide range of issues, there is a factor common to each of these proposals—that is, each is designed to respond to demonstrated needs. We may not all agree that the President's method of meeting these needs is the best way in each case; but, the needs must be met.

The task now before Congress is to get on with the business of reform. As the President said, "Matters press, we cannot wait for politics."

Mr. TAFT. Mr. Speaker, one passage in the President's Friday message to the Congress is particularly interesting, and I would like to repeat it. I quote:

> Our present problems in large degree arise from the failure to anticipate the consequences of our past successes. It is the fundamental thrust of technological change to change society as well. The fundamental task of government in the era now past was to somehow keep abreast of such change, and respond to it. The task of government in the future will be to anticipate change: to prevent it where clearly nothing is to be gained; to prepare for it when on balance the effects are to be desired; above all to build into the technology an increasing degree of understanding of its impact on human society.

I would submit that this is an apt and perceptive statement of the challenge that now faces Congress. Our task is to anticipate change, yet the Congress to a large degree has not done this.

During the past year, the President has sent to the Congress a package of legislation which cuts across a wide spectrum of social issues. Some of this legislation is responsive to long-overdue needs. Other bills such as the Revenue Sharing Act and the Manpower Training Act, are those that anticipate change.

Mr. ARENDS. Mr. Speaker, in his message to the Congress last Friday, President Nixon accurately pointed out the need for reform in our society. Unfortunately, that message will serve little purpose if it is ignored by the Congress.

Some of our Democratic colleagues have already attempted to dismiss that message as a political ploy. If they are successful then that message will become just another piece of paper sent to the Congress and forgotten in the course of a week. But the losers will not be the Republicans or the President; the losers will be the American people.

Mr. Speaker, the President's call for an era of reform reserves a better fate. No Member of this body can doubt that we live in an age of unrest. I do not refer to the radical fringe elements of either side of the political spectrum. They will probably always exist, picking away at the structure of American society. Rather, I refer to the unrest which is felt today by the average Americans.

They are uneasy. When they look around they see that their institutions are not working quite the way they should. They see unchecked pollution, unchecked crime and violence, unsolved problems of all kinds. In many ways, in the last decade, they have been let down by their Government because it has not been able to change, to reform, to address itself to contemporary life.

The President has sent to the Congress a legislative program which is designed to provide the necessary reforms. Mr. Speaker, Congress must not dismiss that program as partisan politics or business as usual. That just is not good enough in today's world.

Mr. SMITH of California. Mr. Speaker, in his call for cooperation to the Congress last Friday, the President stated—quite accurately, I believe—

> The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live.

The President has recognized the crisis of our environment, and he has taken steps to meet that challenge. He has established the Council on Environmental Quality and has asked Congress to approve a reorganization plan which would establish an Environmental Protection Agency and a National Oceanic and Atmospheric Administration. These new institutions should provide the mechanisms necessary to fight back against pollution which assaults the American citizen from all sides.

But regulatory agencies are not enough. We must have new laws in this field, and the President has proposed what he frankly terms, "the most comprehensive and costly program of environmental control in the history of the Nation."

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks with reference to the message sent to the Congress on the administration's program and call for cooperation by the Congress.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE GUERRILLA HIJACKINGS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the boundaries between international law and international anarchy have faded. Human life has become but a pawn in the struggle for violent and irrational ends. Technology, once thought to be a liberating force, victimizes. Nations thought to be powerful seem impotent before the onslaught of events. Many traditional assumptions and distinctions have been rendered all but meaningless in the context of the Arab guerrilla hijackings.

Outrage and basic disbelief have been joined in the minds of so many spectators. The hijackings seem beclouded by an air of unreality, and yet they are all too real. Fifty people are still help captive.

These outrages on human life are the product of a situation that nurtured their existence. Fed and educated in hate and destruction, tolerated when they should have been punished, applauded when they should have been vilified, the Arab guerrillas have become a threat to the international order. Even their erstwhile protectors are in danger.

Their erstwhile protectors, the Arab Nations, are now disclaiming any responsibility for the hijackings. Yet the fact of the matter is that they share a large portion of the blame. They are the ones who nurtured the guerrillas. It is their teachings that provided the spark that set off these series of international explosions. Their political stand left the Arab refugees stranded on the west bank with no home except refugee camps. Finally, it is the Arab States who supplied the guerrillas with the arms that they have used to terrorize innocent victims.

The history of the Palestinian refu-

gees demonstrates how far Arab responsibility stretches. When the State of Israel was created in 1948, she urged all Arabs living in the territory to remain. Israel promised them equal rights and a fair share in Israel's future. Approximately 175,000 Arabs—a bit more than one in five of all Arabs then living in Israeli territory—did stay in Israel. The Arabs who did remain now have a standard of living higher than the people in any Arab nation. They are in one sense of the word refugees.

But approximately 575,000 Arabs did leave what was to be Israeli territory. They were not forced out by the Israelis. On the contrary, there are records of broadcasts, leaflets, and official pronouncements urging each Arab to stay. But Arab leaders, the Grand Mufti in particular, urged all Arabs to leave Israel. The Mufti promised that the Arab armies would destroy the Jewish populace within 3 months. When Israel had been vanquished, the Palestinian Arabs were promised their land back. The majority of the Palestinian Arabs heeded the advice of the leaders and left Israel. Israel won the war, and the refugees were left on the west bank.

Documentation supporting these facts is overwhelming and conclusive. The Jordanian newspaper, ad-Difaa, summing up the events of 1948 said:

> We were masters of our land, happy with our lot . . . but overnight everything changed. The Arab governments told us, "Get out so that we can get in." So we got out, but they (the Arab governments) did not get in.

Two facts are made clear by the history recounted above. First, it is obvious that the Palestinians became refugees because they were prodded and threatened by Arab leaders. Motivated by their threats, the Palestinians left Israel voluntarily.

Second, when their initial promise of victory failed, the Arab Nations deliberately built their own fences around the refugee by refusing to let them resettle in the Arab countries.

Building on the desperation of these people and educating them in hate, the Arab Nations supplied the refugees with arms. The camps became training grounds for guerrillas bent upon the destruction of Israel. The consequences of such irresponsible action are evident in the week's tragic events. A type of fifth column was created which now threatens the safety of innocent people and exercises tremendous influence in every Arab State. Here then is the child that the Arabs, with some Russian help, nurtured so skillfully.

Thus, then we arrive at the present—a time when 50 men and women remain as hostages, threatened by a group whose aim is to sabotage the almost nonexistent cease-fire talks, embarrass the West, and ransom members of their own group who like themselves have committed criminal acts on an international scale.

We are dealing with a group that operates outside the boundaries of any moral or ethical code. After screening hostages on the basis of their religion, men, women and children of the Jewish faith were not permitted to leave the aircraft. This act amounts to nothing short of genocide—action that seeks the deliberate destruction of a religious group. Yet we must project further. Should any man, woman, or child of any faith, nationality or race have to suffer such fear, danger, and harassment? I say unequivocally, No.

We sit and hope for the safe release of the people still in Palestinian hands. Yet also hope for the prevention of such future incidents. How are we to achieve this?

The range of possible action seems wide, but in reality the choice is narrow. Criminal sanctions and safety regulations seem to have little practical value. Guards and improved detection devices can be of some help. Diplomatic efforts, however, seem to hold the most promise.

The United States is a recent signer of the Tokyo Convention which attempts to lay some foundation for treatment by hijackers and the passengers, crew, and aircraft. The convention assures no mandatory extradition of the hijacker nor does it deal with the prosecution of the hijacker by the state. Yet there is a positive obligation on contracting states to take all appropriate measures to restore control of the aircraft to its lawful commander and to pursue his control of the aircraft.

Somehow, these words and recommendations seem empty in the light of recent tragic events. Clearly, conventions and recommendations will do little to prevent further incidents unless the nations of the world take them seriously. Condemnations can be effective only when nations act in concert.

I believe that the most effective means to prevent these ignominous events in the future is the suspension of airline service to nations that harbor, welcome or allow hijackers to land in their country. Countries seeking to prevent such future incidents should not permit aircrafts of governments sheltering hijackers to land in their country.

The International Civil Aviation Organization, as the international spokesman for airline personnel, can issue a strong statement of policy and invoke their own particular sanction on nations that do not conform.

Yet waiting for one's neighbor to act in this situation is insufficient. The United States must be prepared to invoke these measures—alone, at first, if necessary. Effective leadership is needed on this matter in a world in which order seems to be deteriorating. The United States can take the first step in providing such leadership.

At the same time, let us hope for the safe return of the people still held by the hijackers.

THE ELDERLY AND HANDICAPPED AMERICANS TRANSPORTATION ASSISTANCE ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, a news story in the August 12 edition of the New York Times reports a grim account of tragedy. Since last fall, two blind persons have fallen through unprotected gaps to the subway tracks. In the first such accident, last October 6, the train started in motion and severed the right leg of a blind woman. In the second incident, last January 13, startled passengers who saw a blind man fall alerted the crew before the train was set in motion. The victim was rescued, but he reported an injured left leg.

These accidents need not have occurred. It was not the blindness of the victims to which the blame for their occurrence can be solely laid. They occurred, as the news story reports, because of the design of the subway cars. The lack of pantograph gates between cars led the blind persons to believe they were walking from the platform through the train's doorway, according to subway personnel. Actually, the space they sensed was that between the cars, and they dropped to the tracks below.

The fact is that not only have we failed to meet the transportation needs of our able-bodied citizens in any manner approaching adequate performance, but we have particularly neglected and ignored the needs of the handicapped and the elderly—both groups which experience particularized transportation problems.

I have previously in the 91st Congress attempted to provide some relief by means of legislation for handicapped persons experiencing transportation problems. H.R. 644 provides a deduction for income tax purposes for disabled individuals for the expenses incurred in securing transportation to and from work. This is in line with the 1968 study conducted by Arthur D. Little, Inc., for the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. This study, entitled "Employment, Transportation, and Handicapped," examined the problems of the handicapped in securing transportation, and the effect of income tax deductions for excessive transportation costs experienced by this group.

H.R. 644 is a worthwhile step. It is recognition of a significant problem, and it offers some relief with regard to that problem. However, far more significant steps are necessary. Obviously, the woman who lost her leg in the New York subway accident, and the man who injured his, can receive little real relief by being eligible for an income tax deduction. Moreover, the handicapped often have incomes so low as to render considerations of tax deductions moot.

Because real relief can and should be provided, I am today introducing the Elderly and Handicapped Americans Transportation Assistance Act—H.R. 19216. This bill offers a comprehensive, full-scale remedy to the transportation barriers presently arrayed against the elderly and the handicapped.

"Transportation and the Handicapped," the report of the President's Committee on Employment of the Handicapped, issued in April 1969, very concisely and very starkly describes the sit-

uation of the handicapped with regard to transportation facilities:

The transportation system as we know it today either completely shuts out or unreasonably restricts one particular element in our society—those whose physical capacities keep them from functioning at a level close to normal.

The most comprehensive recent study exploring the problems of the handicapped with regard to transportation is entitled "Travel Barriers," and was prepared for the Department of Transportation in 1969 by Abt Associates, Inc., under a contract awarded by the Department. This study is much too long to fully recount here, but I think that some of the findings are particularly worth noting, even if just briefly.

The number of handicapped persons experiencing transportation difficulties totals more than 40 million. Some of the handicaps which afflict these people are passing in nature, and I would not want to misleadingly recount this figure. But, the chronically handicapped alone account for about 3 percent of the national population—6,093,000 men, women, and children. In addition, there are more than 18,000,000 men and women 65 years of age and over. A significant percentage of them experience, because of natural aging processes, transportation difficulties. There are at least another 4.6 million people who at any given time are suffering from a serious but short-term illness or injury which restricts their mobility possibilities. Finally, there are several million more people who experience significant difficulties with present transportation facilities because of oversize, undersize, or pregnancy.

Projections for 1985—just 15 years from now—indicate that the number of transportation-handicapped individuals—that is, individuals who, because of a disability, are disadvantaged by the present transportation system and processes—will be even greater. Nearly 5.2 million people will be unable to change levels under their own strength—that is, they will be barred by stairs and in some cases, ramps. Almost 2.4 million persons will have difficulty with some or all of the following functions; passing through turnstiles, opening vehicle doors, lifting baggage, grasping overhead supports, using handrails, and handling small change.

The difficulty of sitting down or getting up while in a moving vehicle, or transferring safely from a stationary position to a moving one—as in an escalator—will be experienced by 3.7 million people in 1985. As the 1969 study, "Travel Barriers," points out at page 21:

This is especially important in vehicles where acceleration is great or begins before the handicapped rider has the opportunity to be seated.

The inability to lift and carry parcels and packages will contribute to the transportation problems of another 3 million people in 1985. Intermodal transfers will be difficult for more than 4 million people in 1985, since they generally require that the passenger be able to walk, or go in a wheelchair, the equivalent of a block or more, and that he be able to wait, standing, until the vehicle is ready to accept passengers.

For either physical or psychological reasons, 4.5 million citizens will experience difficulty moving in crowds. And somewhat less than a million people will be affected by difficulty in identifying audio and visual cues. Finally, there will be the millions who, at any given time, will be incapacitated by transportation modes because of temporary injuries, illnesses, and other restrictions on their mobility.

I think it should be clearly understood that failure of present transportation facilities to meet the needs of the millions of handicapped and elderly people who need public transportation results in a very considerable economic loss—both to these individuals, and to the taxing governments which would benefit by the increased incomes of these individuals.

The Arthur D. Little, Inc., 1968 study, "Employment, Transportation and the Handicapped," was particularly directed at examining the "employable transportation handicapped." That study came up with an estimate of 1,493,000 persons falling into this group. Of course, 7 percent, or 103,000, were estimated to be "transportation sensitive unemployed," either because of the cost of unavailability of transportation to work. If each of these persons were successfully encouraged to return to work, the study estimated that incomes of $452,692,000 would be generated annually, or $4,388 each. In addition, welfare payments to these persons would decline by $49,582,000. And income taxes would increase by $39,697,000.

The 1969 study conducted by Abt Associates, Inc., for the Department of Transportation estimated an even higher number of persons who would benefit in terms of employment opportunities. This study revealed that of the entire handicapped population, 13 percent of the persons aged 17 to 64—the age group comprising potential labor force members—indicated that transportation was a factor in their not being employed and that they would return to work if transportation were no longer a problem. The study, on the basis of its assumption that only handicapped persons located in standard metropolitan statistical areas would benefit from any metropolitan transportation program, concluded that 189,015 persons out of the target population of 1,456,000 handicapped SMSA residents would return to work. The total yearly economic benefits which would result—that is, the total yearly increase in goods and services—would amount to $824,040,000, or about $3,887,000 per standard metropolitan statistical area.

"Travel Barriers" very correctly pointed out that the benefits of improved public transportation for the handicapped and elderly are only in one respect economic. As the study stated:

The social benefits of enabling many handicapped persons to work, study, and participate in recreational activities are equally compelling. These benefits also include the reduced burden of aid on friends and relatives of the handicapped individual, the increased contribution to community activities of many talented and well educated handicapped persons, and the reduction of the often debilitating and productivity inhibiting emotional burdens of physical tragedies on the entire community (p. 27).

In addition, the psychological benefits to the handicapped person whose mobility is expanded by improved transportation are considerable. Contacts with other people increase; self-esteem also increases. In fact, most respondents in the Abt sample population made a connection between increased mobility and an improvement in their general outlook on life. When asked if the chance to take more trips would make a difference in their outlook, 62 percent of the sample replied affirmatively. Of these respondents, 88 percent indicated that they would take at least one to two additional trips weekly, if given the opportunity.

In the sample group which the Travel Barriers study examined, close to 41 percent of the respondents indicated that life was made difficult for them because of limitations in their secondary activities—such as shopping, participating in recreation—and in their social life. Of these respondents, 94 percent indicated that they would take at least one to two additional trips per week if they had access to a low-cost, barrier-free transportation system.

Of particular note with regard to the social and psychological benefits which would accrue from improved transportation facilities are the concerns of the elderly. In providing a brief profile of the normal travel behavior of this group, Travel Barriers stated:

The aging take more trips than do other segments of the handicapped population, probably because they are relatively less disabled and generally have more leisure time. The average number of daily intra-regional trips taken by the aging is 1.74 compared with 1.3 taken by all handicapped persons. Obviously, this group takes fewer work trips, but more shopping, medical, and "other" trips. (P1107.)

The study continued in conclusion:

In sum, it appears that the aging, being more dependent on public transportation, closer to social activities, and in possession of a more positive self-concept, would be more likely to explore the increased opportunities provided by the removal of travel barriers. Thirty per cent of this group, compared with 21% of the rest of the handicapped population, indicated that they would take additional shopping trips, and 52% of the aging, compared with 49% of the total sample, said they would take more recreation trips if they had access to a low cost public transportation system that they could use comfortably and safely. (P. 108.)

It is clear that the transportation handicapped population is large and that it is desirous of change. It is also clear that improvements in the public transportation systems would be of enormous benefit to the handicapped and the elderly, and thereby to all of us.

What barriers do the handicapped and the elderly face in public transportation? The answer is—many. Following is a chart from the 1969 Abt study showing some of these barriers in relation to the disability afflicting the individual traveler:

TYPICAL BARRIERS BY MODE

Functional disability	Train	Subway	Bus	Airplane
Walk more than 1 block	Walk from curb through concourse to platform.	Walk from entrance to boarding platform.	Walk from origin to stop or stop to destination.	Walk from curb to gate.
Self-propelled level change	Board train via steps.	Enter or exit station.	Board bus via steps.	Board plane via stairs.
Sit down, get up	Sit/rise from waiting room or train seats.	Sit/rise from seat in car.	Sit/rise from seat.	Sit/rise from seat in lounge or on plane.
Stoop, kneel, crouch	Pick up baggage.	Pick up packages.	Pick up packages.	Pick up baggage.
Reach-handle	Open terminal door. Enter restroom. Grasp handrail. Open compartment door. Lift suitcase to rack. Buy or turn in ticket.	Buy token. Operate turnstile. Hold overhead grip. Use exit turnstile.	Signal bus. Deposit fare. Grasp overhead grip. Pull signal cord.	Buy ticket. Handle baggage. Fasten seatbelt. Reach overhead switches. Hold oxygen mask. Lower tray table.
Carry 10-pound weight	Carry baggage. Use overhead baggage rack.	Carry packages.	Carry packages.	Handle own baggage.
Move in crowds	Terminals.	Platform and vehicle.	Terminal vehicle.	Ticket counter, boarding area.
Identify visual and audio cues	Read direction signs, clocks. Locate gates, restrooms, seats, exits. Hear announcements and warnings.	Read direction signs. See arriving train. Locate platform edge. Hear announcements and warnings.	See approaching bus. Read bus destination. Locate bus stop, curb, stop. Hear announcements, ask directions.	Locate counters, gates. See schedule displays. Hear PA system onboard announcements.
Wait standing	Wait on platform.	Wait on platform.	Wait outdoors.	Stand in boarding or ticket line.

Other transportation problems confronting the elderly and the handicapped are particularly related to the travel situation. For example, acceleration and deceleration, especially when uneven, can cause hazardous encounters between the passengers and stationary parts of the vehicle. Fifty-five percent of the handicaped interviewed for the "Travel Barriers" study said that they would have difficulty staying on their feet during a typical subway start, and many indicated that they had trouble remaining standing in an accelerating bus. Thirty-seven percent of the group doubted that they could walk to a restroom in a moving train, and 21 percent said that they would be unable to do so in an airplane. Approximately half of the group was not able to ride standing with a typical grip to hold.

Crowd movements are also one of the travel barriers particularly difficult for the handicapped and the elderly, who are less able to maneuver quickly and easily, especially in crowded situations. Also, time pressure disadvantages these people for the same reasons.

Long walking distances in terminals are also a problem for the handicapped and the elderly. They are also limited by such impediments as braces and wheelchairs. And sensory limitations impair the mobility of the blind.

Costs are also a major barrier, of an economic nature, to travel by the elderly and by the handicapped. The recent findings of Project Find, conducted by the National Council on the Aging to give a national picture of the elderly poor, are particularly illustrative here:

> Amount of income appears to be very important in the degree of difficulty experienced. Very small amounts of income added to that of persons living at the poverty line appear to result in considerable alleviation of transportation problems.

Reduced fare plans, such as are currently in operation in approximately 35 cities, including New York City, would be particularly beneficial. More than 5 years ago I first recommended a reduced fare program for the elderly in the city of New York.

The Abt study findings are also particularly noteworthy—they include together both the elderly handicapped and younger handicapped individuals. In using the city of Boston as a survey area, the study found:

> Curtailed labor force participation of the physically handicapped accounts, in part, for their generally very low incomes, and the low incomes in turn further limit their lifestyle. In addition to having lower earned incomes, the disposable income of handicapped persons is decreased as a result of higher medical costs.
>
> Compared with the non-handicapped population in the city of Boston and its environs . . ., the median personal income for handicapped persons is very low, between three and four thousand dollars, instead of five to six thousand. This is confirmed by additional data from the sample which indicated that the median loss in income attributable to the disability was $2000. Sixty-nine percent of the Abt handicapped sample had incomes below $3000 for the last year and only 36% fell into this same category before the onset of their disability.
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> * * * * *
>
> As expected, family income is highly correlated with job status. The employed handicapped tend to fall into higher income categories than do the unemployed. (P. 50–52).

I think it eminently clear that the elderly and the handicapped face considerable difficulties in utilizing current transportation facilities—both because of physical barriers and because of cost. It is also clear that various steps can be taken to alleviate and even eradicate many of these difficulties. The "Travel Barriers" study suggest several such steps. It also analyzes the feasibility of such approaches as a specialized system serving only the handicapped and elderly, and concludes that such a system would be economically practicable.

More study is needed, of course. But, perhaps more important at this juncture, action is needed. Little is really being done to deal with the transportation needs of the handicapped and the elderly—needs which appear to be by now quite well articulated, but which have not yet received sufficient positive, tangible attention.

My bill, H.R. 19216, the Elderly and Handicapped Americans Transportation Assistance Act, offers a program which, while moderate, is an intelligent, reasonable approach, I believe. The bill amends several provisions of the Urban Mass Transportation Act of 1964. Section 2 of the bill assures that special transportation services for the elderly, and the physically and mentally handicapped, which are operated by States or local public bodies will be eligible for assistance.

Section 3 of the Elderly and Handicapped Americans Transportation Assistance Act directs the Secretary of Transportation, in consultation with the Secretary of Health, Education, and Welfare, to prescribe standards for buses, subway cars and other rolling stock, and prevents any assistance being given to States or local public bodies seeking funds under the Urban Mass Transportation Act unless they comply with these standards. Thus, it will be assured that those who are handicapped will be able to use the new transportation facilities which will be built with Federal assistance, and which will be improved or bought with Federal assistance.

Section 4 of my bill provides that in addition to whatever sums are allocated out of present authorizations for the funding of special transportation services, there shall be an additional authorization added to the existing authorization, which shall be earmarked for these services. My bill provides $5 million for fiscal year 1971, $10 million for fiscal year 1972, and $20 million for fiscal year 1973.

Section 5 takes cognizance of the fact that while special service projects—such as Dial-A-Bus—can now be actually funded, further study is also appropriate. Thus, the bill provides for research and demonstration projects to provide transportation for the elderly and the handicapped. For these projects, $3 million is authorized for fiscal year 1971, $5 million for fiscal year 1972, and $8 million for fiscal year 1973.

In addition to the Elderly and Handicapped Americans Transportation Assistance Act, I have today introduced a related bill—H.R. 19217—which makes up an additional part of this legislative formula to provide needed answers to an acute problem. This bill amends the act of August 12, 1968, to insure that facilities constructed with assistance under the Urban Mass Transportation Act of 1964 are designed and constructed to be accessible to the elderly and the handicapped.

A similar provision was enacted into law earlier this year. Public Law 91–205 requires that the Washington, D.C., area subway—Metro—be constructed so as to enable utilization by the handicapped. My bill would expand this concept to authorize that all buildings designed, constructed, or altered with assistance under the Urban Mass Transportation Act—that is, buildings such as subway and

bus stations—be maximally utilizable by the physically disadvantaged. As a corollary, the Elderly and Handicapped Americans Transportation Assistance Act requires that rolling stock—such as buses and subway cars—also be so designed, constructed, or altered.

I urge the most careful consideration of these bills by my colleagues. I think I have sufficiently detailed the problem, and I think these two bills make a major step in resolving that problem. But, speaking in less abstract terms, I would say that these two bills help people—people who need help, people who want to be, and can be, self-sufficient, active, citizens. These bills open the door. And that is all that is asked.

The text of my two bills follow:

H.R. 19216

To amend the Urban Mass Transportation Act of 1964 to provide assistance in the design and construction of transportation services and facilities meeting the needs of the elderly and the handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elderly and Handicapped Americans Transportation Assistance Act."

SEC. 2. Section 12(c)(5) of the Urban Mass Transportation Act of 1964 is amended by striking out "but not including" and inserting in lieu thereof "including special transportation service for the elderly and the physically and mentally handicapped, but not including."

SEC. 3. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) In order to assure that the elderly and the physically and mentally handicapped will be able to make maximum use of any mass transportation system with respect to which assistance is provided under this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall by regulation prescribe such standards (governing the construction and equipment of the rolling stock and other facilities to be used in such system) as he determines to be reasonable and appropriate and calculated to permit such use. No financial assistance shall be provided under this Act to any State or local public body or agency thereof unless the facilities and equipment to be acquired, constructed, or improved with such assistance will be in full compliance with such standards."

SEC. 4. Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the first sentence the following new sentence: "In addition, to finance grants under this Act to provide special transportation services for the elderly and the physically and mentally handicapped, there is hereby authorized to be appropriated not to exceed $5,000,000 for fiscal year 1971, $10,000,000 for fiscal year 1972, and $20,000,000 for fiscal year 1973."

SEC. 5. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"GRANTS FOR RESEARCH AND DEMONSTRATION PROJECTS TO PROVIDE TRANSPORTATION FOR THE ELDERLY AND THE HANDICAPPED

"SEC. 16. (a) The Secretary is authorized to make grants to public or nonprofit private agencies, organizations, and institutions and to enter into contracts with agencies, organizations, institutions, and individuals—

"(1) to study the economic and service aspects of transportation for elderly persons, and physically or mentally handicapped persons, living in urban areas;

"(2) to conduct research and demonstration projects on portal-to-portal service and demand-actuated services;

"(3) to conduct research and demonstration projects concerning reduced fare transportation programs for elderly and physically and mentally handicapped persons;

"(4) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies;

"(5) to conduct research and demonstration projects regarding the feasibility of special transportation sub-systems for use by elderly and physically and mentally handicapped persons;

"(6) to conduct research and demonstration projects concerning other relevant problems affecting the mobility of elderly and physically and mentally handicapped persons.

"(b) There are authorized to be appropriated to carry out this section $3,000,000 for the fiscal year ending June 30, 1971, $5,000,000 for the fiscal year ending June 30, 1972, and $8,000,000 for the fiscal year ending June 30, 1972."

H.R. 19217

To amend the Act of August 12, 1968, to insure that facilities constructed with assistance under the Urban Mass Transportation Act of 1964 are designed and constructed to be accessible to the elderly and the handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151), as amended, is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(5) to be constructed with financial assistance provided under the Urban Mass Transportation Act of 1964."

SEC. 2. (a) Such Act is further amended by redesignating sections 5 and 6 as sections 6 and 7, respectively, and by inserting after section 4 the following new section:

"SEC. 5. The Secretary of Transportation, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings, structures, and facilities which are provided with financial assistance under the Urban Mass Transportation Act of 1964 and are subject to this Act as may be necessary to insure that elderly and physically and mentally handicapped persons will have ready access to, and use of, such buildings."

(b) Section 7 of such Act (as redesignated by subsection (a) of this section) is amended by inserting immediately before "is authorized—" the following: "and the Secretary of Transportation with respect to standards issued under section 5 of this Act,".

NIXON RECESSION PERSISTS

(Mr. ALBERT (at the request of Mr. CHARLES H. WILSON) was given permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, approximately a month ago, a minuscule rise of 0.2 percent in the Federal Reserve Board's index of industrial production was hailed by the administration's economic soothsayers as evidence positive that the nonexistent Republican recession was just about over and that the Nation was well on the road to revived economic expansion coupled with price stability.

The euphoric statements which hailed this happy event were to be found conspicuously on page one of every newspaper. The chorus of hosannas emanating from the executive branch dominated the airways.

Yesterday, the Federal Reserve Board announced that industrial production for August had declined, not a great decline it is true, rather one exactly equal to the July rise which had been hailed as a harbinger of returning prosperity by Republican spokesmen. Now the administration cannot have it both ways. If a rise of 0.2 percent in July is to be hailed as a definitive sign that the economy is moving upward, so a 0.2-percent decline in August can legitimately be regarded as bad news for the American people.

Mr. Speaker, in marked contrast to the widespread front-page publicity which featured July's industrial production increase, one must search diligently the financial section to find out about the August decline. The Wall Street Journal this morning informs us that—

President Nixon met with four of his economic advisers to discuss "economic matters."

We are further informed that Mr. Ziegler, the White House Press Secretary, stated that there was "nothing out of the ordinary on the agenda."

Mr. Speaker, cozy White House meetings called to discuss "nothing out of the ordinary," unfortunately are symbolic of the business as usual attitude characteristic of this Republican administration. The high level of prosperity and full employment inherited by it in January 1969 has been dissipated. Unemployment in August was up over that of July and is still rising while inflation continues to erode the value of the reduced paycheck being received by the American workingman.

Mr. Speaker, Presidential abdication of responsibility for full employment and price stability can no longer be tolerated. Once again, I urge the President to summon a national conference on inflation and unemployment. I likewise call upon him to terminate those economic policies which are sapping the strength of the American economy. Finally, he should utilize the authority which this Congress has granted him to establish credit controls as well as price and wage controls in order to stabilize the economy.

ALGERIA—INTERNATIONAL THIEF

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, I wish to call to the attention of the House, the very serious difficulties which have been created by the actions of the present Government of Algeria both toward our Government and against the American-owned properties in Algeria.

Three years ago, as a result of the Arab-Israel conflict of June 1967, the

Government of Algeria severed diplomatic relations with the United States and at the same time placed the American oil companies operating there under the control of Government custodians. In addition, currency controls were enacted which required the return to Algeria of all proceeds from the sale of crude oil extracted from Algeria. Although these steps initially were described as temporary war measures, the properties taken have not been returned to their owners and no compensation has been paid. Nor have diplomatic relations between the United States and Algeria been resumed.

The Government custodians appointed by Algeria to manage these properties have, without the consent of the American companies, exercised virtually unfettered control over the companies. I understand that they have paid disputed royalty and tax claims, and made all decisions with regard to the personnel of the companies affected. Thus, the American companies have been prevented from managing their own properties and from receiving any of the income generated by these properties.

This de facto expropriation by Algeria came only 5 years after Algeria formally confirmed and guaranteed the hydrocarbon concessions granted by France prior to Algeria's independence.

In 1962, as part of the Evian Agreements leading to Algeria's independence, France and Algeria executed the Declaration of Principles on the Cooperation for Development of the Wealth of the Sahara Sub-Soil under which Algeria confirmed the concessions made by France and agreed not to make "more onerous or to paralyze the exercise of rights" granted by France. By the very terms of this agreement, its protection extended to all holders of concessions "independently of any condition of nationality of the persons or of the location of the principal office" of the holders of the concessions.

In 1965, a new Franco-Algerian accord was executed under which the tax and royalty terms of existing concessions were modified and France made subsidies and loans to Algeria. This new accord, however, was not intended by France to apply to non-French companies operating in Algeria. This fact was specifically confirmed in the proceedings in the French assembly when the 1965 Franco-Algerian accord was accepted. France had satisfied its obligation to these companies as grantor of the concessions in 1962 when it required Algeria to confirm and guarantee all of the concessions granted by France, irrespective of the nationality of the holder. Thereafter, France negotiated solely on behalf of its own interests and those of French companies.

Algeria subsequently attempted to modify the concessions held by American companies along the same lines as the modifications of the French concessions included in the Franco-Algerian accord of 1965. Although the American companies entered into extensive negotiations with Algeria, the principal obstacle to agreement was the demand made by Algeria that the U.S. companies give very large subsidies and loans to Algeria. This the American companies were unable to accept.

The 1962 Evian declaration included provision for the settlement of disputes by binding international arbitration. These provisions were later confirmed in an arbitration accord executed in 1963 which expressly supplemented the 1962 declaration. Nevertheless, Algeria has categorically refused to participate in arbitration proceedings initiated by one American company seeking to settle outstanding differences.

Now Algeria wants to export liquefied natural gas to the United States and has contracted with American companies for this purpose. One of these companies has applied to the Federal Power Commission for permission to import liquefied natural gas from Algeria. FPC approval of such requests is, however, subject to the test of whether such importations would be in the public interest of the United States.

I am convinced that it would not be in the public interest to grant this application at this time. First, Algeria severed diplomatic relations with the United States and expropriated property owned by U.S. citizens in 1967. It now seeks to market in the United States the same kind of products which it has taken by illegal acts from U.S. companies. Why should Algeria be rewarded with access to our markets when she has not settled the claims of the American owners and refuses even to honor her commitment to arbitrate disputes? Second, natural gas is an important energy which is in great demand and short supply in the United States. The need, therefore, is for a long-term and reliable source. Granting the application would create a dependency for an essential energy on a country which has already demonstrated that it does not abide by its international agreements. It is better for the United States to look elsewhere for its natural gas supply than to turn to a source which may some day, at the peak of urgency and dependency, turn off the tap.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McMILLAN, for the remainder of week, on account of official business.

Mr. BLATNIK (at the request of Mr. BOGGS), for today, on account of official business.

Mr. DOWDY (at the request of Mr. BOGGS), for the week of Monday, September 14, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DAVIS of Georgia, for 10 minutes, today.

Mr. RANDALL, for 30 minutes, today.

(The following Members (at the request of Mr. BIESTER) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. WYDLER, for 30 minutes, on September 16.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of Georgia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. GONZALES, for 15 minutes, today.

Mr. RYAN, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS and to include newspaper articles.

(The following Members (at the request of Mr. BIESTER) and to include extraneous matter:)

Mr. BUSH in two instances.
Mr. BROWN of Ohio.
Mr. HALL.
Mr. MIZE.
Mr. GROVER.
Mr. BRAY in two instances.
Mr. TAFT.
Mr. WYMAN in two instances.
Mr. HALPERN.
Mr. DON H. CLAUSEN.
Mr. ERLENBORN.
Mr. FREY.
Mr. HUTCHINSON.
Mr. DELLENBACK.
Mr. ROUSSELOT.
Mr. HUNT.
Mr. COLLIER in five instances.
Mr. ARENDS.
Mr. SCHMITZ.
Mr. COUGHLIN in two instances.
Mr. DERWINSKI in four instances.
Mr. SKUBITZ in three instances.
Mr. BIESTER.

(The following Members (at the request of Mr. DAVIS of Georgia) and to include extraneous matter:)

Mr. BOLLING.
Mr. GAYDOS in six instances.
Mr. DIGGS in four instances.
Mr. LOWENSTEIN in five instances.
Mr. DANIELS of New Jersey in three instances.
Mr. OTTINGER in three instances.
Mr. LONG of Maryland in 10 instances.
Mr. RODINO in four instances.
Mr. BINGHAM in two instances.
Mr. GONZALEZ in two instances.
Mr. WOLFF in four instances.
Mr. WILLIAM D. FORD in two instances.
Mr. DONOHUE in two instances.
Mr. ASHLEY.
Mr. ANDERSON of California.
Mr. O'HARA in two instances.
Mr. MAHON in two instances.
Mr. HELSTOSKI in two instances.
Mr. DORN.
Mr. MIKVA.
Mr. RYAN in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 203. An act to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project;

S. 434. An act to authorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton reclamation project, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development; and

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes.

ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under Clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2373. A communication from the President of the United States, adjusting the statutory limitation on fiscal year 1971 budget outlays, pursuant to title V of the Second Supplemental Appropriations Act, 1970 (H. Doc. No. 91-387); to the Committee on Appropriations and ordered to be printed.

2374. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report for the period ended July 31, 1970, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays (H. Doc. No. 91-386); to the Committee on Appropriations and ordered to be printed.

2375. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a copy of the statistical supplement to the stockpile report to Congress for the period ending June 30, 1970, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

2376. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration of the Health Professions Educational Assistance Act and its subsequent amendments, pursuant to title I, part D, of the Health Manpower Act of 1968; to the Committee on Interstate and Foreign Commerce.

2377. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration of title VIII (Nurse Training) of the Public Health Service Act, pursuant to section 232 of the Health Manpower Act of 1968; to the Committee on Interstate and Foreign Commerce.

2378. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes; to the Committee on Public Works.

2379. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the protection of persons and property aboard U.S. air carrier aircraft, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 15911. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; with an amendment (Rept. No. 91-1448). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16710. A bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain loans guaranteed and made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter, and for other purposes; with amendments (Rept. No. 91-1449). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 18448. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; without amendment, Rept. No. 91-1450). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 18731. A bill to amend the act of July 25, 1956, relating to the American Battle Monuments Commission; with amendments (Rept. No. 91-1451). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 13301. A bill to provide for the adjustment by the Administrator of Veterans' Affairs of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; without amendment (Rept. No. 91-1452). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13519. A bill to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe; with an amendment (Rept. No. 91-1453). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 16811. A bill to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes; with an amendment (Rept. No. 91-1454). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 19188. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself, Mr. ANDERSON of California, Mr. BROWN of California, Mr. BURTON of California, Mr. EILBERG, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. HOSMER, Mr. MAILLIARD, Mr. MATSUNAGA, Mr. MCFALL, Mr. MIKVA, Mr. MOORHEAD, Mr. NIX, Mr. OBEY, Mr. OTTINGER, Mr. REES, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. SIKES, Mr. TIERNAN, Mr. TUNNEY, Mr. VAN DEERLIN, and Mr. CHARLES H. WILSON):

H.R. 19189. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself, Mr. BEALL of Maryland, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. DONOHUE, Mr. DULSKI, Mr. EDWARDS of California, Mr. GUBSER, Mr. HELSTOSKI, Mr. HICKS, Mr. HOWARD, Mr. LOWENSTEIN, Mr. MURPHY of New York, Mr. OLSEN, Mr. PIKE, Mr. ROSENTHAL, Mr. SHRIVER, Mr. SYMINGTON, Mr. VANIK, and Mr. WOLFF):

H.R. 19190. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GONZALEZ:

H.R. 19191. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. MCMILLAN:

H.R. 19192. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 19193. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. MOSS (for himself and Mr. DINGELL):

H.R. 19194. A bill to establish a Department of Natural Resources and to transfer certain agencies to and from such Department; to the Committee on Government Operations.

By Mr. MOSS (for himself, Mr. DINGELL, Mr. BLATNIK, and Mr. REUSS):

H.R. 19195. A bill to establish a Department of Environmental Quality, and for other purposes; to the Committee on Government Operations.

By Mr. OTTINGER:

H.R. 19196. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Interstate and Foreign Commerce.

H.R. 19197. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19198. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. BRADEMAS, and Mr. MCCARTHY):

H.R. 19199. A bill to amend the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself and Mr. SIKES):

H.R. 19200. A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 19201. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. BURTON of Utah:

H.R. 19202. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 19203. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

By Mr. FISH:

H.R. 19204. A bill to provide for Government guarantee of private loans to certain motorbus operators for purchase of modern motorbuses and equipment, to foster the development and use of more modern and safer operating equipment by such carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 19205. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking and Currency.

H.R. 19206. A bill to prohibit the intimidation, coercion, or annoyance of a person officiating at or attending a religious service or ceremony in a church and to make such acts a Federal offense; to the Committee on the Judiciary.

H.R. 19207. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

H.R. 19208. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Commttee on Ways and Means.

By Mr. GRAY:

H.R. 19209. A bill to amend title 18 of the United States Code to provide for better control of interstate traffic in explosives; to the Committee on the Judiciary.

H.R. 19210. A bill to regulate the importation, manufacture, distribution, storage and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19211. A bill to assist in the provisions of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 19212. A bill to provide early educational opportunities for all preschool children, and to encourage and assist in the formation of local preschool districts by residents of urban and rural areas; to the Committee on Education and Labor.

H.R. 19213. A bill to amend the Railroad Retirement Act of 1937 to provide that the amount of the annuity payable thereunder to a widow shall not be less than the amount of the annuity which would have been payable to her deceased husband if he were living and otherwise qualified to receive an employee's annuity thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 19214. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. POFF:

H.R. 19215. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19216. A bill to amend the Urban Mass Transportation Act of 1964 to provide assistance in the design and construction of transportation services and facilities meeting the needs of the elderly and the handicapped; to the Committee on Banking and Currency.

H.R. 19217. A bill to amend the act of August 12, 1968, to insure that facilities constructed with assistance under the Urban Mass Transportation Act of 1964 are designed and constructed to be accessible to the elderly and the handicapped; to the Committee on Public Works.

By Mr. RYAN (for himself and Mr. TIERNAN):

H.R. 19218. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1368. Joint resolution proposing an amendment to the Constitution of the United States to confer upon Congress the power to enact reasonable laws defining obscenity and regulating the publication, both spoken and written, of obscene material; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. DINGELL):

H. Res. 1209. Resolution to disapprove Reorganization Plan No. 3; to the Committee on Government Operations.

H. Res. 1210. Resolution to disapprove Reorganization Plan No. 4; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19219. A bill for the relief of Elvia R. Benavides; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 19220. A bill for the relief of Zoi Locopolou; to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 19221. A bill for the relief of Agustin Pinera; to the Committee on the Judiciary.

H.R. 19222. A bill for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 19223. A bill for the relief of Kyung Bong Kim, his wife, Bok Soon Kim, and their children, Sun Hee Kim, Yong Bac Kim, Mi Hee Kim, and Young Bal Kim; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 19224. A bill for the relief of Merton A. Searle and George W. Bowers; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CLEAN AIR CARAVAN TESTS AUTO POLLUTION CAUSES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PUCINSKI. Mr. Speaker, the Sun Electric Corp., located in my district, has successfully developed the first practical instrument for the measurement of carbon monoxide and hydrocarbons generated by automobiles.

For the first time, State and Federal agencies have available to them a fast, accurate, reliable means of testing vehicles for compliance with emission standards. The automobile industry now has available to it a means of testing vehicles as they come off the production lines.

Auto maintenance shops now have available to them a means of double checking their work to make certain that they have properly serviced an auto to meet emission standards.

On June 15, Atlantic Richfield launched its "Clean Air Caravan" program in Los Angeles. This involved nine panel trucks, each equipped with two Sun model 910 infrared exhaust emission testers. As a public service, the motorists of Los Angeles have been given free tests on their cars to determine the amount of pollution they are generating, and to receive recommendations as to what can be done by the motorists to improve the situation. The response to these tests has been very encouraging.

The auto manufacturers have been making great strides to improve their engines, and the oil manufacturers are now marketing lead-free gasoline. It is now up to the motorist to become conscious of his social obligations to do his part in cutting down on air pollution.

It has been proven that if a gasoline engine is properly tuned and adjusted, little if any undesirable pollutants are emitted. Periodic testing of vehicles with an infrared-type tester can warn vehicle owners that his vehicle is emitting un-

desirable exhaust and should have his vehicle tuned.

The Sun Electric Corp. is to be congratulated for its development of the infrared exhaust emission tester to combat air pollution. This device is both timely and important in our efforts to keep our environment clean and healthy.

I should like to place in the RECORD today an article which appeared in the Chicago Sun-Times concerning Sun Electric's infrared exhaust emission tester, and its testing by Atlantic Richfield.

The article follows:

[From the Chicago Sun-Times, June 17, 1970]

"CLEAN-AIR CARAVAN" TESTS AUTO POLLUTION CAUSES

So you think someone should do something about air pollution. How about starting right in with the family car?

Sun Electric Co. of Chicago and Atlantic Richfield Co. will help out. Sun Electric is now manufacturing equipment that can test the amount of pollutants coming out of your car's tailpipe. It can also analyze what's causing the pollution and thereby enable you to correct the problem at your service or auto facility.

Atlantic Richfield is making the testing system available beginning Wednesday by mounting it on a light truck. The unit will be called the "Clean Air Caravan."

The public service is now available in Los Angeles and "if the response is as good as anticipated," it will be offered soon in Chicago, Philadelphia and other major cities.

"We can expect to reduce hydrocarbon-carbon monoxide emissions substantially in most cars where we find a high-level output of these pollutants," said H. Barton Douglas, a West Coast marketing manager for Philadelphia-based Atlantic Richfield.

The analysis hardware consists of a group of infra-red and electrical sensing units, which quickly measure carbon monoxide and unburned hydrocarbon emissions at engine idle and normal operating revolutions, and a pollution control valve testing system.

While the engine is running, a metal probe is inserted into the tailpipe, a tachometer lead is clampend onto a sparkplug wire and another device is attached to the engine oil filter opening. From the instrument readings trained personnel can determine the existence of such discrepancies as improper air-fuel mixture, dirty air filter or a plugged pollution control system.

"We can analyze and advise on corrective measures, but the actual cleanup of pollution is accomplished by each motorist taking prompt action as advised," said a Richfield executive.

COMMUNISM, REVOLUTION, AND ANGELA DAVIS—HOW MUCH PROOF IS NEEDED?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ROUSSELOT. Mr. Speaker, I am appalled by the notion that there are still within the teaching profession apologists for a teacher who is a self-admitted Communist and who is apparently deeply implicated in a crime of the utmost revulsion—the murder of a judge kidnaped in a conspiracy involving convicts on trial.

Mr. Speaker, if there is in this Nation a sickness represented by self-proclamed "revolutionaries," then most certainly the cure to such a serious disease must not lie in allowing its propagation and spread. I have always felt that Miss Angela Davis should never have been hired as a teacher on the UCLA campus. I believe that we owe these students the highest quality education possible, taught by a faculty characterized by high professional competence, untarnished integrity, and the ability to imbue their students with the highest moral and ethical principles.

I am placing in the RECORD a most commendable editorial, published August 24, 1970, in the San Gabriel Valley Daily Tribune, with the hope that the action described by the American Federation of Teachers is directed toward this end, and that ridding our campuses of such clearly destructive influences will strengthen and ennoble the learning process.

The editorial follows:

TOOK A KILLING TO AWAKEN MANY

We think the majority of delegates to the American Federation of Teachers who, during their convention in Pittsburgh, rejected a motion condemning the University of California Regents for not rehiring Angela Davis as a member of the UCLA faculty are right—regardless of their reason.

During the long course of the Angela Davis affair we have objected to the contention that academic freedom was involved in seeking to rid the University of an admitted Communist. Many educators have maintained that it is. Now, however, there has been added damning evidence that she may be complicated in the murder of a Marin County judge. She is a fugitive from justice and has been placed on the FBI "most wanted" list.

Thus, to most people, it has now become evident that Angela Davis is not the type of person who should be on the public payroll as an instructor for our college students.

We say most. For at Pittsburgh one delegate from Los Angeles shouted, "It's Angela Davis today. Tomorrow it can be someone else."

We wish the delegate was correct and that steps were taken to rid our campuses of other instructors and professors who enjoy the benefits of this society, yet seek its destruction through overt acts or insidious undertones.

It is unfortunate that it took the shocking slaying of a judge to awaken some to the danger Angela Davis presents and the realization that she does not belong on our campuses as an instructor.

MAN OF TRUE STATURE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DELANEY. Mr. Speaker, recently there came to my attention a warm tribute to that beloved statesman and former distinguished chairman of the Democratic National Committee, the Honorable James A. Farley, which appeared in the St. Joseph, Mo., News Press, and I would like to take this opportunity to share it with my colleagues:

MAN OF TRUE STATURE

It is tough to be in the public eye, especially in the national spotlight over a long period of years.

That spotlight is revealing. If there are feet of clay it eventually shows them up. Few emerge from that great attention unmarred, unblemished.

But James A. Farley is one who has. For more than 40 years he has been a national figure, yet his image comes through as fresh and unbesmirched as the day he started in politics and business.

This thought comes as a result of a warm and cordial note Mr. Farley sent recently to a top executive on this newspaper. The two have been friends for 43 years, have frequently visited each other back East.

Their friendship antedates even the start of the campaign Mr. Farley spearheaded and which put Franklin D. Roosevelt in the White House for a stay of 12 years, one month, and eight days.

James A. Farley is high in the national esteem. Of him it can fittingly be said, "There is a man."

THE 31ST ANNIVERSARY OF THE GERMAN INVASION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DERWINSKI. Mr. Speaker, the Polish Government in exile continues to function in London as the official voice of the Polish people. Its President, His Excellency August Zaleski, traditionally issues messages to the Polish people to commemorate events of major historic significance.

On September 1, the 31st anniversary of the German invasion of Poland in 1939 which marked the beginning of World War II, President Zaleski issued the following message:

Once more on September 1st we have an anniversary of the attack upon Poland by Nazi Germany which, in collusion with Soviet Russia, unleashed the Second World War.

This war caused immense suffering for many peoples. Of all the world's nations, Poland underwent the greatest sacrifices, both in the calamities to her people and in cultural and material losses.

The Poles never lost hope, however, and fought in the ranks of the Polish Home Army and on all battlefields of the last war in units of the Polish Armed Forces maintaining their faith in the victory of the ideals which constitute 1000 years of Polish historical tradition.

Unfortunately, the end of hostilities did not bring Poland her long awaited liberty. The only country to derive benefits from this war was Soviet Russia which was co-responsible for its outbreak and which, contrary to the principles of the Atlantic Charter, forcibly seized many regions in Europe and Asia.

It is the duty of Poles in the free world to remind the public opinion all the injustices inflicted upon the Polish Nation during the Second World War and after its termination, and to maintain the hope of the final victory of liberty and justice.

In addition, Mr. Speaker, August 15 was the 50th anniversary of the victory of Poland over Russia in the Battle of Warsaw in 1920 which in the days before Yalta was celebrated as "Polish Soldier's Day." I insert in the RECORD at this point the text of President Zaleski's statement commemorating this date in Polish history:

FIFTIETH ANNIVERSARY OF THE VICTORY OF POLAND OVER RUSSIA

Citizens of Poland and Poles in the free world:

The Battle of Warsaw in 1920 terminated the victorious Polish-Russian war. It had started by order of Commander Joseph Pilsudski, when the First Cadre Company of the Polish Forces/nucleus of Polish National Army/crossed the boundary of the Russian-dominated part of Poland on August 6th, 1914, followed by the Polish Legions.

Similarly on August 6th, 1920, the Chief of State and Commander-in-Chief, Joseph Pilsudski, "lonely in his study at the Belvedere Palace" decided on his plan of genius for the attack against the Soviet-Russian armies besieging the capital of Poland. By a Napoleonic manoeuvre from over the river Wieprz, he broke up and forced to retreat those very armies which were intending to destroy Poland, following the order "over the corpse of Poland to the West".

This great Polish victory in 1920 safeguarded the freedom and independence, not only of the Polish Republic, but also of the neighbouring nations which had regained their independence after the First World War. This victory also stopped further progress of the Red Army towards Western Europe, and protected it from the terror of Russian imperialism. That it could happen was entirely due to the attitude of the whole Polish nation and the bravery of her soldiers.

The Second World War started by Nazi Germany in complicity with Soviet Russia proved that Poland's victory in the Battle of Warsaw in 1920 prevented the Russians putting into action their plan of comquest at that time. But, that the rulers of the Kremlin still adhere to this plan, is shown by their present strategic moves on the continents and oceans of the world.

In face of these ominous aims of Moscow, and with the memory of the world-famous victory of 1920 which saved Poland from Russian slavery, we Poles in the free world should be ever watchful for every step in the domain of politics and strategy which could endanger the rights of Poland; and in full agreement we should protest aloud at any movement appearing on the horizon to threaten the security of Poland and Europe. And we should always remember that for each protest to be of real weight and strength, complete accord and unity of action is necessary in our political programme of regaining freedom and independence for the Republic of Poland.

The example of such unity was given in 1920 by the Council for the Defence of the State and the Government then in Warsaw. This national concord greatly contributed to the victory in this "decisive battle of the world", in remembrance of which was established in independent Poland—"Polish Soldier's Day", which the nation celebrates on August 15th, on the festival of the Assumption of the Virgin Mary.

THOMAS KESSING DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Thomas E. Kessing, Jr., a courageous young man from Maryland, was killed recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

THOMAS KESSING DIES OF WOUNDS—SILVER SPRING YOUTH WAS KILLED BY VIET MINE

SILVER SPRING, August 27.—Spec. 4 Thomas E. Kessing, Jr., 19, of Silver Spring, died Tuesday of wounds he received in an enemy mine explosion in Vietnam, the Department of Defense announced yesterday.

He was wounded by the explosion of a Claymore mine August 8 while on a night patrol about 30 miles north of Saigon in Binh Doung province.

Specialist Kessing was transferred August 16 to the 249th General Hospital in Osaka, Japan where he died of internal injuries and infection from his wounds.

He was awarded the Purple Heart and the Army Commendation Medal for heroism as a result of the August 8 incident.

The citation states that Specialist Kessing "contributed immeasurably to the success" of the night patrol.

He had recovered from a malaria attack just a week before he was wounded. He served 58 days in Cambodia, according to his father.

At the time of his death he was a member of the 25th Infantry Division. He had been recently transferred from Company D, 5th Battalion, 3d Brigade, 9th Infantry Division.

Specialist Kessing enlisted in the Army on August 15, 1969. He completed his basic training at Fort Bragg, N.C. and his advanced training at Fort Gordon, Ga. He began his tour of duty in Vietnam January 10, 1970.

He was born in Takoma Park, Md. He attended Montgomery Blair High School and received a high school equivalency diploma after entering the Army.

An avid swimmer, he spent the summer before he enlisted as a life guard and manager of the swimming pool at an apartment house in Silver Spring.

After his three-year term of duty in the Army was completed he had planned to become a radio disc jockey.

Specialist Kessing is survived by his parents, Mr. and Mrs. Thomas E. Kessing, Sr., of Silver Spring; three sisters, Mrs. Mary Jane Hottinger, of San Francisco; Kelly L. Kessing and Patricia Kessing, both of Silver Spring; and his grandmothers, Mrs. Oliver O. Kessing, of Norfolk; and Mrs. Mami Beck, of Chapel Hill, N.C.

PRECEDENTS IN WATER POLLUTION CONTROL SET IN OREGON

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ULLMAN. Mr. Speaker, Oregon is justifiably proud of its precedent-setting efforts to control air and water pollution and preserve the uniquely high quality of its environment. The development of a statewide comprehensive water pollution program in Oregon dates back to 1938. In 1951, the Oregon Legislative Assembly established the first statewide air pollution control program in the Nation. Last year, Oregon created an independent department of environmental quality with expansive policy-making and law-enforcement powers.

As a recent article in the New York Times points out, Oregon has tough antipollution standards, perhaps as tough as exist anywhere in the country. The article is a study of efforts to bring the pollution-ridden Willamette River back to life. It describes the difficult job of renewing our natural resources once they are polluted, and makes clear this is a long and very gradual process. It also points out that environmental control is a matter of adept politics and adequate incentives.

I commend it to the attention of my colleagues:

TOUGH RULES SAVING A DYING OREGON RIVER

(By E. W. Kenworthy)

PORTLAND, ORE.—One day last week, the fall Chinook salmon began to flow out of the Columbia River into the Willamette, swimming 25 miles through a highly developed port-industrial complex at Portland Harbor reach, struggling up a man-made fishway over the 50-foot falls at Oregon City, and finally fighting their way to the upstream headwaters where they will spawn.

As the Chinook struggle upstream, tabulators at the falls count each one, hoping for another increase in the run. If the count is up, it will be an event of some national significance—visual proof that a Federal-state program to clean up the Willamette River, until a few years ago one of the nation's foulest, is continuing to make steady progress.

Antipollution officials across the country are watching the Willamette clean-up effort for guidance on how to deal with extreme levels of pollution from sewage and industrial wastes.

COMBINATION OF FACTORS

Among the observations is that the improvement of the Willamette's water quality—which officials point out still has a long way to go—resulted from a fortunate combination of factors: strong public outcries, with resulting political reaction and commitment, good state and Federal cooperation, forceful leadership, tough standards and the cooperation of industry.

The gradual increase in the fall salmon run—from a meager 79 in 1965 to 6,957 last year—already backs up more sophisticated scientific evidence that the Willamette cleanup indeed is working.

In part, the increased salmon run can be attributed to a new, $4-million fishway at the falls to help the salmon over the hump and the augmenting of flows around the dam at periods of critically low water. But, as the Department of Environmental Quality said in a report this month: "Without cleanup of the river, investment in the new fish ladders would have been an almost wasted expenditure."

The Chinook and other migrating fish shy away from severely polluted water. A chief reason is lack of oxygen supply—a major indicator, along with the amount of disease-bearing bacteria and dangerous chemicals, of the health of a waterway.

Fishery biologists say that migrating fish need water with five parts per million (p.p.m.) of oxygen, and that if the oxygen reaches below four p.p.m., fish may not enter a river. In years past, during low water in the summer and fall, the dissolved oxygen supply often reached zero in the most polluted Portland Harbor reach of the Willamette.

"BIOLOGICAL CESSPOOL"

Besides creating other problems, the huge amounts of organic wastes dumped into the Willamette voraciously consumed the river's oxygen in decomposition.

Inundated with heavily organic industrial wastes from nine pulp and paper mills, as well as vegetable processing and meat-packing plants, other industries and firms, the lower Williamette was described by the Izaak Walton League as late as the spring of 1967 as a "stinking, slimy mess" and a "biological cesspool."

Between Portland and Willamette Falls, globs of bacterial slime that fed on nutrients, mostly wood sugars from the pulp mills, formed beneath the surface and mats of decaying sludge, dislodged from the bottom by the formation of gasses in the summer-

heated river, rose to the surface and floated like rafts down the river until they disintegrated and sank to the bottom again. Life in such water was scarce indeed.

By contrast, Kelly Conover of the Oregon Fish Commission said in a recent interview that he believed that within a few years the fall chinook run would reach 110,000, and Kenneth H. Spies, director of Oregon's Department of Environmental Quality, reported that the quality of the river had improved to the point that much of the stream above the falls was "reasonably safe" for swimming.

The main stem of the Willamette is 187 miles long. The state's four larger cities—Portland, Salem, Corvallis and Eugene—lie on it. Serious pollution dates back to the late twenties. In 1938, the voters approved creation of a State Sanitary Authority, forerunner of the Department of Environmental Quality established in 1969. When the Authority began its pollution control program in 1939, there were only 23 municipal sewage plants in the valley, and none was on the river's main stem, where all major cities discharge raw sewage into the river. All valley industries dumped their waste into the river without treatment.

PULP AND PAPER MILLS CITED

Municipal progress was slow. It was not until 1957 that all cities on the river had installed primary treatment of sewage—the settling out of solids which removed 35 per cent of organic matter. Industrial progress was even slower. In 1957, a Department of Interior report found that 70 per cent of the oxygen-demanding waste produced in the valley came from the nine paper and pulp mills, and 90 per cent of the waste actually entering the river came from these mills.

By far the largest share was contributed by five sulphite-process plants—two Publishers Paper Company mills owned by the Los Angeles Times at Oregon City and Newberg, two crown Zellerbach Corporation mills at West Linn and Lebanon, and a Boise-Cascade Corporation.

The turning point came in 1967—a turning point that state and Federal officials attribute to a concatenation of luck, timing, politics and personalities.

In the governorship campaign of 1966, Robert Straub, the Democratic candidate, noted public concern and made pollution his principal issue. Tom McCall, the Republican candidate, was only too ready to do battle on this ground. As a television broadcaster, Mr. McCall, in 1967, had made a documentary film entitled "Pollution in Paradise."

In the campaign, the two candidates outdid each other in promising to restore the state's environment. The campaign set the climate for future achievement.

GOVERNOR TAKES CHARGE

Mr. McCall won. Soon after he took office, the man who had been chairman of the State Sanitary Authority for 25 years died. The Governor wanted to appoint John D. Mosser, a former State Representative, to the post. But he also wanted Mr. Bosser to serve for a few months as Director of Finance and Administration, and Mr. Mosser agreed.

Thus, to dramatize his own commitment to environmental reform the Governor appointed himself chairman of the Sanitary Authority for the interim. He ordered hearings throughout the state as a preliminary to issuing standards of water quality for every river in the state.

The authority was aided by two Congressional acts—the Water Quality Act of 1967, which required the states to set water quality standards for interstate waterways, and the Clean Water Restoration Act of 1966, which increased Federal funds to aid cities in building sewage treatment plants.

In May 1967, Oregon became one of the first three states to have its standards accepted by the Department of the Interior. At the same time that it issued its standards, the authority also published an enforcement plan dealing with every stream and every city and industry on each waterway. The Governor then stepped down as chairman and appointed Mr. Mosser, who set about the job of enforcement.

In a recent interview, E. J. Weathersbee, deputy director of the Department of Environmental Quality, explained that, because of public support, Mr. Mosser had no trouble with either the legislature or industry.

TOUGH STANDARDS SET

"Mosser," he said, "was brilliant and persuasive, logical, and tough when he had to be, and industry fell in line. He just let them know we were going to clean it up, and that was it, and nobody argued with him."

The Sanitary Authority not only set standards for the Willamette below the falls—classified as an interstate waterway because of tidal flow—but set equally tough standards for streams wholly within the state.

It also set a discharge limit on oxygen-consuming wastes for every municipal sewage plant and every industry.

In doing so, it made no provision for future growth, declaring that the limit was all the stream could take and maintain its quality, and that future growth of a city or plant had to be taken care of by increased efficiency in handling pollutants. Sulphite pulp mills were given until July, 1972, to install primary and secondary treatment and recovery systems for chemical liquors.

Industry was given an incentive to meet these imposed standards and increase efficiency—a write-off of 5 per cent a year on state corporate taxes until 1978 to help cover the cost of installing pollution controls.

What have been the results of this program on the Willamette?

By late 1968, all cities in the basin had installed secondary treatment plants for sewage. By 1968 all paper and pulp mills had installed primary treatment and were removing 100,000 pounds of settleable solids daily that had been going into the river.

At present, five of the nine mills have both secondary treatment and chemical recovery systems; one has chemical recovery, and the rest have until July, 1972, to complete installation of secondary treatment and chemical recovery. The only foot-dragger, according to state officials, is the Boise-Cascade plant at Salem.

By 1972, Mr. Spies predicts, the overall reduction of municipal and industrial waste in the basin will be between 90 and 94 per cent.

Oxygen-consuming discharges of the paper and pulp mills, which formerly accounted for 70 per cent of the oxygen-demanding waste, will be 38,500 pounds a day, down from 130,000 pounds in 1969, and only slightly above the 35,000 pounds expected discharge from city sewage plants.

One result of the controls has been that the waters of the Portland Harbor reach are meeting the standard of five parts per million of oxygen set by the state and approved by the Department of the Interior in 1967. The lowest average monthly content of oxygen taken from the water has gone from 1.5 p.p.m. in 1957 to 3.3 in 1967 to 5.6 in 1969.

At the same time, anyone taking a boat trip up the Willamette today would hardly call it a clean river. Federal and state pollution officials do not contend it is. They recognize vast problems still to be overcome—so-called "non-point discharges from logging, soil erosion, animal feed lots, irrigation seepage, and, of course, population growth.

Nevertheless, they point to the Chinook in the fishway and contend that, at present anyway, they have "a river on the way to restoration."

THE POLITICS OF PEACE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. OTTINGER. Mr. Speaker, the August 1970 edition of the Washington Monthly includes an article by Mr. Sam Brown that is one of the most sensible and reasoned histories of the antiwar movement yet to appear in print. Mr. Brown points out that those opposed to the war on moral grounds have always decried violence and have consistently attempted to enlist the wider community in their cause, from blue-collar workers to Members of Congress. He enunciates the direction the peace movement must take and the clear need for leadership from public officials, and I urge all those who wish to see an end to the carnage in Southeast Asia to pay heed to the responsible guidelines set forth in this cogent analysis. I urge all those concerned about this war and about the avoidance of future Vietnams to give this article their most careful attention.

The article follows:

THE POLITICS OF PEACE

(By Sam Brown)

When I visited the North Vietnamese and NLF representatives in Paris last February, they made it clear that they had never counted on the American left to end the war. Madame Nguyen Thi Binh, the foreign minister of the Provisional Revolutionary Government (of the NLF), remarked that she found student radicals very sectarian and reluctant to touch political power. She continued that the confused assortment of political objectives on the left—from legalizing marijuana to overthrowing the government to providing free abortions—dilutes the political impact of the peace movement. The result, she suggested, is that the Vietnamese people and American soldiers carry the burden of America's social problems. Insofar as unrelated issues are tied to the peace movement, weakening it, Vietnamese people and American soldiers die every day because the peace movement has exported the costs of America's social problems to Asia.

I found these Vietnamese revolutionaries far more thoughtful than most young American revolutionaries. Their private conversation was radically different from their strident, ideological press releases, and they seemed to bear little malice toward the American people. They didn't express hatred for Middle America, or even for the soldiers in Vietnam. The negotiators seemed to be tough-minded realists, who expect a long war and don't believe that America is anywhere near collapse. In short, these communist leaders are very connected to reality, where political self-delusion can cost people their lives.

One such delusion within the American peace movement has been the notion that we can retain a private dimension of political morality for ourselves. We define the significance of peace rallies in such a way that we cannot lose our purity. So if Jerry Rubin or the Black Panthers offend people from a peace platform, we conclude that Jerry Rubin's style is his own business and the Black Panther platform is logically separable from the war—therefore the offended people should pay attention to the anti-war political message independently of its context. We cannot be responsible for their confusion or stupidity.

Thus doves reason that they have the best of situations: if the war ends, they can take credit for political effectiveness; if it continues, they have personally separated themselves from the war policy. The problem, as Madame Binh pointed out, is that there is no private realm for people dealing with the politics of war. The significance of our acts in the peace movement is politically determined, not privately defined. Every time a 16-year-old high school student steps off the curb for a demonstration, there is a political effect. The war may be nearer or further from its end, according to the political impact of his action. This places an awesome responsibility on those who lead others into action.

The responsibility will be increasingly important as it becomes clearer that President Nixon is committed to some kind of non-defeat in Indochina which he calls "winning the peace." There is no evidence in his history that he could withdraw all troops from Vietnam and stop all bombing if doing so would be described as a defeat. This means that building peace politics is not superfluous. American, Cambodian, and Vietnamese bodies are still being blown apart every day, and only a peace movement which reaches Richard Nixon's constituency can stop it. Doves must find lessons in the past five years of anti-war activity to avoid both the errors of previous strategies and the fiction that the war will dissolve of its own accord. Neither Vietnamization nor a naive peace movement can end the war.

Since November, 1969, the President and Vice President have used the apolitical purism of many committed peace people to split the non-moral opposition voters make political decisions largely on issues of tone and style rather than on the basis of rigorous foreign policy analysis. The right wing of potential peace supporters—those opposed to the war for a variety of non-moral reasons, ranging from its economic cost to the futility of seeking a conventional military victory—tend to cave in to Presidential authority, especially when the tone of his message is more congenial and positive than that of the doves who hold that we cannot grind an honorable peace out of a dishonorable war. The potential peace voters respond favorably to the calm, authoritative demeanor of the President behind the mahogany desk during a television broadcast, and they like neat, clean, thoroughly American behavior. They don't like long hair, campus protest, or, in short, anything which irritates the nerve endings of middle-class values. They may dislike the war, but they dislike radicals far more. Moreover, they inherit this country's anti-intellectual legacy, so that if the President calls for "team spirit" and the peace movement calls for "communal solidarity," they go with the President. For them, "communal solidarity" smacks of the red specter and academic snobbery.

The Middle Americans who favor an early end to the war hold the political balance between continued Nixonian Vietnamization or worse, and an early end to the war. A substantial majority of them would vote for "withdrawal from Asia as rapidly as possible commensurate with the safety of the troops" if the arguments pro and con were presented in commune and communicate with the non-ideologues who want to end the war, and his message is not one of rapid withdrawal but of "winning the peace" and avoiding humiliation. And except for the 1968 campaigns and a brief moment last October 15, the peace movement has *not* been able to talk with, or feel with, its potential allies. The apparent result is that the President has disarmed his domestic critics while the peace constituency has grown larger than ever. I think he will lose on his peace-with-victory tightrope in the long run; but for now, even after Cambodia, the combination of support for this President and a peace majority is another paradox in the string of Catch-22 insanities which have characterized the war—prepared by a liberal President who spoke of ending the Cold War, begun by a President elected on a peace platform, waged by executive order to export democratic self-determination to half of another country, escalated in the interest of protecting the troops, and continued on the grounds that it is the shortest road to peace.

Those of us in the peace movement who have worked for five years on campuses, in campaigns, and in community activities like the Moratorium bear a large share of the responsibility for our alienation from the potential doves in Middle America. The fact that they support the President in a crunch follows partly from historical accident, partly from errors in political judgment by the morally committed, and partly from a lack of courage among the politically astute.

Insofar as the split within the peace movement stems from the student base of most anti-war activity, historical accident is largely to blame. I do not think students would have taken themselves seriously as a political force had the war not begun during the civil rights movement. In the early Sixties, young people learned that voting and precinct meetings were not the only effective forms of political activity, that extra-legal demonstrations worked in the face of a moral horror, and that American leaders often displayed both cowardice and hypocrisy in race relations. The civil rights movement, with all its implications about American politics, was almost a necessary condition for anti-war activism on the campuses.

It was also important that the war was begun by a Democratic President, for Lyndon Johnson's presence in the White House silenced many of those who are now doves against a Republican President. Hubert Humphrey, Arthur Goldberg, Edmund Muskie, Larry O'Brien, Adlai Stevenson III, Birch Bayh—none of the party establishment came close to breaking with Johnson. Even the intellectual community, which might have been expected to provide some leadership was so closely tied to the Administration that its members—McGeorge Bundy, Francis Bator, Richard Neustadt, Zbignew Brezezinski, and so on—were reluctant to speak out at first. So were the foreign policy experts, such as Roswell Gilpatric, George Ball, Averell Harriman, and Cyrus Vance. The result was that students were the original peace constituency almost by a process of elimination. Through the draft, we felt the war with the kind of harsh self-interest which motivates most political activity. The first major anti-war demonstration took place in front of the White House in the spring of 1965, organized by SDS. Senators Morse and Gruening spoke, sealing the alliance between students and brilliant eccentrics. When Eugene McCarthy announced his candidacy in November of 1967, everyone assumed that students would be his most consistant supporters, although all the pros, including Robert Kennedy, advised McCarthy against stressing student support.

To say that students have formed the core of anti-war activism does not mean that relative to other age groups. That is part of the silent majority myth. But I do think that young peace activists tend to have made certain moral judgments about the war, beyond pragmatism. This is a source of strength for the peace movement in that it provides the strongest motive for opposition to the war and also removes the recurrent trap of wavering doves: the victory wish. People who believe that the war is immoral are tempted to dampen their activity when a vision of conquest is dangled before their eyes. In fact, most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States. It would convince many Americans that the war was right and that it could be successfully repeated elsewhere. Also, a military triumph would go a long way toward replacing the Jeffersonian-revolutionary image of America as a place of hope with a Roman image of this country as a conquering empire.

If the conviction of young people has been a source of strength, it has also been responsible for much of the self-containment of the peace movement. And the significant fact is not that active dissent began on the campus, but that it has largely stayed there.

When anti-war activities began on the campuses, most of us were convinced that political education could end the war and that America was sufficiently biased against foreign conflicts to make it impossible for the government to wage war with substantial internal opposition. The draft forced us to confront the war early; and since we reached our decision to oppose American Vietnam policy largely through an intellectual process, we were confident that the country could do the same. So there were teach-ins on Vietnam in 1965 and 1966, and the Vietnam Summer of 1967 was originally called Teach-Out, a campus effort to reach into the community.

The weaknesses of the citizen education campaign became apparent very soon. For one thing, students presupposed a level of basic knowledge about Vietnam that simply didn't exist in most voters. If, in 1965, a student went to a doorstep and the lady said, "I don't know, the President knows more than we do," he became quickly frustrated with such blind deference in the face of facts about the war.

Students found that most voters employed a contorted decision-making process to analyze American involvement in Vietnam. It seemed that they should have been against the war until they knew enough about the issues to argue for it. Instead, people supported the war until convinced that America was wrong, placing the burden of proof on the students and then being fairly complacent about studying the evidence. Many students found it morally repugnant that a citizen could support Lyndon Johnson's war without having read Bernard Fall, the Vietnam hearings, or even Douglas Pike and the SEATO Treaty, without knowing the history of the Viet-Minh or of French colonialism in Indochina, and knowing little about Ho Chi Minh, Marshal Jean De Lattre, or Ngo Dinh Diem.

It became quite easy for students to react against Lyndon Johnson's use of Middle America's historic anti-intellectualism with a kind of academic chauvinism readily learned from prominent professors. Thus it followed that since every intelligent person was against the war, anyone who supported LBJ was a fool, immoral, or both. With President Nixon reduced to visceral patriotism and respectable demagoguery to carry the war, the argument has been pushed to its conclusion: that people who support the war for immoral or irrational reasons should not count. This judgment is often felt but seldom expressed, because it runs headlong into the left's emphasis on participatory democracy. Unfortunately, irrationalities matter in democratic politics, and peace is not here just because we want it, or even if we can demonstrate on paper that it's a good idea. In order to build a successful peace movement, one must believe that Middle America should count, even after a week's canvassing in Ogallala, Nebraska, or Peoria, Illinois. The alternative is to join with classical aristocrats, who find the paper ballot a rather crude and absurd method of making political decisions.

Students found it difficult to break the ethos and life style of the campus in order to spend their time in homes and businesses. Canvassing operations and education campaigns require a great deal of organization

and commitment to work which is generally tedious. A demonstration, on the other hand, only requires going someplace for a few hours, at least for the non-organizers. The atmosphere at a demonstration is one of a communion of peers, often with recreation and a heady emotional sense of solidarity. Moreover, the civil rights movements had given demonstrations an overtone of moral outrage, and that was precisely the message that the peace movement wanted to communicate: that the Vietnam War is a moral outrage.

Unfortunately, anti-war demonstrations did not succeed in dramatizing the moral aspects of the war, largely because the war was taking place halfway around the world. The sit-ins in the South could demonstrate the moral imperatives of the civil rights movement. One could see the violent clash of behavior against principle, and the connection to the law was clear. Peace demonstrations at draft boards and troop shipping stations attempted to make the same point regarding Vietnam, but the appeal to conscience was too vague or too strained. McGeorge Bundy and Robert McNamara were tucked away in an impeccably proper bureaucracy. They never delivered any napalm in person, and certainly never wore the coarsely hostile face of a Bull Conner.

Civil rights demonstrations had another advantage: they could appeal to the political self-righteousness of 75 per cent of the country in order to defeat the South. This was a significant political lever which the anti-war movement has never had. In order to accept the idea that the Vietnam war is immoral, one must admit that his whole country is capable of perpetrating great wrongs and that he himself is partly culpable. This is difficult for any of us to do. It is far more difficult than deciding that the South's brutal racism is immoral in the face of the non-violent courage of Martin Luther King.

Vietnam demonstrations also developed a high existential content, especially as the war dragged on beneath Ruskian platitudes. At some point it became necessary for all of us to *do* something, regardless of the political effect, in order to separate ourselves from the government. This year's May 9 demonstration was a good example. There had to be some response to the Cambodian invasion and Kent State. Because something had to be done and peace people knew how to produce demonstrations, a quick demonstration was put together. The May 9 rally in Washington was cathartic for everyone already committed against the war—a communion of the wounded, complete with a mass swim-in in the Lincoln Memorial reflecting pool and speeches about every conceivable issue on the left. But the rally had little political effect on those not already on our side.

The failures of demonstrations as a peace tactic tended to restrict the morally-based anti-war movement to the campus. And, during gestation on the campus, it continually moved toward the left. The enemies became generalized into the System and the solution into revolution. Anyone who added a new plank to the canons of the left was considered purer than his predecessor, and the movement shifted in order to identify with its purest elements. People became unwilling to accept those opposed to the war for less comprehensive reasons. They had to be written off as opportunists and moral reprobates.

This is the first vicious cycle of the student peace movement: the longer it fails to end the war, the farther left it moves, splintering itself into multiple groups in the process, which in turn makes it more difficult to develop the new constituencies necessary to end the war.

I cannot argue strongly for a single-minded peace strategy without considering the emotional costs. Obviously, there are reasons for leftward sectarian impulses, growing out of the history of the Sixties—when this country identified many domestic problems and solved almost none. There is good reason for a healthy cynicism. A young person in this country has seen little but war, the draft, riots, racism, assassinations, pollution, and governmental ineptness since he came into political awareness. A person who is 21 has dim memories, if any, of the early Sixties, when there was a great deal of hope in America.

On a deeper level, there is a strong sense among young people of alienation from the values which built the American economy—impulse repression, acquisitive drive, and status mobility. These frustrations add up to a strong motive for believing that America's problems are insoluble, and that the war is but a symptom whose termination will be of little use.

Finally, there is a feeling that the war cannot be ended on terms other than the Carthaginian Peace acceptable to the Veterans of Foreign Wars. Obviously, any tough-minded political discipline toward ending the war is senseless if the chances of success are zero. The existential alternative is to keep one's purity, protect one's life style, and demonstrate a personal separation from the war policy.

This is a dilemma for those who believe that the war is wrong: defeat appears likely and recommends that people withdraw into a personal purity, while ending the war requires that people move toward Middle America and become politically effective.

To unravel this problem, I think a few false issues must be separated out. First, personal appearance, language, and life style have nothing to do with the substance or purity of one's political views. Behavior that is offensive to Middle America neither establishes nor identifies real political differences; it merely offends Middle America. Burning the flag or shooting obscenities at an anti-war rally is for many doves a shortcut for the years of hard work which would make real political enemies on substantive issues. If done for its political effect, such action creates needless liabilities and fosters the self-deception that one is politically righteous in proportion to how much he is despised.

Another kind of false purism follows from an inquisitional tendency on the left to exclude as many people as necessary to insure the holiness of the group. This is the opposite of the political instinct, which is to include as many people as possible in the interest of achieving an objective. You take your allies where you can, not necessarily making heroes of them, but keeping them in the camp.

It's very dangerous to generalize a personal code of moral absolutism into politics. Many of us cannot accept the draft for this war on personal, moral grounds. But I find it ethically untenable to suggest that everyone who doesn't agree with us is automatically immoral—unworthy of respect and human consideration.

Such obsolutist judgment would represent a curiously non-situational ethic for a generation which acccepted and popularized situational ethics in sexual relationships. Middle America is still sexually Victorian on the whole, but politically pragmatic, while students are politically absolutist and sexually situational. One could, as Richard Nixon has, drive a truck through the gap.

On either side of this gap the combatants act like members of the old religious sects, where different rules govern one's conduct toward people outside the group as opposed to those within it. Thus, it becomes possible for an honest, fair-minded judge to display a total disregard for due process in dealing with a long haired radical. On the other hand, it is possible for people on the left—whose internal ethic calls for a loving ethos, an understanding of human weaknesses, concern for the poor, and non-violence—to direct blind hatred toward Middle America, to call people pigs, to glorify militance, and to display considerable cultural condescension toward "hewers of wood and drawers of water," from tobacco farmers to cab drivers to hard hats. The response is obvious.

Sect-like behavior is the source of a second vicious cycle within the peace movement. People in the middle respond to the sign language involved and to the external codes of conduct, not the internal ones. Sectarian violence on the left is the most salient aspect of what the press calls a peace-youth cult.

Perhaps strategic violence in the anti-war movement is yet another legacy of the civil rights movement during which young people have seen that pompous official statements on the futility of violence consistently ring false against the scramble of politicians to throw money and concern into any urban riot area. But most Americans don't feel guilty about the war, nor do they feel that young demonstrators are its victims. Again, the moral imperatives of the peace movement have been different and weaker than those of civil rights. In any case, I find political violence wrong in principle, and anti-war violence is also strategic nonsense, creating even more needless enemies than flag-burning.

Sectarian violence on the left is the complement of the hard-hat phenomenon on the right. They represent the culmination of the familiar process of polarization.

The real crux of the dilemma over protecting principles comes when it is necessary to make judgments about issue priorities—to choose among contending goals in the interest of effectiveness. This is particularly difficult for young people, who dislike the notion of effectiveness itself because it represents to them the very craving for success that alienates them from America. They have seen too many allies announce with supercilious dignity that they are going to be effective within the system and then drown all moral commitment in self-advancement.

Many older doves not so alienated from success or the work ethic are also wary of the effectiveness trap. Some can remember the Cold War Fifties, when liberals adopted Brooks Brothers suits to "effectively" protect those falsely accused by Joe McCarthy. And liberals continued to adapt themselves to the times until they decried the missile gap in 1960 so they could be effective in making social reforms and finally began the Vietnam war to demonstrate that they were more flexibly effective anticommunists than the hawkish Republicans. In a sense, the trap is responsible for the whole Vietnam mess; for the last generation of liberals made an ideology of effectiveness and finally came to believe in their own tactical compromises.

In order to handle the effectiveness trap, people must have enough self-confidence to believe that the steps necessary to end the war will not erode their commitment to other issues. Adopting a style that does not offend Middle America is itself no compromise of principle. The danger comes when liberals transform Brooks Brothers suits into political disaster, and today's doves must be able to tell when an acceptable style becomes a substantive sell-out.

People must also believe that the war can be ended. Otherwise, they join many students in the non-effectiveness trap—if you decide that it is impossible to win on anything, it makes sense to go down to defeat shouting the pure gospel on as many moral issues as possible. If, on the other hand, doves decide that the peace movement can in fact end the war, then the purest anti-war position is the one which ends the war fastest without compromising the principle that the war is wrong. That position would undoubtedly be tough-minded in that

priorities must be chosen and sacrifices made in the interest of ending the war. Jerry Rubin may have to be excluded from a platform to keep John Lindsay, because, coldly, Lindsay is far more politically valuable than Rubin in any successful anti-war strategy. The position would also be painful—it would even be necessary to cultivate dovish potential among racists. But the position would also recognize the daily blood cost of the non-effectiveness trap.

I think everyone who has a moral commitment against the Vietnam war feels some of these drives toward left sectarianism. Certainly I do. On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged this war really should be treated as war criminals. There must be a certain point in the midst of an insanely malevolent situation at which any sane person wants to become a maniac. Discipline and caution appear deceitful.

But despite past frustrations and failures, I think that political self-discipline is precisely what is necessary to end the war. My own feeling is that this war *is* in fact less intellectually intractable than the long-run problems of pollution or the distribution of wealth in America, and less emotionally deep-seated than alienation from the Protestant work ethic or the overwhelming problem of race. But it throws up an enormous psychological barrier to the perception of these problems, simultaneously draining the nation of lives, resources, hope, and conscience. Therefore, I think that ending the war is a necessary first step toward meeting more difficult problems, even though ending the war may mean short-run sacrifices of efforts to cope with them.

Also, you have to have faith that the American people will choose the more humane political path when confronted with clearly stated alternatives, and then you work to state the peace choice persistently in the most acceptable style. Until you lose that faith permanently, left sectarianism must be regarded as politically foolish, and only lack of courage causes people who believe so to remain silent.

These realities have been clear for some time. They were paramount in the plans for the Vietnam Moratorium, drawn up in the spring of 1969, when the politics of Vietnam were considerably less carnal than they are now. Nixon and Agnew had not wrapped their policy in the flag, nor had polarization proceeded to the point at which many hawks would cheer the killings at Kent State. But it was clear, at least to our ideological minds, that the President was not going to withdraw from Vietnam quickly and blame the consequences on the Democrats. This option, which so many commentators thought likely because of its "peacemaker" attractiveness and the fact that it would direct any McCathyite backlash at the Democratic Party, was rejected in favor of a Presidential desire for an outcome with victory written on it somewhere. It seemed that he was going to get out of Vietnam as slowly as possible, while selling the idea that he was getting out as fast as possible.

By spring, many doves had recovered enough from the doldrums of the 1968 campaign to consider new peace initiatives. Jerry Grossman, a Massachusetts businessman, first suggested the outlines of what became the Moratorium. Beginning with a student base, because that was all we could count on, we wanted to develop a single-issue citizen organization with sufficiently electric appeal to create a majority for withdrawal from Vietnam.

When we announced the Vietnam Moratorium in June of 1969, the four coordinators felt that it would indeed take a great deal of political self-discipline to succeed with our strategy: to gradually attract new peace constituencies on the right without either making unacceptable compromises or cutting off the left. We had to avoid following the ADA path (drifting to the right ideologically *without* gaining new support) and alienating the left at the same time.

The Moratorium plan for October 15 was to start on the campuses and organize outward into the community, seeking to slowly build peace constituencies. The public message was immediate withdrawal, which was then a radical position relative to the entire American political spectrum. We hoped to start in October with one day's cessation of "business as usual" and increase the moratorium period cumulatively by one day each month until the war ended. The initial call and the founding statement were very centrist documents. We tried to set a moderate tone in everything—from the choice of the word "moratorium" rather than "strike" to our constant encouragement of activities that would appeal to people just to the right of our student base—such as vigils, church services, candlelight ceremonies, and community canvassings. If we had started with more money, more visibility, or more Congressional support, we would have deemphasized our campus base even more; but, lacking all three, we had to organize from the campuses outward. Our specific targets for October were the social groups which had displayed sympathy for the peace movement—the clergy, women, senior citizens, doctors, lawyers, and educators—and we also attempted to reach labor unions and minority groups.

Across the summer of 1969, we received little press coverage and less support from Congressmen and Senators. David Mixner did most of the browbeating on the Hill and got nothing but smiles and encouragement from everyone but the handful of consistent doves, such as Congressmen McCloskey, Adams, Brown, Reid, Edwards, Koch, Ryan, Fraser, Riegle, and Ottinger and Senators McGovern, Hughes, McCarthy, Hatfield, and Goodell. There was a perceptible lack of raw courage on the part of most elected officials. Part of it was rationalized by the "extended honeymoon" argument that President Nixon would extricate us from the war if he had time enough. There was also a strong reluctance to criticize the President, growing out of a contagious inability to distinguish between the office and the man in it.

Two things happened in the fall of 1969 to make a summer's worth of low-profile organizing pay off in October. One was the Labor Day recess, when most Congressmen went home and discovered a great deal of disgruntlement with the war. They often found anti-war activities being supported by surprisingly "straight" people. Congressmen react very quickly to broad-based constituent pressure, and endorsements came in rapidly during September.

Also, Congressmen react to an informal perception of national mood, which they get from the media. Washington is a funny town, and things often occur largely because the right people say they will. Averell Harriman began saying that he thought the Moratorium was a good thing, and so did Ramsey Clark. Bernard Nossiter wrote an article in *The Washington Post* in which he struck a favorable tone and anticipated widespread activity on the 15th. A few columnists responded, and soon the mood became right in Washington. With the luck of this favorable mood, we convinced enough media people that a lot of things really *were* going to happen on October 15. Once the media began doing Moratorium previews, Congressmen with sensitive noses for publicity began to nibble at the Moratorium in the interest of a good headline. Most people on the Hill want to be helpful on the day they can get big press coverage—but not otherwise, or the next day.

October 15 was far more successful than we had even hoped, as Moratorium activities took place in more than 500 towns across the country and on most of the nation's campuses. The events were well covered, the tone was good, and many new groups were brought in. There were a lot of professionals: 700 attorneys in Boston, 25,000 people at a Wall Street rally, businessmen in Chicago, government and social workers, advertising and publishing people. Walter Reuther and Roy Wilkins participated, and the Moratorium was endorsed by many of the establishment Democrats who had been so reluctant to break with Lyndon Johnson over the war. There was a great deal of euphoria within the ranks of local Moratorium groups, and we at the national office found that success spawned an atmosphere of hope that new constituencies could be won over and that the movement would snowball. Although October was far bigger than we anticipated in terms of national impact and therefore did not fit in well with our plan of escalating peace actions, the four coordinators were quite optimistic.

Within a month the bubble had burst. The President's speech of November 3 and the reputation of the Mobe (New Mobilization Committee to End the War in Vietnam) neutralized many of the new peace activists in the Congress. Many of them felt that they had done their bit for peace in October and that it was prudent to coast for a while. The New Mobe leaders—Ron Young, Stewart Meachem, Cora Weiss, Fred Halstead, Richard Fernandez, and others—did their best to establish a non-violent commitment through the press, short of excluding hard left groups from the platform; but many people in Congress and the press still chose to see them as simply a bunch of Trotskyites, socialists, draft-dodgers, and militants. They conjured up visions of the leaders of the Pentagon march of 1967 and the Chicago demonstrations of 1968 descending on Washington for November 15, 1969.

The mood in Washington before November 15 was very tense. The press dwelled on the threat of violence, the Administration stalled negotiations on demonstration permits, and the citizens of Washington were afraid to open their doors to peace marchers. Meanwhile, we tried unsuccessfully at the Moratorium to keep our activities on November 13 and 14 separate from the Mobe's large demonstration in Washington. But the Moratorium became a generic term for all anti-war activity, including the big march. We decided to support the Mobe activities, partly because we thought they clearly intended to have a nonviolent demonstration, and partly because the events were going to happen anyway and would reflect on the whole peace movement. We doubted the wisdom of centralized marches and demonstrations at that time, but we found it impossible on balance to publicly criticize or abandon the demonstration of November 15, thereby splitting the peace movement and isolating the demonstration's sponsorship farther to the left.

The weekend of November 15 came off well, even with the Weathermen in town. On Thursday their leaders came to the Moratorium requesting an "expression of fraternal solidarity" in the form of $20,000. In return, they offered to give us an expression of fraternal solidarity by making the case for non-violence at the Weathermen strategy sessions. We refused. The next night there was a great deal of window-breaking around Dupont Circle and an assault on the South Vietnamese embassy (reportedly led by a police agent known as Tommy the Traveler). The police responded with tear gas and billy clubs. The Saturday crowd of some 300,000 was peaceful—governed by its own mood of flower-calm protest. There were no confrontations with the police (in fact, there was scattered fraternization) until the demonstration at the

Justice Department against the Chicago conspiracy trial. Before 4:00 p.m. on Saturday there were no arrests—very unusual for a crowd that large.

But the tone was still wrong. The press focused on Saturday because it was going to be big and virtually ignored the impressive two-day March Against Death. Almost 50,000 people walked from Arlington Cemetery past the White House to the Capitol steps in a continuous, single-file procession. Each person carried a candle and a placard bearing the name of an American GI killed in Vietnam or of a dead Vietnamese or a destroyed village. The placards were dropped in coffins at the steps of the Capitol as the candles were blown out. But the press concentrated on the big demonstration, previewing it with speculation about the extent of violence and reviewing the day with crowd estimates and the usual line about the day's being generally peaceful with a few spicy violent actions by radicals.

The Saturday crowd was overwhelmingly young, partly because many young people had been angered by the President's first super-patriotic defense of the war in his November 3 speech. The Vice President made his barroom debut on November 13 with his first roundhouse at the media. The wedge was driven between the young moralists and the temperate pragmatists. The latter were partly neutralized by the November polemics from the White House, so they stayed away in even greater numbers than non-students usually stay away from demonstrations.

After November 15, Middle America saw the peace movement more than ever as a youth-based effort, with a sizable element of what seemed to them to be kooks, freaks, and lazy hippies. They saw it that way, even though it was largely untrue, and what they saw became operative for skittish Congressmen. Between then and the Cambodian invasion, virtually no one on the Hill did any peace work. Even committed doves were asking to be let off from speaking engagements on April 15. That is not only a bitter commentary on the state of the peace movement but also an indictment of the responsibility of traditional leaders on vital questions of peace and war. They were coming to us to be let off, and we were going to them pleading for support. We couldn't agree on a strategy, but it was generally assumed that we would provide the initiative and they the support. The world was upside down.

This is a third kind of vicious cycle within the peace movement: if you can't get straight, Middle American, Congressional support, the peace movement is seen largely as a youthful cabal, which makes it impossible to attract Congressional support. Only a fortuitous national mood with the proper temperate tone or strong Congressional leadership can overcome that problem.

If polarization and the peace movement's youth identity had removed Congressional support after November, the Moratorium was also afflicted with fatigue. November 15 was a hard act to follow. There was a kind of huge peace orgasm in Washington that Saturday, and everyone went home to sleep it off, convinced that the war would never end if that demonstration had no effect. For the previous several months, families had been strained and studies neglected to generate the enthusiasm and organization for two months' demonstrations. The people were simply tired and resigned to the nation's acceptance of Nixon and his Vietnamization program.

There was also a fairly strong backlash against October 15, which took place in many little towns and went largely unreported. There were many places where October rallies had been put together in rather bizarre fashion by people regarded locally as the oddball biology teacher, the left-wing minister, and the kooky lady. After November, patriotic solidarity rose to attack such people by firing teachers who wore black armbands, harassing participating students, and passing anti-demonstration ordinances. We spent a great deal of time trying to help the victims of this backlash.

We had trouble generating any enthusiasm out of the national office, and we really didn't have much to give. We discovered that our plan for a continuously building peace movement had succumbed to the cyclical rhythm of campus protest, the political season being fall and spring. December Moratorium activities were small in most places, and we abandoned the idea of escalating the Moratorium period each month. We fell back, regrouped, and made plans for a series of spring actions at income tax time focusing on the cost of the war.

During the period between November and April, the other coordinators and I found ourselves trying to cope with some of the Moratorium's failures, and recognizing new ones. For one thing, I became convinced that there was a serious lack of long-term commitment among many students. Time after time, students came to the national office arguing that the system had failed to respond to their efforts, but it almost always turned out that the students' efforts had consisted of little more than canvassing for a weekend in a 1968 primary, attending an October rally, and participating in some marches. They had not yet accepted the fact that ending the war would take a long time and a great deal of dirty work.

The Moratorium also had severe bureaucratic problems. The organizational structure followed from a kind of three-pronged anti-authoritarianism within the peace movement. There was a good deal of genuine intellectual anti-authoritarianism among those who had been active long enough to see an Administration composed of all the great humanitarian liberals in the country start a war, who had personally witnessed the Mississippi Freedom Democrats' challenge being sold out (by Hubert Humphrey) at the 1964 Convention or who had found the CIA in control of the National Student Association in 1967. Who wouldn't develop an anti-leadership bias? This source of anti-authoritarianism inspired a great deal of the enthusiasm for McCarthy in 1968.

There was a purist branch of anti-authoritarianism, which taught that organizational discipline was in fact essential to the cause—but only after one made absolutely sure that the leadership was selflessly concerned with the pure gospel and not playing petty reform politics. The problem was that the Moratorium *was* playing reform politics in the sense that we were seeking political alliances with anyone against the war. We didn't feel we were operating in the wheeler-dealer school of political self-advancement, but some of the activities of the Moratorium clearly resembled traditional political bargaining. I considered that part of being serious about ending the war.

Finally, there was the normal amount of scrambling for leadership posts in all the Moratorium offices. People always debunked and frequently deposed the leadership if they felt they could do a better job.

The leadership problem was inherent in any organization of people who were peers in age, especially since there was no one of stature to offer himself as a full-time organizer for peace. Unlike 1968, there was no candidate to rally around. At the Washington office, we felt that young people always respond better and work harder if they have a part in formulating their objectives. At the same time, we felt that organizational efficiency is wiped out unless you reach a kind of consensus that discipline is necessary for operation. Otherwise, it's really impossible to organize a worthwhile canvassing campaign, for example, where discipline is critical for getting people where they are supposed to be, at the right time, with the right opening lines, and with the information processed so that it will be useful.

The leadership question was most important in dealing with the left. I found it absolutely imperative that the Moratorium define itself away from the hard left in order to regain the constituencies we had reached briefly in October.

But White House polemics had made it futile for us to try to organize these groups because we were tied to what Middle America regarded as militants. Strategy aside, the labels pinned on the peace movement made it impossible to establish a credible commitment to non-violence, which was important to all four of us at the national office. It was incredible to me that President Nixon had managed to label us as the source of violence in the United States. Every month, he in effect takes $30 from every American taxpayer to ship across the Pacific Ocean along with 20,000 draftees. This is the installment payment on the 400 or so caskets and several thousand amputees and cripples that come back across the ocean each month. Every month tons of bombs are dropped on Vietnamese villages at the President's order, and yet he can find 10 sticks of dynamite on West 12th Street in New York and speak as though the apocalypse were upon us because the peaceniks are at it again.

One of the reasons the President can get away with such nonsense is that many of us in the peace movement failed to dissociate ourselves strongly enough from violence on the left. While I thought it morally necessary to separate ourselves from those who advocate violence, I found it very difficult to do. After the Dupont Circle violence of last November 14, I said for publication that I thought those people should be arrested and processed for criminal charges. I also said that it is outrageous to gas, beat, and press inflated multiple charges against window-breakers and petty vandals, but that part never got reported. The press stories came out to the effect that I thought the people had gotten what they deserved. Similarly, I've said on numerous occasions that the country will fall apart of internal hemorrhage if the war is not ended, and it always comes out: "If the President doesn't end the war, we're going to tear the country apart."

Splitting from the left was one of those tough, grisly decisions forced upon the peace movement by the politics of war. Although I couldn't buy the purist argument that only the hard left deserved credit for peace activities (an argument used to exclude people like Senators Harris and Mondale), it was personally difficult to break with friends in the Mobe and politically dangerous to split the peace movement when the chances of attracting real Congressional leadership seemed so low. And it also involved clear responsibilities for what happened afterwards, because I believe that if the hard left is really isolated, it will be repressed. If the moderate peace leadership stands up and says, "We intend to create a peace organization with a strong commitment to non-violence," the political impact of that will be to say "and that makes us a lot different from those kooks." No matter how hard you emphasize to the press that you will fight for the civil liberties of the people on your left, they will divide the groups into good guys and bad guys, leaving the latter fair game for Mitchell and Kleindienst.

It almost takes the press clout of the President to draw fine distinctions in the media. At the Moratorium, we could draw the coverage, but we could never really control how it came out. This made it impossible to move to the right without baiting the left with Agnew rhetoric, which we refused to do.

The responsibility question weighed heavily in our strategy sessions this past winter, even though we may have vastly overestimated the Moratorium's effectiveness as a buffer between the government and the Mobe. We have argued for some time that

we on the left have to take responsibility for the consequences of what we say. When William Kuntsler says we've got to overthrow the government by force, but not by violence, to a 15-year-old kid that means break windows and throw bricks. You can't retreat into academic distinctions between moral force and physical violence after speaking on a political platform.

All these problems—Nixonian polemics, Vietnamization, fatigue, the question of the left, bureaucracy—plagued the Moratorium during the peace movement's "low profile" period from November until Cambodia. At the Washington office, we tried to resist the opening to the left which tempts all groups on the left that don't hold power. In order not to become another SNCC or SDS, the national coordinators had to repeatedly say no to the left options within the Moratorium. David Mixner was the toughest on this question, and I was second house rightist. Local Moratorium offices commonly fought the same battles that were going on in the Washington office.

Two conclusions became obvious in April. First, the national Moratorium office was more of a burden on the local groups than a help. We were in danger of becoming peace bureaucrats, full of jurisdictional squabbles and petty fights, with no sense of joy or purpose in what we were doing. So we decided to do what all stale organizations should do—disband, and let the good local groups survive on their own and the bad ones fade away.

The second conclusion was more fundamental: that our strategy was right but that our base was wrong. I am convinced that it is not possible to build a successful peace movement simply on a student base. Not enough students have the stature, capacity, or inclination to run a tightly-disciplined peace movement, which would be required to make them effective and keep them moving toward Middle America. Even if such an organization were possible, students alone would be unable to attract a majority of the American people to any politically effective peace position. Students can have an impact, since most Americans still don't want to hate their own children. But you must have strong leadership off the campuses to set the tone and direction of the anti-war effort and to give it hope.

This second conclusion made it easier to go to Capitol Hill in April and tell the hesitant doves that if they cared about peace in Vietnam *they* could provide the leadership. Through the entire history of peace politics, Congressional doves had very seldom spent a full day's effort on the war. They gave speeches on occasion. But within the Senate there was no organization, no regular meetings, no commitment to get together and sublimate their egos to produce a piece of legislation, no serious intention to debate the war on the floor of the Congress, no effort to raise the money to use television in response to the President, none of that. This was particularly galling right after the Carswell vote in April, when these same Senators had come from nowhere to beat him with hard work and internal organization. They had also undercut the moderate peace leadership and the new constituencies of October. In October, we had one resource to use in dealing with the left—we could deny them speakers and publicity if they didn't move toward the center. But in April we had no cards: a rally of 80,000 people was held in Boston with no control over hard-left factions because our support on the Hill had evaporated.

Our message had paltry effect compared with the invasion of Cambodia, of course. But even Cambodia failed to provoke the kind of leadership necessary to move the Congress and take the war to the country. The initial spurt of enthusiasm in the Congress, especially in the Senate, has largely ebbed. Regular meetings of anti-war Senators have ceased, and there is little evidence of the cooperation or initiative necessary to effect a strategy to end the war.

The outline of a successful anti-war strategy, it seems to me, is clear: the appeal must be made in such a way that Middle Americans will not ignore the substance of the argument because of an offensive style. Support for such an appeal exists. After all, immediate withdrawal is not a radical proposal in this country today, and careful analysis of the polls shows that all political stances on the war must be couched in terms of reaching the quickest possible termination. This indicates that a quick political settlement or immediate withdrawal can become a majority position if the message is presented in a strong but palatable fashion.

While peace activists should not underestimate potential support for an anti-war position, we should also avoid underestimating President Nixon's commitment to some sort of victory in Southeast Asia. I believe that the President's "new" image as a cool, neutral majority-maker, a consummate politician who responds and shapes rather than leads, considerably understates his ego commitment to the war. We are dealing with a man who has a full-time awareness of himself as history—the first President ever to name his own doctrine, the Nixon Doctrine, which I suspect was motivated as much by the simple desire to place his name on the books as to enunciate whatever its meaning is. We are dealing with a man who felt called upon by the world to issue a "State of the World" message, to dwell upon its historic primacy, and to quote himself 27 times in the document while citing all other human beings in history only three times (all three of these quotations were of Secretary of State Rogers agreeing with the President). The President has read the history books and knows that the great Presidents of the United States won wars. He even knows what room of the White House was used to announce the great wartime decisions.

These ego commitments are very harsh terms in which to describe a crucial motive for the Administration's continuation of the war, but I find no others which makes as much sense. There is no more plausible way to explain why the President did not end the war right after he came into office, with little or no political risk. Nor can I otherwise explain his total aversion to Congressional moves toward sharing the political responsibility for ending the war.

The President's personal commitment to the war helps explain why he goes for the political groin to justify his actions. He uses patriotism and the flag, which are deep-seated loyalties for most Americans, to stimulate support for a war which clearly calls forth no such loyalties. He uses the media presence of the Presidency to characterize the opposition as near traitors. I think the President has won a large part of the Vietnam debate in the past merely by naming the teams. When it's the Silent Majority versus the Loud-Mouthed Militants, the Silent Majority wins every time. He and the Vice President have also managed to sell the incredible notion that the press of the United States is leftwing. People who believe that have obviously never attended a convention of the American Society of Newspaper Editors, where the sentiment is overwhelmingly conservative, verging on outright jingoism.

Since the country drifts toward impatience for withdrawal as the war drags on, the President will have to continue seeking the jugular if he clings to the victory wish. This is one of the greatest dangers to the peace movement; for when the dialogue over the war is degraded past a certain point, it ends. (Liberals should remember the converse: that when the dialogue is elevated to a certain level of generality, involving, for example, petty squabbles over doctrinal minutiae, then the talk goes on forever without action.) People can no longer talk to each other, and confrontations based on tribal sign language become the norm. In all political likelihood, most of Middle America would line up with the President in any such jungle warfare.

The atmosphere of debate over Vietnam is already so debased that it will be very difficult to take the high road—to offer the American people the kind of positive tone and hope which would stand out by contrast with the President's increasingly defensive and visceral statements. It will be impossible to do so without very strong leadership. I suppose that is the heart of my feelings about the peace movement—that the strategy can be devised, that the constituency is there, but that these assets are useless without strong, non-student leadership. The money will follow evidence of leadership. If my analysis of President Nixon's objective in Vietnam is on the right track, the task will be very difficult, but all the more imperative.

The leadership must have the media presence to counter the President's enormous TV influence. Someone must respond to his smears on the patriotism of doves. A figure like Harold Hughes would have great impact if he said in effect: "Look here, Mr. President, we're not talking about campus bums. We're talking about whether Vietnam is worth continued killings and maimings. I fought through Europe in World War II and consider myself as American as anyone, but that was 25 years ago. And the fact is that Vietnam stands between us and everything America hopes to become." The leadership must be willing to talk about Vietnam in terms that will appeal to Middle America—to rename the teams so that we start on ground zero with the hawks, rather than at an emotional disadvantage.

Part of the new message must be the destruction of the silent majority myth. The only clear lesson of the polls is that most Americans want an end to the war. If the President were to use television to justify withdrawal on the grounds that we had done all we could or that the South Vietnamese government was corrupt and unworthy of support. The silent majority is largely produced by the American propensity to defer to the President. In March of 1968, for example, the Gallup poll showed 40 per cent for and 51 per cent against stopping the bombing of North Vietnam. After President Johnson stopped the bombing, the polls showed 64 per cent for and 26 per cent against his decision. The silent majority appears quite malleable.

Not only must the silent majority argument be exposed as a sham, but the popular characterization of doves as militant, long-haired kids and the silent majority as middle-aged and middle-class must be dispelled. Young people as a group are *not* more dovish than old people, nor do overeducated eggheads tend to be more dovish than "the folks." In fact, the polls show that college-educated people in their twenties are consistently more hawkish than older non-college graduates, by a significant margin of about 20 per cent.

In addition to establishing a tone acceptable to Middle America, renaming the teams, and destroying Presidential myths, the peace leadership should use the media to make becoming a dove more psychologically attractive to Middle Americans. Prior emphasis on the moral aspects of the war has meant that the first psychological step toward an anti-war position has of necessity been the admission that the United States is somehow evil. Since many people are unable to make that jump, an admission of American guilt should not be asked of all potential supporters. To the extent that we in the peace movement have played down the pragmatic arguments for peace, we have weakened our case and lessened our chances

of ending the war. It is in no way inconsistent with our moral opposition to the war to lay much greater stress than most of us have as yet on the great practical benefits of peace.

This new peace leadership should be composed of Senators, Congressmen, governors, mayors, businessmen—all the straight people who are willing to make a firm and unequivocal commitment against the war. The spokesmen should be those most visible and most attractive to Middle America, those who can speak intelligently about the war with strength rather than condescension or aloofness.

The five co-sponsors of the Amendment to End the War already has a list of some 75,000 people who responded to the Senators' television special after Cambodia, which could be the beginning of a peace constituency. What is needed is commitment from a large number of people willing to cast a "bullet" vote for peace. This commitment may be less organized than a party or formal corporate structure.

The new peace leadership must make it clear that it is in for the duration—until the end of American involvement in Indochina. The cyclical activity of the anti-war movement has had a double disadvantage in the past: during periods of upswing, the peace movement has overestimated its effect and thus paved the way for subsequent acute frustration and resignation; during the downswing, the government has underestimated latent anti-war sentiment, and this has possibly contributed to adventurism.

If the focus of the peace movement could be shifted to the new and long-awaited leadership, young people would be far more effective politically. I don't think we have to hide who we are, or even what we say. We should merely recognize the fact that the political balance on the war is held by people with different life styles. Students could be a left, moral pressure on the coat-and-tie leadership. Students could make it clear to Richard Nixon that *they* will write his history and that all wars are not heroic. They could make it clear that there are *costs* held against those who wage this war. Those who wage the war should be constantly reminded that they are responsible for a moral horror—like the British Viceroy in colonial India. Every time the Viceroy showed his face in public he saw a silent Indian holding a sign which read "Assassin." Lyndon Johnson and Richard Nixon should be subject to the same treatment. We should make them aware that there are large numbers of people in this country who hold them responsible for criminal activities and who believe that those who wage the war cannot cast off the responsibility merely by leaving office.

There is no assurance at present that a new peace leadership is forthcoming, although recently several prospective leaders have been leaning toward conscience and away from conservative careerism. If these people were to emerge, I believe that it is quite possible to build a peace constituency and create a national atmosphere in which it would not be possible to wage the war. This would be partly a matter of national mood, which is highly volatile and heavily influenced by unexpected events.

A renewed peace movement would also exercise political clout, apart from its impact on the nation's war temperature. The National Rifle Association is an unpleasant model; but if a tiny fraction of the population can stop gun control with organization and the bullet vote, then the peace movement can stop the war. The new constituency would have obvious potential in 1972.

All these ruminations have been predicated on certain traditional assumptions: that people's political opinions should count, that democracy can be made to work, that there is enough good will left in the country to make it work, and that given a choice between rational alternatives, Americans will choose the most humane course. At the same time, the American people have shown that they will not respond favorably to violence committed in the name of ending the war, or to a version of democracy that romanticizes about participation of the poor and the black but ignores the middle, or to peace advocates who think demonstrations are a substitute for the sustained work of peaceful persuasion.

But the "system" should not be applauded even if the war were to end tomorrow. For five years, it has provided no real way for people to express their views of a war which was presented to them as a test of manhood. The system provided no public debate over whether we should enter the war, but instead permitted or leaders to involve us by stealth. This critical failure gave inertia to the propagation of the Vietnam war and sneaked the flag onto the battlefield—leaving the peace movement at an enormous political disadvantage. The system has provided poor information to voters and little active leadership for a position of obvious principle.

If the war is now ended by political action, as I believe it can be, some will undoubtedly argue that the system has vindicated itself. That argument, however, is self-deceiving; for in many crucial respects our system has already failed and requires radical reconstruction.

But that is premature retrospection. If the war can be ended only with such self-delusion, we should end the war now and fight the delusions later.

THE NEXT STEP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD an editorial appearing in the Washington, D.C., Star of September 4, 1970, entitled "The Next Step."

That excellent editorial points out that the time has come for a national health insurance program.

The time is clearly here and indeed is past, for creation of a national program of contributory health insurance to assure that the highest quality medical care possible be available to all citizens.

The article follows:

THE NEXT STEP

The national health insurance bill, presented by Senator Kennedy on behalf of a bipartisan team of 14 senators, doesn't stand a chance of passage in this session of Congress. But cradle-to-the-grave health insurance is coming, possibly in the first half of this decade.

It is coming not because, to use the well-worn phrase, it is an idea whose time has come. National health insurance will be adopted because it is a necessity that can no longer be avoided.

Few Americans need to be convinced that medical care has priced itself out of the market. Almost no one, with a few gilded exceptions, can afford a serious illness. And the cost of private health insurance programs has increased to the point where they have become a necessity that few families can afford.

Americans know they are paying more. But less generally understood is the fact that they are getting considerably less for their money than most citizens of technologically advanced nations. The United States ranks No. 1 in the total and per capita amount spent on health and medical care. But in return for the yearly investment of $63 billion, or $294 per person, America ranks 13th in infant survival, 13th in maternal survival, and 18th in male life expectancy. By contrast, Sweden, which ranks first in the field of national health, spends $45 a year less per person than does the United States.

Not all of the medical problems of this country will be solved by a national health insurance program. Too hasty a plunge could worsen the problem by increasing the load on the already overburdened system.

The move must be made carefully. But it must be made. In the long deliberations that lie ahead, the debate should concern itself not with whether a program of national health insurance should be undertaken, but how best to make it work. Invaluable lessons can be learned from the countries that have preceded us into the field, and the lawmakers and the medical profession would be well advised to spend their time sifting the best from the experience of the pioneers.

The time for opposition is past.

FREEDOM IS INDIVISIBLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PUCINSKI. Mr. Speaker, August 21 marked the second anniversary of a day of infamy, a day of Soviet shame when Russian tanks came rumbling into Czechoslovakia to "liberate" them from their new-found freedoms.

Czechoslovakia was the most democratic country in Eastern Europe when it was briefly independent after World War II. This independence was shortlived. The Czechs, Slovaks, and Subcarpatho-Ruthenians had been subjugated by the Nazis and then the Communists, two sides of the same coin.

Under Premier Dubeck, the people of Czechoslovakia began to enjoy the new liberalization with human dignity. But alas, the Russians came up with the Brezhnev doctrine and invaded Czechoslovakia with an army to suppress the invasion of ideas and ideals. By this action, the Russians demonstrated once again that they respected no laws nor that of common human decency.

The Czechoslovakian people may be temporarily muted, but they serve to remind us that the quest for freedom and liberty will continue until they are masters of their own fate.

I should like to place in the RECORD today a statement issued by the Czechoslovak National Council of America to "commemorate" the second anniversary of the invasion of Czechoslovakia.

Mr. Speaker, the statement follows:

FREEDOM IS INDIVISIBLE

On this sad occasion of the second anniversary of the brutal Soviet-led invasion and occupation of peaceful and freedom-loving Czechoslovakia, we American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent, again remind the entire world of this Soviet violation of key principles of international law incorporated into the Charter of the United Nations:

The brutal Soviet aggression and occupation:

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) was carried out in violation of Article 2, Section 4, which prohibits the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article 1, Section 2);

(4) was in conflict with Article 2, Section 7, which prohibits outside intervention in matters essentially within the domestic jurisdiction of any state;

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly, with Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion, prohibiting any intervention in the domestic affairs of any state and guaranteeing its independence and sovereignty.

The continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order that did not endanger anyone and sought to contribute to the building of bridges across the discords of a divided world and to lend aid to a better understanding and cooperation among all nations on the basis of true progress and humanity.

The people of Czechoslovakia have not resigned themselves to these aggressive plans of Moscow. The day of August 21st is being commemorated in Czechoslovakia as a *Day of Soviet Shame* in a mighty and disciplined resistance against Soviet pressure. We are joining our friends in Czechoslovakia in asking the entire civilized world to support the people of Czechoslovakia in their effort to achieve the sole aim of their resistance:

"The withdrawal of Soviet troops from Czechoslovakia."

August 21, 1970

Czechoslovak National Council of America, Chicago, Illinois.

BIGGEST CITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DERWINSKI. Mr. Speaker, tomorrow our House Subcommittee on Census and Statistics begins hearings on the accuracy of the 1970 census. One of the witnesses will be the mayor of New York, a city which boasts of the size of its population. Radio station WBBM—78—Chicago, in the following very objective editorial on Saturday, September 5, discusses the attitude of New York and its census statistics:

Subject: Biggest City.

Broadcast: September 5, 1970.

The preliminary census reports are in, accompanied by the anguished howls of mayors who believe their communities were slighted in the tally. Our own mayor feels that way, and the issue is important, in that various funds are allocated to the cities on the basis of population.

Most people look at the census reports merely to see who's the biggest or smallest, and who is growing the fastest. Chicago, in case anybody had any doubt, is still the nation's second largest city, and after a recent visit to New York City, we certainly have no desire to be first. The price is too high. First of all, there's people, and New York is wall to wall people. Where there's not people, there's garbage. The subway now seems to have a built in crash schedule, and the dominant color is grime.

Fun city has become surly city, as the scowl seems to be the prevailing expression in New York. This is not to deny that Chicago has its faults, but at least we can examine our faults with some degree of privacy, and discuss them without choking on soot.

Many pompous New Yorkers will still look with disdain upon anything west of the Hudson, and gloat about their size. That is now growing increasingly difficult, for the New Yorkers are beginning to realize the high price of being first in the census.

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS, AUGUST 17, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report:

CONGRESSIONAL REPORT

The murder of former Richmond Police Chief Dan A. Mitrione in Uruguay was a shocking demonstration of politics by terror. While this senseless crime apparently was carried out in the name of advancing political change, it revealed the Uruguayan militants as a criminal force, not a political force.

The slaying of Mr. Mitrione, who was in the Uruguayan capital as an adviser to the police department, is one of the tragic series of kidnapping incidents which have occurred in South America in recent years. U.S. Ambassador John Gordon Mein was killed in August, 1968, in an abortive kidnapping attempt in Guatemala City. Last March, West German Ambassador Count Karl Van Spretti was slain, also in Guatemala.

U.S. Ambassador to Brazil C. Burke Elbrick, and West Germany's Ambassador to Brazil Ehrenfried von Hollenben, also were kidnapped and released. A number of embassy personnel from the United States, Japan, Paraguay and Uruguay also have been victimized by other kidnapping attempts.

These incidents, staged to bring about domestic changes, create serious international problems. The militants have been demanding the release of fellow terrorists, jailed by the government in power, in return for their victims. In cases where the demands have been met, the terrorists have been given asylum in other Latin American countries.

The host government is faced with a difficult dilemma. It can (1) comply with the demands of the terrorists, showing its own weakness, and giving weight to the terrorists' claim of being an active political force, or (2) refuse to give in, allow the terrorists to kill the victims, and risk the strong disfavor of the countries whose diplomats are victimized.

In dealing with this technique of the terrorists, the United States faces the problem of how to provide protection for its diplomats without shutting them off from contacts with the local people.

Diplomacy, by its very nature, requires freedom of movement and mingling with a wide variety of people in the host country. The diplomat's efficiency is restricted when his movements are restricted. As one diplomat in Washington said recently, "You can't have diplomacy in a tank."

The United States provides some measure of security for its diplomatic personnel by maintaining a 1,000-member Marine guard force for about 100 overseas posts. But with more than 6,000 U.S. foreign service officers overseas, complete protection is virtually impossible.

The State Department has requested an additional $1.9 million for fiscal year 1971 to strengthen overseas protective security. Foreign service officers have been advised to vary their daily routines, to avoid late hours, and to travel in pairs whenever possible. These are precautions, however, and in no way a solution to the growing problem.

The United States favors an international convention to combat political terrorism. Since such incidents have been concentrated in Latin America, our efforts have been focused on the Organization of American States (OAS). A resolution, condemning terrorists tactics, was adopted at a special session of the OAS General Assembly in Washington last month, and the Inter-American Judicial Committee of the organization is to present its recommendations to the OAS Permanent Council in the near future.

While the kidnapping issue is a major concern of the OAS, the Organization has yet to present a unified Latin American front on the question. It has been suggested that the right of asylum be curtailed for political prisoners ransomed for the lives of diplomats. The issue also is seen as an item for discussion by the United Nations.

At present, the United States' approach to these problems is marked by flexibility, a case by case approach, rejecting both a no tribute under any circumstance policy as well as threats to the host government to solve the problem forthwith or suffer a severing of diplomatic relations.

For the U.S. the solution to this difficult problem of terrorist kidnapping lies in a combination of efforts in international organizations and with host countries, urging them to take every possible step to protect diplomats, and, at the same time, to increase the security for them.

LATIN AMERICA—BETWEEN TWO DECADES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. REUSS. Mr. Speaker, Felipe Herrera, president of the Inter-American Development Bank, discussed the problems and progress of Latin America in the 1960's and the outlook for the 1970's in a September 3 meeting of the Milwaukee World Trade Club in Milwaukee, Wis.

Mr. Herrera's address, "Latin America—Between Two Decades," follows:

LATIN AMERICA—BETWEEN TWO DECADES

Your invitation to come to Milwaukee to address you is particularly welcome to me, since it has given me for the first time an opportunity to visit a city which I find to be among the most interesting and dynamic in this country. Milwaukee is of the heartland of America. And for us who come from abroad and whose principal acquaintanceship with the United States is with the Eastern Seaboard or with the West Coast it is always refreshing to visit this great heartland. One tends to have a different outlook and to view the world in a different perspective in this heartland.

Although this is my first visit here, I am not totally unfamiliar with Wisconsin and Milwaukee, since one of your Congressmen, my good friend Henry Reuss, the Chairman of the International Finance Subcommittee

of the House Banking and Currency Committee keeps the activities of the Bank under scrutiny, particularly when additional resources for the institution are being sought, and another of your Congressmen, Clement Zablocki, is the ranking member of the House Foreign Affairs Committee, and thus is intimately concerned with the problems which affect Latin America and our Bank. Over the years we at the Bank have learned to know and value these members of Congress and they in turn have constantly kept us informed on the wishes of their constituencies—in other words with your needs.

On the trade side, of course Latin America and our borrowers are quite familiar with the extraordinary number of products manufactured in this city and state—Allis Chalmers, A. O. Smith, J. I. Case, Bucyrus-Erie, Harnischfeger, Koehring, Briggs and Stratton to name but a few, are familiar names in our countries. These and other Wisconsin names frequently appear in letters of credit guaranteed by the Inter-American Bank for purchases made by our borrowers on Bank-financed projects. In addition we maintain close relationships with some of your principal banking institutions, especially the First Wisconsin National Bank.

The subject I have chosen today, "Latin America Between Two Decades," was prompted by the deliberations of the 11th Annual Meeting of the Board of Governors of the Inter-American Bank which took place in April of this year at Punta del Este, Uruguay. At that Meeting we had the opportunity of reviewing with leading government officials of the Hemisphere and with business leaders and experts in Latin America the progress made by our countries during the Decade of the 60s, the main problems affecting Latin America's economic and social development at present and the prospects which may be in store for our region during the decade ahead.

It is especially fitting that these remarks should be addressed to a Mid-Western audience because Latin America has always felt the need for a wider exposure not only of its problems but also of its progress. As the region reaches with ever increasing vigor an accelerated rate of development and growth, it will inevitably acquire a greater stake in economic stability and thereby reach toward a greater role in world affairs.

I. OBSERVATIONS ON LATIN AMERICA'S PROGRESS AND PROBLEMS IN THE 1960S

Significant progress has been made in many of our countries during the past ten years. In that period, our region achieved a rate of growth of its aggregate gross domestic product of about 5 per cent annually, a rate that was exceeded in 1968 and 1969 when the region's domestic product grew by about 5.7 per cent annually. Especially significant in recent years has been the economic recovery of Argentina and Brazil, whose economies had stagnated in the early years of the decade. Both attained high growth rates in 1968 and 1969. In fact, Brazil's preliminary estimates for 1969 indicate an impressive 9 per cent growth performance and Argentina's was 7 per cent. It is also significant that Mexico's gross domestic product has been growing at a rate of between 6.5 and 7 per cent throughout the decade. Thus, the three largest countries in the region, which account for nearly two-thirds of the region's population and two-thirds of the gross domestic product, were rapidly expanding in the latter part of the 1960s. Some of the smaller Latin American countries also experienced high growth rates. The Central American countries all exceeded the regional average growth level of the 1960s, as did Bolivia and Trinidad and Tobago. It should be remembered that the region's growth rate during the 1960s exceeds the rate attained by most industrialized countries at a similar stage in their own development and that it equals the rate postulated by the United Nations as the goal for developing countries during the first development decade. In reference to domestic growth, I should like to stress the important role played during this period by the industrial, electric power and construction sectors. Manufacturing expanded by 5.4 per cent annually between 1961 and 1968, electric power expanded by 8.7 per cent, and construction by 5.7 per cent. The industrial progress achieved by the largest countries—Argentina, Brazil and Mexico—particularly in the past two years, was especially significant.

Even agriculture, which experienced a comparatively slow expansion of 3 per cent annually during the decade, reveals some bright spots. Food production increased by 4 per cent, expanding at a faster rate than did total agricultural production, and production in several countries exceeded these rates. Mexico, the Central American countries and Venezuela stand out in this respect. Data on fertilizer usage and crop yields of the UN Food and Agricultural Organization (FAO) indicate that substantial progress is being made in modernizing agricultural techniques. The so-called "green revolution"—the development in Mexico of the new high-yield varieties of wheat and corn—promises further substantial progress in increasing yield. Of considerable importance in these achievements has been a gradual transformation in the overall institutional setting, including improved access of farmers to adequate credit and to technical assistance, and, in several countries, structural changes in the farm sector. At the same time, improved agricultural policies have played a major role.

Success has also been noted in reducing balance of payments problems in many of our countries. Much of this can be attributed to some relatively favorable exports trends during the past years, supported by the worldwide trade expansion during that period. But national policies have also been influential in this regard. For example, there is no doubt that improved exchange rate policies and export promotion efforts have aided in this achievement. This has been particularly relevant in Colombia, Mexico, Argentina and Brazil. An example of the region's effort in this respect was the creation of the Inter-American Center for Export Promotion, designed to bring about a coordinated effort to regain Latin America's traditional share of world trade. These policies have permitted the region to relax import restriction that acted as a brake on development and moderately to increase foreign exchange reserves.

Significant achievements have been made in many of our countries in controlling inflation. In large measure this success is attributable to the strengthening of public sector finances. Tax collection has exceeded the rate of growth of the region's domestic product, central government deficits have been reduced and governments have been able to finance a growing share of public investments with resources collected through the tax system. This improvement has resulted from efforts made by our governments to improve tax structures, to increase the efficiency of the collection process, as well as through increasing the productivity of the expenditures made.

Despite the many setbacks, and despite the distrust and doubts with which many in the affected sectors have viewed them, the region has experienced a decade of economic integration efforts. Actually, the decade of the 1960s could be referred to as the "Decade of Latin American Integration." Many problems involved with integrating countries at different levels of development have been attacked and institutions for which increasingly specific goals have been agreed upon at the highest level of our governments were created and strengthened. The decade has thus not only witnessed the strengthening of the Central American Common Market and the Latin American Free Trade Association but also the creation of new sub-regional groupings such as the Andean Group and the Caribbean Free Trade Association. Because our Bank has made an early and firm commitment to foster economic integration in Latin America, we have frequently been called the Bank for Integration.

An indication of progress achieved in integration in Latin America can be obtained from the fact that intraregional exports have grown at a faster pace than total exports during the 1960s. For the region as a whole, intraregional exports increased by 12.2 percent annually between 1961 and 1968 while total exports increased by 5.3 per cent.

Considerable advances have also been made in many of our countries in coping with social problems. Latin America in the past decade considerably increased and improved its educational services. The increase in enrollment at all levels of education during the decade is estimated at 6.6 per cent annually, more than double the population growth of the region. At elementary levels, the enrollment increased from about 26 million children in 1960 to some 45 million in 1970. Even higher rates of increase were recorded at the secondary and higher education levels. These strides are of course a direct result of the higher proportions of budgetary resources which Latin America is devoting to educational investments: fully 18 of the countries of Latin America assign more than 20 per cent of their budgets to education, and nine of those surpass the 25 per cent mark.

Public Health and sanitation improvements during the decade can be credited with the substantial reduction in mortality rates, the improvement of life expectancy and the virtual elimination of malaria. Public housing which, prior to 1961, was assigned a low priority in many of our Latin American member countries, has begun to be developed, providing several of our expanding urban areas with increasing housing facilities. Innovations in self-help housing, in savings institutions and cooperatives for providing mortgages to low-income citizens are some of the many weapons developed. Here again, the Inter-American Bank has had many occasions to cooperate in these efforts, and our interest and participation in the task of helping urban development has been evidenced through the allocation of a considerable volume of our resources to this extremely important sector.

But, perhaps even more important than the economic and social achievements of the 1960s is the progress made in changing the basic sociological and cultural attitudes that are vital for economic development. Important in this regard is the increasing motivation associated with a desire for a higher standard of living, the greater willingness to face and adapt to changes in the way of life and social organization that an industrial society requires, and the establishment of institutions whose existence and efficiency are essential to the promotion and achievement of development goals.

To sum up: We believe that the lessons learned and the experiences gained have made made us far better equipped to face the problems of the Decade of the 70s than we were ten years ago in facing the problems of the 60s.

II. SOME PROSPECTS FOR THE REGION IN THE 1970S

In spite of the many successes attained in the past decade, there are still many problems facing our nations. Let me begin by expressing my conviction that the possibility for sustained growth in the developing countries in general, including Latin America, is limited if we do not, within a reasonable period of time, lay the bases for more equitable and more rational trade relations between the industrialized countries and the

nations presently basically exporting food and raw materials. We need not repeat evaluations and solutions proposed in terms of the so-called "trade gap." These have been fully covered by the intensive discussions and deliberations of the United Nations Conference on Trade and Development (UNCTAD), at its Geneva and New Delhi meetings in 1964 and 1968. As has been set forth, Latin America can point to a great many constructive experiences at both the national and regional levels aimed at overcoming the limitations of its underdevelopment. Yet, it continues to be seriously affected by external constraints which have gravely stifled the advances made in its economic, social and political growth.

Protectionist policies of the developed world that place obstacles to our exports of foodstuffs, raw materials and manufactured goods are examples. Short-run policies of industrialized countries, to reduce their balance-of-payments deficit by restrictions on foreign investment, drastically affect our economies. Problems of export instability, of non-tariff barriers to trade, and of declining terms of trade, will continue to hinder our development until some solutions are agreed upon between the industrial and the developing nations. One such policy that has been widely discussed in recent months, is the scheme to give "tariff preferences" to the manufacturers of developing countries. We heartily endorse this measure as a positive contribution toward correcting the vicious circle of external limitations in which many of our countries are trapped.

But we also feel that our countries can and should do more to aid their export performance. The need to reduce costs by appropriate economic policies and by attaining economies of scale through integration must rank in the forefront of the problems faced by Latin America's exports of manufactures. The acid test of our countries' dedication to development will come in the next 15 years, at the end of which they have pledged themselves to form a "Latin American Common Market." We at the Bank feel that our contribution to this goal will be enhanced by two instruments, beyond our present activities: the first to deal specifically with a more direct support of the industrial sector through the creation of an institution designed to facilitate industrial investment; the second will be a substantial expansion of a program initiated earlier to finance Latin American exports of capital goods. Internally Latin America still has many problems. Most of our countries are faced with a population growth of nearly 3 per cent which substantially diminishes the effect of our development efforts. We are tending toward rapid urbanization without being able to offer city dwellers the job opportunities and the community services needed. In this decade, Latin America must adopt an in-depth approach to the challenges of a changing society in which unstable urban conditions are aggravated by lack of adequate employment. This is the problem which Dr. Rául Prebisch, in his recent report to our Board of Governors' meeting has labeled "Urbanization without Industrialization," which calls for an enormous investment effort.

This brings up another problem confronting us: our urgent need to improve savings and investments levels. By comparison with other developing regions of the world, Latin America shows a high contribution of domestic savings to the formation of overall investment. Although this participation can be estimated at 93 per cent for the decade just ended, the ratio of savings to gross domestic product has not improved over the last decade. In the future, further improvements in tax and fiscal systems, in capital markets, and greater monetary and political stability to prevent the flight of domestic capital, will be needed. Presently, the ratio of investment to domestic product can be estimated at 17 per cent. This percentage is insufficient from the standpoint of development, demographic growth and new community demands. According to the "Prebisch Report" the region should undertake a dynamic increase in its rates of investment which during the next decade should amount to no less than 25 or 26 per cent of the Gross Domestic Product in order to achieve a postulated growth rate of 8 per cent a year: this is a figure needed to cope with unemployment and truly accelerate our development. The fact that the savings and investment ratio did not increase in the past decade while per capita income expanded at a rate of nearly 2 per cent annually demonstrates a further unrealized savings and investment potential. The increase in savings rates does not seem unattainable if we also remember that during the last decade public savings increased by nearly 50 per cent in real terms, largely through improved tax and fiscal mechanisms.

The acute differences in income levels among the various social groups in the region must also be viewed with concern. The poorest 40 per cent of our population still receives an average income equivalent to only one-tenth of the income received by the 20 per cent in the highest income group. In many of our countries, apparently satisfactory average figures on economic progress have limited significance, since development unfortunately has been concentrated within only certain groups and areas. This explains not only the inevitable social tensions, but is also a constraint on the dynamic capacity of our economies. Above all, the decade of the 1970s requires policies which stress not only better income distribution, but further social changes which will provide greater access for the large masses to the economic, political and cultural mainstream of the region as well. This is first, a social requirement; it is also an economic requirement for a dynamic and efficient industrialization process.

In spite of the challenges and obstacles just mentioned, we at the Inter-American Bank are decidedly optimistic about the economic and social development of Latin America in the present decade of the 70s. At current growth rates, Latin America, which in 1969 had a gross regional product of over $110 billion, can achieve an aggregate gross product of about $450 billion by the year 2000. Realistic calculations indicate that if we could gradually increase our current growth rate of 5 per cent annually to just 6.5 per cent over the next 30 years, we could attain an average per capita income for the region as a whole, or more than $1,000. We should not forget that the current per capita income in Latin America is equivalent to that of Italy 20 years ago.

III. THE INTER-AMERICAN DEVELOPMENT BANK

A new factor in the past ten years has been the increasing role played by multilateral public financing. Our own organization has been an important channel for this new contribution having completed in 1970 its first decade of activities.

Currently, our Bank membership consists of 23 countries including ten countries in South America, the five Central American countries, Mexico, the United States, Panama, Haiti, the Dominican Republic and the three newest members of our group (Trinidad and Tobago, Barbados and Jamaica). During the ten years of our operations, with resources contributed by member and non-member countries, including the Latin American nations themselves, the Bank has been able to participate with loans totaling more than $3.5 billion in the financing of 580 projects undertaken at a total cost of $10 billion. This action has been oriented by national development and multinational investment priorities and by the need for mobilizing financial resources while our member countries were establishing and modernizing institutions and improving their capacity to absorb external funds.

Nearly one-fourth of our loans (24 per cent) were channelled directly to the agricultural sector. About 29 per cent were made for economic infrastructure projects, divided almost evenly between transportation and communication projects and those in the electric power field. Another 17 per cent of our loans were made to the industrial sector, channeled through development agencies in our countries, in the form of direct financing, and through financing of exports of capital goods.

Before our organization was founded, external capital for social and urbanization projects was practically unavailable. Twenty-seven per cent of our operations have been directed to this area, for the provision of water and sewage services, for housing and urban development and for advanced education.

Included in this breakdown are substantial funds for technical assistance to our member countries and to support preinvestment activities.

The Bank has endeavored to be the "Bank for Latin American Economic Integration." We believe, as indicated in my previous remarks, that economic integration is absolutely essential if our nations are to attain the levels of industrial efficiency necessary to sustain development and to be vigorous in the world markets. No less than $400 million of our loans have helped support the concept of Latin American integration.

All this activity has been possible only with the support given to us by member and non-member nations. In this respect, the decisions taken by the Board of Governors Meeting, in Punta del Este, earlier this year, recommending to the member countries a new increase in the Bank's capital resources have been very encouraging. The ordinary capital is to be increased by $2 billion, out of which $400 million is to be paid-in, and $1.6 billion is to be callable capital. The latter serves as a guarantee for the Bank's bond issues in world capital markets. The resources of the Fund for Special Operations, which allow the Bank to extend financing under more lenient terms, would be increased by $1.5 billion. When we began our operations in 1960, our total capitalization was $1 billion. At the end of our first decade, we had reached some $6 billion and when the resource increase just outlined materializes, our capitalization will amount to some $9.5 billion. It is expected that these new resources will make it possible for the Bank to reach in the near future a level of lending about 50 per cent higher than the approximately $630 million reached in 1969.

The United States has been the largest contributor to our capitalization. However, such non-member countries as Austria, Belgium, Canada, Finland, Germany, Israel, Italy, Japan, the Netherlands, Norway, South Africa, Spain, Sweden, Switzerland, the United Kingdom and the Vatican, have contributed a total amount of about $500 million through purchases of bonds issued by our organization, through direct loans, through trust funds and through other arrangements.

Ladies and Gentlemen: The aims of Latin America to occupy its legitimate place among the nations of the world will require an even larger devotion to development as both a means and an end. They will furthermore call for the consolidation of what Raúl Prebisch calls a "development discipline,"—that is, a dedication to constructive change which might at times appear difficult to understand but which is unavoidable, for its has been the experience of every nation which is now enjoying high standards of living and prosperity. If Latin America is to eventually form part of the industrialized world community, it will continue to require co-

operation and, above all, understanding from the rest of the world community. This task, that of promoting understanding, is especially fitting for an association of public figures such as those present here today, for you have devoted your lives precisely to the work of understanding through communication. I can think of few more difficult but also of few more rewarding endeavors.

LET US BOTH CLEAN OUR HOUSES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. FINDLEY. Mr. Speaker, the House Foreign Operations and Government Information Subcommittee has been conducting a most useful investigation of U.S. public safety assistance to South Vietnam. The inquiry, which has been a totally bipartisan effort, has focused U.S. national attention on conditions in South Vietnamese prisons that need immediate remedial action.

If America is to go before the court of world public opinion and demand more humane treatment for American prisoners now held by the North Vietnamese, our own hands must be clean. For many years, the U.S. foreign aid program and the U.S. military have given money, advisory services, and materials to South Vietnam with the stated objective of improving prison conditions and introducing more enlightened penal concepts in the treatment of inmates, whether they be political prisoners or prisoners of war. Our programs of assistance in this regard have clearly not been entirely successful. The subcommittee, a unit of the House Committee on Government Operations, is now asking why.

On July 26, 1970, the Sacramento Bee addressed itself to this question in the following editorial which I believe should be brought to the attention of all Members of Congress:

LET US BOTH CLEAN OUR HOUSES

Over a period of years the American taxpayer has put up more than $110 million to improve South Vietnam's national police and penal system. So this government has every right to insist the prisons be managed humanely and efficiently rather than tolerating the beastial conditions congressional investigators found at Con Son.

Now there is reason to believe that other penal institutions where political opponents of the Saigon dictatorship are confined are as bad as Con Son which has been described as a Devil's Island.

A subcommittee headed by Rep. John E. Moss of the 3rd, Sacramento County, District heard testimony from Dr. Marjorie Nelson, a member of the American Friends Committee, about her experience as a physician at the province prison of Quang Nai.

She gave a shocking account of torture by electricity, the breaking of bones, severe beatings, of inmates being hanged by their legs upside down and of being forced to drink concoctions containing powdered lime.

What is especially reprehensive is that apparently United States officials had full knowledge of this brutality and yet did not move for reform.

When Dr. Nelson protested to American officials, she was told the South Vietnamese were in charge and the number of people tortured had been reduced—not eliminated—just reduced.

Thomas Harkin, a congressional investigator who photographed the infamous "tiger cages" holding political prisoners, said Leo Dorsey, an American working in Vietnam, attempted to interest high United States officials about Con Son but they were indifferent.

Rep. Moss is right in bringing this whole ugly mess to the nation's attention.

He refuses to be deterred by those who claim that South Vietnam cruelties are justified in retaliation for conditions which exist in North Vietnam.

"Let us both clean our houses," he said, "and right whatever injustices that exist. One wrong does not justify another."

"Perhaps a concerted effort on both sides will lead to other understandings and eventually the return of all prisoners, whether they be political or military."

May the day be speeded.

GREEN REVOLUTION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. FRASER. Mr. Speaker, two recent reports concerning possible unfavorable aspects of the Green Revolution have come to my attention. I place them in the RECORD because I know many colleagues are deeply interested in the development process and they may have missed these articles.

Nation building is a complex process. The reports which follow emphasize that complexity. We, as a nation, must do our share in solving the development mystery. To do less than our share increases the chances for worldwide disaster.

[From the Washington Star, Aug. 27, 1970]

WASHINGTON CLOSEUP—"GREEN REVOLUTION" COURTS DISASTER

(By Judith Randal)

Those who view the "Green Revolution" as an effective response to the threat of the population explosion should look about them at an agricultural calamity now under way in the United States, where an occasional crop failure can be endured without great discomfort.

Should the same thing happen in India or Pakistan, the result could be a human disaster unparalleled in history, with millions dead in its wake.

A fungus called Helminthosoprium maydis is running riot through fields planted to a variety of hybrid corn especially bred for resistance to this blight. Much of this year's crop in the Midwest may be lost owing to a sudden mutation, or genetic shift, in the fungus, which is now able to attack plants which had previously been immune.

This unforeseeable but not entirely unexpected turn of events underscores a warning by agricultural consultant William C. Paddock in the current issue of BioScience, the journal of the American Institute of Biological Sciences. By putting too much reliance on gimmickry, Paddock says, underdeveloped countries—and the world as a whole—are courting disaster.

Since Paddock published a book entitled "Famine—1975!" three years ago, the danger of widespread starvation that seemed so clear and present then is generally regarded as having abated. Some optimists say that the Green Revolution now assures the human race enough for its burgeoning billions to eat.

Not so, says Paddock; the gains made in the past three years through increased crop yields are illusory, caused far more by good weather than good husbandry. The "miracle grains" whose widespread use characterizes the Green Revolution are of lower nutritional quality than ordinary varieties, he says, and their resistance to disease may—in time, probably will—turn out to be a sometime thing.

Paddock quotes the following ominous passage from a Rockefeller Foundation report last year:

"All across Southern Asia . . . there has been a rush toward one dominant family of wheats prized for its yielding ability. . . . All of this wheat carries the same kind of rust resistance, which means that if a new race of rust to which it would be especially susceptible were suddenly to appear, much of the wheat crop of that whole vast stretch of the world could be devastated overnight."

Paddock says this is "not theory without precedent." He cites the destruction in 1946 of 30 million acres of oats bred to resist one disease but helpless before another unknown only four years earlier. The present emergence of a new strain of corn blight is another case in point.

Along with others, Paddock believes the world has been sold a dangerous bill of goods by the Green Revolutionaries—the more so because performance of the new seeds requires heavy doses of agricultural chemicals that threaten the environment.

He quotes Paul Ehrlich, the environmentalist, as saying, "Those clowns who are talking of feeding a big population in the year 2000 from make-believe 'green revolutions' . . . should learn some elementary biology, meteorology, agricultural economics and anthropology."

Paddock and other thoughtful scientists believe the only long-range defense against the threat of famine is population control. If crop yields increase at an annual rate of 2.5 percent while population increases at 3 percent, the result is not a green revolution but a human catastrophe.

In any event, the upturn in the last three years was less the doing of man than of nature, Paddock says. He notes that 1965–66 was a drought period in southern Asia and points out that "a drought followed by rain will cause a spurt in production with or without new technology." Production of other crops also increased after 1966 without new high-yield strains, he adds.

"When crops are poor," says Paddock, "governments blame it on the weather. When crops are good, governments take the credit."

There has been drought in South Asia before, and there will be drought again, and regardless of how the blame is laid, the next dry spell will see millions more mouths to feed. If a new strain of disease should come along coincidentally, the result could be too horrible to contemplate.

Paddock cites 19th century Ireland, where a "Green Revolution" introduced the potato to the Old Sod. When the potato crop failed in the 1840s through blight, one-fourth of the population starved, one-fourth emigrated and the rest "were left on the land in abject poverty."

Multiplied 50 or 100 times, this is what lies ahead for Asia, in Paddock's view, without what he calls a "population control revolution."

[From Bioscience, Aug. 15, 1970]

HOW GREEN IS THE GREEN REVOLUTION?

(By William C. Paddock)

Adapted from address given at the symposium, "Man: His Environment, His Future," at North Carolina State University at Raleigh, 25 February 1970.

Three years ago, any agricultural specialist worth his salt was warning of impending

famine in the underdeveloped nations of Asia, Africa, and Latin America. The less developed world, it was said, was losing the capacity to feed itself. Disaster lay as close as the year 1975.[1]

Today the warnings are of a wholly different sort. The world has an overabundance of grain. Wheat stocks have reached the level of 60 million tons. If anything, the danger immediately ahead would seem to be oversupply and glut

In three short years, a startling turnaround has apparently taken place in the agricultural output of several parts of the developing world. The Philippines report achieving self-sufficiency in rice for the first time in history this year. Malaysia and South Vietnam are predicting the same for 1971 and Indonesia for 1973. Pakistan says it will shortly be self-sufficient in all cereals, and India expressed a similar hope. Optimism, clearly, rides tall in the saddle this year.

The increases are laid to a "Green Revolution" which is based on the introduction and the rapidly spreading use of so-called "miracle grains" in the rice paddies and wheat stands of South Asia. These are new, high-yielding varieties of wheat researched in Mexico by the Rockefeller Foundation and rice developed at the International Rice Research Institute in the Philippines, co-sponsored by the Rockefeller and Ford Foundations.

Among many agriculturalists, there is euphoria about man's potential for feeding himself for years and even centuries ahead of a kind that has not been seen since the introduction of the potato into Ireland. Reams of prose are being written and conferences held on the potential of the new seeds. The general theme is that now, at last, the chance exists to eradicate hunger from our planet.

At the risk of offending some good friends who are writing so hopefully, I say . . . no. The revolution is green only because it is being viewed through green-colored glasses. (Remember the Emerald City in the Wizard of Oz? It could be seen only when you put on a pair of green glasses.) Take off the glasses, and the revolution proves to be an illusion—but devastating in the damage it can do to mankind's tardy efforts to limit the world's horrendous population growth. For optimism about man's ability to feed himself as today's rate of population growth continues is precisely what we do not need and cannot afford in the race with the population bomb.

The Green Revolution, in short, could do us all in—if it worked. The cruel joke is that it does not work.

To many, the Green Revolution is a turning point in man's long war against the biological limitations of the earth. On examination, however, "skirmish" seems a more accurate description. Because, win or lose this round, the final outcome of the war will not be altered.

Here is the "official" U.S. AID story of the Agricultural Revolution in South Asia:

"What has happened in less than three years is revealed in a few statistics . . . overall food production has risen 14 percent in the period 1967–69. And, in South Asia alone—the crucial countries of India and Pakistan—the increase has been 27 percent. AID worked with foundations, universities and others in developing new farming methods, including the most efficient use of "miracle" wheat and rice seeds that have brought about the Green Revolution. (Tollefson, 1970)."

The statement is misleading for it places all the emphasis on new technology. Consider the following items.

WEATHER

1965 and 1966 were poor weather years for the farmer of South Asia, and the succeeding years have been good. A drought followed by rain will cause a spurt in production with or without new technology! In the last 3 years, India, for instance, has increased her production of barley, chickpeas, tea, jute, cotton, and tobacco by 20 to 30% and did so with no new high-yielding varieties.

Throughout Asia, agricultural yields on virtually all crops are up. Thus, rubber production in West Malaysia was 12% higher last year than the year before. Pakistan's peanut crop is double that of 4 years earlier. Even Red China, which has only recently been reported to have the new high-yielding grains, has been able to perform agriculturally as well as India and the rest of Asia. This has been possible although fertilizer shipments to China have been interrupted (because of the closed Suez Canal and the civil disturbances of the Cultural Revolution).

Far and away the most important factor for increased production is the improvement in weather. But weather seldom gets the credit it deserves. When crops are *poor*, governments blame it on the weather. When crops are *good*, governments take the credit for the foresight and wisdom of providing fertilizer and loans to the farmer and for the clairvoyance of having conducted the research needed to develop improved crop varieties.

Thus, AID, when asking Congress for this year's money, said: "India's current successes in agriculture are largely due to a reappraisal of its agricultural strategy . . . with the help of the United States, the World Bank and other interested agencies and countries, India developed a new strategy which placed top priority on investment in agriculture. . . ."[2]

HIGH-YIELDING VARITIES

Since the early 1950s, most of the developing world has been increasing its total agricultural production and yields per acre. This has been possible through greater use of fertilizer and irrigation, improved varieties, and the opening up of new agricultural land. The concern of most who study the problem is whether or not this increase can continue to keep pace with the growth in population.

Thus, India from 1951 to 1961 was able to increase agricultural production by 46%. This was done partially with new technology but primarily by putting new land into production. As new land became scarce, the increase tapered off. To simply maintain current per capita consumption levels, India must now increase cereal production by three million tons each year (Shertz, 1970). If the Green Revolution is to be a reality, production must now grow faster than it has in the past. Bernard Nossiter, whose book on India will be published this fall, has looked at India's grain production figures from 1965 to 1970 and says that the increase "is something less than 2.5 percent. In other words, the 'revolution' has not yet increased food supply at the same rate as the growth in population" (Nossiter, 1970).

This does not mean that the new high-yielding wheats in India and Pakistan have not increased production spectacularly. Where irrigated and fertilized, crops have flourished. The same has been true in southeast Asia with rice. But while there is a promise of other crops on which to base a Green Revolution, to date there are only the two: wheat and rice.

The development of the new wheat and rice varieties having high fertilizer response without lodging resulted from imaginative research justifiably meriting recognition. However, the press agent's "miracle" and "wonder" appellation given these cereals distorted out of proportion their impact on the world.

In India, where one-third of Asia's population lives, only the new wheats have made an impact. This is unfortunate since in India wheat is a far less important crop than is rice (the production of which is three times that of wheat). Actually, according to a recent study by economic forecaster Louis Bean, the trend in increased rice yields which began in the early 1960s as a result of new technology has leveled off and stagnated at the 1964–65 level. Thus, the "miracle" rice has produced no miracle in India or in East Pakistan, the traditional rice-growing area of that country, although it has done extremely well in West Pakistan, an area not normally recognized as a major rice producer.

In discussing the new rice varieties for India, a recent U.S. Department of Agriculture report ended by saying: "For the immediate future, modest increases in yield from local (i.e., not the "miracle" rice) varieties through improved fertilizer use offer the most promise" (Haviland, 1969).

Bean calls it the "Brown and Green Revolution" to underscore its sporadic influence. In India, for instance, a third of the wheat land has been affected, but only 3% of the rice production has been touched, with the rest of the crops escaping its influence.

IRRIGATION

Irrigation is the life blood of the new cereals. For those who are accustomed to seeing wheat grown only in the United States, where no wheat is irrigated, this point needs to be understood. Virtually all the new wheats in Mexico, India, Pakistan, and Turkey—the areas where they have made an impact—are grown under artificial irrigation. They are grown, then, on the very best land in the nation, the most expensive land, the land which receives the largest capital investment, and the land with the best farmers. In the United States, we consider wheat too low in value to put on irrigated land.

The new rice varieties also require carefully controlled irrigation. In the Philippines, where the new rice is grown under irrigation, harvests are reported as two to three times that of the traditional local varieties. However, on nonirrigated land, the new varieties do no better than the standard ones.

This is important to understand. Ford Foundation's Lowell S. Hardin says that if one looks at a map "the land where this new technology, this Green Revolution, applies is a postage stamp on the face of the earth" (Hardin, 1969). The major reason is that, unfortunately, there is very little irrigated land in this world. To expand the current Green Revolution, therefore, will require expanding the amount of irrigated land, an extremely expensive operation. Even with capital, the potential land for irrigation is limited by its location, slope, and availability of water.

The hungry nations have been and are hungry because they have a poor piece of real estate. The soils are too dry, too wet, too rocky, too thin, or too mountainous to fulfill adequately the agricultural needs of the country. A Green Revolution may minimize these disadvantages, but it can never do away with them.

SUBSIDIES

Green Revolution advocates ignore the cost at which wheat and rice production has been achieved in some countries. To understand the role of subsidies, the Department of Agriculture's Director of Economics Don Paarlberg says:

"This is the inescapable fact that a price artificially held above the competitive level will stimulate production, retard consumption and create a surplus. This will be true

[1] The writer (a Washington, D.C.-based consultant in tropical agricultural development) speaks with experience. His book *Famine—1975!* was published 3 years ago.

[2] Agency for International Development, Congressional Presentation, p. H–3, 29 May 1969.

even if the commodity was originally in deficit supply. Thus a surplus is the result of deliberate intervention in the market. It is the product of human institutions, not simply a consequence of rapid, technological advance. It may or may not be accompanied by a scientific revolution. We could create a surplus of diamonds or uranium or of avocadoes or rutabagas simply by setting the price above where the market would have it and foregoing cost production control. A surplus is not so much a result of technology as it is a result of intervention in the market."[3]

The much-heralded Philippine rice self-sufficiency is a classic example of how Paarlberg's statement applies to the developing world. In 1966, the Philippine Rice and Corn Administration initiated a self-sufficiency program. Within a year, it increased the price support paid for rice by 50%. The support price of corn was also raised but to a lesser degree than rice. Rice production went up. Corn became cheaper to eat than rice, thus more people ate corn—result: a "surplus" of rice in the Philippines. With much fanfare, it was publicized that the Philippines were now able to export rice. Yet this was done at a *loss* because the world market price for rice was less than the government paid the Philippine farmer. In the words of James Keefer of the U.S. Department of Agriculture, the Philippines have "administered self-sufficiency" because they have artificially defined the level of consumption in the country. The nation's people could consume more rice, but the people cannot buy more at the price at which the government pays for it.

While many of the Green Revolution countries not only subsidize in part the price of fertilizer, pesticides, and irrigation water, *all* subsidize the production of the new cereals. Thus, Mexico supports her wheat at $1.99 a bushel or 33% above the world's market price for quality grain; Turkey, at 63%; India and Pakistan, at 100%. But since the quality of the grain from the new miracle cereals is low and they are sold at a discount, the subsidies are, in real terms, significantly higher.

Currently, there is fear of a glut in world cereal markets, but the fear "is largely attributable to expansion of production in the developed world" (Shertz, 1970) rather than to any Green Revolution in the hungry nations. The current glut is related to the support policies which all grain-producing nations follow (wheat supports range from $1.40 a bushel in the United States to $4.29 a bushel in Switzerland), policies which are often used as justification for similar subsidies in Asia, Africa, and Latin America. It should be obvious, however, that what a developed nation may do with ease an undeveloped nation might find nearly impossible to do.

The United States will subsidize her farmers with a sum approaching $4 billion this year, but this is in a nation where agriculture generates only 3% of the gross national product. India's agriculture accounts for 49% of her GNP; Pakistan's, for 47%; and the Philippines', for 33%. In these countries, there are not enough other sources of income to generate for long the money needed to subsidize the large agriculture segment of the economy.

It was interesting that the *very* day the House Foreign Affairs Subcommittee was holding its recent symposium on the Green Revolution and repeatedly pointing out to all the attendees the self-sufficiency achieved in rice production by the Philippines, the Philippine Government asked the United States for an advance of $100 million on its 1970 payments (due it for our use of military bases) in order to "stave off the emergency" arising from threatened bankruptcy.

Unfortunately, most of the developing world totters on the brink of bankruptcy with little hope of improving its situation. Within the next few years, the debt service of countries such as Indonesia, India, and Pakistan will equal nearly 50% of their export earnings.

Yet, the new varieties require irrigation water, fertilizer, and additional labor. All are expensive. For the farmer, this means financial risks. For him, risk is justified because of the support price. But, take that crutch away and fewer would take the risk.

With these high support prices, one of two things becomes obvious. Either the farmers are getting rich on the government subsidies or else the new technology is much more costly to use. There are reports of land prices skyrocketing in the area of the Green Revolution, of incipient social revolution with formerly absent landlords returning to farm their land and evicting their tenants. All of this may be true, but to what extent?

My guess is that the best farmers on the best land are profiting substantially from the Green Revolution. But the report that "hundreds of millions of rural people" (Borlaug et al., 1969) are benefiting is open to question.

In 1969, during the wheat harvest, this writer visited Sonora, Mexico, to see the experiment station where the new wheats were developed.

While there, a delegation of wheat farmers from this area left for Mexico City to ask the government to raise still higher their wheat subsidy. This may have been simply a ploy to keep pressure on the government and prevent it from lowering the subsidy. Yet the U.S. Department of Agriculture's Vernon Harness has studied the incomes of these farmers and concluded that the "man with average yields is not making much of a profit." In sonora, the average wheat farmer made $12.00 an acre while in adjacent Sinaloa, he *lost* $12.00 (Harness, 1969).

The U.S. Department of Agriculture's Dana Dalrymple cites two surveys of farmers in the Philippines who decided to stop growing improved rice varieties. Over 50% gave as their reason the "low price or added expenses" while another 10 to 15% said the new rice involved too much additional labor. He also cites a Burmese village which reduced its acreage because of the poor consumer demand for the miracle rice on both the free and black markets. The Burmese wanted to raise the rice if the government would buy the production but not otherwise. Dalrymple says, "It has been widely assumed that the increased returns from growing the new variety have exceeded the cost. Incomes have probably generally been increased in the short run. Yet there is little solid evidence on this point" (Dalrymple, 1969).

The green revolution and the 1970s

In his book, *Seeds of Change*, Lester Brown has projected a highly hopeful agricultural future because of the Green Revolution. He reflects the opinions of many who feel that "thanks to the breakthrough in the cereal production, the problems of the seventies will be much more political and less technological than were those of the sixties. Their solutions lie more in the hands of politicians, less in the hands of scientists and farmers" (Brown, 1970).

Such a view would be correct if the new varieties were as good as the press often suggests. But to overcome the biological limitations imposed by the land on agricultural production will require greater technological breakthroughs in the 1970s than anything we have ever seen. "What we have accomplished so far in the Green Revolution is the easiest part," says Will Meyers, Vice-President of the Rockefeller Foundation (Horne, 1969).

The new wheat varieties are essentially a transfer of temperate zone technology to temperate zone areas in Mexico, India, Pakistan, and Turkey. Tropical rice has so far had only limited success. Corn is going to be a more difficult crop with which to work because of its inability to be moved from latitude to latitude.

The "wonder" wheats and "miracle" rice varieties have been quickly accepted in Asia partly because governments encouraged their acceptance. Farmers who grew them were the ones who found loans for fertilizer and pesticides available to them. Governments were encouraged to do this partially out of fright stemming from the crop failures of 1965 and 1966 and partially from the pressure and salesmanship of foreign scientists and aid givers. Already many fear the consequences of this action.

The U.N.'s Food and Agriculture Organization recently held a round-table discussion on the "genetic dangers in the Green Revolution" and concluded that progress in one direction "represents a calamitous loss in the other." Plant breeders unanimously agree that it is dangerous to produce over large areas varieties with similar disease-resistent characteristics. By eliminating the great number of genetically different types of wheat and rice and replacing them with substantially the same variety, there is a loss of variability from which to select resistance to new and still unknown diseases. Speaking of this, Dr. Jack R. Harlan, professor of Plant Genetics at the University of Illinois, says, "The food supply for the human race is seriously threatened by any loss of variability" (Anonymous, 1969).

The danger of a disastrous attack by either insect or disease is greatly enhanced when a region is planted to genetically similar varieties. The consequences of this are surely to be seen in the 1970s.

"All across southern Asia (not just India) there has been a rush toward one dominant family of wheats prized for its yielding ability. . . . All of this wheat carries the same kind of rust resistance, which means that if a new race of rust to which it would be especially susceptible were suddenly to appear, much of the wheat crop of that whole vast stretch of the world could be devastated almost overnight."[4]

This is not theory without precedent. In 1946, 30 million acres of U.S. land were planted to a new group of oats (two-thirds of the oat crop), all having what was called "Victoria type" resistance to rust. Within 2 years, these oats had virtually disappeared from the country's oat fields. The reason was the emergence of a new disease which had been unknown only 4 years earlier.

In 1950, there was probably no single phase of the plant sciences more highly developed than that related to the control of a disease on wheat known as "stem rust." A strain of that rust (called 15B) had been known and watched in the United States for 10 years. Nevertheless, 15B was able to build up to epidemic levels and, in 1953 and 1954, cause the almost total destruction of our durum-wheat crop. If this were to happen in India today, the results would be disastrous.

Yet a country like India is particularly vulnerable. She has too few technicians to keep track of what is going on in her wheat and rice fields as well as too few scientists to develop new disease-resistant varieties and have them ready when needed. Furthermore, her seed industry cannot quickly multiply a new variety and get it into the hands of the farmer if a crisis arises.

The recent epiphytotics of the developed world involved highly selected crop varieties derived from a narrow genetic base. The hungry world has had a degree of protection

[3] Don Paarlberg. Address before the 12th Annual Meeting of the Agricultural Research Institute, National Academy of Sciences, Washington, D.C., 18 October 1963.

[4] Streeter, Carroll P. 1969. A partnership to improve food production in India. A report from the Rockefeller Foundation.

against this because of the multiplicity of types found within its unselected crops. However, the sudden introduction and widespread use of the new Mexican wheats and Philippine rice into South Asia shows how quickly this can change.

If the 1970's is to see an agricultural revolution, another problem must be solved: the efficient use of fertilizer and water. Fertilizer is expensive; most countries lack the natural resources to produce it. What the subsidies now do is make it economically possible for the farmer to use the high-cost fertilizer and water required by the new cereals.

Where the Green Revolution is said to exist, it would die tomorrow without any one of its three legs: subsidies, irrigation, and fertilizer. The economies of the developing world make all three legs fragile supports.

Finally, for the Green Revolution to produce a revolution in this coming decade, some way must be found to bring it to the tropics where a majority of the free world's hungry live. Little technological progress has been made with the basic food crops of the tropics, and virtually no aspect of the Green Revolution has reached Africa south of the Sahara or Latin America south of Mexico.

The danger in the Green Revolution optimism

Many believe that the Green Revolution has bought time to solve the world's population problem.

To me this hope is premature at best and disastrous at worst.

The potential of the current Green Revolution is too limited to expect it to provide anywhere near adequate time in which to find a solution to the population problem. Bert Tollefson, Assistant Administrator of the Agency for International Development, recently told a campus group that "AID hopes to see a breakthrough similar to the Green Revolution in individual country efforts to control population growth" (Tollefson, 1970). Like a litany, our AID officials tell of Taiwan, Hong Kong, Singapore, and South Korea lowering their birth rate without adding that even these prize examples will double, on the average, their population size within 27 years—one year longer than the rest of the developing world!

The 1969 study of India's population by Emerson Foote puts the hungry world's population growth in true perspective. When India began her population control program 17 years ago, her population was growing at the rate of 6 million a year; today, it grows at an annual rate of 15 million. If things continue this way, Foote says, the population of India would be one billion in 2000. He continues: "Long before the one billion figure would be reached, the break point would occur . . . it is entirely possible that in India and in other parts of the world for the next three years, five years or even a bit longer, the 'Green Revolution' will increase food production faster than population grows. But if this is the case, it will be a very temporary and misleading solace—only postponing the day of reckoning. . . . (The) growth will be slowed either by rational means or by indescribable catastrophe" (Foote, 1969).

Premature hope stemming from the Green Revolution contains two dangers. They are (1) the governments of the hungry nations will once again turn their thoughts away from the No. 1 problem of solving the agricultural and rural problems of their countries and resume their emphasis on pacifying the cities and worshipping the idol of industrialization; (2) of greater danger, however, is the likelihood of lessening concern over the exploding world population.

In 1968, at the Second International Conference on the War on Hunger, the Philippine "success" with the Green Revolution (although it was yet to be called the Green Revolution) was a major topic. In fact, the Philippine Undersecretary for Agriculture, Dr. Dioscoro Lopez Umali, came to Washington and brought with him a Philippine farmer who had markedly increased his production through the use of the new "miracle" rice. Before a distinguished audience, Umali translated the farmer's story as he spoke. The farmer had 10 children and said that because of the new high-yielding variety, he and his neighbors would now have enough food for all, and all could enjoy seeing their women in the condition in which they were most beautiful—pregnant. This sudden switch from concern about food shortages to praise for pregnancy was a frightening specter to some of the audience. The Philippino farmer cannot be criticized for waxing poetic over the beauties of his pregnant wife. But some felt that the Undersecretary for Agriculture, with a Cornell University Ph. D. might have suggested the danger such beauties held for his country. The Philippines, which among the world's 15 largest nations has the fastest population growth rate, will double the number of her citizens in 20 years.

Some time earlier, the Rockefeller Foundation's Norman Borlaug, while discussing the impact of the high-yielding varieties said, "It seems likely that through a combination of improvements in conventional and non-conventional food production methods, man can feed the world's mushrooming human population for the next 100-200 years" (Borlaug, 1965). More recently, however, he shortened the time to "two or three decades" (Borlaug et al., 1969).

Green revolution not enough

Virtually all authorities accept the fact that if the developing world is to be fed, the purchasing power of its people must be raised. Yield per acre is only part of the equation. *Cost* of production is of equal importance. Even with its highly efficient agricultural productivity, the United States has 5 million citizens who are malnourished because they cannot afford to buy the food they need.

Jean Mayer, President Nixon's Advisor on Food and Nutrition, says that it would take $3.5 billion more than is now being spent to solve the U.S. hunger problem. Much more than just food for the hungry is involved in Dr. Mayer's $3.5 billion figure because food cannot be separated from other problems of poverty. Nevertheless, if such a figure is accurate, think what the cost will be to solve the food needs of the developing world.

In 1967, the President's Science Advisory Committee's report on the "World Food Problem" said that it is meaningless to consider a nation's demand for, and supply of, foodstuffs independently from overall economic growth. That report put a price tag for achieving the goal at approximately $12 billion more a year in external investment than was then going into the hungry nations.

The report of the Commission on International Development to the World Bank (commonly known as the Pearson Report) stated in September, 1969 (when the Green Revolution was already a household phrase among development people) that in order to achieve the goals to which the Commission had addressed itself, foreign assistance must be increased by $10 billion annually during the next 7 years.

The FAO's enormous new Indicative World Plan, which was 6 years in the making and was presented to the Second World Food Conference at The Hague in June, "indicates" what the hungry nations must do. By 1985, the plan says, food demand in developing countries will be nearly two and a half times the level of 1962 (two-thirds of the extra demand will be a consequence of population growth). The FAO plan to meet this food requirement calls for an expenditure of $112 billion ($37 billion alone is required for expanding irrigation!). In the understatement of the decade, the plan says that the need for foreign aid will continue and "is likely to increase."

So, taking your pick among the authorities, you still need from $7 to $12 billion more a year for the developing world to feed its expanding population. Because that part of the world can barely handle its current $3 billion annual debt servicing charges, this extra demand placed on the area's agriculture must come from the developed nations. But such aid to the developing countries is now at a low ebb with no upswing in sight. Without outside financing, the Green Revolution will never get out from behind the barricades.

The conclusion is clear: Current optimism that the world food problem is being solved is premature.

Production versus reproduction

Whether the Green Revolution is a fact or a myth, the consequences of an agricultural breakthrough without an accompanying breakthrough in population control are ominous.

To feed today's world population requires the use of agricultural chemicals, the pollutants of which will have a deleterious effect on our children and on their children. But we have seen nothing yet! By 1985, the demand for food in the hungry world will more than double. If the hungry world is to then feed itself, it must increase its use of fertilizers by 100% and pesticides by 600% (President's Science Advisory Committee 1967). Such an increase in the use of chemicals to feed the projected populations could wreck our environment.

Man has, through the use of his land, turned far more into desert than he has reclaimed through irrigation. Lord Richie Calder says that in the Indus Valley in West Pakistan the population grows at the rate of 10 more mouths to be fed every 5 minutes. In that same 5 minutes in that same place, an acre of land is being lost through water-logging and salinity.

Paul Ehrlich says, "Those clowns who are talking of feeding a big population in the year 2000 from make-believe 'green revolutions' . . . should learn some elementary biology, meteorology, agricultural economics and anthropology."

Today's accelerating rate of population growth is due primarily to the consequences of modern medicine which has lowered the world's death rate without an accompanying lowering of the birth rate.

Rereading the 1936 best seller, *An American Doctor's Odyssey*, is today a disturbing experience. The author, Victor Heiser, tells of activities when he headed the Asian section of the Rockefeller Foundation's International Health Division. In a chapter entitled, "Dividends from Philanthropy" he tells not only of the successful attack on hookworm and other diseases but of the "great progress" achieved by 1934 in upgrading the "backward public health situation of 1914 for which I rejoice to feel the Foundation is largely responsible (this progress) fairly staggers the imagination."

In retrospect, the highly motivated, well-intentioned staff of the Rockefeller Foundation and other similar good Samaritans might well have been advised to slow down the dissemination of modern medicine until Asia's resources could be developed, until educational facilities and agricultural technology could be expanded, *and* some way found to motivate man to limit his population. Herman Kahn, reflecting on the good and bad effects of prematurely bringing modern medicine to a nation says, perhaps only half facetiously, the United States was fortunate to develop her resources before the Rockefeller Foundation began its good works.

Agriculturalists (and this writer is one) too glibly damn modern medicine while striv-

ing to do exactly the same thing through improved agricultural technology. More food will certainly mean that more people will live. This will accelerate the population explosion still more. Obviously, without effective population control, an agricultural breakthrough resulting in increased yields might be as detrimental to some countries as was the use of DDT on the malaria-bearing anopheles mosquito.

Perhaps no one, with a clear conscience, can deny a hungry nation the technology for an agricultural revolution. Even if he wanted to, he could not. Today's transistor radio and the jet provide the means for the knowledge and the theft of the new seeds.

However, simultaneously with the release of improved food crop varieties to a hungry nation, an effort must be made to limit that nation's population growth. Not to do so is to ignore history, and he who ignores history, the axiom says, is condemned to relive it. In this case, to relive history is to endure still another spurt in population growth.

Should we then be disappointed that the Green Revolution is neither very green nor very revolutionary? Indeed, is the world ready for a Green Revolution?

Malthus' dismal theorem said, essentially, that if the only check on the growth of population is starvation and misery, then no matter how favorable the environment or how advanced the technology, the population will grow until it is miserable and starves. Kenneth Boulding has, however, what he calls the "Utterly Dismal Theorem." This is the proposition "that if the only check on growth of population is starvation and misery, then any technological improvement will have the ultimate effect of increasing the sum of human misery as it permits a larger proportion to live in precisely the same state of misery and starvation as before the change" (Boulding, 1956).

Boulding uses Ireland as an example of this "Utterly Dismal Theorem." In the 17th century, the population of Ireland had come into balance with the carrying capacity of her land. Two million Irish lived there destitute.

Then came the 18th Century truly Green Revolution. The Irish potato was introduced to the Emerald Isle from the Western Hemisphere. Agricultural production shot up. The carrying capacity of the land increased. The Irish multiplied accordingly. By 1835, eight million Irish lived where only two million had lived in the previous century.

Then arrived a totally new plant disease caused by the previously unknown fungus *Phytophthora infestans* and the potato crop was destroyed. In the resulting Irish famines of the 1840s, two million Irish starved to death, two million Irish emigrated, and four million Irish were left on the land in abject poverty.

When there is such a thing as a Green Revolution, its name will be disaster if it arrives ahead of a Population Control Revolution.

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FRANK M. WHISTON

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PUCINSKI. Mr. Speaker, it was with a heavy heart that the people of Chicago learned of the death of Frank M. Whiston, president of the Chicago Board of Education.

The loss of his services as head of our school system in the city of Chicago is one that will be felt for a long time to come for indeed Mr. Whiston had a compassionate understanding of the problems that public education faces in urban communities, and he had worked tirelessly to find solutions.

The Chicago Tribune quite properly eulogized his enormous contribution to the people of Chicago, and I should like to include the Chicago Tribune editorial in my remarks today.

Mrs. Pucinski joins me in extending to the family of Frank M. Whiston our deepest condolences.

The Chicago Tribune editorial follows:

FRANK M. WHISTON

Frank M. Whiston was called upon to preside over the Chicago Board of Education during a period of endless troubles. Often he had good reasons to resign the job in disgust, especially in 1968 when Mayor Daley's Advisory Commission on School Board Nominations recommended that he be denied reappointment. The mayor had the good sense to reject the advice.

Thruout all the wrangling over school policies Mr. Whiston remained a courtly, old-fashioned gentleman. He kept his cool, as the young folks say, when the school system badly needed a conciliator, a conservative. In the hot dispute over the retirement of former Supt. Benjamin Willis, it was Mr. Whiston who engineered a reasonable compromise.

Chicago owes him thanks for his 23 years of service as an unpaid member of the school board and especially for the last 7 years when he was the president. Let us hope that the next president will be as levelheaded.

A TRIBUTE TO WILLIAM T. SCHMIDT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. McDADE. Mr. Speaker, last week the Commonwealth of Pennsylvania was saddened by the untimely death of a splendid man, our Secretary of Commerce, the Honorable William T. Schmidt. It would not be possible for me to describe my own feeling of loss at the death of this man who was as close to me as any man could possibly be.

I campaigned at the side of Bill Schmidt when he first ran for public office, and I knew that his incredible energy would certainly lead to victory in the race for the mayoralty of Scranton, Pa. He was indeed elected and became, I believe, the outstanding mayor of Scranton in the 20th century. His working day began long before sunrise, and ended long after sunset. He brought a refreshing candor to the office, and the people of Scranton came to know their government as they had never known it before.

He left the office of mayor and went into private business, but his enormous commitment to public service would not permit him to refuse when another call came to him. He went to Harrisburg to become an assistant to the Secretary of Commerce, entrusted with overseeing the implementation of the Appalachian program in the Commonwealth of Pennsylvania. He was shortly named Executive Assistant to the Secretary, then, Secretary of Commerce in the Commonwealth.

Through all these years, Bill had been my friend. Too seldom were we able to get together; the obligations of public office kept both of us ceaselessly committed. But in the precious times we did meet, and in countless letters and telephone calls, I was able to watch the work he was doing to build, first a city, then the State of Pennsylvania.

The people of Pennsylvania, particularly the people of Scranton, mourn his passing. They have lost one of the outstanding public servants of this or any other century. For myself and my wife, Tess, it is also a deep personal loss. I know the grief that Bill's wife, Peg, and his two daughters, Gayle and Debra must feel at their great loss. We all share that grief. But we would ask them to be consoled by this one thought when they think of husband or father. In a time when many are content to be nameless and to do little, in a time when others seek distinction in destruction, Bill Schmidt made his own very personal mark upon history, and will be remembered by those who knew him as a giant among men, building whatever future divine providence may see fit to bestow upon us.

Mr. Speaker, I will append to these remarks two editorials from the Scranton Tribune and the Scranton Times, as well as an article from the Scranton Tribune of last Wednesday:

[From the Scranton Tribune, Sept. 7, 1970]

WILLIAM T. SCHMIDT

Within the short period of less than a week Scranton has lost two of its former mayors to death, Stanley J. Davis after the fullness of a life of 81 years, William T. Schmidt all too soon at age 46 and in the high flowering of an impressive career in public service.

Bill Schmidt's passing takes from Pennsylvania at large an able and conscientious official. For the past six months he was secretary of commerce in the cabinet of Governor Shafer, a post to which he was advanced after serving nearly a year as deputy secretary of the department.

But it is as Mayor Schmidt that Scrantonians and Scranton area residents think of the very personable young man who was the principal in a surprising election campaign in 1961 which will be prominent in the city's political history for years to come.

In his first contest for public office, Schmidt, then 38, defeated Mayor James T. Hanlon, who had been the city's chief executive 16 years. The victory of the Republican nominee over Mayor Hanlon, the city Democratic leader of a city-county Democratic organization partnership of Mayor Hanlon and County Commissioner Michael Lawler, returned the GOP to City Hall and loosened a grip the Democratic Party had held at virtually every point of elective office here.

Schmidt had assisted a year earlier in the memorable campaign of William W. Scranton for Congress and so was in the vanguard of a movement which broke up a political monopoly in the area and introduced an element of balance which still persists.

Bill Schmidt did things well. He was president and salutatorian of the Tech High School Class of 1941. He took a position with the Third National Bank and rose to the office of assistant cashier. He demonstrated as mayor administrative ability and had success in his aim of involving more people and interesting more pepole in city government and its problems. And with his natural friendliness, his genuine liking for and concern for people, he won the regard and affection of many who once resented his defeating Mayor Hanlon.

Losing a reelection bid to former Mayor Walsh, who sparked at least a temporary revival in the city of old Democratic voting patterns, Mayor Schmidt had executive positions in private business before going into service with the state to display a skill and dedication capped when the governor named him to head the commerce department.

Bill Schmidt's death is truly mourned and the sympathy of the community goes out to Mrs. Schmidt and the Schmidt daughters, Gayle and Debra.

[From the Scranton Times, Sept. 8, 1970]

WILLIAM T. SCHMIDT

From president and salutatorian of his high school class to mayor of his city and commerce secretary of his state were the outlines of the distinguished record compiled by William T. Schmidt before death halted his crowded career last Sunday at the age of 46.

His capacity for leadership and service was recognized in all of his endeavors, which included responsible positions in the private sector as well as in government. But it was in public affairs he became best known, although he first aspired to public office only nine brief years ago.

Mr. Schmidt's upset election as mayor in 1961 proved to be a turning point in his own career and in the political life of the city and county. A long Democratic hold on local government was broken. Republican party fortunes have been generally on the rise in the city and county ever since.

It fell to Mr. Schmidt while mayor to educate the citizenry to the depth of the problems facing local government. He had a flair for graphic portrayal of a situation and used all of the communications media in this effort, the first local public official to do so. He also involved hundreds of private citizens in governmental affairs by appointing them to newly established citizens advisory committees.

Solutions to municipal problems did not come easily and many are still being pursued. However, the grasp of local government gained by Mr. Schmidt during his four years as the city's chief executive stood him and the state in good stead when he was called upon by Gov. Shafer to serve the Commonwealth of Pennsylvania.

He was successively a deputy commerce secretary directing state and federal economic aid programs in Pennsylvania, Gov. Shafer's representative to the Appalachian Regional Commission and, since January, commerce secretary. In these roles he brought to bear his background to appreciate a community's needs which were beyond the resources of local government. He became instrumental in channeling federal and state grants to assist them. In all of these posts he did much to help relieve this region's unique land reclamation and surface support problems and to aid in the continuation of the expansion of its industrial base.

If one word were to sum up Mr. Schmidt's remarkable career, service probably does it best. We didn't always agree with him, nor he with us, during his days at City Hall. But we consistently admired his fulltime dedication to a challenging job and do now, not only in his service as mayor but in each of the assignments he took on to improve the everyday life of his fellow man.

Mr. Schmidt's death is a genuine loss to his native city and to the people of Pennsylvania. Our heartfelt sympathy goes to his wife and daughters whose grief is broadly shared.

[From the Scranton Tribune, Sept. 9, 1970]

SORROWFUL FAREWELL TO CITY'S 25TH MAYOR: GRIEVING THRONGS GIVE TRIBUTE TO BILL SCHMIDT

(By Bob Reese)

The people of Scranton—young and old, rich and poor, known and unknown—said goodbye to Bill Schmidt on Tuesday.

Quietly and slowly, they moved in double lines into the Snowdon Funeral Home, 1810 Sanderson Ave., and passed the bier of the man who had been the 25th mayor of Scranton.

After leaving office William T. Schmidt rose to become Pennsylvania's Commerce Secretary, but he was still "Mayor" to the people standing quietly in small knots outside of the funeral home on Wednesday.

"It's been like this since 2 o'clock," Howard Snowdon observed.

A mile and one-half away, black bunting had been placed over the main entrance of City Hall and the flag at the corner of the building dropped limply at half-staff.

A reporter who had helped to "cover" the Bill Schmidt years in City Hall moved along in the slow line to the bier but his thoughts were down at the massive stone building at Mulberry Street and N. Washington Avenue.

The people in the line with him brought back the past years as if they were yesterday.

A familiar face there. It was that of a young man who back in 1961 had helped to guard the voting machines as the absentee ballots were counted, providing the new mayor with a slight edge over his opponent, the late Mayor James T. Hanlon.

Other faces were there, too. Those of present and former City Hall employes and those who had been Mayor Schmidt's political foes on City Council. Speaking quietly, the late admitted they had not always agreed with the mayor. But they added: "He was a good man."

It was perhaps the great numbers of "little people" who were there on Tuesday that really told the tale. For Bill Schmidt was one of those "little people" who back in 1961 had electrified all of Scranton with his upset victory that broke a Democratic hold on the city which had lasted 16 years.

The thoughts went flying back to the summer months of that year. A young reporter was sitting with his father on a porch in West Scranton.

It was hot and Bill Schmidt remarked about the heat when he stepped onto the porch during one of his door-to-door safaris through the city, ceaselessly seeking votes. He put the small radio from the answering service to his ear as he talked. That was typical Bill Schmidt. Always trying to do two or more jobs at once.

And other things came to mind, too. How about the day the rain gutters at City hall clogged up with sand and the young mayor at his desk was deluged with water that came through the ceiling? He laughed at the picture and article that told of the "flood" in the following morning's Tribune.

There were the serious times. Like the time he debated the man who was to defeat him, Atty. James Walsh, at the Jewish Community Center. "How did it go," he earnestly asked reporters afterward.

There were many other memories. Those of the press conferences at City Hall and of the many and varied crises that daily confront a mayor.

Remembered, too, were the nights he came into The Tribune newsroom to give reporters details of late breaking stories.

But, back to reality. The line moves toward the bier and there is Peg Schmidt, the mayor's widow, her eyes red and sad. Her daughters, Gayle, 20, and Debra, 18, are beside her. A member of the Police Honor Guard stands at the head of the casket.

The line moves quickly and a reporter says "goodbye" to a mayor he knew and liked.

Bill Schmidt will be buried today in Camp Hill where his brother, Richard A. Schmidt, is interred. His brother was killed Feb. 25, 1969, in an automobile accident.

City Hall will be closed from 11 a.m. to 1 p.m. as the funeral takes place from Trinity Evangelical Lutheran Church, Camp Hill. Burial will be in St. John's Cemetery, Camp Hill.

A detail of uniformed Scranton policemen will act as pallbearers and the city will be represented by various officials including Mayor Eugene Peters and Council President Anthony Cognetti.

TRIBUTE TO RUBEN SALAZAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ANDERSON of California. Mr. Speaker, a pall hangs over Los Angeles for all of us have lost a friend. Ruben Salazar, writer and reporter, who died needlessly during the recent riot in East Los Angeles, contributed much to our community.

Ruben Salazar was not a fence straddler, he was not a spectator in our society. He was committed to justice, and he was involved in the struggle of the Mexican Americans to secure their rights. He was committed to change—not by violent revolution—but by exposing the injustices that occur; and by appealing to the sense of fairness inherent in Americans.

This Chicano spoke for Chicanos; he spoke to them and, in addition, he re-

layed their message to the part of America that has ignored their plight.

Ruben Salazar understood exploitation, deprivation, and discrimination. He knew that the housing for Chicanos was inadequate. He knew that the wages paid to the Mexican American were not sufficient to feed, clothe, and educate his family. Thus, he served as a major link between the Mexican American and the rest of the community.

Ruben Salazar will be missed—but he will be remembered. We must each attempt to become as dedicated and as committed to justice as was he. We must continue to work for a realization of the ideals he espoused so articulately, and so well.

DANGERS IN MILLS TRADE BILL SEEN BY HONOLULU ADVERTISER

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. MATSUNAGA. Mr. Speaker, one of the most controversial bills likely to be considered by the House before adjournment is the 1970 trade bill. If it is enacted in its present form, this bill might well trigger a regressive world trade war. It will most certainly mean higher prices for American consumers least able to afford them.

The entire garment industry in Hawaii, employing about 3,000 persons, is alarmed at the prospect of the bill's passage because of the harsh import quotas on textile products.

All of these unfortunate possibilities are spotlighted in a perceptive editorial which appeared recently in the Honolulu Advertiser, and which I offer for inclusion at this point in the RECORD:

[From the Honolulu Advertiser, Aug. 28, 1970]

THE TRADE BILL

Sometime next month the House of Representatives will vote on the trade bill which has come out of the Ways and Means Committee.

For the sake of the consumer, for world trade harmony and for the principle of friendliness between nations, this bill should not pass. And, if it does pass both House and Senate, President Nixon should veto it.

The bill, now related to textiles, shoes and oil import quotas, has an immediate link with Hawaii.

Hawaii has a blossoming $35 million a year garment industry that employs 3,000 persons. The local manufacturers import almost all of their textiles from Japan and Hong Kong.

The quota on textiles contained in the bill would, as Governor Burns says, seriously impair the Hawaii garment industry.

Rep. Spark Matsunaga has asked that Hawaii, Alaska and Puerto Rico be exempted from the textile import quota because they are non-contiguous areas.

Of course, the trade bill contains dangers that go beyond these local angles. It is feared that as the bill gains momentum in Congress, more and more articles will be added to the quota list.

The inevitable result would be retaliation by other nations. A trade war would be a distinct possibility.

The bill also may be, as a White House consumer affairs spokesman believes, "the most significant anticonsumer legislation now in the Congress."

Import quotas mean higher prices. Special interests gain at the expense of the public interest.

THIS IS YOUR SON CALLING FROM VIETNAM

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DADDARIO. Mr. Speaker, I rise today to call the attention of the House to the valuable services performed by amateur radio operators—"hams" as they are frequently called. Operating their own private radio stations, hams render emergency assistance in providing communications during disasters such as Hurricane Celia. We have all read accounts of such activities and are well aware of the invaluable help these volunteers provide. What is not so well known is the continuing assistance hams provide in alleviating a most human problem—the loneliness and suffering that comes from the separation and lack of communications between our servicemen and their families. Those of us who daily see our wives, children, and close friends forget that there are hundreds of thousands of young people whose contact with their families is limited to letters and occasional photographs. Like the concerned public servants they are, hams have stepped forward to lend their aid and provide radio communications facilities so that servicemen abroad can talk to their loved ones at home. Using "phone patch" equipment coupled directly to their own radio receivers and transmitters, hams call friends and parents of servicemen on the telephones and let them talk to their absent soldier in Vietnam who use military radio facilities over there. Acting as the vital link, the ham provides a much needed human contact between individuals separated by the war.

An excellent article detailing these phone patch activities recently appeared in Parade magazine. I take this opportunity to insert the article in the CONGRESSIONAL RECORD and commend it to the attention of all Members and other readers:

THIS IS YOUR SON CALLING FROM VIETNAM

(By John G. Rogers)

MILLINGTON, N.J.—Without even leaving their peaceful mountaintop home in northern New Jersey, Mr. and Mrs. Alexander A. Yankaskas and their children are intimately and busily in touch with the Vietnam war nearly every day of the year.

Yank, as he is called, and his wife Helen are amateur ham radio operators and on some days their powerful short wave equipment installed in a den off the living room relays as many as 140 telephone calls to parents, wives and sweethearts from U.S. military men in Vietnam.

HOUSEWORK WAITS

"When reception is good and the calls are piling up," says attractive Helen, "the housework just doesn't get done. It has to wait for a break."

"Most of the conversations are happy ones, full of love, hope and emotion," says Yank, pilot for the private planes of the Ronson Corp. "We know because we have to listen in order to flip the switch whenever one of the parties says, 'Over.' But sometimes you get a sad one. The other day this guy asked his wife, 'Why haven't you been writing me?' And she told him, 'You'll find out in a few days when the divorce papers arrive.' "

Yank's station—AFB2DBF—is one of 165 in the U.S. which take part in the program known as MARS—Military Affiliate Radio System. Most of the members are hams, like Yank and Helen with their receivers and transmitters right in the home. One of the most prominent of them is Sen. Barry Goldwater of Arizona, who operates from his hilltop residence in Phoenix. While the basic business of MARS is to provide a backup communications network in case of emergency, the MARS hams are principally occupied these days with the Vietnam phone calls.

"I've sat here at the set as long as five hours without even getting up," says Yank. "With all those phone calls waiting to be handled, you don't just tell Vietnam you're closing down. And I wouldn't want to, either. This is my way of being involved. There's a great kick in bringing a boy in touch with his mother from halfway around the world."

MARS has handled some 2 million calls from Vietnam since December, 1965. The procedure is this. The serviceman goes to one of the 76 MARS stations maintained by the military in Vietnam and waits in line. Meanwhile, he gives the MARS operator his name and the telephone number he wants to reach in the U.S. The MARS operator sends those names and numbers to a U.S. operator such as Helen Yankaskas. PARADE watched her at work the other day. She dialed the first phone number—it was Raleigh, N.C.—and when someone answered she explained who she was and asked whether the Raleigh number would accept a collect call from Millington, N.J., from Sgt. Billy Smith. The reply was an emotional affirmative. Helen told the Vietnam operator to put Sergeant Smith on and the conversation began—by short wave radio from Vietnam to the Yankaskas home and by commercial telephone on to Raleigh. The only cost was the phone bill.

"Sometimes," says Helen, "they're expecting the call and sometimes it's a complete surprise out of the blue. A mother or a wife may gasp and then become speechless. If that happens we sort of settle them down a bit so they can get started talking."

SHORTWAVE DRAMA

The variety of calls is as broad as life. A girl friend pleads, "When the next letter arrives, tear it up. I didn't mean those things." A soldier's wife in a maternity ward tells him he has a new son or daughter. Many young men call to reassure families that their wounds are slight. One call was from a sergeant who said that a young soldier was out of control and needed advice from his father. So dad got on and from Cleveland, U.S.A., spoke the few words to his son that straightened him out in a remote Vietnam military base. There have even been a few marriages performed over MARS.

Yank and Helen have placed phone calls to all 50 states and 12 foreign countries. The two oldest of their six children live away from home but Kurt, 18, is a skilled operator and pitches in to help. The contribution of Jean, 16, is to run the kitchen when her mother is tied up at the radio. Mary Christine, 9, and Alexander Jr., 7, like to hang around the den—"ham shack" is the correct term—and listen in on conversations. As they arrived home from school the other day, they watched their mother complete the 23,892d call handled by the Yankaskas station.

AROUND THE CLOCK

Senator Goldwater's station in Phoenix has a club of more than 25 operators which enables it to spread out the work and operate

24 hours a day. But the Yankaskas family operation ranges from 10 to 18 hours. When he isn't flying, Yank puts in a long schedule and Helen serves him many a meal at the set. He, in turn, is greatly appreciative of her help and understands that sometimes she may put radio ahead of housework. "Only dull people have immaculate houses," says Yank. Their ham togetherness extends even to their personal call letters. He's WA2DBF. She's one letter away at WA2DBG.

It's a long and arduous devotion the MARS operators contribute but they love it and feel fully rewarded by letters such as this one Yank and Helen received from a mother last December: "God bless you. Hearing his voice and knowing he is all right was the most wonderful Christmas present we could have had."

DIRECT ELECTION OF THE PRESIDENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. DERWINSKI. Mr. Speaker, this morning's Chicago Tribune carries a very effective and timely editorial on the constitutional amendment which is now before the other body. Many Members of the House I would trust have looked at the measure again with more practical thinking than they exhibited when the amendment was literally stampeded through our body. I would hope that the Senate will reject this proposal in its present form which I believe would do a disservice to our political system. I direct the attention of the Members to the September 14 Tribune editorial which follows:

[From the Chicago Tribune, Sept. 14, 1970]

DIRECT ELECTION OF THE PRESIDENT

The Senate has opened debate on a constitutional amendment providing for direct election of the President and Vice President. A nationwide popular vote would prevail and the electoral college would be abolished. The proposed amendment provides that if no team of candidates receives 40 per cent of the popular vote, a runoff election would be held between the top two pairs.

We find no pressing reason for an amendment of this sort, which is another reflection of the itch for innovation merely for the sake of innovation. The specter has been raised that a shift of 42,000 votes in the 1968 Presidential election might have given George Wallace of Alabama, a third party candidate, the balance of power.

Direct popular election of President and Vice President would be the final blow to federalism, the principle on which the Union was founded. The sovereignty of the states has been enormously diminished by the centralization of power in Washington. A direct popular vote would remove them entirely from the electoral process.

There are other objections of almost equal force to the proposed amendment, which cleared the House a year ago by a vote of 339 to 70. A system depending on a nationwide head count would almost certainly weaken the two-party system by encouraging the rise of splinter parties, which have been the bane of European politics, especially in France and Italy.

As Rep. William Clay of Missouri said during House debate, "The likelihood of division and splinter parties would be encouraged by the direct popular vote. The factions of the present parties who do not compose the majority—but a large minority at their respective conventions—would likely feel compelled to strike out on their own to reap the sentiment which exists for their position and candidate.

"If it were unnecessary to win the individual states to win the Presidency, the mere possibility of winning by precluding another candidate's majority would prove too irresistible to pass up. After all, it takes $20 million to finance such a campaign—and with direct popular vote, a candidate would not have to travel the 50 states or concentrate on the total United States populace when a section or a sector of it is sufficient to throw the election."

Mr. Clay predicted the appearance, under such a system, of black separatist, conservative and liberal parties, working outside the existing major parties. He said they were certain to take root when it becomes unnecessary for them to work within the major political parties. Public opinion would be radicalized and the rights of all minorities would be endangered by removing incentive for compromise.

A more practical objection to the proposed amendment is that it has little likelihood of being ratified by three-quarters of the states [38], as required by the Constitution, for 34 of them would be adversely affected. Sen. Carl Curtis of Nebraska, for example, said his state had 0.92 per cent of the present electoral vote for President and Vice President, whereas in the 1968 election it had only 0.73 per cent of the popular vote.

If any change in the present system is in order, it would be opportioning the electroal vote by congressional districts, with two additional electoral votes per state as a bonus to the state winner. That would be eminently fair, and it would preserve the present constitutional balance.

ELECTORAL COLLEGE REFORM: AN IDEA WHOSE TIME HAS COME

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PODELL. Mr. Speaker, in an age when direct elections provide one important indicator of democracy, this Nation's method of electing a President stands out as markedly undemocratic in form. The system now in use—election by an electoral college—results in a President who is only indirectly elected by the people of this country.

A constitutional amendment is required to bring much-needed reform to our presidential elections. On September 19, 1969, the House of Representatives took the first step toward bringing about change in that system. On that date, the House adopted House Joint Resolution 681 providing for the abolition of the electoral college. The President would be elected by direct popular vote. More specifically, the candidate who received a plurality of the popular vote would be elected. In the event no candidate received 40 percent of the vote, a runoff election between the top two votegetters would be held.

Approval by two-thirds of the Senate and then by three-fourths of the State legislatures is required before House Joint Resolution 681 can become an amendment to the Constitution. I believe that the people of this country should press for direct popular election of the President. Virtually every other election in America is now decided by popular vote. The glaring exception, of course, is the only true national official—the President.

Under the present system, each State is given a predetermined number of votes in the electoral college. This number is calculated by adding the number of Representatives a State has in the House of Representatives plus its two Senators. New York State, for example, having 41 Congressmen and two Senators, has 43 electoral votes.

The candidate who receives a plurality of the popular votes in a State receives all of that State's electoral votes. A majority of the votes in the electoral college is required for election to the Presidency. Should no candidate receive a majority of the electoral vote, the House of Representatives chooses the President from among the three top candidates. In the House, each State delegation casts one vote as a unit, and 26 votes are needed for election.

This system as it now stands could result in situations in which a candidate who receives a plurality of the electoral vote would actually lose that election. Should this occur, the will of the American people would not be reflected in the results.

In four of our presidential elections, in 1880, 1824, 1876, and 1888, the winner of the plurality of popular votes did not become President. In 1880 and 1824, the candidate with the largest percentage of the popular vote lost the election. In 1876, the votes of the electors proved indecisive, and a special panel had to be appointed to elect Hayes over Tilden. In 1888, Grover Cleveland lost to Benjamin Harrison in the electoral college, although he, too, had more popular votes than the final victor.

The following facts point out the need for reform:

First. New York State with a total population of 16,782,000 has 43 electoral votes. The States of Alaska, Nevada, New Hampshire, Vermont, Delaware, Wyoming, North Dakota, Hawaii, Idaho, Montana, South Dakota, and Rhode Island have a combined population of 6,364,000. Yet they have a combined electoral vote of 43—the same as New York State.

Under this system, then Alaska's electoral votes—three—represent one vote for every 75,000 residents. In New York State electoral votes represent one for every 390,000 New Yorkers. This is clearly an inequity that should be corrected.

Second. Because a candidate needs only a plurality in 12 of the largest States to be elected President, a candidate can win a majority of the electoral vote with only one-fourth of the total popular vote. He could achieve this by winning the electoral votes of New York, California, Pennsylvania, Illinois, Ohio, Texas, Michigan, New Jersey, Florida, Massachusetts, Indiana, plus two additional electoral votes.

Third. If the election is thrown to the House of Representatives there is the possibility that the 26 smallest States with 36 percent of the votes could decide the election.

Thus the inequity of the present system is clear, and while direct election of the President is not a perfect system, it

is the best of the plans that have been proposed. Direct election is the only plan which will guarantee that the winner of the popular vote will also be the winner of the election.

The campaign in 1968 revealed still another drawback of the electoral college: The faithless elector. The faithless elector is the one who disregards the wishes of his constituents by not voting for the candidate to whom he was pledged. In 1968 an elector from North Carolina cast his electoral vote for George Wallace rather than for Richard Nixon, the candidate to whom he was pledged. This problem would be eliminated under the direct election system.

Still another undesirable feature of the electoral college is the unit rule. This rule permits the candidate receiving a plurality of the State's votes to receive all of that State's electoral votes, regardless of his marginal victory. One candidate may receive a plurality of 100 votes in one State, and another a plurality of 1,000,000 votes in a different State. Each candidate would then receive all the electoral votes in the particular State in which he was the victor—with no regard to his margin of victory.

The unit rule acts to disenfranchise those citizens voting for their State's loser. These votes can have no effect on the national election, regardless of how close the election is in their own State or in the Nation. Under direct popular election, the issues and problems created by the unit rule would be eliminated since all votes would be tabulated nationally. Each vote would count as much as any other vote.

The electorial college system discourages national campaigns. Small States are often ignored in presidential campaigns. Candidates concentrate their efforts on large swing States. Direct election would make every vote equal to every other, regardless of the State in which it was cast. This would then force candidates to run national campaigns in the true meaning of the term.

Direct popular election of the President is the only system which would eliminate all of these evils that I have tried to elaborate. It would extend the one-man, one-vote principle to the Presidential sphere.

The amendment which was adopted by the House provides that in the event that no candidate receives 40 percent of the total popular vote, a runoff election would be held between the two top vote-getters. Forty percent was chosen as the percentage because it was felt that 40 percent would be sufficient to provide a mandate for governing, and would be low enough to prevent frequent runoffs. It should be noted that 15 of our Presidents received less than 50 percent of the popular vote, and among them being Lincoln, Truman, Kennedy, and Nixon.

For many years, I have wholeheartedly supported the direct election of the President and have spoken out on this issue. According to recent polls 80 percent of the American people support the direct election of the President. The House has already acted affirmatively by passing this legislation. It is now time for the Senate to act. This measure should be given priority by the Senate and then by the State legislatures. It should be ratified as our XXVI amendment, providing for the direct election of President, without delay.

MRS. JEAN RANDOLPH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. CONTE. Mr. Speaker, death has claimed one of the great women of western Massachusetts this month and I would like to take a moment of this body's time to pay tribute to her. Many Members may have had the privilege of knowing Mrs. Jean Randolph, the widow of Jack Randolph, a former great reporter for the New York Times.

Mrs. Randolph was an activist, a warm and understanding activist in everything she did. She and her husband were known to thousands, not only in the small town of Colrain in Franklin County, Mass., where they made their home, but in New York City and many other areas where her late husband's work took them.

At the time of her death, Mrs. Randolph was still actively involved in many pursuits, not the least of which was running for local office in Franklin County.

I had the privilege of knowing this great lady and working with her throughout most of the 20 years of my public life. Western Massachusetts is diminished by her death, and I, personally, have lost a friend so unique that I know I shall not know her kind again.

The Greenfield Recorder, the daily newspaper published in Franklin County, recently ran two articles on Mrs. Randolph's death which I would insert in the RECORD at this time:

MRS. JEAN RANDOLPH 59, DIES

Mrs. Jean B. Randolph, 59, candidate for Republican nomination for Franklin County register of deeds and proprietor of The Vikings, collapsed at a political meeting in Shutesbury last evening and died.

She was attending a "meet the candidates" night at Shutesbury town hall and had just addressed about 40 persons. An ambulance took her to Cooley Dickinson Hospital in Northampton, but she was pronounced dead on arrival by Dr. Thomas Corriden, medical examiner.

She was born Jan. 6, 1911, the daughter of George S. and Emma (Adams) Belden. She attended Smith Academy in Hatfield and was graduated from the University of Vermont in 1931 with a bachelor of philosophy degree.

She had been a teacher at New Salem Academy from 1931 to 1934, at Powers Institute in Bernardston from 1943 to 1945 and in Greenfield, where she taught at the Junior High School from 1956 to 1958 and at the high school in 1961.

In December, 1961, Mrs. Randolph opened The Vikings, a shop at 96 Mohawk Trail which she operated until her death. She obtained her license as a real estate broker in 1964, and last year she became associated with Massamont Realty, Inc., of Shelburne Falls.

She was married to the late John W. Randolph of Crowley, La., in 1934. Randolph, field and stream editor of the New York Times, died in 1961. They had lived in Colrain more than 20 years.

As a Republican, Mrs. Randolph served as vice-president and program chairman of the Women's Republican Club of Franklin County from 1960 through 1968, and was Republican Town Chairman for Colrain from 1946 to 1954 and from 1960 through 1968. A member of the Franklin County Republican Club, she represented Colrain as a delegate to the state conventions of 1956, 1964, 1966 and 1968. She also served as the Franklin County campaign manager for Laurence Curtis in his 1964 bid for the Republican nomination to the United States Senate.

She was a member of the Congregational Church of Colrain.

She announced, on June 10, her candidacy for the Republican nomination as register of deeds for Franklin County.

Survivors include a son, John D. Randolph of Bennington, Vt., and Mrs. Belden Merims of New York City.

Arrangements are incomplete at this time, awaiting the arrival of Mrs. Merims.

JEAN RANDOLPH JOINS HER BELOVED JACK

(By Art Smith)

When death in 1961 ended the career of Big Jack Randolph, Colrain-based writing star of the sports staff of The New York Times, there was mourning all along the nation-wide trails trod by the vagabond journalists of his day.

Now Big Jack's beloved widow, Jean, is dead and once more the veterans of the country's top newspaper towns—New York, Chicago, Philadelphia, Detroit, Washington, St. Louis and a host of others—will pause to recall the laughing, carefree pair who once lived and worked among them.

Because that's what they were—a pair—and all Colrain and Greenfield and Franklin County knew them. For 20 years they lived in the wonderful old house at the crest of Smead Hill, Jack commuting weekly in his last years to New York and Jean—when she was not travelling with him—bringing up their daughter and son, Belden and John, who were to give Jean four grandchildren before time ran out for her in Shutesbury Thursday night.

Now, at 59, she will join Jack in the Smead Hill earth, a couple of hundreds of yards from the old house, in a birch grove overlooking the enchanting Green River valley both of them loved.

Before cremation, there will be visiting hours at the McCarthy Funeral Home, 36 Bank Row, Sunday evening, 7–9. A funeral service will be conducted at the Colrain Congregational Church Monday at 2 p.m.

Belden, now Mrs. Robert Merims of New York City, and John, now a publisher of outdoor sports papers in Vermont, arrived Friday to take charge of arrangements.

Like her husband, Mrs. Randolph was a restless soul and she remained in character to the end. At Jack's death nine years ago, she opened The Vikings at 96 Mohawk Trail, specializing in imported Arabian dinnerware. She also was a real estate agent associated with Massamont Realty, Inc., of Shelburne Falls. Before and, periodically, after her marriage she was a schoolteacher in New Salem, Bernardston, Greenfield and in New Jersey. She was a graduate of the University of Vermont, where she took her philosophy degree, and did graduate work at the University of Massachusetts.

When a massive heart attack struck her down, Mrs. Randolph was running for the Republican nomination for county register of deeds. She had suffered a heart attack a year ago but undertook the campaign because she believed she had recovered her health. She had finished a campaign address in Shutesbury only a few moments before the fatal seizure. She was born in Hatfield and for years had been active in local and state Republican politics but it was her first bid for public office.

Perhaps few residents of Franklin County

were as widely known as Jean Randolph and her husband. Where Jack moved, Jean moved, and to such a degree did their warm and gay personalities complement each other that their acceptance in journalistic circles was immediate and lasting. Yet they would always return to Franklin County and to the wonderful old house atop Smead Hill where they entertained visitors from all over the nation.

It seems worthy of mention that young John Denson Randolph was named for John Denson, now a resident of Old Guilford, Vt., perhaps the last of the great editors of American journalism, a close personal friend of both and for many years an associate of Jack's.

THE SIGNIFICANCE OF THE GREEK WAR FOR INDEPENDENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. PUCINSKI. Mr. Speaker, recently, the Greek Ambassador to the United States, the Honorable Basil Vitsaxis, delivered a speech on the significance of the Greek war for independence in 1821. He spoke at the Ahepa convention held in my district.

The struggle for freedom, liberty, and human dignity which culminated in a revolution for independence shocked the oppressors of the Greeks. It was dismaying to the heads of state of Europe and the Ottoman Empire that the Greeks would covet nationhood, and be willing to fight and die for an idea whose time had come.

Lord Byron, who was to die while fighting for Greek independence, wrote:

> The Sword, the Banner, and the Field,
> Glory and Greece, around me see!
> The Spartan, borne upon his shield,
> Was not more free.
>
> Awake! (not Greece—she *is* awake!)
> Awake, my spirit! Think through *whom*
> Thy life-blood tracks its parent lake,
> And then strike home!

With these words penned only 3 months before his death, the great English poet reminds us once more of the heritage which Greece has given to the world; namely, the conception of the existence of personal freedom and self-government.

But this last poem of Byron's reminds us of something more which is too often forgotten by many of us—that Greece in the opening years of the last century led the way among Europeans in the search for freedom and nationhood from the domination of the imperial powers which for several centuries had divided up and subjugated many peoples within the confines of a few powerful states.

With the sesquicentennial of Greek independence approaching, it is well to remind ourselves that the initiative of the Hellenes and their success in gaining freedom from the Turkish Ottoman Empire gave example to those in other lands who sought similar goals. When we think of these European nations which won inpendence and unification in the 19th century, we turn at once to Italy and Germany, to be soon followed by Finland and Norway, Poland and the Balkan nations in the early years of our century, but how many of us remember that it was Greece which demonstrated to these other peoples that freedom from the domination of the great European empires was possible?

It is a valued source of pride to those of us in this country that we were the first in this hemisphere to oppose colonialism and to strive for freedom and self-determination so it is indeed fitting that we take this opportunity to acknowledge the debt owed by many to Greece, the first nation in Europe to rise up against colonialism and to seek goals similar to ours.

Perhaps in retrospect it is really not too surprising when one recalls that in former centuries these were the people who twice within the space of 10 years humiliated the greatest autocratic empire the world had known up to that time. The countrymen of Miltiades and Themistokles could have no other attitude toward the Ottoman Turks than that which their forbears had toward Darius and Xerxes.

With these things in mind, I am pleased to place in the RECORD today Ambassador Vitsaxis's excellent speech on the significance of Greece's struggle for independence, which was to eventually spark and change the character of the old world:

SPEECH BY AMBASSADOR VITSAXIS

Nations are judged by their acts, and history is their stern judge.

The Hellenes can stand before anyone with their heads held high and proud. They have never hesitated when confronted with the great responsibilities which history erected on the road they have followed for centuries. Their victories express the indomitable moral strength of the Hellenic nation, whose continuity is in itself proof, of the nation's unity.

The 25th of March, in this respect, is perhaps the brightest symbol of the eternal Hellenic Idea, because it embodies the unceasing Hellenic quest for human redemption from the ties of the mind and of the soul. For, the Greek revolution was not only a series of heroics and sacrifices, before which the entire human race stood awed; It was not only a phenomenon of collective courage, before which history bowed with respect; Nor was it merely a revolt against the tyrants. It was, above all, a large ethical movement which had, at its base, the most beautiful, the most noble, the most worthwhile, that nests within the human heart.

"Freedom or death"—this was the oath of the enslaved, who tossed his head proudly, opened his soul to the message, sent from the depths of time by his ancestors, and carved, with the flame of his sword, the bright road of tomorrow.

Freedom and death, in their broadest meaning, were the worlds that confronted each other in Greece, in 1821.

Freedom or death. Is not the life of a slave, death? Is not the unredeemed soul of man, dead? Is not the darkness spread by the ignorance of the mind, a living grave?

The free thinking which illuminated the generations of Hellenes and led them to the bright, peaceful victories of the mind, flared and illuminated again the course of Greece and led it from the ethnic annunciation, through Calvary, towards the resurrection of the nation.

This very light dazzled our national poet as he envisions embattled Greece:

> "A torch in the hand,
> A flame at the feet,
> And all around is light".

The unknown fighter of 1821, who stained the soil of Greece with his blood, had felt with the faultless sensitivity of his Hellenic soul the infinite greatness of his struggle. The whole Hellenic World became gigantic within him and the unworldly voices of myriad heroes echoed in his breast.

How clearly the poet pictured this, when he wrote:

> "I hear within my being, deep
> Those thrice-great, mighty
> Fathers of Hellas,
> They spoke alone—those dreadful moments
> The immortals."

But what was the political climate of Europe when the uprising broke out? What were the frames within which the Hellenic movement was born and had swelled up? And, generally, what was its deeper meaning in history?

The wars which had ripped Europe in the beginning of the century, wars by ideals of human freedom, had resulted, with tragic irony, in the establishing of a dark alliance, the so-called Holy Alliance, which from 1815 controlled the political life of Europe and drowned every liberal movement.

The year 1820 marked several revolutionary movements in the Italian and Spanish peninsulas. Their roots were mainly political, their purposes stemmed from the French ideas which had shaken Europe toward the end of the 18th century. The dark alliance which cast its heavy shadow in Europe set immediately in movement its diplomatic machinery. Metternich spoke of this with the most bitter words: "It is a deadly poison", he said, "which endangers the body of society in its most sensitive areas; it is dangerous for the peace of Europe and a scandal in the eyes of the whole world". Marshal Richelieu wrote: "The Greeks could not have found a worse moment to revolt".

And indeed, they could not have chosen a worse time. In vain Kapodistrias, the political advisor of the Czar, tried to convince him that the Greek movement was not like those which aimed to shake thrones, like those which stem from political calculations, and which hide at times, impure intentions. We must confess that the confusion which Metternich intended to cause was an easy matter, for indeed a movement such as the Greek one had never broken out in Europe before.

The proclamation signed by the Czar, together with the Emperor of Austria and the King of Prussia, at the end of the conference of May 1821, was characteristic of the prevailing mentality.

"We shall ignore", stated the three monarchs," every change that is made by force of arms in the interior state of the nation, and we shall take the necessary measures which these situations demand to confront the criminal events which have occurred in Eastern Europe."

In the eyes of powerful Europe, the movement of the Hellenic nation was, from its very beginning, the form of conspiracy and its aim was considered to be the shaking, by force of arms, of the interior security of the Sultan's empire.

Eighteen months after the first outburst, when the Greek soil was drenched in blood, the Conference at Epidaurus had stated with that admirable concise declaration of January 15, 1822, the true character of the struggle:

"The Hellenic *nation,*" stated the declaration, "attests to heaven and earth that it exists".

And yet, the powerful ones of Europe, who had assembled in Verona, closed their ears

stubbornly to the cry of Greece who was struggling in vain to convince them that her fight was different and that its ideological basis was a completely distinct one.

It is worth mentioning here the contents of the mandate signed by Athanasios Kanakaris, then vice president of the legislative body—a message to the assembled monarchs of Europe in Verona. This message was brought by Andreas Metaxas, the Bishop Germanos of Paleon Patron, and the son of Petrobay Georgakis Mavromihalis. The message stated:

"Twice, from the beginning of the war, Greece raised her voice, requesting aid and understanding from Christian Kingdoms of Europe, or demanding, at least their neutrality in her present holy struggle.

"Rivers of blood have flowed to date, yet the flag of the lifegiving cross waves unfurled over the fortresses on all the mainland, in all parts of Epirus, Thessaly, in Crete and in the islands of the Aegean Sea. The temporary Greek Government hastens to announce by this declaration, that it shall never accept any treaty, no matter how beneficial it appears, unless proper audience is given to her lawfully dispatched ambassadors".

But those "lawfully dispatched ambassadors," as the declaration called them, never reached Verona. The mighty ones who conferred there—and they were not few: 2 emperors, 3 kings, a cardinal, 3 foreign ministers, 20 ambassadors, and 10 secretaries of state—blocked the road to those bringing the paper drenched in blood, which contained the great and glorious message from Greece.

Pope Pius the VII, to avoid displeasing the conference and fearing even for his own safety which he believed was threatened by the Hellenic movement and the ideas that it represented, stopped the Greeks at Ancona and forced them to turn back, unsuccessful, to Greece.

Back, also, turned the message which emanated from the inner depths of the pure Hellenic soul—a soul which naively believed that the European Monarch should see more clearly the justice which was as great as her 3,000 year history.

Three times the message spoke of the *Hellenic nation;* three times it asked for justice, liberty, equality, and independence, not for individuals, but *for the nation;* three times it formulated a *new idea* which was destined in a short while to shake all of Europe and to constitute an ideological lever to reshape the political camp of the Continent.

"The Hellenic nation attests by heaven and earth that it exists."

Vibrant nations may not, alone, create the historical moment. In fact, they may appear at times to contradict the course of history. And yet, whether it is obvious or not, in reality they express the tendencies of their time.

The Greek uprising of 1821 was from this point of view, a preamble to history. It was the morning song of the new concept of nationalities which resonated in the eastern basin of the Mediterranean and the Balkan area. It was the early expression of that which, by historical necessity was destined to become, shortly, common conviction, truth and law. For 3,000 years the sacred task of Greece was such: to precede, not to follow the search, never resting, never being satiated, never quenching its thirst from the fountainhead of life. Within her, unceasingly blow the winds of freedom and of creation, and her heart is flamed from the quest of a new idea.

In spite of her being enslaved and insignificant, she was the first to feel through the unerring sensitorium of her aliveness, the deepest significance of the historical moment which was ripening in the 18th century.

The seed which flowered the spring of 1821 on Hellenic soil was a strange seed because it was sowed without being born from the same flower, because it was new—of the first origin—like the creation itself.

We said that vibrant nations perhaps do not mold the historical moments, but they express them. *This was the deeper meaning of* 1821.

The Hellenic revolution was not only a movement of a proud nation, a movement toward human freedoms, it was something more. *It was the expression of a new idea* which had not yet become a conviction, and which was soon to light fires on all European soil.

It was the sweet dawn of a new concept—the nation. This concept originated from the realization of the value of the common historical ties; it brought recognition of ethnic identity; it made possible the renewal of the political architecture resulting in reshaping the balance of powers before the new historical quests.

We said that it stemmed from the realization of the value of the common historical ties. Thus history was becoming the recollection of a nation and was transformed from a sterile teaching to a live thread which tied the generations together—which tied the present with the past and which made possible a new outlook on the future.

It also brought forth recognition of the *concept of ethnic identity* for this period which was seeking new political shapes and new philosophic and social foundations in view of the unraveling of the 18th century world. The idea of ethnic "identity," in broader meanings, became a valuable asset, which helped greatly, as we know, in the building of the new Europe and of the world to come.

In 1453, Byzantium, a state, was conquered and its people enslaved. In 1821 a *nation* rose in its place united as one body. A nation that leaped automatically, that became conscious of itself as from historical premonition and which sealed prophetically, with its blood, not only the boundaries of its own country, but the new map of Europe.

We can be proud of the Greek Revolution not only *as Hellenes but in general, as human beings.* For with her flame she melted the bonds which held prisoner, the anonymous units within the morally or historically unjustified state boundaries, and paved the way toward the validation of the moral unit which is the nation. And this was, for that era, progress and gain for the entire human race.

We can be proud of the Greek Revolution as human beings, because I believe that this is the measure by which we must judge the true value of historical events, since no conquests and no victories have any meaning or substance over the human being and beyond it.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

ACTION NEEDED TO PREVENT AIRCRAFT HIJACKING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. RODINO. Mr. Speaker, we have all been shocked by the recent piracy and destruction of four planes in the Middle East last week. Fortunately, most of the passengers are now safe, but for a considerable time their lives were in jeopardy and the fate of the remaining 55 hostages is yet unknown. It is imperative that we take all feasible action to halt the senseless hijackings that are increasingly endangering air travel. I was heartened to note that the President has ordered sky marshals to travel on our international flights and the expanded use of antihijacking detection equipment at airports. These actions are similar to those I am recommending in legislation to be introduced this week. However, international action is essential to solve this problem, and I continue to urge that the President seek international agreements to impose sanctions against countries which shelter individuals or organizations that perpetrate armed attacks and seizures of aircraft. I was very pleased to note that the two fine daily newspapers in my home city of Newark, the Star-Ledger and the Newark Sunday News, both recently published editorials calling for strong action to meet the hijacking situation. For the information of my colleagues, I include the Star-Ledger editorial of September 12 and the Sunday News editorial of September 13 in the RECORD at this point:

[From the Star Ledger, Sept. 12, 1970]

SKY MARSHALS

The President's decision to have armed security guards on U.S. international flights is an unfortunate but necessary move. It is an action that has been forced by the wave of unspeakable aerial piracies by Arab terrorists who have seized 280 passengers and are holding them hostages.

The ordeal of the passengers on the four planes hijacked by Arab guerrillas underscores the urgency of taking counter-measures to forestall similar incidents in the future. The fanatical air pirates have been buoyed by their past successes; their criminal acts have demonstrated the political profitability of hijacking.

The latest hijackings have raised serious doubts that abject submission constitutes the most practical way of assuring safety of passengers. In the five hijackings pulled off the past week, the criminals were thwarted in only one instance, when the crew and security guards aboard an El Al Israel 707 resisted, killing one Arab commando and seizing another.

As it turned out, the passengers on the El Al plane fared much better than those on the other hijacked airliner because of the heroic action in fighting off the guerrillas.

Supine surrender no longer makes sense in these political aerial piracies: non-resistance was prudent in previous hijackings where planes were forced to land in countries governed by international law. They were permitted to depart with passengers and crew; this has not been the modus operandi in the four political hijackings pulled

off by Arab terrorists, who are using the hostages as pawns to barter for the release of guerrillas held by Israel.

The use of highly-trained "sky marshals" to protect American citizens and property in the airways is completely justified by the circumstances. It has been done by the Israeli government with considerable success, and there is no reason why the U.S. should not take these security measures. Unarmed planes on certain international flights are easy prey for terrorists; in fact, they encourage these fanatics to continue this political blackmail.

Sanctions also should be imposed against Arab nations, boycotting international flights to these countries until firm assurances have been given that these potentially murderous acts will be halted. These Palestinian extremists could not hijack airliners without the covert connivance of Arab governments, who are in a position to curb these incidents if they chose to act with firmness.

[From the Newark Sunday News, Sept. 13, 1970]

COMBATING PIRACY

President Nixon's decision to place armed guards on American planes is a welcome step toward combating the heinous air piracy that imperils the lives of innocent travelers and strikes at an important foundation of world order.

The presence of federal grants on international flights and some domestic runs will not of itself eliminate the threat of hijackings, whether by members of extremist groups or by demented individuals. But it will at least serve as a deterrent and as a means of thwarting hijacking attempts once under way.

While the potential dangers of a gun battle aboard an aircraft cannot be minimized, they clearly are outweighed by the risks of continuing to allow air pirates to operate unimpeded. Moreover, the White House has provided assurances that only "very sophisticated, highly trained, mature men" will be assigned security duty, thus reducing the chance of a midair disaster.

Nevertheless, apprehension of would-be hijackers before they are able to board planes remains the ideal course, and to this end President Nixon has ordered expanded use of electronic detection devices at airports. Both the Federal Aviation Administration and the Air Transport Association—the organization of the nation's scheduled carriers—contend that such equipment has contributed to a marked drop this year in the frequency of hijackings in the United States. In combination with extensive baggage checks and efforts to detect behavioral traits often exhibited by hijackers, the additional equipment should prove an important asset in the future.

Yet, for all the obvious advantages of armed guards and electronic surveillance, they are essentially national, and therefore limited, remedies for an international malady. Only when the nations of the world are prepared to band together in an air boycott of those countries that harbor and encourage terrorists will there be any chance of striking at the heart of the menace.

In recognition of this fact, the President has called for such a boycott and also has urged implementation of an international treaty providing for the punishment or extradition of hijackers.

This long-overdue measure, endorsed by the International Civil Aviation Organization last June but sidetracked by opposition from Arab countries, has the firm support of the Air Transport Association.

As events of the past week vividly have demonstrated, it is high time that it become operative and that nations refusing to subscribe to it be ostracized from the international aviation community.

B. & W. PLANT TOWNS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. BROOMFIELD. Mr. Speaker, it has become increasingly apparent to me that the future of America lies neither in its cities nor on its farms, but in the imaginatively planned and financially secure communities located between them.

One such community is Rochester, Mich. I think Rochester will prove a model after which more and more of our suburbs will be patterned.

Generator magazine, a publication of Babcock and Wilcox Co., has included in their issue for July and August a fine description of Rochester. I insert at this point in the RECORD their excellent article.

TWELFTH IN A SERIES ON B&W PLANT TOWNS

To the men and women of our Automated Machine division's Detroit Broach & Machine unit, Rochester, Mich., is an exciting place to work and a pleasant place to live.

The people of Detroit Broach supply three principal products—broaches, broaching machines and tracer lathes—to many important industries, and our people feel it's satisfying to be part of the growing, dynamic machine tool industry.

The Rochester people boast that they live in an attractive residential community, close to two spheres of recreation—the sophisticated culture, music and theater of Detroit and the hunting, fishing and boating of the Upper Michigan Peninsula. Rochester, located on M–150 in the heart of the Bloomfield Hills, is only 45 minutes drive north of downtown Detroit, and several hours drive to the five-mile Mackinac suspension bridge across the Straits of Mackinac to the sportland of the Northern Peninsula. Closer to Rochester, in Oakland County, there are more than 200 lakes.

The first permanent settlement in Oakland County was made at the present site of Rochester in 1817. The first settler, James Graham, became familiar with the Indian language and often served as an interpreter. There were several families of Chippewa Indians in the area and they helped clear the land and worked the farm land for the white settlers.

Most of the settlers came from western New York state, and the settlement was named after Rochester, N.Y.

The village remained under the general government of the township of Avon until 1869 when it became an incorporated village. It became a city in 1967.

Several industries settled in Rochester around the mid-1800's, and the Detroit United Electric Railway was built through Rochester in 1898. The electric railroad gave fast passenger and freight service to Detroit. One of the railway's steam generators provided electricity for homes and stores in Rochester from 6 a.m. to 12 midnight on weekdays and until 1 a.m. on Saturdays and Sundays. This system was purchased by the Detroit Edison Company in 1922 and is still serving the area.

Although generally considered a residential community, Rochester has in its area such industries as Parke-Davis Experimental Farms, National Twist Drill and Tool Company, the Detroit Broach and Machine unit of B&W and Control Data Corporation. And the nationally known home of the Leader Dogs for the Blind is in Rochester.

Gustav von Reis founded the Detroit Broach and Machine Company in 1934. The company became widely known in the machine tool industry, and was acquired by B&W in 1966. Together with W. F. & John Barnes of Rockford, Ill., and Century Detroit it forms the Automated Machine division.

The Rochester Community Schools comprise nine elementary schools, two junior and two senior high schools. More than 25 churches of various denominations serve the spiritual needs of the 7,000 residents.

VETERINARY MEDICINE'S CONTRIBUTIONS TO OUR HEALTH

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ROGERS of Florida. The United States today is undergoing a health services crisis. The present health care delivery systems are expensive and frequently inadequate. Too little is being done to prevent illness. A tremendous health manpower shortage is mounting with no visible end in sight, unless the Nation redirects its budgetary priorities.

Total shortages of allied health professionals, nurses, doctors, dentists, pharmacists, optometrists, podiatrists, and veterinarians have been estimated by the Public Health Service at a level of almost 500,000. The total budget request for health manpower for 1971 is $242,234,000—approximately one-half of the congressional authorization of $417,500,000.

It is estimated that the Nation presently needs 36,000 veterinarians. We have only 26,000—a shortage of at least 10,000 veterinarians in the United States.

The veterinary medical capability of the Nation must be expanded to meet current and near-future demands for services. Conservative estimates indicate the need for 40,000 to 45,000 veterinarians in the United States by 1980. Obtaining that number and maintaining it will require twice as many new veterinarians, each year, as are currently graduated.

Veterinary medicine, with its 26,000 professionally active veterinarians, is one of our major health professions. Its contributions to man's health and well-being include helping to assure an adequate supply of food of animal origin; evaluating and reducing the hazards of environmental pollution; assuring safe, wholesome food; developing of medical care techniques and methods; and controlling infectious diseases.

Veterinary medicine is a vital force in the maintenance and improvement of the health of man. To meet the future need for veterinarians, we will have to make marked increases in the enrollment in the present colleges of veteri-

nary medicine and establish several new ones. Continued Federal assistance to the colleges of veterinary medicine is important in assuring an adequate and effective health manpower capability.

Mr. Speaker, I now insert in the RECORD two letters from two distinguished leaders in the veterinarian profession, Dr. Erskine V. Morse, past dean of Purdue University School of Veterinary Science and Medicine and present professor of Veterinary Medicine and Environmental Health, and Dr. Frank A. Todd, Washington representative of the American Veterinary Medical Association. These gentlemen have done an excellent job in promoting the cause for veterinary medicine and in pointing out many of the scientific activities in which veterinarians are playing an important part. The letters are as follows:

AUGUST 27, 1970.

Hon. PAUL G. ROGERS,
Rayburn Office Building,
U.S. Congress,
Washington, D.C.

MY DEAR CONGRESSMAN ROGERS: Your interest in, appreciation for and support of the veterinary profession are well recognized. Veterinarians are making contributions in two current nationally significant areas—environmental health and preventive medicine. Awareness of our impending environmental crisis is receiving worldwide attention and concern. Your own dedicated support in the Congress of environmental health and preventive medicine needs to the benefit of all of our people is a matter of record.

The re-emergence of cholera (Russia and the Middle East), diphtheria (Texas), and bubonic plague (New Mexico) presents grave problems. The resurgence of these disease antiquities stresses that we cannot be complacent where preventive medicine is concerned. In the past veterinary expertise has been involved with and contributed to public health knowledge involving these three scourges.

The Doctor of Veterinary Medicine (DVM or VMD) is a required and significant member of the health sciences team in teaching, research, and public service. By 1980 we anticipate a shortage of at least 6500 DVM's. Past experience and projected estimates indicate that the U.S. should have approximately 17.5 veterinarians per 100,000 population. We can meet this goal only if adequate federal support to veterinary medical education is continued. The assistance provided under "Title VII, Health Manpower Act of 1968" initiated many needed and beneficial programs. Since contributions of the profession have been acknowledged as a part of the total medical sciences effort, veterinary medicine should be included in forthcoming legislation relating to Medical Education Assistance.

I have taken the liberty of presenting documentation and statements delineating the past and possible future responsibilities and contributions of veterinarians in solving our nation's problems in environmental health and preventive medicine:

ENVIRONMENTAL HEALTH

The current environmental crisis will not diminish nor "go away" due to wishful thinking. The situation is of man's own making and irresponsible past and continuing actions. A basic behavioral pattern practiced among the lower animals, and largely ignored by man, is expressed as an admonition in the old cliche: "Don't foul your own nest or den!" The total environment—land, streams, lakes, oceans, and air—represents the "den or nest" of the human race. We have approached the brink of pollution due to the world's population explosion with its accompanying food shortage, consumer demands and trash surpluses. Worst of all, we do not know the true state and impact of all the implied and actual consequences which we read and hear about daily in all news media. The recent "nerve gas" fiasco emphasizes the extent of our utter confusion and widening credibility gap. Obviously, damage was done; but where? what? and how much? These questions will no doubt remain eternally unanswered. One fact *is* crystal clear: We *cannot* continue the past complacency nor afford the luxury of our questionable and irresponsible disposal systems in an already overburdened environment.

Environmental studies represent a great opportunity for a broad, truly interdisciplinary approach or meeting ground of medical, biological, agricultural and social scientists. Veterinary scientists are currently active in many key phases of animal waste disposal; air pollution; pesticide, herbicide, and drug toxicity; water pollution; noise abatement, and aquatic animal health. Veterinarians can play focal and pivotal roles in bridging gaps in comparative medicine, ecology and toxicology. The Doctor of Veterinary Medicine, by his educational background, training and experience, is qualified and skilled in tackling matters relating to both medicine and agriculture. The problems are not simple, for they may involve insect vectors, wildlife, livestock, pet animals, aquatic creatures as well as man. We have many challenges and opportunities to change or alter the course of our impending environmental crisis. Veterinary medicine is obtaining, and will continue to find, solutions while working individually and cooperatively with other scientists. The need is apparent and the challenges multiply each day!

Americans are meat eaters; our individual consumption averages 238 pounds per year. The total number of U.S. cattle has been increasing at about twice that of our human population. Livestock and poultry manure, once valued as fertilizers, now present a horrendous waste disposal problem of nearly 2 billion tons per year. The magnitude of this waste is clear when we consider that: wastes from 5 million feedlot cattle represent equivalents from 50 million people; 7 million dairy cattle equate to 105 million persons, 10 million hogs represent 10 million human beings, and 100 million laying hens produce wastes equal to that of 10 million people. One feed lot containing 50,000 cattle, and there are such operations, has a waste disposal problem equal to that of a city of 600,000 population. The gigantic 3000–8000 head feedlots and the million bird poultry production units accentuate the problem by concentration of manure wastes in extremely small areas. The resultant soil, water, and air pollution are no secret to even an urbanite. Re-cycling wastes, i.e., to cropland and pastures and refeeding are possible answers. Protein-rich poultry waste can be processed and fed to swine, cattle, and poultry. Any method must be checked and evaluated to protect human and animal health, control insect pests and vectors and to ascertain suitable ecological, physiological, nutritional, and toxicological parameters.

Therapeutic and growth stimulatory feed additives as well as herbicides or pesticides in forage may be passed in the feces and urine of livestock. Some of these chemicals or their metabolic degradation products may contaminate soil and potable water supplies. Proper treatment of animal or human wastes is imperative to prevent the spread of various enteric disease agents: enteric viruses, salmonella, leptospirae, hepatitis virus, etc.

Aquatic animal health is a developing area in veterinary medicine. Activities relate to the protection of human health, husbandry and care of water fauna, as well as the use of aquatic animals as models to study normal physiology, disease processes, behavioral patterns and underwater communication. We are becoming ever dependent on the seas for protein-rich food; this reservoir will be tapped more and more to feed the hungry of the world. The aquatic environment must receive protection and not be rendered next to useless by man's pollution.

The monitoring of various environmental pollutants can be accomplished utilizing fish, birds, and animals. It has been found that city pigeons' feathers contain more lead than those of their rural cousins. Evidences of fluoride, lead, and arsenic poisonings are found in livestock near smelting operations. High concentrations of mercury and DDT have been found in fish and shellfishes raised in industrially and agriculturally contaminated waters. Dogs, cats, rats, mice, squirrels, sparrows and pigeons might well be studied as monitors for and predictors of many common urban pollutants. We can well utilize animals in our pollution surveillance systems in both the city and farm. A smog in Smithfield, England, in 1873 affected one-third of the cattle at a livestock exhibition. Many animals were slaughtered to salvage their meat. In 1952 a similar incident occurred at Smithfield. Fortunately, public health investigators looked into the occurrence and found the causal relationship between both the cattle deaths and the demise of over 4,000 people during that seven-day smog. In October 1958, the Donora, Pennsylvania, community suffered a smog episode. Fifteen percent of the dogs was affected and one-fourth of the group died. The role and value of the canary to coal miners in monitoring poisonous mine gases is classic. We do not know enough about the effects of air pollution on cancer, respiratory, circulatory or eye disease in man and animals.

Pollens, dust, fungal spores and other particulate matter are a part of the atmosphere we breathe. Allergic reactions in man are debilitating and costly to the sufferer. Agricultural and industrial activities contribute to this problem. Particulate fallout in cities may reach 50 to 100 tons per square mile monthly. Assessment of the long-term effects on human and animal health should be thoroughly investigated.

Understanding the many facets of ecology draw upon veterinary expertise. For example, during the growth of apparently innocuous molds and fungi on cereal grains, metabolite products are produced which are toxic to livestock and man. These are called mycotoxins, and they are quite heat resistant.

The current corn blight has destroyed a portion of our corn crop—estimates of 5–25 percent are reported. The 1969 grain crop, now in storage, will be used more extensively in human and animal foods. Improper grain storage may lead to extensive mold growth. Whether or not we will find more mycotoxicosis in livestock during 1970–71 due to this chain of ecologic events remains to be seen. Veterinary researchers have studied the mycotoxicoses extensively.

Sounds can be very pleasant or annoying as we well know. The quality, intensity, or interval of noise produces hormonal changes in animals. Performance, behavioral patterns and general health may be affected. We do not know the impact of sound on existing diseases or the role of noise as inciting factor for future maladies. Noise, as a stress, may influence the development or course of cancer, physiologic diseases, or even infectious processes. Studies involving livestock, wildlife, and pets which embrace the basic sciences of veterinary medicine may yield significant answers.

Many poisons have a cumulative or additive effect. The body tends to retain and build up concentrations of the compound. The toxic effect is, therefore, chronic. Consideration should be given to combinations of disease causes and environmental stresses and pollutants, i.e., mycotoxins and cancer or

vitamin deficiencies; air pollution and respiratory or circulatory ailments; acute and chronic infections combined with noise; sublethal levels of metal or organic poisonings and cancer or deficiency diseases, etc. The possible combinations are limitless; the paucity of knowledge is very apparent and must be of real concern.

Veterinarians are becoming active and are direly needed on the environmental health team. They have already made important contributions to our knowledge of toxicology, pathologic physiology, and the broad areas of public health. More veterinary manpower will be required in teaching, research and public service during the next decade. An interdisciplinary environmental health team approach, which will include veterinary expertise, is required if we are to solve the pressing problems confronting us in industry, agriculture and medicine.

PREVENTIVE MEDICINE

The health and well being of both man and food-producing animals during this and the next decade will be determined in a major degree by the judicious application and practice of the broad concepts of preventive medicine. There are nearly 25,000 veterinarians in the U.S. Over one third of these professionals are private practitioners who minister to and protect our $34 billion livestock and poultry industries. The USDA has approximately 2500 veterinary employees, while state and local regulatory and disease control veterinarians number 1250. Their efforts are directed towards preventing diseases, which threaten our food supply. Yet with all the dedication of these disease prevention specialists we are still incurring a 15–20 percent loss in total livestock production due to disease. Preventive medicine is costly to the industry and the consumer. However, "living with a malady" is even more economically unsound and devastating should the infection flare up in epidemic proportions. Eradication or elimination of a given disease has proven the best long range course of action. Such has been well demonstrated and proven as in the cases of foot and mouth disease, bovine contagious pleuropneumonia, cattle tick fever, and vesicular exanthema in swine. Stringent national and state cooperative programs in regulatory veterinary medicine are moving towards eradication of bovine tuberculosis, brucellosis, hog cholera, screw worms of cattle, and pullorum disease in fowl. Regulatory veterinary medicine is in reality preventive medicine. The first aim is *control*, while the ultimate goal is *elimination* of disease.

As our livestock production units become larger (5,000 beef cattle or pigs on feedlots and up to 50,000 laying hens or broilers in a single house), infectious agents will have maximal opportunity to wipe out entire herds or flocks in *days—not weeks*. Even the most efficacious treatments will be of little immediate value in preventing the spread of an agent in populations numbering thousands. Recently, "bootlegged" turkey blood, contaminated with Newcastle disease virus, was used to "vaccinate" chickens for Marek's disease. Some 100,000 birds were directly involved with a potential threat to many more; death loss due to the contaminating virus was 100 percent. Properly regulated and controlled movement of vaccines and biologicals is a definite statutory responsibility of regulatory veterinary medicine.

Veterinary research is classically directed toward prevention of disease through studies involving accurate diagnosis, transmission patterns, common hosts, wild-life reservoirs as well as insect vectors. Immunization or vaccination to protect animals against a given agent receives special emphasis. If these basic facts are not known and established, treatment may be a superfluous, and even a bit late to control or prevent future outbreaks.

Prevention of the over 200 zoonoses, i.e., those animal diseases transmissable to man, is imperative. Livestock, companion animals, or pets as well as wildlife serve as reservoirs or infection sources. Rabies is well known to the layman. The role of the dog in the infection-chain is common knowledge; cattle and swine also make their contribution in the spread of the disease. Both insectivorous and frugivorous bats disseminate rabies to susceptible hosts *via* their urine. The most significant and uncontrollable reservoirs, however, are our wild animals—foxes, raccoons, skunks, etc. Tuberculosis, leptospirosis, brucellosis, fungal infections, tularemia, botulism, ornithosis, trichinosis, protozoan parasites and tapeworm infections all have received veterinary research attention to the benefit of preventing transmission to man.

The inspection of meat, dairy and poultry products by 2600 veterinarians of the USDA, FDA, U.S. Air Force, and U.S. Army is well documented, and yet sometimes overlooked as a contribution to preventive medicine. The application of veterinary knowledge through monitoring and inspection protects consumers' health against agents of disease, toxic materials, and noxious adulterants. This activity is purely and simply preventive medicine to the benefit of the American consumer.

Cornerstones in the history of preventive medicine are the result of the studies utilizing animals and their diseases as models. A few of the major contributions of the past have been:

Jenner's discovery in 1796, that attacks of "milker's nodules" produced immunity to human small pox.

Zinkle's finding (1804) that sputum of rabid dogs transmitted rabies to susceptible hosts.

Koch's experiments (1876) with anthrax which established bacteria could cause disease.

Pasteur (1880) produced the *first* successful bacterial vaccine. It protected sheep against anthrax.

Bollinger's (1877) demonstration that fungi could be infectious agents; his studies with lumpy jaw of cattle established this fact.

Griffith Evans in 1880 demonstrated that protozoa were capable of infecting higher animals. Surra of horses and camels served as an example.

Veterinarians, through their own researchers and investigative efforts, have added materially to our progress in preventive medicine. A few examples are:

1. Benesch developed spinal anaesthesia.

2. Tabourin devised the hypodermic (needle) injection technique.

3. Ramon formulated immunizing techniques with his toxoids—particularly those of tetanus and diphtheria.

4. Chauveau catheterized the living horse's heart and paved the way for the successful use of the technique in human surgery.

5. Schofield recognized the anti-coagulant properties of dicumarol while studying "sweet clover disease of cattle." The discovery has prolonged life of heart disease patients and prevented heart attacks. Dicumarol is also the active ingredient in the "rat poison", WARFARIN.

6. K. F. Meyer was instrumental in solving many of the problems of botulism, a deadly poison, to the benefit and success of the American canning industry.

7. T. N. Spencer advanced the hypothesis that canine "black tongue" and human pellagra had the same cause. Elvehjem, a biochemist, proved him to be correct. The disease is due to a niacin deficiency and can be prevented.

8. Maurice Hall discovered the value of tetrachloroethylene in the treatment of canine hookworms. Other researchers found the drug efficacious in treating and controlling human hookworm.

9. Alfred E. Earl found that reserpine had tranquilizing effects in laboratory animals. He thus laid the basis of studies on tranquilizers in animals and man.

Over one half of the U.S. veterinary profession, either directly or indirectly contributes to human health and preventive medicine through their activities in livestock practice, regulatory disease control, food inspection, and research. We do not have enough veterinarians to staff adequately the current consumer protection programs.

Thank you, Congressman Rogers, for your assistance in the furtherance of modern veterinary medical education. The support and understanding which you and your congressional colleagues give our profession will also materially strengthen the nation's total endeavors and programs in environmental health and preventive medicine.

Sincerely yours,

ERSKINE V. MORSE, D.V.M., Ph. D.,
Dean, Purdue University School of Veterinary Science and Medicine.

SEPTEMBER 8, 1970.

HON. PAUL G. ROGERS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ROGERS: The following will provide information on the relationship and growing role of the veterinary medical scientists, teachers and professionals in the discovery and application of the facts of living processes in man's health and disease.

More and more, bits and pieces of information that together form the mosaic of our medical knowledge are being acquired from all forms of life, including plants, and all members of the animal kingdom, encompassing the simplest forms to the most complex. The lines of demarcation are once again dissolving into a single, continuous stream of one medicine, as was expressed by such medical greats as the pathologist Virchow, in the late 19th century. The M.D., who is trained in all of medicine concerning man, and the DVM–VMD, who is trained in all medicine involving animals other than man, together form a melding of the sciences and the practice of one medicine today. This is increasingly apparent through the participation and involvement of the veterinary-medically trained practitioners, scientists, and teachers in the human medical communities throughout this country.

Veterinary medical graduates are serving in judging the scientific validity of medical research proposals and training proposals supported by granting agencies of our government. They are collaborating as scientists and co-investigators with human physicians in the study of health and disease, as it relates to problems in man. They, further, are serving as faculty members, in teaching the comparative aspects of biology and medicine to students and graduates of human medicine, to broaden the base of the latters' experience and insight into life's processes.

Veterinary medical graduates are developing and collaborating in the development of clinical procedures, equally useful in the diagnosis of diseases in man, as well as other animals, and the development of instruments and devices (such as Stader splints), with direct applicability to man's service and well-being.

Because of their knowledge in comparative biomedicine (biology and medicine), the veterinary medical doctor is providing leadership and guidance to the growing number of medical scientists who are seeking to solve questions of vital importance to human medicine with animal subjects in laboratory surroundings. This is a logical and effective area of contribution wherever trained veterinary medical scientists can perform.

Dr. Dorland Davis, M.D., Director, National Institute of Allergy and Infectious Diseases, has made the following statement:

"Recent experience has demonstrated that the basic qualifications and training of veterinarians equip them to assume broader roles in research administration, and in the management of broadly-based health activities. In the past, these functions usually have been discharged by physicians. In the future, the expected shortage of physicians available for research administration and public health practice will, probably, become more acute, and provide more opportunities for other individuals trained in the problems of veterinary disease.

"Veterinary training in microbiology and in pathology, for the scientific understanding of broad health problems and responsibilities for conduct of investigations. In recent years, more and more positions of scientific management are being occupied by veterinarians, and it is almost certain that this trend will accelerate. Veterinarians in the Department, therefore, should be oriented to biomedical investigations and their application on a broad scale to national health needs."

As you know, Congressman Rogers, this nation's veterinary schools were finally included, along with other medical schools, in Federal legislation to provide grants, first for construction and, in 1968, for educational improvement. This achievement represented the culmination of a long struggle to obtain appropriate treatment of veterinary medicine as a medical profession, with direct interest in, and concern for, human health.

An obvious benefit for the public, from further supporting education and development of veterinary medicine, lies specifically in nutrition. An adequate diet is a basic factor in good health.

Undernourishment, in general, refers to an inadequate intake of energy, i.e., calories, while malnutrition may result from many and varied nutritional imbalances or deficiencies. The most important, by far, however, is protein malnutrition.

Protein deficiency particularly affects young children and pregnant and lactating mothers. An important consequence of protein deficiency is the impairment of the health, vigor, and efficiency of future generations.

The nutritive value of dietary protein depends as much on its quality as the total amount present. The prime sources of the best proteins, those having the highest biological values, are foods of animal origin, i.e., meat, milk and egg products. Animal products are, also, rich in other essential nutrients.

The veterinarian is an important protector of that portion of our food supply that comes from animals. While the United States has only 6% of the world's population, it consumes 29% of the world's meat. Many factors enter into the reason for this abundance of animal and poultry products.

One of its traditional and highly valued functions of veterinary medicine is its service to animal agricultural in protecting the health and productivity of food-producing herds and flocks, an over $50 billion industry. The American housewife is provided with an abundant, wholesome and economical supply of meat, milk and eggs, probably unmatched by any other country in the world.

There is a shortage of veterinarians—not just for private practice—important though this is to the immediate health of our food-producing animals—but a shortage, also, in education, research, livestock disease control, and public health.

With the current great need for improved health services for the citizens of this country, it is necessary to utilize all of the health personnel available. It is recognized that there is a shortage of such personnel and that measures must be taken to increase our capability for the training of these individuals.

Trusting this information will be of assistance to you in your continued interest in the nation's health problems, I am

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative, American Veterinary Medical Association.

REFORMING THE REGULATORS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ROSENTHAL. Mr. Speaker, on August 11, 1970 Philip Elman, Federal Trade Commissioner, gave the following paper before the American Bar Association, Antitrust Section, St. Louis, Mo. This paper entitled "The Regulatory Process: A Personal View," makes a very convincing case for the "radical structural reform," of our independent regulatory agencies.

Without a doubt, Mr. Elman states:

The theory underlying the independent regulatory commission was original and brilliant. . . . It is almost a century, however, since the Interstate Commerce Commission, the grandfather of the federal agencies, was created in 1887. We must now look to experience more than theory.

Elman attributes the chronic unresponsive and basic deficiencies in agency performance, to outmoded structure. This structure must be reformed, these agencies must be made more visible to the public, and more responsive to the public interest. It is time, he says, to examine these agencies, and adapt them to "changing social and economic conditions."

The points Commissioner Elman makes are well worth our consideration.

The text of the paper follows:

THE REGULATORY PROCESS: A PERSONAL VIEW

(By Philip Elman, Federal Trade Commissioner)

I appreciate very much your invitation, as I leave government service after more than 31 years, to express a personal view of the regulatory process, particularly in relation to the agency I know best—the Federal Trade Commission.

I came to the Commission in 1961 with the strong encouragement of Justice Frankfurter, who during our long friendship had instilled in me his profound faith in the administrative process. Indeed, no one ever came to an agency more convinced that the independent regulatory commission had an essential and important place in government; that its theory and structure were basically sound; and that, while reforms were necessary, they could be achieved simply with better men and better management. I went to law school in the late 1930's, when the New Deal agencies were in full flower. I learned about administrative law from such men as James M. Landis and Calvert Magruder, as well as Felix Frankfurter. As a government career lawyer, my work brought me in close contact with the federal agencies. In the Solicitor General's Office, where I spent 16 years, I argued or briefed hundreds of cases defending government agencies before the Supreme Court.

Thus, it was not unnatural that the only "instructions" I should receive when I was appointed to the FTC were that President Kennedy expected me to be "the lawyer" on the Commission. To others this might have seemed rather vague; but I knew precisely what was meant, and never forgot it. For, as I said in my first speech as a Commissioner, "Lawyers are supposed to be experts in the administration of law, experts in the art of getting things done and in ways that are fair and just. And lawyers in government, especially, become inescapably involved in that most challenging process: the attainment of justice through legal institutions administered by men".

I have burdened you with this long preface so that you will know that the view of the regulatory process which I express is that of a friendly critic-in-residence, whose perspective has perhaps been distorted by being too close to the scene.

Today, when all institutions of government are being found wanting, none has been more criticized and less responsive to such criticism—than the independent regulatory commission. With monotonous regularity, studies and reports appear in an unending procession, all saying essentially the same things. While the criticisms cover a very broad ground, the most fundamental deficiency has been found to be the agencies' chronic failure to fulfill their unique quasi-legislative function of developing and implementing regulatory policies responsive to public needs and the public interest. With each new study and report, there is the same ritual call for better appointments and improved administration. Yet the agencies go on essentially unchanged and seemingly undisturbed, with little evidence of basic improvement in performance.

Without a doubt, the theory underlying the independent regulatory commission was original and brilliant. It emphasized the agency's independence; its ability to bring expert judgment to bear upon technical and complex economic issues; its insulation from political partisan control; its capacity to provide both continuity and flexibility of policy; and its blending in a single tribunal of a wide range of powers and functions, from general rule-making to case-by-case adjudication, permitting the agency to exercise broad discretion in choosing the best tool for dealing with a particular problem.

It is almost a century, however, since the Interstate Commerce Commission, the grandfather of the federal agencies, was created in 1887. We must now look to experience more than theory. And, like Louis Hector and Newton Minow before me, I have come to the view that the chronic unresponsiveness and basic deficiencies in agency performance are largely rooted in its organic structure and will not be cured by minor or transient personnel or procedural improvements.

Experience shows, I believe, that the independent multimember regulatory commission suffers from the defects of its virtues. Independence, collective deliberation and decisionmaking, and fusion of powers and functions in a single agency, are all useful values in the administrative process; but we have pushed them too far, relying too much on the pure simplicities of the original theory and neglecting the lessons of actual experience. It is time for radical structural reform.

II.

At the outset, let me make a preliminary general observation. The public suffers from too much of the wrong kind of regulation. Broadly speaking, government regulation is necessary and justified only when it serves the *public* interest, not the special interests of private groups or industries. While the lines of demarcation are not always sharp and clear, we should recognize that preservation of the environment, and protection of the health and safety and other essential interests of the public, are proper objectives

of government regulation; shielding businessmen from the risks of competition and the marketplace is not. So-called "infant" industries may perhaps need a helping hand from government for a short time; but we should not go on sheltering and subsidizing them forever in the guise of protective regulation. The present transportation mess is an obvious example of what results from misguided regulation. Regulatory institutions should not be allowed to develop permanent lives of their own, impervious to changing conditions and needs. Existing and proposed regulatory programs should constantly be reexamined, and, to the maximum extent possible, competition should be established and maintained as our national economic policy—in fact as well as in rhetoric.

Another basic point which seems to have been disregarded is that the regulatory agencies were created in order to redress those injuries to the public which can best be remedied by administrative action. Where only private interests are aggrieved, the proper remedy is private action in the courts. A tort, whether the victim is a competitor or a consumer, is a private, not a public, wrong—and the place to seek relief is a court, not a regulatory agency. To be sure, there may be disadvantaged individuals or groups who will need—at least for a time—some kind of government help in securing effective access to the courts. But this does not justify the transformation of regulatory agencies into courts. Just as the administrative process should not be used to insulate businessmen from the rigors of a free-enterprise economy, it should not be used to relieve the courts of their duty to redress violations of private rights.

III.

Thus, there is much room for reducing the areas of agency regulation, thereby encouraging greater reliance on free competition and on private self-help through traditional legal methods. Inevitably, however, there will remain many areas in our economic life where administrative regulation is required to serve essential public needs, and where there will be continuing need for federal regulatory agencies.

In creating these agencies, Congress recognized its own inability, through self-enforcing legislation, to prescribe specific and detailed rules and regulations for dealing with complex and dynamic economic conditions. The agencies were established as continuing administrative bodies designed to keep pace with the evolution of a growing and ever-changing economy. Each of these "arms" of Congress was given—as its primary and principal assignment—the duty of developing and executing a body of subsidiary regulatory policies within the broad limits provided by the governing statute.

The agencies were designed to supplement, not to duplicate, the work of the courts. It was contemplated that an agency would sit, not like a court, as a passive and disinterested arbiter of cases or controversies brought fortuitously before it, but, rather, as the surrogate of Congress, exercising delegated legislative power to regulate commerce and affirmatively advancing basic national policies and objectives declared by statute. To that end, each agency was equipped with a broad array of flexible administrative tools, permitting a comprehensive approach to regulatory problems in their full dimensions.

According to the theory, the independence of the regulatory commission would be a source of institutional strength, insulating its members from partisan political pressures and enabling them to act creatively and boldly. Its multi-member structure would insure that agency decisions would be reached after group deliberation, providing both a barrier to hasty or arbitrary action and assurance of judicious and prudent policies. And its flexibility and fusion of powers would assure that case-by-case adjudication would be used, not in the traditional manner of the courts for the purpose of applying established legal rules to particular cases, but rather for the primary administrative purpose of developing new, wise, and informed regulatory policies responsive to changing conditions and public needs.

In each of these basic respects, however, there is a wide gap between the theory and the fact of the regulatory process.

A.

In fact, independence and security of tenure for agency members have not achieved the intended result of insulating agencies from undesirable political pressures and special interest pleading. Of course, government regulators are—and should be—subjected to external pressures and influences. But we must distinguish between those that are improper or harmful to the public, and those that are not only legitimate but necessary and desirable. It is one thing for agency members to be responsive to narrow, partisan, political or special interests; it is quite another to be attentive to, and indeed welcome, the advocacy of consumer interests and public needs. Paradoxically, independence and security of tenure tend to encourage the former and to discourage the latter. In fact, they foster, on the one hand, agency passivity and a reluctance to "rock the boat" by antagonizing powerful special interest groups; and, on the other, an attitude of complacency and indifference to those larger public concerns for which there is as yet no effective "people's lobby".

Since agency members are appointed for long terms and cannot, for all practical purposes, be removed from office, the public cannot take effective action against the regulators directly. Nor, as matters stand now, does the public blame the President for poor agency appointments and continued agency failures. Despite such failures, the public can neither do anything to remedy the situation nor find anyone to hold accountable.

As long as I can remember, Presidents have said—and have been reminded by every new study and report—that revitalization of the agencies must begin by appointing better commissioners. Yet, as Kenneth Cox said the other day in commenting on the quality of agency appointments over the years, "I am appalled by the way Presidents generally have treated the agencies." While it is indeed appalling, it should not be surprising that this is the case, and will continue to be, no matter who is President.

So long as the agencies constitute a "fourth branch" of government for whose performance no one holds him accountable, a President is under little pressure either to seek out the best qualified men or to resist political influence. It would be instructive to compare the agency members appointed over, say, the last quarter of a century with the Assistant Secretaries (or Assistant Attorneys General) chosen during the same period. Both positions receive the same pay and, theoretically, enjoy the same status and prestige. In fact, however, the caliber of appointments to the two categories is vastly different, as are the criteria for selection.

A President knows that after an "independent" agency member is appointed, he is essentially on his own; and if he proves to be incompetent or unresponsive to the public interest, the President will usually not be held at fault. On the other hand, an incompetent Assistant Secretary reflects directly on the President, his Administration, and his standing with the public. Every President incurs political obligations. The "independence" of the regulatory agencies tempts a President to satisfy a political debt to a deserving friend or supporter by appointing him to a comfortable agency berth. It is no historical accident that President Roosevelt's decision to use the FTC, not as an instrumentality for advancing his New Deal programs but primarily for political patronage purposes, coincided with the Supreme Court's ringing declaration of agency independence in the 1935 *Humphreys* case.

Contrary to the original theory, independence is a source of institutional weakness, not strength, and tends to discourage creative and courageous regulation in the public interest. Independence means that an agency lacks a constituency, a power base, and the backing of the President. Without these, the agency will stand naked and alone when it takes controversial action impinging on powerful private interests—as the Federal Trade Commission discovered when it promulgated its Cigarette Labeling Rule in 1964. Independence nourishes institutional timidity and fear of those who may use their political or economic influence to take reprisal action against the agency, reducing its powers or cutting its appropriations.

Another consequence of carrying the concept of independence too far is that it impedes the development of comprehensive and harmonious national policies in such broad areas, for example, as transportation, communications, and trade regulation, where a single agency's responsibility covers only part of the field. In these areas we should not let the abstract notion of agency independence interfere with the President's constitutional power and duty to take care that the laws enacted by Congress are faithfully exectued; that the various agencies concerned do not neglect their statutory responsibilities; and that the specific regulatory policies followed by each of them are complementary and coordinated with basic national goals.

B.

Turning now to its multi-member structure, experience shows that this produces a dangerous depersonalization and invisibility of agency activity. When the public is only dimly aware of an agency as a distant and impersonal institutional entity, when one man cannot clearly be identified as responsible, who is there to hold accountable for the agency's shortcomings? Group deliberation and decision-making also engender unnecessary delay as well as indecisiveness, compromise, and the expedient of solving difficult and controversial problems by waiting for them to go away. As everyone with agency experience knows, its multi-member structure is a substantial and frustrating obstacle whenever swift and incisive regulatory action is required.

C.

Finally, as a device for developing regulatory policy, case-by-case adjudication of alleged violations of law has proved to be inefficient and ineffective, and, in many cases, unfair. Litigation is an excessively slow, expensive, clumsy, and inadequate process for resolving technical and complex economic issues. Yet, agencies like the Federal Trade Commission—staffed as they are by lawyers whose training and experience make them feel most comfortable with procedures drawn from the courts—continue to rely on adjudication as policy-making technique where other quasi-legislative methods, principally rule-making, are far more efficient, expeditious, and advantageous to the public.

On the basis of my own experience and observations, the strongest argument I would make against agency adjudication of alleged violations of law is that the blending of prosecutorial and adjudicative powers in a single tribunal imposes intolerable strains on fairness. The problem of avoiding prejudgment, in appearance or in fact, constantly hovers over all agency activity, and is troublesome to agency members in almost every kind of action it takes. It can arise in the most subtle as well as obvious forms.

Consider, for example, the so-called test case where the agency issues a complaint in order to establish a new legal principle or

remedy—precisely the "Rule in Shelley's Case" type of adjudication which agencies have been urged to undertake as an essential and proper method for developing new regulatory policies. Agency members frequently take an active part in the pre-complaint investigative and prosecutorial phases of these cases; and the complaint is usually issued with the knowledge that, because of the novelty and importance of the issue, it will be fully litigated and be back for adjudication on the record. When such a test case does come up on appeal to the agency members, while there is no bias or prejudgment of guilt in the classic sense, there is an inescapable predisposition in favor of the agency position, as set forth in the complaint. After all, the whole point of starting a test case is to let the case go forward into the reviewing courts, where the issues may be finally settled. To put it bluntly, once such a complaint is issued, one should ask for long odds before betting against issuance of a final order. While a test case may be and usually is vigorously contested, the result—at least in the agency phase—is likely to be a foregone conclusion.

Indeed, in such a case an agency member may vote for an order not because he is personally convinced that there is a violation of law but because he feels, perhaps in an excess of humility, that since it *is* a test case involving a doubtful or unsettled question of law, his duty is to find against the respondent so that the case may go on to the courts for definitive resolution. This Catch-22 process may reach full fruition when conscientious judges on the reviewing court affirm the agency ruling, whatever their own doubts about its merits, because they feel obliged to defer to the agency's expert judgment and discretion.

There are other institutional factors that intrude upon fair and impartial agency adjudication. Theoretically, when an agency member sits as a judge, his freedom to decide is the same as if he were on a court. But the judicial process is designed to insure that the judge is both neutral and disinterested, and has no interest other than that of applying the law fairly and evenhandedly. An agency member, on the other hand, cannot be unconcerned with whether the outcome of the case is to advance or to retard an important agency program to which substantial resources have been committed. Even the most conscientious regulator cannot, when he acts as judge, ignore the effect which the decision will have on the agency's regulatory policies and goals.

Moreover, an agency member cannot escape the implications of his leadership role in the agency. He may fear the effect on staff morale if he votes to dismiss the complaint or reject the agency position in an important case. He may prefer to see the onus of dismissal borne by a reviewing court. And an agency member, *qua* judge, may well be apprehensive that dismissal of a complaint will imply that he made an error in having voted, *qua* persecutor, to issue it.

In these respects and others I have not mentioned, the context of agency deliberation and decision-making differs markedly from court adjudication. But the solution is not to judicialize the administrative process further, or to seek the appointment of "better" commissioners who will make better agency judges. Agency members are not, and should not be selected for their judicial qualities; and the institutional environment in which they work does not nourish the development of such qualities. It should surprise no one that the agencies have not produced a Learned Hand or a Henry Friendly. Agency members should be chosen for their capacity to perform the essential regulatory task of developing policies that are wise, informed, enlightened, and in the public interest—and not for their judicial detachment and learning, or ability to write a polished legal opinion.

In short, agency members will become better regulators if we no longer expect them to act as judges as well as administrators. We should not require conscientious agency members to shoulder the irreconcilable burdens of both vigorously prosecuting and fairly judging in the same case. Those suspected of violating the law should indeed be proceeded against with vigor and dispatch; but the agency should prosecute its cases in an impartial and disinterested judicial tribunal. We should relieve agency members of the impossible duty of determining whether the allegations of their own complaint have been proved by the evidence in the record of a proceeding in which the agency itself is an adversary party.

IV.

Thus, while I have long held to the opposite view, I am now convinced that we will lose nothing, and gain much, by eliminating from agencies like the Federal Trade Commission the function of case-by-case adjudication of alleged violations of law. This function should be transferred either to the district courts or, preferably, to a new Trade Court which is decentralized and holds hearings in every state, thus bringing the judicial phase of the regulatory process much closer to the people. The Trade Court could be given jurisdiction not only of complaints prosecuted by the agency, but also private class-action suits brought by consumers and competitors injured by the same alleged unfair trade practices. To permit full and comprehensive disposition of the case by a single tribunal, the Court should have authority not only to issue preliminary and final injunctions, but also, where appropriate, to award damages, civil penalties, and other equitable relief.

Relieved of its adjudicative responsibilities, the agency's remaining functions should be vested in a single Commissioner serving at the pleasure of *both* the President and Congress, and removable by either (in the case of Congress, by a majority vote of both Houses). This would permit the public to hold both the President and Congress accountable for an agency's continued failures or poor performance.

I do not offer this proposal as a panacea for all agency ills. Nor do I suggest that it is without risks and dangers. On the positive side, however, elimination of the adjudicative function will enable an agency to concentrate its resources on a single central objective: the development and enforcement of regulatory policies carrying out the statutory mandate. To that end, it would conduct investigations and studies, utilizing fully its powers to gather information on emerging regulatory problems; it would make expanded use of its rule-making authority (including issuance of guides and enforcement statements) as the primary method for formulating policies and standards; it would proceed in court against persons charged with engaging in unlawful acts or practices, including those prohibited by valid agency rules or regulations; and it would advise the Congress and the President on any need for new legislation. All of these essential administrative tasks, executive and quasi-legislative in nature, are better performed, more quickly and more incisively, by a single administrator than by a multi-member tribunal.

Centralizing full authority and responsibility for an agency's activities in a single administrator will unquestionably facilitate the development and formulation of regulatory policy. It will also lighten the burden of fashioning comprehensive and coordinated national policies in those areas where other government agencies or departments have overlapping responsibilities.

Moreover, an agency should be no less independent, in the best sense of the term, because it is under the leadership of a single man. The agency should still be required to develop regulatory policies that are truly non-partisan and responsive to public and consumer needs, and not to those of special interest pleaders. By increasing its visibility and accountability to the public, the proposed change in structure should result in a far greater degree of agency responsiveness than now exists.

Admittedly, having only one man in charge may make it easier to exert political pressures on him, bad as well as good. I do not wish to overstate the case, but it seems clear that the present structure of the agencies has failed to insulate them from improper influences, while the proposed change at least offers the hope of increased responsiveness to consumer needs and the broad public interest. Nor do I see any reason why a policy-making government regulator should be appointed for a long term of years, and not be removable from office despite continued public dissatisfaction with his performance. Such a public official should be required to live dangerously in that respect. It cannot be repeated too often that visibility and accountability to the public are essential keys to good government. If Congress, the President, or the public is disappointed with an agency's performance, there should be one man upon whom attention can focus and from whom immediate improvement can be sought. We cannot do that with the independent regulatory commissions today; and both they and the public suffer from it.

With a single man given full authority and responsibility for an agency's activities, it should be easier to attract "better" men. A President will be more reluctant to appoint incompetent Commissioners, for their failure will be his failure; their incompetence will be his embarrassment; continuing them in office, despite poor performance, will be his responsibility.

We should make sure that an agency is not given more jobs than it can reasonably be expected to handle. If it is, we know from experience that the agency will concentrate on those which are easiest, least controversial, and yield the quickest results, putting aside those more difficult and complex tasks which may be more important to the public. Nor should we allow an agency to execuse its own failures by putting the blame on a parsimonious Congress. It makes no sense to assign a job to an agency and then withhold from it the necessary resources of money and manpower.

I think it would be a serious mistake to transfer the regulatory agencies to the large Executive Departments where they would disappear, like the Food and Drug Administration, submerged under massive layers of bureaucracy. Agencies should continue to be independent in that sense—so that they may be clearly visible, fully accountable, and unable to blame others for their own deficiencies.

I am not as fearful as I once was that transferring agency adjudication to the courts would create a competing organ of policy-making. If the proposed changes should result, as I believe they will, in far greater and more effective utilization by the agencies of their administrative powers—again I stress the tremendous potential of rulemaking as a practical and fair method for developing and articulating regulatory policy—, there will be little danger of judicial usurpation of the agencies' authority. Experience shows that where an agency is alert to its responsibilities, and is demonstrably endeavoring to fulfill its statutory duties in the public interest, reviewing courts generally give its actions the benefit of a reasonable doubt.

v.

It is perhaps unnecessary to say, in conclusion, that no reforms in the structure of the regulatory agencies will succeed unless there also are radical charges in the climate of government and the political processes. As John W. Gardner has said, "Our political and governmental processes have grown so unresponsive, so ill-designed for contemporary purposes, that they waste the taxpayers' money, mangle good programs, and smother every good man who comes into the system. * * * Sooner or later, someone is going to have to tackle the central structures of our society or it isn't going to work." We must institutionalize the means whereby the public may be aware of, and participate in, political and governmental processes that affect the quality of all our lives. We must open wide the doors and windows of government agencies, so that the public may see for itself what is or is not being done, and demand an accounting from those in charge.

Every institution of government must be renewed and adapted to changing social and economic conditions. It is no criticism of the administrative process, and the creative scholars and statesmen who have nourished its growth, to find that it is no longer adequate to the needs of the present and the future. The current widespread dissatisfaction with the performance of the regulatory agencies offers an opportunity for genuine reform. I leave you with the hope that this opportunity will not once again be allowed to slip by, without meaningful change and improvement.

"HIJACKING" THREATS IN WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. RARICK. Mr. Speaker, many remember that a little over a year ago presidential aspirant George Wallace promised that if elected, he would protect the inhabitants of Washington even if necessary to place armed marines on every corner of the city.

Judging from the events of the past several days, it appears that President Nixon will need to station armed guards at every public accommodation room in Washington.

Such is the plight of our "hijacked" Nation's Capital.

I include several news clippings, as follows:

[From the Evening Star, Sept. 11, 1970]

HOLDUP IN THE MEN'S ROOM

(By Ned Scharff)

A man was seated in the sixth-floor men's room in a downtown office building yesterday when he heard a voice above him say, "Give me all of your money."

Morris C. Brinton, a 45-year-old patent draftsman, looked up and saw someone holding a pistol and peering at him from the space above the stall's partition, police said.

When Brinton refused the gunman's demand, the man shot him in the left leg and fled without money, police said.

Brinton was treated at George Washington University Hospital for the wound and released.

The attempted restroom holdup was the second of its kind in two weeks in the American Railroad Building, 1920 L St. NW.

Joe W. Grotegut, a public relations executive for the American Association of Railroads, said he thinks yesterday's restroom would-be robber may have been the same person who accosted him two weeks ago.

"No doubt about it," Grotegut said, "this man's approach sounds almost identical to that of the one who robbed me."

Grotegut said he entered the fourth-floor men's room Aug. 28 in the early afternoon.

"As soon as I sat down, I heard a voice coming from above me and when I looked up I saw a gun pointed at my head. The guy must have been standing on top of the stool in the next cabinet.

"It was a nerve-wracking experience," Grotegut said. "But as soon as the man asked me for my money, my watch and my rings, I realized that all I had was $14 and a watch.

"I'd read enough about these kinds of things to know that the simple, safe and wise thing to do was to give him everything I had. I guess if he'd asked me to write him a check I would have done that, too."

Herbert Blum, a partner of Swesnik and Blum, Inc., the firm which owns the building, placed much of the blame for the unique problem on his tenants.

"They haven't kept the bathroom doors locked, as they should have," he said, explaining that keys to the restrooms had been issued when the building opened in 1968. "But naturally the keys got lost and the people who work in the offices get lazy. The restrooms have almost never been locked."

Many people who work in the building were alarmed over yesterday's shooting and by the theft two weeks ago. Some have called for stepped-up security precautions, including full-time guards.

"This is becoming uncomfortable," said one. "Its getting so that you have to bend down and look under the doors for suspicious looking feet before you enter any of the johns."

The New York Times, whose Washington bureau occupies the building's top floor, is planning to change the locks on all its restrooms. In the meantime, however, many of the newspaper's employes joke nervously about the situation. One man told his secretary:

"I'm not afraid. I'm going to the bathroom, but if I'm not out in two minutes, send some one in after me."

[From the Washington Post, Sept. 12, 1970]

YOUTH ASSAULTS HILL SECRETARY

A congressional secretary was attacked and beaten in a women's restroom in the Rayburn House Office Building about 2:30 p.m. yesterday by a youth who climbed over a toilet stall, police said.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. SCHERLE. Mr. Speaker, a child asks. "Where is daddy?" A mother asks. "How is my son?" A wife asks. "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

WHO SPEAKS FOR THE AMERICAN STUDENT?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. WYMAN. Mr. Speaker, the troublemakers on American campuses are a small minority. Most students want to get an education and get on with their basic responsibilities of earning a living, raising a family, and becoming a useful member of society.

In a situation where a vast majority of students do not want to have their education interrupted, especially by a truculent, often irrational, violent minority, two basic requirements exist. One is that the educational institutions themselves promptly expel those who wilfully disrupt their proper educational operations. The second is that in some way those students who believe they are in school to get an education and not to start a "revolution," must have a reasonable amount of leverage in dealing with their contemporaries who are "making things tough."

In this connection I commend reading of an editorial from the Indianapolis Sunday Star recently reprinted as a guest editorial in the Manchester, N.H., Union-Leader.

THE REVOLT OF THE PAMPERED

(Guest editorial from the Indianapolis Sunday Star)

Although less than 10 per cent of American youth has been participating in the violent, senseless protests about their own colleges and universities, there is a growing danger that the noisy, militant leaders of America's young revolutionaries will lure more and more students to their cause.

The vast majority of students are seriousminded young people striving to get an education. They have, so far, refused to enter into "the gory glee" of hell-raising on the campus. But no leadership among the silent majority of students has arisen to challenge the revolutionaries.

The president of the student body at a large state university was elected by a vote of 1,013 to 323. Only 1,300 of 23,000 students voted in that election. They simply weren't interested in the militant program of the radical leaders. However, the student who was elected president claims that he represents the entire student body and demands a voice in board of regents meetings despite the fact that 90 per cent of the students wanted no part of his program.

Unless the students who believe they go to college to get an education rather than to start a revolution begin very shortly to organize and challenge the revolutionaries on the campus, they may find they have waited in silence while their precious heritage of freedom and opportunity has gone down the drain in a blazing, destructive, senseless revolution led by leaders who don't know what they want or what they would do with it if all their demands were granted. They want a noisy voice in everything but beyond that they know not what they are shouting about.

A sober observation about America's youth recently came from England where the editor of the London Daily Telegraph declared that no generation of young people ever had as great a heritage of freedom and opportunity as today's American youth.

Under the caption "Revolt of the Pampered," the editor of the Telegraph wrote:

"America is a victim of its national myth. It entered history proclaiming the rights of man. Its Constitution is aimed at fostering freedom at all costs. Its young have been brought up largely on an educational theory which attaches supreme importance to self-expression. Is it odd that it should lead the world in rebellion or that its volunteer forces should sometimes lack the virtue of unrelenting discipline? Yet the marvel does defy explanation. Why should America's pampered and idolized student youth, living in a country that enjoys freedom and prosperity in unprecedented degrees, turn all its righteous anger not against the despotisms that rule most of the rest of the world, but against America itself?"

A PROPOSAL FOR PREVENTIVE CAMPUS ACTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. ASHBROOK. Mr. Speaker, slowly but surely indications are appearing that public reaction to radical violence on campuses is resulting in various legitimate—and incidentally, peaceful and legal—proposals for corrective action. More and more school administrators have been putting themselves on record endorsing firmer approaches to cope with illegal actions against educational institutions. In addition, increasing emphasis is accentuating the rights of the offended, the serious students and others who have suffered losses due to this comparatively recent phenomenon of campus lawlessness. There appears in the September 9 issue of the CONGRESSIONAL RECORD the text of a position paper issued by Americans for Effective Law Enforcement which proposes the use of lawsuits for potential plaintiffs, the nonviolent students, the taxpayers and the contributors of funds to the educational institutions.

The Wall Street Journal of September 10 carried a short but pertinent item stressing the same corrective theme proposed by the dean of the University of Wisconsin Law School and a noted insurance expert which has been introduced in the Wisconsin legislature. Centered around a student-supported insurance fund, the proposal is designed "to motivate responsible students to take control from undisciplined activists who lead them astray." I insert at this point the above-cited item from the Wall Street Journal entitled "Wisconsin Proposal Would Assess Student for Campus Disorder":

WISCONSIN PROPOSAL WOULD ASSESS STUDENT FOR CAMPUS DISORDER

THOSE ATTENDING STATE SCHOOLS WOULD PAY DEPOSIT TO COVER DAMAGE CAUSED BY DISRUPTION

(By a Wall Street Journal Staff Reporter)

MADISON.—College students in Wisconsin would be assessed as much as $300 a year to pay for damages resulting from campus disruptions if a proposal made by a legislative study group becomes law.

The student-supported insurance fund—the first of its type in the country—was proposed "to motivate responsible students to take control from undisciplined activists who lead them astray," asserted its drafters, who include the dean of the University of Wisconsin Law School and a noted Pennsylvania insurance expert.

The proposal brought opposition from university officials. One declared it would "prevent some students from getting a college education in the state." The University of Wisconsin has been a center of campus protest and violence, capped by a recent bombing.

Under the plan, each of Wisconsin's 7,000 students at state universities and junior colleges, would pay a $100 deposit each semester. Ninety percent of the deposit would go into a special account for a student's particular campus and be repaid to the student if there weren't any losses during the semester. The other 10% would be nonrefundable and would go into a general reinsurance account for all public institutions of higher education in the state. Students could be assessed as much as $150 a semester if losses exceeded a campus' special account's fund.

The proposal would insure against property damages, cover death, disability and medical expenses for persons hurt in disorders, pay costs incurred by calling in National Guard troops or state police and, "within limits," compensate private property owners for losses resulting from student disorder.

The proposal is far from becoming law. It has been sent to members of Wisconsin's insurance laws revision committee, who must act upon it, as must members of the Wisconsin legislative council and the state legislature.

AMERICANS DISAGREED WITH PRESIDENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. HOGAN. Mr. Speaker, although many Americans disagreed with President Nixon's decision earlier this year to send American troops into Cambodia, I am sure all held the hope that, once begun, this campaign and its costs in American lives and money would bring the War in Vietnam closer to an end and permit more immediate and greater Vietnamization of the War.

Even though this hope remained upon completion of the exercise, when statistics of captured and destroyed enemy bases and supplies clearly indicated short-range success of that operation, it was yet difficult to evaluate the long-range impact of this action on the war.

In the September 7, 1970, issue of U.S. News & World Report, Col. William C. Moore of the U.S. Air Force provided an appraisal of the situation in Southeast Asia 2 months after the Cambodian operation, which I found very interesting. I recommend it to the attention of the Members:

A MILITARY APPRAISAL—CAMBODIA PLUS 2 MONTHS

(By Col. William C. Moore, U.S. Air Force)

Four months have passed since U.S. forces moved into Cambodia to destroy Communist sanctuaries. Two months have passed since U.S. troops completed their mission and were withdrawn on June 30.

What are the military results at Cambodia-plus-two-months?

Sufficient time has not passed to permit a conclusive appraisal of the over-all strategic implications of the Cambodian operation. But sufficient time *has* passed to permit analysis of the tactical pluses and minuses that accrued during the operation and since.

On balance, the pluses far exceed the minuses. Most importantly, the Allied position in South Vietnam has improved far more than expected. And it was to improve the Allied position in South Vietnam that the Cambodian operation was undertaken.

The most significant failure of the Communists has been their slowness in re-establishing new base areas from which to conduct operations against South Vietnam. They are attempting to do this now in Southern Laos and Northeast Cambodia. Here the enemy has been forced to accept less efficient, more vulnerable alternatives than the sanctuaries he had in Cambodia.

Sanctuaries, assembly areas, bivouacs—call them what you wish—are extremely important to military operations. They permit combat troops to rest, regroup and plan new attacks. Most importantly, they permit combat units to assemble, to concentrate in force prior to commitment to battle.

Without base areas, concentration must be done independently by small units at the scene of battle.

Under the most favorable circumstances, this is a tricky, highly sophisticated military operation which military leaders try to avoid as extremely dangerous. To attempt such an operation—considering the climate and terrain of Southeast Asia—would be a cardinal tactical error.

The consequences to North Vietnamese commanders making such a decision would more often than not be disastrous. Commitment of forces would be piecemeal, with subsequent defeat in detail by Allied forces. The military commanders in Hanoi and in the field know this.

In order to comprehend fully what the loss of the base areas in Cambodia means to the enemy, the loss should be viewed in the perspective of history.

In 1967 the enemy base areas, known then as War Zone D, War Zone C and the Iron Triangle—and encompassing more than 1,500 square miles of area—were in South Vietnam. The Iron Triangle was only 25 miles from Saigon.

In late 1966 and early 1967 these areas were overrun and cleared out by the Allies during a series of operations, the principal one being "Junction City."

As a result, the enemy established new sanctuaries in Cambodia, principally in the areas called Fishhook and Parrot's Beak.

Now these have been disrupted by the Cambodian operation; the newest strongholds, it appears, will be in Northeast Cambodia and Southern Laos, approximately 275 miles from Saigon.

The geographical progress since 1967 in reducing the threat to Saigon, and indeed the whole of South Vietnam, is readily apparent.

This retrogression is a serious blow to the enemy. Vital areas of South Vietnam are now great distances from the new bases. Enemy troops will no longer have a short midnight jaunt to their targets. Infiltration routes will no longer be as free from danger as they once were. The new sanctuaries themselves will not be immune from attack, as were the old. The Allied air forces will see to this. There will be no rest and recuperation for the troops once they leave North Vietnam.

Enemy leaders will find that planning and conducting military operations under these conditions will be far more complicated and hazardous than before. Getting troops to vital targets will be at best a long-drawn-out operation. Supplying them for any form of

sustained attack will be even more difficult and time-consuming.

The dilemma facing the enemy planners will be nothing compared with that facing the individual soldier who will be operating continuously in an environment that will grow more hostile each mile he travels southward from North Vietnam. The trail south will not end in a large, well-stocked, secure rest area, as it once did. For many soldiers, apprehension and preoccupation with their own survival will make them less effective, less able to carry out the tasks assigned to them.

Before and after Cambodia—How war in Vietnam has dropped off:

Two months before Cambodian operation, March–April, 1970, weekly average: 108 Americans killed in action.

During Cambodian operation, May–June, 1970, weekly average: 141 Americans killed in action.

Two months following Cambodia, July–August, 1970, weekly average: 70 Americans killed in action.

Thus, in the two months since the end of the Cambodian operation, U.S. combat deaths in South Vietnam have declined by 35 per cent from the two-month period immediately preceding the attack on Red sanctuaries.

OTHER INDICATORS IN VIETNAM

	Pre-Cambodia weekly average March-April 1970	Post-Cambodia weekly average July-August 1970	Down (percent)
Enemy terror and sabotage attacks	490	233	52
Enemy ground ambush attacks	40	6	85
Enemy attacks on population centers	7	4	43
Enemy battalion-level attacks	1	1	(1)
U.S. aircraft lost	40	17	58
South Vietnamese troops killed in action	300	267	11
Communist troops killed in action	2,561	1,558	39

[1] No change.

Source: Vietnam field reports through Aug. 25.

Under these conditions, it is doubtful whether the enemy ever again will be able to mount a large-scale operation in the Mekong Delta or, for that matter, in the southern half of South Vietnam. If he does, it will be short-lived, suicidal and of no lasting significance. The report that the enemy will return to guerrilla warfare using extremely small units is undoubtedly true. But this decision is not a preferred choice by the leaders in Hanoi. The operation into Cambodia has given them no alternative.

Since the end of the Cambodian operation, the U.S. Department of Defense has monitored statistics in South Vietnam closely to determine trends. These statistics confirm the optimism engendered during the Cambodian operation. The tactical situation is better, not worse. The chart on page 32, prepared by "U.S. News & World Report," shows the dramatic improvement since the attack on the Cambodian sanctuaries. It is worth noting that the number of enemy killed has dropped. This is a plus, not a minus. It indicates an unwillingness to stand and fight—not better performance by the enemy.

The reductions take on added significance when you consider that the statistics shown prior to the Cambodian operation are themselves a dramatic reduction from the statistics for 1969. In American lives lost, for example, the post-Cambodian figures represent a 35 per cent reduction from the pre-Cambodian figure, as shown on the chart, but this is a 60 per cent reduction below 1969 figures.

Recent reports indicate that infiltration of enemy troops into South Vietnam, based on monthly averages for the first half of 1970, has been one half the 1969 monthly average—from 12,000 to 6,000 per month. This is barely enough to replace losses.

These signs point to significant progress in the tactical military sense. This in turn portends progress in the broader strategic sense. It means progress in Vietnamization. Asian forces are assuming more and more of the burden. The number of combat operations in which absolutely no U.S. forces are involved increases daily. U.S. forces are being withdrawn on schedule. Draft quotas at home, as one result, are the lowest since 1964.

The optimism contained in this report does not mean that the U.S., South Vietnam or Cambodia itself is out of the woods. Things could change, governments could fall, the end of the monsoons could signal new initiatives on the part of North Vietnam. Targets in South Vietnam opposite the new Communist base areas are sure to come under more and more fire—as indeed some already have. The figures on the chart may rise; they may approach the pre-Cambodian figures. But at present, this seems unlikely.

The U.S. will continue to monitor closely enemy activity to determine Communist intentions. Their activity in Cambodia and Laos will be of particular interest. The leaders in Hanoi, having suffered a crippling blow to their ability to attack South Vietnam, may now attempt to redress the situation at the expense of these two countries. The odds at present, however, do not favor early success in such a venture.

THE UNITED NATIONS IS 25 YEARS OLD—SO WHAT?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. BROWN of California. Mr. Speaker, this morning's newspaper carried a story indicating that a Presidential commission reports that the United Nations must undergo a number of needed reforms if it is to become the effective instrument that we had originally hoped it would become.

The urgency of this need was spelled out in May of this year by Secretary General U Thant, who stated:

The Members of the United Nations have perhaps 10 years left in which to launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development efforts. If such a partnership were not developed within this decade, these problems might reach such staggering proportions that they would be beyond our capacity to control.

A former colleague, Jerry Voorhis, agrees with the contention that changes are needed in the U.N., stating in the July-August 1970 issue of World Federalist magazine that:

The United Nations should be given original authority to stop or prevent wars. It should be able to tell any single nation that it cannot interfere by force in the affairs of any other nation. Czechoslovakia or Vietnam, for example.

The United Nations should be strong enough to enforce a disarmament treaty so all nations could trust its effectiveness.

If need be, the Charter should be amended to make all this possible.

Mr. Voorhis goes on to point out that taking steps like these:

To save mankind from nuclear death would be a worthy way to observe the 25th anniversary of the United Nations.

He indicates, and I agree, that the United States policy toward the U.N. will have to be drastically altered if these steps are ever going to be undertaken. I am sure that our colleagues will find this article to be most worthwhile, and I ask unanimous consent that it be printed in the RECORD at this point:

THE UNITED NATIONS IS 25 YEARS OLD—SO WHAT?

(By Jerry Voorhis)

(Mr. Voorhis is a former US Congressman, educator and author. A world federalist from the early days of the movement, he attended while still a Congressman conferences which led to the formation of the United World Federalists (changed to World Federalists, USA, in 1969). Jerry Voorhis continues to provide active support to the federalist movement in the USA).

Nineteen seventy marks the 25th anniversary of the founding of the United Nations.

On the back pages of newspapers for Wednesday, May 6, 1970, appeared an article which told of a call by the Secretary-General of the United Nations for a conference of "all interested parties to settle the tragic wars raging in Southeast Asia".

It is certainly logical for the Secretary-General to make this proposal in the 25th anniversary year of the founding of the United Nations in 1945.

But tragically enough there is no assurance that the "interested parties" will respond positively to the Secretary-General's appeal.

For Americans the question is what response the United States will give to it.

Surely if the United States government really wants to bring the wars to an end and bring its soldiers home it will immediately accept the proposal of U Thant and challenge other "interested parties" to do likewise.

But there is no assurance that this will happen.

Nor is there assurance of vigorous "all-out" support from the USA for the proposal of 11 Asian UN member nations for a conference to settle the Indo-China wars.

For in recent times the United States has shown far less respect for the United Nations than should have been the case.

Nor have the so-called "great powers" done much better.

Why?

Because the United Nations was created in the first place, and has been, ever since, an institution very different from what the people of the world hoped and believed it was going to be. They hoped and believed that the UN would be an agency of peace, an agency speaking for mankind, a world-wide institution able to stop wars, effect disarmament and keep the peace.

But the "great powers" saw to it that the UN would be no such thing. Instead they hedged it 'round with all manner of disabilities, only a few of which have been overcome as time has passed.

The United Nations has no original authority of its own. Only that which its members give to it. Its World Court, thus far at least, has only those cases brought before it which *both* parties to the dispute are willing to submit. The Court has only the jurisdiction which its litigants will give it. It is

like a policeman who would have to get a criminal's permission before he could arrest him.

The United Nations can enter, with teams of observers, or peace-keeping forces, or conciliators, only those countries which consent to let it come. And those countries can tell the UN to get out whenever they please.

The UN cannot raise a dime except what its members voluntarily contribute. It cannot raise a soldier except by appeal to its member nations to supply contingents. United States soldiers are still dying and killing in Southeast Asia for one principal reason: because their country, and others, have refused to make the United Nations strong enough so it could bring about and enforce peace in Southeast Asia or the Middle East or anywhere else in the world.

And yet, despite all its handicaps and weaknesses, the United Nations has accomplished remarkable things in its 25 years of existence.

It has brought literacy, better health, and more efficient food production to millions of people. It has enabled dozens of countries to obtain their independence. In a few cases where the "powers" allowed it to act, it has brought peace to troubled areas. It has provided a world forum where the crimes of nations could be—and are being—exposed to the light of world opinion. It has begun to establish a principle of accountability of nations to the judgment of mankind.

There are urgent problems with which the UN is currently trying to deal.

One of these is chemical and biological weapons—the most diabolical kind of weapons yet devised. So diabolical in fact that even Hitler never used them.

An overwhelming majority of the members of the United Nations are seeking to implement the Protocol of Geneva, agreed to in 1925, which prohibits the use of chemical and biological weapons, and which every major nation on earth has ratified—except the United States. Almost all the member nations of the UN want a strong treaty that would ban the production or use of *both* chemical and biological weapons.

They had reason for encouragement when, some time ago, Mr. Nixon made a speech renouncing the first use of such weapons by our country.

But the United States now refuses to include chemical weapons. It wants the prohibition to be against biological weapons only. Because we are using chemical weapons all over the place in Southeast Asia. When a resolution was presented in the UN to ban CBWs completely, the United States voted against it. Only Portugal and Australia voted with us.

The 24th General Assembly of the United Nations voted 82 to 0 to ask the United States and Russia to stop the testing and deployment of any more frightful nuclear weapons. Neither of them has done so. On the contrary the United States is going right ahead with full development of the MIRV—the multiple warhead missile that can hit many cities at once.

Most of mankind wants to prevent the beds of the seas from being used for the installation of nuclear weapons. Most of mankind wants to declare the seabeds as the "common heritage of all mankind". The great wealth which lies beneath the seas could then be used to provide desperately needed income for the United Nations and its peace-keeping efforts. Belgium, Norway, Sweden, Ecuador and the Cameroons have proposed such a treaty. The United States has opposed it.

There were eight votes in the last session of the United Nations General Assembly which would have advanced the cause of peace. India, Pakistan, and Ceylon voted YES on all these eight proposals. Russia supported only three of them. The United States supported only two.

Americans who care about the future of mankind—or about the lives of their own sons—have "homework" to do.

The United Nations should be given *original* authority to stop or prevent wars. It should be able to tell any single nation that it cannot interfere by force in the affairs of any other nation. Czechoslovakia or Vietnam, for example.

The United Nations should be strong enough to enforce a disarmament treaty so all nations could trust its effectiveness.

If need be, the Charter should be amended to make all this possible.

Taking steps like these, to save mankind from nuclear death would be a worthy way to observe the 25th anniversary of the United Nations.

But if any such steps are to be taken the policy of our own country toward the United Nations will have to undergo something like a complete turn-around. *We* have to start really seeking peace instead of military dominance.

There is one piece of as yet uncertain evidence that gives a ray of hope.

Life Magazine in its excellent editorial about the 25th anniversary exposes that ray in these words:

A new initiative is also needed to establish peace-keeping machinery on a permanent basis . . .

With big-power agreement—and there are signs the US and Russia seek accommodation in a number of areas—a small UN stand-by force in the next year is attainable. It would be a worthwhile improvement for a world organization which, liabilities notwithstanding, has proved itself consistently useful—and occasionally vital—in its first 25 years, and is well worth sticking with and strengthening now.

ANNUAL PROGRESS REPORT TO CONSTITUENTS—PART II

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. RIEGLE. Mr. Speaker, as I indicated last May, it has been my policy since I was first elected to Congress in 1966, send to my constituents in Michigan's 7th District an annual progress report explaining my activities as their Congressman. On May 14, I inserted into the CONGRESSIONAL RECORD part I of my 1970 progress report.

Having just completed part II of the 1970 progress report, I would like to insert it into the RECORD at this point, so that it will be available to the general public:

YOUR ANNUAL PROGRESS REPORT FROM CONGRESSMAN DON RIEGLE, 1969–70, PART II

DEAR FRIEND: This is the second portion of a two-part Annual Report dealing with our work in Congress over the last year—on the issues and problems facing our country. Its purpose—together with Part I which you received several weeks ago—is to provide you with up-to-date information on work done, and on the problems that remain ahead.

As always, this Congressional job belongs to all of us—and I need your help. I work for you, and I need and welcome your comments and suggestions.

Please let me know if I can ever be of help to you or your family.

Sincerely,

DON RIEGLE.

BUILDING A BETTER RELATIONSHIP WITH FRANCE

Since the retirement of Charles DeGaulle and the emergence of the Pompidou Administration, there has been a new opportunity to build a better working relationship between the U.S.A. and France—our oldest ally. Some months ago, Congressman Riegle and Congressman Ottinger (D-NY) co-hosted a group of young French Congressmen who visited Washington and several Congressional districts across the country. The two groups of Congressmen met to discuss common problems facing the two countries—particularly foreign policies concerning S.E. Asia and the Middle East.

These French legislators came to America to compare ideas for making representative government work better—and to develop closer ties with their legislative counterparts in the United States. Ms. Terrenoire, Congressman Riegel's guest, felt the most useful part of his visit was spent in Flint—meeting with local citizens—beginning at 6 a.m. at the Buick Plant gates. Ms. Terrenoire invited the U.S. Congressmen to France for a similar visit, which had the dual purpose of evaluating the Paris Peace Talks on the Vietnam situation.

PARIS PEACE TALKS

A few weeks ago, I was privileged to head a 9 man official bipartisan congressional delegation to France. One important part of our work was a lengthy private session with Ambassador Habib who at that time was the head of the American negotiating team at the Vietnam Peace Talks in Paris. I knew Ambassador Habib before he was asked to head the Peace Talks and his lengthy off-the-record briefing was candid and thorough.

Although I cannot reveal the substance of his remarks, I can relate my own impression of where the "Peace Talks" stand today: The outlook for a negotiated settlement is grim. After some two years at the conference table, virtually no progress has been made. During that period, 20,346 American men have been killed in Vietnam.

It appears that any negotiated settlement would require the formation of a coalition government in South Vietnam—a mixed government that would share power among all major religious, regional, ethnic and political groups in Vietnam. The Thieu/Ky regime, now in power in South Vietnam, refuses to consider sharing power through a negotiated settlement, and the U.S. Government has said it will not force the Thieu/Ky regime to compromise. Meanwhile the war continues, with 2,830 Americans killed during the first 6 months of this year.

While the appointment of a new Ambassador, Mr. David Bruce, is a hopeful sign, the fundamental negotiating positions of the two sides have not changed, and the near-term prospects for a significant breakthrough in the talks are regrettably not good.

KOREA AN IMPORTANT LESSON

As a representative of the Appropriations Committee, Congressman Riegle visited Vietnam and South Korea to evaluate the continuing American military and economic efforts in those countries. A previous study we made of postwar Korea showed that Korea really got on its feet, and became independently strong, only when the U.S. stopped carrying the load.

Based on his briefings and observations in Korea—and along the Korean DMZ—Congressman Riegle formally recommended to the Administration and the Appropriations Foreign Operations Subcommittee, that the remaining American troop level in Korea be

reduced—and finally phased out. It's important to remember that the Korean War ended 17 years ago, and the population of South Korea is about twice as large as that of North Korea.

In a recent statement, the Secretary of Defense announced that an official decision has been reached to finally begin the phased withdrawal of American troops from Korea. Congressman Riegel said: "I am encouraged to see this shift of military responsibility to the South Koreans where it belongs. This is an important breakthrough."

OUR APPROPRIATIONS COMMITTEE ASSIGNMENT

WORKING TO CUT GOVERNMENT SPENDING—AND CHANGE OUR PRIORITIES

One way to attack the rising cost of living problem is to cut wasteful and unnecessary government spending. Serving on the Appropriations Committee, I share the responsibility for reviewing the entire 200 billion dollar national budget. Thus far this year we have been able to cut over $7,000,000,000 from the Administration's budget requests. Of course, our job is not just to cut spending but to see that $'s are properly used where they will do the most good. Clearly the Congress must do a better job in this area.

FOREIGN OPERATIONS SUBCOMMITTEE

This year we continued to seriously question the value and effectiveness of the U.S. Foreign Aid program and took action to cut it back by $1,175,304,000—the largest reduction in history. My firsthand inspection of AID projects in Thailand, Vietnam, Korea, India, etc. provided convincing evidence that we must reallocate our direct foreign aid assistance to countries on the basis of our strategic security interests. We also have to put more emphasis on helping people help themselves. We are now beginning to move more in this direction.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Many of the problems of Washington, D.C. stem from the fact that the citizens of D.C. are denied local self-government. This is wrong and must be changed. To help get at D.C.'s problems, I recently took the unprecedented step of forming a 25 person advisory council of D.C. citizens and professional experts to help me do a better job of representing the citizens of the District of Columbia. This group helped me prepare for our subcommittee budget hearings by providing me a direct grassroots understanding of the District's problems. Many important problems were brought to light—and I intend to continue this practice. Hopefully this effort will provide at least one small bridge toward self-government, while helping to solve the urban problems here in our nation's capital.

YOUR CONGRESSIONAL OFFICE AT WORK 1969–70

WORK WITH INDIVIDUAL CITIZENS

3,411 individual case problems solved.

11,800 letters received and answered.

16,000 special information letters, and individual responses to petition signers.

4 newsletters to each family.

WORK IN THE COMMUNITY

75 local federal aid projects monitored.

1,050 congressional office inquiries and followup on local federal programs.

22 working trips back to Genesee and Lapeer counties by the Congressman, 86 meetings with local groups, regular neighborhood "office hours" held in area shopping centers, thousands of personal conversations.

190 statements and discussions on issues through local and national press media.

YOUR DISTRICT CONGRESSIONAL OFFICE

34,000+ phone calls received from local citizens.

2,000+ citizens visit to the office with questions or problems.

384 community meetings attended by Congressman's staff.

135 unpaid volunteers pitching in to help bring good congressional service to our community. (if you'd like to help call 239–5705).

ACTION IN CONGRESS

353 votes on legislation.

APPROPRIATIONS COMMITTEE ASSIGNMENT

86 committee meetings.

7 billion dollars + saved by cutting unnecessary spending.

VETERANS

As the daughter of a deceased veteran, I have missed a semester of college because I have been unable to get financial aid from the Veterans Administration. Can you help me?

A quick phone call showed that her application was 8 weeks behind schedule. As a result of this inquiry she received the scholarship in time for the next semester.

INTERNAL REVENUE

I am a minor who was left holding the bag for back taxes on my deceased father's business. It doesn't seem right that I should have to pay all the family debts when I'm not even 21 years old.

The IRS decided he was not a true partner in the firm and therefore not responsible for its debts. All money he had paid in back taxes was reimbursed.

SOCIAL SECURITY

I am totally disabled, losing my sight and struggling to maintain my family, yet Blue Shield contends I am not entitled to additional benefits. I don't want sympathy, only my rightful allotment.

After a brief investigation he received his rightful allotment—an extra $210.

I don't think my Medicare reimbursement claim will ever come through. I am trying to find out why the delay and am getting nothing but the run-around.

Our intervention forced the immediate correction of the bureaucratic delay and the check was in the mail.

IMMIGRATION

We have 300 children in our congregation school, but no teacher. The man we hired to run the school is in Canada, unable to obtain a visa to enter the U.S. Without a teacher we may have to cancel everything—and school is scheduled to start in 3 days.

Our inquiries showed no legal hang-ups—just thoroughly mixed-up communications. By dealing directly with top federal officials, we were able to bring this man to Flint in time to begin classes on schedule.

MILITARY

I'm home on emergency leave. My wife is ill and hospitalized, facing the possibility of losing our unborn child. My leave expires in 2 days and the Army still has not acted on my request for a hardship discharge.

Extension of leave was granted immediately—shortly thereafter he received a hardship discharge.

TEACHER CORPS

I applied to the Teacher Corps in January; it's now April and still no word. I graduate from college in June and would like to make future plans. Can you please help me?

We found that many Teacher Corps centers were in need of volunteers. The young man is now teaching in Minneapolis.

HANDICAPPED STUDENT

My daughter lost her arms and legs in a car accident but—thank God—has now worked her way back to where she can be a student at Wayne State. The Division of Vocational Rehabilitation, having assured us she would receive money for tuition, room and board, now tells us she can only have half of this aid. Are there any federal programs that could help our daughter?

Upon reexamination, the Division of Vocational Rehabilitation decided the seriousness of the case—and the girl's valiant personal efforts—merited full financial aid. Funds were allotted and the girl is now in college—and making great progress.

WASHINGTON'S COMMUNITY SCHOOL PROGRAM EXPANDS—WITH FLINT'S HELP

A most satisfying accomplishment this year on the D.C. Appropriations Subcommittee was to help in expanding Washington's two "pilot" community schools to a total of 13 community schools for this coming year. In 1967–68, the Mott Foundation and the Flint schools helped start the first two "pilots." Here's what's happened since:

The first two schools showed good results—community involvement of all age groups, increased pride, higher scores in reading and arithmetic, lower rate of vandalism, etc.

We made a formal presentation to former HEW Secretary Finch, who, along with HUD Secretary Romney, has provided Administration interest.

D.C. schools scraped up federal and city money to get four more community schools going.

Based on good results of these first schools, we persuaded Senate and House Appropriations Committee members to fund two more new schools this year.

To help carry on these initiatives, the Mott Foundation agreed to fund five more schools for a full range of community activities—bringing the grand total at this time to 13 schools.

Only by this kind of citizen-government and public-private cooperation can we offer full and equal opprtunity for all the citizens of our nation's capital and set an example for other cities across the country.

FENTON HIGH SCHOOL DEDICATION—MARCH 22, 1970

(What follows is a portion of the dedication remarks of Congressman Riegle) . . . "these buildings—this new school—represents an investment in our young people and in the world they will build.

This school was built because this generation believes in the next generation—it is why we tax ourselves today to raise the money necessary to provide the working tools our country needs to build a good tomorrow. This school was built to provide a place where people can learn—about themselves, and about the challenges and opportunities that confront us all.

It is not the outside of these buildings that we dedicate today, rather it's what happens inside these buildings that really counts—and that story is ours to write each day. For we will accomplish here, exactly what we require of ourselves. If we require excellence and do the things necessary to achieve excellence—then that can be one of our accomplishments. And this is true for teachers and students alike.

If we seek to make our students open—and striving—and honest—and loving—and sensitive to the needs of others—then we can accomplish this—perhaps we can form a student volunteer service here—a program where students could do part of their learning outside the school—and inside human and social problems in the community. Most of the young people I know want to be involved in the world around them—and want to participate—want to help—Let's let them do it—let's encourage their contributions of effort.

Why not let them work on the pollution problems here locally. Or, let them organize themselves to help our senior citizens and retirees. I think a young high school person helping an older person take down storm windows is one good way to bridge the generation gap.

AUTO SAFETY AND EMISSION CONTROL

Recently Congressman Riegel spent a day at the General Motors Technical Center, and the G.M. Proving Grounds, to better under-

stand and evaluate progress being made in improving auto safety and controlling automobile exhaust. After briefings by automotive experts and careful examination of the work being done and the results already achieved, Congressman Riegel said, "I was highly encouraged by the quality and quantity of determined effort, underway now for some years by the management and workers of G.M., to solve these two problems. Tremendous progress has been made in building safety features into cars—and I share the belief that we are rapidly approaching the point where further major reductions in traffic fatalities will have to come from improved highway design, driver performance, and by doing a better job of keeping unsafe drivers off the road."

"On control of auto exhaust, several experimental designs are being tested. Present exhaust systems have greatly reduced the amount of air pollution coming from new cars—the remaining challenge is (a) to eliminate all toxic fumes at a cost that will not drive the cost of cars up so far that people stop buying them, and (b) to develop ways for car owners to maintain and service their cars so that exhaust performance will not degenerate to unaccepted levels as the car gets older."

OUR ECONOMY IS IN TROUBLE

The cold facts are that every American family is being hurt by rising prices, rising unemployment, high interest rates, and ever-increasing taxes. Our present national economic policies are wrong and must be changed. I have fought these policies tooth and nail but they persist despite my opposition and the opposition of others.

We must take emergency action to:

Get our unemployed men and women back to work.

Stop the rising cost of living.

Bring interest rates down.

Stop spending tens of billions of dollars in Southeast Asia.

Today the Federal government is spending too much money on the wrong things—such as excessive farm subsidies, Vietnam, the supersonic transport airplane, the space program, the multi-billion dollar ABM white elephant, cost overruns on government contracts, etc. We've got to cut down this massive government spending by eliminating the waste and low priority items.

We must also face up to the continuing wage/price spiral—rising costs and prices which bear no relationship to product improvement and real productivity. We must insist on policies that begin to stabilize the price level—and which are fair to labor and management. More direct Presidential and Congressional action on prices and wages is long overdue.

As you know, last year I voted against the 10% surtax—and I will oppose any request for higher taxes now or in the months ahead, because I believe people are being taxed to death and I'm convinced much of any new tax revenue would be wasted on unnecessary budget items.

IS THERE A NATURAL GAS SHORTAGE?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 15, 1970

Mr. METCALF. Mr. President, many of us are concerned about the accelerating depletion of our energy resources. Some of us are also concerned about the adequacy and reliability of data upon which Federal and State resource management decisions are based.

The shortage of information is especially crucial regarding the natural gas industry. Congress is partly to blame for this. It has not seen fit to pass the proposed Natural Gas Information Act, S. 3900. This proposed legislation has been recommended by the Federal Power Commission during the tenure of four Commission chairmen: Jerome Kuykendall, Joseph Swidler, Lee White, and John Nassikas. Nor has Congress chosen to act on the Utility Consumers' Information and Counsel Act (S. 607 and H.R. 4866), which would provide legislators, regulators, and the public with basic information that is closely guarded by gas, electric, and telephone companies.

So Congress is not blameless in the matter. On the other hand, the Federal Power Commission appears too ready, if not eager, to accept the gas industry's claims of shortages and requests for higher rates and special bonuses. Substantial testimony before the Senate Subcommittee on Antitrust and Monopoly indicated that gas producers are not reporting discoveries; producers are collectively withholding gas from the market pending approval of increases which could boost gas costs by from 50 to 100 percent for consumers, utilities, and industrial users.

The distinguished senior Senator from Michigan (Mr. HART), chairman of the Subcommittee on Antitrust and Monopoly, has asked the Federal Trade Commission to use its unique authority and determine the gas reserves which the Federal Power Commission is unable to determine. Ongoing events close at hand underscore the need and urgency of such a survey. These events, which involve the Virginia Electric & Power Co., also illustrate how precipitate action by utilities can lead to substantial increases in housing costs as well as utility bills, and decrease construction of needed new housing.

Vepco sells electricity throughout much of Virginia. In addition, Vepco also sells gas in the populous Tidewater area of Virginia. The company is currently spending thousands of dollars advertising the sale of natural gas in the Norfolk area. One would gather from the ads that the company is ready, willing, and able to fulfill its obligation as a public service corporation.

Therefore, I was amazed to learn that this same company which is advertising for increased sale of natural gas has preemptorily moved to discontinue the provision of gas service to new customers. Vepco's senior vice president said that the move was necessary because the company could not assure adequate supplies of gas to customers for the next two winters. This abrupt decision by Vepco could sharply increase utility bills, the housing shortage, and housing costs. Electric heat is conservatively estimated by Virginia architects to be approximately $5 a month more expensive than gas heat. Furthermore, Federal Housing Administration underwriters have refused to permit the use of electric heat in projects under their jurisdiction because of high operating costs. The unavailability of gas for new customers will jeopardize needed new housing projects.

In addition, the utility's effort to immediately halt service to new customers adds to the cost of housing designed for gas heating. Extra thousands of dollars will be required for the redrafting of plans. These extra costs will no doubt be passed on to new homeowners, who have already paid to have the housing plans drawn for the use of gas heat. They, the builders, and the architects had every reason to believe that Vepco would fulfill its utility responsibility and provide the gas, as advertised. In elaboration of this point, I shall place in the RECORD later in these remarks a letter from a Norfolk architectural firm which has 1,423 apartment units in various stages of completion, with 560 drawings, including mechanical design and layout, ready for construction, all designed for use of gas fuel, which the utility now says it will not supply.

The only party which stands to benefit from Vepco's refusal to serve will be Vepco. It has a monopoly on electricity, the principal alternative energy source, for the sale of which it obtained a substantial rate increase this year.

The Vepco case illustrates the need for the passage of S. 4013, which would require Vepco and the 77 other combination gas-electric utilities to divest themselves of either the gas or the electric department, in order to encourage competition and its benefits to the consuming public. More immediately, Vepco's actions—its advertising the sale of a fuel it suddenly refuses to supply—suggests that the company either advertises indiscriminately—at the customer's expense, of course—or else is extraordinarily uninformed regarding the availability of one of its principal products.

We must remember that the only information the public has on natural gas supply is what the industry chooses to report. Either industry information is unreliable or else the customers are paying for false and misleading advertising. Senator HART's proposed inquiry by the Federal Trade Commission is in order. The FTC should proceed with thoroughness and dispatch.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter previously referred to, from Irwin M. Kroskin, of the Norfolk architectural firm of Brundage, Cohn, Kroskin & Associates, to Virginia State Senator Henry Howell; Senator Howell's September 10 submission to the Virginia State Corporation Commission; and an article on the subject which was published in the Northern Virginia Sun of September 12, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRUNDAGE, COHEN,
HOLTON & KROSKIN,
Norfolk, Va., August 17, 1970.

Senator HENRY E. HOWELL,
The State Capitol,
Richmond, Va.

DEAR SIR: The principals in this firm feel that it would be of interest to you in your continuing efforts to "Keep the Big Boys

Honest" to be apprised of one aspect of the recent move by the Virginia Electric and Power Company to discontinue the provision of gas service to new customers as of August 1, 1970.

Multi-family residences comprise approximately 50% of the work in this office and as a firm we are responsible for a large portion of the housing units constructed in Tidewater each year. Apartment projects insured under various Federal Housing Administration programs now account for a definite majority of living units built and many of these are for low-income groups. The increase in construction of these FHA projects, for whatever the reason, does seem to fulfill one of the oft-stated national goals; that of providing housing for the masses.

In recent years the FHA underwriters have refused to permit the use of electric heat in projects under their jurisdiction. Although the initial cost of installation is lower for this equipment than for equipment using any other fuel, the operating costs are so high as to be prohibitive. This fact has resulted in virtually a 100% use of gas-fired equipment for heating in multi-family buildings. This applies to both FHA work and conventionally financed projects. Thus, with all of the "kick-backs" or "advertising allowances", the Gold Medallion program has been unsuccessful in the apartment field. Gas demand continues to increase.

At the present time this office has working drawings for one thousand, four hundred and twenty-three (1,423) apartment units in various stages of completion. The drawings, including mechanical design and layout for five hundred and sixty (560) units, are 100% complete and ready for construction. The working drawings for the eight hundred and sixty-three (863) units are in preparation.

All of these units have been designed for the use of gas fuel which we, unfortunately, assumed was as available as any public utility can be expected to be. This is obviously not the case and in order to proceed with these apartments, the decision will have to be made to provide a mechanical system based on an alternate fuel and the necessary re-design and re-drafting accomplished. The work involved here is considerable and the costs are significant. Of immediate interest to us, and most architects and engineers, is the question of who shall be responsible for the cost incurred in re-doing this work. We, of course, do not feel that the architect or engineer should absorb this cost. The various owners, apparently, are justified in believing that they have paid to have the work done once. Who, then, pays?

The basic point which we wish to emphasize and bring to your attention is that we believe it to be of questionable legality for a public utility to make such an announcement on the same date that it becomes effective. This seems especially true when the policy concerned effects the construction of buildings for which planning and financial arrangements are made far in advance of the actual construction.

As stated before, this is one small aspect of a problem which we believe effects the entire construction industry and probably the entire economy of this part of the state. If we can be of assistance in providing any additional information, do not hesitate to call upon us.

Very truly yours,

IRWIN M. KROSKIN, A.I.A.

PETITION IN OPPOSITION TO THE PROPOSED AMENDMENT FILED BY VIRGINIA ELECTRIC AND POWER COMPANY TO THE TERMS AND CONDITIONS UNDER WHICH IT WILL FURNISH GAS TO CUSTOMERS WITHIN ITS TERRITORY

Now comes Henry E. Howell, Jr., in his capacity as a State Senator to the Senate of the General Assembly of Virginia, and intervenes in the above captioned hearing being held on the application of Virginia Electric and Power Company as above captioned, and petitions this Honorable Commission to deny the application of Virginia Electric and Power Company and to grant other alternative relief as hereinafter set out, for the following reasons, among others to be adduced at the hearing on said application:

First: The City of Norfolk, Virginia, and the State of Virginia, are faced with a critical shortage of low income housing. In particular, the City of Norfolk is a central city which is prevented from expanding its boundary lines by reason of its being adjacent to the Cities of Chesapeake and Virginia Beach. The land area of Norfolk having been fixed, its population expansion and its energetic efforts to rehabilitate old and decadent dwelling units, requires the replacement of these units by low income housing units within the confines of the city. Most of this type of housing is insured under various Federal Housing Administration programs, which in recent years has refused to permit the use of electric heat in projects under its jurisdiction because of the disproprotionate high cost of heating and cooling with electricity as compared to gas.

Second: Virginia Electric and Power Company is a utility which enjoys a monopoly in the City of Norfolk and in other areas of Virginia with respect to the supplying of both electricity and the competing fuel, gas. Recently the Virginia Electric and Power Company has secured a sharp and inflationary increase in its electrical rates and it is to its advantage to have new dwelling units built to be heated and cooled exclusively by electricity rather than by the more economical and more efficient gas energy.

Third: If Virginia Electric and Power Company is permitted to amend its schedule so as not to provide gas to new dwellings after August 1, 1970, the tenants who will occupy any new units built will have saddled upon them the high cost of electricity for the life of the new units, estimated at fifty (50) years and, therefore, tenants will be irreparably harmed for half a century or more if Virginia Electric and Power Company is permitted to create a condition where electricity will be the only source of energy available for the next year or longer.

Fourth: In addition, every citizen who builds his own private residence during the coming year will find that heating and cooling with gas is much more economical than with electricity and if Virginia Electric and Power Company be permitted to refuse to furnish gas to these citizens, they will be saddled with the high cost of electricity for the life of the home.

Fifth: At the same time that Virginia Electric and Power Company is petitioning not to furnish gas to new dwellings after August 1, 1970, it is spending thousands upon thousands of dollars in billboard and bus-side advertising, advertising gas as a fuel to be used in the Norfolk area. Such conflicting corporate action constitutes fiscal irresponsibility and results in the cost of the irrelevant and immaterial advertising promoting the use of gas to be fed into its cost of doing business and to be ultimately reflected in the rates charged to consumers.

Sixth: Utilities that exclusively furnish gas, without furnishing the conflicting competing product of electricity, are not seeking to cut off new gas customers.

Seventh: Portsmouth Gas Company, which furnishes gas to Portsmouth, Virginia, is seeking no such limitation as that sought by Virginia Electric and Power Company.

Eighth: Washington Gas Light Company, which furnishes gas to the populous, booming area of Northern Virginia, has requested no limitation that will affect residential construction, either low cost or high cost. Washington Gas Light Company has found it necessary to limit new customers to 300,000 cubic feet per day, which would limit to some extent large industrial users, but would in no way limit residential construction.

Ninth: The Federal Power Commission is currently holding hearings regarding natural gas supplies and Virginia Electric and Power Company should not be permitted to cease furnishing natural gas for residential purposes during the pendency of these hearings.

Tenth: Admittedly, there is a potential shortage in the future for large industrial users of natural gas by reason of the fact that 83% of proven gas reserves are controlled by twenty of the United States' largest petroleum companies, who are seeking to force a price increase of up to 60% from the Federal Power Commission by conspiring to cut off normal gas supplies to local distributors, but this illegal price fixing anti-trust action on the part of these large petroleum companies is not affecting the ability of other gas distributors in Virginia to furnish the needs for new residential dwellings during the coming year.

Eleventh: To permit the Virginia Electric and Power Company to refuse to furnish gas for new residential units after August 1, 1970, while other areas of the state would have available natural gas for new dwelling units would constitute a discriminatory and unconstitutional practice within the State of Virginia.

Wherefore, your petitioner prays:

(1) That the application of Virginia Electric and Power Company be denied;

(2) That Virginia Electric and Power Company be required to intervene before the Federal Power Commission and present a case to insure that it receives adequate natural gas supplies for its territory at reasonable prices;

(3) That if Commonwealth Natural Gas Corporation cannot furnish Virginia Electric and Power Company with adequate resources of natural gas for new residential units after August 1, 1970, Virginia Electric and Power Company be required to seek other sources of natural gas;

(4) That if Virginia Electric and Power Company cannot obtain adequate sources of natural gas to supply its territories, including the territories of Norfolk and Newport News, that it be required to divest itself of its exclusive franchise license and permit to distribute both electrical energy and its competitive source, gas.

Respectfully submitted,

HENRY E. HOWELL, JR. (Pro se and on behalf of his constituents in the City of Norfolk, Virginia.)

State of Virginia, City of Norfolk, to-wit:

This day personally appeared before me, Catherine J. Crane, a Notary Public of and for the City aforesaid in the State of Virginia, Henry E. Howell, Jr., who after being by me first duly sworn, deposed and said as follows:

That he is the petitioner in the foregoing petition; that he has read the foregoing petition and that the facts contained therein are true to the best of his information, knowledge and belief; that the basis for his information and belief is conversations he has had with officials of the Portsmouth Gas Company, Washington Light Power Company and with architects familiar with the material related herein.

And further this deponent saith not.

HENRY E. HOWELL, JR.

Given under my hand this 10th day of September, 1970.

CATHERINE J. CRANE,
Notary Public.

My commission expires November 11, 1973.

[From the Northern Virginia Sun, Sept. 12, 1970]

VEPCO ASKS PERMISSION TO REFUSE NEW TIDEWATER NATURAL GAS SERVICE

(By Jeffrey C. Reynolds)

RICHMOND.—The Virginia Electric and Power Co. yesterday asked the State Corpo-

ration Commission for permission to refuse natural gas service to new customers in the Tidewater area. The SCC took the request under advisement.

E. B. Crutchfield, VEPCO's senior vice president, said the move was necessary because the utility's supplier is unable to provide sufficient additional amounts to guarantee adequate service for the next two winters.

State Sen. Henry E. Howell, D-Norfolk, intervened in opposition to the VEPCO petition.

Crutchfield said VEPCO's supplier, Commonwealth Gas Co., notified him last May that it could supply only about 50 percent of VEPCO's request for additional natural gas for the 1970–71 heating season and could not guarantee that the situation would improve by 1971–72.

The executive said rather than curtail supplies for existing consumers in the Tidewater area, there was "no alternative" but to deny service to commitments made after last Aug. 1. He said the policy would not apply to single-family homes on existing pipelines.

Crutchfield said VEPCO began supplying natural gas in the Tidewater area in 1951 and pumped out 9.6 million cubic feet daily. By 1967, he said, the figure had risen to 131 million.

The federal power commission has been asked to approve a 60 percent increase in natural gas rates.

"There are reliable reports that the petroleum industry . . . is participating in a concerted action to produce a critical shortage of natural gas in an effort to coerce" the FPC into granting the increase, Howell said.

Howell wonder why VEPCO's supplier is short of gas when the Washington Gas Light Co., which serves Northern Virginia, reports it has "plenty of gas."

The senator said while the embargo is only for two years, apartments installing electricity—with VEPCO also provides—would "be forced to heat and cool by electricity and the people forced to pay the higher rates not only this year, but for the next 50 years," the estimated life of the dwelling.

Howell produced a Norfolk architect, Irwin Kroskin, who testified that natural gas "provides the lowest operating costs of all fuels available." Kroskin said the VEPCO proposal would affect about 7,500 Tidewater units, many of them for low-income persons.

He said the Federal Housing Administration generally will not approve low-cost housing loans which feature electrical heat unless there is no other source available. He said natural gas, while a more expensive installation, is 25 to 50 percent cheaper to use than electricity.

Crutchfield said by 1971–72 VEPCO expects to have enough storage facilities and the means to convert liquid propane gas to natural gas to alleviate the shortage.

Howell said the SCC should either deny VEPCO's request, compel VEPCO to appear before the FPC and demand additional gas supplies, postpone the hearing until the FPC rules or "order VEPCO to divest itself" of its natural gas interests and concentrate on electricity.

CAN A BLACK MAN GET A FAIR TRIAL IN THIS COUNTRY?

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include the following item from the New York Times Magazine of July 12, 1970:

CAN A BLACK MAN GET A FAIR TRIAL IN THIS COUNTRY?

(By Haywood Burns)

"I am appalled and ashamed that things should have come to such a pass that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States.

"In large part the atmosphere has been created by police actions and prosecutions against the Panthers in many parts of the country. It is also one more inheritance from centuries of racial discrimination and oppression."

When Yale president Kingman Brewster recently expressed these doubts about the possibility of a black revolutionary receiving a fair trial in the United States today, there was an immediate outcry. The judge in the New Haven Black Panther trial took Brewster to task for his statement, and the Vice President of the United States had some rather unkind comments for the Yale president. There are, however, more and more persons who not only share Brewster's doubts as they apply to revolutionaries but also wonder whether any black man in America can receive a fair trial.

Given the special relationship blacks have had to the law since they were brought to this country, such doubts are more than reasonable. Whereas white Americans are accustomed to viewing the law as an historic vehicle through which liberties have been progressively expanded, black Americans have experienced law in quite another fashion. From the very first, American law has been the handmaiden of American racism. It has been the means by which the generalized racism in the society has been made specific and converted into the particularized policies and standards of social control.

So many of the milestones in the early history of liberty in this country are emblazoned with the exception: "But not for blacks." Thus, black people cannot view the Declaration of Independence, the Constitution or Jacksonian democracy in the same lofty manner as many who see them as triumphs of liberty; for the early Americans who sought freedom so assiduously for themselves, at the same time so cruelly denied it to others in their midst.

For so much of the past, the law rather than being a tool for expanding liberty, has been an implement for constricting, downgrading and narrowing the possibilities for blacks. It was the law which institutionalized American chattel slavery (by making black bondage life-long and later hereditary). It was the law which provided the onerous slave codes to govern in oppressive detail the lives of millions of blacks until their emancipation, and which returned to perform the same function through the notorious Black Codes after emancipation. It was with the law that the architects of segregation built a Jim Crow society which is still intact a decade and a half after Brown v. Board of Education and more than a century after the Emancipation Proclamation.

For long stretches of American history in many parts of the country, black people lacked any legal personality whatsoever. By law they were excluded from bringing lawsuits to protect their rights. There was no legal recourse for injury to themselves or their property. They were not even allowed to take the witness stand to testify in cases where the interests of white persons were involved. Nor were they permitted to serve on juries. In the criminal area—it is the criminal case that I shall concentrate on in this article—the penalties the law prescribed for blacks were often different from those prescribed for whites for the same offense.

Perhaps the most striking example of the latter disparity is the way in which certain jurisdictions reserved the penalty of sexual mutilation for blacks and Indians accused of interracial sex crimes. A reading of the statutes provides insights into the psychosocial pathology of white America—of its fear of letting black men be men; of its need to deprive them of their manhood; of its artfulness in employing the law in this base service. As recently as the mid-nineteenth century, white men sat in the Kansas Legislature and introduced, debated and passed legislation which provided that the penalty for any black convicted of attempting to compel a white woman to marry should be castration "by some skillful person," the cost of such a procedure to be charged to the convicted person. The penalty for corresponding acts by white persons was "confinement and hard labor not less than five years."

The Agnews and the present-day guardians of the American judicial system often have little patience with such discussions of the past. References to past legal unpleasantness, at best, are seen as irrelevant diversions from the present point, and at worst, as inflammatory devices which hinder a cool, contemporary and pragmatic approach to the closing of what are seen as minor gaps in the legal system. The fact that the explicit racial distinctions have for the most part been removed from the statute books, and that, in a formal sense, race has ceased to be an articulated ground for judicial decision, is for many sufficient proof that our avowedly neutral system of justice is both neutral and just.

This impatience with history would be justified if America had, in fact, somehow accomplished the impossible task of severing the past and completely exorcising the demons of old. However, in truth, the past of the American legal system is inextricably bound up with its present. Many of the same forces which kept blacks out of the courts or imposed harsher penalties on them in the past are at work today, militating against any black man receiving full justice in an American court.

The barriers to fairness are basically of two kinds: (1) personal—those related to the racial views and attitudes of persons responsible for the day-to-day administration of justice; and (2) structural—those related to the nature of our legal system itself, its procedural rules and substantive doctrines. Sometimes the barriers are a hybrid combination of both.

The manifestations of racism in the legal system today may be more subtle than many of those of the past, but they are not necessarily less pernicious. As their cases make their way through the courts, black lawyers and litigants must still often sustain personal indignities from biased judges and other court personnel. Despite United States Supreme Court disapproval of the practice, it is still not uncommon to find judges and prosecutors who fail to use the courtesy titles "Mr.," "Mrs." or "Miss" when addressing black defendants, and in some cases when addressing black lawyers. Similarly, normally expected courtesies often fall away when court attendants, clerks, bailiffs and marshals find themselves dealing with blacks.

Recently, I appeared with two other black lawyers before a Federal judge in the South, challenging employment discrimination against our black clients. Early in the legal proceedings, much to his consternation, we had taken exception to the judge referring to our clients as "nigras." At the very beginning of the trial itself, the judge told us in no uncertain terms that "nigra" was listed in his dictionary as a regional pronunciation for "Negro" (he did not point out that it is a *white* "regional pronunciation"), and that for the balance of the proceedings he and anyone else in the courtroom could use the term. By instant judicial decree we then had become nigra lawyers pressing the claims of

nigra clients in a white man's court. A corollary of the judge's pronouncement was that we were not to use the term "black" in referring to our clients and the racial community from which they came, since it was not the term traditionally used in "our jurisprudence."

This is by no means to suggest that what we are contending with is exclusively a Southern phenomenon. Daily, in courts throughout the country, black and poor defendants suffer the humiliations of a legal system which refuses to accord them full recognition of their dignity as human beings. In February of this year, Judge John M. Murtagh, presiding at the New York Panther conspiracy trial, ordered the pretrial hearings recessed and the defendants remanded to jail until all of them gave him a promise that they would deport themselves at the hearings in a manner in keeping with his standards of "good conduct."

A group of lawyers from the National Conference of Black Lawyers challenged the constitutionality of Judge Murtagh's action by petitioning for a writ of *habeas corpus* in the Supreme Court of Queens County, the area where the defendants were being held. When the defendants refused to comply with Judge Murtagh's demand, it appeared that they would be jailed indefinitely, awaiting trial. The *habeas corpus* action of the black lawyers on their behalf was something of a psychological victory for the Panther defendants because it enabled them to get back into court—in another jurisdiction—to carry on their struggle without having had to comply with the demands of the New York County trial judge.

However, when the 11 defendants were led into the courtroom for the argument on the petition they found that no chairs had been provided for them next to the counsel table. They were told to sit on the floor. They did so slowly, reluctantly; only the tensing of their bodies and their facial expressions betrayed their controlled fury. All this was demeaning for the proud young black men, but no less so for "the dignity of the court." Eleven might be considerably more than the average number of defendants in a criminal case, but not so many more that the largesse of New York State was incapable of providing seats for them.

Outside courtrooms the clerk's office is an area where personal attitudes can impair fairness. Lower-level clerks are often extremely powerful persons in the bureaucratic machinery of justice and they can use this power in an obstructionist and hostile manner when they do not like the people or the issue involved. This is seldom blatant, but can be seen in differences in flexibility and cooperativeness, and in the way normally straightforward matters can suddenly become complicated—as, for example, with the simple act of incorporating an organization or group when that group happens to have the word "black" in its title.

Biased judges use procedural devices and their judicial discretion to avoid ruling in favor of blacks when the legal mandate in their favor is clear. This is true in a wide variety of areas, but perhaps most obviously with many Southern judges in civil-rights cases. In general, judicial or administrative discretion can be used to cloak racism in sentencing, parole and probation.

Unexpressed racial bias creeps in to pollute the process—North and South—without fear of being exposed or proved. While it may not always be possible to show the bias in an individual case, an examination of statistical patterns demonstrates the disparity in treatment received by black and white persons convicted of crime. It is impossible to determine to what extent disparities are related to individual bias and to what extent they flow from a built-in systemic inequity, but there can be no argument with the fact of the disparity.

Blacks usually receive longer prison sentences than whites for most criminal offenses. A study of persons convicted of burglary and auto theft in Los Angeles County, most of them first offenders and unskilled laborers, revealed that on the average whites were treated much less severely than blacks. Forty-five per cent of the whites and 27 per cent of the blacks were given sentences for these crimes of four months' imprisonment or less, or probation; 42 per cent of the whites and 47 per cent of the blacks received four to nine months; and 13 per cent of the whites and 27 per cent of the blacks got 10 to 20 months.

A 1951 study showed that the average number of months served before release in all the states was 25 for blacks and 20 for whites. The disparity was greatest in the West and the Northeast. Proportionately about 10 to 14 percent more whites than blacks are annually "released conditionally" or granted some kind of parole. This racial disparity in the granting of parole helps to keep the percentage of blacks in the prison population high. According to reports in National Prison Statistics, blacks comprise about one-third of all prisoners, though they make up only about 11 per cent of the general population.

Some of the most glaring disparities occur in sentences imposed for capital crimes. According to the Bureau of Prisons, 3,857 persons were executed in the United States between 1930 and 1966; 53.5 per cent of these were black, 45.4 per cent were white and 1.1 per cent were members of other minority groups. Not only is it less likely that a white person will be sentenced to the electric chair, gas chamber, gallows or firing squad, but the workings of executive and administrative discretion are such that, once condemned to die, a white person is more likely to have his sentence commuted to life imprisonment by a governmental executive board of pardons or similar agency. Marvin E. Wolfgang, the noted criminologist, reports that among those condemned to die, between 10 and 20 per cent more blacks than whites are actually executed.

White America still reserves special penalties for blacks convicted of sex crimes—especially interracial sex crimes. National Prison Statistics shows that of the 19 jurisdictions that have executed men for rape since 1930, almost one-third of them—six states—have executed only blacks. There have been some years in which everyone who was executed for rape in this country was black. Detailed state-by-state analysis has shown that the discrepancy in death sentences for rape is related to the race of the victim.

Blacks raping blacks is apparently less serious than whites raping whites, and certainly less serious than whites raping blacks. But the black man today convicted of raping a white woman can be as certain of receiving the harshest treatment as was a Kansas black convicted of an interracial sex crime in 1855. For example, in Florida between 1960 and 1964, of the 125 white males who raped white females, six—or about 5 per cent—received death sentences (four of these involved attacks on children). Of the 68 black males in the same period who were convicted in Florida of raping black females, three—or about 4 per cent—received death sentences; and this when in two cases the victims were children. However, of the 84 blacks (same period, same state) convicted of raping white women, 45—or 54 per cent—received the death sentence; only one of these cases involved an attack on a juvenile. None of the eight white men who raped black women was sentenced to death.

Although there have not been sufficient detailed statistical analyses, available evidence indicates that black youths are more likely to be condemned to death and executed than the children of white parents. One study has shown that between 1950 and 1953, nine teen-agers were executed in the United States—seven black, two white. In 1954, 10 teen-agers were executed—seven in Georgia, two in New York, and one in Florida. All were black.

Just as with their elders, black youths can expect a difference in what the system of justice metes out to them and to others. The President's Commission on Law Enforcement and the Administration of Justice found that almost all youths committed acts for which they could be arrested and taken to court. However, the commission also found that the likelihood of a youth being arrested and taken to court varied according to where he lived. Juveniles from the nation's ghettos were much more likely to be arrested as delinquents than youths from white suburbia.

Of course, a good deal of the difference may be attributed to the cold sociological fact that certain kinds of condition of economic deprivation breed more so-called "antisocial" acts. But it must also be attributed to the differences in the way the police and the courts perform. If a suburban youth is arrested, it is more likely that some disposition will be worked out which will not involve incarceration. A ghetto youth will seldom find a policeman cautious about making an arrest merely because the youth is the son of a community leader, any more than in court will his parents be able to provide private counsel, private psychiatrists or to make an impression with personal prestige of their own as their child's fate is weighed in the balance.

Black people distrust the judicial system not only because of what happens to them when they are caught up in its machinery, but because of the failings of the legal system they witness when blacks are the victims. Black people wonder why no arrest was made last winter in Indiana when guards at the Pendleton Reformatory systematically shot unarmed black prisoners engaging in a sit-down demonstration. Black people wonder why there were no arrests in Brooklyn recently when a group of off-duty policemen fell upon and savagely beat Black Panther party members in the halls of the courthouse. Black people wonder why in Chicago—particularly after the Federal grand jury report—no one was arrested for the murderous late-night submachine-gun assault upon nine young Black Panthers. Black people wonder why in Mississippi there was never a murder prosecution of the men charged with snuffing out the lives of James Chaney, Andrew Goodman and Michael Schwerner (the Federal prosecution for violating the civil rights of the three was hardly a sufficient response for so heinous a crime).

Black people wonder why in November 1969, white radicals charged with bombing several New York buildings could have their bail reduced by 80 per cent to a reasonable amount in two days, while Black Panthers have languished in jail under unreasonable bail for 15 months for allegedly plotting to blow up the Botanical Garden.

Black people wonder why white men's juries in Michigan or Mississippi cannot find it in the evidence—or perhaps, even with the evidence, in their hearts—to convict white men for killing unknown blacks in the Algiers Motel in Detroit, or Medgar Evers in front of his home in Jackson. Black people wonder.

Blacks are no longer barred, because they are black, from bringing lawsuits or giving testimony in American courts. They have the legal capacity to give testimony no matter whose rights are involved. However, the weight that testimony is accorded is another matter. British barrister Anthony Lester conducted a study of state courts in the Deep South in 1964 and reported in his

"Justice in the American South" that "whenever there was a conflict of evidence between Negro and white, the judge appeared automatically to believe the white man. On no occasion was a policeman's evidence challenged."

Though this situation may have changed somewhat since Lester made his study, it is the general experience of lawyers who represent blacks—North, South, East and West—that judges and juries seldom accord the testimony of nonwhites the same weight as that of whites. When the issue is one of credibility, one white witness on one side of a lawsuit often cancels out several nonwhite witnesses on the other.

I recently represented some young black defendants who had been stopped by the police in the Bronx, allegedly for an infraction of the traffic laws. Prompted by a racial remark from one of the officers, a verbal duel between the young men and the officers ensued, in which the officers were outfenced. The result was that the young men were jailed on a long string of charges, including resisting arrest and inciting to riot. The defendants, though disturbed by the treatment they received, were not overly concerned about their trial since there had been so many people at the site of the incident who had seen that the most that had occurred was an argument between the police and the defendants.

By way of defense, I put on a large group of these witnesses—all black or Puerto Rican—most of whom did not know the defendants and who had no personal interest in testifying. Despite the disinterestedness of our witnesses and their number, the court chose to believe the policemen, on all but the most serious of the charges, and convicted the defendants. The impact of this lesson in credibility was strong, both on the defendants and on some of the spectators.

One of the defendants indicated to me that some of his worst notions about the workings of American justice had been confirmed and that the lesson he took away from the experience was in the future to resist unwarranted police action directed at himself, since he would probably be charged with doing so anyway. One boy of 11 or 12 who had seen the arrest and been at the trial blurted out to me at its conclusion, "Wow, if that's what happens to you in courts, I ain't gonna stop if a cop ever tells me to stop. I'm gonna run. Those guys didn't do nuthin'!"

It has long been the law that systematic exclusion of blacks from grand and petit juries is unconstitutional. In 1880 in Strauder v. West Virginia, the Supreme Court overturned a state statute which explicitly limited jury service to whites. Nonetheless, jury selection procedures are still such that it is difficult for blacks to obtain juries on which members of their race are fairly represented. Jury-qualification rules, the discretion left to jury commissioners and the lists selected as the source of prospective jurors have resulted in gross underrepresentation of the young, the black and the poor. Legal scholar Michael O. Finkelstein has recently documented the fact of racial exclusion in several Northern communities. His analysis of venire records of persons selected for grand juries in Manhattan, the Bronx and Westchester revealed that Harlem districts with heavy black populations contributed *less* than 1 per cent of the Manhattan veniremen, although they comprised 11 per cent of the voting population.

If there had been a random selection of jurors, it would have been virtually impossible for discrepancies this large to occur. According to Wolfgang and Cohen in their study "Crime and Race," the mathematical probability that the Manhattan grand jury venires in 1967 would have had the racial composition they did have through chance was smaller than the probability of being dealt 24 consecutive royal flushes in an honest game of five-card draw poker. Finkelstein also showed that in Westchester towns with large black populations—Mount Vernon, New Rochelle and Yonkers—blacks were represented almost not at all on the jury rolls.

It is not enough, however, to get blacks on the rolls as prospective jurors, for there still remains means of assuring that they do not serve. Throughout the country in cases involving black defendants, prosecutors use their allotted peremptory strikes to make sure that, so far as possible, the outcome will be determined by a white jury. Thus, legions of black men must still have their fates decided by juries from which members of their own race have been systematically excluded. A prosecutor is not required to give any reason when he uses his peremptory strikes to remove prospective jurors from the jury panel. The Supreme Court, while continuing to hold explicit exclusion invalid, in Swain v. Alabama (1965) has sustained this use of the peremptory strike.

Some of the greatest barriers to blacks receiving fair treatment in the courts today rise not so much from direct racial antipathies as from the structure of the law itself. It is here that the link from the past to the present is most clearly revealed. Historically, the men who made the laws were for the most part explicitly hostile to the interests of the poor and the nonwhite, or at least ignored them. This historic hostility and neglect have brought about a structural inequality through which the law, by its substantive doctrines and procedural rules, works invidious discriminations against the poor and the nonwhite.

Intent is not necessary. Institutionalized bias need never make reference to race or class to remain in its operation and impact highly discriminatory. The structural inequality represents a confluence of caste and class bias in the law in which poor whites are deeply affected, too.

On its face, the structural inequality relates largely to differences in the economic status of individuals, but it has a peculiarly racial dimension since such a widely disproportionate number, of the poor in this country is non-white. Even without bad motives on the part of those who administer the system of justice, the continued application of the legal system in this way is racist because of the way in which it perpetuates past racial wrongs. It battens upon blacks' depressed condition, for which racial injustices were largely responsible in the first place.

A prime example of the structural inequality in the law, and one which results in massive systemic unfairness to the typical nonwhite brought before the courts, is the operation of the money-bail system. Two accused persons can be in otherwise comparable situations—length of time in the community, length of time steadily employed, number of dependents and family obligations—except that one has money and the other does not. Upon arraignment on a criminal charge, one will walk free until the time of trial, the other will be locked up—though both are equally presumed innocent.

The city jails across the country are filled to overcrowding with the poor and nonwhite who must serve weeks, months, and sometimes more than a year in jail before coming to trial. In many cases the amount of bail is nominal—but even $25 is a considerable sum if you have not got it.

Statistically, the jailed defendant has much less chance of being acquitted than the bailed defendant. The defendant who comes to trial from the streets will have had greater access to his lawyer in preparing his defense, and having been at liberty will be able to arrive in court with a demeanor that will not cause those trying him to associate him readily with criminality. Jail in lieu of fines for indigents, creditor-biased consumer law, landlord-biased tenant law, lack of due process before administrative agencies which deal with the poor are but a few further examples of the law's structural inequality.

Many of the revolutionaries of whom Kingman Brewster spoke have identified some or all of these impediments to fairness endemic to the present legal system. They have no expectation of an acquittal when charged with crimes in connection with their political activity, for they know that they face not only the institutional bias against black defendants, but the political animus as well that is reserved for those that are perceived as a serious threat to things as they are.

As far as the legal system is concerned, the question becomes, as it did with Debs and with Sacco and Vanzetti and other unpopular defendants, not so much whether the defendants are guilty or innocent, in the sense of having committed or not committed certain acts, but whether in the present political climate such a determination can be made fairly.

Brewster and persons both in and outside the legal community admit to skepticism on this point. Many black revolutionaries have answered the question firmly in the negative. Having made this assessment of the legal system and their chances within it, many revolutionary defendants have ceased to look upon the courtroom as an arena in which a contest for and against their exoneration is waged, but rather as a platform to expose the failings of the legal system, to educate and politicize a larger public—to indict the system. What has so often been characterized as disruption is often less a calculated attempt to impede the progress of their trial than it is a refusal to sit silent when being subjected to personal affronts.

If such defendants believe someone is lying about them, they say so. If they believe their constitutional rights are being abridged, they say so. If they believe the judge is behaving in a racist fashion, they say so—and in their own terms. This refusal to accept the rules of the judicial game stems from a judgment on their part that the game is fixed.

In their minds there is no reason to sit passively by or to participate cooperatively in a process that is designed for their own destruction. As revolutionaries they believe it is their obligation to behave as revolutionaries wherever they find themselves—in the streets, in the courtroom, in jail. If this conduct is calculated at all, it is calculated to make manifest the latent bias which these defendants believe is rife in the legal system, to bring to the surface the vicious antipathies that would otherwise be masked by the niceties of legal rules.

This approach sometimes results in something of a self-fulfilling prophecy. It has, in fact, often provoked extreme judicial responses which were subversive of the rights of the defendants and in violation of the accepted legal standards of a fair trial.

What is the role of the black lawyer in this whole process? If there is structural inequality in the machinery of justice in this country, is not the lawyer guilty of complicity when he participates in this process? Is he not, in fact, an agent of the system?

The answer has to be that of course he is, but as one activist black lawyer recently said, "The lawyer must be a double agent." He participates in the process, but he can do so in such a way as to maximize the protection and the gains that are possible for oppressed persons under the existing order. He can use the rules of the very system that many of the oppressed are challenging to insulate them so that the can continue to go about the business of challenge.

The legal system has so far proved unable to eradicate racism from American society,

in large part because it is itself so severely tainted with racism. But the law is much too valuable a weapon in the struggle for major social change to be discarded for this reason. Not only can it serve as an insulator of the activist, but experience has shown that through test case litigation it is possible to correct at least some of its structural inequality.

It is unrealistic, however, to speak of major structural change and fairness to blacks in the legal system without examining the social context in which law operates. In many ways, the law merely reflects the larger society. It is unreasonable to think that in a racist society the law, or any institution, can completely transcend that racism. Changing the law involves changing America. In a nation of inverted priorities, misallocated resources and inhumane, materialistic values, it is too much to expect that the law will provide the fairness and justice to the poor and the nonwhite that is being denied them in every other sector of society.

There will not be institutional fairness for blacks in the courts until there is fairness for blacks in America. This relates not only to the structure of the law in terms of its procedural and substantive rules, but to the personal level as well. It is folly to say that ours is a government of laws, not men. Laws are made, interpreted and applied by men—and in America's case by men in a racist society. Ultimately, there is the simple and obvious truth that the judicial system is run by people, mostly by white people and that most white people are racially biased.

The likelihood of the legal process being entirely uncontaminated by bias in any given case is small. Individual blacks can and do win civil suits and individual blacks can and are acquitted of criminal charges, but in an institutional sense in almost all instances the law functions in a discriminatory and unfair manner when blacks (and poor people) are involved.

Can a black man get a fair trial in the United States? If by fair one means free of bias, the answer has to be generally "no."

LAW ENFORCEMENT OFFICIALS NEED "TOOLS" TO WORK WITH

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. FREY. Mr. Speaker, it has been suggested that the administation is somehow to blame for the lack of new anticrime laws. Any such suggestion is merely an attempt to shift the blame from where it belongs. Since the beginning of the 91st Congress, over 20 major proposals have been advanced by President Nixon to combat crime in this country. Yet, as of this moment, only one of these has been enacted into law, and that one applies only to the District of Columbia. Other legislation has been submitted which comprehensively covers measures against organized crime, terror bombing, drug peddlers, pornography, and provides for increased controls of parole and probation procedures as well as increased assistance to State and local enforcement agencies. No final action has been taken on any of these vital measures. Why?

During the 1960's the crime rate increased seven times faster than the population, with felonies doubling the 1960 rate. The problem is real and is upon us. But law enforcement officials are still not being given tools by the Congress. It is time we acted. It is time we provided the legislation necessary to increase the law and order capabilities of our Nation's enforcement agencies.

SENATOR SCOTT'S POSITION ON CONSERVATION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 15, 1970

Mr. SCHWEIKER. Mr. President, on Sunday, September 13, candidates for the U.S. Congress were asked to answer questions submitted by members of the northeast division of the Pennsylvania Federation of Sportsmen's Clubs. John Anderson, president of the northeast division of the federation, presided and asked a number of questions from the chair. These questions and Senator SCOTT's answers develop a number of environmental issues of considerable importance to the Commonwealth of Pennsylvania and the Nation. I ask unanimous consent to have these questions and answers printed in the RECORD.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

QUESTIONS FROM THE CHAIR TO OUR U.S. LEGISLATORS AND CANDIDATES

Are you in favor of and will you vote for:

1. Uneven flow of cold water from the Cannonsville and Delhi Dams in the Delaware River causing adverse affects on spawning of fish and the use of the water for recreation.

Answer. I have been in touch with the Delaware River Basin Commission to try and find some solution to the uneven water flow and temperature variances resulting from the lack of a uniform water release policy at the Cannonsville and Delhi Dams. These dams are under the administration of the City of New York. Several years ago, Congressman McDade and I were successful in working out an informal uniform flow agreement. Recent fish spawning problems indicate that the City of New York is no longer abiding by this agreement. If the Delaware River Basin cannot stop these uneven releases, I will introduce legislation to correct the problem. I do not intend to permit further harm to the recreation and sportfishing potential of the upper Delaware.

2. Proposed sale of federal lands by the present administration.

Answer. Sale of surplus Federal land may be authorized by an Executive Order by the President. This order need not be ratified by Congress. Under an Executive Order recently signed by President Nixon, each Federal Department and agency head was asked to designate the surplus lands under his control. I contacted Secretary Hickel and received an assurance from him that no National Parks, National Forests, nor Wildlife refuges would be considered surplus. Our wildlife refuges are an important part of our national heritage. I will fight any attempt to sell even one square foot of refuge land.

3. Use of chemical defoliants on our highways, power lines, gas lines, railroads, etc.

Answer. The need for more effective legislation in this area is underlined by my recent experience in the Clavarack Electric Company matter. After receiving a copy of a letter from North East Federation President John Anderson complaining that the Electric Company was spraying valuable game land adjacent to its power lines with lethal chemical defoliants, I contacted Secretary Maurice Goddard of the Commonwealth Department of Forests and Waters, and Secretary Leland Bull of the Commonwealth Department of Agriculture. Neither of these gentlemen had the authority to take specific administrative action to stop the spraying.

In February, 1969, I was the first national legislator to call attention to the threat posed by insecticide, pesticide and herbicide use. High concentrations of DDT and other lethal chemical agents were discovered in coho salmon catches. My warning and subsequent call for Senate hearings produced action. The Senate Subcommittee on Energy, Natural Resources and the Environment held hearings on this danger. The response has been gratifying. Secretary of Agriculture Hardin banned many pesticides and herbicides with a high DDT content. I am working to secure passage of tough new legislation before the end of the Ninety-first Congress. Next year, Federal officials will have the authority to stop dangerous spraying.

4. Atomic reactor plants—in particular the one proposed at Meshoppen, Pennsylvania, on the Susquehanna River.

Answer. I have opposed and will continue to oppose nuclear power plants that pose a threat to the health and living environment of our Commonwealth's citizens. On September 1, in a letter to Glenn Seaborg, Chairman of the Atomic Energy Commission, I expressed my opposition to the construction of the Meshoppen fast breeder reactor as long as regulatory officials felt there was the slightest danger to the public health and safety. I also solicited assurances from the AEC that environmental considerations would be given great weight during the application process—even to the extent of denying the required licenses. Our power generating capacity must be expanded to meet our growing needs but not at the expense of the health and environmental rights of Commonwealth citizens.

5. Make available surplus grain to sportsmen's clubs raising game that is released on land open to public hunting.

Answer. I am in favor of and will vote for any legislation to make surplus grain available to sportsmen's clubs raising game for release on lands open to public hunting. A precedent for this action already exists under Public Law 87–152. On February 11, 1970, I used this legislation as the basis for my request to Secretary of the Interior Hickel that surplus grain be flown in to prevent starvation kills of deer and wild turkeys due to the heavy snow cover over much of the Commonwealth last winter. This is another example of positive action designed to benefit Pennsylvania sportsmen.

6. Strip clear cutting of more of our federal forests to provide food and cover for game.

Answer. On August 12, I wrote to Secretary of Agriculture Clifford Hardin stressing the need for greater recreational concern in the management of our National Forest lands. Too much emphasis has been placed on timber growth and not nearly enough attention has been given to the need for adequate food and cover for deer, wild turkey, and ruffed grouse. Secretary Hardin has directed the Forest Service to plan additional strip clear cutting on Federal Forest lands.

7. More strict water and air pollution laws on a national level.

Answer. Since my election to the Senate in 1958, I have supported tough air and water pollution control legislation. In this Session of Congress, I have introduced air pollution control legislation which would encourage the rapid development of pollution-free vehicles and provide fines of up to $10,000 per day for violators of stationary source

pollution regulations (S. 3466). My water pollution control bill would also provide $10,000 per day fines for violators (S. 3471). This tough legislation hits polluters where it hurts—in the pocket book. I am still waiting for the Democrats to bring these bills before the Senate for a vote.

8. Make the Delaware and Susequehanna Rivers Wild Rivers.

Answer. The National Wild and Scenic Rivers Act divides designated rivers into two classes. Those in the first class are immediately listed as wild and scenic rivers. Rivers in the second class are to be studied for possible future "wild river" designation. Although several Pennsylvania rivers are in the second class, the settled nature of their river basins makes large scale Federal land acquisition both difficult and costly. The natural beauty of the Delaware and Susequehanna Rivers can best be preserved through interstate compacts and the creation of river basin commissions with the power to terminate pollution and provide for recreational development.

9. Susquehanna River Compact and on the (W) amendment.

Answer. As its primary sponsor in the U.S. Senate, I favor the enactment of the Susquehanna River Basin Compact and the coordinated, comprehensive planning for the preservation and enhancement of the Susquehanna, which this Compact would make possible. One fact is unmistakable; further development on the Susequehanna River is unavoidable. All of the forces needed are present to bring it about. What the Susquehanna Compact offers is the mechanism—a Susquehanna River Basin Commission representing equally the three Basin States and the Federal Government—to facilitate Federal-State intergovernmental and interagency cooperation to ensure that the best rewards of coordinated development are realized.

Significantly, the Compact recognizes that the powers which it would grant to the Commission are broad. Accordingly, commensurate public safeguards—including especially the requirement and opportunity for public hearings throughout—are provided by the Compact. As introduced, the Susquehanna Compact legislation makes no mention of any specific project; nor, would its enactment imply any such endorsement.

In cases of potential conflict with other regulatory agencies, I believe it is imperative that the Susequehanna River Basin Commission must retain final authority over water use and quality if the Commission is to carry out in any meaningful way its mandate for comprehensive planning for the preservation of the Basin. Therefore, I favor, and intend to recommend the enactment of, additional language to Reservation "W" which would provide this assurance and protection.

THE 1971 BUDGET SCOREKEEPING REPORT—SEPTEMBER 10, 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MAHON. Mr. Speaker, the 10th in a series of periodic "budget scorekeeping" reports prepared by the staff of the Joint Committee on Reduction of Federal Expenditures was distributed to Members yesterday, September 14. This report reflects the cumulative actions of the Congress on the President's budget requests—as originally submitted and as revised by him—through September 10.

The report reflects all the actions of Congress—beginning with the actions of each committee as a bill is reported—on regular appropriation bills; on legislation containing so-called backdoor appropriations; on legislation providing for mandatory spending; inactions on legislative proposals to reduce budget authority and outlays—the negative spending proposals; and actions or inactions on revenue producing proposals.

HIGHLIGHTS OF THE REPORT

The "scorekeeping" report is largely satistical and somewhat technical in nature and therefore not easily read. It is essentially for this reason that I am inserting in the RECORD certain factual highlights from the introductory section of the report together with certain summary information prepared specifically for this purpose from the more detailed tabulation contained in the report:

INTRODUCTION TO STAFF REPORT ON THE STATUS OF THE 1971 FISCAL YEAR FEDERAL BUDGET

HIGHLIGHTS AND CURRENT STATUS OF THE 1971 BUDGET

Presidential revisions in the budget

A. New budget authority for fiscal 1971 in the February 2 budget submission was estimated to be $218,030,495,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimates for new budget authority for 1971 by $2,698,722,000 to a new total of $220,729,217,000.

B. Budget outlays for fiscal 1971 in the February 2 budget submission were estimated to total $200,771,129,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimated budget outlays for fiscal 1971 by $4,571,871,000 to a new total of $205,343,000,000.

C. Budget receipts for fiscal 1971 in the February budget submission were estimated to total $202,103,000,000, including $1,522,000,000 for increased taxes proposed to the Congress. By additional revenue proposals for estate and gift taxes ($1,500,000,000) and leaded gasoline tax ($1,600,000,000) offset by some adjustments downward in his May 19, 1970 reestimates, the President has increased fiscal 1971 estimated receipts by a net of $2,006,000,000 to a new total of $204,109,000,000.

Congressional changes in the budget

A. Budget authority for fiscal 1971:

1. *House* actions to September 10, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $7,504,735,000.

2. *Senate* actions to September 10, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $3,260,324,000.

3. *Enactments* of spending bills—appropriations and legislative—to September 10, 1970 have *added* $2,759,172,000 to the President's budget authority requests for fiscal 1971.

B. Budget outlays for fiscal 1971:

1. *House* actions to September 10, 1970 on all spending bills—appropriations and legislative—have *added* a net of $3,222,083,000 to the President's total estimated outlays for fiscal 1971.

2. *Senate* actions to September 10, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,754,629,000 to the President's total estimated outlays for fiscal 1971.

3. *Enactments* of spending bills—appropriations and legislative—to September 10, 1970 have *added* $1,776,361,000 to the President's total estimated outlays for fiscal 1971.

C. Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. *House* actions to September 10 on revenue proposals total $548,000,000 (including a net of $13,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

2. *Senate* actions to September 10 on revenue proposals total $1,011,000,0000 (including $693,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

3. *Enactments* of revenue proposals to September 10 total $516,000,000 (including $194 million not requested for fiscal 1971 by the President) leaving a balance of $4,300,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

Facts on the budget deficit

The budget for fiscal 1971 submitted to Congress February 2, 1970 reflected a unified budget surplus of $1.3 billion, made up of an $8.6 billion surplus from the trust funds and a $7.3 billion deficit in the general Federal funds.

The budget for fiscal 1971 as revised by budget amendments, additional legislative proposals, and reestimates, exclusive of any separate direct congressional actions on the budget, as announced by the President on May 19, 1970, reflected a unified budget deficit of about $1.2 billion. Including congressional actions, as announced by the President May 19, 1970, the unified budget deficit was estimated to be $1.3 billion, made up of an $8.7 billion surplus from the trust funds and a $10 billion deficit in the general Federal funds.

These surplus and deficit projections are dependent upon various factors of an uncertain nature, such as:

1. Experience shows that actual outlays are likely to increase over earlier projections—thus increasing the deficit. Since submission of the fiscal 1971 budget in February the President has revised his official outlay estimates upward by about $4.6 billion and Congressional enactments to September 10 have added approximately an additional $1,776 million to estimated outlays for fiscal 1971.

2. The economic slowdown may decrease actual revenues from the amounts projected—thus increasing the deficit. The staff of the Joint Committee on Internal Revenue Taxation estimated last May that revenue collections for fiscal 1971 will be about $3.2 billion less than the administration was then projecting.

3. The revised budget contained about $2,414 million in estimated outlay reductions for legislative proposals to the Congress such as postal rate increases, sales of surplus stockpile commodities, revisions in various Veterans benefits, Medicaid reform, sale of Alaska Railroad, etc. The effective date of the proposed $1,568 million postal rate increases has been delayed by at least six months reducing that saving by at least $784 million (which is reflected as a Congressional increase in spending above); and only $180 million of the $250 proposed surplus sales have been approved. No other actions have been completed. Thus $666 million of these proposed outlay reductions have not yet been acted upon by the Congress.

4. The budget as revised to May 19, 1970 contains receipt estimates from various revenue producing proposals in the amount of

$4.8 billion (including $503 million for trust funds of which $194 million was not requested by the President) which, if not enacted by Congress, will automatically reduce receipts of the Treasury by the amounts estimated—thus increasing the deficit. Congress has enacted, to date, $322 million of the President's new revenue requests plus $194 million in new revenue not requested by the President. This leaves a balance of about $4.3 billion of the revenue requests of the President yet to be enacted or because of the enactment of $194 million not requested by the President a balance of $4.1 billion yet to be enacted toward meeting the President's estimated revenue requirement.

Taking into account Congressional actions to date on the uncertain budget estimates outlined above, and unless pending budget proposals for outlay reductions and additional revenues are enacted, the unified budget deficit for fiscal 1971 estimated by the President on May 19, 1970 to be about $1.3 billion would be increased to about $7.8 billion. Adding the loss of $3.2 billion revenue collections as estimated by the Joint Committee on Internal Revenue Taxation the total unified budget deficit could be as much as $11 billion, made up of a $7.9 billion surplus in trust funds and a $18.9 billion deficit in general Federal funds.

These deficit figures are not projections. They are simply arithmetic computations. Additional and pending actions by the Congress enacting revenue measures or increasing or decreasing expenditures will have a direct effect on any deficit computations. In addition, any increase in uncontrollable expenditures, like interest, or any additional savings made by the Executive will also have a direct impact on the projected deficit.

SUMMARY OF ACTIONS AFFECTING 1971

Mr. Speaker, I include a tabulation summarizing congressional actions and inactions to September 10 on various spending and revenue measures affecting the President's budget estimates. This summary has been compiled from tables 1 and 3 of the comprehensive "budget scorekeeping" report.

The tabulation reflects the effects of congressional actions and congressional inactions in terms of both budget authority and budget outlays. The budget outlay side of the picture has been combined with the actions remaining to be taken on various revenue-producing proposals to reflect the current status of the President's May 19, 1970, fiscal 1971 deficit estimate as that deficit estimate has been affected by congressional actions or the lack of congressional actions to September 10.

It should again be pointed out that the arithmetical deficit figures shown in this summary tabulation are *not* projections; the many remaining actions of the Congress on various spending and revenue proposals which are pending disposition will necessarily adjust these figures up or down as those actions are taken. Furthermore, these deficit figures do not reflect consideration of any shortfall in revenues below those projected in the budget estimates.

The tabulation follows:

FISCAL YEAR 1971 BUDGET SCOREKEEPING REPORT—AT A GLANCE AS OF SEPT. 10, 1970

[In thousands]

Spending authorizations	Changes from the Budget: Budget authority: House	Budget authority: Senate	Budget authority: Enacted	Budget outlays: House	Budget outlays: Senate	Budget outlays: Enacted
1. Appropriation bills	−$745,549	+$1,368,844	+$440,310	+$226,150	+$1,044,500	+$352,550
2. Legislative bills with "backdoor" spending authorization	+6,892,851	+224,851	+974,851			
3. Mandatory-type spending authorizations in legislative bills (pay, pensions, etc.)	+418,433	+882,629	+560,011	+2,061,933	+926,129	+639,811
4. Legislation affecting proposals to reduce budget authority and outlays—on which final action has been taken	+939,000	+784,000	+784,000	+934,000	+784,000	+784,000
5. Total changes from the budget as of September 10, for spending authority (the sum of items 1, 2, 3 and 4)	+7,504,735	+3,260,324	+2,759,172	+3,222,083	+2,754,629	+1,776,361
OTHER ADJUSTMENTS AFFECTING THE BUDGET AND THE DEFICIT						
6. Legislative proposals to reduce budget authority and outlays—on which no congressional action has been taken				+$450,564	+$665,564	+$665,564
7. Balance of $4,622,000,000 in revenue requests still pending enactment				+4,074,000	+3,611,000	+4,106,000
8. Impact of spending changes and remaining unmet revenue requests on the deficit (the sum of items 5, 6, and 7)				+7,746,647	+7,031,193	+6,547,925
9. Presidential deficit estimate May 19, 1970, excluding congressional actions				1,234,000	1,234,000	1,234,000
10. Total deficit—potential without further congressional changes in revenues or spending (the sum of items 8 and 9)				8,980,647	8,265,193	7,781,925

MR. H. I. ROMNES: A MAN OF COURAGE AND DISTINCTION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HUNT. Mr. Speaker, among the many hundreds of college and university commencement exercises across the Nation last June is one to which I would like to pay special attention. St. Louis University was singularly unique, to my knowledge, in choosing as its commencement speaker a businessman—a man of courage and distinction in the business community, the chairman of the board and president of the American Telephone & Telegraph Co., Mr. H. I. Romnes.

While I will not consume the pages of the RECORD to recite the full text of Mr. Romnes' address, I do want to emphasize and single out several of the very pertinent and poignant passages of his address which he imparts with the force of his convictions.

As to the times in which we live:

If there is virtue in times of stress like these, it is that they force us to examine previously unexamined assumptions and test the reasonableness of what we have all too comfortably taken for granted.

Mr. Romnes' address, while recognizing problems in society, refuses to yield to words of despair:

"Crisis" is a word that I am most reluctant to use, even to describe so perilous a passage in our history as the present one—first of all because we have had so many "crises" in recent years that turned out to be simply problems and, second, because, however much the word might satisfy our own yearning for a unique place in history, it implies that somehow events have gone beyond our capacity to manage them. This I don't believe has happened and—what is more—I don't believe we are going to let it happen.

The challenge is implicit. He said:

What I do understand . . . is what every American must understand by now—and that is that we are a deeply troubled and divided country and that we had better begin to ask ourselves what is happening to our country before it is too late.

The remedies he suggests are simple, yet vitally important:

We need to restore confidence in our ability to solve our own problems.

We need . . . to restore some measure of rationality to the processes by which Americans make up their minds on great issues and on small.

And we need to communicate.

Confidence:

For me, confidence that we can and conviction that we shall surmount our present difficulties comes from the reminder that this is not the first time in our history that we have been a deeply divided country.

Mr. Romnes cautions as to the limits of the passions of youth who want to change things:

What I would like to suggest is that there are limits to passion, however noble the cause that inspires it. Sooner or later, when the last demonstration is done and the shouting is over, someone is going to have to apply himself to the hard tasks of building the new and better world you want.

He warns that the ideals of today's college-age generation will not be realized merely by taking them for granted:

The achievement of your generation's aims, much as they depend on the conviction with which you pursue them, will depend even more on the plain down-to-earth competence you bring to the job . . . The quality of our society will increasingly depend on the quality of its individual components—the skills and energy that each of us brings to his chosen field of endeavor, the sense of responsibility that each of us brings to the tasks of citizenship.

Understandably, the role of business which Mr. Romnes envisions lies at the

heart of our way of life and our ability to meet the challenges faced by our society:

Business will in fact provide opportunities to shape the future as great or greater than some other pursuits that currently appear to offer more of the satisfactions of self-dramatization. . . . And it is business, I believe, that will provide the central testing ground of our ability—the ability of all Americans—to work together in dignity and mutual aspect.

He suggests that there is more to communication than merely perfecting the technical means:

There is no more disturbing aspect of our times than that we appear to have lost the capacity to listen to each other with a decent respect for one another's opinions.

There is no doubt, as Mr. Romnes observes, that communications involves risks. He said:

There is the risk that in the process we might discover that the world is a little more complicated than it seemed. There is the risk that we might discover frailties in our most firmly held convictions. And, finally, there is the risk that in seeking to change others, we may be changed ourselves.

Mr. Speaker, we certainly need more men of Mr. Romnes' kind who will apply themselves to the pressing matters of the day without fear or favor.

METHADONE AN ANSWER TO DRUG ABUSE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MOORHEAD. Mr. Speaker, for the longest time, heroin addiction was almost a terminal affliction. Although heroin of very poor quality, or in excessive amounts, sometimes kills a user directly, more often than not, the heroin addict dies a hundred deaths trying to feed his habit, which never stabilizes but always grows.

The drug addict is responsible for much of today's street crime, the muggings, the petty robberies, and others which he must engage in, in order to get the money to pay for his daily craving for drugs.

The costs to the community, his family, and himself that the addict creates are incalculable. Suffice it to say that full-blown heroin addiction is debilitating to both the individual, those around him, and the place where he plys his habit.

Recently, there has been success in treating addicts using the substitute drug, methadone. This inexpensive, synthetic narcotic, when taken properly allows the addict to be weaned from heroin and eventually offers the hope of an addiction-free life.

The August 21 edition of the Pittsburgh Post-Gazette contains an excellent article on the work being done in my city with addict rehabilitation.

Much of the effort in Pittsburgh is being carried out under the guiding hand of Dr. Charles Burks, the man responsible for Black Action Inc.

Black Action Inc. is a community organization which has been working directly with addicts in their own neighborhoods.

It has been a lifesaver, in more ways than one, for many Pittsburghers who were chained to a drug habit.

Burks and Black Action Inc. have been using methadone in their rehabilitation program.

Although there is a glimmer of hope in this treatment, it is being hampered by too little hospital space and money and too few trained personnel, all of which are needed for a successful drug rehabilitation.

I include this article in the RECORD for the edification of my colleagues:

METHADONE AN ANSWER TO DRUG ABUSE

(By Eleanor Adamets)

Thanks to a recently legalized drug called methadone, and to the pioneer spirit of the city's two Methadone Maintenance Programs, nearly 300 hard-core heroin addicts in Allegheny County have been able to "kick" their habits.

Dr. John Ekstrand, director of the program at Western Psychiatric Institute and Clinic in Oakland, describes the success of the system as "approaching the miraculous."

"In two to three weeks, we see dramatic changes take place in the addicts," he said. "They talk about football, complain if they miss breakfast, and want to see their families."

In less than a year after starting to take methadone, many of the addicts in the two programs are now holding steady jobs. Most are reunited with their families, and some have even been able to return to school.

"The meth is a beautiful thing—I'm starting to dream again about owning my own business and sending my son to college someday," said one middle-aged former addict from the Hill District.

Addicted to heroin for more than 20 years, he now holds a full-time job and has been spreading the word to his addict friends on the Hill about the methadone program at Western Psych.

Another addict, a 25-year-old father of three children who started using heroin nine years ago while stationed in Germany with the U.S. Army, is planning to enter college this fall.

"For me, it's like being born again," he said. "Since I started taking methadone, 'chasing the bag' is all over. Now life means a lot more to me and my family."

"We believe heroin addicts should be rehabilitated, not incarcerated," said Annette Green, administrative assistant at Manchester's Black Action, Inc., the largest methadone treatment clinic in the state.

"Immediate 'cold turkey' withdrawal isn't the answer," she added. "What addicts need is medical help and a long period of intensive counseling."

Both Black Action's program and one at Western Psych base their treatment of addicts on the concept that heroin addiction is a disease that can be medically treated with success like many other physical disorders.

Dr. Charles Burks, the "guiding spirit" of Black Action's program for the past two years, began treating addicts with methadone out on the streets of the Northside more than a year before funds, facilities or staff were available.

"We just can't pray heroin addiction away—if we could, we'd all be praying," he said. "Methadone is the best answer we've come up with yet, and it does work."

The Manchester program treats about 250 out-patients a day at their clinic. But, in Dr. Burks' words, "We're not even scratching the surface of the problem."

"We've got another 250 addicts on our waiting list now, and they'll have to wait 10–12 months before we can treat them—we just don't have the space or staff to handle them all."

Dr. Burks speculates there are as many as 10,000 hard-core users of heroin (those physically dependent on the drug for two years or more) in the country. He estimates the number of "occasional users" to be as high as 25,000.

Partial explanation of Black Action, Inc.'s problems lies in the nature of the methadone treatment.

Methadone, a synthetic narcotic legalized by the State Legislature only last January, blocks the euphoric effects and the physical craving for heroin if an addict receives his daily "stabilized" dosage in liquid form mixed with orange juice.

But, before an addict can come to the out-patient clinic for methadone, a 4–6 week period of hospitalization is necessary to "detoxify" him from heroin and to "stabilize" him at his individual methadone dosage level.

Only nine hospital beds (seven at St. John's Hospital and two at Allegheny General) are available at any one time to admit new patients into Black Action, Inc.'s program.

The shortage of hospital beds, plus a shortage of funds (their annual budget is about $160,000), staff, and space accounts for the long list of untreated addicts trying to be admitted into the program.

The Western Psych program treats 43 out-patients daily, but has only four beds at the hospital available to admit new patients. Forty-eight addicts are already on their waiting list.

Unlike the Black Action program, however, the program at Western Psych has an annual budget that approaches $1.7 million. In an almost unique example of "the university following the lead of the ghetto," it has patterned much of its program on the methods used at Black Action.

But, even with more money, the Oakland center faces some problems stemming from the refusal of ward nurses in May to distribute methadone to addicts because it disrupted normal ward activities.

Since then, the program has been staffed with its own nurses and tucked away into two tiny rooms on the ninth floor of the hospital. The quarters are cramped, but the addicts are free to come in for their methadone without disturbing other patients.

Within the near future, Western Psych hopes to acquire a house in the Oakland area that will also serve as a counseling center for addicts much like the Juniata Street treatment center of Black Action, Inc.'s program.

Regardless of the difficulties both programs face, the results seem encouraging to the doctors in the programs.

Dr. Ekstrand, who is also the staff psychiatrist for Black Action, Inc.'s program, said that in the seven years since methadone was first used to treat heroin addicts in New York City, no adverse effects from the drug have been reported.

According to both Dr. Ekstrand and Dr. Burks, however, there is no way to determine how long an addict must keep on taking methadone.

Much like a diabetic must depend on insulin to maintain proper metabolic balance in his body, a heroin addict may have to depend on methadone for the rest of his life to satisfy his craving for heroin.

But, as one addict says, "Compared to supporting a $50 a day heroin habit, the 15 cents a day it costs for methadone is a real bargain!"

THE SOVIET UNION AND THE PALESTINIAN GUERRILLAS

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. GROVER. Mr. Speaker, during the past summer, I was pleased to have working in my office as a congressional intern, Mr. Robert Lifson, of Huntington, N.Y. In addition to office and seminar study assignments, Mr. Lifson did considerable research in matters concerned in the Middle East. He prepared, prior to the current aircraft hijackings, a scholarly essay entitled "The Soviet Union and the Palestinian Guerrillas." In view of the worldwide concern over the aircraft hijackings by Arab guerrillas and the timeliness of his study report, I am submitting it for the interest of the Members:

THE SOVIET UNION AND THE PALESTINIAN GUERRILLAS

(By Robert Lifson)

Of all the aspects of the current tensions in the Middle East, certainly the one that is least understood is that of the relationship of the Soviet Union to the Palestinian guerrillas. The guerrillas, due to their recent and forceful addition to the complexities of the Middle East, have captured the hopes and imaginations of the Palestinian and Arab peoples. Thus, they are a potentially powerful force, and as such, they are a factor which must be carefully considered by the policy makers in the Kremlin.

In order to understand the relationship between Moscow and the commandos, one must have some idea of what the Soviet Union hopes to accomplish in the Middle East. Only the men in the Kremlin know exactly what these goals are. We in the West can only speculate. At one extreme is the long-run maximum objective of the U.S.S.R. which would most likely be the replacement of all Western political, military, economic, and cultural ties with the Middle East by the U.S.S.R. In other words, the Soviets would desire the virtual communization or Sovietization of the whole area. Realistically, this objective does not seem possible. Perhaps a more reasonable long range goal would be to attempt to become the predominant, but not sole, influence in the region. In the short run, the Russian goal would seem to be one of settling the issues left over from the June war of 1967. More importantly, however, the Russians want the Suez Canal open to their shipping so they can continue and increase their penetration of the Middle East, the Horn of Africa, and eventually, the Persian Gulf and Indian Ocean areas, where a Western presence is in decline. One consideration above all else prevents Moscow from militantly trying to achieve these goals and that factor which the policy makers in the Kremlin must consider is the possibility of a nuclear confrontation with the United States. To the Russians nuclear war must be avoided, and any scheme which could conceivably lead to a nuclear exchange with the United States is approached very cautiously.

The emergence of the Palestinian guerillas as a vital force in the area has not necessarily facilitated the obtaining of these Russian objectives. The common goals and ideology of all the guerilla organizations are readily evidenced in the Palestinian National Covenant which the Palestinian National Council accepted. From this document one can see that the guerillas are not communist, although much of what they say and do, have Marxist-Leninist (and to some extent Maoist) strains. However, many people in the West are ready to dismiss the Palestinian commandos as communist fronts; in much the same manner that Nasser's Arab socialism was criticized as being a prelude to communism. These people do not realize that the ideology of the guerrillas is composed of two parts; Arab socialism and Palestinian nationalism. Authorities on the Palestinian problem have stressed that Arab nationalism is not conducive to communism.

The Palestinian organizations have realized that they are barely united as to the means in which to achieve their common goal of liberating Palestine, let alone deciding the future of a liberated Palestine. To state openly the ideology and politics of a liberated Palestinian state, before the existence of such a state is a reality, could only serve to destroy what little unity there is now. To avoid such a possibility article nine of the Palestinian National Covenant states, "doctrine, whether political or social or economic shall not occupy the people of Palestine from their primary duty of liberating their homeland. All Palestinians constitute one national front and work with all their feelings and spiritual and material potentialities to free their homeland."[1]

The position of the Palestinians is a very nationalistic one. They claim that "Palestine is an Arab homeland, bound by strong nationalistic ties to the rest of the Arab countries which together form the large Arab homeland. Its boundaries are those at the time of the British Mandate and is a regional indivisible unit".[2] Futhermore, article seven states that "Jews of Palestinian origin are considered Palestinians if they are willing to live peacefully and loyally in Palestine".[3] As one can see, the Palestinian groups have a strong desire for unity. The Soviet Union has also expressed a desire to see the Palestinian guerrillas unified, but for entirely different motives. The Russians would like to see the united guerrillas used as an auxiliary force by the Arab states. The guerrillas see their unity as a means of using the Arab states as bases from which they hope to liberate their homeland. Although it would be impossible to say that the guerrillas are not affected by Marxist-Leninist ideology, one must be cognizant that it is on subjects such as anti-colonialism, anti-imperialism, and methods of liberation that the guerrillas take a Marxist-Leninist, and sometimes Maoist ideological approach.

Although Arab marauders have been raiding Israel since the 1949 armistice agreements, it was not until the Egyptians decided in 1955 to aid and support raiders in attacks on Israeli territory that these fedayeen caused the Israelis to become concerned. Eventually these incidents supported by the Egyptians prompted the Israeli thrust across Sinai in 1956. The presence of U.N. emergency forces in the area immobilized guerilla activity until 1964 when the Arab League sponsored the formation of the Palestinian Liberation Organization, headed by Ahmad al-Shuqayri.[4] The fact that Israel had planned the diversion of the waters of the Jordan River at this time makes one wonder as to the reason why the Palestine Liberation Organization's came into being. The U.S.S.R. adopted a rather cool even hostile attitude to the guerillas and the P.L.O., at this time. The Soviets were quite disdainful of Ahmad al-Shuqayri and his pro Chinese leanings. The Soviets did not accept the idea of popular war against Israel. They tried to discredit the guerillas by referring to them in *Izvestia* as "mythical divisionary groups" and the Russians even went so far as to imply to the Israelis that the guerillas were a "tool of Western intelligence agencies".[5]

Footnotes at end of article.

The June war changed Moscow's attitude somewhat. The war and the failure of the Palestinian Liberation Army discredited Shuqayri, whose downfall in December of 1967 was welcomed in Moscow. However, any hopes that Al Fatah's leader Yasser Arafat might have a better understanding of the political situation were frustrated. After the war the guerilla movement grew and splintered into many little bands. By as early as the Fall of 1967 practically every national ideological current in the Arab world had sponsored some sort of fedayeen organization.[6] The growth of the guerillas had been increasing gradually since the end of the war and had made some inroads in the hearts of the dispirited Arabs. Yet, it was not until Al Fatah inflicted heavy casualties on the Israelis March 21, 1968 at the battle of Karameh that Al Fatah and the guerilla movement as a whole caught the hearts and imaginations of the Palestinian and Arab people. Israel no longer seemed invincible. Recruitment in guerrilla organizations rose dramatically. This sharp growth in the guerilla movement and its aftermath caused policy makers in the Kremlin to drop their old policy of virtually ignoring the guerillas. On the other hand, any formulation of a new policy would have to take into consideration the various factors which prevent Moscow from fully embracing the guerilla movement, despite their occasional potential political usefulness.

One area where Moscow and the guerillas have divergent views is that of tactics and strategies. Fatah regards the Russians with some suspicion because while the Soviet Union has been indirectly helpful in making available arms and in championing the cause of liberation wars, in general it has also upheld the right of Israel to exist and it has exerted pressure on the guerillas to mute their activities.[7] If the guerillas feel that Moscow is meddling, then it should also be noted that Moscow does not approve of many of the tactics of the guerrilla groups. Several Palestinian organizations feel that because Israel is a virtual "armed state" that there really aren't civilians per se, but rather every component part of society serves some military purpose. Thus, blowing up airlines is justified, in that, El Al is used to bring arms to Israel and it strengthens the Israeli economy, thus increasing Israel's capability for attacking Arabs. If one extends this thinking to its most logical extremes, then there is a rationale for blowing up children in school buses. After all, the children of today are the soldiers of tomorrow, and besides Israeli planes have killed Arab school children too. The Soviet attitude is quite different. E. Primatov a writer for Pravda told an Egyptian newspaper, "We as a government and people support the struggle of the Palestinian people to free the occupied territories. (I think the guerrillas have something else in mind, R.L.) There are, however, various aspects we can not support, for example, we are against attacking civilian airplanes and other civilian objects".[8] There is no surprise as to why Moscow adopts such an attitude.

The Soviet Union, like all sovereign and responsible states realizes that to condone such acts now may prove to be disfunctional in the future, because in the future it may be Russian civilian targets that come under attack by some extremist organization. Still, the U.S.S.R. wants to keep its options with the fedayeen open and therefore, Russia does not condemn the acts, but merely says in a friendly manner that attacks of this nature are not helping the guerilla movement. Indeed the Soviets would like to make the Arabs and the Palestinians more presentable to the West, and attacking airlines impedes this effort.

To be fair one should note that the position of the guerillas is not unanimous on the matter of tactics either. The more mod-

erate guerillas represented by Arafat do not indulge in such cowardly deeds, as Moscow is quick to point out. One popular Soviet periodical notes that "there is not complete unity among the Palestinian organizations themsolves. They often differ as regards tactics, methods, and even the aims of their struggle".[9] Shortly after the hijacking of a U.S. T.W.A. airliner for which George Habash's Popular Front for the Liberation of Palestine claimed responsibility, Pravda on August 29, 1969 said that the Popular Front for the Liberaton of Palestine acts "isolated from all of the other Palestinian organizations".[10]

An even more serious concern of Moscow is the extent of communist Chinese penetration and influence in the guerrilla movement. The possibility of Chinese involvement in the guerrilla movement poses two obvious questions which must be faced. First, is there some sort of communist Chinese involvement in the Palestinian liberation movement? Second, if such a presence does exist, to what extent does it affect Soviet thinking? That the Chinese involvement in the area, however limited in scope, does exist, can not be doubted in light of the facts. In fact, when one considers the distance of the Chinese from the area and their ability to be of assistance, perhaps the Chinese have demonstrated a greater will to aid the guerrillas than the Soviets. More importantly, many, indeed if not all the guerrillas, feel that the Chinese support them more than the U.S.S.R. One prominent Palestinain authority asserted that the "Chinese give the guerrillas one hundred percent ideological, political, and diplomatic support".[11] In fact, even before the '67 war, China was willing to acknowledge Shuqayri and the Palestine Liberation Organization as an Exile Government.[12] The very idea of a people's struggle is a Maoist concept. Certainly the ideas of George Habash of the Popular Front in his recent Life interview have a Maoist color to them. Even the supposedly more moderate Yasir Arafat talks of "victory through a gun's muzzle". In other words the very militancy of the guerrillas is a rejection of Moscow's thinking and an acceptance of Chinese methods. Although the guerrillas' central ideology can in no way be clearly labeled Maoist, they have adopted some of his principles and have incorporated it into their own ideas to form something unique.

Looking at the other side of the coin, one must remember that the Chinese have expressed an interest in the guerrillas. In contrast to his cool reception upon visiting the U.S.S.R., Yasir Arafat was greeted at Peking's airport by Vice President Li Hsiennien and other high officials. In his farewell telegram to Premier Chou En Lai the Al Fatah leader expressed his gratitude for "your support and assistance to our revolution."[13] Many guerrillas claim that they were trained in China and that Chinese assistance has even included arms. Indeed, informed Israelis are only too willing to point out that Chinese arms have been found on captured and dead guerrillas. One can only speculate what the Chinese motive for its actions in the Middle East is. The point is, however, that the Russians regard this Chinese encroachment in the Middle East, despite its limited scope, very seriously, perhaps too seriously. Although the Chinese factor may seem rather minor and illusionary to people in the West, it is very real to the Kremlin.

If the Russians are to deter the Chinese efforts in the guerilla movement, then the Soviets are left with two possible approaches. They can either try to outbid the Chinese and try to prove that they are more revolutionary, or they can condemn and attack all associations with the Chinese as harmful to the movement. At first the Russians seemed to have opted for the second approach. The Chinese had accused the U.S.S.R. of collusion with the U.S. in preparing for a "Middle East Munich." The Russians countered by saying that Chinese propaganda, calling for the redrawing of the maps of the Middle East (at Israel's expense) would only assist the Israelis in prolonging their occupation of Arab lands.[14] The Chinese, in the Soviets' mind, seem to only increase the danger of conflagration in an already explosive situation.

Some Soviets feel that "the Chinese in every possible way encourage their extremist tendencies and push the Palestinians to lead a popular war against Israel and the rotten Arab regimes. They (the Chinese) lead a campaign against a political regulation of the Middle East crisis and try to introduce a split in the anti-imperialist front of the Arab states".[15] The brunt of this verbal attack, on the one hand, is an accusation that the Chinese by interfering in the area are aiding imperialism. On the other hand, it is advice to the Palestinians that the best way to achieving their goals is to unite and to work with the other anti-imperialist, such as the Soviet Union and its client Arab states. China is excluded from this group because its disruptive and disintegrative policies aid the forces of imperialism. The Chinese, then, are one consideration that the Kremlin is mindful of when it deals with the guerrillas. To some extent the Chinese involvement in the area may have the effect of pushing the Russians further to the left. Any Soviet decision towards the guerrillas will be influenced to some extent, by Russia's relations with China and also by Chinese activities in the area.

Of course, the most obvious divergence between the policies of the Soviet Union and the Palestinian commandoes is over the question of Israel's existence. The Russians are eager to remind people in the West that the Soviet Union was to a great extent responsible for Israel's birth. Indeed, not only did the Russians support the U.N. partition plan, and give recognition to the Jewish state, but it was arms from communist Czechoslovakia which enabled the Israelis to successfully defend themselves shortly after the birth of their state. While many of the Arab states have reconciled themselves to this historical reality by reasoning that Israel should exist, but only if the rights of the Palestinians are restored, not all the guerrillas subscribe to such reasoning. The ever growing and popular Popular Front for the Liberation of Palestine led by George Habash claims that Palestine must be liberated from the Israelis. One gets the feeling that, despite Arafat's protestations to the contrary, this goal is the one which all Palestinian organizations are fighting for. According to E Primakov of Pravda, the difference between the viewpoints of the Palestinian guerrillas and that of the Soviet Union is that the "commandoes oppose Zionist existence, we oppose Zionist aggression".[16] This divergence of view is highlighted by the presence of partisan forces which are guerrilla forces of sorts, supported by the Moscow oriented illegal communist parties of Jordan and Iraq. These partisan forces greatly differ from other commando groups in that they do not call for the dismantling of Israel.[17] Clearly, this line of reasoning reflects the attitude of Moscow rather than that of the majority of Palestinians.

One must remember the emphasis the Palestinian National Covenant places on the redemption of an Arab nation state of Palestine. Articles one through eighteen are all justifications for the destruction of the Jewish state of Israel and the replacement of it by an Arab state, or as the more moderate guerrillas say "a multi-racial state" of Moslems and Jews. Thus, Israel's existence and Russia's acknowledgment of Israel's right to exist is one fundamental issue obstructing better relations between the Russians and the guerrillas. It is interesting to note that the Chinese have no such problem, as they had nothing to do with Israel's creation nor have they even given recognition to Israel.

Since the June War of 1967, the question of Israel's right to exist has become a real point of divergence between the guerrillas and the U.S.S.R. Every major peace plan presented to date has always implied if not demanded that the state of Israel be guaranteed its right to exist. The entire question of a peace settlement poses a problem to Moscow with respect to its relations with the guerrillas. While the Arabs (Palestinians included) are cognizant of the role played by the U.S.S.R. in the formation of Israel, they tend to regard the Russians as true friends who are just beginning to realize their mistakes of the past. They hope that the Russians will try to rectify their past mistakes by future actions. Whether the U.S.S.R. is following such a line remains to be seen. If the Soviets are sincere about achieving a just and lasting peace in the Middle East, then they will have earned the undying hatred of the guerrilla groups. Even Soviet talks of peace raise the suspicions of the Palestinians. However, one should note that at present the Soviets have not been able to agree with the West on any peace formula and have only presented peace plans which have proven unacceptable to Israel and Washington. This type of situation is highly beneficial to the Palestinians, as it aids their cause by keeping the tension in the area high, by giving the guerrillas and the Middle East crisis a great deal of publicity, and most importantly it gives the Palestinians a sense of national identity and purpose. These benefits are only derived as long as the guerrillas prove useful to the Arab states in their endeavor to regain the occupied territories.

The official Soviet line regarding peace between the Arabs and the Israelis usually refers back to the U.N. Security Council Resolution of November 22, 1967. The Soviet Union's proposals proceed from the premise that Israel on the one hand, and the U.A.R. and the other Arab countries which would take part in the peace settlement, on the other hand, must be ready to abide by all the provisions of the November 22 resolution. Thus, both sides must reject the possibility of gaining territories by war and they must recognize the necessity of establishing a just and reliable peace in the Middle East in conditions in which every state in the area would be able to enjoy security.[18] The U.N. resolution of November 22, 1967 involves basically the following principles: Israeli withdrawal from the occupied territories, termination of all claims of a state of belligerency and the recognition of the territorial integrity of all states in the area, and their right to live within secure and recognized boundaries free from the threats or acts of force. In addition the resolution affirmed the necessity for a guarantee of freedom through international waterways in the area, a just settlement of the refugee problem, and the guarantee of the independence of every state in the area through measures including the establishment of demilitarized zones.[19] To the Palestinians this resolution is not acceptable. While it does recommend the necessity of resolving the refugee problem, no specific solution is suggested, and on the other hand, it does seem to be an international guarantee of Israel's existence, which although not binding on the guerrillas would nonetheless make their struggle more difficult.

Whether Russia is sincere in her support of peace in the area is a debatable point, but the fact that both the U.S. and the U.S.S.R. talk about resolving the conflict worries the guerillas. Many Palestinian guerrillas fear that the Russians really do want peace because they feel that the Soviets are afraid of a nuclear confrontation, that compromise while not acceptable to the Pales-

Footnotes at end of article.

tinians because one of the concessions is sure to be a guarantee for Israel's existence, may be most convenient for the Russians, and finally, the Palestinians fear that the U.S.S.R. and the U.S. are coming closer together on the idea that stability is necessary in the area.[20] Even more distressing to the guerillas is the Soviet approach to a peace formula. Despite all the talk about a "package deal", the Soviet proposals call first for a withdrawal of Israeli troops, then, state to state agreements, and finally the resolution of the refugee problem. That Moscow does not consider the refugee problem one of prime importance is evidenced by a radio Moscow broadcast on June 27, 1969 which stated that "all attempts of imperialist propaganda to maintain that the center of gravity in the Arab-Israel conflict has moved into the struggle of the Palestinian partisans are, all the same, naked demagogy; the main side of the conflict can only be Israel and the Arab states".[21] Although Moscow's attitude since then has changed slightly, as the guerillas have emerged as a more potent force, one can still conclude that despite the warmth found for the guerillas in the Soviet press, that for the present the Soviet Union and the guerillas are far from agreement on the priorities for peace in the Middle East.

Since the visit of Yasir Arafat of Al Fatah to the Soviet Union this winter, the Soviets have been quick to hand out praise for his organization. However, due, on the one hand, to the growing popularity of the guerillas in Arab lands, and considering, on the other hand, the positions of the Russians and the guerillas on the various issues, one could conclude that this friendship is little more than expedient propaganda, at least for the moment. Yet one must wonder how lasting this attitude may be. How long will the Russians wait for the diplomatic settlement which will assure them of their minimum goal of opening the Suez Canal? Should the U.S.S.R. grow impatient, it could possibly take the initiative by encouraging the Egyptians to try to force the Israelis from the east bank of the canal, or they might decide to adopt the guerillas' attitude and press for the eventual destruction of Israel. Approaches such as these would seem unrealistic because of Moscow's basically cautious manner in dealing with the problem so far, and also there is no substantive evidence that Moscow has abandoned the state to state approach towards resolving the conflict. Quite the contrary seems to be true for basically two reasons. Firstly, the Soviets have shown a preference to dealing with states rather than various political organizations, other than the communist parties. The Soviets have adopted this attitude because they like to deal with groups and bodies which they can hold responsible to see that their agreements will be enforced.

They also like to have some measure of control over the situation and it is far easier to make a state keep its promises than an irresponsible revolutionary organization. Secondly, all Soviet peace proposals have adopted various mutations of the same approach, but they are all virtually the same, that being, that they have placed the refugee problem to secondary role while the primary task remains the removal of Israeli troops. From a Soviet perspective, this approach is quite logical. After all, one of the urgent goals of the U.S.S.R. is to open the Suez Canal, not to create an Arab Palestine. Furthermore the Russians have no desire to run the risk of a great power confrontation. In addition any deviation from the present approach would seem unlikely unless the success of the new approach could reasonably be expected. Although any new approach may seem improbable, it is not inconceivable, and one should be cognizant of the possibilities should the Russians grow impatient.

Footnotes at end of article.

Another possibility worth exploring is what would happen if the Russians were able to achieve a political settlement along the lines that they have previously suggested. In other words, what would happen once the Soviets had accomplished their goal of reopening the Suez Canal? What more could the Russians then offer the Arabs after the occupied lands are returned? Would the Russians then conceivably aid the Palestinians in their attempt to liberate Palestine? There is no reason to believe that the Arabs will find a peace settlement in 1970 any more to their liking than the ceasefire in 1967, the 1956 U.N. peace keeping operations, the 1948 armistice, or the 1947 Partition Plan for that matter, unless, the settlement would give the area now called Israel to the Arabs. In brief, what they have failed to obtain in the wars, they hope to achieve at the conference tables, or by other means if necessary. Logically, then, if the Russians are to continue to court the Arabs, then, they too must continue an anti-Israel campaign, regardless of any peace settlement which may have proved acceptable. At this juncture the policies of the Soviet Union, the Arab states, and the guerrillas will be in virtual harmony.

What evidence can I submit to substantiate this hypothesis? First, the Soviets and more specifically the Moscow oriented Communist Party of Jordan set up "partisan forces" which are really communist guerrilla organizations. In the Partisan Forces Manifesto published in the pro communist, Beirut daily *Al Nida* it was stated that, "the partisan forces fight against Zionism and imperialism and is a partisan of the liberation battle fought by the forces of freedom, peace, and progress led by the U.S.S.R."[22] At present these "partisan forces" differ from the other guerrilla organizations in that they do not call for the dismantling of Israel. Yet, nothing precludes them from adopting such a position in the future. In fact, the natural progression of events would logically require them to do so. If they are to receive any substantial support from the Palestinians, and other Arabs, then they must offer some means of satisfying Palestinian desires, which would mean the advocacy of an Arab Palestine in what is now Israel. To advocate a peace settlement is a first step, but to reject a continued struggle for the liberation of Palestine, once the Israeili troops are withdrawn from the occupied territories, is quite a different story. In short these partisan forces must adopt a more militant position or they will wither when and if a peace settlement is agreed upon. Second, the wording of the various peace proposals, especially those of the Soviet Union, is ambiguous, to say the least.

For example, part of the Soviet peace plan as presented in the March 31, 1970 edition of *New Times* calls for "return to the rightful owners of all that was seized by force." At present, this proposal is referring to the return of the occupied territories, but if this wording is taken literally, and if one adopts an Arab point of view, that Israel itself is really an occupied territory, then, this proposal can be used by the guerillas to press for the return of Palestinian lands now controlled by Israel which the Palestinians say is about 93% of present day Israel. Another part of their peace proposal states that "as soon as the Israeli troops withdraw *behind the line they occupied* prior to June 5, 1967, the full end of the war should be officially proclaimed. Particular attention should be paid to the words "the line they occupied" because this phraseology in no way implies that such lines are permanent boundaries. Thus, while the occupied territories will be secured for the Arabs, Israel will not necessarily have recognized and permanent borders. Finally, the Russians have included the inevitable escape clause for her Arab clients because this peace proposal further states "It stands to reason that in case *Israel* violates its commitments on the withdrawal of troops, the Arab countries will have the right to abstain from carrying out their corresponding commitments." Who is going to decide whether a violation has been committed—the Arabs? If so, one could easily invent a pretext for resuming the hostilities. Even if the Russians do have the best of intentions, one can not ignore the fact that there are too many loopholes (loopholes which are very convenient for the Arab states and the guerillas) in the Russian peace plan, to realistically believe that if this proposal was adopted that a lasting peace would follow.

More alarming to my mind, however, is that many Russian periodicals have picked up the Arab and the guerrilla charge that the Israelis are really neo-Nazis. That anyone could link the survivors of Hitler's death camps to neo-Nazism is the height of ridiculousness and/or international irresponsibility, even if one attempts to quickly dismiss such charges as propaganda for Arab consumption. Yet, the Soviet Union does exactly this sort of thing. Constantly in the Soviet press the words Zionist expansion and fascist aggression are used interchangeably. For example, one Soviet publication stated that "in this case, the situation is similar to the one which existed during the Second World War when the resistance movement was active in Nazi-occupied territory".[23] Every conceivable link between Israel and the Federal Republic of Germany is analyzed. The usual Soviet conclusion is that the result of any connections between these two states can only lead to the most sinister of schemes. The Soviets maintain that it is West Germany which supports Israel's armed forces.[24] When one considers the deep hatred the Soviet leaders and indeed, the Soviet people have for Germany, one must wonder about the implications of such linkages. Certainly a peaceful atmosphere has not been created. In addition, the Soviets have shown increasing amounts of "sympathy" for the Palestinian viewpoint. As early as February 12 of 1969 Radio Moscow broadcast that "the Soviet people regard the Arab resistance with true sympathy and offer *the joint Arab* causes all support".[25] Since the visit of Yasir Arafat to the U.S.S.R. and his talks with the Asian Solidarity Committee, Soviet feeling for the guerrillas has warmed in about proportion to the increase in the guerrillas' popularity in the Arab world.

In discussing this question whether the Soviet Union might conceivably allow Israel to cease to exist, I have used mostly circumstantial evidence. Yet, one can not help but get the feeling that the Soviet Union is using what some people refer to as "salami tactics"; that is, they are trying to achieve their major goals slice by slice. Each slice of the salami is a small step so much so that it is hardly noticed, but when people put all the small slices together they are alarmed at the result. An example of Soviet salami tactics would be the progression of events on the Egyptian front since February of this year. First, the Soviets installed SAM–2 sites in the Nile valley, and a little late SAM–3 sites (mobile) and nothing was said in protest in the West because they accepted the Soviet line that they were purely for defense. Next Soviet pilots appeared in the area, another piece of the salami, as this was a logical extension of the defense of the Nile valley. Then Soviet missiles began to inch closer to the canal until Israel's air supremacy near the canal was threatened. Finally, there was the disclosure by Assistant Secretary of State Sisco on Sunday July 12, 1970 that the Soviets were sending the Egyptians amphibious landing craft. One can only wonder with fear when the next piece of salami will be cut or if the Israelis will take the initiative and prevent what they regard to be the further deterioration of their position on the canal. I am one who

believes very strongly that the Soviet Union uses such salami tactics and therefore, I can not imagine the Soviets risking their tremendous investment in the Arab world by settling for a status quo peace afer they have managed to secure the opening of the Suez Canal. For a while the Arabs may be content with the return of the occupied territories, but eventually the guerillas will put pressure on the Arab states who will then turn to their big power ally and ask for assistance in the liberation struggle.

What, then, can one conclude from this discussion of the Soviet Union's relations with the Palestinian guerillas? It is apparent that the aloofness with which the Russians used to handle the guerillas is no longer acceptable. As the guerillas continue to grow in popularity and as an important factor in the Middle East conflict, they will receive a more attentive ear at Moscow. At present, there are two major factors which prohibit the Russians from giving more support to the guerillas. One is the fact that the guerillas and the Soviet government are at loggerheads over various issues concerning the conflict, and second, Moscow has an aversion for dealing with non-state entities, other than the communist parties. The Russians prefer state to state relations as opposed to dealing with irresponsible popular movements. Should some type of settlement be agreed upon, the situation would change. I believe that the guerillas have had the effect of forcing the Russians further to the left. A peace settlement might accelerate this pushing to the left, as the Kremlin would seek to protect its very expensive Middle East investment. Perhaps, Nasser was right when he said that it is the debtor nation who controls the actions of the creditor nation.

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[1] "The Palestinian National Covenant", *N.Y.U. Journal of International Law and Politics*, Spring 1970 p. 199.

[2] *Ibid.*

[3] *Ibid.*

[4] Jean Riollot, "The Soviet Attitude Toward the Palestinian Organizations", *Radio Liberty Dispatch* February 13, 1970.

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[6] J. Bowyer Bell "Arafats Man in the Mirror: The Myth of the Fedayeen", The New Middle East April 1970, p. 19.

[7] Michael Hudson, "The Palestinian Resistance Movement: Its Significance in the Middle East Crisis", *The Middle East Journal*, Summer 1969, p. 302.

[8] A. Y. Yodfat, "Moscow Reconsiders Al Fatah", *The New Middle East*, December 1969, p. 17.

[9] "The Middle East Crossroads", *New Times* May 7, 1970, p. 24.

[10] "At the Mid-East Crossroads", *New Times* May 7, 1970, p. 24.

[11] Interview with Dr. Sharabi at Georgetown University.

[12] A. Y. Yodfat, "Moscow Reconsiders Al Fatah", *New Middle East*, April 1970, p. 16.

[13] Paul Wohl, "New Soviet Revolutionary Stance in Middle East", *Radio Liberty Dispatch*, May 25, 1970 p. 4.

[14] "From the Soviet Press", *New Middle East*, July 1970, p. 44.

[15] A. Y. Yodfat, "Moscow Reconsiders Al Fatah", *New Middle East*, December 1969, p. 16.

[16] A. Y. Yodfat, "Moscow Reconsiders Al Fatah", *New Middle East*, December 1969, p. 16.

[17] John K. Cooley, "Communists in Arab States Form Anti-Israel Guerrilla Force", *Christian Science Monitor*, March 19, 1970 p. 4.

[18] Yevgeny Maximov, "Middle East: Road to a Just Peace", *News and Views From the U.S.S.R.* January 30, 1970 p. 3.

[19] *United Nations Security Council Resolution #242* of November 22, 1967.

[20] Interview with Dr. Sharabi of Georgetown University.

[21] Y. A. Yodfat, "Moscow Reconsiders Al Fatah" *New Middle East*, December 1969, p. 15.

[22] John K. Cooley, "Communists in Arab States Form Anti-Israel Guerrilla Force", *Christian Science Monitor*, March 19, 1970 p. 4.

[23] Jean Riollot, "The Soviet Attitude Toward The Palestinian Organizations", *Radio Liberty Dispatch*, February 13, 1970 p. 4.

[24] "Mid-East: Western Propaganda Myth", *New Times* March 10, 1970 p. 44.

[25] A. Y. Yodfat, "Moscow Reconsiders Al Fatah", *New Middle East*, December 1969, p. 17.

A SHORT COURSE IN HUMAN RELATIONS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WOLFF. Mr. Speaker, I would like to include in the RECORD for the Members' consideration "A Short Course in Human Relations" that appeared in the official publication of the 2d Marine Division Association. Surely there is much in this that could give us all reason for thought.

A SHORT COURSE IN HUMAN RELATIONS

The six most important words: *"I admit I made a mistake."*

The five most important words: *"You did a good job."*

The four most important words: *"What is your opinion."*

The three most important words: *"If you please."*

The two most important words: *"Thank you."*

The one most important word: *"We."*

The least important word: *"I."*

THE CHELSEA CLINTON NEWS SPOTLIGHTS THE PROBLEM OF LEAD POISONING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. RYAN. Mr. Speaker, the Housing Subcommittee of the Banking and Currency Committee held 2 days of hearings on July 22 and 23 on legislation which deals with the problem of childhood lead poisoning. The distinguished chairman of the subcommittee, Mr. BARRETT, is to be commended for focusing congressional attention on this serious health menace which needlessly kills too many children each year.

As the sponsor of a package of three bills aimed at alleviating this disease, I am delighted that there are 19 cosponsors of my bills and that similar legislation has been introduced by other Members. In the Senate bills have been introduced by Senators KENNEDY, SCHWEIKER, and SCOTT which also deal with this disease.

The Housing Subcommittee had before it two of my bills—H.R. 9192 and H.R. 11699.

H.R. 9192 authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead paint and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 11699 requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also requires that these plans be enforced.

My third bill, H.R. 9191, is pending in the House Interstate and Foreign Commere Committee, and I am hopeful that hearings on this legislation will be held in the near future.

This bill establishes a fund in the Department of Health, Education, and Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals afflicted with lead poisoning.

The problem of lead poisoning is a serious one. In the past, local governments have been either unable or unwilling to deal effectively with the disease.

In the meantime, more than 225,000 of the Nation's children between the ages of 1 and 6 are suffering from lead poisoning. For this reason, Federal legislation is critically needed.

I am inserting in the RECORD articles which appeared in a leading New York City community newspaper, the Chelsea Clinton News on July 9 and July 16. Written by Bruce Buckley, "Focus on 'Silent Epidemic'" tells about the attempts to detect lead poisoning on the lower West Side of Manhattan.

I urge my colleagues to read these articles, for they once again point out that, as time passes by, more and more children are afflicted with lead poisoning. The time to pass legislation is now, so that lead poisoning can be eliminated as a threat to the lives and health of our children.

The articles follow:

FOCUS ON "SILENT EPIDEMIC"

(By Bruce Buckley)

One night several months ago Avelino Perez was watching his infant daughter Gloria playing in the kitchen of their apartment on West 26th Street.

As he looked on, the chubby 20-month-old girl picked some flecks of paint from the wall and popped them in her mouth.

Mr. Perez called to his wife in another room (her name is also Gloria) to tell her what the toddler had done.

Mrs. Perez rushed into the kitchen, grabbed Glorida and quickly washed her mouth out with soap and water. She knew about the danger of eating paint from the walls of old apartments.

Several months later, Gloria developed convulsions. She was taken to St. Vincent's Hospital on May 19 and admitted. The Hospital, noting the age and the address, suspected lead poisoning, as did her mother. A series of tests were taken, including X-rays of the long bones and blood analysis, but nothing in these tests indicated any danger. The X-rays showed no evidence of lead in the marrow of the long bones; the blood test came back showing a level of 60 micrograms, which is considered the upper level of normal; and finally there was no evidence of anemia.

Since 60 micrograms is the upper limit of a normal reading, a second blood test was ordered, according to Dr. Vincent Fontana, head of the hospital's Pediatric Department. By this time, the little girl had recovered from the effects of her convulsive seizure, and she was released. Mrs. Perez was told to bring the child back to the hospital in two weeks. When she returned, she was examined and pronounced well. But the hospital still had not received the results of the second blood test from the Health Department, where lead analysis is undertaken. Even up to this week, the result of that second test is still a mystery.

Dr. Fontana suspects that the Health Department discovered an abnormal amount of lead in the second analysis, since right after the child was released from the hospital, a public health nurse showed up at the Perez apartment and one of the questions she asked was, had Gloria eaten any paint?

An inspector from the Health Department turned up three weeks later and took samples of the paint from the walls of the Perez apartment. These reportedly turned out positive for lead, according to Dalila Fontanez, a tenant organizer who has been working for a year and a half with the residents of several deteriorated tenements on that block. Miss Fontanez talked to the inspector for Mrs. Perez, who speaks little English.

Questioned about the Perez case, the Health Department refused to divulge any information.

But on the basis of a reported case of lead poisoning, the Department did send a mobile unit to 26th Street last Wednesday to test children from four blocks around.

In the hot afternoon sun about a dozen parents with more than 20 toddlers in tow waited for the mobile unit to arrive. It came late, a Red Cross truck with several volunteers and a doctor.

Dr. Jacob Glaubach, the Lower West Side Health Officer, arrived too, along with Rose Whitman, the public health education consultant for this area.

It was the first time the mobile unit had been used in the Lower West Side. Before this, the unit has been sent exclusively to "high risk" areas.

A table was set up in the shade and parent lined up to sign a Health Department form requesting lead analysis. Several children had come with neighbors and could not be tested. Parents are required to sign consents. One woman who could not write signed the consent slip with a large X. For a moment it created a stir. Was that an acceptable signature?

A flash of annoyance from Dalila Fontanez: Let's not get bogged down in bureaucracy now!" Miss Fontanez is a college student who lives on the block and has been fighting the landlord of the bad houses for a long time.

Finally a volunteer walked over and signed her signature beneath the X and it was all right.

One by one the children climbed into the back of the Red Cross truck, which is normally used for disaster relief work. Con Edison also contributes the use of a truck. Some of the youngsters grimaced as the syringe was jabbed into their veins; other wailed. Not all of them could be tested. The doctor drawing the blood found difficulty finding tiny veins on some of the chubbier ones and they were given an appointment to come to the Health Center at 303 Ninth Avenue. Gloria Perez was one of them.

The parents were told they would receive the results in about a week.

Children who show evidence of lead in their systems—.06 milligram is considered the danger level—will have a public health nurse sent to their homes immediately. The nurse will determine whether hospitalization is required. Later an inspector arrives to test the paint on the walls for lead. Apartments in which lead is uncovered are ordered scraped or covered with wall boards. If the owner fails to comply, the city does the work and bills him for the cost.

Sometimes described as the silent epidemic, lead poisoning affects thousands of children in the New York City area. It is a disease of the environment and a disease of the poor. It is also insidious. Initial symptoms—nausea, lethargy, clumsiness, constipation—are the same as symptoms of many other diseases and uneducated parents often don't suspect the real cause. In its later stages the disease causes irreversible damage to the brain and central nervous system. Death often ensues, but many afflicted children live a kind of living death from the ravages of the disease.

Caught early enough, the disease can be treated and the deadly process reversed. A drug know as Calcium EDTA is used to leech the poison from the system. The lead clings tenaciously to the bones, but eventually it can be expelled.

The principal victims of lead poisoning are children up to the age of five. In this age bracket, they often have a craving for foreign substances called "pica" and will eat crayons, cigarettes, clay, matches—and flakes of wall paint. This would not be harmful, except for the fact that in deteriorated apartments, the older layers of lead-based paint, outlawed since 1947, become exposed.

Estimates on the number of undetected cases in the city vary greatly. Dr. Vincent Guinee, director of the Bureau of Lead Poisoning, estimated last week that there are 6000 to 8000 cases. Others have calculated that there are perhaps four or five times that number. Since January the city has seriously begun an effort to uncover undetected cases.

The budget has mushroomed from $150,000 to $2.4 million a year. Naturally the number of cases has grown too. Dr. Guinee reported that 720 children with lead poisoning have been found between January 1 and the week of June 26.

In the Lower West Side there have only been four cases in that period.

"It must be hidden," said Rose Whitman. "We're trying to ferret it out."

LEAD POISONING FOUND HERE IN SECOND CHILD

A second case of lead poisoning was uncovered in Chelsea last week as a result of increased attention to the problem here by the Health Department.

Two-year-old Ricardo Salgado was hospitalized at Bellevue after analysis of his blood revealed an excessive amount of lead in his system.

The little boy, who lives with his mother and older sister in a cramped four-room apartment at 229 West 26th Street, was one of 12 children tested by a mobile unit on Wednesday, July 1. His was the only positive finding.

Ricardo will be in Bellevue for some time, his mother was told by a doctor at the hospital. The level of lead in his test—.07 milligrams—is considered "very serious," according to Mrs. Rose Whitman, public health education consultant on the Lower West Side.

Left untreated, lead poisoning can lead to irreversible brain damage and death. It has been estimated that thousands of children in deteriorated buildings throughout the city are affected by the disease. Its insidious danger is that parents often confuse the initial symptoms with those of other, less deadly ailments.

The usual source of the lead is old flaking wall paint, which some children pick off and eat. Although lead-based interior paint has been outlawed in New York City since 1947, old layers of it often become exposed in rundown houses.

As part of the stepped-up drive to uncover undiagnosed cases, the Health Department's mobile testing unit will be operating Wednesday and Thursday afternoons at various spots throughout the Lower West Side Health District (Battery to West 72nd Street) from the end of July through the month of August.

Children can also be tested at the Lower West Side Health Center, Ninth Avenue at 28th Street, every morning and all day Wednesday.

Mrs. Whitman said the Health Department continues to "keep tabs" on children with positive, but less than critical, test results.

The campaign began in earnest here after a case was diagnosed on 26th Street.

When a critical case of lead poisoning is discovered—a level of .06 milligrams in the blood is considered critical—the Health Department rushes a nurse to the home of the child. She and the family physician, if any, determine whether the child requires hospitalization. Later a Health Department inspector arrives to examine the apartment. He then orders the landlord to scrape the walls or to cover them with wallboard. If the landlord fails to comply, the work is done by the city and the owner is billed.

The mother of two-year-old Ricardo, Mrs. Otilia Santiago, said she had seen the child on several occasions eating chips of paint from holes in the walls. Each time she caught him, the boy was punished, she said, but he continued doing it.

Mrs. Santiago speaks little English. Dalila Fontanez, a neighbor who has been active in the campaign against lead poisoning as a staff member of the Chelsea Action Center, translated for her.

The mother said she had noticed a loss of appetite in the child about three months ago and became very concerned. Fearing that he might have worms, she took him to a private physician who gave him some medicine without testing him, she said. A month ago Ricardo developed cold symptoms. She brought him to Bellevue Hospital, where he was given a bottle of liquid she took to be cough medicine.

Mrs. Santiago shares her neat apartment with a sister, who looks after the two children. Pregnant now with her third child, she will soon give up her $70-a-week job as an operator in the garment center. She receives no welfare assistance.

KOSCIUSZKO HOME NATIONAL HISTORIC SITE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HELSTOSKI. Mr. Speaker, the history of the Poles with respect to the growth of the United States is well known to every American and especially to people of Polish descent.

In writing the history of the Revolutionary War, the two outstanding Polish names are those of Kosciuszko and Pulaski. They gave so much of their time and energy to the American battle for freedom during the days of that war.

While many American cities have statues to one or both of these heroes, no effort was ever made by the American Government to honor these two men who voluntarily came to these shores and risked their lives in behalf of the American colonists who fought for freedom from their mother country.

An effort is now being made to honor General Kosciuszko through the creation of the Kosciuszko Home National Historic Site. Mr. Edward Piszek, a Polish-American businessman in Philadelphia has purchased a historic and old building on Pine Street in Philadelphia which, nearly 200 years ago, was the residence of Kosciuszko. The idea is to preserve this home and rehabilitate it as a museum honoring Kosciuszko.

The building is in an area which is scheduled for urban renewal and proposals have been made to the city authorities to save this edifice from the bulldozers and to maintain it as a historic site. Unfortunately the proposal did not meet with the approval of the city authorities which declared the necessity of the destruction of the building. Under these circumstances, the matter was brought to the attention of the Congress to have legislation passed which would establish this residence as the Kosciuszko Home National Historic Site.

To achieve this result, I have introduced H.R. 18249, which is presently pending before the House Committee on Interior and Insular Affairs, and, as of September 9, there have been nine similar bills introduced in the House. In the Senate a similar bill has been cosponsored by Senators HARTKE, SCOTT, HART, and SCHWEIKER.

Mr. Speaker, it is my hope that the 225th anniversary of Kosciuszko's birth, February 12, 1971, will be celebrated as the year when the American Government fully realizes the impact of Kosciuszko's effort in its fight for freedom through the establishment of the Kosciuszko home as a national historic site.

At this time, Mr. Speaker, I wish to congratulate Mr. Piszek for his untiring efforts in trying to achieve this objective and for his generosity in purchasing this home to perpetuate the memory of Kosciuszko through a physical expression of our thanks to a man of great military knowledge who was instrumental in America's fight for liberty and freedom.

NIXON DOCTRINE FOR KOREA

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HUTCHINSON. Mr. Speaker, the Nixon doctrine, which was formulated a little over a year ago, is now being implemented in South Korea where certain U.S. troop withdrawals have been scheduled.

In an August 30 editorial, the Detroit Sunday News notes that the doctrine was tested during Vice President AGNEW's recent visit to South Korea by the demand of that Government that we provide $3 billion for modernization of their Army. Not only were the South Koreans told we would not give them that amount of money, but also what we would make available would be over a period of time, at the end of which we would expect to have all our GI's out upon the completion of the modernization of the South Korean Army.

I believe my colleagues will find the Sunday News' appraisal of the Nixon doctrine as it relates to South Korea to be interesting, and I therefore include it in the RECORD:

NIXON DOCTRINE FOR KOREA—KEY IS SELF-DEFENSE

It's going to be tough sledding reducing our armed manpower in Asia and the Pacific and persuading our Asian partners that the Nixon Doctrine means what it says: Self-defense is the new watchword if they genuinely value their independence and freedom.

The first crunch has come in Korea. There will be others. There will have to be some hard reappraising by our allies and a dismantling of the comfortable habit of mind that, rain or sunshine, Uncle Sam would always be there, militarily and economically, fighting each partner's battles.

Uncle Sam will still be there, his defense pledges intact, his nuclear umbrella deterring the biggest bullies. But no longer will he fight other people's battles unless it is demonstrably proven his partner will carry the principal combat burden and face up to the sacrifices.

The hard nut to crack on Vice President Agnew's tour was Korea, where 17 years after the armistice 63,000 American troops are on station to bolster the efficient South Korean army and, politically, to serve as a tripwire should North Korea strike again. As soon as we said we'd reduce that American component to 43,000 by next June, South Korea began hollering, threatening the whole cabinet would resign if we persisted with implementing the Nixon Doctrine in Korea.

We ignored that first bluff and Agnew arrived. He made it clear we meant business and then South Korea declared it wouldn't even discuss troop reduction until we guaranteed about $3 billion to modernize its army. The administration didn't fool around. "Not feasible, unrealistic," retorted Agnew's backstop in Washington, Defense Secretary Laird, refraining, however, from categorizing the demand for what it was—impudent blackmail.

Blackmail won't work if you've got no bargaining line of retreat and South Korea has no place else to go for aid. So Agnew made it clear the GI's would be withdrawn, that maybe $1 billion over five years for modernizing the Korean army might be authorized by Congress, and, for a clincher, that we expected to have all the GI's out when that army modernization was complete.

When you've got a new master plan—and the Nixon Doctrine promises to be a sound strategic objective—stick to it and don't permit reluctant allies to nibble it to death. We've made a good start.

THE RECORDER WILL COMMEMORATE 100TH ANNIVERSARY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. COUGHLIN. Mr. Speaker, I am pleased to acknowledge a milestone in the life of one of the many fine community newspapers that serve the 13th Congressional District of Montgomery County, Pa.

The Recorder, originally the Conshohocken Recorder, began publishing weekly 100 years ago this year at 64 Fayette Street in Conshohocken, the third oldest borough in the county.

In saluting the Recorder, I want to pay tribute to the role of the printed media in serving the varied areas—suburban and rural—that comprise the county.

Community newspapers such as the Recorder, supplementing and complementing the three competent daily newspapers in the county, are finding new roles of service. As the suburban areas spread further out into the county, the community newspapers are expending both their coverage and services.

Although the past quarter century has seen the untimely demise of many reputable daily newspapers, the community newspaper field has been growing. I think that my district is particularly fortunate in having many newspapers serving the various communities.

The Recorder, as the oldest community newspaper in the county, merits special praise for a century-old publishing record through major wars and attendant shortages of materials and labor. It is a doughty old veteran that holds an especial esteem in the hearts of its readers.

My warmest congratulations go to the Recorder and its staff on this 100th anniversary. I wish the newspaper and staff unending years of service to the community.

THE CAMBODIAN INCURSION FROM A MILITARY POINT OF VIEW

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. ROUSSELOT. Mr. Speaker, when President Nixon announced that he was sending allied forces into Cambodia, he promised that the action would save American lives. Each week since we have received fresh evidence that the Cambodian operation has had just the effect that the President predicted.

The sharp decline in American casualties since Cambodia is gratifying to those of us who have supported the President's plan for ending the war. There can no longer be any doubt that the Cambodian operation was a tactical victory.

However, the results of that operation may be even more meaningful in a strategic sense. The declining casualty rate means that the enemy's capability to wage war has been seriously hampered and that bodes well for the President's Vietnamization program and the further withdrawal of more American troops.

For a penetrating discussion of these facts, I would like to call my colleagues' attention to a recent editorial in the Houston Post which analyzes the Cambodian incursion from a military point of view:

PLUSES OF CAMBODIA

As time goes by, President Nixon's decision to send American troops into Cambodia seems to be paying off, both tactically and strategically.

The most important result to date is that the President's prediction that destruction of the Communist sanctuaries would save American lives is being borne out.

It has been about four months since the Americans and South Vietnamese moved into Cambodia, and two months since the Americans pulled out. Not enough time has passed for a conclusive appraisal of the over-all strategic success of the operation, but sufficient time has elapsed to reveal some tactical pluses and minuses that have accrued.

Writing in U.S. News & World Report, Col. William C. Moore, an Air Force officer who has served as planner at Allied headquarters in Europe and with the Strategic Plans Group of the Joint Chiefs of Staff, assesses the results to date and finds that the pluses have far exceeded the minuses.

He points out that the Communists have been slow in re-establishing new base areas from which to conduct operations against South Vietnam, and that such bases, or sanctuaries, are extremely important to combat operations. They permit combat troops to rest, regroup and plan new attacks, and most importantly, to assemble in strength before commitment to battle.

The newest strongholds apparently will be in Northeast Cambodia and Southern Laos, approximately 275 miles from Saigon. Enemy troops will no longer have a short night jaunt to their targets, as they did when their bases were in the Fishhook and the Parrot's Beak. Getting troops to vital targets will be a long-drawn-out, complicated and hazardous undertaking.

"Under these conditions," Col. Moore writes, "it is doubtful whether the enemy will ever again be able to mount a large-scale operation in the Mekong Delta, or for that matter, in the southern half of South Vietnam."

Even more heartening is the decline in casualties, ambush attacks, terror and sabotage attacks, and other combat operations by the enemy since the Cambodian bases were cleaned out. In the two months before the Cambodian operation, the weekly average of Americans killed in action was 108. During the May and June fighting in Cambodia, the average rose to 141. But in July and August, the two months following the withdrawal, the weekly average dropped to 70, a 35 per cent decline since pre-Cambodia.

True, there has been a 39 per cent decrease in Communist troops killed in action in the past two months, also, but Col. Moore considers this a plus rather than a minus because it indicates an unwillingness by the enemy to engage in battle.

These and other tactical gains point toward significant progress in the strategic sense, as well. Vietnamization is moving ahead. U.S. troops are being withdrawn on schedule, and draft quotas at home are the lowest since 1954.

Col. Moore admits readily that the U.S. forces in South Vietnam or Cambodia are not out of the woods yet, and that the end of the monsoons may see an acceleration of enemy activity, accompanied by mounting casualties. Hanoi, having suffered a crippling blow to its ability to attack South Vietnam, may try to redress the setback by stepped-up offensives in Laos and Cambodia. The odds at present, however, do not favor early success in such a venture, the colonel maintains, and we can hope that he is right.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1970

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. ANDERSON of California. Mr. Speaker, we, in this country, are blessed with a highly skilled technical and scientific community. They have contributed greatly to our success as a nation. They have turned seemingly impossible tasks into reality.

Over $17 billion of America's $26 billion research and development industry is funded by the Federal Government. In the past, we have geared Government-sponsored research and development toward reaching the moon and providing the best arms and equipment for our military. Eighty-three percent of Federal expenditures for research and development is spent by the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration. In addition, one of every four technical personnel in industry is engaged in defense-related work and one-half of the Federal Government's scientists and engineers and technicians are employed by DOD, NASA, or AEC.

Today, we are concentrating on improving our habitat on earth, and we are disengaging from Southeast Asia. We have redirected our priorities to the resolution of our social ills and the urgent needs of our people. We have cut back on defense and aerospace spending and have increased spending on pollution control, housing, and transportation.

Because of cutbacks in Government orders for missiles, planes, and space vehicles, profits and employment in aerospace are way down. From a high of more than 1.4 million employees in 1968, aerospace employment is down by more than 200,000 workers, mostly skilled technicians and engineers.

California, a center of the aerospace industry, has been especially hard hit. In May 1968, California's unemployment rate was 4.3 percent. In July 1970, California recorded a 6.2-percent unemployment rate. Orange County alone has laid off 10,700 aerospace workers in the last 12 months.

Mr. Speaker, we must take great care to cushion the impact of our economy and ease the transition of men and resources to civilian-oriented activities.

Thus, Mr. Speaker, I am particularly pleased to coauthor the "Conversion Research and Education Act of 1970." The purpose of the act is to help the Nation convert its resources and talent from defense-related activities to socially productive civilian-oriented activities. This bill provides an innovative approach to a coordinated program of conversion research and education for defense-oriented scientists, technicians, and management personnel.

The bill authorizes a total of $450 million for specific programs of education, research, and assistance to small business firms, in order to aid in the conversion of defense research and development to civilian, socially oriented research and development.

It provides that the National Science Foundation sponsor research on conversion and that it develop and administer retraining programs for management personnel in defense-related research and development.

In addition, the bill directs the Small Business Administration by providing technical grants, loan guarantees and interest assistance payments.

Mr. Speaker, I feel that this measure is a valuable first step toward insuring the future prosperity of our Nation by directing our technical and scientific talent toward the solution of our domestic ills. We must channel the experience and knowledge of this vast resource into the fields which will improve the quality of life for all our citizens.

HEALTH AND SAFETY STUDY SHOULD BE AVAILABLE TO CONGRESS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, the grim facts of hazardous and toxic conditions in America's workplaces unfolded before the Select Subcommittee on Labor during 15 days of public hearings in the 91st Congress on occupational safety and health. We learned of lethal substances in the chemical industry, or airborne dust particles in asbestos and cotton manufacturing sites, and of dangerous pesticides used in modern agricultural practices.

All the testimony revealed that the lives of America's workers are jeopardized daily by health and safety hazards both seen and unseen. Since the conclusion of testimony, a report by Mr. Gerome B. Gordon of Delphic Systems and Research Corp. has been made available to the Department of Labor. On August 4, I asked the Secretary of Labor to make one copy of this study available forthwith to every member of this subcommittee. In his reply to me Secretary Hodgson indicated that the copy he was forwarding to me as chairman was only preliminary and had not been accepted by the Department nor available for distribution.

This report indicates that statistics concerning job safety do not reflect the true nature of accidents and injuries, and that the real count may run as much as 10 times higher than those presented to this subcommittee.

The house occupational safety and health bill, H.R. 16785, is now pending before the Rules Committee. A similar bill in the Senate is before the Labor and Public Welfare Committee. In order for Members of both Houses of Congress to judge accurately the need for such legislation, all relevant material should be available to them, including the Gordon study even if such study is considered by the Labor Department to be incomplete.

Preliminary findings are often released to Congress by Government agencies, and when we are speaking about voting on legislation of major importance to the lives of 80 million American workers, such documents should be supplied to every Member of Congress. I therefore urge the Labor Department to make the report available immediately to each Member of Congress in order to afford him the opportunity to study it before the legislation reaches the floor.

I am including in this regard a recent article by Mr. Jack Anderson concerning the findings of the Gordon study:

[From the Washington Post, Sept. 11, 1970]

ROCKS OF JOB SAFETY COULD TRIP NIXON

(By Jack Anderson)

President Nixon's election-eve flirtation with the labor movement could break upon the rocks of job safety.

Government statistics show that 55 Americans lose their lives and another 27,200 are injured every day on the job—an alarming total higher than the U.S. casualty rate in Vietnam.

Indeed, a suppressed study claims that the true accident toll is even higher, that the government has been undercounting the casualties by as many as 200,000 a year.

This explosive study was prepared for the Labor Department by Jerome Gordon, Allan Akman and Michael Brooks at a cost to the taxpayers of $58,000. The big employers, however, don't want the taxpayers to learn what their $58,000 study has uncovered.

For the suppressed facts might convince Congress to pass tough federal legislation to supplant the jumble of state laws that now regulate occupational injuries and illnesses.

The labor unions favor a strong federal law, which Sen. Harrison Williams (D-N.J.) and Rep. Dominick Daniels (D-N.J.) are now trying to push through Congress. The Chamber of Commerce would like a weaker bill, introduced by Rep. William Steiger (R-Wis.) which would merely establish better cooperation between labor, management and the government.

NIXON'S DANCE

At a secret White House strategy session on Aug 11, the President's new management czar, George Schultz, asked GOP congressional leaders to "push the occupational safety bill."

"The Steiger bill is far better, but the unions favor the committee (Williams-Daniels) bill," he said sadly. He urged the GOP leaders to seek a compromise, perhaps the Williams-Daniels bill stripped of the "penalties and harassment."

Meanwhile, the Nixon administration, under pressure from the Chamber of Commerce, has kept the $58,000 study under wraps. This column, however, has obtained a bootleg copy.

It states that the Labor Department's annual survey of work injuries "is the only major national source of information," yet contends that "the representativeness and validity of the survey is seriously restricted and impaired."

INJURIES NOT REPORTED

Comparing what employers reported to the federal government with actual findings in California, the study charges:

"Over 36 percent of the firms examined actually had 'injuries' while reporting 'no injuries' to the Bureau of Labor Statistics . . . On a national basis this means that approximately 200,000 disabling work injuries . . . are missed."

"Information compiled from these firms in California revealed a ratio of 10 serious injuries for every disabling injury reported. Extrapolated to the national level, this means that the current annual level of 2.5 million disabling injuries reported could rise to over 25 million 'serious injuries.'" The report classifies as a "serious injury" one that keeps a worker home for a day or more.

VICE PRESIDENT AGNEW'S ASIAN MISSION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DERWINSKI. Mr. Speaker, the very effective service rendered the Nation by Vice President SPIRO T. AGNEW abroad as well as at home is duly noted by the Chicago Sun-Times in a very objective editorial Friday, September 4, which I direct to the attention of the Members:

AGNEW'S ASIAN MISSION

Vice President Agnew displayed a gift for diplomacy and negotiation on his trip to the Far East. His mission was to tell Asian leaders that President Nixon is firm in his intention to reduce the U.S. combat presence in Asia and to give assurance that under the Nixon Guam Doctrine of 1969 U.S. help would be provided where needed.

Asian leaders do not like the Guam Doctrine. Under its terms the United States will give economic aid and military equipment to an Asian nation—but only after that nation has shown it is helping itself. This is a departure from past U.S. policy under which U.S. aid was likely to be freely given to any nation raising a cry of the threat of a Communist takeover.

Agnew's first test was South Korea, where President Chung Hee Park demanded $3 billion in economic aid and military equipment as "recompense" for U.S. withdrawal of 20,000 of its 64,000 troops stationed in South Korea. Agnew parried Park's lobbying with skill and promised nothing—except that the troops would be withdrawn.

Cambodia was an even sterner test. Its Chief of state wanted blanket assurance of U.S. military help against the Communists even to the point of sending U.S. troops back into Cambodia. Here, too, Agnew managed to leave his host with a feeling of warm friendship and hope—but without making any commitments.

Agnew's trip has won him added credentials for his next job, that of campaigning for Republican candidates in the November elections. It can be hoped, however, that he will continue to show the same gifts for diplomacy and tact in that job that he displayed in his delicate mission to the Asian nations.

GEORGE J. BURGER, NATIONAL SMALL BUSINESS CHAMPION, HONORED BY HOUSE SMALL BUSINESS COMMITTEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the House Small Business Committee, which I have the honor to serve as chairman, recently paid tribute to Mr. George J. Burger, vice president of the National Federation of Independent Business. In this connection, I place in the RECORD a letter to Mr. Burger, signed by all members of the committee, and an article from Mr. Burger's hometown newspaper, the Standard-Star of New Rochelle, N.Y.

The letter and article follow:

SELECT COMMITTEE ON SMALL BUSINESS,

Washington, D.C., August 13, 1970.

Mr. GEORGE J. BURGER,

Vice President, National Federation of Independent Business, Washington, D.C.

DEAR GEORGE: The Members of the House Select Committee on Small Business take this means of commending and congratulating you for a half-century of outstanding service to the small businessmen of America.

Certainly your devoted and dedicated work with the National Federation of Independent Business and with other small business organizations has greatly strengthened small business and our competitive free enterprise system.

You have stood tall as a great champion of small business. Assisted by your vast experience and knowledge of small business, your determination, your wisdom and your enthusiasm, great progress has been made in assuring small businessmen throughout the Nation of a "fair break" in many areas of our competitive free enterprise system.

From the time that you assisted in organizing the New York Tire Dealers Association in 1920, you have fought the battle for small business—year in and year out—day in and day out—never relaxing your vigilance or diminishing your efforts.

Certainly one of the highlights of your career was the creation of the Small Business Administration as an independent agency in 1953 and as a permanent agency in 1958. The hand of George Burger—your advice and counsel—were much in evidence in the events that led to the achievement of these significant milestones in small business history in America.

You have battled for a "fair break" in taxes for small business—and you played important roles in the passage of such legis-

lation as the first step tax revision of 1958, the seven percent investment credit in 1962, and the equalization of taxes on tires in 1968, among others.

You have lived a full and useful life of service to this Nation, to Congress, and to small business throughout our country.

Certainly we wish for you many years of good health and happiness—and again, we want to thank you for your great service to this Committee and to the Congress.

With kindest regards and best wishes, we are

Sincerely your friends,

Joe L. Evins, Chairman; Wright Patman, Tom Steed, John C. Kluczynski, John D. Dingell, Neal Smith, James C. Corman, Joseph P. Addabbo, William L. Hungate, Silvio O. Conte, James T. Broyhill, Frank Horton, Laurence J. Burton, J. William Stanton, Daniel E. Button.

[From the New Rochelle (N.Y.) Standard-Star, Aug. 24, 1970]

GEORGE BURGER CITED FOR WORK IN BEHALF OF SMALL BUSINESS

George J. Burger, 30 Clinton Place, New Rochelle, has received the commendations and congratulations of the Select Committee on Small Business of the House of Representatives "for a half-century of outstanding service to the small businessmen of America".

Mr. Burger, who commutes between his home here and his Washington office, is vice president in charge of the legislative office of the National Federation of Independent Business.

He said the citation, signed by Rep. Joe L. Evins, chairman of the select committee, came as "quite a surprise" as he found it on his desk. It was signed also by members of the committee, Reps. Wright Patman, Tom Steed, John Kluczynski, John D. Dingell, Neal Smith, James C. Corman, Joseph P. Addabbo, William L. Hungate, Silvio O. Conte, James T. Broyhill, Frank Horton, Lawrence J. Burton, J. William Stanton and Daniel E. Button.

The citation lauded Mr. Burger's "devoted and dedicated work" with NFIS and with other small business organizations which "has greatly strengthened small business and our competitive free enterprise system".

"You have stood tall as a great champion of small business", the citation continued. "Assisted by your vast experience and knowledge of small business, your determination, your wisdom and your enthusiasm, great progress has been made in assuring small businessmen throughout the nation of a 'fair break' in many areas.

"From the time that you assisted in organizing the New York Tire Dealers Association in 1920, you have fought the battle for small business—year in and year out—day in and day out—never relaxing your vigilance or diminishing your efforts.

"Certainly one of the highlights of your career was the creation of the Small Business Administration as an independent agency in 1953 and as a permanent agency in 1958. The hand of George Burger—your advice and counsel—were much in evidence in the events that led to the achievement of these significant milestones in small business history in America.

"You have battled for a 'fair break' in taxes for small business—and you played important roles in the passage of such legislation as the first step tax revision in 1958, the seven percent investment credit in 1962, and the equalization of taxes on tires in 1968, among others.

"You have lived a full and useful life of service to this Nation and to Congress, and to small business throughout our country.

"Certainly we wish for you many years of good health and happiness—and again, we want to thank you for your great service to this Committee and to the Congress."